



Staff Report to the Zoning Administrator

Application Number: **02-0531**

Applicant: Robert Comes
Owner: Robert Comes
APN: 097-121-05

Agenda Date: September 17, 2004
Agenda Item#: J 0
Time: After 10:00 a.m.

Project Description: Proposal to recognize the construction of an addition to an existing single-family dwelling including the conversion of a garage to a living room, the expansion of a master bedroom, the conversion of an outdoor deck to a dining room, and the construction of additional decking.

Location: Property located on the north side of Smith Valley Road, about 450 feet west from Soquel-San Jose Road (270 Smith Valley Road).

Supervisory District: 1st District (District Supervisor: Jan Beautz)

Permits Required: Amendment to Variance 79-0550-V, Geologic Report Review

Staff Recommendation:

- Approval of Application 02-0531, 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:	Approximately 1 acre (EMIS Estimate)
Existing Land Use - Parcel:	Single-family dwelling converted into three units
Existing Land Use - Surrounding:	Single-family dwellings on large lots
Project Access:	Smith Valley Road
Planning Area:	Summit

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Land Use Designation: R-R (Rural Residential)
Zone District: RA (Residential Agriculture)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Steep slopes, landslide potential
Soils: **Ben** Lomand-Felton Complex, 50% to 70% slopes
Fire Hazard: Not a mapped constraint
Slopes: 30% plus
Env. Sen. Habitat: None mapped
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: No substantial increase after conversion back to SFD
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Not mapped/no physical evidence on site.

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Existing Septic System (approved by Env. Health)
Fire District: California Department of Forestry/ County Fire
Drainage District: N/A

History

The single-family dwelling originally approved under Variance 79-0550-V consisted of a three-bedroom house with a garage below and a reduced front yard setback from the required 40 feet to 25 feet. The County ~~then~~ issued a building permit (62529) on December 14, 1979, but the permit became void due to inactivity as only one of the required inspections was completed. The previous property owner proceeded to construct various additions to the structure without the benefit of either a building permit or a discretionary permit. These additions included the expansion of the master bedroom, construction of **an** enclosure for the rear deck, a bedroom on the lower level, the conversion **of** the garage to living space, and additional decking along the western side of the house. The previous owner also converted the structure from a single-family dwelling into three separate living units: one on the second story and two on the first story.

Project scope

The current property **owner** requests that the County recognize the illegal construction performed by the previous owner and permit ~~the~~ conversion of the structure back into a single-family

dwelling by removing the two kitchens on the lower level. The reconstruction will also include the removal of a third-story **loft** and the construction of an interior stairway between the first and second stories in a space currently occupied by a bedroom and a bathroom.

Project Setting

The project site is located within a rural neighborhood comprised of single-family dwellings on large lots. The house sits on the top of a steep ravine on a heavily forested north-facing slope. From Smith Valley Road the slope increases dramatically, requiring the existing house to be constructed as close to the Smith Valley Road right-of-way as possible to minimize ground disturbance and limit the height of the structure.

Variance Issues

The steep topography of the site justifies the granting of an amendment to Variance **79-0550-V** to reduce the front yard setback from 40 feet to 25 feet for the as-built addition and decking.

Zoning & General Plan Consistency

A single-family dwelling is a principal permitted use within the RA zone district and the proposal to convert the three-unit dwelling back into a single-family dwelling is consistent with the site's Residential Agriculture zoning and Rural Residential (R-R) General Plan designation.

Geologic Hazards

Environmental Planning requested the preparation of an Engineering Geology Report due to the potential for landslides on the property. The County Geologist accepted the Engineering Geology Report on May 5, 2004, subject to multiple conditions that will be conditions of approval for ~~this~~ permit, if approved.

