



## Staff Report to the Zoning Administrator

Application Number: **121090**

**Applicant:** Michael Cloud  
**Owner:** Cloud  
**APN:** 105-371-10

**Agenda Date:** 7/20/12  
**Agenda Item #:** 1  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to construct a detached two car garage. Requires a Variance to reduce the required 20 foot side yard setback to about 6 feet.

**Location:** Property located on the east side of Ranchitos Del Sol, about 2500 feet northeast of Cox Road. (554 Ranchitos Del Sol)

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

**Permits Required:** Variance

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121090, 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:	1.13 acres
Existing Land Use - Parcel:	Single family residence
Existing Land Use - Surrounding:	Rural residential neighborhood
Project Access:	Ranchitos Del Sol
Planning Area:	Aptos Hills
Land Use Designation:	R-S (Suburban Residential)
Zone District:	RA (Residential Agriculture)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

### **Environmental Information**

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: 5-20%  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### **Services Information**

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: Central Water District  
Sewage Disposal: Septic  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: None

### **Project Setting**

The subject property is a flag lot (corridor access) located off of Ranchitos Del Sol in the Aptos hills. The property is down slope from the roadway and the existing residence is located 20 feet below the roadway on the north side of the property closest to the access corridor ("flag"). The property slopes down another 30-40 feet to the south. The property is located in a rural residential neighborhood and surrounded by other detached single family residences.

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

The subject property is a parcel of approximately 1.13 acres, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The proposed garage is accessory to the principal permitted residential use within the zone district and the zoning is consistent with the site's (R-S) Suburban Residential General Plan designation.

### **Variance**

The existing residence is located within the required 40 foot front yard setback, which is measured from the point at which the access corridor terminates and the minimum lot width (100 feet minimum width in the RA zone district). Variance 76-929-V was issued for the house to be located within the required front yard setback, but the residence is located about 140 feet from the roadway (Ranchitos Del Sol) at its closest point. The variance approval was later modified by Minor Variation 03-0533, to allow an increased roof height above the existing attached one-car garage.

The existing residence and one-car garage cannot be easily expanded, and the property owner has looked into many different possibilities for locating a two-car garage. The most developable portion of the subject property is located at the north end of the parcel, due to the steep topography. The site that has been proposed would require the least amount of grading, site disturbance, or additional paving. However, this site is located within the required 20 foot side yard setback, with a proposed setback of about 6 feet from the property line. A site visit and review of other potential building sites clearly indicates that other sites on the property would be problematic, requiring substantial additional grading, paving, and/or site disturbance. Locating a garage down slope from the existing residence would be the most problematic, since it would require grading a driveway over the existing septic system. For these reasons, staff support the request for a variance to reduce the 20 foot side yard setback to about 6 feet.

### **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 **121090**, 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 reduction of the required side yard setback from 20 feet to 6 feet is recommended in order to allow the construction of a non-habitable accessory structure (garage). The steep topography of the property, the configuration of the building site, and the location of the existing septic system 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 a detached two car garage 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 and detached accessory structures similar to, or larger than, the structure that is proposed. Therefore, it would not be a grant of a special privilege for the construction of a detached two car garage on the subject property. The existing 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. 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 accessory structure will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure will be adequately separated from improvements on surrounding properties.

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 residence and the conditions under which it would be operated or 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 continue to be one single family residence. Variance findings have been made which will allow deviation from zone district site standards.

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 Suburban Residential (R-S) 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 proposed accessory structure will not generate additional traffic or overload utilities.

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 rural residential neighborhood containing a variety of architectural styles, and the proposed accessory structure 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.

Not applicable.

## Conditions of Approval

Exhibit A: Project plans, 1 sheet, prepared by Peter Guiley.

- I. This permit authorizes the construction of a detached two car garage with attic/loft, located within the side yard setback as indicated 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. Obtain a Building Permit from the Santa Cruz County Building Official.
    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.
  - C. 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. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. 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. Grading, drainage, and erosion control plans.
    2. Details showing compliance with fire department requirements. The proposed structure(s) are located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
  - B. 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.

