

Staff Report to the Zoning Administrator

Application Number: 171289

Applicant: Craycroft Design

Owner: Paul and Susan Sanders

APN: 060-021-17

Agenda Date: January 5, 2018

Agenda Item #: 1 Time: After 9:00 a.m.

Project Description: Proposal to construct a 315 square foot addition onto an existing single-family dwelling. Requires a Variance to reduce the required front yard setback from 30 feet to 24 feet in the R-1-20 zone district.

Location: Property located on the north side of Deer Path Road (2 Deer Path Road), approximately 140 feet east from the intersection with Graham Hill Road.

Supervisorial District: Fifth District (District Supervisor: Bruce McPherson)

Permits Required: Variance

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 171289, 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:	16,814 estimated square feet			
Existing Land Use - Parcel:	Single Family Dwelling			
Existing Land Use - Surrounding:	Suburban residential neighborhood			
Project Access:	Deer Path Road			
Planning Area:	Carbonera			
Land Use Designation:	R-UVL (Urban Very Low Residential)			
Zone District:	R-1-20 (Single Family Residential - 20,000 square feet minimum)			
Coastal Zone:	_ Inside X Outside			
Appealable to Coastal Comm.	Yes X No			

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Owner: Paul and Susan Sanders

Environmental Information

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

N/A

Fire Hazard:

Not a mapped constraint Mostly 0-15%, gentle slope

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

Slopes:

Less than 100 cubic yards

Tree Removal:

No trees proposed to be removed

Scenic: Drainage:

Not a mapped resource Preliminary plans accepted

Archeology:

No archeological report required (EP)

Services Information

Urban/Rural Services Line:

X Inside _ Outside

Water Supply:

Santa Cruz City Water Septic Disposal System

Sewage Disposal: Fire District:

Scotts Valley Fire Protection District

Drainage District:

None

History

The existing two-story residence was constructed in 1969 under building permit #14814. A dining room addition was completed in 1977 under building permit #52692. There were no discretionary approvals required in conjunction with these building permits.

Permit #B-113204 was issued 10/3/2011 to repair an electric service panel that had been damaged by a tree.

Project Setting

The property is located in a suburban residential neighborhood comprised of detached single family residences and accessory structures. The parcel is approximately 16,827 square feet and located on the north side of Deer Path Road, a private 50-foot right of way in the Pasatiempo subdivision. The irregular, narrow shaped parcel is less than 50 feet in depth along the majority of the property. The topography of the property gently slopes upward rom Deer Path Road.

The existing three bedroom, two bathroom single family dwelling is nonconforming to current site standards at the required front, rear and west side yard setbacks. The attached garage and eastern, front corner of the house are located approximately 15 feet from the front property line, which is less than the required 30 foot front yard setback. Additionally, the residence is located 10 feet from the rear and west side property lines, which is less than the required 15 foot front and rear yard setbacks; however, the setbacks were in compliance with the development standards in place at the time when the residence was constructed in 1969.

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Detailed Project Description

The proposed project includes an approximately 315 square foot addition, to be located on the front portion of the existing residence, 24 feet from the front property line and 31 feet from the west side property line. The proposed addition includes an updated front entry to the residence, expansion of the existing kitchen and family room, and a kitchen nook addition. The remodeled entry would include an uncovered brick porch, stairs and landing, which are permitted to encroach into the required front setback up to six feet per County Code Section 13.10.323(E)(1).

The proposed addition complies with the required setbacks with exception of the 30 foot front yard setback. A variance is required for the proposed addition and remodel. The dwelling is also subject to the non-conforming standards related to structural modifications.

Zoning & General Plan Consistency

The subject property is approximately 16,827 square feet in size, located in the R-1-20 (Single Family Residential - 20,000 square feet minimum) zone district, a designation which allows residential uses. The proposed dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UVL (Urban Very Low Density Residential) General Plan designation.

Non-Conforming Regulations

Structures lawfully erected prior to the adoption of the current Zoning Code that do not conform to current standards prescribed in the regulations for the zoning district are considered non-conforming structures. As such, modifications to the nonconforming structure are subject to the non-conforming regulations defined in County Code Section 13.10.260 et. seq. Nonconforming structures are permitted to be modified or replaced up to 65 percent or less of the major structural components within any consecutive five-year period. The extent of alterations to major structural components is calculated in accordance with Administrative Guidelines adopted by resolution of the Board of Supervisors. A structural modification worksheet was submitted as part of this application indicating that 18 percent of the structural components of the existing residence will be altered or replaced as a part of the proposed project.

