



## Staff Report to the Zoning Administrator

Application Number: **121094**

**Applicant:** Mike Kelly  
**Owner:** Sara Hector  
**APN:** 064-112-14

**Agenda Date:** 9/7/12  
**Agenda Item #:** 4  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to construct an addition (of approximately 479 square feet) to an existing single family dwelling located within the required front yard setback.

Requires a Variance to reduce the required 20 foot front yard setback to about 10 feet, on R-1-15 zoned property.

**Location:** Property located on the south side of Brookside Way, approximately 1500 feet west of Lakeside Drive. (741 Brookside Way)

**Supervisory District:** 5th District (District Supervisor: Mark Stone)

**Permits Required:** Variance

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121094, 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<br>determination) |                                     |

### Parcel Information

Parcel Size:	1.12 acres
Existing Land Use - Parcel:	Single family residential
Existing Land Use - Surrounding:	Rural residential neighborhood
Project Access:	Brookside Way
Planning Area:	San Lorenzo Valley

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Land Use Designation: R-S (Suburban 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: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: 15-25%  
Env. Sen. Habitat: Riparian corridor on southern edge of property  
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: Forest Lakes Mutual Water Company  
Sewage Disposal: Septic  
Fire District: Felton Fire District  
Drainage District: Zone 8 Flood Control District

### Project Setting

The subject property is located off of Brookside Way in the south Felton residential community of Forest Lakes. The property slopes down from the roadway to the south and the existing residence is located in close proximity to the roadway due to the sloping terrain. The property slopes down another 30-40 feet to the south to a stream at the southern boundary of the parcel. 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 1.12 acres, located in the R-1-15 (Single family residential - 15,000 square feet minimum) zone district, a designation which allows residential uses. The proposed addition is to an existing single family dwelling which is a principal permitted use within the zone district. The zoning is consistent with the site's (R-S) Suburban Residential General Plan designation.

The subject property does not appear to have existing off-street parking in compliance with the 8.5' x 18' minimum parking space requirements. The existing garage/shed on the property is small and may not be designed to support the weight of modern vehicles. No new bedrooms are proposed as a component of this application, and the current parking requirements do not apply unless additional bedrooms are proposed. The existing residence contains one bedroom which

will be converted to a living room as a result of this application. Existing parking pull-outs along the Brookside Way frontage provide adequate parking for the existing residence.

### **Variance**

The existing residence is located within the required 20 foot front yard setback due to the sloping terrain. An existing detached garage/shed is located in even closer proximity to the right of way, but will not be affected by the proposed project.

Due to the topography of the parcel, the steep slope down from the roadway, the presence of a riparian corridor, and the location of the existing residence, the area most suitable for the proposed addition is located within the 20 foot front yard setback. Development in conformance with the required yard setbacks would push the addition further down the steep slope and towards the stream on the southern edge of the parcel. This would not be practical due to the topography of the parcel and would result in additional site disturbance and would not integrate well with the design of the existing structure. For these reasons, staff support the request for a variance to reduce the 20 foot side yard setback to about 10 feet for the proposed addition.

### **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**

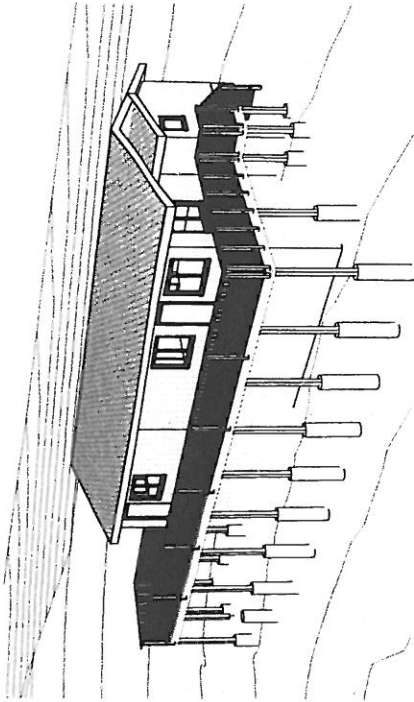
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **121094**, based on the attached findings and conditions.

