

CALIFORNIA COASTAL COMMISSION

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APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal number A-3-SCO-00-106, Licursi Gallery

Applicant Jack Licursi

Appellant Susan Young

Local government Santa Cruz County

Local decision Approved with conditions (April 7, 2000)

Project location Along the inland Highway One frontage of the town of Davenport, approximately 200 feet north of Davenport Avenue, in the North Coast area of Santa Cruz County (Street address: 71 Highway One, Davenport; APN: 058-082-08).

Project description Construct a two-story replacement commercial structure (consisting of a 1,800 square foot gallery on the ground floor and a 1,100 square foot residential unit on the second floor) at the site of the former historic Forester's Hall.

File documents Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County Coastal Development Permit Application File 99-0036.

Staff recommendation ... **No Substantial Issue**

Summary of staff recommendation: This is the substantial issue determination for appeal number A-3-SCO-00-106 (the Commission previously opened and continued the substantial issue hearing for this matter on August 10, 2000). The County approved a replacement commercial structure at the site of historic Forester's Hall (Forester's Hall was demolished for safety reasons in 1997). The Appellant claims that the County-approved structure would be inconsistent with Davenport's community character, and would induce future growth inconsistent with Davenport's character. The County-approved structure has been designed to replicate the old Forester's Hall in size, appearance, and materials. The structure would occupy approximately the same sized footprint, and would be approximately the same height as the previous Forester's Hall. The old Forester's Hall, as much as any structure in Davenport, helped to define the community character of the town that is protected by the LCP. The County-approved replacement structure mimics the original and, as such, maintains Davenport special character as directed by the LCP. Staff recommends that the Commission find that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County Local Coastal Program (LCP) and decline to take jurisdiction over the coastal development permit for the project.



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1. Local Government Action

On April 7, 2000, the Santa Cruz County Zoning Administrator approved the proposed project subject to multiple conditions (see Exhibits A, B and C for the County's staff report, findings and conditions on the project). There were several avenues of appeal available at that point: (1) the action could have been appealed locally to the Planning Commission; a subsequent Planning Commission action could then be appealed to the Board of Supervisors; neither of these occurred in this case; (2) the Board could choose to elevate the Zoning Administrator action for Board consideration; in this case, the Board declined to elevate the matter for Board consideration (see Exhibit D); and (3) because Santa Cruz County charges a fee for coastal permit appeals, the Zoning Administrator action could be appealed directly to the Commission, as occurred in this case.



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Adequate notice of the Board's action on the CDP was received in the Commission's Central Coast District Office on Monday, July 10, 2000. The Commission's ten-working day appeal period for this action began on Tuesday, July 11, 2000 and concluded at 5:00 P.M. on Monday, July 24, 2000. One valid appeal (see below) was received during the appeal period.

2. 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 neighborhood commercial 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 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.

3. Appellant's Contentions

Appellant Susan Young contends that the County-approved project raises substantial issues with respect to the project's conformance with LCP policies protecting Davenport's community character, requiring adequate circulation, and protecting against cumulative and growth-inducing impacts. More specifically,



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the Appellant contends that the County-approved replacement structure would be significantly taller than existing development along Davenport's Highway One commercial frontage, would provide inadequate circulation at its rear (where the historic Davenport Jail is located), and would lead to future Davenport development of a similar scale that would likewise be inconsistent with the character of the community.

Please see Exhibit E for the Susan Young's complete appeal document.

The Applicant has submitted a rebuttal to Susan Young's appeal (see Exhibit K), and has submitted a petition signed by 60 Davenport residents in support of the project (see Exhibit L).

4. Procedural History (Post-County Action)

On August 10, 2000, the Commission opened and continued the substantial issue hearing on the appeal because Commission staff had not yet received the administrative record on this project from the County, and thus could not prepare a staff report with a full analysis and recommendation in time for the Commission's August meeting.

5. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no 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-00-106 raises no substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

***Staff Recommendation of No Substantial Issue.** Staff recommends a yes vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.*

***Resolution To Find No Substantial Issue.** The Commission hereby finds that Appeal Number A-3-SCO-00-106 does not present 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.*



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Recommended Findings and Declarations

The Commission finds and declares as follows:

6. Project Description

A. Project Location

The proposed development is located in the unincorporated Town of Davenport, approximately ten miles north of the City of Santa Cruz. Davenport is a small coastal town in Santa Cruz County's North Coast planning area and is the only concentrated development area along Highway One between Santa Cruz and Half Moon Bay. This larger stretch of California's coastline is characterized by lush agricultural fields and extensive State Park and other undeveloped public land holdings. Davenport provides a convenient stopping place and a visitor destination for travelers along this mostly undeveloped coastline. See Exhibits F and G.

The proposed project site is located along the inland Highway One frontage at the site of the former Forester's Hall. Forester's Hall was a County-designated historic structure that long served as a lodge hall, a movie theater, and as a location for various community social events in Davenport until the 1950s. By the 1990s, the former bustle of Forester's Hall had long since been replaced by disuse; the Hall being used as a storage structure by this time. In 1997, the structure had fallen into fatal disrepair and was deemed unsafe and dangerous by the County; ultimately the Hall was demolished pursuant to County CDP 97-0131. Since that time, the subject site has remained vacant. See Exhibit H for photos of the original Forester's Hall.

The project site is generally flat and devoid of significant vegetation. According to the County, the parcel itself is just over 4,000 square feet and is surrounded on three sides by an unnamed public alley and by Highway One itself to the southwest. To the rear of the parcel, on the other side of the unnamed public alley, is the location of the Davenport Jail, another County-designated historic structure. The site is designated Neighborhood Commercial in both the certified Land Use Plan and certified Zoning ordinance. See Exhibit F for location maps and Exhibit G for current photos of the Highway One frontage at the subject site.

B. Project Description

The Applicant proposes to construct a two-story, approximately 29 foot high, commercial structure with an art gallery on the ground floor (approximately 1,800 square feet) and a residential unit on the second floor (approximately 1,100 square feet). The proposed structure has been designed to mimic the previous Forester's Hall and would include a sloping roof, horizontal wood siding, dormers on the sides and a false front on the Highway frontage. Three parking spaces would be provided in the rear of the structure and three parking spaces (one of these for handicapped parking) would be provided in front at Highway



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One. Handicapped ramps and landscaping would be provided front and rear. See Exhibit J for proposed site plans and elevations.

C. County Approval

As a condition of the CDP allowing Forester's Hall to be demolished in 1997, the proposed project was reviewed first by the County's Historic Resources Commission which indicated that the proposed project did a good job of mimicking the previous Forester's Hall and recommended that the proposed project be approved as submitted. The County approved the project with approximately the same footprint of the previous Forester's Hall. The approval moved the footprint of the structure approximately 30 feet towards Highway One to match up with existing structures along the Highway One frontage and to provide more separation between the proposed structure and the historic Davenport Jail at the rear of the site. The alley surrounding the proposed structure would be paved, and alley traffic directed in a one-way pattern, to improve circulation to rear of the building structure and to provide better circulation and access to the Jail. The parking and circulation plan was approved by Caltrans.

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

7. Substantial Issue Findings – Community Character

The Appellant generally contends that the proposed project is not consistent with Davenport's community character (i.e., would be significantly taller than existing development along Davenport's Highway One commercial frontage, would provide inadequate circulation at its rear (where the historic Davenport Jail is located), and would lead to future Davenport development of a similar scale that would likewise be inconsistent with the character of the community).¹ Each of these is discussed in detail in the findings that follow.

As summarized below, although these contentions raise LCP issues, these issues do not rise to the level of substantial issues with respect to the project's conformance with the Santa Cruz County LCP.

A. Applicable Policies

The Santa Cruz County LCP is protective of the special community character of Davenport. The LCP states:

LUP Policy 8.8.2. Coastal Special Community Designation. Maintain a Coastal Special Community Designation for...Davenport...

LUP Objective 8.8. Villages, Towns and Special Communities. To recognize certain established

¹ Please see Exhibit E for Susan Young's complete appeal document.



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urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with the existing character of these areas.

LUP Policy 8.8.4. Davenport Character. Require new development to be consistent with the height bulk, scale, materials and setbacks of existing development: generally small scale, one or two story structures of wood construction.

LUP Policy 8.8.5 Historic Structures. Prohibit demolition of the following historic structures and require rehabilitation to the extent feasible as a condition of development approval to maintain the architectural and historic character of the structure: Saint Vincent De Paul Church on Davenport Road, Davenport Jail on Highway 1, and Foresters' Hall on Highway 1.

Zoning Section 13.20.143(a)(3) Davenport Special Community Design Criteria, Historic Structures. The historic structures listed below shall not be demolished; any renovations shall respect their historic character; any additions shall be compatible with the original structure: Forester's Hall (Highway 1).

Section 13.20.143(c)(1)(i) Davenport Special Community Design Criteria, Highway One Frontage. Development along Davenport's Highway One frontage shall conform to the following objectives: Davenport shall be emphasized as a rural community center and as a visitor serving area including: Site design shall emphasize the historic assets of the town, its whaling history and whale viewing opportunities.

Section 13.20.143(c)(2) Davenport Special Community Design Criteria, Highway One Frontage. Development along Davenport's Highway One frontage shall conform to the following objectives: Clear, coordinated circulation shall be developed...

LUP Program 8.8(a) Davenport Special Community. Enhance Davenport as a visual focus along Highway One. Prepare a landscaping and design plan, in accordance with the policies of this section, to achieve the following objectives: (1) Clear, coordinated circulation including: clear definition of stopping spaces (parking) along the highway frontage for both cars and bicycles; clearly articulated pedestrian crossings; adequate parking off Highway One, nearby, for existing and new uses, and for visitors; bicycle parking facilities to make the town a more attractive bicycle destination/stop over point. (2) Landscaping to enhance commercial areas, and to assist in definition of parking spaces and walkways, and in screening of parking as appropriate. (3) Emphasis on the area's whaling history and whale viewing opportunities. (4) Elimination of visually intrusive overhead wires. (5) Screening of the cement plant and its parking lot from the residential area to the north.

In terms of cumulative impacts, the LCP states:

LUP Policy 2.1.4 Siting of New Development. Locate new residential, commercial or industrial



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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.

When read as a whole, the Davenport-specific LCP policies generally provide that new development be consistent with the character of Davenport. The Highway One frontage is to be emphasized as both a rural community center and a visitor serving area where site design is required to emphasize the historic assets of the town.

B. Consistency with Applicable LCP Policies

Davenport's tightly clustered residential and commercial development reflect the town's working heritage: whaling industry, agricultural shipping and processing, cement manufacture. In its layout and simplicity of architecture – devoid of pretense – Davenport is strongly reminiscent of other “company” mining or logging towns in the West. Today, the quarrying and processing of limestone for the manufacture of cement remain the economic backbone of the community. Some diversification is offered by small-scale artisan industries (e.g., glassblowing). More recently, the two-block commercial strip along the highway frontage continues the process of awakening to the opportunities afforded by the tourist industry.

Currently, the immense Lone Star Industries cement plant dominates Davenport. This huge industrial structure can be seen for miles and is in stark contrast to the rest of the town. In fact, notwithstanding the cement plant behemoth, Davenport's commercial frontage could be described as “eclectic frontier rustic” in character based on the variety of building styles, materials, and heights. Remodeling along the highway frontage has more recently injected a more finished facade as seen from the highway. See Exhibit G for current photographs of the Highway One frontage.

When evaluating the character of an individual building as it relates to other buildings in a community, a number of factors need to be considered, including the building's proportions, layout, exterior finish and any architectural embellishments. Equally important are height, bulk, and other considerations of scale.

1. Forester's Hall Replication

The LCP requires new development in Davenport to preserve and enhance Davenport's community character (LUP Objective 8.8, Policy 8.8.4) and that new development along the Highway One frontage, among other things, emphasize the historic assets of the town (Zoning Section 13.20.143(c)(1)(i)). In this case, the Applicant has gone to great lengths to develop a project that mimics the original historic Forester's Hall. The former Forester's Hall, as much as any other structure in Davenport, helped to define the special community character of Davenport that is protected by the LCP. Forester's Hall was long the center of Davenport community and its loss in 1997 was magnified as a result.² The structure

² As dictated by the LCP, Forester's Hall was not to be demolished. However, as described earlier, the structure was demolished in 1997 as it had been deemed a public safety hazard by that time.



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would have the same footprint (albeit shifted forward to allow greater separation from the Davenport Jail to the rear), would be approximately the same height as the previous Hall (approximately one foot taller), would be the same long rectangular length extending back from the Highway, and would have an extremely similar facade.³ As such, there is little question to the Commission that the County has approved a project that will fit in with the community character aesthetic as required by the LCP.

2. Building Heights

According to the historic survey of the former Forester's Hall done just prior to its demolition in 1997, the former Hall stood roughly 29 feet tall as measured from its Highway One centerpoint, the proposed new structure would stand under 30 feet tall (see Exhibit I). The maximum height under the applicable zoning in this case is 35 feet. Again, the Applicant has attempted to keep the height of the structure within that of the previous Hall; the increase in height meant to allow for a caretaker's unit on the proposed second story. The proposed height of the structure, in fact, doesn't allow for a full second story. Rather, eaves and dormers are used to create a living space inset from the perimeter of the structure (see Exhibit J for project plans). This was done in an effort to keep the building height similar to that of the previous Hall.

The Appellant contends in any case that the tallest structure along the Davenport commercial frontage is the Davenport Cash Store (located directly east of the subject site on the corner of Davenport Avenue and Highway One) at 24 feet in height (see Exhibits F and G). To be consistent, as dictated by LUP Policy 8.8.4, the Appellant asserts that this structure should be 24 feet high as well. There are two problems with this line of reasoning.

First, it is not clear that the heights of structures along the Davenport Highway One frontage are all less than 24 feet. In fact, as measured from the plans in the County file, the building height of the immediately adjacent residence as well as the Cash Store on the other side of the subject site appear to both be in the 27 foot range as measured from their centerpoint along Highway One (see Exhibit J).

Second, and more importantly, LUP Policy 8.8.4 requires that new development "be consistent with the height bulk, scale, materials and setbacks of existing development" and goes on to describe a measure for this consistency, that the new development be "generally small scale, one or two story structures of wood construction." There is no explicit LCP requirement keeping building heights below that established by existing development in Davenport, or below some other explicitly defined height for Davenport. Rather, the LCP establishes a maximum height for the applicable zoning district in this case of 35 feet. The maximum height must be considered in relation to the effect of said height on the community's character. In other words, the 35 foot commercial height limit must be weighed in tandem with the LCP's Davenport community character policies. The LCP provides general guidance on striking this balance, and leaves some discretion to decision makers for determining consistency with LUP 8.8.4.

In fact, more important than a rote examination of building heights is (1) the effect that the building

³ See Exhibit H and I for a photos and surveyed dimensions of the original old Forester's Hall, and Exhibit J for the proposed site plan and elevations.



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height would have on maintaining the "small scale, one or two story structures" of the Davenport frontage (LUP 8.8.4), and (2) the effect that the building height would have on the public viewshed. In this case, since the proposed structure is inland of Highway One and would not alter any seaward public coastal views, height is not an issue for maintaining the ocean vista. Equally, the structure proposed is two-stories, of wood construction, and replicates the previous Forester's Hall. Its height, while not identical, is very close to the Forester's Hall dimensions and is similar to that of other existing structures along the Highway One frontage. As such, the proposed structure adequately 'preserves and enhances the community through ensuring the compatibility of new development with the existing character of these areas' (LUP Objective 8.8). See Exhibit G for current photos of the Highway One frontage.

Furthermore, it should be noted that the historic inland Highway One frontage of Davenport exhibited much larger buildings than are there today. The Seaview Hotel was a magnificent structure located immediately next to the subject site (at the site of the current Cash Store parking lot) that appears from historic photos to be in excess of 40 feet tall (see pages 5 and 6 of Exhibit K). This structure burned down many years ago. The old Cash Store, too, was of similar height until it burnt down and was rebuilt in its current configuration (again, see pages 5 and 6 of Exhibit K). And although these structures no longer exist to define the character of Davenport, they provide an echo and sounding board for the historic character of the town.

