

# Staff Report to the Zoning Administrator

Application Number: 05-0663

Applicant: Cynthia Clanton, Trustee Owner: Cynthia Clanton, trustee APN: 032-121-14 **Agenda Date: July 7,2006 Agenda Item #: 0.1 Time:** After 8:30 a.m.

**Project Description:** Proposal to recognize the conversion of an existing carport to a garage and *the* construction of a utilities closet. Requires Variances to reduce the required side yard setback from five feet to about three feet to the garage and *the* utility closet, to reduce the required front yard setback from a garage from 20 feet to 15 feet and to increase the non-conforming floor area ratio by less than 1% for the utility closet.

Location: The property is located at 55036<sup>th</sup> Avenue.

Supervisoral District: First District (District Supervisor: Beautz)

Permits Required: Variance

### **Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0663, based on the attached findings and conditions.

# Exhibits

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's Parcel Map
- F. Zoning and General Plan Maps
- G. Comments & Correspondence
- H. Permit 75'-373 PD

# **Parcel Information**

| Parcel Size:                     | 2,680 square feet                       |
|----------------------------------|---|
| Existing Land Use - Parcel:      | Residential                             |
| Existing Land Use - Surrounding: | Residential                             |
| Project Access:                  | 36 <sup>th</sup> Avenue; Madrone Avenue |
| Planning Area:                   | Live Oak                                |
|                                  |   |

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

| Land Use Designation:<br>Zone District: | R-UM (Urban Medium Density Residential R-1-4 (Single family residential - 4,000 squ | ,            |
|---|---|--------------|
|   | minimum   |              |
| Coastal Zone:                           | XX Inside (Residential Exclusion Zone)  | Outside      |
| Appealable to Calif. Coastal Comm.      | Yes   | <u>XX</u> No |

#### **Environmental Information**

| Geologic Hazards:<br>Soils: | Not mapped/no physical evidence on site N/A |
|-----------------------------|---|
| Fire Hazard:                | Not a mapped constraint                     |
| Slopes:                     | Site is level                               |
| Env. Sen. Habitat:          | Not mapped/no physical evidence on site     |
| Grading:                    | No grading proposed                         |
| Tree Removal:               | No trees proposed to be removed             |
| scenic:                     | Not a mapped resource                       |
| Drainage:                   | Existing drainage adequate                  |
| Archeology:                 | Not mappdno physical evidence on site       |

#### **Services Information**

| Urban/Rural Services Line: | XX Inside Outside                     |
|----------------------------|---------------------------------------|
| Water Supply:              | City of Santa Cruz Water Department   |
| SewageDisposal:            | Santa Cruz County Sanitation District |
| Fire District:             | Central Fire                          |
| Drainage District:         | Zone 5                                |
|                            |                                       |

# **History and Setting**

The subject lot at approximately **2,680** square feet is nonconforming (less than 80% of the required site area) with respect to the zone district of 4,000 square feet, **as** well as being a double frontage lot. The existing house is non-conforming with respect to the current 50% floor area ratio site development standard. This dwelling was constructed in 1975 under Planned Development Permit 75-7373-PD, which allowed the construction of a two-bedroom dwelling with only one on-site parking space (in the carport). The original structure had a small room labeled "utility room" adjacent to the carport. Later, the "utility room" was converted to a small living room area open to the family room and kitchen, and the carport facing the alley was enclosed and expanded by about two feet, one inch to create a small storage area. The water heater was moved from an interior, unvented closet to the side of the house and a small utility enclosure was constructed around it. Both the garage addition and the utility closet were built within the five foot side yard setback. In addition, a portion of the garage addition is within the 20 foot setback for garages. Violation notices were sent to the property owner and this work was red tagged in January of 2005 for work without permits. This application is a step towards resolving the current code violation.

