



Staff Report to the Zoning Administrator

Application Number: **07-0132**

Applicant: Bert Lemke, Architect
Owner: Thomas & Patricia Clarke
APN: 046-271-25

Date: December **7, 2007**
Agenda Item #: **5**
Time: .

Project Description: Proposal to construct a 2394 square foot single-family dwelling and a detached 864 square foot garage/shop.

Location: Northeast side of an unnamed right-of-way at about 165 feet northwest of its intersection with Crest Drive at about 215 feet west of the intersection with Lindero Drive

Permits Required: Coastal Development Permit, Residential Development Permit **for** a right-of-way **less** than 40 feet wide, and an Agricultural Buffer Determination (previously approved by the Agricultural Policy Advisory Commission).

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0132, based on the attached findings and conditions.

Exhibits

- | | |
|---|--|
| A. Project plans | Determination |
| B. Findings | F. Location and Assessor's parcel maps |
| C. Conditions | G. General Plan and Zoning maps |
| D. Categorical Exemption (CEQA determination) | H. Site photos |
| E. APAC Agricultural Buffer | |

Parcel Information

Parcel Size:	23,261 square feet per GIS (about 0.54 acre), 18,167 square feet as shown on plans
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Residential
Project Access:	Crest Drive
Planning Area:	San Andreas
Land Use Designation:	Agriculture (AG))
Zone District:	Commercial Agriculture (CA)
Supervisory District:	2nd (District Supervisor: Pirie)

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

Environmental Information

Geologic Hazards: *Not mapped/no physical evidence on site*
 Soils: *Elder Sandy Loam*
 Fire Hazard: *Not a mapped constraint*
 Slopes: *2 – 9 percent*
 Env. Sen. Habitat: *Not mapped/no physical evidence on site*
 Grading: *30 cubic yards cut and 30 cubic yards fill*
 Tree Removal: *18 trees proposed to be removed (15 pines, 3 cypresses)*
 Scenic: *Not a mapped resource*
 Drainage: *Existing drainage adequate*
 Archeology: *Not mapped/no physical evidence on site*

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No
 Water Supply: *San Andreas Mutual*
 Sewage Disposal: *On-site*
 Fire District: *Aptos – La Selva*
 Drainage District: *Zone 7*

History

The only prior development approved on this parcel is a 16 foot right-of-way along with road improvements across the parcel that was considered and approved in the 1980s (application 85-149). On October 18, 2007, the Agricultural Policy Advisory Commission (APAC) approved a reduction in the 200-foot agricultural buffer to the following distances:

APN	046-271-07	046-271-24	046-271-34	046-271-36	046-271-08	046-271-21	046-241-03
Buffer	10 feet	15 feet	30 feet	36 feet	38 feet	130 feet	190 feet

Project Setting

The proposed project is to construct a 2394 square foot single-family dwelling and a detached 864 square foot garage/shop. The project is located at the northeast side of an unnamed right-of-way at about 165 feet northwest of its intersection with Crest Drive at about 215 feet west of the intersection with Lindero Drive. The building site is located on a parcel zoned CA (Commercial Agriculture) and is within 200 feet of other CA zoned parcels in all directions.

The subject property slopes gently from the highest point of 156 feet near the proposed garage on the east side of the site to 142 feet near the west corner. The parcel carries an Agriculture (AG) General Plan designation and the implementing zoning is (CA) Commercial Agriculture. The parcels

abutting the subject parcel are all developed with residences.

Zoning & General Plan Consistency

The parcel is located on an unnamed 20 foot wide right-of-way, about 165 feet northwest of Crest Drive, that serves two other parcels, each of which abuts the subject parcel and both of which are developed with dwellings. County Code Section 13.10.521, Site Access, requires that a parcel have its principal frontage on a public street or on a private right-of-way at least forty (40) feet wide, unless a Use Approval is obtained for principal frontage and access on a narrower right-of-way. APN 046-271-36, immediately to the north of the subject parcel, received such approval in 1991. There is no record of whether the other developed parcel taking access off the right-of-way received such approval, but it did receive approval for a building permit for the dwelling on that parcel in 1986. The proposed new single-family dwelling will generate only one vehicle trip per day and so the right-of-way will not be overloaded. The right-of-way surface meets the requirements of the fire department.

The subject property is an 18,167 square foot lot, located in the CA (Commercial Agriculture) zone district, a designation that allows residential uses. According to the CA zone district use chart, the proposed single-family dwelling and detached garage are not principal permitted uses, but they can be permitted as conditional uses with a Level 5 (Zoning Administrator) approval. The proposal is not consistent with the site's (AG) Agriculture General Plan designation, specifically with General Plan-Local Coastal Program Policy 5.13.6, which allows conditional uses only if the use constitutes the principal agricultural use of the parcel; or is ancillary, incidental, or accessory to the principal agricultural use of the parcel; or is a public use. However, the parcel's small size (approximately one-half acre) and the fact that all surrounding parcels have the same designation and are residentially developed indicate that no future agricultural use of this parcel or the other similarly – sized parcels is feasible or practicable. In addition, findings have been made under County Code Section 13.10.314(b) to allow the use because the parcel is less than one acre in size (Exhibit B)

The subject parcel is approximately 142 feet by 131 feet. Reduced agricultural buffers were approved by APAC due to the fact that there is no area on the property that is more than 200 feet from CA land and the lack of agricultural activity, both currently and in the future on adjacent parcels, because of their small sizes. No fencing or vegetative barrier was required because of the existing residential development and trees on other parcels that provide an adequate buffer between the agricultural uses and the residential uses. In 1991 APAC approved an agricultural buffer reduction on APN 046-271-36, which abuts the subject parcel on the northwest, to as little as 20 feet without requiring any fencing or vegetative barrier. That approval was based on existing residential development and the relatively small size of the parcels, which rendered them not viable for commercial agricultural. The more recent APAC approval on the subject parcel is therefore consistent with previous determinations of APAC for proposed development in the neighborhood. The reduced buffers as approved by APAC for the subject parcel are as follows:

APN	046-271-07	046-271-24	046-271-34	046-271-36	046-271-08	046-271-21	046-241-03
Buffer	10 feet	15 feet	30 feet	36 feet	38 feet	130 feet	190 feet

The applicant is proposing to remove 15 pine trees and 3 cypress trees. All of those trees are

landscape trees and the largest is 16 inches in diameter. County Code chapter 16.32 regulates the removal of “significant trees.” A significant tree, for the purposes of the trees proposed to be removed here, is “any group consisting of ten or more trees on one parcel, each greater than 20 inches” in diameter. None of the trees proposed to be removed here are larger than 16 inches in diameter, therefore they do not qualify as “significant trees” and are not subject to the restrictions given in County Code Chapter 16.32.

Local Coastal Program Consistency

The proposed single-family dwelling and detached garage are 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. The proposal is for two structures, a house and a garage.

The house is designed with two main sections set-off from each other at approximately a 45 degree angle, joined by a hallway, deck, and patio. The southwesterly portion is single story and contains the kitchen, dining, and family rooms. The northeasterly portion is two-story with the master bedroom on the lower floor and two bedrooms on the second floor. The second structure is the detached garage/shop. The garage portion is 580 square feet and the shop area is 284 square feet. The exterior of both structures are proposed to be sided with 1 inch x 8 inch v-groove wooden ship lap siding. Roofing is proposed to be composition shingle. Porch and deck pillars, as well as the chimney are to be constructed of rubble stone. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is located near the end of a dead end road, Crest Drive, between the shoreline and the first through public road (San Andreas Road), but is not identified as a priority acquisition site in the County’s Local Coastal Program. Public beach access is available at Manresa State Beach Uplands off of Sand Dollar Drive about 1.5 miles away. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed single-family dwelling and detached garage comply with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as muted natural colors (gray composition shingle roof, gray wooden siding, brown trim), which minimize the visual impact of the proposed development on surrounding land uses and the natural landscape.

Environmental Review

The project is categorically exempt from review under the California Environmental Quality Act (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.

