



## Staff Report to the Zoning Administrator

Application Number: **07-0750**

**Applicant:** David Dent  
**Owner:** Mary Todd  
**APN:** 044-152-12

**Agenda Date:** March 7, 2008  
**Agenda Item #:** **2**  
**Time:** after 10:00 a.m.

**Project Description:** Proposal to enclose an existing carport attached to a single family dwelling into a garage

**Location:** 713 Vista del Mar Drive, Aptos

**Supervisory District:** Second District (District Supervisor: Ellen Pirie)

**Permits Required:** Variance  
**Technical Reviews:** none

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0750, based on the attached findings and conditions.

### Exhibits

- |   |                               |
|---|-------------------------------|
| A. Project plans                              | F. Aerial photo with contours |
| B. Findings                                   | G. Zoning map                 |
| C. Conditions                                 | H. Survey of front setback    |
| D. Categorical Exemption (CEQA determination) | I. Letter from applicant      |
| E. Location map                               | J. Photo of site              |

### Parcel Information

Parcel Size: 11,175 sq. ft.  
Existing Land Use - Parcel: Single family residence  
Existing Land Use - Surrounding: Residential  
Project Access: Vista del Mar Drive  
Planning Area: Aptos  
Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: R-1-10-SP (Single family residential -

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

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10,000 square feet per unit)  
Coastal Zone:   X   Inside      Outside  
Appealable to Calif. Coastal Comm.   X   Yes      No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes:  
Env. Sen. Habitat: Mapped, however project is within outline of an existing building  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban Services Line:   X   Inside      Outside  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: Zone 6

### Project Setting

According to Assessor's records, the existing residence was built in 1962. The residence is a four-bedroom house. The portion of the site where the residence was built is relatively flat, however the rear of the lot slopes downward approximately 30 feet.

### Proposal

The applicant is proposing to enclose an existing carport by adding a sidewall and a garage door to the front.

### Variance Request

The subject property is an 11,175 square foot lot, located in the R-1-10-SP (Single family residential - 10,000 square feet per unit) zone district, a designation that allows residential uses.

The proposed enclosure of the existing carport requires a Variance because the code requires 20 feet in front of the garage door to the property line. As surveyed, the carport is approximately six feet from the edge of the slab to the property line.

Staff supports the variance request for the following reasons:

1. The site slopes downward at the rear of the property over 30% and is unsuitable for building..
2. The majority of houses in this area with similar downslope rear yards have garages.
3. The garage will have approximately twenty feet between the edge of pavement and the garage door, allowing two parking spaces in front of the garage. There is not a problem when backing up on to Vista Del Mar, as the house is located on a straight portion of the street.

### **Local Coastal Program Consistency**

The proposed enclosure of carport 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.

The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Environmental Review**

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed.

### **Conclusion**

Staff supports the requested variance, as the site is steeply sloped at the rear and other houses in the immediate vicinity enjoy the same privilege. 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 07-0750, based on the attached findings and conditions.

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**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)**

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

## 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 R-1-10-SP (Single family residential - 10,000 square feet per unit), a designation which allows residential uses. The proposed enclosure of carport is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Density 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; the development site is not on a prominent ridge, beach, or bluff top.

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 project site is not located between the shoreline and the first public road. Consequently, the enclosure of carport 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 R-1-10-SP (Single family residential - 10,000 square feet per unit) 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.

## 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. The slope of the parcel is steep and places a substantial burden on the applicant to meet the setback requirements for a garage door.

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. The proposed structure is less than the maximum Lot Coverage, significantly less than the maximum Floor Area Ratio, and meets the side and rear setbacks. This structure does not overpower the parcel, as the residence has been designed to be limited in mass and bulk. there is adequate distance from the edge of the carport to the existing edge of pavement to provide safety for cars to be out of the travel lane while waiting for the garage door to open.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties

This finding can be made. The majority of adjacent lots on this side of Vista del Mar Drive have similar circumstances, and this is one of the few original residences that remain without a garage.

## Conditions of Approval

Exhibit A: Architectural drawings prepared by Ron Gordon, A.I.B.D., dated 5-31-07.

- I. This permit authorizes the enclosure of carport to create a 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.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site 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 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 ½" x 11" format for Planning Department review and approval
    2. Details showing compliance with fire department requirements, 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 and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District, if applicable.
  - E. 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, if applicable.
- 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. 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: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Lawrence Kasparowitz  
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: 07-0750  
Assessor Parcel Number: 044-152-12  
Project Location: 713 Vista del Mar

Project Description: Proposal to enclose an existing carport to a garage.

Person Proposing Project: David Dent

Contact Phone Number: (831) 359-9623

- 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.   X   Categorical Exemption

Specify type: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

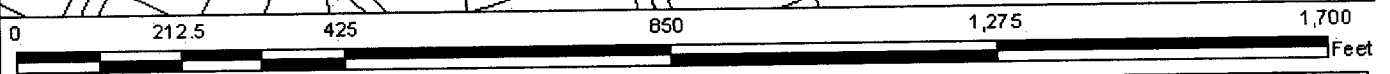
Proposal to construct improvements to an existing single family dwelling which does not expand the footprint.