In sum, the height of structures in Davenport have historically varied, and will continue to do so. Height must be evaluated under the applicable zoning height requirement (in this case a maximum height of 35 feet) in tandem with community character concerns here. Static height requirements may, in fact, lead to little variation in building articulation and may adversely impact the character of the community if a mono-height is developed along the Highway. Although any Highway One-fronting structure in Davenport must be carefully considered for its impact on the special community character and coastal views, the Commission finds that the County-approved height of this structure, a height that is within inches of the original Forester's Hall, would fit in with the community character aesthetic as required by the LCP.

3. Circulation and the Davenport Jail

The LCP requires that "clear, coordinated circulation" be provided along the Davenport frontage (LCP Zoning Section 13.20.143(c)(2) and LUP Program 8.8(a)). The Appellant asserts that the "County has not addressed the problem of circulation between the Licursi building and the historic Davenport Jail."⁴ The Davenport Jail, like the former Forester's Hall, is a County-designated historic landmark that is operated by the County Historic Society as a Davenport area historical museum. The Jail is located inland of the proposed project on the other side of the unnamed alleyway; the Jail is approximately 15 feet by 15 feet square. See Exhibit G.

The Appellant generally raises the concern that Jail visitors and the Jail experience would be degraded because the proposed structure would be close to the Jail, and project related traffic would be brought in

⁴ See Exhibit E for complete appeal document.



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front of the Jail. While these are valid concerns, the County has exercised its best judgement in resolving such conflicts at this site. Part of the problem is that the configuration of the subject parcels and alleyway leaves little flexibility in design (see parcel map in Exhibit F). Yes, the paving would be close to the Jail structure, and yes, cars visiting the proposed gallery would be close to the Jail. However, the County has worked through the issues during a multi-year process with this project; including Historic Resources Commission review and approval, and determined that any impacts from replacing the Forester's Hall on its original site would not significantly affect visitors to the Jail.

In sum, the County-approved project has pulled the footprint of the former Forester's Hall forward approximately 30 feet, partially to allow better separation between the proposed structure and the Jail (the structure would be approximately 60 feet from the Jail). In this way, the Jail is afforded more visibility across the Cash store parking lot immediately adjacent than it had when the original Hall existed, and it is not unduly intruded upon by structural development at the subject site. The County-approved project includes paving the unpaved alley and directing traffic in a clockwise direction around the proposed structure in order to provide clear coordinated circulation at this site. The alleyway is also used by the Highway-fronting residence to the east of the subject site as the only access into their driveway and garage located directly adjacent to the Jail (see Exhibit G).

It is not expected that the increased traffic in the alleyway attributable to the small gallery and residential use proposed here will adversely impact foot traffic to the Jail. In fact, it is more likely that by improving the alley, landscaping the rear parking area as well as the Jail frontage (as required by the County), and directing circulation around the proposed gallery, that use of the Jail will be enhanced by the County-approved project. On balance, the County has addressed circulation and Jail access using their best judgement. This concern, therefore, does not rise to the level of a substantial issue. At a minimum, the County-approved project includes clear, coordinated circulation for visitors to both the Jail and the proposed gallery as required by the LCP.

4. Cumulative and Growth Inducing Impacts

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 (LUP Policy 2.1.4). The Appellant asserts that the County-approved project will set a precedent for building height that will be emulated in the future in Davenport to the detriment of the special character of the community that is protected by the LCP.⁵ As discussed above, the LCP does not include a specific maximum height for development along Davenport's highway One frontage. Rather, the LCP allows some discretion to decision makers in analyzing individual project proposals for their impact on the special community character here; height is but one consideration in this exercise. More important is the contribution of the individual project to the community character aesthetic *overall* (including its height, bulk, massing, proportions, layout, exterior finish, architectural embellishments, etc.) and, while not an issue in this appeal, its potential for negatively impacting and/or blocking the public coastal viewshed.

⁵ Again, see Exhibit E for the Appellant's complete appeal document.



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It is possible that the County's approval of a 29 foot structure in this case could induce development proposals with a similar height by virtue of the perception that such development was deemed appropriate by the County and the Commission, but this growth inducing "impact" within Davenport would be very difficult to distinguish with any certainty. In any case, such future projects would be held up against the same community character requirements as the current proposal, which has been approved as consistent with the community character by the County in large measure because it mimics the previously-existing Forester's Hall, and is located in the same site as the former Hall. In other words, the special circumstances that dictate that *this* proposal is consistent, may or may not be shared by future development proposals; in these future cases, as in this case, height is but one variable. The height of the proposed project does not alter any LCP requirements, all of which must be considered in full against any future development proposals within the community.

In terms of cumulative impacts, staff is aware of two upcoming development proposals in Davenport: (1) a proposed project under review by Santa Cruz County east of the Davenport commercial frontage (inland of the Highway) that would demolish a barn (seen as one approaches Davenport from the Santa Cruz side – see Exhibit G) and construct a new wine tasting/retail and residential structure (County application 98-0234, David Luers); and (2) the proposed Bailey/Steltenpohl mixed use development proposed on the seaward side of the Highway that the Commission denied in September of 1999 but which the Commission will be re-reviewing soon based upon the settlement of litigation filed as a result of the denial.

Since the final configuration of the Luers and Bailey/Steltenpohl projects are yet to be decided, it is difficult to assert with certainty the cumulative impact of this project in relation to those. The Luers project occupies a critical site at the entrance to the town, includes a barn structure (although dilapidated) long associated with the Davenport aesthetic, and there is little question that it will be reviewed with these community character considerations in mind; the project is appealable to the Commission. Similarly, the Bailey/Steltenpohl project likewise occupies a critical site in Davenport on the west of the Highway and, as such, will not only be evaluated for overall community character consistency, but also for its impact on the spectacular coastal vista enjoyed by the public across this site. Both of these projects, like the project before the Commission on appeal at this time, thus have unique circumstances that will affect their final outcome.

There is no doubt that decisions on projects in small communities like Davenport affect future development proposals there. In this case, however, there is little question to the Commission that the County has approved a project that will fit in with the community character aesthetic as required by the LCP, particularly in light of the site's historic use. To the extent the County's approval induces future projects that will again fit into this aesthetic based upon such future projects' own unique circumstances, growth inducing and cumulative impacts do not raise an issue here. In fact, the Applicant and the County in this case have gone to great lengths to preserve the special community character by replicating the previous historic structure at this location. Other Applicants can take heed from the process followed in this case for future development to ensure its own consistency with the LCP. In any case, the County approved project will not adversely affect the special community of Davenport, individually,



cumulatively, or in a growth-inducing manner as required by the LCP.

C. Substantial Issue – Community Character Conclusion

The Commission finds that the County-approved project is substantially consistent with LCP policies protecting the special community of Davenport as cited in this finding. The County-approved project mimics the previous historic Forester's Hall in style and scale, emphasizes the historic assets of the town along the crucial Highway One frontage, provides clear coordinated circulation, preserves and enhances the community character aesthetic, and should not induce future development that would adversely and/or cumulatively degrade Davenport's character. As such, the Commission finds that the County-approved project is substantially consistent with the LCP policies cited in this finding, and further finds that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County LCP. The Commission declines to take jurisdiction over the coastal development permit for the project.

Finally, the Commission notes that the Town of Davenport is currently involved in a LCP planning process with the County Planning Department. The Appellant generally asserts that the County LCP is inadequate to protect the special community character of Davenport. It is most appropriate for the community and the local government to establish the parameters of community character consistent with the Coastal Act here. It is not usually the best approach for a statewide body to intervene and establish the future character of a particular community. Rather, it is hoped that the community and the local government can describe in detail, and in policy and ordinance language, the appropriate "character" and a means for ensuring and achieving that goal that is consistent with the Coastal Act. Towards that end, the Appellant is encouraged to work within the Town planning process to help establish those parameters of scale and community. Although the Commission will have a role in certifying any such additional policies, and although the Commission takes this role seriously in terms of doing what's best for the community and the State, the initial planning changes are most appropriately undertaken by the County.



COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: April 7, 2000
Agenda Item: No. 6
Time: After 10:00 a.m.

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 99-0036

APN: 058-082-08

APPLICANT: Terri Fisher

OWNER: Jack M. Licursi, Trustee

PROJECT DESCRIPTION: Proposal to construct a two-story replacement commercial structure consisting of a 1,800 square foot gallery on the ground floor and a 1,100 square foot residential unit above.

LOCATION: Property located on the east side of Highway 1, about 200 feet north of Davenport Avenue, Davenport, at 71 Highway 1.

FINAL ACTION DATE: 90 days after Certification of the Mitigated Negative Declaration (per the Permit Streamlining Act)

PERMITS REQUIRED: Commercial Development Permit, Coastal Development Permit, and Review by the Historic Resources Commission (completed).

ENVIRONMENTAL DETERMINATION: Negative Declaration with Mitigations.

COASTAL ZONE: X yes ___no

PARCEL INFORMATION

PARCEL SIZE: 5,096 square feet

EXISTING LAND USE: PARCEL: Vacant Historic Site

SURROUNDING: Commercial, Residential, and Public Facility (School)

PROJECT ACCESS: Highway 1

PLANNING AREA: North Coast

LAND USE DESIGNATION: Neighborhood Commercial (C-N)

ZONING DISTRICT: Neighborhood Commercial-Historic Landmark (C-1-L)

SUPERVISORIAL DISTRICT: Third

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. None Mapped
b. Soils	b. USDA Soil Type 116, Bonnydoon loam, 5% - 30% slopes
c. Fire Hazard	c. None mapped
d. Slopes	d. Less than 15%
e. Env. Sen. Habitat	e. None mapped
f. Grading	f. Limited, to level building site, construct foundation, facilitate drainage
g. Tree Removal	g. None required
h. Scenic	h. Within mapped Scenic Corridor (Highway 1)
i. Drainage	i. To existing drainage system
j. Traffic	j. No significant increase during peak traffic periods
k. Roads	k. Existing
l. Parks	l. Adequate

- | | |
|-----------------------|---|
| m. Sewer Availability | m. Capacity available |
| n. Water Availability | n. Capacity available |
| o. Archeology | o. Mapped Historic Site, historic archeologist required to be on-site during earthwork and excavation |

SERVICES INFORMATION

W/in Urban Services Line: ___yes Xno (within Rural Services Line)

Water Supply: Davenport Water District

Sewage Disposal: Davenport Sanitation District

Fire District: County Service Area 48

Drainage District: Non-zone

PROJECT DESCRIPTION

This application seeks approval to construct a two-story commercial structure with an art gallery on the ground floor and a residential unit on the second floor. The parcel is 5,096 square feet in area and is located on the north side of Highway 1, about 200 feet north of Davenport Avenue, in the community of Davenport. The overall site is generally flat, and is currently vacant. The subject parcel was previously the site of the Forester's Hall, a historic building that was used for a lodge hall, a movie theater, and as a location for various social events. It was used as storage from the 1950's until 1997, when it was determined to be unsafe and dangerous, and was demolished. Conditions of approval for the demolition, which was reviewed and approved by the Historic Resources Commission, include submittal of any plans for reconstruction to the Historic Resources Commission for review and comment. The subject parcel also abuts another historic structure, the Davenport Jail. Improvements associated with the proposed project are also intended to enhance the jail structure and improve access to the historic building.

ZONING ISSUES

The subject parcel is zoned Neighborhood Commercial, Historic Resource (C-1-L) (see Attachment 3 to Exhibit "D"), and the General Plan Designation is also Neighborhood Commercial (C-N) (see Attachment 4 to Exhibit "D"). Parcels to the east and west are also zoned C-1, parcels to the south are zoned SU, parcels to the northeast are zoned R-1-6, and the parcel to the northwest is zoned Public Facility or PF. This zoning reflects the location of a school on the site. Uses on other surrounding properties include commercial development to the east and south and residential and commercial uses to the west. The project site abuts Highway 1 to the south and is surrounded by an unnamed alley to the west, north and east.

Art galleries are an allowed use in the C-1 zone district, as are residential units which comprise up to 50% of the floor area of the entire development. The proposed building is consistent with the development standards for the C-1 district, as they relate to setbacks, height and parking. The proposed height of the structure is approximately 29 feet, less than the maximum allowed of 35 feet. The proposed front setback is 20 feet, which also accommodates parking. The proposed parking plan has been reviewed and approved by the California Department of Transportation (Exhibit "F"). No side setbacks are proposed, and none are required. The parcel abuts an existing alley on both sides and at the rear parcel boundary, which is proposed to be improved to provide better access to the proposed parking and to the historic Davenport Jail, located northwest of the project site. No rear setback is required in this zone district, but the structure would be located approximately 40 feet

from the rear parcel boundary, to accommodate parking, and approximately 57 feet from the Davenport Jail.

A total of six parking spaces are proposed, which is the minimum required for the two uses. Excluding areas designated exclusively as storage or restrooms, the actual gallery area would be approximately 1,200 square feet, which would require four parking spaces (1 space per 300 square feet of floor area). The upstairs residential unit, with one bedroom, would require two parking spaces for a total of six spaces, which is the number proposed. The proposed parking would include one accessible space and one compact space, as allowed by County Code.

GENERAL PLAN ISSUES

The General Plan designation for this parcel is Neighborhood Commercial or "C-N", which is consistent with the C-1-L zoning. This designation is intended to provide compact, conveniently located, and well designed shopping and service uses to meet the needs of individual urban neighborhoods, rural communities and visitors. The proposed new gallery and residential unit are consistent with the General Plan designation, and will not represent a significant increase in the intensity of use that would have a negative impact on surrounding development.

DESIGN ISSUES

Because the project involves commercial construction, it is subject to the provisions of County Code Chapter 13.11; Site, Architectural and Landscape Design Review. A primary purpose of the Design Review ordinance, as defined by General Plan Objective 8.1, is to achieve functional high quality development through design review policies that recognize the diverse characteristics of the area, maintain design creativity, and preserve and enhance the visual fabric of the community. Because the proposed project is subject to design review, the applicant has submitted architectural elevations which include a full description of all materials and colors proposed, a color sample board, and a schematic perspective drawing. Architectural plans are included as Exhibit "A", which also includes the site, improvement and landscape plans.

The subject parcel is located adjacent to Highway 1 in Davenport, an adopted scenic resource corridor. The proposed building will be visible from the highway, but both the structure and proposed landscaping have been designed to complement and enhance the existing surrounding commercial and residential area. The proposed project will not obstruct any public views of the ocean or of the surrounding hillsides. The new building has been designed to approximate the design of the original Forester's Hall, is located in the same footprint as the previous building and is the same height of the previous building. Although the proposed building is approximately three feet taller than the residence to the west, the difference in grade between the two structures will result in an appearance that the buildings are of similar height.

The proposed project is also subject to general design criteria for coastal development and special community design criteria for Davenport. The proposed project is not located on a coastal bluff and is not visible from any area beaches, but is subject to provisions of County Code Section 13.20.130 that addresses coastal development. The proposed project is consistent with these design criteria in that the project is sited, designed and landscaped to be visually compatible with the surrounding neighborhood. In addition, proposed grading has been minimized and the structure is designed to fit the topography of the site. The building cannot be located on the site so as not to be visible from Highway 1, but the parcel is within an existing urbanized commercial and residential area which is intended to serve both local

residents and visitors to the area.

Other design criteria specific to the Davenport community, found in Section 13.20.143 of the County Code and Policy 8.8.4 of the County General Plan, require that new development be consistent with the height, bulk, scale, materials and setbacks of existing development and that new development be small scale, one or two-story structures of wood construction. Additional policies required that the original building on this site, the Forester's Hall, not be demolished, that any restorations respect the original character, and that any additions be compatible with the original structure. Unfortunately, the original Forester's Hall fell into disrepair, was eventually determined to be unsafe, and was demolished (see following discussion under "Historic Resource Issues").

