

## **Staff Report to the Zoning Administrator**

Application Number: 131254

Applicant: Lorin Hill Owner: Darren Carrol APN: 027-112-21 Agenda Date: 12/6/13 Agenda Item #: 3 Time: After 9:00 a.m.

**Project Description**: Proposal to construct a garage below an existing single family dwelling with an entry stairway within the required front yard setback and retaining walls greater than 3 feet within the required sight distance triangle. Requires a Variance for the construction of the entry stairway and an over height wall within the front yard setback on a parcel in the R-1-3.5 zone district.

**Location**: 319 10<sup>th</sup> Avenue, Santa Cruz

Supervisorial District: District 1 (District Supervisor: Leopold)

Permits Required: Variance

#### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 131254, based on the attached findings and conditions.

#### **Exhibits**

A. Categorical Exemption (CEQA determination)

E. Assessor's, Location, Zoning and General Plan Maps

B. Findings

F. Comments & Correspondence

C. ConditionsD. Project plans

#### **Parcel Information**

Parcel Size:

2,308.7 square feet

Existing Land Use - Parcel:

Residential

Residential

Existing Land Use - Surrounding:

Private and public right of way

Project Access: Planning Area:

Live Oak

Land Use Designation:

R-UH (Urban High Residential)

Zone District:

R-1-3.5 (Single Family Residential (3,500 square foot

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

	minimum))	
Coastal Zone:	X Inside	Outside
Appealable to Calif. Coastal	Yes	X No
Comm		

#### **Environmental Information**

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

N/A

Fire Hazard:

Not a mapped constraint

Slopes:

10% Not mapped/no physical evidence on site

Env. Sen. Habitat: Grading:

Review of grading with building permit

Tree Removal:

No trees proposed to be removed

Scenic:

Not a mapped resource Existing drainage adequate

Drainage: Archeology:

Not mapped/no physical evidence on site

#### **Services Information**

X Inside Urban/Rural Services Line: Outside

Water Supply: Sewage Disposal: Public

Sewer

Fire District:

Central Fire Protection

Drainage District:

Zone 5

#### **Project Setting**

The subject parcel is located in the Yacht Harbor Special Community which is entirely within the Coastal zone. This neighborhood is characterized by smaller urban lots with a range of architectural styles. Many of the streets in the community are one way and narrow with parking on both sides of the streets. Traffic in the vicinity is slow moving and limited primarily to local residents and beach goers.

The subject parcel has double frontage with an alley in the rear and 10<sup>th</sup> Avenue in the front. There is an approximately 4 foot grade differential between the rear and front of the property. A 4 foot high retaining wall running along the west side of 10<sup>th</sup> Ave helps to create a relatively flat building site where the natural grade is an approximate 10% slope.

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

The subject property is a parcel of approximately 2,300 square feet, located in the R-1-3.5 (Single Family Residential (3,500 square foot minimum)) zone district, a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UH (Urban High Residential) General Plan designation.

#### **Local Coastal Program Consistency**

The proposed single family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles. 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.

#### Variance

Two elements of the proposed design require Variance approval. The construction of the new entry stair case encroaches further than the allowed 6 feet into the required 15 foot front yard setback. Additionally, the proposed new retaining walls in the front yard will exceed the allowed height of 3 feet within the required 10 foot sight distance triangle.

As further described in the attached findings, the proposed staircase will not encroach further than the existing stairs but due to the unique configuration of the lot, it is necessary for the stairs to encroach. Additionally, the proposed retaining wall within the front yard has been designed to protect a large oak tree located on the northeast property line. The proposed 4 foot high wall within the front yard is one foot over the allowed height and necessary due to the grade differential between the subject property and the adjacent properties as a result of the proposed excavation for the garage.

