



# County of Santa Cruz

## Department of Community Development and Infrastructure

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Date October 22, 2025

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

**Subject: Public hearing to consider an appeal of the approval of Application 241335, a proposal to construct a single-family dwelling with an increased height from 28 feet to 32 feet with increased setbacks.**

Members of the Commission:

On September 3, 2024, Application 251335 was submitted by Valerie Hart Designs, for a Minor Use Permit requesting an increase in the allowed height of a proposed single-family dwelling from 28 feet to 32 feet based on increased setbacks.

Following submission, the project was reviewed by staff in accordance with the Permit Streamlining Act to determine its conformance with the Santa Cruz County Code. The review process included an evaluation of the proposed scope of work to both ensure consistency with applicable development standards and to assess whether the project would resolve an existing ongoing environmental code violation on the property (NV24775). The application was initially reviewed and deemed incomplete, subsequently appealed, and later accepted as complete on June 26, 2025, notwithstanding outstanding compliance concerns. Additional background information is provided below.

On August 18, 2025, Application 241335 was conditionally approved, requiring that prior to the issuance of a building permit for the dwelling, all code violations as listed under NV24775 must be resolved. The specific conditions for the resolution of the code violation included submittal of grading, drainage, and erosion control plans (Condition II. A. 3.) and the required submittal of a copy of a letter of acceptance of the project Biotic Report that addresses both the code violation and the final siting of the dwelling (Condition of Approval II H). The administrative staff report with a complete list of findings and conditions of approval, is included as Exhibit 2.

Subsequently, on August 26, 2025, Cove Britton, as agent for the owners for Nicholas and Elissa Boyd, appealed *“the Planning Department’s August 18, 2025, approval of Application No. 241335, specifically the condition of approval requiring acceptance of the biotic report (REV241187) as a prerequisite to exercising the permit.”* A copy of the appeal letter, which was sent via email, is included as Exhibit 1.

## Background

Starting in 2022 and prior to the submittal of application 242335, the project site has been subject to an active code violation (NV24775). The listed violations include:

- Significant grading without a permit
- Failure to correct a condition causing or likely to cause erosion
- Land clearing without a permit
- Development within a riparian corridor without a Riparian Exception permit
- Development within a biotically sensitive area without a permit

On November 15, 2022, to address the potential erosion control issues that would likely occur from the unauthorized land clearing on the parcel, the property owners submitted for Land Clearing Permit 231249. The application was processed in accordance with the County Erosion Control ordinance, SCCC Chapter 16.22, and was for the installation of straw wattles, seeding of hillsides, and installation of a construction entrance. The scope of work for Land Clearing Permit 231249 was just to address the immediate erosion control concerns and did not address the unauthorized grading. The permit also explicitly stated that no additional earthwork was allowed.

In conjunction with Permit 231249, the applicant submitted an Oak Woodland and Riparian Corridor Restoration Plan dated July 10, 2023, to support the proposed restoration efforts related to the Land Clearing Permit. This plan, which was approved under Review REV231093 on June 15, 2023, specifically evaluated the impacts from unauthorized land clearing that took place within sensitive habitats on the site. It did not, however, cover all impacts from the unauthorized grading or any additional requirements that might apply to any potential future development. The plan just detailed the restoration activities necessary to return cleared areas to their pre-disturbance condition. Additionally, the report verified the presence and locations of sensitive habitats on the parcel before the unauthorized clearing occurred.

The erosion control measures approved under Permit 231249 were installed and eventually inspected and signed off by County Environmental Planning staff. It should, however, be noted that Permit 231249 was not approved for, and did not address, the grading, riparian and biotic violations as listed on the Notice of Violation, and it should also be noted that that proposed vegetation restoration approved under REV231093 has not been carried out at this time. These issues have not been resolved and are still outstanding

Subsequently, on September 3, 2024, an application was submitted for a single-family dwelling on the parcel (242335). Because the structure as proposed, had a height of 32 feet where a maximum of 28 feet is allowed in the zone district, a Minor Site Development Permit was required in accordance with SCCC 13.10.323(F)(6)(a), which allows for additional height based on increased setbacks. Supporting geotechnical and biotic reports were also submitted and these were reviewed separately under Applications REV2411700 and REV241187.

The soils report (REV2411700) was accepted on September 19, 2024; however, acceptance of the biotic report remains outstanding. Environmental Planning issued a letter on May 12, 2025 (Exhibit 3), outlining actions and information required to proceed with Biotic Review REV241187. The letter included guidance for resolving the outstanding code violation and for finalizing the

siting of the dwelling and associated structures to ensure compliance with County requirements for avoiding and minimizing habitat impacts.

During the review of application 241335, county staff contacted the applicant several times, encouraging the project team to collaborate with Environmental Planning staff and the County Biologist. The goal was to address the outstanding issues related to the proposed siting of the dwelling and resolve the outstanding grading violation, as well as the riparian and biotic concerns outlined in the letter issued for Biotic Report Review REV241187. However, because the applicant showed no willingness to engage in discussion or revise the project to resolve these concerns, they were informed that the unresolved issues could instead be addressed as conditions of approval under application 241335.

