



Staff Report to the Zoning Administrator

Application Number: **05-0632**

Applicant: Bert Lemke
Owner: Cameron and Jean Logan
APN: 044-341-06

Agenda Date: January 20, 2005
Agenda Item #: 6
Time: After 10:00 a.m.

Project Description: Proposal to construct a 394 square foot second story addition above an existing garage of an existing single family residence.

Location: Project located on the *south* side of Murray Avenue, approximately 200 feet west of the intersection with Clubhouse Drive.

Supervisorial District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Requires an Amendment to Variance 93-0459 to construct addition within the 20 foot front yard and 15 foot rear yard setbacks.

Staff Recommendation:

- Approval of Application 05-0632, 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 and General Plan maps |
| C. | Conditions | G. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size:	About 6,700 square feet
Existing Land Use - Parcel:	Single-family residence
Existing Land Use - Surrounding:	Single-family residences
Project Access:	Murray Avenue
Planning Area:	Aptos
Land Use Designation:	R-UM (Urban Medium Residential)

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

Zone District: R-1-5 (Single-family residential, 5,000 square foot minimum)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Elkhorn Sandy Loam
Fire Hazard: Not a mapped constraint
Slopes: Slight slope at rear of site
Env. Sen. Habitat: Not mapped/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
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

Proposal

The owner proposes to construct a second story addition of 394 square feet above the existing garage, with a stairway at the location of an existing storage room. The addition will result in the net increase of one bedroom and one bathroom. The owner proposes to install a sink and cabinetry in the new bedroom, and a condition will require this sink to have a drain of no more than 1 ½ inches in diameter in diameter to prevent conversion to a kitchen (Condition of Approval II.B.4), and a Declaration of Restriction to maintain the residence as a single-family residence will be required (Condition of Approval II.J).

History

The existing single-family dwelling was constructed in 1957 (Assessor's Records). In 1993, a Variance was granted (permit 93-0459) to reduce the front yard setback from 20 feet to about 12 feet in order to recognize the conversion of a portion of the non-conforming garage into office space. In 1998, a building permit for an addition to the master bedroom and a deck was approved, under permit 117863.

Project Setting

The subject property is located within a neighborhood of single-family homes to the south of Rio del Mar Boulevard and west of Clubhouse Drive in Aptos. Houses in the neighborhood are a mix of one and two-story homes.

	R-1-5 Site Standards	Proposed
Front yard setback	20'	10' (Variance requested)
Rear yard setback	15'	7' (Variance requested)
Side yard setback	5'	About 6'
Maximum height	28'	24'
Maximum % lot coverage	30%	29.9%
Maximum Floor Area Ratio	50%	33.7%

Variances have been requested for the construction of a second story addition above the existing non-conforming garage and living room.

Variance Issues

The owner requests a variance to the front yard and rear yard setbacks in order to facilitate the construction of the one-bedroom addition above the non-conforming garage. Special circumstances exist on site due to the triangular shape of the lot, which reduces the size of the building envelope compared to a conventionally shaped lot. Location of the second story addition elsewhere would represent a hardship due to the layout of the existing residence, constrained by setbacks and the presence of clearstory windows above the master bedroom which provide essential light to the bedroom. The granting of the requested variance will not constitute a privilege, as variances are commonly granted on awkward shaped lots, and a variance to the front yard setback was already approved on the project site in 1993 (under Permit 93-0459).

Parking

The addition will result in a net increase of one bedroom, for a total of four bedrooms. Three parking spaces are required for a four bedroom single-family dwelling, and three spaces will be provided (one in the garage and two outside adjacent to the garage). Future conversion of the addition to a second unit will not be possible without the provision of more off-street parking.

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 **05-0632**, 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

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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 be made, in that the triangular shape of the property represents a special circumstance that limits the location of additions to the existing house, as the building envelope is significantly reduced compared to similarly sized and zoned lot of conventional shapes. Due to lot coverage limitations, any addition must occur on the second story, and the location of such additions is constrained as the house is already non-conforming to the front and rear yard setbacks, and the only portion of the house outside of these setbacks utilizes a clearstory window to for the purposes of providing natural light to the master bedroom. Other houses in the neighborhood are two stories, so the granting of the requested variance will allow the property owner the same benefits as surrounding properties.

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 be made, in that granting the requested front yard and rear yard setback variance will meet zoning objectives to provide access to light and air for surrounding properties, as the addition will only be a partial second story, allowing continued solar exposure for properties to the north of the project site. Other houses on Murray Avenue have two stories, so the granting of the variance will not result in a house that is out of character with surrounding development.

