County of Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, DIRECTOR

March 2,2004

AGENDA DATE: March 10,2004

Planning Commission
county **of** santa Cruz
701 Ocean Street
Santa **Cruz,** Ca 95060

APPLICATION NUMBER. 00-0669
APN 059-023-08

OWNER Sand Hill **Bluff, LLC**
APPLICANT: Sand Hill Bluff, LLC

SUBJECT: Continued public hearing for:
Appeal of Zoning Administrator Denial of Permit Application #00-0669
Proposed Sand Hill Bluff Residence
5515 Coast Road, Santa Cruz, CA

Members of the Commission:

The purpose of this letter is to update your Commission regarding the referenced appeal. At your January 28,2004 meeting, staff requested the item be continued to March 10,2004 because staff had received a substantial volume of new materials from the appellant, requiring additional analysis by staff. Your Commission agreed and continued the item to your March 10,2004 public hearing.

Meanwhile the Agricultural Policy Advisory Commission (APAC) requested to learn more about this project, as an informational item on APAC's February 19,2004 agenda. In followup to the February 19 meeting, and as indicated in the attached letter, APAC is requesting that your Commission defer a final decision on the appeal. APAC requests that your Commission continue the item and refer it to APAC for formal review at APAC's March 19,2004 meeting.

CONCLUSION AND RECOMMENDATION

It is therefore RECOMMENDED, that your Commission continue the appeal hearing to your April 28,2004 agenda, and refer the appealed project to APAC **for** formal public hearing review at APAC's March 19,2004 meeting, with the request that APAC provide your Commission with **followup** information and recommendations to assist your deliberations and final decision.

Sincerely,

Jack Nelson
Development Review Planner

Reviewed By: _____
Cathy Graves
Principal Planner
Development Review
Santa Cruz County **Planning Department**
701 **Ocean Street, 4th Floor**
Santa **Cruz CA 95060**

Attachment: APAC letter of February 20, 2004

County of Santa Cruz

AGRICULTURAL POLICY ADVISORY COMMISSION

February **20,2004**

Planning Commission
County of Santa Cruz
701 Ocean Street, 4'' Floor
Santa Cruz, CA 95060

Re: Sand Hill Bluff Residence
Application No. 00-0669, AEN 59-023-08
Request for Project Review by APAC

Dear Commissioners:

At its meeting yesterday, February **19,2004,** the Agricultural Policy Advisory Commission (APAC) heard the above referenced application as an informational item, presented by Planning Department staff. It is clear from the discussion which ensued that there are a number of issues related to this project either directly tied to agricultural activity on the property or hinge on some aspect of crop production. We believe the agncultural aspects of this project need further review and that APAC be given that opportunity.

We therefore request that your Commissioner defer a final decision on this project at your March 10, **2004,** meeting, continue the item, and refer it to APAC for formal review at its meeting on March 18 29, 2004. We believe this serves all parties well in that APAC could provide to your Commission both information, which you do not currently have in hand, and recommendations which could assist you in your deliberations and final decision.

Thank you for considering this request.

Respectfully yours,

for

Bruce Dau, Chairman
APAC

cc: Planning Department
Board of Supervisors
CAO

175 WESTRIDGE DRIVE, WATSONVILLE, CALIFORNIA 95076 TELEPHONE (831) 763-8080 FAX (831) 763-8255

County of Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95080
(831)454-2580 FAX: (831)454-2131 TDD: (831)454-2123
TOM BURNS, DIRECTOR

January 16,2004

AGENDA DATE: January 28,2004

Planning Commission
County of Santa Cruz
701 Ocean *Street*
Santa Cruz, Ca 95060

APPLICATION NUMBER 00-0669
APN: 059-023-08

OWNER: Sand Hill Bluff, LLC
APPLICANT: Sand Hill Bluff, LLC

SUBJECT: Continued public hearing for:
Appeal of Zoning Administrator Denial of Permit Application #00-0669
Proposed Sand Hill Bluff Residence
5515 Coast Road, Santa Cruz, CA

Members of the Commission:

The purpose of this cover letter is to provide your Commission with the attached staff report dated November 12,2003 regarding the proposed Sand Hill Bluff residence. At your November 12,2003 meeting, the owners' agent requested the hearing be postponed, in the interest of holding the hearing before a full Commission. Your Commission agreed and continued the item to your January 28,2004 public hearing.

The attached staff report is complete and unchanged from November 12,2003.

However, very late in the process (January 12,2004) we have received a substantial volume of new materials from the appellant. This includes a 2" three-ring binder and a bound color printing of an electronic presentation. I understand these materials have also been sent directly to each Commissioner by the appellant.

This additional submittal will require significant analysis by staff. In order for staff to provide this analysis, I recommend that your Commission continue this item until March 10,2004.

Please retain the attached staff report for your review prior to the March 10,2004 public hearing. We will provide you with additional staff analysis in advance of the March 10 meeting.

Sincerely,

Jack Nelson
Development Review Planner

Reviewed By: _____

Cathy Graves
Principal Planner
Development Review
Santa Cruz **County Planning Department**
701 Ocean Street, 4th Floor
Santa Cruz **CA 95060**

#11 F.N
11-12-0.

County of Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX (831) 454-2131 TDD: (831) 454-2123
ALVIN D. JAMES, DIRECTOR

Planning Commission
701 Ocean Street
Santa Cruz, CA 95060

November 12,2003

Subject: **Appeal of Zoning Administrator Denial of Permit Application #00-0669**
Proposed Sand Hill Bluff Residence
5515 Coast Road, Santa Cruz, CA
APN: 059-023-08 Owner: Sand Hill Bluff LLC

Members of the Commission:

This letter report addresses an appeal made to you by Catherine Philipovitch (hereafter "appellant") of the law firm Bosso, Williams, Sachs, Atack, Gallagher & Sanford, representing the property owner Sand Hill Bluff LLC.

Appeal History and Summary Recommendation

The appellant has filed an appeal to your Commission regarding the Zoning Administrator's May 16,2003 decision to deny the proposed residential development at Sand Hill Bluff. After careful consideration of the applicant's appeal submittal (Attachments 1 and 2), staffs recoininendation to your Commission is to uphold the Zoning Administrator's denial of the project.

The attached Staff Report to the Zoning Administrator (Attachment **3)** describes and analyzes the project, reviews the required permit findings in sequence, and explains why most of the required findings cannot be made for this project. The primary appeal letter from Ms. Philipovitch (May 28,2003) follows a similar format of sequentially reviewing the required permit findings in succession. This present report to your Commission responds to the appeal items, and for the sake of bringing each key issue into focus, chiefly organizes the discussion below by key issues instead of going sequentially by each individual required finding.

Kev Land Use Issues

The proposed Sand Hill Bluff project would place a premier estate-type residential development in a highly sensitive location: on and adjacent to an agricultural resource, on and adjacent to a visual resource, on and adjacent to an archeological resource, adjacent to a biotic resource, and adjacent to what may be found to be an area of public/coastal access.

Figure 1: Air photo ofportion of subject parcel 59-023-08, September 30, 2002. Photo courtesy of California Coastal Records Project.

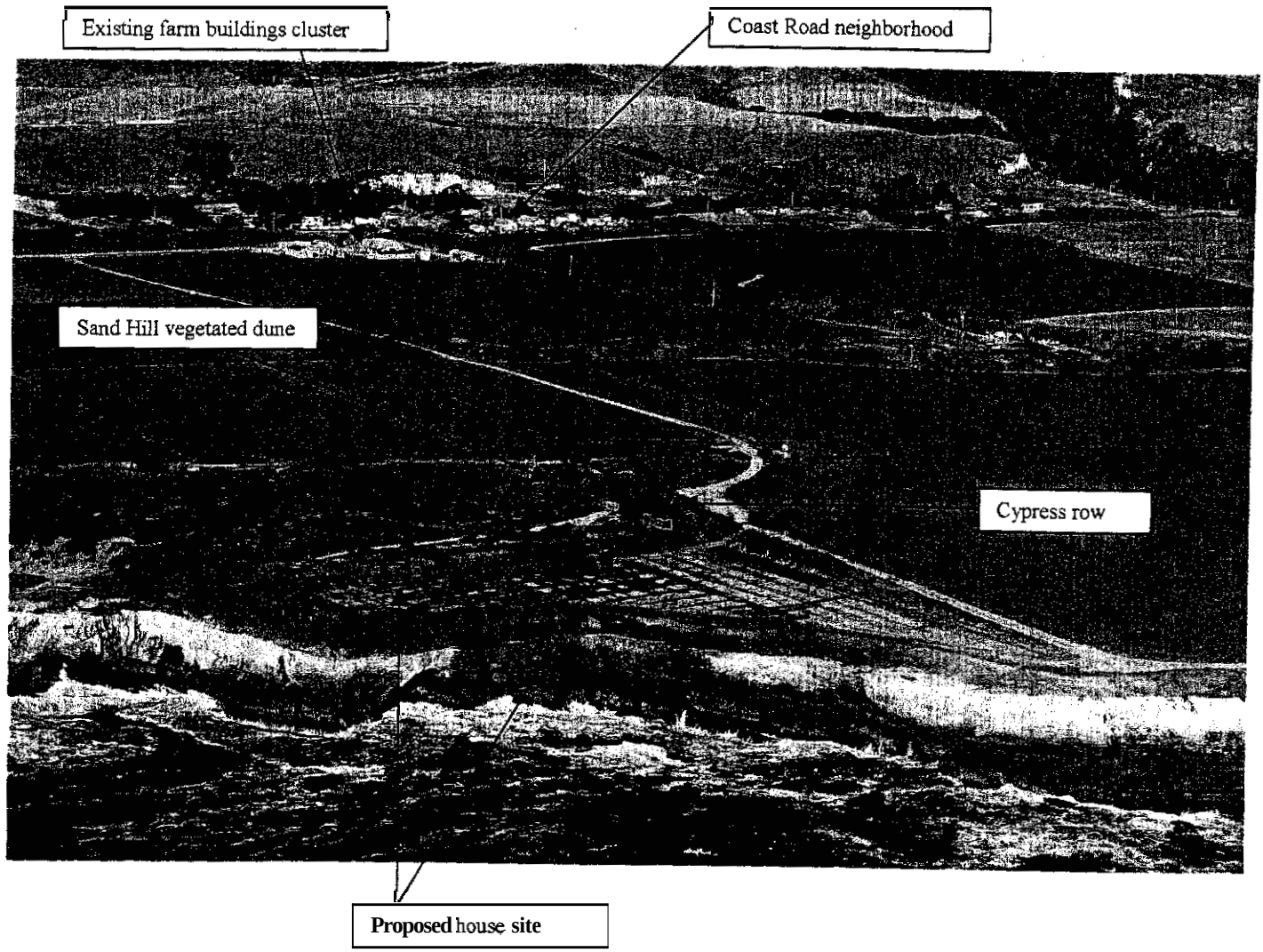
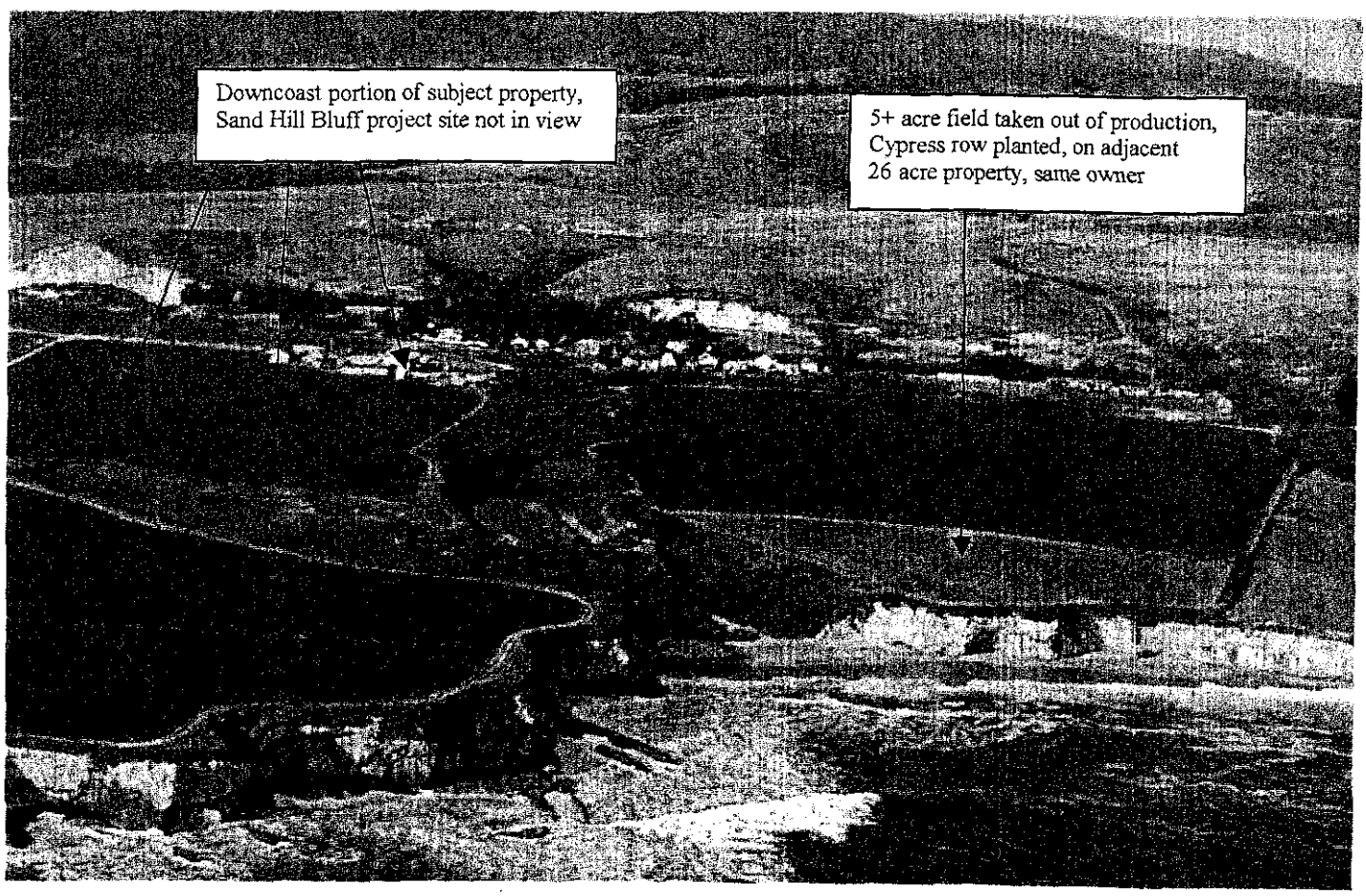


Figure 2: Air photo including adjacent 26 acre downcoast property (APN **59-023-07,** same owner Sand Hill Bluff LLC, between coastline and rail line) on September **30,** 2002. Photo shows large agricultural area adjacent to coastal bluff which the owner took removed from production, with new young cypress trees planted around the margins. The farmer who leases both properties on an annual basis was asked by the property owner to take this portion of the land out of production, Further discussion at page 9.

Proposed project and Sand Hill Bluff dune area are out of photo to left; Piggy Beach is at center and Majors Creek is out of photo to right. Photo courtesy of California Coastal Records Project



As detailed in the Staff Report to the Zoning Administrator, the proposed Sand Hill Blu project is in conflict with specific County policies regarding agricultural resources, visu resources, public/coastal access, biotic resources, archeological resources, Coastal Zone design criteria (visual compatibility, minimum site disturbance), and County policy regarding clustering with existing development. In addition to looking at separate polic and individual required findings for an approval, for this significant project it is worth asking how the proposal, *taken as a* ***whole,*** does or does not fit with the adopted purpose and goals of the General Plan/Local Coastal Program and the County Code,

The "discretionary" in a discretionary permit review can mean that a degree of professio judgment is called for, drawing on a whole-picture understanding of the fundamental lan use objectives that County regulations are based on. In Planning staffs professional opinion, in consultation with senior staff and subject area experts in the Planning Department, and based on the facts, evidence, and policies presented, if approved the proposed project would have profound, predictable negative impacts on land use contrar to the General Plan and County Code purposes, both on the subject parcel and by examp on other similar North Coast properties, including an immediately adjacent property.

There is wisdom in the County's adopted policies which require development to be locat physically away from various sensitive resources. This principle protects those resource: not only from direct impacts of development which can be predicted to take place (for example: development which directly displaces the footprint of a sensitive resource), but also helps protect against impacts for which the risk simply becomes higher (for example agricultural use discontinued when it becomes a nuisance to a more economically valuab land use introduced on a site).

Distancing of development from sensitive locations also wisely protects resources from those impacts which are unforeseen but which sometimes incidentally emerge from the very nature of placing substantial development in or adjacent to a sensitive resource location. One example of this follows, from the same site.

Agricultural Issues

Including appeal ***issues*** *related to Required Special Findings for* ***All*** *"CA" Commercial Agriculture Uses, Findings #1-5; and Development Permit Findings #2 and* ***3***

In the interest of dismissing the proposed project site as an agricultural resource, the appeal newly provides a new report of a single soil test sample indicating excessive soil salinity (Attachment 2). The applicant's agricultural consultant Ron Tyler then concludes that the agricultural soil of the proposed development site has been irreversibly salinified by salt water spilling from the former Abalone Farm aquaculture project, to such an extent that the land is no longer viable for agriculture.

The soil test has not been independently corroborated and staff does not assume it conclusive or necessarily applicable to the entire multiacre site. However, if extensive salt water soil pollution over a large site area did take place, it would be a negative unforeseen impact of the prior aquaculture development at the site.

There are known agricultural methods for remedying soil salinification, but the Abalone Farm pennit did not explicitly require that any such damage be corrected, apparently because the possibility of this source of damage was not considered.

If the damage is proven, it would provide an example at the same site of unintended consequences of allowing development in a sensitive location. The Abalone Farm was subject to very extensive permitting review, including an EIR, plus extensive pennit conditions, and yet this particular impact was never considered on the record.

As is explained below, staffobtained information from agricultural experts indicating that if the soil has been salinified, there are agricultural methods which may successfully treat it. The question ofpossible soil damagefrom the Abalone Farm, however resolved, would not be decisivefor thisplanning determination, because there are other serious agriculture-relatedproblems with theproposedproject as laid out below, along with the other land useproblems presented.

The relative effect on agriculture of a revised project location

A major theme in the appeal contends that it would be worse, for agricultural and visual resources, to have a similar project located in the northeast comer of the property, next to the existing cluster of agricultural structures. This would convert a large area of superior, prime agricultural land, the appellant says.

However, this conclusion is contrary to the previous Planning Department communication to the applicant indicating that in clustering a new residence with the existing buildings, it would also be necessary to reduce the project to within a sinaller size range in order to meet various County policies. This requirement was detailed in the proposed Negative Declaration Mitigations (to which the applicant did not agree) that followed the Initial Study for the project (Attachment 3, Exhibit E). The mitigations require the size of the proposed dwelling to he within a range bracketed by the smallest and largest homes in the immediate neighborhood, defined as both sides of Coast Road on the ocean side of Highway 1.

The appeal's assumption is incorrect that an estate-type residential development, requiring a large site area, would necessarily be allowed somewhere on this Commercial Agriculture parcel and that it is therefore a matter of choosing the least damaging site option.

The appeal also incorrectly interprets the 200-foot Agricultural Buffer requirements of

County Code section 16.50.095to apply to new development and commercial agriculture within the same parcel. The buffer requirement is measured only from *neighboring* properties on which there is Type 1/2/3 Commercial Agricultural land. Accordingly, the large site area with 200-foot buffers for a new residence adjacent to the existing agricultural structures, which the appellant shows superimposed on an aerial photo (Attachment 2), is not required by 16.50.095.

The appeal also incorrectly interprets General Plan policies 8.3.1 and 8.3.3, which require development clustering. According to the appeal, the "adequate spacing of residential units... to maintain the rural character" (8.3.3) is interpreted to require location of this new residence rather less clustered (that is, 100 feet away, as shown on the appellant's superimposed aerial photo) with the existing buildings. On the contrary, it appears that the existing cluster of buildings offers some good potential for redevelopment to incorporate an in-scale, ancillary farm residence.

As to visual resource issues at the existing agricultural buildings and at the Sand Hill Bluff vicinity, a separate response section follows further below.

What if the agricultural viability and agricultural resource status of the proposed site has been affected by salt water spillage from the Abalone Farm?

First, this is not a foregone conclusion. The appeal submitted a followup letter from Ronald Tyler dated July 17,2003 which includes a soil test lab report (Attachment 2). One isolated soil sample at a single field location by the applicant's agricultural consultant is not conclusive.

If excessive salinity has been introduced, there are techniques which may successfully treat it. Professor of Soil Physics John Letey, University of California Riverside, writes "water quantities in excess of evapotranspiration must be applied to leach salts beyond the root zone to prevent reduced crop yields" (California Agriculture, March-April 2000).

Scott Stoddard, a University of California Cooperative Extension Farm Advisor in Merced County where soil salinification is a more common problem, advised Planning staff (personal communication, October 8,2003) that in some cases a one-time leaching treatment with good quality water combined with gypsum (calcium sulfate) is sufficient to remove 80% of the sodium problem.

Dan Munk, a UC Cooperative Extension Farm Advisor whose work includes soil reclamation issues in Fresno County, told Planning staff (personal communication, October 16, 2003) that the key data in the submitted soil test does not give reason to believe the site cannot be reclaimed. Mr. Munk indicated that a typical treatment might consist of applying high quality gypsum at 3 to 10 tons per acre followed with imgation water. Gypsum may cost $70-$80 per ton, plus the cost of spreading. When this is done on a larger scale costs

are $100 to $150 per acre per growing season, with repeat treatment possibly needed.

Steve Tjosvold, UC Cooperative Extension Farm Advisor at the Santa Cruz County office (Watsonville) reviewed the soil sampling method and lab report in collaboration with irrigation specialist Michael Cahn of the UC Cooperative Extension Salinas office. Mr. Tjosvold advised Planning staff (personal communication, October 20, 2003) that the test information is not enough to establish whether reclaiming the soil can or can't be done, since additional factors such as infiltration rate would come into play. Mr. Tjosvold also expressed puzzlement that remedial use of gypsum is not discussed in the soil evaluation.

Notwithstanding the information suggesting a salinity problem could be corrected, on reading the submitted soil test report Planning staff considered how the staff recommendation on the proposed project would be affected if it was proven that the soil was no longer suitable for agriculture. Would it make the project acceptable at least from the standpoint of agricultural resource protection, if not for other planning issues?

This question brings into greater focus two other significant unresolved agricultural policy conflicts: (A) allowing an estate residence that is not ancillary to agriculture on the property, and (B) agriculture-residential use conflicts including locating the proposed residence so as to require a long residential driveway passing through actively farmed agricultural fields. Discussion follows under (A) and (B) below.

(A) Is the proposed proiect Ancillary, Incidental or Accessory to the agricultural use?
Including appeal issues related to "CA" Special Finding # 2

No. This question is addressed at length in the Findings on pages 7-8 of the Staff Report to the ZA. The appellant contends (inaccurately) that the proposed building site is only 1% of the parcel size, but that is not a standard by which this required permit finding is judged.

The applicant's own agricultural consultant Ron Tyler, in his followup letter of July 17, 2093 (Attachment 2), acknowledges "the fact that the house will be unconnected with the agricultural operations." This is a tacit acknowledgment that the project is not an ancillary "use in support of and connected with that main use" called for in the County Code,

(Also, the area of previously fanned agricultural land—as docuinented by aerial photos and to-scale survey maps—which would be converted by the proposed project, is by staffs analysis 2.2 acres or more, not the 1.5 acres estimated by Mr. Tyler).

(B) Would the proposed proiect establish commercial amiculture-residential use conflicts that would affect the future of agriculture on the property?

There is an approximately 3000 foot long (0.6 mile) single lane road from the existing

cluster of agricultural structures to the proposed house site, through agricultural fields presently planted in Brussels sprouts.

To obtain documentation of the agricultural operations the new residents and guests would encounter on the way to the new seaside estate home, staff contacted the fanner who presently leases the land for fanning. The farmer told staff (personal communication, September 22,2003) he prefers to stay out of the present land use permit process but he kindly answered specific questions about the existing farming operations.

Following are farming operations which vehicles of residents and guests would need to pass through enroute to a residence located at Sand Hill Bluff. These are also farm operations which would need at all times to be acceptable to the occupants of the new estate residence, at the pleasure of the property owner.

There are times at the proposed site when there is relatively little wind or the wind reverses direction, so a premier estate-type residence sited anywhere on this commercial agriculture property would not have consistent immunity from the effects of the agricultural operations — unless the operations were halted.

The fields are disced approximately eight times to get ready to plant. This creates dust and loud machinery noise. Strong-smelling manure and mushroom compost are spread on the fields. The baserocked prospective driveway route is itself occupied **and** crossed by slow farm equipment that tracks from the fields onto the road. After the plants are in the fields they are cultivated by equipment approximately six times. Overhead sprinkler irrigation goes on steadily, taking about two weeks to pass through the entire property in one cycle and then starting over again. The crops are sprayed with insecticide approximately four to five times by ground rigs with booms, spraying at night when wind conditions are no more that 1-2 mph to minimize drift. Harvesting is taking place in early October this year. The vegetative remains are tilled under.

There would be the prospect that a future purchaser of the property, having ***been*** *attracted by the seaside estate, and having invested exceptional financial resources to acquire exceptional residential amenities, could easily find the commercial agricultural operation,* ***with*** *its dust, odors, noise, pesticide use.* etc., *not sufficiently compatible with his or her residential estate living.*

Staff believes that the potential that a seaside estate dwelling could economically overtake the principal Commercial Agriculture purpose of the zone is adequate grounds to determine that the proposed project would be neither secondary to, nor in support of the parcel's agricultural use. In this respect, it cannot be found that the project "clearly does not change the character of the main use" (definition of "Incidental," County Code 13.10.700-I), because the project may very well affect the main use to suit the new residential estate's objectives.

Accordingly, even if a lengthy review process, incorporating some proof of irreversible destruction of the agricultural soil, resulted in an Agricultural Viability Determination of non-viability and subsequent approval for the proposed building site to be amended out of its Type 3 Coastal Zone Prime Agricultural Land designation, there would still remain fundamental conflicts, under County agricultural policies as discussed in (A) and (B) above, between the existing commercial agricultural operation and the proposed project.

What about the new offer of Williamson Act Contract protection?

The appellant submits that the owner is now offering, in conjunction with project approval, to place the remainder of the agricultural land under the protection of a Williamson Act contract. The appellant presents this as favorably resolving the question of continued farming operations. There are three principal problems with reaching this conclusion.

First, this protection would follow after damage is done, that is, after some 2.2 acres of agricultural resource land has been converted to another use.

Second, the protection would provide no permanent guarantee against further development beyond the first ten years, since a Williamson Act contract may directly be placed on a schedule for non-renewal. This same property was *previously* protected by a Williamson Act contract which expired in 1982 and no longer has effect.

Third, a Williamson Act contract provides some protection against further development but it does not compel the land to be actively fanned. No one can compel a property owner to farm a property if the owner chooses to cease commercial fanning, including if the motivations discussed above come into play.

Just how vulnerable is this farmland?

To see the high vulnerability of North Coast agricultural lands to cessation of farming operations by present or future property owners perhaps more interested in non-agricultural real estate considerations, one may observe the adjacent downcoast property, APN 59-023-08, held by the same property owner Sand Hill Bluff LLC.

As visible in recent aerial photos (see Figure 2, on page 3 preceding), farming operations have been halted on well over five acres of farmland closest to the coastal bluffs on APN 59-023-08. A continuous line of screening vegetation including cypress trees has been planted along inland margins of this area. The main line of tree plantings runs east-west roughly parallel to the prevailing wind which flows parallel to the coastline, so it would not seem planned as an agricultural windbreak. However, as the trees grow they will increasingly screen the now unfanned area from the view of Highway 1.

Staff inquired about the cessation of farming with the farmer who leases both Sand Hill Bluff LLC properties (personal communication, September 22, 2003), and the farmer stated the property owner had asked him to take that area out of production.

Procedure: must APAC first review the project?

…for findings? Although the applicant previously stated in writing the position that Agricultural Policy Advisory Commission review was *not* required, the appellant now contends that prior to denying the project, APAC review is necessary under County Code section 13.10.314(b), Required special findings for CA uses. However, the relevant code section states that APAC review of several listed findings is "required in order to ***approve*** any discretionary residential use," (emphasis added), and staff interprets that to include only those projects recommended for approval, not projects recommended for denial. County Counsel concurs with this interpretation.

… for house location? County Code does not direct that APAC review this project for purposes of the location of the house, as contended by the appellant in a followup July 23, 2003 letter (Attachment 2).

…for Agricultural Viability Determination? The appellant's July 23, 2003 letter also contends that prior to a decision on this project, APAC must review an Agricultural Viability Determination on the proposed development site. The review of this project did not include an agricultural viability analysis for several reasons, including that it was not an issue raised by the applicant. To the contrary, the applicant previously stated to staff that the agricultural viability of the site was not in question, only that the land was less desirable from an agricultural standpoint (personal communication, March 5,2003).

If non-viability was determined by APAC, the project would remain unapprovable for the other reasons presented, including other agricultural policy reasons, so the APAC review would be a needless delay. Furthermore, there is no requirement for an Ag Viability Determination in order for the Zoning Administrator to deny the proposed project.

APAC and an Amendment of agricultural land type: Because this property is designated Type 3 Coastal Zone Prime Agricultural Land, to remove the proposed site from consideration as a protected agricultural resource, following an Ag Viability Determination (and only if found non-viable) the applicant would next have to apply for an amendment to the Type 3 designation with review by APAC, concurrent with applying for a General Plan amendment, and applying for a Local Coastal Program amendment subject to approval by the California Coastal Commission (per County Code 16.50.050). That would be a different proposed project from what was denied at the Zoning Administrator hearing, Such a process is not required for the present project.

Visual Resource Issues

Including appeal issues related to Development Permit Finding #3, at General Plan Objective 5.10 and General Plan Policy 8.3.3

Please see the discussion of these issues in the Staff Report to the ZA, including at page 14.

The appellant reasserts that the proposed project would not be visible from public viewpoints. However, this is incorrect for several reasons as follows.

The project would be visible from the waters of Monterey Bay, in a very visually sensitive and spectacular undeveloped coastal bluff setting, next to Laguna Beach, and as one of two properties set between Wilder Ranch State Park and the future State Park lands of Coast Dairies (now held by the Trust for Public Land). This is quite different in visual sensitivity from development proposals for infill development in more urbanized unincorporated areas. This would be the only near-bluff-top residence between the northern Santa Cruz City limit and the San Mateo County line.

The project would be visible at night. The project is large with multiple buildings, exterior amenities, and many windows. Night time lighting would create a glow around the Sand Hill Bluff dune, visible from Highway 1, from both upcoast and downcoast vantage points.

During the Zoning Administrator public hearing, staff amended the visual resources findings which continue onto page 15 paragraph 2 of the Staff Report to the ZA (Attachment 3), as follows. Staff visited upland areas of Wilder Ranch State Park near the scenic canyon of Majors Creek, in the vicinity of approximately 400 feet elevation and one-mile distance from the project site. In this scenic public vista looking down to the coastline below staff confinned that a portion of the proposed project would be visible. The General Plan Visual Resources Objectives and Policies of Chapter 5 protect these vistas and authorize discretionary review of projects in this setting.

In response to the concern staff expressed in the Staff Report to the ZA, page 14, regarding the uncertain stability and health of the row of cypress trees on which the project would in part rely for avoiding visibility from Highway 1, the appellant has provided an Arborist Assessment by registered arborist James Allen (Attachment 2). Mr. Allen's report, following detailed evaluation, concludes that "the screening functions now achieved by the Cypress trees can be maintained, renewed and enhanced" by specified management and monitoring. In short, the applicant asks that the public rely on a row of trees—not a failproof pennanent feature—to provide a portion of the screening for this area of especially high visual sensitivity.

The applicant is correct that the Sand Hill Bluff dune, vegetated with coastal scrub, provides a considerable degree of visual screening of the project from Highway 1. However, it is not possible to develop as proposed without encountering the important

visual resource concerns reviewed above.

As to the comparative visual resource issues which could arise were a residence proposed instead with the existing cluster of buildings, great care to develop a compatible design with minimized visual impact *would be required.* The appellant's seeming assumption that a large-scale residential project would be approved at this location and therefore impose substantial visual impacts, conflicts with General Plan policies relating to visual resource protection.

Both locations — the proposed site and the site of the existing buildings — are within a formally mapped General Plan Scenic Resource area, notwithstanding the appellant's claim that the proposed site lies outside the same. Appropriately-designed clustering with the existing development offers, in sum, a better opportunity for minimizing visual impacts than does a large new development in a separate, sensitive undeveloped location by the Sand Hill Bluff dune and coastal bluff area. The strategy of clustering with existing development at this site is not only appropriate — it is called for by the General Plan.

Biological Resources

*Including appeal issues related to Development Permit Finding #3, at G.P. Policy **5.1.7***

On this subject the appellant refers to a letter by biotic consultant Kathy Lyons (Biotic Resources Group, January 23,2003, Attachment **3,** Exhibit F). Comparing the proposed house site and the alternative of locating with the existing cluster of buildings, Ms. Lyons finds "no significant biological differences in the two sites relative to coastal scrub vegetation."

However, as in the ZA Staff Report at page 13 (Attachment **3,** Exhibit D), staff continues to support the Initial Study and Environmental Review letter calling for the project to be placed as far from the Coastal Scrub sensitive habitat as feasible, i.e. at the existing cluster of buildings, as required by General Plan Policy 5.1.7, *Structures shall be placed as far from sensitive habitat as feasible.* The "Key Land Use Issues'' section above delves into the regulatory wisdom of this policy requirement. Section C of the Initial Study provides further biological details (Attachment 3, Exhibit D, pages 10-12).

Archeological Resources

Including appeal issues related to Development Permit Finding #3, at G.P. Policy *5.19.3*

The appellant provides a further letter froin Archaeological Consulting dated July 14, 2003 (Attachment 2). The letter reiterates that soil disturbance within the project area has been extensive, as well as recommending archeological monitoring during soil disturbance for

the project.

The appellant's July 23, 2003 letter claims the archeologist does not expect any further archeological resource findings during site disturbance, however the archeologist's previous July 9, 2001 letter (ZA Staff Report, Attachment 3, Exhibit D) explicitly stated, "...we expect that this project will encounter previously disturbed cultural materials and may discover significant resources in spite of the disturbed context..." and refers to "...the possibility of previously unidentified cultural resources or burials being found during construction..."

The ZA Staff Report (page 13, Attachment 3) calls for observing General Plan Policy 5.19.3 *(Protect archeological resources from development by restricting improvements and grading activities to portions of the property not containing those resources, where feasible),* This policy and the project's impacts are further detailed in the Initial Study (Attachment 3, Exhibit D, p. 17). This policy would appropriately be met by relocating the project well away from the important recorded archeological site at the Sand Hill Bluff dune.

Public/Coastal Access

Including appeal issues related to Coastal Development Permit Findings #2 and #4

The appellant asserts that there is no existing public easement over the property (Attachment 1, May 28,2003, page 7). However, as already explained in the ZA Staff Report (page 10-11, Exhibit 3), the outcome to the question of public access is not known at this time.

As to evidence that the residence would interfere with public access, the fact that the project proponent is disclaiming any right to public access and has installed numerous new "no trespassing" signs is evidence of the likely pressure on public access associated with this project. The requirement with the Abalone Farm permit regarding specified, mapped public access routes is evidence of public access at the time that development was approved.

Response to various other appeal statements about findings

The appellant also challenges the ZA's *Coastal Development Permit Finding #1* (Allowed use), *Coastal Development Permit Finding #3* (Coastal Zone Design Criteria), *Coastal Development Permit Finding #5* (Conformity with LCP), *Development Permit Finding #3* (Consistent with General Plan) and *Development Permit Finding #6* (Design Review). Please refer to the discussion made of those findings in the Staff Report to the Zoning Administrator, with added reference to the issue-by-issue discussions presented above.

Development Permit Finding #2 (Consistent with pertinent ordinances and zone district purposes): The appellant claims that staffs finding "the project does not preserve Commercial agriculture to the maximum extent feasible" is not a standard justified by this required finding. However, County Code 13.10.311(a) identifies the purposes of the "CA" Commercial Agriculture zone district: *"topreserve the commercial agricultural lands within Santa Cruz County,"* and further, *"commercialagriculture shall be encouraged to the exclusion of other land uses which may conflict with it,"* and at 13.10.311(d) Interpretation: *"...provide maximumprotection to existing andfuture agricultural enterprises from restrictions which may be instituted later at the request of future residents."*

Development Permit Finding #5 (Neighborhood compatibility; complement and harmonize with existing and proposed land uses in the vicinity): In response to the appellant's statement on this, staff refers your Commission to the discussion of this finding in the Staff Report to the Zoning Administrator, with the added response that the larger size ofthe subject parcel does not establish a lower standard for neighborhood Compatibility and that the Coast Road neighborhood as shown in Figure 1, page 2, is the local neighborhood in which the driveway access to the subject property, 5515 Coast Road, is found.

Examples **of** other residential development approved on **CA** land, submitted **bv** the applicant

The appellant suggests that certain past examples of project approvals on CA land provide a precedent. Prior to the Zoning Administrator hearing staff researched the list of examples submitted by the applicant and did not find these other projects to make a case for the project at hand.

Staff believes a detailed presentation here of these other projects is beyond the appropriate scope of this report. Suffice it to say that a number of the projects predate the 1994 General Plan/LCP; other projects are in substantially different settings or circumstances.

The submitted example of the large Stephenson Ranch dwelling (permit 96-0837) located at about the 500 ft. elevation inland of Highway 1, serves more as an unfortunate hindsight example of the risk of insufficient protection of visual resources, than as an example of what the General Plan policies and zoning regulations anticipate for Sand Hill Bluff.

Conclusion

In review of the appellant's submitted materials, staff does not find further information or rationale that would allow all the required pennit findings for the project to be made, nor that changes the overall picture of a project that is far from conformance with County policies and regulations.

As a basis for project denial, in addition to the discussion in this letter report, staff refers to the proposed Planning Commission Findings (Attachment 6) for a complete, sequential listing of the required permit findings that cannot be made, consistent with the findings adopted by the Zoning Administrator.

Staff Recommendation

It is RECOMMENDED that your Commission reject the appeal of Catherine Pbilipovitch, uphold the Zoning Administrator's denial of application #00-0669, adopt the Findings attached hereto as Attachment 6, and certify the project exempt from further Environmental Review, as a denied project.

ATTACHMENTS

1. Appeal of Catherine Phihpovitch, May 28,2003
2. Appeal of Catherine Philipovitch, additional with attachments, July 23, 2003
3. Staff Report to the Zoning Administrator, May 16,2003
4. Correspondence from members of the public, circa May 16,2003
5. Santa Cruz Sentinel article regarding agricultural-residential conflicts, February 23, 2003
6. Proposed Planning Commission Findings

Prepared by: Jack Nelson

Jack Nelson
Project Planner
(831) 454-3259

Reviewed by:

Cathy Graves
Principal Planner

ROBERT E. BOSSO
LLOYD R. WILLIAMS
PHILIP M. SACHS
CHARLENE B. ATACK
JOHN M. GALLAGHER
PETER L. SANFORD *
CATHERINE A. PHILIPOVITCH
PASCHA R. STEVENS
MICHELLE E. ANDERSON
EDWARD L. CHUN
JENNIFER J. GRAY

* CERTIFIED SPECIALIST IN TAXATION LAW, THE STATE BAR OF CALIFORNIA, BOARD OF LEGAL SPECIALIZATION

LAW OFFICES
BOSSO, WILLIAMS, SACHS. ATACK, GALLAGHER & SANFORD
A PROFESSIONAL CORPORATION

MAILING ADDRESS: P.O. BOX 1822
SANTA CRUZ, CA 95061-1822
LOCATION: 133 MISSION STREET, SUITE 280
SANTA CRUZ, CA 95060

TELEPHONE:
(831) 426-8484

FASCIMILE:
(831) 423-2839

WEBSITE:
WWW.SCLAWFIRM.COM

EMAIL:
ADMIN@SCLAWFIRM.COM

May 28,2003

VIA HAND DELIVERY

Planning Commission
County of Santa Cruz Planning Dept.
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

RE: Appeal of Zoning Administrator Decision
Sand Hill Bluff House, Application 00-0669
APN:059-023-08

Dear Commissioners:

This office represents Sand Hill Bluff, LLC, the owner of the property that is the subject of the above-captioned Application. On behalf of the owner and applicant, we appeal the Zoning Administrator's denial of this Application. Enclosed is a check made payable to the County of Santa Cruz for the appeal fee. The Zoning Administrator ("ZA") erroneously construed and ignored the evidence and the law, abused his discretion, made a decision that was not supported by substantial evidence in the record, and ignored the procedure for APAC consideration of the Application, as mandated by the County Code. The general bases of our appeal are set forth below.

Project Overview

The Application seeks construction of a single-family dwelling and accessory buildings on a small portion of a 121-acre parcel located between the Red, White and Blue Beach and Laguna Beach on the north coast. The proposed building site is adjacent to the existing sand hill landform on the property, where the former abalone farm operated from the late 1980s to 1999. The site was

ATTACHMENT 1

carefully selected based on advice from professional consultants, considering such factors as agricultural use of the parcel, visibility from public viewpoints, biotic resources, and archaeological resources. The proposed site is not visible from Highway One or other public viewpoints, will not impact the primary agricultural use of the parcel, will not affect biotic resources, and will not adversely impact archaeological resources.

The proposed building envelope was, prior to construction of the abalone farm, only marginally suitable for farming row crops due to excessive wind and salt spray, and the area's triangular shape. The lingering effects of the abalone farm operation now make the soil unsuitable for agricultural use. The operations from the abalone farm caused excessive salt water intrusion into the soil, and resulted in rocks and gravel getting mixed with the soil. The current farmer does not want to farm the land and has indicated that the soil is not viable.

The Application would result in no agricultural land being taken out of production. The Applicant's agricultural consultant, Ronald Tyler, has concurred that the proposed building site is the best from an agricultural preservation perspective.

Zoning Administrator's Findings

In denying the Application, the ZA adopted the proposed findings set forth in the Staff Report recommending denial as the basis for his decision. For the reasons set forth below, these findings are erroneous and not supported by any evidence in the record, much less substantial evidence in the record.

• Required Special Finding #1 for All CA Uses (That the establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area): The **ZA** determined that this finding could not be made because construction of a large house would permanently alter the present focus of the land from commercial agriculture to residential, and the land would not be affordable to farmers who might be interested in purchasing it. First, whether land would be affordable to farmers is not a relevant consideration under Special Finding #1. Traditionally, very few north coast farmers have owned the land that they farm; rather, they lease the farmed land for, in some cases such as this one, less than the on-going operational costs of holding the property. This is the only means by which such farming operations are economic and sustainable. There was no evidence in the record to the contrary.

Second, the proposed use will not have an adverse impact on agricultural operations. The abalone farm operation on this site was discontinued in 1999, and the site has not been used for any agricultural purpose since that time, No land that is presently used for agricultural production will be affected. Third, the proposed building site consists of only 1.5 acres of land out of a total parcel of approximately 121 acres. This constitutes roughly 1% of the total parcel. Obviously, utilization of this 1% will not alter the commercial agricultural focus of the land, and it will not, in fact, impact in any manner the current agricultural operations. The evidence was uncontroverted that the placement of the house in the location proposed under the Application would have no significant adverse impact on the current farming operations on the property.

Further, the agricultural viability of the approximately 1.5 acre homesite is questionable at best. The land was never very productive, based on wind and salt spray. The farmer who currently farms the property has opined that the construction of the abalone farm facility on this land so permanently altered its character that it is no longer suitable for agricultural production. The excessive amount of salt water dumped on the land from the abalone farm operations, and the placement of rocks and gravel within that area as part of the abalone farm operations, have rendered that site unsuitable for farming. We will offer this evidence to the Planning Commission when it hears this appeal.

As a means of enhancing the agricultural operations on the farmable portions of the property, the property owner offered, upon exercise of a permit to construct the proposed project, to place the farmable portions of the site under a Williamson Act contract, which would guarantee agricultural uses on the land for a minimum of 10 years. The property owner remains willing to do this.

Regarding the **ZA's** concern that this project might set a "precedent" for other north coast parcels, each project must be reviewed on its own merits. In this case, the proposed residence will be hidden from public view, will not adversely impact agricultural operations on the site (but, rather, will make them sustainable), and will protect archaeologic and biotic resources. Moreover, as the applicant submitted to the ZA, there are numerous examples of houses that the County has approved on Commercial Agricultural land within the recent past. Many of these other applications involved similar issues -- some even took row crops out of production. We submitted a list of these other projects to the ZA prior to the ZA hearing. We will provide more detailed evidence of these other applications at the hearing before the Commission.

•Required Special. Finding #2 for A11 CA Uses (That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or

that no other agricultural use is feasible for the parcel): The ZA found that this finding could not be made because the conversion of "several acres" to a residential estate will change the character of the property to residential estate property. This reasoning ignores that: 1) the proposed house is purposefully sited to not adversely impact the current viable agricultural operations on the property; 2) the proposed house will not even be visible from most portions of the property or from Highway One; and 3) the proposed building site is a mere 1% of the total parcel size. **As** set forth below, the County has approved residential building sites of a similar size on other CA parcels, in some cases where the parcel was much smaller than this 121 acre parcel. The proposed use will clearly be ancillary to the main agricultural use of the property. Only 1.5 acres of land will be encompassed within the building site -- not several acres. Moreover, the land encompassed within the 1.5 acres is, as a result of the abalone farm operations, no longer viable land for farming, as discussed above.

County Code Section 13.10.314(b), which sets forth the findings which must be made to place a residence on CA land, provides that residential use will be considered ancillary to commercial agricultural use of the parcel where ***either:***

(i) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography and climate of the area; ***or***

(ii) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

Here, it is undisputed that the farmable portion of the parcel exclusive of the proposed small building site is large enough in itself to constitute a minimum economic farm unit for three crops. Moreover, the owners are willing to commit to long-term agricultural use of the remaining farmable portions of the property. Therefore, under either of the specific criteria for placement of a residence on CA land, the proposed residence will be ancillary to CA use of the land.

