



Staff Report to the Zoning Administrator

Application Number: **04-0540**

Applicant: Mark & Bojana Morgenthaler
Owner: Mark & Bojana Morgenthaler
APN: 098-191-33

Agenda Date: February 4, 2005
Agenda Item #: 6
Time: after 10:00 a.m.

Project Description: Home Occupation Permit to allow no more than 5 employees (and use no more than 45% of the floor space of the existing dwelling) within an existing habitable studio.

Location: 25401 Spanish Ranch Road, Los Gatos

Supervisory District: First District (District Supervisor: Janet K. Beautz)

Permits Required: Home Occupation Permit.

Staff Recommendation:

1. Approval of Application 04-0540, based on the attached findings and conditions.
2. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | |
|---|---------------------|
| A. Project plans | E. Vicinity map |
| B. Findings | F. Location map |
| C. Conditions | G. General Plan map |
| D. Categorical Exemption (CEQA determination) | H. Zoning map |

Parcel Information

Parcel Size:	1.6 acres
Existing Land Use - Parcel:	single family residential
Existing Land Use - Surrounding:	single family residential
Project Access:	Spanish Ranch Road
Planning Area:	Summit
Land Use Designation:	RR (Rural Residential)
Zone District:	RA (Residential Agriculture)

Application#: 04-OS40
APN: 098-191-33
Owner: Mark & Bojana Morgenthaler

Page 2

Coastal Zone: Inside X Outside

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: NIA
Fire Hazard: Not a mapped constraint
Slopes: NIA
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: N/A
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Not mapped/no physical evidence on site

Services Information

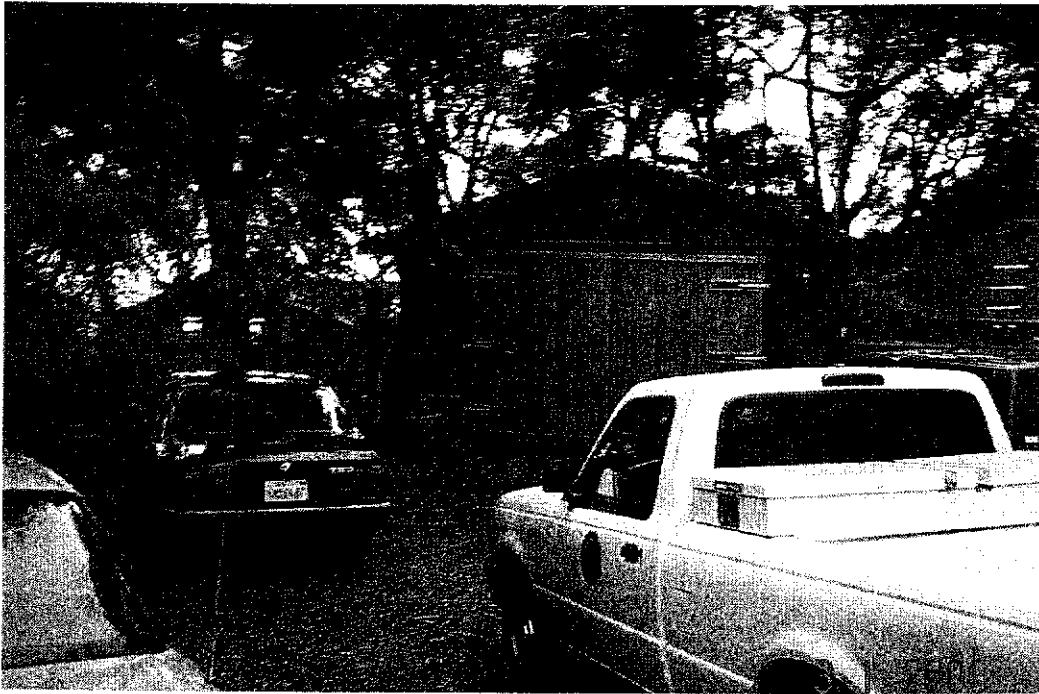
Urban/Rural Services Line: Inside X Outside
Water Supply: Private well
Sewage Disposal: Private septic
Fire District: California Department of Forestry/County Fire
Drainage District: N/A

History

The applicant received a building permit for a habitable detached studio on December 30, 2003. This current application for a Home Occupation Permit **was** received on October 29, 2004 and deemed complete on November 29, 2004.

