



Staff Report to the Zoning Administrator

Application Number: **111162**

Applicant: Powers Land Planning
Owner: Kunstenaar
APN: 105-081-28 & 105-111-32

Agenda Date: January 6, 2012
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to transfer approximately 2,602 square feet from APN 105-111-32 to APN 105-081-28 to result in two parcels of approximately 46.3 acres and 6,193 square feet and to modify the setbacks for the existing single family dwelling on APN 105-081-28.

Requires a Lot Line Adjustment and a Variance to reduce the required ten foot street side yard setbacks to about one foot at Pacific Heights Drive and 1 foot at Redwood Drive.

Location: Property located on the northeast corner of the intersection of Redwood Drive and Pacific Heights Drive. (3100 Redwood Drive)

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

Permits Required: Lot Line Adjustment and Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111162, based on the attached findings and conditions.

Exhibits

- | | |
|---|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	4,311 square feet (105-081-28) & 46.36 acres (105-111-32)
Existing Land Use - Parcel:	Single family dwelling
Existing Land Use - Surrounding:	Rural residential neighborhood
Project Access:	Redwood Drive

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

Planning Area: Aptos
Land Use Designation: R-M (Mountain Residential)
Zone District: R-1-15 (Single family residential - 15,000 square foot minimum)
Coastal Zone: ☐ Inside ☒ Outside

Environmental Information

Geologic Hazards: N/A
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: 10-30%+
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: N/A
Archeology: N/A

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Septic
Fire District: Cal Fire
Drainage District: None

Project Setting

The subject property is a small triangular shaped residential lot located at the intersection of Redwood Drive and Pacific Heights Drive in the mountains above Aptos Village. The area is steeply sloped with structures clustered along the roadway. The existing residence (on APN 105-081-28) is located adjacent to the right of way of Redwood Drive, and encroaches into the right of way of Pacific Heights Drive. The surrounding properties are developed with single family dwellings in a forested setting.

Zoning & General Plan Consistency

The subject property (APN 105-081-28) is a parcel of approximately 4,311 square feet, located in the R-1-15 (Single family residential - 15,000 square foot minimum) zone district, a designation which allows residential uses. The existing single family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's (R-M) Mountain Residential General Plan designation.

Lot Line Adjustment

In order to recognize the structural encroachment of the existing single family dwelling into the Pacific Heights Drive right of way, a boundary adjustment with the adjacent parcel (APN 105-111-32) is proposed. The boundary adjustment is intended to cure the structural encroachments only, and no physical improvements are proposed as a component of this application.

The proposed lot line adjustment would transfer 2,602 square feet from APN 105-111-32 to APN 105-081-28. APN 105-111-32 is a much larger parcel, at 46.36 acres, and the homesite for this larger parcel is accessed off of Newell Drive on the eastern edge of the property. As a result, the boundary adjustment will not affect the building site for APN 105-111-32.

The subject property (APN 105-081-28) is currently 4,311 square feet in area. This is less than the minimum 15,000 square feet required for the R-1-15 (Single Family Residential - 15,000 square feet minimum) zone district. The 2,602 square feet added to APN 105-081-28 parcel would cure the existing structural encroachments. Boundary adjustments that cure structural encroachments can be allowed without meeting the minimum parcel size for the zone district.

APN 105-111-32 is located within the SU (Special Use) zone district. The minimum parcel size for the SU zone district (with a residential General Plan designation) is one acre. The existing parcel is 43.36 acres and the transfer of 2,602 square feet (approximately .06 acres) will not reduce the parcel below the minimum one acre parcel size for the zone district.

The transfer of this property from one owner to the other will not increase the development potential on either property. No new building sites will be created as a result of this application. There are two parcels currently and there will be two parcels as a result of the boundary adjustment. No new parcels will be created.

Pacific Heights Drive Right of Way

The Pacific Heights Drive right of way is also proposed to be realigned as a component of the boundary adjustment. The realignment of the Pacific Height Drive right of way is a private civil matter to be handled between the parties involved. The boundary of the right of way will not be automatically adjusted as a result of this approval.

Variance

The existing residence on APN 105-081-28 is located within the street side yard setbacks of Redwood Drive and Pacific Heights Drive. The property is a small triangular parcel, with a narrow frontage on Redwood Drive and street side yards along Redwood Drive and Pacific Heights Drive. The required street side yard setback is 10 feet, and the existing structure (including decks and staircases) will not comply with the required 10 foot setback, even after the boundary adjustment and relocation of right of way of Pacific Heights Drive. For this reason, variances to the required street side yard setbacks are necessary.