- C. Meet all requirements of and pay all applicable drainage fees to the County Department of Public Works, Stormwater Management.
  - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
  - E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
  - F. Complete and record a Declaration of Restriction to construct a detached non-habitable accessory structure (garage with attic/loft). **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - 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 three 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.**

Application #: 121090  
APN: 105-371-10  
Owner: Cloud

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: 121090

Assessor Parcel Number: 105-371-10

Project Location: 554 Ranchitos Del Sol

**Project Description: Proposal to construct a detached two car garage.**

**Person or Agency Proposing Project: Michael Cloud**

**Contact Phone Number: (831) 454-3133**

- 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 3 - New Construction or Conversion of Small Structures (Section 15303)

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

Construction of an accessory structure on site with a single family dwelling in an area designated for residential use.

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

\_\_\_\_\_  
Randall Adams, Project Planner

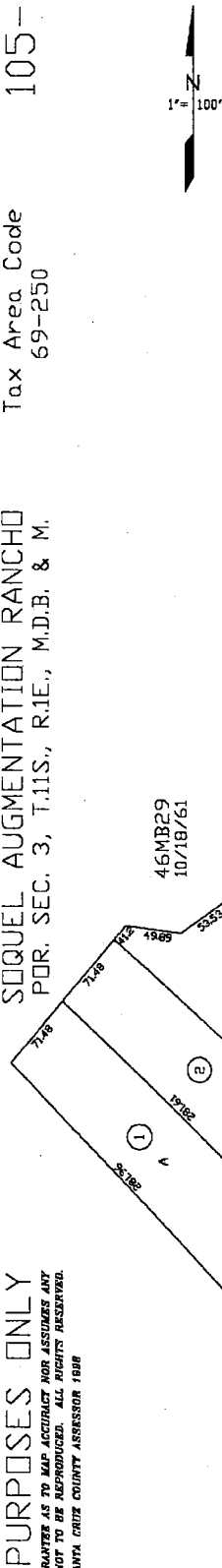
Date: \_\_\_\_\_

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SOQUEL AUGMENTATION RANCHO  
 POR. SEC. 3, T.11S., R.1E., M.D.B. & M.

Tax Area Code  
 69-250

105-37



Assessor's Map No. 105-37  
 County of Santa Cruz, Calif.  
 June 1998

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

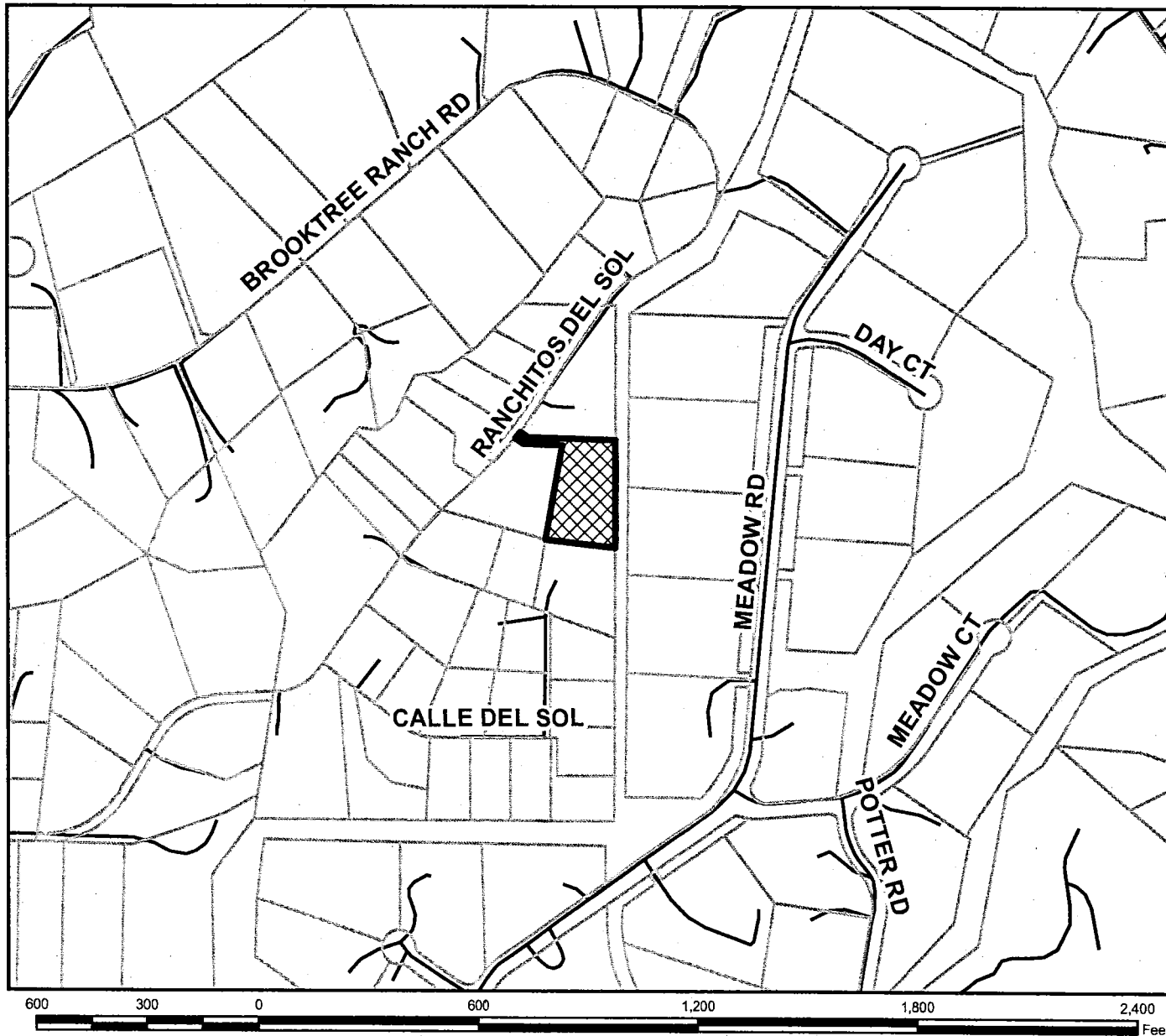
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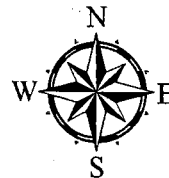


