



## Staff Report to the Zoning Administrator

Application Number: **00-0532**

**Applicant:** David Draeger  
**Owner:** David Draeger; Linda Taylor  
**APN:** 045-141-65 and **68**

**Agenda Date:** December 3, 2004  
**Agenda Item #:** **6**  
**Time:** After 11:00 a.m.

**Project Description:** Proposal to construct a new two-story single-family dwelling with an attached workshop, ramada and a detached carport on APN 045-141-65 and to substantially remodel and construct an addition to an existing single family dwelling, to construct a detached garage with a habitable accessory structure above, Preliminary Grading Approval for less than 250 cubic yards of associated grading and an Agricultural Buffer Determination.

**Location:** The project is located between San Andreas Road, Sells Drive and Loma Drive about 200 feet south of the intersection of San Andreas Road and Mar Monte Drive (at 1572 San Andreas Road and 200 Sells Road)

**Supervisory District:** 2<sup>nd</sup> District (District Supervisor: Pirie)

**Permits Required:** Coastal and Residential Development Permit (habitable accessory structure over 17 feet high) and an Agricultural Buffer Setback Reduction.

### Staff Recommendation:

- Approval of Application 00-0532, 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                              | E. Assessor's Parcel Map         |
| B. Findings                                   | F. Zoning Map                    |
| C. Conditions                                 | G. Staff Report to APAC 11/18/04 |
| D. Categorical Exemption (CEQA determination) |                                  |

### Parcel Information

Parcel Size: 045-141-65 – 9,525 square feet  
045-141-68 – 12,288 square feet

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Existing Land Use - Parcel:	045-141-65 – vacant residential lot 045-141-68 – existing single family dwelling
Existing Land Use - Surrounding:	residential
Project Access:	045-141-65 – San Andreas Road 045-141-68 – Loma Drive
Planning Area:	La Selva Beach
Land Use Designation:	R-UL (Urban low density residential)
Zone District:	R-1-6 (Single family residential - 6,000 sq.ft. lot minimum)
Coastal Zone:	<u>XX</u> Inside <u>  </u> Outside
Appealable to Calif. Coastal Comm	<u>  </u> Yes <u>XX</u> No

#### Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Elkhorn sandy loam
Fire Hazard:	Not a mapped constraint
Slopes:	Sloping lots
Env. Sen. Habitat:	Mapped/no physical evidence on site
Grading:	Minor grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Mapped resource (San Andreas Road)
Drainage:	Drainage plan
Traffic:	Minor increase
Roads:	Existing roads adequate
Parks:	Existing park facilities adequate
Archaeology:	Not mapped/no physical evidence on site

#### Services Information

Urban/Rural Services Line:	Not in the      Within the Urban/Rural Boundary USL
Water Supply:	San Andreas Mutual
Sewage Disposal:	Septic
Fire District:	Aptos-La Selva Fire
Drainage District:	None

#### History

This application was submitted on August 2, 2000. The original proposal included a lot line adjustment between four parcels, variances and a sign-off for a less than 40-foot right-of-way (off of Sells Drive). The property owners have combined two of the parcels (APN 045-141-37 and 64) forming APN 045-141-68 and have redesigned the project designs and access points eliminating the need for variances and the right-of-way sign-off.

## Zoning & General Plan Consistency

The project is located on two sloping lots within the La Selva Beach planning area. Parcel 045-141-65 is an undeveloped lot fronting on San Andreas Road. Parcel 045-141-68 is currently developed with an older home and is located adjacent to the northern (side yard) property line of parcel 65. The existing dwelling has a Sells Drive address, however, a new driveway is proposed from Loma Drive. Parcel 68 is a double frontage lot with frontage on both Loma Drive and San Andreas Road. The subject parcels are zoned R-1-6 (Single Family Residential - 6,000 square foot minimum parcel size) and have a General Plan designation of Urban Low Residential (R-UL). R-1-6 is an implementing zone district for the Urban Low Residential General Plan designation. A single family dwelling and ancillary residential structures are principal permitted uses for use this zone district. The parcels are located within a Scenic zone within the Coastal zone and thus, Coastal Development permits are required for the proposed development. The proposed development compares with the residential developments standards set forth in the County Code as follows:

	SETBACKS							
APN 045-141-65	Front yard	Side yard	Side yard	Rear yard	Separation	Height	Lot coverage	Floor Area
<b>REQUIRED</b>	<b>20 ft.</b>	<b>5 ft.</b>	<b>8 ft.</b>	<b>15 ft.</b>	<b>10 ft.</b>	<b>28 ft.</b>	<b>30%</b>	<b>50%</b>
DWELLING	23 ft.	5 ft.	25.8 ft.	31 ft.	--	28 ft.	~20%	~ 30%
CARPORT	8.6* ft.	>25 ft.	>30 ft.	>50 ft.	10 ft.	23 ft.	--	--

\* Section 13.10.323(d)5(A) of the County Code allows construction of an unenclosed attached or detached carport within five feet of the front property line or edge of right-of-way of the lot, when the elevation of the lot at a point ~~fifty~~ (50) feet from the center line of the traveled roadway is seven feet or more above or below the elevation of said center line.

	SETBACKS (Double frontage)							
APN 045-141-68	Front yard	Side yard	Side yard	Front yard	Separation	Height	Lot coverage	Floor Area
<b>REQUIRED</b>	<b>20 ft.</b>	<b>5 ft.</b>	<b>8 ft.</b>	<b>20 ft.</b>	<b>10 ft.</b>	<b>28 ft.</b>	<b>30%</b>	<b>50%</b>
DWELLING	>65 ft.	5.8 ft.	21 ft.	27 ft.	--	24.5 ft.	-18%	<30%
GARAGE/HABITABLE ACCESSORY STRUCTURE	25.5 ft.	5 ft.	17.8 ft.	>100 ft.	>50 ft.	21 ft.	--	--

The proposed habitable accessory structure (office) on APN 045-141-68 is proposed over a detached garage and exceeds 17 feet in height requiring a Residential Development permit. The proposed office is proportional to the parcel size and will harmonize with the development pattern of the neighborhood. The existing dwelling has three bedrooms. The proposed remodel and addition and the new habitable accessory structure will have three rooms that meet the definition of a bedroom. Therefore, capital improvements fees are not applicable to this project. More than the three required on-site parking spaces are proposed for this development.

The new dwelling on APN 045-141-65 has four rooms that meet the definition of a bedroom. Three

on-site parking spaces are required and are proposed. The parking and paving proposed for this project is just under 50% of the required front yard.

San Andreas Road is a 1994 General Plan designated scenic road, and the subject parcels are mapped within a Scenic Resource area. The purpose of General Plan Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". Policy 5.10.2 - Development Within Visual Resource Areas, recognizes the diversity of Santa Cruz County's visual resources and provides criteria for evaluating projects within designated visual resource areas. The project is consistent with General Plan policies for development within an established residential area. The development along this area of San Andreas Road utilizes a variety of designs and sizes. The proposed dwellings will integrate with the built environment along San Andreas Road. In addition, the building sites are located at least 12 feet above San Andreas Road due to the steep cut slope adjacent to the road. Some grading and the proposed carport will be more readily visible on Parcel 65 from San Andreas Road. This disturbance and modification within the view shed are necessary to access this parcel. Several alternative access points were thoroughly explored by the property owners, but proved problematic and infeasible.

