



## Staff Report to the Zoning Administrator

Application Number: **06-0269**

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**Applicant:** Ron Gordon  
**Owners:** Joseph & Tila Guerrero  
**APN:** 051-701-13

**Agenda Date:** July 7, 2006  
**Agenda Item:** 1  
**Item:** After 10:00 a.m.

**Project Description:** Proposal to construct a 748 square foot detached garage; construct 33 feet of concrete block retaining wall; recognize the installation of 115 feet of PVC sheet piling wall and installation of a "lakeside revegetation plan".

**Location:** Property located on the west side of a 20-foot right-of-way, about 200 feet north of Cutter Drive, at 45 Cutter Drive in Watsonville.

**Supervisory District:** Fourth District (District Supervisor: Campos)

**Permits Required:** Riparian Exception

### Staff Recommendation:

- Approval of Application 06-0269, 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
- B. Riparian Exception Findings
- C. Conditions of Approval
- D. Categorical Exemption (CEQA determination)
- E. Assessor's parcel map/Location map

### Parcel Information

Parcel Size:	1.14 acres
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwellings, Kelly Lake
Project Access:	College Road to Cutter Drive
Planning Area:	Pajaro Valley
Land Use Designation:	R-UL (Urban Low Density Residential)

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County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

APN: 051-701-13

Owners: Joseph &amp; Domitila Guerrero

Zone District: R-1-10 (Single-family Residential/10,000 sq ft min lot)

Coastal Zone:      Inside   X   OutsideAppealable to Calif. Coastal Comm.      Yes   X   No**Environmental Information**

Geologic Hazards: Mapped floodplain north adjacent to Kelly Lake, CFZ  
 Soils: Watsonville loam  
 Fire Hazard: Not a mapped constraint  
 Slopes: 2 – 15 percent slopes, rear of lot slopes down to Kelly Lake  
 Env. Sen. Habitat: Mapped resources but no physical evidence on site  
 Grading: Less than 100 cubic yards  
 Tree Removal: No trees proposed to be removed  
 scenic: Not a mapped resource  
 Drainage: Existing drainage adequate  
 Traffic: No significant impact  
 Roads: Existing roads adequate  
 Parks: Existing park facilities adequate  
 Archeology: Mapped but not in project area. Scope of project will not impact resource.

**Services Information**

Urban/Rural Services In e :   X   Inside      Outside  
 Water Supply: City of Watsonville  
 Sewage Disposal: Salsipuedes Sanitation District  
 Fire District: Pajaro Valley Fire Protection District  
 Drainage District: Zone 7 Flood Control/Water Conservation District

**History**

The site is developed with an existing single-family dwelling and garage constructed in 1974. The garage was subsequently converted to a second unit under Residential Development Permit 98-0359, with technical reviews for a Riparian Exception and Geologic Hazards Assessment completed under development applications 98-0371 & 97-0089.

The owner applied (June 28, 2005) for a garage/boathouse under (05-0406 & 51335G). The development application (05-0406) was heard and approved by the Zoning Administrator on November 18, 2005. An appeal of the Zoning Administrator's decision was received by the Planning Department on December 2, 2005. The Planning Commission heard the appeal and overturned the Zoning Administrator's decision on February 22, 2006. Although the Planning Commission upheld the appeal based on the overall size of the project and impact to the lakeshore habitat, they were not opposed to all development within the project area.

The owner has recently reapplied for permits (06-0269 & 592186) on this parcel. The owner has redesigned and reduced the size of the project from (1,636 square feet to 748 square feet) by eliminating the boathouse, dock areas and a reduction in storage area.

This application was accepted on May 18, 2006 and deemed complete on June 1, 2006.

### **Project Setting**

The project is located at **45** Cutter Drive in Watsonville in the Pajaro Valley Planning Area. The 1.14 acre project site is located in a developed residential area immediately adjacent to Kelly Lake. The proposed garage is located above the 63.5 foot flood elevation determined by Mid Coast Engineers (Exhibit A).

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

The subject property is a 1.14-acre parcel, located in the R-1-10 (Single-family Residential with a 10,000 square foot minimum lot size) zone district, a designation that allows non-habitable accessory uses when appurtenant to existing single-family residential development, as per County Code Section 13.10.322. County Code Section 13.10.611 allows accessory structures in the R-1-10 zone district subject to conditions that restrict the use. A Declaration of Restriction to Maintain the Structure as Non-habitable is required to be recorded as a Condition of Approval for this application.

The proposed non-habitable accessory structure is an allowed use within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential, Urban Open Space, Lakes/Reservoirs and Lagoons General Plan designation. The development is also consistent with County Code Section 16.30 (Riparian Corridor and Wetlands Protection).

### **Environmental Review**

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA) as the project qualifies for a Categorical Exemption (CEQA Guidelines Section 15303 - New construction of Small Structures).

### **Conclusion**

As proposed and conditioned, the project **is** consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP.