As a result, although the guidance provided in the letter had not been followed and the related issues remained unresolved, the application was deemed complete because all other required information had been submitted. This determination of completeness was made in accordance with the provisions of the Permit Streamlining Act, which states that an application cannot be held incomplete solely due to an unresolved report review. A letter confirming the determination of completeness and outlining the remaining areas of non-compliance related to the unresolved grading, riparian, and biotic concerns was sent to the applicant on June 26, 2025.

As a result, staff faced two options for moving the project forward: either deny the application or approve it with conditions of approval ensuring that all violations and mitigation of the remaining biotic issues would be addressed prior to the issuance of a building permit for construction of the dwelling.

Authority for a conditioned approval is provided under SCCC 1.12.060(A) "Violations – Effect on permit issuance," which states:

"An application for a permit pursuant to provisions of the Santa Cruz County Code may be denied or conditionally approved if one or more posted violations of the code or State law are found to exist on the same property and said application does not address the posted violations."

The imposition of conditions of approval related to resolution of code violations is further supported by SCCC 12.01.070(C) "Building permit issuance," which provides that:

"No building permit shall be issued for a project on a property which contains a code violation until such violation is corrected, or unless the building permit is for a project which includes correction of such violation."

Although denial of the project based on the unresolved biotic issues was considered and remained a viable option, staff recognized that denial would bring the process to a halt and prevent the applicant from moving forward with their plans to build a home. Therefore, because approval, where feasible, is always the preferred outcome and a minor increase in the height of the dwelling has no bearing on the siting of the dwelling, staff sought to provide the most accommodating path forward while still upholding County requirements.

To that end, staff determined that the most balanced and reasonable approach was to approve only the request for additional height based on increased setbacks, without approving a specific location or design for the proposed dwelling. This decision allows the applicant to continue working collaboratively with County staff to resolve the outstanding biotic issues while maintaining progress toward obtaining the necessary permits. It also preserves flexibility in the final design and location of the home, to ensure that any future building permit approval will fully address both the existing code violations and the County's environmental and resource protection standards.

Accordingly, as discussed earlier in this letter, Application 241335 was conditionally approved on August 18, 2025. This approval grants the requested height increase subject to increased setbacks, while deferring approval of the structure's final design and location until a building permit is submitted that demonstrates full compliance with applicable County codes and resolves all outstanding violations.

On August 26, 2025, the approval of Application 241335 was appealed by Cove Britton on behalf of the property owner. The appeal primarily challenges the condition of approval requiring acceptance of the project's biotic report. The appellant also argues that the filing of a Notice of Exemption legally concludes environmental review under the California Environmental Quality Act ("CEQA"), making the condition inconsistent with that finding. Additionally, the appellant contends that by conditioning approval on future acceptance of the biotic report, the County is circumventing due process by effectively removing the matter from Planning Commission review.

## **County Responses to Issues Raised in the Appeal Letter**

### **1. CEQA [review] Has Already Been Completed**

The Appellant contends that by filing a Notice of Exemption, the County has completed CEQA review and that this legally concludes the environmental review phase.

While CEQA review is complete, this does not foreclose additional, site-specific review requirements necessary to ensure compliance with County code, particularly those related to biotic resources. Projects that are exempt from CEQA still must comply with the requirements of Title 16 of the County Code.

The key issue is that, as conditioned, the exact location and design of the home have not yet been finalized or approved. The County has intentionally preserved flexibility for redesigning or relocating the structure to allow for full compliance with biotic resource protections. This means environmental considerations tied to the site's unique characteristics and the ongoing Code violation remain relevant and subject to further review prior to issuance of a building permit.

Specifically, the requirement for an approved biotic report is set out in Santa Cruz County Code and is independent of the CEQA process. Pursuant to SCCC 16.32.070, a biotic assessment is required for all development activities within sensitive habitats and areas of biotic concern. Based on site inspections and review of the biotic resources present at the project site conducted by the County biologist, Environmental Planning Staff determined that sensitive habitats as defined in SCCC 16.32.040 are located within and immediately adjacent to the proposed project impact

area. Pursuant to SCCC Section 16.32.070, the Environmental Coordinator determined that a biotic report review and approval is necessary in support of an application to develop the parcel, to ensure protection of sensitive habitats.

Further, SCCC 16.32.080 outlines the preparation, submission, and acceptance process for biotic reports:

- SCCC 16.32.080(A) requires submission of detailed plot plans and supporting information.
- SCCC 16.32.080(B) mandates that biotic assessments be conducted or reviewed by qualified biologists, with the biotic report subject to County acceptance.
- SCCC 16.32.080(C) specifies that biotic reports must conform to County guidelines and be accepted by the Environmental Coordinator before final project approval/construction can proceed.
- SCCC 16.32.080(D) establishes the validity period for biotic assessments and reports, with expiration and re-evaluation conditions.

