



Staff Report to the Zoning Administrator

Application Number: **141093**

Applicant: Peter Guiley
Owner: Tornincasa
APN: 037-151-09

Agenda Date: 8/15/14
Agenda Item #: 4
Time: After 9:00 a.m.

Project Description: Proposal to construct a habitable accessory structure (640 square feet) above a non-habitable accessory structure (640 square feet) on property located in the R-1-15 zone district. Requires a Residential Development Permit for a habitable accessory structure over 17 feet in height with a half-bath (toilet), and a Variance to allow access to a habitable accessory structure from a separate driveway.

Location: Property located on the east side of Merrill Road approximately 1000 feet north of Soquel Drive (3430 Merrill Road).

Supervisory District: 2nd District (District Supervisor: Zach Friend)

Permits Required: Residential Development Permit, Variance

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 141093, 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. Conditions | |
| D. Project plans | |

Parcel Information

Parcel Size:	29,840 square feet (net site area, per plans)
Existing Land Use - Parcel:	Single family dwelling
Existing Land Use - Surrounding:	Single family residential neighborhood
Project Access:	Merrill Road

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

Planning Area: Soquel
Land Use Designation: R-UVL (Urban Very Low Density Residential)
Zone District: R-1-15 (Single family residential - 15,000 square feet minimum)
Coastal Zone: ☐ Inside ☒ Outside

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Update to prior soils report reviewed and accepted
Fire Hazard: Not a mapped constraint
Slopes: 5-20%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: 70 cubic yards (cut), 20 cubic yards (fill)
Tree Removal: No trees proposed to be removed
Scenic: Mapped resource/not visible from public roads, parks, or vista points
Drainage: Drainage plans to be reviewed at Building Permit stage
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5 Flood Control District

Project Setting

The subject property is located on the east side of Merrill Road, approximately 1,000 feet north of Soquel Drive in the Soquel planning area. The property is developed with an existing single family dwelling. This portion of Merrill Road slopes up and away from Soquel Drive and the existing residence is located on the middle of three separate terraces on the property. The surrounding neighborhood is developed with single family residences and accessory structures. The urban services line boundary is located immediately to the north of the subject property.

Project Scope

This application is a proposal to construct a garage with a habitable accessory structure above on the upper terrace of the subject property (to the north of the existing residence). The overall goal of the property owners is to construct a garage with a second dwelling unit above. However, the current situation regarding water service availability from Soquel Creek Water District to serve new second dwelling units is unclear. This proposal is to construct a habitable accessory structure over the garage and later convert it to a second dwelling unit once the water service situation with Soquel Creek Water District has been resolved.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 29,840 square feet (net site area), located in the R-1-15 (Single family residential - 15,000 square feet minimum) zone district, a designation which allows residential uses. The proposed structure would be accessory to the existing single family residence, which is a principal permitted use within the zone district. The R-1-15 zoning is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

Residential Development Permit

Within the Urban Services Line, habitable accessory structures (and second dwelling units) that are located on a second story (or that are over 17 feet in height) require a residential development permit. The proposed location of the habitable accessory structure (over the proposed garage) would not result in a loss of privacy or other visual impacts to surrounding properties due to the location of the proposed structure on a slope above the existing residence and well below the residence on the neighboring property to the north. The proposed structure would also comply with all setbacks for the R-1-15 zone district.

Variance

Within the Urban Services Line, all habitable accessory structures (and second units) are required to be accessed via the same driveway as the primary dwelling on the subject property. This proposal includes a request to vary from that requirement and to allow access via a second driveway to the north of the existing. This request for a variance is considered as reasonable due to the slope of the roadway and the existing conditions on the project site. Access to the garage will require a separate driveway (due to the slope) and the habitable structure would be located on top of the proposed garage. Requiring access from the existing driveway would be difficult to achieve (due to the existing retaining wall and slope) and would result in an excessive volume of grading on the project site.

Design Review

The subject property is located within a mapped scenic area, but is not visible from any designated scenic roads, public parks, or designated scenic vista points. The construction of the proposed accessory structure complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as a pitched roof, balcony, and quality exterior materials to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

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

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **141093**, 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

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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: 141093
Assessor Parcel Number: 037-151-09
Project Location: 3430 Merrill Road

Project Description: Construct an addition to an existing single family dwelling.

