

# **Staff Report to the Zoning Administrator**

Application Number: 151137

**Applicant:** Hamilton-Swift & Associates

Owner: Gary & Karen Tritt

**APN:** 104-241-01

Agenda Date: November 6, 2015

Agenda Item #: 3
Time: After 9:00 a.m.

**Project Description:** Proposal to demolish an existing 530 square foot garage and to construct a replacement 767 square foot non-habitable one-story garage. Requires a Variance to reduce the required 15 foot setback from a right-of-way to around 14 feet and to reduce the required 15 foot rear yard setback to around 5 feet in the Rural Residential zone district.

**Location**: Property located on the north side of Glen Haven Road (3701 Glen Haven Road) at the intersection with Cherryvale Avenue.

Supervisorial District: 1st District (District Supervisor: John Leopold)

Permits Required: Variance

### **Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 151137, based on the attached findings and conditions.

### **Exhibits**

B.

A. Categorical Exemption (CEQA E. determination)

determination)
Findings

C. ConditionsD. Project plans

E. Site Standards Exhibit

Assessor's, Location, Zoning and General Plan Maps

Comments & Correspondence

#### Parcel Information

Parcel Size:

18,104 square feet (per plans)

G.

Existing Land Use - Parcel:

Single family residence & detached garage

Existing Land Use - Surrounding:

Rural residential neighborhood

Project Access:

Glen Haven Road and Cherryvale Road

Planning Area:

Soquel

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 APN: 104-241-01 Owner: Tritt

Land Use Designation:

R-S (Suburban Residential) RR (Rural Residential)

Zone District: Coastal Zone:

Inside X Outside

### **Environmental Information**

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

Report required at building permit stage

Fire Hazard:

Not a mapped constraint 5-15% at building site

Slopes:

No physical evidence on site

Env. Sen. Habitat:

Grading:

No grading proposed

Tree Removal:

No trees proposed to be removed

Scenic:

Not a mapped resource

Drainage:

Drainage plan to be reviewed at building permit stage

Archeology:

No physical evidence on site

### **Services Information**

Urban/Rural Services Line:

Inside X Outside

Water Supply:

Soquel Creek Water District

Sewage Disposal:

Septic

Fire District:

Central Fire Protection District

Drainage District:

None

### **Project Setting**

The subject property is a triangular shaped parcel, of approximately 18,104 square feet, located at the intersection of Glen Haven Road and Cherryvale Avenue in the Soquel planning area. The property is adjacent to the former Hihn Railroad right-of-way to the northwest and is crossed by a shared driveway that provides access to another residential parcel to the northeast. The topography is sloped to the southeast and northwest and the property is developed with an existing single family dwelling and a detached garage. The property is located in a rural residential neighborhood and surrounded by other detached single family residences and accessory structures.

### **Zoning & General Plan Consistency**

The subject property is located in the RR (Rural Residential) zone district, a designation which allows residential uses. The proposed garage is accessory to the principal permitted residential use within the zone district and the zoning is consistent with the site's R-S (Suburban Residential) General Plan designation.

#### Site Standards

The typical site standards for the RR (Rural Residential) zone district are a 40 foot front yard setback, and 20 foot setbacks on both sides and the rear of the property. Since this parcel is less than

APN: 104-241-01 Owner: Tritt

80% of the 1 acre minimum size for parcels in the RR zone district, the site standards are reduced accordingly. This results in a 30 foot front yard setback, and 15 foot setbacks on both sides and the rear of the property.

The existing residence was reconstructed in 1997 after the original residence burned down. The site standards that were identified for the reconstruction are less than ideal for the ongoing and future residential use of the subject property. The 30 foot front yard setback was measured from the edge of the Glen Haven Road right of way. The plans failed to identify the shared driveway that passes through the parcel, which would result in a much more restrictive 30 foot front yard setback that would cut through the replacement residence and the existing garage, drastically reducing the amount of available building area on the parcel.

Given the shape and configuration of the subject property (in respect to the location of existing rights of way), staff recommends the following interpretation of setbacks on the subject property (Exhibit E): A 30 foot front yard setback, measured to the northeast (towards the existing residence) from the southwest corner of the subject property (at the interior edge of the shared driveway) where it intersects with Glen Haven Road and Cherryvale Avenue; a 15 foot street side yard setback from the shared driveway through the parcel and the Glen Haven Road right of way; a 15 foot interior side yard setback from the northwest property line at the Hihn Railroad Grade; and a 15 foot rear yard setback from the northeast property line.

