



# County of Santa Cruz<sup>0201</sup>

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## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
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ALVIN D. JAMES, DIRECTOR

**Agenda Date: March 14, 2000**

February 25, 2000

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, California 95060

Subject: Public hearing to consider a proposal to construct a three-story single family dwelling with basement, an attached garage and two attached habitable accessory structures for pool use comprised of two bathroom/changing rooms of less than 100 square feet each located above the garage totaling approximately 14,766 square feet, and a detached, 277 square foot non-habitable accessory structure (generator house), and to grade about 5,560 cubic yards for the building site, courtyard, pool, driveway and access road. Requires a Coastal Development Permit, a Large Dwelling Review, a Residential Development Permit to increase the 28 foot height limit to about 51 feet by increasing the required 20 foot setbacks by 5 feet for every foot over 28 feet in height to 135 feet, and to construct two habitable accessory structures greater than 17 feet in height with bathrooms, and Preliminary Grading Approval.

APPLICATION NUMBER: 98-0426

APN: 057-061-16

APPLICANT: Betty Cost, Rich Beale Land Use Consultants

OWNER: Brian Hinman and Suzanne Skees

LOCATION: Property is located on the east side of a 50 foot right-of-way approximately 0.75 miles northeast from its intersection with Highway 1 (at sign for 2074), then about 600 feet southeast. The right-of-way intersects the east side of Highway 1 about one mile north of the intersection of the entrance to Ano Nuevo State Park.

Members of the Board:

### BACKGROUND

On January 21, 2000, at a noticed public hearing, the Zoning Administrator considered Application 98-0426, a request to construct an approximately 14,766 square foot single family dwelling, with two attached habitable accessory structures (pool changing rooms) and a detached, 277 square foot non-habitable accessory structure. At the public hearing, staff recommended a plan revision to the south wing of the house proposed by the applicant to address design review issues and additional conditions

of approval relating to building height verification. After the staff presentation, public testimony was accepted relating to the proposed project. Over 1 ½ hours of testimony was received at the public hearing, both in favor and in opposition to the project. A list of speakers and a general description of issues addressed at the hearing is included as Attachment 3, and copies of correspondence received are included as Attachment 4. After the public hearing was closed, the Zoning Administrator directed that conditions relating to the replacement tree sizes and monitoring be amended. The applicant's permit was approved subject to the revised Conditions of Approval, and a copy of the permit was forwarded to the Coastal Commission. A copy of Permit 98-0426 and a copy of the Conditions of Approval for the project are included as Attachment 2.

On February 8, 2000, the Board of Supervisors acted to set Application 98-0426 for Special Consideration, pursuant to the procedures set forth in County Code Section 18.10.350. Copies of correspondence from your consent agenda of February 8, 2000, relating to the request for Special Consideration are included as Attachment 1. This matter is now before your Board for your consideration.

## DISCUSSION

The letter dated January 28, 2000 by Supervisor Mardi Wormhoudt, requesting Special Consideration by the Board of Supervisors, raised the issues of visual impacts to the **Ano Nuevo State Reserve** and other issues identified, primarily concerns regarding the size and height of the structure. The visual issue was identified during the processing of this application, during the preparation of the Environmental Review Initial Study and during the public review period for the Negative Declaration and Notice of Determination. This issue is addressed in the following discussion, in the staff report to the Zoning Administrator included as Attachment 5, and in the Mitigated Negative Declaration and Initial Study included as Exhibit C to the Zoning Administrator staff report (Attachment 5). Additional issues raised by the public in opposition to the project included the size and height of the proposed dwelling.

### Visual Issues

Due to the height and mass of the proposed structure, staff required a visual analysis to determine if the project would be visible from Highway 1, a General Plan designated scenic road, and from **Ano Nuevo State Reserve**, to assess the potential visual impacts. **Ano Nuevo State Reserve** is located approximately two miles from the proposed building site, and Highway One is located over 0.5 miles from the project. At the direction of Planning staff, the applicant erected scaffolding to simulate the height (51 feet above existing grade at the roofline) and mass of the proposed structure, covered with highly visible "Safety Orange" construction fencing to ensure maximum visibility of the structure. During the permit process, three proposed building sites were considered. The originally proposed building site was located near the northeast corner of the property near the 560 foot elevation contour (See Attachment 14 to Exhibit C, in Attachment 5). Due to the higher topography and the lack of natural screening, the majority of the residence at this originally proposed site would have been visible from **Ano Nuevo State Reserve**. A second site at a lower elevation was evaluated, but this site required a Variance. Consequently, after significant geologic investigation, the project was relocated to a third site at a lower elevation, below the 520 foot contour, with a gentler topography in order to minimize potential visual impacts by taking advantage of existing screening from on-site trees, an adjacent eucalyptus grove and extensive riparian

vegetation. In addition, this third site would require significantly reduced site grading, and is located outside of the prime agricultural lands. This third location is the one which was considered by the Zoning Administrator.

