



Staff Report to the Zoning Administrator

Application Number: **121283**

Applicant: Daryl Woods
Owner: Robert W. Boettiger
APN: 046-241-12

Agenda Date: April 5, 2013
Agenda Item #: 2
Time: After 9:00 a.m.

Project Description: Proposal to demolish an existing single-story residence and attached shed, and to construct a new 2-story, 4-bedroom 3,914 square foot single-family residence with an attached 480 square foot garage on an RA-zoned parcel. Requires a Coastal Development Permit and an Agricultural Buffer Reduction Determination.

Location: The property is located in the La Selva Beach area, on the east side of Lindero Drive approximately 1500 feet south of the intersection of Lindero Drive and Crest Drive at 297 Lindero Drive.

Supervisory District: 2nd District (District Supervisor: Zach Friend)

Permits Required: Coastal Development Permit
Technical Reviews: none

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121283, based on the attached findings and conditions.

Exhibits

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

Parcel Information

| | |
|----------------------------------|---|
| Parcel Size: | 15,681 square feet (0.36 acre) |
| Existing Land Use - Parcel: | Residential |
| Existing Land Use - Surrounding: | North and south: Residential East and West: Commercial Agriculture |
| Project Access: | Driveway from Lindero Drive |

Planning Area: San Andreas
Land Use Designation: AG (Agriculture)
Zone District: RA (Residential Agriculture)
Supervisory District: 2nd (District Supervisor: Zach Friend)
Within Coastal Zone: X Inside ___ Outside

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Slight downward slope toward west property line
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: 178 cubic yards of cut, 54 cubic yards of fill proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ___ Inside X Outside
Water Supply: San Andreas Mutual Water District
Sewage Disposal: Private septic
Fire District: Aptos-La Selva Fire District
Drainage District: Out of zone

History

The subject parcel is currently developed with a 1-story residence of approximately 960 square feet, and a shed of approximately 408 square feet.

On February 21, 2013, the County Agricultural Policy Advisory Commission approved an Agricultural Buffer Reduction Determination to reduce the required 200-foot agricultural buffer to 82 feet from APN 046-241-03 and to 30 feet from APN 046-241-08. This reduction will allow habitable portions of the proposed new residence to be built up to 85 feet front the west (Lindero Drive) property line and up to 30 feet from the east (rear) property line.

Project Setting

The proposed project is to demolish an existing 1-story residence and sheds and construct a two-story single-family dwelling of approximately 3,914 square feet and a 480 square foot garage on a 15,681 square foot (0.36 acre) parcel. The subject property is characterized by primarily flat topography that slopes gently downward toward the west portion of the parcel. The parcel is not located within the Urban Services Line. The neighborhood consists of rural lanes with similarly-sized parcels developed with residences, with open agricultural parcels interspersed between the rural residential lanes. In the immediate vicinity, the adjacent Commercial Agriculture-zoned parcels are currently not in production. Neighborhood residences are a mix of one and two-

story, older and newer homes.

The building site is within 200 feet of lands zoned Commercial Agriculture (CA) to the east and west. The proposed project required approval of an Agricultural Buffer Reduction Determination because the 15,681 square foot parcel size would not allow buildable area for the single-family residence if the 200 foot setbacks required under County Code Section 16.50.095 (Agricultural Buffers) were maintained from the adjacent Commercial Agriculture-zoned properties, due to the fact that the parcel is approximately 195 feet long. The residence would be constructed up to 85 feet from the front property line and up to 30 feet from the rear property line. The applicant is proposing a solid fence six feet in height at the east property line and hedge plantings on the west border with CA-zoned parcels to create physical buffers to reduce the impact of agricultural activities on the proposed residential use, and to also therefore protect the agricultural interests of the CA- zoned parcels.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 15,681 square feet, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district and the zoning is consistent with the site's (AG) Agriculture General Plan designation.

Local Coastal Program Consistency

The proposed single-family residence is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed single-family residence complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate design features such as stucco siding, clay tile roofing, wood trim and raised planters to achieve compatibility with surrounding land uses on Lindero Drive and the rural coastal landscape. The scale and proportions of the new residence fit in with the existing range of residential development in the vicinity, and proposed fencing and hedges will create an effective and attractive visual separation from adjacent Commercial Agriculture-zoned properties.