In order to address the design criteria and the intent of the requirement to retain historic structures, the applicant has proposed a new building which is small in scale, has been designed to approximate the design of the original Forester's Hall, is located in the same footprint as the previous building and is the same height of the previous building. It is a small-scale, two story structure with a sloping roof and horizontal wood siding, painted a yellow-beige with white accents to match the historic color palette.

The applicant has requested an exception to the provisions of Chapter 13.11, the Site, Architectural and Landscape Design Review Ordinance which require the provision of large canopy trees in the parking area. Section 13.11.074 requires a minimum of one tree for each five parking spaces, so for six parking spaces, one tree would be required. An exception may be permitted, however, due to special site standards or when the objectives of the Design Review ordinance would be better achieved by allowing flexibility of design. The subject parcel is unusually small for a commercial parcel (5,096 square feet), is only 32 feet in width, and is surrounded on three sides by an existing alley. The proposed site design is intended to accommodate required parking, improve area circulation, and provide landscaped areas in both the front and rear parking areas. There is, however, insufficient room to accommodate a landscape area large enough for a large canopy tree, and a large tree in the rear parking area could block views of the Davenport Jail from Highway 1. To reduce the impact of an expanse of impervious surfacing between the rear of the commercial building and the front of the Davenport Jail, the applicant has proposed to install low-growing shrubs at the rear parcel boundary and in front of the jail.

HISTORIC RESOURCE ISSUES

The subject parcel is a designated historic landmark because it is the site of the former Forester's Hall, which was demolished in 1997. The original hall was a false-front, Vernacular building which was built in 1910 and was used for dances, screening of early motion pictures, and social events. The building played a significant role as a gathering place for Davenport's early residents. By 1997, however, the building had fallen into disrepair and was determined to be unsafe. Because the cost to renovate the building would far exceed the cost to reconstruct, the owner requested and received approval to demolish the building. The demolition was reviewed and approved by the Historic Resources Commission on May 15, 1997 and was approved at a noticed public hearing before the Zoning Administrator on August 15, 1997. The minutes of the Historic Resources Commission meeting are contained within the staff report to the Zoning Administrator (Attachment 5 to Exhibit "D"). A condition of that approval included review and comment from the Historic Resources Commission for any subsequent development plans for the parcel. The current proposal was reviewed by the Commission on March 10, 1999, with a recommendation that the proposed project be approved. The minutes of that meeting are included as Attachment 6 to Exhibit "D."

A preliminary Prehistoric Cultural Reconnaissance was conducted on March 13, 1999 (Attachment 9 to Exhibit "D") and no evidence of prehistoric resources was found. However, some evidence of historic cultural resources, in the form of stoneware ceramic fragments and glass and metal pieces, were found on the site. Most of the fragments are probably the result of the demolition of the historic Forester's Hall, but a possibility exists that additional historic cultural resources may be uncovered during foundation excavation. A condition of approval has been included to require that a qualified historical archaeologist be on site during any earthwork or foundation excavation. If significant resources are discovered, the archeologist must submit a plan to the Environmental Coordinator for preservation of the resources.

ENVIRONMENTAL REVIEW ISSUES

In accordance with the California Environmental Quality Act (CEQA) and the County Environmental Review Guidelines, the project was considered by the County Environmental Coordinator on January 24, 2000. One letter was received during the comment period which was reviewed by the Environmental Coordinator, who felt that, with revisions, the writer's concerns were adequately addressed in the Initial Study. Revisions to the Initial Study, in response to the comments received, are indicated by underlining. A Negative Declaration with Mitigations was issued on March 3, 2000 (Exhibit "D").

CONCLUSION

All required findings can be made to approve this application. The project is consistent with the General Plan in that the project constitutes a commercial use. The proposed use is compatible with the existing intensity of land use in the surrounding area, and is consistent with the zoning designation of the subject parcel. The proposed new structure has been designed to be compatible with surrounding commercial and residential uses. The project, as conditioned, will not have a significant effect on the environment.

Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

RECOMMENDATION

Staff recommends that the Zoning Administrator take the following actions:

1. Certify the Mitigated Negative Declaration as complying with the requirements of the California Environmental Quality Act (Exhibit "D"); and
2. Approve Application No. 99-0036, based on the findings, (Exhibit "B") and subject to the attached conditions (Exhibit "C").

EXHIBITS

- A. Project Plans including site plans, floor plans and elevations prepared by Terri L. N. Fisher, Architect., dated January 22, 1999 and amended on September 10, 1999. (Originals on file with the Planning Department).
- B. Findings
- C. Conditions
- D. Negative Declaration, Notice of Determination and Environmental Review Initial Study
- E. Letter from Susan Young regarding preliminary Negative Declaration, dated February 27, 2000 and Acknowledgment of Receipt of environmental document from the Governor's Office of Planning and Research, dated February 4, 2000.
- F. Letter from Steve Senet, California Department of Transportation, dated October 16, 1998

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: Cathy Graves
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3141

COMMERCIAL 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 proposed art gallery and residential unit, and the conditions under which the structure 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, will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity. The project is located in an area designated for commercial use, where art galleries are allowed, and is not encumbered by physical constraints to development. 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.

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 C-1-L zone district. Art galleries are an allowed use in the C-1 zone district, as are residential units which comprise up to 50% of the floor area of the entire development. The proposed building is consistent with the development standards for the C-1 district, as they relate to setbacks, height and parking. The proposed height of the structure is approximately 29 feet, less than the maximum allowed of 35 feet. The proposed front setback is 20 feet, which also accommodates parking, and is more than the 10 feet required. The proposed parking plan has been reviewed and approved by the California Department of Transportation (Exhibit "F"). No side setbacks are proposed, and none are required. The parcel abuts an existing alley on both sides and at the rear parcel boundary, which is proposed to be improved to provide better access to the proposed parking and to the historic Davenport Jail, located northwest of the project site. No rear setback is required in this zone district, but the structure would be located approximately 40 feet from the rear parcel boundary, to accommodate parking, and approximately 57 feet from the Davenport Jail.

A total of six parking spaces are proposed, which is the minimum required for the two uses. Excluding areas designated exclusively as storage or restrooms, the actual gallery area would be approximately 1,200 square feet, which would require four parking spaces (1 space per 300 square feet of floor area). The upstairs residential unit, with one bedroom, would require two parking spaces for a total of six spaces, which is the number proposed. The proposed parking would include one accessible space and one compact space, as allowed by County Code.

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 Neighborhood Commercial or "C-N" land use designation, which is consistent with the C-1-L zoning. This designation is intended to provide compact, conveniently located, and well designed shopping and service uses to meet the needs of individual urban neighborhoods, rural communities and visitors. The proposed new gallery and residential unit are consistent with the General Plan designation, and will not represent a significant increase in the intensity of use that would have a negative impact on surrounding development. The project is consistent with the General Plan in that the full range of urban services is available to the site including municipal water and sewer service and the use is not located in a hazardous or environmentally sensitive area. The proposal protects natural resources by expanding in an area designated for this type of development. No specific plan has been prepared for this area of the County.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The proposed use will not overload utilities or generate more than the acceptable level of traffic as this project does not represent a significant intensification of use for this site.

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 project will complement and harmonize with the existing and proposed uses in the vicinity. The proposed art gallery and residential unit are compatible with surrounding uses in that areas designated for commercial facilities are intended to provide for this type of facility, which has no potential for major pollution, adverse visual impacts or other nuisance or hazard factors. The proposed development will reinforce the scale, and design of the adjacent commercial and residential uses, and will incorporate variation in wall plane, roof line and architectural treatment to create visual interest. Adequate landscaping is provided to avoid significant negative visual impacts.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

Subject to the concurrent approval of the exception, discussed in detail below, the proposed development is consistent with the Design Standards and Guidelines of the County Code. Per County Code Section 13.11.072, the site design is compatible with surrounding elements in that the proposed development preserves the integrity of existing land use character and is sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding area. The building bulk and size are appropriate to the size of the parcel. A safe and functional circulation plan has been incorporated into the design of the proposed project, and adequate parking is provided that includes sufficient landscaping to avoid negative visual impacts.

The subject parcel is located adjacent to Highway 1 in Davenport, an adopted scenic resource corridor. The proposed building will be visible from the highway, but both the structure and proposed landscaping have been designed to complement and enhance the existing surrounding commercial and

residential area. The proposed project will not obstruct any public views of the ocean or of the surrounding hillsides. The new building has been designed to approximate the design of the original Forester's Hall, is located in the same footprint as the previous building and is the same height of the previous building. Although the proposed building is approximately three feet taller than the residence to the west, the difference in grade between the two structures will result in an appearance that the buildings are of similar height.

The proposed project is also subject to general design criteria for coastal development and special community design criteria for Davenport. The proposed project is not located on a coastal bluff and is not visible from any area beaches, but is subject to provisions of County Code Section 13.20.130 that addresses coastal development. The proposed project is consistent with these design criteria in that the project is sited, designed and landscaped to be visually compatible with the surrounding neighborhood. In addition, proposed grading has been minimized and the structure is designed to fit the topography of the site. The building cannot be located on the site so as not to be visible from Highway 1, but the parcel is within an existing urbanized commercial and residential area which is intended to serve both local residents and visitors to the area.

Other design criteria specific to the Davenport community, found in Section 13.20.143 of the County Code and Policy 8.8.4 of the County General Plan, require that new development be consistent with the height, bulk, scale, materials and setbacks of existing development and that new development be small scale, one or two-story structures of wood construction. Additional policies required that the original building on this site, the Forester's Hall, not be demolished, that any restorations respect the original character, and that any additions be compatible with the original structure. Unfortunately, the original Forester's Hall fell into disrepair, was eventually determined to be unsafe, and was demolished (see staff report discussion under "Historic Resource Issues").

In order to address the design criteria and the intent of the requirement to retain historic structures, the applicant has proposed a new building which is small in scale, has been designed to approximate the design of the original Forester's Hall, is located in the same footprint as the previous building and is the same height of the previous building. It is a small-scale, two story structure with a sloping roof and horizontal wood siding, painted a yellow-beige with white accents to match the historic color palette.

The applicant has requested an exception to the provisions of Chapter 13.11, the Site, Architectural and Landscape Design Review Ordinance which require the provision of large canopy trees in the parking area. Section 13.11.074 requires a minimum of one tree for each five parking spaces, so for six parking spaces, one tree would be required. An exception may be permitted, however, due to special site standards or when the objectives of the Design Review ordinance would be better achieved by allowing flexibility of design. The subject parcel is unusually small for a commercial parcel (5,096 square feet), is only 32 feet in width, and is surrounded on three sides by an existing alley. The proposed site design is intended to accommodate required parking, improve area circulation, and provide landscaped areas in both the front and rear parking areas. There is, however, insufficient room to accommodate a landscape area large enough for a large canopy tree, and a large tree in the rear parking area could block views of the Davenport Jail from Highway 1. To reduce the impact of an expanse of impervious surfacing between the rear of the commercial building and the front of the Davenport Jail, the applicant has proposed to install low-growing shrubs at the rear parcel boundary and in front of the jail.

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 proposed art gallery and residential unit are uses allowed in the C-1 zone district where the parcel is located. The C-1 zone district is consistent with the General Plan and Local Coastal Program land use designation of Neighborhood Commercial (C-N).

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

The development of the parcel does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such matters are known to encumber the project site.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

The proposed structure is consistent with the design criteria and special use standards and conditions of County Code Section 13.20.130 et seq., in that the project has been sited, designed and landscaped to be visually compatible with the character of surrounding areas; grading, earth moving and removal of major vegetation has been minimized; and landscaping is compatible with the surrounding vegetation and is suitable to the climate, soil and ecological characteristics of the area. Additional coastal development criteria address ridgeline development, development on a coastal bluff, or development visible from public beaches. Those criteria are not applicable to the proposed project.

The subject parcel is located adjacent to Highway 1 in Davenport, an adopted scenic resource corridor. The proposed building will be visible from the highway, but both the structure and proposed landscaping have been designed to complement and enhance the existing surrounding commercial and residential area. The proposed project will not obstruct any public views of the ocean or of the surrounding hillsides. The new building has been designed to approximate the design of the original Forester's Hall, is located in the same footprint as the previous building and is the same height of the previous building. Although the proposed building is approximately three feet taller than the residence to the west, the difference in grade between the two structures will result in an appearance that the buildings are of similar height.

The proposed project is also subject to general design criteria for coastal development and special community design criteria for Davenport. The proposed project is not located on a coastal bluff and is not visible from any area beaches, but is subject to provisions of County Code Section 13.20.130 that addresses coastal development. The proposed project is consistent with these design criteria in that the project is sited, designed and landscaped to be visually compatible with the surrounding neighborhood. In addition, proposed grading has been minimized and the structure is designed to fit the topography

of the site. The building cannot be located on the site so as not to be visible from Highway 1, but the parcel is within an existing urbanized commercial and residential area which is intended to serve both local residents and visitors to the area.

Other design criteria specific to the Davenport community, found in Section 13.20.143 of the County Code and Policy 8.8.4 of the County General Plan, require that new development be consistent with the height, bulk, scale, materials and setbacks of existing development and that new development be small scale, one or two-story structures of wood construction. Additional policies required that the original building on this site, the Forester's Hall, not be demolished, that any restorations respect the original character, and that any additions be compatible with the original structure. Unfortunately, the original Forester's Hall fell into disrepair, was eventually determined to be unsafe, and was demolished (see staff report discussion under "Historic Resource Issues").

In order to address the design criteria and the intent of the requirement to retain historic structures, the applicant has proposed a new building which is small in scale, has been designed to approximate the design of the original Forester's Hall, is located in the same footprint as the previous building and is the same height of the previous building. It is a small-scale, two story structure with a sloping roof and horizontal wood siding, painted a yellow-beige with white accents to match the historic color palette.

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, is not on a coastal bluff and does not provide public access to the coastline. Consequently, the proposed addition 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 exclusively for public recreation or visitor serving facilities.

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

The proposed art gallery with residential unit is in conformity with the County's certified Local Coastal Program in that the structure is sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, an art gallery is an allowed use in the commercial zone district of the area, as well as the General Plan and Local Coastal Program land use designation, and residential units are allowed up to 50% of the total floor area of the development. The proposed structure is located in an existing commercial area and has been designed to be compatible with the character of surrounding development.

CONDITIONS OF APPROVAL

Commercial and Coastal Development Permit No. 99-0036

Applicant: Terri Fisher

Property Owner: Jack M. Licursi, Trustee

Assessor's Parcel No. 058-082-08

Property address and location: 71 Highway 1, Davenport

Property located on the east side of Highway 1, about 200 feet north of Davenport Avenue, Davenport

North Coast Planning Area

Exhibits:

- A. Project Plans including site plans, floor plans and elevations prepared by Terri L. N. Fisher, Architect., dated January 22, 1999 and amended on September 10, 1999.
-

- I. This permit authorizes the construction of a two-story commercial building consisting of a 1,800 square foot art gallery on the ground floor and a 1,100 square foot residential unit on the second floor. 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. 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.
 - D. 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 "A" on file with the Planning Department. Any changes between the approved Exhibit "A," 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.
2. Floor plans identifying each room and its dimensions.
3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and accessory structures.
4. The parking area shall include at least six parking spaces, including one accessible parking space (14' x 18'), and sufficient area for two bicycle spaces, designed in accordance with Sections 13.10.550 - .560 of the County Code. The accessible space shall be served by an access aisle 96 inches wide (minimum) and shall be designated van accessible. All spaces shall be striped and defined by wheel stops, where necessary.
5. A final landscape plan. This plan shall include the location, size, and species of all existing and proposed trees, plants, and turf areas, an irrigation system, and shall comply with the following:
 - a. 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.
 - b. Plant Selection. Plant materials selected for non-turf areas shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged.
 - c. 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. The irrigation plan shall be submitted with the building permit application.