#### 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 131254, 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: Nathan MacBeth

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3118

E-mail: nathan.macbeth@co.santa-cruz.ca.us

### 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.

Assessor Parce	umber: 131254 el Number: 027-112-21 on: 319 10th Avenue
Project Descr	iption: Proposal to construct a garage below an existing single family dwelling.
Person or Ag	ency Proposing Project: Lorin Hill
Contact Phor	ne Number: (510) 654-2552
A B	The proposed activity is not a project under CEQA Guidelines Section 15378. 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).
E. <u>X</u>	Categorical Exemption
Specify type:	15301. Existing Facilities - Class 1
	ns why the project is exempt: Addition of less than 50% of the floor area to an e family dwelling.
In addition, no	one of the conditions described in Section 15300.2 apply to this project.
	Date:
Nathan MacB	eth, Project Planner

#### 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 there is a 4 foot grade differential from the alley at the rear to the 10<sup>th</sup> Ave side of the subject property. An existing 4 foot retaining wall runs along the 10<sup>th</sup> Ave side of the subject parcel and adjacent parcels to the north and south. Due to the excavation necessary to construct the garage below the existing home, new retaining walls are needed to retain the material on the adjacent properties.

Additionally, a large oak tree is situated at the north east corner of the subject property. This tree is considered by the County to be a "significant tree" and protected under County Code Section 16.34. The property owner desires to retain the tree and this project has been conditioned to ensure tree protection.

An existing "at grade" entry staircase is located on the south east side of the property extending out to the 10<sup>th</sup> Ave right of way. The proposal involves excavation of the area under the existing stair and reconstruction of a new "above grade" staircase. Though the new staircase will not encroach further than the existing entryway, the new configuration requires variance approval since the staircase is no longer on grade and will encroach more that the allowed 6 feet.

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 similar designs to that of the proposed development exist in the vicinity. At least one other property on 10<sup>th</sup> Avenue, located four properties to the north, has an approved Variance for with similar encroachments into the front yard.

Currently the only onsite parking for the subject parcel is located in the rear of the parcel off an unnamed right of way (alley). The proposal to construct a driveway entrance from the 10<sup>th</sup> Avenue side will allow the property owner to enjoy access to the subject property without having to navigate the narrow alley in the rear of the property. The proposed driveway and garage will meet County standards with regard to setbacks and ingress and egress. Though an over-height wall is proposed within the 10 foot sight distance triangle, traffic is light in volume and limited mainly to local residents due to the configuration of the surrounding streets. Additionally, traffic is very slow moving due to the narrow roads and vehicles parked along the County Right of way. Therefore, there are no significant sight-distance safety issues.

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 granting of the Variance is necessary to provide an adequate driveway and access to the existing single family dwelling. Due to the various site

constraints the need for over height retaining walls is necessary within the front yard. The granting of such variance does not constitute the granting of special privileges in that properties in the vicinity that are not encumbered with similar site constraints are able obtain access to the dwelling and an adequate access drive without variance approval.

#### **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 addition will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the location of the proposed structures are below grade as seen from the adjacent properties.

Further, the increased height of the walls will not pose a significant sight distance safety issue because of the light volume and slow moving traffic along 10<sup>th</sup> Avenue.

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 development 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-1-3.5 (Single Family Residential (3,500 square foot minimum)) zone district as the primary use of the property will be one single family dwelling that meets all current site standards for the zone district with the approval of the variance for the entry stairway.

Due to the proposed excavation of the subject parcel for construction of the new driveway, 4 foot high retaining walls within the front yard are necessary to retain the yards of the adjacent properties to the north and south. Additionally, the increased height of the walls is necessary to preserve a large oak tree located within the right-of-way.

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 existing residential use is consistent with the use and density requirements specified for the Urban High Residential (R-UH) land use designation in the County General Plan.

The proposed improvements to the existing single family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single family dwelling will not adversely shade adjacent properties, and with approval of the variance for the entry stairway and over height wall, will meet current setbacks for the zone district.

The proposed development will be properly proportioned to the parcel size and 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 single family dwelling will comply with the site standards for the R-1-3.5 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.

The subject parcel is located within the Yacht Harbor Special Community.

