

Staff Report to the Zoning Administrator

Application Number: 06-0582

Applicant: Kem Akol **Agenda Date:** February 2,2007

 Owner: Kem Akol
 Agenda Item #: 2

 APN: 046-321-12
 T i e : After 10:00 a.m.

Project Description: Proposal to increase the amount of grading to about 340 cubic yards for the construction of a proposed single-family dwelling of about 3,492 square feet, and to construct retaining walls underneath the driveway and turnaround. Requires an Amendment to Coastal Development Permit and Variance 04-0052, and a Residential Development permit for a wall greater than **3** feet in height within the front yard setback.

Location: Property located on the north side of San Andreas Road, about **300** feet east of the entrance to Manresa State Beach.

Supervisoral District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Amendment to Coastal Development and Variance Permit 04-0052

Staff Recommendation:

- Certification that the proposal **is** exempt 6-om further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0582, based on the attached findings and conditions.

Exhibits

Α. Project plans E. Assessor's parcel map **Findings** F. Zoning & General Plan maps B. Conditions Locationmap C. G. Categorical Exemption (CEQA Comments & Correspondence D. H. determination)

Parcel Information

Parcel Size: 10,885 square feet

Existing Land Use - Parcel: Vacant

Existing Land Use - Surrounding: Single-family dwellings, agriculture

Project Access: San Andreas Road, a County maintained road

Planning Area: La Selva Beach

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Land Use Designation:

Zone District:

Coastal Zone:

Appealable to Calif. Coastal Comm.

R-R (Rural Residential)

RA (Residential Agriculture)

X Inside

X Yes

No

Environmental Information

Geologic Hazards: Steep slopes in excess of 30%

Soils: Baywood Sandy Loam, Elder Sandy Loam

Fire Hazard: Not a mapped constraint

Slopes: 30% to 50%

Env. Sen. Habitat: Riparian Comdor (Riparian Exception approved)

Grading: About 338 cubic yards

Tree Removal: No trees proposed to be removed

scenic: Adjacent to a scenic road (San Andrea Road)

Drainage: Drainage patterns remain to creek

Archeology: Mapped archeological resource area, no evidence found on site

Services Information

Urban/Rural Services Line:

Water Supply:

Sewage Disposal:

Linside X Outside

Soquel Creek Water District

Septic system proposed on site

Fire District: Aptos/La Selva Fire Protection District

Drainage District: N/A

History

Application 04-0052 approved the construction of a single-family dwelling of about 3,500 square feet (including the garage), with a variance to the front yard setback to accommodate a parking deck and turnaround, and a riparian exception. The County Zoning Administrator approved the application on March 18,2005.

Changes to Project Scope

The revised plans include a number of changes from the plans approved under "Exhibit A" for permit 04-0052. The most significant change is the proposal to construct retaining walls and add fill underneath the driveway and turnaround rather than construct a parking deck as originally proposed. This change requires additional grading, exceeding 100 cubic yards. Another change is a proposal to grade a **portion** of the front yard to use as a patio, with an increase of about 500 square feet **of** usable front yard space. In order to minimize the visual impact of the new retaining walls, staff recommends use of railings rather than walls above grade around the driveway and patio and additional vegetative screening (condition of approval II.B.1).

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Another change includes an addition of about 80 feet on the lower level to expand a bedroom, and changes to the top level to comply with the definition of "family room" as approved at the Zoning Administrator hearing.

Project Analysis

Condition of approval LC. stated "No grading over 100 cubic yards is allowed under this permit. Any grading over 100 cubic yards will require an amendment to this permit." The purpose of this condition was to minimize grading on steep slopes and to limit disturbance in close proximity to a riparian comdor. The project originally proposed to have less than **100** cubic yards of grading, with the residence on a pier and grade foundation and the parking and turnaround area on a deck.

In October 2005 the building permit was submitted to implement the approved coastal permit and variance. However, the plans were revised to include additional fill underneath the driveway and turnaround, bringing the total grading amount to about **340** cubic yards. As this amount is over the 100 cubic yard limit established under 04-0052, an amendment was required.

