

# Staff Report to the Zoning Administrator

Application Number: 151249

**Applicant:** Robert Mandurrago

Owner: Colburn & Valdene Thomason

**APN:** 043-141-04

Agenda Date: March 3, 2017

Agenda Item #: 2

Time: After 9:00 a.m.

**Project Description**: Proposal to recognize a 530 square foot room addition and remodel of an existing single family dwelling and landscape improvements. Requires a Coastal Development Permit, a Variance to reduce the required separation between structures from 10 feet to approximately 4 feet between the proposed trellis and the garage and residence.

**Location**: Property located on the south side of Bay View Drive at 534 Bay View Drive in Rio Del Mar.

Supervisorial District: 2nd District (District Supervisor: Zach Friend)

Permits Required: Coastal Development Permit, Variance

Technical Reviews: Geologic Hazards Assessment, Geologic Report Review.

#### **Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 151249, based on the attached findings and conditions.

#### **Exhibits**

A. Categorical Exemption (CEQA

determination)

B. Findings

C. Conditions

D. Project plans

E. Assessor's, Location, Zoning and General Plan Maps

F. Comments & Correspondence

#### **Parcel Information**

Parcel Size:

16,553 square feet (plans)

Existing Land Use - Parcel:

Single family dwelling

Existing Land Use - Surrounding:

Single family residential neighborhood, coastal bluff

Project Access:

Bayview Drive

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 APN: 043-141-04

Owner: Colburn & Valdene Thomason

Planning Area:

Aptos

Land Use Designation:

R-UL (Urban Low Density Residential)

Zone District:

R-1-6 (Single Family Residential - 6,000 square feet

minimum)

Coastal Zone:

X Inside

Appealable to Calif. Coastal Comm. X Yes

Outside No

#### **Environmental Information**

Geologic Hazards:

Coastal bluff - report updates reviewed and accepted

Soils:

Report updates reviewed and accepted

Fire Hazard:

Not a mapped constraint

Slopes:

2-5% at building site, coastal bluff at rear of property

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

No grading proposed

Tree Removal:

No trees proposed to be removed

Scenic:

Scenic beach viewshed

Drainage:

Drainage plan reviewed and accepted

Archeology:

Not mapped/no physical evidence on site

#### **Services Information**

Urban/Rural Services Line:

X 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 Flood Control District

### **Project Setting**

The subject property is located on the south side of Bayview Drive, at 534 Bayview Drive. The project site is located within a single family residential neighborhood with homes to the north and east. A coastal bluff is located to the southwest, and the property is located within the scenic viewshed of the public beach to the south.

## **Project Description**

This application is a proposal to recognize additions to an existing single family dwelling. During an interior remodel of the existing structure, additions were added to the residence and the construction was halted by Building and Code Compliance staff. Minor additions, totaling approximately 500 square feet, are proposed to be recognized. The additions would expand existing rooms and the front porch and do not result in an increase in the total number of bedrooms (in the existing 3 bedroom residence).

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## **Zoning & General Plan Consistency**

The subject property is a parcel of approximately 16,553 square feet, located in the R-1-6 (Single Family Residential - 6,000 square feet minimum) zone district, a designation which allows residential uses. The existing residence is a principal permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

All site standards would be met in the proposed additions, with the exception of the proposed trellis that is proposed to be recognized between the residence and the existing garage. The trellis would require a variance approval to reduce the required separation between structures from 10 feet to approximately 4 feet. A variance request for the trellis is included in this application.

The required 20 foot front yard is almost entirely paved, and no changes are proposed to this area. Adequate parking for a 3 bedroom residence exists within the front yard and the existing garage.

#### Variance

This application includes recognizing a trellis structure that was erected between the existing residence and garage. Due to a minimum 10 foot separation requirement between structures, the trellis requires a variance approval to be located approximately 4 feet from each adjacent structure. Given that this is a decorative garden structure, which is open at the top and does not create a visual massing of adjacent buildings or block access for fire protection, the approval of a variance for a trellis in this location is recommended.

