



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **07-0732**

Applicant: Janet Dows
Owner: Mary McCarthy
APN: 058-084-01

Date: March 20, 2008
Agenda Item #: 7
Time: 1:30 p.m.

Project Description: Proposal to demolish an existing single-family residence with detached garage and construct a new 1,726 square foot 2-story, 2 bedroom, 3 bathroom single-family dwelling with a detached 548 square foot garage with a 548 square foot accessory dwelling unit on the second floor of the garage structure.

Location: 85 Marine View Avenue, Davenport

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0732, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	5,227.2 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	CA-zoned open space (north/ east/ west) Residential (south)
Project Access:	Driveway from Marine View Avenue
Planning Area:	North Coast
Land Use Designation:	R-UL (Residential Urban Low)
Zone District:	R-1-6 (Single-family Residential- 6,000 square foot minimum site area)

Supervisory District: Third (District Supervisor: Neal Coonerty)
Within Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: C-Fire (small portion of NE corner of parcel in Critical Fire Hazard area)
Slopes: N/A
Env. Sen. Habitat: Biotic resource mapped: potential monarch butterfly habitat in eucalyptus grove adjacent to site; project will not encroach
Grading: 12 cubic yards of cut, 7 cubic yards of fill
Tree Removal: No trees proposed to be removed
Scenic: Yes, in Scenic Resources area
Drainage: Existing drainage adequate
Archeology: Potential Archeological Resources mapped; Archeological Reconnaissance survey completed August 13, 1997

Services Information

Inside Urban/Rural Services Line: ☒ Yes ☐ No
Water Supply: Not in water district
Sewage Disposal: Davenport Sanitation
Fire District: County Fire
Drainage District: Not in drainage zone

Analysis and Discussion

The subject property is characterized by topography that is mostly flat, including the area of the existing and proposed new structures. However, the rear (north) of the parcel slopes upward, with the toe of slope beginning about 10 feet from the rear property line and sloping up at approximately 15-35% for several hundred yards into the adjacent CA-zoned parcel. There is also a narrow up-sloped area in the front yard beginning at the edge of the street pavement, so that the flat developed area of the parcel begins about 10 feet in from the front property line and is raised about 5 feet above street level.

The proposed project is to demolish an existing single-family residence and shed and to construct a new 2-story single-family dwelling of approximately 1,726 square feet on a 5,227 square foot parcel. The project is located at 85 Marine View Avenue in Davenport. The building site is within 200 feet of Commercial Agricultural land to the north, east and west. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 15 feet from APN 058-122-12. An earlier Agricultural Buffer Setback Reduction was approved on December 19, 1997 to allow for a 19-foot rear setback for a remodel and addition to the existing non-conforming residence; a 15-foot setback is now proposed, which is the required rear yard setback in the R-1-6 zone district. The proposed new residence and garage/ accessory dwelling unit would be conforming as to all setbacks, height, lot coverage and all other R-1-6 zone requirements.

The parcel is located within the Urban Services Line and may be characterized as a developed residential neighborhood bordered by open space (zoned CA) to the north. The parcel carries an R-

UL (Residential Urban Low) General Plan designation. The implementing zoning is (R-1-6) Single-family Residential- 6,000 square-foot minimum site area. Commercial Agriculture zoned land is situated within 200 feet at the north side of the parcel at Assessor's Parcel Number 058-122-12.

A reduced agricultural buffer is recommended due to the fact that there would be no building area on the parcel if the required 200-foot setbacks were maintained from the adjacent Commercial Agriculture zoned property. The Agricultural Buffer Setback determination that was approved on December 19, 1997 for a 19-foot rear setback on the property found that the reduced setback would be adequate for preventing conflicts between the residence and potential agricultural uses on adjacent CA-zoned land. A eucalyptus grove directly to the northwest of the parcel buffers and significantly restricts any commercial agricultural use of the CA-zoned parcel adjacent to the subject property, as does the upslope topography of the immediately adjoining land. County Code Section 16.50.095 "Agricultural Buffer Setbacks" requires that specific findings must be made to allow reduction of the required 200-foot buffer setback. These findings can be made and are included with this report.

The applicant shall further be required to record a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts.

Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 15 feet to the single-family dwelling from the adjacent CA zoned property known as APN 099-111-03 & 05, proposed under Application # 07-0732, based on the attached findings and recommended conditions.