Environmental Review

Environmental review of the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA) has resulted in a determination that the proposed project is exempt per CEQA Section 15303, New Construction. The proposed project is a new single-family residence in a residential zone district.

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 **121283**, 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

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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: 121283
Assessor Parcel Number: 046-241-12
Project Location: 297 Lindero Drive

Project Description: Proposal to demolish an existing single-story residence and attached shed and to construct a new 2-story, 4-bedroom, 3,914 square foot single-family residence with an attached garage on an RA-zoned parcel

Person or Agency Proposing Project: Daryl Woods

Contact Phone Number: 831-234-9853

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

Specify type:

E. X Categorical Exemption

Specify type: CEQA Section 15303(a): New Construction

F. Reasons why the project is exempt:

Construction of a new single-family residence in a residential zone district.

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

Alice Daly, Project Planner

Date: _____

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 is a principal permitted use within the zone district, and the zoning is consistent with the site's (AG) 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 no such easements or restrictions are known to encumber the project site. The building site is within 200 feet of lands zoned Commercial Agriculture (CA) to the east and west and thus required approval of an Agricultural Buffer Reduction Determination because the 15,681 square foot parcel size would not allow sufficient building area for a single-family residence if the required 200 foot setbacks were maintained. The Agricultural Buffer Reduction approval was granted by the County Agricultural Policy Advisory Commission (APAC) on 2/21/13, and thus there are no conflicts with any development restrictions.

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 a rural residential-agricultural density; the colors and materials as proposed will be natural in appearance and complementary to the site; and 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 will not interfere with public access to the beach, ocean, or any nearby body of water, as there is no public access within the project vicinity, and 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 and integrated with the character of the surrounding neighborhood. Residential uses are allowed uses in the RA (Residential Agriculture) zone district, as well as in the Agriculture (AG) General Plan

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APN: 046-241-12
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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 design submitted is consistent with the existing range of styles.

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 the optimum in safety and the conservation of energy and resources.

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 the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and with the purpose of the RA (Residential Agriculture) zone district, as the primary use of the property will be one single-family residence 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 Agriculture (AG) land use designation in the County General Plan.

The proposed single-family residence 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), and will meet current setbacks for the zone district.

The proposed single-family residence will be properly proportioned to the parcel size and 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 will comply with the site standards for the RA zone district (including setbacks, 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 is to be constructed on an existing developed lot that is currently developed with a single-family residence proposed for demolition. Environmental Health has reviewed and approved the septic capacity, and there will be no increased demand on the utilities that currently adequately serve the site. It is not anticipated that any increase in traffic would be generated by the proposed project, and the proposed project would not adversely impact existing roads or 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 neighborhood containing a mix of large and small residences and a variety of architectural styles, and the proposed single-family residence 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 will be of an appropriate scale and type of design that will be compatible with 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 D: Project plans, 8 pages, by Daryl Woods, Architect dated 11/8/12

- I. This permit authorizes the demolition of an existing single-story residence and attached sheds, and construction of a new 2-story, 4-bedroom 3,914 square foot single-family residence with attached garage. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by 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 a Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit 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.
 - D. 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 final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Grading, drainage, and erosion control plans.

3. A development setback for habitable areas of a minimum of 82 feet from APN 046-241-03 and to 35 feet from APN 046-241-08 from the proposed single-family dwelling to the adjacent Commercial Agriculture zoned parcels.
 4. Final plans shall show the location of the vegetative buffering barrier (which shall be composed of drought tolerant shrubbery) and 6-foot solid fencing used for the purpose of buffering adjacent agricultural land. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.
 5. Details showing compliance with fire department requirements.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal.
 - C. Meet all requirements of and pay drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Obtain an Environmental Health Clearance 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 prepared and stamped by a licensed Geotechnical Engineer.
 - G. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - H. Pay the current fees for Roadside and Transportation improvements for 1 bedroom. Currently, these fees are, respectively, \$1,000 and \$1,000 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. Complete and record a Statement of Acknowledgement Regarding the Issuance of a County Permit in an area determined to be subject to agricultural-residential use conflicts. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
 - 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.

- 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. The vegetative and physical agricultural buffer barriers approved by the Agricultural Policy Advisory Commission (APAC) shall be permanently maintained.
 - B. All required Agricultural Buffer Setbacks to habitable space shall be maintained.
 - C. 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.

