



Staff Report to the Zoning Administrator

Application Number: **141104**

Applicant: Dennis Norton
Owner: Frank & Judy Riccoboni
APN: 033-162-34

Agenda Date: August 15, 2014
Agenda Item #: 5
Time: After 9:00 a.m.

Project Description: Proposal to construct a 707 sq. ft. second story addition, to an existing 2,191 square foot two-story single family dwelling.

Location: Property located at 4275 Opal Cliff Drive, on the north side of the street, approximately 800 feet east of 41st Ave.

Supervisory District: First District (District Supervisor: John Leopold)

Permits Required: Coastal Development Permit

Staff Recommendation:

- Determination that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 141104, based on the attached findings and conditions.

Exhibits

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

Parcel Information

| | |
|----------------------------------|--|
| Parcel Size: | 5,750 sq. ft. |
| Existing Land Use - Parcel: | Single-family dwelling |
| Existing Land Use - Surrounding: | Single-family residences to the North, East, West and South. |
| Project Access: | Via Opal Cliff Drive |
| Planning Area: | Live Oak |
| Land Use Designation: | R-UM (Urban Medium Residential) |
| Zone District: | R-1-5 (Single Family Residential, 5,000 sq. ft. min.) |

Coastal Zone: X Inside Outside
Appealable to Calif. Coastal X Yes No
Comm.

Environmental Information

Geologic Hazards: N/A
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
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: X Inside Outside
Water Supply: Santa Cruz City Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5

History

The existing 2,191 sq. ft. single-family home on the parcel was constructed in 1941. In 1996 the 556 sq. ft. second story was added, and the garage underneath the second story addition was expanded, under permit 95-0563.

Project Setting

The subject 5,750 sq. ft. parcel is located on the north side of Opal Cliff Drive and contains the existing two-story single-family dwelling. The property is located in a neighborhood characterized by new or remodeled one and two story homes.

Project scope

The proposed project is for the construction of a second story addition, expanding the existing second floor from 556 sq. ft. to 1,263 sq. ft. (a 707 sq. ft. addition). The proposed addition meets all applicable site standards for the zone district.

Zoning & General Plan Consistency

The subject property is located in the R-1-5 zone district (Single-Family Residential, 5,000 sq. ft. lot size minimum), a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district and the zoning is consistent with

the site's (R-UM) Urban Medium Residential General Plan designation.

Local Coastal Program Consistency

The proposed addition to the single-family residence is in conformance with the County's certified Local Coastal Program, in that the addition is designed to be visually compatible, in scale with, and integrated with the character of the existing house and surrounding neighborhood. Developed parcels in the area contain one and two story single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles. The proposed addition will not impact or interfere with public access to the beach, ocean, or other nearby body of water. The property is not identified as a priority acquisition site in the County's Local Coastal Program.

Design Review

The proposed project complies with the requirements of the County Design Review Ordinance, in that only a minor addition is to be constructed, and the resulting two story dwelling will be located between two existing two story houses. The proposed addition will result in a dwelling that is in character with the dwellings on either side, and so will not have a significant visual impact on surrounding land uses or the natural landscape.

Environmental Review

The proposed second story addition on an existing dwelling has been determined to be categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines Section 15301, Existing Facilities, and a CEQA Notice of Exemption Form has been prepared (Exhibit 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

- Determination that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **141104**, 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

Application #: 141104
APN: 033-162-34
Owners: Frank & Judy Riccoboni

Page 4

Report Prepared By: Frank Barron, AICP
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2530
E-mail: frank.barron@co.santa-cruz.ca.us

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: 141104

Assessor Parcel Number: 033-162-34

Project Location: 4275 Opal Cliff Dr. Santa Cruz, CA 95062

Project Description: Proposal to construct a second story addition to an existing single family dwelling (approximately 707 square feet on 2nd floor).

Person or Agency Proposing Project: Dennis Norton, Architect

Contact Phone Number: (831) 476-2616

- 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 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Minor addition to an existing single-family residence in a developed residential neighborhood.