Project Setting

The site is located off of Summit Road, in the Summit Planning area. There is **an** existing single family dwelling **and** a detached habitable studio on the property (1.6 acres).



view of habitable studio from driveway



view of habitable studio from below (at residence)

Home Occupation Permit

The applicant is proposing to use a detached habitable studio (which is no more ~~than~~ 45% of the floor space of the dwelling) for computer engineering. There will be typically three employees,

with a maximum of five at any time.

Chapter 13.10.613 of the County of Santa Cruz Code describes the restrictions by which Home Occupations may be permitted as follows:

1. *The home occupation shall be carried **on** entirely within the dwelling, or in an accessory structure normally allowed in the zone district in which the site is located.*

This home occupation is being wholly carried out in a detached accessory structure.

2. *There shall be **no** visible or external evidence of the home occupation other than one unlighted sign not exceeding one square foot in area, which shall be affixed to the dwelling or building in which the home occupation is conducted. If both the dwelling and the building are set back more than 40 feet from the front property line, the sign may be affixed to the mailbox. No outdoor storage, operations or activity is allowed unless a Level V Use Approval is obtained, in which case the allowed outdoor **use** shall be completely screened from the street and adjoining properties.*

These will be Conditions of Approval.

3. *The home occupation shall be carried out primarily by a full-time inhabitant of the dwelling. Not more than five additional employees may also be used for a home occupation if a Level V Use Approval is obtained.*

The applicant is a full time inhabitant of the associated dwelling. A maximum of five additional employees are associated with this home occupation. These will be Conditions of Approval.

4. *The home occupation shall not involve the use of more than one room, or floor area equal to 20 percent of the total floor area of the dwelling, whichever is less, unless a Level V Use Approval is obtained.*

This home occupation is being wholly carried out in a detached accessory structure. The habitable studio is less than 45% of the total floor area of the dwelling and the applicant is seeking a Level V Use Approval.

5. *Home occupations involving personal services (beauty shop, barber shop, massage studio, etc.) or training (swimming lessons, musical instrument lessons, band practice, yoga, or philosophy, etc.) may involve **no** more than one person at a time, unless a Level V Use Approval is obtained.*

This home occupation does not involve personal services. This will be a Condition of Approval.

6. *Sales of goods are allowed **only** if the goods to be sold are produced or assembled entirely **on** the premises, or if sales are by mail order, unless a Level V Use Approval is obtained.*

No sales of goods are being proposed with this home occupation. This will be a Condition of Approval.

7. ***Only** one vehicle, **no** larger than a three-quarter ton pickup, may be used for the home occupation unless a Level V Use Approval is obtained. All deliveries and shipments of equipment, supplies, and products shall be made **only** with this one vehicle. An offstreet*

parking space shall be provided for this vehicle. Additional offstreet parking shall be provided for employees or customers.

These will be Conditions of Approval

8. *No equipment with a motor of more than one-half horsepower may be used unless a Level V Use Approval is obtained.*

No equipment with a motor of more than one-half horsepower is planned for this home occupation.

9. *All noise shall be contained within the boundaries of the site.*

This will be a Conditions of Approval

10. *Home occupations involving the handling of hazardous materials, as defined by Section 7.100.030 of this Code, or of any amount of an acutely hazardous substance, as defined by State or federal law, shall require a Level V use approval. Hazardous materials refer to materials defined in Chapter 7.100 of this Code.*

No hazardous materials are proposed with this home occupation. This will be a Condition of Approval.

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the structure exists, and the proposed change of use is minimal.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **APPROVAL** of Application Number **04-0540**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Application #: 04-0540
APN: 098-191-33
Owner: Mark & Bojana Morgenthaler

Page 6

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.co.santa-cruz.ca.us

Report Prepared By: Lawrence Kasparowitz
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2676
E-mail: pln795@co.santa-cruz.ca.us

Application# 04-0540
APN: 098-191-33
Owner: Mark & Bojana Morgenthaler

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 existing, legal Detached Habitable Accessory structure.

