



CITY COUNCIL AGENDA REPORT

DATE: 9/19/2010

AGENDA OF: 9/28/2010

DEPARTMENT: Planning

SUBJECT: 335 Union Street Appeal. (PL)

RECOMMENDATION: Resolution upholding the appeal, thereby approving the Historic Alteration Permit with conditions, and approving the Design Permit.

Staff originally recommended that the Historic Preservation Commission approve the Historic Alteration Permit.

BACKGROUND: PROJECT DESCRIPTION:

The applicant is requesting approval of a Historic Alteration Permit to construct a two-story addition to an existing single-family dwelling on a property listed in the City's Historic Building Survey (Volume 1, Page 100). According to the Historic Building Survey, the Gothic Revival style building was constructed circa 1860 and is in good condition. The character defining features described in the Survey include a fancy bargeboard, split porch columns, and window shutters. The subject property is an approximately 6,800 square foot interior lot and is zoned RL (Multi-Residential – Low Density). The lot is located on the south side of Union Street, which has access off Mission Street and dead ends with no through access to Chestnut Street. The existing two-story dwelling is 1,434 square feet and the applicant proposes to add 515 square feet of living space.

The applicant's original proposal included the demolition of a detached two-story barn and its replacement with a detached building containing an Accessory Dwelling Unit (ADU) over a garage. In response to concerns expressed at the Historic Preservation Commission hearing about the historic status of the barn and its proposed demolition, as well as the visual and privacy impacts of the proposed ADU/garage structure, the applicant has since modified the project scope to include only the proposed two-story addition to the existing residence. At this time, the applicant is appealing the Historic Preservation Commission's denial of the portion of the Historic Alteration Permit request involving the two-story addition to the existing residence.

The applicant also modified the project scope to retain an existing one-story detached building in the rear yard that was constructed by a former owner without permits. The structure contains a bathroom, a small kitchen area, and a shower and was previously used as a living unit. However, there are no code enforcement cases on file for the property. While the property owners originally proposed to demolish the structure, they have requested to retain the building to use for storage during construction of the addition to the main house. A condition of approval has

been included requiring the demolition of the shed building prior to final inspection of the building permit for the two-story addition.

The proposed project also requires approval of an administrative level Design Permit (i.e., no public hearing) because the property is located in a multi-family residential zone district. For projects that require Historic Preservation Commission (HPC) action and an administrative Design Permit, staff typically defers issuance of the Design Permit until after the HPC has acted. In this case, since the HPC took an action that was contrary to staff's recommendation, staff is referring the Design Permit to the City Council as the City's authority to approve the project design is contingent upon the historic review of the proposal. Thus, conditions of approval have been included for the Design Permit as well as the original recommended conditions for the Historic Alteration Permit (Conditions #1 through #10). Additionally, project findings and conditions of approval have been modified to exclude the ADU proposal from the project scope.

At its July 21, 2010 hearing, staff recommended that the Historic Preservation Commission approve the proposed project, including the following elements: 1) demolition of an existing 333 square foot two-story barn, which staff had previously determined to be non-historic; 2) construction of a 515 square foot two-story addition at the rear of the residence; and 3) construction of a new two-story detached building at the rear of the lot containing a 458 square foot two-car garage on the first floor and a 404 square foot Accessory Dwelling Unit (ADU) on the second floor.

The Historic Preservation Commission heard extensive testimony from neighbors opposing the project. The neighbors had numerous concerns about the overall bulk of the proposed addition relative to the scale of the existing Gothic Revival cottage. One neighbor wrote a letter of opposition documenting his concerns that the proposed project was inconsistent with the purposes of historic preservation as adopted by the City in 2003 (Attachment 5). Other neighbors also expressed concerns about the bulk of the proposed two-story addition and the placement of the two-story ADU building based on impacts to their rear yard privacy and existing views, as well as the overall change in character of the neighborhood.

The Historic Preservation Commission generally concurred that the mass of the proposed second-story addition was incompatible with the original design of the Gothic Revival cottage. The Commission expressed concerns about the scale and design of the proposed two-story addition relative to the existing residence and discussed potential ways to reduce the perceived scale of the addition (including lowering the ridge of the addition), as well as alternatives to adding on to the existing second story (i.e., constructing a single-story addition at the rear of the residence). The Commission discussed at length the proposed removal of the existing two-story barn, as well as the design of the proposed ADU/garage building. The Commission had concerns that the historic background of the barn had not been properly evaluated during the project review and that its historic value had not been adequately considered. Commissioner Steen noted that the barn was present on the site in the 1888 edition of the Sanborn Fire Insurance Maps. The Commission indicated that they would like to continue the application to the following meeting to allow time to address various design issues. However, the applicant requested that the Commission take a final action on the project. Ultimately, the Commission denied the project on a 5/1/1 vote stating that the size and location of the second-story addition was incompatible with the existing historic house. The HPC minutes are included as Attachment 1 and the Findings as Attachment 2.

The applicant filed an appeal of the Historic Preservation Commission's decision to deny the project on August 2, 2010 (Attachment 3). The applicant based her appeal on the project's compatibility with the Historical Alteration Permit provisions of the Santa Cruz Municipal Code (Sections 24.08.900 through 24.08.940). The appellant is requesting that the City Council consider the appeal, reverse the Historic Preservation Commission's denial, and follow the recommendation contained in the original staff report.