Person or Agency Proposing Project: Peter Guiley

Contact Phone Number: (831) 688-5362

- 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).
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 a residential addition in an area designated for residential uses.

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

Randall Adams, Project Planner

Date: _____

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 slope of the subject property poses an extreme challenge to providing access to the proposed garage (and habitable structure above) from the existing driveway. Requiring access to the habitable accessory structure from the existing driveway would require excessive grading and would prevent the proposed garage from being accessible from Merrill Road. Allowing the proposed garage (and habitable structure above) to be accessed by a separate driveway is recommended to allow the construction of an accessory structure similar to other properties in the vicinity. The slope of the property and location of the existing driveway 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 construction of a garage and habitable accessory structure on a residentially zoned parcel and the proposed driveway improvements will not adversely affect existing 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 accessory structures. The parcel next door has two driveways, one service the house and one serving a detached accessory structure. Therefore, it would not be a grant of a special privilege for the construction of an accessory structure on the subject property with access from a separate driveway. The proposed residential accessory structure will be 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 meets all current setbacks that ensure access to these amenities.

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 accessory structure 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 feet minimum) zone district, and the proposed structure would be accessory to the primary residential use of the property. The proposed location of the habitable accessory structure (over the proposed garage) would not result in a loss of privacy or other visual impacts to surrounding properties due to the location of the proposed structure on a slope above the existing residence and well below the residence on the neighboring property to the north.

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 structure is accessory to the primary residential use and is consistent with the use and density requirements specified for the Urban Low Density Residential (R-UL) land use designation in the County General Plan.

The proposed accessory structure 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 accessory structure will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed accessory structure 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 accessory structure will comply with the site standards for the R-1-15 zone district (including setbacks, lot coverage, and floor area ratio).

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 is to be constructed on site with an existing single family dwelling. 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 proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the existing residential use (including 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.

This finding can be made, in that the proposed accessory structure 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.

Conditions of Approval

Exhibit D: Project Plans, prepared by Peter Guiley, revised 5/1/14.

- I. This permit authorizes the construction of a detached garage with habitable accessory structure above, as indicated on the approved Exhibit "D" 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 "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. If the

proposed structure(s) are located within the State Responsibility Area (SRA) 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 Zone 5 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 fees to the Santa Cruz County Sanitation District.
 - E. Meet all requirements and pay any applicable plan check fee to the Central Fire Protection District.
 - F. Submit 3 copies of a soils report update letter prepared and stamped by a licensed Geotechnical Engineer.
 - G. Pay the current fees for Parks and Child Care mitigation for 1 bedroom(s). Currently, these fees are, respectively, \$800 and \$109 per bedroom.
 - H. Pay the current fees for Roadside and Transportation improvements for 1 bedroom(s). Currently, these fees are, respectively, \$1,000 and \$1,000 per bedroom.
 - I. Provide required off-street parking for 4 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.
 - J. 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.
 - K. Complete and record a Declaration of Restriction to construct a Non-Habitable Accessory Structure (garage). **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
 - L. Complete and record a Declaration of Restriction to construct a Habitable Accessory Structure (upper floor above garage). **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 16.42.080 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.
- B. At any time that water service becomes available for a second dwelling unit from the Soquel Creek Water District, the habitable accessory structure over the garage may be converted to a second dwelling unit with all required Building Permits and associated approvals. This Residential Development Permit is valid for conversion of the approved habitable accessory structure to a second dwelling unit (located on a second story and over 17 feet in height). No further Residential Development Permit approval is required to convert the habitable accessory structure to a second dwelling unit.

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.

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 #: 141093
APN: 037-151-09
Owner: Tornincasa

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Wanda Williams
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.

