



## Staff Report to the Zoning Administrator

Application Number: **221149**

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**Applicant:** Ken Hart

**Owner:** Bradley Brown

**APN:** 028-155-22

**Site Address:** 264 15th Ave., Santa Cruz, CA

**Agenda Date:** October 7, 2022

**Agenda Item #:** 3

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

**Project Description:** Proposal to demolish an existing 1,332 sq.ft. single-family dwelling and 571 sq.ft. accessory structure, to construct an approximately 4,010 sq.ft. replacement dwelling and 497 sq.ft. garage and recognize an access right-of-way of approximately 21 feet, 1 inch in width at widest point. Requires approval of a less-than-40-foot right-of-way and a variance to reduce the required 20-foot garage setback to 10 feet.

**Location:** East side of 15th Avenue (264 15th Ave.) approximately 540 feet south of the intersection with East Cliff Drive.

**Permits Required:** Less-than-40-foot right-of-way approval and a variance to reduce the required 20-foot garage yard setback to ten feet.

**Supervisory District:** 1st District (District Supervisor: Koenig)

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 221149, based on the attached findings and conditions.

### Project Description & Setting

The proposed project would maintain the single-family residential use of the site with a replacement single-family dwelling and attached garage, in a residential neighborhood of single-family dwellings.

A less-than-40-foot right of way approval is proposed to recognize a right-of-way recorded on September 9, 2021. The recorded access easement formally recognized a shared driveway that has existed for many years.

A variance approval is proposed to facilitate access to 15th Avenue across a steep slope that runs along the parcel frontage.

**Project Background** (only use when there is relevant past land use history for the property)

In December of 2021, a consultant for the property owner applied for a project consultation (PA211058, Exhibit ) regarding designation of the existing driveway as a “front” and 15<sup>th</sup> Avenue as a “street side” for zoning purposes, in order to construct a replacement dwelling for the existing dwelling unit. The project is considered a fire rebuild, because the owner’s rural dwelling was destroyed in the CZU Complex Fire and the insurance compensation is being applied to building a replacement dwelling unit on 15<sup>th</sup> Ave.

The original dwelling on the site was constructed in 1960, according to Assessor’s records, and remodeled in 1986 with building permit 9348-82138. The redlined setbacks on the approved plans for the permit indicated the front setback at that time as being from 15<sup>th</sup> Ave.

Staff determined that the recently recorded right-of-way easement needed to be recognized by approval of a less-than-40-foot right-of-way pursuant to Santa Cruz County Code (SCCC) Section § 13.10.521. If approved and still used as a primary access to the site, r.o.w. potentially could be considered a “front” for setback purposes.

The applicant also requested that the required minimum 20’ garage setback (§ 13.10.323(B)) on 15<sup>th</sup> Avenue to be measured from the edge of pavement. However, SCCC § 13.10.700-Y, provides that the front yard setback is measured from the front property line, which here coincides with the edge of the public right-of-way. Any reduction in the minimum setback to the garage would require a variance. Although the site qualifies for a reduced carport setback to a minimum of five feet, as provided by § 13.10.323(D)(5)(a), a carport has not been proposed. The owner has indicated that a garage is necessary to provide shelter for electric vehicles.

The project review consultation indicated that the proposed replacement dwelling would probably require a Coastal Permit per SCCC § 13.20.077(A), due to the apparent presence on the site of a nearby riparian corridor. However, when the applicant submitted request for staff services to formally review the watercourse, (PA221011), Environmental Planning determined that the existing drainage did not comprise a riparian corridor and would not trigger a Coastal Permit.

**Zoning & General Plan Consistency**

The subject property is an approximately 9,201 square foot lot located in the R-1-6 (Single-family residential, 6,000 sq.ft. minimum) zone district, a designation which allows residential uses. The proposed replacement dwelling is a principal permitted use within the zone district and the zoning is consistent with the site’s R-UL (Urban Low Density Residential) General Plan designation.

The site is within the Coastal Exclusion zone and is not within a mapped scenic area, visible from the beach or less than 100 feet from a wetland or riparian corridor, and is therefore excluded from Coastal Permitting.

### **Approval of right-of-way less than 40 feet wide.**

The shared driveway at the south property line between the subject parcel and APN 028-155-23 has been in use for decades but was not formally recorded until recently (document 2021-0049558). The easement formally provides the owner of the subject parcel access across the neighboring parcel to reach parking spaces below the existing dwelling. Two parking spaces would be retained in this location below the replacement dwelling. The driveway traverses a relatively steep slope down from 15<sup>th</sup> Ave.

SCCC § 13.10.521 prohibits establishment of any new right-of-way less than 40 feet wide “unless a Level V use approval is obtained for principal frontage and access on a narrower right-of-way.” The right-of-way to be recognized is about 21’ wide at its widest point near the top and narrows towards the bottom. The pavement width is about 15’3” at its narrowest point near the top, but the pavement widens onto both parcels as it approaches the bottom. The right-of-way connects with 15<sup>th</sup> Ave. at the end of the street’s cul-de-sac, established by Shore Acres Subdivision, Tract #117, recorded on February 7, 1951. The configuration of the right-of-way was approved by both the Central Fire District and the Department of Public Works Transportation and Driveways sections with no conditions of approval pertaining specifically to the driveway easement. Vehicles backing out of the subject driveway experience very light traffic conditions and primarily slow-moving vehicles at the end of the cul-de-sac. To protect sightlines no parking is allowed at the driveway /street intersection and no fencing is existing or proposed.

Approval of the less-than-40-foot-right-of-way would create a corner lot. The applicant would designate the newly recognized right-of-way as the front of the parcel. The setback to 15<sup>th</sup> Ave. would become a street side setback; the plan-east property line would thus be a rear yard and the plan-south property line an interior side. The proposed dwelling unit and garage would meet all required setbacks except the 20’ minimum to the proposed garage on the street side (15<sup>th</sup> Ave.), for which a variance is proposed.

The proposed right-of-way would be used to access two parking spaces on the property. The proposed garage off 15<sup>th</sup> Ave. would provide additional parking, and a permit condition proposed by DPW would establish street parking on 15<sup>th</sup> Ave. adjacent to the proposed dwelling.

### **Variance approval**

A variance is proposed to reduce the required 20’ garage setback to 10 feet from the edge of the public right-of-way. Due to the steep slope down from 15th Avenue, a carport with a 5-foot setback would be allowed by right, but the owner requires a standard enclosed garage to house electric vehicles. SCCC § 13.10.230 allows for the approval of exceptions to setbacks as long as supported by special circumstances on the site and not granting special privilege to the applicant. With respect to the project site, imposition of a 20’ garage setback way would necessitate construction of a longer driveway over the steep slope along 15<sup>th</sup> Ave. – a significant cost that is not borne by other parcels in the neighborhood. The reduced setback will facilitate construction of a 10’ driveway apron placed on fill supported by retaining walls. The reduced setback would also help to minimize fill, grading and retaining wall construction. The garage would be set back 28.5 feet from edge of pavement, so ample room is provided for back-up maneuvers and parking in front of the garage, although this parking would not count toward the required offstreet minimum of three spaces.

## Design Review

The subject parcel is not a sensitive site per Ch. 13.11 and not subject to Design Review. As defined by 13.11.030, “ ‘Sensitive site’ shall mean any property located adjacent to a scenic road or within the viewshed of a scenic road as recognized in the General Plan; or located on a coastal bluff, or on a ridgeline.” The subject site falls into none of these categories.

## Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Recognition of the right-of-way less than 40-wide would preserve shared use of the driveway along the plan-west property line and maintain a safe secondary access from 15<sup>th</sup> Ave., providing access to parking spaces necessary to approve the proposed replacement dwelling. The proposed variance is warranted by special circumstances specific to the site (steep slopes along 15<sup>th</sup> Ave.) and would not constitute a grant of special privilege. 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 **221149**, 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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## 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
- G. Applicant's Statement of Basis for Variance
- H. Recorded Driveway and Viewshed Easement – Doc. # 2021-0049558
- I. Project Review Consultation - PA211058

# 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: 221149

Assessor Parcel Number: 028-155-22

Project Location: 264 15th Ave., Santa Cruz, CA

**Project Description: Replacement dwelling and attached garage**

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

**Contact Phone Number: (831) 459-9992 extension 102**

- 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 2 - Replacement or Reconstruction (Section 15302); Class 3 - New Construction or Conversion of Small Structures (Section 15303)

**F. Reasons why the project is exempt:**

Construction of a single family dwelling in an area designated for residential uses.

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

  
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Jerry Busch, Project Planner

Date: 8/11/2022

**EXHIBIT A**

## **Variance Findings**

1. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, 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 a variance is proposed to address a topographic feature unique to the site – specifically, a steep slope along the west side of the parcel – that provides a barrier to access from the primary access road, 15<sup>th</sup> Ave. Enforcement of a 20-foot setback to the proposed garage fronting 15<sup>th</sup> Avenue would create a barrier to garage development that does not constrain neighboring parcels.

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 dwelling will meet all other setbacks required by the R-1-6 zone district. The proposed garage, although only 10 feet from the formal right-of-way, would be set back 28.5 feet from edge of pavement, so ample room and sightlines would be provided for vehicles to park in front of the garage and to execute back-up maneuvers into 15<sup>th</sup> Ave.

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 the variance is proposed solely to facilitate construction of an attached garage typical of many found in the neighborhood, and to provide a feasible means of constructing a driveway apron across a steep slope that does not affect other parcels in the vicinity.

## **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. The proposed right-of-way to be recognized would meet safety standards enforced by the Central Fire Protection District and the Dept. Public Works, and would provide for safe egress from the plan-east end of the parcel. The proposed variance would facilitate the construction of a garage that, despite the reduced setback from the 15<sup>th</sup> Ave. right-of-way would remain 28.5 feet set back from the edge of pavement, providing a safe area for parking and egress. A condition of approval is proposed that would require landscaping along both driveways to be maintained at under three feet within the sightlines for these access points.

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 replacement dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single-family residential, 6,000 sq.ft. minimum) zone district as the primary use of the property will be one replacement single-family dwelling that meets all current site standards for the zone district apart from the requested garage setback variance. SCCC § 13.10.230 provides for granting a variance to zoning standards when failure to do so would deny the subject property rights and privileges enjoyed by neighboring parcels in the same zoning district, as long as no special privilege is granted to the subject property. The proposed variance is justified by a steep slope on the property that would otherwise render expensive and potentially infeasible the provision of direct access to a proposed garage fronting 15<sup>th</sup> Ave.

SCCC § 13.10.521 requires private rights of way to be at least 40-feet wide unless an exception is granted at a public hearing. The less-than-40-foot-right-of-way proposed for recognition, 21 feet wide at its widest point, is configured to maintain a 15' paved driveway that widens onto both parcels near the bottom and provides safe access to parking at the interior side of the subject parcel. The frontage along this right-of-way complies with the minimum 60' frontage and parcel width required by the R-1-6 zone district, and may therefore be designated as the front yard.

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-UL (Urban Low Density Residential) land use designation in the County General Plan.