As of now, the biotic report for the proposed dwelling has not been accepted in accordance with SCCC 16.32.080(C). Therefore, the County's condition requiring an approved biotic report is consistent with County code requirements and is a necessary step to ensure that the project meets applicable environmental protections.

In summary, while CEQA environmental review may be deemed complete for the general project scope via the Notice of Exemption, the local biotic report requirement under County Code remains outstanding and must be satisfied before issuance of a building permit and final project approval. This distinction reflects the County's commitment to both compliance with state environmental law and adherence to its own detailed, site-specific resource protection standards.

## **2. The Condition of Approval Contradicts the CEQA Finding**

The Appellant states that Condition II(H), requiring acceptance of the project's biotic report, conflicts with the CEQA exemption applied to the project and argues that "The unresolved Biotic Report Does Not Mean CEQA Is Incomplete" and that "Objections Do Not Rise to the Level of CEQA Significance." Planning staff disagree.

The applicant misconstrues CEQA. If a project fits within a categorical exemption, there is no evaluation of potentially significant impacts. Conditions imposed pursuant to the Biotic Review in order to comply with the County Code do not indicate that a project has potentially significant impacts under CEQA and do not remove an application from a CEQA exemption.

The project is subject to the Class 3 categorical exemption, which applies to new construction, installation, or conversion of limited number of small structures, facilities, or equipment. As long as the project fits within that category, the exemption applies. There are limited exceptions to categorical exemptions. For example, a Class 3 categorical exemption does not apply if the project would impact an environmental resource of critical concern. If an otherwise exempt project would have potential significant impacts, it is only exempt from a categorical exemption if there are unusual circumstances. The information provided so far has enabled staff to determine that

no exception to the exemption would apply. Therefore, the conclusions of the biotic report will not impact the CEQA determination

The requirement for an accepted biotic report stems from Santa Cruz County Code Sections 16.32.070 and 16.32.080, which apply to development in sensitive habitats and areas of biotic concern. This requirement is a matter of compliance with County code, not CEQA review, and does not reopen or contradict the CEQA exemption. Therefore, the CEQA review has been completed.

Appellant also argues “This Is an Avoidance of Due Process.”

Condition II(H) does not circumvent due process. The requirement for staff acceptance of a biotic report is a standard part of ensuring full code compliance prior to building permit issuance. It does not shift authority or avoid public review. The Planning Commission retains full authority to review or hear the appeal, and the applicant retains the ability to resolve outstanding issues with staff.

### **3. Commission Authority Over This Condition**

The appellant contends that because the conditions of approval for application 241335 require acceptance of the biotic report prior to building permit issuance, this appeal falls within the Planning Commission’s full authority under SCCC Chapter 18.10.320 to review, modify, or strike that condition.

However, SCCC 18.10.320 only governs administrative appeals of specific staff determinations made during the processing of discretionary permits, namely, determinations related to application completeness, environmental review requirements, and vested rights (which are appealable to the Planning Commission), and requirements for technical reports or studies (which are appealable to the Planning Director). As such, SCCC 18.10.320 does not apply to the appeal currently before your Commission, which concerns the conditions of approval for Minor Site Development Permit 241335, not a staff determination regarding completeness, CEQA review, or vested rights.

The correct code section for this type of appeal is SCCC 18.10.324, which provides that appeals of actions on administrative permits are to be heard by the Zoning Administrator. However, SCCC 18.10.124(B) authorizes the Planning Director to refer any appeal to a higher review authority, including the Planning Commission, if, in their judgment, the project merits more extensive review. In this case, staff has exercised that discretion at the request of the Appellant, in order to provide a broader public forum and to facilitate resolution of the issues raised in the appeal.

While the Planning Commission now has full authority to act on application 241335 and its conditions, it is important to clarify that Condition II(H) is not a discretionary policy choice, but rather a reflection of mandatory compliance with SCCC 16.32.070 and 16.32.080, which require acceptance of a biotic report for development in sensitive habitats and biotic concern areas. The Commission may review the condition of approval as part of the appeal; however, it cannot waive or eliminate the underlying code requirement that the condition is intended to enforce.

#### **4. Relief Requested**

The following requests to your Commission, as set out in the Appeal Letter, are addressed as follows:

- Remove the Condition of Approval II. H. requiring submittal of a copy of the letter of acceptance of the project Biotic Report.

Condition II.H enforces mandatory County Code requirements under SCCC 16.32.070 and 16.32.080, which require acceptance of a biotic report for development in sensitive habitats and biotic concern areas. The Planning Commission cannot lawfully remove a condition that ensures compliance with these provisions.

- Clarify that CEQA review for Application 241335 has been completed by Notice of Exemption, and staff may not use technical report “acceptance: as a post-hoc veto power.

CEQA review was completed via a Notice of Exemption for a single-family home in a residential zone. However, the requirement for an accepted biotic report is not imposed under CEQA, but under environmental protection ordinances contained within the Santa Cruz County Code. This condition enforces code compliance, not CEQA.

- Direct staff that any remaining technical disagreements belong in the CEQA record of at hearing, not in open-ended administrative limbo.

