



## Staff Report to the Zoning Administrator

Application Number: **101108**

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**Applicant:** Brent & Sylvia Constantz

**Owner:** Brent & Sylvia Constantz

**APN:** 046-391-08

**Agenda Date:** September 16, 2011

**Agenda Item #:** 1

**Time:** After 10:00 a.m.

**Project Description:** Proposal to enclose an existing breezeway and convert an existing storage area over the detached garage into a habitable playroom. The project also includes a kitchen remodel, a "boat landing" (large parking area) adjacent to the garage, an above-ground spa, outdoor shower, outdoor fireplace, enlarged patio, a greenhouse with patio, two freestanding 30-foot tall wind turbines, two cisterns and a six-foot perimeter fence.

**Location:** The property is located on Seaview Terrace northwest of the intersection of Seaview Terrace and Crest Drive, approximately 900 feet from the intersection of Crest Drive and San Andreas Road.

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

**Permits Required:** Amendment to Coastal Development Permit 01-0088, Residential Development Permit, and a Preliminary Grading Approval

**Technical Reviews:** Biotic Resources Report Review, Geotechnical Report

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 101108, based on the attached findings and conditions.

### Exhibits

- |                          |                                     |
|--------------------------|-------------------------------------|
| A. Project plans         | E. (CEQA determination)             |
| B. Findings              | F. Assessor's, Location, Zoning and |
| C. Conditions            | General Plan Maps                   |
| D. Categorical Exemption |                                     |

### Parcel Information

Parcel Size: 2.76 acres  
Existing Land Use - Parcel: Residential

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Existing Land Use - Surrounding: Commercial Agriculture, Residential, Resource Conservation  
Project Access: From driveway off Seaview Terrace  
Planning Area: San Andreas  
Land Use Designation: A (Agriculture)  
Zone District: CA (Commercial Agriculture)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Baywood loamy sand, Elder sandy loam, Pfeiffer gravely sandy loam  
Fire Hazard: Not a mapped constraint  
Slopes: N/A  
Env. Sen. Habitat: Biotic assessment completed: resources including Santa Cruz Long-Toed Salamanders and California Tiger Salamanders  
Grading: 51 c.y. cut, 209 c.y. fill  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: San Andreas Mutual Water Company  
Sewage Disposal: Private septic  
Fire District: Aptos- La Selva Beach Fire Protection District  
Drainage District: Out of zone

### History

The property was first reviewed as a site for a single-family residence under Coastal Permit 80-95 (Coastal Commission jurisdiction) but a residence was not built at that time. Additional review occurred for Parcel Legality Determination 89-0019 under APNs 046-271-32 and -33. The existing single-family residence and garage were approved under Coastal Permit 01-0088, which included a Biotic Report Review, an Agricultural Buffer Determination (October 18<sup>th</sup>, 2001), Soils Report Review and a Grading Permit.

Under the 01-0088 approval, an Agricultural Buffer Determination required a 100-foot setback from Commercial Agriculture-zoned land to the north of the parcel, and a 40-foot setback to the south. The permit also allowed the single-family residence to exceed the maximum 28-foot height limit to be increased to approximately 33 feet.

## **Project Setting**

The 2.76-acre property is developed with an existing residence and garage, and slopes slightly to the southwest. The site is primarily vegetated with non-native grasses and coastal scrub. Adjacent properties to the southwest are developed with greenhouses and row crops. The CA-zoned property to the north is in production as a lavender farm. The CA-zoned parcel to the southeast is developed with a single-family residence in the vicinity of the subject property. As a result, no conflicts exist with agricultural uses along the property line in that portion of the parcel because of the adjacent residential build-out on both parcels. The parcel abuts the Ellicott Slough National Wildlife Refuge to the north, across San Andreas Road, and is approximately 600 feet from Ellicott Pond, a known breeding ground for the Santa Cruz long-toed salamander (SCLTS) and the California tiger salamander (CTR).

## **Analysis and Discussion**

A single-family residence and appurtenant structures such as those that are proposed in this application are allowed uses in the CA zone district. A reduced agricultural buffer was approved under 01-0088 that established a 40-foot setback from APN 046-391-06 to the southwest and a 100-foot setback from APN 046-391-01 to the northwest, thus constraining the developable area. The proposed greenhouse can be permitted within the 100-foot agricultural setback area because it is a non-habitable structure with an agricultural use. The project area is further constrained by a 60-foot buffer zone from the edge of the coastal scrub habitat adjacent to the Ellicott Slough Wildlife Refuge to the north that was required by the 01-0088 approval.

A Biotic Report by Biosearch Associates, dated March 5, 2001 was submitted with application 01-0088. The report did not find any special status plant or wildlife species on the project site, but suggested that Santa Cruz long-toed salamanders (SCLTS) and the California tiger salamanders (CTS) from Ellicott Pond may potentially travel across the grassland and coastal scrub areas of the property during the breeding season. Based on the Biosearch report recommendations, project conditions required that a 60-foot buffer should be maintained abutting San Andreas Road and Ellicott Slough Refuge, and that this area be maintained as grassland/coastal scrub habitat.

Biosearch Associates conducted a site visit and provided an updated biotic letter report dated November 12<sup>th</sup>, 2010 for the current application. The County's consulting biologist, Bill Davilla of Ecosystems West, conducted a site assessment and reviewed the Biosearch report. It has been determined that the Conditions of Approval from 01-0088, along with several new conditions as determined by County Resource Planning staff, will be sufficient to prevent SCLTS or CTS "take" or other significant environmental impacts from the proposed project. These protective conditions include continued vegetative management of the coastal scrub grassland portions of the property, fencing that will not impede the movement of salamanders or other small species, and proper timing and monitoring of construction activities.

Two wind turbines are proposed near the grassland area of the property. The Windspire brand of turbines do not have the usual large external blade design that has been known to result in bird and bat collisions; however, because the turbines are near a grassland where foraging raptors may hunt, the applicant will be required to provide supporting evidence from the manufacturer prior to Building Permit issuance that addresses the likelihood of impacts to birds and bats.

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

The subject property is a parcel of approximately 2.76 acres, located in the CA (Commercial Agriculture) zone district, a designation that allows residential uses. The proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing are principal permitted uses within the zone district and the zoning is consistent with the site's (A) Agriculture General Plan designation.

### **Local Coastal Program Consistency**

The proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing are in conformance with the County's certified Local Coastal Program, in that the structures are sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings, agricultural uses and appurtenant structures. Size and architectural styles of these structures are varied, and the design of the structures and landscaping as submitted is consistent with the existing range of styles in the area. The project site is located between the shoreline and the first public road but it is not identified as a priority acquisition site in the County's Local Coastal Program and the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Design Review**

The proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing comply with the requirements of the County Design Review Ordinance, in that the proposed structures and landscaping will incorporate site and architectural design features such as natural materials with a rural look and rustic landscaping that incorporates and protects native plants to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

### **Environmental Review**

Environmental evaluation of the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is eligible for a Categorical Exemption under CEQA Section 15303, New Construction or Conversion of Small Structures. This Categorical Exemption applies because the proposed improvements are accessory (appurtenant) to an existing single-family residence.

### **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**

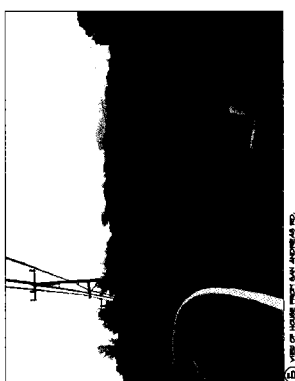
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **101108**, based on the attached findings and conditions.