The proposed replacement dwelling 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 as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the replacement dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed replacement dwelling 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), in that the proposed replacement dwelling will comply with the site standards for the R-1-6 zone district (including lot coverage, floor area ratio, height, number of stories and required yards) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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 replacement dwelling is to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only peak trip per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads or intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed replacement dwelling is consistent with the land use intensity and density of the neighborhood. The proposed, modern-style dwelling would present multiple roof planes as viewed from the street, all of which would be well the height limits of the district relative to street level. The garage would be only 10'4" above the nearest edge of pavement, and the other roof planes would vary from about 13 feet to about 8 feet. The front façade would also be articulated with multiple colors and materials, including stone, wood and metal. A condition of approval is proposed that would require landscaping at the front of the dwelling.

By establishing a new right-of-way frontage at the plan-east side of the parcel, the project will establish a street-side setback along 15<sup>th</sup> Avenue. This allows the entire dwelling to be placed closer to 15<sup>th</sup> Avenue, reducing the structure's impact on ocean views from the neighboring property on the plan-east side (310 15<sup>th</sup> Ave.).

## Conditions of Approval

Exhibit D: Project plans, prepared by Dan Gomez / Fuse Architects, dated 5/3/2022.

- I. This permit authorizes the construction of a replacement dwelling 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 Demolition Permit from the Santa Cruz County Building Official.
  - C. 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.
  - D. Prepare a grading plan for the project and obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. 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. Revise the site plan to correctly depict the pump station access easement and provide written copy of said easement as a supplemental document.
    2. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
    3. Elevations shall indicate materials and colors. The applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department

review and approval. Colors and materials shall be mutually harmonious and compatible with the neighborhood.

4. Grading, drainage, and erosion control plans. At the applicant's request, a preliminary grading plan review and soils report review were waived for the discretionary application. However, a grading permit with geotechnical (soils) report shall be submitted for this project with the building permit application, which will include a grading review and soils report review. The applicant understands that changes associated with the results of the building permit review may require additional information, reviews or project modifications. Additional comments may also be made once the soils report has been submitted and reviewed. Review of the grading plans could result in additional requirements or project design modifications being required by Environmental Planning. In addition, please note that SCCC 13.20.077 provides for the exclusion from Coastal Permitting of any grading less than 100 cubic yards, except grading within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff or any area defined as riparian habitat, sensitive habitat, or their buffer zones by the Land Use Plan and so designated on the land use maps; or grading on natural slopes of greater than 30 percent. If the proposed grading does not qualify for a grading exclusion, a Coastal Development Permit could be required, either upon receipt of Notice of Exclusion by the Coastal Commission, or upon County review of the proposed grading at the building permit phase.
5. At the applicant's request, the project was not routed to DPW Stormwater Management. All requirements of the County Department of Public Works, Stormwater Management shall be met – potentially including project modification or redesign and/or installation of stormwater management structures. Drainage fees will be assessed on the net increase in impervious area.
6. A proposed on-street parallel parking space shall be indicated and dimensioned adjacent and north of the new driveway on 15th Avenue along the property frontage. The width shall be approximately seven feet and the length 18 feet or lesser requirement as approved by the Department of Public Works after engineering analysis. This requirement could be waived if a geologic report and/or retaining wall would be necessary to implement this street standard.
7. 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.

8. The plan shall provide an arborist's survey of the existing trees on the site to corroborate and refine the tree diameter measurements presented in the submitted plans.
  9. A drought-tolerant landscape plan shall be submitted to screen the proposed structure from the street, and shall include the following elements:
    - a. Vegetation tall and broad enough to shade the street and break up the roofline of the proposed dwelling unit as viewed from the street.
    - b. Indicate all trees to be removed.
    - c. Provide replacement trees for all trees to be removed.
    - d. No vegetation greater than three feet in height shall be proposed within the sight-distance triangles bordering the garage apron and extending 10 feet down 15<sup>th</sup> Ave.
    - e. No vegetation greater than three feet in height shall be proposed within the sight-distance triangles bordering the right-of-way to be recognized and extending 30 feet down 15<sup>th</sup> Ave.
  10. 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.
  11. Indicate repair the AC berm on the dwelling's frontage along 15<sup>th</sup> Ave. to prevent leak-through down the adjoining slope.
  12. The plans shall provide no 2<sup>nd</sup>-story roof top deck nor any interior configuration designed to support same.
- B. Provide two sets of reduced (8.5 x 11") a full-size paper plan set at least two weeks prior to the Zoning Administrator hearing.
- C. Meet all requirements of the Environmental Planning section of the Planning Department.
- D. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- E. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
- F. Meet all requirements of Santa Cruz Municipal Utilities.
- G. Meet all requirements of the Santa Cruz County Sanitation District.



- a. A sewer lateral abandonment permit (no fee) must be secured and completed prior to demolition of the existing structure.
    - b. Sewer connection fees exceeding credits allotted to the previously existing structure on this parcel shall be due at the time of building permit issuance.
    - c. Private sanitary sewer system and features (pipe material, cover, slope, manhole, etc.) shall conform with Santa Cruz County Design Criteria and be shown on building permit application plans.
  - H. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
    - a. The fire flow requirement for the subject property is 1000 gallons per. Note on the plans the required and available fire flow. The available fire flow information can be obtained from the water company.
    - b. Show on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 600 feet of any portion of the building when the building is equipped with an automatic fire sprinkler system.
    - c. If a fire hydrant, capable of providing a minimum of 1000 gallons per minute, is not within 600 feet of the parcel installation of a new hydrant may be required. If this were required, then the following note will be required:
      1. Note on plans: new/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed prior to construction.
  - I. Pay the current fees for Parks mitigation. Currently, these fees are \$4.51 per square foot for single family dwellings.
  - J. Pay the current fees Child Care mitigation. Currently, these fees are \$0.74 per square foot for single family dwellings.
  - K. Pay the current Affordable Housing Impact Fee. The fees are based on habitable floor area and the current fee for new/added floor area of between 2,500 square feet and 3,000 square feet is \$5 per square foot.
  - L. If required, pay the current fees for Roadside and Transportation improvements.
  - M. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
  - N. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of 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. 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. Settlement. 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. Successors Bound. 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.

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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.

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

\_\_\_\_\_  
Jocelyn Drake  
Deputy Zoning Administrator

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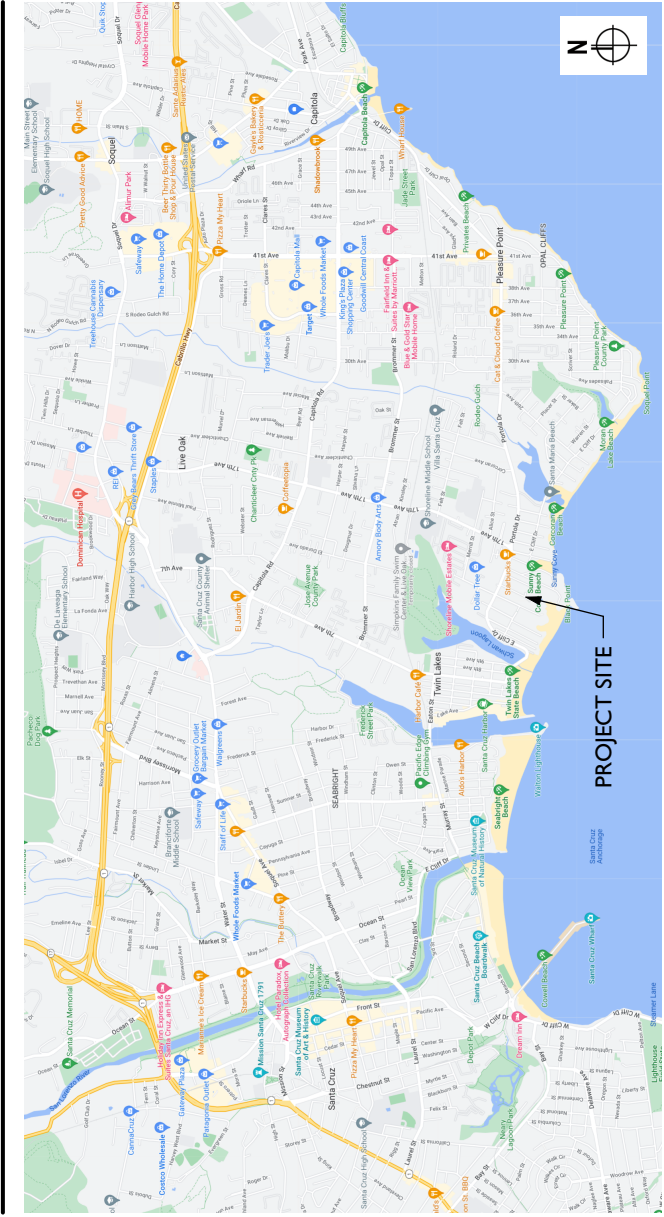
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

LOCATION MAP



FROM HIGHWAY 1, TAKE THE SOQUEL DR EXIT HEADING SOUTH. TAKE 7TH AVESOUTH. TURN LEFT ONTO EAST CLIFF DRIVE. RIGHT ONTO 15TH AVENUE AND THE PROPERTY IS ON THE LEFT.

VICINITY MAP



PROJECT INFORMATION

AREAS (SQUARE FEET):	PROPOSED REPLACEMENT DWELLING:	4010.5 S.F.
	PROPOSED ATTACHED GARAGE:	497.5 S.F.
	PROPOSED DECKS:	841 S.F.
TO BE DEMOLISHED:	EXISTING DWELLING:	1,332 S.F.
	EXISTING DECKS:	862 S.F.
	EXISTING ACCESSORY STRUCTURES:	571 S.F.
EXISTING ACCESSORY STRUCTURES TO REMAIN: 33 S.F.		
AREAS (SQUARE FEET):	GROUND LIVABLE:	1,700 S.F.
	UPPER LIVABLE:	1,787 S.F.
	GARAGE:	497.5 S.F.
	WINE STORAGE:	251 S.F.
	TOTAL:	4,235.5 S.F.
COVERED UPPER FLOOR DECK:		-225 S.F. (GARAGE CREDIT)
		=4010.5 S.F.
	327 S.F.	
	- 3' PERMETER= 193.75 S.F.	
	- 140 S.F. CREDIT= 537.5 S.F.	
SITE AREA:		5,000 S.F.
	MAX. F.A.R. 50%:	9,201.5 S.F.
	PROPOSED F.A.R. 44%:	4,037.5 S.F.

PROJECT DESCRIPTION

PROPOSAL FOR USE OF A LESS THAN 40 FOOT RIGHT-OF-WAY IN ORDER TO RECOGNIZE THE SOUTHERN PROPERTY BOUNDARY AS THE FRONT YARD FOR SETBACK PURPOSES TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE; AND A REQUEST FOR A VARIANCE TO ALLOW FOR A LESS THAN 20 FOOT DRIVEWAY APRON BETWEEN THE PROPOSED GARAGE AND THE 15TH AVENUE RIGHT-OF-WAY.

