



Staff Report to the Zoning Administrator

Application Number: **06-0697**

Applicant: Sherry Hrabko
Owner: Dennis and Melanie Watts
APN: 041-382-05

Agenda Date: March 16, 2007
Agenda Item: 2
Time: After 10:00 a.m.

Project Description: Proposal to add an elevator to an existing significantly nonconforming (36' high) residence.

Location: Property located on the southeast side of Carol Way approximately 350 feet south of Wallace Drive, at 91 Carol Way.

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

Permits Required: Residential Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from **further** Environmental Review under the California Environmental Quality Act.
- Approval of Application **06-0697**, 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:	12,945 square feet
Existing Land Use - Parcel:	Single Family Residence
Existing Land Use - Surrounding:	Single Family Residences
Project Access:	Carol Way, a public road
Planning Area:	Aptos
Land Use Designation:	R-UVL (Urban Very Low Residential)
Zone District:	R-1-10 (Single Family Residential - 10,000 square foot minimum)

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

Coastal Zone: Inside **X** Outside
Appealable to Calif. Coastal Comm. Yes **X** No

Environmental Information

Geologic Hazards: N/A
Soils: Soils report not required
Fire Hazard: Not a mapped constraint
Slopes: Steep upward slope to the rear of the parcel; no technical **reports** were required for **this** project.
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; only **30** square feet of additional impervious surface proposed.
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: **X** Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Septic
Fire District: Aptos/La Selva Fire Protection District
Drainage District: None

History

A Use Permit (76-394-U) was approved in 1976 to maintain a single family residence that exceeded the maximum allowed average height of **25** feet by increasing the required **minimum** 10 foot side yards to 13 feet. The permit approved a **28** foot tall house that was calculated using the average height method and was measured to the original grade. As a condition of the use approval, the subject parcel received a grading permit (#43859) in 1976 for the existing carport and single family residence. The existing house, measured from finished grade, is now significantly nonconforming at 35 feet 6 inches high.

The associated building permit, finalized in 1976, approved the construction of a 3 bedroom, 1.5 bathroom house with a garage and office.

In 1982, an emergency permit was issued to repair a 7 foot tall retaining wall in the **rear** yard after a **mudslide** exposed the uphill neighbors leach field. No other permits since then have been issued on the subject parcel absent the replacement of a portion of two retaining walls and a reroof.

Project Setting

The subject parcel is approximately 12,945 square feet and is developed with a two-story single

family residence, which is the primary use on the lot. The parcel is zoned Single Family Residential – 10,000 square foot minimum (R-1-10), The existing house has four bedrooms and two full bathrooms.

The existing garage is nonconforming for side yard setbacks, in that use permit 79-394-U required a 13-foot minimum setback from the side property line but the existing garage is located three feet from the side property line. There are no associated plans with the finalized building permit (#42964) for **this** structure and assessor's records at the time of construction show a larger garage; therefore, it **is** assumed that the garage was built nonconforming.

The topography of the parcel is a steep upwards slope (>45%) that is supported by retaining walls, vegetation, and other engineering methods as approved by the County. There were no additional grading permits **or** technical reports required for this project because the applicant is not proposing an alteration that would impact the stability of the slope.

The parcel fronts on Carol way which **is** a public road with a 50 foot right of way. In addition, there is a 10 foot wide drainage easement that runs along the north (side) property line.

Zoning & General Plan Consistency

The subject property is located in the R-1-10 (Single Family Residential - 10,000 square foot minimum) zone district, a designation which 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-WL) Urban **Very** Low Residential General Plan designation.

The existing residence is significantly nonconforming in that it exceeds the maximum allowed **28** foot height limit by 7 feet 6 inches. In addition, existing garage is nonconforming for side yard setbacks and the existing house is nonconforming for rear yard setbacks.

The proposed elevator **has been** designed to comply **with all** R-1-10 zone district site **standards**, as shown in **the following** table:

	R-1-10 Site Standards	Req'd yards per 76-394-U	Proposed Elevator
Front Yard Setback	20'	23'	42'
Rear Yard Setback	15'	18'	47'
Side Yard Setback	10' & 10'	13' & 13'	46' & 80'
Maximum Height	28' + 25' (elevator exception)	28'*	30'8"
Maximum % Lot Coverage	40%	30%	.08%
Maximum Floor Area Ratio	50%	N/A	.13%

* Height determined by averaging method in 1976

Elevator

The proposed elevator will be **30** square feet and will be located on the north (side) elevation at

the front of the existing residence. Section 13.10.510 of the County Code provides a height exception for elevators of up to 25 feet over the maximum 28 foot height limit. The proposed elevator will be 30 feet 8 inches to finished grade which is in compliance with this code section. The exterior of the elevator will match the materials and colors on the exterior of the existing residence and will not visually add bulk or mass to the existing residence.

