



## Staff Report to the Zoning Administrator

Application Number: **07-0503**

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**Applicant:** Gary and Janice Podesto  
**Owner:** Gary and Janice Podesto  
**APN:** 046-321-06

**Agenda Date:** February 15, 2008  
**Agenda Item No:** 1  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a **266** square foot garage addition.

**Location:** West side of San Andreas Road about 400 feet south of the entrance to Manresa State Beach

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

**Permits Required:** Coastal Development Permit and Variance to reduce the required 20-foot side yard setback to about 11 feet.

### Staff Recommendation:

- Certification that the proposal is exempt from ~~further~~ Environmental Review under the California Environmental Quality Act.
- **APPROVAL of Application 07-0503.**

### Exhibits

- |   |                              |
|---|------------------------------|
| A. Project plans                              | E. Assessor's parcel map     |
| B. Findings                                   | F. Zoningmap                 |
| C. Conditions                                 | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) |                              |

### Parcel Information

Parcel Size:	37,374 square feet (0.85 acre), per EMIS; 37,277 square feet (0.85 acre), per survey
Existing Land Use - Parcel:	Single-family residence
Existing Land Use - Surrounding:	Single Family Residences to the south and east, Manresa State Beach to the north and west
Project Access:	San Andreas Road, a public road
Planning Area:	La Selva Beach
Land Use Designation:	R-R (Rural Residential)

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County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Zone District: RR (Rural Residential)  
Coastal Zone: X Inside       Outside  
Appealable to Calif. Coastal Comm. X Yes       No

#### Environmental Information

Geologic Hazards: Coastal bluff on the west portion of the parcel; geologic report accepted by the County Geologist.  
Soils: Geotechnical report accepted by the County Geologist  
Fire Hazard: Not a mapped constraint  
Slopes: Coastal bluff on the west portion of the site; no development proposed on the bluff.  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: Minimal grading; reviewed and accepted by County Geologist.  
Tree Removal: No trees proposed to be removed  
Scenic: Scenic corridor; scenic beach view shed  
Drainage: Proposed drainage adequate  
Archeology: Archaeological Site Review conducted in 2001(01-0339); no pre-historical cultural resources evident on the subject property.

#### Services Information

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

#### History

In 1993, a discretionary application (93-0574) to construct an 862 square foot one-story addition, demolish an existing nonconforming carport, and construct a detached garage, was approved on the subject property. A hazard assessment and soils report review were completed prior to **this** approval.

In 1994, another discretionary application (94-0452) was approved to construct a wall over 6' and a gazebo in the required front yard. A geotechnical report was completed prior to this approval.

Building permit #112795 was finalized in 1996 and issued a change order in 1997 for the construction of stairs down the bluff to the beach.

The property owner obtained a coastal development permit and variance (98-0489) in 1998 and associated building permit (#126313) in 2000 for the construction of a second story addition and reduced side yard setbacks. This permit approved a 2 bedroom, 3.5 bathroom residence with an attached garage and recreation room.

In 2001, the County of Santa Cruz completed an Archaeological Reconnaissance Survey for the subject parcel that concluded that pre-historical cultural resources were not evident at the site. The

associated application to build a retaining wall was abandoned (01-0339).

A plumbing permit was finalized on the subject parcel in 2006 under building permit #144007 and a project to construct the existing seawall at the toe of the bluff was finalized in 2006 (building permit #138047).

Coastal Development Permit 06-0367 to construct a second story room addition above an existing single-family dwelling, convert an existing garage to habitable space, and to construct a detached garage with reduced side yard setbacks was approved on May 4, 2007.

