

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 03-0359

APN: 044-241-28 & 56

APPLICANT: Scott Porter

OWNER: Scott Porter

PROJECT DESCRIPTION: Proposal to grade approximately 224 cubic yards of earth (224 yards cut and 61 yards fill), and to construct a storage room/shop with deck above, second unit under an existing deck, two car parking platform, a secondary access to the proposed shop, and to transfer approximately 159 square feet from APN 044-241-56 to APN 044-241-28 and 62 square feet from APN 044-241-28 to APN 044-241-56.

Requires a Coastal Development Permit (for grading in excess of 100 cubic yards within a Coastal Exclusion Area), a Preliminary Grading Approval, a Lot Line Adjustment, and Variances to allow for a reduction in the site area of APN 044-241-56 further below the minimum parcel size of the R-1-10 zone district (from approximately 6,041 square feet to approximately 5,944 square feet), to reduce the required distance from a right of way to a parking deck from 5 feet to approximately 2 feet, and to reduce the required 10 foot side yard setback to the parking decks and associated improvements on both parcels to 0 feet.

LOCATION: Property located on the west side of Vista Del Mar Drive, (702 Vista Del Mar Drive), 0.4 miles from Alta Drive in Rio Del Mar.

PERMITS REQUIRED: Coastal Development Permit, Preliminary Grading Approval, Lot Line Adjustment, Variance

ENVIRONMENTAL DETERMINATION: Categorically Exempt - Class 3

COASTAL ZONE: Yes No APPEALABLE TO CCC: Yes No

PARCEL INFORMATION

PARCEL SIZE: APN 044-241-28
13,403 square feet (existing) ▪ 13,500 square feet (proposed)

APN 044-241-56
6,041 square feet (existing) ▪ 5,944 square feet (proposed)

EXISTING LAND USE:

PARCEL: Single family residence

SURROUNDING: Single family residential neighborhood

PROJECT ACCESS: Vista Del Mar Drive

PLANNING AREA: Aptos

LAND USE DESIGNATION: R-UL (Urban Low Density Residential)

ZONING DISTRICT: R-1-10 (Single Family Residential (10,000 square feet minimum))

SUPERVISORIAL DISTRICT: 2

ENVIRONMENTAL INFORMATION

- | | | |
|---------------------------------|----|--|
| a. Geologic Hazards | a. | Not mapped no physical evidence on site |
| b. Soils | b. | Soils report accepted under BP 4958 IM |
| c. Fire Hazard | c. | Not a mapped constraint |
| d. Slopes | d. | 15-30% slopes |
| e. Env. Sen. Habitat | e. | Mapped resource/no physical evidence on site |
| f. Grading | | 224 yards (cut) – 61 yards (fill) |
| g. Tree Removal | f. | No trees proposed to be removed |
| h. Scenic | | Not a mapped resource |
| i. Drainage | i. | Existing drainage adequate |
| j. Traffic | j. | NIA |
| k. Roads | k. | Existing roads adequate |
| l. Parks | l. | Existing park facilities adequate |
| m. Sewer Availability | m. | Yes |
| n. Water Availability | n. | Yes |
| o. Archeology | o. | Not mapped no physical evidence on site |

SERVICES INFORMATION

Inside Urban/Rural Services Line: X Yes N o
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6 Flood Control District

ANALYSIS AND DISCUSSION

The subject property is located in the R-1-10 (Single Family Residential (10,000 square feet minimum) zone district, a designation which allows residential uses. The existing residence is a principal permitted use within the zone district, and the proposed second dwelling unit is an allowed accessory use. The project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

Residential Addition – Second Unit & Storage Area

The proposed project includes the construction of a second dwelling unit below an existing waterproof deck and the construction of a storage space with a new waterproof deck above that is stepped down the slope from the proposed second dwelling unit.

The proposed second dwelling unit will be under the maximum 640 square foot size for second dwelling units constructed within the Urban Services Line, and sewer service is available to the proposed unit.

The storage area will be located facing the rear (down-slope) side of the property and will have a secondary access from La Honda Drive. The storage area will be constructed with roll-up doors,

and vehicles or other personal property may be stored in this space, but this area will not be counted in the parking totals for the subject property. This space is intended for use as a shop, or storage space, and is not intended for use as a daily parking area for either the main residence or the proposed second dwelling unit. The secondary access is proposed to be surfaced with concrete as a component of the proposed drainage improvements, but will be less than 12 feet in width, and is not intended for regular use as a vehicular driveway.

Parking Decks - Lot Line Adjustment & Variances

The proposed project includes a parking deck for guest parking and a lot line adjustment to recognize the structural encroachment of the neighbor's existing parking deck along Vista Del Mar Drive.

Due to the configuration of the existing structural encroachments on both properties, it is not possible to perform an equal exchange of land to rectify all of the structural encroachments (see sheets Z1 & Z2 of the Exhibit "A" for this project). A net loss of 97 square feet will occur on the neighboring property, which is already below the minimum 10,000 square foot site area of the R-1-10 zone district at 6,041 square feet. This is considered as an appropriate exchange, as both properties are already developed and the lot line adjustment will cure the existing structural encroachments.

This project includes a new parking deck for guest parking, adjacent to the neighbor's parking deck. The proposed location of the guest parking will require a variance to reduce the required front yard setback from 5 feet to a parking deck on a steeply sloping lot to approximately 2 feet from the edge of the vehicular right of way. Additionally, both of the proposed parking decks are within 10 feet of the side property boundaries and a variance to reduce the required side yard setbacks to 0 feet is necessary, even though these structures are located within the required front yard areas. Both of these two setback variances are considered as appropriate, due to the excessively steep slope down from Vista Del Mar Drive on the two parcels and within the vehicular right-of-way.

Providing additional parking along Vista Del Mar Drive is appropriate due to the lack of on street parking which would typically be available for guests. The total parking area along Vista Del Mar Drive does not exceed 50 percent of the frontage of the subject property.

Grading & Retaining Walls

The proposed project includes grading below the rear portion of the existing residence to accommodate the proposed storage area. As this grading was performed without benefit of a permit, a situation was created where it was necessary to install retaining walls to support the existing residence. Building Permit application number 49581M was approved on an emergency basis to allow the construction of the walls immediately below the existing residence. Other retaining walls were constructed within the south side yard and onto the adjacent property without benefit of permits.

All walls over three feet in height or otherwise requiring a development permit, which were not included in previous reviews or approvals, are proposed to be recognized as a part of this review.

