



## Staff Report to the Zoning Administrator

Application Number: **07-0433**

**Applicant:** Mark Porter  
**Owner:** Atiba  
**APN:** 046-31 1-02

**Agenda Date:** December 7, 2007  
**Agenda Item #:** 4  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a 762 square foot, 10.5 foot tall glass swimming pool enclosure structure.

**Location:** The property is located on the north side of San Andreas Road about 200 feet east from Oceanview Drive, at 1380 San Andreas Road, La Selva Beach.

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

**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 07-0433, based on the attached findings and conditions.

### Exhibits

- |                                |  |
|--------------------------------|--|
| A. Project plans               | determination)                         |
| B. Findings                    | E. Location and Assessor's parcel maps |
| C. Conditions                  | F. General Plan map and Zoning map     |
| D. Categorical Exemption (CEQA |  |

### Parcel Information

Parcel Size:	2 acres
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family residential to east and south (across San Andreas Road), vacant to west, railroad and agriculture to north
Project Access:	San Andreas Road
Planning Area:	La Selva
Land Use Designation:	RR (Rural Residential)
Zone District:	RA (Residential Agricultural)

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

Coastal Zone:   X   Inside        Outside  
Appealable to Calif. Coastal Comm.        Yes   X   No

### Environmental Information

Geologic Hazards: Mapped liquefaction area, but no physical evidence on site  
Soils: Baywood loamy sand and Elkhorn sandy loam  
Fire Hazard: Not a mapped constraint  
Slopes: 0 – 10percent in area of proposed work  
Env. Sen. Habitat: Mapped biotic resource, but area of work highly disturbed  
Grading: None proposed  
Tree Removal: No **trees** proposed to be removed  
Scenic: Mapped scenic resource, but area **of** work screened from public road  
(San Andreas Road) by existing **trees** and house  
Drainage: Existing drainage adequate  
Archeology: Mapped archaeological resource, but area **of** work highly disturbed

Sewage Disposal: On-site  
Fire District: Aptos – La Selva  
Drainage District: Zone 7

### History

A Coastal Development Permit (87-0032) for a *single-family dwelling* was approved in 1987. Two subsequent Minor Variations were approved. Minor Variation 88-0384 authorized a change in windows, addition of skylights, an expansion of the kitchen area, and a change in the shape of the rear deck. Minor Variation 94-0329 authorized conversion of attic space to a bedroom, office, wet bar area, and bath, and a new second story deck.

### Project Setting

**The** parcel is located on the north side of San Andreas Road about 200 feet east of Oceanview Drive in La Selva Beach. **The** parcel lies below the level of the road with the first 200 feet, including the area of the proposed pool and enclosure, relatively gently sloping. Beyond this area the land slopes steeply down to **the** north to an unnamed seasonal watercourse.

### Zoning & General Plan Consistency

The subject property is a 2-acre lot, located in the RA (Residential Agriculture) zone district, a designation, which allows residential **uses**. **The** proposed glass pool enclosure is a principal permitted use within the zone district and the project is consistent with the site's RR (Rural Residential) General Plan designation. The parcel size is approximately 2 acres (87,120) **square** feet.

The proposed pool enclosure structure would be just under 34 feet long by 22.5 feet wide, for a total of 762 square feet, with the pool shown as 25 feet x 10 feet. The applicant has submitted building permit plans for the pool that show the pool dimensions being 32 feet x 16 feet. If a pool of that length is what is constructed, then the enclosure proposed in this application may need to be longer than the proposed length of just under 34 feet. The existing structures on the site cover approximately .5.5 percent of the parcel; with the new pool enclosure structure as proposed, the coverage will be approximately 6.4 percent, well below *the* maximum allowed lot coverage of 10 percent. Because the enclosure may have to be larger than proposed, this application allows for an enclosure of up to 1168.5 square feet (41 feet x 28.5 feet, arrived at by increasing the length and width of the enclosure enough to surround the larger pool by the same dimensions that the proposed enclosure would enclose the smaller pool). With the larger size enclosure, total lot coverage would be **only** 6.8 percent, below the maximum allowed of 10 percent.

The proposed pool enclosure would be approximately 13.5 feet, well below the maximum allow height of 28 feet. As proposed, the pool enclosure would meet the setbacks for the zone district.

### Local Coastal Program Consistency

The proposed glass pool enclosure 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. In this case, these elements of neighborhood character are somewhat relaxed in that the residentially developed parcels in the area exhibit a wide variety of sizes and architectural styles. Also, the parcels along this section and side of San Andreas Road for a quarter mile on either side of the subject parcel are relatively large (averaging over an acre) residentially developed parcels with small lot coverages and no particular architectural style.

While the parcel is in the scenic view corridor of San Andreas Road, the glass pool enclosure will not be visible from the road because of the existing vegetation along San Andreas Road and along the east and **west** property lines. Even if it were visible, the *structure* is proposed to be made of clear glass, which has a low reflectivity.

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 glass pool enclosure was reviewed by **the** Urban Designer and determined to be in compliance with the requirements of the County Design Review Ordinance, in that the proposed project is not visible from **a** public road due to the existing surrounding vegetation and the glass is proposed to be clear glass, which has a low reflectivity.