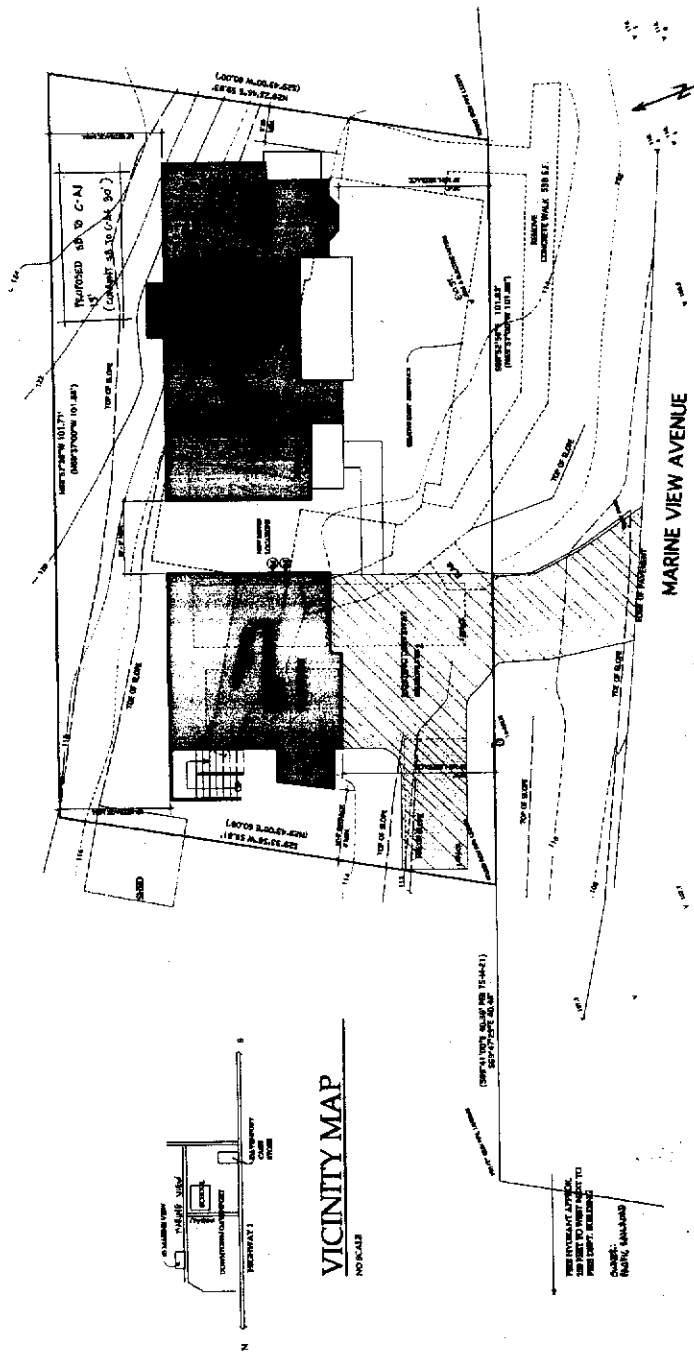
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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: Alice Daly
Santa Cruz County Planning Department
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Santa Cruz CA 95060
Phone Number: (831) 454-3259
E-mail: alice.daly@co.santa-cruz.ca.us

Report Reviewed By: Paia Levine
Principal Planner, Development Review

C-A LAND NOT BEING
USED
OWNER: COAST DAMIENS



SITE PLAN - DRAINAGE PLAN

NOTE: THERE ARE NO STRUCTURES ON THE LAND TO THE WEST AND NORTH OF THIS SECTION.
3 OPERATING JACKS WERE USED YEAR AGO 2 FROM 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 8

PROJECT DATA

[illegible]

UTILITIES/WATER DISTRICT:
OAKLAND SANITATION, NEW COUNTY OF SANTA CRUZ

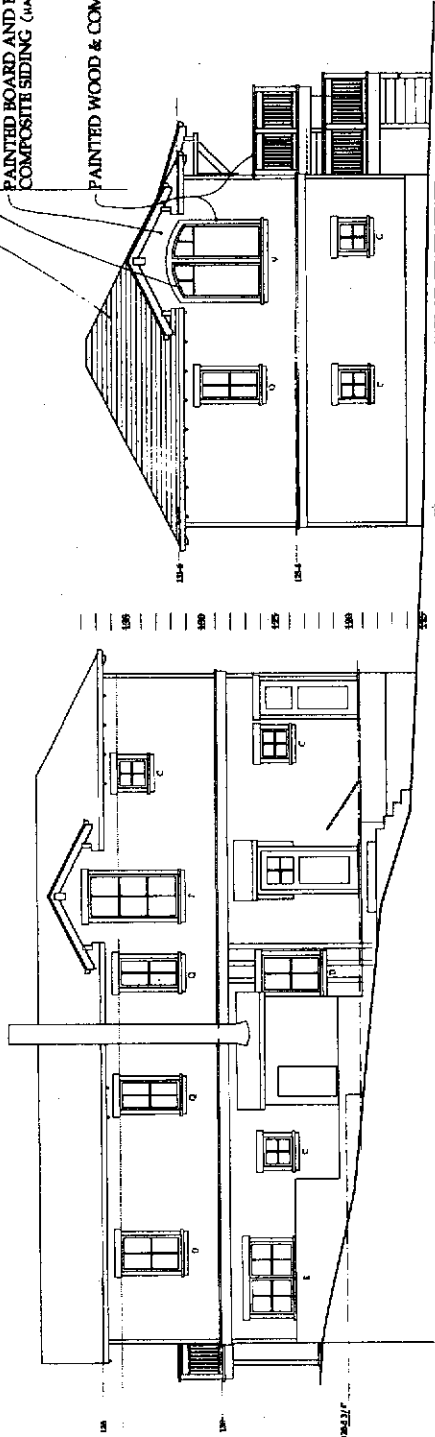
FREE NOTES

[illegible]

EXTERIOR MATERIALS:

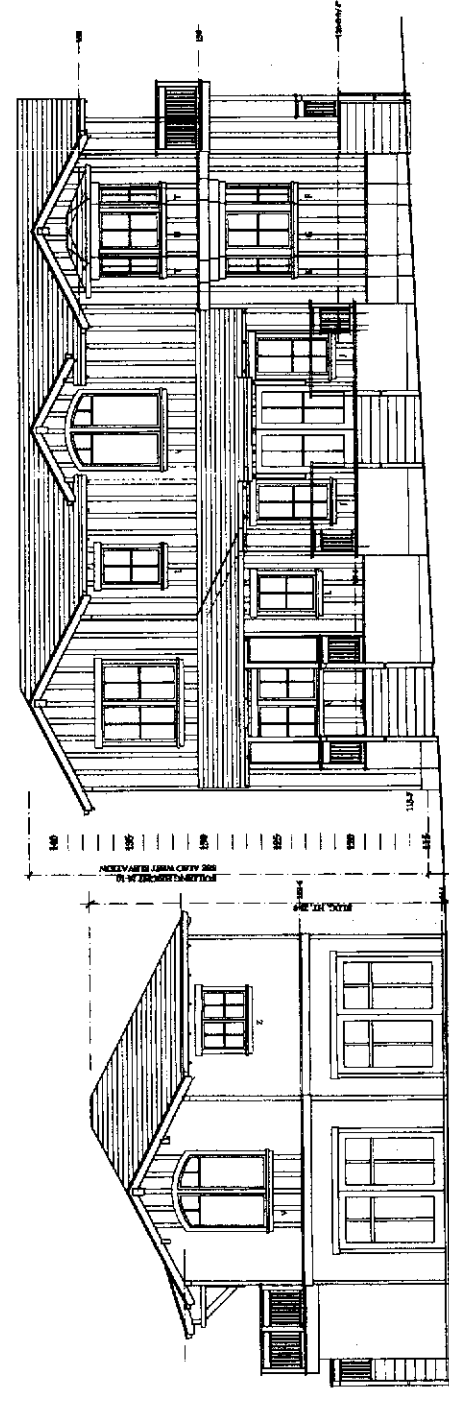
COMPOSITION SHINGLE ROOFING
DOUBLE PANE CLAD WOOD WINDOWS
PAINTED BOARD AND BATTEN
COMPOSITE SIDING (144501 - 80440)

PAINTED WOOD & COMPOSITE TRIM AND RAILINGS



RESIDENCE NORTH ELEVATION
1/4" = 1'-0"

GARAGE / ADU NORTH ELEVATION
1/4" = 1'-0"



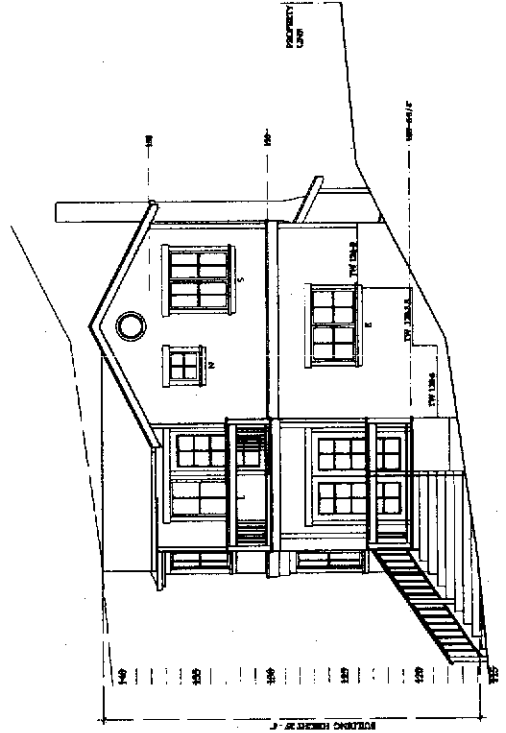
RESIDENCE SOUTH ELEVATION
1/4" = 1'-0"

GARAGE / ADU SOUTH ELEVATION
1/4" = 1'-0"

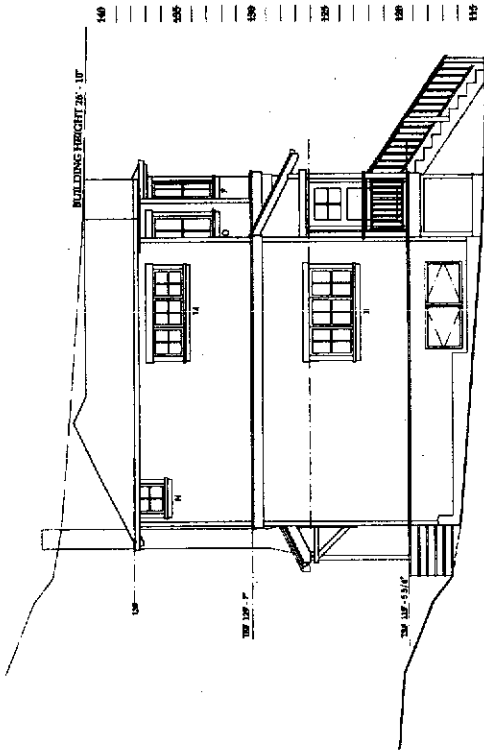
MC CARTHY RESIDENCE
PROPOSED NEW HOME, GARAGE, AND 2ND UNIT
85 MARINE VIEW AVENUE, DAVENPORT, CALIFORNIA

JANET DOWS Architect
1425 Southlight Avenue, Santa Cruz, CA 95062
Phone: (831) 457-1346
License # C-20412

