



Staff Report to the Zoning Administrator

Application Number: **141145**

Applicant: Stanley Leroy Phillips
Owner: Stanley Leroy Phillips
APN: 028-292-01

Agenda Date: 12/05/2014
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to convert an existing residential bedroom over an existing garage to a second unit. Requires a Residential Development Permit for a second story second unit.

Location: Southwest corner of Scriver Street and 30th Avenue (2924 Scriver Street), north of East Cliff Drive within the Live Oak Planning area.

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

Permits Required: Residential Development Permit
Technical Reviews: None

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 141145, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	8,015 square feet (Assessor's estimate)
Existing Land Use - Parcel:	Single family residence
Existing Land Use - Surrounding:	Single family residential
Project Access:	Scriver Street
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-5-PP (Residential, 5000 square feet per unit,

Coastal Zone: pleasure point combining district)
 x Inside Outside
Appealable to Calif. Coastal
Comm. Yes x No
Coastal Exclusion x Yes No

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: 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 Water Department
Sewage Disposal: Santa Cruz Sanitation
Fire District: Central Fire
Drainage District: Zone 5

Background

The subject property is located at the corner of Scriver Street and 30th Avenue within the Live Oak Planning area. The property contains a two story, three bedroom, three bath, single family dwelling with a two car garage constructed in 1984. One bedroom, one bath, and a rear deck are located above the existing garage. The dwelling and garage front on Scriver Street.

A residential development permit is required for the proposed conversion of the second story bedroom to a second unit pursuant to County Code Section 13.10.681(D) (4).

Zoning & General Plan Consistency

The proposed second unit is located above the garage; and, the highest point of the second unit is about 21'6" from existing grade. The R-1-5-PP zone district allows for a 28 foot maximum height limit for residential structures and a 17 foot maximum height limit for second units. No additional square footage is proposed by the conversion of the bedroom above the garage to a second unit. The proposed unit, including the bathroom, bedroom, and deck area, excluding the stairway, is approximately 543 square feet, which is less than the maximum of 640 square feet permitted for a second unit within the Urban Services Line, with public sewer, and on a parcel size of less than 10,000 square feet (CC Section 13.10.681(D)(2)).

The property is located within the R-1-5-PP (Single Family Residential - 5,000 square foot minimum parcel size-Pleasure Point Combining District) zone district, a designation which allows residential uses and identifies the second unit as a principal permitted use. The parcel is approximately 8,015 square feet and the second unit complies with all of the required setbacks, as shown in the following table:

	Required Setbacks as per CC Section 13.10.323	Existing Setbacks
Front Yard	20'	23'6" to garage/second unit (no change)
First Story Side Yards	5' & 10' (street side)	17' & 10' street side along 30 th Avenue (no change)
Second Story Side Yard (Pleasure Point Site Standard)	10'	10' (no change)
Rear Yard	15'	28' to second unit (no change)
Lot Coverage	40%	27% (no change)
Floor Area Ratio	50%	24% (no change)
Parking	<u>4 Spaces Required</u> SFD (2 bdrms) = 3 spaces 2 nd Unit (1 bdrm) = 1 space	<u>4 Spaces Provided</u> 2 spaces in garage 2 spaces in driveway

The existing dwelling and proposed second story second unit are consistent with all site standards including the minimum 10 foot second story side yard setback required by the Pleasure Point Site Standards.

Additionally, the proposed conversion of the bedroom to a second unit does not include alterations to the height, footprint, or square footage of the structure; therefore, there is no increased impact on neighboring parcels. However, a building permit is required for addition of a kitchen into the bedroom.

Environmental Review

A preliminary determination has been made that the project is exempt from the California Environmental Quality Act and a notice of exemption has been attached as 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

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

- **APPROVAL** of Application Number **141145**, 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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Santa Cruz CA 95060
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E-mail: sheila.mcdaniel@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: 141145

Assessor Parcel Number: 028-292-01

Project Location: 2094 Sriver Street

Project Description: Proposal to convert an existing bedroom over an existing garage to a second unit. Requires a Residential Development Permit for a second story second unit.