### Environmental Review

The proposed glass pool enclosure is categorically exempt from review under the California

Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section 15303, New Construction or Conversion 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. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

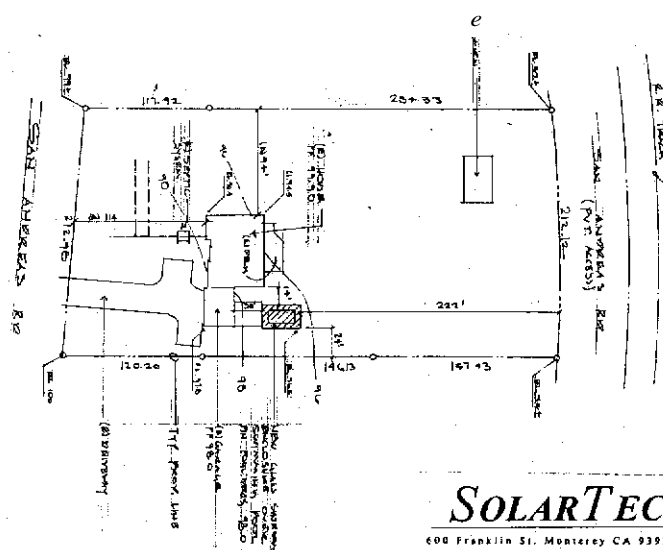
#### Staff Recommendation

- Certification that the proposal **is** exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0433**, based on the attached findings and 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 available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

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600 Franklin St. Monterey CA 93923 (831)646-5200

EXHIBIT A

DRAWN BY	
JOB NO	
SCALE	
SHEET NUMBER	
<div style="display: flex; justify-content: space-around; align-items: center;"> <span style="font-size: 2em;">A</span> <span style="font-size: 2em;">1</span> </div>	
OF	SHEETS

**DETACHED POOL ENCLOSURE FOR:  
DR. ATIBA  
1380 SAN ANDREAS ROAD  
LA SELVA BEACH, CA 95078  
APN: 046-311-02**

BUILDING DESIGN  
& CONSULTING

5 - fact

JEN RD., SUITE B3 / MONTEREY, CA 93940  
(415) 948-5686

**COPYRIGHT BY DRAFT**

DATE	BY
8-10-07	0

## 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 glass pool enclosure 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 in the surrounding area consists of varied architectural styles; across San Andreas to the south are lots developed to an urban density, while lots to the east and west are larger and either vacant or developed at a rural density, lots to the north are in agricultural production. The pool enclosure is proposed to be made of clear glass with bronzed aluminum framing, the site is heavily vegetated, screening the development from view, and the development site is not on a prominent ridge, beach, or bluff top. The parcel size is approximately 2 acres (87,120) square feet. As proposed, the pool enclosure structure would be just under **34** feet long by 22.5 feet wide, for a total of 762 square feet. The applicant has submitted building permit plans for the pool that show the pool dimensions being 32 feet x 16 feet. The existing structures on the site cover approximately .5.5 percent of the parcel; with the new pool enclosure structure as proposed, the coverage will be approximately 6.4 percent, well below the maximum allowed lot coverage of 10 percent. Because ~~the~~ enclosure may have to be larger than proposed, this application allows for an enclosure of up to 1168.5 ~~square~~ feet (**41** feet ~~x~~ 28.5 feet. With the larger size enclosure, total lot coverage would be only 6.8 percent, below ~~the~~ maximum allowed of 10 percent. The proposed pool enclosure would be approximately 13.5 feet, well below the maximum allow height of 28 feet. As proposed, the pool enclosure would meet the setbacks for the zone district.

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 glass pool enclosure 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 small (752 square feet to 1168.5 square feet), represents an increase in lot coverage of from less than 1 percent to at most 1.3 percent, is not visible from San Andreas Road and meets all zone district standards including setbacks and heights. 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 and associated structures. 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 glass pool enclosure 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. The enclosure will also reduce energy use by containing heat and reducing the amount of heating needed for the pool water.

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 glass pool enclosure 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 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** RR (Rural Residential) land use designation in the County General Plan.

The proposed glass pool enclosure 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 glass **pool** enclosure 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 glass pool enclosure 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 glass pool enclosure 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 glass pool enclosure is to be constructed on an existing residentially developed lot. The glass **pool** enclosure will not generate any traffic.

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

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 glass pool enclosure 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 glass pool enclosure will be **of** an appropriate scale and **type** of design that will have no impact on the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

## Conditions of Approval

Exhibit A: Sheet A1 by SolarTexture, dated 8 10 07.

- I. This permit authorizes the construction of a glass pool enclosure of up to 1168.5 square feet. 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. 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval
    2. Grading, drainage, and erosion control plans.
    3. 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 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.

- E. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection District.

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. 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 two** years from the effective date **on** the expiration date listed below **unless you** obtain **the** required permits and commence construction.

Approval Date: December 7, 2007

Effective Date: December 22, 2007

Expiration Date: December 22, 2009

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

\_\_\_\_\_  
Steven Guiney  
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: 07-0433

Assessor Parcel Number: 046-31 1-02

Project Location: 1380 San Andreas Road, La Selva Beach

Project Description: Proposal to construct a 762 square foot swimming pool enclosure structure.

Person or Agency Proposing Project: Mark Porter

Contact Phone Number: (831) 646-5200

- 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: CEQA Guidelines Section 15303: New Construction of Conversion of Small Structures

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

Project is construction of a 762 square foot swimming **pool** enclosure on a site with **an** existing single-family dwelling.