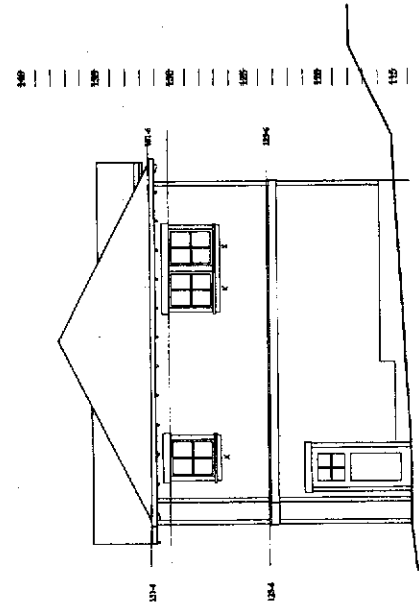
RESIDENCE EAST ELEVATION
1/4" = 1'-0"



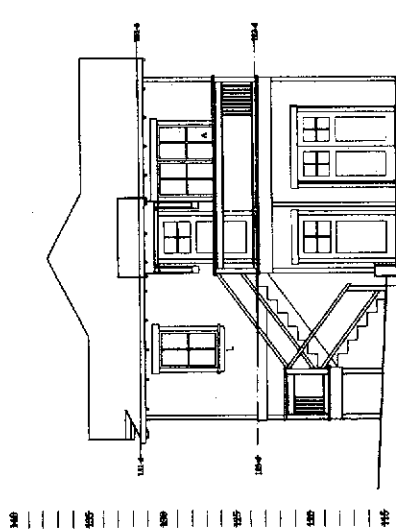
RESIDENCE WEST ELEVATION
1/4" = 1'-0"

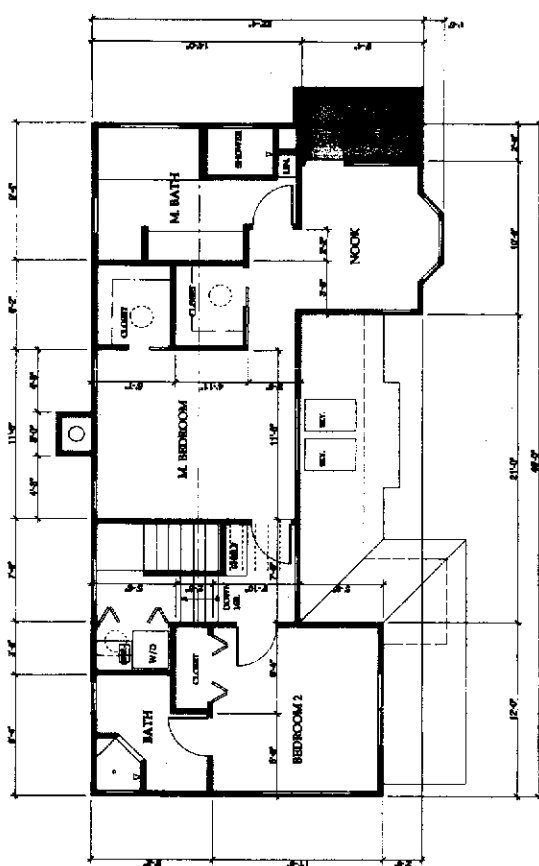


GARAGE / ADU EAST ELEVATION
1/4" = 1'-0"

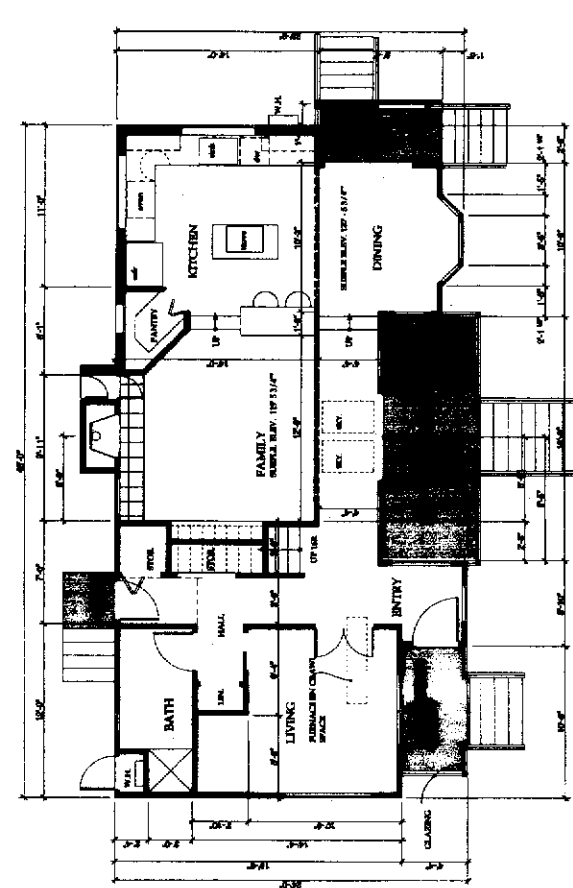


GARAGE / ADU WEST ELEVATION
1/4" = 1'-0"

