



## Staff Report to the Zoning Administrator

Application Number: **171141**

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**Applicant:** Ken Hart  
**Owner:** Robert Adams  
**APN:** 040-442-04

**Agenda Date:** June 1, 2018  
**Agenda Item #:** 1  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to recognize a non-habitable accessory structure (workshop) of approximately 700 square feet. Requires a Variance to reduce the required front yard setback from 40 feet to about 19 feet and a Residential Development Permit for an 8 foot tall fence within the required front yard setback.

**Location:** Property located on the east side of Victory Lane approximately 1/2 mile north of Soquel Drive. (3420 Victory Lane)

**Supervisory District:** 1st District (District Supervisor: John Leopold)

**Permits Required:** Variance, Residential Development Permit

**Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 171141, 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:	3.8 acres
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Rural Residential
Project Access:	Victory Lane
Planning Area:	Soquel

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

Land Use Designation: R-M (Mountain Residential)  
Zone District: RA (Residential Agriculture)  
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: N/A  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### Project Setting & Description

The subject property is located on the east side of Victory Lane in Soquel. The property is located at the end of Victory Lane, where it joins Coyote Canyon Road. The roadway is gated at the property entrance and the road turns to a gravel/dirt surface along the northern half of the property frontage before joining Coyote Canyon Road. The subject parcel is wooded and slopes down from the roadway towards a drainage channel on the east side of the property. The property is improved with two existing dwellings and associated outbuildings. The surrounding neighborhood is developed with rural residential home sites.

This project seeks to recognize the construction of a 700 square foot non-habitable accessory building (to resolve a Code Compliance complaint) and to allow a fence of up to 8 feet in height within the required front yard setback. Other existing structures on the project site have not been evaluated as a component of this review.

### Permits Required

The 700 square foot non-habitable accessory building that is proposed to be recognized is located within the required 40 foot front yard setback. The construction of structures within required yard setbacks requires a variance approval, unless otherwise exempted by County Code.

Additionally, a wood fence of approximately 8 feet in height was constructed along the property frontage (also within the required 40 foot front yard setback) that is proposed to be recognized as a component of this review. The erection of fencing over 3 feet in height within the required front yard setback requires a permit approval.

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

The subject property is a 3.8 acre parcel, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The non-habitable building that is proposed to be recognized is accessory to the principal permitted use residential use within the zone district. Residential uses are consistent with the site's R-M (Mountain Residential) General Plan designation.

### **Variance**

The subject property is sloped down from the roadway with a drainage channel on the eastern side of the property. For this reason, structures on the property have been located closer to the road and front property line than other similarly zoned properties in the surrounding area.

The minimum required front yard setback for the RA zone district is 40 feet from the front property line or edge of right of way. In this case, the accessory structure that is proposed to be recognized would be located approximately 19 feet from the front property line and the Victory Lane road right of way.

The slope down from Victory Lane and the presence of a drainage channel on the east side of the property are the special circumstance affecting the subject property. Due to the presence of these special circumstances, the variance request is considered as reasonable and appropriate. The variance will allow the construction of an accessory structure of similar size and design that could be approved on other properties within the surrounding rural residential neighborhood and will not result in a grant of special privilege.

### **Over-height Fence**

An 8 foot tall fence has been erected along the frontage of Victory Lane (within the 40 foot front yard setback). This fencing requires a permit approval in order to exceed the 3 foot maximum height limit. In rural areas, fencing up to 8 feet in height can be authorized within the front yard setback with an Over-height Fence Certification.