With the above recommended setbacks, the current proposal to reconstruct the existing garage would require a variance to reduce the 15 foot rear yard setback to approximately 5 feet, and to reduce the 15 foot street side yard setback from the shared driveway to approximately 14 feet.

#### Variance

The existing garage is located within the required 15 foot street side yard setback (as measured from the edge of the existing travelled way), at about 8 feet from the existing shared driveway; and within the existing 15 foot rear yard setback, at about 5 feet from the rear property line.

Due to slopes on the project site and the location of existing rights of way, the existing garage cannot be reconstructed in compliance with the required setbacks. The most developable portion of the subject property is located at the north end of the parcel, due to the steep topography. The site of the existing garage would require the least amount of grading, site disturbance, or additional paving. The proposed replacement garage would be setback further from the shared driveway than the existing garage (at about 14 feet). For these reasons, staff supports the request for a variance to reduce the 15 foot rear yard setback to approximately 5 feet, and to reduce the 15 foot street side yard setback from the shared driveway to approximately 14 feet.

### 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.

Owner: Tritt

### **Staff Recommendation**

• Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

• APPROVAL of Application Number 151137, 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: <a href="https://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

Report Prepared By: Randall Adams

Santa Cruz County Planning Department

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E-mail: randall.adams@santacruzcounty.us

# 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: 151137
Assessor Parcel Number: 104-241-01
Project Location: 3701 Glen Haven Road, Soquel
Project Description: Demolish and reconstruct an existing garage
Person or Agency Proposing Project: Hamilton-Swift & Associates
Contact Phone Number: (831) 459-9992
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 Guideline Section 15060 (c).
C Ministerial Project involving only the use of fixed standards or objective
measurements without personal judgment.
<b>D.</b> Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. X Categorical Exemption
Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)
F. Reasons why the project is exempt:
Reconstruction of a residential accessory building in an area designated for residential uses.
In addition, none of the conditions described in Section 15300.2 apply to this project.
Date:
Randall Adams, Project Planner

# **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 reduction of the required rear yard setback from 15 feet to 5 feet, and the street side yard setback from 15 feet to 14 feet, is recommended in order to allow the reconstruction of a non-habitable accessory structure (garage). The configuration of the parcel and building site in respect to property lines and vehicular rights of way, combined with the topography of the project site and the location of the existing garage, are the special circumstances affecting the subject property.

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 the variance will allow the reconstruction of a detached garage on a residentially zoned parcel, and the structure will be adequately separated from improvements on surrounding properties.

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 other properties in the neighborhood are developed with single family dwellings and detached accessory structures similar to the structure that is proposed. Therefore, it would not be a grant of a special privilege for the reconstruction of a detached garage on the subject property. The existing residential use is consistent with the existing pattern of development in the neighborhood.

# **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 project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed accessory structure will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure will be adequately separated from improvements on surrounding properties.

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 location of the residence and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RR (Rural Residential) zone district, in that the primary use of the property will continue to be one single family residence. Variance findings have been made which will allow deviation from zone district site standards.

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 Suburban Residential (R-S) land use designation in the County General Plan.

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 accessory structure will not generate additional traffic or overload utilities.

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 rural residential neighborhood containing a variety of architectural styles, and the proposed accessory structure is consistent with the land use intensity and density of 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.

Not applicable.

# **Conditions of Approval**

Exhibit D: Project Plans, prepared by Peter Spellman Architecture, dated March 2015.

- I. This permit authorizes the reconstruction of a detached garage, as depicted on the approved Exhibit "D" for this permit. 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. 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.
    - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
  - E. Obtain an Encroachment Permit from the Department of Public Works for any off-site work performed in the County road right-of-way.
  - F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.

- 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
- 3. Grading, drainage, and erosion control plans.
- 4. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. Meet all requirements of, and pay drainage fees to, the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- F. Complete and record a Declaration of Restriction to construct a non-habitable accessory structure (garage). 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. The project must comply with all recommendations of the approved soils reports.
  - D. Pursuant to Sections 16.40.040 and 16.42.080 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 16.42.080, shall be observed.

