



COUNTY OF SANTA CRUZ

Planning Department

701 OCEAN STREET, SUITE 410, SANTA CRUZ, CA 95060
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 ALVIN JAMES, DIRECTOR

September 15, 2002

Agenda: September 23, 2003

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, California 95060

RE: BASEMENTS AND ATTICS (Floor Area Ratio)

Members of the Board:

On August 19, 2003, your Board considered a report regarding the application of certain zoning regulations affecting two somewhat special features of residential construction: basements and attics. This report outlined a number of concerns that had been raised in conjunction with a particular building permit in which the property owner had attempted to build a structure that met the zoning regulations, but raised issues regarding attics and basements. Several issues were associated with the property owners application, including perceived neighborhood concerns related to compatibility with the character of surrounding development and intensity of use concerns. The issues that were discussed by your Board included how far basements should extend outside the footprint of a house, the calculation of Floor Area Ratio (FAR) for attics and basements, and the calculation of FAR for cathedral ceilings.

Floor Area Ratio

Attics and Basements – The definition of attics is as follows:

Attic. For planning and zoning purposes, an attic is the space between the underside of the roof framing (rafters or beams that directly support the roof sheathing) and the upside of the ceiling framing. Attics are not considered a story. If any part of an attic is 7 feet 6 inches or higher, then all areas greater than 5 feet 0 inches in height shall count as area for F.A.R. calculations. (4159, 12/10/91)

The definition of basements is as follows:

Basement. For planning and zoning purposes, a basement is the space below the bottom of the floor framing (joists or girders that directly support the floor sheathing) and the basement floor. To qualify as a basement more than 50% of the basement exterior perimeter wall area must be below grade and no more than 20% of the perimeter exterior wall may exceed 5 feet - 6 inches above the exterior grade.

If any part of a basement is 7 feet 6 inches or higher, then all areas greater than 5 feet 0 inches in height shall count as area for F.A.R. calculations.

Basements are not considered as a story. (Ord. 4119, 2/5/91; 4122, 4/9/91; 4159, 12/10/91)

As discussed in the August 19th report, basements are not considered structures. Accordingly, there are no setbacks required for basements and there really are no other constraints on the construction of underground areas other than FAR. From the definition above, attics and basements can be considered in the FAR calculations if certain dimensions (7'6") are met. The reason for this particular dimension is that Uniform Building Code requires a minimum of 7'6" between the floor and the ceiling for the room to be considered habitable. Certain other spaces, such as bathrooms and hallways may have smaller spaces but bedrooms, family rooms, living rooms and kitchens must meet the 7'6" height minimum to be considered habitable.

When the FAR ordinance was being developed, the concern over the addition of habitable space in attics and basements prompted staff to include in the ordinance the requirement that if any area in an attic or basement had any height equal to or exceeding 7'6", then all areas exceeding 5 feet would be counted towards the overall FAR of the structure. This recognized the fact that additional habitable space in an attic or basement affected the intensity of use of the residence and its impact on adjoining properties and the neighborhood.

Many homes are designed with attics and basements that specify a height less than 7'6" so that these areas will not be added to the FAR calculation. This allows the property owner to construct a larger area above ground. It also means that the attic and basement areas cannot legally be used as habitable space. While many property owners no doubt use their non-habitable attics and basements solely for storage, others have undoubtedly converted this space to rec rooms, offices, laundry rooms, etc.

There are a number of different ways to further regulate the construction of attics and basements so that they do not increase the intensity of use of the residential structure. One of the ways is to change the threshold where the attic or basement will be included in the calculation of FAR. As indicated above, the current threshold is 7'6". If that threshold is reached, any area in the attic or basement over 5 feet in height is counted towards the structures FAR. Staff has considered a number of alternatives, as follows:

All attic and basement areas counted towards FAR – This alternative is not a good solution, for a number of reasons. First, this alternative would result in flat roofs and mansard roofs. From an urban design point of view, this would be less than desirable. Second, it would make most existing homes with pitched roofs non-conforming. Even existing single story homes might end up being over the maximum FAR. Finally, basements would likely be all but eliminated.

Change the FAR threshold to 7 feet – This alternative would allow for the continuation of diverse building designs and the use of attics and basements as non-habitable space. It is possible that these could be converted to habitable uses. As with the current ordinance, if this threshold were reached, all areas greater than 5 feet in height would be counted towards FAR.