The proposed increase in earthwork has been reviewed by Environmental Planning in light of minimizing slope disturbance and impacts to the adjacent riparian area. The increase in earthwork will be contained by retaining walls and located entirely underneath the driveway and turnaround, at a location outside of the riparian buffer setback. As the additional earthwork only encompasses fill, slope stability issues with cuts on steep slopes do not apply. Previous conditions of approval, such as a ban on winter grading (October 15 to April 15) and a detailed erosion control plan will still apply, as well as an additional requirement that a grading permit be obtained (Condition of Approval I.C).

The new retaining walls and railings will exceed a height of three feet within the front yard setback, requiring an additional residential development permit. At its tallest point, the retaining wall will be **14** feet tall from finished grade, but will not impede visibility of vehicles or block access **to** light and air as it will be below the grade for San Andrea Road. Condition of approval **ILB.I.**b requires railings rather than walls above grade in order to minimize the visual impact of the retaining walls.

The 80 square foot addition on the lower level will not increase lot coverage or floor area ratio beyond the maximums for an RA zoned parcel of between 10,000 square feet and 16,000 square feet in size. Furthermore, the addition will not significantly alter the appearance of the structure as it will be located beneath the family room and will be predominately below grade.

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.

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Staff Recommendation

• Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

• APPROVAL of Application Number **06-0582**, 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

Report Prepared By: David Keyon

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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 a single-family dwelling is a principal permitted use within the RA zone district on legal lots **of** record. The RA zone district implements the R-R General Plan/Local Coastal Program Land Use 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 subject property is not located between the beach and the first through public road (San Andreas Road), and no easements exist on the property. Special development restrictions in the form of a riparian buffer exist on site, for which a riparian exception has been made (riparian exception findings on file with the Planning Department under permit 04-0052).

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 proposed single-family dwelling and retaining walls will incorporate earth-tone colors to harmonize with the natural setting of the project site and will step down the hillside to minimize grading. The proposed landscaping will incorporate plants that are compatible with the natural setting of the 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 proposed project is not located between the shoreline and the first public road. Consequently, the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. **Further,** the project site is not identified as a priority acquisition site in the County Local Coastal Program.

The proposed singlefamily dwelling complies with General Plan/Local Coastal Program policies 5.10.2 and 5.10.1 1 (Development within visual resource areas and development visible from rural scenic roads) in that the proposed dwelling will step down the hillside to preserve public views to the greatest extent possible and will incorporate earth-tone colors to blend with the surrounding environment. Due to **the** size and topography of the property, no alternative sites exist outside the scenic viewshed. However, the design as proposed maintains a low profile when viewed from San Andrea Road and will preserve views of agriculture lands on either side of the proposed structure. Rather than extending the walls above the level of the driveway and

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patio, staff recommends the use of railings to minimize the perceived mass and bulk created by the new retaining walls and additional vegetation **for** screening (condition of approval II.B.1).

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

This finding can be made, in that the single-family dwelling is sited and designed to be visually compatible, in scale with, and integrated with the rural character of the surrounding neighborhood. Single-family dwellings are principal permitted uses in the RA zone district, a zone district that implements the R-R General Plan/ 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 location of the proposed single-family dwelling has been determined to be geologically sound per the submitted Geotechnical Investigation (Tharp and Associates, dated April 25,2003, on file with the Planning Department) and the recommendations outlined in the Geotechnical Report Review Letter from Joe Hanna, the County Geologist. Prior to building permit final inspection, the proposed dwelling will be required to meet all applicable building, electrical, plumbing, and energy codes to ensure people's health, safety, and welfare.

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 single-family dwelling complies with the purpose and site standards of the RA zone district with the exception of the front yard setback, for which the applicant requests a Variance. A single-family dwelling is a principal permitted use on legal lots of record within the RA zone district.

The retaining wall and railings up to 14 feet in height within the front yard setback will comply with Section 13.10.525 of the County Code (regulations for fences and retaining walls), in that the retaining wall and railings will not impede visibility of vehicles and pedestrians and will not block access to light and *air* for surrounding properties. The retaining wall will enclose fill underneath the driveway, and due to the steep slopes on site must exceed the three-foot height limit within the front setback. However, as the wall is below the roadway and the railings will be of an open design, they will not interfere with visibility or block access to light and air to adjacent residences.