### IV. Operational Conditions

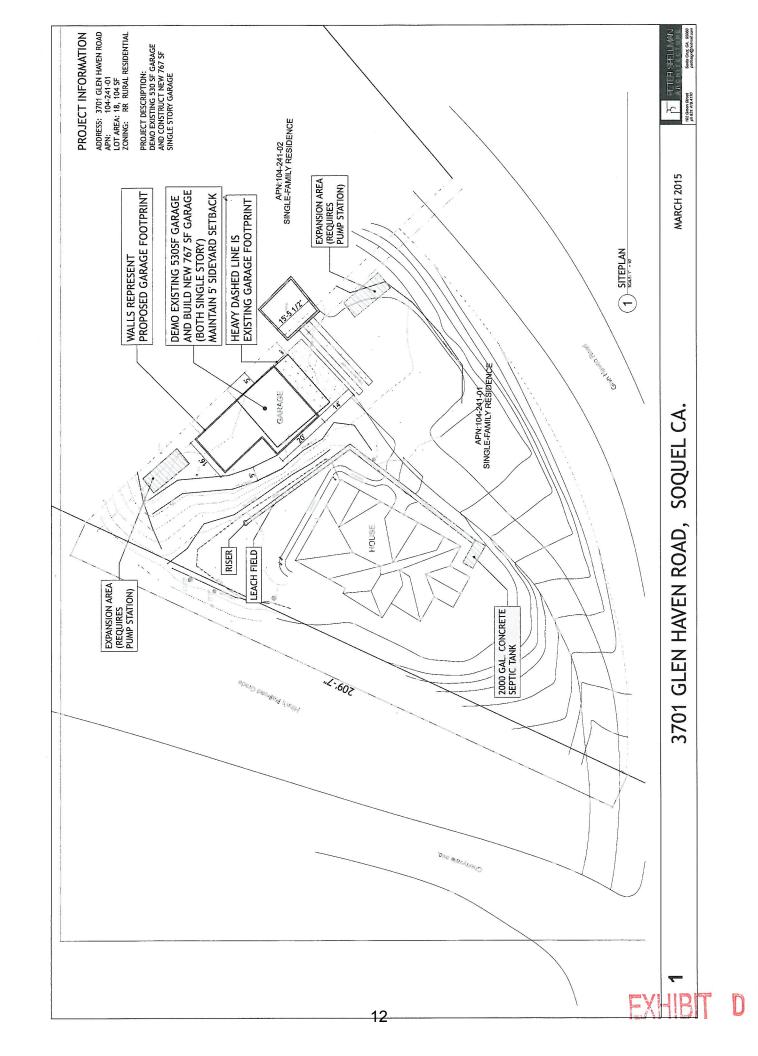
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- 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, it 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

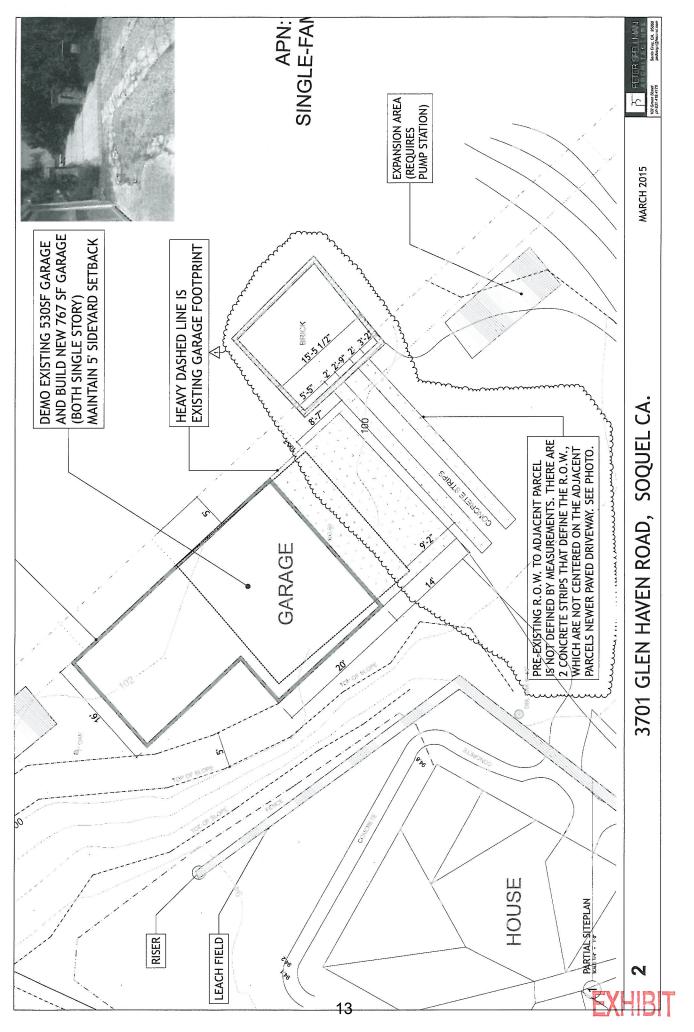
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

