



# Staff Report to the Zoning Administrator

Application Number: **05-0453**

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**Applicant:** Dee Murray  
**Owner:** Francois Henley  
**APN:** 041-281-61

**Agenda Date:** March 3, 2006  
**Agenda Item #:** 1  
**Time:** After 11:00 a.m.

**Project Description:** Proposal to construct a 3,270 square foot habitable accessory structure with a bathroom and wet bar for an indoor swimming pool and grade about 820 cubic yards for the pool house and adjacent tennis court. Requires a Residential Development Permit for a Habitable Accessory Structure over 1,000 square feet with a bathroom and Preliminary Grading Review.

**Location:** Property located at the end of Shadowmere Lane, about 1/2 mile east of Freedom Blvd. in Aptos (525 Shadowmere Lane).

**Supervisory District:** 2nd District (District Supervisor: Ellen Pirie)

**Permits Required:** Residential Development Permit for a Habitable Accessory Structure over 1,000 square feet

**Staff Recommendation:**

- Approval of Application 05-0453, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

**Exhibits**

- |    |  |    |  |
|----|--|----|--|
| A. | Project plans                              | F. | Zoning and General Plan map                    |
| B. | Findings                                   | G. | Printout of Discretionary Application Comments |
| C. | Conditions                                 | H. | Comments & Correspondence                      |
| D. | Categorical Exemption (CEQA determination) |    |  |
| E. | Assessor's parcel map                      |    |  |

**Parcel Information**

Parcel Size: About 45 acres  
Existing Land Use - Parcel: One single-family dwelling

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Existing Land Use - Surrounding: Single-family dwellings on large lots, Aptos High School  
Project Access: Shadowmere Way  
Planning Area: Aptos Hills  
Land Use Designation: R-R, P (Rural Residential, Public Facility)  
Zone District: SU, PF (Special Use, Public Facilities)  
Coastal Zone:  Inside  Outside  
Appealable to Calif. Coastal Comm.  Yes  No

### Environmental Information

Geologic Hazards: No physical evidence in vicinity of project site  
Soils: Baywood Loamy Sand, Ben Lomond Sandy Loam, Elkhorn-Pfeffer complex, Nisene-Aptos complex, Tierra-Watsonville complex  
Fire Hazard: Mitigatable Fire hazard on south end of property, not at site  
Slopes: About 20% slope at project site  
Env. Sen. Habitat: None mapped or evidence found at project site, impact to potential Santa Cruz Long Toed Salamander habitat at pond 700 feet to the southwest of the project site determined to be not significant.  
Grading: About 820 cubic yards of cut, balanced by 820 cubic yards of fill  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing and proposed drainage adequate  
Traffic: No increase  
Roads: Existing roads adequate  
Parks: Existing park facilities adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:  Inside  Outside  
Water Supply: Central Water District  
Sewage Disposal: Existing septic system  
Fire District: Aptos-La Selva Fire Protection District  
Drainage District: Not applicable-outside Drainage District

### History

The existing single-family dwelling at 525 Shadowmere Way was constructed in 1989, under building permit 2160R. The current property is the product of two previous lot line adjustments with adjacent parcels, 02-0493 approved in September 2003 and 00-0654 approved in March 2001. The latter lot line adjustment resulted in the transfer of about 10 acres from land previously owned by the Pajaro Valley Unified School District at Aptos High School, and this transferred portion retains the original PF (Public Facility) zoning. The proposed pool house and tennis courts are not proposed at this location.

The County Planning Department accepted the current application for the pool house and tennis courts on July 18, 2005, and the project was originally scheduled to go before the Zoning Administrator on December 16, 2005. Prior to the public hearing, Environmental Planning staff determined that additional information was needed to determine impacts to adjacent Santa Cruz Long-Toed Salamander habitat, and the project was continued to the March 3, 2006 Zoning Administrator hearing.

### **Project Setting**

The subject property is located within the Aptos Hills planning area, immediately north of Aptos High School. The project site is located on a portion of the site with less than 30% slopes (at around 20% slopes), and is located about 160 feet away from the existing single-family dwelling in order to cluster the project in a developed portion of the site. A small pond with potential for Santa Cruz Long Toed Salamander (SCLTS) habitat exists at the eastern portion of the site, about 700 feet southeast of the project site.