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

  
Steven Guiney, Project Planner

Date: 11-20-

07-0433 APN 046-311-02 Atiba



EXHIBIT E

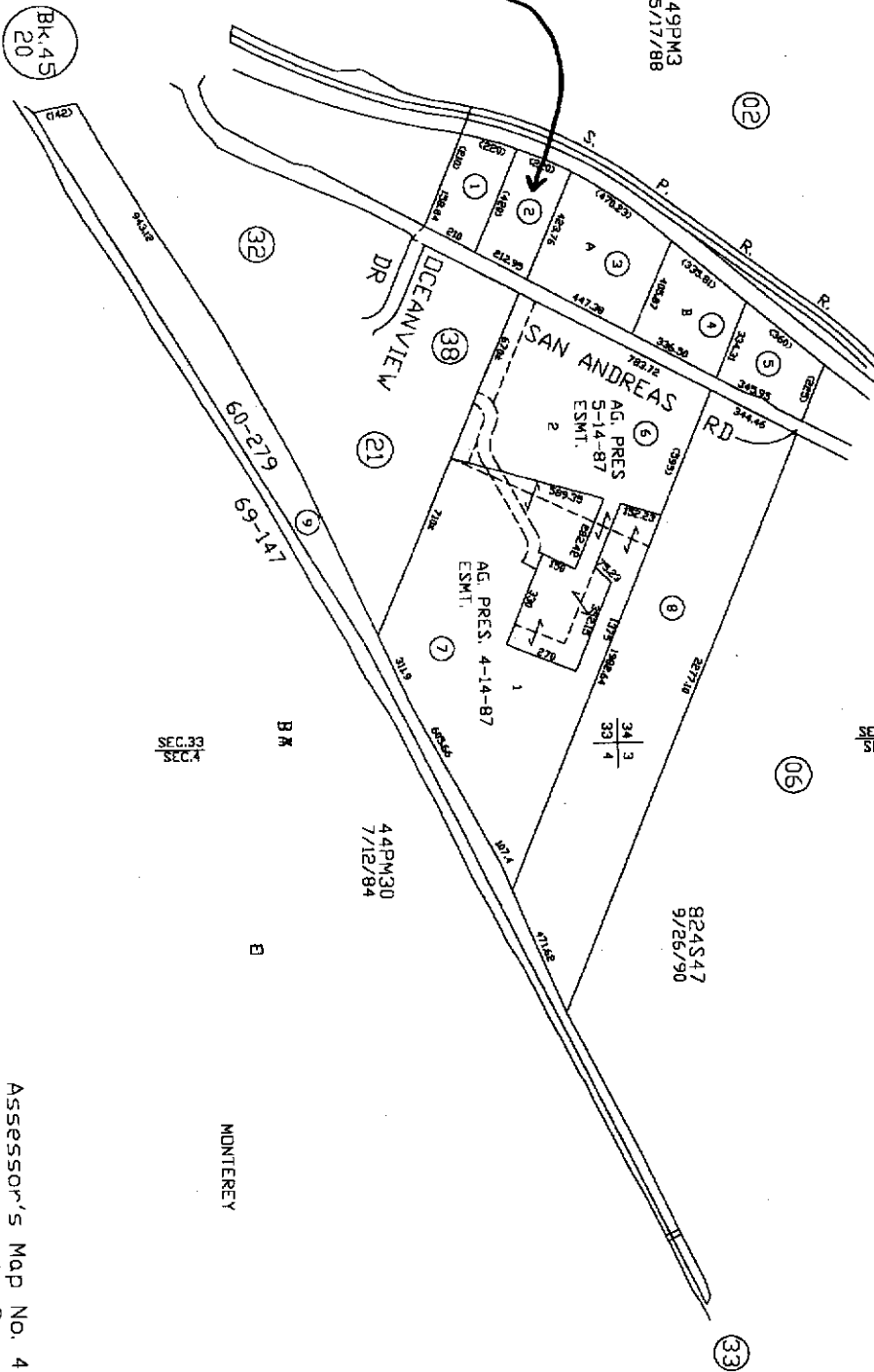
FOR TAX PURPOSES ONLY  
 THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY AND ASSURES ANY  
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSessor 1995

POR. SAN ANDREAS RANCHO  
 SECS. 3, 4, 33 & 34,  
 T.11S. & T.12S., R.1E., M.D.B.&M.

Tax Area Code  
 69-147 69-279

46-31

APN 046-311-02



Electronically drawn 9/12/95 NSA  
 Rev. 5/27/98 CDA DOWNSIZING re  
 Rev. 5/31/01 nwn (changed page refs)  
 Rev. 5/14/02 nwn (CDA)

Note - Assessor's Parcel # Eock  
 Numbers shown in circles.