In order to recognize the existing structure, reductions in the required 10 foot street side yard setbacks, to approximately 1 foot from Redwood Drive and to approximately 1 foot from the

realigned Pacific Heights Drive, are necessary. Given the shape and size of the subject parcel (both before and after the proposed boundary adjustment) and the location of the parcel relative to vehicular rights of way (on three sides), it is reasonable to authorize variances to recognize the location of the existing residence on the property.

The size and shape of the parcel, the configuration of the building site, and the location of the parcel relative to surrounding vehicular rights of way are the special circumstances affecting the subject property. Due to the configuration of the building site, and the presence of vehicular rights of way on three sides of the parcel, both variance requests are considered as reasonable and appropriate. The variances will allow the recognition of the existing residence, which is of a similar size and design that could be approved on other properties within the surrounding neighborhood, and the issuance of the variances will not result in a grant of special privilege.

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 **111162**, 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: Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3218
E-mail: randall.adams@co.santa-cruz.ca.us

Lot Line Adjustment Findings

1. The lot line adjustment will not result in a greater number of parcels than originally existed.

This finding can be made, in that there were two parcels prior to the adjustment and there will be two parcels subsequent to the adjustment.

2. The lot line adjustment conforms with the county zoning ordinance (including, without limitation, County Code section 13.10.673), and the county building ordinance (including, without limitation, County Code section 12.01.070).

This finding can be made, in that no additional building sites will be created by the transfer as all parcels are currently developed. The proposal complies with the General Plan designation of the parcels (R-M - Mountain Residential) per 13.10.673(e).

3. No affected parcel may be reduced or further reduced below the minimum parcel size required by the zoning designation, absent the grant of a variance pursuant to County Code section 13.10.230.

This finding can be made, in that none of the parcels included in the proposal will be further reduced below the minimum parcel size required by the zone district as a result of this lot line adjustment.

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 reductions of the required street facing yard setbacks from 10 feet to 1 foot are recommended in order to allow the location of the existing residential structure to be recognized. The size and shape of the parcel, the configuration of the building site, and the location of the parcel relative to surrounding vehicular rights of way are the special circumstances affecting the subject property.

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 variance will allow the recognition of setbacks for an existing residence on a residentially zoned parcel and the structure will be adequately separated from improvements on surrounding properties.

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 other properties in the neighborhood are developed with single family dwellings similar to, or larger than, the existing structure. Therefore, it would not be a grant of a special privilege to recognize the setbacks for the existing residence on the subject property. The residential use is consistent with the existing pattern of development in the neighborhood.

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. The existing single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure location will not be modified as a result of this project.

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 single family dwelling 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-1-15 (Single family residential - 15,000 square foot minimum) zone district. The primary use of the property will continue to be one single family dwelling. The existing structure complies with all site standards for the zone district, with the exception of the variances to the required street side yards setbacks that have been granted as a component of this approval.

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

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 existing single family dwelling is not proposed to be modified. The expected level of traffic generated by the proposed project is anticipated to remain at one peak trip per day (1 peak trip per dwelling unit). The project will not adversely impact existing roads or 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 existing structure is located in a mixed neighborhood

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Owner: Kunstenaar

containing a variety of architectural styles, and the existing residential use 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 Design Review Ordinance does not apply to this application.

Conditions of Approval

Exhibit A: Tentative Map, "Proposed Lot Line Adjustment Map", 1 sheet, prepared by Robert L. DeWitt & Associates, dated 4/20/11.

- I. This permit authorizes a boundary adjustment between APN 105-111-32 and APN 105-081-28 and a reduction in the required street side yard setbacks to approximately 1 foot (at Redwood Drive and Pacific Heights Drive) for the existing residence on APN 105-081-28 as depicted on the approved Exhibit "A" for this permit. 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. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Record a boundary adjustment deed as specified below:
 - A. No parcel map is required. File deed(s) of conveyance (which must result in parcel configurations that match the approved Exhibit "A" for this permit) with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership. Please note that this approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property.
 1. The deed(s) of conveyance must contain the following statement after the description of the property(ies) or portion(s) of property to be transferred:

"The purpose of the deed is to adjust the boundary between Assessor's Parcel Numbers 072-392-14, -21, & -22 as approved by the County of Santa Cruz under Application 111090. This deed and approval of the related Lot Line Adjustment Number 111090 shall be deemed to permanently reconfigure the affected underlying parcels. Any configuration of such underlying parcels that existed prior to recordation of this deed shall no longer be valid and shall not be used for transfer, conveyance, sale, or any other purpose. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."
 2. Return a conformed copy of the deed(s) to the Planning Department.
 3. If a map is also to be recorded with the County Surveyor's office (which is

not required to implement this approval), you must include a copy of these Conditions of Approval to the County Surveyor with the map to be recorded.