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# Zoning & General Plan Consistency

The subject property is zoned R-1-4 (Single family residential - 4,000 square foot minimum) and has an Urban Medium Density Residential (R-UM) General Plan designation. A single family residence and ancillary structures are the principal permitted use for this zone district and General Plan designation. The project site is within the Coastal Zone Residential Exclusion area, therefore, a Coastal Development Permit is not required for additions to the residence. The residential site standards for the R-1-4 zone district and the proposed project are as follows:

| SETBACK                               | REQUIRED | PROPOSED        |
|---------------------------------------|----------|-----------------|
| Front yard                            | 15 feet  | 23 feet         |
| Side yard (north)                     | 5 feet   | 3 feet          |
| Side yard (south)                     | 5 feet   | 5 feet          |
| Rear yard (double frontage)           | 15 feet  | 15 feet- 1 inch |
| Rear yard setback for garage entrance | 20 feet  | 15 feet 1 inch  |
| Lot coverage                          | 40%      | 36-37%          |
| Floor Area Ratio                      | 50%      | Between 52-55%  |

The subject parcel is highly constrained as it is very small in size and is nonconforming with the respect to the zone district minimum (67% of the required 4,000 square feet). Furthermore, it is a double-frontage lot, which reduces the development potential further. Moreover, the parcel is very narrow being slightly more than 31 feet wide. There are limited opportunities increase storage in an older dwelling on a small, constrained lot. Moreover, this is a neighborhood with extremely limited on-street parking opportunities, and the existing dwelling has inadequate (existing nonconforming) on-site parking. The house is small in size and has limited family/living space and storage. The conversion of the "utility room" into a living room provides a small (approximately 200 square foot sitting area. A site visit by Planning staff verified that this area meets the definition of a living room/family room and not the definition of a bedroom. Therefore, this conversion does not constitute an intensification of use that would require that an additional parking space be provided.

In addition to the limited living space, there is minimal storage areas available within the house. The small addition to the carport included a small amount of storage that can be secured, while making the existing (nonconforming) off street parking space more useable (prior to the as-built addition, it was difficult to open the *a* doors inside the structure). The encroachment into the sideyard setback is in a location that will not interfere with the light and air of the adjacent property in that the addition is only 8 feet high and is not located in close proximity to the neighboring home. Also, there are not any privacy issues due to the use of the structure (non-habitable), its lower height and size and its location away from the existing house next door. The existing carport was originally open on two sides (the front and one side) and was located about 15 feet from the right-of-way. The current residential development standards require garages be located 20 feet from the right-of-way. Therefore, a Variance to the front yard setback to the garage is required to recognize the construction that expanded and enclosed the side of the original carport. The garage expansion and utility shed both contribute towards lot coverage, which will be slightly less than the 40% maximum allowed. The garage addition does not increase the floor area ratio since the garage including the addition is less than **225** square feet, and a credit of up to 225 feet is allowed in the County Code when

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calculating the floor area ratio. There are special circumstances affecting this site with respect to the garage expansion and the variance findings can be made and are provided in Exhibit B.

The utility closet is about **7** square feet in size, and is closer to the neighboringhome than the garage addition. The neighbors have voiced concerns with this utility closet, citing the proximity of structure to their house and the fire potential it may pose. In addition, the utility closet contributes incrementally to the floor area ratio, and the existing dwelling already exceeds 50% of the parcel's net site area. Thus, the utility closet requires Variances to reduce the side yard setback from 5 feet to 3 feet and to further increase the floor area ratio above 50%. Since the water heater could be located elsewhere on the property or an alternative method such as a tankless water heater utilized, special circumstances do not exist for granting the variances for the utility closet.

# 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**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **05-0663**, based on the attached findings and conditions.

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: <a href="http://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

Report Prepared By:Cathleen Carr<br/>Santa Cruz County Planning Department<br/>701 Ocean Street, 4th Floor<br/>Santa Cruz CA 95060<br/>Phone Number: (831) 454-3225<br/>E-mail: <a href="mailto:cathleen.carr@co.santa-cruz.ca.us">cathleen.carr@co.santa-cruz.ca.us</a>

# VARIANCE FINDINGS

1. That because of special circumstances applicable to the property, includingsize, 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.

