

Staff Report to the Zoning Administrator

Application Number: 181084

Applicant: Chuck Burket Agenda Date: September 20, 2019

Owner: Craig Foster
APN: 098-171-25
Agenda Item #: 1
Time: After 9:00 a.m.

Site Address: 13965 Long Ridge Road, Los Gatos

Project Description: Proposal to construct an approximately 2,700 square foot two-story non-habitable accessory structure (Barn/Garage). Requires a Variance to reduce the required 40-foot front yard setback to 11 feet and Residential Development Permit to construct a non-habitable accessory structure in excess of 1,000 square feet.

Location: Property located on the east side of Long ridge Road approximately 3,000 feet south of the intersection the Stetson Road (13965 Long Ridge Road)

Permits Required: Variance and Residential Development Permit

Supervisorial District: First District (District Supervisor: John Leopold)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 181084, based on the attached findings and conditions.

Project Description & Setting

The subject parcel is approximately 50-acres in size and developed with an existing single family dwelling. The parcel is situated in a rural setting with moderate to severe slopes containing large parcels with low density residential development. Many of the parcels in the vicinity host a range of small-scale agricultural uses including vineyards.

The subject parcel can be characterized as two distinct areas. The area developed with the existing home is approximately one acre in size, is moderately sloped and readily accessible from Long Ridge Road. The remaining portions of the parcel are undeveloped, characterized by a variety of vegetated steeper slopes and accessible via a narrow primitive road located to the east of the residence.

This is a proposal to construct a detached non-habitable accessory structure to serve a dual purpose; two car garage and a workshop to accommodate the property owner's personal hobbies.

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 The location and design of the proposed structure is based on a number of considerations including proximity to the main dwelling, minimizing grading activities, and preservation of aesthetic character of the parcel through clustering development.

The project was evaluated for possible geologic hazards due to its location on steep slopes and potential for slope instability. The Geologic Hazards Assessment (GHA), application REV181098, concluded that potential risk of slope failure can be maintained at a reasonable level with construction of an appropriate retaining wall design based on geotechnical analysis performed by a geotechnical engineer, development of an engineered drainage plan and minimizing grading on the project site. The project would be conditioned accordingly to ensure risks associated with slope instability are minimized.

The project site is mapped as a potential archaeological resource. Pursuant to SCCC 16.1, an Archaeological Report was prepared by John Schalgheck, M.A., RPA dated December 2018. The report concluded that that the potential for encountering significant archaeological resources on the subject property is very low and no further archaeological investigation or monitoring is required. However, standard conditions have been included to ensure proper handling of archaeological resources in the unlikely event cultural resources are discovered during construction.

Variance

The project proposes a reduction to the required 40 foot front yard setback to 11 feet for the construction of the proposed accessory structure. In order for a variance to be granted pursuant to SCCC 13.10.230, specific findings must be met. Based on the analysis contained in the Geologic Hazards Assessment, the proposed reduction to the front yard setback can be supported in that the subject parcel has topographic and geologic constraints that restrict development to the proposed building site. Due to the parcel constraints, a variance to the front yard setback is necessary for the construction of the type of development found on other parcels in the vicinity.

Residential Development Permit

Santa Cruz County Code Section 13.10.611 limits the size of non-habitable accessory structures in the rural area to 1,000 square feet. The project proposes a non-habitable accessory structure in excess of 1,000 square feet and requires approval of a Residential Development Permit. As proposed, the structure would be consistent with the surrounding pattern of development in that accessory structures in excess of 1,000 square feet are common in rural areas containing a combination of small-scale agriculture and timber production. Additionally, the structure would be painted with natural colors to ensure the structure would blend with the surrounding natural environment.

Zoning & General Plan Consistency

The subject property is an approximately 50-acre parcel, located in the SU (Special Use) zone district, a designation which allows residential uses. The proposed non-habitable accessory structure is a permitted use within the zone district and the zoning is consistent with the site's R-M (Mountain Residential) General Plan designation.