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 Home Occupation and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property will be one single family dwelling.

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 Home Occupation use is consistent with the use and density requirements specified for the Rural Residential (RR) land use designation in the County General Plan.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed Home Occupation is to be operated on ~~an~~ existing developed lot and within an existing detached habitable accessory structure. The expected level of traffic generated by the proposed project will not adversely impact existing roads and 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 accessory structure exists currently and is consistent with the land use intensity and density of the neighborhood.

Application # 04-0540
APN: 098-191-33
Owner: Mark & Bojana Morgenthaler

Conditions of Approval

Exhibit A: Architectural plans prepared by Mark Morgenthaler, dated 10/27/04.

- I. This permit authorizes a Home Occupation Permit to allow no more than **5** employees (and use no more than 45% of the floor space of the existing dwelling) within an existing habitable studio. 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.
- II. Prior to commencing the Home Occupation use the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Provide required off-street parking for 5 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.
- III. 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.
 - B. Restrictions:
 1. The home occupation shall be carried on entirely within the accessory structure.
 2. There shall be no visible or external evidence of the home occupation other than one unlighted sign not exceeding one square foot in area, which shall be affixed to the dwelling or building in which the home occupation is conducted. If both the dwelling and the building are set back more than 40 feet from the front property line, the sign may be affixed to the mailbox.
 3. No outdoor storage, operations or activity is allowed, unless **an** amendment to this permit is obtained, in which case the allowed outdoor use shall be completely screened from the street and adjoining properties.

Application #: 04-0540
APN: 098-191-33
owner Mark & Bojana Morgenthaler

4. The home occupation shall be carried out primarily by a full-time inhabitant of the dwelling. Not more than five additional employees may be used for a home occupation , unless an amendment to this permit is obtained.
5. The home occupation shall not involve the use of more than one structure, unless an amendment to this permit is obtained.
6. This home occupation may not involve personal services (beauty shop, barber shop, massage studio, etc.) or training (swimming lessons, musical instrument lessons, band practice, yoga, or philosophy, etc.), unless an amendment to this permit is obtained.
7. Sales of goods are allowed **only** if the goods to be sold are produced or assembled entirely on the premises, or if sales are by mail order, unless **an** amendment to this permit is obtained.
8. Only one vehicle, no larger than a three-quarter ton pickup, may be used for the home occupation unless an amendment to this permit is obtained. All deliveries and shipments of equipment, supplies, and products shall be made only with this one vehicle. An offstreet parking space shall be provided for this vehicle. Additional offstreet parking shall be provided for employees or customers.
9. No equipment with a motor of more than one-half horsepower may be used unless an amendment to this permit **is** obtained.
10. All noise shall be contained within the boundaries of the site.
11. Home occupations involving the handling of hazardous materials, as defined by Section 7.100.030 of this Code, or of any amount of an acutely hazardous substance, as defined by State or federal law, shall require an amendment to this permit. Hazardous materials refer to materials defined in Chapter 7.100 of the County of Santa Cruz Code.

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

Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.

Application# **04-0540**
APN: **098-191-33**
Owner: **Mark & Bojana Morgenthaler**

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Lawrence Kasparowitz
Project Planner

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.

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: 04-0540
Assessor Parcel Number: 098-191-33
Project Location: 25401 Spanish Ranch Road, Los Gatos

Project Description: Home Occupation Permit to allow no more than 5 employees and use no more than 45% of the floor space of an existing habitable studio.

Person Proposing Project: Mark & Bojana Morgenthaler

Contact Phone Number: (408) 353-1386

- 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).

