

## Staff Report to the Zoning Administrator

Application Number: 08-0318

Applicant: Fred Lattanzio Owner: Palmtrow Properties, LLC APN: 102-271-60 Agenda Date: December 5, 2008 Agenda Item #: 3 Time: After 10:00 a.m.

**Project Description**: Proposal to remodel and add on to an existing single family dwelling that currently is permitted to be built within the front yard setback (77-1625V) by adding an 850 square foot second story addition onto the garage and by increasing the height of the two story portion of the residence by about 4 feet. Requires a Variance to increase the intensity of the single family dwelling by constructing additional habitable area and to maintain the previously approved reduced setbacks.

Location: Property located on the west side of La Cima Street about 1300 feet from Hidden Valley Road in Soquel (350 La Cima).

Supervisoral District: First District (District Supervisor: Jan Beautz)

Permits Required: Variance

#### **Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0318, based on the attached findings and conditions.

#### Exhibits

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

#### **Parcel Information**

Parcel Size:	49,911 square feet (1.1 acres)
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Single family residential at rural densities
Project Access:	Via La Cima Street

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Application #: 08-0318 APN: 102-271-60 Owner: Palmtrow Properties, LLC

Planning Area:	Carbonera
Land Use Designation:	R-R (Rural Residential)
Zone District:	RA (Residential Agriculture)
Coastal Zone:	Inside <u>X</u> Outside
Appealable to Calif. Coastal Comm.	YesX_No

#### **Environmental Information**

Geologic Hazards:	Partially mapped landslide area at rear of parcel; slope stability analysis required with building permit.
Soils:	See above.
Fire Hazard:	Mapped fire hazard area.
Slopes:	Steep slopes (>30%) to the south (rear) and north west (side) of the parcel.
Env. Sen. Habitat:	Mapped sensitive habitat for Zayante band winged grasshopper; none detected on site.
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate; no new impervious surface proposed.
Archeology:	Not mapped/no physical evidence on site

#### **Services Information**

Urban/Rural Services Line:	Inside <u>X</u> Outside
Water Supply:	Private well
Sewage Disposal:	Septic
Fire District:	Central Fire Protection District
Drainage District:	None

#### History

In 1977, the property owner received Zoning Administrator approval for a Variance (77-1625-V) to reduce the required 40-foot front yard setback to 5-feet to construct the existing two story, 4 bedroom, 3 bathroom single family dwelling with a garage and swimming pool (BP #54875 & #56009, 1978). Originally, the property owner proposed a Variance to reduce the front yard setback to10-feet and to increase the 25 foot maximum height limitation to 35 feet in order to construct a second story over the garage. The project file indicates that a neighbor, at the time, was opposed to the proposed location of the second story over the garage because it would create a 35 foot tall structure. Although it is not clear in the file, staff assumes that neighboring private views would have been blocked by the proposed structure. Staff recommended a relocation of the second story from the location over the garage to the south over the main residence, where it currently exists.

#### **Project Setting**

The subject property is just over an acre (49,911 square feet) and is currently developed with a

Page 2

single family dwelling. The parcel is located at the terminus of La Cima Street, on the west side of a cul-de-sac that accommodates three other homes of about 2100 square feet, 2700 square feet and over 7000 square feet. None of the surrounding residences are located directly across from the existing garage. In addition, the La Cima right of way is located on a ridge and the proposed house is located on the west side of the ridge; therefore, because the house is slightly stepped down the hillside, it appears to be lower in elevation and less massive than the surrounding homes. Also, because all of the surrounding homes on the La Cima cul-de-sac are built on the sides of a ridge, they have extensive views to the east or the west away from La Cima Street; therefore, there are no conflicts with private viewshed across the cul-de-sac.

All adjacent surrounding parcels are zoned RA (Residential Agriculture) and are designated R-R (Rural Residential) in the County General Plan. Further west is a large vacant parcel zoned SU (Special Use) and designated R-M (Mountain Residential) in the County General Plan.

In addition to the existing single family dwelling and swimming pool, there is a small pool cabana of about 129.5 square feet located in the rear yard of the subject parcel. The cabana is under 1,000 square feet and therefore requires a building permit, which is included as a condition of approval of this permit. There are also several decks under construction in the rear yard that will also require a building permit in addition to a slope analysis. This evaluation will be required as part of the building permit review and is also included as a condition of this permit.

#### **Proposed Project and Analysis**

The property owner is proposing to construct an 850 square foot second story residential addition above the existing garage to create a master bedroom suite.

As described above, permit 77-1625-V reduced the front yard setback from 40-feet to 5-feet, as measured from the edge of the La Cima right of way. The proposed second story will be located over the permitted garage that is setback about 12.5 -feet from the La Cima right of way. The proposed addition will intensify the use of the permitted garage by creating living space above; however, there is currently a 12.5-foot setback to the existing garage and the proposed addition will be located about 9-feet from the edge of the right of way; therefore, the property owner is not proposing to encroach into the permitted 5-foot front yard setback.

The addition will include a clerestory feature and will increase the height of the front elevation of the residence in this location from about 19-feet to about 22-feet. The additional height will not block views from surrounding residences and will not tower over adjacent properties or impact private spaces in or around adjacent residences.

The property owner is also proposing to construct a 5 foot clerestory addition to the south side of the residence over the living room, kitchen, and dining room. The design of the existing roofline creates a peak that measures to about 26-feet while the proposed addition will create a uniform roofline at about 28-feet. This additional height will not impact surrounding residences and will modernize and add character to the existing residence. The proposed exterior improvements include replacing the existing wood siding with stucco and eliminating the double shed, asymmetrical roofing, will update the exterior design of the house.

#### Zoning & General Plan Consistency

The subject property is a 49,911 square foot lot, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The single family dwelling 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 project is consistent with the RA zone district, as shown in the table below:

	RA Site Standards	Proposed
Front Yard Setback	5' (77-1625-V)	9'
Side Yard Setbacks	20' & 20'	25' & 37'
Rear Yard Setback	20'	>20'
Maximum Height	28'	28'
Maximum % Lot Coverage	10%	<5%
Maximum Floor Area Ratio	N/A	N/A

#### **Design Review**

The proposed residential addition complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as new stucco siding, updated windows, and an updated roof design which will blend in with the surrounding newer residences and take advantage of the natural landscape, views, and light.

