



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **141202**

Applicant: Daryl Woods
Owner: Andrew and Susan Di Girolamo
APN: 046-241-21

Date: 11/20/2014
Agenda Item #: 7
Time: 1:30 p.m.

Project Description: Proposal to construct a two story 1,026 square foot structure, including a 576 square foot garage at the lower floor and a 450 square foot habitable room above with a half bathroom (toilet and basin only), grading of approximately 287 cubic yards. Requires an Agricultural Buffer Reduction from 200 feet to APN 046-241-08 to 16 feet.

Location: North side of Lindero Drive, east of Crest Drive within the San Andreas Planning area.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Approval of Application 141202, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	15,507 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential to the east and west, unfarmed agriculture to north and south of subject property
Project Access:	Lindero Drive (25 foot right-of-way)
Planning Area:	San Andreas
Land Use Designation:	AG (Agriculture)
Zone District:	RA (Residential Agriculture)
Supervisory District:	2 (District Supervisor: Zach Friend)
Within Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No
Water Supply: Pajaro Valley Water Management Agency
Sewage Disposal: Septic
Fire District: Aptos La Selva Fire Protection District
Drainage District: Flood Zone 4

Analysis and Discussion

The property contains an existing dwelling with a previously approved agriculture buffer reduction (Application 101065) to reduce the required 200 foot setback from CA land to about 42 feet to the rear (north) and to about 88 feet in the front (south) for the dwelling. The applicant is now proposing to construct a two story accessory structure with a bedroom on the second story within 16 feet of the CA zoned property to the rear. This requires an agriculture buffer reduction.

The subject property is characterized by flat topography with exception of steep topography at the rear portion of the property. The parcel is located outside the Urban Services Line within the San Andreas planning area and can be characterized as a mixed rural agriculture and rural residential neighborhood. The parcel is located within the Agriculture (AG) General Plan designation and the implementing zone district is (RA) Residential Agriculture. Commercial Agriculture zoned land is situated within 200 feet at the north side of the parcel at Assessor's Parcel Number APN 046-241-08.

A reduced agricultural buffer is recommended due to the fact that the subject property does not allow sufficient building area if the required 200 foot setbacks were maintained from the adjacent Commercial Agriculture zoned property for an allowed use on the property. The property contains an existing 6 foot solid board fence along the north property line. The project is conditioned to provide a 6 foot vegetative hedge of plantings to reduce the impact of agricultural activities on the proposed residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcel(s). The applicant will also 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. Fire agency comments also require a turnaround meeting turnaround standards. This can be provided toward the front of the site and will be addressed prior to issuance of a building permit.

