



Staff Report to the Zoning Administrator

Application Number: **141290**

Applicant: Heidi A. Spicer
Owner: Gallaher
APN: 027-081-12

Agenda Date: April 1, 2016
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to remodel existing single-family dwelling and add about 1,144 square feet, resulting in a two-story, four-bedroom home.

Location: Property located on the east side of 8th Avenue between Eaton and Dolores (430 8th Ave.)

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

Permits Required: Coastal Development Permit and Minor Exceptions to allow an increase in lot coverage from 40% to 41%, an increase in floor area ratio from 50% to 56%, to allow the second floor front porch to encroach 2 feet 3 inches, and a Variance to allow the north side of the dwelling to maintain the existing first floor setback of 3 feet 10 inches where five feet is required.

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 141290, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size: 2,800 square feet
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential

Project Access: 8th Avenue
Planning Area: Live Oak
Land Use Designation: R-UH (Urban High Density Residential)
Zone District: R-1-3.5
(Single family residential - 3,500 square feet minimum)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal ☐ Yes ☒ No
Comm.

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Watsonville Loam
Fire Hazard: Not a mapped constraint
Slopes: ~2% slopes
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: Reviewed and preliminarily accepted by DPW, Drainage
Archeology: Not mapped/no physical evidence on site

Services Information

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

History and Project Setting

The subject parcel is located within the Harbor Area Special Community, a neighborhood in transition, with many of the original single-story vacation cottages reconstructed as two-story dwellings used throughout the year. The surrounding land use is residential with a commercially-zoned area located one block to the west at the intersection of 7th Avenue and Eaton Street.

The subject parcel is 2,800 square feet, a size substantially below the zone district minimum of 3,500 square feet, and is developed with a 600 square foot single-family dwelling. According to the Assessor, the dwelling was constructed in 1939, a date that precedes the County's issuance of building and coastal permits. A building permit for a substantial interior remodel was issued in 1999 and a foundation replacement was finalized in 2000. An over-height fence is located within the front yard setback.

The current proposal is to lift the existing house up about five feet three inches, add a first floor including a garage, remodel the existing structure, and add a deck located off the front and southern sides of the dwelling. The over-height fence will be reduced to three feet within the

front yard setback. All of the required parking will be provided on-site.

Zoning & General Plan Consistency

The 2,800 square foot subject property is located in the R-1-3.5 (Single family residential - 3,500 square feet minimum) zone district, a designation which allows residential uses. Single-family dwellings are 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. The proposed floor plan is reversed, with the kitchen on the second floor, and with the first floor having a separate exterior door. To insure that future property owners understand that the structure is a single-family dwelling and not a duplex, a condition of approval is included requiring the property owner to record a Declaration of Restriction to Maintain a Structure as a Single-family Dwelling.

Local Coastal Program Consistency

The proposed remodel and addition is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. 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. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Site Development Standards and Minor Exceptions

The subject parcel is small—just 2,800 square feet in size—and developed with a nonconforming dwelling. The dwelling is nonconforming on the northern side yard where it is set back 3 feet 10 inches instead of the required five feet. The front yard setback also does not meet the zone district minimum as the house is set back 12 feet 2.5 inches instead of the required 15 feet. County Code 13.10.323(E)(7), however, allows front yard setbacks for the first floor of a structure to be reduced based upon averaging the front yards of the adjacent neighbors. Based on front yard averaging, the front yard setback of the subject dwelling could be 11 feet 3.25 inches. The existing 12 feet 2.5 inch setback complies with this front yard averaging minimum. Because the existing first floor will be lifted to become the second floor, a minor exception is required to allow improvements to have a 12 foot 9 inch setback.

The following table shows the required site standards for the R-1-3.5 zone district and the site standards proposed for this project. Minor exceptions are requested for lot coverage, floor area ratio and the front yard setback for the second floor. The Minor Exceptions are discussed below the table.

	R-1-3.5 Standards	Proposed Residence
Front yard setback, 1st floor:	15 feet	12 feet 2.5 inches (front yard averaging)
Front yard setback, 2nd floor:	15 feet	12 feet 9 inches for porch (Minor Exception)

Rear yard setback:	15 feet	15+ feet
Northern side yard setback:	5 feet	3 feet 10 inches (north side) (Variance)
Southern side yard setback	5 feet	5 feet
Lot Coverage:	40 % maximum	41 % (Minor Exception)
Building Height:	28 feet maximum	25 feet
Floor Area Ratio (FAR):	0.5:1 maximum (50 %)	56% (Minor Exception)
Parking	4 bedrooms = 3 (18' x 8.5') spaces	one space in garage two spaces in driveway

County Code 13.10.235 (Minor Exceptions) provides relief to site standards when minor deviations are requested. The following table shows the zone district standard, the maximum deviation from that standard allowed with a Minor Exception, and—in the last column—the proposed standard for the subject house.

Minor Exception	Zone District Standard	Maximum Allowed with a Minor Exception	Proposed
Front setback for second floor	15 feet	12 feet 9 inches	12 feet 9 inches
Lot Coverage	40%	50%	41%
Floor Area Ratio	50%	57.5%	56%

The intent of the Minor Exceptions ordinance (13.10.235) is to provide a streamlined discretionary process to allow for minor variations to site standards. The variations are limited in nature and are therefore presumed to have a minimal impact to surrounding properties. In this case, because the lot is small—just 2,800 square feet—the construction of a reasonably sized home is challenging within the existing lot coverage and FAR limits. The increase in lot coverage and floor area ratio allowed with a Minor Exception will facilitate the construction of a reasonably sized, but still appropriately proportioned, home of about 1,700 square feet (1,449 square feet of living space). The County Code does not limit the number of Minor Exceptions that may be requested.

Variance

A Variance is requested for the northern side yard which is proposed to be in the same line as the existing first floor which is setback 3 feet 10 inches from the property line instead of the five feet required by the zone district. As noted above, the first floor of the existing nonconforming house is proposed to be lifted up to become the second floor while a new, full-height first floor will be built under the lifted structure at the existing setback of 3 feet 10 inches.

In this case, there are two special circumstances warranting the Variance. First, the lot's small size significantly constrains development. The lot is 2,800 square feet which is 80% of the zone district's minimum parcel size of 3,500 square feet. Development is further constrained by the location of the existing nonconforming structure. In 2000, the previous property owner completed a foundation replacement permit for the nonconforming house. The current owner wants to utilize this new foundation to support a second floor.

Although there will be some shading impacts to the parcel to the north, these will be relative minimal, particularly given the urban, small lot context of the project where some shading is unavoidable on north/south oriented parcels. The project architect provided a shadow study which shows virtually no shading impacts in summer. There will be shading impacts in winter. On the winter solstice at 10AM, the shadow study shows shading of the neighbor's garage. At 2 PM, the garage will still be shaded and so will the rear of the house behind the garage. Some of this shading already occurs with the existing house. Despite a full new story being added, the current project proposes to add just 5'3" of height to the house.

Because parcels in the Harbor Area are often small, many homes in the area have been reconstructed using a Variance. For example, multiple Variances were approved for 152 8th Avenue, and two Variances to setbacks were approved for 462 9th Avenue. Given this, the granting of the proposed Variance would not be a grant of special privilege.

Harbor Area Special Community

County Code 13.20.144(B) identifies the Harbor Area as a special community and specifies the following design criteria.

New development in the single-family parts of the Harbor area special community shall incorporate the characteristics of older dwellings in the area (e.g., the small scale, clean lines, pitched roofs, predominately wood construction, wood or wood-like (including cementitious) siding, or shingles that resemble wood).

The proposed project will have clean lines, a pitched roof and wood construction which comply with the Harbor Area Special Community design criteria. In practice, the Planning Department has found a project to be in compliance with the Harbor Area Special Community design criteria when half of the exterior siding is (or appears to be) wood. The house will be finished with wood siding (or cement siding that appears to be wood, e.g. Hardie Board) on the first floor and stucco on the second floor.

CEQA

This project is categorically exempt from further environmental review under the California Environmental Quality Act because the project is an addition of less than 10,000 square feet in an urbanized area where all services are available and not in a sensitive habitat.

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 **141290**, 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

Report Prepared By: Annette Olson
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3134
E-mail: annette.olson@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: 141290

Assessor Parcel Number: 027-081-12

Project Location: 430 8th Ave.

Project Description: Remodel existing dwelling with a two-story addition, garage and deck.

Person or Agency Proposing Project: Heidi A. Spicer

Contact Phone Number: (831) 425-2020

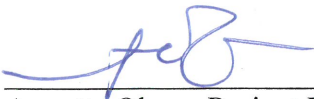
- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. _____ **Ministerial Project** involving only the use of fixed standards or objective measurements without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

Specify type: 15301(e)(2) Existing Facilities (Class 1)

F. Reasons why the project is exempt:

This project is exempt because it is an addition of less than 10,000 square feet in an area where all public services and facilities are available to allow for the maximum development permissible in the General Plan, and it is not located in an environmentally sensitive area.

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



Annette Olson, Project Planner

Date: _____

3/1/16

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, 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-1-3.5 (Single family residential - 3,500 square feet minimum), a designation which allows residential uses. The existing single-family dwelling, which will be remodeled and enlarged by the proposed project, 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.

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 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 and Section 13.20.140 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; and the development site is not on a prominent ridge, beach, or bluff top. The project also complies with the Harbor Area Special Community design criteria which calls for small scale, clean lines, pitched roofs, predominately wood construction, and wood or wood-like siding (County Code 13.20.144). In this case, the dwelling will have clean lines, a pitched roof and half of the siding will be wood or cement siding that appears to be wood. As proposed, the project complies with the Harbor Area Special Community design criteria.

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. Consequently, the 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, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-3.5 (Single family residential - 3,500 square feet

Application #: 141290
APN: 027-081-12
Owner: Gallaher

minimum) zone district, as well as the General Plan and Local Coastal Program land use designation. 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 addition will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks, except for on the southern side, that ensure access to these amenities. For the southern side, a Minor Exception is requested to allow that side yard setback to be reduced to four feet three inches (see the next set of findings).

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

This finding can be made, in that the proposed location of the addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-3.5 (Single family residential - 3,500 square feet minimum) zone district as the primary use of the property will continue to be one single-family dwelling. This project includes requests for three Minor Exceptions. County Code 13.10.235 (Minor Exceptions) allows minor variations to site standards with a discretionary permit. In this case, the applicant proposes a second floor front setback of 12 feet 9 inches (a 15% reduction) where 15 feet is required, a lot coverage of 41% where the zone district maximum is 40%, and a floor area ratio of 56% where the zone district maximum is 50%. The proposed Minor Exceptions are within the limits allowed in County Code 13.10.235 where up to 50% lot coverage, up to 57.5% FAR and a 15% setback reduction are allowed (see table below).

