

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 03-0322

APN: 044-081-25

APPLICANT: Reid Lerner

OWNER. NGP Realty

PROJECT DESCRIPTION: Proposal to erect a 75-foot high ball deflection screen between the fairway and Rio Del Mar Boulevard at the Seascape Golf Course. Requires a Variance to increase the maximum 28 foot height limit to about 75 feet, a Coastal Permit and a Minor Variation to Commercial Development Permit 4180-U, 79-1320-PD, 80-168 and 80-169.

LOCATION: Property located on the South side of Rio Del Mar Boulevard at about 350 feet West of the intersection with Palmer Avenue/Spanish Bay (Seascape Golf Course).

PERMITS REQUIRED: Coastal Development Permit, Variance, and Minor Variation

ENVIRONMENTAL DETERMINATION: Categorically Exempt - Class 3

COASTAL ZONE: ☒ Yes ☐ No **APPEALABLE TO CCC:** ☐ Yes ☒ No

PARCEL INFORMATION

PARCEL SIZE: Approximately 21.5 acres

EXISTING LAND USES

PARCEL: Golf Course

SURROUNDING: Single-family dwellings

PROJECT ACCESS: Rio Del Mar Blvd.

PLANNING AREA: Aptos

LAND USE DESIGNATION: O-R (Parks, Recreation, and Open Space)

ZONING DISTRICT: PR (Parks, Recreation, and Open Space)

SUPERVISORIAL DISTRICT: 2nd District (Supervisor Ellen Pirie)

ENVIRONMENTAL INFORMATION

- | | |
|----------------------|--|
| a. Geologic Hazards | a. Not mapped/no physical evidence on site |
| b. Soils | b. Danville Loam, Elkhorn Sandy Loam, Watsonville Loam |
| c. Fire Hazard | c. Not a mapped constraint |
| d. Slopes | d. Varies across parcel, less than 30% |
| e. Env. Sen. Habitat | e. Not mapped/no physical evidence on site |
| f. Grading | f. No grading proposed |
| g. Tree Removal | g. No trees proposed to be removed |
| h. Scenic | h. Not a mapped resource |
| i. Drainage | i. Existing drainage adequate |

- | | |
|-----------------------|--|
| j. Traffic | j. No increase in traffic |
| k. Roads | k. Existing roads adequate |
| l. Parks | l. Existing park facilities adequate |
| m. Sewer Availability | m. Not applicable |
| n. Water Availability | n. Not applicable |
| o. Archeology | o. Not mapped/no physical evidence on site |

SERVICES INFORMATION

Inside Urban/Rural Services Line: ☒ Yes ☐ No

Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6 Flood Control/Water Conservation District

ANALYSIS AND DISCUSSION

The owners of the Aptos Seascapes Golf Course proposes to construct a 75-foot tall golf ball deflection screen of 200 feet in length along Rio Del Mar Boulevard. The purpose of the screen is to protect motorists and residents across Rio Del Mar Boulevard from damage or injury resulting from errant golf balls, requiring a height of 75 feet to catch most balls. The project requires a Variance to exceed the maximum 28-foot height limit for the PR (Parks and Recreation) zone district, a Minor Variation to the original use permits for Seascapes Golf Course, and a Coastal Development Permit as the project site is located within the Coastal Zone and is not a residential structure.

The poles will be required to be painted black or dark brown to blend into the existing row of Eucalyptus trees along Rio Del Mar Boulevard, and the netting will be see-through, minimizing any negative visual impacts to surrounding residences. The deflection screen will not be visible from the beach or any County designated scenic road (including Highway One).

Grounds for a variance to the PR zone district height requirements exist due to the nature of the existing use on the site and the location of surrounding development. A golf course is a permitted use for the property approved under previous use permits, and the deflection screen is necessary to minimize potential hazards to motorists and neighboring single-family dwellings. The granting of a variance will not constitute a special privilege in relation to nearby properties as a golf course is a unique use in comparison with the surrounding residential development.

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.

RECOMMENDATION

Staff recommends:

1. **APPROVAL** of Application Number **03-0322**, based on the attached findings and conditions.
2. Certification that the proposal **is** exempt **from** further Environmental Review under the California Environmental Quality Act.

EXHIBITS

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's parcel map
- F. Zoningmap
- G. Comments & Correspondence

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: David Keyon
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831)454-3561 (or, david.keyon@co.santa-cruz.ca.us)

COASTAL DEVELOPMENT PERMIT FINDINGS:

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

The property is zoned PR (Parks, Recreation, and Open Space), a designation which allows golf courses with the appropriate use approvals. The proposed golf-ball deflection screen is intrinsic to the existing golf course use, and **is** therefore consistent with the PR zone district and the site's (O-R) Parks, Recreation, and Open Space 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.

The proposed golf-ball deflection screen does not conflict with any existing easements or development restrictions related to public access, utilities, **or** open space easements.

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

The proposed 75-foot tall golf ball deflection screen **is** consistent with the design criteria and special use standards set forth in Section 13.20.130 through 13.20.140 of the County Code in that the poles of the deflection screen will be painted dark brown or black to blend in with the surrounding vegetation, and will therefore be visually compatible with the surrounding area.

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.

The proposed golf ball deflection screen is not located between the beach and the first through public road, and therefore does not impede public access to the beach.

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

The proposed project is in conformity with the County's certified Local Coastal Program in that the deflection screen will be sited and designed to be visually compatible with the character of the surrounding neighborhood since posts will be painted dark brown or black to blend in with the existing Eucalyptus trees along Rio Del Mar Boulevard.

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.

The proposed location of the golf ball deflection screen at the Seascapes Golf Course parallel to Rio Del Mar Boulevard will not be detrimental to the health, safety, or welfare of persons in the vicinity in that it will be required to meet all required building codes to ensure structural stability. The screen will not be materially injurious to properties in the vicinity since all poles will be required to be painted dark brown or black to blend in with existing vegetation along Rio Del Mar Boulevard.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The location of the proposed 75-foot tall golf ball deflection screen and the conditions under which it will be operated and maintained will be consistent with all County Ordinances and the purpose of the PR zone district with the exception of the maximum height requirement, for which a Variance ~~has~~ been requested. The deflection screen is intrinsic to the use of the property as golf course, and will be installed to protect vehicles on Rio Del Mar Boulevard and neighboring residences from errant golf balls.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the Parks, Recreation, and Open Space (O-R) land use designation. The proposed golf ball deflection screen is consistent with the General Plan in that it is intrinsic to the current recreational use of the property, which in turn is consistent with the O-R General Plan/Local Coastal Program Land Use designation.

The proposed deflection screen will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties as the screen will be see-through and the poles will be painted dark brown or black to match existing vegetation. The deflection screen meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), with the exception of the maximum height requirement for which a variance has been requested.

The proposed deflection screen 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 deflection screen will blend in with surrounding vegetation and the height of the screen will less than existing Eucalyptus trees along Rio Del Mar Boulevard, minimizing the visual impact of the 75 foot tall screen.

A specific plan **has** not been adopted for this portion of Aptos

4. THAT **THE** PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The proposed golf ball deflection screen will not use any utilities and will not generate any additional traffic.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND **USES** IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed 75 foot tall golf ball deflection screen will complement and harmonize with the character of the neighborhood in that the poles will be dark brown **or** black and the netting will be see-through **so** as to blend in with the existing vegetation along Rio Del Mar Boulevard. Golf ball deflection screens are common on golf courses to protect motorists and nearby properties from errant golf balls, **so** the screen is complementary to the existing golf course use of the property. The screen will not increase the land use intensity or dwelling unit density of the neighborhood.

VARIANCE FINDINGS

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, AND SURROUNDING EXISTING STRUCTURES, THE STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

A special circumstance exists due to the existing use of the property as a golf course and the location of existing structures surrounding the golf course that warrant the granting of a variance for a 75 foot high golf ball deflection screen. The layout of the golf course as approved under Use Permits 4180-U, 79-1320-PD, and 80-169 and the location of single-family dwellings adjacent to and across Rio Del Mar Boulevard from the golf course contribute to potential hazards and property damage from **errant** balls, creating a special circumstance unique to the existing use of the property as a golf course. Under the PR zone district site standards, the maximum height of a structure is 28 feet, and the strict application of the zoning ordinance would allow a potentially hazardous situation to continue.

2. THAT THE GRANTING OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL INTENT AND PURPOSE OF ZONING OBJECTIVES AND WILL NOT BE MATERIALLY DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

The *granting* of *a* variance to allow **a** 75-foot tall deflection screen will be in harmony with the current golf course use on site and will be consistent with the intent and purpose PR zone district. The deflection screen will not be detrimental to the **health**, safety, or welfare and will not be injurious to properties or improvements in the vicinity **as** it will be designed **to** blend into the existing vegetation along **Rio Del Mar Drive** and will protect private property and motorists from material or physical injury from errant golf balls.

3. THAT THE GRANTING OF SUCH VARIANCES SHALL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGES INCONSISTENT WITH THE LIMITATIONS UPON OTHER PROPERTIES IN THE VICINITY AND ZONE IN WHICH SUCH IS SITUATED.

The granting of a variance to the maximum height requirement for the PR zone district to allow a 75-foot tall golf ball deflection screen will not constitute the granting of a special privilege as deflection screens of this height are common on golf courses (**an** allowed **use** in the **PR zone** district with an approved use permit), and the increased height is necessary to protect public health, safety, and welfare and to protect private property from potential damage. Other properties in the vicinity are zoned for residential uses, which have different uses and site *standards* than the *subject* parcel.

CONDITIONS OF APPROVAL

Exhibit A: Project plans, six pages, drawn by Reid Lerner, dated July 21, 2003.

- I. This permit authorizes the construction of a 75-foot tall golf ball deflection screen. 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.
- 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 the material and color for the proposed poles and netting. Color boards must be in **8.5"** x 11" format. The poles must be painted black or dark brown to blend in with surrounding vegetation
- 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.
- IV. Operational Conditions
 - A. The color of the posts must be painted black or dark brown.

- 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.

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: _____

Don Bussey
Deputy Zoning Administrator

David Keyon
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: 03-0322

Assessor Parcel Number: 044-081-25

Project Location: No situs

Project Description: Construct 75 foot high golf ball deflection screen

Person or Agency Proposing Project: Reid Lerner

Contact Phone Number: (408) 842-9942

- 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: 15303: New construction of small structures

F. **Reasons why the project is exempt:** The proposed golf-ball deflection screen is an accessory structure to the existing use of the property as a golf course.

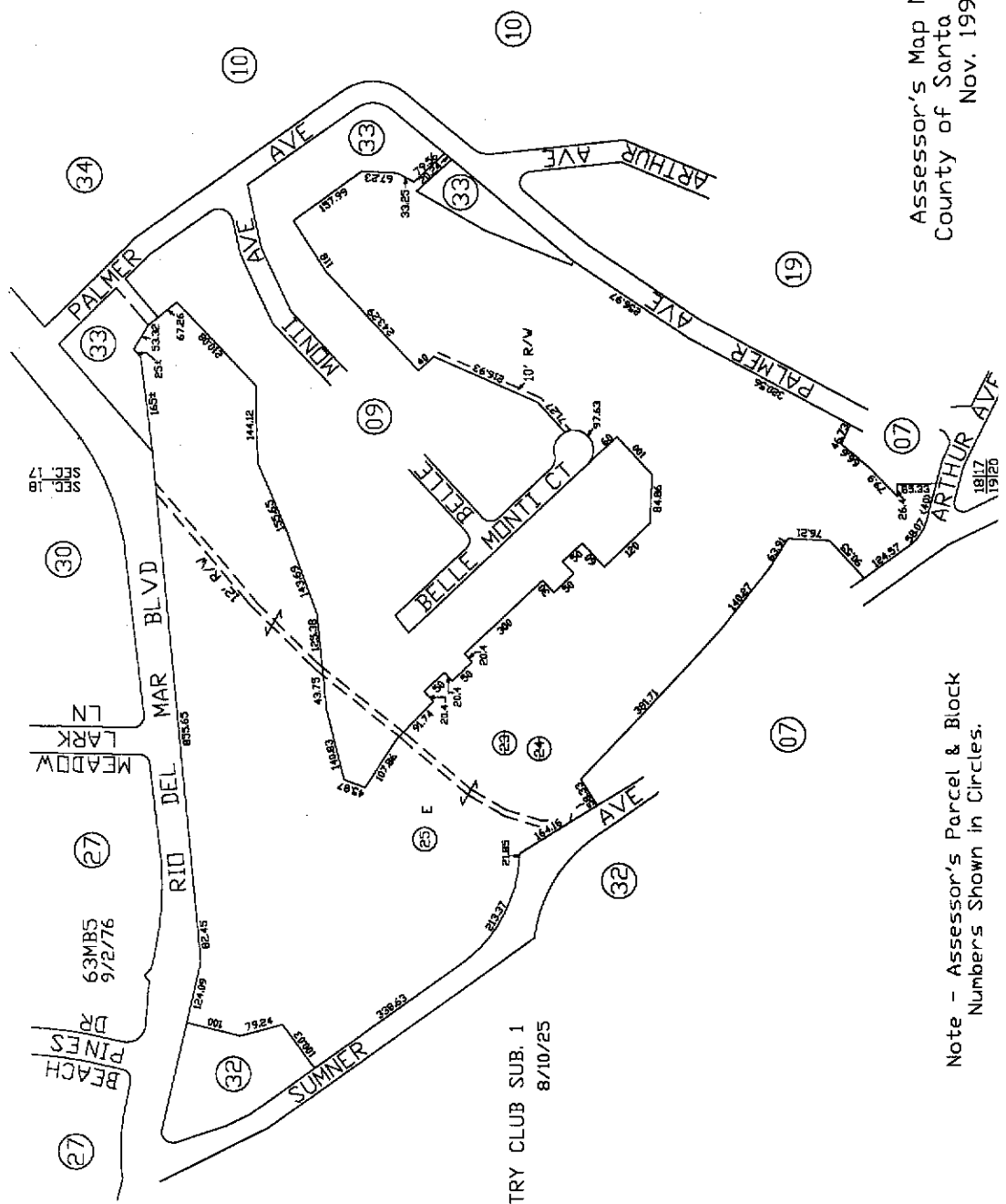
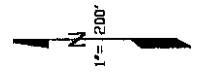
In addition, none of the conditions described in **Section 15300.2** apply to this project.

David Keyon, Project Planner

Date: _____

FOR TAX PURPOSES ONLY
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
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44-08



