



Staff Report to the Zoning Administrator

Application Number: **121246**

Applicant: Michael Helm

Owner: Coullahan

APN: 032-073-18

Agenda Date: March 1, 2013

Agenda Item #: 2

Time: After 9:00 a.m.

Project Description: Proposal to construct a 432 square foot second story room addition with a 122 square foot deck. Requires a Minor Exception to increase the maximum 50% Floor Area Ratio to 57.5%, a Residential Development Permit to allow an exception to the Pleasure Point combining district standards, for a portion of a proposed staircase (35 square feet) to project above the maximum 15 foot height within the 10 foot side yard set back for upper floors, and a Variance to reduce the required 15 foot front yard setback to 10 feet to the proposed second story deck, on property zoned R-1-5-PP.

Location: Property located on the north side of Floral Drive, (3525 Floral Drive), about 55 feet west from 36th Avenue.

Supervisory District: 1st District (District Supervisor: John Leopold)

Permits Required: Minor Exception, Residential Development Permit, Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121246, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|----------------------------------|
| A. | Project plans | E. | Assessor's, Location, Zoning and |
| B. | Findings | | General Plan Maps |
| C. | Conditions | F. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size:	2,108 square feet (per applicant)
Existing Land Use - Parcel:	Single family dwelling
Existing Land Use - Surrounding:	Single family residential neighborhood

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Project Access: Floral Drive
Planning Area: Live Oak
Land Use Designation: R-UM (Urban Medium Density Residential)
Zone District: R-1-5-PP (Single family residential - 5,000 square feet minimum
- Pleasure Point combining district)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No (within Residential Exclusion Area)

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Mapped/no physical evidence on site, no expansion of footprint
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: City of Santa Cruz
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5 Flood Control District

Project Setting

The subject property is located in a single family residential neighborhood in the Pleasure Point area of the Live Oak Planning Area. The area is characterized by smaller homes on small lots, with mostly single story construction in the area immediately surrounding the subject property.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 2,108 square feet, located in the R-1-5-PP (Single family residential - 5,000 square feet minimum - Pleasure Point combining district) zone district, a designation which allows residential uses. The existing single family residence is a principal permitted use within the zone district and the residential zoning is consistent with the site's (R-UM) Urban Medium Density Residential General Plan designation.

Non-Conforming Structure

The existing residence is non-conforming to yard setbacks in that it is located within the 15 foot required front yard setback, and the side walls are located within 4 feet and 2 feet of the side

property lines where a 5 foot side yard setback would be required for new construction. The rear portion of the structure is located within the 15 foot rear yard setback, however, this addition was allowed under Variance approval 78-413-V. The structure exceeds the maximum 45% lot coverage (at 49.5%) with no increase in building footprint proposed.

Modifications to the proposed structure will not exceed the 65 percent threshold that requires a development permit. Per the modification worksheet prepared by the project architect, this project will result in a 34.1 percent modification to the existing structure.

Parking

Two of the existing three parking spaces are located partially within the right of way of Floral Drive where three parking spaces outside of the right of way would be required for the construction of a new two bedroom residence. The existing single story residence includes two bedrooms and the proposed addition will result in the conversion of one lower floor bedroom to a living room and the construction of a new bedroom in the upper floor addition. There will be no net increase in the number of bedrooms (two) and current off-street parking requirements will not apply as a result.

Minor Exception (Floor Area Ratio)

The existing residence is approximately 780 square feet in floor area with a 223 square foot attached garage. The total area of the proposed addition is 432 square feet for a total floor area (not including the 223 square foot attached garage) of approximately 1212 square feet.

This proposal is a request to increase the maximum floor area ratio (FAR) from 50% to 57.5%. This request can be considered as a Minor Exception to site standards since the parcel is less than 4,000 square feet in area (per County Code section 13.10.235(b)). The Minor Exceptions ordinance was adopted to allow minor shifts in the required site standards to accommodate reasonable additions to existing residences. The granting of the Minor Exception for the proposed addition is reasonable in that the parcel is very small (just over 2,000 square feet in area) and the granting of the Minor Exception will allow a modest addition to be constructed on top of the existing building without any increase in the building footprint.

Exception to Pleasure Point Combining District Standards

The subject property is located within the Pleasure Point (-PP) combining district. Within the Pleasure Point combining district there are specific requirements for building envelopes and upper floor construction. A 10 foot second floor step in is required from the side property lines (per County Code section 13.10.446(a)1(A)). The upper floor of the proposed addition is designed to comply with the 10 foot side yard step in on both sides, with the exception of approximately 35 square feet of the proposed staircase on the east side of the structure. A Residential Development Permit is required to allow for an exception to the Pleasure Point combining district standards. The proposed exception is considered reasonable in that the staircase only encroaches slightly above the 15 foot maximum height for the lower floor and a sloped roof over the staircase area is preferable both in appearance and function to access the upper floor addition.

In considering the granting of an exception to the Pleasure Point combining district standards, it is also necessary to evaluate the design of the proposed addition in regards to the context of the surrounding neighborhood. In this case, the proposed addition would result in a two story structure with a stepped in upper floor that is consistent with the overall intent of the Pleasure Point combining district. Furthermore, the proposed second story addition is designed and articulated in a manner (with sloped roof planes and quality architectural materials) that will serve as a good example for future upper story construction on smaller homes in the surrounding area.

