



Staff Report to the Zoning Administrator

Application Number: **05-0663**

Applicant: Cynthia Clanton, Trustee
Owner: Cynthia Clanton, trustee
APN: 032-121-14

Agenda Date: June 2, 2006
Agenda Item: 0.1
Time: 8:30 a.m.

Project Description: Proposal to recognize the conversion of an existing carport to a garage and the construction of a utilities closet. Requires Variances to reduce the required side yard setback from five feet to about three feet to the garage and the utility closet, to reduce the required front yard setback from a garage from 20 feet to 15 feet and to increase the non-conforming floor area ratio by less than 1% for the utility closet.

Location: The property is located at 550 **36''** Avenue.

Supervisory District: First District (District Supervisor: Beautz)

Permits Required: Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0663, based on the attached findings and conditions.

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: **2,680** square feet
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential
Project Access: 36'' Avenue; Madrone Avenue
Planning Area: *Live Oak*

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

Land Use Designation: R-UM (Urban Medium Density Residential)
Zone District: R-1-4 (Single family residential - 4,000 square foot minimum)
Coastal Zone: XX Inside (Residential Exclusion Zone) ___ Outside
Appealable to Calif. Coastal Comm. ___ Yes XX No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Site is level
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: XX Inside ___ Outside
Water Supply: City of Santa Cruz Water Department
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire
Drainage District: Zone 5

History and Setting

The existing dwelling was constructed in 1975. The subject lot at approximately 2,680 square feet is nonconforming (less than 80% of the required site area) with respect to the zone district of 4,000 square feet, as well as being a double frontage lot. The existing house is non-conforming with respect to the current 50% floor area ratio site development standard. The carport facing the alley was enclosed and expanded by about two feet, one inch to create a small storage area. In addition, the water heater was moved from an interior, unvented closet to the side of the house and a small utility enclosure was constructed around it. Both the garage addition and the utility closet were built within the five foot side yard setback. In addition, a portion of the garage addition is within the 20 foot setback for garages. Violation notices were sent to the property owner and this work was red tagged in January of 2005 for work without permits. This application is a step towards resolving the current code violation.

Zoning & General Plan Consistency

The subject property is zoned R-1-4 (Single family residential - 4,000 square foot minimum) and has an Urban Medium Density Residential (R-UM) General Plan designation. A single family residence and ancillary structures are the principal permitted use for this zone district and General Plan

designation. The project site is within the Coastal Zone Residential Exclusion area, therefore, a Coastal Development Permit is not required for additions to the residence. The residential site standards for the R-1-4 zone district and the proposed project are as follows:

SETBACK	REQUIRED	PROPOSED
Front yard	15 feet	23 feet
Side yard (north)	5 feet	3 feet
Side yard (south)	5 feet	5 feet
Rear yard (double frontage)	15 feet	15 feet- 1 inch
Rear yard setback for garage entrance	20 feet	15 feet 1 inch
Lot coverage	40%	36-37%
Floor Area Ratio	50%	Between 52-55%

The subject parcel is highly constrained as it is very small in size and is nonconforming with the respect to the zone district minimum (67% of the required 4,000 square feet). Furthermore, it is a double-frontage lot, which reduces the development potential further. Moreover, the parcel is very narrow being slightly more than 31 feet wide. There are limited opportunities to increase storage in an older dwelling on a small, constrained lot. Moreover, this is a neighborhood with extremely limited on-street parking opportunities, and the existing dwelling has inadequate (existing nonconforming) on-site parking. This small addition included a small amount of storage that can be secured, while making the existing (nonconforming) off street parking space more useable (prior to the as-built addition, it was difficult to open the car doors inside the structure). The encroachment into the sideyard setback is in a location that will not interfere with the light and air of the adjacent property in that the addition is only 8 feet high and is not located in close proximity to the neighboring home. **Also**, there are not any privacy issues due to the use of the structure (non-habitable), its lower height and size and its location away from the existing house next door. The existing carport was originally open on two sides (the front and one side) and was located about 15 feet from the right-of-way. The current residential development standards require garages be located 20 feet from the right-of-way. Therefore, a Variance to the front yard setback to the garage is required to recognize the construction that expanded and enclosed the side of the original carport. The garage expansion and utility shed both contribute towards lot coverage, which will be slightly less than the 40% maximum allowed. The garage addition does not increase the floor area ratio since the garage including the addition is less than 225 square feet, and a credit of up to 225 feet is allowed in the County Code when calculating the floor area ratio. There are special circumstances affecting this site with respect to the garage expansion and the variance findings can be made and are provided in Exhibit B.

