



## Staff Report to the Agricultural Policy Advisory Commission

Application Number: **121283**

**Applicant:** Daryl Woods  
**Owner:** Robert W. Boettiger  
**APN:** 046-241-12

**Date:** February 21, 2013  
**Agenda Item #:** 6  
**Time:** 1:30 p.m.

**Project Description:** Proposal to demolish an existing single-story residence and attached sheds, and to construct a new 2-story, 4-bedroom 3,914 square foot single-family residence with attached garage on an RA-zoned parcel. Requires a Coastal Development Permit and an Agricultural Buffer Reduction Determination

**Location:** The property is located in the La Selva Beach area, on the east side of Lindero Drive approximately 1500 feet south of the intersection of Lindero Drive and Crest Drive at 297 Lindero Drive.

**Permits Required:** Agricultural Buffer Setback Reduction and Coastal Development Permit

### Staff Recommendation:

- Approval of Application 121283, based on the attached findings and conditions.

### Exhibits

- |    |               |    |                                   |
|----|---------------|----|-----------------------------------|
| A. | Project plans | D. | Assessor's, Location, Zoning, and |
| B. | Findings      |    | General Plan maps                 |
| C. | Conditions    |    |                                   |

### Parcel Information

Parcel Size:	15,681 square feet (0.36 acre)
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	North and south: Residential
	East and West: Commercial Agriculture
Project Access:	Driveway from Lindero Drive
Planning Area:	San Andreas
Land Use Designation:	AG (Agriculture)
Zone District:	RA (Residential Agriculture)
Supervisory District:	2nd (District Supervisor: Ellen Pirie)
Within Coastal Zone:	<u>  X  </u> Inside <u>    </u> Outside

Appealable to Calif. Coastal Comm.   X   Yes        No

### Services Information

Inside Urban/Rural Services Line:        Yes   X   No  
Water Supply: San Andreas Mutual Water District  
Sewage Disposal: Private septic  
Fire District: Aptos-La Selva Fire District  
Drainage District: Out of zone

### Analysis and Discussion

The proposed project is to demolish an existing 1-story residence and sheds and construct a two-story single-family dwelling of approximately 4,985 square feet on a 15,681 square foot (0.36 acre) parcel. The project is located at 297 Lindero Drive at La Selva Beach. The building site is within 200 feet of lands zoned Commercial Agriculture (CA) to the east and west. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 82 feet from APN 046-241-03 and to 35 feet from APN 046-241-08.

The subject property is characterized by primarily flat topography that slopes gently downward toward the west portion of the parcel. The parcel is not located within the Urban Services Line. The neighborhood consists of rural lanes with similarly-sized parcels developed with residences, with open agricultural parcels interspersed between the residential lanes. In the immediate vicinity, the adjacent Commercial Agriculture-zoned parcels are currently not in production. Neighborhood residences are a mix of one and two-story, older and newer homes. The parcel is located within the Agriculture (AG) General Plan designation and the implementing zone district is Residential Agriculture (RA). Commercial Agriculture zoned land is situated within 200 feet at the east and west sides of the parcel at Assessor's Parcel Numbers 046-241-08 (east) and 046-241-03 (west).

A reduced agricultural buffer is recommended because the 15,681 square foot parcel size would not allow sufficient building area for a single-family residence if the required 200 foot setbacks were maintained from adjacent Commercial Agriculture-zoned properties. The applicant is proposing a solid six-foot fence at the east property line and hedge plantings on the west border with CA-zoned parcels to create physical buffers to reduce the impact of agricultural activities on the proposed residential use, and to also therefore protect the agricultural interests on the Commercial Agriculture zoned parcels. In addition, the applicant will be required to record a Statement of Acknowledgement regarding the issuance of a building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts.

### Recommendation

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 82 feet from CA-zoned APN 046-241-03 and to 35 feet from CA-zoned APN 046-241-08 to the single-family dwelling proposed under Application # 121283, 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](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Alice Daly  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3140  
E-mail: [alice.daly@co.santa-cruz.ca.us](mailto:alice.daly@co.santa-cruz.ca.us)

Report Reviewed By: Steven Guiney, AICP  
Principal Planner, Development Review

**LET COVERAGES CALCULATIONS:**

1. Zone District: SA
2. Parcel area: 1.0000 (± 0.0000) ac
3. Lot area: 1.0000 (± 0.0000) ac
4. Lot area: 1.0000 (± 0.0000) ac
5. Percentage of parcel coverage: 100%

**HEATED SPACE CALCULATIONS:**

1. Total heated space: 3,014 sf
2. Total unheated space: 485 sf

**FLOOR AREA CALCULATIONS BY THE TYPE OF SPACE:**

1. **Basement:**
  - a. Area with ceiling less than 7' 6" in height: 0.00 sf
  - b. Area with ceiling 7' 6" or greater: 0.00 sf
  - c. Total basement area: 0.00 sf
2. **First Floor:**
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3. **Second Floor:**
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  - b. Area with ceiling 7' 6" or greater: 485 sf
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4. **Roof:**
  - a. Total roof area: 0.00 sf
5. **Other:**
  - a. Total other area: 0.00 sf

**APPLICABLE REGULATORY REQUIREMENTS:**

1. **Minimum lot area:** 1.0000 (± 0.0000) ac
2. **Minimum lot width:** 100.00 (± 0.0000) ft
3. **Minimum lot depth:** 100.00 (± 0.0000) ft
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**PROJECT OWNER:**

Rob Davidson and Associates  
207 Lindero Drive  
La Selva Beach, CA 95076  
Tel: 949.241.1212

**PROJECT ADDRESS:**

207 Lindero Drive  
La Selva Beach, CA 95076

**PROJECT DESCRIPTION:**

1. Change existing single story residence and attached 2 car garage to a 2-story residence with an attached 2 car garage.  
Total area = 4,000 sq. ft.

