



Staff Report to the Zoning Administrator

Application Number: **101040**

Applicant: Matson-Britton Architects
Owner: Barbara and Elmer McNece
APN: 043-152-12, -13

Agenda Date: 12/03/10
Agenda Item #: 2
Time: After 10:00 a.m.

Project Description: Proposal to combine APNs 043-152-12 and -13, and to construct a 326 square foot residential addition including a bedroom and a remodel to an existing kitchen and a 319 square foot attached garage. Requires an Amendment to 03-0430.

Location: Property located on the bluff (west) side of Bayview Drive about 500 feet southeast of the intersection of Bayview Drive and Toledo Dr. (622 Bay View Drive).

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

Permits Required: Amendment to Coastal Development Permit 03-0430.

Staff Recommendation:

- Approval of Application 101040, 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, Location, Zoning and General Plan Maps |
| B. | Findings | | |
| C. | Conditions | | |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size:	About 24,074 sq. ft. (Approx. 7,434 sq. ft. for APN 043-152-12 and 16,640 sq. ft. for APN 043-152-13)
Existing Land Use - Parcel:	Once single-family dwelling and one second unit
Existing Land Use - Surrounding:	Single-family dwellings
Project Access:	Bayview Drive, a County Road
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Residential)
Zone District:	R-1-6 (Single-family residential, 6,000 sq. ft. minimum)

Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Coastal bluff
Soils: Elkhorn Sandy Loam (index no. 133)
Fire Hazard: Not a mapped constraint
Slopes: 2% to 50%+
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Scenic resource at top of coastal bluff.
Drainage: Existing drainage adequate
Traffic: No anticipated increase
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: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6

History

According to Assessor's records, the existing single-family dwelling on parcel 043-152-12 was constructed in 1939, and the second unit on parcel 043-152-13 constructed in 1941. In 1973, a Variance was granted to allow the construction of a living room in the second unit, and established parcel -13 as a separate lot from parcel -12 (Development Permit 4597-U). In 1985 a building permit was issued for a garage addition over the property line for both parcels, which were represented on the site plan as one parcel (building permit 7739). The construction of this garage effectively eliminated access to parcel -13.

Coastal Development Permit 03-0430 was approved on October 1, 2004 for a remodel and a second-story addition. This permit noted an existing non-conforming encroachment into the north side setback area of an approximately 90 square foot walk-in closet that is approximately 2 feet from the north property line of APN 043-152-12. As part of 03-0430, a Variance was approved to allow the addition to encroach into the setback area along the south side property line of APN 043-152-12 as well.

Current deeds describe both properties as one parcel, and approval of the current application will require formal combination of the 2 parcels in order to meet site standards.

Project Setting

The project site is located within a neighborhood of both one and two-story single-family dwellings of varying sizes, with the largest homes on the bluff side of Bayview Drive, in the general range of 2,000 square feet to 4,000 square feet.

Zoning & Site Standards

The proposed addition, as conditioned, will comply with all site standards (setbacks, height, lot coverage, and floor area ratio) of the R-1-6 zone district, subject to the required combination of the 2 parcels, and with the continued recognition that the existing dwelling is non-conforming with regards to the northern side yard setback due to the location of a walk-in closet within 2 feet of the property line. The addition will not increase the existing non-conformity. The addition will maintain the residential use of the site, and will therefore be compatible with the purpose of the R-1-6 zone district in that the use of the site will remain one single-family dwelling with a non-conforming accessory dwelling unit (ADU).

Local Coastal Program Consistency

As conditioned, the proposed addition complies with the County's certified General Plan/Local Coastal Program, in that the addition is residential in nature and does not increase the density of the site beyond that allowed in the R-UL (Urban Low Residential) General Plan/Local Coastal Program Land Use Designation, and the structure will be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The addition and remodel will be compatible with the existing range of architectural styles in the neighborhood.

The project site is located between the shoreline and the first public road above a coastal bluff, but will not interfere with public access to the beach as the property is not identified as a priority acquisition site in the County's Local Coastal Program. The addition will not impact public views from the beach, as it is about 100 feet from the edge of the coastal bluff.

Design Review

This project is subject to Section 13.20.130 because it is in the Coastal Zone, and it is also subject to Section 13.11 because the property is located on a coastal bluff. The proposed addition and remodel to an existing single-family residence was reviewed by the County Urban Designer and complies with the requirements of the County Design Review Ordinance, as it is proposed to match the existing colors and materials of the residence.

Environmental Review

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is eligible for a Categorical Exemption under CEQA Section 15301(e), Existing Facilities. This Categorical Exemption applies because the project is an addition to an existing single-family dwelling that will not result in a net increase of more than 50% of the existing floor area.