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

The subject property is a 45 acre lot, with both the SU and PF (Special Use and Public Facilities) zone districts. The project site is located on the SU zoned portion of the property, which retains a Rural Residential (R-R) General Plan designation. Residential Agriculture (RA) zone district site uses and standards apply to SU zoned parcels with residential General Plan designations.

The proposed pool house will comply with Section 13.10.611 of the County Code (regulations pertaining to accessory structures), in that it will be subordinate to the existing single-family dwelling on site, and will not easily be converted into a second dwelling unit. The project requires a Level 5 Residential Development Permit as it will be a habitable accessory structure over 640 square feet in size, it will be located more than 100 feet from the main dwelling (about 160 feet separation), and will have a bathroom with shower facilities.

Due to the large size of the subject parcel, topography, and existing vegetation on site, the pool house will not be visible from adjacent properties and will therefore be compatible with the surrounding neighborhood.

### **Santa Cruz Long Toed Salamander Habitat**

A small pond with potential for Santa Cruz Long Toed Salamander (SCLTS) habitat exists at the eastern end of the property, about 700 feet from the site of the proposed pool house and tennis court. Environmental Planning, representatives from the US Fish and Wildlife Service, and representatives from the California Department of Fish and Game met on site on January 27, 2006 to evaluate potential impacts of the project on SCLTS habitat. At this meeting, these representatives determined the location of the project is not viable SCLTS habitat due to its location within an existing disturbed area previously occupied by Eucalyptus groves. Furthermore, the lack of ground cover and the southern exposure of the project site discourage

SCLTS from traveling across the site. To prevent potential impacts to SCLTS individuals, a qualified professional biologist shall survey the site for SCLTS individuals and shall monitor initial clearing and grading activities (Conditions of Approval IILA, B, and C). Immediately prior to start of construction, a silt fence will be installed around the perimeter of the project site to prevent SCLTS individuals from entering the construction zone (Condition of Approval ILH).

### Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### Staff Recommendation

- APPROVAL of Application Number **05-0453**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

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Santa Cruz County Planning Department  
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## Development Permit Findings

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

This finding can be made, as the proposed pool house will be located on a large parcel adjacent to an existing single-family dwelling, away from development on surrounding properties. The project will be required to comply with all applicable building, electrical, plumbing, and energy codes as the building permit application stage, ensuring the health and safety of occupants.

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

This finding can be made, as the proposed pool house will meet all site standards of the SU zone district with a residential General Plan designation, the zone district and General Plan designation for the portion of the property the structure will be located. The structure will comply with the purposes of the zone district, as it will be a residential accessory structure subordinate to the existing single-family dwelling on site. Furthermore, the structure will comply with Section 13.10.611 of the County Code in that the structure will only be used as a pool house and will not easily be converted into a dwelling unit.

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

This finding can be made, in that the proposed pool house is a residential use consistent with the use and density requirements specified for the R-R (Rural Residential) land use designation in the County General Plan, as the pool house will be subordinate to the existing single-family dwelling on site.

The proposed pool house will comply with Policy 5.1.7 (Site Design and Regulations for areas with Sensitive Habitats) in that the structure will be located in an area determined not be conducive to Santa Cruz Long-Toed Salamander (SCLTS) habitat, and will be more than 700 feet from the potential SCLTS breeding pond.

The proposed Habitable Accessory Structure to house an indoor pool will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed Habitable Accessory Structure will comply with the site standards for the SU zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, as adequate utility service is available to the subject property to support the pool house, and no additional traffic will be generated by the new structure as no new bedrooms will be constructed.

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

This finding can be made, as the proposed pool house will match the architectural character and style of the existing residence. Furthermore, the pool house will not be visible from neighboring properties, and will therefore be compatible with the rural nature of the surrounding neighborhood.

## Conditions of Approval

Exhibit A: Project plans, seven sheets, drawn by Thacher & Thompson Architects, dated July 15, 2005.

