



Staff Report to the Zoning Administrator

Application Number: **04-0566**

Applicant: Wayne and Judy Miller
Owner: Erich & Dana Diekmann
APN 104-221-02

Agenda Date: May 20, 2005
Agenda Item #: **8**
Time: After 10:00 a.m.

Project Description: Proposal to convert an existing second unit to a non-habitable accessory structure by removing habitable features, to convert **an** existing single-family dwelling to a second unit (800 square foot max. with attached garage), and to construct a new single-family dwelling. Requires a Variance approval to reduce the 20 foot required side yards to 10 feet and 15 feet.

Location: Property located on the west side of Chenyvale Avenue approximately 1200 feet north of Main Street (4005 Cherryvale Avenue).

Supervisory District: 1st District (District Supervisor: J. Beautz)

Permits Required: Variance

Staff Recommendation:

- Denial of Application 04-0566, 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 | F. Zoning, General Plan, and Location map |
| B. Findings | G. Aerial photo |
| C. Conditions | H. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |
| E. Assessor's parcel maps | |

Parcel Information

Parcel Size: 42,602 square feet
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential

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

Project Access: Cherryvale Avenue
Planning Area: Soquel
Land Use Designation: A (Agriculture)
Zone District: RA (Residential Agriculture)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Western edge of parcel mapped as flood plain
Soils: Soils **report** submitted and accepted
Fire Hazard: Not a mapped constraint
Slopes: Relatively flat terraces
Env. Sen. Habitat: No physical evidence on site
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: 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: On-site septic
Fire District: Central Fire Protection District
Drainage District: None

Project Setting

The subject parcel is currently developed with a single-family dwelling, a detached second unit, and a barn. The applicant is proposing to relocate and convert the existing second unit to a garage and workshop, and to convert the existing single-family dwelling to a second unit so that a new larger single-family dwelling may be constructed. Modifications are proposed for the existing single-family dwelling to reduce the total square footage below the 800 square foot maximum allowed for a second unit on a one acre parcel with a septic system.

A new 1,956 square foot single-family dwelling is proposed behind the existing single-family dwelling, on the lower of two relatively flat terraces. The existing single-family dwelling (future second unit) is located on the upper terrace adjacent to Cherryvale Avenue. The existing driveway that currently serves the second unit (future garage) will be extended to serve the new dwelling and relocated garage.

The surrounding neighborhood may be characterized as very low density residential with some agricultural uses. The neighboring property to the north is 7.5 acres and contains a single-family dwelling over 200 feet away from the subject property. The properties immediately to the south are 1 and 6 acres in size and contain single-family dwellings approximately 15 and 30 feet from the shared property line, respectively (see Exhibit G).

Zoning & General Plan Consistency

The subject property is a 1 acre lot, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (A) Agriculture General Plan designation.

Variance

The applicant is requesting a variance from the 20 foot side setback requirements for the new single-family dwelling and relocated garage. The single-family dwelling is proposed 15 and 16 feet from the southern and northern property lines, respectively. The garage is proposed to be relocated 10 feet from the northern property line.

While the lot is an unusual shape (67.9 feet wide by approximately 650 feet long), it is not unusual to the degree that the application of setbacks deprives the property owner of privileges enjoyed by other property owners in the vicinity under identical zoning classification. After allowing for 20 foot side setbacks, a level building area that is almost 28 feet wide remains. Granting a variance may allow for a more traditional house design, however the width of the area between the yard setbacks is adequate for the construction of a functional and attractive dwelling.

The applicant has requested variances for both side setbacks to the dwelling, and to the side setback for the garage. Even though the lot is relatively narrow for a 1 acre parcel, a home can be constructed on the project site which will not require any variance to the required site standards. This is evident in the existing second unit which ~~was~~ constructed on the site to the rear of the existing single family dwelling. The current proposal includes a design which does not fit the narrow site and is considered as a self-imposed hardship. No special circumstance for the proposed variances to the required yard setbacks can be found for this application.

Conclusion

As proposed and conditioned, the project is not 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

- **DENIAL** of Application Number **04-0566**, based on the attached findings.

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

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Project Planner: Randall Adams
Santa Cruz County Planning Department
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Santa Cruz CA 95060
Phone Number: (831) 454-3218
E-mail: randall.adams@co.santa-cruz.ca.us

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.

This finding can not be made, in that while the property is an unusual shape, the application of the Zoning Ordinance will not deprive the subject property of privileges enjoyed by other property in the vicinity under identical zoning classification. A flat 28 foot wide area is available to support the current proposal to build a new single-family dwelling.

The parcel already contains a nonconforming single-family dwelling and a second unit constructed to current standards. In the immediate vicinity of the subject parcel, there are several properties of similar width, approximately 60 to 70 feet wide. Most were constructed with substandard setbacks as they were developed prior to 1955 when building permits were not required. However, any additions or reconstructions of these nonconforming dwellings would be subject to the same limitations as the subject parcel.

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.

This finding can not be made, in that the project will not be in harmony with the general intent and purpose of zoning objectives. One of the purposes of residential zone districts is to ensure adequate light, air, privacy, solar access, and open space for each dwelling unit. Reduced setbacks are inconsistent with this purpose and may impact the privacy available to nearby dwellings.

The proposed project will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity in that the proposed 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

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.

