



## Staff Report to the Zoning Administrator

Application Number: **08-0200**

**Applicant:** Kathleen O'Hearn and Kenneth Horwege

**Agenda Date:** August 8, 2008

**Owner:** Kathleen O'Hearn and Kenneth Horwege

**Agenda Item #:** **2**

**APN:** 085-333-06

**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a 332 square foot 1-story addition and interior remodeling to an existing significantly non-conforming 1167 square foot, 3 bedroom, 2 bathroom, 2 story dwelling to expand existing bedroom and kitchen space. Requires a Residential Development Permit.

**Location:** The project is located on the north side of Primavera Road approximately 300 feet past Kings Creek off Highway 9 at 678 Primavera Road in Boulder Creek.

**Supervisory District:** Fifth District (District Supervisor: Mark Stone)

**Permits Required:** Residential Development Permit

**Technical Reviews:** Geologic Hazards Assessment, Phase I Archeological Review

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0200, based on the attached findings and conditions.

### Exhibits

- |   |                          |
|---|--------------------------|
| A. Project plans                              | E. Assessor's parcel map |
| B. Findings                                   | F. Vicinity map          |
| C. Conditions                                 | G. Zoning map            |
| D. Categorical Exemption (CEQA determination) |                          |

### Parcel Information

Parcel Size:	13,373 square feet
Existing Land Use - Parcel:	residential
Existing Land Use - Surrounding:	residential

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Project Access: From Primavera Road off Hwy 9  
Planning Area: San Lorenzo Valley  
Land Use Designation: RR (Rural Residential)  
Zone District: R-1-15 (Single-family Residential )  
Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: N/A  
Env. Sen. Habitat: Mapped as potential biotic resource area. No surveys required;  
project entirely on a previously disturbed area (deck foundation).  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Mapped as possible resource; Phase I conducted 9/30/05, no evidence  
found of resources on site.

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: San Lorenzo Valley Water District  
Sewage Disposal: Private septic  
Fire District: Boulder Creek  
Drainage District: Zone 6

### Analysis

The proposed project is to construct a 332 square foot addition to an existing 1,167 square foot 2-story, 3 bedroom, 2 bathroom single family dwelling, and to remodel portions of the interior space. The existing dwelling is significantly non-conforming because it is located within 5 feet of the Wildwood Road vehicular right-of-way along the west property line. The proposed addition would not result in any increase of the non-conforming dimensions of the structure, nor would it involve replacement or alterations of exterior walls within the non-conforming areas of the structure. Thus the proposed addition meets the criteria specified under County Code Section 13.10.265(e) that would allow the proposed addition with a Level 5 approval and without the additional requirement of a Variance approval.

A Preliminary Cultural Resources Reconnaissance Report was prepared on September 30, 2005 that concludes there is no visible evidence of archeological resources on the project site.

On April 21, 2006, County Environmental Planning staff completed a Geologic Hazards Assessment due to the proximity of the project to the San Lorenzo River. The assessment concludes that all new construction and improvements must be elevated to at least 521.5 feet above mean sea level in order to be above the 100-year floodplain elevation of 520.5 feet. The applicants have provided a National

Flood Insurance Program Elevation Certificate done by Surveyor Paul Jensen, dated 5/15/07, placing the elevation of the lowest adjacent finished grade at 529 feet, and the top of the bottom floor at 531.5 feet. Thus, the proposed project would be in compliance with FEMA requirements.

### **History**

There are no building permits on record for the existing dwelling on the project site; Assessor's records state that the house was built in 1931. The current septic system was approved in 1995 with a three-bedroom capacity.

### **Project Setting**

The subject parcel and single-family dwelling are located in a heavily-wooded rural area of Boulder Creek. The San Lorenzo River runs through the parcel near its northern perimeter, and is several hundred feet down a steep bank from the developed areas of the parcel. The proposed addition would be approximately 75 feet back from the top of the bank, and would not be visible from any neighboring residences.

### **Zoning & General Plan Consistency**

The subject property is a 13,373 square foot lot, located in the R-1-15 (Single-family Residential) zone district, a designation that allows residential uses. The proposed addition to a single-family residence is a principal permitted use within the zone district and the project is consistent with the site's (RR) Rural Residential General Plan designation.

### **Design Review**

Because the proposed addition is less than 500 square feet, it is exempt from design review per County Code Section 13.11.040(a).