Recommendation

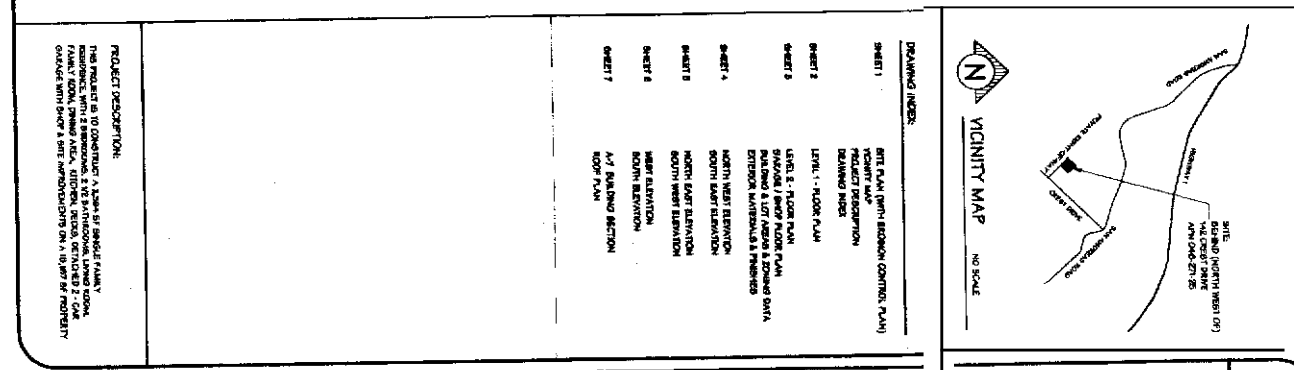
- Certification that **the** proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application number **07-0132** based on the attached findings and recommended conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Report Reviewed By: Paia Levine
Principal Planner
Development Review



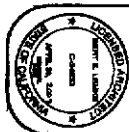
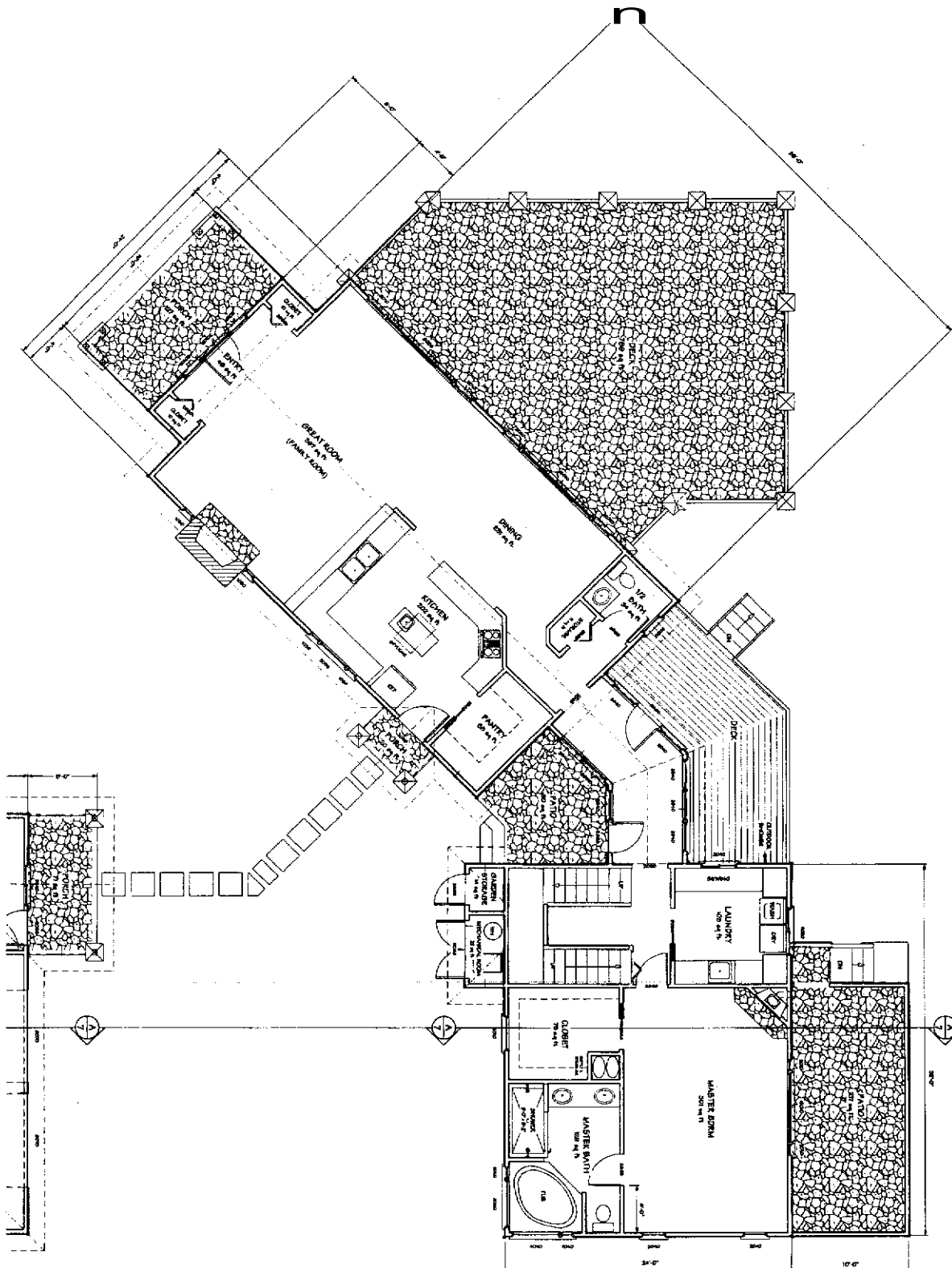
SITE PLAN
DRAWING INDEX
VICINITY MAP
PROJECT DESCRIPTION

EXHIBIT A



LEVEL 1 FLOOR PLAN

1/8" = 1'-0"



Searscape Design

Bert Lemke, Architect
No. 24223

258 PARALLON COURT
APTOS, CALIFORNIA 95008

(831) 688-6642

Date: 2/16/07

Revised:

Drawn By: DEL

THE CLARKE RESIDENCE

CREST DRIVE
LA BELVA BEACH, CALIFORNIA

- 7 - 16-271-30

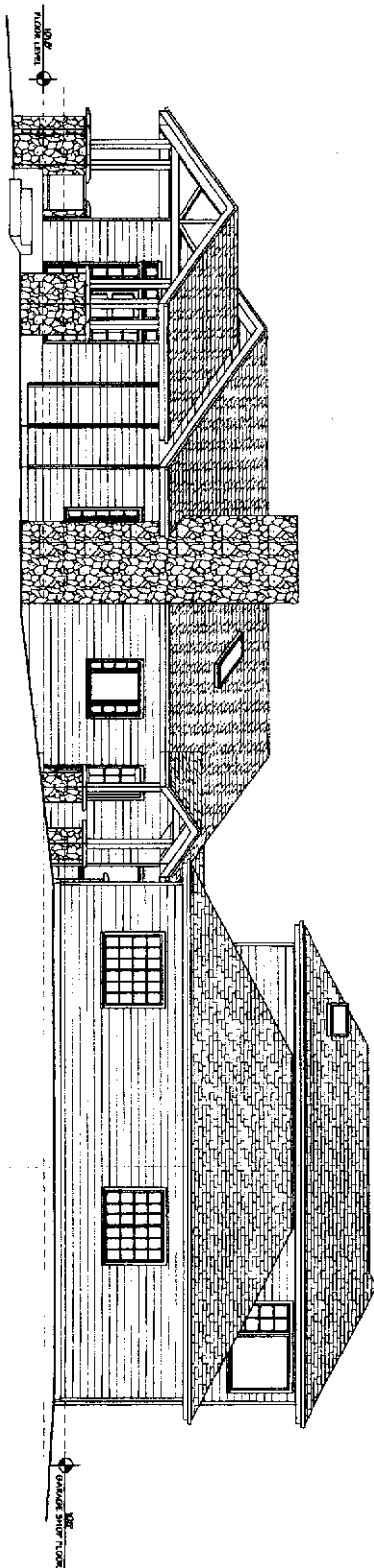
LEVEL 1 FLOOR PLAN

SHEET

2 of 7

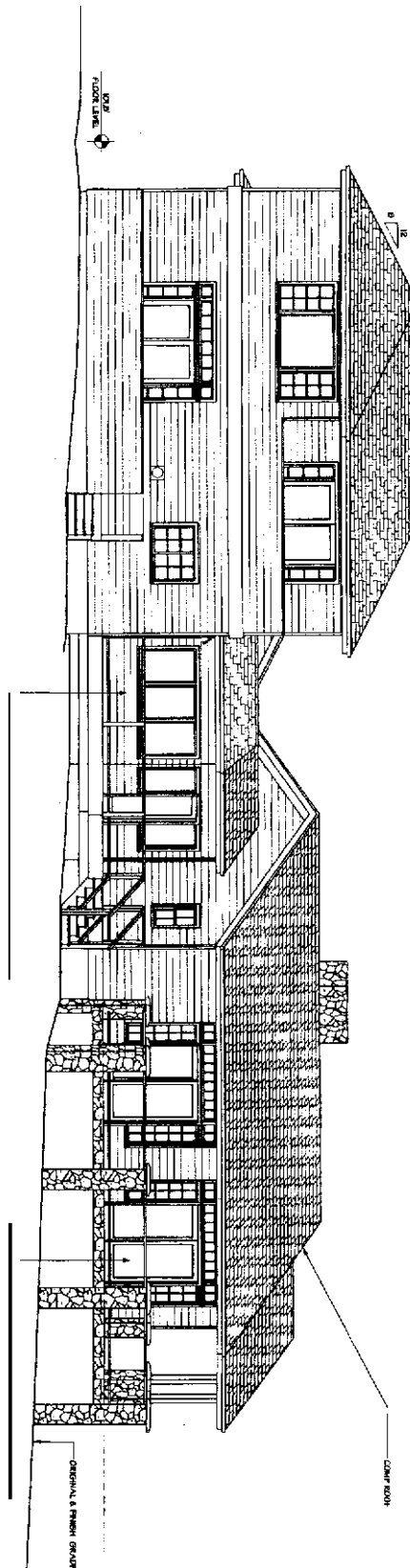
EXHIBIT

A



SOUTH EAST ELEVATION

1/8" = 1'-0"



OF THE HOUSE'S POINT OF

CLARKE RESIDENCE

ORIGINAL & FINISH DRAWING



Searscape Design

Bert Lemke, Architect
No. 24923
1000 PARKLAWN COURT
APTOS, CALIFORNIA 95020

(831) 688-6642

Date: 2/26/07

Revised:

Drawn By: DEL

THE CLARKE RESIDENCE

CREST DRIVE
LA BELLA BEACH, CALIFORNIA

- 9 - 8-27-05

NORTH WEST ELEVATION
SOUTH EAST ELEVATION

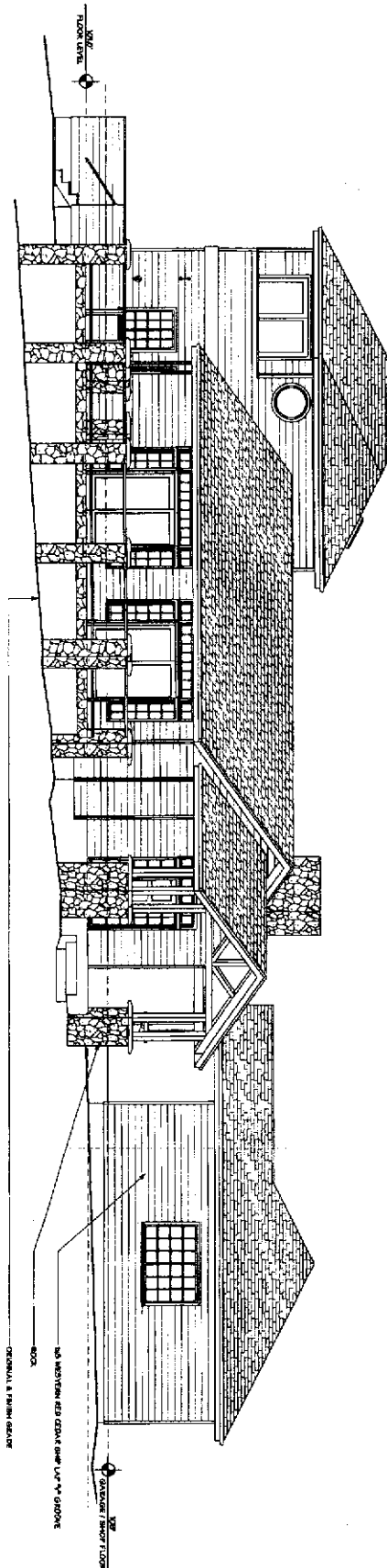
SHEET

4 of 7

EXHIBIT

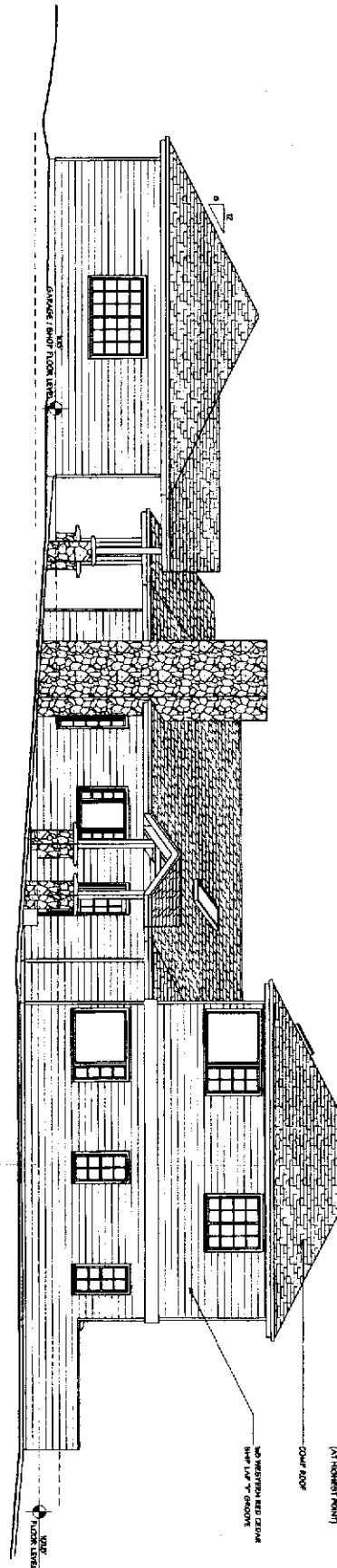
SOUTH WEST ELEVATION

1/8" = 1'-0"



NORTH EAST ELEVATION

1/8" = 1'-0"



Searscape Design

Bert Lemke, Architect
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2550 FARALLON COURT
APTOS, CALIFORNIA 95008

(831) 688-6642

Date: 2/26/07

Revised:

Drawn By: DEL

THE CLARKE RESIDENCE

OCEAN DRIVE
LA BELLA BEACH, CALIFORNIA

- 10 - 048-271-30

NORTH EAST ELEVATION
SOUTH WEST ELEVATION

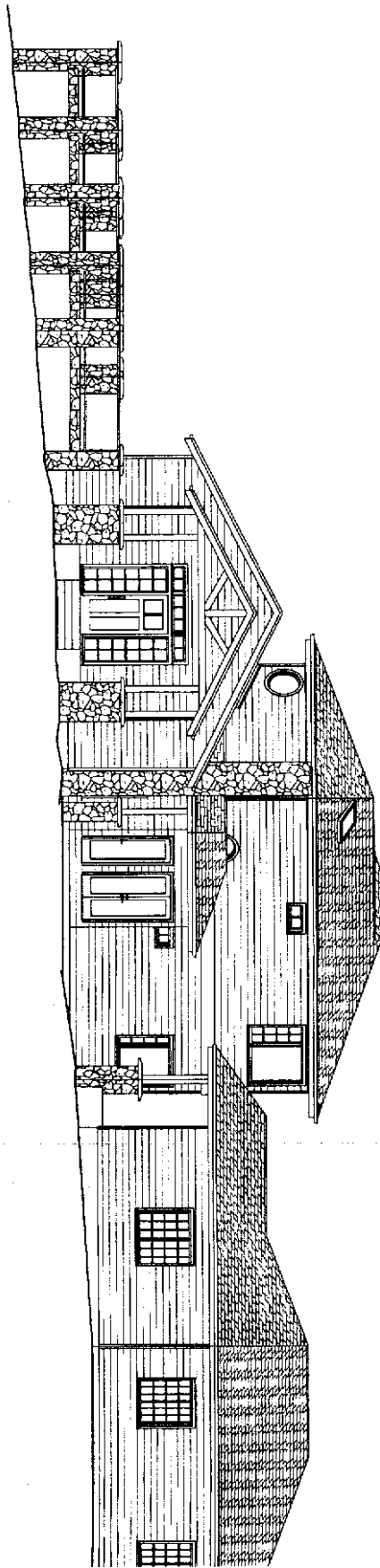
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5 of 7

EXHIBIT A

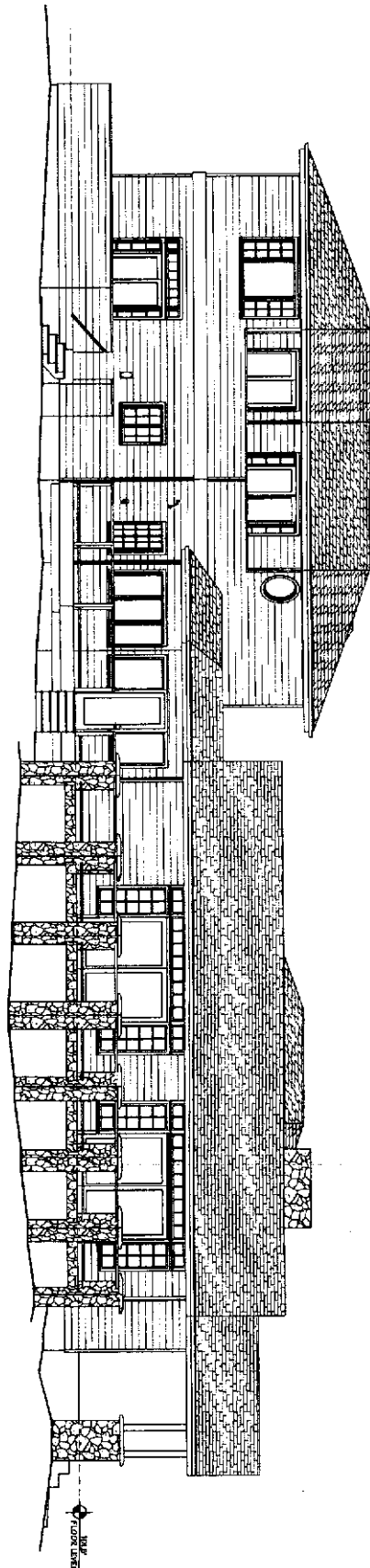
SOUTH ELEVATION

1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"



Seascape Design

Bert Lemke, Architect
Lic. # C 24230

200 PARALLON COURT
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Date: 2/16/07

Revised:

Drawn By: BEL

THE CLARKE RESIDENCE

CREST DRIVE
LA BREA BEACH, CALIFORNIA

- 11 - 3-25-08

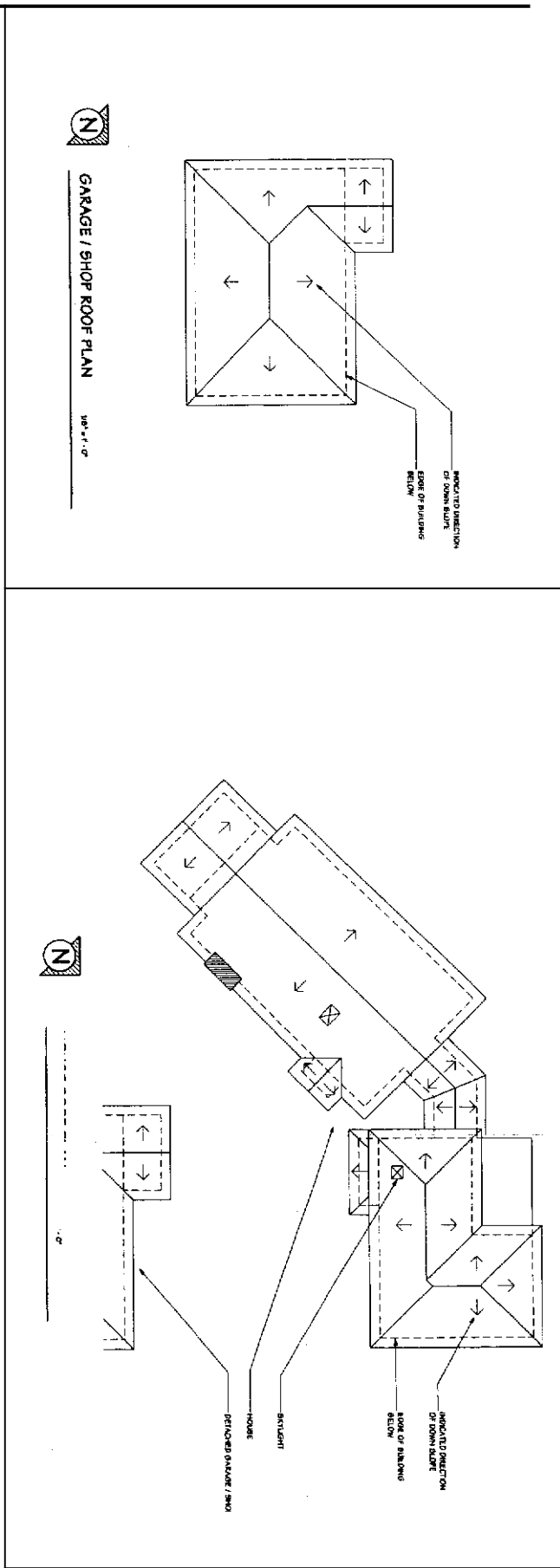
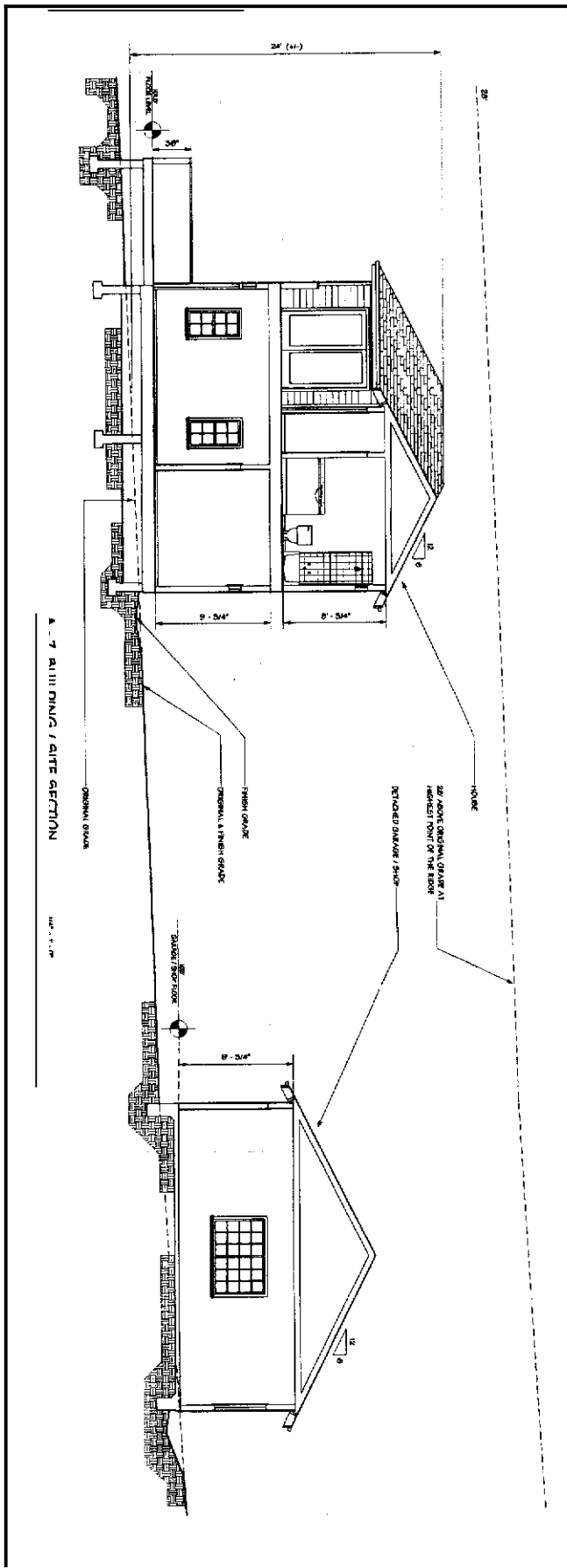
WEST ELEVATION
SOUTH ELEVATION