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

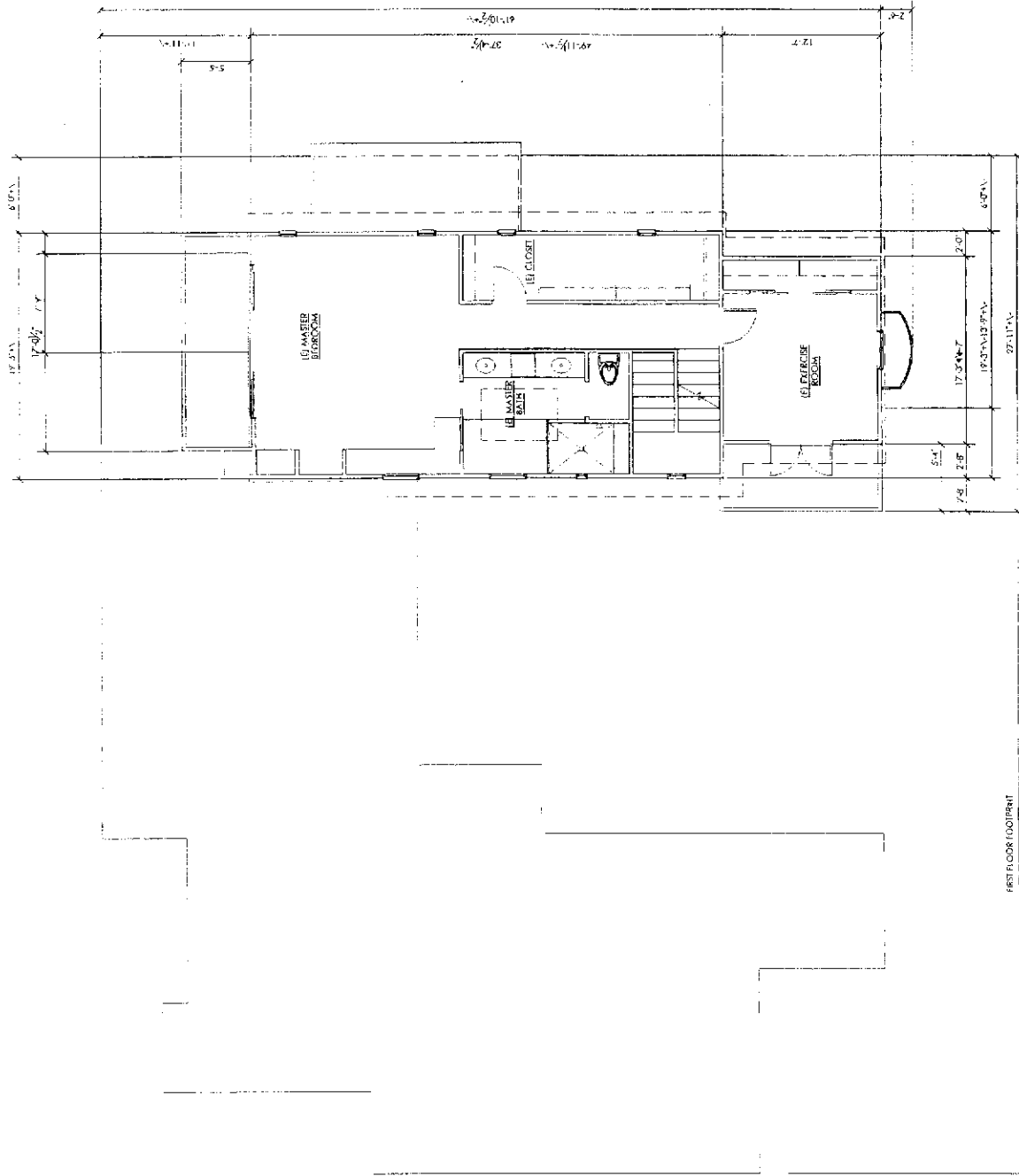
- **APPROVAL** of Application Number **101040**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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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SCALE: 1/4" = 1'-0"



EXISTING SECOND FLOOR PLAN

SCALE: 1/4" = 1' - 0"

(E) 902 SQ. FT.





1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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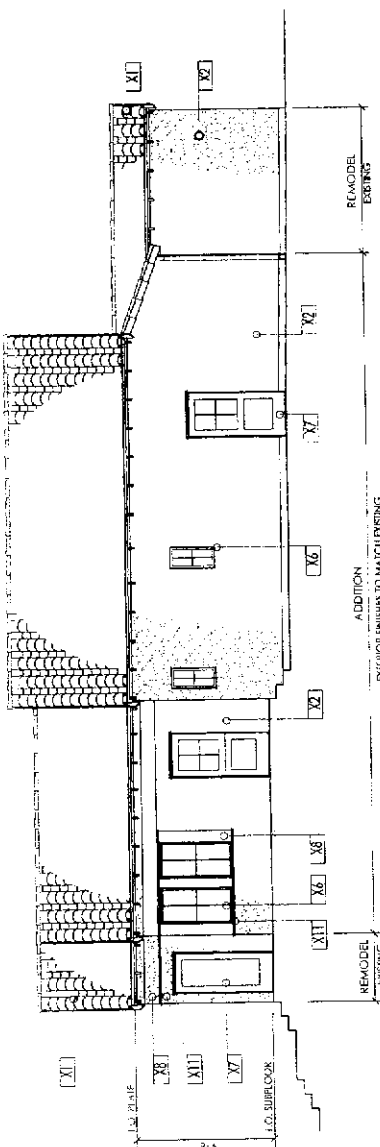
ELMER & BARBARA MCNECE
RESIDENCE
622 BAYVIEW DRIVE
ALHOS, CA 94509
APN: 043-152-12 & 043-152-15

