



## Staff Report to the Zoning Administrator

Application Number: **191202**

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**Applicant:** Chad Williams

**Owner:** Anton Koukharski

**APN:** 091-141-73

**Site Address:** 15535 Upper Ellen Road, Los Gatos

**Agenda Date:** December 20, 2019

**Agenda Item #:** 2

**Time:** After 9:00 a.m.

**Project Description:** Proposal to construct a detached approximately 846 square foot single story garage on a parcel containing an existing single-family dwelling. Requires a Variance to reduce the 40-foot front setback to about 10 feet.

**Location:** Property located on the north side of Upper Ellen Road (15535 Upper Ellen Road, Los Gatos) approximately 900 feet east of the intersection with Griscom Way.

**Permits Required:** Variance

**Supervisory District:** 5th District (District Supervisor: Bruce McPherson)

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 191202, based on the attached findings and conditions.

### Project Description & Setting

The subject parcel is approximately 6.7 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.

For the reason Upper Ellen Road “doubles-back” within the property, the subject parcel can be characterized as three distinct areas. The area developed with the existing home is approximately one acre in size, located at the northernmost portion of the parcel, is steeply sloped, and is readily accessible from Upper Ellen Road. The remaining portions of the parcel are undeveloped, characterized by a variety of steep vegetated slopes.

This is a proposal to construct a detached non-habitable accessory structure to serve as a three-car garage. 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.

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## **Variance**

The project proposes a reduction to the required 40 foot front yard setback to approximately 10 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. These findings can be met in that the subject parcel has topographic constraints that restrict development to the proposed building site relative to the atypical routing and location of the Upper Ellen Road right-of-way. Due to 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.

## **Zoning & General Plan Consistency**

The subject property is a 6.7 acre lot, located in the SU (Special Use) zone district, a designation which allows residential uses. The proposed non-habitable accessory garage is a permitted use within the zone district and the zoning is consistent with the site's R-M (Mountain Residential) General Plan designation.

The project proposes a reduction to the front yard setback due to the topography and atypical right-of-way routing through the site. The project would comply with all other applicable codes and policies. The pitched roof design, brick veneer (south-facing) siding, and wood trim proposed for the accessory structure will be complementary 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 **191202**, 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](http://www.sccoplanning.com)**

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Santa Cruz CA 95060  
Phone Number: (831) 454-3157

E-mail: [jonathan.disalvo@santacruzcounty.us](mailto:jonathan.disalvo@santacruzcounty.us)

**Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- 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: 191202

Assessor Parcel Number: 091-141-73

Project Location: 15535 Upper Ellen Road

**Project Description: Proposal to construct an approximately 846 square foot single story detached garage. Requires a Variance to construct the garage within the 40-foot front setback**

**Person or Agency Proposing Project: Chad Williams**

**Contact Phone Number: 831-588-9792**

- 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:**

15303 - Class 3 includes construction of an accessory structure in an area for residential uses.

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

\_\_\_\_\_  
Jonathan DiSalvo, 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 topography and atypical location of the Upper Ellen Road right-of-way through the parcel create special circumstances which supports the granting of a variance to reduce the required 40 foot front setback to approximately 10 feet. The subject parcel is approximately 6.7 acres in size and an accessory garage of this size is typical for large parcels in rural areas. Due to topography and configuration of the subject parcel, the proposed location of the garage is appropriate as it minimizes grading activities and provides a convenient and secure location for covered parking. Use of an accessory garage is a privilege enjoyed by other properties in the vicinity under identical zoning classification.

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 proposed non-habitable accessory garage will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district, and will meet all other current setbacks and findings for a variance in the zone district. Though the project proposes a reduction to the required 40 foot front yard setback, the structure will not result in adverse impacts to sight distance or impede traffic. This front setback encroachment is not expected to be materially detrimental to public health safety or welfare, or injurious to property or improvements in the vicinity.

The project is also 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.

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 granting of special privileges in that many properties contain moderate to steep slopes. The proposed building site is the only relatively flat area in terms of topography close in proximity to the existing residence and traveled roadway. Consequently, the location of the proposed accessory structure is appropriate as it minimizes grading activities, provides a location for a garage which is a use enjoyed by other properties in the vicinity.

## Conditions of Approval

Exhibit D: Project plans, prepared by Chad Williams, dated 9/19/19.

- I. This permit authorizes the construction of a non-habitable accessory garage 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 off-site 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.

