



Staff Report to the Zoning Administrator

Application Number: **151199**

Applicant: Sun Designs
Owner: Robert & Lynn Davidson
APN: 03950106

Agenda Date: Jan. 15, 2016
Agenda Item #: 7
Time: After 9:00 a.m.

Project Description: Proposal to modify walls and add doors to convert an existing carport to a garage. Requires a Variance to reduce the front setback at the east corner of the structure from the existing 3 feet 11²/₃ inches down to a proposed distance of approximately 3 feet 3 inches, and on the at the east corner of the structure from a distance of 7 feet 6 inches down to approximately 6 feet 11 inches. Property located on the south side of Viewpoint Road (7310 Viewpoint Rd) approximately 0.25 miles west of the intersection with Mesa Dr.

Location: 7310 Viewpoint Road, Aptos.

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

Permit Required: Variance

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 151199, 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:	19,800 sq.ft.
Existing Land Use - Parcel:	Single family residential
Existing Land Use - Surrounding:	Single family residential
Project Access:	Viewpoint Road, a privately maintained, 30-foot right-of-way developed with a 16 feet paved road.
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Density Residential)
Zone District:	R-1-10 (Single-family residential - 10,000 square foot

Coastal Zone: minimum)
___ Inside X Outside

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: 30-50 percent plus
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Mapped scenic resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: X Inside ___ Outside
Water Supply: Soquel Creek Water Dist.
Sewage Disposal: Sanitation
Fire District: Aptos
Drainage District: Flood Zone 6

History

Building permit #27362 was finalized on 8-7-1972 for a two-bedroom dwelling and garage on the parcel. In 1989, building permit 4168-D was issued for earthquake damage repair to an existing "destroyed carport" and damaged retaining wall. This permit was finalized on 1/25/1991. The current parking structure is a detached carport.

A reroof of the dwelling and detached carport was completed with permits in 2011. Two decks (not affecting carport) were replaced with permits in 2003.

Project Setting

The subject property is located on the south side of Viewpoint Drive, a 30 foot right-of-way developed to a road width of approximately 16 feet. The property contains an existing conforming dwelling and the detached, nonconforming carport. The dwelling and carport are on a slope steeper than 30% in most areas, and greater than 50% in places.

The existing 1-story carport does not meet the minimum required 20-foot front yard setback. Based on a survey performed by Hanagan Land Surveying in September, 2015, the existing front setback of the carport ranges from 3 feet 11²/₃ inches to 7 feet 6 inches. The carport meets the minimum 10-foot side yard setbacks.

A retaining wall is located along the edge of the garage, below the level of the roadway.

Detailed Project Description: The project will include construction of walls, windows and doors to convert an existing carport to a garage, and installation of a matching gate in an existing attached fence. The installation of doors in the front of the structure will require a variance, as the front of the carport is less than four feet from the edge of the right of way of Viewpoint Road. Construction of the doors will include structural posts and joists that will add about 7 inches to the front of the structure. The side walls will be filled in where open, and small windows added to existing and proposed walls to admit light. No changes to the roof are proposed, so the eave setback to the right of way will not be changed, nor will the building height. The purpose of the project is to improve the security of the structure and the safety of persons using the parking structure, as well as to facilitate ingress and egress by slightly reducing the slope of the driveway at the garage entry. The fence gate will not change the height or location of the existing fence.

Non-Conforming Regulations

Structures lawfully erected prior to the adoption of the zoning code that do not conform to current standards prescribed in the regulations for the zoning district are considered non-conforming structures. Modifications to the nonconforming structure are subject to the non-conforming regulations contained in County Code Section 13.10.260-262. Nonconforming structures that are less than five feet from a right-of-way are allowed by right to modify or replace up to 50 percent or more of the major structural components within any consecutive five-year period. The proposed modifications to the subject carport total approximately 36 percent, including structural modifications front wall where the garage doors are mounted and modification of the sides to fill in walls and add windows.

