



Staff Report to the Zoning Administrator

Application Number: **10-0182**

Applicant: Monterey Oaks Estates, LLC
Owner: Monterey Oaks Estates, LLC
APN: 046-311-01

Agenda Date: June ¹⁴ 4, 2010
Agenda Item #: 1
Time: after 10:00 a.m.

Project Description: Proposal to allow a previously approved single-family dwelling to amend Condition II B (3) of Coastal Permit 08-0237 to exceed the 28 ft. height limit up to a maximum of 33 ft. at the rear of the dwelling.

Location: San Andreas Road, Watsonville

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Amendment to Coastal Development Permit
Technical Reviews: Urban Designers recommendation

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 10-0182, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Project plans | E. Assessor's, Location, Zoning and General Plan Maps |
| B. Findings | F. Aerial view |
| C. Conditions | |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size: 1.8 acres
Existing Land Use - Parcel: vacant
Existing Land Use - Surrounding: Single-family residences, agriculture, State beach
Project Access: San Andreas Road
Planning Area: La Selva Beach

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Land Use Designation: R-R (Rural Residential)
Zone District: R-A (Residential Agriculture)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. No

(NOTE: rear portion of parcel is in the Appealable area, however the project is outside the area)

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Baywood loamy sand, Elkhorn loamy sand
Fire Hazard: Not a mapped constraint
Slopes: 15 – 50 percent slopes at rear of lot
Env. Sen. Habitat: Mapped biotic – Monarch butterfly
Grading: grading volume is not changed from previous permit
Tree Removal: tree removal is not changed from previous permit
Scenic: San Andreas Road
Drainage: No change from previous permit
Archeology: No change from previous permit

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Septic
Fire District: Aptos/La Selva Fire Protection District
Drainage District: N/A

History

A previous application to construct a single-family dwelling on the site was approved as Coastal Development Permit 98-0764, but was not exercised.

In 2005, Permit 05-0305 granted a Coastal Development Permit, Residential Development Permit for a fence of 6 feet in height within the required front yard setback, Large Dwelling Review, and a Grading Permit to construct an approximately 7,300 square foot, two-story single family dwelling. This permit was not exercised.

Permit 08-0237 was approved in order to extend the expiration date of 05-0305 and make minor exterior modifications to the previous approval including a second floor addition of around 900 square feet over the garage and approximately 1,000 square feet of deck at the second floor. Building Permit No. 00153590 was issued on April 8, 2010 (see discussion below).

Project Setting

The project site is a vacant 1.8-acre parcel located in a low-density residential area along the north

side of San Andreas Road in the La Selva Beach Planning Area. The proposed development is located on the relatively flat front portion of the lot, away from steeper slopes at the rear of the parcel. The proposed building footprint is predominantly upslope of the 90-foot contour. The structure was approved as a two-story residence of 7,374 square feet, with six bedrooms and an attached four-car garage of 1,416 square feet.

Building Permit Issuance

The elevations submitted with Building Permit Application #0070015H show the building as sitting on flat ground, while the site plan shows the ground sloping from the front of the garage toward the rear. The site plan shows the topography correctly. The rear elevation, which matches the more conceptual elevation that was part of Exhibit A of Permit 08-0237, is not accurate.

The building permit was issued because the plans were in substantial conformance with Exhibit A of the discretionary application.

Upon further review and upon consultation with the builder, the maximum height of the structure as approved was discovered to be approximately 33 feet at a section of the garage. The inaccurate elevation led to an incorrect measurement of the maximum height when the building permit application was reviewed. The owner has submitted this application for an amendment to the coastal permit so that the height can be reviewed and considered for approval by the Zoning Administrator.