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 Rural Residential (R-R) 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 the proposed dwelling will meet all current site and development standards for the RA zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), and the driveway within the front and side yard setback will be located away from structures on neighboring properties.

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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 **floor** area ratio and lot coverage for the RA zone district, and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The project complies with General Plan policies 5.10.2 and **5.10.11** (Development within visual resource areas and development visible from rural scenic roads), as addressed in Coastal Development Finding **4**, above.

A specific plan has not been adopted for this portion of La Selva Beach.

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 single-family dwelling is to be constructed on an existing undeveloped lot with adequate utility service and Environmental Health approved septic system. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit), and such an increase will not adversely impact existing roads and intersections in the surrounding area.

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 singlefamily dwelling is located in an area with many single-family dwellings of a variety of architectural styles. Though the project is modern in design with a curving roof, the massing and proposed materials are not outside the existing range in the neighborhood. The project will result in a dwelling unit density and land use intensity consistent to the surroundingneighborhoods along San Andreas Road.

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 not degrade the aesthetic qualities **of** the surrounding properties and will not reduce or visually impact available open space in the surrounding area. Furthermore, the colors will be required to be earth-tone to blend in with the natural surroundings and single-family dwellings in the vicinity.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that special circumstances exist due to the topography of the property which limit the location **of** driveway and parking facilities. Slopes in excess of **30%** parallel San *Andreas* road, requiring a raised driveway and turnaround to provide adequate off-street parking and access to the proposed garage. Strict application of the zoning ordinance would deny the property of required off-street parking.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare **or** injurious to property or improvements in the vicinity.

This finding can be made, in that the proposed driveway and turnaround will comply with the intent of the front and side yard setbacks as it will preserve the availability of light and air to the traveled road and neighboring properties as it will be located below the grade of **San** Andreas Road. Adequate visibility of vehicles on San Andreas Road will be maintained as the structure will be located below the grade of the traveled roadway.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made in that variances to allow the construction of a raised driveway and turnaround in the fiont yard setback are common for residentially zoned parcels with steep-slopes parallel to the roadway. In many cases, the granting of such a variance is the only way the required off-street parking can be provided.

Conditions of Approval

Exhibit **A:** Project plans, **7** sheets; sheets **A-1** through **A-5** drawn by John Craycroft, Architect, and dated 9/29/05 (last revised on 5/24/06); sheets C-1 and C-2 drawn by Ifland Engineers and dated 1/20/06.

- I. This permit authorizes the construction of a two-story, three-bedroom, singlefamily dwelling and a driveway and turnaround with retaining walls (instead of the originally approved parking deck) within the front yard setback and within five feet of the eastern property line. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicantlownershall:
 - **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, as more than 100 cubic yards of grading is now proposed.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all offsite 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 (revised) 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. Building permit plans shall be revised to show the following:
 - a. Show the location of the retaining walls and the patios on the elevations in addition to the site plan.
 - b. The retaining walls shall not extend beyond the level **of** the deck and patio, and shall be replaced with railings consistent with the design of the residence. These railings shall be submitted for review and approval by the Planning Department.