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 **02-0531**, 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 the site slopes down from the Smith Valley Road right-of-way at slopes in excess of 30%. A variance has already been granted on site (79-0550-V) to reduce the front yard setback from 40 feet to 25 feet due to the steep topography of the site, and the addition occurs within the setback ~~as~~ this is the most logical extension of the existing structure. Without the granting of an amendment to the variance, additions would have to occur to the north of the house, on an area of increasing slopes and potential slope instability.

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 addition matches the previously approved structure and does not encroach into the front yard setback ~~further~~ than the existing dwelling. The location of the dwelling and addition down slope from the road reduce the visual impact of the structure when viewed from the street, and no adverse impacts are anticipated to neighboring properties as the structure is located in a rural area with large distances between dwellings.

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 in that a variance to the front yard setback has already been granted on the property, and variances are often granted on RA zoned properties with similar topographic constraints.

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 an as-built building permit will be required for the entire structure, and conformance with all applicable building, electrical, plumbing, and energy codes must be met to ensure the health, safety, and welfare of residents and people in the surrounding neighborhood.

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 addition meets all applicable County ordinances and the RA zone district site standards with the exception of the front yard setback. Once the interior remodel is complete, the use of the site will return to one single-family dwelling, the principle permitted use on the site.

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 and remodel is consistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General **Plan** as the use of the structure will return to one single-family dwelling.

The dwelling is located on slopes greater than 30%, but conforms to Policy **6.3.1** (Slope Restrictions) as the use **of** the site will be one single-family dwelling on a legal lot of record where no feasible building sites exist on slopes of less than 30%.

The proposed single-family dwelling 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), as the dwelling **is** located on a large lot in a rural neighborhood away from other dwellings.

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 house will be returned to a three-bedroom single-family dwelling, and will therefore not use a significant amount of utilities and will not generate any additional traffic.

Application # 02-0531
APN: 097-121-05
Owner: Robert Comes

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 materials and color of the dwelling are compatible with the forest setting of the neighborhood and the structure is properly proportioned to the size of the property. Once the top "loft" area is removed and the house converted back into a single-family dwelling, the structure will conform to the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit A: Project plans, seven sheets, drawn by Kenneth Rogers, dated 8/16/02.

- I. This permit recognizes the construction of an addition to a 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 an As-Built Building Permit from the Santa Cruz County Building Official for the entire house.
- 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 showing the entire house 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 including **cross** sections clearly delineating cut and fill areas.
 3. A drainage plan.
 4. An erosion control plan showing location and detail of erosion control measures to be used on site. (jute netting, straw bales, etc.)
 5. Details showing compliance with fire department requirements, including the IR (Ignition Resistant Rating) for the structure. Urban Wildland Intermix Code requirements will apply.
 - C. Prior to building application approval, project soils engineer must submit a plan review letter stating that the final plans conform to the recommendations made in the soils report prepared for the project.
 - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.

- E. Meet all requirements and pay any applicable plan check fee of the CDF/County Fire Protection District.
 - F. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
 - H. Complete and record a Declaration of Restriction to maintain the structure **as** a Single-family dwelling. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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 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.

Application #: 02-0531
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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 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: 02-0531

Assessor Parcel Number: 097-121-05

Project Location: 270 Smith Valley Road

Project Description: As-built addition to a single-family dwelling

Person or Agency Proposing Project: Robert Comes

Contact Phone Number: (408) 867-7241

- 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:

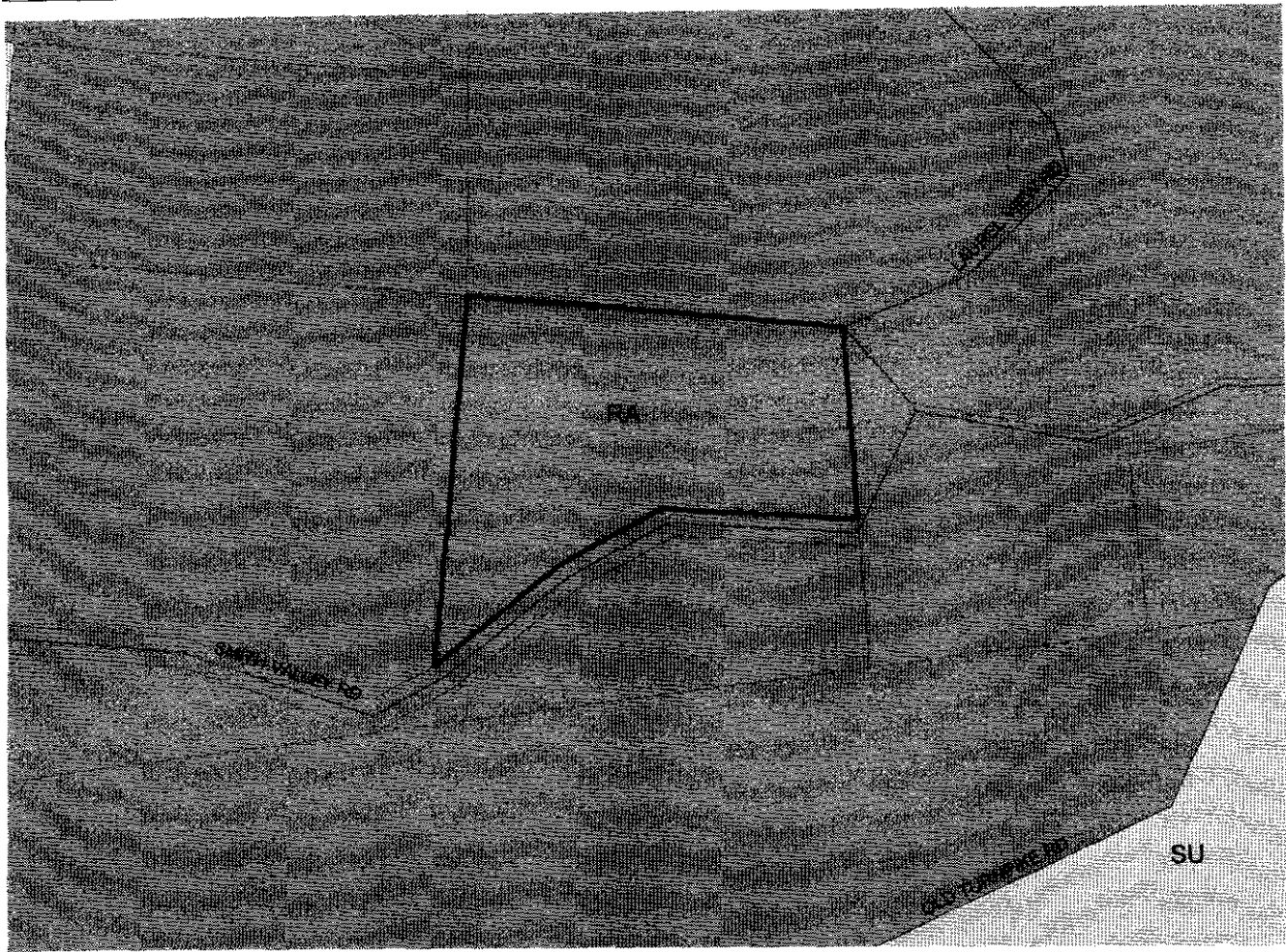
Construction of an addition of less than 2,500 square feet or 50% of the total floor area of existing structure

