



## Staff Report to the Planning Commission

Application Number: **201104**

**Applicant:** Dennis Anderson  
**Owners:** Annette & Leroy Rasi  
**APN:** 046-091-17  
**Site Address:** 77 Lilly Way, Watsonville

**Agenda Date:** November 10, 2021  
**Agenda Item #:** 7  
**Time:** After 9:30 a.m.

**Project Description:** Proposal to replace an existing 868 square foot barn/greenhouse with a new 1,890 square foot barn with a toilet, replace an existing 2,111 square foot habitable structure and attached garage/workshop with a new 1,839 square foot ADU with an attached garage, and remodel an existing 3,528 square foot single-family dwelling and attached garage to a 3,566 square foot single-family dwelling with an attached garage, located in the CA-O (Commercial Agriculture-Open Space Easement) zone district, and a determination that this project is categorically exempt from further review under CEQA.

**Location:** Property located on the west side of Lilly Way approximately one-quarter mile northwest from the corner of Zils Road and Lilly Way.

**Permits Required:** Amendment to the Open Space Easement contract, Coastal Development Permit, and an Agricultural Buffer Setback Determination to reduce the required 200-foot buffer setback from Commercial Agricultural zoned property to about 20 feet on the north side.

**Supervisory District:** 2<sup>nd</sup> District (District Supervisor: Zach Friend)

### Staff Recommendation:

- Adopt the attached resolution (Exhibit G) recommending that the Board of Supervisors determine that the project is exempt from further review under the California Environmental Quality Act and approve Application 201104, based on the attached findings and conditions.

### Project Background

On October 10, 1996, the County Planning Department accepted application (96-0693) for an amendment to an Open Space Easement contract (2480-467), Coastal Development Permit, and Agricultural Buffer Setback Determination. It was submitted by the owner at that time to recognize the conversion and modification of the non-habitable accessory structure to a habitable structure and attached garage and to recognize the greenhouse building. The project planner took this application to the Planning Commission on July 28, 1999, where the Planning Commission recommended the Board of Supervisors approve the application. The application, however, never came before the Board because Aptos/La Selva Fire and Environmental Health Services identified compliance issues

County of Santa Cruz Planning Department  
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requiring resolution. The Fire agency required the provision of adequate access to the site and a fire hydrant with adequate water flow. Environmental Health required a satisfactory pumper's report for the septic system and indicated that they may require an expansion of the leach field. The applicant did not respond to these comments and Planning staff eventually sent a notice of project abandonment on August 4, 2006.

The subject contract (Exhibit I), which was recorded in 1975, recognized the existing buildings and uses on the property at the time the contract was executed; these included a single-family dwelling, a stable, and corral. While stipulations within some OSE contracts allow for exceptions for future development, no exceptions were included in the subject contract. An aerial photo of the subject parcel with existing structures is provided below.



The open space Easement Act of 1974 provides the means by which local governments may execute Open Space Easements (OSEs) with private landowners to maintain the natural or scenic character of the land. Through an OSE, a property owner relinquishes development rights in return for a reduction in local property taxes. A property owner may reserve the right to undertake future development if this "reservation" is contained in the easement document or added at a later date through a contract amendment. A copy of the Act is included as Exhibit J for your information. During the 1970s, Santa Cruz County was experiencing rapid and extensive growth. At that time, the Open Space Easement program was a primary tool used to limit development. Development on OSE lands was restricted by terms of the contract.

### **Project Description and Setting**

The approximately five-acre subject parcel is located in the CA-O (Commercial Agriculture-Open Space Easement Combining District) zone district. The long rectangular parcel has about 260 feet of frontage along the coastal bluff and is located in the rural San Andreas Planning area. Except for the bluff, the parcel is level. The existing single-family dwelling is set back about 70 feet from the bluff while the existing habitable building, garage/workshop, and greenhouse/shop are setback between 230 to 320 feet from the bluff. These buildings are somewhat clustered in the northwest corner of the parcel leaving a significant majority of the parcel in open space. Much of this open space is occupied by an apple orchard (approximately 2.3 acres). The previous owner did not grow any crops at the subject site, but the current owner is actively growing and managing an organic apple orchard which

extends to the five-acre parcel directly south of the subject site. At the time the Open Space Easement contract was executed, the area surrounding this property was predominantly agricultural with nearby development including single-family dwellings, the Monterey Bay Academy, and the Manresa Uplands State Beach and Campground.

The following is a chronology of development on the property:

- 1972 – Construction of a single-family dwelling with a building permit.
- 1972 – Conversion of an existing building (no County records for construction date, possibly habitable) to a stable and hay storage without a building permit.
- 1975 – Open Space Easement Contract recorded.
- 1978 – Construction of shed and garage attached to the stable without a building permit.
- 1979 – Construction of additions to, and conversion of the stable to a studio with building permits (total size of the finished building was about 950 square feet).
- 1980 – Building permit issued for a new gas meter for the studio, the second one on the parcel.
- 1986 – Construction of a 345 square foot greenhouse without a building permit.
- 1986 – Construction of about 610 square feet of shop addition to the greenhouse without a building permit.
- 1991 – Construction of a second garage attached to the studio without a building permit.

The total size of the existing habitable structure (studio and garage) is currently about 2,100 square feet, about 750 square feet of which was constructed without building permits. The 868 square foot non-habitable building (greenhouse/shop) was also built without building permits.

The current proposal includes replacing the existing habitable accessory structure, garage, and greenhouse with a new ADU, attached garage, and new barn with a toilet. The project also includes renovations to the existing single-family dwelling, including an interior remodel and outdoor deck expansion. Below is an itemized summary of the proposal:

- replace an existing 868 square foot barn/greenhouse with a new 1,890 square foot barn,
- replace an existing 2,111 square foot habitable structure with an attached garage/workshop and a new 1,193 square foot Accessory Dwelling Unit (ADU) with a 646 square foot attached garage, and
- remodel an existing 3,528 square foot single-family dwelling with an attached garage to become a 3,566 square foot single-family dwelling with an attached garage.

The proposal requires an amendment to the existing Open Space Easement contract (2480-467) since the contract currently states that there are no exceptions allowing construction of any buildings or structures on the site without OSPC approval. The applicant is requesting to amend this contract to include the proposed and renovated structures as exceptions as specified in the amended Open Space Easement contract (Exhibit H). The process to review Open Space Easement contracts begins with review by the Open Space Programs Committee (OSPC) with a recommendation to the Planning Commission who then makes a recommendation to the Board of Supervisors. A memorandum detailing the proposal was sent to members of the OSPC and was discussed at a meeting on June 7, 2021 (Exhibit K). The committee recommended the project move forward to the Planning Commission with one minor change to the amended OSE contract that includes allowing the property owner to do minor additions up to 250 square feet without having to amend the Open Space Easement contract. Any addition up to 250 square feet would however require a Coastal Development Permit,

which would allow review by Planning staff. This provision has been included in the amended Open Space Easement contract in addition to the proposed improvements listed above (Exhibit H).

### **Zoning & General Plan Consistency**

The subject property is an approximately five-acre lot, located in the CA-O (Commercial Agriculture-Open Space Easement) zone district, a designation which allows residential and agricultural uses as well as uses ancillary to these. The proposed project allows for principally and conditionally permitted uses within the zone district and the zoning is consistent with the site's AG (Agriculture) General Plan designation.

As noted above, the property is located in the CA-O zone district. The purpose of this district is to preserve agricultural lands and provide a wide range of agricultural uses and limited residential related uses. Accessory, habitable, and non-habitable structures used for both residential and agricultural purposes are conditionally permitted in this zone district. The proposed buildings meet the development standards of the zone district including setbacks, height, and lot coverage. The new buildings would be located in the same area as the existing ones; therefore, the existing apple orchard located on the eastern side of the parcel will not be diminished by the new development and will remain the same size. The purpose of the new barn is to store equipment and materials associated with the maintenance of the apple orchard. The lot coverage will remain virtually unchanged, increasing minimally from 3.8% to 4.2%.

The intent of the Open Space zoning is for the public to enjoy the benefit of continued preservation and conservation of the natural scenic beauty and existing openness of the rural area. The project development, due to the building locations, allows approximately 85% of the parcel to be available for agriculture/open space uses.

The language of OSE 2480-467 states that the basis for its establishment is "to preserve and conserve for the public benefit the natural scenic beauty and existing openness of the property, subject to certain retain rights for improvement, uses paths and trails." Amendment of the OSE to facilitate the new development would have no significant impact on scenic values. The site is within a mapped scenic area; however, the location of the proposed dwellings (ADU and new barn) is more than 200 feet from the bluff and would be screened by the existing single-family dwelling and a solid windbreak of cypress trees on the southwest corner of the adjacent parcel to the north. Even if the cypress trees were absent, the new buildings would not be visible from the beach below because of their location back from the bluff as shown in the sight line section on the cover sheet of the project plans dated January 7, 2021 (Exhibit D). Additionally, the subject parcel is about .75 miles and minimally visible from the nearest County designated Scenic Road, San Andreas Road.

### **Agricultural Buffer Setback Determination**

The project includes an Agricultural Buffer Setback Determination for the new ADU since it is located less than the required 200-foot setback from the adjacent Commercial Agriculture-zoned property on the north side of the parcel. The existing habitable structure is setback about ten feet from the adjacent (CA) zoned parcel, and the new ADU is setback twenty feet as required by the zone district. The adjacent parcel to the north (APN 046-091-05), is about 2.5 acres in size and developed with two single-family dwellings and has no agricultural operation currently. Existing buffer barriers between these two parcels and in the area of the residential development consist of a fence, domestic



landscape, and clusters of mature cypress trees. Due to the location of residential buildings and the adjacent parcel's size, agricultural use is significantly restricted.

Pursuant to County Code section 16.50.095 (Agricultural Buffer Setbacks), new habitable structures within the required 200-foot buffer setback are allowed if the required findings determine that a lesser setback, with physical buffer barriers, would prevent conflicts between the residential development and any potential agricultural use. Existing conditions of the site are such that if the ADU were moved at least 200 feet from the adjacent parcel it would either affect the existing, established agricultural area on the east side of the parcel or be very close to the existing single-family dwelling and closer to the bluff on the west side. Locating the ADU next to the new barn will not affect the existing agricultural operation and will provide more open space on the parcel. Staff has determined that installing a solid board, eight-foot-high fence along the north property line adequately addresses any potential conflicts between the agricultural and residential uses. Pursuant to County Code section 16.50.095(G), with notification to the Agricultural Policy Advisory Commission (APAC), buffer determinations for habitable structures can be made by Planning staff, and not require review by the APAC.

### **Design Review**

The project is within the Coastal Zone and subject to the County's Design Review Ordinance. The existing structures are traditional in style with shingle siding and composition shingle roofs. The new ADU, barn and remodeled single-family dwelling will all be a simple, low profile modern design with flat light grey membrane roofing and medium brown horizontal panels along the sides. The simple, modern style structures will complement homes in the surrounding rural neighborhood where a wide range of architectural styles exist including modern, traditional, and Mediterranean designs.

### **Local Coastal Program Consistency**

The proposed project is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles. The project site is located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Coastal access is available approximately 330 feet north where Manresa Uplands State Beach and Campground is located where trails lead down to the public beach below (approximately .4 miles from the subject site). Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

The subject site is located within a mapped General Plan Scenic area in the coastal zone. The home is not visible from the public beach below because the home is approximately 70 feet from the bluff and the existing habitable building, garage/workshop, and greenhouse/shop are setback between 230 to 320 feet from the bluff. The renovation to the existing single-family dwelling and replacement structures would be located in the same space as the existing structures. In addition, the structures would be screened by the existing single-family dwelling and a solid windbreak of cypress trees on the southwest corner of the adjacent parcel to the north; therefore, visual impact from the public beach below will be minimal.

### **Neighborhood Meeting**

As required by County Code, the owner hosted a neighborhood meeting to introduce neighbors to the project and solicit their feedback. The meeting was held via Zoom on September 28, 2021. No one attended. The owner, however, did receive positive feedback/verbal approval from two of the neighbors (86 and 95 Lilly Way) regarding the proposal prior to the meeting. Neighborhood meeting information is attached as Exhibit L.

### **Environmental Review**

The proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA). As proposed, the project qualifies for two exemptions under CEQA consistent with the CEQA guidelines in Section 3, New Construction or Conversion of Small Structures (15303), in section 17, Open Space Contracts or Easements (15317). The proposed project will be constructed within an area designated for residential and commercial agricultural uses that will include amending and renewing an open space easement contract under the Williamson Act.

### **Conclusion**

The proposal underwent an initial review as a building permit before it was flagged for discretionary review. As part of the discretionary permit, this proposal has been reviewed and approved with conditions by Aptos/La Selva Fire, Environmental Health, Environmental Planning, Building and the California Coastal Commission. As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 201104, based on the attached findings and conditions.

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.sccoplanning.com](http://www.sccoplanning.com)**

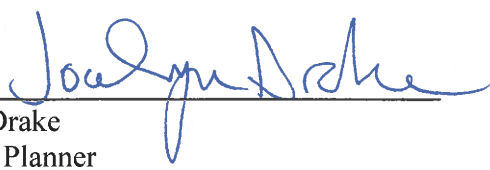
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EC

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Report Reviewed By: \_\_\_\_\_

  
Jocelyn Drake  
Principal Planner  
Development Review  
Santa Cruz County Planning Department

### Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Resolution Recommending Amendment of OSE 2480-467
- H. Amended Open Space Easement contract
- I. Open Space Easement contract (2480-467)
- J. Open Space Easement Act of 1974
- K. Open Space Programs Committee Memo and Minutes
- L. Neighborhood Meeting information
- M. OSPC Administrative Practice Guideline

## 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: 201104  
Assessor Parcel Number: 046-091-17  
Project Location: 77 Lilly Way, Watsonville

**Project Description:** Proposal to construct a new 1,890 square foot barn with a toilet, a new 1,839 square foot ADU with an attached garage and remodel an existing single-family dwelling and attached garage resulting in a 3,445 square foot single-family dwelling with an attached garage, located in the CA-O (Commercial Agriculture-Open Space Easement) zone district.

**Person or Agency Proposing Project:** Dennis Anderson

**Contact Phone Number:** (831) 457-8348

- 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).  
E. ☒ **Categorical Exemption**

Specify type: Class 3 – New Construction or Conversion of Small Structures (15303)

**F. Reasons why the project is exempt:**

Construction within an area designated for residential and commercial agricultural uses that will include amending and renewing an open space easement contract under the Williamson Act.

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

\_\_\_\_\_  
Elizabeth Cramblet, Project Planner

Date: \_\_\_\_\_

**EXHIBIT A**

## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned CA-O (Commercial Agriculture-Open Space Easement), a designation which allows residential and agricultural uses. The proposed project is a principal permitted use within the zone district, and the zoning is consistent with the site's AG (Agriculture) General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made. The project as proposed does not conflict with existing easements or development restrictions, except for the existing Open Space Easement contract (2480-467). The project includes a proposal to amend the contract to allow for construction of accessory structures, including a barn, ADU and garage. The project, as proposed, is consistent with the amended contract, as drafted.

The project includes an Agricultural Buffer Setback Determination for the new ADU since it is located less than the required 200-foot setback from the adjacent Commercial Agriculture-zoned property on the north side of the parcel. The existing habitable structure is setback about ten feet from the adjacent (CA) zoned parcel, and the new ADU is setback twenty feet as required by the zone district. The adjacent parcel to the north (APN 046-091-05), is about 2.5 acres in size and developed with two single-family dwellings and has no agricultural operation currently. Existing buffer barriers between these two parcels and in the area of the residential development consist of a fence, domestic landscape, and clusters of mature cypress trees. Due to the location of residential buildings and the adjacent parcel's size, agricultural use is significantly restricted.

Pursuant to County Code section 16.50.095 (Agricultural Buffer Setbacks), new habitable structures within the required 200-foot buffer setback are allowed if the required findings determine that a lesser setback, with physical buffer barriers, would prevent conflicts between the residential development and any potential agricultural use. Existing conditions of the site are such that if the ADU were moved at least 200 feet from the adjacent parcel it would either affect the existing, established agricultural area on the east side of the parcel or be very close to the existing single-family dwelling and closer to the bluff on the west side. Locating the ADU next to the new barn will not affect the existing agricultural operation and will provide more open space on the parcel. Staff has determined that installing a solid board, eight-foot-high fence along the north property line adequately addresses any potential conflicts between the agricultural and residential uses. As reflected in County Code section 16.50.095(G), with notification to the Agricultural Policy Advisory Commission (APAC), buffer determinations for habitable structures can be made by Planning staff, and not require review by the APAC.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban



density. The existing structures are traditional in style with shingle siding and composition shingle roofs. The new ADU, barn and remodeled single-family dwelling will all be a simple, low profile modern design with flat light grey membrane roofing and medium brown horizontal panels along the sides. The simple, modern style structures will complement homes in the surrounding rural neighborhood where a wide range of architectural styles exist including modern, traditional, and Mediterranean designs.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access is available approximately 330 feet north where Manresa Uplands State Beach and Campground is located where trails lead down to the public beach below (approximately .4 miles from the subject site). Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, residential and agricultural uses are allowed uses in the CA-O (Commercial Agriculture-Open Space Easement) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings and structures ancillary to the residential and agricultural use. Size and architectural styles vary in the area, and the design submitted is consistent with the pattern of development within the surrounding neighborhood.

The subject site is located within a mapped General Plan Scenic area in the coastal zone. The home is not visible from the public beach below because the home is approximately 70 feet from the bluff and the existing habitable building, garage/workshop, and greenhouse/shop are setback between 230 to 320 feet from the bluff. The renovation to the existing single-family dwelling and replacement structures will be located in the same space as the existing structures. In addition, the structures would be screened by the existing single-family dwelling and a solid windbreak of cypress trees on the southwest corner of the adjacent parcel to the north; therefore, visual impact from the public beach below will be minimal.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that the project site is located between the shoreline and the first public road. Public beach access is available approximately 330 feet north where Manresa Uplands State Beach and Campground is located where trails lead down to the public beach below (approximately .4 miles from the subject site). Consequently, the proposed project will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

## Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential and agricultural uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the location of the proposed project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the CA-O (Commercial Agriculture-Open Space Easement) zone district as the primary use of the property will be one single-family dwelling, one ADU, and a barn that meets all current site standards for the zone district.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential and agricultural use is consistent with the use and density requirements specified for the AG (Agriculture) land use designation in the County General Plan.

The proposed structures will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the structures will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed structures will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed structures will comply with the site standards for the CA-O zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The project includes an Agricultural Buffer Setback Determination for the new ADU since it is located less than the required 200-foot setback from the adjacent Commercial Agriculture-zoned property on the north side of the parcel. The existing habitable structure is setback about ten feet from the adjacent (CA) zoned parcel, and the new ADU is setback twenty feet as required by the zone district. The adjacent parcel to the north (APN 046-091-05), is about 2.5 acres in size and developed

with two single-family dwellings and has no agricultural operation currently. Existing buffer barriers between these two parcels and in the area of the residential development consist of a fence, domestic landscape, and clusters of mature cypress trees. Due to the location of residential buildings and the adjacent parcel's size, agricultural use is significantly restricted.