III. Submit evidence to the Planning Department that the right of way of Pacific Heights Drive has been realigned as depicted on the approved Exhibit "A" for this permit.

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

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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 three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Randall Adams
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: 111162

Assessor Parcel Number: 105-081-28 & 105-111-32

Project Location: 3100 Redwood Drive, Aptos

Project Description: Proposal to adjust boundaries between two parcels and recognize substandard setbacks for an existing dwelling

Person or Agency Proposing Project: Powers Land Planning

Contact Phone Number: (831) 661-5170

- 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 5 - Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt:

Boundary adjustment between 4 or fewer parcels and the recognition of substandard setbacks for an existing dwelling

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

Randall Adams, Project Planner

Date: _____

Tax Area Code
69-072

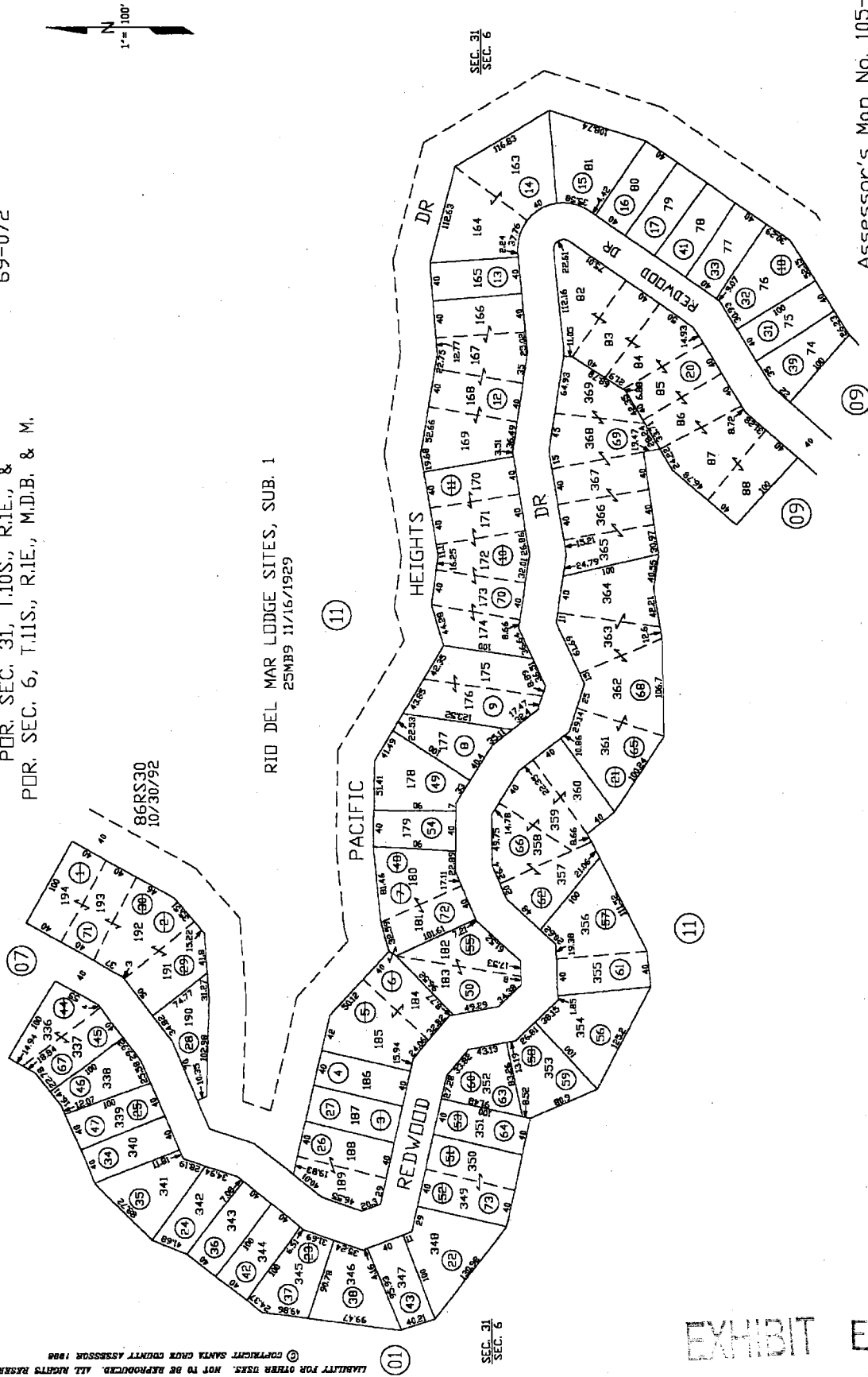
SDQUEL AUGMENTATION RANCHO
PDR. SEC. 31, T.10S., R.1E., &
PDR. SEC. 6, T.11S., R.1E., M.D.B. & M.