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.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure 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 permit and to complete all of the construction under the 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: _____

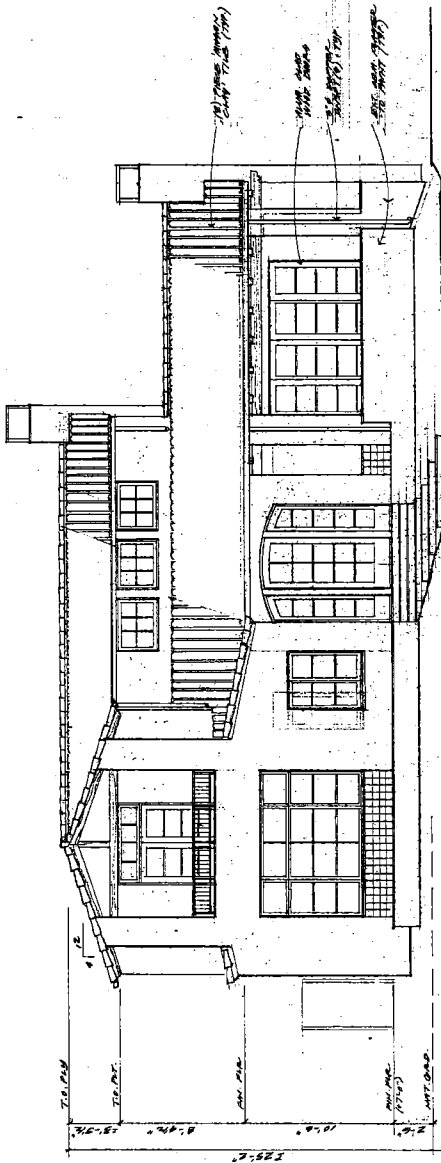
Effective Date: _____

Expiration Date: _____

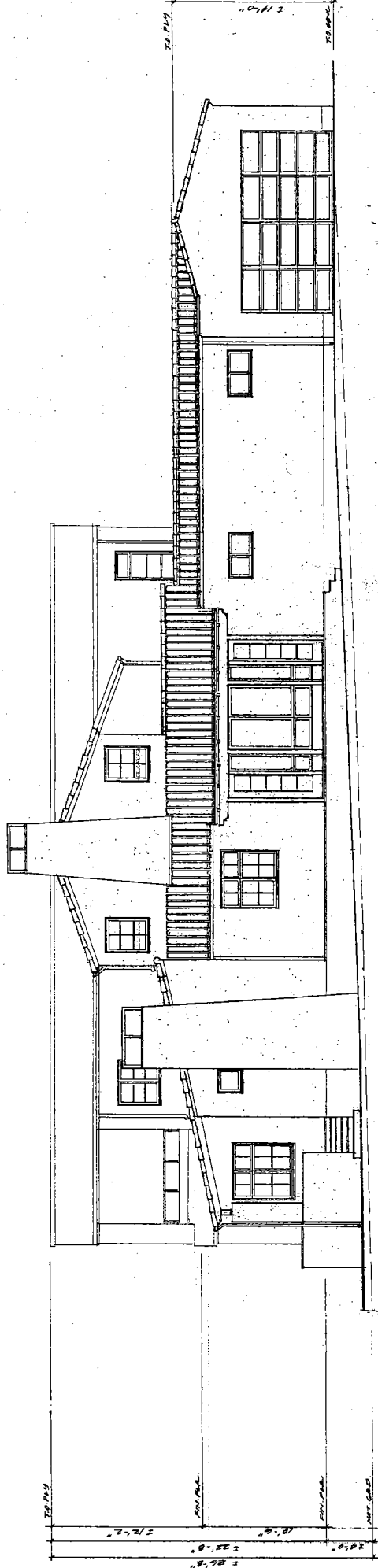
Wanda Williams
Deputy Zoning Administrator

Alice Daly, AICP
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.



