

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: April 16, 2004
Agenda Item: No. 3
Time: After 1:00 p.m.

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 03-0389 APN 077-201-06 and 07
APPLICANT: Semih and Jeanne Komure Sabankaya
OWNER Same as applicant

PROJECT DESCRIPTION Proposal to transfer approximately 916.9 square feet **of** land **from** Assessor's Parcel Number 077-201-06 to Assessor's Parcel Numbers 077-201-07 and to transfer approximately 548.0 square feet of land **from** Assessor's Parcel Number 077-201-07 to Assessor's Parcel Numbers 077-201-06 to correct significant encroachments of the septic systems for each single family dwelling onto the adjacent parcel. Requires a Lot Line Adjustment and a Site **Area** Variance to reduce a nonconforming R-1-15 zoned parcel (APN 077-201-06) **further** below the zone district minimum **of** 15,000 square feet.

LOCATION The properties are located on the northwest corner of Woodland Drive and Redwood Drive. Site Addresses: 8945 and 8955 Redwood Drive, Ben Lomond.

FINAL ACTION DATE: 90 days **from** hearing date

PERMITS REQUIRED: Lot Line Adjustment and Site Area Variance Permit

ENVIRONMENTAL DETERMINATION Categorical Exemption D **4**.

COASTAL ZONE: ___yes **XX**no

PARCEL INFORMATION

PARCEL SIZES: 077-201-06 - ■ 4,888 square feet 077-201-07 - ■ 4,049 square feet

EXISTING LAND USE: PARCEL Single family residential, both structures are nonconforming with respect to required setbacks

SURROUNDING Residential

PROJECT ACCESS: Right-of -way **off** of Redwood Drive and Woodland Drive

PLANNING AREA: San Lorenzo Valley

LAND USE DESIGNATION Suburban Residential (R-S)

ZONING DISTRICT. Single Family Residential 15,000 sq ft lot size minimum (R-1-15)

SUPERVISORIAL DISTRICT: 5"

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. Portions of each parcel is within the 100-year flood zone
b. Soils	b. Danville loam, Aptos-Nisene Complex
c. Grading	c. None proposed
d. Tree Removal	d. None proposed
e. Biotic Resource	e. Riparian Corridor
f. Scenic	f. Not within a designated scenic zone
g. Drainage	g. No change in existing patterns
h. Traffic	h. No changes
i. Roads	i. Privately maintained road
j. Archaeology	j. Mapped within a resource area, no ground disturbance proposed

Parcel	Existing (square feet)	Difference (square feet)	Proposed (square feet)
077-201-06	■ 4,888	+ 548 - 917	■ 4,519
077-201-07	■ 4,049	- 548 + 917	■ 4,419

County Code Section 13.10.230 states that variances to site **area** requirements may be approved only in the case where no new additional building sites would thereby be created. In addition, certain findings of special circumstances must be made in order to approve such a variance. Special circumstances do exist on these properties. First, due to the small, nonconforming size of both lots and the locations of the existing septic systems, it is difficult to adjust the boundaries to incorporate the septic system within the boundaries of the proper lot without reducing the larger parcel's (077-201-06) size. Specifically, the majority of APN 077-201-07's septic system is located on the parcel 07. It is necessary to transfer about 917 square feet **from** APN 077-201-06 to APN 077-201-07 to transfer all of the leach lines and a portion of the septic tank to parcel 07 where it belongs. In order to complete an equal exchange of land, which would in turn alleviate the need for a Site Area Variance, about ~~one-fourth~~ of the area of APN 077-201-07 would need to be transferred to parcel 06. **An** attempt was made to redesign the lot line adjustment to propose such **an** equal exchange of land between the subject parcels, thereby maintaining the same, nonconforming parcel sizes. This **transfer**, however, reduced the frontage of Parcel 07 along Woodland Drive to less than 25 feet, which requires a Variance to the Residential Site Standards for minimum lot frontage and width and due to the condition of Woodland Drive, potentially land-locking this parcel. **Thus**, the proposed lot line adjustment with a site area variance is the superior alternative **to** resolving the development encroachments between these two properties.

RECOMMENDATION

A **Staff** recommends the following actions:


1. Certification of the determination that the project is Categorically Exempt from the California Environmental Quality Act, and
2. Approval of Application No. 03-0389 based on the findings and subject to the attached conditions

EXHIBITS

- A. Project plans prepared by Dennis F. Diego, Architect dated 7/10/03, revised 8/27/03
- B. Findings
- C. Conditions
- D. CEQA Exemption
- E. Assessor's Map
- F. Zoning, General Plan and General Plan Resource Maps
- G. Plans for Equal Exchange **(on file)**

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.