FOR TAX PURPOSES ONLY

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EXHIBIT E

Electronically redacted 3/31/98 KSA
Rev. 12/22/99 GG (Cor. map ref.)
Rev. 10/3/01 nvn (changed page refs.)



Assessor's Map No. 105-08
County of Santa Cruz, Calif.
March 1998

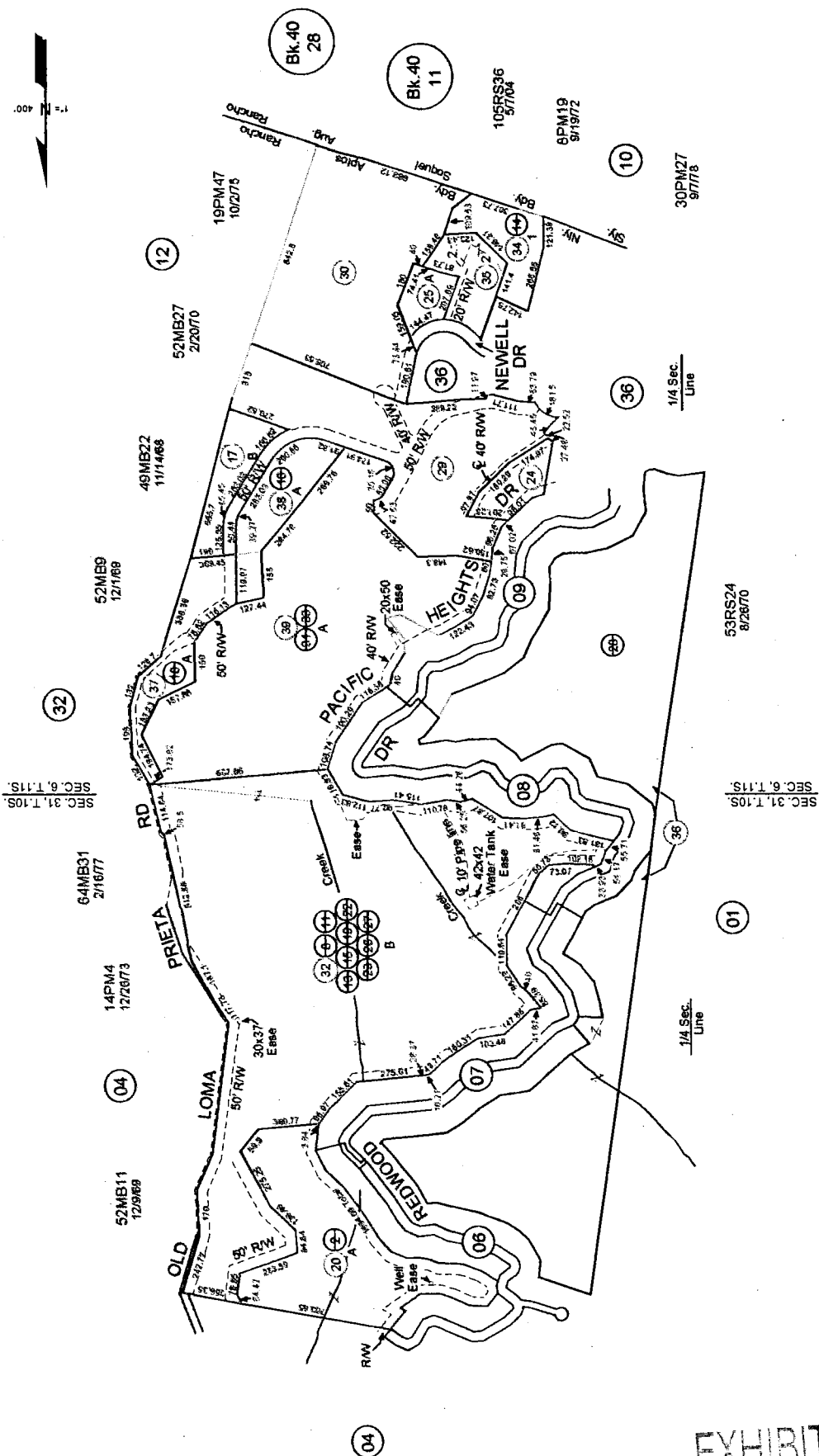
Note - Assessor's Parcel & Block Numbers Shown In Circles.