SHEET

6 of 7

EXHIBIT

A



Searscape Design

Scott E. Lammke, Architect
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(831) 688-6642

Date: 2/16/07

Reviewed:

Drawn By: BEL

THE CLARKE RESIDENCE

CREST DRIVE
LA BELLA BEACH, CALIFORNIA

48-27-35

- 12 -

A-7 BUILDING SECTION
ROOF PLAN

SHEET

7 of 7

EXHIBIT A

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 CA (Commercial Agriculture), a designation which allows residential **uses**. The proposed single-family dwelling and detached garage are principal permitted **uses** within the zone district, consistent with the site's (A) Agriculture 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 surrounding neighborhood has no dominant architectural style; the site is surrounded by similarly sized lots developed with single-family dwellings; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of **the** General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is located near the end of a dead end road, Crest Drive, between the shoreline and the first through public road (San Andreas Road), but is not identified as a priority acquisition site in the County's Local Coastal Program. Public beach access is available at Manresa State Beach Uplands off of Sand Dollar Drive about 1.5 miles away. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that **the** structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses **are** allowed **uses** in the CA (Commercial Agriculture) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the

Application # 07-0132

APN: 046-271-25

Owner: Clarke

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 agricultural and residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. **The** proposed single-family dwelling and detached garage will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single-family dwelling and detached garage and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the CA zone district in that the primary use of the property will be one single family dwelling with detached garage that meets all current site standards for the zone district. The access, via a right-of-way 20 feet in width, does not meet the standard of 40 feet, but in this case is consistent with County Code Section 13.10.521 in that only three parcels take access off the right-of-way, the proposal will generate only one additional vehicle trip per day, and the surface of the right-of-way meets the requirements of the fire department.

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 Agriculture (A) land **use** designation in the County General Plan.

The proposed single-family dwelling with detached garage will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single-family dwelling with detached garage will not adversely shade adjacent properties, and will **meet** current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed single-family dwelling with detached garage will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family dwelling with detached garage will comply with the site standards for the CA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure

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

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

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed single-family dwelling with detached garage is to **be** constructed on an existing undeveloped lot. **The** expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 **peak** trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

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

This finding can be made, in that **the** proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single-family dwelling with detached garage 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 single-family dwelling with detached garage will **be** of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

**Required Findings for Residential Development on Land Zoned
Commercial Agriculture or Agricultural Preserve In The Coastal Zone
County Code Section 13.10.314(b)**

1. The parcel is less than one acre in size; or **the** parcel has physical constraints (such as adverse topographic, geologic, hydrologic, or vegetative conditions) other than size which preclude commercial agricultural use; or that the residential **use** will be ancillary to commercial agricultural **use** of the parcel based upon the fact that either:
 - (i) **The** farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography, and climate of the area; **or**
 - (ii) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

The parcel is approximately 0.54 acres,

2. The residential use will meet all the requirements of section 16.50.095 pertaining to agricultural buffer setbacks.

No new physical buffers are required. The requirements **of** Section 16.50.095 pertaining **to** agricultural buffer setbacks will be met by the existing development, which provides the physical buffers.

3. The owners of the subject parcel have executed binding hold-harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. Such covenants shall run with the land and shall be recorded prior to the issuance of the permit for the proposed development.

As required by County Code Section 16.50.095 and General Plan Policy 5.13.32, an Agricultural Statement of Acknowledgement is required to be recorded on **the** property deed prior to issuance of a building permit.

Conditions of Approval

Exhibit A: 7 sheets, dated Revised: 5/30/07, prepared by Seascape Design

- I. This permit authorizes the construction of a **2394** square foot single-family dwelling and a detached 864 square foot garage/shop. 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 (show erosion control installation details in addition to the physical location of the erosion control measures), including all proposed contours including final contours for the driveway and parking areas. Include a detail for the proposed swale above the garage/shop building with minimum dimensions and surfacing requirements and location and method of discharge.
 3. Clearly label the proposed surfacing for the deck, patio, and porch areas.
 4. Provide details and analysis for each of the proposed percolation ponds that demonstrate mitigation of additional runoff for a range of storms up to the 10-year storm. Include dimensions, materials, safe overflow design, and

maintenance requirements. Include a map with the analysis showing the extent of the impervious areas draining to each pond (include patio, deck, and porch areas as appropriate). Each pond should be sized appropriately based on soils information for the site as well as the areas draining to each pond.

5. Provide a detail or specifications for the proposed pavers
 6. Show structural cross sections of each structure in both directions.
 7. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site that clearly depict the total height of the proposed structure. Maximum height is 28-feet.
 8. 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 any required drainage fees to 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. Submit a Plan Review letter from the project geotechnical engineer for review.
- I. Pay the current fees for Parks and Child Care mitigation for **3** bedroom(s). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- J. Provide required off-street parking for **3** cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of-way. Parking must be clearly designated on the plot plan.

- K. 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.
 - L. Complete and record a Declaration of Restriction to construct an 864 square foot no-habitable accessory structure (the garage). **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 applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. **All** inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - 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 hears 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.

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

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: 07-0132

Assessor Parcel Number: 046-271-25

Project Location: Northeast side of an unnamed right-of-way at about 165 feet northwest of its intersection with Crest Drive at about 215 feet west of the intersection with Linden Drive, La Selva Beach

Project Description: Construct a 2394 square foot single-family dwelling and a detached 864 square foot garage/shop.

Person or Agency Proposing Project: Bert Lemke, Architect

Contact Phone Number: (831) 688-6642

- 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).
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:

Construction of a single-family dwelling on an existing parcel.

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


Steven Guiney, AICP, Project Planner

Date: 11-19-07

EXHIBIT D



COUNTY OF SANTA CRUZ Planning Department

AGRICULTURAL BUFFER DETERMINATION

Owner: THOMAS & PATRICIA CLA
Address: 261 BELBLOSSOM DRIVE
LOS GATOS, CA 95032

Permit Number: 07-0132
Parcel Number(s): 046-271-25

PROJECT DESCRIPTION AND LOCATION

Permit to construct a 2,394 square foot single-family dwelling and a detached 864 square foot garage/shop. Requires an Agricultural Buffer Determination to reduce the required the 200 foot agricultural buffer to 10 feet. Property located on the northeast side of an unnamed right-of-way at about 165 feet northwest of its intersection with Crest Drive at about 215 feet west of the intersection with Linden Drive.

SUBJECT TO ATTACHED CONDITIONS

APAC Approval Date: 10118/07

Effective Date: 11/01/07

Subject to final discretionary review if Zoning Admin., Planning Com., or Board action is required.

Exp. Date (if not exercised): see conditions

Coastal Appeal Exp. Date: N/A

— This project requires a Coastal Zone Permit, which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. The appeal must be filed within 14 calendar days of action by the decision body

— This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. **Permittee** is to contact Coastal **staff** at the **end of** the above appeal period prior to commencing any work.

APAC REVIEW IS NOT A BUILDING PERMIT. A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit.

