



Staff Report to the Zoning Administrator

Application Number: **231122**

Applicant: Sherry Hrabko Designs
Owner: Roberta Ann and Bruce Richardson
APN: 044-143-16
Site Address: 534 Vista Del Mar, Aptos

Agenda Date: 12/01/2023
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to construct a 123 square foot addition at the rear of an existing 2,426 square foot single-family dwelling, resulting in a 2,549 square foot dwelling with a height of approximately 35 feet. Requires a Variance to exceed the 28-foot height limit for the zone district and a determination that the project is exempt from further review under the California Environmental Quality Act (CEQA).

Location: The property is located on the west side of Vista Del Mar (534 Vista Del Mar), approximately 950 feet south of the intersection of Alta Drive and Vista Del Mar in Aptos.

Permits Required: Variance to Zone District Height Limit

Supervisory District: Second 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 231122, based on the attached findings and conditions.

Project Description & Setting

The subject property is situated on the southern edge of Vista Del Mar, a neighborhood characterized by single-family homes built on a sloping hillside in the Rio Del Mar region of Aptos. Existing development on the property includes a 2,426-square-foot dwelling integrated into the hillside, with the primary floor at street level and a lower second floor. Notably, the current structure surpasses the 28-foot height restriction applicable to the R-1-8 zone district. The highest point on the south elevation reaches around 34 feet, while the eaves extend to approximately 30 feet.

The proposed project involves a minor interior remodel and an addition at the rear of the house. The rear wall on the southern elevation is proposed to be extended rearward by approximately two feet and a replacement second story deck would be constructed on the rear portion of the dwelling. Because the existing structure exceeds the 28-foot height limit, and this proposal includes new

development also in excess of the height limit, the proposed project requires a variance.

In consideration of the project, it is noted that the slope of the hillside results in an inflated height measurement when compared to measurement on a flat parcel. The topography at the site constrains development at the second story, which functions as the living area as opposed to the first floor which consists of bedrooms.

The proposed project would not raise the plate height or roof pitch and the addition would have a negligible effect on adjacent properties, as the existing development is more than sixty feet from the downslope property.

Zoning & General Plan Consistency

The subject property is a 5,270 square foot lot, located in the R-1-8 (single-family residential, 8,000 square foot parcel size) zone district, a designation which allows residential uses. The proposed addition is for an existing single-family dwelling which is principally permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

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 **231122**, 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: www.sccoplanning.com

Report Prepared By: Evan Ditmars
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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

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: 231122

Assessor Parcel Number: 044-143-16

Project Location: 534 Vista Del Mar, Aptos

Project Description: Proposal to for a 123 square foot addition to an existing single family dwelling. Requires a Variance to the maximum height.

Person or Agency Proposing Project: Sherry Hrabko Designs

Contact Phone Number: (831) 477-7794

- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. _____ The proposed activity is not subject to CEQA as specified under CEQA 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 1 – Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

123 square foot addition an existing single-family dwelling of less than 10,000 square feet.

In addition, none of the conditions described in Section 15300.2 apply to this project.

Evan Ditmars, Project Planner

Date: _____

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 addition is for an existing single-family 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-1-8 (single-family residential, 8,000 square foot parcel size) 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.

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-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 except for height, 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-1-8 zone district (including setbacks, lot coverage, floor area ratio, 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 acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed addition is to be constructed on an existing developed lot. The proposed addition would not include any traffic-generating features.

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.

Variance Findings

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

This finding can be made, in that the slope of the parcel constrains development at the site to the degree that the home could not be developed to the 50 percent FAR and 40 percent lot coverage maximum development standards afforded to homes in the R-1-8 zone district. Strict application of the height limits at this site would result in a smaller house when compared to a similarly sized property without slope. Any addition to the upper/second story would result in heights greater than 28-feet or would not comply with front yard setbacks. The 123 square foot addition would result in a 2,549 square foot house, a size which would not be out of scale for homes in the neighborhood.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

This finding can be made in that the proposed addition would add less than two feet beyond the rear wall of the existing dwelling. The addition would not encroach onto or loom over neighboring properties. The resulting house, at 2,549 square feet, would remain consistent with the size of homes allowed in the R-1-8 zone district.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated. 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 requested variance could be considered on any other property with similar topographic constraints as the subject property. The proposed addition would extend less than two feet beyond the existing rear wall, which is approximately 60 feet away from the downslope dwelling.

Conditions of Approval

Exhibit D: Project plans, prepared by Sherry Hrabko Designs, dated 3/16/23.

- I. This permit authorizes a 123 square foot 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. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to

the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depicts the total height of the proposed structure. Maximum height is 28 feet.

5. 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 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 Environmental Planning section of Santa Cruz County Planning.
- D. Pay the current fees for Parks mitigation. Currently, these fees are \$4.51 per square foot for single-family dwellings.
- 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. 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 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. Settlement. 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. Successors Bound. 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.

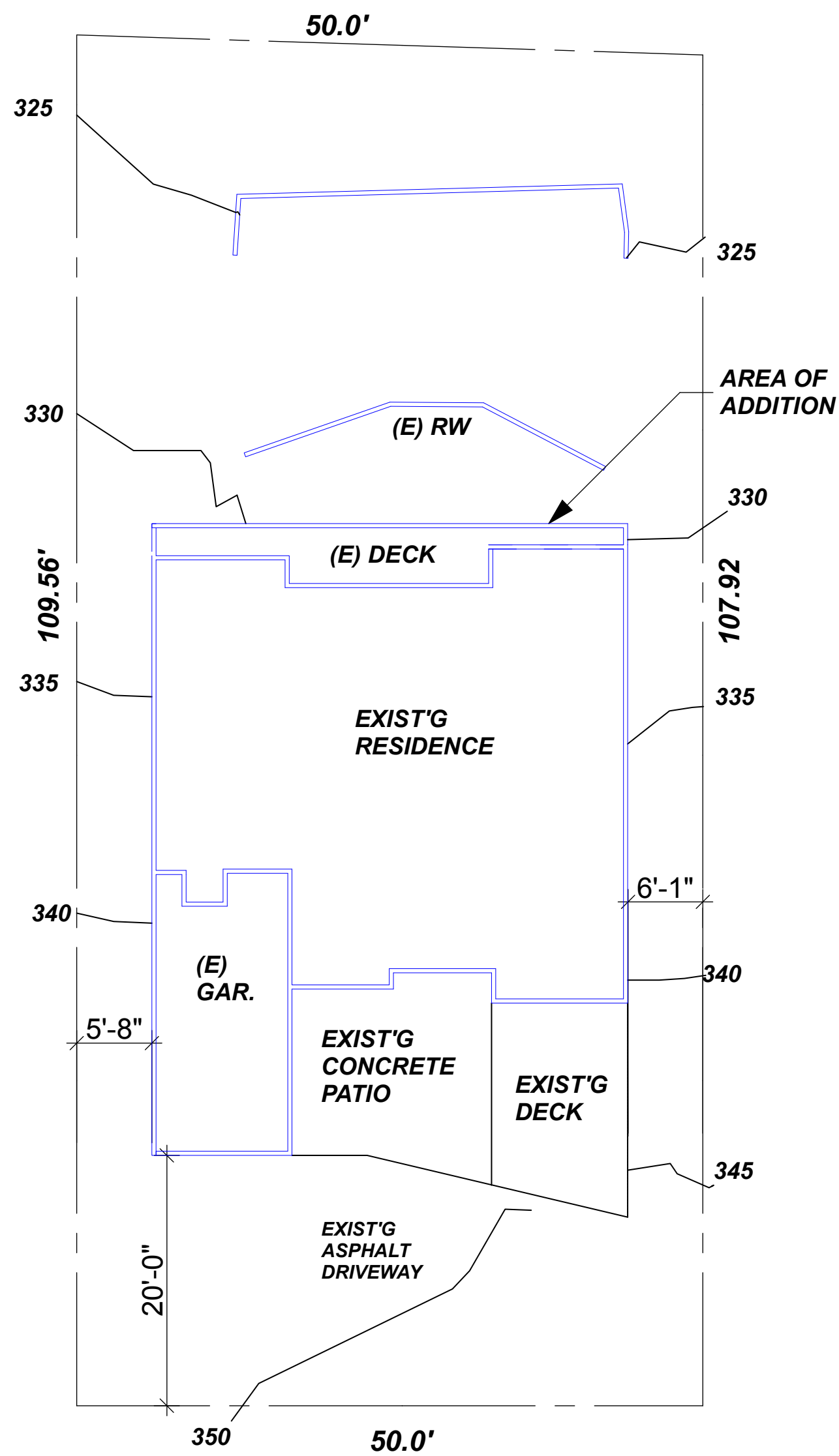
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Effective Date: _____