Assessor's Map No. 105-11
County of Santa Cruz, Calif.
April 1998

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

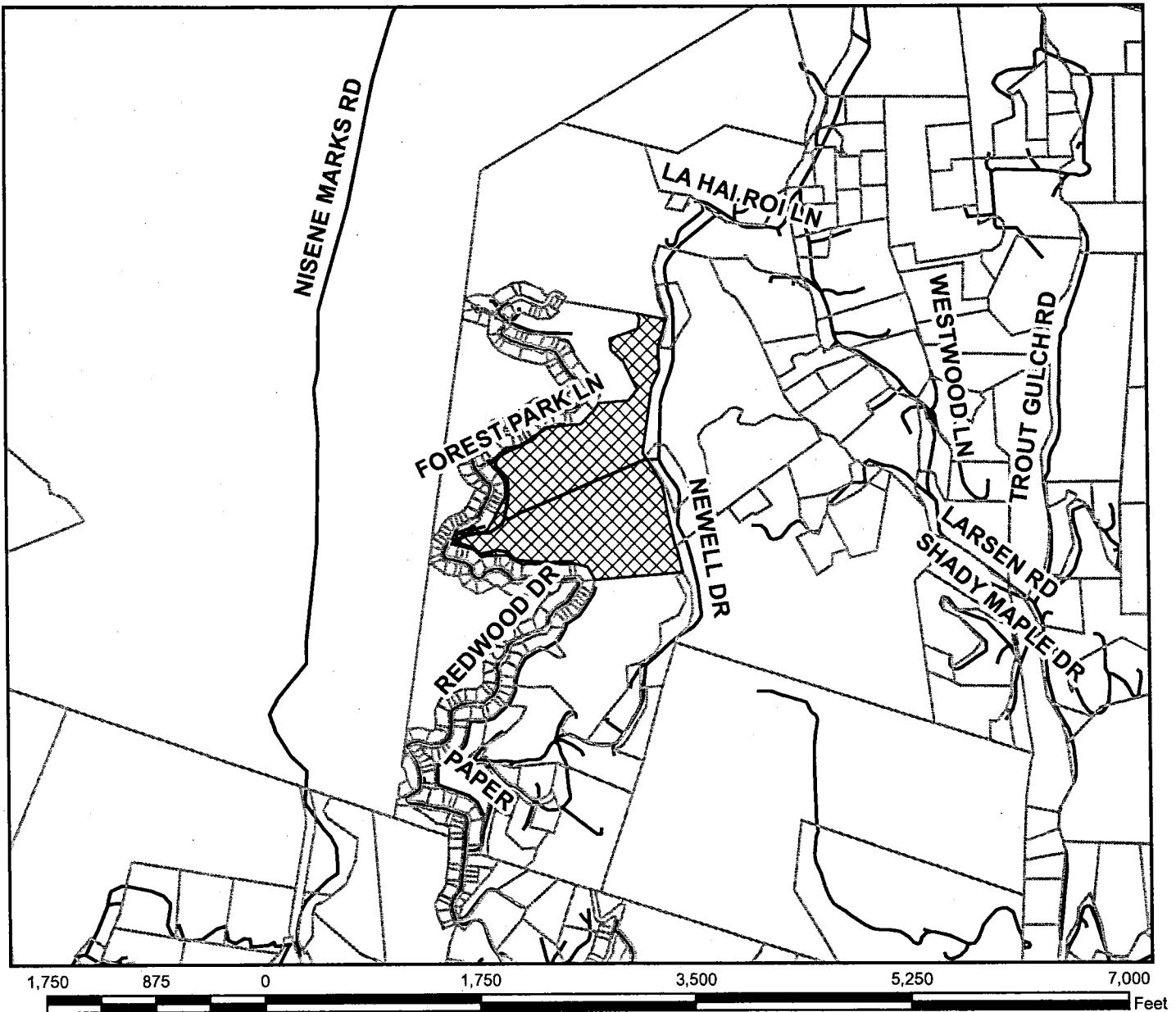
EXHIBIT E

Electronicly redrawn 4-30-88 KSA
Rev. 10/25/01 mwm (changed page refs.)
Rev 6/29/04 CG (103R538)
Rev 4/1/08 DO (spatial adjustment)
Rev. 10/21/08 mwm (3-0039194, LBA 1-39)






