



## Staff Report to the Zoning Administrator

Application Number: **05-0615**

**Applicant:** Powers Land Planning (Attn: Ron Powers) **Agenda Date:** March 17, 2006

**Owner:** David and Jane Henningsen  
**APN:** 042-201-07

**Agenda Item #:** 3 --  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a 2-story single-family dwelling of about 2,379 square feet on an existing vacant lot, with a fence up to 7 feet in height within the side and rear yards. Requires a Coastal Development Permit and a Residential Development for an over-height fence.

**Location:** Property located on the south side of Wixon Avenue, about 400 feet from Aptos Beach Drive (between 220 and 216 Wixon).

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

**Permits Required:** Coastal Development Permit and Residential Development Permit for an overheight fence

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0615, based on the attached findings and conditions.

### 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:	5,669 square feet (established by survey)
Existing Land Use - Parcel:	Vacant lot
Existing Land Use - Surrounding:	Single-family dwelling
Project Access:	Wixon Avenue

Planning Area: Aptos  
Land Use Designation: R-UM (Urban Medium Residential)  
Zone District: R-1-4 (Single-family residential, 4,000 square foot minimum)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Tierra-Watsonville Complex  
Fire Hazard: Not a mapped constraint  
Slopes: About 7 to 10% slopes  
Env. Sen. Habitat: No physical evidence on site  
Grading: Minimal grading proposed, less than 100 cubic yards  
Tree Removal: No trees proposed to be removed  
Scenic: Mapped scenic resource, not visible from the beach  
Drainage: Existing drainage adequate  
Archeology: Mapped archeological resource, no evidence found 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

### Project Setting and Scope

The project site is a vacant lot and was never previously developed, and is the only undeveloped lot on Wixon Avenue. The surrounding neighborhood is developed with single-family dwellings, most of which are two stories and constructed between 1960 and 1980. Two trees exist on site, an *oak* and a redwood, which are proposed to be retained.

The property owner proposes to construct a single-family dwelling with two stories, with three bedrooms and two-and-half bathrooms (the area labeled “office” on the plans is to be considered as a “living room” under the County Code). Three off-street parking spaces will be provided on site, as the driveway will be a minimum of 17 feet in width in order to accommodate two cars side-by-side.

### Zoning & General Plan Consistency

The subject property is a 5,669 square foot lot, located in the R-1-4 (Single-family residential, 4,000 square foot minimum) zone district, a designation which allows residential uses. The

	R-1-4 Site Standards	Proposed
Front yard setback	20'	33'
Rear yard setback	15'	25'
Side yard setbacks	5' each side*	5' each side
Maximum height	28'	About 25'
Maximum % lot coverage	30%	30%
Maximum Floor Area Ratio	50%	35%

### 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 with two stories of a similar size, and the proposed design is consistent 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, and will therefore not interfere with public access to the beach, ocean, or other nearby body of water. Finally, the house will not be visible from the public beach, due to the presence of surrounding development.

### Over height Fence

The owner proposes to construct a wood fence of up to 7 feet in height along the rear and side property lines in order to provide additional privacy to the rear yard, requiring a Residential Development Permit for an overheight fence. The fence will be composed of 5' 6" of standard board and post construction, topped by a decorative lattice of 1' 6" in height. The fence will not encroach into the front yard setback, and will not adversely shade neighboring properties as the fence will be located along the southern property line, with the majority of shadows impacting the subject property rather than neighboring properties. The wood fence and style of construction are common in the vicinity.

### 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 **05-0615**, 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-1-4 (Single-family residential, 4,000 square foot minimum), a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UM) Urban Medium 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 the development is 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 site is not prominent due to the presence of existing development south of the project site.

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, and is not encumbered by public access easements. 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-1-4 (Single-family residential, 4,000 square foot minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

## Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the proposed residence will be required to be in conformance with all applicable building, electrical, plumbing, and energy codes prior to the final building permit inspection. The proposed 7 foot high fence will not adversely impact surrounding properties as it will be located on the south side of the property, with any additional shading occurring on the subject property rather than neighboring properties. The fence will not exceed three feet in height within the front yard setback, maintaining adequate visibility of cars and pedestrians on Wixon Ave.

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-1-4 (Single-family residential, 4,000 square foot minimum) zone district in that the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district.

The proposed 7 foot high fence along the rear and side property lines will comply with County Code Section 13.10.525 (regulations regarding fences and retaining walls), in that adequate access to light and air will be maintained for surrounding properties due to the presence of the fence along the Southern property line, and the incorporation of a lattice for the top 1' 6" of the fence that will allow the passage of light and air to neighboring properties.