This finding can not be made, in that a reduced setback would be inconsistent with the limitations imposed on surrounding properties under identical zone classification. In the immediate vicinity of the subject parcel, there are several properties of similar width, approximately 60 to 70 feet wide. Most were constructed with substandard setbacks as they were developed prior to 1955 when building permits were not required. However, any additions or reconstructions of these nonconforming dwellings would be subject to the same limitations as the subject parcel.

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 not be made, in that while the project is located in an area designated for residential uses and is not encumbered by physical constraints to development, the proposed single-family dwelling could deprive adjacent properties of light, air, or open space, in that the structure does not meet the 20 foot side setbacks that ensure access to light, air, and open space in the neighborhood. Variance findings have not been made for reduced setbacks.

The proposed 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.

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 not be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will not be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the proposed single-family dwelling and relocated garage will not meet the side setbacks specified for the zone district, which ensure adequate light, air, privacy, solar access, and open space for each dwelling unit.

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 not be made, in that the proposed single-family dwelling could adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, in that the proposed new single-family dwelling does not meet current setbacks for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), and

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 the parcel currently contains a single-family dwelling and second unit. One of the structures will be converted to an accessory structure so that a new single-family may be constructed. The level of traffic is not expected to change as a result of the proposed project. Existing roads and intersections *in* the surrounding area are not expected to be impacted. Additionally, the proposed 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.

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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single-family dwelling is consistent with the land use intensity and density of the neighborhood. While it does not meet the side setback requirements, the proposed design of the house complements the residential uses in the area.

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.

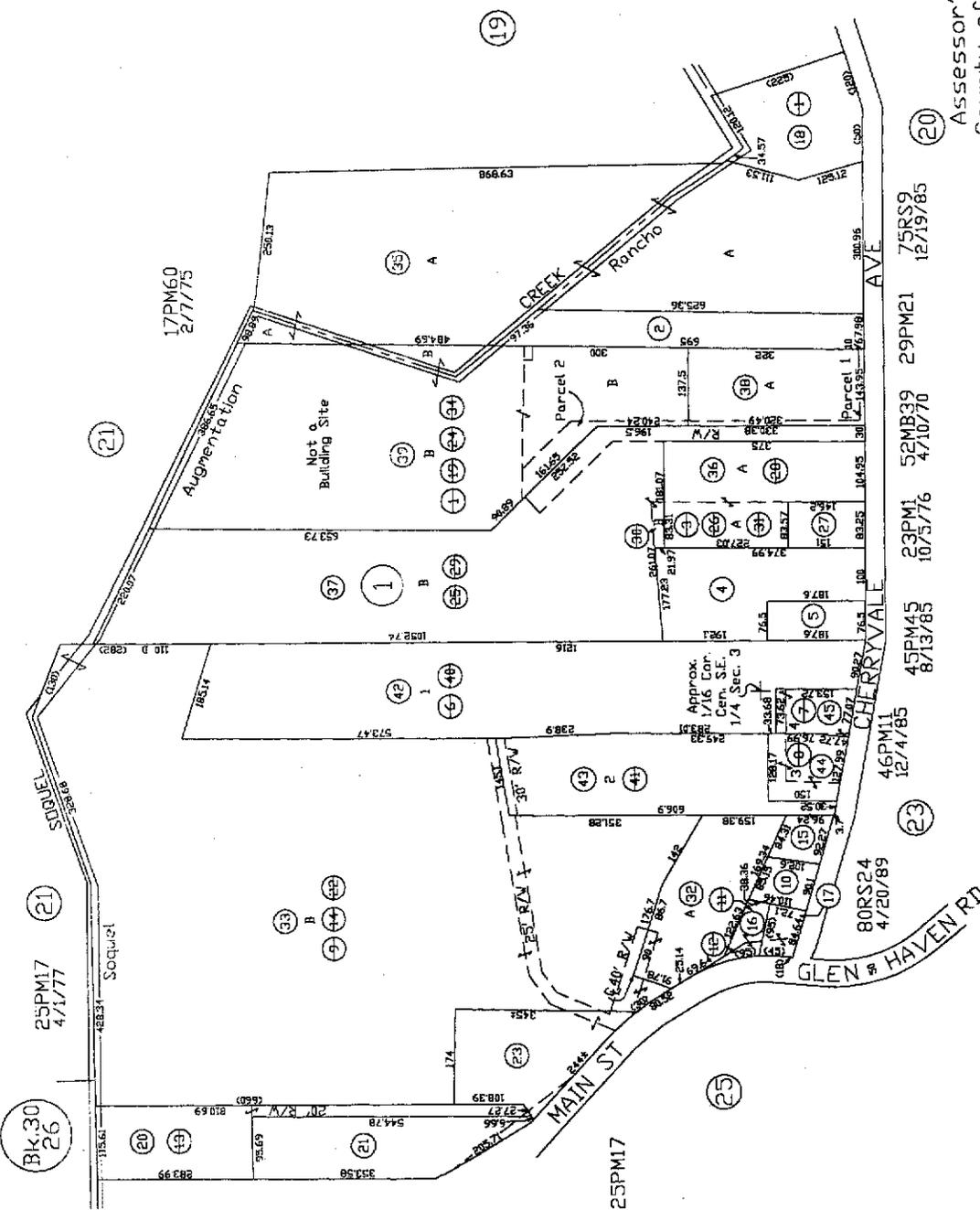
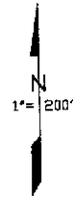
This finding **can** be made, in that the proposed single-family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties.

104-22

Tax Area Code
96-111

POR. SOQUEL AUGMENTATION RANCHO
POR. SEC. 3, T.11S., R.1W., M.D.B. & M.