Variance

The existing residence is located as close as 15 feet from the front property line at the attached garage and 10 feet from the rear and western side property lines. It was constructed prior to the adoption of current site standards, perhaps when a minimum front yard setback of 30 feet was required from the edge of the roadway rather than the edge of the right-of-way. The narrow shape of the parcel, as well as a drainage easement that bisects the parcel, precludes any additions to the eastern portion of the residence. The proposed addition is to the front, southern portion of the residence and does not encroach further into the required 30 foot front yard setback by more than the existing house and attached garage. The configuration of the parcel constitutes a special circumstance that would deprive the property owner of development otherwise meeting the allowed floor area and privileges enjoyed by other property within the vicinity and this zone district.

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Environmental Review

A preliminary determination has been made that the project is exempt from the California Environmental Quality Act and a notice of exemption has been attached as Exhibit A.

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 171289, 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: Elizabeth Hayward

Santa Cruz County Planning Department

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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: 171289

Assessor Parcel Number: 060-021-17
Project Location: 2 Deer Path Road, Santa Cruz, CA
Project Description: Proposal to construct a 315 square foot addition at an existing nonconforming single-family dwelling. Requires a Variance to reduce the required front yard setback from 30 feet to 24 feet in the R-1-20 zone district.
Person or Agency Proposing Project: Craycroft Design
Contact Phone Number: 831-427-3048
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: Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)
F. Reasons why the project is exempt:
Addition to an existing single family dwelling in an area designated for residential uses.
In addition, none of the conditions described in Section 15300.2 apply to this project.
Date:
Elizabeth Hayward, Project Planner

Owner: Paul and Susan Sanders

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 to an existing dwelling 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-1-20 (Single Family Residential - 20,000 square feet minimum) zone district as the primary use of the property will be one dwelling. The proposed addition meets all current site standards for the zone district with the exception of the required front setback. Where the project does not meet the required setback, variance findings are attached.

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-UVL (Urban Very Low Density Residential) land use designation in the County General Plan.

The proposed addition to an existing dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. Excepting the proposed reduced front yard setback, the proposed addition 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 it will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed addition to an existing dwelling 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). The project is located on a rural parcel and with the approval of a Variance for a reduced front yard setback, 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.

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4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed addition will be constructed on an existing residentially developed lot. The expected level of traffic generated by the proposed project is not anticipated to change as a result of the remodel and addition and will therefore not adversely impact existing roads or intersections in the surrounding area.

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 dwelling 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.

This finding can be made, in that the proposed dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties 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 existing residence is located approximately 15 feet from the front property line and was constructed at a time when the current site standards did not apply to the development. The irregular, narrow shape of the parcel, as well as the drainage easement that bisects the parcel, impedes an addition to the eastern portion of the dwelling. These special circumstances will deprive the property of development otherwise meeting the allowed floor area and privileges enjoyed by other properties within the vicinity and this zone district.

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 existing dwelling is approximately 15 feet from front property line. The addition will be located on the front, southern portion of the residence and will be set back 24 feet from the edge of the right of way, therefore the addition will not encroach any further into the front yard setback than the existing structure. The addition will not impede sight distance or impair vehicle safety. The improvements will not be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the vicinity.

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 the neighboring properties in the vicinity of the project site are developed with single family residences that were constructed prior to current site standards and also do not meet required yard setbacks as established in the current Zoning Ordinance. Therefore, it would not be a grant of special privilege to allow the construction of an addition that encroaches further into the front yard setback. Residences in the vicinity were constructed under similar circumstances.

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Conditions of Approval

Exhibit D: Project plans, four sheets, prepared by Craycroft Design, dated October 4, 2017.

- I. This permit authorizes the construction of an addition to and existing single family dwelling 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, as required.
 - 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. 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.

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- 3. Grading, drainage, and erosion control plans, as required.
- 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 of the Environmental Planning section of the Planning Department.
- E. Meet all requirements and pay any applicable plan check fee of the Scotts Valley Fire Protection District, as required
- 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. 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.

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- 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.