Recommendation

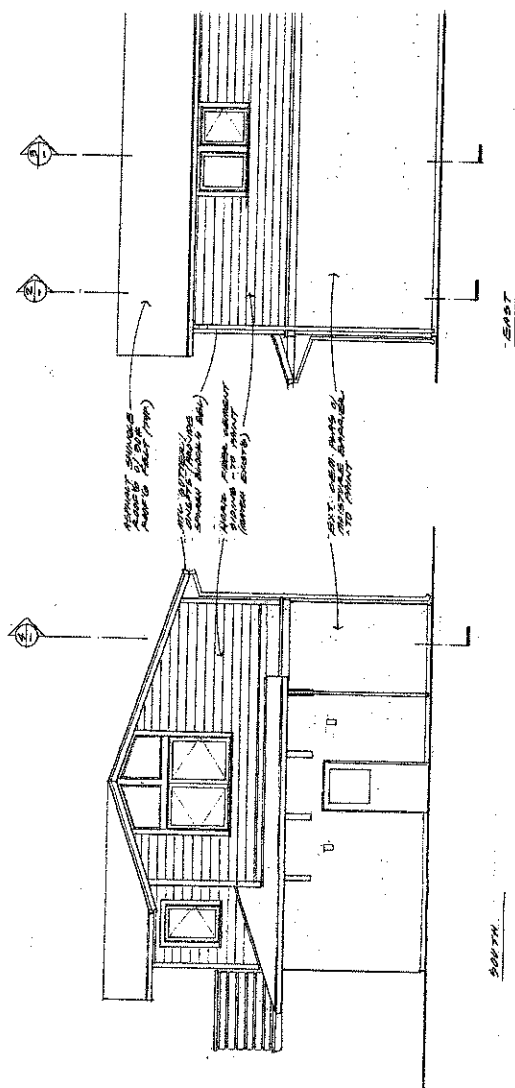
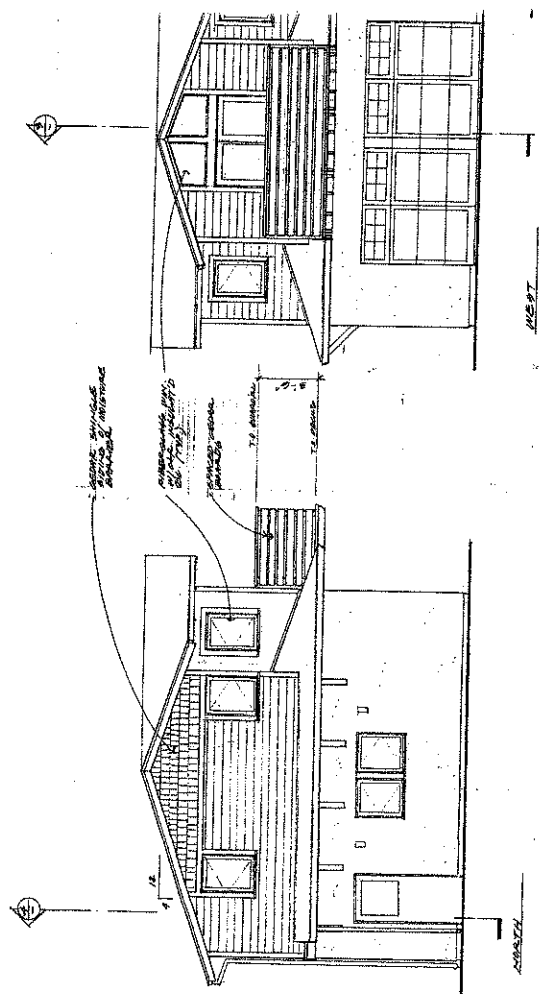
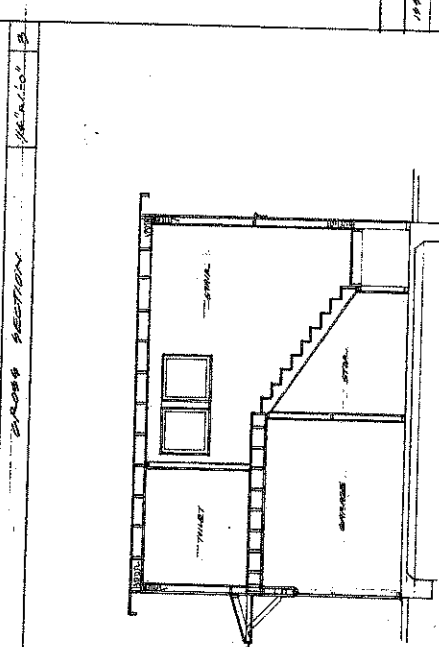
- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 16 feet to the single-family dwelling from the adjacent CA zoned property known as APN APN 046-241-08, proposed under Application # 141202, based on the attached findings and recommended conditions.

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: Sheila McDaniel
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2255
E-mail: sheila.mcdaniel@co.santa-cruz.ca.us

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



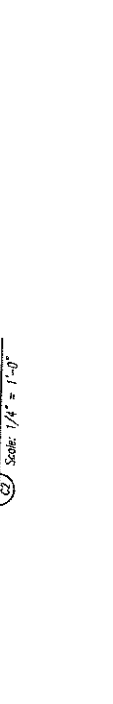
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FRANK'S 4181MTL	9.25.2014

EXTREME EVOLUTIONS

273 Lindero
La Selva Beach
California
95026

SECTION
12 Scope: $1/4" = 1'-0"$

SECTION
1
2
Scale: 1/4" = 1'-0"

[illegible][illegible]

**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
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
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
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.

The subject property is approximately 15,000 square feet in size and situated in an area of small, non-commercially viable agriculturally zoned parcels due to the small parcel size and/or development with single family residences. The proposed setbacks for the proposed structure comply with the site standards established for residential zoned parcels based on site size in accordance to 13.10.323. The construction of a solid board fence and vegetative buffering barrier along the north property line will provide an adequate physical separation between the subject property and agriculturally zoned property to the north should this parcel be farmed in the future.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from 200 feet to 16 feet to APN (046-241-08). 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 Coastal Development Permit, Residential Development Permit, and a Preliminary Grading Approval.
 - C. Obtain a Building Permit and Grading 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 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 16 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 046-241-08.
 2. Final plans shall show the location of a vegetative buffering barrier along the existing rear yard fence 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.