Both structures are less than 200 feet setback from a commercial agricultural parcel (APN 046-021-05) located across Altivo Avenue. Due to the subject parcels' sizes, it is not possible to develop these residential parcels and meet the required 200-foot agricultural buffer setback. Thus, an Agricultural Buffer Determination is required as set forth in County Code Section 16.50.095(b) is required to reduce this setback. The Agricultural Policy Advisory Commission (APAC) considered this agricultural buffer reduction at a public hearing on November 18, 2004 and approved the following reduced agricultural setbacks based on the findings (see Exhibit B) and agricultural conditions (see Exhibits C and G).

AGRICULTURAL BUFFER SETBACKS		S	
APN 045-141-65		APN 045-141-	
DWELLING	133 feet	DWELLING	190 feet
		ADDITION	190 feet
CARPORT	170 feet	CARPORT	175 feet
		GARAGE & ACCESSORY STRUCTURE	100 feet

The APAC staff report is included as Exhibit G.

### Local Coastal Program Consistency

The proposed residences 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 with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings, some with detached structures. Sizes and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Section 13.20.130(b)1. of the County Code which provides the visual compatibility design criteria

for development in the coastal zone, states that all new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. The project has been designed to blend with the existing development of the surrounding neighborhood. This particular area is a fairly densely developed residential neighborhood at the urban/rural boundary. The homes in the vicinity are a mixture of one and two story structures of mixed architectural styles and finishes. Minor grading under 250 cubic yards is anticipated for the construction of the two projects, with a large proportion of the grading associated with the proposed driveway for lot **65** from San Andreas Road. This grading is in keeping with purposes of the 1994 General Plan/LCP policies for grading regulation to prevent the significant alteration of site topography and for development to blend with the natural and built environments. The proposed project is consistent with coastal design requirements in that the project is not on a ridgeline, does not obstruct public views, is not visible from any beach and is consistent and integrated with the character of the surrounding neighborhood. Thus, the project is consistent with General Plan policies for residential infill development in a coastal zone neighborhood.

### Design Review

The proposed development is subject to the County Design Review Ordinance due to its location within a mapped scenic resource area. The structures will not be visually intrusive to travelers along San Andreas Road due to the topography. Specifically, the development is separated from San Andreas Road by a 5-8 foot cut slope and 12 or more feet in elevation. Also, muted coloration is proposed for the buildings. Thus, the project meets the purpose of the County Design Review Ordinance.

### 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 **00-0532**, 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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## 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 subject parcels are zoned R-1-6 (Single family residential - 6,000 sq.ft. lot minimum), a designation that allows residential uses. The proposed residence and carport on APN 045-141-65, and the proposed residential remodel and addition and detached garage on APN 045-141-68 are principal permitted uses within the zone district, consistent with the site's (R-UL) Urban low density residential General Plan designation. The proposed habitable accessory structure (APN 045-141-68) over 17 feet in height is an allowed use in the zone district.

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 the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements 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 an urban density; the colors shall be natural in appearance and complementary to the site; the development site 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 the project site is not located between the shoreline and the first public road. Consequently, the residences will not interfere with public access to the beach, ocean, or any nearby body of water. Further, 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 with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single family residential - 6,000 sq.ft. lot minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent 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 Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. In addition, a soils engineering report and review has been required as a condition of approval to ensure the adequacy of the proposed earthwork and the proper design and functioning of the proposed structures. The proposed residences and the 21 foot high habitable accessory structure will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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 residences and ancillary structures and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single family residential - 6,000 sq.ft. lot minimum) zone district in that the primary use of each property will be one residence that meets all current 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 Urban low density residential (R-UL) land use designation in the County General Plan.

The proposed residences and ancillary structures will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the residences 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 residences 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 residences will comply with the site standards for the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in structures consistent with a design that could be approved on any similarly sized lot in the vicinity.

San Andreas Road is a 1994 General Plan designated scenic road, and the subject parcels are mapped within a Scenic Resource area. The purpose of General Plan Objective 5.10b New Development within Visual Resource Areas is to “ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources”. Policy 5.10.2 - Development Within Visual Resource Areas, recognizes the diversity of Santa Cruz County’s visual resources and provides criteria for evaluating projects within designated visual resource areas. The project is consistent with General Plan policies for development within an established residential area. The development along this area of San Andreas Road utilizes a variety of designs and sizes. The proposed dwellings will integrate with the built environment along San Andreas Road. In addition, the building sites are located at least 12 feet above San Andreas Road due to the steep cut slope adjacent to the road. Some grading and the proposed carport will be more readily visible on Parcel 65 from San Andreas Road. This disturbance and modification within the view shed are necessary to access this parcel, but will result in minimal visual impact. Alternative access points were determined to be infeasible.

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 one proposed residence will be constructed on an existing undeveloped lot, and on the adjacent developed lot the existing dwelling will be substantially remodeled and added on to and a detached garage and habitable accessory structure (office) over 17 feet high (21 feet) will be constructed. The expected level of traffic generated by the proposed project is anticipated to be only 1 peak trip per day (1 peak trip per new dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residences is consistent with the land use intensity and density 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 residences will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

**REQUIRED FINDINGS FOR AGRICULTURAL BUFFER SETBACK REDUCTION  
COUNTY CODE SECTION 16.50.095 (b)**

1. SIGNIFICANT TOPOGRAPHICAL DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT SETBACK OR
2. PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT BUFFER SETBACK, OR
3. A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL USES, BASED ON THE ESTABLISHMENT OF A PHYSICAL BARRIER, UNLESS IT IS DETERMINED THAT THE INSTALLATION OF A BARRIER WILL HINDER THE AFFECTED AGRICULTURAL USE MORE THAN IT WOULD HELP IT, OR WOULD CREATE A SERIOUS TRAFFIC HAZARD ON A PUBLIC OR PRIVATE RIGHT-OF-WAY; AND/OR SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE 200 FOOT BUFFERING DISTANCE TO THE GREATEST DEGREE POSSIBLE, OR
4. THE IMPOSITION OF A 200 FOOT AGRICULTURAL BUFFER SETBACK WOULD PRECLUDE BUILDING ON A PARCEL OF RECORD AS OF THE EFFECTIVE DATE OF THIS CHAPTER, IN WHICH CASE A LESSER BUFFER SETBACK DISTANCE MAY BE PERMITTED, PROVIDED THAT THE MAXIMUM POSSIBLE SETBACK DISTANCE IS REQUIRED, COUPLED WITH A REQUIREMENT FOR A PHYSICAL BARRIER, OR VEGETATIVE SCREENING OR OTHER TECHNIQUES TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF PERMITTING BUILDING ON A PARCEL OF RECORD.

The subject parcels are both less than ¼ acre in size and are not 200 feet wide. The small size of these lots does not allow sufficient building area to provide the required 200-foot agricultural buffer setback. The proposed building sites are located to meet the required zoning setbacks, and to maintain the maximum distance from the agricultural land. A heavily vegetated riparian corridor is located on the commercial agricultural property between the cultivated fields and the residential parcels. This vegetation is protected under Chapter 16.30 of the County Code (Riparian Protection Ordinance) and provides an additional buffer area. Consequently, the reduced agricultural buffers ranging from 100 to 190 feet will be adequate to meet the objectives of Chapter 16.50.