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

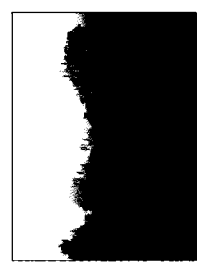
**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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1. VIEW OF HOME FROM EAST (CAMBRIDGE PROPERTY)



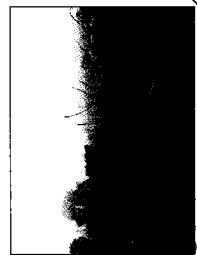
2. VIEW OF HOME FROM WEST (CAMBRIDGE PROPERTY)



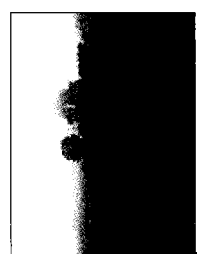
3. VIEW OF HOME FROM SOUTH (CAMBRIDGE PROPERTY)



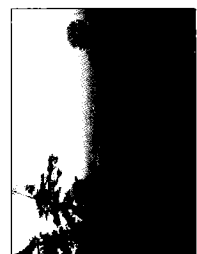
4. VIEW OF HOME FROM NORTH (CAMBRIDGE PROPERTY)



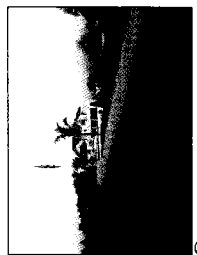
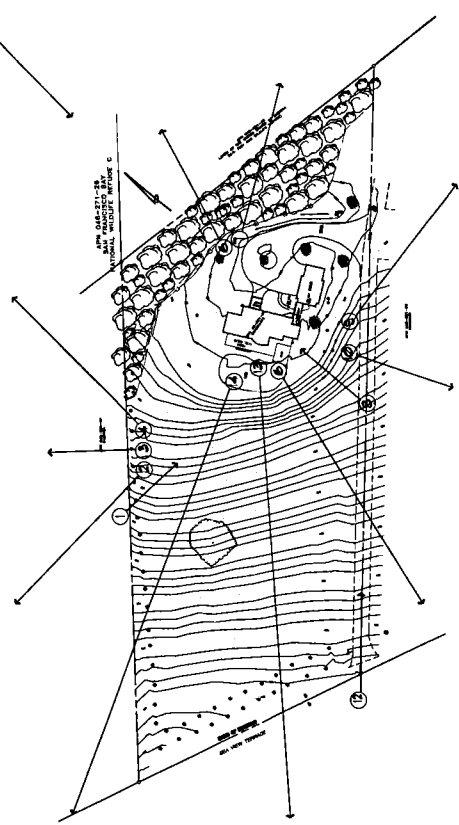
5. VIEW OF HOME FROM EAST (CAMBRIDGE PROPERTY)



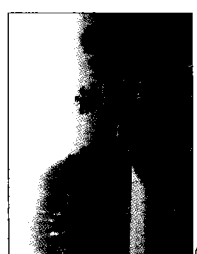
6. VIEW OF HOME FROM WEST (CAMBRIDGE PROPERTY)



7. VIEW OF HOME FROM SOUTH (CAMBRIDGE PROPERTY)



8. VIEW OF HOME FROM EAST (CAMBRIDGE PROPERTY)



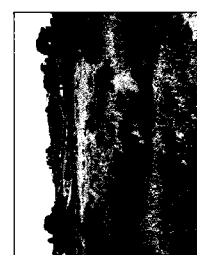
9. VIEW OF HOME FROM WEST (CAMBRIDGE PROPERTY)



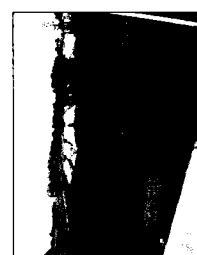
10. VIEW OF HOME FROM SOUTH (CAMBRIDGE PROPERTY)



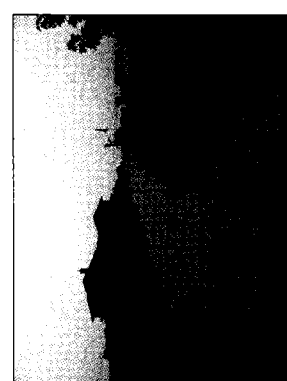
11. VIEW OF HOME FROM NORTH (CAMBRIDGE PROPERTY)



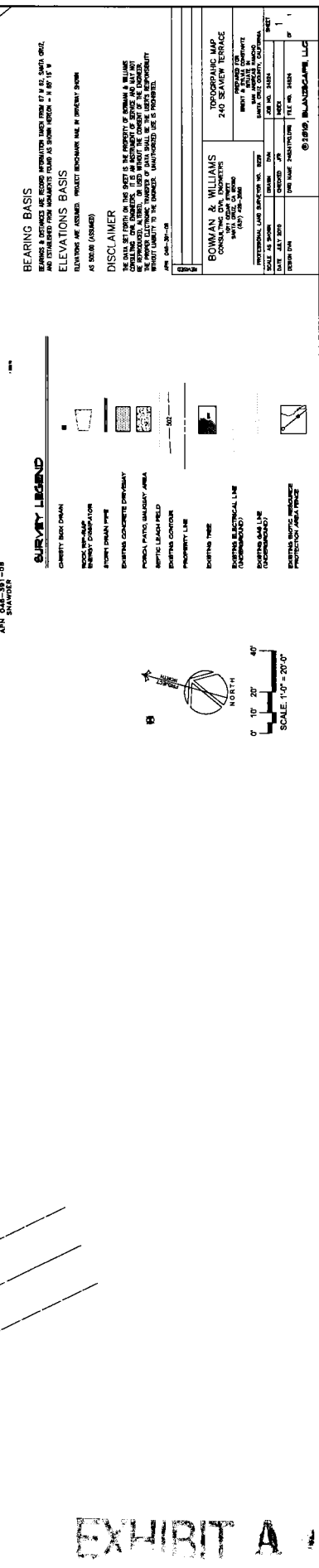
12. VIEW OF HOME FROM EAST (CAMBRIDGE PROPERTY)



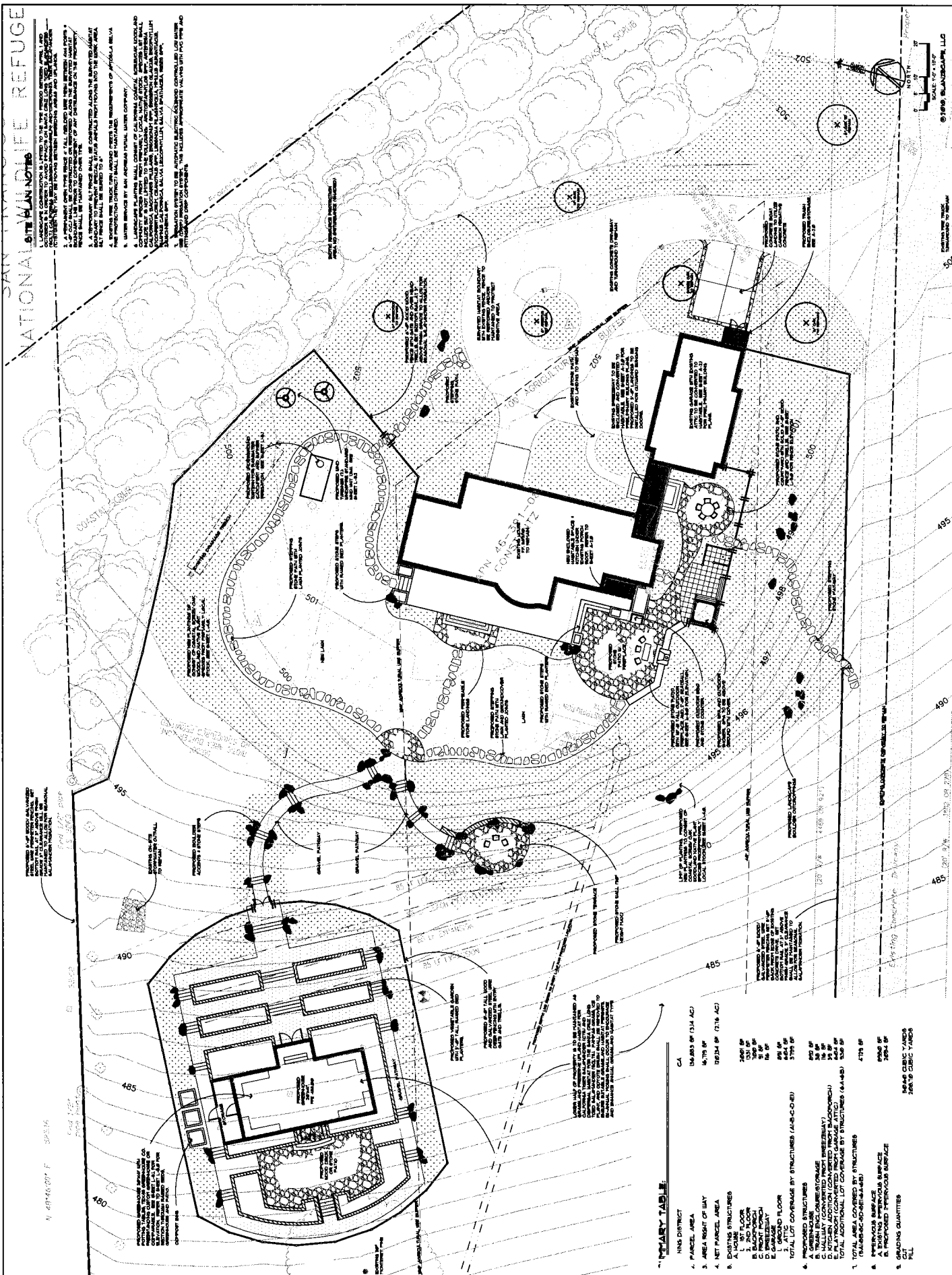
13. VIEW OF HOME FROM WEST (CAMBRIDGE PROPERTY)

