



## Staff Report to the Zoning Administrator

Application Number: **05-0464**

**Applicant:** Sal Caruso Design  
**Owner:** Mark and Ellen Powers  
**APN:** 045-401-07

**Agenda Date:** March 3, 2006  
**Agenda Item #:** 4  
**Time:** After 1:00 p.m.

**Project Description:** Proposal to demolish an existing single-family dwelling and construct a 3,000 square foot, four bedroom single-family dwelling. Requires a Coastal Development Permit, Archeological site review, and Design Review.

**Location:** Property located on a private right-of-way off of Vista Drive, in La Selva Beach (315 Vista Drive).

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

**Permits Required:** Coastal Development Permit

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0464, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	6,755 square feet (6,000 net after removal of r.o.w.)
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwellings
Project Access:	Vista Drive
Planning Area:	La Selva Beach
Land Use Designation:	R-UL (Urban Low Residential)
Zone District:	R-1-6 (Single-family residential, 6,000 square feet)

minimum lot size)  
Coastal Zone:   X   Inside      Outside  
Appealable to Calif. Coastal Comm.   X   Yes      No

#### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Elkhorn Sandy Loam  
Fire Hazard: Not a mapped constraint  
Slopes: Slight slopes, less than 30%  
Env. Sen. Habitat: Mapped biotic-no physical evidence on site  
Grading: About 35 cubic yards of excavation and 40 cubic yards of fill  
Tree Removal: One Liquid Amber tree to be removed  
Scenic: Coastal scenic area  
Drainage: Existing & proposed drainage adequate  
Archeology: Mapped only at extreme southern corner of property, not in area of disturbance.

#### Services Information

Urban/Rural Services Line:   X   Inside      Outside  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Septic System  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: Outside of drainage district

#### Project Scope

The property owner proposes to demolish an existing three-bedroom single-family dwelling of about 1,344 square feet (per County Assessor's records), and construct a four-bedroom single-family dwelling of 3,000 square feet. The new dwelling will have a one-car garage and three off-street, uncovered parking spaces.

#### Project **Setting** and Background

The project site is located in La Selva Beach, in a neighborhood of single-family homes. The property is bounded by the Union Pacific Railroad right-of-way to the rear (south and west), which separates the site from the beach. The parking lot for Manresa State Beach is about 180 feet to the south of the project site. The project site is designated as a Coastal Scenic Resource due to the potential for visibility from the beach. However, existing development along the coast side of the railroad right-of-way and the topography preclude visibility of the site from the beach.

Most homes in the neighborhood are two stories, and range in size from around 1,500 square feet to over 3,000 square feet.

### Zoning & General Plan Consistency

The subject property is zoned R-1-6 (Single-family residential, 6,000 square foot minimum) with a General Plan/Local Coastal Program Land Use designation of R-UL (Urban Low Density Residential). The proposed single-family dwelling will comply with all R-1-6 zone district site standards, as follows:

	R-1-6 Site Standards	Proposed
Front yard setback	20'	20'
Rear yard setback	15'	16'
Side yard setbacks	5' and 8'	5' North, 8' South
Maximum height	28'	26' 6"
Maximum % lot coverage	30%	28.4%
Maximum Floor Area Ratio	50%	50%

### 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 of a similar size. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. No access easements encumber the property, as public pedestrian access exists about 60 feet to the southeast of the project site.

### Design Review

Due to the location of the project site within a Coastal Scenic Resource area, the project required Design Review by the County's Urban Designer. The Urban Designer determined the proposed residence to be compatible with the neighborhood in terms of bulk, mass, and scale as residences of similar size, bulk, mass, and scale exist in the immediate vicinity. Specifically, the residences at 307 Vista and 28 Anita Avenue have similar size, bulk, mass, and scale to the proposed residence. Due to topography and the existing residences on the coast side of the railroad right-of-way, the residence will not be visible from the beach.

### 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 **05-0464**, 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 property is zoned R-1-6 (Single-family residential, 6,000 square feet minimum lot size), 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 (R-UL) Urban Low 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 proposed single-family dwelling 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, bulk, mass, **and** scale; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; and the development is not visible from the beach due to existing development between the beach and the project site.