### **Environmental Review**

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is exempt per CEQA Section 15301(e) (Class 1- Existing Facilities), which covers additions to existing residential structures of less than 50% of the existing area or less than 2,500 square feet.

### **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**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 08-0200, 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.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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## 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 and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed addition to a single-family residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the proposed addition is in the back yard area where it will not be adjacent or even visible to any structures on adjacent properties and will thus ensure access to light, air, and open space in the neighborhood.

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 addition to a single-family residence 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-1-15 (Single-family Residential) zone district in that the primary use of the property will be one single-family residence that is significantly non-conforming as to setback standards, but will not become more non-conforming as a result of the proposed addition. The addition can be approved pursuant to County Code Section 13.10.265(e) with a Level 5 use approval.

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 Rural Residential (RR) land use designation in the County General Plan.

The proposed single-family residential addition 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 single-family residential addition will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed addition to a single-family residence will not be improperly proportioned to the parcel size or 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 addition to a single-family residence will comply with the site standards for the R-1-15 zone district

(including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The Boulder Creek Specific Plan addresses the subject neighborhood as part of a "rustic perimeter" where the majority of houses are set back in the woods and built of materials that blend in with the wooded landscape, and the proposed project would be compatible with that description and would not impede any goals or objectives of the Boulder Creek Specific Plan.

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

This finding can be made, in that the proposed addition to a single-family residence is to be constructed on an existing residential lot. There will be no expected increase in the level of traffic generated by the proposed project because there is no proposed intensification of existing occupancy or use, and thus the 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 proposed addition is located in a mixed neighborhood containing a variety of architectural styles, and the proposed addition to a single-family residence is consistent with the land use intensity and density of 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.

This finding can be made, in that the proposed addition to a single-family residence will be of an appropriate scale and design that will not detract from the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

**In addition to any other findings that are required, the following findings shall be made for any approval granted pursuant to County Code subsection 13.10.265(j) regarding significantly non-conforming structures:**

1. That the existing structure and the conditions under which it would be operated and maintained is not detrimental to the health, safety or welfare of persons residing or working in the vicinity or the general public, or be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the proposed addition to a significantly non-conforming single-family dwelling will not result in any change to the non-conforming areas of the structure, will not result in any change or intensification in the use of the structure and will not be readily visible to neighbors in the vicinity or the general public, and will thus have no impact on the

health, safety or welfare of persons residing or working in the area or the general public, and will not be materially injurious to properties or improvements in the area.

2. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.

This finding can be made, in that the existing structure is significantly non-conforming due to being located within 5 feet of a vehicular right-of-way, but is not specifically a detriment to public health, welfare or safety because of its non-conforming location, as the vehicular right-of-way (Wildwood Road) is very lightly traveled, and the location of the structure is compatible with the aesthetics and circulation patterns of the neighborhood. There is no General Plan goal or objective that would be impeded by retention of the subject dwelling. The Boulder Creek Specific Plan addresses the neighborhood of the project as part of a "rustic perimeter" where the majority of houses are set back in the woods and built of materials that blend in with the wooded landscape, and the proposed project would be compatible with that description and would not impede any goals or objectives of the Boulder Creek Specific Plan.

3. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.

This finding can be made, in that the addition is minor and in scale with existing residential development in the vicinity. The colors and materials will match the existing dwelling, which is compatible with the wooded and rural nature of the neighborhood.

4. That the proposed project will not increase the nonconforming dimensions of the structure unless a Variance Approval is obtained.

This finding can be made, in that the proposed project will not result in any changes to the non-conforming portions or dimensions of the structure. Pursuant to County Code Section 13.10.265(e), the project would meet the criteria for a Level 5 approval without the necessity of a Variance approval.

## Conditions of Approval

Exhibit A: Project Plans, eight sheets, prepared by Gary Gordon, dated 6/30/08.

- I. This permit authorizes the construction of a 332 square foot 1-story addition to an existing significantly non-conforming 1,167 square foot 3 bedroom 2-bath dwelling to expand existing bedroom and kitchen space. No additional rooms are proposed. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit 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. 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 "A" on file with the Planning Department. Any changes from the approved Exhibit "A" 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. One elevation shall indicate materials and colors. In addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval
    2. Drainage and erosion control plans.
    3. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
  - C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal.
  - D. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in



impervious area, if any.