APTDS BEACH COUNTRY CLUB SUB. 1
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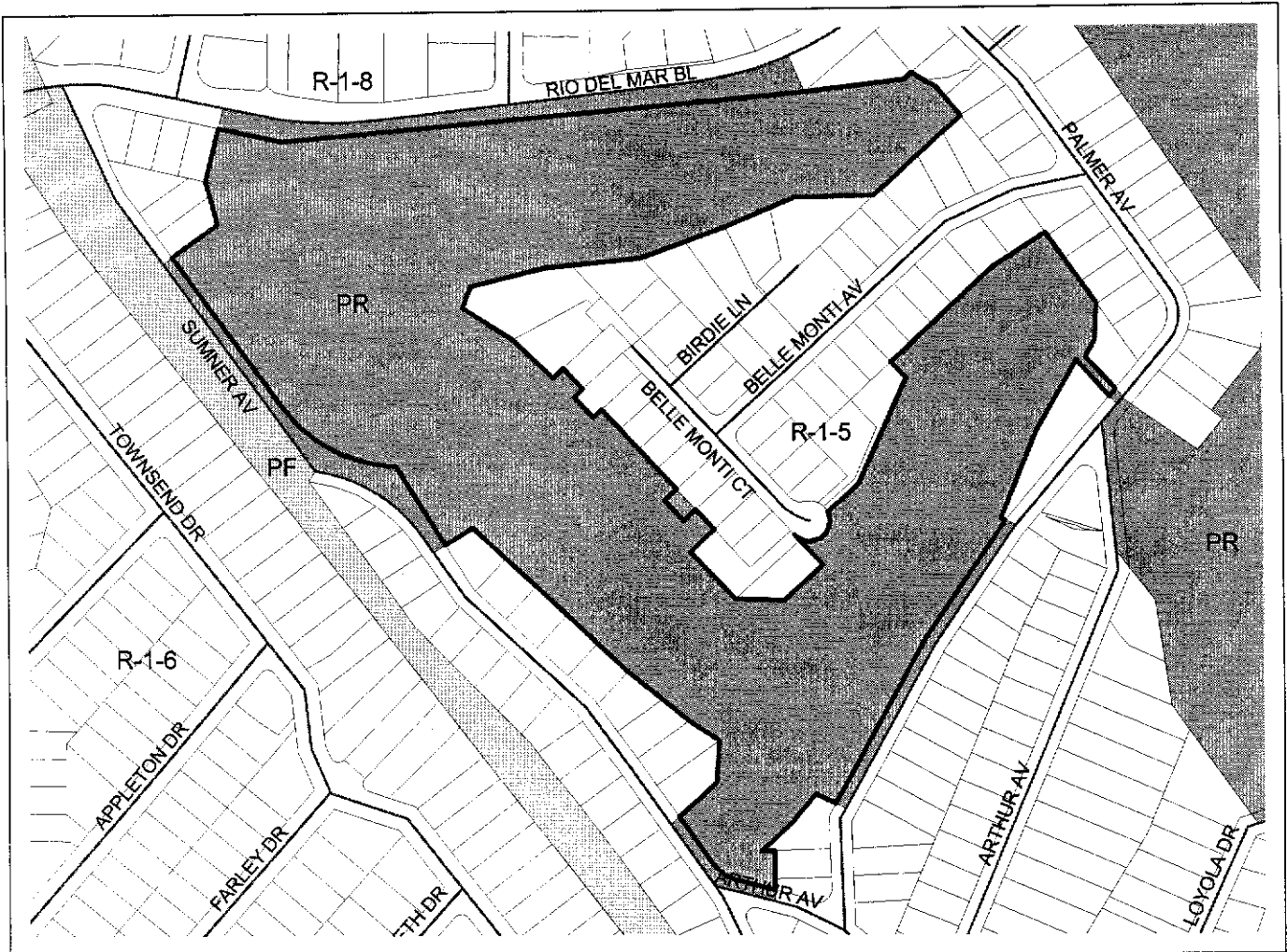
Assessor's Map No. 44-08
 County of Santa Cruz, Calif.
 Nov. 1999

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

electronically redrawn 11/4/99 KSA
 5/21/00 CS for to pg 44-09
 5/29/01 mm (changed page refs.)







EXHIBIT

Zoning Map



500 0 500 1000 Feet

Legend

-  APN 044-081-25
-  Parcel boundaries
-  Streets
-  PR
-  PF
-  R-1-X



Map created by Santa Cruz County
Planning Department:
August 2003



DATE: SEPTEMBER 26, 2003

TO: DAVID KEYTON, Project Planner, County of Santa Cruz, Planning Dept.
FROM: MIKE McCRAW, Superintendent, Seascope Golf Course
RE: APPLICATION # 03-0322 (Protective Netting at Seascope Golf Course)

Dear Mr. Keyton:

This letter is in response to your letter dated **Sept. 16, 2003** regarding **our request** to **install protective netting** along Rio Del Mar Boulevard in Aptos.

The problem of errant golf balls hitting homes along our number 3 hole has gotten significantly worse since the new housing addition was completed along Rio Del Mar Boulevard several years ago. One homeowner in particular, (Mr. Paul Lanagan) has been impacted by flying golf balls to the point of taking legal action. We have conducted numerous tests and made observations of golf balls traveling off the golf course in that direction and have determined the proposed location and height of the netting will catch the majority of errant shots. Lowering the proposed height or relocation of the fence will result in more balls leaving the golf course property and hitting homes, people, and cars.

- Additional Information—No trees will be removed to accommodate this project.
- Location of the deflection screen—As noted in the above narrative, the reason we have chosen the site as diagrammed, is to successfully block as many balls from leaving the property as possible.

Sincerely,

Mike McCraw
Golf Course Superintendent
seascope Golf Course
610 Clubhouse Drive
Aptos, Ca. 95003