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 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: _____

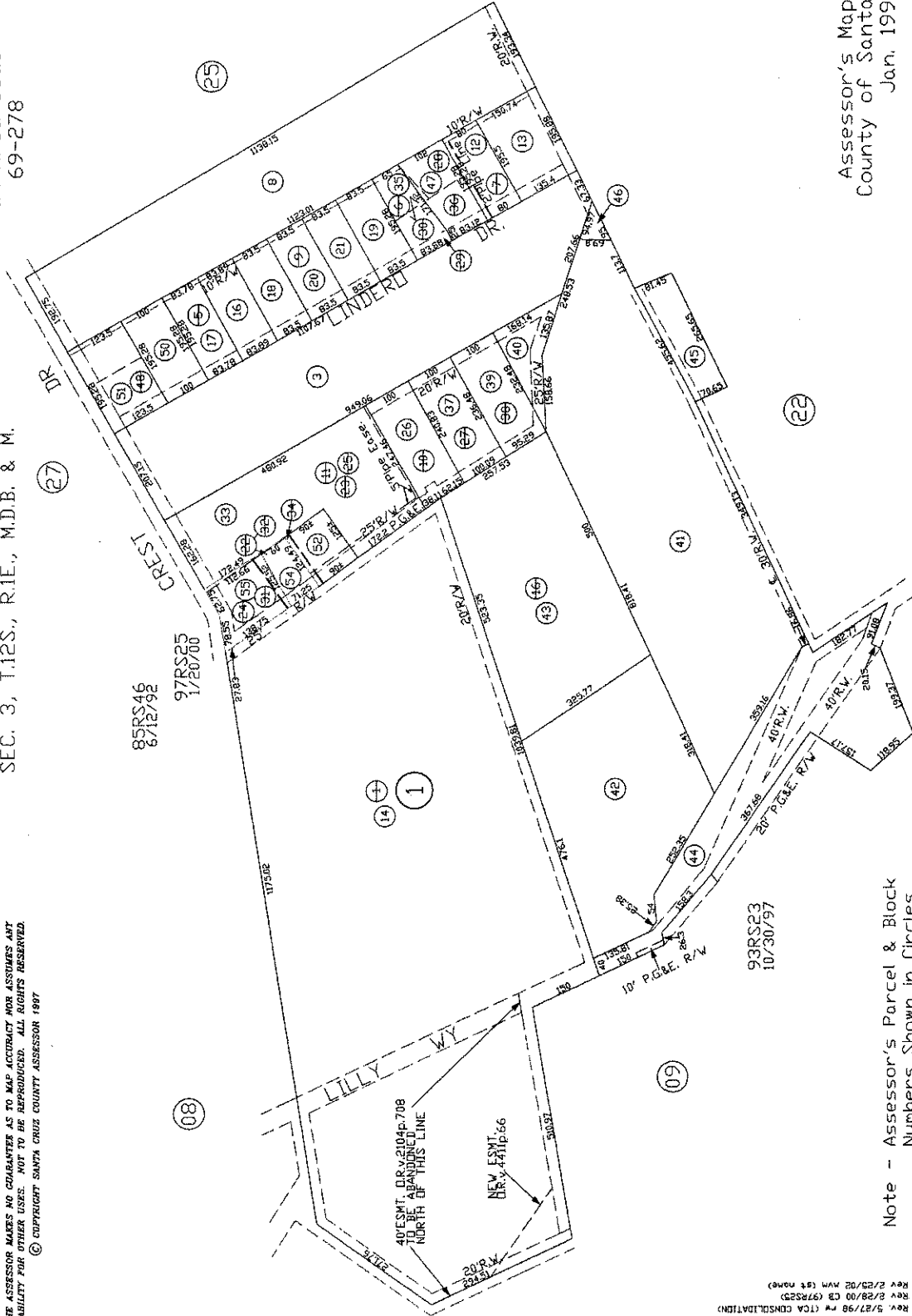
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors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

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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