Report Prepared By:


Cathleen Carr

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LOT LINE ADJUSTMENT FINDINGS

1. THE PROJECT IS CONSISTENT WITH THE DEFINITION OF A MINOR LOT LINE ADJUSTMENT.

The application meets the criteria of County Code Section 14.01.105-L, for a minor lot line adjustment, in that it:

- A. Proposes a relocation of lot lines to cure structural encroachments (two septic systems) across a property line as it relates to parcels 077-201-06 and 077-201-07 and,
- B. Proposes a relocation of lot lines among four or fewer parcels (specifically two parcels of record), which meet in at least one point or **share** common boundaries where each parcel involved is a separate legal parcel, and each one is currently developed. No additional development opportunities will be created through this lot line adjustment.

2. THE LOT LINE ADJUSTMENT WILL NOT RESULT IN A GREATER NUMBER OF PARCELS THAN ORIGINALLY EXISTED.

Two separate parcels of record currently **exist**, and the proposed lot **lie** adjustment would result in two separate parcels. Therefore, there is no change in the number of parcels.

3. THE LOT LINE ADJUSTMENT CONFORMS WITH THE COUNTY ZONING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 13.10.673) AND THE COUNTY BUILDING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 12.01.070).

Per County Code Section 13.10.673(e), **a lot** line adjustment shall be deemed to be consistent with parcel *size* requirements if it complies with the minimum parcel size required by the zoning designation. For the purpose of that subsection, the term “minimum parcel *size*” required by the zoning designation shall mean the minimum parcel size allowed by any of the following:

County Code Section 13.10.673(e)(i) The Zoning Designation for the parcels in question is R-1-15 – Single-family Residential with a 15,000 square foot net site area minimum. **The** subject parcels are each less than 5,000 square feet in net site area and therefore, non-conforming with respect **to the** zone district parcel size. The proposed lot line adjustment would further reduce the size of APN 077-201-06 by 369 square feet. Therefore, the proposed lot line adjustment does not conform with the County Zoning Ordinance for minimum parcel *sizes* and lot line adjustments. Consequently, a Site Area Variance has been sought for **the** proposed parcel size reduction. **The** Variance findings can be made for the lot line adjustment **as** proposed due to special circumstances of lot *size*, existing structures and frontage limitations. *See* Variance Findings below.

4. NO AFFECTED PARCEL MAY BE REDUCED OR FURTHER REDUCED BELOW THE MINIMUM PARCEL SIZE REQUIRED BY THE ZONING DESIGNATION, ABSENT THE GRANT OF A VARIANCE PURSUANT TO COUNTY CODE SECTION 13.10.230.

As discussed above, parcel 077-201-06 would be further reduced below the minimum parcel size of 15,000 square feet of net site area for **the** R-1-15 zone district. A Site Area Variance has been sought and the findings can be made for granting this variance.

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.

There are special circumstances relating to the sizes, location of the frontages and locations of the encroaching septic systems that would deprive the property owner of APNs 077-201-06 and 07 the privileges enjoyed by other property in the vicinity through the strict application of maintaining the net site area of the nonconforming parcel (077-201-06). Because nearly all of the septic system for APN 077-201-07 is located on APN 077-201-06, about 917 square feet of Parcel 06 must be transferred to 07 to correct **this** encroachment. Parcel 07, however, is much smaller in size than parcel 06 (4,049 sq. ft. versus 4,888 sq. ft.), and transferring an equal amount of land back to 06 would reduce the frontage and lot width of APN 077-201-07 along Woodland Drive to less than 25 feet which is less ~~than~~ the minimum of 35 feet required for this size of lot. **Thus**, a lot line adjustment proposing an equal exchange of land would require Variances to the Residential Site Development Standards to reduce the minimum parcel width and frontage. Moreover, due to stream bank failure, Woodland Drive terminates about 15 to 20 feet from the existing parcel boundary between APN 077-201-06 and 07. Thus, an equal exchange of land would cut APN 077-201-07 off from the existing section of Woodland Drive, potentially land-locking this parcel. Thus, strict application of the zone ordinance with respect to Site Area Ratio would deprive the property owner of a reasonable vehicular access and use of the existing septic systems, privileges enjoyed by other properties in the area.

