



Staff Report to the Zoning Administrator

Application Number: **05-0157**

Applicant: Anthony and Linda Rostron
Owner: Anthony and Linda Rostron
APN: 063-071-08

Agenda Date: May 20, 2005
Agenda Item # **13**
Time: after 1:00 p.m.

Project Description: Proposal to construct a new single family dwelling (which exceeds the 28 feet height limit up to 33 feet) and attached habitable structure with bathroom, and a six foot high fence in the front setback.

Location: Brisa del Mar Road, Bonny Doon

Supervisory District: Third District (District Supervisor: Mardi Wormhoudt)

Permits Required: Coastal Development Permit, Minor Variation to PUD 82-227 and Subdivision 82-226, Residential Development Permit (to exceed the 28 feet height limit up to 33 feet), and an Exception (to allow a 6 foot high fence in the front setback).

Staff Recommendation:

- Approval of Application 05-0157, 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 | G. | General Plan map |
| B. | Findings | H. | Environmental Planning Memorandum |
| C. | Conditions | I. | Redwood Meadows Ranch letter |
| D. | Categorical Exemption (CEQA determination) | J. | Site photos |
| E. | Location map | K. | Color samples |
| F. | Zoning map | | |

Parcel Information

Parcel Size:	4.685 acres
Existing Land Use - Parcel:	vacant
Existing Land Use - Surrounding:	residential
Project Access:	Brisa del Mar Road
Planning Area:	Bonny Doon
Land Use Designation:	RR (Rural Residential)
Zone District:	RA (Residential Agriculture)
Coastal Zone:	<u>X</u> Inside ___ Outside
Appealable to Calif. Coastal Comm.	<u>X</u> Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Portions of the property are greater than 30%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: NIA
Roads: Existing roads adequate
Park: Existing park facilities adequate
Archeology: No physical evidence on site

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: private well
Sewage Disposal: private septic
Fire District: California Department of Forestry/County Fire

History

The project site is part of the Redwood Meadows Subdivision in Bonny Doon. The subdivision was approved in 1982 (PUD 82-227 and Subdivision 82-226).

Zoning & General Plan Consistency

The subject property is a 4.685 acre lot, located in the RA (Residential Agriculture) zone district, a designation that allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (RR) Rural Residential General Plan designation.

Building Envelope Revision

The applicant is requesting a minor revision to the shape of the building envelope that is recorded on the original subdivision map. The requested revision would add land area at the northern end of the original building envelope in order to better accommodate a building site. The revision would provide a more stable, less steep location in which grading is minimized. The project soils engineer also supports this revision. Staff supports this revision to allow construction on slopes less than 30%.

Height Limit

The applicant's design proposes to go over the **28** feet height limit to a maximum of **33** feet. This is permitted by Section 13.10.323:

"Building heights up to a maximum of thirty-three (33) feet may be allowed without increased yards or variance approval, subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10".

The slope of the land, the rural location and the siting of the residence are all rationale for recommendation by the Urban Designer that this design be allowed to extend over the height limit. Staff supports ~~this~~ request.

Over Height Fence Exception

The applicant is requesting a six foot high fence to be located within the front setback **for** screening of the residence. The fence is covered with Cor-ten steel (a weathering steel), and **is in** two sections of approximately forty and twenty feet long (the entry to the building separates the sections). Staff supports this request because of the rural setting, the fence location is seventy feet (at it's closest) from the road, and planting being proposed in front of the fence.

Local Coastal Program Consistency

The proposed single family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is 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. Size 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.

Design Review

The proposed single family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as berming and planting to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Environmental Review

Environmental review has **not** been required for the proposed project in that the project, **as** proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for **an** exemption because the property is located with the Urban Services line, **is** already served by existing water and sewer utilities, and no change of use is proposed.