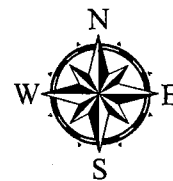


Location Map



LEGEND

-  APN: 105-111-32
-  APN: 105-081-28
-  Assessors Parcels
- Streets

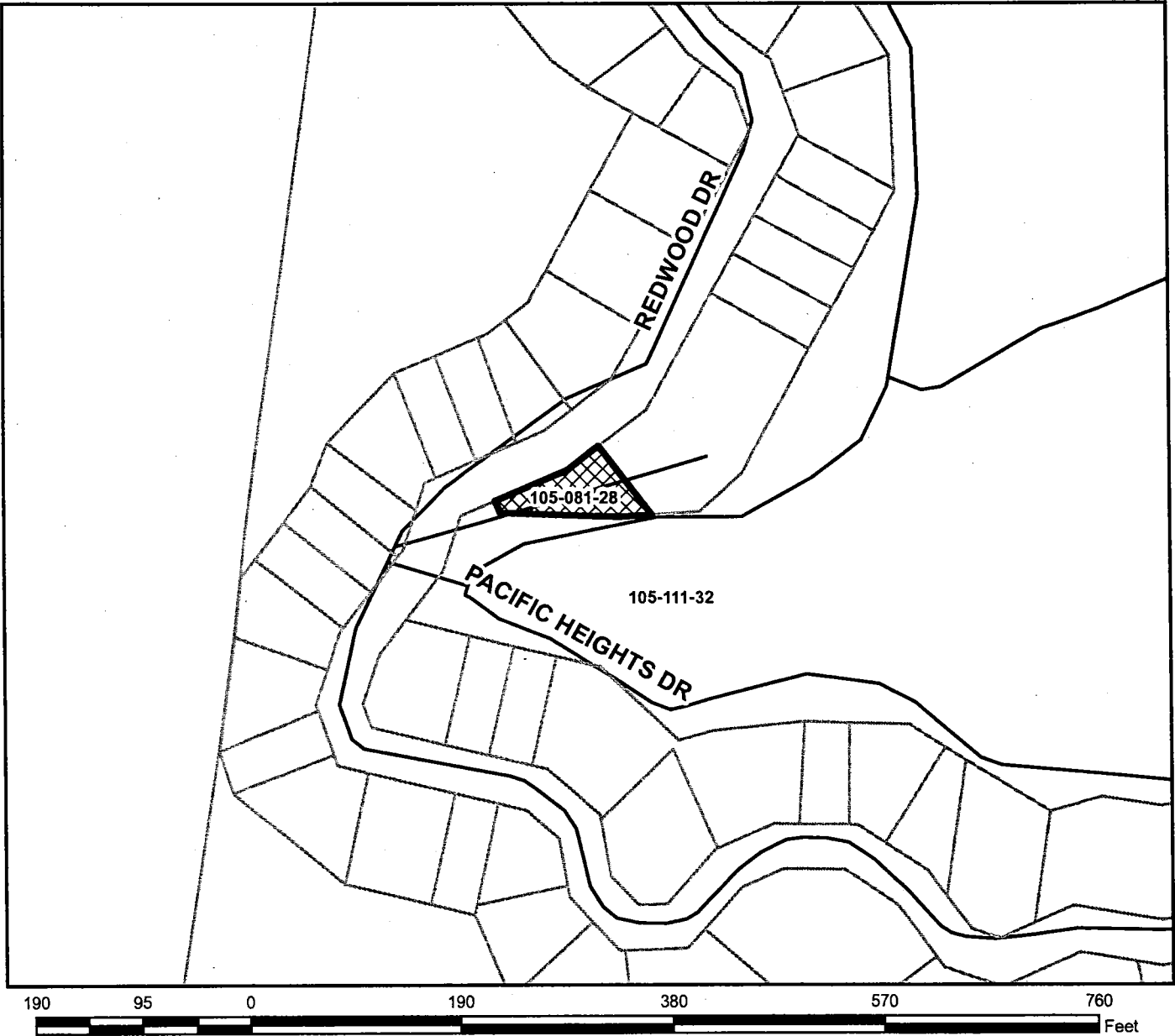


Map Created by
County of Santa Cruz
Planning Department
September 2011




EXHIBIT E

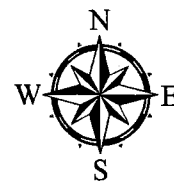


Location Map



LEGEND