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

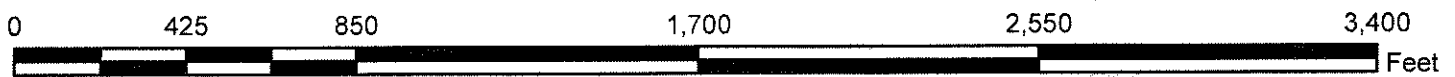
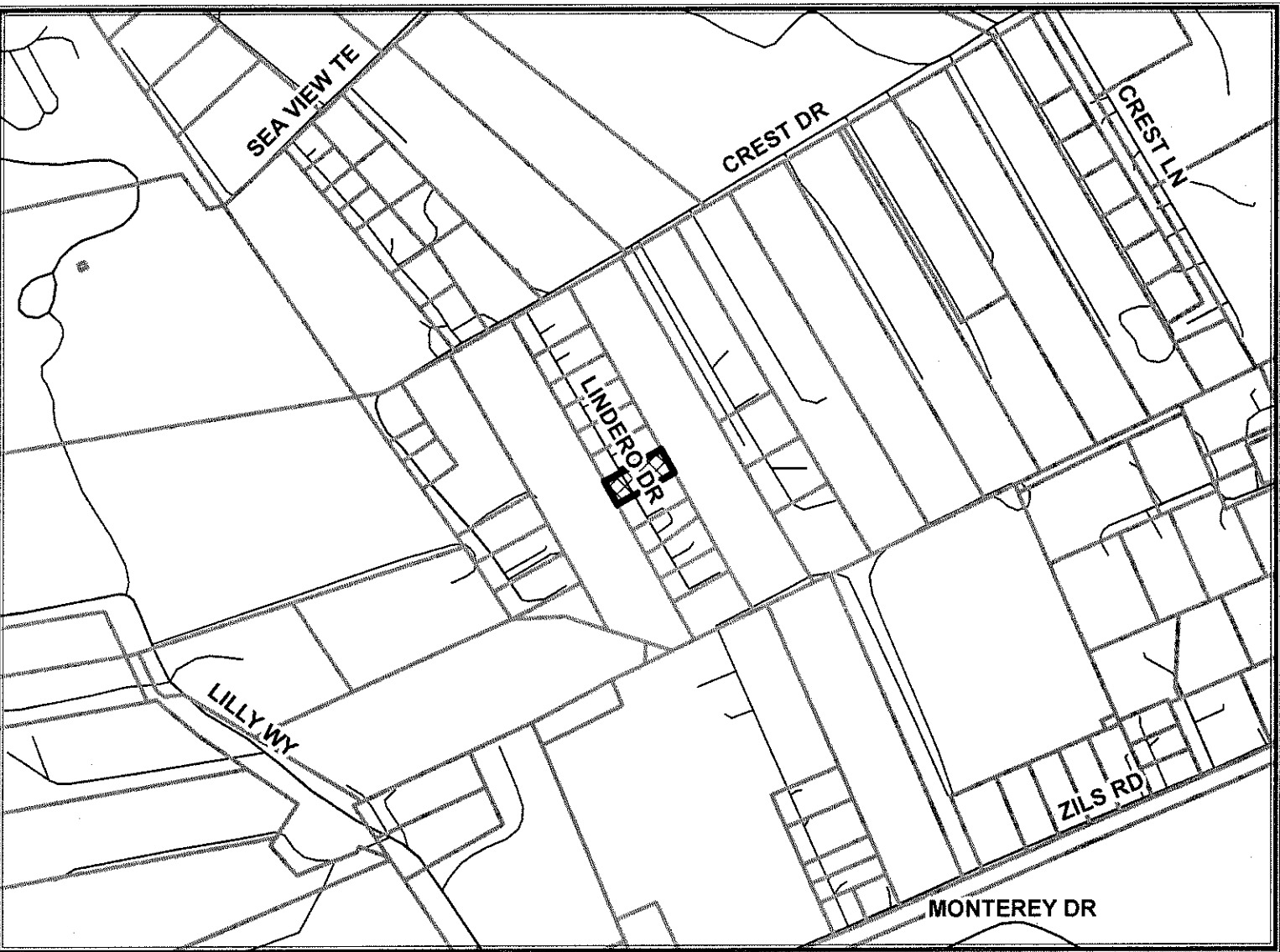
Assessor's Map No. 46-24
 County of Santa Cruz, Calif.
 Jan. 1997

Rev 2/23/02 MAM (ST NAME)
 Rev 2/28/00 CB (97RS25)
 Rev 5/27/98 M (TCA CONSOLIDATION)
 Rev 11/20/97 M (99RS23)
 Rev 5/12/97 CB (0002335 & 6, LBA 1-54 & 55)
 Rechecked by Reborn 1/22/97 M




