



Staff Report to the Zoning Administrator

Application Number: 06-0489

Applicant: Larry J. Bidinian
Owner: Larry J. Bidinian Trustee
APN: 075-112-40

Agenda Date: December 1, 2006
Agenda Item #: 2
Time: After 10:00 a.m.

Project Description: Proposal to construct a second story addition to an existing 2-story nonconforming single-family dwelling.

Location: Project is located on the **left** hand side of Van Allen Road, just past the intersection of Lake and Carrol Avenue.

Supervisory District: 5th District (District Supervisor: Mark Stone)

Permits Required: Variance, Residential Development Permit

Staff Recommendation:

- Certification that the proposal is exempt **from** further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0489, 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:	13,285.8 square feet
Existing Land Use - Parcel:	Residential – single family dwelling
Existing Land Use - Surrounding:	Residential
Project Access:	Van Allen Road, private
Planning Area:	San Lorenzo Valley
Land Use Designation:	R-R (Rural Residential)
Zone District:	R-1-15 (Single Family Residential • 15,000 square foot minimum site)

Coastal Zone: Inside X Outside

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	40-50% slopes characterize the majority of the parcel
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 not altered by proposal
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u> </u> Inside <u> X </u> Outside
Water Supply:	Lompico Water District
Sewage Disposal:	Septic
Fire District:	Zayante Fire Protection District
Drainage District:	Zone 8

History

According to County Assessor's records, the existing single family dwelling on the property was constructed in 1940, but was originally located at the Redwood Resort in Boulder Creek. The structure was moved to its present location in 1970. Permits were issued in the mid 1990s to enclose various decks and patios and to recognize the construction of an existing deck. In 2004 Permit 138617 was issued for the construction of a detached garage and workroom. Permit 143882 was issued in February of this year for a **534** square foot addition to the residence. At the time of issuance of building permits in the 1990s, it was discovered that the single-family dwelling encroaches approximately 7 feet into the required front yard setback.

Project Setting

The project site fronts Van Allen Road in Felton, a private road. The lot is substandard with respect to area for the zone district, as **are** the majority of the surrounding parcels. In addition to the existing dwelling, the site is developed with **an** approximately 600 square foot detached garage and workshop. Steep slopes characterize approximately **65-70%** of the lot. The existing house and garage occupy the **only** level portions of the lot. Surrounding lots are similarly configured and the majority of the houses in the vicinity of the subject parcel have been constructed within the front yard.

Zoning & General Plan Consistency

The subject property is a 13,285 square foot lot, located in the R-1-15 (Single Family Residential - 15,000 square foot minimum site area) zone district, a designation that allows Residential uses. The proposed Single Family Dwelling is a principal permitted use within the zone district. The project is not consistent with the site's (R-R) Rural Residential General Plan designation in that the density is significantly below the 2.5 to 20 net developable acres per unit proscribed by the General Plan. It should be noted, however that this is common in the immediate vicinity and the proposed Variance will not reduce the density or site area below existing levels.

Variance

The existing house was moved to its current location in 1970. The dwelling is located approximately 13 feet from the front property line and so encroaches 7 feet into the required 20-foot front yard setback. The existing square footage of the house is 853 square feet. The proposed extension of the second floor addition into the front yard, would provide an additional 405 square feet of living space, for a total of 1,258 square feet. The Variance is necessary in that the parcel is constrained by **steep** slopes and there is no other portion of the site that could accommodate an addition. **An** addition is reasonable given the small size of the existing house. It should also be noted that the second floor addition does not extend beyond the footprint of the existing house.

The neighbors in the immediate vicinity of the site have signed a petition in support of the Variance, and a number of houses along Van Allen similarly encroach into the front yard. The Variance would not confer any special privileges, but would allow the property owner a reasonable amount of living space without imposing any negative impacts on surrounding properties.

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

- o Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- o **APPROVAL** of Application Number **060489**, 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: www.co.santa-cruz.ca.us

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Santa Cruz CA 95060
Phone Number: (831) 454-5357
E-mail: robin.bolster@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.**

The project is located in an area designated for Residential uses. While the property is characterized by relatively steep slopes, the proposed construction is not located within the steep portion of the site. Additionally, construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed construction will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the second story addition does not extend beyond the footprint of the existing dwelling. Additionally, there are no adjacent structures in the immediate vicinity of the proposed construction and the proposed development is largely screened from the road by existing mature vegetation. A Variance is included in this application in order to reduce the required setbacks to accommodate the location of the second story addition within the required front yard.