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 be made, in that the granting of the requested variance is consistent with similar variances approved on small, triangular-shaped lots with constrained building envelopes. A variance has already been granted on the project site for the conversion of a portion of the garage into habitable space within the front yard setback under permit **93-0459**, so the granting of the requested variances is not unprecedented.

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 proposed second story addition will preserve access to light and air for surrounding properties, as it will only be constructed over a portion of the existing residence. The addition will be required to comply with all applicable building and electrical codes, and will be required to meet all current applicable energy standards to ensure energy efficiency.

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 addition will be residential in nature, and will therefore comply with the purpose of the R-1-5 zone district. With the exception of the requested variances to the front and rear yard setback (for which variance findings have been made, above), the addition will meet all R-1-5 zone district site standards, including lot coverage, floor area ratio, and maximum height.

A declaration of restriction to maintain the house with the addition as a single-family dwelling will be required to be recorded in order to discourage future conversion of the addition to a second unit absent the necessary zoning approvals. This will ensure compliance with the County's parking regulations outlined in Section 13.10.552 of the County Code.

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 Urban Medium Residential (R-UM) land use designation in the County General Plan.

The proposed single-family residence 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 addition will result in a single-family residence that will comply with the coverage, floor area ratio, and maximum height for the zone district, 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 Rio del Mar.

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.

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This finding can be made, as the use of the site will remain one single-family dwelling, and adequate utility service will continue to be available to the site. The road system in the vicinity can accommodate any additional traffic generated by the new bedroom.

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, as the proposed addition will result in a single-family dwelling with a partial second story, in a neighborhood with a mixture of both one and two-story single-family dwellings. The dwelling unit density will remain the same, and the land use intensity resulting from the addition of one bedroom will not be significant enough to alter the character of the neighborhood.

Conditions of Approval

Exhibit A: Project plans, 6 sheets, drawn by Bert Lemke, dated 8/12/05 and revised 10/31/05.

- I. This permit authorizes the construction of a second story addition of 394 square feet to an existing single-family residence. 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
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

- 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. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. 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. Drainage and erosion control plans, if required.
 3. Details showing compliance with fire department requirements.
 4. Building plans shall include a note stating the new wet-bar sink in the second story will not have a drain that exceeds 1 ½ inches in diameter.
 - C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.

- D. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage, for any increase in impervious surface.
 - E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
 - F. Pay the current fees for Parks and Child Care mitigation for one bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - G. Pay the current fees for Roadside and Transportation improvements for one bedroom. Currently, these fees are, respectively, **\$1,334** per bedroom (**\$667** each for Transportation and Roadside Improvements).
 - H. Provide required off-street parking for three 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. Additional parking off-street parking must be required if the new bedroom is converted to a second unit in the **future**.
 - I. 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.
 - J. Complete and record a Declaration of Restriction to maintain a Single-Family Dwelling. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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. 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.

- D. In order to maintain adequate visibility of vehicles and pedestrians on Murray Avenue, the hedge must be trimmed and maintained at a height of no more than three feet within 15 feet of the driveway.

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 second story addition must not be converted to an independent living unit absent Planning Department approval. Conversion to a second unit will require the provision of one additional parking space.

V. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless, COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney’s fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

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D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

David Keyon
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: 05-0632
Assessor Parcel Number: 044-341-06
Project Location: 413 Murray Avenue

Project Description: Small addition to an existing single-family dwelling

Person or Agency Proposing Project: Bert Lemke

Contact Phone Number: (831) 688-6642

- 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(e): Addition to an existing structure