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 **06-0697**, 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: Samantha Haschert
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E-mail: samantha.haschert@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~~ be made in that the project is located in an area designated for residential uses and the elevator will not impact the steep slope in the rear yard. 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 elevator will not deprive adjacent properties or the neighborhood of light, ~~air~~, or open space, in that the structure meets all current setbacks that ensure access to light, ~~air~~, and open space in the neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the elevator and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-10 (Single Family Residential - 10,000 square foot minimum) zone district in that the primary use of the property is an existing nonconforming single family residence and the elevator complies with all required site standards for this zone district.

The project is consistent with Section 13.10.270 for nonconforming structures in that:

- a The existing structure and the conditions under which it will be operated and maintained is not detrimental to the health, safety, and welfare of persons residing ~~or~~ working in the vicinity or the general public, or be materially injurious to properties or improvements in the vicinity in that the proposed elevator is a small addition to the front of the house that will not impact the steep slope in the rear yard and construction will comply with prevailing building technology, the Uniform Building Code, and the County Building Ordinance.
- The retention of the existing structure does not impede the achievement of the goals and objectives of the County General Plan or of any Specific Plan which has been adopted for the area because the existing single family residence is a permitted use in an Urban **Very** Low Density designation and no Specific Plan has been adopted for **this** area.
- The retention of the existing structure complements and harmonizes with the existing and proposed land uses in the vicinity and is compatible with the physical design aspects of the neighborhood because the neighborhood is built on the side of a steep ridgeline; therefore most houses on the same street side are tall and narrow and built into the hill.
- The proposed elevator project does not increase the nonconforming dimensions of the

structure.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which **has** been adopted for the area.

This finding **can** be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban **Very** Low Residential (R-UVL) land use designation in the County General Plan.

The proposed elevator will not adversely impact the light, solar opportunities, *air*, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the elevator will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, *air*, and open space in the neighborhood.

The existing residence with the proposed elevator 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 project will comply with the site standards for the R-1-10 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of 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 elevator is to be constructed on a lot developed with a single family residence and will not result in additional bedrooms or living space; therefore the level of traffic generated by the parcel is expected to remain the same.

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, and the proposed elevator is consistent with the land use intensity and density **of** the 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 resulting single family residence 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.

Conditions of Approval

Exhibit A: Project plans, 1 sheet, prepared by Dennis Anderson architect, dated 7/5/05.

- I. This permit authorizes the construction of an elevator on an existing four bedroom, two bathroom single family residence. 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. Building Permit shall include the proposed elevator, the new bedroom and the construction of a full bathroom.
 - 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. 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.
 2. Grading, drainage, and erosion control plans.
 3. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above.

This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. The proposed elevator shall not exceed **32** feet in height.

4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 - 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 all required drainage fees to the County Department of Public **Works**, Drainage.
 - E. Obtain an Environmental Health Clearance for **this** project from the County Department of Environmental Health Service for the second full bathroom not approved under building permit **#42964**.
 - F. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
 - G. Pay the current fees for Parks and Child Care mitigation for **1** bedroom(s). Currently, these fees are, respectively, \$578 and **\$109** per bedroom.
 - H. Pay the current fees for Roadside and Transportation improvements for **1** bedroom(s). Currently, these fees are, respectively, **\$733** and **\$733** per bedroom.
 - I. Provide required **off-street** parking for **3** 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.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved grading permit (**#43859**).
 - D. Pursuant to Sections **16.40.040** and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with

this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in **Sections** 16.40.040 and 16.42.100, shall be observed.

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.

Application #: 06-0697
APN : 041-382-05
Owner: Dennis and Melanie Watts

- D. Successors Bound. "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 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

~~Samantha~~ Haschert
Project Planner

Appeals: **Any** properly ~~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: 06-0697

Assessor Parcel Number: **041**-382-05

Project Location: 91 Carol Way

Project Description: Proposal to add an elevator to an existing significantly nonconforming (36' high) residence.

Person or Agency Proposing Project: Sherry Hrabko

Contact Phone Number: (831) 477-7794

- 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 1 - Existing Facilities (Section **15301**)

F. Reasons why the project is exempt:

Proposal to install an elevator at **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.