All of the walls on the subject property are located down slope from Vista Del Mar Drive and do not require a development permit to evaluate excessive height in the areas where the walls exceed 6 feet in height within the required yard setbacks as a result. All walls over 6 feet in height are located sufficiently up slope from La Honda Drive to comply with required setbacks and do not create a visual impact as viewed from below.

The grading for the proposed project is considered as appropriate due to the steep slope of the subject property down from Vista Del Mar Drive. Retaining walls and drainage improvements (including the paving of the proposed secondary access) are proposed to retain the cut slopes and to prevent erosion on the subject property. The earth cut away for the proposed storage area created a situation which has increased the overall height of the existing structure, as measured from finished grade. Staff recommends that the structure not be allowed to exceed the maximum 28 feet in height as a condition of approval for this project. If necessary, the existing roof line would need to be modified to comply with the height requirements for the R-1-10 zone district.

Scenic Issues

The project site is located within a mapped scenic resource area. The existing residence is not readily visible from any public beach, park, or vista point and the proposed project will not alter public views from any of these protected viewshed areas.

Coastal Issues

The proposed project is in conformance with the County's certified Local Coastal Program in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

RECOMMENDATION

Staff recommends:

1. **APPROVAL** of Application Number **03-0359**, based on the attached findings and conditions.
2. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

EXHIBITS

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's parcel map
- F. Zoningmap
- G. Comments & Correspondence

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

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COASTAL DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

The property is zoned R-1-10 (Single Family Residential (10,000 square feet minimum), a designation which allows residential uses. The proposed project consists of an existing single family residence which is a principal permitted use, and a second dwelling unit which is an allowed use, within the zone district, consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The proposal does not conflict with any existing easement or development restriction such as public access, or open space easements in that no such easements or restrictions are known to encumber the project site. A 10 foot wide utility easement for sewer purposes appears to exist along the northern property line, but no structures are proposed within this area and, therefore, this easement will not be impacted by the proposed development.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

The proposal is consistent with the design and use standards pursuant to Section 13.20.130 in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an **urban** density; the colors shall be natural in appearance and complementary to the site; the development site is not on an open beach, or bluff top.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is not located between the shoreline and the first public road. Consequently, the project will not interfere with public access to the beach, ocean, or any nearby body of water.

Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed project is in conformity with the County's certified Local Coastal Program in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-10 (Single Family Residential (10,000 square feet minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed residential development and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed project will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood, with the exception of the reduced setbacks for the parking decks.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the R-1-10 (Single Family Residential (10,000 square feet minimum) zone district. The proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-10 zone district in that the primary use of the property will be one single family dwelling and a second dwelling unit as an allowed accessory use. The parking decks and retaining walls are consistent with the intent and purpose of the R-1-10 zone district, in that they are accessory to the existing residential uses and have reduced setbacks as granted by this approval to accommodate parking in an area of steep slopes.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the Urban Low Density Residential (R-UL) land use designation. The proposed residential use is consistent with the General Plan in that it meets the density requirements specified in General Plan Objective (Urban Low Density Residential).

The proposed additions to the existing single family residence and the second dwelling unit will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district

as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the existing residence and additions will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood. The parking decks have reduced site standards to accommodate parking in an area of steep slopes, and will not adversely shade or otherwise impact adjacent parcels as a result.

The proposed project will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed project will comply with the site standards for the R-1-10 zone district (including lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that the project consists of an addition to an existing single family residence and the construction of a second dwelling unit as an accessory use. The expected level of traffic generated by the proposed project is anticipated to be approximately 2 peak trips per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in the vicinity, in that the proposed structure is two stories in height, and stepped down the hill, in a neighborhood of mostly two story homes on hillsides. The proposed project is consistent with the land use intensity and density of the neighborhood.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed project will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or Visually impact available open space in the surrounding area.

LOT LINE ADJUSTMENT FINDINGS:

- I. THE LOT LINE ADJUSTMENT WILL NOT RESULT IN A GREATER NUMBER OF PARCELS THAN ORIGINALLY EXISTED.

There were two parcels prior to the adjustment and there will be two parcels subsequent to the adjustment.

- II. THE LOT LINE ADJUSTMENT CONFORMS WITH THE COUNTY ZONING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 13.10.673), AND THE COUNTY BUILDING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 12.01.070).

The proposal complies with 13.10.673 in that no additional building sites will be created by the transfer as all parcels are currently developed, no parcel has a General Plan designation of 'Agriculture' or 'Agricultural Resource', no parcel is zoned 'TP' or has a designated Timber Resource as shown on the General Plan maps, technical studies are not necessary as both lots are already developed with single family dwellings and the proposal complies with the General Plan designation of the parcels (R-UL - Urban Low Density Residential) per 13.10.673(e).

- III. NO AFFECTED PARCEL MAY BE REDUCED OR FURTHER REDUCED BELOW THE MINIMUM PARCEL SIZE REQUIRED BY THE ZONING DESIGNATION, ABSENT THE GRANT OF A VARIANCE PURSUANT TO COUNTY CODE SECTION 13.10.230.

One of the parcels (APN 044-241-56) included in the proposal will be reduced below the minimum parcel size required by the zone district as a result of this lot line adjustment. A variance has been included as a component of this project proposal and the reduction in total site area (of approximately 97 square feet) is considered as appropriate to cure the structural encroachments on both of the properties involved.

VARIANCE FINDINGS:

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, AND SURROUNDING EXISTING STRUCTURES, THE STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

The reduction in the 20 foot minimum front yard setback, to approximately 2 feet to the proposed parking deck, is recommended due to the increasingly steep slope, down from the roadway, on the proposed site. County Code section 13.10.323(d)(5)(A) allows parking decks to be constructed to within 5 feet of the edge of a vehicular right-of-way in response to steeply sloping sites. The existing roadway is located within a 40 foot right-of-way and the proposed structure will be approximately 14 feet from the edge of the existing paved roadway. Application of the 20 foot minimum front yard setback in this case, would push the structure further into an area of steep slopes, creating a greater potential hazard to the users of the structure and causing more site disturbance, and would be inconsistent with previous variance approvals. The increasing incline of the slope away from the roadway is the special circumstance on the property.

