

MEMORANDUM

Date: June 21, 2006

To: Don Bussey, Zoning Administrator

From: Lawrence Kasparowitz, Project Planner

Re: 02-0432

Agenda Date: July 21, 2006

Agenda Item #: 0.1

Time: After 8:30 a.m.

History

This application was before the Zoning Administrator on December 2, 2005 and was recommended for denial at that time (see attached Exhibit). The recommendation was based on incomplete drainage plans. This issue has subsequently been addressed and the application is now returning to the Zoning Administrator for re-consideration.

Planning Commission Referral

Staff feels that this application should be referred to the Planning Commission in order to resolve conflicts between different General Plan policies (*per* page 1-20 Interpretation). The threshold question for the Commission to consider is whether or not the driveway and utilities that lead to the proposed residence may or may not be allowed under the County of Santa Cruz General Plan.

General Plan Policies Consistency

The following policies seem to be in conflict with each other and interpretation is required to determine how these policies should apply to this specific project:

1. **An** access road is required for access by safety vehicles per General Plan Policy, 6.5.1.
2. General Plan Policy 6.2.11 does not allow **development** in the coastal bluff setback.
3. General Plan Policy 6.2.15 does allow **development** in the coastal bluff setback under certain conditions.

Staffs therefore recommends that the Zoning Administrator refer this application to the Planning Commission for a policy interpretation to determine hot seemingly conflicting policies should apply within the context of this application.



Staff Report to the Zoning Administrator

Application Number: **02-0432**

Applicant: Wayne Miller

Owner: Val Vaden

APN: 028-232-16

Agenda Date: December 2, 2005

Agenda Item #:

Time: After 10:00 a.m.

Project Description: Proposal to construct a two-story single family dwelling with basement/garage.

Location: 23rd Avenue, Santa Cruz

Supervisory District: First District (District Supervisor: Janet K. Beautz)

Permits Required: Coastal Development Permit, Coastal Bluff Development Exception and Geologic Hazard Assessment

Staff Recommendation:

- **Denial of Application 02-0432**, based on the attached findings.

Exhibits

- | | | | |
|----|------------------------------------|----|---|
| A. | Project plans | H. | Letter from Mid Coast Engineers, dated July 17, 2005. |
| B. | Findings | I. | Drainage calculations prepared by Mid Coast Engineers, dated July 15, 2005. |
| C. | Location map | | |
| D. | General Plan map | | |
| E. | Zoning map | | |
| F. | Discretionary Application Comments | | |
| G. | Urban Designer's memorandum | | |

Parcel Information

Parcel Size:	3,568 sq. ft.
Existing Land Use - Parcel:	vacant
Existing Land Use - Surrounding:	residential
Project Access:	23 rd Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UM (R-UM)
Zone District:	R-1-4 (4,000 sq. ft. min. parcel size)
Coastal Zone:	<u>X</u> Inside ___ Outside
Appealable to Calif. Coastal Comm.	<u>X</u> Yes ___ No

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

Environmental Information

Geologic Hazards:	Geological report submitted
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	137 cu. yds. proposed
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:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u> X </u> Inside <u> </u> Outside
Water Supply:	City of Santa Cruz Water Department
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5

History

This application was submitted on August 23, 2002 and deemed complete on October 21, 2003

Project Setting

The project is located at the end of 23rd Avenue, in the Live *Oak* Planning Area of Santa Cruz. The site is vacant and the street stops short of the lot (there is no developed street in front of the lot, however the right-of-way extends for two lots to the south). Adjacent to the west side of 23rd Avenue is a coastal bluff.

Zoning & General Plan Consistency

The subject property is a 3,568 square foot lot, located in the R-1-4 (4,000 sq. ft. min. parcel size) zone district, a designation that allows residential uses. The proposed single family residence is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) R-UM General Plan designation.

	R-1-4 Standards	Proposed Residence
Front yard setback:	15 feet	15'-0"
Side yard setback:	5 feet / 5 feet	5 feet / 5 feet
Lot Coverage:	40 % maximum	39 %
Building Height:	28 feet maximum	28'-0"
Floor Area Ratio (F.A.R.):	0.5:1 maximum (50%)	49.6 %
Parking	3 bedrooms – 3 (18' x 8.5')	three uncovered

Design Review

The proposed single family residence was reviewed by the Urban Designer and complies with the requirements of the County Design Review Ordinance (Section 13.11) and the Local Coastal Program (Section 13.20)

The design of the basement and the calculation of the perimeter have been reviewed by the Project Planner and the Principal Planner. The plans indicate a wing wall, which supports the upper floor. This wall does not enclose any interior basement space and will not be counted as perimeter for the definition of the basement.

Chapter 13.20 of the Zoning Ordinance requires that projects in the Coastal Zone be visually compatible with the neighborhood. This is a subjective criterion that is reviewed by the County Urban Designer. The Urban Designer has visited the site, reviewed the plans (see memo dated September 24, 2002) and believes that the proposed residence is compatible with the variety of residential design along 23rd Avenue and is a pleasing design within itself.

Landscape plans are not required for single-family residence applications. A Condition of Approval will be added which requires a planting and irrigation plan be provided by a licensed

Landscape Architect that addresses visual mitigation, selects appropriate plants for a coastal bluff and uses drip irrigation.

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line and will be served by existing water and sewer utilities.

Review by the County of Santa Cruz Environmental Planning Division indicates that this site is well over 100 feet from any standing water (the minimum for a riparian setback).

Drainage Discussion

The site is vacant and currently drains down to the bluff from the western property line. The applicant is proposing a driveway extending from the end of 23rd Avenue to beyond the south property line of the subject lot. A fire truck turnaround has been designed which would split between this lot and the adjacent lot into the driveway design. The driveway design proposes a berm at the bluff side which would match that of 23rd Avenue.

As evidenced by the Discretionary Application Comments (Exhibit F), the Department of Public Works Drainage Division has repeatedly requested clarification from the applicant regarding the following:

1. Capacity and safe overflow of the berm along 23rd Avenue and from 23rd Avenue to the lagoon.
2. Description of the work needed to repair and maintain the existing berm and downstream inlet.
3. A clear plan that shows all of the existing and proposed facilities and the extent of the dispersion trench.
4. The analysis did not include the required return period and safety factors.

Without completion of all DPW Drainage Completeness Comments, staff must recommend denial of this application.

Conclusion

As proposed and conditioned, the project is **not** 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

- **DENIAL** of Application Number 02-0432, based on the attached findings.

Application #: 02-0432
APN: 028-232-16
Owner: Val Vsdén

Page 5

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: Lawrence Kasparowitz
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2676
E-mail: pln795@co.santa-cruz.ca.us

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 **not** be made, in that although the project is located in an area designated for residential **uses**, the project is definitely encumbered by physical constraints to development. This application has not provided all the material to insure that the drainage **as** designed has been adequately designed as determined by the Department of Public Works.

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 **not** be made, in that the proposed location of the single family residence has not been analyzed sufficiently in relationship to the drainage for the area. The Department of Public Works has repeatedly requested additional information which has not been supplied by the applicant in order to adequately address the offsite impacts to the drainage for this site.