



Staff Report to the Zoning Administrator

Application Number: **08-0420**

Applicant: Hamilton-Swift Land Use

Owner: Robert Cohen

APN: 105-511-04

Agenda Date: 1/16/09

Agenda Item #: 1.

Time: After 10:00 a.m.

Project Description: Proposal to recognize a two story addition to an existing two story residence.

Requires Variances to reduce the required 40 feet front yard setback to 28 feet and to reduce the required 20 feet side yard setback to 14 feet.

Location: Property located on the south side of Fern Flat Road, approximately 2000 feet east of Aptos View Road. (6950 Fern Flat Road)

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0420, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Project plans | E. Assessor's, Location, Zoning and General Plan Maps |
| B. Findings | F. Comments & Correspondence |
| C. Conditions | |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	6.293 acres
Existing Land Use - Parcel:	Single family dwelling
Existing Land Use - Surrounding:	Rural residential neighborhood
Project Access:	Fern Flat Road
Planning Area:	Aptos Hills

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

Land Use Designation: R-M (Mountain Residential)
Zone District: SU (Special Use)
Coastal Zone: Inside Outside

Environmental Information

Geologic Hazards: Mapped landslide area
Soils: Report required at building permit stage
Fire Hazard: Mapped critical fire area
Slopes: 5-10% at project site, 50%+ behind residence
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
Archeology: Mapped resource, no ground disturbance proposed

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Well
Sewage Disposal: Septic
Fire District: CalFire (County Fire Department)
Drainage District: None

History

Application 02-0588 was submitted on 9/25/02 to construct a new single family residence on the eastern portion of the subject property and to convert the existing residence to a second dwelling unit. This application was abandoned on 5/7/03 and the new single family residence was not constructed. On 6/22/05, a formal complaint was received of unauthorized construction at the existing residence. This application is to recognize the construction of an addition to the existing residence.

Project Setting

The subject property is located off of Fern Flat Road in the Aptos Hills planning area. The project site is a small, triangular portion of the existing 6.3 acre parcel where the existing single family dwelling is located. The property drops off steeply to the rear of the existing residence. A large, bowl shaped, cleared area exists below the residence and the property is forested below the cleared area. On the east side of the property is another gently sloped area which had been proposed for development in the 2002 application.

Zoning & General Plan Consistency

The subject property is an approximately 6.3 acre parcel, located in the SU (Special Use) zone district and the R-M (Mountain Residential) General Plan land use designation, a designation

which allows residential uses. The proposed residence is an allowed use within the zone district and the project is consistent with the site's (R-M) Mountain Residential General Plan designation.

Variance

As described above, the existing residence is located on a small, triangular portion of the subject property (approximately 5,000 square feet in area) with a steep slope to the rear (south) of the residence. Additionally, the right of way of Fern Flat Road is 60 feet wide and the paved roadway is much narrower than the right of way (less than 18 feet in width). The existing residence, including the addition that is proposed to be recognized, is located approximately 50 feet from the traveled roadway.

In order to avoid potential erosion and slope stability issues, it is necessary to locate the structure closer to the roadway and the side property boundary due to the steep slope to the south. The site standards for the SU zone district (with a residential General Plan land use designation) require a front yard setback of 40 feet from the edge of the right of way and 20 feet from the side property lines.

The additions are minor in nature, with an additional 3 feet of encroachment into the front yard setback and a 5.5 feet encroachment into the side yard setback. These two areas are the most appropriate for development given the configuration of the parcel, the steep slope to the rear of the building site, and the excessive width of the Fern Flat Road right of way. The additions will result in a front yard setback of 28.62 feet and a side yard setback of 14.5 feet. The total area of the additions are 415 square feet, with most of that area located in the upper floor of the existing residence. The project includes an increase in the building footprint of only 142 square feet.

The steep slope behind the existing residence, the configuration of the building site, and the excessive width of the Fern Flat Road right of way are the special circumstances affecting the subject property. Due to the configuration of the building site, the presence of the steep slope, and the width of the Fern Flat Road right of way, both variance requests are considered as reasonable and appropriate. The variances will allow the construction of a structure of similar size and design that could be approved on other properties within the surrounding rural residential neighborhood and will not result in a grant of special privilege.

Parking

The parking for the subject property is currently located in the Fern Flat Road right of way. However, adequate space exists on the subject property for the provision of the required parking for the single family dwelling. Parking spaces are available (outside of the Fern Flat Road right of way) on the east side of the property. No variance to parking requirements is needed.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0420**, 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

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COHEN RESIDENCE / ADDITION
6950 Fern Flat Rd
Aptos Ca 95003

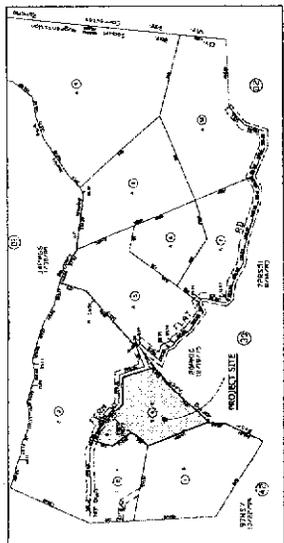
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105-511-04
Date of Issue
2-2-08
Project No.
Sheet No.
Date
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A-1

NOTE:
PAGE A-2
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SITE PLAN

PARCEL MAP
No Scale



ID	Name	Quantity
A.1	SITE PLAN	1
A.2	GENERAL NOTES	1
A.3	PER-POND PLAN	1
A.4	ELEVATIONS	1
A.5	SECTION	1
A.6	FOUNDATION PLAN	1
A.7	1ST FLOOR	1
A.8	2ND FLOOR	1
A.9	3RD FLOOR	1
A.10	SECTION	1

PROJECT DATA:
AREA OF WORK: PROPOSED ADDITION HEATED SPACE
ADD BATH AND HALL TO SECOND FLOOR, (788sq/ft)
NEW LIVING ROOM OVER DINING AREA, (1936sq/ft) (131 Hdb.)
NEW BEDROOM, (1111sq/ft) (86 sq/ft)
Total: 4113 sq/ft
TYPE OF CONSTRUCTION: V-N
ZONE: SU
LOT SIZE: 274,144 SQ.FT.
(E) RESIDENCE: 50 FT / 244.5
PROPOSED ADDITION: 393sq/ft
TOTAL HEATED SPACE: 1,260 sq/ft