# Location Map



## LEGEND

-  APN: 105-371-10
-  Assessors Parcels
-  Streets



Map Created by  
County of Santa Cruz  
Planning Department  
May 2012


EXHIBIT E





# Zoning Map



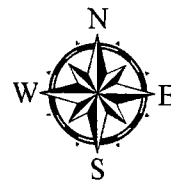
## LEGEND

 APN: 105-371-10

 Assessors Parcels

 Streets

AGRICULTURE RESIDENTIAL

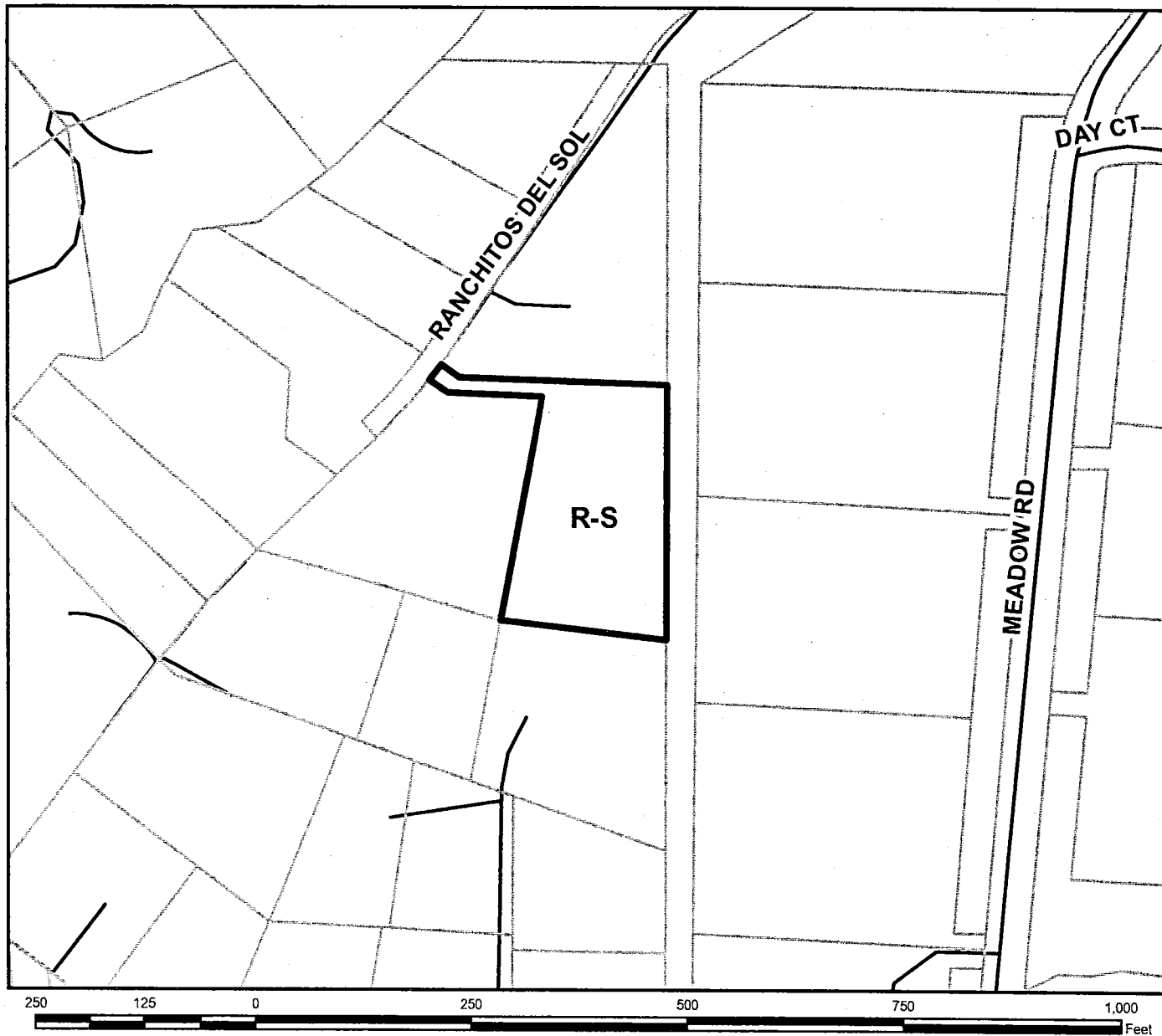


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Planning Department  
May 2012