The biotic report review process is separate from CEQA and is required by County Code. Staff has not used it to “reopen” CEQA, but to ensure that any future building permit complies with applicable biotic protection standards. The approval of application 241335, subject to conditions that enforce these County Code requirements, provides a clear and constructive path for continued collaboration, not indefinite delay.

Based on the foregoing discussion, the relief requested in the appeal is inappropriate because it seeks to eliminate or weaken a condition of approval that is necessary to ensure compliance with County Code provisions. Removing or modifying the requirement for an accepted biotic report would leave the project inconsistent with County environmental protection standards and undermine the County’s obligation to uphold its own code.

#### **Conclusion**

As approved, the Minor Site Development Permit that was approved under application 241335 grants only the requested height increase of up to 32 feet, for a future single-family dwelling, contingent upon increased setbacks of 40 feet from all property boundaries. It does not approve a specific location or design for the structure. Any proposed development must still comply with all applicable County Code requirements, including the resolution of existing code violations and acceptance of a biotic report in support of the project pursuant to SCCC 16.32.070 and 16.32.080.

While a CEQA exemption has been filed for the construction of a single-family home, the requirement for an accepted biotic report is not a CEQA mitigation measure, but a separate and

mandatory requirement under the Santa Cruz County Code. The condition does not reopen CEQA review, nor does it conflict with the exemption determination. It serves only to ensure that any future building permit meets the required protection standards for sensitive habitats and areas of biotic concern.

Finally, it is important to note that even if no height increase had been requested, any proposed residence on this site would still require a building permit and, by extension, acceptance of a biotic report under the same County Code provisions. The current approval, while limited in scope, offers a pathway for the applicant to proceed, contingent upon providing increased setbacks and meeting all applicable environmental and code compliance obligations.

### **Planning Commission Action**

Santa Cruz County Code 18.10.330 allows for the following actions for items considered on appeal by the Planning Commission (after making required findings):

1. Deny the appeal and uphold the approval of application 241335, based upon the findings and conditions of approval as contained within the administrative staff report,
2. Continue the hearing on the appeal.

### **Staff Recommendation**

In accordance with Santa Cruz County Code 18.10.330 and based on the analysis provided in this letter, Planning Staff recommend that the Planning Commission deny the appeal and uphold the approval of Application 241335 subject to the conditions of approval as contained in the administrative staff report for Minor Site Development Permit 241335 (Exhibit 2). As approved and conditioned, the permit provides a clear and constructive path forward by authorizing the requested height increase with increased setbacks, while deferring approval of the location and design of any proposed dwelling until compliance with County Code requirements is demonstrated. This approach maintains consistency with CEQA, ensures compliance with local environmental protection ordinances (SCCC 16.32.070 and 16.32.080), and supports the applicant's ability to resolve existing the existing Code Compliance violations and proceed toward building permit issuance.

Sincerely,

John Hunter  
Development Review  
CDI Planning

Reviewed by:   
Principal Planner  
CDI Planning

**Exhibits**

1. Appeal Letter
2. Administrative Staff Report 241335
3. Biotic Report Review (REV241187) Letter Dated May 12, 2025

**Date:** 8/25/2025

**To:** Santa Cruz County Planning Commission  
c/o Planning Director  
701 Ocean Street, Room 400  
Santa Cruz, CA 95060

**Re: Appeal of Approval – Application No. 241335 (APN 101-041-09)**

**Applicants:** Nicholas & Elissa Boyd

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Dear Commissioners,

Pursuant to Santa Cruz County Code Chapter 18.10, as agent for the owners for Nicholas and Elissa Boyd we hereby appeal the Planning Department’s August 18, 2025 approval of Application No. 241335, specifically the **condition of approval requiring acceptance of the biotic report (REV241187)** as a prerequisite to exercising the permit.

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## **I. CEQA Has Already Been Completed**

The Staff Report expressly finds that the project is exempt from CEQA review:

*“This finding can be made, in that the project has been determined to be exempt from further review under the California Environmental Quality Act, as indicated in the Notice of Exemption for this project.”*

By filing a Notice of Exemption, the County has already completed CEQA review for this project. That determination legally concludes the environmental review phase.

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## II. The Condition of Approval Contradicts the CEQA Finding

Despite the CEQA exemption, Condition II(H) requires “a copy of the letter of acceptance of the project Biotic Report” before a building permit may issue. This condition is inconsistent and unlawful for several reasons:

1. **Unresolved Biotic “Acceptance” Implies CEQA Is Not Complete**

If staff contend that the biotic report remains unaccepted, they are necessarily asserting that CEQA review is incomplete. That directly contradicts the Staff Report’s reliance on a CEQA exemption.

2. **Objections Do Not Rise to the Level of CEQA Significance**

Whatever disagreements Environmental Planning may have with the biotic report, they plainly do not rise to the level of significance under CEQA — otherwise, an Initial Study and Mitigated Negative Declaration or EIR would be required. By choosing an exemption, the County has already determined there are no potentially significant impacts. Staff cannot impose conditions that effectively reopen CEQA under the guise of “report acceptance.”