### **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 **171141**, based on the attached findings and conditions.

**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

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

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# 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: 171141

Assessor Parcel Number: 040-442-04

Project Location: 3420 Victory Lane

**Project Description: Recognize construction of a non-habitable accessory structure and front yard fence**

**Person or Agency Proposing Project: Ken Hart**

**Contact Phone Number: 831-459-9992**

- 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 residential accessory structure and associated improvements 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: \_\_\_\_\_

**EXHIBIT A**

## **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 40 feet to 19 feet is recommended in order to recognize the construction of a residential accessory structure on the subject property. The steep slope down from Victory Lane and the drainage channel on the east side of the property 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 accessory structure to be recognized and maintained on a residentially zoned parcel and the structure will be adequately separated from improvements on surrounding properties.

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

This finding can be made, in that other properties in the neighborhood are developed with residential uses and accessory structures similar to the structure that is proposed. Therefore, it would not be a grant of special privilege for the variance to be authorized and the residential use 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.

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 proposed improvements and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district as the primary use of the property will be residential. 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 accessory use is consistent with the residential use requirements specified for the R-M (Mountain Residential) land use designation in the County General Plan.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed accessory building is a non-habitable structure. No increase in traffic generation or utilities consumption is anticipated as a result of the project.

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 improvements are located in a mixed neighborhood containing a variety of architectural styles, are consistent with the rural residential land use pattern of the neighborhood.

## Conditions of Approval

Exhibit D: Project plans, "Adams Non-Habitable Accessory Structure", prepared by Carpenter & Carpenter, revised 3/16/18.

- I. This permit authorizes a non-habitable accessory building to be located within the required front yard setback, as indicated on the approved Exhibit "D" for this permit, and fencing up to 8 feet in height within the front yard setback. 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. 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 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 sheet in 8 1/2" x 11" format for Planning Department review and approval.
    3. Grading, drainage, and erosion control plans.

4. 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. 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.
  - C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
  - D. Meet all requirements of the Environmental Planning section of the Planning Department.
  - E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - F. Complete and record a Declaration of Restriction to construct a non-habitable accessory structure. **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. The access road connecting Victory Lane and Coyote Canyon shall remain unobstructed and open for emergency vehicle access and vehicle egress at all times.

The roadway shall not be blocked by parked vehicles, stored items, or other obstructions. Any gates, ropes, and or chains that limit access shall be easily opened or removed to allow emergency vehicle access and vehicle egress in case of a fire or other emergency.

- B. 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 #: 171141  
APN: 040-442-04  
Owner: Robert Adams