Variance

The lower floor existing residence encroaches into the required 15 foot front yard setback, with a setback of less than 7 feet. The proposed second story addition will comply with the required 15 foot front yard setback, with the exception of the proposed second story deck at the front of the addition. In a situation where the house did not already encroach into the required front yard setback, decks are allowed to encroach up to 6 feet into the required setback as long as they are cantilevered and not directly supported from below (per County Code section 13.10.323(e)(1)). The proposed deck will only project 5 feet into the required front yard setback and will be built over the existing structure so it can not be cantilevered. For this reason, a Variance to reduce the required front yard setback from 15 feet to 10 feet for the second story deck is required. The variance request is considered as reasonable, in that the proposed deck would be allowed if the existing structure did not project into the setback and it could therefore be cantilevered. This is further supported by the fact that the proposed second story deck will not encroach as far into the front yard setback as the existing lower floor of the residence.

Coastal Exclusion

The proposed addition is located within the coastal zone and is also within a designated Residential Exclusion Area. Modifications to the existing structure qualify for a Residential Exclusion and do not require a Coastal Development Permit (per County Code/Local Coastal Program section 13.20.071(a)).

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

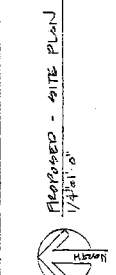
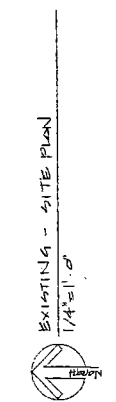
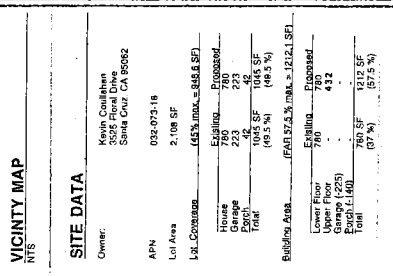
Staff Recommendation

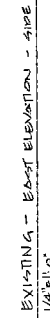
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **121246**, based on the attached findings and conditions.

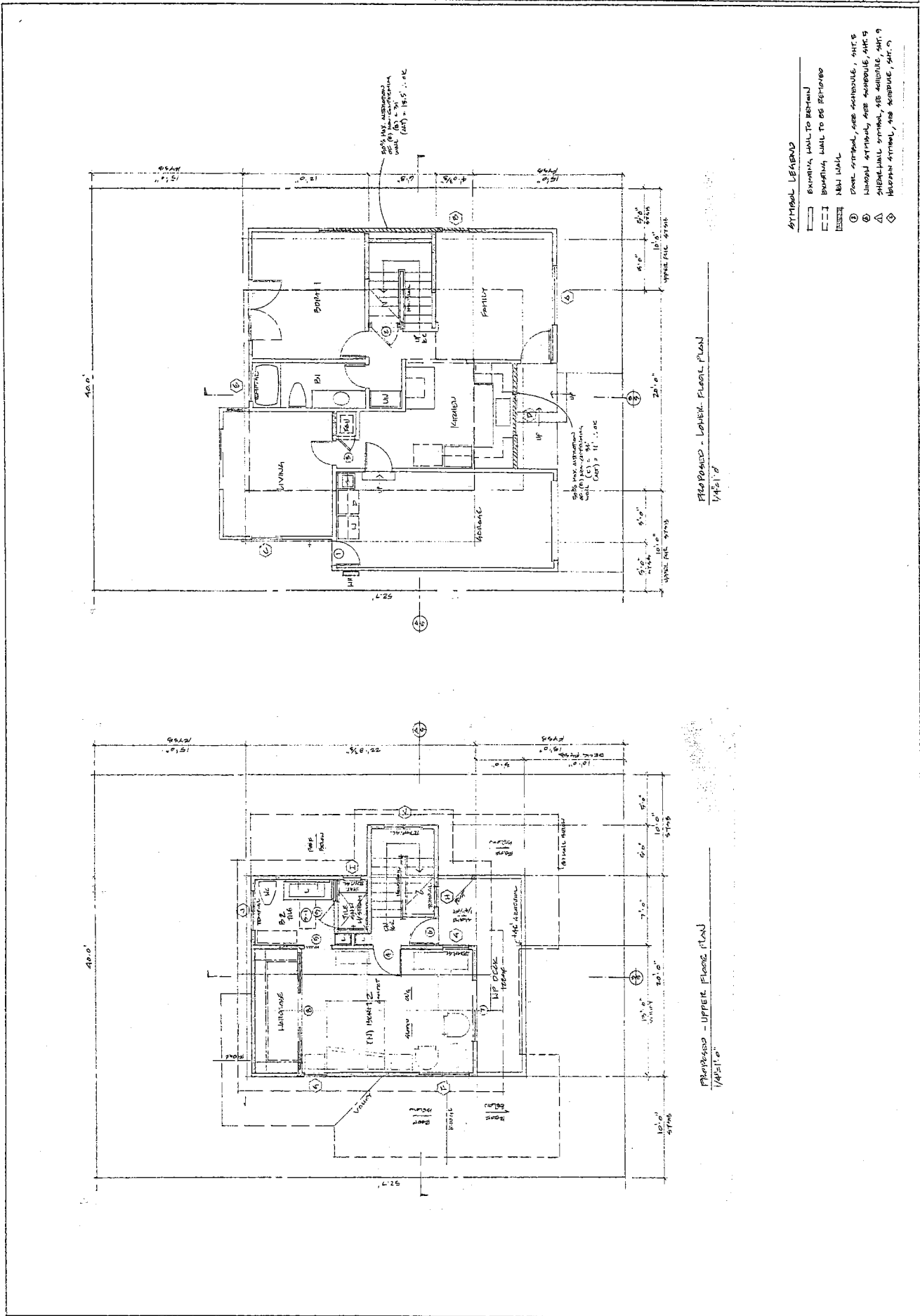
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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WINDOW SCHEDULE				SKYLIGHT SCHEDULE			
Window Type:				Skylight Type:			
Window with Low E glass, typical Verify rough openings				Window with Low E glass, typical Verify rough openings			
Qty	W	H	Remarks	Qty	W	H	Remarks
Unit	Dim.	Dim.		Unit	Dim.	Dim.	
1	6'-0" X 4'-6"	Slider	Tempered Glass	1	2'-0" X 3'-0"	Deck Mounted	VELUX - VSE - 104
1	2'-6" X 4'-6"	Casement		1	2'-0" X 2'-0"	Awning	
1	3'-6" X 4'-6"	Casement		1	4'-0" X 3'-6"	Slider	
1	4'-0" X 3'-6"	Slider		1	4'-0" X 3'-0"	DN Casement	
1	3'-0" X 1'-0"	Awning	Tempered Glass	2	2'-0" X 3'-0"	Casement	
1	2'-6" X 3'-0"	Slider		1	2'-0" X 4'-0"	Casement	
1	5'-0" X 3'-0"	Casement	Tempered Glass w/ black	1	2'-0" X 2'-0"	Awning	
1	2'-0" X 4'-0"	Casement	Tempered Glass	1	4'-0" X 3'-6"	Slider	
1	2'-0" X 3'-6"	Slider	Tempered Glass	1	4'-0" X 3'-0"	DN Casement	
1	4'-0" X 3'-0"	DN Casement	Tempered Glass				