4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 28 feet.
  5. 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 Zayante 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 one 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. 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
    - 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.

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

\_\_\_\_\_  
Annette Olson  
Deputy Zoning Administrator

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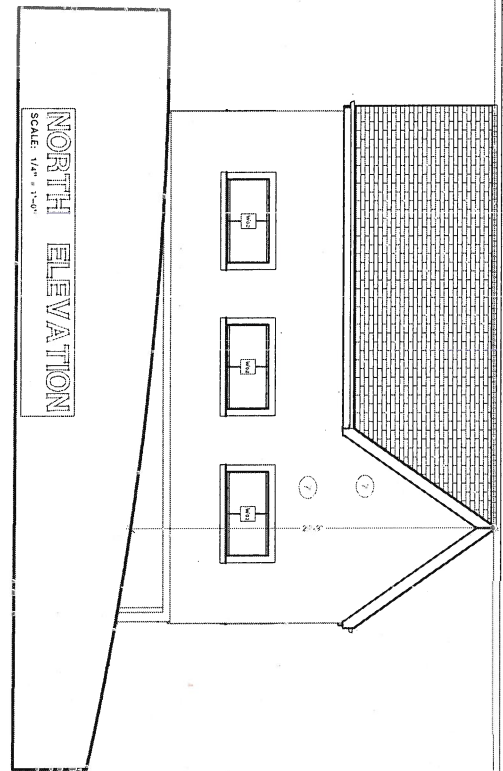
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.



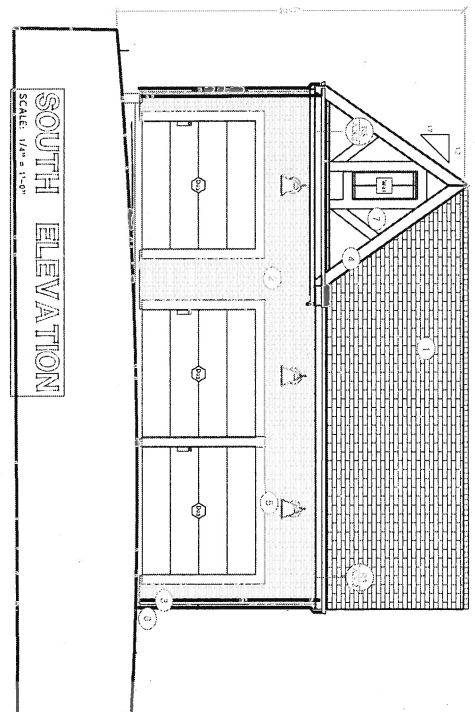




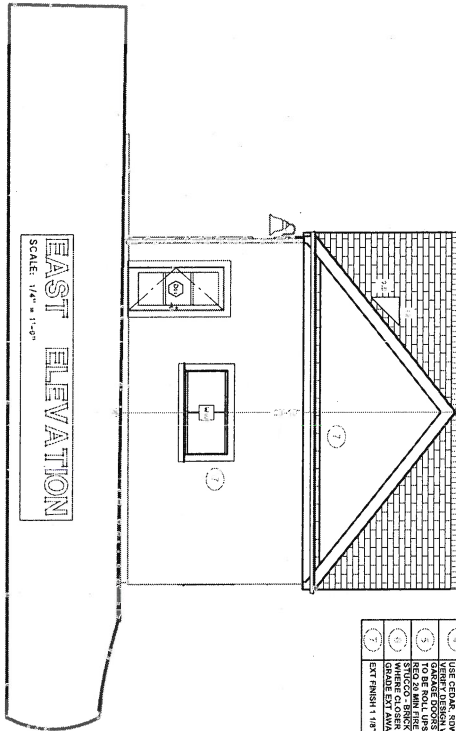




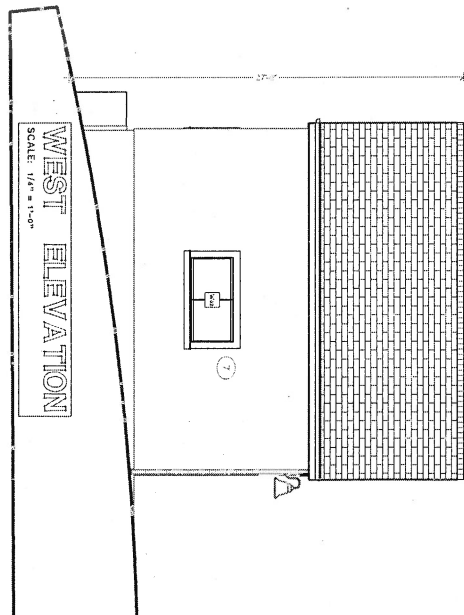
**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

