

## STAFF REPORT TO THE ZONING ADMINISTRATOR

**APPLICATION NO.** 03-0456

**APN:** 065-143-12

**APPLICANT:** Bill And Sandra O'Brien

**OWNER** Bill And Sandra O'Brien

**PROJECT DESCRIPTION:** Proposal to elevate an existing single family dwelling, construct a new foundation and garage below, and construct new entry stairs, decks, and landings.

**LOCATION:** The project is located on the north side of the intersection of Park Avenue, and River Road in Felton Grove.

**PERMITS REQUIRED:** Variance to reduce the required 20 foot front yard setback to about ten feet to the walls and garage door and eight feet to the stairs and landing, reduce the required ten foot separation to the existing deck and hot tub to about two feet, and to increase the maximum 28 foot building height limitation to about 31 feet.

**ENVIRONMENTAL DETERMINATION:** Exempt per CEQA Section 1805(a)

**COASTAL ZONE:**   yes   X  no

### PARCEL INFORMATION

**PARCEL SIZE:** 12,153 square feet

**EXISTING LAND USE:** PARCEL: Residential

**SURROUNDING** Residential and recreational

**PROJECT ACCESS:** Construct gravel driveway off River Road, a privately maintained 40 foot right-of-way.

**PLANNING AREA:** San Lorenzo Valley

**LAND USE DESIGNATION:** Suburban Residential

**ZONING DISTRICT** R-1-15-GH

**SUPERVISORIAL DISTRICT:** Fifth District

### ENVIRONMENTAL INFORMATION

| <u>Item</u>          | <u>Comments</u>   |
|----------------------|---|
| a. Geologic Hazards  | a. Site is within the floodway; home will be elevated.                        |
| b. Soils             | b. Soil Report <b>completed</b> ; plan review <b>letter</b> will be required. |
| c. Fire Hazard       | c. Fire protection improvements will be required.                             |
| d. Slopes            | d. Site <b>is</b> level.  |
| e. Env. Sen. Habitat | e. Riparian habitat and endangered species in area; none on site              |
| f. Grading           | f. None proposed.   |
| g. Tree Removal      | g. None required.   |
| h. Scenic            | h. Not within a scenic corridor or visible from a highway.                    |
| i. Drainage          | i. Drainage improvements will be installed per plans.                         |
| j. Traffic           | j. No significant impact  |
| k. Roads             | k. New all <del>weather</del> surface driveway will be constructed.           |

## SERVICES INFORMATION

W/in Urban Services Line: **y e s XX** no

Water Supply: American Water Company

Sewage Disposal: On site septic system

Fire District: Felton Fire Protection District

Drainage District: Zone **8** Flood Control/Water Conservation District

## ANALYSIS & DISCUSSION

The proposed construction is part of a FEMA sponsored, Santa Cruz County coordinated house raising project in the Felton Grove Subdivision. **The 1928** subdivision is located in the floodway of the San Lorenzo River. **The** floodway is an extremely hazardous zone due to the quantity and velocity of flood waters, the amount of debris which may be transported, and the high potential for erosion during periods of large **stream** flows. Several winters have resulted in severe damage to the homes within the Felton Grove Subdivision. **The** Federal Emergency Management Agency has been involved in subsequent repairs to the homes following these disasters. The objectives of the house raising project is to increase the safety of the residents and decrease the required funds for repairs following floods in the future. **The** homes are raised enough to ensure they are out of the elevation of the floodway and temporarily supported while the new foundation and flood proof walls are erected. In some cases this results in a building that is over the maximum **28** foot height limitation. This particular project will result in a 31 foot high structure, which will require a variance to the maximum building height.

Parcels within the Felton Grove Subdivision are substandard in size by current site regulations. Many parcels are unusual in configuration and it is common for homes and associated improvements to be nonconforming relative to setbacks or even within the right-of-way. This project involves a home which does not meet the required front yard setback of **20 feet** to the garage. A wood deck currently exists which is only about two feet from the front property **line** and **the** walls **of** the house are only about ten feet to the front property line. It is proposed that the existing wood deck and **stairs** be removed, that the house be raised, new walls constructed to support it, and a new stairs and landing be constructed to access the raised home. This project will result in a home that is ten feet from the front property line to the walls and garage door, and eight feet to the new stairway and landing. In addition, the wood deck in the front yard setback will be replaced along the west side of the house. The new deck and access stairs will be only two feet from an existing structure housing a hot tub, instead of the required ten foot separation. This will require a variance to setbacks.