- I. This permit authorizes the construction of a Habitable Accessory Structure with an indoor pool and outdoor tennis courts. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
    1. Identify finish of exterior materials and color of roof covering for Planning Department approval. **Any** color boards must **be** in 8.5" x 11" format.
    2. A grading plan, with the following additional information:
      - a. Provide grading cross sections through all proposed improvements.
      - b. Provide top and bottom wall elevations on all proposed retaining walls at all angle points and changes in wall heights.
      - c. Provide a complete Erosion Control Plan, including EC measures, locations, construction details and notes.
      - d. Plans shall make specific reference to Report No. 0502-SZ974-E61 by Bauldry Engineering in Note 6.
    3. A drainage plan, with the following additional information:
      - a. Provide documentation on how the proposed spreader will retain runoff.
      - b. Details showing alternative surfacing for the proposed tennis court and patio areas, to minimize proposed impervious areas, if feasible.
    4. An erosion control plan.

5. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
  - D. Submit a septic tank pumper's report, and 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 Aptos/La Selva Fire Protection District.
  - F. Submit 3 copies of a plan review by the project Geotechnical Engineer.
  - G. Complete and record a Declaration of Restriction to construct and maintain a habitable accessory structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
  - H. Prior to issuance of a building permit the plans shall show a silt fence on the perimeter of the construction site. The fence shall serve to prevent Santa Cruz Long Toed salamanders from entering the work area.
- 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. A qualified professional biologist shall survey the site for Santa Cruz Long Toed salamander immediately prior to the start of construction.
  - B. After completion of the survey and prior to the start of construction, a pre-construction meeting shall occur on site meeting with Environmental Planning staff and the biologist. Silt fencing shall be installed prior to this meeting.
  - C. The biologist shall be on site to monitor initial clearing and grading activities. If at any point a special status species animal is found the biologist shall halt activity on site and consult with the US Fish and Wildlife Service and California Department of Fish and Game for direction. The biologist shall also periodically verify that the silt fence is in good condition and functioning as a barrier to salamanders.
  - D. All site improvements shown on the final approved Building Permit plans shall be installed.

- E. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- F. The project must comply with all recommendations of the approved soils reports.
- G. Pursuant to Sections 16.40.040 and 16.42.100 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 16.42.100, shall be observed.

IV. Operational Conditions

- A. No grading shall be permitted between October 15 and April 15, and all erosion control measures must be in place prior to October 15.
- B. 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. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY **seeks** to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and

2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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Minor variations to **this** permit 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 **two** years from the effective date unless you obtain the required permits and commence **construction**.

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

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

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

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Don Bussey  
Deputy Zoning Administrator

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David Keyon  
Project Planner

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 05-0453  
Assessor Parcel Number: 041-281-61  
Project Location: 525 Shadowmere Way

**Project Description: Construct a habitable accessory structure**

**Person or Agency Proposing Project: Dee Murray**

**Contact Phone Number: (831) 475-5336**

- 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).

Specify type:

- E.  **Categorical Exemption**

Specify type: 15301(4): Construction of accessory structures, including swimming pools