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Assessor's Map No. 104-22
County of Santa Cruz, Calif.
July, 1998

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

Electronically redrawn 7/30/98 KSA
Rev. 10/1/01 with changed page refs.

EXHIBIT

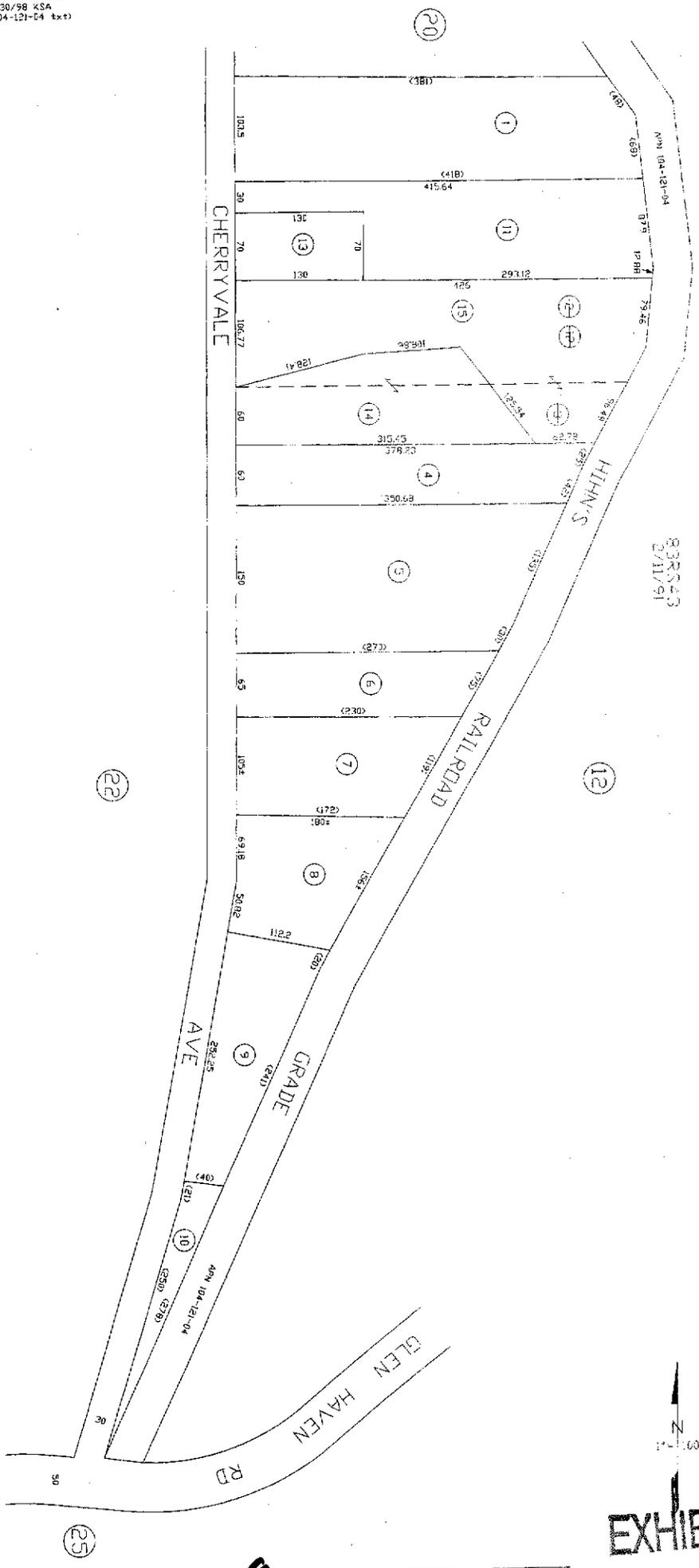
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SQUEL AUGMENTATION RANCHO
 PRR. SEC. 3, T.11S. R.4W, M.D.R. & M

9x Area Code
 96-111

104-23

EXHIBIT



Electronically redrawn 7/30/98 KSA
 Rev. 2/23/04 DD (added 104-121-64.txt)

