



Staff Report to the Zoning Administrator

Application Number: **121240**

Applicant: Mark Primack
Owner: Nelson Roberts
APN: 025-361-05

Agenda Date: 4/5/13
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to remodel an existing 2-story, single family dwelling to include a second unit at the first floor with deck above. Reconfigure floor plan for the main unit, replace an existing entry stairway encroachment with an enclosed stairway located within the required front yard setback. Requires a Variance to reduce the required 20 foot front yard setback to 10 feet on a parcel in the R-1-6 Zone District.

Location: Property located at 2567 Parker Street

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

Permits Required: Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121240, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	7,666.6 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Private
Planning Area:	Live Oak
Land Use Designation:	R-UL (Urban Low Residential)
Zone District:	R-1-6 (Single-family residential - 6,000 square feet)

Environmental Information

Services Information

History

Project Setting

Zoning & General Plan Consistency

-2-

Variance

Variance approval is required for three elements of the proposed addition/remodel. The existing entry stairway is to be replaced with an enclosed entryway which will result in a reduction of an existing encroachment by approximately 8 feet. Additionally, this proposal calls for the construction of a new wrap-around deck which will encroach approximately 3 inches into the front yard setback and construction of an architectural feature (similar to a chimney) which will encroach a maximum of 3 feet into the front yard.

Though this proposal will result in two new encroachments (wrap-around deck and chimney-like feature), it will result in the reduction of the most obtrusive encroachment (the existing entry stair). Furthermore, the two new encroachments are relatively insignificant to that of the proposed entryway. Support for granting Variance approval of all three elements of the proposed addition is documented in the attached findings.

Environmental Review

The proposed development qualifies for a Class 3 Categorical Exemption – New construction or Conversion of Small Structures (Section 15303) and not subject to further Environmental Review.

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 **121240**, 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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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 unique topography and shape of the subject parcel significantly impact site development and create challenges for proposed improvements and additions to the existing dwelling.

The subject parcel has approximately 110 feet of frontage and is approximately 70 feet deep. This configuration is unique to the area where the parcel depth is generally greater than the parcel frontage. This configuration results in a reduction of the buildable area by approximately 900 square feet.

The presence of a 15% cross slope along the width of the parcel resulted in construction of a narrow, multi-level building design. Since the existing dwelling was constructed up to the required 20 foot front yard setback, the primary access to the main level of the dwelling is obtained by an entry stairway that encroaches into the required setback.

Properties in the vicinity with the same zoning classification that do not have the same parcel configuration have greater flexibility with respect to the building area. Though the multi level building design is not unique in the vicinity, neighboring properties that do not have the same 15% cross slope are able to access the main portion of the dwelling without a similar stairway encroachment.

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 primary reason for the Variance is to allow for the replacement of an existing entry stairway that is necessary to access the main level of an existing single-family dwelling. The replacement stairway will result in a reduction to the existing front yard encroachment by approximately 8 feet while providing a safe all-weather (enclosed) walking surface. As a result, the proposed stairway will encroach 10 feet, rather than 18 feet, into the required 20 foot front yard setback.

The proposed second story deck and walkway will encroach approximately 3 inches into the front yard setback. Though the width of the deck/walkway exceeds the minimum width for walkways required by the Building Code, the added width of the walkway is necessary to maintain a design consistent with the proposed entry stair and will serve as the most suitable path for typical deliveries in and out of the main level of the multi-level home.

A third request for a variance is for an architectural feature located between the garage door and the entrance to the second unit. This feature acts as a safety barrier to create separation between occupants of the dwelling and vehicles in the driveway. The proposed structure is relatively insignificant to the much larger encroachment of the entry stairway and is similar in design to a

chimney which is allowed to encroach up to 6 feet into the front yard setback without variance approval.

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 the property is sloped and configured in such a way that it is necessary for an entry stairway in order to provide access to the main dwelling. The entry stair way serves as the primary access point for the main level of the dwelling. Parcels of similar size in the vicinity that lack the unique configuration are able to access the dwelling with stairs that do not encroach into the setback.