#### 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 **08-0318**, based on the attached findings and conditions.

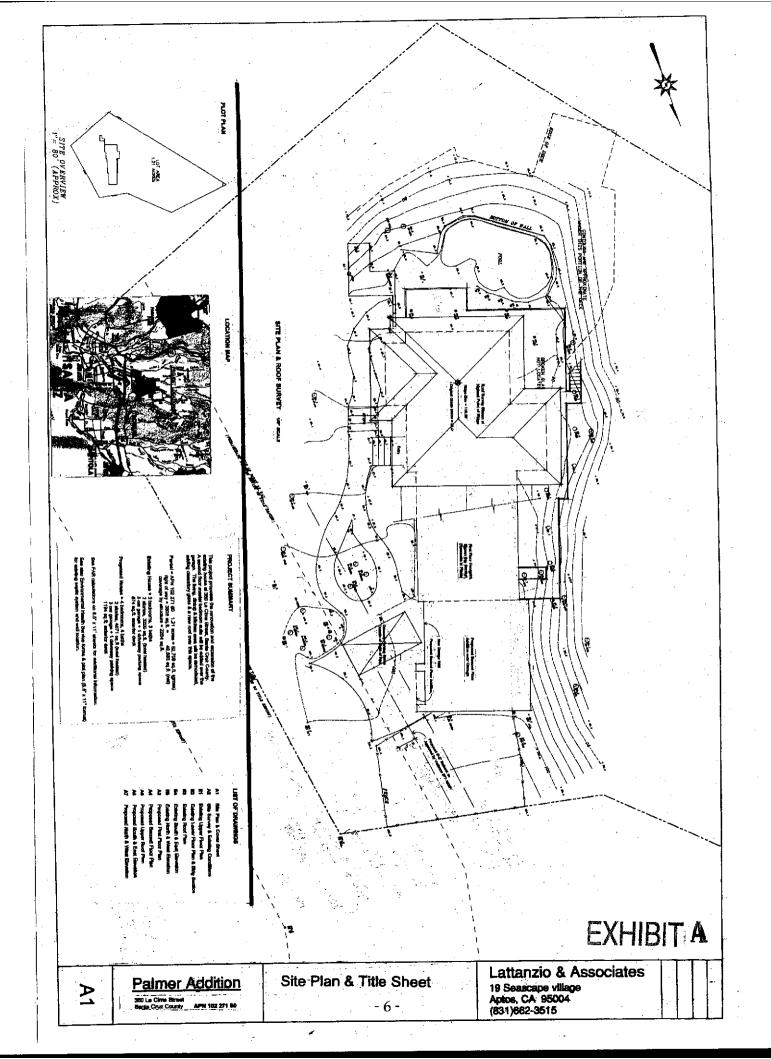
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

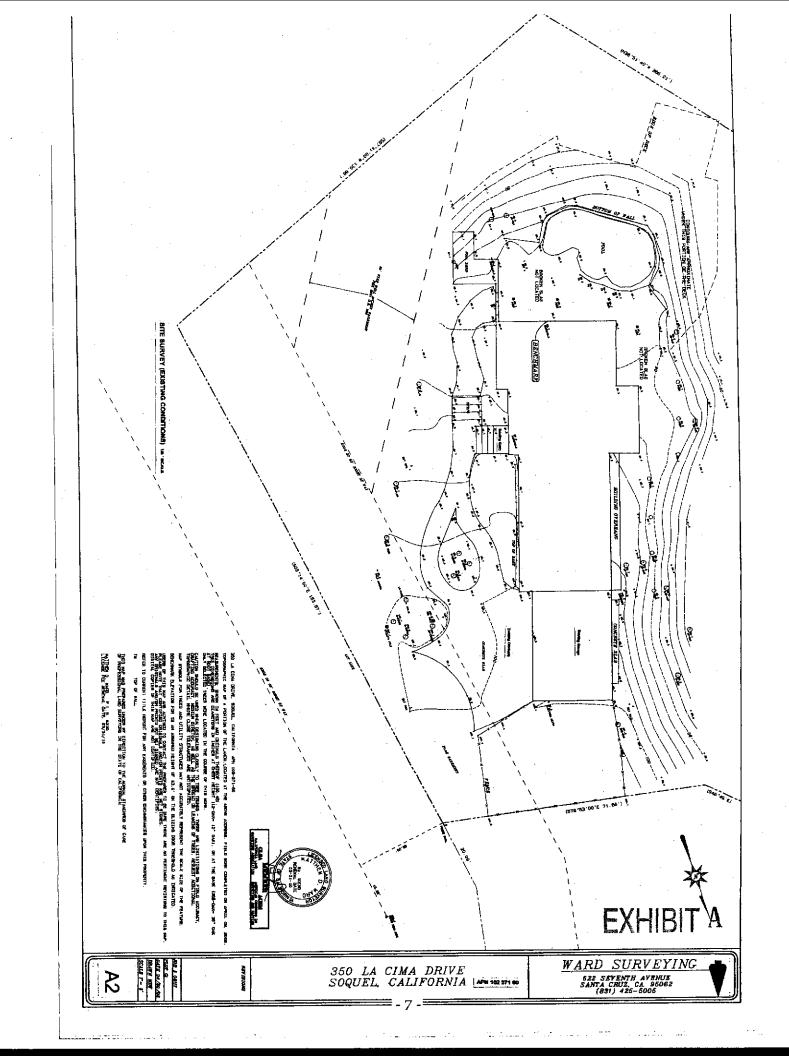
The County Code and General Plan, as well as hearing agendas and additional information are available online at: <a href="http://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