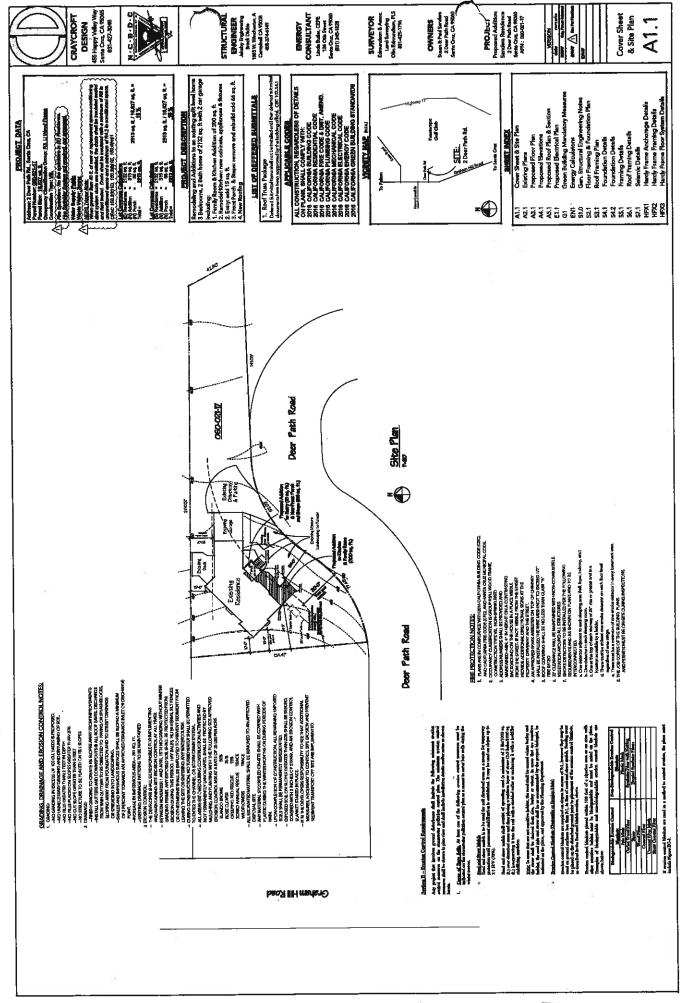
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

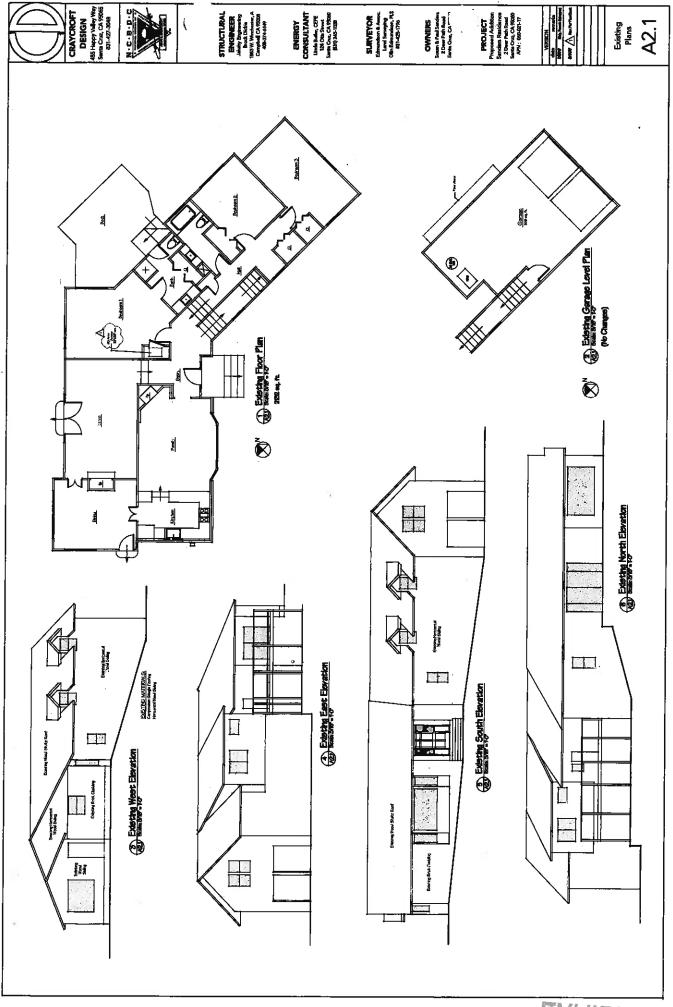
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures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