The reduction in the required 10 foot side yard setback, to 0 feet to the parking decks on both parcels, is recommended due to the steep slope down from the roadway and the adjacent location of the neighbor's parking deck. The clustering of these two structures in this area (with a separation of the two structures by a staircase proposed in this project) will result in a reduction in site disturbance if the parking deck were to be constructed further to the north along the Vista Del Mar Drive frontage.

Other properties in the vicinity, while all constrained by the steep slopes found in the area, may have more developable area off of the steep slopes and, therefore, more options. Finally, many properties in the vicinity have parking decks and this application is a request to allow what is generally found on similar properties nearby.

The reduction in the net site area of APN 044-241-56 by approximately 97 square feet, from approximately 6041 square feet to approximately 5,944 square feet, is recommended in order to cure the existing structural encroachments on both properties. The existing location of the parking deck, retaining walls, and walkway on both properties is the special circumstance in this case.

2. THAT THE GRANTING OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL INTENT AND PURPOSE OF ZONING OBJECTIVES AND WILL NOT BE MATERIALLY DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

In this case, the applicant is requesting an exception to the required 20 foot front yard setback, the required 10 foot side yard setback, and the required 10,000 square foot minimum site area.

The purpose of requiring yard setbacks is to allow for light, air and open space in the yards of properties, and to prevent sight distance problems for vehicles traveling along (or entering/exiting properties) roadways within the front yards of properties.

The granting of the variance to reduce the required front yard setback will be in harmony with these intents, because the structure will be located approximately 14 feet from the existing roadway, providing light, air, and open space for the residents of the neighborhood and the users of the structure. Additionally, the right-of-way of Vista Del Mar Drive is most likely much wider than will ever be fully utilized or improved as the neighborhood is fully developed.

The granting of the variance to reduce the required side yard setback will be in harmony with these intents, because the two parking decks will be clustered in a manner that reduces overall site disturbance on the project site and results in a reduced visual impact to parcels below the subject property.

The granting of the variance to reduce the site area of APN 044-241-56 further below the required 10,000 square foot minimum parcel size will be in harmony with these intents, because the existing property has already been fully developed at less than the minimum required parcel size and the lot line adjustment proposed will cure existing structural encroachments on both properties.

Granting of the variances will not be materially injurious to public health, safety or welfare or to properties in the vicinity for the reasons mentioned above, and because the nature of the project is such that the proposed parking deck will be approximately 14 feet from the existing roadway, the parking decks will be clustered to reduce overall site disturbance and visual impacts, and the reduction in size of APN 044-241-56 will cure structural encroachments on both parcels.

3. THAT THE GRANTING OF SUCH VARIANCES SHALL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGES INCONSISTENT WITH THE LIMITATIONS UPON OTHER PROPERTIES IN THE VICINITY AND ZONE IN WHICH SUCH IS SITUATED.

The approval of the variance will not constitute a grant of special privilege as other properties in the neighborhood have parking decks and carports, some of which have reduced distances to the roadway in response to steep slopes and the reduced parcel size would allow for structural encroachments to be resolved. Therefore, it would not be grant of a special privilege for the proposed project to be constructed on the property and the design would be in harmony with the existing pattern of development in the neighborhood.

CONDITIONS OF APPROVAL

Exhibit A: Project plans entitled, "Porter Residence Addition", 10 sheets, prepared by Ralf W. Schmidtmeier, Architect, dated 11/6/03. Civil Drawings, 6 sheets, Prepared by Robert L. DeWitt, dated 8/22/03 with revisions 3/12/04.

I. This permit authorizes the construction of a storage room, an affordable second dwelling unit, a parking deck, retaining walls, a secondary access to the storage room, and grading of approximately 224 cubic yards of earth (224 yards cut and 61 yards fill), a Lot Line Adjustment to transfer approximately 159 square feet from APN 044-241-56 to APN 044-241-28 and 62 square feet from APN 044-241-28 to APN 044-241-56, and Variances to allow for a reduction in the site area of APN 044-241-56 further below the minimum parcel size of R-1-10 zone district (from approximately 6,041 square feet to approximately 5,944 square feet), to reduce the required distance from a right of way to a parking deck from 5 feet to approximately 2 feet, and to reduce the required 10 foot side yard setback to the parking decks and associated improvements on both parcels to 0 feet.

I. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.

B. Obtain a Building Permit from the Santa Cruz County Building Official.

C. Obtain a Grading Permit from the Santa Cruz County Building Official.

D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

E. Pay the required fee for processing the Environmental Exemption to the Clerk of the Board. This fee is currently \$25 per exempted project, but is subject to change.

II. Prior to issuance of a Building Permit the applicant/owner shall:

A. Submit proof that these conditions have been recorded (on APN 044-241-28) in the official records of the County of Santa Cruz (Office of the County Recorder).

B. Perform the following to complete the approved Lot Line Adjustment:

1. No parcel map is required. File deed(s) of conveyance (which must result in parcel configurations that match the approved Exhibit "A" for this permit) with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership.

2. The deed(s) of conveyance must contain the following statement after the description of the property(ies) or portion(s) of property to be transferred:
 - a. “The purpose of the deed is to adjust the boundary between Assessor’s Parcel Number **044-241-28** and Assessor’s Parcel Number **044-241-56** as approved by the County of Santa Cruz under Application **03-0359**. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated.”
 3. Return a conformed copy of the deed(s) to the Planning Department.
 4. If a map is also to be recorded with the County Surveyor’s office (which is not required), you must include a copy of these Conditions of Approval to the County Surveyor with the map to be recorded.
- C. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit “A” on file with the Planning Department. The final plans shall include the following additional information:
1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in **8.5” x 11”** format.
 2. Grading, drainage, and erosion control plans, prepared wet-stamped and signed by a licensed civil engineer.
 3. Details showing the height of the proposed residence. The proposed residence shall not exceed **28** feet in height as measured from existing or finished grade, whichever is the greater distance, per County ordinance and established County guidelines for measuring height.
 4. Details showing compliance with fire department requirements.
- D. Meet all requirements of and pay Zone **6** drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Meet all requirements of and pay all required fees to the County Department of Public Works, Sanitation.
- F. Meet all requirements of and pay all required fees to the Soquel Creek Water District.
- G. Meet all requirements, and pay any applicable plan check fee, of the Aptos/La Selva Fire Protection District.