**APN:**

046-241-12

**LOT AREA:**

4,155.02 sq. ft. / .095 acre

**ZONING:**

RA (R-1-119 standard)

**OCCUPANCY:**

R-300

**CONSTRUCTION:**

Type V8, Fully Sprinklered

**WATER DISTRICTS:**

San Antonio Municipal Water Co.

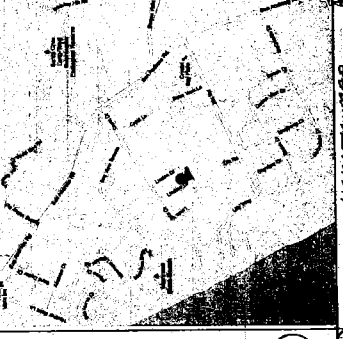
**COUSE:**

California Residential Code, 2010 Edition, (non-amended)  
California Building Code, 2010 Edition, (non-amended)  
California Mechanical Code, 2010 Edition, (non-amended)  
California Electrical Code, 2010 Edition, (non-amended)  
California Fire Code, 2010 Edition, (non-amended)  
California Energy Code, 2010 Edition, (non-amended)  
California Fire Code, 2010 Edition, (non-amended)  
California Fire Code, 2010 Edition, (non-amended)  
California Fire Code, 2010 Edition, (non-amended)

**ARCHITECT:**

Dayi Woods Architects  
207 Lindero Drive  
La Selva Beach, CA 95076  
Tel: 949.241.1212

**PROJECT DATA**



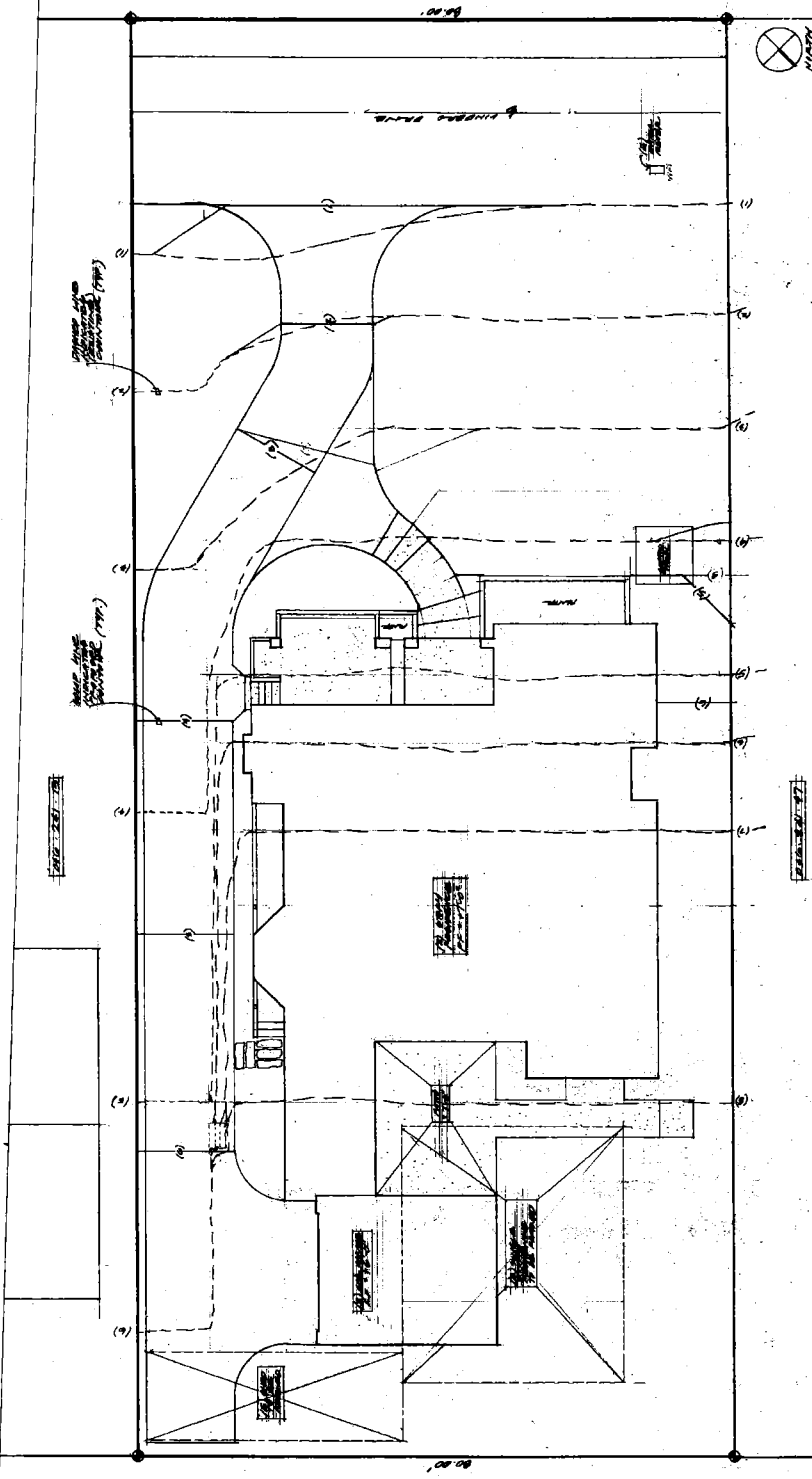
**PROJECT DATA**

207 LINDERO DRIVE  
LA SELVA BEACH, CA  
APN: 046-241-12

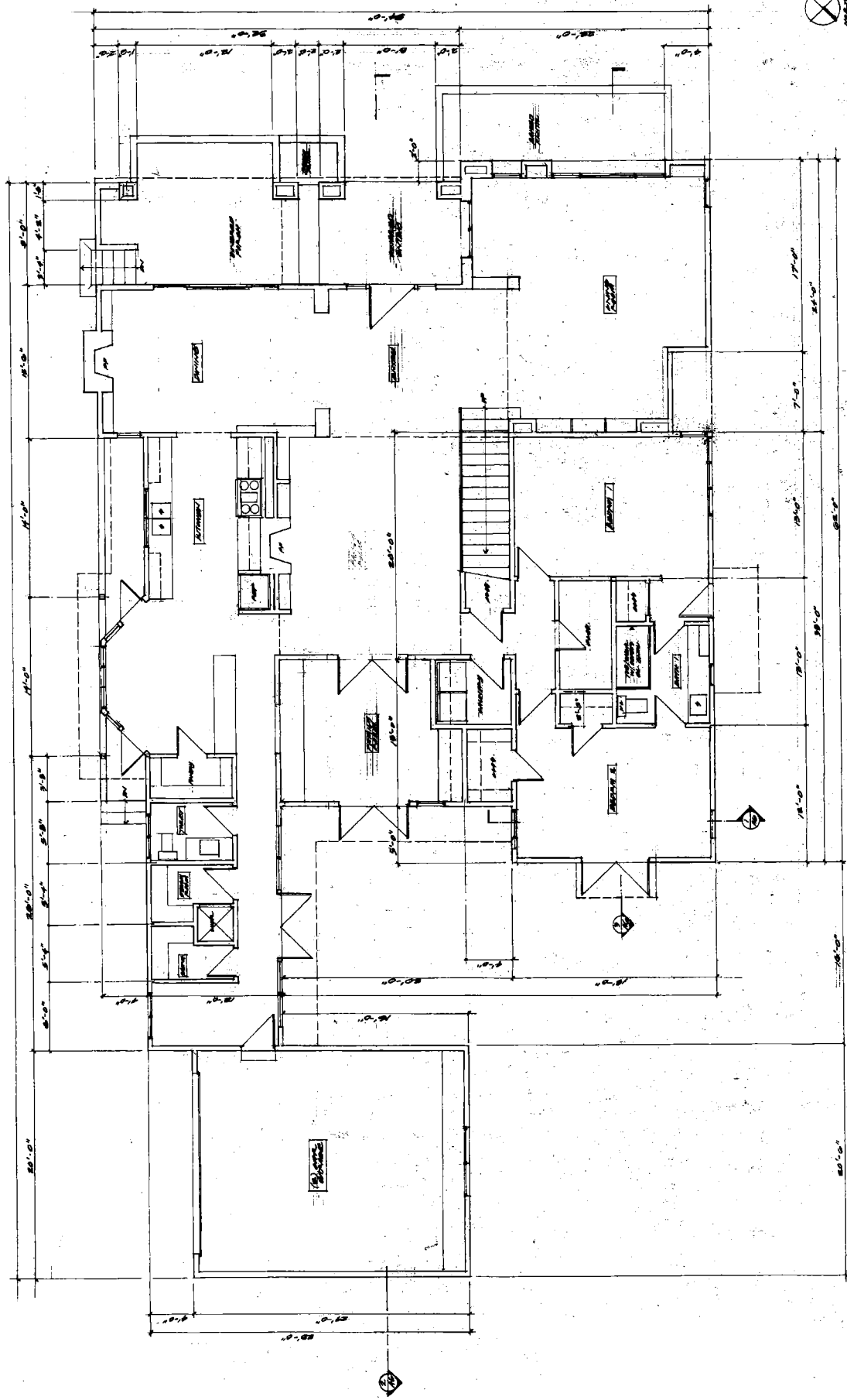
77

**SEALING AND FINISHING CONTROL NOTES**

1. Landscaping shall be kept to a minimum. Vegetation removed shall be placed in a designated area. The contractor shall be responsible for grading and clearing of all work to be installed.
2. The master production shall be installed prior to setting for final approval of the project and at all times between Oct. 15 and April 15. Entry permission shall be granted to the contractor at all times. Any deviation from the master production shall be reported to a representative of the City of Los Angeles. The contractor shall be responsible for maintaining and maintaining the master production at all times.
3. Between October 15 and April 15, the contractor shall be prohibited from installing any new landscaping or other improvements. The contractor shall be responsible for maintaining and maintaining the master production at all times.
4. Between October 15 and April 15, the contractor shall be prohibited from installing any new landscaping or other improvements. The contractor shall be responsible for maintaining and maintaining the master production at all times.
5. Any materials installed during construction shall be covered with plastic.
6. All paved materials shall be removed to an approved disposal site.
7. The contractor shall be responsible for maintaining and maintaining the master production at all times.
8. Areas to be installed shall be installed to a depth of 6 inches. The contractor shall be responsible for maintaining and maintaining the master production at all times.
9. All of the above shall not exceed 2.1. The contractor shall be responsible for maintaining and maintaining the master production at all times.



