



Staff Report to the Zoning Administrator

Application Number: **121190**

Applicant: William Blythe
Owner: William Blythe
APN: 105-511-04

Agenda Date: 11/2/12
Agenda Item #: 1
Time: After 9:00 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 on property in the SU zone district.

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 121190, based on the attached findings and conditions.

Exhibits

- | | |
|---|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Comments & Correspondence |
| 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
Land Use Designation:	R-M (Mountain Residential)
Zone District:	SU (Special Use)

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

Environmental Information

Services Information

History

Project Setting

-2-

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 two bedroom 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 **121190**, 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.

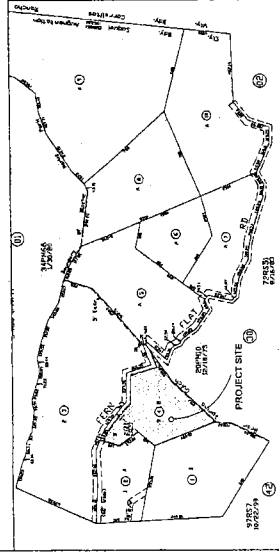
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3218
E-mail: randall.adams@co.santa-cruz.ca.us

Use of any part,
in whole or in part,
Contributes-
Approval

Printed: 02/02/2012 5:50 PM

PARCEL MAP No Scale



Main Header		
ID	Plan No.	Published
A-1	SITE PLAN	10/1/11
A-2	GENERAL NOTES	10/1/11
A-3	EXPLANATIONS	10/1/11
A-4	ELEVATIONS	10/1/11
A-5	PROP. SECTIONS	10/1/11
A-6	PLAN SECTIONS	10/1/11
A-7	SECTIONAL ELEVATIONS	10/1/11
A-8	PROPOSED ADDITION	10/1/11
A-9	PROPOSED ADDITION	10/1/11
A-10	PROPOSED ADDITION	10/1/11
A-11	PROPOSED ADDITION	10/1/11
A-12	PROPOSED ADDITION	10/1/11

PROJECT DATA:
AREA OF WORK:
PROPOSED ADDITION HEATED SPACE
ADD BATH AND HALL TO SECOND FLOOR, (78sq/ft)
NEW LIVING ROOM OVER DINNING AREA, (185sq/ft) (131 Hab.)
MST BEDROOM, (86 sq/ft)
Total 359sq/ft
TYPE OF CONSTRUCTION: V-N
ZONE: SU

LOT SIZE: 274,144 SQ.FT.
(E) RESIDENCE: 1,345 SQ.FT.
PROPOSED ADDITION: 415 SQ.FT. - (inc. 56 sq. ft. LAUNDRY/HALL)
TOTAL HEATED SPACE: 1,764 sq. ft.,
LESS THAN 8% COVERAGE

A-1

SITE PLAN



James Lee County records
Encapsulated Map Paper
Scale: One
Utility File

EXHIBIT A

[illegible][illegible]

On Suspensions of Adult Sentences (II)
 The suspension of a sentence is a legal concept that has been defined in various ways. In some jurisdictions, it is a form of parole, while in others it is a form of probation. In this paper, we will discuss the suspension of a sentence in the context of the German legal system. We will first look at the general principles of suspension, and then we will discuss the specific rules that apply to the suspension of a sentence in the case of a conviction for a crime.

[illegible][illegible]

Any engineering required

[illegible][illegible]

classical walls
 recorded to intersect at right angles shall be square to each other within 1" in 20 ft. Along a diagonal line. The diagonal is established by the intersection of the two diagonals. The distance between the two diagonals shall be less than 1/8" in a horizontal distance of 20 ft.

[illegible]

Site Notes: The contractor shall provide and install all necessary blocking, bracing, furling, hangers, or other support for all framing, girders, joists, and other members. Eaves shall be level within $\frac{1}{4}$ " of level in a horizontal plane. Horizontal members shall be level within $\frac{1}{4}$ " (unroofed) or $\frac{1}{2}$ " (roofed) or measured. Horizontal fascia shall be within $\frac{1}{4}$ " of level and not out of plane by more than $\frac{1}{4}$ ". Vertical members shall be within $\frac{1}{4}$ " of the slope of the roof within a distance of 10' length. Sloping fascia shall be within $\frac{1}{4}$ " of the slope of the roof within a distance of 10' length. Sloping fascia shall have a maximum deviation from plane of 3/32" (as does not) per 2' of length. Roof sheathing shall be 5/8" thick.

[illegible][illegible]

Thermal Impedance: The thermal impedance ($Z_{\theta JA}$) values for Arranged Title 24 Energy Code and ASHRAE 90.1 are given in Table 2.

GAZETTE & DOMESTIC
Gazette & Domestic Systems are added on all printed stock, new and existing, at no extra cost per acre of acreage. Downpayment to match cost of system (with optional down-payment). All systems are installed by the manufacturer's representatives, before getting the system installed. All systems are installed by the manufacturer's representatives, before getting the system installed.

[illegible]

Exterior Doors and Windows: All new exterior doors & windows to be weather striped on four sides. Flash cylinders in accordance with AAMA ASTM and window manufacturer recommendations. Install all window flashing first. Flashing must extend over existing finish, leaving no gaps between burrs can be cracked open. Sides are flashed separately. "Water" cylinder strip goes below the sill flanking. The flanking strip is applied after the window is installed. "Water" cylinder strip is installed with the flanking extending beyond the top of the window frame. Flashing is finished with a minimum amount of window manufacturer's approved sealant. Leave one connection and be soldered weathertight.

[illegible][illegible][illegible]

Paint: When viewed at a distance of 6' wall marks of flag starts should not be visible. Paints shall not crack or flake within the maintenance warranty period. Paint to match shall completely cover the following surfaces: There shall be no cracks in, cracks greater than 1/8" wide, peeling, crazing, or visible color variations on paint surfaces. Follow manufacturer's instructions for application and drying times. Brushed texture, or similar texture variations on paint surfaces. All painted surfaces shall be properly sealed and coated with a rain-blasting coating. A distance of 6', when viewed from the side, shall be uniform in color when sealed and coated with a rain-blasting coating. In no event, any area that reaches inappropriate surfaces and is clearly visible to viewers under normal lighting conditions, or in no event, any area that reaches inappropriate surfaces and is clearly visible to viewers under normal lighting conditions is not acceptable. Each room to have two coats of wall paint. Indoors covered by one or more doors, windows, skylights, I-shaped and at least one half-cylindrical coat of each paint garage for owner.