**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.**

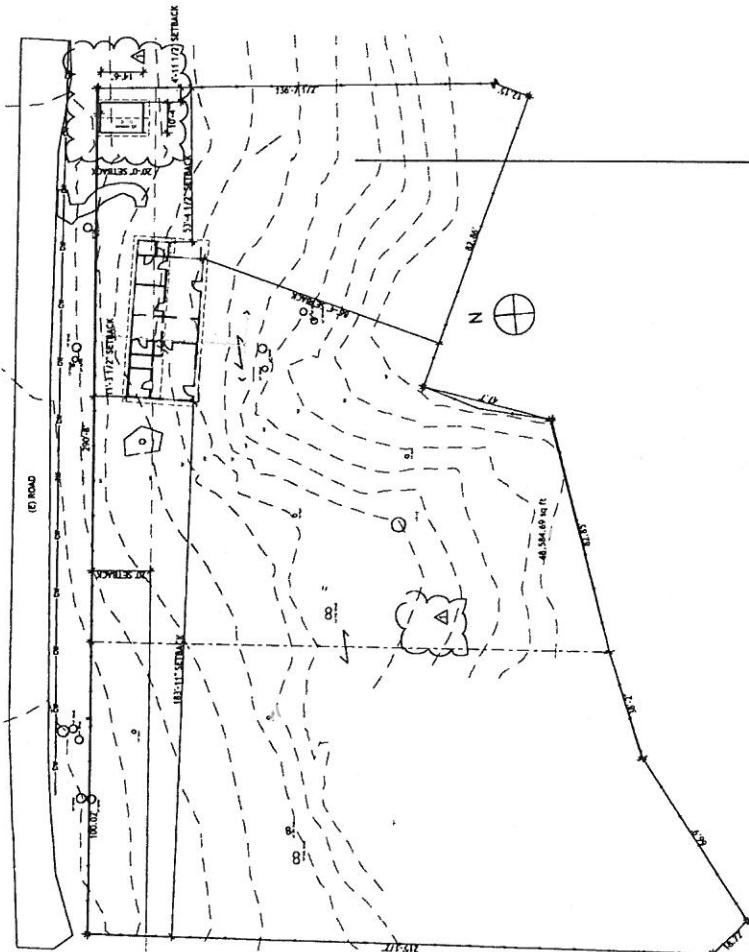
**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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