Although the Commission's findings for denial did not include any reference to the proposed demolition of the existing barn and the new ADU/garage building, the applicant subsequently decided to remove these two elements from the project and to focus on the two-story addition. The applicant also made modifications to the proposed second-story addition to minimize the perceived bulk of the structure and to address other design concerns expressed by the Historic Preservation Commission. The proposed modifications include lowering the ridge height of the second-story addition, modifying the pitch of the front dormer, adding a decorative bargeboard to enhance the dormer design, use of a narrower exposure siding on the proposed addition, adding trim to the gable ends to match the existing one-story element on the western elevation, and modifying the proposed window designs on the west elevation of the proposed two-story addition to better match the proportions and detailing of the façade of the existing historic structure.

The applicant submitted a letter on August 26th documenting the proposed changes to the project design (Attachment 4). Staff finds that the proposed modifications enhance the overall design of the project and effectively address the Historic Preservation Commission's concerns related to the scale and detailing of the addition. Further, the lowering of the ridge height helps to reduce the perceived massing and bulk of the proposed second-story addition, which was the primary concern of the neighbors with this portion of the original project proposal. Staff supports the modified project design.

DISCUSSION: ANALYSIS:

Historic Alteration Permit. A Historic Alteration Permit is required for alterations to buildings and sites listed on the City Historic Building Survey. The applicant proposes to construct an addition at the rear of the residence to add 515 square feet of living space. The project includes the expansion of the rear portion of the existing first floor by 28 square feet to enlarge the kitchen. The proposed 487 square foot addition to the second floor contains a new master bedroom and two bathrooms. With the proposed addition, the residence will have three bedrooms, three bathrooms, a living room, office, kitchen, laundry room, and covered porch. From Union Street, the existing two-story residence is 26.5 feet high measured to the roof peak. The proposed addition maintains the same overall ridge height. With the exception of the upper floor expansion visible above the existing covered porch, the bulk of the proposed two-story addition will be hidden behind the original historic structure. The overall building profile from Union Street will be maintained.

The proposed addition incorporates a combination of casement, double-hung, and fixed windows with wood frames and sill details to match the existing historic structure. The window designs and proportions are compatible with the existing windows. A condition of approval requires all new windows on the house to be of painted wood materials and to have divided lites with exterior muntins. The applicant proposes to clad the proposed addition with horizontal wood siding with an exposure to match the narrow siding on the front portion of the existing house. A condition of approval requires wood trim to be incorporated on the corners of the building to

match the existing historic building. The proposed composition shingle roofing will be required to match the existing roofing material.

As conditioned, Historic Alteration Permit findings can be made for the proposed project elements because the overall proportions, design elements, and building materials will be consistent with the existing Gothic Revival style of the historic building. The two-story addition incorporates matching horizontal siding, double-hung windows, window trim, and roof style and eave depth. The project is consistent with the Secretary of the Interior's Standards. The proposed project preserves the historic character and integrity of the existing historic structure as required by Standards 1, 2, and 5. Standards 9 and 10 listed below are particularly relevant to the proposed rear addition:

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The proposed addition meets Standards 9 and 10 above because it incorporates materials and architectural features compatible with the existing historic building. The massing of the proposed addition preserves the historic integrity of the existing residence because the two-story addition is set back to the ridgeline of the single-story covered porch. As conditioned, Historic Alteration Permit findings can be made for the proposed project because the overall proportions, design elements, and building materials will be consistent with the existing Gothic Revival style of the historic building.

Design Permit. The project site is located within the RL (Multiple Residence – Low Density) zone district and therefore requires approval of a Design Permit in accordance with Section 24.10.410 of the Zoning Ordinance. The proposed project will increase the living space of an existing single-family dwelling on a property that is surrounded by residential uses and therefore it will maintain the residential quality of the neighborhood. The project conforms to the RL Zone District standards for single-family detached dwellings, including minimum lot area and width, building height, and setbacks. The proposed addition has been designed to blend in with architectural style of the existing residence. The project supports the General Plan's goals which seek to maintain and enhance the City's unique built character, reinforce the desirable elements of neighborhood character or quality, and ensure the compatibility of infill development. The property is not located within the Coastal Zone or within any area or specific plan boundary.

The exterior design of the proposed addition is compatible with the design of the existing residence in terms of its overall proportions, architectural style, design elements, and exterior finishes. The existing residence has an established architectural character that is worthy of preservation and the property is listed in the City Historic Building Survey. Overall, the proposed addition will blend in with the existing residence in an appropriate manner that enhances the quality of the neighborhood. The proposed addition has been designed to blend in with the existing architectural style of the residence by incorporating a compatible roof pitch and using horizontal wood siding, windows, and trim elements to the existing residence. Overall, the

addition features a similar scale and proportions to the home. The applicant will be required repaint the entire house or paint the addition to match the existing residence to unify the appearance of the residence.

The proposed addition will not require the removal of any significant trees or shrubs or the alteration of natural land forms. The addition conforms to the building height and setback requirements of the RL Zone District and will not add significantly to the bulk of the residence. Therefore, the project will preserve solar access of adjacent properties. The layout of the proposed addition respects the need for privacy of the adjacent residence by maintaining an approximately 15-foot setback from the eastern side property line, a 14-foot setback from the western side property line, a 55-foot setback from the rear property line. With the exception of the upper story addition over the existing one-story covered porch, which will be visible from Union Street, the overall building profile as viewed from the public right-of-way will be maintained.

The proposed project requires a minimum of two off-street parking spaces which are provided in a tandem configuration in the existing ten-foot wide driveway. The property will remain nonconforming with respect to the covered parking requirement. The project provides adequate off-street parking for the proposed addition and the Public Works Department has required the applicant to install a new City standard driveway approach off Union Street. Therefore, the proposed project will not adversely impact traffic and parking conditions on abutting streets.

