

Staff Report to the Zoning Administrator

Application Number: 28352

Applicant: Rockwood Design Associates **Agenda Date:** June 19, 2020

Owner: Barry Feild Agenda Item #: 2 APN: 098-011-91 Time: After 9:00 a.m.

Site Address: 25375 Adams Road, Los Gatos

Project Description: Proposal to construct a new front entry at an existing single family residence on property located in the SU zone district. Requires a Variance to reduce the required 40 foot front yard setback to approximately 29 feet.

Location: Property located on the north side of Adams Road at 25375 Adams Road.

Permits Required: Variance

Supervisorial District: 1st 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 28352, based on the attached findings and conditions.

Project Description & Setting

The subject property is located on the north side of Adams Road in the Summit planning area. The subject parcel slopes downward to the north, away from the roadway. The property is improved with an existing dwelling and detached garage that are located partially within the required front yard setback from Adams Road. The surrounding neighborhood is developed with rural residential home sites.

This application is a proposal to construct an addition to the existing residence. The proposed addition would be approximately 97 square feet in area and would create a deck and front entry to the residence, so that the property owners are able to access the residence directly from the front parking area. Currently access to the residence requires traveling down a flight of stairs into the lower floor.

The proposed addition would be 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.

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Zoning & General Plan Consistency

The subject property is an approximately 6 acre parcel, located in the SU (Special Use) zone district, a designation which allows residential uses. The existing single family residence is a principal permitted use within the zone district and the zoning is consistent with the site's R-R (Rural Residential) General Plan designation.

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Variance

A variance to the front yard setback is required because the existing residence is located within the required 40 foot front yard setback from Adams Road and the proposed addition would be located in front of the existing residence within the front yard setback (approximately 29 feet from the edge of the right of way).

The minimum required front yard setback for the SU zone district is 40 feet from the front property line or edge of right of way.

The subject property is sloped steeply downward from the roadway and the existing residence is partially located within the required front yard setback.

The slope down from Adams Road and the location of the existing residence are the special circumstances 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 a residential addition and front entry 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.

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 **28352**, 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

Application #: 28352 APN: 098-011-91

Owner: Barry Feild

Report Prepared By: Randall Adams

Santa Cruz County Planning Department

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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: 28352

Assessor Parcel Number: 098-011-91

Project 1	Location: 25375 Adams Road, Los Gatos		
Project Description: Proposal to construct a residential addition at an existing single family dwelling.			
Person	or Agency Proposing Project: Rockwood Design Associates		
Contact	t Phone Number: 408-354-2128		
A	The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).		
C			
D			
E. <u>X</u>	Categorical Exemption		
Specify	type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)		
F. 1	Reasons why the project is exempt:		
Additio	n to a single family dwelling in an area designated for residential uses.		
In additi	ion, none of the conditions described in Section 15300.2 apply to this project.		
	Date:		
Kandall	Adams, Project Planner		

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 29 feet is recommended in order to allow the construction of a residential addition and front entry on the subject property. The steep slope downward from Adams Road and the location of the existing residence 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 a residential addition to be constructed 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 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 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 residential addition and the conditions under which the residential use 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 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 use is consistent with the use and density requirements specified for the R-R (Rural 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 addition is to be constructed onto an existing single family dwelling. The expected level of traffic generated by the proposed project is anticipated to remain at only one peak trip per day (1 peak trip per dwelling unit). No notable 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 existing structure is located in a mixed rural residential neighborhood containing a variety of architectural styles, and the proposed addition is consistent with the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit D: Project plans, prepared by Rockwood Design, dated 9/26/19.