# SETBACK VARIANCE FOR HOME ADDITION



3D Concept



<b>PROJECT DATA</b> A.P.N.: 064-112-14 ZONING: R-1-15 SITE AREA: 1.12 acre 46,323 SQ FT		<b>SCOPE OF WORK</b> PROPOSAL TO CONSTRUCT A 479 SQUARE FOOT ADDITION AT AN EXISTING NONCONFORMING SINGLE-FAMILY DWELLING. REQUIRES A VARIANCE TO REDUCE THE REQUIRED 20 FOOT FRONT YARD SETBACK TO AROUND 10'		<b>APPLICABLE CODES</b> ALL CODES REFERENCED ARE TO BE USED AS AMENDED BY THE STATE OF CALIFORNIA AND LOCAL JURISDICTION. APPLICABLE CODES AND REGULATIONS CALIFORNIA STATE BUILDING CODE (ISBC), 2010 CALIFORNIA STATE PLUMBING CODE, 2010 CALIFORNIA STATE ELECTRICAL CODE, 2010 CALIFORNIA STATE MECHANICAL CODE, 2010 CALIFORNIA STATE ENERGY CODE, 2010		<b>VICINITY MAP</b> 		<b>PROJECT TEAM</b> <b>OWNER:</b> SARA HECTOR 501 MISSION STREET MARINA DEL REY, CA 90405 310.427.7770 www.deesgo.com <b>CONTRACTOR/OWNER'S AGENT:</b> MIKE KELLY MIKE KELLY CONSTRUCTION 228 CAMPUS DRIVE SAN JOSE, CA 95003 408.400.8533 mikel1201@aol.com <b>CIVIL ENGINEER:</b> DEES AND ASSOCIATES, INC. 501 MISSION STREET MARINA DEL REY, CA 90405 310.427.7770 www.deesgo.com <b>DRAFTING/DESIGN:</b> BEVERLY KENVILLE 3123 HANNAH LANE FELTON, CA 95018 408.400.8533 beverlykenville@yahoo.com		<b>REVISIONS</b> <table border="1"> <thead> <tr> <th>MARK</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5/16/2012</td> <td>VALUES CORRECTED</td> </tr> <tr> <td>2</td> <td>5/16/2012</td> <td>VALUES CORRECTED</td> </tr> </tbody> </table>		MARK	DATE	DESCRIPTION	1	5/16/2012	VALUES CORRECTED	2	5/16/2012	VALUES CORRECTED	<b>SETBACK VARIANCE FOR HOME ADDITION</b> SARA HECTOR 741 BROOKSIDE WAY FELTON, CA 95018		<b>PROJECT INFORMATION</b> A.P.N.: 064-112-14 PROJECT INFORMATION T1 PROJECT INFORMATION A.1.0 FLOOR PLANS A.1.1 ROOF PLAN A.2.0 ELEVATIONS A.2.1 ELEVATIONS		<b>T.1</b> DATE: 5/16/2012	
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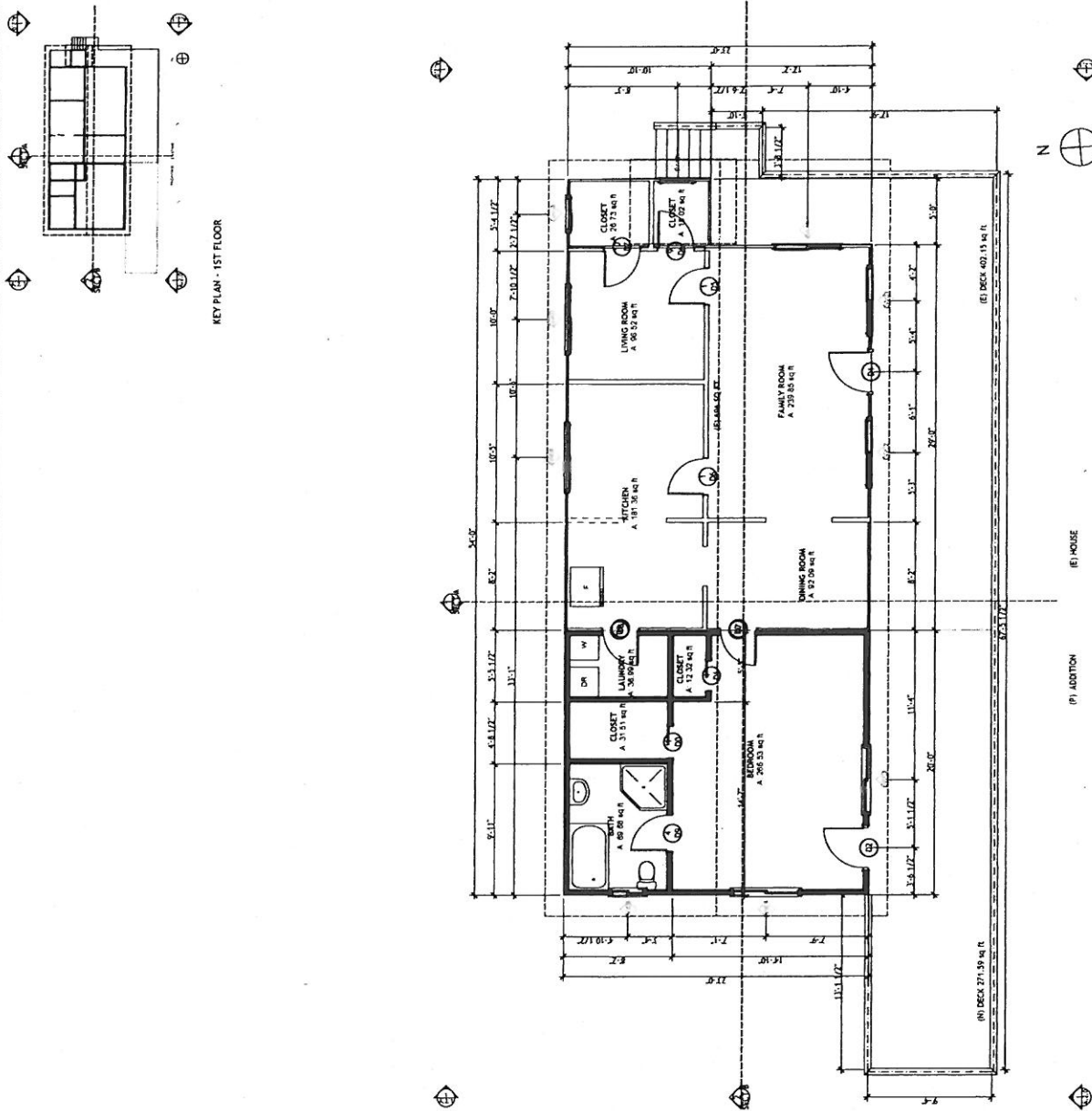


BKM DRAFTING  
& DESIGN  
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3123 HUNNAN LANE  
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beverlykenville@yahoo.com