## **REQUIRED FINDINGS FOR NON-AGRICULTURAL DEVELOPMENT ON OR ADJACENT TO COMMERCIAL AGRICULTURAL LAND**

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2 OR TYPE 3 AGRICULTURAL LAND SHALL BE SITED SO AS TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA AND NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED ON AGRICULTURAL PARCELS, SUCH STRUCTURES SHALL BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION.

The subject parcels are zoned R-1-6 – Single Family Residential and are within 200 feet of an “AP” Agriculture Preserve zoned parcel. As discussed in Finding 4 above, the residential structures are sited so as to minimize possible conflicts by maintaining the maximum distance possible from the “AP”.

## Conditions of Approval

Exhibit A: Project plans prepared by Robinson & Robinson Architecture, revised 10/5/04

- I. This permit authorizes the construction of a residence and detached, unenclosed carport on APN 045-141-65 and the remodel and additions to an existing single family dwelling and the construction of a detached garage with a habitable accessory structure above on APN 045-141-68 and up to 250 cubic yards of associated grading, and authorizes the reduction of the agricultural buffer setback from 200 feet to 133 feet to a new dwelling and 170 feet to a carport (APN 045-141-65), and to reduce the 200-foot agricultural buffer setback to 190 feet to the residential addition, 175 feet to the carport and to 100 feet to the garage/office (APN 045-141-68). 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 Building Permits from the Santa Cruz County Building Official.
  - C. Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
11. 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 site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, septic tanks and leach fields and drainage improvements. A standard driveway and conform is required.
    3. For all structures proposed to be 25 feet or higher, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features.

Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure.

4. Submit detailed drainage plans.
5. Submit grading and erosion control plans for review and approval by Environmental Planning. Grading plans shall include grading volumes, detail areas with existing and proposed contours and cross sections. The erosion control plans shall include measures to prevent turbid runoff or sediment generated during construction from leaving the site and stabilization of all disturbed areas adjacent to San Andreas Road.

Earthwork between October 15 and April 15 (winter season) is prohibited, unless a special Winter Grading Permit and winter season erosion control plan are approved by Environmental Planning.

6. Details showing compliance with fire department requirements.
  7. For APN 045-141-68, plans shall clearly delineate on the plans the existing walls, exterior and interior, which shall remain, the existing walls, exterior and interior, which will be demolished or modified and all new walls.
  8. Final plans shall incorporate a copy of the conditions of approval.
  9. All development shall meet the site development standards set forth in Section 13.10.323 of the County Code for the R-1-6 zone district.
- C. Meet all requirements of and pay Zone 7 drainage fees to the County Department of Public Works, Drainage. 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.
  - E. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection District.
  - F. The applicant/owner shall submit proof of Fire Clearance under the Urban Wildland Intermix Code. The final plans shall meet all requirements of the applicable Urban Wildland Intermix Code.
  - G. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer, and pay associated review fees. The soils report shall meet County Guidelines for Geotechnical Reports.

- H. Pay the current fees for Parks and Child Care mitigation for 4 bedroom(s) for APN 045-141-65. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
  - I. Each parcel shall provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
  - J. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
  - K. Complete and record a Declaration of Restriction to construct a habitable accessory structure (office) on APN 045-141-68. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
  - L. Complete and record a Declaration of Restriction to construct a non-habitable accessory structure (garage) on APN 045-141-68. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
  - M. Complete and record a record a Statement of Acknowledgement regarding the issuance of a County building permit in an area determined by the County to be subject to agricultural-residential use conflicts on APN 045-141-65 and APN 045-141-68. **You may not alter the wording of this document.** Follow the instructions to record and return the form to the Planning Department.
- 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. The project soils engineer shall submit a letter stating that the construction, grading and drainage conforms with the recommendations of the soils report to the Building Inspector and to the Environmental Planning section of the Planning Department.
  - D. 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. The detached garage with the habitable accessory structure (office) above on APN 045-141-68 and shall adhere to following conditions:
1. The detached garage and office shall not have a separate electric meter from the main dwelling.
  2. The detached garage (ground floor) shall be maintained as a non-habitable structure.
  3. Toilet facilities are prohibited.
  4. One sink is permitted. Waste drains for a utility sink or clothes washer shall not exceed 1 ½ inches.
  5. Mechanical heating, cooling, humidification or dehumidification of the garage (ground floor) is prohibited. The garage may be either finished with sheet rock or insulated, but shall not utilize both sheet rock and insulation.
  6. The detached garage shall not to be converted into a dwelling unit or into any other independent habitable structure in violation of County Code Section 13.10.611.
  7. The habitable accessory structure (second story) shall not to be converted into a dwelling unit.
  8. Kitchens or food preparation facilities are prohibited in the garage and in the habitable accessory structure (office). Renting, letting or leasing the accessory structure (garage and/or office) as an independent dwelling unit is prohibited. Under County Code Section 13.20.700-K, kitchen or food preparation facilities shall be defined as any room or portion of a room used or intended or designed to be used for cooking and/or the preparation of food and containing one or more of the following appliances: any sink having a drain outlet larger than 1 1/2 inches in diameter, any refrigerator larger than 2 1/2 cubic feet, any hot plate, burner, stove or oven.
  9. The detached garage and habitable accessory structure (office) may be inspected for condition compliance twelve months after approval, and at any time thereafter at the discretion of the Planning Director. Construction of or conversion to an accessory structure pursuant to an approved permit shall

entitle County employees or agents to enter and inspect the property for such compliance without warrant or other requirement for permission.

- B. Enclosure of the carport on APN 045-141-65 is prohibited.
- C. The agricultural buffer setbacks shown on Exhibit A shall be maintained.
- D. 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.

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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: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Cathleen Carr  
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: 00-0532

Assessor Parcel Number: 045-141-65 and 68

Project Location: 1572 San Andreas Road and 200 Sells Road

Project Description: Proposal to construct a single family dwelling and detached carport on APN **045-141-65** and to construct additions and significantly remodel **an** existing dwelling and construct a detached garage with a habitable accesory structure above on APN **045-141-68**.

