

**Applicant:** Brett Brenkwitz **Agenda Date:** May 19, 2023

Owner: Bret & Carol Sisney
APN: 040-022-27
Agenda Item #: 4
Time: After 9:00 a.m.

Site Address: 100 De Bernardo Lane, Aptos 95003

**Project Description**: Proposal to construct a 189 square foot addition to an existing 5,459 square

Application Number: 231112

foot single-family dwelling. Requires a Large Dwelling Permit.

**Location**: 100 De Bernardo Lane, Aptos 95003

**Permits Required**: Residential Development Permit

**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 231112, based on the attached findings and conditions.

# **Project Description & Setting**

The subject property is located on the north side De Bernardo Lane in the Soquel planning area of Aptos. The residence is located in a rural residential neighborhood with predominantly large two-story dwellings that range from 4,000 to 7,000 square feet in size.

Santa Cruz County Code 13.10.325(A) states, "No residential structure shall be constructed which will result in 5,000 square feet of floor area or larger, exclusive of accessory structures associated with the residential use, unless a Level V approval is obtained..." The proposed addition will result in 5,648 square feet of floor area; therefore, a Large Dwelling Review is required.

# **Project Background**

The residence was constructed in 1998 as a two-story, 5,459 square foot single-family dwelling under permit 97-0117. In 1997, County Code required a Large Dwelling Review for residential structures over 7,000 square feet. In 2017, County Code changed the Large Dwelling Review threshold from 7,000 square feet to 5,000 square feet.

# **Zoning & General Plan Consistency**

County of Santa Cruz - Community Development & Infrastructure - Planning Division 701 Ocean Street, 4th Floor, Santa Cruz CA 95060

APN: 040-022-27 Owner: Bret & Carol Sisney

The subject property is a 1.71 acre lot, located in the RA (Residential Agricultural) zone district, 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-R (Rural Residential) General Plan designation.

# **Large Dwelling Review**

The proposed addition (of approximately 189 square feet) would result in a structure that is over 5,000 square feet of floor area (total of approximately 5,648 square feet). Single family dwellings (or additions to existing single family dwellings) over 5,000 square feet are subject to a Residential Development Permit Large Dwelling Review.

# **Design Review**

The proposed addition complies with the requirements of the County Design Review Ordinance, in that the proposed addition will be consistent with the architectural style, colors, and materials of the existing residence and the structure will be adequately screened from view to prevent visual impacts of the proposed development on surrounding land uses and the natural landscape. The proposed addition will be painted to match the exterior of the existing residence.

### 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 **231112**, 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 Division, 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.sccoplanning.com">www.sccoplanning.com</a>

Report Prepared By: Michael Lam

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

Phone Number: (831) 454-3371

Owner: Bret & Carol Sisney

E-mail: Michael.Lam@santacruzcounty.us

# **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Comments & Correspondence (only if comments/correspondence are attached)

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Division 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: 231112

Assessor Parcel Number: 040-022-27

Project Location: 100 De Bernardo Lane, Aptos 95003
Project Description: Proposal to construct a 189 square foot addition to an existing 5,459 square foot single-family dwelling.
Person or Agency Proposing Project: Brett Brenkwitz
Contact Phone Number: (831) 662-8800
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. <u>Ministerial Project</u> 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:
Construct 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:
Michael Lam, Project Planner

Owner: Bret & Carol Sisney

# **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 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 RA (Residential Agricultural) zone district as the primary use of the property will be one dwelling unit that meets all current site standards for the zone district.

The project will comply with the requirements of County Code section 13.10.325 regarding large dwelling review, in that the existing residence and proposed additions are compatible with the architectural character and pattern of development in the surrounding urban residential neighborhood; the construction will not involve excessive grading or substantial modification of the existing topography; the proposed addition will be compatible with the architectural style, colors and materials of the existing residence.

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 addition is consistent with the use and density requirements specified for the R-R (Rural 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 RA 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.

Owner: Bret & Carol Sisney

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 will not change the level of traffic generated by the dwelling, so it will 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 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 enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Owner: Bret & Carol Sisney

# **Conditions of Approval**

Exhibit D: Project plans, prepared by Bret Brenkwitz, dated March 2, 2023.

- I. This permit authorizes the construction of an 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 Santa Cruz County Planning 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 Santa Cruz County Planning 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.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by Santa Cruz County Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with Santa Cruz County Planning. 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 Santa Cruz County Planning 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.

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- B. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
  - 1. The discretionary application has not been reviewed for compliance with Part 3 of the County Design Criteria. Prior to issuance of a building, grading, or other permit, final Stormwater Management documents shall be submitted for review and approval by Stormwater Management Section that adhere to the County Design Criteria and County Code 7.79.
  - 2. Pre-development runoff patterns and rates shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
  - 3. New and/or replaced impervious and/or semi-impervious surface area shall not exceed 5,000 square feet.
- C. Meet all requirements of the Soquel Creek Water District. Proof of water service availability is required prior to application for a Building Permit.
- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- E. Meet all requirements of the Environmental Planning section of Santa Cruz County Planning.
- F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- G. Pay the current fees for Parks mitigation. Currently, these fees are \$0.55 per square foot for single family dwellings.
- H. Pay the current fees Child Care mitigation. Currently, these fees are \$0.74 per square foot for additions to single family dwellings.
- I. Pay the current fees for Roadside and Transportation improvements for four bedrooms.
- J. Provide required off-street parking for three 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.
- K. 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

Owner: Bret & Carol Sisney

# 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. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or

Application #: 231112 APN: 040-022-27 Owner: Bret & Carol Sisney

proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.

- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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>. The "applicant/owner" shall include the applicant and/or the owner and the successor'(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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:	May 19, 2023	
Effective Date:	June 2, 2023	
Expiration Date:	June 2, 2026	

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.