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

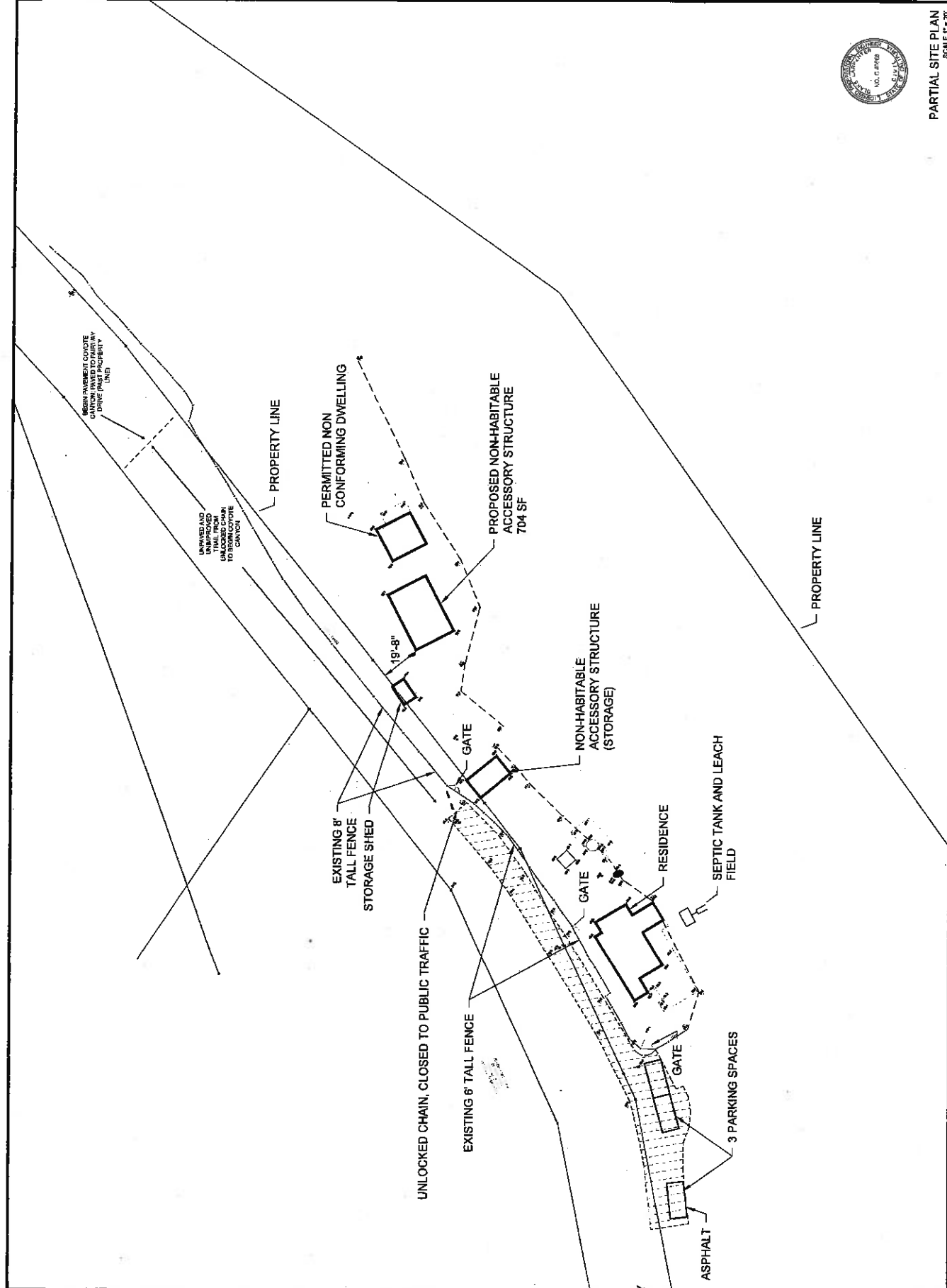
Effective Date: \_\_\_\_\_

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