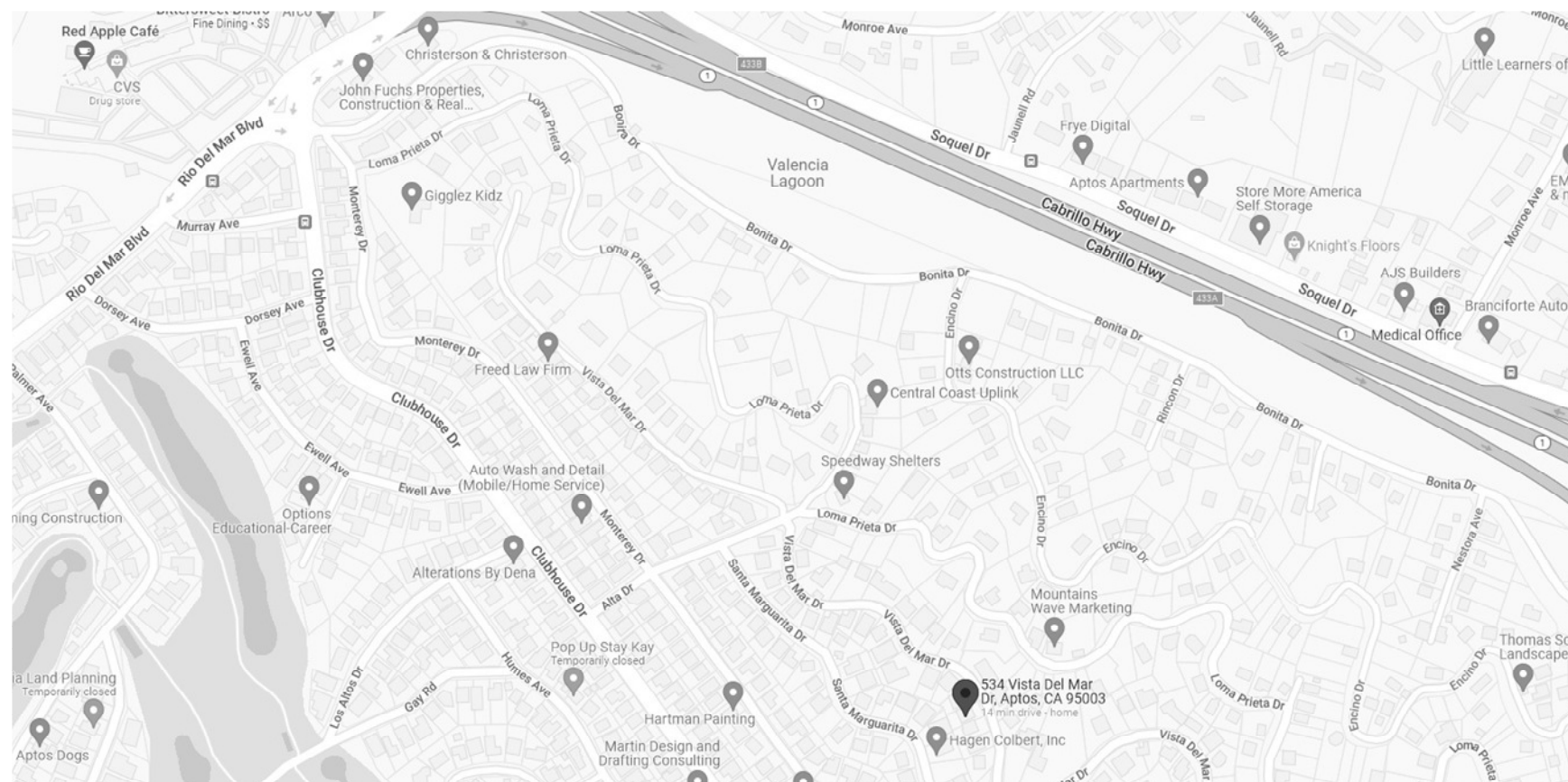
Expiration Date: _____

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.

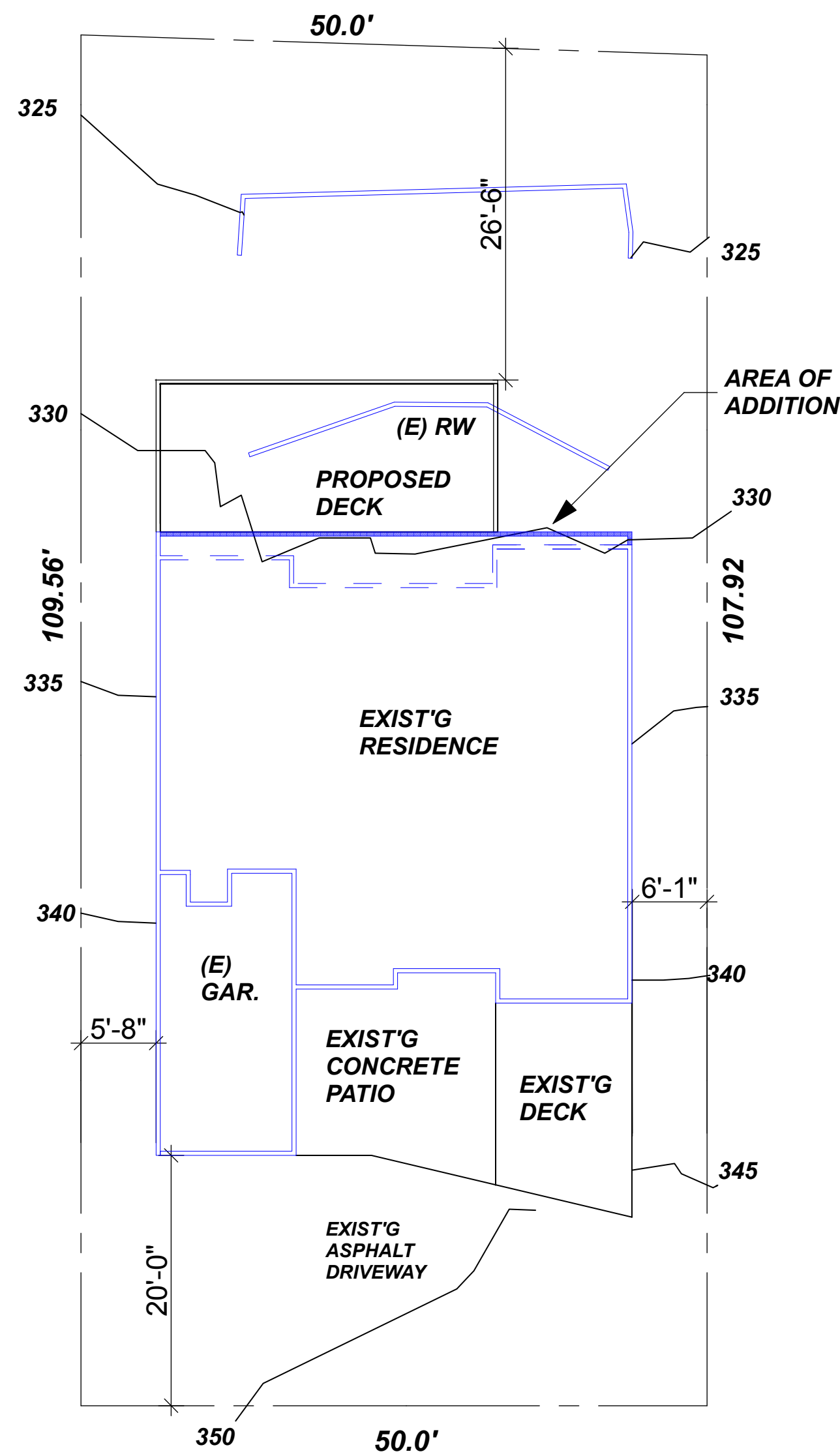


EXIST'G SITE PLAN
1" = 10'-0"



VICINITY MAP
N.T.S.

HWY 1 TO RIO DEL MAR EXIT TO CLUBHOUSE
LEFT ON ALTA TO VISTA DEL MAR



VISTA DEL MAR

SITE PLAN

1" = 10'-0"

SCOPE OF WORK:
THIS PROJECT IS THE REMODEL, 123 SQ FT ADDITION
TO THE EXIST'G LIVING ROOM & DINING ROOM, 210 SQ FT
ADDITION TO THE EXIST'G DECK AND A RAFTER PITCH CHANGE
WITHOUT CHANGING THE (E) THE RIDGE HEIGHT TO AN EXIST'G
LEGAL NON CONFORMING SINGLE FAMILY RESIDENCE.

TYPE VB UNSPRINKLED

R-3, TYPE VB

PROJECT DATA:

A.P.N. 044-143-16

ZONING R-1-8

LOT SIZE 5436 SQ FT
TOTAL LOT COVERAGE (2025 / 5436) 38%

EXIST'G SQ FT. 2426 SQ FT

PROPOSED ADDITION 123 SQ FT

TOTAL SQ FT MAIN RESIDENCE 2549 SQ FT

EXIST'G GARAGE 240 SQ FT

EXIST'G DECKS 295 SQ FT

NEW DECK 301 SQ FT

(P) FAR 47%

(E) FAR 44%

(E) HEIGHT 34'-4"

(P) HEIGHT 34'-4"

THE FOLLOWING CODES ARE IN EFFECT FOR THIS PROJECT:
2019 CALIFORNIA RESIDENTIAL CODE, 2019 CALIFORNIA BUILDING CODE,
2019 FIRE CODE, 2019 CALIFORNIA GREEN BUILDING CODE, 2019 CALIFORNIA
PLUMBING CODE, 2019 CALIFORNIA MECHANICAL CODE, 2019 CALIFORNIA ELECTRICAL
CODE, AND 2019 CALIFORNIA ENERGY STANDARDS AND THE SANTA CRUZ COUNTY
CODE AMENDMENTS.