As per County Code section 16.50.095 (Agricultural Buffer Setbacks), new habitable structures within the required 200-foot buffer setback are allowed if the required findings determine that a lesser setback, with physical buffer barriers, would prevent conflicts between the residential development and any potential agricultural use. Existing conditions of the site are such that if the ADU were moved at least 200 feet from the adjacent parcel it would either affect the existing, established agricultural area on the east side of the parcel or be very close to the existing single-family dwelling and closer to the bluff on the west side. Locating the ADU next to the new barn will not affect the existing agricultural operation and will provide more open space on the parcel. Staff has determined that installing a solid board, eight-foot-high fence along the north property line adequately addresses any potential conflicts between the agricultural and residential uses. As per County Code section 16.50.095(G), with notification to the Agricultural Policy Advisory Commission (APAC), buffer determinations for habitable structures can be made by Planning staff, and not require review by the APAC.

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed project is to be constructed on an existing developed lot. No additional traffic will be generated as a result of this project.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed project is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed structures will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The existing structures are traditional in style with shingle siding and composition shingle roofs. The new ADU, barn and remodeled single-family dwelling will all be a simple, low profile modern design with flat light grey membrane roofing and medium brown horizontal panels along the sides. The simple, modern style structures will complement homes in the surrounding rural neighborhood where a wide range of architectural styles exist including modern, traditional, and Mediterranean designs.

### **Agricultural Buffer Reduction for Existing Lots Findings**

Notwithstanding the provisions of Section 16.50.095(b) an agricultural setback distance of less than 200 feet may be established for developments involving habitable uses on existing parcels of record when one of the following findings are made in addition to the required finding in Section 16.50.095(e):

1. Significant topographic differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200-foot agricultural buffer setback; or  
  
NA
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 200-foot agricultural buffer setback; or  
  
N/A
3. A lesser setback distance 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 200-foot agricultural buffer setback.

The existing habitable structure is set back about ten feet from the adjacent (CA) zoned parcel, and the new ADU is set back twenty feet as required by the zone district; therefore, the habitable structure will be further from the adjacent CA zoned parcel. The adjacent parcel to the north (APN 046-091-05), is about 2.5 acres in size and developed with two single-family dwellings and has no agricultural operation currently. Due to the location of residential buildings and the adjacent parcel's size, agricultural use is significantly restricted. Existing buffer barriers between these two parcels and in the area of the residential development consist of a fence, domestic landscape, and clusters of mature cypress trees which prevent conflicts between the residential development and any potential agricultural use.

4. 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 (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.

Existing conditions of the site are such that if the ADU were moved at least 200 feet from the adjacent parcel it would either affect the existing, established agricultural area on the east side of the parcel or

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Owner: Leroy and Annette Rasi

be very close to the existing single-family dwelling and closer to the bluff on the west side. Locating the ADU next to the new barn will not affect the existing agricultural operation and will provide more open space on the parcel. Staff has determined that installing a solid board, eight-foot-high fence along the north property line adequately addresses any potential conflicts between the agricultural and residential uses. As per County Code section 16.50.095(G), with notification to the Agricultural Policy Advisory Commission (APAC), buffer determinations for habitable structures can be made by Planning staff, and not require review by the APAC.

5. In the event that an agricultural buffer setback reduction is proposed, and the proposed nonagricultural development is located on Type 1, Type 2 or Type 3 commercial agricultural land, the nonagricultural development shall be sited so as to minimize possible conflicts between the agricultural land use located on the subject parcel; and the nonagricultural development shall be located so as to remove as little land as possible from production or potential production.

The new ADU will be located in the same area as the existing habitable structure, with the exception of being moved 10 additional feet to meet the side setback requirement for the zone district. The size of the proposed ADU and attached garage is smaller than the existing structure and the footprint is essentially the same. No land currently used for agricultural use will be removed as a result of the proposed ADU. The area dedicated to the apple orchard will remain the same as it currently exists.



## Conditions of Approval

Exhibit D: Project plans, prepared by Anderson McKelvey Architects, dated 8/6/2021.

- I. This permit authorizes the construction of an 1,890 square foot barn, an 1,839 square foot ADU and attached garage and remodel existing single-family dwelling as indicated on the approved Exhibit "D" for this permit. 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 from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County-road right-of-way.
- 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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 copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
    2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review

**EXHIBIT C**

and approval.

3. Include on the project plans and elevations a solid board 8-foot high fence along the north property line.
4. Grading, drainage, and erosion control plans.
5. Details showing compliance with fire department requirements.

B. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area. Following are additional comments from the building permit submittal:

- 1) Based on the supplied information in the first routing, this project is proposing less than 5,000 square feet of new and/or replaced impervious and semi-impervious area – it shall be recognized as a ‘Medium’ project per Part 3 of the County Design Criteria. If road widening or other associated flat work/access improvements are proposed OR required (Fire Dept), please update the final tabulation table to reflect an updated project scope. Projects that exceed 5,000 square feet of new and/or replaced impervious and semi-impervious area are classified as Large project and shall require a civil engineer to design a final stormwater plan due to requirements for quantification calculations and a supplemental drainage report.
  - a. Please review Appendix A and Appendix C in the County Design Criteria. Submit a completed Appendix A, Project Information and Threshold Determination form, with the resubmittal. Appendix C shall provide a thorough list of submittal requirements for this project, please address each part of the stormwater mitigation requirements outlined in this section. The first routing submittal provides minimal stormwater mitigation information for the proposed redevelopment project.
  - b. Show existing and proposed drainage patterns.
  - c. Complete a site assessment of the existing drainage conditions and note any additional mitigations that may be required (review of the completed geotechnical report by Butano suggests relatively saturated conditions near finished grade, please incorporate the geotechnical recommendations into the final plan design for stormwater mitigation).
  - d. Provide the final best management practices (no mitigations are currently provided for the redevelopment/new impervious area runoff, sheet A5 shows a tight line pipe for the new roof drains. Please show the entire drainage design and dispersal location. If this project will utilize existing stormwater mitigations, please

**EXHIBIT C**

assess the mitigation for condition and capacity to handle the additional runoff).

- e. Provide safe overflow.
  - f. Address Part 3 Section D, Source Control Measures, of the County Design Criteria (include notes/direction/narrative on a plan sheet to reduce and mitigate pollutant generating activities).
  - g. Provide final construction cross-section details for all stormwater mitigations (at a minimum: invert elevations, slope, pipe type & dimension, compaction specifications, material type, methods of construction, and dimensions).
  - h. Provide an Operation & Maintenance schedule/narrative on a plan sheet for all permanent stormwater mitigations (include use restrictions, inspection frequencies, signs of failure, and suggested maintenance – do not reference third party specifications).
- 2) Please have the geotechnical report signed and stamped by the licensed engineer, include with the resubmittal.
  - 3) Ensure a 25-foot separation is provided between all sanitary/septic and stormwater improvements. Setback is set by the Environmental Health Department, please contact EH for any questions or requests.
- C. Meet all requirements of the San Andreas Mutual Water Company. Proof of water service availability is required for the ADU and non-habitable barn prior to application for a Building Permit.
- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services. Following are additional conditions of approval:
- 1) Individual Sewage Disposal Upgrade Permit must be approved. Approval pending building plan review.
  - 2) Storm water requirements and improvements must be shown in relation to sewage disposal system on plans. All storm water improvements must meet required setbacks to existing septic system and future replacement area.
  - 3) A recorded Septic Agreement or Declaration of Restriction is required for the proposed non-habitable barn.
  - 4) Provide approval by San Andreas Mutual Water Company to serve the new ADU and barn.
- E. Meet all requirements of the Environmental Planning section of the Planning

Department. Following are additional conditions of approval:

- 1) Submit a Geotechnical Plan Review letter for review when submitting revisions for the building permit. Please make sure the project geotechnical engineer reviews all pertinent plan sheets and that he references the latest revision dates.
  - 2) The project will include overexcavation/recompaction earthwork. Provide earthwork estimates (cubic yards) for this work and include lateral extents in the calculation.
  - 3) Provide a detailed drainage plan for review. The plan shall conform to geotechnical engineer recommendations.
- F. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- G. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
- H. Pay the current fees for Parks and Child Care mitigation for two (2) bedroom(s). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- I. Pay the current fees for Roadside and Transportation improvements for two (2) bedroom(s). Currently, these fees are, respectively, \$1,000 and \$1,000 per bedroom.
- J. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for an accessory dwelling unit is \$2 per square foot.
- K. Provide required off-street parking for five (5) cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- L. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- M. Complete and record two Declaration of Restrictions: 1) Regarding Accessory Dwelling Unit, and 2) to Maintain a Structure as a Non-Habitable Accessory Structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- N. Complete and record an Agricultural Statement of Acknowledgement, (or evidence that the statement has already been made part of the parcel deed), for parcels within 200 feet of commercial agricultural land as identified on the Agricultural Resources Maps and General Plan and LCP Land Use Maps.

**EXHIBIT C**

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. Construction activity is limited to between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday in order to avoid noise during more sensitive nighttime hours, unless a temporary exception to this time restriction is approved in advance by the Building Official to address an emergency situation. Construction activity of Sundays is prohibited. Interior finish work such as painting, tilling, etc., that does not produce sound that might be heard beyond the boundaries of the parcel (hammering, use of an electric drill, sawing, etc.) is not restricted.

V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by



the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

---

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 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: \_\_\_\_\_

**EXHIBIT C**

Application #: 201104  
APN: 046-091-17  
Owner: Leroy and Annette Rasi

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 Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

## PROJECT DESCRIPTION

[illegible]

## CONTACTS

**OWNER**  
LEROY RAY  
276 GREEN VALLEY ROAD  
FREEDOM, CA 95019  
(831) 325-9947  
leeroy@att.net

**ARCHITECT**  
ANDERSON MCKELVEY ARCHITECTS  
336 SQUEL AVENUE  
SANITA CRUZ, CA 95062  
(831) 457-8346  
denise@andmck.com

**SURVEYOR**  
MICHAEL F. BEAULT, C.E.  
565 PESO COURT  
SANITA CRUZ, CA 95062

## PROJECT DATA

APN: 046-09-117  
TOWNSHIP: CACO  
COUNTY: U & R-3  
OCCUPANCY CLASSIFICATION: VB  
CONSTRUCTION TYPE: PO  
SPRINKLERED: NO  
LOT AREA: 217,807 sq.ft. (5.0 acres)  
PG&E easement = 212,166 sq.ft.  
-5,641 sq.ft.

## SHEET INDEX

	OPEN SPACE INFO, SITE PLAN, SITE SECTION
A1	BARN - EXISTING FLOOR PLANS & ELEVATIONS
A2	BARN - PROPOSED FLOOR PLAN & ELECTRICAL PLAN
A3	BARN - PROPOSED ELEVATIONS
A4	BARN - BUILDING SECTION
A5	ADU - EXISTING FLOOR PLAN
A6	ADU - EXISTING ELEVATIONS
A7	ADU - PROPOSED FLOOR PLAN
A8	ADU - PROPOSED ELEVATIONS
A9	ADU - BUILDING SECTIONS
A10	MAIN HOUSE - EXISTING FLOOR PLAN
A11	MAIN HOUSE - EXISTING EXTERIOR ELEVATIONS
A12	MAIN HOUSE - PROPOSED FLOOR PLAN
A13	MAIN HOUSE - PROPOSED EXTERIOR ELEVATIONS
A14	MAIN HOUSE - PROPOSED ELEVATIONS

PHOTOVOLTAIC PANELS TO BE  
INSTALLED ON ALL NEW ROOFS

1.19  
1.89  
0.98

<b>AREAS</b>	
WATERWAY:	16,785 sq ft
SEED MATH HOUSE:	5,254 sq ft
SEED ADU:	1,883 sq ft
SEED BARN:	1,894 sq ft
OL WATER TANKS (2):	160 sq ft
	<b>25,976 sq ft (12.2%)</b>
<b>APPROVED DEVELOPED AREA</b>	<b>32,670 sq ft</b>

## COVERAGE

HOUSE: HALLWAY: BATH: KITCHEN: LIVING ROOM: DINING ROOM: BED ROOM: PATIO: GARAGE: TOTAL:	4,879 sq. ft. 2,146 sq. ft. 894 sq. ft. 80 sq. ft. 7,991 sq. ft. (3.9%)	4,913 sq. ft. 1,893 sq. ft. 1,894 sq. ft. 160 sq. ft. 8,650 sq. ft. (4.2%)
---	---	--

ADDRESS NUMBERS TO BE 4" MIN. HEIGHT  
AND OF A COLOR CONTRASTING WITH THE

## BACKGROUND

### EXISTING SITE PLAN

**SIGHT LINE SECTION**

PRODUCED BY AN



**ANDERSON  
MCKELVEY**  
3540 KINGSWAY AVE  
SAN JOSE, CA 95051  
TEL: 408.253.2024



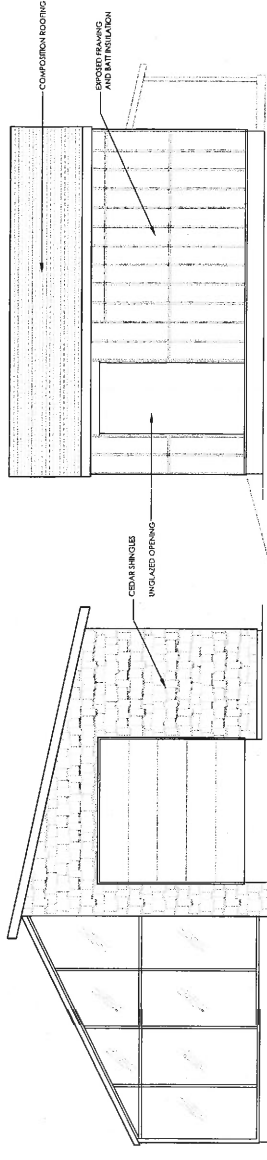
77 LILLY WAY BARN  
ACCESSORY BUILDING  
LA SELVA BEACH, CA 95076  
APN: 046-09-117



EXISTING  
BARN/GREENHOUSE  
TO BE DEMOLISHED  
DRAFT PERMIT 8-30-2023

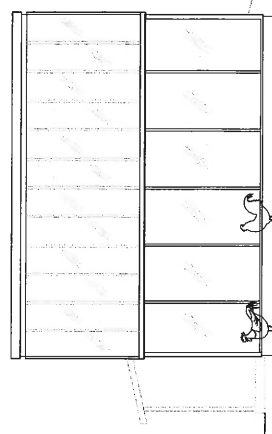
DATE 14 September 2023  
SCALE 1/4" = 1'-0"  
DRAWN FOR  
2 October 2020

**B2**

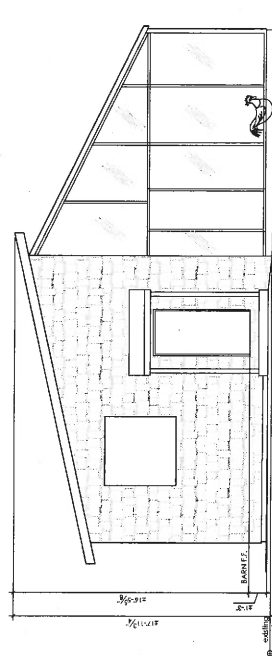


**A** EXISTING GREENHOUSE/BARN - EAST ELEVATION  
Scale: 1/4" = 1'-0"

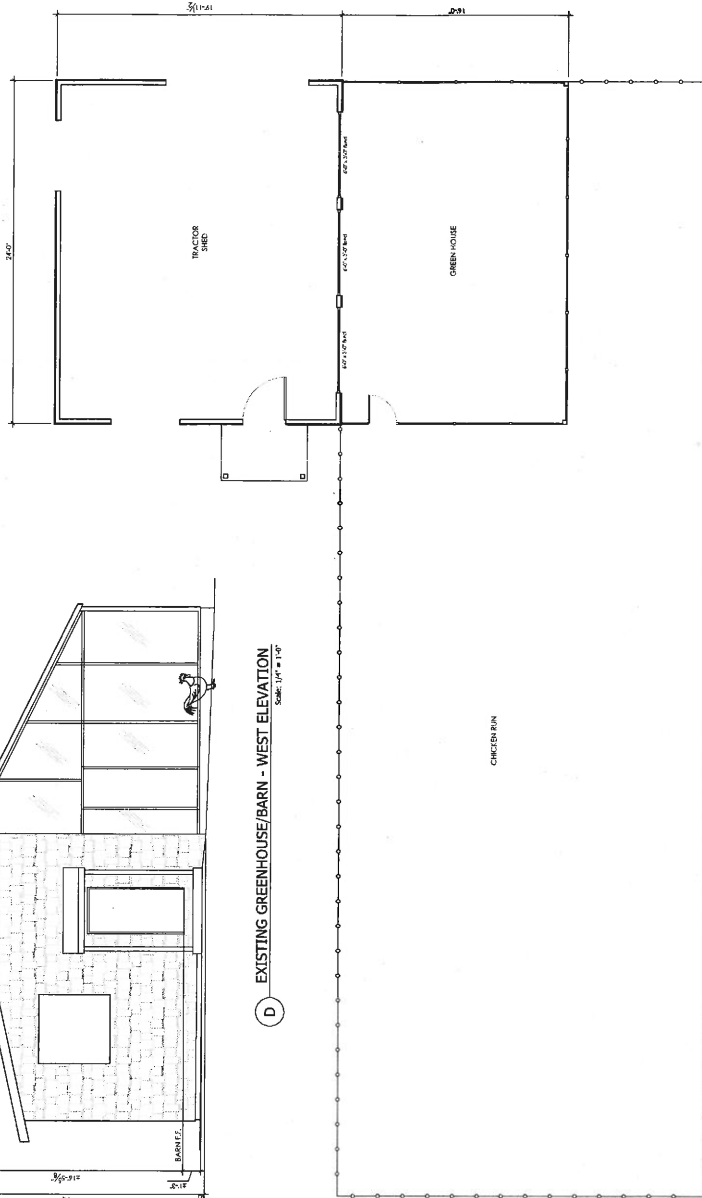
**B** EXISTING BARN - NORTH ELEVATION  
Scale: 1/4" = 1'-0"



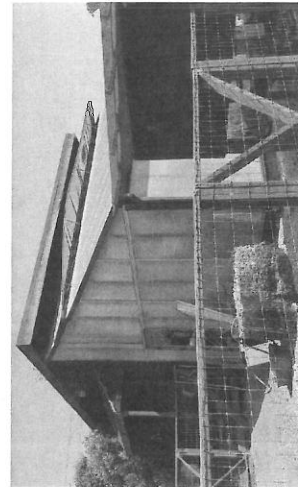
**C** EXISTING GREENHOUSE - SOUTH ELEVATION  
Scale: 1/4" = 1'-0"