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

- d. The landscape plan shall include the installation of shrubs in front of the Davenport Jail, as shown in Exhibit "A", and shall include an irrigation plan for that area.
6. A final Grading, Erosion Control and Drainage Plan for the entire site that ensures that runoff from the parking area and the building will not drain to the southeast, which is the natural flow across the parcel.
7. Final plans shall note that the Davenport Water District will provide water service and shall meet all requirements of the District including payment of any connection and inspection fees. Final engineered plans for water connection shall be reviewed and accepted by the District.
8. Final plans shall note that the Davenport Sanitation District will provide sewer service and shall meet all requirements of the District including payment of any connection and inspection fees. Final engineered plans for the sewer system shall be reviewed and accepted by the District.
9. Meet all requirements and pay the appropriate plan check fee of the County Fire Protection District as stated in their comments dated September 16, 1999.
10. All new electrical power, telephone, and cable television service connections shall be installed underground.
11. A final sign plan, to be reviewed and approved by the Planning Department for consistency with County Code Section 13.10.581.
12. Parking and Circulation improvements, as shown on Exhibit "A", shall include signage as follows:
 - a. The alley on the east parcel boundary, at the intersection with Highway 1 shall be signed "One-way, Do Not Enter;"
 - b. The alley on the west parcel boundary, at the intersection with Highway 1 shall be signed "Enter;"
 - c. The alley on the rear parcel boundary, on the northeast corner of the subject parcel where the alleys intersect shall be signed "Stop" and "No Left Turn."
 - d. Appropriate graphics indicating "One Way" shall also be painted on the alley surfacing.
13. All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light sources shall not be visible from adjacent residential properties. Lighting shall be high-pressure sodium vapor, metal halide, fluorescent or equivalent energy-efficient fixture.

14. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.

- B. Pay the Santa Cruz County Child Care fee in effect at the time of Building Permit issuance. On April 7, 2000, this fee would total \$252.00, (\$216.00 for the art gallery and \$36.00 for a one-bedroom unit) but is subject to change without notice.
- C. Obtain an Encroachment Permit from the Department of Public Works, as necessary, for any work performed in the public right-of-way, including the alley improvements. All work shall be consistent with the Department of Public Works Design Criteria
- D. Obtain an Encroachment Permit from the State of California, Department of Transportation, for work within the Highway 1 right-of-way, including parking improvements which will back out into the right-of-way.
- E. 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 in which the project is located.

III. All construction shall be performed in accordance with the approved plans. For reference in the field, a copy of these conditions shall be included on all construction plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
- D. All work adjacent to or within a State highway shall be reviewed and approved by the State of California, Department of Transportation, including obtaining an encroachment permit from that agency.
- E. In order to avoid and/or mitigate impacts to historic resources that might accidentally be discovered during construction the applicant shall implement the following:
 - 1. A qualified historical archaeologist shall be on site during earthwork and excavation for the foundation. If significant resources are discovered, work that disturbs the area of the find shall be halted until the archaeologist submits a plan to the Environmental Coordinator for the preservation of the find. Upon written approval of the plan, work may resume.

2. Prior to final inspection of the building permit, the archaeologist shall submit a brief report to Planning Department Staff indicating that either no resources were found or verifying that the approved plan to preserve any resources that were found was implemented.
- F. Limit all construction to the time between 8:00 A.M. and 5:00 P.M. weekdays, unless a temporary exemption to this time restriction is approved in advance by the Planning Department to address an emergency situation.

IV. Operational Conditions

- A. All landscaping and site improvements shall be permanently maintained.
- B. In the event that future County inspections of the subject property disclose noncompliance with any Condition 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.
- C. In accordance with Section 18.10.132(d) of the County Code, if the exercise of the use permitted by this permit ceases or is abandoned for a continuous period of one year, then without further action by the County, this permit shall become null and void.
- D. All fencing and walls within the subject property shall remain graffiti-free at all times.

V. 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: Historic Resources [Conditions III. E.]

Monitoring Program: A qualified historic archaeologist shall be on-site during disturbance and submit a brief report to the Planning Department prior to final inspection of the building permit. Final clearance will not be issued until the report has been reviewed and accepted, and a stop-work order will be issued for non-compliance.

B. Mitigation Measure: Circulation [Condition II.A.12.]

Monitoring Program: A stop sign shall be installed at the intersection of the two alleys at the southeast corner of the Davenport Jail. Final building permit clearance will not be issued until the installation of the sign has been verified by Planning Department staff.

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.



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

WALTER J. SYMONS
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

April 21, 2000

Susan Young
P.O. Box 252
Davenport, CA 95017

Dear Susan:

I appreciated getting your letter expressing your concerns about the Licursi project. I think you make a very good case for your point of view.

However, in checking around with some other members of the Davenport Planning Committee, I have learned that your opinion is not necessarily shared by other members of that group. Also, I have heard nothing from any other Davenport residents expressing opinions about this project, either in support or opposition.

I personally do not bring items to the Board based upon the concerns of one person, although I am more than willing to do so if there seems to be a good deal of community interest and concern about the standing decision. In this case, I'm afraid I must decline to bring the item forward, since those conditions do not prevail.

As always, I am grateful for your dedication to Davenport and your strong advocacy on its behalf.

Sincerely,

MARDI WORMHOUDT, Supervisor
Third District

MW:ted

1215I3

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(831) 427-4668



APR 20 2000

 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

**APPEAL FROM COASTAL PERMIT
 DECISION OF LOCAL GOVERNMENT**

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

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

Susan Young

P.O. 252

Davenport, CA 95017

(831) 457-0872

Zip

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz County

2. Brief description of development being appealed:

Licursi Project (County Application 99-0036)

2-story commercial building on Hwy. 1 in Davenport

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

Hwy. 1, Davenport - in location of demolished Forester's Hall

4. Description of decision being appealed:

a. Approval; no special conditions: ☒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-00-106

DATE FILED: 7/11/2000

DISTRICT: Central Coast

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: April 7, 2000

7. Local government's file number: 99-0036

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:

Jack & Arlene Nicursi
c/o Danvers Post Office

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) Marilyn Fravel
Whale Hedge Gallery, Ocean St.
Danvers, CA 95017

(2) _____

(3) _____

(4) _____

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.

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.

Susan Gary
Signature of Appellant(s) or Authorized Agent

Date April 20, 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 _____

E-3

P.O. Box 252
Davenport, CA 95017
April 19, 2000

Dr. Charles Lester
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Dr. Lester:

I request that the Coastal Commission accept the appeal of the Licursi project in Davenport (Application No. 99-0036).

The Licursi project has been approved by the Santa Cruz County Zoning Administrator, even though the project is inconsistent with the Santa Cruz County Local Coastal Program ("LCP"), mandated under the Coastal Act. Further, the LCP is inconsistent with the County implementing ordinances, which should, under the Coastal Act, support the requirements of the LCP. Instead, although the LCP promises to protect the town of Davenport as a Special Community, promises to maintain its "small-scale" nature, there are no teeth to enforce the LCP and so the County need not address LCP requirements.

1. For example, LCP 8.8.4 requires that new development¹ in Davenport be consistent with the height of existing development, and be generally small scale. Although the Licursi building may seem to be small scale, it is 29' high, 5' taller than any other commercial building on the Highway 1 commercial frontage in Davenport, including the very large (for Davenport) Cash Store, which is 24' high. (The Odwalla building is 24' high, but other commercial buildings range from 12' to 20' high.) Under the LCP, the Licursi building height is unacceptable since it is inconsistent with (i.e., does not fall within the range of) existing development, which is 12' to 24' high.

Under the County ordinances for this zoning district (Neighborhood Commercial), a commercial building may be built as high as 35'. This height allowance is inappropriate for tiny, small-scale Davenport. Ordinances should be enacted for Davenport's special requirements, in order to comply with the LCP.

The Licursi project, although seemingly inconsequential in and of itself, will have great cumulative and growth-inducing impact, also a concern under the LCP. Once the Licursis build their project at 29' high, other developers will wish to follow suit. Already, there are two developers who have designed commercial buildings on Highway 1 in Davenport between 30' and 34' high. These developers will use the Licursi building as a precedent, to raise the height of the entire commercial district over time.

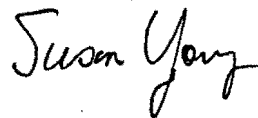
¹ The Licursi project is a new development. Although the original building, not in use for decades, was 27-1/2' high, the Licursi building is not a replacement building.

The LCP for Davenport requires that the County preserve Davenport, a Special Community under LCP 8.8. The County implementing ordinances do not accomplish this, and instead threaten Davenport's small-scale character.

2. The County has also not addressed the problem of circulation between the Licursi building and the historic Davenport Jail (LCP 8.8.5). The project currently calls for pedestrians who visit the historic jail to share their walking space with vehicles seeking parking spaces behind the Licursi building. This is unsafe circulation and degrades the experience of visiting the jail (only one of two historic buildings remaining in Davenport, since the Foresters' Hall was demolished).

I submit that Davenport qualifies under the LCP as a Sensitive Coastal Resource Area ("SCRA"), and thus the Licursi project is appealable to the Coastal Commission. Under the LCP, an SCRA includes "Special communities or neighborhoods which are significant visitor destination areas" (Santa Cruz County General Plan, page G-17). Davenport has been designated as a Special Community under LCP 8.8, and Davenport is also a significant visitor destination area -- thousands of tourists annually stop to watch whales from Davenport's ocean bluffs (one of the few places in California where whales can be watched from shore), visit the historic buildings in Davenport, and generally enjoy the small town character of Davenport. Davenport is cited as a significant visitor destination by the Santa Cruz Chamber of Commerce, and by recent guide books to the Central Coast, including Jerry Emory's *The Monterey Bay Shoreline Guide*.² Coastal Commissioner Trent Orr noted during a hearing that he believed that Davenport and Tomales Bay were the only two remaining old-time coastal towns remaining in California -- certainly Davenport is a precious resource for Santa Cruz County.

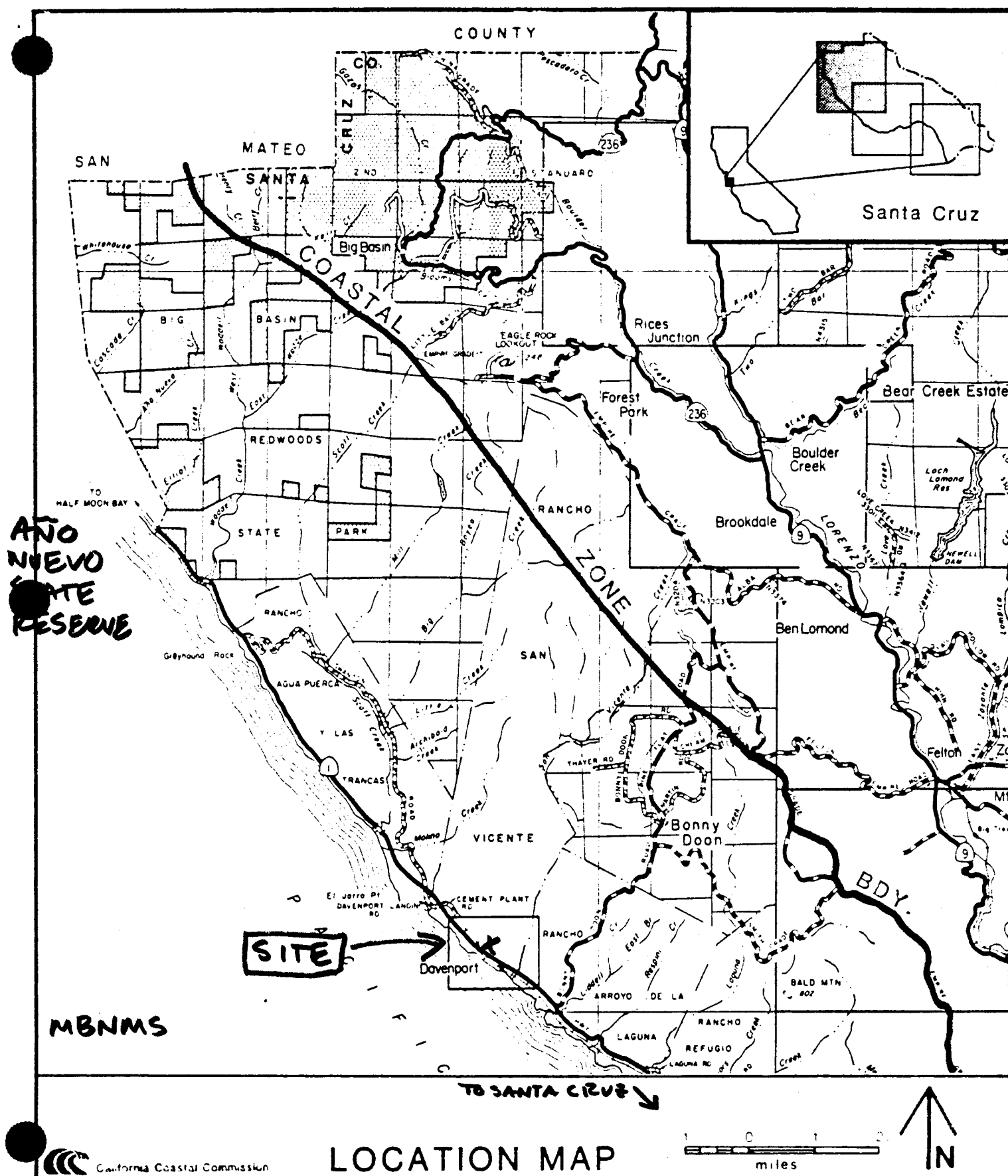
Sincerely,



Susan Young

cc: Santa Cruz County Board of Supervisors

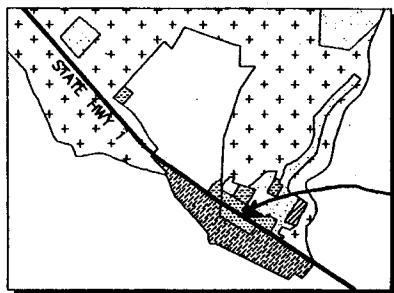
² Jerry Emory calls Davenport "a spectacular historic town" and advises his readers to "make the time" to visit Davenport.



SAN MATEO COUNTY

PLEASE NOTE: This map is intended for general reference only. Larger scale, parcel specific maps are available for review at the Santa Cruz County Planning Department.

