

## Staff Report to the Zoning Administrator

Application Number: 181035

Applicant: Leonard Willis Owner: Nicholas Delauder

**APN:** 107-101-06

Site Address: 715 Browns Valley Road

Agenda Date: October 5, 2018

Agenda Item #: 2 Time: After 9:00 a.m.

**Project Description**: Proposal to construct a residential addition consisting of a carport on the first floor and a bedroom and bathroom on the second floor on property located in the SU zone district. Requires a Variance to reduce the required 20 foot front yard setback to 0 feet (to the edge of the vehicular right of way) and to reduce the required off-street parking from 3 spaces to 2 spaces.

Location: Property located on the north side of Browns Valley Road at 715 Browns Valley

Road

Permits Required: Variance

Technical Reviews: Archaeologic Review, Soils Report Review

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

#### **Staff Recommendation:**

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

Approval of Application 181035, based on the attached findings and conditions.

#### **Project Description & Setting**

The subject property is located on the west side of Browns Valley Road in the Eureka Canyon planning area. The subject parcel slopes upward from the roadway. The property is improved with an existing dwelling that is located at the edge of the vehicular right of way of Browns Valley Road. The Browns Valley Road right of way is 40 feet wide along the property frontage and the actual distance from the residence to the improved roadway is approximately 30 feet. The surrounding neighborhood is developed with rural residential home sites.

This application is a proposal to construct a residential addition above the existing parking area and an open carport below. The proposed addition would be approximately 464 square feet in area and would contain an additional bedroom and bathroom.

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 APN: 107-101-06 Owner: Nicholas Delauder

The proposed addition would be located within the required 30 foot front yard setback. The construction of structures within required yard setbacks requires a variance approval, unless otherwise exempted by County Code. Additionally, a parking variance is required due to lack of available parking located outside of the vehicular right of way of Browns Valley Road.

#### Zoning & General Plan Consistency

The subject property is an approximately 25,000 square foot lot, located in the SU (Special Use) zone district, a designation which allows residential uses when associated with with a residential General Plan land use designation. The proposed addition is a permitted use within the zone district and the residential project is consistent with the site's R-M (Mountain Residential) General Plan designation.

#### Setback Variance

A variance to the front yard setback is required because the existing residence is located adjacent to the vehicular right of way of Browns Valley Road (within the required 30 foot front yard setback) and the proposed addition would be located adjacent to the existing residence (within the front yard setback). This would result in new construction located at the edge of the vehicular right of way of Browns Valley Road (as close as 0 feet from the edge of right of way to the building eave).

The minimum required front yard setback for the SU zone district is 30 feet from the front property line or edge of right of way for a parcel of this size.

The subject property is sloped steeply upward from the roadway and the existing residence is located within the required front yard setback. In this case, the right of way is located well upslope from the improved roadway of Browns Valley Road.

The slope up from from Browns Valley Road, the location of the improved roadway within the road right of way, and the location of the existing residence are the special circumstances affecting the subject property. Due to the presence of these special circumstances, the variance request is considered as reasonable and appropriate. The variance will allow the construction of a residential addition of similar size and design that could be approved on other properties within the surrounding rural residential neighborhood and will not result in a grant of special privilege.

#### Parking Variance

A parking variance is required because a bedroom is being added and there will only be off street parking for two vehicles where three parking spaces would be required.

The subject property is sloped steeply upward from the roadway and the existing residence is located within the required front yard setback. In this case, edge of the right of way is located well upslope from the improved roadway of Browns Valley Road. Adequate space for additional parking is located within the unused portions of the Browns Valley Road right of way.

The slope up from Browns Valley Road, the location of the improved roadway within the road right of way, and the location of the existing residence are the special circumstances affecting the

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APN: 107-101-06 Owner: Nicholas Delauder

subject property. Due to the presence of these special circumstances, the variance request is considered as reasonable and appropriate. The variance will allow the construction of a residential addition of similar size and design that could be approved on other properties within the surrounding rural residential neighborhood and will not result in a grant of special privilege.

#### Scenic Resources

The subject property is located within the viewshed of Browns Valley Road, which is designated as a scenic roadway in the County General Plan. The proposed addition will be of the same architectural style as the existing residence (with matching colors and materials) and as a result will not impact scenic resources along Browns Valley Road.

#### 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 181035, 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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#### **Exhibits**

Categorical Exemption (CEQA determination) A.