The utility closet is about 7 square feet in size, and is closer to the neighboring home than the garage addition. The neighbors have voiced concerns with this utility closet, citing the proximity of structure to their house and the fire potential it may pose. In addition, the utility closet contributes incrementally to the floor area ratio, and the existing dwelling already exceeds 50% of the parcel's net site area. Thus, the utility closet requires Variances to reduce the side yard setback from 5 feet to 3 feet and to further increase the floor area ratio above 50%. Since the water heater could be located elsewhere on the property or an alternative method such as a tankless water heater utilized, special circumstances do not exist for granting the variances for the utility closet.

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 **05-0663**, 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

Report Prepared By: Cathleen Carr
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3225
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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.**

Due to the small size of the lot (2,680 square feet), the narrowness of the lot (about 31 feet), double frontage and the location of the existing dwelling and original carport, it is not possible to increase the storage while maintaining the existing non-conforming parking space without exceeding some site development standard. Specifically, an addition in the habitable square footage would require a floor arearatio variance, conversion of the parking space within the carport to storage would require a parking variance, adding square footage at the front of the garage would require a further reduction in the required front yard setback. Therefore, there is no opportunity for adding a small storage area to a modestly sized house while allowing the off-street parking space to be useable. The recognition of the garage addition requires a side yard and a garage front yard setback variance, but does not increase the floor area ratio since the as-built garage is less than the 225 square foot garage credit allowed when calculating the floor area ratio. The strict application of the zoning ordinance would create a hardship, by disallowing a minor storage area while maintaining off-street parking for the existing dwelling, which is a privilege enjoyed by other properties in the area. Moreover, several of the existing residences are nonconforming with respect to setbacks. Thus, the granting of the variance to reduce the side yard up 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 under similar circumstances (very small and narrow lot).

The utility closet for the hot water heater contributes incrementally to the floor area ratio, and the existing dwelling already exceeds 50% of the parcel's net site area. Thus, the utility closet requires Variances to reduce the side yard setback from 5 feet to 3 feet and to further increase the floor area ratio above 50%. Since the water heater could be located elsewhere on the property or an alternative method such as a tankless water heater utilized, special circumstances do not exist for granting the variances for the utility closet. Therefore, this finding cannot be made for the addition of the utility closet.

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 location of the garage addition within the side yard setback will not be detrimental to the health, safety, or welfare of persons in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity. Specifically, the garage addition is about 8 feet tall, is only 16 feet in length and is located away from the adjacent residence. The size and height of the garage addition is such that it will not interfere with the neighboring parcel's access to light and air. Since the garage addition is non-habitable, there will not be issues relating to windows and loss of the neighboring parcel's privacy. The side yard setback will exceed 3 feet from the property line, thereby meeting fire codes for standard construction. Therefore, the reduced setback

does not pose a fire safety hazard. The structure has existed as carport with one open side within the required 20 feet front yard garage setback. Expanding and enclosing the side within the front yard setback is not materially detrimental to public safety or welfare in that the carport and garage is not closer than the existing a 15 foot setback from this dead-end street and does not decrease the existing sight distance from the garage entrance. The granting of the variance is in harmony with the general intent and purpose of zoning objectives by balancing the needs of providing development opportunities, maintaining off-street parking, meeting health and safety requirements on and off the property, while providing separation between structures and property lines on an extremely small and narrow lot.