SUMMARY AND RECOMMENDATION:

As conditioned and with approval of the requested Historic Alteration and Design Permits, staff finds that the modified project design meets the regulations established for the construction of additions to properties listed in the City Historic Building Survey and within the RL Zone District.

As proposed, staff supports the design of the proposed addition in terms of its overall proportions, roofline, scale, and architectural design. By allowing the property owner to expand the living area of the existing historic residence in a manner that is compatible with the design of the historic building, the proposed project will improve the economic value of the historic property, thereby assuring its long-term preservation. This long-term preservation will foster civic pride, protect this portion of the City's cultural and aesthetic heritage, and promote continued private ownership and maintenance.

Therefore, staff recommends that the City Council reverse the Historic Preservation Commission's decision by upholding the applicant's appeal, acknowledging the environmental determination, and approving the Historic Alteration and Design Permits, based on the attached findings and subject to the conditions of approval listed in Exhibit "A."

FISCAL IMPACT: There is no impact on the General Fund. Permit and appeal fees paid by the applicant/appellant cover staff's costs to process the application. Once constructed, property taxes will be reassessed resulting in a minor increase in property tax revenue to the City.

Prepared by:
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Submitted by:
Juliana Rebagliati
Planning Director

Approved by:
Martin Bernal
City Manager

ATTACHMENTS:

Resolution for project approval

Exhibit A: Conditions of Approval

Attachment 1: Action Minutes of the July 21, 2010 Historic Preservation Commission Meeting

Attachment 2: Notice of Action/HPC Findings for Denial

Attachment 3: Appeal Letter, dated August 2, 2010, by Rebecca C. Barker, MD

Attachment 4: Letter describing project revisions, dated August 26, 2010, by Rebecca C. Barker, MD and Jeremy J. Neuner

Attachment 5: Letter of opposition from Nicholas Humy, dated July 17, 2010

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
ACKNOWLEDGING THE CATEGORICAL EXEMPTION AND APPROVING HISTORIC
ALTERATION AND DESIGN PERMITS AT 335 UNION STREET
THUS UPHOLDING THE APPEAL AND OVERTURNING THE HISTORIC
PRESERVATION COMMISSION'S DECISION TO DENY THE HISTORIC ALTERATION
PERMIT (APPLICATION NO. CP10-0094)

WHEREAS, on June 8, 2010, Stephanie Barnes-Castro, on behalf of property owner Rebecca Barker, submitted an application for Design and Historic Alteration Permits to construct a two-story addition to an existing single-family dwelling listed on the City Historic Building Survey, to demolish an existing non-historic barn, and to construct a detached garage with a second-story accessory dwelling unit (ADU) on a standard lot located at 335 Union Street (APN 006-401-04) in the RL zone district; and

WHEREAS, the project site and its development is governed by the standards and guidelines contained in City of Santa Cruz Municipal Code Title 24, the Zoning Ordinance, and the City of Santa Cruz General Plan; and

WHEREAS, an environmental determination of a Categorical Exemption Class 1 (Existing Facilities), 15301(e)(1), for the project has been considered; and

WHEREAS, the Historic Preservation Commission conducted a public hearing on July 21, 2010, and after receiving public testimony voted five to one to deny the Historic Alteration Permit based on certain findings; and

WHEREAS, on August 2, 2010, the applicant submitted an appeal of the Historic Preservation Commission's decision; and

WHEREAS, on August 26, 2010, the applicant submitted a letter proposing changes to the project, including elimination of the ADU and barn demolition from the project scope and minor modifications to the design of the two-story addition, and on August 31, 2010, submitted revised plans reflecting these proposed changes; and

WHEREAS, the City Council conducted a public hearing on September 28, 2010 to consider the appeal and made the following findings:

With respect to the Environmental Determination

The decision-making body has considered the Categorical Exemption together with comments received during the public review process and finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Class 1 (Existing Facilities) Categorical Exemption reflects the City's independent judgment and analysis.

With respect to the Historic Alteration Permit, Section 24.08.930

- 1. The action proposed is consistent with the purposes of historic preservation as set forth in Section 24.12.400 of this title and in the Cultural Resources Element of the General Plan; and one of the following three findings:**

The purposes in Section 24.12.400 are as follows:

- Designate, preserve, protect, enhance, and perpetuate those historic structures, districts, and neighborhoods contributing to cultural and aesthetic benefit of Santa Cruz;
- Foster civic pride in the beauty and accomplishments of the past;
- Stabilize and improve the economic value of certain historic structures, districts, and neighborhoods;
- Protect and enhance the City's cultural, archaeological and aesthetic heritage;
- Promote and encourage continued private ownership and use of such buildings and other structures now so owned and used, to the extent that the objectives listed above can be obtained under such policy;
- Serve as part of the Local Coastal Implementation Plan for the Coastal Program.

The proposed project meets all of the purposes listed above. By allowing the property owner to expand the living area of the existing residence in a manner compatible with the design of the historic building, the proposed project will improve the economic value of the historic property, thereby assuring its long-term preservation. This long-term preservation will foster civic pride, protect this portion of the City's cultural and aesthetic heritage, and promote continued private ownership and maintenance.