Change the FAR threshold to 6 feet – Under this alternative, areas in attics and basements over 6 feet in height would be counted towards the FAR. This alternative would allow property owners to construct attics and basements that could be used for storage purposes by most people with little possibility of conversion to habitable space.

Change the FAR threshold to 5 feet – This alternative would expand the current threshold so that any area over 5 feet in height would be counted towards the FAR. This also coincides with the requirement that approved access be provided to attics that have 5 feet or greater in height and have flooring. Staff believes that this threshold is too restrictive, will limit design alternatives and discourage the inclusion of functional storage space.

Staff recommends that your Board consider amending the threshold to 6 feet. This will allow usable storage space to be constructed and decrease the potential for the conversion of this space to additional habitable space. A draft ordinance has been prepared for preliminary review by your Board (Attachment 1).

Cathedral Ceilings - Many homes are now designed with cathedral ceilings as a way to make smaller rooms appear larger. There was some concern expressed that habitable intermediate floors (>7'6"), such as mezzanines, could be illegally constructed in cathedral ceiling rooms that were just under the 16-foot threshold, thereby adding uncounted space to the residence and increasing the intensity of the land use. The current FAR ordinance requires that rooms with ceiling heights of 16-feet or greater be counted twice and that rooms with ceiling heights of 24-feet or greater be counted thrice. In order to forestall the ability to subdivide the space into habitable spaces of 7'6" or more, staff recommends that the thresholds be amended to 15-feet for counting the area twice and 22.5-feet for counting the area thrice.

Basements – As noted above, there are few restrictions on the construction of basements. Usually, property owners confine their basements to the area directly under the house. However, as illustrated in the example given on August 19th, some property owners may want additional underground area. With the proposed changes to the FAR, staff believes that it is appropriate to restrict the construction of basements to the residential setbacks applicable to the property, and to include those areas outside the foundation, regardless of height, in the FAR calculation.

Floor Area Ratio and Lot Coverage – The Floor Area Ratio ordinance was adopted to take the place of another set of regulations that were intended to limit the construction of second floors to protect the light, air and open space between adjacent properties. Several decades ago, before any of these types of regulations were enacted, the regulations regarding residential development were limited to setbacks and lot coverage. At that time, lot coverage in the R-1-6 zone district was 40%, rather than the 30% lot coverage now in place. That lot coverage allowed a 2400 sf. home on a 6000 sf. parcel (1800 sf. is allowed under the 30% lot coverage). Most of the homes built at that time were single story homes because you could build a big enough home without

having to add a second floor. Staff believes that it is time for the County to re-examine its lot coverage and FAR standards. By increasing the lot coverage, we believe that fewer homes will be built that creates compatibility problems resulting from height with adjacent residences. Additional analysis of this and other ways to protect existing small lot neighborhoods should be considered for future work programs.

Discussion – Staff has conducted a review of the Floor Area Ratio ordinance as it applies to attics and basements. A number of issues had been raised regarding the ability of property owners to use portions of attics and basements as habitable space when the space had not been counted towards the calculation of FAR for the property. This in turn can lead to an over intense use of the property as evidenced by inadequate on-site parking, excess noise and neighborhood complaints.

In order to address these issue, staff has prepared preliminary ordinance amendments that adjust the threshold for counting area in attics and basements in the FAR calculation. These modifications, as discussed above, will allow the use of these spaces for non-habitable purposes (and not count towards FAR), but will also allow the construction of attics and basements that can be used for habitable purposes and be counted for FAR. The changes proposed are drafted to be applied prospectively and would not have the effect of creating non-conforming structures throughout the County. In addition, because ordinance changes are suggested, these matters would need to be reviewed by the Planning Commission. This will provide an additional opportunity for further public input and refinement.

It is, therefore, RECOMMENDED that your Board:

1. Accept and file this report; and
2. Direct staff to refer the attached amendments to the County Code regarding attics and basements as presented in Attachment 1 to the Planning Commission for review and processing.

Sincerely,


 Alvin D. James
 Alvin D. James
 Planning Director

RECOMMENDED: 
 Susan A. Mauriello, CAO

Attachments: 1. Proposed Ordinance Amendment

CC: County Counsel

ADJ:C:\Documents and Settings\PLN023\My Documents\MyFiles\ZONING\FAR\FAR92303bos 1.doc

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ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE SANTA CRUZ COUNTY CODE
RELATING TO ATTICS AND BASEMENTS**

DRAFT

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection (c) of Section 13.10.323 of the Santa Cruz County Code is amended to read as follows:

c) Calculating Allowable Gross Building Area. When determining the maximum allowable gross building area for a specific parcel, it is necessary to know the zoning and net site area of the parcel. Definitions of net site area, gross building area, floor area, floor area ratio, story, attic, basement, underfloor, and mezzanine appear in 13.10.700.