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

Thomas J. Clark
Signature of Owner/Agent

10-18-07

Date

Steven Guiney
Staff Planner

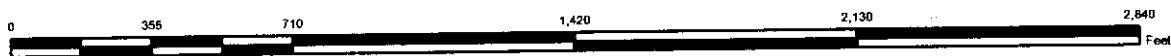
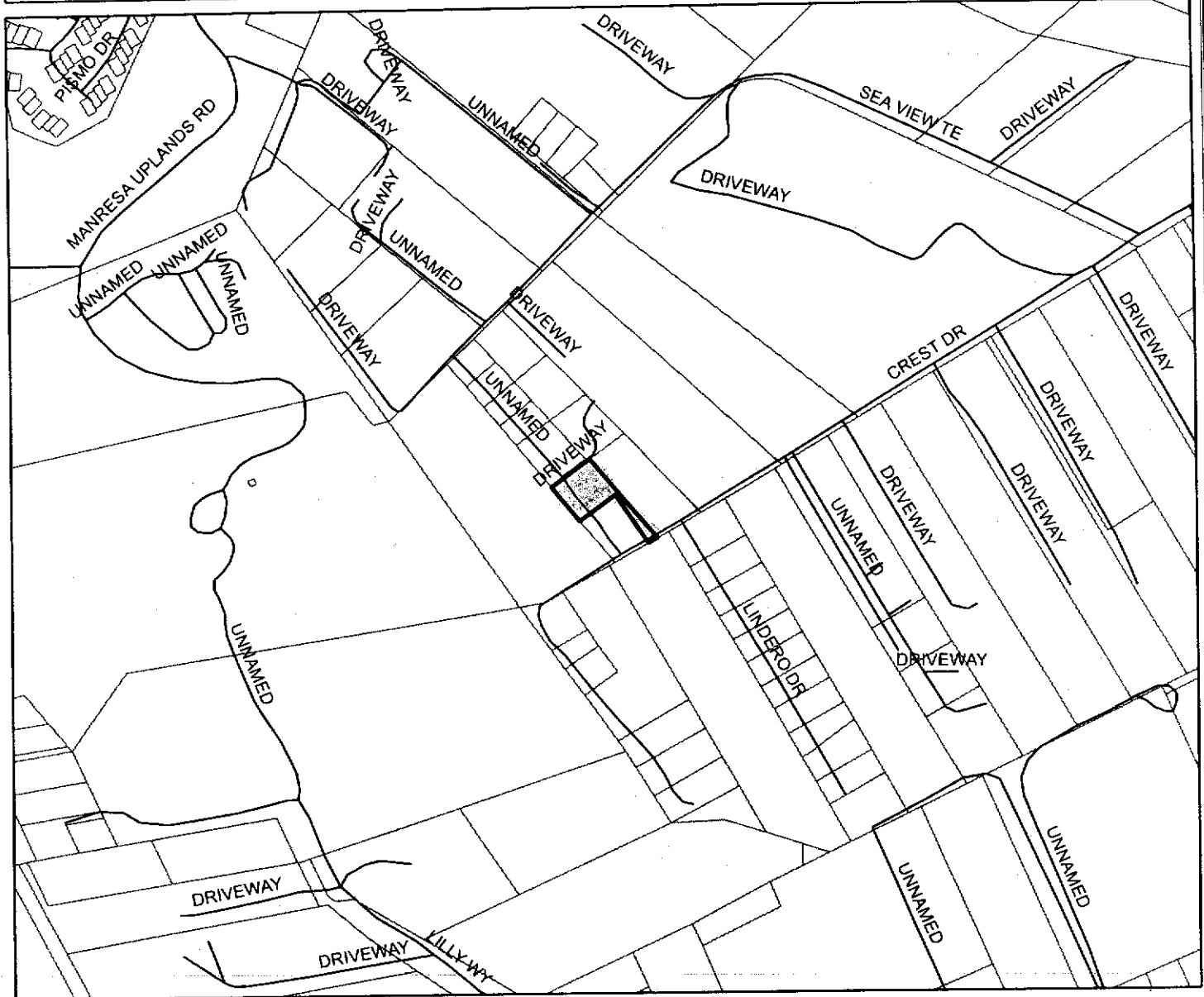
11-06-07

Date

Distribution: Applicant, File, Clerical



Location Map



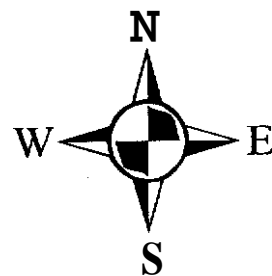
Legend



1.

Assessors Parcels

Streets



Map Created by
County of Santa Cruz
Planning Department
March 2007

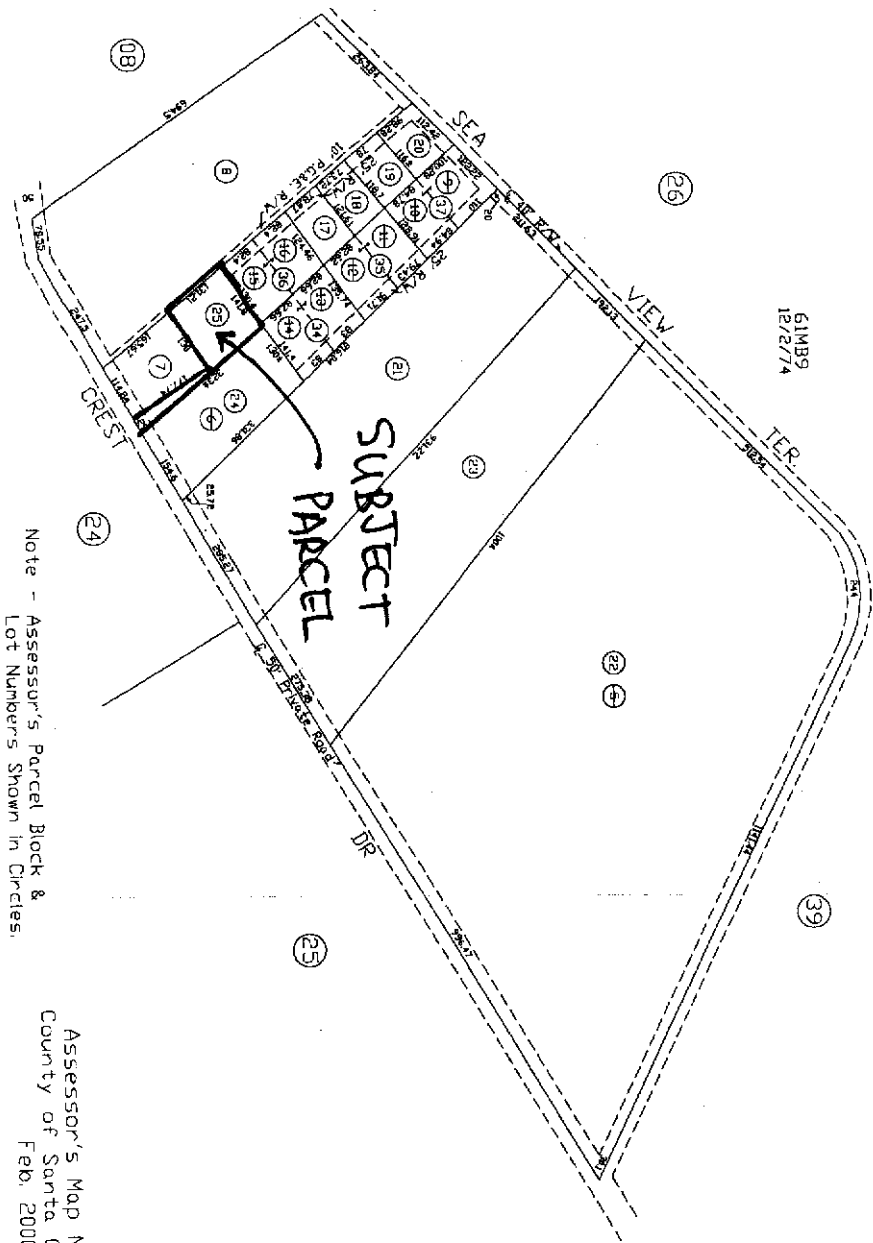
FOR TAX PURPOSES ONLY
 THIS ASSESSOR MAKES NO GUARANTEE AS TO THE ACCURACY OF THE ASSESSMENT. ANY
 LIABILITY FOR OTHER USERS, NOT TO BE REPRODUCED, ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. SAN ANDREAS RANCHO
 SEC. 3, T.12S, R.1E, M.D.B. & M.