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.

The granting of the variance is in harmony with the general intent and purpose of zoning objectives of minimum parcel sizes in that both parcels are already substantially nonconforming with respect to the R-1-15 zone district. The parcels would, after the lot line adjustment, be roughly equivalent in size. As discussed in Variance Finding #1 above, there are physical and regulatory barriers precluding an equal exchange of land area between the parcels thereby maintaining the existing parcel areas. The alternative proposal of an equal land exchange would require Variances to the Residential Development Standards for minimum parcel width and frontage. Moreover, Woodland Drive does not extend the full length of the parcel due to bank failure. Thus, the equal land exchange could potentially physically cut APN 077-201-07 off from its deeded access to Woodland Drive. Finally, it **is** in the public interest and the interest of the two adjacent parcels to have functional septic systems within the boundaries of the properties each system serves.

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.

EXHIBIT B

The granting of this site area variance would not constitute a special privilege because there are physical barriers (location of existing improvements, the parcels' sizes and configurations and access difficulties) and regulatory barriers (minimum parcel width and frontage requirements) that preclude an equal exchange of land area between the two subject parcels. Other properties with similar zoning, similar nonconforming parcel sizes and development patterns and access situations would require a reduction in lot size and attendant Site Area Variance to design their lot line adjustment and correct the structural encroachments.

CONDITIONS OF APPROVAL

- I. **This** permit authorizes the transfer of approximately 916.9 square feet of land from Assessor's Parcel Number 077-201-06 to Assessor's Parcel Numbers 077-201-07 and to transfer approximately 548.0 square feet of land from Assessor's Parcel Number 077-201-07 to Assessor's Parcel Numbers 077-201-06 to correct significant encroachments **of** the septic systems for each single family dwelling onto the adjacent parcel. Requires a Lot Line Adjustment and a Site Area Variance to reduce a nonconforming R-1-15 zoned parcel (APN 077-201-06) **further** below the zone district minimum of 15,000 square feet. 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.
11. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Complete the Lot Line Adjustment. No parcel map is required. File the deeds of conveyance with the County Recorder to exercise **this** approval. Parcels or portions of parcels to be combined must be in identical ownership.
1. The deed of conveyance from APN 077-201-06 to APN 077-201-07 must contain the following statement after the property description:
- "The purpose of the deed is io combine the above described portion ~~of~~ Assessors Parcel No. 077-201-06 with Assessors Parcel No. 077-201-07 as approved by the County ~~of~~ Santa Cruz on April 16, 2004 under Application No. 03-0389. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated."***
2. The deed of conveyance from APN 077-201-07 to APN 077-201-06 must contain the following statement after the property description:
- "The purpose of the deed is to combine the above described portion of Assessors Parcel No. 077-201-07 with Assessors Parcel No. 077-201-06 as approved by ihe County of Sania Cruz on April 16, 2004 under Application No. 03-0389. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated."***
- B. The lot line adjustment must be completed and the deeds of conveyance recorded on or before April 30, 2006.
- III. 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

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

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL
UNLESS YOU RECORD YOUR DEEDS OF CONVEYANCE.**

Approval Date: April 16, 2004

Effective Date: April 30, 2004

Expiration date: April 30, 2006

Don Bussey
Deputy **Zoning** Administrator

Cathleen Carr
Project Planner

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: 03-0389

Assessor Parcel Number: 077-201-06 and 07

Project Location: **8945** and 8955 Redwood Drive, Ben Lomond.

Project Description: Proposal to transfer approximately 916.9 square feet of land from Assessor's Parcel Number 077-201-06 to Assessor's Parcel Numbers 077-201-07 and to transfer approximately 548.0 square feet of land from Assessor's Parcel Number 077-201-07 to Assessor's Parcel Numbers 077-201-06 to correct significant encroachments of the septic systems for each single family dwelling onto the adjacent parcel. Requires a Lot Line Adjustment and a Site Area Variance to reduce a nonconforming R-1-15 zoned parcel (APN 077-201-06) **further** below the zone district minimum of 15,000 square feet.

Person or Agency Proposing Project: Semih and Jeanne Komure Sabankaya

Contact Phone Number: (408) 971-1124

- 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).