### **Project Setting and Scope**

The subject parcel is 37,277 square feet and is developed with a 3,721 square foot, two-story single family dwelling; a two story detached "East Wing" that previously was a garage that has been remodeled (with permits) with an exercise room and workshop on the lower floor (773 square feet) and a 740 square foot bedroom suite on the second floor (there is no interior access between the first floor garage and the second floor bedroom suite); and an existing 369 square foot, two car garage. The residence is located on the west side of the parcel, just on top of the coastal bluff. The parcel is downslope from the adjacent residence to the south and uphill from the vacant county property to the north, which is a coastal arroyo. Directly across the coastal arroyo to the north is a parking lot and Manresa State Beach. The parcel fronts on San Andreas Road, which is a 60-foot right of way. The parcel is zoned Rural Residential (R-R).

The property owner obtained a variance in 1998 (98-0489) to reduce the side yard setback from the required 20 feet to 11 feet with findings based on the required setback from the top of the bluff and the odd shape of the parcel; therefore, the existing garage and residence are located 11 feet from the south property line.

The current proposal is for a 266 square foot garage addition, which requires a Coastal Development Permit. The existing garage is a two-car, 369 square foot garage. The 266 square foot addition would result in a three-car, 635 square foot garage.

### **Zoning & General Plan Consistency**

The subject property is a 37,277 square foot lot, located in the RR (Rural Residential) zone district, a designation that allows residential uses, including garages. The proposed garage addition is a principal permitted use within the zone district and the project is consistent with the site's (R-R) Rural Residential General Plan designation.

The applicant's initial proposal included a request for a variance to increase the lot coverage from the maximum allowed 10 percent to 10.7 percent, for which staff was recommending denial. After consultation with staff at the December 7, 2007, Zoning Administrator public hearing, the applicant has agreed to remove some existing trellises equal in square footage to that of the proposed garage, thus obviating the need for the lot coverage variance. The submitted plans show over 266 square feet of trellis area. Trellises are considered structures for purposes of lot coverage. Removing at least 266 square feet of trellis area, an area equal to that of the proposed garage addition, eliminates the need for a variance from the lot coverage standards. The applicant has submitted photos and

measurements indicating that up to **276** square feet of trellis area could be removed. Staff is recommending a condition to **require** removal of an area of trellis equivalent to that of the area of the proposed garage addition to allow for a recommendation of approval of the coastal development permit portion of the application.

A variance approval is still needed to allow the garage addition to be approximately 11 feet from the south property line. However, the findings for that variance can be made and that variance approved (see variance findings at Exhibit B).

### **Local Coastal Program Consistency**

The proposed garage addition is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in **the** area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is located between the shoreline and the first public road, but is not identified as a priority acquisition site in the County's Local Coastal Program. and public access to the beach is readily available at **the** nearby (within 400 feet) Manresa State Beach. Consequently, the proposed project would not interfere with public access to the beach, ocean, or other nearby body of water.

### **Design Review**

The proposed garage addition has been reviewed by the Urban Designer and complies with the requirements of the County Design Review Ordinance, in that the proposed project would incorporate existing site and architectural design features and would be located so **as** to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. Additionally, the existing garage is located on a portion of the site farthest away from the beach and will not obstruct or impinge on views to or from the beach or public roads.

### **Environmental Review**

The proposed garage addition is categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section **15303**, New Construction or Conversion of Small Structures

### **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 **07-0503**, 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](http://www.co.santa-cruz.ca.us)

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## 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 the developable area on the subject property is greatly limited due to a 25-foot geologic setback from the top of the bluff/steep slope and the width of the parcel. In the proposed location of the garage, the parcel is approximately 100-feet wide and the top of the bluff/steep slope is located about 25-feet south of the north (side) property line. **An** additional 25-foot geologic setback measures to almost halfway between the side property lines. In order to accommodate the proposed garage addition, a reduction to the required 20-foot south side yard setback is required. **The** proposed 266 square foot addition will result in a garage of 635 square feet.

Garages on four of the other five parcels in the same zone district as the subject property range in size from 626 square feet to 1122 square feet; therefore, without the granting of a variance, the subject parcel would be deprived **of** development privileges enjoyed by other property in the vicinity and under identical zoning classification in that other properties are generally not constrained by coastal bluff setback requirements that eliminate development potential on almost half of the parcel.