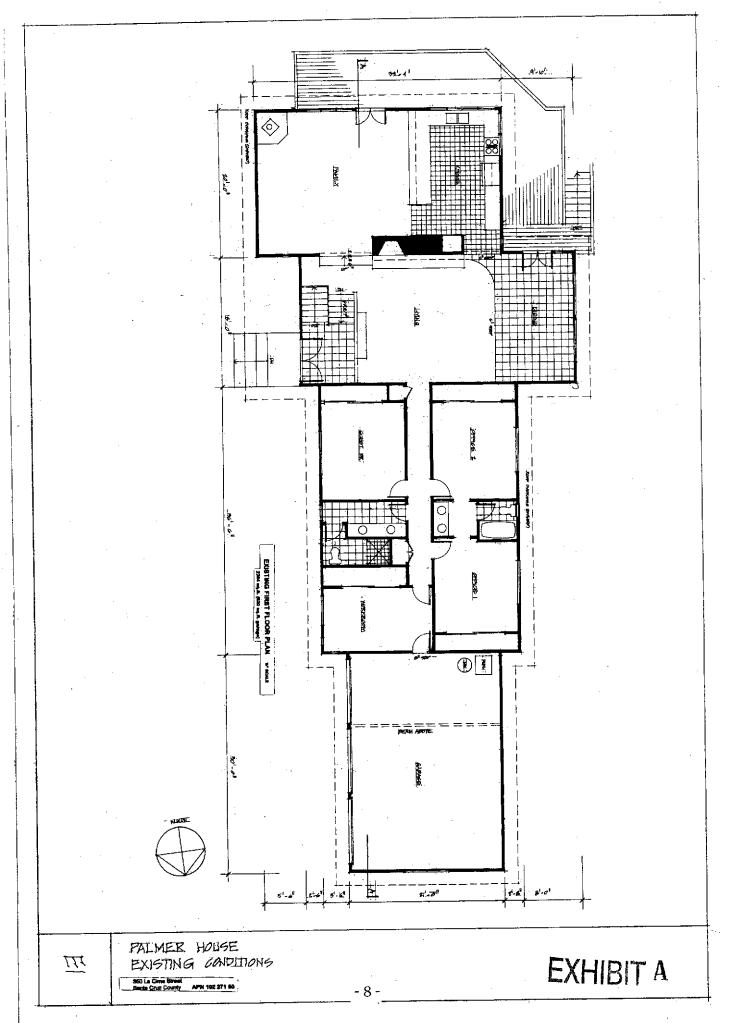
- 4 -

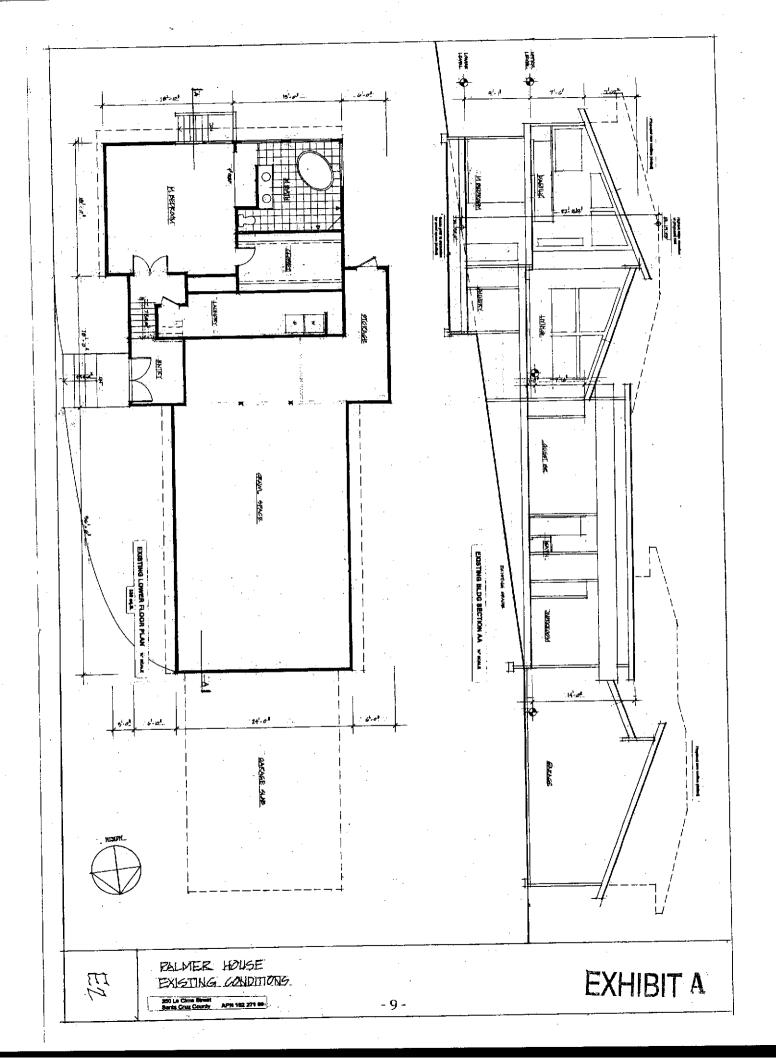
Report Prepared By: Samantha Haschert

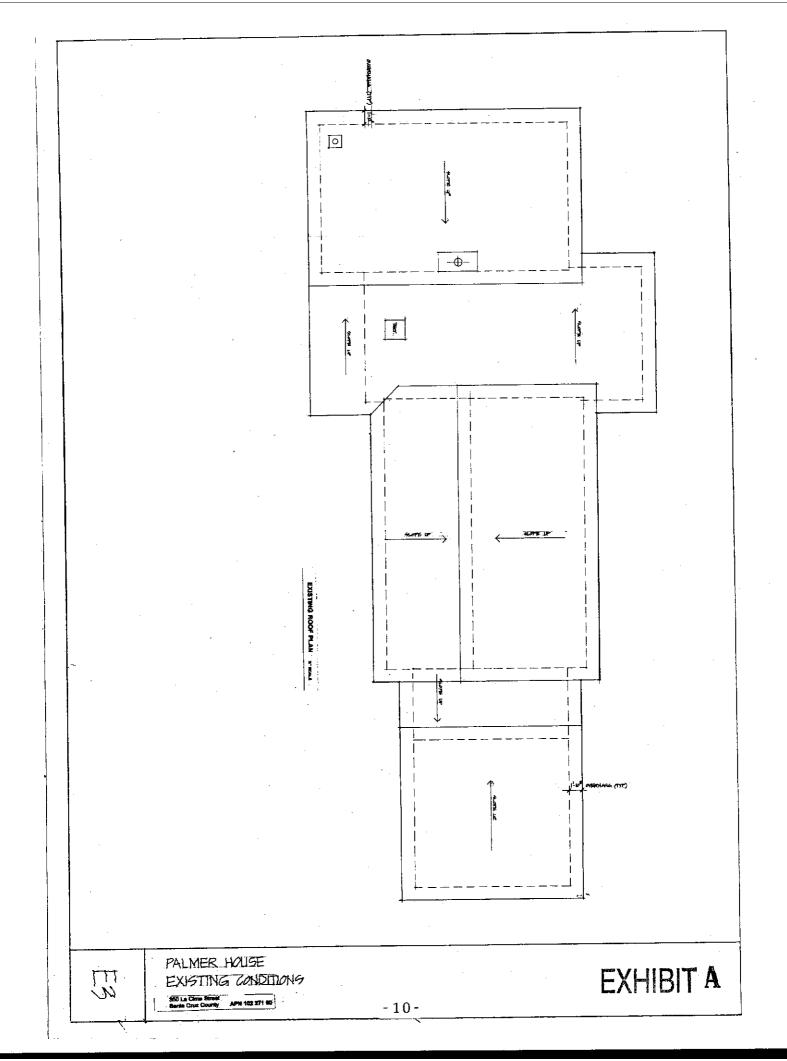
Santa Cruz County Planning Department 701 Ocean Street, 4th Floor Santa Cruz CA 95060 Phone Number: (831) 454-3214 E-mail: samantha.haschert@co.santa-cruz.ca.us