- 2. The project complies with Standards for Rehabilitation approved by the United States Secretary of the Interior; and that the project's:**

- **architectural design;**
- **height and bulk of buildings and structures;**
- **lot coverage and orientation of buildings;**
- **color and texture of surface materials;**
- **grading and site development;**
- **landscaping;**
- **changes to natural features;**
- **antennas, satellite dishes and solar collectors;**
- **off-street parking, signs;**
- **light fixtures and street furniture;**
- **steps, walls, doors, windows, screens and security grills;**
- **yards and setbacks**

protect and preserve the historic and architectural qualities and the physical characteristics which make the building, structure, or property a contributing feature of the landmark, historic building survey building or historic district; or

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The proposed two-story rear addition to the existing residence has been designed to integrate with the Gothic Revival style of the existing house. The proposed addition incorporates a similar roof pitch and eave depths, horizontal siding, window and door designs, and trim elements consistent with the existing design features of the house. A condition of approval has been included requiring the applicant to repaint the entire residence or paint the proposed addition to match the existing dwelling to unify the building. Further, conditions of approval require all new doors, windows, exterior finishes, and trim elements to match the existing features on the historic building and be of painted wood materials. Additionally, all new windows are required to have divided lites and exterior muntins.

The height and bulk of the proposed addition are compatible with the scale of the existing historic residence. The proposed rear addition will allow the property owner to increase the living area of the house without affecting the overall profile of the historic building as viewed from Union Street. The roofline of the addition follows the existing roofline with a maximum height of 26 feet at the ridgeline.

The project is consistent with the Secretary of the Interior's Standards. Standards 2, 5, 9, and 10 are particularly relevant to this project.

- 3. The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property pursuant to Section 24.08.940; or**

Not applicable.

- 4. The applicant has demonstrated that denial of the application will result in immediate and substantial economic hardship that denies the applicant the ability to make reasonable beneficial use of the property or the ability to obtain a reasonable return from the property.**

Not applicable.

With respect to the Design Permit, Section 24.08.430

- 5. 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 proposed addition is consistent with the General Plan land use designation of LM (Low Medium Density Residential) and the RL (Multiple Residence) zone district, which allows for single-family detached dwellings on lots with a minimum lot area of 5,000 square feet and width of 50 feet. The project conforms to the RL zone district standards for single-family dwellings, including minimum lot area and width, building height, and setbacks. The proposed addition has been designed to blend in with architectural style of the existing residence. The project supports the General Plan's goals which seek to maintain and enhance the City's unique built character, reinforce the desirable elements of neighborhood character or quality, and ensure the compatibility of infill development.

The property is not located within the Coastal Zone or within any area or specific plan boundary.

- 6. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.**

The exterior design of the proposed addition is compatible with the design of the existing residence in terms of its overall proportions, architectural style, design elements, and exterior finishes. The existing residence has an established architectural character that is worthy of preservation and the property is listed in the City Historic Building Survey. Overall, the proposed addition will blend in with the existing residence in an appropriate manner that enhances the quality of the neighborhood.

- 7. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components that are harmonious, materials and colors that blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.**

The proposed addition has been designed to blend in with the existing architectural style of the residence by incorporating a compatible roof pitch and using horizontal wood siding, windows, and trim elements to the existing residence. Overall, the addition features a similar scale and proportions to the home. The applicant will be required to repaint the entire residence or paint the addition to match the existing color scheme to unify the appearance of the dwelling. A standard condition of approval has been included requiring all utility installations to be undergrounded.

- 8. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.**

The proposed project will add living space to an existing single-family dwelling on a property that is surrounded by residential uses and therefore it will maintain the residential quality of the neighborhood.

- 9. The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.**

The proposed addition will not require the removal of any significant trees or shrubs or the alteration of natural land forms. The addition conforms to the building height and setback requirements of the RL zone district and will not add significantly to the bulk of the residence. Therefore, the project will preserve solar access of adjacent properties. With the exception of the upper story addition over the existing one-story covered porch, which will be visible from Union Street, the overall building profile as viewed from the public right-of-way will be maintained.

10. **The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.**

Due to its location, the project will not impact views along the ocean or public views of any scenic coastal areas.

11. **The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.**

The proposed project requires a minimum of two off-street parking spaces, which will be provided in a tandem configuration in the existing ten-foot wide driveway. The property will remain nonconforming with respect to the covered parking requirement. The project provides adequate off-street parking for the proposed residence and the Public Works Department has required the applicant to install a new City standard driveway approach off Union Street. Therefore, the proposed project will not adversely impact traffic and parking conditions on abutting streets.

12. **The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage non-auto travel.**

Although minor projects such as single-family residential additions are not subject to this finding, there is adequate space on-site to provide for bicycle and motorcycle parking in the existing barn.

13. **The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.**

The proposed project includes usable open space for residents of the house in the front and rear yards of the property.

- 14. 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 proposed addition will require issuance of a building permit. The project will be required to meet all applicable regulations of the Building Code pertaining to noise, vibration, and other factors affecting indoor and exterior environmental quality. The layout of the proposed addition respects the need for privacy of the adjacent residence by maintaining an approximately 15-foot setback from the eastern side property line, a 14-foot setback from the western side property line, and a 55-foot setback from the rear property line.

- 15. Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.**

This finding is not applicable to the project.

- 16. Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.**

The project involves an addition at the rear portion of the second story of an existing two-story residence. The addition incorporates operable windows to take advantage of solar radiation and wind for passive heating, cooling, and ventilation. No landscaping is proposed as part of the project but existing landscaping in the front and rear yards will be retained.

- 17. The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.**

The Inspections section of the Planning and Community Development Department will verify that the addition incorporates water conservation features such as low-flow water fixtures through the building permit process. The project does not include any new landscaping.

