



## Staff Report to the Zoning Administrator

Application Number: **09-0248**

**Applicant:** David & Michelle Michael  
**Owner:** David & Michelle Michael  
**APN:** 045-331-03 & -04

**Agenda Date:** 1/15/10  
**Agenda Item #:** **1**  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct 2 two-story single family dwellings on 2 separate vacant parcels and to remove one significant tree.

**Location:** Properties located on the south side of a private right of way (adjacent to 42 Robak Drive) approximately 100 feet west of Robak Drive.

**Supervisory District:** Second District (District Supervisor: Ellen Pirie)

**Permits Required:** Coastal Development Permit, Agricultural Buffer Determination

**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 09-0248, based on the attached findings and conditions.

### Exhibits

- |   |                                     |
|---|-------------------------------------|
| A. Project plans                              | E. Assessor's, Location, Zoning and |
| B. Findings                                   | General Plan Maps                   |
| C. Conditions                                 | F. Comments & Correspondence        |
| D. Categorical Exemption (CEQA determination) |                                     |

### Parcel Information

Parcel Size:	12,873 sq. ft. (045-331-03)
	13,290 sq. ft. (045-331-04)
Existing Land Use - Parcel:	Vacant (045-331-03 & -04)
Existing Land Use - Surrounding:	Single family residential neighborhood
Project Access:	Private driveway from Robak Drive
Planning Area:	La Selva Beach
Land Use Designation:	R-UL (Urban Low Density Residential)

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

Zone District: R-1-9 (Single family residential - 9,000 square feet minimum)  
Supervisory District: 2nd (District Supervisor: Ellen 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: Report reviewed and accepted.  
Fire Hazard: Not a mapped constraint  
Slopes: 5-15% (at building site) 30%+ (below building sites)  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Mapped scenic resource - no identified public viewshed  
Drainage: Existing site drains to south  
Archeology: Not mapped/no physical evidence on site

### Services Information

Inside Urban/Rural Services Line: ☒ Yes (RSL) ☐ No  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Septic  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: None

### Project Setting

The subject property includes two separate vacant parcels accessed off of a 20 feet wide private right of way (adjacent to 42 Robak Drive). The subject property is gently slopes at the right of way, with increasing slopes to the south. The upper portion of the parcels are cleared of vegetation, with dense scrub on the lower portions of the slope to the south. Rural residential development is located to the north, east, south, and west.

### Parcel Legality

The application for two houses on two separate vacant parcels under common ownership raised the question of parcel legality. The original subdivision of the surrounding property (La Selva Homesites - 29-M-25) created Lot number 12 in 1949. Lot 12 was later subdivided into 4 lots, according to Assessor records. To address parcel legality questions, the applicant provided two chains of title with the application for development. Further investigation by Planning Department staff determined that the creation of the parcels involved four or fewer parcels and a parcel map approval was not required. Additionally, the parcels were conveyed separately by deed prior to 1972 and were not later combined. Therefore the two vacant parcels are considered as legal and separate lots and no further review has been required.

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

The subject property includes two separate vacant parcels of approximately 12,873 square feet (045-331-03) and 13,290 square feet (045-331-04), located in the R-1-9 (Single family residential - 9,000 square feet minimum) zone district, a designation which allows residential uses. The proposed dwellings is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

### **Agricultural Buffer Setback Reduction**

This application includes a request to reduce the agricultural buffer setback from 200 feet to 90 feet (for the proposed residence on APN 045-331-04) and from 200 to 170 feet (for the proposed residence on APN 045-331-03). The request for a reduced agricultural buffer setback was heard by the Agricultural Policy Advisory Commission (APAC) at a noticed public hearing on 11/19/09. The request was approved by APAC without modification.

### **Scenic Resources & Design Review**

The subject property is located within a mapped scenic resource area, however the parcels are not within the viewshed of any public park, beach, or designated scenic highway. The proposed development will not have any impact on scenic resources as a result.

The project was reviewed by Planning Department staff at the neighborhood compatibility meeting on 10/13/09. No neighborhood compatibility or design issues were identified by staff at the meeting. The proposed dwellings comply with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as pitched roofs, varied wall planes, and a variety of siding materials and colors to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

### **Significant Tree Removal**

Prior to application, the property owner cleared the upper portion of the property of vegetation and removed one 32 inch diameter pine tree. Per the property owner, the pine tree was split in the middle and removal of the tree was necessary. The removal of this significant tree (greater than 20 inches in diameter within the Rural Services Line) is allowed in conjunction with an approved Coastal Development Permit. In this case, the tree removal is considered as a part of the application and two replacement trees (one on each parcel) are required to compensate for the removal of the significant tree.

### **Local Coastal Program Consistency**

The proposed dwellings are in conformance with the County's certified Local Coastal Program, in that the structures are sited and designed to be visually compatible with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the designs submitted are not inconsistent with the existing range. 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.

### **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**

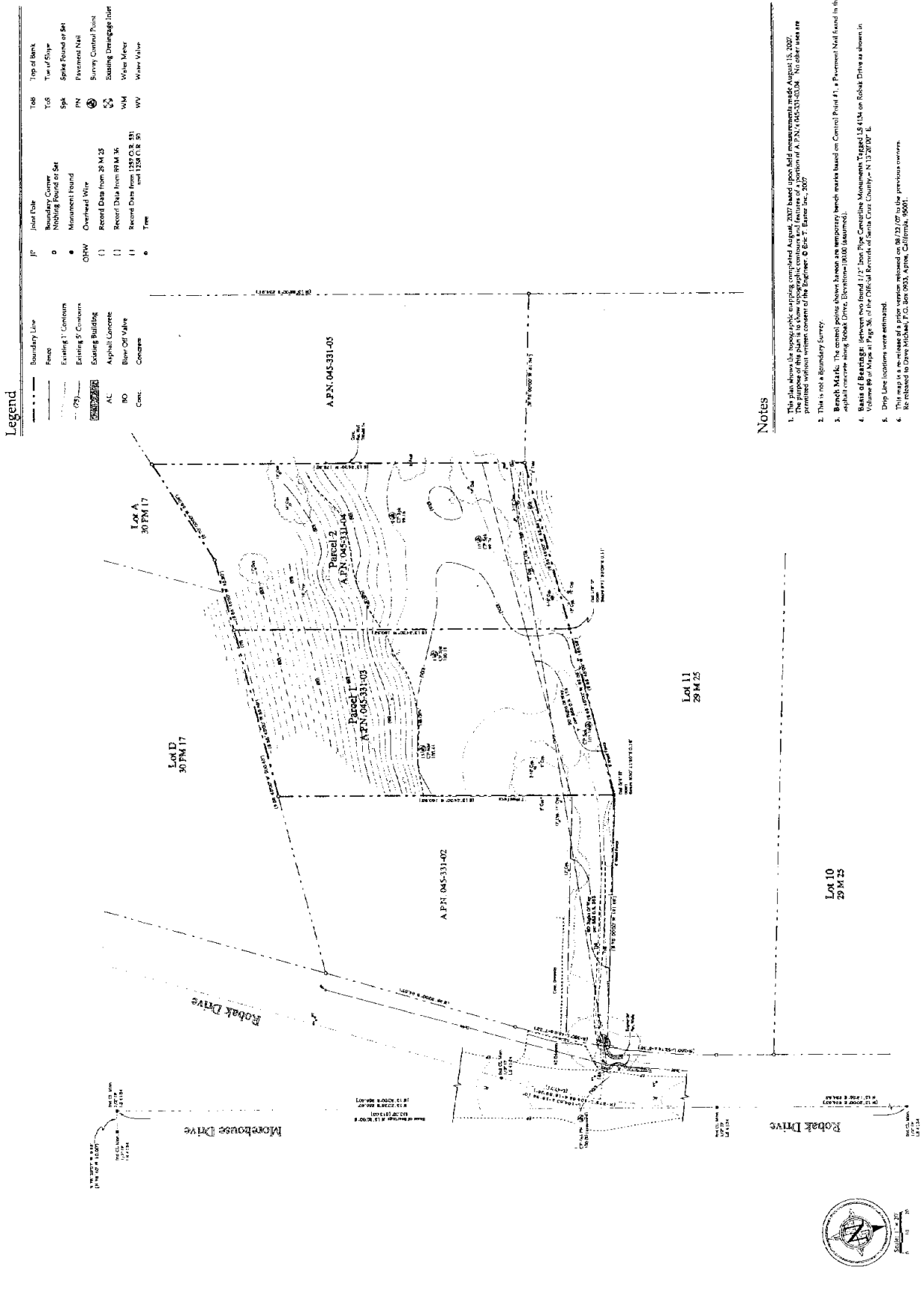
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **09-0248**, based on the attached findings and conditions.

