

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 04-0139 **APN:** 042-162-45

APPLICANT: Kenneth and Jerrie Ritchie

OWNER: Same

PROJECT DESCRIPTION: Proposal to extend a second story deck for an existing two story single-family dwelling. Requires a Variance to reduce the required 15-foot front yard to about 7'4" and increase the maximum 50% floor area ratio to about 85.5%.

LOCATION: On the north side of Marina Avenue (133 Marina Avenue), about 30 feet east of Aptos Beach Drive.

PERMITS REQUIRED: Variance

ENVIRONMENTAL DETERMINATION: Exempt – Class 5a

COASTAL ZONE: ☒ Yes ☐ No **APPEALABLE TO CCC:** ☐ Yes ☒ No

PARCEL INFORMATION

PARCEL SIZE: 1695 square feet

EXISTING LAND USE:

PARCEL: Single-family dwelling

SURROUNDING: High density residential and mixed commercial uses

PROJECT ACCESS: Marina Avenue (off of Aptos Beach Drive)

PLANNING AREA: Aptos

LAND USE DESIGNATION: Urban High Density Residential

ZONING DISTRICT: RM-3 (Multi-Family Residential, 3000 square foot minimum)

SUPERVISORIAL DISTRICT: 2

ENVIRONMENTAL INFORMATION

- | | |
|-----------------------|--|
| a. Geologic Hazards | a. Within 100 year flood plain |
| b. Soils | b. N/A |
| c. Fire Hazard | c. Not a mapped constraint |
| d. Slopes | d. N/A |
| e. Env. Sen. Habitat | Not mapped/no physical evidence on site |
| f. Grading | f. No grading proposed |
| g. Tree Removal | g. No trees proposed to be removed |
| h. Scenic | h. Not a mapped resource |
| i. Drainage | i. Existing drainage adequate |
| j. Traffic | j. N/A |
| k. Roads | k. Existing roads adequate |
| l. Parks | l. Existing park facilities adequate |
| m. Sewer Availability | m. Yes |
| n. Water Availability | Yes |
| o. Archeology | o. Not mapped/no physical evidence on site |

SERVICES INFORMATION

Inside Urban/Rural Services Line: X Yes N o

Water Supply: Soquel Creek Water District

Sewage Disposal: Santa Cruz County Sanitation District

Fire District: Aptos/La Selva Fire Protection District

Drainage District: Zone 6 Flood Control District

HISTORY

This existing single-family dwelling and the one to its west (131 Marina Avenue) were built at the same time as identical houses. At the time of their construction in 1982, the properties were in a Planned Development Combining District that required discretionary design review (the PD Combining District is no longer in effect). Both houses obtained Planned Development Permits (81-882-PD and 81-884-PD). Both houses were also granted Variances for front, side, and rear yards, lot coverage, habitable floor area (a precursor to floor area ratio), and height. These Variances were granted based on the special circumstances of small lot size and required flood elevation.

ANALYSIS AND DISCUSSION

The subject property is a 1,695 square foot lot, located in the RM-3 zone district, a designation that allows single-family dwelling uses. The proposed deck extension is a principal permitted use within the zone district and the project is consistent with the site's Urban High Residential General Plan designation. The proposed deck extension is in conformance with the County's certified Local Coastal Program in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family, multi-family, and commercial uses. Size and architectural styles vary in the area, with the majority of the residential structures being 2 or 3 stories with cantilevered decking. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. The project site is within the Rio Del Mar Esplanade Special Community; however, the design criteria of the Special Community apply to commercial uses only.

Variance findings can be made due to the special circumstances of lot size and the need for usable open space. The granting of the Variance will not be grant of special privilege due to existing improvements in the neighborhood, including the identical house to the west, and will

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.

RECOMMENDATION

Staff recommends:

1. **APPROVAL** of Application Number 04-0139, based on the attached findings and conditions.
2. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

EXHIBITS

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's parcel map
- F. Zoning map
- G. Copy of 81-882-PD and 81-884-PD

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: Glenda Hill, AICP
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3216 (or, PLN610@co.santa-cruz.ca.us)

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.

The existing parcel is 1,695 square feet in size, substandard to the **minimum** 3,000 square feet required by the RM-3 zone district. Due to the substandard size of the parcel, variances were required to construct the existing single-family dwelling, resulting in no rear yard, narrow 5' side yards, and a 10' front yard. Deducting the driveway **area**, the existing front yard provides about 80 square feet of open space. The truly usable open space area is located on the second story deck that currently is about 218 square feet in size. The proposed extension of the deck will provide open space area that cannot be gained elsewhere on the parcel. Also, since the parcel is located within the 100 year flood plain, it is not desirable to expand the footprint of the first story.