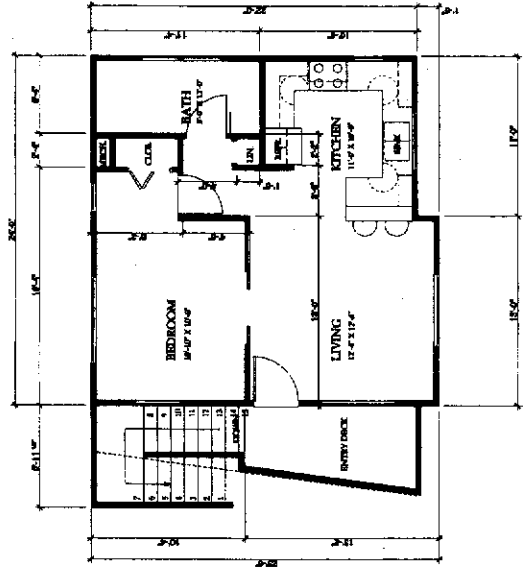




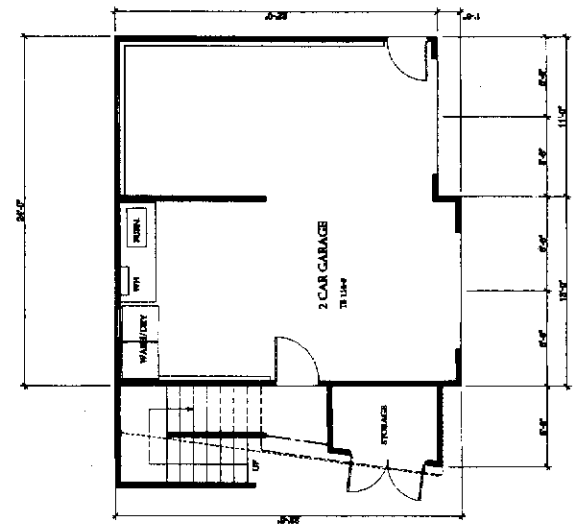
RESIDENCE - UPPER FLOOR PLAN
1/4" = 1'-0"
798 SQUARE FEET (UPPER LEVEL)



RESIDENCE - MAIN FLOOR PLAN
1/4" = 1'-0"
805 SQUARE FEET (UPPER LEVEL)
528 SQUARE FEET (MAIN LEVEL)
1333 S.F. TREATED AREA TOTAL
NOTE: BUILDINGS WILL BE FIRE-SPRINKLERED



2ND UNIT PLAN (ABOVE GARAGE)
1/4" = 1'-0"
548 SQUARE FEET



GARAGE PLAN
1/4" = 1'-0"
548 SQUARE FEET

**Required Findings for Agricultural Buffer Setback Reduction
County Code Section 16.50.095(b)**

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminate the need for a 200 foot setback; **or**
2. Permanent substantial vegetation or other physical barriers exist between the agricultural and non-agricultural uses which eliminate the need for a 200 foot buffer setback; or a lesser setback distance is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural uses, based on the establishment of a physical barrier, unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right-of-way; and/or some other factor which effectively supplants the 200 foot buffering distance to the greatest degree possible; **or**
3. The imposition of a 200 foot agricultural buffer setback would preclude building on a parcel of record as of the effective date of this chapter, in which case a lesser buffer setback distance may be permitted, provided that the maximum possible setback distance is required, coupled with a requirement for a physical barrier, or vegetative screening or other techniques to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

A combination of the above findings apply to this parcel. First, a lesser setback distance of 15 feet along the northern property line can be found to be adequate to prevent conflicts between the proposed new single-family residence and garage/ second dwelling unit and the adjacent potential agricultural use in that the potential for intensive commercial agricultural use of the adjacent CA-zoned land is significantly reduced due to a County-protected eucalyptus grove and the steep slopes within the portion of the CA-zoned parcel adjacent to the property. No additional buffering barriers would be necessary between the CA and R-1-6 zoned parcels due to the above circumstances that would preclude active agricultural use in the immediate vicinity of the residential use.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN (058-122-12). 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 and Coastal Development Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. 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. A development setback of a minimum of 15 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 058-122-12.
 - B. The owner shall record a Statement of Acknowledgement, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. The statement of Acknowledgement acknowledges the adjacent agricultural land use and the agricultural buffer setbacks.
- 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. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.

IV. Operational Conditions

- A. All required Agricultural Buffer Setbacks shall be maintained.
- B. In the event that future County inspections of the subject property disclose non-compliance 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, 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 that do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors 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: 07-0732

Assessor Parcel Number: 058-084-01

Project Location: 85 Marine View Avenue

Project Description: Agricultural Buffer Setback Reduction

Person or Agency Proposing Project: Janet Dows

Contact Phone Number: 831-457-1346

- 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 3 - New Construction or Conversion of Small Structures(Section 15303)

F. Reasons why the project is exempt:

One single-family residence and accessory structure in a residential zone

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



Alice Daly, Project Planner

Date: 2/25/08

FOR TAX PURPOSES ONLY

SAN VICENTE RANCHO

Tax Area Code 58-08

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

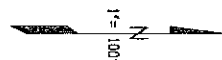
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

POR. SEC. 33, T.10S., R.3W., & SEC. 4, T.11S., R.3W., M.D.B. & M.

