



## Staff Report to the Zoning Administrator

Application Number: **05-0150**

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**Applicant:** John Martin for Pacific  
Reconstruction

**Owner:** Dom Wenninger

**APN:** 044-361-32

**Agenda Date:** **June 3, 2005**

**Agenda Item #:** - - 2 - - - - -

**Time:** After 10:00 a.m.

**Project Description:** Proposal to re-construct the 2nd floor of an existing single-family dwelling after fire damage. Requires Variances to exceed the maximum 28 foot height limit by about 3 feet and to reduce the required front yard setback from 20 feet to about 15 feet to allow the dwelling to be re-constructed in-kind,

**Location:** Property located at 467 Loma Prieta Drive, about 75 feet north of the intersection of Loma Prieta, Vista del Mar, and Alta Drives.

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

**Permits Required:** Variance

### Staff Recommendation:

- Approval of Application 05-0150, 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. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA determination) |    |                           |

### Parcel Information

Parcel Size:	About 7,300 square feet
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwellings
Project Access:	Loma Prieta Dr.

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Planning Area: Aptos  
Land Use Designation: R-UL (Urban Low Residential)  
Zone District: R-1-10 SP (Single-family residential, 10,000 square feet minimum within Salamander Protection area)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

#### Environmental Information

Geologic Hazards: Slopes greater than 30%  
Soils: Elkhorn-Pfeiffer Complex (Soils Index No. 136)  
Fire Hazard: Not a mapped constraint  
Slopes: 50%+  
Env. Sen. Habitat: Salamander Protection District  
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: 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: Zone 6

#### History

The existing single-family dwelling was constructed in 1974 as part of the Deer Park Villa Development, under building permit 35723. According to County records, no significant alterations have occurred to the dwelling. In October 2004 a fire gutted the upper story and carport, necessitating the current application.

#### Project Setting

The project site sits within a neighborhood of single-family dwellings constructed on slopes in excess of 30%, requiring parking decks and carports within the front yard setbacks of most houses. The site is also located within the Salamander Protection combining district due to the presence of Santa Cruz Long Toed Salamander habitat in the area, which limits the extent of site disturbance and lot coverage.

## Zoning & General Plan Consistency

The subject property is an approximately **7,300** square foot lot, located in the R-1-10 SP zone district (Single-family residential, 10,000 square feet minimum with a Salamander Protection Combining District). The proposed re-construction complies with the purposes of this zone district as a single-family dwelling is a principal permitted use within the zone district.

### Site Standards and Variances

The parking deck and burned-down carport is non-conforming with regards to the front yard setback, and requires a Variance to be reconstructed in kind. Furthermore, re-building the house in-kind will require a Variance to the maximum 28 foot height limit due to changes in height limit measurement since time of construction. Special circumstances exist on site due to the steep topography of the site, which requires the parking deck and carport to be located within the front yard setbacks. The steeply sloped site results in a total height of about 37 feet from grade to the peak of the roof at the rear of the dwelling, **as** the average height met County standards at time of construction.

### Salamander Protection

The Salamander Protection Combining District requires a maximum lot coverage of 10% and a maximum area of disturbance of 25%. **As** constructed and maintained, the dwelling with decks has a lot coverage of about **18%** (using the estimated lot size according to the County's GIS system). However, **as** the house and associated decks was constructed prior to implementation of the Salamander Protection ordinance in 1976, the structure is allowed to retain the higher lot coverage. The strict provisions of the Salamander Protection ordinance also present special circumstances warranting the granting of the requested variances, **as** re-construction of the dwelling at the current height limit and setbacks would require an increase in lot coverage and disturbance in excess of 25% of the site. **As** proposed, disturbance of the site will be less than 25% as the staging areas for re-construction will occur on Loma Prieta Drive and the parking deck.

## Local Coastal Program Consistency

The proposed single-family dwelling is in conformance with the County's certified **Local** Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

## 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 **05-0150**, 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](http://www.co.santa-cruz.ca.us)

Report Prepared By: David Keyon  
Santa **Cruz** County **Planning** Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831)454-3561  
E-mail: [david.keyon@co.santa-cruz.ca.us](mailto:david.keyon@co.santa-cruz.ca.us)

## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-10 SP (Single-family residential, 10,000 square feet minimum within Salamander Protection area), a designation which allows residential uses. A single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Residential General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that re-constructed house will be consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; and the development is not visible from the beach.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

**This** finding *can* be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-10 SP (Single-family residential, 10,000 square feet minimum within Salamander Protection area) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings of a similar height and architectural style.