Minor Exception	Zone District Standard	Maximum Allowed with a Minor Exception	Proposed
Front setback for second floor	15 feet	12 feet 9 inches	12 feet 9 inches
Lot Coverage	40%	50%	41%
Floor Area Ratio	50%	57.5%	56%

The intent of the Minor Exceptions ordinance is to provide a streamlined discretionary process to allow for minor variations to site standards. The variations are limited in nature and are therefore presumed to have a minimal impact to surrounding properties. In this case, because the lot is small—just 2,800 square feet—the construction of a reasonably sized home is challenging within the existing lot coverage and FAR limits. The increase in lot coverage and floor area ratio allowed with a Minor Exception will facilitate the construction of a reasonably sized, but still appropriately proportioned home of about 1,449 square feet of living space.

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

The proposed remodel and 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 addition will comply with the site standards for the R-1-3.5 zone district (as modified through Minor Exceptions and Variance approvals) 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 proposed project is to an existing single-family dwelling. No increase in traffic generation is anticipated to result from this project as the County calculates trips based on one peak trip per dwelling unit per day.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed addition is consistent with the land use intensity and density of the neighborhood. This is a neighborhood in transition with many of the original vacation cottages, such as the subject dwelling, being reconstructed as two-story year-round residences. Given this, the submitted project will harmonize with the existing land uses in the vicinity, including the physical design and dwelling unit densities. No increase in density is proposed and the project complies with Harbor Area Special Community design criteria.

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 remodel and addition 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.

Minor Exception 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 special circumstance affecting the subject parcel is its substandard size relative to the zone district minimum. With 2,800 square feet of area, it is well below the zone district minimum of 3,500 square feet. Given the constrained size of the parcel, a Minor Exception to allow additional lot coverage and floor area ratio is considered reasonable to facilitate the construction of a house that will meet modern needs. A third Minor Exception is requested to reduce the second floor front yard setback to 12 feet 9 inches where 15 feet is the zone district minimum. Given the limited nature of the reduced setback, no significant impact is anticipated to the light and air available to the adjacent property to the north. The neighbor to the south is not anticipated to experience any additional shading as a result of this project since the shading will fall primarily on the northern and western sides of the home.

Many homes in the area, which were constructed prior to current zoning regulations on what are now considered to be substandard lots, are nonconforming to the zone district's site standards. These homes often have reduced setbacks and additional lot coverage and floor area ratio percentages. In addition, prior to the codification of the Minor Exceptions process, many homes in the area applied for and were granted Variances to the zone district site standards (see Variance findings).

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 proposed Minor Exceptions are sufficiently minor in nature that the project will have a minimal impact to neighboring properties. The intent of the Minor Exceptions ordinance is to provide a streamlined discretionary process to allow for minor variations to site standards. The variations are limited in nature and are therefore presumed to have a minimal impact to surrounding properties, public health and safety.

3. That the granting of such Minor Exceptions 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 homes in the area, which were constructed prior to current zoning regulations, are nonconforming to the zone district's site standards. Therefore, many properties, by virtue of their earlier construction date, already exceed the zone district's FAR and lot coverage limits and / or are nonconforming with respect to setbacks. Prior to the codification of the Minor Exceptions process, many dwellings in the neighborhood were granted Variances because of the small size of parcels in the neighborhood. In addition, any similarly sized parcel would be eligible for Minor Exceptions such as those proposed in this application.

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

This finding can be made, in that a condition of approval is included requiring that no increase in stormwater will result from the additional building area facilitated by the Minor Exception to lot coverage. The Department of Public Works, Stormwater Management will review the building application that resulting from this discretionary application to insure compliance with this condition of approval. The proposed home would only exceed the zone district limit for lot coverage by one percentage point.

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 special circumstances affecting the subject parcel are its small size and the location of the existing dwelling. Because of these special circumstances, a Variance is requested to allow the two-story north wall to maintain the existing 3 foot 10 inch side yard setback instead of the zone district minimum of five feet. The parcel is 2,800 square feet in size which is significantly below the zone district minimum. Constructing a reasonably sized home (the proposed home has about 1570 square feet of living space) on such a parcel is challenging. The parcel is further constrained by the location of the nonconforming existing house for which a foundation replacement permit was completed in 2000. The property owner intends to lift this house up 5 feet 3 inches and build a new first floor using the relatively new foundation. Since the house was constructed before building permits were required, it is a legal nonconforming structure. Had the structure conformed to setbacks, adding a second floor would not have required a Variance.

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 allowing the house to be raised to accommodate two stories will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity. The impact of this Variance would be primarily experienced by the neighbor to the north. Setbacks are intended to preserve access to air and light. In this case, the existing house on the subject parcel is already a story and a half tall because it has a five foot tall under floor area. Raising the house 5 feet 3 inches will increase the shadows on the house, but not significantly since the house is already almost 20 feet tall.

The applicant provided a shadow study to document the shading impacts of the project. At the summer solstice in June there will be virtually no shading impacts to the northern neighbor. Shading impacts will be experienced in winter when the sun's angle is lower. At 10 AM on December 21, the primary shading impact will be on the neighbor's garage. In the afternoon at 2 PM, shading will continue to affect the garage and half of the rear of the house. Given the small size of the parcels, the location of the northern neighbor's house on or very close to the shared property line, these shading impacts are not unexpected.

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 because of the small size of most Harbor Area parcels, Variances are often necessary when homes are reconstructed. For example, multiple Variances were approved for 115 8th Avenue and 111 9th Avenue. In addition, many homes in the area, which were constructed prior to current zoning regulations, are nonconforming to the zone

Application #: 141290
APN: 027-081-12
Owner: Gallaher

district's site standards and enjoy reduced setbacks. For example, the dwelling located just north of the subject parcel is located on or very close to the side property line where five feet is required. Additionally, this northern neighbor and the southern neighbor of the subject parcel do not conform to the required 15 foot front yard setback. Given how common it is for homes in the Harbor Area to deviate from the required setbacks either, it would not be a grant of special privilege to allow the requested side yard Variance.

Conditions of Approval

Exhibit D: 5 Sheets by Heidi A. Spicer, Licensed Architect, dated 12/18/14 and revised to 1/27/16.

- I. This permit authorizes the construction of an addition as shown in Exhibit A. 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, if required.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way and any improvements located within the County right-of-way. If any utility trenches are proposed, an Encroachment Permit is required prior to approval of the building permit.
 - F. 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. A copy of the text of these conditions of approval incorporated into the

full size sheets of the architectural plan set.

2. 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 sheet in 8 1/2" x 11" format for Planning Department review and approval. At least half of the home must be finished in wood or wood-like material in order to comply with the Harbor area special community design criteria.
 3. Show the front yard fence as reduced to three feet in height. An additional six inches of material may be added if the material is 50% open (e.g. lattice).
 4. Grading, drainage, and erosion control plans.
 5. Details showing compliance with fire department requirements.
- B. Meet all requirements of Environmental Planning, including the following:
1. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer to be reviewed by the County Civil Engineer.
 2. Submit a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual.
 3. The applicant shall submit a signed and stamped Soils (Geotechnical) Engineer Plan Review Form to Environmental Planning. The plan review form shall reference each reviewed sheet of the final plan set by its last revision date. Any updates to the soils report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report. The author of the report shall sign and stamp the completed form.
- 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. The fee is currently \$1.17 per square foot. Reduced fees (50%) are assessed for semi-pervious areas resulting from the project.
1. To comply with the Minor Exception for lot coverage, you must demonstrate that no additional runoff is leaving the property as a result of the Minor Exception.
 2. This is considered to be a "medium" project under the County's Design Criteria. See Part 3 Section C 1b for mitigation requirements. The design criteria can be found on the internet.
 3. Provide construction details for all proposed drainage features onsite to facilitate proper construction by the contractor.
 4. For fee calculations, please provide tabulation of new impervious and semi-impervious areas resulting from the proposed project. Make clear on

the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed, please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - E. DPW Driveway / Encroachment: At the time of the building permit review, a hold will be placed on the building permit requiring a site inspection prior to building permit "final" to verify that driveway was not damaged during construction. In addition, and as noted above, utility trenching requires an encroachment permit prior to approval of the building permit.
 - F. Pay the current fees for Parks and Child Care mitigation for 3 bedroom(s). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - G. Pay the current fees for Roadside and Transportation improvements for 3 bedroom(s). Currently, these fees are, respectively, \$1,000 and \$1,000 per bedroom.
 - H. Provide required off-street parking for 3 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 to maintain the structure as a single-family dwelling. **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.
 - 1. A survey of the property may be required to confirm that the proposed addition meets the zone district setback standards as modified by this permit.

- 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.

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

Annette Olson
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.

[illegible]

- [illegible]

PROJECT DATA

07-08-12

APR

OWNER

ART GALLAGHER & PAUL MC KENNA

1000 CALIFORNIA STREET

SAN FRANCISCO, CA 94103

415.774.2222

info@artgallagher.com

ARCHITECT

HIEDI ANDERSON BERNIER

1000 CALIFORNIA STREET

SAN FRANCISCO, CA 94103

415.774.2222

info@artgallagher.com

PROJECT SITE

400 WPA AVENUE

SAN FRANCISCO, CA 94103

ZONING

R-1.5

CONSTRUCTION TYPE

VB

SPRINKLERED

NO

BUILDING SITE IS PLAT

PROPOSED LOT ON COUNTY WATER AND SEWER. BUILDING SITE IS PLAT.

PROPOSED LOT ON COUNTY WATER AND SEWER. BUILDING SITE IS PLAT.