- c. Include notes stating the retaining walls will be painted to match the existing residence.
- d. Submit a revised landscape plan for approval by the Planning Department. This landscape plan shall include the following:
 - Plans shall specify vines along the new retaining walls to screen the retaining walls from traffic along San Andreas Road. Lattice work or "rough" concrete will be required on the retaining walls to facilitate vine growth.
 - ii. Per recommendation of the County's Urban Designer, the proposed Japanese Maples shall be replaced with conifers, as they do not provide a satisfactory visual buffer (they are deciduous and small).
 - iii. Submit a letter **from** a horticulturist approving the types and locations of the proposed plantings. Specifically, the horticulturist must confirm the proposed plantings will thrive and will serve to reduce the visual impact of the walls and house from San Andreas Road.
- 2. Building permit plans must show all required details **as** outlined in the conditions of approval for permit 04-0052.
- 3. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- C. Obtain Environmental Health approval for a three bedroom single-family dwelling.
- D. Submit 3 copies of a plan review letter from the project geotechnical engineer.
- E. Pay the current fees for Parks and Child Care mitigation for three bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- F. 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.
- 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 inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - B. The project must comply with all recommendations of the approved soils reports.
 - C. Erosion control measures must be in place at all times during construction. All disturbed soils shall be stabilized, as per approved erosion control plan.
 - D. The property owner, applicant or other responsible party shall contact Environmental Planning (Bob Loveland @ 454-3163) four working days prior to site disturbance.
 - E. A site inspection is required prior to final Planning Department approval of the proposed work; notify Environmental Planning at (Bob Loveland @ 454-3163) upon project completion for final inspection and clearance.
 - 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-Coronerif 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, it officers, employees, and agents to attack, set aside, void, or **arrul** this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

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- 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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	David Keyon
Deputy Zoning Administrator	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.

Assessor Parc	fumber: 06-0582 el Number: 046-321-12
Project Locati	on: 1420San Andreas Road
Project Descr	ription: Construct a single-family dwelling of about 3,500 square feet
Person or Ag	ency Proposing Project: Kem Akol
Contact Phon	ne Number: (831) 247-2944
A	The proposed activity is not a project under CEQA Guidelines Section 15378. 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
D	measurements without personal judgment. Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
Specify type:	
E. <u>X</u>	Categorical Exemption
Specify type:	15303: New construction of small structures
F. Reaso	ns why the project is exempt:
Construction	of one single-family dwelling
In addition, no	one of the conditions described in Section 15300.2 apply to this project.
	Date:
David Keyon,	Project Planner

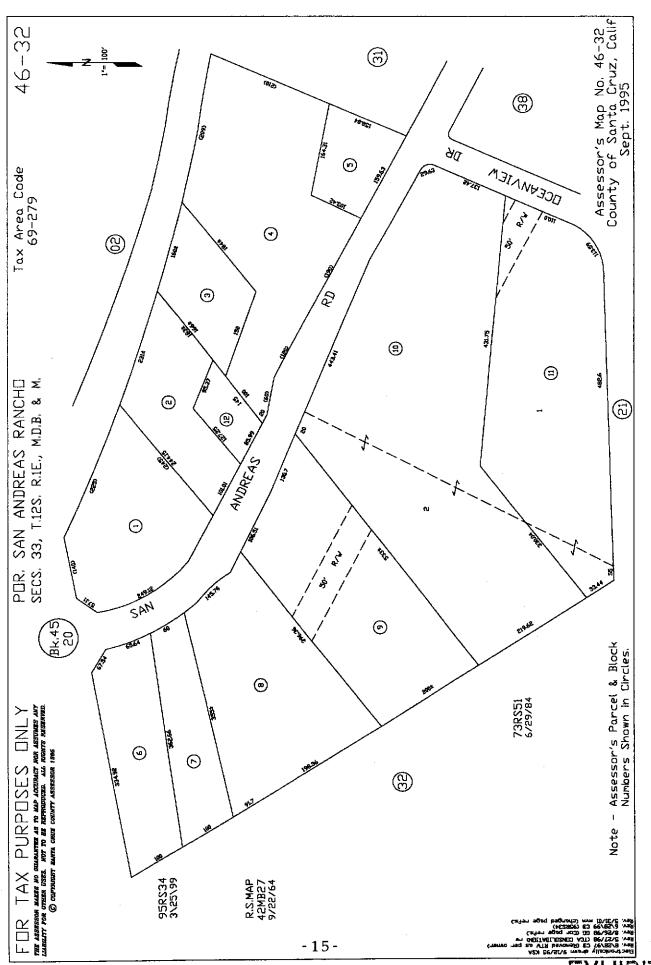
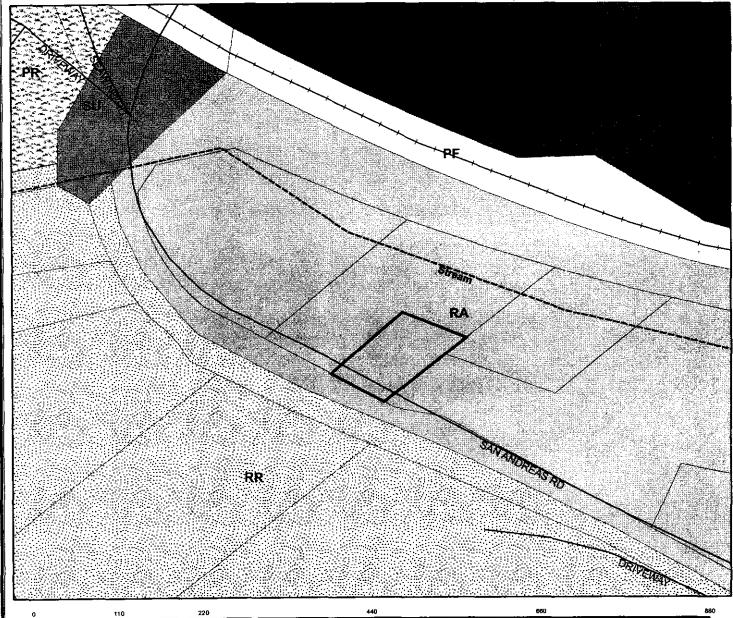
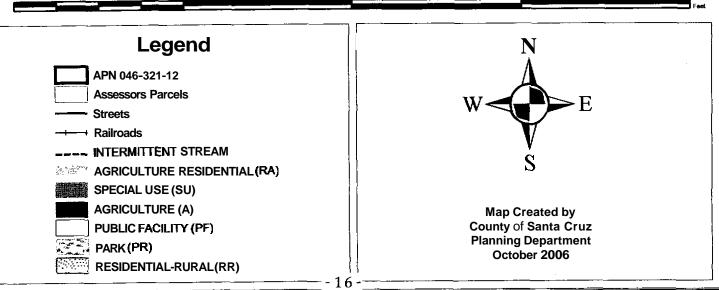