The County's 1994 General Plan policies for Visual Resources (5.10.10 and 5.10.11) state that public vistas from designated scenic roads shall be afforded the highest level of protection. Highway 1 is designated as a Scenic Road. The proposed house will not be visible from Highway 1. This is primarily due to the topography between Highway 1 and the proposed dwelling. In addition, there is substantial vegetative screening provided by a eucalyptus grove located along the western edge of the right-of-way on the west property line of the subject parcel, and the riparian vegetation downstream of a manmade pond. The grove of eucalyptus trees is located on an adjacent parcel in San Mateo County. A condition of the San Mateo County Development permit (PLN 1999-00296) for the property prohibits the removal of this Eucalyptus grove. To ensure that the subject dwelling will not be visible from Highway 1 in the future, the applicant will be required to plant a row of trees along the right-of-way using Monterey Cypress (which have also been used in the Ano Nuevo area for wind breaks), to function as a back-up visual barrier to the existing Eucalyptus grove.

The purpose of General Plan Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". Policy 5.10.1 designates visual resource areas: vistas from designated scenic roads, Coastal Special Scenic Areas and unique hydrologic, geologic and paleontologic features identified in Section 5.9 of the General Plan. Policy 5.10.2 Development Within Visual Resource Areas, recognizes the diversity of Santa Cruz County's visual resources and requires that projects be evaluated against the context of their environment and regulate height, setbacks and design to protect these resources within the objectives and policies of the visual resources section. The project site is not visible from a designated scenic road, is not located within a designated Scenic Resource area nor a Coastal Special Scenic Area and is not an area identified in Section 5.9. Section 13.20.130(b)1. of the County Code which provides the visual compatibility design criteria for development in the coastal zone, states that all new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Section 13.20.130(c) provides the design criteria for projects within designated scenic resource areas, which is technically not applicable to this project as it is not located within a designated scenic resource area. Nonetheless, this section of the Coastal Zone Regulations states that development shall be located, if possible, on parts of the site not visible or least visible from the public view. The required Large Dwelling Findings set forth in 13.10.325(b)(ii) states "The proposed structure, due to site conditions, or mitigation measures approved as part of the application, will be adequately screened from public view and will not adversely impact public viewsheds..". While the project is not located within a mapped Scenic Resource area, portions of the subject parcel and proposed residence are within the **viewshed** of Ano Nuevo State Reserve. Recognizing the importance of the public vistas from the Reserve, the project has been evaluated for compliance with General Plan visual policies for public vistas,

The majority of the dwelling is screened from Ano Nuevo State Reserve by the grove of Eucalyptus trees discussed above, by the trees located along the arroyo downstream of the pond and to a lesser extent from the Monterey pines on the site. Based on the location of the orange scaffolding, the chimneys, portions of the roof and highest gables can be discerned from three locations in Ano Nuevo State

Reserve, along portions of the path by the pond, near the staging area kiosk and on the highest sand dune on the Ano Nuevo Point path. The orange scaffolding, however, was not readily detectable with the naked eye. The scaffolding could be located **after** using binoculars and the neighbor's residence (APN 057-061-1 7) as a reference point. Once the orange scaffolding was sighted using magnification, it could then be observed by the naked eye using the knowledge of where to focus attention combined with the strong contrast of the orange tape viewed against a backdrop of tree canopies. The proposed colors of the new dwelling, a dull grayish, tannish green body, dark forest green trim and an acid-aged copper (non-reflective) roof, which will appear to be a dark, mottled, forest green, will be much less conspicuous within the context of the landscape than the orange fence material.

The **scaffolding** representing the roof and chimneys is most visible from one sand dune near Ano Nuevo Point which is along the trail in the area frequented by visitors. On the site visit to the dune in November 1998, the proposed building location was not visible to the naked eye. During the winter, the sand dune shifted and increased in elevation. As a result, much of the roof and chimneys could be observed, as verified during a subsequent site visit in August 1999. Again, the story poles were identifiable due to the contrast of the orange mesh against the dark forest background.