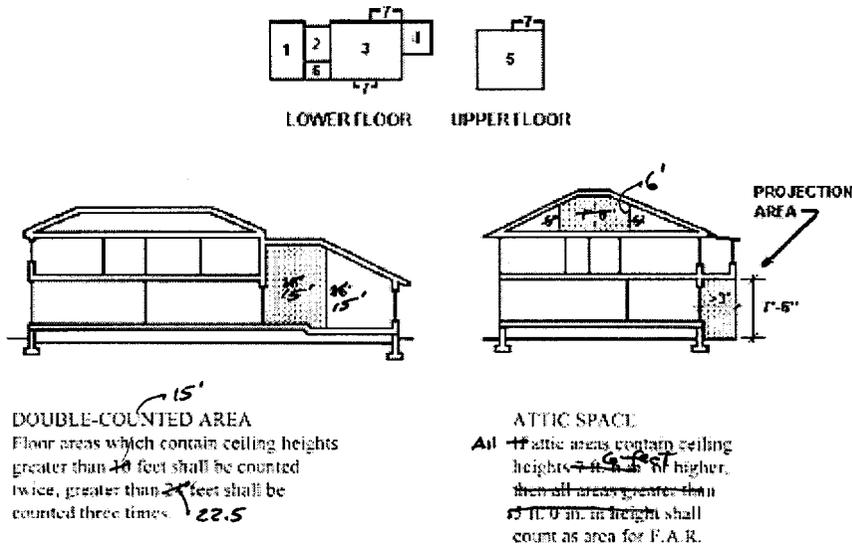
Net Site Area x Floor Area Ration (F.A.R.) = Total Allowable Gross Building Area for All Buildings on Site

Net Site Area x Maximum Parcel Coverage Percentage = Maximum Allowable Parcel Coverage

AREAS TNCLUDED IN GROSS BUILDING AREA CALCULATION

- All Floor Areas; areas with ceiling heights greater than ~~16~~ 15 ft. 0 inches are counted twice, and greater than ~~24~~ 22 feet 6 inches are counted three times (2, 3, 4, 5)
- Garage (credit for one parking space - 225 sq. ft. not counted (1)
- Covered and Enclosed Area (**6**)
- Stairs and landing at each floor
- Basements, attics and under floor area which reach a ceiling height of ~~7 ft. 6 inches~~ 6 feet or h
; ~~inches~~ feet or h
~~count as area for F.A.R. calculations~~
- Areas under building projections greater than 3 feet from the exterior wall, or cumulatively greater than 1/3 the length of that side of the building.

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AREAS NOT INCLUDED IN CALCULATIONS

- first 140 sq. ft. and then 1/2 of all covered, unenclosed porch areas (7)
- uncovered decks (covered decks count)
- uncovered balconies (covered balconies count)
- areas beneath 3 ft. of roof overhang

SAMPLE PARCEL of 3,783 net square feet, R- 1-4 Zone District

From Site and Structural Dimensions Chart:

Floor Area Ratio = 0.5: 1
 Maximum Parcel Coverage = 40%

3,783 sq.ft. x 0.5 = 1892 sq.ft. Total Floor Area
 3,783 sq.ft. x 0.40 = 1513 sq.ft. Maximum First Floor Area (Round to Nearest Foot)

Total Floor Area = 1892 sq.ft.
 Less: Maximum First Floor Area = 1513 sq.ft.
 Second Level Area = 379 sq.ft.

The total floor area may be divided equally between floors.

SECTION II

Section 13.10.700 – "A" of the Santa Cruz County Code is amended to read as follows:

Attic. For planning and zoning purposes, an attic is the space between the underside of the roof framing (rafters or beams that directly support the roof sheathing) and the upperside of the ceiling framing. Attics are not considered a story. If Any part of an attic is 7 feet 6 inches 6 feet or higher than 5 feet 0 inches in height shall count as area for F.A.R. calculations. (4159, 12/10/91)

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SECTION III

Section 13.10.700 – “B” of the Santa Cruz County Code is amended to read as follows:

Basement. For planning and zoning purposes, a basement is the space below the bottom of the floor framing (joists or girders that directly support the floor sheathing) and the basement floor. Basements may extend beyond the foundation of the structure but may not encroach within the required yard and resource protection setbacks for the zone district.