Due to the small size of the lot (2,680 square feet), the narrowness of the lot (about 31 feet), double frontage and the location of the existing dwelling and original carport, the house size is limited and it is not possible to a reasonably sized living space and provide modest increase the storage while maintaining the existing non-conforming parking space without exceeding some site development standard. The conversion of a "utility room" to a small sitting area allowed additional habitable space without increasing floor area ratio, any addition to the structure, except for expansion of the garage/carport requires a floor area ratio variance. In addition, the conversion of the parking space within the carport to storage would require a parking variance, adding square footage at the front of the garage would require a further reduction in the required front yard setback. Therefore, there is no opportunity for adding a small storage area to a modestly sized house while allowing the off-street parking space to be useable. The recognition of the garage addition requires a side yard and a garage front yard setback variance, but does not increase the floor area ratio since the as-built garage is less than the 225 square foot garage credit allowed when calculating the floor area ratio. The strict application of the zoning ordinance would create a hardship, by disallowing a minor storage area while maintaining off-street parking for the existing dwelling, which is a privilege enjoyed by other properties in the area. Moreover, several of the existing residences are nonconforming with respect to either setbacks, lot coverage or parking. Thus, the granting of the variance to reduce the side yard up to 3 feet is compatible with the development pattern of the neighborhood and is consistent with the privileges enjoyed by other properties in the vicinity under similar circumstances (very small and narrow lot).

The utility closet for the hot water heater contributes incrementally to the floor area ratio, and the existing dwelling already exceeds 50% of the parcel's net site area. Thus, the utility closet requires Variances to reduce the side yard setback from 5 feet to 3 feet and to further increase the floor area ratio above 50%. Since the water heater could be located elsewhere on the property or an alternative method such as a tankless water heater utilized, special circumstances do not exist for granting the variances for the utility closet. Therefore, this finding cannot be made for the addition of the utility closet.

# 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.

The location of the garage addition within the side yard setback will not be detrimental to the health, safety, or welfare of persons in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity. Specifically, the garage addition is about **8** feet tall, is only 16 feet in length and is located away from the adjacent residence. The size and height of the garage addition is such that it will not interfere with the neighboring parcel's access to

Application #: 05-0663 APN: 032-121-14 Owner: Cynthia Clanton, trustee

light and air. Since the garage addition is non-habitable, there will not be issues relating to windows and loss of the neighboring parcel's privacy. The side yard setback will exceed **3** feet from the property line, thereby meeting fire codes for standard construction. Therefore, the reduced setback does not pose a fire safety hazard. The structure has existed as carport with one open side within the required 20 feet front yard garage setback. Expanding and enclosing the side within the front yard setback is not materially detrimental to public safety or welfare in that the carport and garage is not closer than the existing **a** 15 foot setback from this dead-end street and does not decrease the existing sight distance from the garage entrance. The granting of the variance is in harmony with the general intent and purpose of zoning objectives by balancing the needs of providing development opportunities, maintaining off-street parking, meeting health and safetyrequirements on and off the property, while providing separation between structures and property lines on an extremely small and narrow lot.

# 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.

As discussed in Variance Finding #1, the granting of the front and side yard variances for the garage addition would not constitute a special privilege as properties with the similar situations of a very narrow (3 1 feet) and very small (2,680 square feet) double frontage parcel with a similarly situated home and carport/garage would be subject to the same limitations and need for similar variances to the setback requirements. The granting of the variance to reduce the side yard setback to 3 feet and the front yard to 15 feet, where the existing carport is 15 feet from the property line, is compatible with the development pattern of development on similarly constrained lots.

The granting of the variance to further increase a non-conforming floor area ratio to recognize a utility closet does constitute a special privilege in that the water heater could be located elsewhere within the structure or **an** alternative method such as a tankless water heater utilized.