KEY	DESCRIPTION
1	ROOF TO BE CLASS A COMP TO MATCH HOUSE
2	SOUTH EXTERIOR FINISH TO MATCH HOUSE
3	OUTERS W/ DOWN SPOUT TO FLASH BLOCK ON GRADE TYP
4	GRADE EXIST TO BE 1" UP TO COAT STUCCO
5	USE GRADE, FINISH ON PT LUMBER
6	GRADE DOORS
7	TO BE PAINT LUMBER
8	STUCCO FINISH TO GRADE
9	GRADE EXIST AWAY FROM WALLS 18" FOR 18" MIN.
10	EXT FINISH 1" UP TO STUCCO

DATA	DATE	REVISION BY	DESCRIPTION
1	1/24/2017	CHAD WILLIAMS	APPROVAL FOR SETTING VARIATION
2	1/24/2017	CHAD WILLIAMS	PLANNING COMMENTS #1 ALL SETS NEW

**SITE ADDRESS:**  
15525 UPPER ELLEN  
LOS GATOS CA 95033  
APN 091 14 173

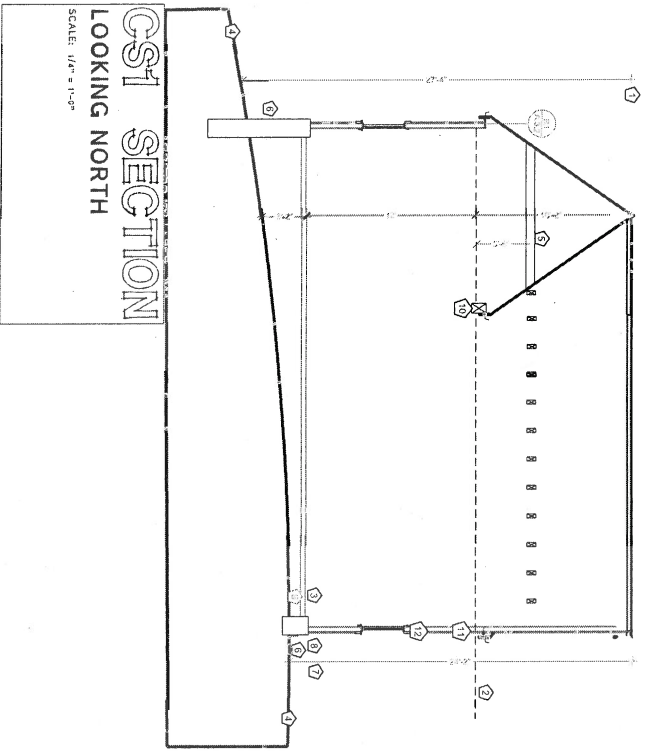
**CWD'S CLIENT:**  
MR. ARON KOUKHARSKI  
15536 UPPER ELLEN  
LOS GATOS CA 95033  
408 203 6368  
AKOKARSKI@GMAIL.COM

**CWDesign Solutions**  
RESIDENTIAL DESIGN & PLANNING  
CHAD WILLIAMS OWNER  
62 Eucalyptus Dr.  
Palo Alto, CA 94306  
650.516.6792  
chad@cwdesignsolutions.com

**SHEET**  
A-7.1  
9/16

**ELEVATIONS**

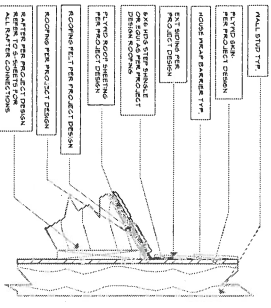
**EXHIBIT D**



KEY TO SECTION
1 RIDGE @ HIGHEST POINT
2 SHOWS LINE OF PLATE HIT
3 FINISH FLOOR TONGUE & GROOVE
4 FINISH FLOOR TONGUE & GROOVE
5 LINE OF NATURAL GRADE
6 FINISH GRADE TO BE SAME
7 COLLAR TIE #4 ABOVE PLATE LINE
8 EXT OF FOUNDATION WALL
9 RED TO SLOPE AWAY FROM WALL FOR 10 MIN
10 RED TO SLOPE AWAY FROM WALL FOR 10 MIN
11 RED TO SLOPE AWAY FROM WALL FOR 10 MIN
12 RED TO SLOPE AWAY FROM WALL FOR 10 MIN
13 RED TO SLOPE AWAY FROM WALL FOR 10 MIN
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16 RED TO SLOPE AWAY FROM WALL FOR 10 MIN

