



Staff Report to the Zoning Administrator

Application Number: **131221**

Applicant: Jeff Reisig
Owner: Jess Reisig
APN: 046-271-17

Agenda Date: 10/04/2013
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to construct a one story 1,288 square foot single family dwelling. Requires a Coastal Development Permit, Preliminary Grading Approval, and an Agricultural Buffer Reduction to locate the house within the required 200 foot buffer from land zoned Commercial Agriculture (APN's 046-271-34, 046-271-35, 046-271-36, 046-271-08, and 046-271-18).

Location: The property is located on the north side of Crest Drive, approximately ½ mile south west of San Andreas Road within the San Andreas Planning area.

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

Permits Required: Coastal Development Permit, Agricultural Buffer Reduction

Technical Reviews: None Required

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 131221, based on the attached findings and conditions.

Exhibits

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|----|--|----|--|
| A. | Categorical Exemption (CEQA determination) | F. | Parcel Legality Staff Report 08-0117 |
| B. | Findings | G. | Agricultural Policy Advisory Commission staff report, dated September 19, 2013 |
| C. | Conditions | | |
| D. | Project plans | H. | Comments & Correspondence |
| E. | Assessor's, Location, Zoning and General Plan Maps | | |
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Parcel Information

Parcel Size: 10,105 square feet (.23 acres)
Existing Land Use - Parcel: Vacant
Existing Land Use - Surrounding: Open Space Easement to southwest

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Project Access:	Residential to north, northeast, southeast Vacant property to northwest
Planning Area:	Crest Drive, approximately 35 feet wide
Land Use Designation:	San Andreas
Zone District:	A (Agriculture)
Coastal Zone:	CA (Commercial Agriculture)
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Soils Report required prior to building permit issuance
Fire Hazard:	Not a mapped constraint
Slopes:	Approximately 5 percent slope in southwest direction
Env. Sen. Habitat:	Mapped for biotic resources, however, no physical evidence noted by Environmental Planning staff
Grading:	150 cubic yards, a detailed grading/drainage plan prepared by a licensed civil engineer is required to be reviewed and approved prior to building permit issuance.
Tree Removal:	No significant trees proposed to be removed, a few fruit trees removed
Scenic:	Not a mapped resource
Drainage:	Site drainage to be approved prior to building permit issuance, to include a detailed erosion/sediment control plan for review and approval.
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Water Supply:	San Andreas Water Company: Will Service letter approved
Sewage Disposal:	Septic system approved by Environmental Health
Fire District:	Aptos La Selva Fire Protection District
Drainage District:	Zone 4 Drainage

Project Setting

The property is a vacant parcel approximately 10,000 square feet in size and zoned Commercial Agricultural and designated Agriculture by the General Plan. The parcel entirely surrounded by land zoned Commercial Agriculture and is immediately surrounded by a strip of small parcels that are either vacant or developed with residences, with exception of the property located to the southwest, which is approximately 4 acres in size and developed with a single family dwelling and contains an open space easement contract also zoned Commercial Agriculture.

Access to the subject property is limited to an unpaved roadway, approximately 12 feet wide,

located within a 35 foot right-of-way (a 25 foot right-of-way and a 10 foot utility easement on the adjacent property), that extends southeast from Sea Terrace Road along four properties.

The subject property is flat to gently sloping, characterized by 0 to 5 percent topography sloping from north to southwesterly. The site is essentially vacant and cleared with exception of a few small fruit trees and little ground cover.

History

In 2008 the Planning Department reviewed Application 08-0117 (Exhibit F), evaluating the parcel legality of the subject property. The Department determined that the subject property, APN 046-271-17, and adjacent property to the northwest, APN 046-271-18, constitute two legal parcels, finding that the properties were legally created pursuant to Section 14.01.109 and 14.01.110 of the County Code and the applicable sections of the State Subdivision Map Act. Unconditional certificates of compliance were approved for both of these properties and recorded on December 29, 2008.

The parcel is within the required 200 foot buffer of land zoned Commercial Agriculture. The proposed project includes an agricultural buffer setback reduction application that was reviewed by the Agricultural Policy Advisory Commission on September 19, 2013(Exhibit G). The Agricultural Policy Advisory Commission recommends that the Zoning Administrator approve the proposed setbacks as shown on the plans and supported by the findings and conditions. The findings are incorporated into this staff report.

Zoning & General Plan Consistency

Site Access

Properties created by a minor land division or a conditional certificate of compliance are required to be located on a minimum 40 foot right-of-way pursuant to County Code Section 13.10.521 unless they obtain a less than 40 foot right-of-way sign-off. Existing legally created parcels are not subject to this standard.

Parcels located on privately maintained rights-of-ways are subject to the roadway improvement standards of the local fire agency and are not subject to the County Design Criteria standards, which apply to projects located within the urban service line on publicly maintained streets. The proposed project is conditioned to comply with the minimum roadway improvement standard enumerated by the Aptos La Selva Fire Protection Agency (Exhibit H). This agency requires a minimum 12 foot wide roadway given its location at the end of the right-of-way, which coincides with the minimum driveway standard given the location of the property at the end of the right-of-way providing access to only one dwelling. The property provides three parking spaces meeting the required parking for the proposed two bedroom dwelling. The ordinance does not require guest parking. However, the proposed project provides a driveway of a sufficient length to allow additional spaces for guests, in the event that they are necessary.

Site Standards

The subject property is a parcel of approximately 10,000 square feet, located in the CA (Commercial Agriculture) zone district, a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's (A) Agriculture General Plan designation. The Commercial Agriculture district requires that residential development site standards apply to residential development on parcels less than 2.5 acres, as determined by the parcel size of the property. The proposed setbacks meet the required agricultural buffer reduction setbacks recommended by the Agricultural Policy Advisory Commission.

Site Standards			
R-1-10 Site Standards			
Setbacks	Front	Side	Rear
Required	20'	10'	15'
Proposed	26'5" to edge of right-of-way, 51'5" to property line	10' (east side), 13'11" (west side)	15'
	Allowed	Proposed	
Lot Coverage	40%	12.7%	
FAR	50%	<12%	
Height	28'	12'4"	

Local Coastal Program Consistency

The proposed single family dwelling 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 widely in the area, and the proposed modest design submitted is consistent with the existing range of styles. The project site is located between the shoreline and the first public road, but 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 dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project is a small scale, low height structure with natural materials and colors that complement surrounding dwellings in the selection of materials and colors. In addition, homes immediately around the proposed dwelling are considerably larger. The modest size dwelling will suit the approximately 10,000 square foot site and allow adjoining dwellings views across the top of the structure toward the ocean. While private views are not protected by the General Plan, the structure respectfully provides some view protection to these surrounding residential properties nonetheless. Furthermore, the structure is substantially below

the maximum lot coverage and floor area ratio standards established by the code, which are intended to regulate the massing of the structure.

Environmental Review

A preliminary determination has been made that the project is exempt from the California Environmental Quality Act under Class 3, Section 15303 and allows new construction or conversion of small structures including construction of a single family dwelling. A notice of exemption has been attached as Exhibit A.

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") and Exhibit "C" (Conditions) for a complete listing of findings, conditions, 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 **131221** 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: 131221

Assessor Parcel Number: 046-271-17

Project Location: No situs address

Project Description: Proposal to construct a one story 1,288 square foot single family dwelling. Requires a Coastal Development Permit and an Agricultural Buffer Reduction to locate the house within the required 200 foot buffer from land zoned Commercial Agriculture (APN's 046-271-34, 046-271-35, 046-271-36, 046-271-08, and 046-271-18).

Person or Agency Proposing Project: Jeff Reisig

Contact Phone Number: (530) 400-4497

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

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

F. Reasons why the project is exempt:

Construction of a single family dwelling in area designated for commercial agricultural uses, including a single family dwelling.

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

Sheila McDaniel, 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 CA (Commercial Agriculture), a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's (A) Agriculture General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors 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 is located between the shoreline and the first public road. However, the proposed single family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water as it is not located directly adjacent to the coastal bluff where access to the shoreline can be achieved. The property is located approximately ½ mile northeast of the bluff. 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, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the CA (Commercial Agriculture) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the 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. The proposed single family dwelling 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 these amenities.

The property is located on a 25 foot right-of-way and is not subject to the minimum 40 foot right-of-way pursuant to County Code Section 13.10.521 as only land divisions and conditional certificate of compliance are required to provide the minimum 40 foot right-of-way. The proposed project is conditioned to comply with the minimum 12 foot roadway improvement standard within the existing 25 foot right-of-way, including emergency vehicle turnaround area, as established by the Aptos La Selva Fire Protection District. This will ensure that adequate access may be provided to the property to ensure public health, safety and welfare of the neighborhood and general public.

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

This finding can be made, in that the proposed location of the single family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the CA (Commercial Agriculture) zone district as one residential dwelling is an allowed use in the district and the dwelling meets all current residential site standards, as required by County Code Section 13.10.313 and enumerated in County Code Section 13.10.323 applicable to the property and based on parcel size for parcels less than 2.5 acres in size.

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

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

The proposed single family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and

Development Standards Ordinance), in that the single family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed single family dwelling 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 dwelling will comply with the site standards for the CA zone district as required by County Code Section 13.10.313 and enumerated in County Code Section 13.10.323 (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed single family dwelling is to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only 10 peak trip per day (10 peak trip per dwelling unit), such an increase will 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 mixed neighborhood containing a variety of architectural styles, and the proposed single family dwelling is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed single family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

**Required Findings for Agricultural Buffer Setback Reduction
County Code Section 16.50.095(d)**

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200 foot agricultural buffer setback; or
2. Permanent substantial vegetation (such as a Riparian Corridor or Woodland protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which eliminate or minimize the need for a two hundred (200) foot agricultural buffer setback; or
3. A lesser setback is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural development and the adjacent agricultural land, based on the establishment of a physical barrier (unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right of way) or the existence of some other factor which effectively supplants the need for a two hundred (200) foot agricultural buffer setback; or
4. The imposition of a two hundred (200) foot agricultural buffer setback would preclude building on a parcel of record as of the effective date of this chapter, in which case a lesser buffer setback distance may be permitted, provided that the maximum possible setback distance is required, coupled with a requirement for a physical barrier (e.g. solid fencing and/or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

The subject property is approximately 10,000 square feet in size and situated in an area of small, non-commercially viable agriculturally zoned parcels due to the small parcel size and/or development with single family residences. The proposed setbacks for the proposed structure comply with the site standards established for residential parcels based on site size in accordance to 13.10.323. However, no buffering barriers have been required for the following reasons: The construction of a buffering barrier along the northwest, north, and northeast property line adjoin parcels between 10,000 and 20,000 square feet in size that are not commercially viable agricultural parcels due to the small size and/or developed with residences, which are an allowed use in the agriculture district. The construction of a buffering barrier along the western property line of the subject parcel is not necessary due to existing natural vegetative buffer along the entire length of the adjoining property. Furthermore, an additional vegetative buffer or fence would obstruct views Monterey Bay. A previous APAC decision on Permit 91-0082 (APN 046-271-36), noted that a buffering barrier would create an obstruction to views of Monterey Bay protected by an open space easement contract on APN 046-271-08.