# **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.

As discussed in Variance Finding #2, the location of a portion of the garage within the side yard setback and front yard setback will not be detrimental to the health, safety, or welfare of persons in the neighborhood or the general public, and will not be the garage addition is about 8 feet tall, is only 16 feet in length and is located away from the adjacent residence. The size and height of this addition is that it will not interfere with the neighboring parcel's access to light and air. Since the garage addition is non-habitable, there will not be issues relating to windows and loss of the neighboring parcel's privacy. A setback exceeding 3 feet will be maintained meeting fire codes for standard construction. Therefore, the reduced setback does not pose a fire safety hazard. The structure has existed as carport with one open side within the required 20 feet front yard garage

# EXHIBIT B

setback. Expanding and enclosing the side within the front yard setback is not materially detrimental to public safety or welfare in that the carport and garage are not closer than the existing a 15 foot setback from this dead-end street and the existing sight distance from the garage entrance is not decreased.

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.

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.

The location of the garage addition and the conditions under which it would be operated and maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4, with the exception of the front and side yard setbacks for which variances are sought (see Variance Findings).

**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 a principal use in the Urban Medium Density Residential (R-UM) land use designation in the County General Plan.

The proposed garage addition to a single family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties due to the small scale (8 feet or less in height and a maximum of **16.5** feet in length).

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 to a single family dwelling will not add new habitable space. The conversion of the utility room to a sitting area off of the kitchen/family room does not meet the definition of a bedroom and will therefore will not increase 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 structure is located in a mixed neighborhood containing a variety of architectural styles, of varying non-conformity with current zoning regulations. The proposed garage addition *to* the single family dwelling is consistent with the land use intensity and density of the neighborhood and character of the neighborhood.

# **Conditions of Approval**

# Exhibit A: Project Plan prepared by Theodore Smith dated 10/4/05

- I. This permit recognizes the enclosure of a carport, the construction of an 8-foothigh addition to the garage about 3 feet, 3 inches from the north property line and within 15 feet from the rear property line and the conversion of a utility room to a living room/sitting area. 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 for the garage addition, relocation of the water heater, replacement of the fireplace, and the conversion of the utility room (on a slab foundation) to a living/sitting room.
- 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, with the exception that the utility closet for the water heater shall be removed and the water heater relocated. 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 of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
  - **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 **5** drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
  - E. The existing non-conforming parking space in the garage shall be maintained.

- F. The utility closet for the water heater shall be removed and the water heater relocated.
- 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 building permits shall be obtained and a final inspection and clearance obtained by September 9,2006 in accordance with Stipulation Order 05-064.
- IV. Operational Conditions
  - A. The existing non-conforming parking space in the garage shall be maintained.
  - B. 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.

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 September 9,2006 unless additional time is granted by Code Compliance Stipulation and Order.

Approval Date:

Effective Date:

Expiration Date: **SEPTEMBER 9.2006** 

Don Bussey Deputy Zoning Administrator Cathleen Carr 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: 05-0663 Assessor Parcel Number: 032-121-14 Project Location: 550 36th Avenue

Project Description: Proposal to recognize **the** conversion of an existing carport to a garage. Requires a Variance to reduce the required side yard setback from five feet to about three feet and the front yard garage setback from 20 feet to **15** feet.

Person or Agency Proposing Project: Cynthia Clanton, Trustee

Contact Phone Number: (831) 464-8835

- 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. <u>Ministerial Project</u> involving **only** the use of fixed standards or objective measurements without personal judgment.
- D. <u>Statutory Exemption</u> other than a Ministerial Project (CEQA Guidelines Section 15260to 15285).

Specify type:

E. <u>X</u> <u>Categorical Exemption</u>

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

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

Minor additions to an existing single family residence in an area designated for residential uses.