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

Structure is accessory to an existing single-family dwelling

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

\_\_\_\_\_  
David Keyon, Project Planner

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

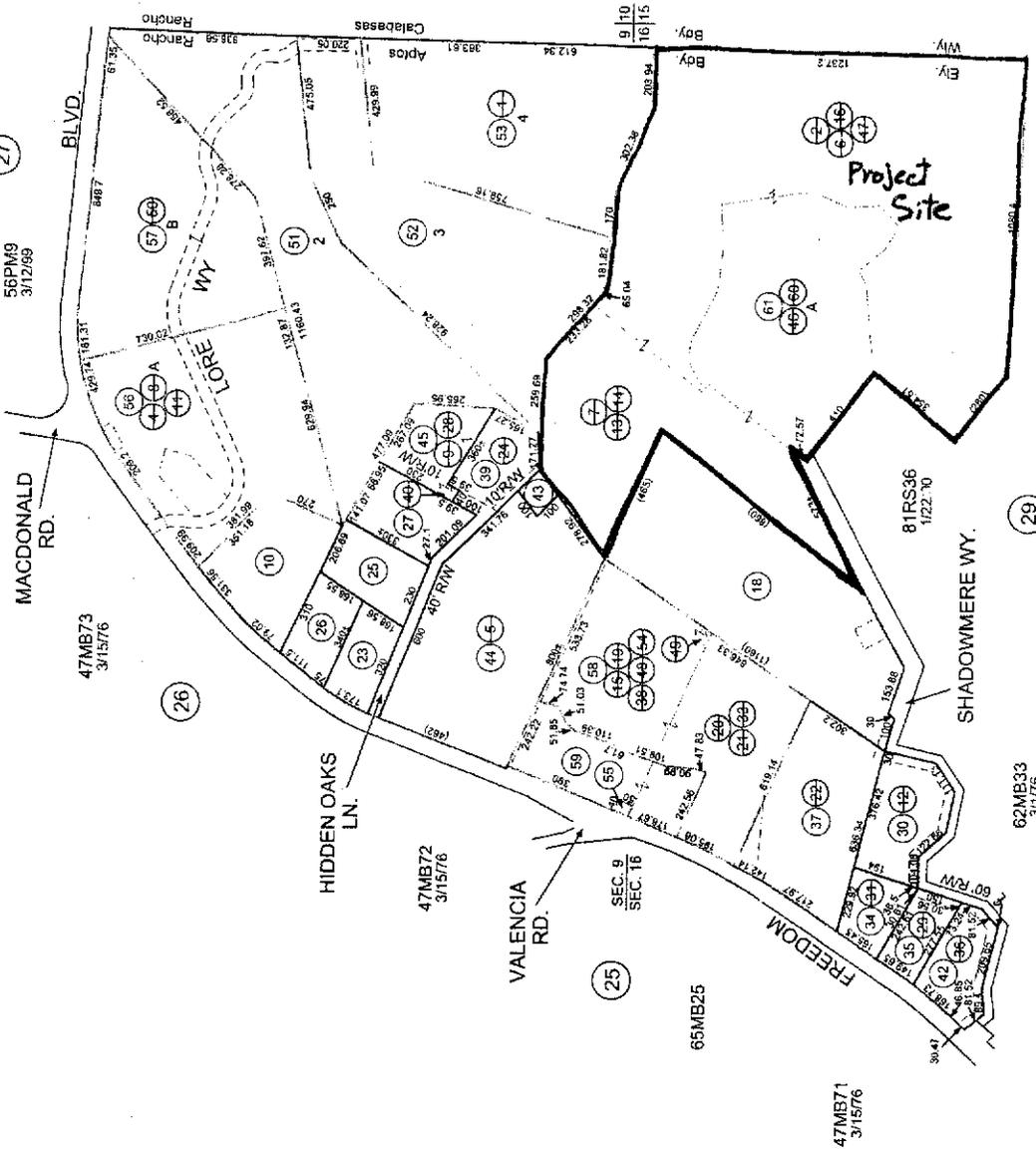
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Tax Area Code  
69-108