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 proposed replacement single-family dwelling will not interfere with public access to Manresa State Beach as no access easements encumber the property and a public access point will continue to be maintained about 60 feet to the southeast of the project site. 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. Developed parcels in the area contain single family dwellings of mostly two-stories, with varying size and architectural styles.

## 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 proposed replacement residence will be required to comply with all applicable building, electrical, plumbing, and electrical codes. Furthermore, the new structure will not adversely shade neighboring properties as the residence to the north of the project site is located at a higher grade than the proposed residence.

The new residence will result in the loss of ocean views for some properties in the vicinity. However, the County does not protect private views.

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

This finding can be made, as the proposed replacement residence will meet all site standards of the R-1-6 zone district, including maximum height, setbacks, floor area ratio, and lot coverage. A single-family dwelling is a principal permitted use within the R-1-6 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 replacement single-family dwelling is consistent with the use and density requirements specified for the Urban Low Residential (R-UL) 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, as all current site and development standards for the zone district will be met as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

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 replacement Single-family dwelling will comply with the lot coverage, floor area ratio, height, and **number** of stories specified for the R-1-6 zone district, and will result in a structure of similar bulk, mass, and scale as those on surrounding properties.

The proposed replacement single-family dwelling will comply with General Plan Policies 5.10.3 (Protection of Public Vistas) and 5.10.7 (Development on Open Beaches and Blufftops), in that the residence will be obscured from views from the beach by existing development, and will not be located between any designated public vista points and the ocean.

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, as utilities and the road system in the area will continue to accommodate one single-family dwelling.

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

This finding can be made, as the proposed replacement single-family dwelling will have a similar bulk, mass, and scale as existing homes in the vicinity, especially the residence immediately upcoast. Dwelling unit densities will remain the same as the existing condition, as the use of the site will remain one single-family dwelling.

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 replacement single-family dwelling will have a bulk, mass, and scale within the range of existing residences in the vicinity. Colors and materials will complement the surrounding neighborhood and the coastal environment, resulting in a minimal increase in visual impact over the existing conditions.

## Conditions of Approval

Exhibit A: Project plans, 16 sheets, drawn by Salvatore Caruso Design, dated 10/17/05.

- I. This permit authorizes the demolition of an existing single-family dwelling and the construction of a 3,000 square foot Single-family dwelling. 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 Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- 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. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. Identify finish and colors of exterior materials and roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
    2. A grading plan.
    3. A drainage plan with the following information:
      - a. Show detail of connection between the percolation / detention trench and perforated pipe in wood gutter.



- b. Notes on the plan that the property owner is required to maintain the drainage systems as shown to ensure function as designed.
  - c. Show the removal of improvements within the Union Pacific railroad right-of-way.
- 4. An erosion control plan.
- 5. 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.
- 6. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- D. Meet all requirements of the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- F. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- G. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- H. Pay the current fees for Parks and Child Care mitigation for one additional bedroom. Currently, these fees are, respectively, \$1,000 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.

- K. Complete and record a Declaration of Restriction to construct and maintain the structure as a single-family dwelling. **You may not alter the wording of this declaration.** 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 applicantowner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. Pursuant to Sections 16.40.040 and 16.42.100 of **the** County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100. shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days

of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor's in interest, transferee(s), and assign(s) of the applicant.

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Minor variations to **this** permit 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 on the expiration date listed below unless you obtain the required permits and commence construction.**

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

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

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

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

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

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

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

Application Number: 05-0464

Assessor Parcel Number: 045-401-07

Project Location: 12080 Los Altos, CA 94022

**Project Description: Demolish existing SFD and construct a new SFD of about 3,000 square feet.**

**Person or Agency Proposing Project: Sal Caruso Design**

**Contact Phone Number: (408) 998-4087**

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 3 - New construction of one single-family dwelling (Section 15303)

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

Construction of a replacement single-family dwelling

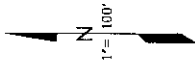
In addition, none of the conditions described in Section 15300.2 apply to this project.