Person or Agency Proposing Project: Stanley Leroy Phillips

Contact Phone Number: (831) 476-1276

- 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).
E. ☒ **Categorical Exemption**

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

F. Reasons why the project is exempt:

Conversion of residential bedroom to a second unit in an area designated for residential uses.

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

Sheila McDaniel, Project Planner

Date: _____

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 second unit will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure was permitted and constructed in 1984 and no changes to the square footage or height are proposed. Additionally, the second story second unit meets all required site standards for the R-1-5-PP (Single Family Residential – 5,000 square foot minimum-Pleasure Point Combining District) zone district, including the required 10 foot second story set back, that ensure access to light, air, and open space in the neighborhood.

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 location of the second unit 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 foot minimum-Pleasure Point Combining District) zone district as the primary use of the property will be one single family dwelling with one second unit that meets all current site standards for the zone district. Because the second unit is located above the garage, the height of the structure exceeds the 17 foot height limitation for a second unit located within the Urban Services Line, which may be allowed with a development permit pursuant to County Code Section 13.10.681(D)(4). However, the second unit itself is a single story structure with a maximum height of about 12 feet as measured from the subfloor to the highest point of the roof peak above and the second story was permitted in 1984.

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 second unit 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 second story second unit does not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The second story second unit is 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 second story second unit complies with the site standards for the R-1-5-PP zone district (including setbacks, lot coverage, and floor area ratio) and the structure including the second unit and first story garage complies with the maximum height limitation of 28' for the R-1-5-PP zone district. The structure was permitted in 1984 and no exterior improvements are proposed with the conversion of the bedroom to a second unit. The design of the structure is compatible with the existing single family dwelling and is 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 an existing bedroom is proposed to be converted to a second unit within an existing single family dwelling. The level of traffic generated by the parcel is not expected to increase as a result of the conversion of the bedroom to a second unit in that the number of bedrooms on the parcel remains the same and the habitable area of the dwelling has existed on the parcel since 1984 is not proposed to be changed.

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 second unit is consistent with the land use intensity and density of the neighborhood. The parcel is located in an urban area that is developed with single and multi-family dwelling units. The existing structure was constructed to harmonize with land uses in the vicinity. The conversion of the existing bedroom to a second unit does not include exterior design or height alterations from what was originally permitted.

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 second unit and garage structure is of an appropriate scale and type of design that blends in with the aesthetic qualities of the surrounding properties and does not reduce or visually impact available open space in the surrounding area. No change is proposed to the existing dwelling with exception of a change in use within the dwelling.

Conditions of Approval

Exhibit D: Project Plans

- I. This permit authorizes the conversion of a second story bedroom to a second unit within an existing single family dwelling. 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 (for addition of a kitchen).
 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.
- 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.
 2. Details showing compliance with fire department requirements.
 - B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached.
 - C. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - D. Meet all requirements and pay all fees of the County Sanitation District.
 - E. 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.

- 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.
 - G. Complete and record a Declaration of Restriction to maintain 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. 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.