ELEVATIONS
NORTH & EAST

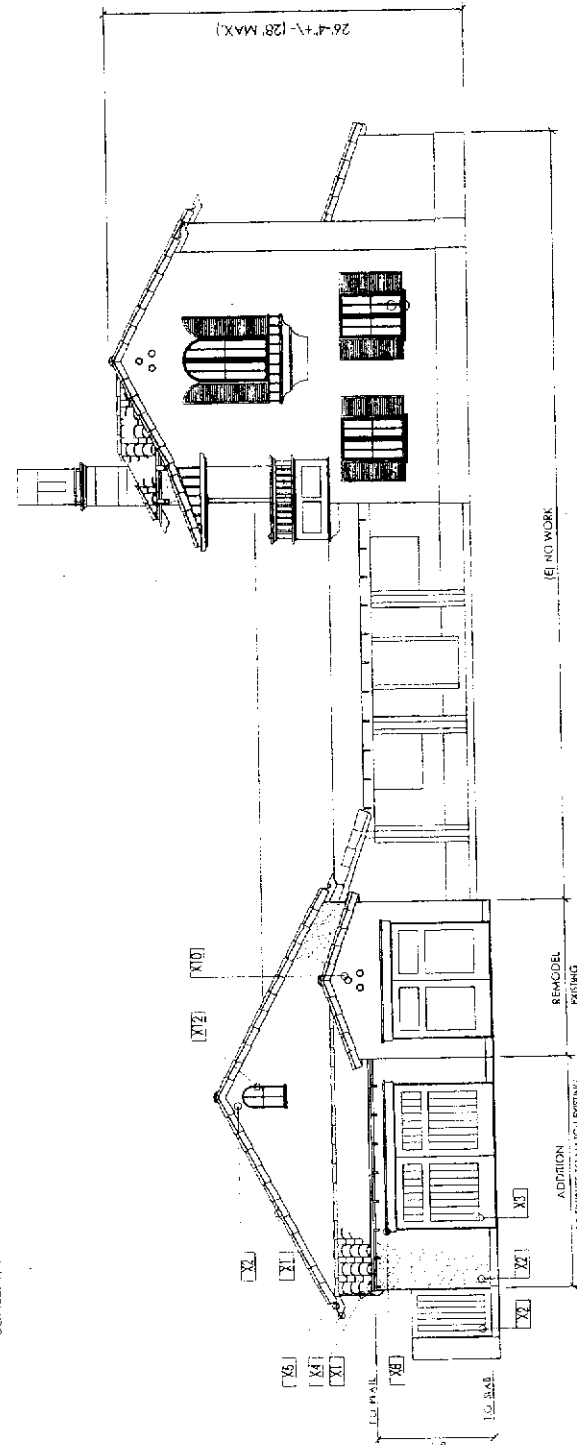
DATE	02/10
BY	J.K.
CHECKED	J.K.
SCALE	1" = 1'-0"

P4

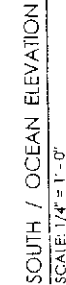
ELEVATION NOTES	
[X1]	CLAY ROUGH TILE
[X2]	THREE COAT STUCCO W/ ORIGINAL COLOR
[X3]	WOOD PLANK GARAGE DOOR
[X4]	SHAPED WOOD RAFTER TAIL
[X5]	COPPER CHIMNEY
[X6]	METAL CLAD WINDOWS
[X7]	METAL CLAD DOORS
[X8]	PAINTED WOOD TRIM
[X9]	PAINTED WOOD PANELS
[X10]	CLAY PIPE DECORATIVE FALSE VENTS
[X11]	PRECAST CONCRETE SILL
[X12]	STEEL FRAME WINDOW
[X13]	WOOD PLANK GATE



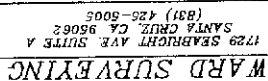
EAST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH / STREET ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH / OCEAN ELEVATION
SCALE: 1/4" = 1'-0"