Required Finding for Agricultural Buffer Setback Reduction on Commercial Agriculture (CA) Zoned Land County Code Section 16.50.095(e)

1. In the event that an agricultural buffer setback reduction is proposed and the proposed non-agricultural development is located on Type 1, Type 2, or Type 3 commercial agricultural land, the non-agricultural development shall be sited so as to minimize possible conflicts between the agricultural use on the subject parcel; and the non-agricultural development shall be located so as to remove as little land as possible from production or potential production.

The subject parcel is zoned CA (Commercial Agriculture) and is approximately 10,000 square feet in size, too small in size to be considered commercially viable. Therefore, the employment of techniques to preserve arable land would not be useful to the objective of preserving productive commercial agricultural land. The proposed single family dwelling has been sited to minimize potential land use conflicts, as noted in finding (d) 4 on page 10.

Required Findings for Development on Land Zoned Commercial Agriculture or Agricultural Preserve County Code Section 13.10.314(a)

1. The establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area.

There is no agricultural use on the parcel and, although the subject parcel is zoned CA (Commercial Agriculture) it is approximately 10,000 square feet in size, too small in size to be considered commercially viable. Therefore, the employment of techniques to preserve arable land would not be useful to the objective of preserving productive commercial agricultural land. The proposed single family dwelling has been sited to minimize potential land use conflicts, as noted in finding (d) 4 on page 10. Furthermore, the property is surrounded by other small non-viable commercial agricultural parcels developed with residential uses, with exception of one 4 acre property located to the west that is currently not farmed and contains a single family dwelling. This property has mature vegetative buffering along the property line that precludes impacts to future farming uses elsewhere on the property. Because of these circumstances, the proposed development will not adversely affect agricultural resources or the viability of agricultural uses in the vicinity.

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2. The use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or no other agricultural use of the parcel is feasible for the parcel; or the use consists of an interim public use which does not impair long-term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation and that limits and mitigates the impacts of facility construction on agriculture consistent with the requirements of Section 13.10.635; or
 3. Single family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area.

The subject parcel is zoned CA (Commercial Agriculture) and is approximately 10,000 square feet in size, too small in size to be considered commercially viable. Therefore, the employment of techniques to preserve arable land would not be useful to the objective of preserving productive commercial agricultural land. The proposed single family dwelling has been sited to minimize potential land use conflicts, as noted in finding (d) 4 on page 10. Furthermore, the property is surrounded by small non-viable commercial parcels developed with residential uses, with exception of one 4 acre piece that is currently not farmed. This property has mature vegetative buffering along the property boundary that reduces potential impacts. Additional buffering is not necessary or required and would be in conflict with the open space easement contract on this parcel, as noted in previous agricultural buffer reduction applications along this boundary and approved by APAC.

4. The use will be sited to remove no land from production (or potential production) if any non-farmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

The subject parcel is zoned CA (Commercial Agriculture) and is approximately 10,000 square feet in size, too small in size to be considered commercially viable. Therefore, the employment of techniques to preserve arable land would not be useful to the objective of preserving productive commercial agricultural land. The proposed single family dwelling has been sited to minimize potential land use conflicts, as noted in finding (d) 4 on page 10. Furthermore, the property is surrounded by small non-viable commercial parcels developed with residential uses, with exception of one 4 acre piece that is currently not farmed. This property has mature vegetative buffering along the property that precludes impacts. Additional buffering is not necessary or required.

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

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

The subject parcel is zoned CA (Commercial Agriculture) and is approximately 10,000 square feet in size, too small in size to be considered commercially viable. Therefore, the employment of techniques to preserve arable land would not be useful to the objective of preserving productive commercial agricultural land. The proposed single family dwelling has been sited to minimize potential land use conflicts, as noted in finding (d) 4 on page 10. Furthermore, the property is surrounded by other small non-viable commercial parcels developed with residential uses, with exception of one 4 acre piece that is currently not farmed, where buffering is not required. The adjoining 4 acre property also has mature vegetative buffering along the property that precludes impacts. Additional buffering is not necessary or required.

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

The subject property is approximately 10,000 square feet in size and situated in an area of small, non-commercially viable agriculturally zoned parcels due to the small parcel size and/or development with single family residences. The parcel is too small to meet required 200 foot agricultural buffer setbacks. However, the proposed setbacks for the proposed structure comply with the site standards established for residential parcels based on site size in accordance to 13.10.323.

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

The project is conditioned to require recordation of a statement of acknowledgement that acknowledges the adjacent agricultural land uses and the agricultural buffer setbacks.

Conditions of Approval

Exhibit D: Project Plans

- I. This permit authorizes the construction of a one story 1,288 square foot single family dwelling. 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 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.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - 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. A development setback of a minimum 28 feet to APN 046-271-34, 15 feet to APN 046-271-35, 10 feet to APN 046-271-36, thirteen feet eleven inches to 046-271-18, and fifty one feet six inches to APN 046-271-08.

3. Submit a detailed grading/drainage plan completed by a licensed engineer for review and approval.
 4. Submit a detailed erosion/sediment control plan for review and approval.
 5. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
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6. Water Efficient Landscape Plan (including a signed Water Efficient Landscape Checklist and Certificate) prepared in accordance with the requirements of the Water Efficient Landscape Ordinance (County Code Chapter 13.13) by a certified/licensed landscape architect, landscape contractor, civil engineer, landscape irrigation designer, landscape irrigation auditor, or water manager, as required.
- B. Meet all requirements of and pay Zone 4 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - D. Meet all requirements and pay any applicable plan check fee of the Aptos La Selva Fire Protection District as noted in the discretionary application comments dated 8/21/2013.
 - E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer for review and approval.
 - F. Pay the current fees for Parks and Child Care mitigation for 2 bedroom(s). Currently, these fees are, respectively, \$800.00 and \$109 per bedroom.
 - G. 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.
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- H. 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.
 - I. The owner shall record a Statement of Acknowledgement, 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. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
- B. All site improvements shown on the final approved Building Permit plans shall be installed.
- C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- D. The project must comply with all recommendations of the approved soils reports.
- E. Pursuant to Sections 16.40.040 and 16.42.080 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 16.42.080, 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:
3. COUNTY bears its own attorney's fees and costs; and
 4. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires 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

Sheila McDaniel
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.

2010 Rev. 04/04
Santa Monica, CA 90405
P: 310.591.8500 T: 310.468.2167
www.kinghorne.net
kinghorne@kinghorne.net
kinghorne@kinghorne.net

STRUCTURAL ENGINEER
Name
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Phone

MECHANICAL/ELECTRICAL ENGINEER
Name
Address
Phone

MECHANICAL CONSULTANT
Company Name
Address
Phone

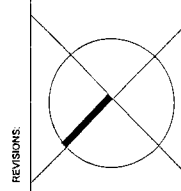
CIVIL ENGINEER / LANDSCAPE
Company Name
Address
Phone

SOLAR ENGINEER
Company Name
Address
Phone

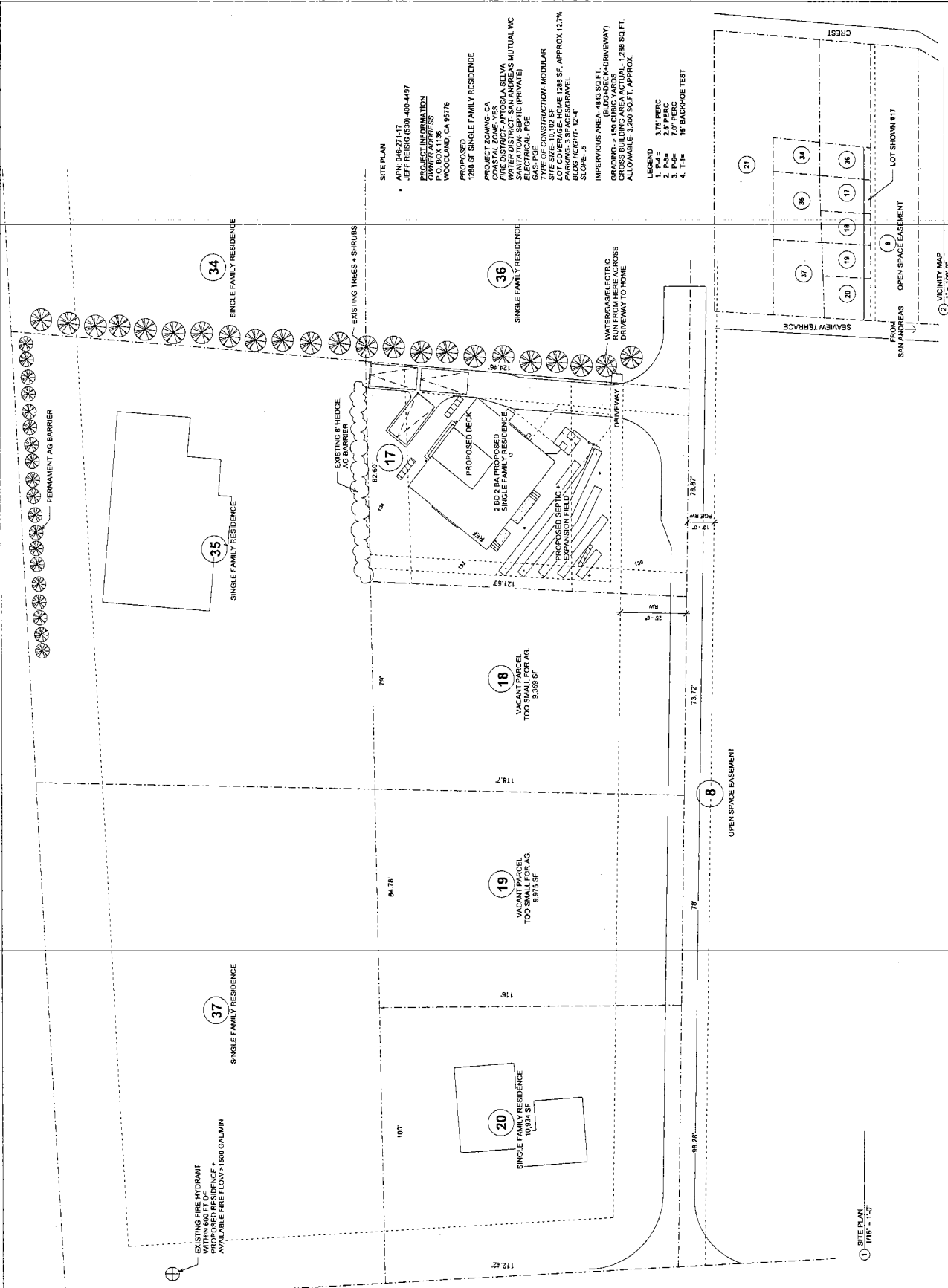
ENERGY ANALYSIS REPORT
Name
Address
Phone

PROJECT: UH SEAVIEW TERRACE
300 FT. S.E. OF 555 SEAVIEW
TERRACE
LA SEAVIEW BEACH, CA 90706
UNINCORPORATED AREA OF THE
CITY OF SAN ANTONIO
Legal Description:
APN-046-271-17

