

**CALIFORNIA COASTAL COMMISSION**

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**W12a**



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**APPEAL STAFF REPORT  
SUBSTANTIAL ISSUE DETERMINATION**

- Appeal number** ..... A-3-SCO-00-033, Hinman-Skees Residence
- Applicants** ..... Brian Hinman & Suzanne Skees
- Appellants** ..... Commissioners Sara Wan and Christina Desser  
Citizens For Responsible North Coast Planning  
Friends of the North Coast  
Sierra Club
- Local government** ..... Santa Cruz County
- Local decision** ..... Approved with conditions (March 14, 2000)
- Project location** ..... Approximately ¾ of a mile inland of State Highway One at the Santa Cruz/San Mateo County border inland from Año Nuevo State Reserve, North Santa Cruz County (APN 054-061-16).
- Project description** ..... Construct an approximately 15,000 square foot, 3-story, 51 feet high residential dwelling with associated terraced grounds and hardscape, detached accessory structure and swimming pool, including over 5,500 cubic yards of grading for the building site, courtyard, driveway and access road.
- File documents** ..... Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County Coastal Development Permit Application File 98-0426.
- Staff recommendation** ... **Substantial Issue Exists**

**Summary of staff recommendation:** This is the substantial issue determination for appeal number A-3-SCO-00-033 (the Commission previously opened and continued the substantial issue hearing for this matter on May 11, 2000). Staff recommends that the Commission find that a substantial issue exists with respect to this project's conformance with the certified Santa Cruz County Local Coastal Program (LCP) and take jurisdiction over the coastal development permit for the project. Staff further recommends that the Commission continue the de novo hearing of the coastal development permit to allow the applicant to prepare additional biotic information and to consider alternative projects that meet the requirements of the certified LCP. Staff will subsequently prepare a recommendation for a de novo hearing of the project at a future Coastal Commission meeting.



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Exhibit B: Santa Cruz County Findings  
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Exhibit K: Applicant's Forester's Report  
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Exhibit M: Letters of Support from Immediate Neighbors  
Exhibit N: Correspondence  
Exhibit O: LCP Section 13.10.325 Large Dwelling Review Guidelines

### 1. Staff Report Summary

The Santa Cruz County approval that is the subject of this appeal is for a large residential dwelling compound situated on an agriculturally-zoned property inland of State Highway One and Año Nuevo State Reserve at the Santa Cruz/San Mateo County border. This stretch of mostly undeveloped Central Coast represents the grandeur of a bygone (in many places) agrarian wilderness California and is a critical public viewshed for which the LCP dictates maximum protection.

The Appellants contentions fall generally into four areas: (1) visual resource protection on Santa Cruz County's north coast; (2) protection of Environmentally Sensitive Habitat (ESHA), primarily Monterey pine; (3) appropriate land use on agriculturally zoned parcels; and (4) cumulative impacts in each issue area from this and other such potential development on the north coast. Because the County-approved development would be located within a Monterey pine forested area considered ESHA by the LCP, because it would be visible from the critical north Santa Cruz coast public viewshed (particularly from Año Nuevo State Reserve) protected by the LCP, because it involves 6 times more site disturbance than that allowed by the LCP at this location, because of its enormous mass and scale in relation to existing agricultural north coast character, and because it may induce a similar type of future development that would exacerbate such individual impacts on a cumulative basis as prohibited by the LCP, a substantial issue exists with respect to this project's conformance with the certified LCP.

Staff recommends that the Commission take jurisdiction over the coastal development permit for the proposed project. Staff further recommends that the Commission continue the de novo hearing of the coastal development permit to allow the Applicant to prepare additional biotic information to better define the extent of ESHA at this location and to consider alternative projects that may meet the requirements of the certified LCP.



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### 2. Local Government Action

On January 21, 2000, the Santa Cruz County Zoning Administrator approved the proposed project subject to multiple conditions. By request of Supervisor Mardi Wormhoudt, chairperson of the Santa Cruz County Board of Supervisors, the Zoning Administrator's action on the proposed project was elevated for Board of Supervisors consideration due to concerns over potential visual impacts on nearby Año Nuevo State Reserve, and other related issues regarding the size and height of the proposed residence. The Board considered this matter on March 14, 2000. By 3-2 vote, the Board approved a Coastal Development Permit (CDP) and several related permits for the proposed project.<sup>1</sup> See Exhibits A, B and C for the County's staff report, findings and conditions on the project.

Notice of the Board's action on the CDP was received in the Commission's Central Coast District Office on Monday, March 20, 2000. The Commission's ten-working day appeal period for this action began on Tuesday, March 21, 2000 and concluded at 5:00 P.M. on Monday, April 3, 2000. Four valid appeals (see below) were received during the appeal period.

### 3. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because residential development is not the principal permitted use in the subject agricultural zoning district.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water

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<sup>1</sup> Other approvals granted were a Large Dwelling Review, a Residential Development Permit, and Preliminary Grading Approval. The CEQA Negative Declaration was also certified by the Board at this time.



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located within the coastal zone. This project is not located between the nearest public road and the sea and thus, this additional finding need not be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

### **4. Appellants' Contentions**

#### **A. Appeal of Commissioners Sara Wan and Christina Desser**

The two Commissioner Appellants contend that the County-approved project raises substantial issues with respect to the project's conformance with core LCP issues regarding the type and scale of development on the rural north Santa Cruz County/south San Mateo County coast, development within and adjacent to ESHA, and preserving critical coastal viewsheds.

Please see Exhibit D for the Commissioner Appellants' complete appeal document.

#### **B. Appeal of Citizens For Responsible North Coast Planning**

Citizens for Responsible North Coast Planning contend that the proposed project would significantly disturb the public viewshed from Highway 1 and Año Nuevo Reserve (contrary to LCP Policy 5.10.3), would be visible from the beach (contrary to LCP Section 13.20.130(d)(1)), would not provide adequate screening, would be out of character with the surrounding area (contrary to LCP Section 13.20.130(b)(1)), and would have cumulative and growth inducing impacts on the surrounding area (contrary to LCP Policy 2.1.4).

Please see Exhibit E for the Citizens for Responsible North Coast Planning's complete appeal document.

#### **C. Appeal of Friends of the North Coast**

Friends of the North Coast contend that the County-approved project is inconsistent with LCP policies protecting environmentally sensitive habitats such as indigenous Monterey pine forest and listed species habitat (LCP Policies 5.1.3, 5.1.6, 5.1.7, and 5.1.9), commercial agricultural land (LCP Policies 5.13.5, 5.13.6, 5.13.28, 5.13.29), North Coast and Año Nuevo visual resources (LCP Policies 5.10.3 and 5.10.5, and LCP Section 13.10.325), "least disturbed watershed" resources (LCP Objective 5.5c), and that the project would have an overall cumulative impact on all of these.

Please see Exhibit F for the Friends of the North Coast's complete appeal document.



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### D. Appeal of Sierra Club

The Sierra Club contends that the proposed project is inconsistent with the agricultural zoning, would significantly disturb the public viewshed from Año Nuevo Reserve (contrary to LCP Policy 5.10.3), would be visible from the beach (contrary to LCP Section 13.20.130(d)(1)), would not provide adequate screening, would be development within environmentally sensitive habitat (for Monterey pine, coastal grassland, and red-legged frog), would have cumulative and growth inducing impacts on the surrounding area (contrary to LCP Policy 2.1.4), would have future cumulative impacts should the use change to visitor serving, and would adversely impact "least disturbed watershed" resources.

Please see Exhibit G for the Sierra Club's complete appeal document.

### E. Summary of Appeal Issues

The Appellants contentions fall generally into four areas: (1) visual resource protection on Santa Cruz County's north coast; (2) protection of ESHA, primarily Monterey pine; (3) appropriate land use on agriculturally zoned parcels; and (4) cumulative impacts in each issue area from this and other such potential development on the north coast. Each of these is discussed in detail in the findings that follow.

## 5. Procedural History (Post-County Action)

On May 11, 2000, the Commission opened and continued the substantial issue hearing on the appeal because Commission staff was unable to prepare a staff report with a full analysis and recommendation in time for the Commission's May meeting due to staff report noticing and mailing deadlines. The Applicant subsequently waived their Coastal Act Section 30621 right to a hearing within 49 days of the appeal file date.

The Applicant has submitted two substantive additional items of information since the County acted on the CDP: (1) a forester's report (by Stephen Staub and Stephen McGuirk, dated May 2000) analyzing the forest resources in the immediate vicinity for their habitat and screening values; and (2) a cumulative impact analysis describing the proposed project in relation to possible future development in the surrounding area (dated received May 15, 2000). See Exhibits K and L. These materials also have been used in the preparation of this staff report.

## 6. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

*Motion. I move that the Commission determine that Appeal Number A-3-SCO-00-033 raises no substantial issue with respect to the grounds on which the appeal has been filed under §30603 of*



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*the Coastal Act.*

*Staff Recommendation of Substantial Issue. Staff recommends a no vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.*

*Resolution To Find Substantial Issue. The Commission hereby finds that Appeal Number A-3-SCO-00-033 presents a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program.*

## Recommended Findings and Declarations

The Commission finds and declares as follows:

### 7. Project Description

#### A. Project Location

The proposed project is located in the coastal foothills approximately  $\frac{3}{4}$  of a mile inland of State Highway 1 near the Santa Cruz – San Mateo County border. Año Nuevo State Reserve lies seaward and southwest of the site across Highway 1. The Reserve is a protected dune and beach area and a well-known attraction for coastal visitors – approximately 240,000 day-users annually visit the Reserve for docent-guided tours of the spectacular wild coastline and the elephant seals who make this area home. This area is part of the stretch of largely undeveloped coastal lands located between Half Moon Bay to the north and Santa Cruz City to the south. The Monterey Bay National Marine Sanctuary, the largest of twelve such federally protected sanctuaries nationwide, is directly offshore.

The undeveloped project site itself is approximately 50 acres in size and is designated for agriculture in the LUP and zoned CA (Commercial Agriculture) in the County Code. This site was originally part of the larger Steele Ranch that at one time encompassed roughly 7,000 acres dedicated primarily to dairy operations. The properties were subdivided in the 1950s creating the subject parcel and its neighboring properties. Existing single family residences are present on both the CA-zoned parcel immediately to the north (Pfluke) and the CA-zoned parcel immediately to the south (Boling). The heavily forested and steep site to the east is undeveloped and zoned TP (Timber Production). The property due west (between the subject site and Highway 1) is an 84 acre site for which the Commission is currently considering an appeal of a proposed single family dwelling (A-3-SMC-99-066, David Lee). The border between Santa Cruz and San Mateo County is coterminous with the western parcel line of the subject parcel.



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The site slopes roughly from east to west with the highest elevations located at the northeast corner of the property where scattered Monterey pine, oak, madrone, and fir trees predominate. This tree canopy extends almost exclusively along the eastern property line of the site and is the outlying edge of a larger forested area extending along the steep arroyo of Año Nuevo Creek located east and north of the subject site. The proposed house-site lies roughly half way along the eastern property line within the scattered tree canopy there. The majority of the parcel slopes more gently to the southwest portion of the property to a pond and riparian habitat area adjacent to the existing roadway providing access to the residence to the south. This pond area drains through culverts into a larger riparian arroyo steeply sloping towards Highway 1 approximately  $\frac{3}{4}$  of a mile to the southwest. The majority of the parcel is gently sloped mixed grassland, predominantly non-native with some intermixed native grasses and coyote brush scrub (see ESHA findings for more detail on site ecology). The land on the subject site has been fallow for some time.

See Exhibit H for general project location and site environs.

### **B. Project Description**

The Applicant proposes to construct a 3 story, 51 foot tall, 15 room single-family dwelling, with a basement, 3-car connected garage (with a room above), swimming pool and assorted pathways, courtyards, and retaining walls. All told, approximately 15,000 gross square feet of interior residential space would be developed, and the overall residential compound (house, garage, pool, paths, and surrounding ornamentally landscaped grounds) would occupy over an acre. The proposed development would be in a Gothic Revival architectural style utilizing wood frame construction, steeply pitched metal roofs, tall narrow cross gables, multiple mullion windows, and board and batten siding. The roof would be constructed of mottled copper best described as a dark forest green hue, while the body of the structure would be a mix of muted brown and green colors. The residence is modeled after the historic Rose Hill Plantation located in South Carolina.

The Applicant also proposes to pave the existing approximately 15 foot wide unpaved access road serving the existing adjacent residences and to develop California Department of Forestry-required turnouts (12 by 40 feet) at several locations. A new 12 to 14 foot wide driveway would also be graded and paved, extending approximately 1,000 feet (and approximately 150 feet in elevation) from the existing access road to the proposed home site. An estimated 5,560 cubic yards of balanced cut and fill grading would be required to accommodate the house and road improvements.

See Exhibit I for proposed site plans and elevations.

### **C. County Approval**

The County approved the proposed project with multiple conditions designed to address the issues highlighted by the appeal, including requirements for:

- House colors in muted green and brown to blend with the surrounding landscape.



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- Low-reflective glazing in all upper gable windows.
- Planting of 16 Douglas fir and/or Coast redwood trees (5 or more 48 inch box trees, 5 or more 15 gallon size, and 5 at 5 gallon size) located between the house and the line of sight of Año Nuevo State Reserve.<sup>2</sup>
- Planting of a 1,200 foot row of Monterey cypress along the access road.
- Erosion control and tree protection BMPs during construction.
- Deed restrictions acknowledging adjacent agriculture and timber production lands, and requiring retention of on-site trees.
- Prohibition on road widening adjacent to the pond-riparian area.

See Exhibits A, B, and C for the County staff report, findings, and conditions approving the Applicant's proposed project.

### 8. Substantial Issue Findings

The Appellants contentions fall generally into four areas: (1) visual resource protection on Santa Cruz County's north coast; (2) protection of ESHA, primarily Monterey pine; (3) appropriate land use on agriculturally zoned parcels; and (4) cumulative impacts in each issue area from this and other such potential development on the north coast. Each of these is discussed in detail in the findings that follow. As summarized below, these issues raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

#### A. Visual Resources

##### 1. Applicable Policies

The County's LCP is fiercely protective of coastal zone visual resources, particularly views from public roads, and especially along the shoreline. The LCP states:

*LUP Policy 5.10.10 Designation of Scenic Roads. The following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection. State Highways: Route 1 – from San Mateo County to Monterey County...*

*LUP Policy 5.10.2 Development Within Visual Resource Areas. Recognize that visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of*

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<sup>2</sup> Note that the Applicant proposes to plant 22 trees (8 each redwood and oak, and 6 cypress) according to proposed plans.



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*protection may include, but are not limited to, ocean views, agricultural fields, wooded forests, open meadows, and mountain hillside views. Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section....*

***LUP Policy 5.10.3 Protection of Public Vistas.*** *Protect significant public vistas as described in policy 5.10.2 from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design. Provide necessary landscaping to screen development which is unavoidably sited within these vistas.*

***LUP Policy 5.10.5 Preserving Agricultural Vistas.*** *Continue to preserve the aesthetic value of agricultural vistas. Encourage development to be consistent with the agricultural character of the community. Structures appurtenant to agricultural uses on agriculturally designated parcels shall be considered to be compatible with the agricultural character of surrounding areas.*

***LUP Policy 5.10.11 Development Visible From Rural Scenic Roads.*** *In the viewsheds of rural scenic roads, require new discretionary development, including development envelopes in proposed land divisions, to be sited out of public view, obscured by natural landforms and/or existing vegetation. Where proposed structures on existing lots are unavoidably visible from scenic roads, identify those visual qualities worthy of protection (See policy 5.10.2) and require the siting, architectural design and landscaping to mitigate the impacts on those visual qualities. (See policy 5.14.10.)*

***LUP Policy 5.5.2 Least Disturbed Watershed Designations.*** *Designate the following watershed areas as Least Disturbed Watersheds: ...Green Oaks Creek, Año Nuevo Creek, ...*

***LUP Policy 5.5.10 Retaining Undeveloped Lands in Watersheds.*** *Encourage property owners in designated watershed areas to sign Open Space Easement contracts or pursue other mechanisms to retain undeveloped lands within Water Supply Watersheds.*

***IP Section 13.10.325. Large Dwelling Permit Requirements and Design Guidelines.*** *[see Exhibit O for text of 13.10.325]*

***IP Section 13.20.130(b)(1) Entire Coastal Zone, Visual Compatibility.*** *The following Design Criteria shall apply to projects site anywhere in the coastal zone: All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.*

***IP Section 13.20.130(d)(1) Beach Viewsheds, Blufftop Development.*** *The following Design Criteria shall apply to all projects located on blufftops and visible from beaches. Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, if infeasible, not visually intrusive. In urban areas of the viewshed, site development shall conform*



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to (c) 2 and 3 above.

### 2. County-Approved Project

The visual analysis required by the County indicates that the project would not be visible from Highway 1, and that it would be partially visible from the public viewshed at Año Nuevo Reserve. When built, its visibility would be somewhat tempered because the proposed project would be nestled into the hills and the outlying tree canopy on the subject site, approximately 2 miles from the portion of the Año Nuevo dune area where its visibility would be greatest, and mostly hidden by the intervening topography and vegetation from public views. The County did not analyze views from portions of the Reserve north of the main elephant seal tour area (towards Franklin Point) and portions inland of Highway One. The County also did not analyze views from Big Basin State Park directly inland. See Exhibit H for applicable State Park and Reserve boundaries.

The County conditioned their approval for earth tone colors (muted green and brown) on the house to ensure that it would blend with the surrounding landscape. In terms of the portion of the proposed structure identified by the County as visible from the Reserve, the County required a forest green roof<sup>3</sup> and a low-reflection glazing on all upper gable windows. The Applicant has proposed to plant 22 trees (8 each redwood and oak, and 6 cypress), and the County has required planting of 16 Douglas fir and/or Coast redwood trees (5 or more 48 inch box trees, 5 or more 15 gallon size, and 5 at 5 gallon size) between the house and the line of sight of Año Nuevo. Furthermore, even though an existing mature eucalyptus grove extends on the adjacent Lee property along the western property line, the County required the planting of a duplicate stand of Monterey cypress (paralleling the eucalyptus grove) on the Applicant's property to further screen the proposed project and protect against a possible scenario whereby the eucalyptus grove disappears. See County conditions in Exhibit C and proposed landscape plan in Exhibit H.

### 3. Consistency with Applicable LCP Policies

#### A. Existing Screening

Existing vegetation provides full to partial screening between public viewing areas and the proposed project site, depending on the viewpoint. This screening includes a large stand of eucalyptus trees (located primarily on the Lee parcel to the west of the subject site) and an arroyo riparian area located between the site and Highway One. Concerns have been raised that this vegetative screen may be altered over time as trees die off, and that its screening qualities will therefore diminish. Part of the reason for this concern is that some of the intervening forest here is made up of Monterey pine; a species currently severely threatened by the pine pitch canker disease.<sup>4</sup> In light of this, and other, concerns, the Applicant's consulting forester, Stephen Staub, chair of the State's Pine Pitch Canker Task Force,

<sup>3</sup> The roof coloring would be accomplished by acid treating the copper to be used on the roof. Commission staff has viewed the roof sample and the result is a flat, dark, mottled brown and green surface.

<sup>4</sup> See also ESHA finding for further discussion of the Monterey pine resource at this location and the toll of pine pitch canker disease.



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evaluated the health and vitality of the intervening forest resource here (see *Analysis of Existing View Screen Forest including Monterey Pine Tree Status and Tree Screening Plan* by Stephen Staub and Stephen McGuirk dated May 2000; Exhibit K).

According to the forester's report, the eucalyptus grove trees are over 100 feet tall, densely planted in several rows, and are regenerating from seed. The grove is composed of trees in good health that are likely to persist as an intact grove for many years, both spreading and replacing itself over time in the absence of management. These trees are generally healthy and have a good life expectancy. As discussed above, the County conditioned the project for a parallel row of Monterey cypress along the Applicant's side of the existing roadway. The eucalyptus grove provides a dense visual screen of the subject site from Highway One and portions of Año Nuevo State Reserve seaward of the Highway. While there is little reason to believe that the health of the grove will change, eucalyptus is a highly flammable tree that would be very susceptible in the event of a forest fire in the area. The County-required Monterey cypress row represents a sort of insurance for such potential loss of the eucalyptus grove.

The riparian arroyo, butting up on the southern end of the eucalyptus grove, is a mixed forest mostly made up of eucalyptus, Monterey pine, Douglas fir, and coast live oak. The consulting forester estimates that these trees are within roughly 10 to 15 feet from hiding the building site from view (from Point Año Nuevo), and that this would likely occur in the next 5 to 10 years based on a 1 to 3 foot per year growth rate. This area should likewise continue to screen the majority of the Applicant's site from view from Highway One and the Reserve in the future.

In any case, it should be noted that *existing* vegetative screening is not necessarily indicative of *future* vegetative screening. In addition to natural events like forest fire and disease, human intervention on the subject site, and/or on intervening sites between the proposed residence and public view, can radically alter vegetative screening that is present today. A prescient example of the Commission's experience in this area can be found just upcoast of this site at Cascade Ranch. Applicants for the Cascade Ranch Health and Fitness Resort asserted that existing eucalyptus trees between the proposed development and Highway One would screen the development from the Highway (CDP A-3-SMC-89-63). Subsequently, the original developers went bankrupt and the new developer decided to build a campground only. When the Coastanoan campground was built, the new developer cut down the eucalyptus trees, making the site starkly visible from Highway One.

In terms of potential threat to the vitality of Monterey pine here, Mr. Staub's sampling indicated that approximately 40% of the Monterey pine here have moderate to worse symptoms of pitch canker and will in all likelihood die within the next 5 years. However, Mr. Staub estimated that many of the good-sized Monterey pine will survive for between 10 and 40 years. The pine that die will be replaced by Douglas fir, madrone, and coast live oak which will grow more quickly when the shading Monterey pine die. Pine regeneration with better resistance over time to pitch canker is also be expected. Mr. Staub indicates that although its composition may change over time, the forested area providing screening of the site from Año Nuevo can be expected to remain about the same in height, density and screening ability over time. Mr. Staub concludes:



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*The Hinman/Año Nuevo House will have a continuing vegetative screen from critical view areas of Año Nuevo State Park, for the following reasons: Within the existing forest screening the proposed house site from Año Nuevo, sufficient numbers of Monterey pines which are tolerant or resistant to pitch canker will persist over a 10 to 40 year period in combination with other existing tree species Douglas Fir, Blue Gum Eucalyptus, tanoak, bay laurel and redwood to provide meaningful visual screening of the house site. Existing seedling to pole sized trees of the same species and madrone, together with future regeneration, will grow up into the viewshed and maintain visual screening over the medium- to long-term, and continue to block the view of the house from Año Nuevo State Reserve. ... Views from Highway I are and will remain unaffected by the project due to topography and the existing Eucalyptus grove that will be retained.*

In conclusion, based upon the forester's analysis, the Commission finds that the screening offered by the existing forest located between the site and Highway One should continue to provide screening of the majority of the overall site (including the proposed building pad location) from view from public vantage points along Highway One and Año Nuevo Reserve.

### **B. View from Highway 1**

Highway One seaward of the project site is designated by the LCP as a "Scenic Road." This section of Highway 1 is also an officially designated portion of the California Scenic Highway Program. Per LCP Policy 5.10.10, the public vista from Highway One "shall be afforded the highest level of protection." Due to the intervening forest resource and topography, the subject development would not be visible from Highway One and thus is consistent with LCP Policy 5.10.10.

### **C. View from Año Nuevo State Reserve**

LCP Policy 5.10.3 protects the public vista from Año Nuevo State Reserve. Año Nuevo State Reserve covers approximately 4,000 acres, including roughly 3,000 acres inland of Highway One seaward and north of the subject site. Año Nuevo is a State Reserve as opposed to a State Park. The California Public Resources Code identifies State Reserves as "areas embracing outstanding natural and scenic characteristics of statewide significance." DPR describes the Reserve as follows:<sup>5</sup>

*Fifty-five miles south of San Francisco and the Golden Gate, a low, rocky, windswept point juts out into the Pacific Ocean. The Spanish maritime explorer Sebastian Vizcaino sailed by the point on January 3, 1603. His diarist and chaplain of the expedition, Father Antonio de la Ascension, named it Punta de Año Nuevo for the day on which they sighted it in 1603. New Year's Point. Today, the point remains much as Vizcaino saw it from his passing ship. Lonely, undeveloped, wild. Elephant seals, sea lions, and other marine mammals come ashore to rest, mate, and give birth in the sand dunes or on the beaches and offshore islands. It is a unique and unforgettable natural spectacle that hundreds of thousands of people come to witness each year.*

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<sup>5</sup> From State Parks web page for Año Nuevo State Reserve.



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*Año Nuevo State Reserve is the site of the largest mainland breeding colony in the world for the northern elephant seal, and the interpretive program has attracted increasing interest every winter for the past 19 years. People who hope to see the seals during the winter breeding season are urged to get their reservations early. The males battle for mates on the beaches and the females give birth to their pups on the dunes. During the breeding season, December through March, daily access to the reserve is available via guided walks only. Most of the adult seals are gone by early March, leaving behind the weaned pups who remain through April. The elephant seals return to Año Nuevo's beaches during the spring and summer months to molt and can be observed during this time through a permit system.*

According to DPR, Reserves require the highest level of protection within the California State Park System. The U.S. Department of Interior has similarly designated Año Nuevo State Reserve as one of the 86 'National Natural Landmarks' in the United States. According to the Department of Interior:

*National Natural Landmarks are management areas having national significance as sites that exemplify one of a natural region's characteristic biotic or geologic features. The site must have been evaluated as one of the best known examples of that feature. These areas must be located within the boundaries of the United States or on the Continental Shelf and are designated by the Secretary of the Interior. To qualify as a National Natural Landmark, an area must contain an outstanding representative example(s) of the Nation's natural heritage, including terrestrial communities, aquatic communities, landforms, geological features, habitats of native plant and animal species, or fossil evidence of the development of life on earth.*

Accordingly, Año Nuevo State Reserve is a resource of tremendous local, regional, statewide, and national significance.

There are several structures currently visible within the Año Nuevo viewshed. These include the Big Creek Lumber operation immediately downcoast of Waddell Creek, the RMC Lonestar cement plant in Davenport in the downcoast distance, and the Boling residence (APN 057-061-17) due south of the Hinman project site. For the most part, these structures are visible from the Park, but are sufficiently far away as to make them blend somewhat into the landscape. The Boling residence is more visible than the others since it is closer, is not screened by intervening vegetation, and has white painted trim on the windows. The presence of this building provides a benchmark for understanding how the construction of buildings in Año Nuevo's wild viewcape can change the experience of the Reserve, especially if unnatural building colors, such as white painted windows are used. The most prominent structure visible from within the Park is the Año Nuevo visitors center itself. However, the visitors center approximates a large agricultural barn and is compatible with the overall Park aesthetic.

Commission staff field verification<sup>6</sup> (as seen from the main Reserve path extending from the parking lot to the dunes) found the story-poles and netting (erected to simulate the mass of the proposed structures

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<sup>6</sup> On the afternoon of June 7, 2000.



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here) to be barely visible to the unaided eye from the main Reserve trail to the dunes. For a variety of reasons, however, it is difficult to conclude whether the narrow story poles and netting truly approximate the proposed project given that the overall mass cannot easily be duplicated by netting. Likewise, it is not clear that field verification on one semi-sunny afternoon in June can adequately suffice for what will eventually be a year round view (i.e., subject to different weather, angles of sun, elevations of the Año Nuevo Dunes, etc.). In addition, as described above, the Reserve stretches far to the north around Franklin Point and on to Gazos Creek. There are any number of less traveled, though publicly important, viewing areas present within the reserve that this one view angle cannot account for. As such, it can be concluded that, at a minimum, a portion of the proposed project would be visible from the Reserve.

Moreover, nighttime views (where one would expect light to be coming from the proposed residence) cannot be approximated by story poles viewed during the day. Such nighttime lights in the middle of an otherwise darkened wilderness area particularly impact the viewshed.

DPR's position is that Año Nuevo is a special wilderness area, and a State and national treasure, from which the viewshed should remain unspoiled to the maximum degree possible. The largely undeveloped stretch of coast surrounding the Reserve is a critical element of the overall grandeur of the Reserve that deserves the highest level of protection. DPR concludes (see DPR's letter to the County Board of Supervisors in Exhibit N):

*The California Department of Parks and Recreation believes that the proposed development project, as currently sited and designed, will have a negative impact on the scenic characteristics and quality of Año Nuevo State Reserve.*

Applicable LCP policies dictate protection of public views through "minimizing disruption" (LCP Policy 5.10.3) so as to "have minimal to no adverse impact upon identified visual resources" (LCP Objective 5.10.b). LCP Policy 5.10.11 requires development visible from rural scenic roads, such as Highway One in this rural stretch of the County, to be sited outside of public view. LCP Policy 5.5.2 designates this site as within a Least Disturbed Watershed within which undeveloped natural areas are encouraged to be retained to protect the resource values within. LCP Policy 5.10.3 concludes that screening shall be provided where development is "unavoidably sited" within visual resource areas.<sup>7</sup> In this case, the proposed residence is not "unavoidably sited" in the viewshed. In fact, much of the remainder of the 50 acre property at lower elevations is completely hidden from view and even a large agricultural residence could easily be placed outside of the public viewshed here.

Because Año Nuevo State Reserve is such an important public resource, and because the surrounding North Coast area appears as substantially undeveloped natural open space, any development in this area raises concerns in terms of protecting this critical public viewshed. In this case, the proposed project

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<sup>7</sup> LCP Policy 13.20.130(d)(1) is also cited by the Appellants. This policy, however, applies only to blufftop development. The proposed project is not located on blufftop. Rather, it is located approximately 2 miles inland on the coastal foothills. Similar to the previously cited visual policies, Policy 13.20.130(d)(1) allows *blufftop* development in the public viewshed only if it is infeasible to completely hide it from shoreline view and if it is not visually intrusive.



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would introduce at least a portion of a large residential structure into a critical public viewshed when other feasible siting options are available that would remove this development from view. Moreover, the cumulative effect of allowing manmade structures on all legal parcels in the Reserve's viewshed would quickly undermine its unique "lonely, undeveloped, wild" character for which it has received State and national acclaim.<sup>8</sup> As such, the Commission finds that the proposed project raises a substantial issue in terms of its conformance with LCP Policies 5.10 et seq protecting the visual resource here. Specifically, the project is inconsistent with the policy to site development outside of important public vistas when it is feasible to do so.

### D. View from offshore

LCP Policies 5.10 et seq also protect views from offshore locations of the coast. In other words, the views of boaters, kayakers, swimmers, surfers, et cetera who may be present at different times in the water. Because of the above-described intervening topography and vegetation, most of the proposed residence would be screened from ocean oriented views. However, as described above, at least a portion of the subject residence would be in the Año Nuevo viewshed, this portion of the residence would likewise be in the ocean viewshed. In fact, as one moved further out to sea, more of the residence might be present in this viewshed as the viewing angle flattened out; although this effect would likely be tempered somewhat by the increase in distance.<sup>9</sup>

The offshore waters are part of the Monterey Bay National Marine Sanctuary. Public views from this offshore area of the largely undisturbed north coast represent an important public resource. Although these views are not unfettered by existing development,<sup>10</sup> additions to this critical public viewshed need to be analyzed carefully and applicable LCP policies construed broadly to protect this resource accordingly. In this case, as discussed above, there are other siting options available that would not add development to this public vista. As such, the Commission finds that the proposed project raises a substantial issue in terms of its conformance with LCP Policies 5.10 et seq protecting the visual resource here. Again, the project is inconsistent with the policy to site development outside of important public vistas when it is feasible to do so.

### E. View from onshore trails

Although difficult to say with certainty, it is possible that proposed site might be partially visible from some nearby vantage points along the ridgeline of the coastal range. DPR indicates that the site may be visible from the West Ridge Trail within adjacent Big Basin State Park. There may be other locations as well. It is possible that some hikers along existing trails, and/or along future trails that may be developed should adjacent private lands come into the public domain, may be able to catch glimpses of the proposed subject residence were it to be constructed at this location. Views of such residential development when hiking along rural mountain trails can be extremely disruptive to the hiking

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<sup>8</sup> See also cumulative impact findings.

<sup>9</sup> The site is approximately 2 miles inland from Año Nuevo Point.

<sup>10</sup> All of the structures visible from Año Nuevo Point would likewise be visible from offshore.



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experience.

In this case, such glimpses (if any would exist) of the proposed project would be similar to existing glimpses of the neighboring residential structures already developed at this inland foothill location. As far as staff knows, the site is not immediately adjacent to any existing public trails. While such a potential view impact raises an issue, it does not by itself rise to the level of a substantial LCP conformance issue. However, it does provide additional corroborating evidence that a substantial visual resource impact is raised by the proposed project.

### F. Visual Compatibility

LCP Sections 5.10.5, 13.10.313, 13.10.323, 13.10.325, and 13.20.130(b)(1) generally address the need for the proposed large residential development to be sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding area. Such policies generally dictate the parameters of size, mass, scale, and overall design in relation to the surrounding area. Review of consistency with such policies is more often than not based upon qualitative, discretionary judgement as opposed to more specific requirements. As such, it can be difficult to measure consistency with such objectives.

Nonetheless, there are at least two general themes to test for consistency in this case: 1) compatibility with the surrounding built environment, namely the immediately surrounding "neighborhood" community made up of adjacent large agricultural parcels with individual residences; and 2) compatibility with the overall open space environs of the larger north coast area.

In terms of compatibility with the local "neighborhood" community, the neighboring parcels are currently developed with large (approximately 3,500 and 6,000 square foot) single family dwellings and miscellaneous outbuildings on relatively large (63 and 13 acre) agriculturally zoned parcels. The residence to the north is built in old farm house style while the residence to the south is in a modern log cabin style. The proposed Lee residence (under separate appeal to the Commission) to the west (though not visible from the subject site or the existing adjacent residences), would be more modern "Sea Ranch" angular in style on roughly 84 acres.

Consistency with the local "neighborhood" can be evaluated primarily on architectural style and overall mass/scale. In terms of architectural style, although it might be argued that the proposed gothic revival residential style of the Hinman project is quite architecturally interesting, it could not be said to be similar to the existing character of development in the area. In fact, the Hinman project is modeled after a plantation home in South Carolina and would be unlike any other style of building in the region. In addition, the proposed house style is significantly more formal and ornate than that generally found on other agricultural parcels on the Santa Cruz County north coast. Moreover, although the general pattern of development in the area might be characterized as larger residences on large agricultural parcels, the proposed Hinman house would be substantially larger; almost three times the square footage of the largest neighboring home. As such, its large overall square footage and height raise an issue in terms of compatibility with the surrounding local "neighborhood" community. Even were the "neighborhood"



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sample widened to other residential dwellings on agricultural parcels in the region, the proposed structure would be one of the largest, if not the largest, residence on the north coast.

In terms of compatibility with the larger open space agricultural north coast, such large residential development within the public viewshed is distinctly counter to the character of this larger area. Furthermore, although the majority of north coast Santa Cruz is largely undeveloped with a smattering of scattered agricultural and residential structures, this particular stretch surrounding Año Nuevo is even less developed than others and is even more so characterized by a wilderness feel and scale. In addition, as described earlier, the subject site is located within a Least Disturbed Watershed within which open retention of the undeveloped lands here is encouraged (LCP Policy 5.5.10).

To be consistent with the north coast's undeveloped character, the subject development would need to be placed outside of the public viewshed. Because it is not, it raises substantial visual compatibility issues in terms of the proposed project's conformance with the LCP.

### 3. Visual Resource Conclusion

The proposed project is located within the particularly critical public viewshed surrounding the Año Nuevo State Reserve along a stretch of mostly undeveloped San Mateo County – Santa Cruz County coastline. LCP visual policies require development here to be sited outside of this viewshed when it is feasible to do so, and require development to be visually compatible and integrated with the character of the surrounding area. Though the County-approved development is mostly hidden by topography and intervening vegetation from public viewing areas, portions of the proposed project would be visible from Año Nuevo State Reserve, the Monterey Bay National Marine Sanctuary, and possibly other inland State Park and other public lands. This raises a substantial issue with respect to the proposed project's conformance with the LCP's visual resource policies cited in this finding.

