

ACTION MINUTES  
OF THE ZONING ADMINISTRATOR MEETING

City Council Chambers  
809 Center Street  
Santa Cruz, Ca 95060

February 17, 2010  
10:00 A.M. SESSION

Staff Present: Eric Marlatt, Zoning Administrator  
Linda Miranda, Recording Secretary

Other: Thirteen members of the audience.

Eric Marlatt, Zoning Administrator, called the meeting to order at 10:00 a.m. in the Council Chambers of City Hall. He welcomed members of the public to the meeting and read a list of the items to be heard at this morning's meeting, describing the procedures to be followed for the public hearing. He also informed those in attendance of their right to appeal any of the decisions of the Zoning Administrator, noting that appeals must be filed within ten calendar days of the meeting date. He noted all appeals must be filed in the Planning Department along with the appeal fee of \$500, unless the project is appealable to the California Coastal Commission.

**Call to Order** by Zoning Administrator Eric Marlatt

**Oral Communications-- None**

**Announcements** – No action shall be taken on these items.

**Public Hearing**

**Old Business** – Continued from the Zoning Administrator meeting of January 20, 2010.

1. **218 Third Ave. CP09-0055 APN 010-254-20**  
Demolition Authorization Permit, Coastal Permit and Design Permit to demolish two dwellings and a detached carport and construct a 2½-story single-family dwelling and a detached shop on a substandard lot in the R-1-5/CZO zone district. (Environmental Review: Categorical Exemption.) (J&S Mingione, owners/filed: 11/05/09) **MA**  
This project requires a Coastal Permit which is not appealable to the California Coastal Commission. Action taken at this meeting on the Coastal Permit may be appealed to the City Council utilizing the procedures noted below.  
**Recommendation: Approval, with conditions.**

The Zoning Administrator summarized the report.

The public hearing was opened.

SPEAKING FROM THE FLOOR:

Derek Van Alstine  
Joseph Mingione

SPEAKING FROM THE FLOOR WITH CONCERNS:

Sara Kane  
Carin M Wineman  
Joe R.

CORRESPONDENCE RECEIVED WITH CONCERNS:

Sara Kane & Gillian Hunter  
Penny Docker  
Carin M. Wineman  
Eileen Gray

CORRESPONDENCE RECEIVED IN SUPPORT:

Dick Crane  
Nancy Wolf

No one else wished to speak and the public hearing was closed.

**ZONING ADMINISTRATOR ACTION:** The Zoning Administrator acknowledged the environmental determination and approved the project at 218 Third Ave., subject to the findings and conditions contained in the staff report; replacing and deleting condition 21; and revised findings 6; 7; 10; 14 16 and 25.

**REPLACED & DELETED LANGUAGE FOR CONDITION 21:**

~~21. The applicant is hereby apprised with this condition, that all adjoining neighbors are located in the same zoning district of R-1-5 (Single Family Residence District) and, as such, are allowed to construct 2 ½ story homes of maximum 30 feet in height which are in accordance with the same regulations applied to this development. The applicant is also aware that any new views may be impeded by such development.~~

21. Final building plans shall include the elimination of the half-story deck. The second floor deck located on the right side of the south elevation shall be eliminated as well. Further changes may be made to the south elevation including deck configuration/location without a public hearing with the consent of the adjacent neighbor to the south and provided that said changes conform to the Zoning Ordinance and are approved by the Zoning Administrator.

**MODIFIED FINDINGS (CONDITIONS 6; 7; 10; 14; 16; and 25:**

**Findings for Substandard Residential Lot Development, Section 24.08.440.**

- 6. The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes thirty percent or less lot coverage.**

In this case, since the first floor does not exceed 45 -percent, the second floor can be 50 -percent of the first floor. The applicant is proposing a two and 1/2 story structure with the second and third at just under 50-percent of the first floor, thereby meeting the requirements of this section.

- 7. New structures shall be consistent with the scale of structures on adjacent lots and generally be compatible with existing surrounding structures.**

The Zoning Administrator finds that the project, as modified, is structures have been designed to be compatible with the scale of structures on adjacent lots and in the general area. Two and ½ story houses are allowed by the R-1-5 zoning district for this neighborhood. Similar to most neighborhoods in the R-1-5 district, this neighborhood is undergoing a transition from one story homes to two story homes. ~~All of the southern decks will overlook the roof of the adjacent one-story property, and a small parking area and back yard. One deck is setback five feet from the southerly property line and two decks are set back 12 feet from the property line. Due to the placement of the decks overlooking the adjacent roof, staff does not feel that the second story decks will negatively impact the adjacent property, as they do not focus down into the adjacent yard. In addition, although the highest deck might create the most concern, staff does not feel that this deck will have more than a minor impact as it will be infrequently utilized due to its relative inaccessibility.~~ The Proposed project included a two and ½ story residence with three decks on the south side elevation overlooking a one-story residence. The Zoning Administrator finds that elimination of the half story deck, together with the deck closest to the adjacent residence will enable the structure to be more compatible with the adjacent structure.