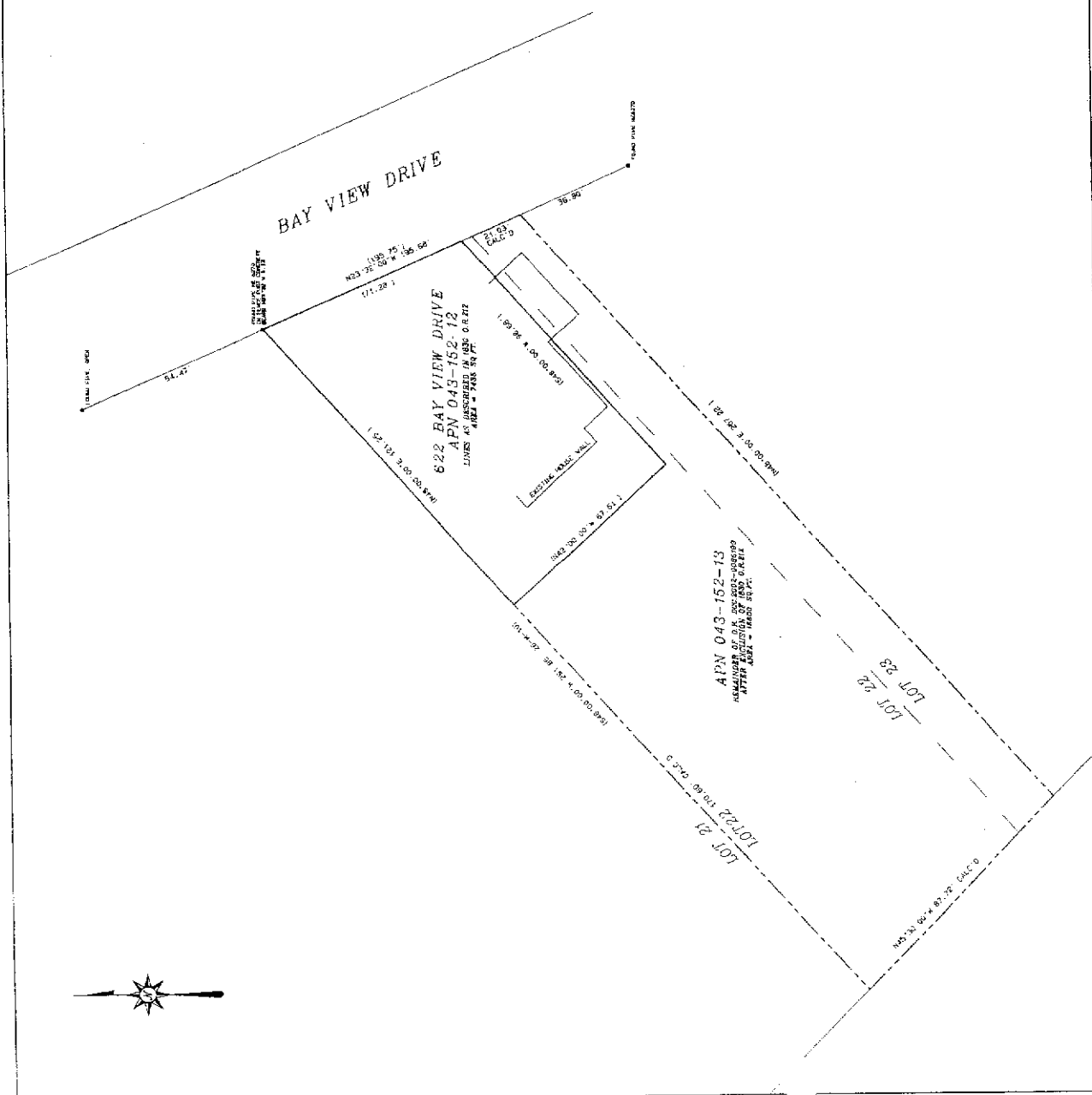
McNECE RESIDENCE
622 BAY VIEW DRIVE
APTOS, CALIFORNIA

2010

JOB # 04104
 PLANT #1
 DATE 02/25/04
 DRAWN JW
 SCALE 1" = 16'
 SHEET
 1
 OF 1



CLUB
CULTURAL LAND
VICTORIA
NORTH



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 addition and remodel are residential in nature and therefore a principal permitted use within the R-1-6 zone district and consistent with the R-UL (Urban Low Residential) General Plan/Local Coastal Program Land Use designation.

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

No easements or special development restrictions (beyond R-1-6 site standards and setbacks from the coastal bluff) apply to this project.

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. The proposed addition and remodel will complement and harmonize with the existing residence and will meet all applicable provisions of Chapter 13.20.130 of the County Code, in that the materials and colors will match the existing residence.

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 no public access points exist across the property and a public access point already exists in the neighborhood approximately 900 feet southeast of the project site at the end of Bayview Drive. Thus the addition and remodel to the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water, and 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 addition and remodel is sited and, as conditioned, will be visually compatible, in scale with, and integrated with the existing dwelling and the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

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 addition will be required to meet all applicable building, electrical, plumbing, and energy codes at the time of building permit application to ensure structural safety. The addition/remodel will not be materially injurious, as neighboring properties' access to light and air will not be affected by the proposed addition and remodel.

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 and remodel, as designed and conditioned, will meet all applicable site standards of the R-1-6 zone district when APNs 043-152-12 and -13 are combined, and the purpose for which the addition and remodel is constructed is a use consistent with the uses allowed in the R-1-6 zone district, and will meet all applicable Coastal regulations.

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 addition and remodel conforms to the use and density requirements specified for the Urban Low Residential (R-UL) land use designation in the County General Plan.

The proposed addition will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties as all applicable site standards will be met when APNs 043-152-12 and -13 are combined and adequate solar exposure will be maintained (Policy 8.1.3, Residential Site and Development Standards Ordinance).