PROJECT CONTACTS:

DESIGNER
SHERRY HRABKO
609 CORCORAN AVE.
SANTA CRUZ, CA 95062
831-477-7794

INDEX OF DRAWINGS:

SHEET SP
SHEET A.1
SHEET A.2
SHEET A.3
SHEET A.4

SITE PLAN
EXIST'G ELEVATIONS
PROPOSED ELEVATIONS
EXIST'G FLOOR PLANS
PROPOSED FLOOR PLANS

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shrabko@sbcglobal.net

A.P.N.
044-143-16
Site Plan

BRUCE & ROBERTA RICHARDSON
534 VISTA DEL MAR
APTOS CA 95003
323-854-1187

DATE: 10-6-2022
SCALE: AS NOTED

SHEET
SP

Exhibit D

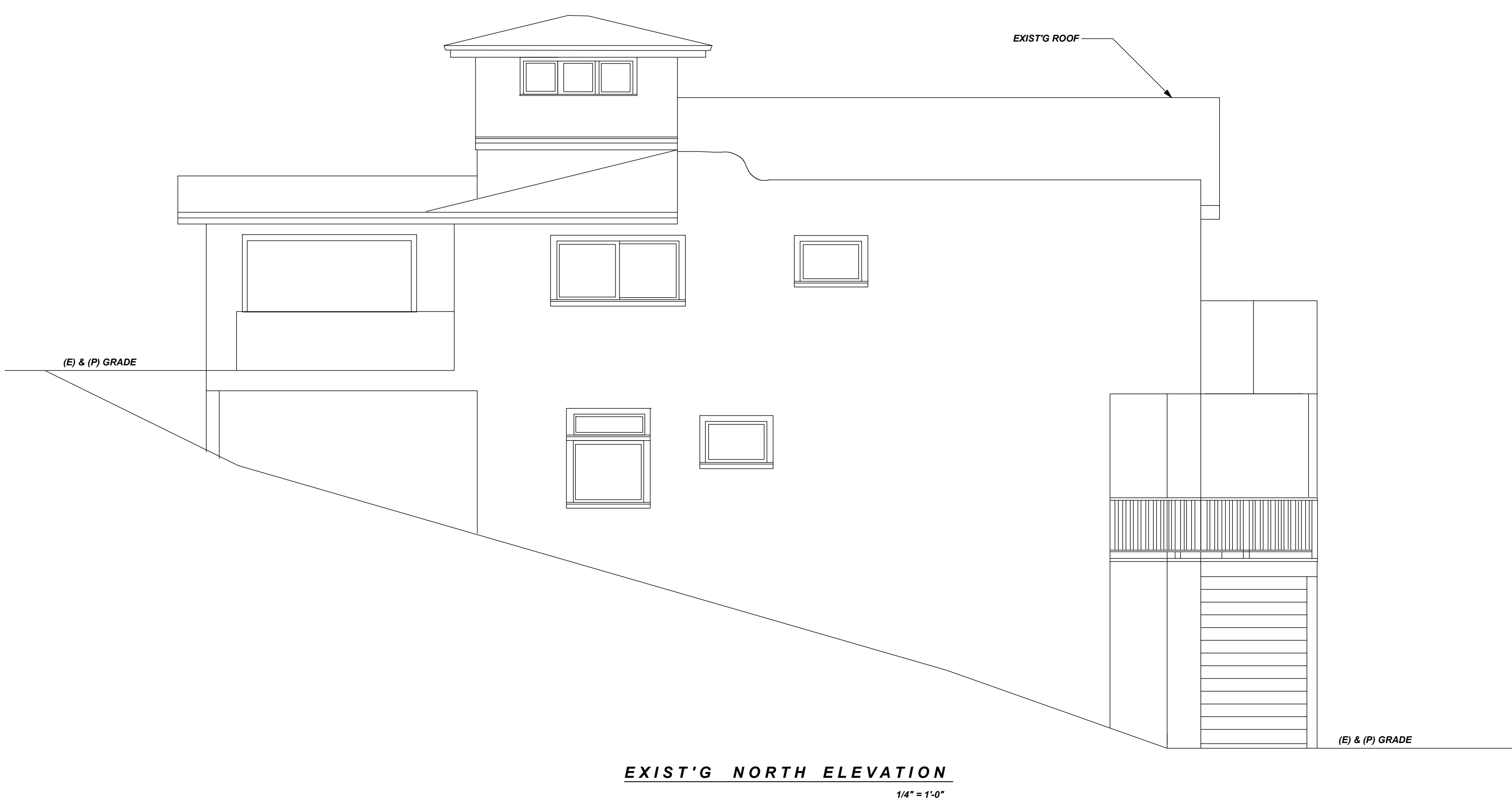
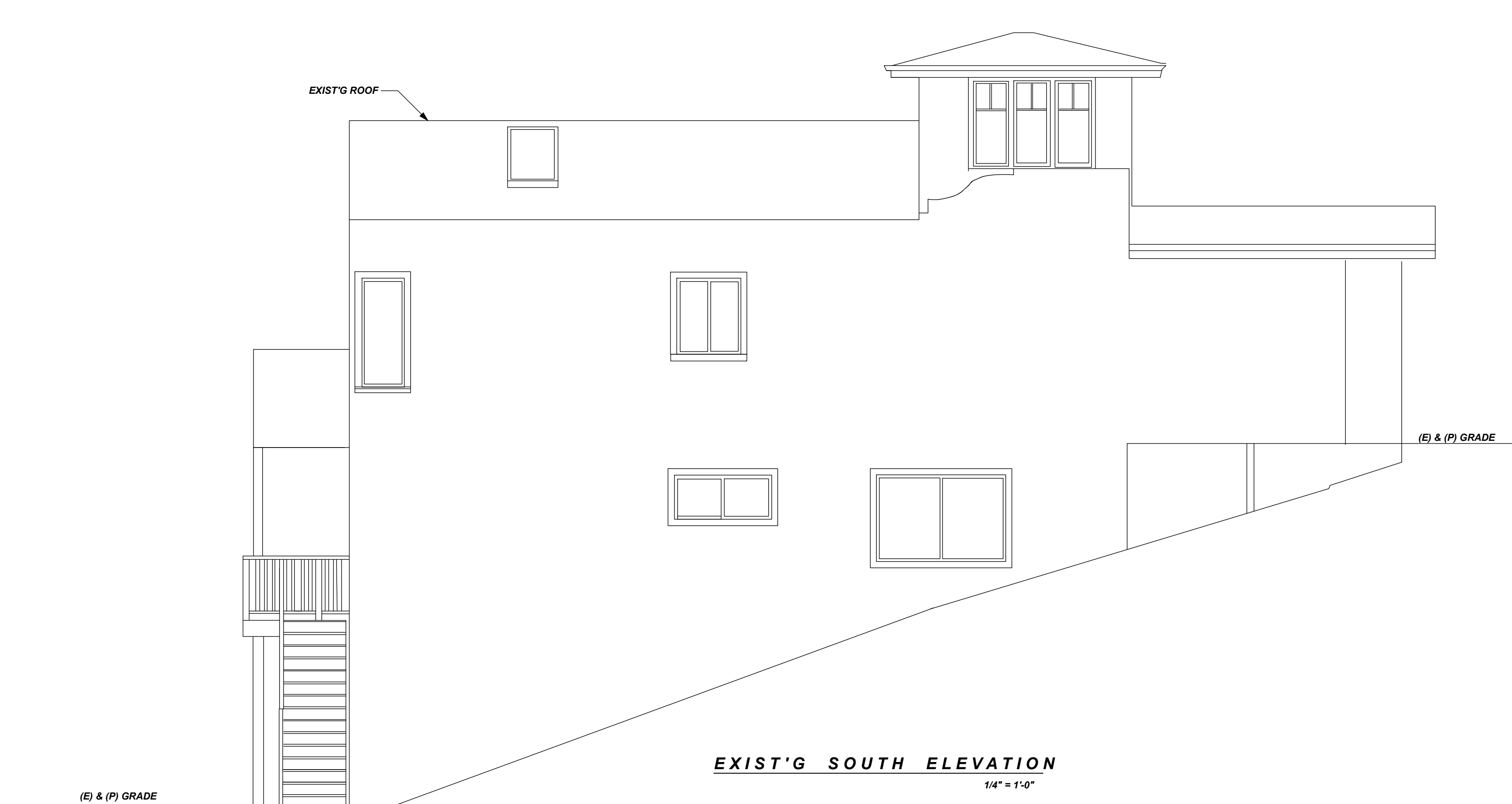
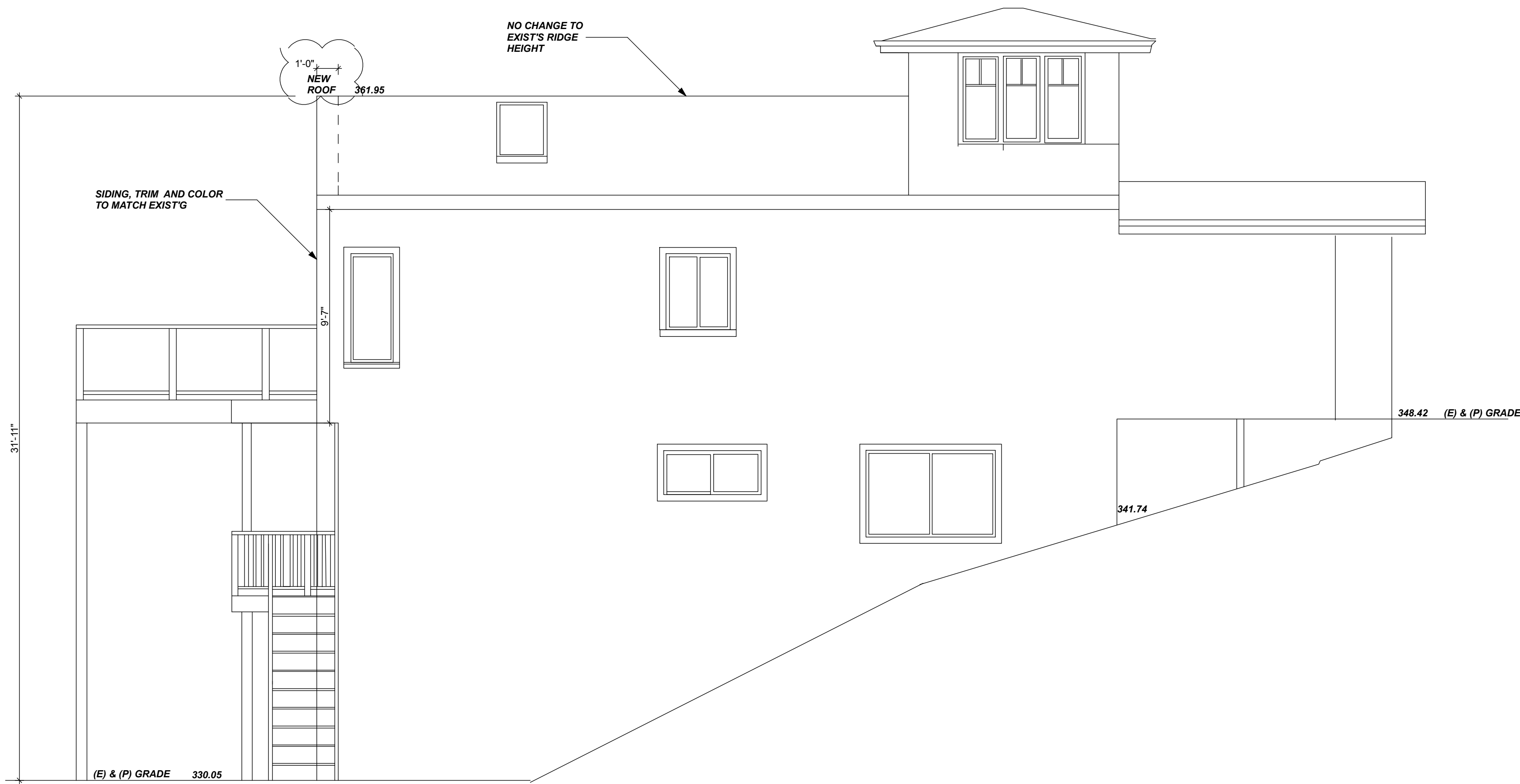
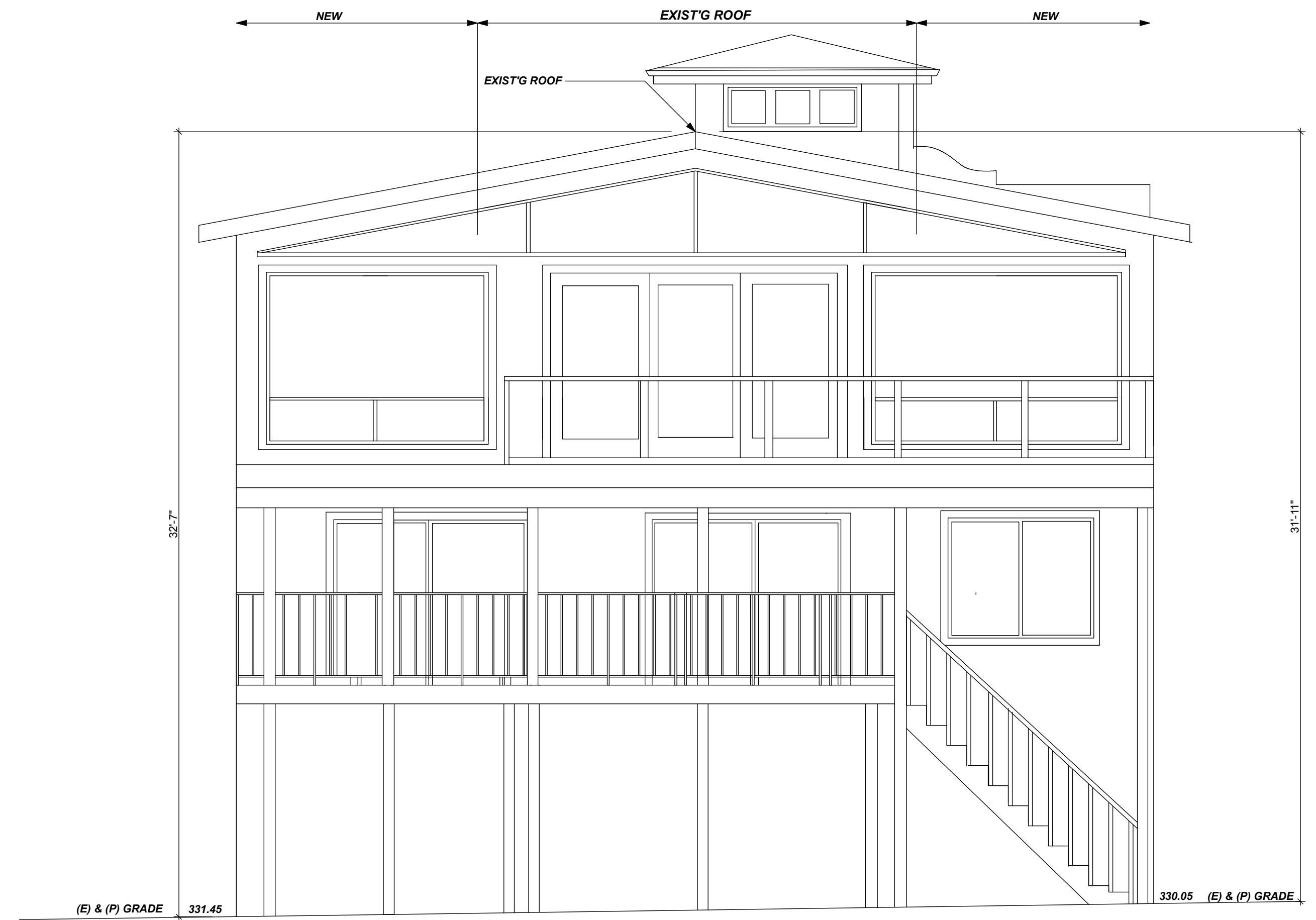