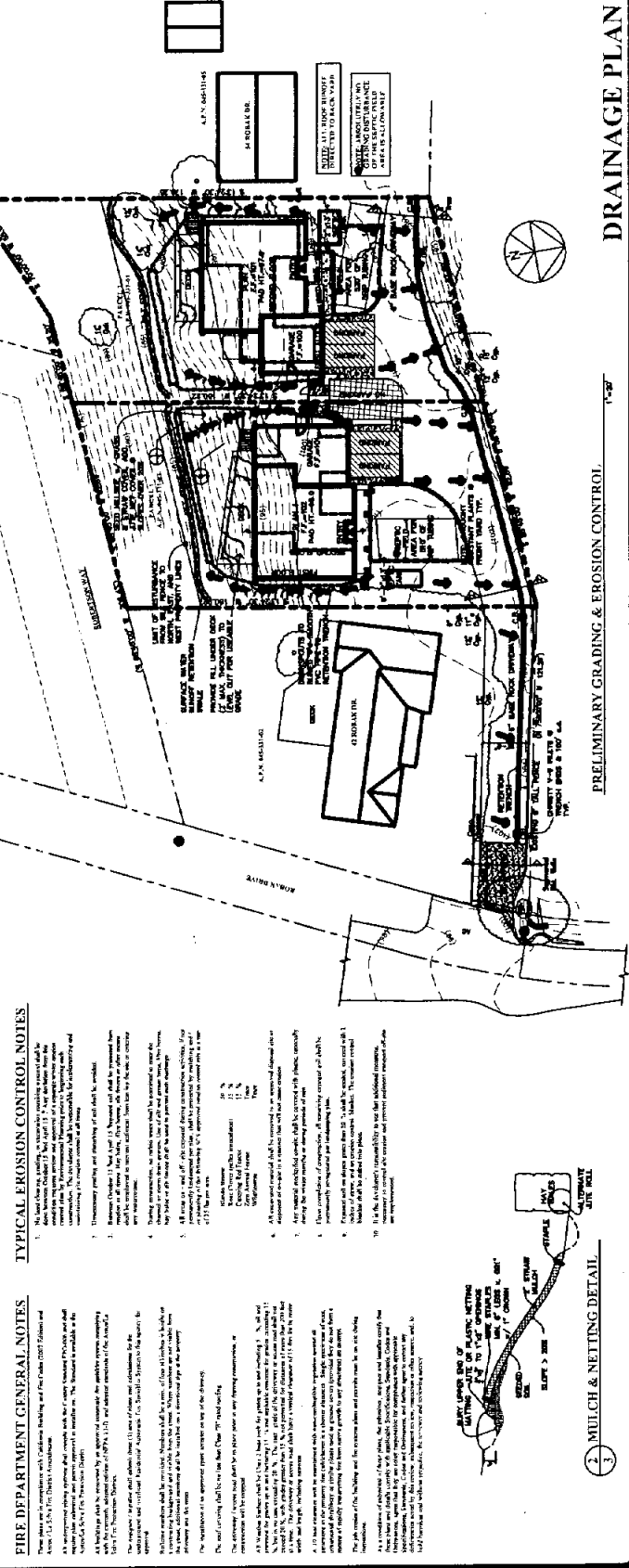
**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**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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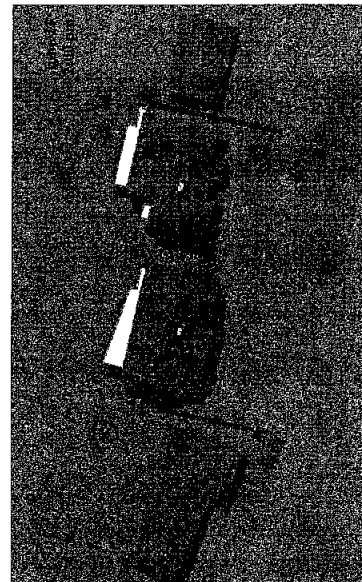
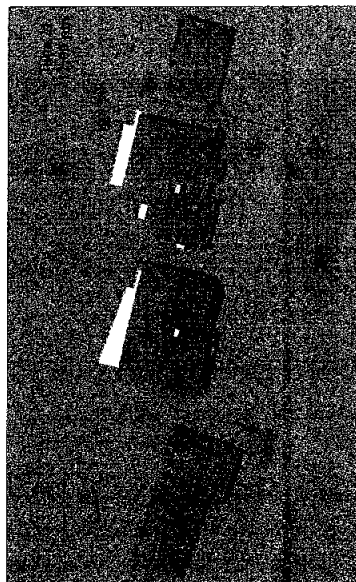
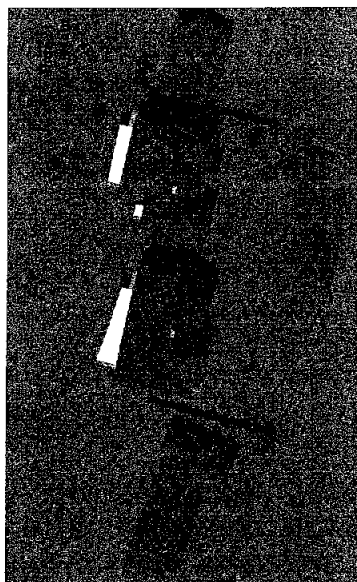
## PRELIMINARY GRADING & EROSION CONTROL

MICHAEL RESIDENCES  
 ROBAK DRIVE  
 LA SELVA BEACH, CALIFORNIA  
 APN: 045-331-03 & 045-331-04

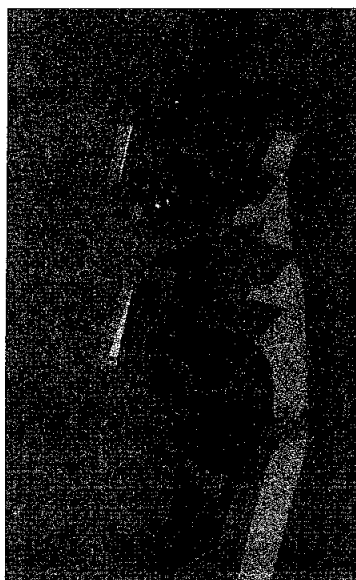
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CHPNTD	6-25-09	AS NOTED	0902	4	4

## SHADOW STUDIES

**JUNE 21**



DECEMBER 21





REVISIONS	BY	

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MICHAEL RESIDENCES  
 ROBARK DRIVE  
 LA SELVA BEACH, CALIFORNIA  
 APN: 045-331-03 & 045-331-04

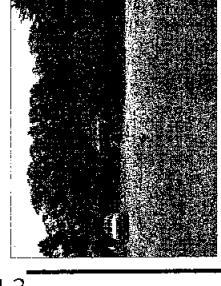
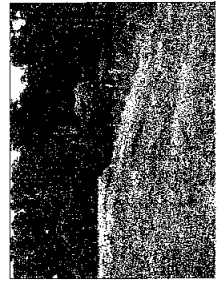
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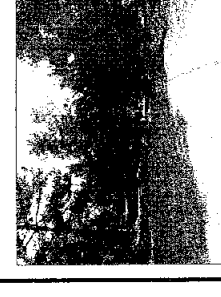
FROM SITE LOOKING SOUTH



AERIAL PHOTO OF SITE



FROM SITE LOOKING EAST TO NEIGHBORS HOUSE (42 ROBARK DR.) AND ROBARK DR. BEYOND



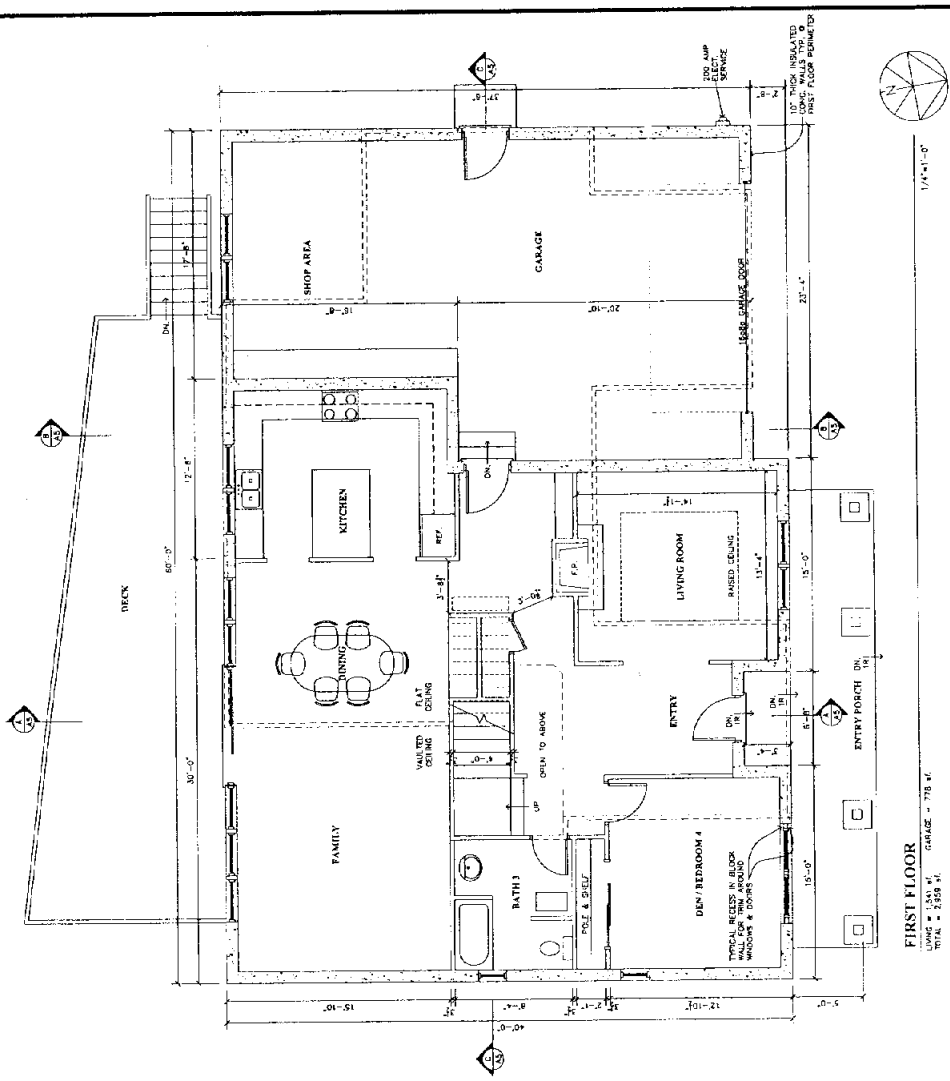
COMMON DRIVEWAY ACCESS OFF ROBARK DR.

DRIVEWAY ACCESS FROM ROBARK DR.

LOT PHOTOS

LOT 1: 045-331-03  
MICHAEL RESIDENCES  
ROBAK DRIVE  
LA SELVA BEACH, CALIFORNIA

1-A1



**LOT 1 - LOWER FLOOR PLAN**

REVISIONS	BY

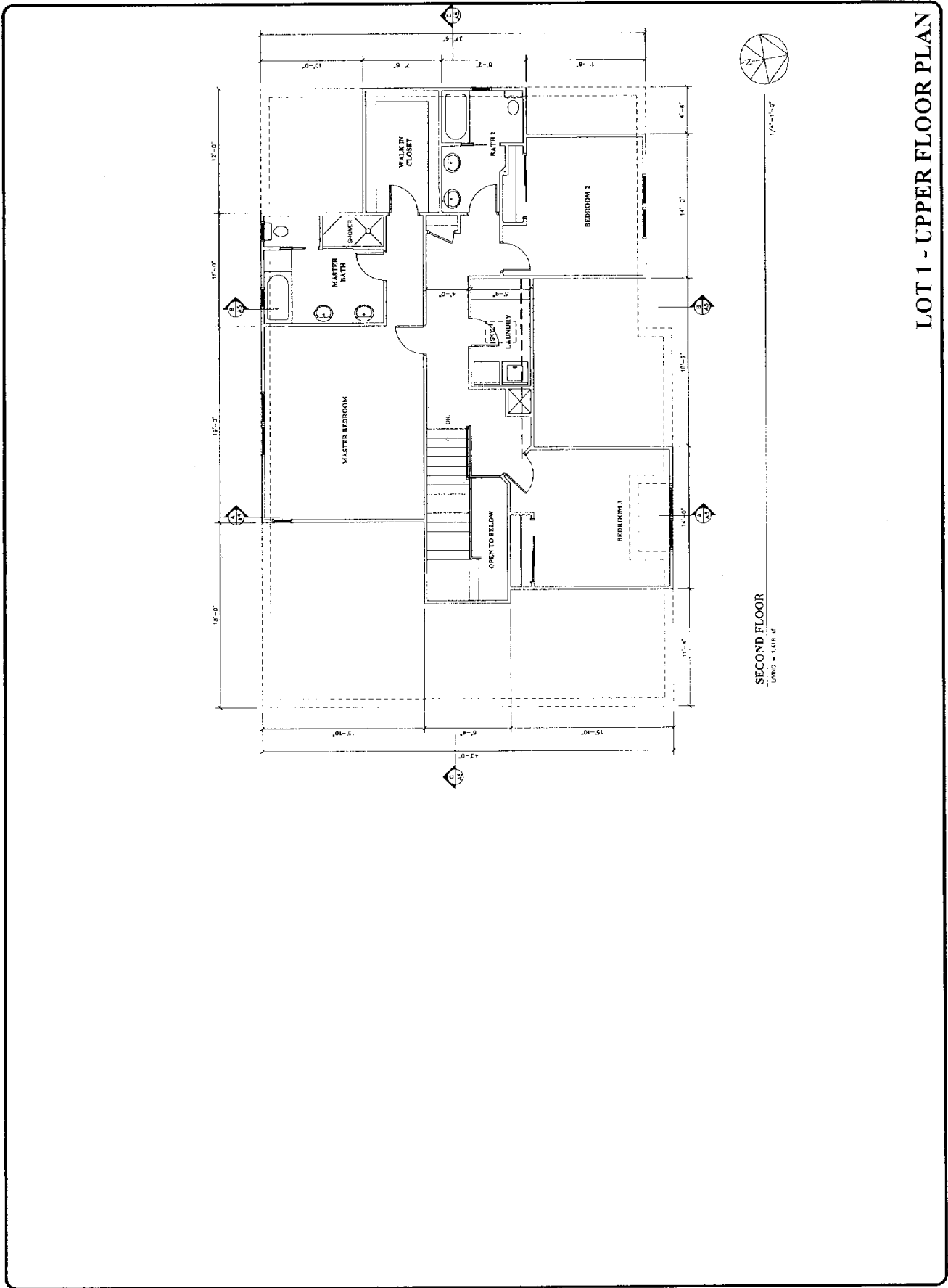
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 1200 S. GARDEN  
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LOT 1: 045-331-03  
 MICHAEL RESIDENCES  
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 LA SELVA BEACH, CALIFORNIA