Specify type:

E. **X** **Categorical Exemption**

Specify type: Class 3 – Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt: This project involves the adjustment of the property boundaries between **two** adjacent parcels. Both parcels are developed with an existing single-family dwelling and portions of the septic systems for each residence have been constructed on the adjacent lot. Because almost the entire septic system for the dwelling on Parcel 07 is within the boundaries of Parcel 06, a significant portion of Parcel 06 must be transferred to 07. **Both** lots are non-conforming with respect to the minimum size of the zone district and the lot line adjustment will reduce one lot (06) further in size, requiring a Site Area Variance. Special circumstances **of** the small, nonconforming size of both lots, the locations of the existing septic systems and the locations of the access rights-of-ways justify this Variance. Thus, the purpose of the lot line adjustment is to place the septic systems within the same property boundaries as the dwellings they service. The proposal meets all zoning and **General** Plan requirements, except minimum parcel size for which a Site **Area** Variance is approved and therefore, qualifies for the CEQA exemption. In addition, none of the conditions described in Section 15300.2 apply to this project.

Cathleen **Carr**, Project Planner

Date: _____

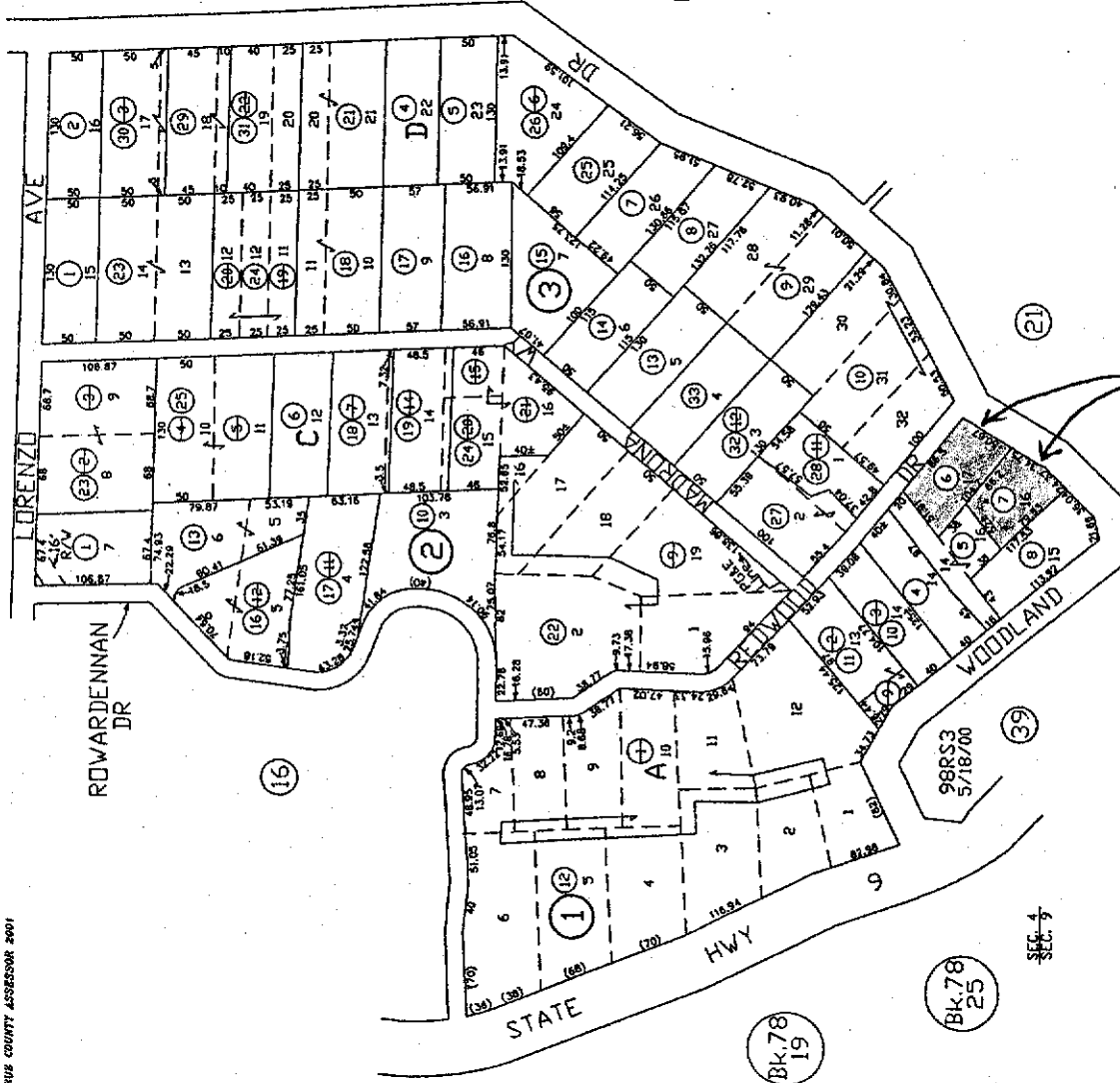
EXHIBIT D

FOR TAX PURPOSES ONLY
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. S.W. 1/4 SEC. 4,
 T.10S., R.2W., M.D.B. & M.