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The project proposes a reduction to the front yard setback due to the topography of the site. The project would comply with all other applicable codes and policies. Non-habitable accessory structures in excess of 1,000 square feet are characteristic of the rural setting and similar structures can be found in the vicinity. The proposed color and materials (green earth tones and vertical siding) will be complimentary to the site.

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 181084, 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.sccoplanning.com

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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans & Color board
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information

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: 181084

Assessor Parcel Number: 098-171-25 Project Location: 13965 Long Ridge Road		
Project Description: Construction of a non-habitable accessory structure Person or Agency Proposing Project: Chuck Burket		
A The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c). C Ministerial Project involving only the use of fixed standards or objective		
measurements without personal judgment. 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 non-habitable accessory structure in an area in an area designated for residential uses.		
In addition, none of the conditions described in Section 15300.2 apply to this project.		
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 topography of the subject parcel and potential risks associated with slope instability create a special circumstance which supports the granting of a variance to reduce the required 40 foot front yard setback to 11 feet. The subject parcel is approximately 50-acres in size and accessory structures in excess of 1,000 feet in size are characteristic of large parcels containing a mix of residential and small scale agricultural uses. Due to topography and configuration of the subject parcel, the proposed location of the barn is appropriate as it minimizes grading activities, and provides covered parking as well as a secure and accessible location for storage of personal property and a location for work associated with various hobbies and maintenance of 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 location of the proposed barn will be located within relatively close proximity to the existing single family dwelling, resulting in clustered development on the subject parcel. Though the project proposes a reduction to the required 40 foot front yard setback, the proposed accessory structure will be located approximately 40 feet from the edge of the travelled roadway, Long Ridge Road. Additionally, the second floor of the proposed structure will be stepped back from the travelled roadway resulting in the second story elements being approximately 50 feet from Long Ridge Road. As proposed, the structure will not result in adverse impacts to sight distance or impede traffic. The project has been conditioned to ensure stormwater runoff and grading activities will not increase potential risks associated with slope instability.

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. The granting of a variance will not constitute a grant of special privileges in that many properties in the vicinity contain moderate to steep slopes. The proposed building site is the only relatively flat area in terms of topography and is close in proximity to the travelled roadway. Consequently, the location of the proposed accessory structure is appropriate as it minimizes grading activities, provides a location for uses enjoyed by properties in the vicinity including, including covered parking for the residence, a secure and accessible location for storage of personal property, and a location for work associated with various hobbies and maintenance of the subject property.

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 ensure 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 non-habitable 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 SU (Special Use) zone district as the primary use of the property will be one single family dwelling with a detached non-habitable accessory structure that, with the exception of the proposed reduction to the front yard setback, 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 proposed residential use is consistent with the use and density requirements specified for the R-M (Mountain Residential) land use designation in the County General Plan.

The proposed non-habitable accessory structure will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. Findings for granting a variance to reduce the required 40 foot front yard setback can be made and the proposed structure meets all other site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

Additionally, the proposed non-habitable 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). The proposed structure will be greater than 1,000 square feet and located within the rural area of the County; however, the proposed structure is consistent with the type of structures that can be found in the vicinity and will result in a structure consistent with a design that could be approved on any similarly sized lot.

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 non-habitable accessory structure is to be constructed on an existing developed lot that is currently served by utilities. Additionally, the non-habitable accessory structure does not contain any traffic generating features (bedrooms). Therefore, the project will not adversely impact existing roads or intersections in the surrounding area or overload 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 proposed structure is located in a mixed neighborhood containing a variety of architectural styles and the proposed color and materials will be complimentary to the site. As proposed, the non-habitable accessory structure is consistent with the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit D: Project plans, prepared by The Final Draft, dated 3/12/18.

- I. This permit authorizes the construction of a two-story detached non-habitable accessory structure 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. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
- 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. The plan shall include improvements to the two existing catch basins, culverts and improvements to the drainage outfalls (properly sized dissipaters) on the west side of Long Ridge Road.
- 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 Zone 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 County Fire Protection District.
- F. Submit 3 copies of a soils report 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.
- H. Complete and record a Declaration of Restriction to construct/maintain a detached two story 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. If archaeological resources or human remains are accidentally discovered during

construction, work shall be halted within 50 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented with the concurrence of the lead agency (Ref: Health & Safety Code Section 7050.5; Santa Cruz County Code 16.40).