Pacific Ocean



DAVENPORT

SITE



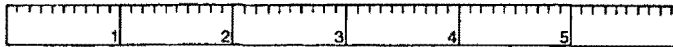
GENERAL PLAN LAND USE DESIGNATIONS

- AGRICULTURE
- OFFICE
- NEIGHBORHOOD COMMERCIAL
- COMMUNITY COMMERCIAL
- VISITOR ACCOMMODATIONS
- SERVICE COMMERCIAL/LIGHT INDUSTRIAL
- URBAN OPEN SPACE
- RESOURCE CONSERVATION
- LAKE, RESERVOIR, LAGOON
- EXISTING PARKS AND RECREATION
- PUBLIC FACILITY
- MOUNTAIN RESIDENTIAL
- RURAL RESIDENTIAL
- SUBURBAN RESIDENTIAL
- URBAN RESIDENTIAL, VERY LOW DENSITY
- URBAN RESIDENTIAL, LOW DENSITY
- URBAN RESIDENTIAL, MEDIUM DENSITY
- URBAN RESIDENTIAL, HIGH DENSITY

County of Santa Cruz
1993 GENERAL PLAN

**NORTH
COAST
PLANNING AREA**

1-800-345-7334



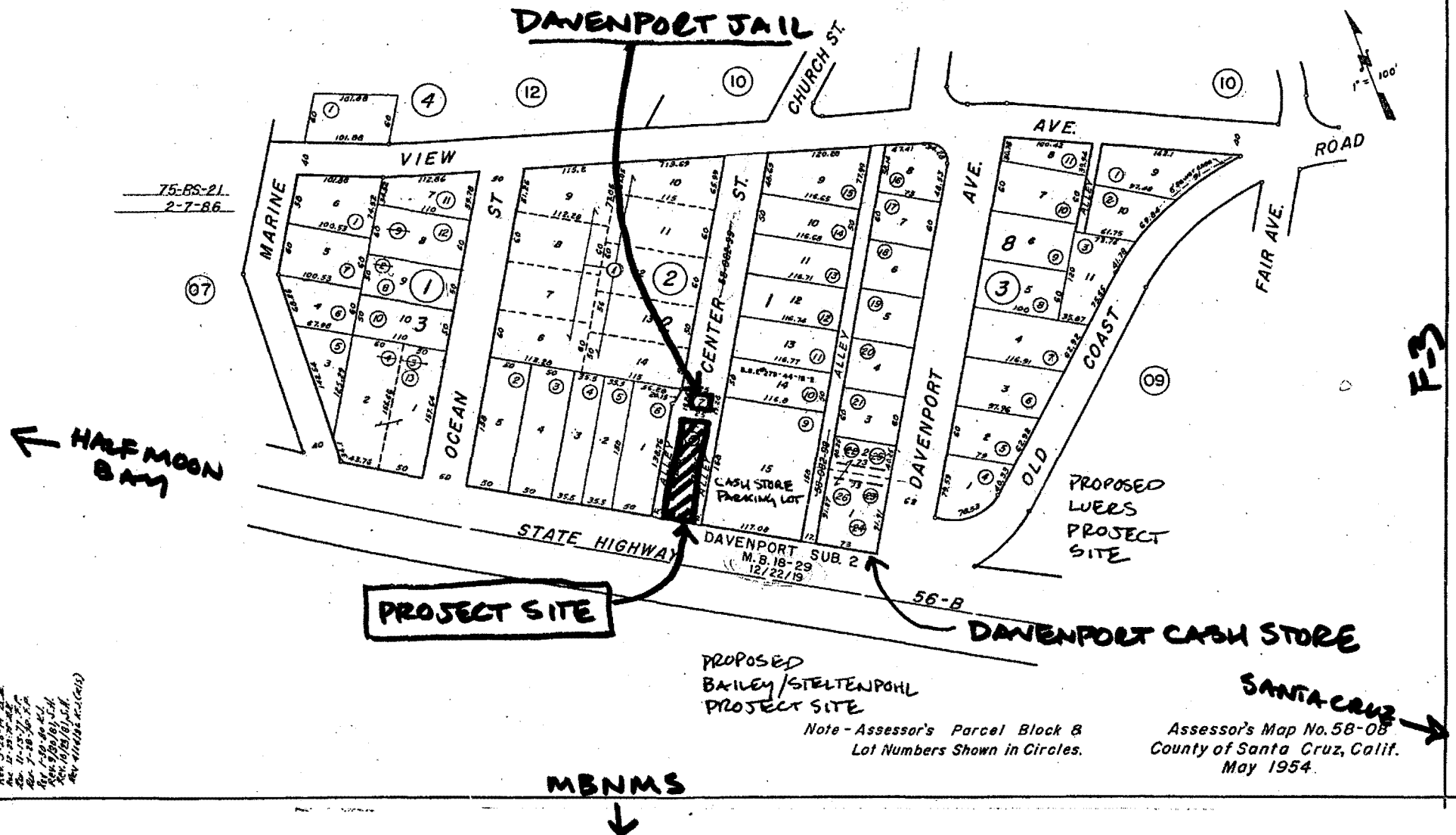
SCALE IN 1/10 OF AN INCH

FOR TAX PURPOSES ONLY

SCANNED

SAN VICENTE RANCHO
POR. SEC. 33, T.10S., R.3W., 8 SEC. 4, T.11S., R.3W., M.B.D. & M. PROJECTED

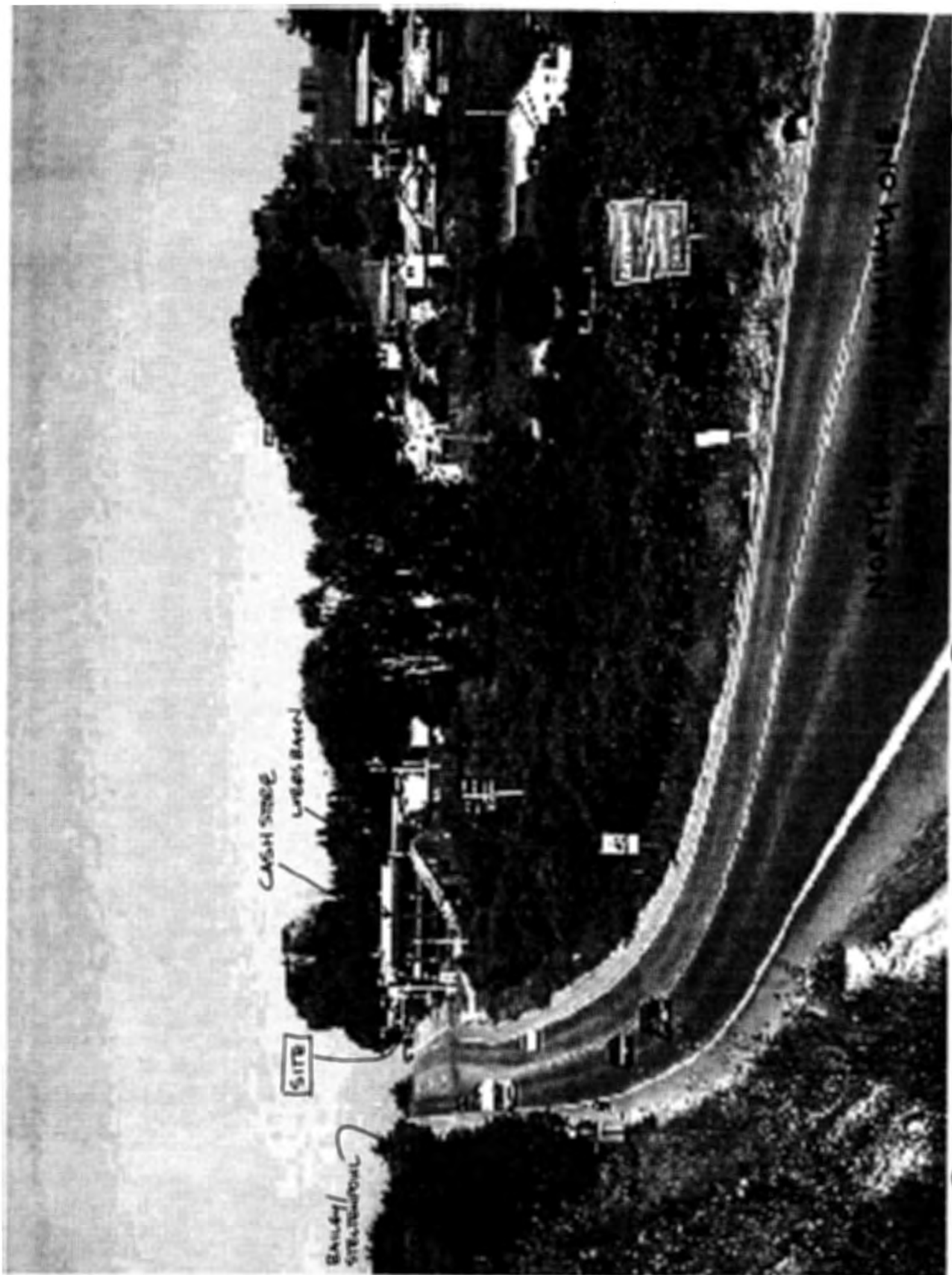
Tax Area Code 58-08
86-003

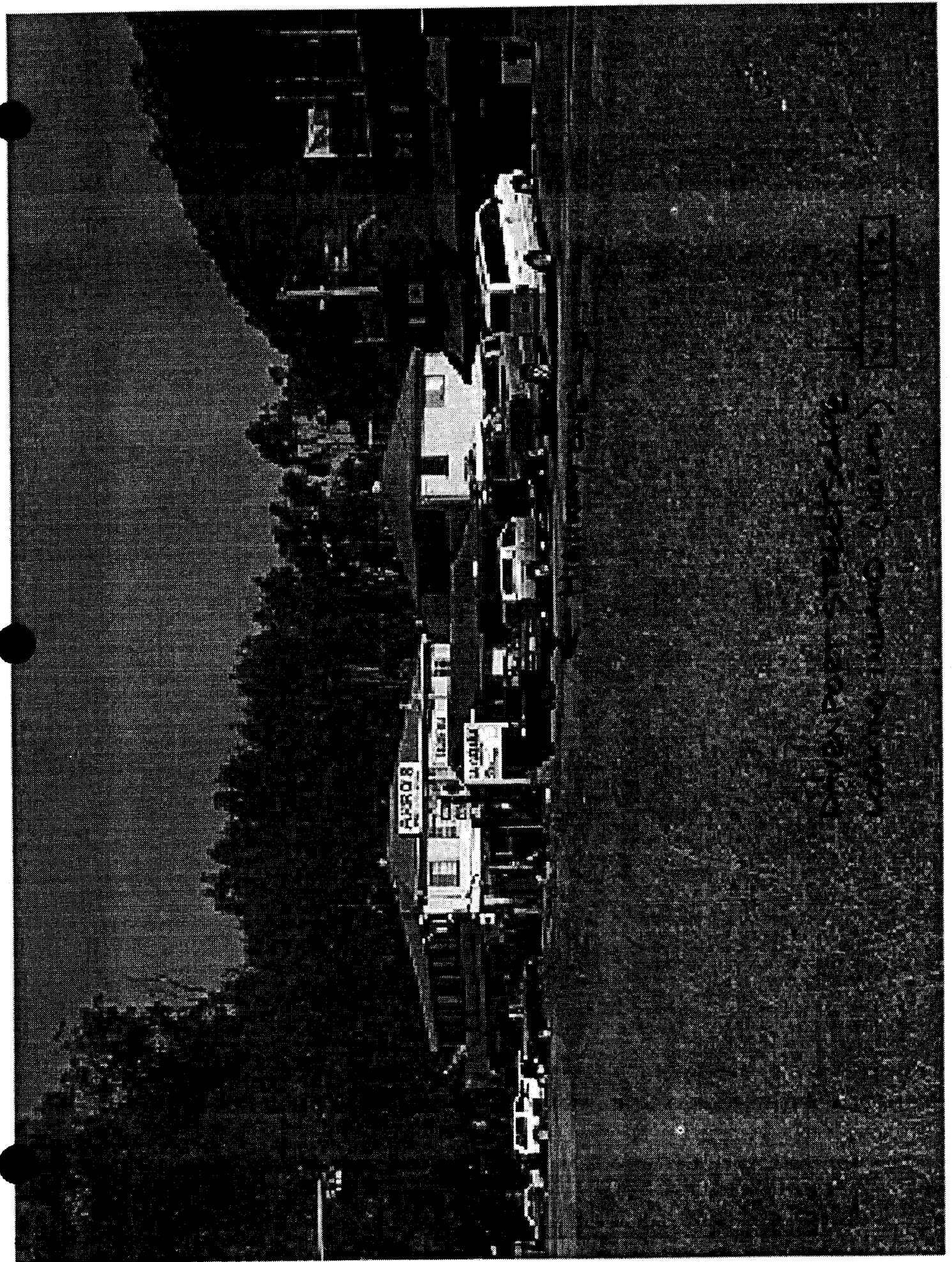


Rev. 3-28-74 J.M.
Rev. 4-1-75 J.M.
Rev. 7-18-76 J.M.
Rev. 1-30-80 J.M.
Rev. 5-20-83 J.M.
Rev. 10-10-85 J.M.
Rev. 11-10-85 J.M.

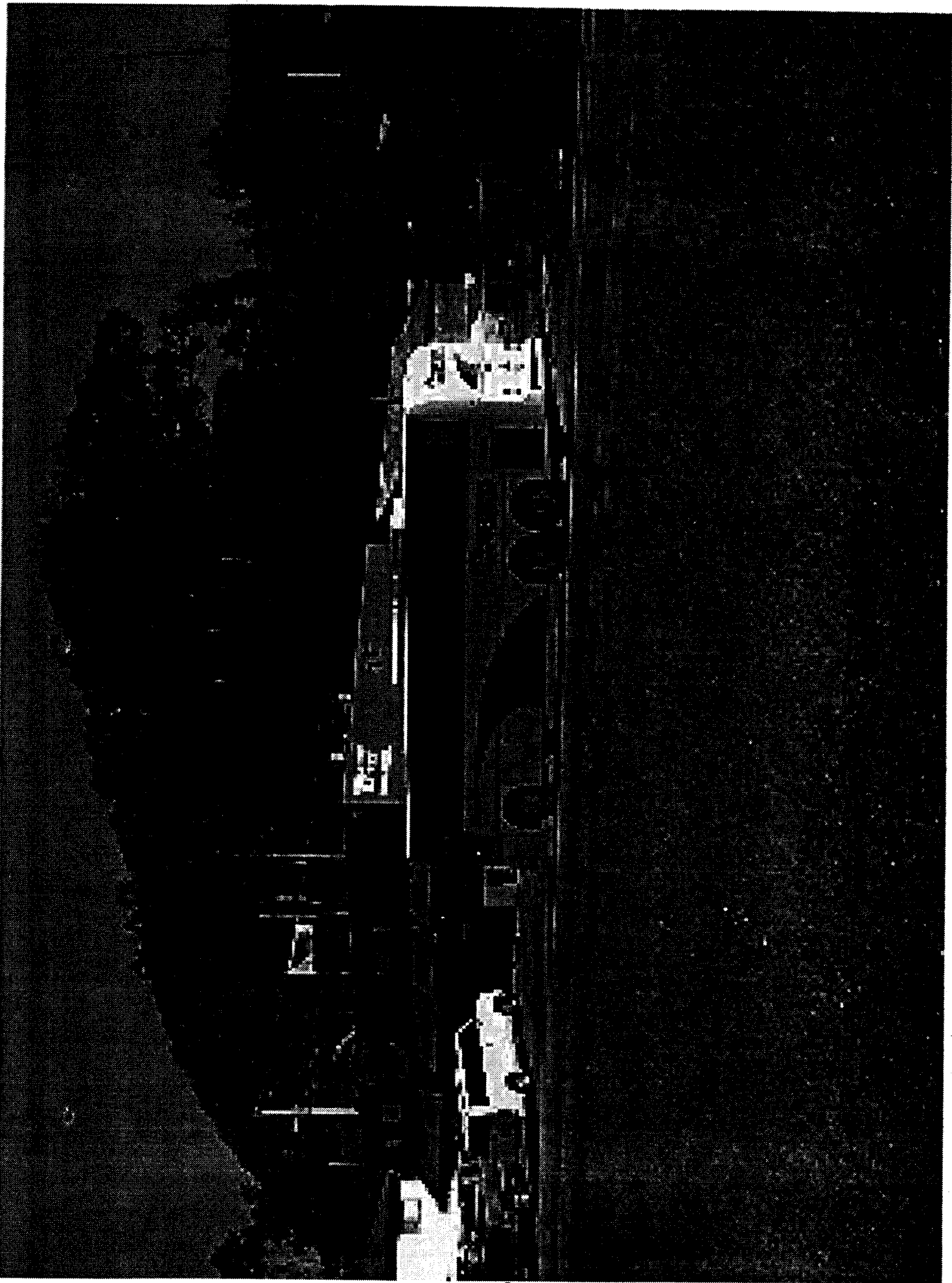
SANTA CRUZ
Assessor's Map No. 58-08
County of Santa Cruz, Calif.
May 1954.