- H. Submit 3 copies of a plan review letter prepared and stamped by a licensed Geotechnical Engineer.
 - I. Pay the current fees for Parks and Child Care mitigation for 1 bedroom(s). Currently, these fees are, respectively, \$1000 and \$109 per bedroom.
 - J. Pay the current fees for Roadside and Transportation improvements for 1 bedroom(s). Currently, these fees are, respectively, **\$667** and **\$667** per bedroom.
 - K. Provide required off-street parking for 4 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan. The concrete slab and storage room accessed off of La Honda Drive at the lower portion of the property shall not be used daily for residential parking purposes. Vehicles may not be parked outside on the lower concrete slab accessed off of La Honda Drive overnight. Vehicular storage within the storage room is allowed, but is not intended to be used for daily parking. All parking for the second dwelling unit must be accessed from Vista Del Mar Drive. Failure to comply with any of these conditions will result in a violation of the terms of this permit.
 - L. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
 - M. Complete and record a Declaration of Restriction to construct and maintain an affordable Second Dwelling Unit. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** Follow the instructions to record and return the form to the Planning Department. This declaration will be made available to you after the Lot Line Adjustment has been completed and new Assessor's Parcel Numbers have been assigned to reflect the adjusted boundaries.
 - N. Complete and record a Declaration of Restriction to construct and maintain the storage area as a Non-Habitable Accessory Structure. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** Follow the instructions to record and return the form to the Planning Department. This declaration will be made available to you after the Lot Line Adjustment has been completed and new Assessor's Parcel Numbers have been assigned to reflect the adjusted boundaries.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.

- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. The concrete slab and storage room accessed off of La Honda Drive at the lower portion of the property shall not be used daily for residential parking purposes. Vehicles may not be parked outside on the lower concrete slab accessed off of La Honda Drive overnight. Vehicular storage within the storage room is allowed, but is not intended to be used for daily parking. All parking for the second dwelling unit must be accessed from Vista Del Mar Drive. Failure to comply with any of these conditions will result in a violation of the terms of this permit.
- C. The ~~maximum~~ occupancy of a second unit may not exceed that allowed by the State Uniform Housing Code, or other applicable state law, based on the unit size and number of bedrooms in the unit. Rental or permanent occupancy of the second unit shall be restricted for the life of the unit to either:
 - 1. Households that meet the Income and Asset Guidelines requirements established by Board of Supervisors resolution for lower income households: or
 - 2. Senior households, where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines requirements established by Board resolution for moderate or lower income households; or
 - 3. Persons sharing residency with the property owner and who are related by blood, marriage, or operation of law, or have evidence of a stable family

relationship with the property owner.

- D. The property owner shall permanently reside, **as** evidenced by a Homeowner's Property ~~Tax~~ Exemption on the parcel, in either the main dwelling or the second unit. If the property owner resides in the second unit, either the property owner or the residents of the primary single family dwelling must meet the income or familial requirements described above.
- E. Prior to final inspection approval of the unit, the property owner shall submit a statement to the administering agency, as defined in County Code Subsection 17.10.020(a), indicating whether the second unit will be rented, occupied by family members, or left vacant. Whenever a change in occupancy occurs, the owner shall notify the administering agency, by registered or certified mail, that the occupancy has changed, and indicating the new status of the unit.
- F. If rent is charged, the rent level for the second unit, or for the main unit, if the property owner resides in the second unit, shall not exceed that established by the Section 8 Program of the Department of Housing and Urban Development (HUD) or its successor, or the rent level allowed for affordable rental units pursuant to Chapter 17.10 of the County Code, whichever is higher.
- G. No person, including family members of the owner, shall rent or permanently occupy a second unit unless he/she has first obtained certification of his/her eligibility from the administering agency. The property owner must refer persons who wish to rent or permanently occupy the unit to the administering agency for certification, prior to occupancy. The administering agency may charge a fee to the applicant for the certification process.
- H. The owner shall report the occupancy status of the second unit, when requested by the administering agency, at least once every three years. This report shall include the status of the unit, the name of the current occupant(s) and the monthly rent charged, if applicable.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE
DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS
AND COMMENCE CONSTRUCTION.**

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Randall Adams
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

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.

Application Number: 03-0359
Assessor Parcel Number: 044-241-28 & 56
Project Location: 702 Vista Del Mar Drive

Project Description: Proposal to construct a residential addition, attached 2nd unit, a parking deck, to recognize existing grading, and a lot line adjustment.

Person or Agency Proposing Project: Scott Porter

Contact Phone Number: (831) 688-6065

- 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:

- E. **Categorical Exemption**

Specify type: Class 3. New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

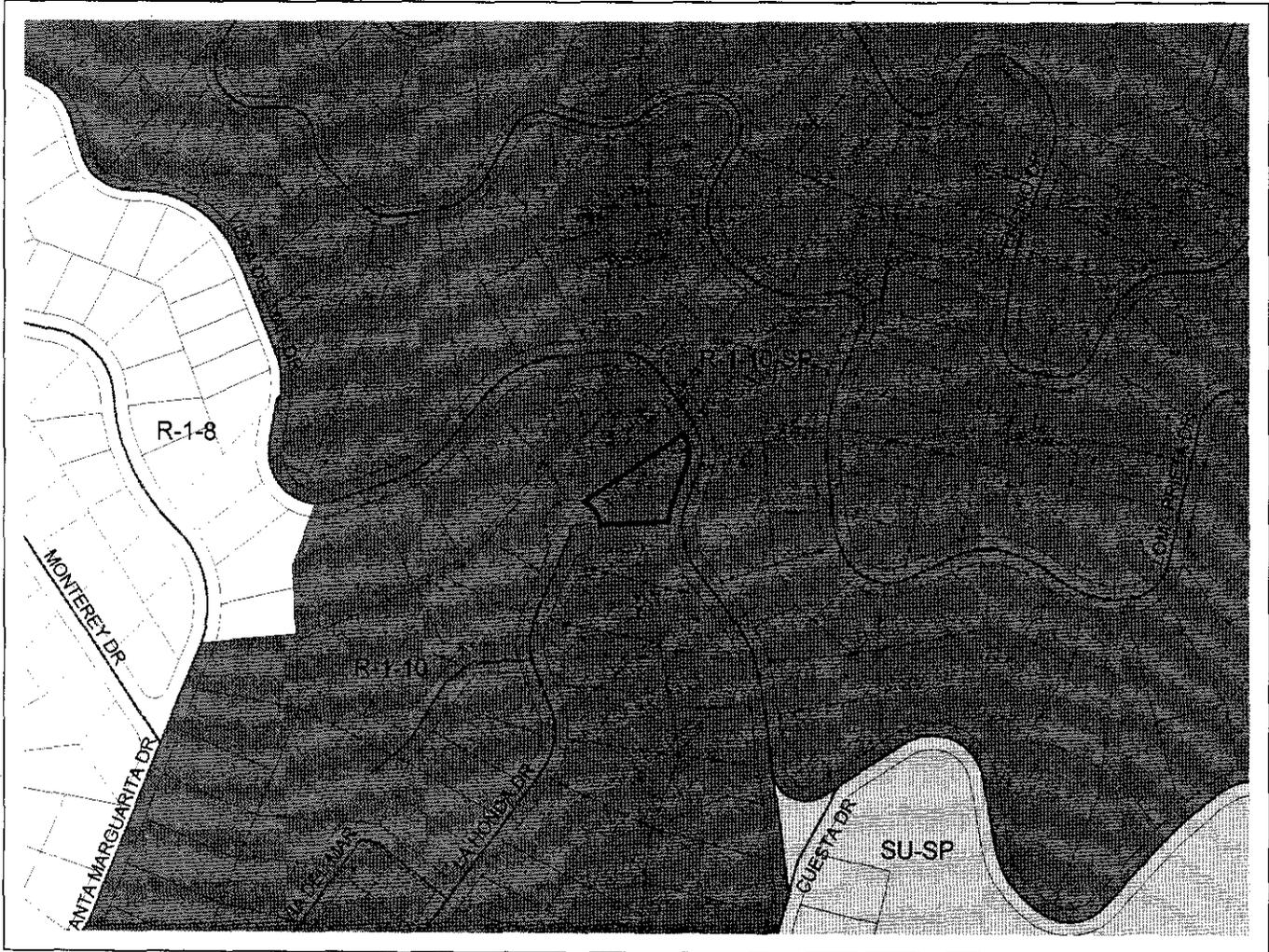
Construction of a project in an area appropriate for residential development.