CONSTRUCTION SCHEDULE

Foundations:	<p>5/10-12' reinforced concrete spread footings with 6" steelwall & 8" x 12' endored beams, per approved drawings</p> <p>Concrete Mix: Scholastic Portland cement with recycled flyash, 38% by volume, typical. Any mixtures for independent water/cement ratio, typical</p> <p>Treated Lumber: Sustane Ultra AC pressure treatment forCCA products, typical</p> <p>Form-Borings: Clean and reuse for scaffolding, forms, blocking.</p>
Floors:	<p>Reinforced Concrete: Use New base per base @ VOC form release agent by BIG GUARD CO. or architect approved equal</p> <p>T&I tiles, @ 10" c.c. with 3/4" T&G plywood subfloor gasket and nailed with 1/4" c.c. edges & 10" c.c. laid U.O. with 1/4-19 installed.</p> <p>3 coat slusho finish over two layers of grade 2 carpet with 1/2" cork plywood subfloor, nailed w/ 1/4" c.c. edges & 10" c.c. laid U.O. on 2x4 studs @ 16" c.c. with 1/4" high moisture resistant insulation board nailed with 1/4" U.O. with Lowtoxic VOC exterior paint.</p> <p>5/10-12' James Hardie cementali siding over "Tyvek" House wrap on 1/2" CDX plywood sheathing, nailed w/ 1/4" c.c. edges & 10" c.c. laid U.O. with 1/4-19 installed.</p> <p>R-13 high-density insulation, 1/2" pyramon board interior finish, typ. Use Lowtoxic VOC exterior paint.</p>
Lower Walls:	<p>Asphalt Composition shingle roofing, insulation per gfr specs, over DRI 1/2" CDX plywood sheathing, nailed w/ 1/4" c.c. edges & 10" c.c. laid U.O. with 1/4-19 installed.</p> <p>Retained @ 16" o.c., with R-19 insulation. Use plywood sheat @ 1/2" CDX plywood sheathing, nailed w/ 1/4" c.c. edges & 10" c.c. laid U.O. with 1/4-19 installed.</p> <p>@ High Weld Fused Gasket gird w/ end gird w/ 2" dia. components. Capsoil at downspout over concrete gasket w/ 3" dia. downspouts.</p>
Upper Walls:	<p>Per flash air gals with 28 GA G.I., roller air joints, typical</p> <p>Very Shy with dil. level. Low-E glass, provide screen at all operable sash, typical</p>
Roof:	<p>Floors: R-19 Fiberglast batts</p> <p>1" Wood Walls: R-19 Fiberglast batts</p> <p>Roof: R-30 Fiberglast batts @ 2X10 Rafters R-30 Fiberglast batts @ 16" X 24 Rafters</p>
 Gutters & Downspouts:	<p>Provide neoprene gaskets and 28 GA. G.I. roof section per approved drawings</p> <p>1" above all wall openings per OMC. All plumbing vent stacks shall be located a min. of 10" from 5' above all roof or wall openings per OTC.</p>
 Windows & Glass Dr. Insulation:	<p>Use waterproofing wall joints by GURKFLASH or approved equal for plumbing, electrical and mechanical penetrations</p>
 Vents, Step Flashings:	<p>Use Lowtoxic VOC, water based products.</p> <p>Use solvent free adhesives, typical</p>
 Paints, Stains, Sealers:	<p>Install Lumber with -80% AFLE, provide High Efficiency Air</p>
 HVAC:	<p>ENERGY STAR rated, typical, provide cut sheet for inspector verification</p>
 Appliances:	<p>Install Low flow toilets.</p>
 Plumbing Fixtures:	
 Cabinets:	