### Coastal Bluff and Geologic Hazards

The project site is located adjacent to a coastal bluff to the southwest. As identified in a geologic report from prior Coastal Development Permit application 04-0390, the prior mapping of the coastal bluff indicated that the existing rear porch (that has now been enclosed) was within the 35 foot coastal bluff setback. A Geologic Hazards Assessment has been completed by County staff and a revised site survey has been reviewed and accepted by the County geologist. The proposed additions would comply with the required 35 foot coastal bluff setback as indicated in the revised site survey.

#### Design Review & Scenic Resources

The proposed addition complies with the requirements of the County Design Review Ordinance, in that the proposed additions will be compatible with the existing residence, small in scale, and will not substantially increase visual bulk or mass, to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

The bulk of the project has already been constructed and does not result in visual impacts to the scenic beach viewshed. The bluff height at the project site (combined with the existing setback from the bluff edge) obstructs views of the majority of the one story residence from the public beach below.

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### **Local Coastal Program Consistency**

The proposed addition is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles. Although the project site is located between the shoreline and the first public through road, public beach access is available at Beach Drive and Hidden Beach nearby. The property is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

#### 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**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 151249, 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

Report Prepared By: Randall Adams

Santa Cruz County Planning Department

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Phone Number: (831) 454-3218

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.

Assessor Parcel Number: 043-141-04 Project Location: 534 Bayview Drive, Aptos
Project Description: Recognize additions to an existing residence.
Person or Agency Proposing Project: Robert Mandurrago
Contact Phone Number: 831-238-6709
A The proposed activity is not a project under CEQA Guidelines Section 15378.  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).
E. X 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 residential addition 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

Owner: Colburn & Valdene Thomason

## **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts, 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-1-6 (Single Family Residential - 6,000 square feet minimum), a designation which allows residential uses. The proposed addition is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

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 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 and Section 13.20.140 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; and the colors will be natural in appearance and complementary to the site.

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 the nearest through 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 although the project site is located between the shoreline and the first public through road, public beach access is available at Beach Drive and Hidden Beach nearby. The property is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other 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 sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single Family Residential - 6,000 square feet minimum) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles.

Owner: Colburn & Valdene Thomason

## **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.

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 addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single Family Residential - 6,000 square feet minimum) zone district as the primary use of the property will be one single family dwelling that meets all current site standards for the zone district. A variance for the minimum separation to the proposed trellis has been included in this application.

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 R-UL (Urban Low Density Residential) 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, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the addition will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed addition will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed addition will comply with the site standards for the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

4. That the proposed use will not overload utilities and will not generate more than the

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acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the project involves additions to an existing single family dwelling. No increase in traffic generation or demand on utilities is anticipated as a result of the project.

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, and the proposed addition is consistent with the existing residence on the property as well as 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.

This finding can be made, in that the proposed addition will be compatible with the existing residence on the property and will not reduce or visually impact available open space in the surrounding area.

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## Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the reduction in the required separation between buildings from 10 feet to 4 feet, is recommended in order to allow a trellis feature to be erected between the existing residence and garage. The location of the residence relative to the detached garage are the special circumstance in this case.

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 a trellis feature to be erected between the existing residence and garage on a residentially zoned parcel, and the structures will be adequately separated from improvements on surrounding properties. The proposed trellis is a decorative garden structure, which is open at the top and does not create a visual massing of adjacent buildings and does not block access for fire protection.

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 garden structures similar to the improvements that are proposed. Therefore, it would not be a grant of a special privilege for the construction of a garden trellis on the subject property. The existing residential use is consistent with the existing pattern of development in the neighborhood.

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## **Conditions of Approval**

Exhibit D: Project Plans, prepared by Sandcastle Development, revised 6/6/16.

- I. This permit authorizes the construction of residential additions, and a detached garden trellis, as indicated 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 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.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - D. 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.
    - 3. Grading, drainage, and erosion control plans.

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4. Re-label the rooms on the floor plans as follows: "DEN" to "LIVING" and "LIVING" to "FAMILY"

- 5. Details showing compliance with fire department requirements.
- B. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- C. Meet all requirements of the Environmental Planning section of the Planning Department.
- D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- E. Submit 3 copies of plan review letters prepared and stamped by the project Geologist and Geotechnical Engineer.
- F. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- G. 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 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 geology and 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

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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.