LESS THAN 8% COVERAGE

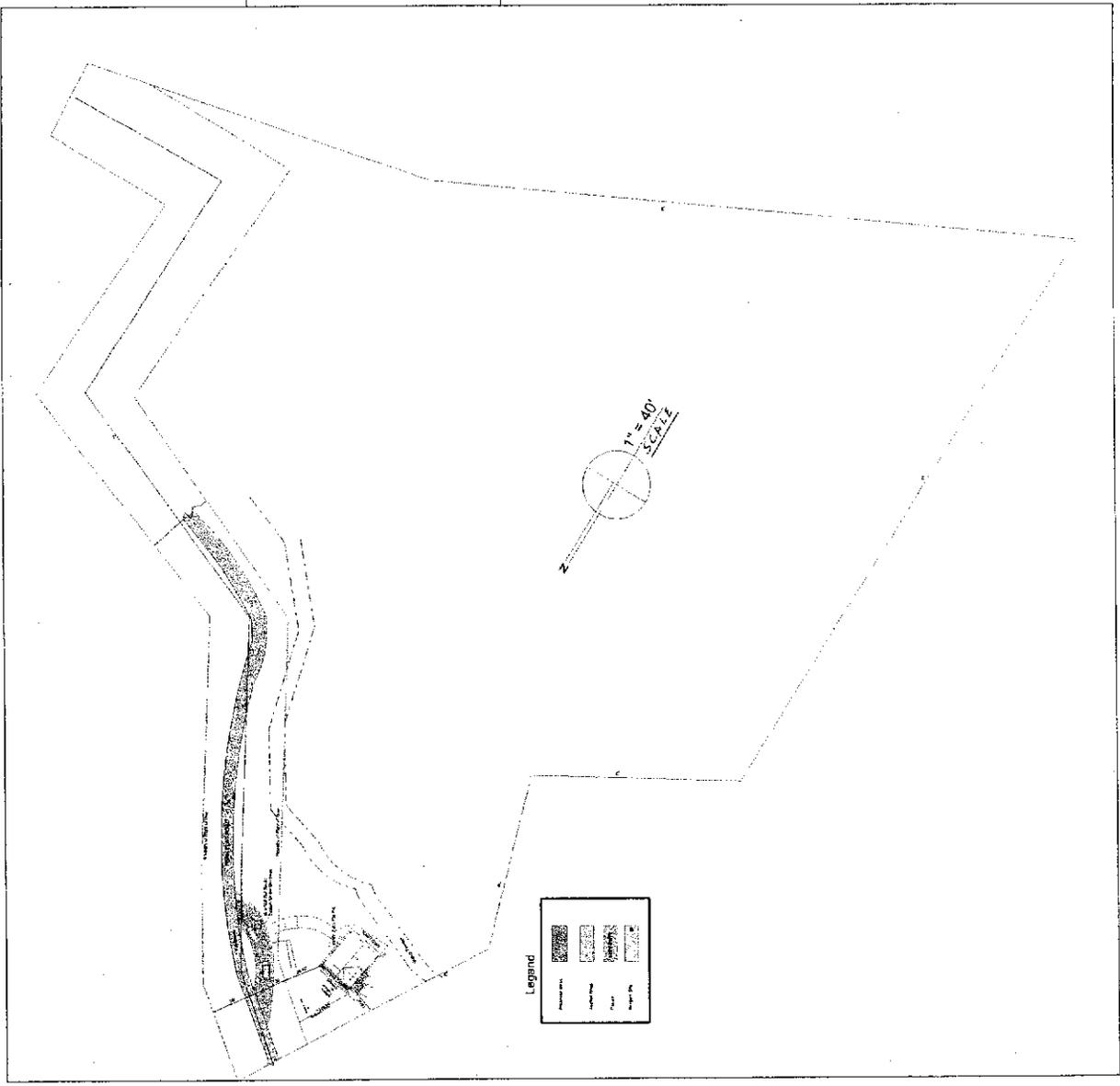


EXHIBIT A

Use of any part, in whole or in part, of this drawing without the written consent of the drafter is prohibited.



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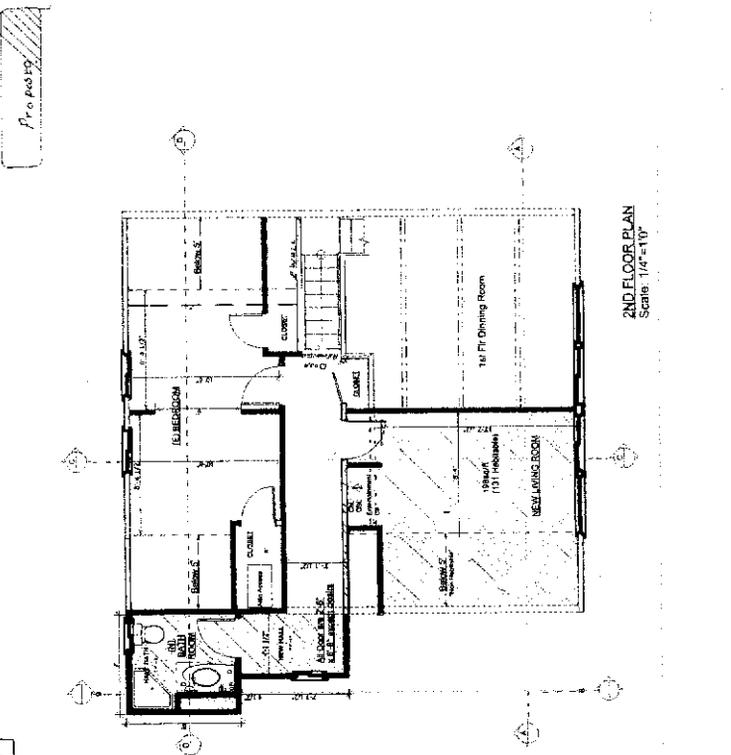
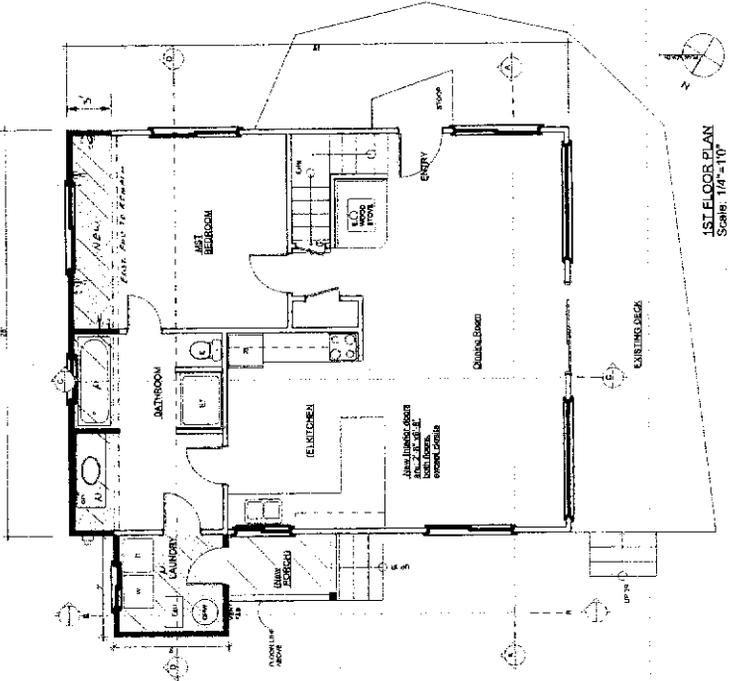
COHEN RESIDENCE / ADDITION
6950 Fern Flat Rd
Aptos Ca 95003

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Date of Iss: 07/20/11
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Sheet: 1 of 3

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NOTE:
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FLR PLAN(S) Prop.

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A.3	FOUNDATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A.4	PROP. SECTIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A.5	PLAN AND ELEVATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A.6	CONSTRUCTION PLAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A.7	LOFT	<input type="checkbox"/>	<input type="checkbox"/>
A.8	POOLS	<input type="checkbox"/>	<input type="checkbox"/>
A.9	SCREENS	<input type="checkbox"/>	<input type="checkbox"/>



Proposed Windows (N)						See other schedule for Existing (E)	
Notes	ID	WxH	Height	30 Foot View	W x H Size	away	Frame
	N W1	7'	2'		2'x2'	2	
	N W2	7'	2'		2'x2'	2	
	Total					2	

Existing Windows (E) - Existing Windows (E) - See other schedule for Proposed (P)							
Notes	ID	WxH	Height	30 Foot View	W x H Size	away	Frame
	X W1	3'	4'-8"		3'x4'-8"	1	
	X W2	6'	4'		6'x4'	1	
	X W3	6'	4'		6'x4'	1	
	X W4	6'	5'		6'x5'	1	
	X W5	6'	5'		6'x5'	1	
	X W6	4'	3'		4'x3'	1	
	X W7	4'	3'		4'x3'	2	
	X W8	4'	3'		4'x3'	2	
	X W9	4'	3'-10"		4'x3'-10"	2	
	X W10	4'	4'		4'x4'	2	
	X W11	4'	4'		4'x4'	2	
	X W12	4'	3'-10"		4'x3'-10"	2	
	X W13	6'	4'		6'x4'	1	
	Almond	3'x1'x4'	4'		3'x1'x4'	1	
	Almond	3'x1'x4'	4'		3'x1'x4'	1	
	Almond	3'x1'x4'	4'		3'x1'x4'	1	
	Almond	3'x1'x4'	4'		3'x1'x4'	1	

Wall Legend

- Existing walls
- New Walls
- Altered walls
- To be removed
- Walls Below

Window Legend

- Existing windows
- New Windows
- Altered windows
- To be removed
- Windows Below

Use of this set, in whole or in part, constitutes acceptance of the conditions of the contract.



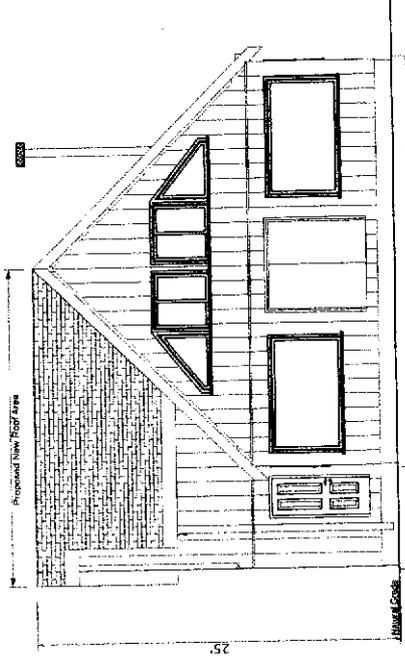
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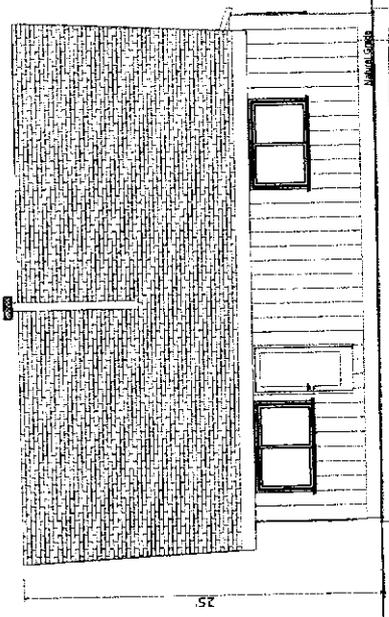
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Date	