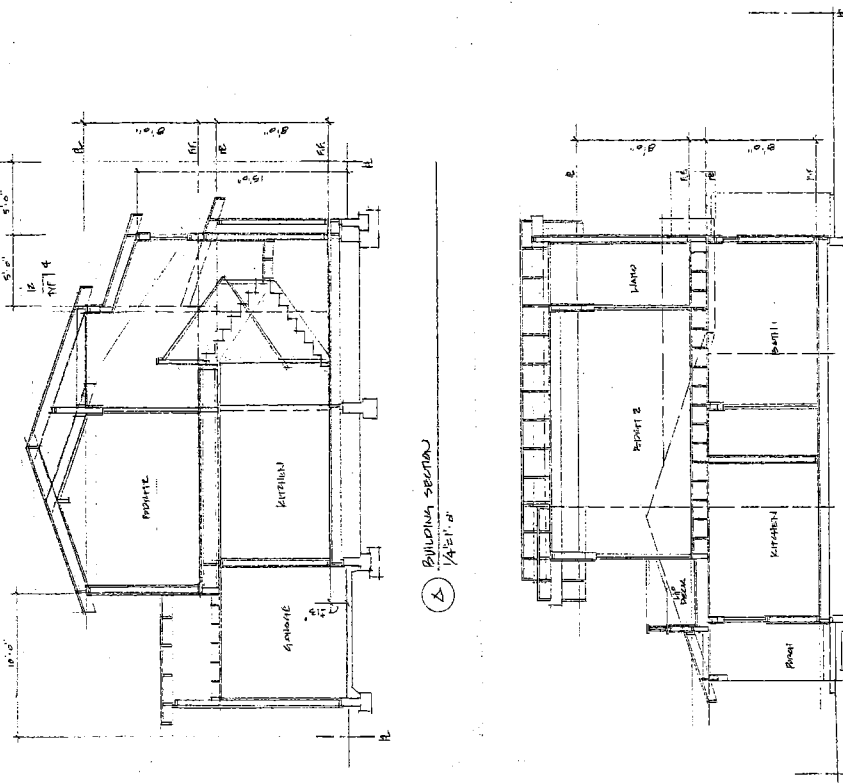


EXHIBIT A

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5-PP (Single family residential - 5,000 square feet minimum - Pleasure Point combining district) zone district as the primary use of the property will continue to be one single family dwelling.

The proposed project is in conformance with the purpose of the Pleasure Point Community Design Combining District (as specified in County Code section 13.10.444) in that the proposed second floor addition will not create a substantial visual impact or increase shading of neighboring parcels and houses. The construction of a second story on the existing residence is in conformance with the Pleasure Point combining district building envelope, with the exception of a 35 square foot section of the proposed staircase. The staircase is a very minor encroachment and does not include any additional habitable floor area as it only serves to access the upper floor. The roof of the staircase will be angled down towards the side yard setback and will only encroach approximately 24 inches into the building envelope at its highest point. The required findings for an exception to the Pleasure Point combining district have been made for this alternative design.

The proposed addition will be in compliance with all required site standards, with the exception of the minor encroachment of the staircase into the Pleasure Point combining district building envelope, the minor exception to increase the Floor Area Ratio from 50% to 57.5%, and the variance request to allow a second story deck to encroach 5 feet into the required 15 foot front yard setback. Findings for each of these requested exceptions and the variance have been made.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Medium Density Residential (R-UM) land use designation in the County General Plan.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed addition is to be constructed on an existing single family dwelling. The expected level of traffic generated by the proposed project is anticipated to remain at one peak trip per day (1 peak trip per dwelling unit). No impact to existing roads or intersections is anticipated to result from the project.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed addition is consistent with the land use intensity and density of the neighborhood. The construction of a second story on the existing residence is in conformance with the Pleasure Point combining district building envelope, with the exception of a 35 square foot section of the proposed staircase. The staircase is a very minor encroachment and does not include any additional habitable floor area as it only serves to access the upper floor. The roof of the staircase will be angled down towards the side yard setback and will only encroach approximately 24 inches into the building envelope at its highest point. The required findings for an exception to the Pleasure Point combining district have been made for this alternative design.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding does not apply, in that the proposed project is not subject to the Design Review ordinance per County Code 13.11.040(A).

Exceptions to the Pleasure Point Residential Development Standards

Exceptions to the Pleasure Point residential development standards may be granted if the Development Permit Findings and at least one of the following additional findings can be made:

1. There are special existing site or improvement characteristics or circumstances, including but not limited to the absence of adjacent residential parcels that could potentially be shaded by the proposed development, that appropriately excuses the proposed development from meeting one or more of the development standards; or

This finding can be made in that the proposed minor encroachment of the staircase into the building envelope specified in the Pleasure Point Community Design Combining District (as indicated in County Code section 13.10.446(A)(1)(a)) will not result in additional shading of the adjacent parcel to the east. The roof of the proposed staircase will be angled down towards the side yard setback and the roof of the 35 square foot area will only encroach approximately 24 inches upward into the building envelope at its highest point.

2. The Pleasure Point Community Design "PP" Combining District purposes, found in SCCC 13.10.444, are better achieved by an alternative design; or

The proposed project is designed to conform to the building envelope specified in the Pleasure Point Community Design Combining District (as indicated in County Code section 13.10.446(A)(1)(a)), with the exception of a 35 square foot section of the proposed staircase. The staircase is a very minor encroachment and does not include any additional habitable floor area as it only serves to access the upper floor. The roof of the staircase will be angled down towards the side yard setback and will only encroach approximately 24 inches into the building envelope at its highest point. An exception to the Pleasure Point Community Design Combining District standards is considered a superior alternative design, in that imposition of the required building envelope would result in a flat roofed area over the staircase that would not be visually consistent with the existing structure or the proposed addition.

3. The granting of an exception will result in a superior residential design that is consistent with the Pleasure Point Community Design "PP" Combining District purposes, found in SCCC 13.10.344.

This finding can be made for the reasons specified in Finding # 2, above.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the reduction of the required front yard setback from 15 feet to 10 feet for the uncovered second story deck and the increase in the maximum Floor Area Ratio from 50% to 57.5% are recommended in order to allow modest additions to the existing residence. The small size of the parcel and the location of the existing residence on the lot are the special circumstances affecting the subject property.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that the variance will allow the minor expansion of an existing residence on a residentially zoned parcel and the structure will be adequately separated from improvements on surrounding properties. No increase in structure footprint is proposed as a component of this project.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that other properties in the neighborhood are developed with single family dwellings and the proposed second story is a modest addition to the existing structure which is located on a small lot. Therefore, it would not be a grant of a special privilege for the construction of an addition to the existing residence on the subject property. The proposed residential structure will be consistent with the existing pattern of development in the neighborhood.