- I. This permit authorizes the construction of an addition to the existing single family residence 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.
- 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 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 CalFire (County Fire 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. 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. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting

such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

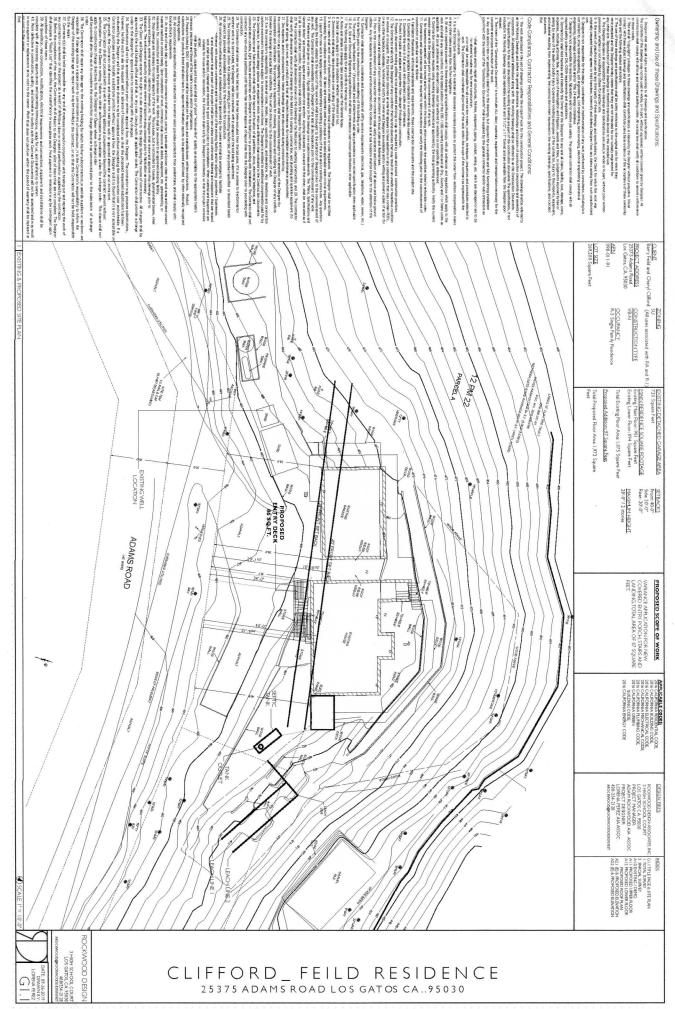
- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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>. The "applicant/owner" shall include the applicant and/or the owner and the successor'(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

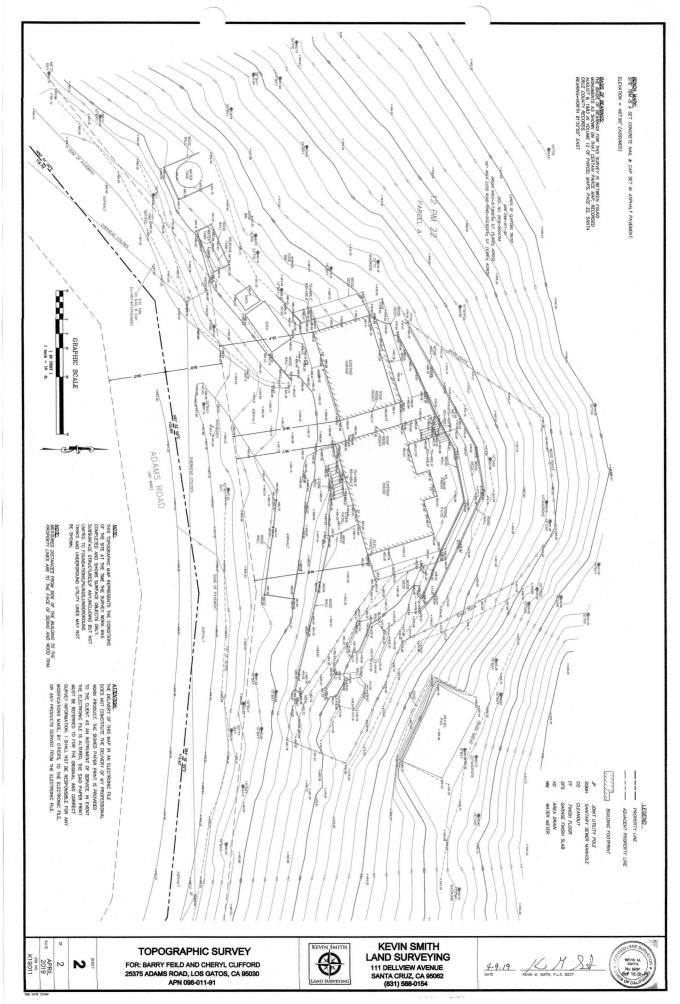
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