- 18. In all projects in Industrial (I) Zones, building design shall include measures for reusing heat generated by machinery, computers and artificial lighting.**

Due to the project location, this finding is not applicable.

- 19. In all projects in Industrial (I) Zones, all buildings and structures shall be so designed and oriented to make use of natural lighting wherever possible.**

Due to the project location, this finding is not applicable.

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- 20. Heating systems for hot tubs and swimming pools shall be solar when possible but in all cases energy efficient.**

There are no heating systems proposed as part of the project and therefore this finding is not applicable.

- 21. Enhance the West Cliff Drive streetscape with appropriate building mass, modulation, articulation, coloring and landscaping that is compatible with and would not diminish the visual prominence of the public open space.**

Due to the project location, this finding is not applicable.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby acknowledges the Categorical Exemption and approves the Historic Alteration and Design Permits subject to the Findings listed above and the Conditions of Approval listed in Exhibit "A," attached hereto and made a part hereof, thus upholding the appeal and overturning the Historic Preservation Commission's decision.

PASSED AND ADOPTED this 28nd day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

RESOLUTION NO. NS-
EXHIBIT A

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

335 Union Street – Application No. CP10-0094

Historic Alteration and Design Permits to construct a two-story addition to an existing single-family dwelling listed on the City Historic Building Survey on a standard lot in the RL zone district.

1. This project involves the building and site modifications illustrated on plans prepared by Stephanie Barnes-Castro Architect, with revisions dated August 30, 2010 and received August 31, 2010. All plans for future construction, which are not covered by this review, shall be submitted to the City Planning and Community Development Department for review and approval.
2. This permit shall be exercised with three (3) years of the date of final approval or it shall become null and void. The appeal period for this permit shall begin after the Design Permit is considered by the Zoning Administrator.
3. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein might result in the revocation or any approval or permits issued in connection therewith.
4. All final working drawings shall be submitted to Planning staff for review and approval in conjunction with building permit application.
5. Except as modified by other conditions of approval, the development of the site shall be in substantial accordance with the approved plans prepared by Stephanie Barnes-Castro Architect, with revisions dated August 30, 2010, received August 31, 2010, and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
6. All new exterior windows, doors, roofing, and other materials on the house addition shall closely match those elements on the existing house. All windows and doors shall be of painted wood materials.
7. All new windows shall have divided lites with exterior muntins.
8. The applicant shall repaint the entire residence or paint the proposed addition to unify the appearance of the dwelling.
9. Corner trim shall be provided on the addition to match the existing residence.

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EXHIBIT A

10. The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement at the bottom of these historic alteration permit conditions, which will become conditions of the building permit:

“I understand that the subject permit involves a site which is protected under the City’s historic preservation regulations. I intend to perform or supervise the performance of the work allowed by this permit in a manner which does not destroy any of the historic materials on the site beyond what is approved.”

Signature of Building Contractor

Date

Printed Name, Building Contractor

11. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
12. Plans submitted for building permits shall demonstrate 100 percent compliance with all current codes.
13. Adequate provisions shall be made to supply water to the premises covered by this application. The design of water facilities shall be to standards of the Water Department, and plans therefore must be submitted to the Water Department Director for review and approval prior to the issuance of a building permit. The applicant shall be subject to the fees and requirements described in the “New Water Service Information Form” dated June 21, 2010 or as may be modified by the Water Department based on the revised project scope.
14. Turf grass shall be limited to no more than 25 percent of the total landscape area. Turf varieties shall be water-conserving species, such as tall and hard fescues. Turf shall not be placed in areas less than eight feet wide or on slopes greater than ten percent.
15. All utilities and transformer boxes shall be placed underground unless otherwise specified.
16. A drainage plan shall be submitted in conjunction with application for building permits.
17. If archaeological or human remains are unexpectedly discovered during construction, work shall be halted on the parcel until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with the concurrence of the Lead Agency, and implemented.
18. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1.

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EXHIBIT A

19. Runoff from buildings shall be conveyed utilizing best management practices (BMPs) for storm water pollution prevention. BMPs for single family dwellings include but are not limited to the following:
 - Discharge into landscaping where there is sufficient slope away from buildings.
 - Piped into drywells/percolation pits.
20. Any tree marked for preservation which is subsequently removed shall be replaced by two (2) specimen trees of a variety and at locations specified by the Zoning Administrator. All such trees shall be replaced prior to occupancy of the premises.
21. Grading shall be done during periods of dry weather and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain. No earth-moving activities shall occur between November 1 and April 1.
22. Prior to site grading or any disturbance all trees and/or tree stands indicated for preservation or approved plans shall be protected through fencing or other approved barricade. Such fencing shall protect vegetation during construction and shall be installed to the satisfaction of the Director of Planning and Community Development.
23. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.
24. Plans submitted for building permits shall demonstrate compliance with the following requirements of the Fire Department:
 - Provide interconnected smoke detectors per the California Building Code and California Fire Code in the main residence;
 - Install Class “B” or better roofing material;
 - Post address for in minimum four-inch numbers (and letters if needed) in a contrasting color clearly visible from the street.
25. Plans submitted for building permits shall demonstrate compliance with the following requirements of the Public Works Department:
 - Remove and replace existing nonconforming driveway approach with City Standard Type “C” driveway approach
26. Prior to obtaining a final inspection of the building permit for the addition to the house, the one-story detached shed building in the rear yard shall be demolished.