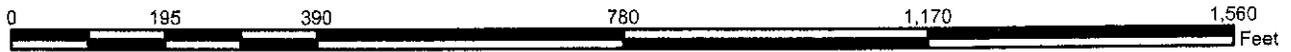
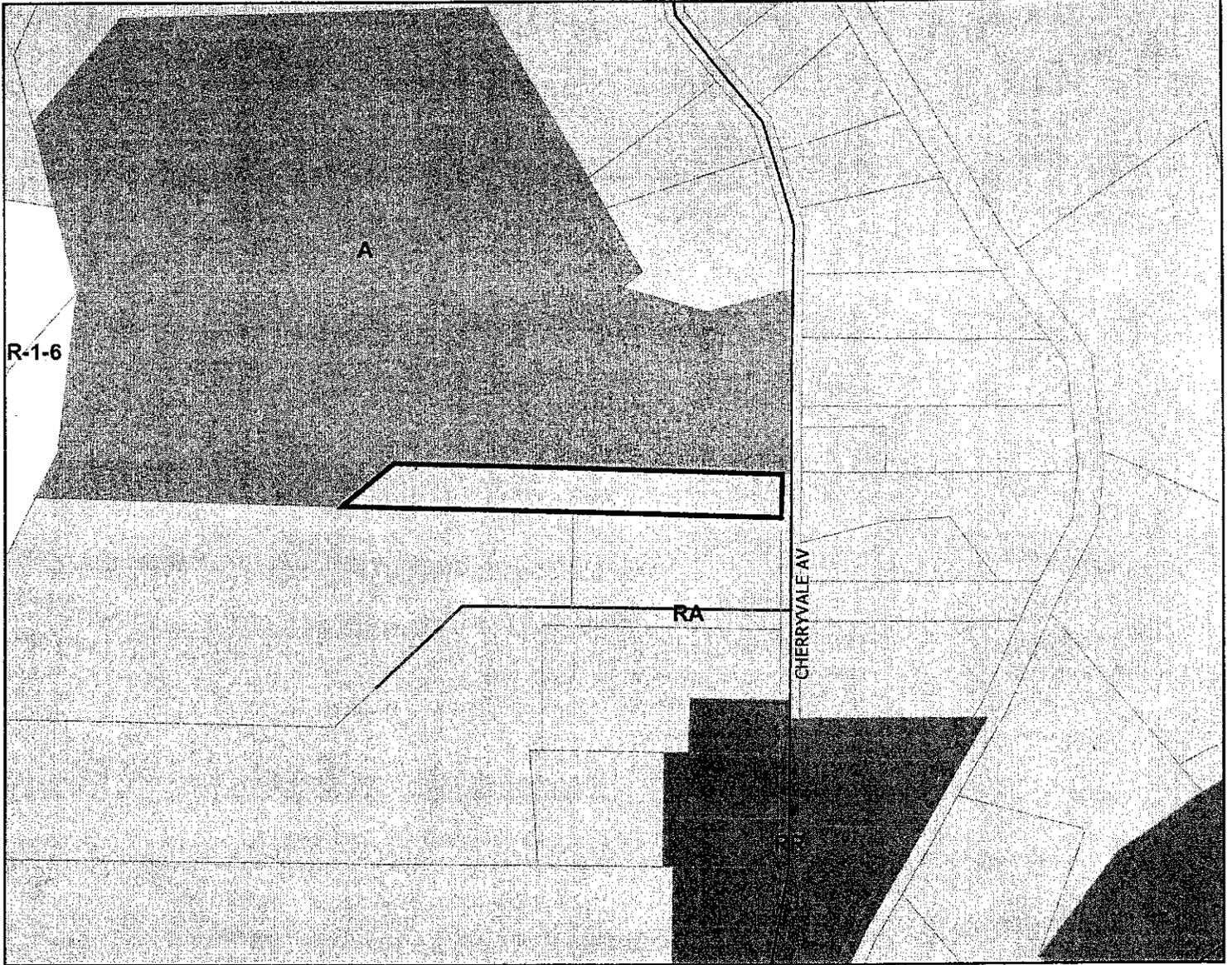
Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

Assessor's Map No. 104-23
 County of Santa Cruz, Calif.
 July, 1998

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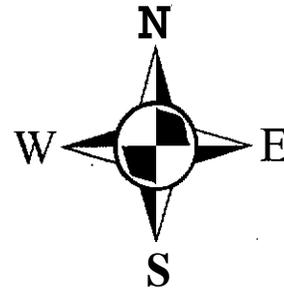


Zoning Map



Legend

-  APN 104-221-02
-  Assessors Parcels
-  Streets
-  AGRICULTURE (A)
-  AGRICULTURE RESIDENTIAL (RA)
-  RESIDENTIAL-RURAL (RR)
-  RESIDENTIAL-SINGLE FAMILY (R-1)