Tax Area Code
 90-031

77-20



ROWARDENNAN HOTEL
 & RIVERSIDE SUB.
 17MB11
 12/12/10

Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

Assessor's Map No. 77-20
 County of Santa Cruz, Calif.
 Jan., 2001

-Subject
 Parcel:

Assessor's Parcel Map

EXHIBIT E

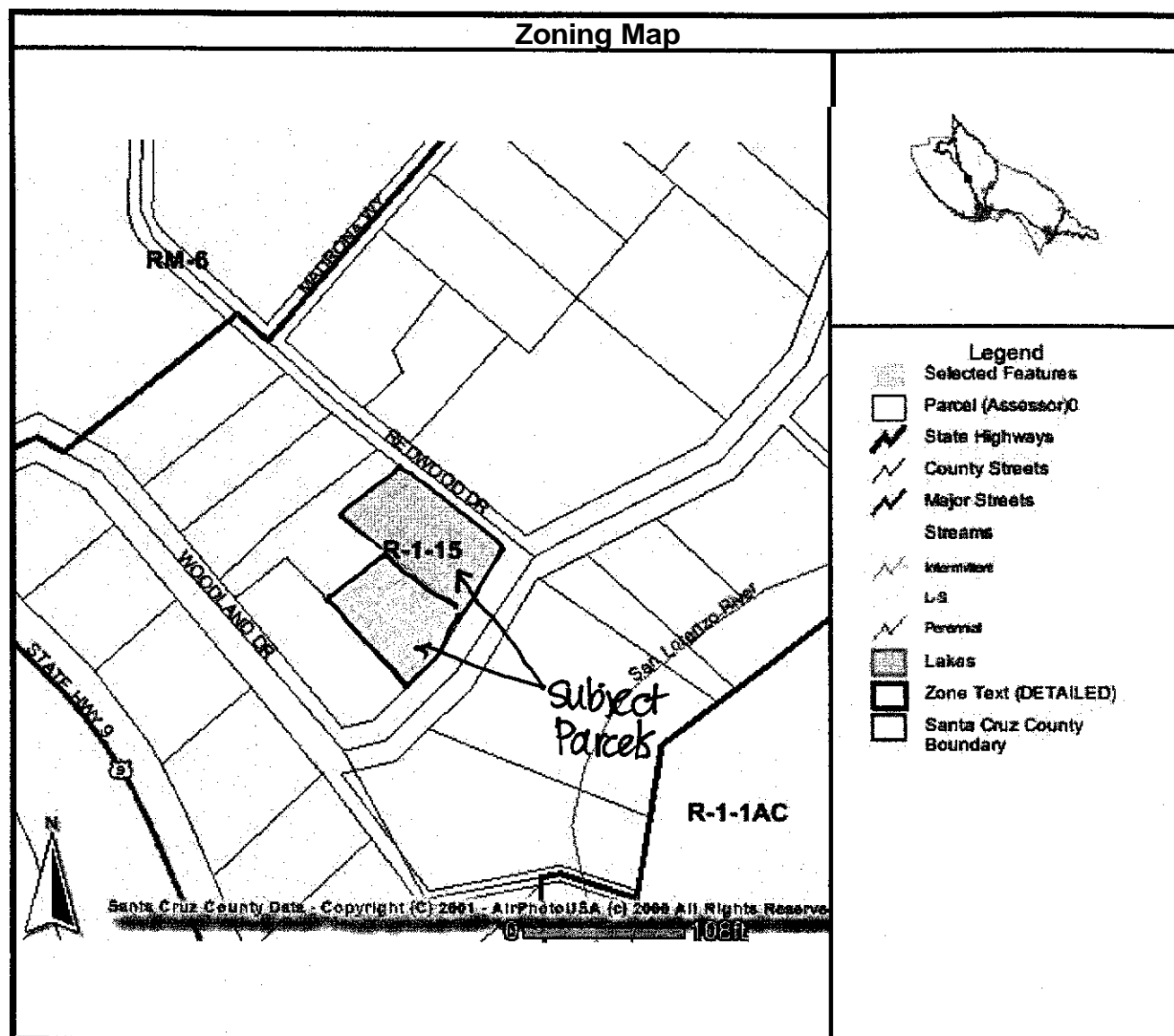
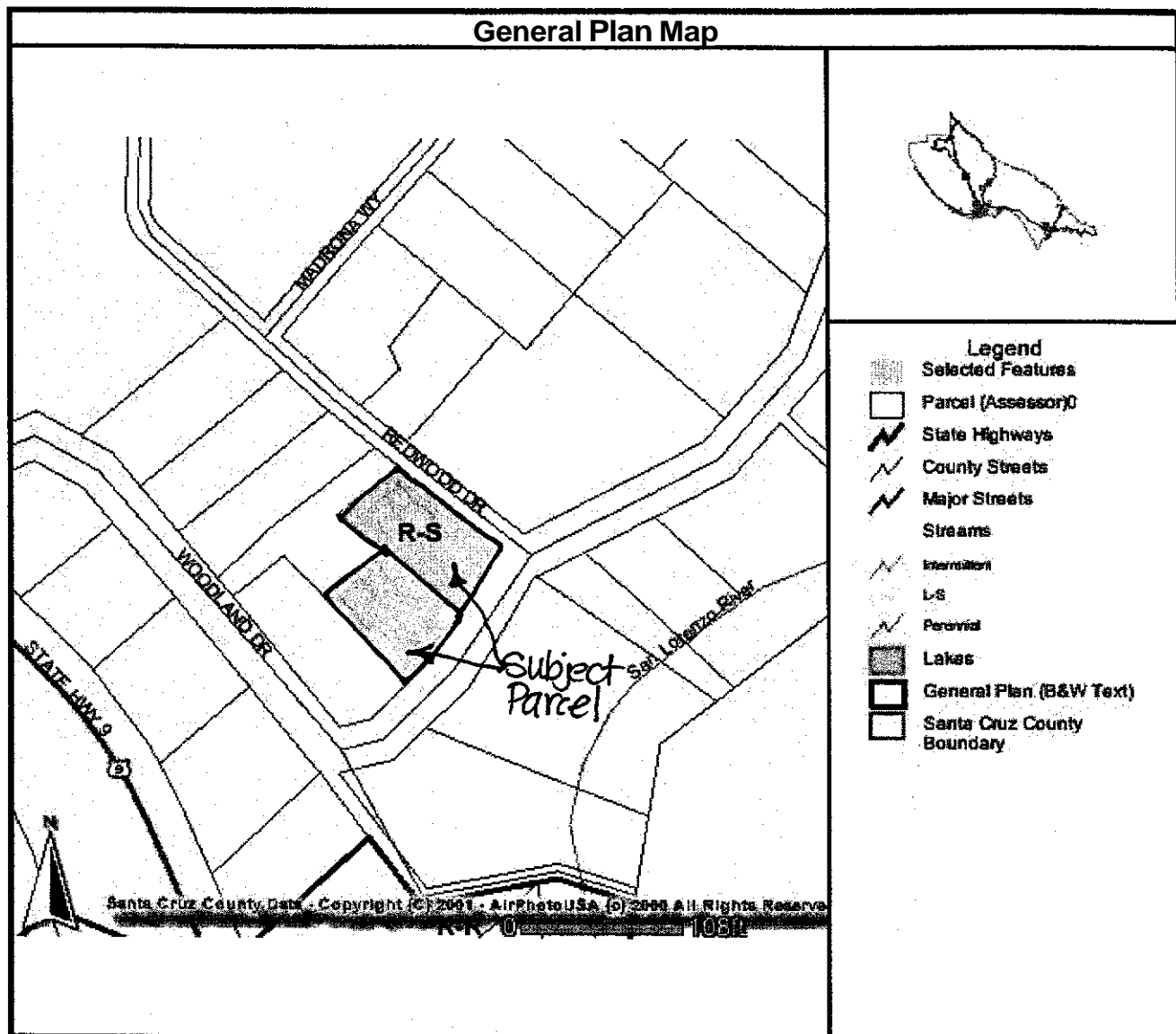


EXHIBIT F

**EXHIBIT F**