Tax Area Code
 69-278

46-27

Forcedly redrawn 2/17/00 KSA
 2/17/00 KSA (For. to Pg. 19)

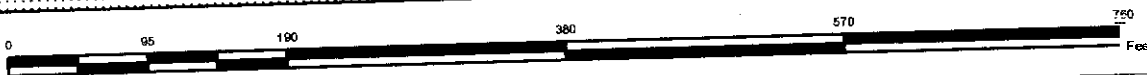
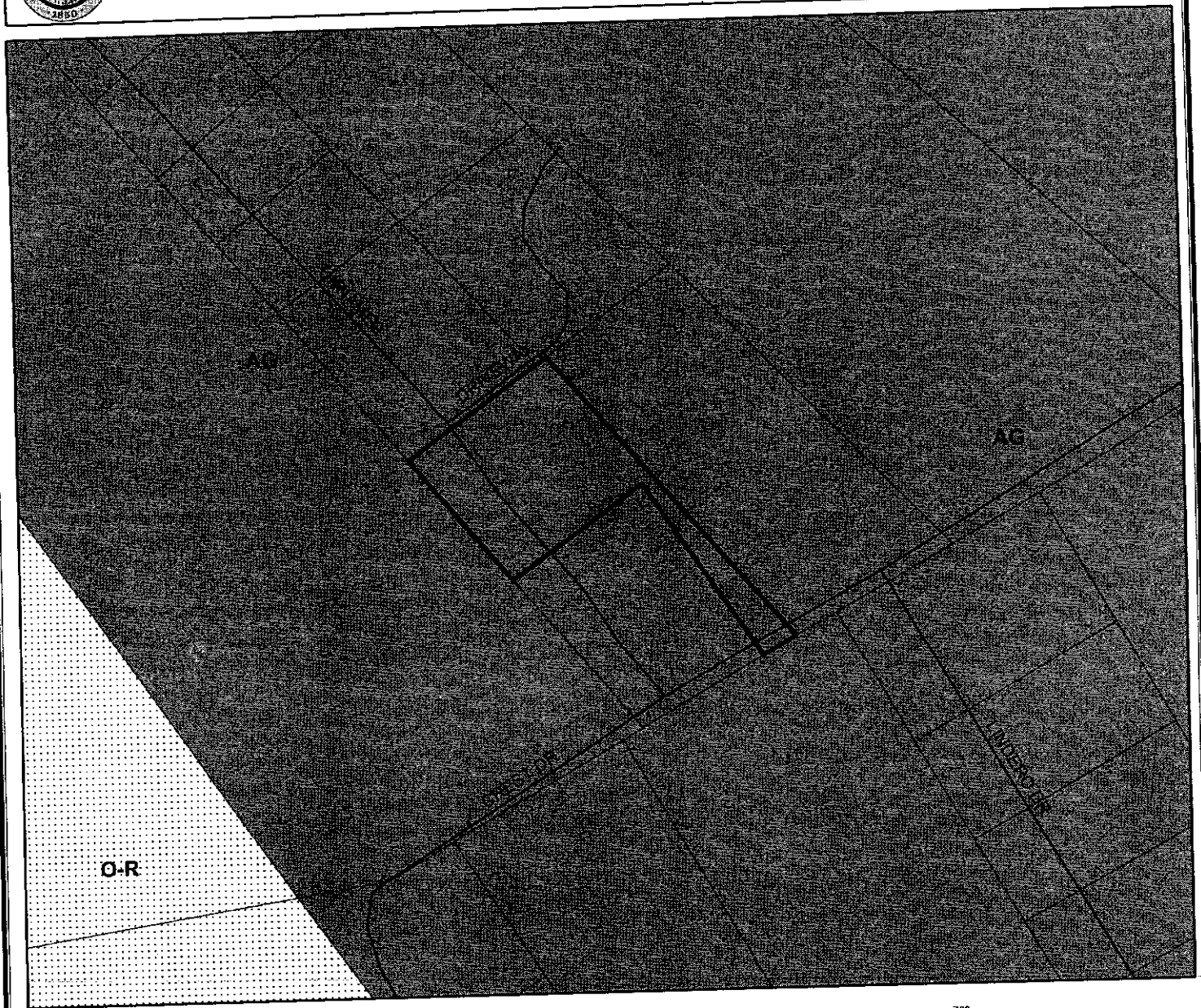


Note - Assessor's Parcel Block &
 Lot Numbers Shown in Circles.






Assessor's Map No. 46-27
 County of Santa Cruz, Calif
 Feb. 2000

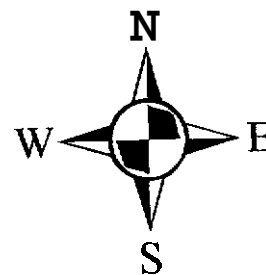


General Plan Designation Map



Legend

-  APN 046-271-25
-  Assessors Parcels
-  Streets
-  Agriculture (AG)
-  parks and Recreation (O-R)

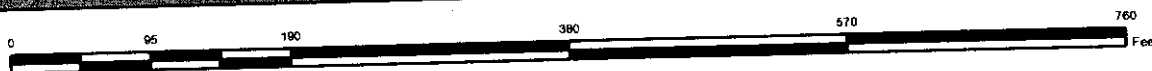
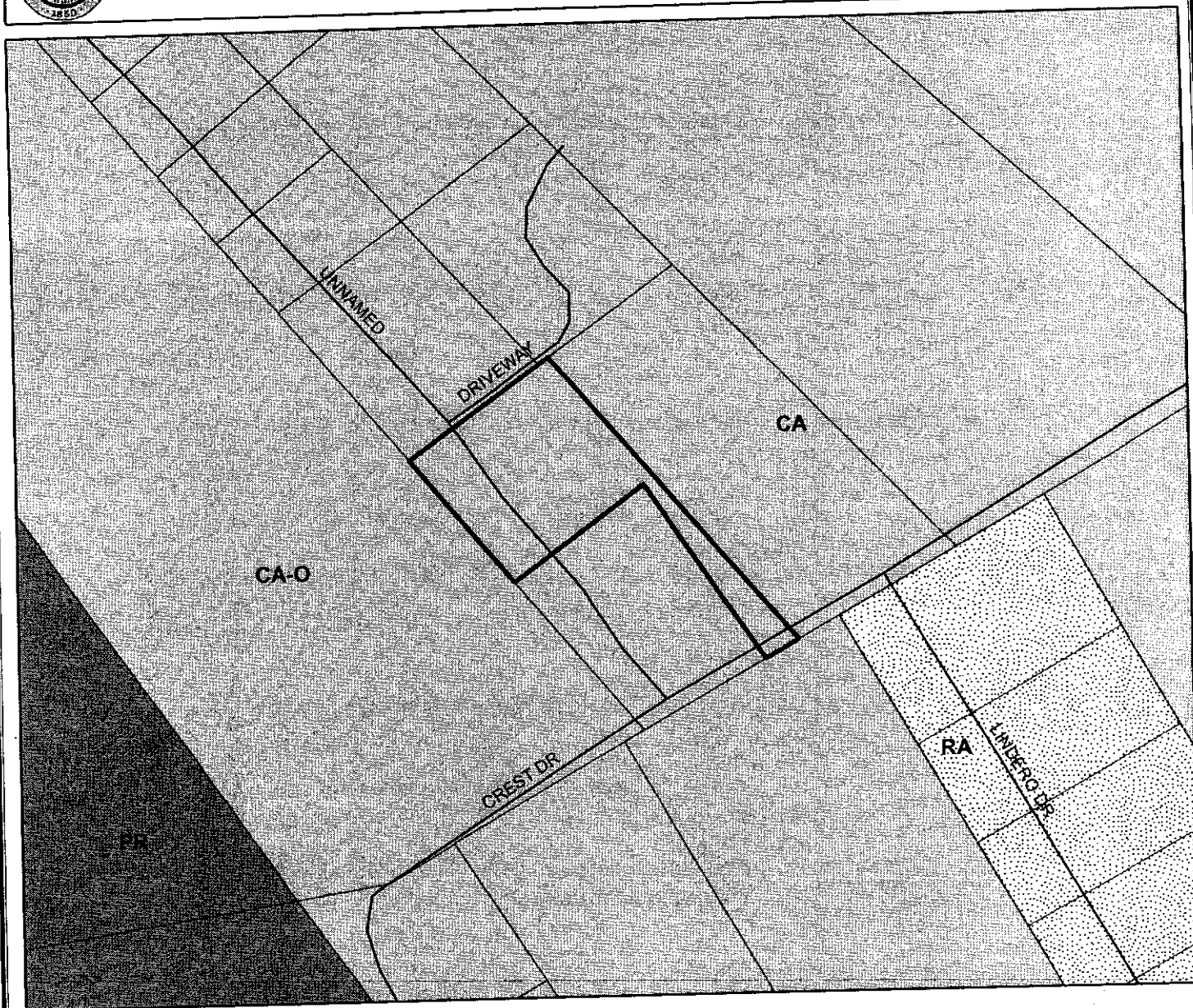