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 development is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is not anticipated to increase above existing levels and 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 proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family dwelling is consistent with the land use intensity and density of the neighborhood. Similar designs have been approved in the vicinity.

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 development is not subject to Design Review.

#### **Conditions of Approval**

Exhibit D: 14 Sheets, Prepared by Lorin Hill Architect, Dated 8/28/13

- I. This permit authorizes the construction of a(n) garage and addition to an existing single family dwelling. 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.
    - 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.
  - F. 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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 1/2" x 11" format for Planning Department review

and approval.

- 2. Grading, drainage, and erosion control plans.
- 3. Details showing compliance with fire department requirements.
- 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 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- F. Provide required off-street parking for 2 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.
- G. 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.
- 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 16.42.080 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 16.42.080, shall be observed.

#### IV. Operational Conditions

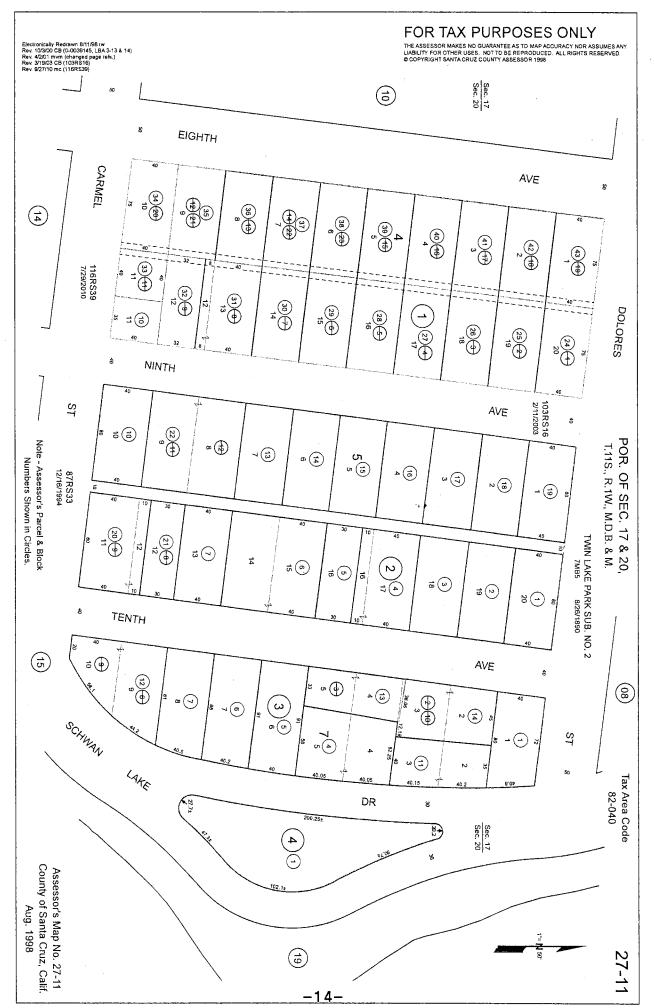
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement 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, 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 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.

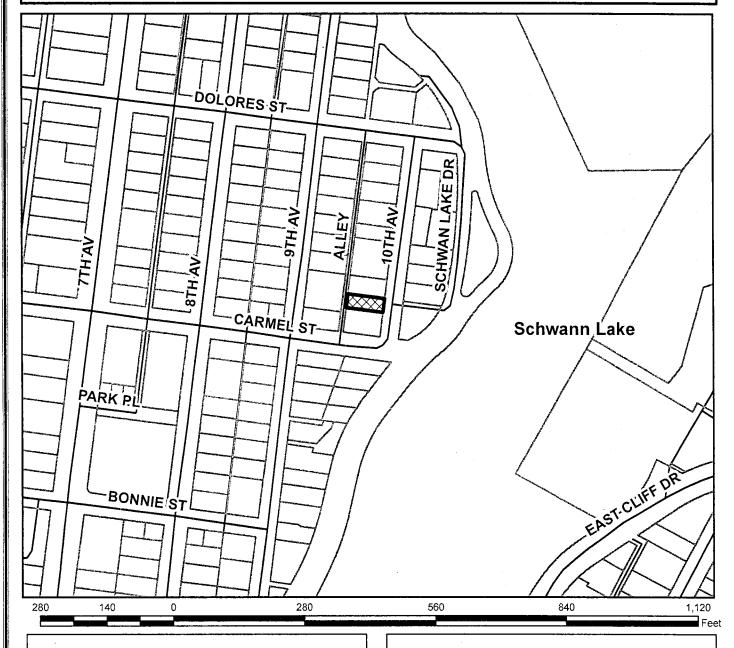
Approval Date:	
Effective Date:	
Expiration Date:	
<u> </u>	
Wanda Williams	Nathan MacBeth