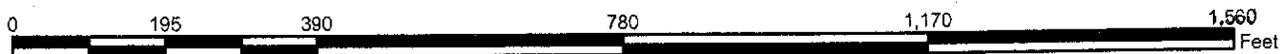
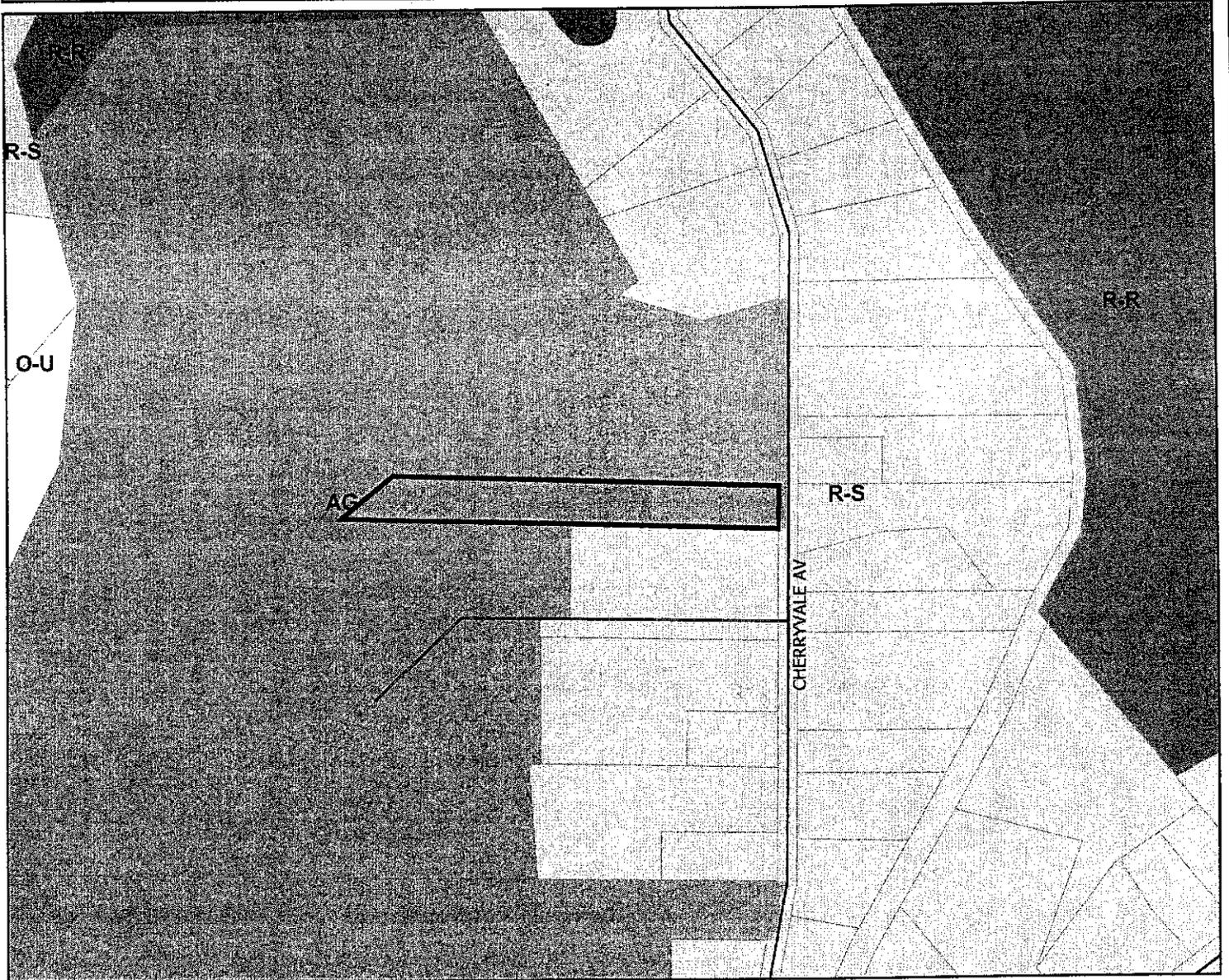
Map Created by
 County of Santa Cruz
 Planning Department
 April 2005

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EXHIBIT F

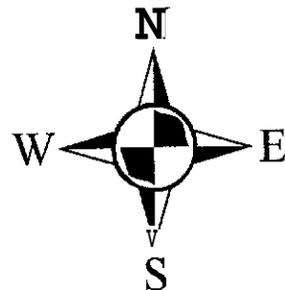


General Plan Designation Map



Legend

-  APN 104-221-02
-  Assessors Parcels
-  Streets
-  Agriculture (AG)
-  Residential-Rural (R-R)
-  Residential-Suburban (R-S)
-  Urban Open Space (O-U)



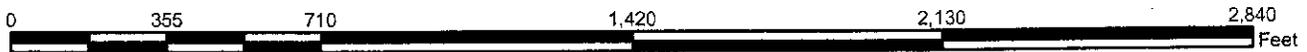
Map Created by
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 Planning Department
 April 2005

EXHIBIT F

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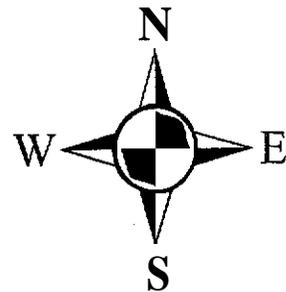


