



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

October 12, 2010

**Agenda Date: October 27, 2010**

**Item #: 10**

**Time: After 9 AM**

Planning Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**Subject: Proposal to Amend County Code Section 13.10.323 to Allow Garages and Carports to be Located Within Side and Rear Setback Areas**

Members of the Commission:

The proposal before you to amend the development standards for residential districts regarding the placement of garages and carports would result in more flexible site design options, encourage more functional and community-friendly front yard spaces and allow for minimization of the visual impacts of off-street parking as seen from neighborhood streets.

### **Background**

During the public hearings for the Pleasure Point Combining District Standards, the County Board of Supervisors directed Planning staff to review and consider ordinance revisions to allow garages in rear yards in order to encourage options for the placement of garages away from the street frontage. Staff determined that this review should be expanded to consider location alternatives for carports located in side or rear yards, as well. It has been recognized that allowing some flexibility in the location of garages and carports may encourage more pedestrian-friendly streetscapes and help to maintain a neighborhood residential architectural character, particularly in situations involving small lots or parcels with other constraints.

Staff has reviewed ordinance requirements for garages in other jurisdictions and solicited comments from within the Planning Department in order to arrive at the attached proposed ordinance language. Other jurisdictions that responded to our queries regarding their reduced garage setback regulations reported no significant problems or negative impacts.

### **Current Regulations**

Currently, accessory structures less than 120 square feet in size and less than 10 feet in height are allowed to within three feet of the side and rear property lines, as stated in County Code 13.13.10.323(e)(6)(B). Any structures above that size limit must be

Agenda Date: October 27, 2010

located outside of the required side and rear setbacks specified for each zone district, unless a Variance approval is obtained under the provisions of County Code 13.10.230.

### **Proposed Regulations**

New ordinance language is proposed under County Code 13.10.323(e), the section that covers "Site and Structural Dimension Exceptions Relating to Structures". Under subsection # 6, "Accessory Structures", "(F) Garages and Carports" would be added as types of accessory structures that may be located up to three (3) feet from the interior side and rear property lines.

On a parcel with a side setback adjacent to street frontage, there is the potential for a garage within a street-facing setback to adversely affect sight lines or neighborhood character; thus the proposed ordinance would specify that only interior side setback reductions would be allowed by right. The proposed ordinance would allow for additional setback reductions to be considered with a Level IV discretionary approval where the applicable finding could be made. Current regulations allow an attached or detached carport, open on all four sides, to be located as close as five feet from a right-of-way if there is a difference of at least seven feet in grade within the first fifty feet of the lot (as measured from the center of the road).

Impacts to neighboring properties would be mitigated through the provision that no windows, doors or other openings would be allowed on garage walls that face toward adjacent property lines if sited within the required setback areas. Additionally, it is proposed that a garage or carport wholly or partially located within the rear and side setbacks would be limited to one story and a maximum height of 17 feet, unless a Level IV exception to this standard was approved. Eaves or other projections would not be allowed to encroach beyond two feet from the side and rear property lines, consistent with the California Building Code.

On certain parcels, it may be advantageous to allow up to a zero setback for a garage or carport to the side and/or rear property lines in the interest of the best site design. Under the proposed ordinance, a Level IV exception could be approved, subject to the finding that an additional setback reduction would not unreasonably infringe on adequate light, air or privacy of adjacent residences.

The proposed regulations would allow for more flexibility in the placement of a garage or carport on a parcel, which in turn would create opportunities for better landscaping and well-designed outdoor living areas, a more appealing streetscape and the potential to "hide" more of the required off-street parking.

### **Environmental Review**

The proposed changes to the residential site standards to allow for garages and carports within interior side and rear setbacks are exempt from environmental review according to Section 15305(a), Minor Alterations in Land Use Limitations of the California Environmental Quality Act Guidelines because the proposed amendment to ordinance language would not result in any changes to land use or density nor allow the creation of new parcels. Further, the proposed ordinance amendment would also be

statutorily exempt pursuant to CEQA Section 15265 because the proposed ordinance amendment is subject to California Coastal Commission Local Coastal Plan certification.