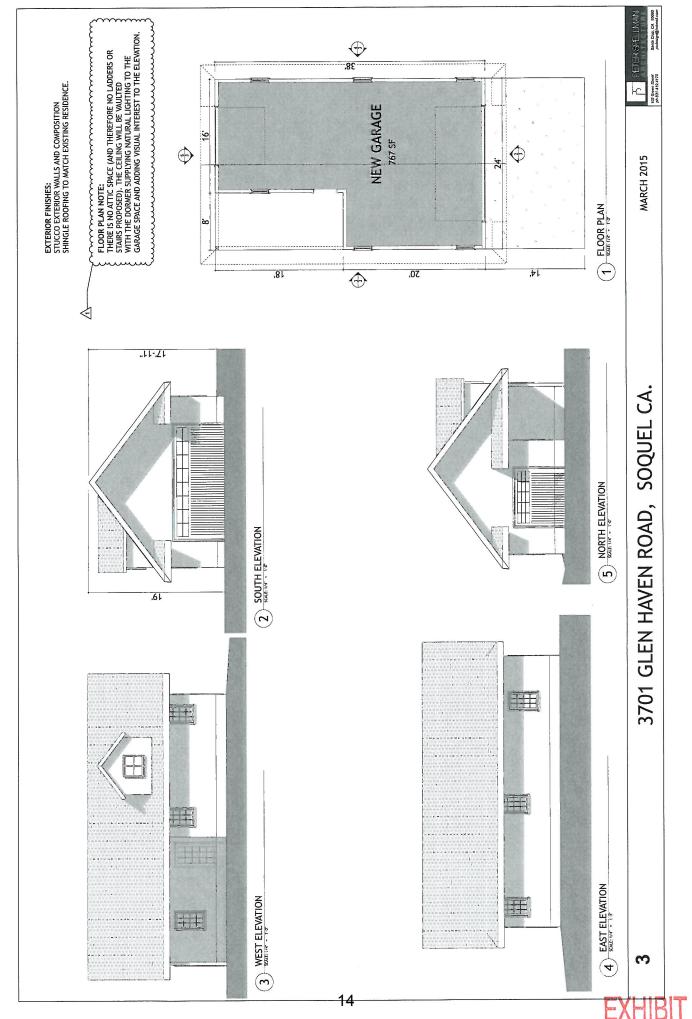
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures 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.

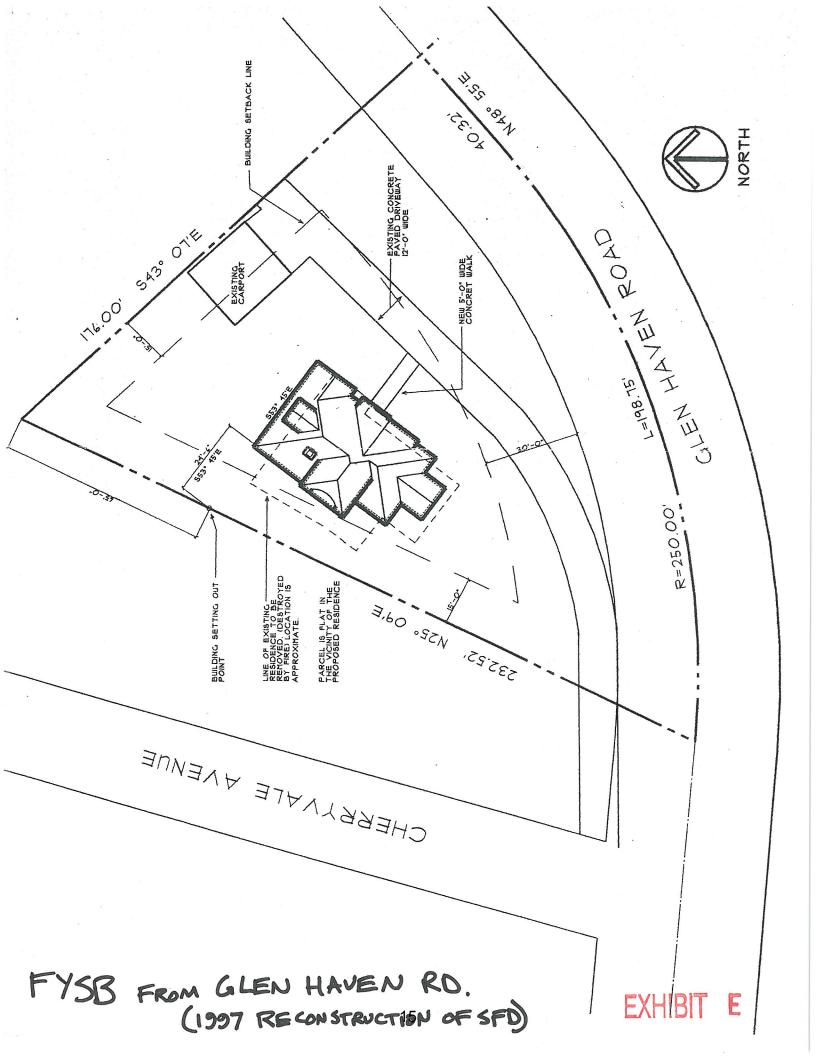
Approval Date:	 
Effective Date:	 
Expiration Date:	