For metal surfaces, prepare with light sand or chemical bonding agent before painting. Fill or caulk any cracks, holes, and holes on defects prior to paint or stain. Paint exterior wrought iron and wood railings with a rust preventing primer coat, and a second coat, oil if applicable. Entry doors require full-glass panes on exterior side. Doors shall be painted or stained on all 4 sides. Paint all fences, boards before installation of gates. Sand and craft paint grade handrails, pickets, and fence posts to applying the first coat of paint.

The General Contractor and all sub-contractors are to be fully licensed and have proper Qualifications, Bonds and Insurance. Including hereto, read these plans/documents and hereby agree to them and further agree to complete said bid and to protect the owner against all claims, from whomsoever they may arise.

[illegible][illegible]

*** Coordination of project participants required:**

The contractor shall be responsible for coordinating all subcontractors' work, (except what is clearly code requirements), task during bidding and construction.

Sincerely,
S. M. ABRUZZESE
President

At typical values, the customer shall instruct the Designer for clarification.

Dimensions & Sizing of Drawings:
The customer shall be responsible for specifying the size and location of all electrical and mechanical equipment and/or rough in dimensions with the appropriate sub or equipment manufacturer.

Units on electrical notes, drawings are to be noted with verification only. Larger scale details govern over smaller scale drawings.

Specifications:
Unless otherwise noted, drawings are to be made with verification only.

Substitutions:
Unless specifications indicate otherwise, substitutions are not allowed. Where "approved" is indicated, substitutions are not allowed. Where "approved" is not indicated, substitutions are not allowed.

[illegible]

Contractor's work: All work noted in construction documents shall be performed by the general contractor, and no higher sub-contractor unless otherwise noted. All references to the contractor include the general contractor and his subcontractors, which shall be one and the same.

Coordination of Trade Hire by Owner: Contractor shall coordinate with/with owner other trades hired directly by the owner and indicated in construction documents. Unless otherwise stated, contractor shall coordinate with/with owner other trades hired directly by the owner, as shown on drawings, to allow for necessary accommodations in the bid. Any assumptions to be fixed in the bid. Any trades work hired by owner, the responsibility of the contractor is an additional cost to the owner, unless work hired by owner.

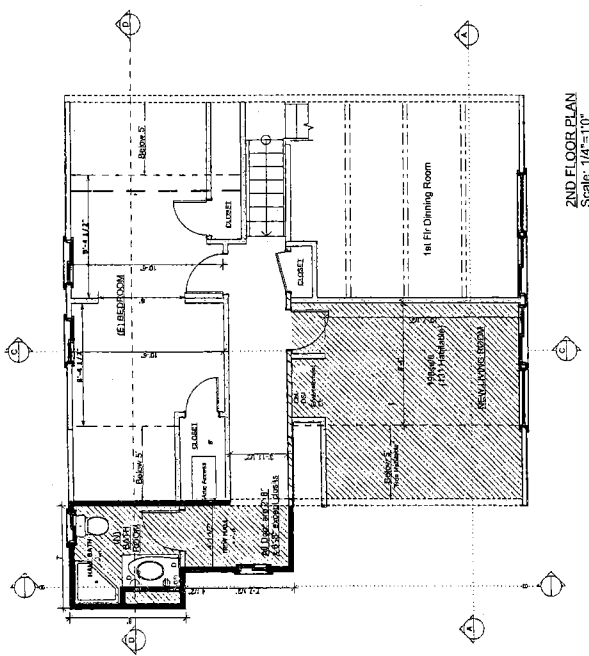
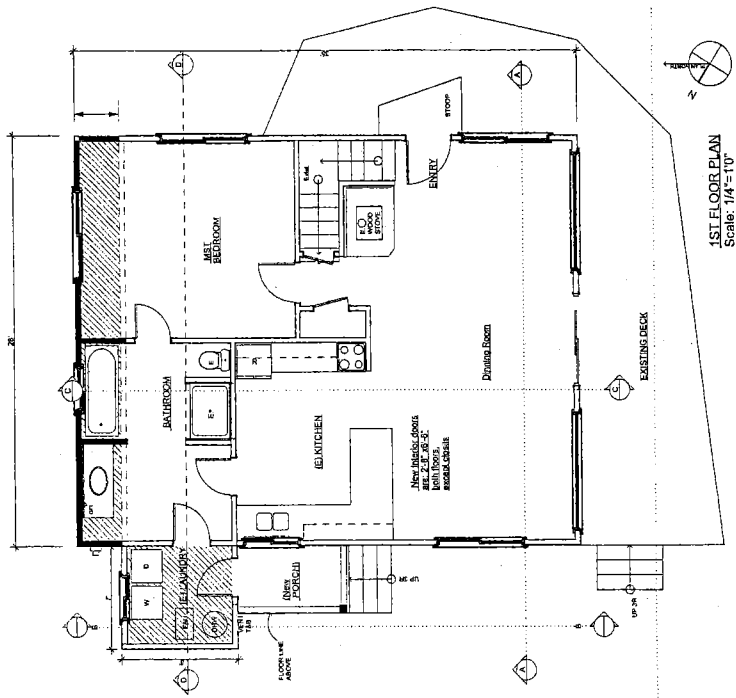
Temporary Positions:
Candidates will be considered for applying temporary duties (power, lighting, water, and others required in the job site for use by attending personnel) and for substitution in the personal convenience of the "house" where/where is available, to be paid by the agency. Contractors shall provide temporary toilet facilities or "house" restroom (per permit) for workers.

[illegible]

Construction contracts are required to have a disclaimer of liability for damages to the contractor's property. The disclaimer should be in the form of a separate document, and should be signed by the contractor. The disclaimer should state that the contractor is not responsible for damages to the contractor's property, and that the contractor is not responsible for damages to the contractor's property. The disclaimer should also state that the contractor is not responsible for damages to the contractor's property, and that the contractor is not responsible for damages to the contractor's property.

Foundation—This is the most important part of the job, and it is the one that is most often neglected. The foundation must be made of concrete and must be at least 12 in. thick. It should be poured in one continuous pour, and it should be finished with a trowel. The foundation should be made of concrete and must be at least 12 in. thick. It should be poured in one continuous pour, and it should be finished with a trowel.