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.





## **Location Map**







APN: 027-112-21



Assessors Parcels



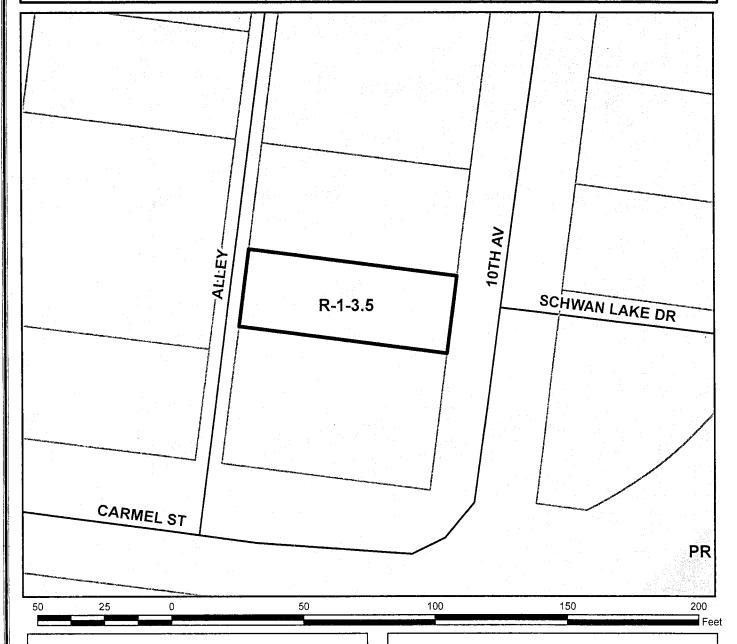
Lakes



Map Created by County of Santa Cruz Planning Department October 2013



# Zoning Map





APN: 027-112-21