## 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 re-construction of the single-family 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 single-family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that adequate side and rear yard setbacks will be maintained and the house will not exceed the original height.

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 single-family dwelling 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 feet minimum within Salamander Protection area) zone district in that the primary use of the property will be one single-family dwelling. Due to the topography of the site and environmental constraints related to the Salamander Protection combining district, special circumstances exist to warrant **granting** variances to the front yard setback and to the maximum height limit.

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

The proposed re-construction complies with Policies 5.1.6 and 5.1.7 of the General Plan (Development Within Sensitive Habitats) in that lot coverage and disturbance on site will not exceed the existing lot coverage or area of disturbance.

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 single-family dwelling will be re-constructed in-kind, and will not use more utilities or generate more traffic than previously.

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AFN 044-361-32  
Owner: Dom Wenninger

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 re-construction will result in a structure of similar height **as** surrounding residences, most of which exceed the current height limit of 28 feet. Furthermore, most houses on Loma Prieta Drive retain parking decks and carports within the front yard setback, so the proposed re-construction of the carport will not be out of character with the surrounding neighborhood.

## 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 steep topography of the site and the restrictions of the Salamander Protection district constrain the site in such a manner that re-construction in-kind of a single-family dwelling (constructed under a building permit in 1974) would be prohibited under strict application of the Zoning Ordinance. The steep slopes require all off-street parking in the neighborhood to be accommodated on a parking deck within the front yard setbacks, and any carports or garages must be located on these parking decks within the setback. Many houses in the neighborhood retain parking decks and garages in the front yard setback. The steep topography also results in the house exceeding the current height limit, as the procedure for measuring height changed since construction of the original dwelling. Re-construction of the dwelling to meet current site standards would require the house to "step down" the hillside, encroaching further into sensitive habitat and violating the Salamander Protection ordinance. Furthermore, most houses in the vicinity exceed the height limit as currently measured, and re-construction in-kind will allow the property owner's to retain the same privileges as surrounding neighbors.

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 granting the requested front yard setback and height variances will meet the purpose of the single-family zone district in that the use of the site will remain one single-family dwelling, and the provisions of the Salamander Protection Ordinance will be met as the re-construction will not increase the lot coverage or site disturbance beyond that of the existing dwelling.

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 the granting of variances for the reconstruction of a carport within the front yard setback and for increasing the maximum height to about 37 feet will allow the reconstructed single-family dwelling to retain the same privileges as surrounding properties on Loma Prieta Drive. The steep topography of the neighborhood requires most off-street parking and carports to be located within the front yard setback, and changes in the County's height regulations since 1974 have resulted in most houses in the neighborhood exceeding current height limits.



## Conditions of Approval

Exhibit A: Project plans, four sheets, drawn by Landmark Designs, dated 2/17/05.

- I. **This** permit authorizes the reconstruction in-kind of 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 a Demolition Permit from the Santa Cruz County Building Official, if required due to structural damage.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
11. 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. Drainage and erosion control plans.
    3. Details showing compliance with fire department requirements.
    4. The site plan shall detail the location of construction staging areas and limits of disturbance. Site disturbance shall not exceed **25%** of the site.
  - C. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
  - D. Any changes to the scope of the project that require grading or foundation work will require the preparation and review of a soils (geotechnical) report, to be accepted by Environmental Planning prior to approval of the building permit.

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. Site disturbance shall not exceed **25% of** the total site area.

**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.
- B. Any increase in **the** scope **of** the reconstruction beyond construction in-kind of the single-family dwelling will require an Amendment to this permit.
- C. Any increase in lot coverage or site disturbance beyond **25%** of the site is not permitted.

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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

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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: 05-0150

Assessor Parcel Number: 044-361-32

Project Location: 467 Loma Prieta Dr.

**Project Description: Repair and remodel of existing single-family dwelling to repair fire damage**

**Person or Agency Proposing Project: John Martin for Pacific Reconstruction**

**Contact Phone Number:**

- 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: 15301: Existing Facilities

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

Repairs and alterations to existing improvements

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

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

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

# FOR TAX PURPOSES ONLY

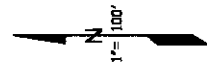
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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04 SE. 1/4 SEC. 17, T.11S., R.1E., M.D.B. & M.