### **Local Coastal Program Consistency**

The proposed ordinance amendments will not result in any loss of agricultural land, loss of coastal access, or any negative impacts to public viewsheds within the Coastal Zone. The proposed amendments to allow garages and carports within interior side and rear setbacks is only applicable to one-story non-habitable garage or carport structures, and will allow more flexible options for the placement of these structures in a manner that could serve to further protect public viewsheds. While garage or carport placement nearer to a property line could potentially impact coastal views if near the coast, the garage or carport would be subject to design review as part of coastal permit issuance, which will serve as a check to any coastal viewshed disruption. The amendments therefore meet the requirements of, and are consistent with, the County's certified Local Coastal Program (LCP) and the California Coastal Act. However, as an amendment to County Code Chapter 13.10, the implementation of the proposed changes to allow garages and carports within side and rear setbacks is considered a "Coastal Implementing Ordinance" and will therefore require review and certification by the Coastal Commission subsequent to the Board's action.

### **Conclusion**

In the on-going regulatory reform efforts to make appropriate changes to the County's land use regulations, and in order to encourage flexible and community-appropriate site design without compromising environmental protection, the proposed changes will provide more and better options for residential site design. Flexible options for the siting of garages and carports and parking areas will have the potential to have a positive impact on neighborhood character, particularly by allowing structural placement on constrained parcels that maximize the opportunities for more front yard area for landscaping, porches and other features that encourage community life and create a more appealing streetscape.

### **Recommendations**

It is therefore RECOMMENDED that your Commission take the following actions:

1. Conduct a public hearing on the proposed ordinance amendments to Chapter 13.10.323 implementing changes in development standards for residential districts in regards to allowing for the placement of garages and carports in the rear and side yard setbacks under certain provisions; and
2. Adopt the resolution (Exhibit A) recommending that the Board of Supervisors approve the proposed ordinance amendments and certify the Environmental Notice of Exemption (Exhibit C).

Agenda Date: October 27, 2010

Sincerely,

  
\_\_\_\_\_  
Alice Daly, AICP, Planner

  
\_\_\_\_\_  
Glenda Hill, AICP, Principal Planner

Exhibits:

- A. Planning Commission Resolution, including strikethrough/underline draft ordinance
- B. "Clean" draft ordinance
- C. Notice of Exemption from Environmental Review

cc: California Coastal Commission

BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Commissioner  
duly seconded by Commissioner  
the following is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING AMENDMENT OF  
SECTION 13.10.323 OF THE SANTA CRUZ COUNTY CODE TO ALLOW LOCATION OF  
GARAGES AND CARPORTS WITHIN SIDE AND REAR SETBACK AREAS

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WHEREAS, the County of Santa Cruz regulates site standards for the location of development in the side and rear yard setbacks of residential districts for the following purposes: 1) to provide for privacy screening of these yard areas; and 2) to ensure that light and air of abutting properties are protected; and

WHEREAS, the County Planning Department administers development standards for residential districts through County Code Section 13.10.323; and

WHEREAS, the County of Santa Cruz is conducting on-going regulatory reform efforts to make changes to the County's land use regulations where appropriate to encourage flexible and community-appropriate site design without compromising environmental protection and the quality of the built environment; and

WHEREAS, the proposed amendments to the development standards for residential districts regarding the placement of garage and carport structures appurtenant to residential uses would result in more flexible overall site design options that would encourage more functional and community-friendly front yard space and allow for minimization of the visual impact of off-street parking areas; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on October 27, 2010, and has considered the proposed amendments, and all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission finds that the proposed amendments to the Santa Cruz County Code will be consistent with the policies of the General Plan and Local Coastal Program and other provisions of the County Code; and

WHEREAS, the Planning Commission finds that the proposed amendments are exempt from further review under the California Environmental Quality Act Sections 15265 and 15305(a); and

WHEREAS, Chapter 13.10 of the County Code is an implementing ordinance of the Local Coastal Program (LCP) and the proposed amendments to Section 13.10.323 constitute amendments to the Local Coastal Program; and