NORTH ELEVATION



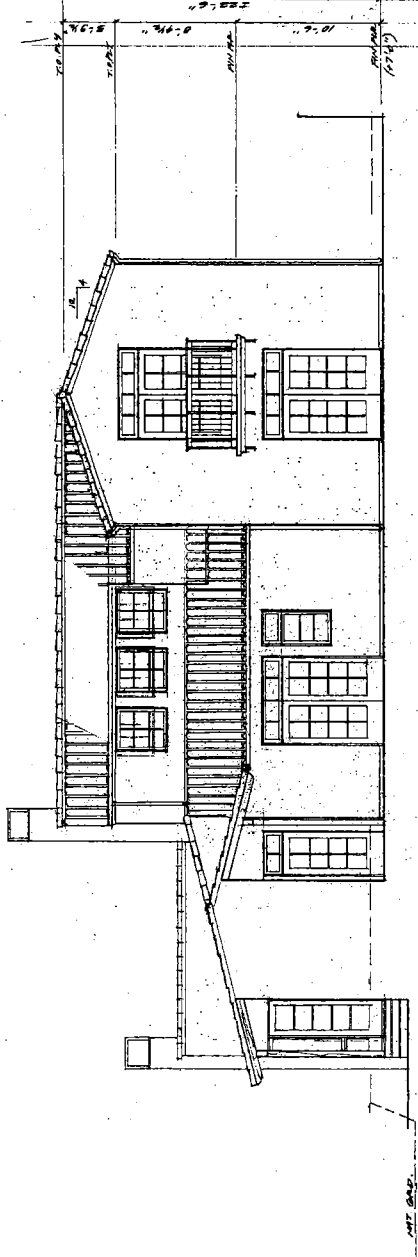
EAST ELEVATION

297 LINDERO DRIVE
LA SELVA BEACH, CA
APN: 046-241-12

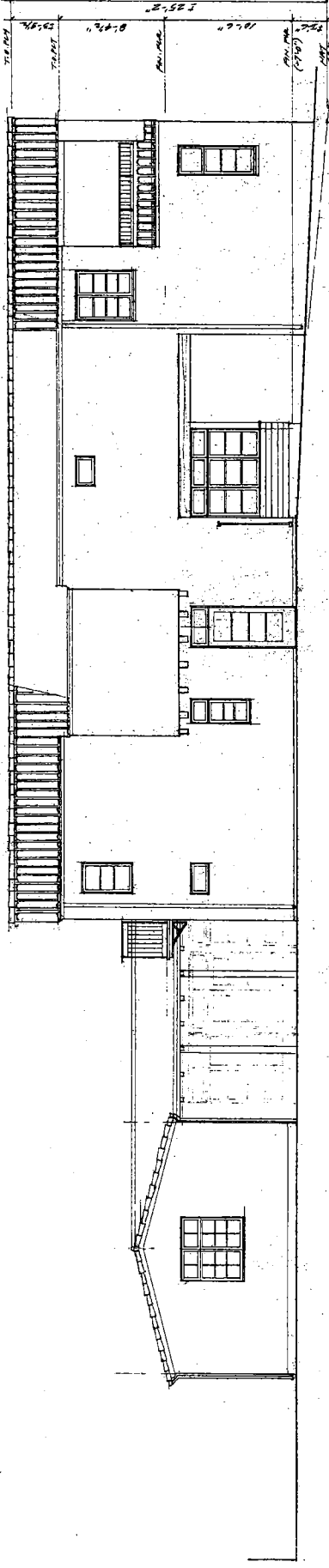
1111 N. LINDERO
LA SELVA BEACH
CA 90238
818.234.8881