**D** EXISTING GREENHOUSE/BARN - WEST ELEVATION  
Scale: 1/4" = 1'-0"

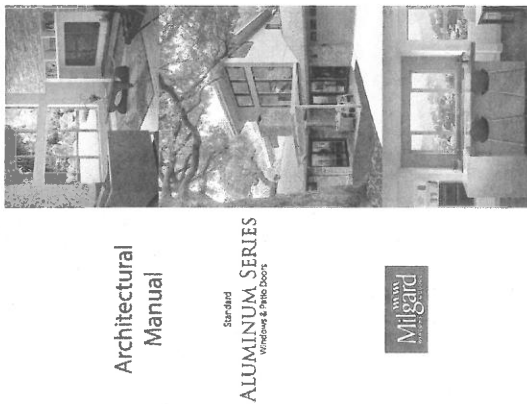
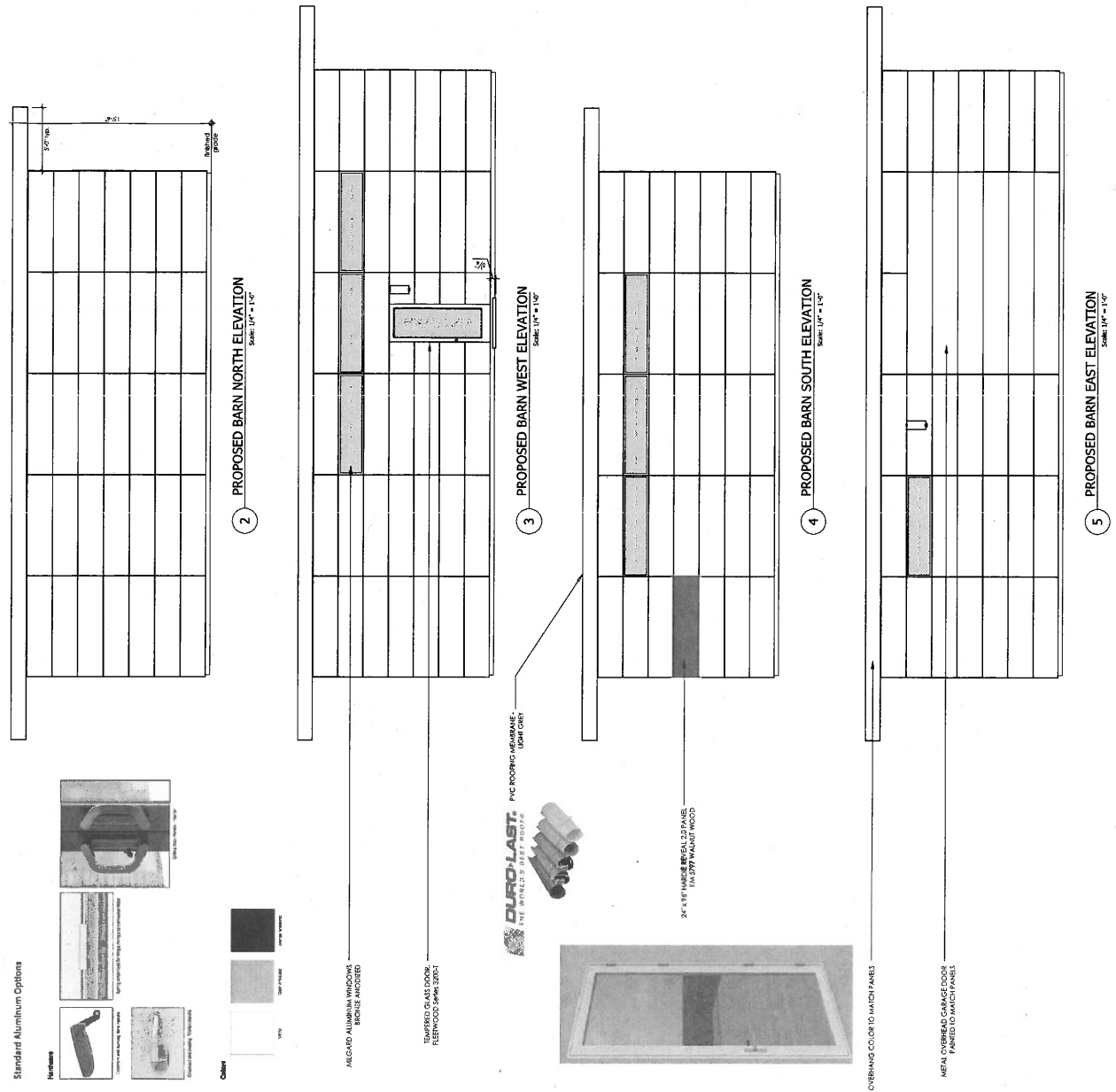


**1** EXISTING BARN/GREENHOUSE FLOOR PLAN  
Scale: 1/4" = 1'-0"



## 24





**About Reveal® Panel System**

**Integrity & modern aesthetics**  
Get the look you are after with the solution that offers design flexibility. The Reveal® Panel System by James Hardie can be utilized to create an effective modern, classic, or industrial look.

A system of components specifically developed for multi-family and commercial applications, the Reveal® Panel System offers the design flexibility you need.

Beginning with a commercial grade panel developed for multi-family and light commercial applications, the Reveal® Panel System by James Hardie is a complete solution for creating a panel and door. Utilizing a variety of materials, including steel, brick, and concrete, the Reveal® Panel System offers the design flexibility you need.

**Design Freedom**

- 2 1/2" thick, covered or double panels.
- Panels can be used to create a variety of looks.
- Can be used with a variety of finishes and colors.
- Panels are also available in a variety of sizes.
- Horizontal or vertical application.

**Unique Aesthetics**

- Shows a variety of looks with every design.
- Two different types of panels.
- Expanded or contracted to fit your needs.
- Call Milgard today. Solution provides design flexibility.





**ANDERSON  
MCKELVEY**  
254 S. STOKES AVENUE  
SANTA ANA, CA 92701  
TEL: 949.207.2344  
FAX: 949.207.2345



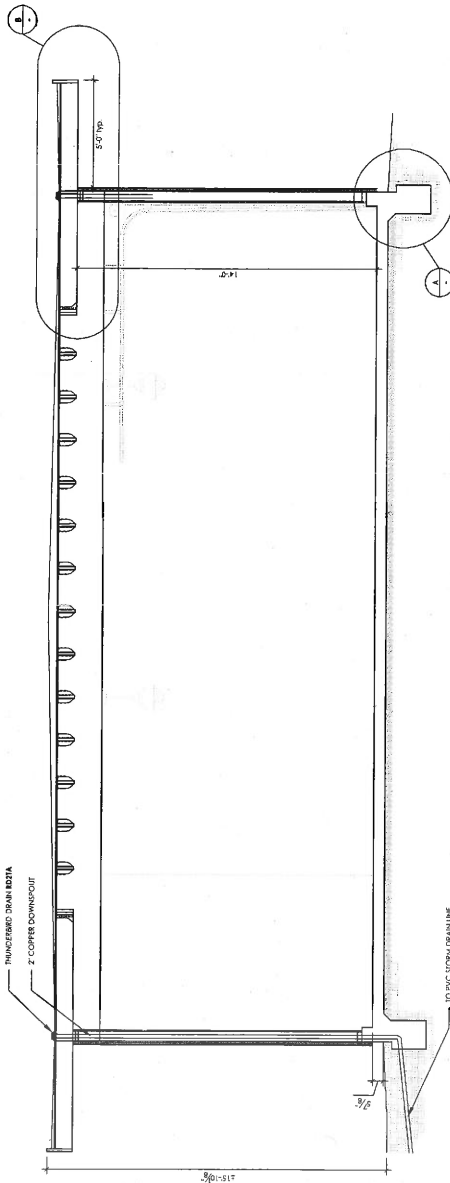
LA SELVA BEACH, CA 95076  
APN: 046-09-117  
ACCESSORY BUILDING  
**77 LILLY WAY BARN**



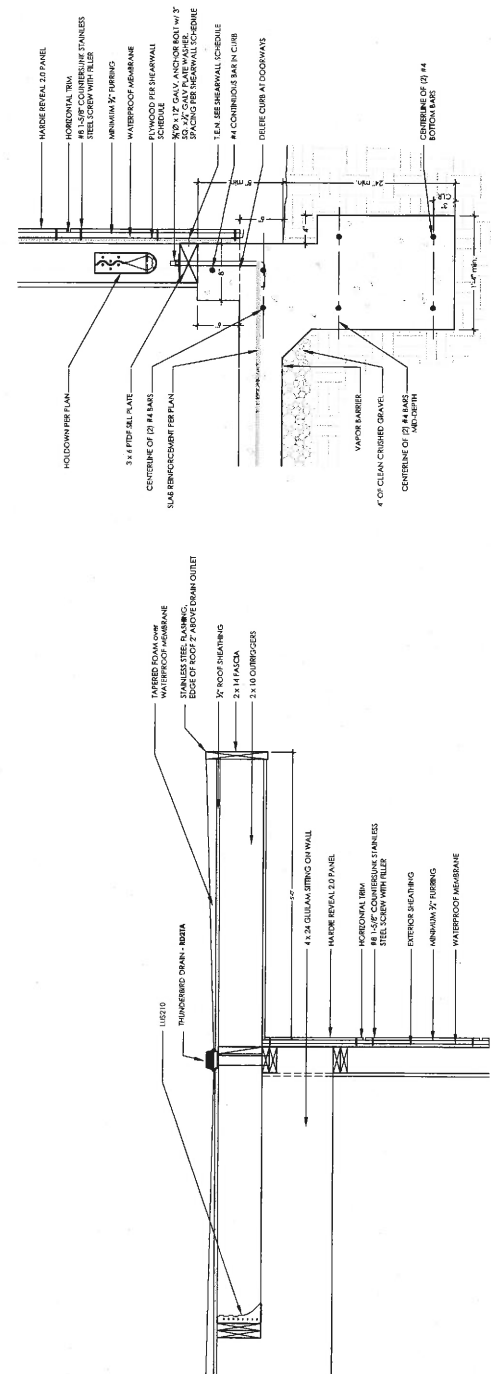
**BUILDING SECTION  
& DETAILS**

DESIGNER  
RICE  
SCALE  
DATE 14 OCTOBER 2020  
2 OCTOBER 2020

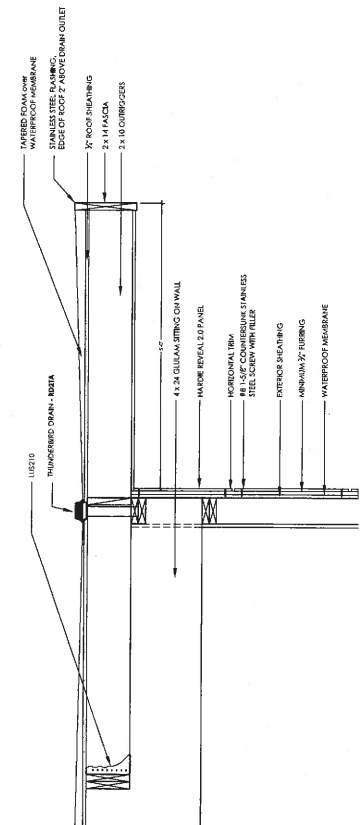
**B5**



**2 BUILDING SECTION**  
Scale: 3/8" = 1'-0"



**A FOUNDATION SECTION**  
Scale: 1/2" = 1'-0"



**B EAVE SECTION**  
Scale: 1" = 1'-0"



ANDERSON  
MCKELVEY  
224 COUNTRY AVENUE  
LOS ANGELES, CA 90048  
TEL: 310.407.2244  
FAX: 310.407.2245



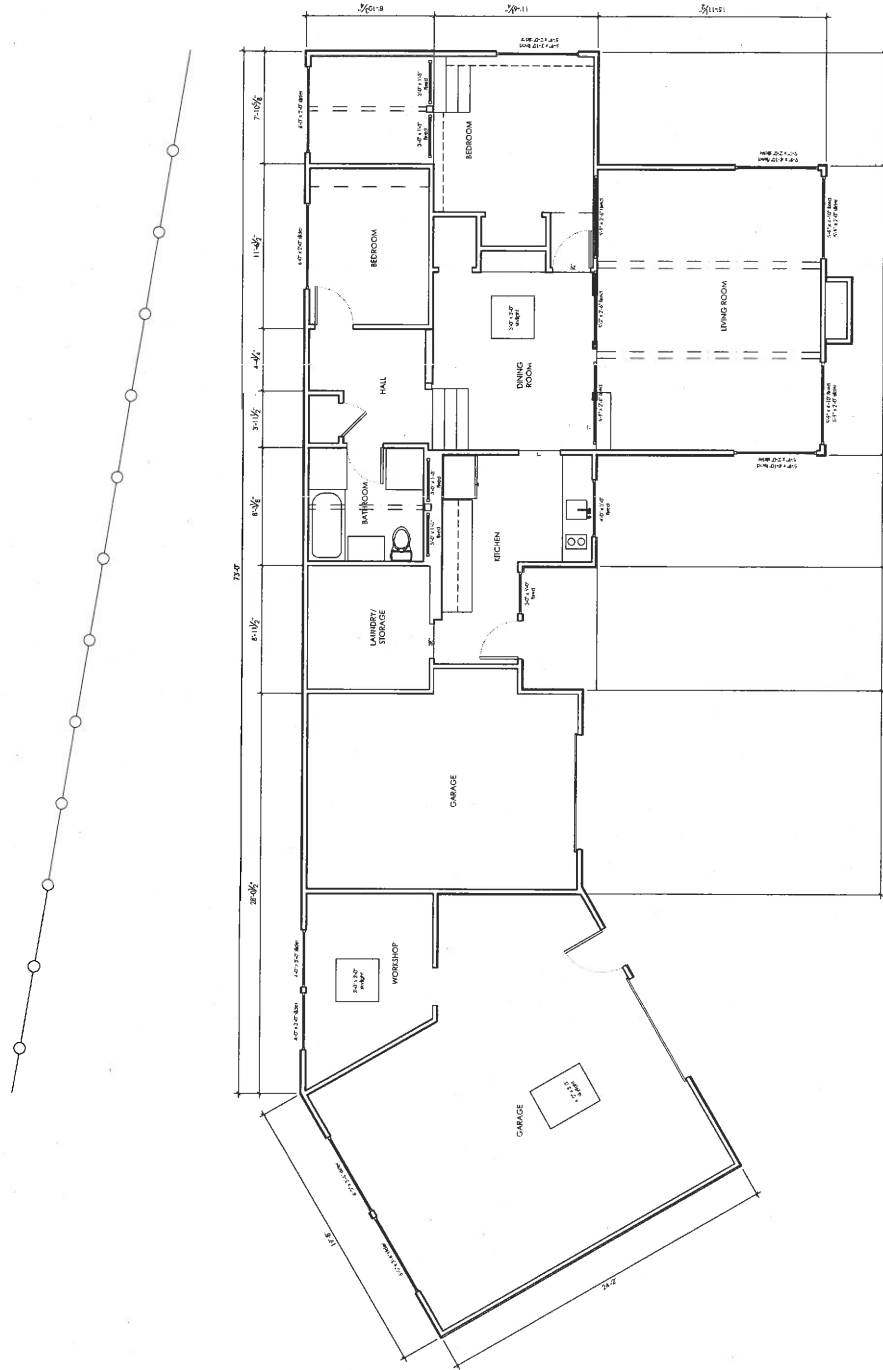
NEW ACCESSORY DWELLING UNIT  
77 LILLY WAY ADU  
LA 58154 BEACH, CA 90706  
APN: 066-09-117



EXISTING  
ADU PLAN  
TO BE DEMOLISHED

DRAWN  
DATE  
SCALE  
DATE  
7 January 2021

G2



1 EXISTING ADU FLOOR PLAN

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



ANDERSON  
MCKELVEY  
624 EGGHILL AVENUE  
SUITE 100  
LOS ANGELES, CA 90024  
TEL: 310.407.2744  
WWW.AMCK.COM



LA SELVA BEACH, CA 95076  
APN: 046-09-117

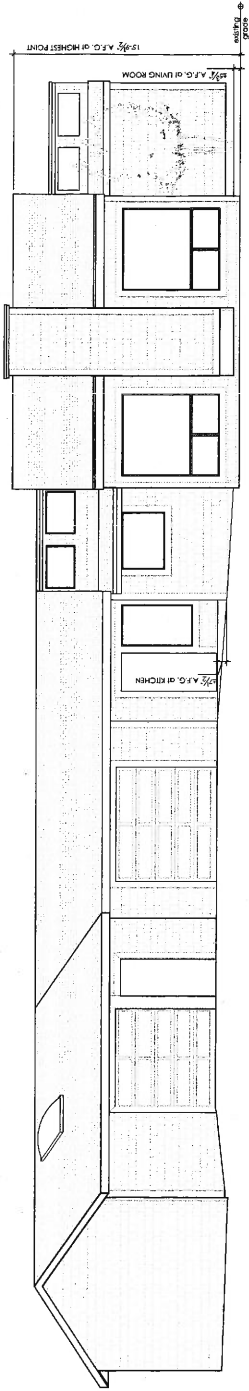
NEW ACCESSORY DWELLING UNIT

77 LILLY WAY ADU

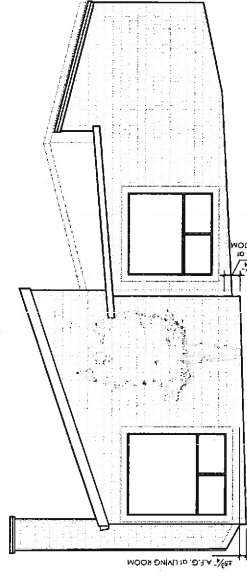
EXISTING  
ADU  
ELEVATIONS  
TO BE DEMOLISHED

DRAWN: KCR  
SCALE: 1/4" = 1'-0"  
DATE: 7 January 2021

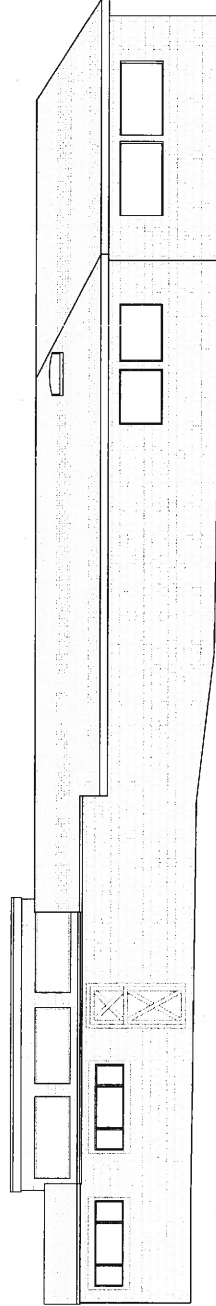
G3



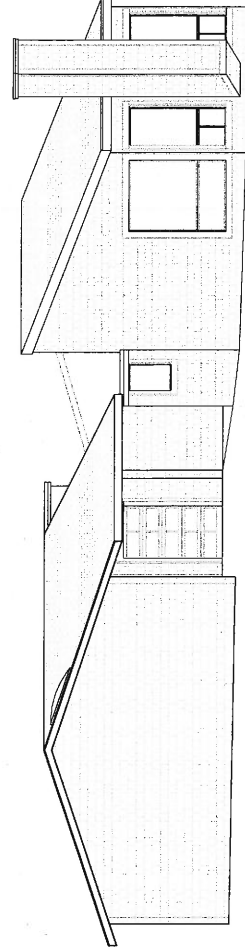
1 EXISTING ADU SOUTH ELEVATION  
Scale: 1/4" = 1'-0"