[illegible][illegible][illegible]



Symbol	Description	Symbol	Description
[Symbol]	Existing Wall	[Symbol]	Existing Wall
[Symbol]	New Wall	[Symbol]	New Wall
[Symbol]	Altered Wall	[Symbol]	Altered Wall
[Symbol]	To be removed	[Symbol]	To be removed
[Symbol]	Walls Below	[Symbol]	Walls Below
[Symbol]	Beams/Joists/Partitions	[Symbol]	Beams/Joists/Partitions

Symbol	Description
[Symbol]	Existing Wall
[Symbol]	New Wall
[Symbol]	Altered Wall
[Symbol]	To be removed
[Symbol]	Walls Below
[Symbol]	Beams/Joists/Partitions

Use of any part,
in whole or in part,
without the written
consent of the
author is prohibited.

Printed on 11/12/12 10:50 PM

OWNER

412-7307

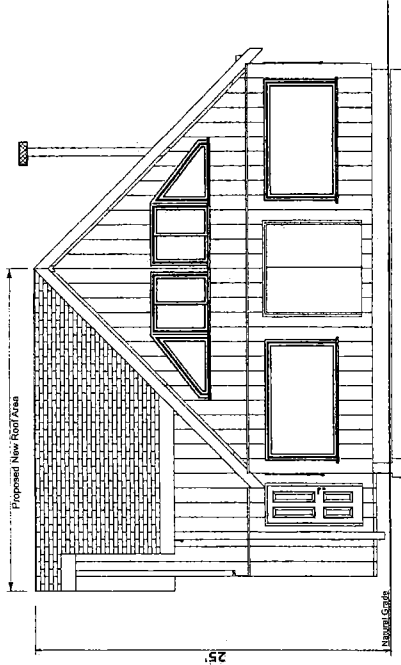
Bill Blythe
6950 Fern Flat Rd
Aptos Ca 95003

APN
105-511-04

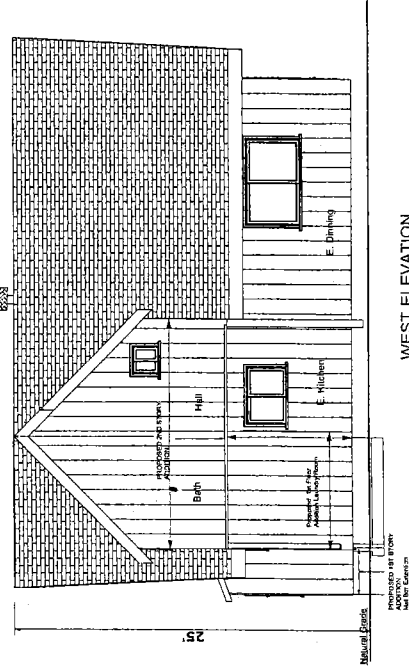
Date of Set	Drawn By
6/9/12	2.0
Rev	Rev
Date	Date
Rev	Rev
Rev	Rev
Rev	Rev

A-4

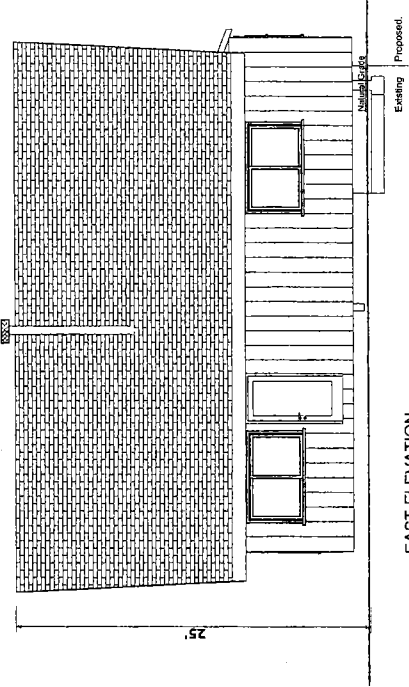
PROPOSED
ELEVATIONS



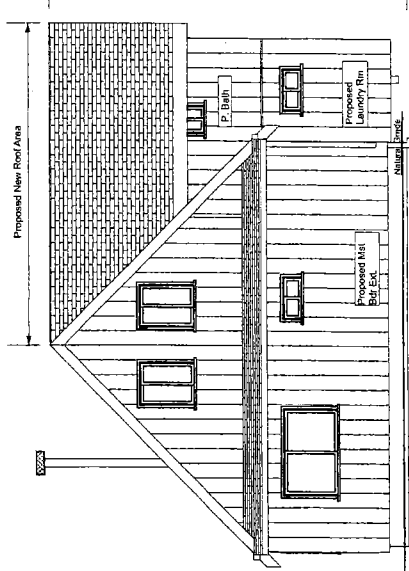
SOUTH ELEVATION
Scale: 1/4"=1'-0"



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



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



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

Use of any sort,
in whole or in part,
without the
written consent
of the architect.

Printed 6/26/2011 2:50 PM

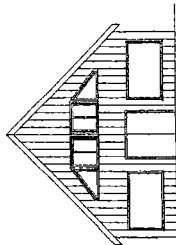
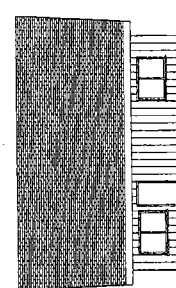
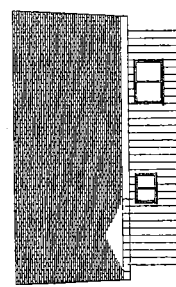
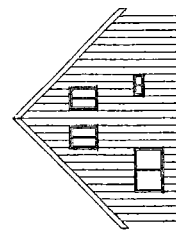
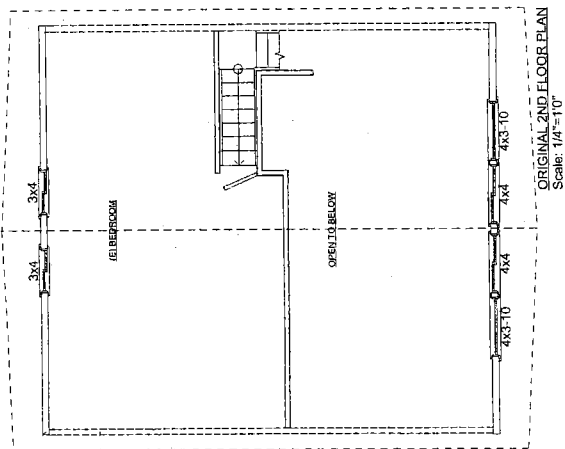
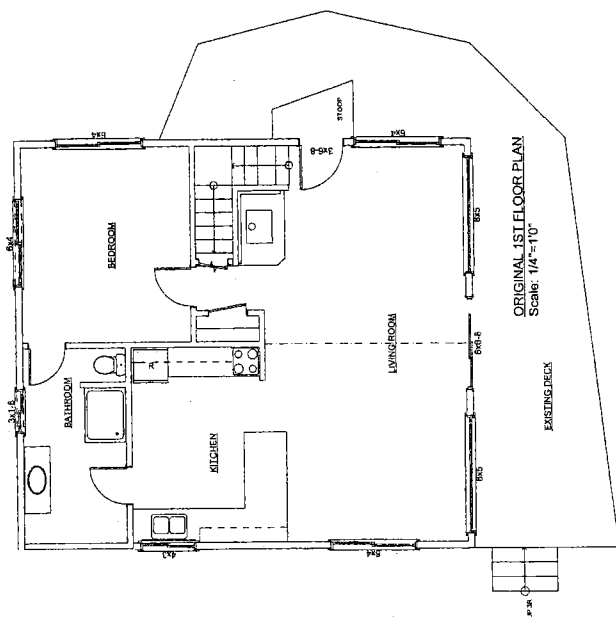
Bill Blythe (31) 423 7307 owner
6950 Fern Flat Rd
Aptos Ca 95003