SETBACK VARIANCE FOR HOME ADDITION  
SARA HECTOR  
741 BROOKSIDE WAY  
FELTON, CA 95018

REVISIONS	
MARK	DATE
1	5/16/2012
2	5/16/2012

APN: 064-112-14
FLOOR PLAN
A.1.0
DATE: 5/16/2012



1.1 FIRST FLOOR PLAN  
A.1.0 SCALE: 1/4" = 1'-0"





BIM DRAFTING  
& DESIGN

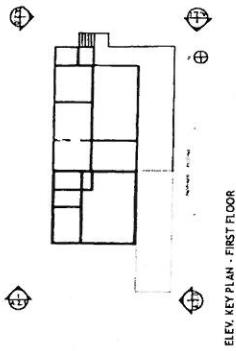
BEVERLY KENVILLE

1733 MANHATTAN LANE  
SUNNYVALE, CA 95073  
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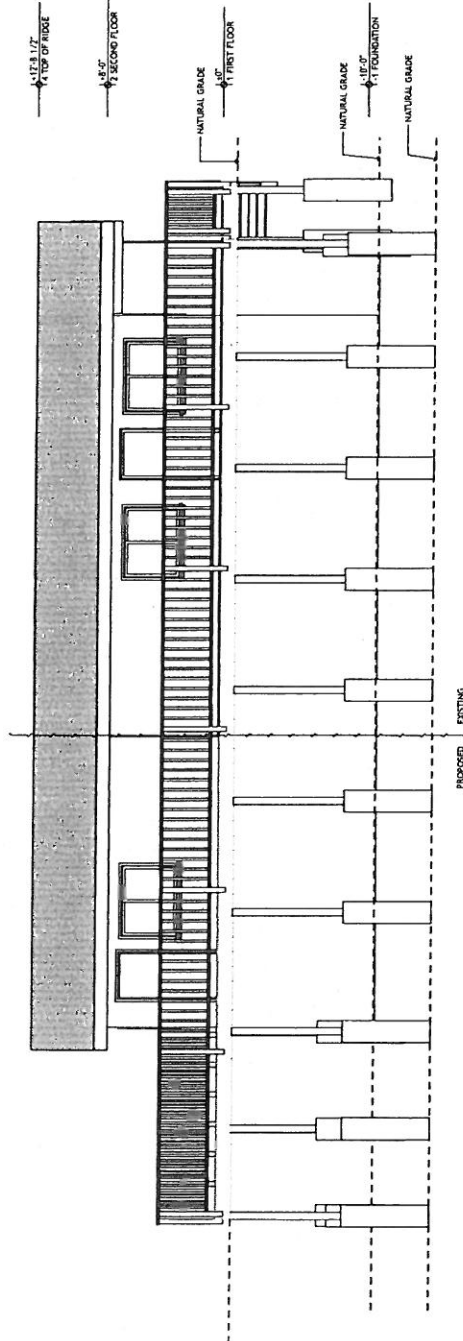
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SARA HECTOR  
741 BROOKSIDE WAY  
FELTON, CA 95018

REVISIONS		DATE	DESCRIPTION
NO.	DATE		
1	5/16/2012		WALLS COMMENTS WALLS APPLICABLE

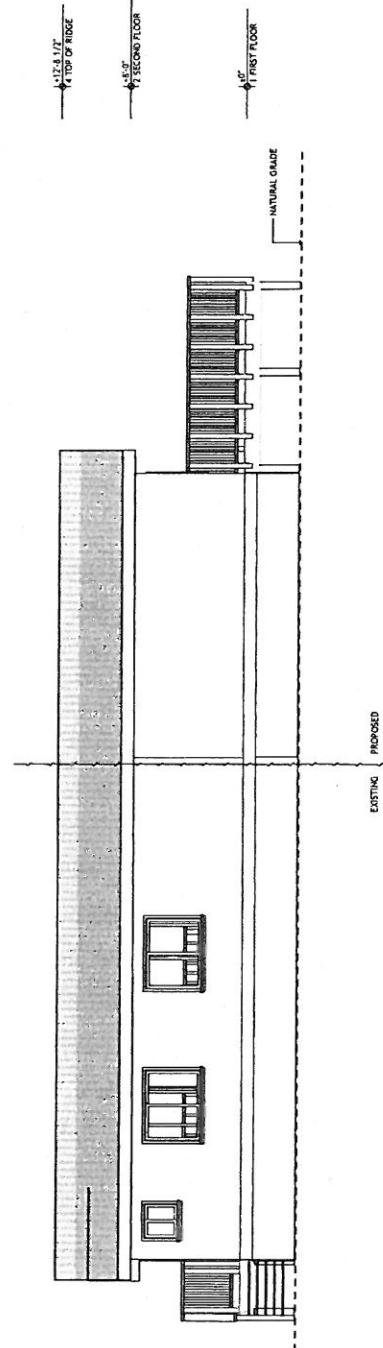
APN: 064-112-14
ELEVATIONS
A.2.0
DATE: 5/16/2012