- 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.**

While the existing legal parcel of record is substandard with respect to parcel size under the R-1-15 (Single-family residential - 15,000 square foot minimum lot size) zone district, the proposed residential development does not represent a significant increase in density or intensity of use on the site.

- 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, while the existing legal parcel of record is not consistent with the density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan, the proposed addition does not represent an increase in density or intensity of use on the site. Additionally, this General Plan designation is common in this part of the San Lorenzo Valley and applies to similarly sized parcels in the vicinity of the project site.

The proposed residential development will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that the addition will not adversely shade adjacent properties. The proposed addition, while encroaching into required setbacks for the zone district, will not impact access to light, air, and open space in the neighborhood in that the addition does not extend beyond the footprint of the existing dwelling. Also, no adjacent structures are located in the immediate vicinity of the proposed second story addition and the development is substantially screened from the roadway by existing mature vegetation.

The proposed residential development 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, other than the front **yard** setback, the proposed residential addition complies with the site standards for the R-1-15 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. The proposed addition within the front yard setback is necessary to provide additional living space to an existing single-family dwelling that is substandard in terms of size. Due to the topography of the site, there are no other feasible locations for a residential addition.

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 residential development is to be constructed on **an** existing developed lot and the project does not include any additional bedrooms. No additional trip generation will result from the proposal.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed residential development is located in a mixed neighborhood containing a variety of architectural styles, and the construction is consistent with the land use intensity and density of the neighborhood. Existing mature trees along the front property line limit any visual impact of the proposed development to the surrounding neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding *can* be made, in that the proposed residential addition 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. The size, scale, and location of the proposed development is consistent with the surrounding properties in the 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.**

Due to the steep topography of the majority of the site (25-35%), it is not possible to construct a reasonably sized house without encroaching into the front yard setback. A Variance is necessary to construct a second-story addition, **as** there are no other buildable areas of the parcel. **A number of** other dwellings in the neighborhood are similarly constrained by topography and have been built within the front yard setback. The strict application of the zoning ordinance with respect **to** setbacks would deprive the property owner of a reasonable amount of living space **for** their primary residence, a privilege enjoyed by other properties in the area.

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 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 in that the existing structure has not been materially detrimental to public health, safety **or** welfare **or** injurious to property **or** improvements in the vicinity. The granting **of** the variance will allow the property extend a second **story** addition to similarly encroach into the front yard setback. The second **story** addition is not located within close proximity to surrounding structures and will not impact surrounding properties. The proposed **addition** is also substantially screened by existing mature vegetation along the front property line.

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.**

The majority of the dwellings on this block of Van Allen Road were developed **prior** to the adoption **of** the zone district standards and without the benefit of accurate properly **surveys**. Many of the older dwellings on the block have been constructed within the front yard setbacks. **Thus**, most of the **structures** on this block **of** Van Allen Road do not conform to this zone district site development standard. **Any repairs** or replacement of exterior elements of these structures will require a Variance approval. Therefore, granting of **this** variance will not constitute a grant of special privileges inconsistent with the limitations upon the surrounding neighbors. The granting of the variance to reduce the **front** yard setback will provide a reasonable amount of living space for a primary residence. **Denial** of the proposed Variance would result in a hardship for the property owner by restricting the living space **to** the existing 853 square feet.

Conditions of Approval

Exhibit A: Site and Architectural Plans, 4 Sheets, prepared by Architectural Design & Planning, dated 8/01/06.

- I. This permit authorizes a **405** square foot addition to an existing dwelling. The addition requires a Variance to reduce the required front yard setback from 20 feet to about 13 feet. 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.
- 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. **The** final plans shall include the following additional information:
 1. Exterior elevations identifying finish materials and colors.
 - a. Floor plans identifying each room, its dimensions, and square footage.
 - b. Clearly delineate on the plans the existing walls, exterior and interior, which shall remain, the existing walls, exterior and interior, which will be demolished or modified and all new walls.
 2. Grading, drainage, and erosion control plans.
 3. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 4. Final plans shall include a copy **of** the conditions of approval.

- 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.
- D. Meet all requirements of **and** pay Zone 8 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Obtain an Environmental Health Clearance for **this** project **from** the County Department of Environmental Health Services.
- F. Meet all requirements and pay any applicable plan check fee of the Zayante Fire Protection District.
- G. 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. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at anytime 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.

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.