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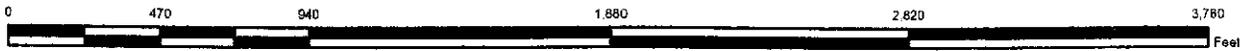
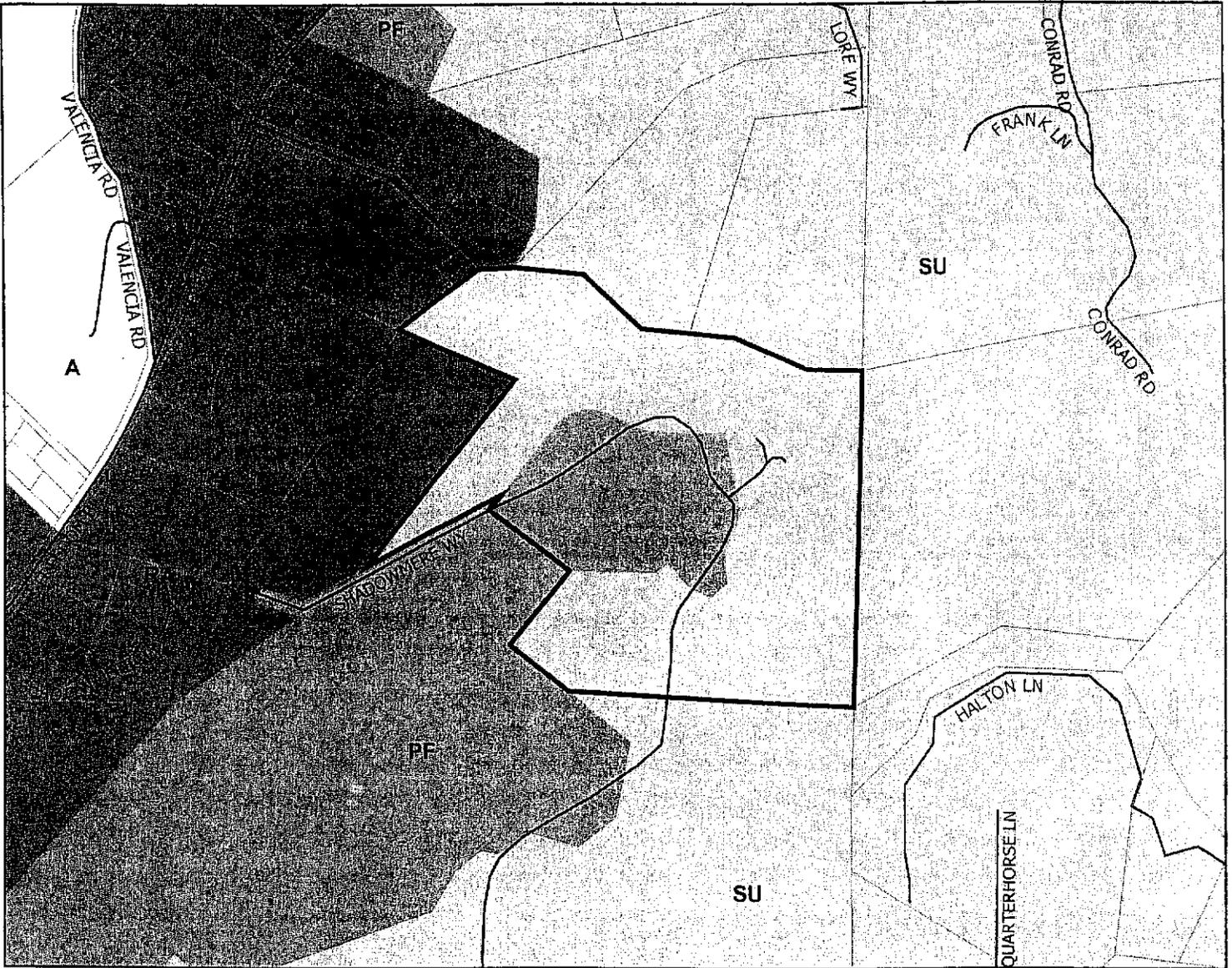
Assessor's Map No. 41-28  
County of Santa Cruz, Calif.  
Jan. 1999

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

Electronically Redrawn 1/28/99  
Rev. 8/20/95 CB 156PM. 1-56 & 57  
Rev. 8/20/95 CB 1504K02. 1-56 & 59  
Rev. 3/22/94 M.M. (3-23-94) 1-50  
Rev. 12/21/04 M.M. (4-06-09) 1-51

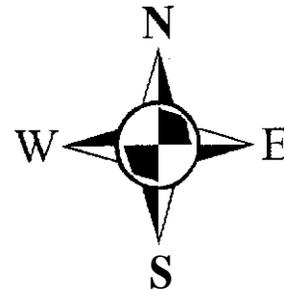


# Zoning Map



## Legend

- APN 041-281-61
- Assessors Parcels
- Streets
- AGRICULTURE (A)
- AGRICULTURE COMMERCIAL (CA)
- AGRICULTURE RESIDENTIAL (RA)
- PUBLIC FACILITY (PF)
- SPECIAL USE (SU)