Over Height Request

As explained above, the owner is requesting that this project be allowed to have a maximum height of 33 feet. Section 13.10.325 allows for a structure to be up to 33 ft. within the Urban Services Line subject to the recommendation of the Urban Designer and the project being heard by the Zoning Administrator. The reasons the Urban Designer can recommend the approval of the 33 ft. high portion of the residence include:

1. Allowing the approved plan configuration to be over height will maintain the architectural integrity of the design.
2. There is no increase in height visible from San Andreas Road (a scenic corridor).
3. The over height portion of the structure is only at the rear of the lot.
4. Though the county code does not protect private views, the staff notes that the increase in height will not have a significant impact on the view from the adjacent neighbors property. Figure 1, which follows, shows the extent of the trees at this portion of the lot, and Figure 2 illustrates that the neighboring structure would only have a limited view through the trees to the new residence. Exhibit F is an aerial view showing the immediate neighbors and the approximate contours of these properties.

Staff therefore recommends that this application be approved to extend the height limit from 28 ft. maximum to 33 ft. maximum. Enforcement of this maximum will be through a signed statement from a licensed land surveyor that the maximum height is 33 ft. or less at the framing inspection.



Fig. 1 Rear of lot showing trees (Eucalyptus at center to be removed).

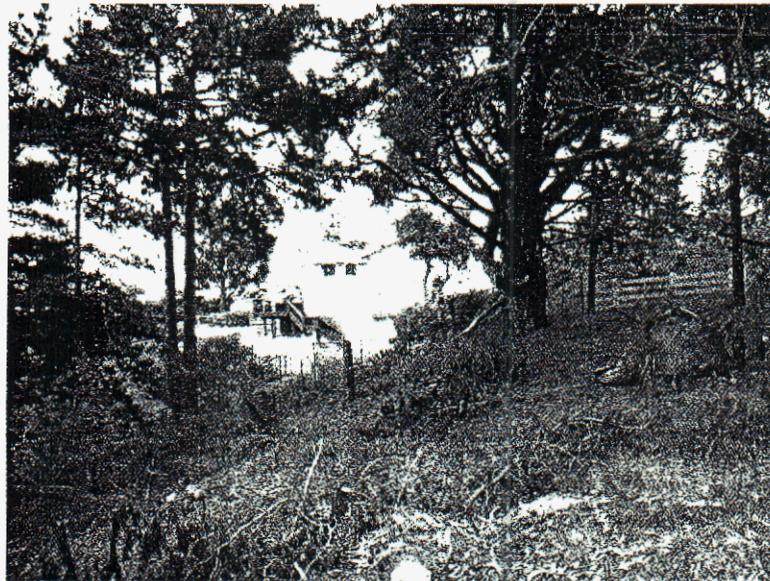


Fig. 2 View of neighbors house at top of bank at future garage location.

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because this application is a clarification of an approved project and no change of use or size is proposed. The construction of a small building is exempt under Section 15303 of CEQA (Class 3 - New Construction or Conversion of Small Structures).

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Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. All conditions of approval of Permit 08-0237 remain in effect. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 10-0182, based on the attached findings and conditions.

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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Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-A (Residential Agriculture), a designation which allows residential uses. The proposed dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's (RR) Rural Residential General Plan designation. The General Plan, Local Coastal Program and Zoning consistency was discussed in the previously approved staff report for Permit 08-0257.

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the primary proposal has not changed from what was approved with Permit 08-0257. The single request for the current application is to allow a portion of the building to be up to 33 ft. high, where 28 ft. is the maximum.

The project minimizes site disturbance, is not located on a ridgeline, is compatible with character of the surrounding neighborhood and will contain vegetation which is suitable with the climate, soil and ecological characteristics of the area.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is a single-family dwelling in an area zoned RA.

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The previously approved Permit 08-0237 discussed conformance with the Chapter 13.20 (Coastal Regulations). This application does not affect the Local Coastal Program in that the additional height requested does not impact public views and the view from the scenic corridor remains unchanged from the previously approved permit.

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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 dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space. The proposed residence will exceed the maximum height by 5 feet, however staff believes the above finding can be made for the following reasons:

1. The over height portion of the structure is only at the rear of the lot.
2. There is no increase in height visible from San Andreas Road (a scenic corridor).
3. Allowing the approved plan configuration to be over height will maintain the architectural integrity of the design.
4. A greater height at the rear of the building will have no significant impact on the view from the adjacent neighbors property.