APPLICABLE CODES & REGULATIONS

- BUILDING CODE** 2019 CBC (2019 CALIFORNIA BUILDING CODE, TITLE 24, PT. 2)
- ELECTRICAL CODE** 2019 CEC (2019 CALIFORNIA ELECTRICAL CODE, TITLE 24, PT. 3)
- MECHANICAL CODE** 2019 CMV (2019 CALIFORNIA MECHANICAL CODE, TITLE 24, PT. 4)
- PLUMBING CODE** 2019 CPC (2019 CALIFORNIA PLUMBING CODE, TITLE 24, PT. 5)
- ENERGY CODE** 2019 CEC (2019 CALIFORNIA ENERGY CODE, TITLE 24, PT. 6)
- FIRE CODE** 2019 CFC (2019 CALIFORNIA FIRE CODE, TITLE 24, PT. 9, APPENDIX B & C)
- GREEN BUILDING** 2019 CALGREEN (2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, TITLE 24, PART 11)
- RESIDENTIAL CODE** 2019 CALIFORNIA RESIDENTIAL CODE(S)
- COUNTY CODE** SANTA CRUZ COUNTY CODE AMENDMENTS

CONTACT INFORMATION

CLIENT:  
BRADLEY BROWN  
264 15TH AVE  
SANTA CRUZ, CA 95062

LAND USE CONSULTANTS:  
SWIFT CONSULTING SERVICES INC  
KEN HART  
500 CHESTNUT ST. SUITE 100  
SANTA CRUZ, CA 95060  
831-469-9992  
www.swiftconsultingservices.com

ARCHITECT:  
FUSE ARCHITECTS, INC.  
DANIEL GOMEZ  
512 CAPITOLA AVENUE  
CAPITOLA, CA 95010  
831-479-9295  
www.fusearchitecture.com

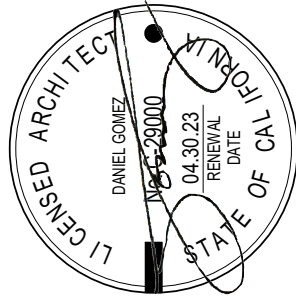
SURVEYOR:  
ALPHA LAND SURVEYS  
JAMES W. HART  
4444 SCOTTS VALLEY DRIVE #7  
SCOTTS VALLEY, CA 95066  
831-438-4453

DRAWING INDEX

ARCHITECTURAL		SHEET NAME	DATE	SUBMITTAL
SHEET NUMBER	PROJECT INFO			
A0.0	EXISTING SITE PLAN		05/03/2022	VARIANCE SUBMITTAL
A0.1	PROPOSED SITE PLAN			
A1.0	PROPOSED LOWER FLOOR PLAN			
A1.1	PROPOSED UPPER FLOOR PLAN			
A1.2	PROPOSED ROOF PLAN			
A2.0	PROPOSED NORTH ELEVATION			
A2.1	PROPOSED SOUTH ELEVATION			
A2.2	PROPOSED WEST ELEVATION			
A2.3	3D PERSPECTIVES (1)			
A3.0	BUILDING SECTIONS			

Project Submittal Record	
Revision	Issue Description
	PLANNING
	SUBMITTAL

Seal/ Signature



Project Name  
Brown Residence

Accessor's Parcel Number  
APN #: 028-155-22

Sheet Title  
PROJECT INFO

Scale  
As Indicated

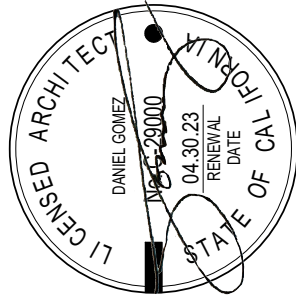
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Project Submittal Record	
Revision	Date
	05/03/2022