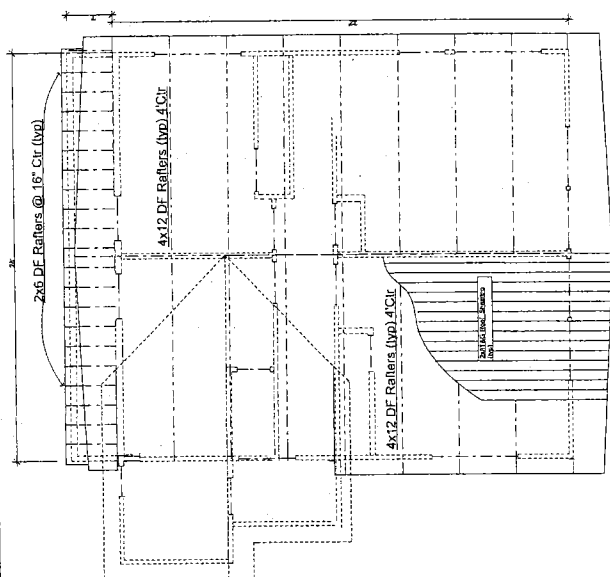
APN
105-511-04

Scale 1/8"=1'-0"
4/1/12
Architect
Client
Contractor
Engineer
Surveyor
Interior Designer
Landscape Architect
Other

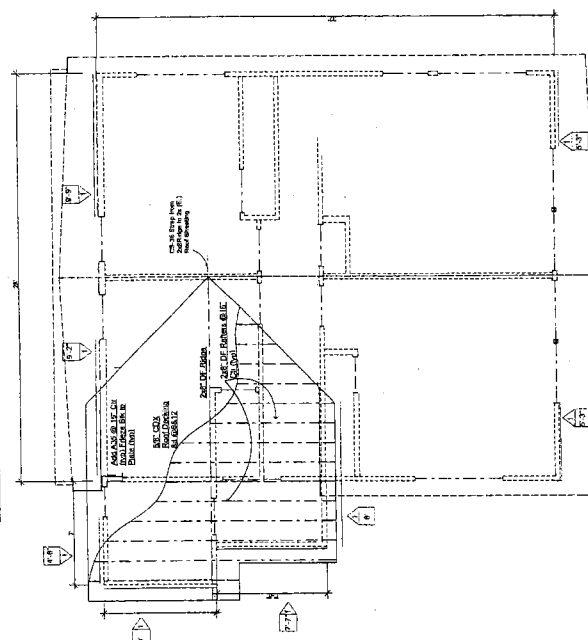
A-6

FLR PLNK(s) Original

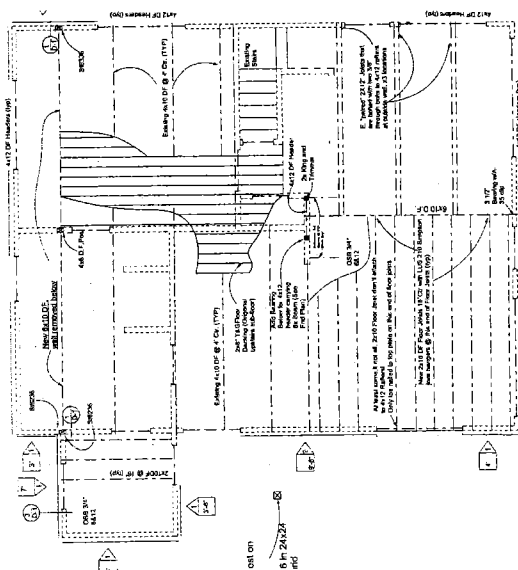




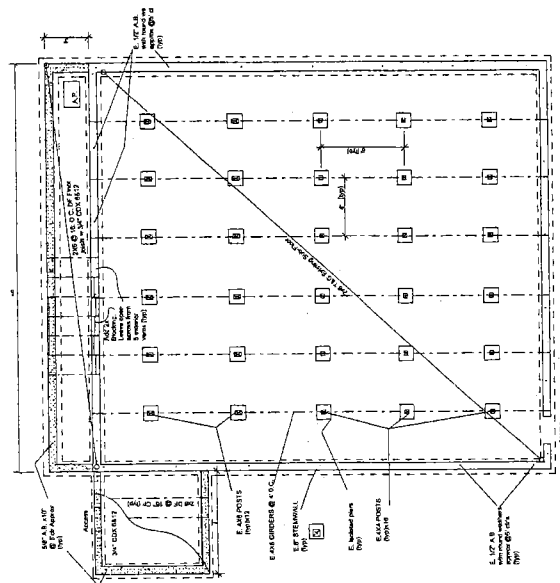
1st Floor Roof Plan with Walls Below 1/4" = 1'-0"



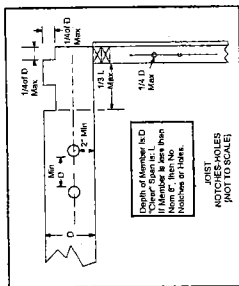
2nd Floor Roof Plan with Walls Below, 1/4" = 1'-0"



Second Floor Framing Plan with walls below.
Scale: 1/4" = 1'-0"



FOUNDATION PLAN
Scale: 1/4" = 1'0"

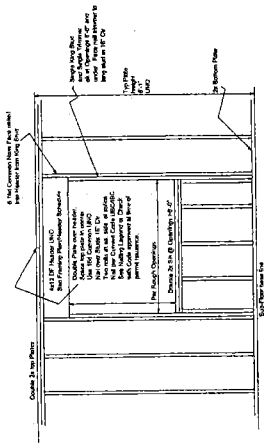


HEADER SCHEDULE: MIN SIZES SHOWN (U.O.N.)