THE FOLLOWING CODES ARE IN EFFECT:
-2022 CALIF. BLDG. CODE (CBC)
-2022 CALIF. FIRE CODE (CFC)
-2022 CALIF. PLUMBING CODE (CPC)
-2022 CALIF MECH. CODE (CMC)
-2022 CALIF. ELEC. CODE (CEC)
-2022 CALIF. ELEC. CODE (CEC)
-2022 CALIF. ENERGY STANDARDS
-2022 CALIF. RESIDENTIAL CODE (CRC)
-COUNTY OF SANTA CRUZ REQUIREMENTS

-PROPOSED LOT COVERAGE: 5,200 SF/ 76,646= 6.8 % (MAX 10%)

5,200 + - SF

TOTAL:

HOUSE HEATED: 2,606 SF HOUSE UNHEATED: 10 SF 3-CAR GARAGE: 970 SF 2-CAR GARAGE: 648 SF POOL EQUIP. ROOM: 192 SF NEW ADDITION: 189 SF COVERED PATIO: 585 SF

FAR FOR LARGE DWELLING: SEE A-2

11

BUILDING CONST: TYPE V-B, SPRINKLERED R-3 OCCUPANCY

PROJECT NOTES

NTS

 $\mathcal{C}$ 

OWNERS:

BRET AND CAROL SISNEY 100 DE BERNARDO LN. APTOS, CA 95003 (408) 519-8329

ARCHITECT:

FRANKS & BRENKWITZ, LLP PO BOX 597 APTOS, CA 95001 (831) 662-8800

PROJECT DATA

SLN

2

OF 9 SHEETS

SHEET INDEX

NTS

SCALE:

SHEET NO.

DATE: 3-2-23

# SITE PLAN EXISTING LOWER FLOOR PLAN EXISTING UPPER FLOOR PLAN PROPOSED LOWER FLOOR PLAN EXISTING ELEVATIONS PROPOSED ELEVATIONS PROPOSED SECTION/ COLORS & MATERIALS PROPOSED ROOF PLAN

A-1 A-2 A-3 A-4 A-5 A-6 A-7 A-7 A-9

# 040--027-27 SIZNEX BEZIDENCE

TOTAL PROPOSED ADDITION: 189 SQ. FT.

LOT COVERAGE:

FAMILY ROOM ADDITION/ REMODEL KITCHEN REMODEL

PROPOSED PROJECT:

LOT SIZE: 1.7 ACRE

ZONING:

ADDRESS: 100 DE BERNARDO LN., APTOS, CA

PARCEL #: 040-022-27

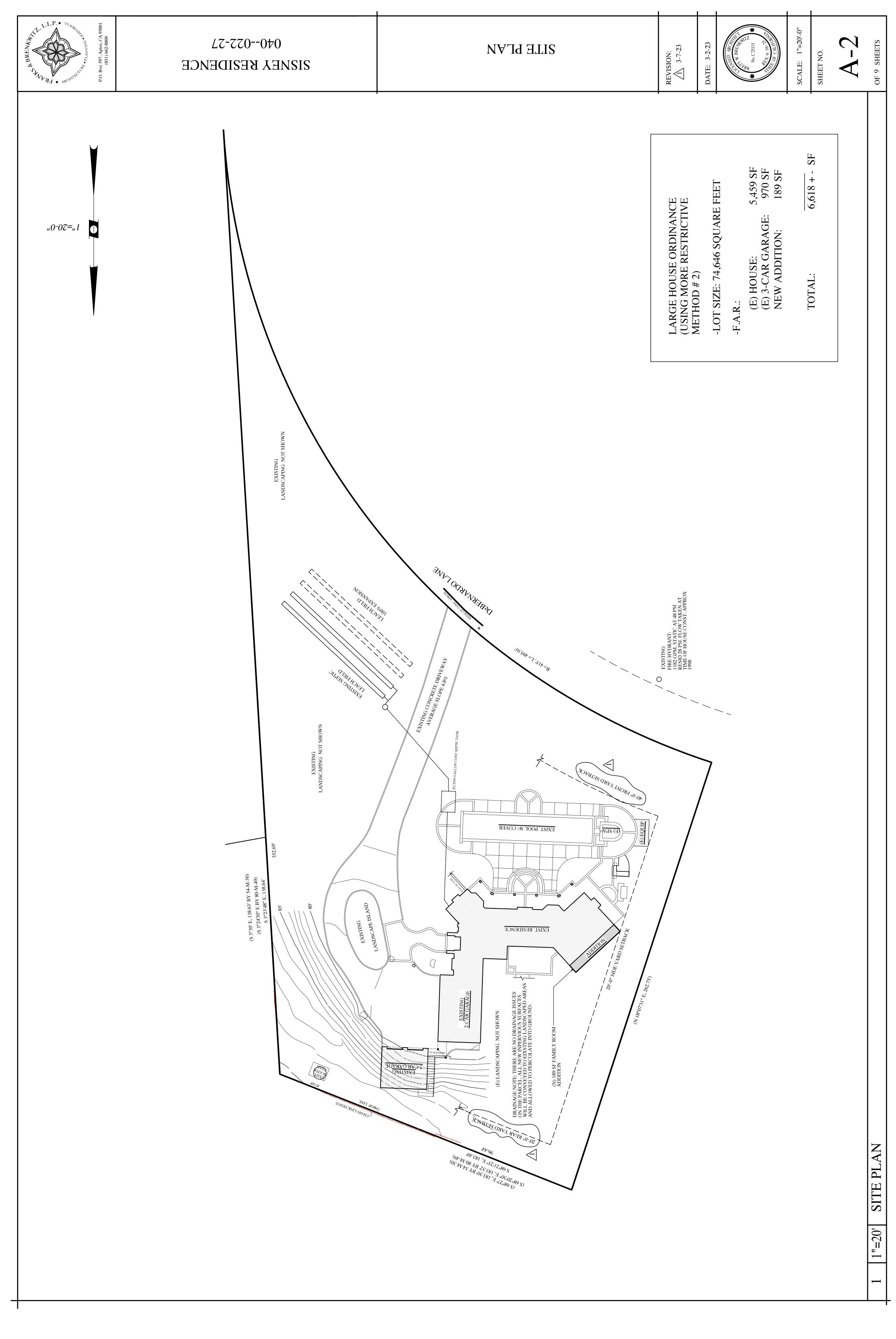
PROJECT LOCATION

Porter Gulch Rd

100 De Bernardo Ln, Aptos, CA 95003

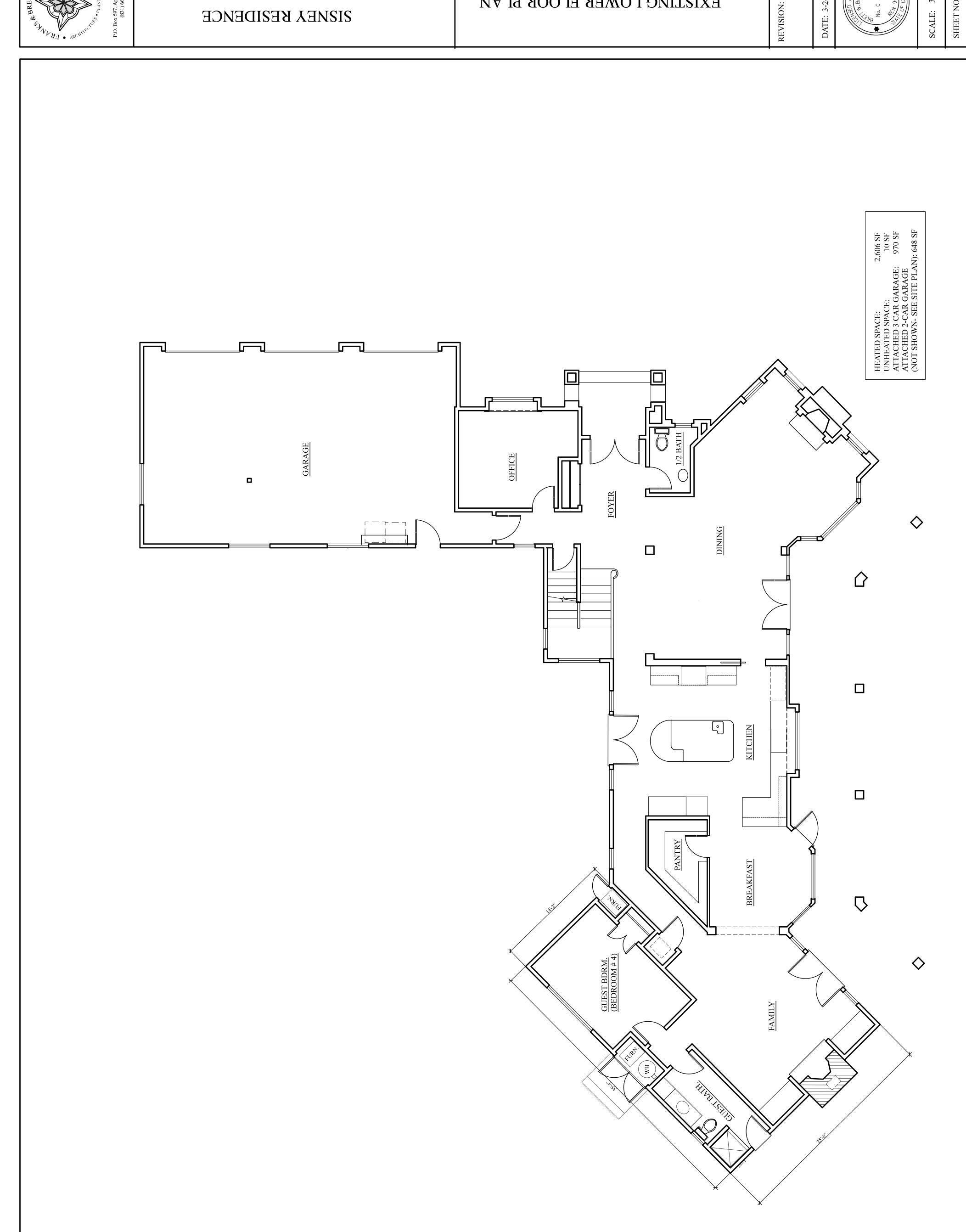
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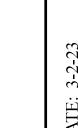
040--027-27

SIZNEX BEZIDENCE



LOWER FLOOR PLAN

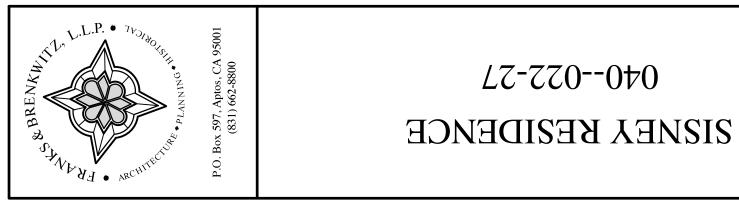
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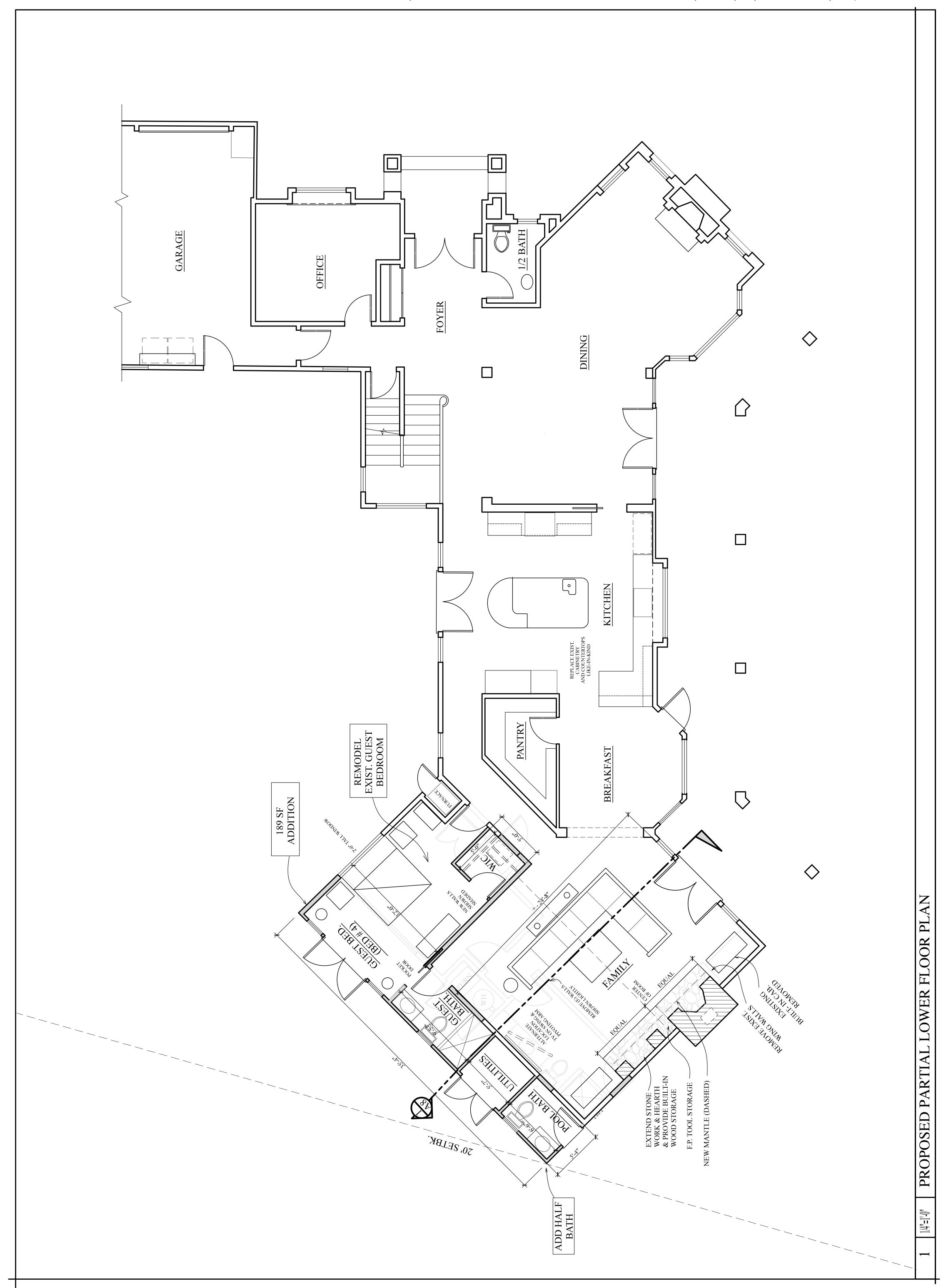