- E. If human remains are found at any time, work must be stopped and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant (MLD) who will be authorized to provide recommendations for management of the remains and any associated materials (Ref: California Public Resources Code Section 5097.98; and Health & Safety Code Section 7050.5; and Santa Cruz County Code 16.40
- F. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval

Holder.

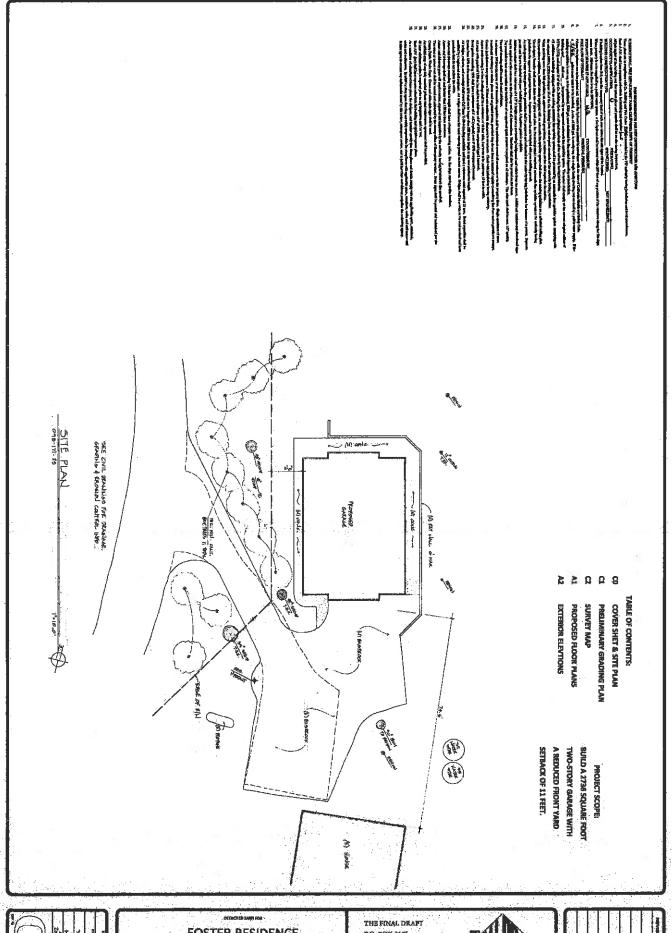
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

	Annette Olson Deputy Zoning Administrator
Expiration Date:	
Effective Date:	
Approval 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.