- E. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- F. Meet all requirements and pay any applicable plan check fee of the Boulder Creek Fire Protection District.
- G. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- H. Provide required off-street parking for 3 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.
- I. 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 the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 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 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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Minor variations to this permit that 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 listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit.**

Application #: 08-0200  
APN: 085-333-06  
Owner: Kathleen O'Hearn and Kenneth Horwege

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Alice Daly  
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: 08-0200  
Assessor Parcel Number: 085-333-06  
Project Location: 678 Primavera Rd.

**Project Description:** proposal to construct a 332 square foot one-story addition to an existing significantly non-conforming addition

**Person or Agency Proposing Project:** Kathleen O'Hearn and Kenneth Horwege

**Contact Phone Number:** 650-387-2490

- 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. ☒ Categorical Exemption

Specify type: CEQA Section 15301(e): Existing Facilities (Additions to-)

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

The project is an addition to an existing structure of less than 50% and less than 2,500 square feet.

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

\_\_\_\_\_  
Alice Daly, Project Planner

Date: \_\_\_\_\_

FOR TAX PURPOSES ONLY

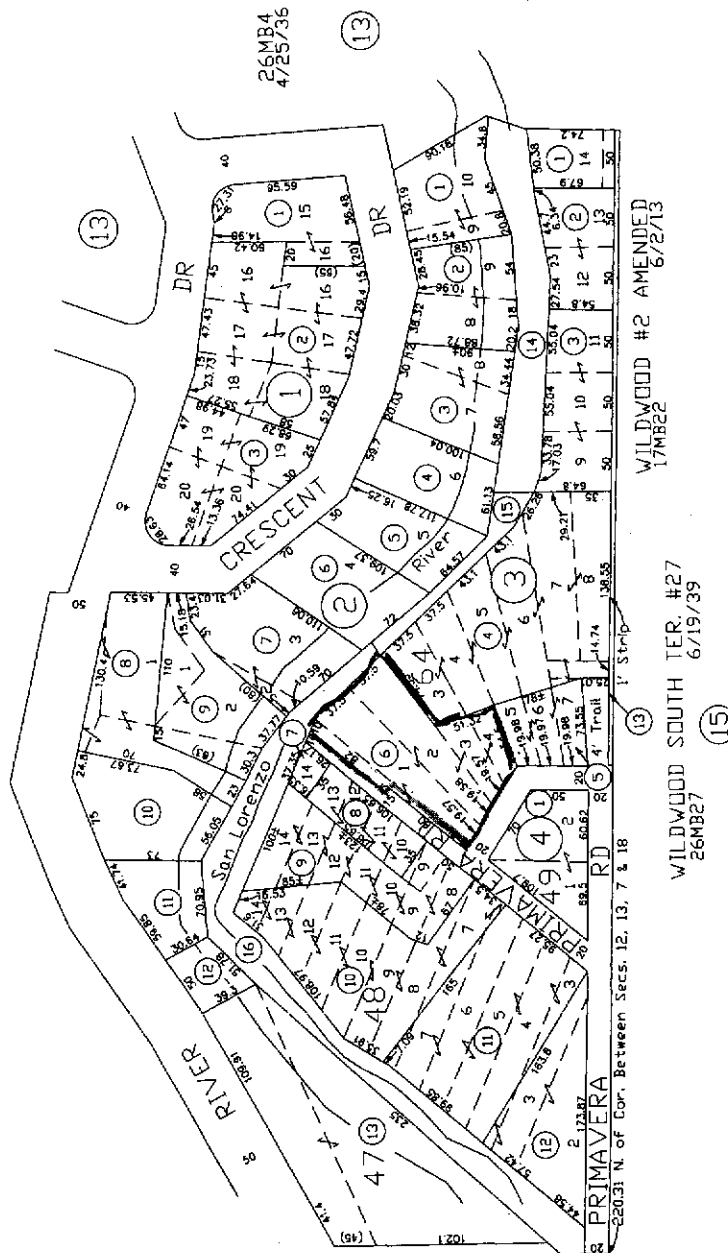
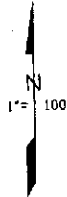
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POR. S.E. 1/4 SEC. 12, T.9S., R.3W., M.D.B. & M.