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

Cathleen Carr, Project Planner

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

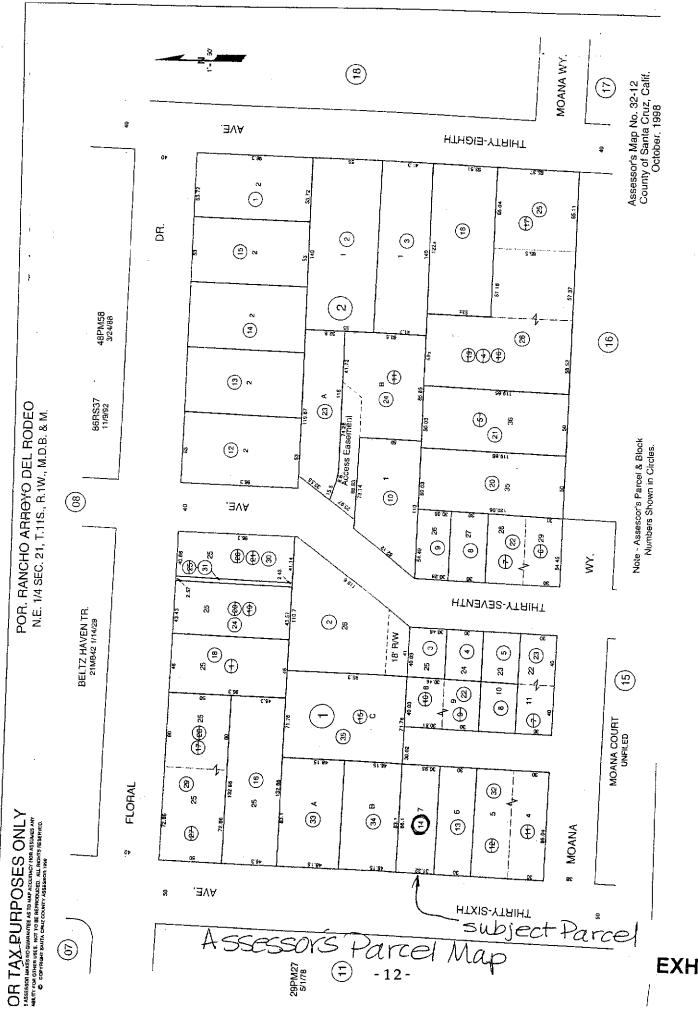
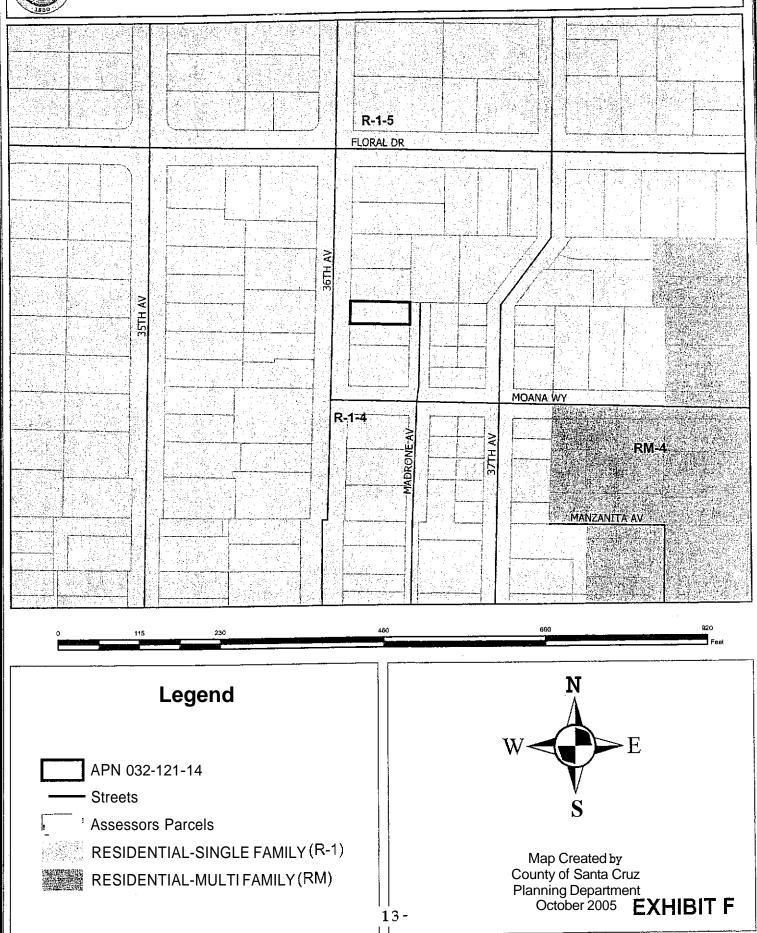
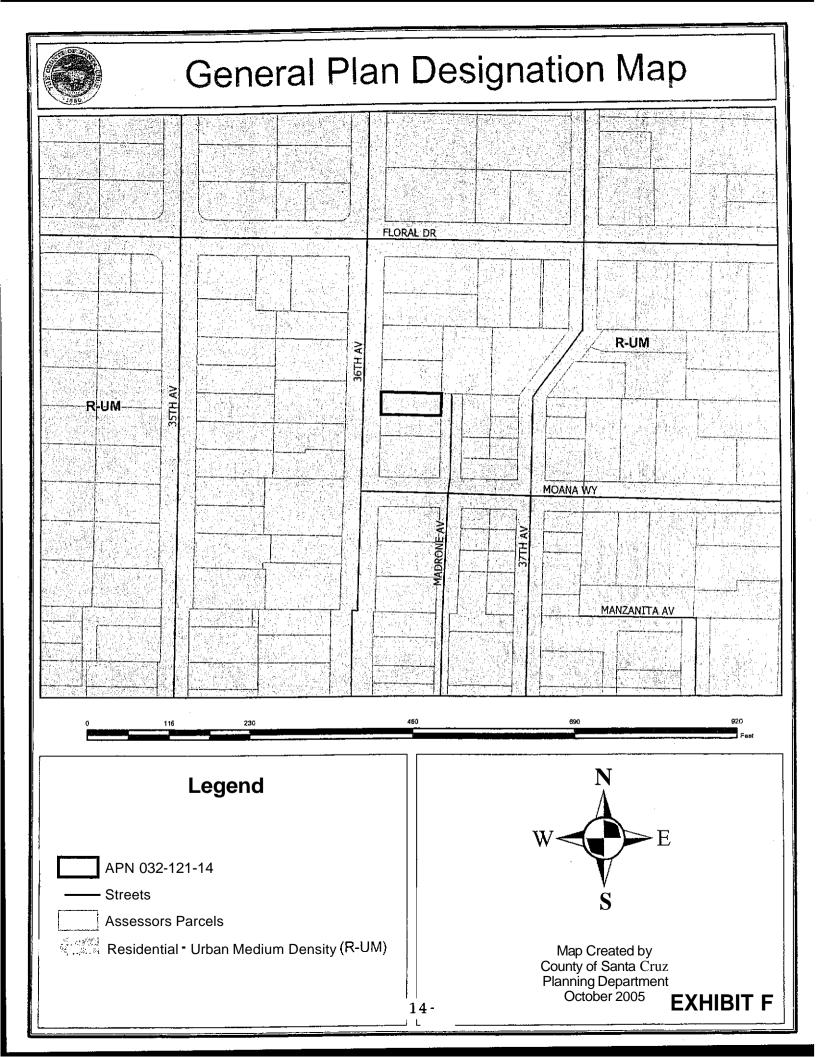