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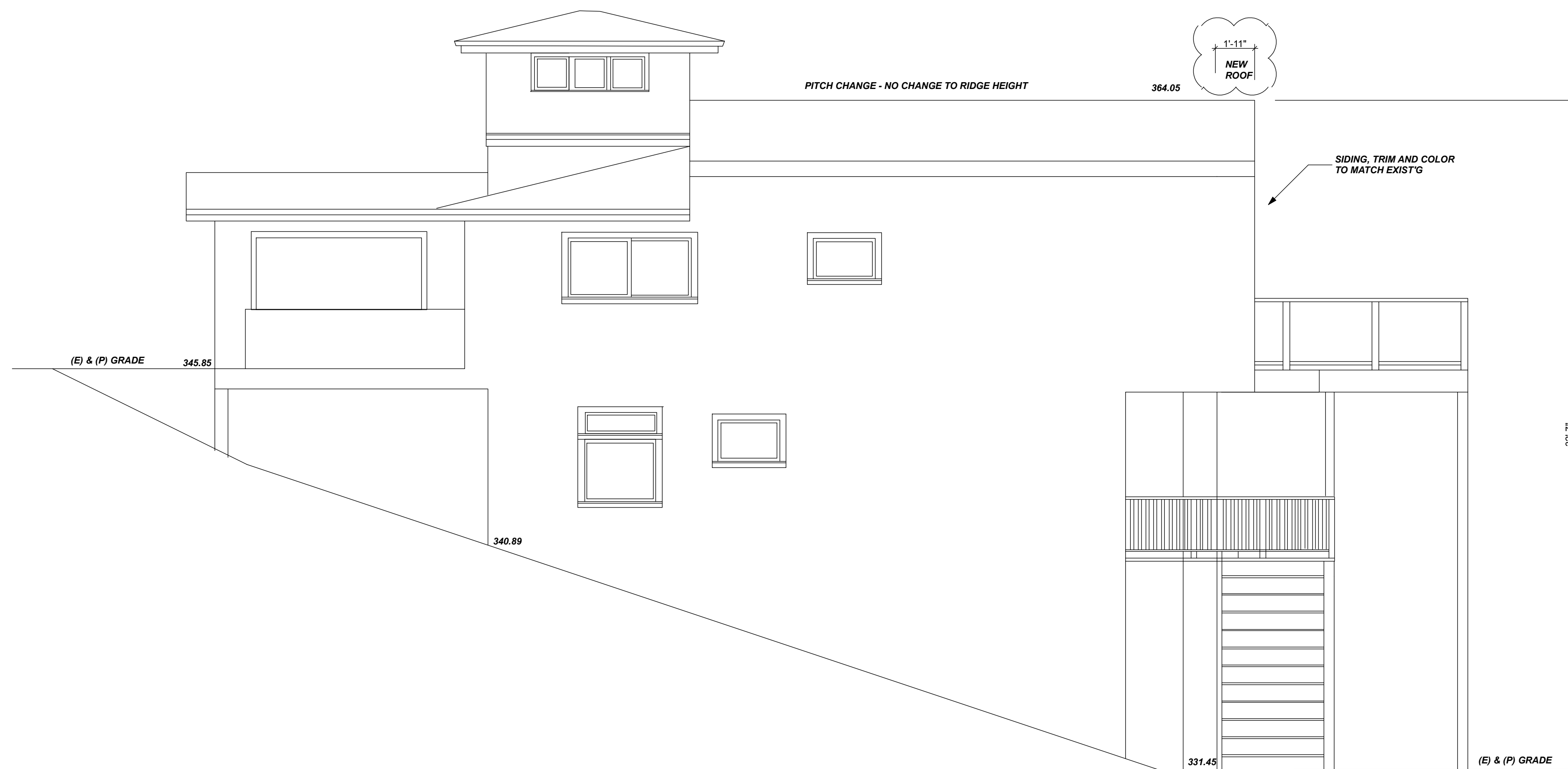
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A.P.N. 044-143-16	Exist'g Elevations
BRUCE & ROBERTA RICHARDSON 534 VISTA DEL MAR APTOS CA 95003 323-854-1187	
DATE:	10-6-2022
SCALE:	AS NOTED
SHEET A.1	