ROUGH OPENING WIDTHS	SIZE
LESS THAN 4' 0"	NOM 4" X 6"
4'-0" UP TO 6'-0"	NOM 4" X 8"
6'-0" UP TO 8'-0"	NOM 4" X 10"
8'-0" UP TO 10'-0"	NOM 4" X 12"
10'-0" UP TO 12'-0"	NOM 4" X 14"
12'-0" UP TO 14'-0"	NOM 4" X 16"

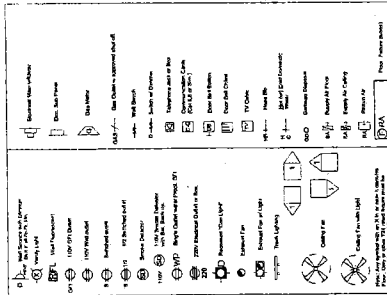
NOTE: USE DOUBLE KING STUDS AND DOUBLE TIMBERS AT 2 STORY.

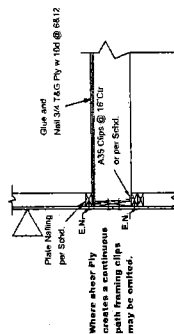
IF THERE IS A DISCREPANCY, USE MORE STRING CALL-OUT.



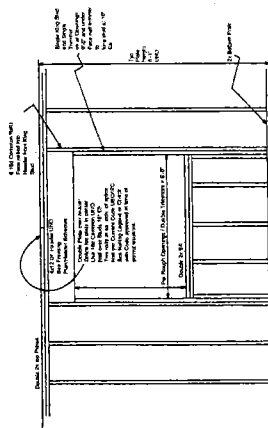
Not to be used for Structural Shear Transfer; See D-1
General Door-Window Framing

See A- for Plywood Shear Schedule
and other Structural Notes.

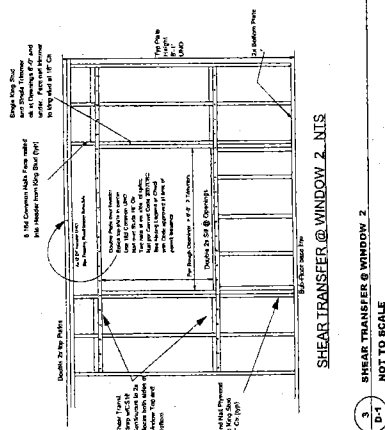




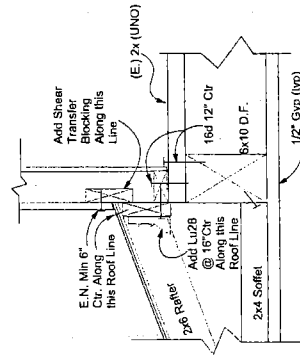
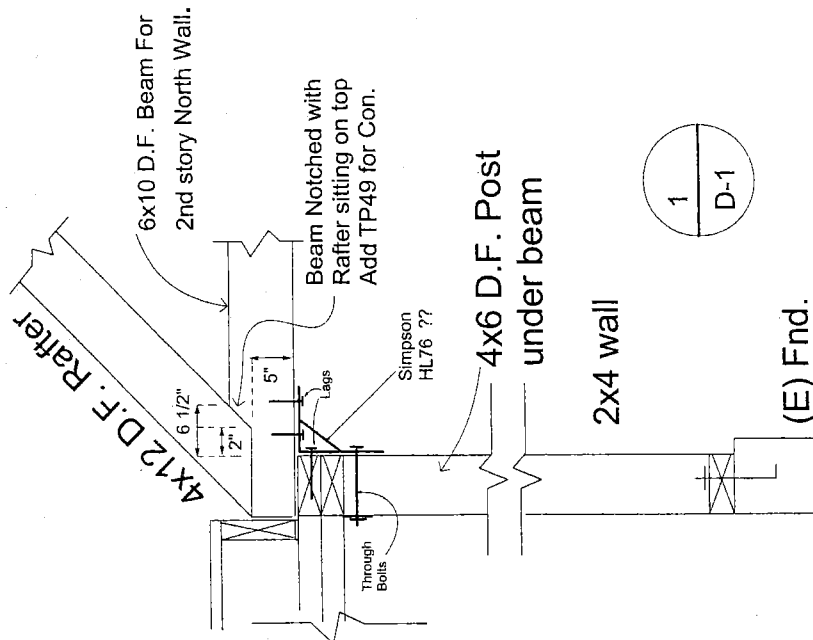
Shear Transfer @ Perpendicular Floor Joists 109 NTS



BASIC WALL FRAMING @ WINDOW 1 NTS

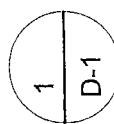


SHEAR TRANSFER @ WINDOW 2 NTS



NTS

NOT TO SCALE



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: Project Plans, entitled "Bill Blythe" 5 sheets, dated 6/5/12.