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

Frank Barron, Project Planner

Date: _____

Coastal Development Permit Findings

- 1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.**

This finding can be made, in that the property is zoned R-1-5 (Single-Family Residential, 5,000 sq. ft. lot size minimum), a designation which allows residential uses. The proposed two story single family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

- 2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.**

This finding can be made, in that the proposed second story addition to the existing two story dwelling will not affect public access to the shoreline or to neighboring properties. The proposed project will not conflict with utility, or open space easements as no such easements or restrictions are known to encumber the project site.

- 3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.**

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site. The proposed additions will result in a two story dwelling that is similar in style and scale to the existing adjacent two story dwellings, and will not have a visual impact on views from the beach.

- 4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.**

This finding can be made in that, the project site is not located between the shoreline and the first public road and there is existing public beach access about 1,100 feet away at the end of 41st Avenue. Consequently, the proposed second story addition will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

- 5. That the proposed development is in conformity with the certified local coastal program.**

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-5 zone district (Single-Family Residential, 5,000 sq.

Application #: 141104
APN: 033-162-34
Owner: Frank & Judy Riccoboni

ft. lot size minimum), as well as in the General Plan and Local Coastal Program land use designation for the site: (R-UM) Urban Medium Residential. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles.

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 and is not encumbered by physical constraints to development. 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. The proposed residential facility will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the proposed additions meet all current setbacks that limit these types of impacts.

- 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 residential structure 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 (Single-Family Residential, 5,000 sq. ft. lot size minimum) zone district. The primary use of the property will be a two-story single-family dwelling that meets all current site standards for the zone district.

- 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 Residential (R-UM) land use designation in the County General Plan.

The proposed second story addition to the existing two-story dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and will meet all current site and development standards for the zone district, including height and setbacks, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The proposed second story addition will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed second story addition will comply with the site standards for the R-1-5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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 small addition that is to be constructed to the existing two story single-family dwelling is not anticipated to increase traffic from the present level of use. The project will therefore not impact existing roads or intersections in the surrounding area.

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 two story structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed second story addition to the existing two-story dwelling is consistent with the land use intensity and density of the neighborhood.

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 can be made, in that the proposed second story addition to the existing two story dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit D: Architectural plans (6 sheets) prepared by Dennis Norton, Architect, dated 6/2/14.

- I. This permit authorizes the construction of a 707 sq. ft. second story addition to the existing two story dwelling. 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 "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, 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. The plans shall be revised to show only one living room.
 - 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.
 - C. Meet all requirements and pay any applicable plan check fee of the Fire Protection District.

- D. Pay the current fees for Parks and Child Care mitigation for 1 additional bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - E. Pay the current fees for Roadside and Transportation improvements for 1 additional bedroom. Please contact the Department of Public Works for a list of current fees.
- 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 16.42.080 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 16.42.080, 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

Frank Barron, AICP
Project Planner

Application #: 141104

APN: 033-162-34

Owner: Frank & Judy Riccoboni

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.

Architectural floor plan of a two-story house. The plan includes the following rooms and dimensions:

- Living Room:** 14'-0" x 16'-0" (features a fireplace and a large window).
- Dining Room:** 12'-0" x 14'-0" (features a table and chairs).
- Kitchen:** 10'-0" x 12'-0" (features a sink, stove, and refrigerator).
- Bathroom:** 5'-0" x 7'-0" (features a tub, toilet, and sink).
- Bedroom:** 12'-0" x 14'-0" (features a bed).
- Study:** 10'-0" x 12'-0" (features a desk).
- Staircase:** Located in the center of the house, connecting the upper and lower levels.
- Porch:** 12'-0" x 16'-0" (features a railing and a large window).

The plan is labeled "LOWER WALL LINE" and "UPPER WALL LINE". Dimensions are provided for all rooms and overall exterior measurements.