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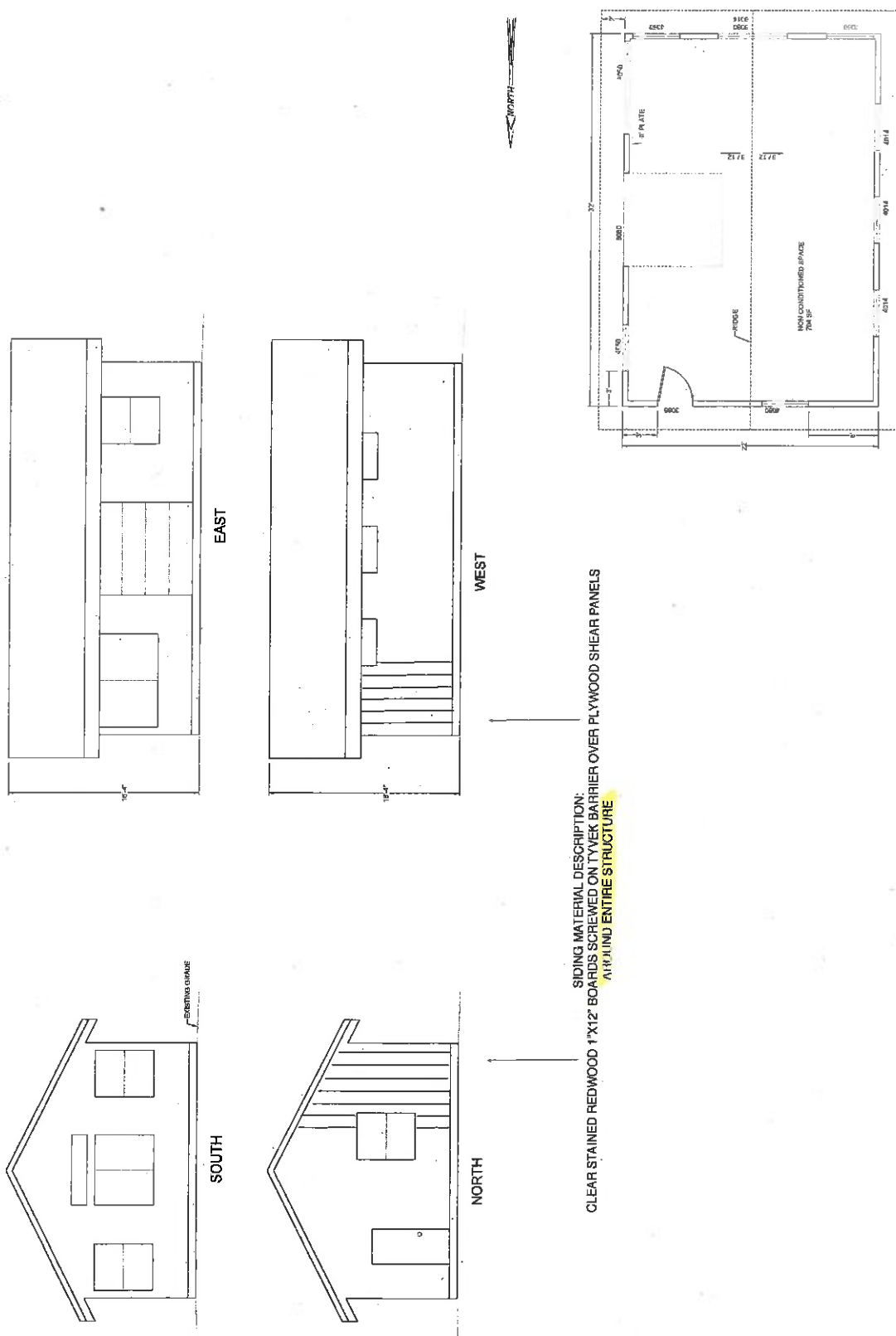
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.