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



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



4 EXISTING ADU SOUTHWEST ELEVATION  
Scale: 1/4" = 1'-0"



**PROPOSED  
ADU PLAN**

DRAWN	RCR
SCALE	$\frac{1}{2}'' = 1'-0''$
DATE	7 January 2021

**G4**

## ○ INTERIOR DOOR SCHEDULE

LOCATION	#	SIZE	TYPE	MANUFACTURER/UNIT	HARDWARE/NOTES
BATHROOM 124	10A	2'-8" x 12'-0"	POCKET		
BATHROOM 105	10A	2'-8" x 12'-0"	WINGED		
BATHROOM 106	10A	2'-8" x 10'-0"	WINGED		
BATHROOM 107	10A	2'-8" x 12'-0"	POCKET		

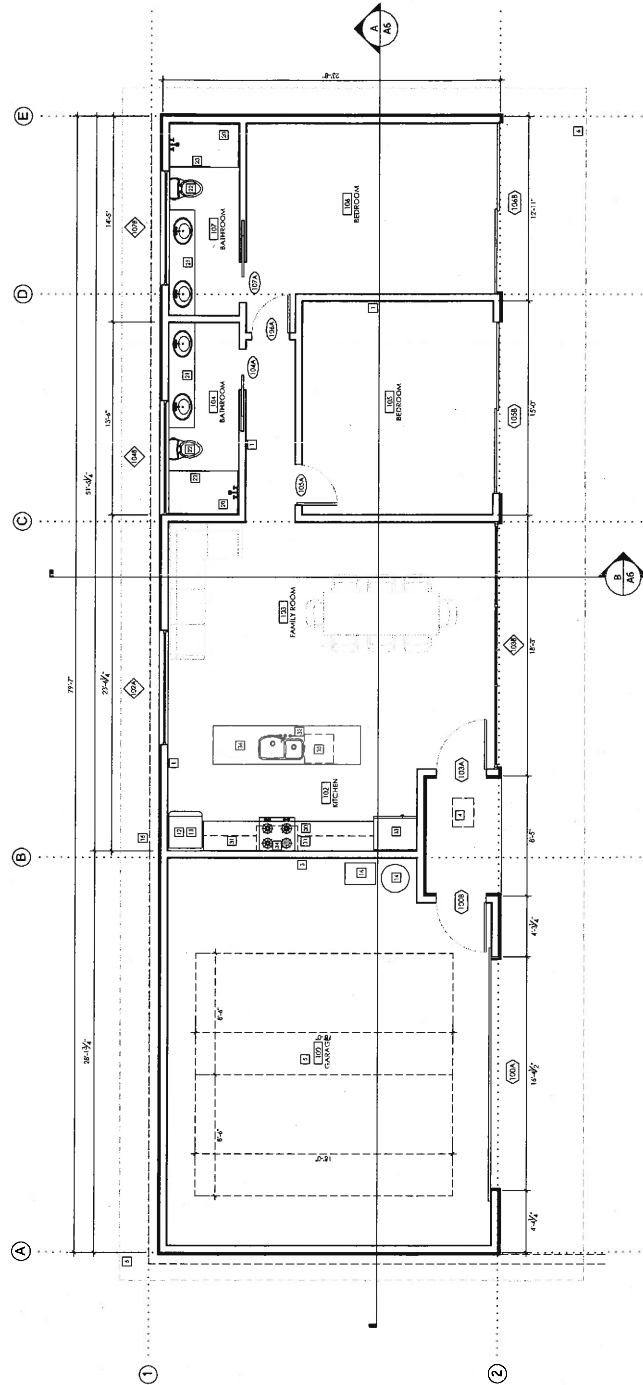
## EXTERIOR DOOR SCHEDULE

LOCATION	#	SIZE	TYPE	MANUFACTURER/UNIT	HARDWARE/NOTES
GARAGE 100	100A	14'0" x 8'0"	OVERHEAD GARAGE		
	100B	3'6" x 10'0"			
HALLT BELOW 103	100A	3'6" x 10'0"		FLEETWOOD 3900	
BESKROOM 105	100B	12'0" x 10'0"		FLEETWOOD 3000	
BESKROOM 104	100B	12'0" x 10'0"		FLEETWOOD 3000	

## ◇ WINDOW SCHEDULE

LOCATION	#	SIZE	TYPE	MANUFACTURER/UNIT	HARDWARE/NOTES
BEDROOM 103	103	8' 9" x 24'	AWNING	FLETWOOD 260-I	
BEDROOM 104	104	14' 2" x 20'	FIELD	FLETWOOD 460-I	
KITCHEN 104	104	14' 2" x 20'	AWNING	FLETWOOD 460-I	
BATHROOM 104	104	8' 9" x 24'	AWNING	FLETWOOD 260-I	

ALL GLAZING IN WINDOWS AND DOORS TO BE TEMPERED PER CBC 9327.8.1



## KEYNOTES

## GENERAL

- GENERAL**
- |   |  |
|---|--|
| 1 | 1/2" gyp. board on 2x6 studs @ 16" o.c.                                    |
| 2 | 1/2" gyp. board on 2x6 studs @ 16" o.c.                                    |
| 3 | 5/8" type 'X' gyp. board @ ceiling & garage side c<br>garage/entrance wall |
| 4 | 24" x 18" underfloor access  |
| 5 | 4" Concrete slabs; slope 1/8" per ft. min.                                 |
| 6 | Line of soils above  |



1 0

□ □

## MECHANICAL EQUIPMENT

- [illegible]

KITCHEN

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>10 Floor mounted base cabinet w/ countertop &amp; backsplash selected by owner</li> <li>11 Wall-mounted upper cabinets</li> <li>12 Floor to ceiling w/ 1.5gpm &amp; 0.2gpi</li> <li>13 Energy Star 30" refrigerator/freezer</li> <li>14 Range hood mounted fan vented to the outside</li> <li>15 Energy Star dishwasher</li> <li>16 35" tall kitchen island; floor mounted base cabinet w/ countertop</li> </ul> | <ul style="list-style-type: none"> <li>17 Wood finish flooring (incl. by owner) on subfloor</li> <li>18 Ceramic tile flooring (incl. by owner) on subfloor</li> </ul> |
| <p><b>FLOORING</b></p> <ul style="list-style-type: none"> <li>19 Wood finish flooring (incl. by owner) on subfloor</li> <li>20 Ceramic tile flooring (incl. by owner) on subfloor</li> </ul>  |   |
| <p><b>CEILING</b></p> <ul style="list-style-type: none"> <li>21 5/8" dry wall ceiling 8'-0"</li> <li>22 Vauling 5/8" dry wall ceiling</li> </ul>  |   |

**CEILING**

- [50] Flat 5/8" gyp. bd. ceiling @ 8'-0"±  
[51] Vaulted 5/8" gyp. bd. ceiling



ANDERSON  
MCKELVEY  
354 SOUTH AVENUE  
SUITE 200  
TULSA, OK 74106  
918.433.0200



NEW ACCESSORY DWELLING UNIT  
LA SELVA BEACH, CA 95076  
APN: 046-09-117

77 LILLY WAY ADU

PROPOSED  
ADU  
ELEVATIONS

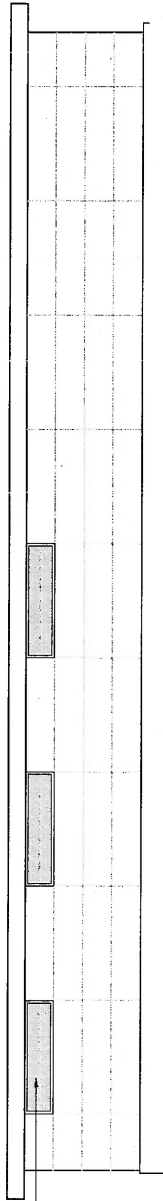
RCS  
DRAWN: JCS  
DATE: 7 January 2020

G5

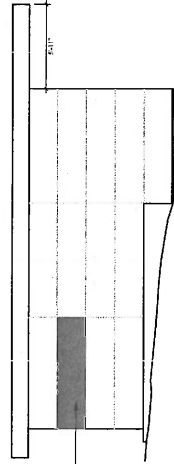
DURO-LAST<sup>®</sup> PVC MEMBRANE  
LIGHT GREY



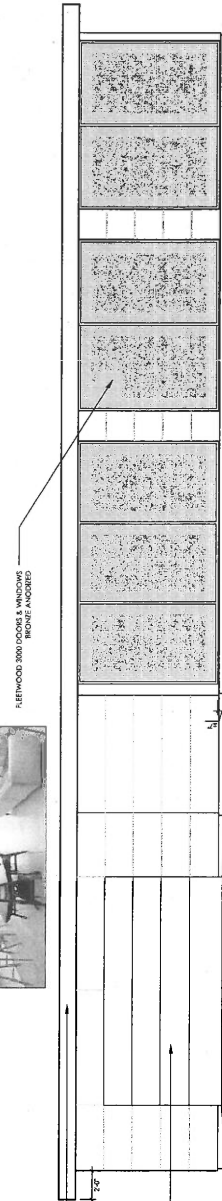
4 PROPOSED ADU ELEVATION - EAST  
Scale: 1/4" = 1'-0"



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



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



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



REVEAL<sup>®</sup> ALUMINUM ADU WINDOWS  
BRONZE ANODIZED

#### About Reveal<sup>®</sup> Panel System

##### Includes a modern aesthetic

Get the look you want with the Reveal<sup>®</sup> Panel System. The Reveal<sup>®</sup> Panel System is a modern, sleek, and durable system that can be used in a variety of applications. It is made of aluminum and is available in a variety of colors and finishes. The Reveal<sup>®</sup> Panel System is a modern, sleek, and durable system that can be used in a variety of applications. It is made of aluminum and is available in a variety of colors and finishes.

##### Design Freedom

The Reveal<sup>®</sup> Panel System is a modern, sleek, and durable system that can be used in a variety of applications. It is made of aluminum and is available in a variety of colors and finishes. The Reveal<sup>®</sup> Panel System is a modern, sleek, and durable system that can be used in a variety of applications. It is made of aluminum and is available in a variety of colors and finishes.

##### Unique Aesthetic

The Reveal<sup>®</sup> Panel System is a modern, sleek, and durable system that can be used in a variety of applications. It is made of aluminum and is available in a variety of colors and finishes. The Reveal<sup>®</sup> Panel System is a modern, sleek, and durable system that can be used in a variety of applications. It is made of aluminum and is available in a variety of colors and finishes.



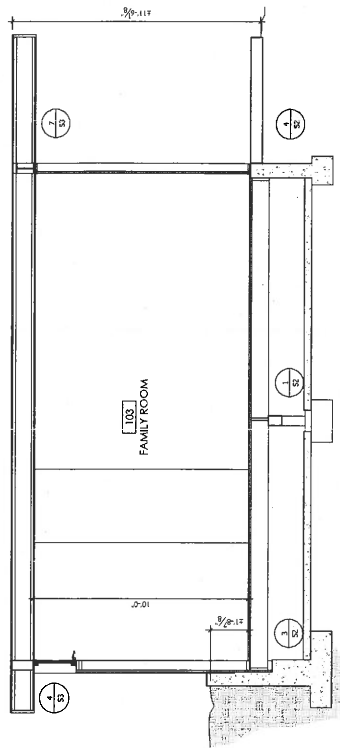
24" x 36" MATRICE REVEAL 2.0 PANEL  
AM 5777 WALNUT WOOD

REVEAL<sup>®</sup> 3000 DOORS & WINDOWS  
BRONZE ANODIZED

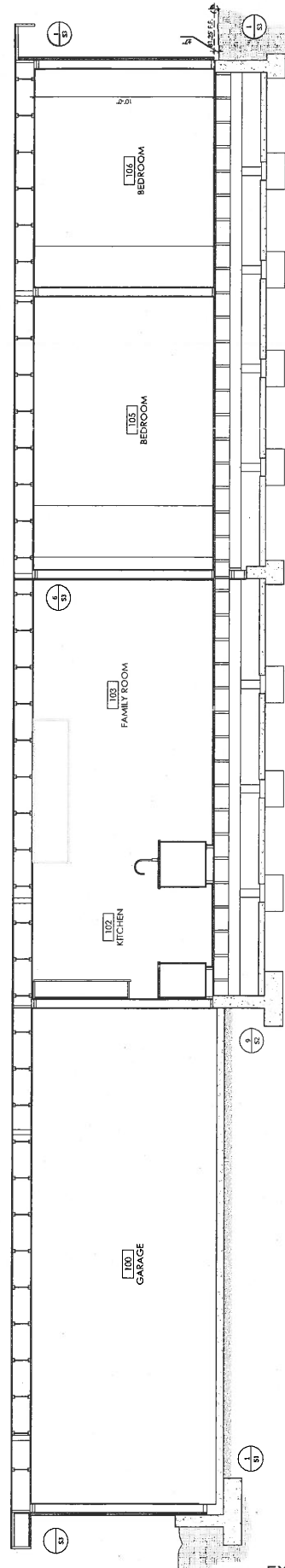
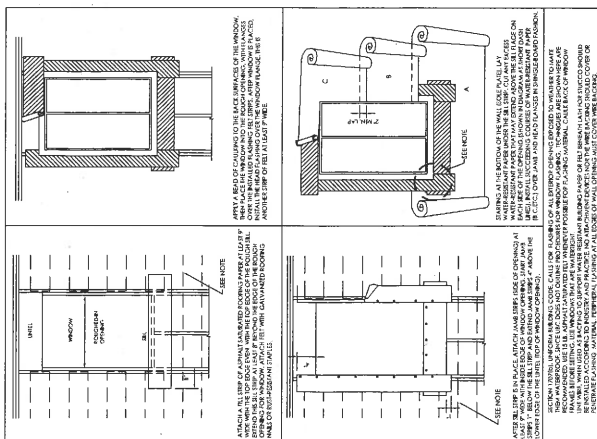
OVERHANG COLOR TO MATCH PANELS

METAL OVERHANG GARAGE DOOR  
PAINTED TO MATCH PANELS

Finished  
ground



**B** BUILDING SECTION  
Scale: 3/8" = 1'-0"



**BUILDING SECTION**  
Scale: 3/8" = 1'-0"

G6

BUILDING SECTIONS

DRAWN	RCR
SCALE	$\frac{1}{8}'' = 1'-0''$
DATE	7 January 2021

EXHIBIT D



ANDERSON  
MCKELVEY  
ARCHITECTS  
3000 CALIFORNIA STREET  
SAN FRANCISCO, CA 94118  
TEL: 415.774.2200  
FAX: 415.774.2204



LA SELVA BEACH, CA 95076  
APN: 046-09-117  
RESIDENTIAL REMODEL

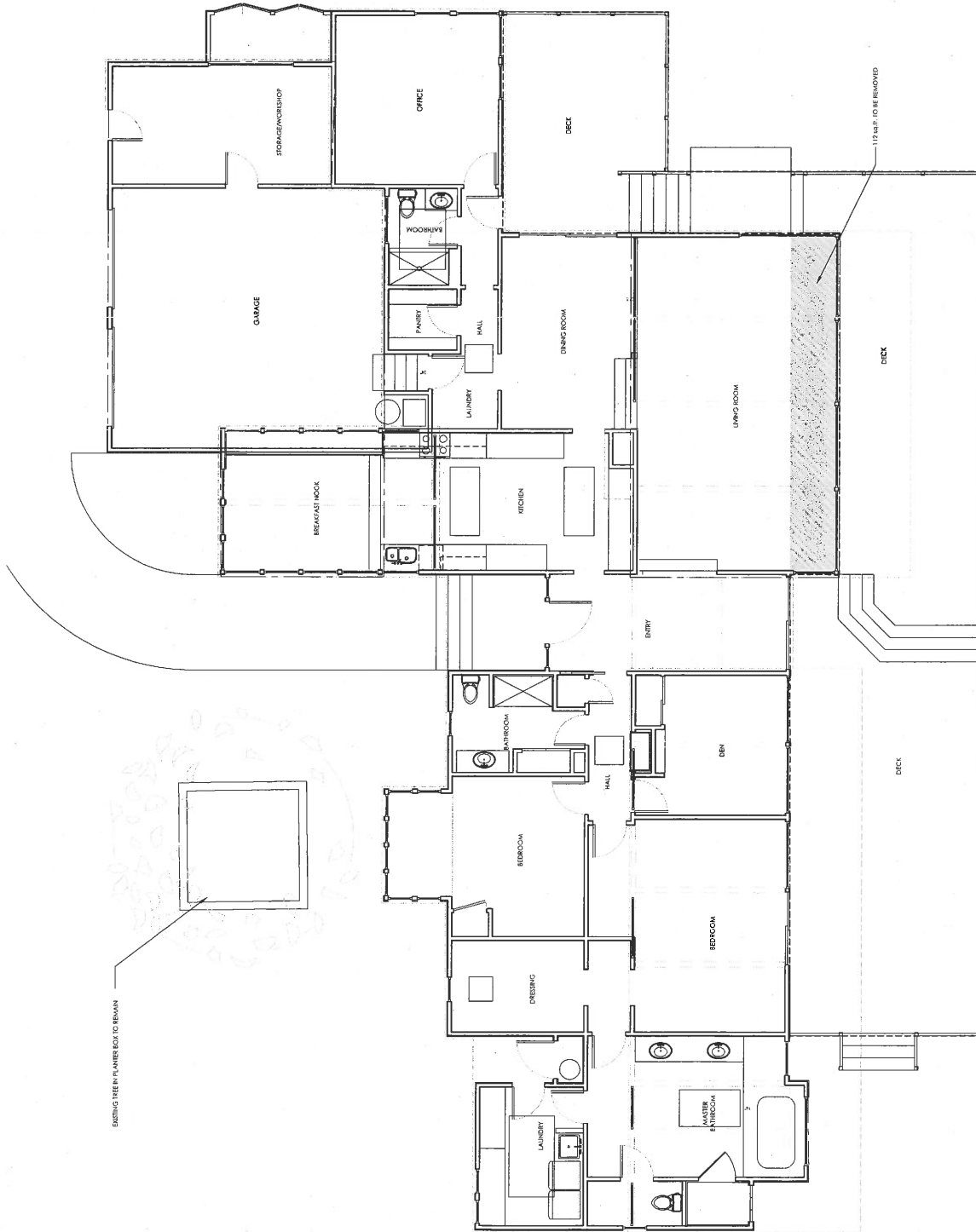
# 77 LILLY WAY MAIN HOUSE



EXISTING  
MAIN HOUSE  
PLAN

DATE 7 January 2023  
SCALE 1/8" = 1'-0"  
DRAWN BY JF  
6 August 2021

M2







ANDERSON  
MCKELVEY  
ARCHITECTS  
300 CALIFORNIA STREET  
SAN FRANCISCO, CA 94102  
TEL: 415.398.3300  
FAX: 415.398.3301