## B. Environmentally Sensitive Habitat Areas

### 1. Applicable Policies

The LCP is very protective of environmentally sensitive habitat areas. LCP wetland and wildlife protection policies include Policies 5.1 et seq (Biological Diversity) and 5.2 et seq (Riparian Corridors and Wetlands), and Chapters 16.30 (Riparian Corridor and Wetlands Protection) and 16.32 (Sensitive Habitat Protection). In general, these LCP policies define and protect ESHAs, allowing only a very limited amount of development at or near these areas. Relevant LCP policies include:

*LUP Objective 5.1 Biological Diversity. To maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.*



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**LUP Policy 5.1.2 Definition of Sensitive Habitat.** *An area is defined as a sensitive habitat if it meets one or more of the following criteria: (a) Areas of special biological significance as identified by the State Water Resources Control Board. (b) Areas which provide habitat for locally unique biotic species/communities, including coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, mapped grasslands in the coastal zone and sand parkland; and Special Forests including San Andreas Live Oak Woodlands, Valley Oak, Santa Cruz Cypress, indigenous Ponderosa Pine, indigenous Monterey Pine and ancient forests. (c) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (e) and (f) below. (d) Areas which provide habitat for Species of Special Concern as listed by the California Department of Fish and Game in the Special Animals list, Natural Diversity Database. (e) Areas which provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act guidelines. (f) Areas which provide habitat for rare, endangered or threatened species as designated by the State Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society. (g) Nearshore reefs, rocky intertidal areas, seacaves, islets, offshore rocks, kelp beds, marine mammal hauling grounds, sandy beaches, shorebird roosting, resting and nesting areas, cliff nesting areas and marine, wildlife or educational/research reserves. (h) Dune plant habitats. (i) All lakes, wetlands, estuaries, lagoons, streams and rivers. (j) Riparian corridors.*

**LUP Policy 5.1.3 Environmentally Sensitive Habitats.** *Designate the areas described in 5.1.2 (d) through (j) as Environmentally Sensitive Habitats per the California Coastal Act and allow only uses dependent on such resources in these habitats within the Coastal Zone unless other uses are: (a) consistent with sensitive habitat protection policies and serve a specific purpose beneficial to the public; (b) it is determined through environmental review that any adverse impacts on the resource will be completely mitigated and that there is no feasible less-damaging alternative; and (c) legally necessary to allow a reasonable economic use of the land, and there is no feasible less-damaging alternative.*

**LUP Policy 5.1.6 Development Within Sensitive Habitats.** *Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.*

**LUP Policy 5.1.7 Site Design and Use Regulations.** *Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations: (a) Structures shall be placed as far from the habitat as feasible. (b) Delineate development envelopes to specify location of development in minor land divisions and subdivisions. (c) Require easements, deed restrictions, or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is*



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undisturbed by a proposed development activity or to protect sensitive habitats on adjacent parcels. (d) Prohibit domestic animals where they threaten sensitive habitats. (e) Limit removal of native vegetation to the minimum amount necessary for structures, landscaping, driveways, septic systems and gardens; (f) Prohibit landscaping with invasive or exotic species and encourage the use of characteristic native species.

**LUP Objective 5.2 Riparian Corridors and Wetlands.** To preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.

**LUP Policy 5.2.1 Designation of Riparian Corridors and Wetlands.** Designate and define the following areas as Riparian Corridors: (a) 50' from the top of a distinct channel or physical evidence of high water mark of perennial stream; (b) 30' from the top of a distinct channel or physical evidence of high water mark of an intermittent stream as designated on the General Plan maps and through field inspection of undesignated intermittent and ephemeral streams; (c) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water; (d) The landward limit of a riparian woodland plant community; (e) Wooded arroyos within urban areas.

Designate and define the following areas as Wetlands: Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water periodically or permanently. Examples of wetlands are saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens....

**LUP Policy 5.2.3 Activities Within Riparian Corridors and Wetlands.** Development activities, land alteration and vegetation disturbance within riparian corridors and wetlands and required buffers shall be prohibited unless an exception is granted per the Riparian Corridor and Wetlands Protection ordinance. As a condition of riparian exception, require evidence of approval for development from the U.S. Army Corps of Engineers, California Department of Fish and Game, and other federal or state agencies that may have regulatory authority over activities within riparian corridors and wetlands.

**LUP Policy 5.2.5 Setbacks From Wetlands.** Prohibit development within the 100 foot riparian corridor of all wetlands. Allow exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance, and in all cases, maximize distance between proposed structures and wetlands. Require measures to prevent water quality degradation from adjacent land uses, as outlined in the Water Resources section.

**LUP Policy 5.2.7 Compatible Uses With Riparian Corridors.** Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction



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with approval of a riparian exception.

**LCP Section 16.32.090(c) Approval Conditions.** All development activities in or adjacent to a sensitive habitat area shall conform to the following types of permitted uses, and the following conditions for specific habitats shall become minimum permit conditions unless the approving body pursuant to Chapter 18.10 finds that the development will not affect the habitat based on a recommendation of the Environmental Coordinator following a biotic review pursuant to Section 16.32.070.

| <b>(A) Environmentally Sensitive Habitat Areas</b> |   |  |
|--|---|--|
| <b>Type of Sensitive Area</b>                      | <b>Permitted or Discretionary Uses</b>  | <b>Conditions</b>                                    |
| 1. All Essential Habitats                          | Nature study & research, hunting, fishing and equestrian trails that have no adverse impacts on the species or the habitat; timber harvest as a conditional use | Preservation of essential habitats shall be required |

...

| <b>(C) Habitats of Locally Unique Species</b>  |  |  |
|--|--|--|
| <b>Type of Habitat</b>   | <b>Permitted or Discretionary Uses</b>   | <b>Conditions</b>  |
| 1. Special Forests (San Andreas, Live Oak, Woodland/Maritime Chaparral, Indigenous Ponderosa Pine Forest, and Indigenous Monterey Pine Forest) | forest preserve, natural observation, educational instruction residential uses, meeting performance criteria | Structures shall be clustered, and/or located near to any existing structure.<br><br>Landscaping plans shall include characteristic native species.<br><br>Applicants shall enter into a "declaration of restriction" allowing the development and utilization of a prescribed burning program of other means to mimic the effects of natural fires. |



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|  |  | <p><i>For residential development, site disturbance shall not exceed 1/4 acre per unit or 25% of the parcel, whichever is less.</i></p> |
|--|--|---|

### 2. County-Approved Project

According to the project biotic assessment<sup>11</sup> the subject site has a number of sensitive habitat areas including Monterey pine forest along the eastern property line, an unnamed wetland/riparian system along the southwest portion of the site to which much of the site drains, and some patches of native grasslands. Although individual specimens have not been identified on the site, suitable habitat exists in and around the wetland/riparian system for San Francisco grater snake, California red-legged frog, Southwestern pond turtle, California tiger salamander, Yellow warbler. One Cooper's hawk was identified on the site. The Applicant indicates that red-legged frog have been identified in the pond due north of the subject property (approximately 200 feet from the property line).<sup>12</sup> The Federal and State status of these species is as follows:

| Species                     | Federal Status          | State Status            |
|-----------------------------|-------------------------|-------------------------|
| San Francisco grater snake  | Endangered Species      | Endangered Species      |
| California red-legged frog  | Threatened Species      | Special Concern Species |
| Southwestern pond turtle    | Special Concern Species | Special Concern Species |
| California tiger salamander | Candidate Species       | Special Concern Species |
| Yellow warbler              | None                    | Special Concern Species |
| Cooper's hawk               | None                    | Special Concern Species |

Per the LCP, the Monterey pine forest and the wetland/riparian system are environmentally sensitive habitat areas (ESHA). Native Monterey pine (*Pinus radiata*) forest is explicitly defined by the LCP as a Sensitive Habitat (LUP Policy 5.1.2(b) and IP Section 16.32.040); by virtue of this and by virtue of its California Native Plant Society List 1B status (i.e., "Plants Rare, Threatened, or Endangered in California and elsewhere"), native Monterey pine is defined by the LCP as an Environmentally Sensitive Habitat within the meaning of the Coastal Act (LUP Policy 5.1.3 and IP Section 16.32.040). Wetlands and riparian corridors are likewise categorically defined in the LCP as Sensitive Habitats (LUP Policy 5.1.2(i) and (j)) and designated as ESHA (LUP Policy 5.1.3).

The County found that the proposed residence was sited approximately 750 feet from the

<sup>11</sup> *Hinman Property (Año Nuevo House) Biotic Assessment* by The Habitat Restoration Group (dated May 20, 1997) as reviewed and accepted by the County's consulting biologist, Bill Davilla on November 5, 1998.

<sup>12</sup> Communication with Commission staff July 24, 2000.



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wetland/riparian system and potential habitat for listed species. The County conditioned the project for erosion control and grading best management practices to avoid any disruption of this area. The County prohibited widening of the access road in the vicinity of the wetland/riparian system.

The County found that although the project was located within the Monterey pine forest resource, the only living pines that would be removed would be a few small saplings. The County conditioned the project to protect trees during construction and to limit any future tree removal.

See Exhibit C for County conditions.

### 3. Consistency with Applicable LCP Policies

#### A. Wetland/Riparian System

LCP Policy 5.1.2 defines the subject wetland/riparian system as ESHA. LCP Policies 5.1.3, 5.1.6 and 5.1.7 dictate that development is strictly limited within this area, and that development that does occur shall not significantly disrupt habitat values (5.1.6), shall be placed as far from the habitat as feasible (5.1.7), and shall require deed restrictions, easements, or other such measures to protect such habitats (5.1.7).

In this case, development is not proposed within the wetland/riparian habitat area itself. The existing unpaved access road used by the existing residence to the south would be paved but not widened in the vicinity of the habitat. One would expect that the paving of the road would increase runoff (from increased impervious surface) while at the same time reducing sediment transfer into the resource. Such development activity would not lead to a significant disruption of this resource. Likewise, the existing road is already used by residential traffic. The additional traffic that would be attributable to the proposed project would not substantially change this dynamic and likewise would not lead to a significant disruption of this resource.

The lights that would be visible from the proposed residence at night might have some limited impact on nighttime foraging and movement. However, at a distance of over 750 feet, and given the dense vegetation in and around wetland/riparian area, it is not likely that these nighttime impacts would result in a significant disruption to this habitat.

Although there are locations on the subject site that would be further away from this resource than the site proposed (per LCP Policy 5.1.7), the only further site locations are at higher elevations on the northeastern corner of the site where there are important forest resources (see below) and increased visibility from public viewing areas. As such, read as a whole, the subject location is as far away from this resource as is feasible.

In sum, the subject development is not sited within this wetland/riparian ESHA and would not significantly disrupt the continuation of the habitat values there. As such, and although any such development near ESHA raises concerns, these concerns in this case do not rise to the level of a substantial issue in terms of the project's conformance with the LCP. However, the County did not



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require any binding legal instrument to protect this ESHA as required by LCP Policy 5.1.7. This omission raises a substantial LCP conformance issue.

### B. Monterey Pine Forest

#### Status of the Pine Resource<sup>13</sup>

Along the Pacific Coast, isolated groves of several different pine species (Monterey pine, Bishop pine, Santa Rosa Island pine, Torrey pine) provide some of the most interesting and scenic landscapes in the coastal zone. These isolated endemic occurrences are termed maritime closed-cone forests. The closed-cone characteristic is typical for fire-influenced forest habitats. On a very hot day (rare in these foggy locales) or in response to fire, the cones open and release their seed. Following a light ground fire, a virtual carpet of seedlings can be found beneath the old tree, after winter rains. Reproduction is most vigorous in recently burned areas, and weakest in the areas that receive the greatest fire-suppression efforts (i.e., the areas that have been divided and developed with residential estates). In a well-manicured yard, pine reproduction is essentially absent.

Within its native range, Monterey pine is found in just four places in the world: the main native stand mantling the Monterey Peninsula; the small stand here near Año Nuevo; the Cambria and Hearst Ranch stands in North San Luis Obispo County, parts of which are the least disrupted of the remaining groves; and a remote and little-known pine forest habitat on the Guadalupe and Cedros Islands located off the Pacific coast of Mexico. The Guadalupe Island grove's survival is uncertain, with fuelwood collecting, overgrazing by goats and severe soil erosion as primary threats. The U.S. groves, in contrast, are generally threatened primarily by habitat conversion (e.g., housing and resort development, golf course development, urbanization), soil erosion (road grading, recreational overuse), and invasive exotic plants (genista or "broom", pampas grass, acacia, eucalyptus, etc.). Commercial logging was an issue in the past, but today is largely confined to small salvage operations.

A more recent concern for the health and viability of the native Monterey pine forest comes from the threat of the pine pitch canker epidemic. According to the California Department of Forestry (CDF), pine pitch canker is a rapidly spreading fungal disease which infects trees primarily through insect wounds in the bark; Monterey and Bishop pines are especially susceptible. CDF also believes that the fungal spores are unintentionally carried over long distances by conveyance of contaminated materials. In addition to transport of contaminated materials by humans, typical vectors for the pathogen include bark beetles and other insects. All three of California's native stands of Monterey pines have now become infected; the status of the island stands in Mexico is less certain.

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<sup>13</sup> Sources for some of the information in this section include: *Pitch Canker in California*, Andrew J. Storer, Thomas R. Gordon, David L. Wood, and Paul L. Dallara (from the Pitch Canker Task Force Web Site April 1999); *Current Status of Pitch Canker Disease in California*, CDF Tree Notes #20, July 1995; *California Forestry Note #110*, CDF, November 1995; *Pitch Canker Action Plan, Appendix D to SLO County North Coast Area Plan public hearing document*, December 1996; *Pine Pitch Canker Task Force Position Paper*, California Forest Pest Council, January 23, 1997; *RFP for "Developing Programs for Handling...Infected Pine Material within the Coastal Pitch Canker Zone..."*, CDF, December 1997; *The Cambria Forest*, Taylor Coffman, Coastal Heritage Press, 1995; *Pebble Beach Lot Program Final Environmental Impact Report*, EIP Associates, June 1997.



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Pitch canker was confirmed on the Monterey Peninsula at the Pebble Beach fire house in April 1992, then at the Año Nuevo stand in December 1992, followed by the Cambrian stand in November 1994. CDF characterizes the threat to all native Monterey pine stands in California as "severe". On June 4, 1997 the State Board of Forestry defined a Pitch Canker Zone of Infestation which includes all of the coastal counties extending from Mendocino to the Mexico border. While one goal for the Zone is to slow disease spread, neither the State Board of Forestry nor the Department of Forestry and Fire Protection (CDF) has the authority to impose and enforce a quarantine on the movement of infected material.

CDF, the USDA-Forest Service, and Forest Genetics Institute have now expressed concern that not only other maritime pines, but also other native pines in the Coast Range, Cascade Range, and the Sierra Nevada may become diseased. The fungus was confirmed on a Bishop pine in Mendocino County in November of 1992 and has since been confirmed on Monterey pine in Ukiah (in Mendocino County) and Santa Rosa (Sonoma County). While redwoods have shown resistance in greenhouse tests, Torrey pine (from San Diego County), Ponderosa pine and even Douglas fir alarmingly demonstrated susceptibility in these tests. Certain genotypes of other more widely distributed tree species are also threatened by the pitch canker pathogen. For example the limited coastal populations of ponderosa pine, knobcone pine and Douglas-fir in Santa Cruz County are at risk due to their close proximity to infected off-site plantings of Monterey pine.

Although Monterey pine is by far the most commonly infected species, the pathogen has also been isolated from Aleppo pine, Bishop pine, Italian stone pine, Canary Island pine, Coulter pine, ponderosa pine, Digger pine, knobcone pine, shore pine, Torrey pine and Douglas-fir. The most recent new host records of the pathogen are all from planted trees in Santa Cruz County: shore pine at Sunset State Beach, Torrey pine at Seacliff State Beach, Digger pine in central Santa Cruz County, and knobcone pine and Douglas-fir in southern Santa Cruz County. Pitch canker has also been isolated from Aleppo pine Christmas trees in San Diego County, which was the first record of pitch canker in southern California on a tree species other than Monterey pine.

No cure for infected trees is currently available. Most estimates describe a mortality rate of up to 85%. Many thousands of trees are already dead. It is important to limit the spread of the fungus until an effective means to deal with it is discovered and disease-resistant stock can be made available. A small percentage of Monterey pine appears immune to the disease. However, of the causative species fungus (*Fusarium subglutinans f. ssp. pini*), only 5 strains are currently present in California; one of these makes up 70% of the California population of the fungus and an even higher proportion of the population present in the native Monterey pine stands in central California. Individual specimens which exhibit resistance to the one overwhelmingly prevalent strain might prove vulnerable to yet other strains that may become more widespread someday. As a result, the development of a one or only a few lineages of disease resistant stock is not likely to be sufficient to ward off the pitch canker threat.

Because the native range for Monterey pine is limited only to the Año Nuevo stand and three other isolated places on the globe, the main hope for the survival of the Monterey pine worldwide is that there will be enough natural diversity within the native stands so that at least some trees will have genetic



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disease resistance or tolerance, that these trees can be used to propagate new trees for urban repopulation, and that larger tracts of native pine forest can be preserved and managed so that natural regeneration can take place to repopulate native pine forest habitat. As such, the native pine stands in Año Nuevo area represent both a global resource for forest management and breeding programs to develop disease-resistant stock and forest, and a natural preserve of this sensitive species.

Indeed, until the nature of existing native pine forest immunity is understood, it is critical that the maximum genetic diversity within the native stands of Monterey pine be protected. CDF concludes:

*The restricted native ranges of Monterey pine, Torrey pine, and Bishop pine heightens concern for the effect of pitch canker on these populations. Monterey pine is the most widely planted timber species in the world, and California's native populations represent a global resource for breeding programs. Pitch canker has the potential to reduce the genetic diversity of these species and the integrity of their native stands.*

Finally, because of the various threats to the species, native Monterey pine has been listed as a Federal Species of Concern and a California Native Plant Society List 1B species ("Plants Rare, Threatened, or Endangered in California and elsewhere"); List 1B species are specifically eligible for state listing. Although temporarily withdrawn in December 1999 to allow CDFG to respond to the volume of information submitted, the California Native Plant Society submitted a petition in August 1999 to list Monterey pine as a Threatened Species under the California Endangered Species Act. As described above, native Monterey pine forest is defined as ESHA in the certified LCP.

### Impacts to the Pine Resource

The Hinman parcel is located within and at the perimeter of a much larger contiguous indigenous Monterey pine forest immediately to the east of the property. This tree canopy extends exclusively along the eastern property line of the site and is the outlying edge of a larger forested area extending along the steep arroyo of Año Nuevo Creek located east and north of the subject site. This Año Nuevo forest area, extending from the coast to approximately 1000 feet inland of the subject site, is one of four places on the globe where native pine remain. The native pine forest here is differentiated from the other indigenous pine forests by the fact that it is part of a much more mixed forest (including specimens of douglas fir, redwood, madrone, etc.). In contrast, the main Monterey Peninsula stand is almost entirely made up of pine. In contrast again to the main Monterey Peninsula stand, and to a lesser degree the Cambrian stand, that have been severely reduced in size due to development, the indigenous Monterey pine forest here has remained virtually intact in recent years. As such, any development proposal that may impact this resource demands careful scrutiny.

The proposed residence would be sited along the edge of the existing forest within a scattered outlying grove of Monterey pine – some living, some infected with pitch canker – and other trees. Although the County indicated that the only pine that would be removed for the proposed project would be several small pine saplings, the Applicant's plans indicate that no living pine would be removed. This is verified



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by the Applicant's consulting forester.<sup>14</sup> The consulting forester also indicates that there are only a few dead and/or infected pine in the immediate area where the residence would be constructed.

The LCP recognizes the indigenous Monterey pine forest here as ESHA (LCP Policies 5.1.2 and 5.1.3). The County's approval, though, has interpreted this to mean individual pine tree specimens, rather than the larger forest resource that constitutes the sensitive habitat resource. Although individual sensitive species are important to protect, individual specimens need to be understood within the ecological context that makes up their habitats. Thus, Monterey pine forest needs to be understood as a complete and dynamic habitat – understory and overstory, animals and interactions, soils and climates. A forest is in fact a complex, interdependent web of living organisms rather than just a collective noun for a group of trees in the landscaping sense. At issue is preservation of habitat, not simply mitigation of individual tree impacts. It is to the *forest* that the LCP refers (LCP Policy 5.1.2).

The eastern portion of the subject site that is characterized by Monterey pine forest, and the land within this outlying boundary – including the proposed building pad – constitutes Monterey pine forest habitat. The County's staff report concurs stating that "the proposed building site is located within the Monterey pine forest area." In the absence of development on this more steeply sloping portion of the subject site, Monterey pine would be expected to expand and grow in this current clearing in this forest area. In fact, the forester's report indicates that such regeneration is occurring currently nearby with approximately 20 healthy pine saplings growing just west of the proposed house site. In other words, the sensitive species is using the sensitive species habitat here.

In fact, it is likely that historically, before the site was cleared for agricultural purposes in the last century, that the entire site was part of the larger Año Nuevo pine forest. The Applicant's consulting forester indicates that the historic range of the Año Nuevo pine forest was approximately 11,000 to 18,000 acres – this is down to approximately 1,500 to 2,000 acres today.<sup>15</sup> The site is located within the appropriate climatic range, and is bracketed both inland and seaward by existing pine forested areas.<sup>16</sup> In the absence of human intervention, the entire site would likely convert to indigenous pine forest indicative of the Año Nuevo stand. At the least, the southeastern half of the property appears to provide habitat for native pine as evidenced by the approximately 20 healthy pine saplings growing between the northeastern and southwestern property lines and the associated forested areas at those property lines. In other words, the forest appears to be regenerating across the subject site as of today.

Similar to Coastal Act section 30240, the Santa Cruz County LCP does not allow non-resource dependent development within ESHA. Residential development within the proposed location would not be dependent on the resource and does not meet any of the other LCP Policy 5.1.3 tests. Moreover, residential development here would not "maintain or enhance the functional capacity of the habitat" as required by LCP Policy 5.1.6. In fact, such development would remove habitat from its primary function.

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<sup>14</sup> Steven Staub, Chair of the State's Pine Pitch Canker Task Force.

<sup>15</sup> Communication with Commission staff July 24, 2000.

<sup>16</sup> There are also interspersed agricultural clearings seaward of the site that were likely part of the historical Monterey pine range here.



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LCP Section 16.32.090(c)(A)(1) does not include residential uses as either a permitted or discretionary use within essential habitats. In addition, residential development brings with it fire suppression concerns and requirements (such as defensible clear space around the house). It is very likely that these concerns and/or requirements would lead to future removal of indigenous Monterey pine forest at this site. This is all the more possible since the County did not otherwise protect these resources through a legal instrument as required by LCP Policy 5.1.7(c).

Furthermore, as described above, prescribed and natural burns within such Monterey pine forests can be extremely important for the continued vitality of the forest resource. Residential development within and adjacent to the forest resource presents a conflict with pursuing such management techniques due to concerns for residential structures. The LCP requires that development within or adjacent to indigenous Monterey pine forest be accompanied by a property restriction allowing for the development and implementation of prescribed burn programs; this property restriction was not a part of the approved project as required by LCP Section 16.32.090(c)(C)(1).

To the extent that other portions of the site would not be considered ESHA, alternative siting may be possible outside of the Monterey pine forest habitat, but this has not been pursued as required by LCP Policy 5.1.7.<sup>17</sup>

Finally, LCP Section 16.32.090(c)(C)(1) requires that residential development within or adjacent to indigenous Monterey pine forest shall not exceed  $\frac{1}{4}$  acre or 25% of the parcel, whichever is less. The proposed residential compound and the proposed access driveway are proposed both adjacent to and within Monterey pine habitat. Since the subject parcel is approximately 50 acres, the LCP limits site disturbance in this case to  $\frac{1}{4}$  acre (or 10, 890 square feet). The proposed residential compound (house, garage, pool, paths, and surrounding ornamentally landscaped grounds) would disturb roughly over an acre and the proposed driveway would disturb roughly 14,000 square feet. This is approximately 6 times the LCP's maximum allowable area of disturbance here.

For these reasons, the proposed project raises a substantial issue in terms of the project's conformance with the LCP's Monterey pine forest protection policies.

#### 4. ESHA Conclusion

Native Monterey pine forest is found in just four places in the world, including the larger forest area of which a portion is located on the subject site. The subject indigenous pine stand is the least disturbed of the 3 California locales; and though less is known about the Mexican island stands, probably the least disturbed of all the indigenous pine stands in the world. The very existence of pine is threatened by pitch

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<sup>17</sup> As described in this finding, it is possible that the entire site is either Monterey pine forest habitat and/or wetland/riparian habitat. Further biotic assessment and mapping would be required to understand this dynamic completely. In any case, the site is either ESHA or immediately adjacent to ESHA. LCP Policy 5.1.2(c) and LCP Section 16.32.040 (Sensitive Habitat and Environmentally Sensitive Habitat Area definitions) indicate that areas immediately adjacent to Monterey pine forest habitat should be themselves considered ESHA. Accordingly, the LCP's ESHA policies will come into play regardless. LCP Section 16.32.090(c)(A)(1) does not include residential uses as either a permitted or discretionary use within essential habitats.



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canker. The survival of the genetic diversity of the species is dependent in part on maintaining the four native groves. The subject development is sited within indigenous Monterey pine forest habitat that is defined as ESHA by the LCP. The proposed residence is not dependent on siting within the ESHA and does not meet any of the other LCP tests for allowing development within ESHA. The proposed project would significantly disrupt the continuation of the habitat values within the ESHA contrary to the LCP. There may be alternative sites available on the subject 50 acre parcel outside of the LCP-defined ESHA that would keep a more appropriate distance from this threatened ESHA. The proposed site disturbance is roughly 6 times that maximum allowed by the LCP. The County did not require a property restriction allowing for prescribed burns as required by the LCP. The County did not require any binding legal instrument to protect ESHA (both for Monterey pine and the wetland/riparian system) on site as required by LCP. For all these reasons, the proposed project raises a substantial issue with respect to its conformance with the LCP's ESHA policies cited in this finding.

### C. Land Use – Agriculture

#### 1. Applicable Policies

LCP agricultural land use policies specifically applicable to the subject site include:

*LUP Policy 2.22.1 Priority of Uses within the Coastal Zone. Maintain a hierarchy of land use priorities within the Coastal Zone:*

*First Priority: Agriculture and coastal-dependent industry*

*Second Priority: Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities.*

*Third Priority: Private residential, general industrial, and general commercial uses.*

*LUP Policy 2.22.2 Maintaining Priority Uses. Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.*

*LUP Objective 5.13 Commercial Agricultural Land. To maintain for exclusive agricultural use those lands identified on the County Agricultural Resources Map as best suited to the commercial production of food, fiber, and ornamental crops and livestock and to prevent conversion of commercial agricultural land to non-agricultural uses. To recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands.*

*LUP 5.13.5 Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land. Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural use. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops and raising of animals including grazing and livestock production.*



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**LUP 5.13.6 Conditional Uses on Commercial Agricultural (CA) Zoned Lands.** All conditional uses shall be subject to standards which specify siting and development criteria; including size, location and density. Allow conditional uses on CA zoned lands based upon the following conditions: (a) The use constitutes the principal agricultural use of the parcel; or (b) The use is ancillary incidental, or accessory to the principal agricultural use of the parcel; or (c) The use consists of an interim public use which does not impair long term agricultural viability; and (d) The use is sited to avoid conflicts with principal agricultural activities in the area; and (e) The use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production.

**LUP 5.13.7 Agriculturally Oriented Structures.** Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land; prohibit non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture.

**LUP 5.13.28 Residential Uses on Commercial Agricultural Land.** Issue residential building permits pursuant to policy 5.13.32 in areas designated as commercial agricultural land, only upon documentation that: (a) The residential use will be ancillary to commercial agricultural use of the parcel (See criteria in policy 5.13.29); or (b) The parcel is less than one net acre in size or has physical constraints other than size which preclude commercial agricultural use. In either case, residential development shall be allowed only if the residential use does not conflict with on-site or adjacent agricultural activities and the building site has approved agricultural buffer setbacks.

**LUP 5.13.29 Residential Use Ancillary to Commercial Agriculture.** Utilize the following criteria for determining when a residential use would be ancillary to commercial agriculture:

- (a) Documentation that the farmable portion of the subject 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
- (b) Documentation that the owners have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel by another party; and
- (c) Documentation that, concurrent with each of the above, the structure is sited in such a manner so as to minimize possible conflicts with commercial agriculture in the area, and to remove no land from production (or potential production) if any unfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

**IP Section 13.10.311(a) Purposes of Agricultural Districts, "CA" Commercial Agriculture.** The purposes of the "CA" Commercial Agriculture Zone District are to preserve the commercial agricultural lands within Santa Cruz County which are a limited and irreplaceable natural resource, to maintain the economic integrity of the economic farm units comprising the commercial agricultural areas of the County, to implement the agricultural preservation policy



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of Section 16.50.010 of the Santa Cruz County Code, and to maintain and enhance the general welfare of the county as a whole by preserving and protecting agriculture, one of the County's major industries. Within the "CA" Commercial Agriculture Zone District, commercial agriculture shall be encouraged to the exclusion of other land uses which may conflict with it.

### **IP Section 13.10.314 (Required Special Findings for "CA" and "AP" Uses.**

(a) All Uses. For parcels within the "CA" Commercial Agriculture and "AP" Agricultural Preserve Zone Districts, the following special findings must be made in addition to the findings required by Chapter 18.10 in order to approve any discretionary use listed under Section 13.10.312 which requires a Level V or higher Approval except Agricultural Buffer Determinations:

1. That 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 operations, of the area.
2. That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or that no other agricultural use is feasible for the parcel.
3. That 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.
4. That the use will be sited to remove no land from production (or potential production) if any nonfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

(b) Residential Uses in the Coastal Zone. For parcels within the "CA" Commercial Agricultural and "AP" Agricultural Preserve Zone Districts in the Coastal Zone, the following special findings shall be made in addition to those required by Chapter 18.10 and paragraph (a) above in order to approve any discretionary residential use including a single family residence, a permanent caretaker's residence, or habitable accessory structure. These findings shall be based upon a review and determination by the Agricultural Policy Advisory Commission.

1. That the parcel is less than one acre in size; or that the parcel has physical constraints (such 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



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- (ii) *The owners of the subject parcel have a long-term binding agreement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.*
2. *That the residential use will meet all the requirements of Section 16.50.095 pertaining to agricultural buffer setbacks.*
  3. *That the owners of the 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 issuance of the Development permit.*

### 2. County-Approved Project

As described earlier, the subject site was originally part of the larger Steele Ranch that at one time encompassed roughly 7,000 acres dedicated primarily to dairy operations. The properties were subdivided in the 1950s creating the subject parcel and its neighboring properties. Historic grazing on this parcel has long since ceased and the land has lay fallow for some time.

Residential development is a conditional, discretionary use in the subject CA zone district applicable to the parcel. Specific findings to allow such a use must be made pursuant to LCP Section 13.10.314. In this case, the County found that: siting the proposed residence within the Monterey pine forest would keep the residence away from farmable portions of the property; that the residence would not preclude the potential for renewed agricultural use at the property; and that the residence would lie a sufficient distance (300 feet) from adjacent agriculturally designated lands to adequately protect from potential land use conflicts. The project exceeds the agricultural buffer setback requirements of LCP Section 16.50.095 (200 feet) and the local permit has been conditioned to require the property owner to sign and record an acknowledgment of adjacent agricultural land uses and a hold harmless agreement to be recorded on the property deed. The County found the proposed residence to be ancillary to any agricultural use since the farmable portion of the parcel (20 to 40 acres) would still be large enough to constitute a minimum economic farm unit capable of supporting livestock grazing. The County found that the dwelling would cover approximately one acre, or about 2% of the gross parcel area.

The County found that the property has value for renewed agricultural production. Specifically, the property could support a small herd of dairy cattle or goats or other livestock in the large meadow area, or, in the alternative, crops such as cut flowers, ollalie berries, kiwi fruit, pumpkins, squash, or Christmas trees could be cultivated. Overall, the parcel is large enough to constitute an economic farm unit for several crops and the County has found the presence of prime agricultural soils here.

### 3. Consistency with Applicable LCP Policies

The LCP is extremely protective of agricultural lands and is reflective of the policies of the Coastal Act by its encouragement of agricultural uses to the exclusion of other land uses that may conflict with them. In short, the policies of the LCP acknowledge that coastal agricultural lands are an irreplaceable natural resource and the protection of their economic integrity as economic farm units is vital. In order to



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accomplish this, the LCP sets forth a number of requirements. These include, but are not limited to, defining allowable agricultural uses (including allowed support and related facilities), principal and conditional uses, development standards, and easement requirements. In addition to the general requirements of the CA Commercial Agriculture District, the LCP requires that special findings be made to allow a conditional, discretionary residential use on a CA-zoned property. .

LCP Section 13.10.314 sets forth four general tests that must be met before a use can be allowed in the CA district. In sum, these are: (1) that maintenance of the use will enhance or support agriculture, and will not reduce, restrict or adversely affect agricultural operations in the area, (2) that the use is ancillary, incidental or accessory to agricultural use of the parcel or no other agricultural use is feasible, (3) that single family residential uses will be sited to minimize conflicts, and (4) that the use will not remove land from production (or potential production) or will remove as little land as possible from production.

LCP Section 13.10.314 also requires that special findings be made to allow a residential use here. These requirements are in light of the conditional, discretionary nature of the residential use on these CA lands. These requirements restrict residential uses upon CA parcels to parcels: (1) that are less than one acre in size, (2) that are so physically constrained (other than overall size) that they preclude commercial agricultural use, or (3) where the residential use would be ancillary to commercial agricultural use of the parcel because either (a) the farmable portion of the property constitutes a minimum economic farm unit without the building site or (b) there is a binding agreement for continued commercial agricultural use of the remainder of the site. In any case, the residential use must, in addition to other requirements of the LCP, adhere to the agricultural buffer setbacks of LCP Section 16.50.095 and execute a hold harmless covenant with the owners and agricultural operators of adjacent agricultural parcels.

The general incompatibility of residential and agricultural land uses is highlighted by the fact that the proposed project is a conditional, discretionary use at this site. As such, the allowance of the proposed use is not a right under the LCP and is subject to discretionary review for consideration. Reasons for this conditional use designation are rooted in the inherent incompatibility of these two land uses. Typical incompatibility issues raised at urban-agricultural land use interface include: noise, dust, and odors from agricultural operations; trespass and trash accumulation on agriculture lands; road-access conflicts between agriculturally related machinery and automobiles; limitations of pesticide application, urban garden pest transfer, theft, vandalism; and human encroachment from urban lands to name a few. Such incompatibilities can threaten continued agricultural cultivation when its proximity to non-agricultural uses (such as residential) raises issues and/or concerns that standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as dust and noise from machine operations – cultivating, spraying, harvesting, et al) are a threat to the *non*-agricultural uses.

In sum, the LCP requires that the proposed residential use be incidental to the agricultural use of the site, and that it not restrict, reduce, or otherwise adversely affect continued or renewed agricultural production.

The County findings pursuant to LCP Section 13.10.314 are based primarily upon the proposed residence's location outside of the most agriculturally viable portions of the property. In other words,



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because the residence would be placed on the higher elevations within the Monterey pine forest, the residence would not adversely impact the prime agricultural area running north to south along the western portion of the property.

