



Staff Report to the Zoning Administrator

Application Number: **04-0660**

Applicant: Powers Land Planning
Owner: Chyna Darby; Craig Eymann
APN: 075-091-09, 10 and 11

Agenda Date: April 1, 2005
Agenda Item #: 4
Time: After 10:00 a.m.

Project Description: Proposal to combine APNs 075-091-09 and 10 and to transfer 1,989 square feet from 075-091-10 to APN 075-091-11 to cure existing structural encroachments and a Variance to reduce the required 5-foot side yard setback to about 3 feet for the dwelling on 075-091-11.

Location: The project is located on the east side of Trinkling Creek Drive about 200 feet east from West Drive in Lompico. Addresses are 774 and 754 Trinkling Creek Drive.

Supervisory District: 5th District (District Supervisor: Stone)

Permits Required: Lot Line Adjustment and Variance Permits

Staff Recommendation:

- Approval of Application 04-0660, 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. General Plan Map |
| D. Categorical Exemption (CEQA determination) | H. Comments & Correspondence |

Parcel Information

Parcel Sizes: 075-091-09: ~14,854 sq. ft.
075-091-10: ~ 4,151 sq. ft.
075-091-11: ~ 4,669 sq. ft.

Existing Land Use - Parcel: 075-091-09 - vacant;
075-091-10 and 11 one dwelling each

Existing Land Use - Surrounding: residential

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Project Access: Trinkling Creek Drive – a private R-O-W
Planning Area: San Lorenzo Valley
Land Use Designation: R-R (Rural Residential)
Zone District: R-1-15 (Singlefamilyresidential- 15,000sq.ft. lot min.)
Coastal Zone: — Inside XX Outside

Environmental Information

Geologic Hazards: No new development proposed
Soils: N/A
Fire Hazard: N/A
Slopes: N/A
Env. Sen. Habitat: N/A
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: N/A
Roads: N/A
Parks: N/A
Archeology: N/A

Services Information

Urban/Rural *Services* line: — Inside XX Outside
Water Supply: Lompico Water District
Sewage Disposal: Existing Septic
Fire District: Zayante Fire
Drainage District: Zone 8

Project Setting

The project is located in the community of Lompico in the San Lorenzo Valley Planning area. This area is characterized by substantially non-conforming lots with respect to minimum zone district sizes and cabins constructed between 1920 and 1950, which predates the requirements for building permits. Two of the subject parcels are developed with a single family dwelling. The dwelling on APN 075-091-10 was built in 1926. While the home is located on the lot, its septic leachlines and part of a shed are located on APN 075-091-09 (a vacant lot). The majority of the residence assigned to APN 075-091-11 (754 Trinkling Creek) is actually located on APN 075-091-10. Moreover, there is only about 13 feet separating the two houses. The lots slope down away from Trinkling Creek Drive, and the houses are located on the more gently sloped areas close to the road. Behind the dwellings, the properties become more steeply sloped.

Zoning & General Plan Consistency

The subject parcels are zoned R-1-15, single family residential with a 15,000 square foot minimum and have a Rural Residential General Plan designation. Two of the parcels are less than the zone

district parcel area in size, while the vacant lot, APN 075-091-09 meets the minimum lot size, but is undevelopable, because a minimum of one acre is required for septic systems for new development in this area. The proposed lot line adjustment will have the following affect on these parcels:

Parcel	Existing (sq. ft.)	Transfer (sq. ft.)	Proposed (sq. ft.)
075-091-09	- 14,854	-14,854 (to 10)	0
075-091-10	-4,151	+ 14,854 (was 09) - 1,898 (to 11)	17,016
075-091-11	-4,669	+ 1,898	6,658

The proposed lot line adjustment will eliminate the structural encroachments of the single family dwelling over the property lines of Parcels 10 and 11, placing the entire structure within the new boundaries of Parcel 11. In addition, the lot line adjustment will place the septic system and shed for Parcel 10 entirely within its new boundaries and will eliminate a vacant, unbuildable lot. As a result of the proposed boundary adjustments, the revised Parcel 10 will slightly exceed the 15,000 square foot zone district minimum parcel size. The second parcel will still be nonconforming with respect to minimum lot size but will be increased in size. Finally, one non-conforming and unbuildable lot of record will be eliminated.