Issue Description	
PLANNING	SUBMITTAL

Seal/ Signature



Project Name  
Brown Residence

Accessor's Parcel Number  
APN #: 028-155-22

Sheet Title  
EXISTING SITE PLAN

Scale  
As Indicated

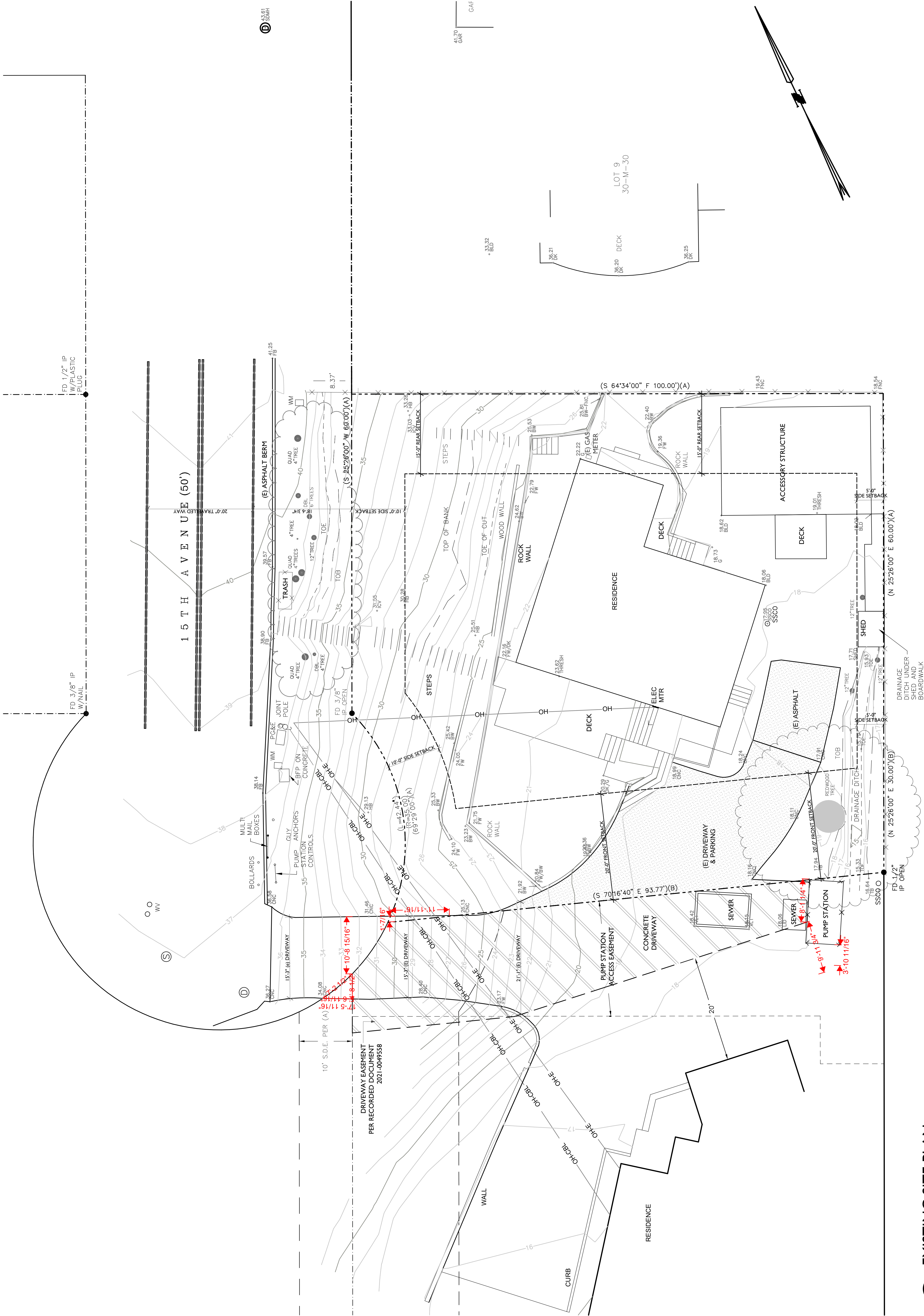
A0.1

1 EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"

6/13/2022 1:44 PM

EXHIBIT D

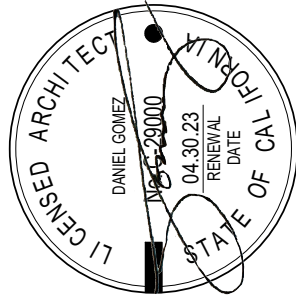




Project Submittal Record	
Revision	Date
	05/03/2022

Issue Description	
PLANNING	SUBMITTAL

Seal/Signature



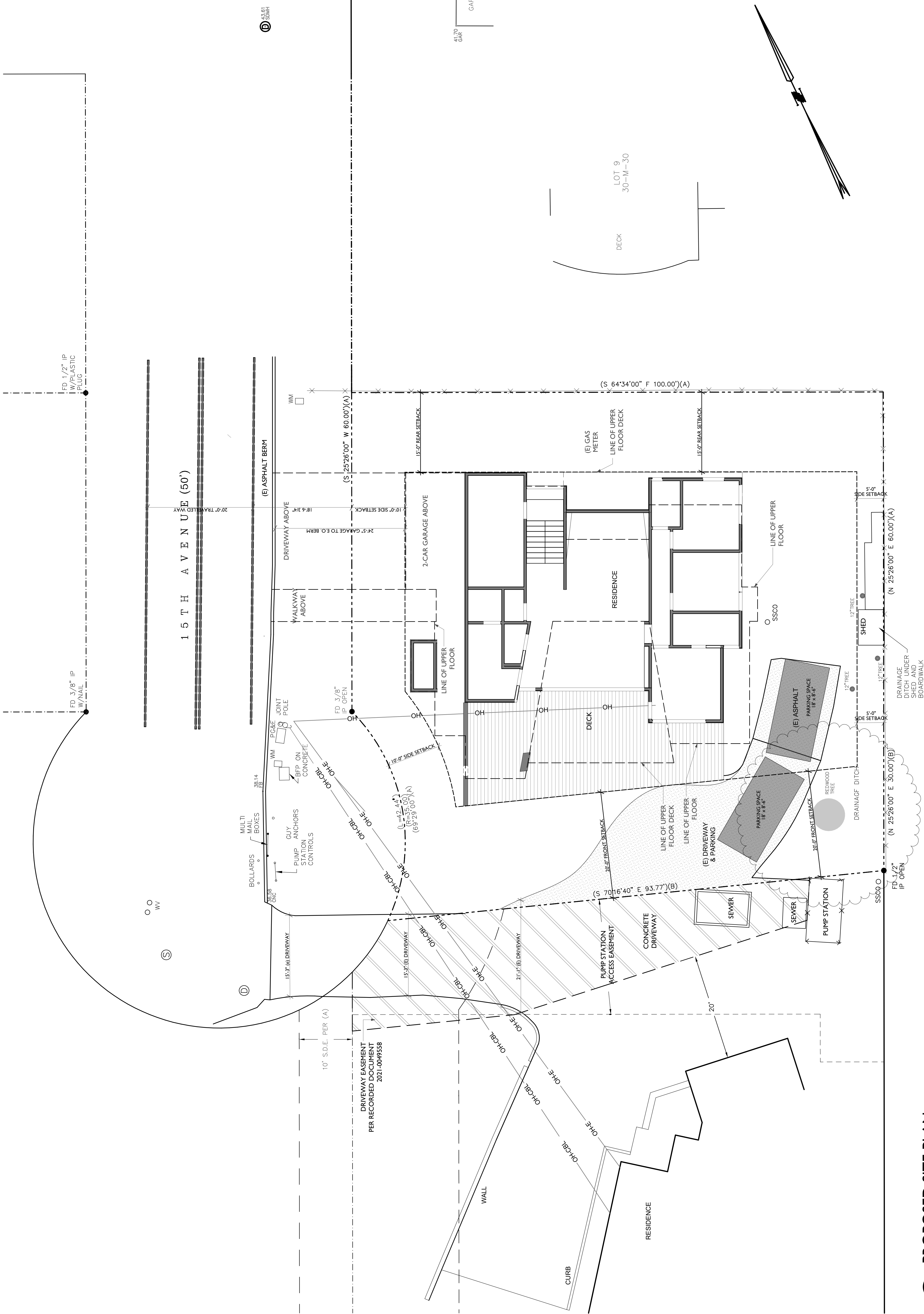
Project Name  
Brown Residence

Accessor's Parcel Number  
APN #: 028-155-22

Sheet Title  
PROPOSED SITE PLAN

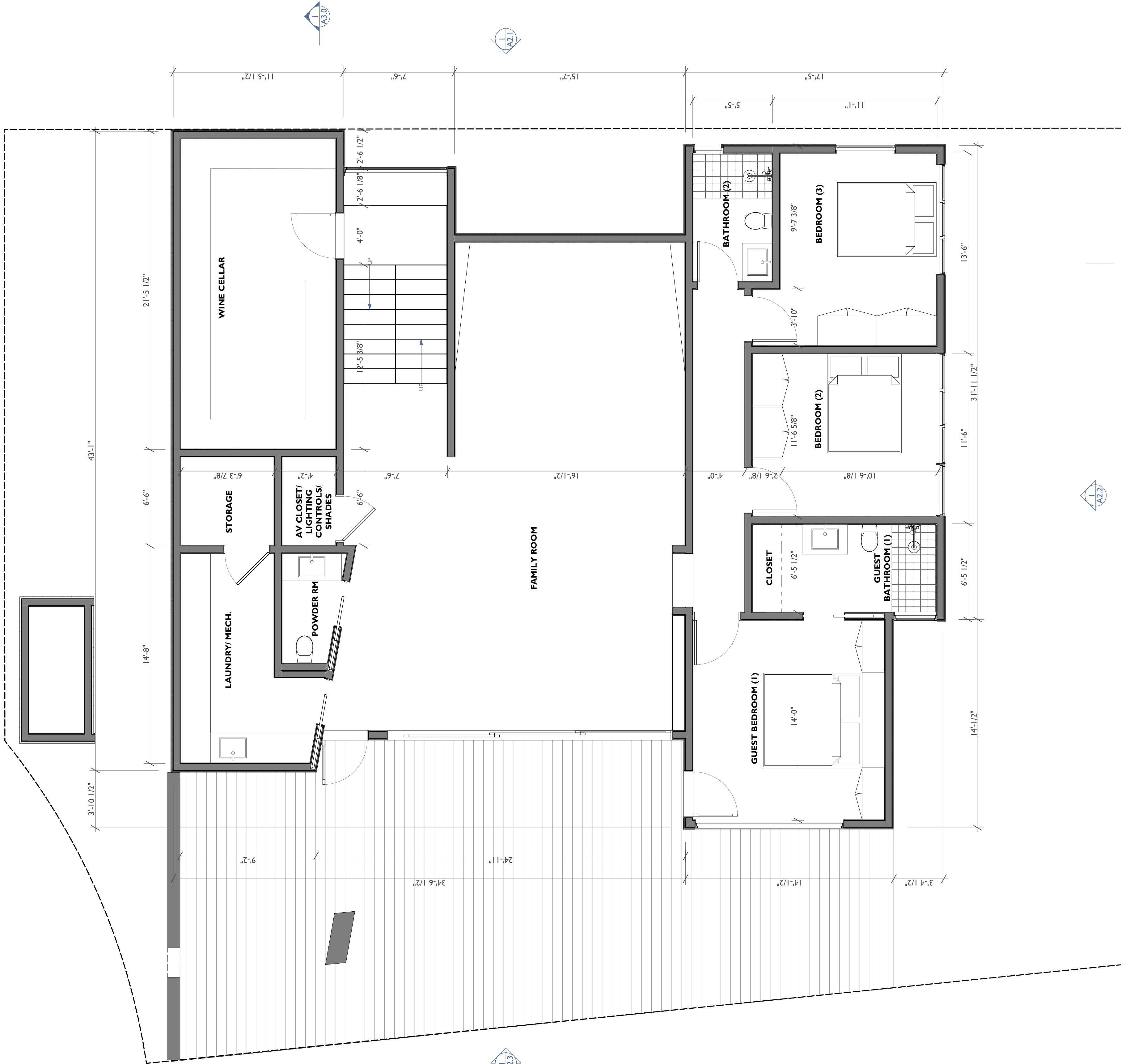
Scale  
As Indicated

A0.2



1 PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

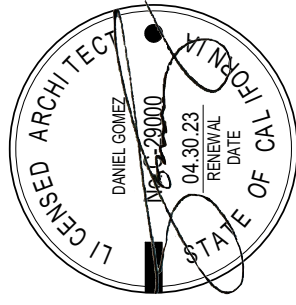


**1** PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

Project Submittal Record	
Revision	Issue Description
1	PLANNING SUBMITTAL
05/03/2022	

Seal/ Signature



Project Name  
Brown Residence

Accessor's Parcel Number  
APN #: 028-155-22

Sheet Title  
PROPOSED LOWER FLOOR PLAN

Scale  
As Indicated

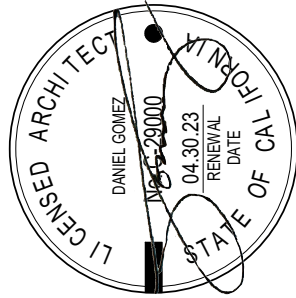
**A1.0**

Project Submittal Record	
Revision	Issue Description
	PLANNING
	SUBMITTAL

Date

05/03/2022

Seal/ Signature



Project Name

Brown Residence

Accessor's Parcel Number

APN #: 028-155-22

Sheet Title

PROPOSED UPPER FLOOR PLAN

Scale

As Indicated

AI.I

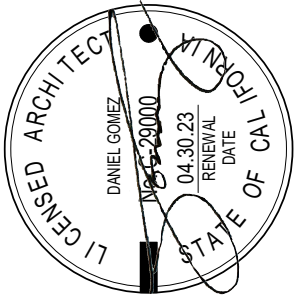


Project Submittal Record	
Revision	Issue Description
	PLANNING
	SUBMITTAL

Date

05/03/2022

Seal/ Signature



Project Name

Brown Residence

Accessor's Parcel Number

APN #: 028-155-22

Sheet Title

PROPOSED ROOF PLAN

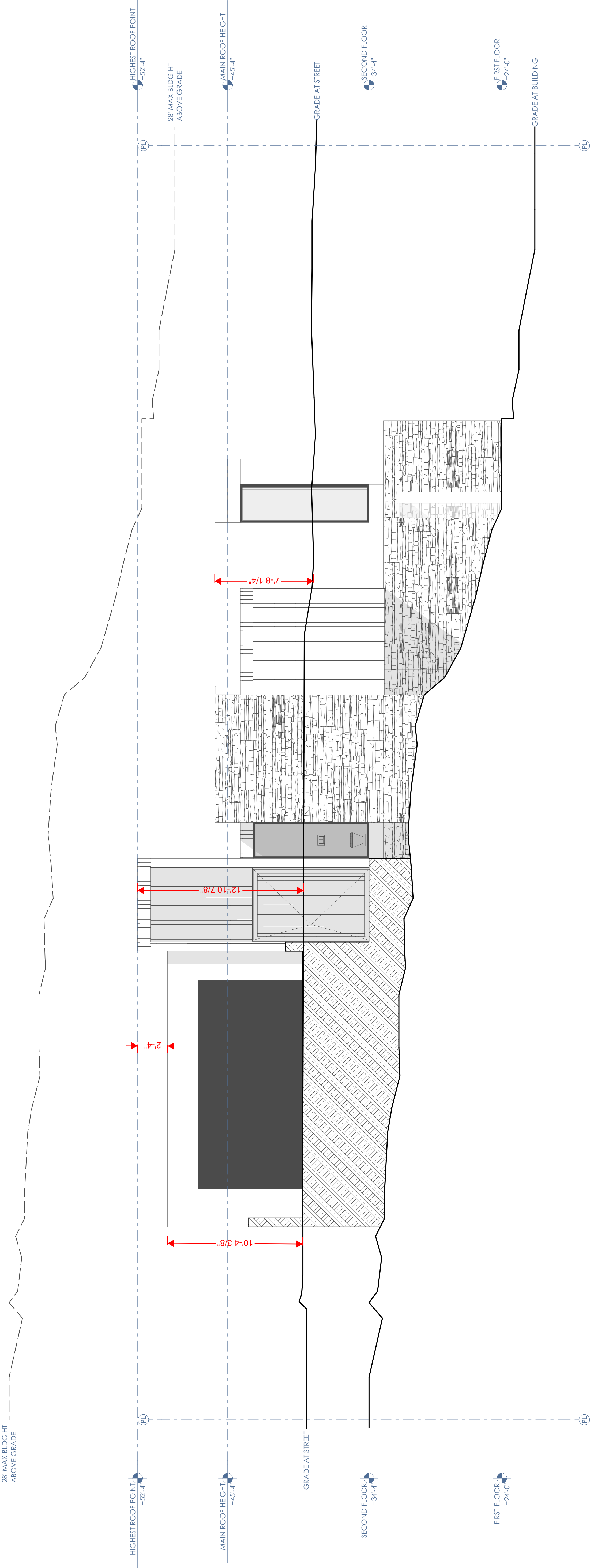
Scale

As Indicated

1 PROPOSED MAIN ROOF HEIGHT

SCALE: 1/4" = 1'-0"

A1.2



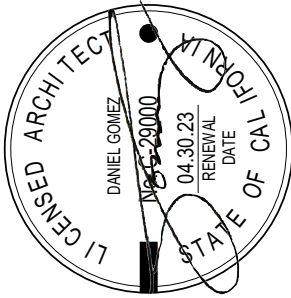
1 PROPOSED NORTH ELEVATION (ENTRY)

SCALE 1/4" = 1'-0"