Although such siting raises other forest resource concerns as detailed in the findings above, the Commission can concur that the proposed building site would stay out of the most agriculturally viable portion of the site as indicated by the County, and as required by LCP Section 13.10.214. As such, the project generally satisfies the first portion of the Section 13.10.314 test (namely that agricultural use, in this case future agricultural use of the property, not be adversely affected). However, the project raises fundamental questions whether such an enormous residential structure can be considered "ancillary, incidental, or accessory" to commercial agricultural use of the property as also required by LCP Section 13.10.214. As mentioned, the proposed project would occupy approximately one acre of the parcel. In fact, the applicant proposes to construct a 3 story, 51 foot tall, 15 room single-family dwelling, with a basement, 3-car connected garage (with a room above), swimming pool and assorted pathways, courtyards, and retaining walls. In total, approximately 15,000 gross square feet of structures would be developed. It is questionable if the 15,000 square foot house and pool are ancillary, incidental, or accessory (Section 13.10.314(a)(2) and (b)(1)) to agriculture. In fact, though a somewhat subjective test, the proposed dwelling stretches the limit of interpretation to find that it is a "agriculturally oriented dwelling" as required by LCP Policy 5.13.7. Such a development would be considered a very large farm house if it were even one-third that size. In fact, when compared with other Santa Cruz agricultural properties, the proposed structural development is far larger than other residences constructed as ancillary facilities on agricultural lands. Although a survey would be necessary to confirm, anecdotal evidence suggests that it would be the largest such agricultural residence in Santa Cruz County, and one of the largest residences in the County overall.

The applicable LCP test for "ancillary" in this case is that the farmable portion of the property, exclusive of the building site, would constitute a minimum economic farm unit for three crops, other than greenhouses (LCP Section 13.10.314(b)(1)(i)). The LCP defines "minimum economic farm unit" as follows:

*An area of farmland of sufficient size to provide a return to land and capital investment or a return to cover costs of a new investment*

In this case, the County has indicated that even with the residential development, the large meadow area portion of the property could support a small grazing herd, or that it could support commercial agricultural crops such as cut flowers, ollalie berries, kiwi fruit, pumpkins, squash, or even Christmas trees. Although the soils are not ideal, irrigation and good management practices would make such operations economically feasible. The Commission can concur that this is the case. Since the proposed project meets this test, LCP Section 13.10.314(b)(1)(i) specifies that the subject residential use is in fact ancillary to agricultural use of the parcel's remainder. So while the Commission must observe that such a finding that this enormous residential development is "ancillary" to agricultural use stretches the limit of reason, it is within the parameters of the applicable LCP policies to find it so. As is the "agriculturally oriented dwelling" requirement of LCP Policy 5.13.7. It is still, however, a discretionary use for which



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some discretion is allowed. Accordingly, although the large overall mass and scale of the proposed estate compound raises issues in terms of the proposed project's conformance with the LCP's agricultural land use policies, this does not by itself in this case rise to the level of a substantial LCP conformance issue because agriculture is not precluded. However, in tandem with the other substantial LCP conformance issues cited in these findings, because the huge residential compound is proposed absent any agricultural operation on the site, because it is the lowest priority use within the LCP's use hierarchy, because the potential for cumulative impacts on north coast agriculture from the "estatization" of CA lands, there is a substantial LCP conformance issue.

In addition, although the County findings state that the, "permit has been conditioned to require that the property owners sign and record an Acknowledgement of adjacent agricultural land and a hold harmless agreement on the subject parcel's property deed restriction," the County's condition only requires "a statement acknowledging the adjacent agricultural land use and the agricultural buffer setbacks." The Commission's experience has been that the precise wording of such an acknowledgment is critical to ensuring that future issues do not arise that would threaten ongoing normal agricultural operations on adjacent properties. It may be that the County's condition is sufficient in this regard. This would be the case if it invoked all of the parameters of LCP Section 16.50.090 detailing applicable deed restriction language for development adjacent to agricultural lands. While it can be assumed that the County would use Section 16.50.090 deed restriction language, this is not explicitly stated. Without knowing what the deed restriction would contain, it is difficult to say with certainty whether this LCP requirement is met in this case. While alone such a question might not rise to the level of a substantial issue, it corroborates the fact that the proposed project presents an overall agricultural policy substantial issue.

#### 4. Land Use - Agriculture conclusion

North coast agricultural lands are a finite resource for which the LCP demands the highest level of protection. Although construed narrowly, the LCP would allow for such a huge residential compound in the site proposed (were there not otherwise visual and ESHA issues as previously described), the enormity of the proposed development stretches the limits of the LCP for such a discretionary, conditional use at this location. It may be that the remainder of the site would constitute a "minimum economic farm unit," but it is more difficult to make the case that such a huge residential development is "ancillary, incidental, or accessory" to commercial agricultural use of the property. And while the Commission is in no way trying to dictate what types of residence are appropriate for individuals engaged in agricultural activities, it is clear that the subject residence would be one of the largest, if not the largest, such residences on agricultural lands in Santa Cruz County. It raises a question as to whether the proposed residential compound qualifies as an "agriculturally oriented dwelling" as required by the LCP. Further, although the huge size of the development may be *allowed* based upon setback versus height tradeoffs prescribed in the LCP,<sup>18</sup> it remains a discretionary decision as to the scale and character

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<sup>18</sup> The LCP does not contain an outright cap on the size of residential development in the CA district. In fact, although the maximum height for residential structures in the CA zoning district is 28 feet, LCP Section 13.10.323(e)(5) allows the height to be increased by one foot for every 5 feet of increased yard setback. Using the large size of the lot to increase the required yard setbacks, the Applicant



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of such an ancillary use on agricultural land. Because of its enormous mass and scale as compared to ancillary residential uses on other agriculturally zoned properties, because the huge residential compound is proposed absent any agricultural operation on the site, because it is the lowest priority use within the LCP's use hierarchy, because the potential for cumulative impacts on north coast agriculture from the "estatization" of CA lands, because of the potential for de facto conversion of CA lands to residential uses, and in tandem with the substantial issues raised elsewhere in these findings, the proposed project raises a substantial issue with respect to its conformance with the LCP's agricultural use policies cited in this finding.

### D. Cumulative and Growth Inducing Impacts

#### 1. Applicable Policies

The LCP protects against impacts associated with individual projects such as this, as well as the cumulative impact from such projects in relation to current and potentially planned development. The LCP states:

*LUP Policy 2.1.4 Siting of New Development. Locate new residential, commercial or industrial development, within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources.*

#### 2. County-Approved Project

The County found that the project itself, as conditioned, would not induce future growth by virtue of its CA zoning, location within a Least Disturbed Watershed, and location adjacent to larger TP zoned lands.

#### 3. Consistency with Applicable LCP Policies

The LCP requires that development not individually, or cumulatively when considered in the context of other existing and reasonably foreseeable future development, significantly adversely affect coastal resources. As discussed in the findings above, the proposed project by itself results in adverse ESHA and visual, and potentially agricultural land use, impacts. Any such impacts would be exacerbated by similar projects that may take place in the foreseeable future both in the general Año Nuevo area as well as the larger north Santa Cruz County – south San Mateo County region that is largely undeveloped at present time.

The concern is that these large, mostly undeveloped and agricultural parcels, will be used in the future for a plethora of "monster" trophy homes. These large trophy homes, where visible, would redefine the character of the agrarian and wilderness landscape here. There is also the question of whether such large

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was able to use this formula to pursue a 51 foot residence at this location without a variance. On very large lots, it is conceivable that the LCP might allow even taller residential structures.



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homes have relatively more resource impacts than smaller homes due to increased water consumption, increased waste water production, larger impervious surfaces, more traffic, et cetera generated by the increased level of upkeep necessary to maintain larger homes and grounds. Part of this is because larger estate homes and grounds can include more persons involved in day to day maintenance (such as maids, gardeners, pool persons, etc.); such has been the Commission's experience in such large home enclaves as Pebble Beach.

The Applicant has submitted a cumulative impact analysis for the immediately surrounding 19 private parcels<sup>19</sup> (see letter report from the Applicant dated received May 15, 2000, Exhibit L). This analysis concludes that, with the exception of the proposed Lee house located seaward of the proposed project site (Appeal A-2-SMC-99-066), any future development on the remaining large privately held parcels would be limited by the zoning (CA and TP) and could be hidden from public view utilizing the topography and intervening vegetation here. This analysis seems reasonable because: (1) CA zoned land is limited to a maximum density of 40 acres per dwelling unit; (2) TP zoned land is limited to a maximum density of 40 acres per dwelling unit; (3) allowable land division for CA and TP zoned lands is limited; (4) properties located within Least Disturbed Watersheds (such as the subject site) require a minimum 40 acre parcel; and (5) residential development is a discretionary conditional use as opposed to a principal permitted use in these areas.

With regards to growth inducement, it is not likely that the subject residence would induce future growth in the immediately surrounding parcels. The project does not propose a new road, rather it relies on an existing road providing access to other residential structure tucked away at this location. There are not additional undeveloped properties that could be reached by the road here. The zoning and least disturbed watershed designation here precludes additional dwelling units and/or land division. The same can generally be said for the immediate surrounding area. In any case, any such future development proposals would be subject to the same policies as this proposal, dictating avoidance of sensitive habitats and public viewsheds.

It is possible that the Commission's approval of a large dwelling here could induce similar future development proposals by virtue of the perception that such development was deemed appropriate by the Commission, but this growth inducing "impact" would be very difficult to distinguish with any certainty. Staff notes, in any case, that the Lee house also currently on appeal to the Commission to the west would be approximately 6,500 square feet. Just upcoast, San Mateo County is currently reviewing another CDP application for a 15,000 square feet house (Applicant Steve Blank).

#### 4. Cumulative Impact Conclusion

The largely undeveloped north Santa Cruz County – south San Mateo County region is a critical coastal resource area. Maintaining the agrarian and wooded rural countryside between Half Moon Bay and the

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<sup>19</sup> The vast majority of lands surrounding the subject site are in public ownership including Año Nuevo State Reserve and Big Basin Redwoods State Park; see Exhibit H.



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City of Santa Cruz is of utmost County and State importance. The LCP protects this resource through the ESHA, visual, and land use policies described in the previous findings; it also protects against potential cumulative, growth-inducing types of effects pursuant to LCP Policy 2.1.4. The proposed project as approved by the County may induce a similar type of future growth in this area to the extent such an approval sets precedence for the LCP policy interpretation that residential structures may be visible within the critical viewshed when other hidden siting options exist. Such potential future development would have similar impacts as those attributable to the proposed project as discussed in these findings; these impacts would be significant both on an individual and cumulative basis. For all these reasons, the proposed project raises a substantial issue with respect to its conformance with the LCP's cumulative and growth inducing impacts policies cited in this finding.

### **E. Substantial Issue Conclusion**

The proposed project would place an enormous residential estate on a agriculturally zoned property in the critical public viewshed surrounding the Año Nuevo State Reserve along a stretch of mostly undeveloped San Mateo County – Santa Cruz County coastline to the detriment of ESHA and visual resources protected by the LCP. The project raises critical and substantial issues with respect to the proposed project's conformance with the LCP's visual, ESHA, and agricultural land use policies; all of these issues are exacerbated by their potential for cumulative impacts in the future. Due to these issues, the Commission takes jurisdiction over the coastal development permit for this project.

In order to analyze the project on its merits in a de novo review, additional biotic assessment and analysis will be necessary to identify where on the subject site a residential structure could be sited consistent with the LCP. At a minimum, such additional analysis needs to better evaluate the site for its potential as native Monterey pine forest habitat. Such additional assessment and analysis would map the soils and types of vegetative cover on the site, provide information on the climatic regime (fog and weather patterns), and indicate how the soils, climate, and understory species contribute to Monterey pine forest habitat at this location. Such information should be accompanied by mapping and air photo documentation of the historic extent (and changes thereto) of the Año Nuevo native pine stand over the years, as well as summation of relevant major research to date on this native stand, and other native stands as appropriate.

After Commission staff have reviewed this additional biotic assessment and analysis, and further evaluated the biology of the site, the portions of the site, if any, that are not ESHA will be better defined. At that time, it will be possible to prepare a de novo staff report on the merits of the project. This future review may need to take into account property rights under the Constitution and weigh the relevant visual, ESHA, and agricultural LCP policies to determine the most appropriate siting of a home on the parcel.

Finally, the Commission notes that the LCP is not currently structured to strictly prohibit development



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on the rural north coast.<sup>20</sup> In fact, as described in these findings, substantial development is allowed by the LCP on these mostly large parcels. As a result, additional proposals such as this will likely make their way through the local process eventually. Although the County has indicated that refinements to the large dwelling ordinance (see Exhibit O) are forthcoming, the Commission understands that such refinements are meant to reign in the overall mass and scale of large dwellings.<sup>21</sup> Some such refinements along these lines would generally be welcomed. However, if the objective is to retain the rural open space north coast area intact, or even relatively intact, the County would be well served by developing a complementary ordinance that expressly prohibits development visible from County-defined critical viewing areas (e.g., something similar to the Critical Viewshed ordinance of the Big Sur Coast Segment LCP). Such an ordinance would alleviate Commission concerns that LCP policies were being construed to allow development within the public viewshed when it is otherwise feasible to site and/or scale development in such a way as to protect this national treasure that is Santa Cruz County's north coast. Such a policy can help to take interpretation and subjectivity out of these types of coastal permitting decisions, and can clarify the rules involved for all interested parties; ultimately, such a critical viewshed policy in tandem with additional large dwelling review tools and controls would better protect the critical coastal resources here.

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<sup>20</sup> Although development in view of LCP-designated "Coastal Special Scenic Areas" does include such a prohibition (LCP Policies 5.10.16 and 5.10.17), this designation is applied to only two confined areas (the Swanton Road scenic area and the Bonny Doon sandstone formations, both downcoast of this site). Further, the prohibition of development within the Coastal Special Scenic Areas public viewshed applies only to Swanton Road. Even this prohibition allows for the use of landscaping to screen development from public view.

<sup>21</sup> When the County approved the subject development on March 14, 2000, the Board directed the Planning Department to develop an analysis of the tools available to the County to address the issue of large homes in both urban and rural areas.







# County of Santa Cruz

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

Agenda Date: March 14, 2000

February 25, 2000

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, California 95060

Subject: Public hearing to consider a proposal to construct a three-story single family dwelling with basement, an attached garage and two attached habitable accessory structures for pool use comprised of two bathroom/changing rooms of less than 100 square feet each located above the garage totaling approximately 14,766 square feet, and a detached, 277 square foot non-habitable accessory structure (generator house), and to grade about 5,560 cubic yards for the building site, courtyard, pool, driveway and access road. Requires a Coastal Development Permit, a Large Dwelling Review, a Residential Development Permit to increase the 28 foot height limit to about 51 feet by increasing the required 20 foot setbacks by 5 feet for every foot over 28 feet in height to 135 feet, and to construct two habitable accessory structures greater than 17 feet in height with bathrooms, and Preliminary Grading Approval.

APPLICATION NUMBER: 98-0426

APN: 057-061-16

APPLICANT: Betty Cost, Rich Beale Land Use Consultants

OWNER: Brian Hinman and Suzanne Skees

LOCATION: Property is located on the east side of a 50 foot right-of-way approximately 0.75 miles northeast from its intersection with Highway 1 (at sign for 2074), then about 600 feet southeast. The right-of-way intersects the east side of Highway 1 about one mile north of the intersection of the entrance to Ano Nuevo State Park.

Members of the Board:

### BACKGROUND

On January 21, 2000, at a noticed public hearing, the Zoning Administrator considered Application 98-0426, a request to construct an approximately 14,766 square foot single family dwelling, with two attached habitable accessory structures (pool changing rooms) and a detached, 277 square foot non-habitable accessory structure. At the public hearing, staff recommended a plan revision to the south wing of the house proposed by the applicant to address design review issues and additional conditions

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of approval relating to building height verification. After the staff presentation, public testimony was accepted relating to the proposed project. Over 1 ½ hours of testimony was received at the public hearing, both in favor and in opposition to the project. A list of speakers and a general description of issues addressed at the hearing is included as Attachment 3, and copies of correspondence received are included as Attachment 4. After the public hearing was closed, the Zoning Administrator directed that conditions relating to the replacement tree sizes and monitoring be amended. The applicant's permit was approved subject to the revised Conditions of Approval, and a copy of the permit was forwarded to the Coastal Commission. A copy of Permit 98-0426 and a copy of the Conditions of Approval for the project are included as Attachment 2.

On February 8, 2000, the Board of Supervisors acted to set Application 98-0426 for Special Consideration, pursuant to the procedures set forth in County Code Section 18.10.350. Copies of correspondence from your consent agenda of February 8, 2000, relating to the request for Special Consideration are included as Attachment 1. This matter is now before your Board for your consideration.

## DISCUSSION

The letter dated January 28, 2000 by Supervisor Mardi Wormhoudt, requesting Special Consideration by the Board of Supervisors, raised the issues of visual impacts to the Ano Nuevo State Reserve and other issues identified, primarily concerns regarding the size and height of the structure. The visual issue was identified during the processing of this application, during the preparation of the Environmental Review Initial Study and during the public review period for the Negative Declaration and Notice of Determination. This issue is addressed in the following discussion, in the staff report to the Zoning Administrator included as Attachment 5, and in the Mitigated Negative Declaration and Initial Study included as Exhibit C to the Zoning Administrator staff report (Attachment 5). Additional issues raised by the public in opposition to the project included the size and height of the proposed dwelling.

### Visual Issues

Due to the height and mass of the proposed structure, staff required a visual analysis to determine if the project would be visible from Highway 1, a General Plan designated scenic road, and from Ano Nuevo State Reserve, to assess the potential visual impacts. Ano Nuevo State Reserve is located approximately two miles from the proposed building site, and Highway One is located over 0.5 miles from the project. At the direction of Planning staff, the applicant erected scaffolding to simulate the height (51 feet above existing grade at the roofline) and mass of the proposed structure, covered with highly visible "Safety Orange" construction fencing to ensure maximum visibility of the structure. During the permit process, three proposed building sites were considered. The originally proposed building site was located near the northeast corner of the property near the 560 foot elevation contour (See Attachment 14 to Exhibit C, in Attachment 5). Due to the higher topography and the lack of natural screening, the majority of the residence at this originally proposed site would have been visible from Ano Nuevo State Reserve. A second site at a lower elevation was evaluated, but this site required a Variance. Consequently, after significant geologic investigation, the project was relocated to a third site at a lower elevation, below the 520 foot contour, with a gentler topography in order to minimize potential visual impacts by taking advantage of existing screening from on-site trees, an adjacent eucalyptus grove and extensive riparian

vegetation. In addition, this third site would require significantly reduced site grading, and is located outside of the prime agricultural lands. This third location is the one which was considered by the Zoning Administrator.

The County's 1994 General Plan policies for Visual Resources (5.10.10 and 5.10.11) state that public vistas from designated scenic roads shall be afforded the highest level of protection. Highway 1 is designated as a Scenic Road. The proposed house will not be visible from Highway 1. This is primarily due to the topography between Highway 1 and the proposed dwelling. In addition, there is substantial vegetative screening provided by a eucalyptus grove located along the western edge of the right-of-way on the west property line of the subject parcel, and the riparian vegetation downstream of a manmade pond. The grove of eucalyptus trees is located on an adjacent parcel in San Mateo County. A condition of the San Mateo County Development permit (PLN 1999-00296) for the property prohibits the removal of this Eucalyptus grove. To ensure that the subject dwelling will not be visible from Highway 1 in the future, the applicant will be required to plant a row of trees along the right-of-way using Monterey Cypress (which have also been used in the Ano Nuevo area for wind breaks), to function as a back-up visual barrier to the existing Eucalyptus grove.

The purpose of General Plan Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". Policy 5.10.1 designates visual resource areas: vistas from designated scenic roads, Coastal Special Scenic Areas and unique hydrologic, geologic and paleontologic features identified in Section 5.9 of the General Plan. Policy 5.10.2 Development Within Visual Resource Areas, recognizes the diversity of Santa Cruz County's visual resources and requires that projects be evaluated against the context of their environment and regulate height, setbacks and design to protect these resources within the objectives and policies of the visual resources section. The project site is not visible from a designated scenic road, is not located within a designated Scenic Resource area nor a Coastal Special Scenic Area and is not an area identified in Section 5.9. Section 13.20.130(b)1. of the County Code which provides the visual compatibility design criteria for development in the coastal zone, states that all new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Section 13.20.130(c) provides the design criteria for projects within designated scenic resource areas, which is technically not applicable to this project as it is not located within a designated scenic resource area. Nonetheless, this section of the Coastal Zone Regulations states that development shall be located, if possible, on parts of the site not visible or least visible from the public view. The required Large Dwelling Findings set forth in 13.10.325(b)(ii) states "The proposed structure, due to site conditions, or mitigation measures approved as part of the application, will be adequately screened from public view and will not adversely impact public viewsheds...". While the project is not located within a mapped Scenic Resource area, portions of the subject parcel and proposed residence are within the viewshed of Ano Nuevo State Reserve. Recognizing the importance of the public vistas from the Reserve, the project has been evaluated for compliance with General Plan visual policies for public vistas.

The majority of the dwelling is screened from Ano Nuevo State Reserve by the grove of Eucalyptus trees discussed above, by the trees located along the arroyo downstream of the pond and to a lesser extent from the Monterey pines on the site. Based on the location of the orange scaffolding, the chimneys, portions of the roof and highest gables can be discerned from three locations in Ano Nuevo State

Reserve, along portions of the path by the pond, near the staging area kiosk and on the highest sand dune on the Ano Nuevo Point path. The orange scaffolding, however, was not readily detectable with the naked eye. The scaffolding could be located after using binoculars and the neighbor's residence (APN 057-061-17) as a reference point. Once the orange scaffolding was sighted using magnification, it could then be observed by the naked eye using the knowledge of where to focus attention combined with the strong contrast of the orange tape viewed against a backdrop of tree canopies. The proposed colors of the new dwelling, a dull grayish, tannish green body, dark forest green trim and an acid-aged copper (non-reflective) roof, which will appear to be a dark, mottled, forest green, will be much less conspicuous within the context of the landscape than the orange fence material.

The scaffolding representing the roof and chimneys is most visible from one sand dune near Ano Nuevo Point which is along the trail in the area frequented by visitors. On the site visit to the dune in November 1998, the proposed building location was not visible to the naked eye. During the winter, the sand dune shifted and increased in elevation. As a result, much of the roof and chimneys could be observed, as verified during a subsequent site visit in August 1999. Again, the story poles were identifiable due to the contrast of the orange mesh against the dark forest background.

In order to determine how much the orange color contributed to the visibility, a light green mesh was placed over the orange tape to partially conceal it. With the green mesh in place, it is more difficult to see the story poles with the naked eye. A photo montage was prepared by the applicant to represent the naked eye view from the Ano Nuevo sand dune. The proposed dwelling was digitally inserted into the photograph. A color copy of this Visual Analysis is provided as Attachment 6 (a copy is on file with the Clerk of the Board). As shown in the photo montage, the dwelling cannot be distinguished by the naked eye, unless the house location is indicated. Under magnification, the roof and the peak of the main gable can be observed.

According to State Parks staff, the window glare from the existing house on an adjacent parcel can be very intrusive from Ano Nuevo Point in the late afternoons. It is useful to compare the proposed residence with the existing neighboring residence (located on APN 057-061-17). The existing residence can be observed from Ano Nuevo Reserve, because there is a large meadow between the structure and the Reserve with little vegetative screening. In addition, the window trim has been painted a white or nearly white color which causes the dwelling to stand out from the background. This structure, which is more visible than the proposed dwelling due to the trim color and lack of tree screening, is still not readily apparent to the casual observer. With respect to potential glare issues, Planning staff cannot definitively determine if portions of the transom windows in the highest gables are located above the foreground tree line, due to the distances and scales involved. Consequently, low-reflective glass is required for these transom windows to minimize potential glare problems.

As stated above and in the letter from the State Department of Parks and Recreation, portions of the proposed project are visible from Ano Nuevo State Reserve. State Parks staff has asserted that the project is visible from all points within the Reserve and that it will be visually intrusive. This was generally true of the original building site, due to the higher elevation and lack of screening. However, based on the scaffolding and careful evaluation of same for the current building site, Planning staff reached a different conclusion. Planning staff noted that a small portion of the scaffolding could be observed from the "Staging Area" within the Reserve, from the path to Ano Nuevo Point, and at the

highest point within the Reserve, the top of the sand dune, more of the scaffolding was discernible. However, the scaffolding was observed with difficulty, requiring knowledge of where to look for the scaffolding and active searching in order to observe it. When the green netting was placed over the orange mesh, the scaffolding was difficult to distinguish even at the sand dune. State Parks staff voiced concerns regarding the loss of screening due to the loss of the dying Monterey pines over time. To provide for additional future screening, sixteen replacement trees are required to be planted between the proposed dwelling and the line of sight to Ano Nuevo Reserve. These trees shall be Douglas fir or Coast redwood which will reach similar or greater heights than the Monterey pines, and are less susceptible to disease.

In summary, the physical distance between the project site and the areas of the Reserve where the scaffolding may be observed is over 2 miles (see location map which is Attachment 1 to Exhibit C in Attachment 5 of this report) which serves to lessen some of the visual impact of the proposed dwelling. In addition, the proposed tannish green and deep forest green colors for the structure and the natural screening, all serve to minimize the visibility of the proposed development. To mitigate any potential window glare, the highest windows (transom windows) in the gables are required to utilize low-reflective glass. As a result, the dwelling will not be noticeable to the uninformed visitor to the Reserve. As stated previously, portions of the dwelling are visible from Ano Nuevo State Reserve as evinced by the orange scaffolding. As the intent of the General Plan is to protect scenic resources and public viewsheds, the project has been redesigned and conditioned to minimize adverse impacts to the Ano Nuevo Reserve viewshed. The project conforms with the General Plan Visual Policies in that the proposed project will not be apparent to the casual observer due conditions including the sight distance (2 + miles), the required coloration which blends the structure into the fore- and background trees and the natural vegetative screening. Therefore, in staff's judgement, the corresponding visual impact will be insignificant.

#### Dwelling Size Issues

Several members of the public voiced concerns regarding the dwelling's proposed size. The proposed house is approximately 12,532 square feet of habitable, conditioned space and 15 bedrooms, as defined by Santa Cruz County Zoning Code, with an additional 1,700+ square feet of non-habitable space including the garage and a portion of the underground basement and about 850 square feet of covered porches and outdoor stairways. The habitable and non-habitable square footage for the proposed dwelling as measured using current methods for calculating Gross Building Area is 14,765.5. The calculations for Gross Building Area are included as Exhibit H to Attachment 5. The height of the proposed three story dwelling, as measured under current zoning regulations, is 51 feet from the highest point of the structure to the lowest grade (existing or proposed) immediately below. The highest point of the structure sits over both cut and fill portions of the graded building pad. The height of the dwelling from the final grade is about 47 feet. Three story dwellings are allowed on parcels larger than one acre outside of the Urban Services Line, and Section 13.10.323(e)5 provides site standard exceptions for structures exceeding 28 feet. This section states that building heights which exceed 28 feet are allowable if all required yards are increased by five feet for each foot over the permitted building height. In general, for buildings over 35 feet in height on a parcel of 2.5 acres or larger, a level IV approval is required. There is no upper height limit for a Residential Site Exception, except for the three story limit. The applicant is proposing increasing the required 20 foot setbacks to a minimum of 135 feet to accommodate the additional building height, in accordance with section 13.10.323(e)5.

Regulations regarding maximum lot coverage or floor area ratio are not applicable to the CA zone

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district. County Code does not set forth dwelling size maximums beyond lot coverage and floor area ratio maximums set forth in the residential zone districts. The closest residential zone district would be Residential Agriculture (RA) which allows up to a maximum of 10% lot coverage. Floor area ratio restrictions are not applicable to parcels greater than 16,000 square feet. The proposed development's lot coverage is substantially less than 10%. Nonetheless, residential development exceeding 7,000 square feet, is subject to level 5 review under the provisions of County Code sections 13.10.314 (Agricultural Zone), 13.10.325 (Large Dwelling Permit Requirements and Design Guidelines) and Chapter 13.11 (Site, Architectural and Landscape Design Review). The project has been reviewed for conformance with the design guidelines set forth in the County General Plan and Zoning ordinances. County Code section 13.10.325 Large Dwelling Design Guidelines sets forth design recommendations for large dwellings to minimize potential impacts to the surrounding neighborhood. These design guidelines include minimizing the changes in the natural topography of the building site, minimizing and balancing graded cuts and fills, utilizing colors and materials to reduce the appearance of building bulk, maintaining ridge line silhouettes unbroken by building elements, maintaining compatibility with homes in the surrounding neighborhood and use of architectural features to break up massing.

The County's Large Dwelling findings require that the proposed structure be compatible with its surroundings, adequately screened, and that the structure not adversely affect neighboring properties' privacy or solar access. The properties within the vicinity of the subject parcel range in size from 13 acres to over 100 acres. Two adjacent parcels are developed with single family dwellings and appurtenant structures. Parcel 057-061-11 is a 63 acre CA zoned parcel with a roughly 3,500 square foot main dwelling, a second dwelling and miscellaneous outbuildings. The main dwelling is built in an old farm house style. Parcel 057-061-17 is a 13 acre CA zoned parcel developed with a single family dwelling and appurtenant structures totaling 6,017 square feet. This dwelling is built in a modern, log cabin style. A single family dwelling, guest house and garage are proposed for the adjacent 84 acre San Mateo County property. This dwelling and guest house utilizes a modern, "Sea Ranch" style of architecture, and the proposed structures on this site total about 7,600 square feet. The architectural styles vary in this area, but all may be broadly characterized as larger than average sizes on large properties. The proposed structure before your Board is compatible with the surrounding development, and the subject parcel is adequately screened and will not adversely affect privacy or solar access.

#### RECOMMENDATION

It is, therefore, RECOMMENDED that your Board take the following actions:

1. Certify the Negative Declaration for application 98-0426 (Exhibit C to Attachment 5); and
2. Approve Application 98-0426 based on the findings (Exhibit A to Attachment 5) and conditions (Attachment 2).

Sincerely,



Alvin D. James  
Planning Director

RECOMMENDED:

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SUSAN A. MAURIELLO  
County Administrative Officer

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c: Richard Beale Land Use Planning 100 Doyle Street, Suite E Santa Cruz, CA 95062  
Brian Hinman 27 Broadway Los Gatos, CA 95030

- Attachments:
1. Letter from Supervisor Mardi Wormhoudt to the Board of Supervisors, dated January 28, 2000.
  2. Permit 98-0426 and Conditions of Approval
  3. List of Speakers - Public hearing of January 21, 2000
  4. Written Materials submitted to the Zoning Administrator, Agenda date January 21, 2000
  5. Zoning Administrator Staff Report of January 21, 2000
  6. Visual Analysis (Exhibit Q of 1/21/00 ZA Staff Report) (On file with Clerk of the Board)
  7. 3-Dimensional Representation of Dwelling (On file with Clerk of the Board)
  8. Project Plans (On file with Clerk of the Board)

SAM/ADJ/CLC 98-0426 bdreport.wpd

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**STAFF REPORT TO THE ZONING ADMINISTRATOR**

APPLICATION NO.: 98-0426

APN: 057-061-16

APPLICANT: Betty Cost, Rich Beale Land Use Consultants

OWNER: Brian Hinman and Suzanne Skees

**PROJECT DESCRIPTION:** Proposal to construct a three-story single family dwelling with basement, an attached garage and two attached habitable accessory structures for pool use comprised of two bathroom/changing rooms of less than 100 square feet each located above the garage totaling approximately 14,766 square feet, and a detached, 277 square foot non-habitable accessory structure (generator house), and to grade about 5,560 cubic yards for the building site, courtyard, pool, driveway and access road. Requires a Coastal Development Permit, a Large Dwelling Review, a Residential Development Permit to increase the 28 foot height limit to about 51 feet by increasing the required 20 foot setbacks by 5 feet for every foot over 28 feet in height to 135 feet, and to construct two habitable accessory structures greater than 17 feet in height with bathrooms, and Preliminary Grading Approval.

**LOCATION:** Property is located on the east side of a 50 foot right-of-way approximately 0.75 miles northeast from its intersection with Highway 1 (at sign for 2074), then about 600 feet southeast. The right-of-way intersects the east side of Highway 1 about one mile north of the intersection of the entrance to Ano Nuevo State Park.

**FINAL ACTION DATE:** February 24, 2000 (per one time 90 day extension to the Permit Streamlining Act)

**PERMITS REQUIRED:** Coastal Zone, Residential Development Permits and Large Dwelling Review

**ENVIRONMENTAL DETERMINATION:** Negative Declaration with Mitigations

**COASTAL ZONE:**  yes  no **APPEALABLE TO CCC:**  yes  no

PARCEL INFORMATION

PARCEL SIZE: 49.7 acres

EXISTING LAND USE: PARCEL: Vacant rural parcel

SURROUNDING: Rural residential, agriculture and timber production

PROJECT ACCESS: An unnamed 50 foot right-of-way off of Highway 1

PLANNING AREA: North Coast

LAND USE DESIGNATION: Agriculture (AG)

ZONING DISTRICT: Commercial Agriculture (CA)

SUPERVISORIAL DISTRICT: Third District

ENVIRONMENTAL INFORMATION

Item

Comments

- |                     |   |
|---------------------|---|
| a. Geologic Hazards | a. Active landslide on property - engineering geologic and soils reports and report review completed.** |
| b. Soils            | b. USDA type 101, 167, 173, 174, Aptos loam, Santa Lucia shaly  |

**RECEIVED**

JAN 13 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

- |                       |   |
|-----------------------|---|
|                       | clay loam, Sur Catelli Complex and Tierra-Watsonville complex; preliminary soils report and review completed **   |
| c. Fire Hazard        | c. None mapped  |
| d. Slopes             | d. 5 to 50+% Building Site approximately 20%  |
| e. Env. Sen. Habitat  | e. Mapped biotic - Native Monterey Pine Forest and riparian habitat at man made pond. Biotic Assessment Report and review completed **  |
| f. Grading            | f. About 5,560 cubic yards proposed for road improvements, driveway and building pad  |
| g. Tree Removal       | g. 8 trees over 20 inch diameter proposed. Biotic Assessment Report, Biotic Report review and Arborist Report **  |
| h. Scenic             | h. None mapped and not visible from Highway 1 (designated Scenic road). Portions of the roof line may be visible from Ano Nuevo State Reserve.  |
| i. Drainage           | i. To manmade pond  |
| j. Traffic            | j. Minimal increase   |
| k. Roads              | k. Existing, improvements required to meet current Fire standards including some widening and four turnouts   |
| l. Parks              | l. Adequate, The project will be conditioned to pay the park impact fees for one new single family dwelling with 15 bedrooms, where the Zoning Ordinance definition of "bedroom" is used. |
| m. Sewer Availability | m. Septic, preliminary clearance approved   |
| n. Water Availability | n. Mapped adequate quantity/good quality, minimal increase in water usage   |
| o. Archaeology        | o. Mapped sensitive site - archaeological report was negative**   |

\*\* Report was required. Reports are on file with the Planning Department.

#### SERVICES INFORMATION

W/in Urban Services Line:  yes  no

Water Supply: Private well

Sewage Disposal: Private septic system

Fire District: California Department of Forestry Fire Protection District

Drainage District: None

#### PROJECT DESCRIPTION AND BACKGROUND

This application seeks approval to construct a new single family dwelling with two habitable accessory structures of less than 100 square feet each (pool bath/changing rooms), a pool and a 277 square foot non-habitable accessory structure (generator house). The proposed dwelling utilizes the rural Gothic Revival architectural style. The proposed dwelling is approximately 12,532 square feet of habitable, conditioned space and 15 bedrooms, with an additional 1,700+ square feet of non-habitable space including the garage and a portion of the underground basement and about 850 square feet of covered porches and outdoor stairways. Typical of

Gothic architecture, the proposed dwelling is tall with a steeply pitched roof. The pitch of the roof results in habitable areas within the attic which function as a third story.

The subject parcel is 49.7 acres in size and is bounded on the west by the San Mateo County line (see location map, Exhibit D). This property was formerly part of the historic Steele Ranch, which was founded by two brothers in 1869. The Steele Ranch holdings encompassed 7,000 acres and were divided into two of the largest dairies of the time, the Cascade Ranch and the Green Oak Ranch. These properties were subdivided by the Steele family in 1955, creating the subject parcel and its neighboring properties. Most of the Steele Ranch properties have now passed out of the family's hands. There is no record of any agricultural use on the subject parcel, after the dairy operations ceased.