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

Addition to *an* existing single-family dwelling

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

David Keyon, Project Planner

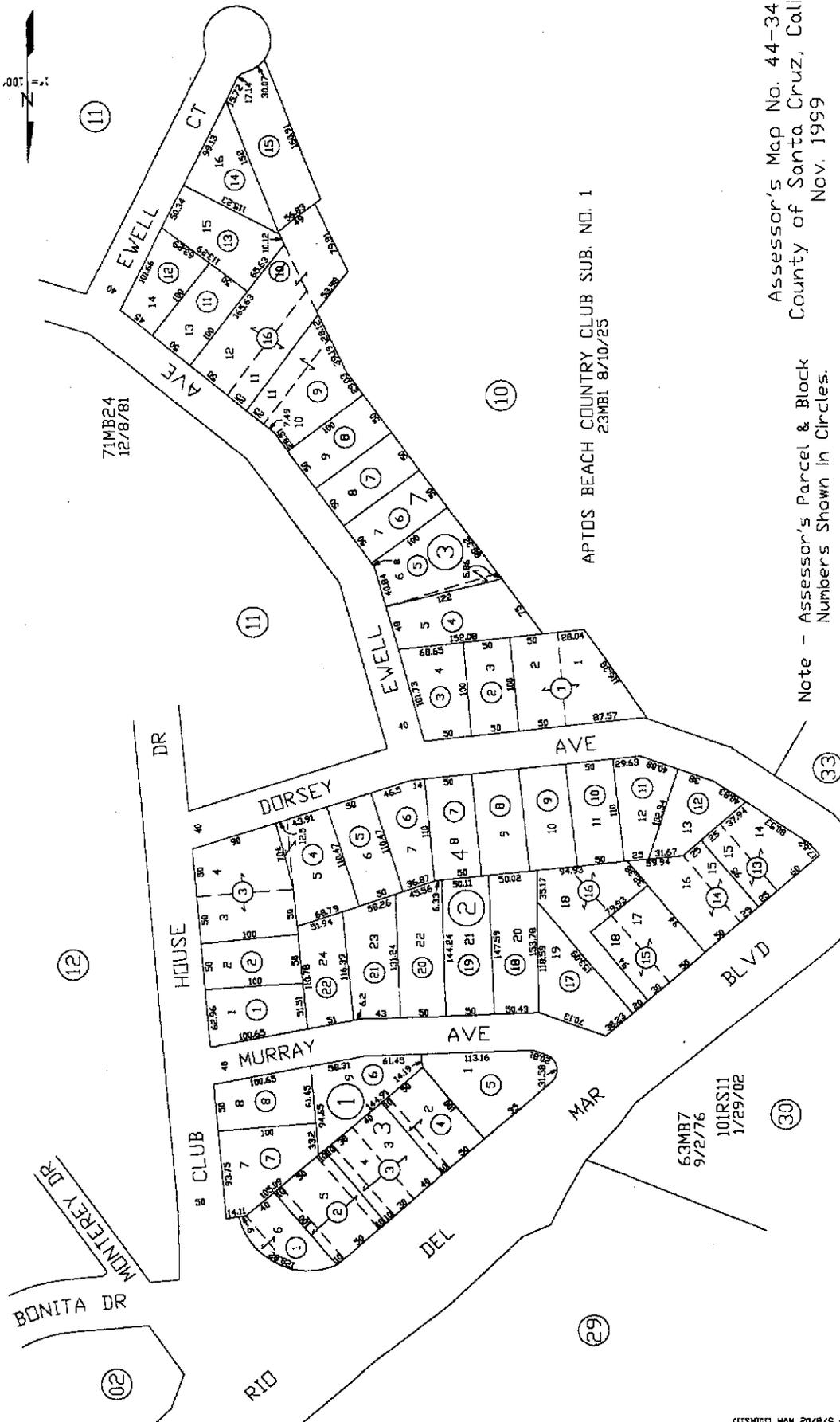
Date: _____

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POR. APTOS RANCHO
 S.W. 1/4 SEC. 17, T.11S., R.1E., M.D.B. & M.