As conditioned, the proposed addition 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) when APNs 043-152-12 and -13 are combined, in that the addition will comply with the site standards for the R-1-6 zone district (including setbacks, floor area ratio, height, and number of stories) and will not increase the existing non-conforming encroachment into the north side yard setback.

A specific plan has not been adopted for this portion of Aptos.

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 adequate utility services exist for an addition of the size proposed and it is not anticipated that the proposed addition and remodel would have a significant impact on traffic levels in the vicinity.

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 and remodel will be in scale and architecturally compatible with the existing dwelling, will use matching colors and materials and will therefore be compatible with the architectural character of the surrounding neighborhood. No increase in dwelling unit density is proposed.

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 project is subject to Section 13.11 because it is located on a coastal bluff. The proposed addition and remodel to an existing single-family residence was reviewed by the County Urban Designer and complies with the requirements of the County Design Review Ordinance, as it is proposed to match existing colors and materials and will be compatible with the range of residential design in the vicinity.

Conditions of Approval

Exhibit A: Project plans, five sheets, sheets 1 through 5 drawn by Matson-Britton Architects dated 8/02/10 and as revised 9/17/10, and sheet 6 drawn by Matthew D. Ward and dated February 25, 2004.

- I. This permit authorizes the construction of a 326 square foot residential addition including a bedroom, dining nook and an attached garage. 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 the conditions thereof.
 - B. Sign, date, and record an Affidavit to Combine Parcels for APN 043-152-12 and APN 043-152-13, and return a copy of the Affidavit to the Planning Department.
 - 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 for the proposed driveway. Plans shall be revised as required by DPW Driveway Encroachment to accurately show all existing and proposed development in the right-of-way, including fences, walls landscaping and driveway areas.
- 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 not properly called out and labeled will not be authorized by any Building Permit issued for the proposed development. The final plans shall include the following additional information:
 1. Identify finish of exterior materials and color for Planning Department approval. Colors and materials shall match existing; and
 2. Grading, drainage, and erosion control plans; and
 3. Details showing compliance with fire department requirements.

- C. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works. Drainage fees will be assessed on the net increase in impervious area.
 - D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
 - E. Pay the current fees for Parks and Child Care mitigation for one bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - F. Pay the current fees for Roadside and Transportation improvements for one bedroom. Currently, these fees are, respectively, \$667 and \$667 per bedroom.
 - G. Provide required off-street parking for four cars (three for the main dwelling and one for the second unit). 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.
 - H. 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.
- III. All construction and demolition activities shall occur between 8a.m. and 5p.m. on non-holiday weekdays only, unless extreme circumstances arise and approvals are obtained from the Planning Department to vary from those hours and days.
- IV. 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.

V. 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.

VI. 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:

- i. COUNTY bears its own attorney's fees and costs; and
- ii. COUNTY defends the action in good faith.

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

Application #: 101040
APN: 043-152-12, -13
Owner: Barbara and Elmer McNece

Minor variations to this permit that 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 a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney
Deputy Zoning Administrator

Alice Daly
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: 101040

Assessor Parcel Number: 043-152-12, -13

Project Location: 622 Bay View Drive

Project Description: Minor addition to an existing dwelling

Person or Agency Proposing Project: Matson/Britton

Contact Phone Number: (831) 425-0544

- 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: Existing Structures Exemption (Section 15301)

F. Reasons why the project is exempt:

Construction of an addition of less than 2,500 square feet or 50% of the total floor area of existing structure