DRAWING INDEX

COVER

PROPOSED SITE PLAN, PROJECT DATA

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

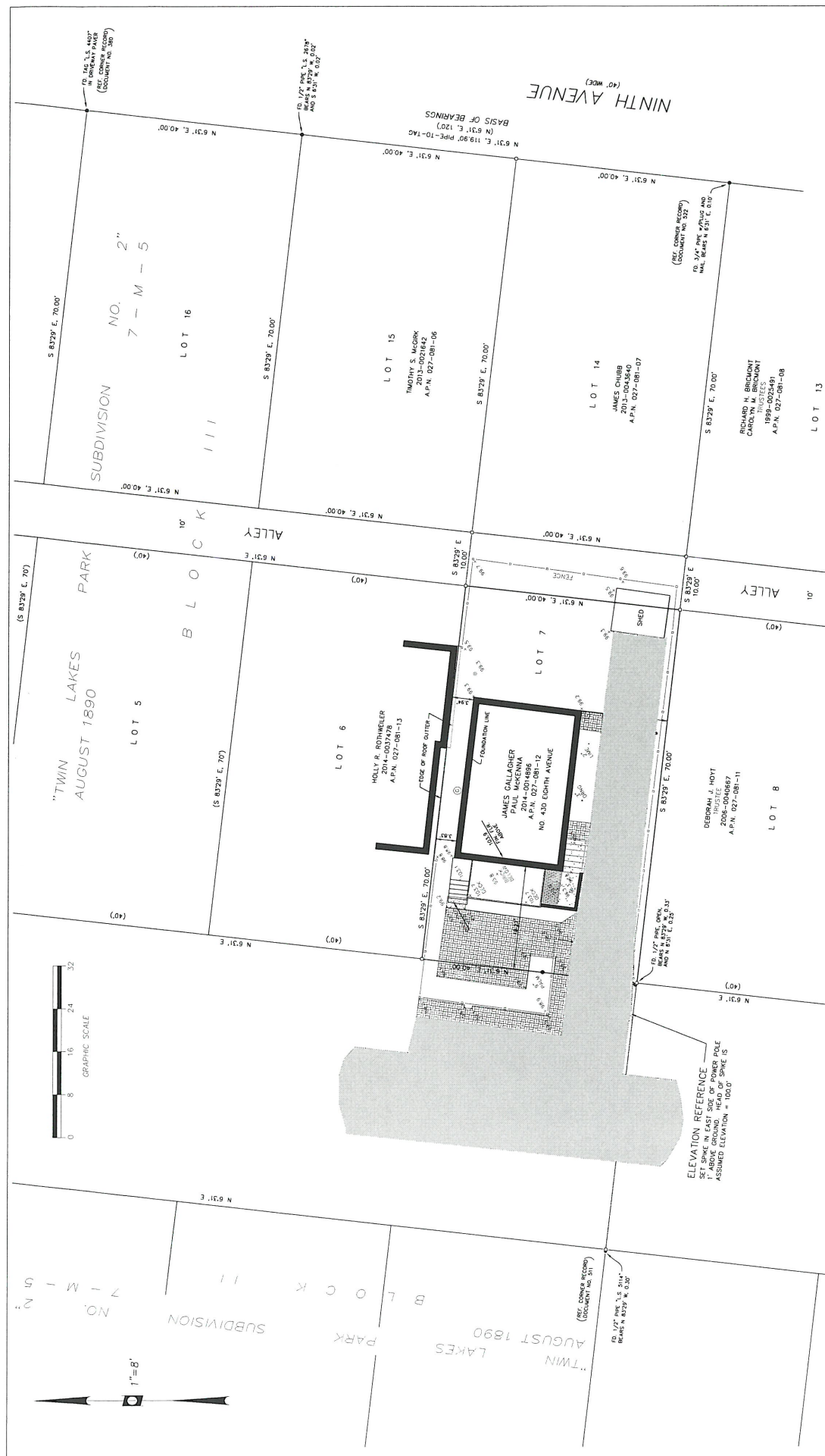
404

405

406

4

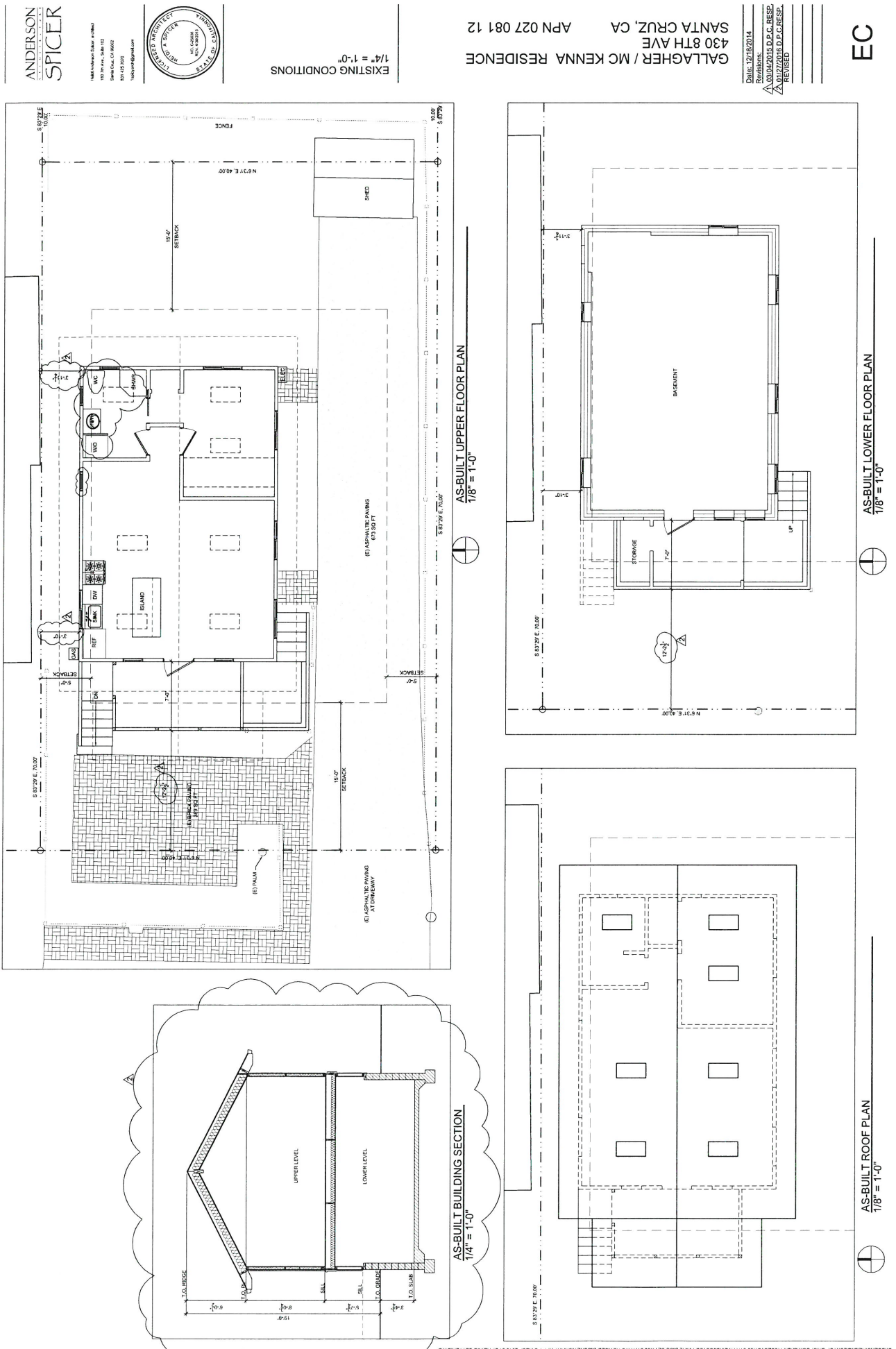
[illegible][illegible][illegible]



SURVEYOR'S MAP
SHOWING BOUNDARY & TOPOGRAPHIC DATA ON
LOT 7 OF BLOCK III
"TWIN LAKES PARK SUBDIVISION NO. 2"
RECORDED IN MAP VOLUME 7 AT PAGE 5 OF
OFFICIAL RECORDS OF
SANTA CRUZ COUNTY, CALIFORNIA
SCALE: 1" = 8'
BY: MICHAEL F. BEAUTZ, C.E.
S.P.N. 027-081-12
SHEET 1 OF 1

BASIS OF BEARINGS: NORTH 6° 31' EAST
ESTABLISHED BETWEEN MONUMENTS FOUND AS NOTED ON THE WESTERN SIDE OF
NINTH AVENUE AND AS SAID BEARING IS GIVEN ON THE MAP OF "TWIN LAKES PARK
SUBDIVISION NO. 2," DATED AUGUST 1890, AND RECORDED IN MAP VOLUME 7 AT
PAGE 5 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

- Indicates survey monument found as noted hereon.
- o Indicates nothing found or set.
- x Indicates spot elevation of existing surface.
-) Indicates record data based on deeds or maps shown.

