



Staff Report to the Zoning Administrator

Application Number: **04-0207**

Applicant: Dee Murray
Owner: Robert and Rexann Cheney
APN: 039-252-04

Agenda Date: September 17, 2004
Agenda Item #: 9
Time: After 10:00 a.m.

Project Description: Proposal to recognize the location of an existing single-family dwelling with attached garage at 5 feet from an existing right-of way (rather than 15 feet approved under 82-183-V), to demolish 127 square feet of unconditioned space, to conduct an interior and exterior remodel, and construct an addition of about 450 square feet including the reduction of the front yard setback to 2' 11".

Location: Property located on the west side of Paseo Bonito Lane (135 Paso Bonito) about 130 feet northeast of Haas Drive.

Supervisory District: 2nd District (District Supervisor: Ellen Pine)

Permits Required: Amendment to Variance 82-183-V.

Staff Recommendation:

- Approval of Application 04-0207, based on the attached findings and conditions.
- Certification that the proposal is exempt from **further** Environmental Review under the California Environmental Quality Act.

Exhibits

- | | | | |
|----|--|----|---------------------------|
| A. | Project plans | E. | Assessor's parcel map |
| B. | Findings | F. | Zoning map |
| C. | Conditions | G. | Location Map |
| D. | Categorical Exemption (CEQA determination) | H. | Comments & Correspondence |

Parcel Information

Parcel Size:	About 79,394 square feet (1.82 acres)
Existing Land Use - Parcel:	Singlefamily dwelling
Existing Land Use - Surrounding:	Singlefamily dwellings on large lots
Project Access:	Paseo Bonito, a private road

Planning Area: Aptos
Land Use Designation: R - W L (Urban Very Low Residential)
Zone District: R-1-1 Acre (Single-family residential, 1 acre minimum)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Lompico-Felton Complex (Index No. 143), Tierra Watsonville Complex (Index No. 174)
Fire Hazard: Not a mapped constraint
Slopes: 0%-50%+ slopes
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
Drainage: Existing drainage adequate
Traffic: No increase in traffic
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Archeological site review negative

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Existing Septic System
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Not located within a Drainage District

History

The original singlsfamily dwelling on site was constructed in 1959 under a valid building permit (permit number 6809). In 1982, Variance 82-183-V was applied for to reduce the front yard setback to 7 feet for a proposed addition. The Zoning Administrator denied the request for a reduction to 7 feet with the finding that no special circumstances exist to justify a setback reduction of this scale, and a reduction to 15 feet was approved alternatively. A valid building permit was obtained to construct the addition (permit number 72228). However, the original structure (as constructed in 1959) and the subsequent addition exceeded the allowable setback reduction, resulting in the structure being built to within about 5 feet of the property line rather than 15 feet as shown on the plans for 82-183-V.

Project Setting

The project site is located on a private road (Paseo Bonito Lane) off of Haas Drive within the Aptos Planning Area. The parcel is steeply sloped (slopes in excess of 30%) with the exception of the existing home site, driveway, and front yard. Paseo Bonito Lane serves six properties, with a pavement width of about 10 to 12 feet and a right-of-way width of 50 feet.

Zoning & General Plan Consistency

With the exception of the front yard setback, the house and proposed additions meet all required site standards of the R-1-1 acre zone district, including setbacks, lot coverage, and floor area ratio. The R-1-1 acre zone district implements the Urban Very Low Residential General Plan Designation, and the proposed addition will conform to the purposes of this General Plan Designation in that the use of the site will remain residential.

Variance Issues

Grounds for a Variance to the front yard setback exist on the site despite the findings in permit 82-183-V that reducing the front yard setback to less than 15 feet would constitute a special privilege. The project plans for 82-183-V show the original house at 15 feet from the edge of the right-of-way for Paseo Bonito Lane, whereas the plans for the current project show the existing house at 5 feet from the edge of the right-of-way per a survey by Leo F. Woods dated July 1982. Since the existing house is already less than 15 feet from the edge of the right-of-way, any living room or kitchen additions require the approval of a Variance. The granting of such a variance would not constitute a special privilege in this case as variances have been granted in similar circumstances where an existing house is close to a right-of-way and surrounded by steep topography.

Due to inaccuracies on the plans marked "Exhibit A" for Variance 82-183-V, this amendment must also recognize the actual location of the house and additions constructed under the original permit as well as the proposed additions.