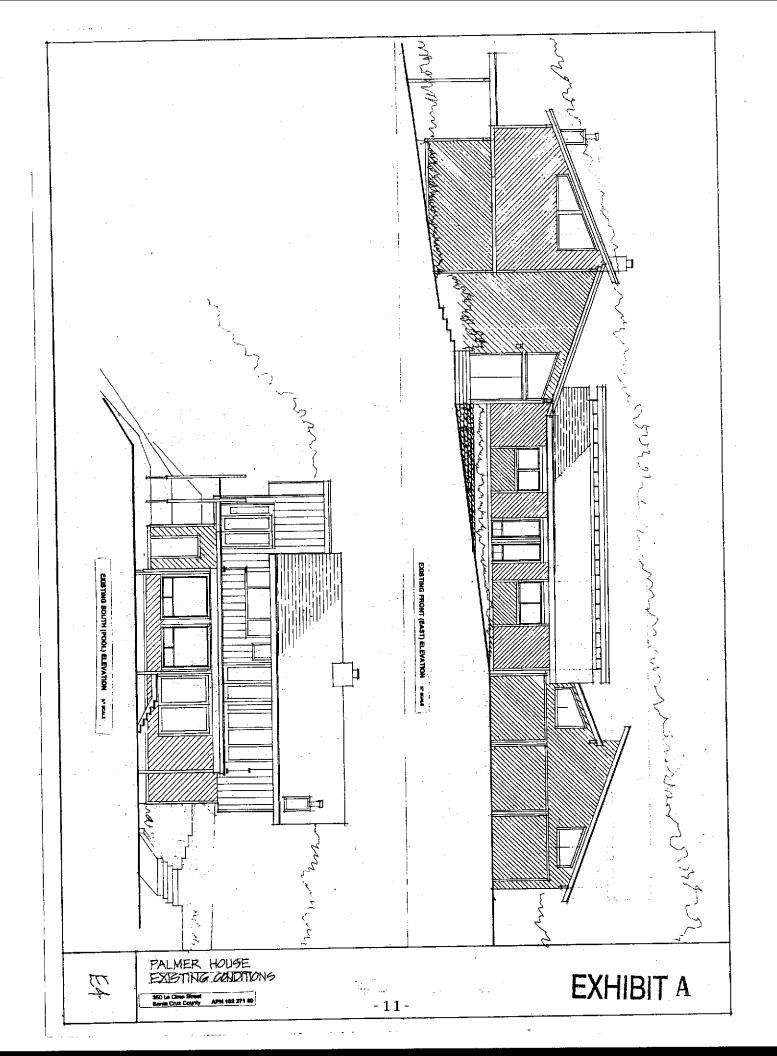


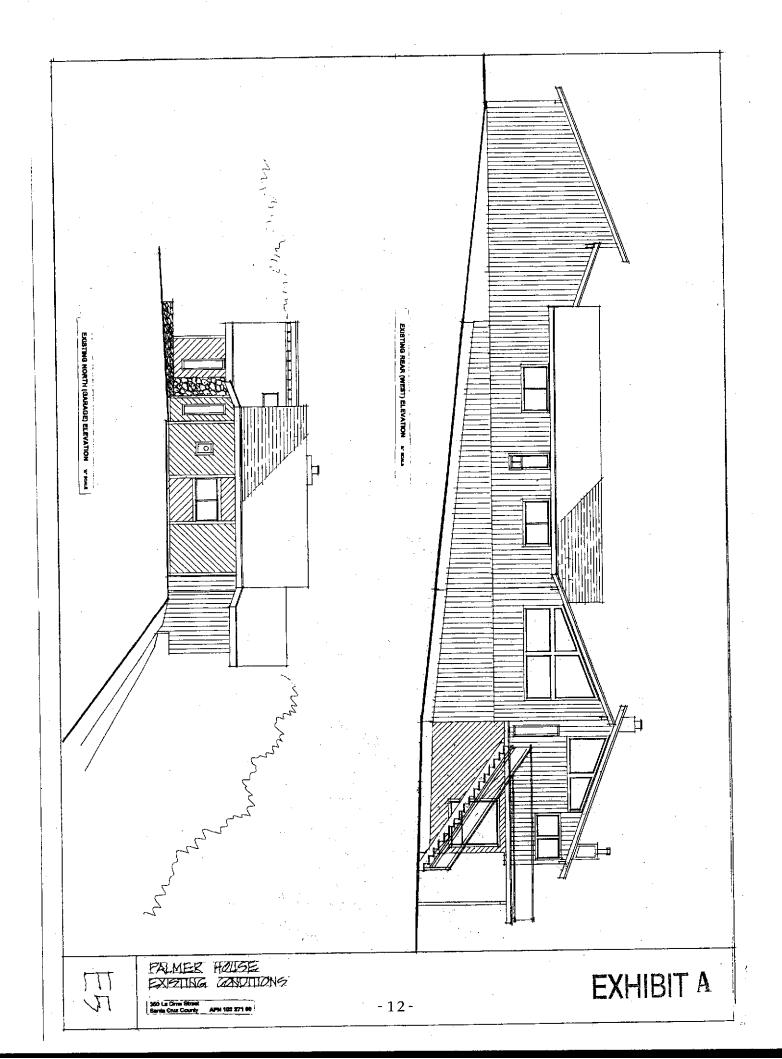


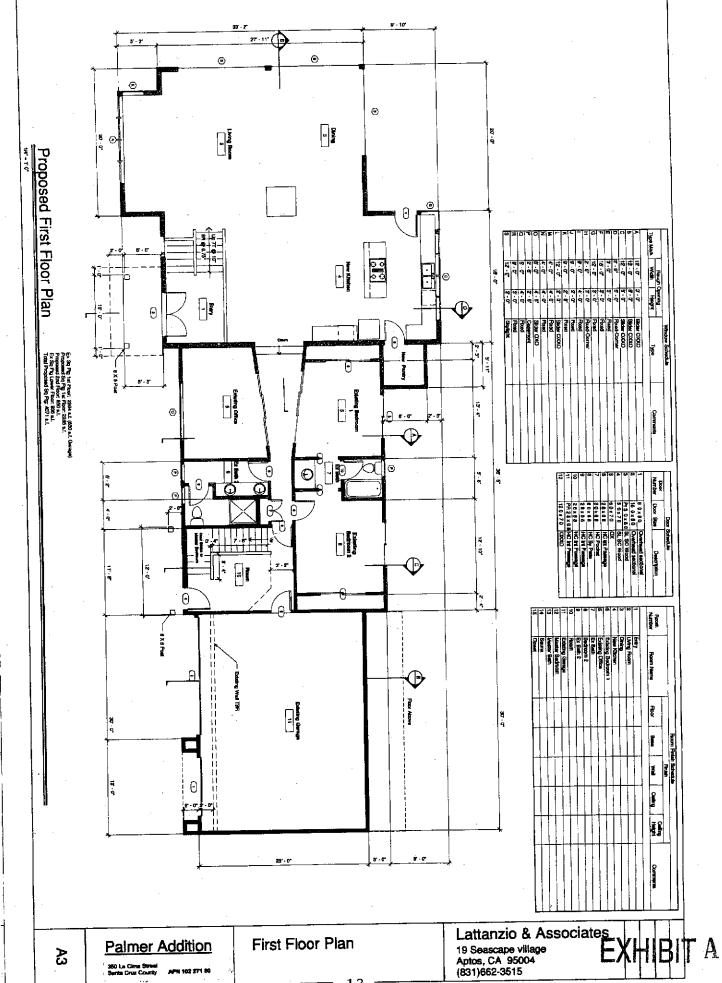




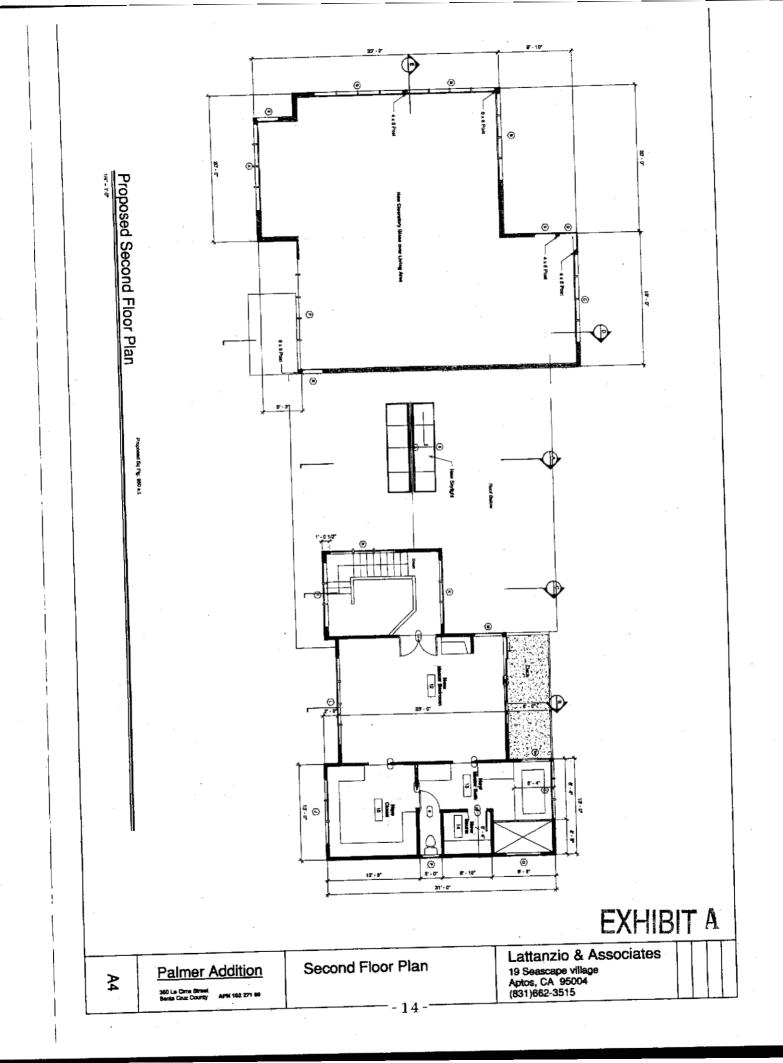


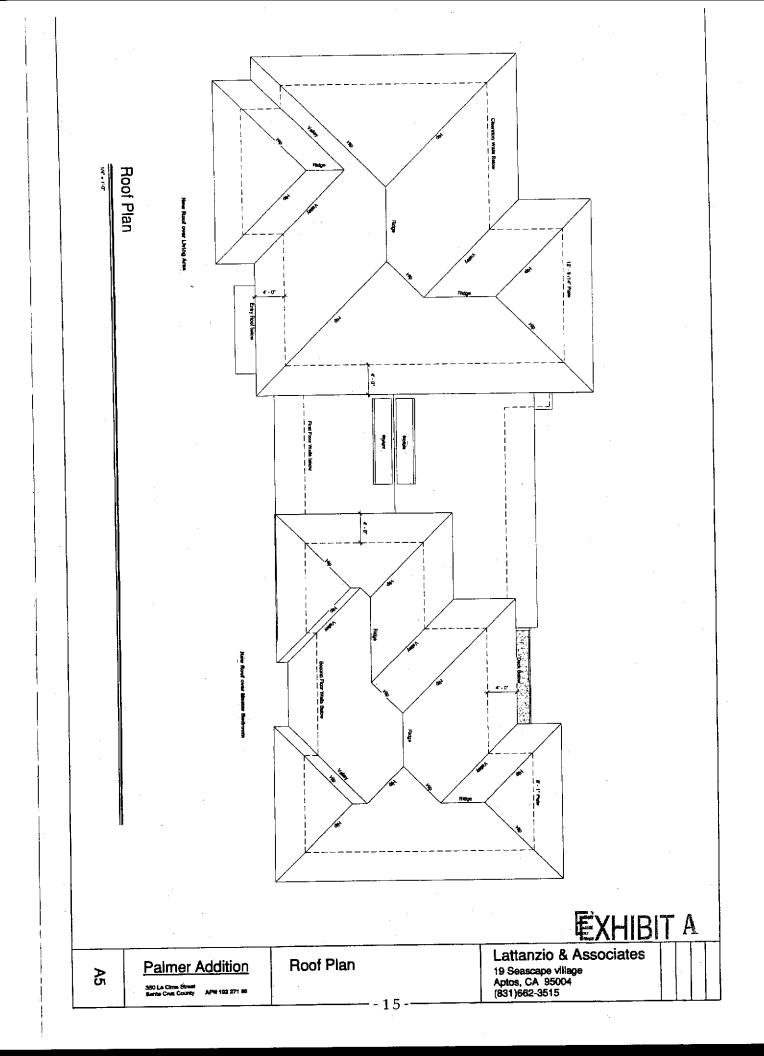


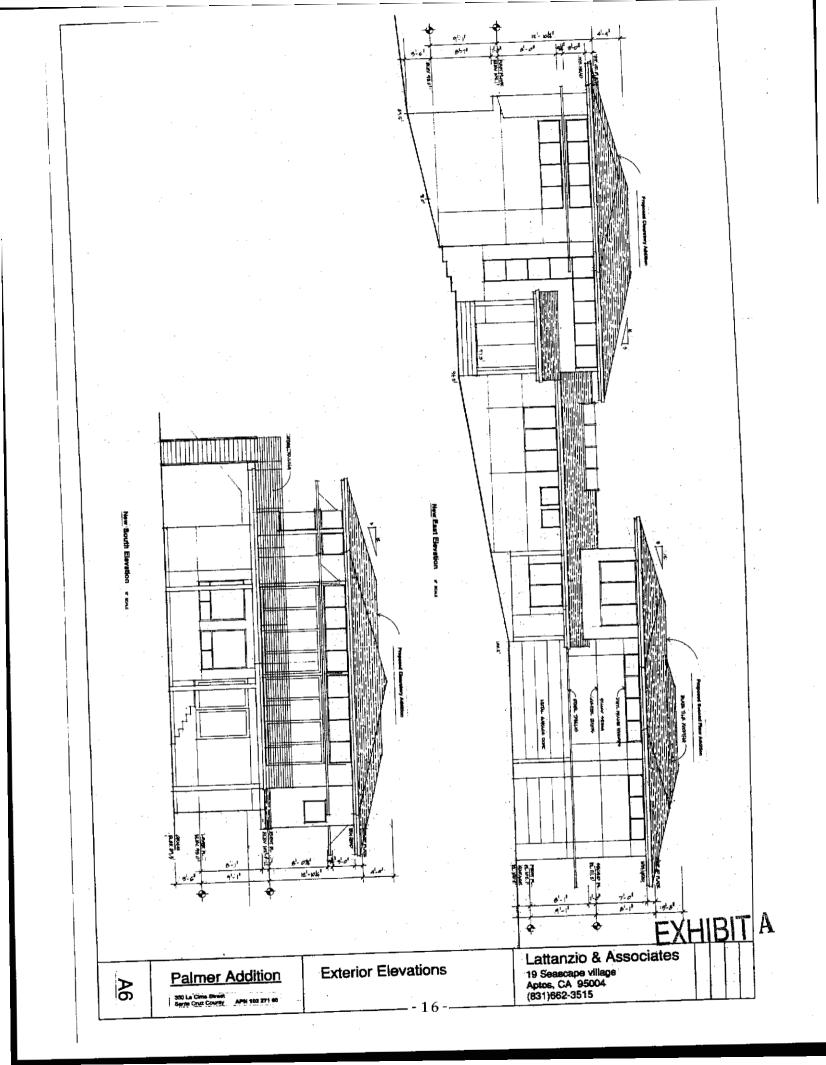


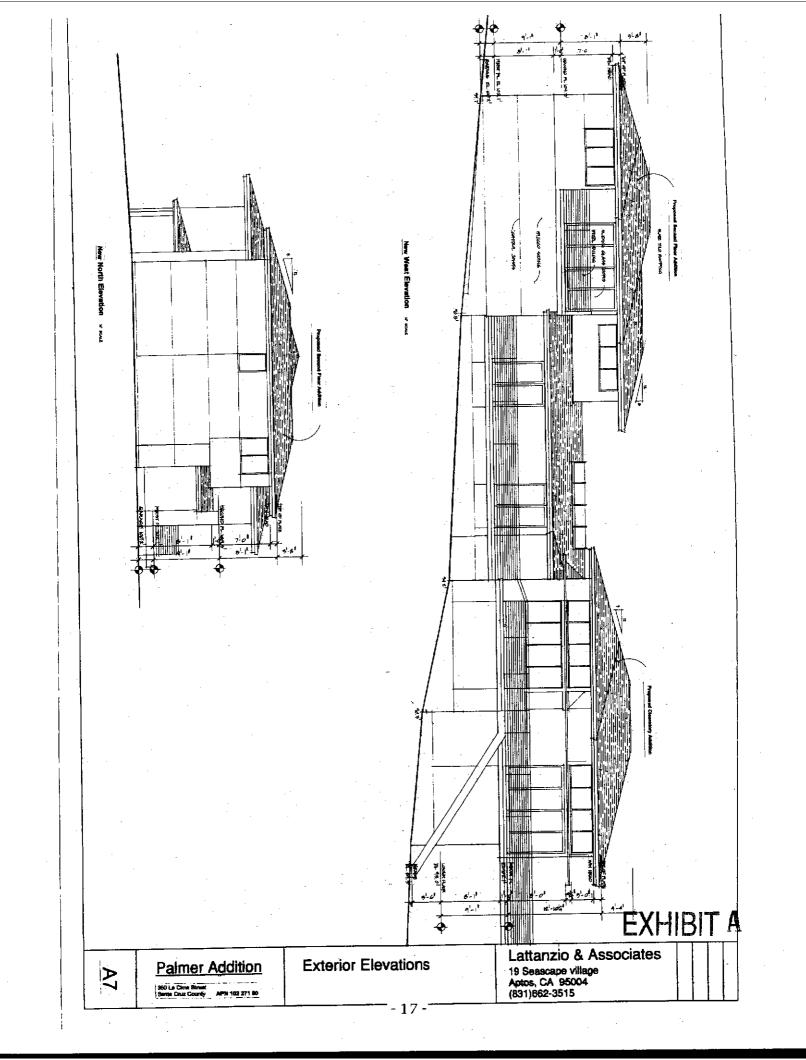


-13









#### 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 permit 77-1625-V was already approved on the subject property which reduced the front yard setback from 40-feet to 5-feet, which is a special circumstance on the parcel, and the second story addition will not encroach into the permitted 5-foot front yard setback.

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 permit 77-1625-V reduced the required front yard setback from 40-feet to 5-feet and the second story will be located about 9-feet from the edge of the La Cima right of way; therefore, the proposed addition will not encroach into the required 5-foot front yard setback and will not be materially detrimental to public health, safety, or welfare. In addition, the property is located at the end of La Cima Drive on the west side of a cul-de-sac that serves only three other residences; therefore, the additions will not impact or be injurious to other property or improvements within the vicinity.

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 proposed second story addition will be located on an existing garage that was previously built under a permit (77-1625-V) that reduced the front yard setback from 40-feet to 5-feet.