-  APN: 105-081-28
-  Assessors Parcels
-  Streets

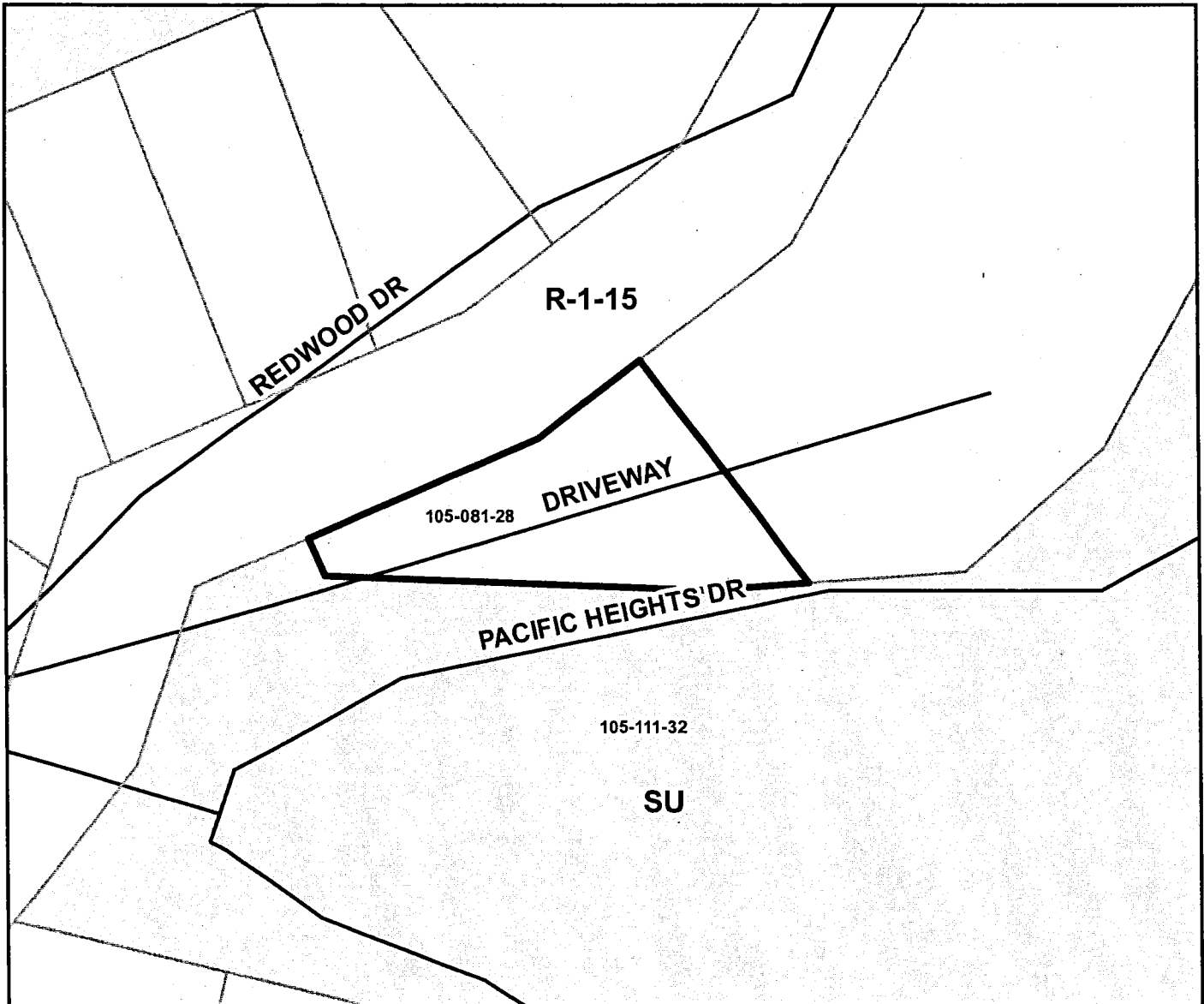


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September 2011




EXHIBIT E

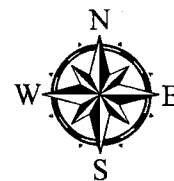


Zoning Map



LEGEND

-  APN: 105-081-28
-  Assessors Parcels
-  Streets
- RESIDENTIAL-SINGLE FAMILY
- SPECIAL USE