FOR TAX PURPOSES ONLY

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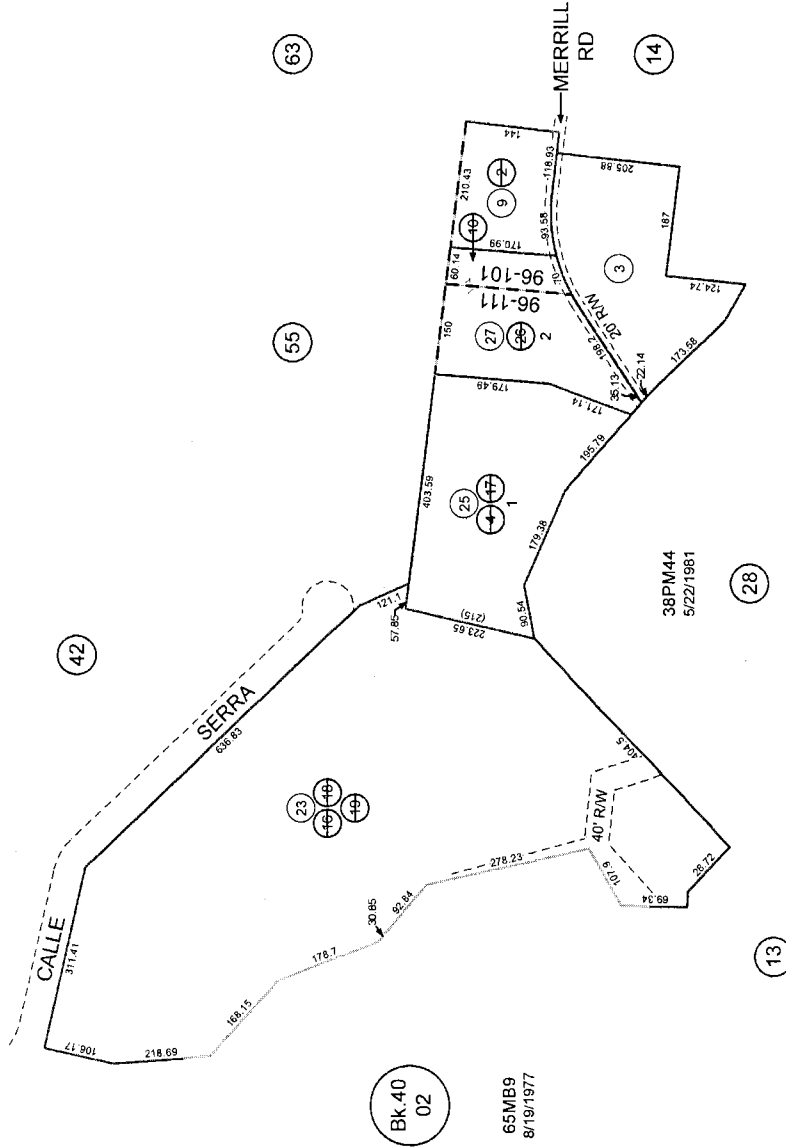
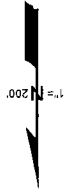
POR. SOQUEL RANCHO

SEC. 2 & 11, T.11S., R.1W., M.D.B. & M.

Tax Area Code
96-101 96-111

37-15

1" = 1200'