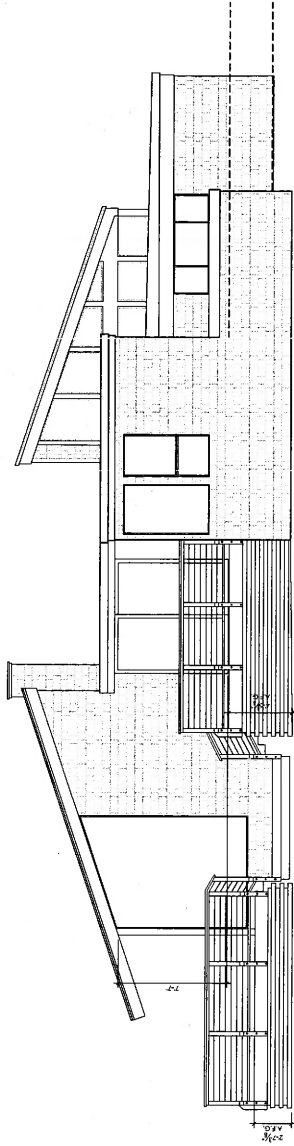


LA SELVA BEACH, CA 95076  
APN: 046-09-117  
RESIDENTIAL REMODEL  
77 LILLY WAY MAIN HOUSE

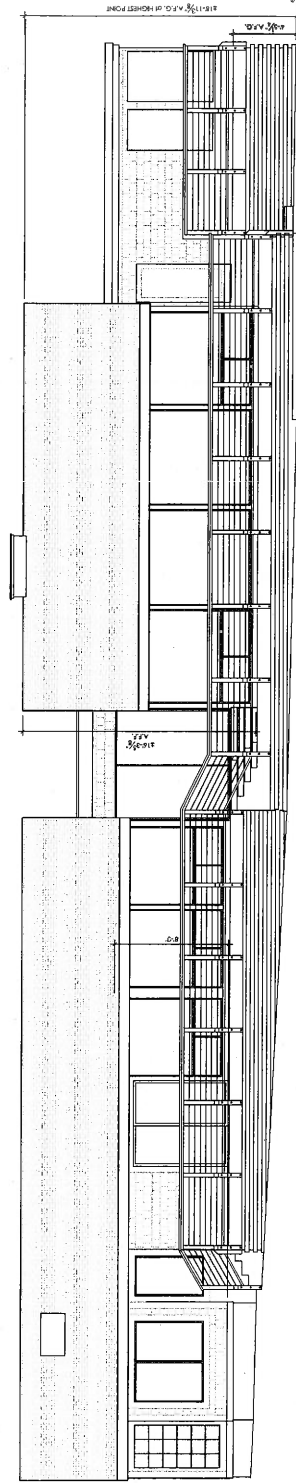
EXISTING  
MAIN HOUSE  
ELEVATIONS

DRAWN: RCE  
SCALE: 1/8" = 1'-0"  
DATE: 7 January 2021

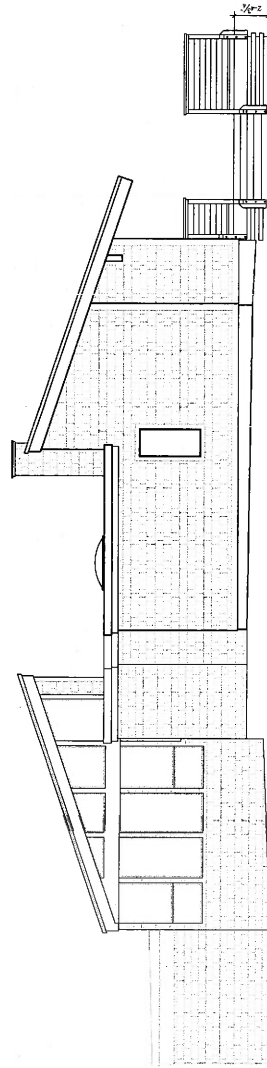
M3



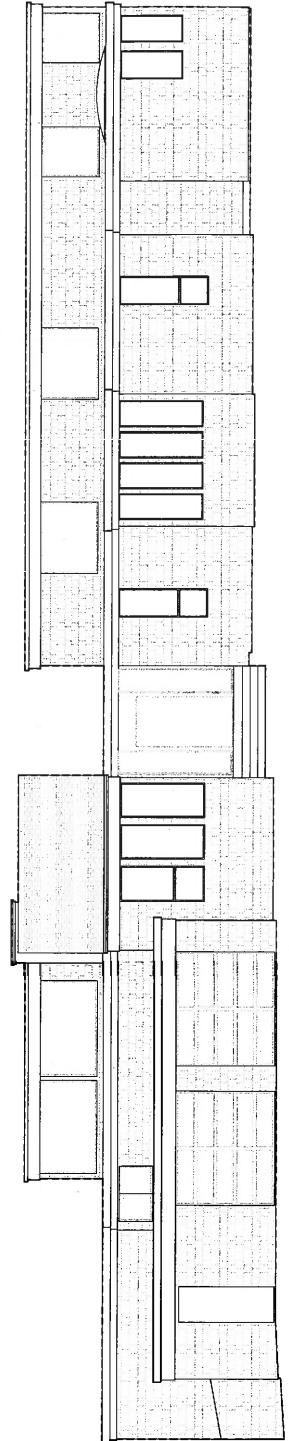
1 EXISTING SOUTH ELEVATION  
Scale: 1/8" = 1'-0"



2 EXISTING WEST ELEVATION  
Scale: 1/8" = 1'-0"



3 EXISTING NORTH ELEVATION  
Scale: 1/8" = 1'-0"



4 EXISTING EAST ELEVATION  
Scale: 1/8" = 1'-0"



ANDERSON  
MCKELVEY  
3811 AVENUE  
SUITE 100  
SAN ANTONIO, TEXAS 78201  
TEL: 214.443.3724  
FAX: 214.443.3724



LA SELVA BEACH, CA 95076  
APN: 04-03-117  
RESIDENTIAL REMODEL

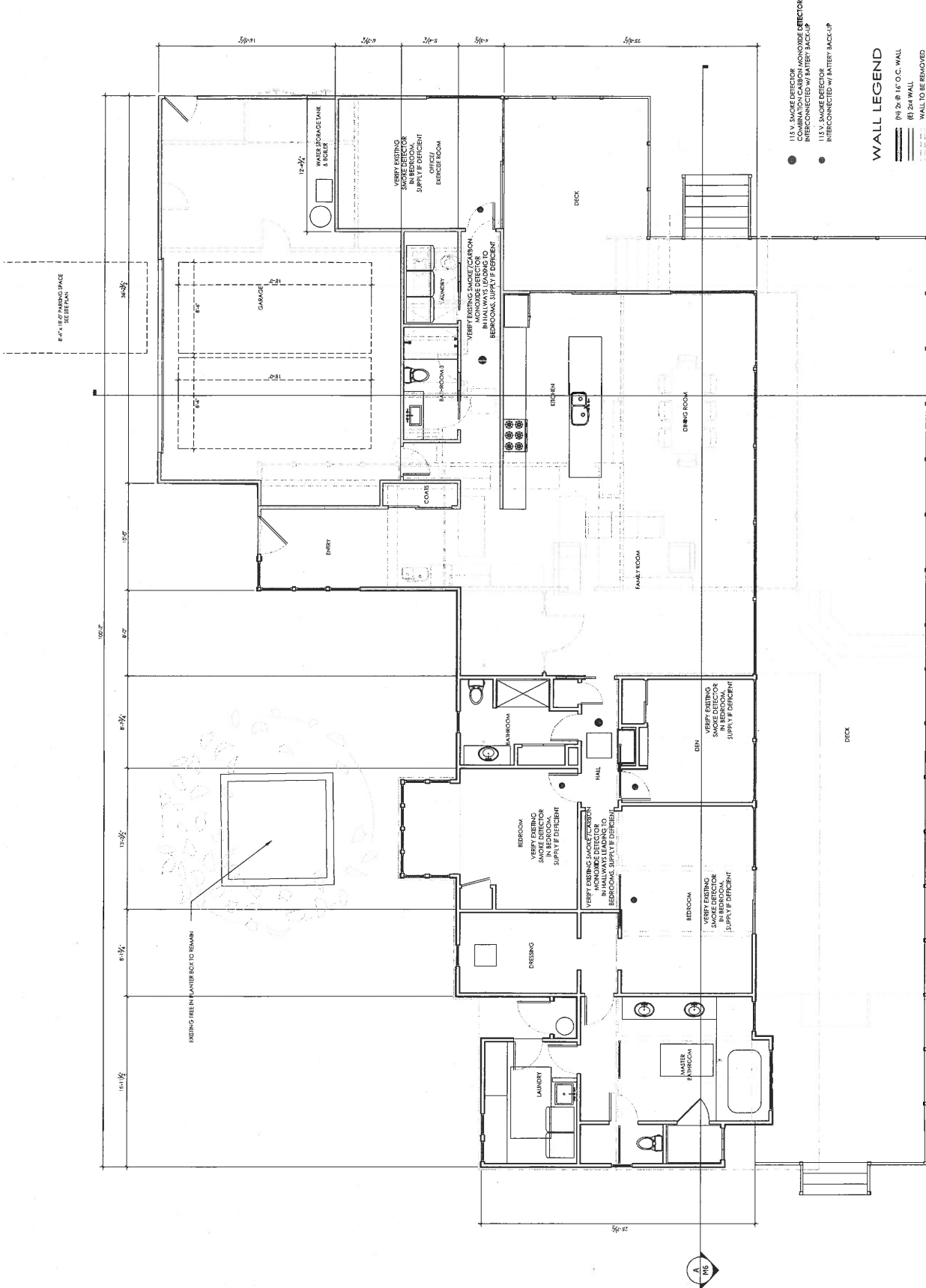
# 77 LILLY WAY MAIN HOUSE



PROPOSED  
MAIN HOUSE  
PLAN

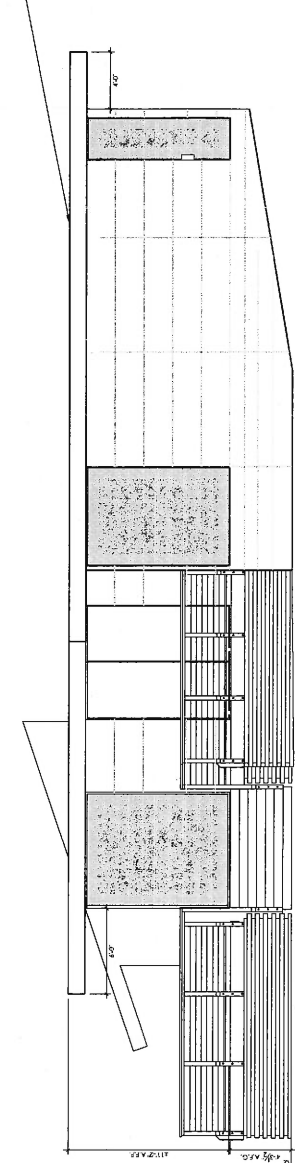
DATE 7 January 2021  
SCALE 1/8" = 1'-0"  
SHEET NO. 6  
DATE 6 August 2021

M4



**WALL LEGEND**  
 (N) 2x @ 16" O.C. WALL  
 (B) 2x4 WALL  
 WALL TO BE REMOVED

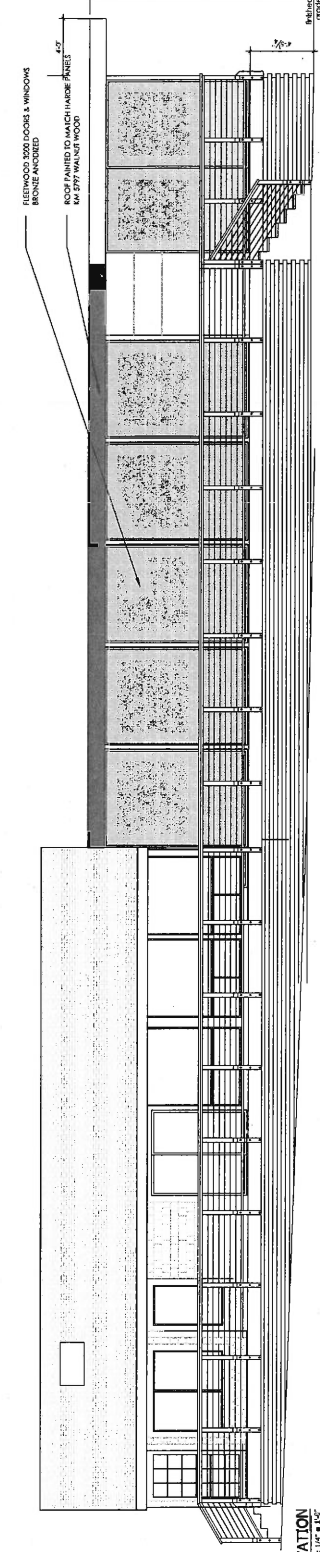
● 115 V SMOKE DETECTOR  
 ● COMBINATION CARBON MONOXIDE DETECTOR  
 ● INTERCONNECTED W/ BATTERY BACK-UP  
 ● 115 V SMOKE DETECTOR  
 ● INTERCONNECTED W/ BATTERY BACK-UP



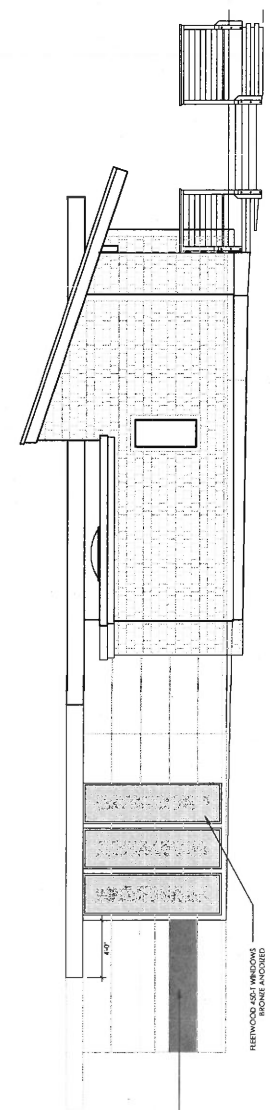
1 PROPOSED SOUTH ELEVATION  
Scale: 1/4" = 1'-0"



77 LILLY WAY MAIN HOUSE  
RESIDENTIAL REMODEL  
LA BELVA BEACH, CA 95076  
APN: 046-09-117



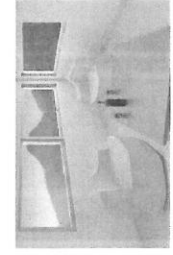
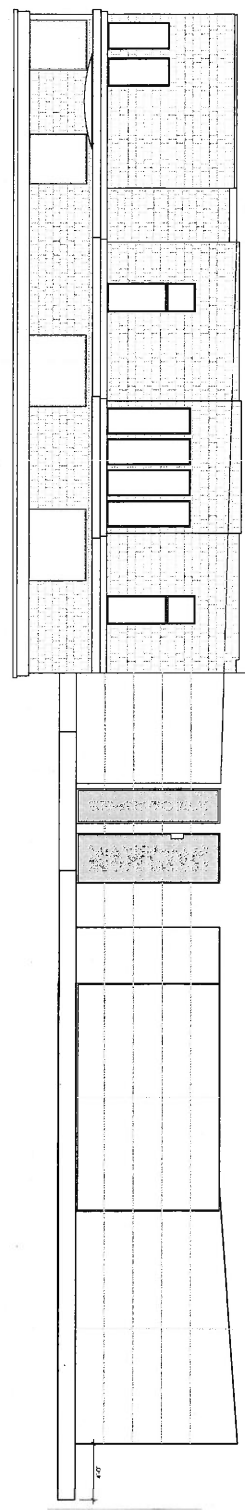
2 PROPOSED WEST ELEVATION  
Scale: 1/4" = 1'-0"



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

PROPOSED  
MAIN HOUSE  
ELEVATIONS

DRAWN: JCS  
SCALE: 1/4" = 1'-0"  
DATE: 7 January 2021  
6 August 2021



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

M5

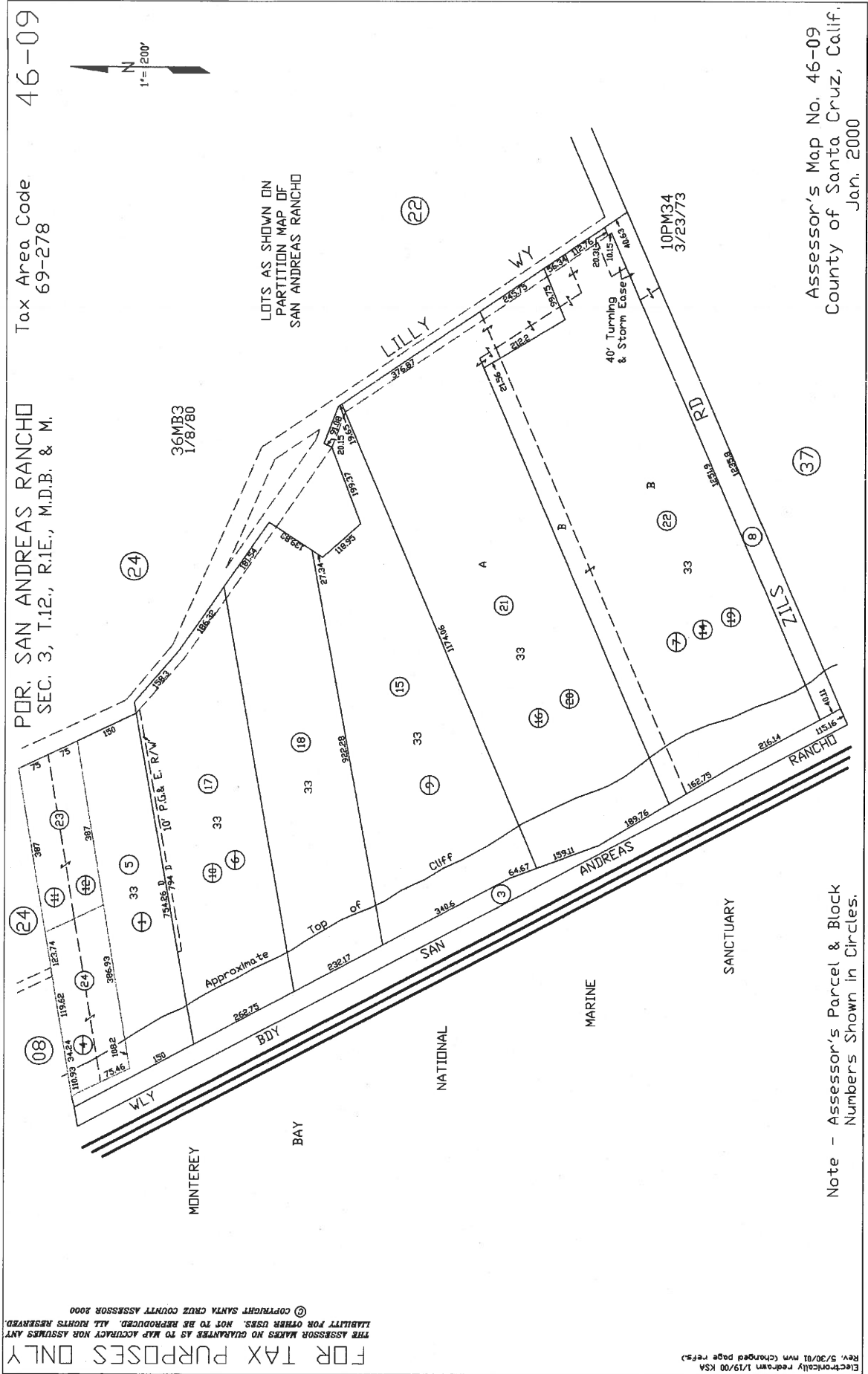
FOR TAX PURPOSES ONLY

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

© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

Electronically Redrawn 1/19/00 KSA  
Rev. 5/30/01 mm (changed page refs.)