- 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. The proposed structure(s) are located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
 - 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 a 2 bedroom residence 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.
 - J. The creation of the second bedroom shall be included as a part of the Building Permit application.
 - K. Pay the current fees for Parks and Child Care mitigation for 1 additional bedroom. Currently, these fees are, respectively, \$578 and \$109 per bedroom.
- 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.
-

Application #: 121190
APN: 105-511-04
Owner: Blythe

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 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: _____

Wanda Williams
Assistant Director

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: 121190
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: William Blythe

Contact Phone Number: (831) 423-7307

- 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 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

Date: _____

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: 121190

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: William Blythe

Contact Phone Number: (831) 423-7307

- 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

Date: _____

FOR TAX PURPOSES ONLY
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 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

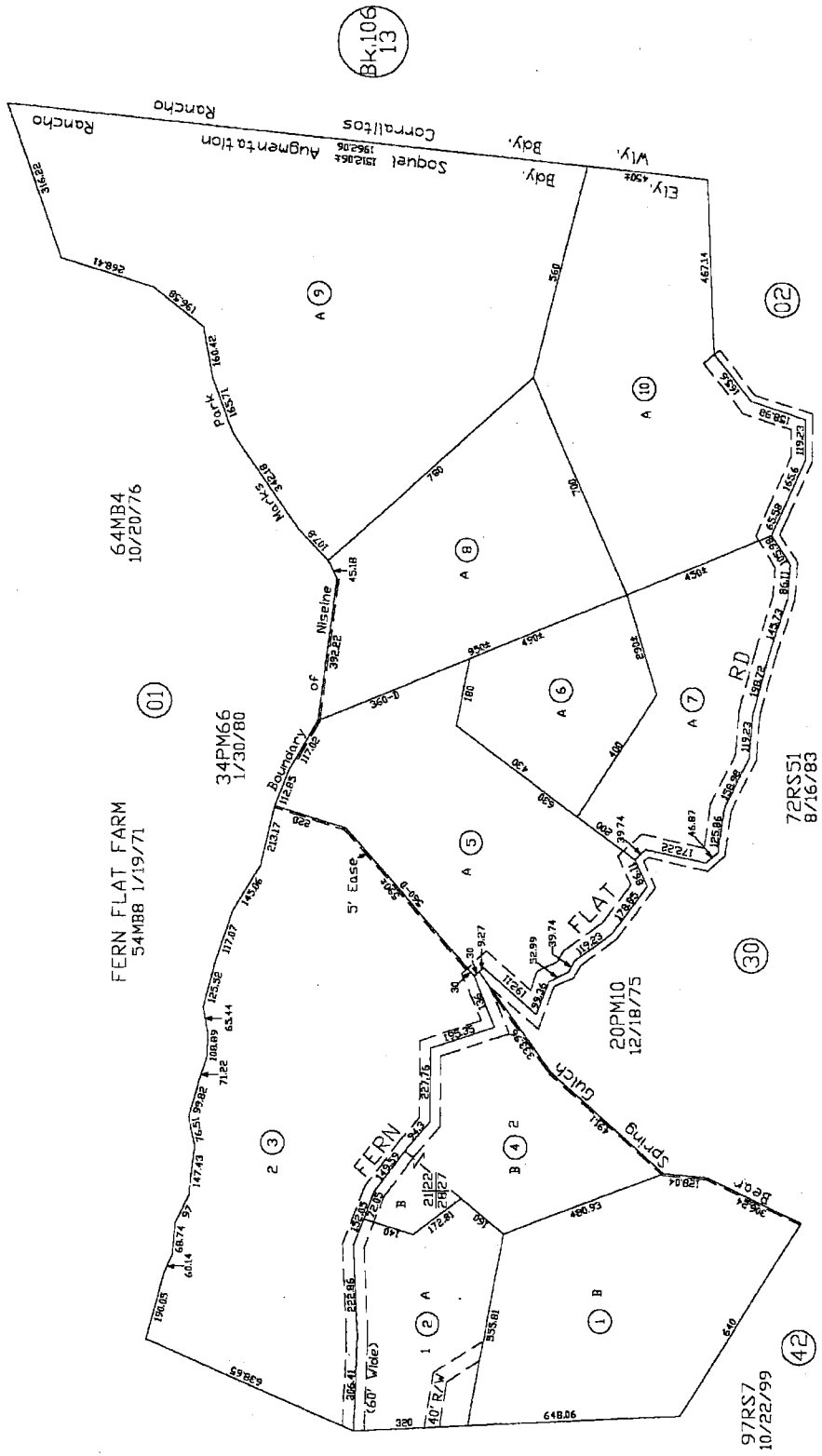
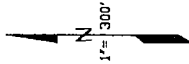


EXHIBIT E

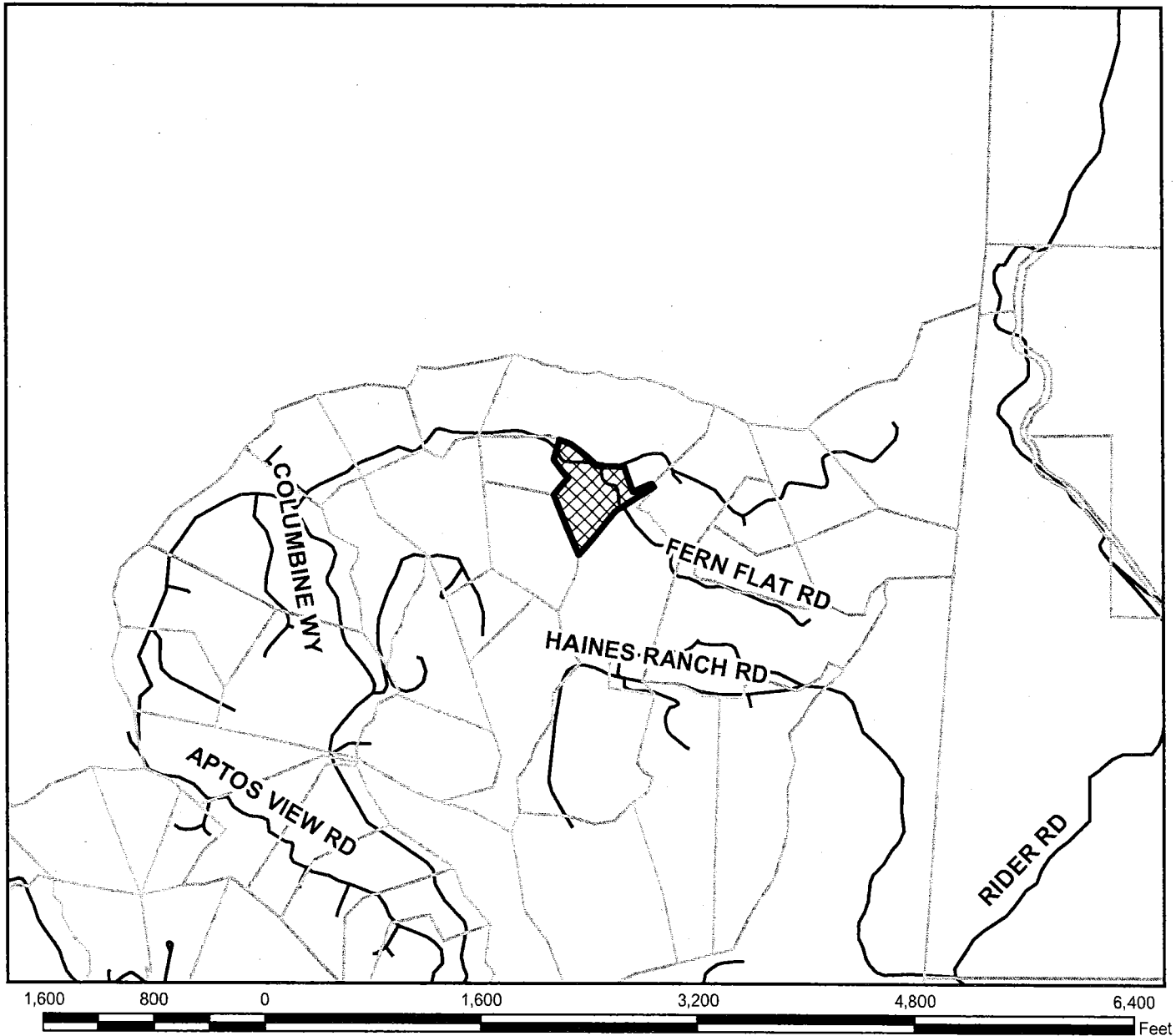
Note - Assessor's Parcel & Bloc
 Numbers Shown in Circles.