- В.
- Findings Conditions C.
- Project plans D.
- Assessor's, Location, Zoning and General Plan Maps E.
- Parcel information F.
- Comments & Correspondence G.

## 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.

* *	Number: 181035 cel Number: 107-101-06	
	tion: 715 Browns Valley Road	
Project Description: Construct a residential addition (bedroom above and garage below)		
Person or Agency Proposing Project: Leonard Willis		
Contact Pho	ne Number: 831-426-8444	
A B	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).	
с	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. <u>X</u>	Categorical Exemption	
Specify type:	Class 3 - New Construction or Conversion of Small Structures (Section 15303)	
F. Reaso	ons why the project is exempt:	
Construct a re	esidential addition in an area designated for residential uses.	
In addition, n	one of the conditions described in Section 15300.2 apply to this project.	
	Date:	
Randall Adar	ns, 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 front yard setback from 30 feet to 0 feet and a reduction on required off-street parking from 3 spaces to 2 spaces are recommended in order to allow the construction of a residential addition on the subject property. The steep slope up from Browns Valley Road, the location of the improved roadway within the road right of way, and the location of the existing residence 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 variances will allow a residential addition to be constructed and maintained 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 residential uses and structures similar to the structure that is proposed. Therefore, it would not be a grant of special privilege for the variances to be authorized and the residential use will be 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 ensure 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 residential addition and the conditions under which the residential use would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the SU (Special Use) zone district as the primary use of the property will be residential. Variance findings have been made which will allow deviation from zone district site and parking 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 existing residential use is consistent with the use and density requirements specified for the R-M (Mountain Residential) 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 addition is to be constructed onto an existing single family dwelling. The expected level of traffic generated by the proposed project is anticipated to remain at only one peak trip per day (1 peak trip per dwelling unit). No notable increase in traffic generation or utilities consumption 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 existing structure is located in a mixed rural residential neighborhood containing a variety of architectural styles, and the proposed addition 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 addition will be of an appropriate scale and type of design that will be compatible with the architectural style of the existing residence and will not reduce or visually impact available open space in the surrounding area.

#### **Conditions of Approval**

Exhibit D: Project plans "Delauder Residence Addition", prepared by Redwood Engineering, revised 5/22/18.

- I. This permit authorizes the construction of a(n) addition 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.
- 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 Zone 7 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 Pajaro Valley Fire Protection District.
- F. Pay the current fees for Parks and Child Care mitigation for 1 bedroom(s). Currently, these fees are, respectively, \$578 and \$109 per bedroom.
- G. Provide required off-street parking for 2 cars (as indicated on the approved Exhibit "D"). Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- H. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction 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.

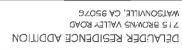
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures 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:	8
Expiration Date:	: <del></del> -
	Jocelyn Drake Deputy Zoning Administrator

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.