Person or Agency Proposing Project: David Draeger

Contact Phone Number: **(831) 426-5313**

- 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.   X   Categorical Exemption

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

F. Reasons why the project is exempt:

Existing commerical development in an area designated for commercial uses

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

\_\_\_\_\_  
Cathleen Carr, Project Planner

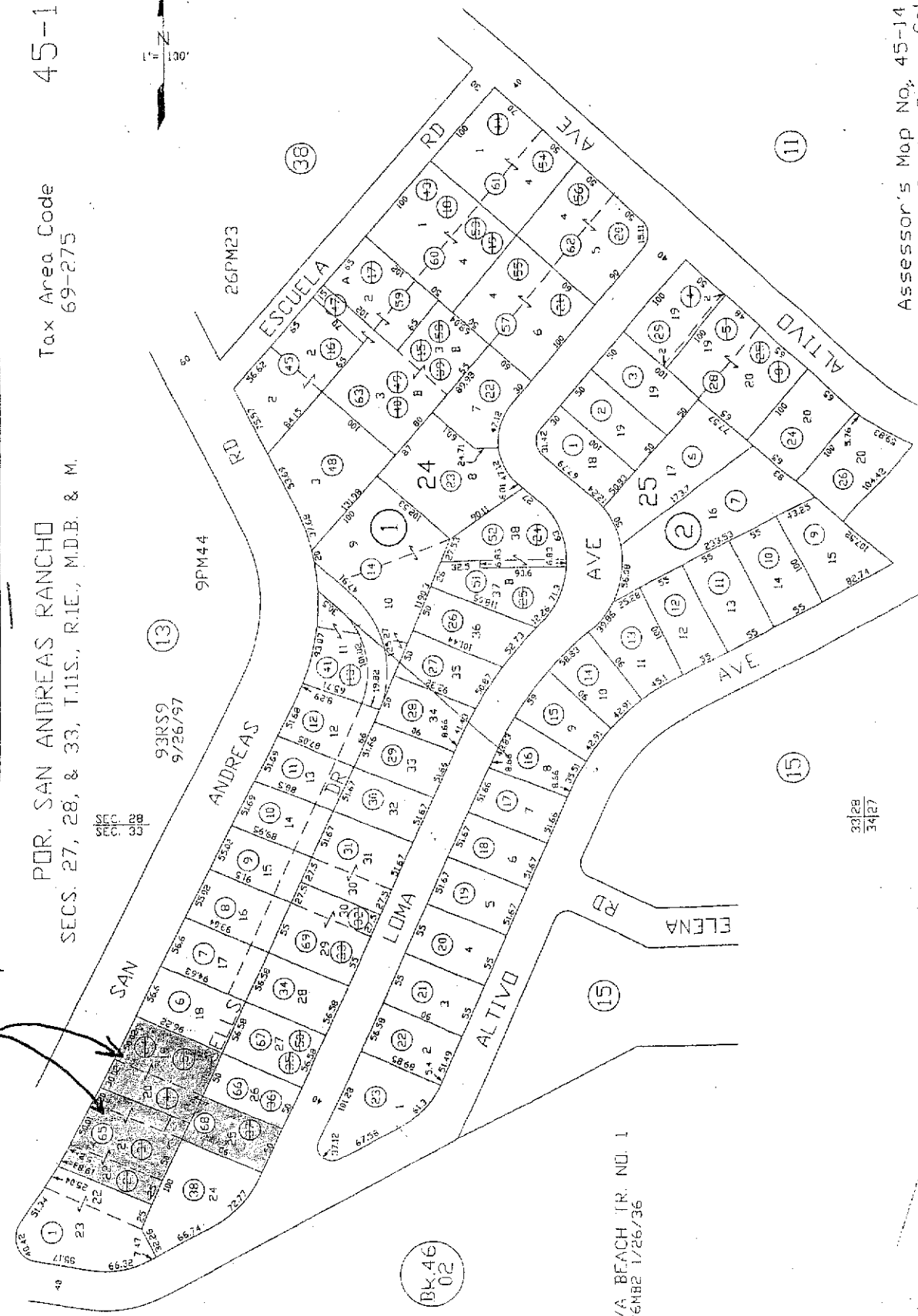
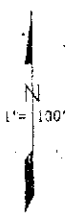
Date: \_\_\_\_\_

Subject  
Parcels

45-14

Tax Area Code  
69-275

POR. SAN ANDREAS RANCHO  
SECS. 27, 28, & 33, T.11S., R.1E., M.D.B. & M.