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




\_\_\_\_\_  
Lawrence Kasparowitz, Project Planner

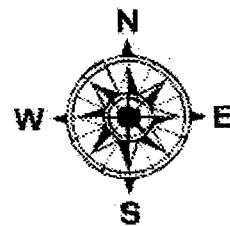
Date: \_\_\_\_\_

# Location Map



## LEGEND

-  APN: 044-152-12
-  Assessors Parcels
-  Streets



Map created by  
County of Santa Cruz  
Planning Department  
January 2008





*Mary Todd*

713 Vista Del Mar Drive  
Aptos, CA 95003

Date: September 10, 2007

To: County of Santa Cruz Planning Department

Re: Explanation of Request for Variance

Greetings,

This request is related to assessor's parcel number 044-152-12, street address 713 Vista Del Mar Dr., Aptos.

We are requesting a variance to enclose an existing carport to create a garage. We believe that the neighborhood will benefit in these ways:

- An enclosed garage will allow us to get our parked cars out of sight.
- Scott Cheney, an experienced realtor at Bailey Properties estimates a \$50K property increase in the value of houses that have a two car garage.
- The adjacent neighbors all have garages. This change will raise the curb-side appearance of the house closer to the level of the neighborhood.

Additional Considerations:

We believe the environmental impact will be low to none, as the car port is in place and our proposal is to just enclose it.

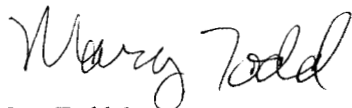
The segment of street where the house is located is Vista Del Mar Drive, bordered between Cuesta Drive and Alta Drive, in Aptos.

- We count 57 houses
- We count 44 garages
- 28 houses appear to have non-conforming garages

It appears that 77% of the houses have a garage and 63% of the garages are non-conforming.

We are submitting photographs of the garages that appear to be non-conforming, plus a photograph of the front of 713 Vista Del Mar. The carport is set back much farther than many of the garages on the street.

Thank you for your consideration,

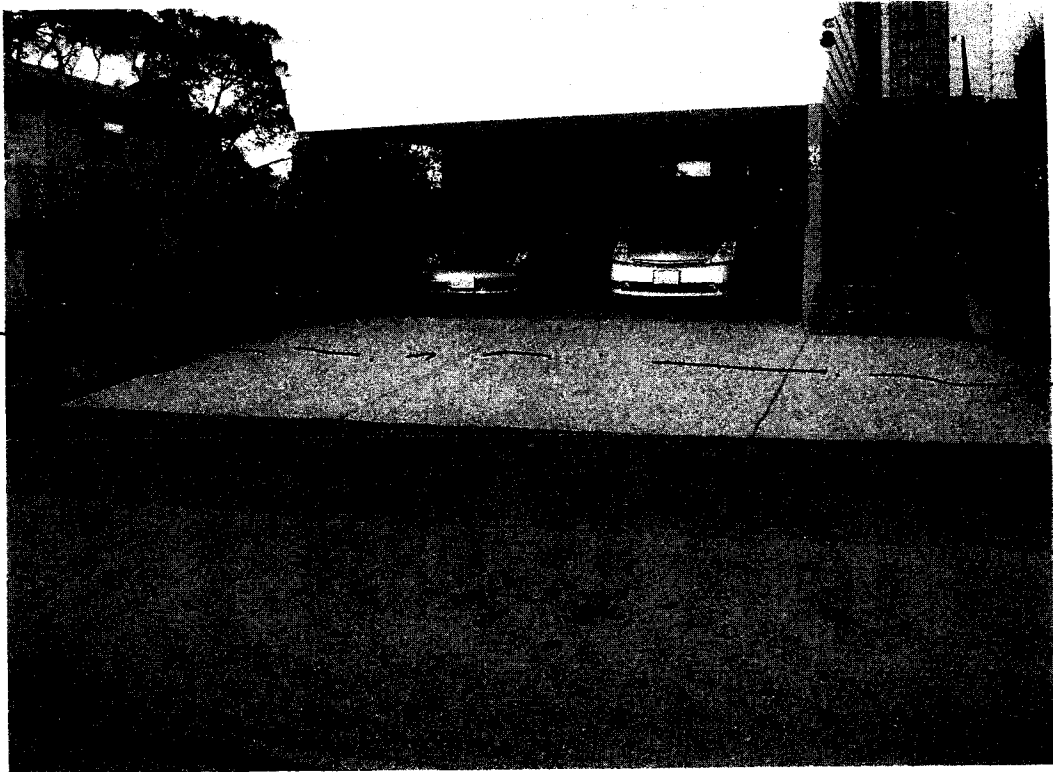


Mary Todd, homeowner



David Dent, contractor

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David Dent

359-9623.