MBNMS

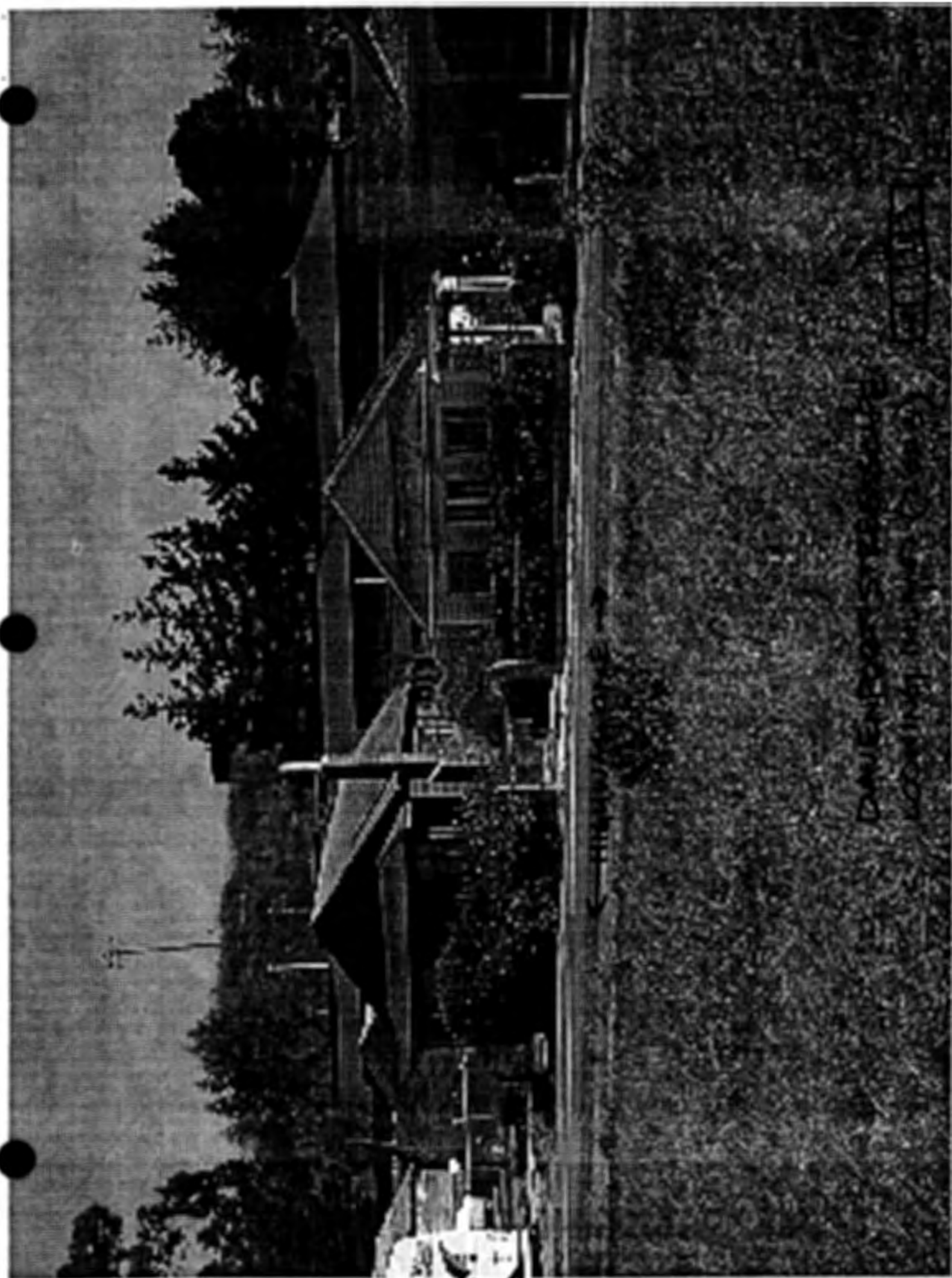


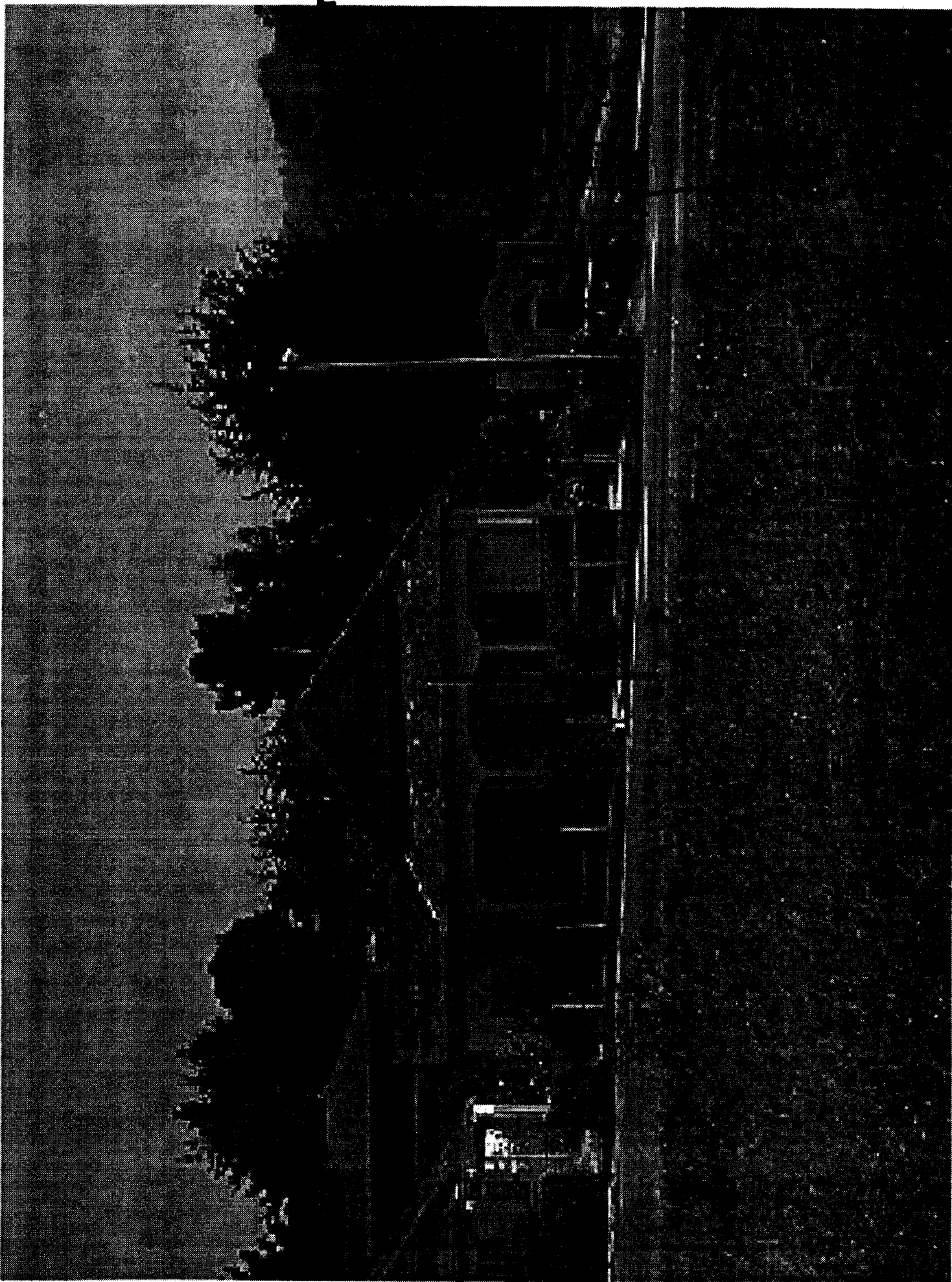


6-2

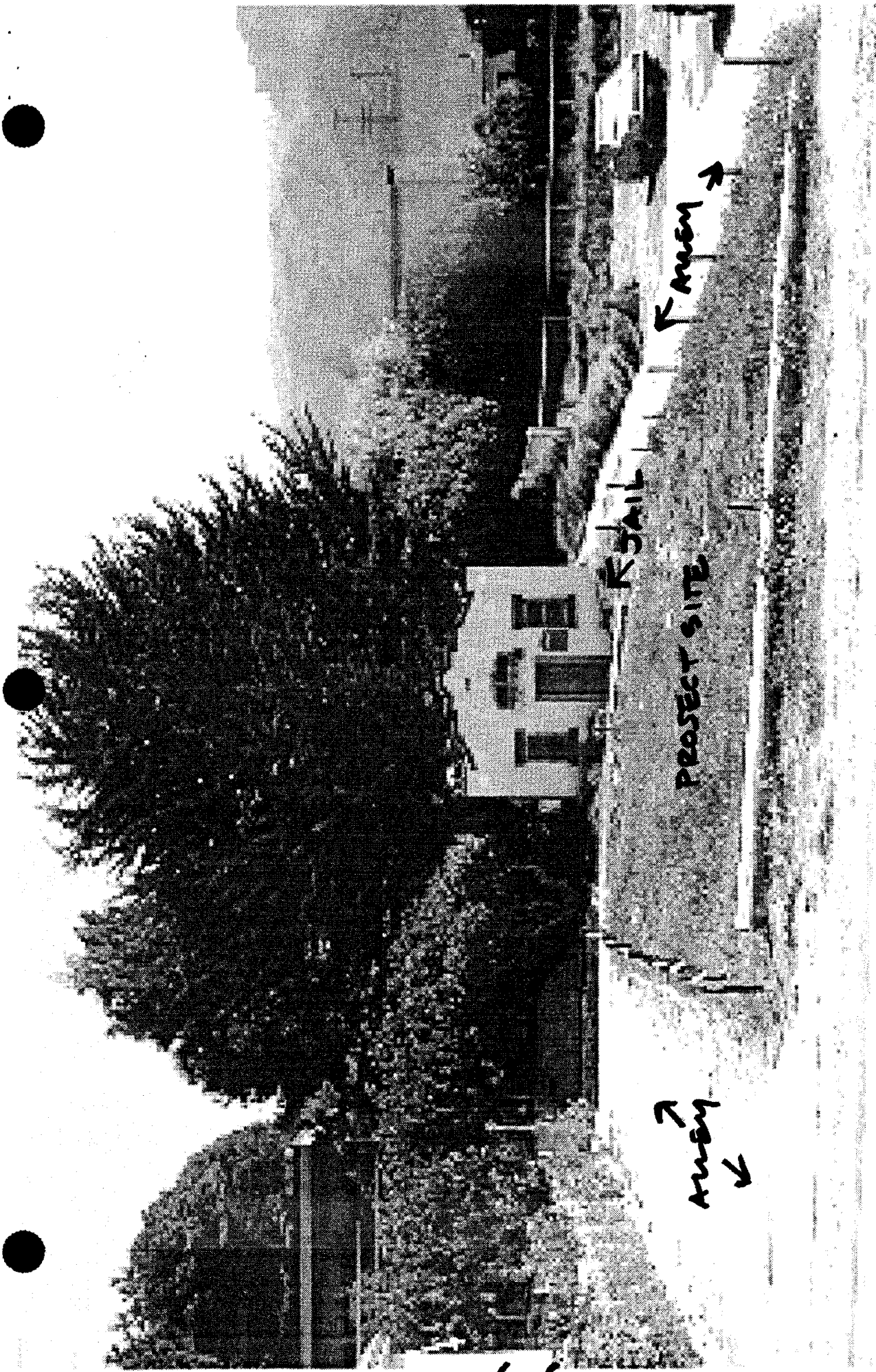


G-3





6-5



PROJECT SITE
VIEWED INLAND

← HIGHWAY ONE →

↑
AWAY
↓

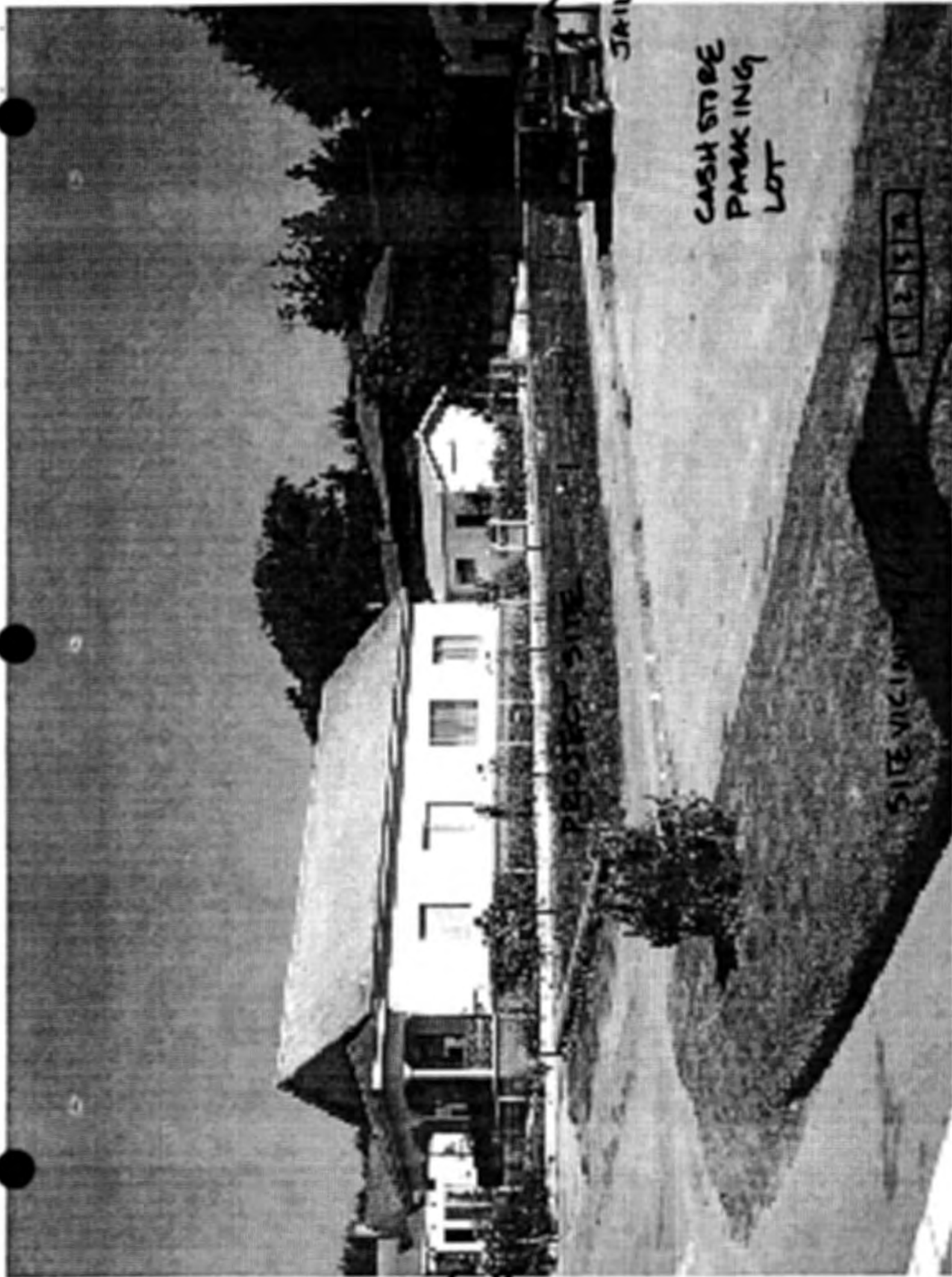
← AWAY →

PROJECT SITE

RAIL



DAVENPORT JAIL