Assessors Parcels

Streets

**RESIDENTIAL-SINGLE FAMILY** 

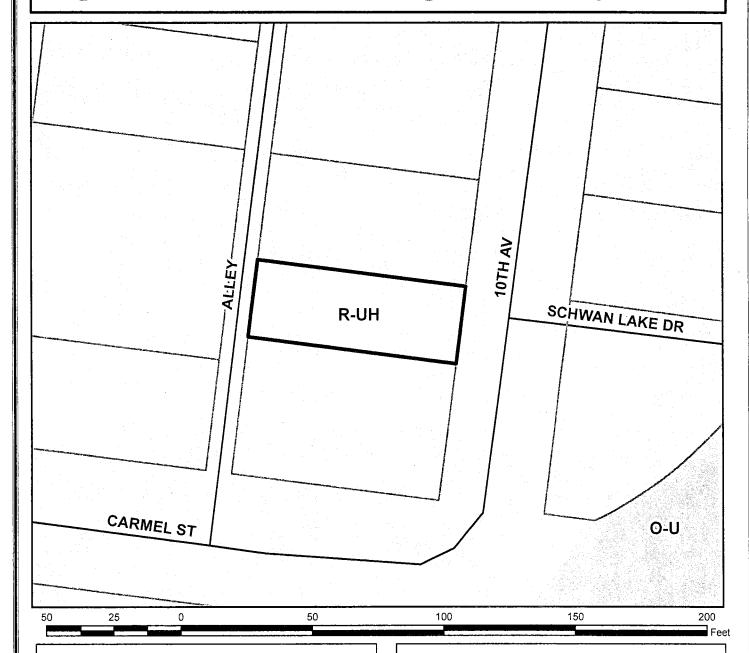
PARK



Map Created by County of Santa Cruz Planning Department October 2013



### General Plan Designation Map





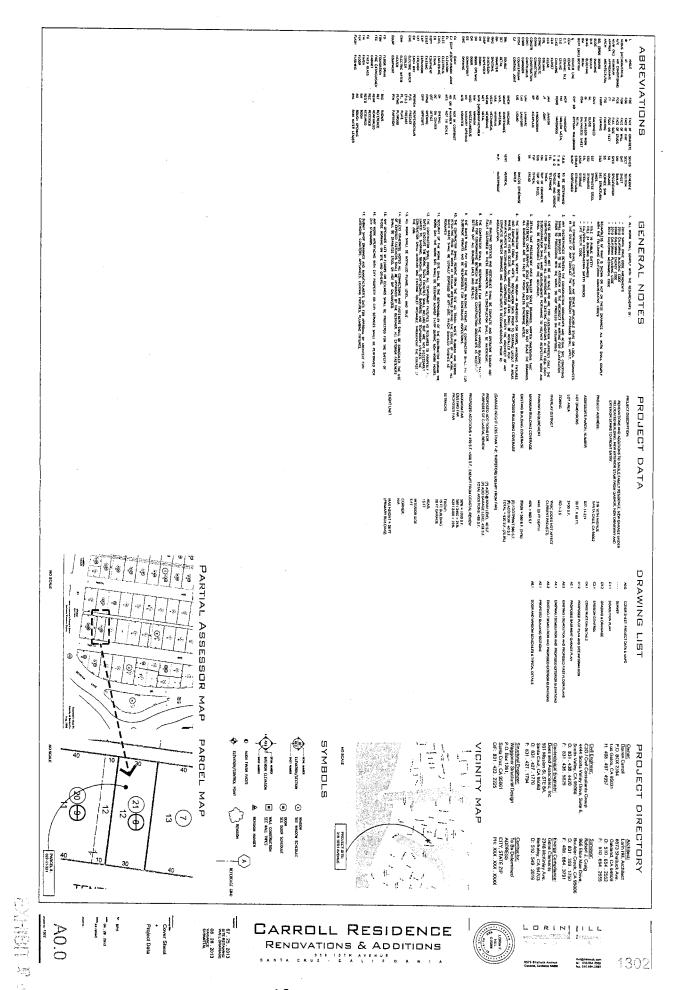
