



## Staff Report to the Zoning Administrator

Application Number: **07-0740**

**Applicant:** Dee Murray  
**Owner:** Benjamin Slotover  
**APN:** 062-173-02

**Agenda Date:** August 8, 2008  
**Agenda Item #:** 3  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a new 1,950 square foot single-family residence and a 640 square foot habitable accessory structure with a toilet, and to grade approximately 230 cubic yards, and associated tree removal.

**Location:** No situs; property is located on the west side of Warren Drive approximately 1 mile north from the intersection with Smith Grade in the Bonny Doon area.

**Supervisory District:** Third District (District Supervisor: Neal Coonerty)

**Permits Required:** Coastal Development Permit, Residential Development Permit and Preliminary Grading Approval.

**Technical Reviews:** soils report review

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0740, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size: 1.12 acres  
Existing Land Use - Parcel: vacant  
Existing Land Use - Surrounding: North and south: residential. Vacant parcel to the west, Warren Drive and residential parcels to the east.  
Project Access: Driveway from Warren Drive north of Smith Grade

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

Planning Area: Bonny Doon  
Land Use Designation: RR (Rural Residential)  
Zone District: RA (Residential Agriculture)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Medium/ dense sands and stiff silts  
Fire Hazard: Not a mapped constraint  
Slopes: N/A  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: 226 cubic yards cut, 115 cubic yards fill  
Tree Removal: Approximately 60 trees (madrone and tan oak, most small) proposed for removal  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: Private well  
Sewage Disposal: Private septic  
Fire District: County Fire  
Drainage District: N/a

### History

The subject parcel, APN 062-173-02, is vacant and undeveloped, with no permit history prior to the current application.

### Project Setting

The subject property is located approximately ½ mile north of Smith Grade Road in a very rural area of Bonny Doon. The 1.12-acre parcel has a fairly dense tree population consisting of tan oaks, madrones, sequoia and Douglas fir. An arborist's report by Alan C. Beverly was submitted with an evaluation of the trees proposed for removal within the footprint and vicinity of the proposed new structures. The parcel is located on a broad ridge top, with a gentle-to-moderate 10-15% slope downward toward the southwest. Adjacent and nearby parcels are of similar size and developed with single-family residences separated by large areas of wooded open space.

### Zoning & General Plan Consistency

The subject property is a 1.12-acre lot, located in the RA (Residential Agriculture) zone district, a designation that allows residential uses. The proposed single-family residence and habitable accessory structure is a principal permitted use within the zone district and the project is consistent with the site's (RR) Rural Residential General Plan designation.

### **Local Coastal Program Consistency**

The proposed single-family residence and habitable accessory structure 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 rural neighborhood. Developed parcels in the area contain single-family dwellings on large wooded parcels. The proposed new home is of an innovative modern design with fluid lines that blend with the natural contours of the heavily-wooded parcel. Size and architectural styles vary in the area, and the design submitted is compatible with the existing range. There would be minimal visibility of the proposed new dwelling and accessory structure from adjacent parcels. The project site is not located between the shoreline and the first public road, is not identified as a priority acquisition site in the County's Local Coastal Program, and the proposed project would not impact public access to coastal areas.

Approximately 60 trees of varying size that are either within or adjacent to the footprints of the proposed new development are proposed for removal. An arborist's report by Alan C. Beverly was reviewed and approved by Environmental Planning staff. The report discusses the poor health of many of the trees; some are also very tall and spindly and would thus present a potential falling hazard if not removed. None of the trees proposed for removal qualify as Specimen Trees per the definition in County Code Section 16.34.030 for Coastal Zone areas outside of the Urban Services area, and can thus be removed without permit. The arborist's report does note that the Sequoias and Douglas Firs onsite are in good health and are not in the areas to be disturbed during construction.

### **Design Review**

The proposed single-family residence and habitable accessory structure complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as natural earth-tone colors and materials to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

### **Environmental Review**

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is exempt per CEQA Section 15303 (Class 3- New Construction).