DATE: 06/20/13
DRAWN BY: KZ
CHECKED BY: AS
ISSUE FOR CS: 07-22-13



SHEET NUMBER: A1
SITE PLAN



SEAVIEW TERRACE

EXHIBIT D

7/16/2013 5:10:36 PM

2310 Lincoln Blvd
 Santa Monica, CA 90405
 P: 310.316.5500 F: 310.496.2167
 C: 310.420.5290
 www.kinghomes.net
 kausling@kinghomes.net
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STRUCTURAL ENGINEER
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 Phone

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 address
 phone
 number

MECHANICAL CONSULTANT
 Company Name
 Address
 Phone

CIVIL ENGINEER / LANDSCAPE
 Company Name
 Address
 Phone

SOLAR ENGINEER
 Company Name
 Address
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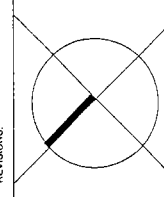
ENERGY ANALYSIS REPORT
 name
 address
 phone
 number

PROJECT:
LH SEAVIEW TERRACE

300 FT. S.E. OF 555 SEAVIEW
 LA SELVA BEACH, CA 90706
 UNINCORPORATED AREA OF THE
 COUNTY OF SANTA CRUZ
 Local Description:
 APN: 046-271-17

DATE: 05/22/13
 DRAWN BY: KZ
 CHECKED BY: AS
 ISSUE FOR: CS 07-22-13

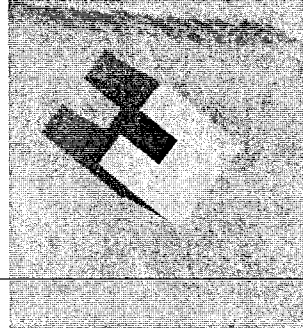
REVISIONS:



SHEET NUMBER:
A1.2
 SHADOW STUDIES



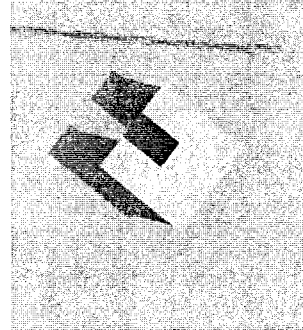
⑤ SUMMER SOLSTICE - 2 PM
 3" = 1'-0"



⑩ WINTER SOLSTICE - 2 PM
 3" = 1'-0"



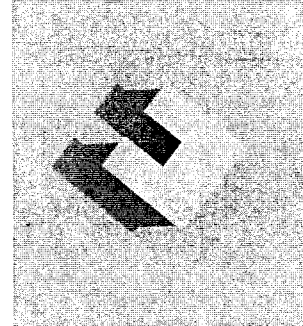
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⑨ WINTER SOLSTICE - 1 PM
 3" = 1'-0"



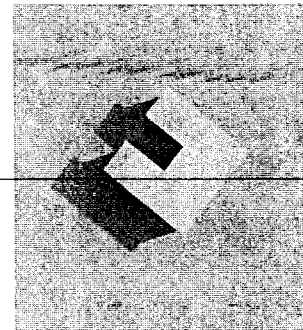
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⑧ WINTER SOLSTICE - 12 PM
 3" = 1'-0"



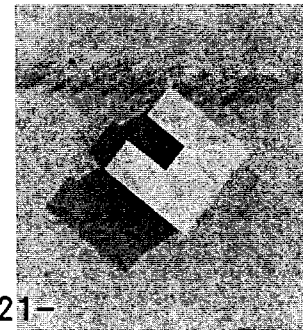
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 3" = 1'-0"



⑦ WINTER SOLSTICE - 11 AM
 3" = 1'-0"



① SUMMER SOLSTICE - 10 AM
 3" = 1'-0"



⑥ WINTER SOLSTICE - 10 AM
 3" = 1'-0"

2010 Lincoln Blvd
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 P: 310.591.8500 F: 310.496.2167
 C: 323.420.5299
 blawie@blawie.com
 blawie@blawie.com

STRUCTURAL ENGINEER
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MECHANICAL/ELECTRICAL ENGINEER
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 Address
 Phone

MECHANICAL CONSULTANT
 Company Name
 Address
 Phone

CIVIL ENGINEER/LANDSCAPE
 Company Name
 Address
 Phone

SOLAR ENGINEER
 Company Name
 Address
 Phone

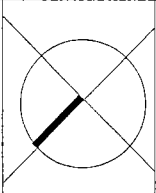
ENERGY ANALYSIS REPORT
 Name
 Address
 Phone

PROJECT:
 LH SEAVIEW TERRACE

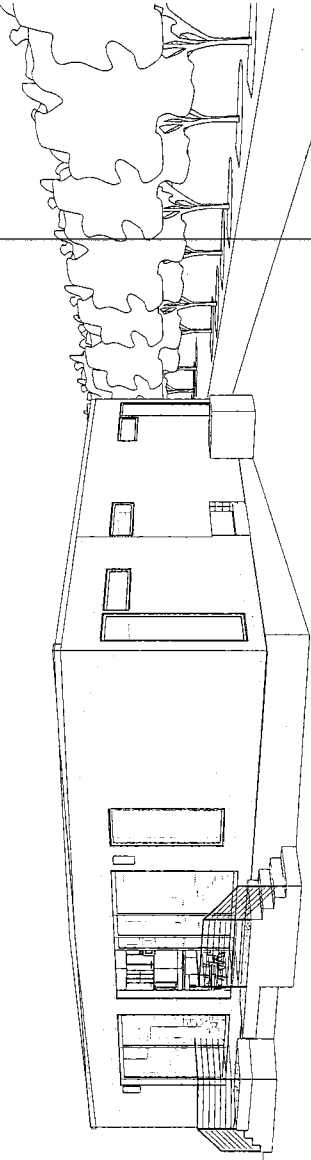
300 FT. S.E. OF 555 SEAVIEW
 TERRACE
 LA SELVA BEACH, CA 95076
 UNINCORPORATED AREA OF THE
 COUNTY OF SAN MATEO
 Legal Description:
 APN: 046-271-17

DATE: 05/22/13
 DRAWN BY: KZ
 CHECKED BY: AS
 ISSUE FOR CS: 07-22-13

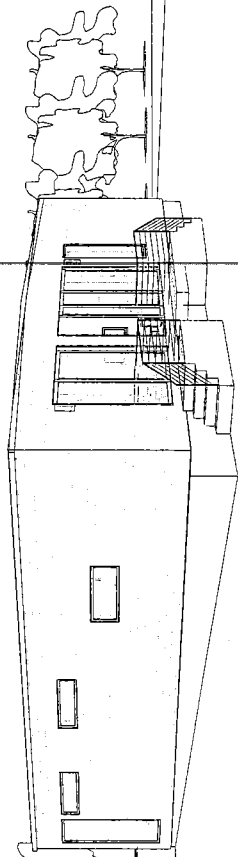
REVISIONS



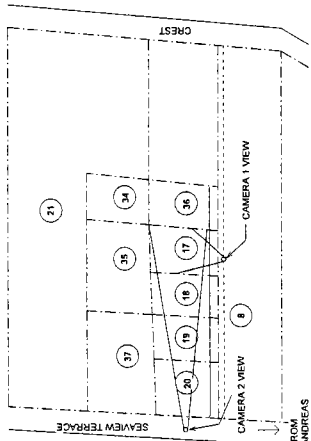
SHEET NUMBER: **A1.3**
 SITE ANALYSIS DIAGRAM



① CAMERA 1 VIEW



② CAMERA 2 VIEW



③ FROM SAN ANDREAS

2145 Lincoln Blvd
 Suite 100, Torrance, CA 90505
 P: 310.581.8500 F: 310.486.2167
 C: 310.581.8501
 www.livinghomes.net
 blausd@livinghomes.net
 amy@livinghomes.net

STRUCTURAL ENGINEER
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 Name
 Address
 Phone

MECHANICAL CONSULTANT
 Company Name
 Address
 Phone

CIVIL ENGINEER / LANDSCAPE
 Company Name
 Address
 Phone

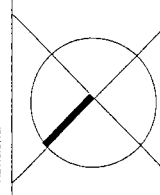
SOLAR ENGINEER
 Company Name
 Address
 Phone

ENERGY ANALYSIS REPORT
 Name
 Address
 Phone
 number

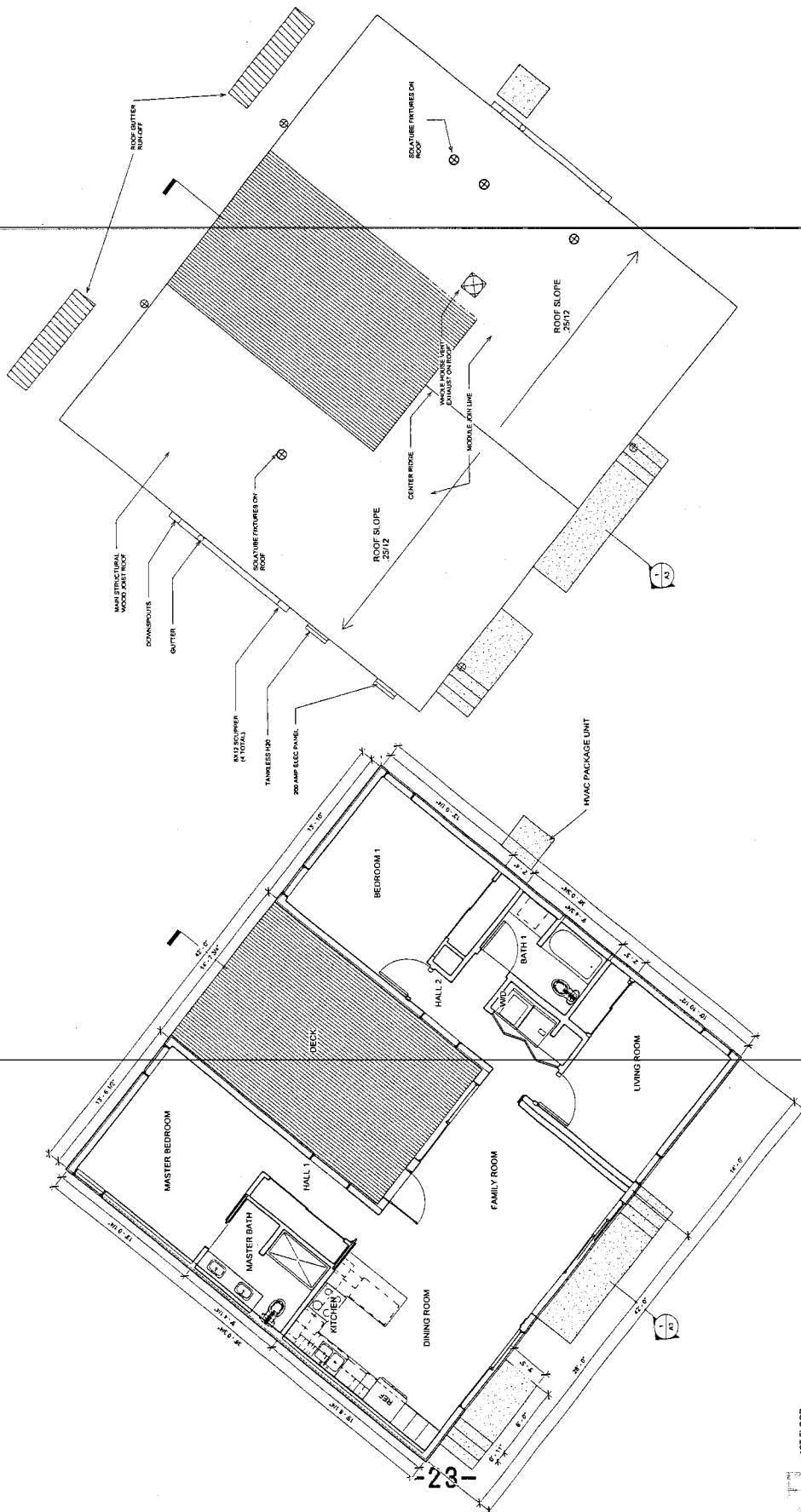
PROJECT:
 LH SEAVIEW TERRACE
 300 FT. S.E. OF 555 SEAVIEW
 TERRACE
 LA BELLA BEACH, CA 90705
 UNINCORPORATED AREA OF THE
 COUNTY OF SANTA CRUZ
 Local Ordinance
 APN: 046-271-17