The property slopes down roughly east to west. The highest elevations are located at the northeast corner of the property. The ridge top is located on the adjacent property near the property line. The northeast corner has slopes of 47% to 29%. This area is comprised of open Monterey pine forest with scattered oaks, madrones, fir and ceanothus. The mixed Monterey pine forest continues along the northern half of the east end of the property. The proposed building site is located within the Monterey pine forest on a slope of 12 to 25%. Immediately east of the subject parcel is Ano Nuevo Creek. The creek is characterized by a wide, steep sided and heavily forested arroyo which runs roughly parallel to the subject parcel's eastern property line. The majority of the parcel has slopes between 16% and 30% and drains towards a manmade pond. This pond was used for livestock during the operation of the Steele Ranch. The pond is surrounded by a well developed riparian community. The northwest corner of the property is more gently sloped (12-18%) and is predominantly grassland interspersed with coyote bush scrub. The far southeastern corner is the most steeply sloped portion of the property (>60%). This area drains into the arroyo formed downstream of the pond. This area is dominated by scrub, oaks and eucalyptus groves. The majority of the parcel is mixed grasslands which is predominantly non-native grass species with interspersed native coastal prairie species. Among the grasslands are scattered areas of scrub comprised mainly of coyote bush, poison oak and native blackberry. Several small, marshy seeps containing hydrophilic plant species are located on the slopes above the pond.

The project proposes approximately 5,560 cubic yards of grading. An estimated 1,010 cubic yards will be required to upgrade the existing access road to the Fire Department's current standards and to construct the driveway in conformance with the California Department of Forestry (CDF) and County Environmental Planning standards. The remainder of the grading is for construction of a level building pad under the building footprint, terraces, swimming pool and parking. The basement will generate an additional 1,000 cubic yards of excavated material which will be incorporated into landscaping berms and the remainder dispersed around the building site. Under current regulations, basement excavations are exempt from the County's Grading ordinance. The project grading is balanced and no fill materials will leave the site. This project is subject to Environmental Review due to grading volumes in excess of 1,000 cubic yards. This project has completed Environmental Review and a mitigated negative declaration has been issued (Exhibit C).

Characteristic of Gothic structures, the proposed dwelling will be about 46 feet high. However,

for zoning purposes the building height is measured from the original or final grade, whichever is greater. Thus, due to the slope of the site and that the structure will be partially constructed on fill, the structure will actually exceed the 28 foot height limit by 23 feet. In accordance with site development standards, the applicant proposes increasing the required setbacks by five feet for every foot over 28 feet. A Coastal Development Permit, a Large House Review and Residential Development Permits are required for this proposal.

## DISCUSSION AND ANALYSIS

### Zoning and Agricultural Issues

The parcel is zoned Commercial Agriculture (CA) and has a General Plan designation of Agriculture (AG). The Commercial Agriculture (CA) is an implementing zone district for the Agriculture General Plan designation. A single family dwelling is a conditionally allowed use in this zone district within the Coastal zone, provided the findings set forth in County Code section 13.10.314(a) and (b) can be met. Primarily, the dwelling must be found to not reduce, restrict or adversely affect agriculture in the area, be incidental to agricultural use and be located to minimize potential land use conflicts and to remove little or no land from agricultural production or potential production. The primary agricultural use in this area is livestock grazing, although there are some similar agricultural properties producing cut flowers, ollalie berries, kiwi fruit, pumpkins and Christmas trees in the area. The owner is investigating the feasibility of viticulture on a portion of the property. As stated previously, there has not been any recent agricultural uses on the subject property. The proposed residential development has been designed to avoid adverse impacts to the potential agricultural uses on the subject property or to agricultural uses of the adjacent agricultural parcels. First, the proposed building site is located within the Monterey pine forest area which is unsuitable for any prime agricultural use. Second, about one acre will be occupied by the dwelling, appurtenances and the defensible space required by the fire agency, this constitutes about 2% of the total parcel area. Thus, the residential use would still be ancillary to any commercial agricultural use of the parcel based on the fact that the farmable portion of the parcel is large enough (20 to 40 acres) to constitute a minimum economic farm unit capable of supporting livestock grazing (for which it is most suited), kiwi fruit, cut flowers or Christmas trees and that neither arable nor grazing land has been utilized for the building site. The required agricultural findings are provided in Exhibit A.

The required setbacks for the CA zone district are 20 feet for front, sides and rear yards. The subject parcel is bordered by lands zoned Commercial Agriculture to the north and south (see Exhibit F). County Code section 16.50.095 requires a minimum 200 feet agricultural buffer setback between type 1, 2 or 3 commercial agricultural properties and adjacent residential development in order to avoid land use conflicts between residential and agricultural land uses. The proposed residence will be located over 600 feet from the agricultural land to the north. At its closest proximity, the proposed dwelling will be 300 feet from the adjacent (southern) CA property. The property owners of the northern parcel are in the process of establishing a commercial organic farm. The southern CA parcel is not currently in commercial cultivation. Nevertheless, the proposed residential use has been sited to avoid conflicts with proposed or possible future commercial agricultural activities and to remove as little land as possible from potential agricultural production and will thereby not reduce, restrict or adversely affect agricultural operations in the area. Thus, the proposed project is consistent with the Agriculture

policies set forth in Section 5.13 of the County's 1994 General Plan.

The subject parcel is bordered on the northeast, east and southeast by properties zoned for Timber Production (TP) (see zoning map, Exhibit F). In accordance with Timber Production regulations, the property owner will be required to record an acknowledgment for development located adjacent to timber production lands as a condition of approval.

#### Residential Development Issues

The height of the proposed three story dwelling as measured under current zoning regulations measures 51 feet from the highest point of the structure to the lowest grade (existing or proposed). The highest point of the structure sits over the both cut and fill on the graded building pad. The height of the dwelling from the final grade is about 47 feet. Three story dwellings are allowed on parcels larger than one acre outside of the Urban Services Line, and Section 13.10.323(e)5 provides site standard exceptions for structures exceeding 28 feet. This section states that building heights which exceed 28 feet are allowable if all required yards are increased by five feet for each foot over the permitted building height. In general, for buildings over 35 feet in height on a parcel of 2.5 acres or larger, a level IV approval is required. The applicant is proposing increasing the required 20 foot setbacks to a minimum of 135 feet to accommodate the additional building height, in accordance with section 13.10.323(e)5. As shown in Exhibit K, the required setbacks are 135 feet and the proposed setbacks are 600 feet to the north property line, over 900 feet to the right-of-way in the front yard (west property line), over 500 feet to the south property line and 300 feet to the southeast property line. As this project is subject to a higher level approval, this Residential Development approval is subject to the same level of review. The findings for this site standard exception are provided under the Residential Development Findings (Exhibit A).

Regulations regarding maximum lot coverage or floor area ratio are not applicable to the CA zone district. Nevertheless, residential development exceeding 7,000 square feet is subject to the provisions of County Code sections 13.10.314 (Agricultural Zone), 13.10.325 (Large Dwelling Permit Requirements and Design Guidelines) and Chapter 13.11 (Site, Architectural and Landscape Design Review). The habitable and non-habitable square footage for the proposed dwelling as measured using current methods for calculating Gross Building Area is 14,765.5. The calculations for Gross Building Area are included as Exhibit H. Because of the proposed dwelling's large size, the project has been reviewed for conformance with the design guideline set for in the County General Plan and Zoning ordinances. County Code section 13.10.325 Large Dwelling Design Guidelines sets forth design recommendations for large dwellings to minimize potential impacts to the surrounding neighborhood. These design guidelines include minimizing the changes in the natural topography of the building site, minimizing and balancing graded cuts and fills, utilizing colors and materials to reduce the appearance of building bulk, maintaining ridge line silhouettes unbroken by building elements, maintaining compatibility with homes in the surrounding neighborhood and use of architectural features to break up massing.

#### Grading and Geologic Issues

About 4,400 cubic yards of grading is for the building pad, hardscape, parking and the swimming

pool. The building site is not located on a ridge line or other prominent topographic feature, but on a moderate slope. The Gothic Revival design requires a level building site, therefore, the dwelling will be placed on a graded pad. There are more level areas on the subject parcel than the proposed building site which would require significantly less grading, however, those areas are also the prime agricultural portions of the property. Hence, the more sloping site outside of the meadow was chosen. A cut/fill pad is proposed in order to minimize the site grading. In addition, retaining walls are proposed where feasible to further reduce the site grading. Landscaping mounds will be placed adjacent to the driveway in order to balance the cut and fill. Given these design considerations, the overall grading is not excessive for the scope of the proposed development. The majority of the grading will occur behind the dwelling. The area on the adjacent property, behind the proposed development, is heavily forested with a large arroyo formed by Ano Nuevo Creek. The forest, riparian trees and the arroyo itself form a natural visual barrier between the future development at the rear of the property and the adjacent (currently undeveloped) parcels. The overall visual appearance of the property's topography will not be significantly altered by the proposed grading. Full geologic and geotechnical studies have been completed and accepted by the Planning Department, addressing the building and septic site and proposed grading. The project geologist has delineated a geologically safe building envelope and has verified that the project plans are in conformance with his report recommendations.

#### Visual Issues

Due to the height and mass of the proposed structure, visual analysis was required to determine if the project would be visible from Highway 1, a General Plan designated scenic road, and from Ano Nuevo State Reserve and to assess the potential impacts. Ano Nuevo State Park is located approximately two miles from the proposed building site, and Highway One is located over 0.5 miles from the project. Scaffolding was erected to simulate the height (51 feet above existing grade at the roofline) and mass of the proposed structure. This scaffolding was covered with highly visible "Safety Orange" construction fencing. County staff then made observations from Highway 1 and from Ano Nuevo State Park.

The originally proposed building site was located near the northeast corner of the property near the 560 foot elevation contour (Attachment 14 of Exhibit C). An active landslide is located at this site and the applicant proposed excavating and recompacting the landslide mass into an engineered fill slope. The volume of this earthwork was estimated at 73,000 cubic yards. Most of the residence and possibly some of the earthwork at the originally proposed location would have been readily visible from Ano Nuevo State Park (Attachment 13 of Exhibit C). Consequently, the project was relocated to a lower elevation, below the 520 foot contour, with a gentler topography (average 18% versus an average slope of 28%) in order to minimize potential visual impacts, reduce the site grading, and to build on a stable site outside of the prime agricultural lands (Attachment 15 of Exhibit C). Full engineering geologic and geotechnical reports have been prepared and accepted by the Planning Department. The reports confirm the building and septic sites are stable, address site grading, drainage, driveway construction and erosion control. Subject to the conditions, the project conforms with the County's 1994 General Plan policies for Geologic Hazards (section 6.2) and Erosion (section 6.3).

The County's 1994 General Plan policy for Visual Resources (Section 5.10.10) states that public

vistas from designated scenic roads shall be afforded the highest level of protection, and Highway 1 is designated as a Scenic Road. The proposed house is not visible from Highway 1 at the original nor the current proposed building sites. This is largely due to site topography and a eucalyptus grove located along the western edge of the right-of-way on the west property line of the subject parcel. This grove of trees is located on an adjacent parcel in San Mateo County. A condition of the San Mateo County Development permit (PLN 1999-00296) for the property prohibits the removal of this Eucalyptus grove. To ensure that the subject dwelling will not be visible from Highway 1 in the future, the applicant will be required to plant a row of trees along the right-of-way using Monterey Cypress (which have also been used in Ano Nuevo area for wind breaks), to function as a back-up visual barrier to the existing Eucalyptus grove.

The majority of the dwelling is screened from Ano Nuevo State Reserve by the grove of Eucalyptus trees discussed above. Additional screening is provided by the trees located along the arroyo downstream of the pond and to a lesser extent from the Monterey pines on the site. Based on the location of the fluorescent orange scaffolding, the chimneys, portions of the roof and highest gables can be discerned from three locations in Ano Nuevo State Park, along portions of the path by the pond, near the staging area kiosk and on the highest sand dune on the Ano Nuevo Point path (see Attachment 17 of Exhibit C). Along the path and near the staging area, small portions of the chimney and roof can be detected by the naked eye, but only after the project site has been visually located using magnification (binoculars) and the neighbor's residence (APN 057-061-17) as a reference point. The visible portions of the structure were evident because of the strong contrast of the orange tape viewed through trees and against a backdrop of tree canopies. The proposed colors of the new dwelling, a dull grayish, tannish green body, dark forest green trim and an acid-aged copper (non-shiny) roof, which will appear to be a dark, mottled, forest green, will be much less conspicuous within the context of the landscape than the fluorescent orange fence material.

The scaffolding representing the roof and chimneys is most visible from one sand dune near Ano Nuevo Point which is along the trail in the area frequented by visitors. On the site visit to the dune in November 1998, the proposed building location was not visible to the naked eye. During the winter, the sand dune shifted and increased in elevation. As a result, much of the roof and chimneys could be observed, as verified during a subsequent site visit in August 1999. Again, the story poles were identifiable due to the contrast of the fluorescent orange mesh against the dark forest background.

In order to determine how much the orange color contributed to the visibility, a light green mesh was placed over the orange tape to partially conceal it. With the green mesh in place, it is more difficult to see the story poles with the naked eye. A photo montage was prepared to represent the naked eye view from the Ano Nuevo sand dune. The proposed dwelling was digitally inserted into the photograph. As shown in the photo montage, the dwelling cannot be distinguished by the naked eye. However, under magnification the roof and the peak of the main gable can be discerned. According to State Parks staff, the window glare from the existing house can be very intrusive from Ano Nuevo Point in the late afternoons. It is useful to compare the proposed residence with the existing neighboring residence (located on APN 057-061-17). The existing residence can be observed from Ano Nuevo Park, because there is a large meadow in front and some of the brush and dead Monterey pines interspersed in the meadow area have

been removed over time. In addition, the window trim has been painted a white or nearly white color which causes the dwelling to stand out from the background. This structure, which is more visible than the proposed dwelling due to the trim color and lack of tree screening, is still not readily apparent to the casual observer. With respect to potential glare issues, staff cannot definitively determine if portions of the transom windows in the highest gables are located above the foreground tree line, due to the distances and scales involved. Therefore, in order to avoid the possibility of intrusive glare, the glazing in these windows are required to utilize low-reflective glass. In addition, the sixteen required replacement trees will be placed between the proposed dwelling and the line of sight to Ano Nuevo Reserve. These trees shall be Douglas fir or Coast redwood which will reach similar or greater heights than the Monterey pines and will eventually provide additional screening. Thus, the proposed project will not exacerbate the glare situation.

As stated above and in the letter from the State Department of Parks and Recreation, Attachment 7 of Exhibit C, portions of the proposed project are visible from Ano Nuevo State Park. However, based on the scaffolding and careful evaluation of same, staff respectfully disagrees with State Parks staff's assertion that the project is visible from all points within the park and that it will be visually intrusive. Staff noted that a small portion of the scaffolding could be observed from the "Staging Area" within the park and from the path to Ano Nuevo Point. However, the scaffolding was observed with difficulty, requiring knowledge of where to look for the scaffolding and active searching in order to discern it. At the highest point within the park, the top of the sand dune, more of the scaffolding was discernible than at the staging area. Staff and the project applicants met separately with State Parks staff at Ano Nuevo Park to view the scaffolding and discuss the visual issues. At the August 4, 1999 site visit, Planning and State Parks staff reviewed the plans and orange mesh story poles. Staff discussed color choices (greens and deep forest green) which, it was agreed, would camouflage the structure and minimize its visibility. State Parks staff voiced concerns regarding the loss of screening due to the loss of the dying Monterey pines over time and the possible effect of window glare. Later, when the green netting was placed over the fluorescent orange mesh to verify this assertion, the scaffolding was difficult to distinguish even at the sand dune. In summary, the physical distance between the project site and the park (over 2 miles, also see location map, Attachment 1 of Exhibit C), the proposed tannish green and deep forest green colors for the structure and the natural screening, all serve to diminish the visibility of the proposed development. To mitigate any potential window glare, the highest windows (transom windows) in the gables will be required to utilize low-reflective glass. Consequently, the project will have negligible, if any, visual impacts on the visitors in Ano Nuevo Park.

The purpose of General Plan Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". Policy 5.10.1 designates visual resource areas: vistas from designated scenic roads, Coastal Special Scenic Areas and unique hydrologic, geologic and paleontologic features identified in Section 5.9 of the General Plan. The project site is not visible from a designated scenic road, is not located within a mapped Scenic Resource area nor a Coastal Special Scenic Area and is not an area identified in Section 5.9. Nevertheless, portions of the dwelling could be visible from Ano Nuevo State Reserve as evinced by the orange scaffolding. As the intent of the General Plan is to protect scenic resources and public

viewsheds, the project has been redesigned and conditioned to minimize adverse impacts to the Ano Nuevo Park viewshed. The project conforms with the General Plan Visual Policies in that the proposed project will not be apparent to the casual observer and the corresponding visual impact will be insignificant.

### Large Dwelling and Design Review

The County's Large Dwelling policies require that the proposed structure is compatible with its surroundings and will be adequately screened and that the structure will not adversely affect neighboring properties' privacy or solar access. The properties within the vicinity of the subject parcel range in size from 13 acres to over 100 acres. Two adjacent parcels are developed with single family dwellings and appurtenant structures. Parcel 057-061-11 is a 63 acre CA zoned parcel with a roughly 3,500 square foot dwelling and miscellaneous outbuildings. This dwelling is built in an old farm house style. Parcel 057-061-17 is a 13 acre CA zoned parcel developed with a single family dwelling and appurtenant structures totaling 6,017 square feet. This dwelling is built in a modern, log cabin style. A single family dwelling, guest house and garage are proposed for the adjacent 84 acre San Mateo County property. This dwelling and guest house utilizes a modern, "Sea Ranch" style of architecture, and the proposed structures on this site total about 7,600 square feet. The architectural styles vary in this area, but all may be broadly characterized as larger than average sizes on large properties.

The Gothic Revival architectural style became popular in America during 1830-1875. During that period, the predominant architectural styles were Greek Revival followed in popularity by the Gothic Revival and Italianate styles. The project design is based upon an existing Gothic Revival house referred to as the "Rose Hill Plantation" located in Bluffton, South Carolina and constructed around 1858 (Exhibit I). The proposed Gothic Revival mansion would be out of place within the context of an urbanized neighborhood given its size. The proposed structure is compatible with the area and site within the context of its proposed setting, located the edge of a large open, undeveloped rural property with a forested backdrop. The dwelling cannot be viewed from any public road, and is screened by trees and/or topography from the two existing and one proposed residences. The west (front), north and south building facades are typical Carpenter Gothic Revival architecture, echoing the historic Rose Hill Plantation (Exhibit I) which utilizes wood frame construction, a steeply pitched metal roof and tall narrow cross gables. The rear (east) portion of the structure incorporates some elements of "Castellated" Gothic Revival architecture with the use of two tower features. The south and north ends of the proposed dwelling echos later additions to the sides of the Rose Hill Plantation. On the proposed dwelling, these are two story as opposed to the original's single story additions. The articulation of the larger wing as viewed from the south and southwest in Exhibit I does not harmonize well with the overall architecture of the structure. Staff would recommend the continuation of the roof and eave length as with the other areas of the house and the utilization of additional gables to alleviate this awkwardness. Because of its considerably smaller size, the similar projection at the north end does not detract from the overall design. The structure is screened from the neighboring residences and this southern portion of the structure cannot be seen from any public venue. The closest proximity of the proposed structure to any property line is 135 feet, and there are additional physical barriers which screen the project from this undeveloped property. The proposed dwelling is about 300 feet away from the property line of the closest developed

property. In addition, the neighboring residents have sent letters of support for the project as designed. Thus, this design issue becomes more a matter of taste and personal preference.

The roof top deck shown in the northwest view in Exhibit I has been deleted from the project plans and replaced with a roof (see project plans, Exhibit K) in conformance with zoning regulations which prohibit second story rooftop decks. The railing shown on the southern wing is for decorative purposes only as this portion of the rooftop cannot be accessed via the attic or second floor. In accordance with design review and coastal regulations, the project landscaping will utilize predominantly drought tolerant and native species with restricted turf areas. Future screening trees are provided as part of the preliminary landscape plans. The project, subject to the attached conditions (Exhibit B), will be adequately camouflaged and screened from public view and will not adversely impact public view sheds, neighboring property privacy or solar access. Findings for the Large Dwelling and for Design and Coastal Review can be made (Exhibit A).

#### Accessory Structures

The regulations for accessory structures and uses are provided in Section 13.10.611 of the County Code. These regulations are to ensure that the accessory structures are incidental to the main structure and to provide notice to future and current property owners that conversion of any accessory structure is subject to civil penalties. The 277 square foot, non-habitable accessory structure is clearly appurtenant to the main structure and will serve to house a generator for emergency use. The two habitable accessory structures are approximately 90 square feet each and will serve as changing and bathrooms to the swimming pool. These structures are attached to the main dwelling but can only be accessed from the pool terrace, thus they are considered separate structures. Section 13.10.611(c)3.(ii) states that no accessory structure shall have a toilet installed, but allows for granting exceptions, subject to a level IV use permit, for structures less than 70 square feet or where required under particular circumstances. The proposed pool bathrooms are slightly larger than 70 square feet, but are of insufficient size to convert to any other use. Exceptions have been granted for bathrooms in pool houses for sanitary reasons. These structures are single story and on the pool terrace level, however, due to site grading a portion of these structures may exceed 17 feet in height when measuring to the excavated grade for the garage below. The findings can be made for the increased height as the appearance of the structures will actually be a single story.

#### Biotic Issues

The proposed building site is located within a mapped Biotic Resource area, representing the native Monterey pine forest. In addition, there is a riparian habitat in and around the artificial pond. A Biotic Assessment report prepared by The Habitat Restoration Group, dated May 20, 1997 has been reviewed and accepted by the Planning Department (Attachments 10 and 11 of Exhibit C). In addition, an Arborist's Report (Attachment 16 of Exhibit C) has been submitted in conformance with the Biotic Report Review addressing the trees within the building envelope. See the Environmental Review document (Exhibit C), section C., Biotic Factors, for detailed discussion of the biotic resources and issues. The project is consistent with the County General Plan policies for Sensitive Habitats. This has been accomplished through building site location,

reduced and balanced grading and through landscaping and revegetation. As a result, only one living significant tree and a few Monterey pine saplings will be removed, the remaining seven trees to be removed are already dead. The project will be conditioned to conform with the Arborist's report recommendations to minimize impacts to the remaining trees. The project conforms with the riparian and wetlands policies in that the residential development will be significantly further than the minimum 110 foot distance from any wetland or natural body of standing water (pond), and no earthwork shall be authorized for the access road within 100 feet of the pond. The existing access road within 100 feet of the pond will be paved which is exempt from the riparian ordinance and further will reduce dust and silt impacts to the riparian area. Intensified runoff due to new impervious surfaces and erosion will be controlled through the implementation of an engineered drainage and erosion control plan.

### CONCLUSION AND RECOMMENDATION

In conclusion, the project, subject to the attached conditions (Exhibit B), conforms with the County's 1994 General Plan policies and ordinances. Please see Exhibit "A" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff recommends the following actions:

1. Certification of the Negative Declaration in accordance with the California Environmental Quality Act; and;
2. Approval of Application No. 98-0426 based on the findings and subject to the attached conditions.

### EXHIBITS

- A. Findings
- B. Conditions
- C. Negative Declaration
- D. Location Map
- E. Assessor's Map
- F. Zoning Map
- G. General Plan Maps
- H. Gross Building Area Calculations
- I. 3-D Perspectives
- J. Correspondence
- K. Project Plans by Kirk Petersen (on file with the Planning Department)
- L. Engineering Geologic Report and Addenda by Rogers Johnson and Associates (on file)
- M. Geotechnical Reports by Reynolds & Associates and by Steven Raas & Associates (on file)
- N. Biotic Assessment Report by The Habitat Restoration Group (on file)
- O. Arborist Report by Ellen Cooper (on file)
- P. Cultural Resource Evaluation was completed by Robert Cartier of Archaeological Resource Management (on file)
- Q. Visual Analysis Photo Montage (on file)

Applicant: Betty Cost, Rich Beale Land Use Consulting  
Application No. 98-0426  
APN: 057-061-16

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.

Report Prepared By:

Cathleen Carr

Cathleen Carr  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3225

A-19



## AGRICULTURAL FINDINGS

### Required Special Findings for Level 5 (or Higher) Development on "CA" and "AP" Zoned Properties County Code Section 13.10.314 (a)

1. THAT 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 OPERATIONS IN THE AREA.

The historic agricultural use on this parcel was livestock grazing, although there has not been any recent agricultural use. The property is isolated, undeveloped, with some livestock fencing which is in extreme disrepair. The prime location for agriculture on this parcel is the large meadow running north to south along the western side of the property. The proposed residential development has been designed to avoid adverse impacts to the potential agricultural uses on the subject property or to agricultural uses of the adjacent agricultural parcels. The proposed building site is located within the Monterey pine forest area along the eastern margin of the parcel which is unsuitable for any prime agricultural use. The meadow area remains open and available for agriculture and the dwelling is located a sufficient distance away to prevent on site conflicts between agricultural and residential uses. The owner is investigating the feasibility of viticulture on a portion of the property, and the residential development would encourage re-establishment of an agricultural use.

2. THAT THE USE OR STRUCTURE IS ANCILLARY, INCIDENTAL OR ACCESSORY TO THE PRINCIPAL AGRICULTURAL USE OF THE PARCEL,  
OR  
NO OTHER AGRICULTURAL USE IS FEASIBLE FOR THE PARCEL.

Although there currently is no agricultural use on the parcel, the proposed residential use would still be ancillary to any commercial agricultural use of the parcel based on the fact that the farmable portion of the parcel is large enough (20 to 40 acres) to constitute a minimum economic farm unit capable of supporting livestock grazing (for which it is most suited). The potentially arable portion of the property is located north of the building site and pond. Similar agricultural properties (in location, topography and size) in the area produce cut flowers, ollalie berries, kiwi fruit, pumpkins, squash and Christmas trees. About one acre will be occupied by the dwelling, appurtenances and the defensible space required by the fire agency, which comprises about 2% of the gross parcel area. This one acre site is located away from the prime agricultural area and in the pine forest. Since neither arable nor prime grazing land has been utilized for the building site, all of the potential agricultural lands are available to use.

3. THAT 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.

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EXHIBIT A7

As discussed above, the residential use has been sited outside of prime agricultural lands on the parcel. In addition, the site is located at a higher topographic level than the majority of the prime agricultural areas, which further reduces potential conflicts with future on-site agriculture. Moreover, the proposed residential use at its closest proximity is still 300 feet or more away from any adjacent agriculturally designated lands which will adequately protect the adjacent agricultural lands from potential land use conflicts.

4. THAT THE USE WILL BE SITE 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 proposed development site removes no land from production or potential production as it is sited within the Monterey pine forest on a slope and adjacent to a densely forested area.

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**Required Special Findings for Residential Uses on  
"CA" and "AP" Zoned Properties within the Coastal Zone  
County Code Section 13.10.314 (b)**

1. THAT THE PARCEL IS LESS THAN ONE ACRE IN SIZE;  
OR  
THAT 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 ON THE FACT THAT EITHER:
- (a) THE FARMABLE PORTION OF THE PARCEL, EXCLUSIVE OF THE BUILDING SITE, IS LARGE ENOUGH IN ITSELF TO CONSTITUTE A MINIMUM ECONOMIC FARM UNIT FOR 3 CROPS, OTHER THAN GREENHOUSES, SUITED TO THE SOILS, TOPOGRAPHY AND CLIMATE OF THE AREA  
OR  
(b) 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.

This nearly 50 acre parcel is large enough to constitute an economic farm unit for several crops, exclusive of the building site. The historic agricultural use on the parcel has been grazing lands for dairy cattle. The property could still support a small herd of dairy cattle or goats or other

livestock on the large meadow area. Similar agricultural properties (in location, topography and size) in the area produce cut flowers, ollalie berries, kiwi fruit, pumpkins, squash and Christmas trees. While the site's soils are not ideal for cultivated flower, berry, kiwi and squash type vegetables, with irrigation and good management practices there is sufficient area available to be economically feasible.

2. THAT THE RESIDENTIAL USE WILL MEET ALL THE REQUIREMENTS OF SECTION 16.50.095 PERTAINING TO AGRICULTURAL BUFFER SETBACKS.

The closest proximity of the proposed residence to any adjacent agricultural land is 300 feet which exceeds the 200 foot agricultural buffer setback required by Section 16.50.095.

3. THAT THE OWNERS OF THE 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 ISSUANCE OF THE DEVELOPMENT PERMIT.

The permit has been conditioned to require that the property owners sign and record an Acknowledgment of adjacent agricultural land and a hold harmless agreement on the subject parcel's property deed prior to approval of any building permit for the dwelling.

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### COASTAL DEVELOPMENT PERMIT FINDINGS

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

The construction of a new single-family dwelling is conditionally permitted in the "CA" zone district according to a density of one dwelling per parcel and one dwelling is proposed. The "CA" zone district is consistent with the General Plan and Local Coastal Program land use designation of Agriculture (AG).

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The parcel is not governed by an open space easement or similar land use contract. The private right-of-way on the parcel provides access to other property owners with legal access to parcels they own. The project will not conflict with any existing easement or development restriction such as public access, utility as none exist, nor will it interfere with the legal access rights of other users of the private right-of-way.

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.

The proposed single-family dwelling has been located on the site to minimize visibility within the Ano Nuevo State Reserve viewshed and is not visible from Highway 1 - a General Plan designated Scenic Road. The dwelling is screened from sight along Highway 1 by the topography and by several groves of trees. The structure is mostly screened from the Ano Nuevo Park viewshed by a grove of eucalyptus and other trees. The dwelling has been conditioned to utilize a green color scheme which will blend any unscreened portions into the forested backdrop and to utilize low-reflective glazing on the transom windows which may be unscreened thereby minimizing potential glare. The planting of additional trees is required between the dwelling and the line of sight to the Park to provide additional screening in the future. An existing neighboring residence (located on APN 057-061-17) can be observed from Ano Nuevo Park, because there is a large meadow in front and some of the brush and dead Monterey pines interspersed in the meadow area have been removed over time. In addition, the window trim has been painted a white or nearly white color which causes the dwelling to stand out from the background. This structure, which is more visible than the proposed dwelling due to the trim color and lack of tree screening, is still not readily apparent to the casual observer. Furthermore, the existing dwelling is at least 1/4 mile closer to Ano Nuevo State Reserve than the proposed dwelling. Thus, due to the distance of 2 to 2.5 miles between the project and Ano Nuevo State Reserve and the use of camouflaging coloration and low reflective glazing, the dwelling will not be noticeable to the casual visitor to Ano Nuevo State Reserve. The grading of about 5,560 cubic yards for the dwelling and access improvements has been balanced so no material will be exported. The building site grading has been designed to maintain the overall appearance of the natural topography and has been minimized through project redesign to a new location and through use of retaining walls. The project is not on a ridge line, and does not obstruct any public views. The design and siting of the proposed residence will minimize impacts on the site and the dwelling is screened from the adjacent homes and all public roads. The project has been designed to minimize tree removal while maintaining potentially useable agricultural lands within a geologically safe building envelope. A preliminary landscape plan has been submitted which utilizes predominantly native, drought tolerant species. All trees removed (living and dead) are required to be replaced at a ratio of 2:1 utilizing native species recommended by the project arborist. Thus, the project is consistent with the design criteria, special use standards and conditions of County Code Section 13.20.130 et seq., in that the project has minimized grading, is not on a prominent ridge, and is visually compatible with the character of the surrounding area.

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.

The project site is not located in the appealable area between the shoreline and the first through public road. Consequently, the proposed dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. In addition, the project site is not identified as a priority acquisition site in the County Local Coastal Program, and is not designated for public recreation or visitor serving facilities. The subject parcel is not contiguous with any publicly owned land and has not been identified as a priority land for acquisition for the State Parks system.

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed single-family dwelling is consistent with the County's certified Local Coastal Program in that a single family dwelling is a conditionally permitted use in the Commercial Agricultural zone district in the Coastal Zone, and the development permit has been conditioned to maintain a density of one dwelling per parcel and to maintain the prime agricultural portions of the property. The structure is sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding neighborhood. In addition, the proposed dwelling will not generate significant visual impacts to scenic resource areas (Highway 1 and Ano Nuevo State Reserve) in the vicinity. This has been verified by a visual analysis that was conducted during the Environmental Review process for this project. Project impacts have been mitigated through project redesign and required conditions that meet the requirements of Section 13.20.130. Project impacts have been evaluated through CEQA required Environmental Review and mitigation measures have been designed to address all identified impacts and potential impacts of the project. These mitigation measures have all been incorporated into the project design or the permit conditions. Therefore, the location of the building will harmonize with the scenic rural environment of the area.

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### 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, OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the single family dwelling, habitable and non-habitable accessory structures and the conditions under which they 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 be materially injurious to properties or improvement in the vicinity, as the proposed project complies with all development regulation applicable to the site with the exception of the 28 foot maximum height and the bathrooms in the accessory structures (pool

changing rooms). County Code Section 13.10.323(e)5 permits this additional height provided the required setbacks are increased by 5 foot increments for each foot over 28 feet, which this project proposes. Solar access and privacy to existing or future residences will not be affected due to natural vegetative and topographic screening and the physical separation between the structure and adjacent property lines (a minimum of 135 feet). As discussed in the accompanying findings regarding the preservation of agricultural land, the structure will not remove agricultural land from production or future production and will not affect any adjacent agricultural lands. The project is located in an geologically stable area as determined by the project geologist and soils engineer. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. In order to ensure structural and site stability, specific soils engineering is required in the Conditions of Approval for specific foundation, grading and drainage design criteria prior to grading and building permit issuance. Environmental Review conducted for the project did not identify potentially significant environmental issues except for visual issues, which are discussed in Coastal Development Findings #3 and #5 and biotic issues which are discussed in Finding #3 below.

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.

The project site is located in the CA zone district. As discussed in Finding #1 and the Agricultural Findings, the dwelling and appurtenant structures will be located on the 49.7 acre parcel so to preserve prime agricultural lands. The dwelling and accessory structures, subject to the concurrent proposed residential development exception, and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the CA zone district. As discussed above the project meets the requirements for exceeding the 28 foot height limit. The dwelling exceeds 7,000 square feet and has been reviewed with respect to the large dwelling and design review regulations. The large dwelling and design review findings can be made for the proposed large dwelling. The dwelling meets the County's Geologic Hazards ordinance in that engineering geologic and soils engineering reports have been completed and reviewed which delineate appropriate building and septic sites for the project. The design of the proposed single-family dwelling is consistent with that of the surrounding neighborhood, and is sited, designed and landscaped to be visually compatible and integrated with the character of surrounding area, and by that meets the intent of County Code Section 13.10.130, "Design Criteria for Coastal Zone Developments" and Chapter 13.11 "Site, Architectural and Landscape Design Review." Homes in the area are in general larger than average on large parcels, with a variety of architectural styles and finish materials. The proposed Gothic Revival single-family dwelling will utilize a dark forest green colored roof, with an acid-aged copper material, with dark forest green trim and chimneys with a complementary green color on the body of the home. The exterior surface of the residence is proposed to be wood. The exterior will be painted with neutral, green tone colors. The proposed colors and materials harmonize with those of the natural surrounding.

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.

The project is located in the Agricultural land use designation. As discussed in the Agriculture Findings, the proposed single-family dwelling has been located to be consistent with the General Plan policies and zoning regulations for the protection of agriculture and residential development on CA zoned property in the coastal zone. As discussed in the Coastal Zone Findings for this project, all LCP policies have been met in the proposed locations of the project and with the required conditions of this permit. Grading has been minimized through relocation, and the use of retaining walls and a balanced cut/fill design. A Biotic Assessment Report has been prepared for this project and reviewed by the Planning Department. The report has identified sensitive species and habitats with recommendations for mitigating potential impacts. The sensitive habitat issues have been assessed as part of the Environmental Review process and the mitigation measures have been incorporated into the conditions of approval. The project conforms with all Riparian protection policies in that the structures are located over 110 feet from any water body and no grading is authorized under this approval within 100 feet of any water body. The visual issues have been minimized through coloration and use of low-reflective glazing on the transom windows which may not be screened by the existing trees. The visual issues are discussed in detail in Coastal Zone Findings #3 and #5.