- The Commission should not allow the demolition of the barn as it is not in keeping with the historic preservation mandate.
- Request keeping the historic nature of the existing house.
- Keep the small cottage gothic-style structure as it exists.
- The proposed house addition and new ADU changes the integrity of the street, the view, the character and the historical experience.
- Observe the original barn footprint and allow the current setbacks as exists.
- The added mass is anachronistic with any other two-story house in the neighborhood.
- Suggest adding the staircase on the interior of the barn.
- The new height would block neighboring views and change the entire neighborhood.

Speaking from the Floor in Rebuttal

S. Barnes-Castro, Architect

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

After Commission discussion related to details of the house addition and the historic background and value of the existing barn structure, the Commission indicated they would like to continue the application to the following meeting to allow time to address various design issues. The applicant requested that the Commission take some final action on the project.

ACTION: Commissioner Subocz moved and Commissioner Steen seconded, to DENY THE PROJECT WITHOUT PREJUDICE for the Historic Alteration Permit at 335 Union Street as the size and location of the second-story is incompatible with the existing historic house. The motion passed on a 5/1/1 vote; with Commissioner(s) Miller voting no and Eriksen absent.



Dept. of Planning & Community Development
CITY HALL - 809 CENTER STREET, ROOM 206
SANTA CRUZ, CA 95060
(831) 420-5110

NOTICE OF ACTION

On July 21, 2010, the Historic Preservation Com. acted upon the subject application as follows:

Project Address: 335 Union Street Case No: CP10-0094

Description of Project: Historic Alteration Permit to construct a two-story addition to an existing single-family dwelling listed on the City Historic Building Survey, to demolish an existing non-historic barn, and to construct a detached garage with second-story ADU on a standard lot in the R-1 zone district.

Applicant: Rebecca Barker
335 Union Street
Santa Cruz, CA 95060

Rep: Stephanie Barnes-Castro
303 Potrero St., Suite 29-305
Santa Cruz, CA 95060

- GRANTED REQUEST FOR EXTENSION OF TIME to _____
- RECOMMENDED _____ to the City Council.
- REFERRED the application to the _____
- CONTINUED the hearing to _____ without prejudice.
- DENIED the proposal for the following reason(s): The size and location of the second-story is incompatible with the existing historic house.
- ACCEPTED WITHDRAWAL OF APPLICATION AS REQUESTED BY APPLICANT.

DON LAURITSON

Signature/Title DON LAURITSON, SENIOR PLANNER

Either denial or approval of a permit may be appealed. See reverse for information regarding appeals.

If you have any questions, please contact the Department of Planning and Community Development, Room 206, City Hall Annex, 809 Center Street, or call **(831) 420-5110** during normal business hours.

EXHIBIT "A"

FINDINGS FOR DENIAL OF THE PROJECT ON PROPERTY AT

335 Union Street – Application CP10-0094

Historic Alteration Permit to construct a two-story addition to an existing single-family dwelling listed on the City Historic Building Survey, to demolish an existing non-historic barn, and to construct a detached garage with a second-story Accessory Dwelling Unit (ADU) on a standard lot in the RL zone district.

Based on the Finding below, the Historic Preservation Commission denied the applicant's request for a Historic Alteration Permit at a public hearing held on July 21, 2010 on a 5/1/1 vote.

With respect to the Historic Alteration Permit, Section 24.08.930

The project does not comply with Standards for Rehabilitation approved by the United States Secretary of the Interior; and the project's:

- architectural design;
- height and bulk of buildings and structures;
- lot coverage and orientation of buildings;
- color and texture of surface materials;
- grading and site development;
- landscaping;
- changes to natural features;
- antennas, satellite dishes and solar collectors;
- off-street parking, signs;
- light fixtures and street furniture;
- steps, walls, doors, windows, screens and security grills;
- yards and setbacks

do not protect and preserve the historic and architectural qualities and the physical characteristics which make the building, structure, or property a contributing feature of the landmark, historic building survey building or historic district.

The Historic Preservation Commission finds that the size and location of the proposed two-story rear and upper floor additions are incompatible with the existing Gothic Revival style residence. Therefore, the project does not comply with the Secretary of the Interior's Standards for Rehabilitation or the above City Historic Alteration Permit finding. At the project hearing, the Commission suggested continuance of the application to a future meeting to consider modifications to the project scale and design, such as lowering the ridge height of the addition and modifying the dormer on the front elevation to match the pitch of the existing gable end on that elevation.

Rebecca C. Barker, MD & Jeremy J. Neuner, 335 Union Street, Santa Cruz, CA 95060

August 2, 2010

Office of the City Clerk
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

RECEIVED
AUG 2 2010
CITY CLERK'S DEPT.

**SUBJ: APPEAL OF THE DENIAL OF HISTORIC ALTERATION PERMIT
NO. CP10-0094**

To Whom It May Concern:

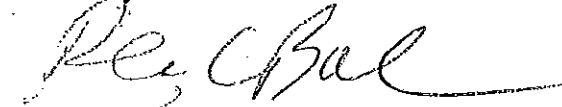
This letter will serve as our official notice of appeal of the denial of historic alteration permit number CP10-0094 for our property at 335 Union Street (APN 006-401-04).

On July 21, 2010, the Historic Preservation Commission acted upon the subject permit by denying the application without prejudice because the size and location of the second-story is incompatible with the existing historic house. We are appealing this denial pursuant to the following sections of the Santa Cruz Municipal Code: Historic Alteration Permit, Section 24.08.900 thru 940.