Streets

Residential - Urban High Density

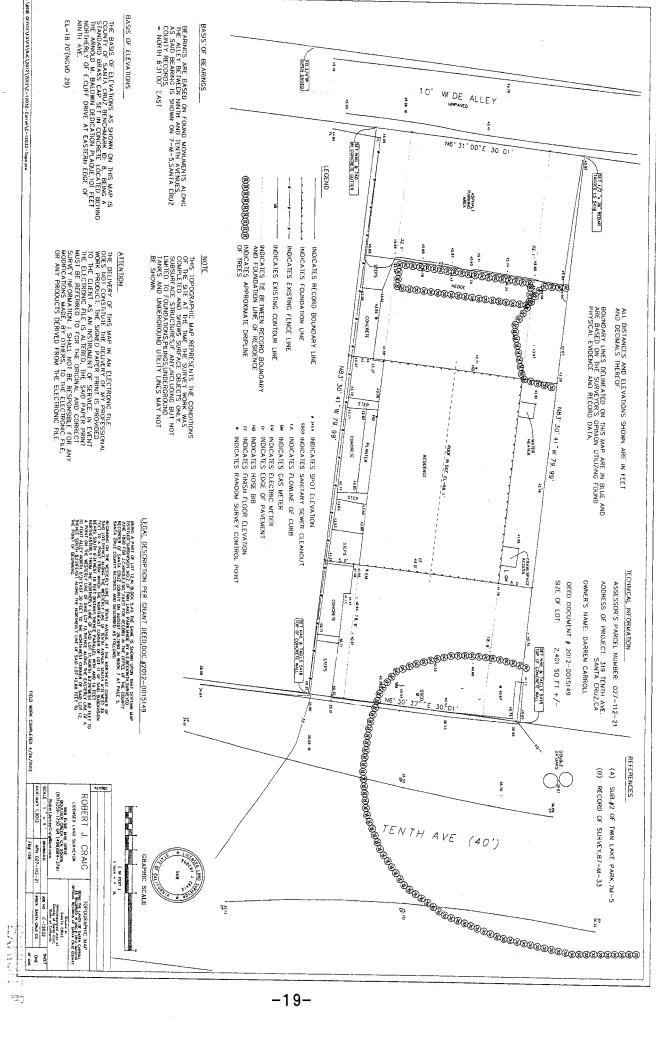
Urban Open Space

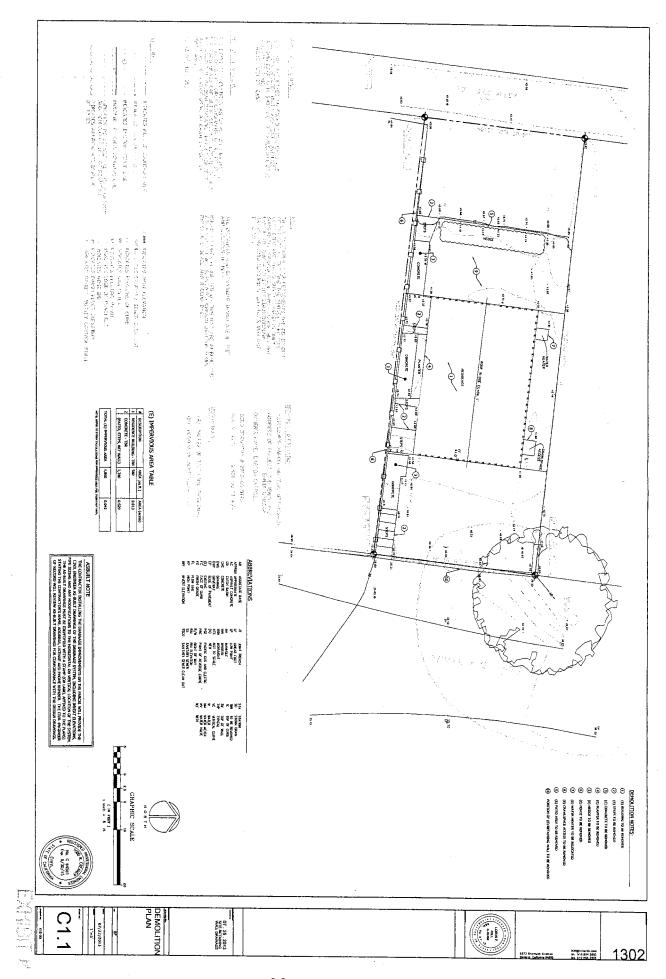


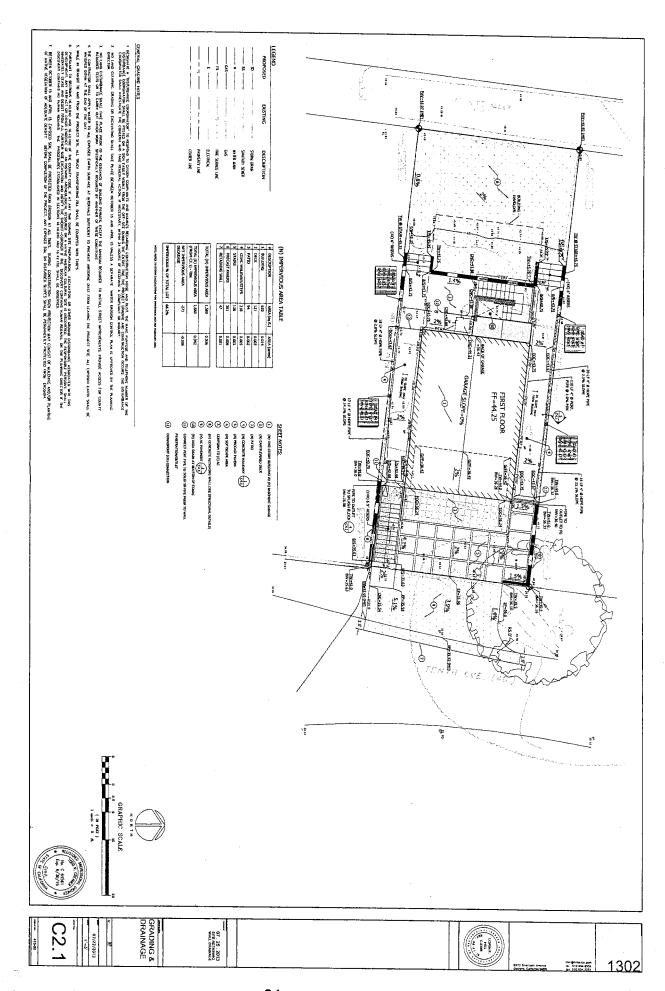
Map Created by County of Santa Cruz Planning Department October 2013