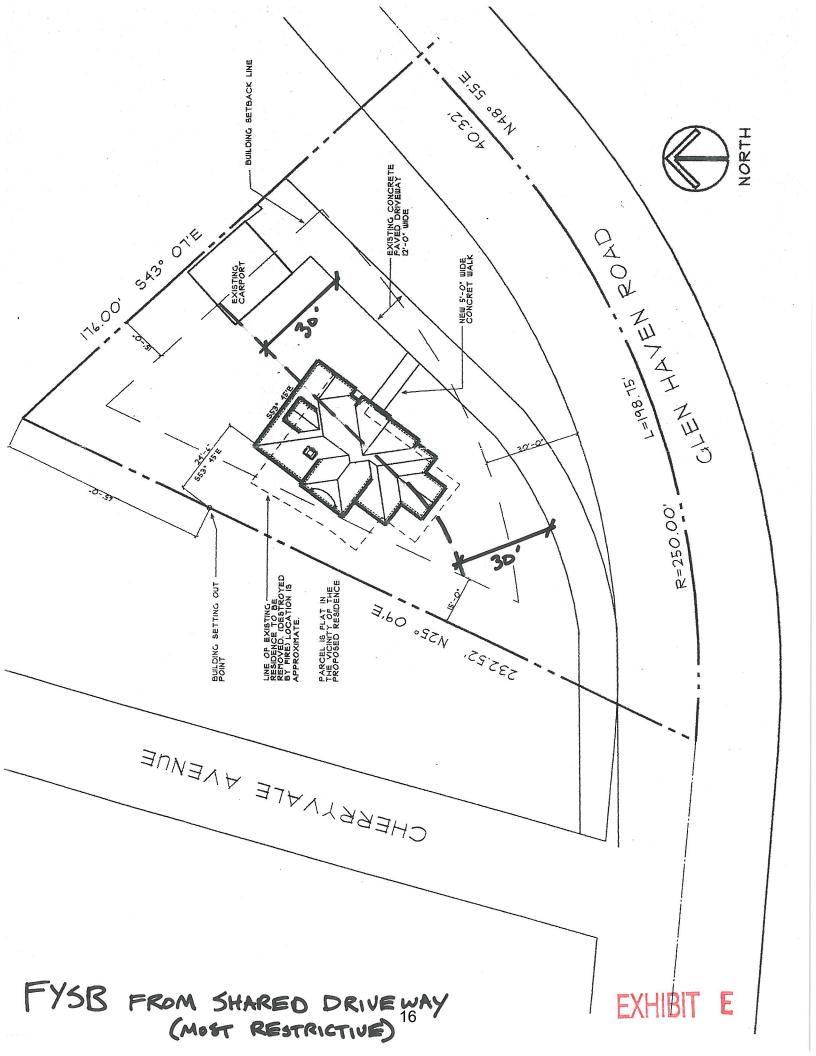
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