## RECOMMENDATION

Staff recommends:

1. Approval of the determination that the project is Categorically Exempt from the California Environmental Quality Act; and
2. Approval of Application No.03-0456, based on the attached findings and conditions.

APN 065-143-13  
Application: 03-0150

**EXHIBITS**

- A. Project Plans
- B. Variance Findings
- C. Development Permit Findings
- D. Conditions
- E. Environmental Determination
- F. Zoning Map
- G. General Plan Map
- H. Location Map
- I. Assessor's Parcel Map

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.

Report Prepared By: Darcy Houghton  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-7586

### 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.

*Special circumstances applicable to this property include it's location within the floodway. This requires that the structure be elevated which, depending on the size of the existing unit, may result in a building higher than the 28foot height limitation. In this case the unit is only 674 squarefeet but consists of two levels. The structure will be elevated and shored up while a new concretefoundation system and floodproof wall are erected under. The resulting building will be 31feet in height.*

*The otherportion of the variance is to setback requirements. The special circumstances associated with this variance is the location ~~of~~ the existing structure. Presently there are wood decks and stairs only two feet from thefront property line which will be removed. However, the new garage doors will only be tenfeet and the site standards require 20feet ~~from~~garage doors to thefront property linefor proper back area. The right-of-ways are unusually wide surrounding the site and actual road widths are narrow. Therefore, the vehicle backing out will not actually be backing out onto the road. Adequate sight distance existsfor vehicles exiting the garage. The wood deck to be removed in thefront will be replaced with a new deck along the north-west side of the house. This deck will not meet the required setbackfrom an existing covered hot tub. The required tenfoot separation cannot be met given the existing location of the accessory structure.*

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.

*The granting ~~of~~ the variance will be in harmony with the general intent andpurpose of zoning objectives and will not be materially detrimental topublic health, safety, or welfare or injurious toproperty or improvements in the vicinity in that the height and location of the building will not effect the neighbor's privacy, solar access, or open space. Privacyfences exist which will not be affected by theproject. The existing roads will not be affected and the project will remove decking and stairs which are only two feet from the right-of-way which will improve the situation.*

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.

*The granting of the variance to increase the maximum 28foot height limitation to 31feet, reduce the required 20foot setback iofrontproperty line to 10 feet, and reduce the required 10foot separation to about twofeet will not constitute a grant of special privileges inconsistent with the limitations upon otherproperties in the vicinity and zone in which such is situated in that the other homes in Felton Grove which require variances due to the*

*presence of the floodway, wide right-of-ways, narrow roads, and existing building location have similarly been granted the same. In addition, most of the homes do not meet current site standards. Many are over the property lines and into the right-of-ways. Fences and accessory structures exist which are not within the parcel boundaries. This home and its associated improvements (except the fence) is within the parcel boundaries and the project will include removing decks and stairways which are the closest to the parcel line, thereby improving the existing nonconformities. The project is therefore, not a grant of special privileges inconsistent with the limitations upon other properties in the Felton Grove vicinity.*

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**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.

*The location of the residence 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 improvement in the vicinity in that the project includes elevating the structure which will improve safety. The project will not result in any impacts on sight distance for vehicular traffic, or light, air, and open space for the neighbors*

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.

*The project site is located in the R-I-15-GH zone district. The project is consistent with the specific purposes of the R-I zoning to provide areas of primarily residential use, protected from the incompatible effects of nonresidential land uses. The project will not interfere with the surrounding recreational, commercial, and public uses.*

*The project is consistent with the GH (Geologic Hazards) combining zone district due to its location within the 100 year floodway. This provides early notice of the development constraint and requires that development projects be subject to the Geologic Hazards Ordinance, Section 16.10 of the County Code. The Felton Grove House Raising Project has been designed and monitored to be consistent with the County Code which requires that buildings be elevated within the high flood hazard areas.*

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.