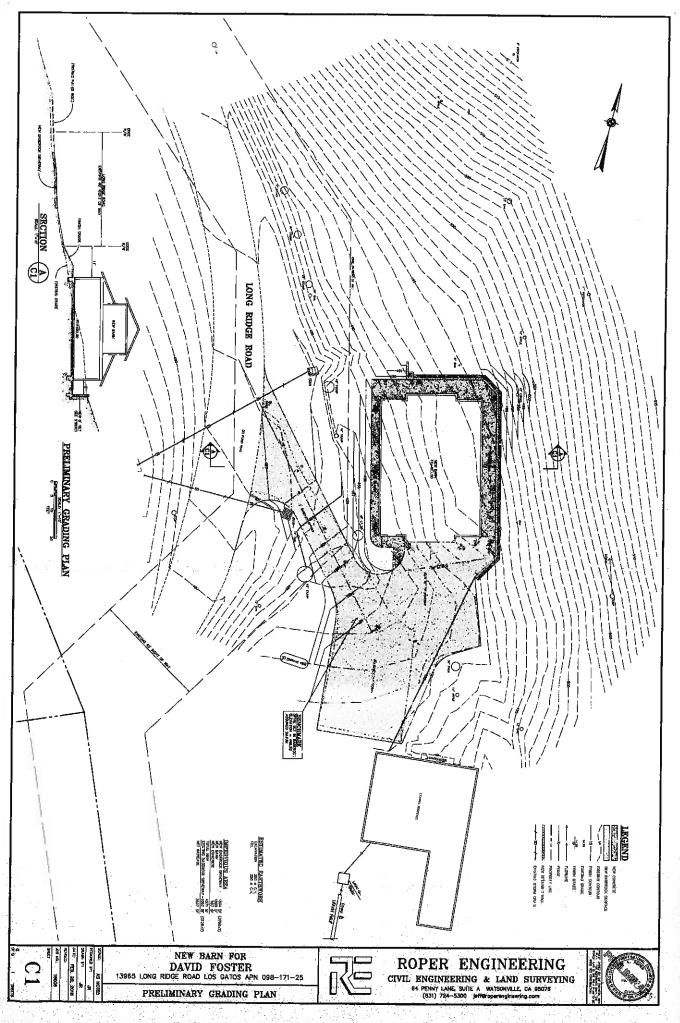


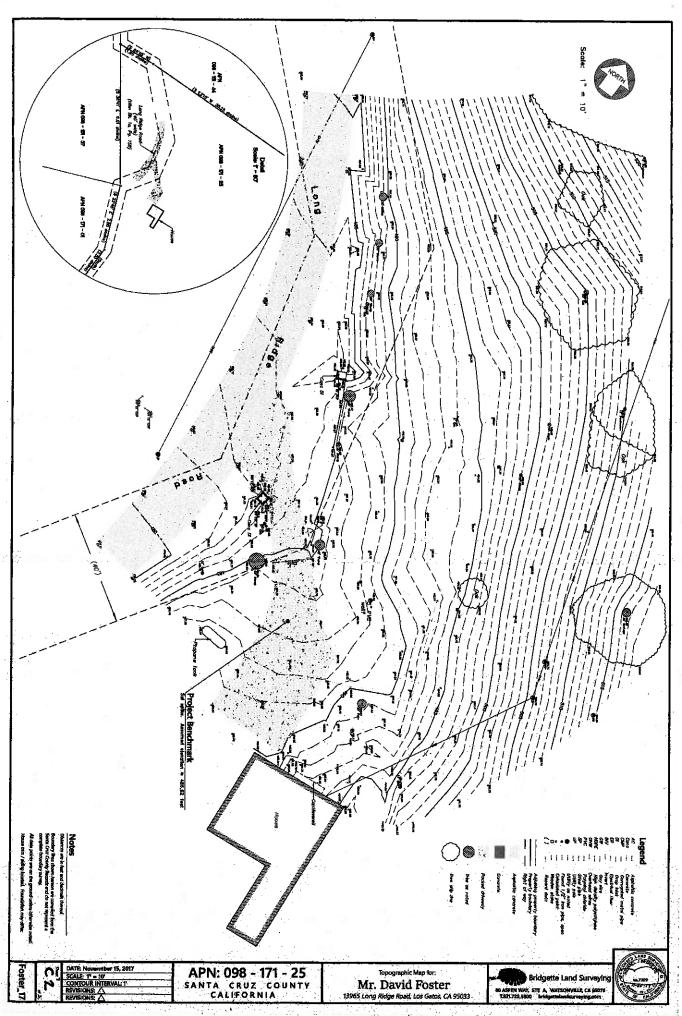
FOSTER RESIDENCE
13995 LONG REGIE ROAD
1.005 GATOS. CA 950331

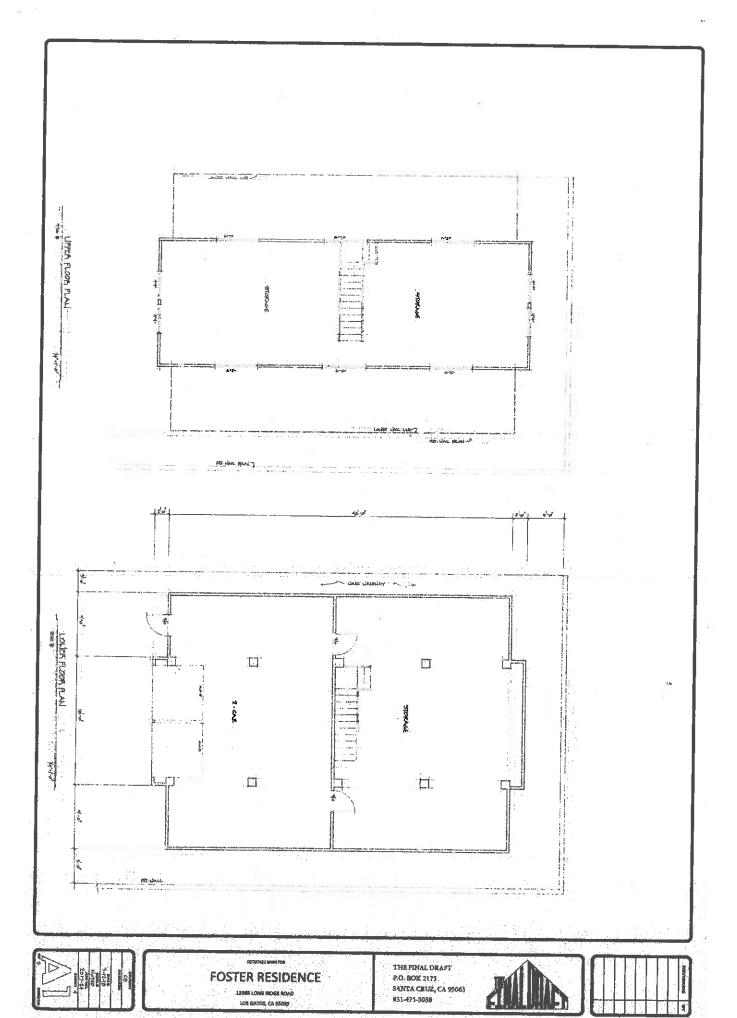
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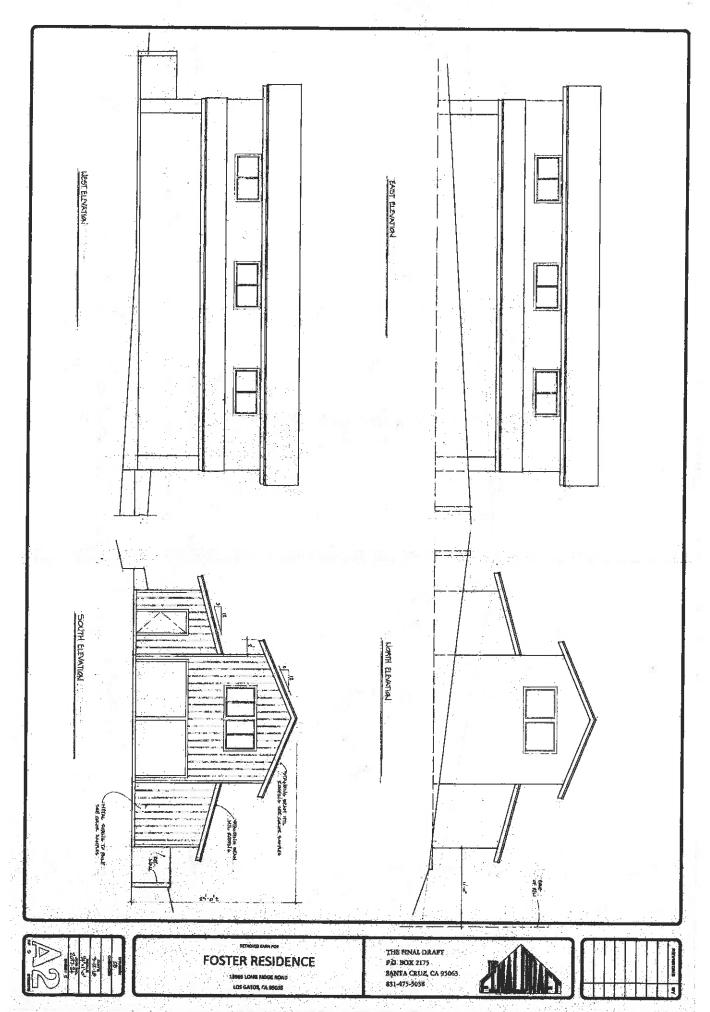