### **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 **07-0740**, 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 that allows residential uses. The proposed single-family residence and habitable accessory structure are principal permitted uses 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 architectural style of the development is complementary to the surrounding neighborhood. The proposed new home is of an innovative modern design with fluid lines that blend with the natural contours of the heavily-wooded parcel. The site is surrounded by lots developed to a similar rural density, and the proposed new dwelling and habitable accessory structure will be minimally visible from the adjacent residential parcels. The colors and materials will be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top and will not create significant visual impacts.

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

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the single-family residence and habitable accessory structure will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and in character with the surrounding neighborhood. Residential uses are allowed uses in the RA (Residential Agriculture) zone district of the area, as well as in the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family

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dwellings. The design submitted is consistent with the existing range of size and architectural style in the vicinity of the proposed project site.

## 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 California Building Code, and the County Building ordinance to insure optimum safety and the conservation of energy and resources. The proposed single-family residence and habitable accessory structure 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 residence and habitable accessory structure and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property will be one single-family residence and habitable accessory structure that meets all current site standards for the zone district.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Rural Residential (RR) land use designation in the County General Plan.

The proposed single-family residence and habitable accessory structure 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 residence and habitable accessory structure 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 residence and habitable accessory structure 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 residence and habitable accessory structure will comply with the site standards for the RA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed single-family residence and habitable accessory structure is to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only 2 peak trips per day (1 peak trip per dwelling unit) and 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 residence and habitable accessory structure 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 residence and habitable accessory structure will be of an appropriate scale and 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. The proposed new home is of an innovative modern design with fluid lines that blend with the natural contours of the heavily-wooded parcel, and is of a size and style that will blend well with the existing low-density wooded neighborhood. Natural-looking colors and materials will be used.



## Conditions of Approval

Exhibit A: Project plans, 4 sheets, prepared by Thomas Rettenwender, dated 12/18/07, and as revised 4/18/08.

- I. This permit authorizes the construction of a 1,950 square foot single-family residence and a 640 square foot habitable accessory structure. 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.
  - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - D. Obtain an Encroachment Permit from the Department of Public Works, if needed, for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit issued for the proposed development. The final plans shall include the following additional information:
    1. One elevation shall indicate materials and colors. 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 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 County Fire Protection District.
  - G. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
  - H. Pay the current fees for Parks and Child Care mitigation for 3 bedroom(s). Currently, these fees are, respectively, \$578 and \$109 per bedroom.
  - I. 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.
  - J. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
  - K. Complete and record a Declaration of Restriction to construct a habitable accessory structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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 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 that 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.

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Owner: Benjamin Slotover

**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: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
Alice Daly  
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: 07-0740

Assessor Parcel Number: 062-173-02

Project Location: Warren Drive (no situs)

**Project Description: Proposal to construct a new 1,950 square foot single-family dwelling and a 640 square foot habitable accessory structure**

**Person or Agency Proposing Project: Dee Murray**

**Contact Phone Number: 831-475-5334**

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

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

The proposal is to construct a new 1,950 square foot single-family dwelling and a 640 square foot habitable accessory structure

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

\_\_\_\_\_  
Alice Daly, Project Planner




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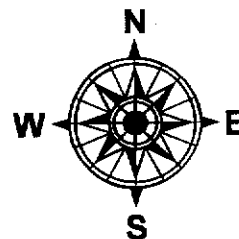