Assessor's Map No. 46-31  
 County of Santa Cruz, Calif.  
 Sept. 1995

EXHIBIT E

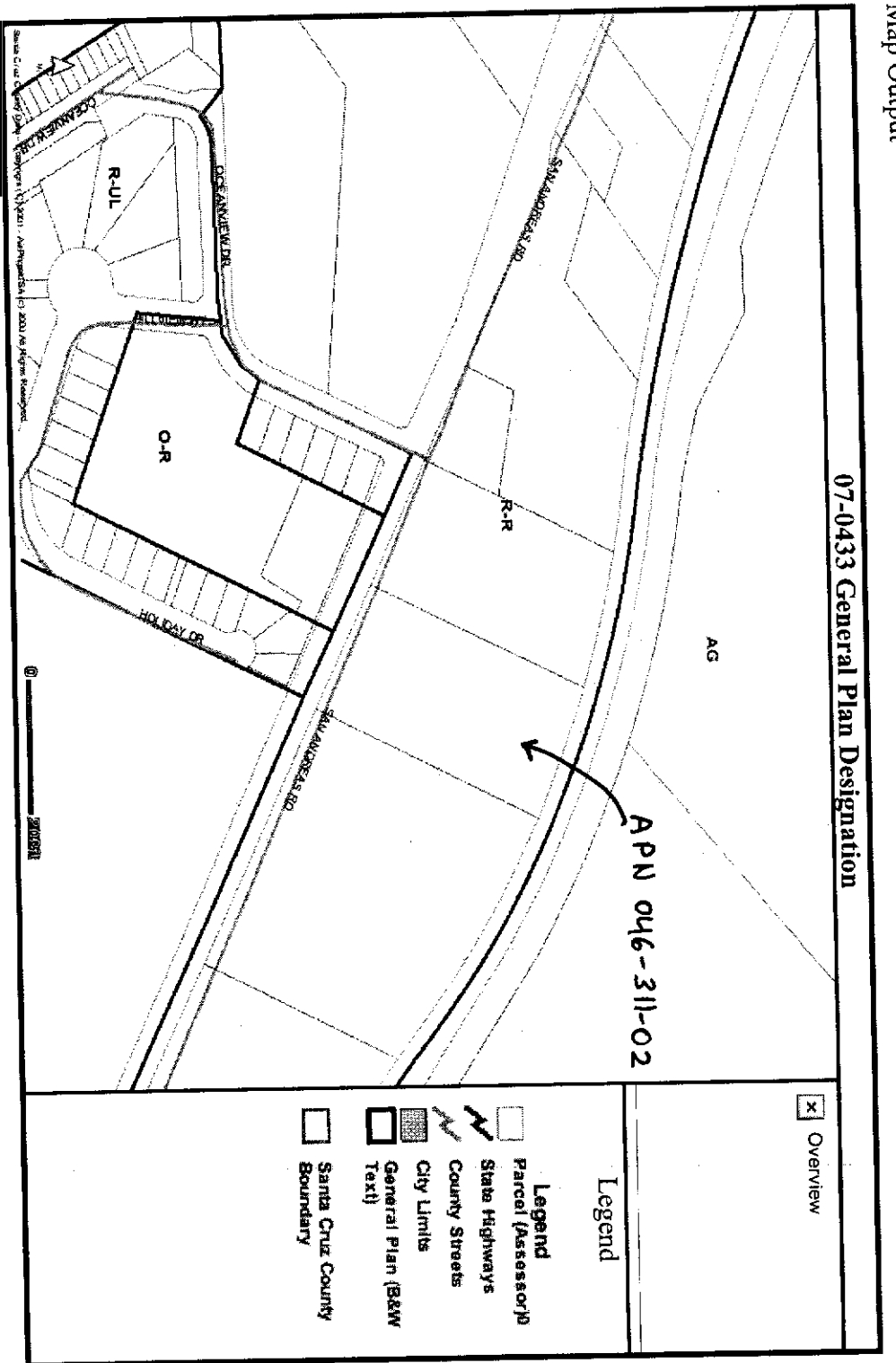
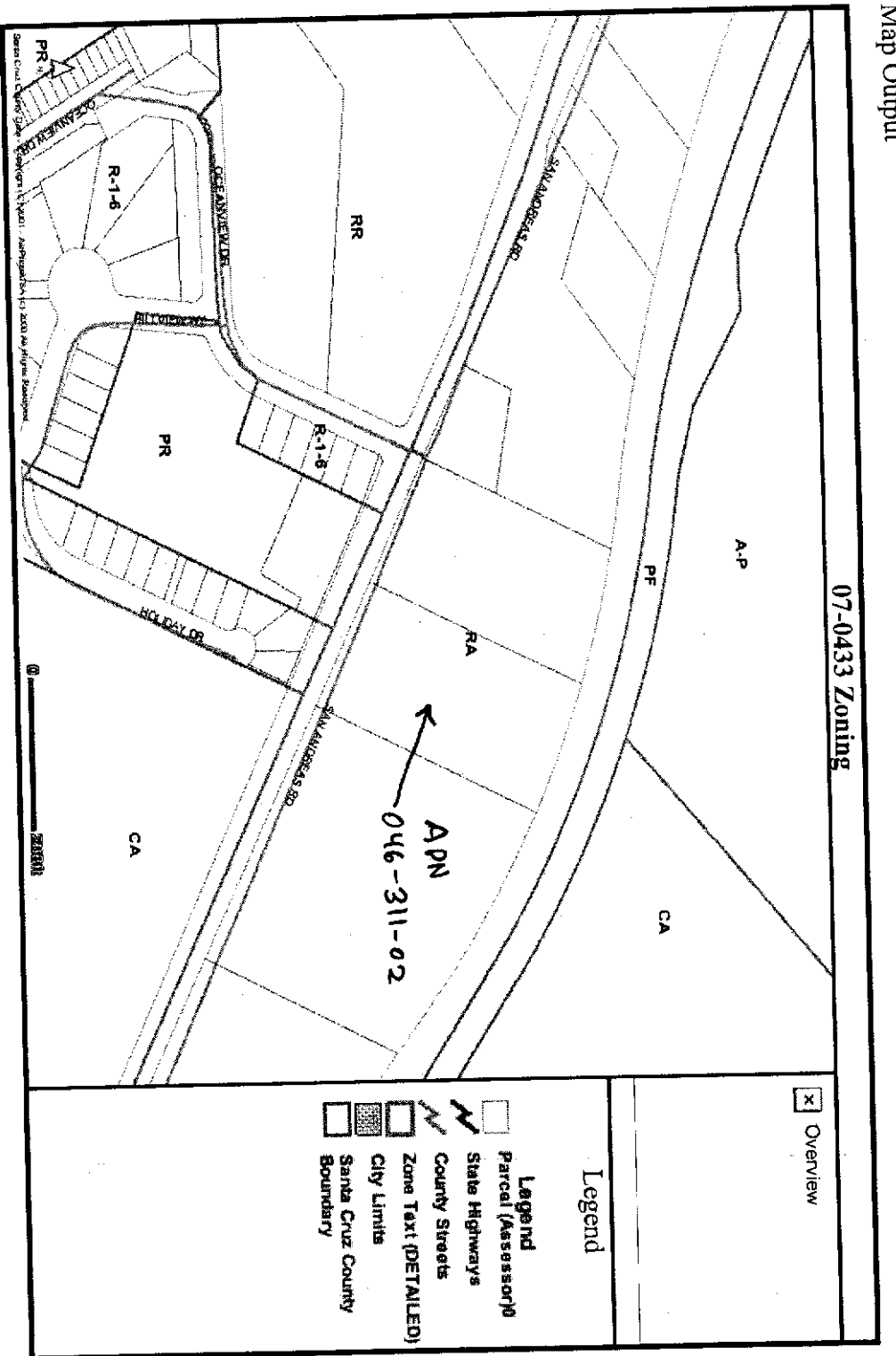