297 LINDERO DRIVE LA SELVA BEACH, CA APN: 046-241-12	
771 LINDERO LA SELVA BEACH CALIFORNIA 90717 818-234-1000	297 LINDERO LA SELVA BEACH CALIFORNIA 90717 818-234-1000

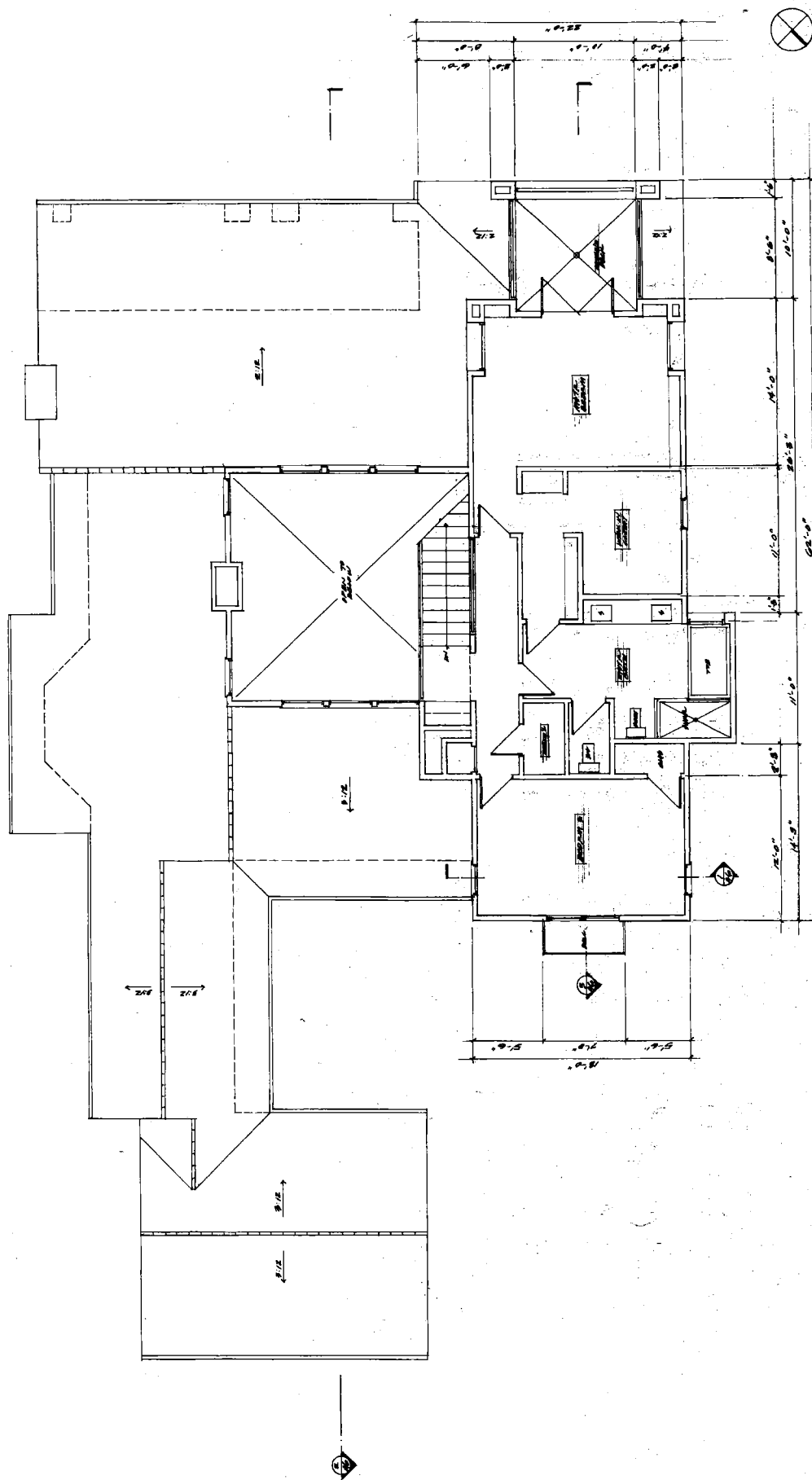


SECOND FLOOR PLAN

287 LINDERO DRIVE  
LA SELVA BEACH, CA  
APN: 046-241-12

271 Lindero  
LA Selva Beach  
CA 94026  
APN: 046-241-12

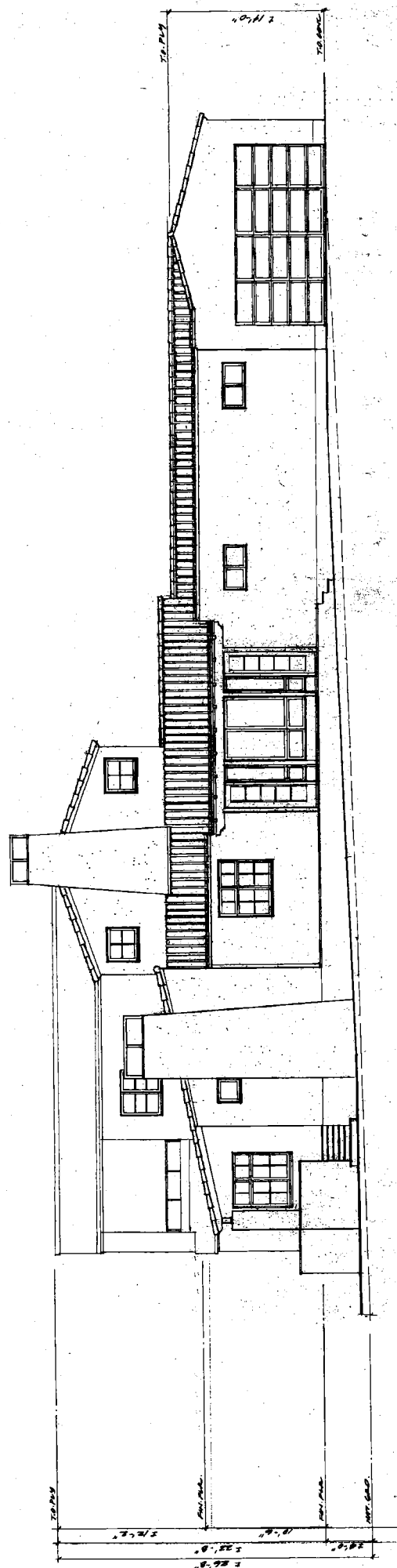
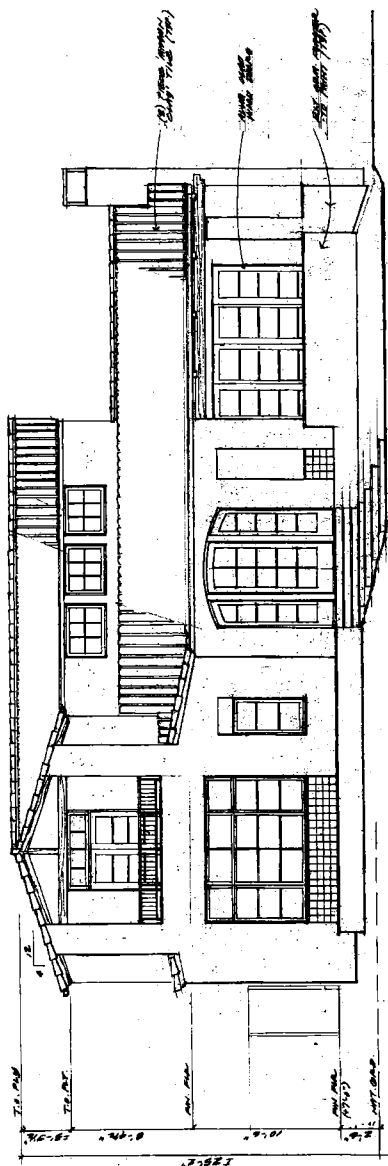