DATE: 11/18/11
DRAWN: J. B. BELL
CHECKED: J. B. BELL
APPROVED: J. B. BELL

A4



NORTH ELEVATION

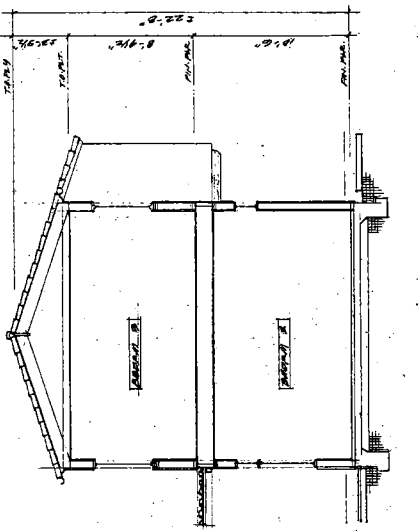


WEST ELEVATION

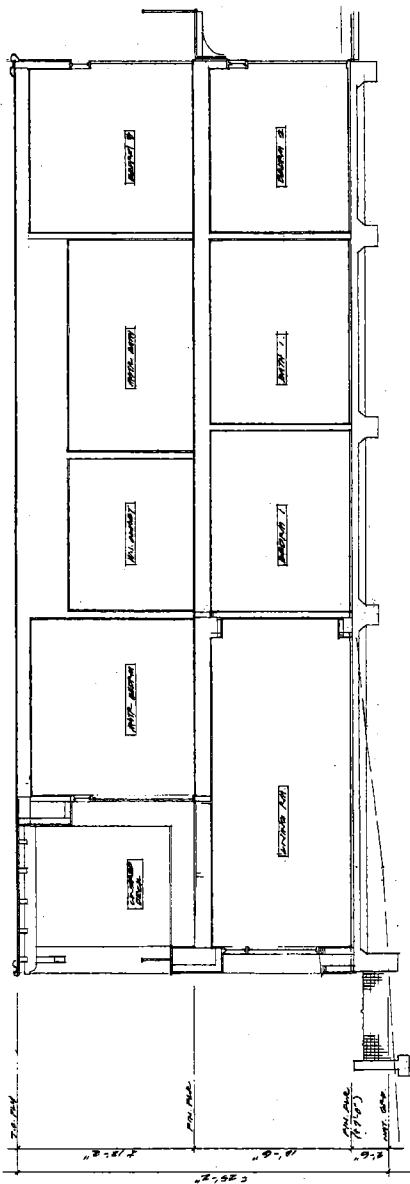
297 LINDERO DRIVE
LA SELVA BEACH, CA.
APN: 046-241-12

273 Lindero
La Selva Beach
California
90708
81331-0034

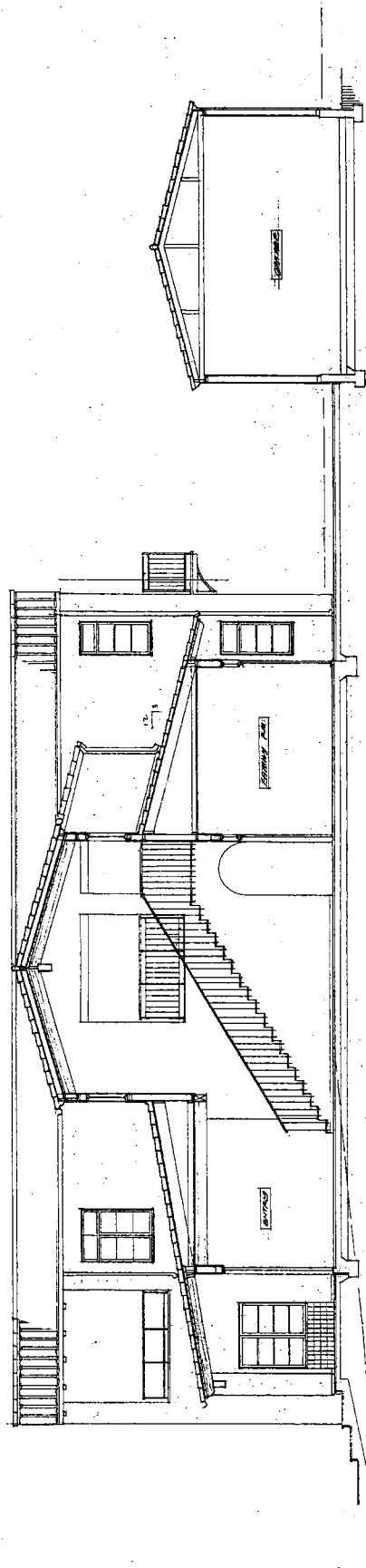
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| 11-8-2012 | |
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CROSS SECTION