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 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 in that the proposed second story deck extension will not compromise site distance for vehicles, will not compromise privacy, create shading problems, and will provide additional needed usable open space.

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.

The granting of the variance to reduce the front yard and increase the floor area ratio will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated in that most the houses in the neighborhood have substandard front yards with encroaching cantilevered decks. The parcel to the east (137 Marina Avenue) has supported second and third story decking encroaching further into the front yard than this proposal. The parcel to the west (131 Marina Avenue), that has an identical house to this one, was granted a permit last year for a room addition and second story deck reconstruction that results in a 5'5" front yard and 86% floor area ratio.

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.

The location of the proposed deck expansion 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 in that the project is located in an area designated for high density residential uses. Due to its location within the 100 year flood plain, there are physical constraints on expansion of first story improvements. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The location of the proposed deck extension will not deprive adjacent properties or the neighborhood of light, air, or open space.

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.

The project site is located in the **RM-3** (Multi-Family Residential, 3000 square foot minimum) zone district. The proposed location of the deck extension and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RM-3 zone district in that the primary use of the property will continue to be single-family residential. Variances have been and are being granted to site standards due to special circumstances outlined in the Variance findings.

This project is not subject to Chapter 13.11 Design Review as the addition is less than 500 square feet in size.

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.

The project is located in the Urban High Density Residential land use designation. The proposed use is consistent with the General Plan in that it meets the density requirements specified in General Plan Objective 2.10.

The parcel is located within the Rio Del Mar Esplanade Special Community; however, all design

standards of this Special Community are applicable only to commercial buildings and uses.

The proposed deck extension will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. Variances have previously been approved and will be approved for this project due to special circumstances detailed in the Variance findings and the structure will be in harmony with the style and scale of the neighborhood.

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.

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that no additional trips will be generated by the deck expansion nor will additional utility use be required.

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.

The proposed deck expansion 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 in the vicinity, in that the majority of structures in the neighborhood, and this structure, are built with reduced front yards and have second and/or third story cantilevered decks.

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 proposal is exempt from the provisions of Chapter 13.11 Design Review.

The design standards of the Rio Del Mar Esplanade Special Community do not apply to residential structure

CONDITIONS OF APPROVAL

Exhibit A: Plans dated 4/9/02

- I. This permit authorizes the cantilevered expansion of a second story deck for an existing two story singlefamily dwelling. 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.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. 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 "A" on file with the Planning Department.
 - C. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- 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.
- 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.

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 TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Glenda Hill, AICP
Project Planner

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.

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: 04-0139

Assessor Parcel Number: 042-162-45

Project Location: Ritchie

Project Description: Proposal to extend a second story deck for an existing two story single-family dwelling. Requires a Variance to reduce the required 15-foot front yard to about 7'4" and increase the maximum 50% floor area ratio to about 85.5%.

Person or Agency Proposing Project: Kenneth and Jeme Ritchie

Contact Phone Number: (408) 356-8764

- 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. ☒ **Categorical Exemption**

Categorically Exempt 15305(a)

F. Reasons why the project is exempt:

Project is a deck extension to an existing single-family dwelling requiring variances that is a minor alteration to land use and does not create new parcels.

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

Glenda Hill
Glenda Hill, AICP Project Planner

Date: May 11, 2004

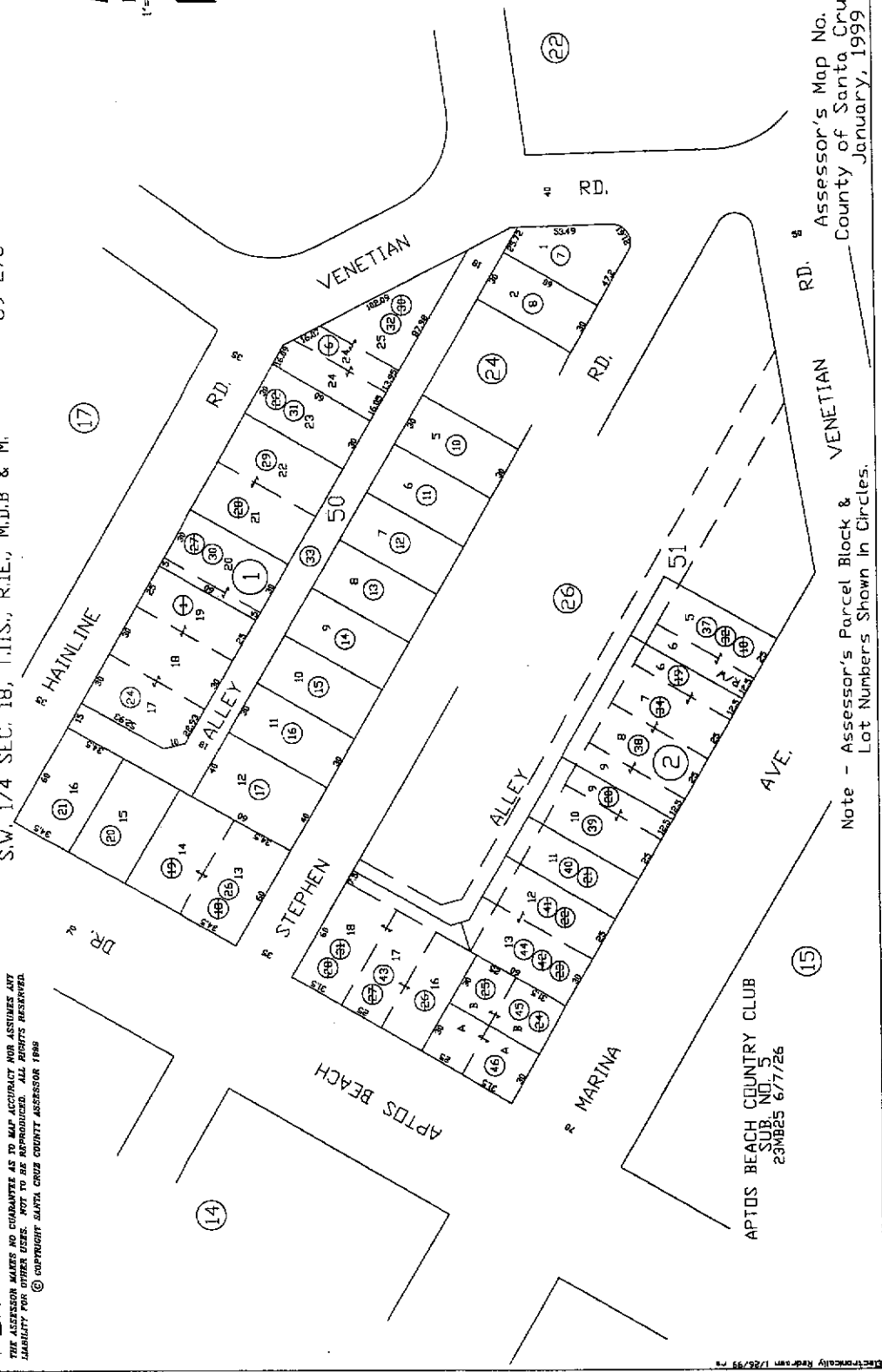
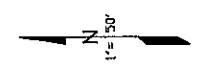
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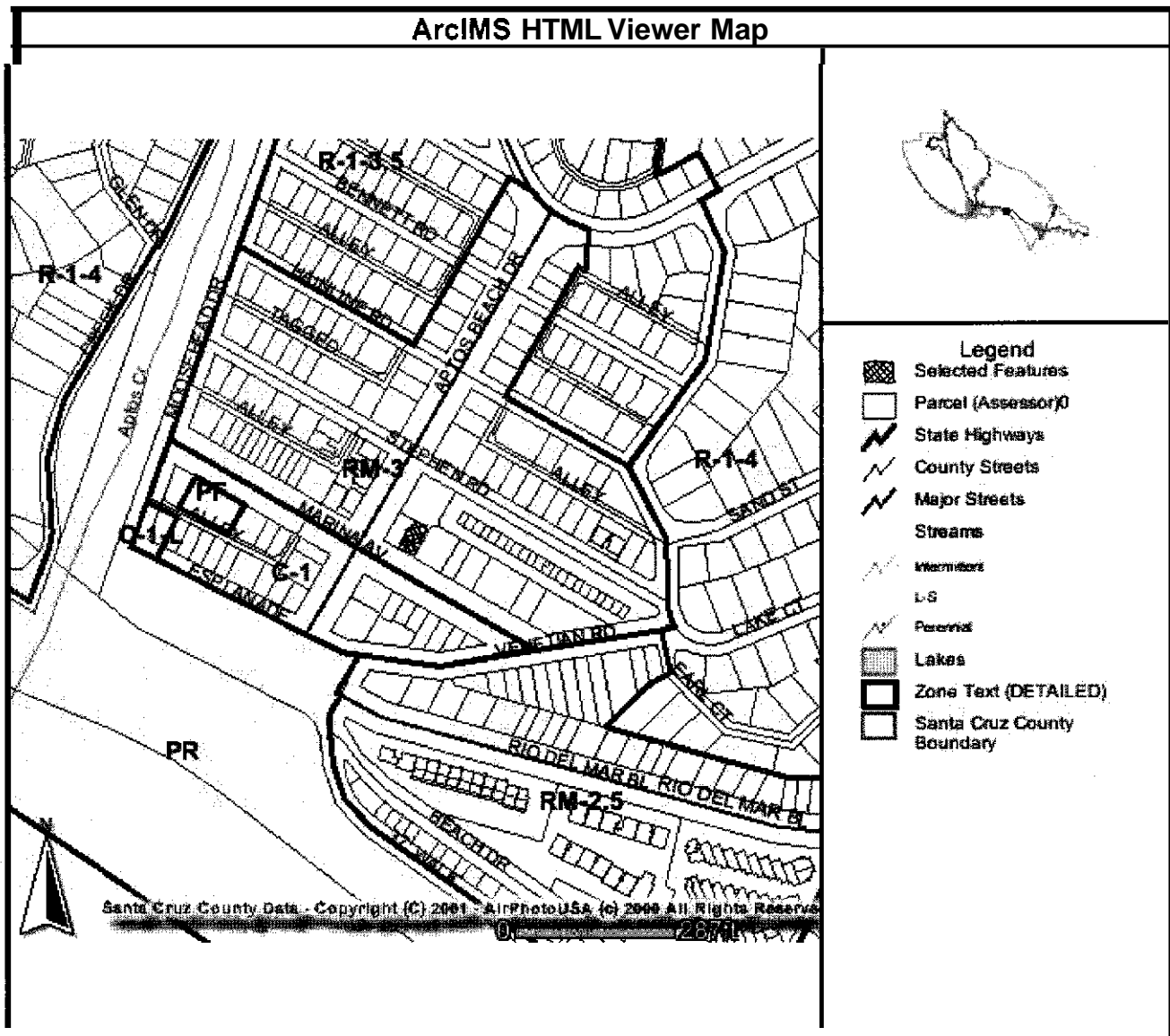
Tax Area Code
69-273

POR. APTOS RANCHO
S.W. 1/4 SEC. 18, T.11S, R.1E., M.D.B. & M.

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COUNTY OF SANTA CRUZ

PLANNED DEVELOPMENT
MINOR LAND DIVISION

-PERMIT- 4 7/9

NUMBER 22-077-20 31-200-01

ISSUED TO Henry D. & Jane Breen

402 SEA VIEW DRIVE

APTOS, CA 95003

PARCEL NO.(S) 02-182-24,25

LOCATION OF USE Northwest corner of Aptos Beach Drive and Marina Avenue.

PERMITTED USE Planned Development permit including a use permit and variance to reduce the required 15 foot rear yard to zero; 15 foot front yard to 10 feet; 10 foot west side yard to 7 feet 6 inches; 10 foot east side yard to 5 feet; increase permitted maximum 40% lot coverage to 47% maximum 60% habitable floor area to 54%; increase maximum 25 foot average height limitation to 27 feet so that a single-family dwelling may be constructed, and to further reduce the required 3,000 square foot building site area to 1,535 square feet to facilitate a redivision of two existing parcels, according to plans on file marked Exhibits "A" and "B" and the attached tentative map and Planned Development conditions:

Planned development permit including a use permit and variance to reduce the required 15 foot rear yard to zero; 15 foot front yard to 10 feet; 10 foot east side yard to 2 feet 6 inches; increase maximum permitted 40% lot coverage to 47%; maximum 60% habitable floor area to 45% 54% and increase maximum 25 foot average height limitation to 27 feet so that a single-family dwelling may be constructed, and to further reduce the required 3,000 square foot building site area to 1,535 square feet to facilitate a redivision of two existing parcels, according to plans on file marked Exhibits "A" and "B" and subject to the attached tentative map and Planned Development conditions:

RG:sa

NOTE: A BUILDING PERMIT MUST BE OBTAINED (IF REQUIRED) AND CONSTRUCTION MUST BE INITIATED PRIOR TO THIS DATE IN ORDER TO EXERCISE THIS PERMIT.

THIS PERMIT WILL EXPIRE ON 7/24/84 IF IT HAS NOT BEEN EXERCISED.

NOTE: APPLICANT MUST SIGN,
ACCEPTING CONDITIONS, OR PERMIT
BECOMES NULL & VOID.

SIGNATURE OF APPLICANT

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY Marc Eynard DATE 7/24/82

Marc Eynard, Zoning Administrator