#### **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 on a parcel with an existing single family residence, which is a principal permitted use in the zone district. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed residential additions will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure is not located close to any adjacent residences and because the proposed addition will not extend into the permitted 5-foot front yard setback.

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 locations of the residential additions and the conditions under which the residence will be maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property will be one residential addition that meets all current site standards for the zone district with the exception of the reduction of the front yard setback from 40-feet to 5-feet, as permitted in permit 77-1625-V.

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 residential additions 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) and as required by previous Variance permits.

The proposed residential additions 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 residential additions will comply with the site standards for the RA 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 residential additions are to be constructed on an existing developed lot and current traffic levels on the surrounding street network are not expected to increase as a result of the project.

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 residence is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residential 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 residential additions 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.

#### EXHIBIT B

#### **Conditions of Approval**

Exhibit A: Project Plans, 12 Sheets, Prepared by Lattanzio & Associates.

- I. This permit authorizes the construction of an 850 square foot, second story residential addition and a five foot height increase to the existing residence. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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 Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official for the alterations to the residence as approved in Exhibit A, the rear yard decking, the pool cabana, and any other unpermitted improvements on the property.
    - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. 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 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 as they were approved by this Discretionary Application. The applicant shall supply a color board in 8

<sup>1</sup>/<sub>2</sub>" x 11" format for Planning Department review and approval

- 2. Grading, drainage, and erosion control plans.
- 3. Plans shall be prepared in compliance with all recommendations provided in the soils report.
- 4. Plans shall reference the soils report and provide contact information for the project soils engineer.
- 5. 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. Maximum height is 28-feet.
- 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. Submit a soils report that includes a slope stability analysis for review and approval by Environmental Planning Staff.
- E. Submit a plan review letter from the project soils engineer referencing the final plan set and stating that they confirm to the recommendations in the soils report.
- F. Meet all requirements of and pay all required drainage fees to the County Department of Public Works, Drainage.
- G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services by submitting a passing septic pumper's report and showing the entire septic system and well drawn to scale on the buildings site plan.
- H. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- I. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$800 and \$109 per bedroom.
- J. 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.

- 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. Submit a letter from the soils engineer stating that the project has been completed in conformance with the recommendations provided in the soils report.
  - 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. The project must comply with all recommendations of the approved soils reports.
  - E. 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.
- B. The second story master bedroom shall not be used as a separate living space.
- 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 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. <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 two years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date:

Effective Date:

Expiration Date:

Don Bussey Deputy Zoning Administrator Samantha Haschert Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 08-0318 Assessor Parcel Number: 102-271-60 Project Location: 350 La Cima St.

# Project Description: Proposal to remodel and add on to an existing single family dwelling that is permitted to built within the front yard setback.