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.

The use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity as there will be no significant increase in traffic and minimal increase in the intensity of use, as a result of the proposed single family dwelling and appurtenant structures. Adequate off-street parking will be provided for the proposed use.

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.

The proposed single-family dwelling will complement and harmonize with the existing and proposed land uses in the vicinity (agricultural, rural residential, timber production and recreation) and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. The proposed dwelling is located in an area of sparse development with larger than average dwellings on large parcels. While the dwelling is substantially larger than existing development, it is located on a nearly 50 acre parcel such that the openness of the property is maintained for future agricultural use or for open space and wildlife habitat. The structure is naturally screened from existing residences in the area by vegetation and topography. Moreover, the dwelling will utilize green tone coloration which blends with the surrounding vegetation. Thus, the project is compatible and integrated with the character of the surrounding neighborhood and the natural setting.

**LARGE DWELLING REVIEW FINDINGS:**

1. THE PROPOSED STRUCTURE IS COMPATIBLE WITH ITS SURROUNDINGS GIVEN THE NEIGHBORHOOD, LOCATIONAL AND ENVIRONMENTAL CONTEXT AND ITS DESIGN IS CONSISTENT WITH THE LARGE DWELLING DESIGN GUIDELINES IN COUNTY CODE SECTION 13.10.325(d); OR
  
2. THE PROPOSED STRUCTURE, DUE TO SITE CONDITIONS, OR MITIGATION MEASURES APPROVED AS PART OF THIS APPLICATION, WILL BE ADEQUATELY SCREENED FROM PUBLIC VIEW AND WILL NOT ADVERSELY IMPACT PUBLIC VIEWSHEDS, NEIGHBORING PROPERTY PRIVACY OR SOLAR ACCESS, AND ITS DESIGN IS CONSISTENT WITH THE LARGE DWELLING DESIGN GUIDELINES SET FORTH IN COUNTY CODE SECTION 13.10.325(d).

The project proposes a 14,766 square foot dwelling. The proposed structure, due to both site conditions and mitigation measures for coloration and low-reflective glazing on the transoms, will be adequately screened from public view and will not adversely affect public viewsheds. The increased setbacks to accommodate the building height and for buffering from adjacent agricultural lands, create sufficient distances between the proposed dwelling and the adjacent parcels. This, in conjunction with natural vegetative and topographic screening, will prevent visual, privacy and solar access conflicts with the neighboring parcels. The dwelling is consistent with the design guidelines of 13.10.325(d) in that the changes in the natural topography are minimized, the grading has been minimized through building site relocation and the use of retaining walls and balancing cut and fill. Materials, such as a non-reflective roof and low-reflective glazing on transoms in conjunction with green coloration, particularly dark forest greens on the roof and chimneys will be utilized to blend the structure into the surrounding landscape and minimize its visibility. The project will not be constructed on any prominent ridge and has been relocated, from the building site originally proposed, to reduce visibility. The structure is compatible with the surrounding development and with the size of the isolated, rural parcel. Structure mass is broken through the use of cross gables and windows. The project will not block any public viewsheds

3. 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.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the single family dwelling complies with the required development standards with the exception of height. County Code Section 13.10.323(e)5 permits this additional height provided the required setbacks are increased by 5 foot increments for each foot over 28 feet,

which this project proposes. Solar access and privacy to existing or future residences will not be affected due to natural vegetative and topographic screening and the physical separation between the structure and adjacent property lines (a minimum of 135 feet). The project has been located to minimize potential visual impacts to public viewsheds and to preserve potential agricultural lands and open space on the property. The project location and design preserves nearly all of the property in an undeveloped, natural state. The primary elements of the site design are appropriate to the project site and surrounding development, resulting in compatible development due to natural screening and the large size of the rural parcel. The site grading is moderate given the steepness of the slope, however, developing on a less sloping site would conflict with the preservation of agricultural land and open space. The appearance of the site grading will be limited and the appearance of the natural landforms will be maintained. The landscaping shall be designed to relate to both the building and site design, using drought tolerant predominantly native species. Replacement trees will be planted between the dwelling and the line of site for Ano Nuevo State Reserve to ensure tree screening in the future. The architectural design is Gothic Revival which was popular between 1830-1875 and is based on an existing historic structure. The proposed Gothic Revival mansion would be out of place within the context of an urbanized neighborhood given the inherent size and height. The proposed structure is compatible with the area and site within the context of its proposed setting, located the edge of a large open, undeveloped rural property with a forested backdrop. The dwelling cannot be viewed from any public road, and is screened by trees and/or topography from the two existing and one proposed residences. The west (front), north and south building facades are typical Carpenter Gothic Revival architecture, utilizing wood frame construction, a steeply pitched metal roof and tall narrow cross gables. The rear (east) portion of the structure incorporates some elements of "Castellated" Gothic Revival architecture with the use of two tower features. The articulation of the larger wing as viewed from the south and southwest does not harmonize well with the overall architecture of the structure. Staff would recommend the continuation of the roof and eave length as with the other areas of the house and the utilization of additional gables to alleviate this awkwardness. Nevertheless, the structure is screened from the neighboring residences and this southern portion of the structure cannot be seen from any public venue. In addition, the setback distances (minimum 135 feet), physical barriers which screen the project from nearby properties and the separation between development, about 300 feet to the property line of the closest developed property and the support of the neighboring residents cause this design issue to become a matter of taste and personal preference. While the design is based on a historic structure, it is unique in light of current architectural trends.

## CONDITIONS OF APPROVAL

Coastal Development, Residential Development and Large Dwelling Review Permit 98-0426

Applicant: Rich Beale Land Use Consultants

Property Owners: Brian Hinman and Suzanne Skees

Assessor's Parcel No. 057-061-16

Property location and address: Located on the east side of a 50 foot right-of-way approximately 0.75 miles northeast from its intersection with Highway 1 (at sign for 2074), then about 600 feet southeast. The right-of-way intersects the east side of Highway 1 about one mile north of the intersection of the entrance to Ano Nuevo State Park. No situs.

North Coast Planning Area

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Exhibits: K. Architectural, Site and Preliminary Grading Plans:

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|-------------------|--|
| Sheets P1, P3-P6  | Preliminary Grading Plans by Robert DeWitt, RCE, revision date 5/27/99   |
| Sheets P2         | Preliminary Grading Plan by Robert DeWitt, RCE, revision date 12/28/99   |
| Sheets T1, L1, L2 | Site and Landscape Plans by Kirk Peterson, Architect, revision date 12/28/99   |
| Sheets A-1.1-1.3, | Roof and hardscape plan and architectural cross sections by Kirk Peterson, Architect, revision date 12/28/99             |
| Sheets A-2.1-2.6  | Floor plans by Kirk Peterson, Architect revision date 12/28/99   |
| Sheets A- 4.1-4.2 | Architectural Elevations by Kirk Peterson, Architect, revision date 01/19/00   |
| Sheets A- 4.3-4.4 | Architectural Elevations by Kirk Peterson, Architect, revision date 12/28/99   |
| Sheets A-5.4      | Structural Cross section and Generator Bldg floor plan and elevation by Kirk Peterson, Architect, revision date 12/28/99 |
| Sheet P2 of P6    | Tree Location Plan superimposed on Preliminary Grading Plan, revision date 12/28/99                                      |

I. 3-Dimensional Renderings by Kirk Peterson, Architect

Q. Photo Montage for Visual Analysis, undated

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I. This permit authorizes the construction of a 14,766 square foot three-story single family

dwelling with attached garage and two habitable accessory structures less than 100 square feet each (pool changing and bathrooms), a detached 277 square foot non-habitable accessory structure and approximately 5,560 cubic yards of grading. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:

- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- B. Obtain a Building Permit from the Santa Cruz County Building Official.
- C. Obtain a Grading Permit from the Santa Cruz County Planning Department.
- D. Pay a negative Declaration filing fee of \$25.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).

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 "K" on file with the Planning Department. Any changes between the approved Exhibit "K," including, but not limited to the attached exhibits for site, architectural and landscaping plans, and the final Architectural Plans must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision-making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any changes that are on the final plans that do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review. The final plans shall include, but not be limited to, the following:
  1. Exterior elevations identifying finish materials and colors. Colors shall be dark forest green for the roof, trim and chimneys and muted tones in the green and brown color family for the body of the structure.
  2. Floor plans identifying each room and its dimensions.
    - a. Final plans shall delete the door and railing shown above the roof on the north side of the third (attic) floor in the room labeled "North Garret" of Sheet A-2.4 of Exhibit K.
  3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, accessory structures, septic

location and retaining walls. A standard driveway and conform is required.

4. Window schedule. All transoms above the windows in the upper gables shall utilize low-reflective glazing materials.
5. A final landscape plan. This plan shall include the location, size, and species of all existing and proposed trees and plants within the front yard setback and shall meet the following criteria:

- a. Sixteen replacement trees of native Douglas Fir and/or Coast Redwood shall be installed between the dwelling and the line of sight to Ano Nuevo State Reserve. No trees shall be planted within the driplines of existing trees.

Replacement trees shall be the following sizes:

Five (5) trees of a minimum 5 gallon size

Five or more trees of a minimum 15 gallon size

Five or more trees of a minimum 48 inch box trees

- b. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall fescue. Turf areas should not be used in areas less than 8 feet in width.
- c. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be drought tolerant. Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
- d. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- e. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation

system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be utilized to maximize the efficiency of water applied to the landscape.

Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.

Summer watering of established trees, except as recommended by the project Arborist is prohibited.

The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit application. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.

Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.

- f. The final landscape plan shall show plantings of Monterey Cypress (*Cupressus macrocarpa*) for a distance of 1200 feet along the right of way that begins at the northwest corner of the parcel and trends southeast. The plantings shall be 15 gallon, spaced 20 to 25 feet on center.
  - g. The landscape plan shall specify all mitigations and treatment recommended in the Arborist Report for maintaining the existing trees within the project area.
6. Follow all recommendations of the geotechnical and geologic reports in the construction drawings submitted to the County for Building and Grading Permits. All recommendations contained in the County acceptance letter

dated March 25, 1999, shall be incorporated into the final design. A plan review letter from the geotechnical engineer and project geologist shall be submitted with the plans stating that the grading, drainage, erosion control and building plans have been reviewed and found to be in compliance with the recommendations of the geotechnical and geologic reports. Submit two copies of all technical reports, addenda and plan review letters with the building application.

7. An engineered drainage plan which shows how and where buildings, paved driveways, and other impervious areas will drain without adverse effects on adjoining properties. Show on the plans submitted, all proposed impervious areas within the parcel.
  8. Comply with all regulations for septic system placement by Environmental Health Services. The septic system shall be located in an area approved, in writing, by the project geologist.
  9. Meet all requirements and pay the appropriate plan check fee of the County Fire District. If the access road where it crosses the dam for the pond it is narrower than the standard twelve feet, the owner/applicant shall provide a written statement from the fire agency that the access is adequate without widening.
  10. Any new electrical power, telephone, and cable television service connections shall be installed underground.
  11. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
- B. Submit two copies of a geotechnical report addressing specific foundation, retaining wall, grading and drainage design to the Zoning Counter of the Planning Department for review and acceptance. The permit fee in effect at the time of submittal shall be paid.
- C. Obtain a Grading Permit. This requires submittal of a grading permit application to the Zoning Counter, including four copies of complete grading, drainage, and erosion control plans in conformance with County standards. The permit fee in effect at the time of submittal shall be paid. The Grading Permit shall be approved prior to building permit issuance. All requirements of the approved Grading Permit are, by reference, hereby incorporated into the conditions of this permit.

No land clearing, grading or excavating shall take place between October 15 and April

15 unless a separate winter erosion-control plan is approved by the Planning Director.

Final Grading Plans shall include:

1. Final Grading Plans shall incorporate all recommendations for tree protection including revisions to site grading and protective barriers. These measures shall be shown and specified on the plans. Six foot high protective barriers shall be placed around all trees within 30 feet of ground disturbance and must be shown around each applicable tree on the plan.
  2. Final plans shall specify that no earthwork of any volume shall take place on the access road where it crosses the dam for the pond. The plan shall indicate the existing width of the road at the crossing and if it is narrower than the standard twelve feet, the owner/applicant shall provide a written statement from the fire agency that the access is adequate without widening.
  3. Detailed Erosion Control plans are required. The Erosion Control Plan shall include, but is not limited to:
    - a. Silt fence, or other effective barrier, on both side of the access road where it crosses the dam, while surfacing is underway. Baserock and fines must be prevented from reaching the pond and drainage;
    - b. Silt fence on the downslope side of the driveway and on the perimeter of the disturbance area at the building site.
    - c. Interim erosion control measures to be implemented during site grading and construction, including contingency measures for inclement weather.
    - d. Erosion control measures to be implemented upon completion of site grading and construction.
  4. Grading plans shall be prepared by a licensed Civil Engineer and shall conform with all soils engineering and geologic report recommendations and shall reference these reports.
  5. Letters of review and approval by the project soils engineer and geologist for conformance with all report recommendations.
- D. Pay the Santa Cruz County Park Dedication fee in effect at the time of building permit issuance. On January 21, 2000, this fee would total \$8,670.00 based on the formula

of \$578 per bedroom X 15 bedrooms (where 15 rooms in the proposed dwelling meet the definition of "bedroom" in the Santa Cruz County Zoning ordinance). These fees are subject to change without notice.

- E. Pay the Santa Cruz County Child Care fee in effect at the time of building permit issuance. On January 21, 2000, this fee would total \$1,635.00 based on the formula of \$109 per bedroom X 15 bedrooms (where 15 rooms in the proposed dwelling meet the definition of "bedroom" in the Santa Cruz County Zoning ordinance). These fees are subject to change without notice.
- F. Pay the applicable Department of Public Works Drainage fees. On January 21, 2000, this fee would total \$250, but is subject to change without notice.
- G. 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.
- H. Record the following Declarations of Acknowledgment, on forms provided by the Planning Department, in the Office of the County Recorder on the subject property deed:
  - 1. A declaration providing notice of potential Geologic Hazards relating to landsliding, slope instability and seismic shaking hazards to the parcel prior to building permit issuance. This document will be prepared by the County Geologist.
  - 2. A Statement acknowledging the adjacent agricultural land use and the agricultural buffer setbacks.
  - 3. A Statement acknowledging the adjacent Timber Production land use and timber harvesting activities.
  - 4. A declaration of restriction to maintain a detached non-habitable accessory structure
  - 5. A declaration of restriction to maintain two habitable accessory structures.
  - 6. A declaration of restriction to maintain a structure as a single family dwelling.
  - 7. A declaration of restriction to retain the dead tree snags to the north of the building site, any relocated Ano Nuevo pine trees, the 16 replacement trees in perpetuity, and limiting tree removal in areas which provide screening or

the forested backdrop to the project per Condition VI.B. In addition, the Declaration shall also specify that other vegetation will be managed such that a "fire ladder" configuration does not develop in the area surrounding the structure(s).

Any or all of these declarations may be combined in form at the Planning Director's discretion.

III. Prior to site disturbance and during construction:

- A. Prior to any disturbance on the property, the owner/applicant shall stake the perimeter of the structure(s), septic field, driveway, and the discharge point of drainage pipes. The project geologist shall inspect the staking in the field in order to verify that the structure(s) and the grading are correctly located on the ground relative to the building areas that were agreed upon during the geologic review process, and to verify that discharge of drainage will not adversely affect slope stability. A letter approving the staking shall be submitted to Planning staff for review and approval.
- B. Prior to site disturbance, the project arborist shall provide all necessary pre-construction care to existing trees as outlined in the approved tree mitigation plan and shall inspect the temporary protective fencing. The arborist shall provide a letter to the Planning Department approving the fencing and indicating that all pruning and other pre-treatment has been accomplished.
- C. Prior to site disturbance or surfacing of the existing road for construction access the owner/applicant shall arrange for inspection of the silt fence and other erosion control measures.

While road surfacing is underway, baserock and fines must be prevented from reaching the pond and drainage.

- D. Erosion shall be controlled at all times. Erosion control measures shall be monitored, maintained and replaced as needed. No turbid runoff shall be allowed to leave the immediate construction site.
- E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections

16.40.040 and 16.42.100, shall be observed.

- F. Dust suppression techniques shall be included as part of the construction plans and implemented during construction.
  - G. Prior to site disturbance, a licensed surveyor must establish the location of the original grade under the building footprint.
  - H. After the foundation is formed and prior to foundation pour, the project licensed surveyor shall certify in writing that if the dwelling is built to plan, that the structure shall not exceed the 51 foot maximum height as measured under Santa Cruz County Code Section 13.10.323. The letter shall be submitted to the Santa Cruz County Building Inspector and the Planning Department Project Planner prior to foundation pour.
  - I. Prior to the framing inspection, the project licensed surveyor shall certify that the structure meets the 51 foot height maximum as measured under Santa Cruz County Code Section 13.10.323.
  - J. Prior to leveling, grading, paving or other road improvements to the San Mateo County portion of the access road, the owner/applicant shall obtain all applicable permits from the San Mateo County Department of Public Works.
  - K. Work hours shall be confined to 7 a.m. to 6 p.m. weekdays. Construction activities which create irritating, penetrating or unusual noise which is likely to disturb people of ordinary sensitivities are prohibited prior to 8 a.m.
- IV. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building and Grading Permits plans shall be installed.
  - B. All disturbed areas shall be landscaped or seeded and mulched with an appropriate plant species.
  - C. All inspections required by the building and grading permits shall be completed to the satisfaction of the County Building Official and the County Senior Civil Engineer.
  - D. The soils engineer and geologist shall submit letters to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geotechnical and geologic reports and addenda. Copy of these letters

shall be kept in the project file for future reference.

- E. Prior to final inspection, provide a letter of inspection from the project arborist evaluating tree health (existing and replacement plantings) and providing follow up recommendations.
- F. The applicant/owner shall call the Project Planner at 454-3225, a minimum of three working days in advance to schedule an inspection to verify the required development permit conditions has been met. The inspection shall include a site visit to Ano Nuevo State Reserve to verify that the structure is adequately camouflaged and window glare has been minimized. Modifications to the structure's color scheme and window schedule shall be required if determined necessary.
- G. Prior to final inspection, the project licensed surveyor shall certify in writing that the structure meets the maximum 51 foot as measured under Santa Cruz County Code Section 13.10.323. Certification shall be submitted to the Building Inspector and Project Planner.

V. Operational Conditions

- A. The structure shall be maintained in a neutral coloration in the green and brown family which blends with the surrounding landscape. All light coloration is strictly prohibited.
- B. All landscaping shall be permanently maintained.
  - 1. The sixteen replacement trees shall be permanently maintained. Any replacement tree which dies shall be immediately replaced. The replacement tree shall be located between the dwelling and the line of sight to Ano Nuevo State Reserve.
  - 2. The project arborist shall inspect and evaluate the health of all trees within 30 feet of the project's grading and the replacement trees for a period of five (5) years. The owner/applicant shall provide the Planning Department with an annual inspection report by the project arborist. The report shall detail any actions that must be taken to ensure the continued success of the mitigation plantings and the health of the existing Ano Nuevo pines and oaks. Treatment for pitch canker in all new, replanted, and remaining trees shall be a part of the annual inspection.
  - 3. All screening and backdrop trees (the arroyo adjacent to the pond, adjacent to the access right-of-way, within the designated area of "defensible space"

and behind the dwelling) for the dwelling, designated in the exhibit map for the declaration of restriction, shall be maintained. No tree over 12 inches dbh (diameter at breast height) within these areas shall be removed unless the tree is evaluated in a report prepared by a certified Arborist and a Significant Tree Removal permit is obtained.

Over the counter tree removal permits shall not be issued for this site.

- C. All transoms above the windows in the highest windows shall use low-reflective glazing.
- D. All exterior lighting shall be shielded so as to direct light toward the ground or to illuminate the first and second story of the structure. Light shall be shielded from adjacent properties. All lights on the structure or in adjacent trees shall be located no higher than the second story. Illumination of the third story and third story roof eave lights is prohibited.
- E. Modifications to the architectural elements including but not limited to exterior finishes, window placement, roof pitch and exterior elevations are prohibited, unless an amendment to this permit is obtained.
- F. The accessory structure (habitable and non-habitable) shall not to be converted into a dwelling unit or into any other independent habitable structure in violation of County Code Section 13.10.611.
  - 1. The accessory structures shall not have a kitchen or food preparation facilities and shall not be rented, let or leased as an independent dwelling unit. Under County Code Section 13.20.700-K, kitchen or food preparation facilities shall be defined as any room or portion of a room used or intended or designed to be used for cooking and/or the preparation of food and containing one or more of the following appliances: any sink having a drain outlet larger than 1 1/2 inches in diameter, any refrigerator larger than 2 1/2 cubic feet, any hot plate, burner, stove or oven.
  - 2. The structure(s) may be inspected for condition compliance twelve months after approval, and at any time thereafter at the discretion of the Planning Director. Construction of or conversion to an accessory structure pursuant to an approved permit shall entitle County employees or agents to enter and inspect the property for such compliance without warrant or other requirement for permission.
- G. 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.

- VI. 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.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

## VII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

- A. Mitigation Measure: Conditions II.A.6. and III.A. (Geologic and geotechnical hazards)

Monitoring Program: Prior to approval of the applications for Building and Grading Permits, the building and grading plans submitted by the owner/applicant must have attached review letters from the project geologist and soils engineer verifying that all recommendations of the geologic and soils reports and addenda have been met. Inspection letters from the project geologist will be required to verify development locations conform to the report recommendations based on site staking prior to construction and verifying that the completed project also conforms with the report recommendations. The project soils engineer must submit letters of inspection for keys and compaction testing during grading operations and for foundation excavations prior to pour and inspection by the County Building Inspectors. In addition, the soils engineer must prepare a final letter verifying that the completed project also conforms with the report recommendations. A copy of all review and inspection letters shall be retained in the project file. The County Geologist and Senior Civil Engineer shall be responsible for verifying receipt of all required geologic and geotechnical documentation.

- B. Mitigation Measure: Conditions II.A.1., II.A.4., II.A.5.f., IV.F., V.A through C. (Minimize visual impacts)

Monitoring Program: The owner/applicant shall submit construction and landscaping drawings for Building permits based on Exhibit K of this permit. Planning staff will verify that final landscape plans incorporate the required screening trees, that the final colors and materials samples meet the coloration requirements and the window schedule requires low-reflective glazing on the upper transoms for the highest gables. Final colors and installation of landscaping will be inspected and verified by Planning staff prior to Building Permit final.

- C. Mitigation Measure: Conditions II.A.5.a, e, g and II.H.7, (Avoid tree removal impacts)

Monitoring Program: An arborist (Ellen Cooper) has prepared report in conjunction with the biotic consultant (Habitat Restoration Group) which addressed tree removal mitigation, recommendations for replacement trees and actions to be taken to preserve the trees within or adjacent to the site grading and disturbance areas. This report was submitted prior to public hearing and has been accepted by the Planning Department. Final landscape plans will be reviewed by Planning staff to verify compliance with these conditions. Planning staff will prepare a declaration of restriction restricting tree removal and designating preservation areas, as well as vegetation management to prevent "fire ladders", which must be recorded on the property deed prior to building permit approval.

- D. Mitigation Measure: Conditions II.C.1., III.B., IV.E., V.B.2. (Maintain long term health of the mature trees)

Monitoring Program: The applicant/owner shall submit revised grading plans showing the temporary fencing at the dripline of each tree within thirty feet of ground disturbance, prior to approval of grading or building permits. The project arborist must submit a letter verifying that all pre-site disturbance tree treatment has been performed and that the protective fencing is in place. Environmental Planning Grading Inspectors shall not authorize grading prior to receipt of this letter. The building and grading permits will not be finalized by Planning staff if a letter of inspection from the project arborist evaluating tree health (existing and replacement plantings) and providing follow up recommendations has not been received. The conditions require an annual inspection by the project arborist to evaluate the health of all trees within 30 feet of the project's grading and the replacement trees after project final. This report must include any actions necessary to ensure the continued success of the mitigation plantings and the health of the existing Ano Nuevo pines and oaks. The implementation of these measures must be a part of the annual inspection. As a condition of approval, this inspection report must be submitted to the Planning Department annually for a five year period after the building permit is finalized. Noncompliance with this Condition of approval may result in the owner paying 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.

- E. Mitigation Measure: Conditions II.A.9, II.C.2., III.C. and III.C.3 a.,b. (Protect species from sedimentation)

Monitoring Program: The final grading plans will be rechecked to verify that there will no widening of the access road where it crosses the pond on the dam. The final plans shall

indicate the existing width of the access at the crossing, and if it is narrower than the standard twelve feet, the owner/applicant shall provide a written comment from the fire agency that the access is adequate without widening. This will be verified by Planning staff.

F. Mitigation Measure: All of Condition II.C.3.a and b, III.C. and III.D. (Prevent erosion, off site sedimentation, and pollution of creeks)

Monitoring Program: Planning staff will verify that all required erosion control measures are specified on the final grading plans prior to grading permit approval and issuance. The Grading Inspector shall verify that all required silt fences or equivalent barriers are in place during the preconstruction meeting prior to commencing grading.

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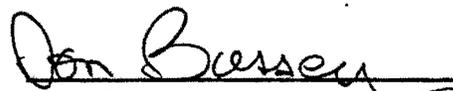
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION.**

Approval Date: -1-21-00 March 14, 2000 by Board of Supervisors

Effective Date: -2-4-00-- March 14, 2000

Expiration Date: -2-4-02 March 14, 2002

  
Don Bussey  
Deputy Zoning Administrator

  
Cathleen Carr  
Project Planner

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060  
 (831) 427-4863  
 HEARING IMPAIRED: (415) 904-5200



RECEIVED

APPEAL FROM COASTAL PERMIT  
 DECISION OF LOCAL GOVERNMENT

APR 03 2000

Please review attached appeal information sheet prior to completing this form. CALIFORNIA  
 COASTAL COMMISSION  
 CENTRAL COAST AREA

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

|                                      |                                      |
|--------------------------------------|--------------------------------------|
| <u>Sara Wan, Chairperson</u>         | <u>Christina Desser</u>              |
| <u>California Coastal Commission</u> | <u>California Coastal Commission</u> |
| <u>45 Fremont Street, Suite 2000</u> | <u>45 Fremont Street, Suite 2000</u> |
| <u>San Francisco, CA 94105-2219</u>  | <u>San Francisco, CA 94105-2219</u>  |
| <u>(415) 904-5200</u>                | <u>(415) 904-5200</u>                |

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz County

2. Brief description of development being appealed:

Construct an approximately 15,000 square foot, 3-story, 51 feet high residential dwelling with detached accessory structure and swimming pool; includes over 5,500 cubic yards of grading for the building site, courtyard, driveway and access road.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

Approximately 3/4 of a mile inland of State Highway One at the Santa Cruz/San Mateo County border adjacent to Año Nuevo State Reserve.

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_  
 b. Approval with special conditions: XXX  
 c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SC0-00-033  
 DATE FILED: 4/3/2000  
 DISTRICT: CENTRAL COAST

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator
- b.  City Council/Board of Supervisors
- c.  Planning Commission
- d.  Other: \_\_\_\_\_

6. Date of local government's decision: March 14, 2000

7. Local government's file number: 98-0426

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Brian Hinman & Suzanne Skees c/o Richard Beale Land Use Planning  
100 Doyle Street , Suite E  
Santa Cruz, CA 95062

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Sierra Club c/o George Jammal, Santa Cruz Chapter Chair  
P.O. Box 604  
Santa Cruz, CA 95061

(2) Friends of the North Coast c/o Celia Scott  
1520 Escalona Drive  
Santa Cruz, CA 95060

(3) Citizens for Responsible North Coast Planning c/o Kristen Raugust  
P.O. Box 42  
Davenport, CA 95017

(4) California Department of Parks and Recreation  
c/o Ronald Schaffer, Bay Area District Superintendent  
250 Executive Park Boulevard, Suite 4900  
San Francisco, CA 94134-3306

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

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(See Attached)

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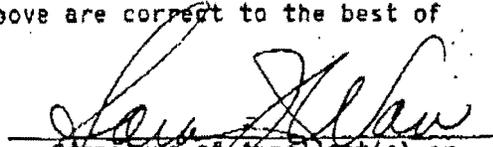
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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
Signature of Appellant(s) or  
Authorized Agent

Date 4/3/00

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

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(See Attached)

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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

*Christina L. Dem...*

Signature of Appellant(s) or  
Authorized Agent

Date 4/3/00

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date

## Attachment: Reasons For This Appeal

Page 1 of 2 attachment pages

Santa Cruz County approved a large (approximately 15,000 square foot, 3-story, 51 feet high) dwelling with a detached accessory structure and swimming pool on the rural north coast of Santa Cruz County adjacent to Año Nuevo State Reserve. The approved project includes over 5,500 cubic yards of grading for the building site, courtyard, driveway and access road. The County-approved project raises substantial issues with respect to the project's conformance with the Santa Cruz County LCP as follows:

### Land Use

The County-approval sites a very large residential development in a rural area zoned for Commercial Agriculture and raises questions as to whether such urban development in such an agriculturally zoned rural area is consistent with the LCP. The very large dwelling approved by the County on non-residentially-zoned rural lands could also have a negative cumulative impact on the rest of the rural north Santa Cruz County/south San Mateo County area should similarly situated properties develop in kind. As evidenced by the structure approved here, the County's LCP has insufficient policies to limit the scale of such residential development on rural lands. If the current approval represents the County's current interpretation of LCP policies for development on such rural lands, and/or should such an interpretation act be perceived as precedential for such rural lands, a disruptive cumulative effect could result in the immediate surrounding area as well as over the larger coastal region. In fact, the cumulative regional impact from such development could redefine what is now a mostly undeveloped rural coastal viewshed. The individual and cumulative impact on rural coastal resources from the introduction of a decidedly urban development in a rural area zoned for Commercial Agriculture appear to be inconsistent with LCP land use policies including, but not limited to, LCP Policies 2.1 et seq (Urban/Rural Distinction), 5.13 et seq (Commercial Agricultural Lands) and Sections 13.10.311 (Agricultural District Purposes), 13.10.312 (Uses Allowed in Agricultural Districts), and 13.10.313 (Agricultural District Development Standards).

### ESHA

The subject site, and in particular the proposed house location, provides habitat for indigenous Monterey pine (*Pinus radiata*). Indigenous Monterey pine is categorized as an environmentally sensitive habitat in the Santa Cruz County LCP to which the sensitive habitat policies of the LCP apply. Within its native range, Monterey pine is found in just four places in the world, and is under severe stress currently in part due to the pine pitch canker disease. The County's approval does not appear to have adequately characterized and protected indigenous Monterey pine habitat consistent with the protection afforded this resource by the LCP. In addition, the subject site also supports other environmentally sensitive habitats such as dense stands of native grasses, and habitat for State and Federally-listed biologic species. It is not clear that the County's approval has adequately protected these environmentally sensitive habitats consistent with the protection afforded these resources by the LCP. Accordingly, the proposed project appears to be inconsistent with LCP environmentally sensitive habitat protection policies including, but not limited to, Policies 5.1 et seq (Biological Diversity) and 5.2 et seq (Riparian Corridors and Wetlands), and Chapters 16.30 (Riparian Corridor and Wetlands Protection) and 16.32 (Sensitive Habitat Protection).

### Visual Resources

The County-approved project includes a very large residential dwelling, a smaller accessory structure, and roadway improvements in a rural area of north Santa Cruz County/south San Mateo County. It is not clear from the materials reviewed to date that such a development has been adequately minimized to

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## **Attachment: Reasons For This Appeal**

Page 2 of 2 attachment pages

prevent public viewshed impacts. To the extent such development detracts from the public viewshed (the scenic Highway One view corridor, Año Nuevo State Reserve, and/or from offshore), such visual intrusion is contrary to LCP visual policies including, but not limited to, Policies 5.10 et seq (Visual Resources) and Sections 13.10.313 (Agricultural Development Standards), 13.10.323 (Residential Development Standards), 13.10.325 (Large Dwelling Design Guidelines), 13.20.130 (Coastal Zone Design Criteria), and Chapter 13.11 (Design Standards).

In sum, the County-approved project raises substantial issues with respect to the project's conformance with core LCP issues regarding the type and scale of development on the rural north Santa Cruz County/south San Mateo County coast, development within and adjacent to ESHA, and preserving critical coastal viewsheds. These issues warrant a further analysis and review by the Coastal Commission of the proposed project.

**D-6**

CALIFORNIA COASTAL COMMISSION

RECEIVED



CENTRAL COAST AREA OFFICE  
MONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(831) 427-4863  
HEARING IMPAIRED: (415) 904-5200

MAR 22 2000

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Citizens for Responsible North Coast Planning (c/o Kristen Rausgust;  
P.O. Box 42 UAKO Susan Young  
Delwood, CA 95017 (831) 423-8566  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Santa Cruz County Board of Supervisors

2. Brief description of development being appealed: Brian Hinman, applicant, wishes to build a 14,494 sq. ft. residence on the scenic and visual resources of the Año Nuevo State Reserve.

3. Development's location (street address, assessor's parcel no., cross street, etc.): Above Hwy 17 on the east side, above Año Nuevo State Reserve APN 57-061-16

4. Description of decision being appealed:

- a. Approval; no special conditions: X
- b. Approval with special conditions: \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-00-033

DATE FILED: 4/3/2000

DISTRICT: Central Coast District

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: March 14, 2000

7. Local government's file number (if any): NEG DEC #98-0426

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Brian Herman  
\_\_\_\_\_  
\_\_\_\_\_

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Susan Young  
P.O. 252  
Davenport, CA 95017
- (2) Marglyn Hummel  
1005 1/2 Martin Rd.  
Santa Cruz, CA
- (3) Celia Scott  
1520 Escalona Dr.  
Santa Cruz, CA
- (4) Ronald Schaefer, District Superintendent, Bay Area District  
Dept. of Parks & Recreation  
250 Executive Park Blvd., Suite 4400  
San Francisco, CA 94134-3306

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see attached.

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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Kristen J. Raugust  
Signature of Appellant(s) or  
Authorized Agent

Date March 21, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

**E-3**

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

APPEAL FROM COASTAL PERMIT DECISION OF  
THE SANTA CRUZ COUNTY BOARD OF SUPERVISORS

The Hinman Project will have a tremendous impact on the public's view, both from scenic Highway 1 and from Ano Nuevo State Park, which is a Federal Registered Natural Landmark.

The proposed project will significantly disturb the public vista from both the Ano Nuevo Reserve and from Ano Nuevo Point (LCP 5.10.3). The views from the Reserve and Point are important -- a visitor's eyes sweep the vista panoramically; inappropriately huge mansions will interrupt the current serenity of the coastal mountain vista.

Visible from the beach, the project also violates Section 13.20130(d)(1). Although Mr. Hinman may propose to plant trees to "screen" the house from the public's view, this is not likely to be successful -- CDF and the U.S. Forest Service stated that only 10% of Monterey pines will remain after the pitch canker disease runs its course. Such a screen will remain spotty at best.

Moreover, enforcement is always an issue --surely the developer will not be motivated to plant trees in front of his view. (To give an example of failed enforcement: the Costanoa development in southern San Mateo County was required to be screened from Highway 1. Instead, the public sees an ugly berm, as well as the rooftops of buildings and tents. The night-time view is equally disturbing, with multiple bright lights piercing the coastal darkness.)

Furthermore, Hinman's proposed project design, a Gothic Revival-style mansion, is out of character with the surrounding area (Section 13.20130(b)(1)). Even if one disregards the fact that the surrounding area of the proposed project is currently open space, the style is not one that is compatible with Central Coast architecture.