General Plan Policy 5.13.29 provides that a residential use is "ancillary" to commercial agricultural use where:

(a) There is documentation that the farmable portion of the subject parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops; ***or***

(b) There is documentation that the owners have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel by another party; and

(c) There is documentation that the structure is sited in such a manner as to minimize possible conflicts with commercial agriculture in the area, and to remove

ATTACHMENT 1

no land from production (or potential production) if any unfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

Here, both items (a) and (b) are satisfied, for the reasons outlined above. Additionally, item (c) is satisfied because the house is sited not only to minimize but also to eliminate possible conflicts with commercial agriculture. As noted in the letter from Ronald Tyler, which was included in the **ZA** packet, the proposed building site is superior from an agricultural preservation perspective than the cluster of existing farm buildings proposed by Staff, and will minimize potential conflicts with the agricultural use. At the ZA hearing, Staff proposed that the house be located within or near the existing cluster of farm buildings, but this suggestion ignores that such a proposal would *require* the removal of necessary agricultural support buildings (in the case of a building *within* the existing cluster) and the removal of actively farmed agricultural land (in the case of a building *near* the existing cluster). At a mininum, such a proposal would require a .25 acre building envelope, plus a reasonable buffer to protect the residents from pesticides and dust. County policies in other similar circumstances dictate a ZOO-foot buffer.

Staff offered *no evidence* in support of its position that a house located within or near the existing building cluster would be superior from an agricultural preservation standpoint as opposed to the 1.5 acre site proposed under the Application; the Staff Report even acknowledged that the proposed alternative site had not been analyzed. The land encompassed by the existing building cluster is fully utilized by the agricultural operations; all buildings are used, and there is no available space for a house. The land near the existing farm buildings is good, viable soil, while the land encompassed within the proposed building site is no longer viable agricultural soil. In other words, the proposed site is in fact the "unfarmable" site required by item (c). Moreover, having a house located within or near the existing farm buildings would, as **Mr.** Tyler states, interfere with agricultural operations. The proposed building site, on the other hand, is sufficiently buffered from such operations (and has a natural wind break in the trees to minimize drift of any pesticide spray and dust). The ZA discounted Mr. Tyler's conclusions without *any evidence* to the contrary. General Plan Policy 5.13.29 requires "documentation." The only documentation is the evidence that the applicant put in the record.

The environmental review for the proposed project must be supported by substantial evidence. CEQA Guidelines, Section 15064(f). "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable

assumptions predicated upon facts, and expert opinion supported by facts." CEQA Guidelines, Section 15064(f)(5). The unsupported opinions set forth in the ZA's findings are not substantial evidence.

•Required Special Finding #3 for All CA Uses (That the use consists of an interim public use . . , or . . .): This finding is unncessary because Finding #4 is satisfied.

•Required Special Finding #4 for All CA Uses (That single-family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area): As discussed above, the proposed building site is ideal because it will not take actively farmed and viable land from production, it will not interfere with agricultural operations, and it will have a natural buffer from the agricultural operations. The former abalone farm operated on this site without disrupting the row crop operations on the other portions of the property. Moreover, there is no place to locate a house within the existing cluster of agricultural buildings without removing buildings necessary for the agricultural operations, and there is no place to locate a house near the existing cluster without taking actively farmed land out of production and substantially interfering with the current farming operations on the property.

The ZA concluded that a lengthy residential access road would need to bisect the farm to access a residence on the proposed building site. The **existing** farm road (which bisects the fields) already serves the proposed building site, as it did for the former abalone farm operation (which involved much more traffic than the proposed residence). The road already has a gravel base, and meets the County's criteria for serving a single-family dwelling.

*Required Special Finding #5 for All CA Uses (That the use will be sited to remove no land from production or potential production **if** any nonfannable potential building site is available, or if this is not possible, to remove as little land as possible from production): For the reasons set forth above, this finding can readily be made. The ZA ignored Mr. Tyler's professional opinion, as well as all the other evidence in the record, that locating the house within or near the existing farm cluster would be much more disruptive to agricultural operations than locating it as proposed. Instead, the ZA relied on Staffs opinion -- unsubstantiated speculation, at best -- that the better location would be in the area of the existing farm buildings. The ZA also inappropriately declined to submit this project to APAC for its analysis of this issue, even though that action is required by the County Code *before* the County acts on the Application. (County Code Section 13.10.314(b)).

Coastal Development Permit Finding #1 (That the project is a use allowed in one of the basic zone districts, other than the special use (SU) zone district, listed in Section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation): Despite acknowledging that the **CA** zone allows residences, the **ZA** concluded that this finding could not be made because the residential use must be "ancillary" to the principal agricultural use of the property. First, this finding contains no such standard. Second, even if it did, as noted above, the proposed residence will in fact be ancillary to the principal agricultural use of the property.

*Coastal Development Permit Finding #2 (That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements): Notwithstanding the written findings adopted by the **ZA** which concluded that this finding could not be made because the Coastal Commission is undertaking a prescriptive rights analysis, the **ZA** acknowledged on the record that the courts are the proper arena for a determination of prescriptive rights – not a planning body. There is no existing public easement over the property. Coastal Staffs comments and analysis are not evidence. Moreover, there is no evidence that even if "public access" exists, the residence would interfere with it.

Further, contrary to the findings adopted by the **ZA,** the signs that the property owner has placed on the property are not "no trespassing" signs; they are Civil Code section 1008 signs, which allow permissive use of the property. The signs were posted because the property owner has given several neighbors ***revocable*** licenses to use the land for beach access, and placing signs does not demonstrate anything except following a procedure allowed by statute.

Coastal Development Permit Finding #3 (That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to Section 13.20.130 et seq.): The **ZA** determined that this finding could not be made because the project is not sited and designed to be subordinate to the natural character of the site. The proposed house is sited and designed so that it will not be visible from Highway One. The low profile design and natural materials and colors represent an ideal design for this site. Under these circumstances, it is hard to imagine how the proposed residence will not be subordinate to the character of the site. Staff presented no evidence to the contrary. Second, Staffs preferred location is demonstrably not subordinate to the natural character of the site; in fact, it would -- unlike the site proposed in the Application -- stand out like the proverbial "sore thumb."

Coastal Development Permit #4 (That the project conforms with the public access, recreation, and visitor-serving policies . . .): **As** noted above, there are no existing public rights in the property. The proper arena for a determination of any claimed public prescriptive rights is the courts – not a planning body. Moreover, public access would conflict with the priority agricultural use, as determined by the County on other similar projects.

*Coastal Development Permit Finding #5 (That the proposed development is in conformity with the Certified Local Coastal Program): **As** discussed above, the project is in conformity with the Certified Local Coastal Program.

*Development Permit Finding #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 . . .): The ZA acknowledged that this finding could be made.

•Development Permit Finding #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): The ZA concluded that this finding could not be made because the project does not preserve commercial agricultural land to the maximum extent feasible. First, the ZA's standard is nowhere to be found in this required finding. Indeed, all the evidence before the ZA supported that the proposed residence at the location under the Application is entirely consistent with all applicable County policies and the purposes and allowed uses of the CA zone. Second, even if the ZA applied the correct standard, the project in fact preserves commercial agricultural land to the maximum extent feasible, as demonstrated by the discussion set forth above. Reduction of the building envelope would not result in any benefit to the agricultural use of the property; the land encompassed within the building envelope is not viable agricultural soil.

There is absolutely *no evidence* to support the ZA's opinion that the house may conflict with the remaining commercial agricultural use of the property, and thereby threaten the economic integrity of the economic **farm** unit. To the contrary, the evidence in the record, including the expert opinions of Ron Tyler, shows that the house is optimally sited to have minimal, if any, impact on agricultural operations. Moreover, with the owner's willingness to enter into a Williamson Contract for the remaining farmable portions of the parcel, the agricultural use of the property will be enhanced and sustained. Without such a contract (which would be the case without an approved project), there would be no guaranty that the land would continue to be farmed.

•Development Permit Finding #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): The ZA determined that this finding could not be made. Each policy will be separately addressed below:

► Policy 2.22.2 (prohibiting conversion of any existing Coastal Zone priority use to another use, unless of equal or higher priority): This policy would be satisfied because the existing agricultural use of the land will not change. Contrary to the **ZA's** finding, the proposed building site will not result in over 2 acres of land being taken out of agriculture; the land in question (which is 1.5 acres rather than over 2 acres) is not viable agricultural soil based on the impacts from the former abalone farm operations, and represents a mere 1% of the entire 121 acre parcel. On the other hand, locating the house where Staff suggested would result in either necessary farm buildings being removed, or good ***presently used*** agricultural land being taken out of production, to the detriment of the current farmer's use of the parcel.

► Policy 5.1.7 (Requires placement of structures as far from sensitive habitat "as feasible"). This policy is satisfied. Biotic consultant Kathy Lyons submitted a letter stating that there is no significant difference from a biotics standpoint in locating the project as proposed versus within the existing agricultural building cluster as proposed by Staff. The **ZA** rejected this professional opinion without citing *any evidence* to the contrary. He did not cite any contrary evidence because there was none. Moreover, the policy itself states that the placement of structures should be located as far "as feasible"; this necessarily means that other competing General Plan policies must be weighed and balanced to achieve the optimal location. In this case, the optimal location is the proposed location because it is not visible from public viewpoints, it protects sensitive habitat, it protects archaeological resources, and, most importantly, it preserves the existing agricultural use of the parcel.

► Policy 5.13.6 (Requires conditions! uses on CA land to be ancillary, incidental or accessory to the main agricultural use of the land; requires the use to be sited to avoid conflicts with principal agricultural activities; and requires the use to be sited to zvoid, where possible, or otherwise minimize the removal of land from agricultural production): For all the reasons noted above, this project satisfies these policies.

► Policy 5.13.7 (Allowing only agriculturally oriented structures ***or*** *dwellings* on CA land, and prohibiting residential land use when in conflict with the fundamental objective of preserving agriculture): ***As*** discussed above, the project meets this policy. The Application is for a dwelling. The use of an

agriculturally non-viable building site that comprises roughly 1% of the total parcel, where agricultural operations on the balance of the parcel are not affected, clearly results in the preservation of agriculture. Moreover, the owners are willing to enter into a long-term contract to keep the remaining farmable portions of the parcel in agriculture. There is no support for the **ZA's** finding, and it is not consistent with other projects approved by the County on **CA** land.

▶ Policy 5.13.27 (Requires structures to be sited to minimize possible conflicts with agriculture in the area, and to remove as little land from production as possible). **As** noted above, the proposed project meets these policy objectives.

▶ Policy 5.13.29 (Provides that a residential use is ancillary to commercial agriculture when the farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for at least 3 crops, or the owners have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel by a third party, and the structure is sited to minimize possible conflicts with commercial agriculture and to remove as little land as possible from production): This policy is satisfied, as set forth above.

▶ Policy 5.19.3 (Requires protection of archaeological resources by restricting improvements and grading activities to portions of the property not containing these resources, where feasible, or by preservation of the site through project design and/or use restrictions): This policy is satisfied. The **ZA** objected to the proposed location of the house to the south of the existing ranch road. Yet this is precisely what the professional archaeologist recommended. In a letter from Archaeological Consulting to Ron Powers, dated July 9, 2001, the archaeologist states:

> The footprint of the structure has been placed south of the ranch road which runs along the foot of the bluff containing the major archaeological deposit. This placement is in conformance with our previous discussion regarding avoidance of impacts to the undisturbed resources in the bluff slope.

There is *not one scintilla of evidence* in the record to refute the professional opinion of the archaeologist. The archaeologist also determined that the project may in fact have a marginal benefit for protection of the archaeological resource by reducing vandalism on the sand hill. The **ZA** discounted this professional opinion, despite the lack of evidence in the record supporting the **ZA's** position.

► Policy 8.3.1 (Requires clustering of units ***where essential*** to preserve protected use areas, such as scenic areas, riparian corridors, coastal lagoons and marshes, or other natural features): This policy does not require clustering in all cases, only "where essential." In this case, as discussed above, the best location for the house, considering visual, biotic, archaeologic and, most importantly, agricultural objectives, is on the former abalone farm site. Clustering would require good, viable, currently-used agricultural land to be taken out of production, which would not satisfy the objective of preserving agriculture.

► Policy 8.3.3 (Requires clustering of rural building envelopes to protect resources, and requires, within clustered building envelopes, adequate spacing of residential units to maintain the rural character). **As** noted above, clustering does not achieve the General Plan's objectives with respect to this property. Moreover, if a house was located adjacent to the existing building cluster, it would not only take good land out of production, but, to satisfy this policy, the house would have to be adequately spaced from the other buildings, resulting in even more good land being taken out of production. Placing the house next to the existing building cluster would also be highly visible from Highway One, thus not protecting visual resources (in conflict with Policy 8.3.3). Further, clustering near the existing farm buildings would be extremely disruptive to the existing agricultural operations.

► Objective 5.10 (Requires protection of visual resources to the maximum extent feasible). This objective is satisfied by the project being hidden from Highway One (the most prominent nearby scenic corridor). The **ZA** expressed concern that the cypress trees, which would screen the structures, in part, are not healthy; however, the row of trees closest to the proposed project site has been in existence for many years. Moreover, if there is a legitimate concern about the health of these trees, or the more recently planted trees, any such concern can easily be handled through conditions of approval, the customary means of dealing with such concerns. For example, Policy 5.10.3 states: "Provide necessary landscaping to screen development which is unavoidably sited within these vistas." Staffs proposed location of the house within or near the existing building cluster would, by the ZA's own admission, result in the building being plainly visible from Highway One, including significant nighttime lighting visibility. The ZA's finding that a house next to the existing building cluster would be more in scale and harmonious with its setting ignores the policy objective of locating development outside of the scenic corridor where feasible. Here, the proposed location is clearly "feasible" and indeed is the best location considering all policies in relation to each other.

ATTACHMENT 1

There is *no **evidence*** to support the ZA's opinion that the project would have a visual impact on vistas from the bay. Moreover, the policies set forth under Objective 5.10 of the General Plan do not require an analysis of impacts from the bay. The visual analysis provided by the applicant shows that the proposed location is the best for protection of visual resources.

• Development Permit Finding #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): The ZA acknowledged that this finding can be made.

• Development Permit Finding #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): The ZA found that the proposed project is out of scale with other residences in the neighborhood. The ZA ignored the houses located on the inland side of Highway One, immediately opposite the project. For instance, the Stephenson residence (located on APN 59-021-08) is sited on a marine terrace overlooking the sand hill bluff site and is visible from Highway One. The Stephenson house is roughly the same square footage as the proposed residence. It was approved by the County in recent years. The ZA ignored that the proposed residence will not be visible from public viewpoints and is a low-profile, one-story structure with natural materials and colors, located on 1% of land within the context of a 121-acre parcel, and which blends with its surroundings. Further, the residences on Coast Road surrounding the project site are on much smaller parcels (in many cases less than 1 acre) than the subject parcel. The residences on the inland side of Highway One are on larger parcels, and are therefore more comparable to the subject parcel.

• Development Permit Finding #6 (That the proposed development project is consistent with the design standards and guidelines and any other applicable requirements of this Chapter): **As** noted above, the project satisfies these objectives.

Procedure

Staff and the ZA ignored the proper procedure for the County's review of this Application. That procedure requires this project to be reviewed by APAC for a determination of whether the special findings set forth in County Code Section 13.10.314(b) can be made. The special findings of Section 13.10.314(b) are required to be considered and made by APAC, which is the advisory agency on agricultural issues. APAC's determination of whether the special findings can be made, and its opinion on the agricultural issues, are *critical* to a proper review of

this Application. Planning Staff and the ZA's determination to bypass APAC due to their *opinions* that other findings cannot be made is improper, and a usurpation of the authority specifically granted to APAC by the County ordinances Staff and the ZA are required to follow. APAC's conclusions should dictate whether the findings within its purview can be made, particularly where all conclusions are dependent on the central issues concerning the overall agricultural use of the property.

Moreover, APAC is the appropriate body with the County-mandated expertise to assess the current agricultural viability of the land encompassed within the proposed building site. Staff contended that this land was agriculturally viable based on farming that occurred long ago and before the abalone farm site was constructed; evidence provided by the current farmer of the property indicates that the land was never very good for agricultural production, and is no longer agriculturally viable based on the impacts from the abalone farm operations.

Appeal Procedure

County Code Section 18.10.330(b) provides that upon receipt of a notice of appeal, the matter must be set for hearing before the Planning Commission not later than 30 calendar days following the date on which the notice of appeal was filed. The applicant and owner hereby request that this time period be extended from 30 days to 90 days in this case, so that the appeal may be properly prepared and presented to the Commission. The applicant was given very short notice of the scheduling of the ZA hearing, and received the Staff Report just a little over a week before the hearing. The Staff Report contained numerous factual and legal inaccuracies, which the applicant and its consultants did their best to counter, given the short time frame. At this juncture, in order for the applicant to obtain a fair hearing before the Commission, the applicant needs a full 90 days to prepare.

Accordingly, we request that this appeal be scheduled for a Planning Commission hearing at least 90 days after the date of the filing of this notice of appeal.

Very truly yours,

Catherine A. Philipovitch

cc: Client
Richard Beale
Jack Nelson
Stephen K. Cassidy, Esq.

ATTACHMENT 1

ROBERT E. BOSSO
LLOYD R. WILLIAMS
PHILIP M. SACHS
CHARLENE B. ATACK
JOHN M. GALLAGHER
PETER L. SANFORD *
CATHERINE A. PHILIPOVITCH
PASCHA R. STEVENS
MICHELLE E. ANDERSON
EDWARD L. CHUN
JENNIFER J. GRAY

* CERTIFIED SPECIALIST IN TAXATION LAW, THE STATE BAR OF CALIFORNIA, BOARD OF LEGAL SPECIALIZATION

LAW OFFICES
BOSSO, WILLIAMS, SACHS,
ATACK, GALLAGHER & SANFORD
A PROFESSIONAL CORPORATION
MAILING ADDRESS: P.O. BOX 1822
SANTA CRUZ, CA 95061-1822
LOCATION: 133 MISSION STREET, SUITE 280
SANTA CRUZ, CA 95060

TELEPHONE:
(831) 426-8484
FACSIMILE:
(831) 423-2839
WEBSITE:
WWW.SCLAWFIRM.COM
EMAIL:
CAP@SCLAWFIRM.COM

July 23,2003

VIA HAND-DELIVERY

Planning Commission
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: Sand Hill **Bluff** House Application
Application **No. 00-0669;** APN 59-023-08
Appeal **of** Zoning Administrator's Denial

Dear Commissioners:

This firm represents Sand Hill Bluff LLC in connection with the captioned appeal. We have previously submitted a letter dated May 28,2003, to the Planning Commission, which sets forth in detail the factual and legal bases of the appeal. This letter and attachments augment that appeal letter. With this letter, we submit the following additional materials in support of the appeal:

1. Letter from Ronald H. Tyler, agricultural consultant;
2. Letter from Richard Nutter, agricultural consultant;
3. Report from James Allen, Arborist;
4. Photographs of the proposed building site and photosimulations of the house; and
5. Letter from Archaeological Consulting dated July 14,2003.

These items constitute further evidence demonstrating why the proposed house site complies with all County regulations and is the optimal site for a residence on this property. We address below some specific issues related to the appeal.

Location of the House: We retained agricultural consultant Ronald Tyler to review the agricultural issues associated with the application. Mr. Tyler visited the site, met with the farmer who farms the land, reviewed the application materials, took soil samples and prepared 2 letter reports. Mr. Tyler's first report, dated January 21,2003, was submitted

ATTACHMENT 2

to the County in February 2003; **Mr.** Tyler's second report, dated July 17,2003, is submitted with this letter. Mr. Tyler has concluded that locating a residence on the former abalone farm site would not be detrimental to agriculture because: (i) it would remove no land from production or potential production; and (ii) based on the soil samples taken by **Mr.** Tyler, the former abalone farm site is not farmable due to salt water contamination resulting from the abalone farm operation. Locating the residence near the existing building cluster, as proposed by Staff, would be detrimental to agriculture since it would remove viable land from production. Only 1.5 acres of land out of a total parcel of 121 acres would be affected by a house located on the former abalone farm site, whereas at least one acre (and more likely closer to 2.5 acres) of row crops would have to be taken out of production to locate a house next to the existing farm buildings.

More recently, we retained **a** second agricultural consultant, Richard Nutter, to conduct a peer review of Mr. Tyler's work. Mr. Nutter visited the site, met with the applicant's representative, reviewed Mr. Tyler's two reports, and reviewed the soil samples. Mr. Nutter concurs in **Mr.** Tyler's conclusions. Mr. Nutter's report dated July 21,2003 is attached hereto.

Disruption to Agriculture: Our agricultural consultants have further opined that locating a house on the former abalone farm site would not interfere with the agricultural operations on the property. In contrast, they have concluded that it would be very disruptive to agricultural operations if a house were to be located near the existing building cluster because all buildings in that cluster are actively used as part of the agricultural operations.

Access Driveway: The Zoning Administrator was concerned that locating the house on the former abalone farm site would require removal of land from production for the access driveway; however, this concern is not valid. County Code Section 16.20.180(b) provides that the minimum width of a driveway is 12-feet. The existing farm road that would serve as the driveway for the proposed house is already a minimum of 12-feet wide, and has historically been that width. The permit for the abalone **farm** required a minimum 12-foot wide road. The California Department of Forestry and Fire Protection has concurred that a 12-foot wide access driveway is permissible for the proposed house, as noted in the letter already on file in this matter.

Ancillary to Main Use: Staff raised concern about whether the proposed house would be "ancillary" to the main use of the property. The relevant finding from the County Code is that the house be "ancillary, incidental ***or*** accessory to the principal agricultural use of the parcel or that no other agricultural use is feasible for the parcel." County Code Sec.

ATTACHMENT 2

13.10.314(a)(2), *emphasis added.* The County Code contains separate definitions of each of the terms "ancillary," "incidental" and "accessory," and (although not required) the proposed house satisfies all 3 of these definitions. The proposed house will be ancillary to the main use of the property because it will be subordinate to the agricultural use, and it will support the agricultural use of the property based on the owner's commitment to put the farmable portions of the parcel under a Williamson Act contract. The County Code definition of "incidental" is: "Any use which is secondary or subordinate to the principal or main use of the property and which clearly does not change the character of the main use." County Code Sec. 13.10.700-1. The proposed house will demonstrably be secondary or subordinate to the agricultural use of the property, and the house will not change the character of the agricultural use. The County Code definition of "Accessory" is essentially identical to the "incidental" definition. Finally, no other agricultural use is feasible for the parcel because the soil at the abalone farm site is not suitable for farming. Therefore, County Code Section 13.10.314(a)(2) does not even require that the use be ancillary, incidental or accessory.

Moreover, County Code Section 13.10.314(b)(1) and General Plan Policy 5.13.29 identify the specific criteria for a determination of whether a residence will be ancillary to agricultural use. These policies generally require the farmable portion of the parcel, exclusive of the building site, to be large enough to constitute a minimum economic farm unit for 3 crops; that the residence be sited so as to minimize possible conflicts with agriculture; and that the residence be sited to remove no land from production or potential production if any unfarmable building site is available, or, if not possible, to remove as little land from production as possible. Here, the proposed house satisfies these policies by not taking potentially farmable land from production, and leaving the existing economic farm unit intact. The Staff position, in contrast, would take farmable land out of production. To the extent of any inconsistency in the policies relating to residential uses on CA land, the General Plan policies prevail over the implementing provisions contained in the County Code. General Plan Policy 5.13.29 is very specific as to the criteria for determining whether a house is ancillary to a parcel's agricultural uses.

Effect of Large Houses on Agriculture: Staff has expressed concern that allowing large houses on CA land may lead to the demise of agriculture. To the contrary, allowing a residence on CA land in fact makes agriculture viable in the long term. In this case, the owners have agreed to put the farmable portions of the property under a Williamson Act contract before the house is built, if the application is approved. The owners or any future owners of the property will not be looking to the farmer to cover costs associated with the

house or the increased value to the property. Farming rents bear no correlation to the fair market value of land. The farmer's rent on this property barely covers the property taxes, and the farmer's rent was not increased when the current owners acquired the property in 1999 or thereafter.

If a house is approved near the existing farm cluster (as proposed by Staff), agriculture will likely disappear because no homeowner wants to live right next to farming operations and no farmer wants a residential dwelling right next to his operations.

Houses not Occupied by Farmers: Concern has been raised that the house will not be occupied by the farmer of the land. There is no requirement in the County regulations that any house allowed on CA land be occupied by the person who farms such land. Throughout the county, there are very few farmers who reside on the properties which they farm.

APAC: Before the Commission makes a decision on this application, the application must be reviewed by APAC for purposes of: (i) the location of the house; (ii) the special findings for houses on CA land, as outlined in County Code Section 13.10.314(b); and (iii) an agricultural viability analysis of the former abalone farm site. County Staff declined to take the project to APAC because they felt that the project should be denied based on other policies; however, this makes the tail wag the dog, because all other findings rest on Staffs unsupported assumption that a house is best located near the existing building cluster. Agriculture is the most important policy for this site. Hence, the County body that has the expertise to address agricultural issues should be consulted before other policies are determined to take priority over agricultural policies.

Archaeology: A grid excavation of the former abalone farm site was conducted prior to the construction of the abalone farm. The findings were documented and preserved. Given this previous excavation and the already disturbed building site, the project archaeologist does not expect any further findings, and has concurred that the proposed location is appropriate and not invasive of any important archaeological sites.

Viewshed: The proposed house will not be visible from Highway One or other public viewpoints. It meets the criteria for protection of visual resources, as set forth in the General Plan. Staffs proposal, in contrast, would make the house plainly visible from Highway One and other public viewpoints.

ATTACHMENT 2

Biotics: The biotics consultant, Kathy Lyons of Biotic Resources Group, has concurred that the proposed house site is appropriate and will not adversely impact biotic resources, as is noted in her letter reports on file in this matter.

Arborist: Concern was raised about the health of the existing Cypress trees that buffer the site. Arborist James Allen has evaluated the trees, has confirmed their current vitality, and formulated recommendations that will ensure their future vitality. The applicant will implement those recommendations.

We appreciate the opportunity to present these materials **and** we look forward to the hearing. We reserve the right to submit additional materials in response to the Staff Report, comments from the general public, and as necessary to supplement materials already submitted.

Very truly yours,

Catherine **A.** Philipovitch

cc: Client
Richard Beale
Jack Nelson
David Kendig, Esq.
Steve Cassidy, Esq.

ATTACHMENT 2

RONALD H. TYLER
120 Heather Court
Santa Cruz, CA 95065

July 17,2003

Catherine Philipovitch
Bosso, Williams, Sachs, Atack,
Gallagher & Sanford
P.O. Box 1822
Santa Cruz, CA 95061-1822

Re: Sand Hill Bluff Project

Dear Ms. Philipovitch:

At your request, I have reviewed the agricultural issues associated with the application for construction of a single-family dwelling on the Sand Hill Bluff property (APN 059-023-08). It is my professional opinion that, from the perspective of the preservation of the property for continuing agricultural use, the best place to locate the proposed residence on the property is on the site of the former abalone farm because: 1) it would be far less disruptive to agricultural operations than placing a house near the existing farm buildings; 2) the soil at the former abalone farm site is unfarmable due to its high sodium and chloride levels resulting from the abalone farm operations; 3) locating a house near the existing farm buildings would take good land out of production; and 4) the former abalone farm site has a natural buffer from the agricultural operations, which would not be true for a house near the existing **farm** buildings.

A. <u>Impact on Agricultural Operations</u>

The former abalone farm site was abandoned over three years ago, with all structures and equipment removed. The abalone farm operated there for approximately 10 years. Prior to that, the site was used for row crops, although the farmer currently

ATTACHMENT 2

farming the property has indicated that production was always marginal at best due to salt spray and high winds. The site is currently not farmable (as discussed below). Locating a house on the former abalone farm site would not significantly impact the existing agricultural operations because the abalone farm site is physically isolated from the rest of the property and is therefore shielded from the adverse impacts of those operations (noise, dust, pesticides, etc.) and is not used as part of the agricultural operations.

Moreover, the former abalone farm site (even if it was farmable) would not be as desirable for farming as the land near the existing building cluster because the former abalone farm site is small and irregularly shaped. The triangular shape, with short rows, makes it very inefficient to farm and very difficult for laying out irrigation pipe. The tractor would have to make frequent *turns,* thereby taking more time and using more fuel in the process. The climate at this location also restricts the type of crops that can be grown, more so than at the land near the existing farm buildings. The prevailing wind blows from the ocean across the site toward the fields, which further aggravates the salt contamination problem.

By my calculations, only 1.5 acres of land out of **a** total parcel of 121 acres would be affected by a house located on the former abalone farm site.

B. <u>Quality of Soil</u>

On June 9,2003, I took soil samples from the former abalone farm site and the regularly farmed fields to determine the extent of salt contamination to the former abalone farm site. I sampled the soil profile by taking a composite of soil from the 6 inch depth down to 20 inches. Sample #1 was taken in the area of the growing tanks approximately in the middle of the former abalone farm field. Sample #2 was taken from

the regular field located just south of the former abalone farm, at the same distance from the coastal bluff.

The results of the soil profiles are attached. The principle salt ions of concern are Sodium and Chloride. The Sodium level in the former abalone farm site is 2,200 lbs. per 6 inches, as compared with 370 lbs. per 6 inches in the regular field. A level of 250 lbs. per 6 inches is considered high; however the exchangeable sodium percentage (ESP) in the regular field is at an acceptable level for growing purposes because Brussels sprouts are more salt-tolerant than many crops. The Chloride level in the former abalone farm site is 1,200 Ibs. per 6 inches, as compared with 210 lbs. per 6 inches in the regular field.

The levels of both Sodium and Chloride are at unacceptably high levels for crop production in the former abalone farm site. Moreover, there is not any practical way to effectively leach the salt out of the soil. The fact that these soil samples were taken 3 years after the abalone farm facilities were removed means that natural leaching from rain water has not been effective. Hence, the site is unfarmable.

The Storie Index Rating for the soil at the former abalone farm site is 50, as compared with a Storie Index Rating of *66* for the soil near the existing farm buildings. The Storie rating expresses numerically the relative degree of suitability of a soil for intensive agriculture. The rating is based on soil characteristics only. The higher the number, the more suitable the soil for agricultural production. The Storie Index was compiled around the 1920s to rate the quality of agricultural soil at that time. There is no procedure for changing a Storie Index Rating. In this case, the Storie Index Rating for the former abalone farm does not accurately reflect the current conditions based on the salt water contamination occurring from the abalone farm operations. It is my opinion

ATTACHMENT 2a

that if a Storie Index Rating was made today for the abalone farm site, it would be considerably lower due to the salt contamination described in this letter.

C. Location Near Existing Farm **Buildings**

Locating a house near the existing farm buildings would take good land out of production and would be extremely disruptive *to* agricultural operations. Based on the preceding analysis of this location, at least 1 acre of good land would have to be taken out of production to provide an adequate buffer between the house and the agricultural land. The buildings in the existing building cluster are actively used as part of the agricultural operation; it would be detrimental to the agricultural operation to remove any of those buildings. The farmer's fields come right up to the buildings. The only way to locate a house next to those buildings would be to take good land out of production. This location would also make the residence subject to dust, pesticides and odors from the farming operations because the prevailing wind blows across the cultivated land towards the existing buildings. The standard minimum buffer in this County for residential uses located next to agricultural operations is 200 feet in order to avoid conflicts between residential uses and agriculture.

D. Natural Buffer

The former abalone farm site has a natural buffer from the agricultural operations based on the row of cypress trees to the south-east, the coastal bluff to the south-west, and the sand hill to the north. This buffer would serve to minimize any potential conflict between agricultural and residential use of the property by serving to naturally protect any residence located on the former abalone farm site from dust, pesticide drift and odors associated with the farming operations.

ATTACHMENT 2

E. Overall Agricultural Issues

I understand that County Staff has raised concern over the long-term prognosis for agriculture on this site if a residential dwelling is approved that is unconnected with the agricultural operations. I also understand that the owners are willing to put the farmable portions of this parcel under a Williamson Act contract **if** the application is approved. Under this circumstance, the proposed house will result in a benefit to agriculture on the site, The fact that the house will be unconnected with the agricultural operations is not an unusual scenario. The primary concern is that the house is located so as not to interfere with agricultural operations on the site. In my opinion, locating the house at the former abalone farm meets this criteria. It is common throughout the County for farmers to rent the land that they farm, and to have owners or other parties residing in a dwelling on the property.

Conclusion

Locating a residence on the former abalone farm site will have a minimal impact on agricultural operations on the property. This option does not take farmable land out of production or potential production, it will not be disruptive to agricultural operations on the property, *it* will provide the best buffer between the house and the agricultural use of the property, and it will result in a more efficient farming operation.

Sincerely,

Ronald H. Tyler

ATTACHMENT 2

ANALYTICAL CHEMISTS
and
BACTERIOLOGISTS
Approved by State of California

SOIL CONTROL LAB

42 HANGAR WAY
WATSONVILLE
CALIFORNIA
95076
USA

Soil Report

Santa Cruz, CA 95065

Sample ID: Sample #1

Lab Number: 173568-112

ALL VALUES lbs/acre 6" deep

	Your Values (lbs/acre 6" deep)	Suggested Values	
Ammonia (NH_3-N)	3.2	10-50	Low
Nitrate (NO_3-N)	9.7	20-100	Low
T-Available N	13	75-150	Low
Phosphorous(P_2O_5)	250	100-300	OK
Potassium (K_2O)	550	450-750	OK
Calcium (Ca)	1000	2678-3347	Low
Magnesium (Mg)	730	300-600	High
Suifate (SO_4-S)	280	100-200	High
Sodium (Na)	2200	< 250	High
Chloride (Cl)	1200	1-100	High
ECe (dS/m)	9.6	0.2-4	High
Copper (Cu)	NA	1 +	
Zinc (Zn)	NA	3 +	
Iron (Fe)	NA	a +	
Manganese (Mn)	NA	4 +	
Boron (B)	NA	1-4	
SAR	NA	0-6	
CEC (meq/100gms)	11	10-20	OK
ESP (%)	44	0-10	High
pHs Value	6.8	6 5-7.5	OK

			lata:		Melhod
NO_3-N	**4.8** mg/Kg	KCl			
NH_3-N	1.6 mg/Kg	KCl	OrgMat	NA %	WalkBk
P	***56*** mg/Kg	**Olsen**	Org-C	NA %	WalkBk
SP	29 %	Sal	pH_1	7.34 unit	SMP
pHs	6.8 unit	***Sat***	GypReq	NA meq/100g	GypSol
ECe	9.6 dS/m	Sa:	Ca	*520* mg/Kg	NH_4OAc
Ca	NA meq/L	Sat	Mg	370 mg/Kg	NH_4OAc
Mg	NA meq/L	Sal	Na	1100 mg/Kg	NH_4OAc
Na	NA meq/L	Sat	K	230 mg/Kg	NH_4OAc
CO_3 (as $CaCO_3$)	NA %				
Cl	56 meq/L	Sat	CEC	11 meq/100gm	Calc.
SO_4-S	10 meq/L	Sat	Exch%		
SAR	NA ratio	Calc	NH_3-N	0.1 %	Calc.
B	NA mg/Kg	CaCl2	Ca	23.5 %	Calc.
Cu	NA mg/Kg	DTPA	Mg	27.4 %	Caic.
Zn	NA mg/Kg	DTPA	Na	43.8 %	Calc.
Fe	NA mg/Kg	DTPA	K	**5.2** %	Calc.
Mn	NA mg/Kg	DTPA	H	0.0 %	Caic.

Lab Analyst:

Mike Galloway

ANALYTICAL CHEMISTS
and
BACTERIOLOGISTS
Approved by State of California

SOIL CONTROL LAB

42 HANGAR WAY
WATSONVILLE
CALIFORNIA
95076
USA

Tel: 831 724-5422
FAX: 831 724-3188

Account Number:
173568-2-3804

Soil Report

Lab Number: 173568-2/2

	Your Values (lbs/acre 6" deep)	Suggested Values
Ammonia (NH_3-N)	7.0	10-50 Low
Nitrate (NO_3-N)	53	20-100 OK
T-Available N	60	75-150 Low
Phosphorous(P_2O_5)	930	100-300 High
Potassium (K_2O)	490	450-750 OK
Calcium (Ca)	4300	3274-4093 High
Magnesium (Mg)	360	327-654 OK
Sulfate (SO_4-S)	150	100-200 OK
Sodium (Na)	370	< 250 High
Chloride (Cl)	210	1-100 High
ECe (dS/m)	3.9	0 2-4 *OK*
Copper (Cu)	NA	1 +
Zinc **(Zn)**	NA	3 t
Iron (Fe)	NA	5 t
Manganese (Mn)	NA	4 +
Boron (B)	NA	**1-4**
SAR	NA	0-6
CEC (meq/100gms)	14	10-20 OK
ESP (%)	5.5	0-10 OK
pHs Value	**7.2**	6.5-7.5 *OK*

ALL RECOMMENDATIONS lbs/acre 6" deep

Data:		Method
NO_3-N	26 mg/Kg	KCl
NH_3-N	3.5 mg/Kg	KCl
P		
SP	210 mg/Kg	Olsen
pHs	29 % 7.2 unit	Sat
ECe	3.9 dS/m	Sat
Ca	NA meq/L	Sat
Mg	NA meq/L	Sal
Na	NA meq/L	Sal
CO_3 (as $CaCO_3$)	NA %	Sal
Cl	10 meq/L	Sat
SO_4-S	*5.6* meq/L	**Sal**
SAR	NA ratio	Calc
B		
Cu	NA mg/Kg	CaCl2
Zn	NA mg/Kg	DTPA
Fe	NA mg/Kg	DTPA
Mn	NA mg/Kg	OTPA
	NA mg/Kg	OTPA

Data:		Method
OrgMat	NA %	WalkBk
Org-C	NA %	WalkBk
pH,	7.40 unit	SMP
GypReq	NA meq/100g	GypSol
Ca	2200 mg/Kg	NH_4OAc
Mg	180 mg/Kg	NH_4OAc
Na	180 mg/Kg	NH_4OAc
K	200 mg/Kg	NH_4OAc
CEC	14 meq/100gm	Calc.
Exch%		
NH_3-N	0.2 %	Calc.
Ca	79.1 %	Calc.
Mg	11.1 %	Calc.
Na	5.8 %	Calc.
K	3.8 %	
H		Calc.

Mike Galloway

Ronald H. Tyler
120 Heather Ct.
Santa Cruz, CA 95065

Education

Bachelors Degree in Pomology, University of California Davis 1955
Masters Degree in Agriculture, Oregon State University 1967
Post graduate studies in Farm Management, vegetable crops and soils.

Experience

Assistant Farm Advisor, University of California Agricultural Extension Service, in Tulare, Kern and Stanislaus Counties 1957 to 1960.

Farm Advisor, San Benito, Santa Clara and Monterey Counties 1960 to 1971.

County Director and Farm Advisor, Santa Cruz County 1971 to 1991.

Retired in 1991 with Emeritus rank after **35** years with the University of California.

Private consulting in crop production, land use and economics 1991 to present.

As Farm Advisor, I conducted educational and research programs in crop production techniques, fertilization, irrigation, pest and disease control, and rootstocks and varieties of tree fruits and nuts and cane berries.

I was author or co-author of statewide and county publications on fruit production and irrigation. I also co-authored several scientific journal articles.

ATTACHMENT 2

RICHARD W. NUTTER
2788 BORREGAS DRIVE
APTOS, CA 95003

July 21,2003

Catherine Philipovitch
Bosso, Williams, Sachs, Atack,
Gallagher & Sanford
P.O. Box 1822
Santa Cruz, CA 95061-1822

Re: Sand Hill Bluff Project

Dear Ms. Philipovitch:

At your request, I have conducted a peer review of the **work** performed by agricultural consultant Ronald H. Tyler in connection with the application for construction of a single-family dwelling on the Sand Hill Bluff property (APN 059-023-08) in Santa Cruz County. As set forth below, I concur with all of **Mr.** Tyler's conclusions.

A. **Qualifications**

I retired in 1998 as Monterey County Agricultural Commissioner, having served in that capacity for 27 years. Prior to that time I was employed by the Santa Cruz County Agricultural Commissioner **as** an Agricultural Biologist and then Deputy Agricultural Commissioner for over 15 years with the North coast of the county included in my area of responsibility. I am presently an agricultural consultant, providing expertise to the Santa **Cruz** County Farm Bureau and other entities. Attached hereto is an outline of my qualifications.

ATTACHMENT 2

B. Review Conducted

In connection with this project, I visited the project site, discussed the proposed project with the applicant'srepresentative, and reviewed the work performed by Mr. Tyler, including his January 21,2003 letter report and his July 17,2003 letter report. In my professional opinion, this scope of work is appropriate for a peer review of this nature.

C. Opinions

I concur in the conclusions reached by Mr. Tyler. Specifically, I believe that the proposed house is best located on the former abalone farm site because this site will not remove farmable land from production or potential production, and it will be least disruptive to the agricultural operations on the site. Locating a house near the existing farm buildings would take good land out of production, and would be disruptive to the existing agricultural operations on the site. The soil samples taken by Mr. Tyler demonstrate that the former abalone farm site has been contaminated by salt water from the abalone fain operations. There are no reasonable means of leaching the salt from this soil. Therefore, the soil is not suitable for farming.

It would seem appropriate that this application be reviewed by the Agricultural Policy Advisory Commission for purposes of providing input, from an agricultural standpoint, as to the best location for a house on the site, and the agricultural viability of the former abalone farm site.

ATTACHMENT 2

In summary, from the perspective of preserving agriculture, the proposed residence is appropriately sited, and will not adversely affect the agricultural operations on the site.

Sincerely,

Richard W. Nutter

Richard W. Nutter

ATTACHMENT 2

RICHARD W. NUTTER
2788 BORREGAS DRIVE
APTOS, CA 95003
(408) 688-2412

EXPERIENCE

1971 - 1998 1984 - 1985	Anticultural Commissioner, County of Monterey , 1428 Abbott Street, Salinas, CA 93901 Agricultural Commissioner, County of Santa Cruz, (Concurrent with County of Monterey) 175 Westridge Drive, Watsonville, Ca 95076
Prior Experience	Deputy Agricultural Commissioner/Agricultural Inspector, County of Santa Cruz 175 Westridge Drive, Watsonville, CA 95076
1998 - Current	Agricultural Consultant (Various Clients)

CAREER HIGHLIGHTS

Under my leadership, Monterey County's Agricultural Commissioner's Office has developed into one of the top organizations in California. As the leading vegetable crop-producing county in the nation, we harvest eighty percent of all head lettuce during peak months. The county leads the nation in the production of artichokes, broccoli, cauliflower, strawberries, head and leaf lettuce, and is known as the "Salad Bowl of the World."

As a vanguard for farm worker safety and related issues, I was involved in bringing about the first California farm worker legislation. California fruit and vegetable quality standards were formulated and adopted with my influence. Monterey County's pesticide regulatory and fruit and vegetable quality control programs are recognized worldwide as innovative and effective. I continue to participate in development of state pesticide laws and regulations. On the local level, I have been instrumental in developing and implementing a quality affirmative action program in the Agricultural Commissioner's Office. My participation in local foundations and organizations has proved invaluable in promoting the role of agriculture.

Legislative accomplishments include the California Organic Food Act; registration of farm labor contractors; agricultural chemical recycling; EIR functional equivalent for pesticide application; maturity, quality and standard container requirements moved from legislature to regulation; California minimum requirements for Agricultural Commissioners; full use pesticide reporting; stamp device in mandatory inspection programs; California Agricultural Commissioner's ability to enter into agreements with industry to certify products (i.e. pulp temperature certification); the Lombardi Poplar host free district; lettuce host free period; and field posting regulations.

Significant projects I have initiated are the new Agricultural Center, Art in Agriculture, and issues involving food safety, water, land use, farm worker pesticide exposure, exports, natural disasters, biological control, genetic engineering, various county ordinances, and international trade. I have testified before the United States Congress, State Legislature and many local agencies.

EDUCATION/LICENSES/AWARDS

University of California, Davis -- Plant Science
County Agricultural Commissioner License
Monterey County Farm Bureau "Ag Person of the Year 1998"
American Flight to Freedom Award "We Feed the World" LibertyFest Salinas Valley 1998
Salinas Chamber of Commerce Ag Leadership Award
California Women for Agriculture Merit Award
Al Smith "Friend of Agriculture" Award
Distinguished Rotarian
Department of Pesticide Regulation Special Award

PROFESSIONAL ORGANIZATIONS

Monterey County Land and Historical Trust
Board of Directors (Current)

ATTACHMENT 2

The Agricultural Network (Statewide Organization)
Board of Directors (Past)
Monterey Institute of International Studies
Dean's Council (Past)
California Agricultural Commissioners and Scalers Association
Member
Resident (Past)
Chair, Board of Directors (Past)
Chair, Agricultural, Chemical and Apiary Committee, and Fruit and Vegetable Statistics Committee (Past)
Methyl Bromide Research Task Force (Statewide Organization)
Member
Monterey County Economic Development Corporation
Board of Directors (Past)
Pest Management Advisory Committee (Statewide Organization)
Member (Past)
California Department of Food and Agriculture
Member, Medfly Technical Advisory Committee, Agricultural Pest Control Advisory Committee, and Agricultural Research, and State Department of Health Services - Vector Control Advisory Committee
County of Monterey
Secretary, Agricultural Advisory Committee
Board of Directors, Monterey County Scholarship Program (Current)
President, Monterey County Department Head Council (Past)
Member, Agricultural Advisory Committee for Planning Department (Past)
Chair, Agricultural-Horticultural Exhibit, Monterey County Fair (Past)
Member, Hazardous Waste Management Committee (Past)

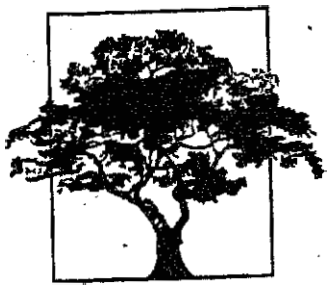
COMMUNITY ORGANIZATIONS

Monterey Bay National Marine Sanctuary Advisory Council
Board of Directors Representing Agriculture (Current) Vice Chair
National Steinbeck C
Board of Trustees, Ex Committee. VP Agriculture
Elkhorn Slough Foundation, Past Vice Chair
Friends of Moss Landing Marine Lab, President
Friends of Monterey County Fair, Resident
American Institute of Wine and Food Monterey Bay Chapter
Chair, Board of Directors (Pest)
Soquel Pioneer and Historical Society
Resident (Current)
Rotary Club
Board of Directors and Chair Philanthropic Committee (Past)
Salinas Valley Agricultural Museum
Founding Member, Board of Directors (Past)
Salinas Valley Chamber of Commerce
Chair, Agribusiness Committee, Executive Committee, Vice Resident, Member Legislative Affairs (Past)
Santa Cruz County Employees Association
President (Past)
Toastmaster's International
Educational Vice-President (Past)
School Affiliations
Past President. Capitola-Soquel Little League
Past President, Mid-County Mustangs Pop Warner Football, Mountain School
District Board of Trustees, Mountain School 4-H Community Club Leader (past)

MILITARY

United States Army, Korean Service, Honorable Discharge

ATTACHMENT 2



James P. Allen
& Associates

Dedicated to *the Preservation* of *Tree*

Arborist Assessment
Sand Hill Bluff
Improvement Project

Prepared for

Catherine Philipovitch
Sand Hill Bluff, LLC

Consulting Arborists

303 Potrero **Street**
Suite 33
Santa Cruz, CA 95060

831.426.6603 office
800.464.9114 toll free
831.460.1464 fax
jpallen@cruzio.com

ATTACHMENT 2

ASSIGNMENT/SCOPE OF ARBORIST REVIEW

The construction of a single-family residence is proposed at the former site of the Pacific Mariculture Abalone Aquaculture Facility, Highway 1, Santa Cruz County. The development site is bordered on the east by a row of Monterey Cypress trees. Additional trees have been planted recently to aid in screening the proposed structure. The Santa Cruz County Planning Department has expressed concerns about the condition, of the trees. Catherine Philipovitch, a legal representative for the property owner, has retained my firm to provide a preliminary assessment of tree condition and evaluate the success of the plantings to date. To complete this preliminary assessment I have performed the following:

- Visit the site and visually assess the vigor of the recently planted trees.
- Inspect damage to existing mature trees resulting from the Pacific Mariculture Abalone Aquacultures' demolition of their abandoned facility.
- Provide recommendations to improve the health of the young trees to maintain adequate screening.
- Document findings in the form of a report

SUMMARY

Existing and recently planted trees were inspected at the former Aquaculture facility to assess their continued capabilities to provide adequate screening. This inspection was performed following established professional guidelines. Demolition activities, salinity bum and windy coastal conditions have adversely impacted these trees. The recommended irrigation and invigoration treatments in conjunction with additional plantings will insure that the current level of screening is maintained and enhanced,

BACKGROUND

To complete this preliminary assessment I performed site inspections on May 27, July 2 and July 10. This assessment was performed following guidelines established by the International Society of Arboriculture, The American Society of Consulting Arborists and required of Certified and Registered Consulting Arborists.