Samantha Haschert, Project Planner

Date: _____

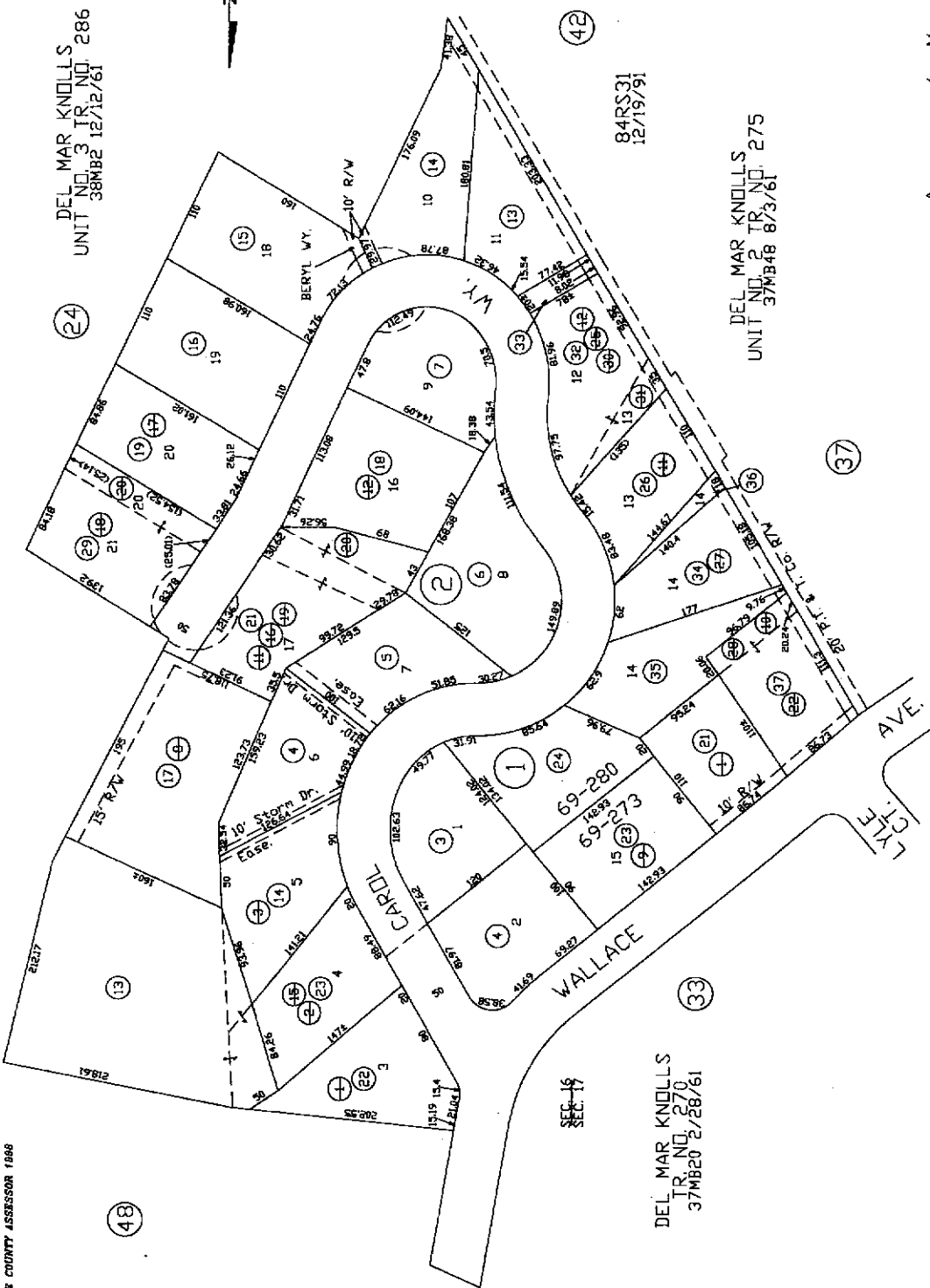
41-38

Tax Area Code
69-273 69-280

POR. APTOS RANCHO
POR. SECS. 16 & 17, T.11S., R.1E., M.D.B. & M.