BK. 46  
02

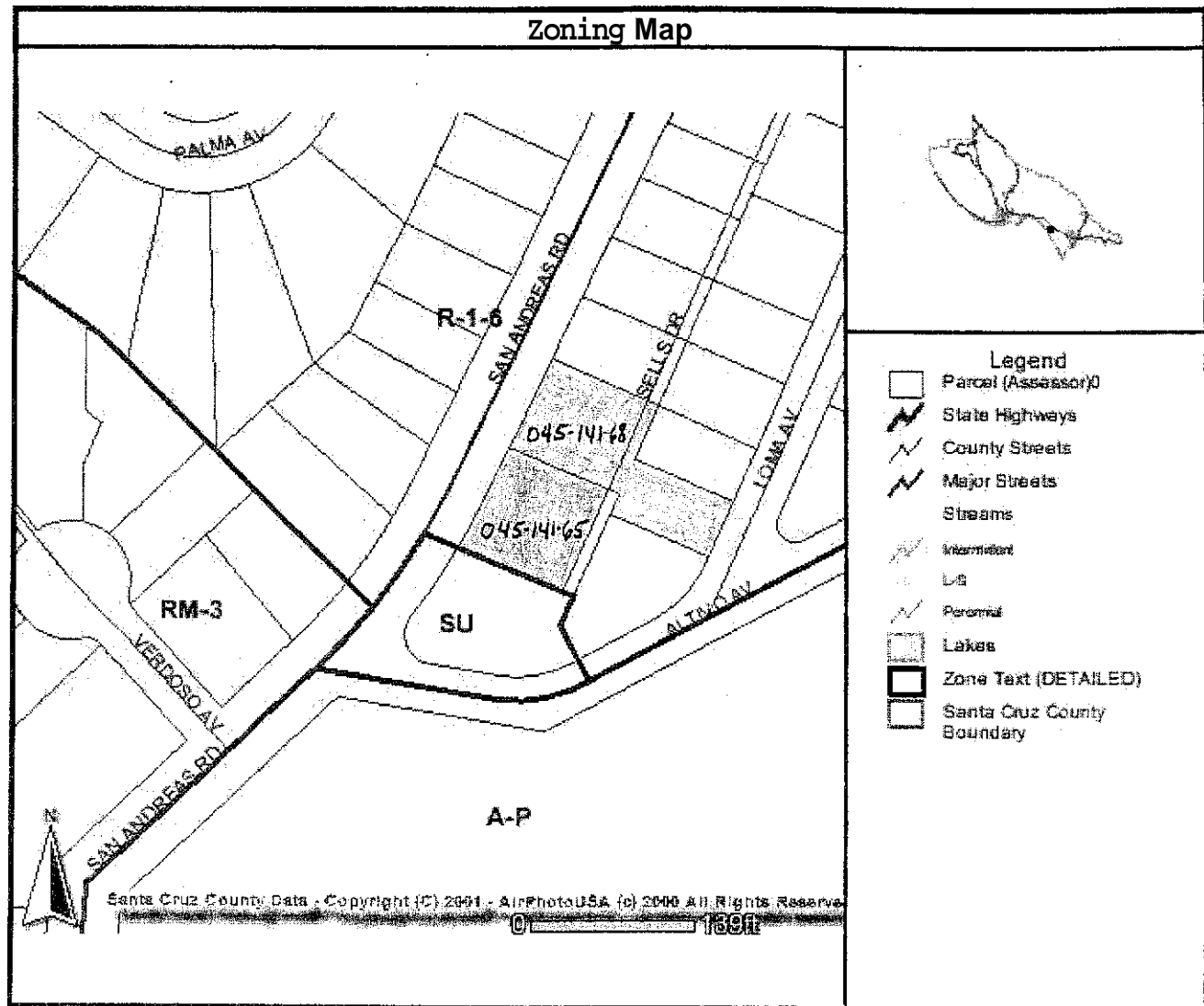
LA SELVA BEACH TR. NO. 1  
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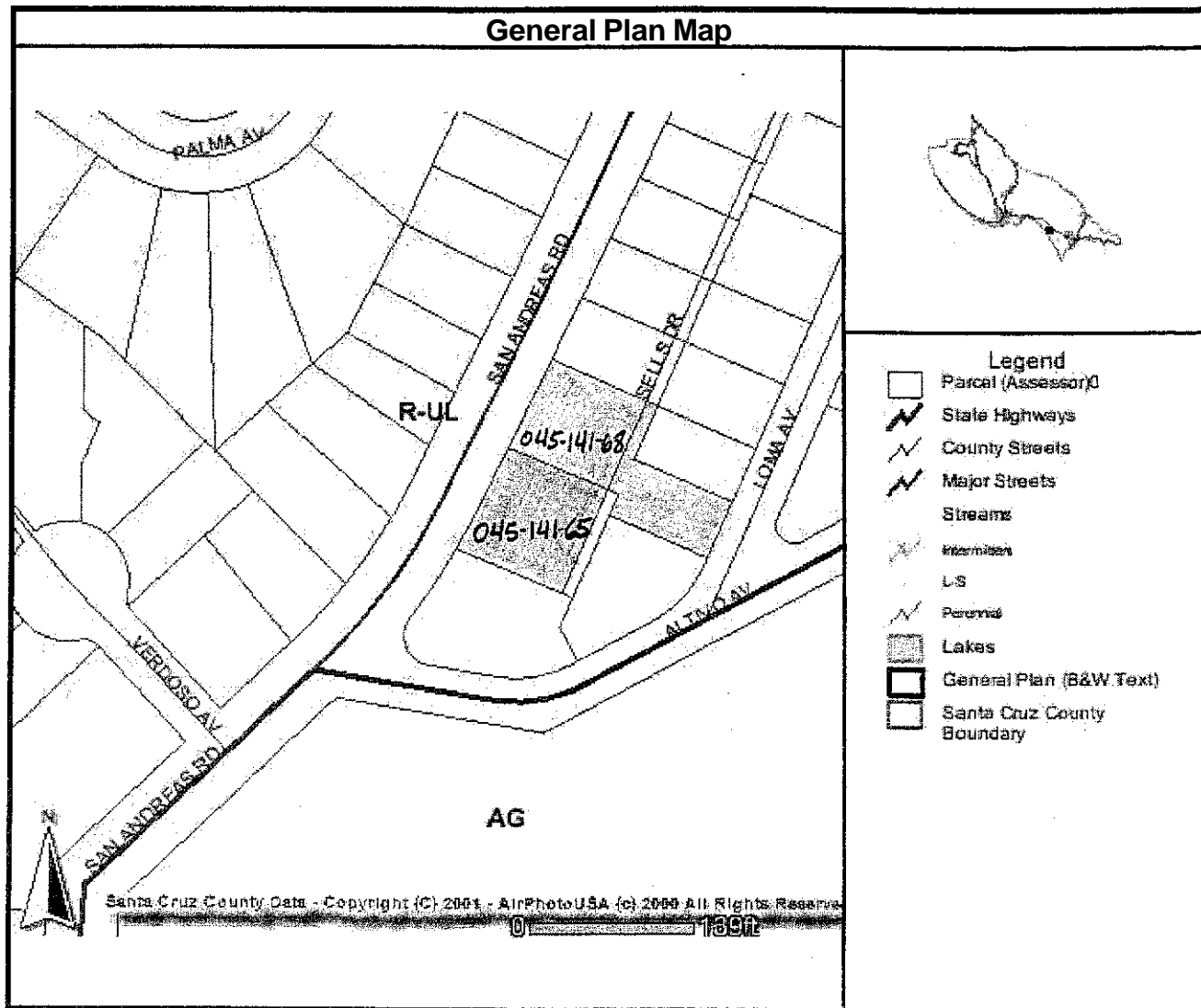
Assessor's Map No. 45-14  
County of Santa Cruz, Calif.  
Jan. 2000

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

18  
Assessors Parcel Map

EXHIBIT E





20

EXHIBIT F



## Staff Report to the Agricultural Policy Advisory Commission

Application Number: **00-0532**

**Applicant:** David Draeger  
**Owner:** David Draeger; Linda Taylor  
**APN:** 045-141-65 and 68

**Agenda Date:** November 18, 2004  
**Agenda Item #:** 9  
**Time:** 1:30 p.m.

**Project Description:** Proposal to construct a new two-story single-family dwelling with an attached workshop, ramada and a detached carport on APN 045-141-65 and to substantially remodel and construct an addition to an existing single family dwelling, to construct a detached garage with a habitable accessory structure above, and Preliminary Grading Approval for less than 250 cubic yards of associated grading.

**Location:** The project is located between San Andreas Road, Sells Drive and Lorna Drive about 200 feet south of the intersection of San Andreas Road and Mar Monte Drive (at 1572 San Andreas Road and 200 Sells Road)

**Supervisory District:** 2<sup>nd</sup> District (District Supervisor: Pine)

**Permits Required:** Agricultural Buffer Setback Reduction, Coastal and Residential Development Permits

### Staff Recommendation:

- Approval of the Agricultural Buffer Reduction for Application 00-0532, based on the attached findings and conditions.

### Exhibits

- |                          |                               |
|--------------------------|-------------------------------|
| A. Project plans         | E. Zoning & General Plan Maps |
| B. Findings              | F. Site Photographs           |
| C. Conditions            | G. Ag. Buffer Permit 90-0094  |
| D. Assessor's Parcel Map |                               |

### Parcel Information

Parcel Size:	045-141-65 – 9,525 square feet
	045-141-68 – 12,288 square feet
Existing Land Use - Parcel:	045-141-65 – vacant residential lot
	045-141-68 – existing single family dwelling

Application #: 00-0532  
APN: 045-141-65 and 66  
Owner: David Draeger; Linda Taylor

Existing Land Use - Surrounding: Residential and commercial agriculture  
Project Access: 045-141-65 – San Andreas Road  
045-141-68 – Loma Drive  
Planning Area: La Selva Beach  
Land Use Designation: R-UL (Urban low density residential)  
Zone District: R-1-6 (Single family residential - 6,000 sq.ft. lot minimum)  
Coastal Zone: XX Inside       Outside  
Appealable to Calif. Coast Comm.    Yes    XX No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: 129 - Elkhorn sandy loam  
Fire Hazard: Not a mapped constraint  
Slopes: Sloping lots  
Env. Sen. Habitat: Mapped/no physical evidence on site  
Grading: Minor grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Mapped resource (San Andreas Road)  
Drainage: Drainage plan  
Traffic: Minor increase  
Roads: Existing roads adequate  
Parks: Existing park facilities adequate  
Archaeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: Not in the    Within the Urban/Rural Boundary  
USL  
Water Supply: San Andreas Mutual  
Sewage Disposal: Septic  
Fire District: Aptos-La Selva Fire  
Drainage District: None