3. **This Is an Avoidance of Due Process**

By approving the project but conditioning it on staff “acceptance” of a technical report they refuse to either accept or reject, the Department avoids proper CEQA procedure and shifts decision-making away from the Commission. That is not consistent with due process, the Permit Streamlining Act, or SCCC Chapter 18.

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## III. Commission Authority Over This Condition

Staff may argue that only the Planning Director has authority to “accept” a technical report under SCCC §18.10.320. That would be true if this were a freestanding administrative determination. But here, staff have embedded report acceptance as **Condition II(H)** of the discretionary permit approval.

Once it is imposed as a permit condition, it falls squarely within the Planning Commission’s authority under Chapter 18.10 to review, modify, or strike. The Commission has full discretion to determine whether the condition is necessary or lawful. This appeal properly places the issue before you.

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## IV. Relief Requested

Appellants respectfully request that the Planning Commission:

1. **Grant the appeal** and strike Condition II(H) requiring “acceptance of the biotic report.”
2. Clarify that CEQA review for Application No. 241335 has been completed by Notice of Exemption, and staff may not use technical report “acceptance” as a post-hoc veto power.
3. Direct staff that any remaining technical disagreements belong in the CEQA record or at hearing, not in open-ended administrative limbo.

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## V. Conclusion

The Planning Department cannot have it both ways. If CEQA is exempt, then the biotic report cannot be used as a condition of approval. If CEQA were truly unresolved, an exemption would not have been issued. The present condition reflects not environmental necessity but an avoidance of due process and the law.

For these reasons, we respectfully request the Commission grant this appeal and modify the approval accordingly. We also reserve the right to object to other conditions of approval as appropriate.

Respectfully submitted,

Cove Britton, Architect (C23616) Exp. 8/31/25

Authorized Agent for Nicholas & Elissa Boyd



## Staff Report & Development Permit Minor Use/Site Development Review

Application Number: **241335**

APN: **101-041-09**

Applicant: **Valerie Hart**

Owner: **Nicholas & Elissa Boyd**

Site Address: **1200 Granite Creek Road, Santa Cruz CA 95065**

### Proposal & Location

Proposal to construct a new single-family dwelling exceeding 28 feet in height. Requires a Minor Use Permit to increase building height up to four feet to a maximum of 32 feet, by increasing setbacks five feet for each foot increase in height.

Project site is located on the east side of Granite Creek Road approximately 250 feet south of the intersection of Olaughlin Road (1200 Granite Creek Road) in Santa Cruz.

### Analysis

The subject property is an approximately 7.8-acre vacant parcel in the A (Agriculture) zone district with a R-R (Rural Residential) General Plan designation. The eastern side of the parcel slopes upward from Granite Creek Road and is screened from view from Granite Creek Road by the topography of the area and existing mature vegetation.

This is a proposal to construct a new approximately 3,928 square-foot, single-family dwelling with an attached 430 square-foot garage. The proposed single-family dwelling includes varied wall planes that result in a roofline that is broken up and does not have a continuous ridgeline. Because of the sloped site, some areas of the roof where portions of the dwelling project toward the downhill side of the structure, there is a potential that these areas over building projections will exceed the 28 feet zone district height limit by up to approximately four feet.

### Structures Exceeding Zoning District Height Limit

Santa Cruz County Code 13.10.323(F)(6)(a) provides additional height allowances if all required yards are increased five feet for each foot over the permitted building height. The table below details the required permit approvals based on parcel size and maximum height above existing grade.

| Parcel Size (Net Site Area) | Maximum Height Above Existing Grade                  | Planning Approvals Required |
|-----------------------------|------------------------------------------------------|-----------------------------|
| Less than 2-1/2 acres       | Over zoning district height limit                    | Administrative Use Perm     |
| 2-1/2 acres or larger       | Over zoning district height, up to 7 additional feet | Minor Use Permit            |
|                             | Over zoning district height, over 7 additional feet  | Administrative Use Permit   |

Pursuant to the table above, because the site exceeds 2.5 acres in size, the maximum height of a structure may be increased by up to an additional seven feet pursuant to a Minor Use Permit.

The A (Agriculture) zone district requires a 20-foot setback for the front, rear and side yards. Based on the allowances contained in 13.10.323(F)(6)(a), the four additional feet required to allow for a 32-foot-tall residential structure in the A (Agriculture) zone district would require an additional 20 feet of setback. As such, a minimum setback of 40 feet is required from all property boundaries for the proposed dwelling. Because the site has a minimum width of approximately 450 feet the required additional setback does not preclude the construction of the proposed 4,358 square foot structure.

This permit will therefore allow the proposed single-family dwelling to exceed the maximum height by up to four feet with an increased setback from all property lines of 40 feet.

Findings are on file with Santa Cruz County Planning.

### **Staff Recommendation**

Santa Cruz County Planning has taken administrative action on your application as follows:

  X         Approved (if not appealed).

             Denied (based on the attached findings).