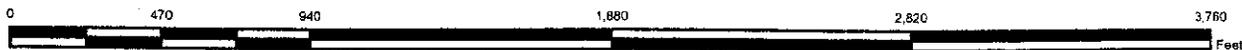
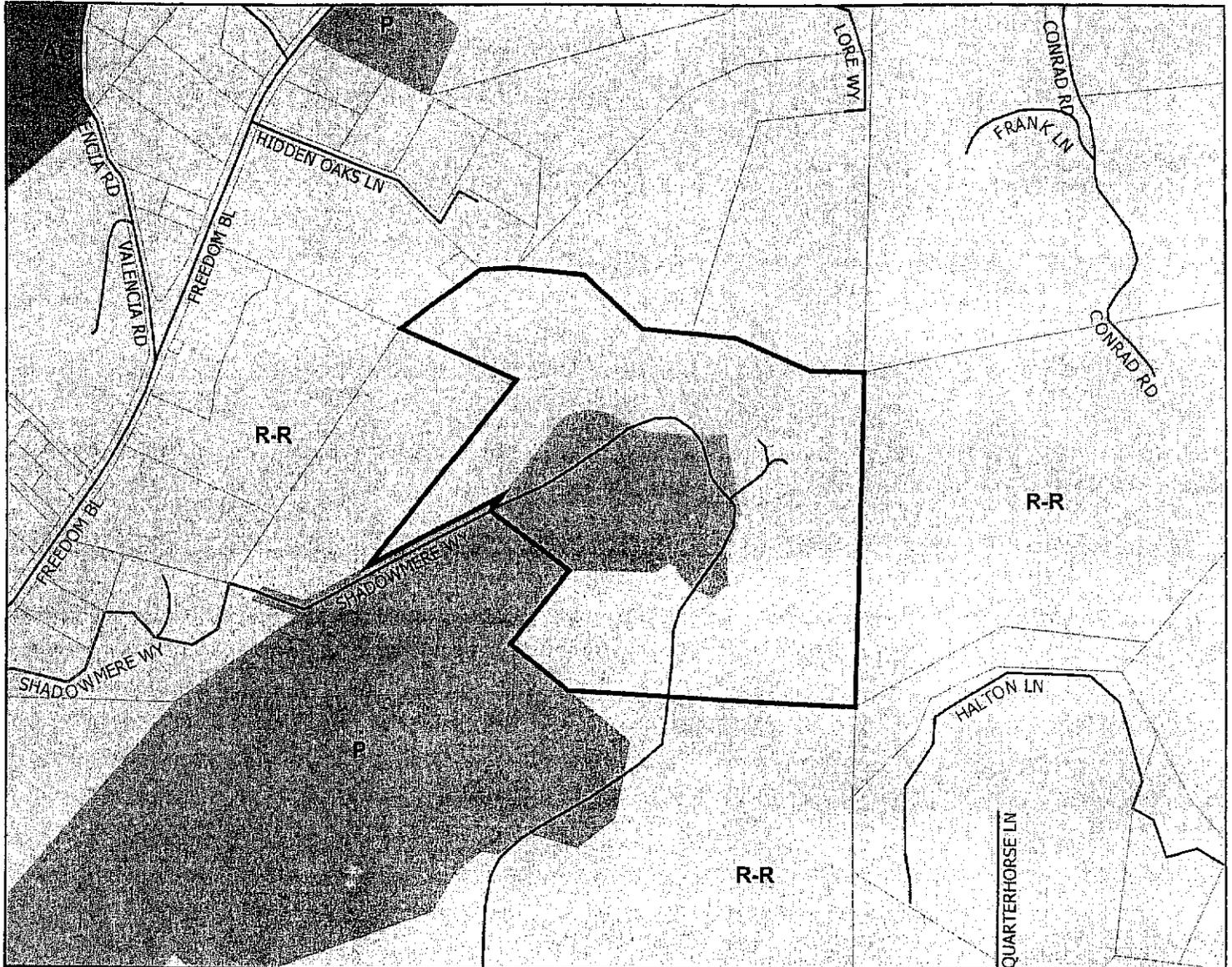
Map Created by  
County of Santa Cruz  
Planning Department  
July 2005

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EXHIBIT F

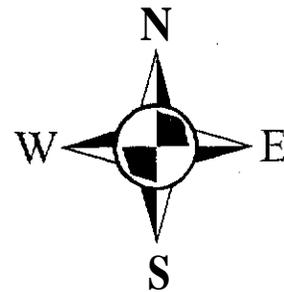


# General Plan Designation Map



## Legend

-  APN 041-281-61
-  Assessors Parcels
-  Streets
-  Agriculture (A)
-  Residential-Rural (R-R)
-  Public Facilities (P)