EXHIBIT E



# Zoning Map





#### COUNTY OF SANTA CRUZ DISCRETIONARY APPLICATION COMMENTS

Project Planner: Cathleen Carr Application No.: 05-0663 APN: 032-121-14 Date: March 16, 2006 Time: 11:08:59 Page: 1

#### Code Compliance Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

#### Code Compliance Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

====== REVIEW ON OCTOBER 19. 2005 BY KEVIN M FITZPATRICK =======

# EXHIBIT G

March 2.2006

Via FAX

Cathleen Carr, Planner Planning Department County of Santa Cruz 7010cean Street, 4th floor Santa Cruz, CA 95060

RE; Application # 05-0663 550 36th Avenue. 5anta Guz. CA APN 032-121-14

Dear Cathleen,

fhia **letter** is regarding the application to recognize the conversion of the existing carport to a garage and the construction of a utilities closet at 550 36 th Ave.

I live at 54036th Avenue, 2 doore from the subject property.

While I have no objection to the conversion of the garage, my concerne have to deal with the reduced setback for the utilities closet.

Gas appliances located in the encroaching utilities closet increase the chance of fire. The houses directly adjacent to as well as the subject property are of wood frame construction with T-111 plywood siding. The existing encroachment does not comply with California Building Code (table 5-A) as  $\pm$  requires 1-hour construction for less than a five foot setback.

As an Architect, 1 am frustrated with the homeowner not obtaining a Building Permit prior to this work being built and then asking after the fact for you W approve a non-conforming encroachment in the estback. If this had gone to staff prior to construction this would not be allowed.

le it necessary to have proposed utilities closet run tho entire length of the garage? It seems excessive. Ferhaps the waterheater could be located in the garage or in a smaller enclosure.

Please do not healtate to contact me personally if you should have any further questions concerning this matter.

Respectfully.

Muht

Michael Helm, Architect C12642

| COUNTY OF SANTA CRUZ | NUMBER 75-373-PD             |  |
|----------------------|------------------------------|--|
|                      | ISSUED TO Roy E Horn         |  |
| PLANNED DEVELOPMENT  | 5062 01d San Jos <u>e</u> Rd |  |
| -PERMIT-             | Santa Cruz, Ca. 95060        |  |
|                      | PARCEL NO.(S)                |  |

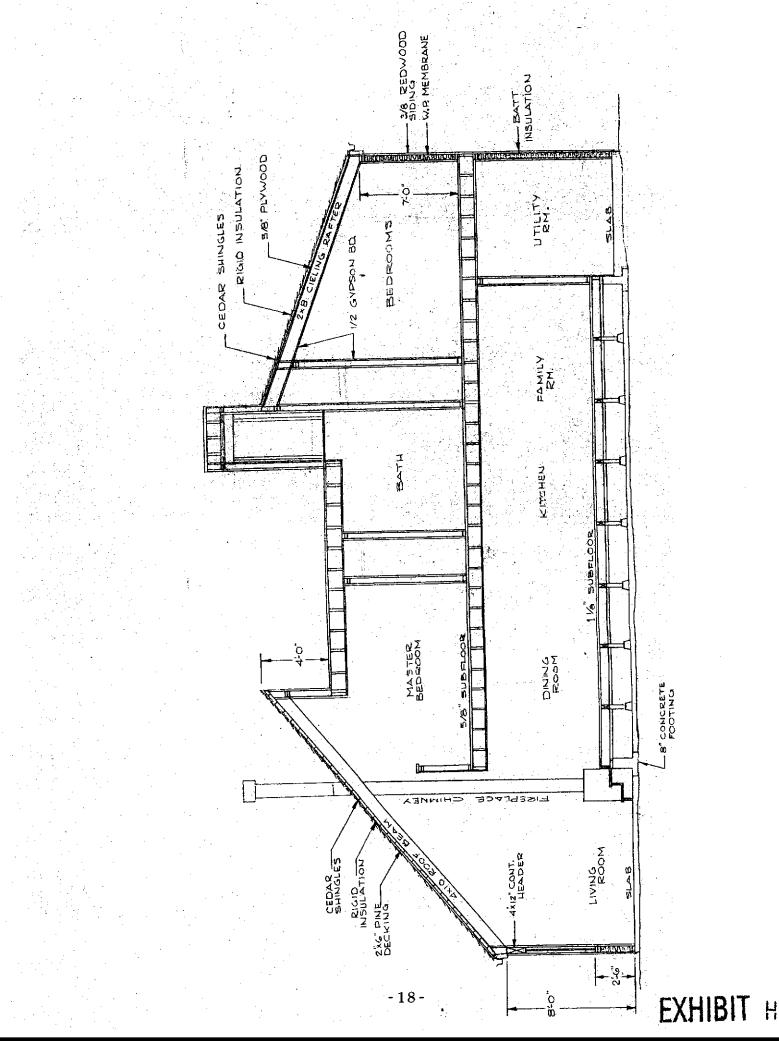
East side of 36th Avenue, about 100 feet north of Moana Way, LOCATION OF USE Pleasure Point Area.