FOR TAX PURPOSES ONLY

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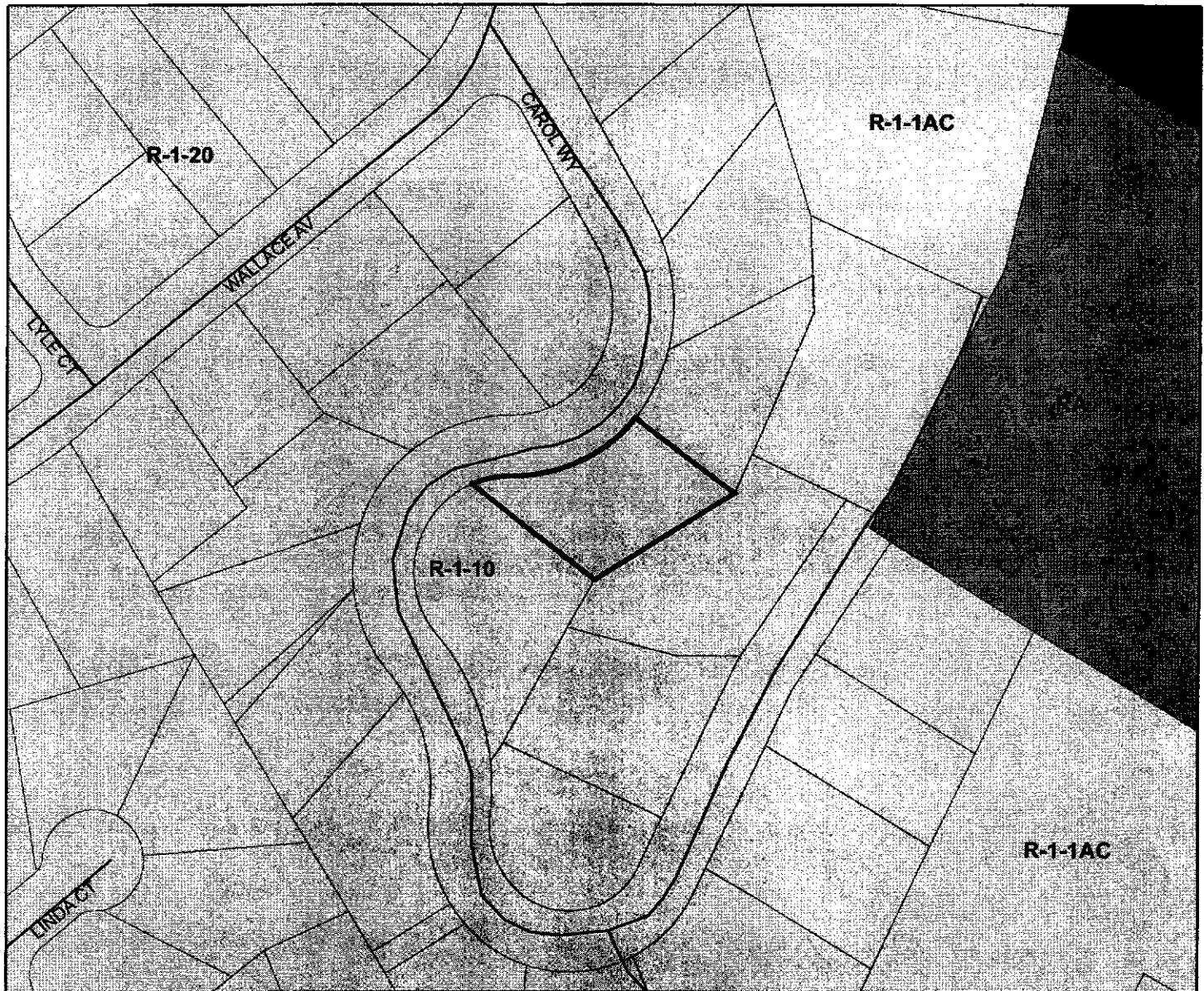


Assessor's Map No. 41-38
County of Santa Cruz, Calif.
December, 1998






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

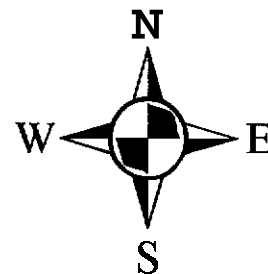


Zoning Map



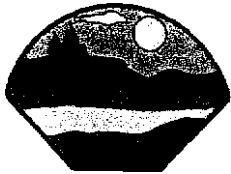
Legend

-  APN 041-382-05
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  AGRICULTURE RESIDENTIAL (RA)
-  AGRICULTURE (A)



Map Created by
County of Santa Cruz
Planning Department
December 2006

EXHIBIT F



Aptos/La Selva Fire Protection District

6934 Soquel Drive. Aptos, CA 95003
Phone # 831-685-6690 • Fax # 831-685-6699

January 3, 2007

Planning Department
County of Santa Cruz
Attention: Randall Adams
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN 041-382-05 / Appl #06-0697
91 Carol Way

Dear Mr. Adams:

Aptos/La Selva Fire Department has reviewed the plans for the above **cited** project and **has** no objections as presented.

- **Any** other requirements **will** be addressed in the **Building** Permit phase.
- Plan check is based upon plans submitted to **this** office. Any changes or alterations shall be re-submitted for review prior to construction.

Sincerely,



Jim Dias, Fire Marshal
Fire Prevention Division
Aptos/La Selva Fire Protection District

Cc: Dennis & Melanie Watts
91 Carol Way
Aptos, CA 95003

Cc: Sherry Hrabko
609 Corcoran Avenue
Santa Cruz, CA 95062