EXHIBIT F





EXHIBIT





## Staff Report to the Zoning Administrator

Application Number: **07-0433**

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**Applicant:** Mark Porter

**Owner:** Atiba

**APN:** 046-31 1-02

**Agenda Date:** December 7, 2007

**Agenda Item #:**

**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a 762 square foot, 10.5<sup>foot</sup> tall glass swimming pool enclosure structure.

**Location:** The property is located on the north side of San Andreas Road about 200 feet east from Oceanview Drive, at 1380 San Andreas Road, La Selva Beach.

**Supervisory District:** 2<sup>nd</sup> District (District Supervisor: 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 07-0433, based on the attached findings and conditions.

### Exhibits

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|---------------------------------|--|
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| B. Findings                     | E. Location and Assessor's parcel maps |
| C. Conditions                   | F. General Plan map and Zoning map     |
| D. Categorical Exemption (CEQA) |  |

### Parcel Information

Parcel Size:	2 acres
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family residential to east and south (across San Andreas Road), vacant to west, railroad and agriculture to north
Project Access:	San Andreas Road
Planning Area:	La Selva
Land Use Designation:	RR (Rural Residential)
Zone District:	RA (Residential Agricultural)

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

Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Mapped liquefaction area, but no physical evidence on site  
Soils: Baywood loamy sand and Elkhorn sandy loam  
Fire Hazard: Not a mapped constraint  
Slopes: 0 – 10 percent in area of proposed work  
Env. Sen. Habitat: Mapped biotic resource, but area of work highly disturbed  
Grading: None proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Mapped scenic resource, but area of work screened from public road  
(San Andreas Road) by existing trees and house  
Drainage: Existing drainage adequate  
Archeology: Mapped archaeological resource, but area of **work** highly disturbed

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: Private well  
Sewage Disposal: On-site  
Fire District: Aptos – La Selva  
Drainage District: Zone 7

### History

A Coastal Development Permit (87-0032) for a single-family dwelling was approved in 1987. Two subsequent Minor Variations were approved. Minor Variation 88-0384 authorized a change in windows, addition of skylights, an expansion of the kitchen area, and a change in the shape of the rear deck. Minor Variation 94-0329 authorized conversion of attic space to a bedroom, office, wet bar area, and bath, and a new second story deck.

### Project Setting

The parcel is located on the north side of San Andreas Road about 200 feet east of Oceanview Drive in La Selva Beach. The parcel lies below the level of the road with the first 200 feet, including the area of the proposed pool and enclosure, relatively gently sloping. Beyond this area the land slopes steeply down to the north to an unnamed seasonal watercourse.

### Zoning & General Plan Consistency

The subject property is a 2-acre lot, located in the RA (Residential Agriculture) zone district, a designation, which allows residential uses. The proposed glass pool enclosure is a principal permitted use within the zone district and the project is consistent with the site's RR (Rural Residential) General Plan designation. The parcel size is approximately 2 acres (87,120) square feet.

The proposed pool enclosure structure would be just under 34 feet long by 22.5 feet wide, for a total of 762 square feet. The existing structures on the site cover approximately .5.5 percent of the parcel; with the new pool enclosure structure the coverage will be approximately 6.4 percent, well below the maximum allowed lot coverage of 10 percent. The proposed pool enclosure would be approximately 13.5 feet, well below the maximum allow height of 28 feet. As proposed, the pool enclosure would meet the setbacks for the zone district.

### **Local Coastal Program Consistency**

The proposed glass pool enclosure 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. In this case, these elements of neighborhood character are somewhat relaxed in that the residentially developed parcels in the area exhibit a wide variety of sizes and architectural styles. Also, the parcels along this section and side of San Andreas Road for a quarter mile on either side of the subject parcel are relatively large (averaging over an acre) residentially developed parcels with small lot coverages and no particular architectural style.