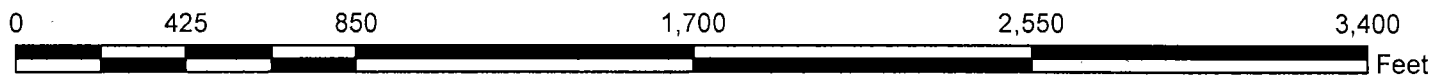
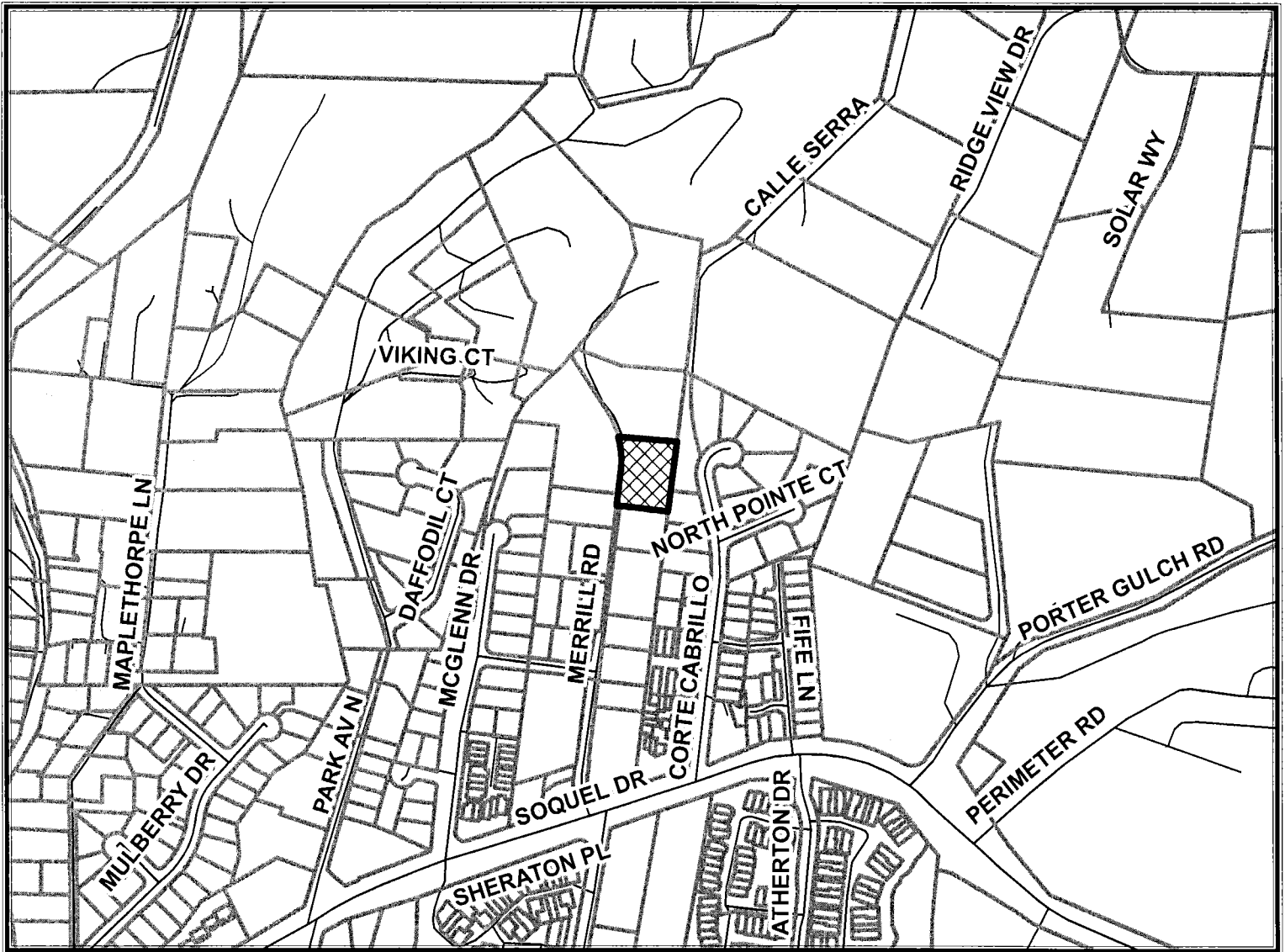
Electronically Redrawn 5/17/98
Rev. 4/8/09 mc (2009-0001547) por. from st. 1-28
Rev. 7/15/11 mc (por. to pg. 63)