PROPOSED SOUTH ELEVATION
1/4" = 1'-0"



PROPOSED WEST ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"

Exhibit D

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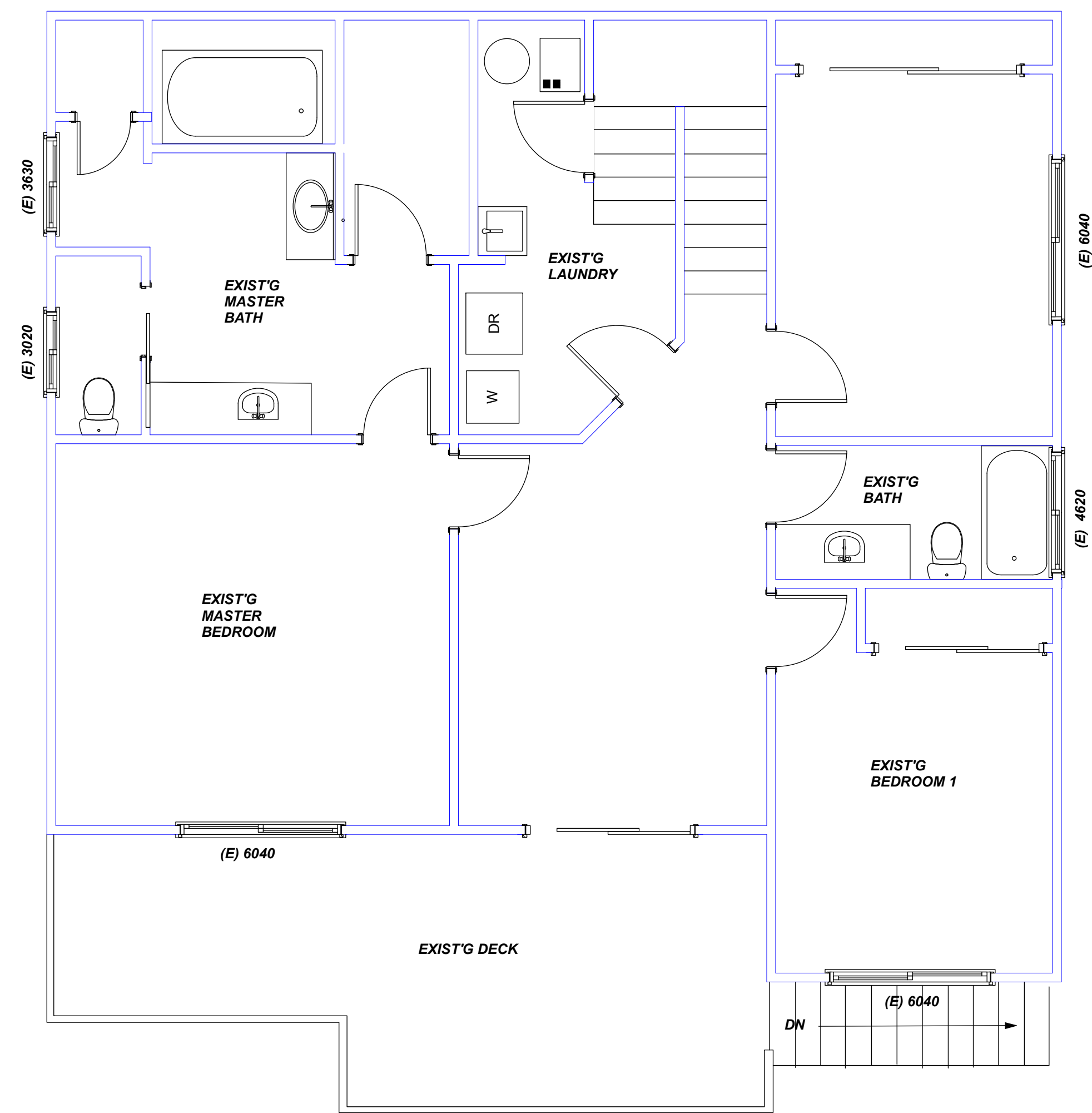
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A.P.N.
044-143-16
Proposed Elevations

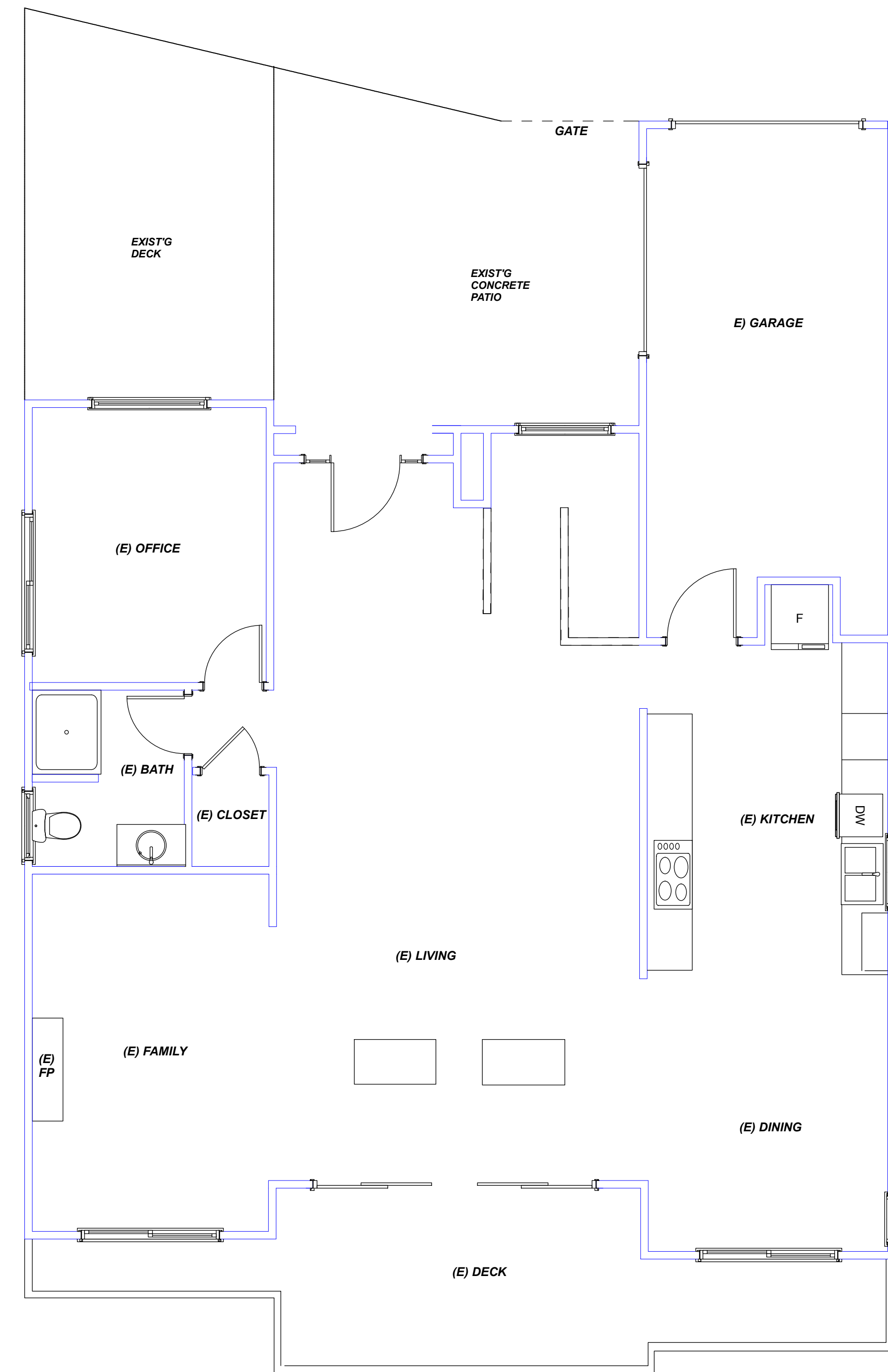
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534 VISTA DEL MAR
APTOS CA 95003
323-854-1187

