



## Staff Report to the Zoning Administrator

Application Number: **151036**

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**Applicant:** Robin Alaga  
**Owner:** John Box  
**APN:** 027-181-01

**Agenda Date:** 6/5/15  
**Agenda Item #:** 3  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to construct two, second story decks of 102 square feet (front) and 58 square feet (rear). Requires a Variance to reduce the required front yard setback from 15 feet to 10 feet 8 inches, reduce the required 15 foot rear yard setback to 10 feet 4 inches and increase the lot coverage from the allowed 40 percent to 45 percent.

**Location:** Property located on the south west corner of the intersection of Assembly Avenue and Alpine Street (55 Assembly Avenue)

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

**Permits Required:** Variance

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 151036, 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:	2,200 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Assembly Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UH (Urban High Density Residential)

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Zone District: R-1-3.5 (Single Family Residential - 3,500 square foot minimum)  
Coastal Zone:   X   Inside      Outside  
Appealable to Calif. Coastal Comm.   X   Yes      No

### Environmental Information

Geologic Hazards: Not mapped  
Soils: Soils report not required at this time.  
Fire Hazard: Not a mapped constraint  
Slopes: Relatively flat lot  
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: No change to existing drainage  
Archeology: Not mapped

### 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: Flood Control District 5

### Project Setting & History

The subject parcel is 2,200 square feet in size and located on the corner of Assembly Avenue and Alpine Street in the Yacht Harbor Special Community which is entirely within the Coastal zone. This neighborhood is characterized by smaller urban lots with a range of architectural styles. Many of the streets in the vicinity are one way and narrow with parking on both sides of the streets, subject to the Live Oak Parking Program (permit parking). Traffic in the vicinity is limited primarily to local residents and beach goers.

The original two story single family dwelling was constructed in 1977 and received variance approval (77-340-PD) to reduce the required front yard setback from 20 feet to 5 feet 6 inches and reduce the required 8 feet street side yard to 5 feet. It appears the full extent of the front yard reduction was not utilized and the home was constructed at 9 feet 8 inches rather than the approved 5 feet 6 inches. The home is currently undergoing an extensive interior remodel on file with the County under building permit B-144620.

Though elements of the proposed building design (decks) require additional reduced setbacks, the proposed reductions will not further encroach beyond what was originally approved per variance 77-340-PD.

Required setbacks and those approved under application 77-340-PD are provided in the following table:

Setbacks:	Required	Existing/Proposed
Front	15	9'8"
Interior Side	5	5'
Street Side	10	5'
Rear	15	10'4"

### **Variance**

Variance approval is required for the reduction to the required 15 foot front yard setback and the required 15 foot rear yard setback to allow for the construction of two second story decks. As a result of the construction of the proposed decks, lot coverage will increase slightly to 45 percent. As part of this application, a third variance to the R-1-3.5 site standards is being requested to exceed the allowed 40 percent lot coverage. As described in the attached findings, the size of the parcel, location of the existing dwelling, configuration of the existing floor plan, and the parcel being a corner lot create special circumstances which would allow for the granting of the requested variances.

### **Zoning & General Plan Consistency**

The subject property is located in the R-1-3.5 (Single Family Residential - 3,500 square foot minimum) zone district, a designation which allows residential uses. The proposed residence is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UH) Urban High Density Residential General Plan designation.

Though the subject parcel is located within the coastal zone and shown on maps as appealable to the Coastal Commission, a coastal development permit is not required in that the proposed decks are considered structures "normally associated with a single-family residence" as defined in SCCC 13.20.061(A) and none of the criteria in SCCC 13.20.061(B) apply.

### **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 **151036**, 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](http://www.co.santa-cruz.ca.us)**

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Santa Cruz County Planning Department  
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Santa Cruz CA 95060  
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E-mail: [nathan.macbeth@santacruzcounty.us](mailto:nathan.macbeth@santacruzcounty.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: 151036

Assessor Parcel Number: 027-181-01

Project Location: 55 Assembly Avenue

**Project Description: Construct two second story decks at an existing single family dwelling.**

**Person or Agency Proposing Project: Robin Alaga**

**Contact Phone Number: (831) 724-4994**

- 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:**

Minor alterations to an existing single family dwelling located in an area designated for residential uses.

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

\_\_\_\_\_  
Nathan MacBeth, Project Planner

Date: \_\_\_\_\_

## 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 subject parcel is 2,200 square feet in size which is less than the minimum parcel size for the R-1-3.5 zone district (3,500 square feet). The proposed increased lot coverage to 45 percent is supported by the substandard parcel size in that the proposed lot coverage would only be 30 percent if the subject parcel met the minimum 3,500 square feet for the R-1-3.5 zone district.