Conclusion

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

Staff Recommendation

- **APPROVAL** of Application Number **05-0157**, 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

Report Prepared By: Lawrence Kasparowitz
Santa Cruz County Planning Department
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Santa Cruz CA 95060
Phone Number: (831) 454-2676
E-mail: pln795@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.

This finding can be made, in that the property is zoned RA (Residential Agriculture), a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district, consistent with the site's (RR) Rural Residential 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 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 single family dwelling 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 RA (Residential Agriculture) 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. The proposed single family dwelling 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 single family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property will be one single family dwelling 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 Rural Residential (RR) land use designation in the County General Plan.

The proposed single family dwelling 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 single family dwelling 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 single family dwelling 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 single family dwelling will comply with the site standards for the RA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a

design that could be approved on any similarly sized lot in the vicinity.

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

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 single family dwelling is to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per 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 single family dwelling is consistent with the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit A: architectural plans by Gregory Heitzler Design, dated March 8, 2005 and revised April 19, 2005.

- I. This permit authorizes the construction of a single family dwelling **up to 33** feet in height, an attached habitable structure with bathroom and a six feet high fence in the front setback.

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 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. Grading, drainage, and erosion control plans.
 - 3. Details showing compliance with fire department requirements.
 - C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - D. Meet all requirements and pay any applicable plan check fee of the California Department of Forestry/County Fire.
 - E. Submit **3** copies of a soils report prepared and stamped by a licensed Geotechnical Engineer. The soils report must be submitted for formal fee-paid review by Environmental Planning, and must be accepted by Environmental Planning prior to approval of a Building Permit.

- F. The County may require additional soils engineering investigation for any additional future development within the revised building envelope. The County may accept or reject the proposed development, citing erosion control, slope stability or other similar concerns.
 - G. The building plans shall show detailed tree root zone protection measures, including pre-disturbance construction fencing.
 - H. Pay the current fees for Parks and Child Care mitigation for three bedrooms. Currently, these fees are, respectively, \$578 and \$109 per bedroom.
 - I. Provide required off-street parking for three 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.
111. 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 report(s).
 - 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. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the

Application#: 05-0157
APN: 063-071-08
Owner:Anthony and Linda Rostron

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

Lawrence Kasparowitz
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: 05-0157
Assessor Parcel Number: 063-071-08
Project Location: 735 Brisa del Mar, Bonny Doon

Project Description: Proposal to construct a new single family dwelling with a single car garage and attached habitable structure with bathroom, and a six feet high fence in the front setback.

Person Proposing Project: Anthony and Linda Rostron

Contact Phone Number: (831) 457-1330

- 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:

New single family dwelling in a developed area.