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2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	



237 LINDERO DRIVE  
LA SELVA BEACH, CA  
APN: 046-241-12

237 LINDERO  
LA SELVA BEACH  
CA 90401  
APN: 046-241-12

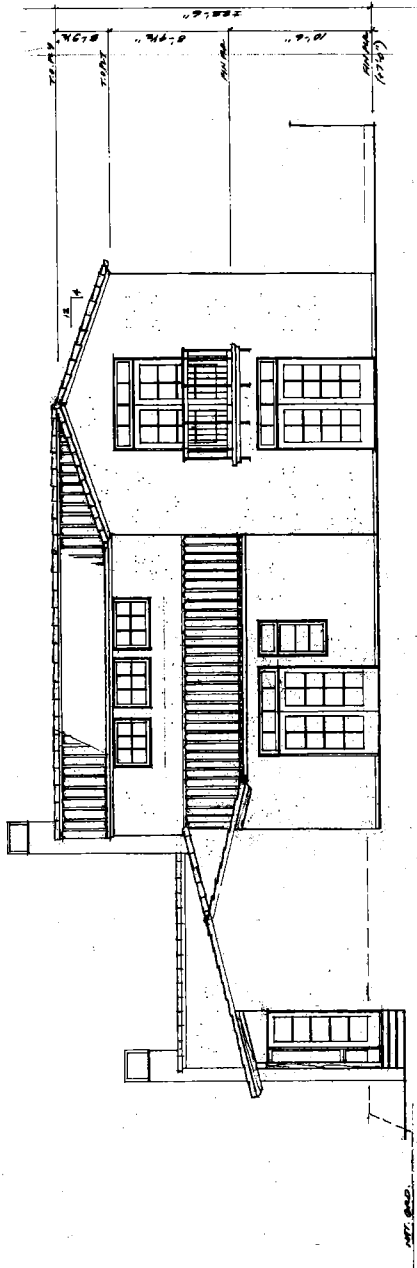
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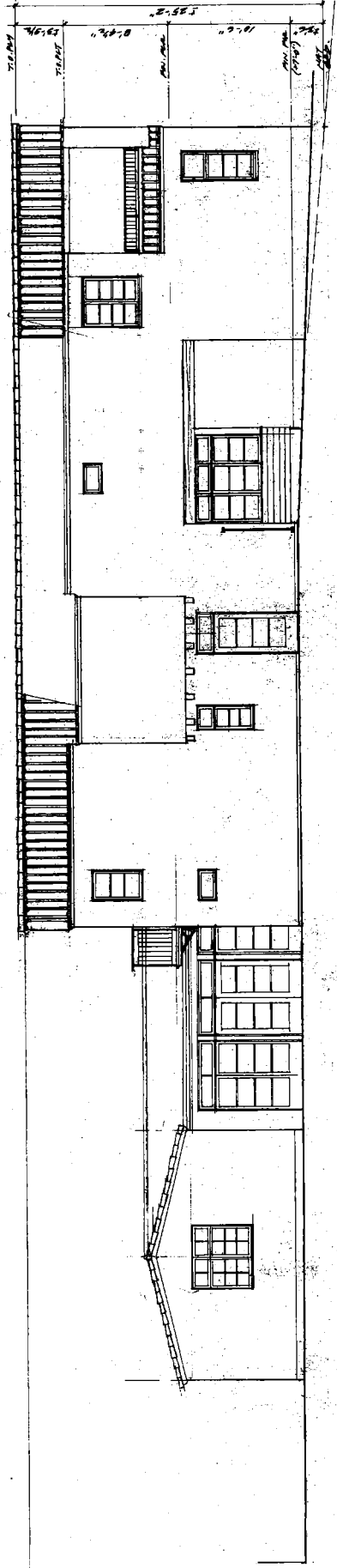
**297 LINDERO DRIVE  
LA SELVA BEACH, CA.  
APN: 046-241-12**