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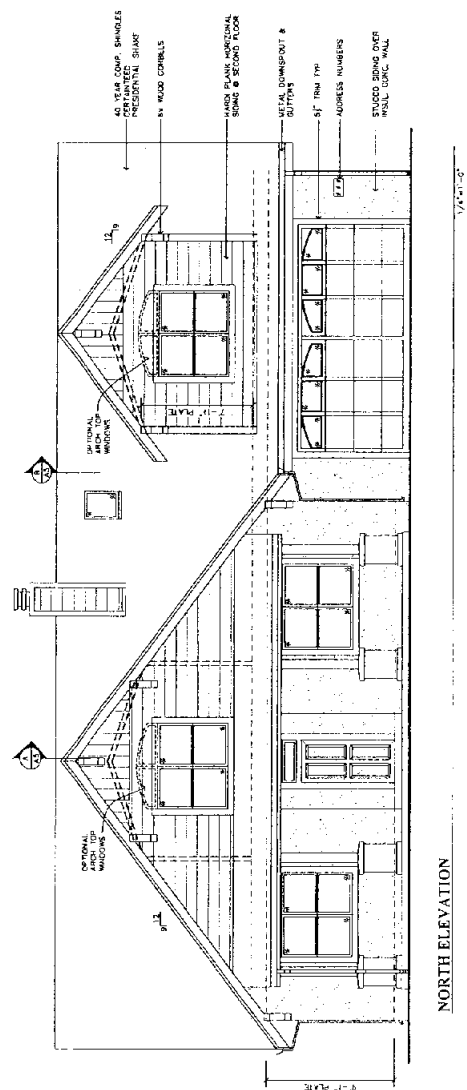


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 MICHAEL RESIDENCES  
 ROBARK DRIVE  
 LA SELVA BEACH, CALIFORNIA

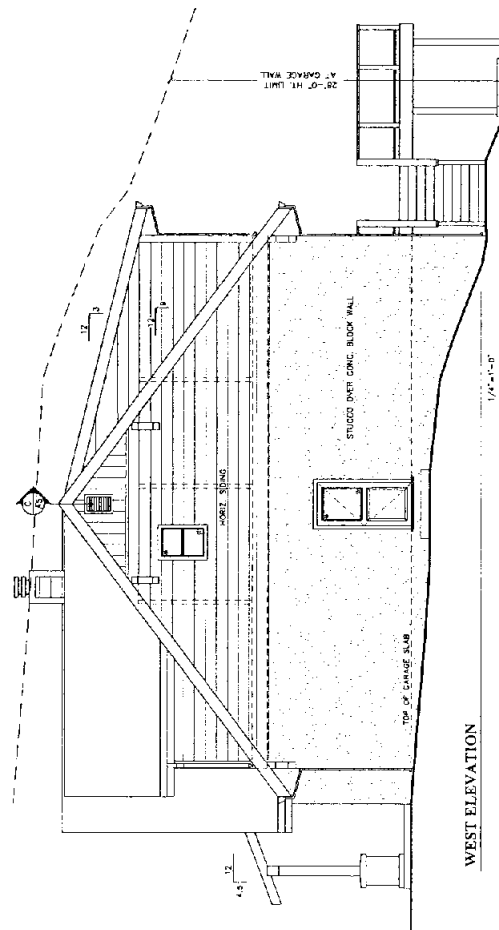
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LOT 1 - ELEVATIONS



NORTH ELEVATION



WEST ELEVATION



REVISIONS	BY

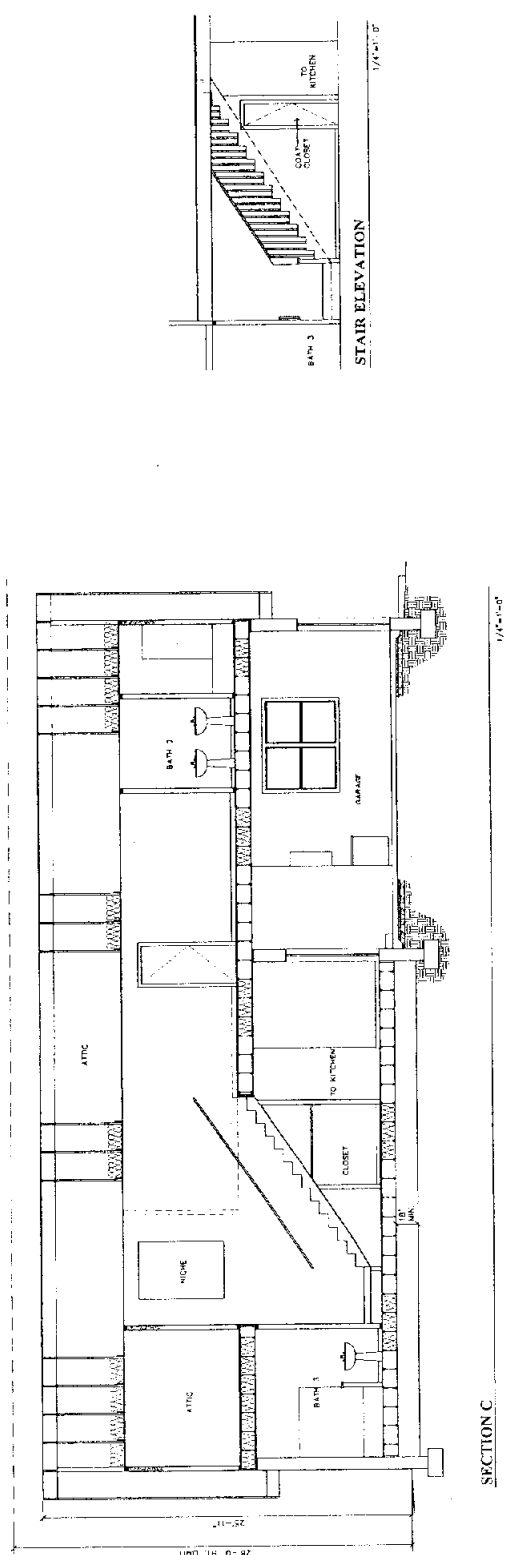
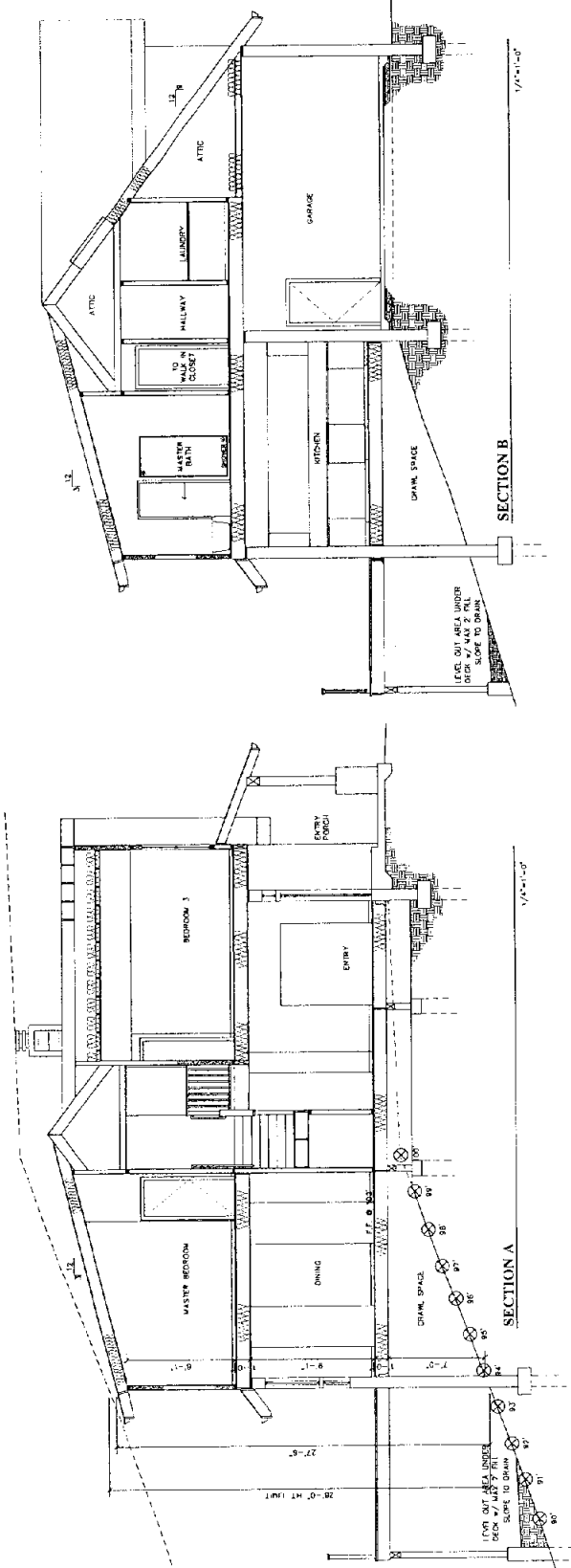
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LOT 1: 045-331-43  
 MICHAEL RESIDENCES  
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 LA SELVA BEACH, CALIFORNIA