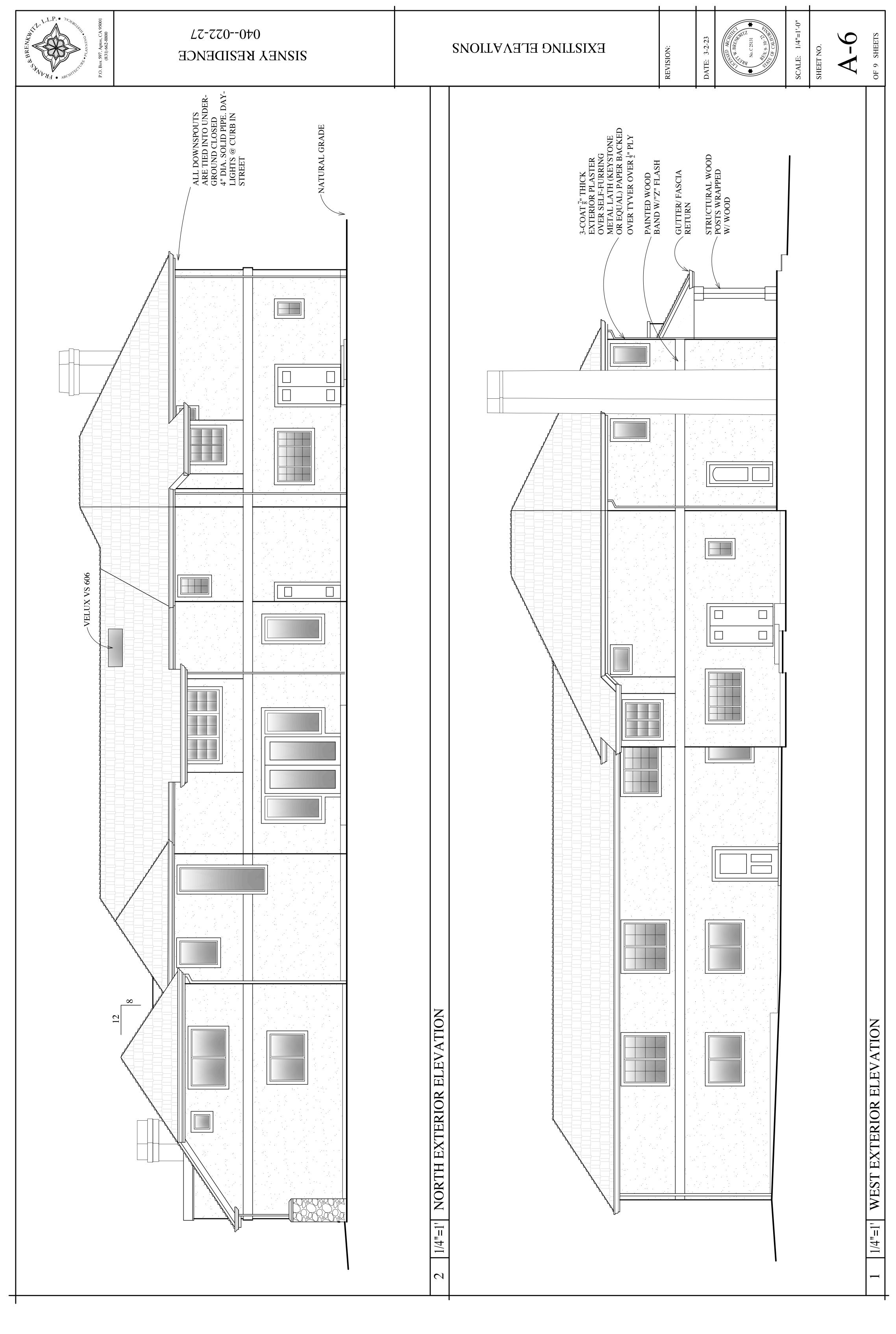
REVISION:

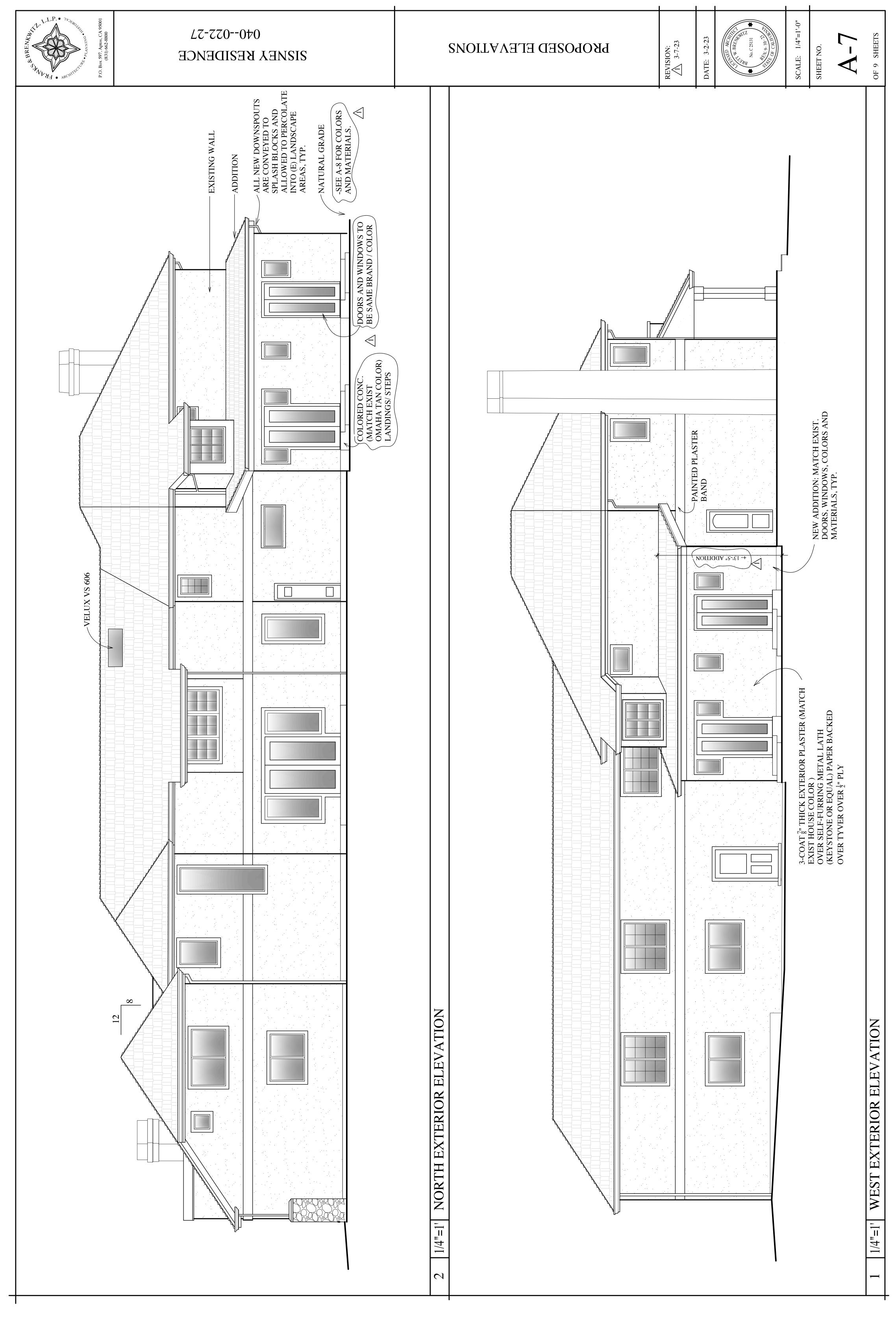
PARTIAL LOWER FLOOR PLAN

**b**KObO2ED









COLORS AND MATERIALS

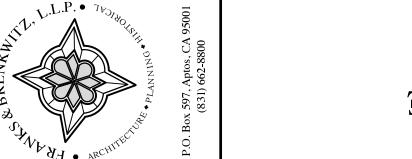
**bKODOSED SECLION** 

DATE: 3-2-23

SCALE: 1/2"=1'-0"

SHEET NO.

 $\infty$ OF 9 SHEETS



-ALL THE NEW WORK WILL MATCH THE EXISTING HOUSE AS MUCH AS POSSIBLE.

-UTILIZE SAME DOOR AND WINDOW MANUF. IN NEW

WORK

# 040--027-27 SIZNEX BEZIDENCE

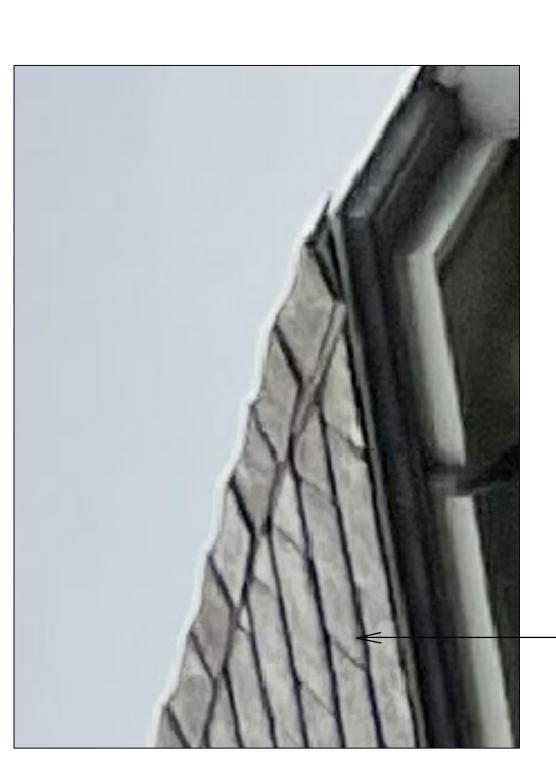
-MATCH EXISTING EXTERIOR DETAILS IN THE NEW WORK.

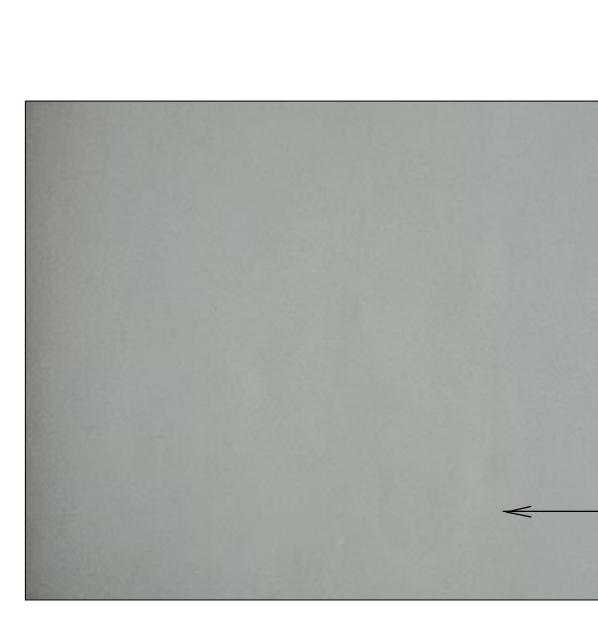
-THE INTENT IS TO HAVE THE ADDITION SEAMLESSLY BLEND WITH THE EXISTING HOUSE.