DATE: 10-6-2022
SCALE: AS NOTED

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EXIST'G LOWER LEVEL FLOOR PLAN



EXIST'G MAIN LEVEL FLOOR PLAN

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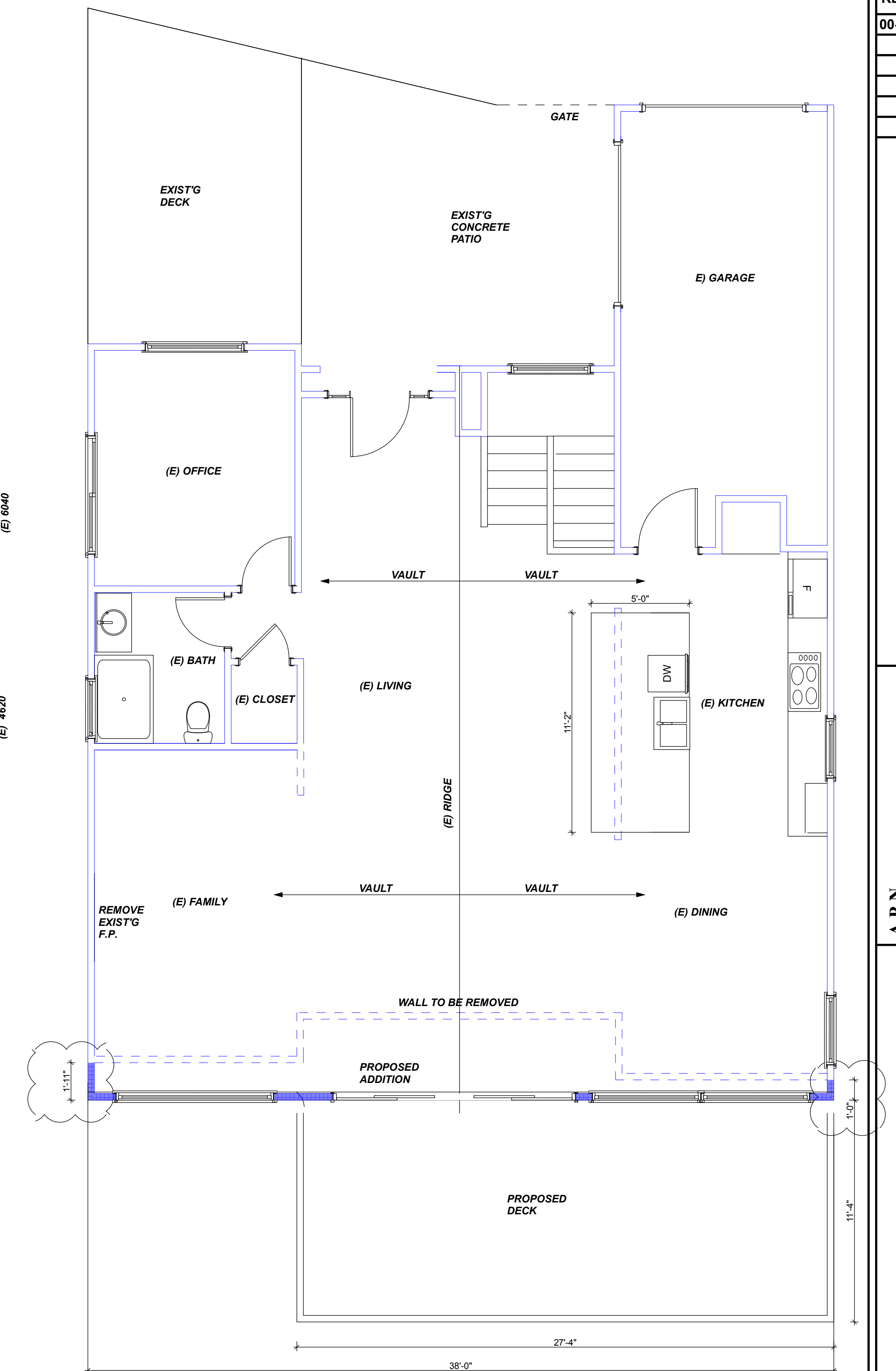
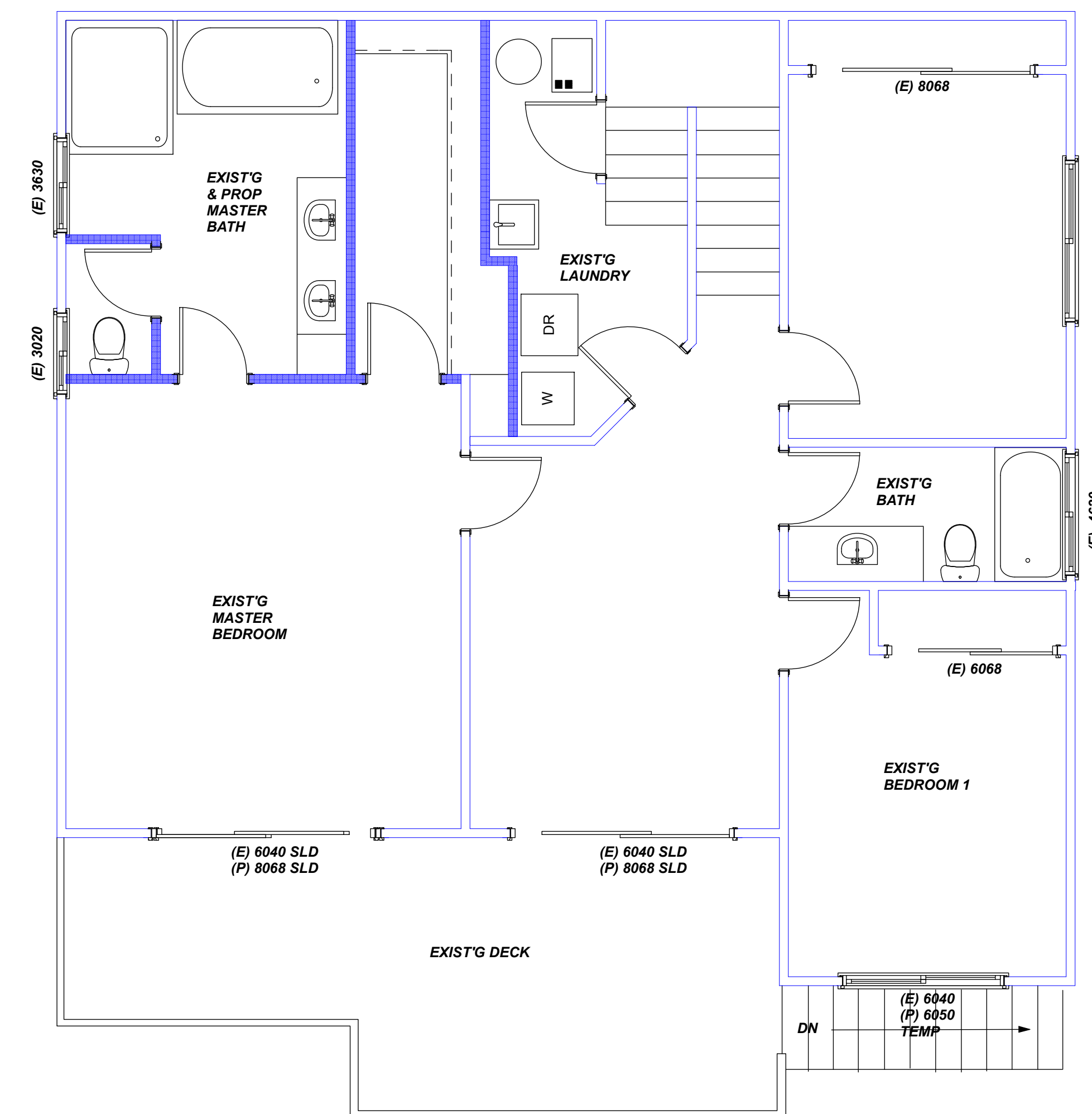
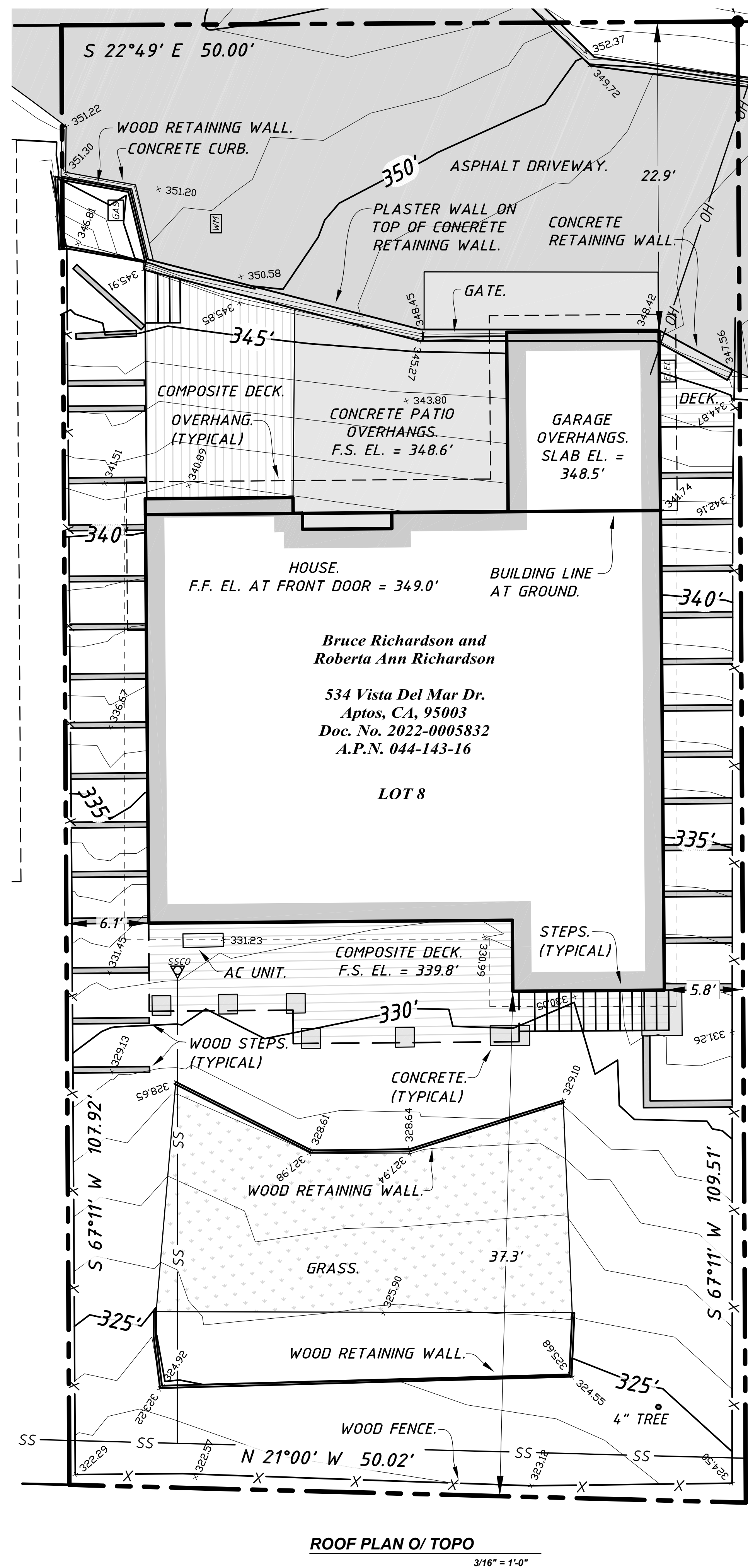
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044-143-16**