Variance

Both front corners of the existing carport that was rebuilt pursuant to Building Permit 4168-D are located within the front yard. Steep slopes to the rear of the carport required placing it in the existing location and preclude relocating the carport, where only the addition of doors and enclosure of the sides are proposed. These are special circumstances that would deprive the property of development otherwise meeting the allowed floor area and privileges enjoyed by other property within the vicinity and this zone district.

The proposed addition provides a 3'3" – 6'11" setback from the edge of the right-of-way / property line in front, but remains approximately 17 feet back from the edge of the roadway and otherwise does not impede sight distance, impair vehicle safety, or block views of adjacent homes across the site toward the ocean. The setback to the existing eave of the carport, 9.24 inches, will remain unchanged. The existing depth of the 3-car garage is 19 feet, and this would increase to 19'7½" and increase the capacity of the garage. The width will remain 28'½".

Zoning & General Plan Consistency

The subject property is a parcel of approximately 19,800 square feet, located in the R-1-10 (Single-family residential - 10,000 square foot minimum) zone district, a designation which allows residential uses. The carport and single family dwelling are a principal permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

Environmental Review

The proposed project qualifies as exempt from further environmental review under CEQA Section 15303, New Construction or Conversion of Small Structures, because the project consists of a very minor (7-inch) expansion to an existing carport and installation of garage doors.

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.

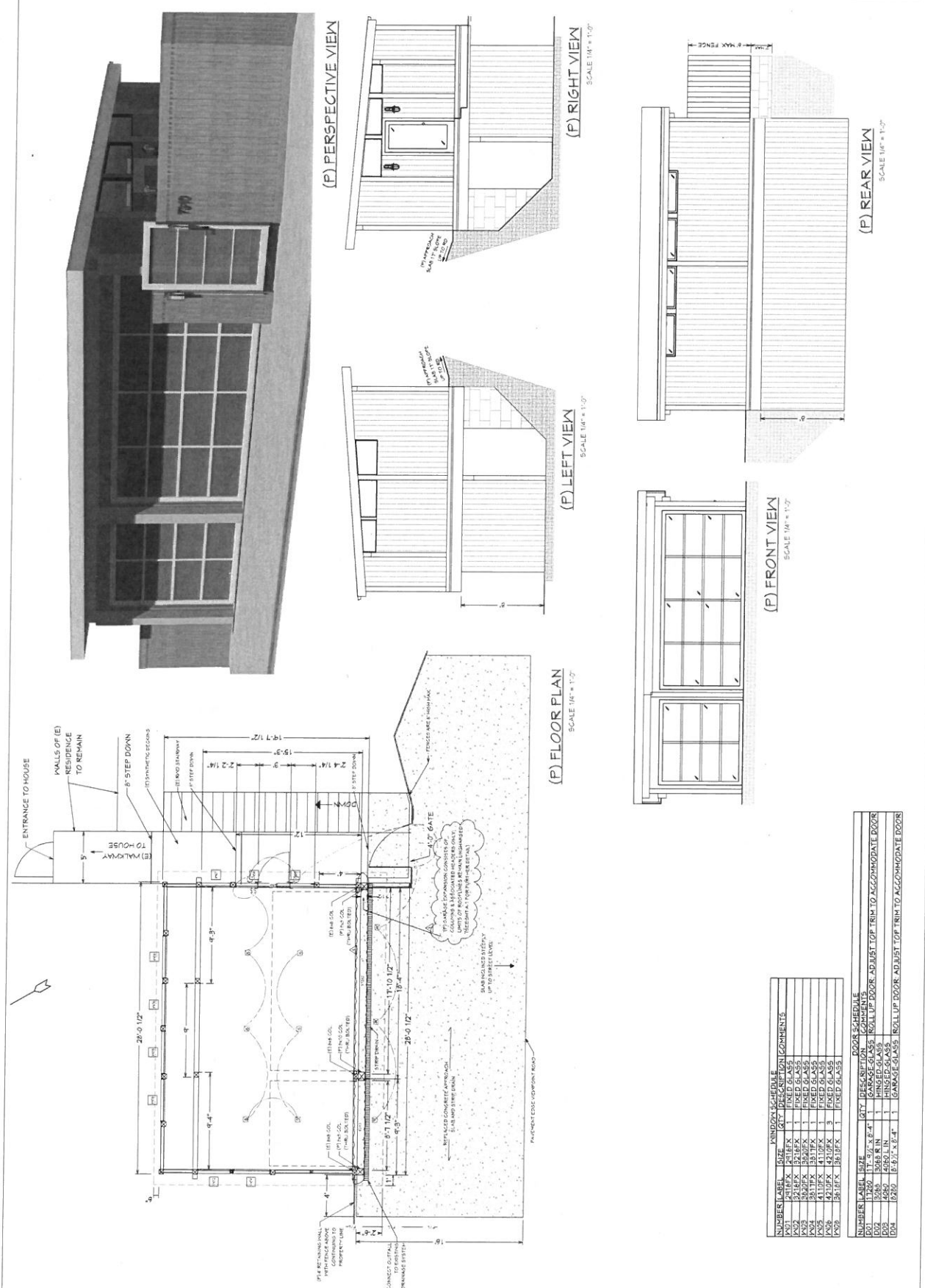
Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **151199**, 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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SUN DESIGNS

2001 SPARROW VALLEY RD. APTOS, CA 95003
PHONE: 831-688-1331

PROPOSED FLOOR PLAN

ANGELA MOLINA RESIDENCE
CARPORT TO GARAGE CONVERSION
1310 VIEWPOINT RD., APTOS, CA

Project Information
SUN DESIGNS
Drawn by: T. Hinz

REVISIONS

NO.	DATE	DESCRIPTION
1		

A4

ANGELA MOLINA RESIDENCE

WINDOW SCHEDULE			
NUMBER	LABEL	SIZE	COMMENTS
W01	24" X 36"	24" X 36"	FIXED GLASS
W02	36" X 48"	36" X 48"	FIXED GLASS
W03	36" X 48"	36" X 48"	FIXED GLASS
W04	36" X 48"	36" X 48"	FIXED GLASS
W05	36" X 48"	36" X 48"	FIXED GLASS
W06	36" X 48"	36" X 48"	FIXED GLASS
W07	36" X 48"	36" X 48"	FIXED GLASS
W08	36" X 48"	36" X 48"	FIXED GLASS

DOOR SCHEDULE			
NUMBER	LABEL	SIZE	COMMENTS
D01	12'0" X 8'0"	12'0" X 8'0"	ROLL UP DOOR ADJUST TOP TRIM TO ACCOMMODATE DOOR
D02	4'0" X 8'0"	4'0" X 8'0"	HINGED GLASS
D03	4'0" X 8'0"	4'0" X 8'0"	HINGED GLASS
D04	8'0" X 8'0"	8'0" X 8'0"	ROLL UP DOOR ADJUST TOP TRIM TO ACCOMMODATE DOOR

EXHIBIT A

Development Permit Findings

Exhibit B:

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 in the vicinity.

This finding can be made, in that the residential 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 safety and conservation of resources. The addition of sides and garage doors will improve the safety and welfare of site occupants and will not create any new safety issues affecting the adjacent street. The remodel will not affect adjacent 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 minor remodel will be consistent with all other County ordinances and the purpose of the R-1-10 (Single-family residential - 10,000 square foot minimum) zone district; the use of the property will still be a single family dwelling that meets all current site standards for the zone district.

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 R-UL (Urban Low Density Residential) land use designation in the County General Plan, and is not changing. A specific plan has not been adopted for this area.

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 remodel will not elevate traffic or demand on 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 attractive garage doors and matching gate are consistent with architectural styles in the neighborhood and improve the aesthetic qualities of the subject site. Several other dwellings and garages along the hillside street do not conform to front yard setbacks. The existing single family dwelling is consistent with the land use 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 requirements of this chapter.

The finding can be made, in that the proposed improvements will maintain the aesthetic qualities of the subject and adjoining properties and will face away from the scenic area at the rear of the parcel.