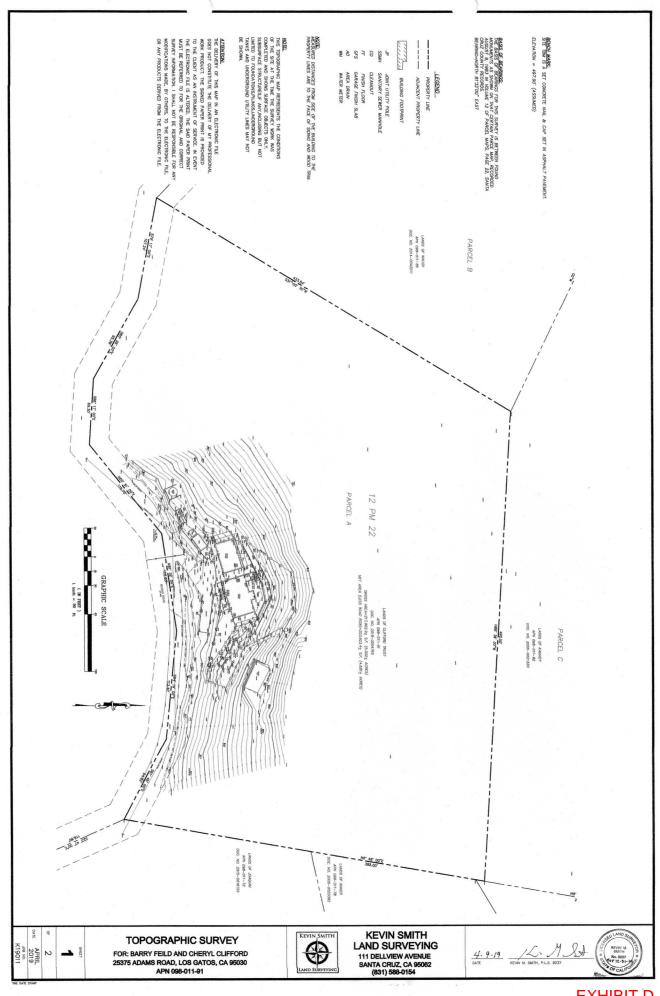
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures 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.

Application #: 28352 APN: 098-011-91 Owner: Barry Feild	
Approval Date:	
Effective Date:	
Expiration Date:	