Project Submittal Record	
Revision	Date
	05/03/2022

Issue Description	
PLANNING	SUBMITTAL

Seal/ Signature



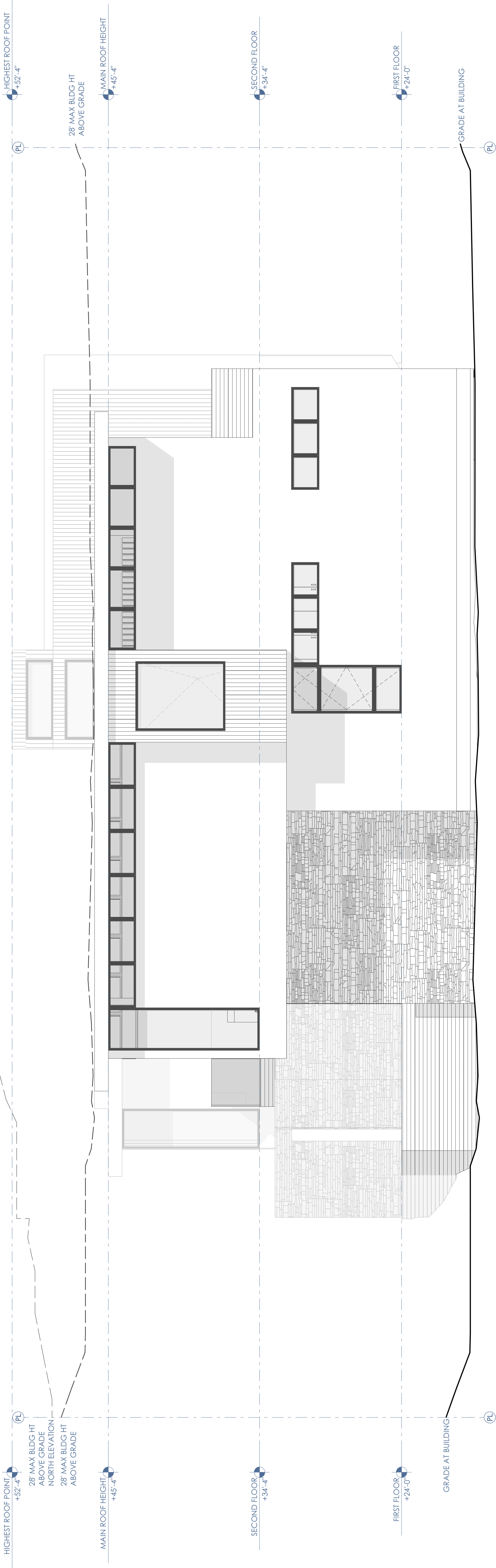
Project Name	
Brown Residence	

Accessor's Parcel Number	
APN #	028-155-22

Sheet Title	
PROPOSED NORTH ELEVATION	

Scale	
As Indicated	

A2.0



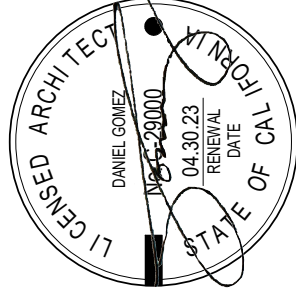
**1** PROPOSED SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

Project Submittal Record	
Revision	Issue Description
	PLANNING
	SUBMITTAL

Date

05/03/2022

Seal/ Signature



Project Name

Brown Residence

Accessor's Parcel Number

APN #: 028-155-22

Sheet Title

PROPOSED SOUTH ELEVATION

Scale

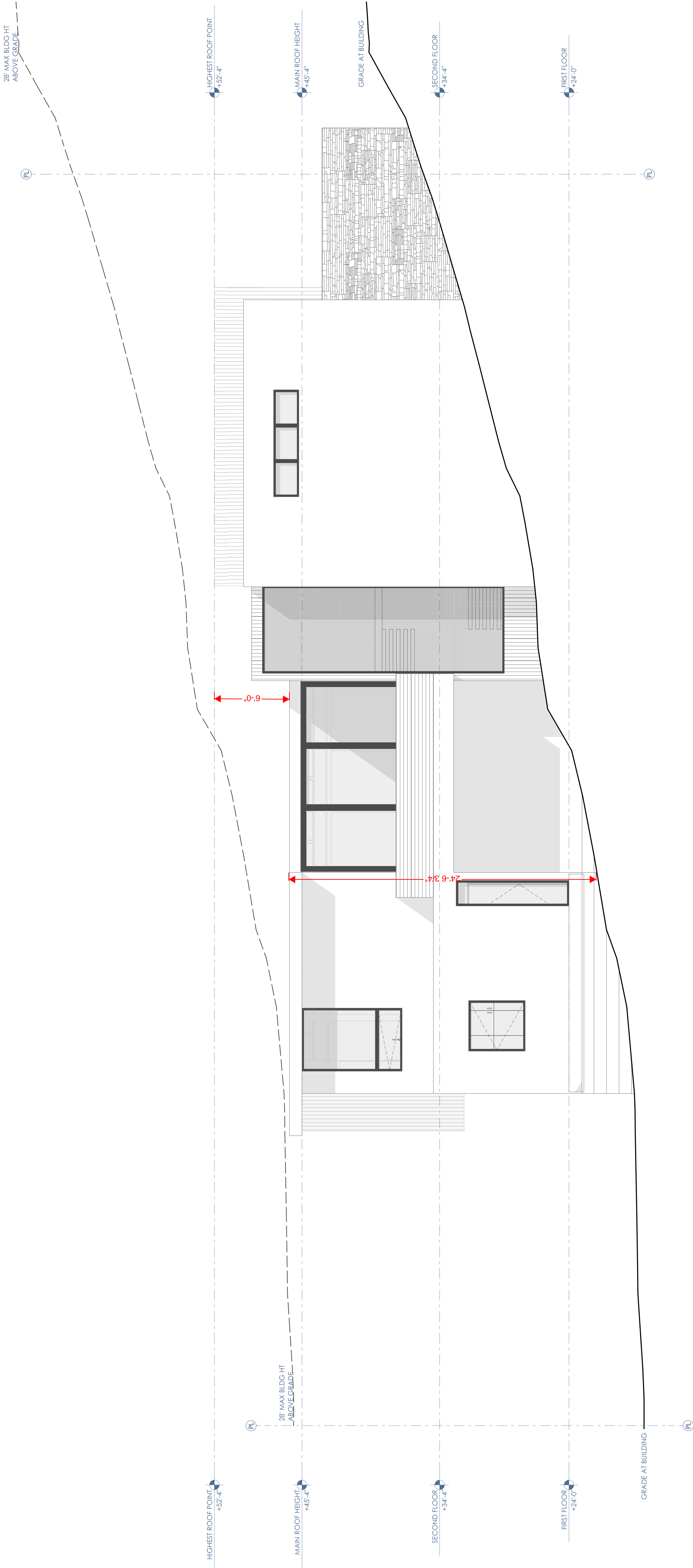
As Indicated

A2.2



**BROWN**  
**RESIDENCE**  
264 15TH AVE,  
SANTA CRUZ, CA 95062

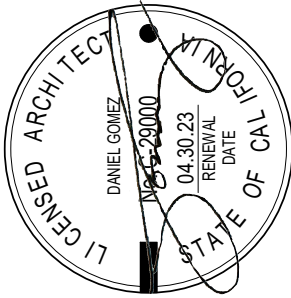
**fuse**  
**architects + builders**  
512 Capitola Ave + Capitola + California + 95010  
fusearchitecture.com 831.479.9295



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

Project Submittal Record	
Revision	Issue Description
	PLANNING
05/03/2022	SUBMITTAL

Seal/ Signature



Project Name  
Brown Residence

Accessor's Parcel Number  
APN #: 028-155-22

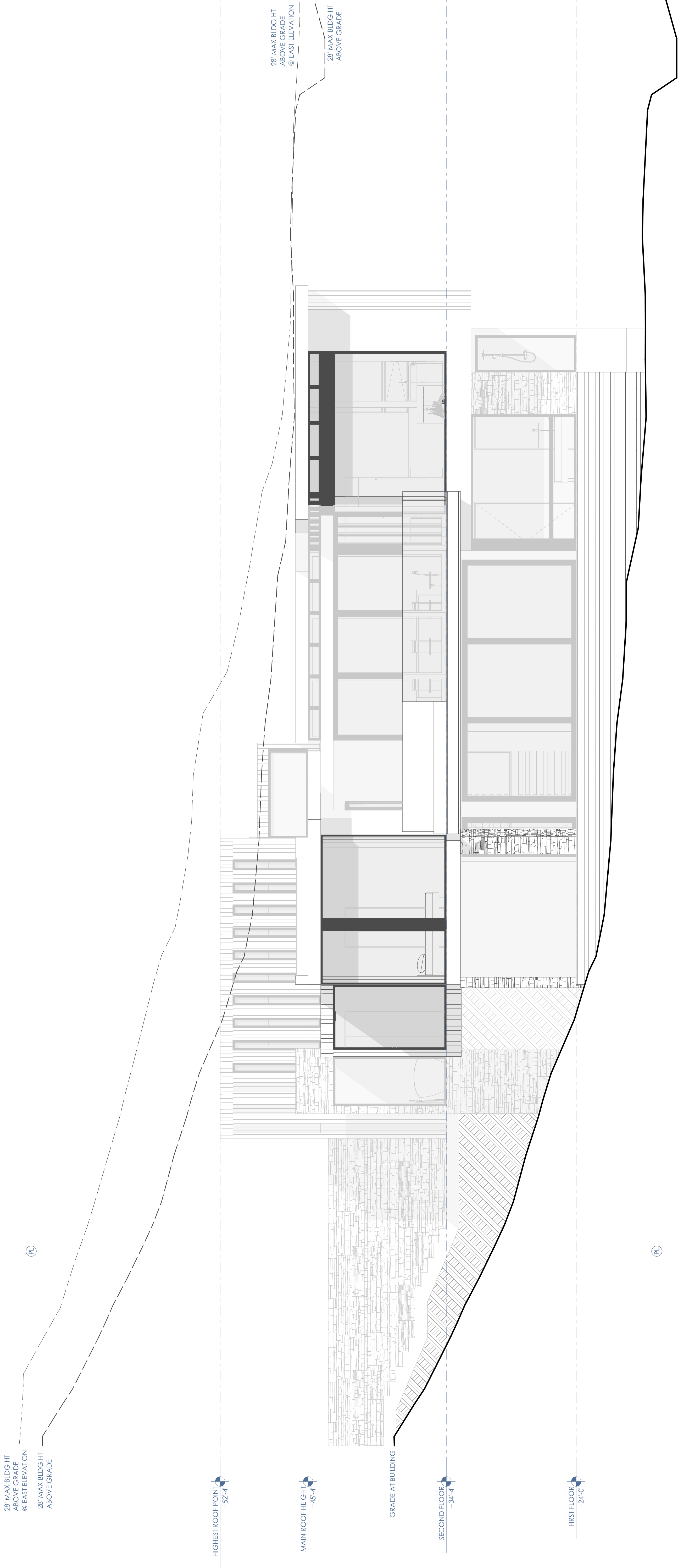
Sheet Title  
PROPOSED EAST ELEVATION

Scale  
As Indicated

A2.1

**BROWN**  
**RESIDENCE**  
264 15TH AVE,  
SANTA CRUZ, CA 95062

**fuse**  
**architects + builders**  
fusearchitecture.com 831.478.9295  
512 Capitola Ave + Capitola + California + 95010

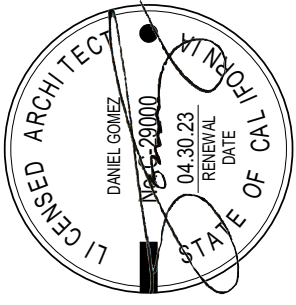


**I PROPOSED WEST ELEVATION**

SCALE: 1/4" = 1'-0"

Project Submittal Record	
Revision	Issue Description
GRADE AT BUILDING	PLANNING
05/03/2022	SUBMITTAL

Seal/ Signature



Project Name  
Brown Residence

Accessor's Parcel Number  
APN #: 028-155-22

Sheet Title  
PROPOSED WEST ELEVATION

Scale  
As Indicated

A2.3







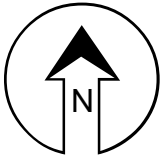
# Parcel Location Map



**Parcel: 02815522**

- Study Parcel
- Assessor Parcel Boundary
- Existing Park




Map printed: 18 Aug. 2022





# Parcel General Plan Map



-  C-C *Commercial Community*
-  O-R *Parks, Recreation & Open Space*
-  R-UL *Res. Urban Low Density*