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 OF 10 Sheets

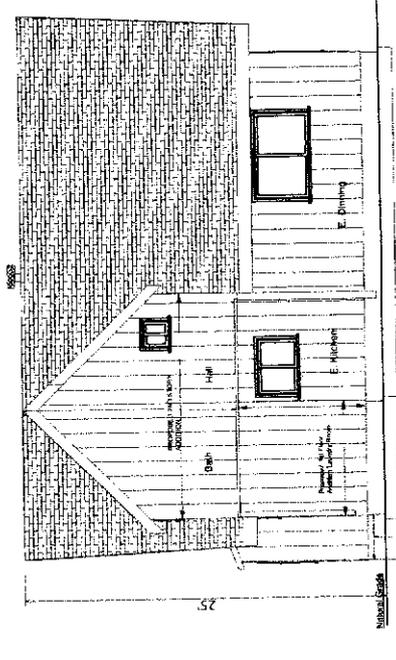


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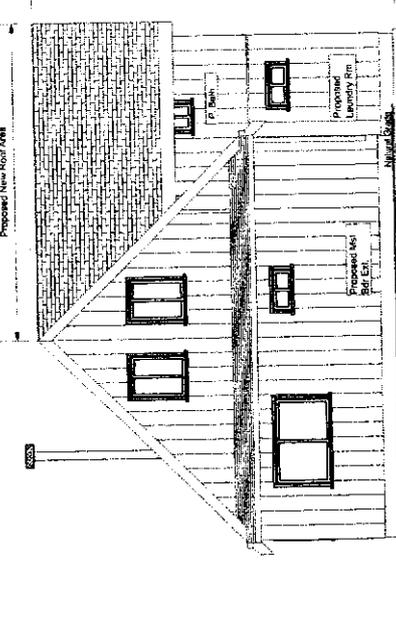


EAST ELEVATION
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A.50	REAR PORCH	<input checked="" type="checkbox"/>	



WEST ELEVATION
 Scale: 1/4"=1'-0"



NORTH ELEVATION
 Scale: 1/4"=1'-0"

PROPOSED
 ELEVATIONS

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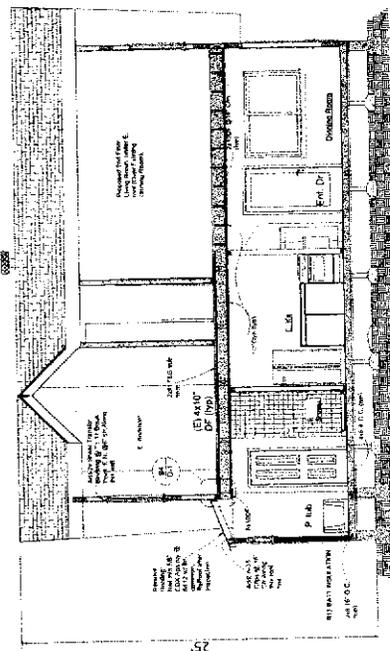
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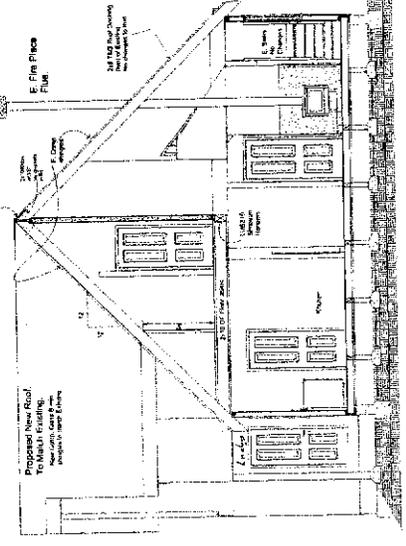
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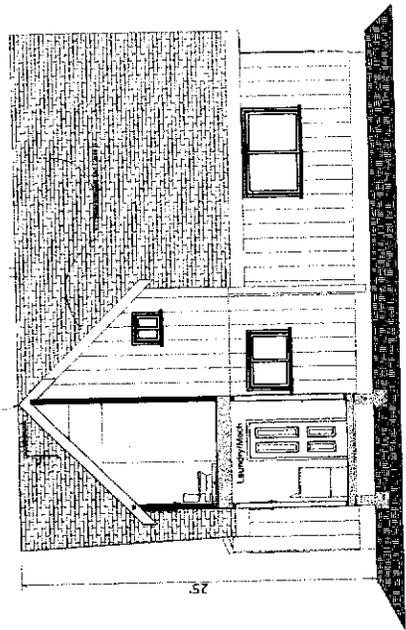
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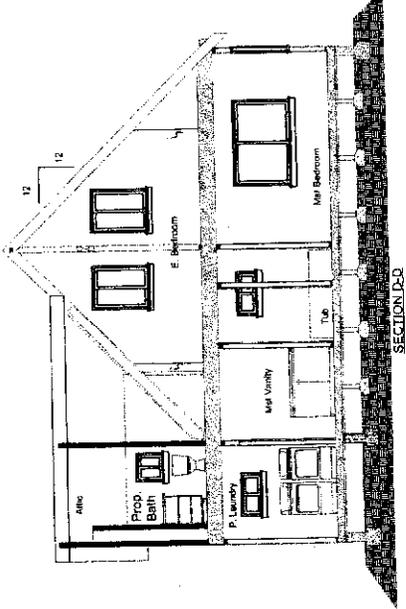
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SECTION A-A
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SECTION B-B
Scale: 1/4" = 1'-0"



SECTION D-D
Scale: 1/4" = 1'-0"

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1.1	CEILING	1	1/2" Gypsum Board	
1.2	WALLS	1	5/8" Gypsum Board	
1.3	FLOORING	1	3/4" Plywood	
1.4	ROOFING	1	1/2" Plywood	
1.5	INSULATION	1	R-19 Fiberglass	
1.6	TRUSSES	1	2x6	
1.7	RAFTERS	1	2x6	
1.8	BRACES	1	2x4	
1.9	ROOFING	1	Asph/Flt Shingles	
1.10	TRUSSES	1	2x6	
1.11	RAFTERS	1	2x6	
1.12	BRACES	1	2x4	
1.13	ROOFING	1	Asph/Flt Shingles	
1.14	TRUSSES	1	2x6	
1.15	RAFTERS	1	2x6	
1.16	BRACES	1	2x4	
1.17	ROOFING	1	Asph/Flt Shingles	
1.18	TRUSSES	1	2x6	
1.19	RAFTERS	1	2x6	
1.20	BRACES	1	2x4	

Use of any part of this drawing for any purpose other than that intended by the architect is strictly prohibited. All dimensions are in feet and inches. All work shall conform to the latest editions of the applicable building codes.



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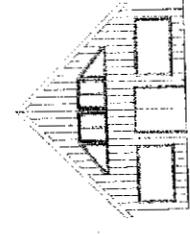
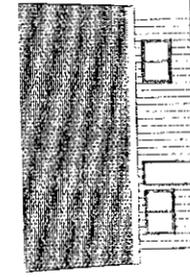
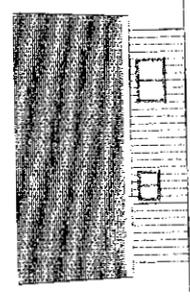
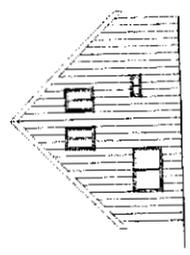
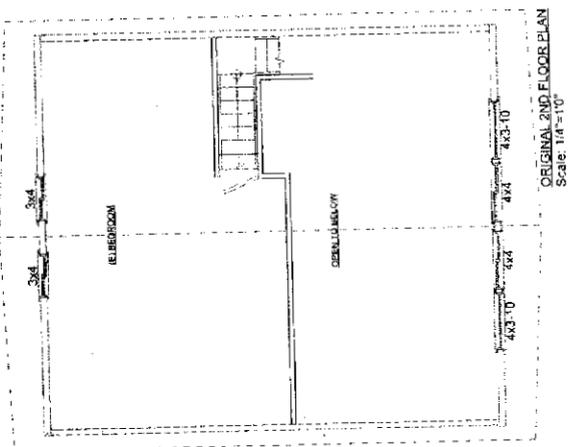
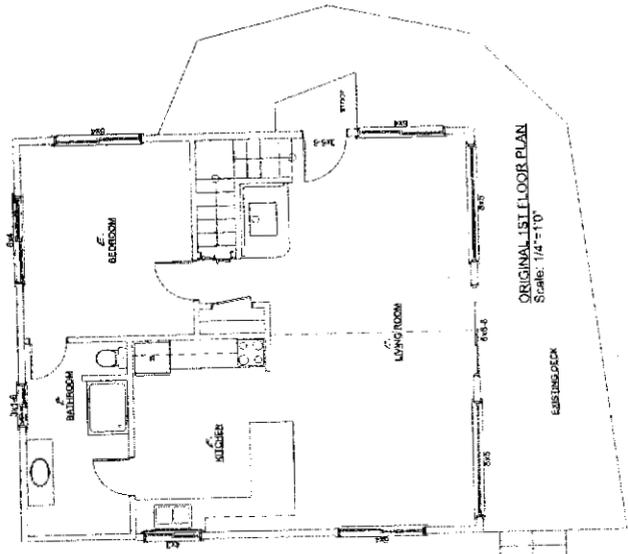
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Date of file: 10/2/08
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Sheet: 1 of 1