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




Assessor's Map No. 37-15
County of Santa Cruz, Calif.
May, 1998

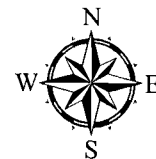


Location Map



LEGEND

-  APN: 037-151-09
-  Assessors Parcels
-  Street

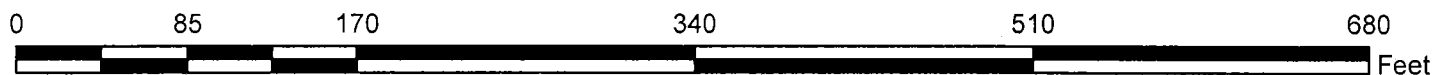
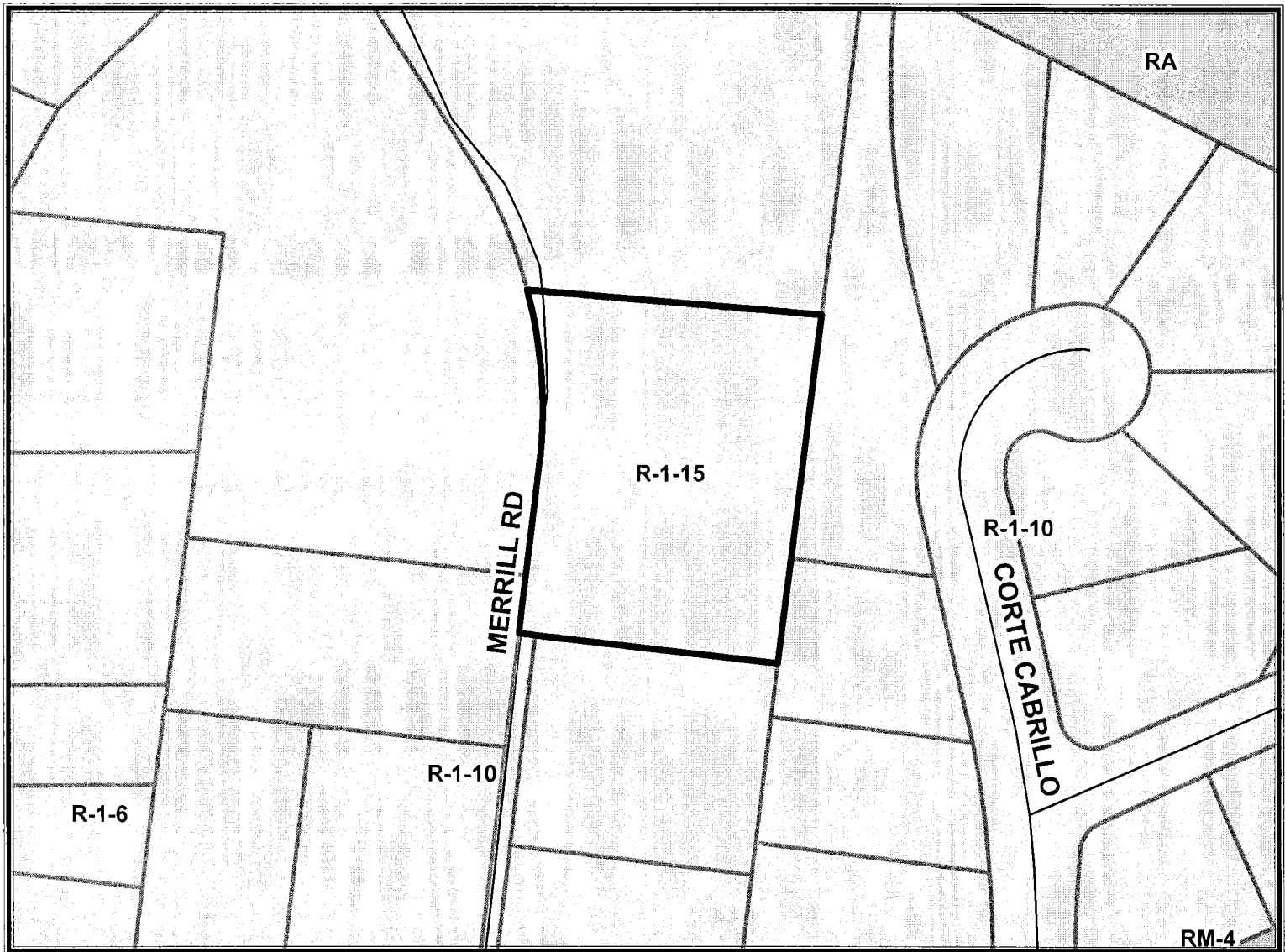


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June 2014







EXHIBIT E

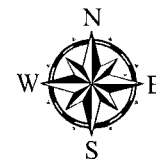


Zoning Map



LEGEND

-  APN: 037-151-09
-  Assessors Parcels
-  Street
-  RESIDENTIAL-SINGLE FAMILY
-  AGRICULTURE RESIDENTIAL
-  RESIDENTIAL-MULTI FAMILY