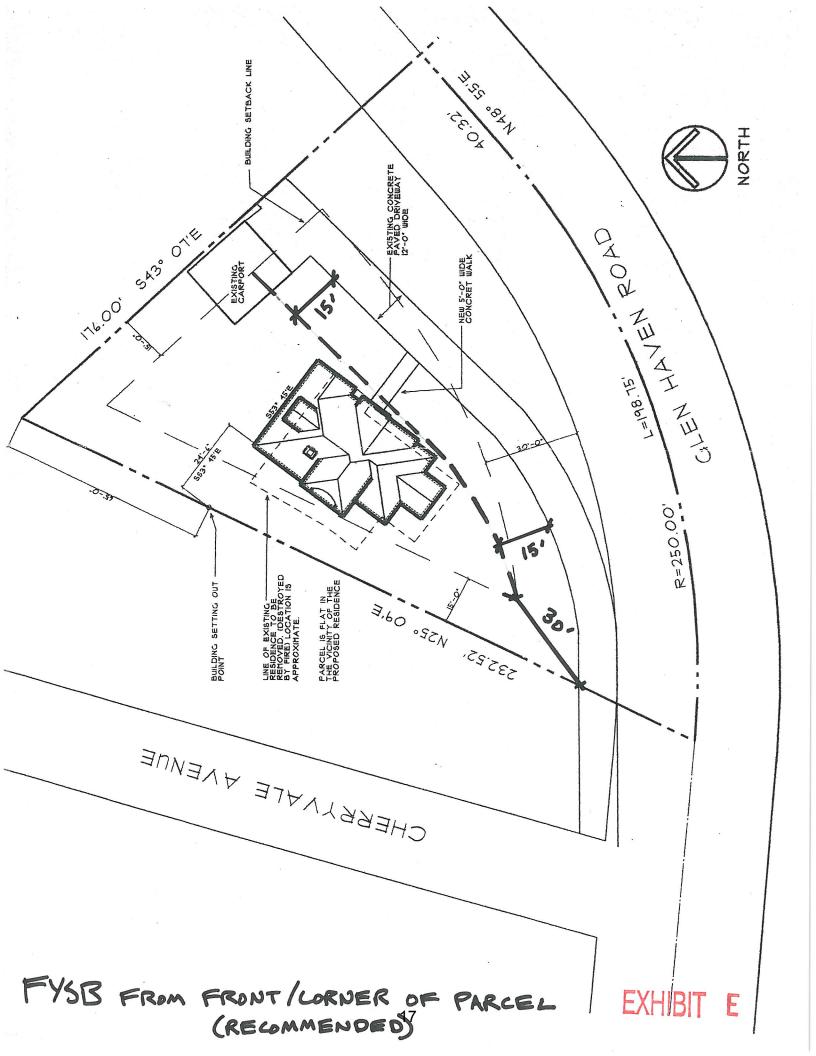


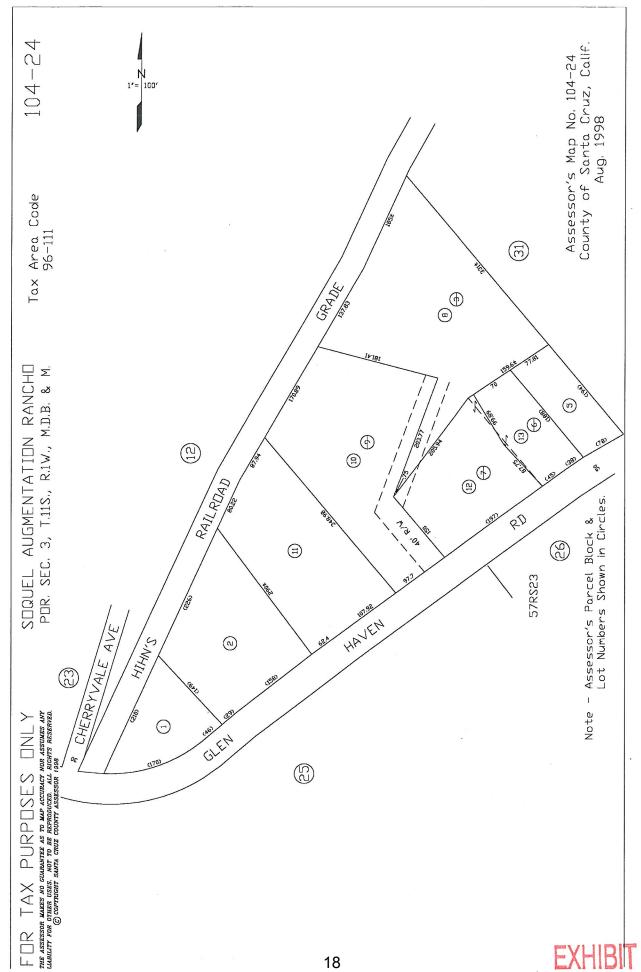








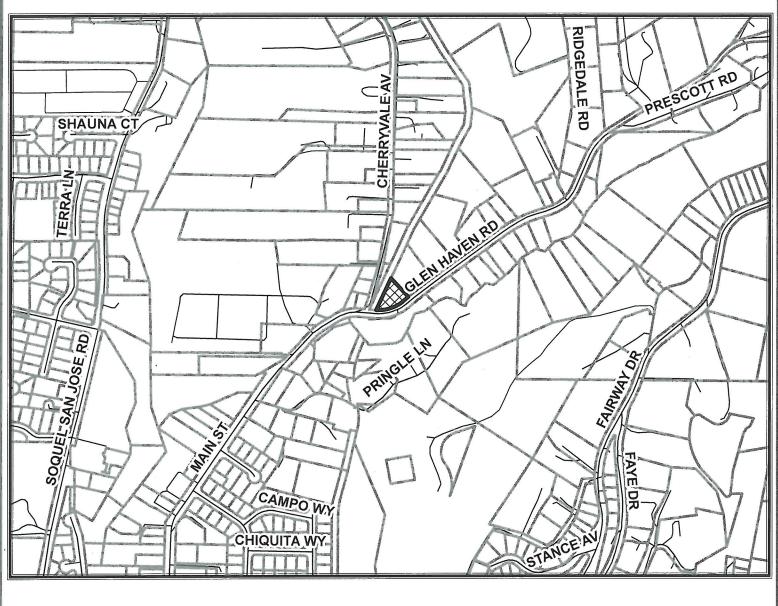


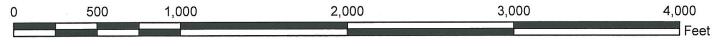


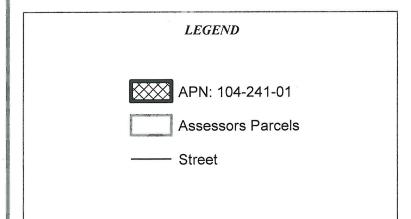
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# Location Map