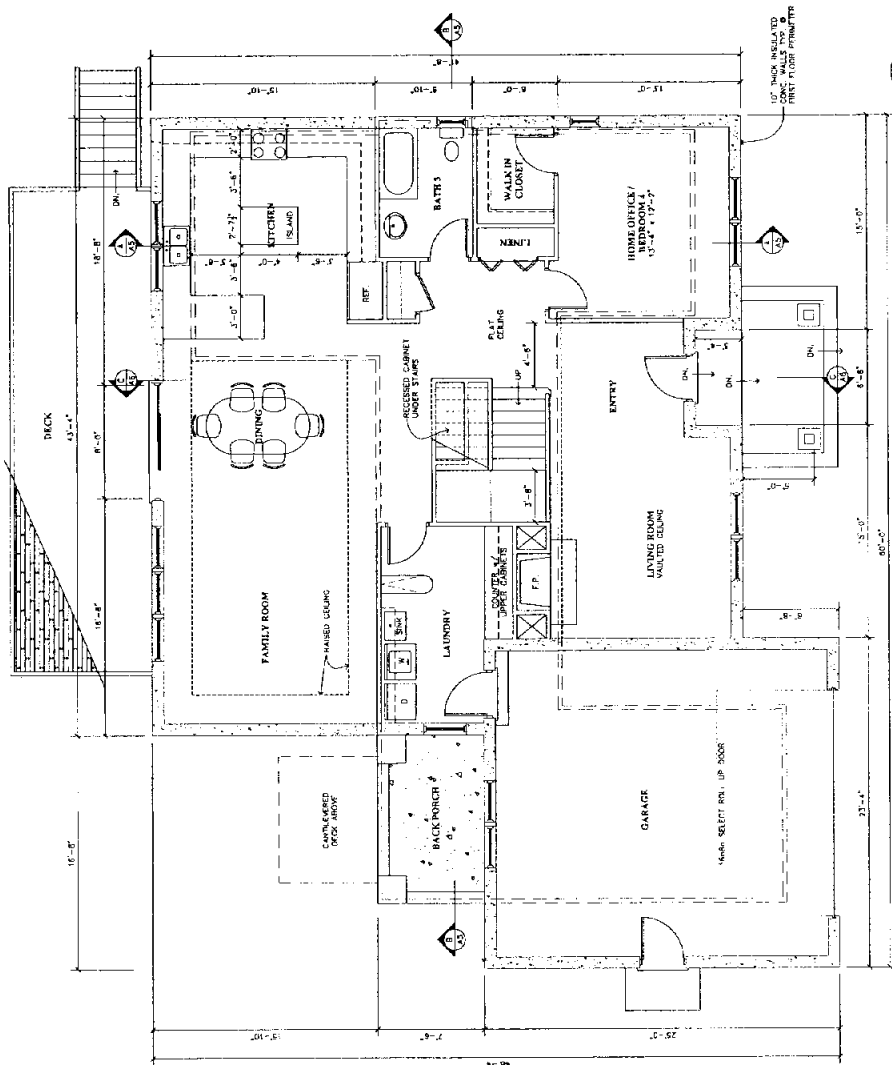
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SCALE	1/4" = 1'-0"
PROJECT	LOT 1: 045-331-43
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LOT 1 - SECTIONS






## ROOF SURVEY PLAN

A circle with center  $z$ . A radius is drawn from the center to the circumference. The radius is labeled with a lowercase letter  $r$ .



**FIRST FLOOR**

**FIRST FLOOR**  
 (1st FLOOR=168' w/.)+2nd FLOOR=1266' w/.)=2947 w/. GARAGE=563 g/.

	2x4 STUD WALL
	WALL ABOVE / BELOW
	10" THICK INSULATED CONC. WALL



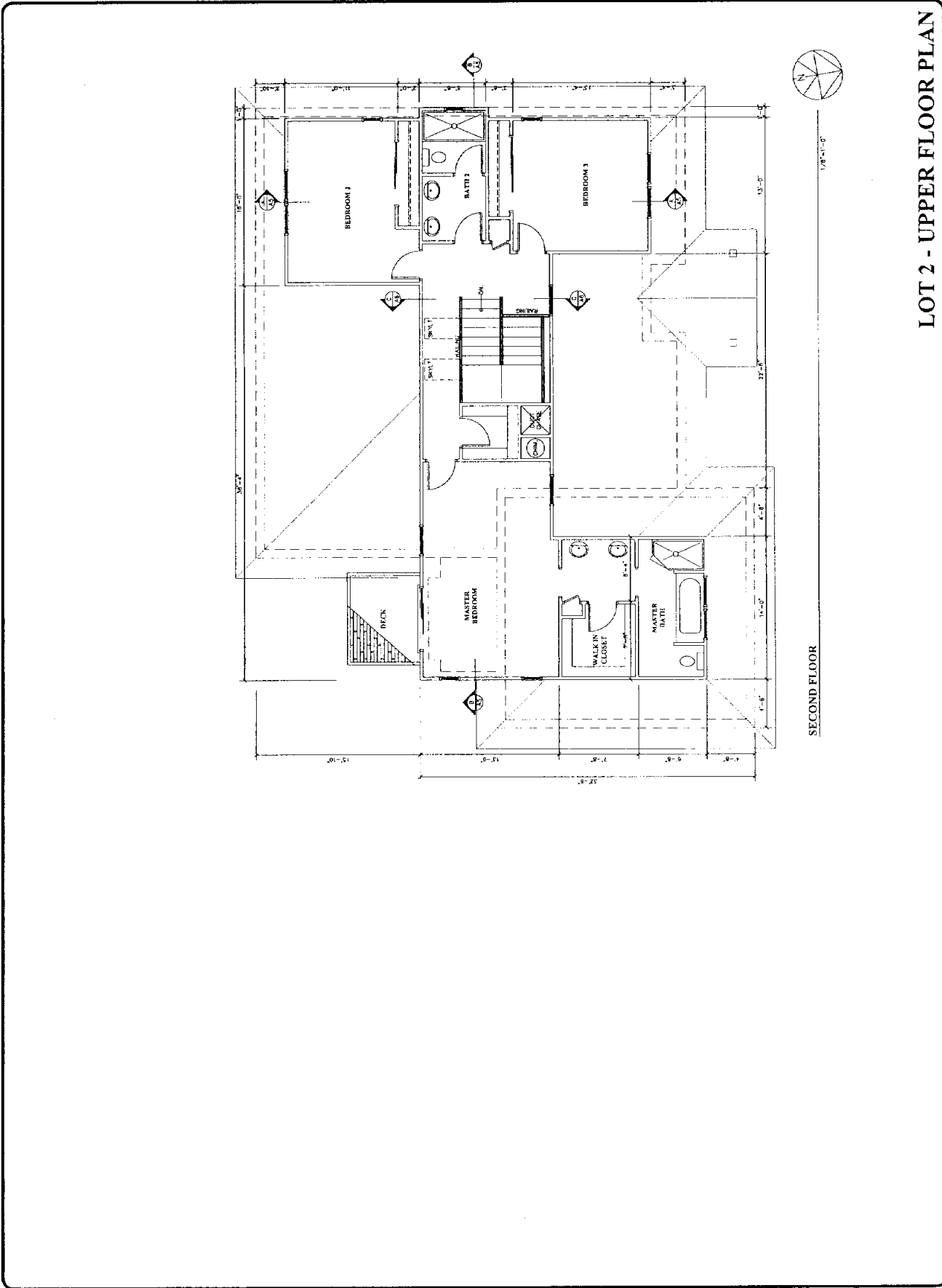
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LOT 2: 045-331-04  
 MICHAEL RESIDENCES  
 ROBAK DRIVE  
 LA SELVA BEACH, CALIFORNIA

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PROJECT	PROJECT
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SHEET	SHEET



LOT 2 - UPPER FLOOR PLAN

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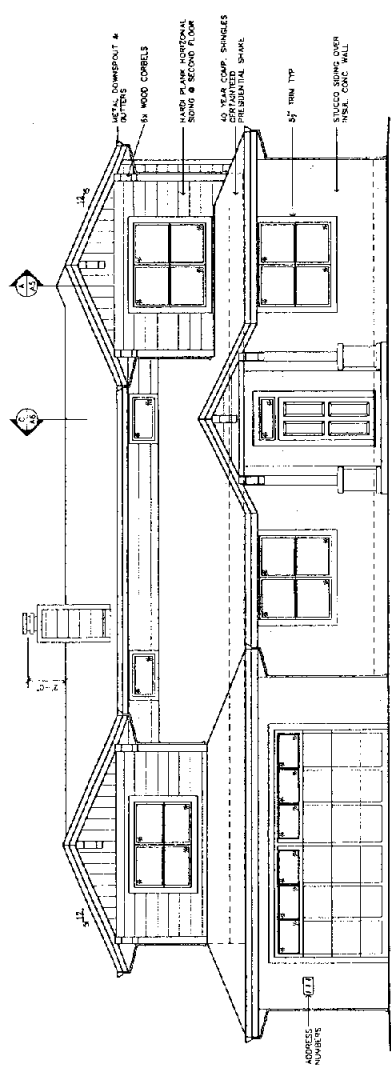


LOT 2: 045-331-04  
 MICHAEL RESIDENCES  
 ROBARK DRIVE  
 LA SELVA BEACH, CALIFORNIA

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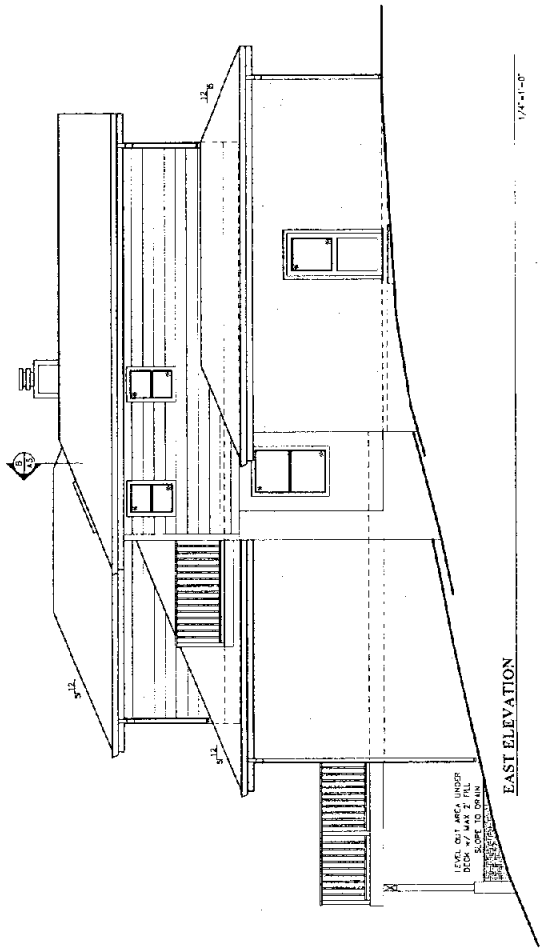
2-A3

LOT 2 - ELEVATIONS



NORTH ELEVATION

1/4"=1'-0"



