



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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 ALVIN JAMES, DIRECTOR

April 18, 2002

AGENDA DATE: May 7, 2002

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

**Re: Creation of Aptos Seascapes Combining District for Aptos
 Seascapes Beach Estates Units 1, 2, 4 and 14**

Dear Members of the Board:

The Planning Department has become aware of a problem regarding the administration of the site development standards for about 150 properties located in certain areas of the Seascapes area of the County. (See Attachment 1) This problem centers on the fact that the majority of homes in this area of Seascapes were developed based on site standards in effect in the 1960s. Because the site development standards have changed since then, infill development on the few remaining vacant lots and additions/remodels of existing homes require variances to be consistent with the size, height and lot coverage of the existing homes in this area. In addition, all of the existing homes have become non-conforming as a result of the changes to the site development standards.

To address this isolated problem, staff has prepared this report to provide your Board with the background of the problem and to offer alternatives to resolve the problem.

HISTORY:

The parcels at issue are all zoned R-1-6 or RB and are part of the subdivision tracts known as Seascapes Beach Estates Units 1, 2, 4, and 14. These subdivisions are located in Aptos, just south of Hidden Beach, between Sumner Avenue and the coast (see Attachment 1). Most of these lots were built out with single family dwellings shortly after the subdivision was approved in the late 1960s and early 1970s by the developer, the Aptos Seascapes Corporation. At that time, the site development standards for the R-1-6 zone district were as follows: Front Yard Setback- 20 feet; Rear Yard Setback- 10 feet; Side Yard Setback- 6 feet for lots 60 feet in width and 5 feet for lots 50 feet in width; Height- 30 feet; and Maximum Lot Coverage- 45%. Floor Area Ratio did not apply.

These R-1-6 zone district site standards have been modified since the development of the parcels. (See Attachment 3 for a comparative table of the former and current R-1-6 and RB site standards)

However, the site standards in effect when the subdivisions were approved have consistently been applied to all development on these parcels due to a decision made by Henry Baker, Planning Director in 1974. It was believed that these standards were established by the approval of the subdivision. Mr. Baker's decision to continue to apply the original site standards was noted on the parcel maps and in the parcel notebook for each parcel these had been referenced since then whenever inquiries were made at the Zoning Counter, or upon evaluation of a Discretionary Application for a Coastal Permit.

In the late 1990s, it was discovered that the subdivisions creating the lots did not specify that the 1960s site development standards were to be the designated site standards for these lots. In fact, the conditions state that all site development requirements of the zoning district shall apply to development on the lots.

ALTERNATIVES:

There are several options in resolving this issue: (1) no action; (2) creation of a combining district which specifies the site standards applicable to these parcels; (3) special zone district for these parcels only.

Should your Board choose the "no action" option, these parcels would become subject to the site standards applicable to the parcels under the current and any future zoning ordinance. The current site standards provide greater setbacks, height limitations and floor area ratios resulting in a much smaller building areas than those in effect when the subdivision was developed. "No action" would make all dwellings on these lots non-conforming, so that they could not be reconstructed as they were constructed in the event they were destroyed. Instead, they would have to meet current site standards. Additionally, it is probable that most additions and or modifications to the existing dwellings would require a variance to be reviewed and approved, in addition to requiring a Coastal Permit. Any addition would not be allowed which intensified the non-conformity of the structure. For example, if under the site standards, a garage encroaches into the front yard setback, a second story addition would not be allowed which would also encroach into the front yard setback regardless of the compatibility with the neighborhood.

Should your Board choose option (2) the creation of a combining district which specifies the site standards applicable to these parcels, it is recommended that the site standards of the combining district mirror those imposed by Mr. Baker in 1974 for consistency purposes. The creation of a combining district would allow some additions and modifications to the existing structures with a Coastal Permit. A combining district would also allow reconstruction of a dwelling should it be destroyed.

Should your Board choose option (3) the special zone district for these parcels only, the effect would be similar to that in Option 2. However, a new zone district would need to be added to the zoning ordinance. This would be more burdensome and would add to the complexity of an already complex zoning ordinance. Additionally, the creation of a new zone district would require more specification than a combining district, such as minimum lot sizes, minimum lot width, and uses chart analysis.

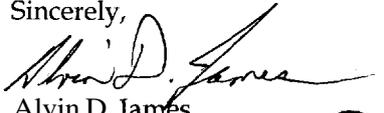
CONCLUSION AND RECOMMENDATION:

These parcels are built out to the site standards in place at the time the subdivision was approved. Therefore, the size, scale and mass of the houses on these parcels are largely consistent with one another. This consistency results in a neighborhood character and dwellings which are compatible with one another. Implementing the existing site standards would result in

a change in neighborhood character as these houses are replaced. Additionally, the existing site standards do not allow the property owner much flexibility in terms of additions and/or remodels because the existing site standards cause these houses to be non-conforming. In an effort to maintain the character of the neighborhood, either a combining district or special zone district should be implemented to perpetuate the original site standards. The combining district is less burdensome and complicated than a special zone district and is therefore the more appropriate option. We have prepared the attached draft ordinance for your conceptual approval. (See Attachment 2)

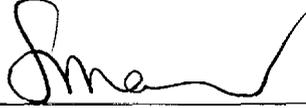
IT IS THERFORE RECOMMENDED that your Board (1) accept and file report on the creation of the **Aptos** Seascape Combining District, and (2) approve conceptual ordinance and (3) direct that the ordinance be returned to the Board for final consideration following public hearings before the Planning Commission

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

- Attachment 1: Parcel Map
- Attachment 2: Proposed Combining District Ordinance
- Attachment 3: Comparative Table of Site Standards

Proposed Combining District Ordinance

"AS" Aptos Seascape Combining District

Purpose of the Aptos Seascape "AS" Combining District

The purpose of the Aptos Seascape or "AS" Combining District is to designate and regulate those lands which are located within Aptos Seascape Subdivision Tracts 483,511, and 574 to which special site standards apply.

Designation of the Aptos Seascape "AS" Combining District

The Aptos Seascape "AS" Combining District shall be used to denote those properties which are located within Aptos Seascape Subdivision Tracts 483,511, and 574

Use and Development standards in the Aptos Seascape "AS" Combining District

Use and development standards for the Aptos Seascape "AS" Combining District shall be Front Setback: 20', Side Setback 6' for lots 60' in width and 5' for lots 50' in width, Rear Setback 10', Maximum Lot Coverage-45%, Height 30', Floor Area Ratio does not apply.

Comparative Table of Site Standards

Zone	R-1-6	R-1-6	RB	RB
Year	1969	2002	1969	2002
Front Setback	20	20'	10'	10
Rear Setback	10	15	10'	10
Side Setback	6'	8'/5'	5'/0'	5'/0'
Max. Height	30'	28'	16'	17' on beach side of street
Lot Coverage	45%	30%	N/A	40%
F.A.R.	N/A	0.5: 1	N/A	0.5 : 1
Min. Site Area	6000 sq. ft.	6000 sq. ft.	4000 sq. ft.	N/A
Min Width	60'	60'	40	40'
Min Depth	<180'	N/A	100	N/A