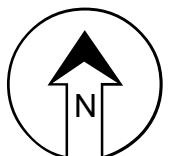





EXHIBIT E   
Feet





# Parcel Zoning Map



-  C-1 *Neighborhood Commercial*
-  PR *Parks, Recreation, & Open Space*
-  R-1 *Single-Family Residential*

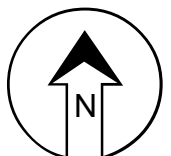


EXHIBIT E   
0 20 40  
Feet

## Parcel Information

### Services Information

Urban/Rural Services Line:   X   Inside      Outside  
Water Supply: City of Santa Cruz Water Department  
Sewage Disposal: County of Santa Cruz Dept. Sanitation  
Fire District: Central Fire  
Drainage District: Zone 5

### Parcel Information

Parcel Size: 9,201 sq.ft.  
Existing Land Use - Parcel: Single-family residence, detached garage and detached nonhabitable accessory structure.  
Existing Land Use - Surrounding: Single-family residential.  
Project Access: Two access points proposed: Public street and private driveway  
Planning Area: Live Oak  
Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: R-1-6 (Single-family residential, 6,000 sq.ft. minimum)  
Coastal Zone:   X   Inside      Outside

**Technical Reviews:** None. Soils report required with building permit application.

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Fire Hazard: Not a mapped constraint  
Slopes: West side of parcel  
Env. Sen. Habitat: Not mapped/no physical evidence on site. Drainage along eastern side of parcel determined by Environmental Planning not to comprise a riparian corridor.  
Grading: Retained fill proposed to support driveway apron.  
Tree Removal: Five to seven trees proposed to be removed along 15<sup>th</sup> Ave., none of which are significant trees per 16.34.030.  
Scenic: Not a mapped resource  
Archeology: Not mapped/no physical evidence on site

**Applicant's Statement of Basis for Proposed Variance**  
**Submitted 8-10-22 by Ken Hart**

- (1) That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, 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 house being proposed is similar in size to other residences on the block whose driveway aprons all provide direct access to 15<sup>th</sup> Avenue. Relocation of the house to the east is problematic. A storm drain easement cuts through the property and is located approximately 5 feet from the footprint of the existing house. The proposed replacement structure would be shifted one to two feet farther from the easement.*

- (2) That the granting of such 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 purposes of the zoning ordinance broadly include the preservation of light, air, and open space. The granting of this Variance will not conflict with any of these purposes. This Variance does not involve the construction of any structures within the setback – the home and the garage will meet the setbacks prescribed by the zone district.*

*The other purpose of the zoning ordinance is to protect the public health, safety, and welfare. The Variance pertains solely to a requirement for a 20-foot driveway apron (typically measured from the face of the garage to the back of curb or to the edge of the right-of-way). This requirement is meant to ensure that cars, when parked on the apron do not extend onto the sidewalk or into a travel lane. Neither of these conditions exist on the subject property. There is no sidewalk on 15<sup>th</sup> Ave on or adjacent to this property. The face of the proposed garage is 10-feet from the edge of the right-of-way. If cars park on the apron, they will still be located 8-feet from the road shoulder and 12-feet from the edge of the travelled way. In addition, due to steep slopes adjacent to the 15<sup>th</sup> Ave. traveled way in front of this parcel, the likelihood that the County will widen the road out to the full extent of the right-of-way is*

*extremely remote. As such, the granting of the Variance will not be detrimental to the public health, safety, or welfare.*

- (3) That the granting of such variance 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 the limitations to this parcel are unique and are not reproduced anywhere else on 15<sup>th</sup> Avenue. The steep slopes in front of this parcel do not occur elsewhere on the street. Therefore, because of the unique circumstances affecting this parcel, and this parcel only, the granting of the Variance is not a grant of special privilege.*

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Timothy J. Morgan, Esq.  
Law Offices of Timothy J. Morgan  
121 Jewell Street  
Santa Cruz, CA 95060



2021-0049558 09/29/2021 08:37:42 AM  
OFFICIAL RECORDS OF Santa Cruz County  
Sean Saldavia Recorder  
RECORDING FEE: \$53.00  
COUNTY TAX: \$275.00  
CITY TAX: \$0.00



EASE  
14 PGS  
RCD172

APN: 028-155-23 & 24

SPACE ABOVE THIS LINE FOR RECORDERS USE

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$275.00

☒ Computed on full value of property conveyed

☐ Computed on full value less liens and encumbrances remaining at time of sale

☒ Unincorporated area; ☐ City of Santa Cruz

Signature of declarant or agent determining tax

### GRANT OF EASEMENT

This grant of easement ("Agreement") is made and entered into by and between Peter R. Thomas and Donna S. Thomas, individually and as trustees of the Peter R. Thomas and Donna S. Thomas 2000 Revocable Trust Dated July 20, 2000, on one hand, (collectively referred to herein as "Thomas"), and Bradley Brown, on the other hand (referred to herein as "Brown").

### RECITALS

- A. Peter R. Thomas and Donna S. Thomas, as trustees of the Peter R. Thomas and Donna S. Thomas 2000 Revocable Trust Dated July 20, 2000, are the owners of real property in the unincorporated area of the County of Santa Cruz known as Assessor's Parcel Nos. 028-155-23 & 24, more commonly known as 260 15<sup>th</sup> Avenue, Santa Cruz, California, and more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference ("Thomas Property").
- B. Bradley Brown, individually, is the owner of real property in the unincorporated area of the County of Santa Cruz known as Assessor's Parcel No. 028-155-22, more commonly known as 264 15<sup>th</sup> Avenue, Santa Cruz, California, and more particularly described in **Exhibit "B"** attached hereto and incorporated herein by this reference ("Brown Property").

- C. There is an existing driveway used for the benefit of the Brown Property that runs over a portion of the Thomas Property ("Driveway"). The Driveway provides access to the public right of way known as Fifteenth Avenue.
- D. Brown desires to have an easement to continue the use of the Driveway for the benefit of the Brown Property and Thomas is willing to grant Brown an easement to continue the use of the Driveway for the benefit of the Brown Property on the terms and conditions described herein.
- E. Brown desires to have an easement for scenic view of the Monterey Bay over the Thomas Property for the benefit of the Brown Property and Thomas is willing to grant Brown an easement for such purposes for the benefit of the Brown Property on the terms and conditions described herein.

NOW, THEREFORE, in consideration of the covenants and conditions contained herein, the parties agree as follows:

1. Grant of Easement for Ingress and Egress. For valuable consideration, the receipt of which is hereby acknowledged and subject to the conditions and reservations set forth in this Agreement, Thomas hereby grants and conveys to Brown a non-exclusive easement over, under, across, and upon the area described in and shown on **Exhibit "C"** ("Ingress-Egress Easement Area") for any form of vehicular or pedestrian ingress, egress, underground utilities, and any other use normally attendant with a residential driveway ("Ingress-Egress Easement"). The Easement for Ingress and Egress granted herein is appurtenant to and for the benefit of the Brown Property.
2. Grant of Easement for Scenic View. For valuable consideration, the receipt of which is hereby acknowledged and subject to the conditions and reservations set forth in this Agreement, Thomas hereby grants and conveys to Brown an easement for scenic view over the area described in and shown on **Exhibit "D"** ("Scenic View Easement Area") in order to preserve the existing unimpaired view of the Monterey Bay from the Brown Property. The Easement for Scenic View granted herein is appurtenant to and for the benefit of the Brown Property.
3. Open and Unobstructed Use. Thomas agrees that he shall keep the Ingress-Egress Easement Area open and unobstructed and shall not unreasonably interfere with Brown's ability to use the Ingress-Egress Easement Area for any form of vehicular or pedestrian ingress, egress, underground utilities, and any other use normally attendant with a residential driveway and parking. Accordingly, Thomas shall not erect or maintain a fence or any other improvement or obstruction in the Ingress-Egress Easement Area. The intent of the parties is that Brown shall have free unobstructed access from the Brown Property to the public right of way known as Fifteenth Avenue.

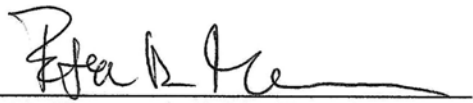


4. Maintenance of Easement for Ingress and Egress. The cost of maintenance and repair of the Easement for Ingress and Egress shall be shared between Thomas and Brown in proportion to use in accordance with Civil Code § 845.
5. Indemnification. Brown shall hold harmless, indemnify, protect, and defend Thomas against any claim, demand, action, cause of action, or liability that arises out of or results from the use of the Easement for Ingress and Egress by Brown, except that Thomas shall not be indemnified for any claim, demand, action, cause of action, damage, loss, liability, cost, or expense that arises out of or results from the negligent or willful act or omission of Thomas, Thomas' agents, employees, guests, tenants, or any other persons or entities acting with, for, or on behalf of Thomas.
6. Obligations Incident to Scenic View Easement. Thomas shall not permit or allow to be placed within the described area of the Easement for Scenic View any vegetation, structures, or other objects that would impair or obstruct the view afforded by this easement, excepting vegetation planted above the 23 foot contour which may be allowed to grow to a height of three feet. Notwithstanding the foregoing limitation, the existing apple tree on the Thomas Property may be maintained in its present location so long as its size does not exceed twelve (12) feet measured in any direction from the base of the tree. Moreover, the existing overhead wires serving the Thomas Property may be maintained in their present locations; however, Brown has the right to place any of the Thomas Property overhead wires underground, provided Brown pays for any and all costs associated with their disconnection, movement to underground, and re-connection to the Thomas house.
7. Existing Liens. Thomas warrants and represents that the Ingress-Egress Easement Area and the Scenic View Easement Area are free from any encumbrances, liens, deeds of trust, or mortgages.
8. Covenants Running With Land. All of the performance obligations contained herein are covenants and shall be binding upon and run to the benefit of all persons having or acquiring any right, title, or interest therein or any part thereof. These covenants shall further be binding upon and run to the benefit of each successor in interest to the owners of the Thomas Property and the Brown Property pursuant to California Civil Code § 1468.
9. Attorneys' Fees. In the event any action is brought to enforce or interpret any part of this Agreement, the prevailing party shall be entitled to recover as an element of his costs of suit, and not as damages, a reasonable attorneys' fee to be fixed by the court or arbitrator. The "prevailing party" shall be the party who is entitled to recover his costs of suit, whether or not the suit proceeds to final judgment. A party not entitled to recover his costs of suit shall not recover attorneys' fees.

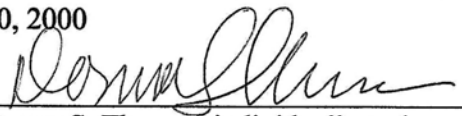
10. Recording. This Agreement shall be recorded in the Official Records of the County of Santa Cruz, State of California.
11. Effective Date. This Agreement shall be effective as of the date of the last party signing ("**Effective Date**").

IN WITNESS WHEREOF, the parties hereto have executed his Agreement as of the date indicated below by their respective signatures.