Walk-around decks are characteristic of the neighborhood. In order to accommodate the split level design the proposed entryway must be slightly wider than minimum requirements stated in the California Building Code (36 inches). In order to remain functional and maintain a consistent design compatible with the surrounding properties, the finding can be made to allow a 3 inch encroachment of the second story deck rail into the required 20 foot front yard setback.

Additionally, the finding can be made that the construction of an architectural feature between the existing garage and proposed second unit is of similar design and size to that of a chimney. Chimneys that encroach up to 6 feet into the front or side yard do not require variance approval and are characteristic of Residential zoned properties in the vicinity.

Conditions of Approval

Exhibit D: Plans: 3 Sheets Prepared by: Mark Primack Architects

- I. This permit authorizes the construction of a(n) enclosed entry stairway and second story deck addition. 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 Demolition Permit from the Santa Cruz County Building Official.
 - C. 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.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - E. 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Grading, drainage, and erosion control plans.

3. Details showing compliance with fire department requirements.
- 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 any applicable plan check fee of the Central Fire Protection District.
 - E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
 - F. Pay the current fees for Parks and Child Care mitigation for the addition of a 1 bedroom Accessory Dwelling Unit. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - G. Pay the current fees for Roadside and Transportation improvements for 1 bedroom. Please check with Department of Public Works for current fees.
 - H. Provide required off-street parking for 4 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - I. 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.
 - J. Complete and record a Declaration of Restriction regarding a second unit. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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. The project must comply with all recommendations of the approved soils reports.

- D. 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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Wanda Williams
Deputy Zoning Administrator

Nathan MacBeth
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.

MARK PRIMAC
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S A C O R P O R A T I O
C A L I F O R N I A
601 SMITH STREET
SANITA CA 92078
TEL. 482-1580, 482-1581

Diagram illustrating the second floor area calculations, showing room layouts and dimensions. The diagram includes a staircase and various rooms with their respective areas and dimensions.

Room areas and dimensions shown in the diagram:

- Room 1: 10' x 10' (Area: 100)
- Room 2: 10' x 10' (Area: 100)
- Room 3: 10' x 10' (Area: 100)
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- Room 98: 10' x 10' (Area: 100)
- Room 99: 10' x 10' (Area: 100)
- Room 100: 10' x 10' (Area: 100)

[illegible]

PROJECT TEAM

OWNER: BUT & KATE ROBERTS
2412 PARKER ST
SANTA CRUZ, CALIFORNIA 95065

ARCHITECT: MARK PRADCOY ARCHITECT
MARK PRADCOY ARCHITECT
501 SWIFT ST.
SANTA CRUZ, CALIFORNIA 95064
P. (408) 428-9286

SLURVEYOR: LUDWIG A. BENNETT CIVIL ENGINEERING
LUDWIG A. BENNETT CIVIL ENGINEERING
1000 N. ZEEB RD.
SANTA CRUZ, CALIFORNIA 95065
410 (408) 425-5095

DRAWING INDEX

A11 SITE PLAN
A21 FLOOR PLANS, ELEVATIONS, SECTION

FOR TAX PURPOSES ONLY
 THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE ASSAILED ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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**POR. SEC. 9, T.11S., R.1W.,
 M.D.B. & M.**