EXHIBIT D



Location Map



LEGEND

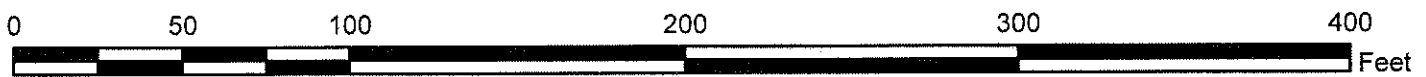
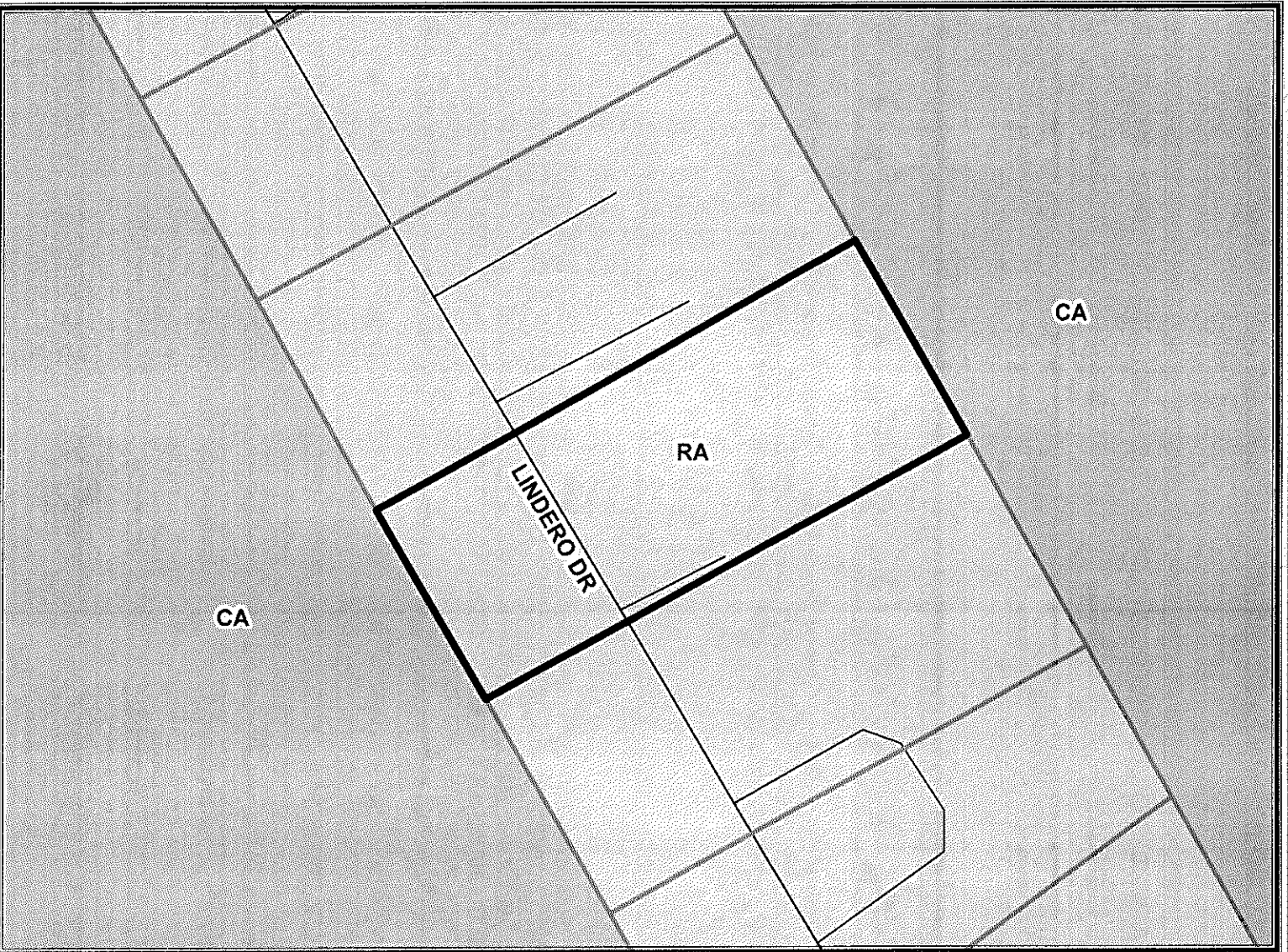
-  APN: 046-241-21
-  Assessors Parcels
-  Street