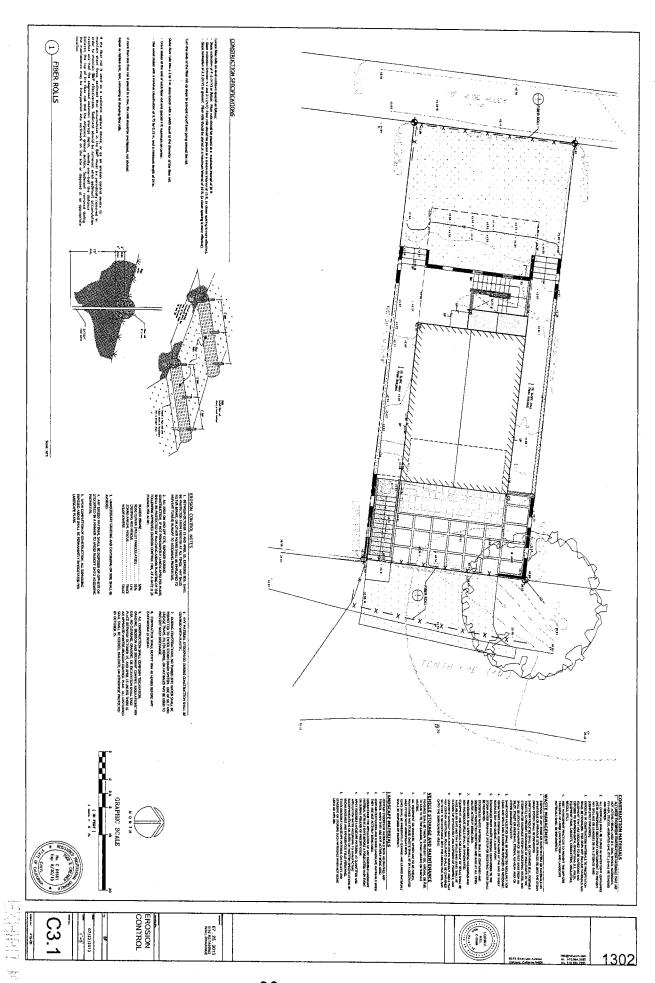


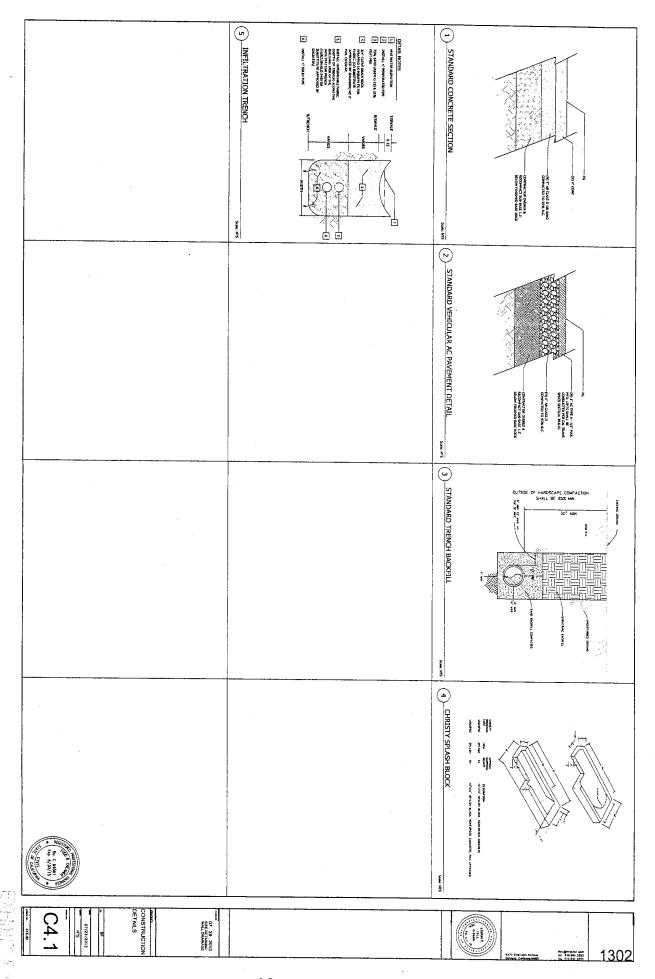