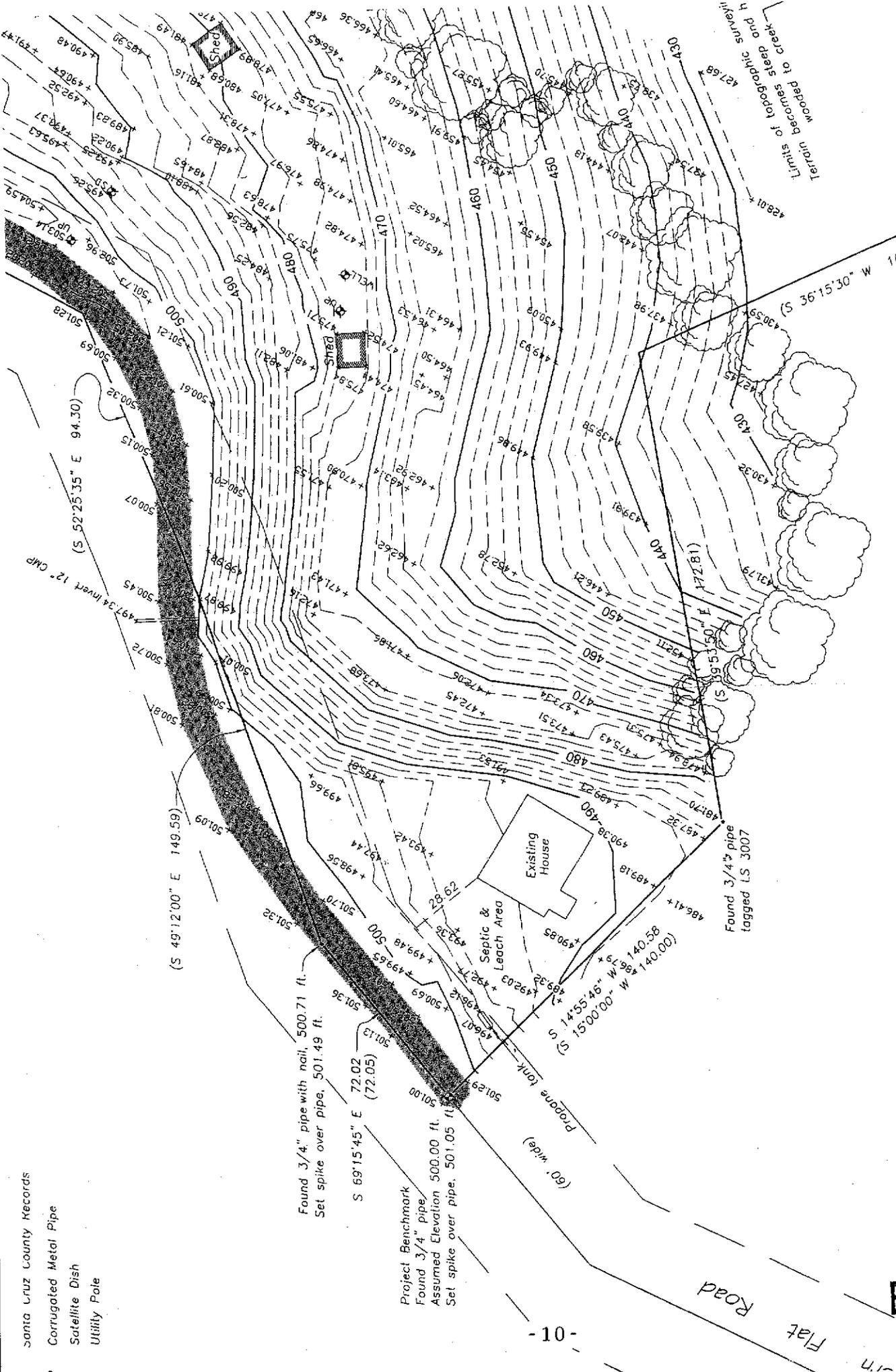
A-6

0710 Drawn



FLR PLAN Original

Santa Cruz County Records
 MP Corrugated Metal Pipe
 :D Satellite Dish
 :P Utility Pole



Found 3/4" pipe with nail, 500.71 ft.
 Set spike over pipe, 501.49 ft.
 S 69°15'45" E 72.02 (72.05)

Project Benchmark
 Found 3/4" pipe,
 Assumed Elevation 500.00 ft.
 Set spike over pipe, 501.05 ft.

Found 3/4" pipe
 tagged LS 3007

Flat Road

EXHIBIT A

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the reduction of the required front yard setback from 40 feet to 28 feet and the reduction of the required side yard setback from 20 feet to 14 feet are recommended in order to allow modest additions to the existing residential use. The steep slope behind the existing residence, the configuration of the building site, and the excessive width of the Fern Flat Road right of way are the special circumstances affecting the subject property.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that the variance will allow minor expansion of an existing residence on a residentially zoned parcel and the structure will be adequately separated from improvements on surrounding properties.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that other properties in the neighborhood are developed with single family dwellings similar to, or larger than, the structure that is proposed. Therefore, it would not be a grant of a special privilege for the constructed of minor additions to the existing residence on the subject property. The proposed residential use will be consistent with the existing pattern of development in the neighborhood.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure will be adequately separated from improvements on surrounding properties.

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 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 SU (Special Use) zone district, within a residential General Plan land use designation, in that the primary use of the property will continue to be one residence. Variance findings have been made which will allow deviation from zone district site standards.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Mountain Residential (R-M) land use designation in the County General Plan.

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

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

This finding can be made, in that the proposed addition to an existing residence will not generate increased traffic or overload utilities. The expected level of traffic generated by the proposed project is anticipated to remain at only peak trip per day (1 peak trip per dwelling unit).

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 rural residential neighborhood containing a variety of architectural styles, and the proposed 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.

Not applicable.

Conditions of Approval

Exhibit A: Site Survey, prepared by Bridgette Land Surveying, 1 Sheet, revised 8/29/08 and Project Plans "Cohen Residence Addition", prepared by Logan Designs & Drafting, 5 sheets, dated 9/5/08.

- I. This permit recognizes the construction of additions to the existing single family residence, including Variances to reduce the required front yard from 40 feet to 28 feet and to reduce the required side yard from 20 feet to 14 feet, resulting in a two bedroom residence with an upper floor living room. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit 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. Grading, drainage, and erosion control plans.
 2. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code.
 - 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 all applicable drainage fees to the County Department of Public Works, Drainage.
- E. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - 1. A current pumper's report shall be provided to Environmental Health Services.
- F. Meet all requirements and pay any applicable plan check fee of CalFire (County Fire Department).
- 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.

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 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

Application #: 08-0420
APN: 105-511-04
Owner: Cohen

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: _____

Don Bussey
Deputy Zoning Administrator

Randall Adams
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: 08-0420

Assessor Parcel Number: 105-511-04

Project Location: 6950 Fern Flat Road

Project Description: Proposal to recognize additions to an existing residence

Person or Agency Proposing Project: Hamilton-Swift Land Use

Contact Phone Number: (831) 459-9992

- 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: Class 1 - Existing Facilities (Section 15301)

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

Small additions at an existing single family residence in an area designated for residential development