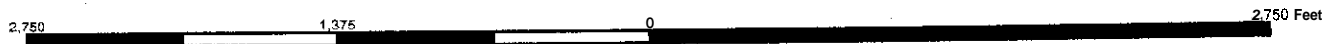
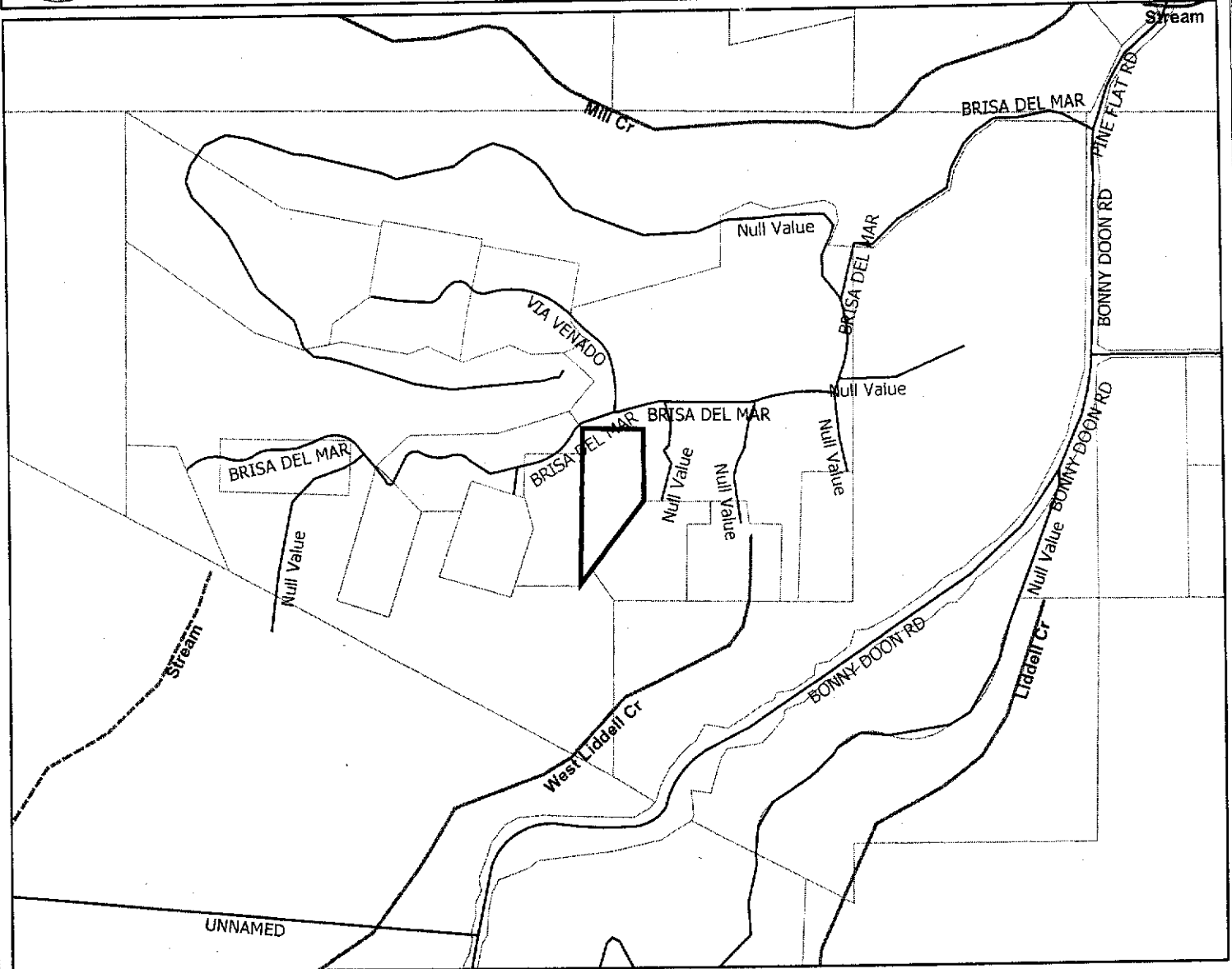
In addition, none of the conditions described in Section 15300.2 apply to this project.