DATE: 05/20/13
DRAWN BY: AZ
CHECKED BY: AS
ISSUE FOR CS: 07/22/13

REVISIONS



SHEET NUMBER
A2
FLOOR PLAN/ROOF PLAN



1ST FLOOR
 1/4" = 1'-0"

7/16/2013 5:11:22 PM

EXHIBIT D

2910 South Bay
Santa Monica, CA 90405
P 310.581.8500 F 310.486.2167
C 323.420.5299
klaus@livinghomes.net
amy@livinghomes.net

STRUCTURAL ENGINEER
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Phone

MECHANICAL/ELECTRICAL ENGINEER
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address
phone

MECHANICAL CONSULTANT
Company Name
Address
Phone

CIVIL ENGINEER / LANDSCAPE
Company Name
Address
Phone

SOLAR ENGINEER
Company Name
Address
Phone

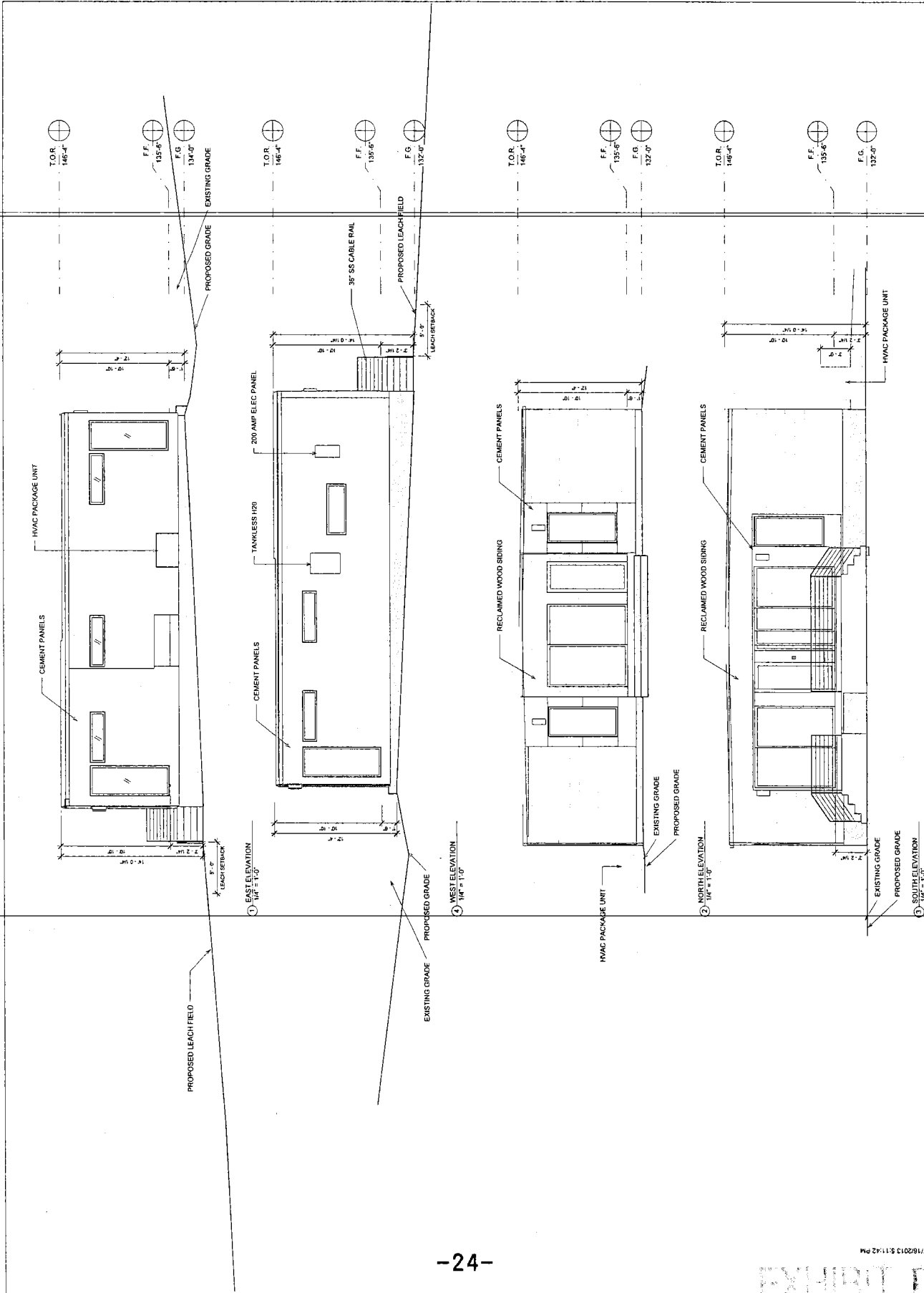
ENERGY ANALYSIS REPORT
name
address
number

PROJECT:
LH SEAVIEW TERRACE
300 FT. S.E. OF 545 SEAVIEW
TERRACE
LA SELVA BEACH, CA 90775
UNINCORPORATED AREA OF THE
CITY OF SANTA CRUZ
Legal Description
APN 046-271-17

DATE: 08/22/13
DRAWN BY: KZ
CHECKED BY: AS
ISSUE FOR CS: 07-22-13

REVISIONS:

SHEET NUMBER:
A2.1
ELEVATIONS



2510 Erwin Blvd
 Santa Monica, CA 90405
 P: 310.591.8550 F: 310.495.2187
 www.kingphones.net
 king@kingphones.net
 amy@kingphones.net

STRUCTURAL ENGINEER
 Company Name
 Address
 Phone

MECHANICAL/ELECTRICAL ENGINEER
 name
 address
 phone number

MECHANICAL CONSULTANT
 Company Name
 Address
 Phone

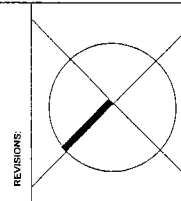
CIVIL ENGINEER / LANDSCAPE
 Company Name
 Address
 Phone

SOLAR ENGINEER
 Company Name
 Address
 Phone

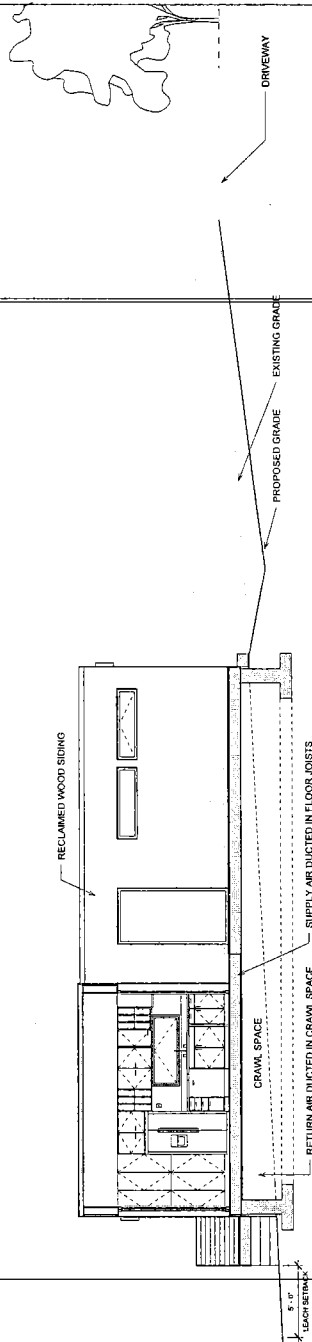
ENERGY ANALYSIS REPORT
 name
 address
 phone number

PROJECT:
LH SEAVIEW TERRACE
 300 FT. S.E. OF 565 SEAVIEW
 TERRACE
 LA BELVA BEACH, CA 90705
 UNINCORPORATED AREA OF THE
 CITY OF LA BELVA BEACH, CA
 Legal Description:
 APN: 046-271-17

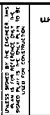
DATE: 05/20/13
DRAWN BY: KZ
CHECKED BY: AS
ISSUE FOR CS: 07-22-13