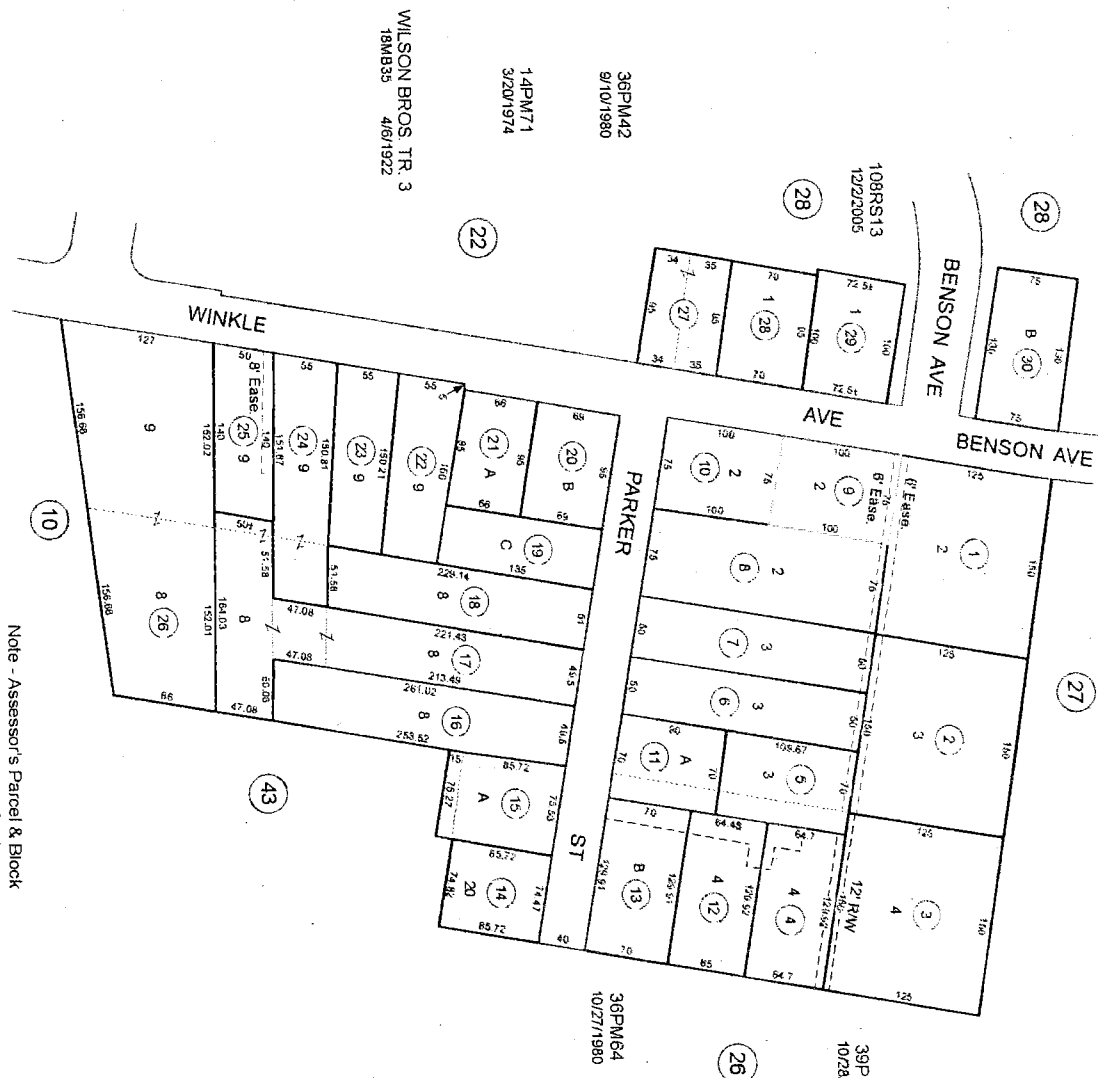
**Tax Area Code
 96-103**

25-36

Electronically drawn 6/28/95 J.
 Rev. 9/13/99 C.B. (Added dim. ref.)
 Rev. 4/7/96 G.G. (CA consolidation)
 Rev. 10/5/04 G.G. (Cor. road names)
 Rev. 5/17/07 id (108RS13)