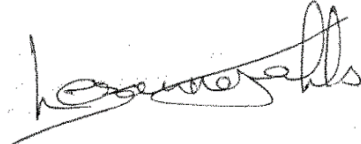
NOTE:       This decision is final unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**Please note: This permit will expire unless exercised prior to the expiration date.  
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact John Hunter at:  
(831) 454-3170 or [John.Hunter@santacruzcountyca.gov](mailto:John.Hunter@santacruzcountyca.gov)

Report Prepared By: \_\_\_\_\_  
John Hunter  
Santa Cruz County Planning  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060



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

Lezanne Jeffs  
Principal Planner  
Santa Cruz County Planning

Mail to:

Valerie Hart  
3680 North Rodeo Gulch  
Soquel, CA 95073

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### Appeals

In accordance with Section 18.10 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Minor (Level 3) review such as this one. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

## Conditions of Approval

Exhibit A: Project plans, prepared by Valerie Hart, dated 8/26/2024.

- I. This permit authorizes the construction of a 3,928 square-foot, single-family dwelling with an attached 430 square-foot garage, based on a required increased setback of 40 feet, from all property lines. This approval does not resolve any existing violations or confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit/Grading Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to Santa Cruz County Planning must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by Santa Cruz County Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with Santa Cruz County Planning. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
    2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Santa Cruz County Planning review and approval.
    3. Grading, drainage, and erosion control plans.
    4. Resolve existing code violation NV24775.

5. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 28 feet.
  6. Details showing compliance with fire department requirements.
  7. A Water Efficient Landscape Plan prepared in accordance with the requirements of the Water Efficient Landscape Ordinance (County Code Chapter 13.13) by a certified/licensed landscape architect, landscape contractor, civil engineer, landscape irrigation designer, landscape irrigation auditor, or water manager. WELO-exempt projects, residential projects of up to two units, or landscapes where at least 30% of the water use is provided by graywater, recycled water or captured rainwater may provide either a signed Water Efficient Landscape Checklist or a Water Efficient Landscape Plan.
    - a. Any landscape plan submitted to comply with SCCC Ch. 13.13 shall include a Water Efficient Landscape Plan Submittal Compliance Statement.
- B. Meet all requirements of and pay Zone drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
1. The discretionary application has not been reviewed for compliance with Part 3 of the County Design Criteria. Prior to issuance of a building, grading, or other permit, final Stormwater Management documents shall be submitted for review and approval by Stormwater Management Section that adhere to the County Design Criteria and County Code 7.79.
  2. Pre-development runoff patterns and rates shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
  3. New and/or replaced impervious and/or semi-impervious surface area shall not exceed 5,000 square feet.
- C. Proof of water service availability is required prior to application for a Building Permit.
- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.

- E. Meet all requirements and pay any applicable plan check fee of the Scotts Valley Fire Protection District.
  - F. Meet all requirements of the Environmental Planning section of Santa Cruz County Planning.
  - G. Submit copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
  - H. Submit a copy of the letter of acceptance of the project Biotic Report.
  - I. Pay the current fees for Parks mitigation. Currently, these fees are \$7.20 per square foot for single family dwellings based upon additional habitable floor area.
  - J. Pay the current fees Child Care mitigation. Currently, these fees are \$0.88 per square foot for single family dwellings based on habitable floor area.
  - K. Pay the current roadway improvement fees as determined by the Public Works Department.
  - L. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a dwelling up to 4,000 square feet is \$10.00 per habitable square foot.
  - M. Provide required off-street parking for two cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
  - N. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. A Landscape Installation Certificate prepared in accordance with the Water Efficient Landscape Ordinance (County Code Chapter 13.13) shall be provided.

- E. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

#### IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

#### V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any

settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.

- D. Successors Bound. The “applicant/owner” shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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

**Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

Approval Date: 8/18/2025  
Effective Date: 9/1/2025  
Expiration date: 9/1/2028

## **Discretionary Permit Findings**

- (a) **Health and Safety.** The proposed location of the project and the conditions under which it would be developed, 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 be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area which allows residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project 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 be materially injurious to properties or improvements in the vicinity.

- (b) **Zoning Conformance.** The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will in substantial conformance with all pertinent County ordinances and the purpose of the A (Agriculture) zone district as the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district.

The A (Agriculture) zone district requires a 20-foot setback for the front, rear and side yards. Based on the allowances contained in 13.10.323(F)(6)(a), the four additional feet required to allow for a 32-foot-tall residential structure in the A (Agriculture) zone district would require an additional 20 feet of setback. As such, a minimum setback of 40 feet is required from all property boundaries for the proposed dwelling. Because the site has a minimum width of approximately 450 feet the required additional setback does not preclude the construction of the proposed 4,358 square foot structure.

- (c) **General Plan Conformance.** The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is in substantial conformance with the use and density requirements specified for the R-R (Rural Residential) land use designation in the County General Plan.

A specific plan has not been adopted for this portion of the County.

- (d) **CEQA Conformance.** The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding can be made, in that the project has been determined to be exempt from further review under the California Environmental Quality Act, as indicated in the Notice of Exemption for this

project.