BRUCE & ROBERTA RICHARDSON
534 VISTA DEL MAR
APTOS CA 95003
323-854-1187

DATE:	10-6-2022
SCALE:	AS NOTED

SHEET

A.3



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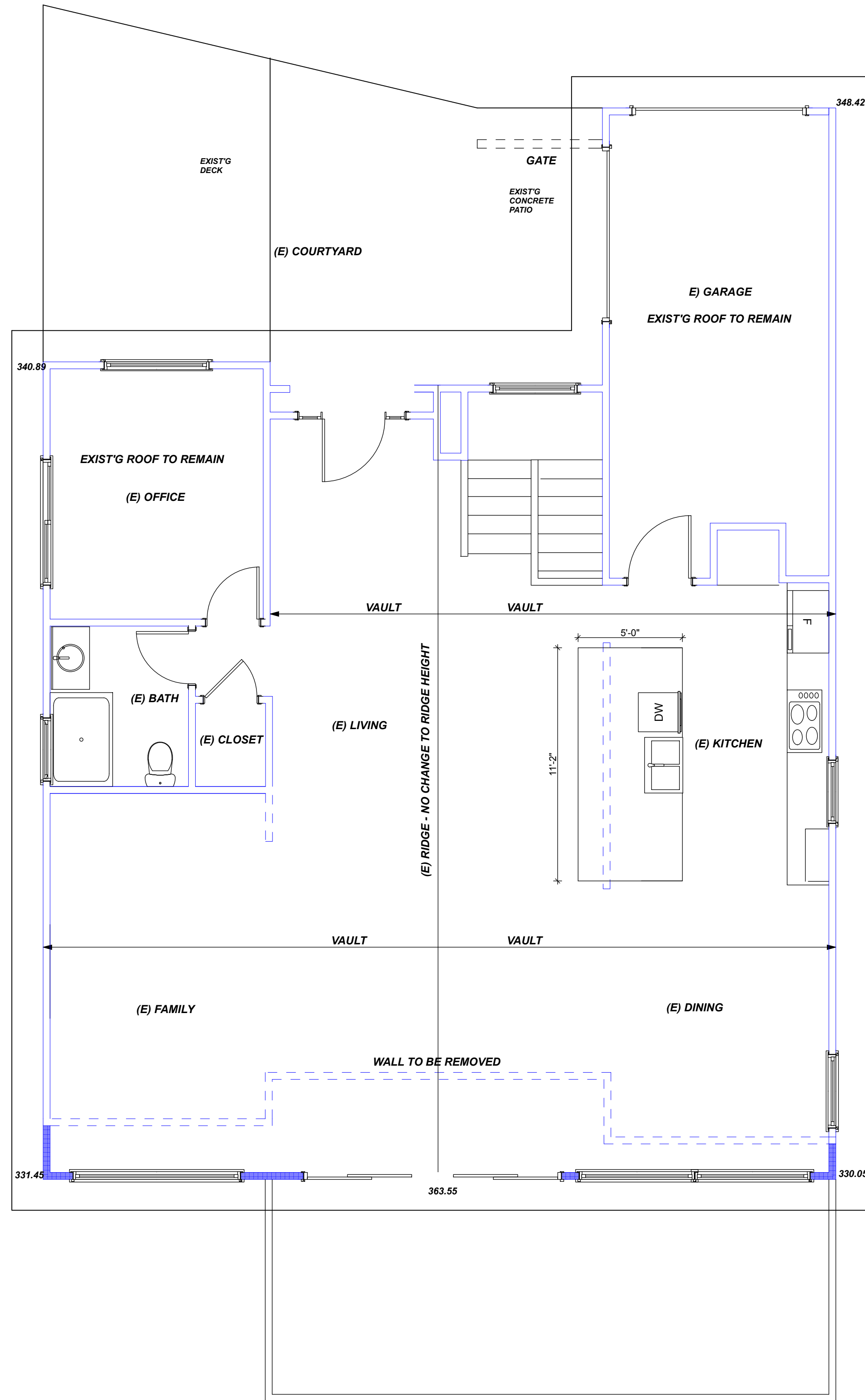
**A.F.N.
044-143-16
Proposed Floor Plans**

BRUCE & ROBERTA RICHARDSON
534 VISTA DEL MAR
APTOS CA 95003
323-854-1187

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ROOF PLAN
1/4" = 1'-0"