Application #: 141145
APN: 028-292-01
Owner: Stanley Leroy Phillips

Approval Date: _____

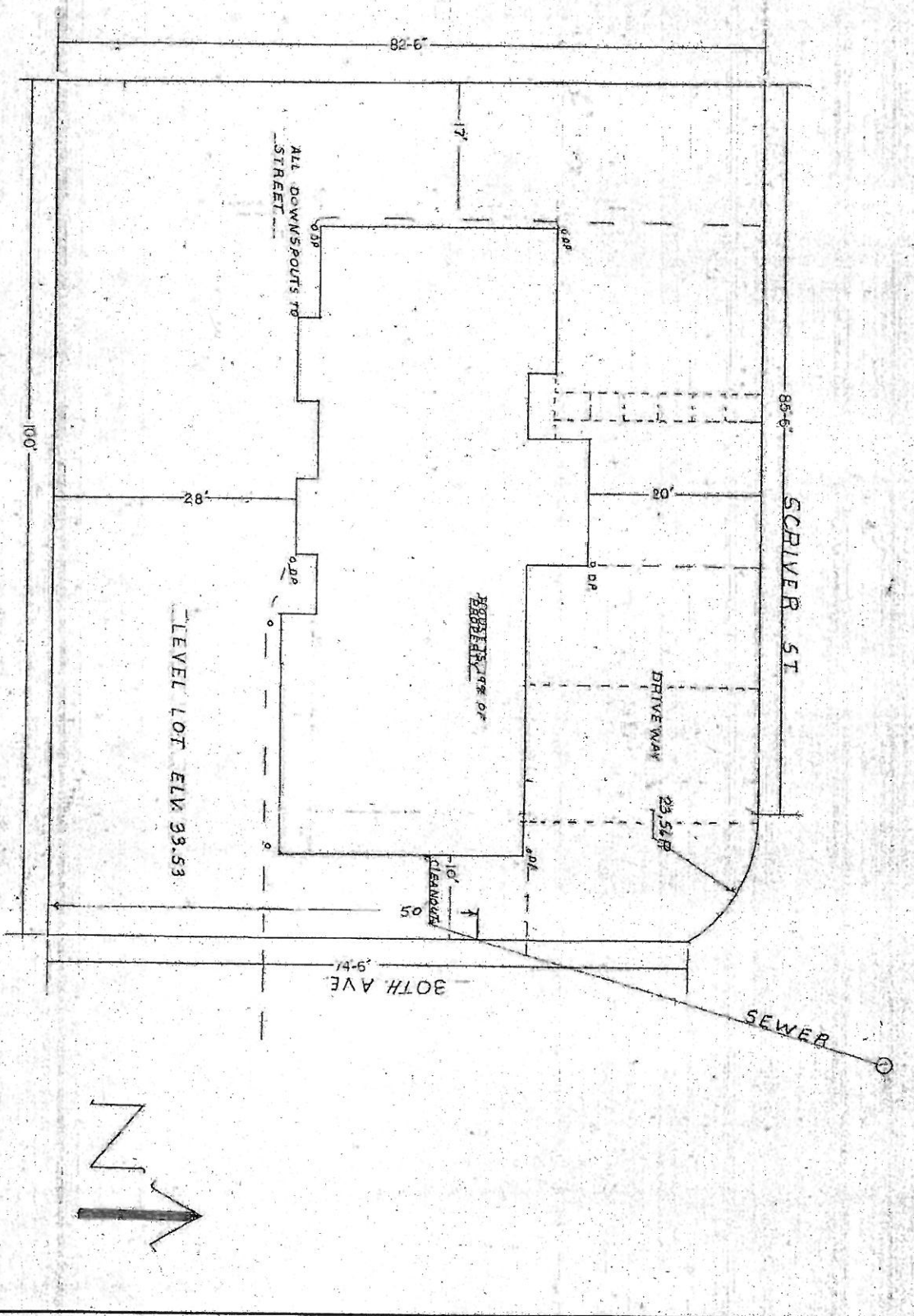
Effective Date: _____

Expiration Date: _____

Wanda Williams