### Analysis and Discussion

The project is located on two sloping lots within the La Selva Beach planning area. Parcel 045-141-65 is an undeveloped lot fronting on San Andreas Road. An Agricultural Buffer Reduction similar to that currently proposed was approved in 1990 under Application 90-0094 (Exhibit G). This permit was never exercised and has subsequently lapsed. Parcel 045-141-68 is currently developed with an older home and is located adjacent to the northern (side yard) property line of parcel 65. The existing dwelling has a Sells Drive address; however, a new driveway is proposed from Lorna Avenue. An extensive remodeling and addition are proposed for the existing dwelling on Parcel 68. In addition, the applicant proposes to construct a detached garage with an upstairs office on the lower portion of the property near Lorna Avenue. A new residence is proposed on APN 045-141-68, a

AGRICULTURAL BUFFER SETBACKS			
APN 045-141-65		APN 045-141-68	
DWELLING	133 feet	DWELLING ADDITION	190 feet
CARPORT	170 feet	CARPORT	175 feet
		GARAGE & ACCESSORY	100 feet

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 133 to the dwelling on **APN 045-141-65** and to about 190 to the residential addition. about 175 feet to the carport and about 100 feet to the garage/habitable accessory structure (office) on **APN 045-141-68**, proposed under Application # 00-0532, based on the attached findings and recommended 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.**

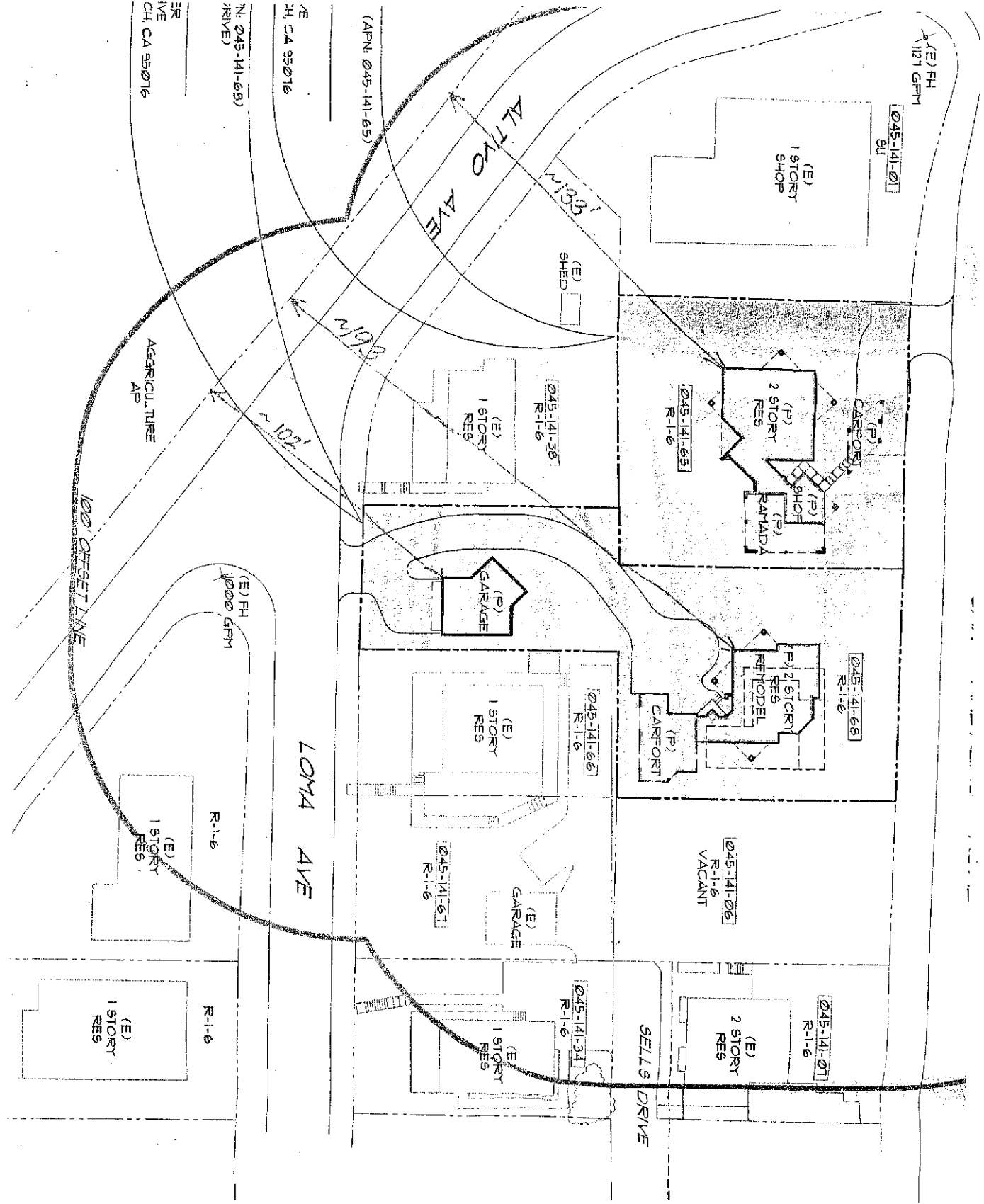
**The County Code and General Plan, as well as hearing agendas and additional information are**

Application #: 00-0532  
APN: 045-141-65 and 68  
Owner: David Draeger; Linda Taylor

**available online at:** [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

Report Prepared By: Cathleen Carr  
Santa Cruz County **Planning** Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3225  
E-mail: [cathleen.carr@co.santa-cruz.ca.us](mailto:cathleen.carr@co.santa-cruz.ca.us)