Exhibit D

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A.P.N.
044-143-16
Roof Plan

BRUCE & ROBERTA RICHARDSON
534 VISTA DEL MAR
APTOS CA 95003
323-854-1187

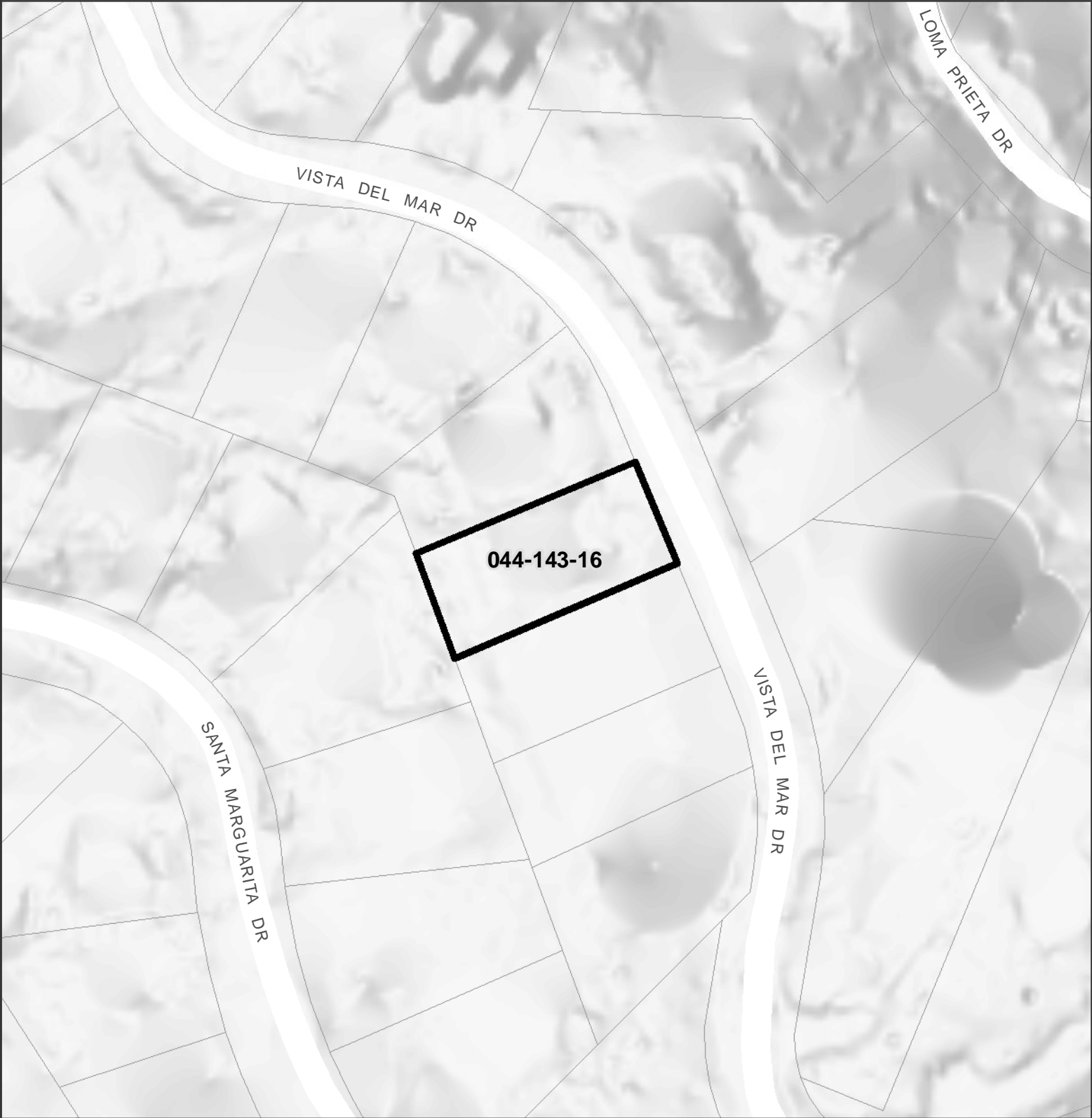
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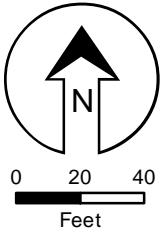
SANTA CRUZ COUNTY PLANNING DEPARTMENT
Parcel Location Map



Parcel: 04414316

 Study Parcel

 Assessor Parcel Boundary





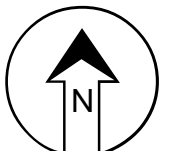
SANTA CRUZ COUNTY PLANNING DEPARTMENT
Parcel General Plan Map



Mapped
Area



☐ R-UL *Res. Urban Low Density*



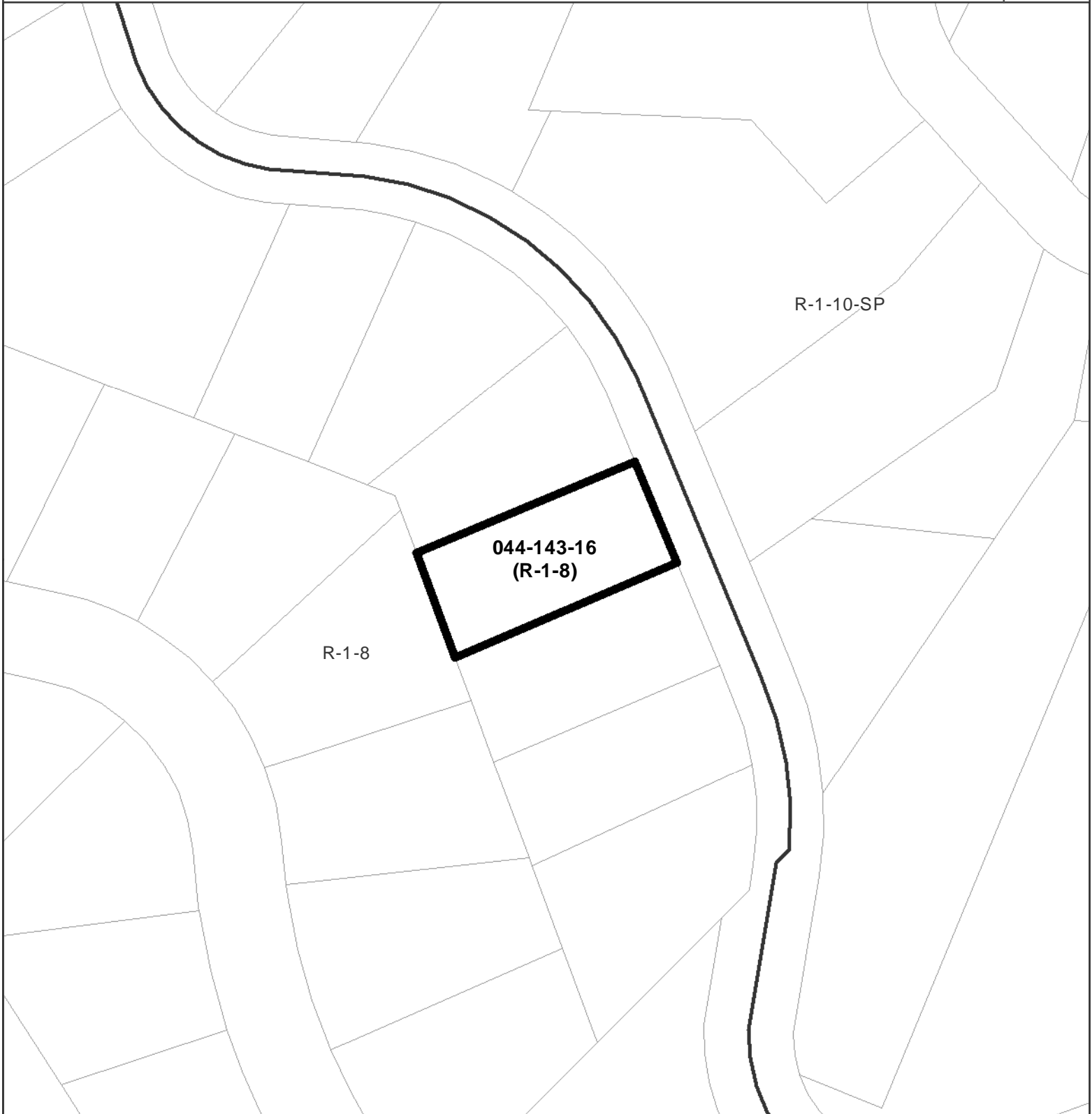
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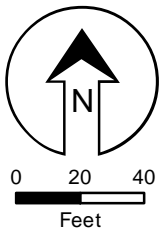
Parcel Zoning Map



Mapped
Area



 R-1 *Single-Family Residential*



Parcel Information

Services Information

Urban/Rural Services Line:	<u> X </u> Inside <u> </u> Outside
Water Supply:	Soquel Creek Water District
Sewage Disposal:	Sewer
Fire District:	Central Fire Protection District
Drainage District:	Flood Control Zone 6

Parcel Information

Parcel Size:	5270 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Public, via Vista Del Mar Drive
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Density Residential)
Zone District:	R-1-8 (single-family residential, 8,000 square foot parcel size)
Coastal Zone:	<u> X </u> Inside <u> </u> Outside
Appealable to Calif. Coastal Comm.	<u> </u> Yes <u> X </u> No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Fire Hazard:	Not a mapped constraint
Slopes:	10-30%
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

Evan Ditmars

From: Gary Heath <garylheath@me.com>
Sent: Tuesday, August 22, 2023 3:40 PM
To: Evan Ditmars
Subject: 534 Vista Del Mar

****CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hi Evan. Thanks for the call. I would appreciate a copy of the plans. I believe that extending the roofline out a couple more feet will impact our views. I also understood that they were changing if the roof pitch. I will review the plans but as you can see any extension of the roof impacts our view and it is worse if you are sitting at our table as this picture was taken standing up.