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FRANK & JUDY PRODUCTIONS
1184 N. SPRINGER F.
LOS ALTOS, CA. 94024

EXHIBIT D

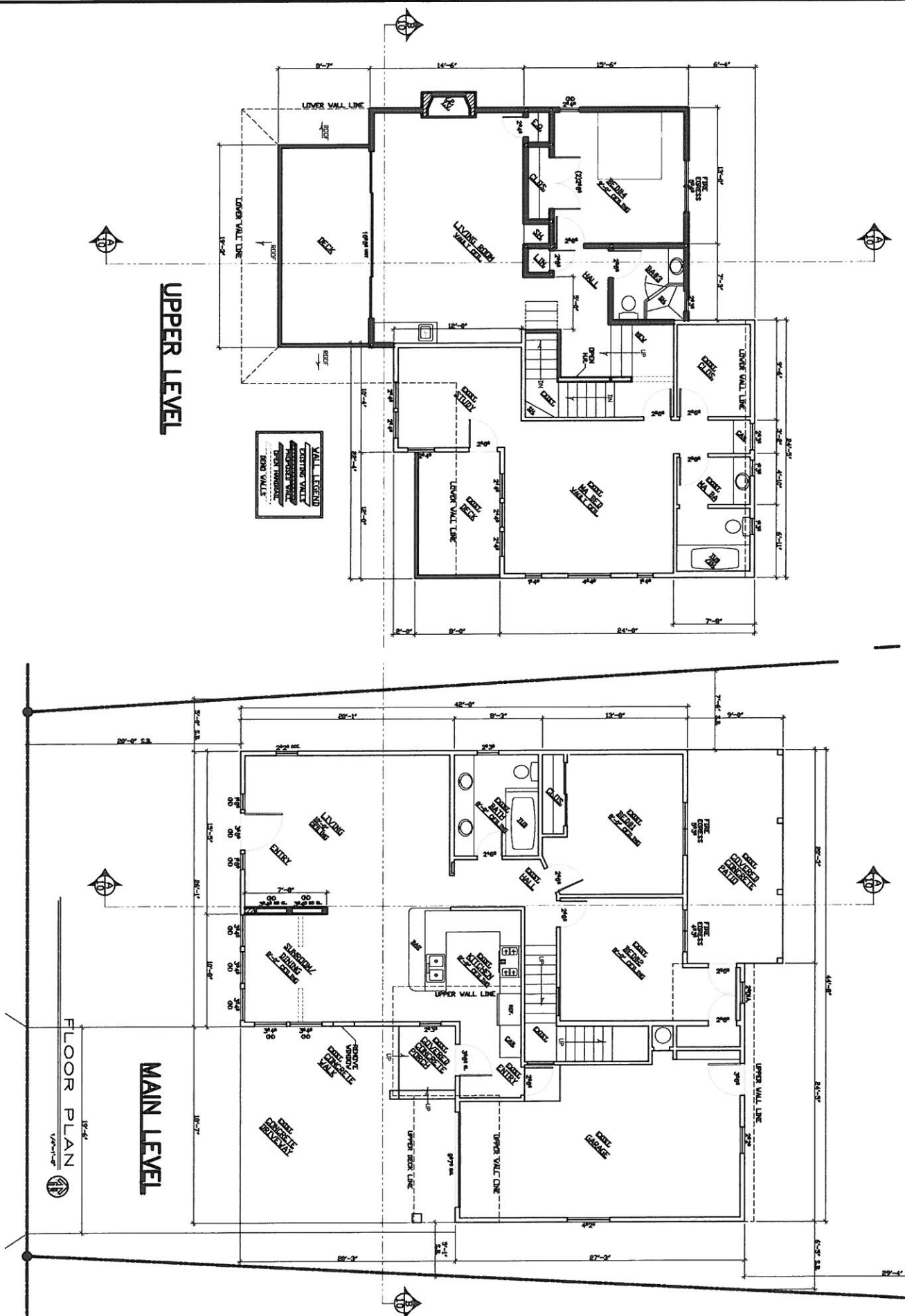
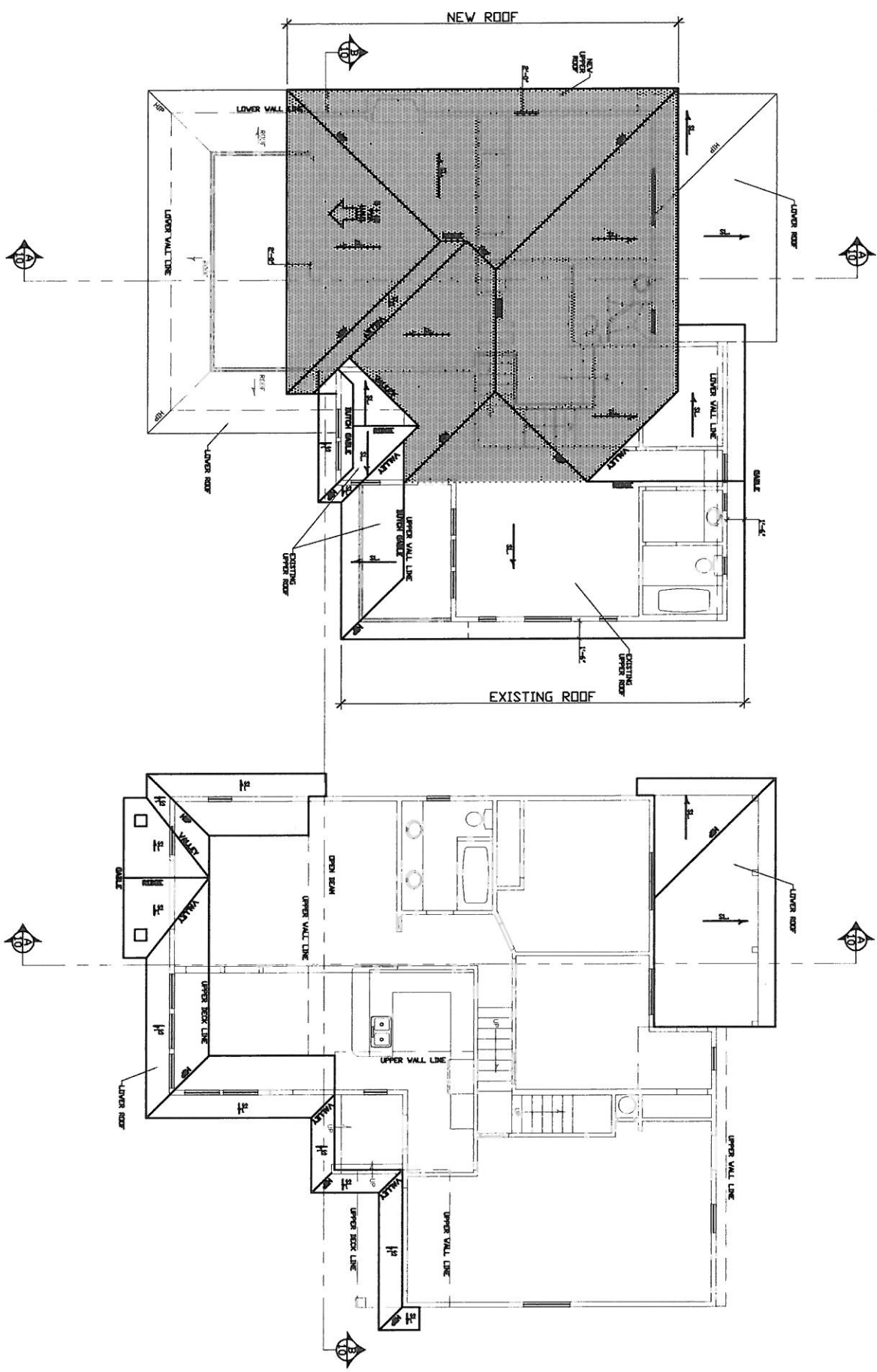