- 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.**

As discussed in Variance Finding #1, the granting of the front and side yard variances for the garage addition would not constitute a special privilege as properties with the similar situations of a very narrow (31 feet) and very small (2,680 square feet) double frontage parcel with a similarly situated home and carport/garage would be subject to the same limitations and need for similar variances to the setback requirements. The granting of the variance to reduce the side yard setback to 3 feet and the front yard to 15 feet, where the existing carport is 15 feet from the property line, is compatible with the development pattern of development on similarly constrained lots.

The granting of the variance to further increase a non-conforming floor area ratio to recognize a utility closet does constitute a special privilege in that the water heater could be located elsewhere within the structure or an alternative method such as a tankless water heater utilized.

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.**

As discussed in Variance Finding #2, the location of a portion of the garage within the side yard setback and front yard setback will not be detrimental to the health, safety, or welfare of persons in the neighborhood or the general public, and will not be the garage addition is about 8 feet tall, is only 16 feet in length and is located away from the adjacent residence. The size and height of this addition is that it will not interfere with the neighboring parcel's access to light and air. Since the garage addition is non-habitable, there will not be issues relating to windows and loss of the neighboring parcel's privacy. A setback exceeding 3 feet will be maintained meeting fire codes for standard construction. Therefore, the reduced setback does not pose a fire safety hazard. The structure has existed as carport with one open side within the required 20 feet front yard garage setback. Expanding and enclosing the side within the front yard setback is not materially detrimental to public safety or welfare in that the carport and garage are not closer than the existing a 15 foot setback from this dead-end street and the existing sight distance from the garage entrance is not

decreased.

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.

The location of the garage addition and the conditions under which it would be operated and maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4, with the exception of the front and side yard setbacks for which variances are sought (see Variance Findings).

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

The proposed garage addition to a single family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties due to the small scale (8 feet or less in height and a **maximum** of 16.5 feet in length).

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 proposed addition to a single family dwelling will not add habitable space and therefore will not increase traffic.

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, of varying non-conformity with current zoning regulations. The proposed garage addition to the single family dwelling are consistent with the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit A: Project Plan prepared by Theodore Smith dated 10/4/05

- I. This permit authorizes the enclosure of a carport, the construction of an 8-foot high addition to the garage about 3 feet, 3 inches from the north property line and within 15 feet from the rear property line. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official for the garage addition, relocation of the water heater and replacement of the fireplace.
- 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, **with the exception that the utility closet for the water heater shall be removed and the water heater relocated.** 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.
 - 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 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - E. The existing non-conforming parking space in the garage shall be maintained.
 - F. The utility closet for the water heater shall be removed and the water heater relocated.

- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The building permits shall be obtained and a final inspection and clearance obtained by September 9, 2006 in accordance with Stipulation Order 05-064.

IV. Operational Conditions

- A. The existing non-conforming parking space in the garage shall be maintained.
- B. 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 on September 9, 2006 unless additional time is granted by Code Compliance Stipulation and Order.

Approval Date: _____

Effective Date: _____

Expiration Date: **SEPTEMBER 9, 2006**

Don Bussey
Deputy Zoning Administrator

Cathleen Carr
Project Planner

Application #: 05-0663
APN: 032-121-14
Owner: Cynthia Clanton, trustee

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: 05-0663
Assessor Parcel Number: 032-121-14
Project Location: 550 ~~36th~~ Avenue

Project Description: Proposal to recognize the conversion of an existing carport to a garage. Requires a Variance to reduce **the** required side yard setback from five feet **to** about three feet and the front yard garage setback from 20 feet to **15** feet.

Person or Agency Proposing Project: Cynthia Clanton, Trustee

Contact Phone Number: (831) **464-8835**

- 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. Cateerical Exemption

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

F. Reasons why the project is exempt:

Minor additions to an existing single family residence in an area designated for residential uses.