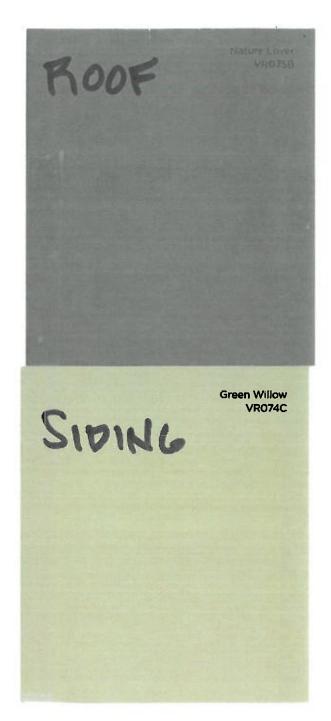






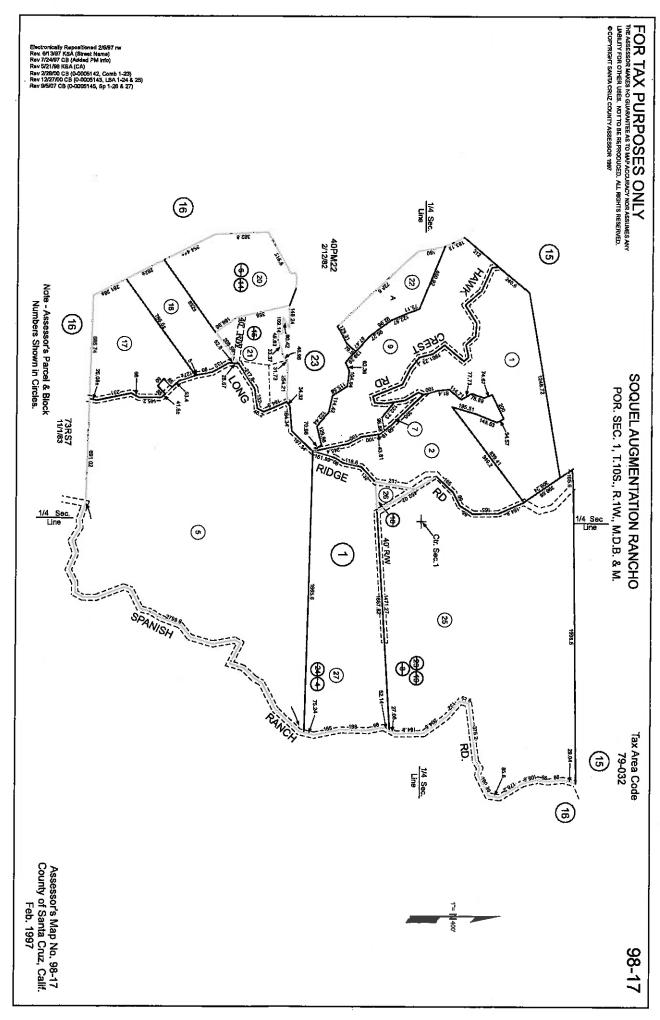






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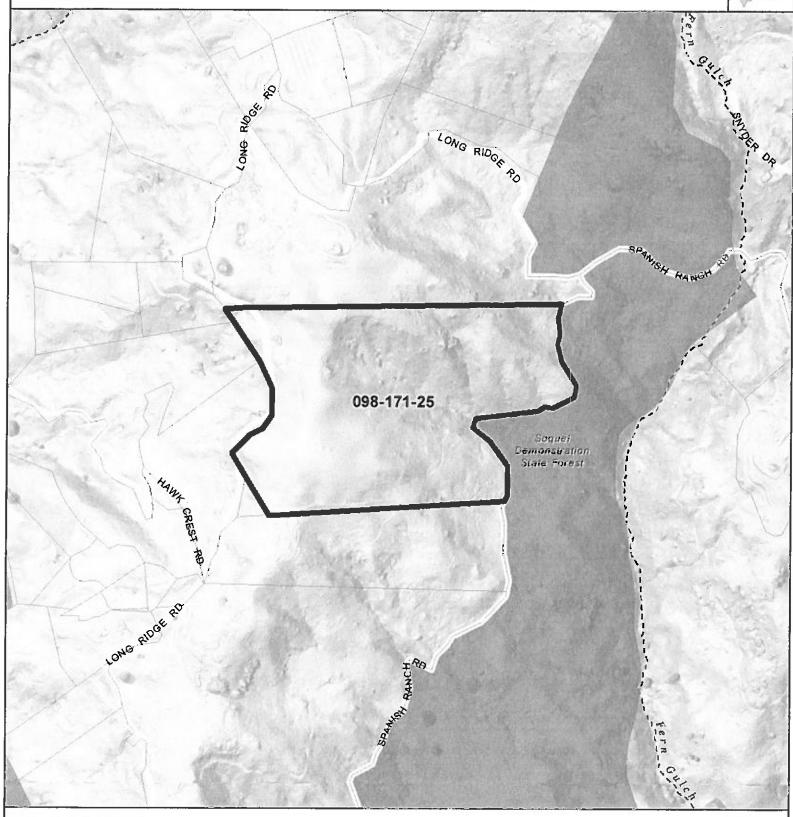




SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map





Parcel: 09817125

Study Parcel

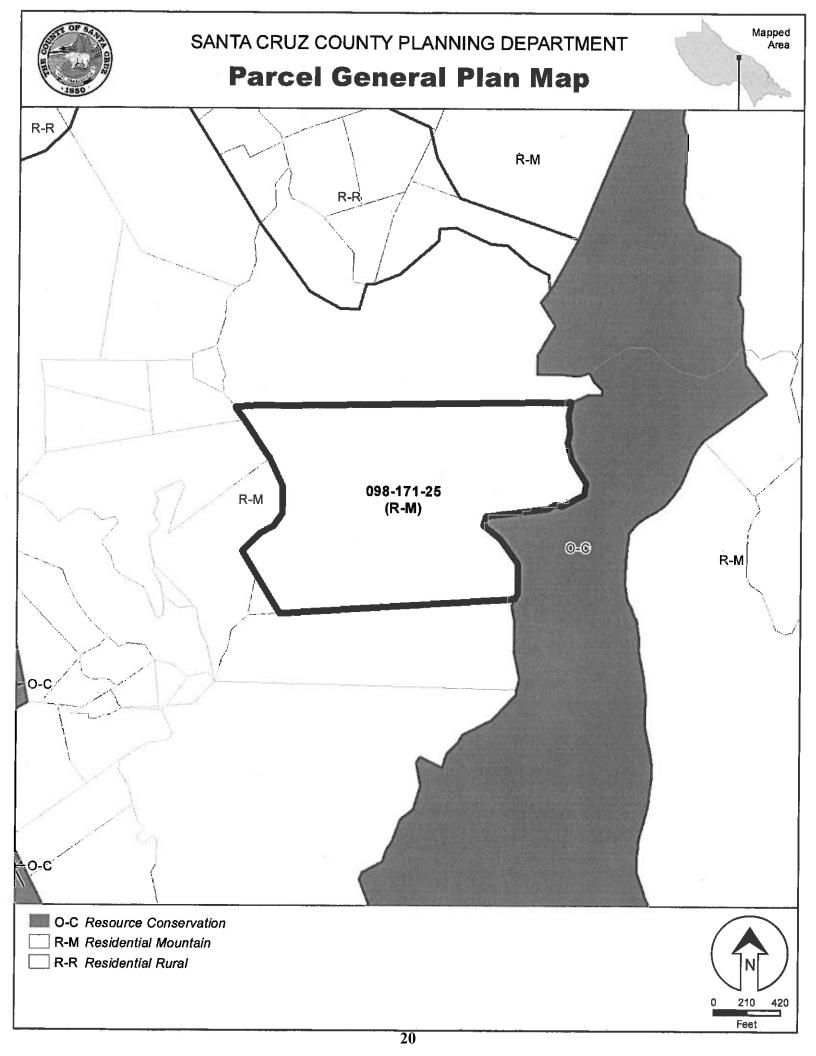
Assessor Parcel Boundary

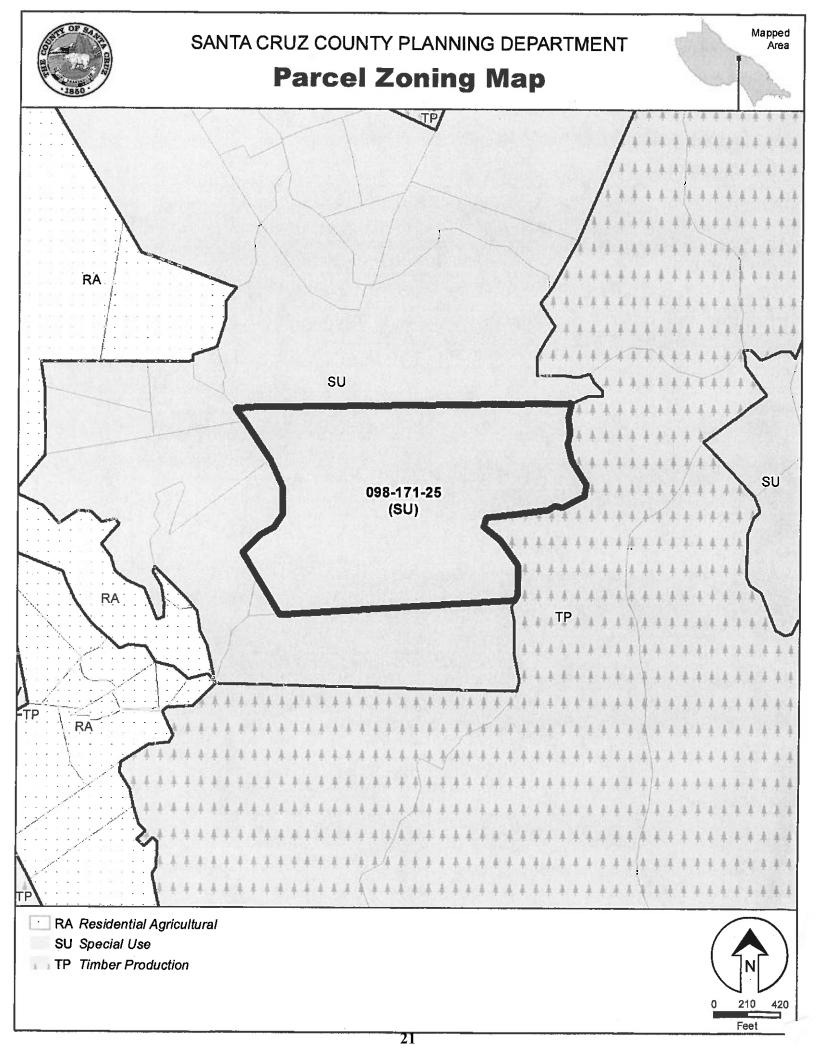
Existing Park

Map printed: 14 Aug. 2019



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Parcel Information

Services Information

Urban/Rural Services Line:

Inside

X Outside

Water Supply:

Well

Sewage Disposal: Fire District:

Septic County Fire Protection District

Drainage District:

Outside flood control district

Parcel Information

Parcel Size:

50 acres

Existing Land Use - Parcel:

Residential

Existing Land Use - Surrounding:

Residential

Project Access:

Long Ridge Road

Planning Area:

Summit

Land Use Designation:

R-M (Mountain Residential)

Zone District:

SU (Special Use)

Coastal Zone:

__ Inside

X Outside

Appealable to Calif. Coastal

__ Yes

X No

Comm.

Technical Reviews:

Geologic Hazards Assessment (REV181098) and Archaeological Report Review

Environmental Information

Geologic Hazards:

GHA (REV181098)

Fire Hazard:

Not a mapped constraint

Slopes:

Moderate to severe slopes

Env. Sen. Habitat:

Mapped/no physical evidence on site

Grading:

Approximately 350 cubic yards of grading proposed

Tree Removal:

No trees proposed to be removed

Scenic:

Not a mapped resource

Archeology:

Archaeological Report prepared/no physical evidence on site