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## Staff Report to the Zoning Administrator

Application Number: **04-0531**

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**Applicant:** Ron Powers Planning and Permitting

**Agenda Date:** 2/18/05

**Owner:** Tom and Emily Oswalt

**Agenda Item #:** **3**

**APN:** 038-151-89,038-151-90

**Time:** After 10:00 a.m.

**Project Description:** Proposal to demolish an existing deck and elevator shaft attached to a single-family dwelling.

**Location:** Property located on Oakhill Drive about 300 feet from Seacliff Drive in the Seascape neighborhood of Aptos (749 Oakhill).

**Supervisory District:** 2nd District (District Supervisor: Ellen Pirie)

**Permits Required:** Coastal Development Permit with Design Review

### Staff Recommendation:

- Approval of Application 04-0531, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

### Exhibits

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

### Parcel Information

Parcel Size:	Parcel 89: About 8,786 square feet - Assessor Estimate
	Parcel 90: About 12,974 square feet - Assessor Estimate
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwellings, beach
Project Access:	Oakhill Road (off of Seacliff Dr.)
Planning Area:	Aptos

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Land Use Designation: R-UL (Urban Low Residential)  
Zone District: R-1-10 (Single-family residential, 10,000square feet minimum lot size)  
Coastal Zone:  Inside  Outside  
Appealable to Calif. Coastal Comm.  Yes  No

### Environmental Information

Geologic Hazards: Coastal bluff at rear of site  
Soils: Watsonville Loam (Soils Index Number 179)  
Fire Hazard: Not a mapped constraint  
Slopes: Coastal bluff 70+ at the rear of the site  
Env. Sen. Habitat: Potential Riparian Vegetation, none impacted on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Scenic resource area at top of coastal bluff  
Drainage: Existing drainage adequate  
Traffic: N/A  
Roads: Existing roads adequate  
Parks: Existing park facilities adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:  Inside  Outside  
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

### Project Setting

The project site is located in a single-family neighborhood on Oakhill Road, a road paralleling the coastal bluff with access off of Seaview Drive in Aptos. The elevator and decking on APN 038-151-89 (parcel 89) is attached to the existing single-family dwelling on APN 038-151-90 (parcel 90, 749 Oakhill Road).

### Zoning & General Plan Consistency

Due to the encroachment of the elevator and decking over a property line, the existing single-family dwelling on parcel 90 is significantly non-conforming. Subsequent to the demolition, the dwelling will be non-conforming with regards to the western side yard setback. No variance will be required as the modifications to the structure (i.e., new walls and siding at the previous location of the elevator) will not exceed 50% of the total length of the non-conforming wall. The project complies with the purposes of the R-UL (Urban Low Residential) General Plan designation in that the use of the site will remain residential.

Approval of the above mentioned demolition does not guarantee the buildability of parcel 89 as a separate lot.

#### Local Coastal Program Consistency

The proposed demolition and minor reconstruction of the side wall will not be visible from the beach, nor will it have any effect on public access to the beach or other policies set forth by the County's Local Coastal Program.

#### Design Review

The County's Urban Designer evaluated the proposed demolition for conformance with Section 13.20.130, the Coastal Zone Design Criteria, and found the removal and restoration of the side wall to be visually compatible with the surrounding neighborhood.

#### 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.

#### Staff Recommendation

- APPROVAL of Application Number **04-0531**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

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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.

This finding can be made, in that the residential use of the site will not be altered by the demolition.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no easements or development restrictions beyond coastal bluff setbacks and normal R-1-10 site standards exist on site.

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.

This finding can be made, 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.

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.

This finding can be made, in that 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.

This finding can be made, in the proposed demolition and repair will not significantly alter the visual appearance of the existing single-family dwelling, which is visually compatible with the surrounding neighborhood and the coastal setting.

## 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.

This finding can be made, in that all alterations to the existing structure will be required to meet all applicable building codes.

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.

This finding can be made, in that the primary use of the site will remain residential and all R-1-10 site standards will be met, with the exception of the existing non-conforming side yard setback from the western property line.

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.

This finding can be made, in that use will remain residential, consistent with the R-UL General Plan Designation.

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

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.

This finding can be made, in that no additional utilities will be required and traffic generation from the site will not be increased.

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.

This finding can be made, in that the proposed demolition and modifications will not significantly alter the appearance of the existing single-family dwelling, which is already visually compatible with the range of architectural styles within 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.

This finding can be made, for the same reasons as those addressed in Finding 5, above

## Conditions of Approval

Exhibit A: Project plans, one sheet, drawn by Tracy **Johnson**, dated **9/27/04**.

- I. This permit authorizes the demolition of an elevator shaft and decking attached to a single-family residence, and the required modifications to the western wall. 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 Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. 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 colors of the modified wall for Planning Department approval. Any color boards must be in 8.5" x 11" format. Colors and materials must match the existing dwelling.
- 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.
- 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

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Owner: Tom and Emily Oswalt

actions, up to and including permit revocation.