## PROPOSED FLOOR PLAN AND ELEVATIONS



# FOR TAX PURPOSES ONLY

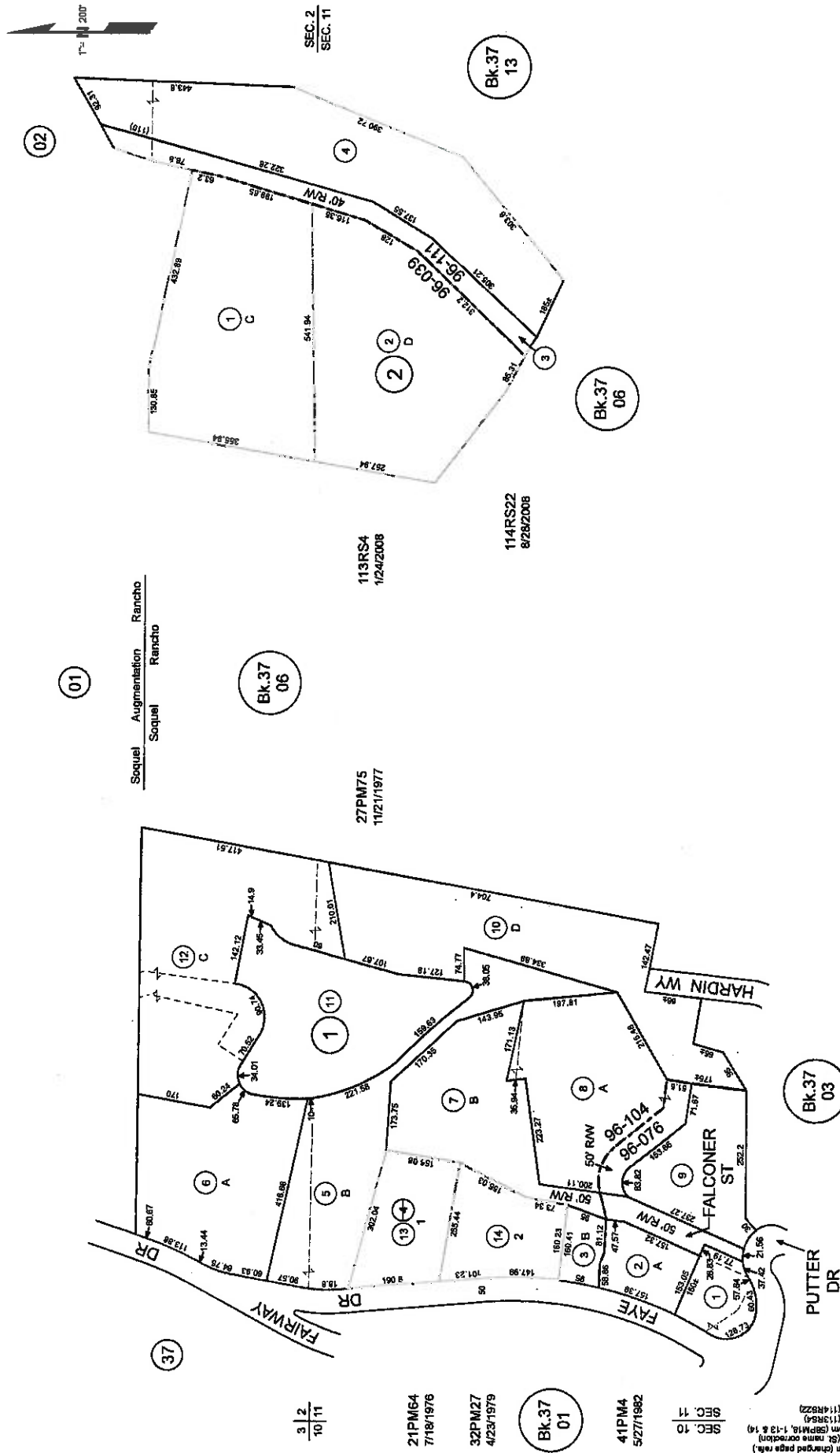
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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## POR. SOQUEL AUGMENTATION AND SOQUEL RANCHOS