Knott +

## **Agricultural Buffer Reduction Conditions of Approval**

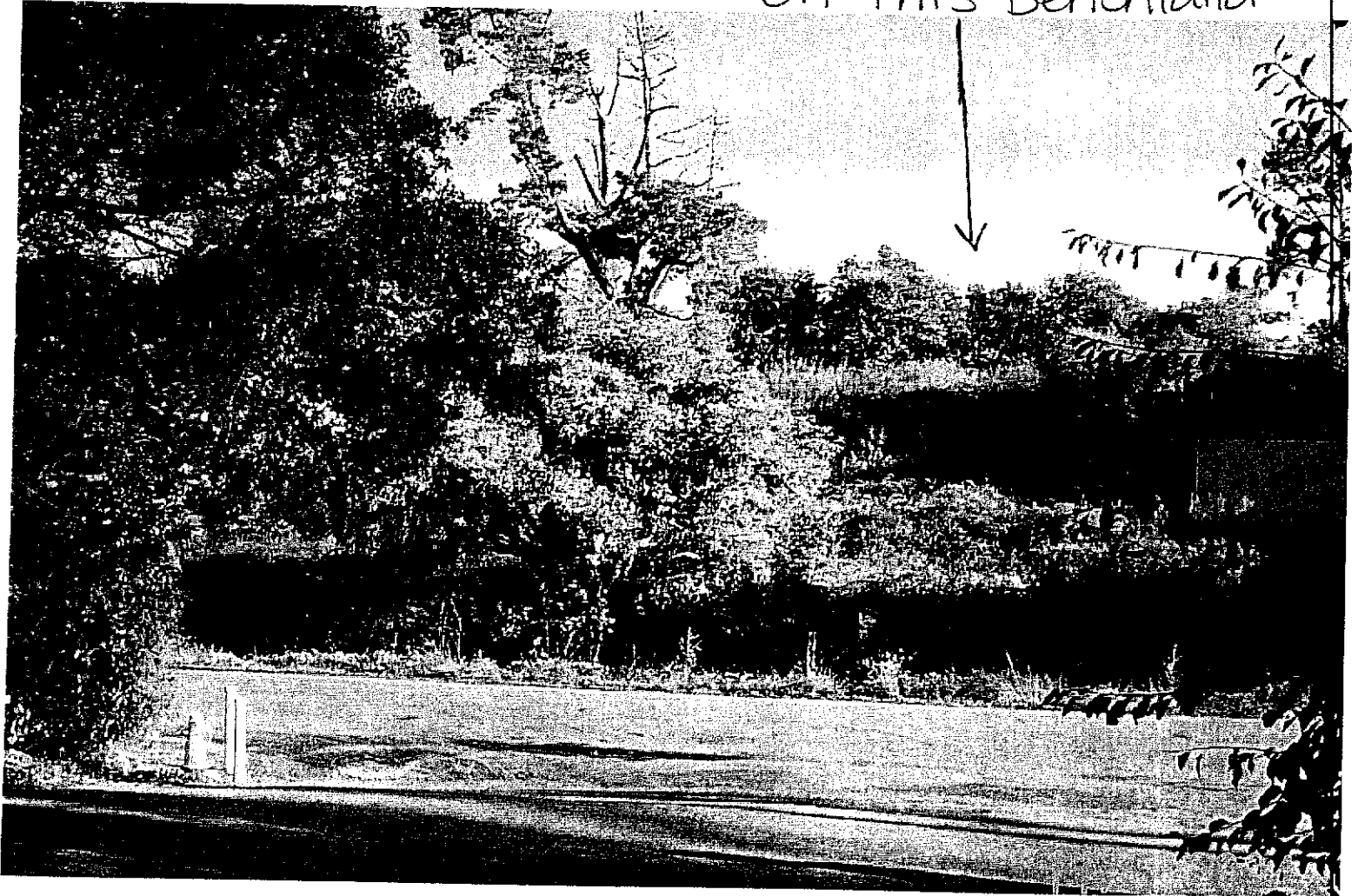
Exhibit A: Project plans prepared by Robinson & Robinson Architecture, revised 10/5/04

- I. This permit authorizes the reduction of the agricultural buffer setback from 200 feet to 133 feet to a new dwelling and 170 feet to a carport (APN 045-141-65), and to reduce the 200-foot agricultural buffer setback to 190 feet to the residential addition, 175 feet to the carport and to 100 feet to the garage/office (APN 045-141-68). 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 Building Permits from the Santa Cruz County Building Official
- 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
  - B. Complete and record a record a Statement of Acknowledgement regarding the issuance of a County building permit in an area determined by the County to be subject to agricultural-residential use conflicts on APN 045-141-65 and APN 045-141-68. **You may not alter the wording of this document.** Follow the instructions to record and return the form to the Planning Department.
- 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 agricultural buffer setbacks shown on Exhibit **A** shall be maintained,
  - 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.

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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.

Cultivated Fields  
on this Benchland

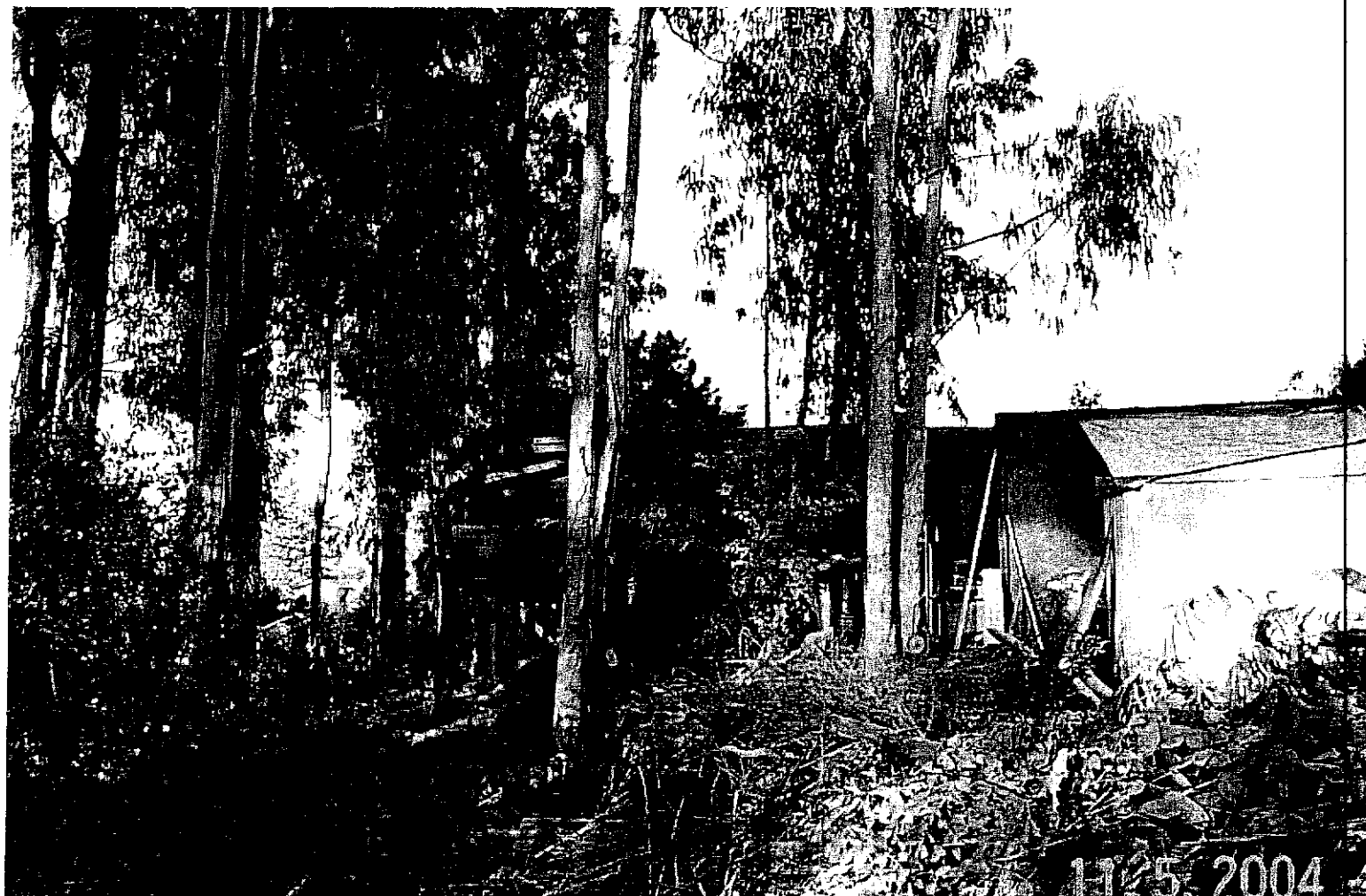


View Across Loma & Altivo Avenues

## Cultivated Fields



View from Building Site APN 045-141-65  
towards the Commercial Ag. land



Existing Dwelling APN 045-141-68



Garage/Office Building site  
APN 045-141-68

County of Santa Cruz  
Planning Department  
Staff Planner: Sheryl Mitchell

Date: April 26, 1990  
Time: 1:30 PM  
Agenda Item: 7

AGRICULTURAL POLICY ADVISORY COMMISSION

STAFF REPORT

Applicant: Herbert Ichikawa for Jack Gachesa

Application: 90-0094

Project: Reduction of the 200 foot agricultural buffer setback to construct a single-family dwelling on a parcel adjacent to commercial agricultural land. Requires an Agricultural Buffer Determination.