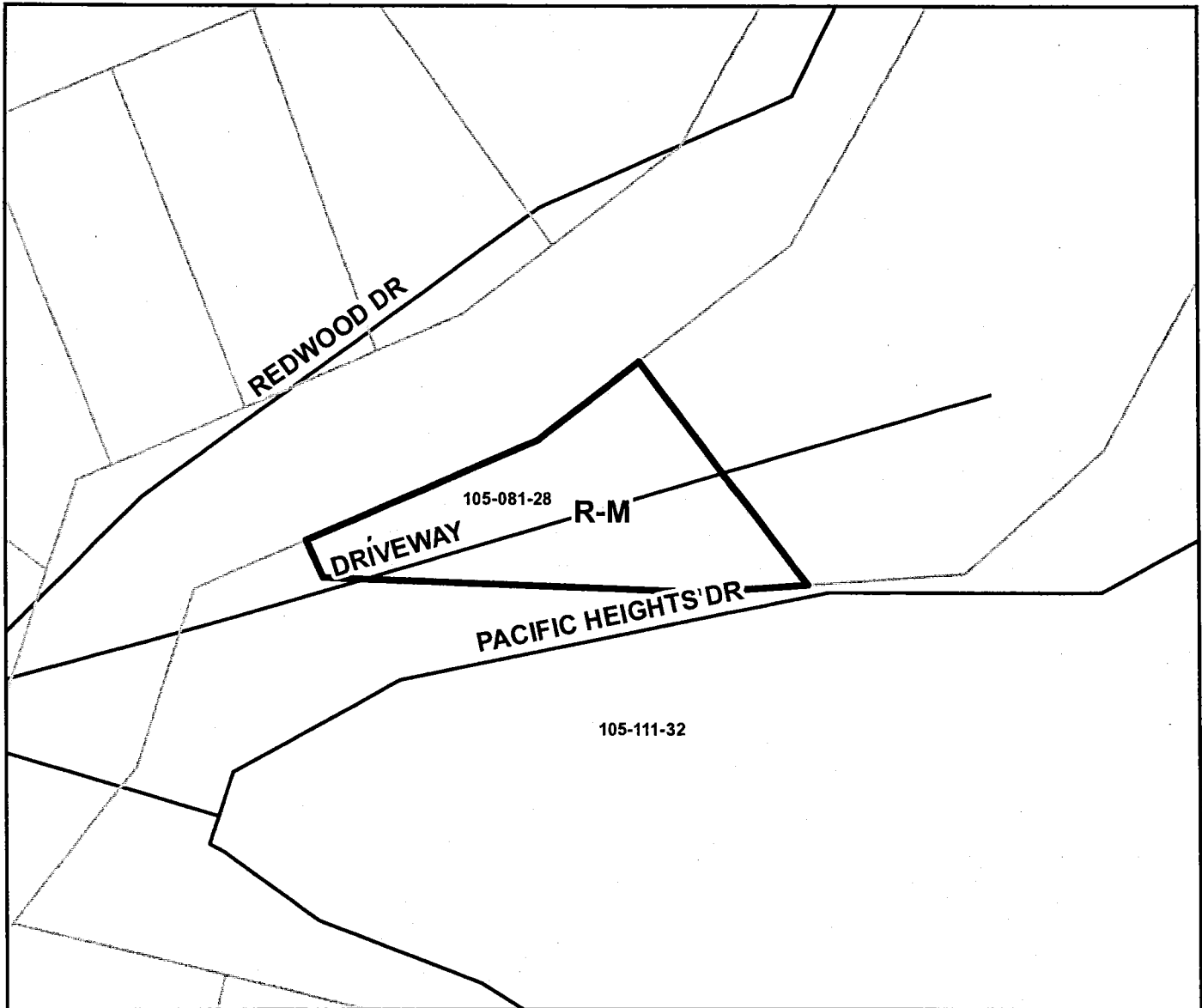


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September 2011




EXHIBIT E

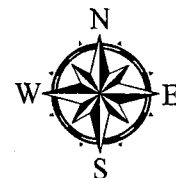


General Plan Designation Map



LEGEND

-  APN: 105-081-28
-  Assessors Parcels
-  Streets
- Residential-Mountain



Map Created by
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Planning Department
September 2011

EXHIBIT E