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

Alice Daly, Project Planner

Date: _____

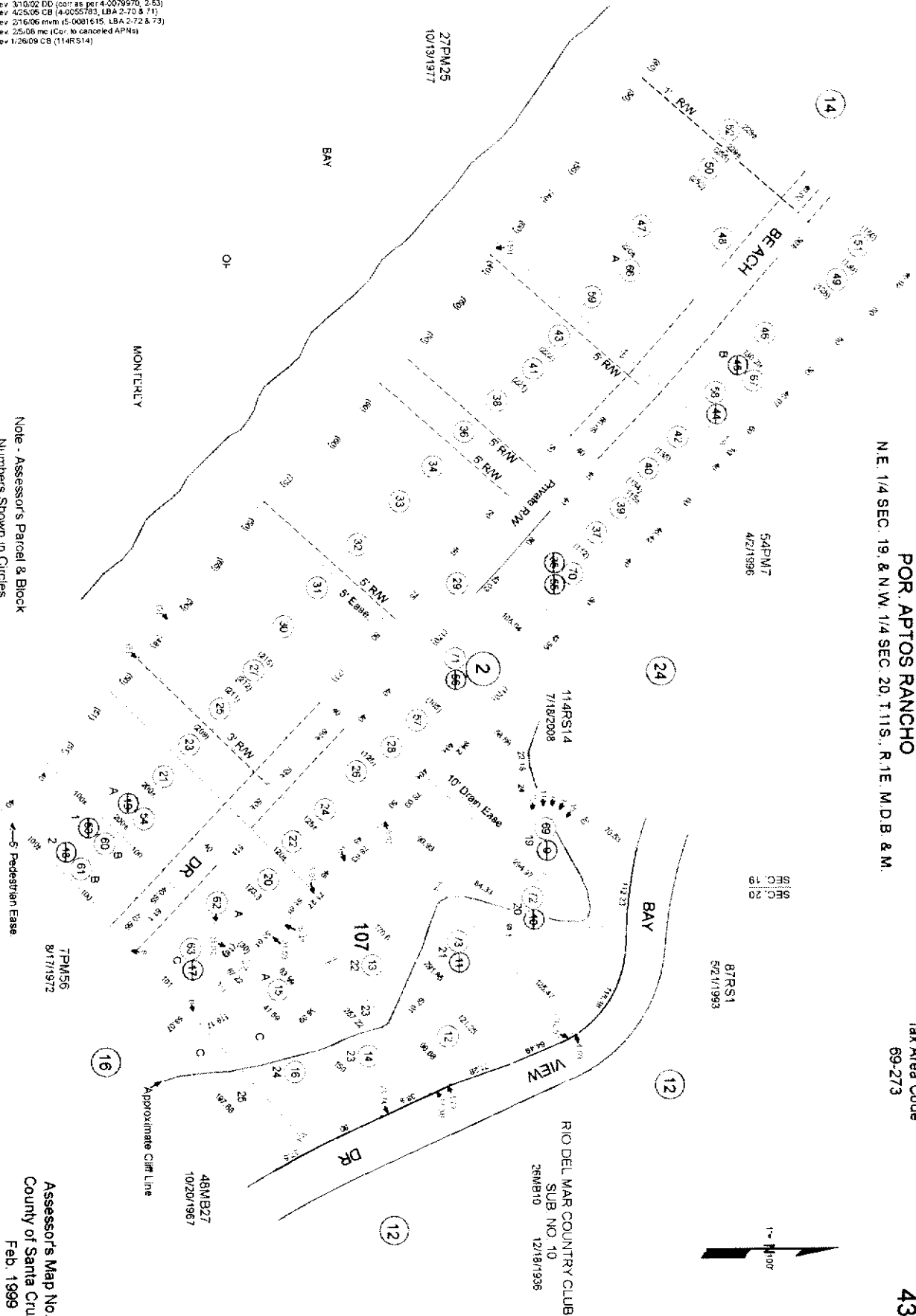
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