Location Map



Legend

-  APN 104-221-02
-  PERENNIAL STREAM
-  Assessors Parcels
-  Streets



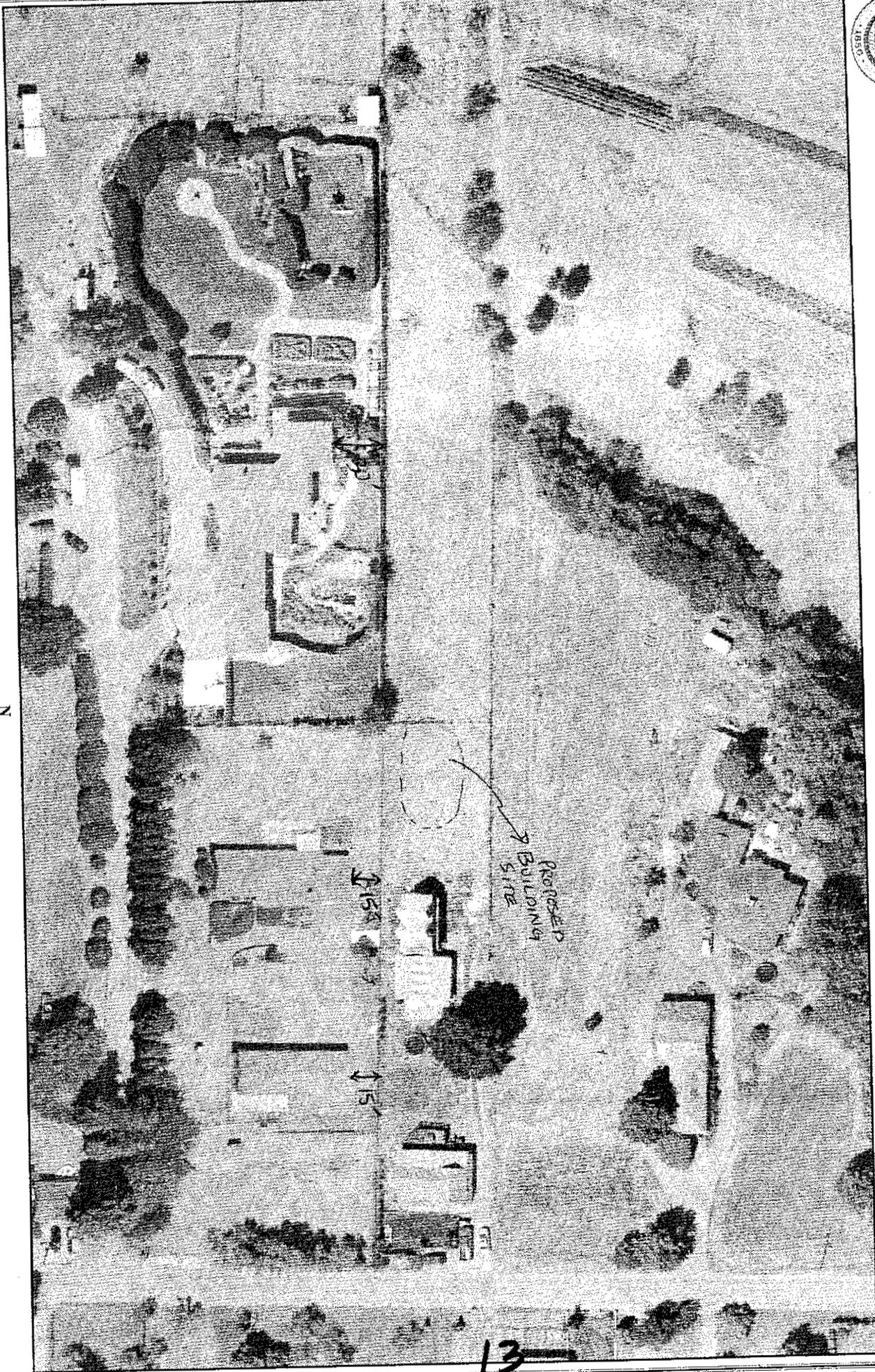
Map Created by
 County of Santa Cruz
 Planning Department
 April 2005

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EXHIBIT F



Aerial view of APN 104-22102



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EXHIBIT



Map created by
County of Santa Cruz, Planning Department
February 2005

Dana & Erich Diekmann
4005 Cherryvale Avenue
Soquel, Ca 95073
Phone: 831.476.3254 Fax: 831.476.3255

Statement of Concern

Application # 04-0566
Parcel # 104-221-02
Owners: Erich & Dana Diekmann
Attention: Karen McConaghy
Project Planner
Development Review

February 21, 2005

This letter is written to explain our unique situation at 4005 Cherryvale Avenue. ~~It is~~ our hopes that this letter will provide further insight into our personal situation and our goals.

My husband and I bought the property in 2001. We looked for many years ~~on~~ this street for a home to purchase within our price range and in 2001 our dream came ~~true~~. Our home is an old farm house, approximately 1300 square feet and approximately 100 years ~~old~~ (comprised of add-ons through the years). Our ~~intent~~ was to remodel this home adding 1000 square feet to what already existed. At ~~the~~ time our boys were two and ~~six so~~ we knew we had some time before they outgrew the room they share and the bath we all share. More than four years have passed and after doing a cost analysis we realized ~~it would~~ cost more to remodel than to build a new home on the property, in addition, we observed that cars drove very fast down Cherryvale and having a home further away from the street would be safer for our children. To subsidize for the high cost of building we have decided to downsize the existing home to 800 square feet and transfer the secondary unit permit from the barn to the ~~old~~ house to help pay for the higher mortgage and ~~tax~~ rate. We now have plans drawn up for a 2800 square foot home in ~~the~~ center of the property where it is flat and away from the main road.

We do want to make ~~it clear~~ that after rebuilding a portion of our barn two years ago (the prior structure was built ~~illegally by~~ the previous owners), we found the process to be time consuming and expensive. Being that this current project could be financially draining, we did a lot of research before starting the architectural process. We double checked ~~with~~ the county to make sure the variance request was feasible before starting the plans as we did not want to waste time or money if this was going to be a long shot. We were assured that we did have a hardship and the request was reasonable (please see the attached worksheet that proves our research).

The reason we are ~~applying~~ for a variance is because the lot is 67 **feet** wide and **almost** 700 feet long. It is just over 1 acre which requires 20 foot setbacks on ~~the~~ sides. According to the county guidelines this leaves us with a potential home of **only** 27 feet wide which will create a long narrow home. This will ~~also~~ impact our neighbors because without ~~the~~ variance, the new home will ~~directly~~ affect their privacy (**as** stated in **section 3 below**). Our situation is unique and we are experiencing a hardship for the following reasons:

1. The **size** of our **lot** is narrow and with the combination of the 20 foot setbacks makes it extremely **difficult** to find plans to fit the property. From these dimensions, we could not find anything aesthetically appealing or **practical**.

2. We are being deprived privileges enjoyed by the surrounding neighbors. The **shape** is hard to work with and we cannot utilize our property to its fullest in this rural residential area. When investigating our property with the planning department, the **Arial** map on the computer showed the lot **topography** to be the narrowest and longest combination on Cherryvale Ave. If we position all structures in accordance of the guidelines, our parcel will have too many narrow structures lined up running down the center of the property.