EXHIBIT E



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

Tax Area Code  
69-278

46-09



## Parcel Location Map




Manresa  
State  
Beach

LILLY WY

046-091-17

PACIFIC  
OCEAN

**Parcel: 04609117**

-  Study Parcel
-  Assessor Parcel Boundary
-  Existing Park

Map printed: 20 Oct. 2021

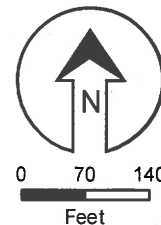
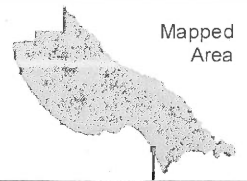


EXHIBIT E



# Parcel General Plan Map



Mapped  
Area

O-R

046-091-17  
(AG)

AG

- AG Agricultural
- O-R Parks, Recreation & Open Space

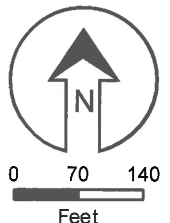
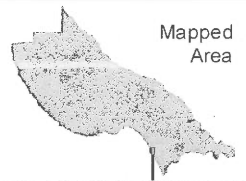
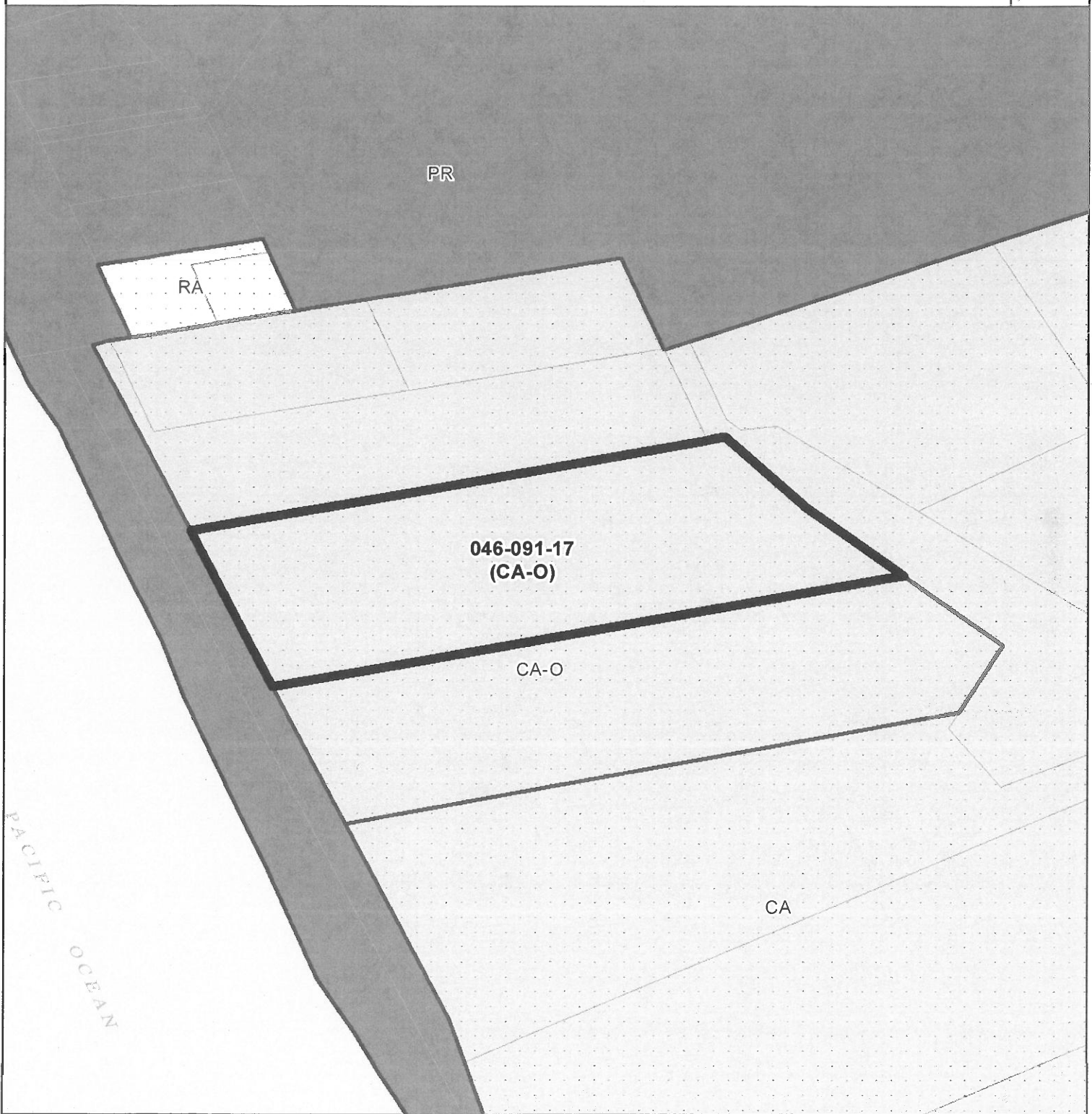


EXHIBIT E





# Parcel Zoning Map



- CA Commercial Agriculture
- RA Residential Agricultural
- PR Parks, Recreation, & Open Space

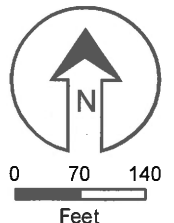


EXHIBIT E

Application #: 201104  
APN: 046-091-17  
Owner: Leroy and Annette Rasi

## Parcel Information

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: San Andreas Municipal Water Company  
Sewage Disposal: Septic  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: N/A

### Parcel Information

Parcel Size: 5 acres  
Existing Land Use - Parcel: Residential/agriculture  
Existing Land Use - Surrounding: Residential and agriculture  
Project Access: Lilly Way  
Planning Area: San Andreas  
Land Use Designation: AG (Agriculture)  
Zone District: CA-O (Commercial Agriculture-Open Space Easement)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm.: ☒ Yes ☐ No

**Technical Reviews:** Geotechnical

### Environmental Information

Geologic Hazards: Bluff on west side of parcel  
Fire Hazard: Not a mapped constraint  
Slopes: Level and 50% on slope down blufftop  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Scenic  
Archeology: Not mapped/no physical evidence on site



**BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA**

**RESOLUTION NO. \_\_\_\_\_**

**On the motion of Commissioner  
duly seconded by Commissioner  
the following Resolution is adopted:**

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY  
OF SANTA CRUZ RECOMMENDING APPROVAL OF APPLICATION  
201104, A COASTAL DEVELOPMENT PERMIT, AN AGRICULTURAL  
BUFFER SETBACK DETERMINATION, AND AMENDMENT OF OPEN  
SPACE EASEMENT 2480-467, AND FINDING THAT THE PROPOSAL IS  
EXEMPT UNDER CEQA**

---

WHEREAS, an applicant submitted a development application proposing to develop a parcel located on the west side of Lilly Way in La Selva Beach (77 Lilly Way, APN 046-091-17) (the “parcel”); and

WHEREAS, the applicant proposes to replace an existing 868 square foot barn/greenhouse with a new 1,890 square foot barn, replace an existing 2,111 square foot habitable structure and attached garage/workshop with a new 1,839 square foot accessory dwelling unit (“ADU”) with an attached garage, and remodel an existing 3,528 square foot single-family dwelling and attached garage to a 3,566 square foot single-family dwelling with an attached garage (“Application 201104” or the “project”); and

WHEREAS, the project is located in a CA-O zone district (Commercial Agriculture-Open Space Easement Combining District); and

WHEREAS, the project requires a coastal development permit, an agricultural buffer setback determination to reduce the required 200-foot buffer setback from a Commercial Agricultural-zoned property, and an amendment to the open space easement contract; and

WHEREAS, on February 28, 1975, the County of Santa Cruz (“County”) entered into Open Space Easement Contract 2480-467 with the original owners of the parcel, granting an open space easement (“OSE”) to the County to preserve and conserve for the public benefit the natural scenic beauty and existing openness of the parcel; and

WHEREAS, the current owners of the parcel wish to amend Open Space Easement Contract 2480-467 to allow for the aforementioned development of the parcel; and

WHEREAS, on June 7, 2021, pursuant to the Open Space Easement Act of 1974, the Open Space Programs Committee (“OSPC”) considered the proposal to amend Open Space Easement Contract 2480-467 and recommended approval with the following change: that the

EXHIBIT G

amended contract include allowing the property owners to do minor additions up to 250 square feet without having to further amend the contract. This change has been incorporated into the amended contract; and

WHEREAS, on November 10, 2021, the Planning Commission held a duly noticed public hearing to consider Application 201104, including a coastal development permit, an agricultural buffer setback determination, and an amendment to Open Space Easement Contract 2480-467; and

WHEREAS, the Planning Commission has considered all the testimony and evidence received at the public hearing, the recommendation of the OSPC, and the recommendations from Planning Department staff; and

WHEREAS, the Planning Commission finds that the project is consistent with the County's General Plan and Local Coastal Program; and

WHEREAS, the Planning Commission recommends that the Board of Supervisors determine that the project is exempt from further environmental review under the California Environmental Quality Act ("CEQA") pursuant CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures) because only minor modifications are proposed to an existing dwelling and the number of replacement structures proposed are allowable on the parcel and would not create a significant impact on the environment;

NOW, THEREFORE, BE IT RESOLVED that the recitals stated above and the findings and conditions contained in the Planning Department staff report are incorporated by reference as though set forth within the body of this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the County of Santa Cruz recommends that the Board of Supervisors approve Application 201104 and the associated coastal development permit, agricultural buffer setback determination, and amendment of Open Space Easement Contract 2480-467.

BE IT FURTHER RESOLVED that the Planning Commission finds that the project is consistent with the County's General Plan and Local Coastal Program, and the amendment to Open Space Easement Contract 2480-467 continues to preserve and conserve for the public benefit the natural scenic beauty and existing openness of the parcel.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors determine the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15303.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

---

Chairperson of the Planning Commission

ATTEST: \_\_\_\_\_  
Planning Commission Secretary

APPROVED AS TO FORM:

---

Office of County Counsel

DISTRIBUTION: County Counsel  
Environmental Health Services  
Parks, Open Space and Cultural Services  
Planning Department

Recording requested by:

**County of Santa Cruz  
Planning Department**

And when recorded mail to:

County of Santa Cruz  
Planning Department  
Attn: Principal Planner  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

**AMENDMENT TO OPEN SPACE EASEMENT CONTRACT**

THIS AMENDMENT TO OPEN SPACE EASEMENT CONTRACT amends that certain Open Space Easement Contract 2480-467 dated February 28, 1975, recorded in the County Recorder's Office in Volume (Book) 2480 on pages 467 to 473 on Assessor's Parcel Number 046-091-17 and is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between \_\_\_\_\_, as GRANTOR, and the COUNTY OF SANTA CRUZ, as GRANTEE.

WITNESSETH:

WHEREAS, Grantor is the owner in fee of real property located on the west side of Lilly Way (77 Lilly Way, APN 046-091-17), identified by the legal description attached and incorporated hereto as Exhibit "A" (the "parcel"), and situated in La Selva Beach, a census-designated place in Santa Cruz County, California; and

WHEREAS, on February 28, 1975, the Grantor's predecessors in interest granted to Grantee an open-space easement on the parcel, Open Space Easement Contract 2480-467, and thereby protected its scenic beauty and existing openness by the restricted use and enjoyment of said property by Grantor's predecessors and their successors in interest or assigns through the imposition of the conditions therein expressed; and

WHEREAS, Grantor and Grantee now desire to amend said Open Space Easement Contract 2480-467 to modify the restrictions imposed upon said parcel, which would allow replacement of an existing 868 square foot barn/greenhouse with a new 1,890 square foot barn, replacement of an existing 2,111 square foot habitable structure and attached garage/workshop with a new 1,839 square foot accessory dwelling unit ("ADU") with an attached garage, and remodeling an existing 3,528 square foot single-family dwelling and attached garage to a 3,566 square foot single-family dwelling with an attached garage;

NOW, THEREFORE, for and in consideration of the premises, the Grantor and Grantee agree to amend said Open Space Easement Contract 2480-467. The Grantor does hereby continue to grant and convey unto the County of Santa Cruz an estate, interest, and open-space easement in said real property of grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use

**EXHIBIT H**

Page 1

of said property by Grantor, and to that end and for the purpose of accomplishing the intent of the parties hereto, Grantor covenants on behalf of themselves, their heirs, successors, and assigns with the said Grantee, its successors and assigns to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned. The terms of Open Space Easement Contract 2480-467 and restrictions hereby imposed upon the use of said property of the Grantor and the acts which Grantor shall refrain from doing upon said property in connection therewith are amended as follows:

1. That no buildings or structures as defined in the Santa Cruz County Zoning Ordinance will be placed or erected upon said property nor shall utility poles or lines be located on or pass through said property.

EXCEPTIONS:

- (a) A single-family dwelling and habitable accessory building, each with an attached garage (combined total of approximately 5,405 square feet in size.)
- (b) A non-habitable accessory building/barn (total of approximately 1894 square feet in size).
- (c) A deck connected to the single-family dwelling, approximately 1,688 square feet.
- (d) An existing well and two 5,000-gallon water tanks.
- (e) The right to include agricultural use that will retain the parcel's open, rural, and scenic nature consistent with the intent of the Open Space Easement Act of 1974, the County's General Plan and Zoning Ordinance.
- (f) Ability to add up to 250 square feet subject to a discretionary permit only without needing to amend the OSE contract.

THE EXCEPTIONS DO NOT GRANT ANY DEVELOPMENT RIGHTS, AND ANY DEVELOPMENT REQUESTED MAY OR MAY NOT BE ACCEPTABLE TO THE COUNTY.

2. Grantor agrees to indemnify, defend, and hold harmless, the County, its agents, departments, employees, officers, volunteers, and all other associates, from and against any and all judgments, awards, actions, in law or in equity, liability, demands or claims for damage to persons or property, fees (including attorneys' fees), costs or losses arising from, or in any manner concerning, this Amendment to Open Space Easement Contract 2480-467.

3. All other existing provisions of Open Space Easement Contract 2480-467 not specifically addressed by this Amendment shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

\_\_\_\_\_  
GRANTOR

COUNTY OF SANTA CRUZ

By \_\_\_\_\_  
GRANTEE

EXHIBIT H

Page 2

APPROVED AS TO FORM:

---

COUNTY COUNSEL

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA, COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_, who proved to  
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the  
entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature \_\_\_\_\_  
(Notary Public in and for said County and State)

**EXHIBIT "A"**

**PARCEL ONE:**

**ALL THAT PORTION OF THAT CERTAIN 10.000 AC. PARCEL OF LAND AS SHOWN UPON THAT CERTAIN RECORD OF SURVEY FOR W.A. DUFFIELD WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF SAID COUNTY ON JANUARY 6, 1960 IN BOOK 36 OF MAPS PAGE 3 MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL IN THE CENTERLINE OF A 40.00 FOOT RIGHT OF AS SHOWN UPON SAID MAP; THENCE ALONG SAID CENTERLINE, SOUTH 51° 48' EAST 158.30 FEET; THENCE SOUTH 56°48' EAST 186.32 FEET; THENCE PARALLEL WITH THE NORTHERLY LINE OF SAID PARCEL, SOUTH 78° 42' WEST 951.90 FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY LINE OF SAID 10.000 ACRE PARCEL REFERRED TO ABOVE; THENCE ALONG SAID WESTERLY LINE NORTH 28° 31' 24" WEST 262.75 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL NORTH 78° 42' EAST 794.00 FEET TO THE POINT OF BEGINNING.**

**PARCEL TWO:**

**A RIGHT OF WAY 40 FEET IN WIDTH AS GRANTED IN THE DEED FROM O.A. MATKIN TO JAMES C. SANDERS, AS TO AN UNDIVIDED 1/2 INTEREST AND LOUIS B. SULLIVAN, AS TO AN UNDIVIDED 1/2 INTEREST, DATED APRIL 27, 1964 RECORDED JULY 2, 1964 IN VOLUME 1628, PAGE 270, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.**

**PARCEL THREE:**

**A RIGHT OF WAY OVER LILLY WAY AND ZILS ROAD TO THE SAN ANDREAS ROAD.**





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## County of Santa Cruz Planning Department

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### Steps for Completing the Attached Declaration or Statement of Acknowledgement

1. Review all of the information on the document to be recorded. The property owner is responsible for reviewing **all** of the entered information, including the Assessor's Parcel Number (APN), site address, owner's name(s), document number(s), and recording dates. If any of this information is found to be incorrect, notify the Planning Department of the inaccuracy **prior** to recording the document. If necessary, a corrected version of the document will be prepared at the owner's request.
2. Obtain the signature(s) of **all** property owners. A notary public must verify all signatures. The Planning Department has a notary public and/or the phone book lists several other notaries public.
3. In order to save the photocopy costs, you may bring along your own copy or copies (as well as the original) to the Recorder's Office, which they will stamp for you for a fee.
4. Record the notarized form at the County Recorder's Office, Room 230, and have a photocopy made with the recorder's stamp on it, or have your copy certified. Please contact the Recorder's Office regarding their fees & hours of operation at: (831) 454-2800. **Note: Do not record this instruction form with your recordable documents.**
5. The copy may be mailed directly to the Planner or routed to the planner through the Planning reception desk as you step off the elevator on the 4<sup>th</sup> floor.
6. The original stamped declaration will be sent to the Planning Department in 3-5 weeks and placed in permanent records.

**Your application will not be approved by the Planning Department until steps 1-5 are completed.**

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06475

OPEN-SPACE EASEMENT CONTRACT

THIS DEED, executed this 28th day of February, 1975,  
by and between Marshall Sachs and Marilyn Sachs, as GRANTOR, and  
the COUNTY OF SANTA CRUZ, as GRANTEE,

WITNESSETH:

WHEREAS, Grantor is the owner in fee of the real property  
hereinafter described, situated in Santa Cruz County, California, and

WHEREAS, Grantor and Grantee desire to preserve and con-  
serve for the public benefit the natural scenic beauty and existing  
openness of said property, and

WHEREAS, Grantor is willing to grant to Grantee an open-  
space easement, as hereinafter expressed, in said property, and  
thereby protect its present scenic beauty and existing openness by  
the restricted use and enjoyment of said property by the Grantor  
and his successors in interest or assigns through the imposition  
of the conditions hereinafter expressed, and

WHEREAS, Grantor approves the rezoning of said property to a  
District classification consistent with the limitations of use and  
density contained within this instrument and to the O (Open-Space  
Easement) Combining District for the purpose of identification on  
the Sectional District Map;

NOW, THEREFORE, for and in consideration of the premises,  
the Grantor does hereby grant and convey unto the County of Santa  
Cruz an estate, interest and open-space easement in said real property  
of grantor of the nature and character and to the extent hereinafter  
expressed, which estate, interest and easement will result from the  
restrictions hereby imposed upon the use of said property by Grantor,  
and to that end and for the purpose of accomplishing the intent of  
the parties hereto, Grantor covenants on behalf of himself, his  
heirs, successors and assigns with the said Grantee, its successors  
and assigns to do and refrain from doing severally and collectively  
upon the Grantor's said property the various acts hereinafter mentioned.  
The restrictions hereby imposed upon the use of said property of  
the Grantor and the acts which Grantor shall refrain from doing upon  
said property in connection therewith are, and shall be, as follows:

EXHIBIT I

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1. That no buildings or structures as defined in the Santa Cruz County Zoning Ordinance will be placed or erected upon said property nor shall utility poles or lines be located on or pass through said property,

EXCEPTIONS;

NONE

2. All new construction shall be reviewed by the Open Space Programs Committee with right of appeal to the Planning Commission. All structures should be compatible with the intent of this contract; specific concerns include location of the site, screening and landscaping, exterior finishing materials and the colors, and general harmony with the character of the area.