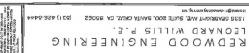


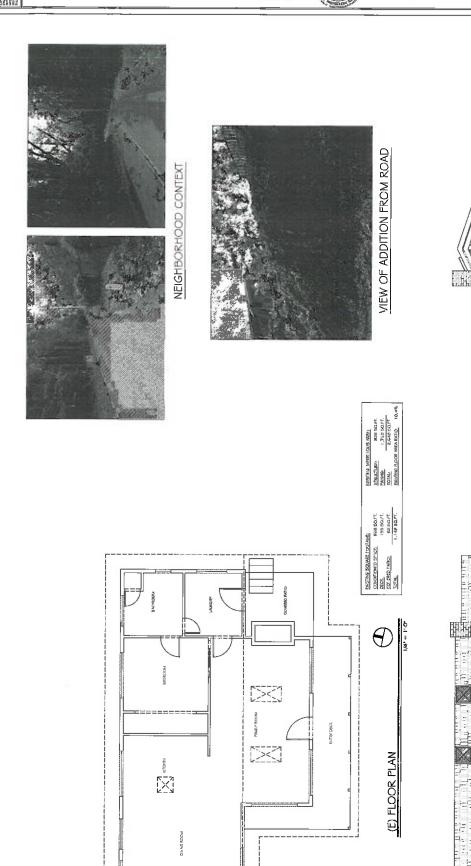


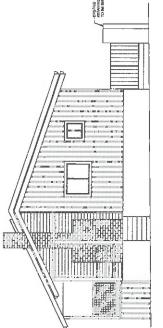




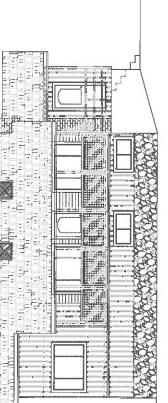






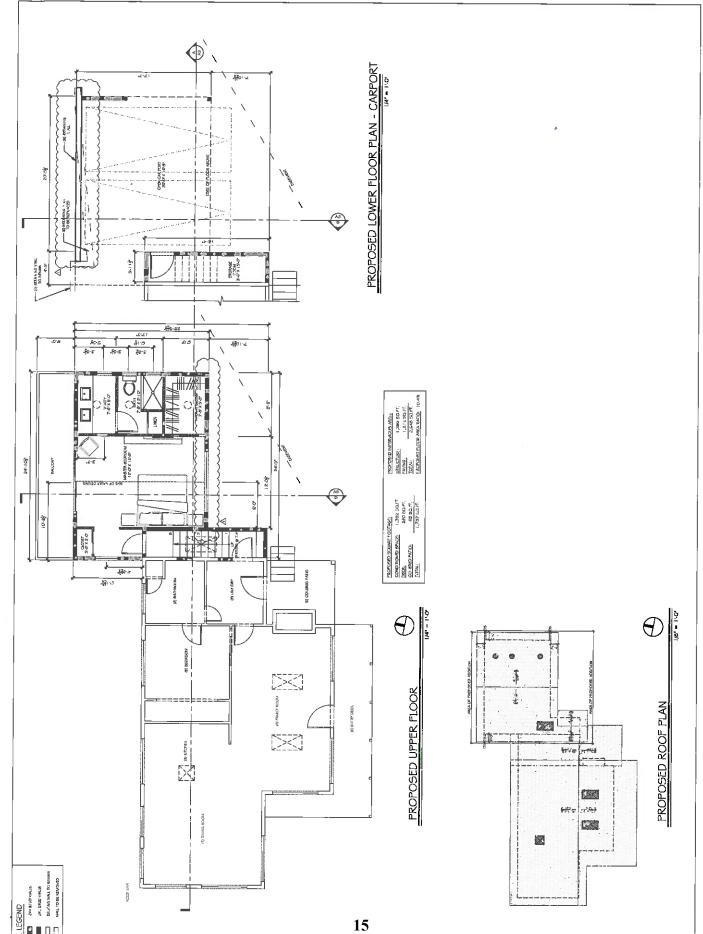


(E) EAST ELEVATION

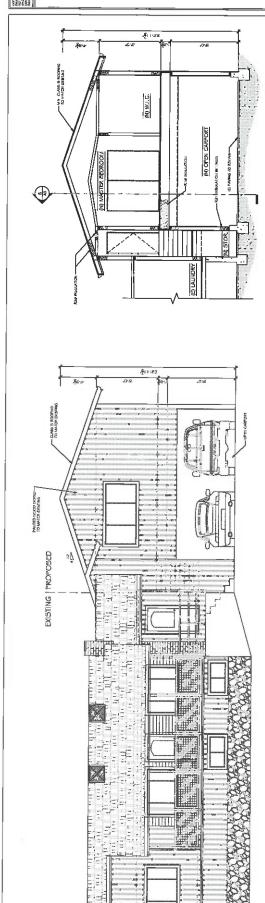


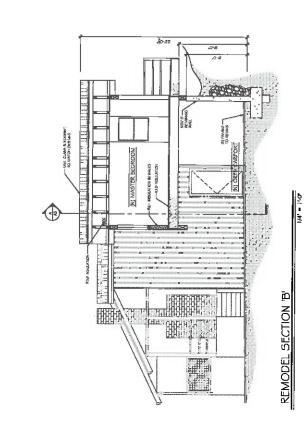


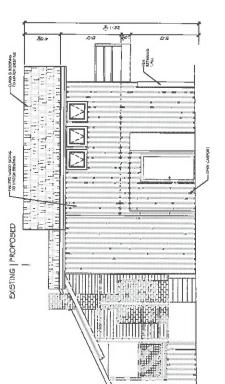
(E) FRONT ELEVATION



REMODEL SECTION 'A'