*The project is located in the Suburban Residential land use designation. The proposed residential use is consistent with all elements of the General Plan in that the home will be compatible in scale and design with the others in the neighborhood. The project is consistent with the General Plan in that it will reduce hazards associated with the floodway. The project is further consistent with the Felton Town Plan in that the neighborhood will remain residential.*

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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.

*The use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that the project does not include an increase in the number of units or bedrooms. The current home already has a water connection and an approved septic system.*

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.

*The proposed residence 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 in that the design has incorporated features common to the area and is in scale with the other homes in the neighborhood.*

6. THE PROPOSED DEVELOPMENT PROJECT **IS** CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

*The proposed development is consistent with the Design Standards and Guidelines of the County Code in that it is compatible with the neighborhood, will provide parking, and will maximize compliance with the site standards to the extent possible.*

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RECORDING REQUESTED BY:  
COUNTY OF SANTA CRUZ

WHEN RECORDED, RETURN TO:  
COUNTY OF SANTA CRUZ PLANNING DEPARTMENT  
701 OCEAN STREET  
SANTA CRUZ CA 95060

## CONDITIONS OF APPROVAL

Variance 03-0456  
Property Owner: Bill and Sandra O'Brien  
Assessor's Parcel No. 065-143-12  
Property location and address: 184 Park Avenue, Felton  
San Lorenzo Valley Planning Area

Exhibits: A. Architectural Plans prepared by G.E. Sanderson Applied Design dated January, 2003

I. This permit authorizes the elevation of an existing single family dwelling, construct a new foundation and garage below, and construct deck, stairways, and landings. Prior to completing any rights granted by this permit, including, without limitation, any construction or site disturbance, the applicant/owner shall:

1. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
2. Obtain a Building Permit from the Santa Cruz County Building Official.

II. General Conditions - Prior to issuance of a Building Permit the applicant/owner shall:

Submit final Architectural Plans for review and approval by the Planning Department and other required agencies. The final plans shall be in substantial compliance with the plans marked "Exhibit A" on file with the Planning Department. Any changes between the approved Exhibit A including, but not limited to the attached exhibits for road improvement, grading, drainage, architectural, and landscaping plans, and the final Architectural Plans must be submitted for review and approval by the decision-making body.

Such proposed changes will be included in a report to the decision-making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County code. Any changes that are on the final plans that do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review. The final plans shall include, but not be limited to the following:

- a. Exterior elevations identifying finish materials and colors.
- b. Floor plans identifying each room and its dimensions.



- c. A site plan showing the location of all site improvements, including, but not limited to, landscaping, points of ingress and egress, parking areas, and accessory structures. The site plan shall indicate vegetated areas and type of vegetation. Indicate that some of the downspout discharge flows into the vegetated areas on the parcel. Show limits of the proposed gravel driveway. Not more than 50% of the front yard shall be used for parking and driveway.
  2. Meet **all** requirements of the Department of Public Works, Zone 8. New impervious **area** shall be less than 500 square **feet** or a drainage mitigation plan including retention or detention facilities must be submitted and accepted by the Drainage District. Provide perimeter footings for the raised deck supports, with no expansion of concrete slab beneath the decks.
  3. Meet all the requirements and pay **any** applicable fees to the Felton Fire Protection District.
  4. Meet all the requirements in the soils report and all regulations **from** the Federal Emergency Management Agency. Submit the **soils** engineer plan review letter that verifies the plans are in conformance with the recommendations in the soils report.
  5. Comply with all requirements of the County Environmental Health Department.
- III. All construction shall be performed in accordance with the approved plans. For reference in the field, a copy of these conditions shall be included on all construction plans. Prior to **final** building inspection and building occupancy, the applicant/owner shall meet the following conditions:
1. All site improvements shown on the final approved Building Permit plans shall be installed. All inspections required by the building permit shall be completed to the satisfaction **of** the County Building Official and the County Civil Engineer.
  2. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation or site disturbance associated with this development, any artifact or other evidence of an historic archeological 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 16.40.040 and 16.42.100 shall be observed.
  3. Construction activities shall be completed so as to not impact the functioning of the existing septic tank, leachfields and future expansion leachfield.
  4. Submit the elevation certificate verifying the structure is raised to the correct elevation.
  - 5.
- IV. Operational Conditions.