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

Randall Adams, Project Planner

Date: _____

Zoning Map



Legend

	APN 044-241-28
	Parcel boundaries
	Streets
	R-1-10
	R-1-8
	SU



Map **created** by Santa Cruz County
Planning Department:
September 2003

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Randall Adams
Application No. : 03-0359
APN: 044-241-28

Date: April 13, 2004
Time: 16:54:08
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON SEPTEMBER 18, 2003 BY ROBIN M BOLSTER =====
NO COMMENT

===== UPDATED ON SEPTEMBER 24, 2003 BY KEVIN D CRAWFORD =====
09/24/03 - The grading related to this project is all excavation work for the proposed retaining walls, footings and concrete slabs. This work is also included in "priority" building permit application 49581M which is currently in consolidation. The subject grading work should be considered as "approved" as of this date. Comments by Kevin Crawford. x3210.

Environmental Planning Miscellaneous Comments

===== REVIEW ON SEPTEMBER 18, 2003 BY ROBIN M BOLSTER =====

Prior to building permit approval please submit plan review letter from the soils engineer, which states that the building, drainage, and grading plans are in conformance with the soils report prepared for this site.

===== UPDATED ON SEPTEMBER 24, 2003 BY KEVIN D CRAWFORD =====
NO COMMENT

Code Compliance Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON NOVEMBER 5, 2003 BY KEVIN M FITZPATRICK =====
NO COMMENT
Plans address posted violation. (KMF)

Code Compliance Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON NOVEMBER 5, 2003 BY KEVIN M FITZPATRICK =====

Dpw Drainage Completeness Comments

===== REVIEW ON SEPTEMBER 23, 2003 BY CARISA REGALADO =====
No offsite adverse impacts apparent. Plans accepted as submitted. (Additional notes in Miscellaneous Comments.)

If needed, further drainage plan guidance may be obtained from the County of Santa Cruz Planning website: <http://sccounty01.co.santa-cruz.ca.us/planning/brochures/drain.htm>

Please call or visit the Dept. of Public Works, Stormwater Management Division, from 8:00 am to 12:00 pm if you have any questions.

Dpw Drainage Miscellaneous Comments

Discretionary Comments - Continued

Project Planner: Randal Adams
Application No. : 03-0359
APN: 044-241-28

Date: April 13, 2004
Page: 26:54:08

===== REVIEW ON SEPTEMBER 23, 2003 BY CARISA REGALADO =====
Obtain Geotechnical Engineer's concurrence that grading operations in field are carried as recommended and approval of completed grading project.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON SEPTEMBER 3, 2003 BY RUTH L ZADESKY =====
Show driveway plan view and centerline profile.
Show existing ground and driveway elevations on profile.
Sight distance minimum 250 feet, traffic engineer may be required.
===== UPDATED ON NOVEMBER 19, 2003 BY RUTH L ZADESKY =====
Show driveway plan view and centerline profile.
Show existing ground and driveway elevations on profile.
Show property lines on plot plan drawn to scale.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON SEPTEMBER 3, 2003 BY RUTH L ZADESKY =====
Driveway to conform to County Design Criteria Standards.
Encroachment permit required for all off-site work in the County road right-of-way.
===== UPDATED ON NOVEMBER 19, 2003 BY RUTH L ZADESKY =====
Driveway to conform to County Design Criteria Standards.
Encroachment permit required for all off-site work in the County road right-of-way.

Dpw Road Engineering Completeness Comments

===== REVIEW ON SEPTEMBER 19, 2003 BY RODOLFO N RIVAS =====
NO COMMENT Plans with the building permit application will need to comply with The County of Santa Cruz Design Criteria regarding driveway requirements. Additionally, an encroachment permit will be required for construction work performed inside the Public Right of Way.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON SEPTEMBER 19, 2003 BY RODOLFO N RIVAS =====
NO COMMENT

Aptos-La Selva Beach Fire Prot Dist Completeness C

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 30, 2003 BY ERIN K STOW =====
DEPARTMENT NAME: Aptos/La Selva Fire Dept. Plans approved.
The storage area/second unit shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13D and adopted standards of the Aptos/La Selva Fire Dept.
All Fire Department building requirements and fees will be addressed in the Building Permit phase.
Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No. : 03-0359
APN: 044-241-28

Date: April 13, 2004
Time: 16:54:08
Page: 3

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 30, 2003 BY ERIN K STOW =====
NO COMMENT

TO: Randall Adams, Project Planner
FROM: Scott Porter; Property Owner
RE: Lot Line Adjustment; Coastal Permit Application # **03-0359**
DATE: March **16,2004**

Coastal Permit Application # **03-0359** includes a request for a lot line adjustment. The proposed lot line adjustment does not conform to the zoning regulations and so requires a variance. There are specific circumstances applicable to the parcels involved that support the granting of the variance for the proposed lot line adjustment.