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

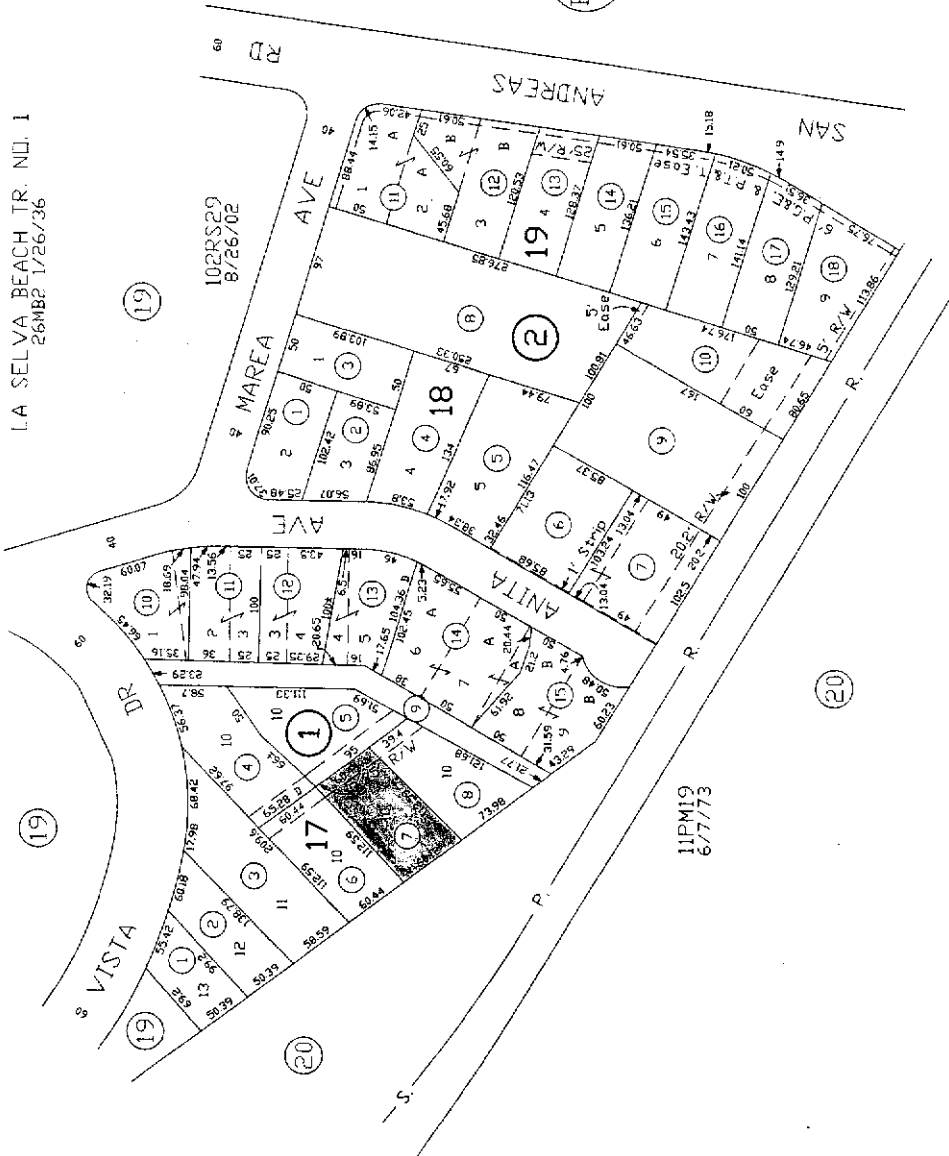
Date: \_\_\_\_\_

# FOR TAX PURPOSES ONLY

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LA SELVA BEACH TR. NO. 1  
26MB2 1/26/36