- 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** attorney's 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#: 06-0489
AFN 075-112-40
Owner: ~~Larry J. Bidinian~~ Trustee

~~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 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

Robin Bolster-Grant
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: 06-0489

Assessor Parcel Number: 075-112-40

Project Location: 11910 Van Allen Road, Felton

Project Description: Proposal to construct a second story addition to an existing nonconforming 2-story single family dwelling

Person or Agency Proposing Project: Larry J. Bidinian

Contact Phone Number: (831) 530-757-7811

- 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).

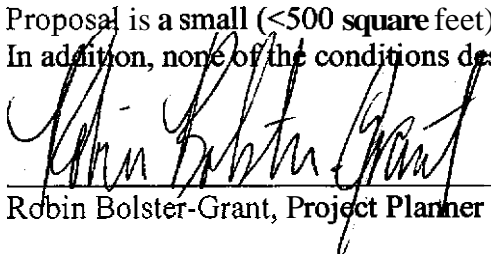
Specify type:

- E. ☒ **Categorical Exemption**

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

F. Reasons why the project is exempt:

Proposal is a small (<500 square feet) addition to an existing single family dwelling
In addition, none of the conditions described in Section 15300.2 apply to this project.


Robin Bolster-Grant, Project Planner

Date: 10/29/06

1. Model building

SHEET
A.1
1 OF 11 SHEETS

2017-18

EXHIBIT

ARCHITECTURAL DESIGN & PLANNING
JOHN P. PAUL
12460 PAUL MARINE AVENUE
SANTA CRUZ, CA 95062
PH AND FAX (511) 462-5391
SCALE: SHOWN DATE: 08.01.06

PACIFIC JET SERVICES & ITS EMPLOYEES ARE NOT RESPONSIBLE FOR ANY ERRORS & OMISSIONS IN THESE DRAWINGS, OR FOR THE FUNCTIONALITY & INTEGRITY OF THE STRUCTURE BUILT FROM THEM. PACIFIC JET SERVICES WILL ENDEAVOR TO THESE DRAWINGS WITHIN THE GUIDELINES OF YOUR MANUAL. DO NOT GUARANTEE THEY WILL ULTIMATELY BE PERMITTED.

PROJECT INFORMATION
BIDINIAN-TEITLER RESIDENCE
A.P.N. NO. 075-112-40
ADDRESS: 11910 VAN ALLEN ROAD, FELTON, CA

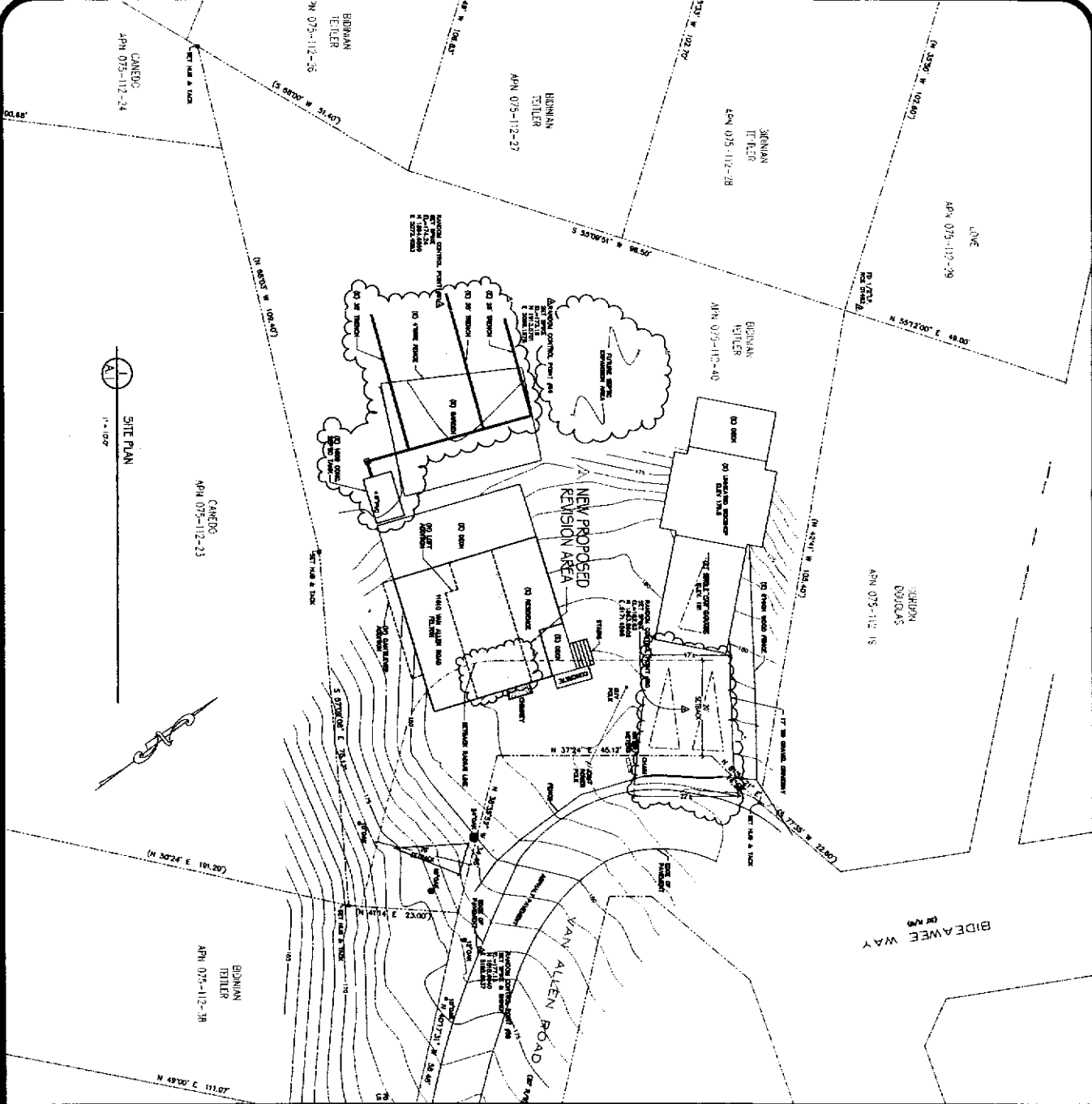
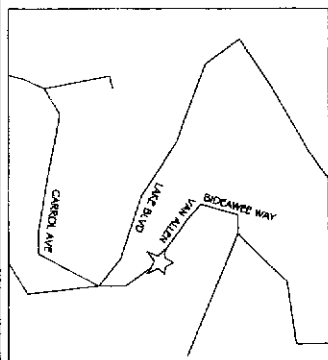