Lawrence Kasparowitz, Project Planner





Date: _____

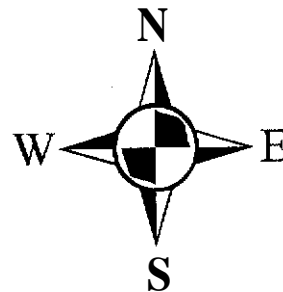


Location Map



Legend

-  APN 063-071-08
-  Streets
-  Assessors Parcels
-  PERENNIAL STREAM



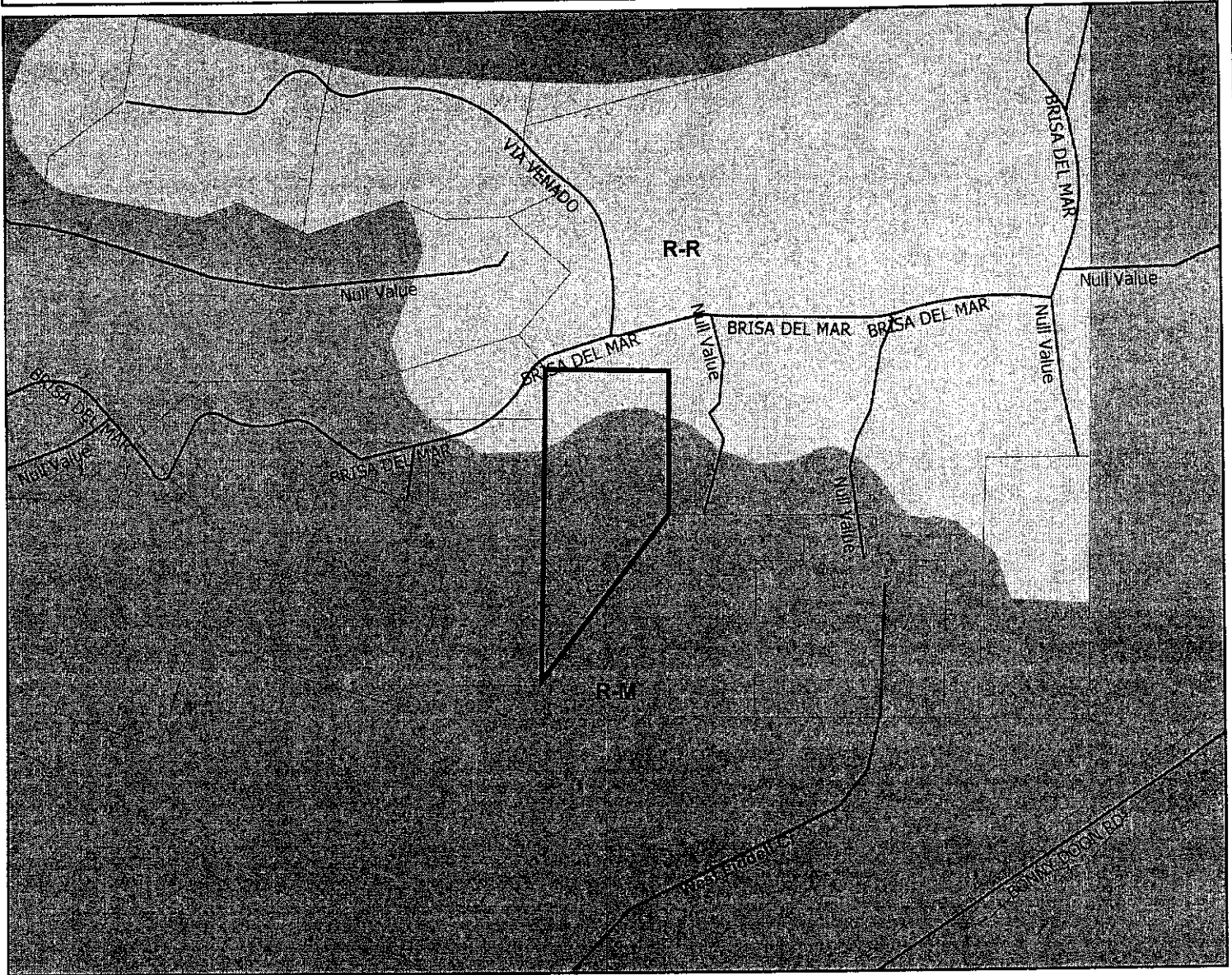
Map Created by
county of Santa Cruz
Planning Department
March 2005

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EXHIBIT E









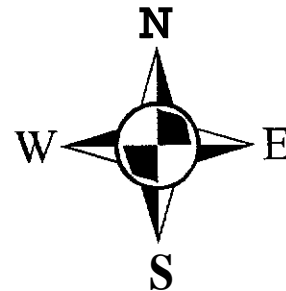
General Plan Designation Map



1,400 700 0 1,400 Feet

Legend

-  APN 063-071-08
-  Streets
-  Assessors Parcels
-  PERENNIAL STREAM
-  Residential-Mountain(R-M)
-  Residential-Rural (R-R)