EAST ELEVATION

1/4"=1'-0"

REVISIONS	BY

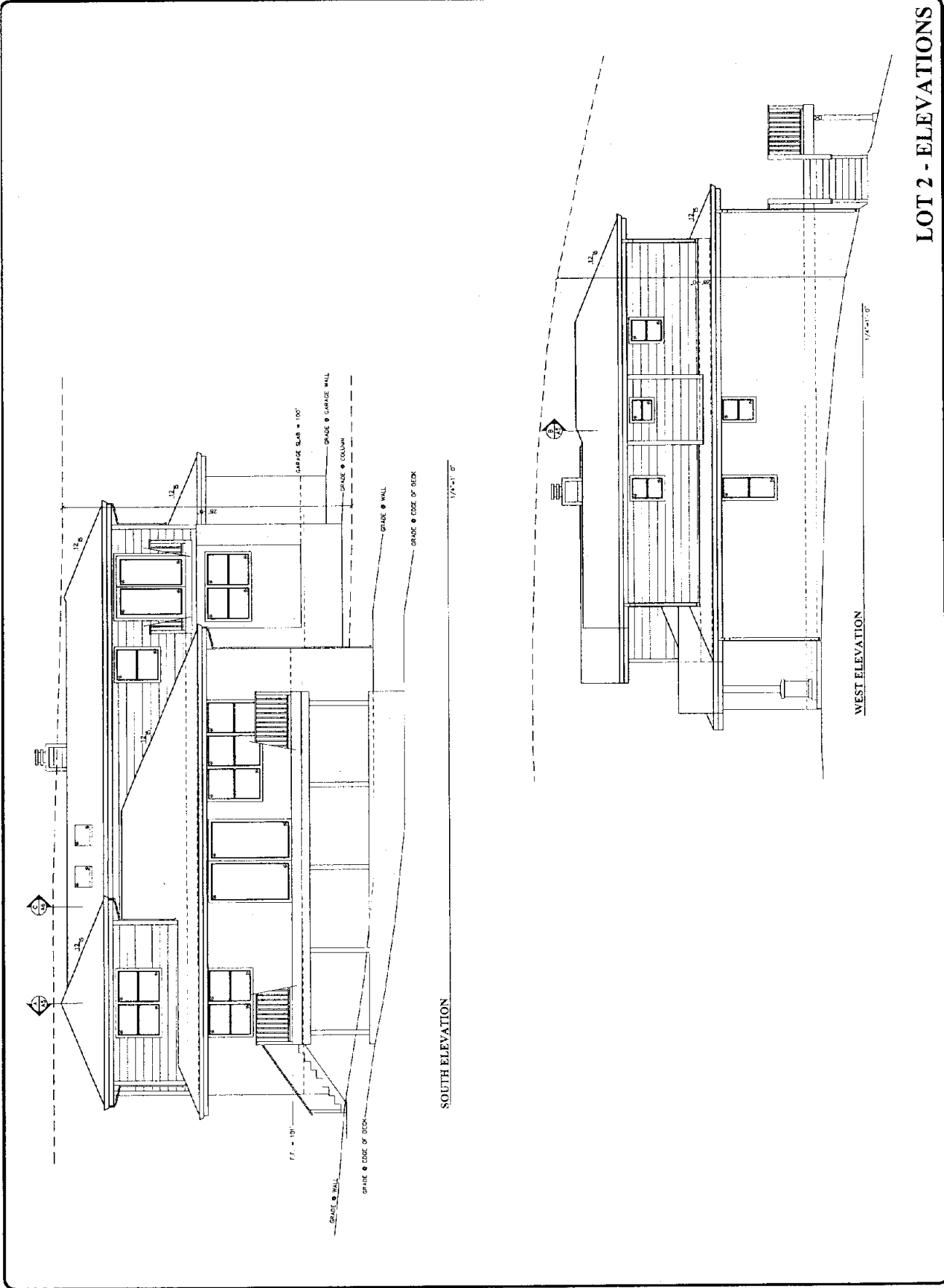
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LOT 2: 045-331-04  
 MICHAEL RESIDENCES  
 ROBARK DRIVE  
 LA SELVA BEACH, CALIFORNIA

DATE	DESCRIPTION
06/01/04	045-331-04
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REVISIONS	BY

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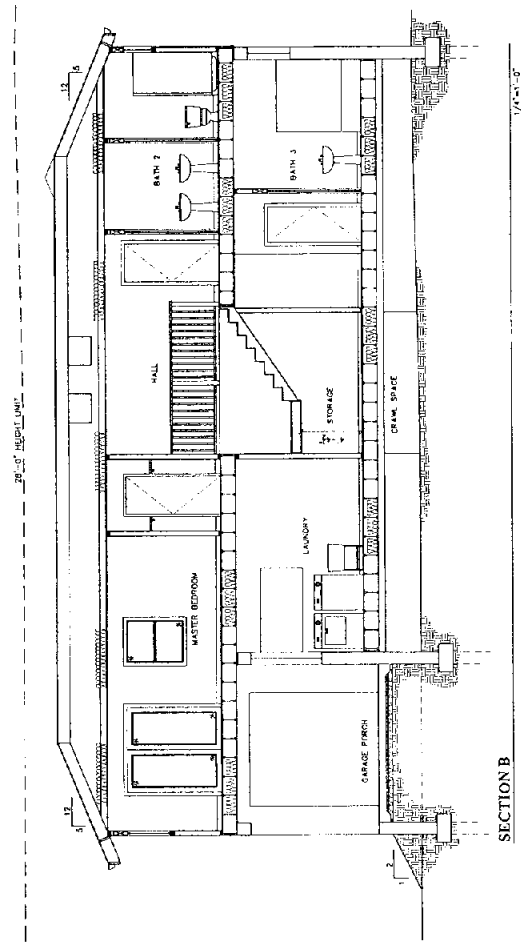
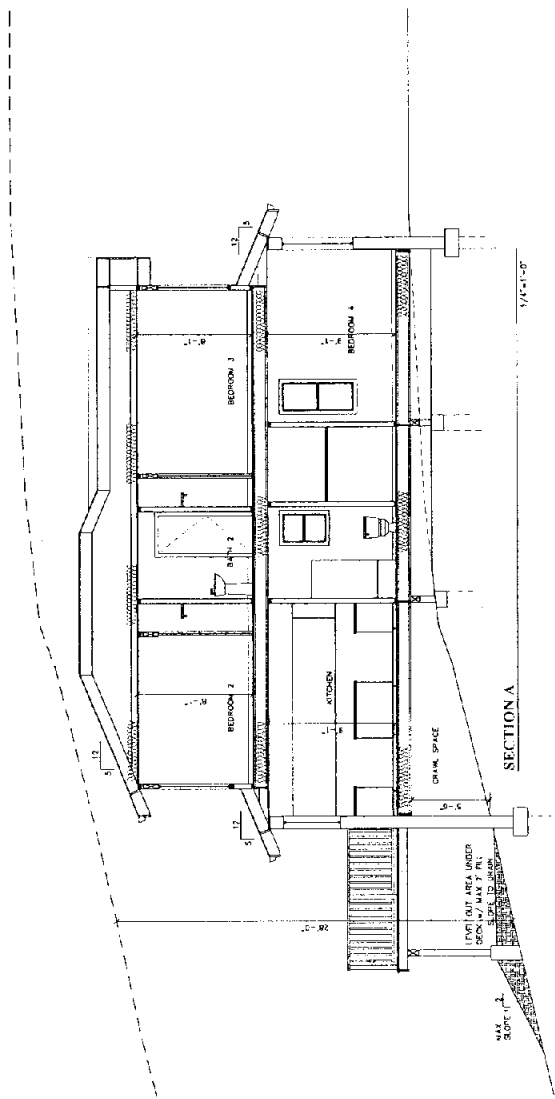


LOT 2: 045-331-04  
 MICHAEL ROBARK RESIDENCES  
 ROBARK DRIVE  
 LA SELVA BEACH, CALIFORNIA

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2-A5  
 SHEET

LOT 2 - SECTIONS



REVISIONS	BY	DATE

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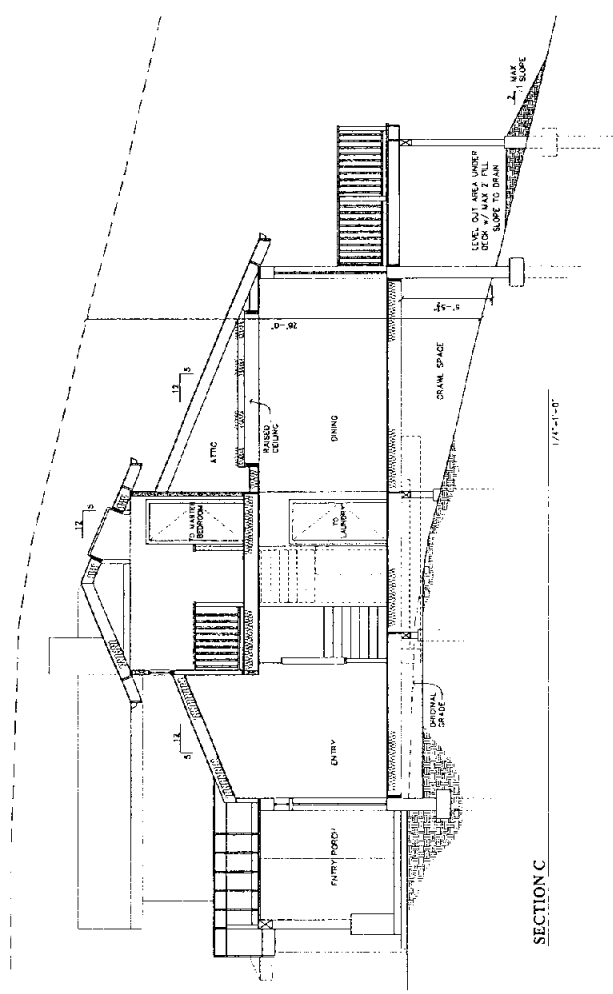