EXHIBIT E

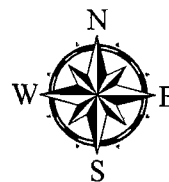


# General Plan Designation Map



## LEGEND

-  APN: 105-371-10
-  Assessors Parcels
-  Streets
- Residential-Suburban



Map Created by  
County of Santa Cruz  
Planning Department  
May 2012

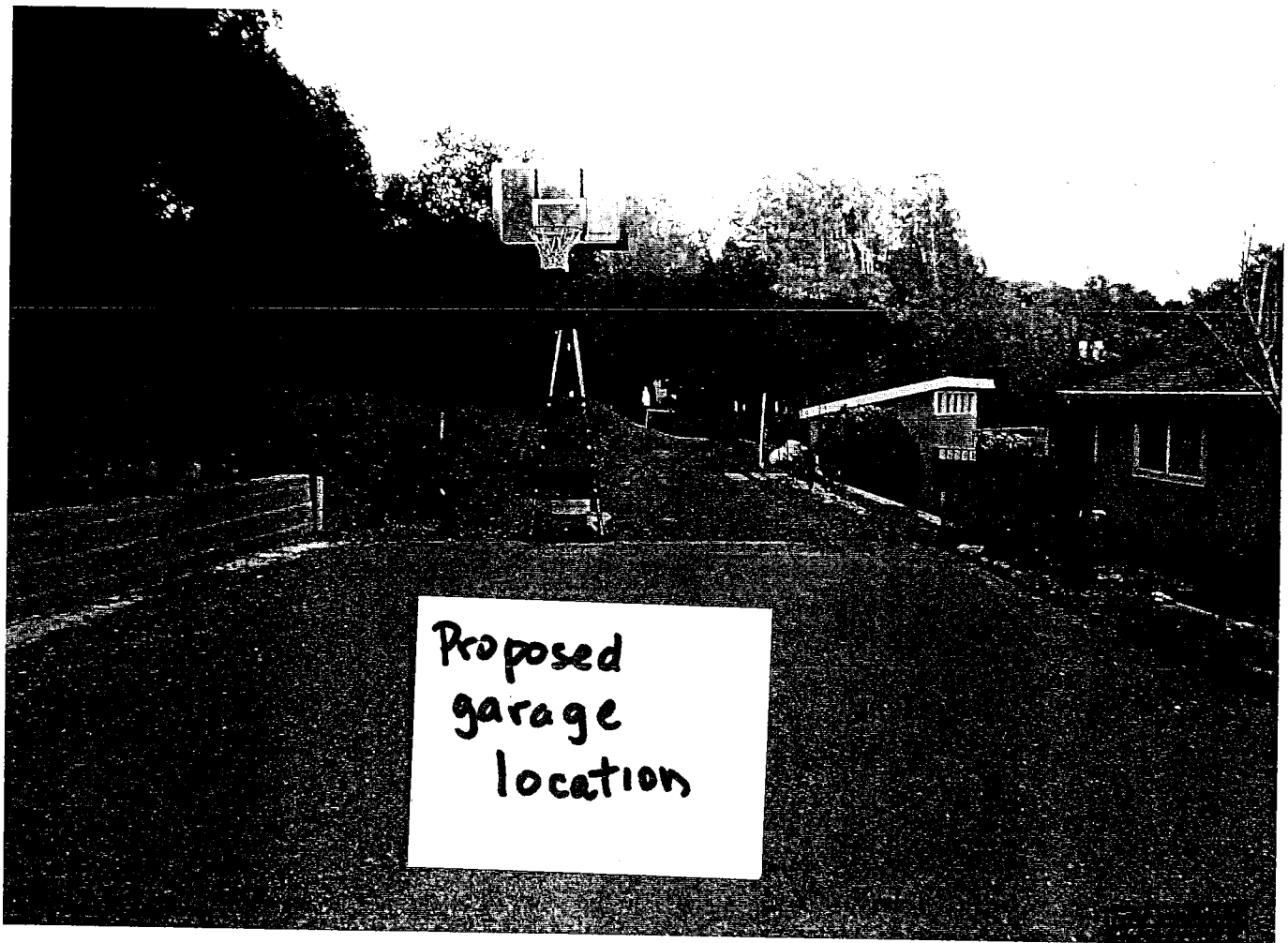
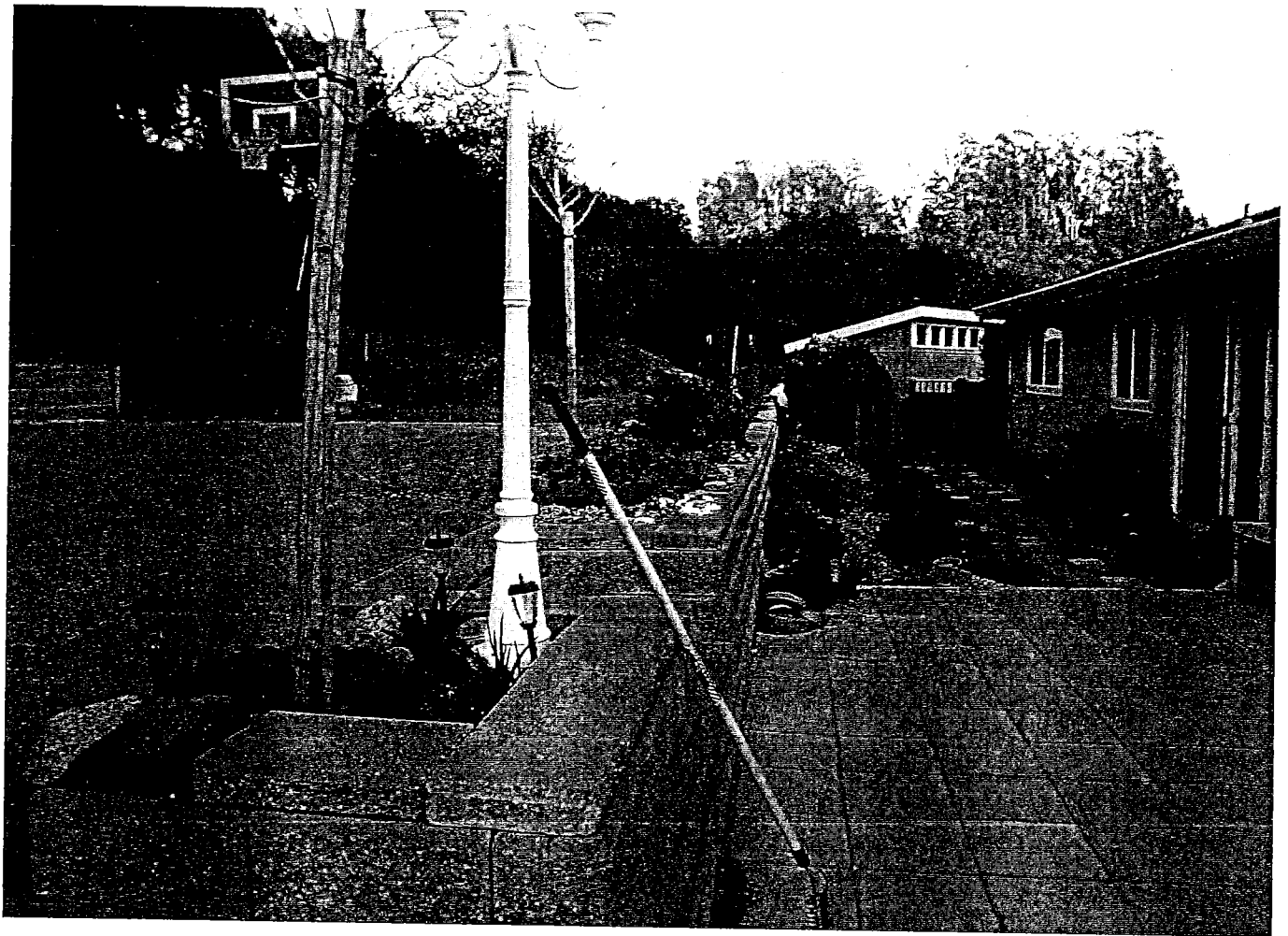
EXHIBIT E