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 design meets all of the current site standards for the zone district, except for exceeding the 28 ft. maximum height allowed. Allowing five feet of additional height to the rear of this structure will not affect the use of the property which is residential, which is consistent with the purpose of the R-A zone district which is to allow small scale agriculture in conjunction with the primary use of the property as residential.

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 (RR) land use designation in the County General Plan.

The proposed dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and

- a. will meet all current site and development standards for the zone district except the maximum height, and
- b. will not adversely shade adjacent properties as the closest neighbor to the garage portion of the structure is approximately 100 feet away.

The additional height of the proposed dwelling will not make the structure be improperly proportioned to the parcel as specified in General Plan Policy 8.6.1 (Maintaining a Relationship

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Between Structure and Parcel Sizes), in that the proposed dwelling will continue to comply with all of the other site standards for the R-A zone district (including setbacks, lot coverage, floor area ratio, number of stories) and the additional height allowed with this application will result in a structure consistent that was previously approved with Permit 08-0237 shown on the site plan in Exhibit A.

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 does not apply to this application.

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 single-family neighborhood containing a variety of architectural styles. The increased height will not affect the intensity or density within the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the additional height will not create a structure that would be out of scale with the neighbors because of the specific location of the over height section (rear of the residence) will not have direct influence on the adjacent homes.

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Conditions of Approval

Exhibit A: Architectural plans (sheets A1- A7), prepared by Roberto Garcia and Michael Weil, designers, dated 05/19/10.

- I. This permit authorizes a previously approved single-family dwelling to exceed the 28 ft. height limit up to a maximum of 33 ft. at the rear of the dwelling.
 - A. All conditions of approval of Permit 08-0237 remain in effect and are incorporated herein by reference, except Condition II.B.3 which limited the maximum height of the structure to 28 ft.
 - B. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit.
- II. 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 inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - B. Submit a signed statement from a licensed land surveyor that the maximum height is 33 ft. or less (prior to the framing inspection) to the Development Review Planner.
- III. 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.
- IV. 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

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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.
- 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 three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney
Deputy Zoning Administrator

Lawrence Kasparowitz
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.

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Assessor Parcel Number: 046-311-01

Project Location: San Andreas Road, Wastsonville

Project Description: Proposal to allow a previously approved single-family dwelling to exceed the 28 ft. height limit up to a maximum of 33 ft. at the rear of the dwelling.

Person Proposing Project: Monterey Oaks Estates, LLC

Contact Phone Number:

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

F. Reasons why the project is exempt:

Construction of a residence in an area designated for residential development.