CROSS SECTION



CROSS SECTION

297 LINDERO DRIVE
LA SELVA BEACH, CA.
APN: 046-241-12

297 Lindero
La Selva Beach
CA 95070
031.234.0004

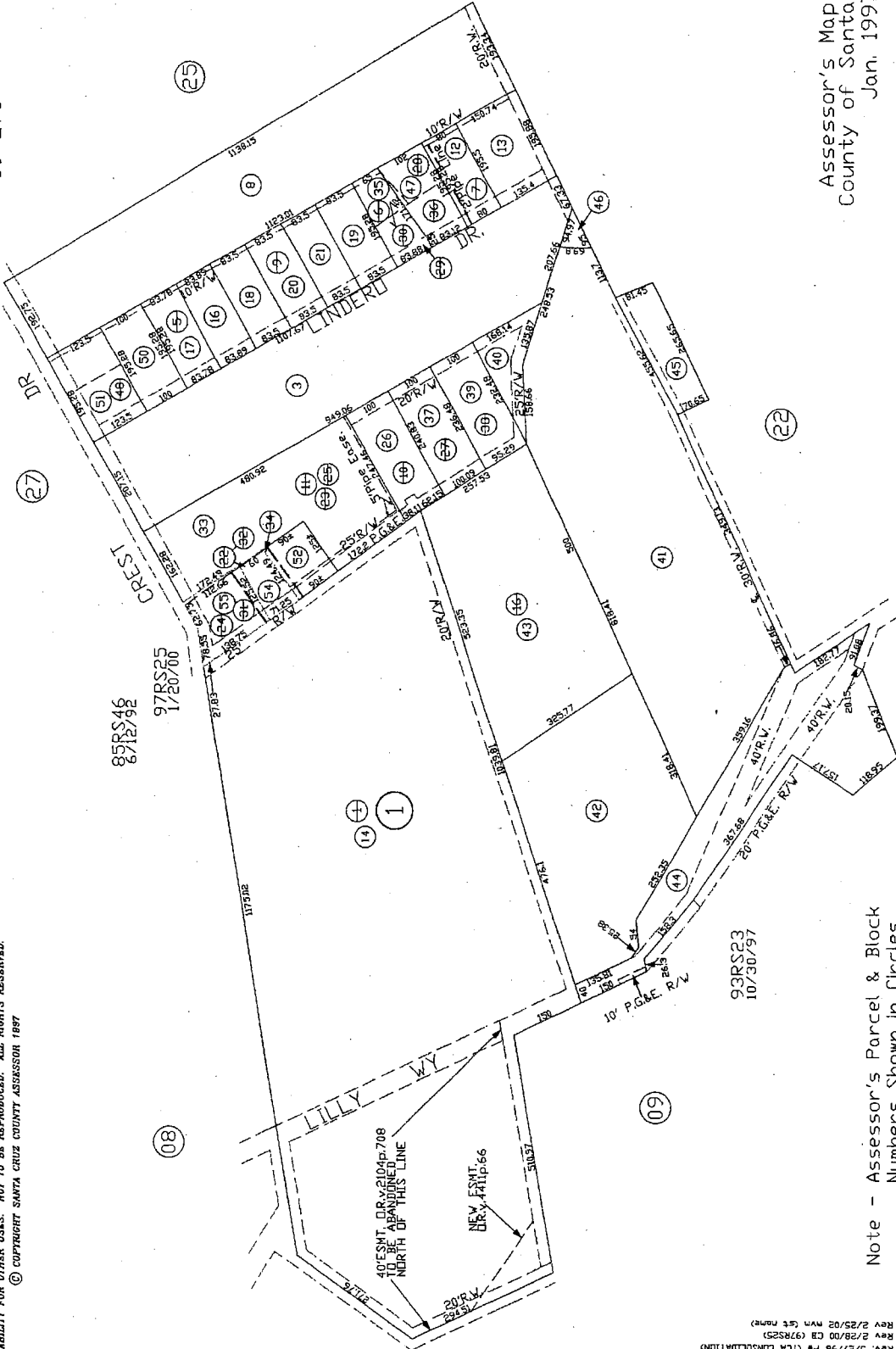
DATE: 11/8/2014
BY: J. B. B. B.

FOR TAX PURPOSES ONLY
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR, SAN ANDREAS RANCHO
 SEC. 3, T.12S., R.1E., M.D.B. & M.