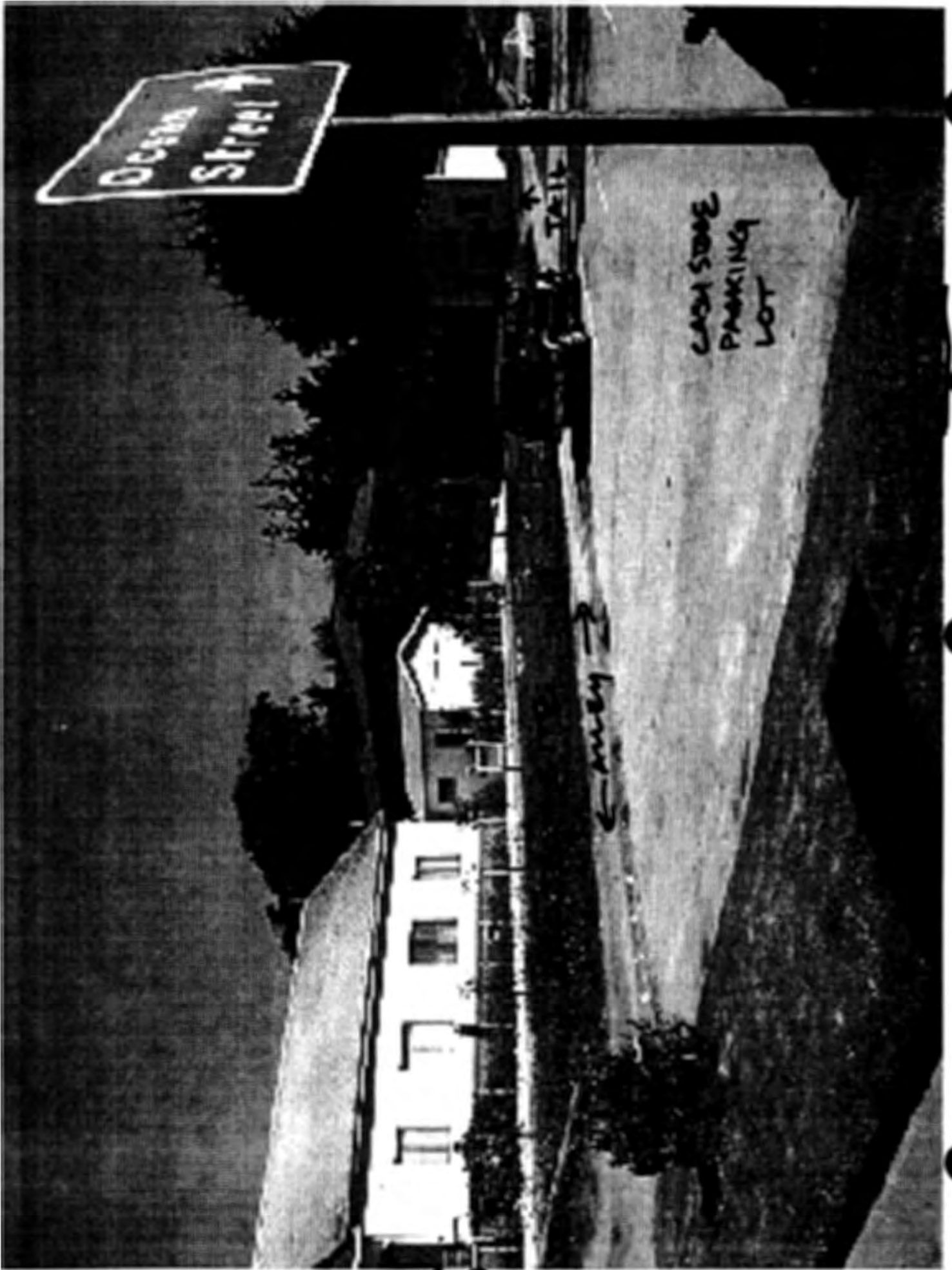
CASH STORE
PARKING
LOT

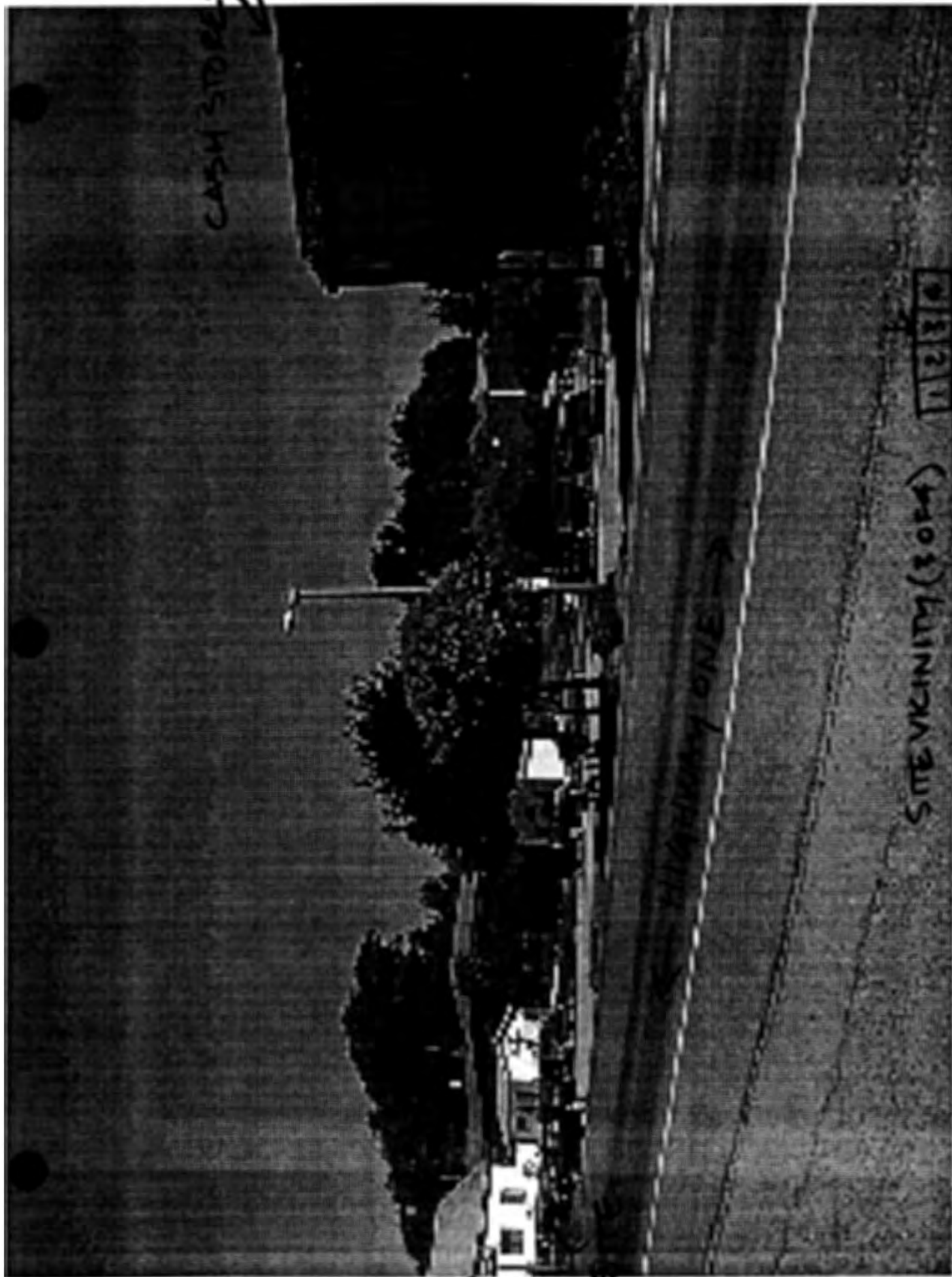
JAIL

PROTEST SITE

SITE VICIN







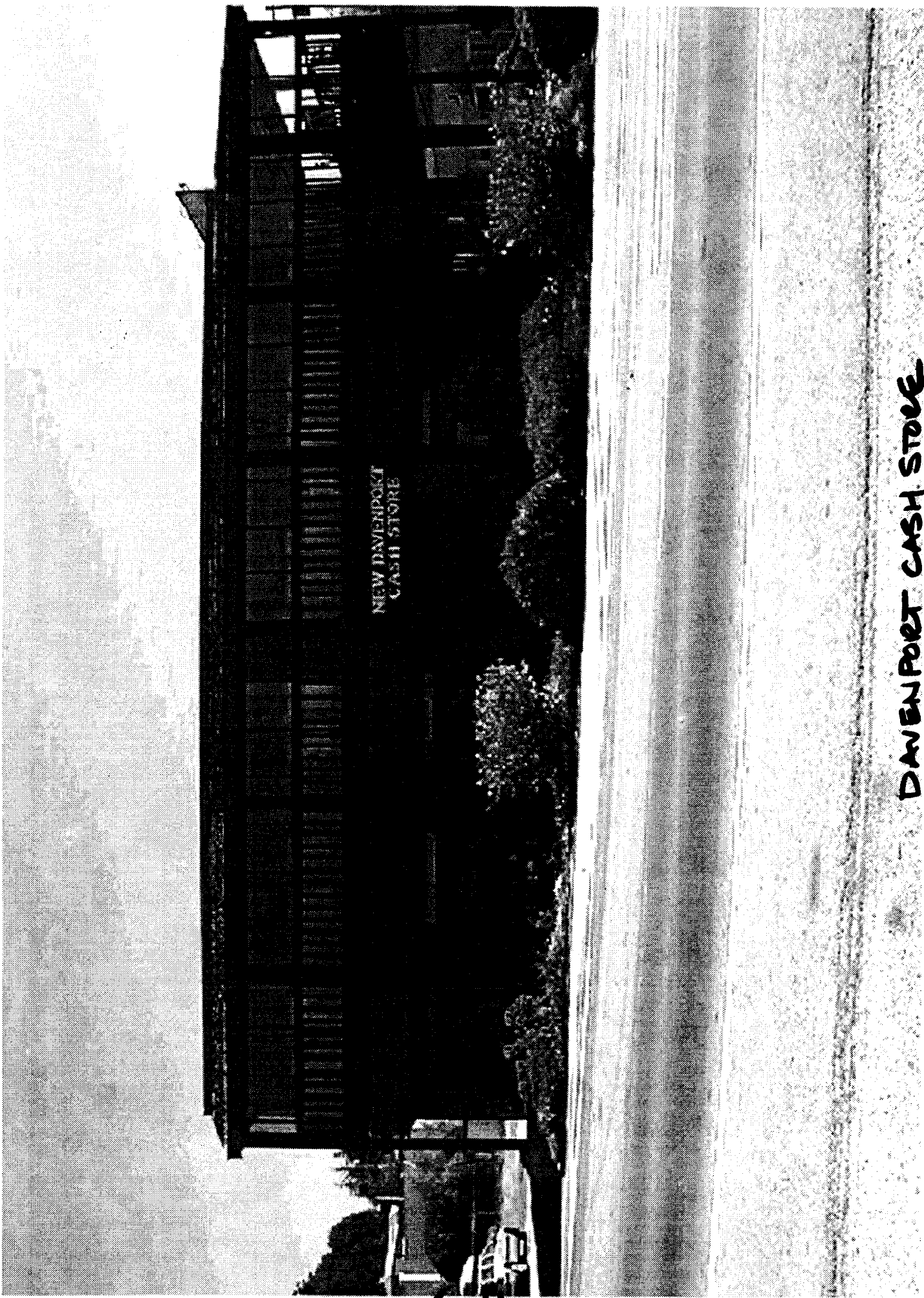
CASH STORE →

013211

SITE VICINITY (2004)

Highway ONE →

G-10

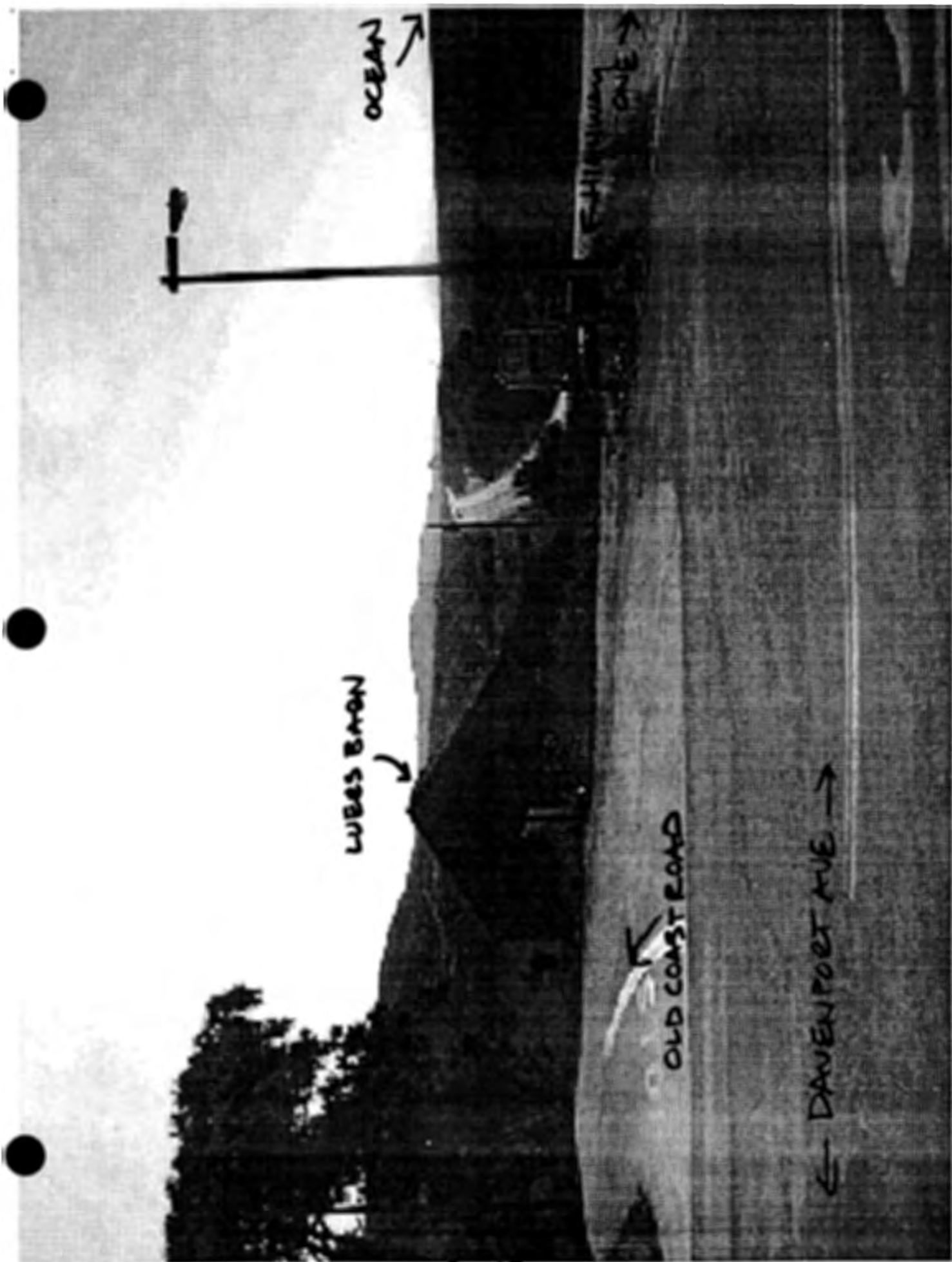


9-11

DAVENPORT CASH STORE

SITE VICINITY (404)