86-003

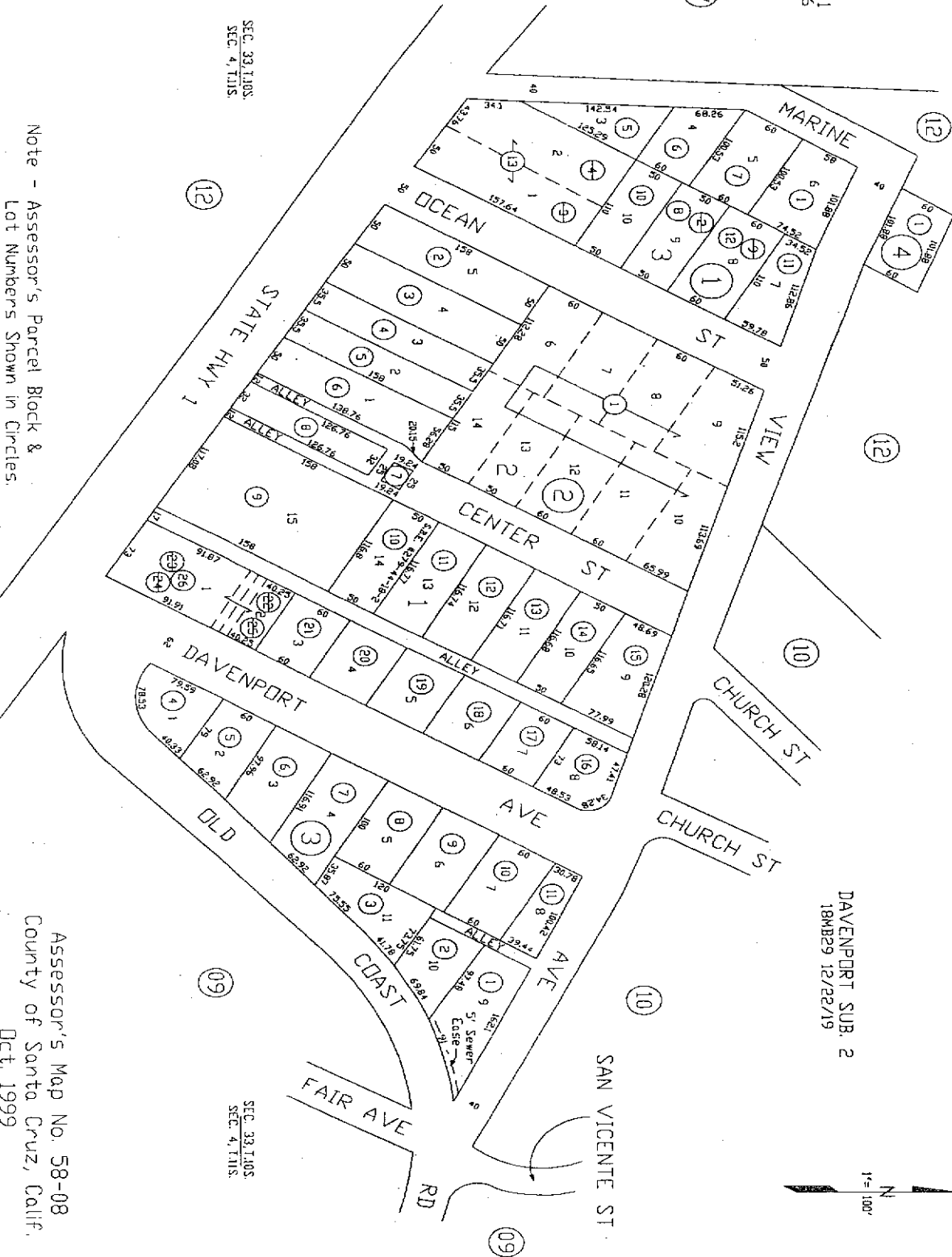
75RS21
2/1/86

DAVENPORT SUB. 2
18MB29 12/22/19



SEC. 33, T.10S.
SEC. 4, T.11S.

SEC. 33, T.10S.
SEC. 4, T.11S.