Tax Area Code
 69-273

44-34



Assessor's Map No. 44-34
 County of Santa Cruz, Calif.
 Nov. 1999

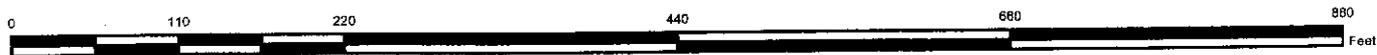
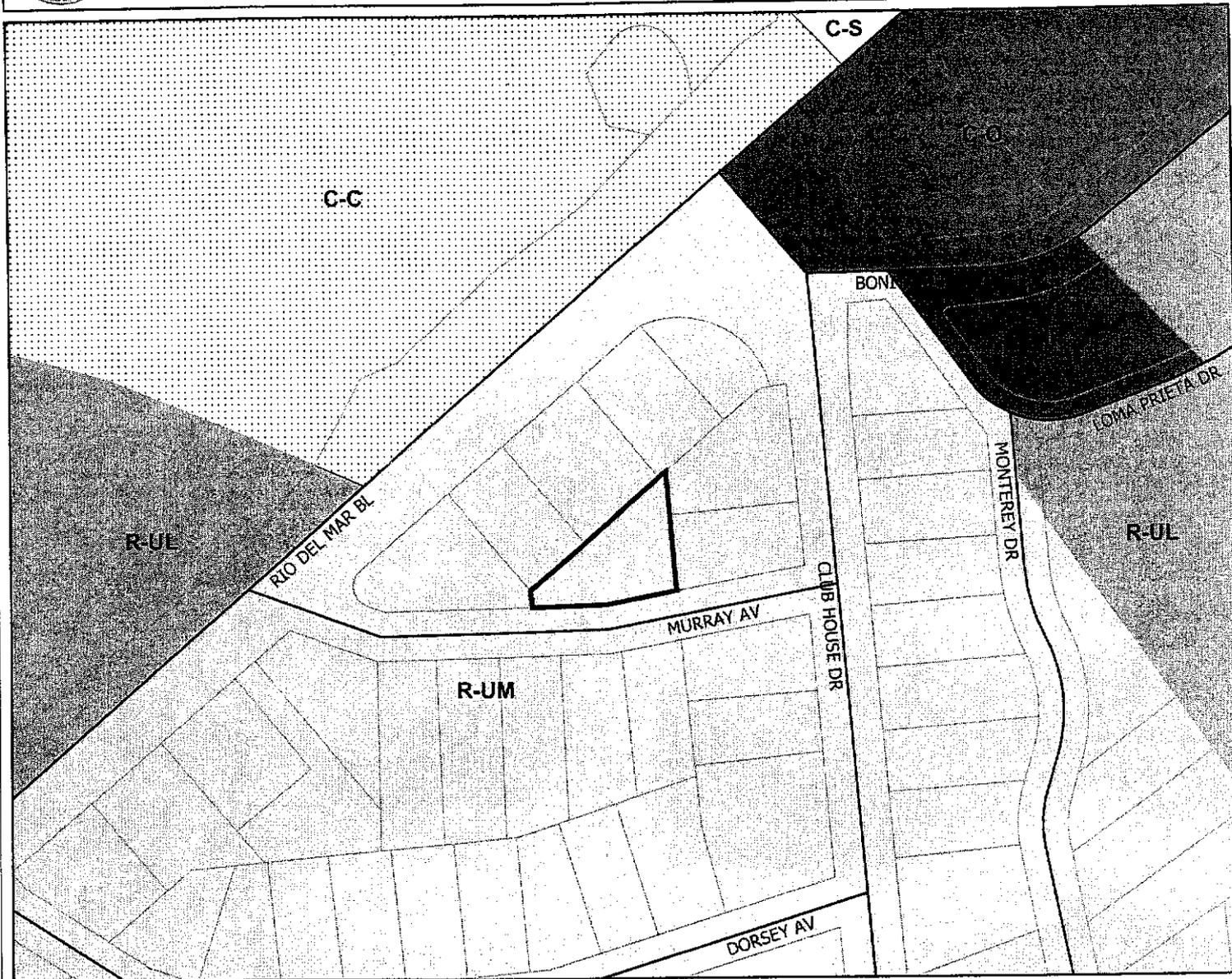
Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

11/8/99 KSA from PD 11
 10/03/01 CB (10-029990, LAM 3-16)
 5/8/02 MHP (101RS11)

EXHIBIT E

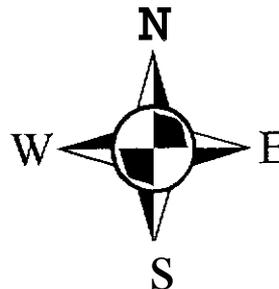


General Plan Designation Map



Legend

-  APN 044-341-06
-  Assessors Parcels
-  Streets
-  Residential- Urban Medium Density (R-UM)
-  Residential- Urban Low Density (R-UL)
-  Commercial-Office (C-0)
-  Commercial-Community (C-C)
-  Public Facilities (P)
-  Commercial-Service (C-S)