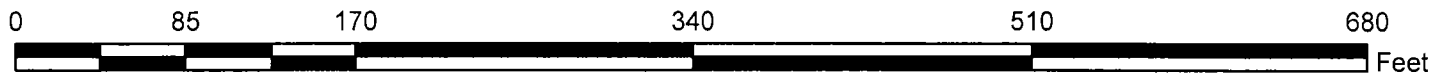
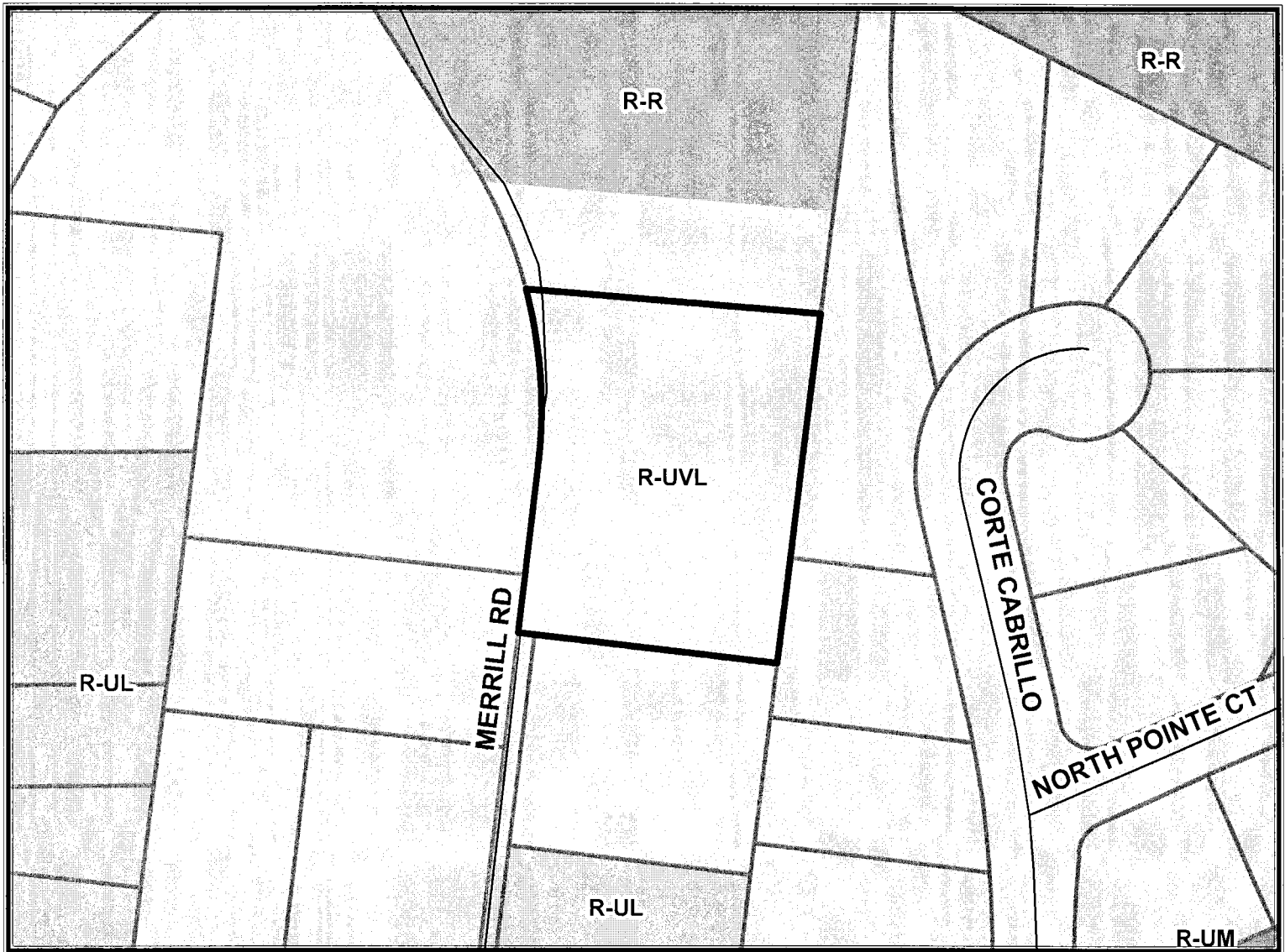


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EXHIBIT E

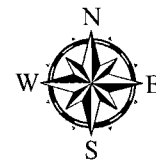


General Plan Designation Map



LEGEND

-  APN: 037-151-09
-  Assessors Parcels
-  Street
-  Residential - Urban Very Low Density
-  Residential - Urban Low Density
-  Residential-Rural
-  Residential - Urban Medium Density



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