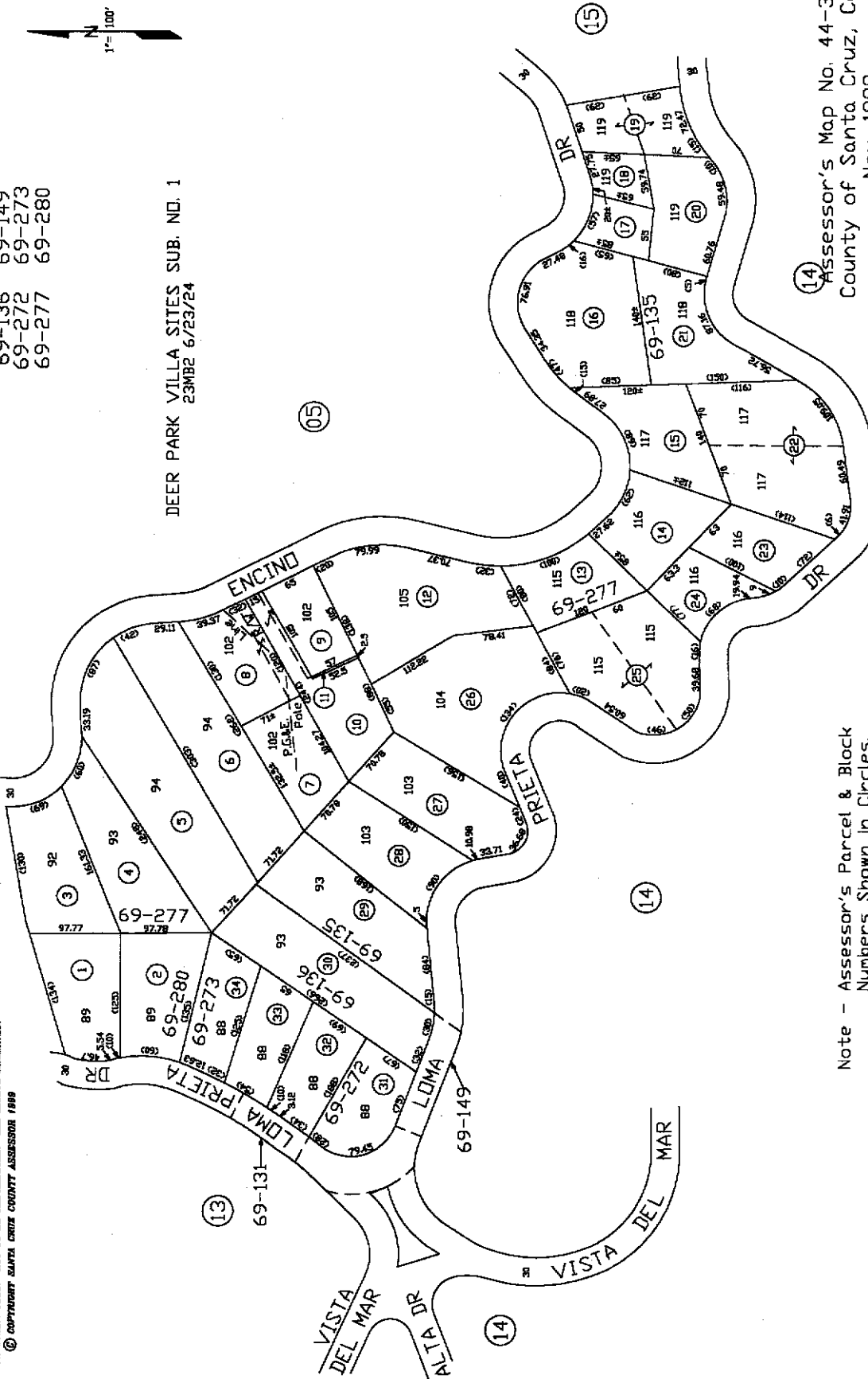
POR. APTOS RANCHO

Tax Area Code  
 69-131 69-135  
 69-136 69-149  
 69-272 69-273  
 69-277 69-280