Assessor's Map No. 43-15
County of Santa Cruz, Calif.
Feb. 1999

POR. APTOS RANCHO

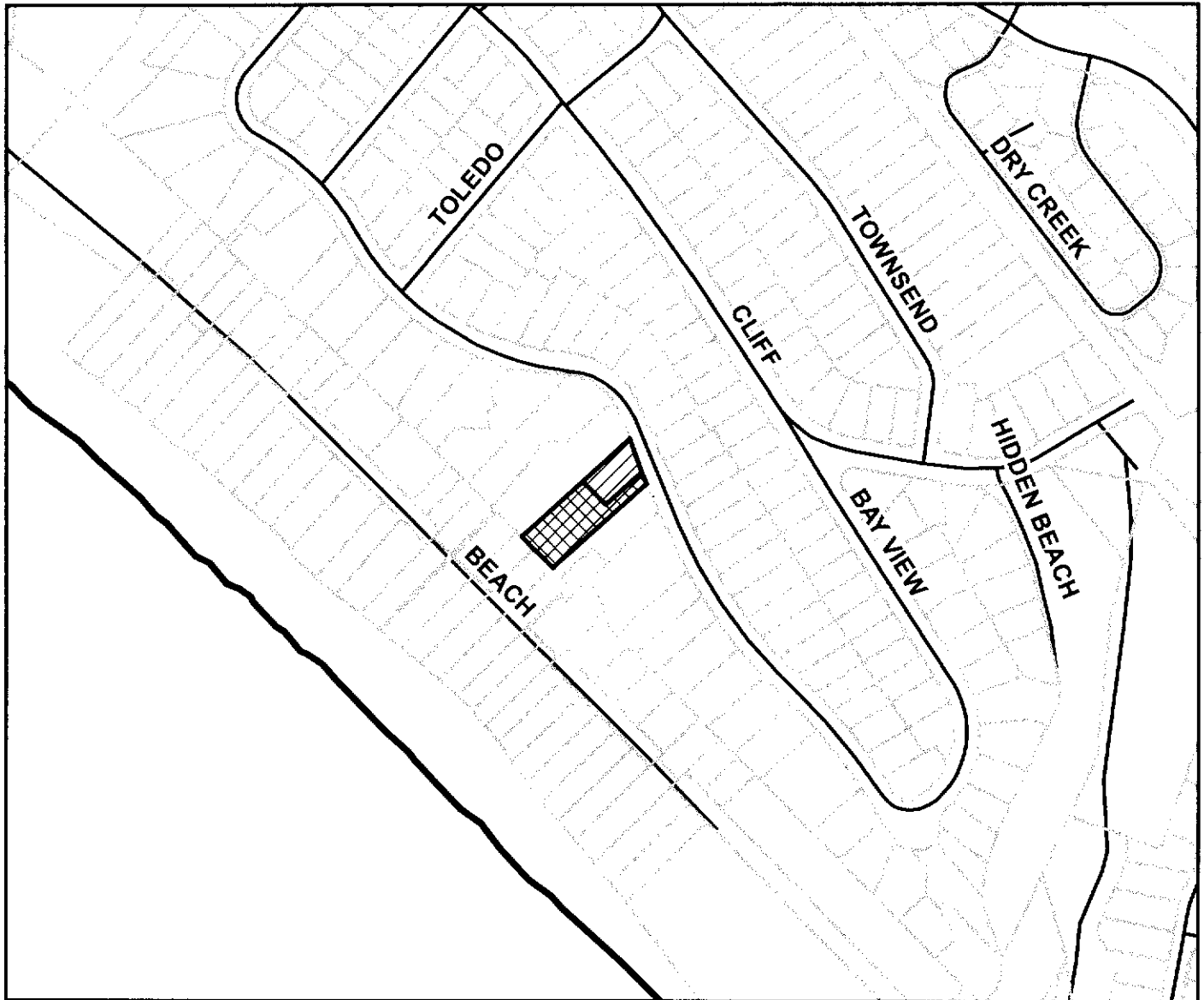
Tax Area Code
69-273

43-15








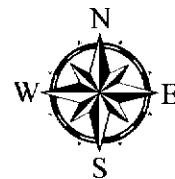


Location Map



LEGEND

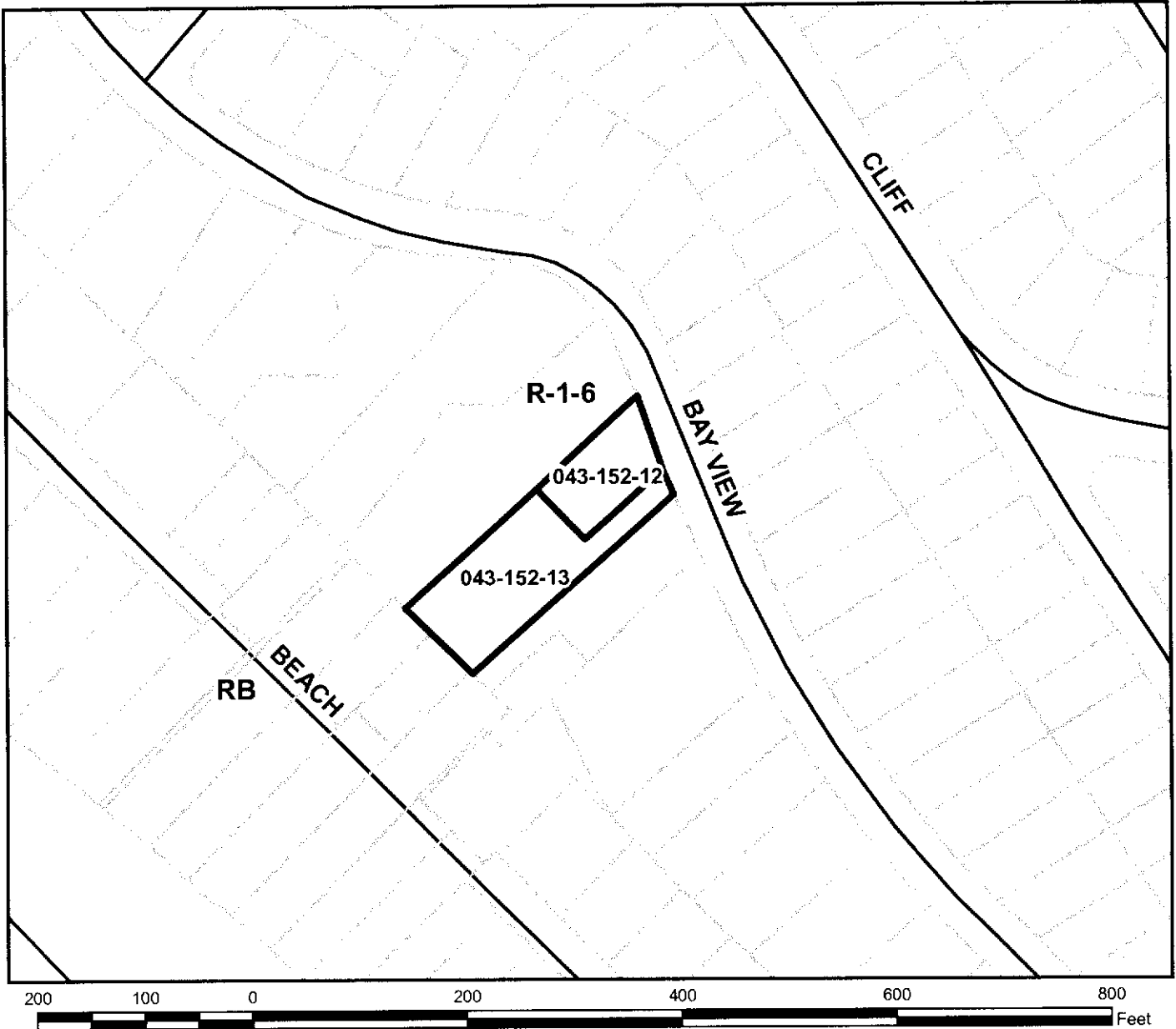
-  APN: 042-152-12
-  APN: 043-152-13
-  Assessors Parcels
-  Streets
-  County Boundary