EXHIBIT A



SITE PLAN
 BIDINIAN-TEITLER RESIDENCE
 A.P.N. NO. 075-112-40
 ADDRESS: 11910 VAN ALLEN ROAD, FELTON, CA

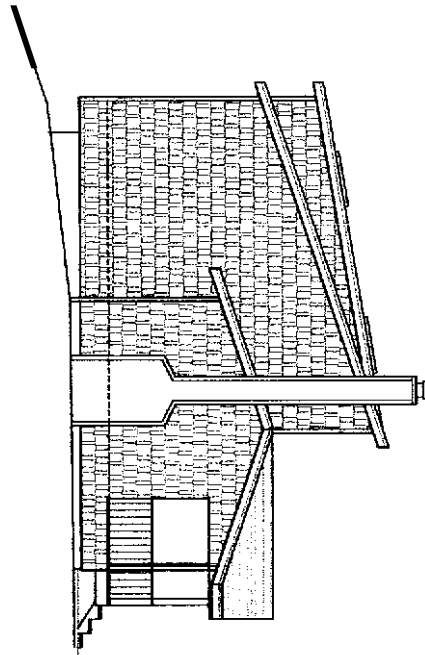
PACIFICJET SERVICES & ITS EMPLOYEES ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS, OR FOR THE FUNCTIONALITY & INTEGRITY OF THE STRUCTURE BUILT FROM THEM. THESE DRAWINGS WITHIN THE GUIDELINES OF YOUR MUNICIPALITY DO NOT GUARANTEE THEY WILL ULTIMATELY BE PERMITTED.

ARCHITECTURAL DESIGN & PLANNING
 2344 F. Hwy.
 2400 Hill Street
 Santa Cruz, CA 95062
 Tel: 831.462.3351
 SCALE: SHOWN DATE: 08.01.06

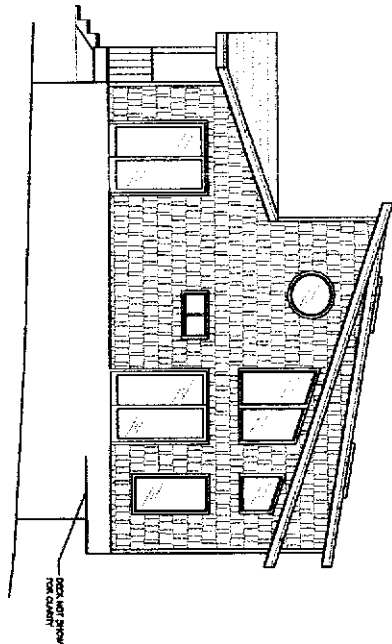
SHEET
A.2
 2 OF 11 SHEETS



PROPOSED EAST ELEVATION
1/8" = 1'-0"