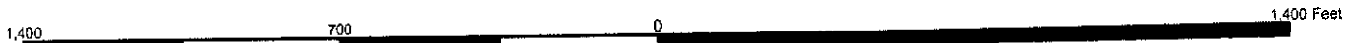
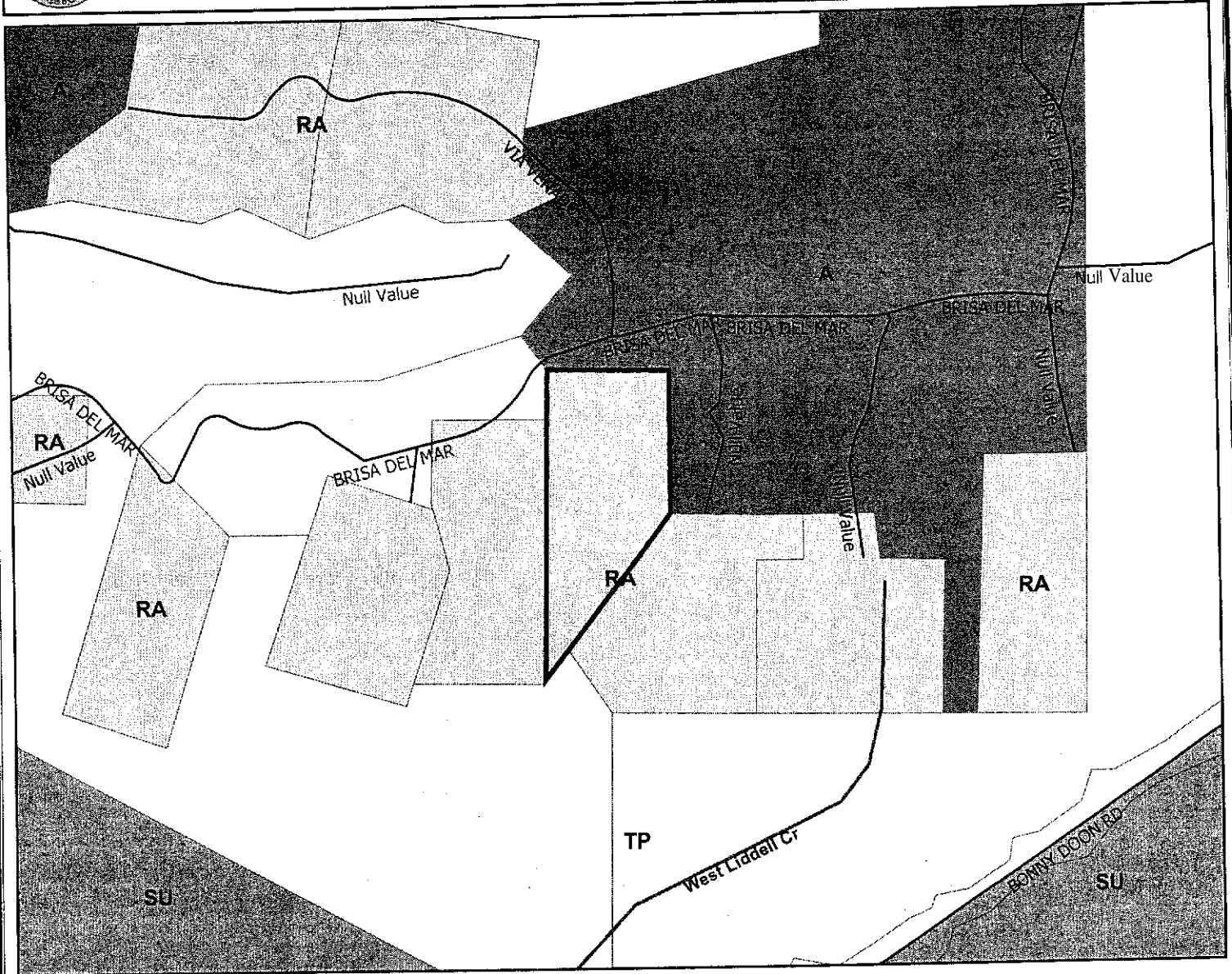