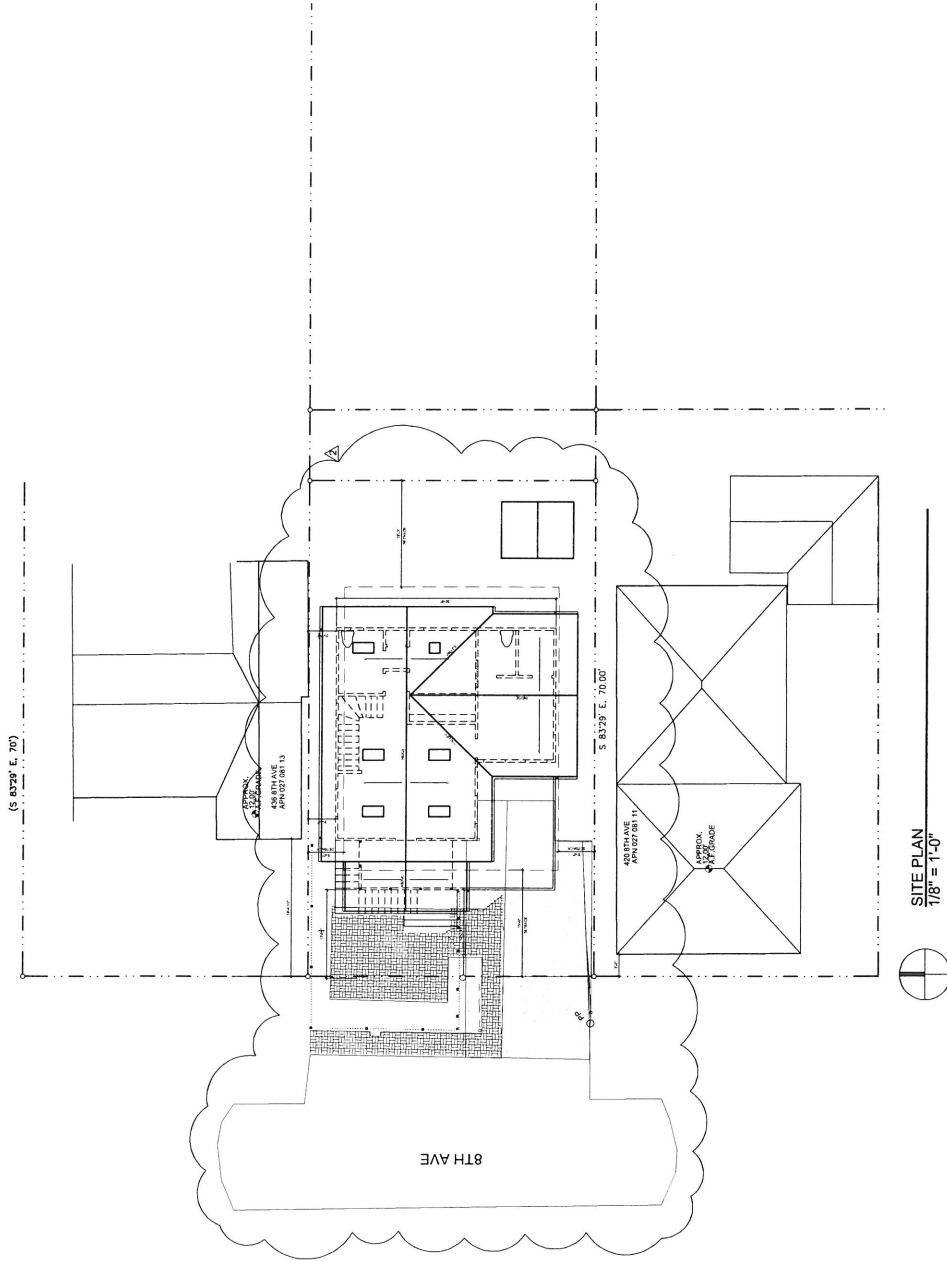


Site

Date: 12/29/2015
Revisions:
1. 03/04/2015 D.P.C. RESP
2. 03/04/2015 D.P.C. RESP
3. 03/04/2015 D.P.C. RESP
4. 03/04/2015 D.P.C. RESP
5. 03/04/2015 D.P.C. RESP
6. 03/04/2015 D.P.C. RESP
7. 03/04/2015 D.P.C. RESP
8. 03/04/2015 D.P.C. RESP
9. 03/04/2015 D.P.C. RESP
10. 03/04/2015 D.P.C. RESP
11. 03/04/2015 D.P.C. RESP
12. 03/04/2015 D.P.C. RESP
13. 03/04/2015 D.P.C. RESP
14. 03/04/2015 D.P.C. RESP
15. 03/04/2015 D.P.C. RESP
16. 03/04/2015 D.P.C. RESP
17. 03/04/2015 D.P.C. RESP
18. 03/04/2015 D.P.C. RESP
19. 03/04/2015 D.P.C. RESP
20. 03/04/2015 D.P.C. RESP
21. 03/04/2015 D.P.C. RESP
22. 03/04/2015 D.P.C. RESP
23. 03/04/2015 D.P.C. RESP
24. 03/04/2015 D.P.C. RESP
25. 03/04/2015 D.P.C. RESP
26. 03/04/2015 D.P.C. RESP
27. 03/04/2015 D.P.C. RESP
28. 03/04/2015 D.P.C. RESP
29. 03/04/2015 D.P.C. RESP
30. 03/04/2015 D.P.C. RESP
31. 03/04/2015 D.P.C. RESP
32. 03/04/2015 D.P.C. RESP
33. 03/04/2015 D.P.C. RESP
34. 03/04/2015 D.P.C. RESP
35. 03/04/2015 D.P.C. RESP
36. 03/04/2015 D.P.C. RESP
37. 03/04/2015 D.P.C. RESP
38. 03/04/2015 D.P.C. RESP
39. 03/04/2015 D.P.C. RESP
40. 03/04/2015 D.P.C. RESP
41. 03/04/2015 D.P.C. RESP
42. 03/04/2015 D.P.C. RESP
43. 03/04/2015 D.P.C. RESP
44. 03/04/2015 D.P.C. RESP
45. 03/04/2015 D.P.C. RESP
46. 03/04/2015 D.P.C. RESP
47. 03/04/2015 D.P.C. RESP
48. 03/04/2015 D.P.C. RESP
49. 03/04/2015 D.P.C. RESP
50. 03/04/2015 D.P.C. RESP
51. 03/04/2015 D.P.C. RESP
52. 03/04/2015 D.P.C. RESP
53. 03/04/2015 D.P.C. RESP
54. 03/04/2015 D.P.C. RESP
55. 03/04/2015 D.P.C. RESP
56. 03/04/2015 D.P.C. RESP
57. 03/04/2015 D.P.C. RESP
58. 03/04/2015 D.P.C. RESP
59. 03/04/2015 D.P.C. RESP
60. 03/04/2015 D.P.C. RESP
61. 03/04/2015 D.P.C. RESP
62. 03/04/2015 D.P.C. RESP
63. 03/04/2015 D.P.C. RESP
64. 03/04/2015 D.P.C. RESP
65. 03/04/2015 D.P.C. RESP
66. 03/04/2015 D.P.C. RESP
67. 03/04/2015 D.P.C. RESP
68. 03/04/2015 D.P.C. RESP
69. 03/04/2015 D.P.C. RESP
70. 03/04/2015 D.P.C. RESP
71. 03/04/2015 D.P.C. RESP
72. 03/04/2015 D.P.C. RESP
73. 03/04/2015 D.P.C. RESP
74. 03/04/2015 D.P.C. RESP
75. 03/04/2015 D.P.C. RESP
76. 03/04/2015 D.P.C. RESP
77. 03/04/2015 D.P.C. RESP
78. 03/04/2015 D.P.C. RESP
79. 03/04/2015 D.P.C. RESP
80. 03/04/2015 D.P.C. RESP
81. 03/04/2015 D.P.C. RESP
82. 03/04/2015 D.P.C. RESP
83. 03/04/2015 D.P.C. RESP
84. 03/04/2015 D.P.C. RESP
85. 03/04/2015 D.P.C. RESP
86. 03/04/2015 D.P.C. RESP
87. 03/04/2015 D.P.C. RESP
88. 03/04/2015 D.P.C. RESP
89. 03/04/2015 D.P.C. RESP
90. 03/04/2015 D.P.C. RESP
91. 03/04/2015 D.P.C. RESP
92. 03/04/2015 D.P.C. RESP
93. 03/04/2015 D.P.C. RESP
94. 03/04/2015 D.P.C. RESP
95. 03/04/2015 D.P.C. RESP
96. 03/04/2015 D.P.C. RESP
97. 03/04/2015 D.P.C. RESP
98. 03/04/2015 D.P.C. RESP
99. 03/04/2015 D.P.C. RESP
100. 03/04/2015 D.P.C. RESP

GALLAGHER / MC KENNA RESIDENCE
430 8TH AVE
SANTA CRUZ, CA
APN 027 081 12

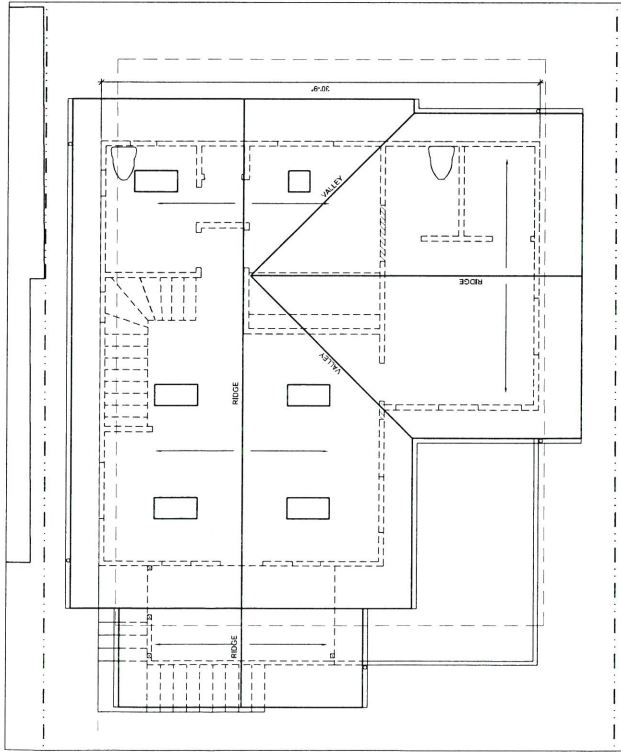
SITE PLAN
1/8" = 1'-0"