Minor Exceptions Findings

Per County Code section 13.10.325(C)(4), in addition to the Development Permit Findings and Variance Findings above, the following finding shall be required for minor exceptions allowing an increase in lot coverage:

1. That there is no increase in stormwater leaving the property as a result of additional impermeable area created by a minor increase in lot coverage. The project as approved incorporates measures or conditions that direct runoff to the landscape, use permeable paving material, reduce existing impermeable area, or incorporate other low impact drainage design practices to control any increase in stormwater runoff.

This finding does not apply, in that the proposed project does not result in an increase in lot coverage. No expansion of the existing structure footprint is proposed.

Conditions of Approval

Exhibit A: Project Plans "Coullahan Residence - Addition", prepared by Michael Helm, AIA Architect & Associates, revised 11/7/12.

- I. This permit authorizes the construction of a two story addition with a Minor Exception to increase the maximum 50% Floor Area Ratio to 57.5%, a Residential Development Permit to allow an exception to the Pleasure Point combining district standards for a portion of a proposed staircase to project above the maximum 15 foot height within the 10 foot side yard set back for upper floors, and a Variance to reduce the required 15 foot front yard setback to 10 feet to the proposed second story deck, as indicated on the approved Exhibit "A" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Details showing compliance with fire department requirements. The proposed structure(s) are located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.

- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Meet all requirements and pay applicable fees to the Santa Cruz County Sanitation District.
 - E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - F. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless

the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Application #: 121246
APN: 032-073-18
Owner: Coullahan

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Wanda Williams
Deputy Zoning Administrator

Randall Adams
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 121246
Assessor Parcel Number: 032-073-18
Project Location: 3525 Floral Drive

Project Description: Proposal to construct an addition to an existing residence.

Person or Agency Proposing Project: Michael Helm

Contact Phone Number: (831) 476-5386

- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. _____ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. _____ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. X **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Construction of an addition to a single family dwelling in an area designated for residential use.

In addition, none of the conditions described in Section 15300.2 apply to this project.

Randall Adams, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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Electronic Redline 1/10/08
Rev 4/1/07 (from 3/24/07)
Rev 3/24/07 (from 3/24/07)
Rev 2/14/05 CB (3-0084737, LBA 5-25)

POR. RANCHO ARROYO DEL RODEO
N.E. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code
82-040

32-07

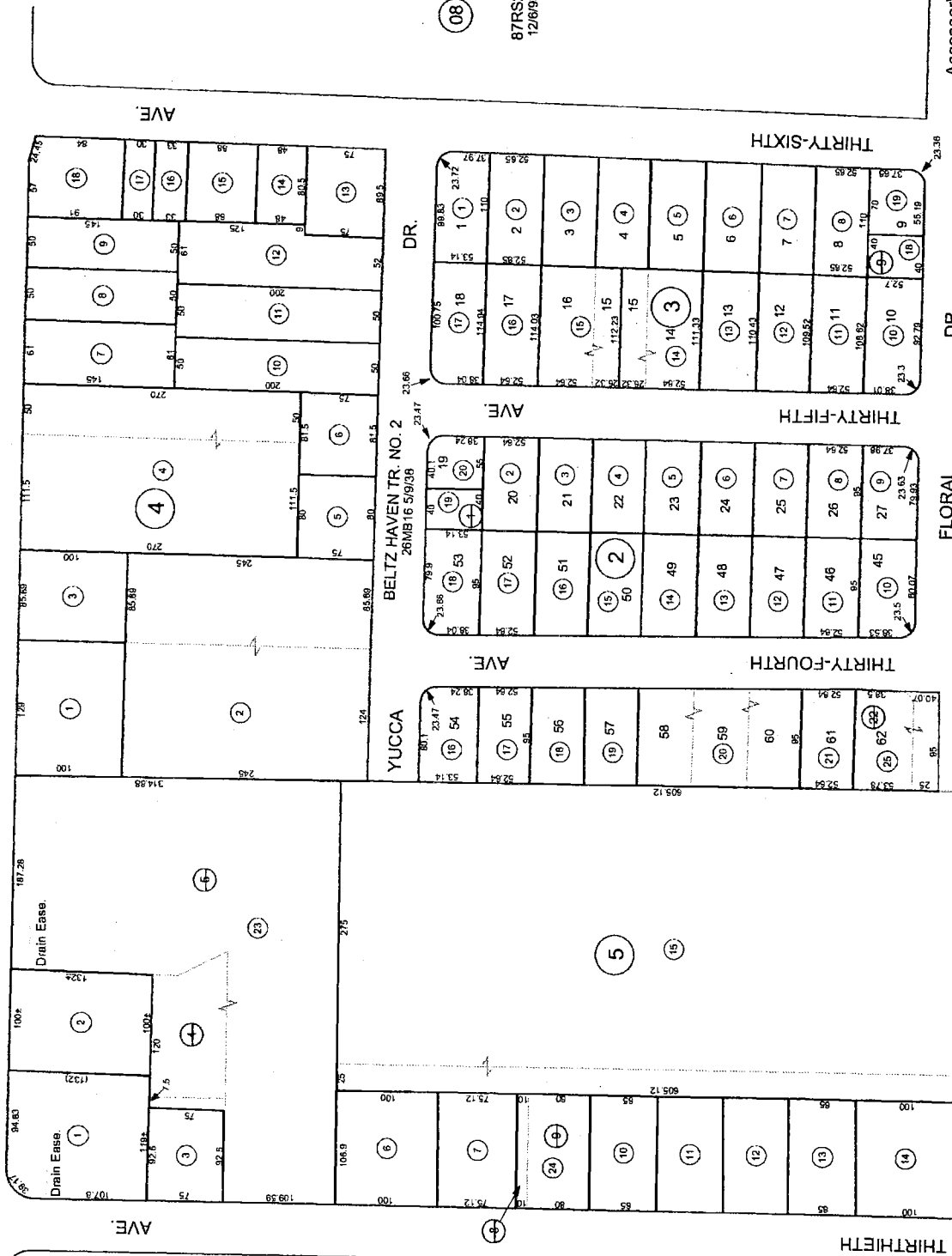
PORTOLA

04

DR.