Parcel 11 will still be nonconforming in size after the proposed lot line adjustment. The effective zone district standards will be the R-1-6 zone district standards. This zone district requires side yard setbacks of one 5-foot setback and one 8-foot setback. The R-1-15 zone district side yard, which would apply to the proposed Parcel 10, is ten feet. As there is only 13 feet separating these two dwellings, it is not possible to achieve the required side yard setbacks (which total 15 feet). Consequently, this proposal requires a Variance to reduce the required 5-foot side yard setback to 3 feet for the dwelling on parcel 11. As discussed above, this dwelling is currently located almost entirely on Parcel 10 and is therefore a substantially nonconforming structure. It is not possible to relocate this structure, due in part to its age (>60 years), condition, and to the fact that the home's septic leachfields are located in the middle of the Parcel 11.

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 **04-0660**, 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

Application # 04-0660
APN: 075-091-09, 10 and 11
Owner: Chyna Darby; Craig Eymann

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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

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Santa Cruz CA 95060
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Email: cathleen.carr@co.santa-cruz.ca.us

Lot Line Adjustment Findings

- 1. The lot line adjustment will not result in a greater number of parcels than originally existed.**

This finding can be made in that there were three parcels prior to the adjustment and there will be two parcels subsequent to the adjustment.

- 2. 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).**

This finding can be made. No additional building sites will be created by **this** transfer, because the septic system for one dwelling is located on an otherwise vacant parcel and these two parcels will be combined. A portion (1,989 square feet) of the combined parcel will be transferred to the adjacent parcel to correct a structural encroachment where the neighboring house currently straddles the property lines. Thus, after the lot line adjustment, there will be two parcels each developed with a single family dwelling and septic system. None of the parcels have a General Plan designation of 'Agriculture' or 'Agricultural Resource', are zoned 'TP' or have a designated Timber Resource as shown on the General Plan maps. Technical studies are not necessary as the two remaining lots are already developed with single family dwellings and the proposal complies with the General Plan designation of the parcels (R-R - Rural Residential) per 13.10.673(e). The proposed lot line adjustment will correct structural encroachments of one dwelling (APN 075-091-11) over an interior lot line and will correct the encroachment of Parcel 075-091-10's septic leachfield onto Parcel 075-091-09.

- 3. 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.**

This finding can be made. Parcels 075-091-10 and 11 are currently nonconforming with respect to parcel size for the R-1-15 zone district. After the proposed lot line adjustment, Parcel 075-091-10 will increase in size, slightly exceeding the minimum lot size of 15,000 square feet set forth by the R-1-15 zone district. Parcel 075-091-11 will increase slightly in size (+ 1,989 square feet), but will remain nonconforming with respect to parcel size.

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.

There are special circumstances in that steep topography at the rear (eastern) part of the subject parcels and substandard parcel sizes, which limit the development opportunities. In addition, the existing structures were built in 1926 and 1940, which predates building and zoning requirements. Through a recent survey it was determined that the dwelling on APN 075-091-11 was built almost entirely on APN 075-091-10. Parcel 10 is already developed with a single family dwelling and the two residences are separated by 13 feet. Moreover, the septic leachfield for APN 075-091-10 was found to be located on APN 075-091-09, a vacant lot. A lot line adjustment is included which corrects these structural encroachments, while meeting all of the requirements for lot line adjustments specifically, not creating building sites or reducing parcels below the zone district size minimum (See Lot Line Adjustment Findings). The required side yard setbacks for the two structures on the resultant parcels are 10 feet for APN 075-091-10 and 5 feet for APN 075-091-11. However, there is only 13 feet separating the two structures.