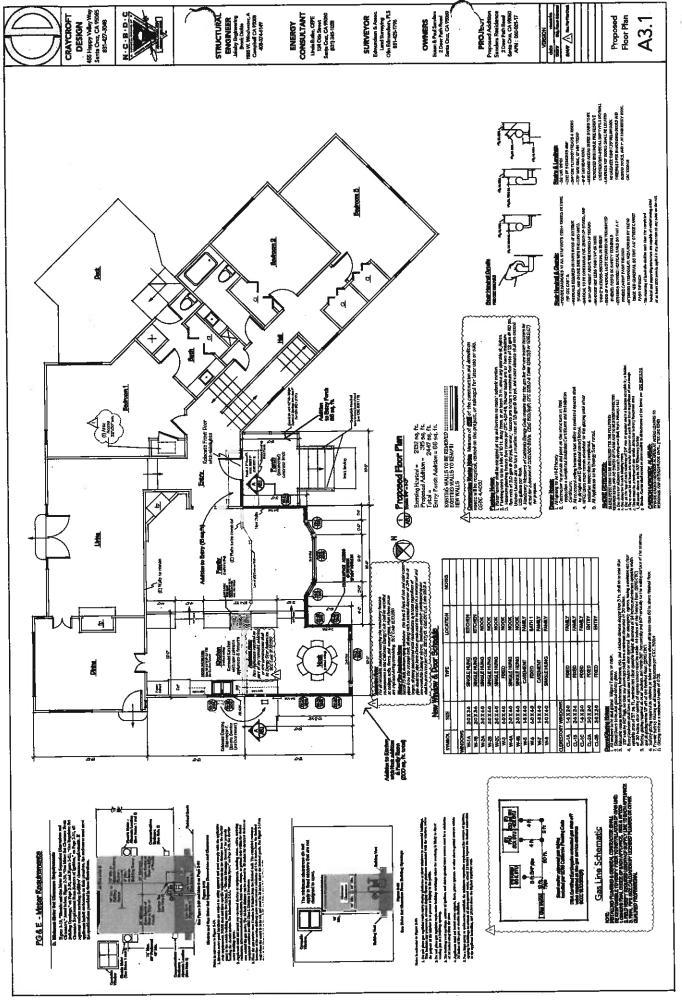
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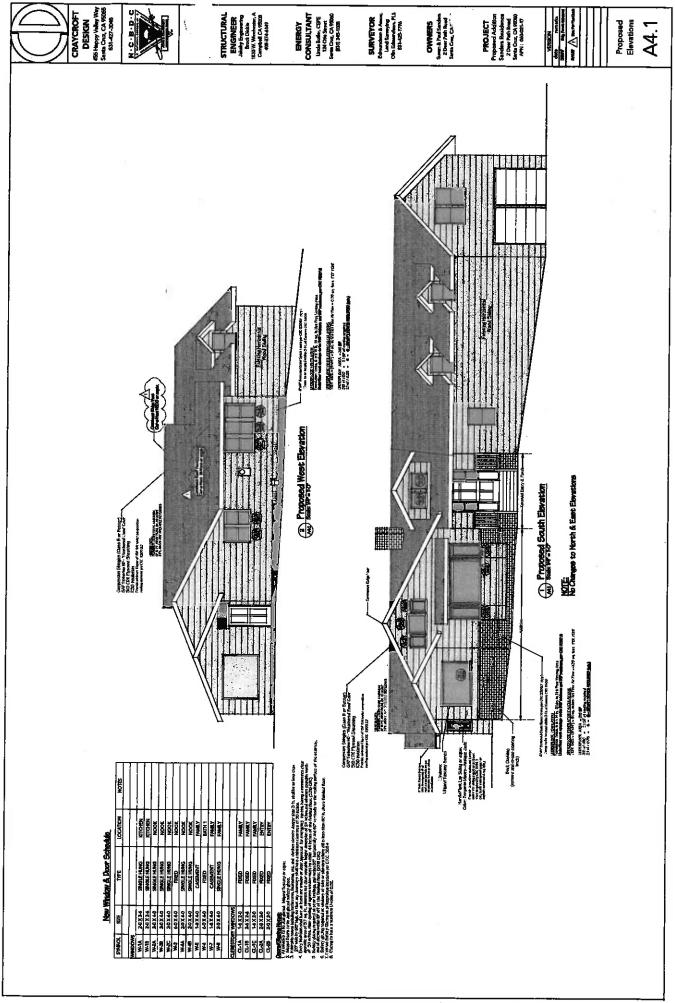
Approval Date:	 <u> </u>	
Effective Date:	 at .	
Expiration Date:		