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

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 all current site and development standards for the zone district will be met as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The proposed single-family dwelling will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family dwelling

will comply with the site standards for the R-1-4 zone district (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 approved on any similarly sized lot in the vicinity.

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

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that adequate utility service is available to the property, and the traffic generated by one additional unit will not be a burden on the streets and roads in the vicinity.

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 height, bulk, mass, and scale of the proposed residence is similar to surrounding structures, so the residence harmonizes with existing development. The construction of one single-family dwelling on the property will result the same density and land use intensity as neighboring properties.

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 single-family dwelling 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. Though the project site is a mapped scenic area, the project will not be visible from the beach or a County designated scenic road due to surrounding existing development and vegetation.

## Conditions of Approval

Exhibit A: Project plans, five sheets, drawn by Jeanette Coran Architects, dated 11/23/05.

- I. This permit authorizes the construction of a single-family dwelling of about 2,380 square feet with three bedrooms. 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 a Grading Permit from the Santa Cruz County Building Official, if required.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed 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. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued **for** the proposed development. The final plans shall include the following additional information:
    1. Identify finish and color 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.
    3. A drainage plan, including the following information:
      - a. Provide the calculations used to size the on site retention facility, including the assumed permeability rate **of** the soils. Please also provide written confirmation from the project geotechnical engineer that the assumed permeability rate is reasonable given the proposed retention system layout and soil investigation.



4. **An** erosion control plan showing the locations and types of erosion control devices to be used to control erosion during construction
  5. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.
  6. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
  7. Plans shall show the installation of tree protection measures (including fencing) around the *oak* and redwood to be retained.
  8. Plans shall include an AC approach from Wixon Ave. to the Right of Way.
  9. Project plans shall clearly note that all fencing within the front yard setback shall not exceed three (3) feet in height.
  10. Re-label plans to show the 1<sup>st</sup> floor "Office" as a "Living Room," and the 2<sup>nd</sup> floor "Living Room" as the "Family Room" in order to comply with definitions in the County Code.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- D. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- G. Pay the current fees for Parks and Child Care mitigation for three bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- H. Pay the current fees for Roadside and Transportation improvements for one

single-family dwelling. Currently, these fees are \$4,000 (divided evenly between Roadside and Transportation fees).

- I. 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.
  - J. 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 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.
  - E. All tree protection fences shall be maintained during construction.
- N. 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.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorneys fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
-

Application # 05-0615

APN: 042-201-07

Owner: David and Jane Henningsen

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 on the expiration date listed below 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 Cmz 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: 05-0615

Assessor Parcel Number: 042-201-07

Project Location: No Situs (between 216 and 220 Wixon)

Project Description: Construct new Single-family dwelling and fence **up** to **7** feet **in** height

Person or Agency Proposing Project: Powers Land Planning (**Attn:** Ron Powers)

Contact Phone Number: **(831) 426-1663**

- 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: Class 3: New Construction of small structures

F. Reasons why the project is exempt:

Construction of one single-family dwelling on a legal lot of record

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

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

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

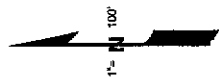
**FOR TAX PURPOSES ONLY**

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**POR. APTOS RANCHO**  
SEC. 18, T.11S., R.1E. M.D.B. & M.