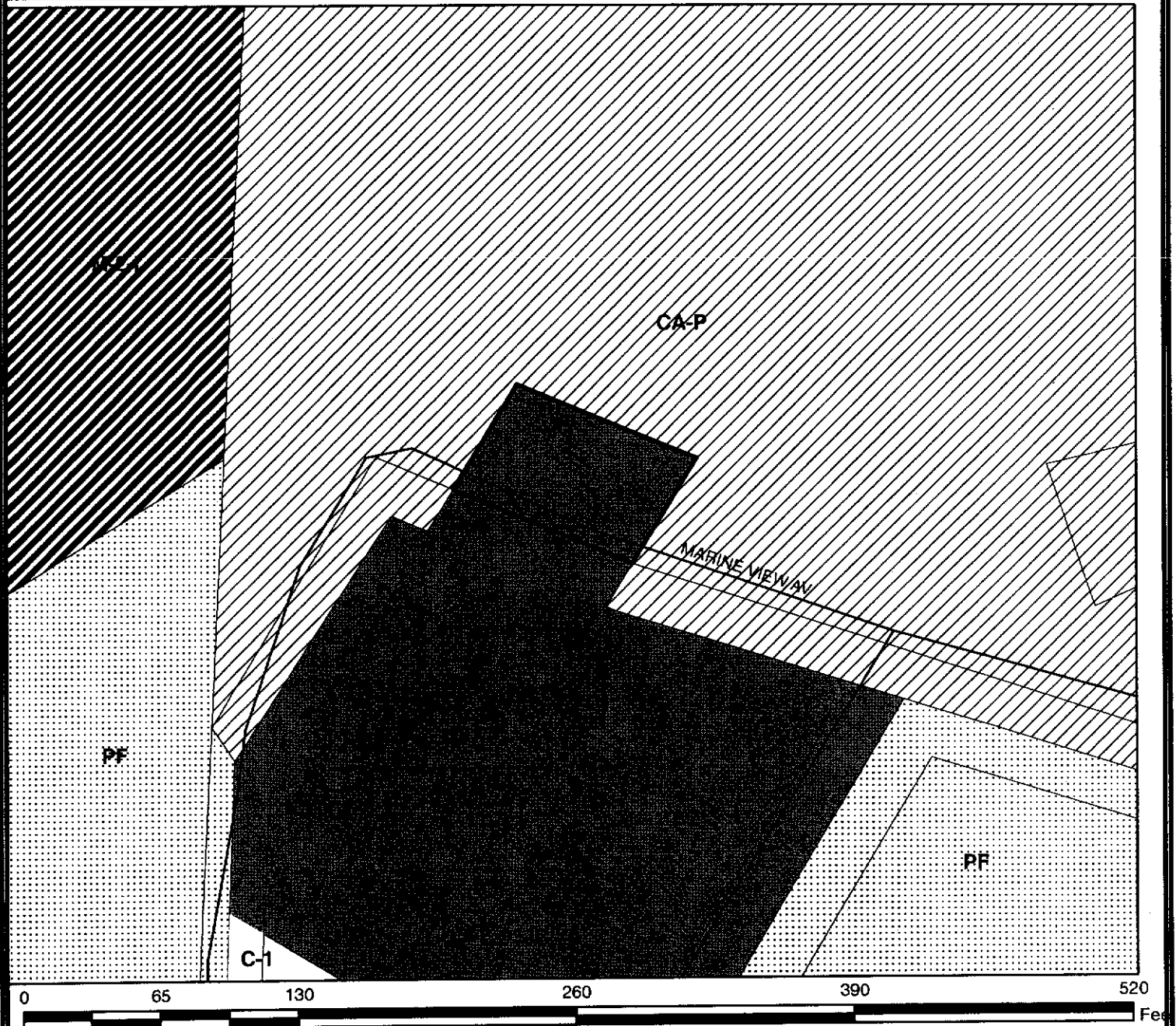


Note - Assessor's Parcel Block &
Lot Numbers Shown in Circles.

Assessor's Map No. 58-08
County of Santa Cruz, Calif.
Oct. 1999

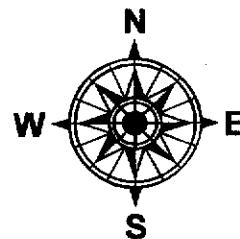


Zoning Map



LEGEND

- APN: 058-084-01
- Assessors Parcels
- Streets
- RESIDENTIAL-SINGLE FAMILY
- AGRICULTURE COMMERCIAL
- PUBLIC FACILITY
- HEAVY INDUSTRIAL
- COMMERCIAL-NEIGHBORHOOD