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

Lawrence Kasparowitz, Project Planner

Date: _____



Location Map



LEGEND

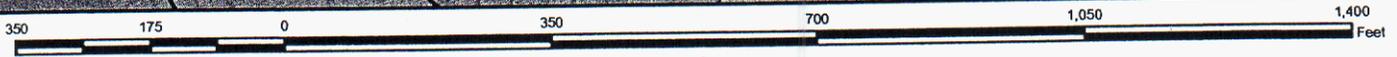
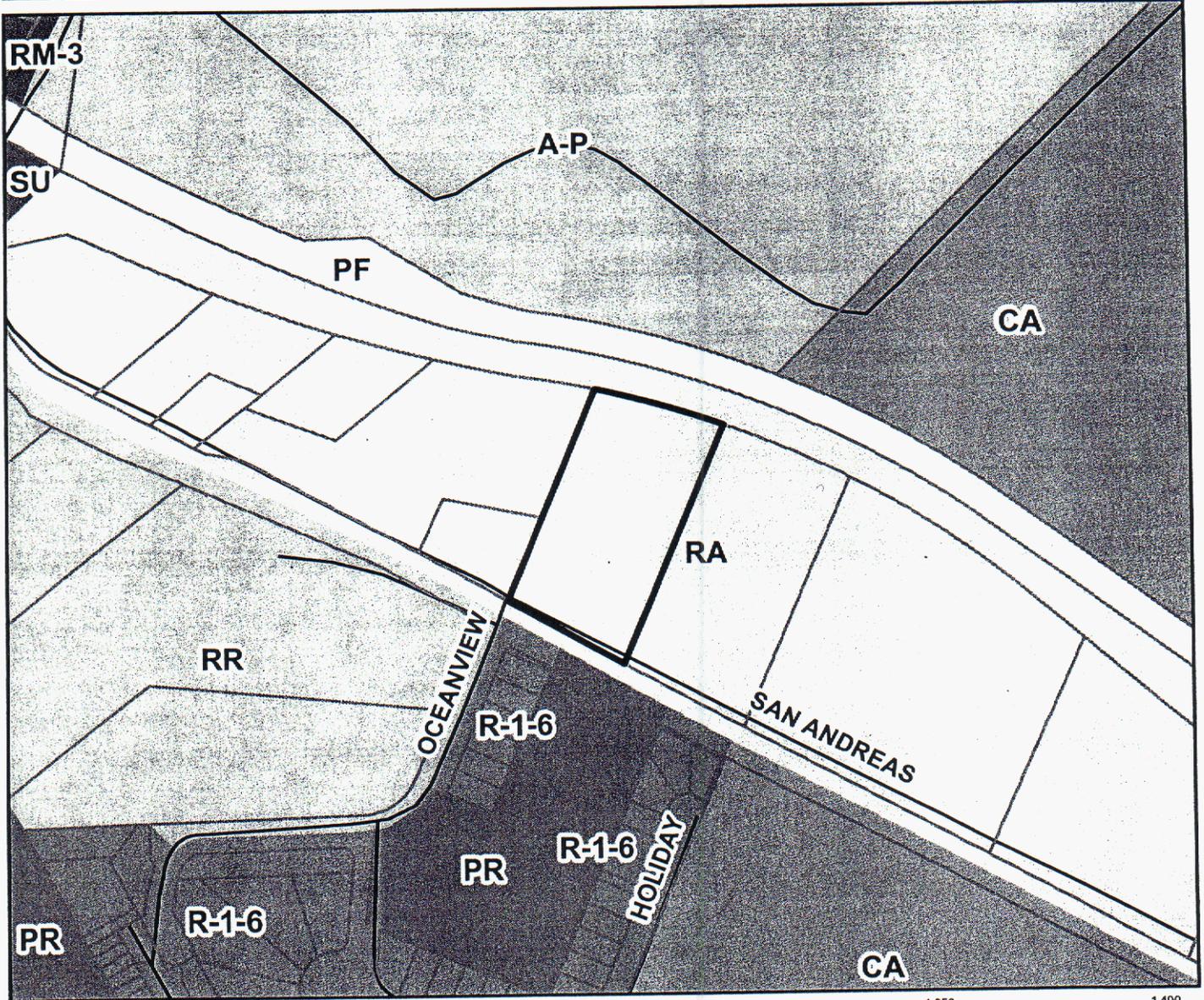
-  APN: 046-311-01
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
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 Planning Department
 May 2010