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

Tax Area Code  
96-104 96-039  
96-111 96-076

40-44



Assessor's Map No. 40-44  
County of Santa Cruz, Calif.  
Dec., 1997

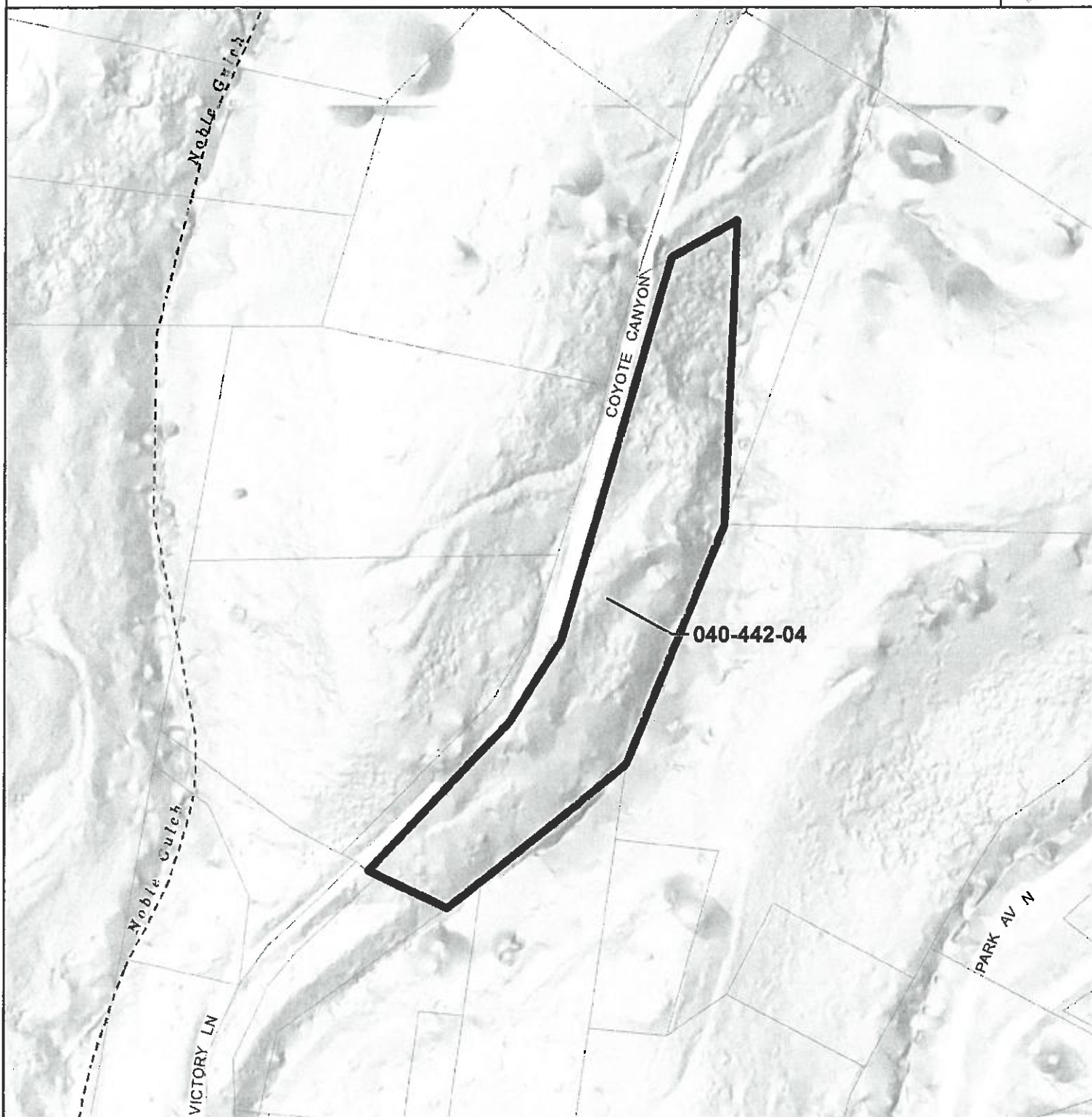
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