### **Staff Recommendation**

- e **APPROVAL** of Application Number 06-0269, based on the attached findings and conditions.
- e 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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Santa Cruz County Planning ~~Department~~  
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**RIPARIAN EXCEPTION FINDINGS**

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

*Any development proposed on this parcel would require granting a riparian exception since the entire parcel lies within the one hundred foot setback (setback required by the "Riparian Corridor & Wetlands Protection" ordinance).*

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF **SOME** PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY.

*There is an existing single-family residence and second unit on the parcel but no garage. The previous property owner converted the garage on the property into a second unit which was recognized by the planning department under building application # 27922M. The proposed garage and retaining wall are both permitted uses on the property and the current property owner would like to construct a garage in the only feasible area left on the parcel. The PVC sheet-piling wall placed along the shoreline was installed **as** an erosion control device and without a permit. The sheet-piling wall is being recognized "as built" because removal would cause unnecessary disturbance to the lake environment. As part of the revegetation plan, bulrush will be planted along the entire length of the sheet-piling wall (water side) in order to screen it **from** the lake and eliminate wave refraction **from** boating activities.*

3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSTREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED.

*The granting of this exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located. In fact, there will be a net environmental benefit to the site after the approved revegetation plan has been installed and established (Exhibit A).*

4. THAT THE GRANTING OF THE EXCEPTION, IN THE COASTAL ZONE, WILL NOT REDUCE OR ADVERSELY IMPACT THE RIPARIAN CORRIDOR, AND THERE IS NO FEASIBLE LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE.

*The parcel is located outside the coastal zone.*

5. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF THIS CHAPTER, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELEMENTS THEREOF, **AND** THE LOCAL COASTAL PROGRAM LAND USE PLAN.

*The purpose of the riparian and wetland protection ordinance is to eliminate or minimize development activities in riparian/wetland areas so as to protect wildlife habitat, water quality, open space and to allow for conveyance and storage of floodwaters. This finding can be made because the garage is placed in an area that does not provide wildlife habitat, nor will the water quality and storage of floodwaters within the lake be negatively affected. The garage has been designed to meet all requirements set forth by the Federal Emergency Management Agency (FEMA).*

## Conditions of Approval

Exhibit A Project Plans: two sheets by Ron Gordon, dated 6/8/06; one sheet by Gerald Graebe, dated 6/7/06 and one sheet by Ward Hastings, dated 4/12/06.

- I. This permit authorizes the construction of a one-story non-habitable accessory structure of 748 square feet, consisting of a garage and storage area; retaining wall (33 feet); recognize a PVC sheet pile wall (115 feet) and installation of a "lakeside revegetation plan". 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 the 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. 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. The non-habitable accessory structure shall not have an electrical meter separate from the main dwelling. No electrical service exceeding 100A/220V/single phase may be installed without a Level V approval.
    3. Drainage and erosion control plans.
    4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
    5. A surveyed plot plan prepared by a licensed engineer is required. Plans shall indicate all property lines and right-of-ways and the water boundary. A minimum 20-foot setback of structures to the edge of the right-of-way shall be maintained.

- B. 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.
  - C. Meet all requirements and pay any applicable plan check fee of the Pajaro Valley Fire Protection District.
  - D. Complete and record a Declaration of Restriction to maintain the garage as a non-habitable accessory structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
  - E. A minimum of four (4) parking spaces shall be provided on site,
  - F. **All** Environmental Planning plan requirements shall be met including a grading and re-vegetation plan.
- 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 planting of Bulrush (*Scirpus acutus*) along the entire length of existing PVC sheet piling wall shall be completed as per Sheet L1 by Ward Hastings (Exhibit A).
  - D. The project must comply with all recommendations of any required soils **reports**.
  - E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact **or** other evidence of an historic archaeological resource **or** a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
  - F. The location of structures shall be consistent with Exhibit A.



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.
- B. The non-habitable accessory structure shall not have a kitchen or food preparation facilities and shall not be rented, let or leased as an independent dwelling unit.
- C. The revegetation project approved shall be maintained in healthy condition in perpetuity. An annual revegetation progress report, for 3 to 5 years, shall be completed by Ward Hastings or other qualified professional and submitted for review to Environmental Planning. All recommendations made by the revegetation specialist and/or county personnel regarding the revegetation process shall be completed.

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

- D. interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
  - E. 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 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

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Bob Loveland  
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: 06-0269

Assessor Parcel Number: 051-701-13

Project Location: 45 Cutter Drive, Watsonville CA 95076

Project Description: Proposal to construct a garage (**748** square feet), retaining wall (**33** feet), recognize PVC sheet pile wall (**115** feet) and install a "lakeside revegetation plan" on-site with an existing single-family dwelling.

Person or Agency Proposing Project: Ron Gordon

Contact Phone Number: **(831) 724-4673**

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

Specify type:

E. ☒ Categorical Exemption

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

F. Reasons why the project is exempt:

Construction of a small accessory structure

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



Bob Loveland, Project Planner

Date: June 6, 2006

Location Map for APN 051-701-13