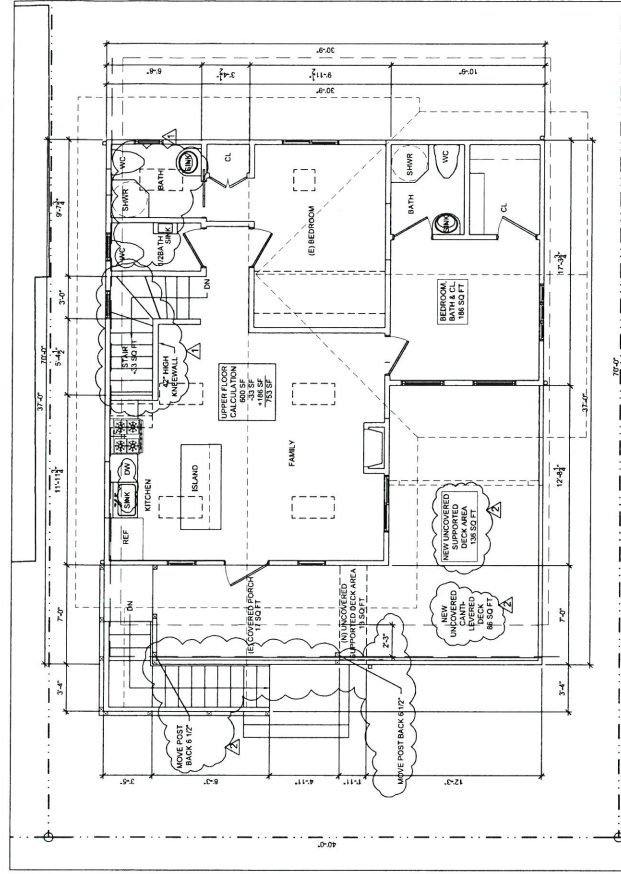
ANDERSON
SPICER

1800 Northside Drive, Suite 100
Santa Cruz, CA 95062
831.472.3200
http://www.andersonspicer.com

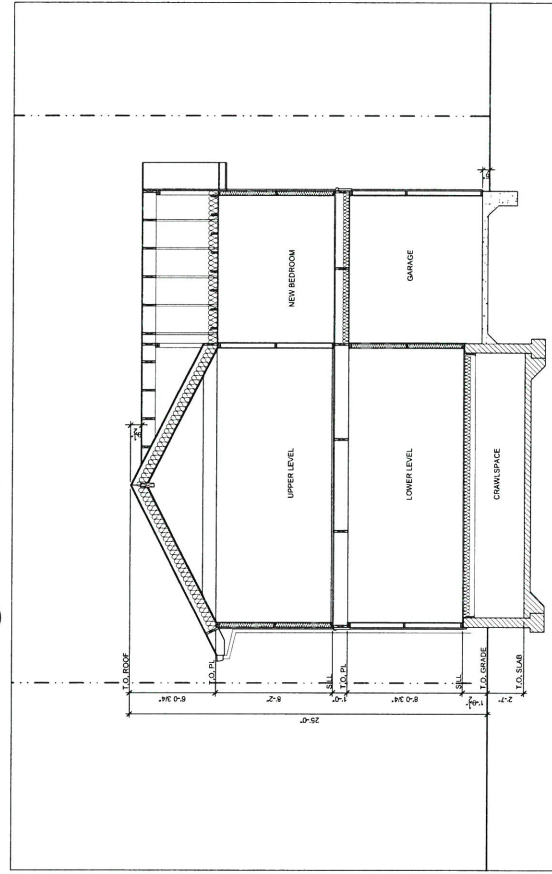




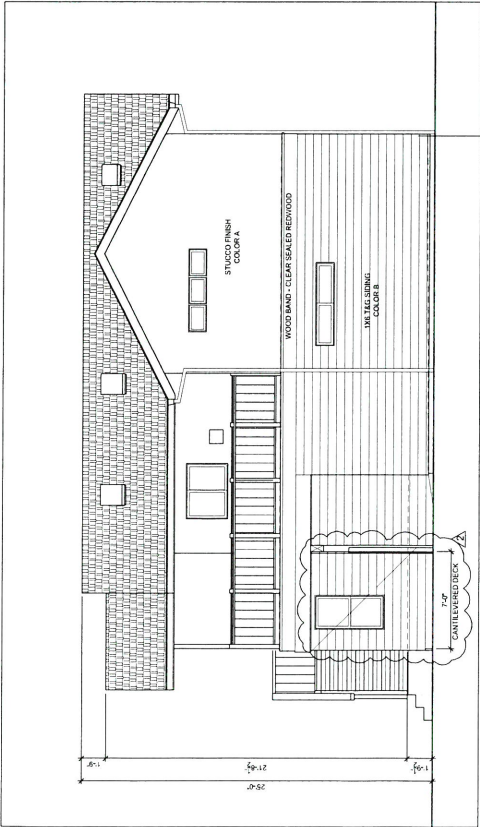
PROPOSED ROOF PLAN
1/4" = 1'-0"



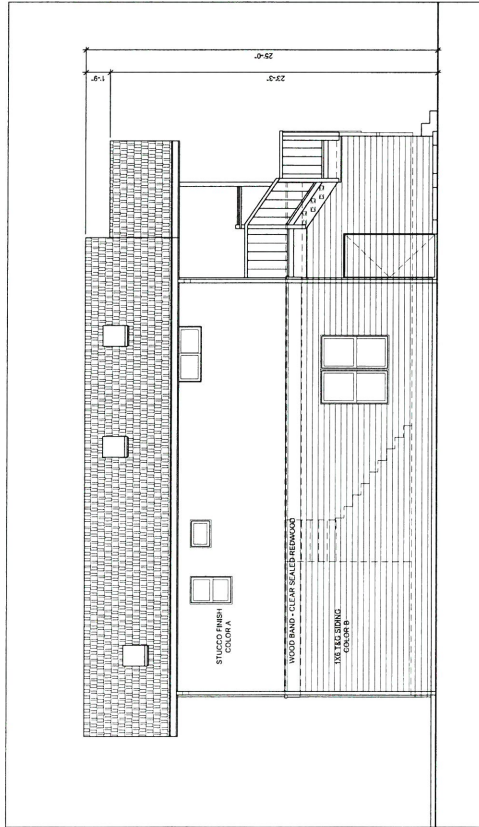
PROPOSED UPPER FLOOR PLAN
1/4" = 1'-0"



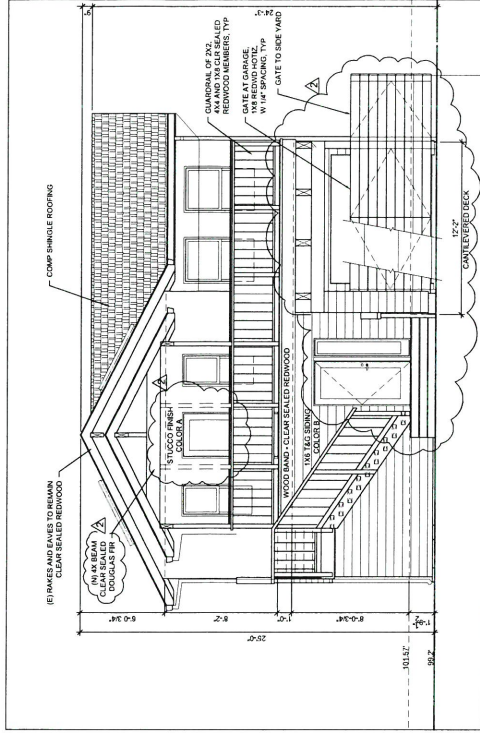
PROPOSED BUILDING SECTION
1/4" = 1'-0"



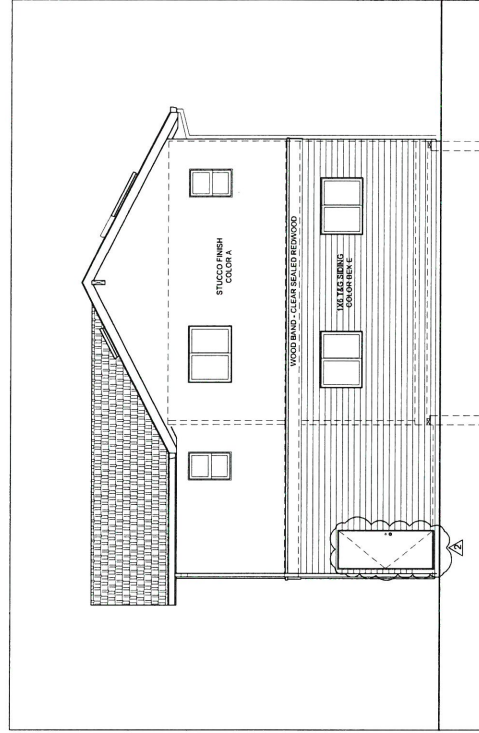
PROPOSED SIDE (SOUTH) ELEVATION
1/4" = 1'-0"



PROPOSED SIDE (NORTH) ELEVATION
1/4" = 1'-0"



PROPOSED FRONT (WEST) ELEVATION
1/4" = 1'-0"



PROPOSED REAR (EAST) ELEVATION
1/4" = 1'-0"

GALLAGHER / MC KENNA RESIDENCE
430 8TH AVE
SANTA CRUZ, CA APN 027 081 12

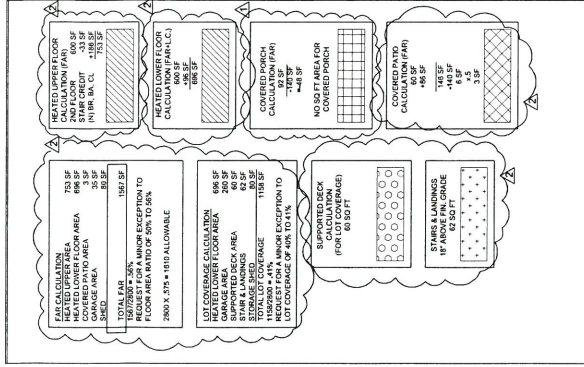
Date: 12/18/2014
Revisions:
 1 03/04/2015 D.P.C. RESP.
 2 01/27/2016 D.P.C. RESP.
 REVISED

AREA CALCULATIONS
1/4" = 1'-0"

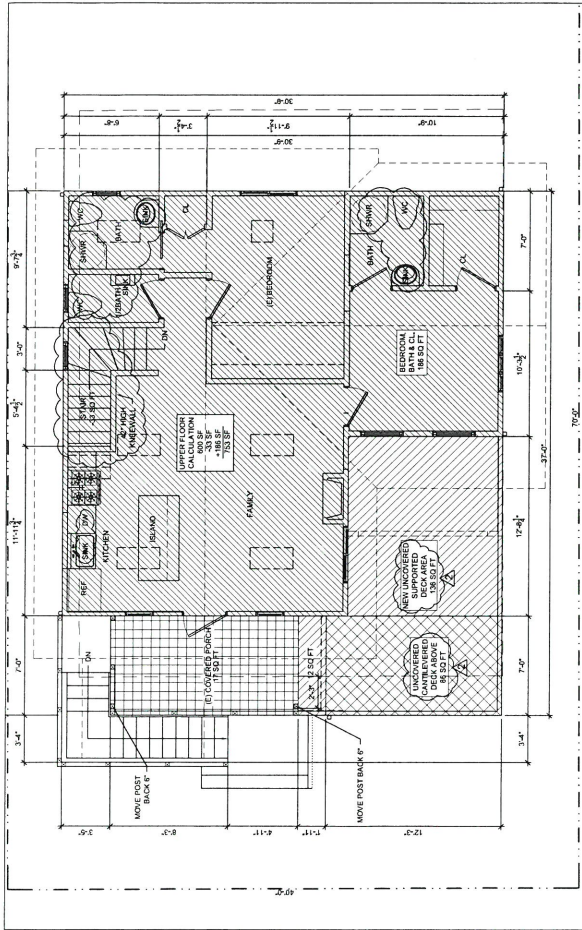


Hubert Anderson Systems, Inc./Becht
180 7th Ave., Suite 112
Santa Cruz, CA 95062
831 425 2050
hs@hysys.com

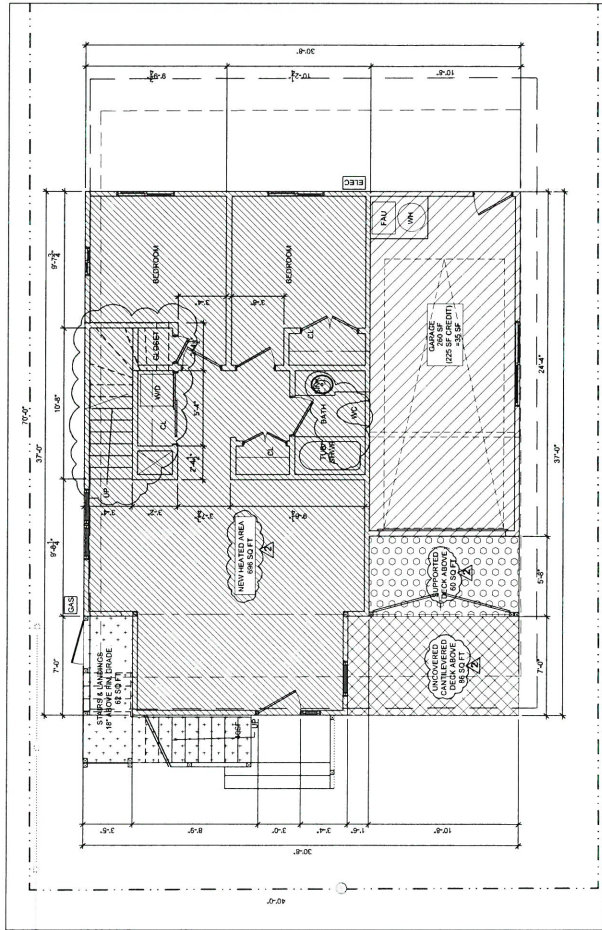
ANDERSON
SPICER



AREA CALCULATIONS



PROPOSED UPPER FLOOR PLAN
1/4" = 1'-0"



PROPOSED SITE AND LOWER FLOOR PLAN
1/4" = 1'-0"



$$3'-2" + 19'-4 \frac{1}{2}" = 22'-6 \frac{1}{2}" / 2 = 11'-3 \frac{1}{4}"$$

FRONT YARD AVERAGING DIAGRAM

430 8TH AVENUE
SANTA CRUZ, CA 95062

FYA

012716

HEIDI ANDERSON SPICER, ARCHITECT

180 7TH AVENUE, SUITE 102 SANTA CRUZ, CA 95062 831 425 2020

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.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

POR. OF S.W. 1/4 SEC. 17,
T.11S., R.1W., M.D.B. & M.