**VARIANCE REQUEST FOR 554 RANCHITOS DEL SOL, APTOS, COUNTY PARCEL #105-371-10.**

The owners of parcel 105-371-10 request a variance to reduce the side yard set-back from 20-feet to no less than 5-feet to allow the construction of a new garage. The property is a flag shaped lot zoned Residential Agriculture. Existing structures consist of a conforming 4-bedroom house with an attached non-conforming 1-car garage. The existing garage encroaches approximately 15-feet into the 40-foot front-yard setback. There are 2 additional non-habitable structures on the property that are located within the required setbacks. The owners have 3-cars and would like to have the ability of housing at least 2 of the cars. However, due to the shape of the lot, location of existing structures, and site topography, all of the most appropriate locations for constructing a new garage will either require a variance or extensive grading. The most convenient location and one that requires the least amount of site disturbance would encroach into the 20-foot side yard setback by approximately 13-feet. The proposed location is located at the end of a paved 'hammerhead' portion of the existing driveway. No grading or site demolition would be required to construct a garage at this location.

1. **Special circumstances:** Because of the location of the existing parcel structures relative to the parcel setback requirements and topography, the property owners are unable to have a 2-car garage for a 4-bedroom house without a variance or extensively modifying the site topography. All other residences in this neighborhood have garages that are large enough to accommodate at least 2 cars. The property owners have evaluated four other potentially feasible locations for the garage on this parcel, two of which would not require a variance, but would require a significant amount of grading and require other significant site modifications. The following are description of evaluated sites a, b, c, and d.
  - a) The property owners are unable to enlarge the existing garage to accommodate 2-cars without encroaching further into the 40-foot front yard setback. Enlarging the existing garage would require a variance and block vehicle access to the rear of the property which the owners use for limited agriculture.
  - b) The owners have evaluated having a garage constructed behind the existing house. However, to do so would require modification of existing neighborhood storm water drainage, demolition and reconstruction of an existing retaining wall, extensive grading for over 100-feet of new driveway, grading and compaction for a building site, blockage of the septic expansion area, and possible modification of the existing site septic leach line.
  - c) To attach a new garage to the front of the house would require a significant amount of grading, the destruction of an extensive amount of landscaping, loss of a large bedroom and bathroom windows on the north side of the house, modification of the existing home roof, and would be aesthetically unappealing.
  - d) Construction of the garage on the east side of the house would result in the loss of the only lawned and fenced area on the property, loss of a bathroom and bedroom window and a sliding glass door for another bedroom. The yard on the east side of the house is uncompacted fill which would require removal and recompaction. Access to this location would require extensive grading in the front of the house. There is inadequate room between the house and an existing shed for multiple vehicles to access a garage at that location. Finally, Construction at this location would encroach into the rear yard setback and require a variance.
2. **The variance will meet the intent of zoning on the parcel,** which is residential agriculture, because it will only be providing covered parking for a residential structure. There is nothing unordinary about the garage that would make it detrimental to public health, safety or welfare, nor will it be detrimental to other properties in the neighborhood. The closest neighboring habitable structure to the proposed garage would be located over 70-feet away.