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

Randall Adams, Project Planner

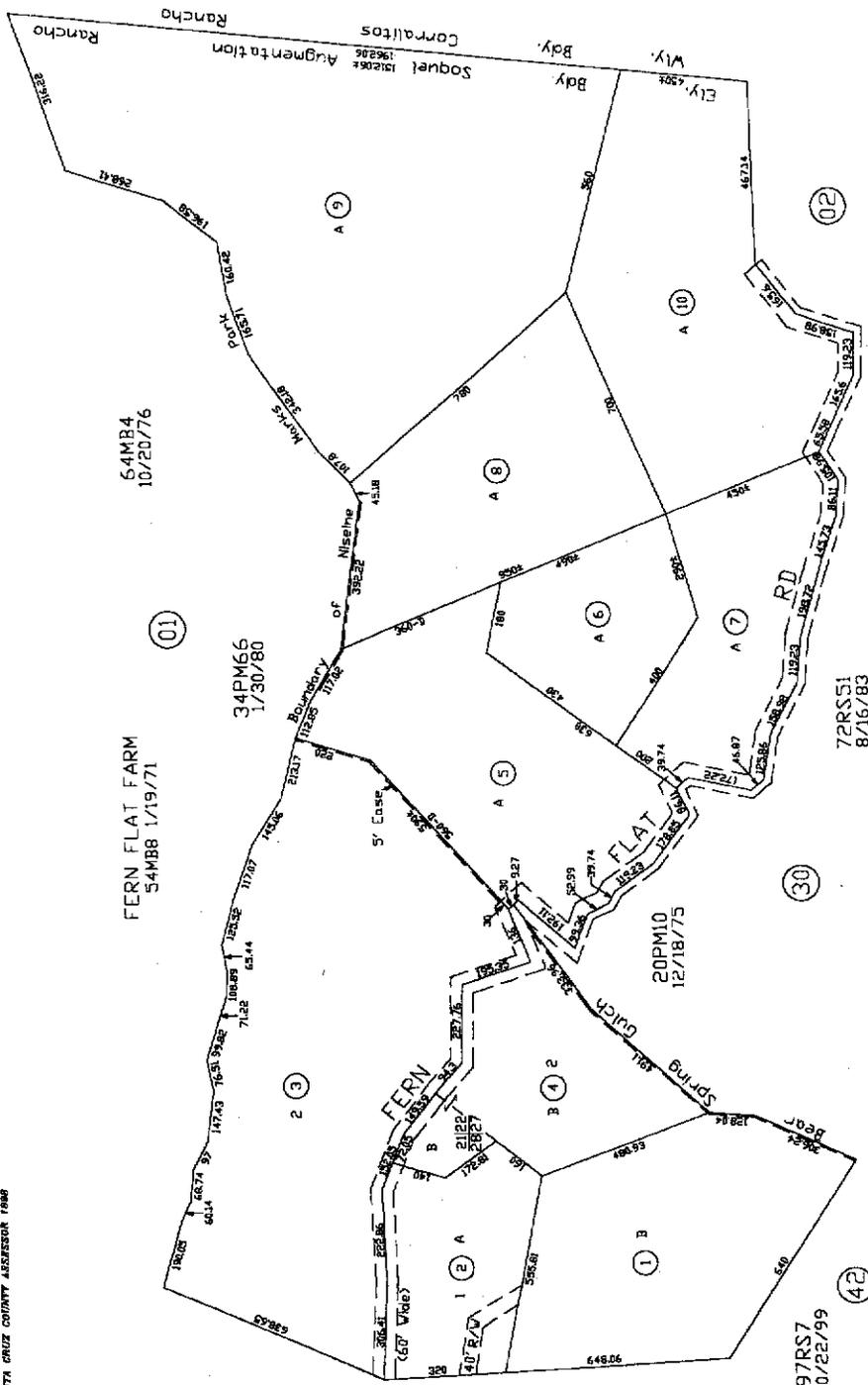
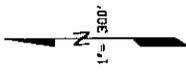
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 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

SOQUEL AUGMENTATION RANCHO
 POR. SECS. 21,22,27 & 28, T.10S., R.1E., M.D.B. & M.

Tax Area Code
 69-266

105-51



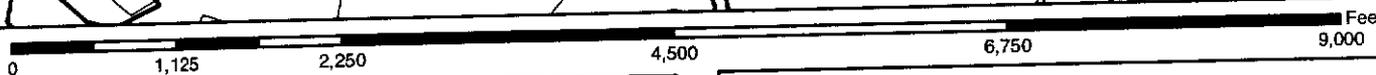
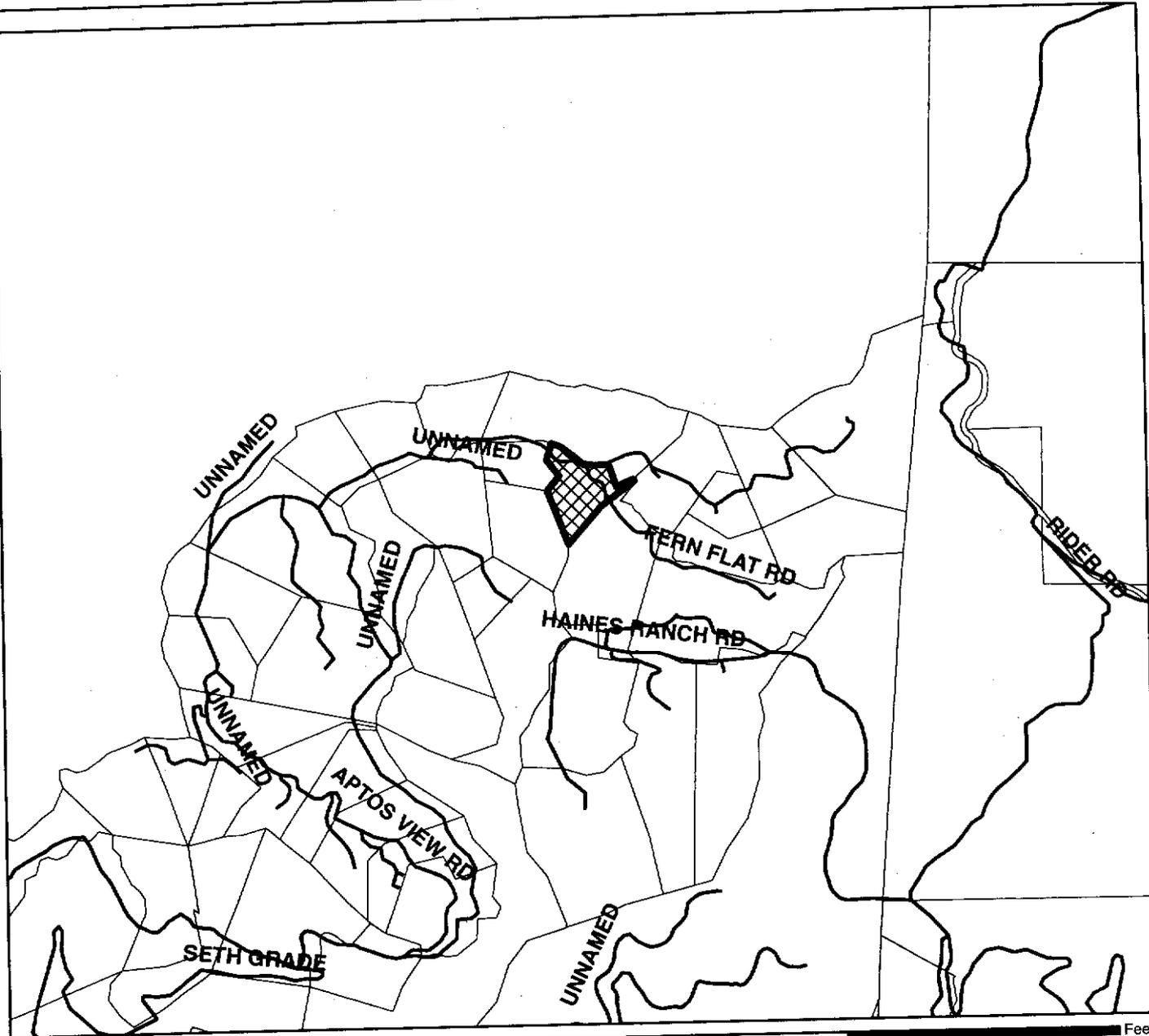
RECORDED PER ORDER 7/1/98 KEA
 REV. 7/1/98 KEA PER. FROM PG. 42
 REV. 8/25/98 DA CHANGED PM. PER.
 REV. 12/19/98 DA CHANGED
 REV. 10/2/98 PER. CHANGED PAGE 42