While the parcel is in the scenic view conidor of San Andreas Road, the glass pool enclosure will not be visible from the road because of the existing vegetation along San Andreas Road and along the east and west property lines. Even if it were visible, the structure is proposed to be made of clear glass, which has a low reflectivity.

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 glass pool enclosure was reviewed by the Urban Designer and determined to be in compliance with the requirements of the County Design Review Ordinance, in that the proposed project is not visible from a public road due to the existing surrounding vegetation and the glass is proposed to be clear glass, which has a low reflectivity.

### **Environmental Review**

The proposed glass pool enclosure is categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section 15303, New Construction or Conversion 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. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 07-0433, based on the attached findings and 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 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 RA (Residential Agriculture), a designation which allows residential uses. The proposed glass pool enclosure 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 in the surrounding area consists of varied architectural styles; across San Andreas to the south are lots developed to an urban density, while lots to the east and west are larger and either vacant or developed at a rural density, lots to the north are in agricultural production. The pool enclosure is proposed to be made of clear glass with bronzed aluminum framing, the site is heavily vegetated, screening the development from view, and the development site is not on a prominent ridge, beach, or bluff top. The parcel size is approximately 2 acres (87,120) square feet. The proposed pool enclosure structure would be just under 34 feet long by 22.5 feet wide, for a total of 762 square feet. The existing structures on the site cover approximately 5.5 percent of the parcel; with the new pool enclosure structure the coverage will be approximately 6.4 percent, well below the maximum allowed lot coverage of 10 percent. The proposed pool enclosure would be approximately 13.5 feet, well below the maximum allowed height of 28 feet. As proposed, the pool enclosure would meet the setbacks for the zone district.

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 glass pool enclosure 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 small (752 square feet), represents an increase in lot coverage of less than 1 percent, is not visible from San Andreas Road and meets all zone district standards including setbacks and heights. 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 and associated structures. 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 glass pool enclosure 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. The enclosure will also reduce energy use by containing heat and reducing the amount of heating needed for the pool water.

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 glass pool enclosure 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 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 RR (Rural Residential) land use designation in the County General Plan.

The proposed glass pool enclosure 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 glass pool enclosure 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 glass pool enclosure 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 glass pool enclosure 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 glass pool enclosure is to be constructed on an existing residentially developed lot. The glass pool enclosure will not generate any traffic.

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

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 glass pool enclosure 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 glass pool enclosure will be of an appropriate scale and type of design that will have no impact on the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

## Conditions of Approval

Exhibit A: Sheet A1 by SolarTecture, dated 8 10 07.

- I. This permit authorizes the construction of a glass pool enclosure. 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. 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. One elevation shall indicate materials and colors **as** they were approved by this Discretionary Application. **If** specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 ½" x 11" format for Planning Department review and approval
    2. Grading, drainage, and erosion control plans.
    3. 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 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.

- E. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection District.

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. 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 two years from the effective date on the expiration date listed below unless you obtain the required permits and commence construction.**

Approval Date: December 7, 2007

Effective Date: December 22, 2007

Expiration Date: December 22, 2009

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Don Bussey  
Deputy Zoning Administrator

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Steven Guiney  
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: 07-0433

Assessor Parcel Number: 046-311-02

Project Location: 1380 ~~San~~ Andreas Road, La Selva Beach

**Project Description:** Proposal to construct a 762 square foot swimming pool enclosure structure.

**Person or Agency Proposing Project:** Mark Porter

**Contact Phone Number:** (831) 646-5200

- 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: CEQA Guidelines Section 15303: New Construction of Conversion of Small Structures

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

Project is construction of a 762 square foot swimming pool enclosure on a site with ~~an~~ existing single-family dwelling.

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

  
Steven Guiney, Project Planner

Date: 11-20-07

**07-0433 APN 046-311-02 Atiba**



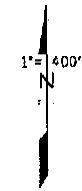
EXHIBIT E

FOR TAX PURPOSES ONLY  
 THE ASSessor GUARANTEES NO LIABILITY AS TO MAP ACCURACY AND ASSUMES ANY  
 LIABILITY FOR OTHER USERS. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1986