**10. Siting of second-story elements adjacent to single-story structures shall be avoided.**

Due to the narrow configuration of the lot, this parcel is limited in where a building can be sited on the lot. While the structure is located next to one-story structures; potential impacts are avoided as much as possible by sensitive window placement, the siting of the new footprint more than five feet away from the existing property line, where the code allows a four foot setback, elimination of two of the three decks on the south elevation, and by the provision of varied and greater side setbacks to walls and upper floor decks. ~~One deck is setback five feet from the southerly property line and two decks are set back 12 feet from the property line. Upper floor walls are set back 10-18 feet from the south property line.~~

**Coastal Permit, Section 24.08.250**

**14. The project is consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan.**

The project height is approximately 25.75 feet whereby the district allowable height is 30 feet. The project has been designed to be consistent with the Seabright Area Plan design guidelines which were developed to protect the neighborhood design character.

**Findings for Design Permit, Section 24.08.430**

**16. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.**

The construction of the new two and 1/2 story dwelling is consistent with the General Plan policy, which encourages the upgrade of housing stock within the City. There are no physical

constraints to development present on the subject parcel. The project will conform to all the requirements and the intent of applicable regulations of the R-1-5 zoning district, the General Plan designation of Low Density Residential, the Seabright Area Plan design guidelines and other pertinent City development standards.

**25. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.**

The construction of this project will require the issuance of a building permit that meets the Uniform Building Code requirements concerning noise, vibrations and energy efficiency. The zoning district regulations allow a height of 30 feet for a principal building in this zoning district. The proposed dwelling will have a height of 25.75 feet at the midpoint of the highest gable. The proposal includes varied side yard wall and deck setbacks, good fenestration, articulation and other features to soften the impact of the height and minimize intrusion into the neighborhood setting. ~~All of the southern decks will overlook the roof of the adjacent one story property, and a small parking area and back yard. One deck is setback five feet from the southerly property line and two decks are set back 12 feet from the property line. Due to the placement of the decks overlooking the adjacent roof, staff does not feel that the second story decks will negatively impact the adjacent property, as they do not focus down into the adjacent yard. In addition, although the highest deck would create the most concern, staff does not feel that this deck will be more than a minor impact as it will be rarely utilized due to its relative inaccessibility.~~ **The proposed project included a two and one-half story residence with three decks on the south (side) elevation overlooking a one-story residence. The Zoning Administrator finds that elimination of the half story deck, as well as the deck closest to the adjacent residence, will reduce privacy impacts on the adjacent residence to the south. The centrally located deck on the south elevation may remain as it is recessed into the second floor and is setback 12 feet from the south property line.**

## New Business

2. **123 Pine St. CP09-0057 APN 010-192-67**  
Design Permit to reconfigure the first and second levels of a 1½-story dwelling to result in a larger first floor, a larger one-car garage, and a smaller second floor on an existing, single-family dwelling in the R-L (Multiple Residence-Low Density District) CZ-O (Coastal Zone Overlay) zone district. (Environmental Review: Categorical Exemption) (Coastal Permit Exemption) (A. Hamilton & M. Talkovic, owners/filed: 11/9/09) **MA Recommendation: Approval, with conditions.**

The Zoning Administrator summarized the report.

The public hearing was opened.

### SPEAKING FROM THE FLOOR:

Monica Ratliff

No one wished to speak and the public hearing was closed.

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**ZONING ADMINISTRATOR ACTION:** The Zoning Administrator acknowledged the environmental determination and approved the project at 123 Pine St., subject to the findings and conditions contained in the staff report.

- 3. 191 Harvey West Blvd. CP09-0060 APN 001-051-36**  
Minor Land Division to divide an existing lot developed with two commercial buildings into two parcels: 49,586 sq. feet and 37,534 sq. feet in the IG - General Industrial zone district. (Environmental Review: Categorical Exemption) (Encinal Partnership No 1, owner/filed: 11/16/2009) **MA**  
**Recommendation: Approval, with conditions.**

The Zoning Administrator summarized the report.

The public hearing was opened.

**SPEAKING FROM THE FLOOR:**

Scott Thiebout

No one wished to speak and the public hearing was closed.

**ZONING ADMINISTRATOR ACTION:** The Zoning Administrator acknowledged the environmental determination and approved the project at 191 Harvey W. Blvd., subject to the findings and conditions contained in the staff report, with revised conditions 10; 12 and 13 (1<sup>st</sup> bullet).

**REVISED CONDITIONS 10; 12 & 13 (1<sup>st</sup> bullet):**

10. Each lot shall have separate utility services. **A joint utility easement shall be included in the parcel map for any utilities crossing the adjacent parcel.**
11. All plans and profiles of improvements shall be approved by the Director of Public Works prior to filing of the ~~final~~ parcel map.
13. All requirements of the Fire Department shall be met prior to recordation of the lot split. The Fire Department has submitted the following conditions in order to appropriately split the fire service, fire alarms and fire sprinkler systems. Each system must operate and be maintained separately:
  - The fire sprinkler system will need to be clearly labeled so crews know which buildings are protected. Risers need to be labeled and any necessary sprinkler modifications **as may be required by the Fire Department** require separate permits.

**Adjournment**

The Zoning Administrator meeting adjourned at **10:51a.m.** to the next regularly scheduled meeting to be held on March 3, 2010 at 10:00 a.m. in the City Council Chambers.

**APPROVED:**

**ERIC MARLATT, ZONING ADMINISTRATOR**