PROPOSED WEST ELEVATION
1/8" = 1'-0"



PROPOSED NORTH ELEVATION
1/8" = 1'-0"

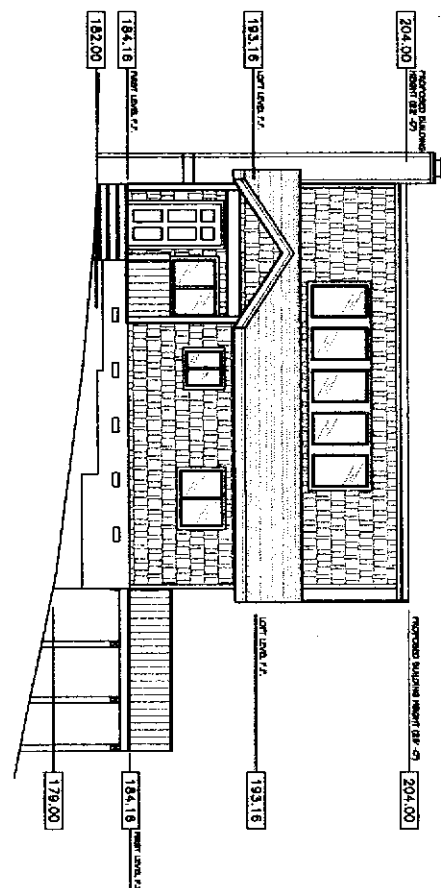


EXHIBIT A 1

PROPOSED ELEVATIONS
BRIDMAN-TEITLER RESIDENCE
075-112-40

PACIFIC ET SERVICES & ITS EMPLOYEES ARE
NOT RESPONSIBLE FOR ANY ERRORS OR
OMISSIONS IN THESE DRAWINGS, OR FOR
THE PERFORMANCE OR INTEGRITY OF THE
STRUCTURE TRUST FROM TITRA, PACIFIC ET
SERVICES WILL BE RESPONSIBLE TO COMPLETE
THEY THE RULES &
LAWYERS' PLEA

ARCHITECTURAL DESIGN & PLANNING
2000 PINE
SHERMAN WAY, SUITE 200
SAN FRANCISCO, CA 94102
Phone 415-398-1422 FAX 415-398-1423

SHEET
A.4

FOR TAX PURPOSES ONLY
 THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF ANY ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. SEC. 35, T9S., R.2W., M.D.B. & M.

Tax Area Code
 90-020

75-11

Electronically Redrawn 11/14/00 mm
 ex. 2/5/02 mm (at names)
 ex. 3/24/04 02 (Comb. form. 1-49)
 ex. 5/28/06 mm (5-0006714, Comb. 1-60)