Assessor's Map No. 105-51
 County of Santa Cruz, Calif.
 July 1998

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

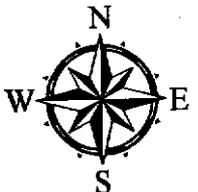


Location Map



LEGEND

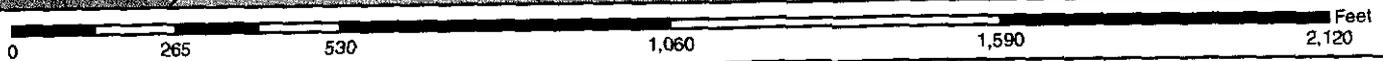
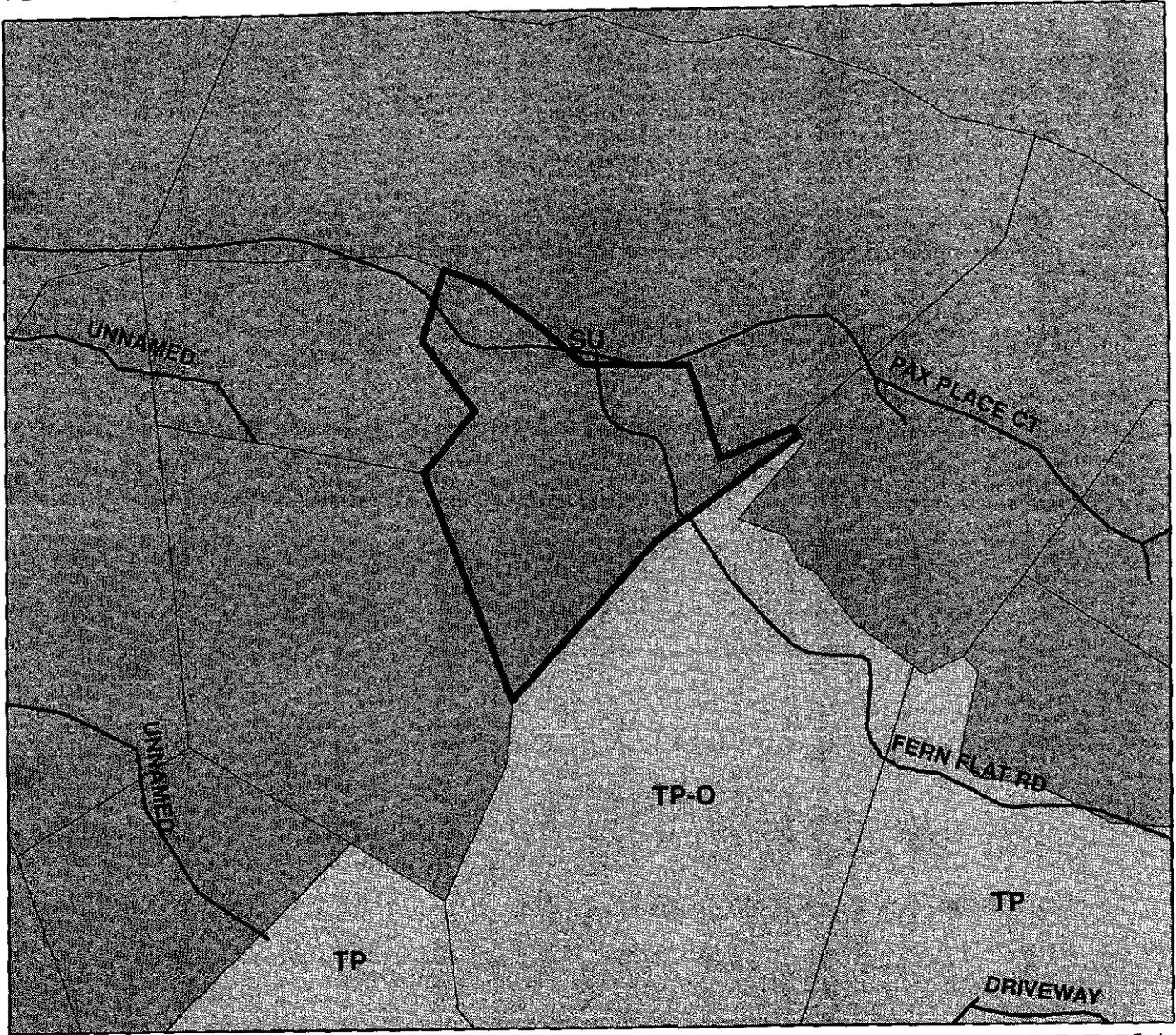
-  APN: 105-511-04
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
September 2008

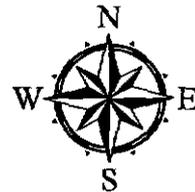


Zoning Map



LEGEND

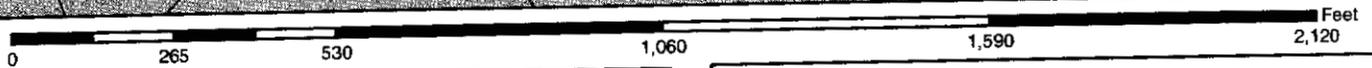
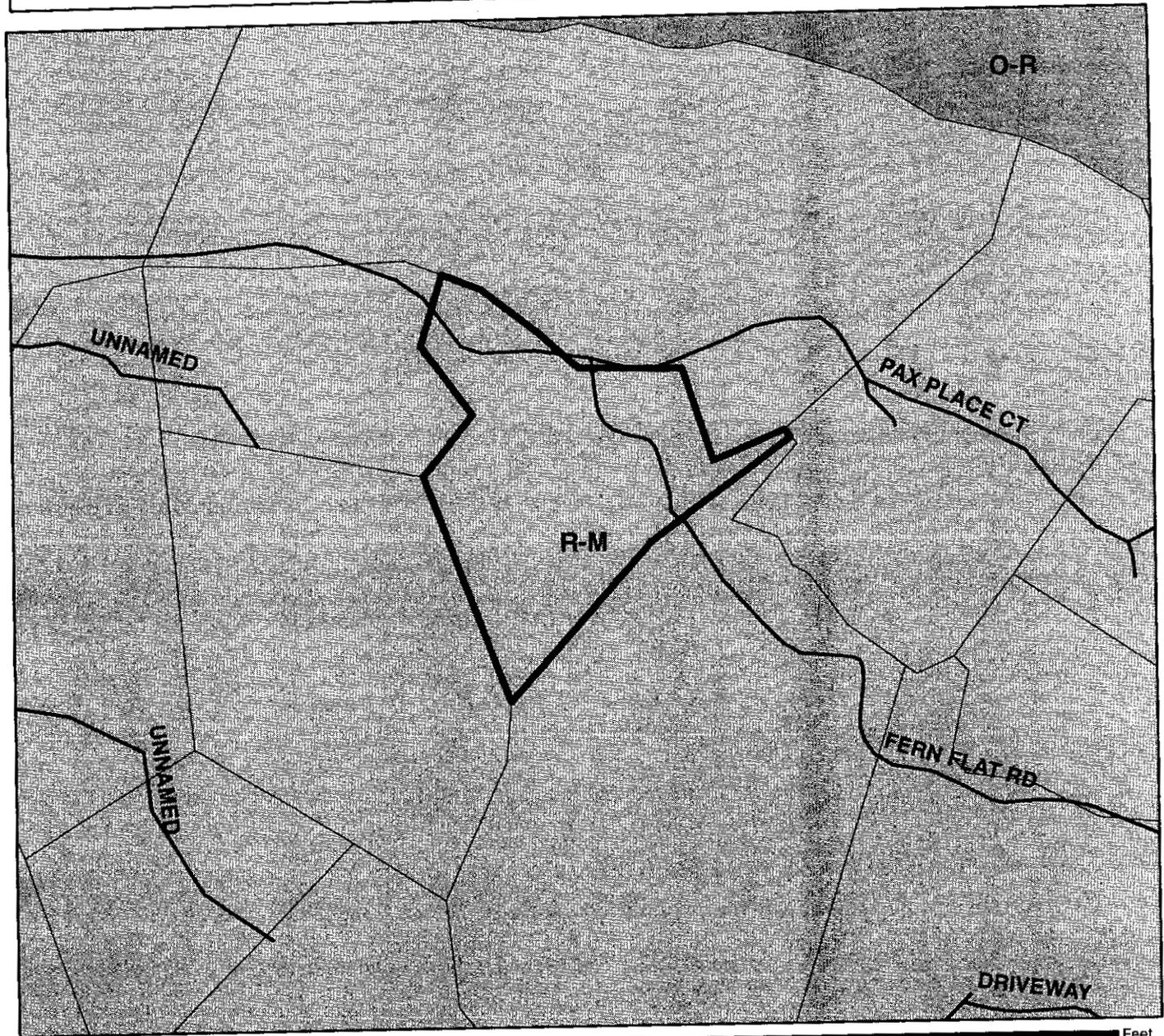
-  APN: 105-511-04
-  Assessors Parcels
-  Streets
-  SPECIAL USE
-  TIMBER PRODUCTION



Map Created by
County of Santa Cruz
Planning Department
September 2008

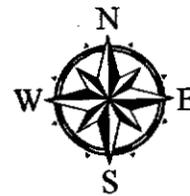


General Plan Designation Map



LEGEND

-  APN: 105-511-04
-  Assessors Parcels
-  Streets
-  Residential-Mountain
-  Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
September 2008

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Randall Adams
Application No.: 08-0420
APN: 105-511-04

Date: December 17, 2008
Time: 09:38:24
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON OCTOBER 3, 2008 BY ROBERT S LOVELAND =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON OCTOBER 3, 2008 BY ROBERT S LOVELAND =====

Condition of Approval:

1. Submit a soils report completed by a California licensed geotechnical engineer for review and approval.

Code Compliance Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON SEPTEMBER 30, 2008 BY JACOB RODRIGUEZ =====
NO COMMENT
Approve

Code Compliance Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON SEPTEMBER 30, 2008 BY JACOB RODRIGUEZ =====
NO COMMENT
approve

Dpw Drainage Completeness Comments

===== REVIEW ON OCTOBER 2, 2008 BY GERARDO VARGAS ===== Application with
08-0420 is complete with regards to drainage for the discretionary stage.