EXHIBIT I



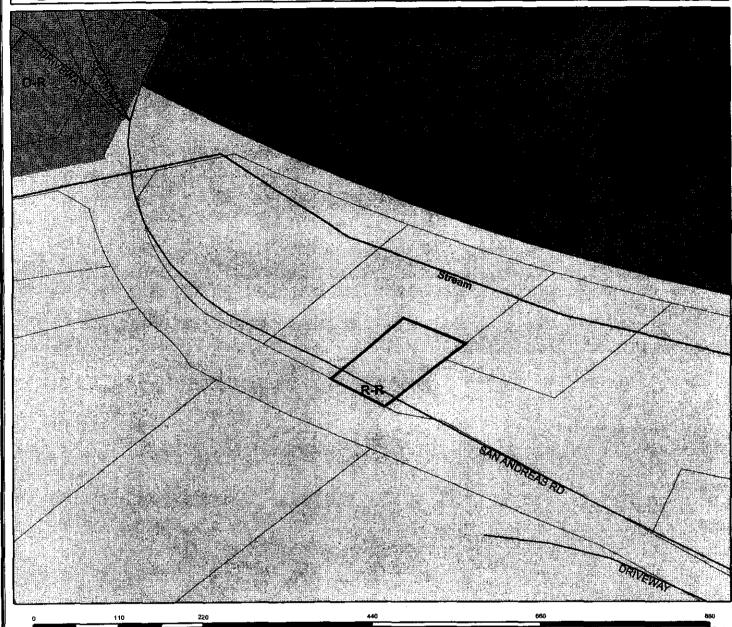
Zoning Map



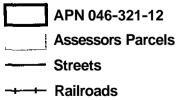


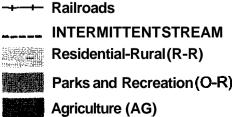


General Plan Designation Map



Legend







Map Created by County of Santa Cruz Planning Department October 2006