Perhaps most important is the cumulative and growth-inducing impact of such a project. LCP Policy 2.1.4 requires that new residential development be located in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources. If the Santa Cruz County Board of Supervisors had ordered an EIR instead of allowing a negative declaration, the County might have discovered that, aside from the extraordinary visual impact this single mansion will have on the current public viewshed, the building of such a huge mansion will encourage more such building. This means, not only that more homes will be built above Ano Nuevo (evidentially there are six more parcels there), but more inappropriately large, so-called "monster" homes will be built.

GRAY DAVIS, Governor

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(831) 427-4863  
HEARING IMPAIRED: (415) 904-5200

RECEIVED



APR 03 2000

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Friends of the North Coast  
1520 Escalona Drive  
Santa Cruz, CA 95060 ( 831 ) 429-6166  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port  
government: County of Santa Cruz

2. Brief description of development being  
appealed: Construction of a 14,766 sq. ft. single-family dwelling  
on the east side of Highway 1 near Ano Nuevo State Park on the  
north coast of SC County (Application No. 98-0426)

3. Development's location (street address, assessor's parcel  
no., cross street, etc.): APN 057-061-16 located on the east side of a 50  
foot r/w approx. 0.75 miles northeast of intersection with Hwy 1 (at sign  
for 2074, approx one mile north of entrance to Ano Nuevo State Park).

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: xxx

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial  
decisions by a local government cannot be appealed unless  
the development is a major energy or public works project.  
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-00-033

DATE FILED: 4/3/2000

DISTRICT: CENTRAL COAST

H5: 4/88

F-1

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator
- c.  Planning Commission
- b.  City Council/Board of Supervisors
- d.  Other \_\_\_\_\_

6. Date of local government's decision: March 14, 2000

7. Local government's file number (if any): Application No. 98-0426

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Betty Cost, Rich Beale, Land Use Consultants (for owners  
Brian Hinman and Suzanne Skees

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Susan Young  
Davenport

(2) Marilyn Hummel  
Bonny Doon

(3) State Dept. of Parks & Recreation

(4) Paul Hostetter  
Friends of the North Coast  
P.O. Box 604, SC 95061

(5) Bill Parkin, Attorney at Law  
Santa Cruz, CA

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

see attached (three pages)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Celia Scott

Signature of Appellant(s) or Authorized Agent

Date April 3, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

**F-3**

\_\_\_\_\_  
Signature of Appellant(s)

Date

Celia Scott, A.I.C.P.  
ATTORNEY AT LAW  
1520 Escalona Drive  
Santa Cruz, California 95060  
Telephone and FAX: 831-429-6166

April 3, 2000

Grounds for Appeal from Coastal Permit Decision of County of Santa Cruz (Application NO. 98-0426, Applicant Betty Cost, Rich Beale Land Use Consultants, Owner, Brian Hinman and Suzanne Skees) approving construction of a three-story single-family dwelling on the east side of Highway 1 near Ano Nuevo State Park.

The above-referenced permit is inconsistent with the following Santa Cruz County Local Coastal Program policies and ordinances and merits a new hearing before the California Coastal Commission.

1. Biological Resources

The permit is inconsistent with LCP policies 5.1.3 (Environmentally Sensitive Habitats), 5.1.6 (Development within Sensitive Habitats), 5.1.7 (Site Design and Use Regulations), and 5.1.9 (Biotic Assessments) for the following reasons.

a. The project is located in an indigenous Monterey Pine Forest and is adjacent to habitat for the Federally designated California Red-legged frog, as well as five other listed Federal and State species of special concern, as indicated in the Initial Study/Negative Declaration.

b. A single-family dwelling is not a use dependent on the Monterey Pine forest as an ESHA, it does not serve a purpose beneficial to the public, adverse impacts are not completely mitigated, and no evidence exists that there is no feasible less-damaging alternative location. See LCP policy 5.1.3.

c. The SFD was not placed as far from the Monterey Pine Forest habitat as possible, but rather located in its midst; no conservation easements or other restrictions were required to ensure protection of the undeveloped portions of the site where sensitive habitat exists; the development site is not minimized to limit removal of native vegetation and grading, but is one acre in size to accommodate the enormous structure (@14,500 sq. ft.) and associated development, including widening of 1800 feet of access road (total grading, 5,560 cubic yards). Landscaping with invasive or exotic species is not expressly prohibited. See LCP policy 5.1.7.

d. The 1997 biotic assessment identified the freshwater pond on the property as a potential breeding and rearing habitat for five Federal and State species of special concern, including the Federally listed Red-legged frog and San Francisco garter snake. County staff indicated (letter of Nov. 30, 1998) that if the project was relocated to the flatland area within proximity to the pond/wetland area that additional biotic review would be required to verify impacts to the red-legged frog. The County dismissed this concern because grading

Coastal Permit Appeal  
County of Santa Cruz Application NO. 98-0426, Hinman House  
page two

for the building pad was 750 feet away from the pond, although the access road, which is to be widened and paved, passes immediately adjacent to the pond. Red-legged frogs are known to migrate up to 1½ miles from their breeding sites. Further biotic review is required consistent with U.S Fish and Wildlife Service protocol to determine if a habitat take may occur. It does not appear that USF&WS was consulted regarding this project. See LCP policy 5.1.9.

## 2. Commercial Agricultural Land

The permit is inconsistent with LCP policies protecting commercial agricultural land, including policy 5.13.5 and 5.13.6 (Uses permitted on CA lands), 5.13.28 and 5.13.29 (residential uses on CA land) for the following reasons.

a. The proposed use is not clearly ancillary to commercial agriculture. In particular, there is no documentation (other than unsubstantiated statements in the staff report) that the criteria specified in LCP 5.13.29 for determining if a residential use is in fact ancillary rather than the principle proposed use of the site have been met. There is currently no agricultural use on the property. Agricultural uses are not expressly included as part of the project for which the permit was granted. An enormous single-family dwelling of the size proposed has the potential for visitor-serving uses regardless of any technical restrictions imposed, and is obviously far in excess of what is required to be ancillary to any normal agricultural operation.

## 3. Visual Resources

The permit is inconsistent with LCP policies protecting visual resources, including policy 5.10.3 (protection of public vistas), 5.10.5 (preserving agricultural vistas), and implementing ordinances 13.10.325 for the following reasons.

a. Although efforts have been made to conceal this enormous 14,766 square foot dwelling from Ano Nuevo State Park, the structure is still visible from certain vantage points. The permit also fails to take into account the overall cumulative impact on the north coast viewshed, the most unspoiled coastal vista in Santa Cruz County. Combined with adjacent large house development in San Mateo County, there is a regional cumulative impact on coastal visual resources which only the Coastal Commission can address

b. The proposed structure cannot be considered "low-profile", as required by LCP policy 5.10.5 in order to preserve the aesthetic character of agricultural vistas and consistent with the agricultural character of the surrounding area. In fact, the size, height (51 feet) and bulk of this project will set a precedent for residential use on commercial agricultural land not only on the north coast but in such lands within the coastal zone of the entire county.

## 4. Water Resources

The permit as granted is not fully consistent with LCP policies

Coastal Permit Appeal  
County of Santa Cruz Application No. 98-0426, Hinman House  
page three

protecting water resources, including LCP objective 5.5c (protection of Least Disturbed Watersheds) for the following reasons.

a. There was no analysis of the potential cumulative impact of additional large-scale residential uses (as proposed on the Hinman site) on the Ano Nuevo Creek watershed, which is a designated Least Disturbed Watershed in the LCP, or of the growth-inducing impacts within this rural watershed. Although numerous statements are made in the staff report and IS/ND regarding limitations on future development within the watershed, there are in fact no permanent restrictions that prevent further division of surrounding lands in the watershed.

b. The purpose of the Least Disturbed Watershed designation is to to "support the remaining clear running streams to preserve their water supply, recreation, and wildlife support values." Residential development of this scale and magnitude is inconsistent with this basic purpose.

For all of the above reasons, Friends of the North Coast submits that a substantial issue exists with respect to the consistency of the Hinman house coastal permit with the Santa Cruz County Local Coastal Program, and that a hearing on the merits before the California Coastal Commission is required.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(831) 427-4863  
HEARING IMPAIRED: (415) 904-5200

RECEIVED



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

APR 03 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

George Jammal, Chair, Sierra Club, Santa Cruz County Office  
P.O. Box 604 SANTA CRUZ, CA 95061 (831) 426-4453  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Santa Cruz County Board of Supervisors

2. Brief description of development being appealed: Brian Hinman, applicant, wishes to build a 14,494 sq. ft. residence on the scenic and visual resources of the Año Nuevo State Reserve.

3. Development's location (street address, assessor's parcel no., cross street, etc.): Above Hwy 17 on the east side, above Año Nuevo State Reserve, APN 57-061-16

4. Description of decision being appealed:

a. Approval; no special conditions: X

b. Approval with special conditions: \_\_\_\_\_

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-00-033

DATE FILED: 4/3/2000

DISTRICT: CENTRAL COAST

H5: 4/88

9-1

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: 3/20/00

7. Local government's file number (if any): #98-0426

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Brian Hinman  
37 Broadway  
Los Gatos, CA 95030

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Celia Scott  
1520 Escalona Dr.  
Santa Cruz, CA

(2) Marilyn Hummel  
1005 Martin Rd.  
Santa Cruz, CA

(3) Bill Parkin  
147 S. River  
Santa Cruz, CA

(4) Kristen Raugust  
Whale City Bakers  
Hwy. 1, Davenport, CA 95017

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

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Please see attached.

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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

[Signature]  
Signature of Appellant(s)  
Authorized Agent

Date 4/2, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

## Sierra Club Appeal from Coastal Permit Decision of the Santa Cruz County Board of Supervisors

Re: Santa Cruz County Neg Dec #98-0426/APN 57-061-16 / Brian Hinman  
Application

The Brian Hinman application for a residence on parcel APN 57-061-16 in Santa Cruz County violates the Coastal Act.

The zoning of the parcel in question is Commercial Agriculture ("CA"), and as such, agricultural operations are the primary purpose of the parcel; any buildings built on the parcel should be ancillary to such agricultural operation. There is currently no agricultural operation taking place on the parcel, and the proposed residence is therefore not ancillary to an agricultural operation, nor is it dependent on the resources of the parcel. Even if the owners plan an agricultural operation on the parcel, that agricultural operation should come first, before any building on the property.

Public Vista (LCP 5.10.3): The proposed project, nearly 15,000 square feet in size, is inappropriately large and will significantly disturb the public vista from both the Ano Nuevo Reserve and Ano Nuevo Point.

Visibility from beach (Section 13.20130(d)(1): The residence will be visible from the beach at Ano Nuevo; even if the house is "screened" from the public's view with Monterey Pines, CDF and U.S. Forest Service state that only 10% of Monterey pines will remain after the pitch canker disease runs its course.

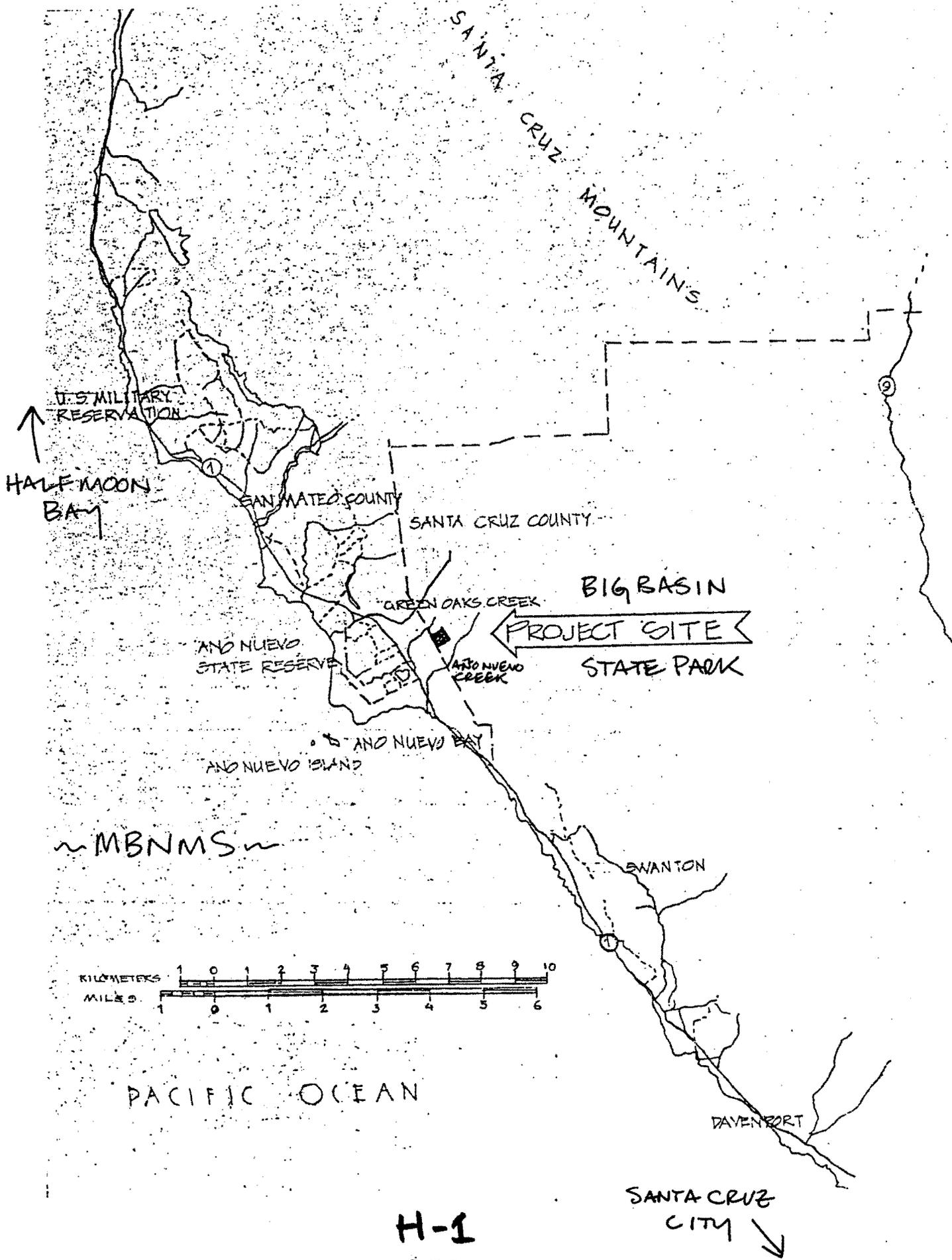
Environmentally Sensitive Habitat: As per the Coastal Act, any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The Hinman parcel is EHSA under this definition; it contains coastal grassland and Monterey Pine forest habitat. There is potential habitat for the red-legged frog in the pond near where the house is sited and where an access road is planned. The County failed to follow the protocol set out by the U.S. Fish & Wildlife Service for determining the habitat potential for red-legged frogs (i.e., check for the frog between May 1 and November 1).

Cumulative and growth-inducing impact (LCP policy 2.1.4): New residential development should be located in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources. The Hinman residence will not be built in close proximity to existing developed areas with adequate public services and, if built, will have a significant adverse effect on the environment by encouraging more growth outside existing developed areas. There are several other undeveloped parcels nearby. Not only will the building of such a residence encourage the development of the adjacent non-developed parcels, the house, as proposed, is well beyond the square footage of even a large house, and thus will encourage the building of

"monster houses" on the neighboring parcels, further degrading the public view from Ano Nuevo Reserve and Ano Nuevo Point.

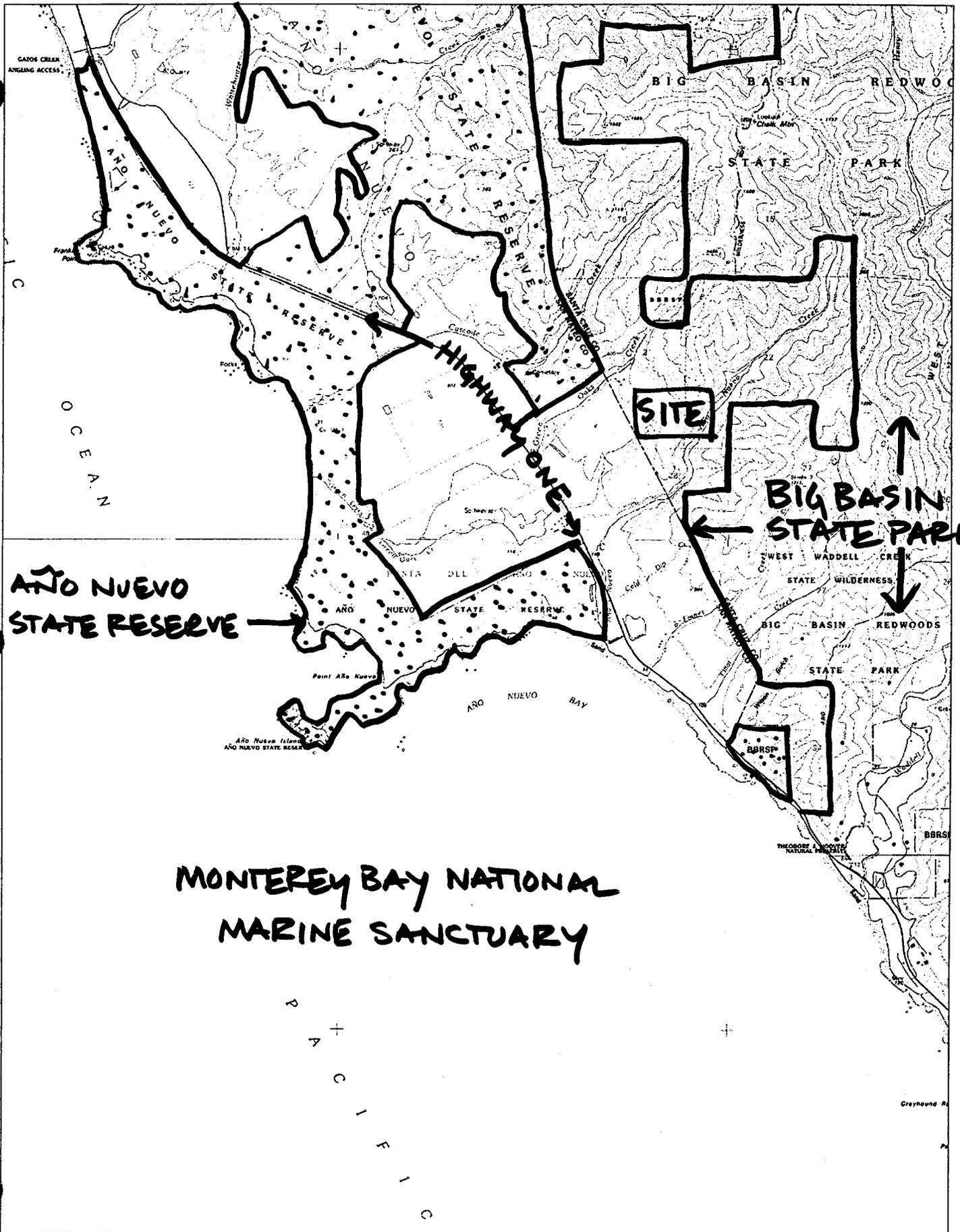
A further cumulative impact from the building of this mansion is its potential to become a hotel, conference center, or other non-agricultural use due to its huge size. Even though visitor-serving projects are encouraged in the coastal zone after agriculture, such a visitor-serving use should be discussed now, before the project is built, since the impact is growth-inducing and would encourage a commercial strip above Ano Nuevo, which would destroy the public viewshed from Ano Nuevo, a Federal Registered Natural Landmark.

Least Disturbed Watersheds: Ano Nuevo Creek is a Least Disturbed Watershed under the LCP. The County did not do an adequate analysis of the impact of this project on Ano Nuevo Creek, especially in terms of the growth-inducing impact of this project.



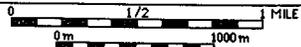
H-1

LOCATION MAP



**MONTEREY BAY NATIONAL  
MARINE SANCTUARY**

TN/MN  
15°



Printed from TOPO! ©2000 Wildflower Productions (www.topo.com)

H-2





PROPOSED  
LEE

PROPOSED  
HINMAN

EXISTING  
BOUNCE



This photographic simulation illustrates the correctly measured actual eye-view as seen from the dune area (high point) of Año Nuevo State Reserve. The house design has been superimposed in the correct location. The arrow points to the peak of the front gable, which shows in this photograph as the size of a pinhead.

H-S

PHOTO (FROM APPLICATION) AS VIEWED FROM AÑO NUEVO SR

Aerial photo showing intervening mixed evergreen and deciduous forest between Hinman house site and Año Nuevo Point. There are two miles separating the house site and the highest dune at Año Nuevo Point.



**NOTE**

**AÑO NUEVO STATE RESERVE**

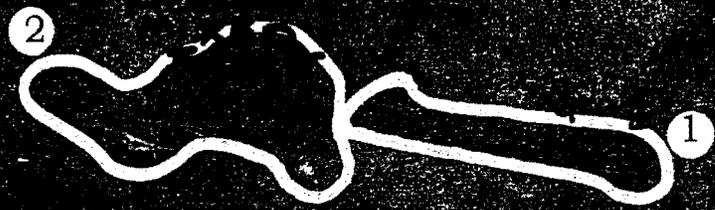
**NOTE**  
DUNE  
HIGH POINT  
PANORAMA  
LOCATION

**NATIVE  
MONOCOTYLEDON  
PINE FOREST**

**HIGHWAY**

~ MBNMS ~

ANIO NUEVO STATE RESERVE



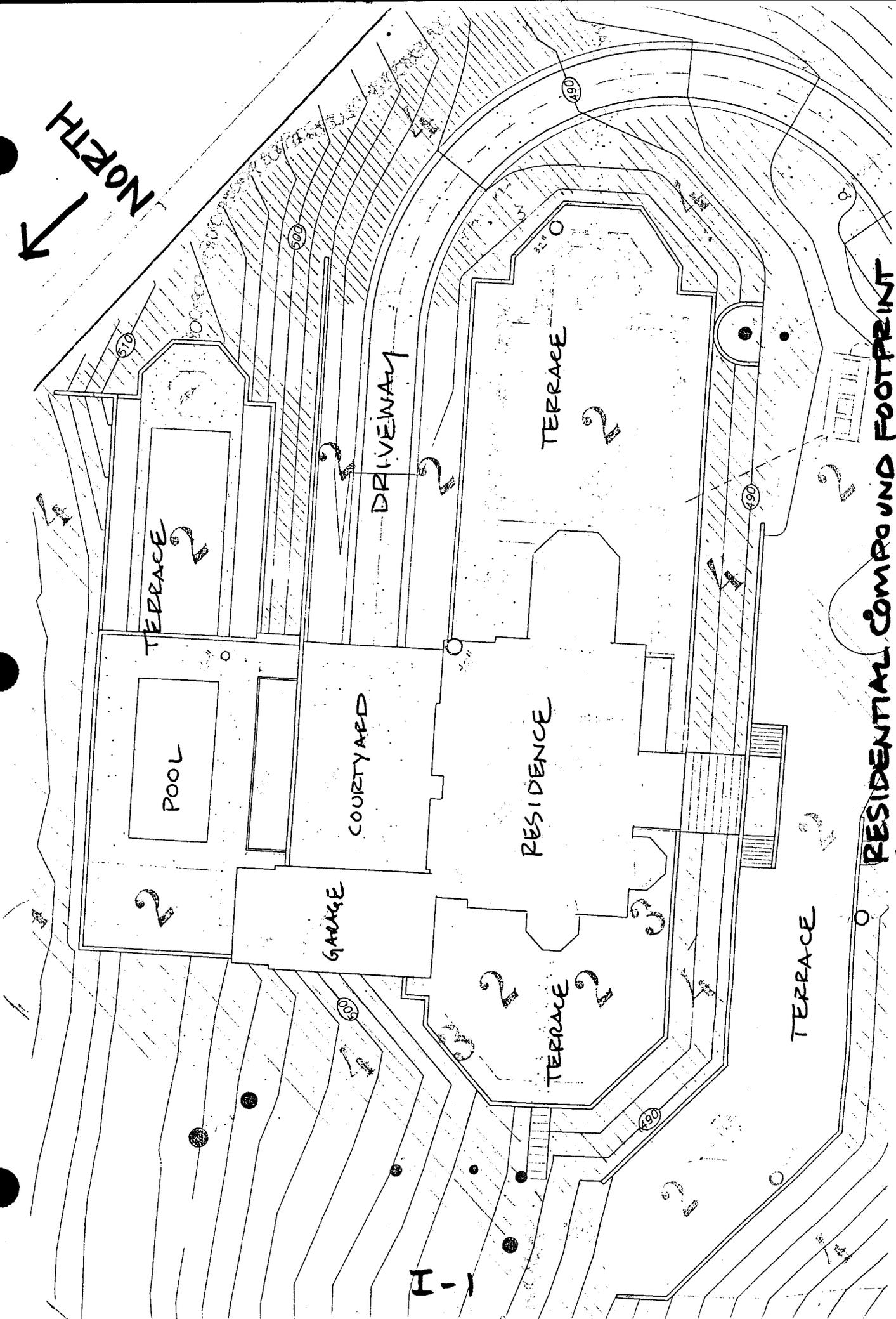
PROPOSED HOUSE SITE

FIGURE 1

NATIVE MONTEREY  
PINE FOREST  
(DARKER AREAS)

Hinman Residence  
APN: 057-061-16  
County of Santa Cruz  
Application #98-0426

NORTH  
↓



RESIDENTIAL COMPOUND FOOTPRINT  
GENERAL SITE PLAN

Photosimulation showing house  
on site as viewed from meadow  
from Northwest corner of site.  
Note colors of roof and gable  
blend into background.

KIRK E. PETERSON & ASSOCIATES  
5333A College Avenue, Oakland, CA 94618



ARCHITECTS

I-2



## Año Nuevo House

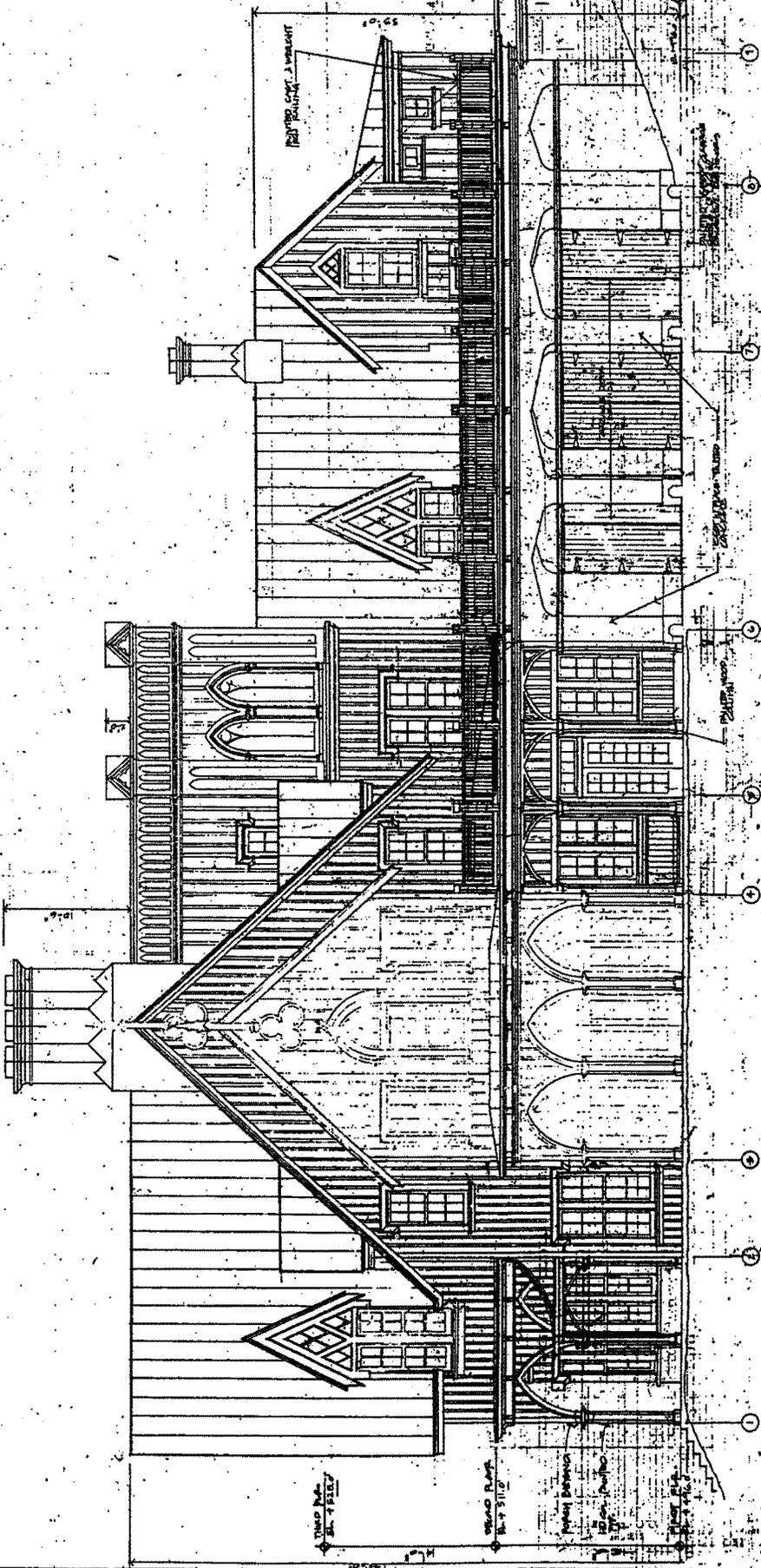
Brian Hinman & Suzanne Sives Residence  
Año Nuevo, Oregon



A-42

SOUTH ELEVATION

KIRK E. PETERSON & ASSOCIATES  
ARCHITECTS  
5253A College Avenue, Oakland, CA 94618  
510.547.0275 Fax 510.547.4173 krparch@pacbell.net

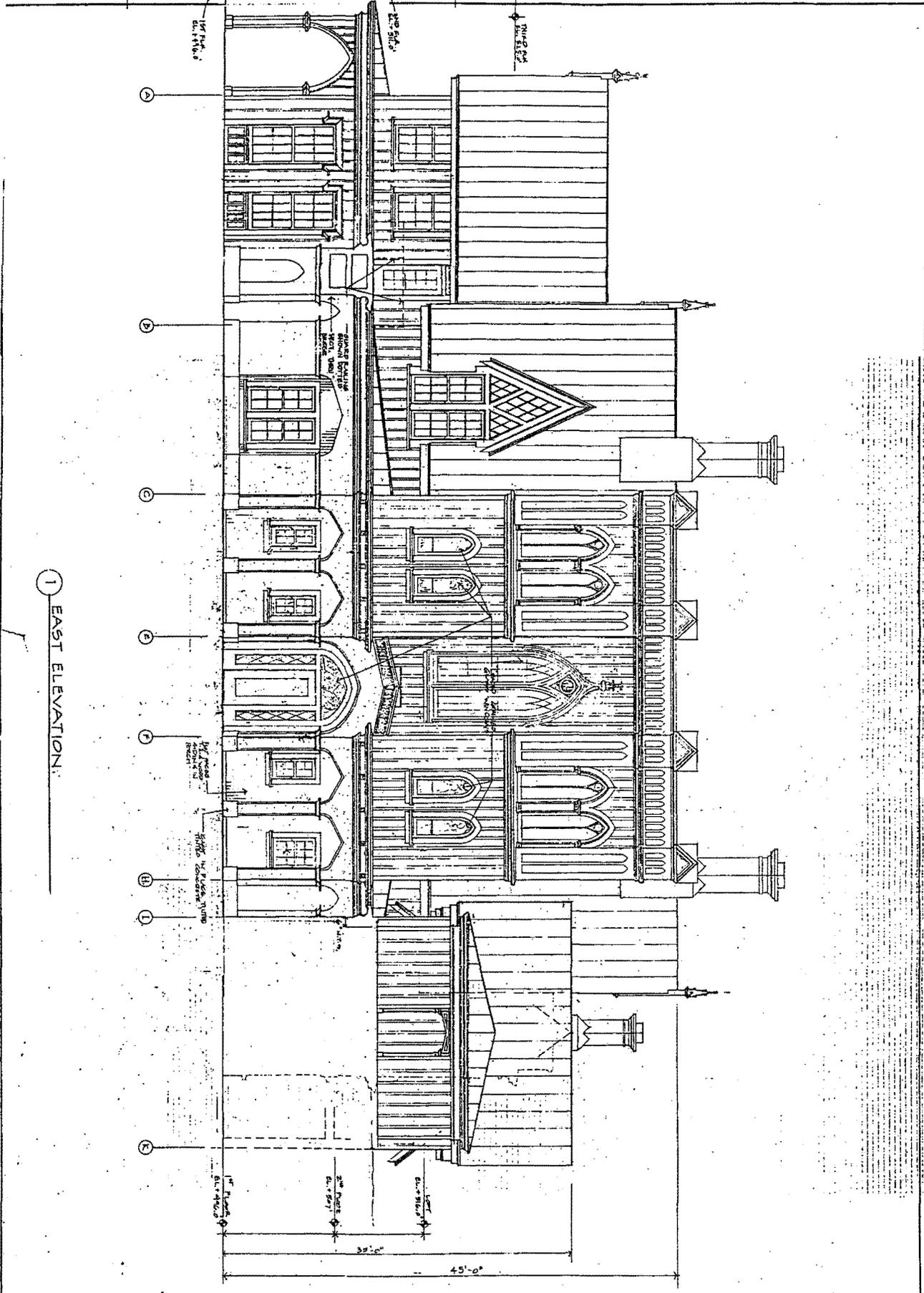


1 SOUTH ELEVATION

I-4

| NO. | DATE | REVISIONS |
|-----|------|-----------|
| 1   |      |           |
| 2   |      |           |
| 3   |      |           |
| 4   |      |           |
| 5   |      |           |
| 6   |      |           |
| 7   |      |           |
| 8   |      |           |
| 9   |      |           |
| 10  |      |           |

S-I



1 EAST ELEVATION

A-4.3

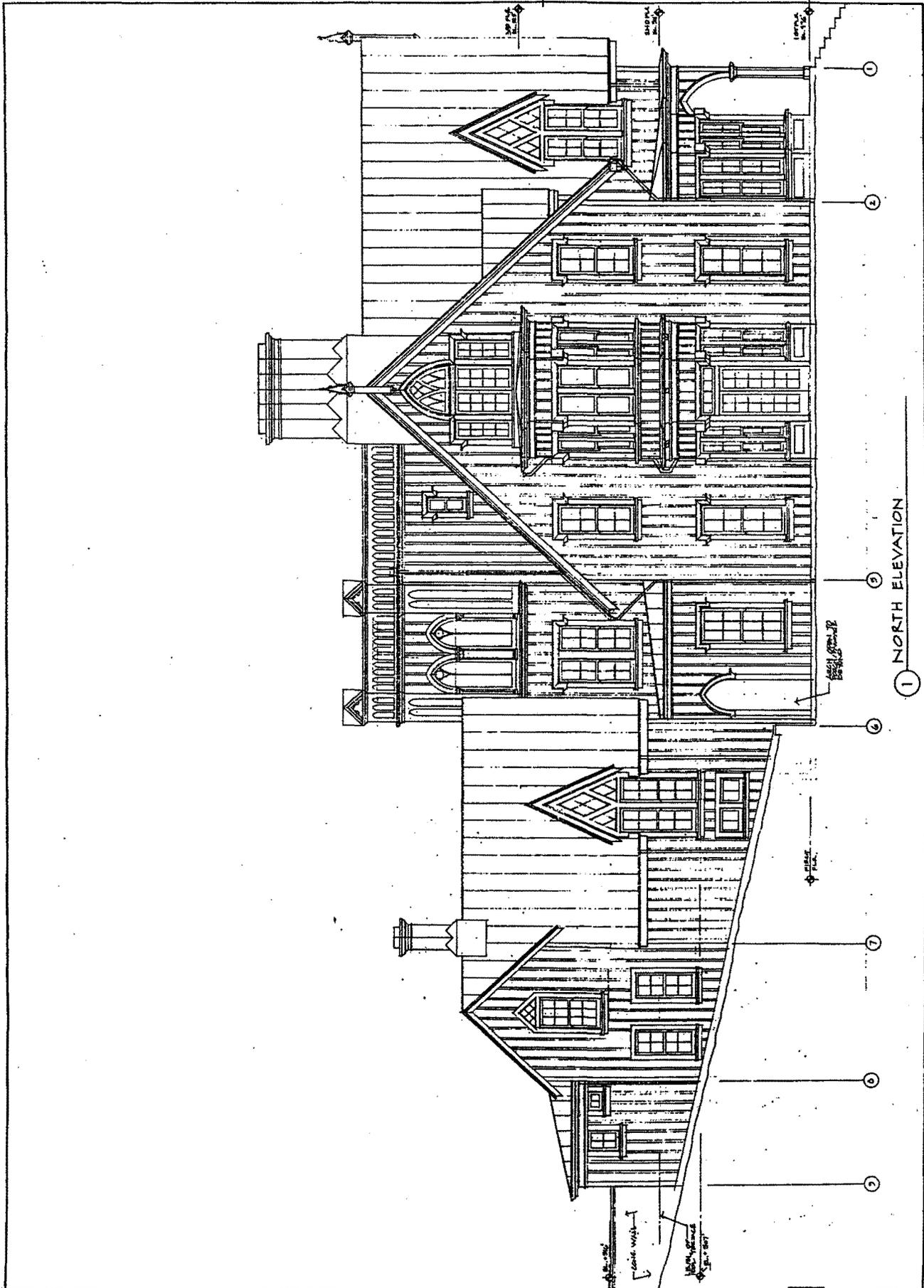
EAST ELEVATION

**AÑO NUEVO HOUSE**  
 Brian Hinman & Sizar de Siqueira Residence  
 Año Nuevo, California



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| 5.16.03  | 14 |





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**RECEIVED**

MAY 15 2000

Masters of Architecture  
Univ. of CA, Berkeley

May 15, 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dan Carl  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**RE: APPEAL NO. A-3-SCO-00-033**  
**HINMAN PROJECT: SFD IN SANTA CRUZ CO., NEAR AÑO NUEVO**

Dear Dan:

This letter is intended to address all of the issues raised by the various appeals to this project. We believe that in fact there are no substantive issues raised by the appeals. This is borne out by the administrative record forwarded to you by the Santa Cruz County Planning Department, as described below:

**Project Description:**

This proposal is to construct a 14,766 sq ft 3 story house: This is a 2 story house with a basement and attic. (Please see house plans in administrative record.) Because of the way Santa Cruz County counts habitable space, both the basement and attic spaces count towards floor area, and the attic counts as a story. The house is actually only a six bedroom house with a very steep pitched roof of early Victorian Gothic Revival design. The garage also is counted by the County as gross floor area because it is attached to the house. If it were detached, it would not have been counted as floor area, and the house would have seemed much smaller. The house actually has an approximately 5,000 sq ft footprint.