To qualify as a basement more than 50% of the basement exterior perimeter wall area must be below grade and no more than 20% of the perimeter exterior wall may exceed 5 feet - 6 inches above the exterior grade;

~~If~~ Any part of a basement that is 7 feet 6 inches 6 feet or higher, then all areas shall count as area for F.A.R. calculations; all basement area extending outside the exterior of the foundation for the structure shall be counted as area for F.A.R. calculations.

Basements are not considered as a story. (Ord. 4119, 2/5/91; 4122, 4/9/91; 4159, 12/10/91)

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SECTION IV

Section 13.10.700 – “F” of the Santa Cruz County Code is amended to read as follows:

Floor Area Ratio (F.A.R.). The Gross Area divided by the net site area. Applies only within the Urban Services Line and Rural Services Line on lots of 16,000 square feet or less. (4159, 12/10/91)

SECTION V

This ordinance shall become effective on the 31st day after adoption outside the Coastal Zone and upon certification by the California Coastal Commission inside the Coastal Zone.

PASSED AND ADOPTED this _____ of _____ 2003, by the Board of Supervisors of the County of Santa Cruz by the following vote:

- AYES: SUPERVISORS
- NOES: SUPERVISORS
- ABSENT: SUPERVISORS
- ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM: _____
Assistant County Counsel

DISTRIBUTION: County Counsel
CAO Planning Department

DRAFT 54

SANSON & LOCKE-PADDON LLP**ATTORNEYS AT LAW**

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RALPH SANSON

WILLIAM F. LOCKE-PADDON

CERTIFIED SPECIALIST ESTATE PLANNING,
TRUST & PROBATE LAW, THE STATE BAR OF
CALIFORNIA BOARD OF LEGAL SPECIALIZATIONDEBRA A. KERR
CERTIFIED PARALEGALCLAIRE E. SWETLAND
CERTIFIED PARALEGAL

September 11, 2003

THE HONORABLE ELLEN PIRIE
 CHAIR OF THE BOARD
 BOARD OF SUPERVISORS
 701 OCEAN ST RM 500
 SANTA CRUZ CA 95060

Re: Pending proposal regarding floor area ratio

Dear Ellen:

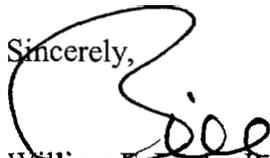
An architect client informed me about the proposed change to the floor area ratio rules. I am concerned and hope you will oppose the change. My client states that the proposed change will make many homes non-conforming.

I hope you will take a stand against making home improvements and remodeling more difficult. It is difficult enough already, and so expensive as to make unsubsidized "affordable housing" an oxymoron.

I recently assisted my elderly mother in establishing a second unit at her home. The process took 20 months. The governmental fees and required (mostly unnecessary) engineering studies to place a manufactured home on a level lot were thousands and thousands of dollars, totaling almost 20% of the entire cost of the project.

As I understand the proposed change, it will make many, even minor, projects even more expensive. Our community does not need this or similar rules.

Sincerely,



William F. Locke-Paddon

WFLP:dak

CARTER & SALAZAR ARCHITECTS

RESIDENTIAL ■ INTERIORS ■ COMMERCIAL ■ URBAN DESIGN
HUGH DAVID CARTER ■ ARCHITECT M. KELLY SALAZAR ■ ARCHITECT

TO: *Clerk of the Board*

DATE: *19 Sept 03*

JOB NUMBER :

JOB NAME:

ATTENTION :

TRANSMITTAL *RE: 23 Sept Board Mtg.*

THIS IS TO TRANSMIT TO YOU:

- ENCLOSED/ATTACHED
- UNDER SEPARATE COVER

VIA :

- FIRST CLASS MAIL
- PICK UP HERE

- HAND DELIVERY
-

AS FOLLOWS :

- PRINTS
- PHOTO COPIES

- ORIGINALS
- OTHER

NUMBER ■ DESCRIPTION

5 ■ Single page letters to the Supervisors regarding basement inclusion in FAR Calcs.