Deputy Zoning Administrator

Sheila McDaniel
Project Planner

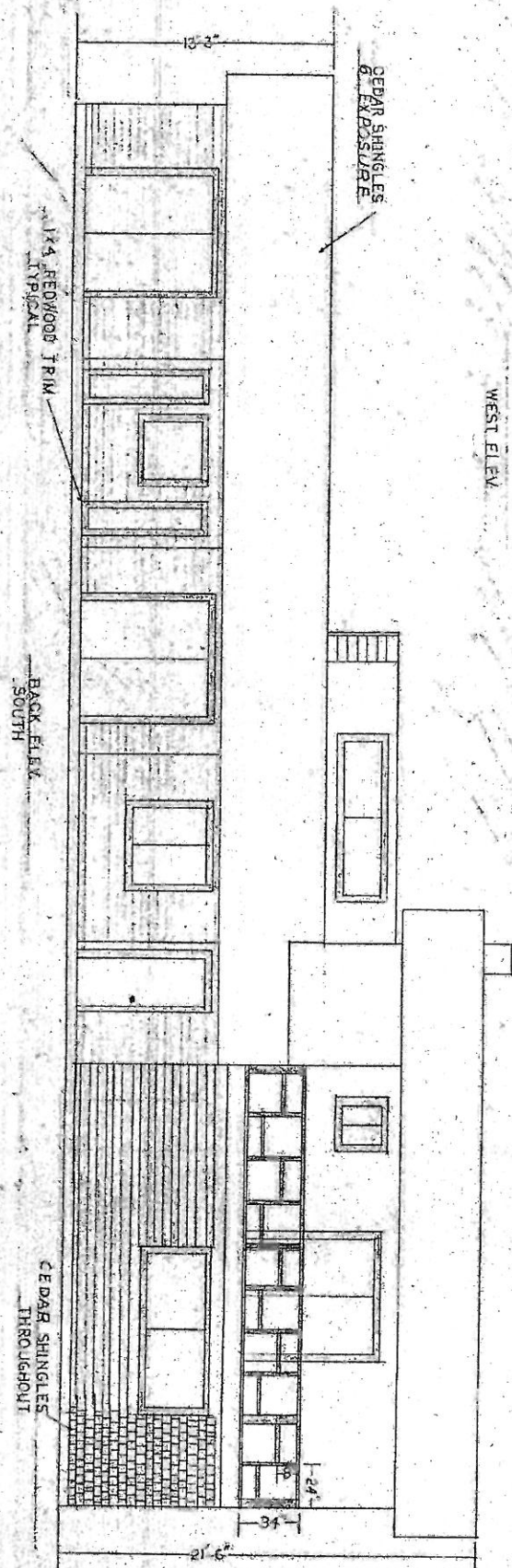
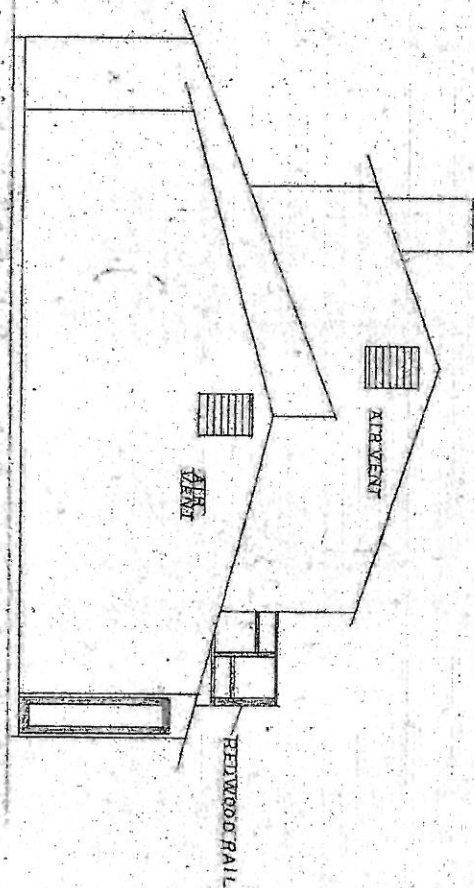
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.