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

**Assessor's Map No. 25-36
 County of Santa Cruz, Calif.
 June 1995**



**WILSON BROS. TR. 3
 18MB35 4/6/1922**

**14PM71
 3/20/1974**

**36PM42
 9/10/1980**

**39PM41
 10/28/1981**

**36PM64
 10/27/1980**

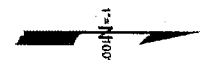
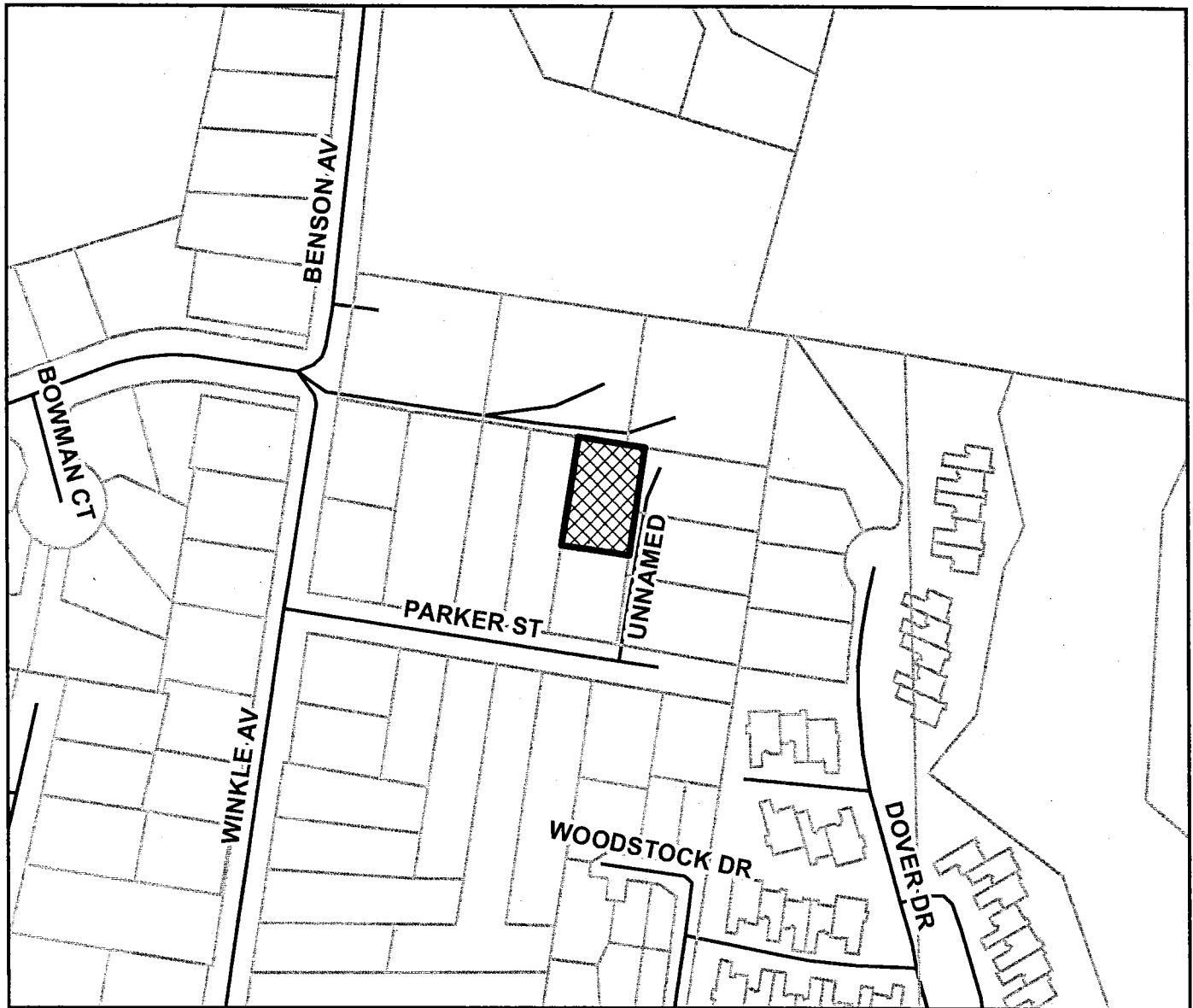





