

Staff Report to the **Zoning Administrator** Application Number: 05-0091

Agenda Date: 4/15/05 **Applicant:** Robin Brownfield Agenda Item #: 4 **Owner:** Jason Schaefer Time: After 10:00 a.m. **APN:** 108-021-20

Project Description: Proposal to recognize the construction of a two-story detached garage with storage above (980 square foot garage & 540 square foot storage) on site with a single family dwelling.

Requires an amendment to Variance and Residential Development Permit 03-0373 to reduce the required 40 foot front yard setback from a right-of-way to about 12 feet and to exceed the 1,000 square foot size limitation for a Non-Habitable Accessory Structure.

Location: Property located on the north side of Redwood Heights Road (551 Redwood Heights Road) approximately 1/4 mile southeast of Freedom Boulevard.

Supervisoral District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required Variance & Residential Development Permit

Staff Recommendation:

- Approval of Application 05-0091, based on **the** attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

Project plans E. Assessor's parcel map A.

B. **Findings** F. Zoning map

C. Conditions G. Comments & Correspondence

D. Categorical Exemption (CEQA determination)

Parcel Information

Parcel Size: 42,166 square feet Existing Land Use - Parcel: Single Family Dwelling

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

Application#: 05-0091 APN: 108-021-20 Owner: Jason Schaefer

Existing Land Use - Surrounding: Rural Residential Neighborhood

Project Access: Redwood Heights Road (off Freedom Boulevard)

Planning Area: Aptos Hills

Land Use Designation:

Zone District:

Coastal Zone:

R-R (Rural Residential)

RA (Residential Agriculture)

____ Inside ____ X__ Outside

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site Soils: Report required **as** condition of approval

Fire Hazard: Not a mapped constraint

Slopes: 2-5% at building site (15-30+% elsewhere)
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Existing grading and retaining wall for garage

Tree Removal: No trees proposed to be removed

Scenic: Not a mapped resource Drainage: Existing drainage adequate

Traffic: N/A

Roads: Existing roads adequate

Parks: Existing park facilities adequate
Archeology: Mapped Resource – Report Negative

Services Information

Urban/Rural Services Line: Inside X Outside

Water Supply: Central Water District

Sewage Disposal: septic

Fire District: California Department of Forestry/County Fire

Drainage District: None

History

Variance and Residential Development Permit 03-0373 authorized the construction of a detached non-habitable accessory structure located within the required front yard **setback** from Redwood Heights Road. At the time of the approval, the distance from the roadway was represented to be approximately 22 feet from the edge of the vehicular right of way. After receiving the approval, the applicant had a survey completed and realized that the structure was located approximately 12 feet from the edge of the right of way.

Additionally, the original approval limited the height of the accessory structure to 20 feet due to the location adjacent to the roadway. The current proposal is a request to rehear the item to further reduce the required front yard setback and to reconsider the maximum allowed height of the accessory structure.

Application # 05-0091 APN: 108-021-20 Owner: Jason Schaefer

Project Setting

The subject property is located on sloping terrain which is crossed by the right of way for Redwood Heights Road. The portion of the site that is developed with structures is located down slope and to the north of the vehicular right of way. The majority of the subject property is covered by trees, grass, and other vegetation.

Zoning & General Plan Consistency

The subject property is an approximately **42,166** square foot lot, located in the RA (Residential Agriculture) zone *district*, a designation which allows residential uses. The proposed accessory structure is accessory to the principal permitted residential use within the zone district and the project is consistent with the site's (R-R) Rural Residential General Plan designation.

Variance

The reduction in the 40 foot minimum front yard setback, to approximately 12 feet, is recommended due to the steep topography and relatively small amount of level area on the subject property.

This development proposal includes a request for a variance to the required front yard setback. The special circumstance for this parcel is the steep topography and relatively small amount of level area on the subject property. The steep topography and limited amount of level area on the subject property makes it challenging for residential development to occur in a manner similar to other parcels of similar size and zoning designation. Although an attached garage could be constructed closer to the existing residence and comply with the required front yard setback, other properties in the vicinity contain detached accessory structures and larger residences and the current location of the proposed garage will allow for future expansion or reconstruction of the existing residence, with a connection to the existing accessory structure, as planned by the current property owner.