Tax Area Code
82-040

27-08

Electronically Redrawn 8/7/98 rw
Rev. 4/2/01 mmm (changed page refs.)
Rev. 3/29/06 mmm (5-0022451 & 6-0009450, LBA 2-12 & 13)

TWIN LAKES PARK SUB. NO.2
7MB5 8/26/90

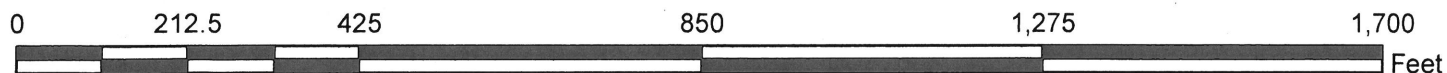
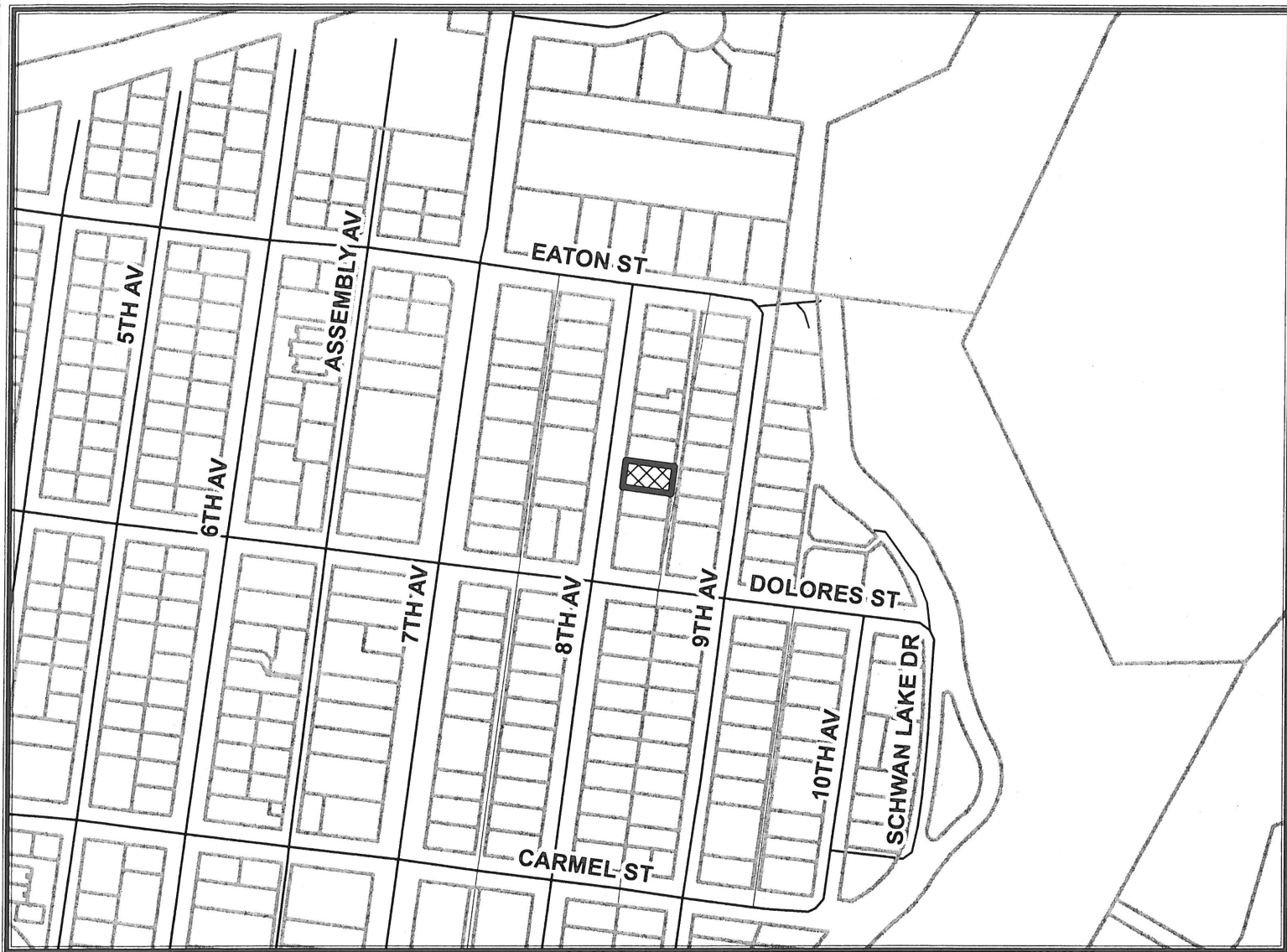


Note - Assessor's Parcel & Block
Numbers Shown in Circles.




Assessor's Map No. 27-08
County of Santa Cruz, Calif.
August 1998



Location Map



LEGEND

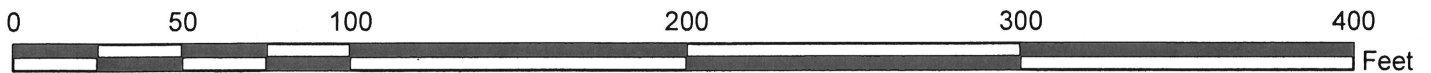
-  APN: 027-081-12
-  Assessors Parcels
-  Street



Map Created by
County of Santa Cruz
Planning Department
January 2015



Zoning Map



LEGEND



APN: 027-081-12



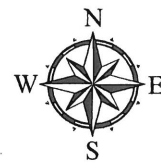
Assessors Parcels



Street

RESIDENTIAL-SINGLE FAMILY

COMMERCIAL-NEIGHBORHOOD

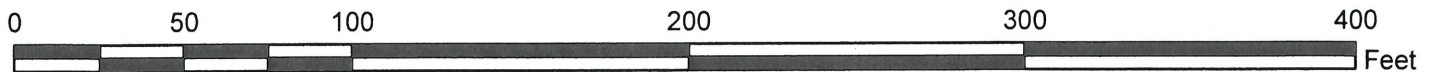
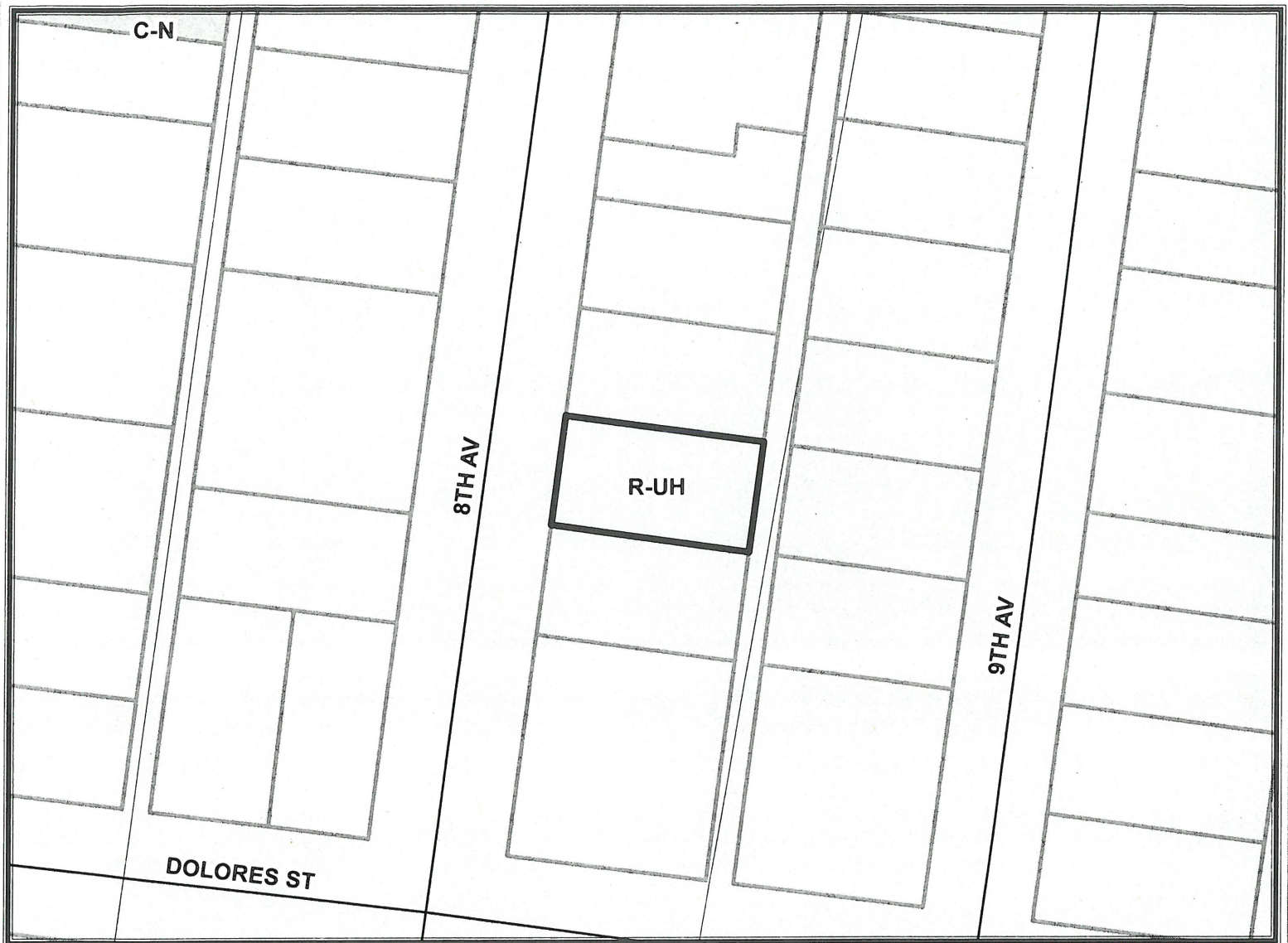