Dpw Drainage Miscellaneous Comments

===== REVIEW ON OCTOBER 2, 2008 BY GERARDO VARGAS =====
No Comment

Dpw Road Engineering Completeness Comments

===== REVIEW ON SEPTEMBER 30, 2008 BY ANWARBEG MIRZA =====
NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON SEPTEMBER 30, 2008 BY ANWARBEG MIRZA =====
NO COMMENT

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 08-0420
APN: 105-511-04

Date: December 17, 2008
Time: 09:38:24
Page: 2

Environmental Health Completeness Comments

===== REVIEW ON SEPTEMBER 29, 2008 BY JIM G SAFRANEK =====
Applicant must provide an Environmental Health Clearance for this project. Provide a satisfactory septic tank pumper's report to demonstrate that the septic system is functioning. Completeness has been met; this req must be satisfied prior to issuance of BP.

Environmental Health Miscellaneous Comments

===== REVIEW ON SEPTEMBER 29, 2008 BY JIM G SAFRANEK =====
NO COMMENT

Cal Dept of Forestry/County Fire Completeness Comm

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON SEPTEMBER 18, 2008 BY COLLEEN L BAXTER =====
DEPARTMENT NAME: CAL FIRE/SANTA CRUZ COUNTY FIRE
Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT, with an annotated copy of this letter:
Note on the plans that these plans are in compliance with California Building and Fire Codes (2007) as amended by the authority having jurisdiction.
Each APN (lot) shall have separate submittals for building and sprinkler system plans.
The job copies of the building and fire systems plans and permits must be onsite during inspections.
SHOW on the plans a public fire hydrant within 500 feet of any portion of the property, along the fire department access route, meeting the minimum required fire flow for the building. This information can be obtained from the water company.
A minimum fire flow 200 GPM is required from 1 hydrant located within 150 feet.
SHOW on the plans a 5,000 gallon water tank for fire protection with a "fire hydrant" as located and approved by the Fire Department if your building is not serviced by a public water supply meeting fire flow requirements. For information regarding where the water tank and fire department connection should be located, contact the fire department in your jurisdiction.
If the existing building is equipped with an automatic fire sprinkler system....
NOTE on the plans that all buildings shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13D and Chapter 35 of the California Building Code and adopted standards of the authority having jurisdiction.
Building numbers shall be provided. Numbers shall be a minimum of 4 inches in height on a contrasting background and visible from the street, additional numbers shall be installed on a directional sign at the property driveway and street.
NOTE on the plans the installation of an approved spark arrester on the top of the chimney. The wire mesh shall be 1/2 inch.
NOTE on the plans that the roof covering shall be no less than Class "B" rated roof.
NOTE on the plans that a 100 foot clearance will be maintained with non-combustible vegetation around all structures or to the property line (whichever is a shorter distance). Single specimens of trees, ornamental shrubbery or similar plants

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 08-0420
APN: 105-511-04

Date: December 17, 2008
Time: 09:38:24
Page: 3

used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure are exempt.

The access road shall be 20 feet minimum width and maximum twenty percent slope. All bridges, culverts and crossings shall be certified by a registered engineer. Minimum capacity of 25 tons. Cal-Trans H-20 loading standard.

The access road shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The access road surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent, certified by a licensed engineer to 95% compaction and shall be maintained. - ALL WEATHER SURFACE: shall be minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%. The maximum grade of the access road shall not exceed 20%, with grades greater than 15% not permitted for distances of more than 200 feet at a time. The access road shall have a vertical clearance of 14 feet for its entire width and length, including turnouts. A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures. All private access roads, driveways, turn-around and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.

SHOW on the plans, DETAILS of compliance with the driveway requirements. The driveway shall be 12 feet minimum width and maximum twenty percent slope.

The driveway shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The driveway surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent certified by a licensed engineer to 95% compaction and shall be maintained. - ALL WEATHER SURFACE: shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%. - The maximum grade of the driveway shall not exceed 20%, with grades of 15% not permitted for distances of more than 200 feet at a time. - The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width. - A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. - Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures. - All private access roads, driveways, turn-arounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times. - The driveway shall be thereafter maintained to these standards at all times.

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

72 hour minimum notice is required prior to any inspection and/or test.

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and fur-

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 08-0420
APN: 105-511-04

Date: December 17, 2008
Time: 09:38:24
Page: 4

ther agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency.

If you are on a public water system, a hydrant within 500 feet is required. If you are on a well, a 5,000 gallon water tank and a residential hydrant located within 150 feet and complying with Santa Cruz County standards is required. Permits for these systems must be purchased and approved through CAL FIRE prior to installation.

===== UPDATED ON SEPTEMBER 18, 2008 BY COLLEEN L BAXTER =====

Cal Dept of Forestry/County Fire Miscellaneous Com

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON SEPTEMBER 18, 2008 BY COLLEEN L BAXTER =====

September 11, 2008
Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, Ca. 95060

RE: Assessor's Parcel No.: 105-511-04
Parcel Address: 6950 Fern Flat Road
Request for front & side yard setback variance

Herewith is an application for a variance to reduce the required 40' front yard setback to 28.6' and the 20' side yard setback to 14.5'.

The subject property, located at 6950 Fern Flat Road is roughly 6.293 acres or 274,144 square feet in size. General Plan Land Use designation is Mountain Residential (R-M) with a Zoning district of Special Use. The buildable area of the parcel is severely restricted by both steep slopes, including slopes ranging from 30-57% and an excessively wide 60' right of way. These physical limitations to the property constitute special circumstances attributable to the property which warrant the granting of a variance to reduce the presently required 20' side setback and the 40' front setback.

Fern Flat Road, which runs along the north west side of the parcel, has a 60 foot wide right-of-way, which far exceeds the standard 40 feet required for right-of-way access (13.10.521). The original house has a setback to the right of way of approximately 31', presently nonconforming. The original house was built in 1977 with Permit 46828. A 3' wide addition along the north side of the house was added resulting in a new setback to the right of way of 28.62'. This addition was not permitted by the County of Santa Cruz. The road is located near the middle of the right of way. The setback to the actual traveled road is approximately 48'.

The parcel is located towards the terminus of Fern Flat Road in the Aptos Hills. The section of Fern Flat Road which runs adjacent to the parcel serves only five parcels and 3 homes beyond the property, terminating at the last (and fifth) parcel, 105-511-10. Where standard site access requirements mandate a 40 foot wide right-of-way, uniquely Fern Flat Road is designated 60 feet for this purpose, which even exceeds right-of-way requirements for urban streets (56'). It is highly unlikely that the road will require widening in the future due to its remote location and the number of units served.

The subject property is also highly constrained by topographical features, including slopes of 57% which occur close to the buildable portion of the parcel. Consequently, the property owner is very restricted in both direction and magnitude of buildability.

The original house was small, approximately 1300s.f. The unpermitted additions allowed the modest expansion of the master bedroom, a downstairs laundry room and an upstairs bathroom. These unpermitted additions to the exterior size of the house total 220s.f. There was also an expansion of the second story loft area of 195s.f.(131s.f. with roof height less than 5') These additions resulted in the house becoming far more livable for the owner's growing family. The addition to the front yard will have little to no impact on the road or right of way. The house is almost 50' from the traveled road. The road is a rural road serving only three additional homes and will not need to be widened.

The combination of the exceptionally wide right-of-way, the steep slopes located on the south side of the building area and the 40 foot front yard setback significantly impact the parcel's buildable area.

A variance to reduce the required 20' side yard to 14.5' is requested to allow the maintenance of a downstairs laundry room and upstairs bathroom. This encroachment into the 20' side yard occurs for roughly 10'. The adjacent parcel is over 5 acres in size with the buildable area a significant distance from this common property line. The severe limitations to the property from the steep slopes, 60' wide right way and the floor plan of the house make this area the only acceptable place to add the laundry room and upstairs bathroom.

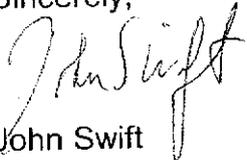
The special circumstances applicable to the property as described above, and the strict application of the Zoning Ordinance relative to setbacks, deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. A variance allowing for a slightly lessened setback would mitigate the highly restrictive nature of the property.

The granting of these variances will be in harmony with the general intent and purpose of the zoning objectives and will not be materially detrimental to the public health or safety or injurious to property in the vicinity. It is important to recognize that Fern Flat Road has an unusually wide right-of-way designation (60') and the setback adjustment to allow for the residential addition is notably minor (3 additional feet). There will be essentially no impact to any adjacent or surrounding parcels, or to vehicular use and access to Fern Flat Road.