The proposal includes 5,560 cu yds of grading, with about 1000 yards of the grading being for the access road. The grading plan has been reviewed and approved by the County, and the amount is less than the amount which would have been required to go to a higher level of review than the Zoning Administrator. The grading is a balanced cut and fill on site. (Please see grading and erosion control plan included in administrative record.)

The height of the dwelling is 51 feet: Again, this is due to the way Santa Cruz County measures height. The actual house height is 47 feet, but, since it is

J-1

measured from the ground level below the terrace at the front of the house, the 47 feet becomes 51 feet. Also, NO VARIANCES ARE NECESSARY for this height. The Santa Cruz County ordinances allow extra house height if yard setbacks are increased 5 feet for every foot of height over 28 feet. This has been accommodated for this house, with yard setbacks of at least 135 feet on all sides rather than the normal 20 feet. (Please see staff report in administrative record which substantiates this.)

While the house is approximately 3/4 mile east of Highway 1, it is approximately 2 miles east of the dune area in Año Nuevo State Reserve where the public viewpoint is most apparent. Also, there are several other parcels of land between this parcel and Año Nuevo State Reserve. (Please see maps available in the staff report in the administrative record.)

### **Appeal Issues:**

#### LAND USE/COMMERCIAL AGRICULTURAL LAND

Residential uses are conditional uses in the CA, Commercial Agricultural zone district. There are special findings which have to be made in the Coastal Zone for residential uses as well. Residential uses are supposed to take as little land out of agricultural production, or potential production, as possible. In other words, avoid siting the house in the middle of the agricultural portion of the parcel; locate the house on a non-agricultural portion of the property. (All of the required findings are included in the staff report in the administrative record.)

In the Hinman case, the house has been located outside of the major meadow area, which would be the only possible agricultural area on the site. The house is instead located in a group of trees on the upper side of the meadow. Historic agricultural use on the site has been grazing, as part of the Steele Ranch. Therefore, if grazing were to be done again in the future, it would be important to keep the grazing area intact, which is exactly what this project proposes. Any other agricultural uses would want to take advantage of the small, more level areas just down the slope to the west of the proposed house site. It would be against the agricultural policies, therefore, for the house site to move any further down the slope.

The house site also provides a greater than 200 foot buffer between it and the adjacent CA zoned properties. It is over 600 feet to the CA zoned property to the north, and over 300 feet from the CA zoned property on the south. Taking up only about 2% of the total land area of the parcel, the house site would be incidental and ancillary to the majority of the parcel, which would be reserved for agricultural uses. There is an economic farm unit of 20 to 40 acres of open land on the parcel as the project is designed. (Please see the staff report in the administrative record for a discussion of these agricultural issues.)

#### NEIGHBORHOOD CHARACTER

This house has been designed to blend into its natural setting. Its Gothic Revival style has a rural character, rather than a more formal urban character. The predominant features, bat and board siding, multi-light wood windows, and

simple eaves would be at home in any rural Victorian setting. The composition of the house is subdivided by a variety of gables, roofs, and stepped wall planes, thus reducing its visual mass considerably. The dark green colored etched copper roof has been designed to blend into its backdrop of trees and provide the appearance of a much older home. (The color board for the house and the house plans are part of the administrative record.)

Nineteenth century design buildings comprise the majority of structures in the vicinity of the proposed project. These include the Reserve's barn and staff housing, farmhouses on the west side of Highway 1 (just north of the Reserve), the house at the foot of Steele Ranch Road, the Steele Ranch house itself, the various buildings at Cascade Ranch, and the Pigeon Point Lighthouse. The Gothic Revival style was often employed by California architects in the nineteenth century, including a fine example in Pescadero some ten miles north.

The design of this house is also supported by each of the five private property owners in the immediate vicinity. There is only one adjacent parcel, in fact, from which the house will be able to be seen. This is from the Bolings house adjacent to the south. The Hinman house will be behind this house and over 600 feet away. The Bolings are in support of the house design. (All written support letters from the neighboring property owners are included in the administrative record.)

#### VISUAL RESOURCES

The house is not visible from Highway 1. (Please see visual analysis study by Bob DeWitt in the administrative record.)

The house will be almost impossible to pick out by the naked eye from Año Nuevo State Reserve. The upper part of the roof, which will be a dark mottled green acid treated copper, may be barely detectable with binoculars. A small portion of the top of the front gable, which will be a lighter greenish tan color, may also be able to be seen. This tiny triangle, which appears about the size of a pinhead at this distance, is shown in the photosimulation included in the administrative record. We believe, due to its 2 mile distance and tiny size, that it will not be noticeable to visitors to the Reserve. In addition, the County has required that the topmost windows of the house be non-reflective glass. Also, 16 more trees have been required to be planted in front of the house to protect the view in the future. (Please see the approved permit conditions included in the administrative record.)

The house is not visible from the other portions of Año Nuevo State Reserve open to the public: from Table Rock north. This has been verified by planning staff and is also part of the administrative record.)

#### ESHA/BIOLOGICAL RESOURCES

Coastal Prairie: There are only a few isolated patches of native coastal prairie on site, as per the biotic report prepared for the project by The Habitat Restoration Group. (This report is included in the administrative record.)

Red-legged frogs: The pond on site may have red-legged frogs. The standard setback from a pond to protect these frogs is approximately 500 feet. The Hinman house disturbance (construction) area will be setback 750 feet. A plan to protect any possible frogs present will be required at time of construction by the State Department of Fish and Game. (This information was presented at the public hearing for the project in front of the County Board of Supervisors, and is part of the public record.)

Monarch butterflies: The biotic report for the proposed Lee house adjacent to the Hinman parcel noted the possible presence of Monarch butterflies in the Eucalyptus grove bordering the Hinman property along the access road. No disturbance to these trees is contemplated by either project.

Monterey pine forest: The Monterey pines on site are a part of a natural stand of these trees in the Año Nuevo area. Some of the pines on site have pitch-canker. No living or non-diseased trees are being removed for this project. An arborist's report has been prepared for the property as an adjunct to the biotic report. (This report is part of the administrative record.) The report recommends that the 8 diseased trees which will be removed be replaced on a 2 for 1 basis by other types of trees, such as oak, redwood, and cypress. The site landscaping plan reflects this. (The landscaping plan is included in the administrative record.)

Also, we have had a forester specializing in pitch canker and another landscape architect make a survey of the forest in the area of the Hinman property and evaluate the existing trees on site and with regard to the continued ability of the forest and trees to obscure the house from the Año Nuevo area. The report concludes that the existing forest will fill in with existing other species when some of the existing Monterey pines die, and will maintain its height and ability of obscure the property over time. The existing and required landscaping trees on site will also obscure the house from the Año Nuevo area. This report is attached to this letter. These issues were also addressed in the staff report which is included in the administrative record.

#### WATER RESOURCES/LEAST DISTURBED WATERSHED

The property is designated as Least Disturbed Watershed by the County's Resources maps. The normal density allowed in these areas is one dwelling unit per 40 acres. This house is one dwelling unit per almost 50 acres, and so meets the County's policies. In addition, the house and road take up only about 2% of the area of the site, and thus have very little impact on the overall site and area. (This information is in the staff report included in the administrative record.)

Also, a preliminary drainage and erosion control plan and a soils report have been reviewed and approved by the County which address the stability of the hillsides and the prevention of siltation of the pond and riparian areas. (The soils report and the drainage and erosion control plan are part of the administrative record.)

CUMULATIVE/GROWTH INDUCING IMPACTS

This development is on an existing parcel of record. No lot division is proposed or contemplated. Our analysis of the possible cumulative impacts of development in the area is attached to this letter. All 19 of the private properties in the vicinity of Año Nuevo State Reserve are shown on the attached map. The vast majority of these private properties cannot be seen from Highway 1 or Año Nuevo State Reserve.

There are six parcels in the Año Nuevo area which are currently undeveloped with residences with any physical possibility of having homesites visible to the public. It appears that houses on all of these parcels except one will be able to be screened by existing vegetation from both Highway 1 and from Año Nuevo State Reserve. The one exception is the parcel on the east side of Highway 1 in San Mateo County to the northwest of the Hinman parcel. This parcel has a current development proposal which is being addressed by the Coastal Commission: the Lee house. Since there is no adequate existing vegetation behind which to place this house, it appears that screening will need to be accomplished by landscaping.

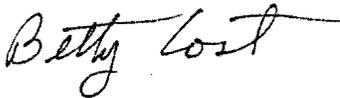
You will find the cumulative impacts of the project discussed in the staff report which is a part of the administrative record, and in a further analysis attached to this letter.

Again, we believe that all of the materials forwarded to you by the Santa Cruz County Planning Department show the care and detail with which this project has been required to comply with all LCP policies. We also believe it is clear from this record that no real substantive issues have been raised by the appeals.

If you need any further information, please let us know. Thank you.

Sincerely,

RICHARD BEALE LAND USE PLANNING, INC.



Betty Cost, AICP

Attachments:           Forestry report  
                              Cumulative impacts analysis

cc:   Bruno  
      Hinman

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MAY 15 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Analysis of Existing View Screen Forest  
Including  
Monterey Pine Tree Status  
And  
Tree Screening Plan**

for  
**Hinman Residence  
Santa Cruz County, California**

Prepared for:

**Brian Hinman  
APN 57-061-16  
County of Santa Cruz  
Application #98-0426**

Prepared by:

**Stephen F. McGuirk, ASLA CPESC  
Madrone Landscape Group  
P.O. Box 1210  
Soquel, California 95073**

and

**Stephen R. Staub, RPF#1911  
Staub Forestry and Environmental Consulting  
6010 Highway 9, Suite 6  
Felton, CA 95018**

May 2000

## Executive Summary

Both of the authors of this report have extensive knowledge and experience in their respective fields. Stephen Staub, who overviews the screening potential of the adjacent forest trees, is a Registered Professional Forester (License #1911) serving on the Pitch Canker Task Force, and has more than twenty-three years experience working with these forest types. Steve McGuirk is a licensed landscape architect (#2804) and Certified Professional in Erosion and Sediment Control (#667) who has more than thirty years experience in the Monterey and San Francisco Bay regions, and is currently working on three other visual screening projects on the coast of Santa Cruz County.

It is the authors' mutual finding that the Hinman / Año Nuevo House will have a continuing vegetative screen from critical view areas of Año Nuevo State Park, for the following reasons:

- Within the existing forest screening the proposed house site from Año Nuevo, sufficient numbers of Monterey pines which are tolerant or resistant to pitch canker will persist over a 10 to 40 year period in combination with other existing tree species Douglas Fir, Blue Gum Eucalyptus, tanoak, bay laurel and redwood to provide meaningful visual screening of the house site. Existing seedling to pole sized trees of the same species and madrone, together with future regeneration, will grow up into the viewshed and maintain visual screening over the medium- to long-term, and continue to block the view of the house from Año Nuevo State Reserve.
- The approved landscape trees, and specifically the Redwoods (*Sequoia sempervirens* 'Soquel'), planted in the 48" box size nursery containers, will add an additional screen to the house within 10-20 years. Support from approved earth berms and proposed automatic irrigation, with fertilizer injection systems, will enhance and optimize the growth rate of all approved, recommended landscape replacement trees.

Views from Highway 1 are and will remain unaffected by the project due to topography and the existing Eucalyptus grove that will be retained.

Along with extensive field review of the site and forest, the following documents have been reviewed as part of the preparation of this Plan:

- Hinman Property (Año Nuevo House) Biotic Assessment, Kathleen Lyons, Biologist, Habitat Restoration Group (5/20/97)
- Hinman Property (Año Nuevo House) Arborist Report, Ellen Cooper, Consulting Arborist (7/17/99)
- Approved Project Plan Set, Kirk E. Peterson & Associates, Architects (revised 2/16/00)
- Conditions of Approval, County of Santa Cruz Permit 98-0426 approved 1/21/2000

## INTRODUCTION

The purpose of this Report is to evaluate the efficacy of the existing forest and the proposed Landscape Plan to effectively, visually mitigate the construction of the proposed residence as approved by permit issued by the County of Santa Cruz, and as per the Landscape Plan prepared by Kirk E. Peterson & Associates, Architects. Because of current and expected mortality of Monterey Pine trees from pitch canker (*Fusarium circinatum*), this Report reviews current research and monitoring observations to project trends in growth and demise of the native Monterey Pines as well as the other existing, principal screening trees, primarily Douglas Fir (*Pseudotsusa menziesii*) and Blue Gum Eucalyptus (*Eucalyptus globulus*).

This Report will then evaluate the projected abilities of the trees recommended on the approved Landscape Plan to effectively back up the existing forest trees in effectively screening this residence.

## METHODOLOGY

Prior to the related site visit as part of the scope of services, a review of current plans, aerial photographs, related documents, etc., was held in the office of Richard Beale, Land Planner; related project information and goals were reviewed prior to the initial site visit.

The initial site visit was performed on Friday, March 31, and present were Steve McGuirk, Steve Staub and Ron Powers. The weather was clear and warm, with a slight northeasterly breeze.

Prior to visiting the actual site proposed for construction, we visited the area around the Docent's Roost in Año Nuevo State Reserve, and, using binoculars, visually located the two marked chimney locations on the site itself. We additionally noted existing tree areas between Año Nuevo and the site itself, prior to visiting the site.

On the road that accesses the site, we stopped to evaluate the existing grove of Blue Gum Eucalyptus (*Eucalyptus globulus*). We checked the trees for size and diameter, density of species and relative stand age. We next proceeded to the actual building site to evaluate the landscape plan in relationship to the existing trees. The site plans were reviewed in place and a further evaluation done on the effectiveness in proposed tree species for screening.

During the evaluation of proposed landscape trees on the actual site, a visual analysis was done on the existing native forest downslope from the site and between the site and Año Nuevo. This area constitutes the primary view corridor from Año Nuevo towards the site. Once the consulting forester Steve Staub had familiarized himself with the relationship between the trees below the site and the visual corridor, we then drove to the native forest to evaluate the existing stand and the related trees in the existing stand that were not Monterey Pines, but that were species that held

the most promise for future visual screening. The results of Steve Staub's evaluation site.

## **ANALYSIS OF EXISTING FOREST TREE SPECIES IN CRITICAL VIEW CORRIDOR**

At your request an analysis of the existing forest was performed on the Hinman property (Santa Cruz APN # 057-061-16) on Friday March 31<sup>st</sup> to evaluate the current and likely future condition of the trees and forest near and to the west of the proposed building site. Forest composition, health and longevity were the principal focus of this review because the predominant tree species near the site is Monterey pine (*Pinus radiata*), which is suffering from infestation by the non-native pest pitch canker (*Fusarium circinatum*). With project maps and site staking, trees in the immediate vicinity of the building site itself were reviewed, as well as trees to the west of the parcel boundary which visually screen the site. Tree foliage health and species composition were viewed directly and with binoculars. Spot samples and walking tallies were made of tree numbers by size class and species and rated for presence and severity of pitch canker infections.

### **Forest Composition:**

The western portion of the Hinman parcel is largely an open field in which both eucalyptus and pine seedlings have become established in the last few years. Native forest on the Hinman parcel is located primarily near the eastern property boundary where the Hinman residence is proposed. Native forest exists to the west and south of the Hinman parcel and was looked at extensively as it screens the parcel when viewed from the west. For purposes of this report, relevant stands of trees have been described and numbered as three distinct forest areas, the first two of which occur on adjacent ownerships to the west and south. See *Figure 1*.

Area 1 - An old windbreak planting of blue gum eucalyptus trees (*Eucalyptus globulus*) extends just west of the northern portion of the western boundary of the property. The trees are more than 100 feet tall, densely planted in several rows, and are regenerating from seed in nearby areas, notably east of the access road in the open field. The grove is composed of largely mature trees in generally good health considering their density. It is likely to persist as an intact grove for many more years and will both spread and replace itself over time in the absence of management.

Area 2 - South of the eucalyptus windbreak the western property line crosses a small creek drainage, and tree cover becomes a mixed forest whose composition changes from north to south. In the vicinity of the drainage and onto the adjoining plateau, the forest is a mixture of eucalyptus, Monterey pine, Douglas-fir (*Pseudotsuga menziesii*), and coast live oak (*Quercus agrifolia*). The tops of the eucalyptus and Douglas-fir trees growing in the immediate creek area are visually within roughly 10 to 15 feet of hiding the coast as viewed from the building site. With expected height growth rates of 1 to 3 feet per year for these trees, it appears likely that they will completely obscure the creek drainage view of the building site from

land within five to ten years. A line of some 20 naturalized eucalyptus seedlings have become established along the western side of the access road near the southwestern property corner. These trees are currently 10 to 15 feet tall and capable of growing at a rate of 2 to 5 five feet per year.

Trees in the forest further south on the gently sloping plateau are of mixed ages and species, ending at an open area apparently originally cleared for agricultural or ranching purposes. Monterey pine forms most of the overstory tree canopy with some Douglas-fir, a few eucalyptus and even a few tan oak (*Lithocarpus densiflorus*) and bay laurel (*Umbellularia californica*). This forest obscures the building site and extends in a west, southwesterly direction all the way to Highway 1. Understory tree species include Monterey pine, coast live oak, and quite a number of Douglas-fir and madrone (*Arbutus menziesii*) trees. Understory Monterey pines are generally pole sized with few saplings while Douglas-fir and madrones are of sapling to small pole size. Density of understory trees is quite variable, but is generally moderate to very dense with only a few sparse areas. Monterey pines of seedling to small pole size were noted to the south of this stand in the open area formerly cleared for agricultural use. Although not reviewed directly, a similar mixed forest, but with an increasing redwood component, extends from this open area down to Año Nuevo Creek.

Area 3 – The immediate vicinity of the proposed building site is dominated by a number of very large Monterey pine trees as shown on the site plan. It also contains several coast live oaks, a few Douglas-fir, and just to the east and south, madrones and some redwood (*Sequoia sempervirens*). A 36" Monterey pine tree blew down this winter, knocking over a second Douglas-fir tree. Both are partially still alive, but are likely to die shortly. West of the proposed site is an open field into which more than 20 volunteer Monterey pine trees have seeded that are from 2 to more than 10 feet in height.

#### Forest Health and Condition:

As noted above, eucalyptus trees in Areas 1 and 2 appear to be generally healthy and have good life expectancy. Pitch canker, first documented in Año Nuevo Monterey pines in 1992 by the leading pitch canker researchers (Storer et al., 1995), is affecting many trees and symptoms are currently widespread, especially with decreasing elevation. Accelerated tree mortality has been occurring, although bark beetles have also been a contributing factor, and in some cases, probably the only factor. Sampling on site indicates that up to 40% of the Monterey pines have moderate or worse symptoms (including those that have recently died). This number is consistent with findings from research being conducted at Cal Poly's Swanton Pacific Ranch at the southern end of the Año Nuevo pine population (Professor Doug Piirto, oral presentation on research to the Pitch Canker Task Force, January 19, 2000). Although there is still insufficient quantitative research to make a numeric projection, it is reasonable to suppose that the great majority of this 40% fraction of forest will die within the next five years.

The longevity of the remaining 60% of Monterey Pine trees (with few or no symptoms) is much harder to predict. First, it is likely that the most susceptible trees are the ones already showing these advanced symptoms while trees with few or no symptoms are more likely to be able to tolerate or even fully resist the disease. Second, several modestly encouraging factors emerging from research in progress suggest that tree mortality due to pitch canker may be somewhat lower and the rate at which mortality is likely to occur will be relatively slower than initially had been feared. Long term monitoring plots in the Monterey native pine population indicate that the disease is quite variable in its incidence with near sea level sites on dune soils being by far the worst hit. Somewhat higher sites on soils derived from shale and mudstone (such as at the Hinman site) are showing far lower initial infection rates and far less severity. Also, both lab tests at the UC Davis Plant Pathology Department and follow-up field reviews have discovered that some trees, perhaps as many as 15% to 25%, may have an increased ability to resist the disease after its initial infections (Professor David Wood, oral remarks to the Pitch Canker Task Force, March 15, 2000). This is a phenomenon observed in other plants called systemic acquired resistance (SAR) (UC Davis researcher David Schmale, presentation to Pitch Canker Task Force, November 17, 1999). In addition, resistance to pitch canker appears to be significantly more widespread in pine regeneration that has been exposed to pitch canker from the beginning, probably because pitch canker has already killed the highly susceptible ones at the seed and seedling stage (Professor Tom Gordon, oral remarks to the Pitch Canker Task Force, January 19, 2000).

At the proposed house site itself, the broad crown of the 45" pine directly in front of the proposed house currently has no symptoms of pitch canker even though several large pines near it have died recently. In fact, only two or three of the other large pines near the site have noticeable pitch canker symptoms. There are only 3 or 4 dead sapling pines and more than 20 healthy sapling pines in the field west of the house, potentially confirming the viability of pine reproduction in the presence of pitch canker. Portions of two oak tree crowns were damaged by the fallen pine and Douglas-fir at the site.

### **Conclusions:**

#### Area 1:

The eucalyptus trees in the windbreak are healthy, will replace themselves, and have spread regeneration into other areas, which will continue to occur unless controlled.

#### Area 2:

The mixed forest of Area 2 becomes increasingly dominated by Monterey pine as it moves south from the creek drainage. On-site observations and current pitch canker research suggest that some of the existing, good-sized Monterey pines on and near the site will survive for between 10 and 40 or more years (depending on their current age). The general pattern in the existing forest is likely to be the

following: Overall stand density will decrease, creating sporadic openings and highlighting the presence of other species in the existing mix of mature trees. The Douglas-fir, madrone and coast live oak understory trees will grow more quickly once shading Monterey pines die and these other species of trees will become a noticeably larger percentage of the stand over that 10 to 40 year period. Some pine regeneration with better resistance to pitch canker will become established to replace trees that have died. The forest will not disappear, but will be in a state of change with respect to species composition and regeneration patterns. The height of the dominant trees in the forest should remain about the same as the present forest over time.

### Area 3:

The 16 replacement trees required in the approved County permit for the property should grow at a rate which will cover gaps which may temporarily be created in the Area 2 forest. The existing oaks and firs and some Monterey pines on site that are likely able to tolerate or resist pitch canker also provide some screening subject to normal hazards and life expectancies.

### Recommendations:

1. Remove the fallen 36" Monterey pine and 18" Douglas-fir from the proposed building site as soon as possible to minimize bark beetle brood material. Trim up damaged oak limbs when spring growth spurt is past (July or August).
2. Retain all pines regenerating in the field west of the house for at least another ten years so their resistance to pitch canker can be evaluated.
3. Protect all trees, especially the oaks, 45" pine and 18" Douglas-fir in front of the proposed house, adjacent to the building site during construction by creating an equipment exclusion zone marked by perimeter high-visibility plastic fencing erected along the approximate tree driplines.
4. The volunteer eucalyptus seedlings near the southern end of the access road should be thinned to at least six foot spacing to promote more healthy and stable growth.
5. The owner should approach neighbors to the south and west to encourage a cooperative forest maintenance program that would remove dead and dying trees that pose a disease and pest vectoring hazard, protect advance regeneration, and promote regeneration of appropriate native trees.

## ANALYSIS OF PROPOSED LANDSCAPE TREE PLANTINGS

The native trees approved by the County of Santa Cruz for planting at this site include the following:

| <u>Common Name</u> | <u>Botanical Name</u>       | <u>Foliage Habit</u> |
|--------------------|-----------------------------|----------------------|
| Coast Redwood      | <i>Sequoia sempervirens</i> | Evergreen            |
| Coast Live Oak     | <i>Quercus agrifolia</i>    | Evergreen            |
| Madrone            | <i>Arbutus menziesii</i>    | Evergreen            |
| Monterey Cypress   | <i>Cupressus macrocarpa</i> | Evergreen            |
| Buckeye            | <i>Aesculus californica</i> | Deciduous            |

Of all of these trees, the two with the greatest screening potential (fastest growth rates and ultimate size) are the Coast Redwood (preferably the cultivar 'Soquel') and the Monterey Cypress. According to the Sunset Western Book, Coast Redwoods can grow as much as 3'-5' a year, and Monterey Cypress is noted as a "fast growing windbreak tree in coastal conditions".

The County of Santa Cruz's Conditions of Approval specify that the sixteen (16) landscape replacement trees must be in the following nursery container sizes:

- Five (5) trees of a minimum 5-gallon size
- Five or more trees of a minimum 15-gallon size
- Five or more trees of a minimum 48-inch box size

If the most critical screening Redwood and Monterey trees were planted in 48" box sizes, their initial height would be 16-18'. Based upon standard growth projections these trees could achieve heights of 31-43' in 5 years, 61-93' in fifteen years, and 76-118' in twenty years.

Also, the Landscape Plan includes a proposed row of Monterey Cypress trees along the Hinman side of the access road which could easily replace the eucalyptus trees as viewshed protection within 15-20 years.



FIGURE 1

Hinman Residence  
APN: 057-061-16  
County of Santa Cruz  
Application #98-0426

K-9

## Statement of Professional Qualifications

**Staub Forestry and Environmental Consulting**  
6010 Highway 9, Suite 6  
Felton, CA 95018

Phone: (831) 335-1452  
FAX: (831) 335-1462  
Email: [staubtre@pacbell.net](mailto:staubtre@pacbell.net)

**Stephen R. Staub, Principal and Registered Professional Forester, License #1911**

### Summary

Mr. Staub has been a Registered Professional Forester (RPF #1911) licensed by the State of California since 1979 with a broad background in forest management and environmental analysis. He has prepared management plans and supervised projects for a variety of private, corporate, and non-profit clients. He has worked in Monterey County since 1990 and is recognized on the County's list of Registered Professional Foresters. He has been Forestry Consultant for the Del Monte Forest Foundation (DMFF), the non-profit open space agency for the Del Monte Forest area in Pebble Beach since 1993. Principal responsibilities for DMFF have been fuels reduction, control and eradication of non-native plant species, and conservation of sensitive and endangered plant species and habitats. He has worked with the Land Trust of Santa Cruz County on a variety of projects since 1986. His firm is currently providing professional forestry services to the County of Santa Cruz for its Graham Hill Road Improvement Project. In 1995 with William Ruskin, he completed a Land Management Study for Fire Prevention covering the central and lower campus of UC Santa Cruz. Other clients have included the Bureau of Indian Affairs, the San Mateo County Office of Education, and Community Hospital of the Monterey Peninsula. He has prepared forest management and timber harvest plans in the Santa Cruz Mountains for over twenty years and managed timber sales and vegetation management projects of all sizes. Much of his work has entailed extensive interaction with land use and regulatory agencies, analyzing and describing impacts and information in required formats.

### Education

B.A., English, Stanford University, 1972.  
B.S., Forestry, University of California, Berkeley, 1976.  
Member, Forestry Honor Society Xi Sigma Pi.

### Professional Experience

Principal, Staub Forestry and Environmental Consulting, Felton, CA, 95018, 1989 to present.

Staff Forester, Big Creek Lumber Company, Davenport, CA, 1976-1989.

Registered Professional Forester, License Number 1911, 1979 to present.

### Professional Affiliations

Society of American Foresters (SAF)  
Past Chair, Monterey Bay Chapter.  
Monterey Bay Representative, Northern California Section Policy and Education Committees.

California Forest Soils Council  
Member since its founding in 1981. Chairman, 1989-90.

Pine Pitch Canker Task Force  
Member since its formation in early 1994 and current Chairman.

Open Space Advisory Committee for the Del Monte Forest (OSAC)  
Naturalist member since June, 1994.

Soquel Demonstration State Forest Advisory Committee.  
Chairman, 1993 to present.

California Licensed Foresters Association (CLFA)  
Member of the Board of Directors, 1988-1994. President, 1992.

References: Available upon request.

#### Sample Project Description List - Staub Forestry and Environmental Consulting

**1. Forestry Consultant and Open Space Manager for the Del Monte Forest Foundation Permanent Assignment, 1993 – Present.**

The Del Monte Forest Foundation (DMFF) is the non-profit open space agency for the Pebble Beach area of the Monterey peninsula with fee ownership and conservation easements covering more than 600 acres. Conservation of this forested open space requires annual maintenance operations in accordance with guidelines established by the Open Space Advisory Committee for the Del Monte Forest, a body created by the Monterey County Board of Supervisors. Principal planning and maintenance activities for DMFF have focused on fuels reduction, control and eradication of non-native plant species, and conservation of sensitive and endangered plant species and habitats, including Monterey pine.

**2. Forestry Consultant for the Graham Hill Road Improvement Project of County of Santa Cruz. November 1999 – Present.**

Staub Forestry has prepared a Tree Removal Report for the proposed project describing the affected forest and evaluating feasible tree removal methods. Evaluations include working with project engineers to revise designs and/or recommend appropriate protection measures to permit extra tree retention. Project responsibilities will include oversight and monitoring of active tree removal operations.

**3. Forestry Consultant for the Land Trust of Santa Cruz County. Conceptual Forest Management Plan for the Byrne Forest, 1994. Eucalyptus Eradication and Revegetation, 1999.**

Staub Forestry worked under the direction of the Board of the Land Trust of Santa Cruz County to prepare a Conceptual Forest Management Plan for its Byrne Forest property in Corralitos. The purpose of the Plan was to develop guidelines for management that conserve the property's unique mix of soil, vegetation and water resources for public use and benefit. The Plan incorporated information from UCSC student studies, reports from botanic and wildlife consultants, and previous selective harvests. Specific land uses and management recommendations were made to support the Land Trust's conservation and educational mission. In 1999, Staub Forestry planned and supervised operations to eradicate an invasive grove of eucalyptus as recommended in the Plan.

## **RESUME**

---

### **STEPHEN F. McGUIRK**

P.O. Box 1210

Soquel, CA 95073

business (831) 462-9981

fax (831) 462-9983

e-mail madrone@earthlink.net

**OBJECTIVES:** To apply my extensive experience in the fields of landscape architecture and horticulture towards the reordering of land systems to suit the owner's own design program and project needs.

**EXPERIENCE:** Thirty years of related land experience related to landscape design, land restoration, grading, drainage, planting and irrigation through ownership of landscape design, construction, and maintenance consultation firms.

Extensive technical writing in landscape- and horticulture-related fields, including two books.

Creation of curriculum and teaching landscape- and horticulture-related classes at Cabrillo College and the University of California at Santa Cruz Extension from 1979 to 1997.

Long-term involvement with Life Lab, an elementary education program teaching science through school gardens.

**EXPERTISE:**

- Landscape architectural design and project management.
- Erosion and sediment control.
- Land restoration and reclamation, including open-pit mines.
- Landscape maintenance management consultation and specification writing.
- Peer design review and value engineering.
- Excellent technical writing and public speaking skills.
- Salesmanship and congeniality with clients and public.
- Keen interest and experience in team participation.
- Ability to speak and write in Spanish.
- Familiarity with Macintosh computer systems and software.
- Overall knowledge of horticultural systems and business.

### **LICENSES / CREDENTIALS:**

- Certified Arbitrator and Mediator - Institute of Construction Management (ICM)
- Registered California Landscape Architect, #2804.
- Certified Professional in Erosion and Sediment Control - License #677.
- 'Life' Teaching Credential in Ornamental Horticulture, California Community Colleges.
- Pilot's License (single engine land).
- Honorable Discharge, U.S. Marine Corps, 1968.

**EDUCATION:** University of California, Berkeley; College of Environmental Design; Bachelor of Arts, Landscape Architecture, 1975.

Academia Hispano-Americana, San Miguel de Allende, Mexico; Intensive Spanish Language study, 1975-76.

U.S. Naval School of Photography, Pensacola, Florida

## **CREDENTIALS: MADRONE LANDSCAPE GROUP**

### **The Rationale for Land Restoration and Reclamation**

As California loses more of its many natural landscapes, and as petro-chemicals and maintenance costs increase for exotic landscapes, land restoration and reclamation become viable ways to restore and increase native landscapes, as well as diminished related maintenance costs.

Native perennial landscapes also make sense for a number of reasons:

- Installation costs are less money per square foot than exotic landscapes.
- Native landscapes rely on solar energy input, rather than costly petro-chemical input.
- When plantings coincide with seasonal rain cycles, the need for irrigation systems is diminished or not necessary at all.
- Overall maintenance is greatly diminished in a native perennial landscape, as opposed to an exotic landscape. Generally a native perennial landscape can be maintained effectively with minimal irrigation and two to three mowings per year. No other petro-chemical input is required.
- They are environmentally sensible and provide habitat for wildlife species.

### **Services Offered:**

Our company offers a complete range of land restoration and reclamation services including the following:

- Botanic surveys and vegetation inventories.
- Planning and design services.
- Preparation of complete plan and specification packages for governmental review and subsequent implementation.
- Project implementation management consulting services.

### **Complete Implementation Services Include:**

- Site specific seed and cutting collection for propagation and replanting.
- Direct site seeding of native grasses and wildflowers.
- Planting of tree, shrub, perennial, and grass containers.
- Range land seed drilling of grass and wildflower seed.
- Hydroseeding of grass and wildflower seed. (This procedure is recommended for only steep slope areas and areas that are permanently irrigated and not dependent on seasonal rainfall alone).

### **Related Project Experience:**

- **Visual Mitigation / Land Restoration**

**RMC PACIFIC MATERIALS: Raw Materials Storage and Blending Project**  
Davenport, California

Visual mitigation of proposed 200,000 cubic yard fill placement and two large industrial buildings within Highway 1 scenic corridor, using screening trees and habitat restoration.