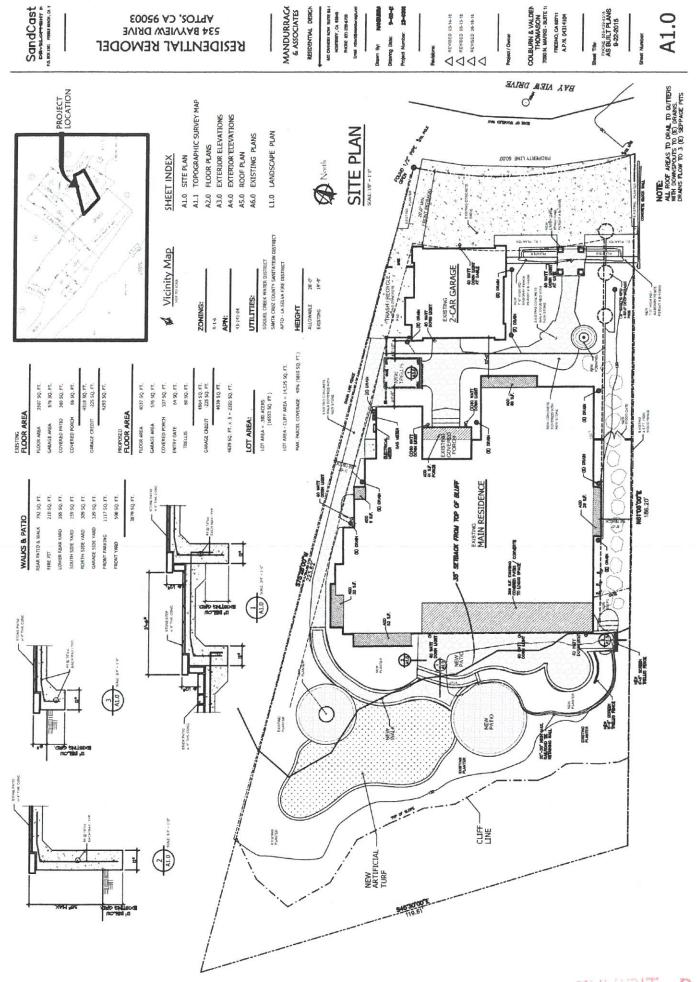
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