Tree health and structural integrity were evaluated visually from the root crown (where the trunk meets natural grade), to the foliar canopy.

Laboratory analysis of the soil, foliage and imgation water has not yet been completed

ATTACHMENT 2

Beginning in 1999, Steve McGuirk, Madrone Landscape Group, planted trees. He has provided information regarding the planting and maintenance of the new trees.

As a condition of the Abalone farms' project approval, screening was required to mitigate the visual impacts and preserve aesthetics. The existing and recently planted trees remain an integral component of the required screening. The Cypress trees currently provide an effective screen to mitigate negative visual impacts.

SITE DESCRIPTION

This parcel is located on a level terrace adjacent to a coastal bluff Existing and newly planted Monterey Cypress and Myoporum create a windrow on the eastern boundary of the area where the proposed structures are to be constructed.

TREE ASSESSMENT OVERVIEW

This section contains information on 7 groups of trees. Tree group locations are documented on an attached map. The methods for assessing tree condition and future performance are based on date of installation, size of trees at the time of planting, rates of growth since planting.

Trees on this site have been affected by excessive wind and influences of salt spray. These forces have caused plant tissue to "bum" limiting normal physiological processes. Branch ends have died preventing the development of new growth.

Ratings for health, structure, condition/suitability to provide adequate screening and recommendations are based on the following criteria:

Tree Health: This rating is determined visually. Annual growth rates, leaf size and coloration are examined. Dieback percentages are also used to define health.

Trees in "good" health are full canopied, with dark green leaf coloration Areas of foliar dieback or discoloration are less than 10% of the canopy. Dead material in the free is limited to small twigs. There is no evidence of insects, disease or decay.

Trees with a "fair" health rating have from 10% to 30% foliar dieback, with faded coloration.

Trees rated as having "poor" health have greater than 30% foliar dieback.

ATTACHMENT 2

Tree Structure; This rating is determined by visually assessing the roots, root crown (where the trunk meets the ground), supporting trunk, and branch structure.

Trees that receive a "good" structural rating are well rooted, with visible taper in the lower trunk, leading to buttress root development These qualities indicate that the tree is solidly rooted in the growing site.

Trees that receive a "fair" structural rating may have defects such as poor taper in the trunk, inadequate root development or growing site limitations. They may have multiple trunks, included bark (where bark turns inward at an attachment point), or suppressed canopies.

Poorly structured trees display serious structural defects that may lead to limb, trunk, or whole tree failure due to uprooting. Trees in this condition may have had *root* loss or severe decay that has compromised their support structure.

Condition/Suitability for Screening: This rating evaluates tree health, structure, species characteristics, age, previous impacts and potential longevity.

Trees with a" Good" rating have adequate health and structure with the ability to tolerate moderate impacts and thrive for their safe, useful life expectancy.

A "Fair" rating indicates health or structural problems have the ability to be corrected. They will require monitoring and management to fulfill their safe useful life expectancy.

Trees with a "Poor" rating possess health or structural defects that cannot be corrected through treatment. Trees with poor suitability can be expected to continue to decline regardless of remedies provided. Species characteristics may not be compatible with redefined use of the area.

Recommendations: This section will provide recommendations for improving tree health and structure in order to create /retain effective screening. General Recommendations that pertain to all tree groups will be addressed in a separate section.

ATTACHMENT 2

TREE GROUP DESCRIPTIONS

Tree **Group # I**

This group of 14 multi-stemmed cypress trees ranging in height from 10 to 16 feet.
Health: Fair
Structure: poor
Condition/Suitability for Preservation: Fair
These existing trees have been damaged, by grade changes and root severance that occurred during the removal of the Abalone Fann structures. Tree root systems have been shattered, see arrow, limiting the trees physiological functions, leading to decay. Trees in this group have been pushed and wind blown to an angle as a result of injury to the trees supporting roots. One tree is dead, apparently the result of the equipment damage. This group will continue to maintain its' current state of vigor and provide an adequate screen providing further detrimental impacts do not occur. Normal deterioration will be expected as the trees mature.

Recommendations

- Re-establish natural grade for a distance of 10 feet in the westerly direction using soils favorable for root development.
- Follow general recommendations as described below

Tree Group II

An existing group of Monterey Cypress ranging in diameter froin 8 to 29 inches With heights of 18 to 30 feet.

Health: Fair

Structure: Poor

Condition/Suitability for Screening: Fair .

This group of existing trees has also been damaged by the Abalone Farms' demolition activities. Seven of the eleven trees in this group have been pushed/blown over as the result of injury to the trees supporting roots. Within those seven, three have suffered severe decline/mortality **as** a result of those activities. The remaining trees that were not damaged display normal growth rates.

The above photo illustrates the capability of this species to maintain height and adequate screening functions at this location.

A mature tree within this group has suffered the failure of a significant branch resulting from excessive foliar weight, **an** indication of good health. These trees currently provide **an** effective level of screening.

Recommendations

- Plant additional trees to the east of this row to compensate for future decline.
- Follow general recommendations described below.

Tree Group III

A group of 7 Monterey Cypress planted in 2001 from 36-inch box nursery containers. Diameters range from **4** to **7** inches, with heights to 12 feet.

Health: Fair

Structure: Fair/good, leaning to the north.

Condition/Suitability for Screening: Good

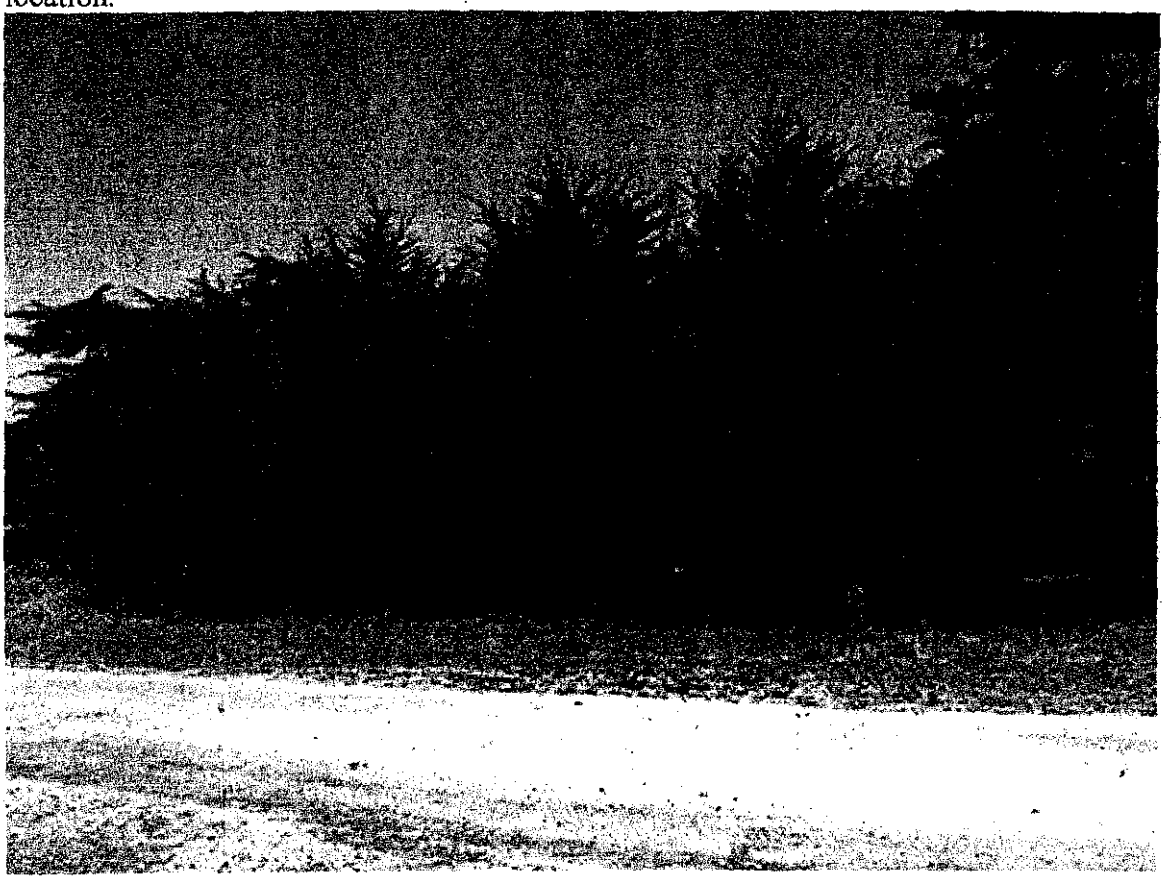
These young trees exhibit normal growth rates anticipated from this species, as evidenced by the photo below. Salinity bum is has affected a small portion of the branch ends. This group has benefited from the buffering of the westerly winds by the row of existing trees. These trees will continue to develop and gain height and width to provide excellent screening qualities.

Recommendstions

- Follow general recommendations described below.

ATTACHMENT 2

Tree Group IV
A **group** of **8 Monterey Cypress planted in** 1999 **from 15-gallon containers** Trunk diameters **range** from **4** to *6* **inches** with heights **reaching 14** *feet*
Health: Good
Structure: Good
Condition/Suitability for Screening: Good
This **group** of trees **has performed very well.** Growth **rates are excellent with no** visible signs **of salinity** bum. **These trees illustrate successful** growth **rates** of **this species at this** location.



Recommendations

- **Continue this** row of plantings **in a northerly direction**
- Follow general directions described below.

ATTACHMENT 2

Tree **Group V**

This group consists of fifteen Myoporum planted from 15 gallon containers, eleven Monterey Cypress planted in 2000 from *60* inch boxes and seven cypress planted in 2001 from *36* inch boxes, Trunk diameters for the Cypress trees ranged from *3* to 4 inches with heights of 10 to 14 feet.

Health: Poor

Structure: Fair/poor

Condition/Suitability for screening: Poor

This group of trees has been battered by the adverse influences at this site. The Cypress trees, on the perimeter of the group, have not performed well. Trees in the center of this group are in the better state of health and can be expected to continue to live/grow. The construction of buildings will provide buffering from the winds and salt spray. The shield provided by the trees on the outside of this group illustrates how beneficial a protected growing area can be at this site. Growth rates would be expected to improve once these features are in place.

Recommendations

- Plant additional trees to the east of this row to compensate for future decline.
- Follow general recommendations described below.

ATTACHMENT 2

Tree Group VI

Existing 8 and 20-inch **diameter** Cypress trees *are* over 20 feet tall.
Health: Fair/good
Structure: Fair
Condition/Suitability for Screening: Good .
These trees are in excellent health and will continue to provide effective screening.

The above photo illustrates that this species of tree performs well and has the capability to provide excellent screening at this site.

Recommendations

- Follow general recommendations described below.

ATTACHMENT 2

Tree Group VII

These twenty-two (22) Monterey Cypress trees were planted in 1999 from 15-gallon containers. Diameters range from 2 to 5 inches, heights from 10 to 14 feet

Health: Fair

Structure: Fair

Condition/Suitability for Screening: Fair

Trees in this group are generally in good health with normal growth rates. Trees at the northern end of this group display salinity bum. They would benefit from the invigoration treatments described below.

The trees in Group VII, pictured above, at the southern end of the group are in an excellent state of health with good vigor.

Recommendations

- Provide additional wind buffering appliances for the trees on the northern end of this group.
- Follow general recommendations described below.

ATTACHMENT 2

GENERAL RECOMMENDATIONS

The existing and newly planted trees on this site currently offer substantial screening for the proposed structures. Tree health and structure has been compromised by damage to the supporting roots systems and poor/inconsistent maintenance regimes. The Monterey Cypress species on this site have the ability to continue as a buffer from any negative visual impacts. The screening functions now achieved by the Cypress trees can be maintained, renewed and enhanced by the implementation of the following procedures.

- Develop and implement site-specific water and fertilization measures once the soil and foliar nutrient analysis is completed.

- Plant twenty-three, fifteen-gallon Monterey Cypress trees along the eastern boundary of the original windrow. The location of the proposed plantings is documented on an attached map. These trees will have an opportunity to renew screening in the event of further decline of the existing windrow

- Define a "success criteria" for maintenance and renewal of the Cypress grove to preserve their function as a screen.

- Retain a professional to monitor and manage the grove and meet the defined "success criteria".

Questions regarding the trees at the Sand Hill Bluff may be directed to my office.

Respectfully submitted,

James P. Allen
Registered Consulting Arborist #390

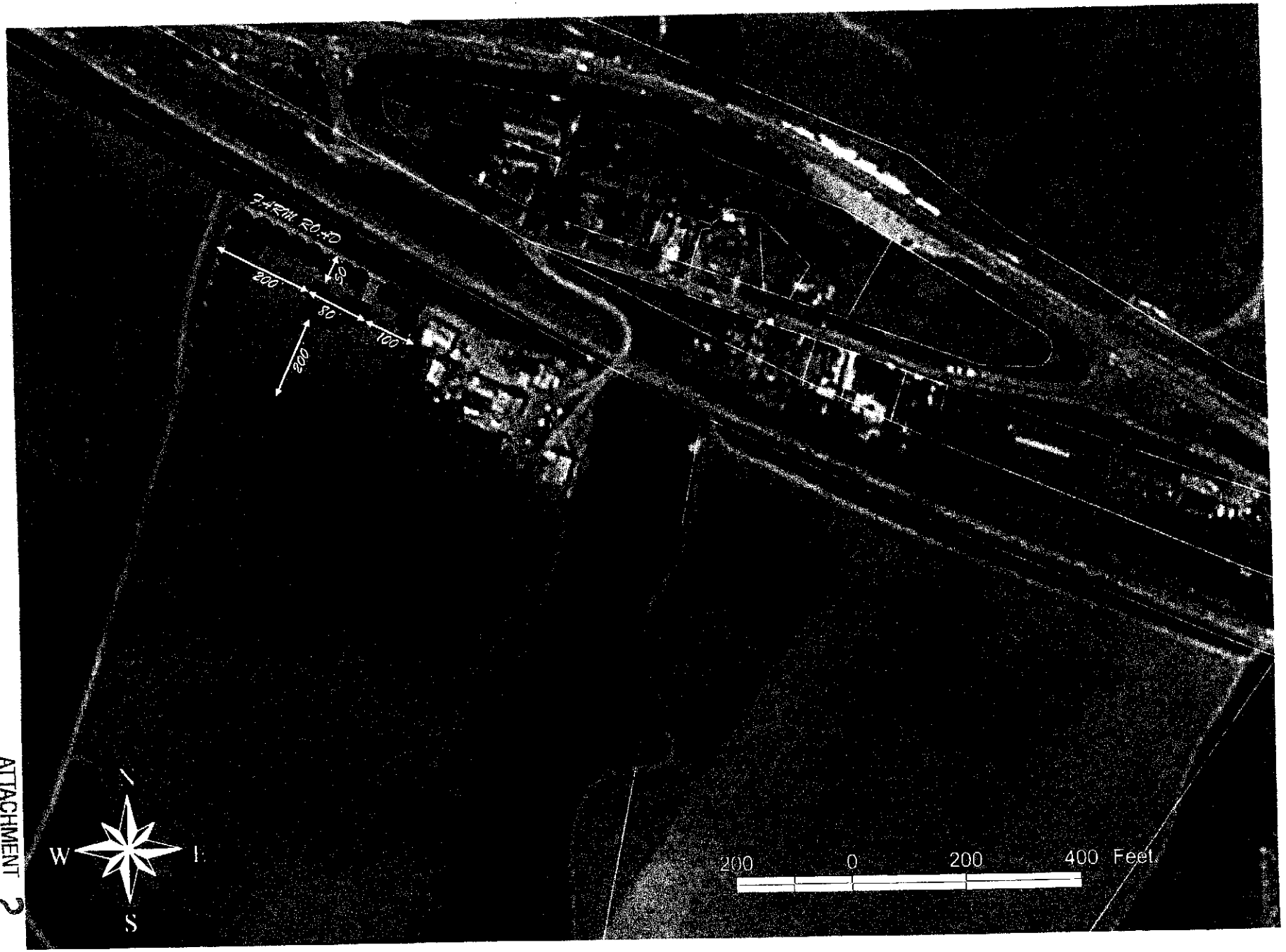
ATTACHMENT 2
55

SAND HILL BLUFF RESIDENCE SITE • BACKEN GILLAM, ARCHITECTS

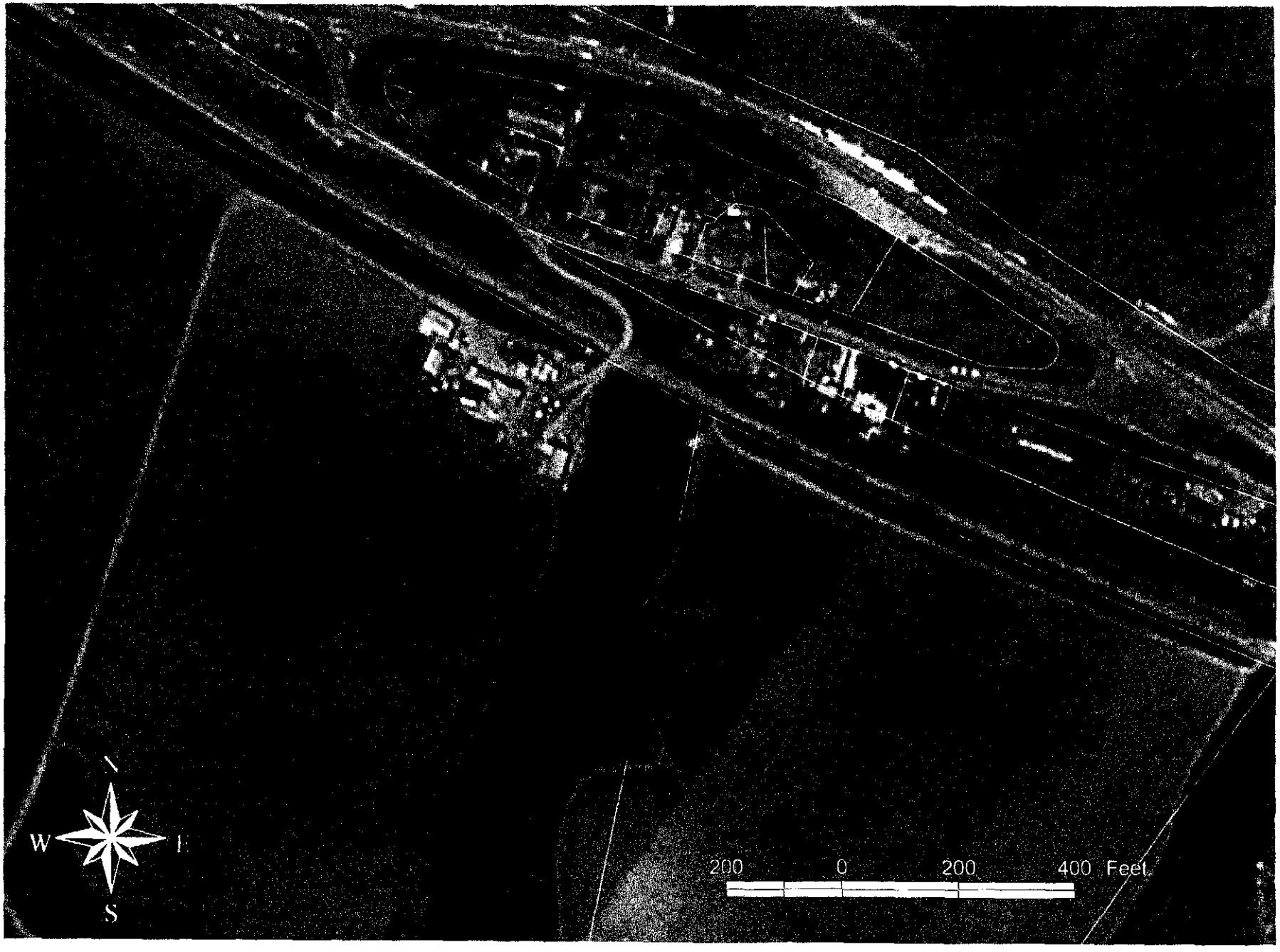
ATTACHMENT 2

SAND HILL BLUFF RESIDENCE • BACKEN GILLAM, ARCHITECTS

ATTACHMENT 2



Sand Hill alternate location



The Assessor Makes No Guarantee As To Map Accuracy, Nor Assumes Liability For Other Uses

ATTACHMENT 2

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ATTACHMENT 2

Private Views From Scaroni Road

ARCHAEOLOGICAL CONSULTING

P.O. BOX 3377
SALINAS, CA 93912
(831) 4224912
FAX (831) 422-4913

July 14,2003

Jack Nelson
Santa Cruz County Planning Dept.
701 Ocean St., 4th Floor
Santa Cruz, CA 95060

Re: Sand Hill Bluff House Application 00-0669, APN 059-023-08

Dear Mr. Nelson:

We are familiar with the proposed Sand Hill Bluff house site, having reviewed the archaeological site record and the Jones and Hildebrandt excavation report (1990), as well as having completed two preliminary archaeological reconnaissance reports (1988 and 2000) and subsequent plan and issue reviews for the current house proposal (letters of 2001 and 2003). Our reconnaissance in 2000 was performed while the excavations for the abalone farm demolition were under way. Consequently surface and subsurface soils were available for examination.

The proposed house site has been examined relative to potential impacts to archaeological resources. The Jones and Hildebrandt report documented this portion of the Sand Hill Bluff archaeological site prior to the construction of the now-demolished abalone farm. Since then soil disturbance within the project area has been extensive. During our latest reconnaissance (May 2000) we found evidence of cultural resources only within the northwestern perimeter of the project area outside of the proposed building footprint.

We continue to recommend archaeological monitoring of the soil disturbance for the proposed construction project in order to insure resource protection for the site remnant remaining in the project area. This is a standard recommendation for projects with archaeological resources identified on the parcel. Our recommendations for monitoring, minor mitigation and resource protection continue as follows:

1. A qualified archaeological monitor should be present during any construction activities that involve ground disturbance within 20 meters (~65 feet) of the north and west edges of the potential house site. If human remains or intact cultural features are discovered during construction, work shall be halted until the find can be evaluated by the monitor or principal archaeologist, and appropriate mitigation or data recovery measures are formulated and implemented.

62
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ATTACHMENT 2

2. All archaeological materials found at the project site should be recovered, analyzed and curated *in the public domain* at a suitable research facility. If suitable materials are recovered, at least three radiocarbon dates shall be obtained as mitigation for incidental impacts to the archaeological resource.

3. A fence should be constructed and maintained along the southerly base of Sand Hill to discourage access and consequent disruption of the archaeological resources located there.

Because of the possibility of previously unidentified cultural resources or burials being found during construction, we recommend that the following standard language, or the equivalent, be included in any permits issued within the project area:

- If significant archaeological features or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

If you should have any further questions on this matter, please do not hesitate to contact our office.

Sincerely,

Gary S. Breschini, Ph.D., RPA
GSB/mkd

cc: Ron Powers, Richard Beale Land Use Planning

ATTACHMENT 2

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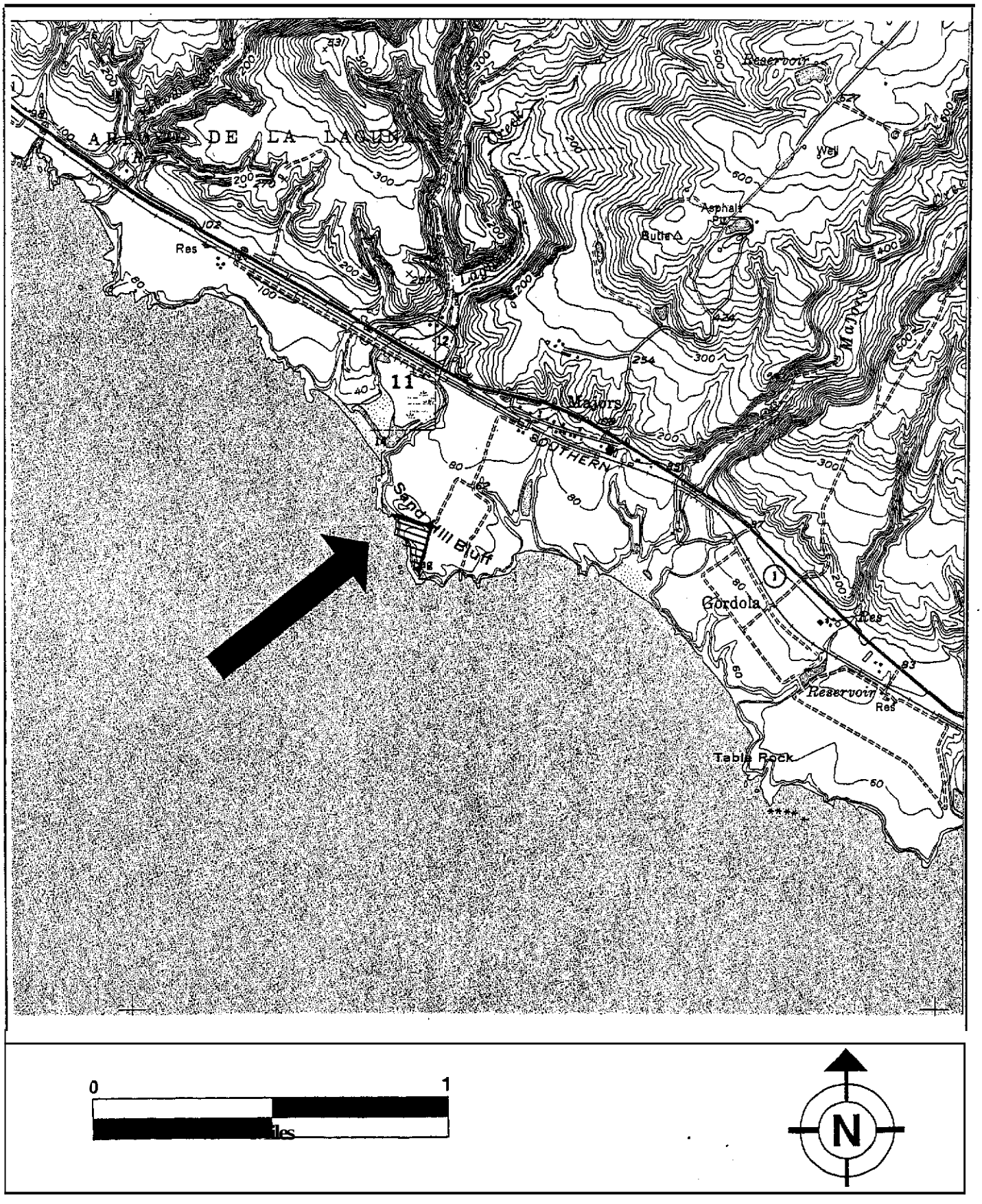
REFERENCES

Doane, M. and T. Haversat
2000 **Preliminary Archaeological Reconnaissance of a Potential House Site on a Portion of Assessor's Parcel APN 059-023-08, Santa Cruz County, California.** Report on file at the Northwest Regional Information Center, Sonoma State University.

Jones, D. **A.** and W. R. Hildebrandt
1990 **Archaeological Excavation at Sand Hill Bluff: Portions of Prehistoric Site CA-SCR-7, Santa Cruz County, California.** Report on file at the Northwest Regional Information Center, Sonoma State University.

Smith, C. and G. S. Breschini
1988 **Preliminary Cultural Resources Reconnaissance of a Portion of Parcel APN 59-023-08, Santa Cruz County, California.** Report on file at the Northwest Regional Information Center, Sonoma State University.

ATTACHMENT 2



Map 1. Project Location.

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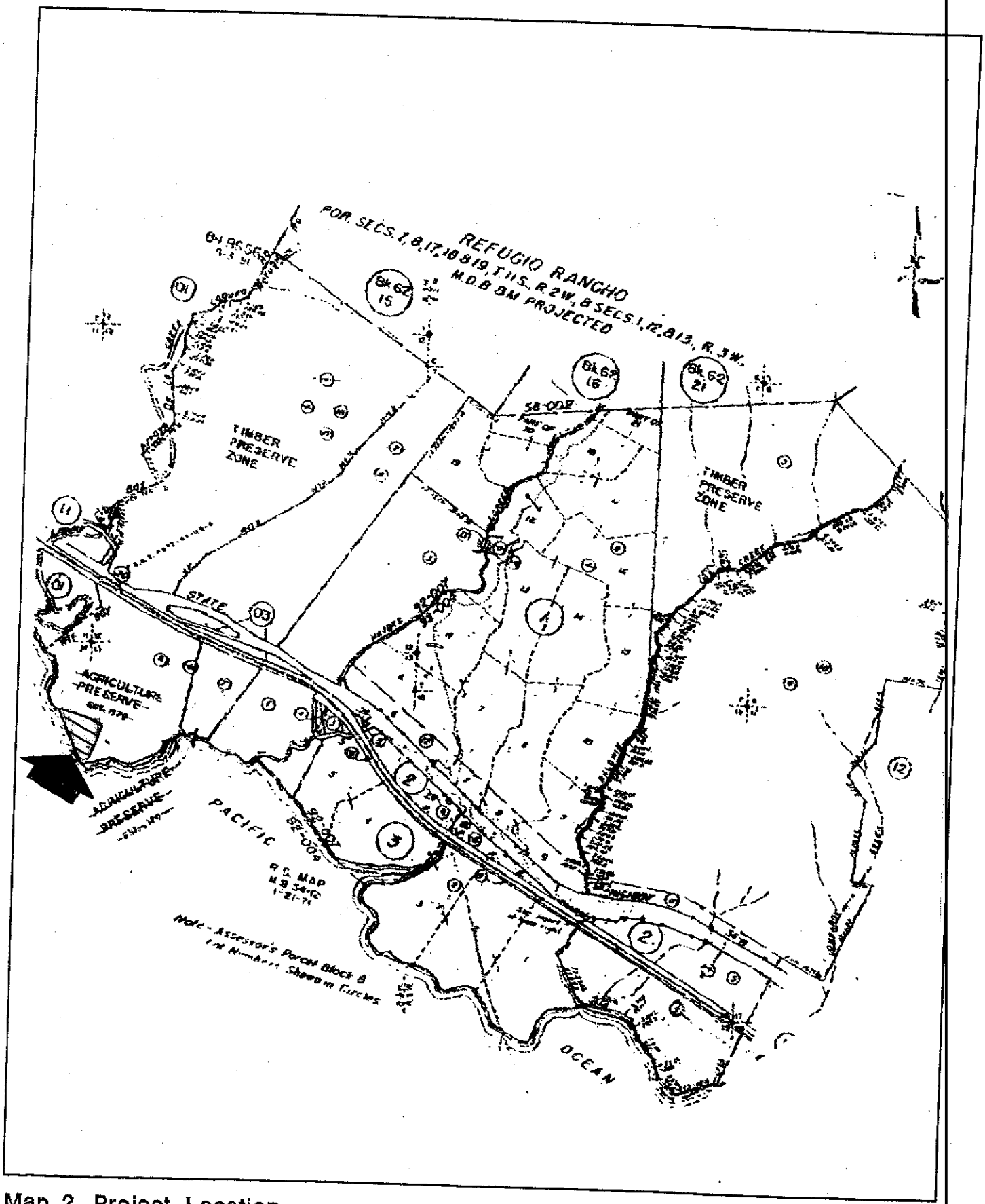
ATTACHMENT 2



Map 2. Project Location.

ATTACHMENT 2

5 Lakeview Road
Watsonville, CA 95076
(831) 763-4533
Fax: (831) 761-3070

WESTERN FARM SERVICE

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August 19,2003

Catherine A. Philipovitch
Bosso, Williams, Sachs, Atack
Gallagher & Sanford
P.O. **Box** 1822
Santa Cruz, CA. 95061-1822

RE: Sand Hill Bluff Site: 5515 Coast Road, Santa Cruz, California

Dear Ms. Philipovitch

For the past **15** years, I have worked as a pest control advisor to farmers in Santa Cruz and Monterrey counties. I **am** familiar with the Sand Hill Bluff property on the North Coast of Santa Cruz, including the **3-4** acres that was formerly occupied by the Pacific Mariculture abalone farm. In the mid-1980's, I advised the current farmer, Steve Dellamora, on pest control and nutritional matters. I recall that the fonner abalone farm site was always marginal from a production standpoint due to wind, salt and sand spray. These factors kept at least one acre of that area **from** being farmed at all. The remaining area that was farmed was **marginal,** and was very limited in terms **of** crops that could be grown there. This is consistent with my experience on other bluff properties. The portions **of** these properties that are subject to wind, salt and sand sprays are typically significantly less productive than other areas.

Sincerely,

K. McCaig

Kelley McCaig
Agricultural Pest Control Advisor #01052

ATTACHMENT 2

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: May 16, 2003
Agenda Item: #5
Time: After 10:00 a.m.

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 00-0669 **APN:** 059-023-08
APPLICANT: Richard Beale Land Use Planning **OWNER:** Sand Hill Bluff LLC

PROJECT DESCRIPTION: Proposal to construct a one-story single-family dwelling, three non-habitable accessory structures (workshop, garage, equipment storage), retaining walls, hot tub, two 5,000 gallon water tanks, and to grade approximately 990 cubic yards of earth on site with a diversified farm, existing agricultural support facilities and a farm worker camp.

LOCATION: Project is located on the southwest side of Coast Road (5515 Coast Road) about 1/4 mile northwest of the intersection of Coast Road and Highway One.

PERMITS REQUIRED: Project requires a Coastal Development Permit, a Residential Development Permit for two non-habitable accessory structures greater than 1,000 sq. ft. in size incidental to a residential use, and preliminary grading approval.

ENVIRONMENTAL DETERMINATION: Statutory Exemption (for project denial); draft Initial Study required mitigations which applicant did not agree to.

COASTAL ZONE: _X_ Yes ___ No APPEALABLE TO CCC: _X_ Yes ___ No

PARCEL INFORMATION

PARCEL SIZE: 116.7 acres, estimated
EXISTING LAND USE:
PARCEL: Commercial Agriculture
SURROUNDING: Commercial Agriculture, Residential, beach, lagoon, ocean
PROJECT ACCESS: Coast Road (old Highway 1)
PLANNING AREA: Bonny Doon
LAND USE DESIGNATION: AG (Agriculture)
SPECIAL DESIGNATION Coastal Zone Prime Agricultural Land
ZONING DISTRICT: CA-P (Commercial Agriculture - Agricultural Preserve Contract) note: Land Conservation Act contract expired in 1982
SUPERVISORIAL DISTRICT: Third District

ENVIRONMENTAL INFORMATION

a. Geologic Hazards	a. Coastal bluff retreat, sea caves
b. Soils	b. Watsonville Loam, NRCS soil type 178
c. Fire Hazard	c. Not a mapped constraint
d. Slopes	d. 0-15% at building footprint
e. Env. Sensitive Habitat	e. Sea caves, shorebird roosting/resting/nesting areas, cliff nesting areas, coastal scrub habitat, riparian comdor, wetland

ATTACHMENT 3

f. Grading	f.	Approx. 990 cubic yards
g. Tree Removal	g.	No trees proposed to be removed
h. Scenic	h.	Yes
i. Drainage	i.	Site-specific drainage design required
j. Traffic	j.	Existing roads adequate
k. Roads	k.	Existing roads adequate; driveway improvements needed
l. Parks	l.	Existing park facilities adequate
m. Sewer Availability	m.	Individual septic system required
n. Water Availability	n.	Private well conditionally approved
o. Archeology	o.	Yes, documented archeological resource

SERVICES INFORMATION

Inside Urban/Rural Services Line: ___ Yes _X_ No

Water Supply:	Existing: Coastal stream diversion, City of Santa Cruz Proposed: Private well
Sewage Disposal:	Individual septic system
Fire District:	CDF/County Fire
Drainage District:	No drainage zone

ANALYSIS AND DISCUSSION

The property is located in the coastal zone of northern Santa **Cruz** County approximately 5 miles west of the Santa Cruz City limit. The property on which the project site is located is an approximately 117-acre diversified farm located on a broad, relatively level coastal terrace. The property extends from the railroad tracks on the inland side to the coastal bluffs on the ocean side of the coastal terrace. The property is bounded on the upcoast side by the Laguna Creek beach and lagoon and by a coastal arroyo on the downcoast side. The coastal terrace at this property is cut by a coastal arroyo that drains onto a small pocket beach at the downcoast comer of the property known as Piggy Beach.

The portion of coastline occupied by the property forms a prominent physical feature with the place name Sand Hill Bluff. This feature is named for the prominent sand hill located just above the coastal bluff in the western portion of the property. The sand hill is a former active sand dune now stabilized and mostly vegetated.

As notable on a map, Sand Hill Bluff forms **a** prominent, rounded projection of the coastline into the ocean at the approximate upper margin of Monterey Bay.

Existing structures on the farm consist of a cluster of agricultural support buildings including barns, packing shed/office and fann worker housing located in the northeast comer of the property. The proposed project site is located in the southwest portion of the property and is bounded on the north by the Sand Hill dune, on the west by the coastal bluff and on the southeast by a farm road and an existing line of cypress trees.

The proposed structures are located in the northern portion of the project site adjacent the base of the Sand Hill dune and include a 6,818 square foot single family dwelling, a 1,596 square foot equipment/storage building, a 1,104 square foot garage/equipment building, a 418 square foot workshop/garden storage building and a 779 square foot water tank storage structure. Proposed coverage by roof area is approximately 11,761 square feet (0.27 acres). Proposed driveway and patio areas, including retaining walls and hot tub, cover approximately 17,424 square feet (0.4 acres). Approximately 990 cubic yards of grading are proposed to construct a series of berms between the house and the coastal bluff to provide protection from wind and weather. Landscaping is proposed for the remainder of the area between the house and the coastal bluff. In all, the project site encompasses 3.55 acres, with 0.67 acres covered by structures, driveways and patio.

The project site has historically been used for commercial agricultural production of food crops as part of the larger diversified farm on the property. The project site was recently the site of an aquaculture facility (abalone farm), which operated between 1989 and 1999. An Environmental Impact Report (EIR) was prepared for the abalone farm project and the draft Initial Study prepared for the presently proposed project uses that EIR for background information *(Environmental Impact Report for Pacific Mariculture Abalone Aquaculture Facility* prepared for Santa Cruz County by John Gilchrist and Associates, December 1988).

The restriction on conversion of commercial agricultural land was met in the case of the aquaculture facility because it is also classified as a commercial agriculture use.

The conditions of approval of the Commercial Development Permit, Coastal Permit, and Grading Permit for the abalone farm require that, upon cessation of operations, all water storage tanks, intake and discharge pipes, shade structures, buildings and shellfish raising tanks shall be removed from the property, the shafts for both the intake and discharge pipes shall be plugged and the gravel bedding layers removed. The aquaculture facility has been almost completely dismantled in accordance with the permit condition except that the intake and discharge pipes and remnants of other subsurface piping remain on the site.

The present proposed project has received approval from the Environmental Health Department to utilize the existing septic system that was installed for the abalone farm, except that a new septic tank is proposed in a different location to accommodate the proposed structures. The existing septic tanks would be abandoned and the existing leach field would be reused.

The proposed water source is a domestic well, recently installed. In July, 2002 County Environmental Health approved a well permit to install a monitoring well on the subject property, The well was installed and passed final inspection. Coastal Zone permits are not required for monitoring wells.

On August 15,2002 Environmental Health gave conditional approval for an Individual Water System to use the new well for domestic purposes. The approval conditions require that the well pass a bacteriological test which was previously failed. Water treatment technology exists which would be an alternative if the repeat test were to fail.

The proposed project requires the following permits and approvals from the County of Santa **Cruz:** first a Coastal Permit and a Residential Development Permit, followed by Building and

Grading Permits. The project also requires septic and water system permits from County Environmental Health Services.

Pursuant to CEQA, a draft Initial Study dated November 4,2002 (Exhibit D) was prepared for the project. On consideration of the Initial Study the Environmental Coordinator issued an Environmental Review letter dated November 5,2002 (Exhibit E), requiring substantial mitigation measures to address three areas of potentially significant environmental impacts. The three areas are (1) impacts to agriculture, (2) impacts to sensitive habitat, and **(3)** impacts to archaeological resources.

The proposed Negative Declaration mitigations require that the project be relocated and scaled down. The applicant has declined to incorporate these mitigations into the design of the project, and did not opt for the offered alternative of preparing an Environmental Impact Report. Subsequently the applicant submitted further information from technical consultants on the three above issues, to which staff has given careful consideration.

Because of this outcome on the Initial Study and because the project is now recommended for denial, the Environmental Review process is not certified as completed. Instead the project denial qualifies for statutory exemption from CEQA.

The following review of required permit findings (Exhibit B, p. 6-16) provides a detailed discussion of the unresolved policy and ordinance conflicts on this project. Accordingly the same detail is not repeated in this Analysis and Discussion section of this staff report. The issues include agricultural resource protection, coastal and sensitive site design criteria, archeological resource protection, sensitive habitat protection, visual resource protection, and coastal access.

RECOMMENDATION

Staff recommends:

1. **DENIAL** of Application Number **00-0669,** based on the attached findings,

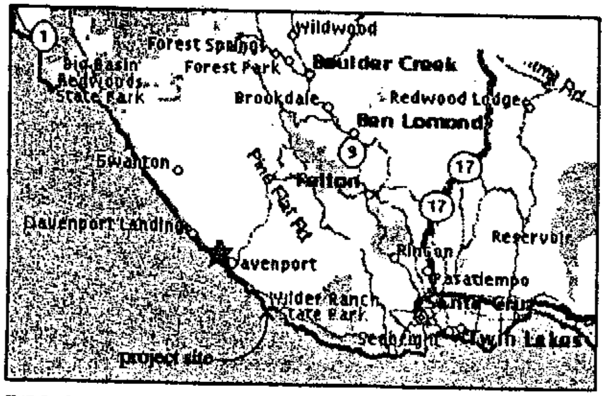
2. Certification that the project is exempt from further Environmental Review under the California Environmental Quality Act (as a denied project).

EXHIBITS

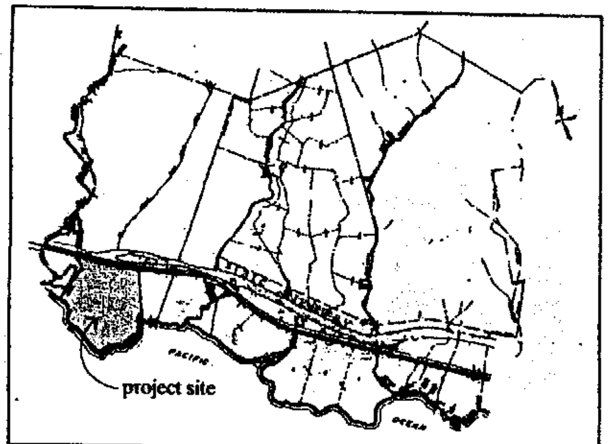
A. Project plans, 8.5x11" format (Full size available at Planning Dept.)
B. Findings
C. Statutory Exemption (CEQA determination)
D. Draft Initial Study (With attachments abridged for this report. Additional background documents regarding septic, well, geologic, and geotechnical are available at Plannning Dept.)
   1. Assessor's Parcel Map
   2. Vicinity map
   3. Location map
   4. Map of General Plan designations
   5. Map of Zoning designations
   6. Archaeological Report (12-18-00) and Letter (7-9-01)
E. Environmental Review letter of November 5, 2002
F. Comments & Correspondence
G. Aerial Photo, September 2002

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.