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1. 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.
2. All landscaping shall be permanently maintained.
3. The existing 480 square foot storage structure shall remain nonhabitable.

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL  
UNLESS YOU BOTH OBTAIN YOUR BUILDING PERMIT AND OBTAIN REQUIRED  
FIRE DEPARTMENT BUILDING INSPECTION.**

Conditions verified by \_\_\_\_\_  
Don Bussey, Deputy Zoning Administrator

Date \_\_\_\_/\_\_\_\_/2001

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**NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

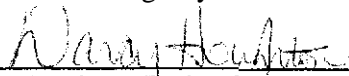
Application No. 03-0456  
Assessor's Parcel No. **065-143-12**  
Project Location: *The project is located on the north side of Park Avenue and River Road in Felton Grove.*  
Project Description: *The project proposes to elevate and relocate an existing single family dwelling.*  
Person or Agency Proposing Project: Bill And Sandra O'Brien

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.  
B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.  
C. \_\_\_\_\_ Statutory Exemption other *than* a Ministerial Project.  
Specify type:

D. Categorical Exemption

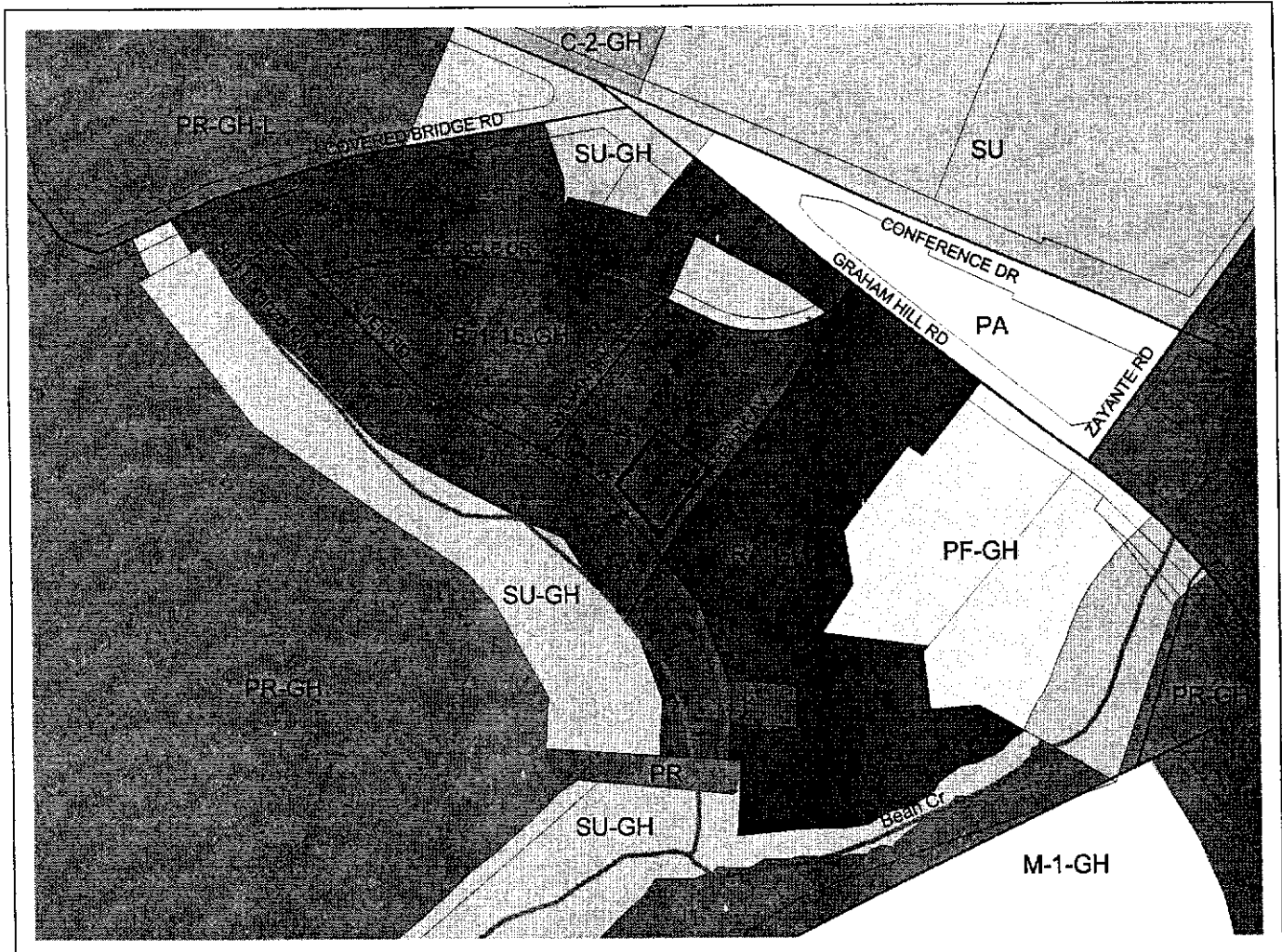
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 1. Existing Facility  | <input type="checkbox"/> 17. Open Space Contracts or Easements  |
| <input type="checkbox"/> 2. Replacement or Reconstruction   | <input type="checkbox"/> 18. Designation of Wilderness Areas  |
| <input type="checkbox"/> 3. New Construction of Small Structure                                     | <input type="checkbox"/> 19. Annexation of Existing Facilities/<br>Lots for Exempt Facilities         |