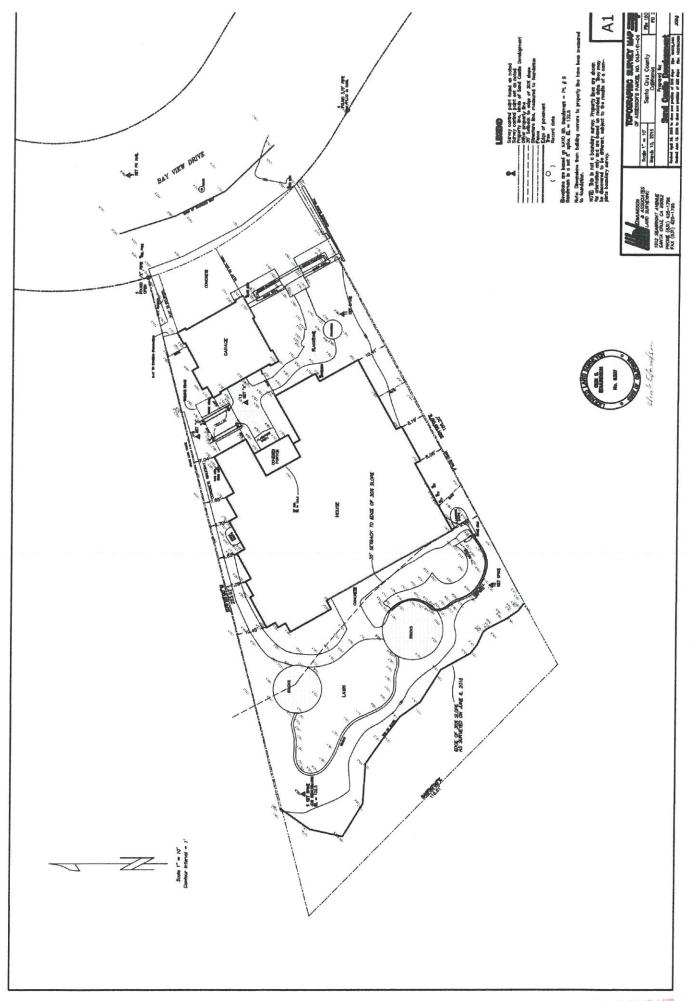
Owner: Colburn & Valdene Thomason

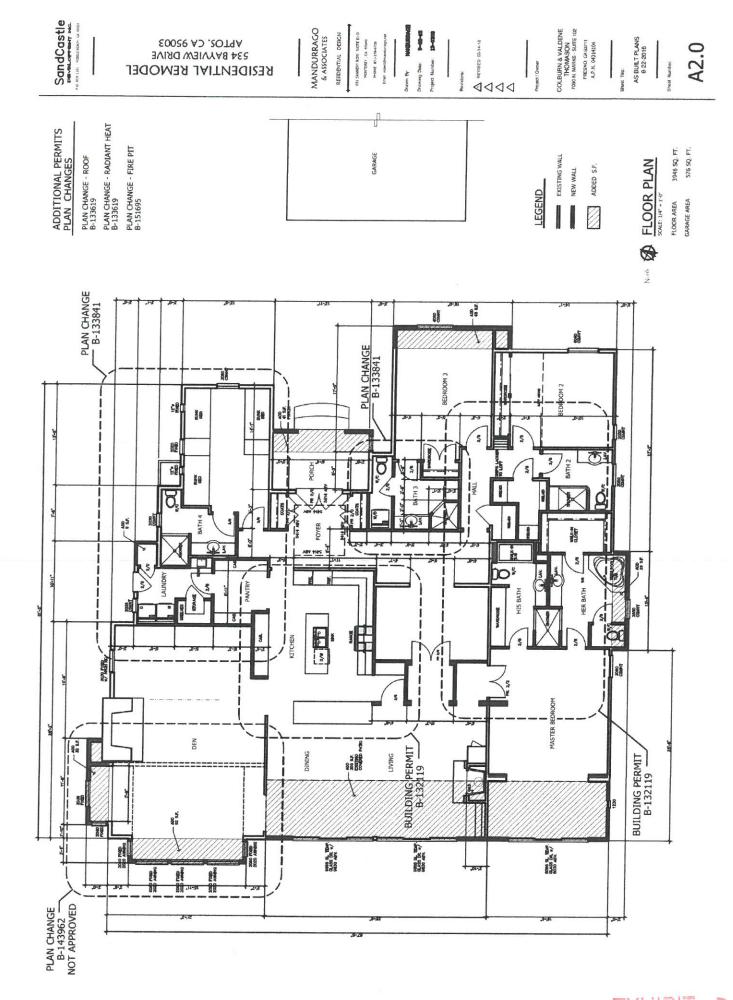
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures 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:	7			

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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441 