The proposed garage design includes a storage area on the upper floor. After reconsidering the proposed design of the future reconstruction of the existing residence, it has become apparent that the design of the proposed accessory structure is appropriate to the project site. The future reconstruction will be designed and located in a *marmer* that will be compatible with the existing garage, and a two-story design of the future residence and the currently proposed accessory structure is appropriate to the project site and the surrounding neighborhood.

Non-Habitable Accessory Structure

The applicant is proposing to recognize a non-habitable accessory structure in excess of 1,000 square feet in area. A structure of this square footage is considered as compatible with the surrounding pattern of development, with a many accessory structures of various sizes existing in the surrounding neighborhood.

Application# 05-0091 AF'N 108-021-20 Owner: Jason Schaefer

Retaining Walls & Grading

A retaining wall has been constructed along the street and side yard facing sides of the garage that is proposed to be recognized. This wall varies in height from approximately 4 to eight feet in height. Environmental Planning staff have evaluated the proposed wall and have requested that additional soils and grading information be provided with the building plans for the proposed project. A height exception is not required for the proposed retaining wall, in that it is located below the level of the existing roadway, in that a wall in this location will retain material below the existing roadway and will not create a visual impact to other properties in the neighborhood.

Site Access

Driveway access to the subject property appears to pass through the adjacent parcel to the west (APN 108-021-47) outside of the right of way of Redwood Heights Road. As this access is an existing condition, which serves **an** existing residence on the subject property, staff has determined that further resolution of this issue should occur between neighbors and that the presence of an existing access to the subject property is adequate for this review.

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 **05-0091**, 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

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

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 in the 40 foot minimum front yard setback, to approximately 12 feet, is recommended due to the steep topography and relatively small amount of level area on the subject property. Application of the 40 foot minimum front yard setback in this case, would not take advantage of the existing level areas on the subject property and would potentially push future residential development on the property into areas of steep slopes. The special circumstance for this parcel is the steep topography and relatively small amount of level area on the subject property.

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 structure on a residentially zoned parcel and the structure will be adequately separated **from** improvements on surrounding properties.

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 and detached accessory structures similar to the structure that is proposed to be recognized. 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 two-story garage and storage building will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure will be adequately separated from adjacent residential development and from the traveled roadway ensuring access to light, air, and open space in the 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 proposed location of the two-story garage and storage building and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that in that the primary use of the property will be one single family dwelling with a detached residential accessory structure.

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 Rural Residential (R-R) land use designation in the County General Plan.

The proposed two-story garage and storage building will not adversely impact the light, solar opportunities, *air*, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district, with the exception of the requested variance, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the accessory structure will not adversely shade adjacent properties, and will not be out of scale with existing development in the surrounding residential neighborhood.

The proposed two-story garage and storage building 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 two-story garage and storage building will comply with the site standards for the RA zone district, with the exception of the requested variance, (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be

Application#: 05-0091 APN: 108-021-20 Owner: Jason Schaefer

approved on any similarly sized lot in the vicinity.

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 residential use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that the detached accessory structure will not generate any additional traffic.

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 residential accessory structure will be constructed in a neighborhood of single family homes, many with accessory structures, and the proposed project 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.

Not applicable.

Application # 05-0091 APN: 108-021-20 Owner: Jason Schaefer

Conditions of Approval

Exhibit **A:** Project plans entitled, "Proposed Garage for Jason Schaefer", **6** sheets, prepared by Robin Brownfield, dated 9/1/02, with revisions through 2/05.

- I. This permit authorizes the construction of a(n) two-story garage and storage building with a reduction in the required **40** foot front yard setback to approximately 12 feet. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicantlowner 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 a Grading Permit from the Santa Cruz County Building Official, if required.
- II. Prior to issuance of a Building Permit the applicantlowner 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. Grading drainage, and erosion control plans. The existing retaining walls and grading on the project site that is proposed to be recognized must comply with all requirements and recommendations of the geotechnical engineer.
 - 2. 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.
 - **3.** Details showing compliance with fire department requirements.
 - C. Meet all requirements of and pay all required drainage fees to the County Department of Public Works, Drainage.
 - 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 California Department of Forestry/County Fire.