A3
 SHEET NUMBER:
 SECTION



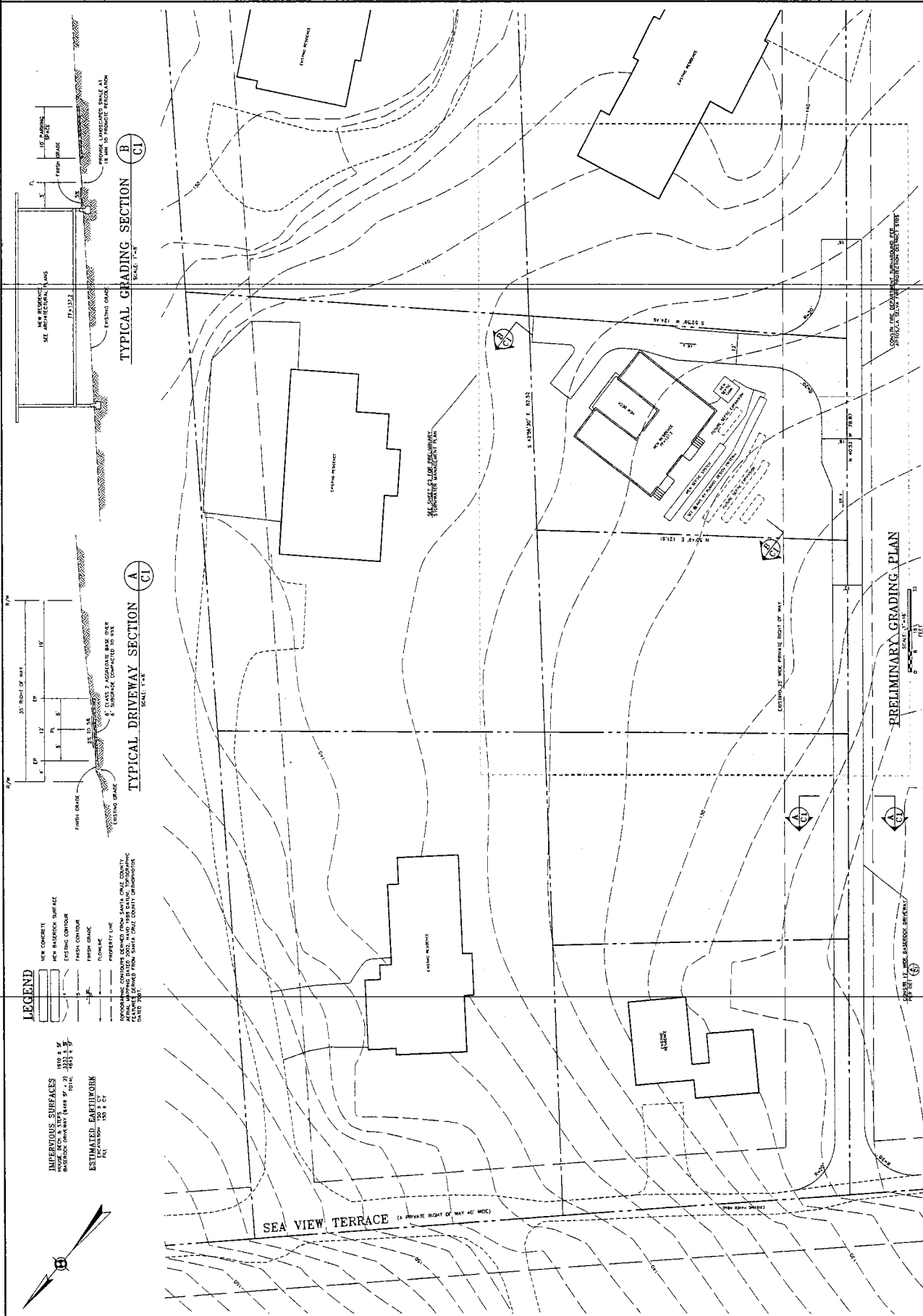
Section 1
 1/4" = 1'-0"

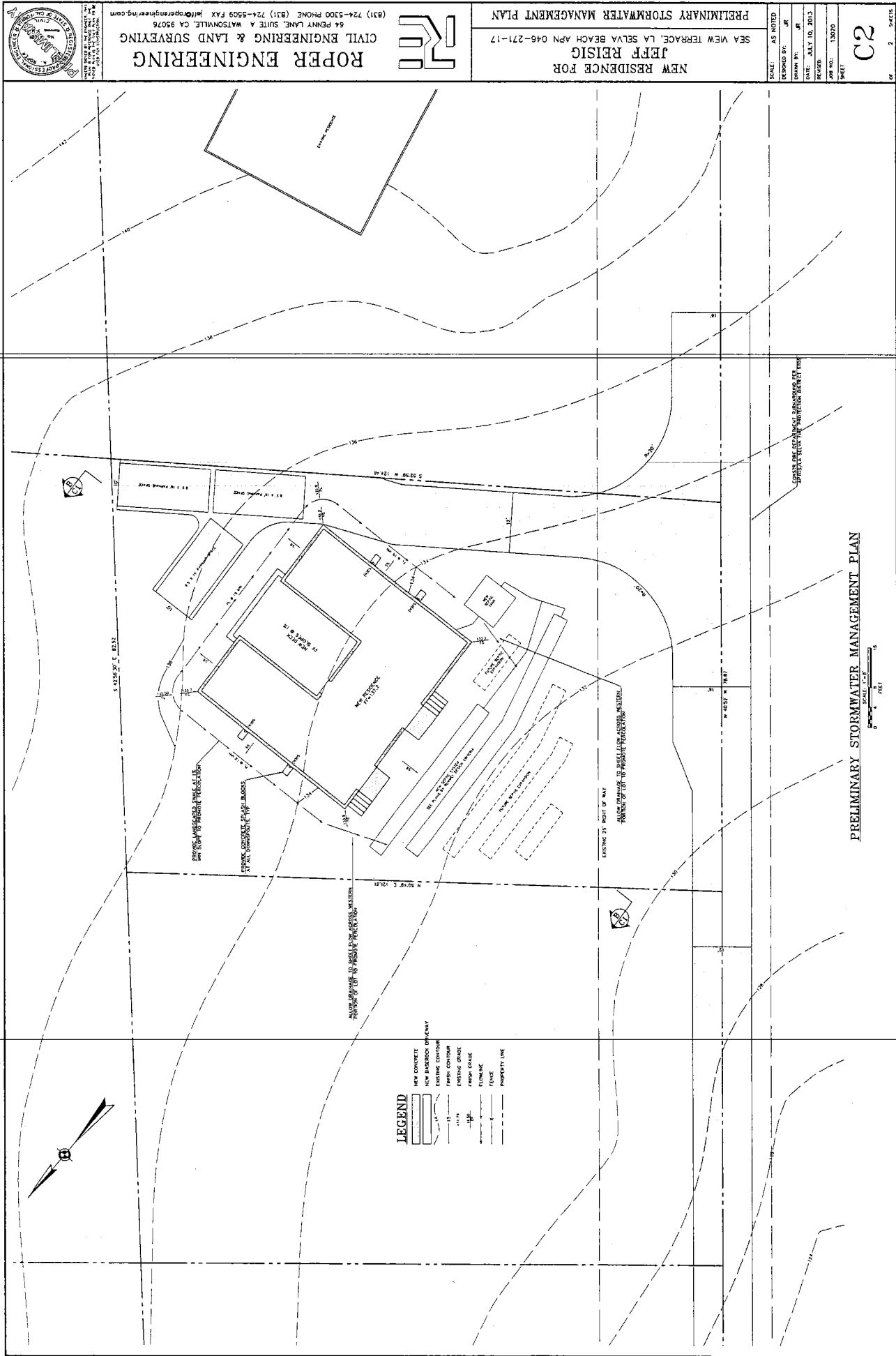


SCALE:	AS NOTED
DESIGNED BY:	JR
DRAWN BY:	JR
DATE:	JULY 10, 2013
REVIEWED:	
JOB NO.:	13020

OF ? CASE 15

SHEET C1





ROPER ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING
64 PENNY LANE, SUITE A, WATSONVILLE, CA 95076
(831) 724-5300 PHONE (831) 724-5509 FAX info@roperengineering.com

NEW RESIDENCE FOR JEFF REISIG
SEA VIEW TERRACE, LA SELVA BEACH, APN 046-271-17
PRELIMINARY STORMWATER MANAGEMENT PLAN

SCALE: AS NOTED
SHEET NO. 1
DATE: JULY 10, 2013
DRAWN BY: JLR
CHECKED BY: JLR
PROJECT NO. 13020
SHEET NO. 1




C2
2 OF 2 SHEETS

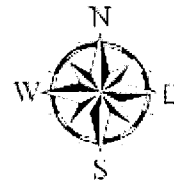


Location Map



LEGEND

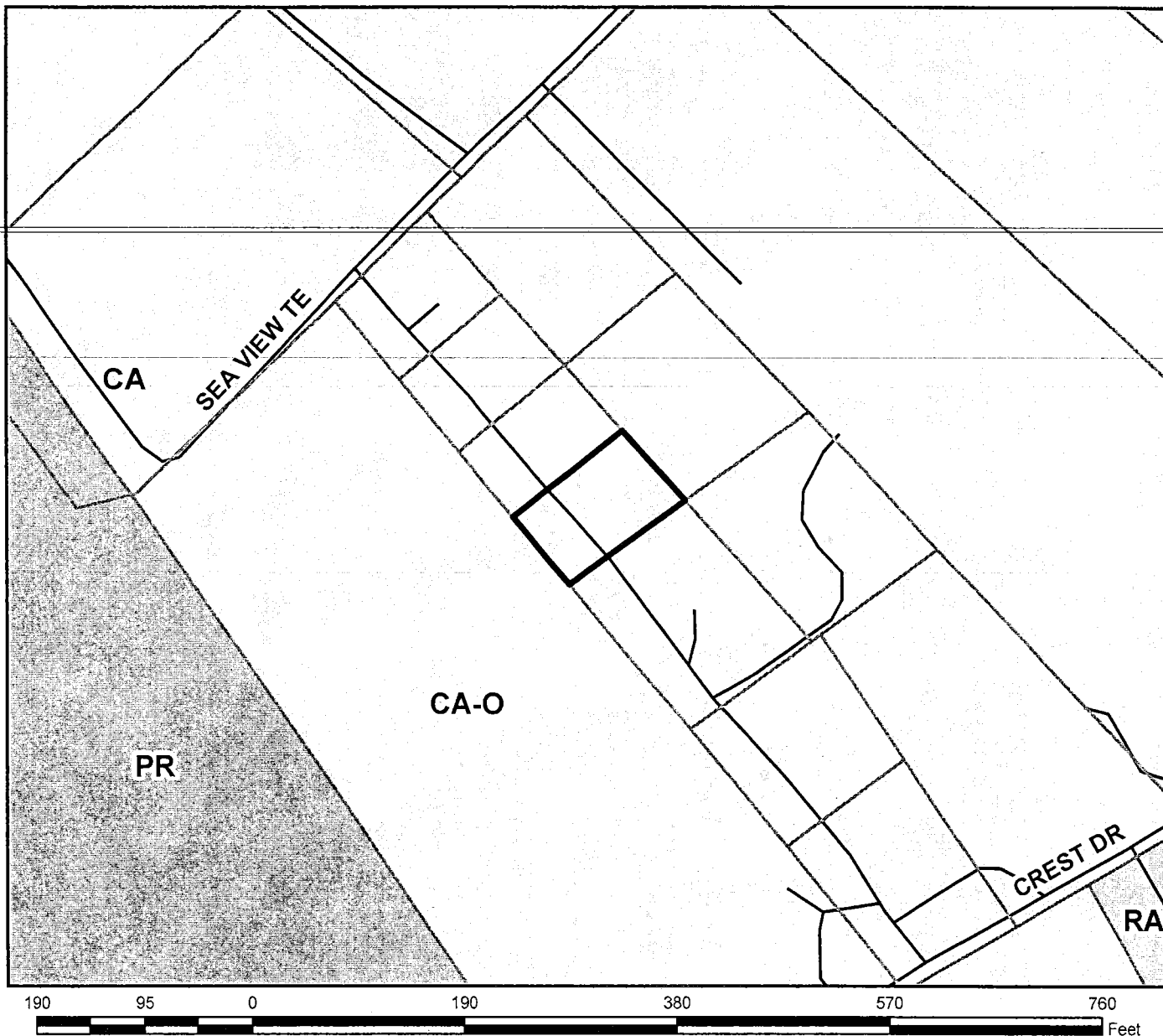
-  APN: 046-271-17
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
August 2013



Zoning Map



LEGEND



APN: 046-271-17



Assessors Parcels



Streets

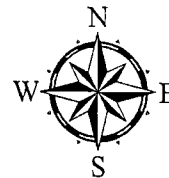
AGRICULTURE COMMERCIAL



AGRICULTURE RESIDENTIAL



PARK








Map Created by
County of Santa Cruz
Planning Department
August 2013

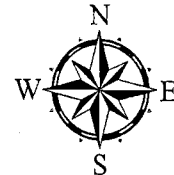


General Plan Designation Map



LEGEND

-  APN: 046-271-17
-  Assessors Parcels
-  Streets
-  Agriculture
-  Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
August 2013



Staff Report Parcel Legality / Certificate of Compliance Level 3 – Administrative Review

Application Number: 08-0117
Applicant: Peter Spellman
Site Address: No Situs

APN(s): 046-271-17; 046-271-18
Owner: Hinton

Exhibits

- A. Chain of Title with associated documents and maps (On file with the Planning Department)
- B. Unconditional Certificate(s) of Compliance

Proposal & Location

The proposal is to establish the legality of two contiguous parcels. This application is a request for a Parcel Legality Determination / Certificate of Compliance.