The dwelling on APN 075-091-11 is currently significantly non-conforming, since most of the structure is located on the wrong parcel. Furthermore, it is not possible to relocate **this** structure, due in part to its age (>60 years), condition, and to the fact that the home's septic leachfield is located in the middle of the Parcel 11. In addition, it may require considerable expense and may not be possible to demolish and reconstruct the dwelling and meet the septic requirements on this site. Many of the existing homes in this neighborhood are nonconforming with respect to setbacks and in some cases property lines. In many cases, the encroachments may be able to be cured through lot line adjustments, but cannot be brought into conformance with the zone district standards for setbacks due to similar circumstances described for this project. The strict application of the zoning ordinance will deprive the property of maintaining a legal structure where new development is severely limited by lot sizes and slopes. Thus, the granting of the variance to reduce the north side yard from 5 feet to 3 feet for the reconfigured Parcel 11 is compatible with the development pattern of the neighborhood and is consistent with the privileges enjoyed by other properties in the vicinity within the R-1-15 zone district under similar circumstances.

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.

The granting of the variance is in harmony with the general intent and purpose of zoning objectives of maintaining adequate separation between structures and property lines along side yards in that the minimum separation between structure required by the residential development standards is 10 feet

and a 13-foot separation will be maintained, even though one required side yard will be reduced by two feet. The variance to reduce the 5 foot side yard setback to 3 feet will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity in that the minimum 10-foot separation between structures will be maintained. The proposed setback for the dwelling at 754 Trinkling Creek Drive will be located within the new parcel boundaries whereas the majority of the structure is now located on the adjacent property. Thus, the variance allowing the reduction of the side yard setback to 3 feet will allow sufficient separation to not adversely affect the light and air of the neighboring property and will aid in correcting a significant structural encroachment.

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 granting of this site area variance would not constitute a special privilege as the parcels in this neighborhood are zoned R-1-15, but are substantially smaller and the majority of the structures were built before building permits were required. Consequently, five foot side yard setbacks are applicable to many properties in the neighborhood. Furthermore, a number of the existing structures have been built within these setbacks or, similar to the subject parcel, outside of the parcel boundaries. The granting of the variance to reduce the north side yard to 3 feet is compatible with the development pattern of the neighborhood and is consistent with the privileges enjoyed by other properties in the vicinity within the R-1-15 zone district under similar circumstances as discussed in Variance Finding #1.

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 the project is located in an area designated for residential uses and is currently developed with two single family dwellings that will be located on two parcels of record, resulting from a lot line adjustment (See Lot Line Adjustment Findings). The proposed location of the new parcel boundaries and the existing residences 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 for the north side yard setback for APN 075-091-11 for which Variance Findings can be made.

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 proposed location of the two single family residences and associated development will be located entirely within the parcel boundaries and will be consistent with the applicable residential development standards, except the side yard setback for APN 075-091-11 which requires a Variance (See Variance Findings). The project is otherwise consistent with all pertinent County ordinances and the purpose of the R-1-15 (Single family residential - 15,000 sq. ft. lot minimum) zone district in that the project will result in two residential parcels each developed with a single family dwelling.

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 the proposed residential use is consistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan. The proposed residential development 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 residential development will not adversely shade adjacent properties, and will meet current setbacks for the zone district, except for the side yard setback for APN 075-091-11 for which Variance Findings can be made.

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.

This finding **can** be made, in that no additions or modifications to the existing residences are proposed. Only the configuration of three residential parcels will be affected.

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 existing structures are located in a mixed neighborhood of mostly older homes that predate the building permit requirements. Many of these dwellings are nonconforming with respect to setbacks. No changes are proposed to the existing structures only modifications to the parcel boundaries to correct significant nonconformity of one residence. Thus, the project is consistent with the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit A: Project Plans prepared by Dunbar and Craig, dated April 2003

- I. This permit authorizes the combination of Assessor's Parcel Number 075-091-09 and Assessor's Parcel Number 075-091-10 and to transfer of approximately 1,989 square feet of land from Assessor's Parcel Number 075-091-10 to Assessor's Parcel Numbers 075-091-11 to ~~correct~~ significant encroachments of the single family dwelling on APN 075-091-11 onto APN 075-091-10 and for the septic systems for the single family dwelling on APN 075-091-10 onto APN 075-091-09. Requires a Lot Line Adjustment and a Variance to reduce the required 5-foot side yard for the dwelling on APN 075-091-11 to about 3 feet. 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. Complete the Lot Line Adjustment. No parcel map is required. File the deeds of conveyance with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership. **This lot line adjustment shall result in no more than two parcels of record.**
 1. The deed of conveyance from APN 075-091-09 to APN 075-091-10 must contain the following statement after the property description:

*“The purpose of the deed is to combine Assessors Parcel No. 075-091-09 with Assessors Parcel No. 075-091-10 as approved by the County of Santa Cruz on April 1, 2005 under Application No. 04-0660. This conveyance combine the two parcels into one lot of record, and is null and void unless the parcels are combined **as** stated.”*
 2. The deed of conveyance from APN 075-091-10 to APN 075-091-11 must contain the following statement after the property description:

*“The purpose of the deed **is** to combine the above described portion of Assessors Parcel No. 075-091-10 with Assessors Parcel No. 075-091-11 as approved by the County of Santa Cruz on April 1, 2005 under Application No. 04-0660. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined **as** stated.”*
 - C. The lot line adjustment must be completed and the deeds of conveyance recorded on or before April 15, 2007.
- II. 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

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

Cathleen Carr
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: 04-0660

Assessor Parcel Number: 075-091-09, 10 and 11

Project Location: 774 Trinkling Creek Drive and 754 Trinkling Creek Drive, Felton

Project Description: Proposal to combine APNs **075-091-09** and **10** and to transfer **1,989** square feet from **075-091-10** to APN **075-091-11** to cure existing structural encroachments and a Variance to reduce the required 5-foot side yard setback to about **3** feet for the dwelling on **075**

Person or Agency Proposing Project: Powers Land Planning

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: Specify type: Class 3 – Minor Alterations in Land Use Limitations (Section 15305)

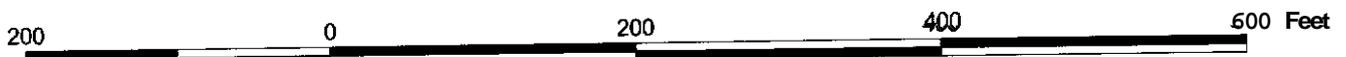
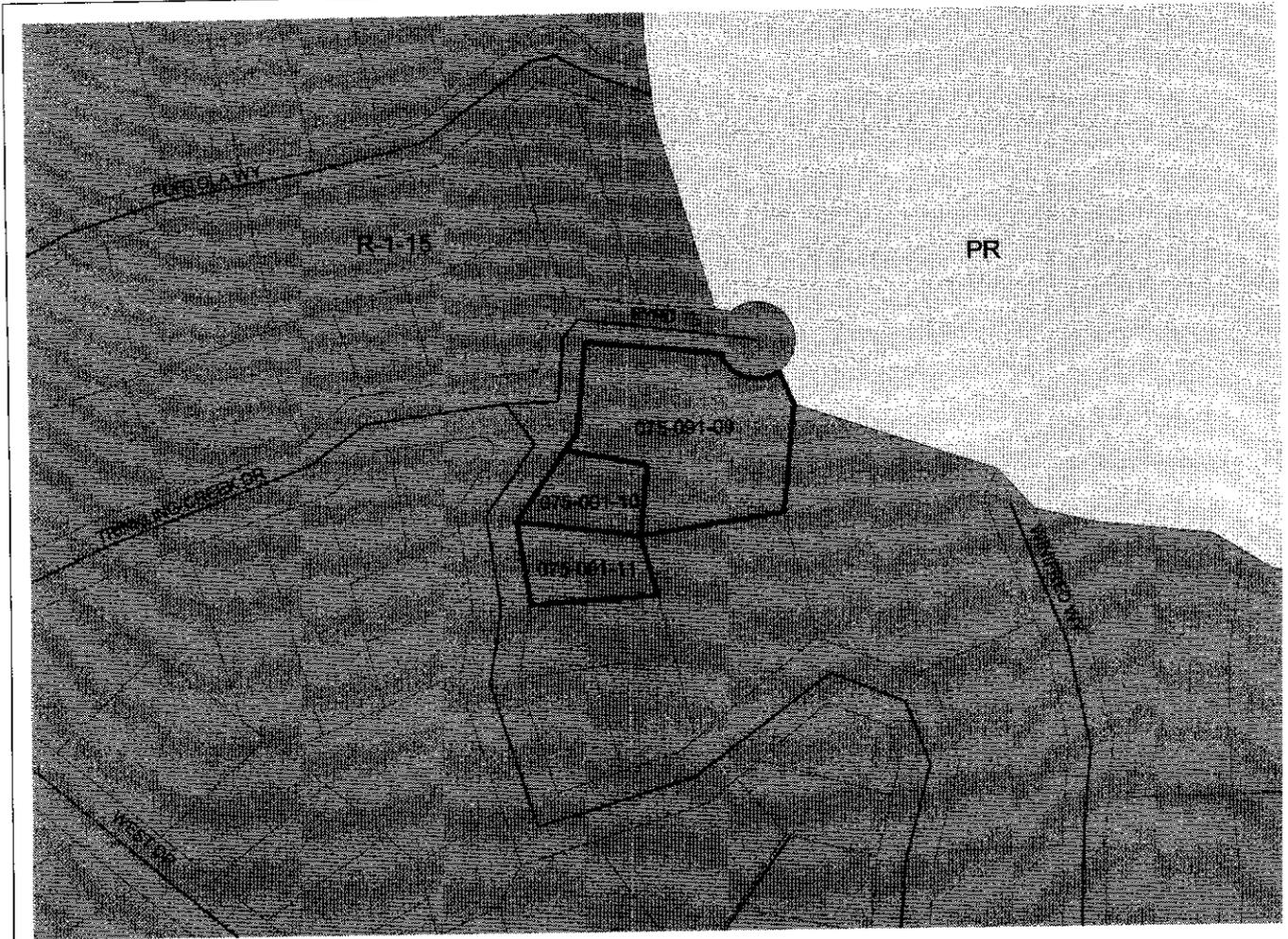
F. Reasons why the project is exempt: The project involves three residential lots of record which **will** have their boundaries adjusted to result in **two** lots of record, each developed with an existing single family dwelling. The lot line adjustment **will** cure existing structural encroachments. A variance **will** be granted to reduce one side yard setback as the total of the **two** required setbacks is **15** feet, but the existing legal structures are separated by only **13** feet.