ELEV. KEY PLAN - FIRST FLOOR



1 SOUTH ELEVATION  
A.2.0 SCALE: 1/4" = 1'-0"



1 NORTH ELEVATION  
A.2.0 SCALE: 1/4" = 1'-0"



BIM DRAFTING  
& DESIGN

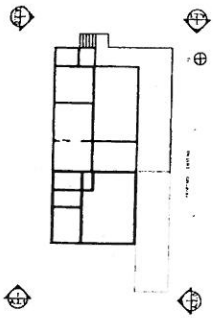
BEVERLY KENVILLE

1131 HANNAH LANE  
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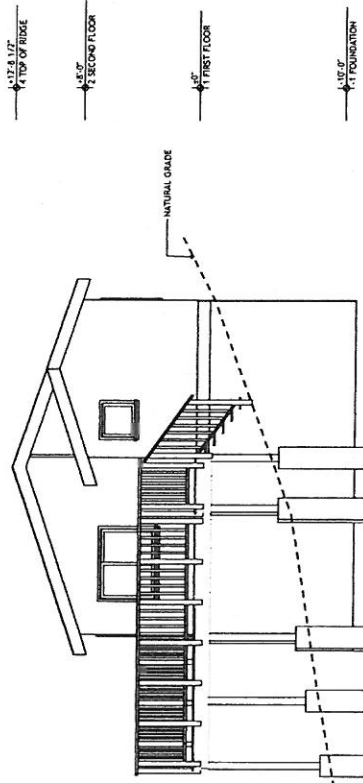
SETBACK VARIANCE FOR HOME ADDITION  
SARA HECTOR  
741 BROOKSIDE WAY  
FELTON, CA 95018

REVISIONS		DATE	DESCRIPTION
NO.	DATE		
1	5/16/2012		MANAGE COMMITTEE MANAGE APPLICABLE

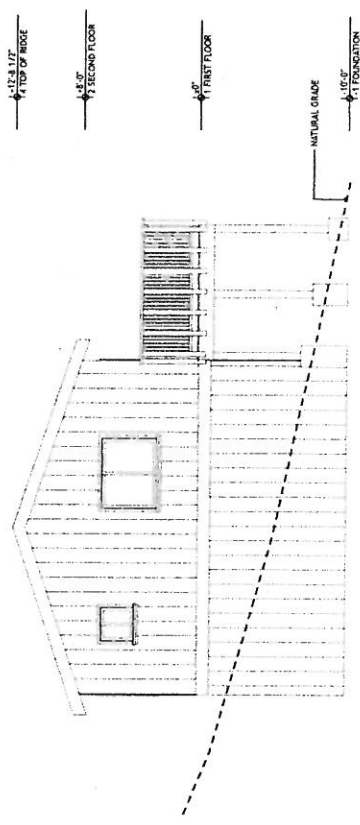
APN: 064-112-14
ELEVATIONS
A.2.1
DATE: 5/16/2012



ELEV. KEY PLAN - FIRST FLOOR



1 EAST ELEVATION  
A.2.1 SCALE: 1/4" = 1'-0"



1 WEST ELEVATION  
A.2.1 SCALE: 1/4" = 1'-0"



## **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 front yard setback from 20 feet to 10 feet is recommended in order to allow the construction of an addition to the existing residence. The steep topography of the property, the configuration of the existing residence, and the location of the existing stream 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 an addition to an existing residence on a residentially zoned parcel, and the structure will be adequately separated from the travelled roadway and improvements on surrounding properties.

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

This finding can be made, in that other properties in the neighborhood are developed with single family dwellings similar to, or larger than, the structure that is proposed. Therefore, it would not be a grant of a special privilege for the construction of an addition to the existing residence 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 addition 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 addition 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, 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 addition will not include additional bedrooms. Traffic generation is anticipated to remain at only one peak trip per day (1 peak trip per dwelling unit) 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 rural residential neighborhood containing a variety of architectural styles, and the proposed addition is consistent with the design of the existing residence and 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, "Setback Variance for Home Addition", 5 sheets, prepared by Beverly Kenville, dated 5/16/12.

- I. This permit authorizes the construction of an addition to the existing residence (including a Variance to the required 20 foot front yard setback to about 10 feet) 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. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way, if required.
  - D. 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. Materials and colors shall be selected to match the existing residence.
    2. Grading, drainage, and erosion control plans.

3. 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 Zone 8 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
  - 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 Felton Fire Protection District.
  - F. Submit 3 copies of a soils report addendum prepared and stamped by a licensed Geotechnical Engineer.
  - 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 16.42.100 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.