NAME	DATE
CAROL JENNIFER	11-11-2012



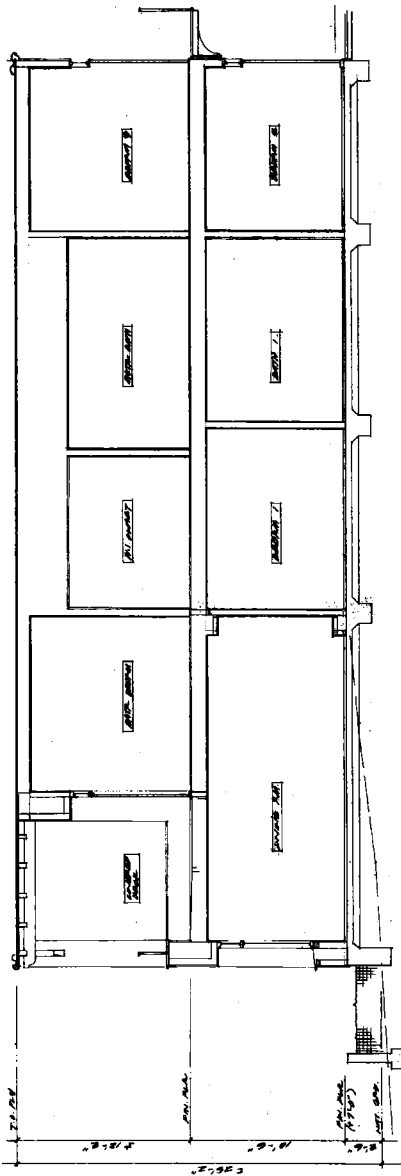
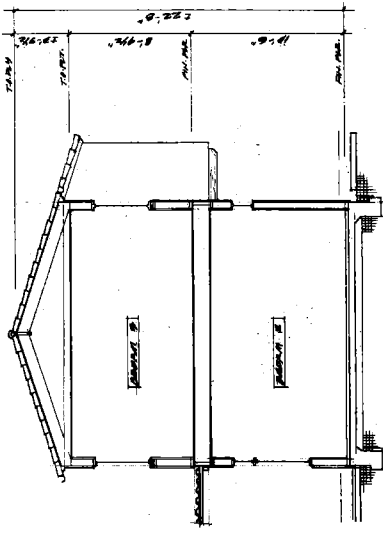


NORTH ELEVATION



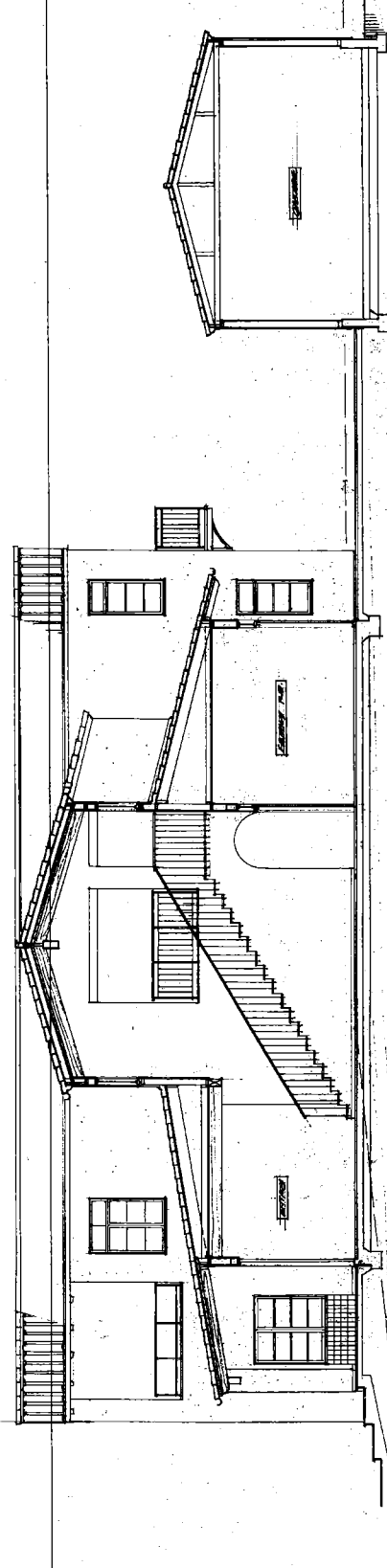
WEST ELEVATION

297 LINDERO DRIVE LA SELVA BEACH, CA APN: 046-241-12	
297 LINDERO DRIVE LA SELVA BEACH, CA APN: 046-241-12	11/8/2012 11/8/2012



SECTION 1/4" = 1'-0"

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297 LINDERO DRIVE  
LA SELVA BEACH, CA  
APN: 046-241-12

297 Lindero  
La Selva Beach  
California  
95005  
EST. 2001

DATE: 11-8-2001  
BY: [Signature]

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

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200 foot agricultural buffer setback; or

Not applicable. Significant topographical differences do not exist between the subject parcel and Assessor's Parcel Numbers 046-241-08 (east) and 046-241-03 (west).

2. Permanent substantial vegetation (such as a Riparian Corridor or Woodland protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which eliminate or minimize the need for a two hundred (200) foot agricultural buffer setback; or

Not applicable, as there are no permanent substantial physical barriers between the properties.