Map Created by
County of Santa Cruz
Planning Department
October 2014



Zoning Map



LEGEND



APN: 046-241-21



Assessors Parcels



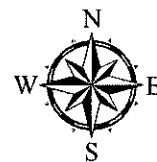
Street



AGRICULTURE RESIDENTIAL



AGRICULTURE COMMERCIAL

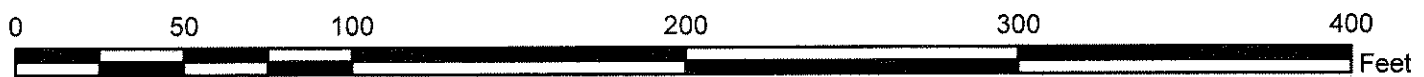
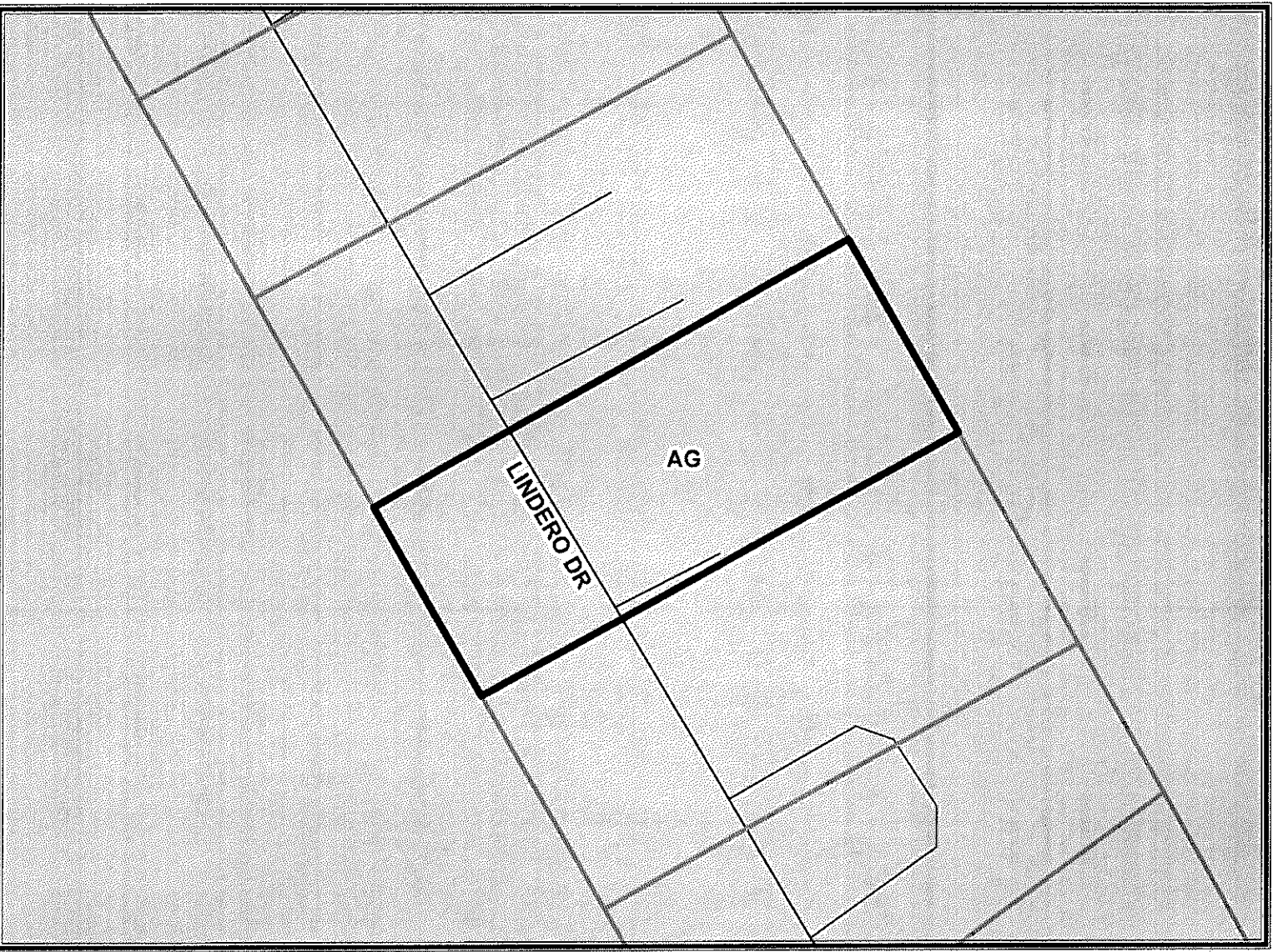