Tax Area Code
 69-278

46-24



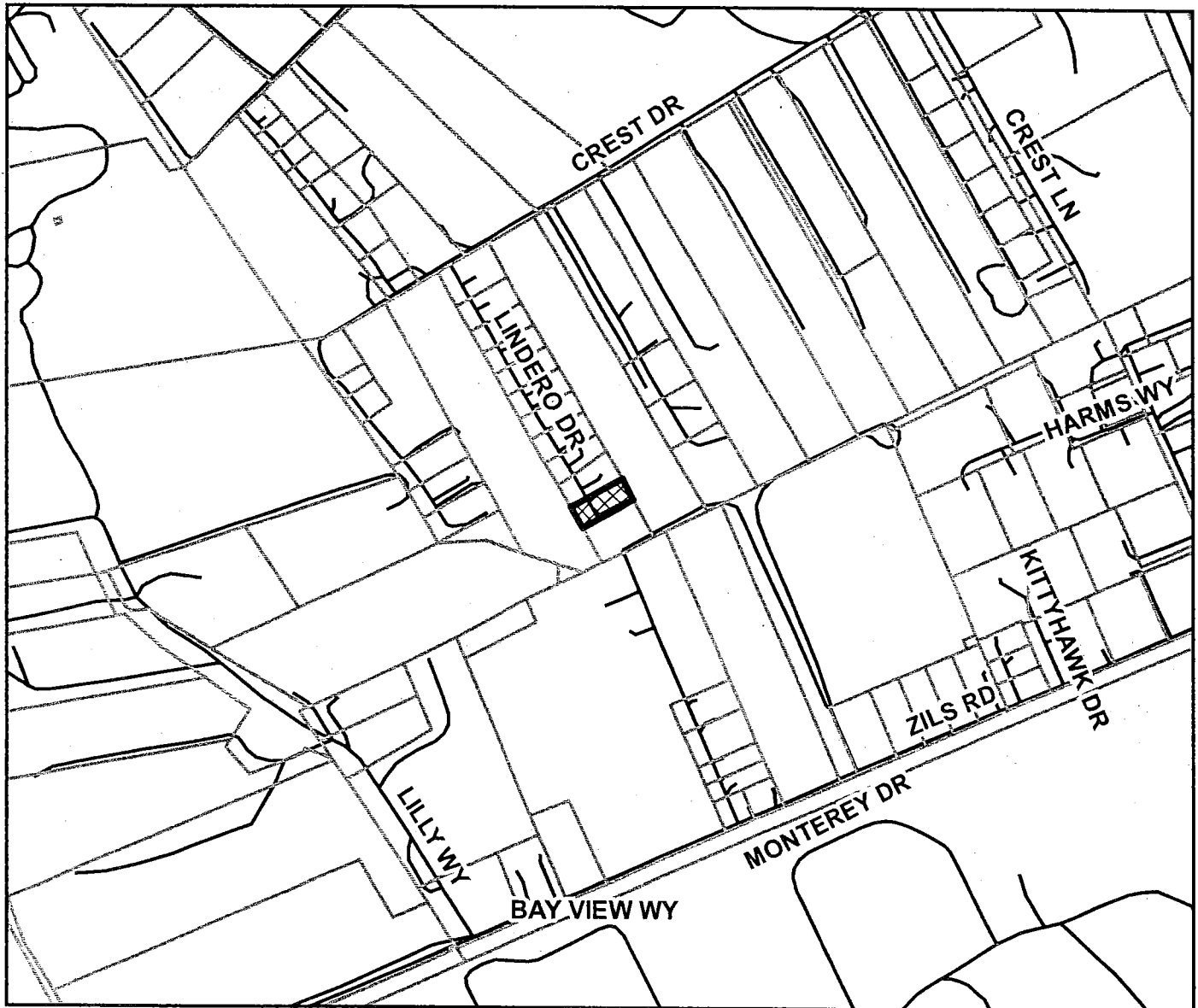
Assessor's Map No. 46-24
 County of Santa Cruz, Calif.
 Jan. 1997

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




Electronically Redrawn 1/22/97
 Rev. 5/12/97 CB 0002335 & 6, LBA 1-54 & 55
 Rev. 11/20/97 RA (938233)
 Rev. 2/27/98 RA (938233)
 Rev. 2/28/00 CB (978233)
 Rev. 2/25/02 MWH (ST name)