| <input type="checkbox"/> 4. Minor Alterations to Land   | <input type="checkbox"/> 20. Changes in Organization of Local<br>Agencies                             |
| <input type="checkbox"/> 5. Alterations in Land Use Limitations                                     | <input type="checkbox"/> 21. Enforcement Actions by Regulatory<br>Agencies                            |
| <input type="checkbox"/> 6. Information Collection  | <input type="checkbox"/> 22. Educational Programs   |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment        | <input type="checkbox"/> 23. Normal Operations of Facilities<br>for Public Gatherings                 |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources         | <input type="checkbox"/> 24. Regulation of Working Conditions   |
| <input type="checkbox"/> 9. Inspection  | <input type="checkbox"/> 25. Transfers of Ownership of<br>Interests in Land to Preserve<br>Open Space |
| <input type="checkbox"/> 10. Loans  | <input type="checkbox"/> 26. Acquisition of Housing for Housing<br>Assistance Programs                |
| <input type="checkbox"/> 11. Accessory Structures   | <input type="checkbox"/> 27. Leasing New Facilities   |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales   | <input type="checkbox"/> 28. Small Hydroelectric Projects at<br>Existing Facilities                   |
| <input checked="" type="checkbox"/> 13. Acquisition of Land for Wild-<br>Life Conservation Purposes | <input type="checkbox"/> 29. Cogeneration Projects at Existing<br>Facilities                          |
| <input type="checkbox"/> 14. Minor Additions to Schools   |   |
| <input type="checkbox"/> 15. Minor Land Divisions   |   |
| <input type="checkbox"/> 16. Transfer of Ownership of<br>Land to Create Parks                       |   |

- E. \_\_\_\_\_ Lead Agency Other Than County:

  
Darcy Houghton, Project Planner

Date: 07/03/03

# Zoning Map



500 0 500 1000 Feet

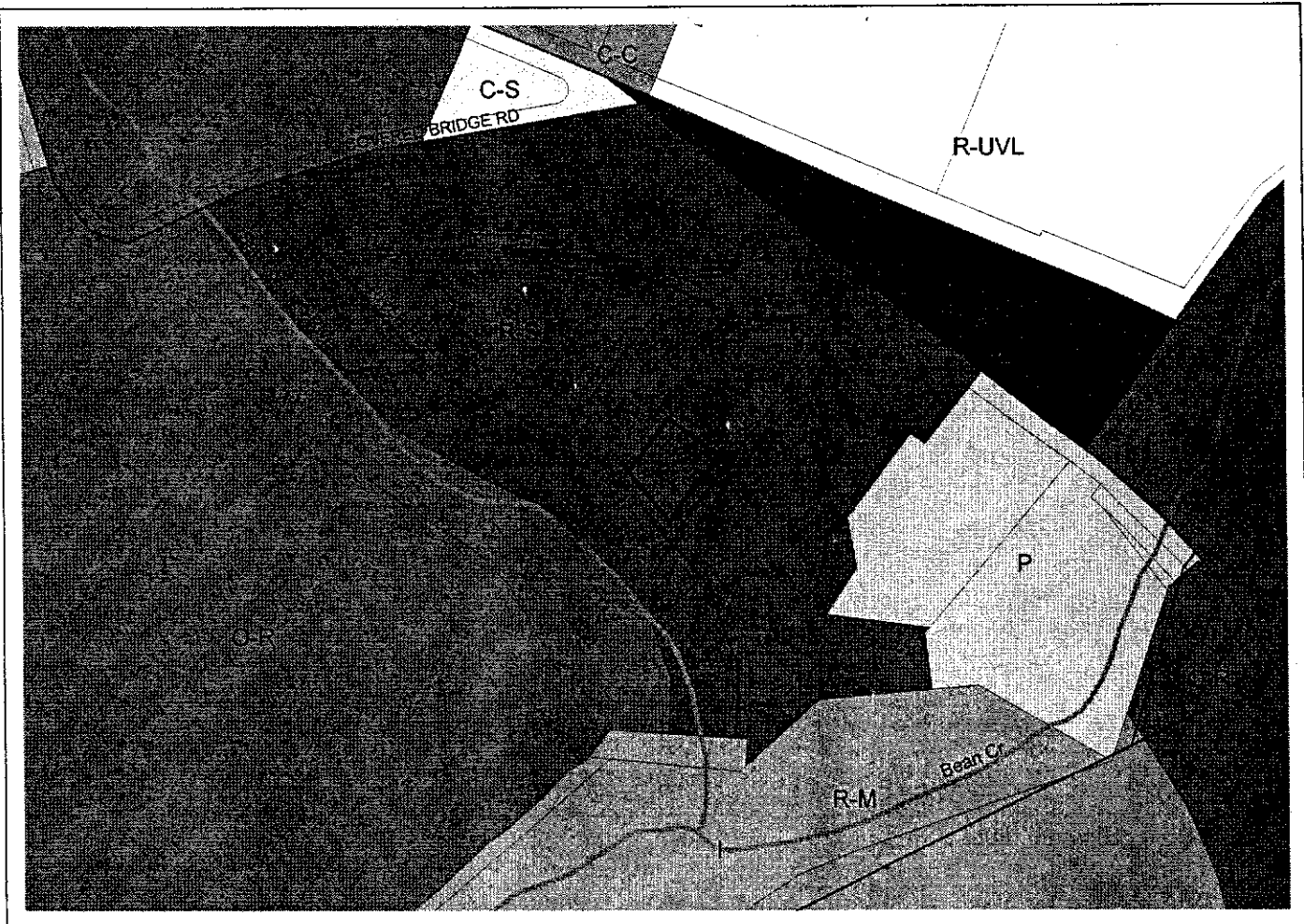
## Legend

|  |                   |
|--|-------------------|
|  | APN 065-143-12    |
|  | Parcel boundaries |
|  | Streets           |
|  | Perennial Stream  |
|  | PA                |
|  | C-2               |
|  | RA                |
|  | R-1-X             |
|  | PR                |
|  | SU                |
|  | PF                |
|  | M-1               |