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







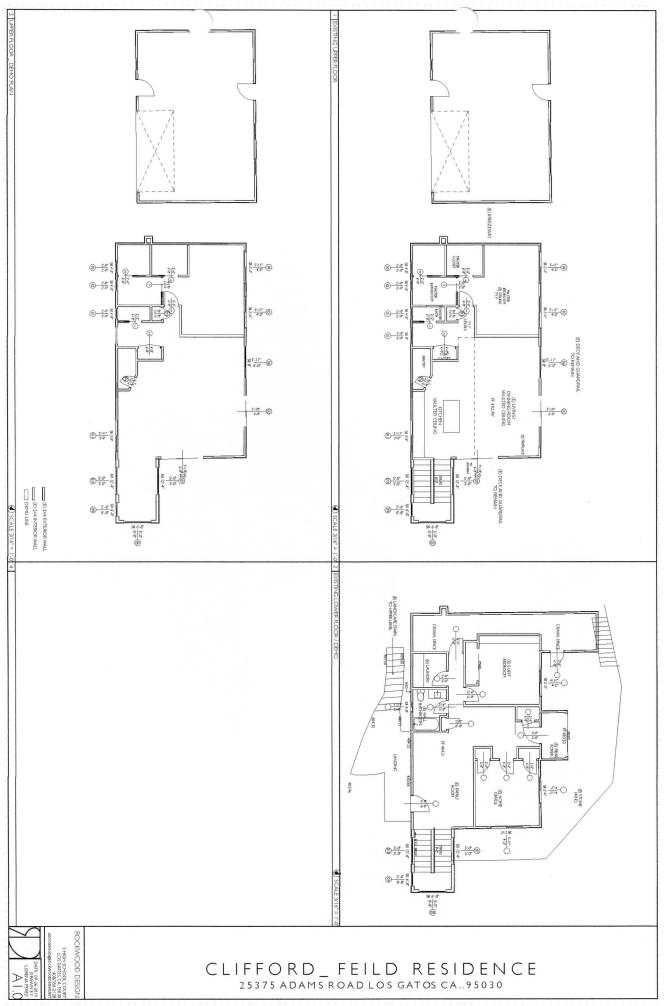