Report Prepared By: Jack Nelson
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3259 (or, jack.nelson@co.santa-cruz.ca.us)



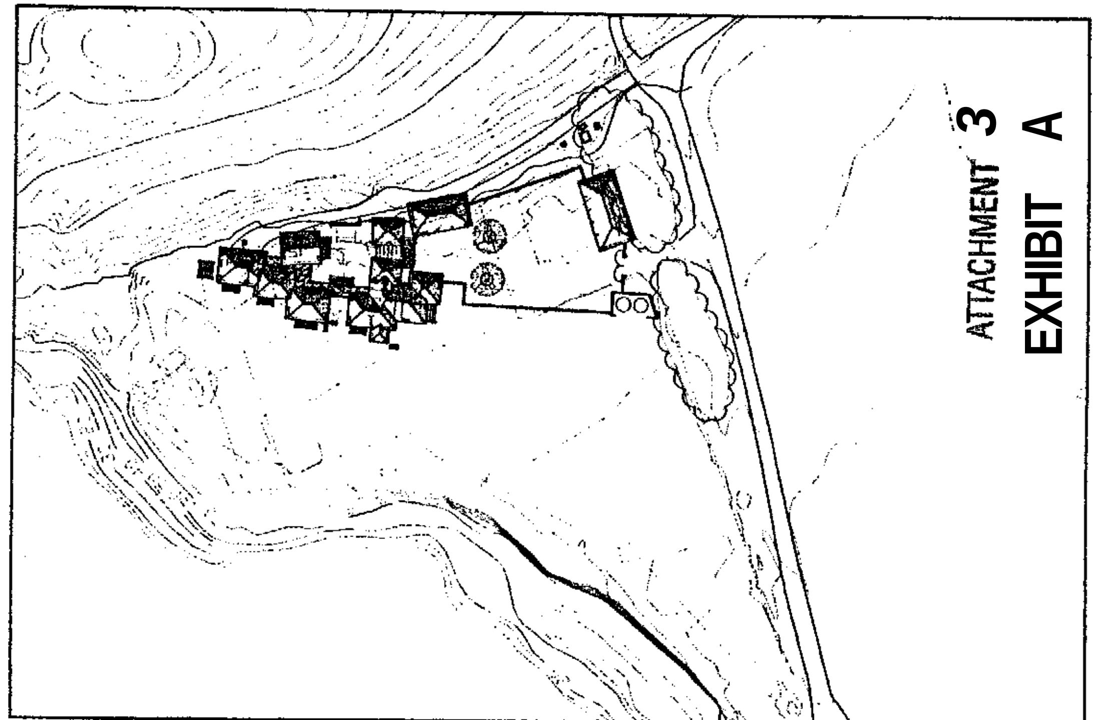
REGIONAL MAP
N.T.S.



LOCATION MAP
N.T.S.

DRAWING SHEET INDEX

■ A0	PROJECT INFORMATION SHEET	■ A8	EXTERIOR ELEVATIONS
■ A1	PROJECT INFORMATION SHEET	■ A9	RENDERED EXTERIOR ELEVATIONS
■ A2	SITE PLAN	■ A10	BUILDING SECTIONS
■ A3	FIRST FLOOR PARTIAL PLAN	■ L-1	OVERALL SITE PLAN
■ A4	FIRST FLOOR PARTIAL PLAN	■ L-2	GRADING, DRAINAGE AND EROSION CONTROL PLAN
■ A5	ROOF PLAN	■ L-3	LANDSCAPE PLAN
■ A6	EXTERIOR ELEVATIONS		
■ A7	RENDERED EXTERIOR ELEVATIONS		



SITE PLAN
SCALE: 1" = 50'-0"

ATTACHMENT 3

EXHIBIT A

PROJECT TEAM

LAND USE PLANNING/ PERMIT PROCESSING:
Richard Beale
Land Use Planning, Inc.
100 Doyle Street, Suite E
Santa Cruz, CA 95062
831.425.5999 / fax 831.425.1565
E-Mail: rich@rbeale.com
Attn: Richard Beale

ARCHITECT:
Backen & Gillam Architects
2352 Marinship Way
Sausalito, CA 94965
415.289.3860 / fax 415.289.3866
E-Mail: mmurray@bgarch.com
Attn: Jim Gillam/ Michael Murray

SITE PLANNING/ LANDSCAPE ARCHITECT:
Madrone Landscape Group
P.O. Box 1210
Soquel, CA 95073
831.462.9981 / fax 831.462.9983
Attn: Steve McGuirk

LAND SURVEYOR:
Dunbar & Craig Land Surveyors
1011 Cedar Street
Santa Cruz, CA 95060
831.425.7533 / fax 831.426.9182
Attn: Curt Dunbar

GEOLOGIST:
Rogers Johnson and Associates
1720 Seabright Ave.
Santa Cruz, CA 95060
831.425.1288
Attn: Rogers Johnson

WATER CONSULTANT:
Lowy Fire Protection
148 Trevethan Avenue
Santa Cruz, CA 95062
831.457.1720
Attn: Rubi Lowy

ARCHAEOLOGY:
Archaeological Consulting
P.O. Box 3377
Salinas, CA 93912
408.422.4912
Attn: Mary Doane
Trudy Haversat

73

SAND HILL BLUFF RESIDENCE

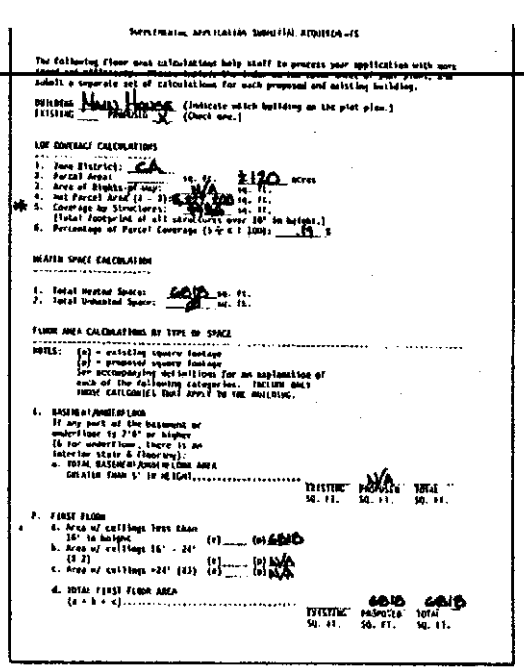
SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 059.023.08

BACKEN GILLAM architects

PROJECT INFORMA SHEET

SCALE: NOTED

A0



Supplemental Application Submittal Requirements

The following floor area calculations help staff to process your application with more [illegible]. Please indicate the [illegible] areas of your plans, and submit a separate set of calculations for each proposed and existing building.

PROPOSED: Main House (Indicate which building on the plot plan.)
EXISTING ___ PROPOSED X (Check one.)

LOT COVERAGE CALCULATIONS

1. Zone District: CA
2. Parcel Area: ±120 acres
3. Area of Rights-of-way: N/A sq. ft.
4. Net Parcel Area (2 - 3): [illegible] sq. ft.
5. Coverage by Structures: [illegible] sq. ft.
[Total footprint of all structures over 10' in height.]
6. Percentage of Parcel Coverage (5 ÷ 4 x 100): [illegible] %

HEATED SPACE CALCULATION

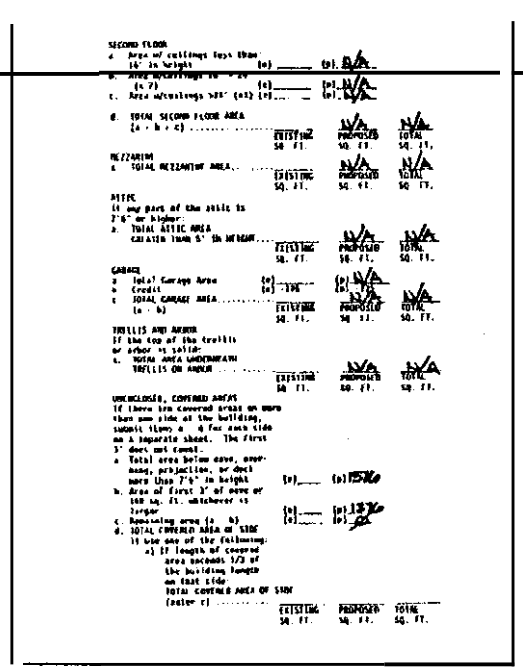
1. Total Heated Space: 6818 sq. ft.
2. Total Unheated Space: ___ sq. ft.

FLOOR AREA CALCULATIONS BY TYPE OF SPACE

NOTES: (e) = existing square footage
(p) = proposed square footage
See accompanying definitions for an explanation of each of the following categories. Include ONLY THOSE CATEGORIES that APPLY to the building.

1. BASEMENT/UNDERFLOOR
If any part of the basement or underfloor is 7'6" or higher (6 for underfloor, there is an interior stair & flooring):
a. TOTAL BASEMENT/UNDERFLOOR AREA GREATER THAN 5' IN HEIGHT..... EXISTING Sq. Ft. N/A PROPOSED Sq. Ft. TOTAL Sq. Ft.

2. FIRST FLOOR
a. Area w/ ceilings less than 16' in height (e) ___ (p) 6818
b. Area w/ ceilings 16' - 24' (e) ___ (p) N/A
c. Area w/ ceilings >24' (x2) (e) ___ (p) N/A
d. TOTAL FIRST FLOOR AREA (a + b + c)..... EXISTING Sq. Ft. ___ PROPOSED Sq. Ft. 6818 TOTAL Sq. Ft. 6818



SECOND FLOOR
a. Area of ceilings less than 16' in height (e) ___ (p) N/A
b. Area w/ceilings 16' - 24' (x 2) (e) ___ (p) N/A
c. Area w/ceilings >24' (x3) (e) ___ (p) N/A
d. TOTAL SECOND FLOOR AREA (a + b + c)..... EXISTING Sq. Ft. N/A PROPOSED Sq. Ft. N/A TOTAL Sq. Ft.

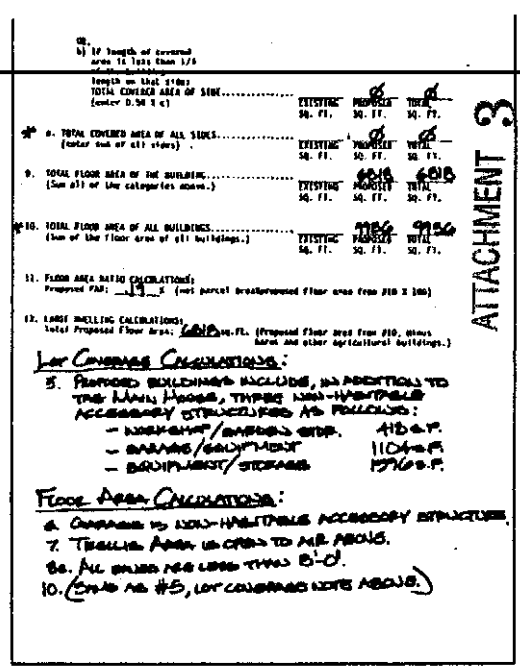
MEZZANINE
a. TOTAL MEZZANINE AREA..... EXISTING Sq. Ft. N/A PROPOSED Sq. Ft. N/A TOTAL Sq. Ft.

ATTIC
If any part of the attic is 7'6" or higher:
a. TOTAL ATTIC AREA contain than 5' in height..... EXISTING Sq. Ft. N/A PROPOSED Sq. Ft. N/A TOTAL Sq. Ft.

GARAGE
a. Total Garage Area (e) ___ (p) N/A
b. Credit (e) ___ (p) N/A
c. TOTAL GARAGE AREA (a - b)..... EXISTING Sq. Ft. N/A PROPOSED Sq. Ft. N/A TOTAL Sq. Ft.

TRELLIS AND ARBOR
If the top of the trellis or arbor is solid:
a. TOTAL AREA UNDERNEATH TRELLIS OR ARBOR..... EXISTING Sq. Ft. N/A PROPOSED Sq. Ft. N/A TOTAL Sq. Ft.

UNENCLOSED, COVERED AREAS
If there are covered areas on more than one side of the building, submit items a - d for each side on a separate sheet. The first 3' does not count.
a. Total area below eave, overhang, projection, or deck more than 3'6" in height (e) ___ (p) 1536
b. Area of first 3' of eave or 160 sq. Ft. whichever is larger (e) ___ (p) 1336
c. Remaining area (a - b) (e) ___ (p) 200
d. TOTAL COVERED AREA OF SIDE
If the one of the following:
a) If length of covered area exceeds 1/3 of the building length on that side
TOTAL COVERED AREA OF SIDE (enter c)..... EXISTING Sq. Ft. ___ PROPOSED Sq. Ft. ___ TOTAL Sq. Ft. ___



OR
b) If length of covered area is less than 1/3 length on that side)
TOTAL COVERED AREA OF SIDE (enter D.50 X c)..... EXISTING Sq. Ft. ___ PROPOSED Sq. Ft. ___ TOTAL Sq. Ft. ___

* e. TOTAL COVERED AREA OF ALL SIDES (enter sum of all sides)..... EXISTING Sq. Ft. ___ PROPOSED Sq. Ft. ___ TOTAL Sq. Ft. ___

9. TOTAL FLOOR AREA OF THE BUILDING (Sum all of the categories above.)..... EXISTING Sq. Ft. ___ PROPOSED Sq. Ft. 6818 TOTAL Sq. Ft. 6818

*10. TOTAL FLOOR AREA OF ALL BUILDINGS (Sum of the floor area of all buildings.)..... EXISTING Sq. Ft. ___ PROPOSED Sq. Ft. 9156 TOTAL Sq. Ft. 9156

11. FLOOR AREA RATIO CALCULATION:
Proposed FAR: .19 % (net parcel breakdownwood floor area from #10 X 100)

12. LARGE DWELLING CALCULATION:
Total Proposed Floor Area: 6818 sq. Ft. (Proposed floor area from #10, minus barns and other agricultural buildings.)

Lot Coverage Calculations:
5. Proposed buildings include, in addition to the main house, three non-habitable accessory structures as follows:
- workshop/garden strg. 418 s.f.
- garage/equipment 1104 s.f.
- equipment/storage 1596 s.f.

Floor Area Calculations:
6. Garages is non-habitable accessory structure.
7. Trellis Area is open to air above.
8a. All eaves are less than 3'-0".
10. (Same as #5, lot coverage note above.)

ATTACHMENT 3
EXHIBIT A
74

GROSS BUILDING AREA WORKSHEETS

PROJECT DATA

APPLICANT/ PROPERTY OWNER:
Sand Hill Bluff, L.L.C.

PROJECT ADDRESS:
5515 Coast Road
Santa Cruz County, CA

ZONING: CA
GENERAL PLAN: Agriculture

APN:
059.023.08

AREA CALCULATIONS:

Proposed Habitable Dwelling Unit:	6,818 square feet
Proposed Non-habitable Accessory Structures	
Workshop/Garden Storage:	418 square feet
Garage/Equipment:	1,104 square feet
Equipment/ Storage:	1,596 square feet
Water Tank Storage:	779 square feet

LOT AREA:
Approximately 120 acres

LOT COVERAGE:
.19%

PROJECT DESCRIPTION:
To construct a 1-story single family residence less than 7,000 square feet with 3 detached Non-habitable Accessory Structures that serve as a workshop, garage and equipment storage. Other related improvements include the provision of a 5,000 gallon water tank and landscaping and and earthwork as shown on landscape drawings.

NOTES

1. Buildings to be protected by an approved automatic sprinkler system complying with currently adopted edition of NFPA 13 & 13D and Chap. 35 of California Building Code and adopted standards of the authority having jurisdiction.
2. Designer/installer of fire sprinkler system shall submit (3) sets of plans & calculations for the underground & overhead Residential Automatic Fire Sprinkler System to Planning for approval. Designer/installer must prepare an Underground Fire Protection System Working Drawing. The plans shall comply with the Underground Fire Protection System Policy Handout.
3. Maintain 12 feet minimum width for driveway and access roads. Gates to vehicle courtyard to be a minimum 14'-0" in width.
4. Roof covering shall be of no less than Class C rated roof.

BACKEN GILLAM architects

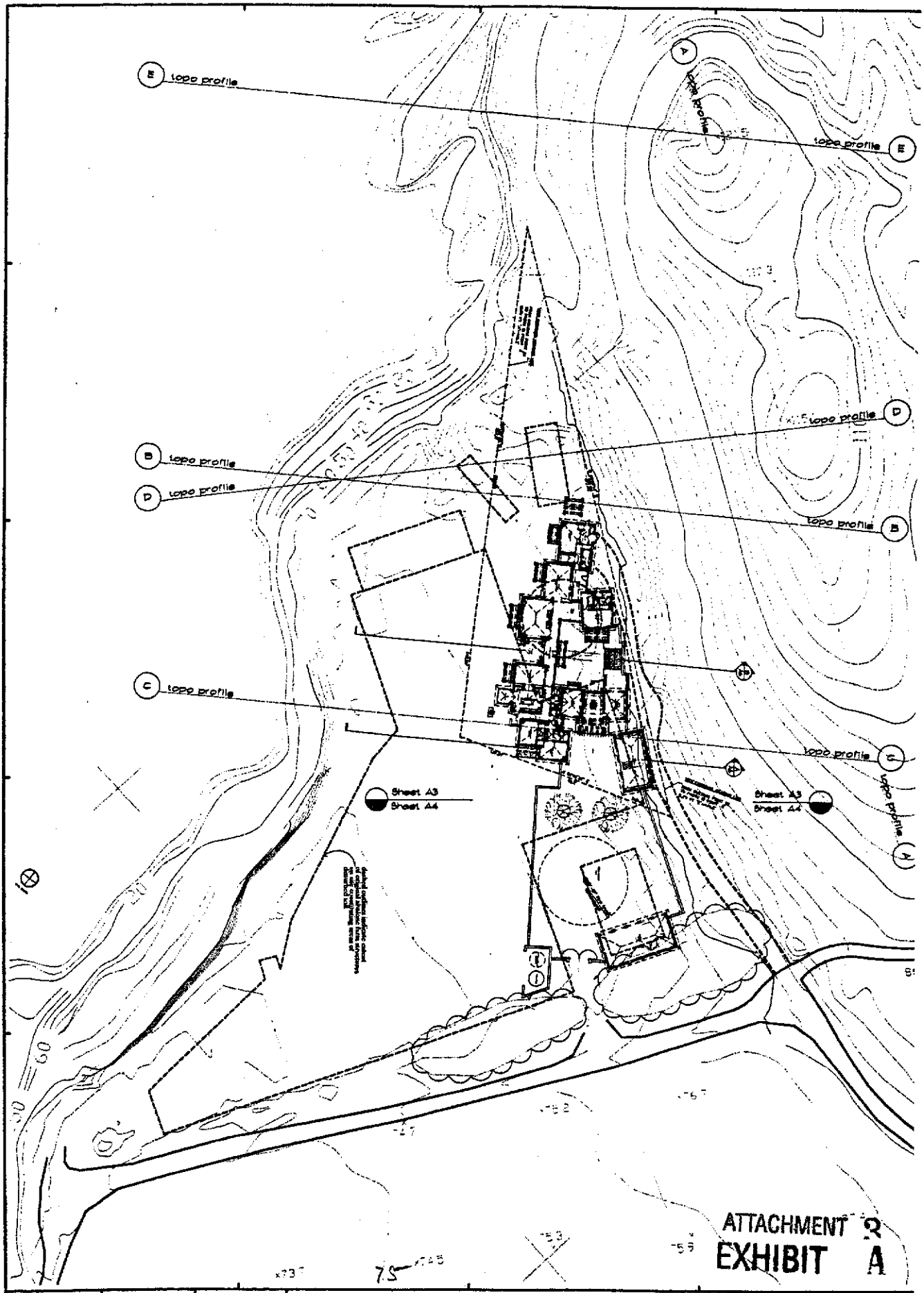
SAND HILL BLUFF RESIDENCE
SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 059.023.08

PROJECT INFORMATION SHEET

SCALE : AS NOTED

A1

DATE: 14 JUNE 2



ATTACHMENT 2
EXHIBIT A

A2

DATE: 14 JUNE 2006
PROJECT NO: 0506

SCALE: 1/32" = 1'-0"

SITE PLAN

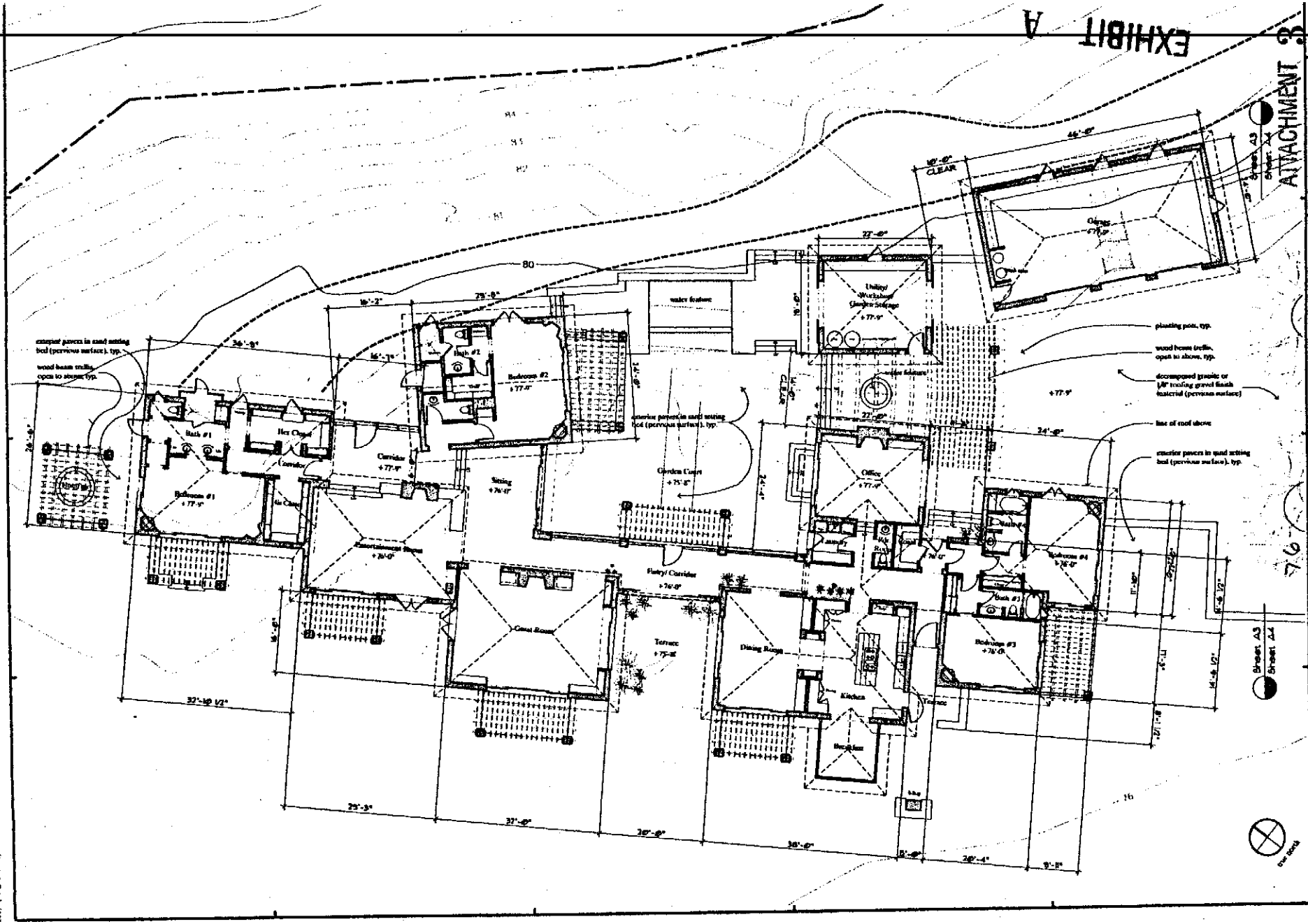
SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 059-102-08

BACKEN GILLAM
architects

EXHIBIT A

ATTACHMENT 3



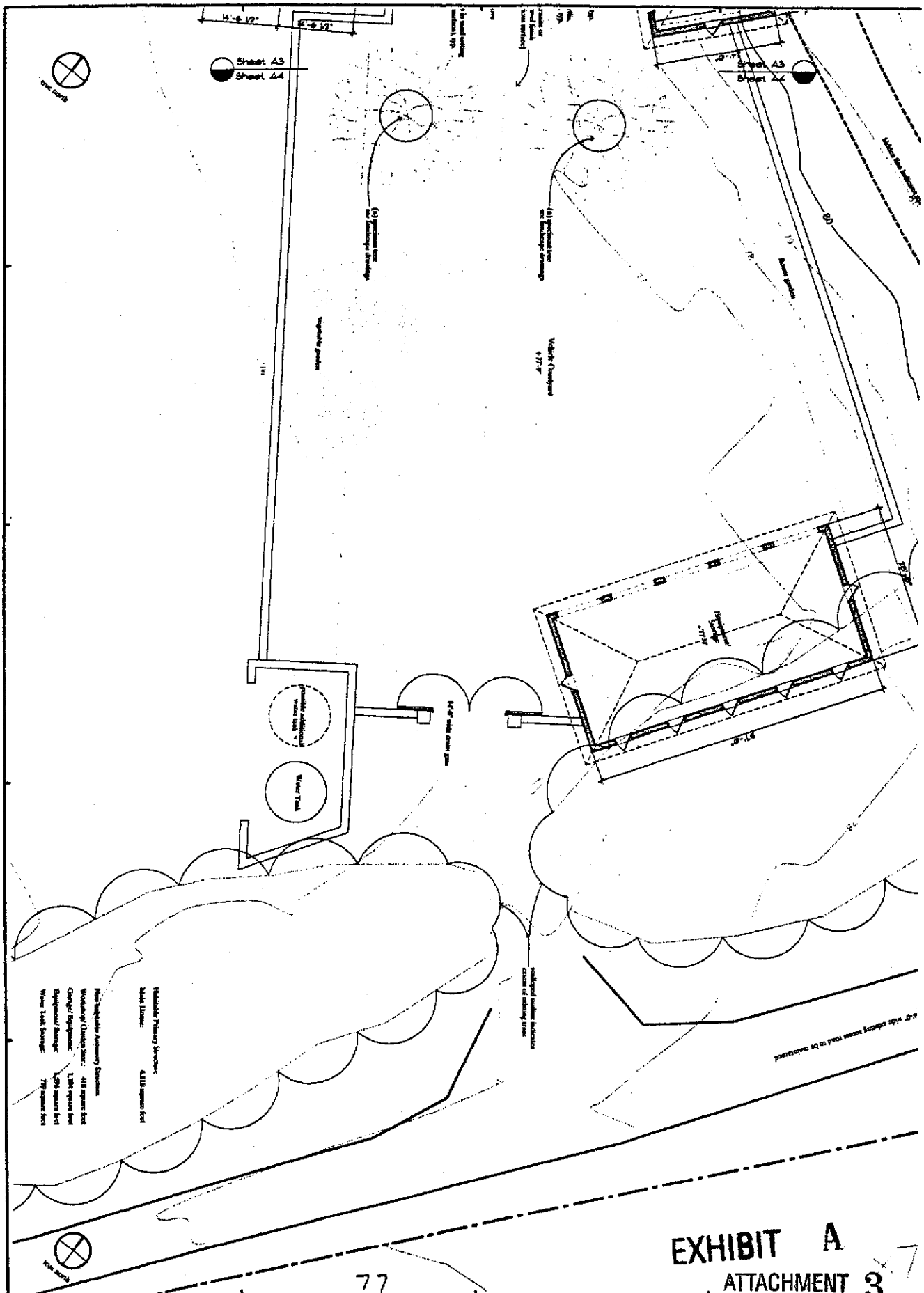
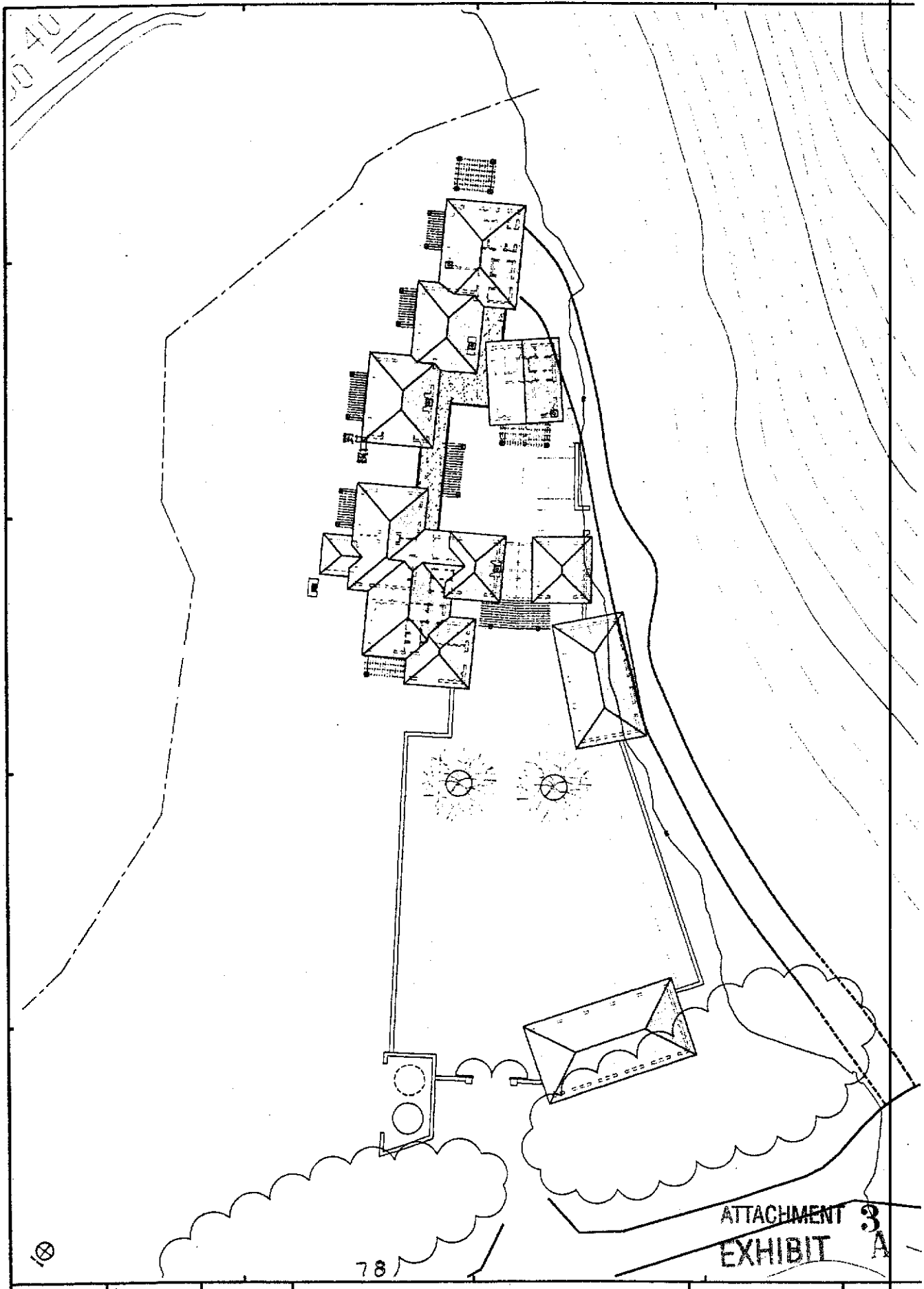


EXHIBIT A
ATTACHMENT 3

A4	PARTIAL FIRST FLOOR PLAN	SCALE : 1/8" = 1'-0"	SAND HILL BLUFF RESIDENCE SAND HILL BLUFF, LLC SANTA CRUZ, CALIFORNIA PARCEL 059.033.08	BACKEN GILLAM architects



SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 059.023.06

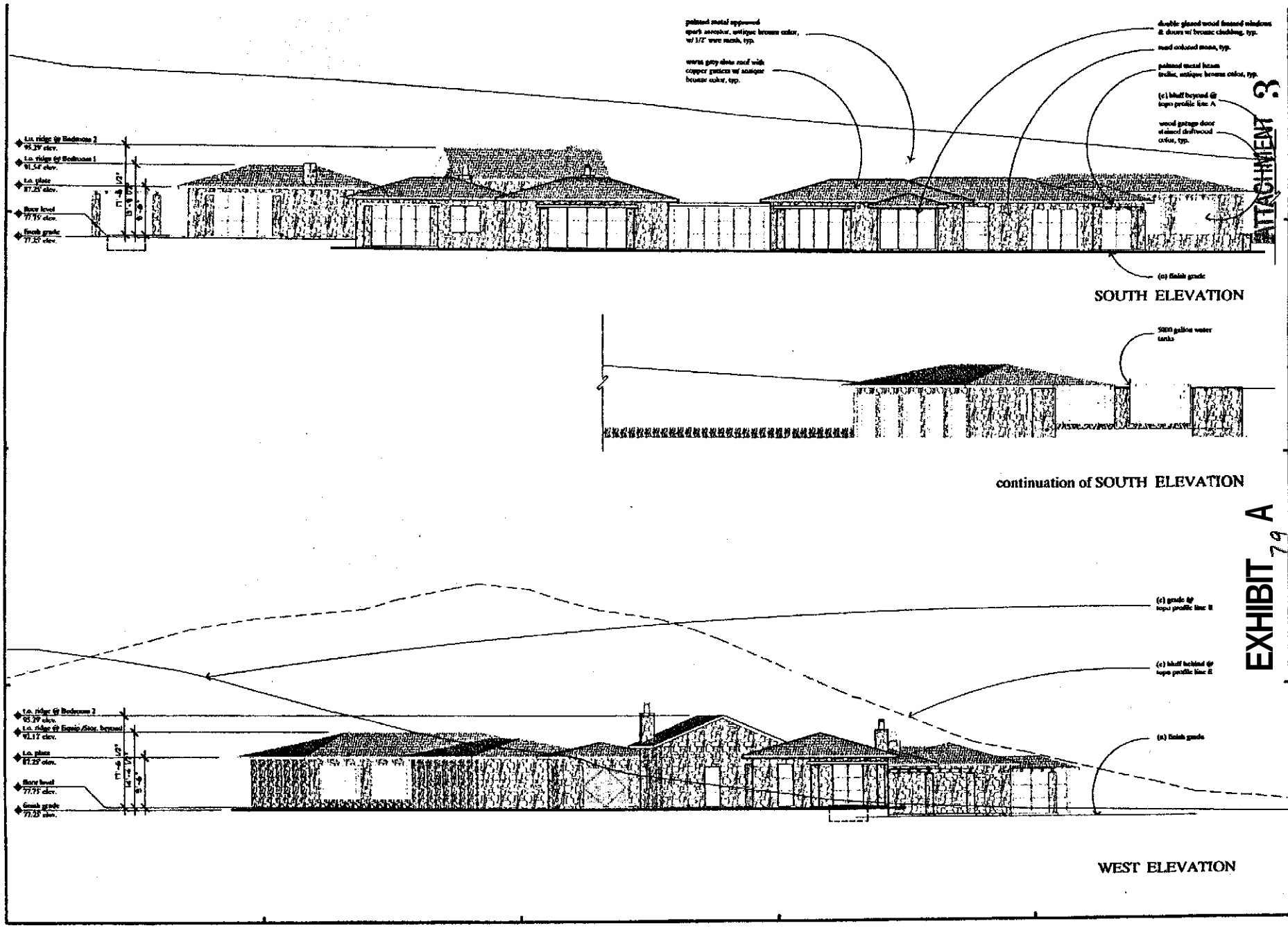
BACKEN GILLAM
architects

ROOF PLAN

SCALE: 1/16" = 1'-0"

DATE: 14 JUNE 2007
PROJECT NO: 0603

A5



ATTACHMENT 3

EXHIBIT 7g A

BACKEN GILLAM architects

SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, LLC
SANTA CRUZ, CALIFORNIA
PARCEL 026-223-08

SOUTH & WEST EXTERIOR ELEVATIONS

SCALE : 1/8" = 1'-0

A6

DATE: 14 JUNE 2
PROJECT NO.: 20008

WEST ELEVATION

SOUTH ELEVATION

80 EXHIBIT A

ATTACHMENT 3

SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 054-022-08

BACKEN GILLAM
architects

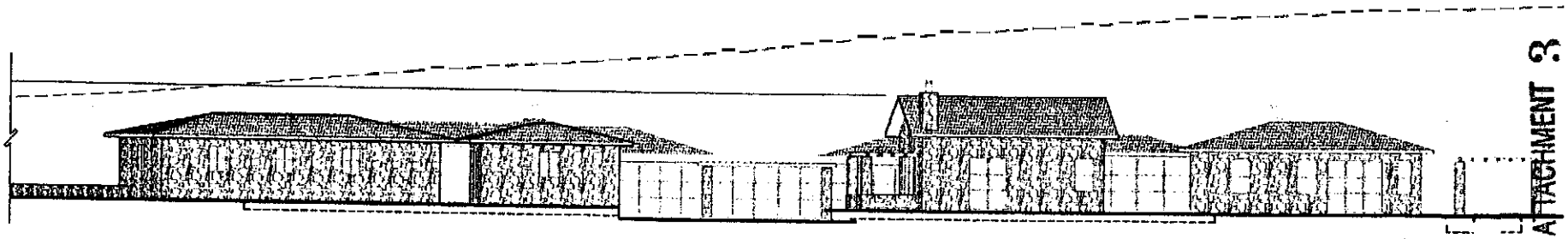
RENDERED SOUTH & WEST EXT. ELEVATIONS

SCALE: 1/16"=1'-0"

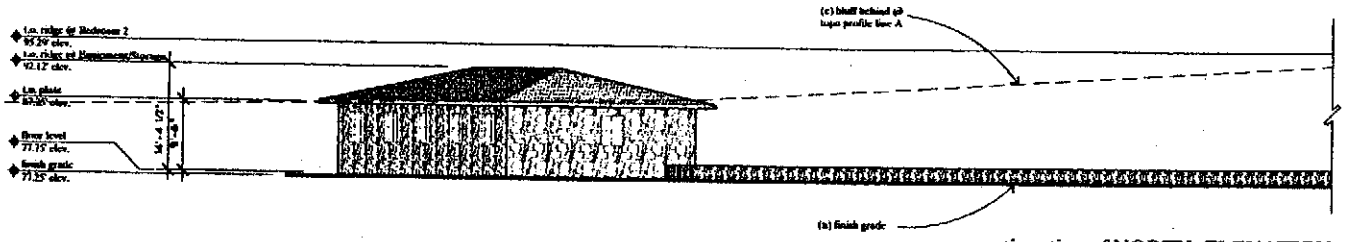
DATE: 14 JUNE 200

A7

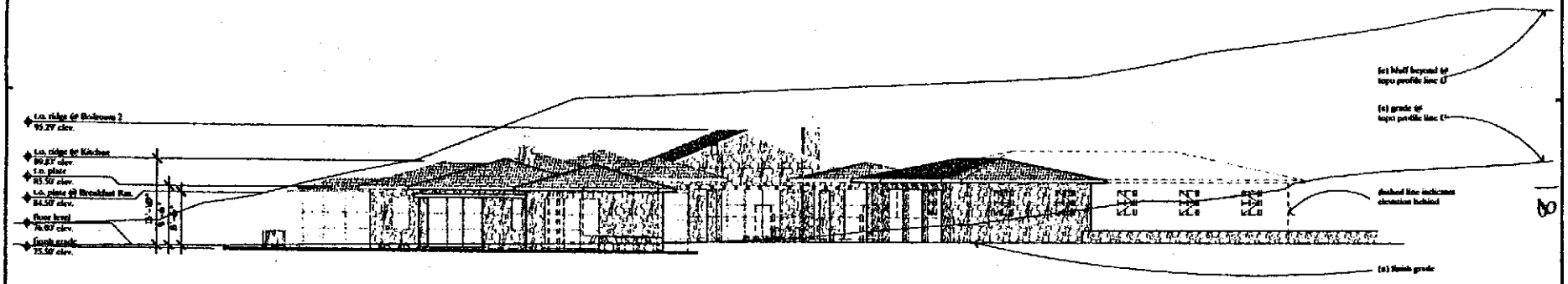
EXHIBIT A ATTACHMENT 3



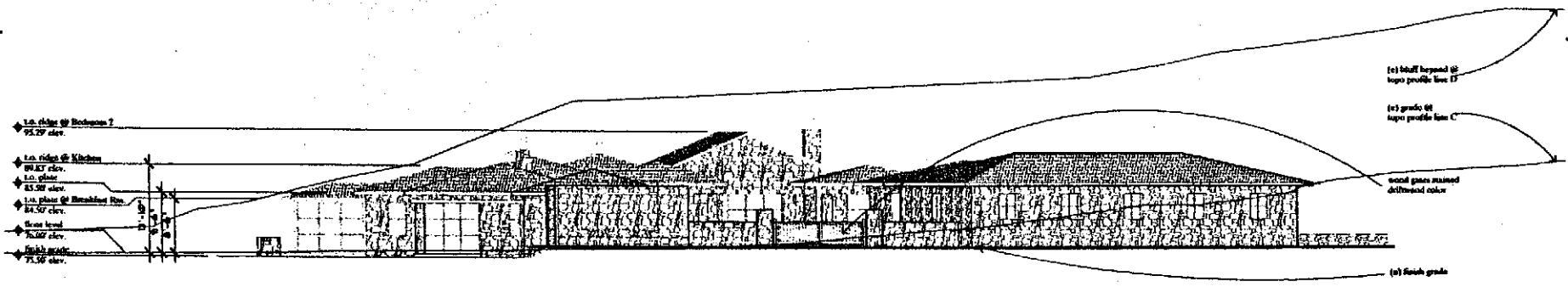
NORTH ELEVATION



continuation of NORTH ELEVATION



VEHICLE COURTYARD
EAST ELEVATION



EAST ELEVATION

BACKEN GILLAM architects

SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 089-072-08

NORTH & EAST EXTERIOR ELEVATIONS

SCALE : 1/8" = 1'-0"

A8

DATE: 14 JUNE 200
PROJECT NO.: 2002

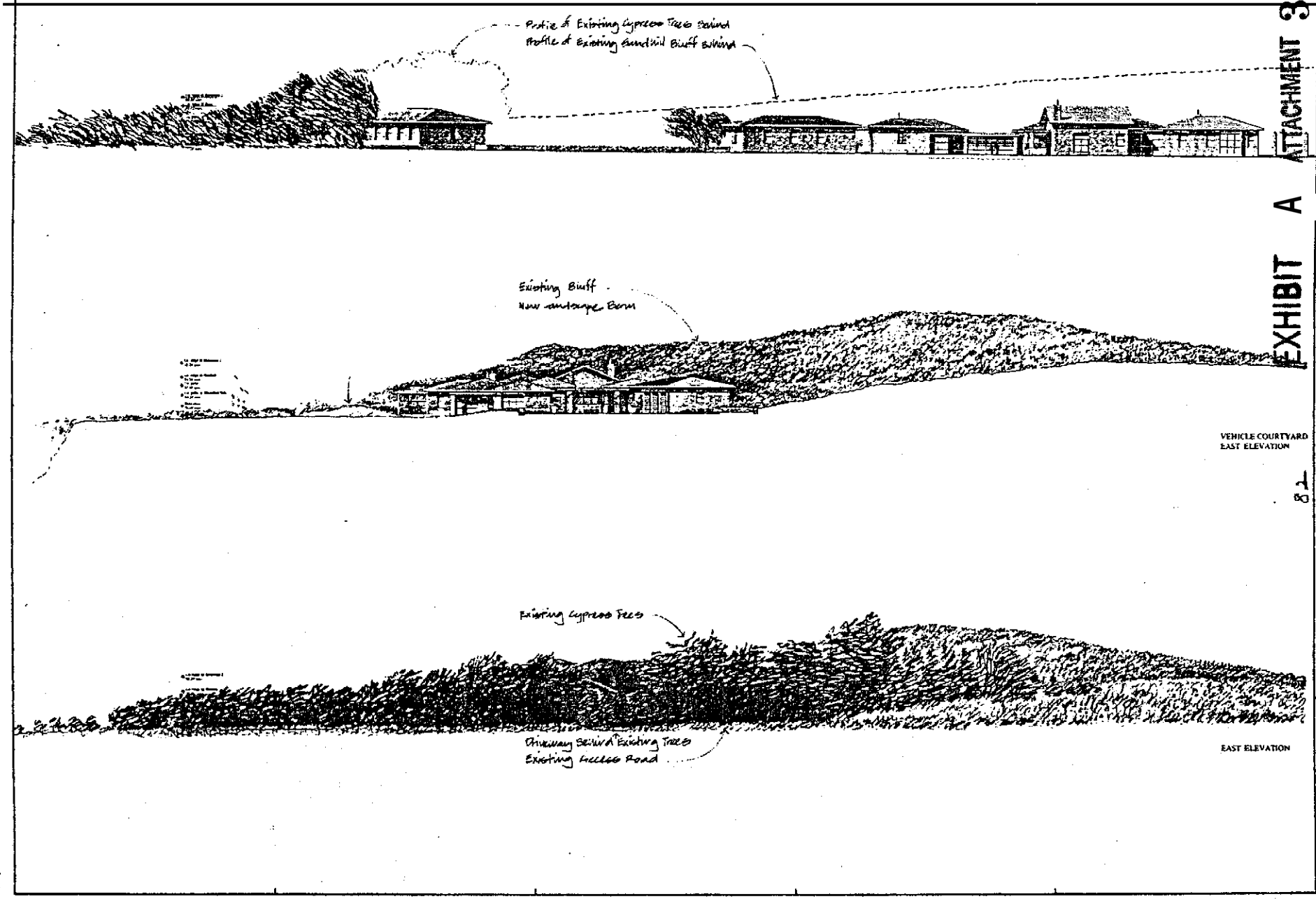


EXHIBIT A
ATTACHMENT 3

BACKEN GILLAM architects

SAND HILL BLUFF RESIDENCE

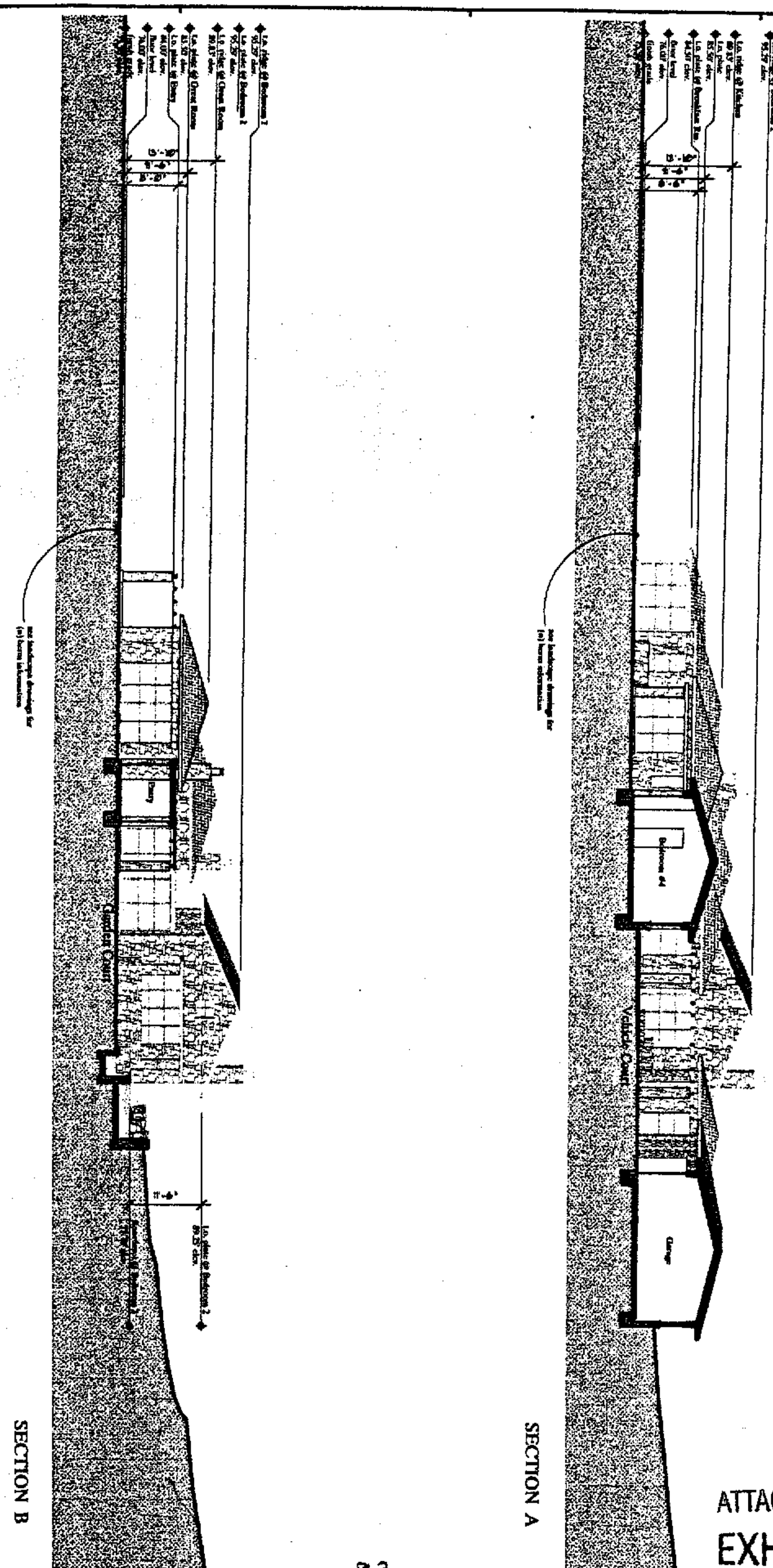
SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
APN(S) 029-023-08