Note - Assessor's Parcel & Block
 Number shown in Circles

Assessor's Map No. 75-11
 County of Santa Cruz, Calif.
 Nov., 2000

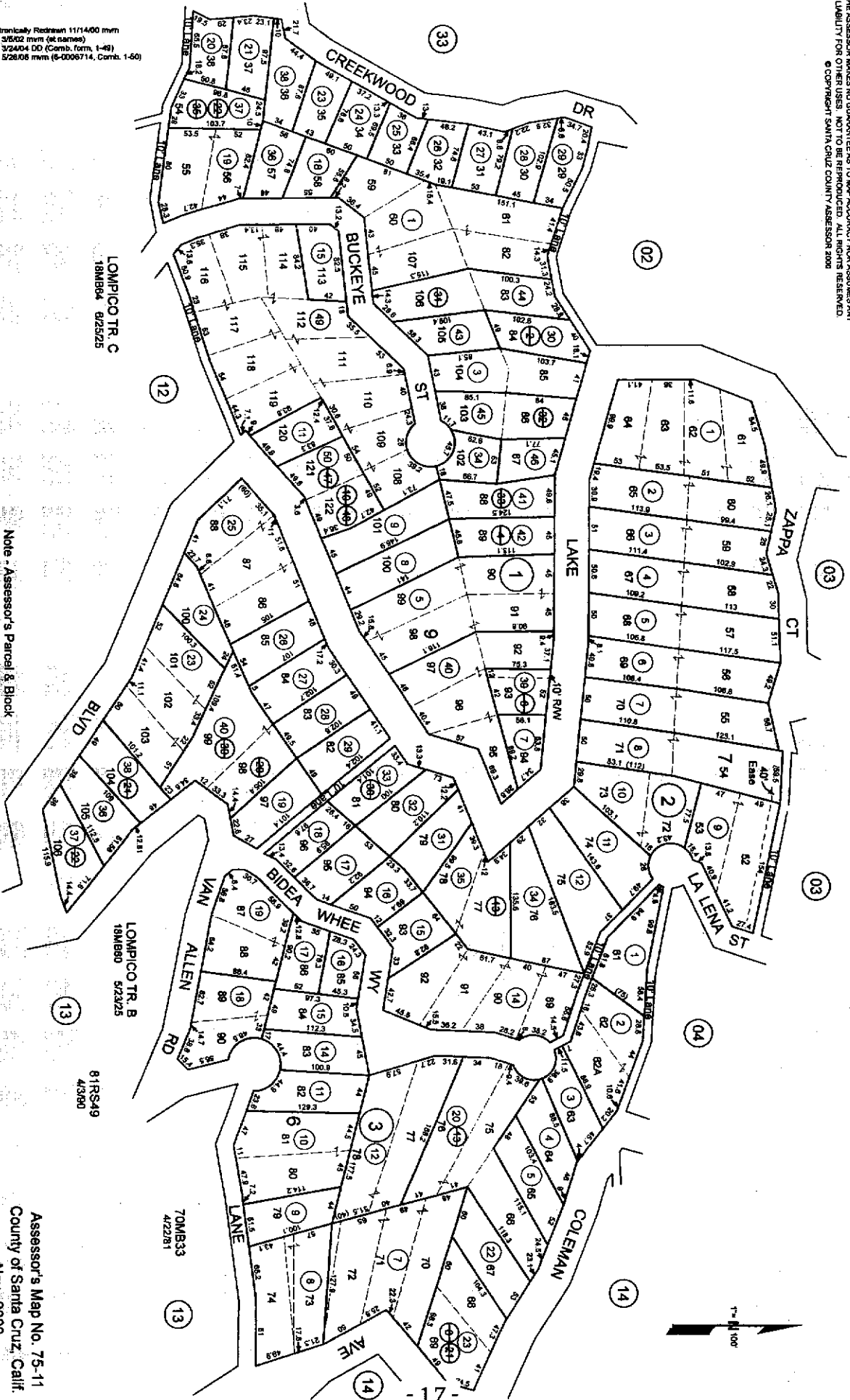
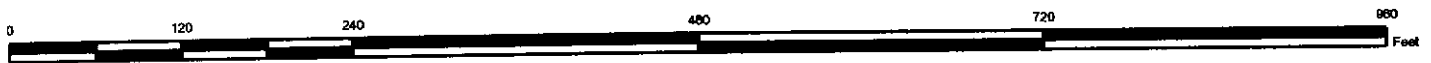
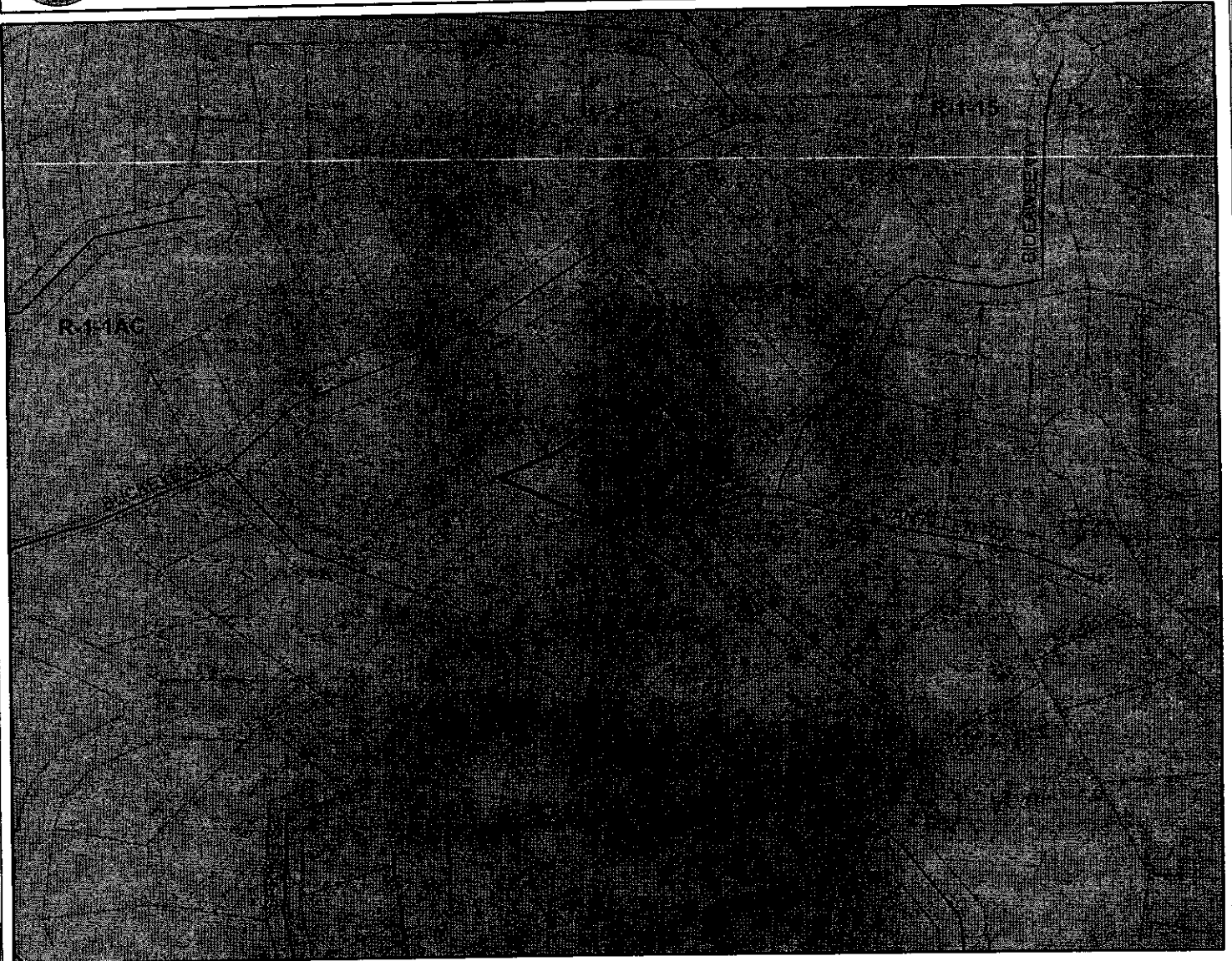