- (e) Utilities and Traffic Impacts. The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed single-family dwelling will add one residential unit on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only 1 peak trip per day (1 peak trip per dwelling unit). Such an increase will not adversely impact existing roads or intersections in the surrounding area. In addition, all construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project will not overload utilities or otherwise result in an inefficient or wasteful use of energy.

- (f) Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed single-family dwelling is consistent with the land use intensity and density of the neighborhood as designated by the General Plan and implementing ordinances.

- (g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

This finding is not required, in that the project site is not located within the coastal zone.

## **Site Development Permit Findings**

- (a) Siting and Neighborhood Context. The proposed development is designed and located on the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed single-family dwelling is designed and will be located on the site in a manner that will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood.

- (b) Design. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC 13.20.

This finding can be made, in that the proposed single-family dwelling is in substantial conformance with the requirements of the County Design Review Ordinance. The proposed project will be of an appropriate scale and type of design that will complement the aesthetic qualities of the subject property. In addition, the varied wall and roof planes will further break up the mass of the structure and reduce the visual impact of the proposed development on surrounding land uses.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Division has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 241335

Assessor Parcel Number: 101-041-09

Project Location: 1200 Granite Creek Road, Santa Cruz CA 95065

**Project Description: Construct a new single-family dwelling**

**Person or Agency Proposing Project: Valerie Hart**

**Contact Phone Number: (831) 239-1609**

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).  
E. ☒ **Categorical Exemption**

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

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

Construction of a new single-family dwelling on a site which allows residential uses.

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

\_\_\_\_\_  
John Hunter, Project Planner

Date: 8/18/2025



## County of Santa Cruz

Department Of Community Development and Infrastructure

701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070

Planning (831) 454-2580 Public Works (831) 454-2160

<https://cdi.santacruzcountyca.gov/>

May 12, 2025

Property Owner: Nicholas & Elissa Boyd  
C/O Project Applicant: Valerie Hart  
valerie95062@yahoo.com

**Subject:** 1200 Granite Creek Road - Request for Project Revisions and Additional Analysis

**APN:** 101-041-09

**Application #:** REV241187; APP-241335

**Notice of Violation #:** NV24775

**Attachment 1.** 2025 Oak Woodland and Riparian Corridor Restoration Plan

Dear Ms. Hart,

The Planning Department conducted preliminary review of an Oak Woodland and Riparian Corridor Restoration Plan (Plan) dated April 8, 2025, prepared by Biotic Resources Group for APN 101-041-09 (Attachment 1). An earlier version of this report dated July 10, 2023, was also considered during this review. The summary and evaluation below are based on review of these reports and confirmed through field observations made by County Environmental Planning Staff on April 1, 2025.

Preparation of a Biotic Report and Restoration Plan is required to meet two goals:

- 1) To assess impacts resulting from unpermitted land clearing and grading that occurred in sensitive habitats on the parcel and determine appropriate restoration activities needed to resolve Notice of Violation #NV24775;
- 2) To complete biotic report review for proposed development on this parcel to ensure compliance with the County's Sensitive Habitat Protection Ordinance.

The County is amenable to accepting a single combined report to meet these goals, but the report must address all the requirements in Chapter 16 including avoidance and minimization of impacts to sensitive habitats and identification of adequate compensatory mitigation for impacts associated with unpermitted land clearing and any additional unavoidable impacts associated with proposed new development. The proposed new development must be evaluated against the site conditions that existed prior to the unpermitted habitat disturbance.

The current proposal for development in the Plan includes construction of a new single-family home with a large deck, a "storage" structure, stockpile yard, a future ADU, two driveways, several separate parking areas, utility installation, additional grading, and installation of two 5000-gallon water tanks. Other work required for restoration of contours and conditions of disturbed habitat may also be required. As currently designed the project would impact a large area that contained sensitive habitat prior to unpermitted land clearing and proposes to remove additional vegetation and trees in sensitive habitat.

After thorough analysis of the materials provided, the County has determined that the current proposal for development on this parcel does not meet the County's requirements to avoid and minimize impacts to sensitive habitats. The proposed project must be re-designed to avoid and minimize disturbance to existing and former oak woodland and riparian habitats.

The attached Plan identifies five distinct habitat types in the Study Area: Oak Woodland, Grass/Scrub, Mixed Evergreen Forest, Redwood Grove, and an Ephemeral Riparian Corridor. Habitat for special-status species is also present on the parcel.

Oak woodlands, riparian corridors, and habitats for special-status species are protected as sensitive habitat under Santa Cruz County's Sensitive Habitat Protection ordinance (Chapter 16.32). Streams and their riparian corridors are granted additional special protections under the County's Riparian Corridor and Wetlands Protection ordinance (Chapter 16.30). Development activities are prohibited within Riparian Corridors unless Riparian Exception Findings (SCCC 16.30.060) are met, and a Riparian Exception is approved by County Planning.