Map Created by
County of Santa Cruz
Planning Department
January 2015

EXHIBIT E



General Plan Designation Map



LEGEND



APN: 027-081-12



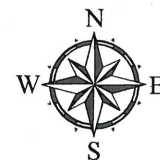
Assessors Parcels



Street

Residential - Urban High Density

Commercial-Neighborhood



Map Created by
County of Santa Cruz
Planning Department
January 2015

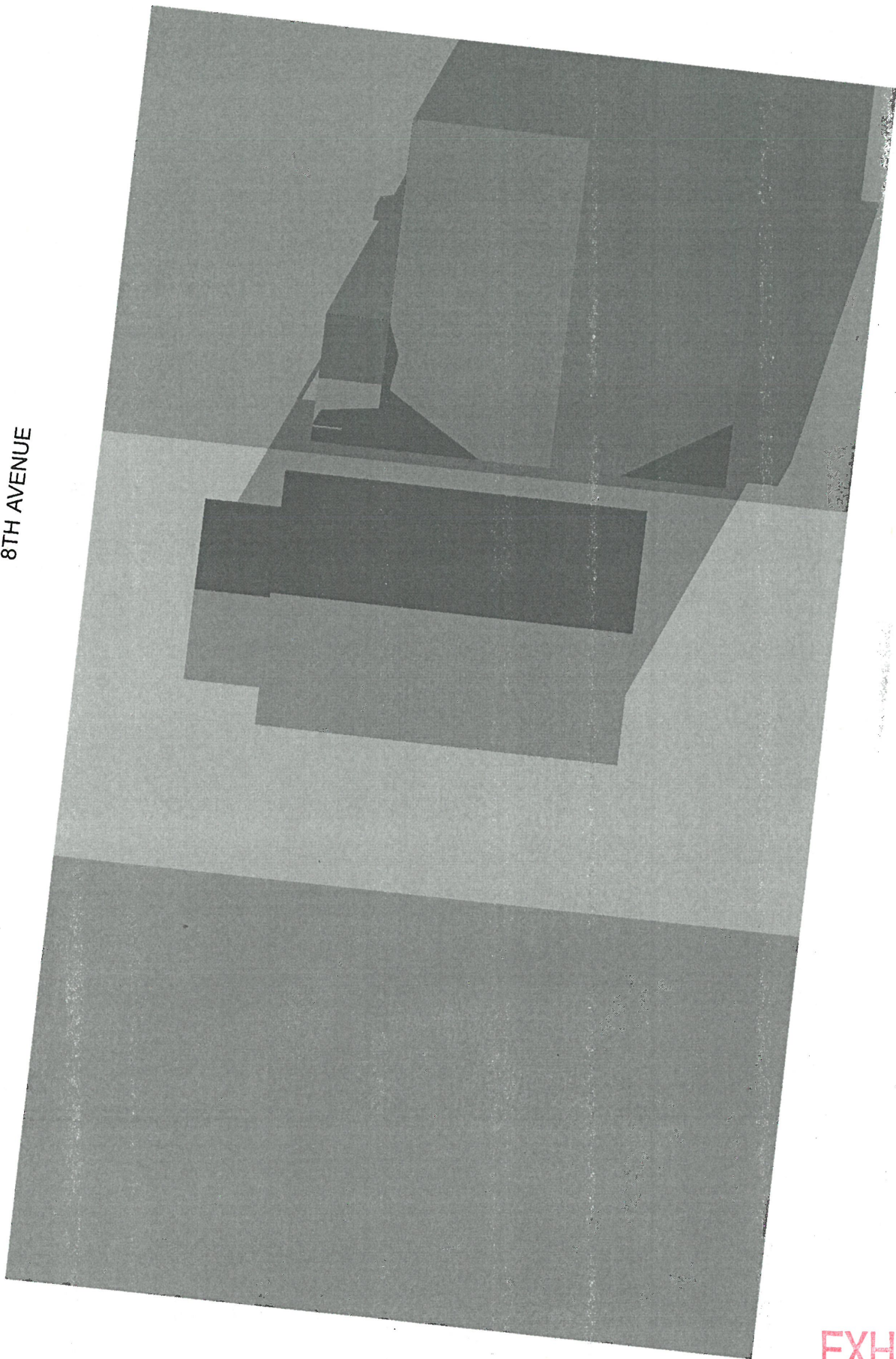
EXHIBIT E

No Correspondence as of 3/17/18

EXHIBIT F

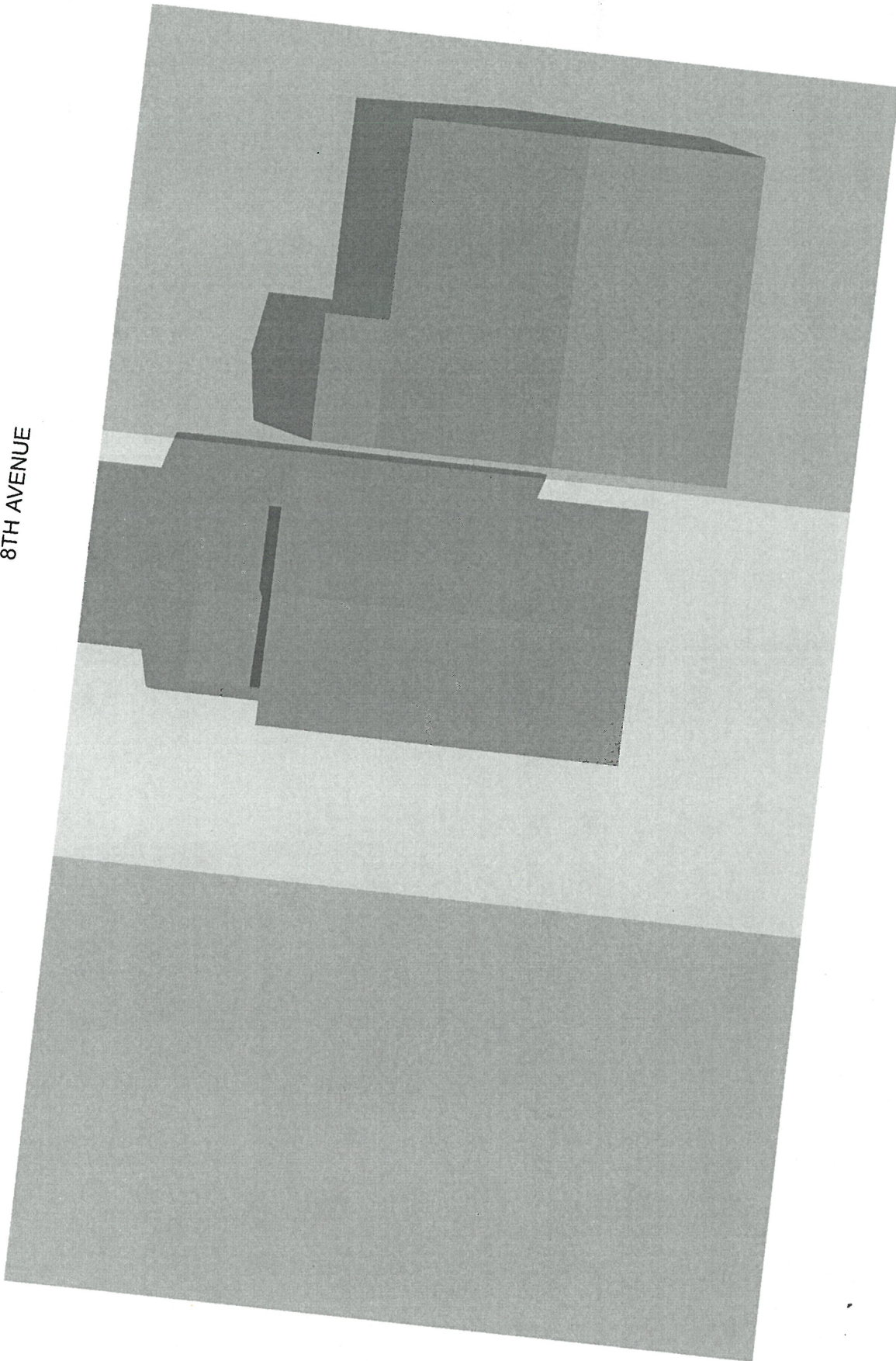
DECEMBER 21
2:00 PM

8TH AVENUE