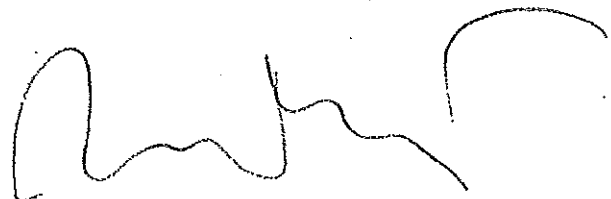
Attached to this letter is a check for \$500.00 which is the required fee to appeal this action.

If you need to contact us regarding this appeal, please use the contact information below.

Sincerely



Rebecca C. Barker, MD



Jeremy J. Neuner

Mail: 335 Union Street, Santa Cruz, CA 95060

Phone: 831-425-1636 (h) or 831-246-0979 (c)

Email: jeremy@NextSpace.us

August 26, 2010

Don Lauritson and Janice Lum
Department of Planning and Community Development
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

**SUBJ: APPEAL OF THE DENIAL OF HISTORIC ALTERATION PERMIT
NO. CP10-0094**

Dear Don and Janice:

As you know, we are appealing the denial of historic alternation permit number CP10-0094 for our property at 335 Union Street (APN 006-401-04).

As part of the appeal, we have made some major modifications to the proposed project. We have completely removed the two-story ADU from the plan and are now solely focusing on the main house addition. The existing two-story barn will remain as is, despite the fact that it is in major disrepair (which is the condition it was in when we purchased the property). We have also modified the proposed plans to the main residence to reflect recommendations made by the commissioners at the HPC hearing. The modifications include lowering the ridge height at the proposed second story, modifying the front dormer in pitch and design to match the main front gable introducing adding filigree on the bargeboard of the new dormer. Some of the commissioners philosophically prefer additions to historic homes to directly reflect design elements from the original home rather than have the addition visibly appear different. To achieve greater conformity with the historic design elements, the following was modified: The siding profile was changed from the wider siding to match the narrower siding profile on the street elevation, a trim was added at the gable ends to match the trim located on the Western façade gable and the fenestrations on the Western face (driveway façade) have also been modified to match the scale of the existing fenestrations including shutters on each side of the double hung window units.

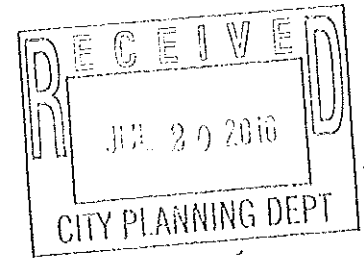
If you need to contact us regarding this appeal, or these modifications, please use the contact information above.

Sincerely

Rebecca C. Barker, MD

Jeremy J. Neuner

Nicholas Peter Humy
327 Union Street
Santa Cruz, CA 95060



July 17, 2010

Historic Preservation Commission
809 Center Street
Santa Cruz, CA 95060

RE: 335 Union Street CP10-0094 APN 006-401-04

Dear Commission Members,

I write to register my opposition to the proposed construction at 335 Union Street. I am unable to attend the hearing on July 21, 2010, due to medical reasons.

I oppose both the proposed addition to the main house, as well as the demolition of the barn and construction of the proposed garage/ADU.

In brief, my objection to the proposal is that it is inconsistent with the purposes of historic preservation as adopted unanimously by the city in 2003: the bulk of the proposed structures, as well as the new proposed lot coverage and the new, proposed orientation of the buildings would not protect and preserve the architectural qualities and the physical characteristics which make the house a contributing factor of the historic building survey. The proposed project would substantially increase the size of the house, dwarfing the original, modest, Gothic revival cottage. Demolishing the barn (or stable), and building a larger, re-positioned garage and dwelling unit, would also completely alter the character of the property. Currently 335 Union is the gem of the 300 block of Union Street; an elegant example of mid-century home, with horse stable, well sited on its lot. To allow the proposed project would mean the loss of this gem to the neighborhood and to the community.

The proposed project would not help stabilize and improve the economic value of the historic neighborhood in the 300 block of Union Street.

The Commission should not focus solely on the stability and economic value of 335 Union. While the proposed project might increase the market value of this address, it would have a detrimental effect on the value of the properties around it.

By placing windows that overlook currently private areas of neighboring homes and gardens the project would detract from the value of the properties around it. It would also very likely cause other projects to be proposed to compensate for the sight-line changes presented by the second story windows in this proposal, giving rise to yet more pressure on the historic qualities of the neighborhood. This pressure devalues the homes around 335 Union Street, and does not stabilize the neighborhood.

Page 1 of 4

The 300 block of Union Street has a number of houses on the Historic Building Survey. It is charming. It is also a very densely inhabited block; several houses are subdivided into rentals, some rent out rooms, and on two lots, there are multiple dwellings. This density continues around Pine Alley, and into Locust as well. There is a great deal of foot traffic, and street parking is always a problem. And yet our neighborhood has achieved a beautiful balance; it is livable, and fosters neighborly communication.

The 335 Union address is in the middle of this dense living. It currently has its own ADU in the back, at ground level. The main house stands virtually on top of its eastern property line. Next to it 333 Union stands within inches of that same property line. This last structure actually shares its lot with 331 Union. The eaves of 331 and 333 run within a couple of feet from one another; as you walk between them, you can touch them both with outstretched arms. In turn, 331 stands on its property line on its eastern boundary. The next home 327 Union (my residence) sits within 13 feet of 331 Union. In spite of the crowding, these homes work well because their scale, and their positioning in relation to one another are such that the residents in each one can have repose, in their homes and in the outdoors without the neighbors peering in their windows and into their entire yards. The proposed project would change all that.