3. That no advertising of any kind or nature shall be located on or within said property except for identification and for the sale of products produced on the site consistent with the purpose of this instrument,

4. That the Grantor shall not plant nor permit to be planted any vegetation upon said property except normal farming on presently cleared areas farmed in the past, reforestation and planting of native California vegetation, normal landscaping and screening of homesites and farming area and facilities consistent with the purposes of this instrument.

5. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian (hiking, equestrian and bicycle) trails, and the development of ponds for wildlife and fire protection, normal excavation for farming and building, development of sanitation and water facilities needed, measures needed to prevent erosion and provide for fire protection, the general topography and natural vegetation of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made. Normal maintenance and replacement of existing structures shall be permitted. Cutting of timber, trees and other natural growth as may be required for fire prevention, thinning, elimination of diseased growth and similar protective measures, or for the harvest of trees in a manner

compatible with scenic purposes shall be permitted. (Section 51054, Government Code)

6. That no use of said described property which will or does materially alter the landscape or other attractive scenic and open space features of said property other than those specified above shall be done or suffered. There shall be no deposition or accumulation of trash, garbage, or unsightly or offensive materials upon such land described.

7. Grantee shall not make any payment to Grantor for the conveyance of the open-space easement described above, it being recognized and agreed between the parties that the consideration for this conveyance is the substantial public benefit to be derived therefrom and the advantage which will accrue to Grantor in the event of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.

8. The property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situate in the County of Santa Cruz, State of California, and is particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Excepting and reserving to the Grantor:

- (1) The right to maintain all existing private roads, bridges, trails, and structures upon said land and the right to construct items as previously listed.
- (2) The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

9. If at any time the property herein described, or any portion thereof, shall be selected for condemnation by any public agency or public utility, including the Grantee, then and in that event the easement created by this conveyance shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and shall revert to and vest in the Grantor, its successors in interest, or assigns.

10. The conveyance by Grantor to Grantee of an open-space easement in the property described above is for a term of ten (10) years from the date of execution of this instrument. The term of the open-space easement shall be automatically renewed on the anniversary date of the execution of this instrument for an additional one (1) year period, thus maintaining the term of the open-space easement at ten (10) years, unless notice of non-renewal is given as provided below.

11. If either the Grantor or the Grantee desires in any year not to renew the open-space easement, that party shall serve written notice of nonrenewal of the easement upon the other party at least ninety (90) days in advance of the annual renewal date of the open-space easement. Unless such written notice is served at least 90 days in advance of the renewal date, the open-space easement shall be considered renewed as hereinabove provided.

Upon receipt by the Grantor of a notice from the Grantee of nonrenewal, the Grantor may make a written protest of the notice of nonrenewal. The Grantee may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

If the Grantor or the Grantee serves notice of intent in any year not to renew the open-space easement, the existing open-space easement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the open-space easement, as the case may be.

12. The Grantor may petition the governing body of the Grantee for abandonment of any open-space easement as to all of the subject land. The governing body may approve the abandonment of an open-space easement only if, by resolution, it finds:

- (1) That no public purpose described in Section 51084 will be served by keeping the land as open space; and
- (2) That the abandonment is not inconsistent with the purposes of this chapter; and
- (3) That the abandonment is consistent with the local general plan; and

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- (4) That the abandonment is necessary to avoid a substantial financial hardship to the landowner due to involuntary factors unique to him.

No resolution abandoning an open-space easement shall be finally adopted until the matter has been referred to the local planning commission, the commission has held a public hearing thereon and furnished a report on the matter to the governing body stating whether the abandonment is consistent with the local general plan and the governing body has held at least one public hearing thereon after giving 30 days' notice thereof by publication in accordance with Section 6061 of the Government Code, and by posting notice on the land.

Prior to approval of the resolution abandoning an open-space easement, the county assessor of the county in which the land subject to the open-space easement is located shall determine the full cash value of the land as though it were free of the open-space easement. The assessor shall multiply such value by 25 per cent, and shall certify the product to the governing body as the abandonment valuation of the land for the purpose of determining the abandonment fee.

Prior to giving approval to the abandonment of any open-space easement, the governing body shall determine and certify to the county auditor the amount of the abandonment fee which the landowner must pay the county treasurer upon abandonment. That fee shall be an amount equal to 50 per cent of the abandonment valuation of the property.

Any sum collected pursuant to this section shall be transmitted by the county treasurer to the State Controller and be deposited in the State General Fund.

An abandonment shall not become effective until the abandonment fee has been paid in full.

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13. The open-space easement conveyed by this instrument shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

Marshall

Marilyn Sachs  
GRANTOR

COUNTY OF SANTA CRUZ

By J. Patrick Kelly  
GRANTEE

APPROVED AS TO FORM:

Dwight L. Herr  
DWIGHT L. HERR  
Assistant County Counsel

STATE OF CALIFORNIA

County of Santa Cruz ss.  
On this 26<sup>th</sup> day of February in the year one thousand nine hundred and seventy-five  
before me, D. G. CASPE, a Notary Public in and for the  
County of Santa Cruz, State of California, residing therein,  
duly commissioned and sworn, personally appeared Marilyn Sachs



known to me to be the person whose name LS subscribed to the within instrument and acknowledged to me that She executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Santa Cruz the day and year in this certificate first above written.

D. G. Caspe  
Notary Public in and for the County of Santa Cruz  
State of California  
My Commission Expires Aug. 13, 1976

As used in this chapter, unless otherwise apparent from the context:

- (a) "Open-space land" means any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in Section 65560 of the Government Code .
- (b) "City" means any city or city and county.
- (c) "Landowner" includes a lessee or trustee, if the expiration of the lease or trust occurs at a time later than the expiration of the open-space restriction or any extension thereof.
- (d) "Open-space easement" means any right or interest in perpetuity or for a term of years in open-space land acquired by a county, city, or nonprofit organization pursuant to this chapter where the deed or other instrument granting such right or interest imposes restrictions which, through limitation of future use, will effectively preserve for public use or enjoyment the natural or scenic character of such open-space land. An open-space easement shall contain a covenant with the county, city, or nonprofit organization running with the land, either in perpetuity or for a term of years, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument provided that such reservation would not be inconsistent with the purposes of this chapter and which would not be incompatible with maintaining and preserving the natural or scenic character of the land. Any such covenant 1 shall not prohibit the construction of either public service facilities installed for the benefit of the land subject to such covenant or public service facilities installed pursuant to an authorization by the governing body of the county or city or the Public Utilities Commission.
- (e) "Open-space plan" means the open-space element of a county or city general plan adopted by the local governing body pursuant to Section 65560 of the Government Code .
- (f) "Nonprofit organization" means any organization qualifying under Section 501(c)(3) of the Internal Revenue Code in the preceding tax year, and which includes the preservation of open space as a stated purpose in its articles of incorporation. Such qualification shall be demonstrated by a letter of determination from the Internal Revenue Service.



ARTICLE 3. General Provisions [51080 - 51087] ( Article 3 added by Stats. 1974, Ch. 1003. )

51080. Any county or city which has an adopted open-space plan may accept or approve a grant of an open-space easement on privately owned lands lying within the county or city in the manner provided in this chapter.

(Amended by Stats. 1977, Ch. 1178.)

51081. The execution and acceptance of a deed or other instrument described in subdivision (d) of Section 51075 shall constitute a dedication to the public of the open-space character of the lands for the term specified. Any such easement and covenant shall run for a term of not less than 10 years. An open-space easement for a term of years shall provide that on the anniversary date of the acceptance of the open-space easement or on such other annual date as specified by the deed or other instrument described in subdivision (d) of Section 51075, a year shall be added automatically to the initial term unless a notice of nonrenewal is given as provided in Section 51091.

(Amended by Stats. 1975, Ch. 224.)

51082. A county or city may require a deed or other instrument described in subdivision (d) of Section 51075 to contain any such restrictions, conditions or covenants as are necessary or desirable to maintain the natural or scenic character of the land or to prevent any activity, use or action which could impair the open-space character of the land.

(Amended by Stats. 1979, Ch. 373.)

51083. No deed or other instrument described in subdivision (d) of Section 51075 shall be effective until it has been accepted or approved by resolution of the governing body of the county or city and its acceptance endorsed thereon.

(Amended by Stats. 1977, Ch. 1178.)

51083.5. Notwithstanding any provisions of this chapter, the grant of any easement to a nonprofit organization shall be effective upon its acceptance by such organization. However, for the purposes of this chapter and Sections 421 to 432, inclusive, of the Revenue and Taxation Code, no such easement shall be considered as granted pursuant to this chapter unless the grant of such easement has been approved by the county or city in which the land lies pursuant to the provisions of this article.

(Added by Stats. 1977, Ch. 1178.)

51084. A grant of an open-space easement shall not be accepted or approved by a county or city, unless the governing body, by resolution, finds:

(a) That the preservation of the land as open space is consistent with the general plan of the county or city; and

(b) That the preservation of the land as open space is in the best interest of the state, county, city, or city and county and is important to the public for the enjoyment of scenic beauty, for the use of natural resources, for recreation, or for the production of food or fiber specifically because one or more of the following reasons exists:

(1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.

(2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.

(3) The land lies in an area that in the public interest should remain rural in character and the retention of the land as open space will preserve the rural character of the area.

(4) It is in the public interest that the land remain in its natural state, including the trees and other natural growth, as a means of preventing floods or because of its value as watershed.

(5) The land lies within an established scenic highway corridor.

(6) The land is valuable to the public as a wildlife preserve or sanctuary and the instrument contains appropriate covenants to that end.

(7) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.

The resolution of the governing body shall establish a conclusive presumption that the conditions set forth in subdivisions (a) and (b) have been satisfied.

(Amended by Stats. 2012, Ch. 875, Sec. 7. (SB 1501) Effective January 1, 2013.)

51085. The governing body of the county or city may not accept or approve any grant of an open-space easement until the matter has first been referred to the county or city planning department or planning commission and a report thereon has been received from the planning department or planning commission. Within 30 days after receiving the proposal to accept or approve a grant of an open-space easement, the planning department or planning commission shall submit its report to the governing body. The governing body may extend the time for submitting such a report for an additional period not exceeding 30 days. The report shall specify whether the proposal is consistent with the general plan of the jurisdiction.

(Amended by Stats. 1977, Ch. 1178.)

51086. (a) From and after the time when an open-space easement has been accepted or approved by the county or city and its acceptance or approval endorsed thereon, no building permit may be issued for any structure which would violate the easement and the county or city shall seek by appropriate proceedings an injunction against any threatened construction or other development or activity on the land which would violate the easement and shall seek a mandatory injunction requiring the removal of any structure erected in violation of the easement.

In the event the county or city fails to seek an injunction against any threatened construction or other development or activity on the land which would violate the easement or to seek a mandatory injunction requiring the removal of any structure erected in violation of the easement, or if the county or city should construct any structure or development or conduct or permit any activity in violation of the easement, the owner of any property within the county or city, or any resident thereof, may, by appropriate proceedings, seek such an injunction.

(b) In the case of an open-space easement granted to a nonprofit organization pursuant to this chapter, such organization shall seek, through its official representatives, an injunction against any threatened construction or other development or activity on the land which would violate the easement and shall seek a mandatory injunction requiring the removal of any structure erected in violation of the easement.

(c) The court may award to a plaintiff or defendant who prevails in an action authorized by this section his or her costs of litigation, including reasonable attorney's fees.

(d) Nothing in this chapter shall limit the power of the state, or any department or agency thereof, or any county, city, school district, or any other local public district, agency or entity, or any other person authorized by law, to acquire land subject to an open-space easement by eminent domain.

(Amended by Stats. 1977, Ch. 1178.)

51087. Upon the acceptance or approval of any instrument creating an open-space easement the clerk of the governing body shall record the same in the office of the county recorder and file a copy thereof with the county assessor. The recording shall be consistent with Section 27255. From and after the time of the recordation, the easement shall impart notice thereof to all persons as is afforded by the recording laws of this state.

(Amended by Stats. 2012, Ch. 875, Sec. 8. (SB 1501) Effective January 1, 2013.)

## MEMORANDUM

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Date: June 7, 2021

To: Open Space Programs Committee

From: Elizabeth Cramblet, Project Planner

Re: Amendment of Open Space Easement 2480-467, APN 046-091-17

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### Purpose

This meeting of the Open Space Programs Committee (OSPC) concerns application 201104, an application which requires a Coastal Development Permit, Agricultural Buffer Reduction, and an Amendment to the Open Space Easement (OSE) contract which governs development on the property. The property owner proposes to:

- replace an existing 868 square foot barn/greenhouse with a new 1,890 square foot barn;
- replace an existing 2,111 square foot habitable structure with an attached garage/workshop and a new 1,193 square foot Accessory Dwelling Unit (ADU) with a 646 square foot attached garage; and
- remodel an existing 3,528 square foot single-family dwelling with an attached garage to become a 3,445 square foot single-family dwelling with an attached garage.

Because the proposed project requires an amendment to the Open Space Easement (OSE) contract to include the proposed new development (Attachment 1), it requires review by the OSPC. The subject contract (Attachment 2), which was recorded in 1975, recognized the existing buildings and uses on the property at the time the contract was executed; these included a single-family dwelling, a stable, and corral. While stipulations within some OSE contracts allow for exceptions for future development, no exceptions were included in the subject contract. An aerial photo of the subject parcel is provided below.



## **Project Site and Background**

The approximately five-acre subject parcel is located in the CA-O (Commercial Agriculture-Open Space Easement Combining District) zone district. The long rectangular parcel has about 260 feet of frontage along the coastal bluff and is located in the rural San Andreas Planning area. Except for the bluff, the parcel is level. The existing single-family dwelling is setback about 70 feet from the bluff while the existing habitable building, garage/workshop, and greenhouse/shop are setback between 230 to 320 feet from the bluff. These buildings are somewhat clustered in the northwest corner of the parcel leaving a significant majority of the parcel in open space. Much of this open space is occupied by an apple orchard. At the time the Open Space Easement contract was executed, the area surrounding the property was predominantly agricultural with nearby development including single-family dwellings, the Monterey Bay Academy, and the Manresa Uplands State Beach and Campground.

The following is a chronology of development on the property:

- 1972 – Construction of a single-family dwelling with a building permit.
- 1972 – Conversion of an existing building (no County records for construction date, possibly habitable) to a stable and hay storage without a building permit.
- 1975 – Open Space Easement Contract recorded.
- 1978 – Construction of shed and garage attached to the stable without a building permit.
- 1979 – Construction of additions to, and conversion of the stable to a studio with building permits (total size of the finished building was about 950 square feet).
- 1980 – Building permit issued for a new gas meter for the studio, the second one on the parcel.
- 1986 – Construction of a 345 square foot greenhouse without a building permit.
- 1986 – Construction of about 610 square feet of shop addition to the greenhouse without a building permit.
- 1991 – Construction of a second garage attached to the studio without a building permit.

On October 10, 1996, the County Planning Department accepted application (96-0693) for an amendment to an Open Space Easement contract, Coastal Development Permit, and Agricultural Buffer Setback Determination. It was submitted by the owner at that time to recognize the conversion and modification of the non-habitable accessory structure to a habitable structure and attached garage and to recognize the greenhouse building. The project planner took this application to the Planning Commission on July 28, 1999 where the Planning Commission recommended the Board approve the application. The application, however, never came before the Board because Aptos/La Selva Fire and Environmental Health Services identified compliance issues requiring resolution. The Fire agency required the provision of adequate access to the site and a fire hydrant with adequate water flow. Environmental Health required a satisfactory pumper's report for the septic system and indicated that they may require an expansion of the leach field. The applicant did not respond to these comments, and Planning staff eventually sent a notice of project abandonment on August 4, 2006.

## **Open Space Easement Contract**

The current proposal includes replacing the existing habitable accessory structure, garage, and greenhouse with a new ADU, attached garage, and new barn with a toilet. The project also includes renovations to the existing single-family dwelling, including an interior remodel and outdoor deck expansion. This requires an amendment to the existing Open Space Easement contract (2480-467) since the contract currently states that there are no exceptions allowing construction of any buildings or structures on the site without OSPC approval.

The applicant is requesting to amend this contract to include the proposed and renovated structures as exceptions as specified in the Amended Open Space Easement Contract (Attachment 1).

As noted above, the property is located in the CA-O zone district. The purpose of this district is to preserve agricultural lands and provide a wide range of agricultural uses and limited residential related uses. Accessory, habitable, and non-habitable structures used for both residential and agricultural purposes are conditionally permitted in this zone district. The proposed buildings meet the development standards of the zone district including setbacks, height, and lot coverage. The new buildings will be located in the same area as the existing ones; therefore, the existing apple orchard located on the eastern side of the parcel will not be diminished by the new development and will remain the same size. The purpose of the new barn is to store equipment and materials associated with the maintenance of the orchard. The lot coverage will remain virtually unchanged, increasing minimally from 3.8% to 4.2%. The intent of the Open Space zoning is for the public to enjoy the benefit of continued preservation and conservation of the natural scenic beauty and existing openness of the rural area. The project development, due to the building locations, allows approximately 85% of the parcel to be available for agriculture/open space uses.

The language of OSE 2480-467 states that the basis for its establishment is “to preserve and conserve for the public benefit the natural scenic beauty and existing openness of the property, subject to certain retain rights for improvement, uses paths and trails...” Amendment of the OSE to facilitate the new development would have no significant impact on scenic values. The site is within a mapped scenic area; however, the location of the proposed dwellings (ADU and new barn) is more than 200 feet from the bluff and would be screened by the existing single-family dwelling and a solid windbreak of cypress trees on the southwest corner of the adjacent parcel to the north. Even if the cypress trees were absent, the new buildings would not be visible from the beach below because of their location back from the bluff as shown in the sight line section on the cover sheet of the project plans dated January 7, 2021 (Attachment 3). Additionally, the subject parcel is about .75 miles and minimally visible from the nearest County designated Scenic Road, San Andreas Road.