CANNESY 82HT 81-0 PROTITURE, CA. 929-9 PROME PET-128-4-70; Press recomposition panel

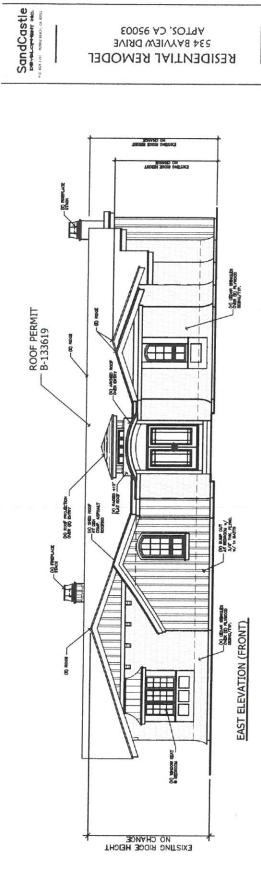
MANDURRAGO & ASSOCIATES

RESIDENTIAL DESIGN

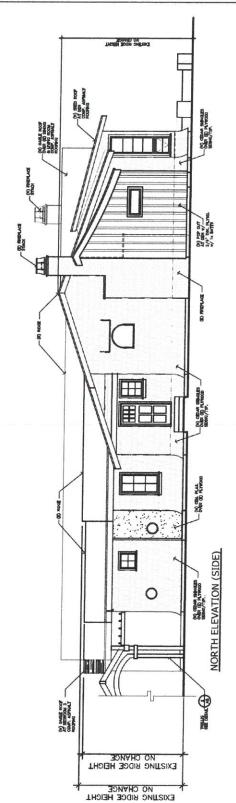
COLBURN & VALDENE THOMASON 7080 N. MARKS - SUITE 102 FRESNO. CA 837-11 A.P. N. 04314104