RENDERED
NORTH & EAST
EXT. ELEVATIONS

SCALE: 1/16" = 1'-0"

A9

DATE: 14 JUNE 200
PROJECT NO.: 21028



ATTACHMENT 3
EXHIBIT A

83

A10

DATE: 14 JUNE 2000
PROJECT NO.: 20026

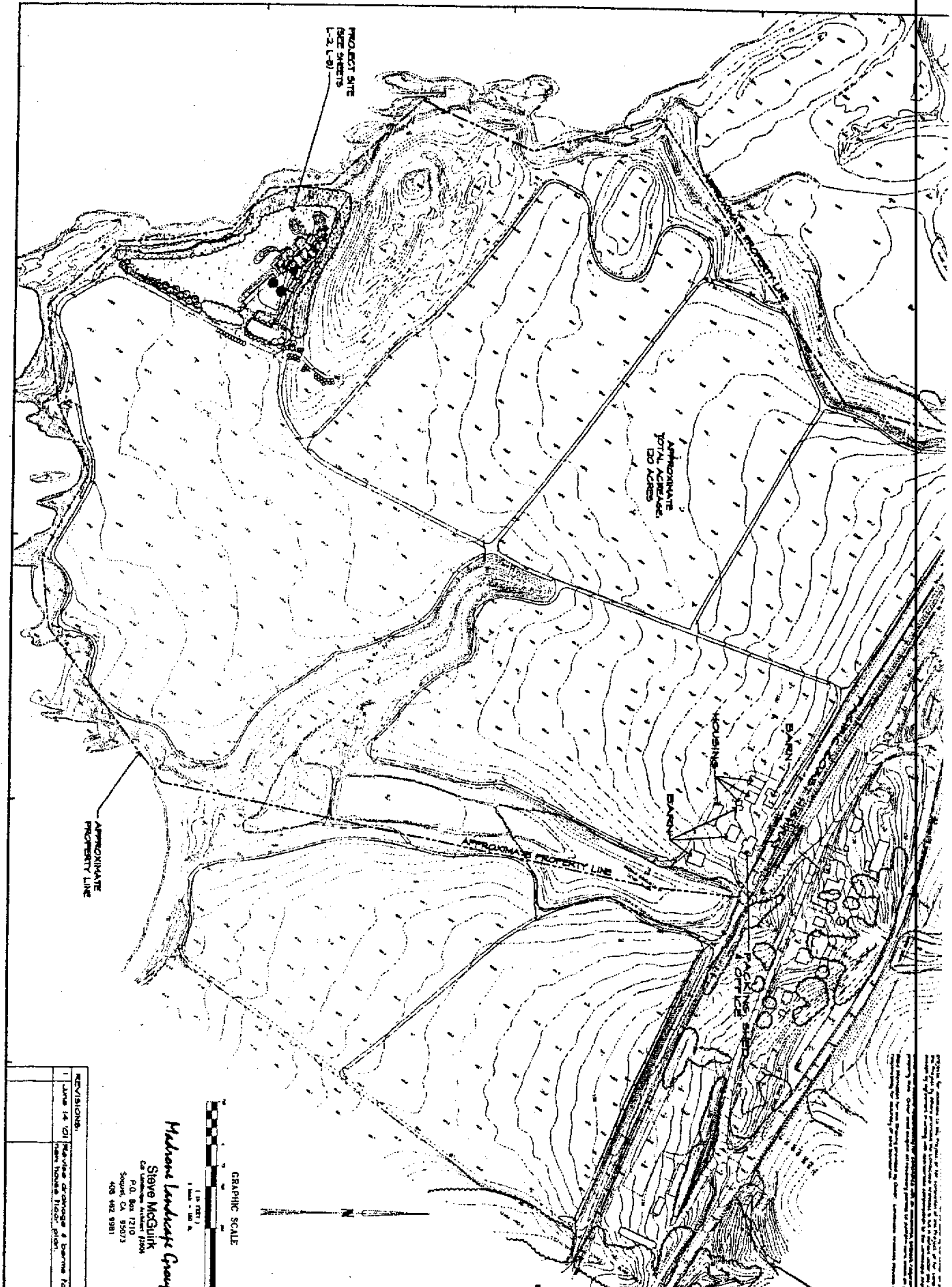
SCALE : 1/8" = 1'-0"

BUILDING SECTIONS

SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 059.023.08

BACKEN GILLAM architects



Madrone Landscape Group
Steve McGuirk
Ca Landscape Architect #2606
P.O. Box 1210
Soquel, CA 95073
408 462 9981

REVISIONS:

1	June 14 '01	Revise drainage & berms for new house floor plan.

EXHIBIT A

ATTACHMENT 3

SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 059-023-08

BACKEN
GILLAM
architects

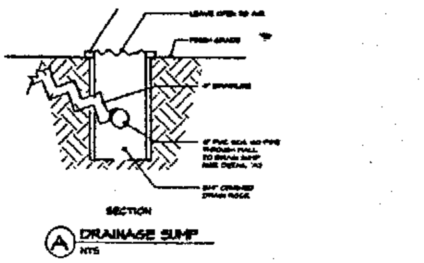
OVERALL
SITE
PLAN

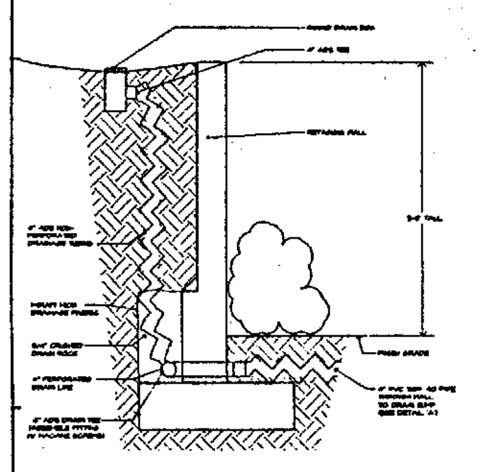
DATE: Oct. 4 '00
SCALE: 1"=150'-0"

SHEET NO.

L-1

PROJECT NO.:





GRADING, DRAINAGE AND EROSION CONTROL NOTES:

1. Personnel: All work to be performed by persons familiar with this type of work and under the supervision of a qualified plant foreman.

2. Protection of Native Vegetation: Protect all native plant areas from hydromulching operations as needed.

3. Finish Grade: Contractor shall ensure positive surface drainage in all areas.

4. Hydromulch Seed Mix: Shall be fresh, clean, new crop seed mixed by supplier. Submit a guaranteed statement of composition of mixture and percentages of purity and germination of each variety for each seed container. Seed mixture percentages by weight.

Temporary Erosion Control:

Seed #/Acre

~~[illegible]~~ 200

Landino Clover (inoculated with nitrogen-fixing bacteria) 3

As prepared by Pacific Coast Seed Co., Pleasanton, CA (925) 463-1188

5. Hydromulch Fiber: Shall be virgin wood fibers of Alder, Oak and/or Douglas Fir trees.

6. Hydromulch Components: Hydromulch all erosion control areas uniformly at the following rates:

Fiber mulch at 2000 lbs. per acre.
Slow release fertilizer at 150 lbs. per acre.
Seed at recommended rates (see notes)

See materials list for seed mix, type of fertilizer and fiber mulch.

7. Straw Mulch: Once areas have been hydromulched, cover with air-dried straw at a rate of 2 tons/100 bales per acre.

8. No Irrigation: There are currently no irrigation resources on the site. It is intended that the recommended temporary erosion control seed mix would be germinated by winter rains only.

KEY:

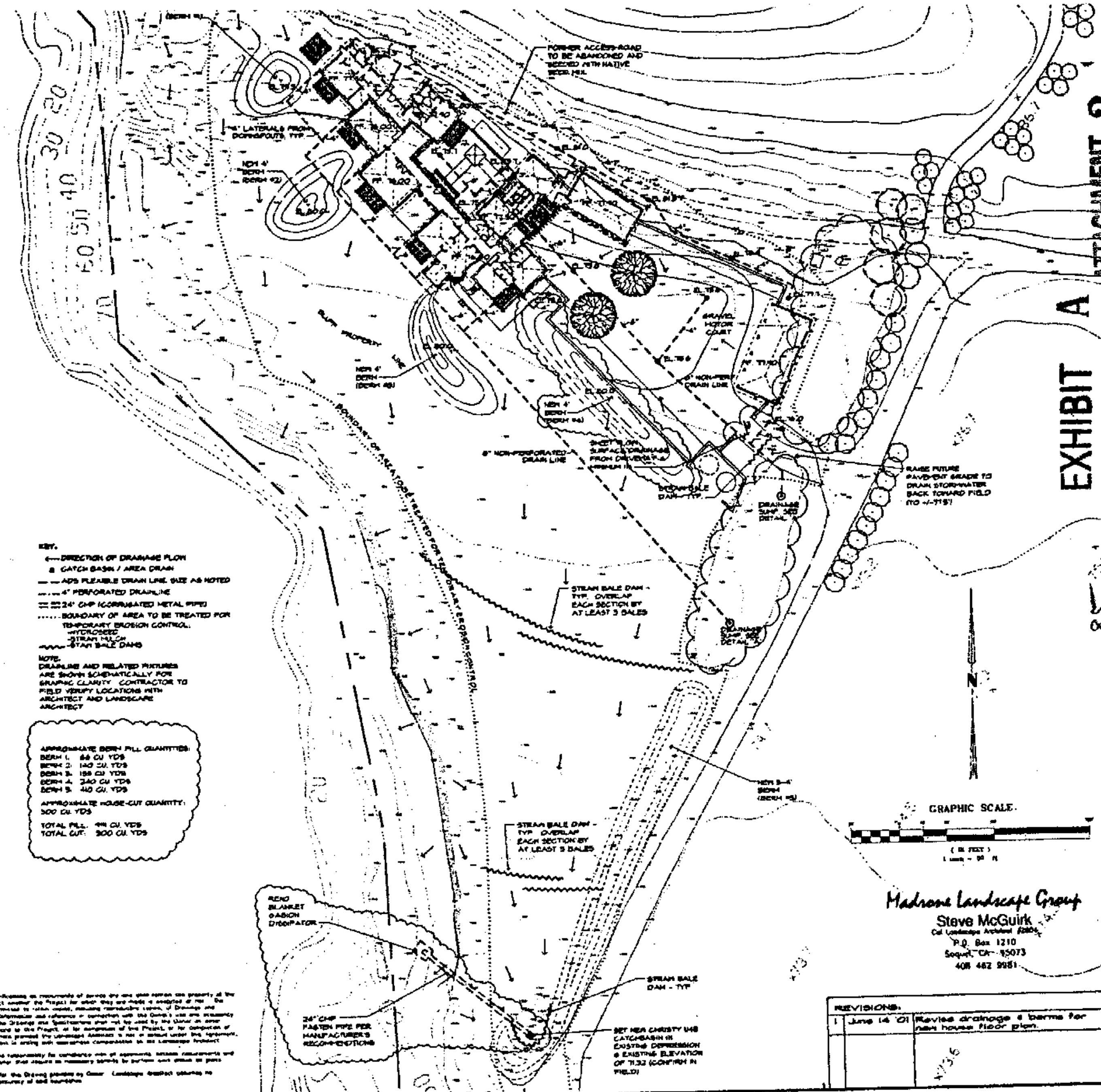
- ← DIRECTION OF DRAINAGE FLOW
- CATCH BASIN / AREA DRAIN
- ADS FLEXIBLE DRAIN LINE SIZE AS NOTED
- 4" PERFORATED DRAINLINE
- 24" CMP (CORRUGATED METAL PIPE)
- BOUNDARY OF AREA TO BE TREATED FOR TEMPORARY EROSION CONTROL: -HYDROSEED -STRAW MULCH
- STRAW BALE DAMS

NOTE:
DRAINLINE AND RELATED FIXTURES ARE SHOWN SCHEMATICALLY FOR GRAPHIC CLARITY. CONTRACTOR TO FIELD VERIFY LOCATIONS WITH ARCHITECT AND LANDSCAPE ARCHITECT

APPROXIMATE BERM FILL QUANTITIES:
BERM 1. 64 CU. YDS
BERM 2. 140 CU. YDS
BERM 3. 158 CU. YDS
BERM 4. 240 CU. YDS
BERM 5. 410 CU. YDS

APPROXIMATE HOUSE-CUT QUANTITY:
300 CU. YDS

TOTAL FILL: [illegible] CU. YDS
TOTAL CUT: 300 CU. YDS



Madrone Landscape Group
Steve McGuirk
Cal Landscape Architect #2804
P.O. Box 1210
Soquel, CA 95073
408 462 9981

REVISIONS		
1	June 14 '01	Revise drainage & berms for new house floor plan.

EXHIBIT A

ATTACHMENT 3

SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 059.023.08

BACKEN GILLAM
architects

GRADING, DRAINAGE & EROS. CNTRL PLAN

DATE: Oct. 4 '00
SCALE: 1"=50'-0"

SHEET NO.
L-2

PROJECT NO.:

ATTACHMENT 2

the terrain of Dunes Drive and Davenport. The property was a proposed for the nursery location of a horticulture facility used for the production of succulents.

Site topography rises gently on an approximate north-south axis. There is an oversized sand dune located immediately north of the proposed building location. To the [illegible] existing nursery facility that was in operation by Cypress trees and Hydrangea have been expanded with additional plantings of Monterey Cypress trees and Hydrangea shrubs. To the approximate west and south lies the Pacific Ocean.

Native vegetation, primarily from the Coastal Bluffs and Salt Marsh habitat types, exists in a 20'-40' wide buffer strip between the coastal bluffs and the proposed building site.

Site soils are either brown-gray Watsonville loam developed over weathered bedrock, or sands blown onto the site or deposited from seawater formerly pumped onto the site during former nursery operations. Soils tests were referred to slightly acid in reaction. Soils amendment specifications by Perry Laboratories are listed on the Grading, Drainage and Erosion Control Plan (Sheet L-2).

OVERALL AESTHETIC GOAL:

The overall aesthetic goal of this design is to design a landscape of native and non-invasive exotic plant materials which provide seasonal interest through leaf color, flower, or foliage texture. The exotic trees and the shrubs are intended to be a dark green color, whereas the native perennials, grasses, and native shrubs provide a gray-green foliage and a variety of flower color.

EXISTING VEGETATION:

The existing vegetation in the project area is primarily composed of vestiges of coastal shrub habitat bordered by grassland, interspersed with planted trees and shrub landscape elements used to provide a tree growing vegetative screen between the project and Highway 1.

ADDITIONAL RECOMMENDATIONS FOR CONSTRUCTION:

Prior to construction, existing plantings should be identified and protected. A bright orange construction fence should be installed uniformly 6' away from the dripline of existing plantings to remain, especially during grading operations. All toxic by-products of the construction process (including but not limited to: concrete, plaster, paint, products, etc.) shall not be dumped on the site; they shall be removed from the site and lawfully disposed of.

IRRIGATION:

An automated irrigation system, using both drip and spray irrigation, will be designed with the final landscape plan to provide long-range success of the plantings. These irrigation circuits will be connected to a multiple-program irrigation controller.

LONG-RANGE MAINTENANCE:

This Landscape Plan and its related plant materials aim at a greatly diminished maintenance schedule. Because the large majority of the recommended plantings are native California plant species, most of which are endemic to the area, it should be projected that after two to three years of watering, the irrigation system could be virtually turned off, or programmed to operate at a much lesser frequency.

The plant materials conceptually designated for the site all share commonality of having virtually pesticide-chemical free input schedule. Once the site soils are amended as per the recommendations of the soil testing laboratory, no fertilizers, pesticides, herbicides, fungicides, or other toxic pesticide-chemicals should need to be applied to the proposed landscape scenario.

EXISTING NATIVE PLANT BUFFER AREA

NEW 5' BERM (BERM #3)

NEW 4' BERM (BERM #2)

NEW 4' BERM (BERM #5)

NEW 4' BERM (BERM #4)

FOR ER ACCESS ROAD TO BE ABANDONED AND NEEDED WITH NATIVE SEED MIX.

(2) EXIST. LARGE MONTEREY CYPRESS TREES

(4) EXIST. YOUNG MONTEREY CYPRESS TREES

(5) EXIST. YOUNG MONTEREY CYPRESS TREES

(8) EXIST. YOUNG MONTEREY CYPRESS TREES

EXISTING NATIVE PLANT BUFFER AREA

COURTYARD & ENTRY

(2) NEW MONTEREY CYPRESS TREE

GRAVEL MOTOR COURT

(8) EXIST. MONTEREY CYPRESS TREES

(8) EXIST. MONTEREY CYPRESS TREES

(4) EXIST. YOUNG MONTEREY CYPRESS TREES

EXISTING MONTEREY CYPRESS GROVE

(10) EXIST. MONTEREY CYPRESS TREES

AREA TO BE PLANTED WITH COASTAL PLANT COMMUNITY NATIVES (GRASSES, PERENNIALS AND WILDFLOWERS)

EXISTING HYDROSEED RIND/VIEW SCREEN - PROTECT DURING CONSTRUCTION

NEW 5'-6" BERM (BERM #6)

EXISTING NATIVE PLANT BUFFER AREA

24" CMP FASTEN PIPE PER MANUFACTURER'S RECOMMENDATIONS

EXISTING NATIVE PLANT BUFFER AREA

SET NDS CHRISTY U48 CATCHBASIN IN EXISTING DEPRESSION @ EXISTING ELEVATION OF 11.82 (CONFIRM IN FIELD)

INSERT 'A'

FOR INFORMATION BELOW, SEE INSERT 'A' THIS SHEET

GRAPHIC SCALE

EXHIBIT A

8/6

BACKEN GILLAM architects

SAND HILL BLUFF RESIDENCE

SAND HILL BLUFF, L.L.C.
SANTA CRUZ, CALIFORNIA
PARCEL 059-022-08

LANDSCAPE PLAN

DATE: Oct. 4 '0

SCALE: 1"=30'-0"

SHEET NO.

L-3

PROJECT NO.:

Madrone Landscape Group
Steve McGuirk
Civil Landscape Architect #2804
P.O. Box 1210
Soquel, CA 95073
408 462 9981

REVISIONS:		
1	June 1st '01	Revise drainage & berms for new house figer plan.

REQUIRED SPECIAL FINDINGS FOR ALL "CA" COMMERCIAL AGRICULTURE USES

1. That the establishment or maintenance **of** this use will enhance or support the continued operation **of** commercial agriculture **on** the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability **of** commercial agricultural operations, **of** the area.

This finding cannot be made. The project would permanently convert to non-agricultural use approximately 2.2 acres of Coastal Zone Prime Agricultural Land.

As to the agricultural acreage in question, it was gauged at 3.8 acres by the certified Environmental Impact Report for Pacific Mariculture, October 1988, page 61; the project area is alternately identified as **3.55** acres in the applicant's drainage consulting work by Madrone Landscape Group; and the applicant's agricultural consultant Ron Tyler recently estimated 1.5 acres available for cultivation. For this report County staff studied aerial photography showing the previous row crop area, combined with scaled, surveyed project maps, and conservatively estimated the photographed row crop area at 2.2 acres. An additional wedge-shaped area appears to have been managed vegetation, perhaps a crop, but is not added into our estimate.

Any of these acreage figures represent an important area of agricultural land under County policies.

Planning staff finds that construction of a large-scale, premier residential seaside estate at this property, besides converting over two acres, would permanently alter the present focus on commercial agricultural use of the property. The source of real estate market value of the property would shift to reflect the new development. If the proposed project were built, future purchases of the property would necessarily tend to be made by individuals or entities with a primary interest in the seaside estate, and with the financial resources to acquire the property at its heightened real estate market price. Farmers or farming businesses with a primary aim of agricultural crop production would be much less able to acquire the property for commercial agricultural use. There would be the prospect that a future wealthy purchaser of the property could find the commercial agricultural operation, with its dust, odors, noise, pesticide use, etc., not sufficiently compatible with optimum residential estate living.

A binding commercial farming lease to a farmer could potentially protect the remaining farming operation for a specified period of years following construction of the project, but no such lease could be guaranteed to be renewed by subsequent private parties indefinitely.

Staff does not see a firm basis on which the proposed project may be found to enhance or support the continued operation of commercial agriculture on the parcel.

Permitting a seaside estate residence at this property would also create a precedent in the interpretation of County regulations which would potentially be repeated on other North

Coast commercial Agriculture parcels in Santa Cruz County, including the adjacent parcel, APN 59-023-07, which is presently held by the same investors. Thereby, the future of commercial agriculture operations on other private North Coast parcels could be adversely affected as well.

2. That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or that no other agricultural use is feasible for the parcel or (or next finding **#3,** next page)

This finding cannot be made. The General Plan and County Code together provide the following definitions of "ancillary, incidental or accessory" which staff used in evaluating this finding.

The General Plan glossary provides a single definition of ancillary/incidental/ accessory use: *Any use which is secondaiy or subordinate to the principal or main use of a property and which clearly does not change the character of the main use.*

The County Code section 13.10.700 Definitions provide the following:
Ancillary: *Subsidiary or subordinate. A use secondary to the main use of a property. It is a use* ***in*** *support* ***of*** *and connected* ***with*** *that main use."* (emphasis added)
Accessory: *See appurtenant* (next).
Appurtenant Use: *Any use accessory to the main use and customarily apart thereof; an appurtenant use is clearly incidental and secondary to the main use and does not change the character of the main use."*
Incidental: *(same definition as the General Plan dejnition above)*

A premier seaside estate which would convert several acres of prime agricultural land, and which would change the leading character of the property from commercial agriculture to residential estate property, is not "in support of and connected with" the agricultural use.

Further, General Plan Agriculture policy 5.13.29 provides.. . *the following criteria for determining when a residential use would be ancillary to commercial agriculture:*

(a) Documentation that the farmable portion of the subject parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops other than greenhouses suited to the soils, topography, and climate of the area; or

(b) Documentation that the owners have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel by another party; and

(c) Documentation that, concurrent with each of the above, the structure is sited in such a manner so as to minimize possible conflicts with commercial apiculture in the area, and to remove no land from production (or potential production) if any unfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

Note: Criteria (a) and (b) above are some of the criteria which the Agricultural Policy Advisory Committee would consider in the case of a recommended approval of this

project. The General Plan adds criteria (c), which is included in this present analysis.

Regarding criteria (a), it appears quite possible that the project applicant could provide documentation that the remainder of the farm is large enough as an economic unit with three crops. Although the applicant has not provided the documentation that would be required to meet alternate criteria (b), it appears that the required arrangement may be possible to negotiate. However, for required criteria (c), the project does not remove as little land as possible from production (or, in this case, potential production) since over two acres would be removed from production.

Further regarding criteria (c), and as to whether an unfarmable building site is available, the existing cluster of agricultural support buildings and farm labor housing in the northeast comer of the parcel is built on agricultural soil but is obviously not farmable while in the present use. **A** detailed analysis of how a single family dwelling might be incorporated into the existing building cluster was not part of Planning staffs study but this location appears the best answer to minimizing removal of land from production and minimizing agricultural-residential conflicts.

The applicant's agricultural consultant, Ron Tyler (letter of January 21,2003, Exhibit F) states that the proposed seaside project location would generally be upwind of dust and odors while the existing building cluster lies generally downwind of dust and odors. Staff finds that either location will at times be subject to agricultural inconveniences such as dust, odors and noise, and the proposed seaside location would add a second opportunity location for these conflicts on the opposite side of the parcel, instead of remaining at the single location where some residential-agricultural use conflict already exists.

In conclusion on this finding, the proposed project is not found ancillary, incidental or accessory to the principal agricultural use.

3. That the use consists of an interim public use which does not impair long-term agricultural viability; or

This finding cannot be made. The proposed development is not an interim public use.

4. That single-family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area.

This finding cannot be made. Because essentially the entire gentle-sloped coastal terrace portion of the property is in commercial agricultural use, it is in fact difficult to site a new residence on the parcel without some conflict with agriculture. However, as discussed in the Initial Study and above, clustering a new residence with the existing structures would consolidate agricultural-residential conflicts in a single location on the property.

With the proposed development site near the ocean bluff, a lengthy residential access driveway would need to bisect through the agricultural fields along an existing farm road,

presumably improved to an all-season passenger vehicle quality and width that meets fire agency standards for fire truck access.

In staffs reading of County agricultural protection policy, protection of the agricultural resource clearly takes precedence over making an estate-type residential development area available on this agricultural land.

5. That the **use** will be sited to **remove** no land **from** production **(or** potential production) **if** any nonfarmable potential building site is available, **or if this is** not possible, to remove as Little land as possible **from** production.

This finding cannot be made. With its large scale, accessory site development, and proposed location, the project does not remove as little land as possible from potential production. **A** resumption of row crop production now that the aquaculture facility is near complete removal, will only be possible if the project is not built. **A** nonfarmable potential building site has not been identified, aside from the potential for redevelopment of the existing cluster of agricultural support buildings and farm labor housing to incorporate an in-scale main residence.

A more traditional farm house, even two story, designed based on other farm houses visible from Highway 1, clustered with existing structures, would be more appropriate for the site and would require a far smaller footprint and impact on agricultural land.

As to whether the proposed project site is fannable, we find that the approximately 2.2 acre agricultural area is viable agricultural land, foremost in that it was actively farmed for many years prior to the installation of the aquaculture facility (which is also classified as agriculture) and the area has no great classification difference in climate, soil type, or accessibility compared to the adjacent, presently-fanned field to the east which also abuts coastal bluffs. The applicant (Rich Beale) advised Planning staff (Jack Nelson) that Mr. Beale does not contest the viability, but rather observes that it is less desirable agricultural land when compared to agricultural land adjacent to the existing farm buildings cluster.

The applicant's agricultural consultant Ron Tyler, in his letter dated January 21,2002 (Exhibit F), writes that the Stone index rating of 50 at the proposed project site is less desirable than the Storie soil index rating of 66 at the existing cluster of buildings. Based on our check of Natural Resources Conservation Service mapping, the soil at the existing cluster of buildings is in a transition between two soil types, having respective Stone indexes of 62 and 66. Most importantly, all of these numbers are indicative of soils suitable for agriculture.

Mr. Tyler also writes that the irregular-shaped proposed project area is subject to certain practical finning constraints of setting up irrigation pipe and turning tractors around, which make the area less desirable for farming. Staff agrees that favorable fanning conditions can be a concern. Staff finds in turn that any residence in the 2.2 acre area will have a magnifier effect on Mr. Tyler's farmability concern. While a residence at the proposed near-bluff site does not by its own footprint (whether at 1/8 or 1/4 acre or more) necessarily remove the entire 2.2 acre agricultural area from potential agricultural production, there is a tendency for a residential project here to

ATTACHMENT
EXHIBIT B

lead to loss of the entire agricultural resource on the 2.2 acres, and this is in fact the outcome under the proposed project design.

In addition to the required special findings (preceding) to be made by Planning staff for all "CA" Commercial Agriculture uses, an ***approval*** of this project in the Coastal Zone would require additional residential use findings to be approved by the Agricultural Policy Advisory Commission (APAC). Given that there are a number of other required findings that cannot be made on the project, as presented here, and which require a recommendation of denial, staff elected on this discretionary project not to add the extra step of taking the project to APAC before recommending denial in this report.

COASTAL DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

The property is zoned CA-P (Commercial Agriculture - Agricultural Preserve Contract). The Ag Preserve overlay (P) is an artifact of a former Williamson Land Conservation Act contract which expired on February 10, 1982 and has not been reinstituted. CA is a designation which allows residential uses. The proposed residential and nonhabitable accessory structures are a conditional use within the zone district, consistent with the site's (AG) Agriculture General Plan designation.

However, the finding cannot be made, because this residential use must be ancillary to the principal agricultural use of the property. As found in the preceding Commercial Agriculture finding #2, the proposed project is not ancillary.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

A public access prescriptive rights study is underway, by Joy Chase, Coastal Access Analyst, of the California Coastal Commission; the outcome to the question of public access is not known at this time. The property owner has tacitly observed that public access is/has been taking place, in that a number of heavy-duty no trespass signs have been recently installed in the paths of various existing use trails that lead up from the publicly-accessed Laguna Beach on the north to the bluff edge in the vicinity of the proposed project.

In written comments on this project, the California Coastal Commission (Dan Carl, November 16,2000, Exhibit F) stated: "...there appears to have been longstanding historical public use of the property for access to and along the shoreline at this location. Such access appears to have included access along the blufftop south from Laguna Beach to the beaches and bluffs just north of Red, White & Blue Beach, as well as access across the property from Highway 1 to the beaches and offshore surfing area. As such, we are concerned that the proposed development

ATTACHMENT 3
EXHIBIT B

might directly interfere with public coastal access, and may act to sever what connection may currently exist between up and downcoast recreation areas."

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

This finding cannot be made. The project is not "sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site" (13.20.130c.2). The physical setting is a fann on the Santa Cruz County North Coast. Many North Coast fann examples exist which include farm houses and clusters of farm buildings. These structures are often visible from Highway 1 but appear subordinate to the natural character of the landscape, which can be described as broad coastal terraces used for agricultural crops, periodically bisected by coastal stream arroyos that open onto pocket beaches, with the seaward edges of the coastal terrace forming scenic sea cliffs that drop to rock shelves, surf, and beaches.

Wilder Ranch State Park holds the only example of a large farm house and it is within a cluster of buildings that constitutes the farm operations facilities. There are no examples of near-bluff houses on the North Coast of Santa Cruz County on large Commercial Agriculture parcels.

Locally in the Coast Road neighborhood, the proposed project size is not within the range bracketed by the smallest and largest homes in this immediate neighborhood of both sides of Coast Road on the ocean side of Highway One.

Grading is not minimized. The proposed 990 cubic yards of grading, including construction of wind-protection benns to compensate for the windy location, do not meet this criteria.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

As discussed in finding #2 above, there is an uncompleted study of public coastal access on the property, and this finding may not be affirmed at this time.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

This finding cannot be made. The project is not in conformity with the Local Coastal Program as discussed in finding #3 above.

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 for the most part may be made. However there is an unresolved issue of coastal access rights of neighbors and of the general public, as discussed above. The proposed project would have some potential impact on that coastal access.

Regarding site stability, the project geologist has made a determination of adequate setback from the coastal bluff and sea caves.

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 cannot be made. Some key conflicts with County ordinances and the purposes of the zone district are **as** follows:

The project is inconsistent with the purposes of agricultural districts in that the project does not preserve Commercial Agriculture land to the maximum extent feasible, given the relatively large development footprint of house, accessory structures, yard areas, grading design, drainage facilities and landscaping.

Establishment of a large estate may conflict with the remaining commercial agricultural use of the property and thereby threaten the economic integrity of the economic farm unit.

In the absence of clear evidence of the unsuitability of the agricultural land, decisions must be weighted in favor of preservation of land for agricultural use.

The required special findings for "CA" uses cannot be made (discussed above). The required Coastal Permit findings cannot be made (discussed above). The required Design Review finding cannot be made (discussed below).

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 cannot be made. Following are some key General Plan policy conflicts. A Specific Plan has not been adopted for this area of the County.

General Plan Policy 2.22.2 This policy prohibits the conversion of any existing Coastal Zone priority use to another use, except for another use of equal or higher priority. The proposed project would convert over two acres of agriculture—a listed First Priority use—to private residential, a listed Third Priority use. As discussed above in CA Special Finding #2, the proposed residential use, as designed, is not ancillary to the agricultural use.

Policy 5.1.7 *Structures shall be placed as far from sensitive habitat as feasible.* The proposed project would place an approximately 360 foot long development site along the toe of the Coastal Scrub sensitive habitat which grows on the Sand Hill dune. The Initial Study and following Environmental Review letter call for the project to be placed as far from this sensitive habitat as feasible, i.e. at the existing cluster of buildings. Subsequently the applicant submitted a biotic consultant's letter (Biotic Resources Group, January 23, 2003, Exhibit F) with the opinion that "there *are* no significant differences in the two sites relative to impacts to coastal scrub vegetation." The letter also notes that additional area of coastal scrub is specified to be created, However, that work would be unacceptably linked with the conversion of commercial agriculture land. Staff believes that the General Plan policy 5.1.7 being applied here has merit and stands by the called-for mitigation.

Policy 5.13.6 This General Plan Agriculture policy requires conditional uses (which includes this project) on Commercial Agricultural lands to meet a list of conditions (a) through (e), as evaluated in the preceding CA Special Findings portion of this report. The project does not meet these conditions.

Policy 5.13.7 ***Allow*** *only agriculturally oriented structures or dwellings on Commercial Agricultural land: prohibit non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture.* The project would convert several acres of agricultural land and conflicts with this policy.

Policy 5.13.27 *Structures shall be sited to minimize possible conflicts with agriculture in the area. Where structures are located on agricultural land, the structures shall be sited in such a manner to remove as little land as possible from production.* The project does not meet this policy, as discussed in preceding findings.

Policy 5.13.29 This policy conflict regarding ancillary use is already discussed in item #2 of the CA Special Findings above.

Policy 5.19.3 *Protect archaeological resources from development by restricting improvements and grading activities to portions of the property not containing these resources, where feasible.* As discussed further in the Initial Study, a recorded archaeological site is located adjacent to and probably extending onto the project site. The project archaeological consultant expects that this project will encounter previously disturbed cultural material and may encounter significant resources, including human remains, in spite of the disturbed context. The County's

Environmental Review letter (November 5,2002, Exhibit E) calls for relocating the project to avoid impacts to archaeological resources.

The applicant submitted a followup letter from Archaeological Consulting (January 22, 2003, Exhibit F) which states that the presence of a residence adjacent to the archaeological site might have a marginal but positive effect toward discouraging vandalism or trespass disturbance of the site. However, staff believes that moving the proposed site disturbance and development away froin the archaeologically sensitive area provides the best protection to archaeological resources and is consistent with this General Plan policy.

Policy **8.3.1** and **8.3.3** These policies require clustering of development, to the benefit of protected resources. The proposed project does not cluster with the existing development.

Policies associated with Objective **5.10,** Visual Resources. These General Plan policies require protection of visual resources, including in the rural Highway 1 scenic viewshed. The proposed development location is mapped and designated as Scenic Resource on the General Plan Visual Resources Map. This mapping includes "areas having regional public importance for their natural beauty or rural agricultural character" (Policy 5.10.1).

Maintaining a high level of concern for visual resources at this sensitive site, staff does not find that the General Plan Visual Resource objectives and policies are met by this project.

The project relies in part on the Sand Hill dune and in part on a row of screening cypress trees to avoid visibility from Highway 1. The row of trees is not considered a permanent natural feature. Concerns remain about the condition of these trees. On many of the trees the root systems have shifted and partially failed in winter storms so that the adjacent ground now partially supports the trees. These trees continue to grow froin the roots remaining in the ground. Recently planted trees in a gap in the row of trees are struggling and have much browned foliage.

Nighttime light glow from the structure windows and exterior lights would have some degree of visibility from Highway 1.

Meanwhile, the existing cluster of agricultural support buildings and farm labor housing is plainly visible from Highway 1, particularly along a stretch of highway to the east. This is an additional reason why a development at the existing cluster would be required to be in scale and harmonious with its setting. The proposed large scale project, if simply shifted to this location, would have a high impact on coastal and agricultural vistas.

Early in the project review, County staff requested a visual analysis to include views from Monterey Bay and any State Parks. The applicant objected, stating that an analysis of visibility from the bay would be unprecedented for a single-family dwelling. Staff finds that this project is somewhat unprecedented, in that it would be the only near-bluff-top residence between the northern Santa Cruz City limit and the San Mateo County line. This North Coast setting is yet higher in visual sensitivity than sections of coastline with existing urban development. Presumably, this large development so close to scenic bluffs and beaches would have a visual impact on vistas from the bay.

A nearby upland area above Highway 1 (north of Laguna Creek), on the Coast Dairies property, is slated to transfer to the federal Bureau of Land Management in September 2003. It has not been determined to what extent the proposed project may be visible from this planned park area.

As sited, with a setback from the bluff edge, the project would not be expected to be visible from Laguna Beach (State Parks ownership pending) directly upcoast. Visibility from State-owned future additional Wilder Ranch State Park land between Majors and Baldwin Creeks (a.k.a. the "Scaroni property"), with downcoast bluffs and upland areas, has not been site checked by **staff.**

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.

The proposed use would not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it is a dwelling unit plus nonhabitable accessory structures on an existing commercial agriculture working farm. The expected level of traffic generated by the proposed project is anticipated to be 1 peak trip per day (1 peak trip per dwelling unit). Such an increase will not adversely impact existing roads and intersections in the surrounding area.

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 cannot be made. For the reasons discussed above, the project would not complement and harmonize with the existing commercial agriculture land use on the property. The project would also not complement and harmonize with the open space and recreational uses of the adjacent Laguna Beach, at least to the extent that the project would intensify any conflict in connection with public access through the coastal bluff area which may be determined by the aforementioned prescriptive right access study.

As to the physical design aspects of the local Coast Road neighborhood, the project is well out of scale with other residences in this neighborhood. On the one hand, at the proposed location the project is visually and physically disjunct from the other residences. But the County's November 5,2002 Environmental Review letter (Exhibit E) calls for mitigating potentially significant environmental impacts by locating at the existing development cluster on the site, which visually is part of the Coast Road neighborhood. The Environmental Review mitigations also require the residential design to fit into the size and height range of this immediate Coast Road 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 cannot be made. The project does not meet the objective of cluster design for residential develoment in rural areas, in that it establishes a multi-acre new development area, separated from the existing development area. The building design does not address the Commercial Agriculture zone district context, as discussed above in the CA Special Findings. The project has not resolved concerns about protecting the public viewshed, as discussed above in Development Permit finding #3.

Denial Date: 5/16/03

Don Bussey
Deputy Zoning Administrator

Jack Nelson
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

ATTACHMENT 3

EXHIBIT B

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No.: 00-0669
Assessor Parcel No.: 059-023-08
Project Location: 5515 Coast Road, Santa Cruz CA 95060
Project Description: Single family residence, accessory structures and 990 cubic yards of grading (disapproved)
Person or Agency Proposing Project: Richard Beale Land Use Planning
Contact Phone: 831-425-5999

A. _____ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
B. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
C. X Statutory Exemption other than a Ministerial Project.
Specify type: Section 1708, Projects which are disapproved.

D. Categorical Exemption

___ 1. Existing Facility
___ 2. Replacement or Reconstruction
___ 3. New Construction of Small Structure
___ 4. Minor Alterations to Land
___ 5. Alterations in Land Use Limitations
___ 6. Information Collection
___ 7. Actions by Regulatory Agencies for Protection of the Environment
___ 8. Actions by Regulatory Agencies for Protection of Nat. Resources
___ 9. Inspection
___ 10. Loans
___ 11. Accessory Structures
___ 12. Surplus Govt. Property Sales
___ 13. Acquisition of Land for Wild-Life Conservation Purposes
___ 14. Minor Additions to Schools
___ 15. Minor Land Divisions
___ 16. Transfer of Ownership of Land to Create Parks
___ 17. Open Space Contracts or Easements
___ 18. Designation of Wilderness Areas
___ 19. Annexation of Existing Facilities Lots for Exempt Facilities
___ 20. Changes in Organization of Local Agencies
___ 21. Enforcement Actions by Regulatory Agencies
___ 22. Educational Programs
___ 23. Normal Operations of Facilities for Public Gatherings
___ 24. Regulation of Working Conditions
___ 25. Transfers of Ownership of Interests in Land to Preserve Open Space
___ 26. Acquisition of Housing for Housing Assistance Programs
___ 27. Leasing New Facilities
___ 28. Small Hydroelectric Projects at Existing Facilities
___ 29. Cogeneration Projects at Existing Facilities
___ 30. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances
___ 31. Historical Resource Restoration/Rehabilitation
___ 32. In-Fill Development Projects

E. _____ Lead Agency Other Than County:

Jack Nelson

Jack Nelson, Project Planner

Date: April 21, 2003

ATTACHMENT 3

EXHIBIT C

DRAFT

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: November 4, 2002
Staff Planner: David Carlson

ENVIRONMENTAL REVIEW
INITIAL STUDY (Draft)

APPLICANT: Richard Beale Land Use Planning, Inc. APN: 059-023-08
OWNER: Sand Hill Bluff LLC
Application No: 00-0669 Supervisorial District: Third District
Site Address: 5515 Coast Road
Location: Southwest side of intersection of Coast Road and Highway 1

EXISTING SITE CONDITIONS

Parcel Size: 120 acres
Existing Land Use: Diversified Farm
Vegetation: Farm Crops, Dune Plant Assemblage, Riparian, Coastal Scrub
Slope: 0-15% 90± , 16-30% 15± , 31-50% 15± , 51+% ___ acres.
Nearby Watercourse: Unnamed coastal drainage
Distance To: Approximately 1000 feet
Rock/Soil Type: Watsonville Loam, NRCS Soil Type 178
Elkhorn Sandy Loam, NRCS Soil Type 133
Pinto Loam, NRCS Soil Type 162
Baywood Loamy Sand, NRCS Soil Type 104
Elder Sandy Loam, NRCS Soil Type 130
Dune Land, NRCS Soil Type 128

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: Adequate Quantity, Poor Quality
Water Supply Watershed: None mapped
Groundwater Recharge: Mapped recharge zones within riparian areas
Timber or Mineral: None mapped
Agricultural Resource: Type 3 - Coastal Zone Prime Agricultural Land
Biologically Sensitive Habitat: Sea caves, shorebird roosting, resting and nesting areas, cliff nesting areas, coastal scrub habitat, riparian corridor, wetland
Fire Hazard: None mapped
Floodplain: Mapped flood hazard zone along shoreline
Erosion: Hazard of erosion ranges from slight to moderate for the mapped soil types
Landslide: None mapped
Liquefaction: None mapped
Fault Zone: None mapped
Scenic Corridor: Yes, Highway 1 corridor
Historic: None mapped
Archaeology: Yes, Documented Archaeological Resources
Noise Constraint: None mapped
Electric Power Lines: None
Solar Access: Adequate

ATTACHMENT 3
EXHIBIT D

Solar Orientation: Adequate
Hazardous Materials: None

SERVICES

Fire Protection: California Dept. of Forestry/County Fire
Drainage District: No Zone
School District: Santa Cruz School District
Project Access: Coast Road
Water Supply: Existing: Coastal Stream Diversion, City of Santa Cruz
Proposed: Private well
Sewage Disposal: Individual Septic System

PLANNING POLICIES

Zone District: Commercial Agriculture
Special Designation: Coastal Zone Prime Agricultural Land
General Plan: Agriculture
Special Community: None
Coastal Zone: Yes
Within USL: No

PROJECT SUMMARY DESCRIPTION:

Proposal to construct a one-story single-family dwelling, a hot tub, retaining walls, three non-habitable accessory structures, two 5,000 gallon water tanks and grade approximately 990 cubic yards of earth on site with a diversified farm, existing agricultural support facilities and a farm worker camp. Project requires a Coastal Development Permit, a Residential Development Permit for two non-habitable accessory structures greater than 1,000 square feet in size incidental to a residential use and preliminary grading approval. Project is located on the southwest side of Coast Road (5515 Coast Drive) about 1/4 mile northwest of the intersection of Coast Road and Highway One.

ATTACHMENT 3
EXHIBIT D

DETAILED PROJECT DESCRIPTION AND PROJECT SETTING:

The objective of the project is to obtain approval of Coastal and Residential Development Permits, and preliminary grading approval to construct a one-story single-family dwelling, a hot tub, retaining walls, three non-habitable accessory structures, two 5,000 gallon water tanks and grade approximately 990 cubic yards of earth on site where a diversified farm, agricultural support facilities and a farm worker camp exist.

The property is located in the coastal zone of northern Santa Cruz County approximately 5 miles west of the Santa Cruz City limit (Attachment 1). The property on which the project site is located is an approximately 120-acre diversified farm located on a broad, relatively level marine terrace (Attachment 2). The property extends from the railroad tracks on the northeast boundary near the inland edge of the terrace to the coastal bluff on the outboard edge of the terrace, which forms the south, southwest and western property boundary. The property is bounded on the northwest by Laguna Creek beach and lagoon and on the southeast by a coastal arroyo. This portion of the coastline occupied by the property forms a prominent physical feature along the coast known as Sand Hill Bluff. This feature is named for the prominent sand hill located just above the coast bluff in the western portion of the property, which is a former active sand dune now stabilized and almost completely vegetated. The terrace surface occupied by the property is dissected by a coastal arroyo that drains onto a small pocket beach at the southeast corner of the property known as Piggy Beach. This arroyo splits into two arroyos just above the beach, one of which extends along the southeast property boundary and the other extends northwest up into the central portion of the property. A dam is located within the arroyo on the southeast property line creating a reservoir used to impound water for irrigation purposes.