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

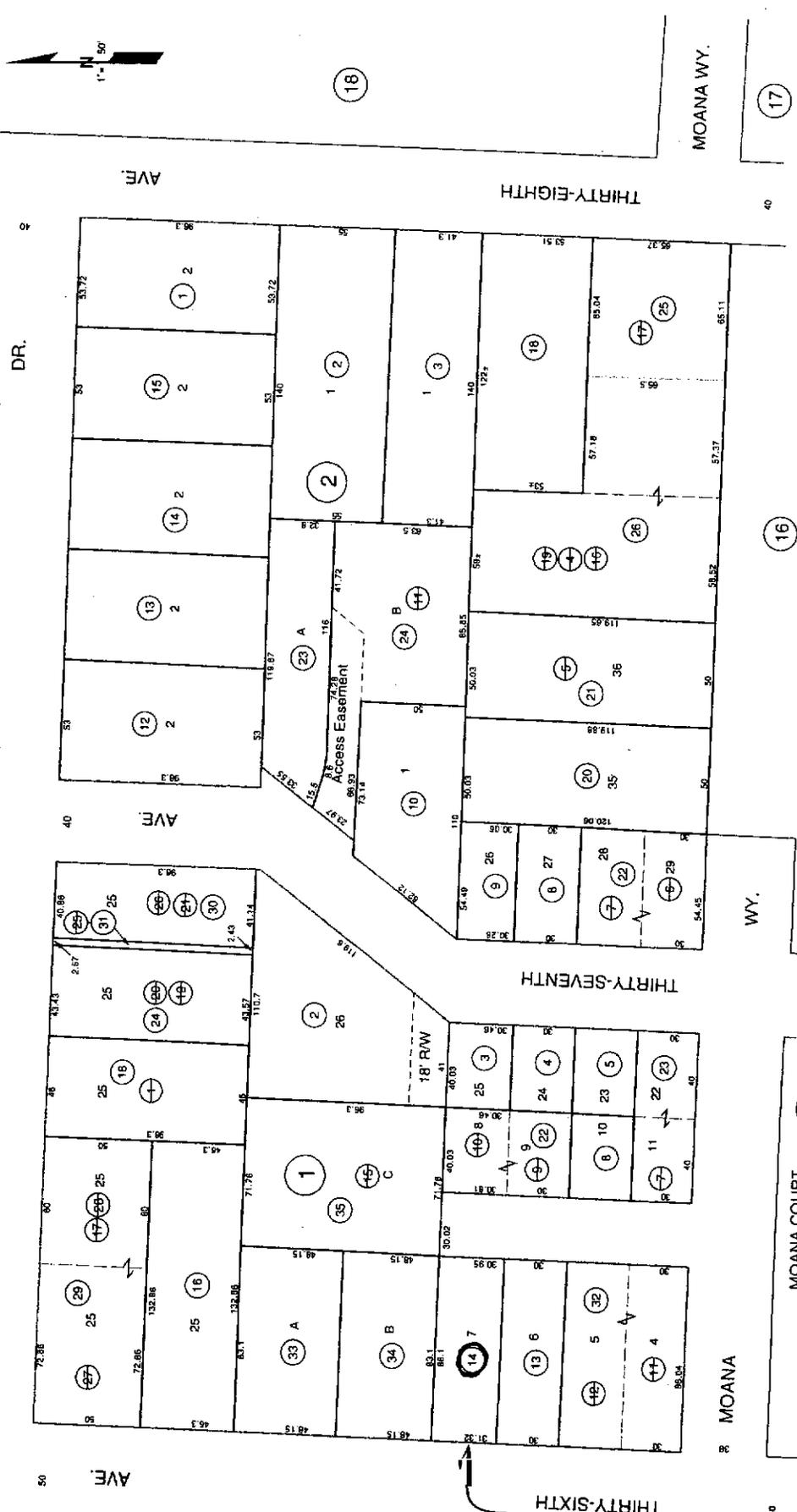

Cathleen Carr, Project Planner

Date: 