Person or Agency Proposing Project: Fred Lattanzio

#### Contact Phone Number: (831) 662-3515

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)

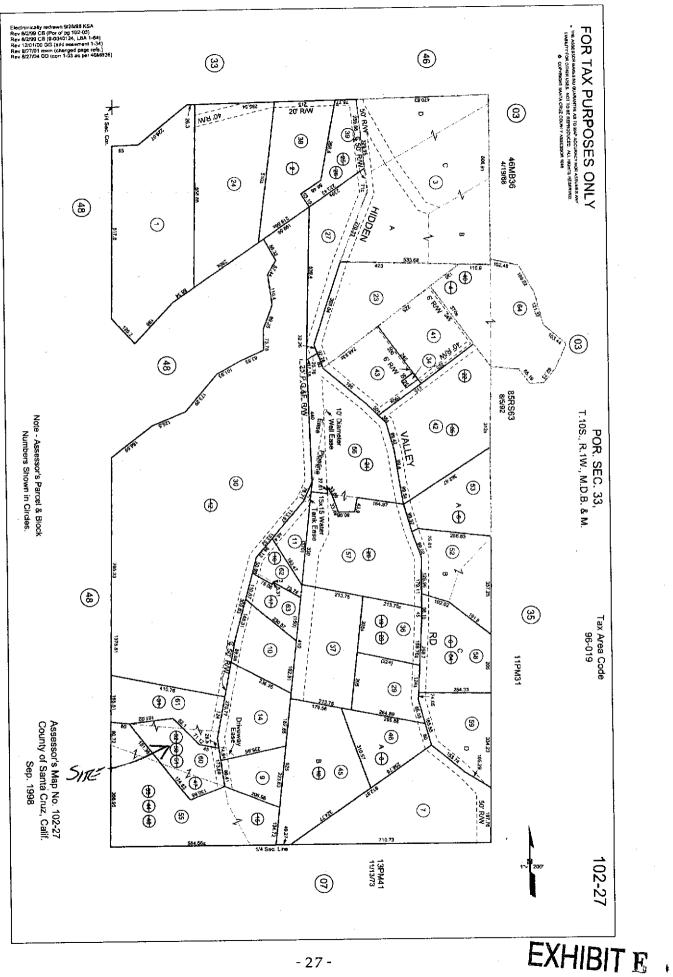
#### F. Reasons why the project is exempt:

Proposal to construct an 850 square foot addition onto an existing 3200 square foot single family dwelling.

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

Date:\_\_\_\_

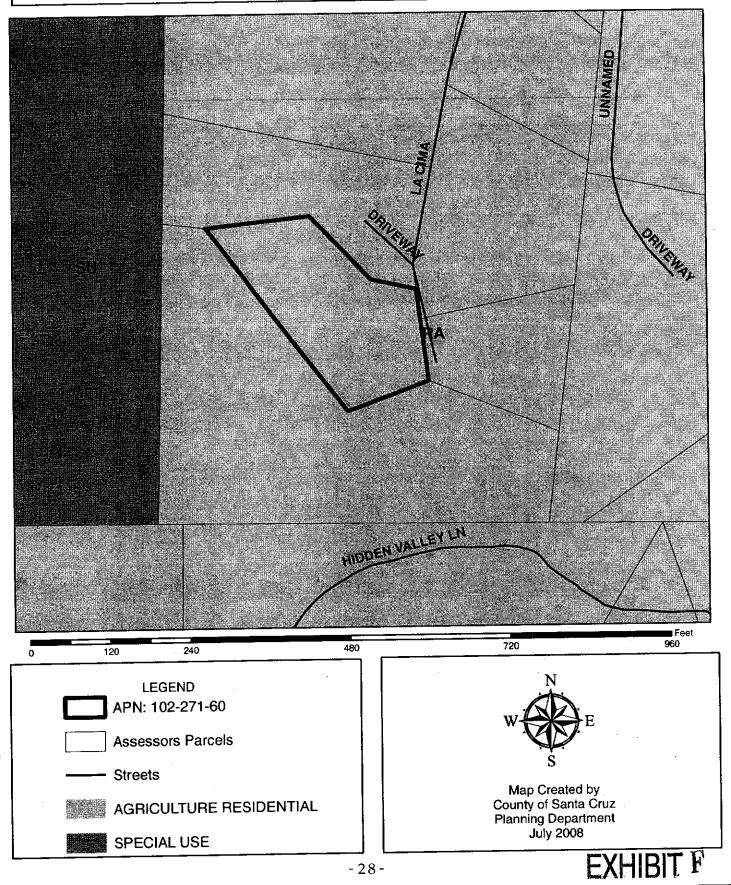
mantha Haschert, Project Planner



- 27 **-**



# Zoning Map



#### COUNTY OF SANTA CRUZ DISCRETIONARY APPLICATION COMMENTS

Project Planner: Samantha Haschert Application No.: 08-0318 APN: 102-271-60 Date: October 31, 2008 Time: 15:51:52 Page: 1

#### Environmental Planning Completeness Comments

----- REVIEW ON SEPTEMBER 12, 2008 BY ANTONELLA GENTILE ------ Project complete per Environmental Planning.

#### Environmental Planning Miscellaneous Comments

Conditions of approval:

1. A soils report that includes a slope stability analysis shall be submitted for review and approval by Environmental Planning staff.

2. Plans shall be prepared in compliance with all recommendations provided in the soils report.

3. Plans must reference the soils report and provide contact information for the project soils engineer.

4. Once building plans have been prepared that are acceptable to all reviewing agencies, a plan review letter shall be required from the project soils engineer referencing the final revised set of plans and stating that they conform to the recommendations in the soils report.

5. Prior to building permit final, a letter shall be required from the soils engineer stating that the project has been completed in conformance with the recommendations provided in the soils report.

#### Dpw Road Engineering Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

tains access to the county road system. In addition, provide details such as roadway width, pavement condition, sight distance issues (if any) etc. of the intersection of private rd( La Cima St?) to the county maintained road in plan view.

#### Dpw Road Engineering Miscellaneous Comments

Project Planner: Samantha Haschert Application No.: 08-0318 APN: 102-271-60 Date: October 31, 2008 Time: 15:51:52 Page: 2

#### LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

no connen

#### Environmental Health Completeness Comments

====== REVIEW ON AUGUST 21, 2008 BY JIM G SAFRANEK ======== No Comment.

#### Environmental Health Miscellaneous Comments

an EHS Building Clearance, passing septic pumper's report, and the well andentire septic system drawn to scale on the buildingsite plan.

## EXHIBIT G