Tax Area Code  
69-273

42-20



**APTOS BEACH COUNTRY CLUB**  
SUB. NO. 2  
23MB4 8/20/25

78RS34  
4/20/88

**APTOS BEACH COUNTRY CLUB**  
SUB. NO. 5  
23MB25 6/7/26

Assessor's Map No. 42-20  
County of Santa Cruz, Calif.  
January, 1999

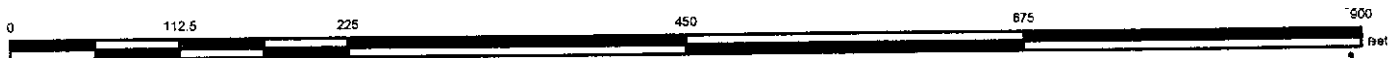
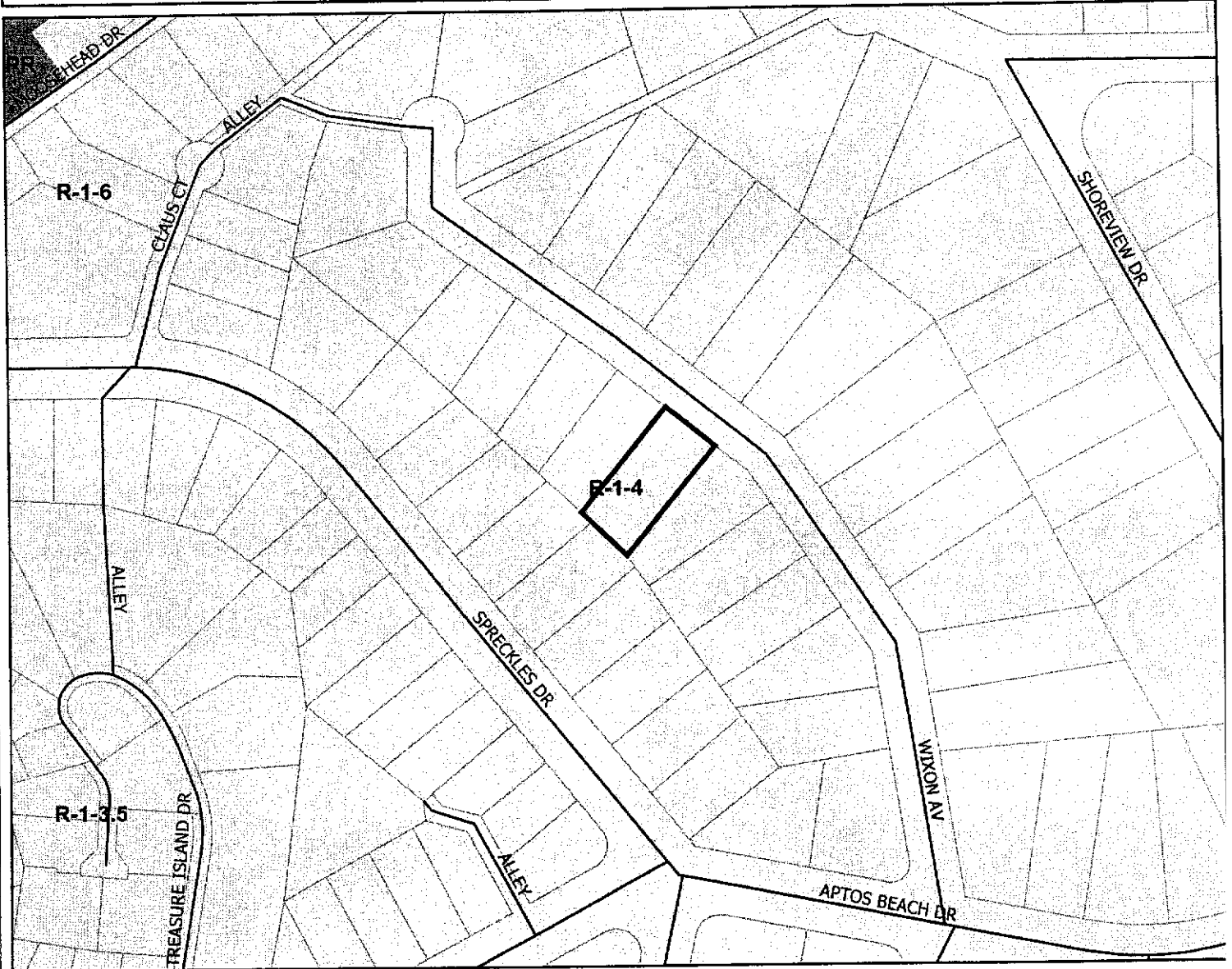
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.





Electronically Redrawn 1/26/88 by  
RHW: 02/26/02 DD 12-001812A & 25-2-36 & 37  
REV: 10/17/03 MWM (COR TO 81 NAME)  
REV: 11/30/04 MWM (A-0000772, SP: 2-36 & 39)