The subject parcel is a corner lot with an increased side yard setback on the street side. This unique configuration results in a reduced building envelope. The location of the existing dwelling was approved with a variance to reduce the required front and street side yards. Together with a reverse floor plan, a modest deck addition is being proposed in order for the property owner to utilize enjoyment of their property at the second level. A variance is required since the home is already located within the required front and rear yard setbacks.

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 location of the proposed deck additions will not extend beyond the façade of the existing dwelling. The proposed decks will not deprive adjacent properties or the neighborhood of light, air, or open space, in that though the decks will meet the required 5 foot side yard setback. The reduction to the front yard will result in a deck that is flush with the façade of the home and the request to reduce the rear yard will result in a deck that will cantilever approximately one foot beyond the rear wall of the home. Consequently, the requested setback reductions are relatively insignificant encroachments and complimentary to the design of the existing home.

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 many of the parcels in the vicinity possess similar special circumstances (e.g. substandard lot, corner lot, location of the existing dwelling) for which a variance could be supported. Many homes in the vicinity have second story decks.

## **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. The proposed decks will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the decks will meet the required 5 foot interior side yard setback. The reduction to the front yard will result in a deck that is flush with the façade of the home and the request to reduce the rear yard will result in a deck that will cantilever approximately one foot beyond the rear wall of the home. Consequently, the requested setback reductions are relatively insignificant encroachments compared to the location of the existing home.

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 development is consistent with the purpose of the R-1-3.5 (Single Family Residential - 3,500 square foot minimum) zone district in that the primary use of the property will be that of a single family dwelling that will meet the site standards for the zone district with approval of the variance.

Due to special circumstances applicable to the site reduced setbacks are necessary to allow for enjoyment of the yard and allow for increased lot coverage enjoyed by parcels that are not encumbered by similar site constraints.

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 High Density Residential (R-UH) land use designation in the County General Plan.

Due to the location of the proposed improvements, location and configuration of the dwelling and parcel, the proposed development will not result in adverse impacts to light, solar opportunities, air, and/or open space available to other structures or properties. With the approval of the variance, the proposed development will comply with site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). The residence will not adversely shade adjacent properties more than that of the existing dwelling in that the proposed decks will not extend beyond the façade of the existing dwelling.

The proposed residence 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 with the approved variance, the resulting residence would comply with the site standards for the R-1-3.5 zone district and will result in a structure consistent with a design that could be approved on any which meets the 3,500 square foot minimum parcel size.

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 development will not overload utilities in that the proposed decks will not require additional utilities beyond that of the existing service. Additionally, the new decks will not result in an increase in traffic to the site and will not adversely 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed deck additions will be 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 development is not subject to Design Review as defined in County Code Section 13.11.040.



## Conditions of Approval

Exhibit D: Project Plans 1 sheet, prepared by Robin Alaga, dated 2/20/15

- I. This permit authorizes the construction of two second story decks. 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 "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. Site Plan shall provide revised lot coverage calculations not to exceed 45%.
    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 Fire Protection District.
  - E. 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. The project must comply with all recommendations of the approved soils reports.
  - D. 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.

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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.

Application #: 151036  
APN: 027-181-01  
Owner: Box

**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: \_\_\_\_\_

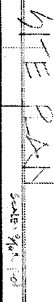
Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Wanda Williams  
Deputy Zoning Administrator

\_\_\_\_\_  
Nathan MacBeth  
Project Planner

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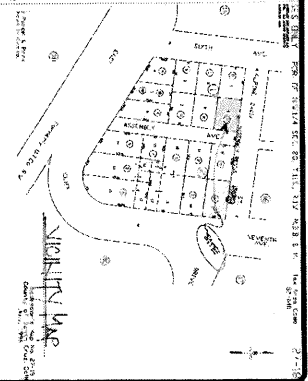
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

[illegible]

Mark Box  
55 Assembly Avenue  
Santa Cruz, CA 95062

A.P.N.	027 - 161 - 01
Zoning	R-1.5.5
Occupancy Group	R-3
Construction Type	V-8 / V
Parcel Size	2,200 sq. ft.
Lot coverage	852 sq. ft.
F.A.R.	1,469 sq. ft.
Existing Residence	1,469 sq. ft.
Proposed Units	160 sq. ft.
Existing Garage	221 sq. ft.