AS BULT PLANS 9-22-2015

EXTERIOR ELEVATIONS

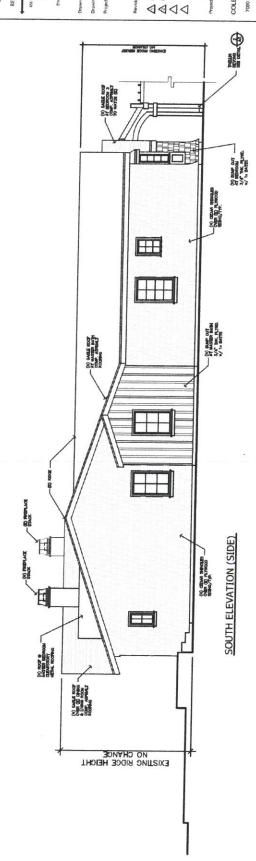


534 BAYVIEW DRIVE APTOS, CA 95003 RESIDENTIAL REMODEL

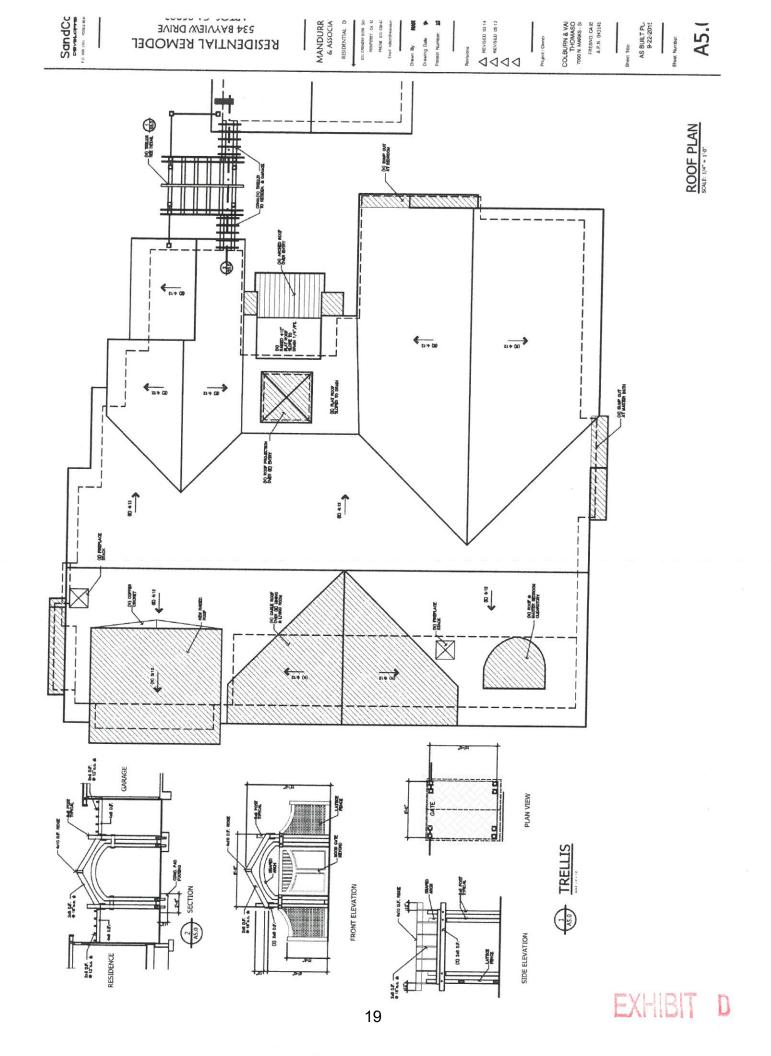


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ROOF PERMIT - B-133619 (N) ROOF & MASTER REDROGAL (H) departs separates over (H) FLYNDOD SHEHYO,/THP. OND CARLE HOOF A DESIGN ROOM COME ASTRALY ROOMED AT CONTRACT
CONTRACT WEST ELEVATION (REAR) ON OTHER SERVICES