- B. The approval of this permit does not guarantee the buildability of APN 038-151-89 separate from APN 038-151-90.

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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: \_\_\_\_\_

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Don Bussey  
Deputy Zoning Administrator

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David Keyon  
Project Planner

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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: 04-0531

Assessor Parcel Number: 038-151-89, 038-151-90

Project Location: 749 Oakhill Rd.

**Project Description: Demolition of existing elevator shaft and decking**

**Person or Agency Proposing Project: Ron Powers Planning and Permitting**

**Contact Phone Number: (831) 426-1663**

- 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: 15301(1)(4)

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

Demolition of accessory (appurtenant) structure

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

\_\_\_\_\_  
David Keyon, Project Planner

Date: \_\_\_\_\_

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**APTOS RANCHO**  
 POR. N.W. 1/4 SEC. 13, T.11S., R.1W., M.D.B. & M.

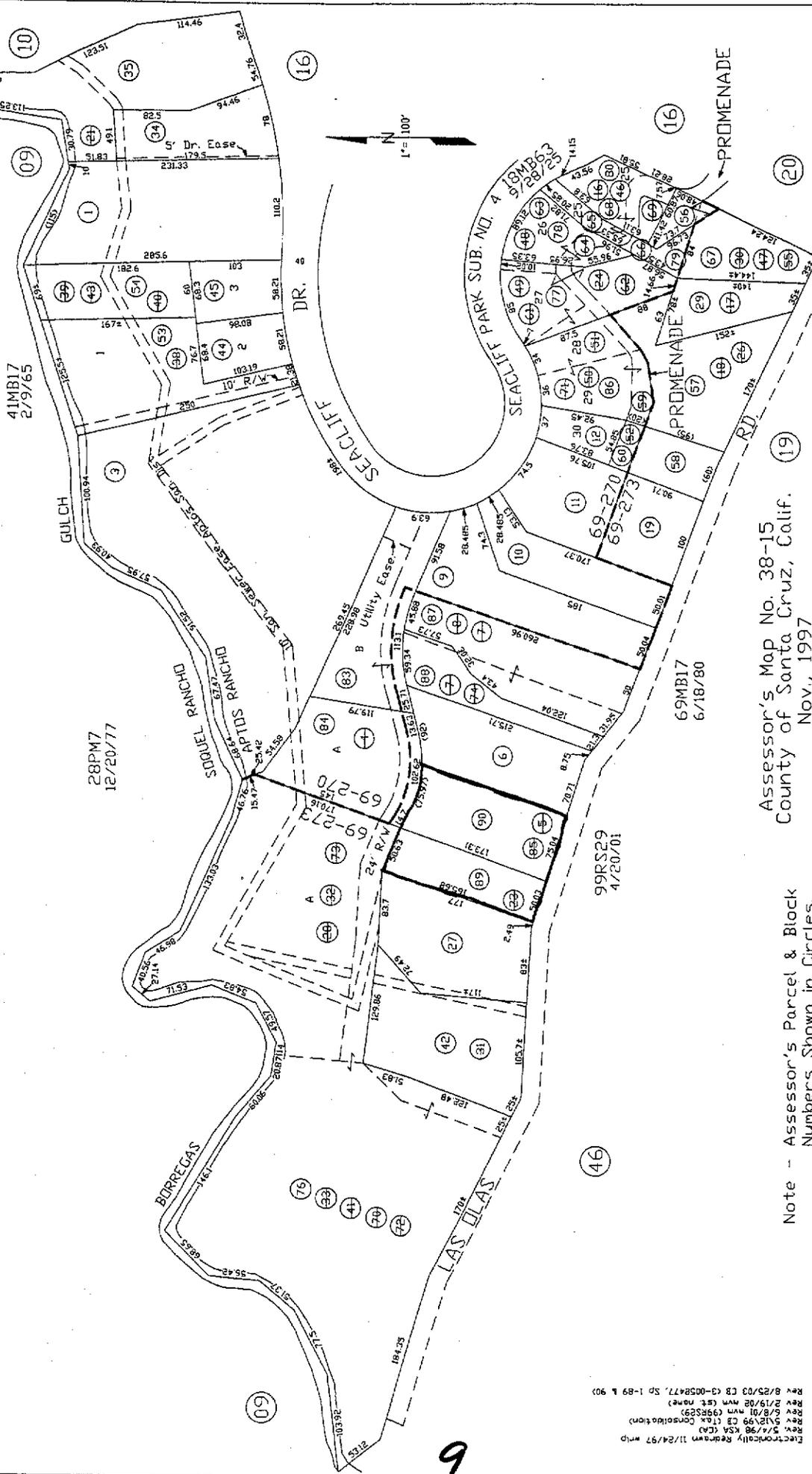
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 69-270 69-273