3. A lesser setback is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural development and the adjacent agricultural land, 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) or the existence of some other factor which effectively supplants the need for a two hundred (200) foot agricultural buffer setback; or

A lesser setback will be adequate to prevent conflicts between the residential development and the adjacent agricultural land, as Lindero Drive (a private road) and a proposed 6-foot-high wall of shrubs will create a physical barrier and separation between the subject property and APN 046-241-03, and 6-foot-tall solid wooden fence will create a physical barrier between the subject property and APN 046-241-08.

4. The imposition of a two hundred (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 (e.g. solid fencing and/or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

Due to the small size of the subject parcel (15,622 square feet), it would not be possible to build a residence on the property without approval of a reduction of the required 200-foot agricultural buffer setback. Further, as stated above, a solid 6-foot fence on one side and a 6-foot shrub barrier and private roadway on the other side will be required in order to provide the maximum possible buffering between the properties.

## Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to Assessor's Parcel Numbers 046-241-08 (east) and 046-241-03 (west). The setback shall be a minimum of 82 feet from APN 046-241-03 and 35 feet from APN 046-241-08 to the proposed new single-family dwelling. 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 Demolition Permit and 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 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 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 82 feet from APN 046-241-03 and to 35 feet from APN 046-241-08 from the proposed single-family dwelling to the adjacent Commercial Agriculture zoned parcels.
    2. Final plans shall show the location of the vegetative buffering barrier (and any fences/walls used for the purpose of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.
  - 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. The required vegetative and/or physical barrier shall be installed. The applicant/owner shall contact the Planning Department's Agricultural Planner, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
  - C. 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. The vegetative and physical barrier shall be permanently maintained.
  - B. All required Agricultural Buffer Setbacks shall be maintained.
  - C. 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.

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Minor Variations to this permit that do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires three years from the effective date listed below or if additional discretionary permits are required for the above permitted project, this permit shall expire on the same date as any subsequent approved discretionary permit(s) 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: \_\_\_\_\_

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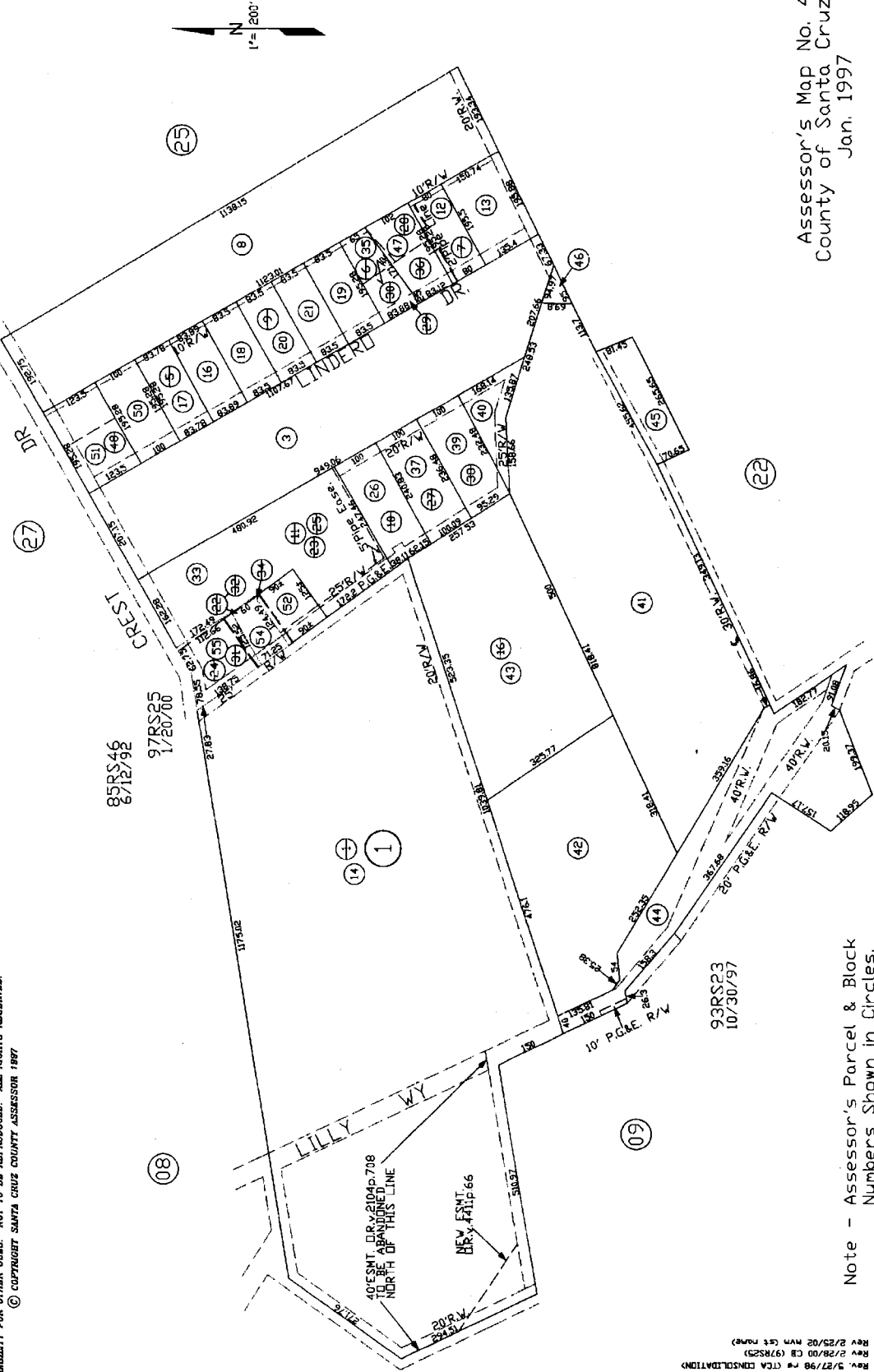
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

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.  
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POR. SAN ANDREAS RANCHO  
 SEC. 3, T.12S., R.1E., M.D.B. & M.