LOT 2: 045-331-04  
 MICHAEL RESIDENCES  
 ROBARK DRIVE  
 LA SELVA BEACH, CALIFORNIA

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LOT 2 - SECTIONS



SECTION C

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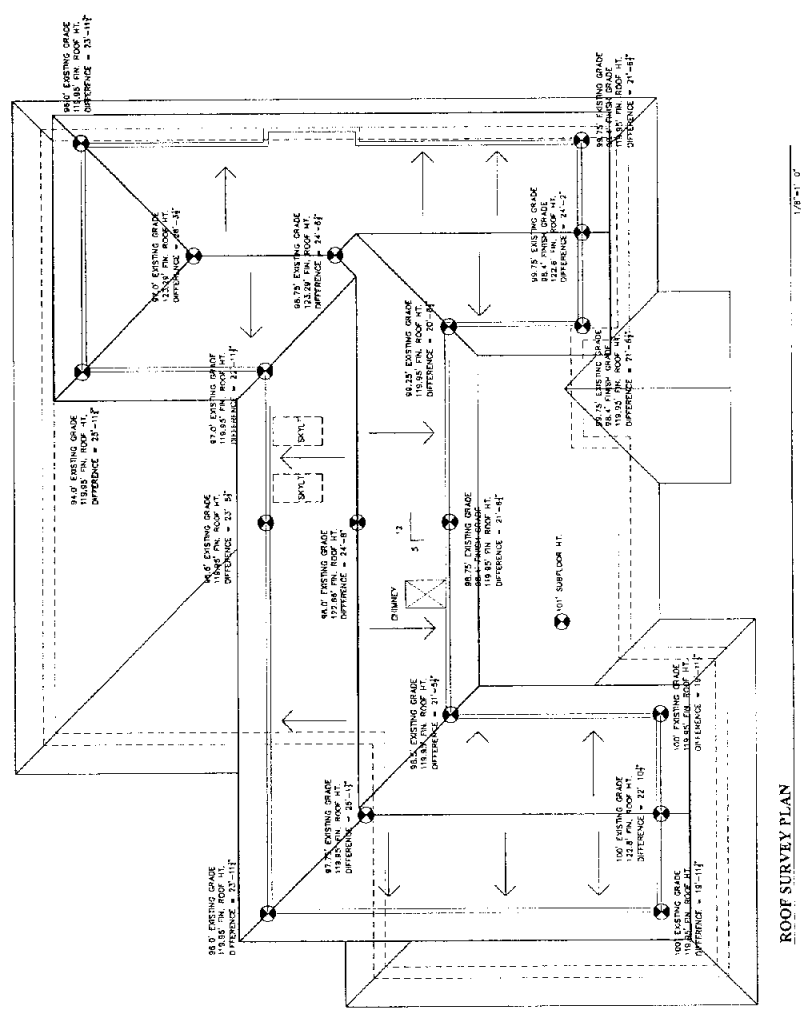


LOT 2: 045-31-04  
 MICHAEL RESIDENCES  
 ROBARK DRIVE  
 LA SELVA BEACH, CALIFORNIA

DATE	DESCRIPTION

2-A7  
 SHEET

LOT 2 - ROOF PLAN / SURVEY



ROOF SURVEY PLAN

## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-9 (Single family residential - 9,000 square feet minimum), a designation which allows residential uses. The proposed dwellings are a principal permitted use within the zone district, and the zoning is consistent with the (R-UL) Urban Low Density 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 the existing 20 foot wide easement serving the adjacent neighbor (APN 045-331-05) will not be obstructed and no other easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; 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 not located between the shoreline and the first public road. Consequently, the dwellings 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 structures are sited and designed to be visually compatible with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-9 (Single family residential - 9,000 square feet minimum) 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 in the area, and the designs submitted are 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. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed dwellings will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structures meet 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 dwellings and the conditions under which the residential use would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-9 (Single family residential - 9,000 square feet minimum) zone district in that the primary use of the property will be one single family dwelling per parcel and the dwellings meet 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 Urban Low Density Residential (R-UL) land use designation in the County General Plan.

The proposed dwellings 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 dwellings 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 dwellings 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 dwellings will comply with the site standards for the R-1-9 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in structures consistent with a design that could be approved on any similarly sized lots in the vicinity.

The project complies with the requirements of General Plan policies 5.10.2 (Development within



Visual Resource Areas), and 5.10.3 (Protection of Public Vistas), in that the parcels are not within the viewshed of any public park, beach, or designated scenic highway. The proposed development will not have any impact on scenic resources as a result.

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 dwellings are to be constructed on existing undeveloped lots. 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), 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 structures are located in a mixed neighborhood containing a variety of architectural styles, and one single family dwelling per parcel 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 dwellings 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.

## Conditions of Approval

Exhibit A: Project Plans "Michael Residences", 18 sheets, prepared by Guy Denués Architect, dated 6/25/09 with revisions through 9/18/09.

- I. This permit authorizes the construction of two single family dwellings on two separate parcels (one single family dwelling per parcel) as depicted on the approved Exhibit "A" for this permit. 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 final water service approvals from the Soquel Creek Water District.
  - C. Obtain final septic approvals from the County department of Environmental Health Services.
  - D. Obtain Building Permits from the Santa Cruz County Building Official.
    1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - E. Obtain a Grading Permit from the Santa Cruz County Building Official, if applicable.
  - F. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way, if applicable.
  - G. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal.
  - 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.
  2. An agricultural buffer setback of a minimum of 90 feet from habitable portions of the single family dwelling on APN 045-331-04 and 170 feet from habitable portions of the single family dwelling on APN 045-331-03 to the boundary of the Commercial Agriculture zoned parcel APN 045-031-04.
  3. The building plans must include a roof plan for each residence and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 28 feet.
  4. Detailed grading, drainage, and erosion control plans prepared and wet stamped by a licensed civil engineer.
  5. Details showing compliance with fire department requirements.
  6. The location, species, and size (15 gallon minimum) of the two replacement trees (one tree on each of the two parcels). Replacement species and location shall be subject to review and approval by the Environmental Planning section of the Planning Department. These two replacement trees shall be maintained in perpetuity on the subject property.
- C. Meet all requirements of and pay any applicable fees to the County Department of Public Works, Stormwater Management.
1. Make clear on the plans how leaves, twigs, gravel, sand, silt and other debris with a potential to clog perforated pipes be prevented from entering the drainage system. Site plans shall specify required maintenance procedures to assure proper functioning of the proposed drainage system.
  2. A recorded maintenance agreement will be required for the proposed retention systems. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedure.
  3. The designer has to inspect the drainage improvements on each parcel and

provide the Department of Public Works with a letter confirming that the work was completed per the plans. The designer's letter shall be specific as to what was inspected and whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features were installed. Notes of "general conformance to plans" are not sufficient. An as-built plan may be submitted in lieu of the letter. Upon approval of the Building Permits, a hold will be placed on each permit to be released once a satisfactory letter is received.

- D. Obtain septic permits for this project from the County Department of Environmental Health Services.
  - E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
  - F. Submit 3 copies of a soils report addendum (including information regarding minimum footing widths for two story structures) prepared and stamped by a licensed Geotechnical Engineer.
  - G. Submit 3 copies of a plan review and acceptance letter prepared and stamped by a licensed Geotechnical Engineer.
  - H. Pay the current fees for Parks and Child Care mitigation for 8 bedrooms (4 bedrooms per parcel). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
  - I. Provide required off-street parking for 3 cars on each parcel. 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. The owner shall record a Statement of Acknowledgement for each parcel, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. The statement of Acknowledgement acknowledges the adjacent agricultural land use and the agricultural buffer setbacks.
- 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 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 three years from the effective date listed below unless a building permit (or permits) is obtained for each of the primary structures described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permits and to complete all of the construction under each building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

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

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

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

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

\_\_\_\_\_  
Randall Adams  
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: 09-0248

Assessor Parcel Number: 045-331-03 & -04

Project Location: No Situs

**Project Description: Proposal to construct two houses on two separate vacant parcels.**

**Person or Agency Proposing Project: David & Michelle Michael**

**Contact Phone Number: (408) 799-6400**

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

Specify type:

E. ☒ **Categorical Exemption**

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

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

Construction of residences in an area designated for residential development.

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

\_\_\_\_\_  
Randall Adams, Project Planner

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

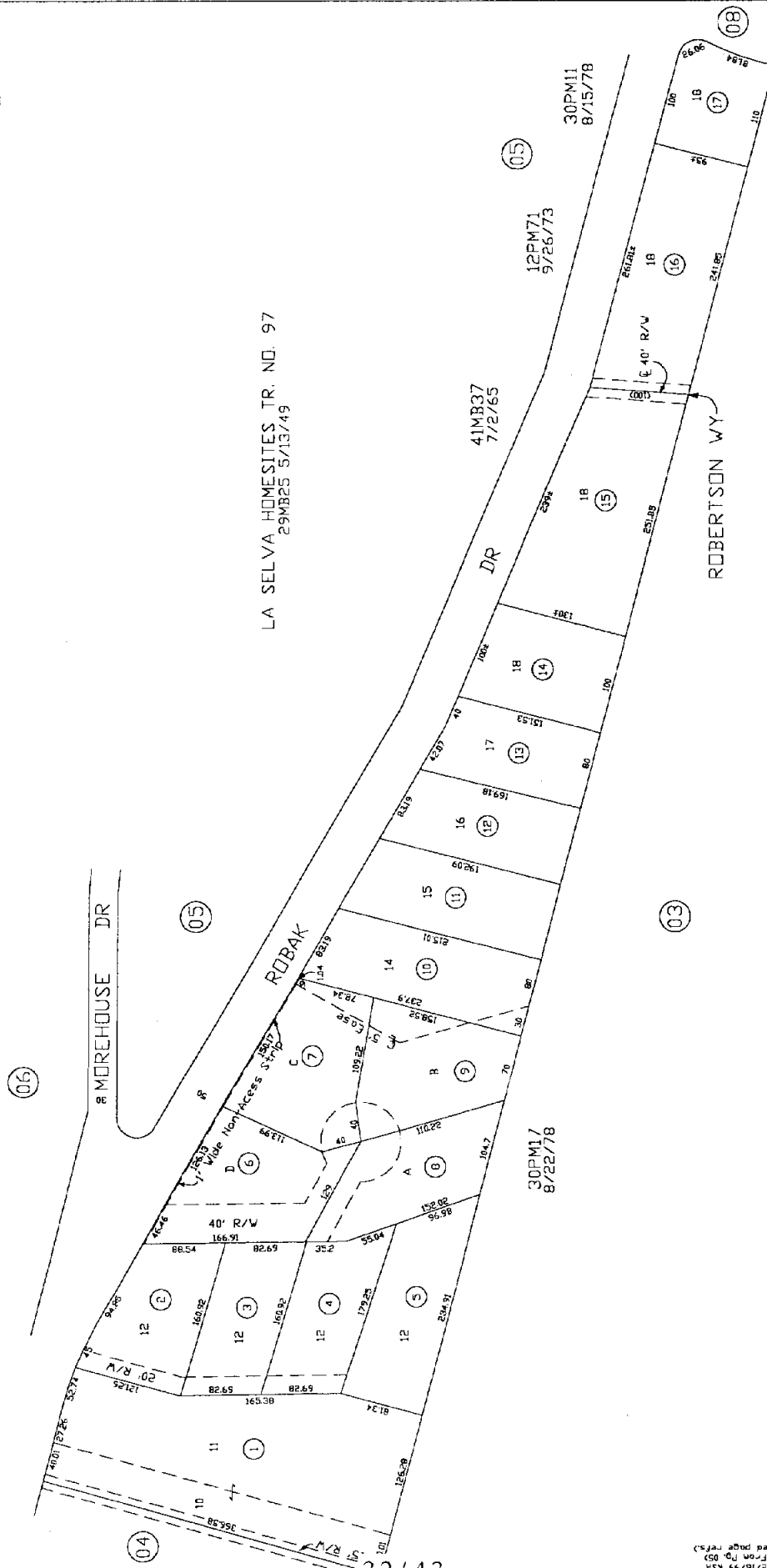
FOR TAX PURPOSES ONLY

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 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

POR. SAN ANDREAS RANCHO  
 W. 1/2 SEC. 27, T.11S., R.1E., M.D.B. & M.