Map Created by
County of Santa Cruz
Planning Department
October 2014





EXHIBIT D

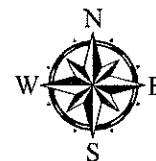


General Plan Designation Map



LEGEND

-  APN: 046-241-21
-  Assessors Parcels
-  Street
-  Agriculture



Map Created by
County of Santa Cruz
Planning Department
October 2014

EXHIBIT D



Discretionary Application Comments 141202

APN 046-241-21

Your plans have been sent to several agencies for review. The comments that were received are printed below. Please read each comment, noting who the reviewer is and which of the three categories (Completeness, Policy Considerations/Compliance, and Permit Conditions/Additional Information) the comment is in.

Completeness: A comment in this section indicates that your application is lacking certain information that is necessary for your plans to be reviewed and your project to proceed.

Policy Considerations/Compliance: Comments in this section indicate that there are conflicts or possible conflicts between your project and the County General Plan, County Code, and/or Design Criteria. We recommend that you address these issues with the project planner and the reviewer before investing in revising your plans in any particular direction.

Permit Conditions/Additional Information: These comments are for your information. No action is required at this time. You may contact the project planner or the reviewer for clarification if needed.

Coastal Commission Review

Routing No: 1 | Review Date: 10/28/2014

SHEILA MCDANIEL (SMCDANIEL) : Complete

Environmental Health Review

Routing No: 1 | Review Date: 10/10/2014

JIM SAFRANEK (JSafraneK) : Complete

Project is complete. Applicant will need to upgrade the existing onsite sewage disposal system under EHD septic permit prior to approval of the BP. An EHD Building Clearance (with site plan illustrating complete, approved septic system) is also required at the BP phase. EHD onsite septic inspector for consultation: Angela Gray, 454-2705, 8-9:30 AM.

Environmental Planning

Routing No: 1 | Review Date: 10/15/2014

ROBERT LOVELAND (RLOVELAND) : Complete

Conditions of Approval:

1. Submit a soils report (3 original signed/stamped versions) completed by a California licensed geotechnical engineer for review.
2. Submit a detailed grading/drainage plan completed by a licensed civil engineer for review.

Fire Review

Routing No: 1 | Review Date: 10/20/2014

ERIN COLLINS (ECOLLINS) : Incomplete



Discretionary Application Comments 141202

APN 046-241-21

Fire Review

The Aptos/La Selva Fire Department has reviewed the plans for the above cited project, **APPROVAL IS DENIED**. We require the additional information listed below in order to complete our review.

Please add the appropriate NOTES, DETAILS and INFORMATION on your plans and **RESUBMIT with an annotated copy of this letter. All changes to drawings will require "clouding of the change"**.

SHOW on the plans, **DETAILS** of compliance with the access road requirements. The access road shall be **12** feet minimum unobstructed width and maximum twenty percent slope. The access road fronting the project property corner to property corner shall conform to the minimum width standard.

ACCESS ROAD / DRIVEWAY REQUIREMENTS

The access road / driveway shall be an "all weather" surface. "All Weather Surface" is defined as a minimum 6" of compacted aggregate base rock, Class II or equivalent, and certified in writing by a licensed engineer to 95% compaction for grades up to and including 5%. For grades in excess of 5% but not exceeding 15%, oil and screeds shall be applied to a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95% compaction. For grades exceeding 15%, 2" of asphaltic concrete shall be applied over a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95%.

The maximum grade of the access road shall not exceed 20%, with grades greater than 15% not permitted for distances of more than 200 feet at a time.

The access road shall have a vertical clearance of 13'-6" for its entire width and length, including turnouts.

An approved turn-a-round shall be provided for access roads and driveways in excess of 150 feet in length.

Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.

All private access roads, driveways, turn-around and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.

The driveway shall be thereafter maintained to these standards at all times.

SHOW on the plans **DETAILS** of the Fire Department Turn-a-round in compliance with District Standard." Include dimensions. (See attached).

NOTE on the plans "the driveway / access road shall be in place prior to any framing construction, or construction will be stopped."