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

David Keyon, Project Planner






Date: _____

Zoning Map



200 0 200 400 600 Feet

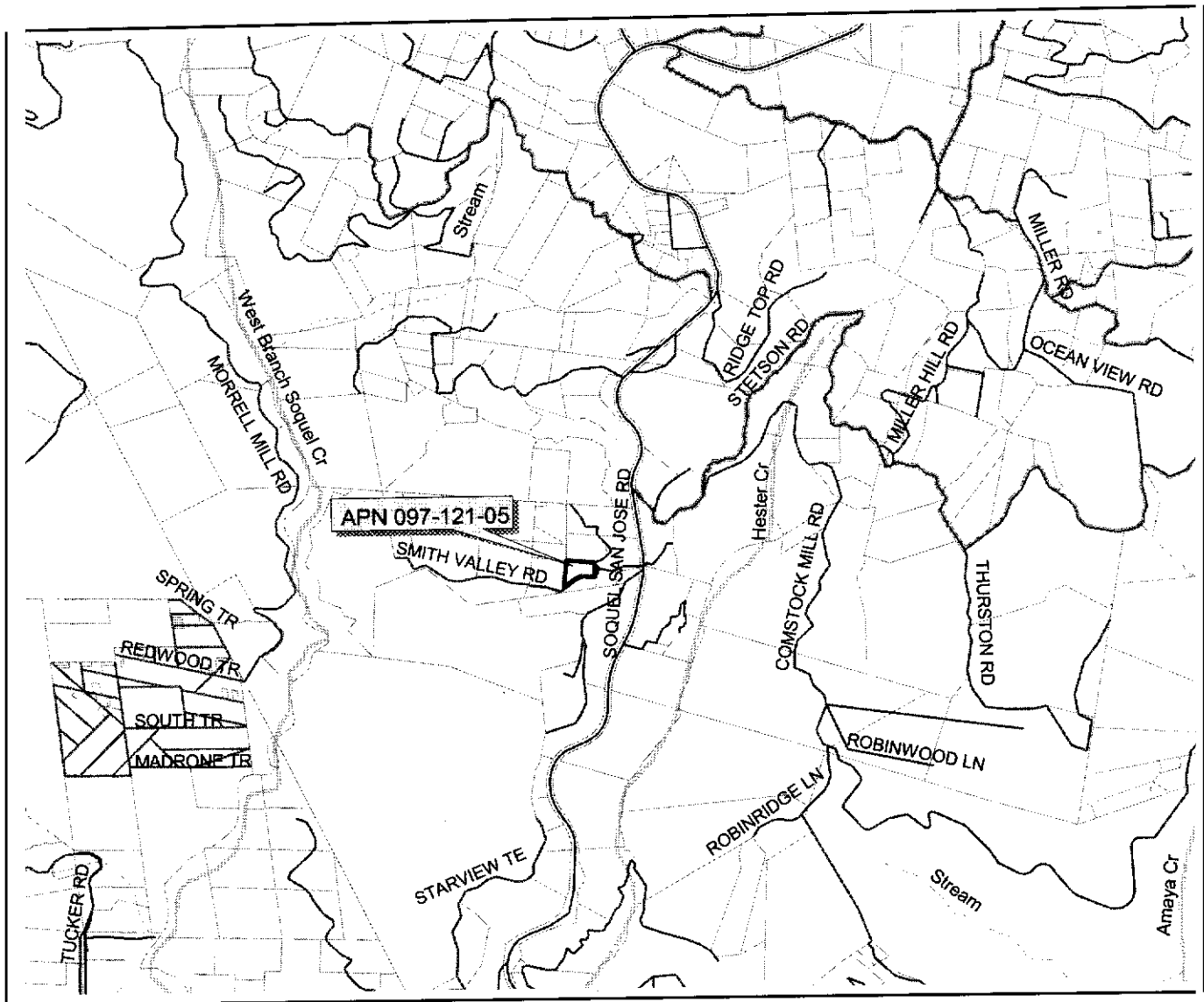
Legend

-  APN 097-121-05
-  Parcel boundaries
-  Streets
-  Residential Agriculture (RA)
-  Special Use (SU)



Map created by Santa Cruz County
Planning Department:
August 2004

Location Map



0.25 0 0.25 0.5 0.75 1 Miles

Map created by Santa Cruz County
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