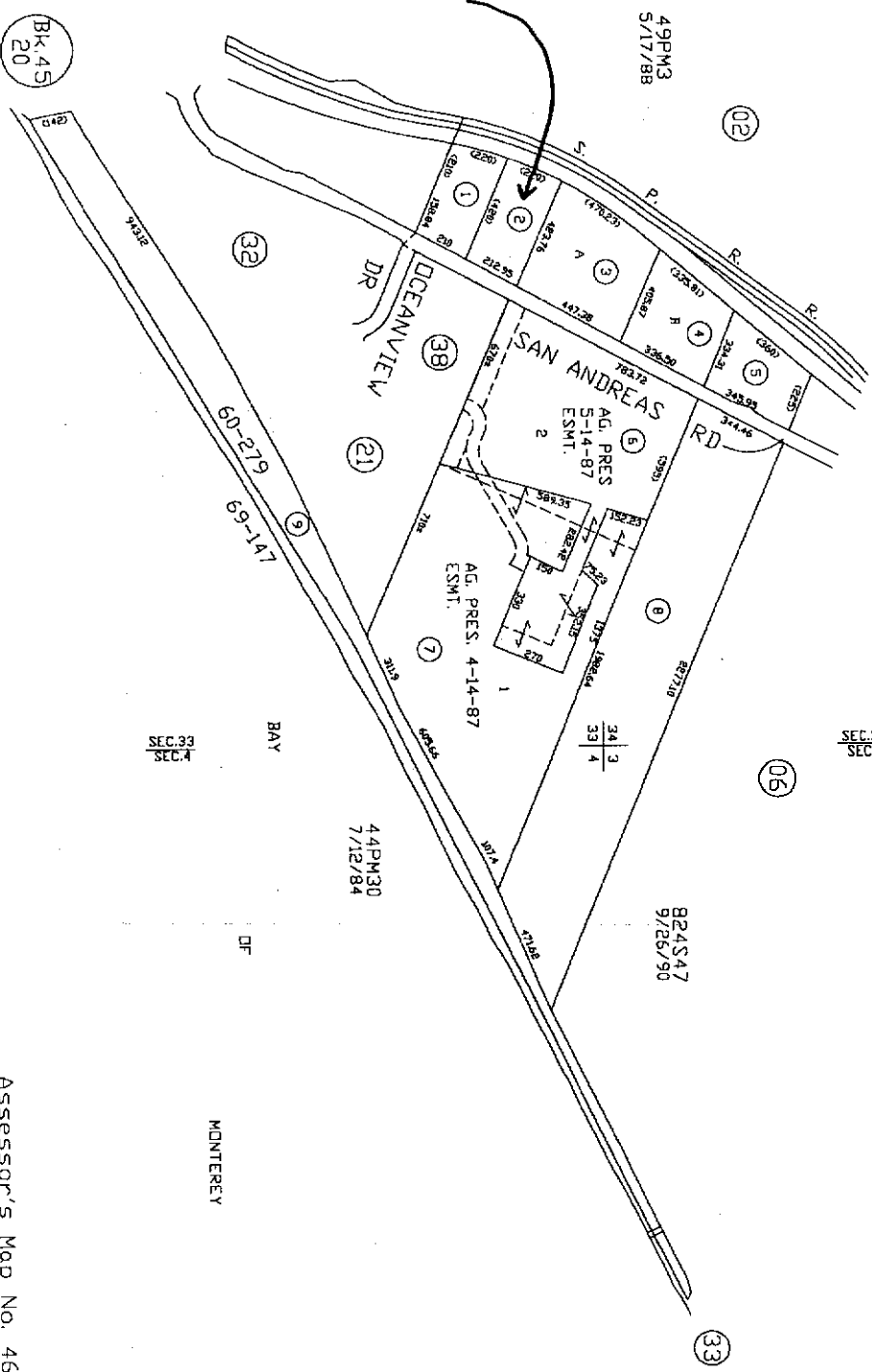
PDR. SAN ANDREAS RANCHO  
 SECS. 3,4,33 & 34,  
 T.11S. & T.12S., R.1E., M.D.B.&M.