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


athleen Carr, Project Planner

Date: 3/15/05

Zoning Map



Legend

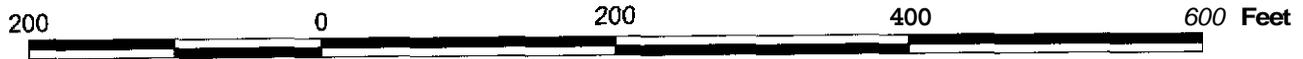
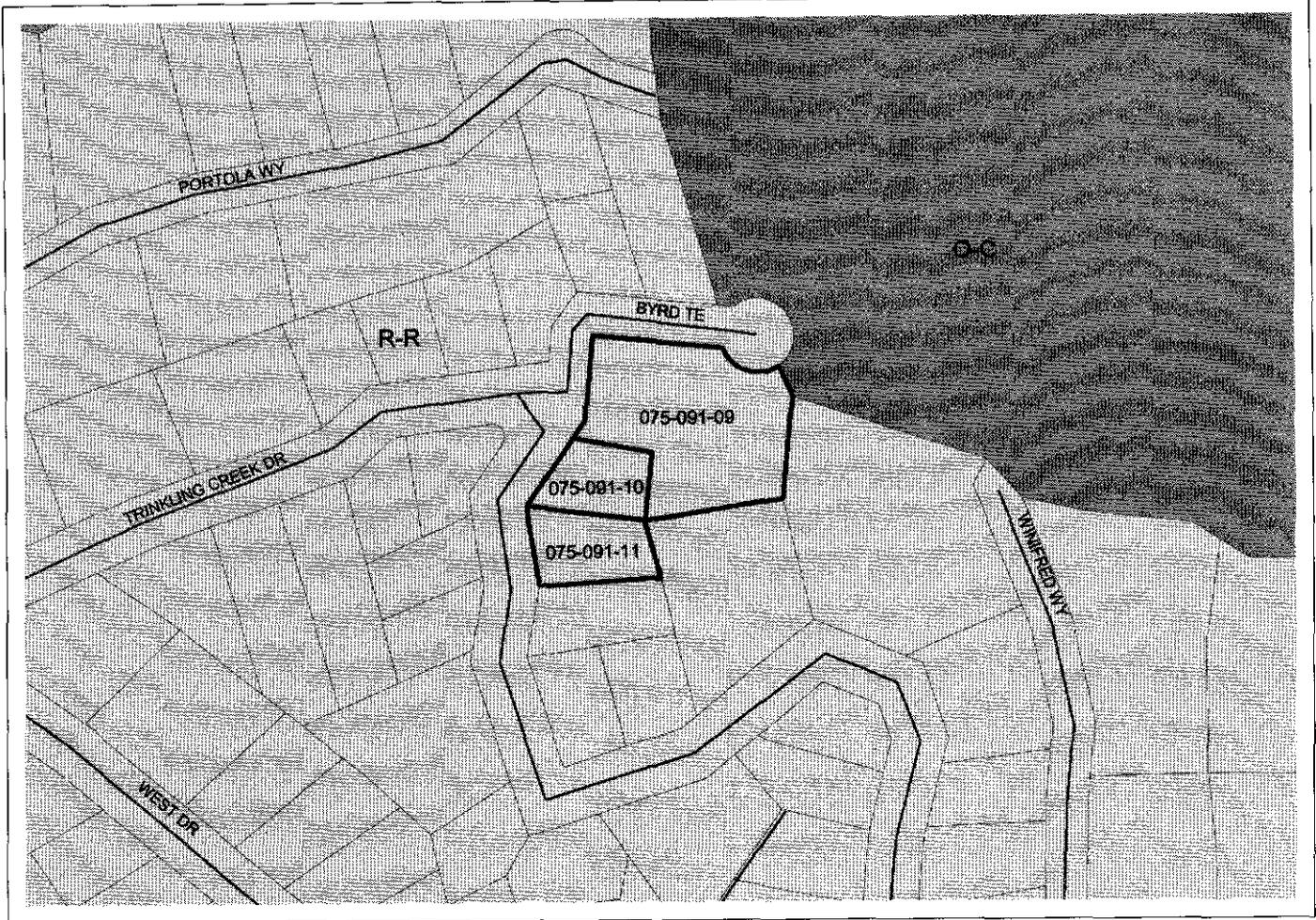
-  APN 075-091-09, 10, 11
-  Parcel boundaries
-  Streets
-  R-1-15
-  PR

N



Map created by Santa Cruz County
Planning Department:
January 2005

General Plan Map



Legend

-  APN 075-091-09, 10, 11
-  Parcel boundaries
-  Streets
-  State Highway
-  Resource Conservation
-  Rural Residential



Map created by Santa Cruz County
Planning Department:
January 2005

EXHIBIT C

C O U N T Y O F S A N T A C R U Z
Discretionary Application Comments

Project Planner: Cathleen Carr
Application No.: 04-0660
APN: 075-091-09

Date: January 20, 2005
Time: 12:28:21
Page: 1

Environmental Health Completeness Comments

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

===== REVIEW ON JANUARY 20, 2005 BY JIM G SAFRANEK ===== No EHS issues on this LLA.

Environmental Health Miscellaneous Comments

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

===== REVIEW ON JANUARY 20, 2005 BY JIM G SAFRANEK =====
NO COMMENT

Zayante Fire Department Completeness Comments

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

===== REVIEW ON JANUARY 6, 2005 BY COLLEEN L BAXTER ===== DEPARTMENT NAME: CDF/COUNTY FIRE 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. 72 hour minimum notice is required prior to any inspection and/or test. .SC 0 Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review. subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency.

Zayante Fire Department Miscellaneous Comments

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

===== REVIEW ON JANUARY 6, 2005 BY COLLEEN L BAXTER =====

EXHIBIT H