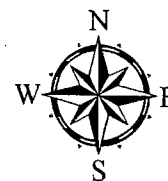


Location Map



LEGEND

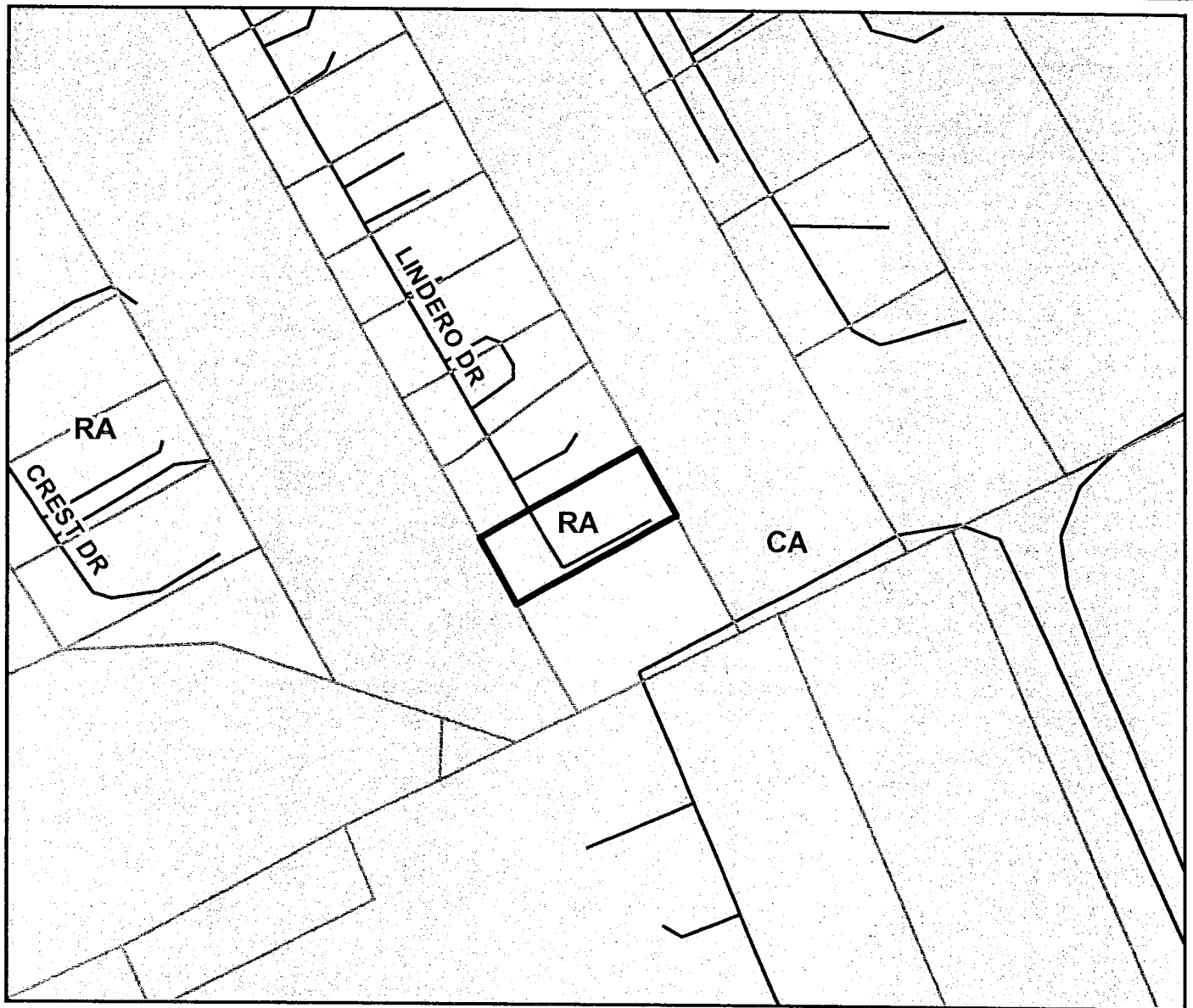
-  APN: 046-241-12
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
December 2012

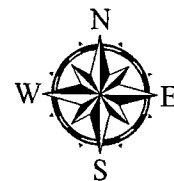


Zoning Map



LEGEND

-  APN: 046-241-12
-  Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL
-  AGRICULTURE COMMERCIAL







Map Created by
County of Santa Cruz
Planning Department
December 2012

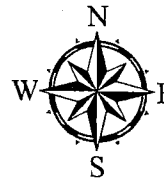


General Plan Designation Map



LEGEND

-  APN: 046-241-12
-  Assessors Parcels
-  Streets
-  Agriculture



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December 2012