23PM20  
11/2/76

Bk. 46  
02

11PM19  
6/7/73

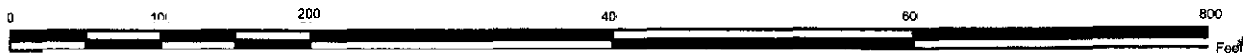
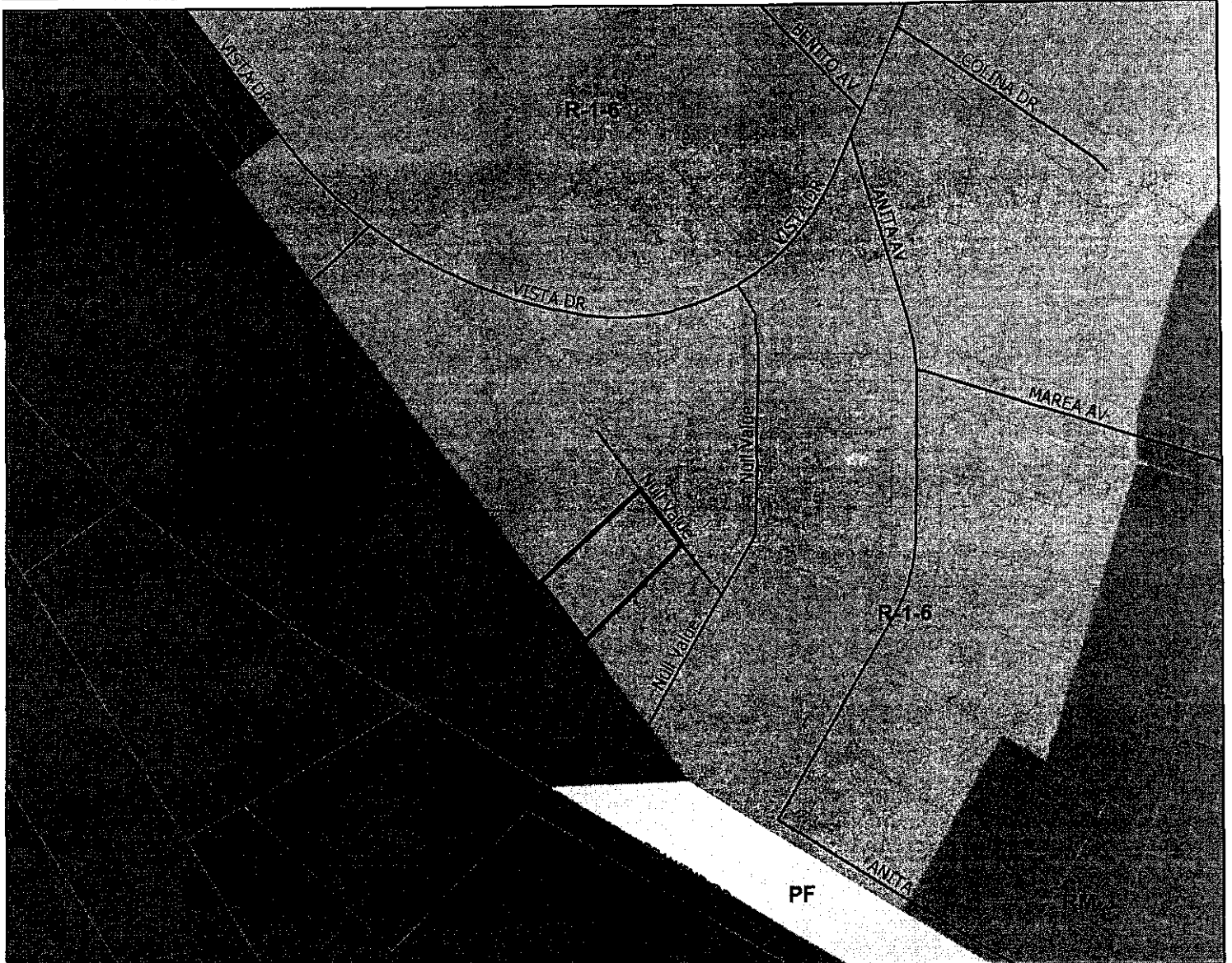
Assessor's Map No. 45-40  
County of Santa Cruz, Calif.  
Jan. 2000

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






Electronically prepared 1/10/00 KSA  
REV. 5/29/02 KSA (1018335)  
REV. 12/27/02 DD (CORP PG. 102PM29)  
REV. 2/25/03 NVM (1028529)

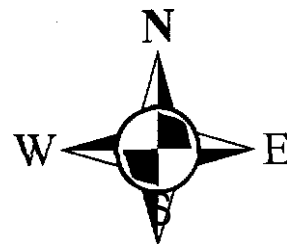


# Zoning Map



## Legend

-  Assessor's Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PUBLIC FACILITY (PF)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  PARK (PR)