- **F.** Submit **3** copies of a soils report prepared and stamped by a licensed Geotechnical Engineer. The soils report must evaluate the existing grading and retaining walls at the project site and provide any pertinent recommendations.
- G. Complete and record a Declaration of Restriction to construct a single story non-habitable accessory structure (garage). YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION. Follow the instructions to record and return the form to the Planning Department. No plumbing other than fire sprinklers are allowed in the non-habitable accessory structure, or electrical service separate from the single family dwelling.
- **H.** Engineered plans for the retaining wall must be submitted and made a part of the Building Permit application.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior **to** final building inspection, the applicantlowner 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.

P 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 # OS-0091 APN: 108-021-20 Owner:Jason Schaefer

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 α 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.

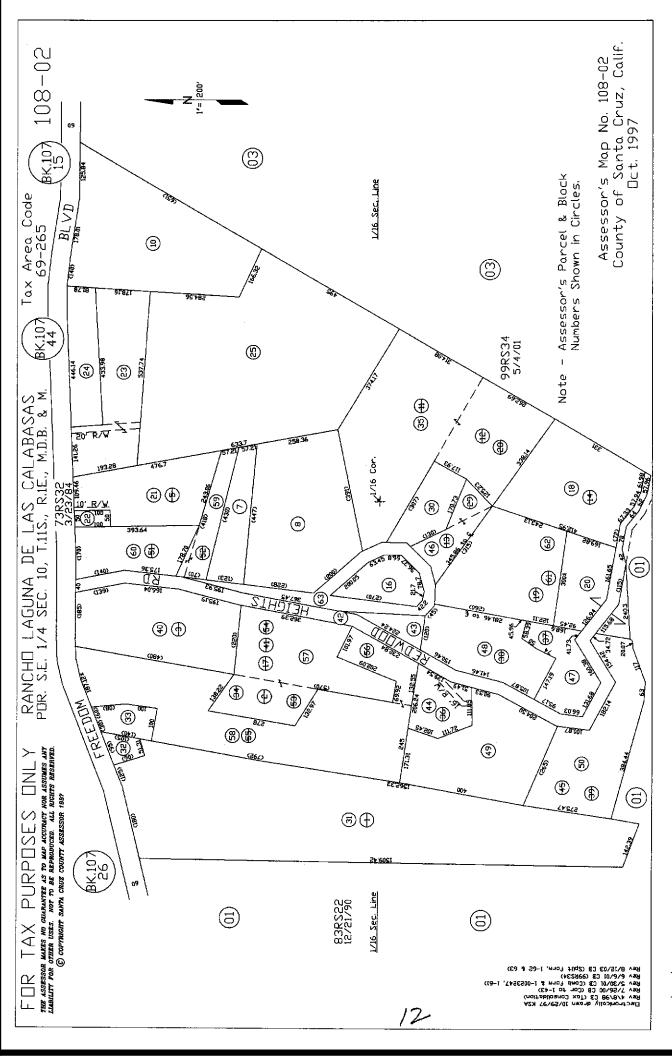
Approval Date:	
Effective Date:	
Expiration Date:	
Don Bussey	Randall Adams
Deputy Zoning Administrator	Project Planner

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 Assessor Parcel Number Project Location: 5	
Project Description	n: Proposal to an existing non-habitable accessory building.
Person or Agency	Proposing Project: Robin Brownfield
Contact Phone Nu	mber: (831) 685-3818
B The Sect Min	proposed activity is not a project under CEQA Guidelines Section 15378. proposed activity is not subject to CEQA as specified under CEQA Guidelines ion 15060(c). isterial Project involving only the use of fixed standards or objective
D. <u>State</u>	surements without personal judgment. utorv Exemption other than a Ministerial Project (CEQA Guidelines Section 50 to 15285).
Specify type:	
E. X Cate	egorical Exemption
Specify type: Class	3 - New Construction or Conversion of Small Structures (Section 15303)
F. Reasons why the project is exempt:	
Construction of an a	accessory building within an area designated for residential development.
In addition, none of	the conditions described in Section 15300.2 apply to this project.
Randall Adams, Pro	Date:

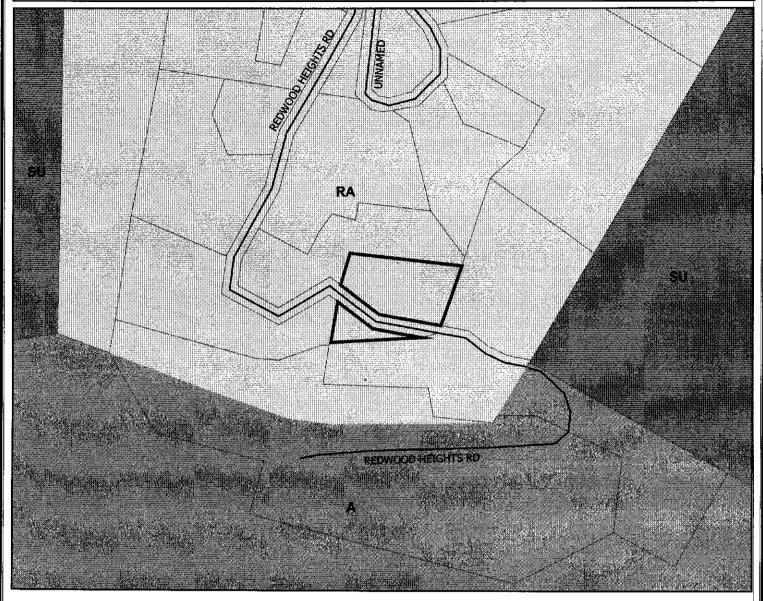


EXHIBIT

E



Zoning Map





APN 108-021-20
Streets
Assessors Parcels

AGRICULTURE (A)

AGRICULTURE RESIDENTIAL (RA)

SPECIAL USE (SU)



Map Created by County of Santa Cruz Planning Department February 2005

This letter is to inform the County of Santa Cruz that I am in full support of the construction project taking place at Jason Schaefer's property. Mr. Schaefer has recently reviewed with me a revised set of plans and drawings regarding this project. I am aware that the revised plan entails the following:

> A connection will be made between the existing garage and the remodeled existing home.

The height, size, and location of the existing garage will remain the same. The garage will be finished with roof material, siding and finish floor.

The style and size of the remodeled existing home will **reflect** a similar appearance to that of the existing garage.

The intent of this letter is to acknowledge that the above plans are not apposed by me as resident to the Redwood Heights Road area, and in fact meet my approval. As signing below I am in support that work be performed as presented to me as soon as County approval is granted.

Thank You For your time in this matter:

Aptos CA 95001

02/17/05

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Thank You For your time in this matter:

Kytty and Karen Mitchell 401 Redword Hes Road, Aptes. Ca 831-684-0455

02/17/05

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mo (SUSAN SIMON) 410 Redwood Heights Rd

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Thank You For your time in this matter:

Jonathan Horn 410 Redwood Height # C

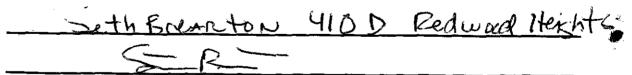
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Lething 500 Redwood Heights D.

02/20/05

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25 Redwood Hts

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Thank You For your time in this matter:

FOU REDWOOD Ht. Rd

408, 741. 1444

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Kent Sollimbett 747 REDWOOD HGTS

OS Sollimbored 747 REDWOOD HGTS

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For your time in this matter:

5345 Freedom Blad.

gie Aptos CA 95003

688-3747

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Thank You For your time in this ma	tter:
Barn Vamille	
Barry Vissell	
755 Redwood	Hts Rd
Aptos CA	95003