Dated: September 28, 2021

  
Peter R. Thomas, individually and as  
Trustee of the Peter R. Thomas and Donna  
S. Thomas 2000 Revocable Trust Dated July  
20, 2000

Dated: Sept 28, 2021

  
Donna S. Thomas, individually and as  
Trustee of the Peter R. Thomas and Donna  
S. Thomas 2000 Revocable Trust Dated July  
20, 2000

Dated: September 28, 2021

  
Bradley Brown



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

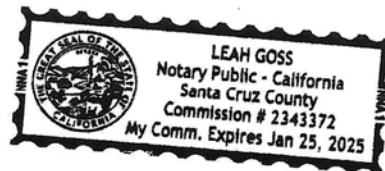
)  
) ss.  
)

County of Santa Cruz

On September 28, 2021, before me, Leah Goss,  
notary public, personally appeared **Peter R. Thomas and Donna S. Thomas**, who proved to me  
on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),  
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Leah Goss

(Seal)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
) ss.  
County of Santa Cruz )

On September 28, 2021, before me, Leah Goss,  
notary public, personally appeared **Bradley Brown**, who proved to me on the basis of satisfactory  
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity  
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Leah Goss

(Seal)

EXHIBIT A

SITUATE in the County of Santa Cruz, State of California.

PARCEL ONE:

BEING a part of Lot 7 as the same is shown and designated on that certain map entitled "Tract No. 117 Shore Acres Subdivision No. 2 Being a part of Sec. 20 T. 11 S. R. 1 W., M. D. B. & M., Santa Cruz County, California, Surveyed at the request of R. O. Lincoln by Bowman, Williams and Williams, Registered Civil Engineers, Santa Cruz, California, October 1950", filed for record in the office of the County Recorder on February 9, 1951 in Map Book 30, Page 30, Santa Cruz County Records and described as follows:

BEGINNING on the Southeasterly line of Fifteenth Avenue extended and the Northwesterly line of said Lot 7 at the Northern corner of land conveyed to Donald A. Johnson, et ux., by Deed recorded January 19, 1960 in Volume 1295, Page 137, Official Records of Santa Cruz County; thence from said point of beginning along the Northwesterly line of said Lot 7 North 25° 26' East 85.685 feet to a point on the Southerly line of a 35 foot radius turning area at the Southwesterly end of Fifteenth Avenue as shown on said Map; thence along the Southeasterly line of said turning area Northerly on a curve to the left with a radius of 35 feet, a distance of 11.81 feet to the Southwest corner of land conveyed to the Department of Veteran's Affairs, State of California, by Deed recorded March 16, 1960 in Volume 1306, Page 315, Official Records of Santa Cruz County; thence along the Southerly line of said last named land South 70° 16' 40" East 93.77 feet to the Southeast corner thereof; thence along the Southeasterly line of said Lot 7, South 25° 26' West 104.665 feet to the Eastern corner of said land of Johnson; thence along the Northeasterly line of said land of Johnson North 64° 34' West 100 feet to the point of beginning.

PARCEL TWO:

BEING a part of Lot 7 as the same is shown and designated on that certain map entitled "Tract No. 117, Shore Acres Subdivision No. 2", filed February 9, 1951 in Map Book 30, Page 30, Santa Cruz County Records and being also a part of the lands conveyed to Donald A. Johnson, et ux., by Deed recorded in Volume 1295, Page 137, Official Records of Santa Cruz County and more particularly described as follows:

- 2 -

EXHIBIT "A" - Page 1 of 2

BEGINNING at the most Westerly corner of said lands of Johnson on the Southeasterly line of a 50 foot right of way; thence from said point of beginning along the Southeasterly line of said right of way North 25° 26' East (at 30.537 feet a 1/2 inch iron pipe) 134.752 feet to the most Northerly corner of said lands of Johnson; thence leaving said right of way and along the Northeasterly line of said lands South 64° 34' East 50 feet to a point from which the most Easterly corner thereof bears South 64° 34' East 50 feet distant; thence parallel with the Southeasterly line of said lands of Johnson South 25° 26' East 134.71 feet to a point on the Southwesterly line thereof; thence along the last mentioned line North 64° 37' West (at 12.79 feet a 1/2 inch iron pipe) 50 feet to the point of beginning.

PARCEL THREE:

A right of way 50 feet in width at a right angle for all purposes of a roadway and public utilities, the Southeasterly line of which is the Northwesterly line of the above described parcel of land and the extension thereof Northeasterly to East Cliff Drive.

APN # 28-155-24 and  
28-155-23



## LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Santa Cruz Unincorporated Area and described as follows:

Being all of Lot 8 and a part of Lot 7, as the same are shown and designated on that certain map entitled Tract No. 117, shore acres Subdivision No. 2, being a part of section 20, township 11 South range 1 West, M.D.B. & M., Santa Cruz County, California, surveyed at the request of R. O. Lincoln by Bowman, Williams and Williams, registered civil engineers, Santa Cruz, California October 1950", filed for record in the office of the County recorder on February 9, 1951 in Map Book 30, Page 30, Santa Cruz County Records, said portion of Lot 7 being described as follows:

Beginning at a point on the Southeasterly line of said lot 7 from which the most Southern corner of said Lot 8 bears North 25° 26' East 30 feet distant; thence along the southeasterly line of said Lot 7, North 25° 26' East 30 feet to the Southern corner of said Lot 8; thence along the Southwesterly line of said Lot 8, North 64° 34' West 100 feet to the most Western corner thereof; thence along the Southeasterly line of 15th avenue and the Easterly line of a 35 foot radius turning area, Southerly on a curve to the right with a radius of 35 feet through an angle of 69° 29' a distance of 42.45 feet to a point; thence South 70° 16' 40" East 93.77 feet to the point of beginning.

APN: 028-155-22-000

(End of Legal Description)

### MAP

THE MAP CONNECTED HEREWITH IS BEING PROVIDED AS A COURTESY AND FOR INFORMATIONAL PURPOSES ONLY; THIS MAP SHOULD NOT BE RELIED UPON. FURTHERMORE, THE PARCELS SET OUT ON THIS MAP MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES. STEWART ASSUMES NO LIABILITY, RESPONSIBILITY OR INDEMNIFICATION RELATED TO THE MAPS NOR ANY MATTERS CONCERNING THE CONTENTS OF OR ACCURACY OF THE MAP.

**Exhibit C**  
**Legal Description**  
**Ingress-Egress Easement**  
**Over lands of Thomas**

**Situate** in Sec. 20, T. 11 S., R. 1 W., City of Santa Cruz, County of Santa Cruz, State of California.

**Being** a portion of Parcel One of the lands of Peter R. Thomas and Donna S. Thomas, Trustees, or Their Successor, of The Peter R. Thomas and Donna S. Thomas 2000 Revocable Trust Dated July 20, 2000, by Grant Deed dated August 31, 2016 and recorded September 15, 2016 as Document Number 2016-0034708, Santa Cruz County Records,

**Being** a portion of Lot 7 as shown and delineated on that certain map entitled, "Tract No. 117 Shore Acres Subdivision No. 2," filed for record on February 9, 1951 in Volume 30 of Maps at Page 30, Santa Cruz County Records, and more particularly bounded and described as follows to wit;

**Being** an easement for ingress and egress.

**Beginning** at a point in the Northeastern boundary of said Parcel One from which the northwestern corner thereof bears North 25° 26' 00" East 11.10 feet distant.

**Thence from said point of Beginning** and leaving said Northwestern boundary of Parcel One South 70° 16' 40" East 30.64 feet; thence South 82° 23' 00" East 57.81 feet; thence North 29° 00' 00" East 7.98 feet to a point on the Northeastern boundary of said Parcel One; thence along said last mentioned boundary North 70° 16' 40" West 79.72 feet to a point of curvature; thence along a curve to the right from a radial bearing of North 39° 29' 55" East having a radius of 35.00 feet an arc length of 11.82 feet through a central angle of 19° 20' 50" to the Northwestern corner thereof; thence along the northwestern boundary of Parcel One South 25° 26' 00" West 11.10 feet to the Point of Beginning.

**Containing** approximately 1,352 square feet of land, more or less

Attached hereto is a plat labeled "Exhibit C" and by this reference made a part thereof.

Compiled by Alpha Land Surveys, Inc. in September 2021.

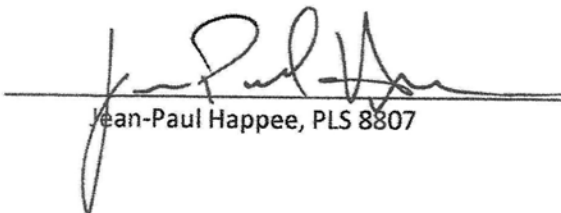
  
Jean-Paul Happee, PLS 8807



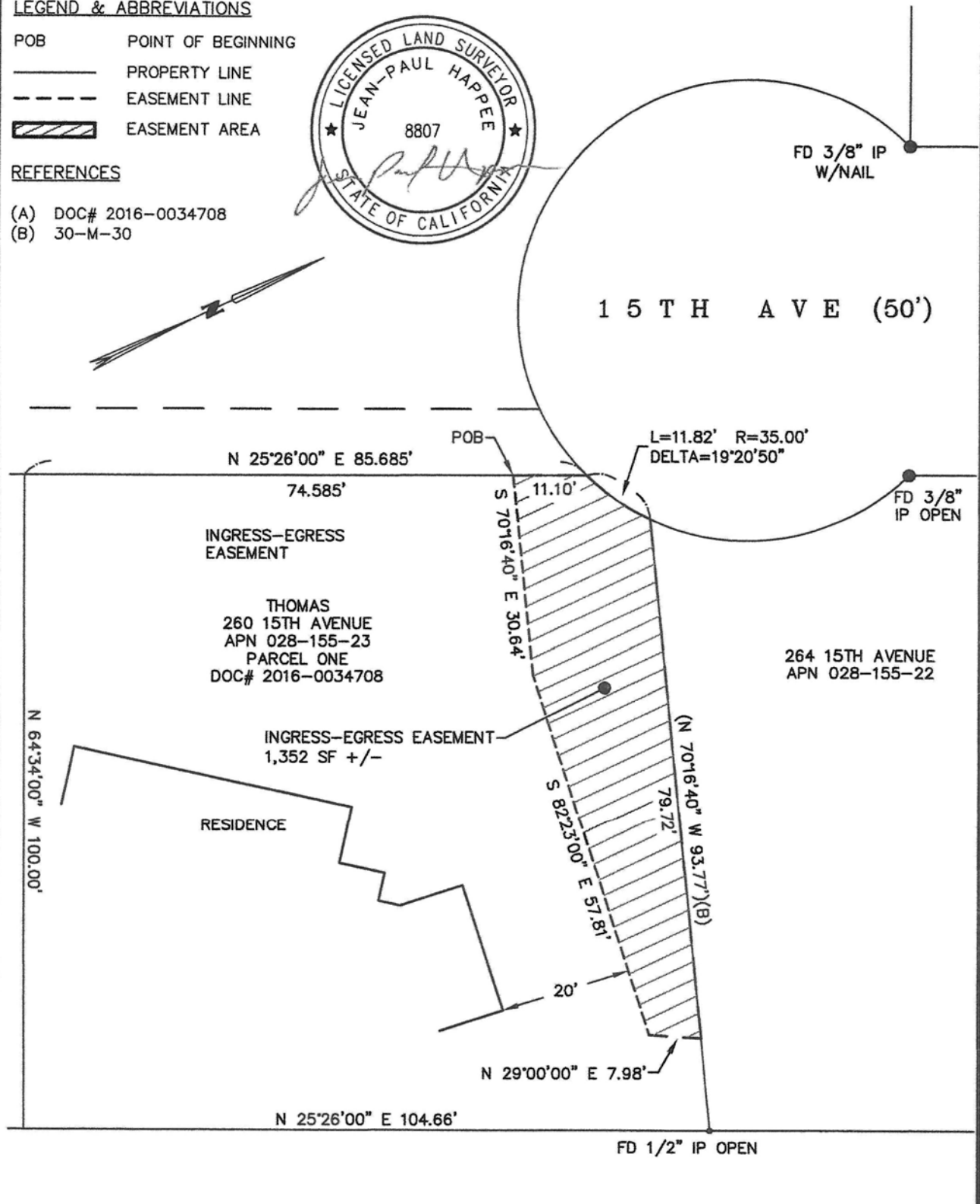
EXHIBIT H

**LEGEND & ABBREVIATIONS**

POB POINT OF BEGINNING  
 ——— PROPERTY LINE  
 - - - EASEMENT LINE  
 ▨ EASEMENT AREA

**REFERENCES**

(A) DOC# 2016-0034708  
 (B) 30-M-30



ALPHA LAND SURVEYS, INC.  
 4444 SCOTTS VALLEY DRIVE, SUITE 7  
 SCOTTS VALLEY, CA 95066 (831) 438-4453

EXHIBIT C  
 PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 FOR INGRESS-EGRESS EASEMENT  
 260 15TH AVENUE, SANTA CRUZ