Please include in their packets - Thankyou

SINCERELY,

Kelly Salazar

COPIES,

TELEPHONE NUMBER ■ 831 / 458 1544

FAX NUMBER ■ 831 / 458 9444

522 SOUTH BRANCIFORTE AVENUE ■ SANTA CRUZ ■ CALIFORNIA ■ 95062 3327

#54

CARTER & SALAZAR ■ ARCHITECTS

RESIDENTIAL ■ INTERIORS ■ COMMERCIAL ■ URBAN DESIGN
HUGH DAVID CARTER ■ ARCHITECT M. KELLY SALAZAR ■ ARCHITECT

18 September 2003

Santa Cruz County Board of Supervisors
County Government Center
701 Ocean Street
Santa Cruz, California 95062

RE: Basement inclusion in FAR Calculations

Honorable Board Members,

It is clear that the central question about the reason for the FAR ordinance is whether it is intended primarily to limit the perceived bulk of a home in relation to its lot size, or to limit the intensity of development of a parcel in relation to its size. There are many conflicts of intention within the Ordinance, that ultimately do not enhance a neighborhood, but that do penalize a property owner.

It is my contention that the role of the FAR should be to limit the perceived bulk of a home in relation to its lot size, and that together with parking requirements, lot coverage, setback, and height limitations, the intensity of development will be controlled.

It follows then, that a space that fits the definition of Basement should not be counted at all towards FAR. From the street, a basement looks no different from most underfloor crawlspaces, and does not contribute to increasing the bulk of the home. If the basement contains bedrooms, then on-site parking requirements will be increased per existing zoning regulations.

Thank you for your time.

Sincerely,



Kelly Salazar

cc: Mr. Lawrence Kasparowitz, Urban Planner

TELEPHONE NUMBER ■ 831 / 458 1544 FAX NUMBER ■ 831 / 458 9444
522 SOUTH BRANCIFORTE AVENUE ■ SANTA CRUZ ■ CALIFORNIA ■ 95062 . 3327

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THE HONORABLE ELLEN PIRIE, CHAIR
SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 OCEAN ST ROOM 500
SANTA CRUZ CA 95060

Re: Proposed changes to Floor Area Ratio

Dear Ms. Pirie:

As residents of your district, the enclosed flyer from a local architect concerns us greatly. Some of your supervisorial colleagues, past and present, have made, rule by rule, small step by small step, an "Alice in Wonderland" nightmare of doing any work in our County. We do not need more steps in this direction.

The proposed Floor Area Ratio rule, albeit a technical one of interest normally to contractors and architects, if adopted as explained by Mr. Rideout (a professional in the field), affects all homeowners adversely, you included. Please use good sense and do not adopt another position that makes simple remodeling or home additions more difficult, and more expensive, than they are already.

Sincerely

Daniel E. Lester

Lori Lester Johnson

#524

NEW THREAT FROM SUPERVISORS

The County Board of Supervisors is considering a dangerous new interpretation of the "Floor Area Ratio" rules. Officially the Floor Area Ratio (FAR) is used to limit the allowable size of homes in the County. Certain portions of the FAR are intended to punish all property owners in the off chance they might be inclined to sneak a room into an attic, a basement, or under a wide overhang, or possibly add a floor to a tall space, whether or not they ever commit the crime. Agenda Item 40 from the Supervisors' meeting of August 19, which was continued to the September 23rd meeting, if approved will add ALL attic space, REGARDLESS OF HEIGHT, to the areas included in the Floor Area Ratio. Currently attic space is not triggered until a height of 7'-6" is reached.

How does this affect you and every home owner?

Approval of this new interpretation will render nearly ALL homes in the County "legal, non-conforming" by pushing their Floor Area Ratio over the allowable 50%. When a property does not conform to rules enacted AFTER it was built, it is still a "legal" property, but becomes "non-conforming".

Why is being "legal, non-conforming" bad?

Any "legal, non-conforming" home will require a VARIANCE to add a deck, a bathroom, or do ANY remodeling. The variance process costs \$thousands in County fees and takes months to get through. The process can also require the hiring of an architect, often at considerable expense. "Significantly" non-conforming homes will NOT be granted variances.

What should you do?

Write or email Supervisor Ellen Pirie, Board Chairperson, to express your opposition to this knee-jerk reaction by one Supervisor (not Ms. Pirie) to a project that found a loop hole. Urge Ms. Pirie NOT to include ALL ATTIC SPACE in the Floor Area Ratio. Tell her BEFORE September 23.

Ellen Pirie
701 Ocean Street, Room 500
Santa Cruz, CA 95060

email:
ellen.pirie@co.santa-cruz.ca.us

Thank you very much!

**Leif Rideout, architect
454-0791**

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