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




Electronically prepared 7/1/98 KSA
 Rev. 7/1/98 KSA (Per from P. 42)
 Rev. 12/13/99 CB (97/857)
 Rev. 10/3/01 NVN (changed page refs.)

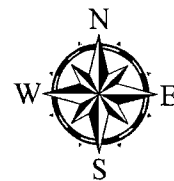


Location Map



LEGEND

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

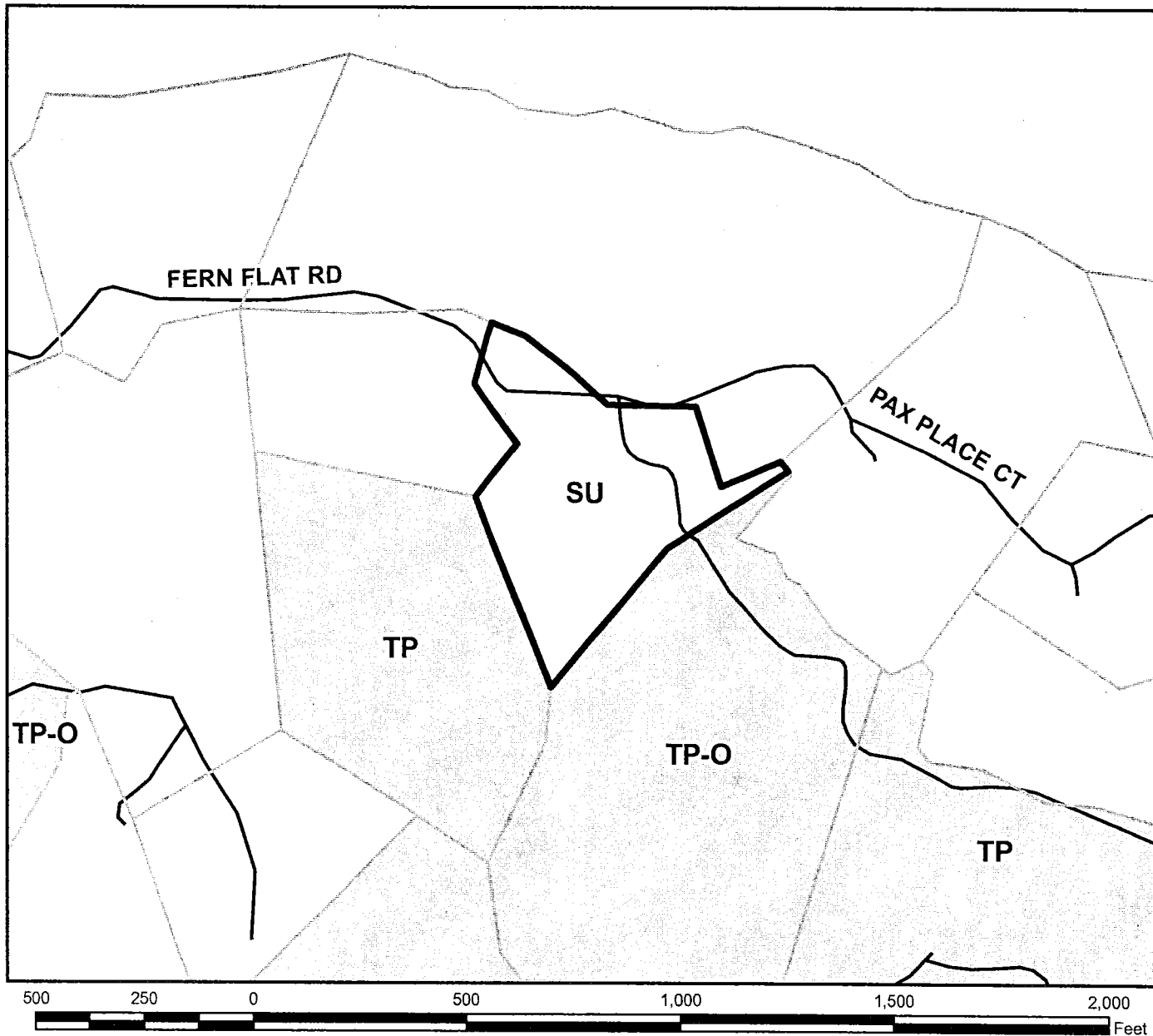


Map Created by
County of Santa Cruz
Planning Department
August 2012






EXHIBIT E

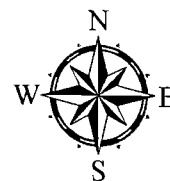


Zoning Map



LEGEND

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

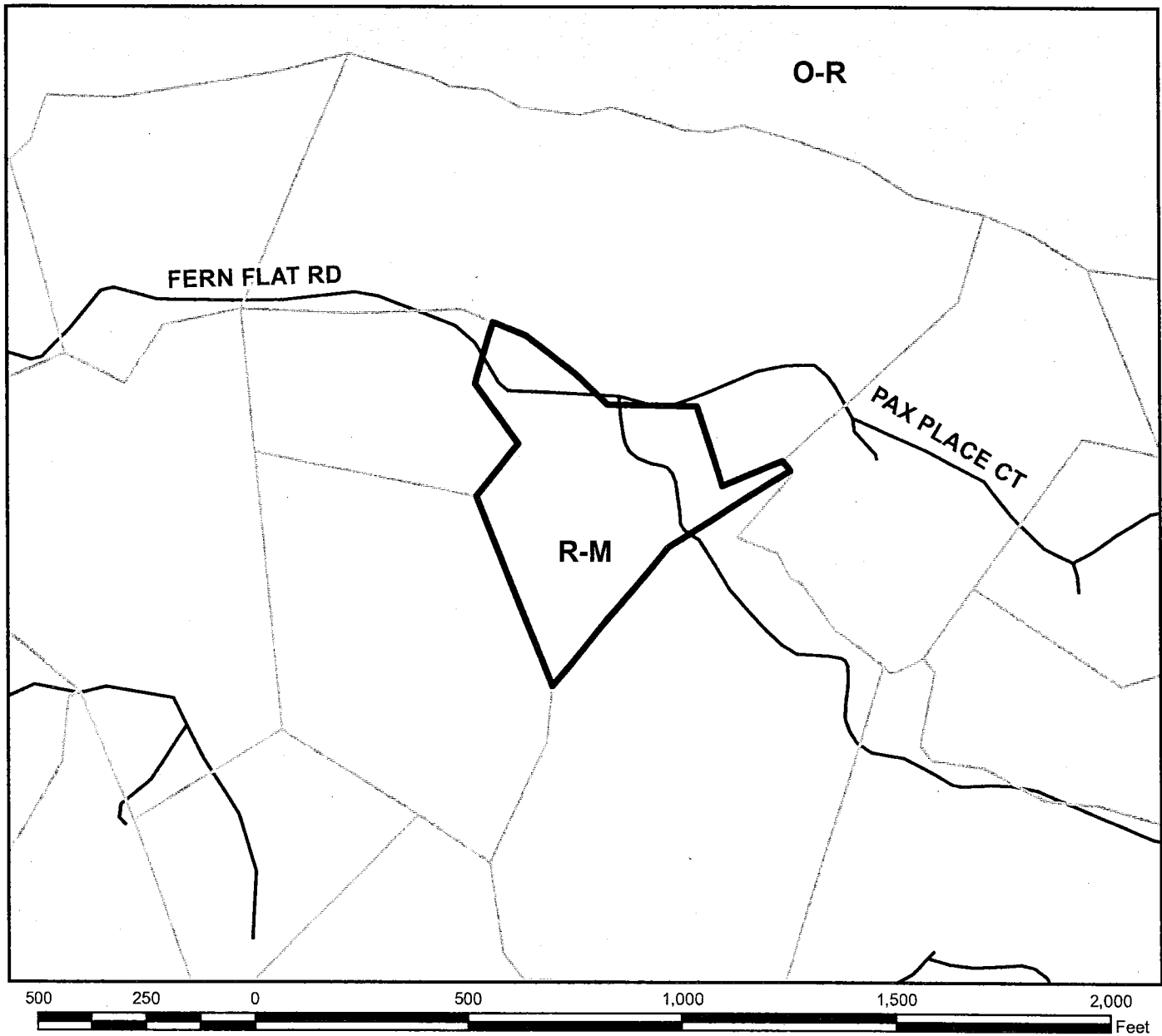


Map Created by
County of Santa Cruz
Planning Department
August 2012




EXHIBIT E

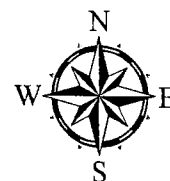


General Plan Designation Map



LEGEND

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



Map Created by
County of Santa Cruz
Planning Department
August 2012

EXHIBIT E

July 12, 2012

William L. Blythe
325 Molina Dr.
Santa Cruz, Ca. 95060

Santa Cruz Co. Planning Dept.
701 Ocean St.
Santa Cruz, Ca. 95060

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

This 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 is located at 6950 Fern Flat Rd.. It is roughly 6.3 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 (30-57 percent) 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 northwest side of the parcel, has a 60 feet 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 feet, presently nonconforming. The original house was built in 1977 with Permit 46828. A 3 feet wide addition along the north side of the house was added resulting in a new setback to the right of way of 28.62 feet. 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 feet.

The parcel is located towards the end 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 feet 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 very unlikely that the road will require widening in the future due to it's remote location and the number of units served.