EXHIBIT D



ROOF PLAN

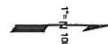
EXHIBIT D

THE ASSASSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

doi:10.1017/S0022278X12000509

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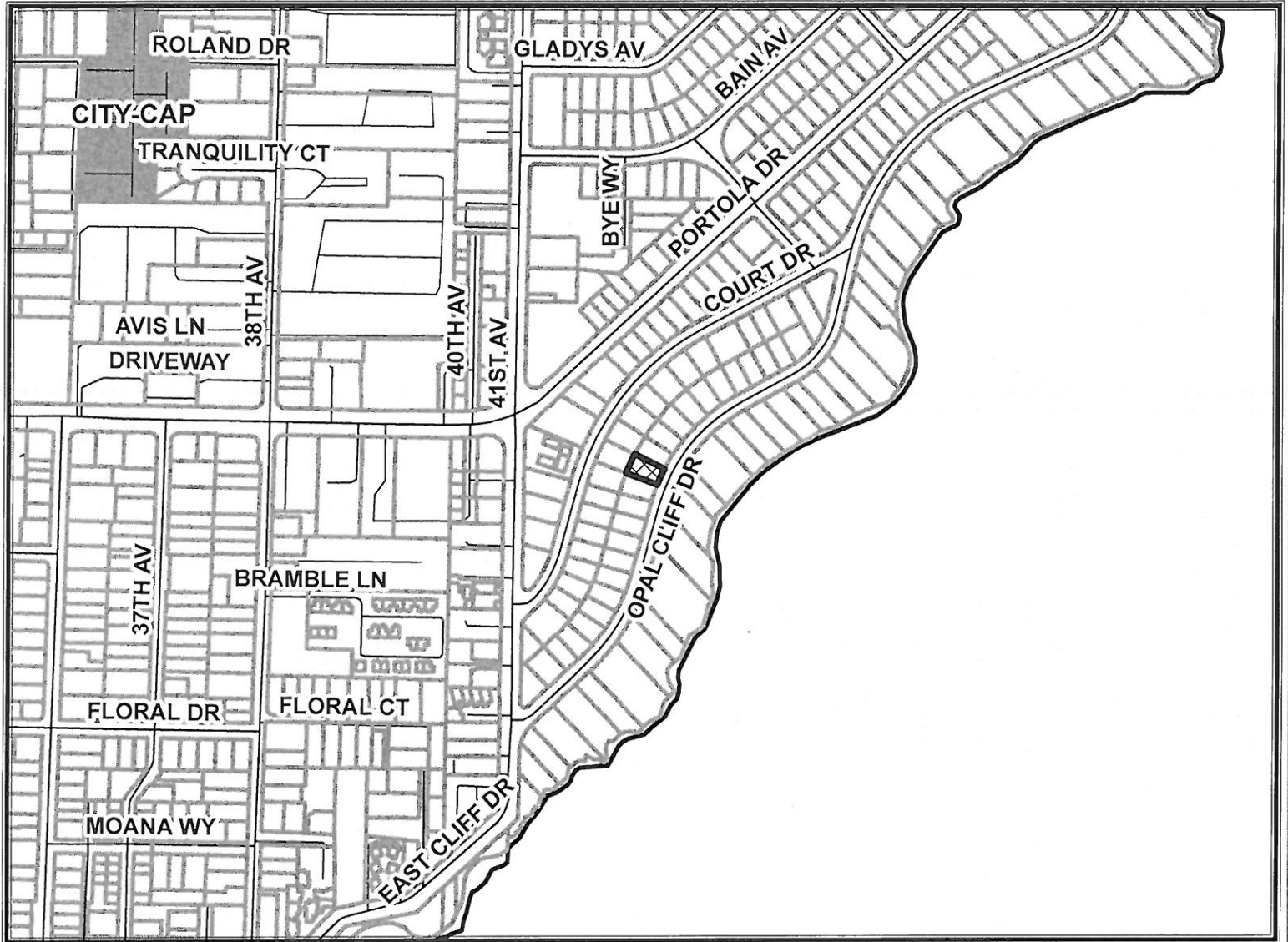
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Assessor's Map No. 33-16
Santa Cruz County, Calif.
June 1995

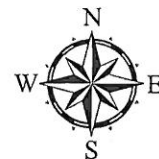


Location Map



LEGEND

-  APN: 033-162-34
-  Assessors Parcels
-  Street
-  CITY OF CAPITOLA
-  County Boundary