EXHIBIT E

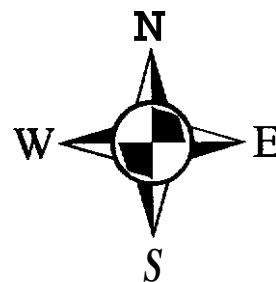


Zoning Map



Legend

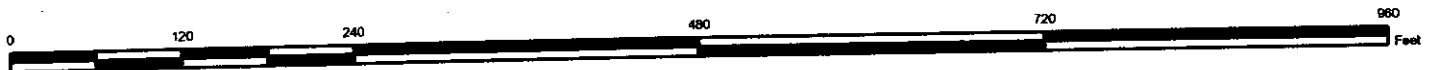
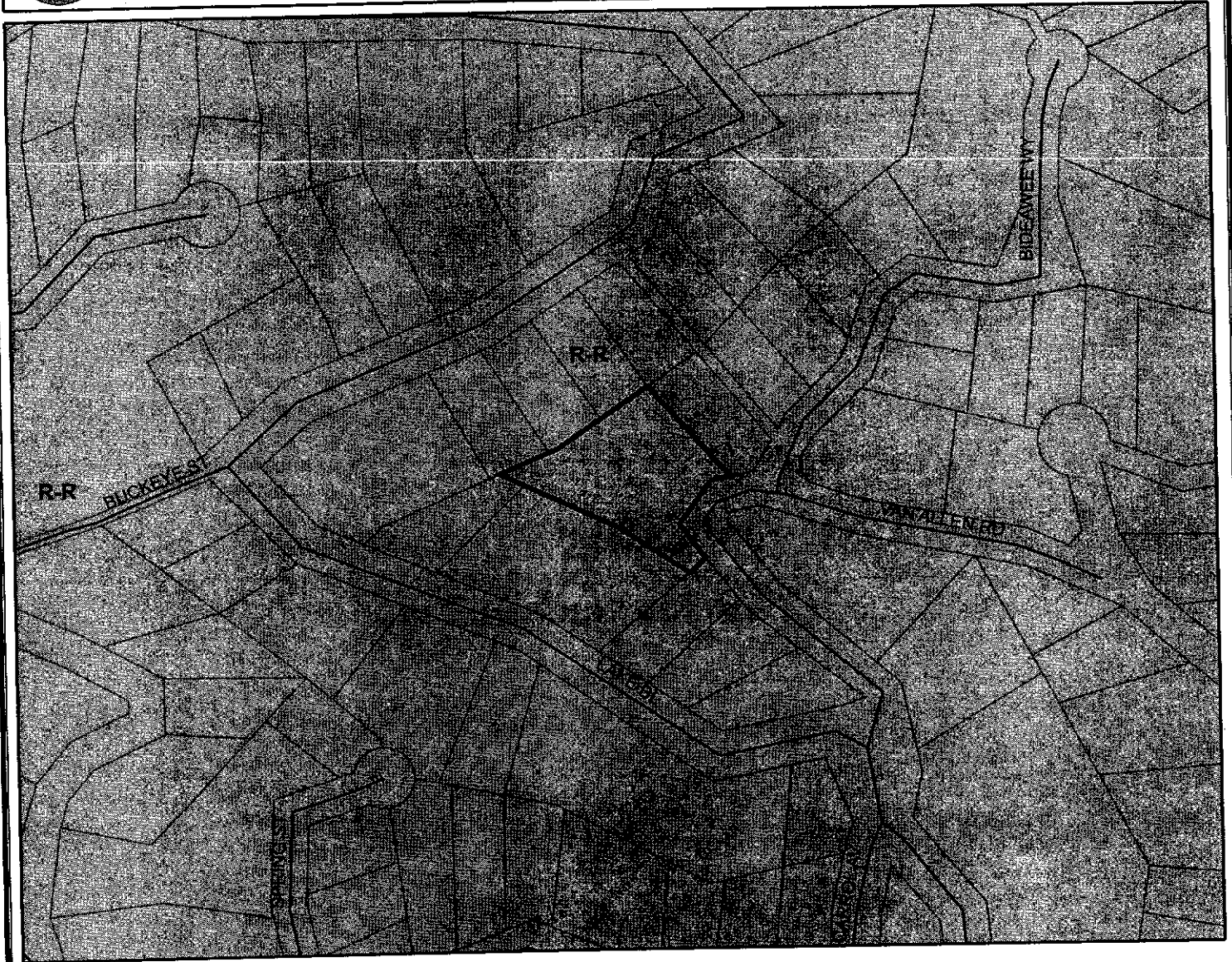
-  APN 075-112-40
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLEFAMILY (R-1)







Map Created by
County of Santa Cruz
Planning Department
September 2006

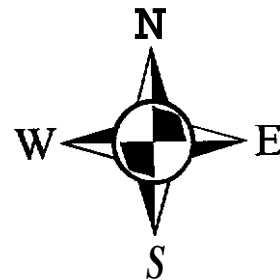


General Plan Designation Map



Legend

-  APN 075-112-40
-  Assessors Parcels
-  Streets
-  Residential-Rural(R-R)



Map Created by
County of Santa Cruz
Planning Department
September 2006

Petition for Variance

We, the undersigned, represent homeowners along both sides of (lower) Van Allen Road, Lompico. We all concur that the variance being sought for remodeling 11910 Van Allen Road should be granted.

We have been shown current and proposed plans for remodeling the main house. We have furthermore, been given the opportunity to tour the site.

What has been constructed so far has been done in good taste and has dramatically improved the appearance and value of said property and the neighborhood. The variance being requested only seeks to complete the symmetry of what remodeling has been already approved and is being constructed. It seeks permission only to build atop a small setback area, preexisting foundation and built-up area. The footprint of the house will thus remain unchanged. No good reason exists, therefore, why the variance should not be permitted.

Printed Name

Signature

Street Address

Contact Numbers

Susan Schambeck
Susan Schambeck
11866 Van Allen Rd
831-335-7900 h
831-234-4492 cell

MARK MENCHAM
Mark M.
11871 VAN ALLEN RD
831-475-5100

Laura C Snow
11942 Van Allen Rd
Felton Ca. 95018
335-1249

Richard E. Cella Jr.
Richard E. Cella Jr.
11943 Van Allen Rd.
831-335-7370

Jane L. Wyckoff
Jane L. Wyckoff
11943 Van Allen Rd
Felton CA 95018
831-335-7370