Zoning Map



LEGEND

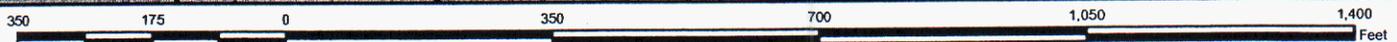
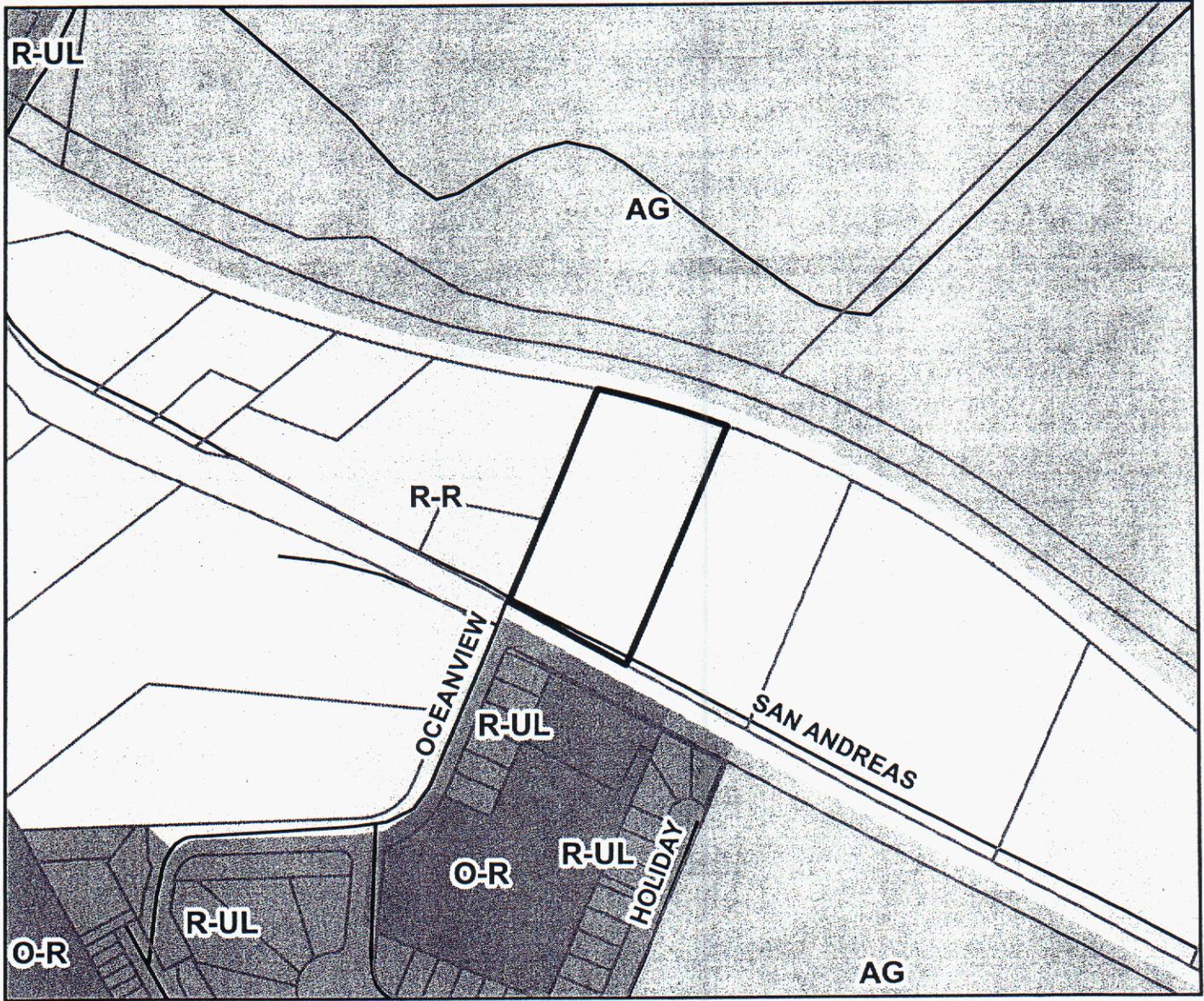
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|-------------------------|---------------------------|
| APN: 046-311-01 | RESIDENTIAL-RURAL |
| Assessors Parcels | RESIDENTIAL-SINGLE FAMILY |
| Streets | PARK |
| AGRICULTURE RESIDENTIAL | SPECIAL USE |
| AGRICULTURE | RESIDENTIAL-MULTI FAMILY |
| PUBLIC FACILITY | |



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May 2010



General Plan Designation Map



LEGEND

-  APN: 046-311-01
-  Assessors Parcels
-  Streets
-  Residential-Rural
-  Agriculture
-  Residential - Urban Low Density
-  Parks and Recreation



Map Created by
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 May 2010



74 78 76
66 68 72 70
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