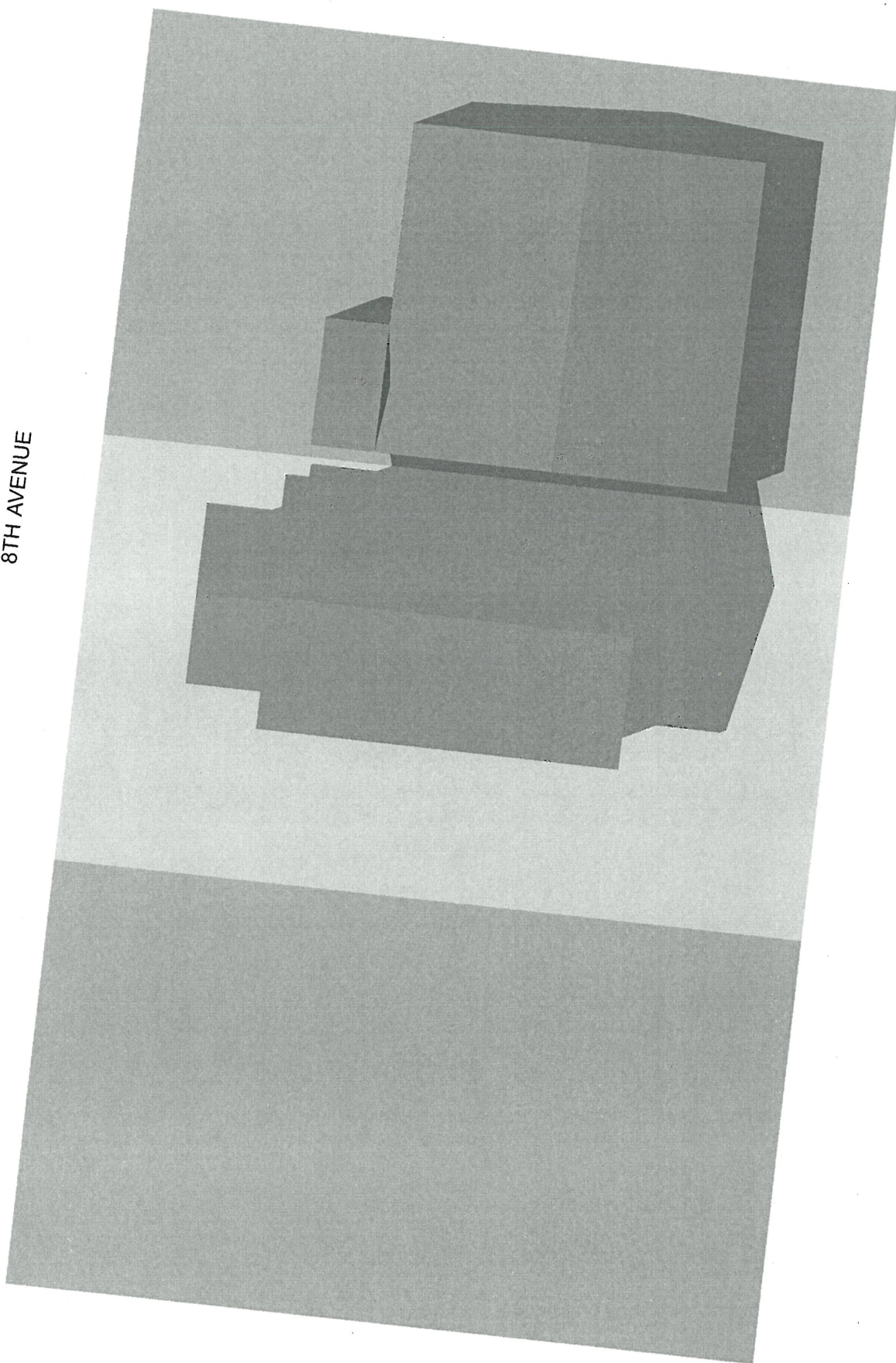
JUNE 21
10:00 AM

8TH AVENUE



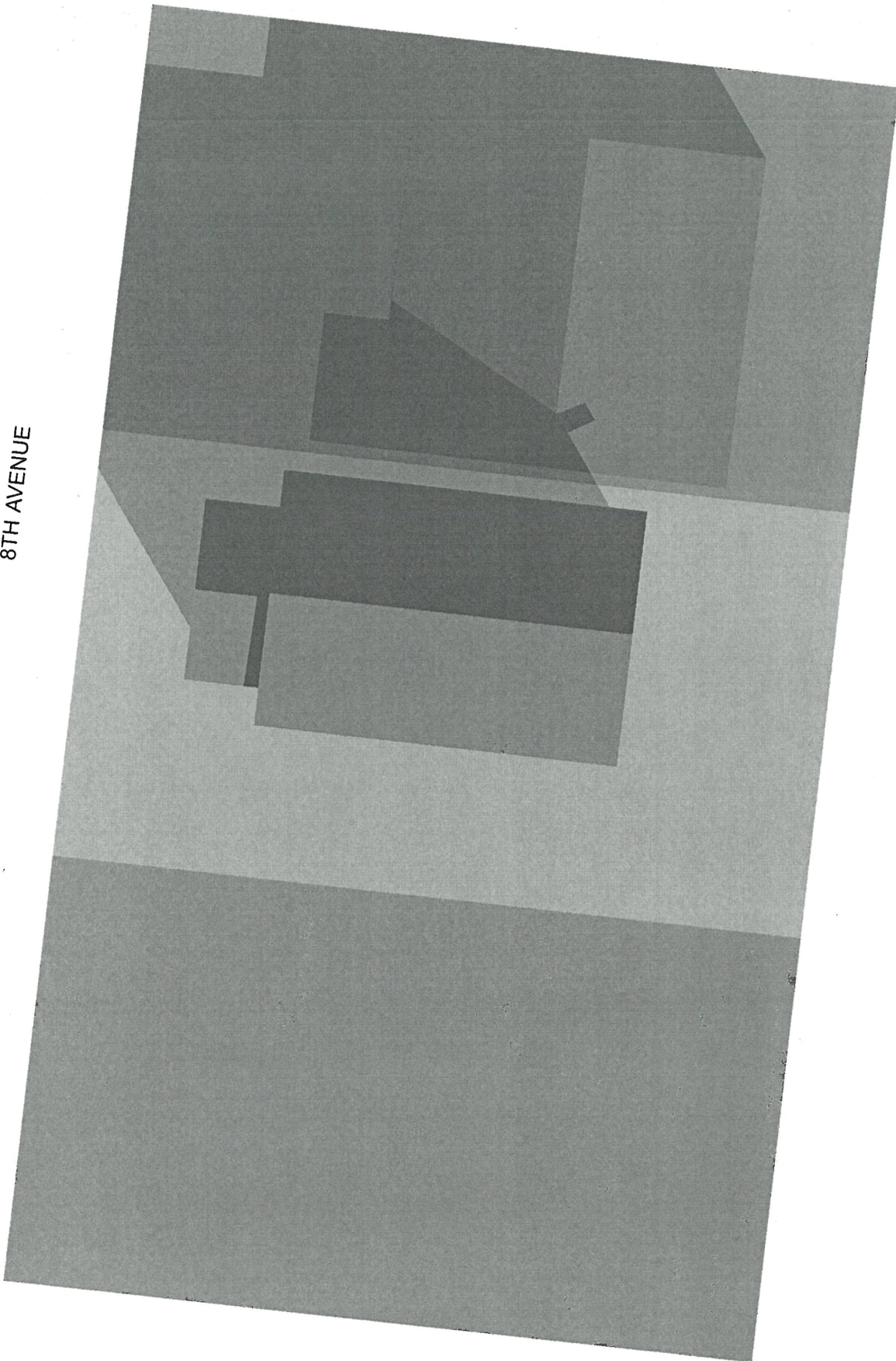
JUNE 21
2:00 PM

8TH AVENUE

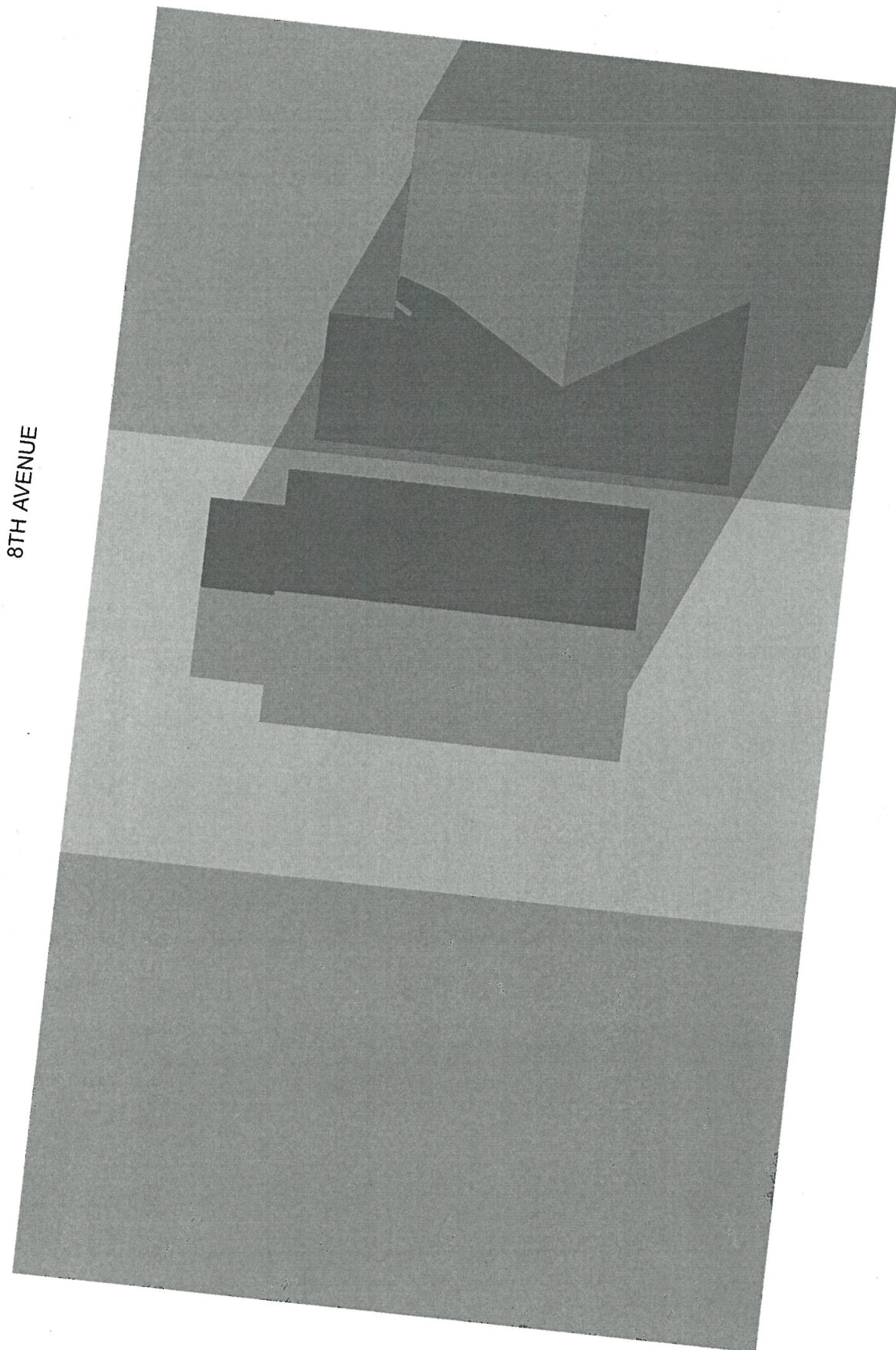


DECEMBER 21
10:00 AM

8TH AVENUE



DECEMBER 21
2:00 PM





$$3'-2'' + 19'-4 \frac{1}{2}'' = 22'-6 \frac{1}{2}'' / 2 = 11'-3 \frac{1}{4}''$$

EXHIBIT G

FRONT YARD AVERAGING DIAGRAM	430 8TH AVENUE SANTA CRUZ, CA 95062	FYA
HEIDI ANDERSON SPICER, ARCHITECT	180 7TH AVENUE, SUITE 102 SANTA CRUZ, CA 95062 831 425 2020	012716