**SCOPE OF WORK:**  
Construct a 102 sq. ft. deck at the rear and a 58 sq. ft. deck at the rear



Mark box 650.208.2486  
55 Assembly Ave. Santa Cruz, CA 95062  
A.P.N. 027 - 181 - 01

250 Evening Hill Lane, Corrales, CA 95076  
Phone: (851)724-4994 Cell: (851)419-4919  
e-mail: nrbrownfield@mcglobal.net

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POR. OF N.W.1/4 SEC. 20, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
 82-040

27-18

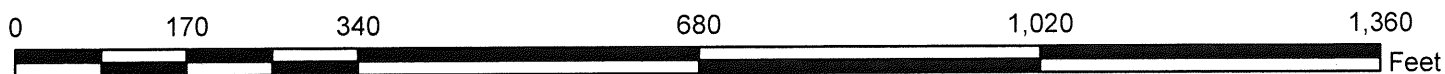
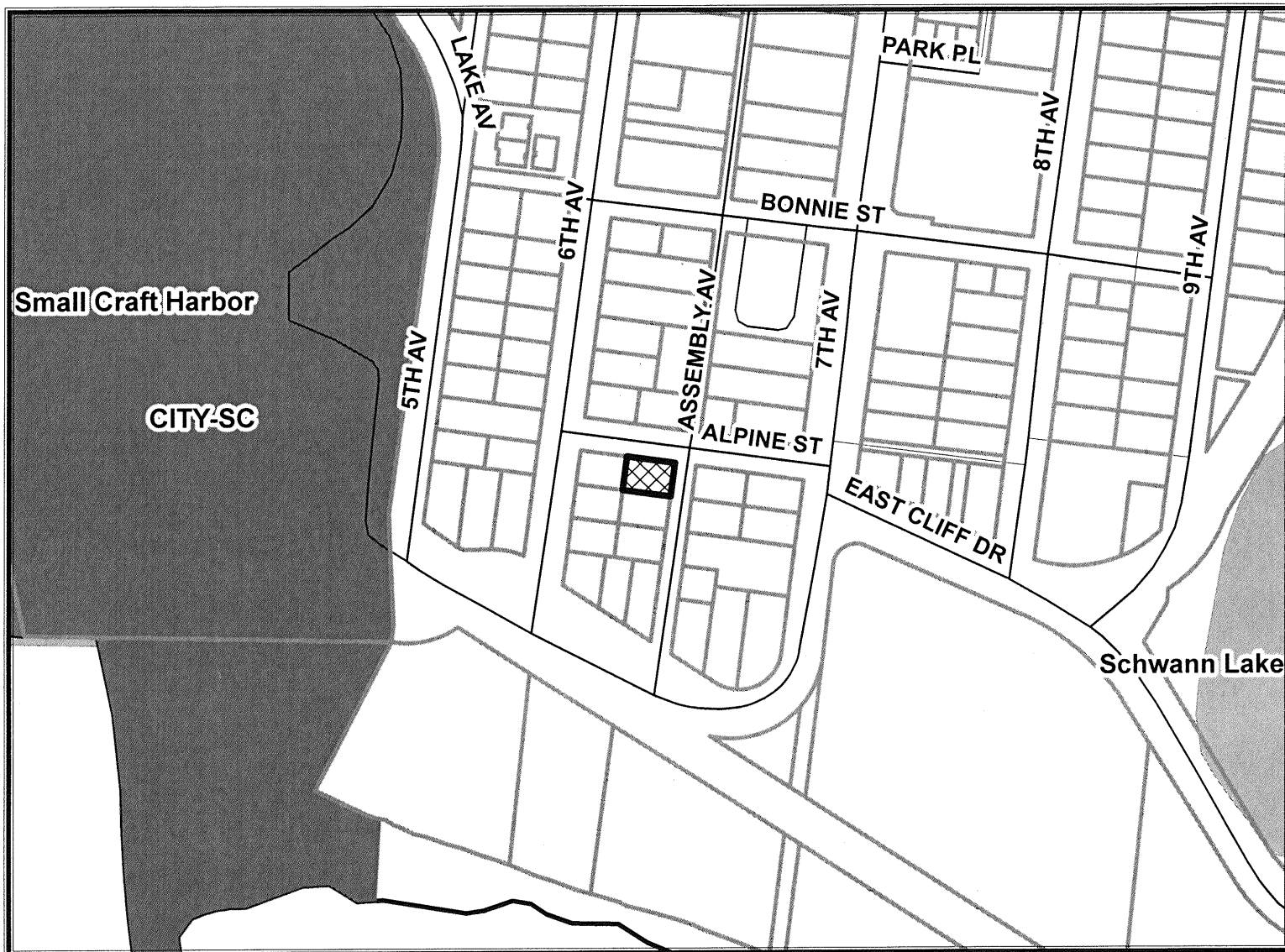
Note - Assessor's Parcel & Block  
 Numbers Shown in Circles.