According to the Zoning Regulations, no lot line adjustment shall be approved unless the resulting parcels comply with the minimum parcel size required by the zoning regulation. (Title 13 Planning and Zoning Regulations, Chapter 13.10). One of the parcels involved is already less than the minimum parcel size consistent with the zoning designation. The proposed adjustment would slightly decrease the size of that parcel. The total change would be 97 square feet. However, because the parcel involved already is less than minimum parcel size for the zoning designation, the adjustment will require a variance.

A variance requires specific circumstances supporting the proposed lot line adjustment. (Title 13 Planning and Zoning Regulations, Chapter 13.10 subsection (c) . The specific circumstances supporting the variance are detailed below:

The lot line adjustment is the only way to cure the existing structural encroachments. There are structures on both parcels that encroach onto the other parcel. The neighbor's parking deck encroach onto my property. My retaining wall, sidewalk, and walkway encroach onto his property. The attached exhibits show these encroachments and proposed correction. Having spent hours in an attempt to find an adjustment that would cure these encroachments, we have concluded that the only reasonable way to cure these encroachments is the proposed lot line adjustment.

Approval of the new lot line will stabilize the hillside. The area in question is an extremely steep slope. The soil is subject to erosion. The Coastal Permit proposes a parking deck that will stabilize the hillside and permit the best use of the property. This will prevent further erosion and create a secure condition. To build the parking deck and stabilize the hillside requires the variance be granted.

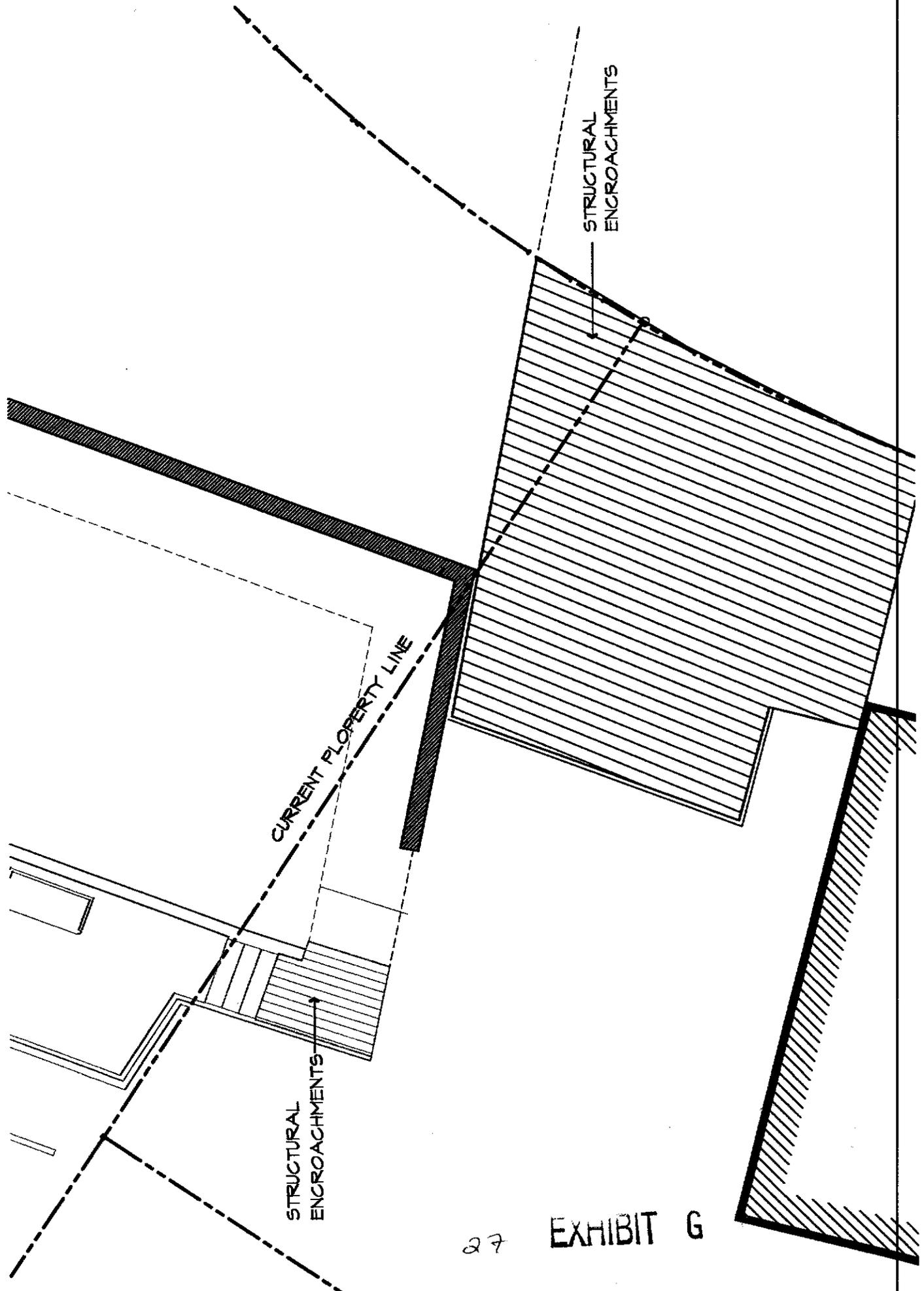
The new lot line will improve parking, traffic flow, and provide the best land use. The area in question – Vista Del Mar Drive, is a narrow roadway with very limited parking. All the neighbors have difficulty finding parking for their own vehicles. When we have guests or visitors the problem is further compounded. As a result, we all share parking. Granting this adjustment will allow for the building of a parking deck that will increase

the amount of parking in the area. This will not only improve the difficult parking situation, it will also ease the traffic flow as it will make it easier to find a spot to park. The area in question will become a useable, stable parking area, rather than a steep, eroding hillside. This is by far the best land use for the area in question.

The proposed adjustment is extremely small. The overall result would be to decrease the parcel in question by a total of **97** square feet. This is an extremely small change and has no material effect on either parcel. However, the positive benefit of granting the adjustment is great. The proposed adjustment will clean up the structural encroachments and allow for better use of the subject properties, and will stabilize the hillside.