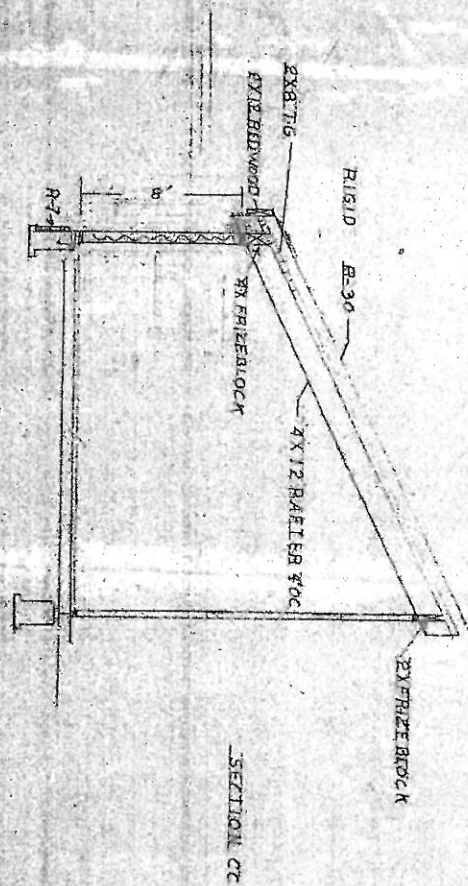
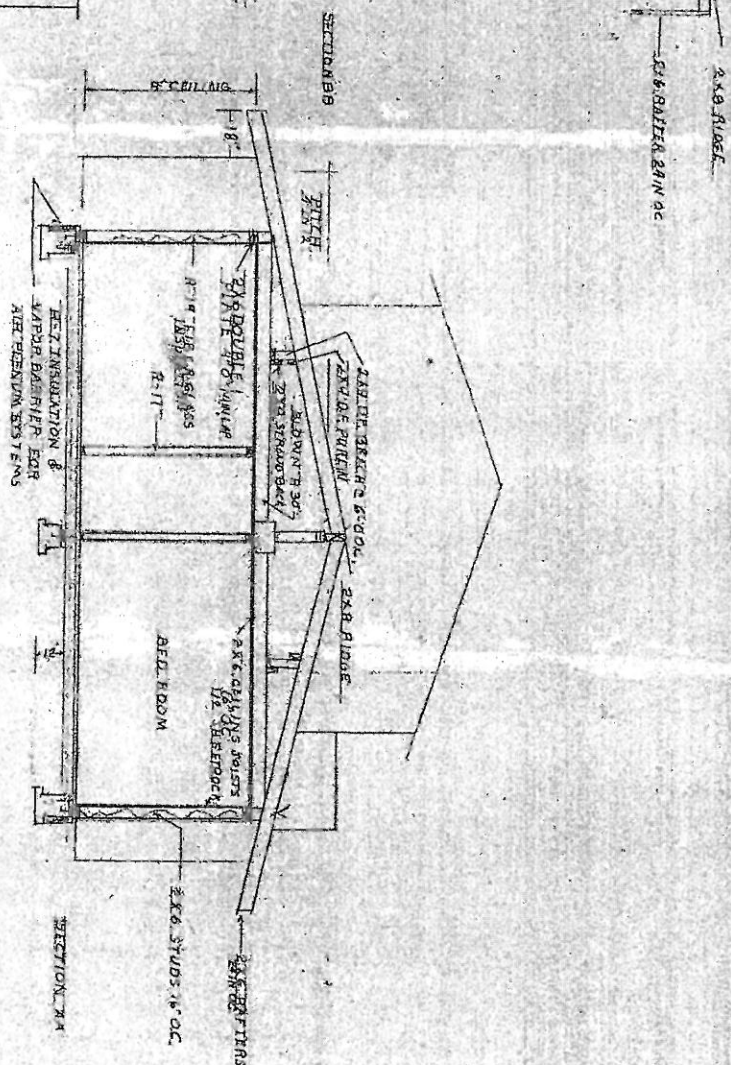
PLOT PLAN AND EROSION CONTROL PLAN	
PARCEL NO. 088-232-01	
DATE: 1/8/1	APPROVED BY: [Signature]
3 PHILIPS-476-1276	
SINGLE FAMILY DWELLING	
2924 Schriver St.	San Jose, CA 95102
Project Manager:	



Feb 2 1891



ELEVATIONS			
SCALE	1/4" = 1'	APPROVED BY	DRAWN BY
COTE	S. PHILLIPS	REVIEWED	
		DRAWING NUMBER	8



NAME	LAST	FIRST	MIDDLE	INITIALS	DATE	TIME	LOCATION	REMARKS
S. PHILLIPS								

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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RANCHO ARROYO DEL RODEO

POR. SEC. 21, T11S., R1W., M.D.B. & M.

Tax Area Code

82-040

28-29

TR. 704 30TH AVE. ESTATES
64MB23 1/20/77

TR. NO. 6 SUB. NO. 1
MORAN LAKE PARK
26MB6 6/20/36

HAWES DR.