**To** construct a single-family dwelling. PERMITTED USE

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, AS PER PLANS SUBMITTED:

- Prior to occupancy, one parking space  $(8 \ 1/2 \ X \ 18^{+})$  shall be provided onsite. single-width driveway shall also be provided (encroachment permit if needed). driveway shall be surfaced with  $1 \ 1/2$ " of asphalt and 4" of aggregate base. 1. A The
- This permit will not become effective until two copies, signed by the applicant, 2. are returned to the Planning Department.

| THIS PERMIT WILL EXPIRE ON         | 5/77/76 IF IT HAS NOT BEEN EXERCISED.   |
|------------------------------------|---|
| PLEASE SIGN AND RETURN BOTH COPIES | WALTER J. MONASCH, AIP<br>SANTA CRUZ COUNTY ZONING ADMINISTRATOR<br>BY George A Costhe / DATE 5/27/75 |
| SIGNATURE OF APPLICANT             | BY George A. Posth, Chief DATE 5/27/75<br>George A. Posth, Chief J-<br>17-Opment, Processing          |
| PIN 6 • NOTE · THI                 | S IS NOT A BUILDING PERMIT EXHIBIT H  |



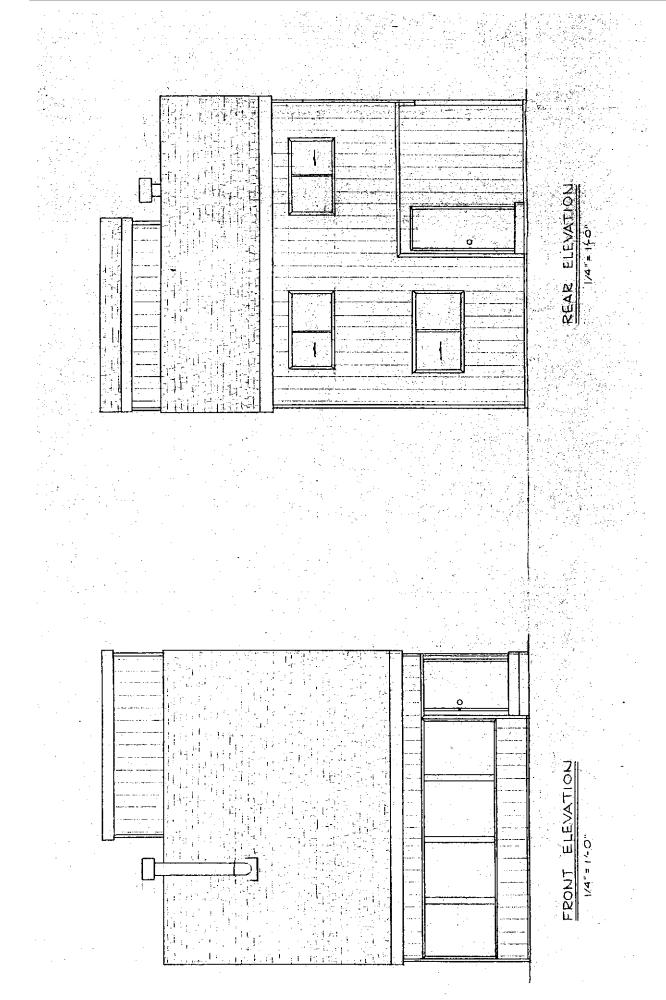


EXHIBIT H