Existing structures on the farm consist of a cluster of agriculturally related buildings including barns, packing shed and office and farm worker housing located in the northeast corner of the property (Attachment 5, Sheet L-I). The triangular shaped project site is located in the southwest portion of the property and is bounded on the north by the sand hill, on the west by the coastal bluff and on the southeast by a farm road and an existing line of trees. The proposed structures are located in the northern portion of the project site near the base of the sand hill and include a 6,818 square foot single family dwelling, a 1,596 square foot equipment/storage building, a 1,104 square foot garage/equipment building, a 418 square foot workshop/garden storage building and a 779 square foot water tank storage structure (Attachment 2, Sheet L-2). Proposed coverage by roof area is approximately 11,761 square feet (0.27 acres). Proposed driveway and patio areas, including retaining walls and hot tub, cover approximately 17,424 square feet (0.4 acres). Approximately 990 cubic yards of grading are proposed to construct a series of berms between the house and the coastal bluff to provide protection from weather. Landscaping is proposed for the remainder of the area between the house and the coastal bluff. In all, the project site encompasses 3.55 acres, with 0.67 acres covered by structures, driveways and patio.

ATTACHMENT 3
EXHIBIT D

The project site has historically been used for commercial agricultural production of food crops as part of the larger diversified farm on the property. The project site was recently the site of an aquaculture facility (abalone farm), which operated between 1989 and 1999. An Environmental Impact Report (EIR) was prepared for the abalone farm project and this Initial Study relies heavily on that EIR for background information (Environmental Impact Report for Pacific Mariculture Abalone Aquaculture Facility prepared for Santa Cruz County by John Gilchrist and Associates, December 1988). The conditions of approval of the Commercial Development Permit, Coastal Permit and Grading Permit for the abalone farm require that, upon cessation of operations, all water storage tanks, intake and discharge pipes, shade structures buildings and shellfish raising tanks shall be removed from the property, the shafts for both the intake and discharge pipes shall be plugged and the gravel bedding layers removed. The aquaculture facility has been almost completely dismantled in accordance with the permit condition except that the intake and discharge pipes and remnants of other subsurface piping remain on the site.

The proposed project has received approval from the Environmental Health Department to utilize the existing septic system that was installed for the abalone farm except that a new septic tank is proposed in a different location to accommodate the proposed structures. The existing septic tanks would be abandoned and the existing leach field would be reused.

The proposed water source is a domestic well, recently installed. On July 22, 2002 the Department of Environmental Health approved a well permit to install a monitoring well on the subject property. See Attachment 11, Application for Well Permit. The well was installed in late-July and received final inspection approval from Environmental Health on August 15, 2002. Coastal Zone permits are not required for monitoring wells.

On August 7, 2002 Environmental Health received an application for Individual Water System Permit (Attachment 12) to utilize the recently constructed well for domestic use. Well water quantity, determined by a pump test, meets requirements; well water testing for chemical quality, including total dissolved solids, nitrate, chloride, total iron and manganese, also meets standards. However, the well water test for bacteriological quality did not meet standards and a follow up test is required. The Environmental Health Services staff has given conditional approval to the application for Individual Water System Permit subject to the submittal of satisfactory test results prior to final inspection of the project. The addition of one single-family dwelling to the demand on the aquifer is less than significant.

The project requires the following permits and approvals from the County of Santa Cruz: Coastal Permit, Residential Development Permit, Grading Permit and Building Permits. The project also requires septic and water system permits from the County Environmental Health Department.

ATTACHMENT 3
EXHIBIT D

ENVIRONMENTAL REVIEW CHECKLIST

A. Geology and *Soils*

Does the project have the potential to:

		Significant Or Potentially Significant impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
1.	*Expose people or structures* to *potential adverse effects, including the risk of material* loss, *injury, or death involving:*				
	a. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area* or *as identified by other substantial evidence?*	___	___	X	___ .
	b. *Seismic ground shaking'?*	___	___	X	___ .
	c. *Seismic-related ground failure, including liquefaction?*	___	___	X	___ .
	d. *Landslides?*	___	___	X	___ .

All of Santa Cruz County is subject to some hazard from earthquakes. The parcel is not located within any mapped fault zone; therefore, the risk of exposure to ground rupture caused by fault rupture is low. The parcel is not located within an area mapped as a potential liquefaction hazard zone; therefore, the risk of adverse effects from liquefaction is low. The parcel is not located within an area mapped as a potential landslide hazard zone and the terrain in the proposed development area is very gently sloping; therefore the risk of adverse effecfs from landsliding is low. A geotechnical investigation is required to provide seismic design criteria for foundation and structural design. Constructing in conformance with the Uniform Building Code and following the recommendations in the Geotechnical report will reduce potential adverse effects on people and structures from the hazard of seismic ground shaking to a less than significant level.

2. *Subject people or improvements* to *damage from soil instability as a result* of *on- or off-site landslide, lateral spreading,* to *subsidence, liquefaction,* or *structural*

ATTACHMENT 3
EXHIBIT D

	Significant Or Potentially Significant impact	Less Than Significant With Mitigation incorporation	Less Than Significant Impact	No impact
collapse?	___	___	X	___

See A.I

3. *Develop land w.... a slop exceeding 30%?*	___	___	___	X .
4. *Result in soil erosion or the substantial* loss of *topsoil?*	___	___	X	___ .

The hazard of erosion is classified as slight for the soil type mapped in the development area by the Soil Survey of Santa Cruz County. The project includes grading of approximately 990 cubic yards of earth in order prepare the building pads and constructs berms adjacent to the structures. The project landscape architect has prepared a grading drainage and erosion control plan. Implementation of all the features shown on the grading, drainage and erosion control plans, which will become a condition of permit approval, will prevent significant erosion or substantial loss of topsoil.

5. *Be located on expansive* soil, *as defined in Table* **18-1-B** of *the Uniform Building* Code(1994), *creating substantial risks* to *property?*	___	___	X	___

*The Soil Survey of Santa Cruz County indicates that the soil type mapped in the development area has a severe shrink-swell (expansive) potential and, therefore there is a risk to structures of adverse affects from shrink-swell processes. **A** geotechnical investigation and report is required as part of the plans for the building permit application to determine the actual expansive properties of the soil and provide recommendations, if any are necessary, to reduce the risk of adverse effects on structures from expansive soil. Any recommendations by the geotechnical engineer must be incorporated into the building plans and implemented prior* to *final building inspection of the structure(s).*

6. *Place sewage disposal systems in areas dependent upon* soils *incapable* of *adequately supporting the use* **of** *septic tanks, leach fields, or alternative waste water disposal systems?*	___	___	___	X .

A septic system plan prepared by a qualified professional has been approved as adequate by the Environmental Health Department (Attachment 6). The plan includes utilizing the existing leach field; however, the existing septic tank will be abandoned and a new septic tank will be installed in a different location. The septic system shall be

ATTACHMENT 3
EXHIBIT D

	Significant or Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant impact	No Impact

installed by a qualified contractor and inspected by Environmental Health Department staff.

7.	*Result in Coastal cliff erosion?*	___	___	X	___

Increased runoff from new impervious surfaces flowing toward the coastal cliff has the potential to result in erosion of the layer of marine terrace deposits, which forms the top of the coastal cliff. However, the project landscape architect has prepared a drainage plan that includes provisions for collection of all runoff from new impervious surfaces and routing the collected runoff to two drainage sumps. Overflow from the drainage sumps will flow overland to a collection basin. The collection basin will outlet via closed pipe to the top of a bedrock platform on the coastal bluff below the marine terrace deposits, which form the top 8-10 feet of the coastal bluff (Attachment 5, Sheet L-2). The project geotechnical engineerhas reviewed the drainage plan and states that the plan is in conformance with the geofechnical recommendations (Attachment 7).

County Code requires, for all development on a coastal bluff, demonstration of the stability of the site in its current pre-development application condifion for *minimum of 100 years. A certified engineering geologist has evaluated the potential for sea cliff retreat to affect the proposed residential development (Attachment 8). The proposed development is setback approximately 125 feet at the closest point from the top of the coastal bluff. The geologist estimates that the proposed development is setback approximately 100 feet from the back of a small sea cave located in the sea cliff below the site. The geologist estimates that the coastal bluff is retreating at a rate of approximately 0.I to 0.2 feet per year and the sea cave is retreating at a rate of approximately 0.3 to 0.4 feet per year. Therefore, in 100 years the coastal bluff and the sea cave will have retreated approximately 20 feet 40 feet respectively, Therefore, it has been demonstrated that the site is stable for a minimum of 100 years.*

If a single-family dwelling were proposed within or adjacent the existing cluster of buildings located in the northeast portion of the parcel, coastal cliff erosion will not be an impact.

B. Hvdroloav. Water Supply and Water Quality

Does the project have the potential to:

1.	*Place development within* a *100-year* flood *hazard area?*	___	___	___	X .
2.	*Place development within the floodway resulting in impedance or redirection* of *flood* flows?	___	___	___	X .
3.	*Be inundated* **by** a *seiche or tsunami?*	___	___	___	X .

	Significant Or Potentially Significant impact	Less Than Significant With Mitigation incorporation	Less Than Significant impact	NO impact

The home site is on top of an approximately 75 feet high coastal bluff, well above sea level and outside an area of potential tsunami inundation.

4. *Deplete groundwater supplies or interfere substantially with groundwater recharge* such *that there would be a net deficit,* or *a significant contribution to an existing net deficit* in *available* supply, *or a significant lowering of the local groundwater table?* ___ ___ X ___

The project site is not located within a mapped Primary Groundwater Recharge Area. The project site is characterized on the General Plan Resources and Constraint maps as having an "adequate quantity and poor quality" groundwater supply. The irrigation water supply for the farm is derived from two sources: surface diversion from Laguna Creek to storage in the on-site reservoir and a metered connection to the City of Santa Cruz north coast raw water main. The farm also has a metered connection to the City of Santa Cruz north coast treated water main to supply domestic water fo the agricultural support facilities and existing farm worker camp.

General Plan Policy 5.13.10 prohibits the placement of water or sewer lines on commercial agricultural lands in the Coastal Zone with exceptions for the purpose of irrigation and related agricultural uses and to serve existing development which has failing wells and/or sewage disposal systems. Therefore, the existing metered water line connections are appropriate; however, any new connection to the City of Santa Cruz water transmissions lines for the proposed development is prohibited.

Surface water is diverted from Laguna Creek info the on-site reservoir. This wafer is not available to the project for domestic use. According to the EIR for the former abalone farm project: "Riparian water rights were purchased from riparian owners along Laguna Creek by the City of Santa Cruz in 1889-1890. The City's purchase of the water right for the subject property excluded irrigation water for agriculture. Deeds and water right documents specifically allow the property owner to divert water below the City's diversion for agriculturalpurposes, as well as provide an easement to enter property above Highway 1 to construct and repair flumes, pipes and other diversion sfructures." In a comment letter on the draft EIR the City of Santa Cruz Water Department Director states: "This department can neither confirm nor contradict the statements made concerning riparian rights."

The sfafement in the EJR that the diversion of Laguna Creek water is specifically allowed for agriculturalpurposes appears to cast doubt on the availability of this water source for the proposed non-agricultural development. Furthermore, the use of the reservoir wafer as a wafer supply for fhe proposed development is unacceptable to the Environmental Health Department.

ATTACHMENT 3
EXHIBIT D

	Significant Or Potentially **Significant Impact**	**Less Than** Significant With Mitigation Incorporation	**Less Than** Significant **Impact**	**No** impact

*The proposed water source is a domestic well, recently installed. On July 22, 2002 the Department of Environmental Health approved a well permit to install a monitoring well on the subject property. See Attachment 1**1**, Application for Well Permit. The well was installed in late-July and received final inspection approval from Environmental Health on August 15, 2002. Coastal Zone permits are not required for monitoring wells.*

*On August 7, 2002 Environmental Health received an application for Individual Water System Permit (Attachment **12)** to utilize the recently constructed well for domestic use. Well water quantity, determined by a pump test, meets requirements; well water testing for chemical quality, including total dissolved solids, nitrate, chloride, total iron and manganese, also meets standards. However, the well water test for bacteriological quality did not meet standards and a follow up test is required. The Environmental Health Services staff has given conditional approval to the application for Individual Water System Permit subject to the submittal of satisfactory test results prior to final inspection of the project. The addition of one single-family dwelling to the demand on the aquifer is less than significant.*

5. *Degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).* — — X —

There will be minimal contribution of urban contaminants or new agricultural chemicals from one single-family dwelling.

6. *Degrade septic system functioning?* — — — X .

7. *Alter the existing drainage pattern **of** the site or area, including the alteration* of *the course* of *a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site?* — — — X

*See **A.** 7*

8. *Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems,* or *create additional* source(s) of *polluted runoff?* — — — X

9. *Contribute* to *flood levels or erosion*

ATTACHMENT 3
EXHIBIT D

	Significsnt Or Potentially Significant impact	**Less** Than Significant With Mitigation Incorporation	*Less* Than Significant **Impact**	NO impact
in natural water courses by discharges of newly collected runoff?	___	___	___	X .

See A. 7. Final discharge point of collected runoff is the Pacific Ocean.

10. *Otherwise substantially degrade water supply or quality?*	___	___	___	X .

C. Biological Resources

Does the project have the potential to:

1. *Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department* of *Fish and Game,* or *U S . Fish and Wildlife Service?*	___	X	___	___

According to General Plan Policy 5.1.2 the definition o "sensitive habitat" includes, but is not limited to, any area that provides habitat for Species of Special Concern as listed by the California Department of Fish & Game, sea caves, shorebird roosting, resting and nesting areas and cliff nesting area. The proposed development area itself does not provide habitat for the black swift or the rhinoceros auklet; however, either of these bird species may inhabit the sea caves and sea cliffs adjacent to the development site. The definition of sensitive habitat in County Code also includes coastal scrub habitat. Therefore, the entire sand hill is a sensitive habitat. The proposed development area is located adjacent to the base of the sand hill.

General Plan Policy 5.1.7 provides site design and use regulations intended to protect sensitive habitats to the maximum extent possible. Policy 5.1.7(a) states structures shall be placed as far from the habitat as feasible. The purpose of this policy is to protect sensitive habitats from both direct and indirect disturbance and degradation caused by human activities in close proximity to the habitat. Such human activities may include, but are not limited to, landscaping with exotic species, the use of insecticides, herbicides, or toxic chemical substances, light, noise and trampling. The proposed development conflicts with this policy in that it is feasible to located the development much further away from the sensitive habitat areas than is proposed. It is feasible to locate a single-family dwelling on the opposite side of the 120-acre property in the northeast portion of the parcel within or adjacent to the existing cluster of buildings. This alternative siting of a single-family dwelling would maximize the distance from the Sand Hill coastal scrub habitat in accordance with Policy 5.1.7(a).

The existing cluster of buildings in the northeast corner of the parcel is located adjacent

EXHIBIT D
ATTACHMENT 3

	Significant Or Potentially Significant impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

a riparian corridor defined by the limits of the riparian vegetation within an arroyo, which is an extension of the arroyo that contains the reservoir along the east property line. The existing driveway that provides access from Coast Road to the existing cluster of buildings and the railroad tracks also border the riparian corridor in this area. Alternative siting of a single-family dwelling in this area would have to be located within or adjacent to the existing cluster of buildings and setback a minimum distance of ten feet from the edge of riparian corridor.

2. Have an adverse effect on a sensitive biotic community (riparian corridor, wetland, native grassland, special forests, intertidal zone, etc.)?	___	X	___	___

See C.1 for discussion of dune plant and coastal scrub habitat

The parcel contains riparian corridor and wetland communities within the arroyos that cut through the western and central portion of the parcel. A water reservoir is located within the arroyo in the western portion of the parcel. The development is setback a sufficient distance from these sensitive biotic communities. Alternative siting of a single-family dwelling within or adjacent to the existing cluster of buildings would have to be setback a minimum distance of ten feet from the edge of the adjacent riparian corridor.

3. Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?	___	___	X	___
4. Produce night time lighting that will illuminate animal habitats?	___	___	X	___
5. Make a significant contribution to the reduction of the number of species of plants or animals?	___	___	X	___
6. Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting				

EXHIBIT D

ATTACHMENT 3

	Significant Or Potentially Significant impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No impact
trees with trunk sizes of 6 inch diameters or greater)?	___	X	___	___

See C.1 through C.5. The purpose of the Sensitive Habitat Protection Ordinance (Chapter 16.32 Santa Cruz County Code) is to implement the policies of the General Plan and Local Coastal Program Land Use Plan. Section 16.32.090 states that conditions of approval shall be determined by the Environmental Coordinator through the environmental review process. General Plan Policy 5.1.7 provides site design and use regulations intended to protect sensitive habitats to the maximum extent possible. policy 5.1.7(a) states structures shall be placed as far from the habitat as feasible. The proposed development conflicts with this policy in that it is feasible to located the development much further away from the sensitive habitat areas than is proposed. It is feasible to locate a single-family dwelling on the opposite side of the 120-acre property in the northeast portion of fhe parcel within or adjacent to the existing cluster of buildings. This alternative siting of a single-family dwelling would maximize the distance from the Sand Hill coastal scrub habifat in accordance with Policy 5.1.7(a).

7. *Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan?*	___	___	___	X.

No such plan or easement exists that applies to the subject parcel.

D. Energy and Natural Resources [including: Agriculture)
Does the project have the potential to:

1. *Affect or be affected by land designated as a* Timber *Resources by the General Plan?*	___	___	___	X.
2. *Affect* or *be affected by lands currently utilized for agriculture,* or *designated in the General Plan* for *agricultural use?*	___	X	___	___

The parcel is designated on the Agricultural Resource Maps as Type 3 – Coastal Zone Prime Agricultural Land. The parcel is located within the Commercial Agricultural (CA) Zone District. The proposed development area has, historically, been used for row crop production; however, the approximately 3.55 acre site was used as an abalone farm from approximately 1989 until 1999. Most of the former abalone farm facilities have been removed as required by the original development permit so that commercial agriculture operations could resume on the site.

EXHIBIT D
ATTACHMENT 3

Significant Or Potentially Significant impact	**Less man** Significant With Mitigation Incorporation	**Less** Than Significant Impact	No Impact

General Plan Objective 5.13 states that commercial agricultural land is to be maintained for exclusive agricultural use and that conversion of commercial agricultural land to non-agricultural uses is to be prevented. This objective recognizes that agriculture is a priority land use and is intended to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands.

General Plan policy 5.13.5 provides an allowance for one single-family dwelling and related residential uses in the CA zone district where they are ancillary, incidental, or accessory to the principal agricultural use of the parcel. The General Plan defines accessory/ancillary/appurtenant/incidental use as any use which is secondary or subordinate to the principle use of the property and which clearly does not change the character of the main use. The property supports a diversified farm and contains an existing cluster of agricultural support structures and facilities in the northeast corner o the property. The project proposes new structures with a combined roof area of 11,76 square feet (0.27 acres) and driveway and patio area of approximately 17,424 square feet (0.4 acres). Additional area between the house and the coastal bluff will be taken out of commercial agricultural production for a combined area taken out of commercial agricultural production of 3.55 acres. The proposed development is not located within or adjacent the existing cluster of agricultural support facilities and structures on the parcel, but would establish a new non-agricultural use widely separated from the existing agriculturally related structures and operations. Therefore, due to the large area that will be taken out of agricultural production (up to 3.55 acres) and the location of the proposed development far removed from the existing cluster of agricultural buildings the proposed development does not appear to be secondary or subordinate (inferior) to the principal agricultural use of the parcel.

Because the proposed development is a conditional use it is subject to General Plan policy 5.13.6, which states that all conditional uses are subject to specific siting and development criteria; including size, location and density. These criteria include a requirement that the use be sited to avoid conflicts with principle agricultural activities in the area; and that it avoid, where possible, or otherwise minimize the removal of land from agricultural production. At 29,185 square feet (0.67 acres) of new roof, driveway and patio area and a total of 3.55 acres taken out of agricultural production the proposed development does not minimize removal of land from agricultural production. New, non-agricultural development in an area of the parcel widely separated from the existing agricultural support facilities and farm worker housing creates potential conflicts with agricultural activities, such as sounds, odors, dust and hazardous chemicals, that are greater than if the development were clustered with the existing development on the parcel. Two clusters of buildings, both of which include residential structures, instead of one cluster of buildings doubles the potential for conflict. If the proposed single-family dwelling were located within or adjacent the existing cluster of buildings conflicts with agricultural activities in the area would be minimized.

EXHIBIT D
ATTACHMENT 3

	Significant Or **Potentially** Significant Impact	Less Than Significant With Mitigation Incorporation	**Less Than** Significant impact	NO Impact

General Plan Policy 5.13.7 allows only agriculturally oriented structures or dwellings on commercial agricultural land and prohibits non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture. The proposed single-family dwelling is not an agriculturally oriented structure or dwelling as described above and, by taking a large amount of land out of agricultural production (3.55 acres), is in conflict with the fundamental objecfive of preserving agriculture.

*General Plan Policies **5.73.27,28 & 29** state that residential structures shall be sited to minimize possible conflicts with agriculture in the area and structures shall be sited to remove no land from production (or potential production) if any unfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production. If the proposed single-family dwelling were located within or adjacent the existing cluster of buildings conflicts with agricultural activities in the area would be minimizedand little or no land would be removed from production.*

3.	*Encourage activities which result in the use* of *large amounts* of *fuel, water, or energy, or* use of *these in a wasteful manner?*	—	—	—	X
4.	*Have a substantial effect on the potential use, extraction, or depletion* of *a natural resource* (i.e., *minerals* or *energy resources)?*	—	—	—	X

E. *Visual* **Resources and Aesthetics**

Does the project have the potential to:

1.	*Have an adverse effect on a scenic resource, including visual obstruction* of *that resource?*	—	X	—	—

General Plan Objective 5.70 was adopted to identify, protect and restore the a thetic values of visual resources and to insure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources. Because Highway I is a designated Scenic Road, the public vistas from Highway I including, but not limited to, ocean views, agricultural fields and the unique sand hill, shall be afforded the highest level of protection.

General Plan Policy 5.10.5, Preserving Agricultural Vistas, encourages development to be consistent with the agricultural character of the community. Structures appurtenant to agricultural uses on agriculturally designated parcels shall be compatible with the agricultural character of the surrounding areas. In this case, the proposed structures

EXHIBIT
ATTACHMENT 2

Significant Or Potentially Significant impact	Less Than Significant With Mitigation incorporation	Less Than Significant impact	NO impact

are not clustered with the existing agriculturally related structures on the parcel and would be the only residential structures located above and adjacent to the coastal bluff (setback approximately 100 feet) on the north coast of Santa Cruz County between the Santa Cruz City limit and the San Mateo County line. (Habitable structures are located at the mouth of Majors Creek, otherwise known as Red, White and Blue beach, and Davenport Landing beach, however, the two cases involve homes down at beach level.) In general, structures on agricultural land on the north coast are clustered and located adjacent Highway 1 and the railroad line running parallel with the highway. This is a typical pattern on agricultural land to cluster agricultural support structures near transportation routes and to preserve valuable agricultural land. This is the case with the existing structures on the parcel. The proposed structures are, therefore, not consistent with the agricultural character of the parcel and the surrounding area (See 0.2). However, siting and screening of the structures to conceal them from the public vista from Highway 1 is proposed utilizing the sand hill and an existing line of trees.

Story poles with orange plastic webbing attached have been erected to simulate heights of the rooflines of the proposed buildings. It appears that the proposed structures will be concealed from the public vista from Highway 1 by the sand hill and an existing line of trees; however, the existing line of trees do not appear to be in excellent health and have been damaged from past activities on the site. The line of trees includes a group of established trees that helped screen the pre-existing abalone farm facilities. The roots of these trees are currently partially exposed apparently due to some grading activity along their base. It is unknown at this time, without professional evaluation from a licensed arborist, how this affects the long-term health of these trees.

Additional trees have been planted more recently since the abalone farm was dismantled in order to fill in a significant gap between the established line of trees and the sand hill and to create more complete screening of the proposed structures. Most of these recently planted trees appear to be surviving, however, where the trees are most exposed to the ocean, the trees appear to be in poor health or dying. It is unknown at this time, without professional evaluation from a licensed arborist, the likelihood of long-term viability of these new planting at this site.

Unlike the sand hill, the existing trees are not considered a permanent natural feature. Because of the existing physical condition of the roots of the older line of trees and the apparent difficulty in establishing new plantings at this location an evaluation of the older trees and the newer plantings is need from a qualified, licensed arborist in order to determine the feasibility of long term vegetative screening of the structures at this location. It appears that ongoing management prescriptions would also be necessary in order to ensure long-term, uninterrupted and effective screening of the structures from Highway 1 vistas. Without an arborist report the effect of the proposed development on scenic resource is, therefore, considered potentially significant.

EXHIBIT D

ATTACHMENT 3

	Significant Or Potentially Significant Impact	Less Than Significant With Mitigation incorporation	Less Than Significant Impact	NO Impact

If an appropriately designed single-family dwelling were located within or adjacent to the existing cluster of buildings on the parcel, such a proposal, subject to design review, would be consistent with the agricultural character of the community.

2. *Substantially damage scenic resources, within a designated scenic corridor or public viewshed area including, but not limited to, trees, rock outcroppings, and historic buildings?*	___	X	___	___

See E.1

3. *Degrade the existing visual character or quality of the site and* its *surroundings, including substantial change in topography or ground surface relief features,* and/or *development on a ridgeline?*	___	X	___	___ .

See E.1

4. *Create a new source of light or glare which would adversely affect day or nighttime views in the area?*	___	X	___	___ .

The project encompasses a large development area on an otherwise undeveloped portion of a 120-acre property largely visible from Highway 1, and therefore nighttime lighting associated with project activities will have some impact on existing nighttime views in the area. A lighting plan is required and shall become part of the project plans prior to public hearing. The lighting plan shall indicate all proposed indoor and outdoor lighting. Low-level, shielded, directional outdoor lighting of buildings, parking areas and walkways may be approved provided the lighting is not visible from Highway 1. Contingent on an approved lighting plan incorporating these key features, the production of nighttime lighting that will adversely affect day or nighttime views in the area is a less than significant impact.

5. *Destroy, cover, or modify any unique geologic or physical feature?*	___	___	X	___

The proposed development is located adjacent to the sand hill but no portion of the development will encroach onto the sand hill. If a permit is approved it will contain a condition requiring the construction of a wooden split rail fence between the proposed development and the base of the sand hill and recordation of a declaration of restriction on the property deed to discourage human incursion onto the sand hill. (See Section C)

EXHIBIT D

ATTACHMENT 3

	Significant Or Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	NO Impact

F. Cultural Resources

Does the project have the potential to:

1. *Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines* 15064.5? ___ ___ ___ X .

There are no mapped or designated historical resources on the parcel.

2. *Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines* 15064.5? ___ X ___ ___

A recorded archaeological site, designated CA-SCR-7, is known to be located in the immediate vicinity of, and probably extending onto, the project site. Archaeological investigation performed for the former abalone farm project indicates that a portion of the Sand hill Bluff site (CA-SCR-7) extends south into the currently proposed development area. The project archaeological consultant expects that this project will encounter previously disturbed cultural material and may discover significant resources, including human remains, in spite of the disturbed context (Attachment 9).

General Plan Objective 5.f 9 is intended to protect and preserve archaeological resources for their scientific, educational and cultural values and for the value as local heritage. In order to protect archaeological resources from development, General Plan Policy 5.19.3 restricts improvements and grading activities to portions of the property not containing these resources, where feasible. It is feasible to locate the proposed development on portions of the property not containing these resources, therefore, the proposed development is inconsistent with the General Plan objective to protect and preserve archaeological resources.

CEQA guidelines characterize impacts to archaeological resources as significant only if the resource is unique. In this case the resource does not meet that definition, and therefore only County archaeological policies apply.

The northeast portion of the parcel where the existing cluster of buildings is located is not mapped within an archaeological resource area. Therefore, if a single-family dwelling were located within or adjacent to the existing cluster of buildings on the parcel such a proposal would be in conformance with General Plan Policy 5.19.3.

3. *Disturb any human remains, including those interred outside* of *formal*

EXHIBIT D

ATTACHMENT 3 1

DRAFT

	Significant Or Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
cemeteries?	___	X	___	___ .

See **F.2**

4. Directly or indirectly destroy a unique paleontological resource or site?	___	X	___	___ .

Paleontological resources (extinct, late Pleistocene flightless duck, *Chendytes lawi*) have been discovered in *the* past on the sand hill according to the *EIR* for the abalone farm project. If a permit is approved *it* will contain a condition requiring the construction of a wooden split rail fence between the proposed development and the base *of* the sand hill and recordation of a declaration of restriction on the *property* deed to discourage human incursion onto the sand hill.

G. Hazards and Hazardous Materials

Does the project have the potential to:

1. Create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials, not including gasoline or other motor fuels?	___	___	___	X .
2. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	___	___	___	X .
3. Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft using a public or private airport located within two miles of the project site?	___	___	___	X .
4. Expose people to electro-magnetic fields associated with electrical transmission lines?	___	___	___	X .
5. Create a potential fire hazard?	___	___	___	X .
6. Release bioengineered organisms or				

EXHIBIT D
ATTACHMENT **3**

	Significant Or Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
chemicals into the air outside of project buildings?	___	___	___	X .

H. Transportation/Traffic

Does the project have the potential to:

1. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	___	___	X	___ .

The development of one single family dwelling on an existing parcel of record is *not* considered *to* cause a significant increase in traffic.

2. Cause an increase in parking demand which cannot be accommodated by existing parking facilities?	___	___	___	X .
3. Increase hazards to motorists, bicyclists, or pedestrians?	___	___	___	X .
4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways?	___	___	___	X .

I. Noise

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	___	___	___	X .
2. Expose people to noise levels in excess of standards established in the General				

	Significant Or Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Plan, or applicable standards of other agencies?	___	___	___	X .
3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	___	___	___	X .

J. Air **Quality**

Does the project have the potential to: (Where available, the significance criteria established by the MBUAPCD may be relied upon to make the following determinations).

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	___	___	___	X .
2. Conflict with or obstruct implementation of an adopted air quality plan?	___	___	___	X .
3. Expose sensitive receptors to substantial pollutant concentrations?	___	___	___	X .
4. Create objectionable odors affecting a substantial number of people?	___	___	___	X .

K. Public Services **and** Utilities

Does the project have the potential to:

1. Result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a. Fire protection?	___	___	X	___ .
b. Police protection?	___	___	X	___ .

EXHIBIT D
ATTACHMENT 3

		Significant Or Potentially Significant impact	Lett Than Significant With Mitigation Incorporation	ss Than Significant impact	No Impact
c.	Schools?	___	___	X	___ .
d.	Parks or other recreational facilities?	___	___	X	___ .
e.	Other public facilities; including the maintenance of roads?	___	___	X	___ .

The project will have an incremental impact on the need for police and fire protection services and road maintenance, however, this is considered to be a less than significant impact. If the project is approved the incremental impacts on schools, childcare and park facilities will be mitigated through the payment of school, child care and park development fees.

2.	Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	___	___	___	X .
3.	Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	___	___	___	X

See A.6, 8.5

4.	Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board?	___	___	___	X .

See A.6, B.5

5.	Create a situation in which water supplies are inadequate to serve the project or provide fire protection?	___	___	X	___

See 8.4

6.	Result in inadequate access for fire protection?	___	___	___	X .

EXHIBIT D
ATTACHMENT 3

	Significant Or Potentially Significant impact	**Less Than** Significant With Mitigation Incorporation	**Less** Than Significant Impact	**No** Impact
The local fire department has completed a preliminary review of the project and has no concerns at this time regarding access for fire protection.				
7. *Make a significant contribution to* a *cumulative reduction of landfill capacity* or *ability* to *properly dispose* of *refuse?*	___	___	___	X .
8. *Result in a breach of federal, state, and local statutes and regulations related to solid waste management?*	___	___	___	X

L. Land Use, Population, and Housing

Does the project have the potential to:

1. *Conflict with any policy of the County adopted for the purpose of avoiding* or *mitigating an environmental effect?*	___	X	___	___ .

The proposed project conflicts with General Plan policies in the following areas:

Biologic Resources:

- *Policy 5.1.7: Protect sensitive habitats to the maximum extent possible, in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations:*
  - *Structures shall be placed as for from the habitat as feasible...*

See Section C of this Initial Study for an explanation of the conflict between the proposed project and this General Plan policy. As long as the development is not placed as far from the habitat as feasible, the policy is not met.

Aariculture:

- *Policy 5.13.5 Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural use. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crop, including food, flower, and fiver crops and raising of animals including grazing and livestock production. Allow one single family dwelling and related residential uses where they are ancillary, incidental, or accessory to the principal agricultural use of the parcel.*

- *Policy 5.13.6 All conditional uses, such as this project, shall be subject to*

EXHIBIT D

ATTACHMENT 3

standards which specify siting and development criteria; including size, location and density. Allow conditional uses on CA zoned lands based upon the following conditions:

- *The use constitutes the principal agricultural use of the parcel; or*
- *The use is ancillary incidental, or accessory to the principal agricultural use of th parcel; or*
- *The use consists of an interim public use which does no impair long term agricultural viability; and*
- *The use ins sited to avoid conflicts with principal agricultural activities in the area; and*
- *The use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production.*

- *Policy 5.13.7 Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land; prohibit nonagricultural residential land use when in conflict with the fundamental objective of preserving agriculture.*

See also related Policies 5.13.27, 5.13.28 and 5.13.29. See Section D of this Initial Study for an explanation of the conflicts.

Cultural Resources:

- *Policy 5.19.3 Protect archaeological resources from development by restricting improvements and grading activities to portions of the property not containing these resources, where feasible, or by preservation of the site through project design and/or use restrictions, such as covering the site with earthfill to a depth that ensures the site will not be disturbed by development, as determined by a professional archaeologist.*

See Section F of this Initial Study for an explanation of the conflicts.

In addition to the General Plan Policy conflicts outlined in Sections C, D and F of this Initial Study, the Community Design Chapter of the General Plan contains specific policies requiring clustering for environmental protection. Policy 8.3.1 states: '[Require development clustering where clustering of units is essential to meet the intent of the General Plan and LCP Land Use Plan to preserve protected use areas such as scenic areas, riparian corridors, coastal lagoons and marshes, or other natural features. (See Conservation and Open Space Element and sections regarding protection of Agriculture and Timber)" By not clustering the proposed single family dwelling with the existing cluster of structures on the parcel, the proposed development conflicts with this General Plan policy.

If the project were revised to indicate an appropriately designed development only in the areas between and/or contiguous with the existing residential and farm related

EXHIBIT D

ATTACHMENT 3

	Significant Or Potentially Significant impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

structures that are clustered in the northeast portion of the parcel then the conversion of commercial agricultural land to residential use would be eliminated or minimized, impacts to sensitive habitat including coastal scrub vegetation and impacts to archaeological resources would be prevented.

2. *Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect?* ___ ___ ___

The General Plan forms the basis for the County's zoning and other land use regulations and all land use regulations including zoning and environmental protection regulations shall be consistent with the General Plan. Therefore, since the proposed project is inconsistent with the General Plan policies described herein and adopted for the purpose of avoiding or mitigating an environmental effect, the project is, by definition, inconsistent with the County Code regulations adopted for the same purpose. The proposed project conflicts with County Code regulations in the following areas:

*Chapter **16.32** Sensitive Habitat Protection:*
- ***16.32.010*** *Purposes.*
- ***16.32.090*** *Approval Conditions*

*Chapter 13.**10** Zonina Regulations and Chapter **16.50** Aaricultural Land Preservation and Protection:*
- ***13.10.311*** *Purposes*
- ***13.10.314*** *Required special finding for CA and AP uses.*
- ***16.50.010*** *Purposes*

*Chapter **16.40** Native American Cultural Sites:*
- ***16.40.010*** *Purposes*
- ***16.40.035*** *Project Approval*

If the project were revised as described under L.1, these conflicts would be eliminated, minimized or otherwise prevented.

3. *Physically divide an established community?* ___ ___ ___ X

4. *Have a potentially significant growth inducing effect, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* ___ ___ ___ X

EXHIBIT D

ATTACHMENT 3

	Significant Or Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No impact
5. Displace substantial numbers of people, or amount of existing housing, necessitating the construction of replacement housing elsewhere?	___	___	___	X

M. Non-Local **Approvals**

Does the project require approval of federal, state, or regional agencies? Yes ___ No X .

Which agencies?

N. Mandatory Findings of Significance

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory? Yes ___ No X .

2. Does the project have impacts that are individually limited, but cumulatively considerable (cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)? Yes ___ No X .

3. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes ___ No X .

TECHNICAL REVIEW CHECKLIST	REQUIRED	COMPLETED*	N/A
APAC REVIEW (Required for a permit *approval* only)	XX		
ARCHAEOLOGIC REVIEW		XX	
BIOTIC ASSESSMENT		XX	
GEOLOGIC HAZARD ASSESSMENT			
GEOLOGIC REPORT		XX	
RIPARIAN PRE-SITE			
SEPTIC LOT CHECK		XX	
SOILS REPORT		XX	
OTHER:			

'Attach summary and recommendation from completed reviews

List any other technical reports or information sources used in preparation of this initial study:

Environmental Impact Report *for* Pacific Mariculture Abalone *Aquaculture Facility,* John Gilchrist and Associates, December *1988.*

EXHIBIT D
ATTACHMENT 3

ENVIRONMENTAL REVIEW ACTION

On the basis of this initial evaluation:

___ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

___ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described below have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

___ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

_____ _____
Signature Date

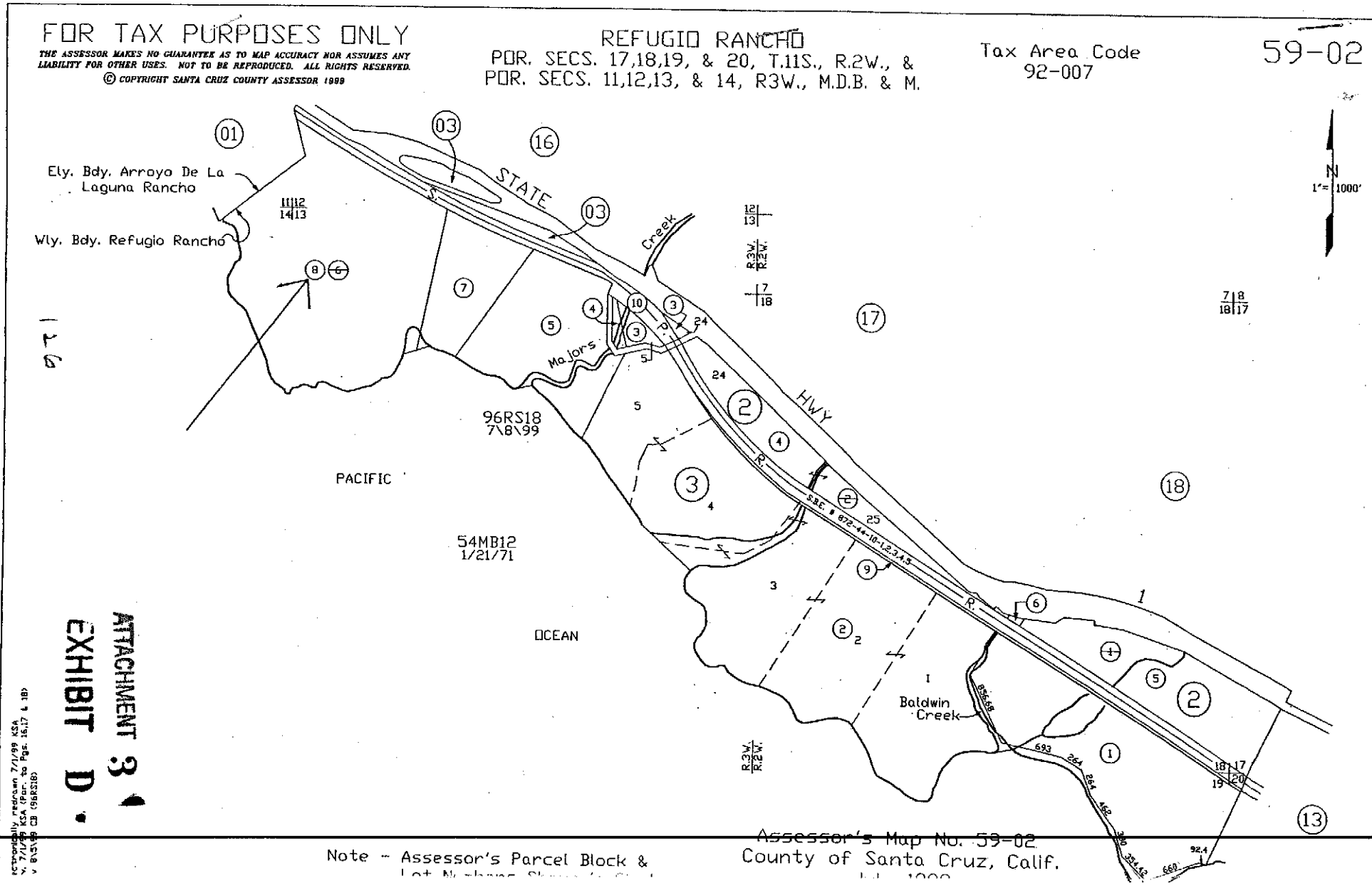
For: _____
Environmental Coordinator

Attachments **(With attachments abridged for Zoning Administrator Staff Report. Additional background documents regarding septic, well, geologic, and geotechnical are available for viewing at Planning Dept.)**

1. Assessor's Parcel Map
2. Vicinity map
3. Location map
4. Map of General Plan designations
5. Map of Zoning designations
6. Archaeological Report (12-18-00) and Letter (7-9-01)

EXHIBIT D

ATTACHMENT 3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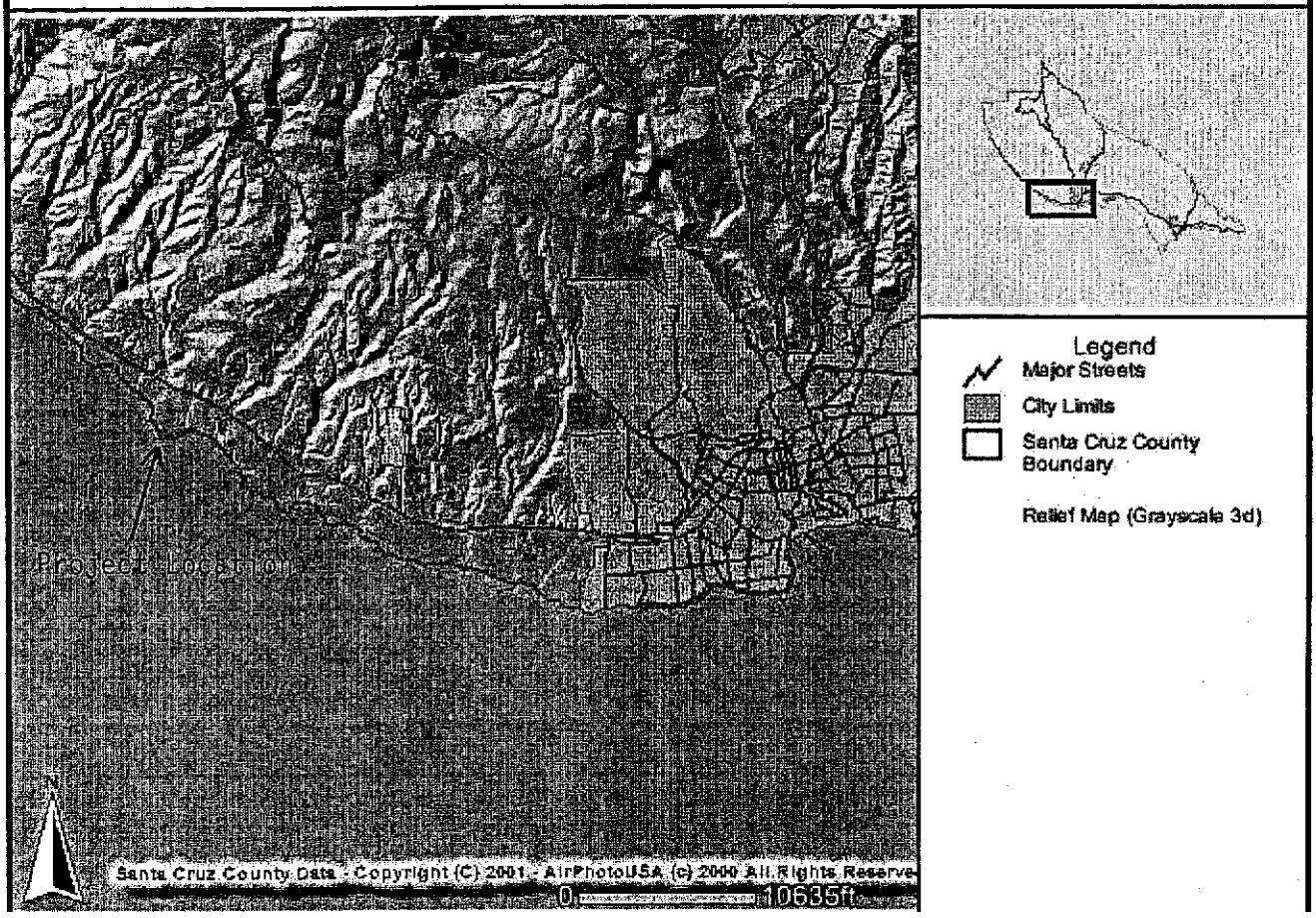
REFUGIO RANCHO
POR. SECS. 17,18,19, & 20, T.11S., R.2W., &
POR. SECS. 11,12,13, & 14, R3W., M.D.B. & M.
Tax Area Code
92-007
59-02
Ely. Bdy. Arroyo De La Laguna Rancho
Wly. Bdy. Refugio Rancho
STATE
HWY
Creek
Majors
96RS18
7\8\99
54MB12
1/21/71
PACIFIC
OCEAN
Baldwin Creek
R3W/R2W
N
1"= 1000'
ATTACHMENT 3
EXHIBIT D
Assessor's Map No. 59-02
County of Santa Cruz, Calif.
Note - Assessor's Parcel Block &