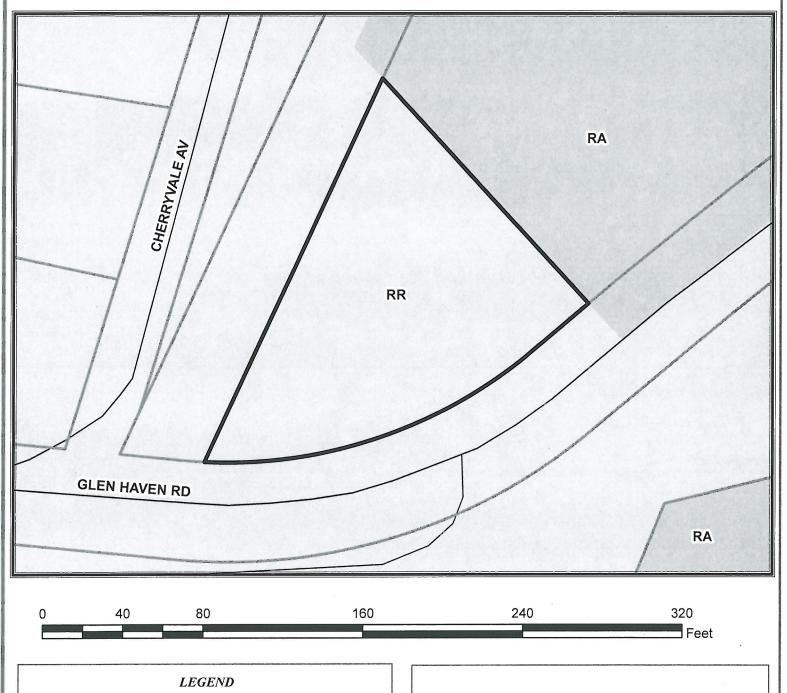


Map Created by County of Santa Cruz Planning Department June 2015

EXHIBIT



# Zoning Map







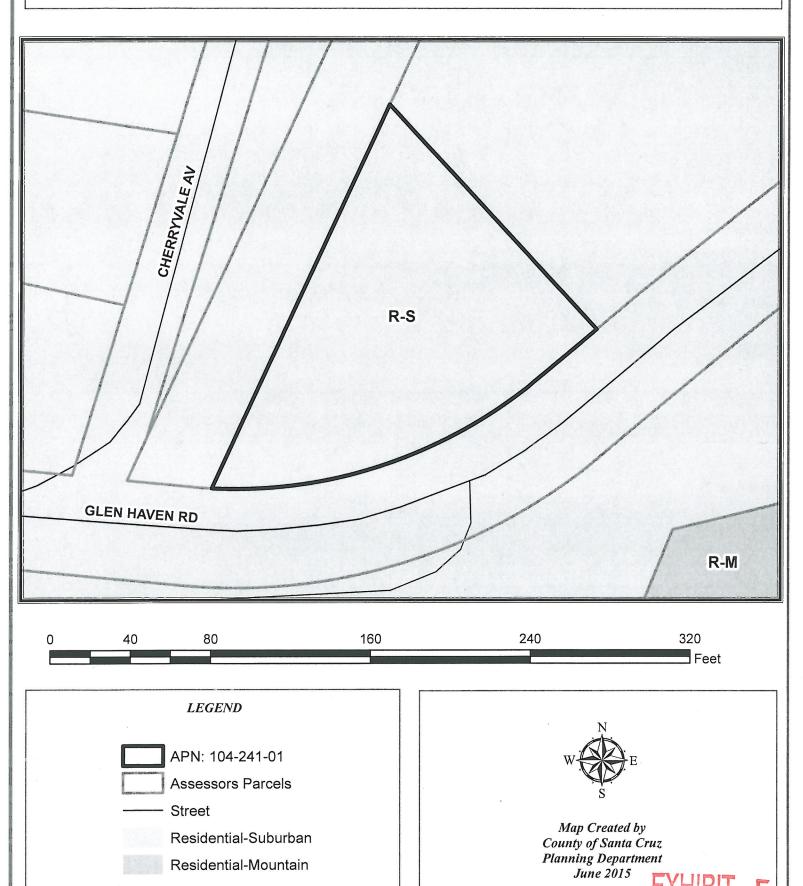
Map Created by
County of Santa Cruz
Planning Department
June 2015