The combination of the steep slopes around the house site, the existing location of the house itself, and the exceptionally large right-of-way for Paseo Bonito Lane represent special circumstances intrinsic to the property that warrant the granting of a variance to the 40 foot front yard setbacks at this site. Requiring any new additions to meet the front yard setback would result in undue hardship upon the property owners as it would deprive them the privileges enjoyed by surrounding neighbors with similar parcel sizes and similar zoning.

The construction of new additions within the front yard setback and the reduction of this setback to 2' 11" will not be detrimental to the health, safety, or welfare of persons or improvements in the neighborhood in that the additions will still be at least 20 feet away from the edge of the paved road and will therefore not impact vehicle sight distance nor the perception of access to light and air.

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

- APPROVAL of Application Number **04-0207**, based on the attached findings and conditions.
- Certification that the proposal is exempt **from further** Environmental Review under the California Environmental Quality Act.

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.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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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.

This finding can be made in that a combination of the topography around the house site, the existing location of the house itself (approved under a building permit in 1959), and the exceptionally large right-of-way for Paseo Bonito Lane represent special circumstances intrinsic to the property that warrant the granting of a variance to the 40 foot front yard setbacks at this site. Requiring any new additions to meet the front yard setback would result in undue hardship upon the property owners as it would deprive them the privileges enjoyed by surrounding properties with the same zoning and similar parcel sizes.

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 since the granting of a variance to the front yard setback will not deprive users of Paseo Bonito Lane access to light, *air*, and open space as the edge of the traveled roadway will be about **20** feet from the closest portion of the new addition, and the location of development will allow adequate sight distance for vehicles. A significant change in grade exists between the structure and the road (a **4** to **8** foot difference in grade), minimizing the visual impact of the house and the proposed additions from the 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.

This finding can be made as variances to the front yard setback have been granted in the past for additions to existing houses located on steep slopes and encumbered by a wide right-of-way, and therefore the granting of this variance would not constitute a special privilege.

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 proposed additions will not block sight distance of vehicles traveling on Paseo Bonito Lane and will not deprive the neighborhood of access to light, air, and open space. Despite the proposal to reduce the front yard setback to about 2 feet, 11 inches, the visual impact of the additions on the traveled roadway will be minimal since the additions will occur at a higher grade (about 4 to 8 feet above the roadway) then the road and will be located at least 20 feet from the edge of pavement. All the additions will be required to meet all applicable building, plumbing, electrical, and energy codes at the building permit stage to ensure the safety of occupants and the conservation of energy.

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 since all R-1-1 Acre site standards will be met with the exception of the 40 foot front yard setback. The use of the site will remain residential, and the proposed additions will meet all other applicable sections of the County Code as no development will occur on slopes of greater than 30%.

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 addition is residential in nature and will not exceed the use and density requirements specified for the Urban **Very** Low Residential (R-UVL) land use designation in the County General Plan.

The proposed additions will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). Though the proposed additions will reduce the front yard setback to 2' 11" in places, the large right-of-way and the location of the paved roadway more than **20** feet from the structure will ensure access to light, air, and open space will be maintained.

The proposed additions will result in a single-family dwelling that will not be improperly proportioned to the parcel size or 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 single-family dwelling will meet both lot coverage and Floor Area Ratio for the RA zone district.

A specific plan has not been adopted for this portion of Aptos.

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 additions will not result in a significant increase in utility usage and no additional traffic will be generated as not new bedrooms will be created.

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 additions will complement the existing single-family dwelling and will maintain the semi-rural character of the neighborhood. The proposed decrease in the front yard setback will not noticeably change the character of the neighborhood, as the decrease in the setback is minor (only 2' 1") compared to the existing dwelling.

Conditions of Approval

Exhibit A: Project plans, 3 sheets, drawn by Thacher & Thompson Architects, dated February 18.2004.

- I. This permit recognizes the actual location of the existing dwelling misrepresented on the project plans for 82-183-V and authorizes the construction of a 452 square foot addition and covered entryway on an existing single-family 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 Demolition Permit from the Santa Cruz County Building Official for the removal **of** the sunroom.
 - C. 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 Cmz (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** drainage plan showing how runoff from the proposed additions will be handled.
 3. **An** erosion control plan including both the location and construction details for all proposed erosion and sediment control devices. These devices must prevent sediment from leaving the construction site or being tracked onto the roadway.
 4. Details showing compliance with fire department requirements.
 - C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services by providing a satisfactory septic ~~tank~~ pumper's report to demonstrate the septic system is functioning.