Tax Area Code  
 69-038

45-33



LA SELVA HOMESITES TR. NO. 97  
 29MB25 5/13/49

EXHIBIT E

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

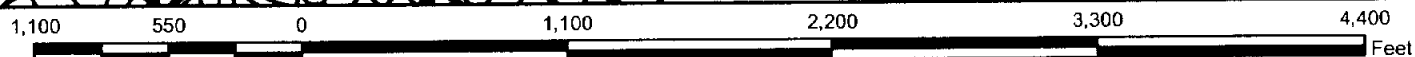
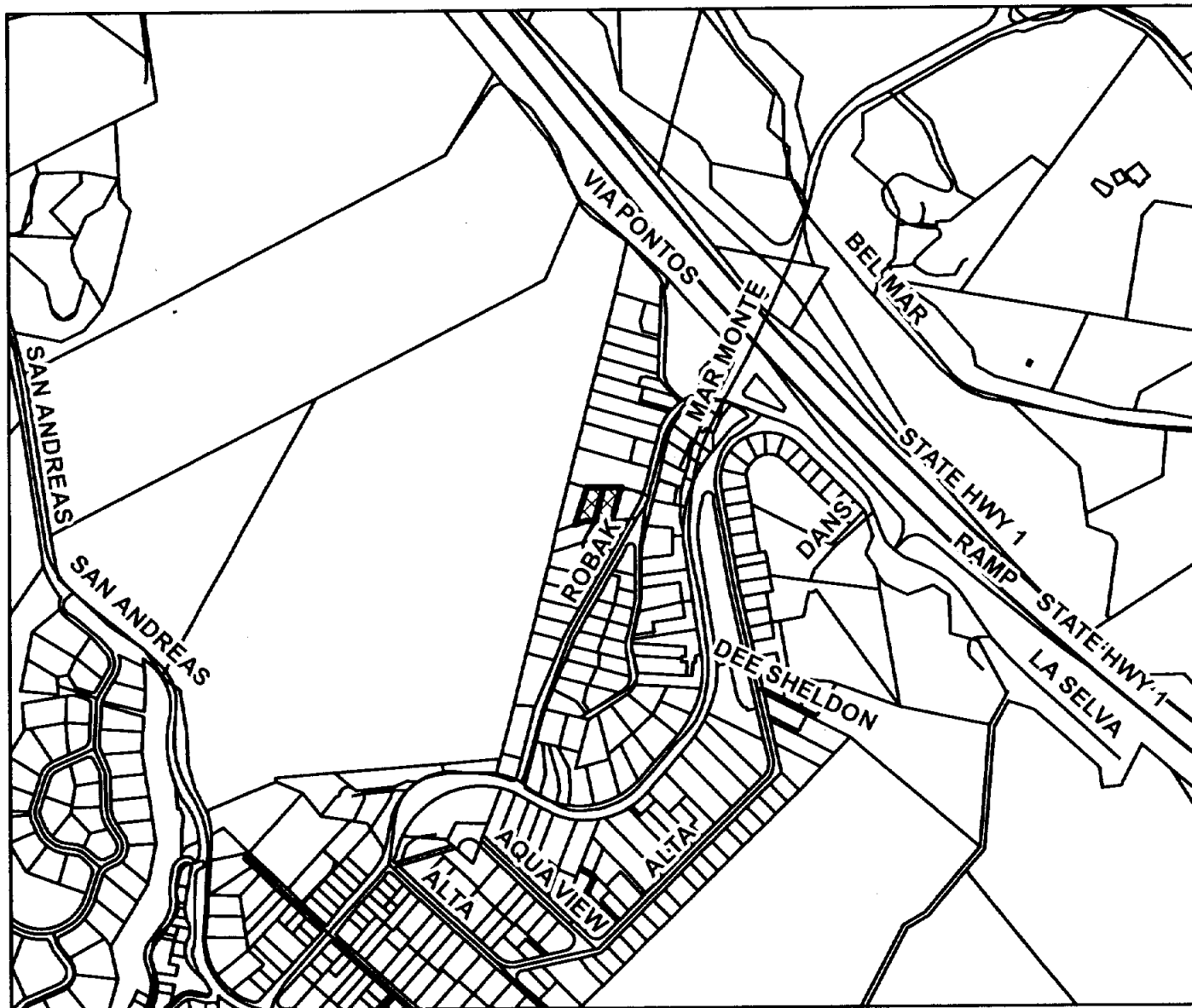
Assessor's Map No. 45-33  
 County of Santa Cruz, Calif.  
 Dec. 1999

Electronically prepared 12/16/99 KSA  
 Rev. 12/16/99 KSA (from Pg. 00)  
 Rev. 3/30/01 rev (changed page refs.)







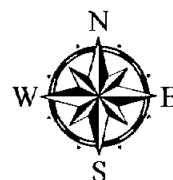


# Location Map



## LEGEND

-  APN: 045-331-04
-  APN: 045-331-03
-  Assessors Parcels
-  Streets
-  State Highways