Property located on a private road about 200 feet from Sea View Terrace and about .5 mile from Crest Drive.

Background

The application is for a determination that two parcels, identified as Assessor's Parcel Number(s) 046-271-17 and 046-271-18, are separate legal lots. Assessor's Parcel Number(s) 046-271-17 and 046-271-18 are noted by the Assessor's office as unimproved vacant parcels.

Analysis

Assessor's Parcel Number(s) 046-271-17 and 046-271-18 were evaluated as to whether the parcel(s) in question could be presumed to be lawfully created pursuant to Government Code Section 66412.6 and entitled to an Unconditional Certificate of Compliance pursuant to Government Code Section 66499.35 and Santa Cruz County Code Section 14.01.109 and 14.01.110.

Parcel History

The chain of title submitted by the applicant indicates that APNs 046-271-17 and 046-271-18 were created by deed instruments. The following is a brief history of the parcel(s):

9/7/1951

837 OR 449; Duffield to Fisher; Parcel of origin

2/16/1961

1373 OR 575; Fisher to Coyle; Divided Fisher parcel into two parcels. Created a 2.967 acre parcel. This parcel was divided by deeds over time to create a total of 12 parcels, including the two parcels in question.

Parcel One (APN 046-271-17)

9/27/1961

1427 OR 42; Coyle to Glaum; Divided 2.967 acre parcel into two parcels.

6/26/1962

1478 OR 626; Glaum to Parker & Nielsen; Divided Glaum parcel.

12/13/1963

1585 OR 61; SC Land & Title to Parker & Nielsen; **This instrument created APN 046-271-17**

4/7/1977

2743 OR 50; Nielsen to Parker; Transferred parcel in current configuration (APN 046-271-17).

5/11/1982

3442 OR 161; Parker to Parker Trust; Transferred parcel in current configuration (APN 046-271-17).

11/15/1988

4416 OR 843; Parker Trust to Sheppard & Reisig (Hinton); Transferred two separately described parcels in current configuration (APNs 046-271-15 & 17). (APN 046-271-15 was later combined with APN 046-271-16 to create APN 046-271-36.)

Parcel Two (APN 046-271-18)

9/27/1961

1427 OR 45; Coyle to Carter; Divided 2.967 acre parcel into two parcels.

6/26/1962

1478 OR 637; Carter to Parker & Nielsen; **This instrument created APN 046-271-18**

4/7/1977

2743 OR 47; Parker to Nielsen; Transferred parcel in current configuration (APN 046-271-18).

10/30/1985

3901 OR 395; Nielsen to Nielsen; Affidavit of Death. Transferred parcel in current configuration (APN 046-271-18).

11/15/1988

4416 OR 846; Nielsen to Sheppard & Reisig (Hinton); Transferred two separately described parcels in current configuration (APNs 046-271-16 & 18). (APN 046-271-16 was later combined with APN 046-271-15 to create APN 046-271-36.)

Parcels One & Two (APNs 046-271-17 & 18)

9/11/1992

5105 OR 555, 559 & 563; Sheppard & Hinton to Hinton; Transferred two separately described parcels in current configuration (APNs 046-271-17 & 18).

6/6/1997

1997-26703; Hinton to Hinton Trust; Transferred two separately described parcels in current configuration (APNs 046-271-17 & 18).

Historically, the lots have been transferred together for many years. Evidence was submitted which clearly shows that the parcels known as APN(s) 046-271-17 and 046-271-18 were described in separate deed instruments in 1962 (APN 046-271-18) and 1963 (APN 046-271-17), and not later combined. No more than four parcels were created by deed within a one year period. Therefore, the two parcels were legally created.

Site Improvements

The Assessor's records indicate the following:

APN: 046-271-17

This property is not improved per the Assessor's records.

APN: 046-271-18

This property is not improved per the Assessor's records.

Development Approvals

There are no known development approvals issued by the County for either site.

Zoning

The following is a brief zoning history affecting the site.

Ordinance 484 effective May 24, 1956

This was the Interim Zoning Ordinance for the County of Santa Cruz. Section 8 of Ordinance 484 placed the entire County in the U (Unclassified) zone district, if not specifically placed in another zone district. The U (Unclassified) zone district required a minimum of 6,000 square feet for the creation of new parcels.

Ordinance 936 adopted February 3, 1964

This ordinance placed the property in the A-5 (Agriculture - 5 acre minimum) zone district.

Analysis

No evidence was found to indicate that the parcels were described as a part of another parcel within one metes and bounds description, which included a statement within the deeds indicating that it was the intent of that document to combine the property as, required by the Civil Code Section 1093 or was combined by a record of survey map with another parcel either at the request of the owner or by the action of the owner. Finally, based upon County Code Section 14.01.111, and the applicable provisions of the Government Code Section 66451, the parcel is not subject to merger.

County Code Section 14.01.109(a) states that a parcel qualifies for an Unconditional Certificate of Compliance if:

The real property in question complies with the provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto as follows:

(1) The subject property was conveyed by a separate document as a separate parcel on or before January 20, 1972.

Evidence was submitted indicating that the two parcels were described within separate deed instruments or actions transferring the individual parcels (creation of the parcel) prior to January 20, 1972.

(2) The parcel in question complied with the provisions of the Subdivision Map Act at the time of its creation.

No evidence was found to indicate that the parcels did not comply with the applicable provisions of the State Map Act at the time the parcel was created.

~~(3) At the time the contract, deed or other document creating the subject parcel was~~
signed, the subject parcel complied with the applicable County ordinances then in effect, including (without limitation) the parcel size required by the then applicable zone district.

The two parcels complied with the applicable standards in effect at the time the parcels were created.

(4) The parcel in question has not been combined by the owner, and is not subject to merger.

No evidence was found that the parcels have been combined by the action of the owner and the parcels are not subject to merger as outlined in section 14.01.111 (b) 2 of the County Code and 66451.302 of the Government Code.

Summary Conclusion

Based upon the evidence submitted, the two parcel(s) meet the criteria contained within section 14.01.109 and 14.01.110 of the County Code and the applicable sections of the State Map Act to be considered as individual parcel(s).

Therefore, Assessor's Parcel Number(s) 046-271-17 and 046-271-18 constitute two legal parcel(s) and warrant the recording of Unconditional Certificate(s) of Compliance.

Staff Recommendation

It has been determined that Assessor's Parcel Number(s) constitute two legal parcel(s).

~~It is therefore RECOMMENDED that Unconditional Certificate(s) of Compliance be issued for~~
two legal parcel(s).

The Planning Department has taken administrative action on your application as follows:

 X Approved (if not appealed).

 Denied (based on the attached findings).


NOTE: This decision is final unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**Please note: This permit will expire unless exercised prior to the expiration date.
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact Randall Adams at:
(831) 454-3218 or randall.adams@co.santa-cruz.ca.us

Report Prepared By: _____


Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By: _____

 12-11-2008
Don Bussey
Zoning Administrator
Santa Cruz County Planning Department

Mail to:

Peter Spellman
102 Green Street
Santa Cruz, Ca 95060

Appeals

In accordance with Section 18.10.300 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level III project such as this one. Appeals of administrative decisions of are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis on which the decision is to be considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of publication of the action from which the appeal is being taken or the date on which the notices are mailed, whichever is later and must be accompanied by the appropriate filing fee.



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **131236**

Applicant: Jeff Reisig

Date: 9/19/2013

Owner: Jeff Reisig

Agenda Item #: 6

APN: 046-271-17

Time: 1:30 p.m.

Project Description: Proposal to construct a one story, 1,288 square foot, single family dwelling. Requires an Agricultural Buffer Reduction to locate the house within the required 200 foot buffer from land zoned Commercial Agriculture (APN's 046-271-34, 046-271-35, 046-271-36, 046-271-08, and 046-271-18).

Location: The property is located on the north and south side of an un-named right-of-way, approximately 300 feet east of Seaview Terrace, approximately ½ mile southwest of San Andreas Road within the San Andreas Planning area.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Recommendation to the Zoning Administrator to Approve Application 131236, based on the attached findings and conditions.

Exhibits

- | | |
|------------------|------------------------------------|
| A. Findings | D. Assessor's and Location Map |
| B. Conditions | E. Open Space Easement Contract on |
| C. Project plans | APN 046-271-08 |

Parcel Information

Parcel Size:	10,105 square feet (.23 acres)
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Open Space Easement to southwest Residential to north, northeast, southeast Vacant property to northwest
Project Access:	Unnamed 35 foot right-of-way (25 r/w, 10 PG&E r/w)
Planning Area:	San Andreas
Land Use Designation:	A (Agriculture)

Zone District: CA (Commercial Agricultural)
Supervisory District: 2 (District Supervisor: Zach Friend)
Within Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: San Andreas Water Company: Will Service letter approved
Sewage Disposal: Septic system approved by Environmental Health
Fire District: Aptos La Selva Fire Protection District
Drainage District: Zone 4 Drainage

Analysis and Discussion

The proposed project is to construct a one story single family dwelling of approximately 1,288 square feet on a 10,105 square foot (.23 acres) parcel. The project is located on an unnamed 35 foot right of way that follows the southwest edge of the property. The building site is within the required 200 foot buffer from land zoned Commercial Agriculture on APN's 046-271-34, 046-271-35, 046-271-36, 046-271-08, and 046-271-18. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 28 feet, 15 feet, 10 feet, , fifty one feet six inches, and 13 feet eleven inches respectively.

The parcel is located within the Agriculture (A) General Plan designation and the implementing zone district is (CA) Commercial Agricultural. Commercial Agriculture zoned land is situated within 200 feet of the parcel on Assessor's Parcel Number 046-271-34, 046-271-35, 046-271-36, 046-271-08, and 046-271-18.

The subject property is characterized by 0 to 5 percent topography sloping from north to southwest and is surrounded by nine similarly sized small non-agriculturally viable commercial agriculturally zoned parcels, with exception of the property located to the southwest (APN 046-271-08), which is approximately 4 acres in size, and developed with a single family dwelling that remains unfarmed and contains an open space easement contract. Provisions of this contract allow for farming of existing farmed portions, protection of the view-shed of surrounding properties, and maintenance of existing vegetation. See attached open space easement contract (Exhibit E).