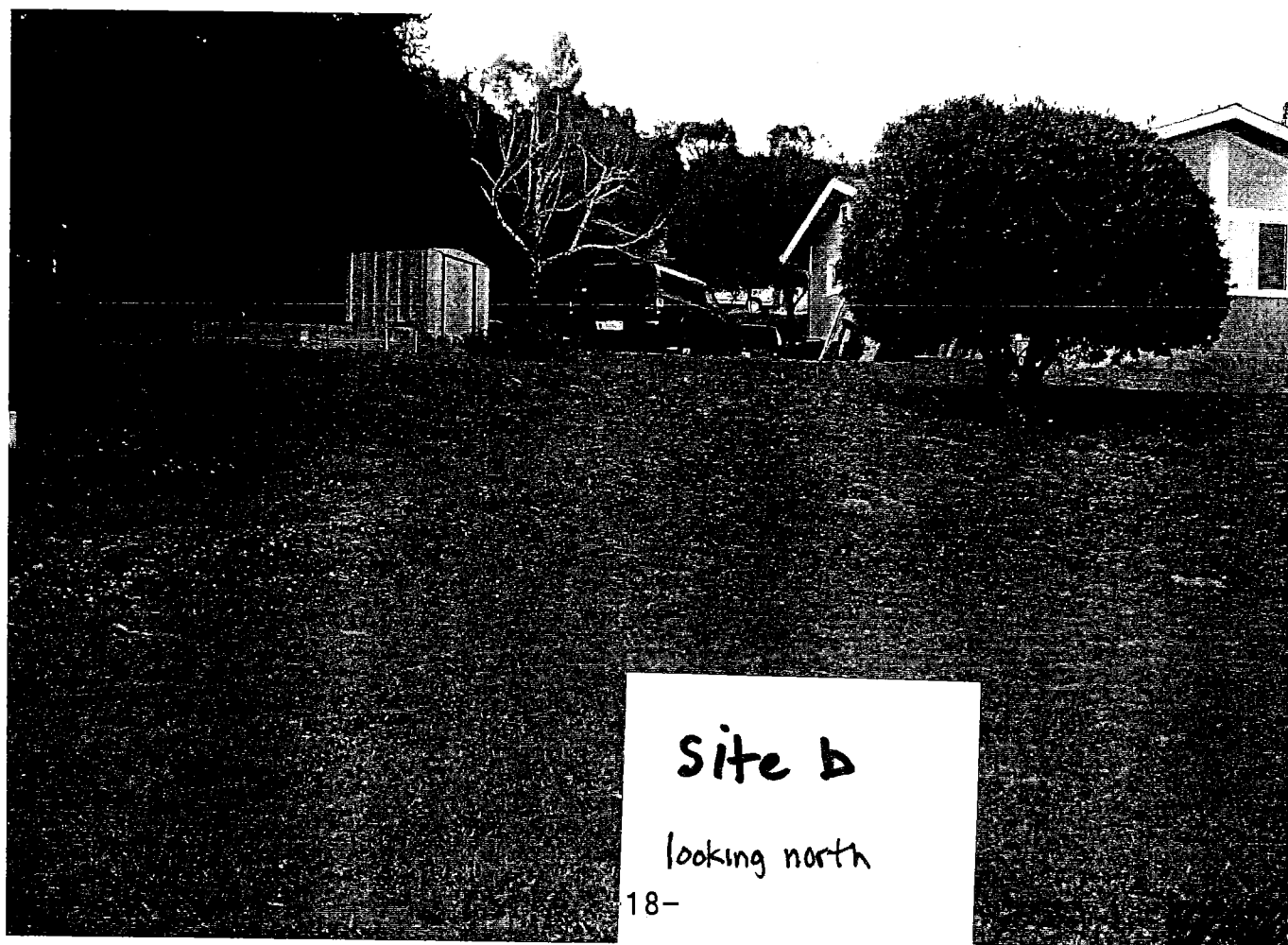






Site b

looking east



Site b

looking north