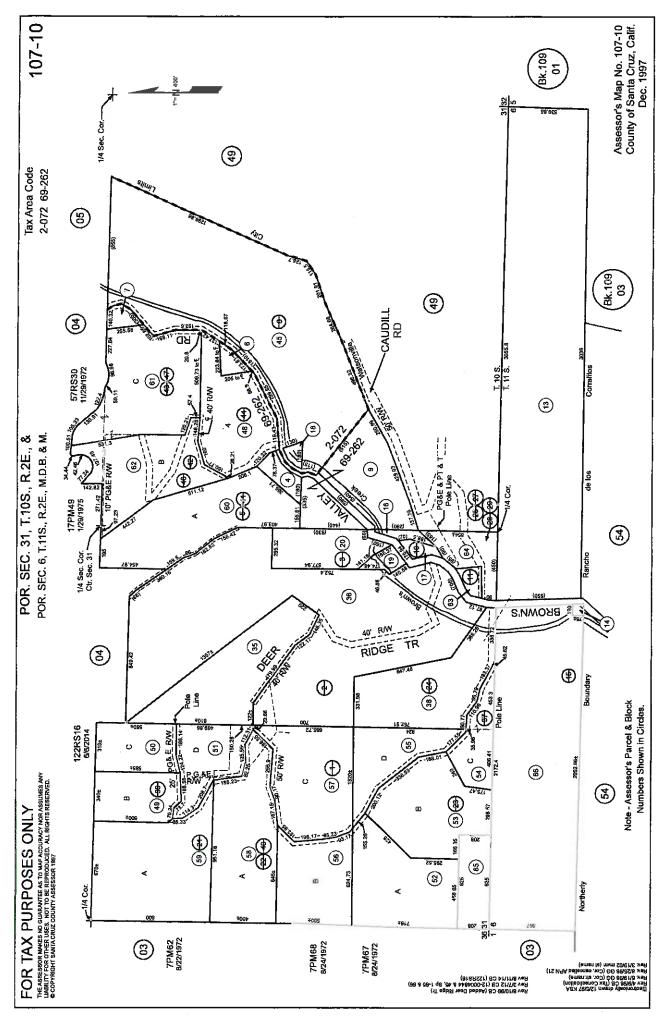




PROPOSED EAST ELEVATION

PROPOSED FRONT ELEVATION



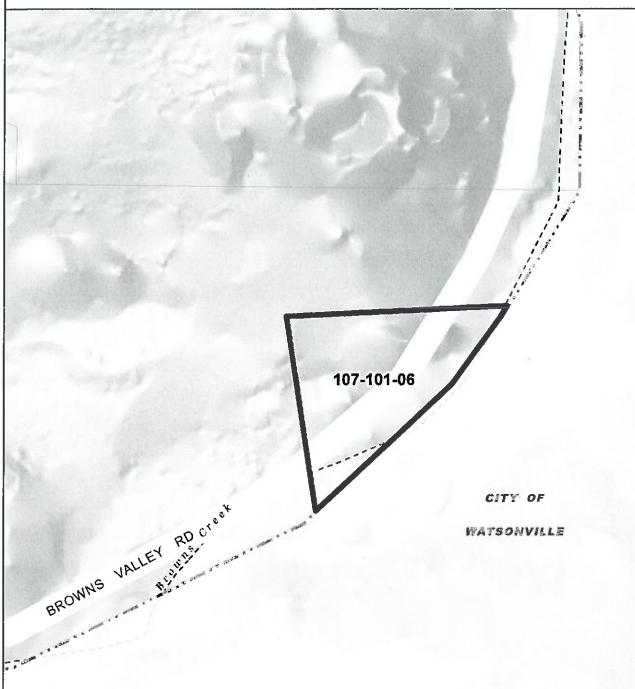




### SANTA CRUZ COUNTY PLANNING DEPARTMENT

### **Parcel Location Map**





Parcel: 10710106

Study Parcel

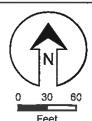
Assessor Parcel Boundary

City Limits

Map printed: 17 Aug. 2018





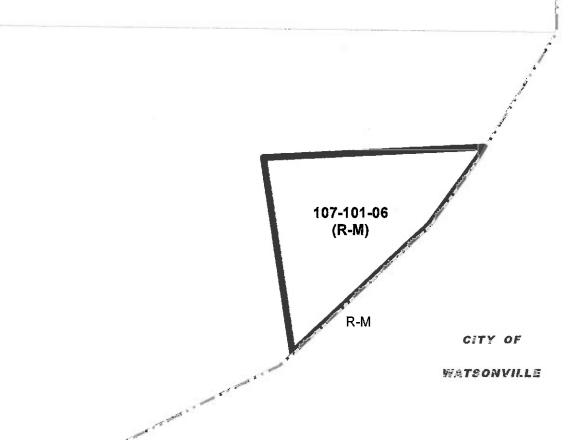




### SANTA CRUZ COUNTY PLANNING DEPARTMENT

### Parcel General Plan Map





R-M Residential Mountain

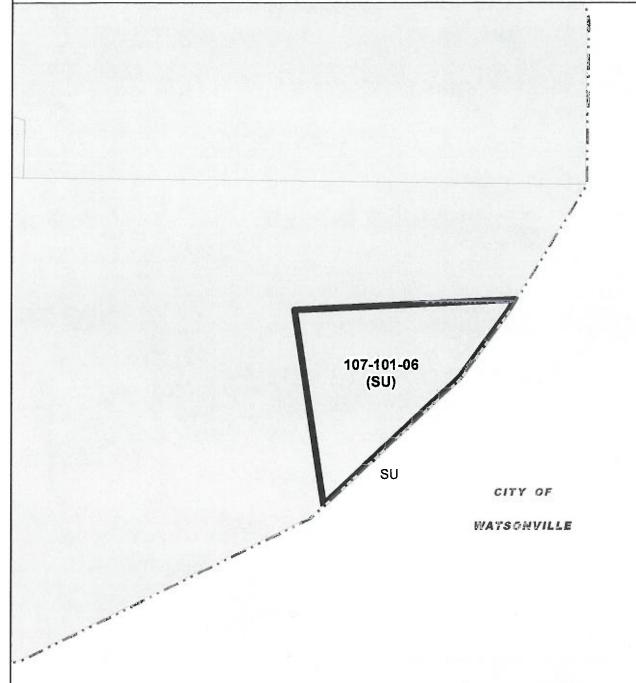




### SANTA CRUZ COUNTY PLANNING DEPARTMENT

### **Parcel Zoning Map**





SU Special Use





#### **Parcel Information**

#### **Services Information**

Urban/Rural Services Line: \_\_\_ Inside \_\_X\_ Outside

Water Supply: Well Sewage Disposal: Septic

Fire District:

Drainage District:

Pajaro Fire Protection District

Zone 7 Flood Control District

#### Parcel Information

Parcel Size: 25,308 square feet

Existing Land Use - Parcel: Single family residential

Existing Land Use - Surrounding: Rural residential neighborhood

Project Access: Browns Valley Road

Planning Area: Eureka Canyon
Land Use Designation: R-M (Mountain Residential)

Zone District: SU (Special Use)

Zone District: 50 (Special Use)

Coastal Zone: \_\_\_ Inside \_\_X\_ Outside

#### **Environmental Information**

Geologic Hazards: Soils report with slope stability analysis completed

Fire Hazard: Not a mapped constraint

Slopes: 15-30+%

Env. Sen. Habitat: Not mapped/no physical evidence on site

Grading: No grading proposed

Tree Removal: No trees proposed to be removed

Scenic: Browns Valley Road is a designated scenic roadway

Archeology: Archaeological report reviewed - no resources identified



# [831] 426-8444

February 21, 2018

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor Santa Cruz, CA 95060

Reference:

**DeLauder Residence** 

715 Browns Valley Road, Corralitos, CA 95076

A.P.N.: 107-10-106

To Whom It May Concern,

Regarding the proposed development of the existing residential parcel listed above, Redwood Engineering provides the following information:

Homeowners are requesting a variance for front yard setback to reduce the required setback from 20' to zero. This is due to an existing road easement for Browns Valley Road that cuts through their property, yet does not follow the actual roadbed. The homeowners would like to construct an addition that as proposed will extend to the edge of the easement (approximately 30 feet from the edge of paved roadbed). This is the only flat area left on the parcel that is available for development. The proposed addition will be located at an area that is currently paved parking; no new grading is proposed. Design plans to relocate the existing septic tank and leachfield have been approved by Environmental Health. A Geotechnical Report has been prepared and is included with this application package.

If you have any further questions or comments, please do not hesitate to contact me.

Leonard Willis, PE Redwood Engineering

W

CA PE #62076, exp. 9-30-2019