Specify type:

E. X Categorical Exemption

Specify type: Class 3 - New Construction or Conversion of Small Structures
(Section 15303)

F. Reasons why the project is exempt: No new construction – conversion of use of a small structure.

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

Lawrence Kasparowitz, Project Planner

Date: _____

[Yahoo!](#) [My Yahoo!](#) [Mail](#)

Search the web

YAHOO! LOCAL
Maps

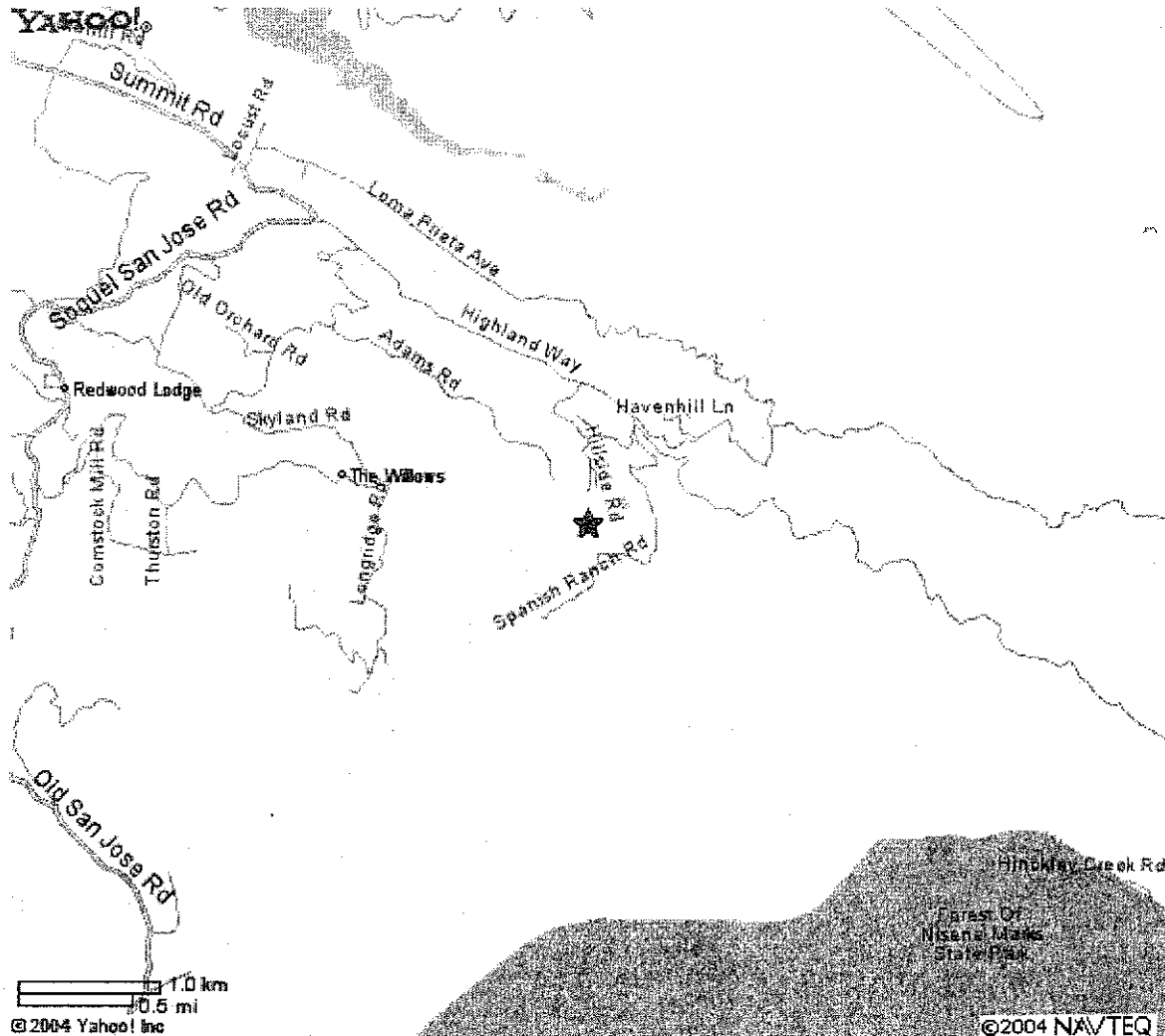
Welcome, **lak_planman**
[\[Sign Out, My Account\]](#)

[Me](#)

Yahoo! Maps

« [Back to Map](#)