KEY NOTE SCHEDULE ROOF EDGE DETAIL
1 CLASS A ROOFING
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**R-1**  
**ROOF EDGE DETAIL**



**R-5**  
**BATTERY TO WALL SECTION DETAIL**

THIS DRAWING FOR ILLUSTRATION ONLY  
REFER TO S.E. PLANS FOR FINISH

**SHEET**  
A-5.1  
9F  
10

**SECTION - DETAILS**

**CWDesign Solutions**  
RESIDENTIAL DESIGN & PLANNING  
CHAD WILLIAMS OWNER

**SITE ADDRESS:**  
15535 UPPER ELLEN  
LOS GATOS CA 95033  
APN 081 14 173

**CWDS CLIENT:**  
MR. ANTON KOUKHAREKI  
15535 UPPER ELLEN  
LOS GATOS CA 95033  
563 293 695  
AKOKARSKI@GMAIL.COM

**REVISIONS:**

NO.	DATE	REVISION
1	01/10/19	ISSUED FOR PERMITS
2	01/10/19	ISSUED FOR PERMITS

# FOR TAX PURPOSES ONLY

THE ASSessor's MAP NO. 91-14, LBA 5588-6, 1-69,70)  
 Rev. 9/29/96 CB (Cor)  
 Rev. 5/28/98 KSA (CA)  
 Rev. 9/14/01 mvm (changed page refs.)  
 Rev. 9/17/01 GG (Add R/W for 1-65.)  
 Rev. 10/7/03 CB (3-0065776 & 77, LBA 1-71 & 72)  
 Rev. 10/21/03 CB (104RS24)  
 Rev. 10/01/04 DD (Comb. form 1-73)  
 Rev. 12/13/06 mvm (Cor. to Griscom Wy)  
 Rev. 6/30/16 CB (Comb Form, 1-74)  
 Rev. 2/19/19 jg (Comb Form, 1-75)

68RS34

1/11/1980

58RS44

7/31/1973

67RS34

4/30/1979

51RS21

1/30/1974

46RS18

4/20/1967

13

GRISCOM

08

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POR. SECS. 18 & 19, T.9S., R.1W. &  
 SEC.13, T.9S., R.2W., M.D.B. & M.