Bk.32
13

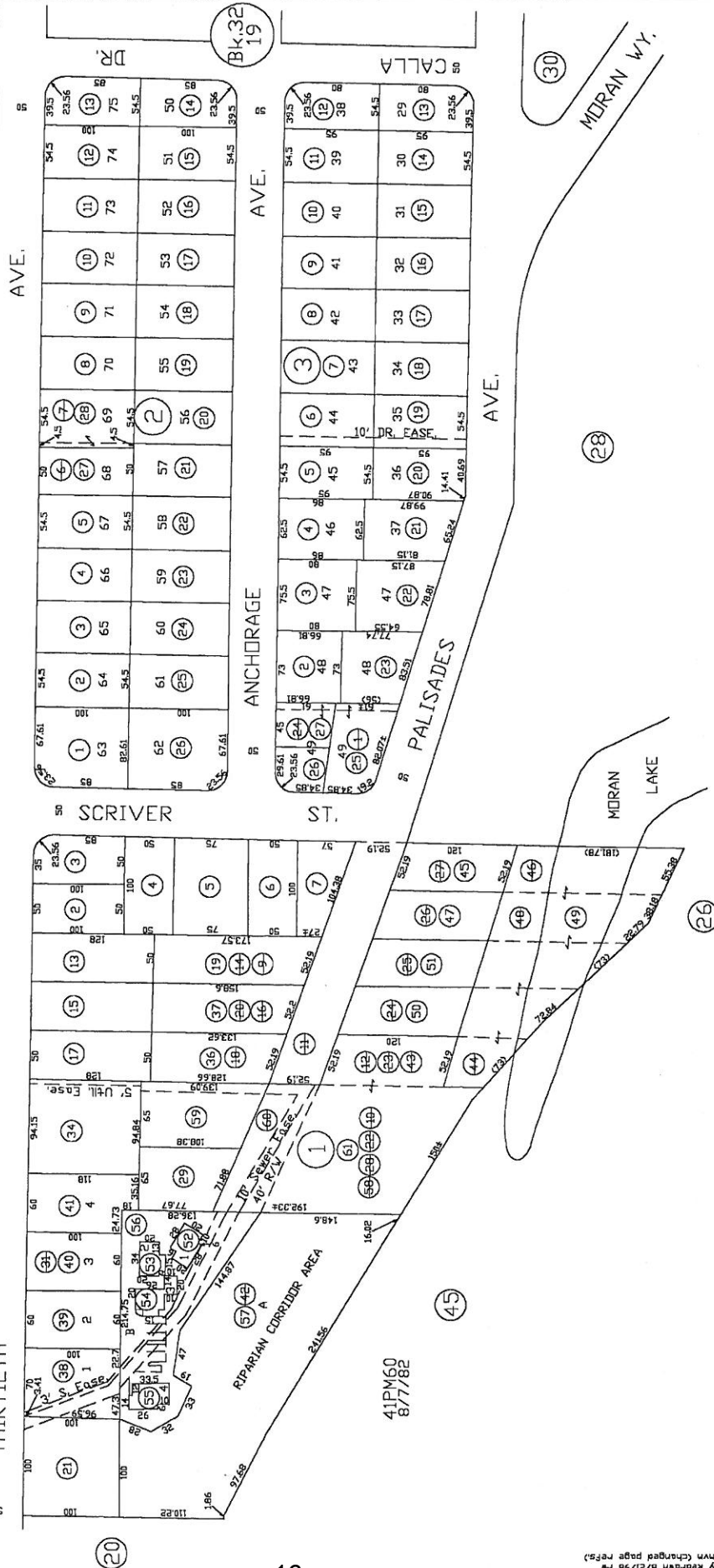
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20