★ **Spanish Ranch Los Gatos, CA 95033**



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

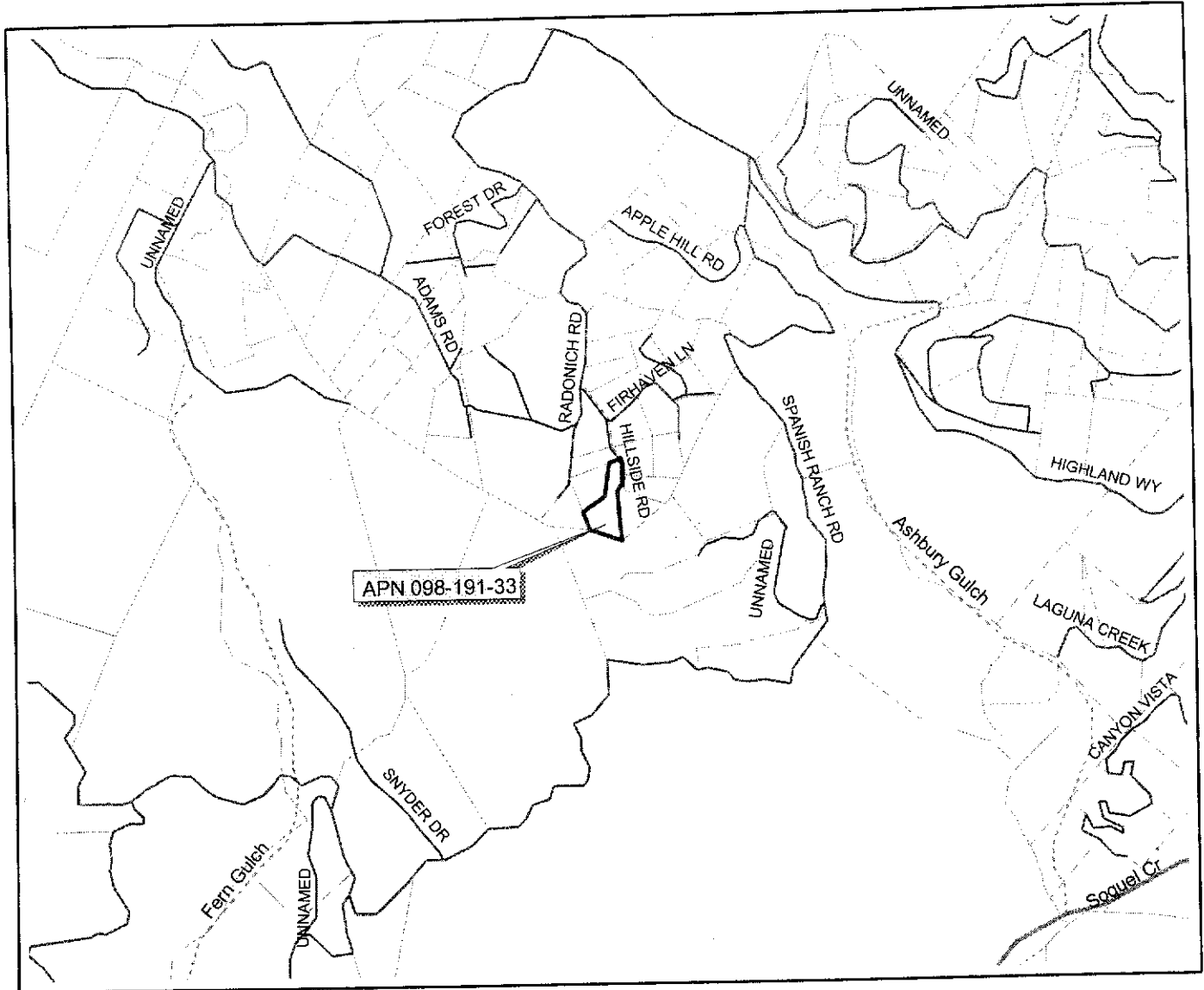
Copyright © 2005 Yahoo! Inc. All rights reserved.