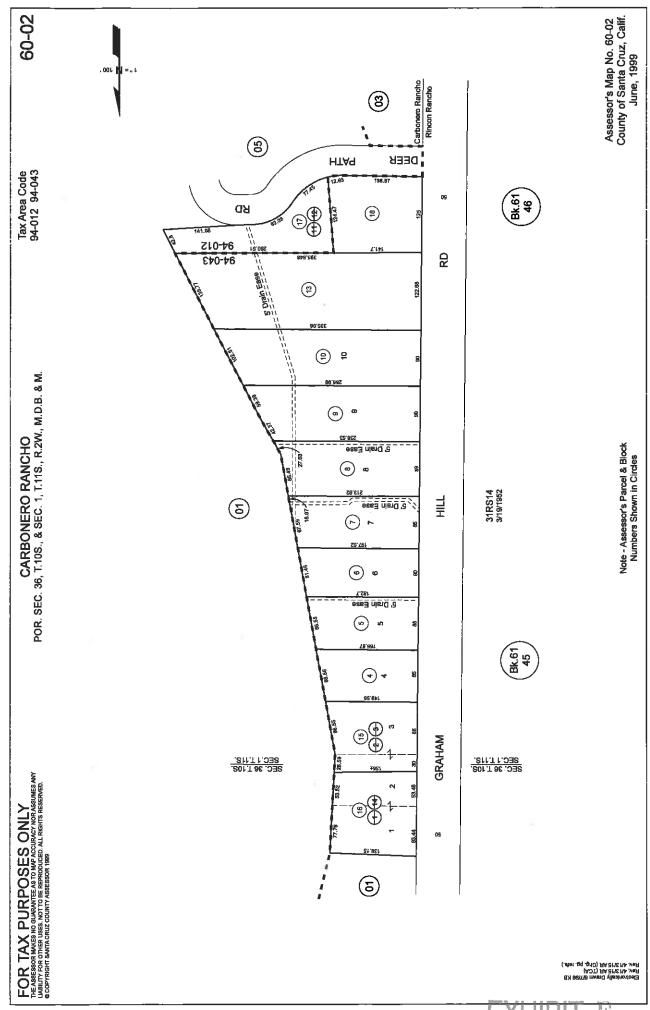
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.