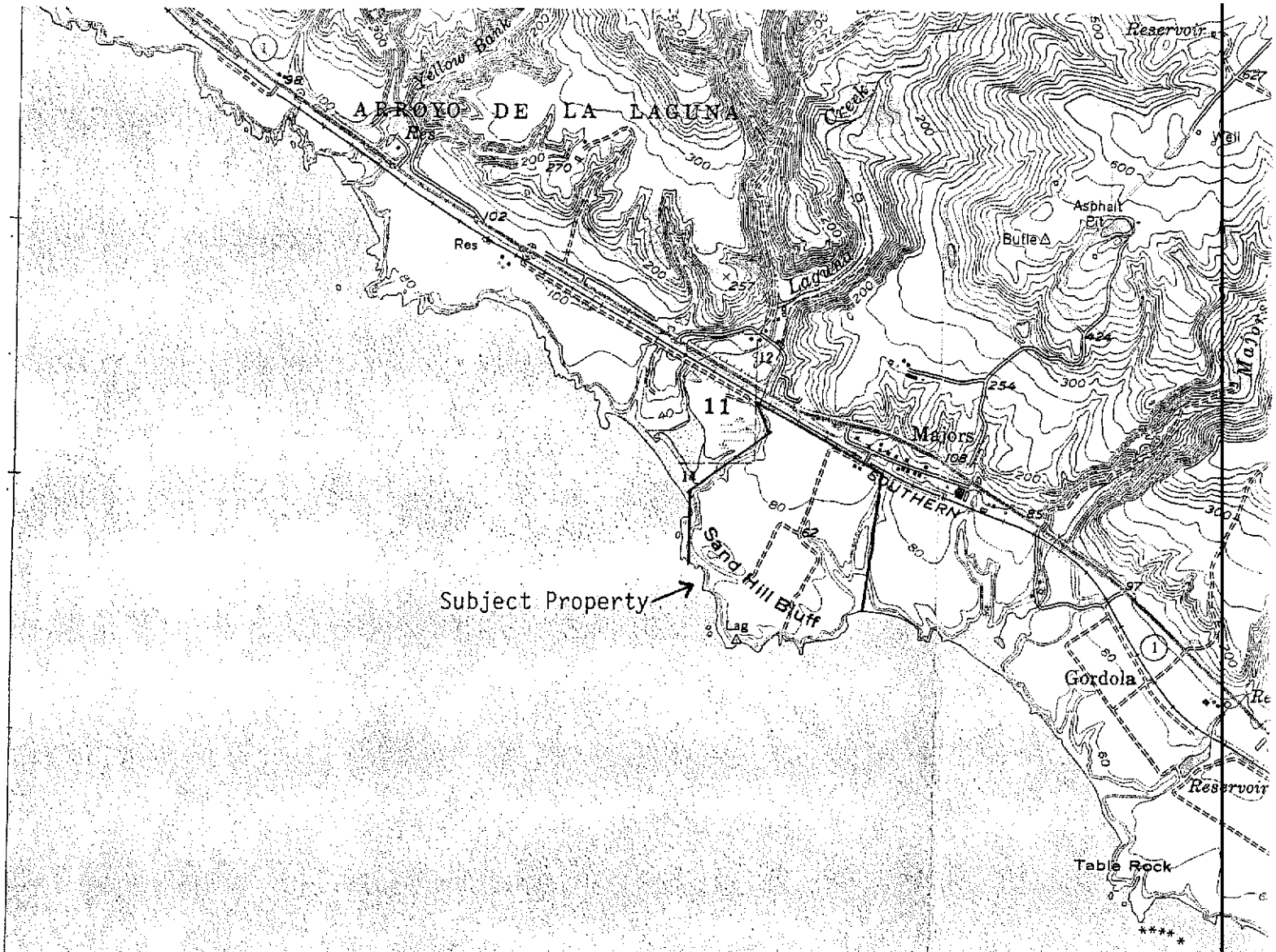
VICINITY MAP



ATTACHMENT 3

127

EXHIBIT D



LOCATION MAP

EXHIBIT D

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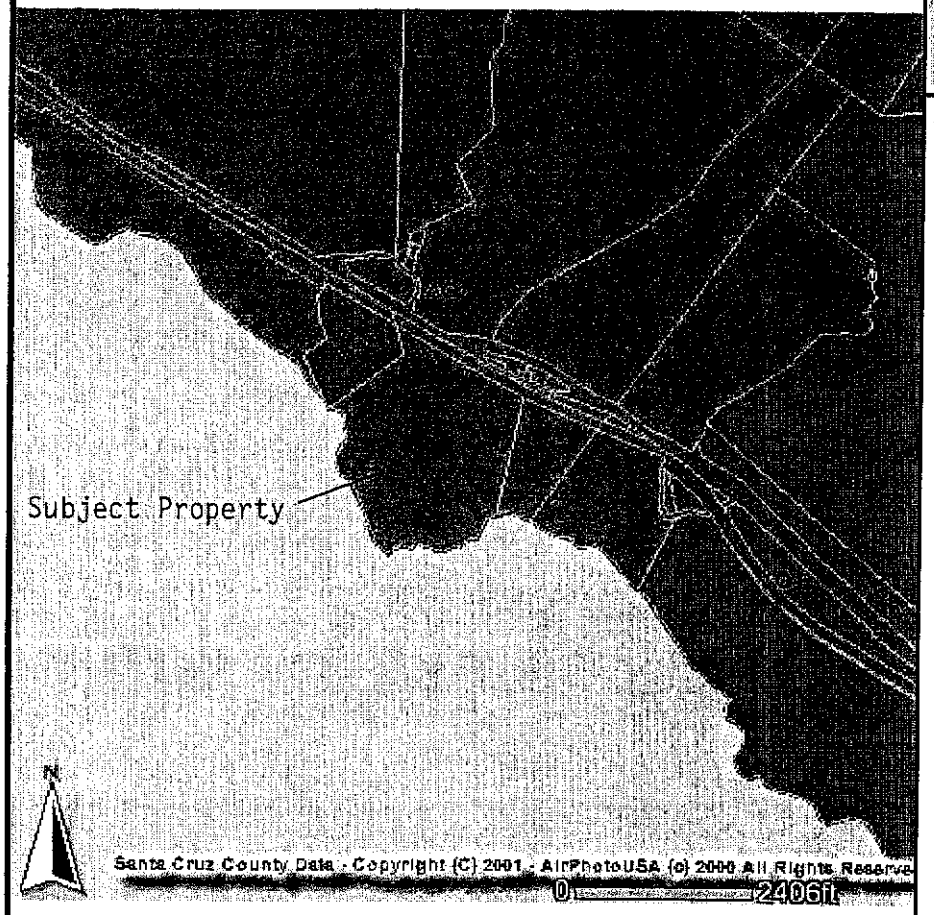
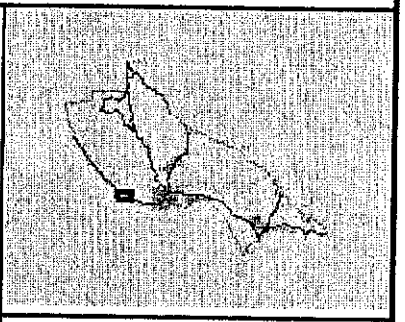
128

ATTACHMENT 3

MAP OF GENERAL PLAN DESIGNATIONS



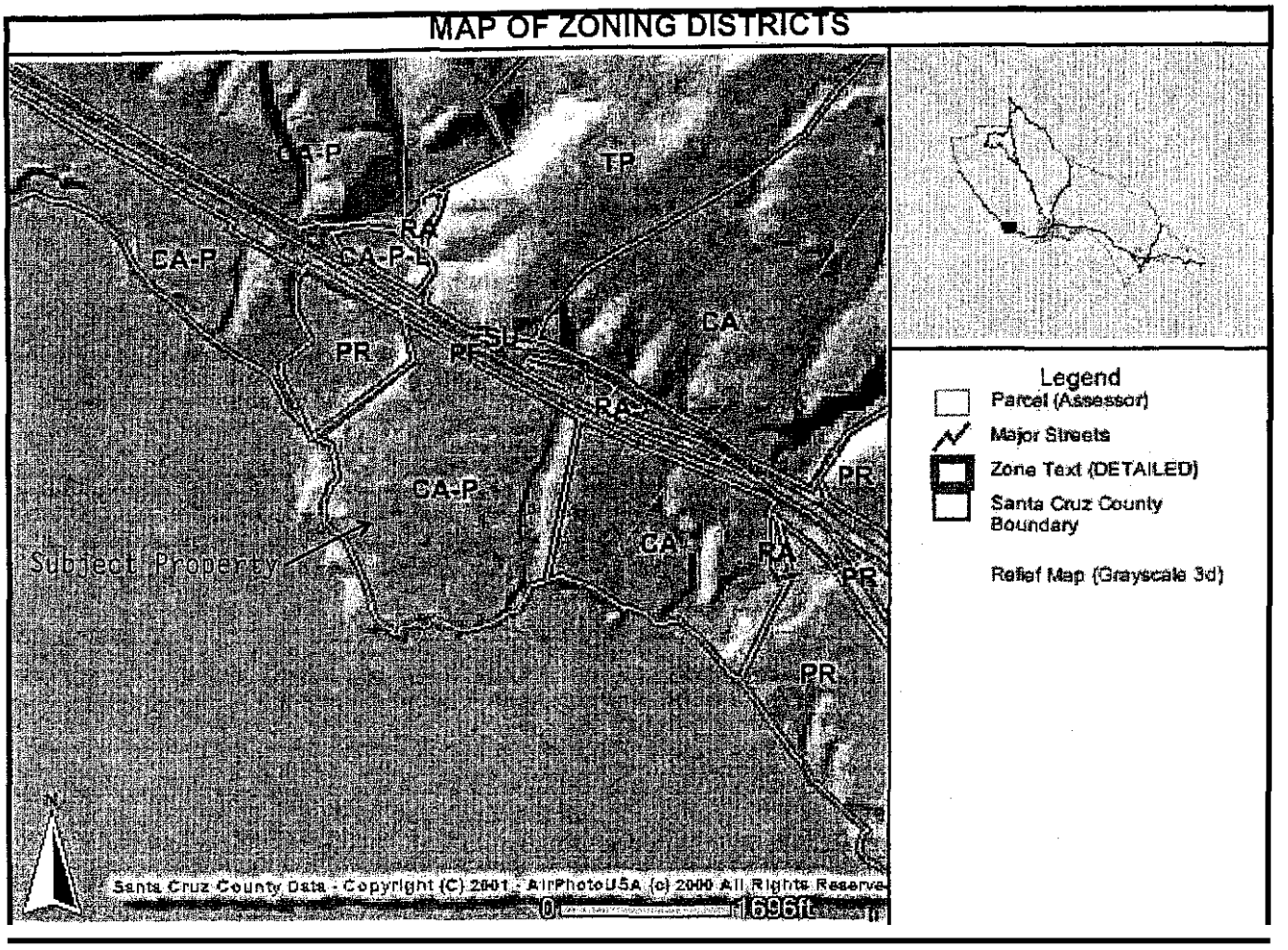


Legend

- Parcel (Assessor)
- General Plan Land Use
  - AG
  - Community Commercial
  - CITY-SC
  - C-N
  - C-O
  - C-S
  - C-V
  - I
  - O-C
  - O-L
  - O-R
  - O-U
  - P
  - Q
  - R-M
  - Rural Residential
  - Suburban Residential
  - R-UH
  - R-UL
  - R-UM
  - R-UVL
  - Other
- Santa Cruz County Boundary

ATTACHMENT 3

EXHIBIT D



ATTACHMENT 3

130

EXHIBIT D

ARCHAEOLOGICAL CONSULTING

P.O. BOX 3377
SALINAS, CA 93912
(831) 422-4912

PRELIMINARY ARCHAEOLOGICAL RECONNAISSANCE OF A POTENTIAL HOUSE SITE ON A PORTION OF ASSESSOR'S PARCEL 059-023-08, SANTA CRUZ COUNTY, CALIFORNIA

by

Mary Doane, **B.A.,** and Trudy Haversat, *RPA*

September 21,2000
Revised December 18,2000

Prepared for

Ron Powers
Richard Beale Land Use Planning, Inc.

SUMMARY: PROJECT 2862A
RESULTS: SEE TEXT
ACRES: -4
SITES: ADJACENT TO SCR-7
UTMG: 5.7547/40.9257
MAP: USGS 7.5 MINUTE SANTA CRUZ QUADRANGLE

ATTACHMENT 3
EXHIBIT D

Note: *SOPA,* the Society of Professional Archaeologists, has been superseded by the new Registry of Professional Archaeologists. Registered Professional Archaeologists are designated by RPA.

INTRODUCTION

In April 2000 Archaeological Consulting was authorized by Mr. Brian Sweeney of Woodside Partners to prepare a Preliminary Archaeological Reconnaissance report for a potential 4 acre house site on the coast north of Santa Cruz, Santa Cruz County, California.

As part of our methodology in the preparation of this report, we have conducted: 1) a background records search at the Northwest Regional Information Center of the California Archaeological Inventory, located at Sonoma State University, Rohnert Park; and 2) a field reconnaissance of the project areas. The following report contains the results of these investigations as well as our conclusions and recommendations.

PROJECT LOCATION AND DESCRIPTION

The project parcel is located on the coast between Santa Cruz and Davenport, Santa Cruz County, California (see Maps 1 & 2). The Assessor's Parcel Numbers (APN) is 059-023-08, and the Universal Transverse Mercator Grid (UTMG) coordinates for the approximate centers of the potential house site is 5.7547/40.9257 on the USGS 7.5 minute Santa Cruz Quadrangle (1954, photorevised 1963). The area surveyed is approximately four acres.

The proposed house site had been surveyed previously before the development of a failed abalone farm which was in the process of being dismantled at the time of this reconnaissance. The surface had been completely cleared and open trenches provided an excellent view of soil stratigraphy within the potential house site. Overall, soil visibility was considered adequate for the purposes of the reconnaissance.

ATTACHMENT 9

EXHIBIT D

PROJECT METHODOLOGY

The methodology used in the preparation of this report included two primary steps, as follows:

Background Research

The background research for this project included an examination of the archaeological site records, maps, and project files of the Northwest Regional Information Center of the California Archaeological Inventory, located at Sonoma State University, Rohnert Park, California. In addition, our own extensive personal files and maps were examined for supplemental information, such as rumors of prehistoric resources within the general project area.

The Regional Information Centers have been established by the California Office of Historic Preservation as the local repository for all archaeological reports which are prepared under cultural resource management regulations. The background literature search at the appropriate Regional Information Center is required by state guidelines and current professional standards. Following completion of the project, a copy of the report also must be deposited with that organization.

These literature searches are undertaken to determine if there are any previously recorded archaeological resources within the project area, and whether the area has been included within any previous archaeological research or reconnaissance projects.

Field Reconnaissance

The field reconnaissance was conducted by Mary Doane, **B.A.** on May **5,** 2000. The survey consisted of a "general surface reconnaissance" of all areas within the potential house site which could reasonably be expected to contain visible cultural resources, and which could be viewed without major vegetation removal or excavation.

RESULTS OF THE RECONNAISSANCE

Background Research

The record search of the files at the Northwest Regional Information Center showed that there are six archaeological sites recorded within one kilometer of the project parcel including CA-SCR-7, which is recorded immediately adjacent to the proposed house site. There were records of previous archaeological reconnaissance and test projects on the portion of parcel 059-023-08 in the current project area.

In addition, the California Inventory of Historical Resources (March 1976), California Historical Landmarks, and the National Register of Historic Places were checked for listed cultural resources which might be present in the project area; none were discovered.

The project parcel lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group. Discussions of this group and their territorial boundaries can be found in Breschini, Haversat, and Hampson (1983), Kroeber (19251, Levy (19781, Margolin (1978), and other sources. In brief, the group followed a general hunting and gathering subsistence pattern with partial dependence on the natural acorn crop. Habitation is considered to have been semi-sedentary and occupation sites can be expected most often at the confluence of streams, other areas of similar topography along streams, or in the vicinity of springs. These original sources of water may no longer be present or adequate. Also, resource gathering and processing areas, and associated temporary campsites, are frequently found on the coast and in other locations containing resources utilized by the group. Factors which influence the location of these sites include the presence of suitable exposures of rock for bedrock mortars or other milling activities, ecotones, the presence of specific resources (oak groves, marshes, quarries, game trails, trade routes, etc.), proximity to water, and the availability of shelter. Temporary camps or other activity areas can also be found along ridges or other travel corridors.

ATTACHMENT 3

EXHIBIT D

Field Research

The soil within the house site was dark gray silty sand along the north side grading to a medium brown color toward the south of the area. In the extreme northwest corner of the project area, black midden containing chert debitage, fire-altered rock and shell and bone fragments was found. This archaeological material is a very small remnant portion of archaeological site CA-SCR-7, which already has been impacted by the abalone farm project.

None of the materials frequently associated with prehistoric cultural resources in this area (dark midden soil, shell fragments, broken or fire-altered rocks, bone or bone fragments, flaked or ground stone, etc.) were noted in the remainder of the proposed house site during the survey.

No evidence of historic archaeological resources was seen during the reconnaissance.

CONCLUSIONS AND RECOMMENDATIONS

Based upon the background research and the surface reconnaissance, we conclude that there is disturbed surface evidence of potentially significant prehistoric archaeological resources in the extreme northwest corner of the current project area. During this reconnaissance cultural materials were found only along the edge of the current project area, north and west of the extensive pipelines installed during the abalone farm project. The cultural materials were found at the base of the Sand Hill bluff and in undisturbed native vegetation west of the abalone farm pipelines.

No evidence of prehistoric resources was found within the remainder of the proposed house site. There was evidence of substantial soil disturbance in most of the current project area as a result of the subsurface demolition of the abalone farm pipelines. The demolition was being accomplished with a large excavator and other heavy equipment, but without archaeological monitoring.

Because of this we recommend the following:

ATTACHMENT 3

EXHIBIT D

1. A qualified archaeological monitor should be present during any construction activities that involve ground disturbance within 20 meters (-65 feet) of the north and west edges of the potential house site. If human remains or intact cultural features are discovered during construction, work shall be halted until the find can be evaluated by the monitor, and appropriate mitigation or data recovery measures are formulated and implemented. **All** archaeological materials found at the project site should be recovered, analyzed and curated *in the public domain* at a suitable facility.
2. **A** fence should be constructed and maintained along the southerly base of Sand Hill to discourage access and consequent disruption of the archaeological resources located there.

Because of the possibility of unidentified (e.g., buried) cultural resources being found during construction, we recommend that the following standard language, or the equivalent, be included in any permits issued within the project area:

- If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

ATTACHMENT 3
EXHIBIT D

REFERENCES

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1990 Archaeological Excavations at Sand Hill Bluff Portions of Prehistoric Site CA-SCR-7, Santa Cruz County, California. On file at Northwest Regional Information Center, Sonoma State University.

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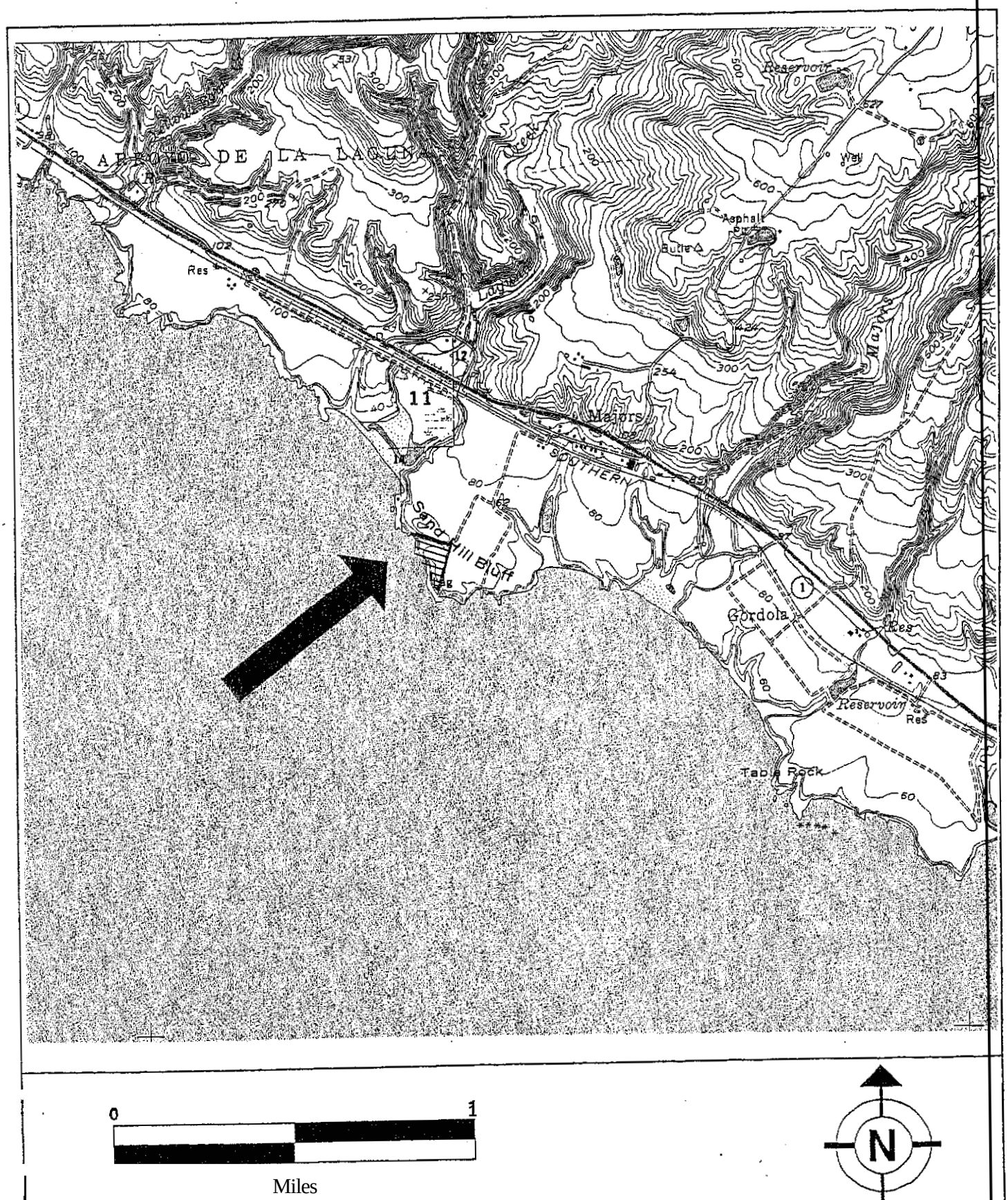
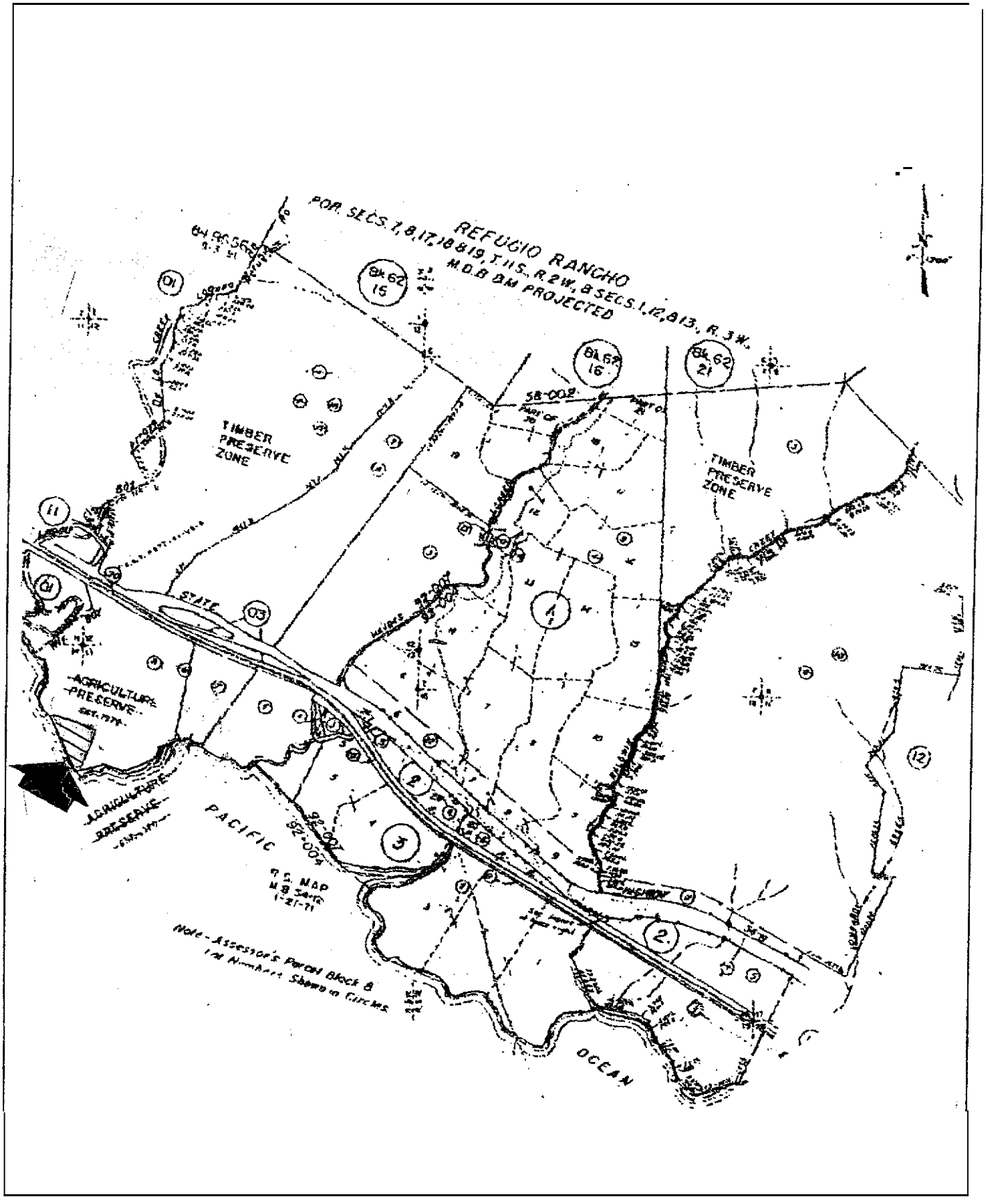
1988 Preliminary Cultural Resources Reconnaissance of a Portion of Parcel APN 59-023-08, Santa Cruz County, California. On file at Northwest Regional Information Center, Sonoma State University.

ATTACHMENT 3
EXHIBIT D



Map 1. Project Location.

ATTACHMENT 3
EXHIBIT D



Map **2.** Project Location.

ATTACHMENT 3
EXHIBIT D

ARCHAEOLOGICAL CONSULTING

P.O. BOX 3377
SALINAS, CA 93912
(831) 422-4912
FAX (831) 422-4913

July 9,2001

Ron Powers
Richard Beale Land Use Planning
100 Doyle St., Suite E
Santa Cruz, CA 95062

Re: AC 2862A; Review & recommendation for APN 059-023-08

Dear Mr. Powers:

At your request we have reviewed the latest plans for the residential project on the Sand Hill Bluff house site. The footprint of the structure has been placed south of the ranch road which runs along the foot of the bluff containing the major archaeological deposit. This placement is in conformance with our previous discussion regarding avoidance of impacts to the undisturbed resources in the bluff slope. Because we expect that this project will encounter previously disturbed cultural materials and may discover significant resources in spite of the disturbed context, we will continue our previous recommendation for archaeological monitoring and resource protection, as follows:

1. **A** qualified archaeological monitor should be present during any construction activities that involve ground disturbance within 20 meters (-65 feet) of the north and west edges of the potential house site. If human remains or intact cultural features are discovered during construction, work shall be halted until the find can be evaluated by the monitor, and appropriate mitigation or data recovery measures are formulated and implemented. All archaeological materials found at the project site should be recovered, analyzed and curated in ***the*** *public domain* at a suitable facility. If suitable materials are recovered during monitoring, at least three radiocarbon dates shall be obtained as mitigation for incidental impacts to the archaeological resource.

3. A fence should be constructed and maintained along the southerly base of Sand Hill to discourage access and consequent disruption of the archaeological resources located there.

Because of the possibility of previously unidentified cultural resources or burials being found during construction, we recommend that the following standard language, or the equivalent, be included in any permits issued within the project area:

ATTACHMENT 3
EXHIBIT D

- If significant archaeological features or human remains are accidentally discovered during construction, work shall be halted within 50 mctcrs (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

If you should have any further questions on this matter, please do not hesitate to contact our office.

Sincerely,

M Doane, **B.A.**

ATTACHMENT 3
EXHIBIT D

PLANNING DEPARTMENT

GOVERNMENTAL CENTER
(831) 454-2580

COUNTY OF SANTA CRUZ

701 OCEAN **STREET** SANTA CRUZ CALIFORNIA 95060
FAX (831) 454-2131 TDD (831) 454-2123

November 5,2002

Richard Beale for Sand Hill Bluff LLC
100 Doyle Street, Suite E
Santa Cruz, CA 95060

SUBJECT: ENVIRONMENTAL REVIEW OF APPLICATION NO. 00-0669

Dear Mr. Beaie:

At the Environmental Review meeting of November 4, 2002 the Environmental Coordinator considered this application, as mandated by the State environmental review process. The outcome of the meeting is that the Environmental Coordinator proposes to issue a Mitigated Negative Declaration for the project. The three areas of potentially significant impact that must be addressed by mitigation measures in order for the project to qualify for a Negative Declaration are: impacts to agriculture, impacts to sensitive habitat and impacts to archaeological resources. A copy of the proposed mitigation measures is attached for your review.

Pursuant to the "Guidelines for the Implementation of CEQA" section 15070 (b) (1), the project proponent must agree to incorporate the revisions that are proposed in the mitigation measures into the project. The Planning Department must obtain this agreement prior to the release of the Mitigated Negative Declaration and Initial Study. Therefore, please review the mitigation measures with your client and advise us as to whether we have the owner's agreement to revise the project to Incorporate these mitigation measures. If your client is in agreement we will prepare the necessary documents for release and public review. Alternatively, if the property owner wishes to proceed with the project as it is currently described, the Environmental Coordinator will require the preparation of an Environmental Impact Report pursuant to CEQA statute section 20182.2 **(d)** and "Guidelines for the Implementation of CEQA" section 15064.

Please advise us of your client's response as soon as it **is** practical for you to do so. If you have any questions about this letter please call me at 454-3178. If you have other planning related questions, please direct them to your project planner, David Carlson at 454- 3173.

Sincerely,

Paia Levine
Deputy Environmental Coordinator

For: Ken Hart
Environmental Coordinator/ Principal Planner

CC: Alvin James, Planning Director
Ken Hart, Environmental Coordinator
Cathy Graves, Principal Planner
David Carlson, Project Planner

continued →

EXHIBIT E

ATTACHMENT 2

NAME : Richard Beale for Sand Hill Bluff LLC
APPLICATION: 00-0669
A.P.N: 059-023-08

NEGATIVE DECLARATION MITIGATIONS

A. in order to eliminate or minimize the conversion of commercial agriculturai land to residential use (in conformance with CEQA. General Pian objective 5.13 and policies 5.13.5, 5.13.6,.5.13.7, 5.13.27, 5.13.28, 5.13.29, 8.3.1 and County Code sections 13.10.), to prevent impacts to sensitive habitat including Coastal Scrub vegetation and habitat for special status bird species (inconformance with General Plan policies 5.17 and County Code chapter 16.32), to prevent impacts to archaeological resources (in conformance with General Pian policies 5.19.3 and County Code sections 16.40.10, 16.40.35), and to minimize visual impacts to the Highway One scenic corridor, prior to scheduling the public hearing the project plans shall be revised to relocate and modify the proposed development as foliows:

1. Eliminate disturbance in the area of the Sand Hill bluff. Plans shall indicate development only in the areas between and/or contiguous with the existing residential and farm related structures that are clustered in the northeast portion of the parcel;
2. Indicate that one single family dwelling with attached garage is the only structure proposed for residential related use, although a detached garage may be proposed if no additional space is taken out of agricultural production to accommodate the detached structure;
3. Indicate that:
    a) the size of the proposed single family dwelling is within the range bracketed by the smallest and largest homes in the immediate neighborhood, which is defined as both sides of Coast Road on the ocean side of Highway One;
    b) the height of the proposed structure is within the range bracketed by the shortest and tallest homes in the immediate neighborhood;
    c) the architectural style and exterior color blends with the homes in the immediate neighborhood.

EXHIBIT E
ATTACHMENT 3

Ronald H. Tyler
120 Heather Ct.
Santa Cruz, CA 95065

January 21, 2003

Catherine Philipovitch
Bosso, Williams, Sachs, Atack,
& Gallagher and Peter L. Sanford
P.O. Box 1822
Santa Cruz, CA 95061-1822

Dear Ms. Philipovitch,

From an agricultural perspective, it is my opinion that placing the proposed residence on the site of the former abalone farm would be less disruptive to agricultural operations than placing it near the existing farm buildings. This site is not currently being farmed, so does not take land out of production.

The former abalone farm site is subject to salt spray which reduces yield, consequently, the farmer does not farm that location at the present time. It is also very inefficient to farm a small, triangular shaped field because of short rows and frequent turns with the tractor, taking more time and using more fuel in the process. The triangular shape also makes it difficult to lay out sprinkler irrigation pipe. The climate at this location restricts the type of crops that *can* be grown more than it does near the existing farm buildings. This location allows for an adequate setback which provides a buffer zone between the residence and the agricultural operations. The prevailing wind blows from the ocean across this site towards the farmland.

Placing the residence near *the* existing farm buildings would take land currently being farmed out of production This location would make it subject to dust and odors from the farming operations because the prevailing wind blows across the cultivated land towards the existing buildings.

The soil type at the former abalone site is Watsonville Loam, thick surface, 0-2% slope, which has an SCS rating of III and a Storie index rating of *50.*

The soil at the existing buildings is Elkhorn Sandy Loam, 2-9% slope, witch has an SCS rating of III and a Storie index rating of *66.*

The Storie rating expresses numerically the relative degree of suitability of a soil for intensive agriculture. The rating is based on soil characteristics only, The higher the number, the more suitable the soil for agricultural production. Therefore, the soil at the former abalone farm is less desirable than the soil at the exisding *farm* buildings.

EXHIBIT F

ATTACHMENT 2

The Environmental Review Study states on page 13 that the area taken out of agricultural production is 3.55 acres. Allowing for a vegetative cover *along* the bluffs to prevent erosion and adequate turning area for tractors and harvest equipment is necessary. My measurements indicate that only 1.5 acres would be made unavailable for cultivation.

Unless the residence is sited within the area covered by the existing buildings, which might entail removal of same necessary to agricultural production, such as the farm labor housing, productive land would be taken *out* ofproduction.

Locating the residence on the former abalone farm will have the least affect on the current agricultural operation. It does not take land out ofproduction, utilizes the poorer soil, provides the best buffer between it and agriculture, and results *in* more a more efficient farming operation.

Sincerely,

Ronald H Tyler

EXHIBIT F

ATTACHMENT 3

ARCHAEOLOGICAL CONSULTING

P.O. BOX 3377
SALINAS, CA 93912
(831) 422-4912
FAX (831) 422-4913

January 22,2003

Ron Powers
Richard Beale Land Use Planning
100 Doyle St., Suite E
Santa Cruz, CA 95062

Re: Sand Hill Bluff, Archaeological site CA-SCR-7

Dear Mr. Powers:

At your request we have reviewed the previous Pacific Mariculture EIR language regarding the potential benefits of their project near the Sand Hill Bluff archaeological site. That EIR stated that the presence of the abalone farm project near the archaeological site would tend to discourage potential vandalism. We concur that the presence of a residence adjacent to the archaeological site might also have a marginal but positive effect toward discouraging vandalism or trespass disturbance of the site.

We continue our previous recommendation for archaeological monitoring of the proposed construction project and additional resource protection, as follows:

1. A qualified archaeological monitor should be present during any construction activities that involve ground disturbance within 20 meters (~65 feet) of the north and west edges of the potential house site. If human remains or intact cultural features are discovered during construction, work shall be halted until the find can be evaluated by the monitor, and appropriate mitigation or data recovery measures are formulated and implemented. All archaeological materials found at the project site should be recovered, analyzed and curated in the public domain at a suitable facility. If suitable materials are recovered during monitoring, at least three radiocarbon dates shall be obtained as mitigation for incidental impacts to the archaeological resource.

3. A fence should be constructed and maintained along the southerly base of Sand Hill to discourage access and consequent disruption of the archaeological resources located there.

Because of the possibility of previously unidentified cultural resources or burials being found during construction, we recommend that the following standard language, or the equivalent, be included in any permits issued within the project area:

146

EXHIBIT F
ATTACHMENT 3

- If significant archaeological features or human remains are accidentally discovered during construction, **work** shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

If you should have any further questions on this matter, please do not hesitate to contact our office.

Sincerely,

Mary Doane, B.A.

EXHIBIT F

EXHIBIT

147

2

ATTACHMENT 3

Biotic es roup

Biotic Assessments • Resource Management • Permitting

January 23, 2003

Ron Powers
Richard Beale Land Use Planning, Inc.
100 Doyle Street, Suite E
Santa Cruz, CA 95062

RE: Sand Hill Bluff Property, Review of House Sites Relative to Coastal Scrub

Dear Mr. Powers,

The Biotic Resources Group has been asked to compare the potential impacts to coastal scrub vegetation from the proposed house site and a County-suggested alternative. The results on this comparative review are described herein.

A hrief site assessment ofthe proposed house site at Sand Hill Bluff (Sand Hill Bluff Residence, project plans by Backen Gillam, dated June 2001) and a County-proposed alternative site (agricultural housing/equipment area west of railroad rracks) was conducted on January 7, 2003. The purpose of the site assessment was to evaluate the two areas relative to the presence and/or impacts to coastal scrub vegetation.

Upon review of these two sites, neither site developments will result in direct impacts to coastal scrub vegetation. As development would occur in areas previously disturbed by agricultural-related activities, there are no significant biological differences in the two sites relative to impacts to coastal scrub vegetation. The landscape plans for the Sand Hill Bluff Residence (Madrone Landscape Croup, dated June 2001) specify the creation of additional areas of coastal scrub vegetation on berms and previously disturbed areas, such that there may be a net gain in scrub vegetation after implementation of the project. In addition, the presence ofthe Sand Hill Bluff Residence may offer some management and protection to the extant coastal scrub (e.g., removal of invasive, non-native plant species) that might not occur otherwise.

Please give me a call if you have any questions on tliis review,

Sincerely,

Kathleen Lyons

Kathleen Lyons
Plant Ecologist

148

EXHIBIT F

2551 South Rodeo Gulch Road, #12 4 Soquel, California 95073 4 (831) 476-4803 4 Fax (831) 476-8038

ATTACHMENT

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ. CA 95060
PHONE: (831) 427-4863
FAX (831) 427.4877

November 16,2000

Glenda Hill
Santa Cruz County Planning Department
701 Ocean Street, Suite 400
Santa Cruz, Ca 95060-4073

Subject: ***Project Comments for Application Number 00-0669 (Sand Hill Bluff Residential Project)***

Dear Ms. Hill:

Thank you for forwarding the above-referenced development proposal to our office for review. These comments are based upon the brief project description you have provided, along with the proposed site plans that illustrate the project. After review of these materials, our office has serious reservations about the proposed development and its inherent inconsistencies with County of Santa Cruz Local Coastal Program (LCP) and Coastal Act policies. In light of these concerns, please consider the following comments on the proposal.

Agriculture
The proposed residence would be located on land zoned commercial agriculture (CA). North coast agricultural lands are a finite resource for which the LCP demands the highest level of protection. As you are aware, the proposed residential use is a conditional, discretionary use on CA lands for which specific findings need be made. In sum, the LCP requires that the proposed residential use be incidental to the agricultural use of the site, and that it not restrict, reduce, or otherwise adversely affect continued or renewed agricultural production (LUP 5.13.6, 5.13.28, 5.13.29, Zoning Code 13.10.314). From what we currently understand about this project, it does not appear that the required LCP residential use findings can be made here.

Moreover, the proposed residential compound does not appear to be an "agriculturally oriented structure" as required by *the* LCP (LUP 5.13.7). In fact, the sprawling estate envisioned here does not appear to be sited nor designed to be visually compatible and integrated with the character of the surrounding area (LUP 5.10.5, Zoning Code 13.10.313, 13.10.323, 13.10.325, and 13.20.130). The surrounding agrarian, open space north coast landscape is largely devoid of such large-scale residential development. To be consistent with the character of this larger landscape, structures need to be subordinate to their setting – such is particularly the case at such a prominent bluff headland as this.

From what we can tell, approximately 11,000 square feet of residential structures (and some additional large areas of hardscape and courtyards) are proposed here. To assist in evaluating LCP-required compatibility of the proposed development with the surrounding north coast agricultural area, we suggest that a survey be conducted of residences that have been developed on similarly zoned agricultural lands in the rural north coast area Anecdotal evidence suggests that the project proposed would be one of the largest, if not the largest, such residence on north coast Santa Cruz. Using the survey results the proposed residence should be reduced in scale to,

EXHIBIT F

ATTACHMENT 3

at a minimum, more closely approximate the range of size and scale for north coast agricultural dwellings; it may need to be further reduced to address other coastal resource issues.

Visual **Resources**
The County's LCP is fiercely protective of coastal zone visual resources, particularly views from public roads, and especially along the shoreline. LCP visual policies require development here to be sited outside of this viewshed when it is feasible to do so, and require development to be visually compatible and integrated with the character of the surrounding area (LCP Policies 5.10 et seq, Zoning Code 13.10.313, 13.10.323, 13.10.325, and 13.20.130). The proposed project is located within the particularly critical north coast public viewshed. The view issues at this location need to be understood within the larger context of protecting views along the largely undeveloped agrarian wilderness coastline that generally exists between Half Moon Bay and the City of Santa Cruz.

We are very concerned that the proposed residence would have significant adverse effects on the critical public viewshed here. From the plans and our current understanding of the project, it appears that the proposed residence would be starkly visible from Highway One **(a** LCP-designated Scenic Road and an officially eligible portion of the California Scenic Highway Program). Per LCP Policy 5.10.10, the public vista from Highway One "shall be afforded the highest level of protection." We are likewise concerned about its visibility from Laguna Beach, other portions of the Coast Dairies lands, Wilder Ranch State Park, and from the offshore Monterey Bay National Marine Sanctuary. We suggest that a complete visual simulation be conducted for the proposal to understand where and how it may he visible from these locations.

This stretch of mostly undeveloped Central Coast represents the grandeur of a bygone (in many places) agrarian wilderness California and is a critical public viewshed for which the LCP dictates maximum protection. To ensure visual compatibility with the undeveloped north coast, and to protect this significant visual resource overall, LCP consistency requires that the proposed project be designed so as to not be visible from any public viewing areas.

Public Access
The proposed project is located between the first public road and the sea. As such, the project must be found consistent with both the LCP as well as the Coastal Act's access and recreation policies. Both the LCP (LCP Policies 7.7 et seq) and the Coastal Act (Sections 30210-30214, 30220-30224) require protection of any public access and recreation resources here.

The proposed project is located between the Coast Dairies property upcoast and Wilder Ranch State Park downcoast. From our current understanding, there appears to have been longstanding historical public use of the property for access to and along the shoreline at this location. Such access appears to have included access along the blufftop south from Laguna Creek Beach to the beaches and bluffs just north of Red, White and Blue Beach, **as** well as access across the property from Highway One to the beaches and offshore surfing area. **As** such, we are concerned that the proposed development might directly interfere with public coastal access, and may act to sever what connection may currently exist between up and downcoast recreation areas.

EXHIBIT F

ATTACHMENT 3

We are currently unaware of any restrictions that have been placed, or permissions that may have been granted on this property over the years regarding public use up until the time of the property's most recent acquisition by the current property owner. Although only a court of law can establish or extinguish prescriptive rights of access for this property, the County should investigate whether such rights may have been acquired at this location. We suggest that County Counsel be consulted, if he has not been already, and evidence of such prescriptive rights be evaluated during the course of any permit application.

We do not see any evidence that public access provisions are a part of the proposed project. To the extent that this is the case, we encourage the project to be modified to incorporate adequate provisions to protect public access to and along the coast here.

In closing, we reiterate our serious concerns with the proposed project. The proposed project would place an enormous residential estate on a agriculturally zoned property in the critical public viewshed of north coast Santa Cruz County. Good planning and public policy dictates that proposed development along this stretch of agrarian wilderness California coastline between Half Moon Bay and the City of Santa Cruz must be fully respectful of the coastal resource here; a resource of local, statewide, and national significance. We are concerned that the project raises significant Coastal Act and LCP conformance issues that, at a minimum, may require substantial redesign – or that may ultimately prove fatal to the project as proposed.

Thank you for the opportunity to comment in the development stage of this project. As you move forward with your project analysis and environmental review, the issues identified above, as well as any other relevant coastal issues identified upon further review or due to project modifications, should be considered in light of the provisions of the certified Santa Cruz County LCP and the Coastal Act. In any event, we may have more comments for you on this project after we have seen additional project information or revisions. Please forward any project revisions, visual simulations, prescriptive rights analyses, or agricultural residence survey results as soon as any are available. If you have any questions, please do not hesitate to call me at (831) **427-4893.**

Sincerely,

Dan Carl
Coastal Planner

cc: Dave Vincent, California Department of **Parks and** Recreation
Darcey Rosenblatt, **Trust** for Public **Lands (Coast** Dairies)

151

EXHIBIT F

ATTACHMENT 3

Jack Nelson

From: Jack Nelson
Sent: Wednesday, April 02, 2003 3:05 PM
To: 'rich'
Cc: Cathy Graves; Ken Hart; Joan Vanderhoeven; David Carlson
Subject: RE: Sand Hill Bluff

Dear Rich Beaie:

I am sorry, Rich, but in response to your inquiry I am not able to tell you what you were hoping to hear. On getting familiar with this project (#00-0669), reviewing the project records, reviewing pertinent County policies, and discussing it further with senior Planning Department staff, I (as the the project planner on this discretionary project) have come to the conclusion that this project is suited for taking to a Zoning Administrator hearing with a staff recommendation for denial. More on that conclusion in a moment.

Regarding APAC: I don't see it as appropriate to add the step of bringing this project to APAC on one aspect of the project, when the project has fundamental unresolved conflicts with County policies, and when you have indicated you are not willing to resite and downsize the project as called for in the County's November 5, 2002 Environmental Review letter. We have carefully considered the additional information you submitted since then, including Ronald Tyler's and Archaeological Consulting's letters.

As to some key concerns about the project: To recommend approval of this project, one of the County's required findings wouid need to be that the structure is "ancillary, incidental, or accessory to the principal agricultural use of the parcel." Afler a close evaluation of how those key terms are defined in the General Plan and County Code, I cannot conclude that this specific proposal would be "in support of and connected with the agricultural use."