EXHIBIT B

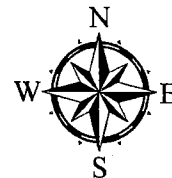


Location Map



LEGEND

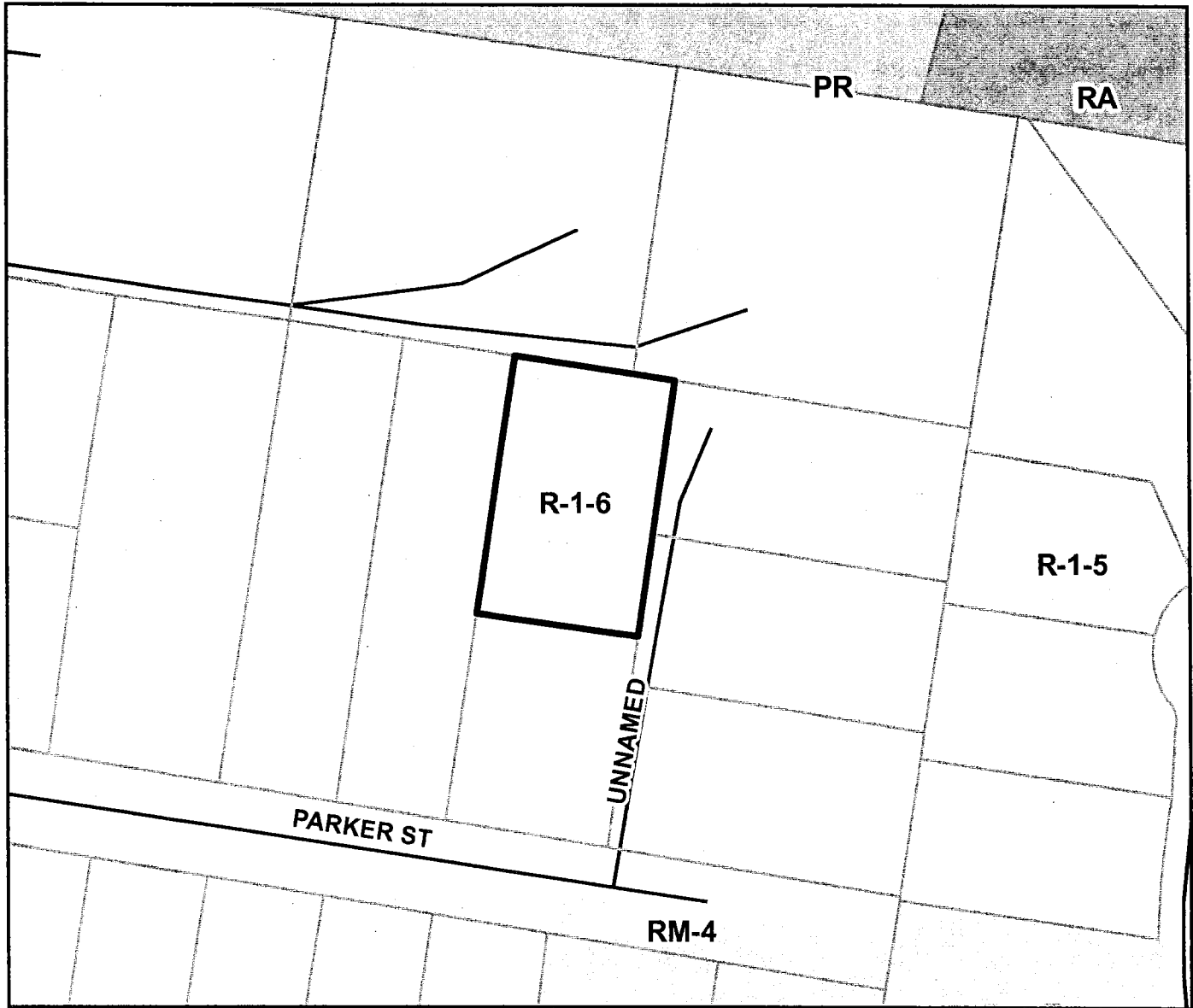
-  APN: 025-361-05
-  Assessors Parcels
-  Streets



Map Created by
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Planning Department
October 2012