[Privacy Policy](#) - [Terms of Service](#) - [Copyright Policy](#) - [Yahoo! Maps Terms of Use](#) - [Help](#) - [Ad Feedback](#)

12

1/15/05

Location Map

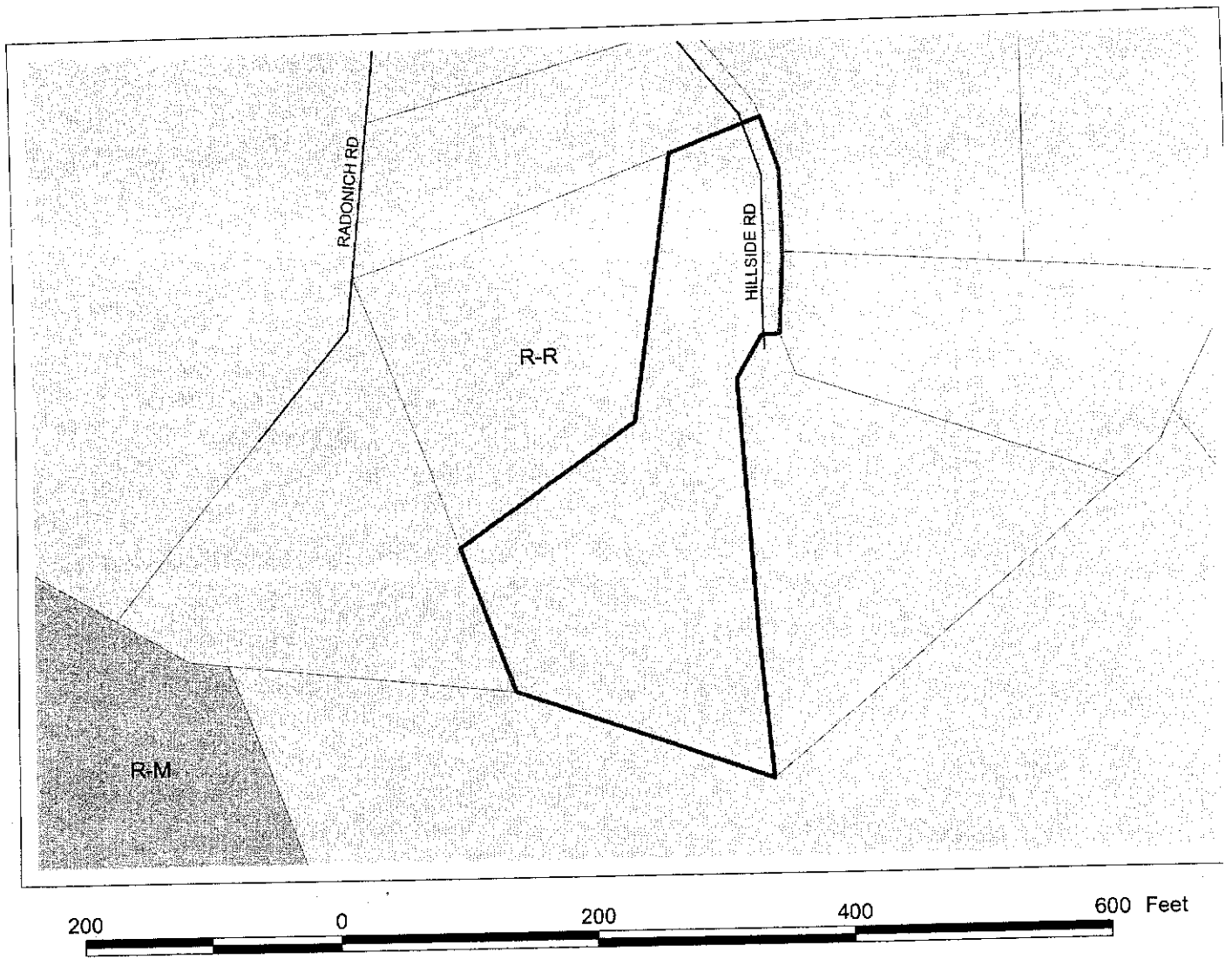


Map created by Santa Cruz County
Planning Department:
November 2004








EXHIBIT F

General Plan Map



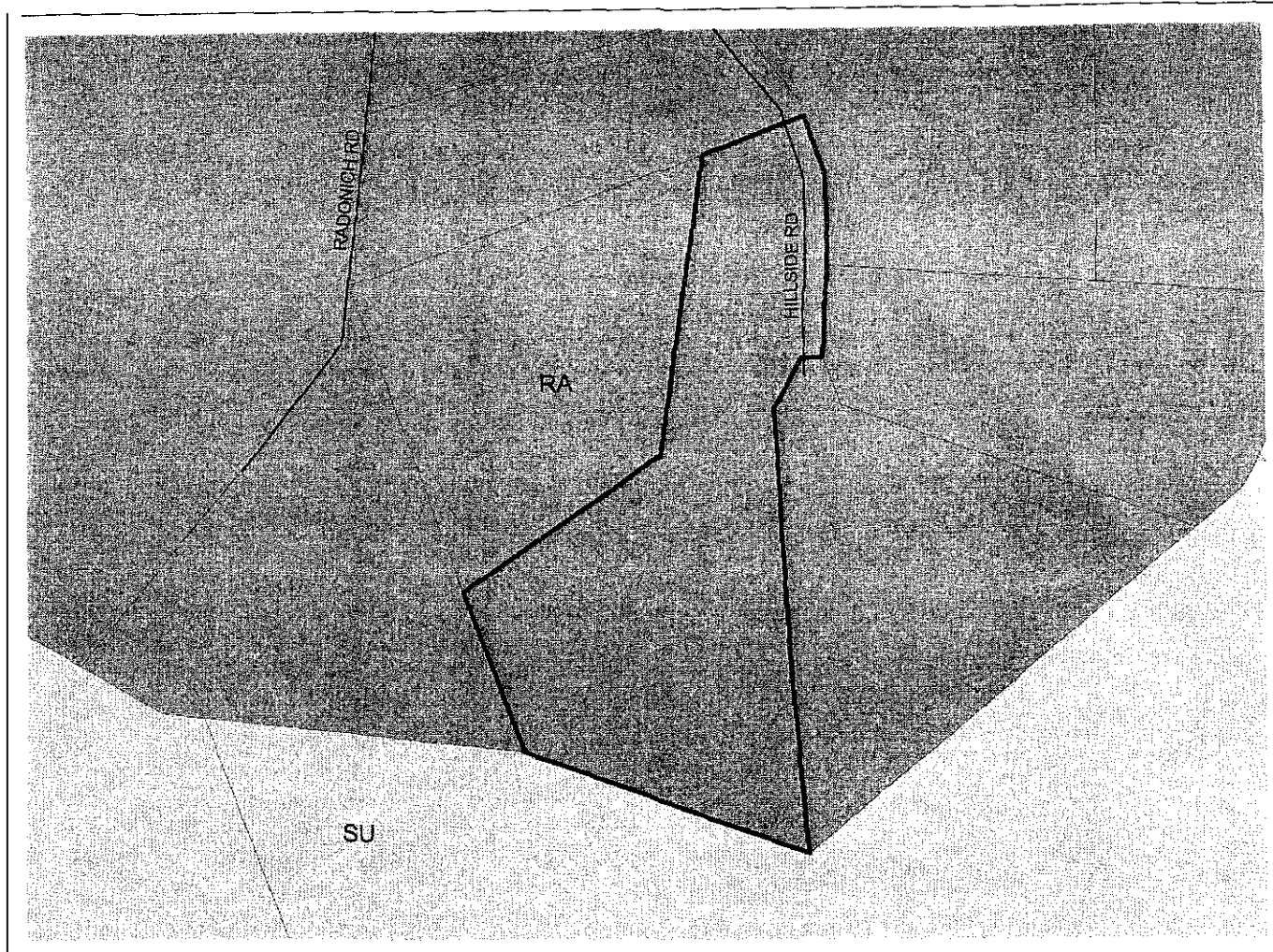
Legend

-  APN 098-191-33
-  Parcel boundaries
-  Streets
-  Mountain Residential
-  Rural Residential

Map created by Santa Cruz County
Planning Department:
November 2004





EXHIBIT G

Zoning Map



200 0 200 400 600 Feet

Legend

-  APN 098-191-33
-  Parcel boundaries
-  Streets
- 



Map *created* by Santa Cruz County
Planning Department:
November 2004

EXHIBIT H