THIRTIETH



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





Assessor's Map No. 28-29
County of Santa Cruz, Calif.
August, 1998



Location Map



LEGEND

-  APN: 028-292-01
-  Assessors Parcels
-  Street
-  County Boundary

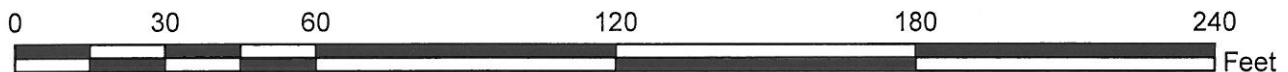
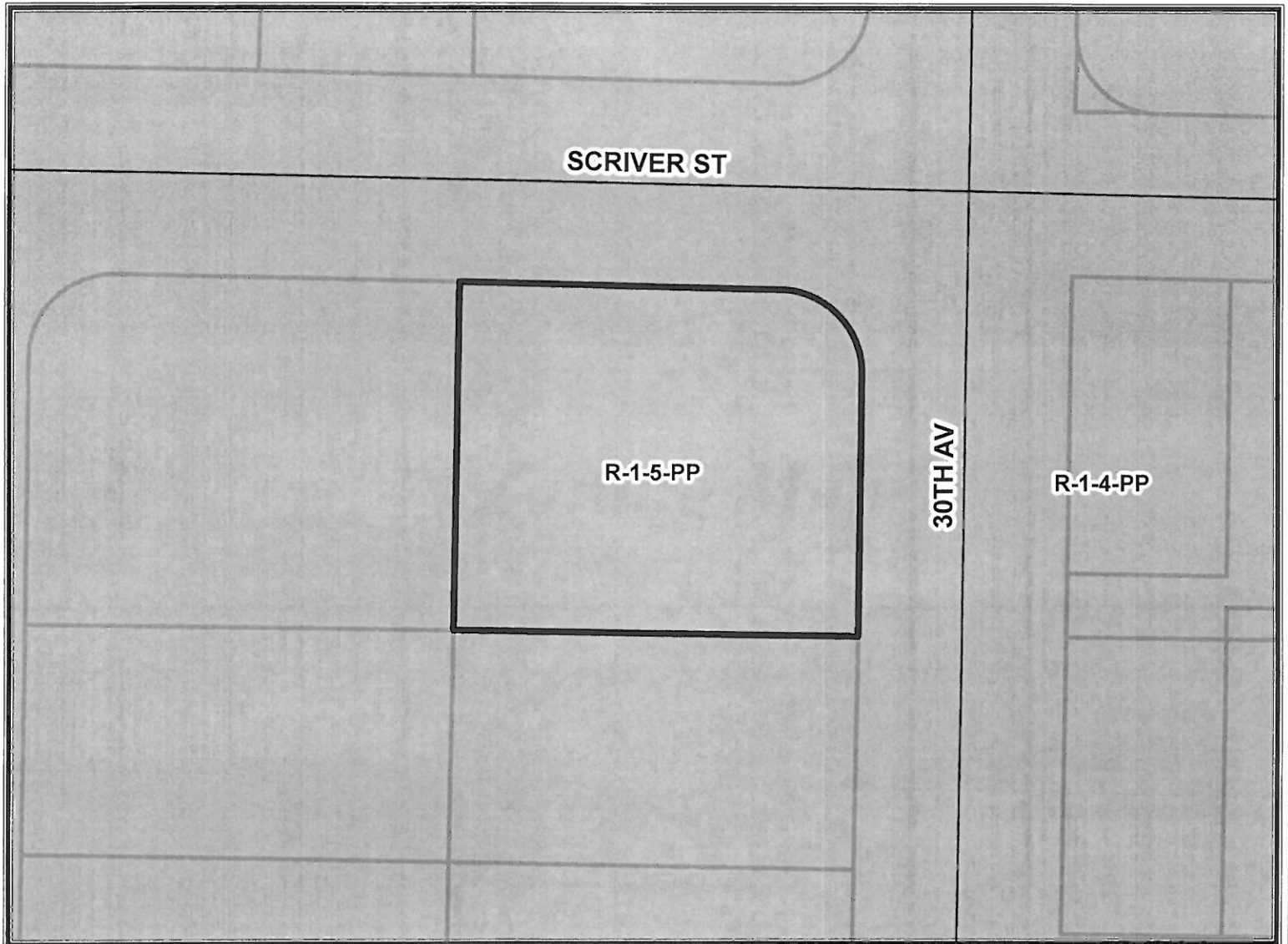