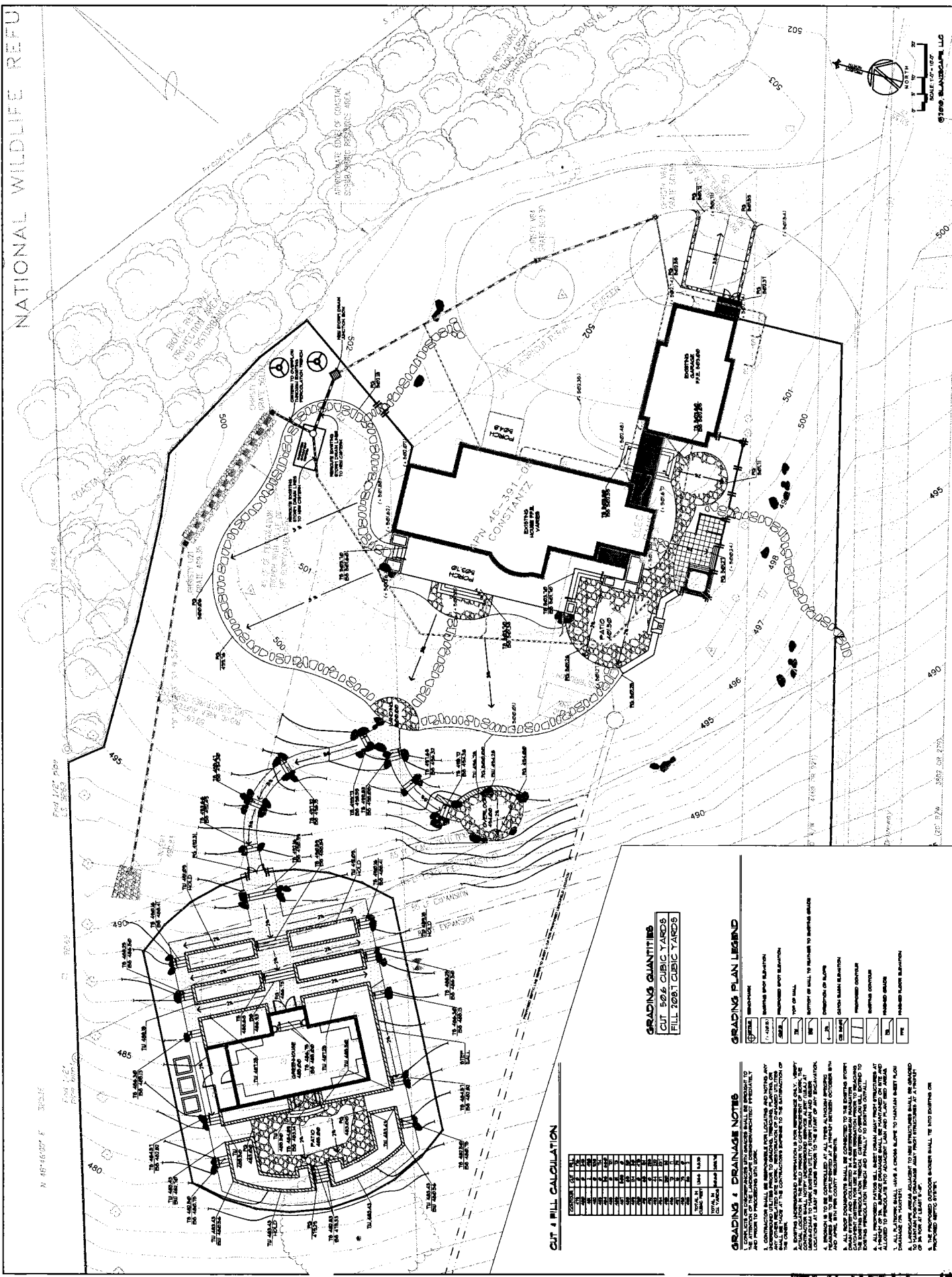


14. VIEW OF HOME FROM SOUTH (CAMBRIDGE PROPERTY)









**GRADING QUANTITIES**  
CUT 50.6 CUBIC YARDS  
FILL 208.1 CUBIC YARDS

**GRADING PLAN LEGEND**

- PROPOSED GRADE
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION
- TOP OF WALL
- BOTTOM OF WALL
- PROPOSED SLOPE
- EXISTING SLOPE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- PROPOSED DRAINAGE
- EXISTING DRAINAGE

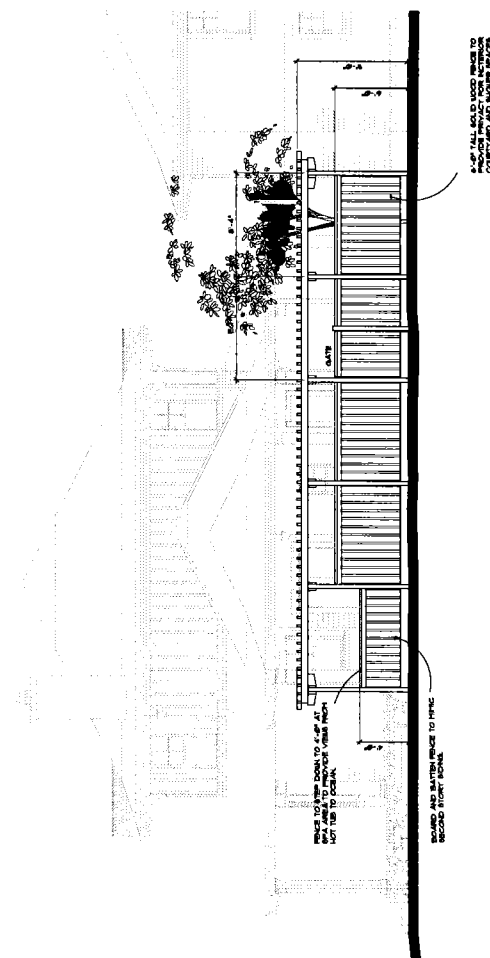
**GRADING & DRAINAGE NOTES**

1. CONCEPT OF DRAINAGE AND GRADING SHALL BE PROVIDED TO THE CONTRACTOR FOR REVIEW AND APPROVAL BY THE CITY OF LA BELVA.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND NOTING ANY EXISTING UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION OF THE PROPOSED GRADING AND DRAINAGE.
3. ALL PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF LA BELVA'S GRADING AND DRAINAGE ORDINANCES.
4. ALL PROPOSED DRAINAGE SHALL BE DESIGNED TO MAINTAIN A MINIMUM 1% SLOPE TO THE NEAREST DRAINAGE POINT.
5. ALL PROPOSED GRADING SHALL BE DESIGNED TO MAINTAIN A MINIMUM 1% SLOPE TO THE NEAREST DRAINAGE POINT.
6. THE PROPOSED DRAINAGE SYSTEM SHALL BE DESIGNED TO MAINTAIN A MINIMUM 1% SLOPE TO THE NEAREST DRAINAGE POINT.

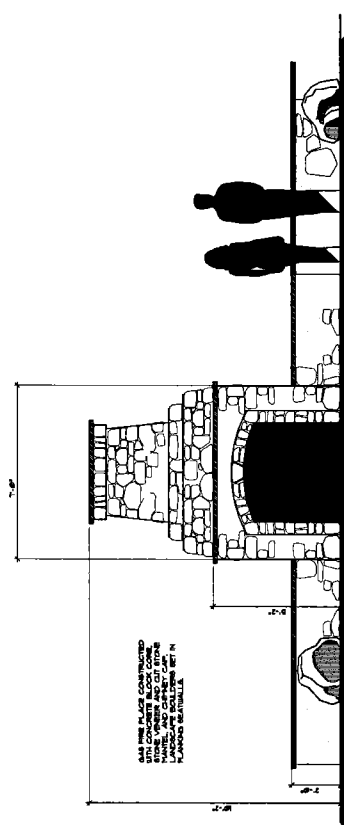
**CUT & FILL CALCULATION**

SECTION	AREA (SQ. FT.)	CUT (CY)	FILL (CY)
1. DRIVEWAY	1,200	10.0	0.0
2. POOL AREA	2,500	0.0	20.0
3. PATIO	1,000	5.0	0.0
4. LANDSCAPE	10,000	35.6	188.1
<b>TOTAL</b>	<b>14,700</b>	<b>50.6</b>	<b>208.1</b>

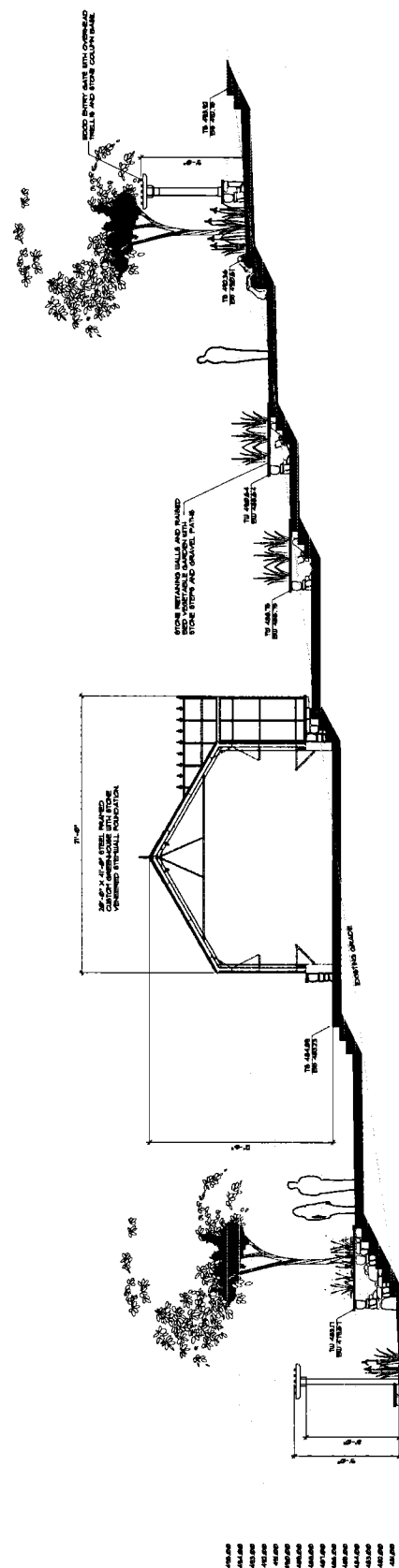
[illegible]



ELEVATION - COURTYARD FENCE  
SCALE: 1/4" = 1'-0"



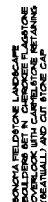
ELEVATION: STONE FIREPLACE AND SEATUALL



SECTION/ELEVATION - GREENHOUSE AND VEGETABLE GARDEN  
SCALE: 1/4" = 1'-0"

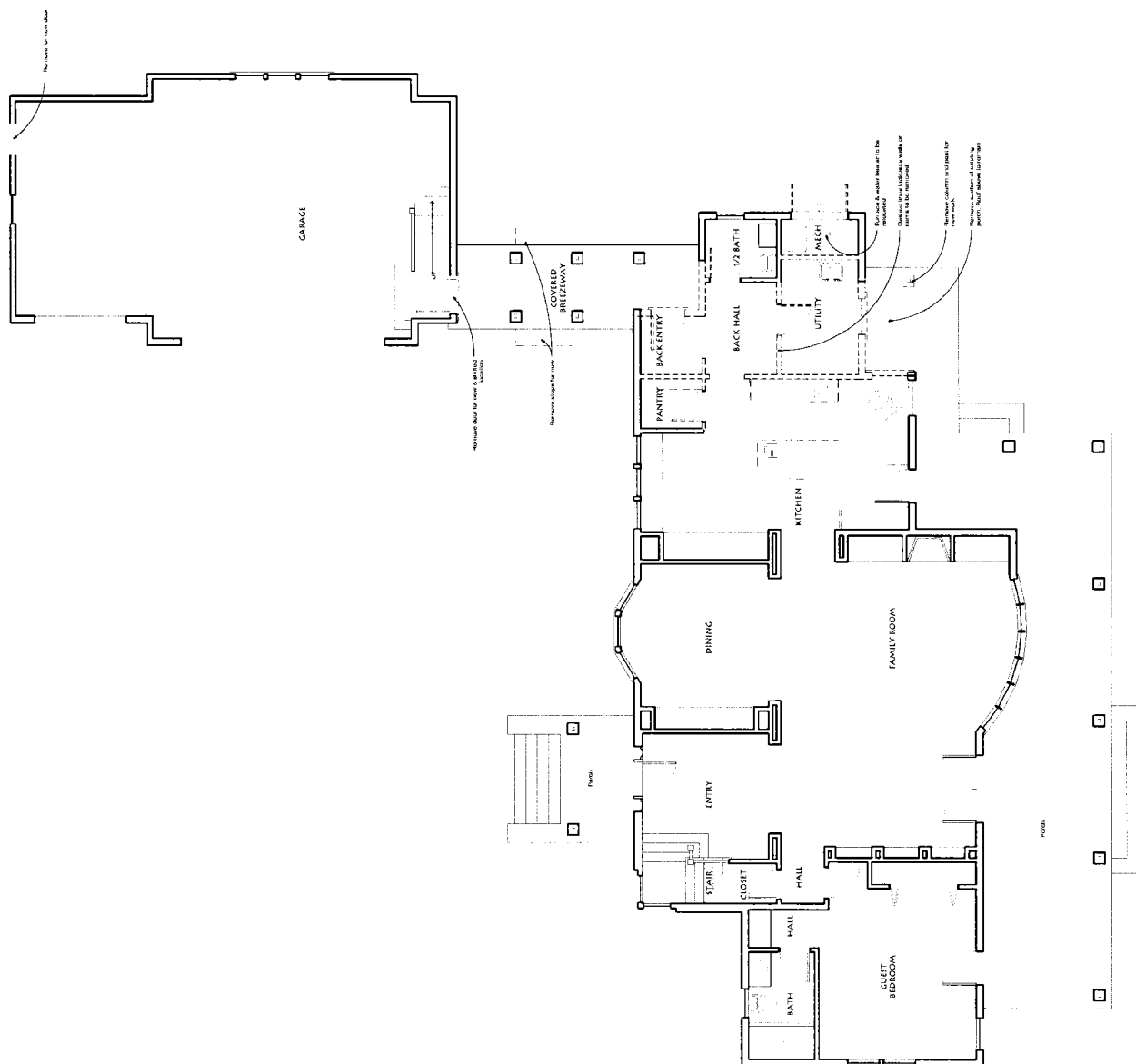


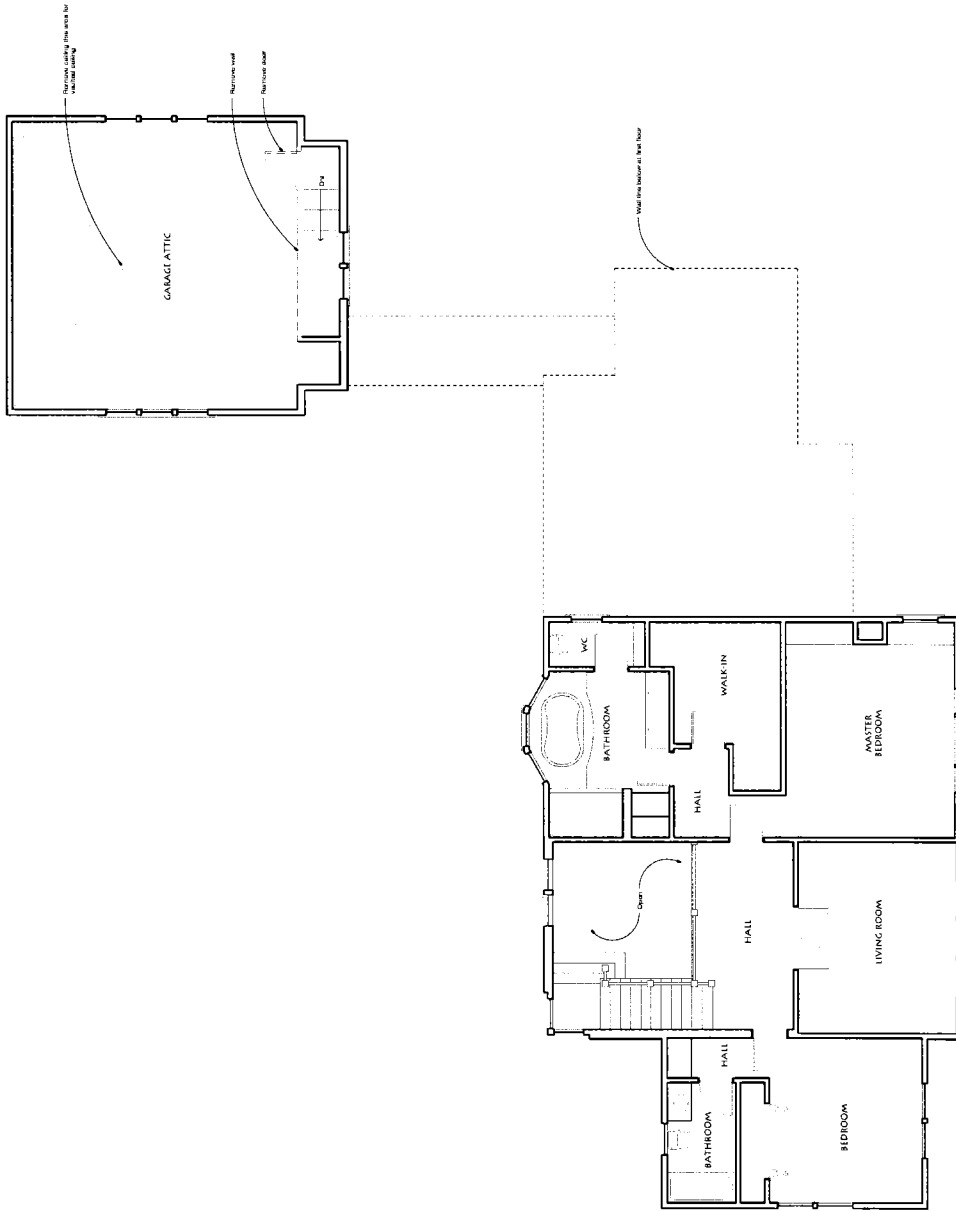




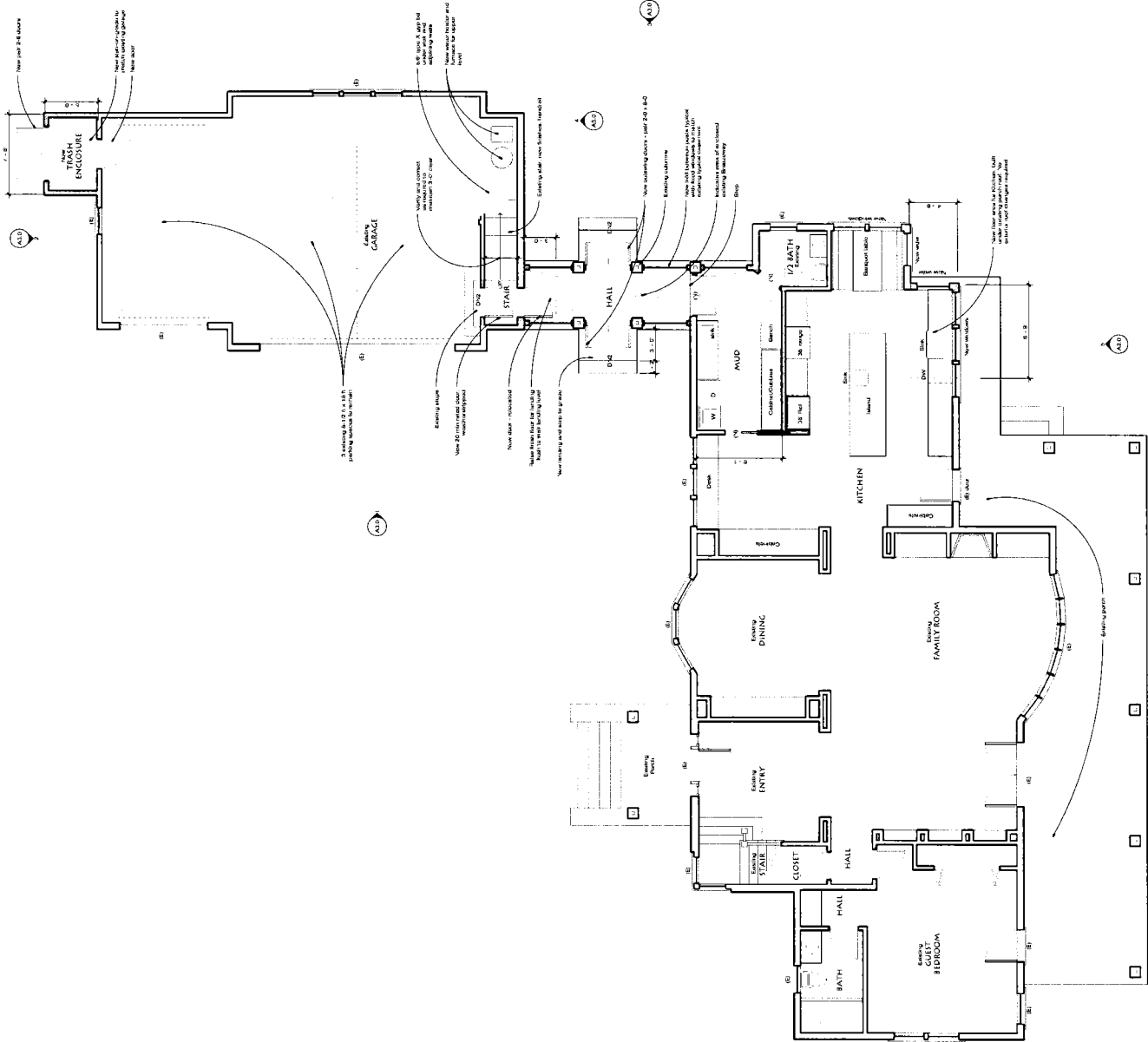


1 Existing First Floor Plan

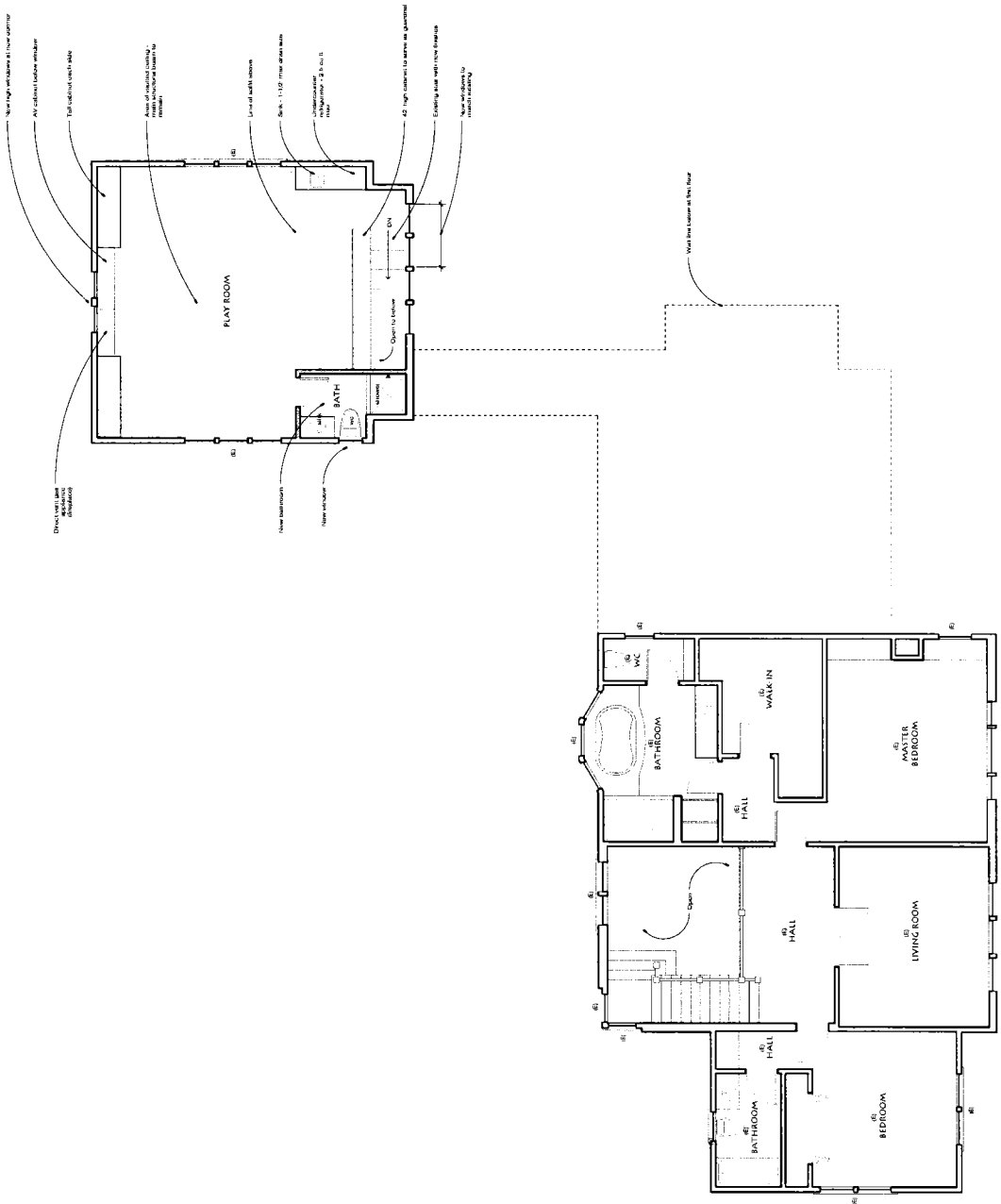




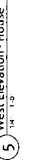
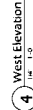
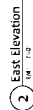
1 CD 2 Demo Plan  
1/4" = 1'-0"



1 Proposed First Floor Plan  
1/8" = 1'-0"



1 Proposed Second Floor Plan  
1/8" = 1'-0"



## **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned CA (Commercial Agriculture), a designation that allows residential uses. The proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing are permitted uses within the zone district, and the zoning is consistent with the site's (A) Agriculture General Plan designation.

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

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to a similar rural density; the colors and materials used will be natural in appearance and complementary to the rural context of the site and the proposed development is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that while the project site is located between the shoreline and the first public road, the greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing will not interfere with public access to the beach, ocean, or any nearby body of water. The project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the Commercial Agriculture (CA) zone district, as well as in the Agriculture (A) General Plan and Local Coastal Program land use designation. Other developed parcels in the area also contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range.

## **Development Permit Findings**

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing will meet all current setbacks.

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

This finding can be made, in that the proposed location of the greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing, and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the CA (Commercial Agriculture) zone district in that the primary use of the property will be a single-family residence with an appurtenant greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing that meet all site standards for the zone district.

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

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

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

The proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing 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 all the improvements will comply with the site standards for the CA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in structures and other amenities consistent with a design that could be approved on other similarly sized lots in the vicinity.

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

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

This finding can be made, in that the proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing are to be constructed on an existing developed lot. It is not anticipated that any new traffic will be generated by the proposed project, and thus there would be no impact to existing roads and intersections in the surrounding area.

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

This finding can be made, in that the proposed improvements are located in a mixed neighborhood containing a variety of architectural styles and agricultural and open space uses, and the proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing are consistent with the land use intensity and density and overall appearance of the neighborhood.

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

This finding can be made, in that the proposed greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing are on a large 2.7-acre parcel and will be of an appropriate scale and design that will harmonize with the aesthetic qualities of surrounding properties, and will not reduce or visually impact available open space in the surrounding area.

**REQUIRED SPECIAL FINDINGS FOR CA AND AP USES**  
(County Code Section 13.10.314)

**(a) All Uses**

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

The 2.76 acre site is immediately adjacent to the Ellicott Pond Wildlife Refuge and has not been actively farmed. The proposed improvements are appurtenant to the residential use that is already established on the subject property and will not affect the viability of commercial agricultural operations in the vicinity or adversely affect agricultural resources. The proposed greenhouse will be used for limited small-scale growing of vegetables and herbs to be sold at local farmers' markets, and thus will offer an enhancement to the very limited agricultural potential of the subject property.

2. That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or that no agricultural use is feasible for the parcel;

The subject 2.7-acre parcel is too small for all but very limited small-scale agricultural uses, such as may be possible in the proposed greenhouse. Due to its small size and the requirement under application 01-0088 to maintain a portion of the site as coastal scrub/grassland habitat, no principal agricultural use is feasible.

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

The existing residential use of the subject parcel is compatible with residential and agricultural uses in the vicinity. Appropriate agricultural buffer zones were determined under application 01-0088, and the residential development of the parcel is clustered near the residential development on an adjacent parcel.

4. That the use will be sited to remove no land from production (or potential production) if any non-farmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

The proposed new development will be clustered near the existing residential development of the subject parcel, and due to the small parcel size and existing residential use, there is no potential for the proposed project to remove any land from agricultural production.

**(b) Residential Uses in the Coastal Zone.**

1. That the parcel is less than one acre in size; or that the parcel has physical constraints (such as adverse topographic, geologic, hydrologic or vegetative conditions) other than

size which preclude commercial agricultural use; or that residential use will be ancillary to commercial agricultural use of the parcel based upon the fact that either;

- i) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography and climate of the area; or
- ii) The owners of the subject parcel have a long-term binding agreement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

The subject 2.7-acre parcel is constrained by a biotic resource buffer area that is required to be maintained as undeveloped coastal scrub/grasslands due to its proximity to the Ellicott Slough Wildlife Refuge. This buffer area, as well as the existing residential development of the project site, result in a parcel area that is too small for commercial agricultural uses.

2. That the residential use will meet all the requirements of Section 16.50.095 pertaining to agricultural setbacks.

For the existing residential use, a reduced agricultural buffer was approved under 01-0088 that established a 40-foot setback from APN 046-391-06 to the southwest and a 100-foot setback from APN 046-391-01 to the northwest. The proposed greenhouse can be permitted within the 100-foot agricultural setback area because it is a non-habitable structure with an agricultural use.

3. That the owners of the parcel have executed hold harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. Such covenants shall run with the land and shall be recorded prior to the issuance of the development permit.

As part of the approval for the existing residence permitted under application 01-0088, a Statement of Acknowledgement was recorded on April 11, 2002 that recognizes the priority use of adjacent productive agricultural lands and acceptance of any inconveniences to residential uses that might result. This recorded document (2202-0026256) runs with the land.

## Conditions of Approval

Exhibit A: Project plans, 11 pages by Blanzscape Garden Design, dated 11/15/10, and 5 pages by Mediterraneo Design Center dated 11/15/10.

- I. This permit authorizes the enclosure of an existing breezeway and conversion of an existing storage area over the detached garage into a habitable playroom, a kitchen remodel, the construction of a greenhouse, spa, wind turbines, cisterns, patio hardscape and fencing. All Conditions of Approval for Application 01-0088 remain in effect. This approval does not confer legal status on any existing structures or uses on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. One elevation shall indicate materials and colors. In addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval
    2. Grading, drainage, and erosion control plans.

3. Details showing compliance with Aptos-La Selva Fire Department requirements.
- B. 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.
  - C. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
  - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services. An approved onsite sewage disposal application will be required prior to EHS clearance of the Building Permit.
  - 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 soils report prepared and stamped by a licensed Geotechnical Engineer.
- 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. This project must comply with all approved biotic report recommendations as specified under Application # 01-0088 Conditions of Approval, and with the following:
    1. Tree removal (if any) must be timed to either avoid impacts to nesting birds or bats, or be preceded by a survey to ensure that nesting birds or bats are not present. Tree removal after August 1 through February 1 is a window that avoids nesting periods of both bats and birds.
    2. Removal of noxious invasive non-native plants such as pampas grass, ice plant and broom shall be completed yearly in order to maintain the grassland areas of the property. All remaining grassland shall be managed for California Tiger salamander (CTS) and Santa Cruz Long-Toed

salamander (SCLTS). Mowing is proposed to encourage and enhance grassland areas.

3. The manufacturer of the proposed wind turbines shall provide supporting evidence that the turbine design does not have detrimental impacts to birds and bats.
  4. Access to the work area will be arranged from the adjacent property (Caserza property, APN 046-391-01) in order to minimize disturbance to the Grassland Preserve. The area disturbed by construction activities shall be seeded with perennial bunchgrass seed mix and lightly raked into the soil surface. The disturbance area and seed selection shall be clearly identified on the building plans.
  5. Above-ground barriers to salamander movements between the existing residence and the greenhouse/vegetable garden and throughout the remainder of the property shall be minimized. The proposed perimeter fence shall be elevated at least 3 inches above grade to facilitate salamander movement.
  6. A qualified biologist familiar with salamanders shall be present on site during all grading activities associated with the greenhouse. An observation letter shall be completed by the project biologist and a letter submitted to the County Environmental Planning Section for review.
  7. Exclusionary fencing shall be placed at the limits of grading for the greenhouse portion of the project prior to commencement of any work. The fencing placement shall be checked by the project biologist and a letter submitted to the County Environmental Planning Section for review and approval.
  8. The contact information for the project biologist and all Conditions of Approval shall be printed on the building plans.
- E. 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. 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 that 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,**

Application #: 101108  
APN: 046-391-08  
Owner: Brent & Sylvia Constantz

**will void the development permit, unless there are special circumstances as determined by the Planning Director.**

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

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

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

\_\_\_\_\_  
Steven Guiney  
Deputy Zoning Administrator

\_\_\_\_\_  
Alice Daly  
Project Planner

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

# 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: 101108

Assessor Parcel Number: 046-391-08

Project Location: 240 Sea View Terrace

**Project Description: Proposal to enclose a breezeway and convert an existing storage area over a detached garage into habitable space, a kitchen remodel and outdoor improvements including a greenhouse, two wind turbines, two cisterns, a spa, hardscape and a 6-foot perimeter fence.**

**Person or Agency Proposing Project: Brent & Sylvia Constantz**

**Contact Phone Number: 650-851-2212**

- 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: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

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

Structures that are accessory (appurtenant) to an existing single-family residence.

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

\_\_\_\_\_  
Alice Daly, Project Planner

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

FOR TAX PURPOSES ONLY

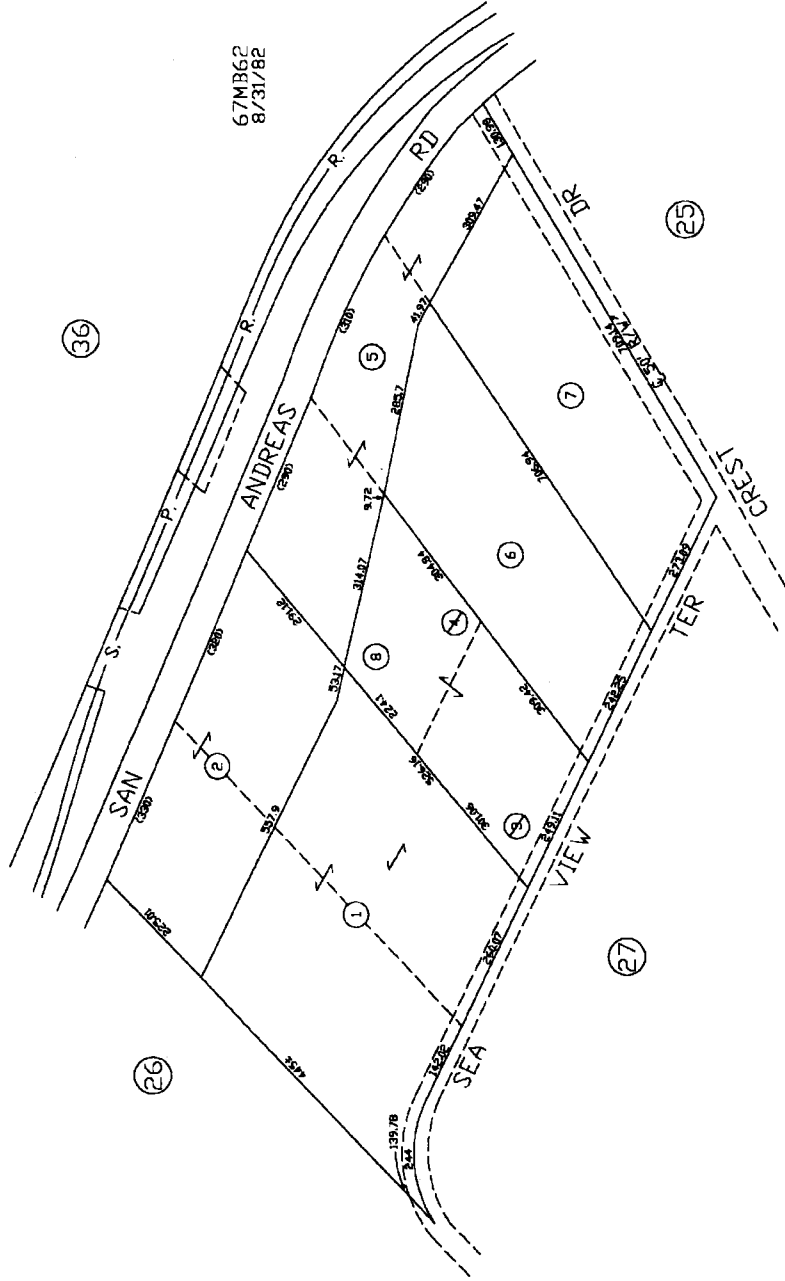
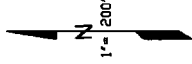
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POR. SAN ANDREAS RANCHO  
SEC. 3, T.12S., R.1E., M.D.B. & M.

Tax Area Code  
69-278

46-39



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

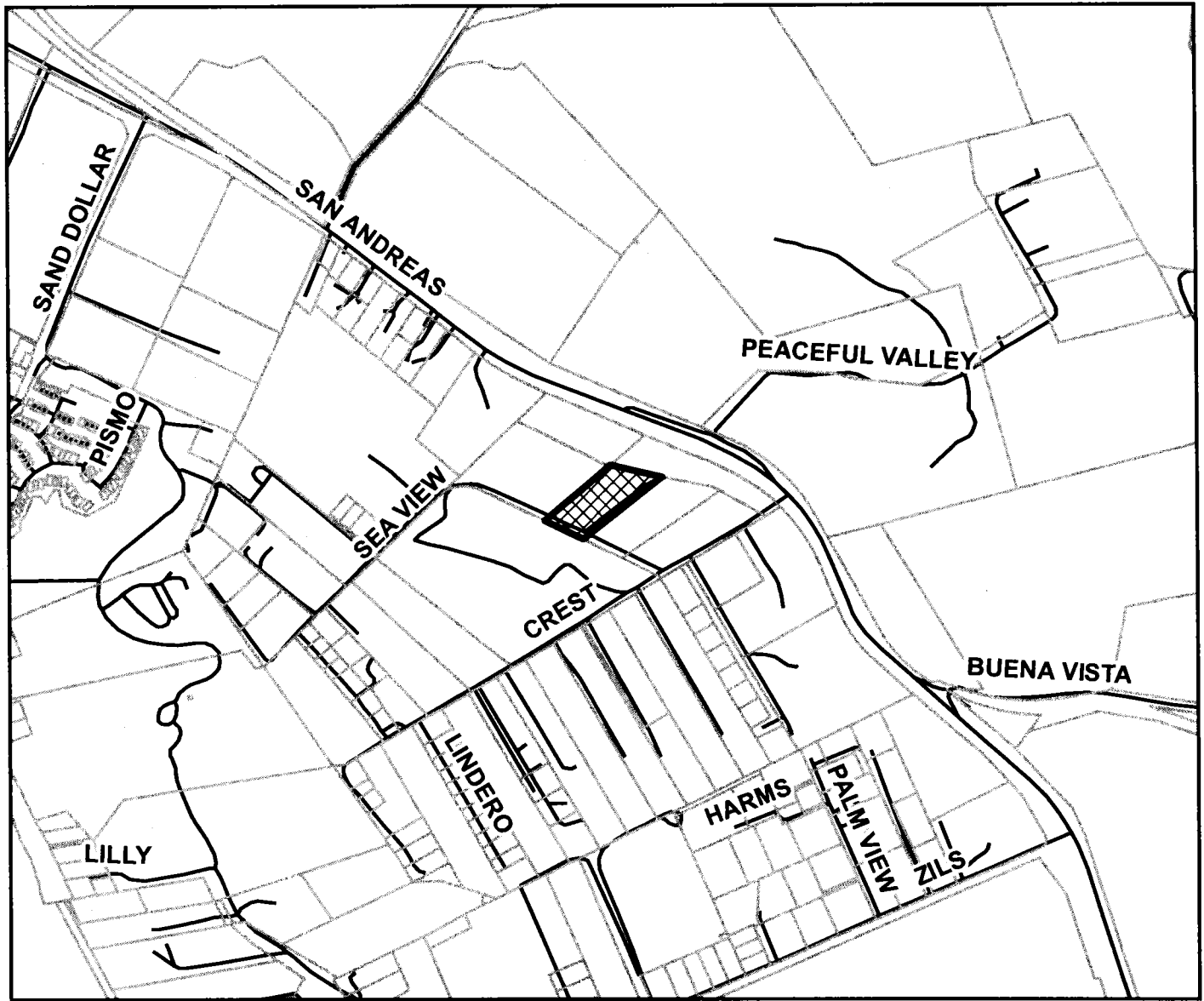
Assessor's Map No. 46-39  
County of Santa Cruz, Calif.  
Feb. 2000

Electronically prepared 2/17/00 KSA  
Rev. 2/17/00 KSA (con. from Pg. 27)  
Rev. 4/12/01 CB (1-6009953, Comb 1-88)