Filizetti Residence

Santa Cruz, California

Visual mitigation of rip-rap revetment at the mouth of Corcoran Lagoon. Use of primarily native plant species of the Coastal Scrub habitat type to restore native habitat while mitigating views from East Cliff Drive.

Seascape Resort and Conference Center

Aptos, California

Visual mitigation of 30-acre resort hotel and conference center on the bluffs above the Pacific Ocean, using native forest, perennial grassland and riparian habitat restoration technologies.

• **Land Restoration/Reclamation Planning**

RMC PACIFIC MATERIALS, Reclamation Plan, Bonny Doon Quarries (1999)

Davenport, California

Preparation of 200 page Reclamation Plan including botanical inventory, native seed collection and increase program, creation of wetlands mitigation basins for the endangered California Red-legged frog, habitat restoration and erosion control and drainage specifications for 300 acres of open-pit mining land and related infrastructure.

RMC PACIFIC MATERIALS, Conveyor Line Decommissioning Model

Davenport, California

Botanical inventory, reclamation, erosion control and drainage recommendations for 3.5 mile conveyor line corridor.

Robert M. Bass Property

Portola Valley, California

Grassland and wildflower reclamation plans, maintenance program development for 13-acre site.

Miners Creek Housing Project

Auburn, California

Grassland and wildflower reclamation plans, maintenance program for 15-acre site.

Huckleberry Drive Entry Road

Monterey, California

Development of reclamation plans using native grasses, wildflowers, perennials, shrubs, and trees on non-irrigated sites.

Huckleberry Fire Access Road

Monterey, California

Development of reclamation plans using native grasses, wildflowers, perennials, shrubs, and trees on non-irrigated sites.

Foothill School Entrance

Monterey, California

Development of reclamation plans using native grasses, wildflowers, perennials, shrubs, and trees on non-irrigated sites.

**Tunnel Landscape Median**

Monterey, California

Development of reclamation plans using native grasses, wildflowers, perennials, shrubs, and trees on non-irrigated sites.

**Monterey Sewer System Pumping Station**

Monterey, California

Development of reclamation plans using native grasses, wildflowers, perennials, shrubs, and trees on non-irrigated sites.

**The Fremont Street Landscape Median**

Monterey, California

Development of reclamation plans using native grasses, wildflowers, perennials, shrubs, and trees on non-irrigated sites.

**Fire Station #3 Demonstration Garden**

Monterey, California

Development of plans for a fire resistant plant demonstration garden.

**Meyers Property / Grading Violation**

Bonny Doon, California

Preparation of reclamation and erosion control plans, and subsequent revegetation / reforestation implementation management and 3 year monitoring program for 20-acre land clearing violation area.

**Land Restoration/Reclamation Implementation**

• **Seascape Park**

Aptos, CA

Implementation of 9-acre coastal prairie reclamation project, related irrigation systems, and built amenities for County Park.

• **Seascape Resort and Conference Center**

Aptos, California

Implementation of native perennial grassland and riparian reclamation projects related irrigation systems, and temporary and permanent erosion control systems for 30-acre resort, conference center, and beach trail.

Stephen R. Staub  
Forester & Environmental Consultant



June 14, 2000

Ms. Betty Cost  
Richard Beale Land Use Planning, Inc.  
100 Doyle Street, Suite E  
Santa Cruz, CA 95062

**RE: Whether the Monterey Pine Forest Associated with the Hinman Project should be considered Environmentally Sensitive Habitat**

Dear Ms. Cost:

Although Monterey pine is a species of limited extent and is currently suffering from attack by the non-native pest pitch canker, it has a much greater range and number of individuals than any listed species I can think of. There are also a number of reasons based on current research to be optimistic about the species' ability to maintain itself and reproduce in the presence of pitch canker, as I noted in my detailed report on the project. That may be part of the reason that the petition to list the species as threatened was withdrawn last December and has not been resubmitted. The Ano Nuevo population has numerous other examples of similar Monterey pine habitat along Last Chance Road, on Big Creek Lumber Company property and on Cal Poly's Swanton Pacific property. Elevations, aspect, parent material, and soils are comparable in these areas so the Hinman parcel is not ecologically unusual. In addition, the Hinman project does not propose to remove any live Monterey pines and my recommendation was made to protect Monterey pine regeneration on the property that has expanded into former pasture areas. In view of the above factors, it is my professional opinion that the Hinman project area does not occur on Environmentally Sensitive Habitat for Monterey pine.

Sincerely,

Stephen R. Staub  
Registered Professional Forester  
License Number 1911

RECEIVED

MAY 15 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

CUMULATIVE IMPACT ANALYSIS  
HINMAN COASTAL PERMIT APPEAL A-3-SCO-00-033

There is an extensive discussion for cumulative impact analysis within the Guide to California Environmental Quality Act, tenth addition, 1999. This project clearly does not fit any of the examples or potential thresholds as described in the guide.<sup>1</sup>

First, the project itself has been determined by the lead agency (County of Santa Cruz) to not present a significant impact by itself. Second, per the following analysis of all private properties in the vicinity of the Hinman site, the site will not contribute to a cumulatively considerable impact. There are a total of four (4) sites, including the Hinman site, with the possibility of having homesites visible from Highway 1 or Ano Nuevo State Reserve. Two (2) of the four (4) sites are currently under review by the Coastal Commission. The other two (2) sites have no proposals pending and assuming visible homes on these sites is speculative. CEQA requires analysis only for "probable future projects" or projects which are reasonably foreseeable development projects. To assume this project will contribute to cumulatively considerable impacts is complete speculation.

The mere possibility of a maximum of four (4) total homes on legally existing lots of record with the possibility of being partially visible from any portion of Highway 1 or Ano Nuevo State Reserve does not constitute a cumulatively considerable impact. Each homesite will require a discretionary permit and will be evaluated to determine if the project minimizes visual impact, consistent with San Mateo County or Santa Cruz County General Plan and certified Local Coastal Program (LCP) policies. The Hinman project was found to be consistent with the adopted visual resource protection policies of Santa Cruz County.

#### **Analysis of Nearby Private Properties**

The attached map indicates the privately owned properties east of Highway 1 within San Mateo and Santa Cruz Counties. The following description summarizes each nearby private property.

<sup>1</sup> Under CEQA guidelines, cumulative impact analysis is performed to determine whether a project will require an EIR. "(w)hen assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means the incremental effects of an individual project, the effects of other current projects, and the effects of probable future projects." (CEQA Guidelines, 15064, subd. (i)(1); see also CEQA Guidelines, 15065, subd. (c) (mandatory finding of significance for "environmental effects which are individually limited but cumulatively considerable"); Pub. Resources Code, 21083, subd. (b) (same).)

Nearby Private Properties within Santa Cruz County

1. Holmes (057-051-06) 545 acres. This property has been targeted for acquisition by State Parks and has been specifically mentioned as a possible acquisition site under Proposition 12, state park bond approved by voters in March 2000. If the site is not acquired, the large site allows many options for siting a home outside of the public view. The site is zoned Timber Production and any homesite will need to be consistent with an approved timber management plan by the County of Santa Cruz. A single-family home will also require a discretionary coastal permit and must meet standards for minimizing public views from Highway 1 and public vista points.
2. Holmes (057-051-05) 116 acres. This property may also be slated for state acquisition. The property receives access via two existing roads adjacent to Cascade Creek or Green Oaks Creek. The site is zoned Timber Production and would require approval of a timber management plan with any house approval. Due to the existing access roads adjacent to the two creeks, the best home sites are lower on the property on flatter portions of the site. Opportunities appear to exist for constructing a house not visible from Highway 1 and Ano Nuevo. A single-family home will also require a discretionary coastal permit and must meet standards for minimizing public views from Highway 1 and public vista points.
3. Kosek (057-061-15) 54 acres. This property is already developed with two or more dwellings.
4. Pfluke (057-061-11) 63 acres. This property is already developed with a single-family dwelling.
5. Hinman (057-061-16) 50 acres. Project site. The homesite is not visible from Highway 1, but may be partially visible as the size of a pin head from the highpoint of Ano Nuevo Reserve 2 miles from the site until existing trees completely obscure the home.
6. Boling (057-061-17) 14 acres. This property is already developed with a single-family dwelling.
7. Imwalle/Reiter, M. (057-061-18) 20 acres. This property does not have any open meadows visible from Highway 1 or Ano Nuevo. A dwelling can be developed without impact to scenic resources.
8. Imwalle/Reiter, M. (057-061-14) - 150 acres estimated. A ridgetop of this property is visible from Highway 1 and Ano Nuevo State Reserve, but is inaccessible. Several other dwelling locations exist for development. The site is zoned Timber Production and any homesite will need to be consistent with an approved timber management plan by the County of Santa Cruz. A single-family home will also require a discretionary coastal permit. Many options exist for homesites without visibility from public areas.
9. Imwalle/Reiter, M. (057-061-08) 40 acres estimated. This site is not visible from Highway 1 or Ano Nuevo State Reserve.
10. Imwalle/Reiter, M. (057-061-07) 40 acres estimated. This site is not visible from Highway 1 or Ano Nuevo State Reserve.

11. Imwalle/Reiter, M. (057-061-02) 240 acres estimated. This site is not visible from Highway 1 or Ano Nuevo State Reserve.
12. Imwalle/Reiter, M. (057-061-01) 40 acres estimated. This site is not visible from Highway 1 or Ano Nuevo State Reserve.
13. Imwalle/Reiter, M. (057-061-03) 120 acres estimated. This site is not visible from Highway 1 or Ano Nuevo State Reserve.

Nearby Private Properties within San Mateo County

14. Reiter, G. (089-230-350) 144 acres. This site has some meadow areas visible from Highway 1 and forested areas outside of public view. It is doubtful whether a home would be visible from any portion of Ano Nuevo due to the relatively low flatter topography of the site, even without mitigation. The size of the property allows alternatives for siting a home outside of public view, as would be required by San Mateo County. No proposal is pending for this site.
15. Lee (089-230-220) 84 acres. A home is proposed for this site and is under review by the San Mateo County Planning Department and the Coastal Commission. Mitigation measures for additional landscape visual screening are being considered for this site, which lacks the tree cover of all other sites listed.
16. Griffin (089-230-210) 13 acres. This property is already developed with a single-family dwelling.
17. Pfluke (089-230-280) 15 acres. This site is not visible from Highway 1 or Ano Nuevo State Reserve.
18. Kosek (089-230-200) 42 acres. This property is already developed with a single-family dwelling.
19. K&S Ranch (Blanke, S.) (089-221-080) ? acres. This property was acquired by the Coastal Conservancy and required to be sold back to private ownership as part of the Coastal Conservancy agreement to continue agricultural use. The site currently has an application pending with San Mateo County Planning Department for development of a single-family home and other equestrian structures. The San Mateo County Planner for this project indicates the home can be constructed out of the public view on this site.

**Summary**

Nineteen (19) private properties are described above. The vast majority of these private properties cannot be seen from Highway 1 or Ano Nuevo State Reserve. The cumulative impact analysis should focus on sites 1, 2, 5, 14, 15 and 19. These are the sites with any physical possibility of having homesites visible to the public.

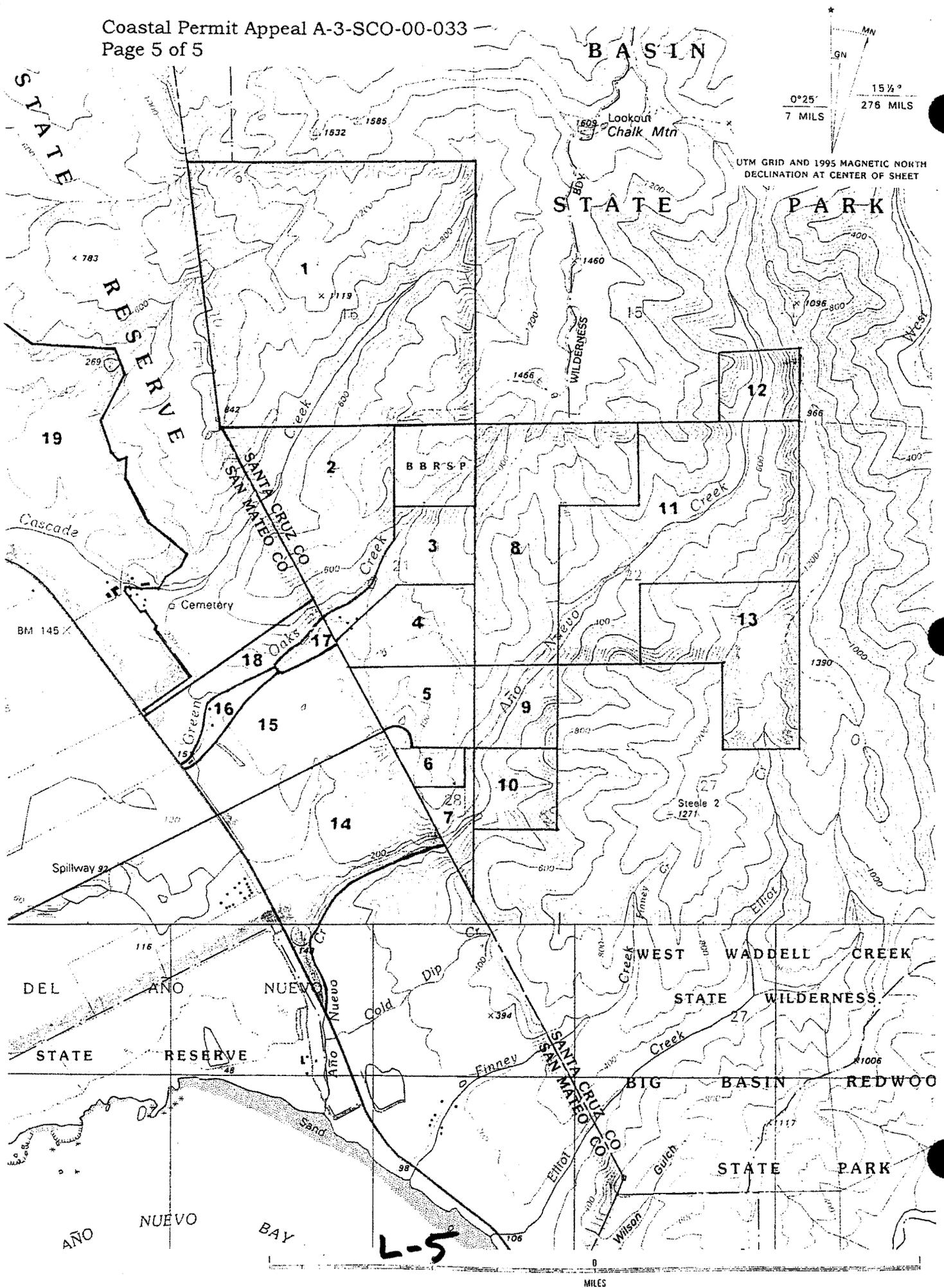
Evaluating each of these sites for public view impact reveals there is no potential cumulative impact.

- Sites 1 and 2 may be purchased by the state and even if these sites are not purchased, there are multiple building site options allowing construction not within public view.
- Site 5 is the Hinman site under review with minimal temporary visibility.
- Site 14 is a 144 acre site with many options for siting a home not within the public view, as required by San Mateo County Planning policies.
- Site 15 is under review by the Coastal Commission to evaluate screening options. This site has fewer trees than any of the other sites listed.
- Site 19 has an application under review by the San Mateo County Planning Department and the project planner indicates the proposed home is not visible from Highway 1 or Ano Nuevo.

These sites represent the probable or foreseeable future development. If Santa Cruz and San Mateo County Planning Departments continue their efforts to analyze public view issues with each of these sites, there will be no significant cumulative visual impact to Highway 1 or to Ano Nuevo State Reserve.

There is also no growth inducing aspect to a single-family residence on an existing lot of record. No land division is proposed. If properties were proposed for land divisions, such divisions could be viewed as encouraging other properties to divide properties, thereby inducing growth. Developing single-family dwellings on existing parcels of records is not growth inducing.

5/12/00



UTM GRID AND 1995 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

0°25' 15 1/2°  
7 MILS 276 MILS

MILES

**RICHARD BEALE**Land Use Planning  
Incorporated100 Doyle Street • Suite E  
Santa Cruz, CA 95062  
(831) 425-5999  
FAX (831) 425-1565Masters of Architecture  
Univ. of CA, Berkeley**memorandum**

**DATE:** June 15, 2000

**TO:** CALIFORNIA COASTAL COMMISSION

**FROM:** Betty Cost

**SUBJECT:** **HINMAN HOUSE/SANTA CRUZ COUNTY NORTH  
COAST/A-3-SCO-00-033**

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The attached five letters are from the immediate neighbors of the proposed Hinman house: Lee/Moser, the Pflukes, Jennings/Pfluke, George Griffin, and the Bolings. These letters were submitted to the County of Santa Cruz during the County public hearings and can be found in the County's administrative record. However, we wanted to bring them to your attention for your own deliberations because **ALL 5 IMMEDIATE NEIGHBORS ARE IN SUPPORT OF THE HINMAN PROPOSAL.**

M-1

ATTACHMENT

5

David R. Lee and Cheryl L. Moser  
P.O. Box 2232  
El Granada, CA 94018

0437

August 9, 1999

Ms. Kathleen Carr  
County of Santa Cruz  
Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060

Re: Hinman/Skees Project

Dear Ms. Carr:

We have been coastside residents for many years and currently own the approximately 84 acre parcel of land in San Mateo County, directly west of and abutting the Hinman's property. We are writing this letter in strong support of their project.

We have had an opportunity to review their building site, including the currently installed "story poles" and netting. We have also had a chance to review in detail their building and grading plans, sketches and conceptual photos of the planned project. We have also had extensive conversations with the Hinman's to discuss their planned use of materials, landscaping plans and the integration of their project into the natural coastal ecosystem.

In summary, we are delighted to have such a unique architectural project in proximity to our property with neighbors that share our sensitivity to the coastside environment. While it is not possible to see their proposed building site through the dense treeline surrounding the eastern boundary of our property, if we had no such treeline we would still be delighted to see a magnificent example of Gothic revival architecture in such a beautiful area of the Northern California coast.

From what we can tell from our review of the Hinman's proposed building site from the Cabrillo Highway, it is not visible from view. Even if it were visible, the substantial distance from the highway and the "footprint" of their proposed home would make such impact barely perceptible.

41

M-2

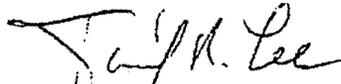
ATTACHMENT 5

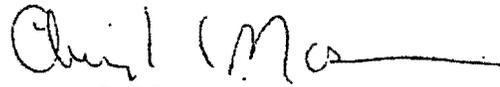
Ms. Kathleen Carr  
Page 2

0480

While our love of the beauty of the coast might otherwise cause us to want to prevent any further development of any kind, having neighbors that share the same appreciation of the coastal beauty and who seem deeply committed to building a home in an environmentally conscious manner is a significant benefit to those of us who live on the coast as well as for others who will share the coast for many years to come. We would be happy to elaborate on the content of this letter or our views regarding the Hinman's project. Please feel free to contact us at (650) 726-4528.

Yours truly,

  
David R. Lee

  
Cheryl L. Moser

M-3

41

ATTACHMENT 5

0459

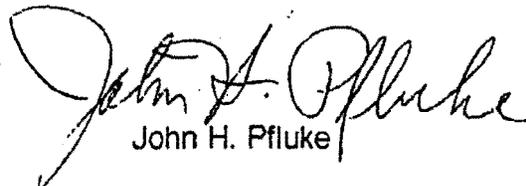
John H. & Sybil Pfluke  
221 Kingsley Avenue  
Palo Alto, CA 94301

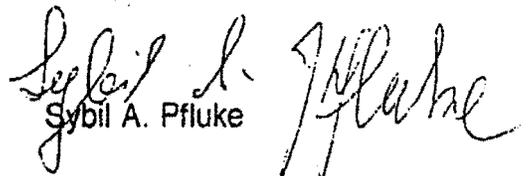
County of Santa Cruz Planning Dept.  
701 Ocean Street  
Santa Cruz, CA 95060

Dear Ms. Carr,

We are writing in regard to Mr. Brian Hinman's proposed plans for construction of a 14,500 square foot home in Santa Cruz County near Año Nuevo State Reserve. We are the current owners of ap# 057-061-11, which is adjacent to Mr. Hinman's parcel and proposed building site. We are not opposed to his building plan. We feel that his plan would blend in with the surrounding landscape and not detract from the beauty of the area. Our son and his wife live on our property and they too believe that the proposed development would in no way be detrimental to our planned use of our property.

Sincerely,

  
John H. Pfluke

  
Sybil A. Pfluke

AI

M-4

ATTACHMENT 5

0440

2060 Cabrillo Hwy.  
Pescadero, CA 94060  
(650) 879-1009

July 29, 1999

County of Santa Cruz Planning Dept.  
701 Ocean St.  
Santa Cruz, CA 95060

To Whom It May Concern:

We are writing in regard to Mr. Brian Hinman's proposed plans for construction of a 14,500 square foot home in Santa Cruz County, near Ano Nuevo State Reserve. We are live-in caretakers and future inheritors of ap# 057-061-11, which is adjacent to Mr. Hinman's parcel with the proposed building site. We heartily approve of his plans, both in terms of his chosen building site and the details of his architectural plans for the home and accessory structures. We feel that his proposed building site, being nestled into the hills and existing trees, would sufficiently blend his proposed home into the landscape and would in no way infringe upon the beauty of the surrounding rural coast side. Furthermore, the architectural plans for the home and structures are of sound and pleasing design.

We look forward to being neighbors with Mr. Hinman and his family and are in full support of his proposed plans. If you have any questions, do not hesitate to contact us at the above address and phone number.

Sincerely,

*Stephanie Jennings*      *Paul Pfluke*

Stephanie Jennings and Paul Pfluke

41

M-5

ATTACHMENT 5

Pat Boling 2074 Highway One ♦ Pescadero, CA 94060

04e7

May 3, 1999

Cathleen Carr  
701 Ocean Avenue, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Dear Ms. Carr:

This letter is about the granting of a building license to Mr. Brian Hinman. We have known the Hinmans since they first ventured up our road in search of a home site several years ago. They bought the acreage just north of ours, and we have found them to be a very endearing and hospitable family in our dealings with them ever since. Consequently, we have no doubts that they are straightforward in their plans and would welcome them as neighbors.

Sincerely,

*Pat Boling*  
Pat Boling

41

M-6

FROM : GRIFFIN

PHONE NO. : 650 321 4218

Mar. 10 2000 11:06AM P1

paper # 1-650-321-4218

George D. Griffin, M.D.

1431 Webster St.  
Palo Alto, CA. 94301  
415-328-6743

3-10-00

Supewisors, County of Santa Cruz  
Santa Cruz County Government  
701 Ocean Street  
Santa Cruz, CA

Re: Hinman House Hearing, 3-14-00

Dear Supewisors :

I am owner of house and property adjacent to the proposed Hinman House.

I am at 2080 Cabrille Hwy, "Green Oaks Ranch" or "The Ms Steele Ranch"

I have seen the plans and I am not objecting to their house plans.

I had an affectionate respect for Mr+Mrs Stanley Steele who were my next door neighbors at that site, and I welcome the Hinmans arrival as neighbors and their planned home.

Respectfully  
George D Griffin

mailed 3-10-00. JGG

M-7

DEPARTMENT OF PARKS AND RECREATION



Bay Area District  
250 Executive Park Blvd.  
Suite 4900  
San Francisco, CA 94134-3306

March 14, 2000

Santa Cruz County Board of Supervisors  
Governmental Center  
Suite 500  
701 Ocean Street  
Santa Cruz, CA 95060-4069

Members of the Board:

**Re: Application # 98-0426**  
**Hinman Residence**  
**Santa Cruz County**

The California Department of Parks and Recreation wishes to express its concern over the adverse visual impact of the proposed 14, 494 sq. ft. Hinman residence on the scenic and visual resources of the Año Nuevo State Reserve.

Año Nuevo State Reserve is an internationally renowned unit of the California State Park System. It is a "State Reserve" not a "State Park". California Public Resources Code identifies State Reserves as "areas embracing outstanding natural and scenic characteristics of statewide significance". State Reserves require the highest level of protection within the California State Park System. The unique and outstanding characteristics of Año Nuevo have also received official recognition by the Federal government. The U.S. Department of Interior has designated Año Nuevo State Reserve as a "National Natural Landmark"

Each year approximately 240,000 people visit the Año Nuevo State Reserve. Visitors to the Reserve enjoy both the elephant seal wildlife and some of the most spectacular and extraordinary panoramic vistas found anywhere along the coast of California. This spectacular sense of remoteness and wildness so near to a major metropolitan area is found no where else in the state.

The California Department of Parks and Recreation believes that the proposed development project, as currently sited and designed, will have a negative impact on the scenic characteristics and quality of Año Nuevo State Reserve. The Department believes

N-1

that this visual intrusion will be significantly magnified over time if the numerous Monterey Pine trees surrounding the project site die off from the effects of pitch canker. Currently, approximately 30 percent of the Monterey Pines in the vicinity of the proposed development are dying. If observed rates of mortality continue, substantial loss of the tree cover at the project site would significantly alter the character of the surrounding landscape. The project would be openly and dramatically visible from the Reserve and numerous other locations seaward of Highway One.

In the Department's judgement, the visual assessment and analysis undertaken for this development proposal and presented within the Negative Declaration and staff report to the Zoning Administrator is inadequate. The analysis and mitigation measures are directed at reducing acknowledged visual impact; not at ensuring that the project be sited and designed in such a fashion as to have no adverse visual impact.

As a means to address the issue of visual impact more accurately and completely, the California Department of Parks and Recreation suggests that the Santa Cruz County Board of Supervisors consider requiring an Environment Impact Report for this development request. Given the significance of the Año Nuevo State Reserve as a recognized state and national treasure, the Department hopes that the Santa Cruz County Board of Supervisors will obtain a more complete and thorough visual assessment of this project and carefully consider the cumulative impacts such a project will have upon this section of California's scenic coastline.

Should you have any questions please contact me at (415) 330-6300.

Sincerely,



Ronald P. Schafer  
District Superintendent  
Bay Area District

cc: California Coastal Commission

N-2



# california state park rangers association

p.o. box 292010, sacramento, ca 95829-2010

(916) 558-3734 fax (916) 387-1179

April 22, 2000

California Coastal Commission  
Central Coast Office  
725 Front Street Suite 300  
Santa Cruz, CA 95060

RECEIVED  
APR 25 2000  
CALIFORNIA COASTAL COMMISSION  
CENTRAL COAST AREA

Agenda Item 10(e)  
California State Park Rangers Association  
Opposed to project (support of appeal)

Dear Commissioners,

The California State Park Rangers Association (CSPRA) is an organization of park professionals dedicated to advancement of the highest principles of public service, and established to support, protect, and defend the integrity of California State Parks for present and future generations.

We are writing to express our opposition to plans to build a 3-story house within the viewshed of Año Nuevo State Reserve. State Reserves consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The project under your review, known as the Hinman House (appeal no. A-3-00-33), concerns us because of the impacts on the view from Año Nuevo point. Año Nuevo State Reserve is a unique area, held in the public trust, to be protected for future generations.

The purpose of a state reserve is to preserve its native ecological associations, unique fauna, and scenic qualities in a condition of undisturbed integrity. We feel that this project will irrevocably change the character of Año Nuevo and the experience of visitors to the reserve.

Furthermore, the Monterey Pines on the property are insufficient to mitigate any visual impacts because they are a mature population which biologists believe will not be able to regenerate itself under current conditions.

Año Nuevo State Reserve is an untouched part of California's natural and cultural heritage and is considered to be a jewel of the state park system.

We hope that you will consider these arguments in your decision.

Sincerely,

Kim Baker  
President

N-3

February 1, 2000

RECEIVED

FEB 23 2000

TO: Sara Wan, Chairwoman  
California Coastal Commission

FROM: Anna Neal, Ph.D. AN

Re: Hinman property above Año Nuevo State Reserve  
(one of your staff informed me this residence A-2-SMC-99-66, but this doesn't seem right to me now)

Growing up in the Bay Area (since 1956) my father and I drove to the beaches between Santa Cruz and Half Moon Bay almost every weekend. Since then, the Half Moon Bay area west of Hwy 1 has been developed in a manner that has marred the beauty of the area (building that don't blend in with the environment). The coastal stretch south of Half Moon Bay and north of Santa Cruz, however, still retains the incredible and soothing beauty it had years ago. It is still an amazing sanctuary from the overbuilt Santa Clara Valley. But, the building of visible homes such as the Hinman building on a hillside above Año Nuevo State Reserve will forever mar the scenery in that spectacular area. Even with the house moved down the hillside, its neo-gothic design will still make it visible from the road. And one can't count on Monterey Pines to provide permanent screening of this structure which would fit the setting so poorly.

There's a relatively new and large residence on Back Ranch Road (just south of Davenport) that is clad in natural wood and has an old barn look. It fits the setting beautifully. It is a good example of minimal impact on coastal views. On the same road is a large, light-colored, stucco home which doesn't suit the setting at all. It would be so wonderful if development along the Northern California Coast would follow the example of the former.

So, I'm informing you of my opposition to the construction of the house above Año Nuevo State Park on the grounds that it would not result in minimal impact on coastal views. A different design such as that found at Sea Ranch or the barn-like structure on Back Ranch Road (incidentally a beautiful home) would indeed minimize the impact on coastal views. Please do what you can to stop the Northern Calif. Coast from looking like the Central & Southern Calif. Coast for the sake of future generations especially. N-4

RECEIVED

June 26, 2000

JUN 27 2000

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

650 Hidden Beach Way  
Aptos, Ca. 95003

California Coastal Commission  
Central Coast District Office  
725 Front St., Ste. 300  
Santa Cruz, Ca. 95060  
Attention: Daniel Carl, Coastal Planner

Dear Mr. Carl:

Thank you for taking time to speak with me at Ano Nuevo State Reserve a couple of weeks ago. As a result, I am sending this letter to the Coastal Commission regarding the Hinman house proposal in Santa Cruz County, just across from Ano Nuevo.

The Hinman house plan is for a 14,756 sq. ft. facility, 56 feet in height. It is visible from the viewing areas at Ano Nuevo State Reserve. Visitors come from all over California and the world to have a pristine, natural experience at Ano Nuevo. The presence of a house within sight of the sand dunes would disturb the natural experiences of visitors and change their opinion of the California coast; it is a place of unparalleled beauty, and development would change that view.

These remaining areas of California will continue to draw thousands of people who seek quiet, peacefulness, and lack of development, in filling their need to "escape" the hectic pace of life in Silicon Valley and other nearby areas. I hope the Coastal Commission will keep this in mind when they deliberate the issue of developments like the Hinman house and the impacts development will have on the resources of the coast.

Thank you for your consideration.

Sincerely,

Fay Levinson

N-5

Service Area 9 - Highway Safety Lighting, and/or County Service Area 9, (Zone A), Residential Street Lighting standards, before being approved by the County.

- (2) The developer shall install appropriate lights according to the approved street lighting plan at the developer's expense. The developer shall enter into a private agreement with Pacific Gas and Electric for power costs when lights are not taken into the County Service Area 9, Highway Safety Lighting, or County Service Area 9, (Zone A), Residential Street Lighting, at the time of acceptance of development improvements.
- (3) All maintenance and liability for the street lighting shall remain with the property owner until such time as the County may exercise its discretion to accept the street lighting into County Service Area for Highway Safety Lighting, or the County Residential Street Lighting Service Area, Zone A.
- (4) The developer of property, within an area which does not currently have residential street lighting because of the historical opposition of the residents of the area to the installation of residential street lighting, may seek an exception from the residential street lighting requirements. An exception in these areas shall be granted only if the applicants' engineer can satisfactorily document to the Planning Department that the failure to install residential street lighting will not create a dangerous condition of public property that could have been avoided by the installation of residential street lighting. (Ord. 4346, 12/13/94)

#### 13.10.325 LARGE DWELLING PERMIT REQUIREMENTS AND DESIGN GUIDELINES

- (a) Approvals. No residential structure shall be constructed which will result in 7,000 square feet of floor area or larger, exclusive of accessory structures associated with the residential use, unless a Level V approval is obtained pursuant to the provisions of this Section. (Ord. 4286, 12/14/93)
- (b) Findings. All applications subject to this subsection shall be approved only if one or more of the following findings can be made:
  - (i) The proposed structure is compatible with its surroundings given the neighborhood, locational or environmental context and its design is consistent with the Large Dwelling Design Guidelines in subsection (d) below; or
  - (ii) The proposed structure, due to site conditions, or mitigation measures approved as part of the application, will be adequately screened from public view and will not adversely impact public viewsheds, neighboring property privacy or solar access, and its design is consistent with the Large Dwelling Design Guidelines set forth in subsection (d) be-

low. (For structures within the Coastal Zone requiring a Coastal permit approval, additional findings shall be made pursuant to Section 13.20.110).

- (c) Conditions. Conditions of project approvals made pursuant to this subsection may include mitigation measures necessary to preserve the neighborhood character in which the proposed structure(s) will be located, to preserve neighboring property privacy or solar access, and/or to screen the structure(s) from the road. Such measures may include, but are not limited to: house and accessory structure resiting, additional landscape screening and house redesign, including possible reduction in floor area.
- (d) Large Dwelling Design Guidelines. New large dwellings and related accessory structures regulated by this Section are subject to the following design guidelines. The intent of these guidelines is to assist the applicant in meeting the requirements of the large dwelling regulations, and to assist the Urban Designer and Zoning Administrator in reviewing applications.

Large dwellings and their related accessory structure should be designed so that:

1. Changes in the natural topography of the building site are minimized.
2. Grading cuts and fills are minimized, and when allowed, are balanced.
3. House design and accessory structure horizontal elements follow hillside contours, where applicable.
4. Colors and material are used to reduce the appearance of building bulk. Use of earthtone colors is encouraged.
5. Building height appearance is minimized by varying the height of roof elements and setting back higher portions of the structure from prominent viewpoints.
6. Ridgeline silhouettes remain unbroken by building elements. Building envelopes should be allocated to the lower portions of hillside lots, where feasible.
7. The structure(s) is compatible in terms of proportion, size, mass and height with homes within the surrounding neighborhood.
8. Architectural features break up massing. This can be accomplished by varying roof lines, puncturing large wall expanses with bay windows or recessed wall planes, or using a combination of vertical and horizontal architectural elements.

0-2

9. Landscaping helps blend the structure(s) with the natural environmental setting of the site. This can be done by preserving existing vegetation as much as possible, siting the structure(s) to take advantage of existing trees and land forms, and by planting fast-growing, native landscaping to screen elements visible from viewpoints located off the parcel on which the structure is located.

10. The view to adjacent properties is controlled. This can be done by minimizing second-story windows facing close neighboring properties, orienting upper floor balconies and decks toward large yard areas, locating the structure on the site as far from property lines as possible, and using landscaping to enhance privacy.

11. The location of the structure(s) on the site minimizes view blockage within public viewsheds.

(Ord. 4097, 12/11/90; 4119, 3/5/91; 4122, 4/9/91)  
(Ord. 4133, 6/4/91)

#### 13.10.330 COMMERCIAL DISTRICTS

##### Sections:

- 13.10.331 Purposes of Commercial Districts
- 13.10.332 Uses in Commercial Districts
- 13.10.333 Development Standards for Commercial Districts
- 13.10.334 Design Criteria for Commercial Districts
- 13.10.335 Special Standards and Conditions for Commercial Districts

#### 13.10.331 PURPOSES OF COMMERCIAL DISTRICTS

In addition to the general objectives of this Chapter (13.10) the Commercial Districts are included in the Zoning Ordinance in order to achieve the following purposes:

(a) General Purposes.

- (1) To provide for retail stores, offices, service establishments, recreational establishments, and wholesale businesses offering a range of commodities and services adequate to meet the needs of County residents and visitors, of different geographical areas in the county and of their various categories of patrons.

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