### **OSPC Review**

Open Space Easement 2480-467 renews itself automatically each year and remains in effect for ten years. Approximately 160 parcels within the County are governed by an Open Space Easement Contract. Most of these contracts, including OSE 2480-467, contain the following requirement to ensure that development is compatible with the easement:

*“All new construction shall be reviewed by the Open Space Programs Committee with right of appeal to the Planning Commission. All structures should be compatible with the intent of the contract; specific concerns include the location of the site, screening and landscaping, exterior finishing materials and the colors, and general harmony with the character of the area.”*

The project is within the Coastal Zone and subject to the County’s Design Review Ordinance. The existing structures are traditional in style with shingle siding and composition shingle roofs. The new ADU, barn and remodeled single-family dwelling will all be a simple, low profile modern design with flat light grey membrane roofing and medium brown horizontal panels along the sides. The simple, modern style structures will complement homes in the surrounding rural neighborhood where a wide range of architectural styles exist including modern, traditional, and Mediterranean designs.

### **Amendment of Open Space Easement**

In order to amend the OSE, OSE 2480-467 and Government Code §51084 require that findings be made relative to the public purposes of GC §51084 as set forth below with draft findings provided in italics:

- (a) That the preservation of the land as open space is consistent with the General Plan of the county or city;

*The project site has a 1994 General Plan land use designation of Agriculture. This designation allows a full range of commercial agriculture, a single-family dwelling and ADU per parcel, habitable, and non-habitable accessory structures. The objective of this designation is to preserve agricultural lands and allow residential development as ancillary to the agricultural use. The project accessory residential and non-residential replacement structures are located in the northeast corner of the parcel within the existing development envelope. This location allows approximately 85% of the parcel to be available for agricultural use and / or open space.*

*Santa Cruz County General Plan Policy 5.10.5 (Preserving Agricultural Vistas) calls to continue to preserve the aesthetic value of agricultural vistas. Future development should be consistent with the rural character of the neighborhood by ensuring new structures appurtenant to agricultural uses on agriculturally zoned parcels are compatible with the agricultural character of the surrounding community. The new barn will store equipment used for the general maintenance of the existing orchard. These are common structures found on CA zoned lands. The new ADU, barn and remodeled single-family dwelling will all be a simple, low profile modern design with earth tone colors that will blend with homes and accessory structures within the neighborhood where there is a wide range of architectural styles.*

*General Plan Policy 5.10.6 (Preserving Ocean Vistas) seeks to preserve existing public ocean vistas and when new development is being considered, ensure these public vistas remain open and visible as they currently exist. The two replacement structures will essentially be in the same location next to one another setback approximately 230 to 320 feet from the bluff. The existing single-family dwelling will be renovated; however, the overall size and height will be slightly smaller and will still be one story.*

- (b) That the preservation of the land as open space in the best interest of the County or City and specifically because one or more of the following reasons exist:

- (1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.

*N/A*

- (2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.

*The continued preservation of the subject parcel as open space is in the public's interest in that the proposal is in line with development and uses within the surrounding neighborhood; maintaining this aesthetic will preserve the rural character of the area. Parcels within the immediate neighborhood along Lily Way are zoned CA as well as RA and contain either agricultural resources such as orchards*

*and/or greenhouses, or they are minimally developed with a single-family dwelling with substantial open space on the remainder of the parcel.*

(3) The land lies in an area that in the public interest should remain rural in character and the retention of the land as open space will preserve the rural character of the area.

*The continued preservation of the subject parcel as open space is in the public's interest in that development on the parcel will be limited to what is described in the Open Space Easement contract which would maintain a large portion of the parcel as open, maintaining the rural character of the area. The proposed amendment of the Open Space Easement contract will continue to preserve about 4.25 acres of the 5-acre parcel in open space. The residential development is clustered in the northwestern corner of the property thereby providing level, open and undeveloped land on the remaining area for agricultural uses. The developed area is screened by the existing mature cypress trees and domestic landscape. Continued preservation of the landscape and open rural character of the property is assured by the terms of the contract and the conditions.*

(4) It is in the public interest that the land remain in its natural state, including the trees and other natural growth, as a means of preventing floods or because of its value as a watershed.

N/A

(5) The land lies within an established scenic highway corridor.

N/A

(6) The land is valuable to the public as a wildlife preserve or sanctuary and the instrument contains appropriate covenants to that end.

N/A

(7) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.

N/A

## Environmental Review

State law provides a CEQA exemption for the adoption of open space easements.

### *15317. OPEN SPACE CONTRACTS OR EASEMENTS*

*Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.*

*Note: Authority cited: Section 21083, Public Resources Code.*

The proposed amendment has no possibility of a negative environmental impact and will not require environmental review. The replacement structures are in the same location as the existing structures with only



minor modifications. The existing agricultural area will not be reduced by the proposed development. The project will not impact any sensitive habitat resources or other significant species.

### Conclusion

The current owner purchased the subject parcel in good faith for the purpose of renovating the existing single-family dwelling and replacing outdated, dilapidated structures while maintaining the existing orchard. The proposed work is located within the same development envelope as the existing improvements. The proposed OSE amendment is consistent with the General Plan in that the General Plan designation of AG (Agriculture) is consistent with maintaining orchards and encourages the use of OSEs for protection of agricultural land and (scenic) open spaces. Amendment of Open Space Easement 2480-467 to replace and modify the existing structures within the same footprint while maintaining the agricultural use would be consistent with the County General Plan, State Law, the Zoning Ordinance and the terms for amendment of the Easement itself.

### Staff Recommendation

The Open Space Programs Committee recommends that the Planning Commission recommends that the Board of Supervisors:

- Determine that the proposed Open Space Easement amendment is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVE** amendment of Open Space Easement 2480-467 to allow the replacement structures as listed in Attachment 1, based on the attached draft findings (Attachment 4).

### Attachments

1. Amended Open Space Easement contract
2. Original Open Space Easement contract (2480-467)
3. Project Plans dated January 7, 2021
4. Draft Findings
5. Notice of Exemption
6. OSPC Administrative Practice Guideline

Report Prepared By: Elizabeth Cramblet  
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Report Reviewed By: Annette Olson  
Annette Olson  
Principal Planner  
Development Review  
Santa Cruz County Planning Department

## Minutes of the 6/7/2021 OSPC Hearing

**Re:** Application 201104

**OSPC members:** Jocelyn Drake, Planning; Juan Hidalgo, Agricultural Commission; Jeff Gaffney, Parks; Sheri Thomas, Assessor's

**Project Planner:** Elizabeth Cramblet

1. Slide Show and staff presentation
2. Discussion
  - a. Mr. Gaffney asked about when the current property owner purchased the property and the previous permit history.
  - b. Ms. Thomas posed a question about the well.
  - c. Ms. Drake:
    - i. Suggested adding flexibility to the revised contract to allow for small additions without having to return to the OSPC. Mr. Gaffney concurred.
    - ii. Notes that the project would correct a currently non-conforming side yard setback.
    - iii. Notes the project is appropriately clustered, retaining the primary use of the property as agriculture.
  - d. Mr. Hidalgo:
    - i. Visited the property
    - ii. Was pleased to see apples growing so close to the coast
    - iii. Saw that the orchard is about three years, i.e., the new property owner planted the orchard where before there was no agricultural use.
  - e. Mr. Gaffney commented that the design fits with the area.
3. Motion
  - a. Ms. Drake made the staff's recommended motion with the additional direction to staff to consult with County Counsel regarding including a provision in the revised OSE contract to include an exemption allowing limited future development with a recommendation to consider using the Coastal Permit 250 sf exemption as a guideline
  - b. Mr. Gaffney seconded the motion
  - c. Unanimously approved.

## **Meeting summary and results**

Good afternoon Elizabeth

My neighborhood meeting was held this afternoon. The letter notifying all of my neighbors on Lilly Way of the meeting can be seen in the attached Word document. The notification requirement is that all property owners within 300 feet of my parcel be contacted. Because this would have only included 5 neighbors I followed the process of extending the 300 foot distance by 50 foot increments to encompass 10 properties. As mentioned, the notification was sent to all of the property owners on Lilly Way of which there are twelve.

The list of the twelve property owners can be seen in the attached spreadsheet

Because of the ongoing pandemic, it was recommended that I host a virtual meeting, and this was done via Zoom on 9/28/2021 between 3:00 and 4:00 PM. A recorded copy of the meeting is available upon request

Although none of my neighbors attended the meeting, I did receive approval for my proposed project from Miguel Podolsky (86 Lilly Way) and Skip Fehr (95 Lilly Way) prior to the meeting. This is documented in the spreadsheet.

A PDF of the plans that were available for review is attached as is the notification letter that was sent via first class mail on 09/21/2021.

Please do not hesitate to contact me if you have any questions  
Leroy Rasi

Neighborhood Meeting held on 9/28/21 on Zoom between 3 and 4 p.m. Noticed people below.

Address	APN	Name	Attended	Response
20 Lilly	046-221-51	Dautoff		
21 Lilly	046-091-21	Wade and Wayne Sakae		
276 Lilly	046-241-43	Todd and Marie Massey		
40 Lilly	046-221-01	Jackie Christie		
51 Lilly	046-091-15	Larry and Stan Tachbana		
56 Lilly	046-241-44	Larry and Stan Tachbana (Chris)		
86 Lilly	046-241-42	Miguel Podosky		Gave me his approval via text and offered to provide letter of support
87 Lilly	046-091-05	Bruce Muller		
91 Lilly	046-091-23	Tony Lee		
95 Lilly	046-091-24	Gerald "Skip" Fehr		Gave me his approval via email as longs as the building are not moved close to the road
101 Lilly	046-081-33	Nora Wilson		
111 Lilly	046-081-32	Laure and Rick Myrick		

**SANTA CRUZ COUNTY PLANNING DEPARTMENT  
ADMINISTRATIVE PRACTICE GUIDELINE**

Interpretation No.: OSE-01 (Open Space Easements: Permit Review Procedures for New Construction)  
Effective Date: 9/27/13  
Originally Issued: 9/27/13  
Revised:

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**Questions**

When a property is subject to an open space easement, when does new construction require a discretionary site development permit and review by the Open Space Programs Committee (OSPC)?  
What public notice and permit processing requirements apply, and what are the appeal provisions?  
What is the composition, nature and role of the OSPC; and what are its review procedures?

**Applicable Regulatory Section(s)**

§13.10.461, .462, .463 "O" Open Space Easement Combining District, as well as Open Space Easement/Contract Provisions: Approximately 160 parcels are governed by an Open Space Easement Contract. Most of these contracts, beginning in about 1974-75, contain the following provision regarding review of construction proposed on properties subject to an easement, for the purpose of determining whether the construction would be compatible with the easement:

*"All new construction shall be reviewed by the Open Space Programs Committee with right of appeal to the Planning Commission. All structures should be compatible with the intent of the contract; specific concerns include the location of the site, screening and landscaping, exterior finishing materials and the colors, and general harmony with the character of the area."*

**PRACTICE:**

The Open Space Programs Committee (OSPC) consists of the following county staff positions, or their designees from their offices:

Santa Cruz County Assessor  
Santa Cruz County Agricultural Commissioner  
Santa Cruz County Parks and Recreation Director  
Santa Cruz County Planning Deputy Director

The OSPC is advisory to the decision-making body, as to whether proposed new development should be approved, conditionally approved, or denied with respect to its consistency with the intent and provisions of the open space easement that applies to the subject property. Depending on the nature of the proposed project and what type of other discretionary permits may be required, the decision-making body may be the Planning Director or designee, the Zoning Administrator, the Planning Commission, or the Board of Supervisors. A discretionary open space easement development permit will be "packaged" with other discretionary permit(s) required for a project and processed at the "highest level" permit process that is required for the other discretionary permit(s).

## **EXPLANATION:**

### **Background**

The California Land Conservation Act (the "Williamson Act") was adopted in 1965 to support preservation of agricultural and open space lands, with owners entering into contracts that restricted uses of the lands, and counties reducing property tax assessments. From 1967 to 1970, state bills were adopted that expanded the definition of lands that were eligible for contracts.

County records indicate that prior to 1971, the County operated a program to preserve scenic areas by encouraging particular property owners to enter into a scenic easement, which essentially placed an easement over areas that were considered scenic and a priority for preservation. As part of the program the Board of Supervisors authorized a staff committee named the Scenic Easement Review Committee, whose purpose was to evaluate proposed easements and make recommendations regarding their acceptance by the County. The Scenic Easement Review Committee was composed of the (1) County Assessor; (2) Agricultural Commissioner; (3) Parks and Recreation Director; and (4) the Deputy Planning Director.

On December 15, 1970, the Board of Supervisors adopted the recommendations of the Scenic Easement Review Committee, to re-name the program and use an "Open Space Easement" mechanism rather than the "Scenic Easement" and make it available to owners of open and scenic land. The letter to the Board was signed by each of the members of the Scenic Easement Review Committee, comprised as described in the above paragraph.

On July 27, 1971 the Planning Director forwarded to the Board of Supervisors an information packet that had been prepared by the Committee, which was referred as the "Open Space Easement Review Committee". The Board approved the material, which included filing requirements and criteria to be used in administering applications for open space easements under the program.

In 1974 the State legislature approved the Open Space Easement Act, which provided that easements may be for a term of years (at least 10 years) or in perpetuity. Like Williamson Act contracts, open space easement contracts automatically renew each year for an additional year unless a notice of nonrenewal is provided. As noted earlier, in about 1974-75 the County began to include within easements/contracts the following provision regarding review of construction proposed on properties subject to an easement, for the purpose of determining whether the construction would be compatible with the easement:

*"All new construction shall be reviewed by the Open Space Programs Committee with right of appeal to the Planning Commission. All structures should be compatible with the intent of the contract; specific concerns include the location of the site, screening and landscaping, exterior finishing materials and the colors, and general harmony with the character of the area."*

### **Composition and Nature of the OSPC**

The "Open Space Easement Review Committee" referred to in the 1971 Board letter is determined to be the "Open Space Programs Committee" referred to in the contract statement above. Therefore, the Open Space Programs Committee (OSPC) consists of the following county staff positions, or their designees from their offices:

Santa Cruz County Assessor  
Santa Cruz County Agricultural Commissioner  
Santa Cruz County Parks and Recreation Director  
Santa Cruz County Planning Deputy Director

The OSPC does not serve as an advisory body directly to the Board of Supervisors, but provides a recommendation for consideration of the decision-making body which will be taking action on an application for a discretionary development permit for new construction on property subject to an open space easement.

The determination that the OSPC is not an advisory body to the Board of Supervisors is supported by the fact that in 1974 the Board of Supervisors adopted an ordinance establishing uniform procedures for the creation and administration of advisory bodies (current Chapter 2.38), and steps were not taken at that time to formalize the Open Space Programs Committee as an advisory body pursuant to that ordinance. One of the declared purposes of the ordinance was to seek the advice, ideas and recommendations of the citizens of the County (see Section 2.38.020), and its provisions were applied to any "advisory board, commission, committee or department advisory group over which the County has appointing authority or jurisdiction." (See Section 2.38.040.) Furthermore, any advisory body then in existence in 1974 was deemed abolished after six months if not reconstituted pursuant to the requirements of Chapter 2.38 (see Section 2.38.050.)

There are no ordinances, resolutions or other records documenting the establishment of the Open Space Programs Committee (OSPC) as an advisory body to the Board of Supervisors which contains citizens. Therefore the determination that the OSPC is composed of the staff members identified above is supported by the history of county actions taken to comply with that chapter.

### **OSPC Role, Procedures, and Applicable Permit Processes**

As required by the Open Space Easement contract provision, the OSPC conducts a review of proposed new construction on parcels governed by an Open Space Easement contract. The OSPC does not hold regular meetings, schedules meetings only on an as-needed basis, and is not subject to Brown Act requirements.

The project planner will prepare a memo for consideration of the OSPC, and may develop recommendations for consideration by the OSPC. This memo, along with a set of the proposed project plans, will be provided to members of the OSPC at least one week prior to any meeting of the OSPC.

The project planner attends and staffs the OSPC meeting(s), which are recommended to occur at the site of a proposed development. If an OSPC "field trip" or "meeting on site" is not arranged by the staff planner then OSPC members are expected to arrange for their own site visits prior to the OSPC meeting. OSPC meetings are not open to the public, as Committee work is considered to be part of the "staff work" of analyzing the consistency of a proposed project with applicable code and easement requirements. However, any staff memo and brief "action minutes" of OSPC meetings are to become part of the public record that is part of the permit application file.

Once the project planner determines that the proposed project is ready for consideration by the decision-making body, public notice of the project application shall be provided in accordance with the applicable requirements of the "highest level" permit. For example, if a project requires a coastal permit that will be considered by the Zoning Administrator, then the "Level 5" public notice and



permit process is followed. A project considered by the Zoning Administrator would be appealable to the Planning Commission, and then to the Board of Supervisors if further appealed.

If the proposed project usually requires only a ministerial building permit, but requires a discretionary site development permit due to the open space easement, then that permit is processed as an Administrative Site Development Permit under the "Level 4" public notice and process requirements. Due to the language of the easement, any appeal of an Administrative Site Development Permit would be considered by the Planning Commission, and then to the Board of Supervisors if further appealed.

New construction on properties subject to an open space easement that is exempt from building permit requirements is also exempt from a requirement for an Administrative Site Development Permit, unless some other discretionary development permit requirement applies to the project.

Note that the OSPC is not charged with reviewing or ensuring compliance with any and all aspects of an open space easement, but only any provisions that relate to proposed new construction. For example, property owners activities related to landscaping or other activities not subject to a zoning or building code permit requirement are not reviewed by the OSPC. To the extent that a property owner may be undertaking landscaping or other activities that are in violation of applicable open space easement provisions, that would be a considered a violation of the easement and other available remedies to enforce the terms of the easement would be the appropriate remedies to pursue.

Application fees for proposed projects will be as set by the Board of Supervisors in the adopted fee schedule for the type of permit(s) required for the proposed new construction. Generally, this means that an applicant is charged "at cost" for the time and materials needed for staff to process an application. In that the intent of the easement provisions is that a proposed new development NOT be approved unless is it found to be consistent with the purposes of the easement, such a project will usually be determined to be exempt from CEQA. However, there may be another discretionary permit requirement that applies to the project and other reasons that the project involves the potential for significant environmental impact(s), and therefore it is possible that a project is subject to CEQA.

The proposed project will be evaluated and may be subject to conditions of approval in order to ensure consistency with the intent and requirements of the easement/contract, namely: *the location of the site, screening and landscaping, exterior finishing materials and the colors, and general harmony with the character of the area.* The OSPC may forward recommended conditions of approval to be imposed through the discretionary permit approval, or may recommend approval without any conditions, or may recommend denial of the proposed new construction. The recommendations of the OSPC shall be based on ensuring consistency of the proposal with the intent and provisions of the subject Open Space Easement/Contract. The OSPC recommendations are included, along with minutes of the meeting, as an attachment to any staff report that may be prepared in association with review of a proposed project.

Also, in accordance with Chapter 18.10, an Administrative Site Development Permit may be elevated to a higher level, such that it may be scheduled for consideration at a Zoning Administrator public hearing. Any action by the ZA would be appealable to the Planning Commission, and then the Board of Supervisors.

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Kathy M. Previsich, Planning Director

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Date