Tax Area Code
82-040

32-07

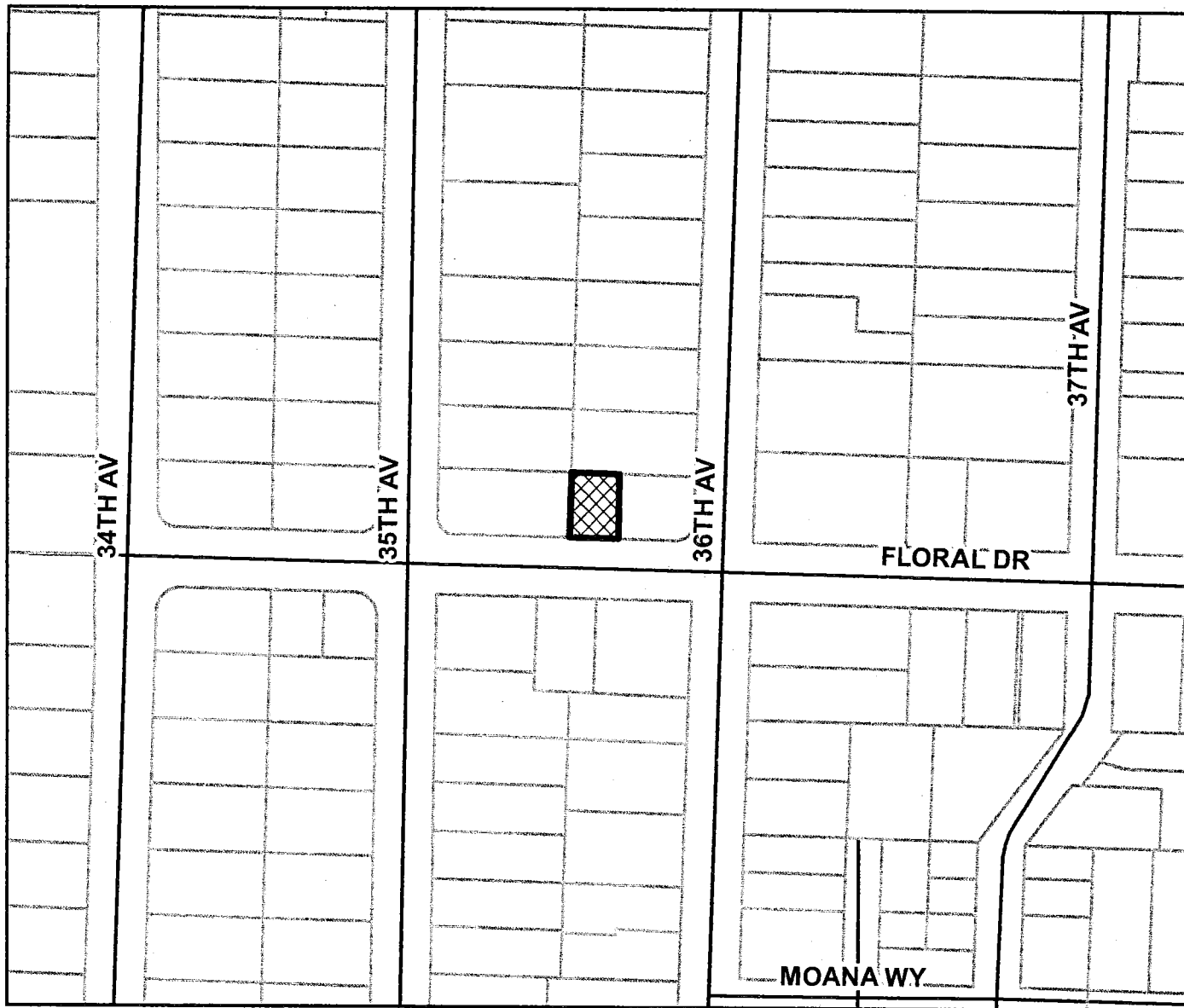


Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Assessor's Map No. 32-07
County of Santa Cruz, Calif.
October, 1998