All projects must meet the County's requirements to avoid and minimize impacts to sensitive species and habitats to the maximum extent possible. The purpose of the biotic report review is to ensure protection of sensitive habitats by documenting the baseline biotic conditions and describing locations of sensitive habitats to guide in planning the least impactful footprint for development. Development plans must take into consideration the location of sensitive species and habitats, and avoidance and minimization must be demonstrated through project design. Sensitive habitats must be avoided unless avoidance is not possible.

If there are reasons that would preclude complete avoidance of sensitive habitats, these reasons must be provided to the County as part of the Biotic Review with analysis and justification explaining how avoidance and minimization of impacts to sensitive habitats were thoroughly considered in choosing the proposed location. Unavoidable impacts must be adequately compensated for.

The bulleted items below include actions and information needed for Planning to move forward with this biotic review:

- Please redesign/reconfigure the proposed single-family dwelling, future ADU, and associated utility and access infrastructure within areas that did not support oak woodland prior to the unpermitted land clearing and/or other previously disturbed areas to the maximum extent possible.
- The proposed restoration identified in Figure 6 of the 2025 Plan is inadequate. The restoration area in Figure 5 of the 2023 Plan identifying restoration of the entire disturbed area of oak woodland is appropriate to compensate for unpermitted habitat disturbance. The proposed residential project should be designed in areas outside of these 2023 restoration areas to the maximum extent possible. Adequate compensatory mitigation for additional unavoidable impacts associated with proposed development must be identified.
- The nature and extent of work that occurred within the ephemeral drainage channel is not clear. A large amount of rock is currently placed in the channel and a road traverses it. Please provide information about the work that occurred within this channel and the condition of the channel prior to unpermitted clearing, grading, and rock placement.
- Because of the large amount of unpermitted vegetation removal that has already occurred on this property, and continues to be done, with evidence of recent grading and tree removal documented on the April 1<sup>st</sup> site visit, additional tree removal will not be considered acceptable unless a recommendation for removal due to health or hazard prepared by a licensed arborist has been provided.

### Project Redesign

Here are some key points that must be considered while preparing new site plans:

- As outlined in the detailed maps provided in Figures 3 and 5 of both the 2023 and 2025 versions of the Oak Woodland and Riparian Corridor Restoration Plan, areas that did not support oak woodland prior to the unpermitted land clearing are the least impactful locations for development on the parcel. The project must be designed so that impacts will occur within these areas and other previously disturbed areas as much as possible.
- All temporary and permanent disturbance associated with the project must be shown on the project plans within a delineated *development footprint*. The development footprint must include all grading, vegetation removal, buildings, utilities, paving, landscaping, access routes, and deposition of refuse or debris associated with the project.
- All areas outside of the development footprint must be labeled on the development plans as sensitive habitat to be avoided during construction.
- Site improvements must be located at or outside of the dripline of remaining native trees. If trees cannot be avoided at or outside of the dripline, recommendations for avoidance and protection measures provided by a qualified arborist shall be provided with the building permit application for review and approval by Environmental Planning Staff.
- No further grading or vegetation removal should occur until permits have been issued.

### Project-specific Impact Analysis

Once project re-design has been completed, a project-specific biological impact analysis must be prepared by a qualified biologist. Here are some key points that must be considered while preparing the project specific biological impact analysis:

- Impacts associated with the creation and management of Defensible Space must be considered as part of the final analysis and included in the final impact calculations.
- Please include a table with the final permanent and temporary impact calculations – Consider all impacts to sensitive habitats associated with grading, driveway construction, trenching, utilities, septic installation, defensible space requirements, and the construction and location of permanent above ground development.
- Please include a Project Impact Map - Show the project footprint in relation to the natural communities and sensitive habitats identified on site. Please include aerial imagery and the boundaries of the parcel. The current report includes aerial photos from the County GIS database through 2020. Google Earth has imagery available for this parcel between September of 2022, prior to the initial vegetation removal, with two images available during 2023 that show the extent of impacts at that time, and as recent as March 30, 2025. Such photos should be included in the impact analysis.
- Analysis and justification must be provided as part of the impact analysis explaining how avoidance and minimization was thoroughly considered in choosing the proposed location to balance sensitive habitat constraints and minimize impacts to sensitive habitats as much as possible.
- Any *unavoidable* impacts identified after avoidance and minimization has been thoroughly considered, must be adequately mitigated and mitigation options must be proposed and approved as part of the biotic report review.

Once you have completed your project re-design, I would be happy to conduct preliminary review of a new Project Impact Map prior to your resubmittal to assist in determining if the new proposed design is consistent with County code.

You may submit the above requested information to me directly via email:

Juliette.Robinson@santacruzcountyca.gov. Please reference the APN# and REV241187 in your correspondences. If you have any questions regarding this letter, please feel free to contact me via email.

Sincerely,



Juliette Robinson  
Resource Planner IV, Biologist

CC: Sydney Niiyama, Area Resource Planner  
John Hunter, Project Planner  
Matt Johnston, Environmental Coordinator  
John Cairns, Environmental Code Compliance