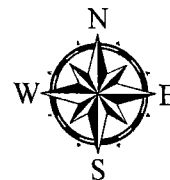
Zoning Map



90 45 0 90 180 270 360 Feet

LEGEND

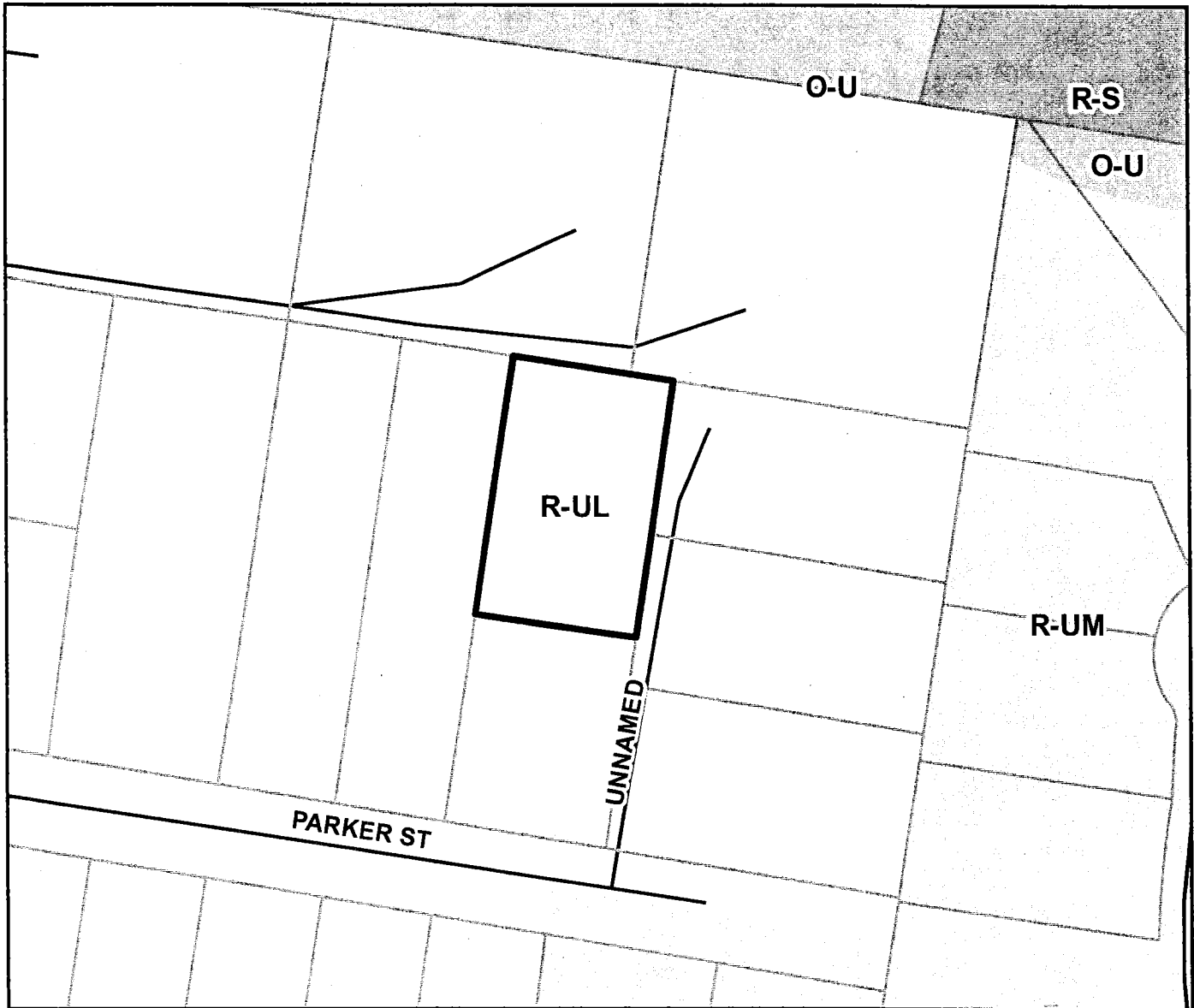
-  APN: 025-361-05
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY
-  RESIDENTIAL-MULTI FAMILY
-  PARK
-  AGRICULTURE RESIDENTIAL



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October 2012



General Plan Designation Map



90 45 0 90 180 270 360 Feet

LEGEND



APN: 025-361-05



Assessors Parcels



Streets

Residential - Urban Low Density

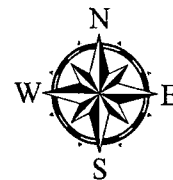
Residential - Urban Medium Density



Urban Open Space



Residential-Suburban



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