-18-

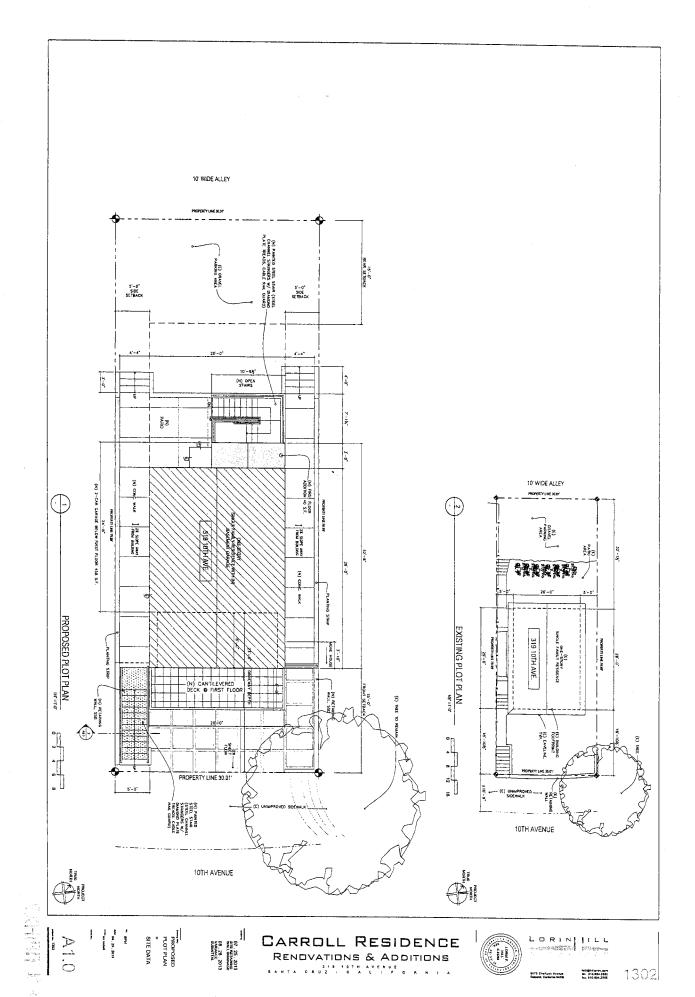












-24-