Project Review

Routing No: 1 | Review Date: 10/28/2014

Print Date: 10/28/2014

Page: 2

EXHIBIT E



Discretionary Application Comments 141202
APN 046-241-21

Project Review

SHEILA MCDANIEL (SMCDANIEL) : Incomplete

see incompleteness letter

Sheila McDaniel

From: Geisler, Karen@Coastal [Karen.Geisler@coastal.ca.gov]
Sent: Wednesday, October 22, 2014 9:12 AM
To: Sheila McDaniel
Subject: #141202 223 Lindero Road, La Selva Beach

Hello Sheila: Thanks for the sending in notification of a new planning application for the above project. We have the following comments for you:

- The project proposes to reduce the required 200-ft agricultural buffer to 16 feet. Please explain why this reduction is considered necessary and how this reduction will meet LCP requirements.
- The project proposes to amend an existing Coastal Development Permit (CDP) related to the above project site. Please provide a copy of the CDP approval along with the previously required conditions of approval.
- Please note the requirements for a habitable accessory structure and ensure this complies with the existing LCP requirements.
- Are there any biotic resources located in this area? Please clarify.

Let me know if you have any questions regarding the above.

Best

~Karen

Karen J Geisler, Coastal Program Analyst
California Coastal Commission, Central Coast District
725 Front Street, Suite 300, Santa Cruz, CA 95060
Phone: (831) 427 4863 Fax: (831) 427 4877
Karen.Geisler@coastal.ca.gov

www.coastal.ca.gov ><(((°>`.....><(((°>
.....><(((°>.....><(((°>

Sheila McDaniel

From: Jim Safranek
Sent: Thursday, October 02, 2014 10:22 AM
To: 'djwarch@sbcglobal.net'
Cc: Angela Gray; Sheila McDaniel
Subject: 223 Lindero Dr., LSB-- Dev Permit Review #14-1202

Daryl:

I don't know if you had a chance to check the septic permitting records for this parcel. The existing approved sewage disposal pits are not large enough (in volume) to accommodate the proposed project; an approved onsite sewage disposal application to upgrade the system will be required. I will link this EH requirement to the building permit phase.

For septic permitting questions, the district EH inspector for LSB is Angela Gray, 454-2705.

Jim Safranek, REHS
454-4743



Aptos/La Selva Fire Protection District

6934 Soquel Drive • Aptos, CA 95003
Phone # 831-685-6690 • Fax # 831-685-6699

October 20, 2014

Planning Department
County of Santa Cruz
Attention: Sheila McDaniel
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 046-241-21 / Appl # 141202
223 Lindero Drive

Dear Ms. McDaniel:

The Aptos/La Selva Fire Department has reviewed the plans for the above cited project, **APPROVAL IS DENIED**. We require the additional information listed below in order to complete our review.

Please add the appropriate NOTES, DETAILS and INFORMATION on your plans and **RESUBMIT with an annotated copy of this letter. All changes to drawings will require "clouding of the change".**

SHOW on the plans, **DETAILS** of compliance with the access road requirements. The access road shall be **12** feet minimum unobstructed width and maximum twenty percent slope. The access road fronting the project property corner to property corner shall conform to the minimum width standard.

ACCESS ROAD / DRIVEWAY REQUIREMENTS

- The access road / driveway shall be an "all weather" surface. "All Weather Surface" is defined as a minimum 6" of compacted aggregate base rock, Class II or equivalent, and certified in writing by a licensed engineer to 95% compaction for grades up to and including 5%. For grades in excess of 5% but not exceeding 15%, oil and screeds shall be applied to a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95% compaction. For grades exceeding 15%, 2" of asphaltic concrete shall be applied over a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95%.
- The maximum grade of the access road shall not exceed 20%, with grades greater than 15% not permitted for distances of more than 200 feet at a time.
- The access road shall have a vertical clearance of 13'-6" for its entire width and length, including turnouts.
- An approved turn-a-round shall be provided for access roads and driveways in excess of 150 feet in length.
- Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.

EXHIBIT E

- All private access roads, driveways, turn-around and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.
- The driveway shall be thereafter maintained to these standards at all times.

SHOW on the plans **DETAILS** of the Fire Department Turn-a-round in compliance with District Standard." Include dimensions. (See attached).

NOTE on the plans "the driveway / access road shall be in place prior to any framing construction, or construction will be stopped."

Sincerely,



Carol Wallace, Fire Marshal
Fire Prevention Division
Aptos/La Selva Fire Protection District

Cc: Daryl Woods
223 Lindero Drive
La Selva Beach, CA 95076