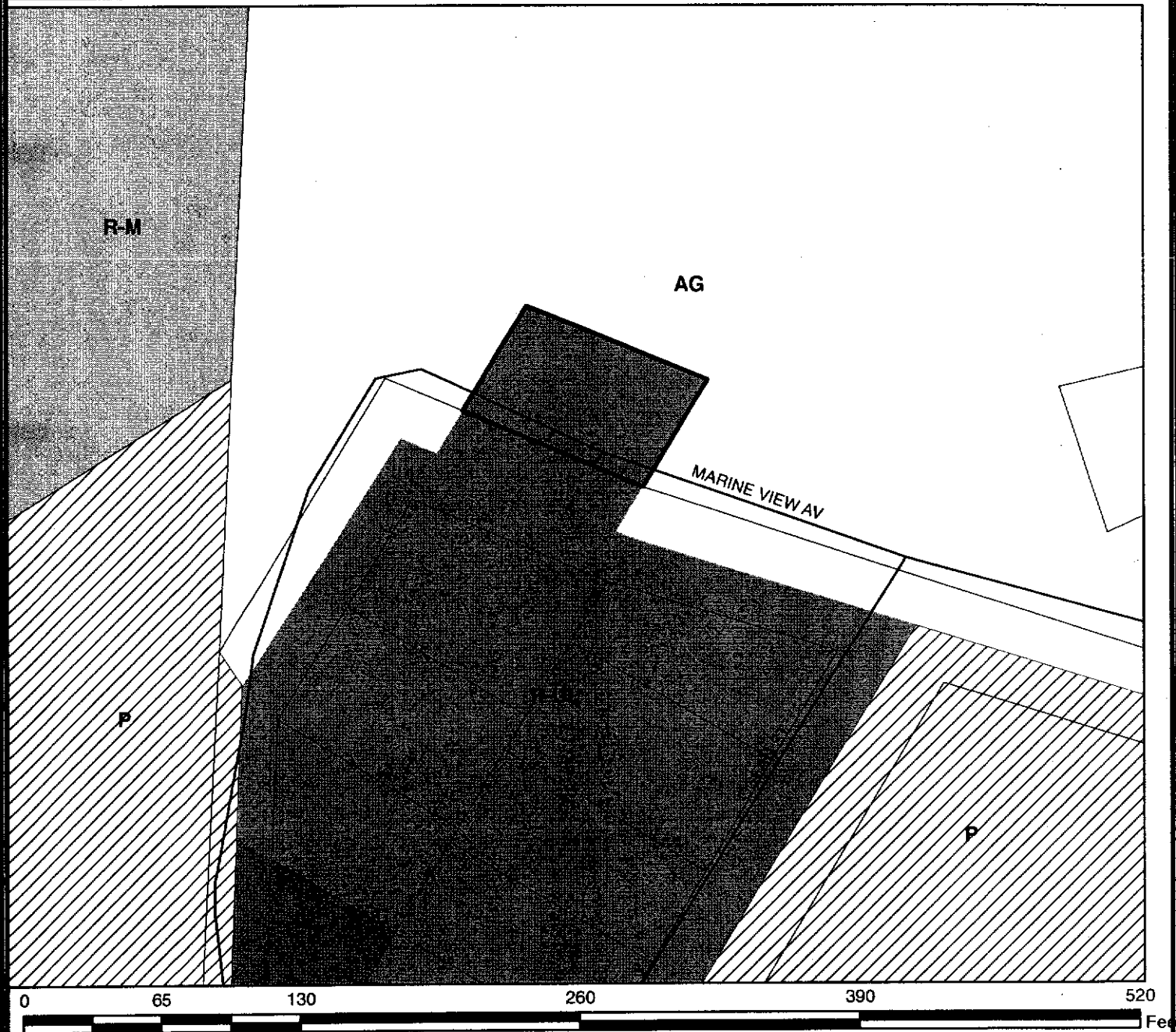


Map created by
County of Santa Cruz
Planning Department
January 2008

EXHIBIT F

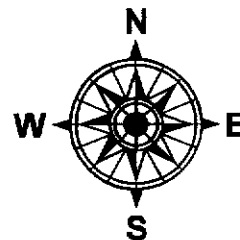


General Plan Designation Map

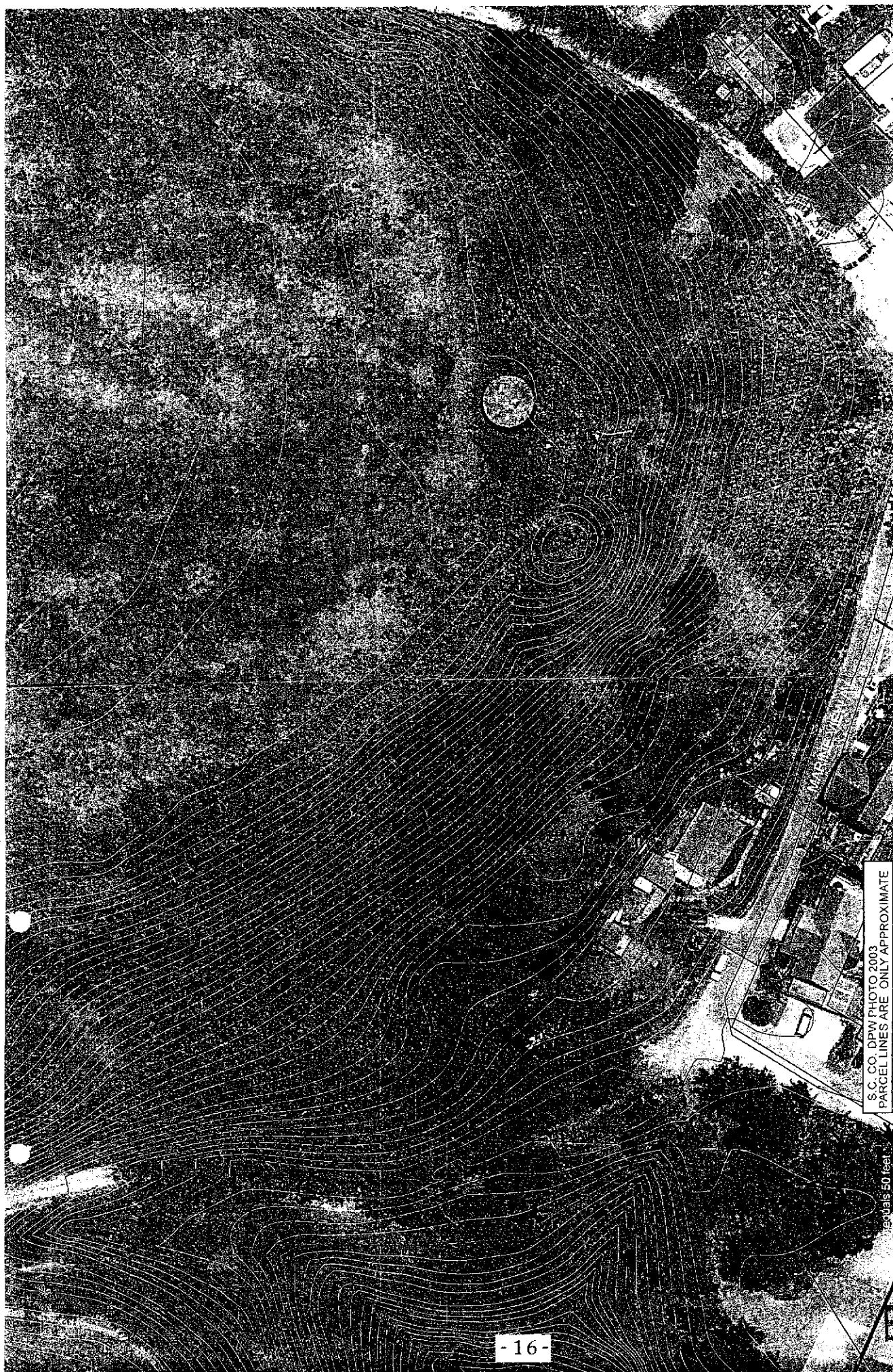


LEGEND

- APN: 058-084-01
- Assessors Parcels
- Streets
- Residential - Urban Low Density
- Agriculture
- Residential-Mountain
- Commercial-Neighborhood
- Public Facilities



Map created by
County of Santa Cruz
Planning Department
January 2008



S.C. CO. DPW PHOTO 2003
PARCEL LINES ARE ONLY APPROXIMATE

50 feet