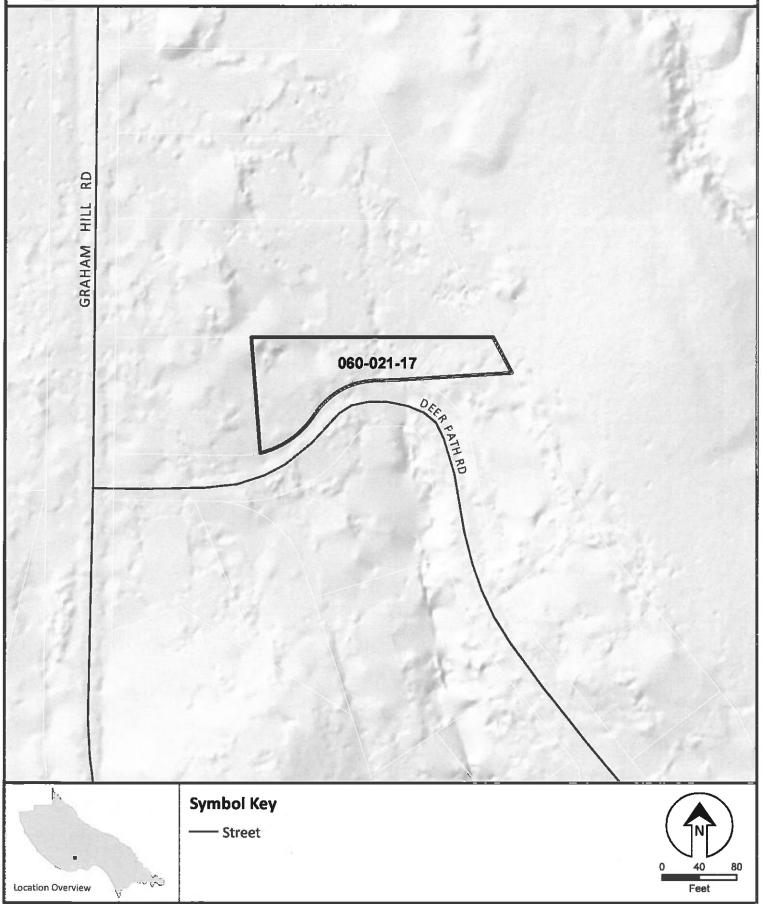




Parcel Location Map

Santa Cruz County Planning Department

Parcel Number 060-021-17 Dec. 27, 2017

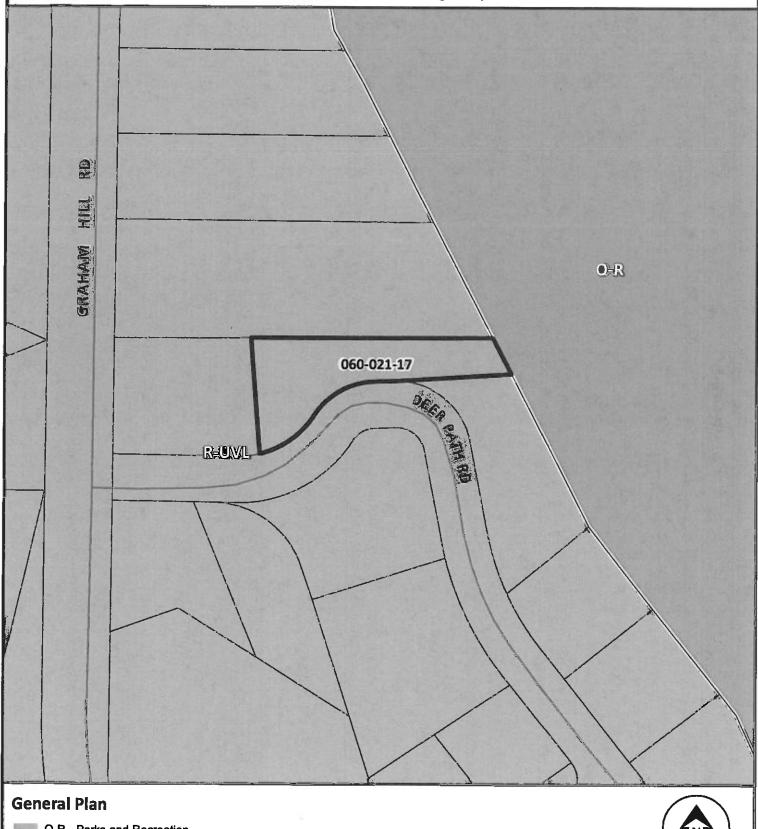




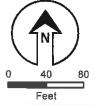
Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number 060-021-17 Dec. 27, 2017



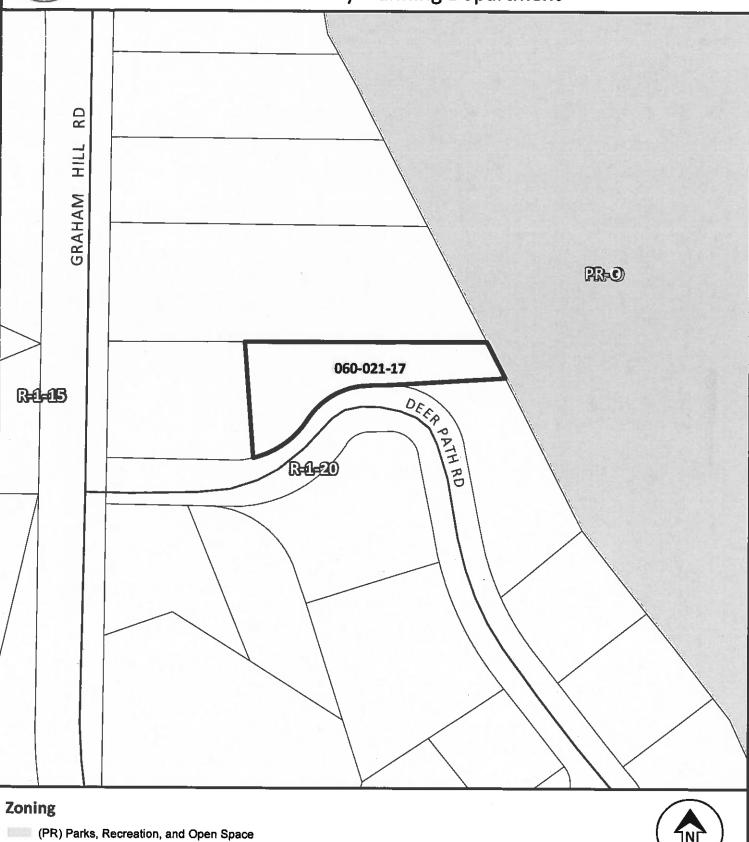
- O-R Parks and Recreation
- R-UVL Residential Urban Very Low Density



Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number 060-021-17 Dec. 27, 2017



(R-1) Single-Family Residential