Location Map



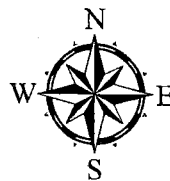
LEGEND



APN: 032-073-18

Assessors Parcels

Streets

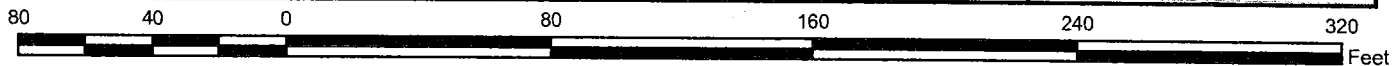
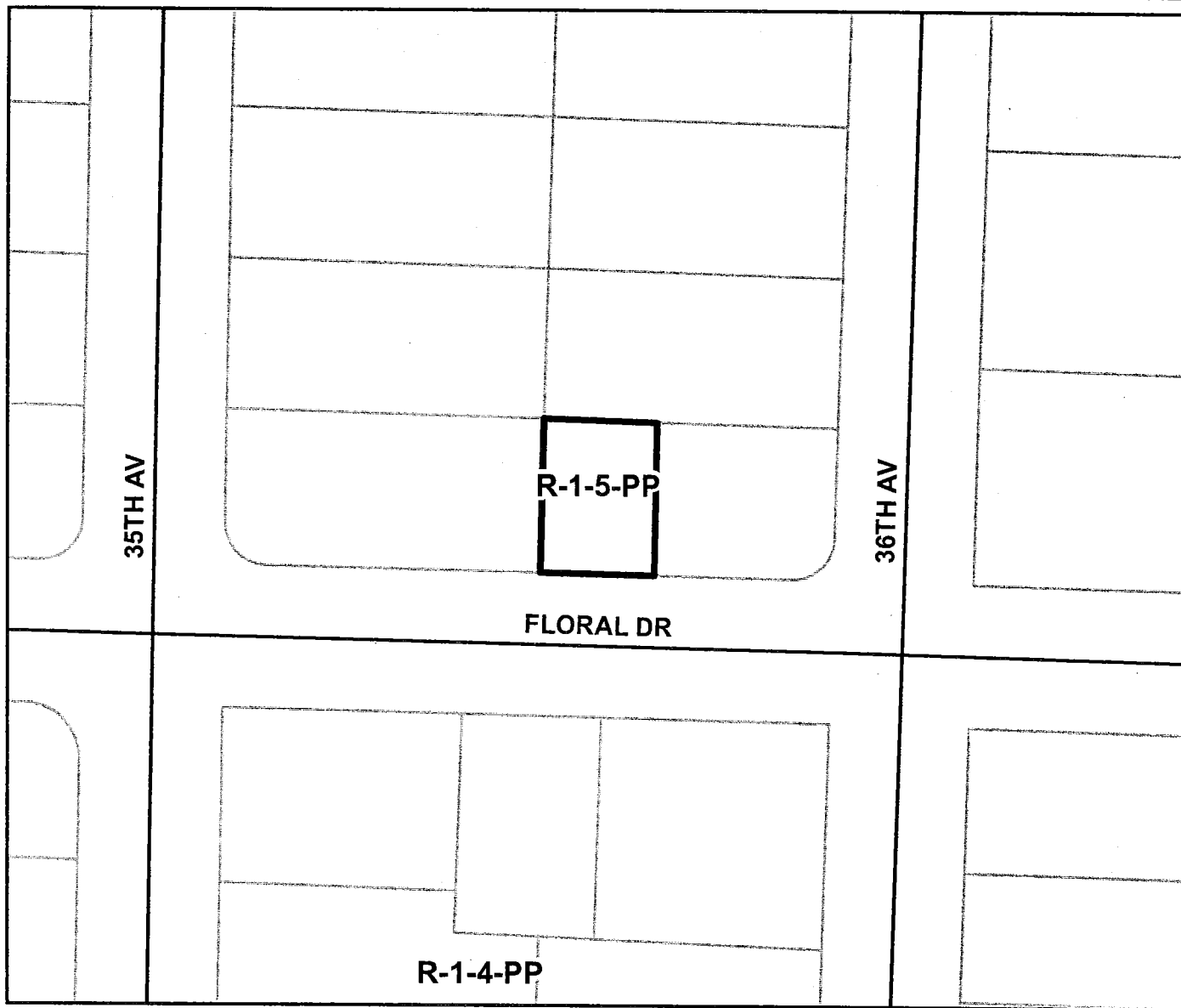


Map Created by
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November 2012