Map created by Santa Cruz County  
Planning Department:  
October 2003

# General Plan Map



500 0 500 1000 Feet

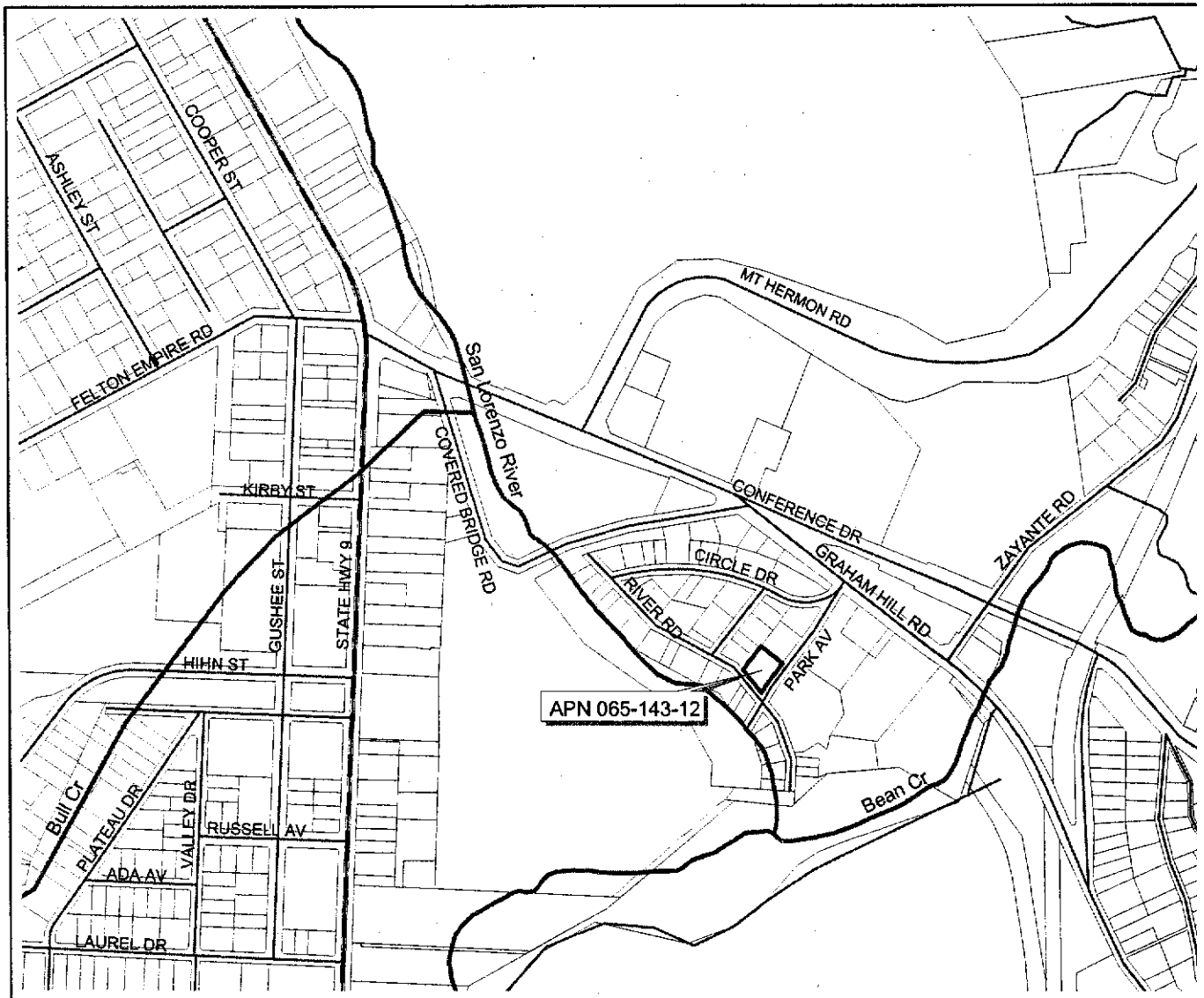
## Legend

- APN 065-143-12
- Parcel boundaries
- Streets
- Perennial Stream
- Service Commercial
- Public Facilities
- Community Commercial
- Parks and Recreation
- Office Commercial
- Suburban Residential
- Mountain Residential
- Residential - Urban Very Low Density