EXTERIOR ELEVATIONS

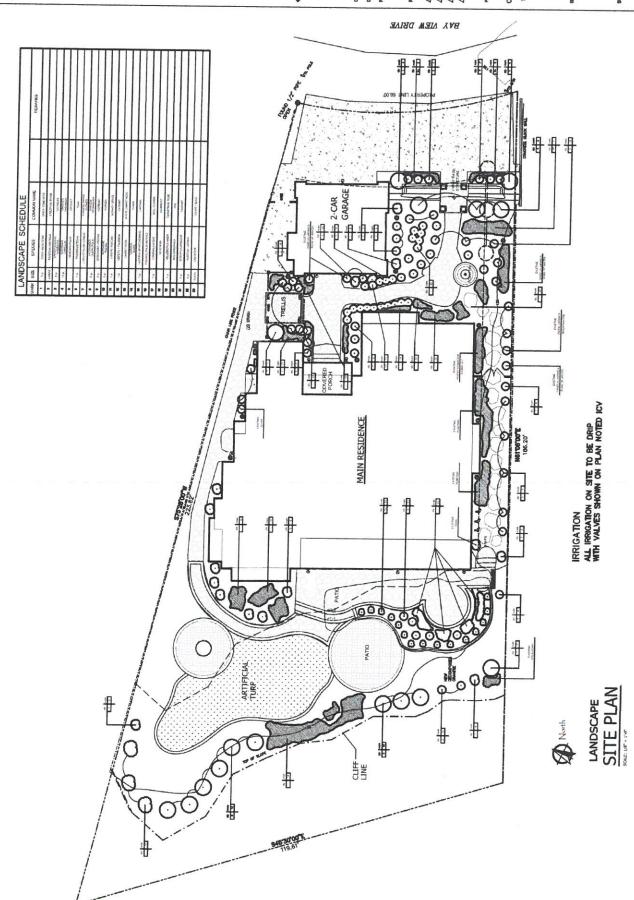


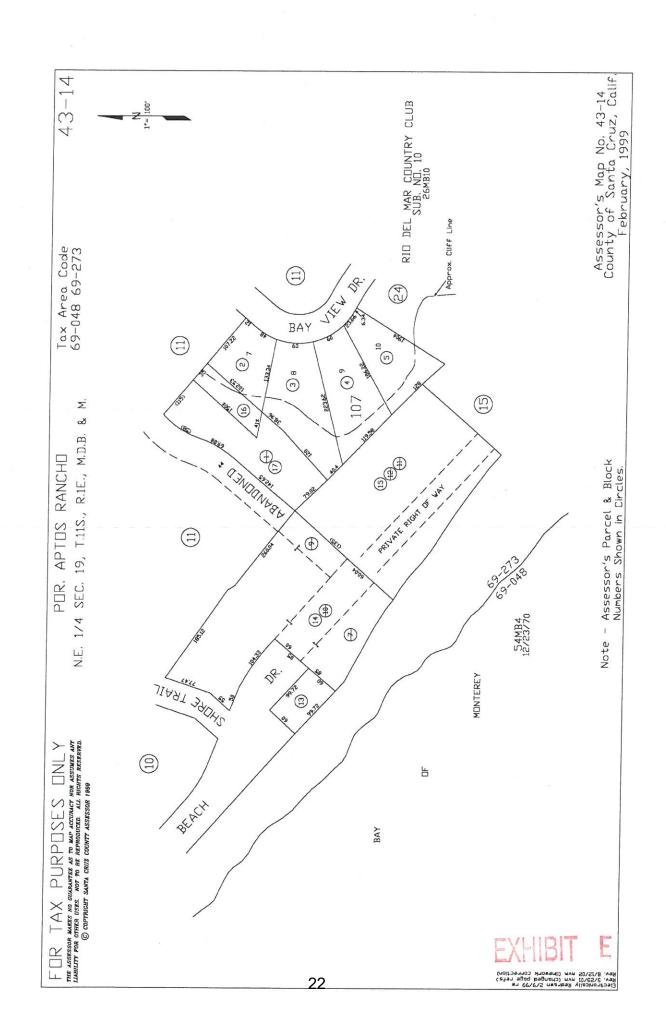
534 BAYVIEW DRIVE APTOS, CA 95003

RESIDENTIAL REMODEL

AS BUILT PLAN 9-22-2015

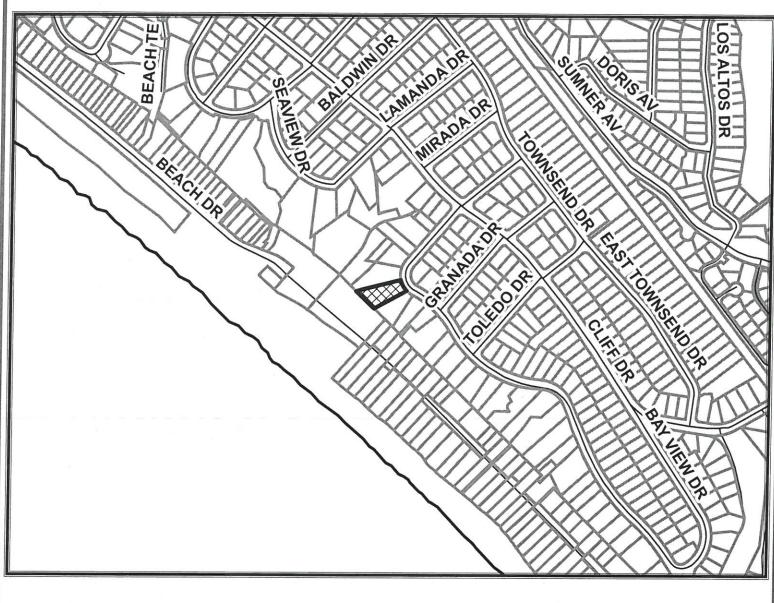
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## Location Map