Previous agricultural buffer determinations approved by your commission have concluded that the strip of smaller properties surrounding the subject property are too small to be agriculturally viable as they are no greater than 10,000 to 20,000 square feet in size and largely developed with residential dwellings. As a result vegetative barriers have not been determined to be necessary to be planted between these properties as no agricultural activity occurs or may occur on them, and they serve as a larger buffer to agricultural activity in the vicinity.

One such example is on APN 046-271-36 (Permit 91-0082) where your Commission concluded that a vegetative buffer along the southern property line would be in conflict with the language of the open space easement contract on APN 046-271-08 and precludes views of Monterey Bay.

This open space easement contract allows farming, but precludes farming of areas previously unfarmed. It also requires the retention and maintenance of existing vegetation and protection of the existing view-shed for adjoining properties. Thus, your Commission concluded that a vegetative barrier was not required between these properties.

With regard to the proposed development, there is adequate natural vegetation on APN 046-271-08 to provide an agricultural buffer between the proposed development and APN 046-271-08 in the event that farming occurs elsewhere on APN 046-271-08. It is recommended that the proposed project only be required to record a Statement of Acknowledgement prior to issuance of a building permit identifying that this development may be subject to agricultural zoning use conflicts in the vicinity of the property. This protects agricultural operations on larger parcels located in the vicinity of this group of small unfarmed commercial agriculturally zoned properties.

Recommendation

- Staff recommends that your Commission recommend that the Zoning Administrator **APPROVE** the Agricultural Buffer Reduction from 200 feet to 28 feet of APN 046-271-34, 15 feet of APN 046-271-35, 10 feet of APN 046-271-36, fifty one feet 6 inches of APN 046-271-08, and thirteen feet eleven inches of 046-271-18 proposed under Application # 131236, 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

Report Prepared By: Sheila McDaniel
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2255
E-mail: sheila.mcdaniel@co.santa-cruz.ca.us

Report Reviewed By: Steven Guiney, AICP
Principal Planner
Development Review

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to 28 feet of APN 046-271-34, 15 feet of APN 046-271-35, 10 feet of APN 046-271-36, thirteen feet eleven inches of 046-271-18, and fifty one feet 6 inches of APN 046-271-08. 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 Coastal Permit, Building Permit, and a Grading Permit for the proposed project from the Santa Cruz County Planning Department.
 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.
- 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 "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. A development setback of a minimum 28 feet to APN 046-271-34, 15 feet to APN 046-271-35, 10 feet to APN 046-271-36, thirteen feet eleven inches to 046-271-18, and fifty one feet six inches to APN 046-271-08.
 - B. The owner shall record a Statement of Acknowledgement, 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. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.

- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.

IV. Operational Conditions

- A. All required Agricultural Buffer Setbacks shall be maintained.
 - B. In the event that future County inspections of the subject property disclose non-compliance 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, 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 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 or if additional discretionary permits are required for the above permitted project, this permit shall expire on the same date as any subsequent approved discretionary permit(s) 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: _____

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

10062

COMPARED

OPEN-SPACE EASEMENT CONTRACT

THIS DEED, executed this 21st day of February, 1978 ,
by and between George W. Hippeli and Patricia M. Folger, as GRANTOR, and
the COUNTY OF SANTA CRUZ, as GRANTEE,

WITNESSETH:

WHEREAS, Grantor is the owner in fee of the real property
hereinafter described, situated in Santa Cruz County, California, and

~~WHEREAS, Grantor and Grantee desire to preserve and con-~~
serve for the public benefit the natural scenic beauty and existing
openness of said property, and

WHEREAS, Grantor is willing to grant to Grantee an open-
space easement, as hereinafter expressed, in said property, and
thereby protect its present scenic beauty and existing openness by
the restricted use and enjoyment of said property by the Grantor
and his successors in interest or assigns through the imposition
of the conditions hereinafter expressed, and

WHEREAS, Grantor approves the rezoning of said property to a
District classification consistent with the limitations of use and
density contained within this instrument and to the O (Open-Space
Easement) Combining District for the purpose of identification on
the Sectional District Map;

NOW, THEREFORE, for and in consideration of the premises,
the Grantor does hereby grant and convey unto the County of Santa
Cruz an estate, interest and open-space easement in said real property
of grantor of the nature and character and to the extent hereinafter
expressed, which estate, interest and easement will result from the
restrictions hereby imposed upon the use of said property by Grantor,
and to that end and for the purpose of accomplishing the intent of
the parties hereto, Grantor covenants on behalf of himself, his
heirs, successors and assigns with the said Grantee, its successors
and assigns to do and refrain from doing severally and collectively
upon the Grantor's said property the various acts hereinafter mentioned.
The restrictions hereby imposed upon the use of said property of
the Grantor and the acts which Grantor shall refrain from doing upon
said property in connection therewith are, and shall be, as follows:

EXHIBIT G

EXHIBIT

B of

1. That no new buildings or structures as defined in the Santa Cruz County Zoning Ordinance will be placed or erected upon said property nor shall utility poles or lines be located on or pass through said property.

EXCEPTIONS: Appurtenant accessory buildings and fencing

THE EXCEPTIONS DO NOT GRANT ANY DEVELOPMENT RIGHTS, AND ANY DEVELOPMENT REQUESTED MAY OR MAY NOT BE ACCEPTABLE TO THE COUNTY

2. All new construction shall be reviewed by the Open Space Programs Committee with right of appeal to the Planning Commission. All structures should be compatible with the intent of this contract; specific concerns include location of the site, screening and landscaping, exterior finishing materials and the colors, and general harmony with the character of the area.

3. That no advertising of any kind or nature shall be located on or within said property except for identification and for the sale of products produced on the site consistent with the purpose of this instrument.

4. That the Grantor shall not plant nor permit to be planted any vegetation upon said property except normal farming on presently cleared areas farmed in the past, reforestation and planting of native California vegetation, normal landscaping and screening of homesites and farming area and facilities consistent with the purposes of this instrument.

5. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian (hiking, equestrian and bicycle) trails, and the development of ponds for wildlife and fire protection, normal excavation for farming and building, development of sanitation and water facilities needed, measures needed to prevent erosion and provide for fire protection, the general topography and natural vegetation of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made. Normal maintenance and replacement of existing structures shall be permitted. Cutting of timber, trees and other natural growth as may be required for fire prevention, thinning, elimination of diseased growth and similar protective measures, or for the harvest of trees in a manner

compatible with scenic purposes shall be permitted. (Section 51054, Government Code)

6. That no use of said described property which will or does materially alter the landscape or other attractive scenic and open space features of said property other than those specified above shall be done or suffered. There shall be no deposition or accumulation of trash, garbage, or unsightly or offensive materials upon such land described.

7. Grantee shall not make any payment to Grantor for the conveyance of the open-space easement described above, it being recognized and agreed between the parties that the consideration for this conveyance is the substantial public benefit to be derived therefrom and the advantage which will accrue to Grantor in the event of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.

8. The property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situate in the County of Santa Cruz, State of California, and is particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Excepting and reserving to the Grantor:

- (1) The right to maintain all existing private roads, bridges, trails, and structures upon said land and the right to construct items as previously listed.
- (2) The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

9. If at any time the property herein described, or any portion thereof, shall be selected for condemnation by any public agency or public utility, including the Grantee, then and in that event the easement created by this conveyance shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and shall revert to and vest in the Grantor, its successors in interest, or assigns.

10. The conveyance by Grantor to Grantee of an open-space easement in the property described above is for a term of ten (10) years from the date of execution of this instrument. The term of the open-space easement shall be automatically renewed on the anniversary date of the execution of this instrument for an additional one (1) year period, thus maintaining the term of the open-space easement at ten (10) years, unless notice of non-renewal is given as provided below.

11. If either the Grantor or the Grantee desires in any year not to renew the open-space easement, that party shall serve written notice of nonrenewal of the easement upon the other party at least ninety (90) days in advance of the annual renewal date of the open-space easement. Unless such written notice is served at least 90 days in advance of the renewal date, the open-space easement shall be considered renewed as hereinabove provided.

Upon receipt by the Grantor of a notice from the Grantee of nonrenewal, the Grantor may make a written protest of the notice of nonrenewal. The Grantee may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

If the Grantor or the Grantee serves notice of intent in any year not to renew the open-space easement, the existing open-space easement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the open-space easement, as the case may be.

12. The Grantor may petition the governing body of the Grantee for abandonment of any open-space easement as to all of the subject land. The governing body may approve the abandonment of an open-space easement only if, by resolution, it finds:

- (1) That no public purpose described in Section 51084 will be served by keeping the land as open space; and
- (2) That the abandonment is not inconsistent with the purposes of this chapter; and
- (3) That the abandonment is consistent with the local general plan; and

- (4) That the abandonment is necessary to avoid a substantial financial hardship to the landowner due to involuntary factors unique to him.

No resolution abandoning an open-space easement shall be finally adopted until the matter has been referred to the local planning commission, the commission has held a public hearing thereon and furnished a report on the matter to the governing body stating whether the abandonment is consistent with the local general plan and the governing body has held at least one public hearing thereon after giving 30 days' notice thereof by publication in accordance with Section 6061 of the Government Code, and by posting notice on the land.

Prior to approval of the resolution abandoning an open-space easement, the county assessor of the county in which the land subject to the open-space easement is located shall determine the full cash value of the land as though it were free of the open-space easement. The assessor shall multiply such value by 25 per cent, and shall certify the product to the governing body as the abandonment valuation of the land for the purpose of determining the abandonment fee.

Prior to giving approval to the abandonment of any open-space easement, the governing body shall determine and certify to the county auditor the amount of the abandonment fee which the landowner must pay the county treasurer upon abandonment. That fee shall be an amount equal to 50 per cent of the abandonment valuation of the property.

~~Any sum collected pursuant to this section shall be~~
transmitted by the county treasurer to the State Controller and be deposited in the State General Fund.

An abandonment shall not become effective until the abandonment fee has been paid in full.

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-4-

NO DEPOSIT REQUESTED

FEB 29 4 15 PM '78

OFFICIAL RECORDS
SANTA CRUZ COUNTY
RICHARD S. NEAL
RECORDER

010062

EXHIBIT G
EXHIBIT

13. The open-space easement conveyed by this instrument shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

George W. Hippeli
GEORGE W. HIPPELI GRANTOR

Patricia M. Folger
PATRICIA M. FOLGER GRANTOR

COUNTY OF SANTA CRUZ

By Edward F. Borovitz
GRANTEE

APPROVED AS TO FORM:

Dwight L. Herr
DWIGHT L. HERR
Assistant County Counsel

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CRUZ)

On this 28th day of February, in the year 1978, before me RICHARD C. NEAL County Clerk and Ex-Officio Clerk of the Board of Supervisors, personally appeared EDWARD F. BOROVITZ, known to me to be the Chairman of the Board of Supervisors of the County of Santa Cruz, a political subdivision of the State of California, and known to me to be the person who executed the within instrument on behalf of said political subdivision, and acknowledged to me that such political subdivision executed the same.