WHEREAS, the proposed amendments are consistent with the California Coastal Act.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends the proposed amendments to County Code Section 13.10.323 and the CEQA Notice of Exemption be approved by the Board of Supervisors and submitted to the California Coastal Commission as part of the next 2010 Local Coastal Program Round.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by the following vote:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Cathy Graves, Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COUNTY COUNSEL

ORDINANCE No. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 13.10.323(e)6E AND ADDING SECTION 13.10.323(e)6F TO THE SANTA CRUZ COUNTY CODE TO ALLOW GARAGES AND CARPORTS TO BE LOCATED WITHIN SIDE AND REAR SETBACKS SUBJECT TO CERTAIN PROVISIONS**

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

**SECTION I**

Subsection (e)6E of Section 13.10.323 of the Santa Cruz County Code is hereby amended to read as follows:

Distance from Alleys. Detached accessory structures including garages and carports shall not be located within six three feet of any alley.

**SECTION II**

Section 13.10.323(e)6F is hereby added to the Santa Cruz County Code to read as follows:

Garages and Carports within Required Rear and Side Yards. An attached or detached garage ("garage" as defined under 13.10.700-G) or carport located within a required rear yard may be constructed to within three (3) feet from the interior side or rear yard property line, provided that:

- (i) There shall be no windows, doors or other openings on the garage walls that are adjacent to the side and rear yard setback lines;
- (ii) No eaves or other projections shall extend closer than two feet from the rear and side yard property lines.
- (iii) The garage or carport shall have a maximum overall height not to exceed 17 feet or 1 story, unless a Level 4 approval is obtained pursuant to the provisions of Chapter 18.10, and it can be found that:
  - 1. The garage or carport will not be detrimental or injurious to property or improvements in the neighborhood, and will not unreasonably infringe on adequate light, air or privacy of adjacent residences.

(iv) A garage or carport may be located up to zero (0) feet from the property line if a Level 4 approval is obtained pursuant to the provisions of Chapter 18.10, and it can be found that:

1. The garage or carport will not be detrimental or injurious to property or improvements in the neighborhood, and will not unreasonably infringe on adequate light, air or privacy of adjacent residences.

### **SECTION III**

This Ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

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

\_\_\_\_\_  
Chair of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

Copies to:        County Counsel  
                      Planning Department



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- (i) There shall be no windows, doors or other openings on the garage walls that are adjacent to the side and rear yard setback lines;
- (ii) No eaves or other projections shall extend closer than two feet from the rear and side yard property lines.
- (iii) The garage or carport shall have a maximum overall height not to exceed 17 feet or 1 story, unless a Level 4 approval is obtained pursuant to the provisions of Chapter 18.10, and it can be found that:
  - 1. The garage or carport will not be detrimental or injurious to property or improvements in the neighborhood, and will not unreasonably infringe on adequate light, air or privacy of adjacent residences.

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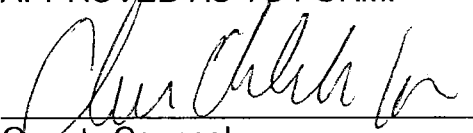
AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chair of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

Copies to: County Counsel  
Planning Department

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Project Location: County of Santa Cruz, CA

**Project Description:** Proposal to amend Chapter 13.10.323 of the Santa Cruz County Code to allow an exception to structural setback requirements for garages and carports on residential parcels under specific circumstances.

**Person or Agency Proposing Project:** County of Santa Cruz Planning Department

**Contact Phone Number:** 831-454-2580

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

Specify type: CEQA Section 15265, Adoption of Coastal Plans and Programs

- E. ☒ **Categorical Exemption**

Specify type: CEQA Section 15305(a), Minor Alterations in Land Use Limitations

**F. Reasons why the project is exempt:**

The project is a proposal to amend County Code Section 13.10.323 ordinance language to allow an exception to structural setback requirements for garages and carports on residential parcels, subject to certain provisions. The proposed ordinance amendment is subject to California Coastal Commission local coastal plan certification.

Further, the proposed ordinance amendment would not result in any changes to land use or density nor allow the creation of new parcels.

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

Alice Daly / gph  
Alice Daly, AICP, Project Planner

Date: 10-13-10