Tax Area Code  
 69-147 69-279

46-31



APN 046-311-02

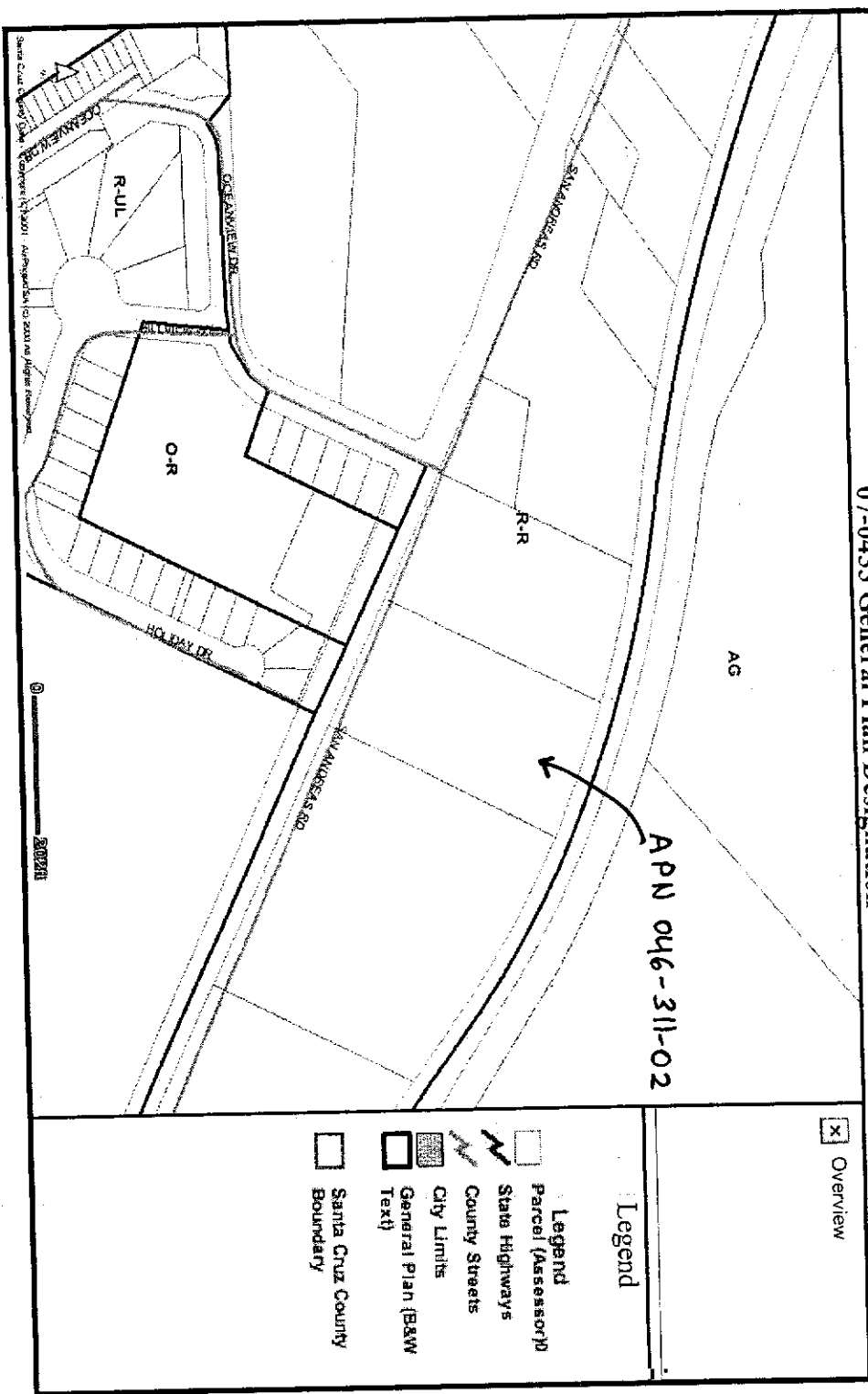


Note - Assessor's Parcel & Block

Assessor's Map No. 46-31  
 County of Santa Cruz, Calif.  
 1986



U-0433 Official Aerial Photograph



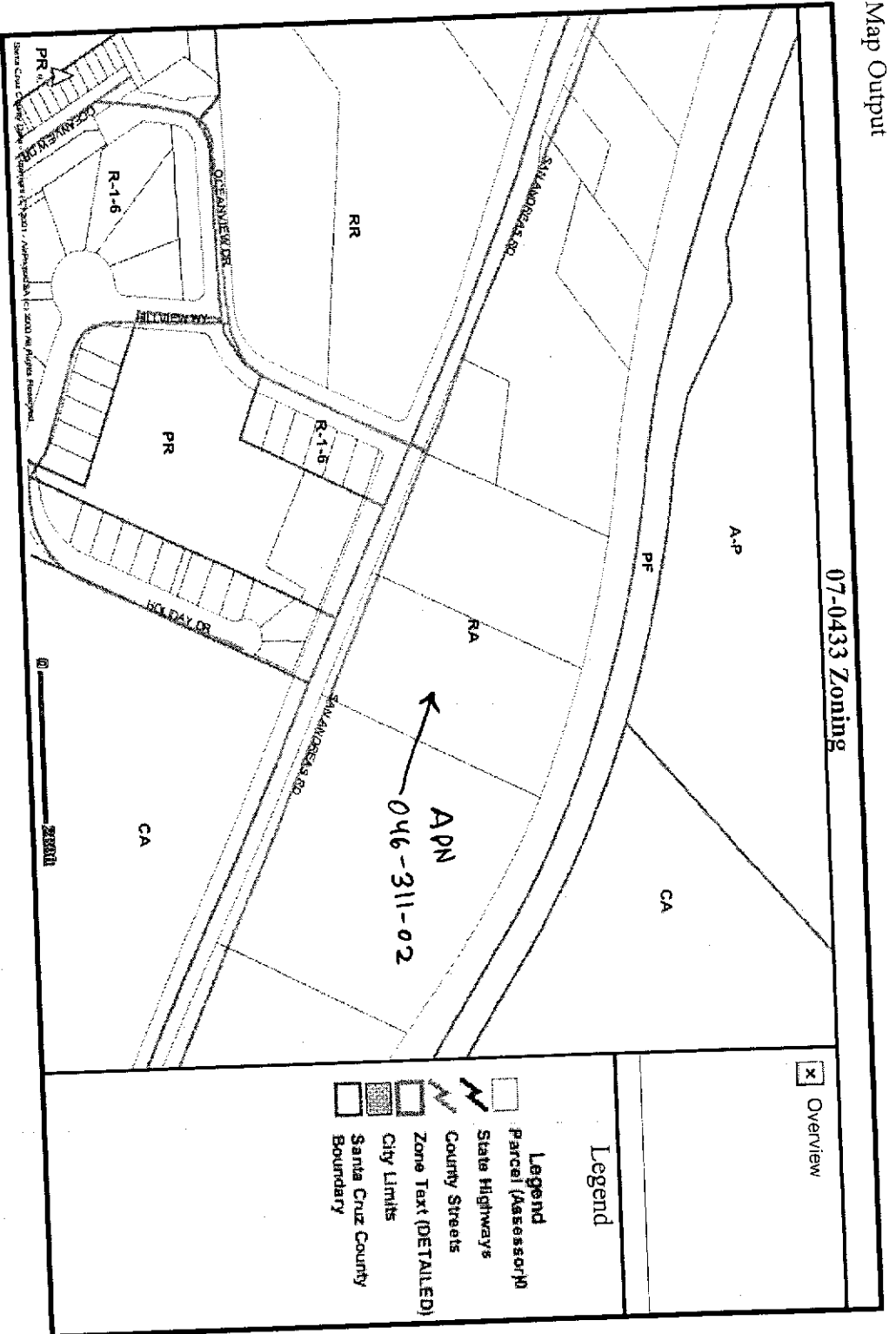
☒ Overview

### Legend

- ☐ Parcel (Assessor)
- ☐ State Highways
- ☐ County Streets
- ☐ City Limits
- ☐ General Plan (B&W Text)
- ☐ Santa Cruz County Boundary

EXHIBIT F

07-0433 Zoning



EXHIBIT