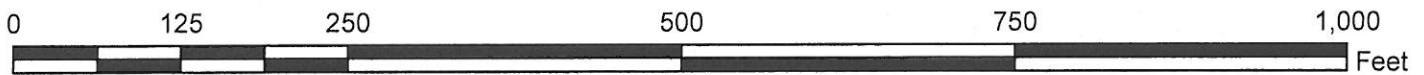
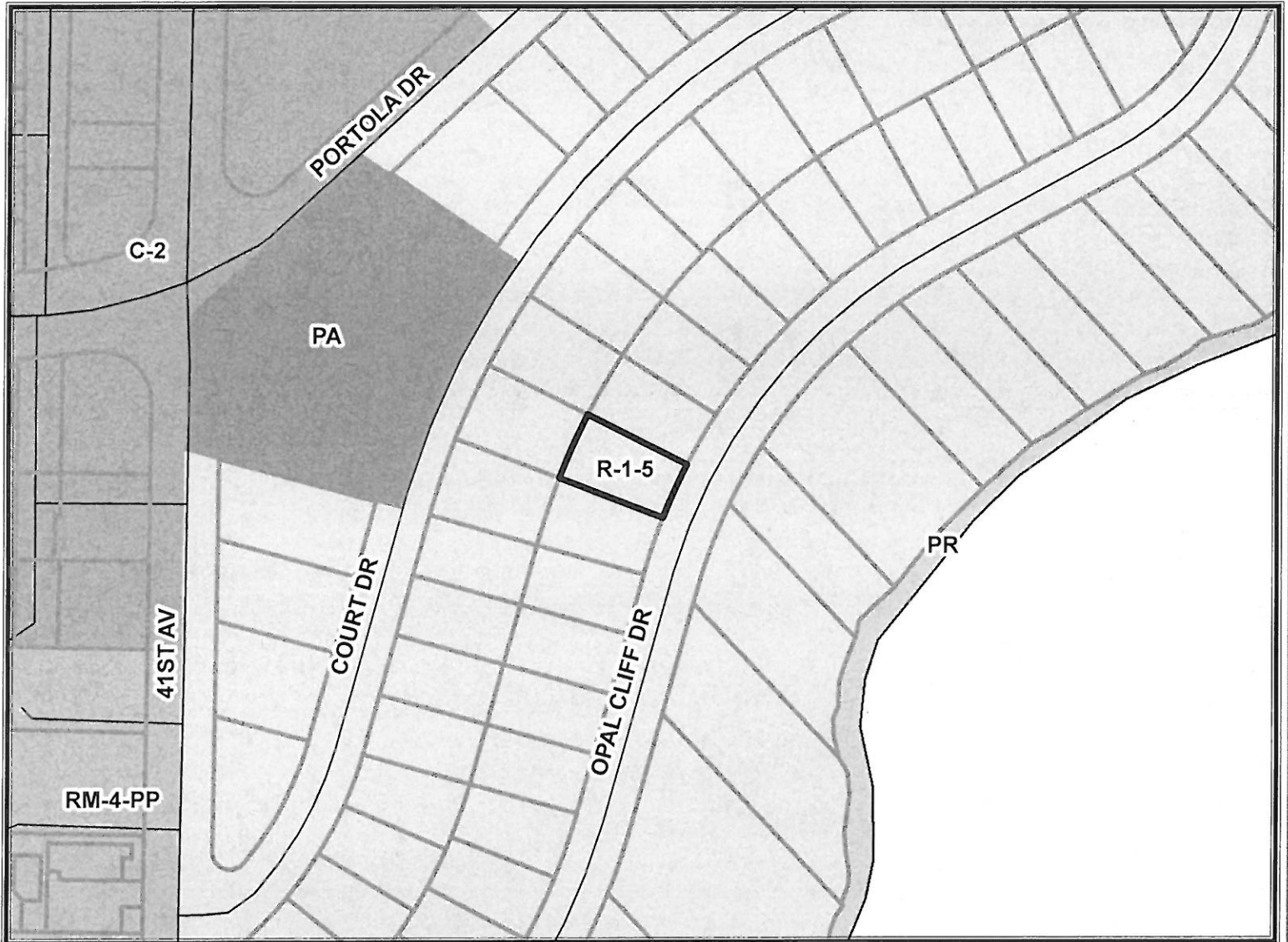