Map created by Santa Cruz County  
 Planning Department  
 October 2003

# Location Map



1000 0 1000 2000 Feet

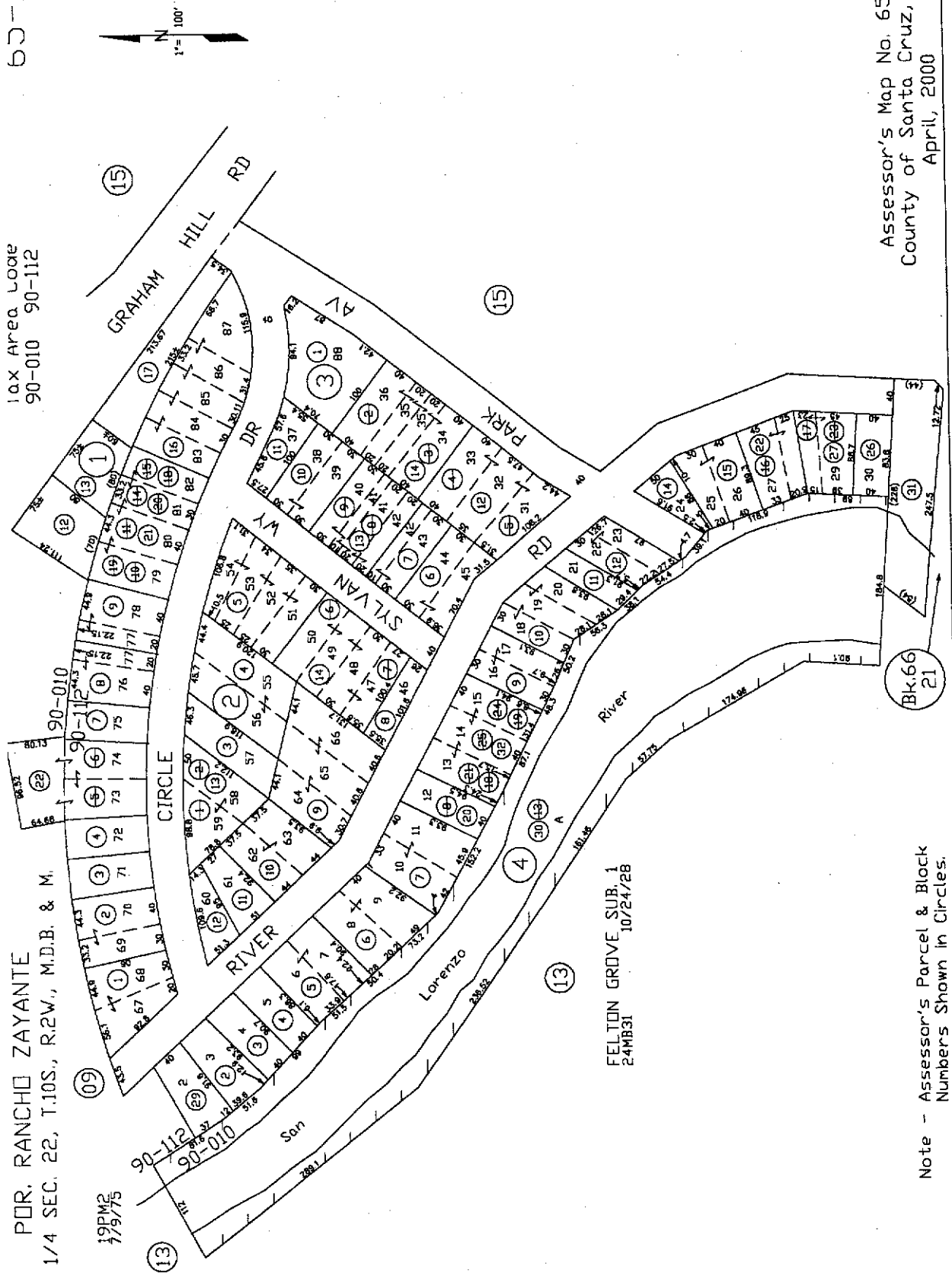
Map created by Santa Cruz County  
Planning Department:  
October 2003



10x Area Lodge  
90-010 90-112

POR. RANCHO ZAYANTE  
N.W. 1/4 SEC. 22, T.10S., R.2W., M.D.B. & M.  
19PM2  
7/9/75

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Assessor's Map No. 65-14  
County of Santa Cruz, Calif.  
April, 2000

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

Electrically Redrawn 4/17/00 RYM  
1. 5/25/00 CG Code Change  
2. 9/21/00 CG Code Change  
3. 8/7/01 RYM Change Page Refs.