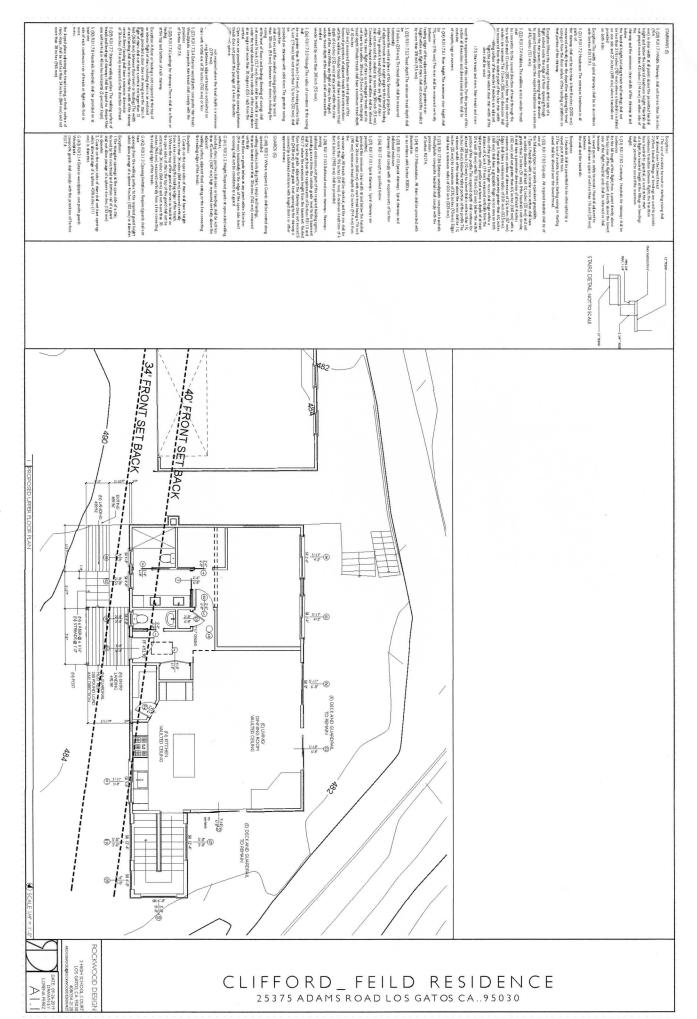
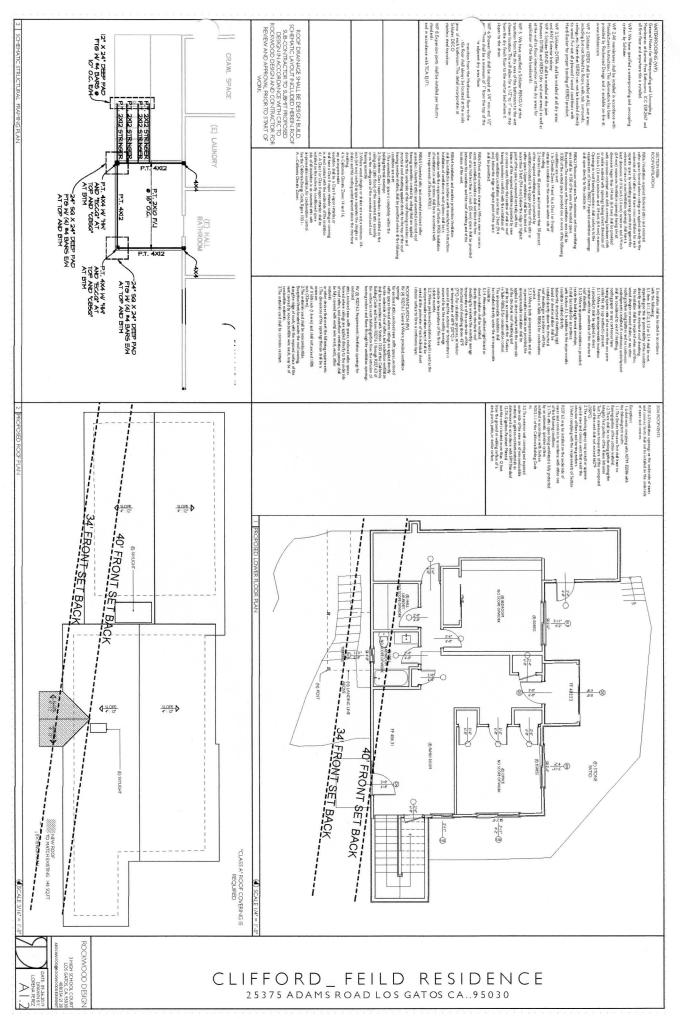