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planning Department
March 2007









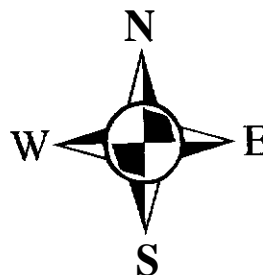


Zoning Map

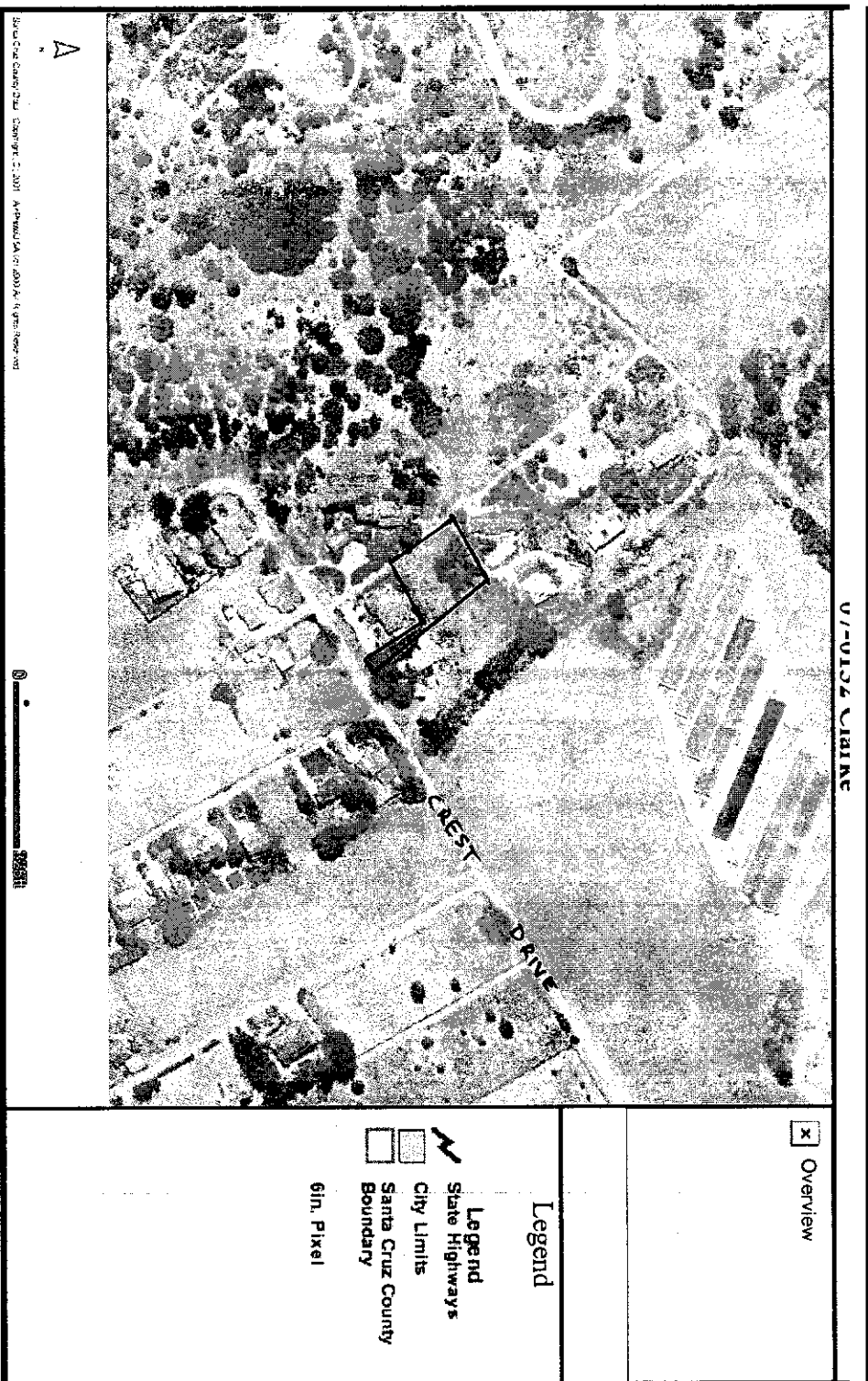


Legend

-  APN 046-271-25
-  Assessors Parcels
-  Streets
-  AGRICULTURE COMMERCIAL (CA)
-  PARK (PR)
-  AGRICULTURE RESIDENTIAL (RA)



Map Created by
County of Santa Cruz
Planning Department
March 2007



EXHIBIT

07-0132 Clarke



☒ Overview

Legend







-  North
-  State Highways
-  County Streets
-  City Limits
-  Santa Cruz County Boundary
-  6in. Pixel

EXHIBIT H

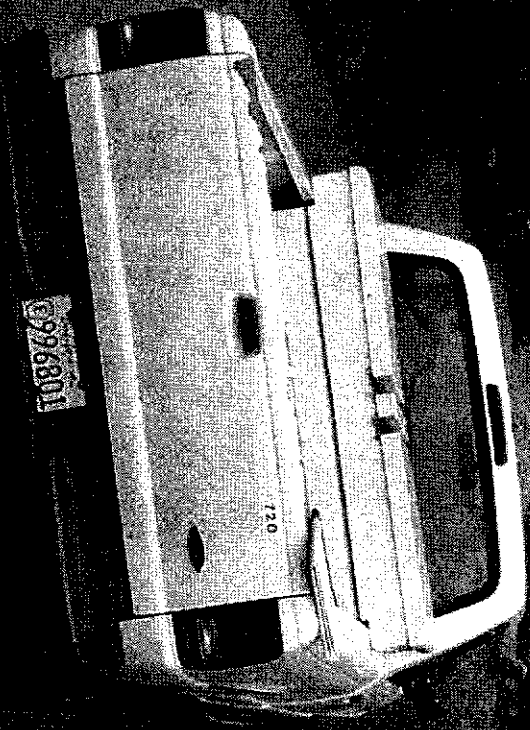
FROM SOUTH CORNER
TOWARD NORTH CORNER

EXHIBIT H

- 30 -

04/17/2007

FROM SOUTH CORNER
TOWARD WEST CORNER
IN 1991, HOUSE IN CENTER
RECEIVED AG BUFFER REDUCTION
WITH NO PHYSICAL BUFFERS
REQUIRED



04/17/2007

FROM WEST CORNER
TOWARD SOUTHEAST

04/17/2007

From West Corner
Toward Northeast

04/17/2007

TYPICAL RESIDENTIAL DEVELOPMENT
ON ADJUTING PARCEL

EXHIBIT H

04/17/2007

FROM GUEST DAVID

04/17/2007