Application #: 121094  
APN: 064-112-14  
Owner: Sara Hector

**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: \_\_\_\_\_

\_\_\_\_\_  
Wanda Williams  
Deputy Zoning Administrator

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

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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: 121094  
Assessor Parcel Number: 064-112-14  
Project Location: 741 Brookside Way

**Project Description:** Proposal to construct an addition to an existing residence.

**Person or Agency Proposing Project:** Mike Kelly

**Contact Phone Number:** (831) 429-4679

- 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. ☒ **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 addition to 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: \_\_\_\_\_



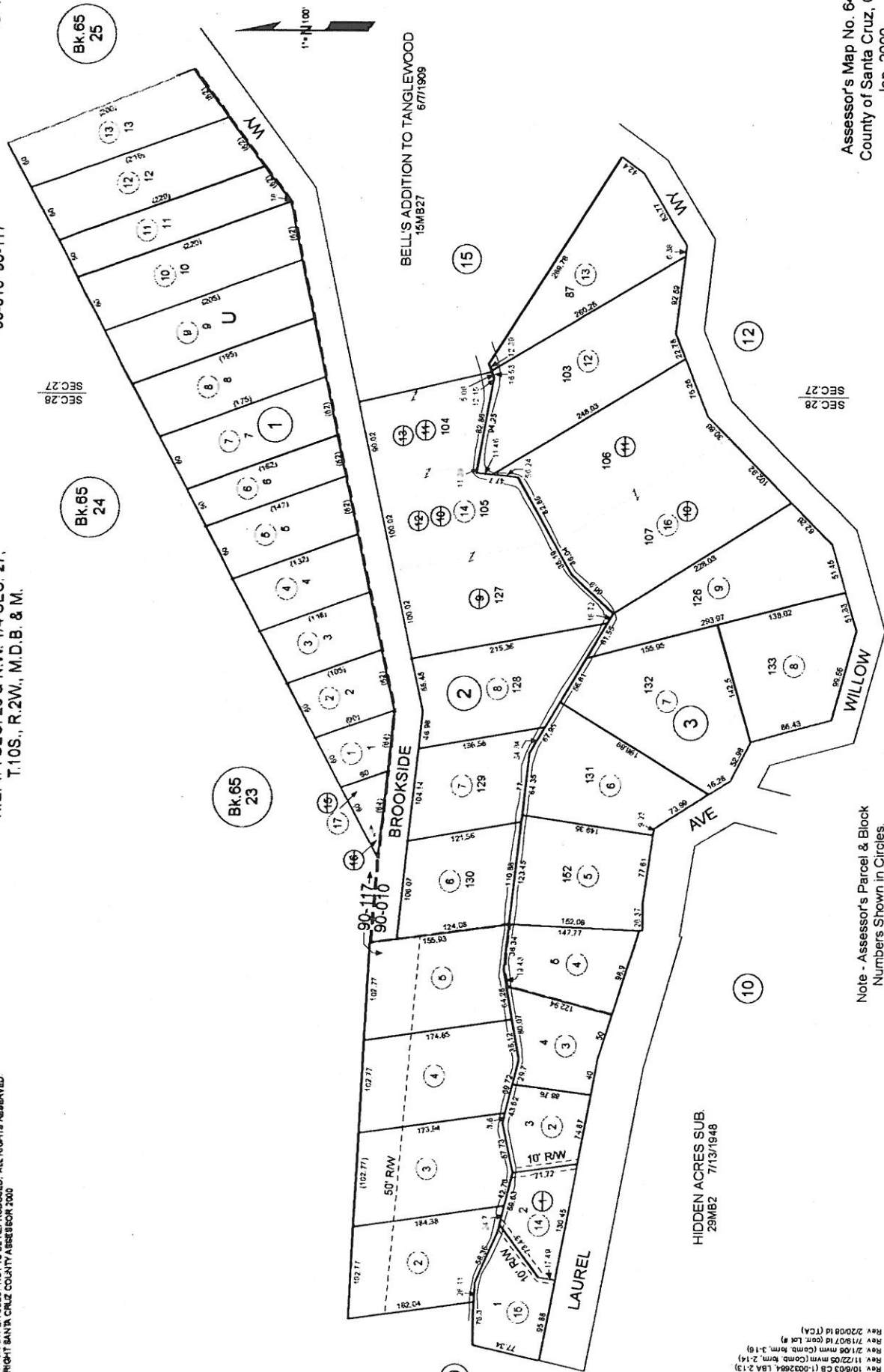
# FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