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Planning Department
March 2005









EXHIBIT F

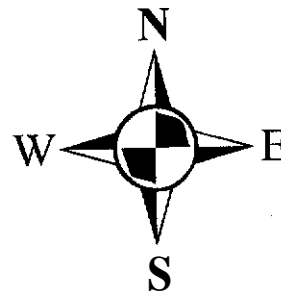


Zoning Map



Legend

-  APN 063-071-08
-  Streets
-  Assessors Parcels
-  PERENNIAL STREAM
-  AGRICULTURE (A)
-  AGRICULTURE RESIDENTIAL (RA)
-  SPECIAL USE (SU)
-  TIMBER PRODUCTION (TP)



Map Created by
County of Santa Cruz
Planning Department
March 2005

EXHIBIT G

MEMORANDUM

Date: April 8, 2005

To: Larry Kasparowitz, Project Planner

From: Jack Nelson, Environmental Planning

Re: Environmental Planning comments on 05-0157, Rostron

The following comment must be addressed prior to deeming the application "complete."

Archeological Site Review

The Archeological Site Review is underway by the County's consultants and must be completed. No further action required by the applicant, at this point. Archeology does not appear to have been addressed during the prior subdivision permit review.

The following miscellaneous comments do not need to be addressed prior to deeming the application complete.

Biotic Pre-site

I did not observe evidence of sensitive species in the northern portion of the parcel or in the proposed final building envelope. The original large property (that was subdivided under 82-0226 LD2, old APN 63-071-03) was site reviewed 8-23-82 by the County's consulting biologist Bill Davilla, who identified some Anderson's manzanita in mixed chaparral at the southern margin of the original property, as well some riparian woodland. This appears to have been elsewhere on the original property. Further biotic review is not required.

Preliminary Grading and Erosion Control Review

The plans indicate approximately 80 cubic yards cut and fill. A grading permit does not *appear to be* required.

The site has been graded previously. It is not clear whether the old grading of a flat pad lower on the property was done before or after the 1982 land division was processed. The flat pad includes undocumented fill on a steep slope, with oversteepened fill slope sides. The stability of this material is open to question, however, the proposed development avoids this lower area.

Permit condition: Final Building Permit plans shall detail the extent of grading in plan view, with existing and proposed grade contours, and in cross-section as needed for clarification. This requirement includes depiction of all onsite placement of excess cut material.

Proposed revised building envelope

At present the plans show two alternate proposed revised building envelopes, along with the existing revised envelope. The plans must show only one proposed revised building envelope, unless you are satisfied with specifying in the permit and on the Exhibit A plans, which revised envelope is being approved.

I understand the owners would like approval of the revised envelope shown as "**Option 2**" in detail 9/A02, and not to return to the original land division building envelope shown in detail 8/A02. Option 2 is similar to the existing approved revised building envelope (shown in detail 7/A02), except that it adds land **area** at the northern end of the parcel in order to accommodate the proposed actual building footprint.

I support the Option 2 building envelope revision. This allows the owner's desired project, located in a stabler, less steep location, in which grading is minimized. This revision is also supported by *the* project soils engineer John Kasunich in his letter dated February 13, 2004.

Option 2 may include oversteep areas in the southern portion of the envelope, **as** does the existing approved envelope. In this respect Option is no different than the existing approved envelope, but has the advantage of adding a more stable location to the envelope. The owners should understand that presence of some steep areas in the building envelope does not equate with County certification that these steep areas would **entirely** be buildable, if future development were proposed there.