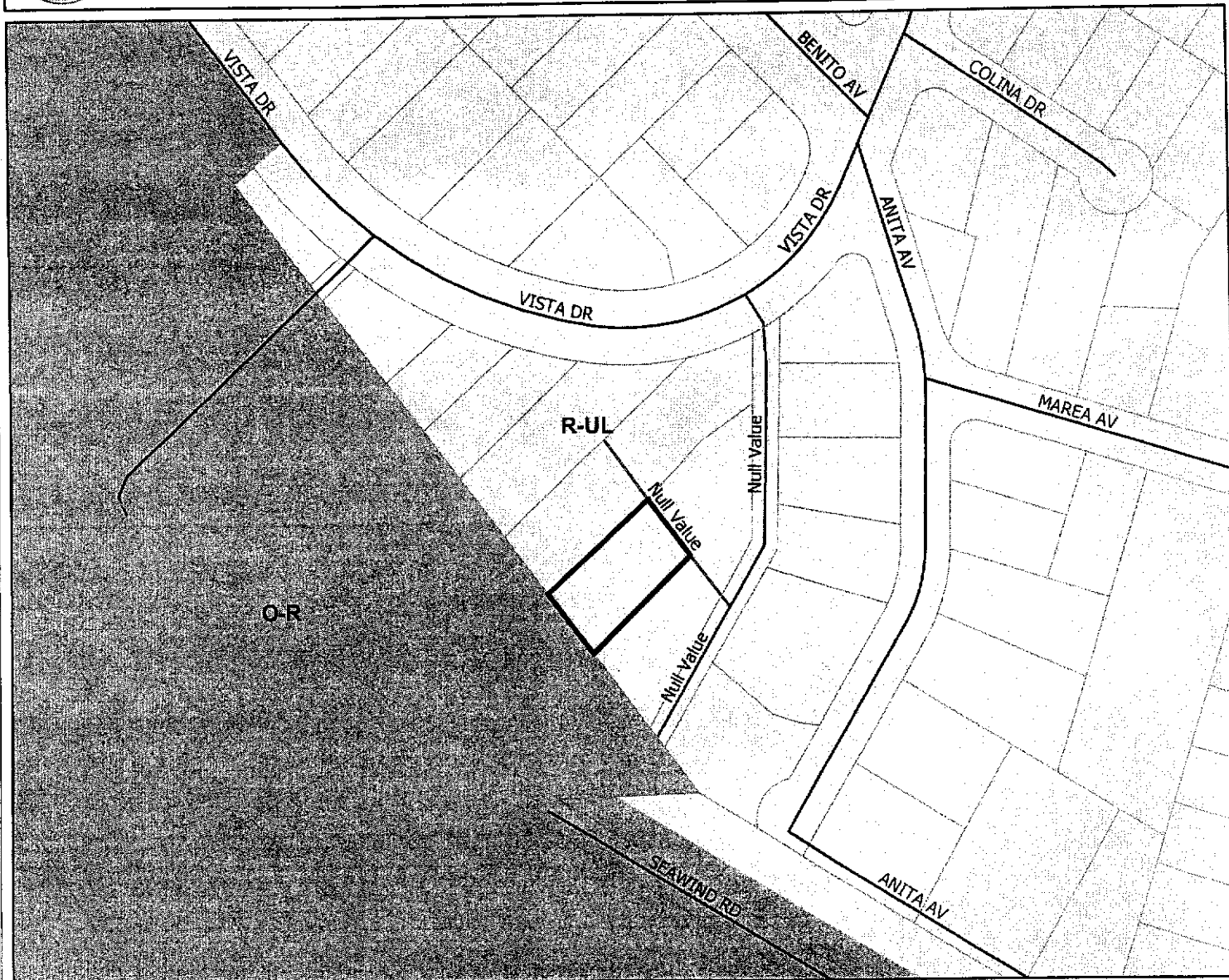
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July 2005

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EXHIBIT F

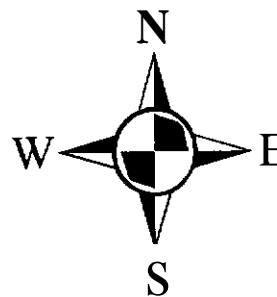


# General Plan Designation Map



## Legend

-  APN 045-401-07
-  Assessors Parcels
-  Streets
-  Residential- Urban **Low** Density (R-UL)
-  Parks and Recreation (O-R)



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EXHIBIT F