44-36



DEER PARK VILLA SITES SUB. NO. 1  
 23MB2 6/23/24



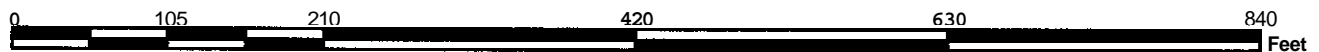
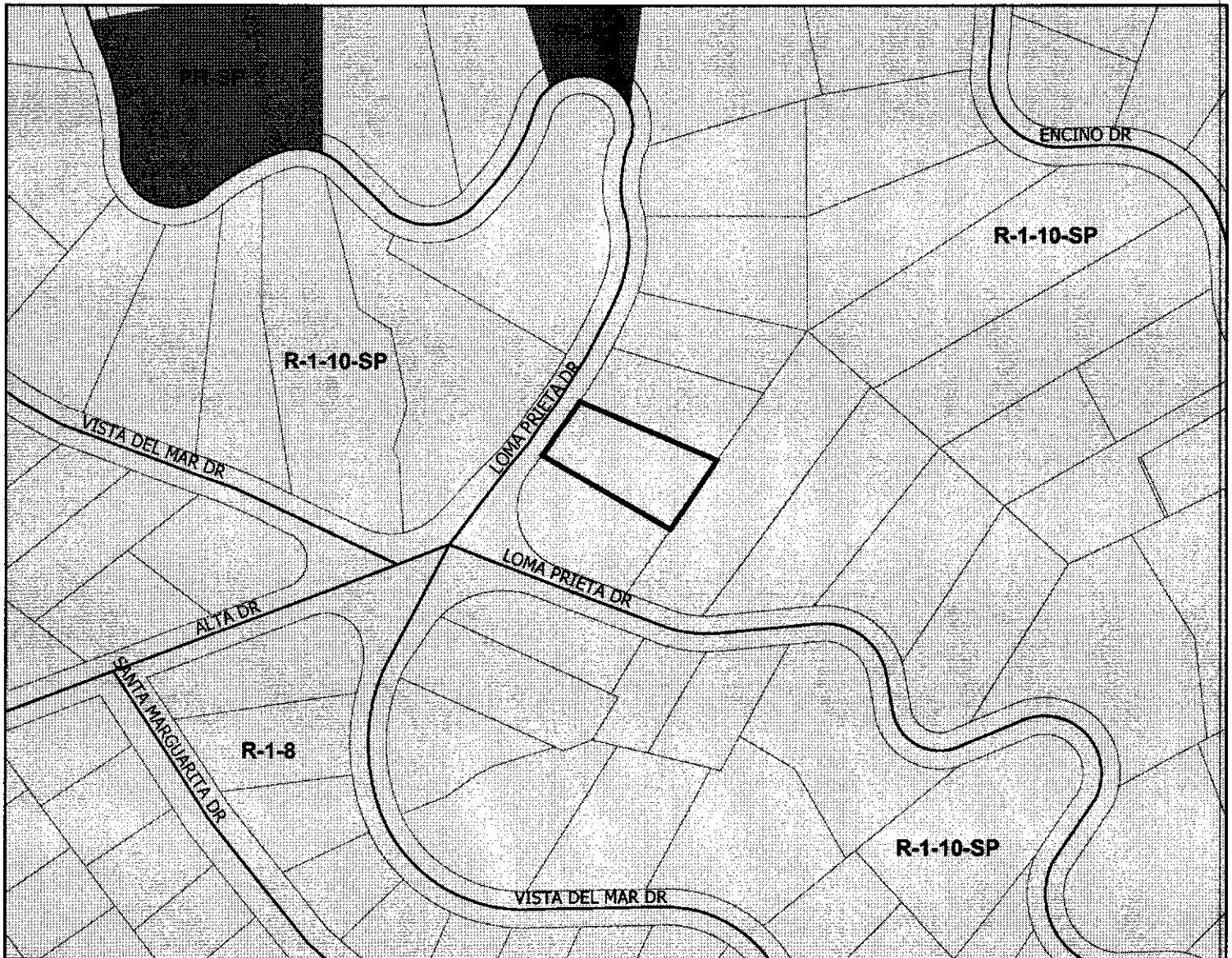
Note - Assessor's Parcel & Block Numbers Shown in Circles.

14 Assessor's Map No. 44-36  
 County of Santa Cruz, Calif.  
 Nov. 1999





Electronically redrawn 11/14/99 KSA  
 Rev. 11/14/99 KSA (Don from Pg. 14)  
 Rev. 5/17/02 NVM (TCA changes)

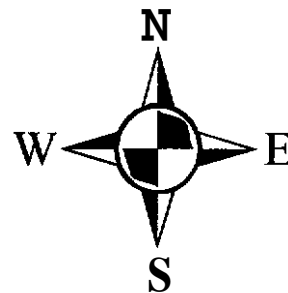


# Zoning Map



## Legend

-  APN 044-361-32
-  Assessors Parcels
-  Streets
-  PARK (PR)
- RESIDENTIAL-SINGLE FAMILY (R-1)



Map Created by  
County of Santa Cruz  
Planning Department  
March 2005

**EXHIBIT F**