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Electronically Redrawn 11/24/97 mfp  
 Rev. 5/4/96 KSA (CA)  
 Rev. 9/12/95 CB (Tax Consideration)  
 Rev. 8/2/91 mfn (93R529)  
 Rev. 2/15/82 mfn (45 RMP)  
 Rev. 8/25/03 CB (3-0058477, SP 1-89 L 90)



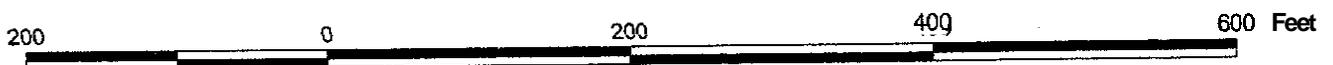
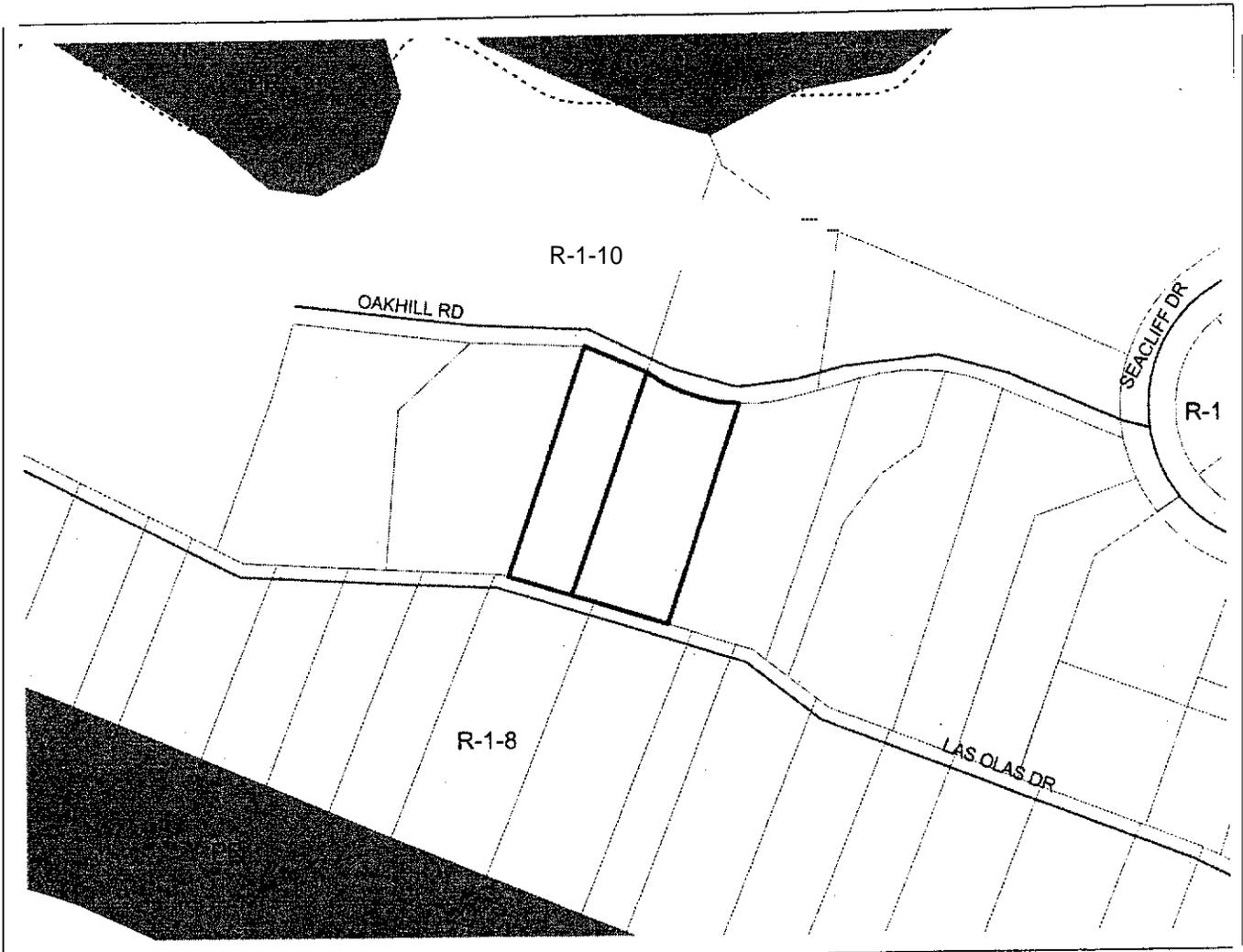
Assessor's Map No. 38-15  
 County of Santa Cruz, Calif.  
 Nov., 1997

Note - Assessor's Parcel & Block  
 Numbers Shown in Circles.

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**EXHIBIT E**

# Zoning Map



## Legend

	APN 038-151-89,90
	Parcel boundaries
	Streets
	Intermittent Stream
	R-1-X
	PR



Map created by Santa Cruz County  
Planning Department:  
November 2004