The granting of this variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the parcel is situated. The exterior addition is very modest (220 square feet) and allows a bathroom, laundry room and minor addition to the master bedroom that are not excessive or unreasonable. The additions were made in the only viable areas of the property given the constraints. The additions will have no negative impacts on the surrounding properties.

We look forward to working with the staff on this application.

Sincerely,



John Swift

Attachments

- 1) 10 sets of plans by Logan Designs Drafting
- 2) 2 reductions of the plans
- 3) owner authorization form
- 4) LORI Form



500 Chestnut Street, Ste. 100
 Santa Cruz, CA 95060

FACIMILE

Date: 9/15/2008

To: Randall Adams
 831-454-2131

From: John Swift
 Hamilton-Swift
 831/459-9998

Pages: 2 (including this cover)

Re: 08-0420; Cohen

Comments:

Attached is the letter of support from the neighbor

CONFIDENTIALITY STATEMENT: The information sent by this fax transmission is intended only for the use of the individual or entity named above, and is to be considered privileged. It is strictly prohibited by anyone other than the intended recipient to disclose, copy, or distribute the faxed information in any way. If you have received this fax in error, we request that you notify us immediately at (831)459-9992. Your good judgment and integrity are sincerely appreciated. Thank You!

Phone: 831/459-9992

Fax: 831/459-9998

e-mail: hs-

FROM : Amrbar Engineering

FAX NO. : 408 872 0221

Sep. 12 2008 04:58PM P1

September 8, 2008

Hossein & Afsaneh Amrbar
6600 Fern Flat Road
Aptos, CA 95003

County of Santa Cruz Planning Dept
701 Ocean St.
Santa Cruz, CA 95060

Dear Planning Staff,

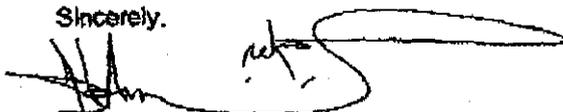
I am the owner of the property at 6600 Fern Flat Road. I support Mr. Cohen's request to reduce both the side yard setback between his house and our common property boundary by 5 1/2', and the front yard setback to the edge of the right of way from the current 31' (40 required by zoning) to 28'.

My property is over 5 acres in size and the small addition to Mr. Cohen's house will not negatively affect my property. The reduction in the side yard setback will occur for a length of only 11' and will allow Mr. Cohen to have a much needed upstairs bathroom.

Mr. Cohen's house site is limited by both the steep slopes in the rear and the 60' wide right of way. The permitted corner of the house is 31' from the right of way and 57' from the paved road. The 3' addition to the front of the house will reduce the 40' required setback to the right of way to 28' for only the corner of the house and the setback to the actual paved road to 54'.

This road is a rural mountain road and serves only a small number of homes beyond Mr. Cohen's property. The 60' right of way is far wider than is necessary for this 12-16' rural mountain road.

Sincerely,


Hossein Amrbar

November 5, 2008

Randall Adams
County of Santa Cruz
701 Ocean Street, Fourth Floor
Santa Cruz, CA 95060

RE: Application No. 08-0420
6950 Fern Flat Road, APN 105-511-04

Dear Randall,

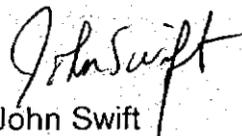
The following information pertains to the existing detached accessory structures (sheds) located on Mr. Cohen's property, APN 105-511-04. The shed closest to the westerly property line, located primarily in the west yard, has been removed (see Attachment 1). Attached photographs also show the westerly most shed before and after its removal, in relation to the existing shed and house.

The existing shed, located in the rear yard, approximately 16' from the westerly property line and 15' from the house, has been requested to remain by the property owner. The sheds dimensions are approximately 8'x10', yielding a total floor area of 80 square feet.

Section 13.10.323 of the County Ordinance states that "a detached accessory structure which is located entirely within the required rear yard and which is smaller than 120 square feet... may be constructed to within three (3) feet of the side and rear property lines" (13.10.323(e)6(B)). Attachment 1 shows the existing shed to remain and its proximity to both the westerly property line and the existing house. Additionally, the attached photographs (namely Attachment 4) show the existing shed to remain in relation to the house.

Your assistance and consideration in this matter is much appreciated. Please contact our office with any questions.

Sincerely,


John Swift

FERN FLAT RD

Road

SCALE 1" = 30'



Project Benchmark
Found 3/4" pipe
Assumed Elevation 500.00 ft.
Set spike over pipe, 501.05 ft.

Found 3/4" pipe with nail, 500.71 ft.
Set spike over pipe, 501.49 ft.

S 69°15'45" E 72.02
(72.05)

(S 49°12'00" E 149.59)

(60' wide)
Propane tank

Leach Area
Septic &

Existing House

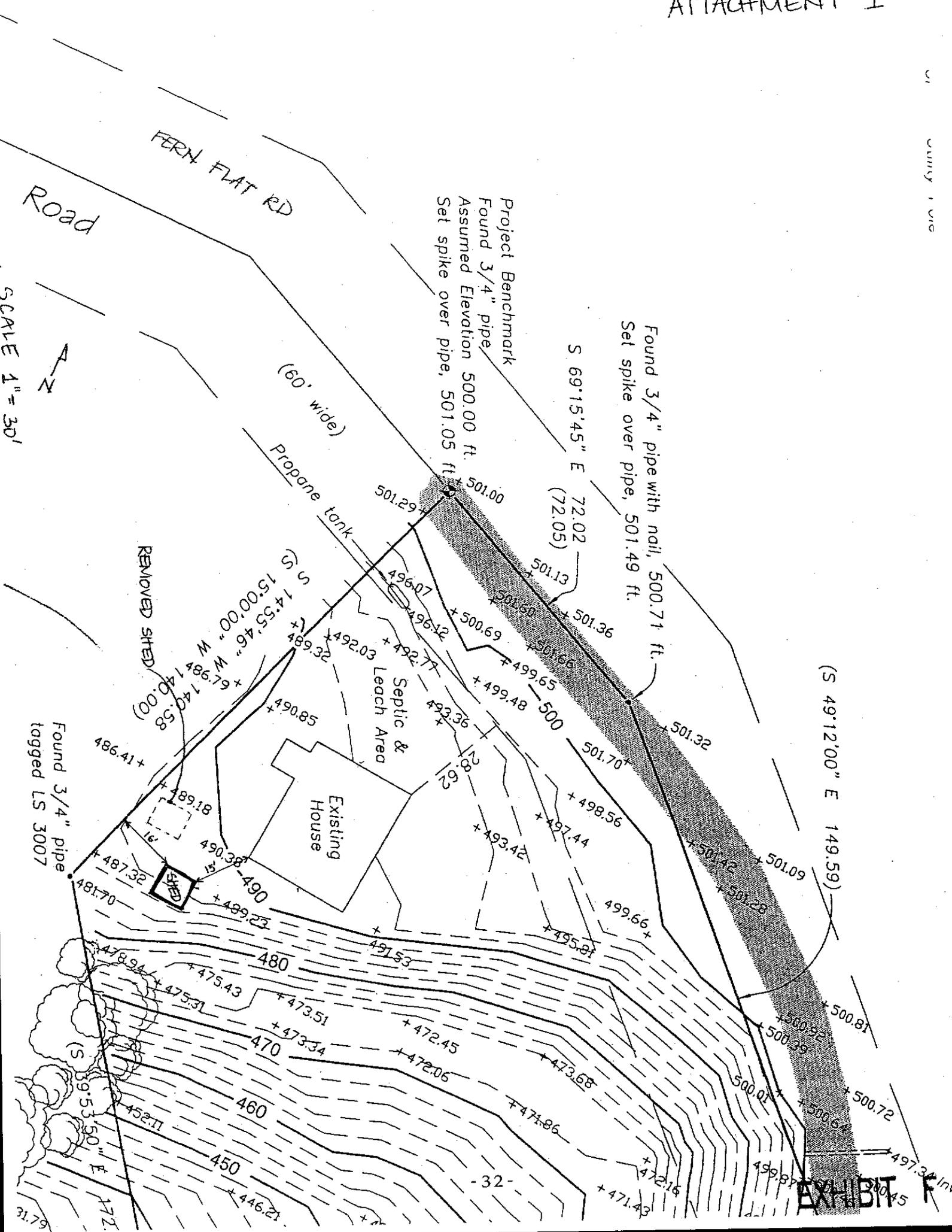
REMOVED SITE

15°00'00" W 140.00
14°55'46" W 140.58
14°00'00" W 140.00

Found 3/4" pipe
tagged LS 3007

(S 9°53'50" E 172.21)
478.94
475.31
475.43
473.51
473.34
472.45
472.06
473.68
471.86
472.16
471.43

EXHIBIT F



STED TO RETURN
↓

RETURNED STED
↓