Tax Area Code  
90-103

85-33



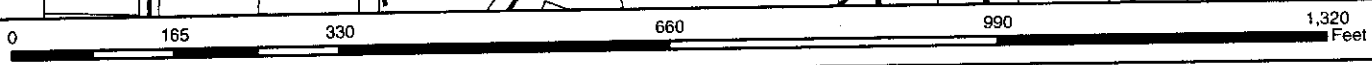
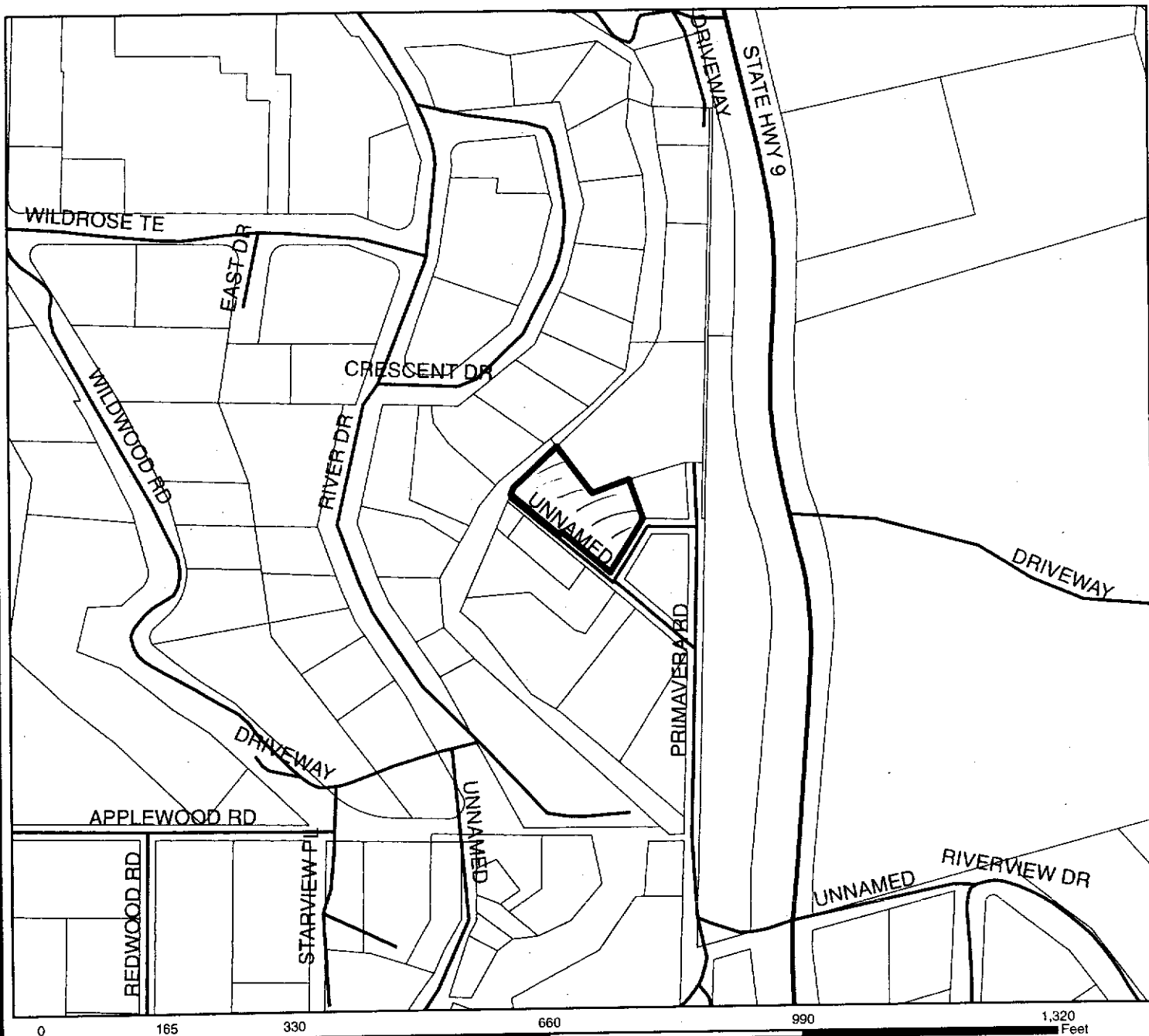
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 85-33  
County of Santa Cruz, Calif.  
June, 2000





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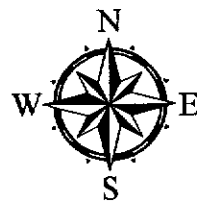