Tax Area Code  
 69-278

46-24



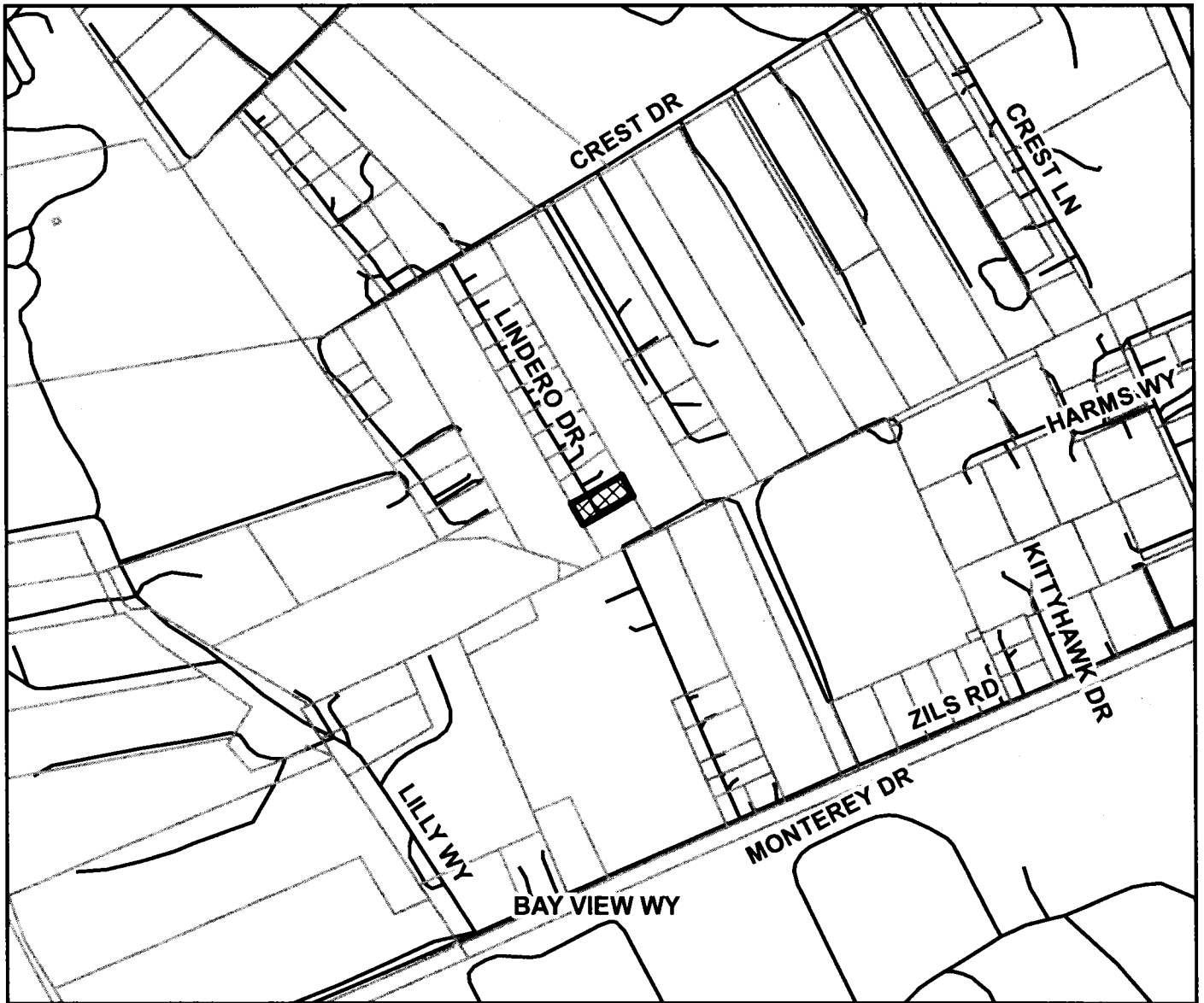
Assessor's Map No. 46-24  
 County of Santa Cruz, Calif.  
 Jan. 1997

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




Electronically Redrawn 1/22/97  
 Rev 9/12/97 CB (0012335 & 6, LBA 1-54 & 55)  
 Rev 11/20/97 RW (938523)  
 Rev 5/27/98 RW (TCA CONSOLIDATION)  
 Rev 2/28/00 CB (97R525)  
 Rev 2/25/02 NWN (ST NAME)

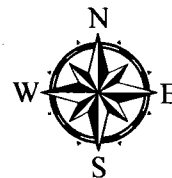


# Location Map



## LEGEND

-  APN: 046-241-12
-  Assessors Parcels
-  Streets



Map Created by  
County of Santa Cruz  
Planning Department  
December 2012





# Zoning Map



## LEGEND



APN: 046-241-12



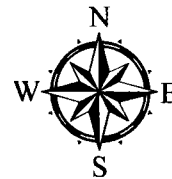
Assessors Parcels



Streets

AGRICULTURE RESIDENTIAL

AGRICULTURE COMMERCIAL



Map Created by  
County of Santa Cruz  
Planning Department  
December 2012





EXHIBIT D

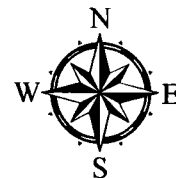


# General Plan Designation Map



## LEGEND

-  APN: 046-241-12
-  Assessors Parcels
-  Streets
-  Agriculture



Map Created by  
County of Santa Cruz  
Planning Department  
December 2012

EXHIBIT D