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.

This finding can be made, in that the parcel is zoned Rural Residential which allows for residential development. The proposed 266 square foot garage addition will *not* be detrimental **to** public health, safety or welfare because it will be built in compliance with geologic hazard setback requirements and the parcel is located downslope from the only adjacent property to the south.

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.

This finding can be made, in that the subject parcel is the only parcel in the Rural Residential Zone District in this area that is adjacent to a coastal arroyo and constrained by coastal bluffs and coastal bluff setback requirements on both the north and west sides of the property; therefore, a variance to the side yard setback will not grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zone district.

## 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 the property is zoned RR (Rural Residential), a designation which allows residential uses. The proposed 266 square foot garage addition is a principal permitted use within the zone district, consistent with the site's R-R (Rural Residential) General Plan 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 proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

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 development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site and, while the development site is on a bluff top lot adjacent to the beach, the proposed 266 square foot garage addition is a small addition to an existing structure on a portion of the site farthest away from the beach and will not obstruct or impinge on views to or from the beach or public roads.

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 while the project site is located between the shoreline and the first public road, public access is available at the adjacent Manresa State Beach. Consequently, the 266 square foot garage addition 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.

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

**This** finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally,

residential uses are allowed uses in the RR (Rural Residential) zone district of the area, as **well** as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.



## 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 is not encumbered by physical constraints to development. 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 266 square foot garage addition 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 266 square foot garage addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RR (Rural Residential) zone district in that the primary use of the property will be one 266 square foot garage addition that meets all current site standards for the zone district.

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 R-R (Rural Residential) land use designation in the County General Plan.

The proposed 266 square foot garage addition 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 proposed 266 square foot garage addition 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 proposed 266 square foot garage addition 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 266 square foot garage addition will comply with the site standards for the RR 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 **266** square foot garage addition is to be constructed on an existing developed lot. The expected level of traffic generated by **the** proposed project is anticipated to be less than 1 peak trip per day (1 peak trip per dwelling unit), 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed **266** square foot garage addition 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 proposed **266** square foot garage 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.

## Conditions of Approval

Exhibit A: Project plans, 4 sheets: AI, A3.1, and A4 by Dennis Anderson, Architect, dated Sept. 5, 2007; and C1 by Andrew C. Radovan, Civil Engineer, dated 9/6/07.

- I. This permit authorizes the construction of a 266 square foot garage addition to result in a 635 square foot garage. 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.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department, with the additions and/or changes noted below. Any other 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. The building permit plans shall clearly indicate an area of trellis equal in square footage to that of the proposed garage addition (i.e., at least 266 square feet) to be removed.
    - 2. One elevation shall indicate materials and colors of the addition shall match those of the existing garage.
    - 3. Grading, drainage, and erosion control plans.
    - 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 Zone 7 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
  - E. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection 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. Verification of removal of trellis square footage: Call the project planner at least 48 hours in advance to schedule a site visit to verify that the required square footage of trellis has been removed.
  - B. All site improvements shown on the final approved Building Permit plans shall be installed.
  - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - 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.

D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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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: \_\_\_\_\_

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Don Bussey  
Deputy Zoning Administrator

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Steven Guiney  
Project Planner

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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: 07-0503

Assessor Parcel Number: 046-321-06

Project Location: 1143 San Andreas Road, La Selva Beach

**Project Description:** Proposal to construct a 266 square foot garage addition.

**Person or Agency Proposing Project:** Gary and Janice Podesto

**Contact Phone Number:** (831) 763-2763

- 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: Existing Facilities, CEQA Guidelines Section 15301(e)

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

Proposal involves negligible expansion of an existing garage.

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

Steven Guiney  
Steven Guiney, Project Planner

Date: 01-15-08