0 410 820 1,640 2,460 3,280 Feet

APN: 043-141-04

Assessors Parcels

Street

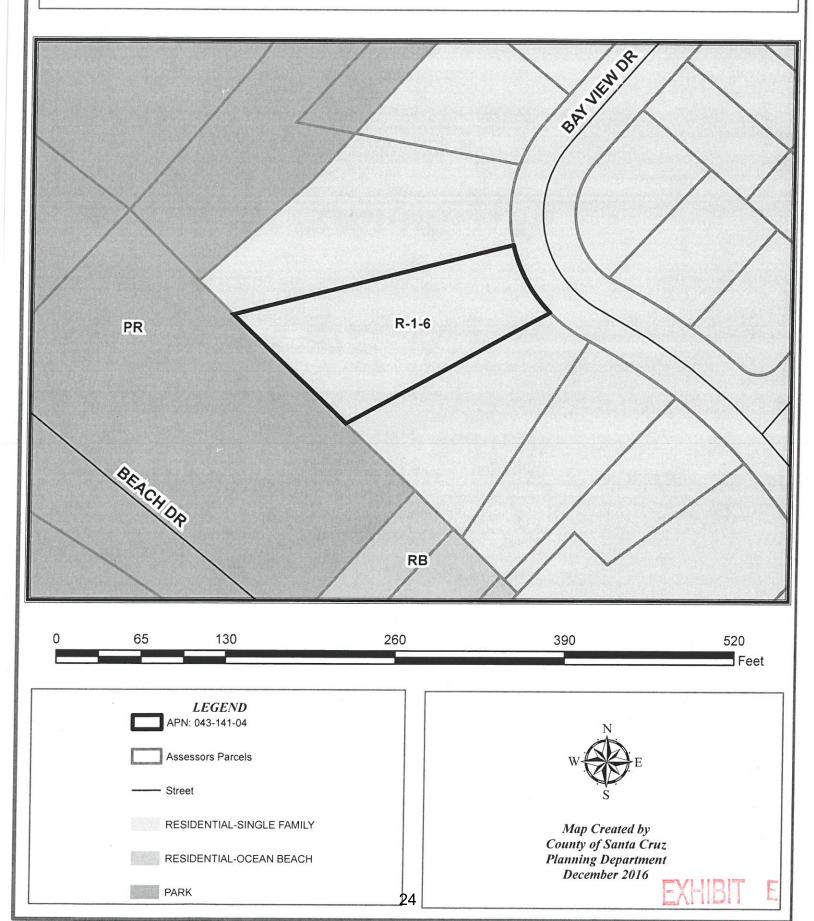
County Boundary



Map Created by County of Santa Cruz Planning Department December 2016

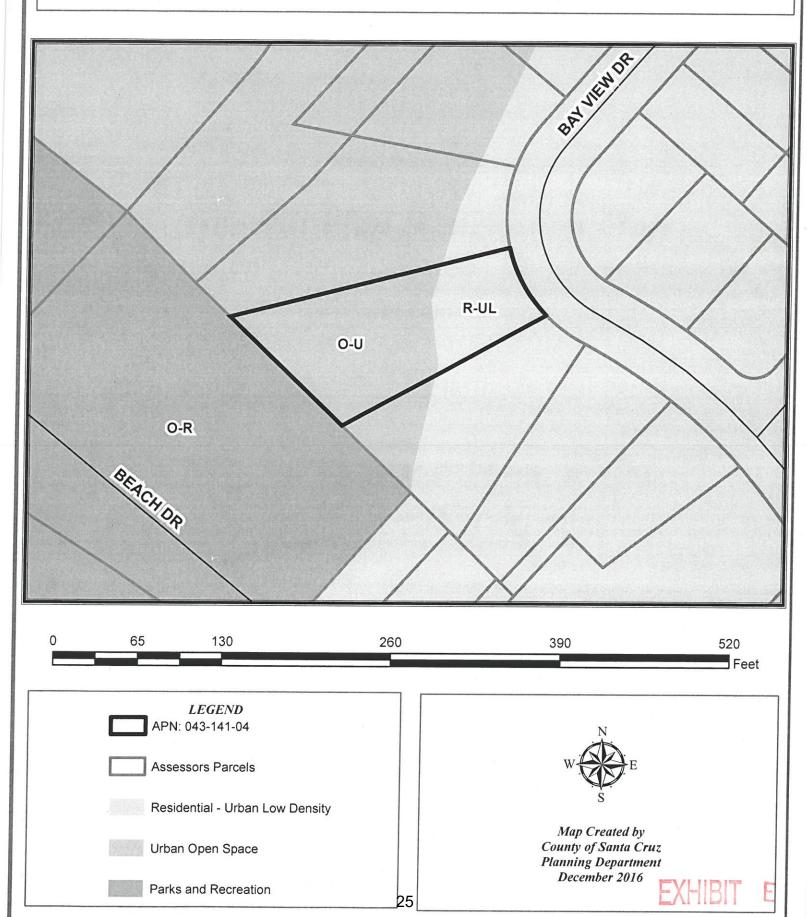


## Zoning Map





## General Plan Designation Map



Comments regarding:
The public hearing set for March 3, 2017
Application number **151249**The Thomason residence at 534 Bay View Drive Rio Del Mar, California

February 21, 2017

Dear Mr. Adams,

I will not be able attend the hearing on March 3 and, per your suggestion, would like to submit my written comments via email to be considered at the meeting.

As one of the two full time residential households most directly impacted by the long construction project across the street from me, I would be most grateful if the project were permitted to continue and finish. After nearly four years of noise, dust, a parade of workmen and their vehicles I am ready for this project to be completed.

Because I work at home I have lived with this project on a daily basis. However, I have never known the details relating to the project such as timelines and permits. I was not only surprised but dismayed to learn that a halt to the project was in place, especially after the two structures of concern are complete or nearly complete, further delaying finalization.

In spite of the inconveniences of the construction I feel that all the changes are tastefully done and are an asset to our neighborhood. Neither of the two structures in question is objectionable to me, and, in fact, they have no negative impact on views from my residence. The Thomasons and Tony, their contractor, have always been considerate regarding my concerns. I feel any further delay for this project, including the possible tear-out and rebuilding of the structures would far more negatively impact our corner of the neighborhood than letting this project go through to completion. Like the Thomasons, we are all ready to get on with enjoying our properties, quiet and dust free, as soon as possible.

Thank you for considering my input.

Kerry Van Stockum

529 Bay View Drive Rio Del Mar, California 95003