EXHIBIT D





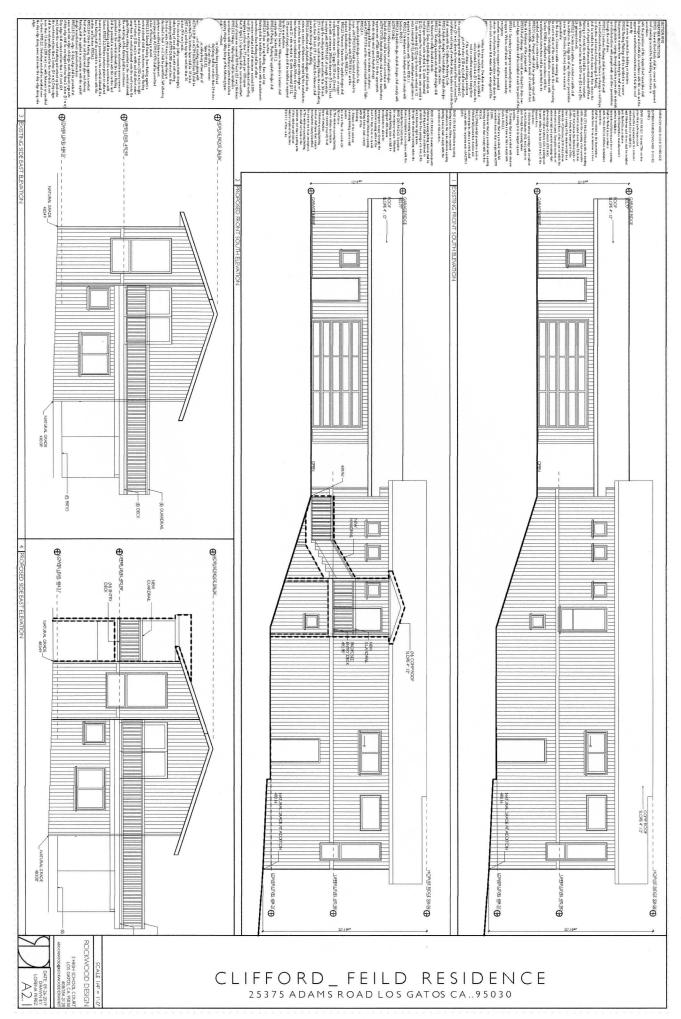


EXHIBIT D

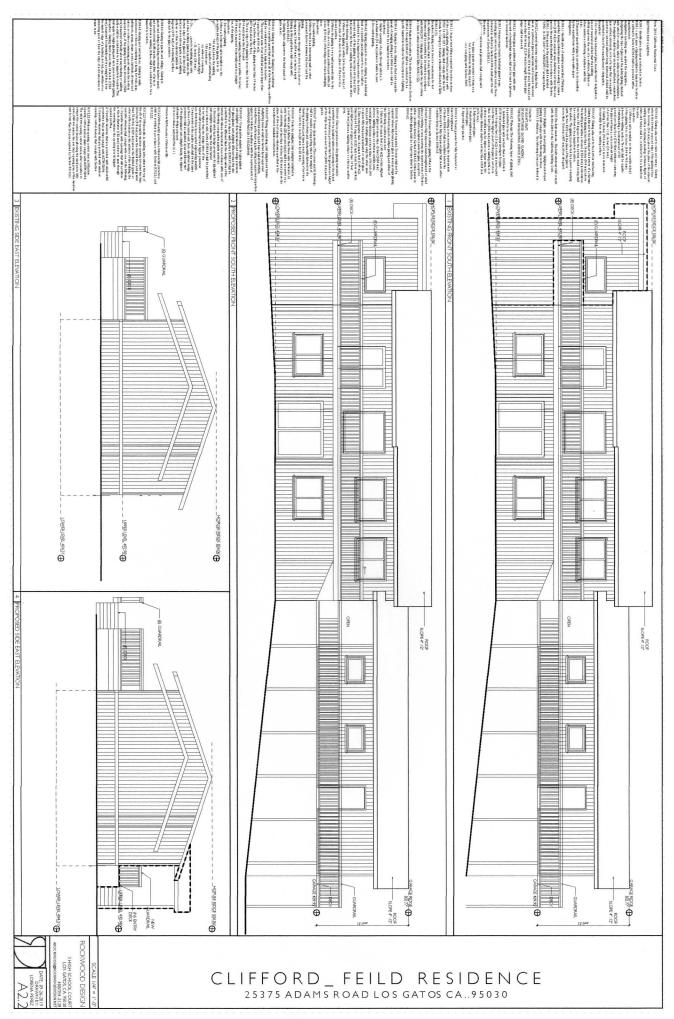


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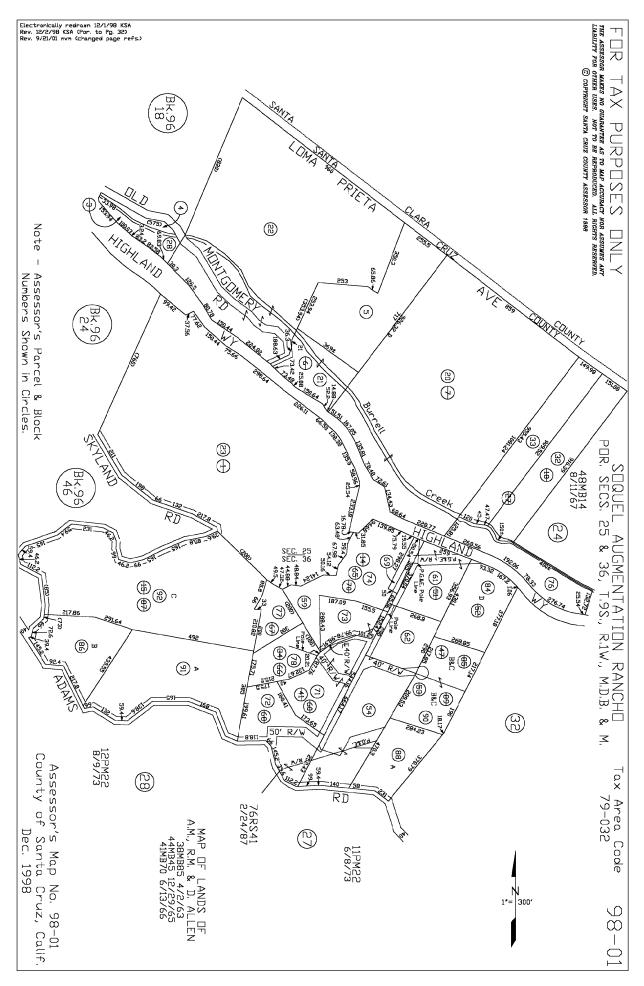