# Location Map



## LEGEND

-  APN: 062-173-08
-  Assessors Parcels
-  Streets



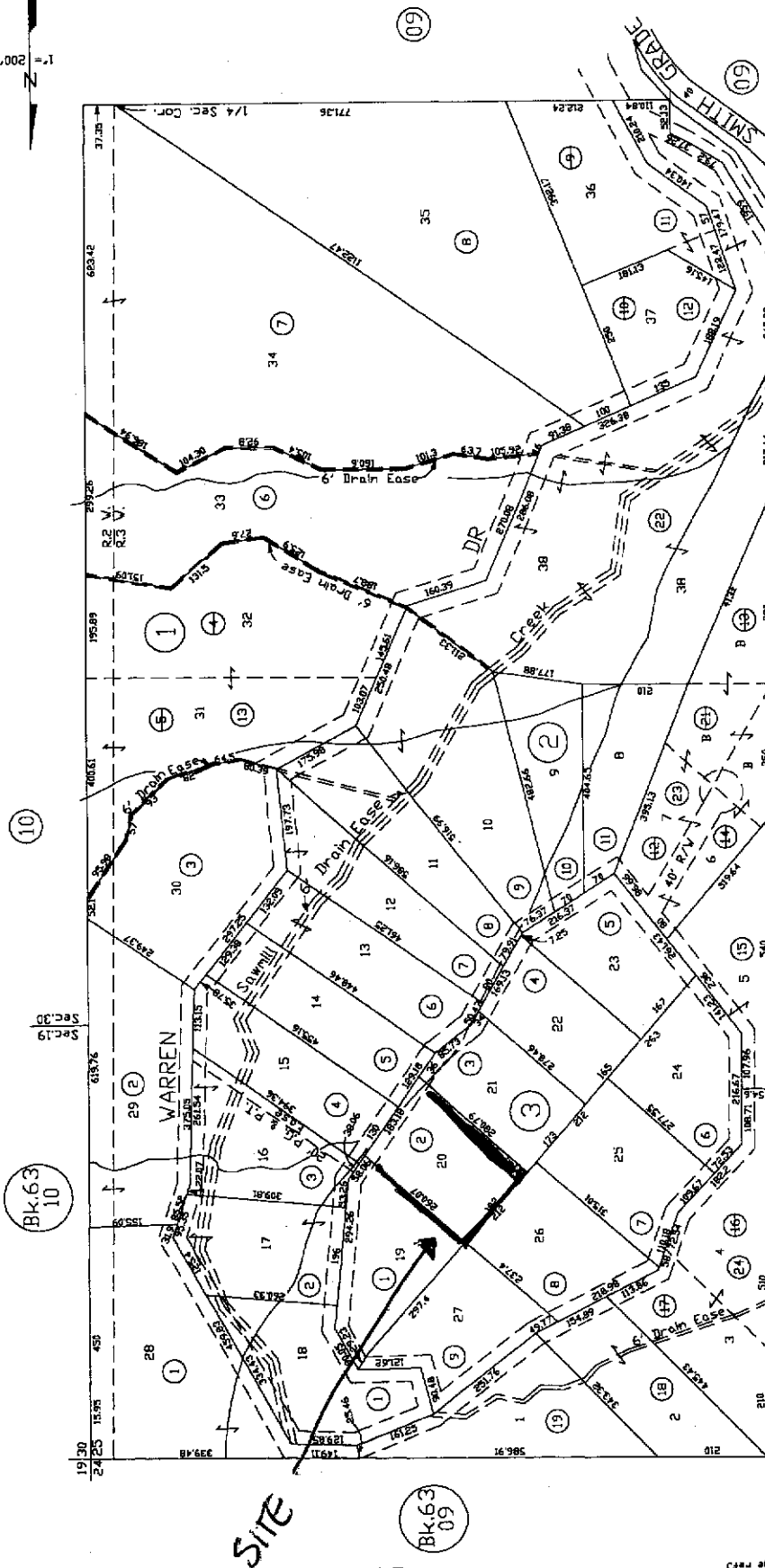
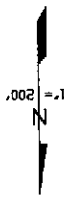
Map created by  
County of Santa Cruz  
Planning Department  
January 2008

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 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY  
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POR. SEC. 25,  
 T.10S., R.2W., M.D.B. & M.

Tax Area Code  
 58-001

62-17



30PM32  
 9/15/78

R./S. MAP OF LANDS IN SECS. 19 & 30, T.10S., R.2W. &  
 SEC. 25, T.10S., R.3W., M.D.B. & M.  
 7/22/60  
 36MB21

Assessor's Map No. 62-17  
 County of Santa Cruz, Calif.  
 Sep. 1999

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

EXHIBIT F  
 EXHIBIT



# Zoning Map

PR

WARREN DR

RA



## LEGEND



APN: 062-173-08



Assessors Parcels



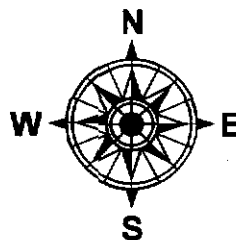
Streets



AGRICULTURE RESIDENTIAL



PARK



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January 2008

**EXHIBIT G**