- D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection 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 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. Pursuant to Sections 16.40.040 and 16.42.100 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 16.42.100, 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.

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: _____

Application # 04-0207
APN: 039-252-04
Owner: Robert and ~~Rex~~am Cheney

Don Bussey
Deputy Zoning Administrator

David Keyon
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: 04-0207

Assessor Parcel Number: 039-252-04

Project Location: 135 Paseo Bonito

Project Description: Minor additions to an existing dwelling

Person or Agency Proposing Project: Dee Murray

Contact Phone Number: (831) 475-5334

- 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: Existing Structures Exemption (Section 15301)

F. Reasons why the project is exempt:

Construction of an addition of less than 2,500 square feet or 50% of the total floor area of existing structure

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

David Keyon, Project Planner

Date: _____

POR. APTOS RANCHO
SEC. 12, T.11S., R.1W., M.D.B. & M.

FOR TAX PURPOSES ONLY

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SCOTT, RANCHO

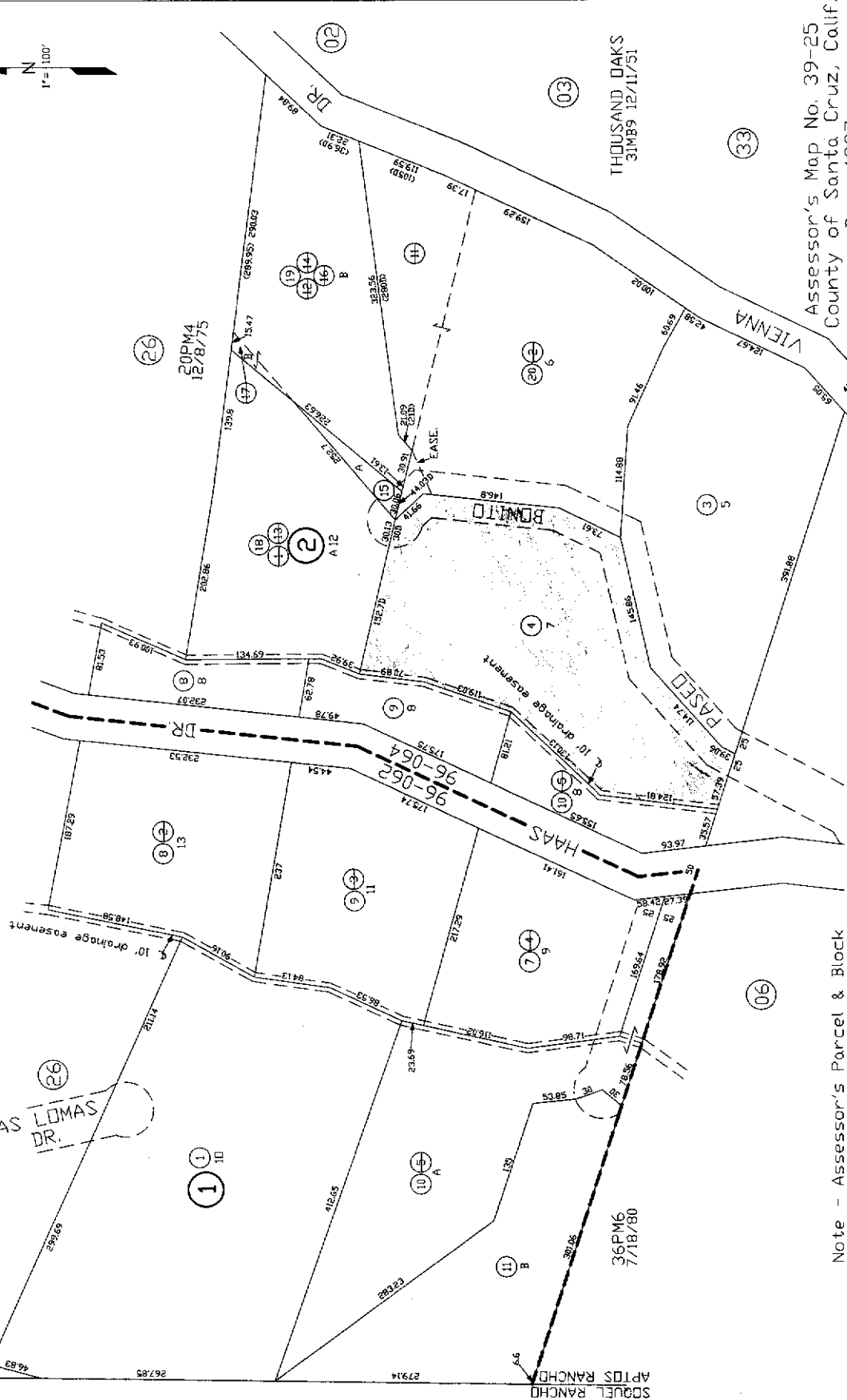
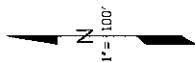
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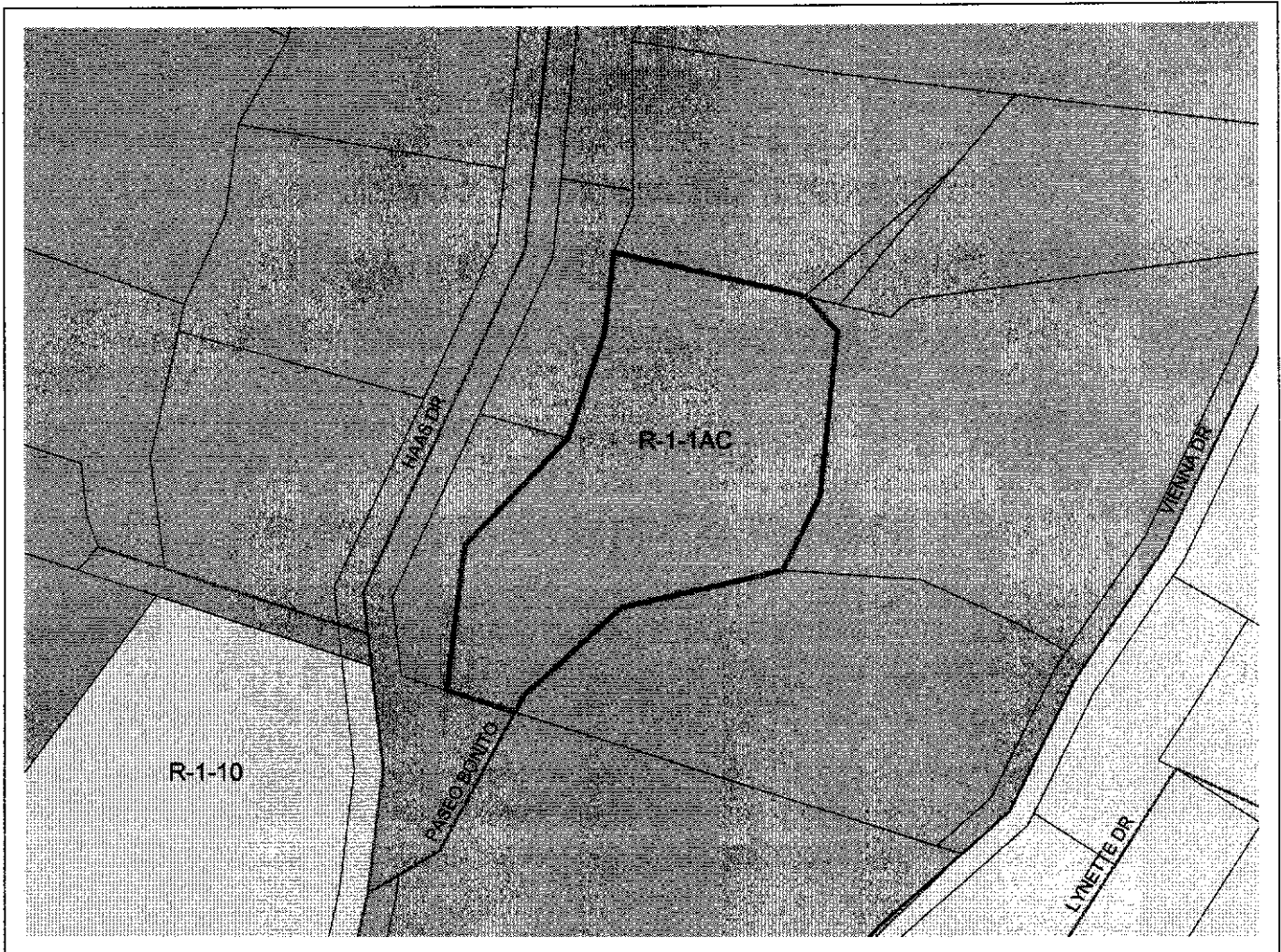
Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 39-25
County of Santa Cruz, Calif.
Dec., 1997