SEPT 22, 2021  
 SCALE 1"=20'  
 PAGE 1 OF 1

EXHIBIT H



**Exhibit D**  
**Legal Description**  
**Scenic View Easement**  
**Over lands of Thomas APN 028-155-23 & 24**  
**Benefitting 264 15<sup>th</sup> Avenue, Santa Cruz APN 028-155-22**

**Situate** in Sec. 20, T. 11 S., R. 1 W., City of Santa Cruz, County of Santa Cruz, State of California.

**Being** a portion of Parcel One and all of Parcel Two of the lands of Peter R. Thomas and Donna S. Thomas, Trustees, or Their Successor, of The Peter R. Thomas and Donna S. Thomas 2000 Revocable Trust Dated July 20, 2000, by Grant Deed dated August 31, 2016 and recorded September 15, 2016 as Document Number 2016-0034708, Santa Cruz County Records,

**Being** a portion of Lot 7 as shown and delineated on that certain map entitled, "Tract No. 117 Shore Acres Subdivision No. 2," filed for record on February 9, 1951 in Volume 30 of Maps at Page 30, Santa Cruz County Records, and more particularly bounded and described as follows to wit;

**Being** an easement for a scenic view corridor.

**Beginning** at the Northwestern corner of said Parcel Two of Lands of Thomas.

**Thence from said point of Beginning** and along the Northwestern boundary of Parcel Two South 25° 26' 00" West 134.67 feet to the Southwestern corner thereof; thence along the Southwestern boundary of Parcel Two South 64° 34' 00" East 50.00 feet to the Southeastern corner thereof; thence along the Southeastern boundary of Parcel Two North 25° 26' 00" East 134.67 feet to the Northeastern corner thereof; thence along the Northeastern boundary of Parcel Two and the Southwestern boundary of Parcel One North 64° 34' 00" West 10.54 feet; thence leaving said last mentioned boundary North 37° 37' 30" East 103.12 feet to a point on the Northeastern boundary of Parcel One; thence along said last mentioned boundary North 70° 16' 40" West 54.80 feet to a point of curvature; thence along a curve to the right from a radial bearing of North 39° 29' 55" East having a radius of 35.00 feet an arc length of 11.82 feet through a central angle of 19° 20' 50" to the Northwestern corner thereof; thence along the northwestern boundary of Parcel One South 25° 26' 00" West 85.685 feet to the Point of Beginning.

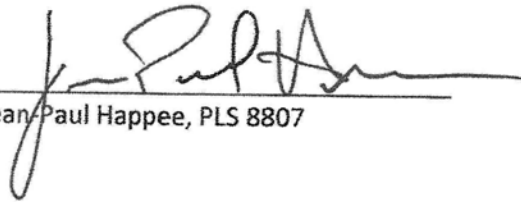
**Containing** approximately 11,586 square feet of land, more or less

Attached hereto is a plat labeled "Exhibit D" and by this reference made a part thereof.

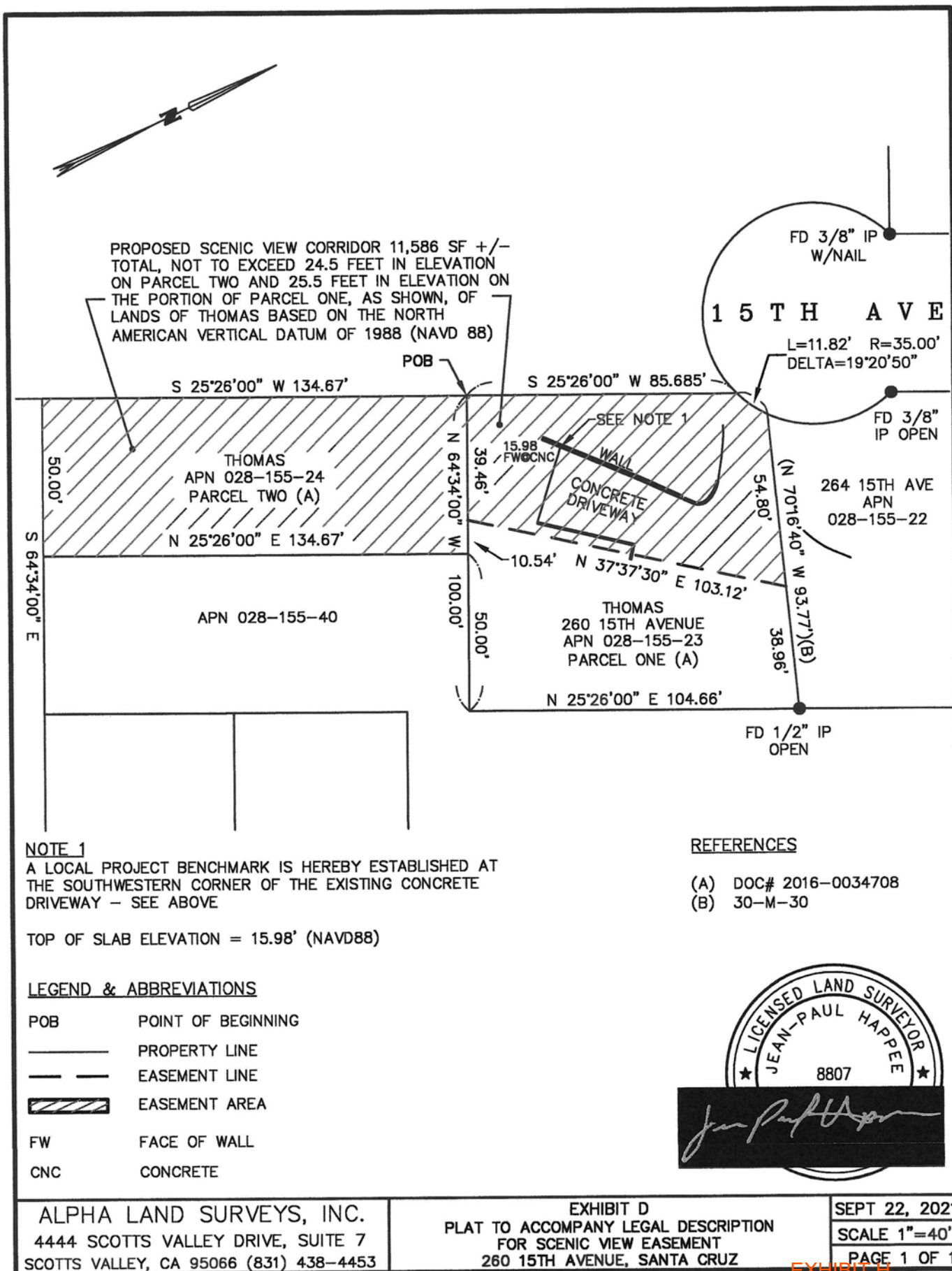
Elevations shown on the accompanying plat are based on the North American Vertical Datum of 1988 (NAVD 88).



Compiled by Alpha Land Surveys, Inc. in September 2021.

  
Jean-Paul Happee, PLS 8807







# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131  
PAIA LEVINE, ACTING PLANNING DIRECTOR

February 10, 2022

Ken Hart, Swift Consulting Services  
500 Chestnut Street, Suite 100  
Santa Cruz, CA 95060

Subject: Application # **PA211058**; Assessor's Parcel #: **028-155-22**  
Owner: **McGuire**

Dear Ken Hart, Swift Consulting Services:

On 12/7/2021, you submitted a request for a project consultation concerning a proposed replacement dwelling at 264 15<sup>th</sup> Avenue. You requested a determination by the County of Santa Cruz as to which sides of the parcel would be considered the front, street side, interior side and rear for purposes of establishing setbacks.

A vehicular easement / right-of-way was established on the south side of the parcel on September 29, 2021. This right-of-way cannot be recognized as a formal access or frontage of the parcel unless a discretionary permit for a right of way less than 40 feet wide is issued by the County following a public hearing, as provided by Santa Cruz County Code (SCCC) § 13.10.521. Approval of such permit could be potentially supported by a version of the site plan you submitted indicating that the proposed replacement dwelling would maintain parking spaces accessed from that right of way. However, the right-of-way application would be reviewed by the Central Fire Protection District and the Department of Public Works Encroachment section and would need to meet applicable requirements. Pending application for and issuance of such permit, 15<sup>th</sup> Avenue, which runs along the west side of the lot, is considered the frontage and access for the parcel. Since the subject parcel is within the R-1-6 zone district, the minimum front yard setback from 15<sup>th</sup> Avenue is 20 feet. As provided by SCCC § 13.10.700-Y, the front yard setback is measured from the front property line, which coincides with the edge of the public right-of-way. The south and north property lines would be considered interior sides, 5' on one side and 8' on the other. The east property line is the rear, for which the zoning setback is 15'.

You also requested that the required minimum 20' garage setback (§ 13.10.323(B)) from 15<sup>th</sup> Avenue be measured from the edge of pavement. However, as indicated above, the setback is measured to the property line / edge of right-of-way. Any reduction in the minimum setback to the garage would require a variance. The property may qualify for a variance due to the hillslope along 15<sup>th</sup> Ave., which may comprise a special circumstance. The parcel qualifies for a reduced carport setback down to a minimum of five feet, as provided by § 13.10.323(D)(5)(a). However, a carport has not been proposed. The owner has indicated that a garage is necessary to provide shelter for electric vehicles.

Environmental Planning has indicated that the proposed replacement dwelling would probably require a Coastal Permit per SCCC § 13.20.077(A), due to the apparent presence on the site of a riparian corridor. Further, in accordance with SCCC § 13.20.077(B), a Coastal Permit would be required for any grading on a slope greater than 30%. Please note, if the proposed location of the replacement dwelling would encroach into the riparian corridor or associated buffer, that a Riparian Exception could be also required. To determine the limits of the riparian corridor and associated buffer you are advised to apply for a Riparian Pre-Site determination.

Should you have further questions concerning this application, please contact me at: (831) 454-3234, or e-mail: [jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

Sincerely,

Jerry Busch  
Project Planner  
Development Review