-DUPLICATE ALL EXIST. EXTERIOR COLORS IN THE NEW WORK.

ROOF: FAUX SLATE TILES. GUTTER: COPPER OGEE GUTTER FASCIA: 2x PAINTED WOOD. COLOR: WHITE

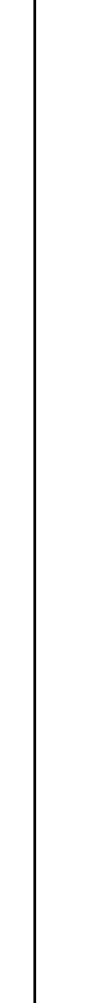


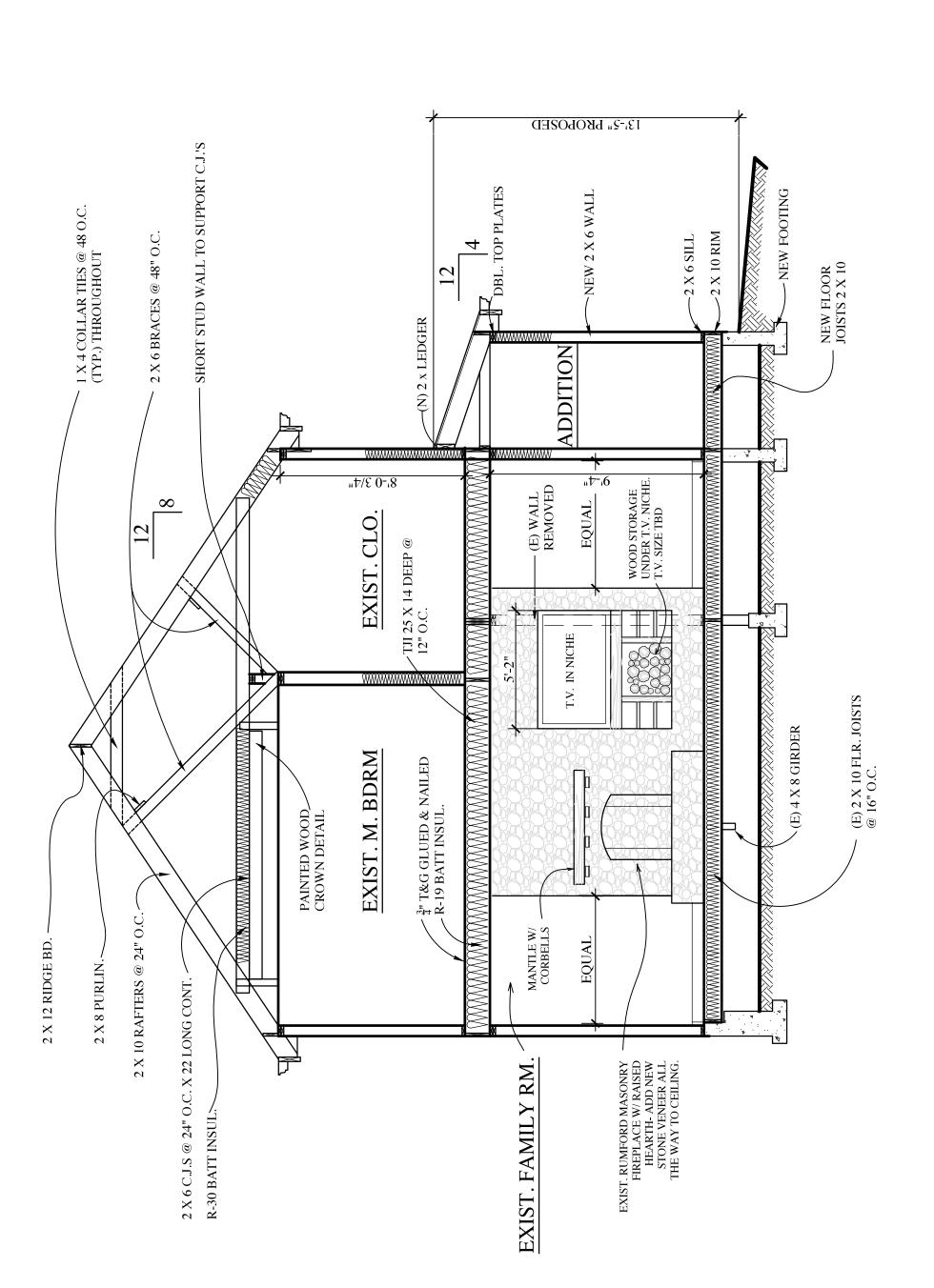


WINDOWS: CLAD WOOD
WITH OPTIONAL INTERNAL GRIDS
MATCH EXISTING WHITE
PAINTED CASING (MATCH

BELLY BAND COLOR)