THOUSAND OAKS
31MB9 12/11/51

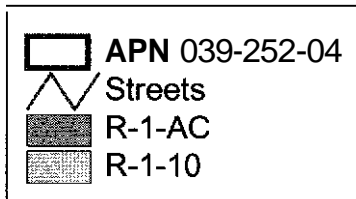


Zoning Map



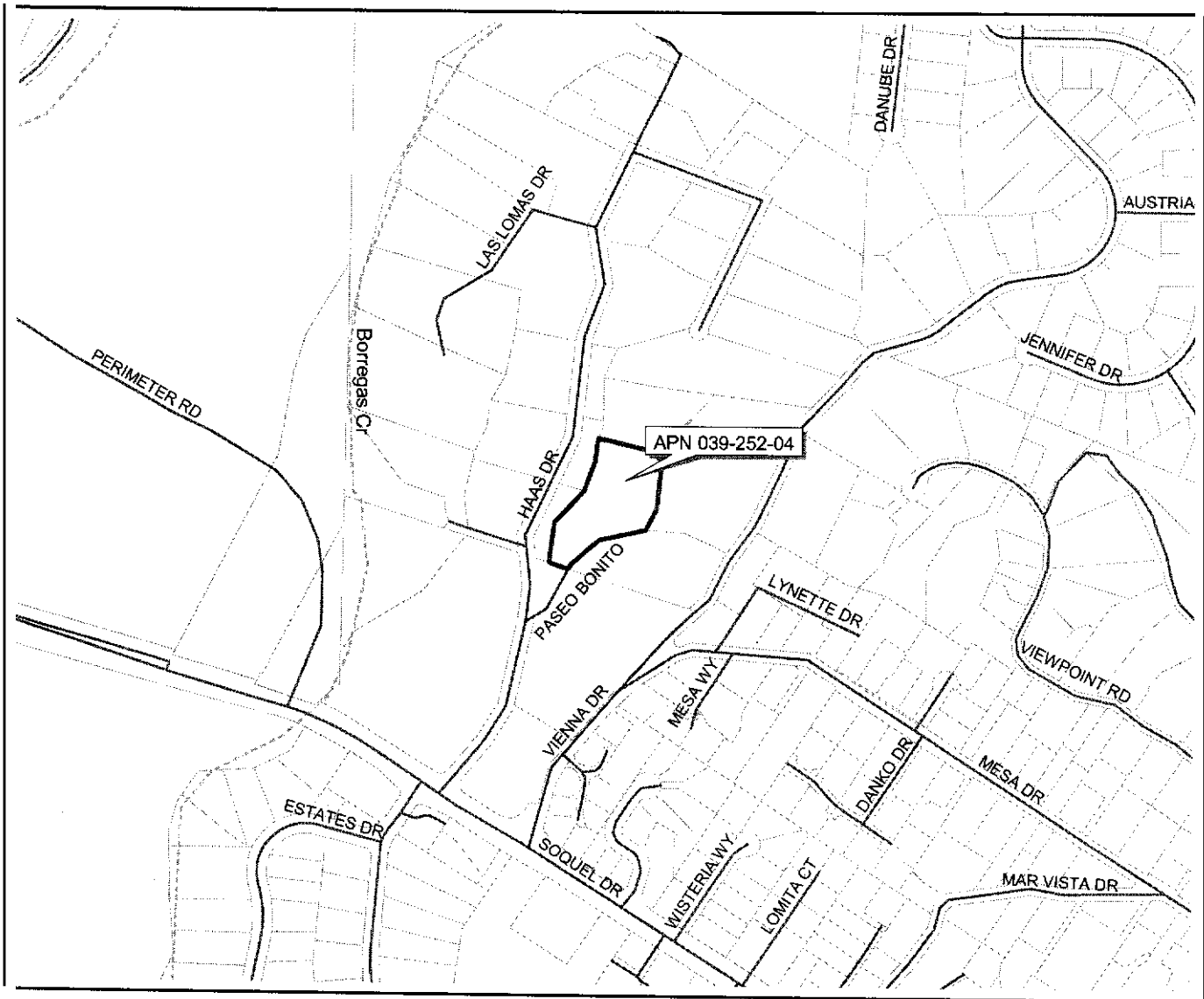
200 0 200 400 600 Feet

Legend



Map created by Santa Cruz County
Planning Department:
May 2004

Location Map



1000 0 1000 2000 Feet

Map created by Santa Cruz County
Planning Department:
May 2004