General Pian policy 2.22.2 prohibits the conversion of any existing Coastal Zone priority use (agricuiture is in the First Priority class) to another use except one of equal or higher priority. Private residential is in the Third Priority class. The project as proposed is not close to passing that test.

I will include a broader discussion of this discretionary decision in my staff report to the Zoning Administrator, though I will also avoid repeating the extensive discussion that is in the Initial Study. The ZA's determination will be appealable by you, the applicant.

If you have any questions or comments, Rich, please contact me.

Sincerely,

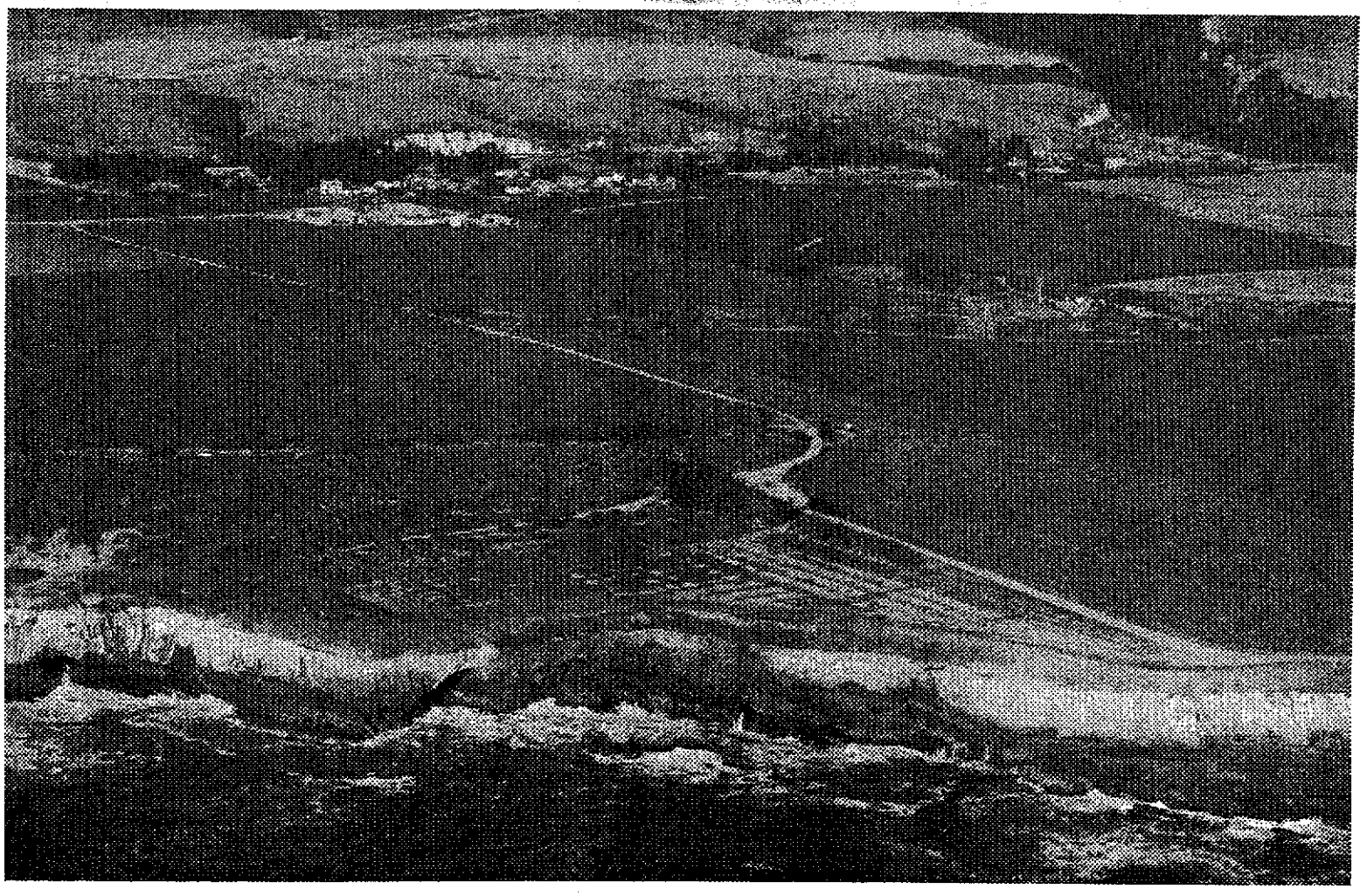
Jack Nelson
Planner III, Santa Cruz County Planning Department
831-454-3259
jack.nelson@co.santa-cruz.ca.us

-----Original Message-----
From: rich [mailto:rich@rbeale.com]
Sent: Friday, March 28, 2003 11:29 AM
To: Jack Nelson
Cc: Cathy Graves; Ken Hart; Cathy Phiiipovitch
Subject: Sand Hill Bluff

Good morning Jack. Are we back on track with the understanding, per the meeting we had with Ken Hart and Cathy Graves, that both the ag. viability and the building site analysis is going to APAC? You are the third planner on this project. Each planner needed to be brought up to speed. You may imagine that the property owner is very anxious to get the application to hearing. I hope you are now ready to set this before APAC. Please let me know the status and time schedule. Thank you, Rich.

152

EXHIBIT F



Aerial photo September 2002, courtesy California Coastal Records Project

Former aquaculture facility site (proposed project site) and Sand Hill shown in foreground; existing buildings cluster and Coast Road neighborhood visible in background.

EXHIBIT G

ATTACHMENT 3

May 14, 2003

Zoning Administrator
Santa Cruz County
Delivered by hand

Re: Application #00-0669

I support the Planning Department Staff findings to deny application #00-0669. I have additional commentsto contribute to the Sand Hill Bluff issue.

I am a 27-year resident-home owner in the Sand Hill Bluff neighborhood. My children grew up here. I am the second generation *of* my family to own the home here and my children will succeed me. This neighborhood is part of myfamily's history. I am saddened to see the possibility of the Bluff area turned into a large private compound.

When Pacific Mariculture Abalone Farm received their permit, one of the mitigations established was the continuation of public access along the bluff trail that runs across the front of the site. I walk along this trail regularly, as do many others. Often, I venture out early in the morning to witness the sunrise. The Sand Hill is one of the best places to seek seclusion from the stresses of human activity. Out there one can experience the sea, the wind, sea otters, pelicans and whales without intrusion from human structures or activities. I have watched generations of Marsh Harriers born and returning here. There is a young bobcat living out at the Bluff. I saw the tracks again after the last rain on May 10th, 2003. The proposed residence, if situated out at the Sand Hill Bluff, will impede more than just human access to this treasured area.

Point of fact: the environment on the Bluff is too extreme to construct comfortable living circumstances primarily due to the wind and salt spray but also due to the frequency of public access.

Forbid the thought but... The precedent established by this project would be a sad omen for all coastal areas and especiallyfor Santa Cruz North Coast residents and visitors. Santa Cruz County does not need housing like this situated right on the cliffs. This is a beautiful scenic area including the agricultural land and it should be maintained in this aspect.

Sincerely,

Roxanne Rothafel
5430 Coast Road
Santa Cruz, CA 95060

ATTACHMENT 4

COAST
P.O. Box42
Davenport, **California**
95017

Sub'd @ May 03 hrg.

May 16, 2003

Mr. Don Bussey
Zoning Administrator
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, California 95060

RE: Application No. 00-0669; Parcel No. **059-023-08;**
SAND HILL **BLUFF** RESIDENTIAL PROJECT

Dear Mr. Bussey:

COAST agrees with the planning staffs recommendations and requests your denial of the Sand Hill Bluff Residential Project (application 00-0669).

The project, as it stands, violates the Santa Cruz County General Plan and the Coastal Act, as set forth in the Santa Cruz County Local Coastal Program. COAST is concerned about many potentially significant adverse impacts on the environment, including impacts on agricultural resources, sensitive habitat, archaeological resources, visual resources and coastal access.

Perhaps most far-reaching of all these impacts is the impact on our agricultural resources. The creation *of* a new cluster of buildings on an oceanside bluff, far away from the original farming cluster of buildings, would set **a** dangerous precedent and certainly affect other oceanside agricultural parcels in Santa Cwz County. COAST agrees with planning staff that creation of such an oceanside estate would raise the parcel's value far beyond that of any ordinary agricultural land, making it unaffordable to future true farming businesses, and thus effectively removing this land from valuable agricultural production. This parcel is zoned C-A, and the contruction of a residence is acceptable only as an ancillary **use.** This proposed estate is not an ancillary **use,** but a trojan horse for the introduction of further oceanbluff estates.

COAST is also concerned about the high visibility of this estate from scenic Highway 1 and the Monterey Bay National Marine Sanctuary, as well as from other beach sites. COAST is also concerned about the creation of a building cluster so closely to a recorded Costanoan prehistoric archaeological site.

Thank you for your serious consideration of this matter.

Sincerely,

Kristin Raugust

Kristin Raugust
Steering Committee
COAST

155

ATTACHMENT 4

SIERRA CLUB
FOUNDED 1892

Santa Cruz County Group of the Ventana Chapte

P O. Box 604, Santa Cruz, California 95061 phone: (831) 426-445
FAX (831) 426-5323 www.ventana.org e-inail. scscrg@cruzio con

May 14, 2003

Mr. Donald Bussey, Zoning Administrator
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

RE: Application No.: 00-0669; Sand Hill Bluff Residential Project

Dear Mr. Bussey:

The Sierra Club, Santa Cruz County Group of the Ventana Chapter (the "Sierra Club"), supports Staff's recommendations and requests that you deny Application Number 00-0669, the Sand Hill Bluff Residential Project. The Sierra Club agrees with Staff that the Project would adversely impact agricultural resources, sensitive habitat, archaeological resources, visual resources *and coastal* access.

Imuact on Agricultural Resources. The Project would permanently convert 2.2 acres of Coastal Prime Agricultural Land (a first-priority use under the Coastal Act, and thus afforded the highest level of protection) to private residential (a third-priority use under the Coastal Act, and a non-agricultural, non-ancillary use). Construction of a large-scale, residential seaside estate would harm the continued operation of commercial agricultural on the entire1 17-acre Project parcel since the seaside estate would raise the real estate market price out of the reach of future purchasers, such as farmers or farm businesses, whose main aim is to acquire the property for agricultural crop production. Further, construction of a seaside estate would create a precedent for the building of such seaside estate on other North Coast Commercial Agriculture p a r d s in Santa Cruz County, where currently there are none.

Impact on Sensitive Habitat. The Project is not located as far from sensitive habitat as possible as required by the Santa Cruz County General Plan. Instead, the Project is located along the toe of the Coastal Scrub sensitive habitat which grows on Sand Hill dune.

Imuact on Archaeological Resources. A recorded Ohlone prehistoric archaeological site is located adjacent to and extending onto the northwest corner of the Project site. Construction on this site will certainly disturb cultural materials, including the possibility of human remains.

Imuact on Visual Resources. The Project is proposed to be sited on a prominent ocean bluff headland, and thus would have a significantly high visual impact on the North Coast public viewshed The Santa Cruz County Local Coastal Program requires the utmost protection of critical viewsheds; as such, the Project should not be visible from any public viewing areas. As designed, however, the Project would be highly visible from scenic Highway 1, and it is likely that the Project would be visible from Laguna Beach, other areas of Coast Dairies lands, Wilder Ranch State Park, as well as offshore from the Monterey Bay National Marine sanctuary.

Impact on Coastal Access. There has been a long-standing public use of the Project property for access to and along the shoreline at this location, including access along the ocean bluff south from Laguna Beach to the beaches and bluffs just north of *Red,* White and Blue Reach, as well as access from Highway 1 to the beaches and surfing area The Project will certainly interfere with public coastal access, and cut off existing connections between the above-mentioned beaches.

The Sierra Club appreciates your careful consideration of this crucial Project, and urges you to deny this application.

Sincerely,

Marilyn Fravel
Co-Chair, Santa Cruz County Group
Ventana Chapter/Sierra Club

1576

ATTACHMENT 4

To: Zoning Administrator
Santa Cruz County, CA

May 13,2003

by Hand Delivery

Re: Application #00-0669

We are writing in support of Planning Dept. staff recommendation to deny Application #00-0669. The area proposed for residential development has historically been used for agriculture. Staff's analysis of the County regulations supporting agriculture should be affirmed.

However, we wish to address staff's discussion under Required Findings for All "CA" Commercial Agricultural **Uses,** Item #1, which refers to the adjacent parcel APN 59-023-07, owned by the same investors. ***An*** examination of the property description accompanying the quitclaim deed conveying title to the present owner, recorded on Oct 28, 1999, shows that the parcels 59-023-07 and 59-023-08 were described in a way that combines them under County Code Section 14.01.110 (a) 4 (ii).

We therefore request that the property description accompanying the application before you be corrected and a Certificate of Compliance application be required before the County takes any action on this application. We feel such action supports General Plan and LCP policies which **seek** to avoid the subdivision or fragmentation of ag land and subsequent conversion to other, non-agricultural uses.

Thank you for considering our request.

Sincerely,

Marty Demare and Roxanne Rothafel

ATTACHMENT 4

SUNDAY
Santa Cruz Sentinel
SERVING SANTA CRUZ COUNTY SINC
FEBRUARY 23, 2003

PROGRESS VS. PRESERVATION

Land of hope and dreams?

Shmuel Thaler/Sentinel

Field workers weed a strawberry field below a residential neighborhood near Manresa Beach. There is a growing conflict between farmers' livelihoods and new homeowners' lifestyles.

Demand for housing puts squeeze on local farmers

By HEATHER BOERNER
SENTINEL STAFF WRITER

The Sullivan family has owned 16 acres of farmland in La Selva Beac since the 1800s. And for as long a family member Andrew Delucch 80, can remember, the fields hav produced strawberries and brussel sprouts.

But things are changing.

Five of the family's acres lay fa low now because of a neighborhoo conflict that is becoming increas ingly common in Santa Cruz Cour ty, threatening the survival of farm from the city limits of Santa Cruz t Watsonville.

The conflict is between farmers livelihoods and new homeowners lifestyles. Delucchi's residentia neighbors don't like some of th farming practices that take place or his fields. He fears their complaint will put him out of business.

'I don't care what my neighbo d as long as it doesn't affect me.. but when my neighbor tries to hur my business, that's when the bat tle starts," he said.

Delucchi's tenant farmer gave up

Please see SQUEEZED on Page A

Editor's note

How to house the state's growing population will prove one of the defining issues of the 21st century. This report, compiled by the Sentinel and The Associated Press, examines the growing supply of housing and its effects, specifically high prices and urban sprawl.

Shmuel Thaler/Sentinel

Andrew Delucchi looks over some of the La Selva Beach fields that have been in his family for more than a century. Delucchi is battling residential neighbors over his farming practices.

Squeezed

Continued from Page A1.

Squeezed

Continued from Page A1

farming the plot be(use of neighbor complaints, he said, and now Deluc-chi is threatening to sue.

As the call for housing grows stronger, houses are being constructed closer to farmland. And that leaves farmers fearing the worst

"Housing makes it almost impossible to farm next door," said Bill Ringe, a former apple orchard owner.

"Think of agriculture as an industrial park," he said. "You wouldn't build a subdivision next to an industrial park because of the noise. The problem is people think of agriculture as open space. But it's not. It's a business."

Everything from early morning work hours to pesticide sprays have been subjects of complaints, he said

But developers and housing advocates say farmers are using the proximity of housing to farmland as a red herring to stop change.

"It seems to me to be just another argument against housing: said Geoffrey Dunn, a local housing activist who in recent gears has become a consultant for developments in Santa Cruz. "Of course people who are opposed to housing will come up with these reasons to fight it."

In Italy, Dunn pointed out, farmers and residents live peacefully side by side.

Today in Santa Cruz County, there are about 500 fanners, according to the Santa Cruz County Farm Bureau. Their fields yield a $365 million a year industry, the county's largest.

The most recent statistics, though, indicate that the number of farmed acres in the county has dropped, by 1,285 acres between 1996 and 2001, according to the farm bureau.

Jess Brown, the farm bureau's executive director, says that the number of acres in production is actually greater now than it was 10 years ago. But much of the land that has turned over in recent years has gone to housing, he said.

To protect themselves from this trend. farmers are increasingly resorting to lawsuits.

What it boils down to in the courts is how much space to put between faams and homes, to buffer one from the other, And some farmers say the buffer zones aren't big enough.

The Goodes, who farm brussels sprouts on Younger Ranch in Santa Cruz, have pursued legal action against the developers of the planned 206-unit Monarch Village Apartments. They wanted 500 feet between the development and their farm so that complaints from new neighbors wouldn't threaten their livelihood

"When they put down the organic fertilizer on that farm, you smell it all the way in downtown Santa Cruz," noted farm bureau director Brown. "People smell it, and they don't like it."

The Monarch Village Apartments, which is a project Dunn helped usher through the Santa Cruz planning process, will be 40 percent affordable when it is completed. That's significant in a county which the National Low Income Housing Coalition calls one of the least affordable rental markets in the country.

When the City Council approved the Monarch Village Apartments a year ago, the Goodes appealed to the Coastal Commission, which rejected the appeal.

The Goodes are currently negotiating with the city to finalize an agreement that will hold the housing developer financially liable if residents complain.

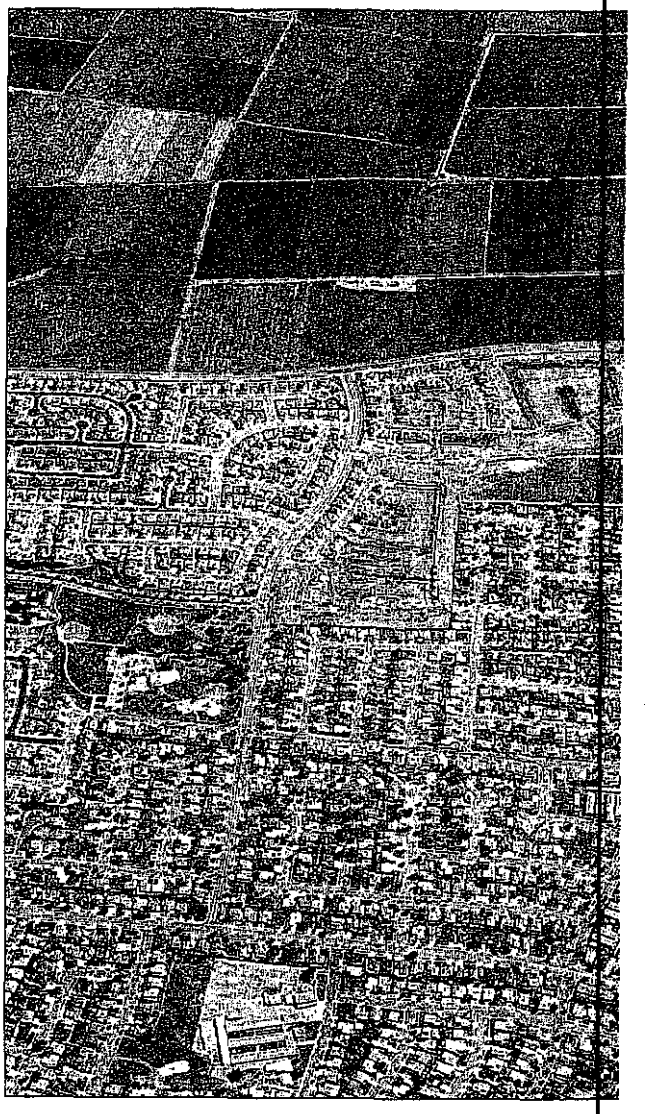
In South County, the farm bureau and the city of Watsonville squabbled for two years over how large the buffer should be between the housing development Vista Montana, known as the Franich property, and the adjacent farm.

The farm bureau wanted a 200-foot buffer, plus walls outside the buffer. The city wanted 50 feet. In the end, they compromised deciding on a 200-foot buffer that would put walls and paths inside the buffer.

James Nagamine's family has owned a cut flower farm next to the Franich property since 1961. His father and other relatives scraped together their earnings from working as farm laborers to buy the land. Now he sees all his family's hard work jeopardized by the new development.

"It's like someone moving into a house next tc you and telling you when you can vacuum or when you can take a shower," he said. "And what recourse do you have? Liffleif any."

"This isn't government regulation," he added. "It's an individual person



New homes encroach into agricultural land.

Dan Coyro/Sentinel

s encroach into agricultural land.

moving in next door to you and dictating what you can do.';

For cut-flower farmers, there are problems in addition to noise, work hours and spraying complaints. There is vandalism and theft.

Nagamine said he watched in recent years as a friend's cut-flower business in the Bay Area went out of business because children who lived in a new subdivision were hitting golf balls into his greenhouse and breaking its windows.

Already, this is starting in Watsonville. Nagamine said his farm had not been vandalized in its 41 years until last year, when construction began on Vista Montana.

Someone spray-painted a 120-foot-long section of his greenhouse. It took four days to clean, he said.

Nagamine isn't convinced the vandalism was designed to drive him out of business and calls it just thoughtlessness. But in the long run, Nagamine said it could amount to much the same thing.

en there's the chi se.

.en his neighbors d it t property t do they con- ted fa n buildings to a home. In 1997, the neigh s filed a compl int with the Farm C mi i n er alleg- i g ov p ay ng of pesticides.

commissioner j t tl u But it wa enough t drive De b ant farmer away.

Now chi says he's losing $7,500 a year in revenues, and consumers have that many fewer strawberries to chose from.

Deiucchi and his attorney Dennis Kehoe axe threatening to sue the county Planning Department if it does not enforce a red tag issued on the farm's neighbor for illegally converting some farm buildings into a home in 1989.

The stories go on

Ringe points to a 15-year-old case on Amesti Road in South County. There, the farmer sprayed his apple orchard with an organic pesticide called lime soap. The problem was that the soap is made with sulfur, which smells like mtten eggs.

The person who lived next door com i ed bou the stench continuously.

"The problem was, he wanted a pristine view of an orchard, but didn't want the work that went with it," Ri g said. "Guess what? That orchard was split into subdivisions d old It's ho s t c w."

Ringe also ir t l an unexpected effect of sh g n xt to farmland: t fi jams. .wberries must be e from farm o air-conditioned warehouse in a matter of minutes or their shelf life diminishes, he said.

nh s b il nex c straw b y iel s, t ac get tied up in res idential traffic, he explained. The few ctra i n es tl y sp d or tl road could t e diffe e ce b e veen shipping around the state and ship- i g around the world.

The Fra ich p ope ty is g n- ple of farmers' underlying fear: good farming conditions eaten up by housing. The site has prime agricultural soil on a flat, open parcel. Far n 's see tl i kind of land developed and wince.

The kind of land needed to cultivate crops is exactly the same that d l- opers are eyeing for construction of houses, farmers say. Since the county is locked in by ocean, forests and mountains, the land is in short supply.

Ringe occupies the od n s both an agricultural consult nt and a Realtor. He says losing agricult d is like choosing between the l bs.

"Do I choose to cut off my pinkie or lose my right eye?" he said.

"The one thing we need to recognize is that we do need growth." he added, "My children will need a place to live when they grow up. So we can't say we can't have growth. But we need to choose which land to save."

Contact Heather Boerner at hboerner@santa-cruz.com.

PROPOSED PLANNING COMMISSION FINDINGS

Informational note: These Findings are identical in substance to those adopted by the Zoning Administrator for Application #00-0669 on May 16,2003, with a minor addition to Development Permit Finding #3 to include more information on visibility from State Park lands as was read into the May 16,2003 hearing record.

These Findings are further supported by the staff report to the Planning Commission dated November 12, 2003, of which this is Attachment 6.

REQUIRED SPECIAL FINDINGS FOR ALL "CA" COMMERCIAL AGRICULTURE USES

1. **That the establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area.**

This finding cannot be made. The project would permanently convert to non-agricultural use approximately 2.2 acres of Coastal Zone Prime Agricultural Land.

As to the agricultural acreage in question, it was gauged at 3.8 acres by the certified Environmental Impact Report for Pacific Mariculture, October 1988, page 61; the project area is alternately identified as 3.55 acres in the applicant's drainage consulting work by Madrone Landscape Group; and the applicant's agricultural consultant Ron Tyler recently estimated 1.5 acres available for cultivation. For this report County staff studied aerial photography showing the previous row crop area, combined with scaled, surveyed project maps, and conservatively estimated the photographed row crop area at 2.2 acres. An additional wedge-shaped area appears to have been managed vegetation, perhaps a crop, but is not added into our estimate.

Any of these acreage figures represent an important area of agricultural land under County policies.

Construction of a large-scale, premier residential seaside estate at this property, besides converting over two acres, would permanently alter the present focus on commercial agricultural use of the property. The real estate market value of the property would shift to reflect the new development. If the proposed project were built, future purchases of the property would necessarily tend to be made by individuals or entities with a primary interest in the seaside estate, and with the financial resources to acquire the property at its heightened real estate market price. Farmers or farming businesses with a primary aim of agricultural crop production would be much less able to acquire the property for commercial agricultural use. There would be the prospect that a future wealthy purchaser

of the property could find the commercial agricultural operation, with its dust, odors, noise, pesticide use, etc., not sufficiently compatible with optimum residential estate living.

A binding commercial farming lease to a farmer could potentially protect the remaining farming operation for a specified period of years following construction of the project, but no such lease could be guaranteed to be renewed by subsequent private parties indefinitely.

Staff does not see a firm basis on which the proposed project may be found to enhance or support the continued operation of commercial agriculture on the parcel.

Permitting a seaside estate residence at this property would also create a precedent in the interpretation of County regulations which would potentially be repeated on other North Coast Commercial Agriculture parcels in Santa Cruz County, including the adjacent parcel, APN 59-023-07, which is presently held by the same investors. Thereby, the future of commercial agriculture operations on other private North Coast parcels could be adversely affected as well.

2. That the use or structure is ancillary, incidental or accessory to the principal agricultural use **of** the parcel or that **no** other agricultural use is feasible for the parcel **or** (or next finding **#3,** next page)

This finding cannot be made. The General Plan and County Code together provide the following definitions of "ancillary, incidental or accessory" which staff used in evaluating this finding.

The General Plan glossary provides a single definition of ancillary/incidental/ accessory use: *Any use which is secondary or subordinate to the principal or main use of a property and which clearly does not change the character of the main use.*

The County Code section 13.10.700 Definitions provide the following:
Ancillary: *Subsidiary or subordinate. A use secondary to the main use of a property. It is a use* ***in support of*** *and connected* ***with*** *that main use."* (emphasis added)
Accessory: *See appurtenant* (next).
Appurtenant Use: *Any use accessory to the main use and customarily apart thereof; an appurtenant use* is *clearly incidental and secondary to the main use and does not change the character of the main use."*
Incidental: *(same definition as the General Plan definition above)*

A premier seaside estate which would convert several acres of prime agricultural land, and which would change the leading character of the property from commercial agriculture to residential estate property, is not "in support of and connected with" the agricultural use and is not "clearly secondary to" the agricultural uses of the parcel.

Further, General Plan Agriculture policy 5.13.29 provides... *the following criteria for*

determining when a residential use would be ancillary to commercial agriculture:

(a) Documentation that the farmable portion of the subject parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops other than greenhouses suited to the soils, topography, and climate of the area; or

(b) Documentation that the owners have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel by another party; and

(c) Documentation that, concurrent with each of the above, the structure is sited in such a manner so as to minimize possible conjlicts with commercial agriculture in the area, and to remove no land from production (or potential production) if any unfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

Note: Criteria (a) and (b) above are some of the criteria which the Agricultural Policy Advisory Coininittee would consider in the case of a recommended approval of this project. The General Plan adds criteria (c), which is included in this present analysis.

Regarding criteria (a), it appears quite possible that the project applicant could provide documentation that the remainder of the farm is large enough as an economic unit with three crops. Although the applicant has not provided the documentation that would be required to meet alternate criteria (b), it appears that the required arrangement may be possible to negotiate. However, for required criteria (c), the project does not remove as little land as possible from production (or, in this case, potential production) since over two acres would be removed from production.

Further regarding criteria (c), and as to whether an unfarmable building site is available, the existing cluster of agricultural support buildings and farm labor housing in the northeast comer of the parcel is built on agricultural soil but is obviously not farmable while in the present use. **A** detailed analysis of how a single family dwelling might be incorporated into the existing building cluster was not part of Planning staffs study but this location appears the best answer to minimizing removal of land from production and minimizing agricultural-residential conflicts.

The applicant's agricultural consultant, Ron Tyler (letter of January 21,2003, Exhibit F) states that the proposed seaside project location would generally be upwind of dust and odors while the existing building cluster lies generally downwind of dust and odors. However, either location will at times be subject to agricultural inconveniences such as dust, odors and noise, and the proposed seaside location would add a second opportunity location for these conflicts on the opposite side of the parcel, instead of remaining at the single location where some residential-agricultural use conflict already exists.

In conclusion on this finding, the proposed project is not found ancillary, incidental or accessory to the principal agricultural use.

3. That the **use** consists **of** an interim **public** use which **does not** impair long-term agricultural viability; or

This finding cannot be made. The proposed development is not an interim public use.

4. That single-family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area.

This finding cannot be made. Because essentially the entire gentle-sloped coastal terrace portion of the property is in commercial agricultural use, it is in fact difficult to site a new residence on the parcel without some conflict with agriculture. However, as discussed in the Initial Study and above, clustering a new residence with the existing structures would consolidate agricultural-residential conflicts in a single location on the property.

With the proposed development site near the ocean bluff, a lengthy residential access driveway would need to bisect through the agricultural fields along an existing fann road, presumably improved to an all-season passenger vehicle quality and width that meets fire agency standards for fire truck access.

Per County agricultural protection policy, protection of the agricultural resource takes precedence over making an estate-type residential development area available on this agricultural land.

5. That the use will be sited to remove no land from production (or potential production) if any nonfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

This finding cannot be made. With its large scale, accessory site development, and proposed location, the project does not remove as little land as possible from potential production. **A** resumption of row crop production now that the aquaculture facility is near complete removal, will only be possible if the project is not built. **A** nonfannable potential building site has not been identified, aside from the potential for redevelopment of the existing cluster of agricultural support buildings and farm labor housing to incorporate an in-scale main residence.

A more traditional farm house, even two story, designed based on other fann houses visible from Highway 1, clustered with existing structures, would be more appropriate for the site and would require a far smaller footprint and impact on agricultural land.

As to whether the proposed project site is farmable, we find that the approximately 2.2 acre agricultural area is viable agricultural land, foremost in that it was actively farmed for many years prior to the installation of the aquaculture facility (which is also classified as agriculture) and the area has no great classification difference in climate, soil type, or accessibility compared to the adjacent, presently-farmed field to the east which also abuts coastal bluffs. The applicant (Rich Beale) advised Planning staff (Jack Nelson) that Mr. Beale does not contest the viability, but rather observes that it is less desirable agricultural land when compared to agricultural land adjacent to the existing farm buildings cluster.

The applicant's agricultural consultant Ron Tyler, in his letter dated January 21,2002 (Exhibit F, Staff Report to the Zoning Administrator, May 16, 2003), writes that the Storie index rating of 50 at the proposed project site is less desirable than the Stone soil index rating of 66 at the existing cluster of buildings. Based on our check of Natural Resources Conservation Service mapping, the soil at the existing cluster of buildings is in a transition between two soil types, having respective Stone indexes of 62 and 66. Most importantly, all of these numbers are indicative of soils suitable for agriculture.

Mr. Tyler also writes that the irregular-shaped proposed project area is subject to certain practical farming constraints of setting up irrigation pipe and turning tractors around, which make the area less desirable for fanning. Favorable farming conditions can be a concern. However, any residence in the 2.2 acre area will have a magnifier effect on Mr. Tyler's farmability concern. While a residence at the proposed near-bluff site does not by its own footprint (whether at 118 or 114 acre or more) necessarily remove the entire 2.2 acre agricultural area from potential agricultural production, there is a tendency for a residential project here to lead to loss of the entire agricultural resource on the 2.2 acres, and this is in fact the outcome under the proposed project design.

In addition to the required special findings (preceding) to be made for all "CA" Commercial Agriculture uses, an ***approval*** of this project in the Coastal Zone would require additional residential use findings to be approved by the Agricultural Policy Advisory Commission (APAC). Given that there are a number of other required findings that cannot be made on the project, as presented here, and which require a recommendation of denial, APAC review was not required.

COASTAL DEVELOPMENT PERMIT FINDINGS:

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

The property is zoned CA-P (Commercial Agriculture - Agricultural Preserve Contract). The Ag Preserve overlay (P) is an artifact of a former Williamson Land Conservation Act contract which expired on February 10, 1982 and has not been reinstituted. CA is a designation which allows residential uses. Residential and nonhabitable accessory structures are a conditional use within the zone district, consistent with the site's (AG) Agriculture General Plan designation,

However, the finding cannot be made, because this residential use must be ancillary to the principal agricultural use of the property. As found in the preceding Commercial Agriculture finding #2, the proposed project is not ancillary.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

A question remains whether this finding could be made. A public access prescriptive rights study is underway, by Joy Chase, Coastal Access Analyst, of the California Coastal Commission; the outcome to the question of public access is not known at this time. The property owner has tacitly observed that public access is/has been taking place, in that a number of heavy-duty no trespass signs have been recently installed in the paths of various existing use trails that lead up from the publicly-accessed Laguna Beach on the north to the bluff edge in the vicinity of the proposed project.

In written comments on this project, the California Coastal Commission (Dan Carl, November 16,2000, Exhibit **F,** Staff Report to the Zoning Administrator) stated: "...there appears to have been longstanding historical public use of the property for access to and along the shoreline at this location. Such access appears to have included access along the blufftop south from Laguna Beach to the beaches and bluffs just north of Red, White & Blue Beach, as well as access across the property from Highway 1 to the beaches and offshore surfing area. As such, we are concerned that the proposed development might directly interfere with public coastal access, and may act to sever what connection may currently exist between up and downcoast recreation areas."

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

This finding cannot be made. The project is not "sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site" (13.20.130c.2). The physical setting is a farm on the Santa Cruz County North Coast. Many North Coast farm examples exist which include farm houses and clusters of fann buildings. These structures are often visible from Highway 1 but appear subordinate to the natural character of the landscape, which can be described as broad coastal terraces used for agricultural crops, periodically bisected by coastal stream arroyos that open onto pocket beaches, with the seaward edges of the coastal terrace fonning scenic sea cliffs that drop to rock shelves, surf, and beaches.

Wilder Ranch State Park holds the only example of a large farm house and it is within a cluster of buildings that constitutes the farm operations facilities. There are no examples of near-bluff houses on the North Coast of Santa Cruz County on large Commercial Agriculture parcels.

Locally in the Coast Road neighborhood, the proposed project size is not within the range bracketed by the smallest and largest homes in this immediate neighborhood of both sides of Coast Road on the ocean side of Highway One.

Grading is not minimized. The proposed 990 cubic yards of grading, including construction of wind-protection berms to compensate for the windy location, do not meet this criteria.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

As discussed in finding #2 above, there is an uncompleted study of public coastal access on the property, and this finding may not be affirmed at this time.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

This finding cannot be made. The project is not in confoiinity with the Local Coastal Program as discussed in finding #3 above.

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 for the most part may be made. However there is an unresolved issue of coastal access rights of neighbors and of the general public, as discussed above. The proposed project would have some potential impact on that coastal access.

Regarding site stability, the project geologist has made a determination of adequate setback from the coastal bluff and sea caves.

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 cannot be made. Some key conflicts with County ordinances and the purposes of the zone district are as follows:

The project is inconsistent with the purposes of agricultural districts in that the project does not preserve Commercial Agriculture land to the maximum extent feasible, given the relatively large development footprint of the house, accessory structures, yard areas, grading design, drainage facilities and landscaping.

Establishment of a large estate may conflict with the remaining commercial agricultural use of the property and thereby threaten the economic integrity of the economic farm unit.

In the absence of clear evidence of the unsuitability of the agricultural land, decisions must be weighted in favor of preservation of land for agricultural use.

The required special findings for "CA" uses cannot be made (discussed above). The required Coastal Permit findings cannot be made (discussed above). The required Design Review finding cannot be made (discussed below).

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 cannot be made. Following are some key General Plan policy conflicts. A Specific Plan has not been adopted for this area of the County.

General Plan Policy 2.22.2 This policy prohibits the conversion of any existing Coastal Zone priority use to another use, except for another use of equal or higher priority. The proposed project would convert over two acres of agriculture—a listed First Priority use—to private residential, a listed Third Priority use. As discussed above in CA Special Finding #2, the proposedresidential use, as designed, is not ancillary to the agricultural use.

Policy 5.1.7 *Structures shall beplaced asfar from sensitive habitat asfeasible.* The proposed project would place an approximately 360 foot long development site along the toe of the Coastal Scrub sensitive habitat which grows on the Sand Hill dune. The Initial Study and following Environmental Review letter call for the project to be placed as far from this sensitive habitat as feasible, i.e. at the existing cluster of buildings. Subsequentlythe applicant submitted a biotic consultant's letter (Biotic Resources Group, January 23,2003, Exhibit F) with the opinion that "there are no significant differences in the two sites relative to impacts to coastal scrub vegetation." The letter also notes that additional area of coastal scrub is specified to be created. However, that work would be unacceptably linked with the conversion of commercial agriculture land.

Policy 5.13.6 This General Plan Agriculture policy requires conditional uses (which includes this project) on Commercial Agricultural lands to meet a list of conditions (a) through (e), as evaluated in the preceding CA Special Findings portion of this report. The project does not meet these conditions.

Policy 5.13.7 *Allow only agriculturally oriented structures or dwellings on Commercial Agricultural land; prohibit non-agricultural residential land use when in conflict with the fundamental objective ofpresewing agriculture.* The project would convert several acres of agricultural land and conflicts with this policy.

policy 5.13.27 *Structures shall be sited to minimize possible conflicts with agriculture in the area. Where structures are located on agricultural land, the structures shall be sited in such a manner to remove as little land as possible from production.* The project does not meet this policy, as discussed in preceding findings.

Policy 5.13.29 This policy conflict regarding ancillary use is already discussed in item #2 of the CA Special Findings above.

Policy 5.19.3 *Protect archaeological resources from development by restricting improvements and grading activities toportions of theproperty not containing these resources, wherefeasible.* As discussed further in the Initial Study, a recorded archaeological site is located adjacent to and probably extending onto the project site. The project archaeological consultant expects that this project will encounter previously disturbed cultural material and may encounter significant resources, including human remains, in spite of the disturbed context. The County's Environmental Review letter (November 5,2002, Exhibit E) calls for relocating the project to avoid impacts to archaeological resources.

The applicant submitted a followup letter from Archaeological Consulting (January 22, 2003, Exhibit F) which states that the presence of a residence adjacent to the archaeological site might have a marginal but positive effect toward discouraging vandalism or trespass disturbance of the site. However, staff believes that moving the proposed site disturbance and development away from the archaeologically sensitive area provides the best protection to archaeological resources and is consistent with this General Plan policy.

Policy 8.3.1 and 8.3.3 These policies require clustering of development, to the benefit of protected resources. The proposed project does not cluster with the existing development,

Policies associated with Objective 5.10, Visual Resources. These General Plan policies require protection of visual resources, including in the rural Highway 1 scenic viewshed. The proposed development location is mapped and designated as "Scenic Resource" on the General Plan Visual Resources Map. This mapping includes "areas having regional public importance for their natural beauty or rural agricultural chafacter" (Policy 5.10.1).

Maintaining a high level of concern €or visual resources at this sensitive site, it does not follow that the General Plan Visual Resource objectives and policies *are* met by this project.

The project relies in part on the Sand Hill dune and in part on a row of screening cypress trees to avoid visibility from Highway 1. The row of trees is not considered a pennanent natural feature. Concerns remain about the condition of these trees. On many of the trees the root systems have shifted and partially failed in winter storms so that the adjacent ground now partially supports the

trees. These trees continue to grow from the roots remaining in the ground. Recently planted trees in a gap in the row of trees are struggling and have much browned foliage.

Nighttime light glow from the structure windows and exterior lights would have some degree of visibility from Highway 1.

Meanwhile, the existing cluster of agricultural support buildings and farm labor housing is plainly visible from Highway 1, particularly along a stretch of highway to the east. This is an additional reason why a development at the existing cluster would be required to be in scale and harmonious with its setting. The proposed large scale project, if simply shifted to this location, would have a high impact on coastal and agricultural vistas.

Early in the project review, County staff requested a visual analysis to include views from Monterey Bay and any State Parks. The applicant objected, stating that an analysis of visibility from the bay would be unprecedented for a single-family dwelling. The Planning Commission finds that this project is somewhat unprecedented, in that it would be the only near-bluff-top residence between the northern Santa Cruz City limit and the San Mateo County line. This North Coast setting is higher in visual sensitivity than sections of coastline with existing urban development. The proposed large development so close to scenic bluffs and beaches would have a visual impact on vistas from the bay.

In an upland area of Wilder Ranch State Park near the scenic canyon of Majors Creek, in the vicinity of approximately 400 feet elevation and one-mile distance from the project site, with a scenic public vista looking down to the coastline below, a portion of the proposed project would be visible. The General Plan Visual Resources Objectives and Policies of Chapter 5 protect these vistas and authorize discretionary review of projects in this setting.

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.

The proposed use would not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it is a dwelling unit plus nonhabitable accessory structures on an existing commercial agriculture working farm. The expected level of traffic generated by the proposed project is anticipated to be 1 peak trip per day **(1** peak trip per dwelling unit). 'Such an increase will not adversely impact existing roads and intersections in the surrounding area.

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 cannot be made. For the reasons discussed above, the project would not complement and harmonize with the existing commercial agriculture land use on the property. The project would also not complement and harmonize with the open space and recreational uses

of the adjacent Laguna Beach, at least to the extent that the project would intensify any conflict in connection with public access through the coastal bluff area which may be determined by the aforementioned prescriptive right access study.

As to the physical design aspects of the local Coast Road neighborhood, the project is well out of scale with other residences in this neighborhood. On the one hand, at the proposed location the project is visually and physically disjunct from the other residences. But the County's November 5,2002 Environmental Review letter (Exhibit E, Staff Report to the Zoning Administrator) calls for mitigating potentially significant environmental impacts by locating at the existing development cluster on the site, which visually is part of the Coast Road neighborhood. The Environmental Review mitigations also require the residential design to fit into the size and height range of this immediate Coast Road neighborhood.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

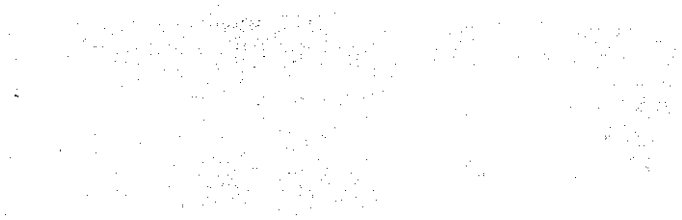
This finding cannot be made. The project does not meet the objective of cluster design for residential develoment in rural areas, in that it establishes a multi-acre new development area, separated from the existing development area. The building design does not address the Commercial Agriculture zone district context, as discussed above in the CA Special Findings. The project has not resolved concerns about protecting the public viewshed, as discussed above in Development Permit finding **#3.**

Planning Commission Determination and Date of Action: _____

_____ _____

_____

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.



Working For The People Who Work The Land
SANTA CRUZ COUNTY
Farm Bureau

October 14,2003

Planning Commission
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: Application No. 00-0669; APN 059-023-08;
Owner: Sand Hill Bluff LLC;
September 24,2003 planning Commission Agenda

Dear Commissioners:

We understand that the above-referenced application to construct a single-family dwelling on Commercial Agricultural (CA) land on the north coast of Santa Cruz has raised several issues concerning the County's agricultural policies. We believe that County Staff is misapplying the County's agricultural policies in several instances in connection with this application. We will address these issues separately below.

APAC Review: As we understand it, the applicant has requested several times that the application be referred to APAC for review, but County Staff has declined these requests on the basis that the project should be denied on other grounds. The "other grounds," however, hinge on a proper interpretation of the agricultural issues. Agriculture is the most important resource on this site; other County policies should be interpreted in light of the priority of the agricultural policies.

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MAC is the body with the expertise necessary to address the agricultural issues associated with this application. The County Code requires APAC to determine whether the special findings required by County Code section 13.10.314(b) (applicable to houses on CA land) can be made. Further, the County Code charges APAC with the authority for making determinations about the agricultural viability of land. APAC should conduct an agricultural viability analysis of the former abalone farm site, as the applicant's agricultural experts have provided evidence that it is no longer suitable for farming.

House Location: We understand that County Staff has concluded that the house would be better located next to the existing farm buildings, even though this would take good agricultural land out of production, due to County policies regarding clustering. The Staff proposed location would be detrimental to agriculture on the site because it would remove good land from production. The applicant's proposed location (on the former abalone farm site) would not take agriculturally viable land from production, and is a much better location from an agricultural preservation standpoint.

Interference with Agricultural Ooerations We understand that County Staff has determined that the house would be more likely to interfere with agricultural operations if located at the former abalone farm site than if located next to the existing farm buildings. We disagree with this analysis. Locating the house adjacent to the existing buildings will definitely interfere with the agricultural operations. All of the existing farm buildings are used as part of the farming operation. The former abalone farm site, on the other hand, has a natural buffer from the farming operations based on the existing row of trees located on the south-easterly boundary of that site and the large sand hill located on the northeriy boundary of that site. This natural buffer will also reduce pesticide drift. In general, locating the house on the former abalone farm site would reduce the conflicts between agricultural and residential uses on the site.

Effect of House on Affordability of Agricultural Land: We understand that County Staff has expressed concern that if the County allows a house on Commercial Agricultural land on the north coast, farmers will not be able to afford such land either for purchase or lease, and it may lead to the demise of agriculture. This analysis overlooks that north coast land is already not affordable for farmers to purchase, and very few north coast farmers own the land that they farm. Throughout the County most farmers rent their land. Farming rents are generally not linked to property values.

We understand that the owner is willing to put the farmable portions of the parcel under a Williamson Act contract if the house is approved on the former abalone farm site. This would enhance agriculture on the site.

Non-Farmer Occupied Dwelling: We understand that County Staff has expressed concern that the house cannot be found to be ancillary, incidental or accessory to the main use of the land for agriculture because the proposed house will not be occupied by the farmer. This reasoning ignores that very few farmers throughout the County reside on the land that they farm. The proposed house should be considered ancillary, incidental or accessory to the main use of the land for agriculture since it will not disrupt the agricultural operations on the site, and will result in a Williamson Act contract for the farmable portions of the site.

We hope that you will consider these comments in your review of the project, and that you will refer the project to APAC for a proper determination of these issues.

Sincerelv.

Edward Ortega

Edward Ortega
President

cc: Catherine Philipovitch