EXHIBIT E



Zoning Map



LEGEND



APN: 032-073-18

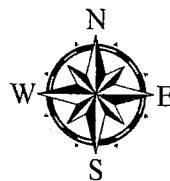


Assessors Parcels



Streets

RESIDENTIAL-SINGLE FAMILY

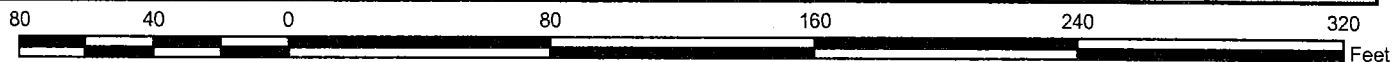
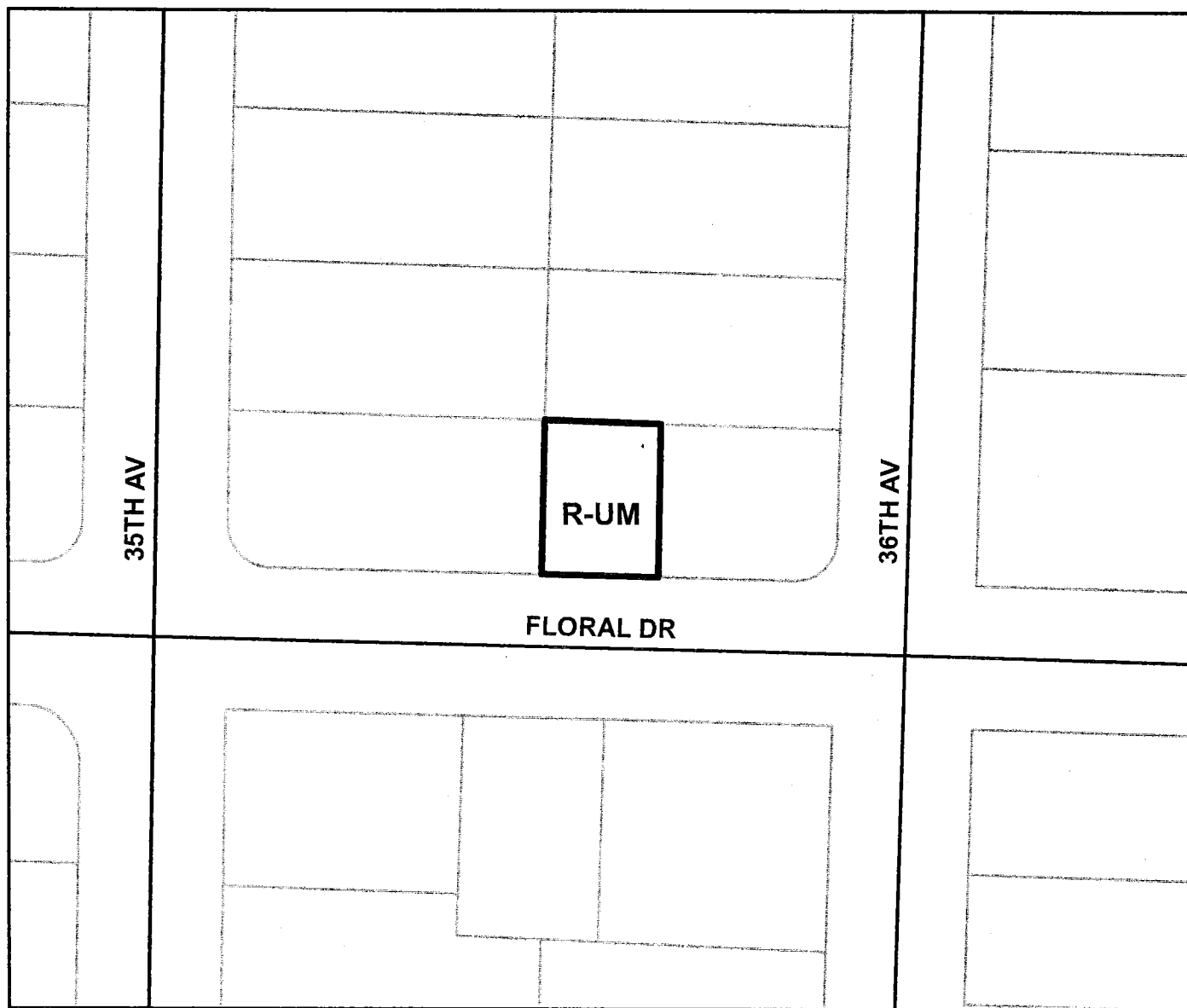


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November 2012

EXHIBIT E



General Plan Designation Map



LEGEND



APN: 032-073-18

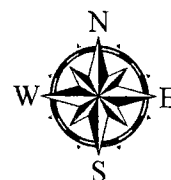


Assessors Parcels



Streets

Residential - Urban Medium Density



Map Created by
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Planning Department
November 2012

EXHIBIT E

Michael Helm & Associates

200 Seventh Avenue, #110 Santa Cruz, California

Architecture & Planning

tel: (831) 476-5386 fax: (831) 476-2025

November 7, 2012

Randall Adams
Planning Department
County of Santa Cruz
701 Ocean Street - 4th Floor
Santa Cruz, CA 95060

RE: Statement of Special Circumstances
Application #121246, APN 032-073-18
Coullahan Residence Addition
3525 Floral Dr., Santa Cruz, CA

Dear Randall,

This letter is in response to your request for a written Statement of Special Circumstances in support of the requested Minor Exception and Variance for the front yard deck.

VARIANCE TO FRONT YARD SETBACK

The special circumstances warranting the proposed variance is the small size of the subject parcel with dimensions of 40 X 52 feet. With just 2108 SF in area, the subject parcel is less than half the size of most lots in the area which typically range from 3000 SF to 5,000 SF. In addition, the subject parcel is only 42% of the minimum parcel size for the zoning district. If the required setbacks were strictly applied, they would leave just 690 SF for a structure including garage, a size impractical for a single family dwelling. The proposed addition would facilitate a modern, updated home while minimizing the impact to the surrounding neighborhood by retaining the existing nonconforming walls and modest addition to the second floor.

Since the existing structure is nonconforming relative to both the front yard and side yard setbacks and there are no known problems associated with this nonconformance, it is reasonable for these walls to be retained. In addition, since the paved portion of Floral Drive right-of-way is more than 16 feet from the dwelling, no vehicle conflicts or line of sight issues are anticipated to result from this variance.

Although the wall of the proposed second floor addition will conform to the 15 foot front yard setback, a second floor deck will encroach five feet into the front yard setback. The proposed deck is considered reasonable as the County Code allows cantilevered decks to encroach up to six feet into the required front yard setback (Sec.13.10.323(e)). In this case, it is impossible to cantilever the deck because of the existing nonconforming structure below. The Use impacts to the neighborhood, however, would be identical to a cantilevered deck, and the deck will provide much-needed outdoor space on this constrained lot.

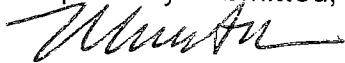
EXCEPTION TO PLEASURE POINT SITE STANDARDS

The proposed project will incorporate site and architectural design features such as a second floor which is setback from the first floor, a pitched roof to reduce the apparent mass and bulk of the structure; and sufficient fenestration to break up the wall planes, together these features will reduce the visual impact of the proposed development on the surrounding land uses and the natural landscape.

The proposed second floor complies with the required 10 foot side yard setback. Given the size and dimensions of the parcel an exception to the Building Volume Envelope is necessary to build proper headroom for a modest stairway to the second floor. The proposed sloping roof over the stair is five feet deep by seven feet wide in dimension and matches architecturally with the adjacent pitched roofs and will only exceed the envelope by 24 inches. If strictly applied, the 15 foot height allowed outside the Building Volume Envelope would result in a flat roof over the stair and sub-standard headroom clearances for a modern, updated home.

Please do not hesitate to contact me personally if you should have any further questions or comments.

Respectfully submitted,



Michael Helm, Architect
C12642