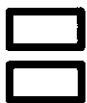
Map Created by
County of Santa Cruz
Planning Department
November 2010



Zoning Map



LEGEND



APN: 043-152-13

APN: 043-152-12

Assessors Parcels

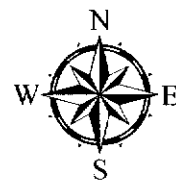
Streets



County Boundary

RESIDENTIAL-SINGLE FAMILY

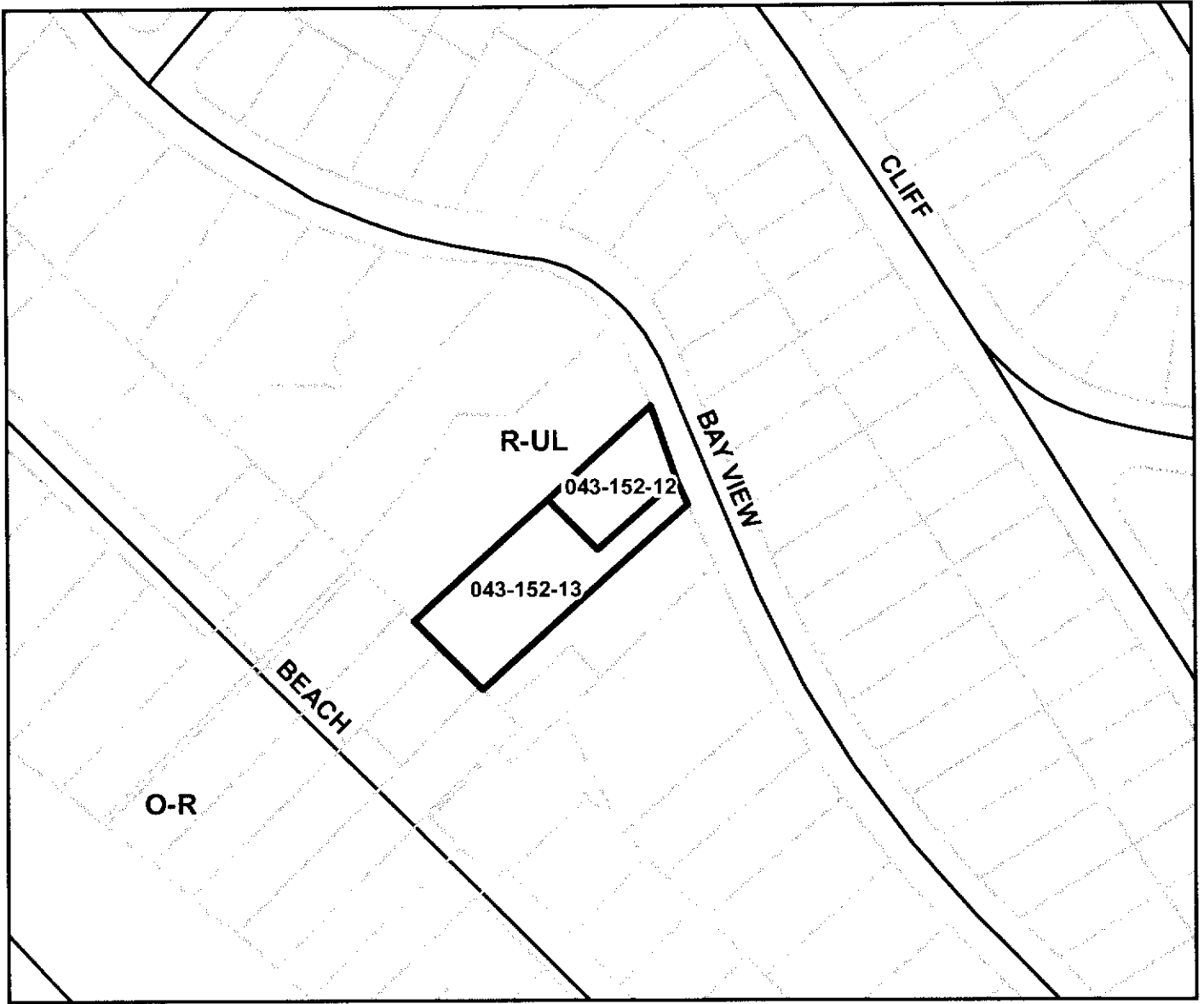
RESIDENTIAL-OCEAN BEACH




Map Created by
County of Santa Cruz
Planning Department
August 2010





General Plan Designation Map




LEGEND

 APN: 043-152-13

 APN: 043-152-12

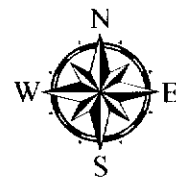
 Assessors Parcels

 Streets

 County Boundary

Residential - Urban Low Density

Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
August 2010