86RS37
11/9/82

48PM58
3/24/88

FLORAL DR. THIRTY-EIGHTH AVE. THIRTY-SEVENTH AVE. THIRTY-SIXTH AVE. MOANA WY. MOANA COURT UNFILED



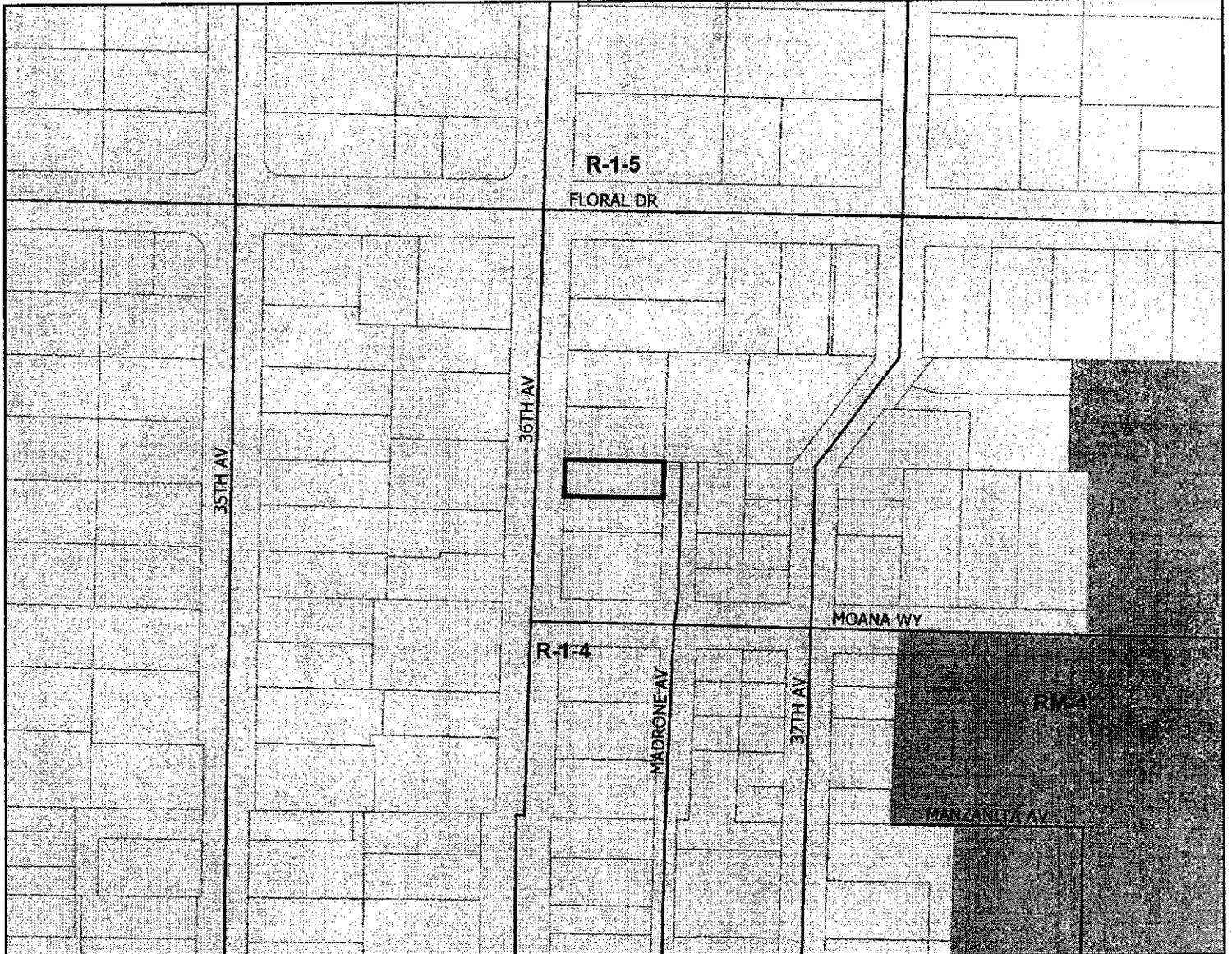
Assessor's Map No. 32-12
County of Santa Cruz, Calif.
October, 1998