EXTERIOR PLASTER (STUCCO).
MATCH EXIST. TEXTURE
COLOR: BENJAMIN MOORE
"OIL CLOTH" CSP-760





BELLY BAND: PAINTED EXTERIOR PLASTER. COLOR: WHITE- BENJAMIN MOORE " WHITEWATER BAY" OC-70

2

18

AND MATERIALS

PROPOSED SECTION

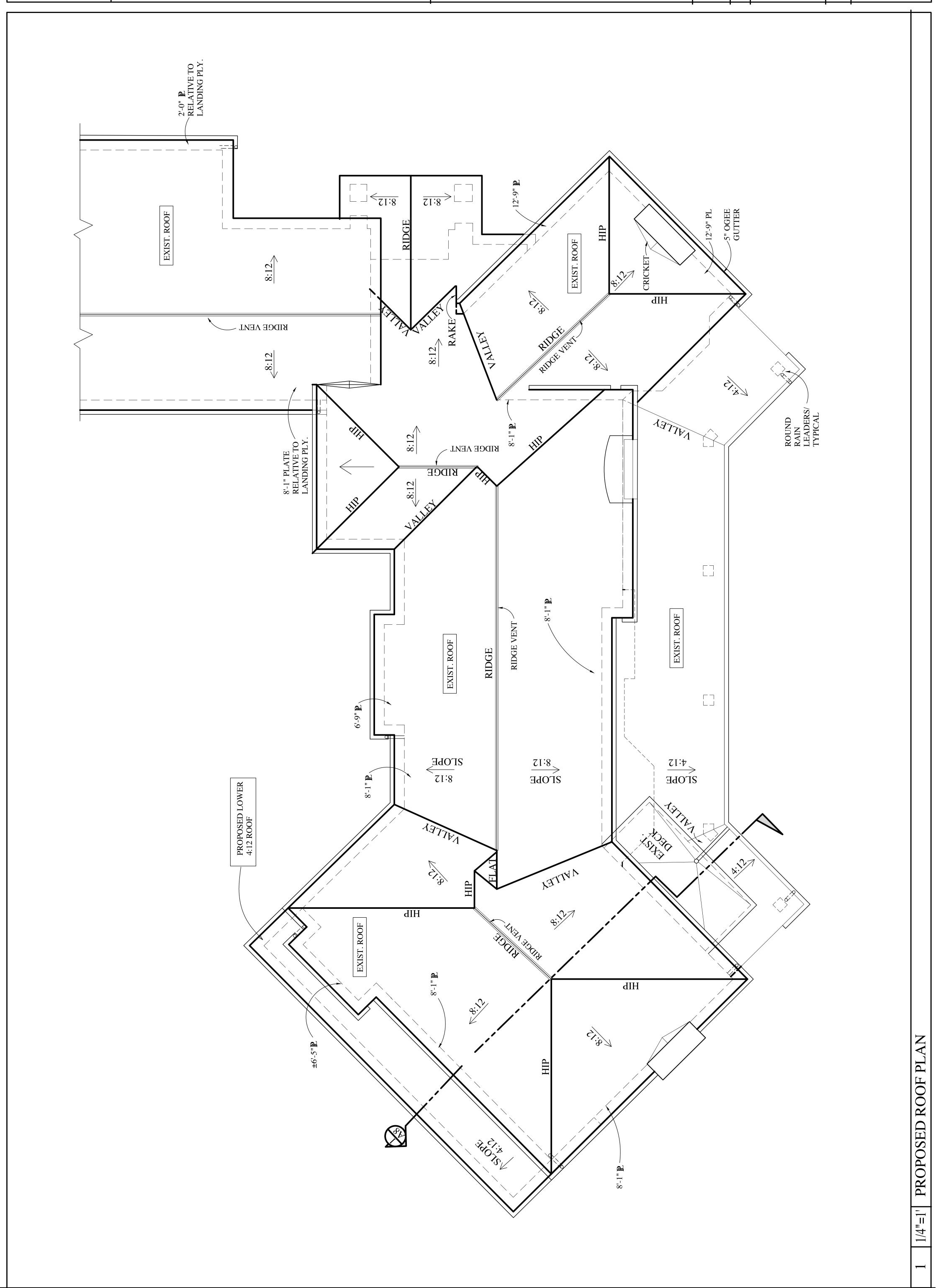
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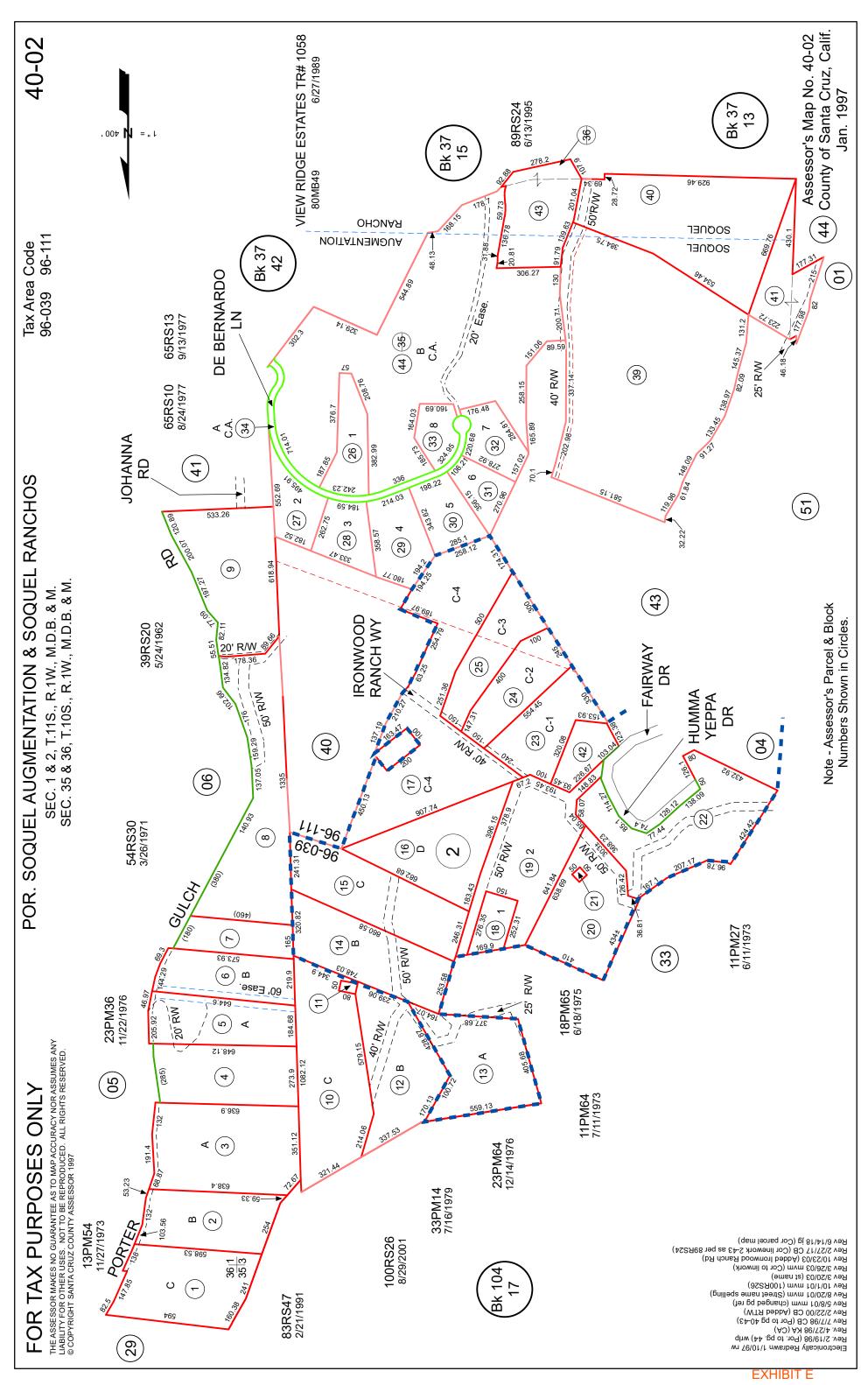
EXHIBIT D

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SHEET NO.