EXHIBIT E

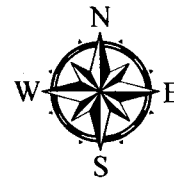


# Location Map



## LEGEND

-  APN: 046-391-08
-  Assessors Parcels
-  Streets

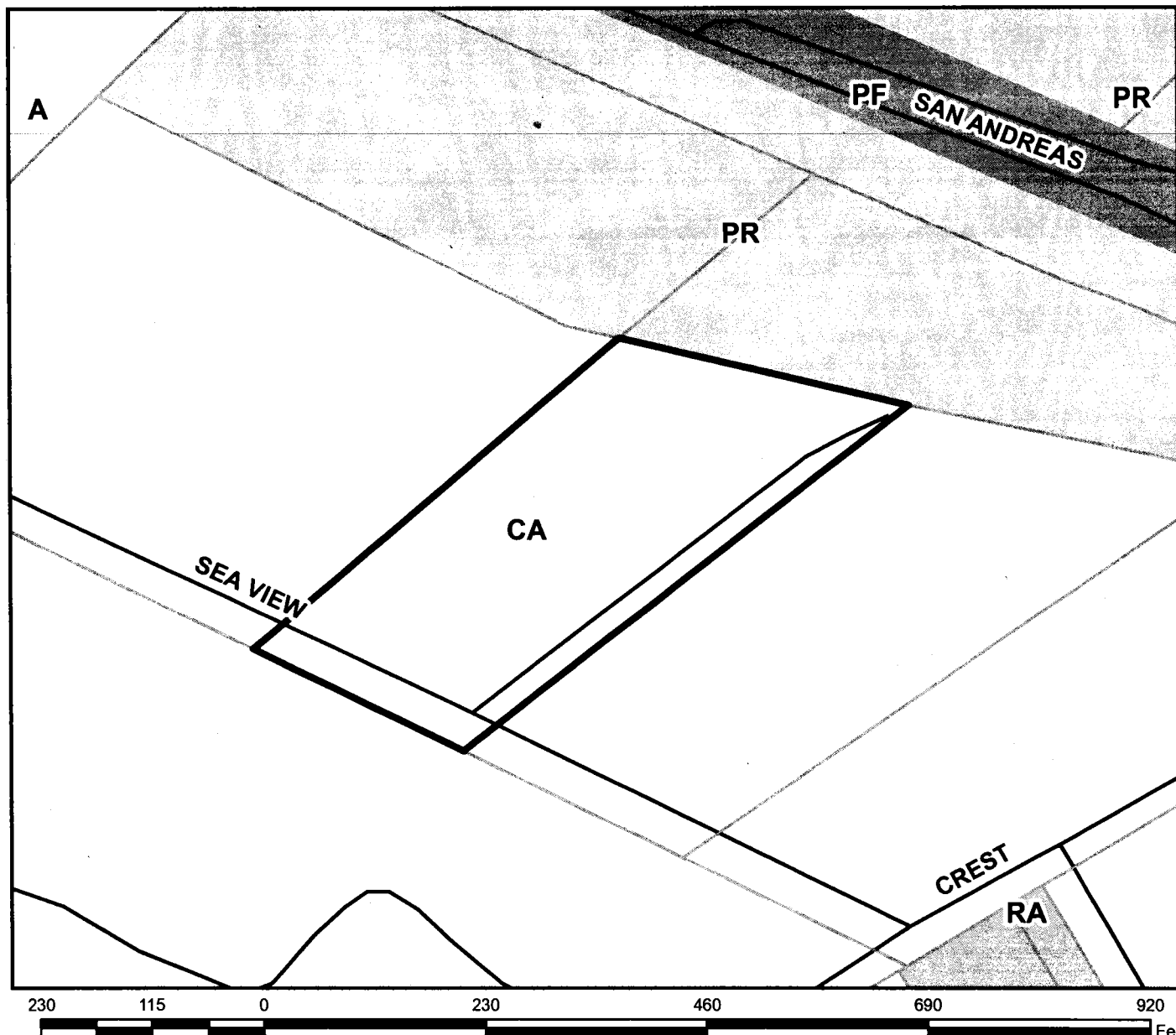


Map Created by  
County of Santa Cruz  
Planning Department  
November 2010









EXHIBIT E

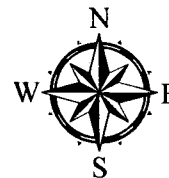


# Zoning Map



## LEGEND

-  APN: 046-391-08
-  Assessors Parcels
-  Streets
-  AGRICULTURE COMMERCIAL
-  AGRICULTURE
-  PARK
-  AGRICULTURE RESIDENTIAL
-  PUBLIC FACILITY

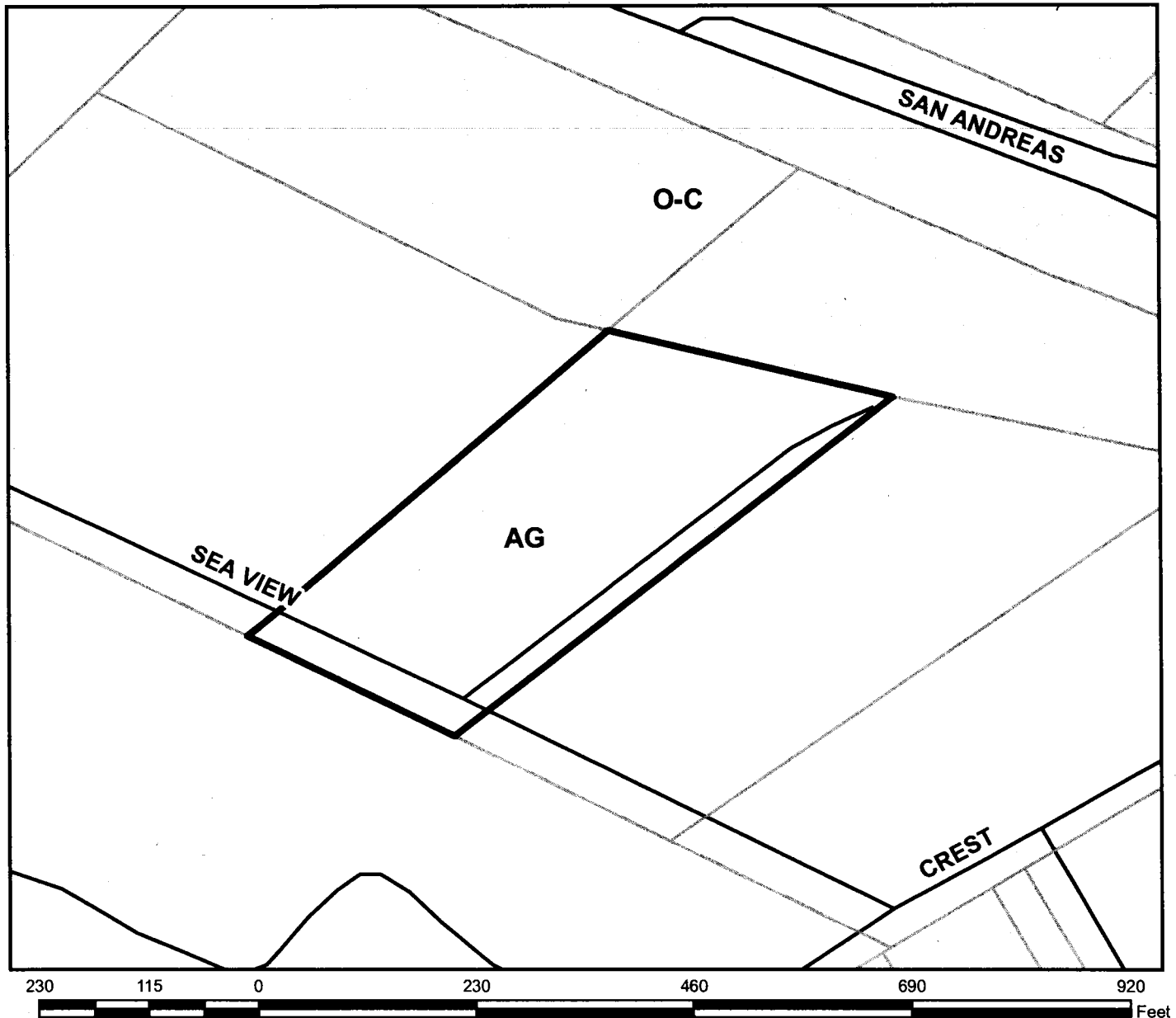


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Planning Department  
November 2010

EXHIBIT E

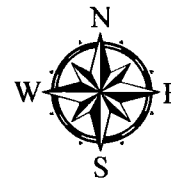


# General Plan Designation Map



## LEGEND

-  APN: 046-391-08
-  Assessors Parcels
-  Streets
-  Agriculture
-  Resource Conservation



Map Created by  
County of Santa Cruz  
Planning Department  
November 2010

EXHIBIT E