EXHIBIT E



# SANTA CRUZ COUNTY PLANNING DEPARTMENT

## Parcel Location Map



**Parcel: 04044204**



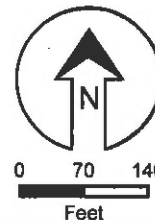
Study Parcel



Assessor Parcel Boundary

Map printed: 30 Apr. 2018

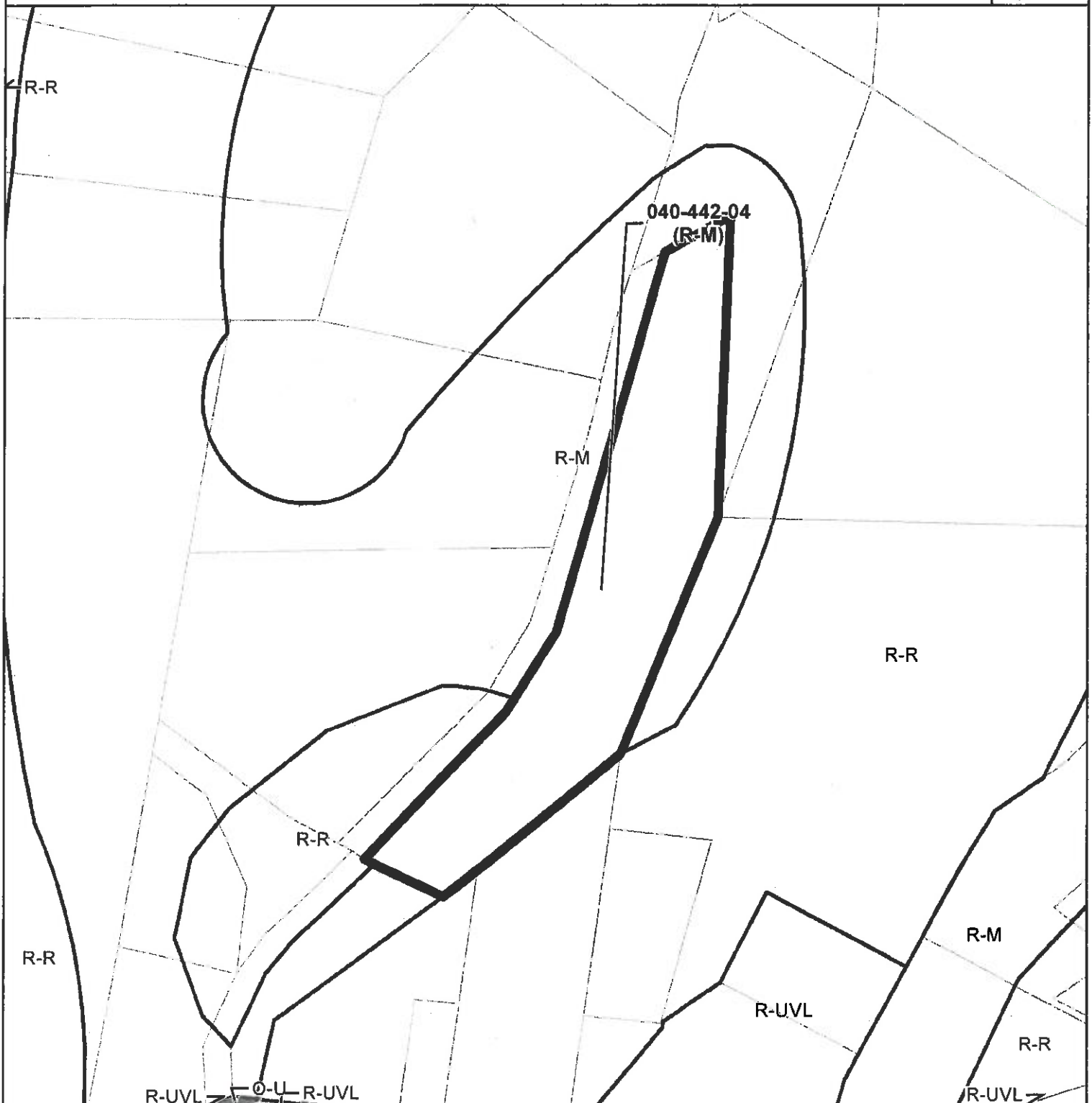
**EXHIBIT E**





SANTA CRUZ COUNTY PLANNING DEPARTMENT

**Parcel General Plan Map**






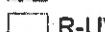
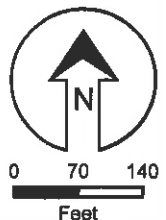
-  O-U Urban Open Space
-  R-M Residential Mountain
-  R-R Residential Rural
-  R-UVL Res. Urban Very Low Density

EXHIBIT E





## Parcel Zoning Map



- ☐ RA Residential Agricultural
- ☐ R-1 Single-Family Residential

EXHIBIT E