In order to determine how much the orange color contributed to the visibility, a light green mesh was placed over the orange tape to partially conceal it. With the green mesh in place, it is more difficult to see the story poles with the naked eye. A photo montage was prepared by the applicant to represent the naked eye view from the Ano Nuevo sand dune. The proposed dwelling was digitally inserted into the photograph. A color copy of this Visual Analysis is provided as Attachment 6 (a copy is on file with the Clerk of the Board). As shown in the photo montage, the dwelling cannot be distinguished by the naked eye, unless the house location is indicated. Under magnification, the roof and the peak of the main gable can be observed.

According to State Parks staff, the window glare from the existing house on an adjacent parcel can be very intrusive from Ano Nuevo Point in the late afternoons. It is useful to compare the proposed residence with the existing neighboring residence (located on APN 057-06 1- 17). The existing residence can be observed from Ano Nuevo Reserve, because there is a large meadow between the structure and the Reserve with little vegetative screening. In addition, the window trim has been painted a white or nearly white color which causes the dwelling to stand out from the background. This structure, which is more visible than the proposed dwelling due to the trim color and lack of tree screening, is still not readily apparent to the casual observer. With respect to potential glare issues, Planning staff cannot definitively determine if portions of the transom windows in the highest gables are located above the foreground tree line, due to the distances and scales involved. Consequently, low-reflective glass is required for these transom windows to minimize potential glare problems.

As stated above and in the letter from the State Department of Parks and Recreation, portions of the proposed project are visible from Ano Nuevo State Reserve. State Parks staff has asserted that the project is visible from all points within the Reserve and that it will be visually intrusive. This was generally true of the original building site, due to the higher elevation and lack of screening. However, based on the scaffolding and careful evaluation of same for the current building site, Planning staff reached a different conclusion. Planning staff noted that a small portion of the scaffolding could be observed from the "Staging Area" within the Reserve, from the path to Ano Nuevo Point, and at the

highest point within the Reserve, the top of the sand dune, more of the scaffolding was discernible. However, the scaffolding was observed with difficulty, requiring knowledge of where to look for the scaffolding and active searching in order to observe it. When the green netting was placed over the orange mesh, the scaffolding was difficult to distinguish even at the sand dune. State Parks staff voiced concerns regarding the loss of screening due to the loss of the dying Monterey pines over time. To provide for additional future screening, sixteen replacement trees are required to be planted between the proposed dwelling and the line of sight to Ano Nuevo Reserve. These trees shall be Douglas fir or Coast redwood which will reach similar or greater heights than the Monterey pines, and are less susceptible to disease.

In summary, the physical distance between the project site and the areas of the Reserve where the scaffolding may be observed is over 2 miles (see location map which is Attachment 1 to Exhibit C in Attachment 5 of this report) which serves to lessen some of the visual impact of the proposed dwelling. In addition, the proposed tannish green and deep forest green colors for the structure and the natural screening, all serve to minimize the visibility of the proposed development. To mitigate any potential window glare, the highest windows (transom windows) in the gables are required to utilize low-reflective glass. As a result, the dwelling will not be noticeable to the uninformed visitor to the Reserve. As stated previously, portions of the dwelling are visible from Ano Nuevo State Reserve as evinced by the orange scaffolding. As the intent of the General Plan is to protect scenic resources and public viewsheds, the project has been redesigned and conditioned to minimize adverse impacts to the Ano Nuevo Reserve viewshed. The project conforms with the General Plan Visual Policies in that the proposed project will not be apparent to the casual observer due conditions including the sight distance (2 + miles), the required coloration which blends the structure into the fore- and background trees and the natural vegetative screening. Therefore, in staffs judgement, the corresponding visual impact will be insignificant.

### Dwelling Size Issues

Several members of the public voiced concerns regarding the dwelling's proposed size. The proposed house is approximately 12,532 square feet of habitable, conditioned space and 15 bedrooms, as defined by Santa Cruz County Zoning Code, with an additional 1,700+ square feet of non-habitable space including the garage and a portion of the underground basement and about 850 square feet of covered porches and outdoor stairways. The habitable and non-habitable square footage for the proposed dwelling as measured using current methods for calculating Gross Building Area is 14,765.5. The calculations for Gross Building Area are included as Exhibit H to Attachment 5. The height of the proposed three story dwelling, as measured under current zoning regulations, is 51 feet from the highest point of the structure to the lowest grade (existing or proposed) immediately below. The highest point of the structure sits over both cut and till portions of the graded building pad. The height of the dwelling from the final grade is about 47 feet. Three story dwellings are allowed on parcels larger than one acre outside of the Urban Services Line, and Section 13.10.323(e)5 provides site standard exceptions for structures exceeding 28 feet. This section states that building heights which exceed 28 feet are allowable if all required yards are increased by five feet for each foot over the permitted building height. In general, for buildings over 35 feet in height on a parcel of 2.5 acres or larger, a level IV approval is required. There is no upper height limit for a Residential Site Exception, except for the three story limit. The applicant is proposing increasing the required 20 foot setbacks to a minimum of 135 feet to accommodate the additional building height, in accordance with section 13.10.323(e)5.