Both parcel owners join in this request. Both parcel owners have discussed this at length, are aware of the situation, realize the requirement for a variance, and are in favor of the adjustment. Attached to this form is a letter from Bob DiCiano, owner of the adjoining parcel, who joins in this request for the adjustment. It is our joint request that this relief be granted *so* that the encroachments be put back on our own properties and that the parking deck built and the hillside stabilized.

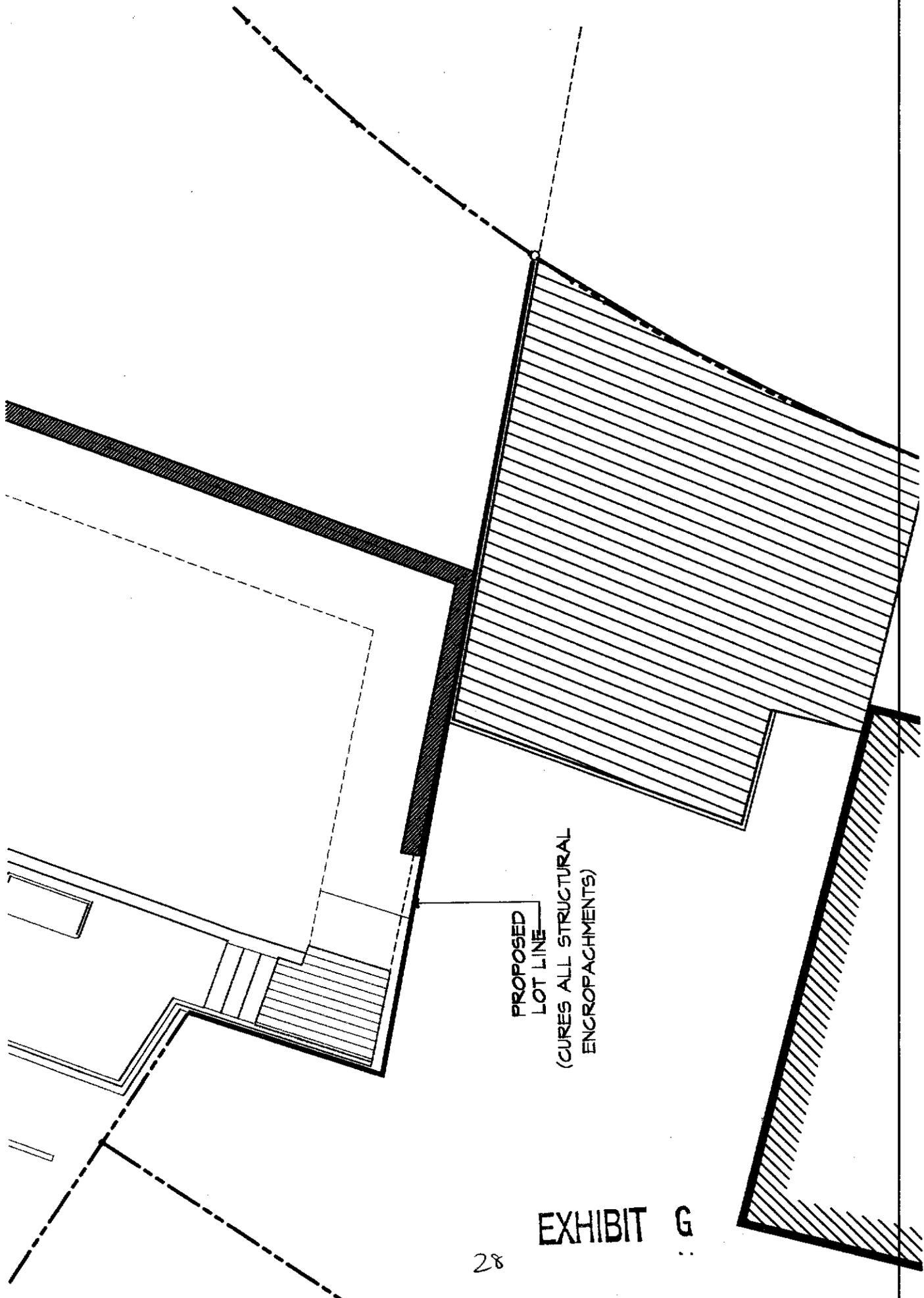
Without the variance, both properties will be denied the best use and privileges that other property owners enjoy, such as increased parking, better traffic flow, stabilizing the hillside, and a lot line that cures existing encroachments. Granting the variance will allow the property to be used in a manner that is most efficient, creating parking, easing traffic, and stabilizing a steep hillside that is subject to erosion. It will also allow an easy and straight boundary that cures existing structural encroachments. It is for these reasons that I request that the variance be granted.



CURRENT PROPERTY LINE

STRUCTURAL ENCROACHMENTS

STRUCTURAL ENCROACHMENTS



PROPOSED
LOT LINE
(CURES ALL STRUCTURAL
ENCROACHMENTS)

EXHIBIT G

Robert J. Diciano
706 Vista Del Mar Dr.
Aptos CA 95003

February 4, 2004

Mr. Randall Adams, Project Planner
Santa Cruz County Planning Department
701 Ocean St, 4th Floor
Santa Cruz CA 95060

RE: Lot Line Adjustment: Coastal Permit Application # 03-0359

Dear Mr. Adams:

My neighbor Scott Porter has applied for a permit for construction of several improvements, including a parking deck, and various retaining walls. The application also includes a request for a lot line adjustment.

This letter is to express my desire that the lot line adjustment be granted. Specifically, I would like the lot line adjustment be granted in the simplest and straightest manner, in such a way to cure all existing and proposed encroachments.

There are structural existing encroachments on both of our properties. My parking deck encroaches on Mr. Porter's property. Mr. Porter's retaining walls, sidewalk, and proposed deck encroach on my property. I would like to see a lot line adjustment that cures these encroachments and places each of our structures back onto our own property.

I have reviewed the proposed lot line adjustment, a copy of which is attached. I would like to see approved. It is a simple, single line that cures the existing structural encroachments.

I understand that the proposed lot line would reduce my parcel size by approximately 97 square feet, which is less than the minimum parcel size required by the zoning designation. This should not prevent the adjustment. My current parcel size is already less than the minimum size required by zoning designation. The proposed lot line adjustment is minor, and would have a negligible effect on my parcel size.