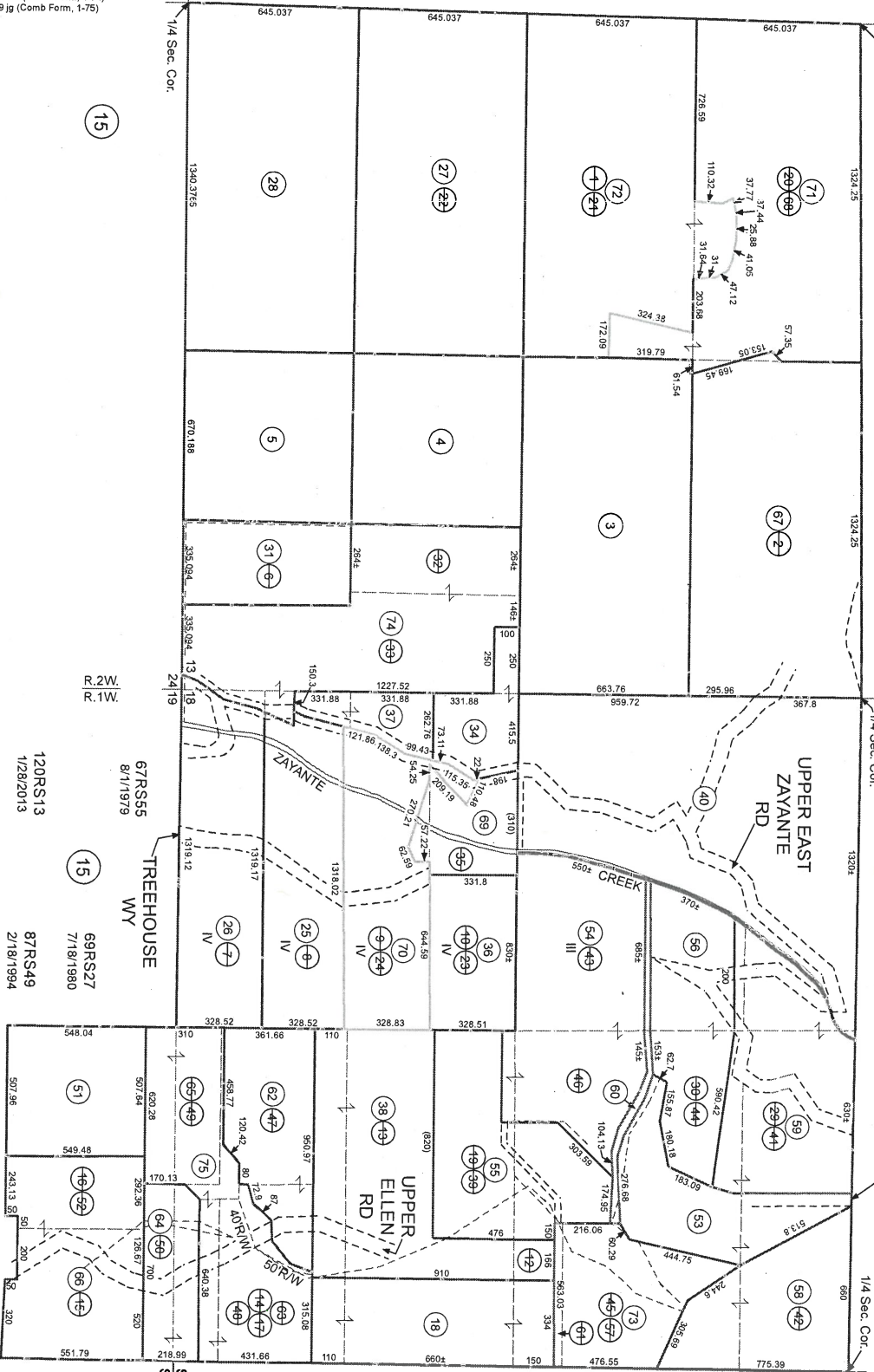
Tax Area Code  
 65-020

91-14

Electronically redrawn 1/9/95 JL  
 Rev. 1/9/95 JL (LBA 5588-6, 1-69,70)  
 Rev. 9/29/96 CB (Cor)  
 Rev. 5/28/98 KSA (CA)  
 Rev. 9/14/01 mvm (changed page refs.)  
 Rev. 9/17/01 GG (Add R/W for 1-65.)  
 Rev. 10/7/03 CB (3-0065776 & 77, LBA 1-71 & 72)  
 Rev. 10/21/03 CB (104RS24)  
 Rev. 10/01/04 DD (Comb. form 1-73)  
 Rev. 12/13/06 mvm (Cor. to Griscom Wy)  
 Rev. 6/30/16 CB (Comb Form, 1-74)  
 Rev. 2/19/19 jg (Comb Form, 1-75)