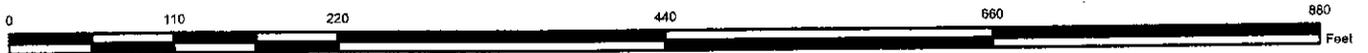
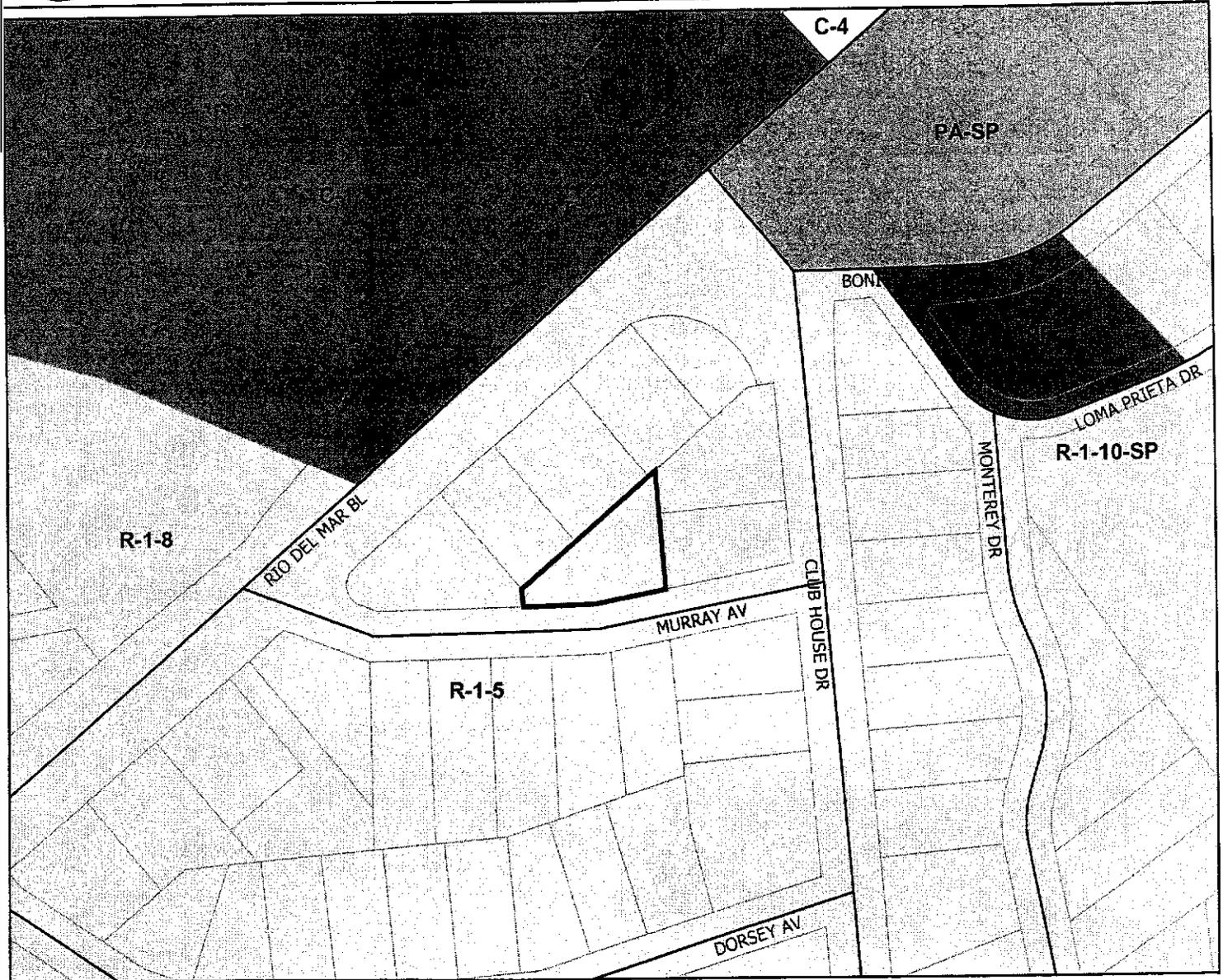


Map Created by
County of Santa Cruz
Planning Department
October 2005

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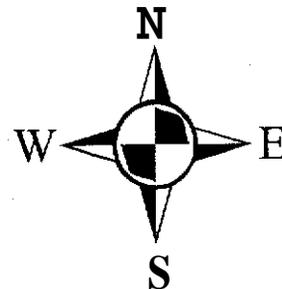


Zoning Map



Legend

-  APN 044-341-06
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLEFAMILY (R-1)
-  COMMERCIAL-NEIGHBORHOOD(C-1)
-  COMMERCIAL SERVICE (C-4)
-  COMMERCIAL-PROF OFFICE (PA)
-  PUBLIC FACILITY (PF)



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