Location: APN: 045-141-65, on the east side of San Andreas Road, approximately 117 feet northeast of the intersection of San Andreas Road and Altivo Avenue, La Selva Beach.

Contents:

- I. PROJECT DESCRIPTION AND BUFFER ANALYSIS
- II. RECOMMENDATION AND FINDINGS
  - A. Recommendation
  - B. Findings
- 111. EXHIBITS
  - A. Vicinity Map
  - B. Site Map

Herb Ichikawa for Jack G. Gachesa  
Application: 90-0094  
APN: 045-141-65

## I. PROJECT DESCRIPTION AND BUFFER ANALYSIS

### A. Project Description

Mr. Gachesa desires to build a single-family dwelling on a 9,900 square foot parcel zoned R-1-6. Mr. Gachesa's property lies near the edge of a residential area that is bordered by agricultural land. The subject parcel is bordered on the west by San Andreas Road, on the north, east and south-east by residentially zoned parcels with existing single-family dwellings and to the south by a parcel that is currently used as a commercial wood working shop all as shown on Exhibit A. The subject parcel is less than 1/4 of an acre in size, is not 200 feet wide in any dimension and is within 56 feet of commercial agricultural land zoned "AP." Therefore, the construction of any habitable structure would require an Agricultural Buffer Determination. The proposed development is located according to standard residential zoning setbacks and is set back from the "AP" zoned land the maximum distance possible. The proposed development is located 137 feet northwest of the commercial agricultural land zoned "AP." Lying between Gachesa's parcel and the "AP" zoned parcel is a residential lot with a single-family dwelling, Altivo Avenue and a riparian corridor. The subject parcel is located on the edge of a coastal benchland that is elevated above Altivo Avenue by approximately 35 feet. The actively farmed agricultural land is primarily located on another coastal benchland that is also elevated above Altivo Avenue by approximately 35 feet. Altivo Avenue and the Riparian Corridor encompass approximately 60 lineal feet and are located within the valley that lies between the two benchlands. The riparian corridor's vegetation is preserved by the Riparian Corridor Ordinance.

### B. Buffer Analysis

The small size of the parcel does not allow for a 200-foot agricultural buffer setback. However, the 80 foot wide valley, and the riparian corridor and its vegetation will serve as a filtering barrier from any potential noise, dust, odor or overspray. The surrounding residential and commercial buildings and their use will also serve as barriers to prevent any potential conflict between the proposed residential and the existing commercial agricultural land uses.

Therefore, the proposed development is buffered from any potential conflicts between the commercial agricultural and residential land uses by the following factors: the existing residential and commercial buildings and their land uses, the 60 foot wide valley that includes the riparian corridor (and its vegetation) located between the commercial, residential and agricultural land uses.



Herb Ichikawa for Jack C. esa  
Application: 90-0094  
APN: 045-141-65

11. RECOMMENDATIONS AND FINDINGS

A. Recommendations

1. It is therefore recommended that the Agricultural Policy Advisory Commission make the findings in Subsection II.8. to reduce the 200-foot agricultural buffer setback from the northern and southern property lines to 96 feet measured from the southeastern property corner of the subject parcel to the northwest property line of the "AP" zoned parcel across the other side of Altivo Avenue for a lineal distance of 100 feet and 95 feet along the entire length of the subject parcel's southern and eastern property line, respectively.

conditional upon:

2. A Statement of Acknowledgement recorded on the deed prior to building permit issuance. (APAC added).

ACTION: Approval of the staff recommendation with the additional condition of requiring the applicant to record a Statement of Acknowledgement as noted above.

AYES: Commissioner Dau, Commissioner McCrary, Commissioner Sakamoto, Commissioner Thomas and Chairperson Ringe

NOES: None

ABSENT: None

April 26, 1990

Herb Ichikawa for Jack C. esa  
Application: 90-0094  
APN: 045-141-65

B. Required Findings for Reduction of Agricultural Buffer Setback  
County Code Section 16.50.095(b) & (c)

FINDING #1

(This can be met by any one of the following 4 alternatives. The letter circled below identifies the alternative applicable to this project.)

- a) SIGNIFICANT TOPOGRAPHICAL DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200-FOOT SETBACK; OR
- b) PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200-FOOT BUFFER SETBACK; OR
- c) A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL USES, BASED ON THE ESTABLISHMENT OF A PHYSICAL BARRIER, UNLESS IT IS DETERMINED THAT THE INSTALLATION OF A BARRIER WILL HINDER THE AFFECTED AGRICULTURAL USE MORE THAN IT WOULD HELP IT. OR WOULD CREATE A SERIOUS TRAFFIC HAZARD ON A PUBLIC OR PRIVATE RIGHT-OF-WAY; AND/OR SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE 200-FOOT BUFFERING DISTANCE TO THE GREATEST DEGREE POSSIBLE; OR
- d) THE IMPOSITION OF A 200-FOOT AGRICULTURAL BUFFER SETBACK WOULD PRECLUDE BUILDING ON A PARCEL OF RECORD AS OF THE EFFECTIVE DATE OF THIS CHAPTER, IN WHICH CASE A LESSER BUFFER SETBACK DISTANCE MAY BE PERMITTED, PROVIDED THAT THE MAXIMUM POSSIBLE SETBACK DISTANCE IS REQUIRED, COUPLED WITH A REQUIREMENT FOR A PHYSICAL BARRIER, OR VEGETATIVE SCREENING OR OTHER TECHNIQUES TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF PERMITTING BUILDING ON A PARCEL OF RECORD.

The proposed homesite is located on a small parcel of less than 1/4 acre in size that is not 200 feet wide in any dimension. The proposed homesite is located according to the standard zoning setbacks and is sited so as to be setback the maximum distance possible from the agricultural land. This distance will be adequate to meet the objectives of Chapter 16.50 based upon the existing barriers as described in Section I.B. of this staff report.

Herb Ichikawa for Jack C. Mesa  
Application: 90-0094  
APN: 045-141-65

FINDING #2

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2 or TYPE 3 COMMERCIAL AGRICULTURAL LAND SHALL BE SITED SO AS TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA AND NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED ON AGRICULTURAL PARCELS, SUCH STRUCTURES SHALL BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION.

As mentioned in Finding 1.D. the proposed home is sited so as to minimize possible conflicts by being located away from the "Ap" zoned land the maximum distance possible.

apacichi/027

EXHIBIT A