3. We are very conscious of the **location** of the **neighboring properties** and feel our requests will benefit them. We are not asking for special privileges, only a few feet. We **specifically** positioned the house plan midway between the two homes on the Southside. To do this, we need to move the existing 2nd barn/garage to the back portion of the property (to serve as a detached garage) which will give ample space between the 1st barn and the new residence. If we cannot move the 2nd garage, the new residence will be pushed back next to the neighboring residence. It is **also** crucial to have the detached garage off centered for safety (view required for the children). The North side of the property is farmland with the closest home over 225' away.

In closing, all of the stated circumstances deprive our property of the privileges enjoyed by other similarly zoned properties in our neighborhood and justifies a variance. We have put a lot of time, money and consideration to come up with a very reasonable and accommodating plan. We are Soquel residents who intend to live on Cherryvale for a long time. We would never undermine our neighbors and only hope we can help to preserve the rural aspect of the area.

Sincerely,

Dana & Erich Diekmann

A handwritten signature in cursive script, appearing to read "Dana Diekmann". The signature is written in dark ink and is positioned below the typed name.

C O ' I T Y O F S A N T A B A R B A R A
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: Karen McConaghy
Application No.: 04-0566
APN: 104-221-02

Date: March 25, 2005
Time: 15:20:01
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON NOVEMBER 23, 2004 BY ROBIN M BOLSTER =====

1) According to Liquefaction Hazard maps (Dupre 1975), the site is located on soils that have a high liquefaction potential. The construction of the new residence *will* require the completion of a soils report. Please submit two copies of the soils report to the Planning Department for formal review.

2) The plans do not indicate if the new driveway is proposed in the vicinity of the 30" oak tree located between the existing house and barn. Please revise plans to show the location of the tree and delineate where the proposed work on the new driveway will begin.

Additional comments may be forthcoming following submission of the soils report.

===== UPDATED ON MARCH 10, 2005 BY ROBIN M BOLSTER =====

NO COMMENT

===== UPDATED ON MARCH 21, 2005 BY KENT M EDLER ===== The soils report has been accepted.

Environmental Planning Miscellaneous Comments

REVIEW ON NOVEMBER 23, 2004 BY ROBIN M BOLSTER =====

At the time of building application submittal please address the following items:

1) Please submit a plan review letter from the project *soils* engineer, which states that the final plans are in conformance with the recommendations made in the soils report prepared for this site.

Additional conditions may be forthcoming following submittal and review of the soils report.

===== UPDATED ON MARCH 10, 2005 BY ROBIN M BOLSTER =====

NO COMMENT

===== UPDATED ON MARCH 10, 2005 BY ROBIN M BOLSTER =====

NO COMMENT

Dpw Drainage Completeness Comments

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

----- REVIEW ON DECEMBER 1, 2004 BY ALYSON B TOM ----- Application with plans dated 11/4/04 has been received. Please address the following:

1) **Please** describe the extent of the new driveway. There was a note that indicates that at least a portion of the driveway is existing 6- compacted baserock. Where does the existing driveway end? What will the proposed driveway be surfaced with? This project is required to minimize impervious surfacing, consider using alternative surfacing on the driveway to meet this requirement

Discr onary Comments - Continued

Project Planner: Karen Mcconaghy
Application No. : 04-0566
APN: 104-221-02

Date: March 25, 2005
Time: 15:20:01
Page: 2

2) How will the driveway drain? Demonstrate that runoff from the driveway will not adversely impact adjacent properties. Consider outsloping the driveway to the south so that runoff is dispersed along the length of the driveway and is not concentrated.

3) How will the new driveway to the existing residence drain? Does this area drain towards Cherryvaie? If so, please describe what drainage facilities are existing and demonstrate that they are adequate to handle the added runoff from the new driveway.

Please see miscellaneous comments for issues to be addressed prior to building permit issuance.

For questions regarding this review Public Works storm water management staff is available from 8-12 Monday through Friday.

All submittals for this project should be made through the Planning Department.
===== UPDATED ON MARCH 15, 2005 BY ALYSON B TOM ===== Application with plans dated 2/18/05 has been received and is complete with regards to drainage for the discretionary stage. Please see miscelleous comments for issues to be addressed prior to building permit issuance.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON DECEMBER 1, 2004 BY ALYSON B TOM ===== The following should be addressed prior to building permit issuance:

1) How much offsite area drains towards the proposed residence? Will the proposed swale be adequate to handle this runoff?

2) The minimum slope requirements appear impossible given the contours shown on sheet one. Please clarify.

===== UPDATED ON MARCH 15, 2005 BY ALYSON B TOM ===== Please address the following in addition to the previous miscellaneous comments prior to building permit issuance:

1) Please show proposed slope arrows on the proposed driveways to indicate the direction that the areas will be sloped. These driveways should slope into the parcel rather than onto adjacent parcels or into the road.

Dpw Road Engineering Completeness Comments

===== REVIEW ON DECEMBER 14, 2004 BY TIM N NYUGEN =====
NO COMMENT

===== UPOATED ON DECEMBER 21, 2004 BY GREG J MARTIN =====

===== UPDATED ON MARCH 2, 2005 BY TIM N NYUGEN =====
NO COMMENT

Dpw Road Engineering Miscellaneous Comments

Discr onary Comments - Continued

Project Planner: Karen Mcconaghy
Application No.: 04-0566
APN: 104-221-02

Date: March 25, 2005
Time: 15:20:01
Page: 3

===== REVIEW ON DECEMBER 14, 2004 BY TIM N NYUGEN =====

The driveway needs to meet fire department requirements. Therefore, show on project plans how the driveway will meet access standards required by the General Plan Policy Description of turnarounds and turnouts required. ===== UPDATED ON DECEMBER 21, 2004 BY GREG J MARTIN =====

The driveway for the house to the rear of the property is shown as ten feet. The actual driveway crosses onto the neighboring parcel and is greater than ten feet. An easement from the adjacent property is recommended to ensure legal access.