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

29PM27
5/1/78

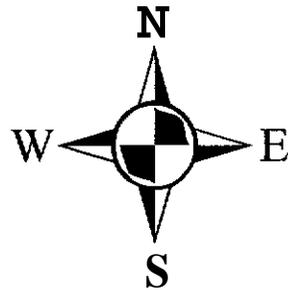


Zoning Map



Legend

-  APN 032-121-14
-  Streets
-  Assessors Parcels
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  RESIDENTIAL-MULTI FAMILY (RM)



Map Created by
 County of Santa Cruz
 Planning Department
 October 2005

EXHIBIT F

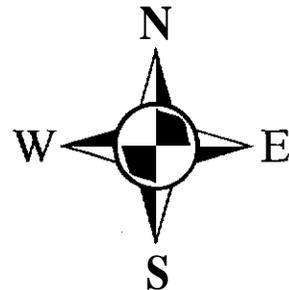


General Plan Designation Map



Legend

-  APN 032-121-14
-  Streets
-  Assessors Parcels
- Residential - Urban Medium Density (R-UM)



Map Created by
 County of Santa Cruz
 Planning Department
 October 2005

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

Project Planner: Cathleen Carr
Application No. : 05-0663
APN: 032-121-14

Date: March 16, 2006
Time: 11:08:59
Page: 1

Code Compliance Completeness Comments

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

===== REVIEW ON OCTOBER 19, 2005 BY KEVIN M FITZPATRICK =====

NO COMMENT

This fully addresses the violation as osoted. (KMF) ===== UPDATED ON OCTOBER 25, 2005 BY AARON LANDRY =====

NO COMMENT

As condition of approval all permits issued and finaied **by** 9/9/06. (AJL)

Code Compliance Miscellaneous Comments

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

===== REVIEW ON OCTOBER 19, 2005 BY KEVIN M FITZPATRICK =====

NO COMMENT

Please make as a condiiton of approval the deadline dae as agreed to in a Stipulation and Order. Date to follow in e-mail. (KMF) ===== UPDATED ON OCTOBER 25, 2005 BY AARON LANDRY =====

March 2, 2006

via FAX

Cathleen Carr, Planner
Planning Department
County of Santa Cruz
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

RE: Application # 05-0663
550 36th Avenue, Santa Cruz, CA
APN 032-121-14

Dear Cathleen,

This letter is regarding the application to recognize the conversion of the existing carport to a garage and the construction of a utilities closet at 550 36th Ave.

I live at 540 36th Avenue, 2 doors from the subject property.

While I have no objection to the conversion of the garage, my concerns have to do with the reduced setback for the utilities closet.

Gas appliances located in the encroaching utilities closet increase the chance of fire. The houses directly adjacent to as well as the subject property are of wood frame construction with T-111 plywood siding. The existing encroachment does not comply with California Building Code (table 5-A) as it requires 1-hour construction for less than a five foot setback.

As an Architect, I am frustrated with the homeowner not obtaining a Building Permit prior to this work being built and then asking after the fact for you to approve a non-conforming encroachment in the setback. If this had gone to staff prior to construction this would not be allowed.

Is it necessary to have proposed utilities closet run the entire length of the garage? It seems excessive. Perhaps the water heater could be located in the garage or in a smaller enclosure.

Please do not hesitate to contact me personally if you should have any further questions concerning this matter.

Respectfully,



Michael Helm, Architect
C12642