Soils Engineering

Permit condition: A comprehensive-format soils report, prepared by a licensed soils engineer, is required. The soils report must be submitted for formal fee-paid review by Environmental Planning, and must be accepted by Environmental Planning prior to approval of a Building Permit. Final Building Permit plans shall be in conformance with **the** soils report recommendations.

Permit condition: The County may require additional soils engineering investigation for any additional future proposed development within the revised building envelope. The County may accept or reject the proposed additional development, citing erosion control, slope *stability*, or other similar **concerns**.

Tree Protection

I recommend you place specific permit requirements for showing detailed tree root zone protection measures, including pre-disturbance construction fencing, on the building permit plans.

**REDWOOD
MEADOWS
RANCH**
HOMEOWNERS ASSOCIATION
■
BONNY DOON, CA

February 7, 2005

Mr. & Mrs. Tony Rostron
333 Southview Terrace
Santa Cruz, CA 95060

Re: Lot 4. Redwood Meadows Ranch

Dear Tony and Linda:

This letter is intended to serve as notice that the Architectural Review Committee of the Redwood Meadows Ranch Homeowners Association has approved your revised plans, dated February 6, 2005, for development of Lot 4.

These modifications include: removing glazing at the upper level and lowering the maximum height on the north side of the house (viewed from Brisa Del Mar), reducing the overall length of the house, lowering the entry walkway which now enters at a half landing, a privacy wall, the elevations for a future guest house and building colors and materials.

We very much support the implementation of the landscape berm since this, along with the modifications outlined, will help to minimize the impact of the home in the neighborhood.

Sincerely,



Michael Browner
RMR HOA Architectural Review Committee
and Treasurer

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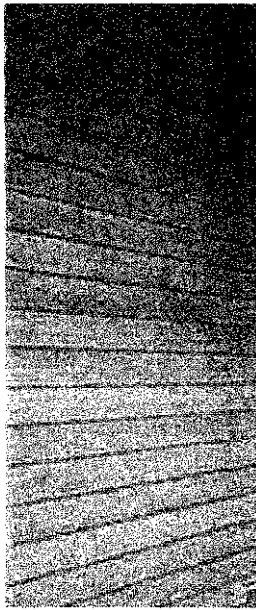
EXHIBIT J



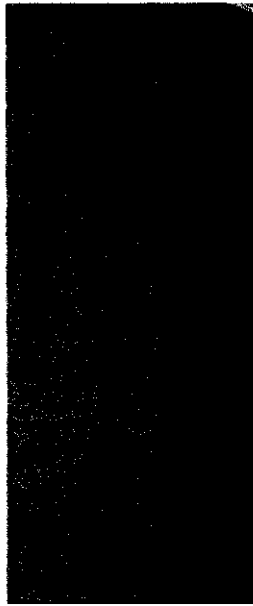
Lot-4 Redwood Meadows Ranch
735 Brisa Del Mar
Bonny Doon, California 95060
A.P.N. 063-071-08

Coastal Submittal

Tony & Linda Rostron
333 South View Terrace
Santa Crus, California 95060
(831) 457-1330



CEDAR SIDING



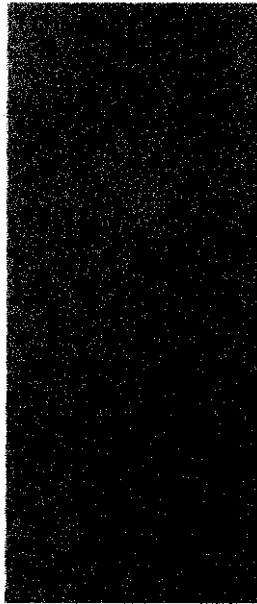
COR-TEN SIDING/TRIM

Coastal Submittal

Tony & Linda Rostron
333 South View Terrace
Santa Cruz, California 95060
(831) 457-1330



ZINC SIDING/TRIM/ROOF



STUCCO

Lot-4 Redwood Meadows Ranch
735 Brisa Del Mar
Bonny Doon, California 95060
A.P.N. 063-071-08