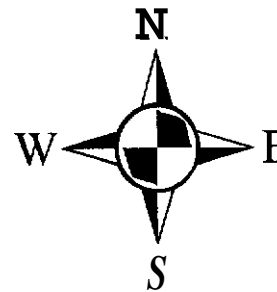


# Zoning Map



## Legend

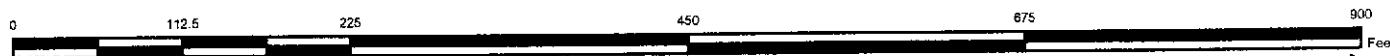
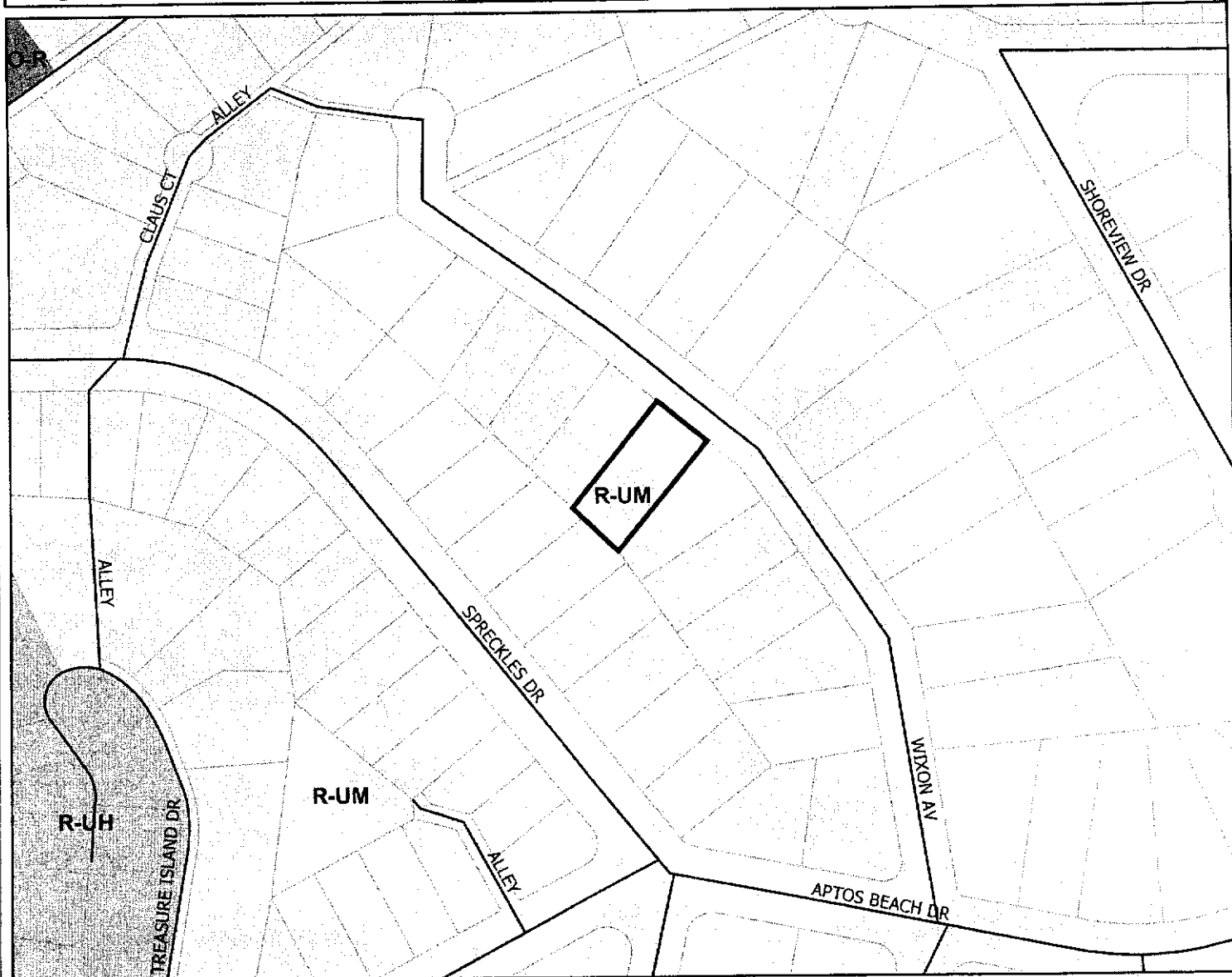
-  APN 042-201-07
-  Streets
-  Assessors Parcels
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PARK (PR)




Map Created by  
County of Santa Cruz  
Planning Department  
September 2005

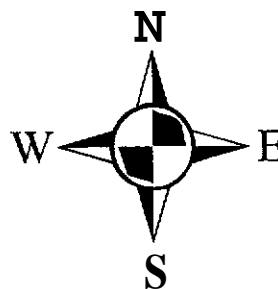


# General Plan Designation Map



## Legend

-  APN 042-201-07
-  Streets
-  Assessors Parcels
-  Residential - Urban Medium Density (R-UM)
-  Residential - Urban High Density (R-UH)
-  Parks and Recreation (O-R)



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Planning Department  
September 2005