Variance Findings

Exhibit B (continued):

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 existing carport is located adjacent to steep slopes that push the structure closer to the street, where a slight expansion of the garage is necessary to increase its ability to accommodate today's larger vehicles. The combination of slope and proximity to the right of way deprive the property of development privileges enjoyed by other property within the vicinity and this zone district.

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 addition of garage doors and matching gate will improve the appearance, safety and security of the site and neighborhood. The 7-inch expansion of the carport will improve its capacity without affecting sight distance triangles at the driveway and roadway or reducing vehicle safety. Modifications to the garage entrance will reduce vehicular damage caused by the existing steep driveway entry and will improve a driver's view of the street. The garage doors will not be visible within the applicable scenic area, nor affect views from any other homes. The addition complies with the required side yard setbacks intended to protect light, air, and open space to adjoining property. The existing short space between the garage and property line does not count towards meeting offstreet parking demand on the parcel, and the 7-inch reduction in the existing 17-foot space between the garage and roadway will not significantly exacerbate the hazards associated with parking in front of the garage or with back-up movements. Therefore, the proposed improvements will therefore not be detrimental to the public health, safety, or welfare or injurious to property or improvements in the vicinity.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that other properties in the vicinity of the subject property appear to have similar nonconformity to the subject structure, caused by steep slopes on both sides of the street. Given these circumstances, remodel of other certain other structures within the vicinity of the carport would potentially require variances as well. Therefore, approval of a variance for the proposed remodel and small addition is not a grant of special privilege.

Conditions of Approval

Exhibit C:

- I. This permit authorizes the conversion of an existing carport into a garage and replacement of an adjoining fence gate. 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. Obtain a Grading Permit from the Santa Cruz County Building Official if required by the grading ordinance.
- 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, and shall include the surveyor's map submitted with Exhibit "A." 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. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 2. One elevation shall indicate existing and proposed materials and colors.
 3. Grading, drainage, and erosion control plans as applicable.
 4. Details showing compliance with any applicable 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. Meet all requirements and pay any applicable plan check fee of the Aptos-La

Selva Fire Protection District.

- C. Provide required off-street parking for three cars located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. 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. 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, 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 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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

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: 151199

Assessor Parcel Number: 03950106

Project Location: 7310 Viewpoint Road

Project Description: Proposal to modify walls and add doors to convert an existing carport to a garage.

Person or Agency Proposing Project: Sun Designs

Contact Phone Number: sunclimber@gmail.com

- 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. ☒ **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 minor addition to an existing carport.