**POR. RINCON RANCHO**  
N.E. 1/4 SEC. 28 & N.W. 1/4 SEC. 27,  
T.10S., R.2W., M.D.B. & M.

**Tax Area Code**  
90-010 90-117

**64-11**



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

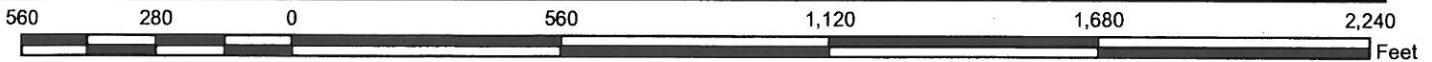
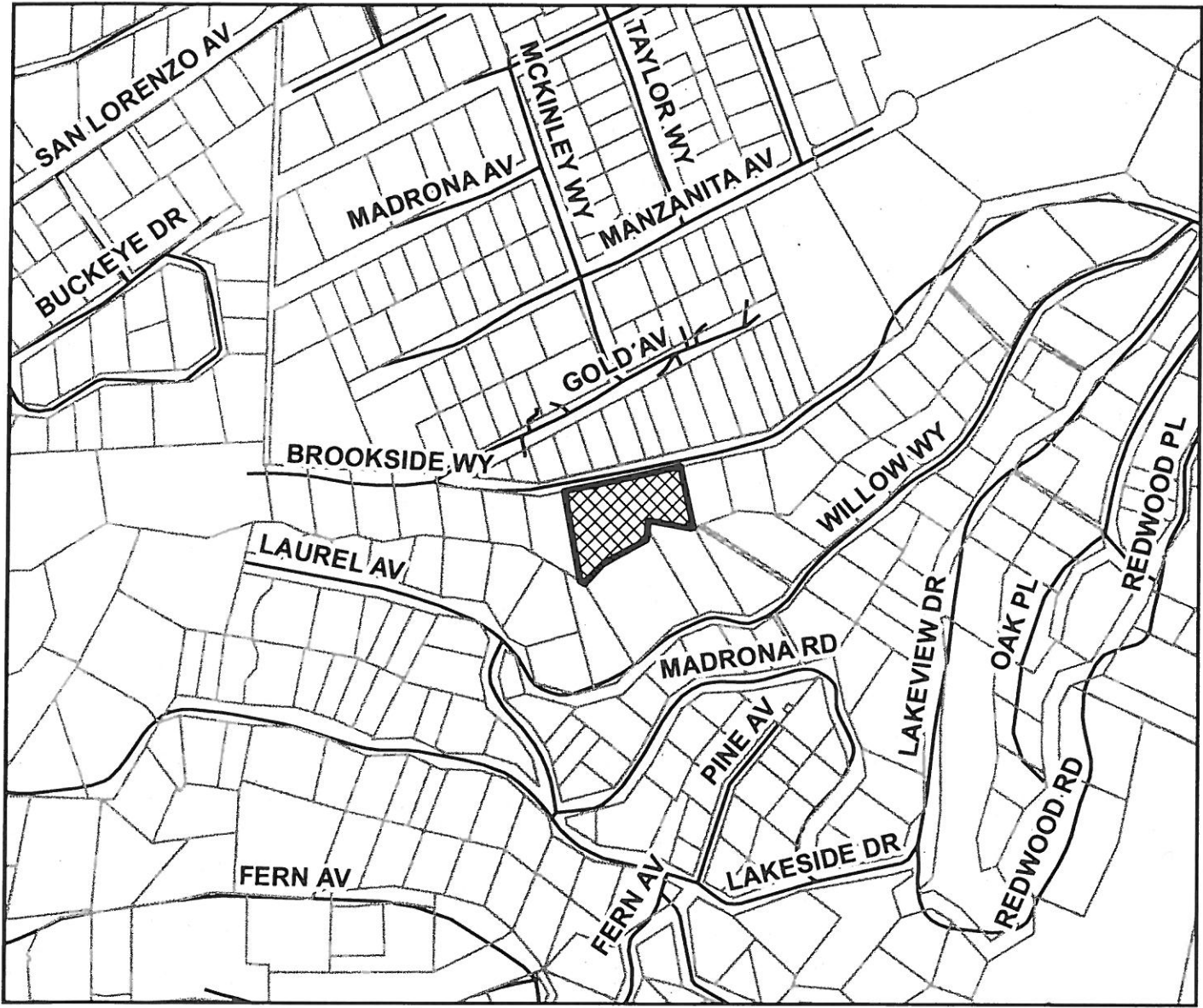
Assessor's Map No. 64-11  
County of Santa Cruz, Calif.  
Jan. 2000

Electronically Redrawn 2/16/99 kb  
Rev 7/18/01 CB (Comb. form, 2.12)  
Rev 10/03 CB (1-003684, LBA 2.13)  
Rev 11/22/05 mvm (Comb. form, 2.14)  
Rev 2/10/06 mvm (Comb. form, 3.16)  
Rev 7/18/07 mvm (Comb. form, 3.16)  
Rev 2/20/08 mvm (TCA)








# Location Map



## LEGEND

-  APN: 064-112-14
-  Assessors Parcels
-  Streets



Map Created by  
County of Santa Cruz  
Planning Department  
May 2012

EXHIBIT E



# Zoning Map



## LEGEND



APN: 064-112-14



Assessors Parcels

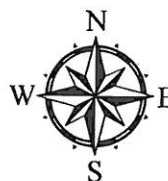


Streets

RESIDENTIAL-SINGLE FAMILY



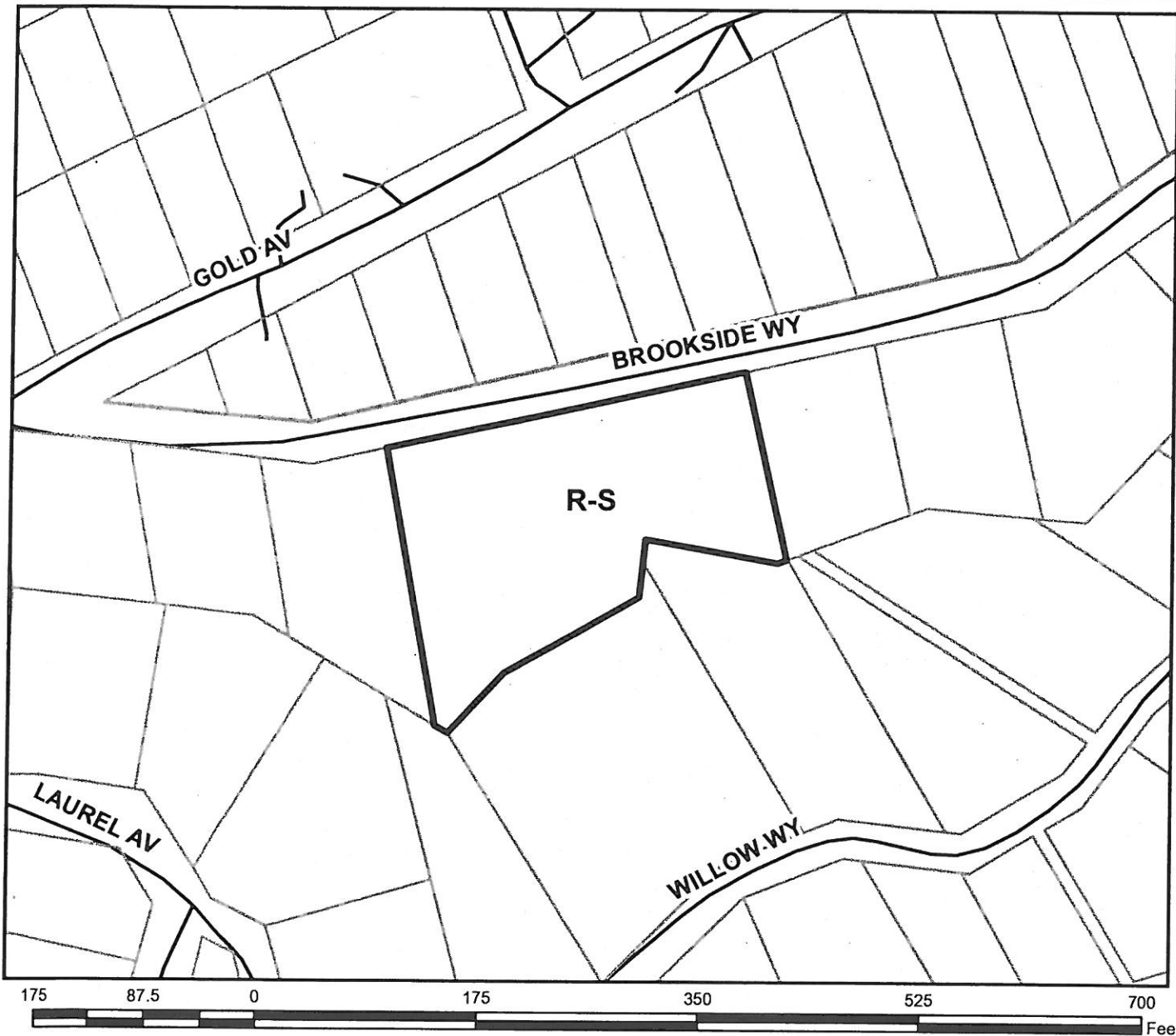
AGRICULTURE RESIDENTIAL






Map Created by  
County of Santa Cruz  
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May 2012

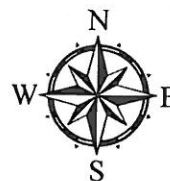


# General Plan Designation Map



## LEGEND

-  APN: 064-112-14
-  Assessors Parcels
-  Streets
- Residential-Suburban



Map Created by  
County of Santa Cruz  
Planning Department  
May 2012

EXHIBIT E