Map Created by  
County of Santa Cruz  
Planning Department  
July 2005

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C O U N T Y O F S A N T A C R U Z  
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: David Keyon  
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Date: November 22, 2005  
Time: 14:06:46  
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Environmental Planning Completeness Comments

===== REVIEW ON JULY 27, 2005 BY KEVIN D CRAWFORD =====

07/27/05 - Project application is complete for grading & soil report purposes. Kevin Crawford ===== UPDATED ON AUGUST 16, 2005 BY ROBERT S LOVELAND =====  
Since the swimming pool proposed is located indoors no further biotic information is required,

===== UPDATED ON NOVEMBER 15, 2005 BY ROBERT S LOVELAND =====

Environmental Planning Miscellaneous Comments

===== REVIEW ON JULY 28, 2005 BY KEVIN D CRAWFORD =====

07/28/05 - Review of plans by Thacher & Thompson Architects dated 7/15/05. 6 sheets, and Prelim. Grading & Drainage Plan by Ifland Engineers dated 7/13/05. 1 sheet: (Comments pertain to Ifland Plan Sheet) 1) Provide grading crosssections through all proposed improvements. 2) Provide top and bottom wall elevations on all proposed retaining walls at all angle points and changes in wall heights. 3) Provide a complete Erosion Control Plan, including EC measures, locations, construction details and notes. 4) Revise Note 1 to read "Planning Dept." instead of DPW, and also make specific reference to Report No. 0502-SZ974-E61 by Bauldry Engineering in Note 6.

Also, add Ifland plan sheet(s) to Index on Sht 1. ===== UPDATED ON JULY 28, 2005 BY KEVIN D CRAWFORD =====

Comments above shall be fully addressed prior to building permit issuance. Kevin Crawford ===== UPDATED ON AUGUST 16, 2005 BY ROBERT S LOVELAND =====

Conditions of Approval:

1. Submit a detailed grading/erosion control plan for review and approval.
2. Submit a "Plan Review" letter from your project geotechnical engineer upon building permit submittal
3. The grading work proposed for this project shall take place between April 15th and October 15th. Winter grading shall not be granted for this project. All erosion/sediment control practices shall be installed by October 15th.

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON AUGUST 1, 2005 BY ALYSON B TOM ===== Application with civil plan dated 7/13/05 has been received and is complete with regards to drainage for the discretionary stage given than retention of all added runoff appears feasible on site. Please see miscellaneous comments that should be addressed prior to building permit issuance.

Dpw Drainage Miscellaneous Comments

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Discretionary Comments - Continued

Project Planner: David Keyon  
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Time: 14:06:46  
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LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON AUGUST 1, 2005 BY ALYSON B TOM ===== Please address the following prior to building permit issuance.

1) The project is located in a groundwater recharge zone. Given the distance from the discharge location relative to the downstream property line and the soil type from the USDA soils survey, retention of added runoff from the project should be feasible. Provide documentation on how the proposed spreader will meet this requirement

2) This project should minimize proposed impervious areas. Consider alternative surfacing for the proposed tennis court and patio areas.

For questions regarding this review, Public Works stormwater management staff is available from 8-12 Monday through Friday. All submittals should be made through the Planning Department, Additional comments may be made in the building permit stage.

Dpw Road Engineering Completeness Comments

===== REVIEW ON AUGUST 9, 2005 BY GREG J MARTIN =====  
No comment

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON AUGUST 9, 2005 BY GREG J MARTIN =====

Environmental Health Completeness Comments

===== REVIEW ON AUGUST 5, 2005 BY JIM G SAFRANEK ===== No Comment.

Environmental Health Miscellaneous Comments

===== REVIEW ON AUGUST 5, 2005 BY JIM G SAFRANEK ===== Proposal requires a passing septic pumper's report. In general, no grading over existing septic system. Check fee for EHS review (based on fiscal yr increase) and bill applicant accordingly.

Aptos-La Selva Beach Fire Prot Dist Completeness C

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON AUGUST 4, 2005 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept.

APPROVED

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous