

## STAFF REPORT TO THE ZONING ADMINISTRATOR

**APPLICATION NO.:** 03-0506  
**APPLICANT:** Winston Whittaker  
**OWNER** Gary and Mary McConnell

**APN:** 041-121-41

**PROJECT DESCRIPTION:** Proposal to construct a heated pool house with indoor pool and a toilet. Requires a Variance to reduce the required 40 foot front yard to around 10 feet, a Residential Development Permit to construct a Habitable Accessory Structure of over 640 square feet with a toilet, and a soils report review.

**LOCATION:** Property located on the South side of Los Arboles Road at about 1/4 mile Northwest of the intersection with Trout Gulch Road (745 Los Arboles Rd.)

**PERMITS REQUIRED:** Residential Development Permit, Variance

**ENVIRONMENTAL DETERMINATION:** Categorically exempt, -Class 3

**COASTAL ZONE:** —Yes ☒ No

**APPEALABLE TO CCC:** —Yes ☒ No

### PARCEL INFORMATION

<b>PARCEL SIZE:</b>	2.765 Acres (EMIS Estimate)
<b>EXISTING LAND USES</b>	
<b>PARCEL:</b>	Single-family dwelling with 2 <sup>nd</sup> Unit
<b>SURROUNDING</b>	Single-family dwellings on large lots
<b>PROJECT ACCESS:</b>	Los Arboles Road
<b>PLANNING AREA:</b>	Aptos
<b>LAND USE DESIGNATION:</b>	R-R (Rural Residential)
<b>ZONING DISTRICT:</b>	RA (Residential Agriculture)
<b>SUPERVISORIAL DISTRICT:</b>	2 <sup>nd</sup> District

### ENVIRONMENTAL INFORMATION

a. Geologic Hazards	a. None mapped, soils report prepared and reviewed
b. Soils	b. Elkhorn-Pfeiffer Complex (136), Lompico-Felton Complex (143)
c. Fire Hazard	C Critical Fire Hazard Area
d. Slopes	d. 2% to 30%+
e. Env. Sen. Habitat	e. Not mapped/no physical evidence on site
f. Grading	f. Less than 100 cubic yards of grading proposed
g. Tree Removal	<del>B</del> : No trees proposed to be removed
h. Scenic	Not a mapped resource, site located on a ridgetop
i. Drainage	1. Existing drainage adequate
j. Traffic	j. No increase in traffic

- |                       |  |
|-----------------------|--|
| k. Roads              | k. Existing roads adequate                 |
| l. Parks              | l. No impact to park facilities            |
| m. Sewer Availability | m. Existing septic system                  |
| n. Water Availability | n. Existing well                           |
| o. Archeology         | o. Not mapped/no physical evidence on site |

### **SERVICES INFORMATION**

Inside Urban/Rural Services Line: \_\_\_\_ Yes ☒ No

Water Supply: Existing well ☒

Sewage Disposal: Existing septic system

Fire Department: California Department of Forestry (CDF)

Drainage District: No Drainage District

### **ANALYSIS AND DISCUSSION**

#### **Habitable Accessory Structure Issues**

The property owner seeks to construct a 1,200 square foot habitable accessory structure enclosing a pool and hot tub. The proposal requires a Residential Development Permit to allow a habitable accessory structure in excess of 640 square feet with a toilet (per Section 13.10.322, the Residential Uses Chart). The primary purpose of this permit is to ensure the habitable accessory structure will not be converted into a living unit. The proposed structure cannot be converted into a living unit due to the nature of the structure as an enclosure for a proposed swimming pool.

#### **Site Standards**

The subject parcel is zoned Residential Agriculture (RA), requiring front yard setbacks of 40 feet and side and rear yard setbacks of 20 feet. The owner requests a variance to reduce the front yard setback along Los Arboles to 10 feet for the proposed pool house in order to minimize grading and construct the pool and structure on the only reasonably flat portion of the site.

#### **Variance Issues**

Special circumstances exist on the site to justify the granting of a Variance to reduce the front-yard setback due to the topography of the site and the location of existing structures. The site situates on one side of a steep ridge, with Los Arboles running along the ridge line, the only relatively flat portion of the site. Construction of a pool house at a location outside the setbacks from Los Arboles Road would require construction on slopes of greater than 30% and extensive grading.

The granting of a variance to reduce the front yard setback would not constitute the granting of a special privilege as similar variances have already been granted along Los Arboles Road, including variances granted at 645 and 585 Los Arboles. A variance to the front yard setback requirements has already been issued on site for the construction of the garage and second unit, issued under permit 90-0032Q.

The reduced setbacks will not compromise health, safety, or welfare as adequate sight-distance will be maintained for vehicles traveling along Los Arboles Road access to light and air will not be an issue as the 40 foot right-of-way and additional ten foot setback will provide ample distance between the structure and the traveled roadway.

#### Neighborhood compatibility

The proposed pool house will use the same materials, colors, and architectural style as the main dwelling and the garage, and will therefore be compatible with the rural character of the Los Arboles Road neighborhood. The wood siding and stain will match that of the existing structure, and will complement the forest setting. Though the development is located on a ridgetop, the proposal will comply with General Plan Policy 8.6.6 (Protecting Ridgetops and Natural Landforms) in that the exterior materials and colors will blend with the natural landforms and the tree backdrop.

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 **03-0506**, 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. Comments & Correspondence

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.

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Santa Cruz CA 95060  
Phone Number: (831) 454-3561 (or, david.keyon@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 topography of the site and the location of existing structures represent special circumstances to justify the granting of a variance to the front yard setback requirements in the RA zone district. The subject property situates on one side of a ridge, with the Los Arboles Road right-of-way occupying the top of the ridge and the subsequent setbacks occupying most of the easily developed land on site. The strict application of the zoning ordinance in terms of setbacks and development on steep slopes would deny the property owner of the ability to have an accessory structure on the property.

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.

Granting a variance to the front yard setback requirements will not be detrimental to the health, safety, or welfare of persons, property, or improvements in the vicinity. Los Arboles is a narrow road of approximately 12 feet in width, yet the right-of-way is 40 feet wide, providing an additional buffer between the traveled roadway and the proposed structure to provide access to light and air. Furthermore, a setback of 10 feet will be provided, more than that provided for structures approved by past variances along Los Arboles Road. This setback will be adequate to preserve adequate visibility of vehicles traveling along Los Arboles Road.

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.

The granting of a variance to allow reduced front yard setbacks will not constitute a special privilege as other properties along Los Arboles have been granted variances for similar reductions due to the unique topography of the area. Furthermore, a variance to the front yard setbacks has already been issued on the subject parcel to allow the construction of the garage and second unit.

### 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 proposed 1,200 square foot pool house will not be detrimental to the health, safety, or welfare of persons in the neighborhood as adequate visibility will be maintained for vehicles traveling along Los Arboles Road, and access to light, air, and open space will not be affected due to the rural nature of the site. The structure will be required to comply with all applicable building, electrical, plumbing, and electrical codes relating to safety and energy efficiency.

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.

With the exception of the 40 foot front yard setbacks for the RA zone district (*see* variance findings, above), the proposed pool house will meet all other site standards, including height, lot coverage, and floor area ratio. The structure will be consistent with the purposes of the RA zone district in that it will be ancillary to the primary single-family residential use on the property and will not compromise the rural character of the surrounding neighborhood.

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 Rural Residential (R-R) land use designation. The proposed pool house is consistent with the General Plan in that it meets all site standards for the implementing RA zone district (with the exception of the variance to the front yard setback) and will be designed and situated in a manner to maintain the rural character of the neighborhood.

The project will be located on a ridgetop, and will comply with General Plan Policy 8.6.6 (Protecting Natural Ridgetops and Landforms) in that the exterior materials and colors will blend with the natural landform and tree backdrop.

The proposed pool house will comply with General Plan Policy 6.3.1 (slope restrictions) in that the granting of a variance to the front yard setbacks (*see* variance findings, above) will allow the structure to be constructed on slopes of less than 30%, minimizing land disturbance and erosion potential.

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.

The proposed pool house will not overload utilities and will not generate additional traffic as no additional bedrooms will be constructed.

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 pool house will incorporate the same wood siding and stain as the existing single-family dwelling and garage, and will therefore complement the existing development on site. The materials and colors will harmonize with the rural setting of the neighborhood, as wood siding is commonly used on structures in the vicinity. The intensity of the residential use on site will not increase significantly as no new bedrooms or dwelling units are proposed and the pool will be used primarily by residents on site.

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.

The proposed project does not require design review under Chapter 13.11 of the County Code.

## **CONDITIONS OF APPROVAL**

**Exhibit A:** Project plans, three sheets, dated November 26, 2004 with final revisions on May 25, 2004.

- I. This permit authorizes the construction of a 1,200 square foot pool house with a toilet. 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 for both the structure and the swimming pool.
- 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. The final plans shall include the following additional information:
    - 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in **8.5"** x 11" format.
    - 2. A grading plan detailing the estimated earthwork quantities and the destination of excavated material.
    - 3. A drainage plan meeting showing all information requested by the Department of Public Works, Drainage.
    - 4. An erosion control plan.
    - 5. The location of the drainage dissipater that discharges roof runoff.
    - 6. Details showing compliance with fire department requirements.
  - C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
  - D. Meet all requirements and pay any applicable plan check fee of the CDF/ County Fire Protection District.



- E. Submit a plan review letter from the project soils engineer, which states that the final plans are in conformance with the recommendations made in the report prepared for this site. This letter must approve the foundation design as well as drainage dissipater location.
  - F. A signed, stamped letter approving the drainage plan from a geotechnical engineer.
- 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 16.42.100 of the County Code, if at anytime 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 16.42.100, 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.

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**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

\_\_\_\_\_  
David Keyon  
Project Planner

\_\_\_\_\_  
Appeals: Any properly 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: 03-0506

Assessor Parcel Number: 041-121-41

Project Location: 745 Los Arboles

**Project Description: New construction of a small structure**

**Person or Agency Proposing Project: Winston Whittaker**

**Contact Phone Number: (408) 230-4309**

- 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**

Specify type: 15303(e); new accessory structure

F. **Reasons why the project is exempt:**

Construction of **an** accessory structure with indoor swimming pool

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



David Keyon, Project Planner

Date:

7/6/04

# FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ASSessor IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE TO ANY PERSON OR PROPERTY ARISING OUT OF THE USE OF THIS MAP.

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PDR. APTOS RANCHO  
S1/2 SEC. 5 & SEC. 8  
T.11S., R.1E., M.D.B. & M.

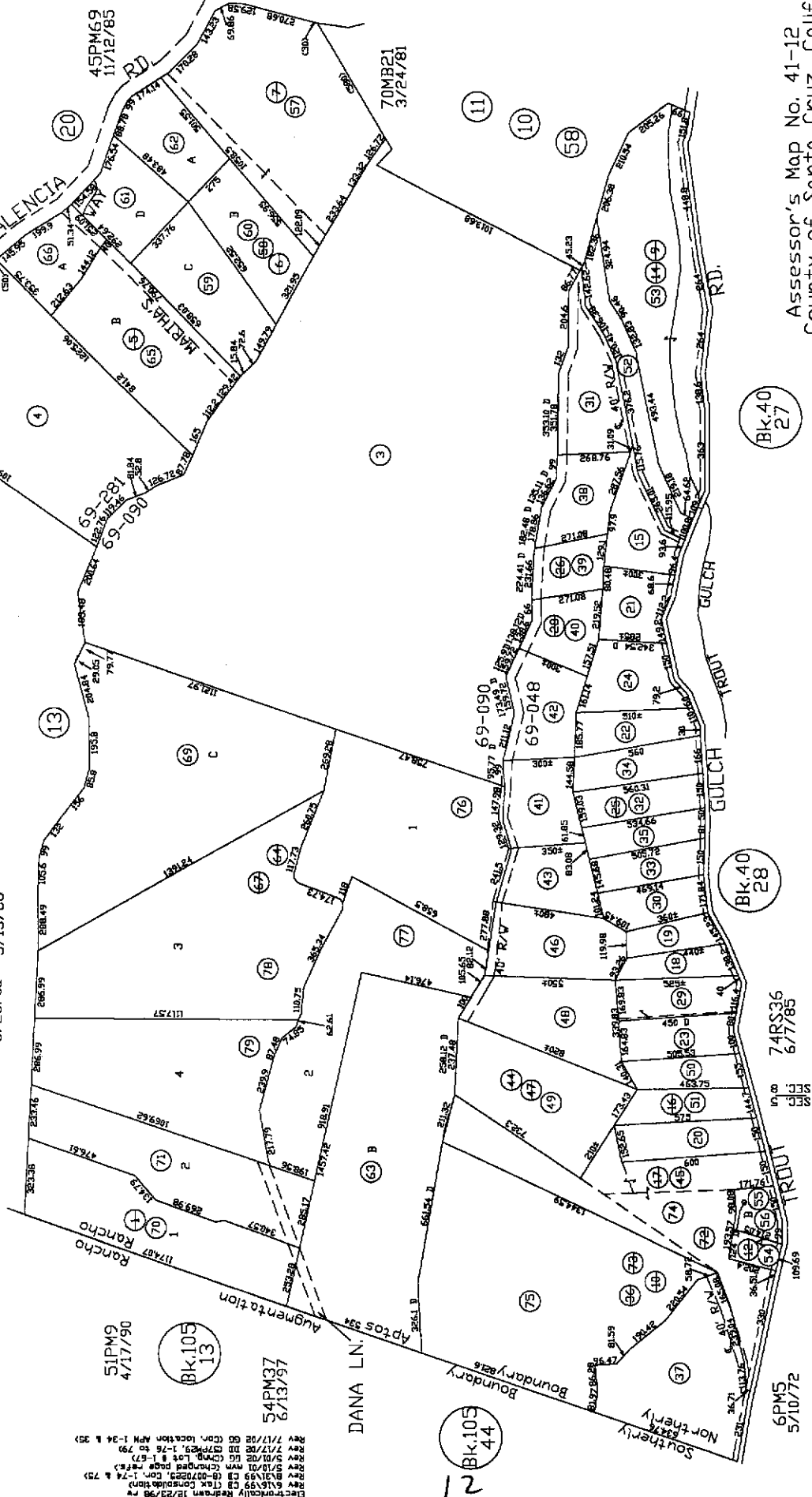
Tax Area Code  
69-048 69-090  
69-281

41-12

419 57PM29 49PM1  
518 6/25/02 5/13/88

Electronically Redrawn 12/23/98  
Rev 6/16/99 CB (Tax Consolidation)  
Rev 5/10/99 MVA (Consolidated Road Right)  
Rev 5/10/99 CB (Comp. Lot 8 & 1-67)  
Rev 7/17/98 DB (37PM29, 1-76 to 79)  
Rev 7/17/98 DB (37PM29, 1-76 to 79)  
Rev 7/17/98 DB (37PM29, 1-76 to 79)

51PM9 4/17/90  
54PM37 6/13/97  
Bk.105 13  
Bk.105 44

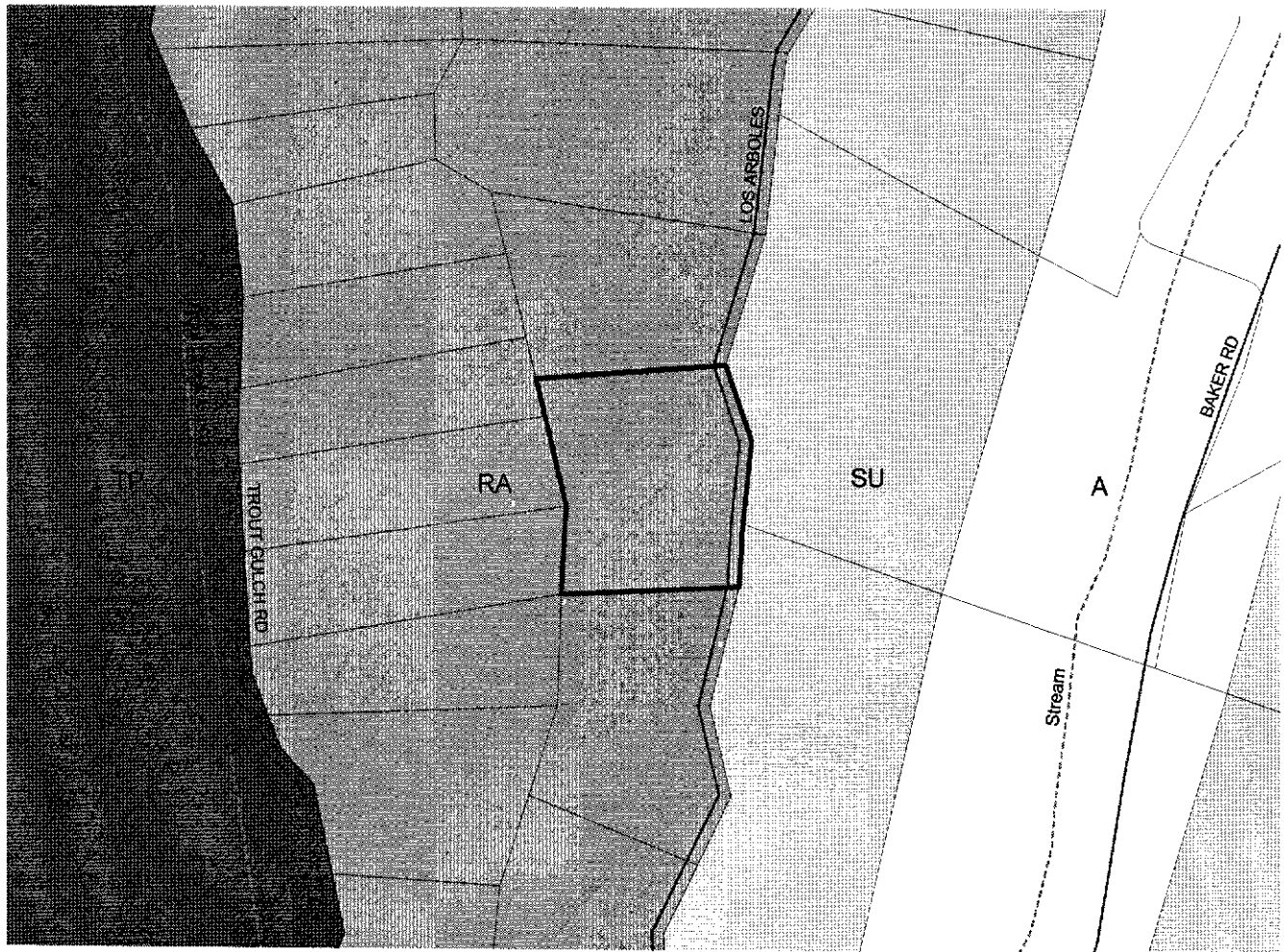


Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 41-12  
County of Santa Cruz, Calif.  
Dec., 1998

EXHIBIT E

# Zoning Map



500 0 500 1000 Feet

## Legend

	APN 041-121-41
	Parcel boundaries
	Streets
	Intermittent Stream
	A
	SU
	RA
	TP



Map created by Santa Cruz County  
Planning Department:  
November 2003