Granting the lot line adjustment will significantly simplify our property rights and boundaries. The proposed adjustment would put each of our structures onto our own properties and create a simple boundary.

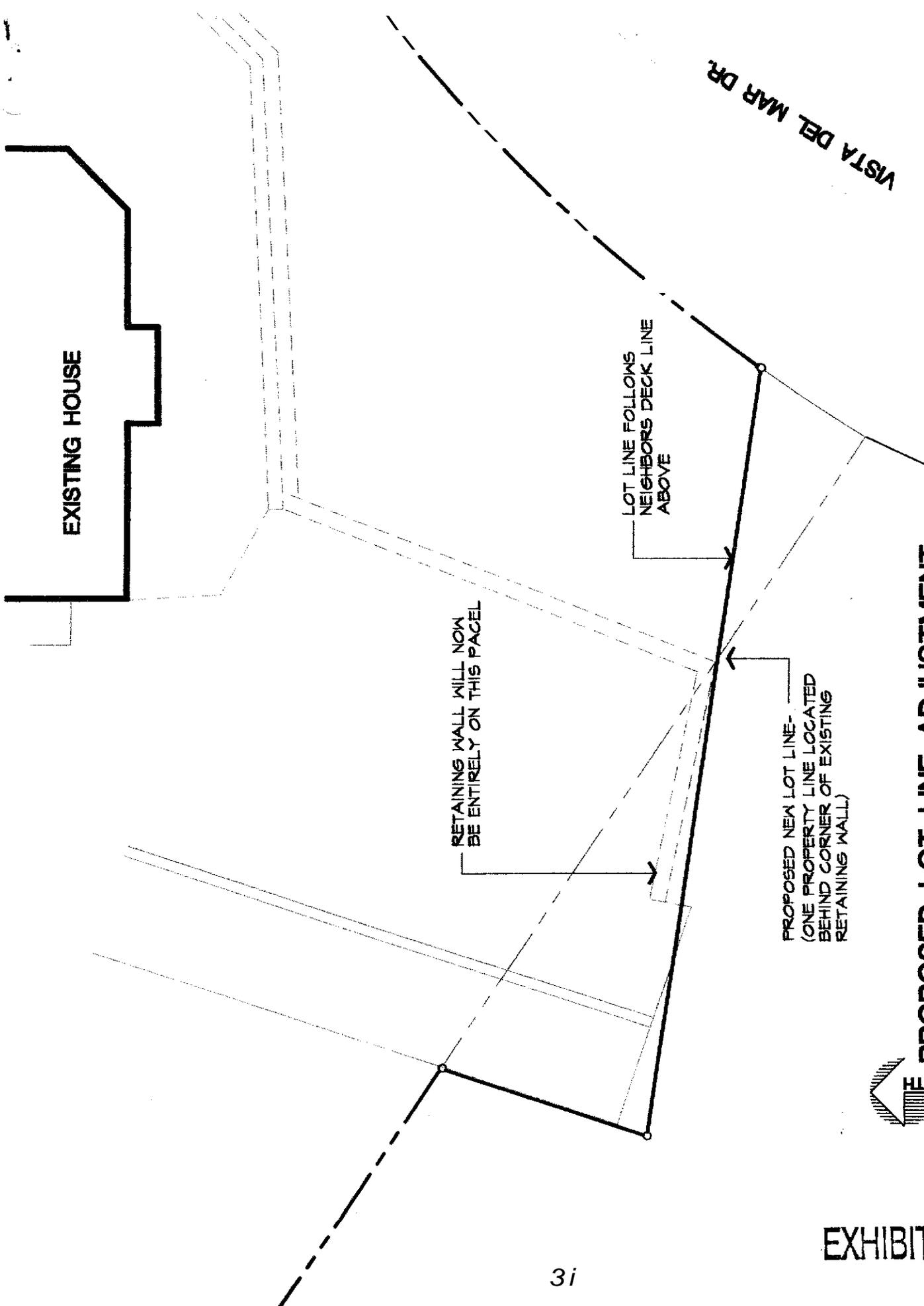
Attached to this letter are two copies of an "Owner Agent" form. The first Owner-Agent form **is** my permission for the proposed lot line adjustment. The second Owner-Agent form is for the encroaching structures – retaining walls, sidewalk, deck, etc, that are existing or proposed **to** be built. Both the proposed lot line adjustment **and** the proposed structural improvements meet with my approval.

I realize that the lot line adjustment will require further consideration and a public hearing. I would be glad to speak with you and attend a hearing if necessary. Please **feel** free to contact me if necessary. Thank you for your time and consideration.

Very truly yours,


Robert J. Diciano

cc: Scott Porter



EXISTING HOUSE

RETAINING WALL WILL NOW
BE ENTIRELY ON THIS PAGES

LOT LINE FOLLOWS
NEIGHBORS DECK LINE
ABOVE

PROPOSED NEW LOT LINE -
(ONE PROPERTY LINE LOCATED
BEHIND CORNER OF EXISTING
RETAINING WALL)

VISTA DEL MAR DR.



**PROPOSED LOT LINE ADJUSTMENT
FOR SCOTT PORTER 702 MAR VISTA DRIVE APTOS, CA**

EXHIBIT G

March 18,2004

To Whom It May Concern:

On March 18,2004 I calculated the areas for 702 Vista Del Mar (A.P.N. 044-241-28) and 706 Vista Del Mar (A.P.N. 044-241-56) in Aptos, California.

The areas of the lots are as follows:

702 Vista Del Mar: ±13403 square feet.
706 Vista Del Mar: ± 6041 square feet.

Matthew D. Ward P.L.S. 6235
Lic. Fee Renewal Date 3/3 1/06

03254rp1.doc



Randall Adams

From: Ralf Schridtmeier [bauhaus@cruzio.com]
Sent: Thursday, March 25, 2004 9:54 AM
To: Randall Adams
CC: Scott Porter
Subject: Lot Line Areas

Randall,

This is the breakdown of the lot area to be transferred

Existing Parcel A (Porter)	
Area to be transferred from B to A (area A)	159 S.F.
Existing Parcel B (Neighbor's)	
Area to be transferred from A to B (area B)	62 S.F.

Net change or difference 97 S.F.

Please give me your comments.

Regards;

Ralf W. Schmidtmeier, Architect
120 Sandpiper Lane
Aptos, CA 95003

831.685.3297
831.685.0866 Fax