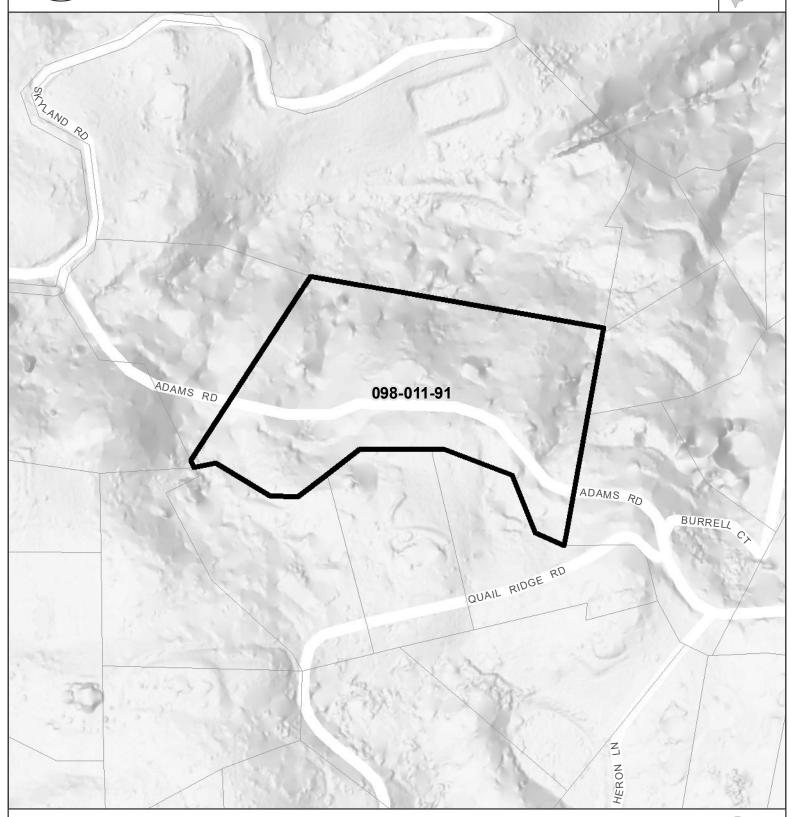
EXHIBIT E



SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map



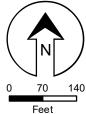


Parcel: 09801191

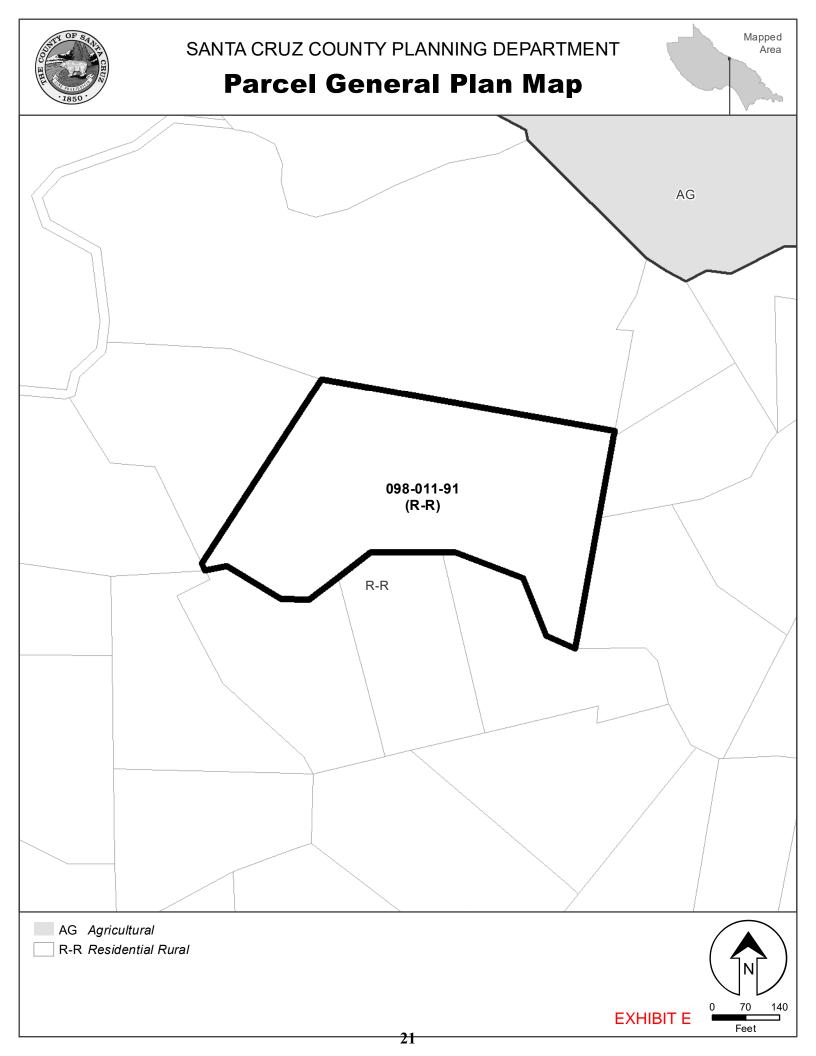
Study Parcel

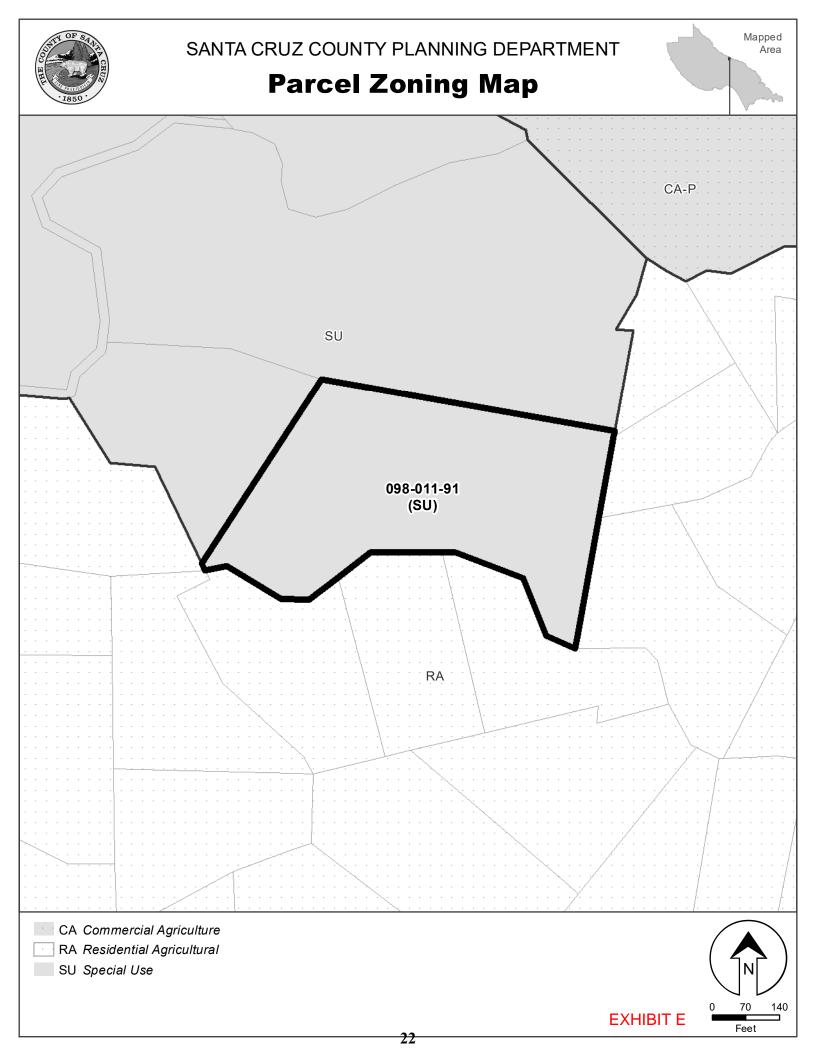
Assessor Parcel Boundary

EXHIBIT E



Map printed: 6 May. 2020





Parcel Information

Services Information

Urban/Rural Services Line: ___ Inside ___X Outside

Water Supply: Well Sewage Disposal: Septic

Fire District: CalFire (County Fire Department)

Drainage District: None

Parcel Information

Parcel Size: 6.18 acres

Existing Land Use - Parcel: Single family residence

Existing Land Use - Surrounding: Rural residential neighborhood

Project Access: Adams Road Planning Area: Summit

Land Use Designation: R-R (Rural Residential)

Zone District: SU (Special Use)

Coastal Zone: ___ Inside __X_ Outside

Environmental Information

Geologic Hazards: State & County mapped fault zone, Cooper-Clark mapped landslide

Fire Hazard: Not a mapped constraint

Slopes: 30%+

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 Archeology: Mapped arch. resource