The current ADU on the 335 property does not look into my yard or the yards of other neighbors, because it is at ground level. The proposed ADU above the new garage would look into my yard (including an outdoor shower for my surfer sons), as well as into several of my windows. My neighbors would fare even worse. The proposed second story ADU, with its wrap-around cat-walk, would be like a watchtower in the middle of the block, overlooking those areas, which, for decades, have been restful, relatively private living spaces for the residents of these homes.

The proposed addition to the house structure, would compound the problem. Again, the second story windows on the addition would look out over the neighboring properties, at yet another angle, ensuring that none of the neighbors could avoid being gazed upon from above.

Any proposed project should avoid adding second story windows look into the neighboring properties. Any proposed ADU should be at ground level to minimize the impact on the rest of the neighborhood.

Making other homes on the Historic Building Survey less livable is not in keeping with the goal of stabilizing and improving the economic value of historic neighborhoods.

The proposed project does not protect and enhance the City's cultural and aesthetic heritage.

The house at 335 Union is included in the Historic Building Survey because it is a lovely example of Gothic Revival as that style was expressed here in Santa Cruz in approximately 1860. Deservedly so. Scale and proportion are the heart of its architectural value. The proposed project would add more than a third of square footage to the structure, but would give the appearance of doubling the size of the house. The double gable feature of this addition might be seen as echoing the current double gable of the small single story additions (which would be subsumed by the project), but as a new, main roof-line, the double gables undermine entirely the proportion, scale and linear flow of the house. This double gable, with the crossing gable (actually the architectural terms are beyond me) seems to be a way to permit the construction of a

single space large enough for a "master bedroom" area, which is larger in scale than any other span in the original house.

All of this would be clearly visible from the street: over the roof of the front porch area, as well along the driveway at the side of the house. The proposed addition is not hidden by the original historic structure.

The existing small additions to the house, are just that, obvious minor additions that make simple concessions to new modes of living. Virtually all Victorian houses have these additions in order to accommodate such niceties as interior plumbing, and indoor cooking. At 335 Union Street these additions are single story, and do not dwarf the basic architectural design of the core home. Any approved addition should be single story like these.

The proposed project's scale would almost totally obscure the cultural and aesthetic heritage represented by this house. Although it is true that the historic house structure would survive in large part, and be incorporated into the new structure, the project as a whole would obscure the architectural qualities and the physical characteristics which make the property a contributing factor of the Historic Building Survey. Once the two story structure is added, it would not be feasible to remove it to reveal the original structure, as required by the guidelines adopted by this city.

This proposal does not arise from a need to correct an unsafe or dangerous condition.

The main house is in remarkably good condition. The stable is in need of maintenance and some structural work, but it is quite solid for a structure that has been neglected for decades. It could easily serve as a garage with a little work. The existing ADU has issues, which are not part of this discussion. None of this proposed project is due to concerns for safety.

This proposal does not arise from the need to avoid substantial economic hardship, or from an inability to make reasonable use of the property, but will cause some degree of economic hardship on neighboring properties.

It would be easier to understand this proposal if it were prompted by a need to avoid economic hardship, or by an unexpected change in circumstances. But that is not the case. The current owners purchased this property quite recently, within the last 18 months, or so. The property at 335 Union was on the Historic Building survey then, as it has been since the first survey was done in 1976. The kind of house (larger?) that is now being proposed would not have been difficult to find in Santa Cruz 18 months ago, nor is it now. There is no compelling reason to allow the proposed major changes to an historic building, which this city has found good cause to protect for decades. Historic preservation means slowing some development, not because development is bad, but because, for a select few properties and neighborhoods, there is a compelling reason to preserve the past. The City Counsel has, over the years, repeatedly re-affirmed this goal.

Some home buyers will avoid homes on any historic preservation list; they understandably prefer to have as few constraints as possible on their decisions on what to do with their property. Other home buyers are happy to purchase listed homes, particularly if the home is in a neighborhood that has many other protected homes, because historic preservation means (or

should mean) that the neighborhood will retain its qualities and characteristics over the years and decades. Our neighborhood on Union Street has been preserved in this way for some time now. It should continue to be protected.

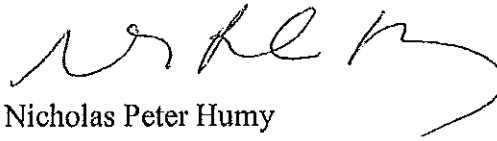
The comission should not allow the demolition of the barn.

The announcement for the public hearing describes the barn as "non-historic." I assume that designation means that it is not, itself, listed on the Historic Building Survey. So be it. But it is a wonderful example of the modest stable/carriage houses that were built to serve the needs of the early citizens of Santa Cruz. Most of the houses built in the era had a stable behind them. Few of those stables survive. The stable at 335 Union, while modest, has lovely proportions, and is well sited on the property and in relation to the main house. The committee should consider this unity when considering this proposed project. The stable can be repaired, and would serve well in many functions. It has been a stable and carriage house, and it has been the workshop for a local cabinet making business. It could easily be a garage.

This commission should not permit its demolition without first visiting it on site. At the very least, efforts should be made to relocate it to a suitable site.

I regret that I am unable to attend the hearing on July 21, 2010. I would do so if at all possible. I thank the Commission for the opportunity to make my position known in writing.

very truly yours,



Nicholas Peter Humy
327 Union Street
Santa Cruz, CA 95060
471 2433

cc. Janice Lum
Don Lauritson
Rebecca Barker