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


Jerry Busch, Project Planner

Date: 12-17-15

Exhibit E - Assessor's Parcel Map

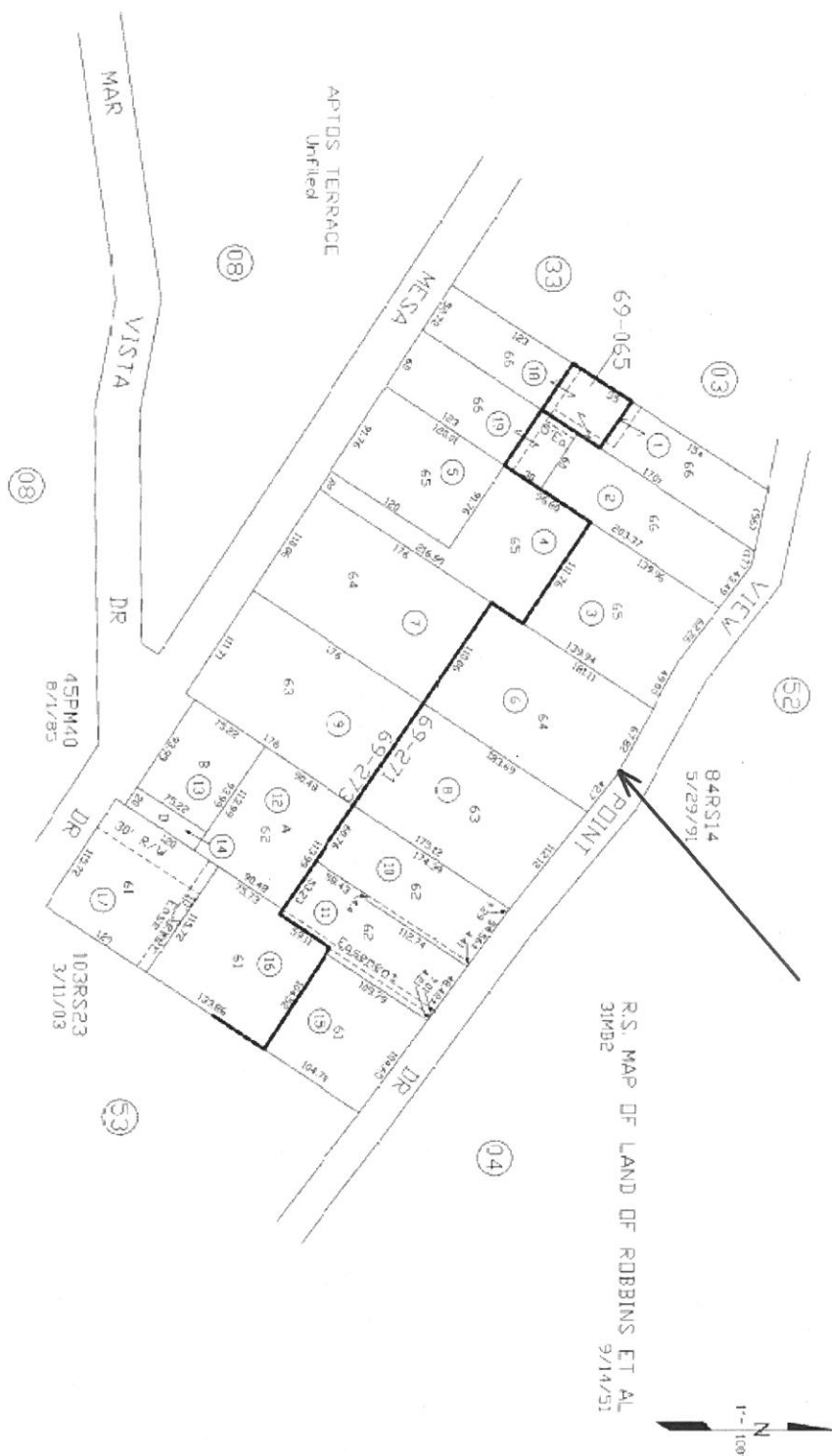
FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED, ALL RIGHTS RESERVED.
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POR. APTDS RANCHO
SEC. 12, T.11S, R.1W, M.D.B. & M.

Tax Area Code
69-065 69-271
69-273

39-50



Electronically drawn 8/13/95 KSA
Rev. 9/3/97 CG (Cor. Page Ref.)
Rev. 9/24/97 CG (Changed Car ref.)
Rev. 4/23/99 KSA (C&A)
Rev. 5/17/02 CG (00RS23)

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

Assessor's Map No. 39-50
County of Santa Cruz, Calif.
Aug. 1995

ANNOTATED LIST OF REQUIRED INFORMATION for Application 151199 (APN 039501-06)

1. Your Point a: Correct Property lines stating length of each. See A2 Site Plan. All property line lengths are shown.
2. Your Point b: Please include at least front PL bearings on plans. See A2 Site Plan. All property line bearings are shown, including the front.
3. Your Point c: Correct location of edge of right-of-way relative to garage. See A2 Site Plan (Close Up) in lower right of sheet. The setbacks shown are based on Paul Hanagan's Survey (Attached), allowing for the 7.5" addition.
4. Your Point d: Please indicate & state actual minimum distance of existing garage from ½" iron pipe marked "E" on attached survey. Per email exchanges with Planner, this request is inherent in the data supplied.
5. Your Point e: Please indicate with hatching on site plan the proposed 7.5" addition to the garage. See Sht A2 Site Plan and Site Plan (Close up); also see A-4 Proposed Floor Plan for relevant note.