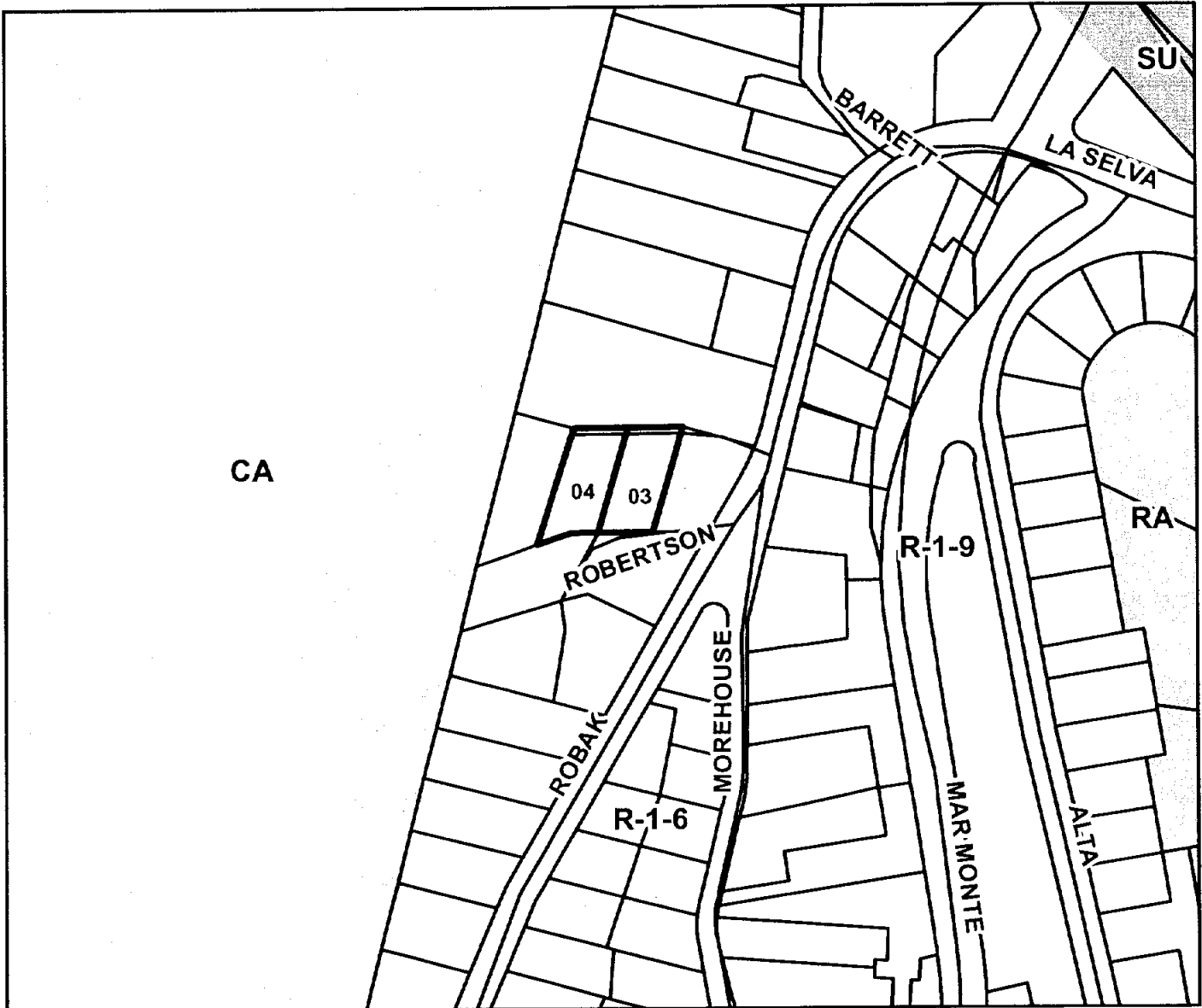


Map Created by  
County of Santa Cruz  
Planning Department  
July 2009

EXHIBIT E



# Zoning Map



## LEGEND



APN: 045-331-04

APN: 045-331-03

Assessors Parcels

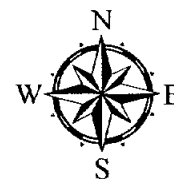
Streets

RESIDENTIAL-SINGLE FAMILY

AGRICULTURE COMMERCIAL

AGRICULTURE RESIDENTIAL

SPECIAL USE

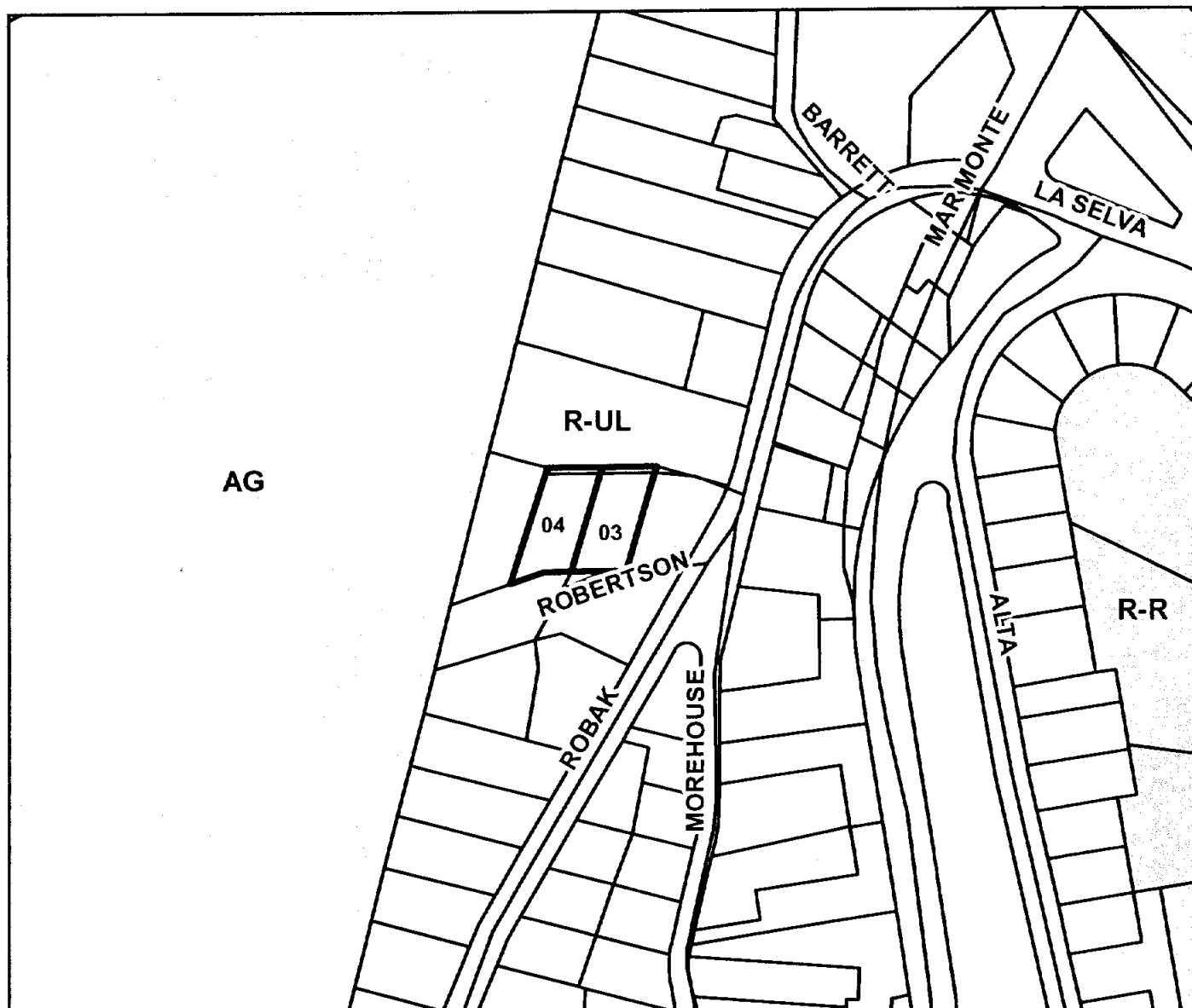


Map Created by  
County of Santa Cruz  
Planning Department  
July 2009

**EXHIBIT E**



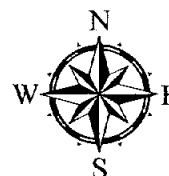
# General Plan Designation Map



## LEGEND

- APN: 045-331-04
- APN: 045-331-03
- Assessors Parcels
- Streets

Residential - Urban Low Density  
Agriculture  
Residential-Rural



Map Created by  
County of Santa Cruz  
Planning Department  
July 2009

EXHIBIT E

**C O U N T Y   O F   S A N T A   C R U Z**  
**DISCRETIONARY APPLICATION COMMENTS**

**Project Planner:** Randall Adams  
**Application No.:** 09-0248  
**APN:** 045-331-03

**Date:** November 23, 2009  
**Time:** 14:19:44  
**Page:** 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON JULY 31, 2009 BY ROBERT S LOVELAND =====

1. The soils report is in review status. NOTE: Additional comments may be forthcoming once the soils report has been reviewed.
2. Please have the project soils engineer submit a letter stating that the "Retention Swale & Trench" design shown on Sheet 3 is an acceptable design for this location. ===== UPDATED ON SEPTEMBER 1, 2009 BY CAROLYN I BANTI =====  
The soils report has been reviewed and accepted. Please see letter dated 9/1/09. See Conditions of Approval for information to be submitted at the building permit stage.  
===== UPDATED ON OCTOBER 21, 2009 BY ROBERT S LOVELAND =====

Comments above have been addressed.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON JULY 31, 2009 BY ROBERT S LOVELAND =====

Conditions of Approval:

1. Submit a "Plan Review Letter" from the project geotechnical engineer for review and approval.
2. Submit a detailed grading/drainage plan completed by a licensed civil engineer or architect for review and approval.
3. Obtain a grading permit if required.
4. Submit a detailed erosion/sediment control plan for review and approval.  
===== UPDATED ON SEPTEMBER 1, 2009 BY CAROLYN I BANTI =====
5. Please submit a geotechnical report addendum at the time of building permit application that states the minimum footing widths for two-story structures.

**Dpw Drainage Completeness Comments**

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JULY 30, 2009 BY TRAVIS RIEBER =====

1. Please provide a description, from a civil engineer, of the downstream overflow path for the proposed retention trenches to a safe point of release. Demonstrate that there will be no adverse impacts to adjacent or downstream properties.
2. At any time prior to the public hearing please provide a stamped and signed letter from the project geotechnical engineer approving the proposed retention trenches.

The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$210.00 additional review fee shall be applied to

Discretionary Comments - Continued

Project Planner: Randall Adams  
Application No.: 09-0248  
APN: 045-331-03

Date: November 23, 2009  
Time: 14:19:44  
Page: 2

all re-submittals starting with the third routing.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON OCTOBER 20, 2009 BY TRAVIS RIEBER =====

The plans with revisions dated 9/18/2009, the Hydrology Analysis dated 9/2009, and the Geotechnical Plan Review Letter dated 9/23/2009 have been received and are approved for the discretionary application stage. See miscellaneous comment for issues to be addressed at the building application stage.

**Dpw Drainage Miscellaneous Comments**

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JULY 30, 2009 BY TRAVIS RIEBER =====

1. The proposed retention areas should be designed at a level addressed in the Santa Cruz County design criteria section H. A sizing spread sheet is available online at: <http://www.dpw.co.santa-cruz.ca.us/Storm%20Water/FigureSWM24.xls>

2. Demonstrate how runoff generated by the proposed base rock driveway be directed into the proposed retention trench along the north side of the driveway.

3. How will leaves, twigs, gravel, sand, silt and other debris with a potential to clog perforated pipes be prevented from entering the drainage system? Site plans shall specify required maintenance procedures to assure proper functioning of the proposed drainage system.

4. A recorded maintenance agreement will be required for the proposed retention systems. Please contact the County of Santa Cruz Recorder-s office for appropriate recording procedure. The maintenance agreement form can be picked up from the Public Works office or can be found online at: <http://www.dpw.co.santa-cruz.ca.us/Storm%20Water/FigureSWM25.pdf>

5. The designer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The designer-s letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of -general conformance to plans- are not sufficient. An as-built plan may be submitted in lieu of the letter. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received.

===== UPDATED ON OCTOBER 20, 2009 BY TRAVIS RIEBER =====

1. Make clear on the plans how leaves, twigs, gravel, sand, silt and other debris with a potential to clog perforated pipes be prevented from entering the drainage system. Site plans shall specify required maintenance procedures to assure proper functioning of the proposed drainage system.

2. A recorded maintenance agreement will be required for the proposed retention systems. Please contact the County of Santa Cruz Recorder-s office for appropriate recording procedure. The maintenance agreement form can be picked up from the Public Works office or can be found online at: <http://www.dpw.co.santa-cruz.ca.us/Storm%20Water/FigureSWM25.pdf>

## Discretionary Comments - Continued

**Project Planner:** Randall Adams  
**Application No.:** 09-0248  
**APN:** 045-331-03

**Date:** November 23, 2009  
**Time:** 14:19:44  
**Page:** 3

3. The designer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The designer's letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of -general conformance to plans- are not sufficient. An as-built plan may be submitted in lieu of the letter. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received.

### Dpw Road Engineering Completeness Comments

===== REVIEW ON JULY 28, 2009 BY ANWARBEG MIRZA =====  
NO COMMENT

### Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JULY 28, 2009 BY ANWARBEG MIRZA =====  
NO COMMENT

### Environmental Health Completeness Comments

===== UPDATED ON OCTOBER 5, 2009 BY JIM G SAFRANEK ===== The project is now approved for 'completeness' by EHS.

### Environmental Health Miscellaneous Comments

===== REVIEW ON JULY 15, 2009 BY JIM G SAFRANEK =====  
NO COMMENT

### Aptos-La Selva Beach Fire Prot Dist Completeness C

===== REVIEW ON JULY 15, 2009 BY ERIN K STOW =====  
DEPARTMENT NAME:Aptos/La Selva Fire Dept. APPROVED  
All Fire Department building requirements and fees will be addressed in the Building Permit phase.  
Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

### Aptos-La Selva Beach Fire Prot Dist Miscellaneous

===== REVIEW ON JULY 15, 2009 BY ERIN K STOW =====  
NO COMMENT

## INTEROFFICE MEMO

APPLICATION NO: 09-0248 (second routing)

Date: October 14, 2009  
To: Randall Adams, Project Planner  
From: Larry Kasparowitz, Urban Designer  
Re: Two new residences on Robak Drive, La Selva Beach

## COMPLETENESS ITEMS

- none

## COMPLIANCE ISSUES

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Visual Compatibility</b>			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✓		
<b>Minimum Site Disturbance</b>			
Grading, earth moving, and removal of major vegetation shall be minimized.	✓		

Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✓		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✓		

**Ridgeline Development**

Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline	✓		
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted	✓		

**Landscaping**

New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			N/A
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**Rural Scenic Resources****Location of development**

Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A

**Site Planning**

Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A



<b>Building design</b>			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			N/A
<b>Large agricultural structures</b>			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
<b>Restoration</b>			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
<b>Signs</b>			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional			N/A

and informational signs, except in designated commercial and visitor serving zone districts			
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A
<b>Beach Viewsheds</b>			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred			N/A

## Randall Adams

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**From:** Lawrence Kasparowitz  
**Sent:** Wednesday, October 14, 2009 11:19 AM  
**To:** Sheila McDaniel; Alice Daly; Samantha Haschert; Randall Adams; Paia Levine; Tom Burns  
**Cc:** Glenda Hill  
**Subject:** Neigh. Comp. notes for 10/13

1. RV parking storage lot, Felton (Sheila)
  - no compatibility issues
  - request screening from Graham Hill Road
2. Temp. Oncology Modular, Dominican (Alice)
  - no compatibility issues
  - review parking
3. S.L.V.W.D. headquarters, Boulder Creek (Samantha)
  - no compatibility issues
4. Two new residences, Lago Lane, Santa Cruz (Samantha)
  - no issues with bulk and mass
  - hip the northern roof on the north building
  - Larry to advise on materials and colors in design review
5. Two new residences, Robak Drive, La Selva Beach (Randall)
  - no compatibility issues

PLEASE GET BACK TO ME ASAP WITH ANY REVISIONS TO THE ABOVE.

*Lawrence Kasparowitz*

Urban Designer  
County of Santa Cruz  
Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-2676