# Location Map



## LEGEND

-  APN: 085-333-06
-  Assessors Parcels
-  Streets
-  State Highways

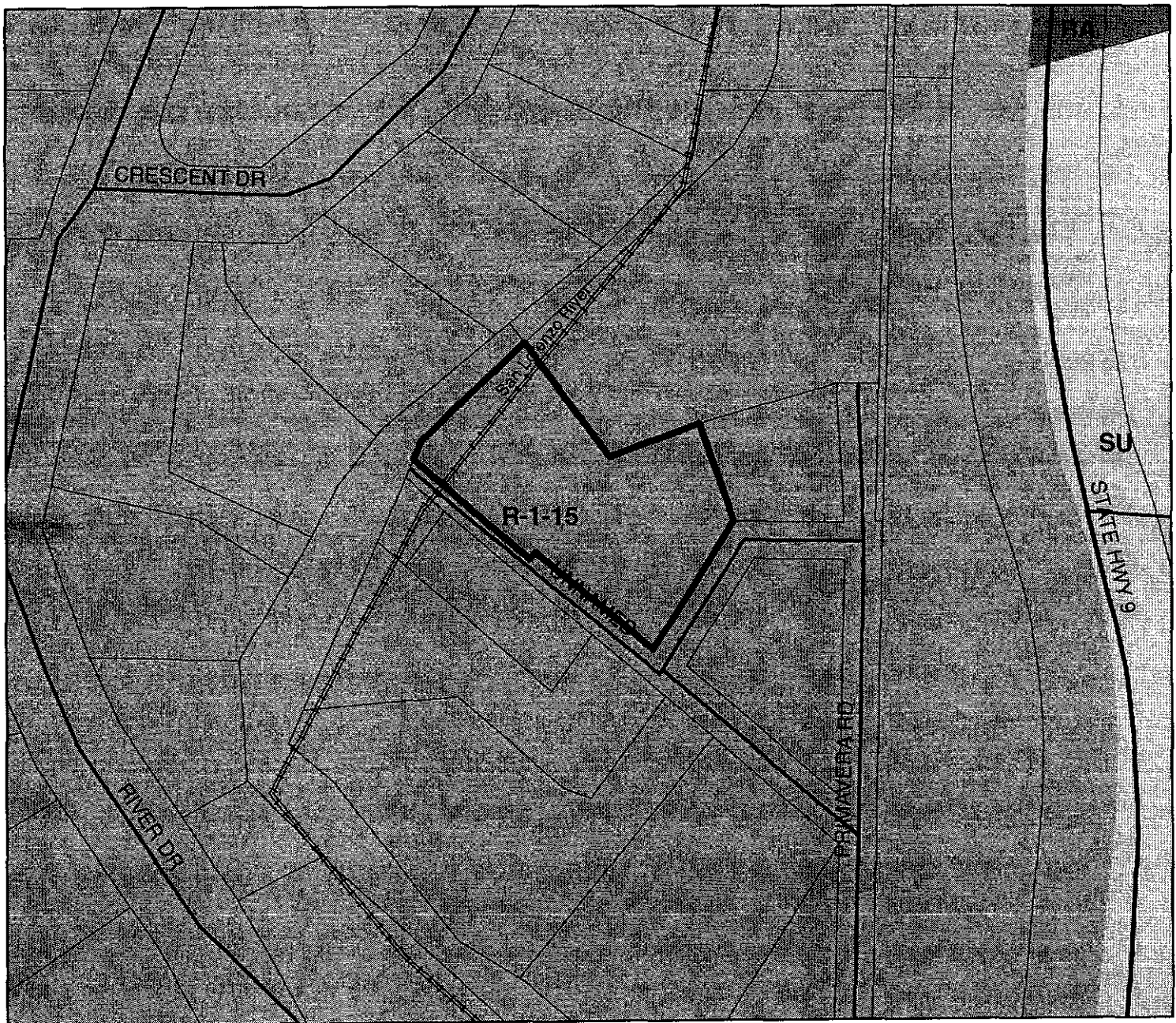


Map Created by  
County of Santa Cruz  
Planning Department  
May 2008

EXHIBIT E



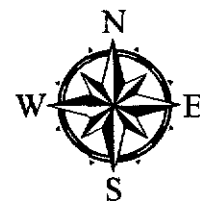
# Zoning Map



0 70 140 280 420 560 Feet

## LEGEND

- APN: 085-333-06
- Assessors Parcels
- Streets
- State Highways
- STREAMTYPE**
- PERENNIAL
- RESIDENTIAL-SINGLE FAMILY
- SPECIAL USE
- AGRICULTURE RESIDENTIAL



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May 2008

**EXHIBIT G**