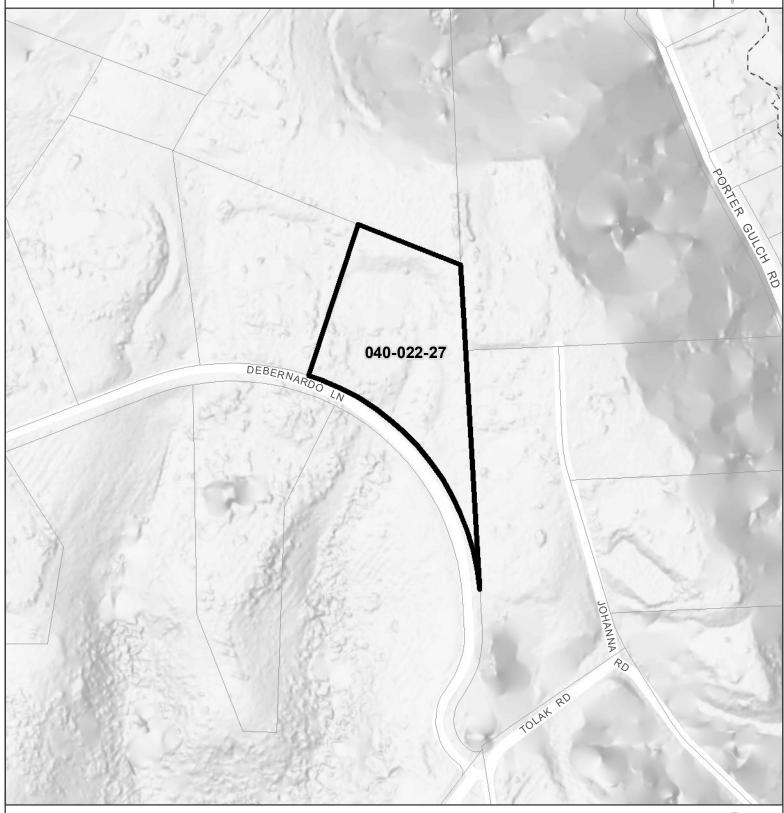
OF 9 SHEETS









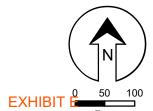


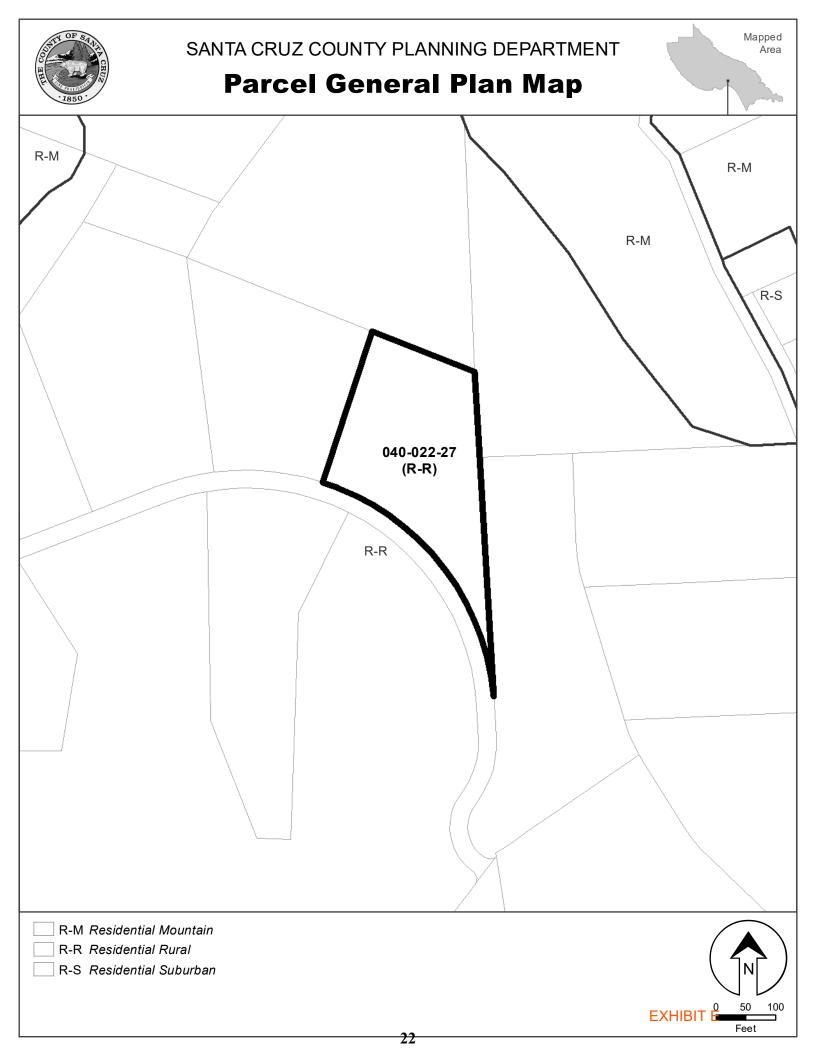
Parcel: 04002227

Study Parcel

Assessor Parcel Boundary

Map printed: 10 May. 2023







Owner: Bret & Carol Sisney

# **Parcel Information**

# **Services Information**

Urban/Rural Services Line:\_\_\_ Inside\_XOutsideWater Supply:Soquel Creek Water District

Sewage Disposal: Septic

Fire District: Central Fire Protection District

Drainage District: N/A

# **Parcel Information**

Parcel Size: 1.71 acres
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential

Project Access: De Bernardo Lane

Planning Area: Soquel

Land Use Designation: R-R (Rural Residential)

Zone District:

Coastal Zone:

Appealable to Calif. Coastal

RA (Agricultural Residential)

Inside X Outside

Yes X No

Comm.

# **Environmental Information**

Geologic Hazards: Not mapped/no physical evidence on site

Fire Hazard: Not a mapped constraint

Slopes: 0% - 30%

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

Grading: No grading proposed

Tree Removal: No trees proposed to be removed

Scenic: Not a mapped resource

Archeology: Not mapped/no physical evidence on site