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# General Plan Designation Map





May 12, 2015

Santa Cruz County Planning Department 701 Ocean Street Santa Cruz, Ca. 95060

Re: 3701 Glen Haven Road; APN 104-241-01; Variance Findings for Replacement of Existing Garage

APN 104-241-01, 3701 Glen Haven Road, is an irregularly shaped lot with a variety of existing constraints and hardships. A road easement bisects the parcel in half. Varied topographic slopes, multiple heritage trees, existing septic expansion areas, leach fields, and other constraining factors limit where development can occur. These factors justify exceptions to the zoning district site and development standards in order to allow the applicant to replace an existing nonconforming 530-SF garage with a new 767-SF garage (single-story). The lot is zoned R-R Rural Residential. The minimum front setback in the R-R zone is 40-feet, and the minimum side and rear setbacks are 20-feet. In order to reconstruct a reasonable garage on this particular piece of property and meet the required setbacks, the garage would have to be sited in a configuration that is not currently possible given the existing irregularities of the existing easement, parcel shape and the natural constrains of the property. In order to successfully reconstruct the garage and incorporate the design interests of the new structure we would like to site the garage with the existing five foot side setback and increase the distance of the garage to the road easement from 8-feet (existing) to 14-feet (proposed) to better comply to the zoning guidelines. Only 237-SF is proposed to be added to the new garage structure which is below the 500-SF threshold for which a stormwater management plan is required per Section C of Part 3 (Stormwater Management) in the County of Santa Cruz Public Works Design Criteria.

### Variance Finding (1)

That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The property is irregularly shaped, as recorded on subdivision parcel map No. 104-24 from August 1998. The property is currently developed, and an existing garage is currently situated with the nonconforming side yard and front yard setback in the only viable location on the property for a garage.

The parcel configuration, steep slopes, septic expansion areas, and right of way that bisects the property constitute special circumstances that if the zoning standards were applied, would deprive this property of a garage - a privilege enjoyed by other properties in the vicinity.

### Variance Finding (2)

That the granting of such 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 property is zoned for rural residential construction that permits garages as allowed supplemental structures. The proposed garage is an appropriate development for the property, and will not noticeably affect the existing characteristics of the property or surrounding vicinity as it will directly replace an existing garage with the same side setback and even less of a front setback. The applicant has consulted with neighboring property owners regarding the request, and have included a letter signed by neighbors in the vicinity stating no opposition to the proposal. Approval of the request would not conflict with any other aspect of the County of Santa Cruz Zoning Ordinance.

### Variance Finding (3)

That the granting of such variance 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.

The applicant is not proposing a radically different garage structure than what already exists, rather the new structure will better conform by increasing the difference from the frontage of the road easement located within the property. The new garage would preserve the ability to comply to existing parking requirements of the site and would result in improvements in traffic safety by increasing the distance from on site vehicular traffic and the garage. Approval of the request would permit the applicant to reconstruct a garage on the property reasonably consistent in size and character with other garages in the vicinity and same zone.

April 28 2015

County of Santa Cruz Planning Dept.
701 Ocean St
Santa Cruz CA 95060

Dear staff:

I am the property owner at 3785 Glen Haven Rd, Soquel CA 95073. I have reviewed the plans to replace the existing garage structure on the Tritt's property at 3701 Glen Haven Rd. with a new and larger garage. The property is constrained by steep slopes and the easement to my property. I support the proposal variances to the front and side setbacks and feel the increased setback of 14' (8' existing setback) to the easement of my property will be beneficial. I have no objection with the proposed 5' setback along the eastern side of the Tritt property. I recommend approval of their request.

Thank you,

James A. De Alba

Date

April 28 2015

3785 Glen Haven Rd.

Soquel, CA 95073

831 600 8237