Map Created by
County of Santa Cruz
Planning Department
July 2014

EXHIBIT E



Zoning Map



LEGEND

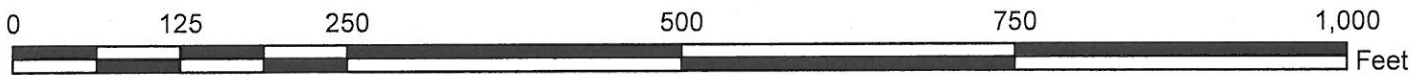
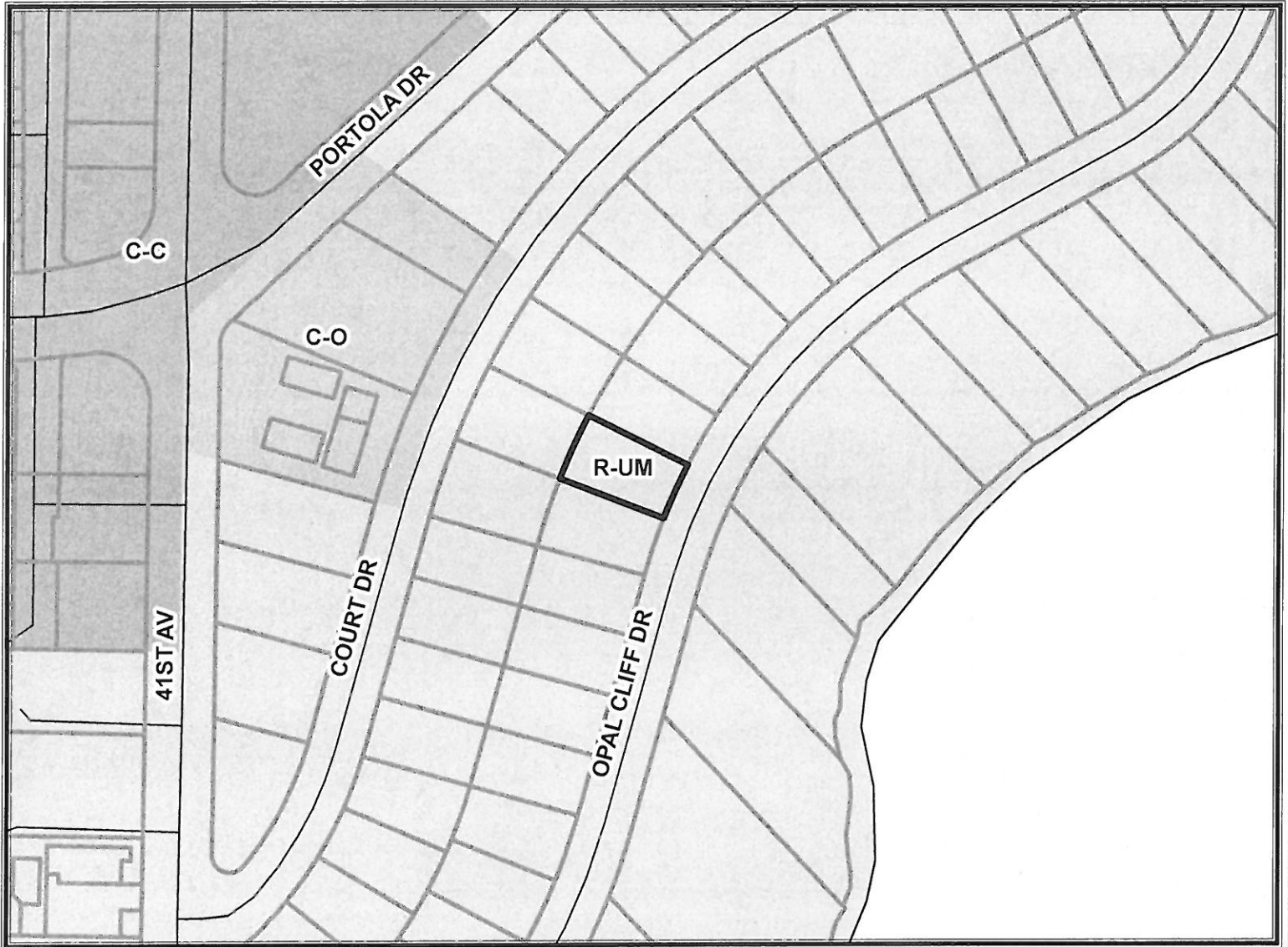
- APN: 033-162-34
- Assessors Parcels
- Street
- County Boundary
- RESIDENTIAL-SINGLE FAMILY
- PARK
- RESIDENTIAL-MULTI FAMILY
- COMMERCIAL-COMMUNITY
- COMMERCIAL-PROF OFFICE



Map Created by
County of Santa Cruz
Planning Department
July 2014



General Plan Designation Map



LEGEND

- APN: 033-162-34
- Assessors Parcels
- Street
- County Boundary
- Residential - Urban Medium Density
- Commercial-Office
- Commercial-Community



Map Created by
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July 2014

EXHIBIT E