Assessor's Map No. 27-18  
 County of Santa Cruz, Calif  
 July, 1996









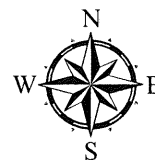


# Location Map



## LEGEND

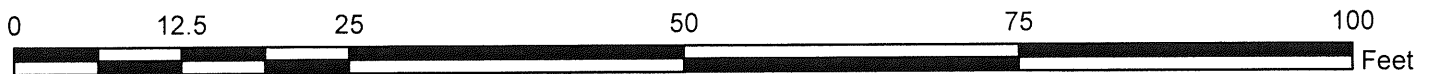
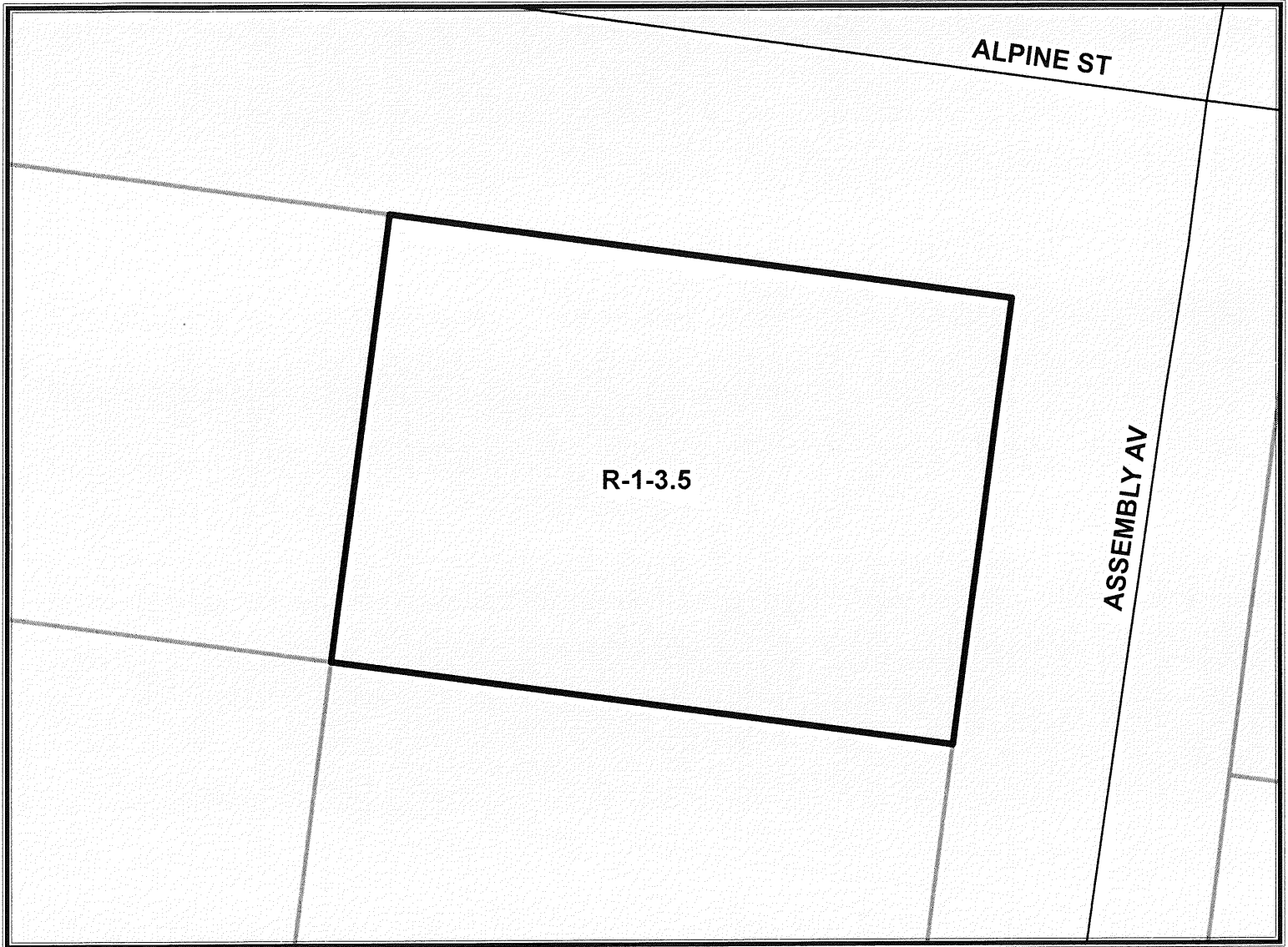
-  APN: 027-181-01
-  Assessors Parcels
-  Street
-  CITY OF SANTA CRUZ
-  Lakes
-  County Boundary