Regulations regarding maximum lot coverage or floor area ratio are not applicable to the CA zone

district. County Code does not set forth dwelling size maximums beyond lot coverage and floor area ratio maximums set forth in the residential zone districts. The closest residential zone district would be Residential Agriculture (RA) which allows up to a maximum of 10% lot coverage. Floor area ratio restrictions are not applicable to parcels greater than 16,000 square feet. The proposed development's lot coverage is substantially less than 10%. Nonetheless, residential development exceeding 7,000 square feet, is subject to level 5 review under the provisions of County Code sections 13.10.314 (Agricultural Zone), 13.10.325 (Large Dwelling Permit Requirements and Design Guidelines) and Chapter 13.11 (Site, Architectural and Landscape Design Review). The project has been reviewed for conformance with the design guidelines set forth in the County General Plan and Zoning ordinances. County Code section 13.10.325 Large Dwelling Design Guidelines sets forth design recommendations for large dwellings to minimize potential impacts to the surrounding neighborhood. These design guidelines include minimizing the changes in the natural topography of the building site, minimizing and balancing graded cuts and fills, utilizing colors and materials to reduce the appearance of building bulk, maintaining ridge line silhouettes unbroken by building elements, maintaining compatibility with homes in the surrounding neighborhood and use of architectural features to break up massing.


The County's Large Dwelling findings require that the proposed structure be compatible with its surroundings, adequately screened, and that the structure not adversely affect neighboring properties' privacy or solar access. The properties within the vicinity of the subject parcel range in size from 13 acres to over 100 acres. Two adjacent parcels are developed with single family dwellings and appurtenant structures. Parcel 057-061-1 1 is a 63 acre CA zoned parcel with a roughly 3,500 square foot main dwelling, a second dwelling and miscellaneous outbuildings. The main dwelling is built in an old farm house style. Parcel 057-061-1 7 is a 13 acre CA zoned parcel developed with a single family dwelling and appurtenant structures totaling 6,017 square feet. This dwelling is built in a modern, log cabin style. A single family dwelling, guest house and garage are proposed for the adjacent 84 acre San Mateo County property. This dwelling and guest house utilizes a modern, "Sea Ranch" style of architecture, and the proposed structures on this site total about 7,600 square feet. The architectural styles vary in this area, but all may be broadly characterized as larger than average sizes on large properties. The proposed structure before your Board is compatible with the surrounding development, and the subject parcel is adequately screened and will not adversely affect privacy or solar access.

## RECOMMENDATION

It is, therefore, RECOMMENDED that your Board take the following actions:

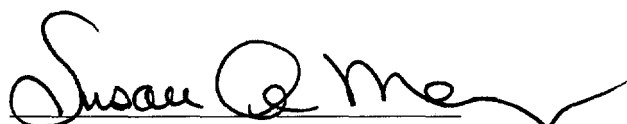
1. Certify the Negative Declaration for application 98-0426 (Exhibit C to Attachment 5); and
2. Approve Application 98-0426 based on the findings (Exhibit A to Attachment 5) and conditions (Attachment 2).

Sincerely,



Alvin D. James  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer



cc: Richard **Beale** Land Use Planning 100 Doyle Street, Suite E Santa Cruz, CA 95062  
Brian Hinman 27 Broadway Los Gatos, CA 95030

- Attachments:
1. Letter from Supervisor Mardi Wormhoudt to the Board of Supervisors, dated January 28, 2000.
  2. Permit 98-0426 and Conditions of Approval
  3. List of Speakers - Public hearing of January 21, 2000
  4. Written Materials submitted to the Zoning Administrator, Agenda date January 21, 2000
  5. Zoning Administrator Staff Report of January 21, 2000
  6. **Visual** Analysis (Exhibit Q of 1/21/00 ZA Staff Report) (On file with Clerk of the Board)
  7. 3-Dimensional Representation of Dwelling (On file with Clerk of the Board)
  8. Project Plans (On file with Clerk of the Board)

SAM/ADJ/CLC 98-0426 bdreport.wpd