RICHARD C. NEAL, COUNTY CLERK AND

STATE OF CALIFORNIA, } BOOK 2879 PAGE 218
City & County of San Francisco } SS:
On this 23rd day of February, in the year one thousand nine hundred and 1978, before me, Norma Lee Jones, a Notary Public, State of California, duly commissioned and sworn, personally appeared George W. Hippeli and Patricia M. Folger known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City & County of San Francisco the day and year in this certificate first above written.

Norma Lee Jones
-48- Notary Public, State of California.
My Commission Expires August 1, 1980



EXHIBIT G
EXHIBIT H

EXHIBIT "A"

SITUATE in the County of Santa Cruz, State of California.

PARCEL ONE:

BEGINNING on the centerline of a right of way 50 feet in width and known as Sea View Terrace at the most Western corner of the lands described in the Deed to E. E. Fisher, et ux., recorded September 7, 1951 in Volume 837, Page 449, Official Records of Santa Cruz County; thence along the southwestern boundary line of said lands of Fisher South 40° 52' East 792.61 feet to the Southern corner thereof on the Southern boundary line of Lot 42 of the San Andreas Rancho; thence along the boundary lines thereof South 58° 36' West 247.50 feet to an angle point; thence continuing along said boundary line Westerly 78.55 feet to the most Southern corner of said Lot 42; thence along the Southwestern boundary line North 36° 48' 45" West 694.50 feet to the centerline of said Sea View Terrace; thence along said last mentioned boundary line North 58° 36' East 263.84 feet to the point of beginning.

PARCEL TWO:

A right of way 50 feet in width, appurtenant to Parcel One, described by its centerline as follows:

BEGINNING at the most Southerly corner of Parcel One above described; thence along the Southerly boundary of Parcel One Easterly 78.55 feet to an angle; thence North 58° 36' East 2967.59 feet to San Andreas Road as set out in various deeds of record.

PARCEL THREE:

A right of way, appurtenant to Parcel One, over a strip of land 40.00 feet in width described by the centerline:

BEGINNING at the Northwestern or most Western corner of the above described parcel and running North 44° 51' East 1416.54 feet to the beginning of a curve; thence on a curve to the right having a radius of 200.00 feet through an angle of 69° 54' an arc distance of 244.00 feet to a point of tangency; thence South 65° 25' East 1171.54 feet to a station on the centerline of the above described 50.00 foot right of way, as set out in various deeds of record.

EXHIBIT "A" continued

PARCEL FOUR:

A right of way, appurtenant to Parcel One, 10 feet in width at right angles for road and utilities purposes, the Southeasterly boundary line of which is the Southwesterly boundary line of the land conveyed by W. A. Duffield, et ux., to E. E. Fisher, et ux., by Deed dated July 23, 1951, recorded September 7, 1951 in Volume 837, Page 449, Official Records of Santa Cruz County, extending from the centerline of a 50 foot roadway on the East to the centerline of a 40 foot roadway on the West, as set out in the Deed from E. E. Fisher, et ux., to W. A. Duffield, et ux., recorded February 16, 1961 in Volume 1373, Page 573, Official Records of Santa Cruz County.

PARCEL 46-271-08



Discretionary Application Comments 131221

APN 046-271-17

Your plans have been sent to several agencies for review. The comments that were received are printed below. Please read each comment, noting who the reviewer is and which of the three categories (Completeness, Policy Considerations/Compliance, and Permit Conditions/Additional Information) the comment is in.

Completeness: A comment in this section indicates that your application is lacking certain information that is necessary for your plans to be reviewed and your project to proceed.

Policy Considerations/Compliance: Comments in this section indicate that there are conflicts or possible conflicts between your project and the County General Plan, County Code, and/or Design Criteria. We recommend that you address these issues with the project planner and the reviewer before investing in revising your plans in any particular direction.

Permit Conditions/Additional Information: These comments are for your information. No action is required at this time. You may contact the project planner or the reviewer for clarification if needed.

Coastal Commission Review

Routing No: 1 | Review Date: 08/27/2013

SHEILA MCDANIEL (SMCDANIEL) : No Response

Routing No: 2 | Review Date: 08/30/2013

SHEILA MCDANIEL (SMCDANIEL) : Not Required

Environmental Planning

Routing No: 1 | Review Date: 08/22/2013

ROBERT LOVELAND (RLOVELAND) : Complete

NOTE TO PLANNER: No biotic constraints identified on the parcel.

Conditions of Approval:

1. Submit three original signed/stamped soils reports, completed by a California licensed geotechnical engineer, for review and approval.
2. Submit a detailed grading/drainage plan completed by a licensed civil engineer for review and approval.
3. Submit a detailed erosion/sediment control plan for review and approval.

Fire Review

Routing No: 1 | Review Date: 08/21/2013

ERIN COLLINS (ECOLLINS) : Complete

Aptos/La Selva Fire Department has reviewed the plans for the above cited project

EXHIBIT 113



Fire Review

Routing No: 1 | Review Date: 08/21/2013

ERIN COLLINS (ECOLLINS) : Complete

and has no objections as presented.

A plan review fee of **\$50.00** is due and payable to the Aptos/La Selva Fire Department **PRIOR TO APPROVAL** of building application. **Reminder:** the enclosed

Permit/Service Fees form must be submitted to the Aptos/La Selva Fire Department at time of payment.

- Any other requirements 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.

In order to obtain building application approval, we recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following information **on the plans that are submitted for BUILDING PERMIT**.

The County of Santa Cruz Street Addressing Department must approve or assign an address before Fire Department approval is obtained.

NOTE on the plans "these plans are in compliance with California Building and Fire Codes (**2010 edition**) and Aptos/La Selva Fire District Amendments".

NOTE on the plans "the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE / FIRE RATING and SPRINKLERED or NON-SPRINKLERED as determined by the building official and outlined in the California Building Code. (e.g. R-3, Type V-B, Sprinklered)"

NOTE on the plans "the **REQUIRED** and **AVAILABLE FIRE FLOW**. FIRE FLOW requirements for this project is **1,000 gallons per minute**. The AVAILABLE FIRE FLOW information can be obtained from the water company. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m2)

shall be 1,000 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5m2) shall not be less than that specified in Appendix Table B105.1 of the California Fire Code".

EXHIBIT H



Fire Review

Routing No: 1 | Review Date: 08/21/2013

ERIN COLLINS (ECOLLINS) : Complete

SHOW on the plans a public fire hydrant within 600 feet of any portion of the building meeting the minimum required fire flow for the building. Hydrant shall be on a fire apparatus access road, as measured by an approved drivable route around the exterior of the facility or building.

If the public fire hydrant is further than 600 feet from any portion of the building, a new fire hydrant will be required. Note on the plans **"the new hydrant shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided"**.

NOTE on the plans "All buildings shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13-D, and adopted standards of the Aptos/La Selva Fire Protection District."

NOTE on the plans "the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval."

NOTE on the plans "an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT. Underground plan submittal and permit, will be issued to a Class B, Class C-16, Class C-36 or owner/builder. No exceptions."

SHOW on the plans where the smoke alarms are to be installed according to the following locations and approved by this agency as a minimum requirement.

One alarm adjacent to each sleeping area (hall, foyer, balcony, or etc.)

One alarm in each sleeping room.

One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.

There must be at least one smoke alarm on each floor level regardless of area usage.

There must be a minimum of one smoke alarm in every basement area.

SHOW on the plans where the carbon monoxide alarms are to be installed according to the following locations and approved by this agency as a minimum requirement.

One alarm adjacent to each sleeping area (hall, foyer, balcony, or etc.)

One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.

There must be at least one carbon monoxide alarm on each floor level regardless of area usage.

EXHIBIT H

Print Date: 09/13/2013

Page: 3



Fire Review

Routing No: 1 | Review Date: 08/21/2013

ERIN COLLINS (ECOLLINS) : Complete

NOTE on the plans "building numbers shall be provided. Numbers shall be a minimum of four (4) inches in height on a contrasting background and visible from the street. Where numbers are not visible from the street, additional numbers shall be installed on a directional sign at the property driveway and the street."

NOTE on the plans "the installation of an approved spark arrester on the top of the chimney. The wire mesh not to exceed 1/2 inch."

NOTE on the plans "the roof covering shall be no less than Class "B" rated roof."

SHOW on the plans **DETAILS** of the Fire Department Turn-a-round in compliance with District Standard." Include dimensions.

NOTE on the plans "the driveway / access road shall be in place prior to any framing construction, or construction will be stopped."

SHOW on the plans, **DETAILS** of compliance with the access road requirements. The access road shall be **12** feet minimum unobstructed width and maximum twenty percent slope. The access road fronting the project property corner to property corner shall conform to the minimum width standard.

NOTE: If on street parking is desired, the access road shall be widened from centerline, 18 feet fronting the project from property corner to property corner. This will provide one 12 foot travel lane and one 6 foot parking lane.

ACCESS ROAD / DRIVEWAY REQUIREMENTS

The access road / driveway shall be an "all weather" surface. "All Weather Surface" is defined as a minimum 6" of compacted aggregate base rock, Class II or equivalent, and certified in writing by a licensed engineer to 95% compaction for grades up to and including 5%. For grades in excess of 5% but not exceeding 15%, oil and screeds shall be applied to a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95% compaction. For grades exceeding 15%, 2" of asphaltic concrete shall be applied over a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95%.

The maximum grade of the access road shall not exceed 20%, with grades greater than 15% not permitted for distances of more than 200 feet at a time.



Fire Review

Routing No: 1 | Review Date: 08/21/2013

ERIN COLLINS (ECOLLINS) : Complete

- The access road shall have a vertical clearance of 13'-6" for its entire width and length, including turnouts.
- An approved turn-a-round shall be provided for access roads and driveways in excess of 150 feet in length.
- Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
- All private access roads, driveways, turn-around and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.
- The driveway shall be thereafter maintained to these standards at all times.

NOTE on the plans "a 30-foot clearance shall be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance. **EXCEPTION:** Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure."

NOTE on the plans, A MINIMUM OF 48 HOURS NOTICE to the fire department is required prior to inspection.

NOTE on the plans "the job copies of the building and fire systems plans and permits must be on-site during inspections."

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards,

Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewer and reviewing agency.

Project Review

Routing No: 1 | Review Date: 08/27/2013

SHEILA MCDANIEL (SMCDANIEL) : Complete

Routing No: 2 | Review Date: 08/30/2013

SHEILA MCDANIEL (SMCDANIEL) : Complete

EXHIBIT II-2

Print Date: 09/13/2013

Page: 5



County of Santa Cruz, PLANNING DEPARTMENT

Discretionary Application Comments 131221

APN 046-271-17

Project Review

Routing No: 2 | Review Date: 08/30/2013

SHEILA MCDANIEL (SMCDANIEL) : Complete

Road Engineering Review

Routing No: 1 | Review Date: 08/13/2013

RODOLFO RIVAS (RRIVAS) : Not Required

EXHIBIT II