Map Created by  
County of Santa Cruz  
Planning Department  
April 2015

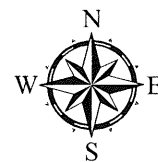


# Zoning Map



## LEGEND

-  APN: 027-181-01
-  Assessors Parcels
-  Street
-  RESIDENTIAL-SINGLE FAMILY

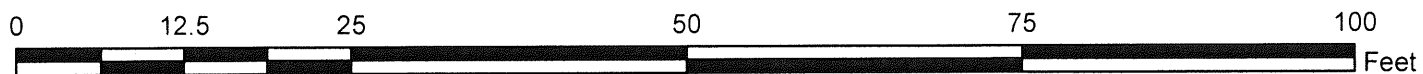


Map Created by  
County of Santa Cruz  
Planning Department  
April 2015







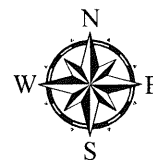


# General Plan Designation Map



## LEGEND

-  APN: 027-181-01
-  Assessors Parcels
-  Street
-  Residential - Urban Medium Density



Map Created by  
County of Santa Cruz  
Planning Department  
April 2015

To: Nathan MacBeth, Project Planner

From: John Munoz, 50 Assembly Ave. Santa Cruz, 95062

Subject: Granting of variance for 55 Assembly Ave.

Dear Nathan,

I am writing in opposition to the granting of a variance for 55 Assembly Ave. to reduce the front yard setback from 15 feet to 10 feet 8 inches. The purpose being to allow the addition of a new second story deck of 102 square feet. The deck would face Assembly Ave and open the house to the street.

First of all, Assembly Ave is a modest, narrow, private street, what one might call an alley way. Therefore, the homes across the street from one another are extra close in proximity to each other. My wife and I live directly across the street from 55 and 45 Assembly, both of which have received approvals as vacation rentals. Well, the planning regulations allow for vacation rentals in close proximity, however, I am concerned with the fact that vacationers will be occupying a second story deck across the street from me. Noise from the second story will be louder than noise at street level and therefore much more intrusive. This is my retirement home and even though noise in this neighborhood is a given I think that the second story deck is a bad idea for a vacation rental. Vacationers are strangers who come and go and have no vested interest in the neighborhoods ambiance much less their imposition on neighbors.

Secondly, upon reviewing the approved plans for the on going project at 55 Assembly, I noted that the existing front yard setback is already at 9 feet 8 inches where as the proposed variance would reduce the front yard setback to 10 feet 8 inches? Somehow, I am not getting how this works in real numbers unless the approved plans I looked at were in error.

Thirdly, If you must approve this variance making the construction of the second story deck inevitable perhaps the sound could be mitigated by a solid opaque railing. Is it possible to require a solid privacy guard rail wall (since a 42 inch high guardrail is required) that would deflect some of the sound of partying on the deck.

Please consider all of the above in your attempt to be fair to all involved. As I said before, this is my retirement home and this means a lot to me. I have attended local schools and have lived here in Santa Cruz the better part of my life. I know my neighbors that live here and we look out for each other and cooperate on this little street we call home. I know that absentee owners are the wave of the future but perhaps some steps can be taken to mitigate impact. Thank you for your efforts in our behalf.

Sincerely,

John Munoz and Debra Guluzzo  
50 Assembly Ave  
Santa Cruz Ca 95062  
831-229-8822 cell#  
johndebsc3@comcast.net

## Nathan MacBeth

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**From:** Linda Locklin [lindalocklin1@gmail.com]  
**Sent:** Wednesday, April 29, 2015 8:11 PM  
**To:** John Muñoz  
**Cc:** Nathan MacBeth; johndebsc3@comcast.net; linda ramsbottom  
**Subject:** Re: Rebuttal to Variance at 55 Assembly Ave.

Nathan

i have reviewed the plans and have determined that it does not meet the requirements for a variance. What is the date for me to submit my objection to the proposed project?

Linda Locklin

On Apr 28, 2015, at 5:43 PM, John Muñoz <[johnmunoz@me.com](mailto:johnmunoz@me.com)> wrote:

>  
>  
> <Blank 2.pdf>  
>  
>  
> Sent from my iPad