The parking area for the new single family dwelling should allow vehicles to turn-around in order to exit onto Cherryvale Avenue in a forward direction.

If you have any questions please contact Greg Martin at 831-454-2811. ===== UP-DATED ON MARCH 2, 2005 BY TIM N NYUGEN =====
NO COMMENT

Environmental Health Completeness Comments

===== REVIEW ON DECEMBER 2, 2004 BY JIM G SAFRANEK ===== A second septic tank was installed in '02. However, a '00 septic pumper's report showed that one of the leachfields was failing. Applicant should contact Troy Boone of EHS for consultation and determine if a septic system upgrade is required. ph 454-3069.

Environmental Health Miscellaneous Comments

===== REVIEW ON DECEMBER 2, 2004 BY JIM G SAFRANEK =====
NO COMMENT

COUNTY OF SANTA CRUZ

Inter-Office Correspondence

DATE: November 24, 2004

TO: Tom Burns, Planning Director
✓ Karen McConaghy, Planner
John Presleigh, Public Works

FROM: Supervisor Jan Beautz *JB*

RE: COMMENTS ON APP. 04-0566, APN 104-221-02,
4005 CHERRYVALE AVENUE

Please consider the following areas of concern in your evaluation of the above application to convert an existing dwelling to a non-habitable accessory structure, convert an existing single family dwelling to a second unit with attached garage, and construct a new single family dwelling requiring variances to setback requirements:

Assessor's records indicate that this parcel is just under one acre in size. County Code Section 13.10.681(d) only permits accessory dwellings on parcels lacking public sewer service if the lots are greater than one acre. Has the size of this parcel been verified to comply with this requirement?

This application is proposing numerous variances to side yard setback requirements for both the proposed new main single family dwelling and the proposed accessory dwelling unit. This is a large parcel and these requested variances would appear to be the granting of a special privilege contrary to the requirements of County Code Section 13.10.320(c),

This application proposes to demolish a significant portion of the northern side of the existing non-conforming single family home in order to reduce the habitable size to 799 square feet for conversion to a second unit. While the removal of this habitable area appears to correct the structure's encroachment into the required 20 foot northern side yard, this structure is then proposed to have a garage constructed within the same required 20 foot northern side yard setback. In addition to the granting of a special privilege to permit this variance, this structural location will result in a narrow 10 foot wide driveway, adjacent to the side of the structure, for the proposed main dwelling at the rear of the property.

November 24, 2004

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Numerous structures either existing or proposed are located at the end of this extremely long driveway. Narrowing this driveway to under ten feet near its entrance to Cherryvale Avenue would appear to create an extremely unsafe emergency vehicle situation as well as non-compliance with Public Works driveway standards. Will the remodeled portions of this existing dwelling be conditioned to comply with all required setbacks without variance?

The applicant proposes a size reduction of the existing dwelling to a total of 799 square feet with only one bedroom. An additional bedroom off the family room currently exists which is now proposed to be called a living room. No reconstruction of this room is proposed. It would appear that the proposed name change for this room is simply an attempt to avoid providing sufficient on-site parking to comply with County Code Section 13.10.681(d)(5) that requires one non-tandem space for each bedroom in the second unit. As the parking is currently configured for this unit, insufficient parking is available if this is intended to be used as a two bedroom unit. How will this issue be addressed in compliance with all Code requirements without variance?

This application proposes to construct an entirely new, main single family dwelling at the rear of this large parcel. This structure is also requesting variances to both the northern and southern required 20 foot side yard setbacks. Again, this is a parcel of substantial size that could easily support a dwelling of this proposed size, without variance, if the structure were reconfigured. Additionally, this proposed new main dwelling will contain three bedrooms, yet no parking area is indicated to provide the parking required by County Code Section 13.10.552(a) for this structure.

JKB :pmp

2200M1

COUNTY OF **SANTA CRUZ**

Inter-Office Correspondence

DATE: March 8, 2005

TO: Tom Burns, Planning Director
Karen McConaghy, Planner ✓

FROM: Supervisor Jan Beautz JB

RE: **ADDITIONAL** COMMENTS ON APP. 04-0566, APN 104-221-02,
4005 CHERRYVALE AVENUE

Please consider the following areas of concern in your evaluation of the above application to convert an existing dwelling to a non-habitable accessory structure, convert an existing single family dwelling to a second unit with attached garage, and construct a new single family dwelling requiring variances to setback requirements.

This revised application has provided additional detail as to the type and location of new driveway pavement as well as a reduction in deck size for the existing home adjacent to Cherryvale Avenue. However, many of the significant **issues** concerning this proposal remain unchanged. This proposal continues to require numerous variances to required setbacks for the new dwelling as well as the reconstructed existing dwelling. The new dwelling's driveway continues to be of a substandard width as it approaches its intersection with Cherryvale as well as along the reconstructed dwelling, creating additional safety issues. This is a parcel of substantial size which could easily support additional structures without the need for any variances. Please refer to my previous comments of November 24, 2004.

JKB :ted

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