Map Created by
County of Santa Cruz
Planning Department
October 2014

EXHIBIT E



Zoning Map



LEGEND

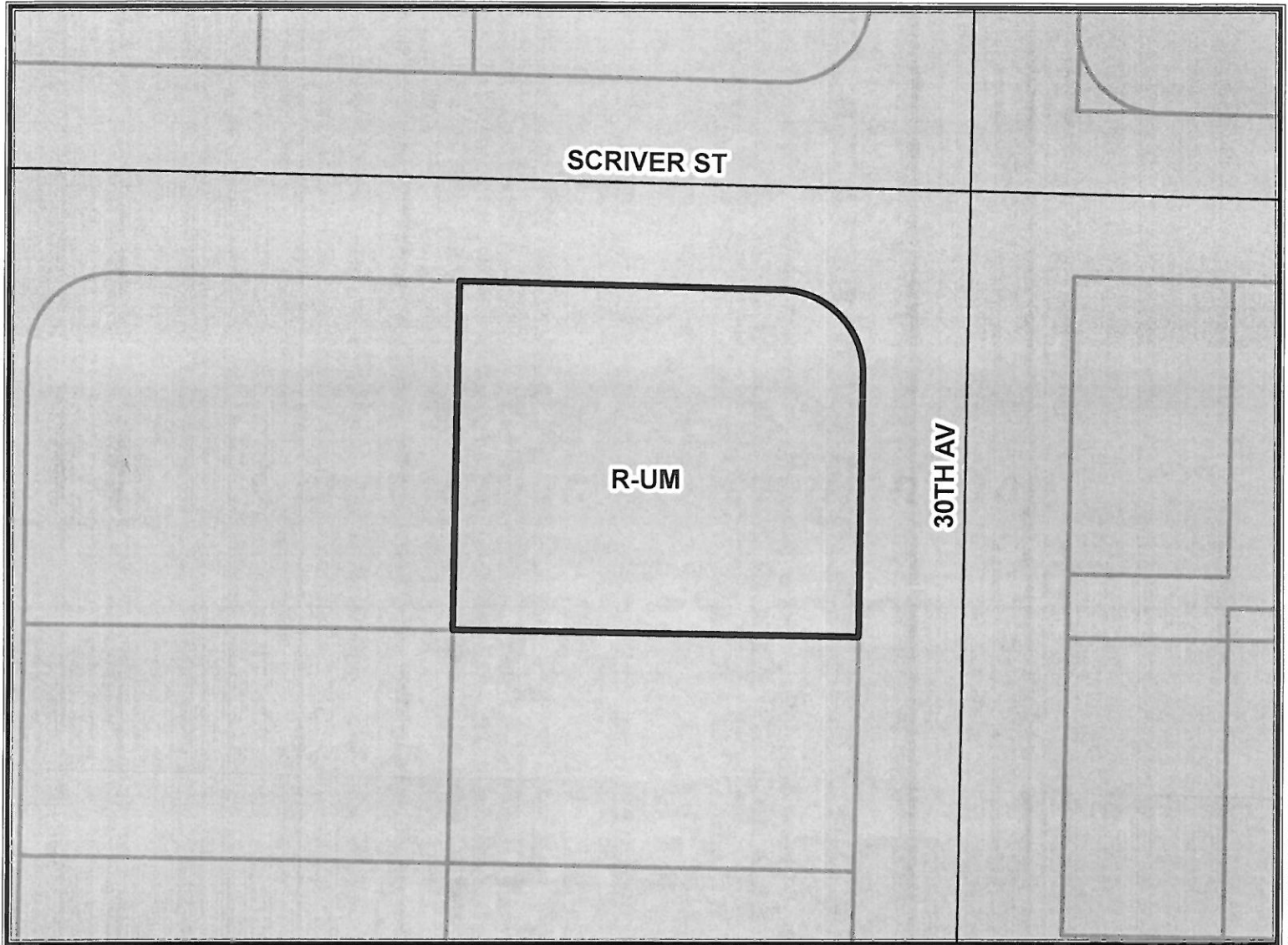
-  APN: 028-292-01
-  Assessors Parcels
-  Street
-  RESIDENTIAL-SINGLE FAMILY



Map Created by
County of Santa Cruz
Planning Department
October 2014



General Plan Designation Map



LEGEND

-  APN: 028-292-01
-  Assessors Parcels
-  Street
-  Residential - Urban Medium Density



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Planning Department
October 2014