The subject property is also highly constrained by topographical features, including slopes of 57 percent 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 1300 sq. ft.. 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 220 sq. ft.. There was also an expansion of the second story loft area of 195 sq. ft.(131 sq. ft. with roof height less than 5 ft.) These additions resulted in the house becoming far more livable for the owner and his family. The addition to the front yard will have little or no impact on the road or right of way. The house is almost 50 ft. 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 ft. front yard setback significantly impact the parcel's buildable area.

A variance to reduce the required 20 ft. side yard to 14.5 ft. is requested to allow the maintainance of a downstairs laundry room and upstairs bathroom. This encroachment into the 20 ft. side yard occurs for roughly 10 feet. The adjacent parcel is over 5 acres in size with the buildable area a significant distance from this common property line. The sever limitations to the property from the steep slopes, 60 ft. wide right of 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 the setbacks, deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. A variance allowing 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 (3 additional ft.) is notably minor. 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 sq. ft.) 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.

Thank You.

William and Julie Blythe owners, 6950 Fern Flat

William & Julie Blythe 7/12/12

July 11, 2012

Hossein Amrbar
6600 Fern Flat Road
Aptos, CA 95003

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

Dear Planning Staff,

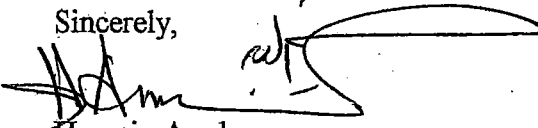
I am the owner of the property at 6600 Fern Flat Rd. I support Mr. Blythe's request to reduce both the side yard setback between his house and our common property boundary by 5 ½ feet, and the front yard setback to the edge of the right of way from the current 31 feet (40 required by zoning) to 28 feet.

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

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

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

Sincerely,


Hossein Amrbar

8/1/2012

Dear Planning Department,

We, the undersigned, are members of the Upper Fern Flat Road Association and support Mr. Blythe in his efforts to obtain a setback from right of way variance for his property at 6950 Fern Flat Road.



Name:

PETER BECKMANN



Address:

7101 Fern Flat Rd

132 Pax Place Ct.