



## Staff Report to the Zoning Administrator

Application Number: **04-0631**

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**Applicant:** Don Andre  
**Owner:** Clifford Low  
**APN** 044-171-61

**Agenda Date:** 3/4/05  
**Agenda Item #:** 9  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a second story living room addition to an existing non-conforming single family dwelling, and to enclose an existing porch area.

Requires a Variance to reduce the required **20** foot front yard setback and **distance** to a garage entrance to **zero** feet at the garage and second floor deck, to approximately ten feet at the entry porch enclosure, and to approximately 17 **feet** at the covered porch, and a Variance to the required 5 foot side yard setback to approximately 1 foot, and a Residential Development Permit for a fence in excess of 3 feet in height within the required front yard setback.

**Location:** Property located on the north side of Vista Del Mar Drive 100 feet west of the intersection with Cresta Vista Way. (817 Vista Del **Mar** Drive)

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

**Permits Required:** Coastal Development Permit, Variance, Residential Development Permit

**Staff Recommendation:**

- Approval of Application 04-0631, 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. | Site Photographs          |
| D. | Categorical Exemption (CEQA determination) | H. | Comments & Correspondence |

### Parcel Information

Parcel Size: 7,274 square feet (per applicant/survey)  
Existing Land Use - Parcel: Single family dwelling  
Existing Land Use - Surrounding: Single family residential neighborhood  
Project Access: Vista Del Mar Drive  
Planning Area: Aptos  
Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: R-1-10-SP (Single family residential - 10,000 square foot minimum - Salamander Protection combining district)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: No report required  
Fire Hazard: Not a mapped constraint  
Slopes: 10% at building site, up to 30%+ at rear of property  
Env. Sen. Habitat: Mapped Santa Cruz Long Toed Salamander habitat  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
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: Santa Cruz County Sanitation District  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: None

### History

The existing structure was built prior to the application of site standards. Use Permit 2045-U was approved on 6/12/64 to allow an addition to the existing non-conforming dwelling with a variance to the existing side yard requirement.

### Project Setting

The project site is located within the mapped habitat of the Santa Cruz Long Toed Salamander on the north side of the ridge that is traversed by Vista Del Mar Drive. The property slopes.

downhill to the north, with steeper slopes to the rear of the property. The subject property is located within an established residential neighborhood on the north side of Vista Del Mar Drive, with undeveloped property across the road to the south.

### Zoning & General **Plan** Consistency

The subject property is a 7,274 square foot lot, located in the R-1-10-SP (Single family residential - 10,000 square foot minimum - Salamander Protection combining district) zone district, a designation which allows residential uses. The proposed addition is to an existing residence which is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

### Variance

The reduction requested in the required front and side yard setbacks is recommended due to the steep slopes to the rear of the parcel. The existing house was constructed in response to the site conditions, with the areas **most** appropriate for development located closer to the ridge. The proposed additions will be located within the footprint of the existing residence and no new encroachments into the required yard setbacks are proposed. **This** variance application will recognize the existing house and the proposed addition with reduced front and side yard setbacks and is considered **as** appropriate given the steep slopes to the rear of the property and the pattern of development within the surrounding neighborhood. Vehicular sight distance will not be impaired with the reduction in the minimum distance to a garage entrance, due to the unutilized portion of the Vista Del Mar Drive right of way in front of the subject property.

### Fencing

The existing fencing on the subject property includes an approximately 2 foot high retaining wall with an approximately 5 foot high fence above within the Vista Del Mar Drive right of way. With an architectural element above the entry gate is approximately 8 feet in total height. **As** these fencing improvements were in place prior to **this** review, the applicant proposes to retain the existing fencing which provides a private yard and entrance area for the single family dwelling. The location of the fencing is considered as appropriate given the location of other fences within the neighborhood and the reduced distance between the dwelling and the traveled roadway. It appears that these improvements are located within the Vista Del Mar right of way and an encroachment permit, issued by the Department of Public Works, may be required.

### Salamander Protection Combining District

The subject property is located within the SP (Salamander Protection) combining district. The existing improvements exceed the maximum allowed permanent disturbance areas within the SP district. **As** these improvements were constructed prior to the disturbance area limitations within the SP district, the existing level of disturbance is allowed to be maintained. The proposed development will occur within the footprint of the existing disturbed area and no additional disturbance will be created as a result of this project.

## **Parking**

The existing residence has one off street parking space. Current parking requirements are applied to projects which result in an intensification of use, and the proposed development will not result in an intensification of the residential use because it does not include any additional bedrooms. No additional off street parking spaces are required.

## **Coastal Exemption**

The proposed addition to an existing residence is exempt from review under the County's certified Local Coastal Program, in that the total additions to the existing structure are less than 500 square feet and the subject property is located outside of the appeals jurisdiction.

## **Design Review**

The proposed addition to an existing residence complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as roof gables and horizontal siding to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

## **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 **04-0631**, 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 bearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

**Report Prepared By:** Randall Adams  
Santa Cruz County **Planning Department**  
701 Ocean **Street**, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3218  
E-mail: [randall.adams@co.santa-cruz.ca.us](mailto:randall.adams@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.

This finding *can* be made, in that the reduction of the required front yard setback and minimum distance to a garage entrance ~~from 20~~ feet to zero feet to the garage and two *story* addition, to approximately ten feet at the entry porch enclosure, and to approximately 17 feet at the covered porch, and the reduction of the required 5 foot side yard setback (R-1-8 standards apply due to parcel area) to approximately 1 foot, are recommended in order to allow residential development on the subject property. The topography **of** the subject property (with a steep slope **down** to the rear of the parcel) creates the special circumstance in this case.

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.

This finding can be made, in that the variance will recognize an existing single family dwelling on a residentially zoned parcel and the structure will be adequately set back (approximately 14 feet) ~~from~~ the existing traveled roadway.

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.

**This** finding can be made, in that other properties in the neighborhood are developed ~~with~~ single family dwellings similar to the proposed structure. Therefore, it would not be ~~grant~~ of a special privilege for the proposed project to be constructed on the property and the design would be in harmony with the existing pattern of development in the neighborhood.

## 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 project is located in an area designated for residential uses. 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 proposed addition to an existing residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the foot print of the existing structure will not be modified and adjacent neighboring structures are spaced ~~an~~ adequate distance away from the existing residence.

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 proposed location of the addition to an existing residence and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-10-SP (Single family residential - 10,000 square foot minimum - Salamander Protection combining district) zone district in that the primary use of the property will be one single family dwelling other than the front and side yard setbacks ~~as~~ discussed in the variance findings.

The proposed development complies with the permanent disturbance limitations of the SP (Salamander Protection) combining district, in that the proposed development will occur within the footprint of the existing disturbed area and no additional disturbance will be created as a result of ~~this~~ project. ~~As~~ these improvements were constructed prior to the disturbance area limitations within the SP district, the existing level of disturbance is allowed to be maintained.

The proposed development complies with parking requirements, in that current parking requirements are applied to projects which result in an intensification of use, and the proposed development will not result in an intensification of the residential use because it does not include any additional bedrooms. No additional off street parking spaces are required.

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 residential use is consistent with the use and density requirements specified for the Urban Low Density Residential (R-UL) land use designation in the County General Plan.

The proposed addition to an existing residence will not adversely impact the light, solar

opportunities, air, and/or open space available to other structures or properties, in that the foot print of the existing structure will not be modified and adjacent neighboring structures are spaced an adequate distance away from the existing residence.

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 proposed addition is to an existing existing residence. The expected level of traffic generated by the proposed project is anticipated to remain at 1 peak trip per day (1 peak trip per dwelling unit), with no increase in peak trips resulting from the proposed project.

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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed addition to an existing residence is consistent with the land use intensity and density of the neighborhood.

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.

This finding can be made, in that the proposed addition to an existing residence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

## Conditions of Approval

Exhibit A: Project plans, prepared by Don Andre Architect, 3 sheets, dated 12/14/04. Survey Map, prepared by Ward Surveying, 1 sheet, dated 7/1/04.

- I. This permit authorizes the construction of a(n) addition to an existing residence with a reduction of the required front yard setback and ~~minimum~~ distance to a garage entrance from 20 feet to ~~zero~~ feet to the proposed garage and two story addition, to approximately ten feet at the entry porch enclosure, and to approximately 17 feet at the covered porch, and a reduction of the 5 foot required side yard setback to approximately 1 foot. 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.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site improvements in the County road right-of-way.
- 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. Grading, drainage, and erosion control plans.
    3. Identify the fencing on the building plans, with a maximum fence height of 8 feet within the required front yard setback (including combined retaining wall and fence heights). All improvements within the Vista Del Mar Drive right of way are subject to review and approval by the Department of Public Works.
    4. Details showing compliance with fire department requirements.
  - C. Meet all requirements of and pay all applicable drainage fees to the County Department ~~of~~ Public Works, Drainage.



- D. Meet all requirements of and pay all applicable fees to the Santa Cruz County Sanitation District.
  - E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva ~~Fire~~ Protection District.
  - F. 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.
- 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.**

Application #: 04-0631  
APN: 044-171-61  
Owner Clifford Low

**Approval Date:** \_\_\_\_\_

**Effective Date:** \_\_\_\_\_

**Expiration Date:** \_\_\_\_\_

\_\_\_\_\_  
**Don Bussey**  
Deputy Zoning Administrator

\_\_\_\_\_  
**Randall Adams**  
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: 04-0631

Assessor Parcel Number: 044-171-61

Project Location: 817 Vista Del Mar Drive

**Project Description: Proposal to construct an addition to an existing single family dwelling.**

**Person or Agency Proposing Project: Don Andre**

**Contact Phone Number: (831) 728-2021**

- 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).
- \_\_\_\_\_

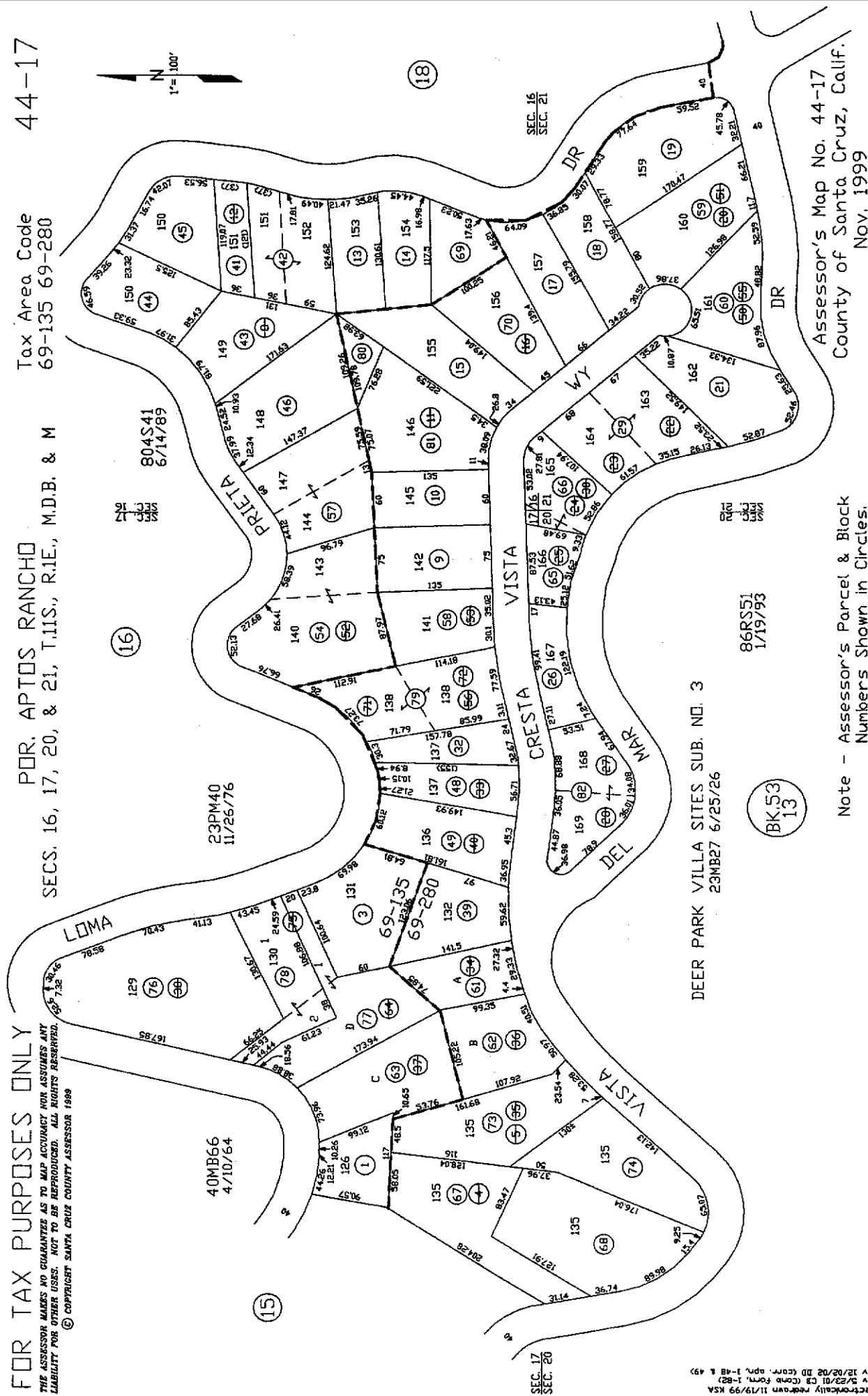
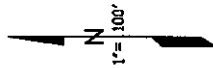
\_\_\_\_\_  
Randall Adams, Project Planner

Date: \_\_\_\_\_

Tax Area Code  
69-135 69-280

POR. APTOS RANCHO  
SECS. 16, 17, 20, & 21, T.11S., R.1E., M.D.B. & M

FOR TAX PURPOSES ONLY  
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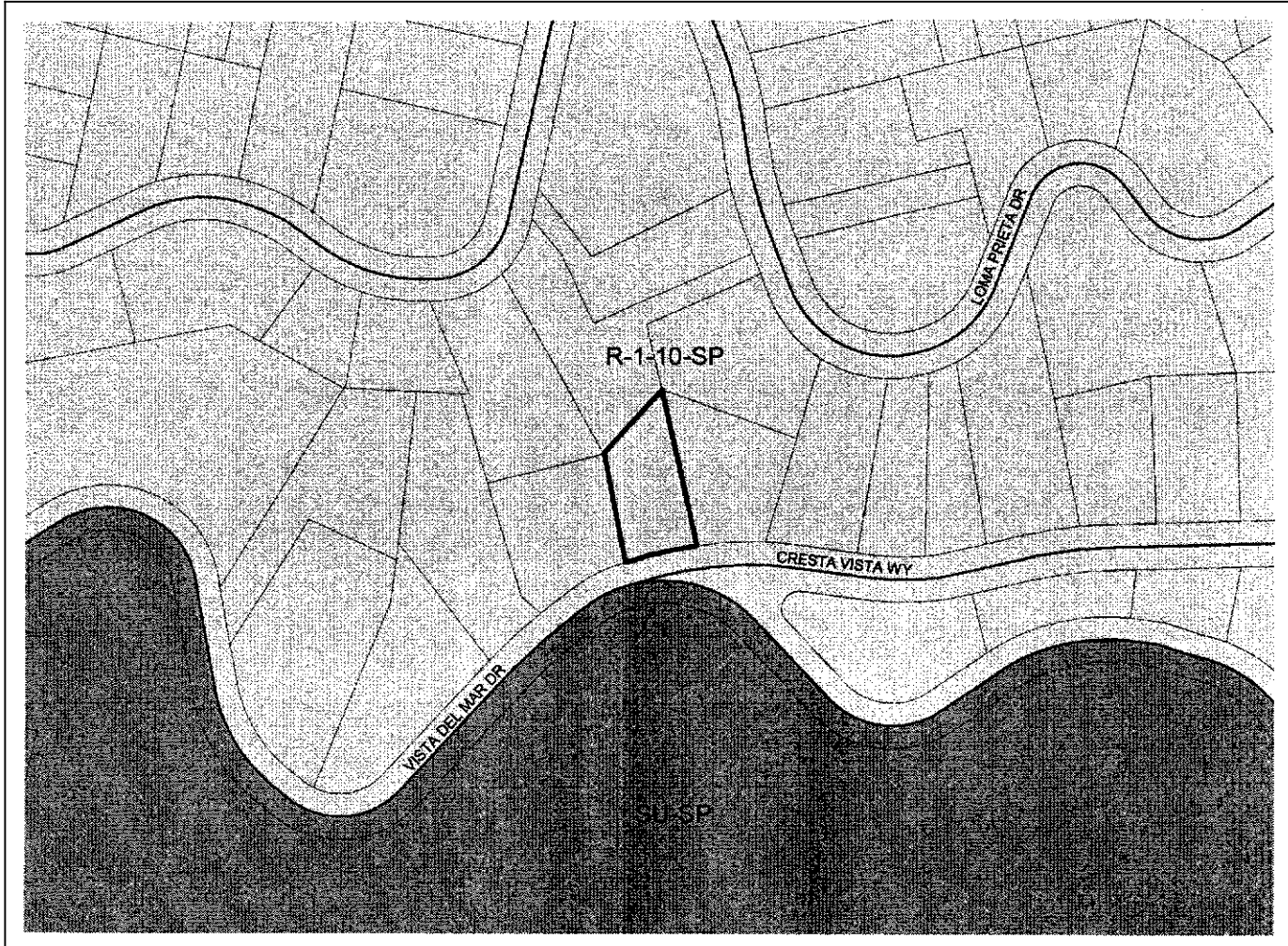


Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 44-17  
County of Santa Cruz, Calif.  
Nov. 1999






EXHIBIT E

# Zoning Map



500 0 500 Feet

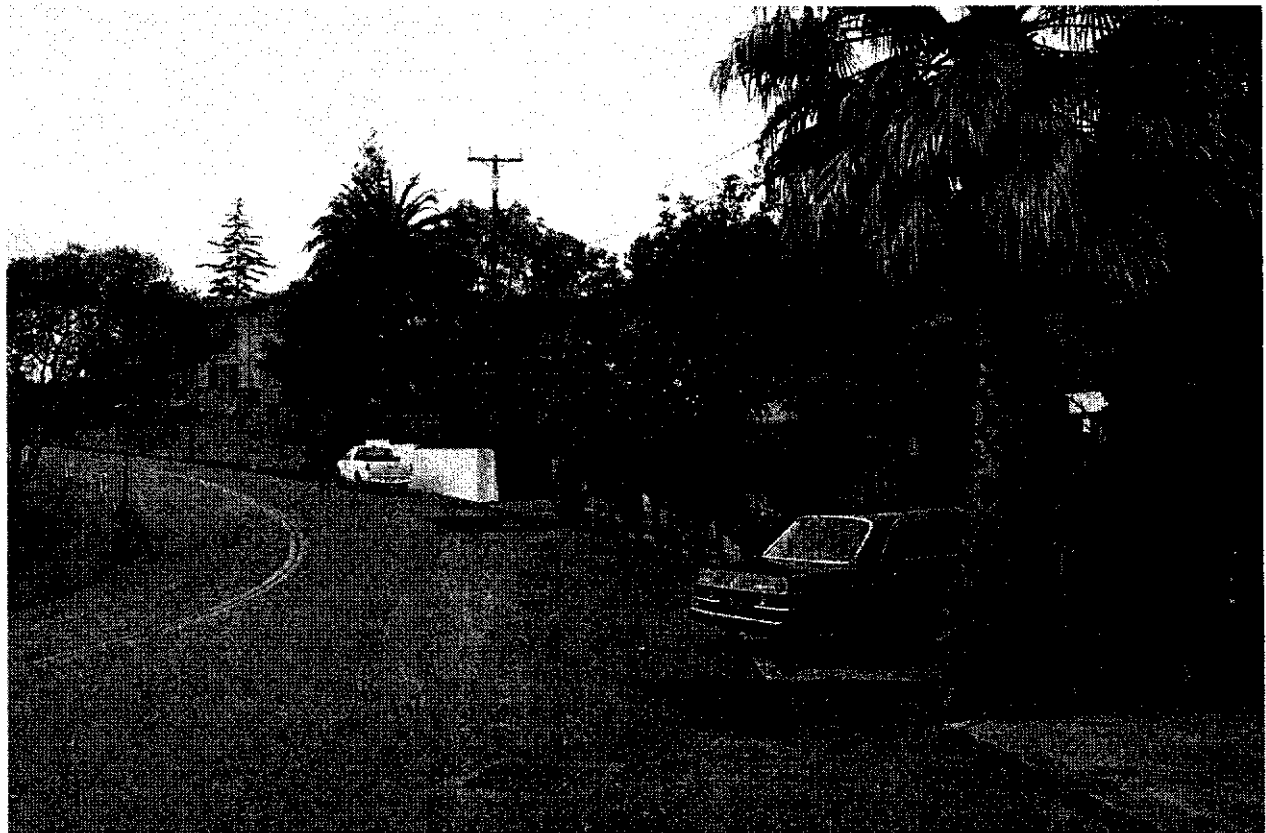
## Legend

-  APN 044-171-61
-  Parcel boundaries
-  Streets
-  Single-family Residential (R-1-10)
-  Special Use (SU)



Map created by Santa Cruz County  
Planning Department:  
December 2004

EXHIBIT F



Existing House and Front Yard Fencing along Vista Del Mar Drive

EXHIBIT G

C O U N T Y   O F   S A N T A   C R U Z  
D I S C R E T I O N A R Y   A P P L I C A T I O N   C O M M E N T S

Project Planner: Randall Adams  
Application No. : 04-0631  
APN: 044-171-61

Date: January 31, 2005  
Time: 10:02:34  
Page: 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON DECEMBER 20, 2004 BY ROBIN M BOLSTER =====

The proposed construction does not appear to increase the impervious surface nor involve any ground disturbance on this parcel and is not anticipated to negatively impact Santa Cruz long-toed salamander habitat.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON DECEMBER 20, 2004 BY ROBIN M BOLSTER =====

All future development shall conform to conditions fo SP district as listed in Chapter 16.32.090 (B) of the Santa Cruz County Code.

County of Santa Cruz  
Planning Department  
701 Ocean Street - 4<sup>th</sup> Floor  
Santa Cruz, CA 95060  
Attn: Randall Adams

Re: Application # 04-0631, Assessor's Parcel #044-171-61

January 21, 2005

Dear Mr. Adams,

I wish to retain the fence in the front of my property in conjunction with the Variance I am applying for.

If you require any additional information, please let me know and I will be happy to supply it.

Respectfully submitted,



**Clifford Low**  
817 Vista Del Mar  
Aptos, CA 95003  
831/685-8788