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

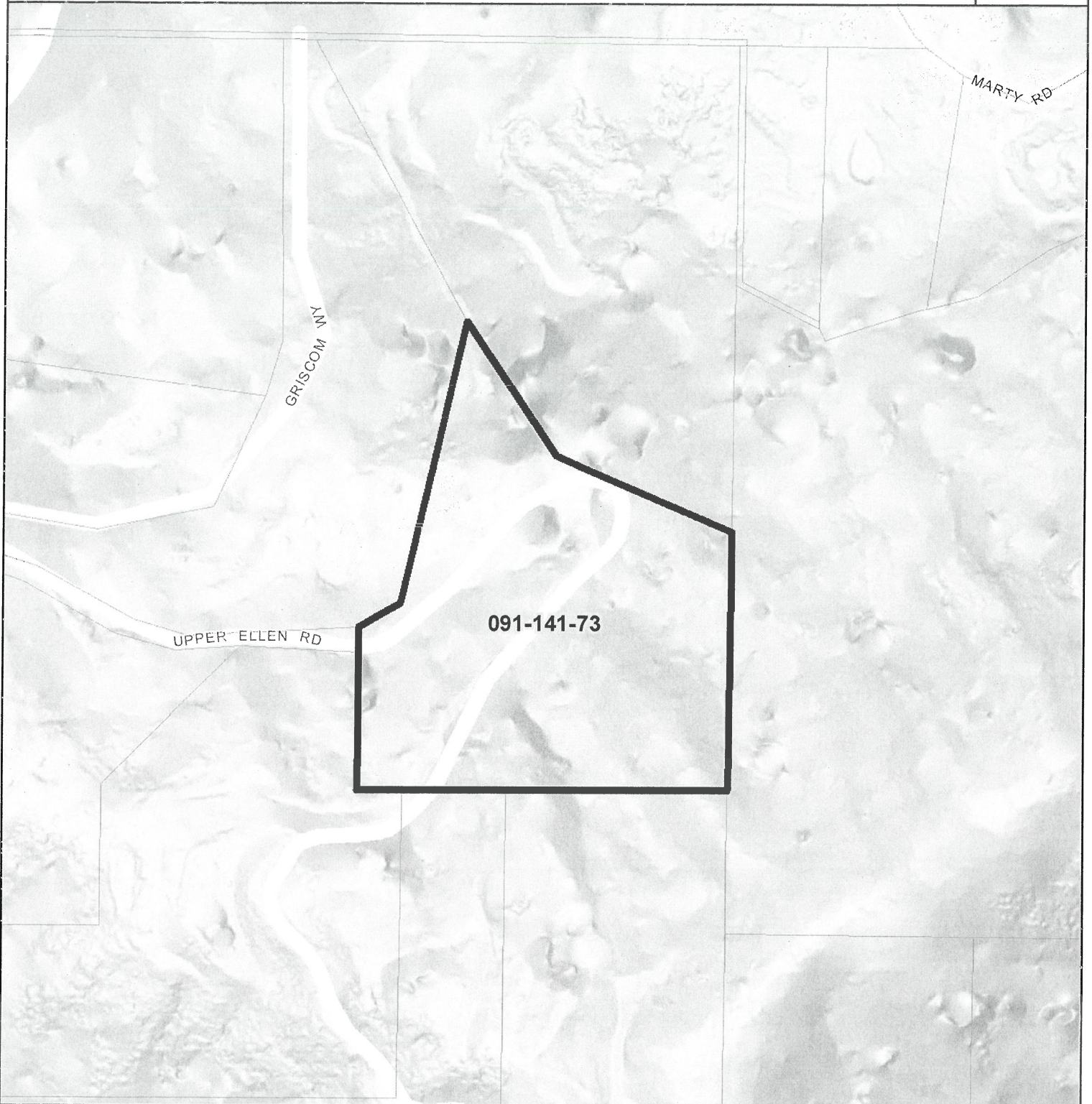
Assessor's Map No. 91-14  
 County of Santa Cruz, Calif.  
 Jan. 1995







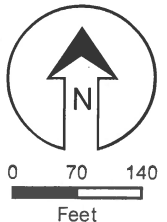
## Parcel Location Map



**Parcel: 09114173**

-  Study Parcel
-  Assessor Parcel Boundary

Map printed: 19 Nov. 2019



**EXHIBIT E**





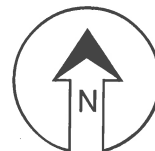
# Parcel General Plan Map



Mapped  
Area



☐ R-M Residential Mountain



0 70 140  
Feet

**EXHIBIT E**






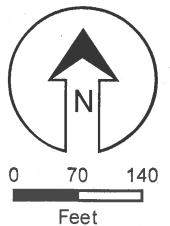
# Parcel Zoning Map



Mapped  
Area



-  A Agriculture
-  RA Residential Agricultural
-  SU Special Use



**EXHIBIT E**

Application #: 191202  
APN: 091-141-73  
Owner: Anton Koukharski

## Parcel Information

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: Well  
Sewage Disposal: Septic  
Fire District: Zayante Fire District  
Drainage District: Outside flood control district

### Parcel Information

Parcel Size: 6.7 acres  
Existing Land Use - Parcel: Residential  
Existing Land Use - Surrounding: Residential  
Project Access: Upper Ellen Road  
Planning Area: Skyline  
Land Use Designation: R-M (Mountain Residential)  
Zone District: SU (Special Use)  
Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm.: ☐ Yes ☒ No

Technical Reviews: None

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Fire Hazard: Not a mapped constraint  
Slopes: Moderate to severe slopes  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: Approximately 198 cubic yards of grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Archeology: Not mapped/no physical evidence on site