1	2	3	4
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9-12

LUBES BARN VIEWED DOWNCOAST
DIRECTION OF TRAVEL 2-8-12



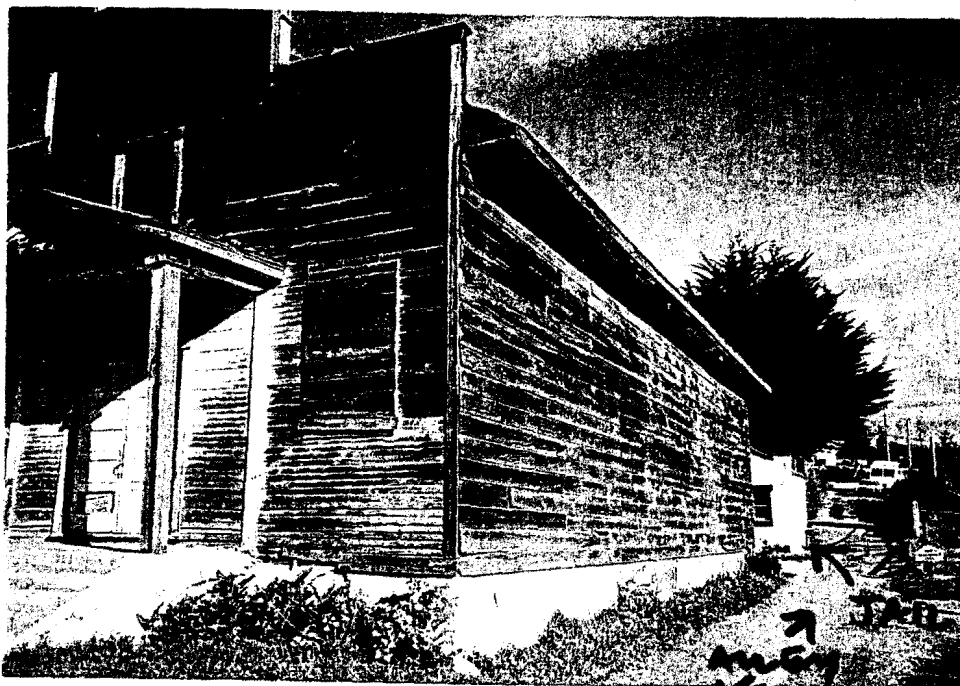
ORIGINAL FORESTER'S HALL
VIEW FROM HIGHWAY

H-1

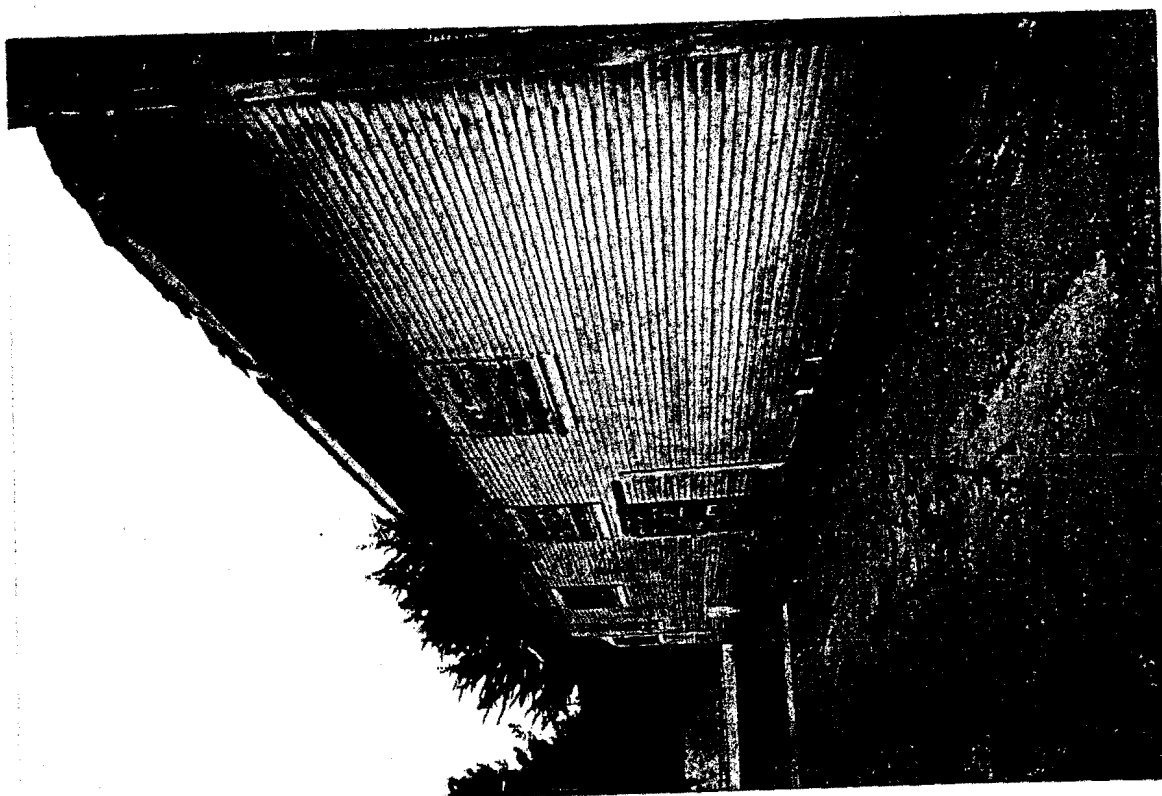


FRONT FACADE OF ORIGINAL FORESTER'S HALL

H-2

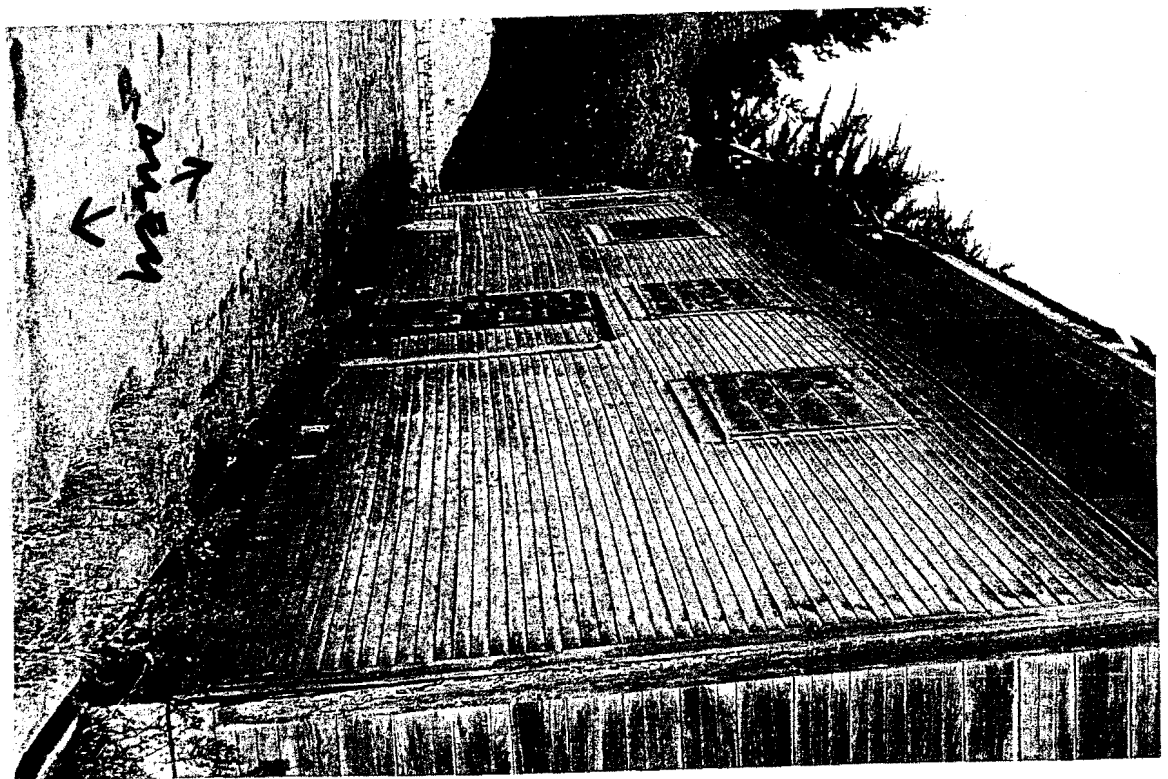


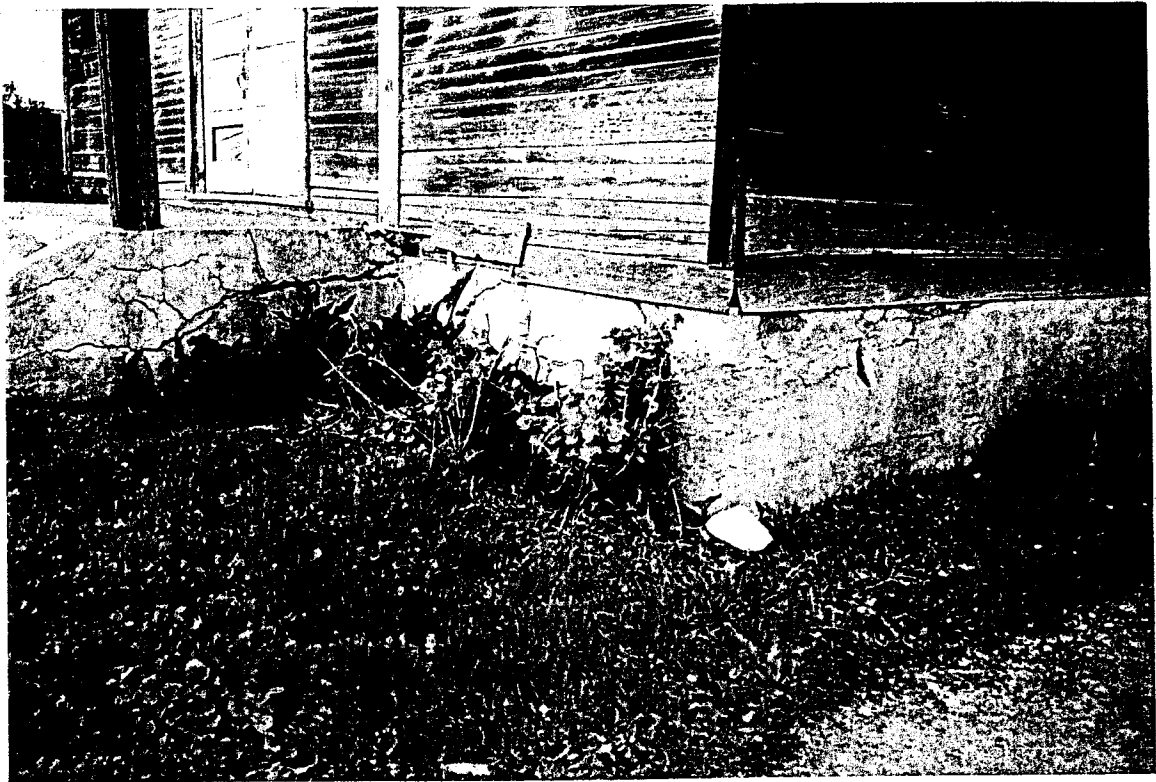
SIDE VIEWS OF ORIGINAL
FORESTER'S HALL





BACK AND SIDE VIEW OF
ORIGINAL FORESTER'S HALL



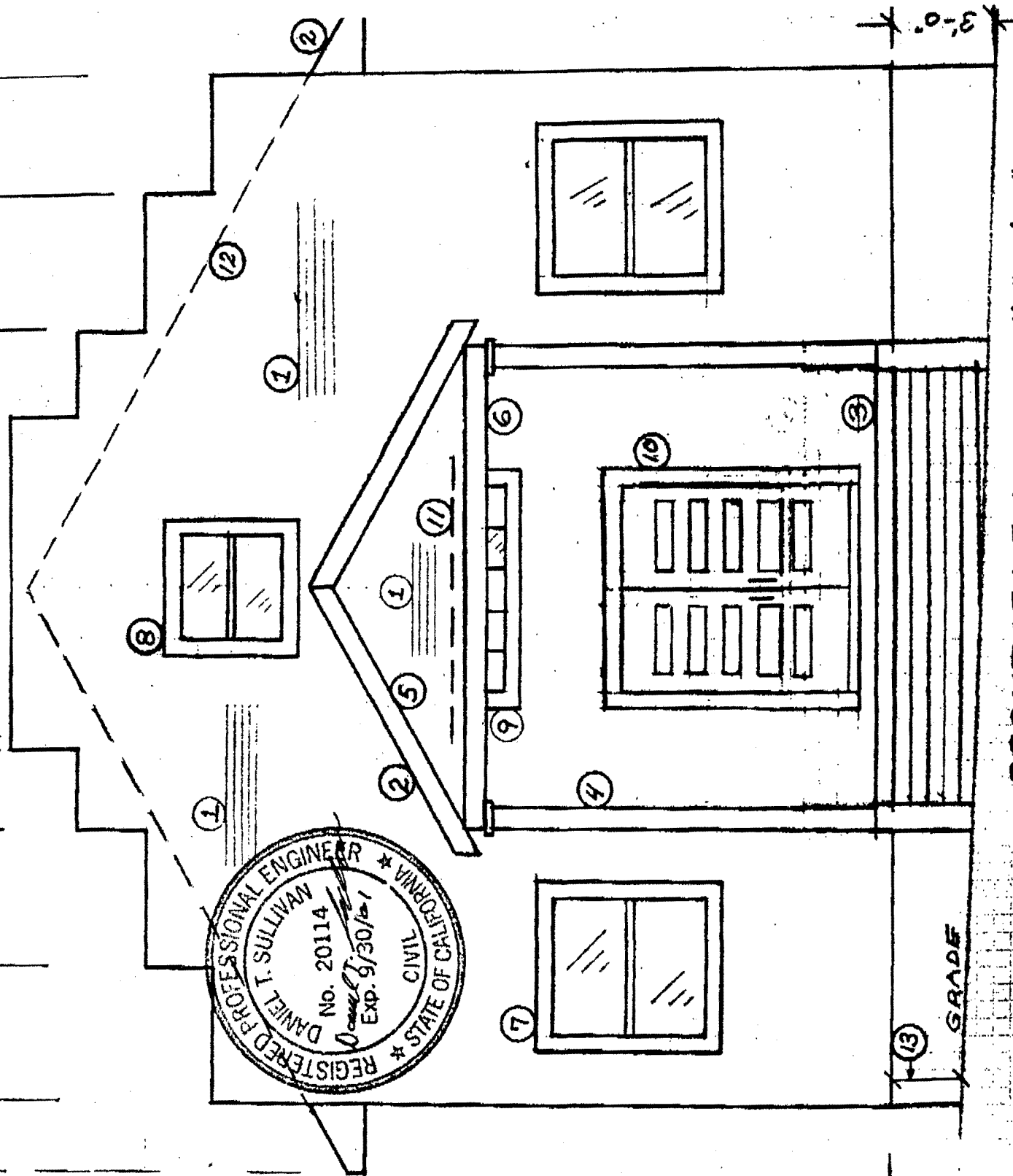
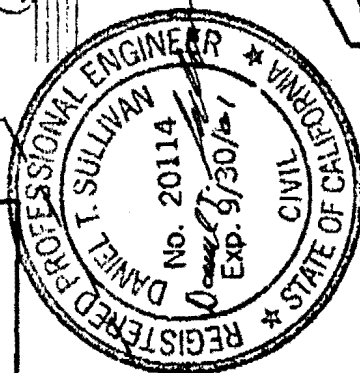


H-5

I-I

MATCH
LINE

26'-2" 15'-6" 4'-6" 25" 25" 24"

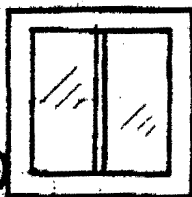
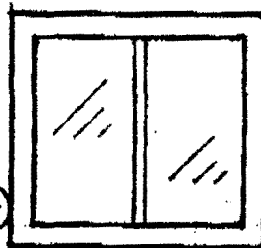
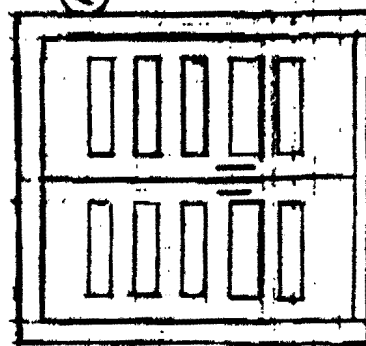
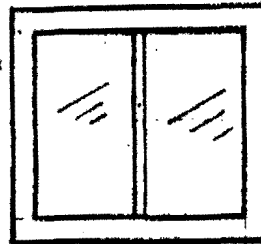


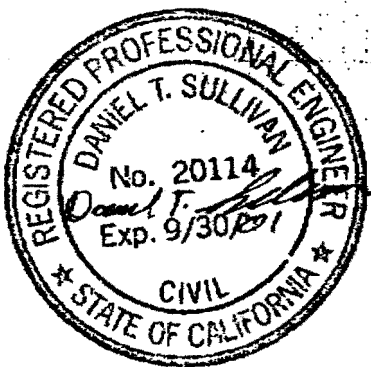
FRONT ELEV

3'-0"

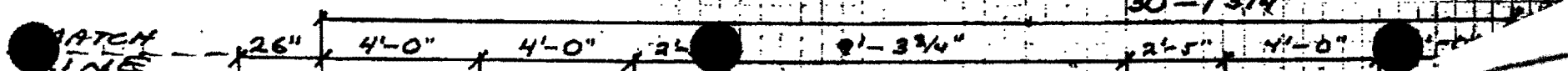
GRADE

2'-0"

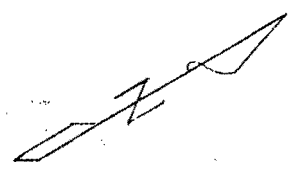
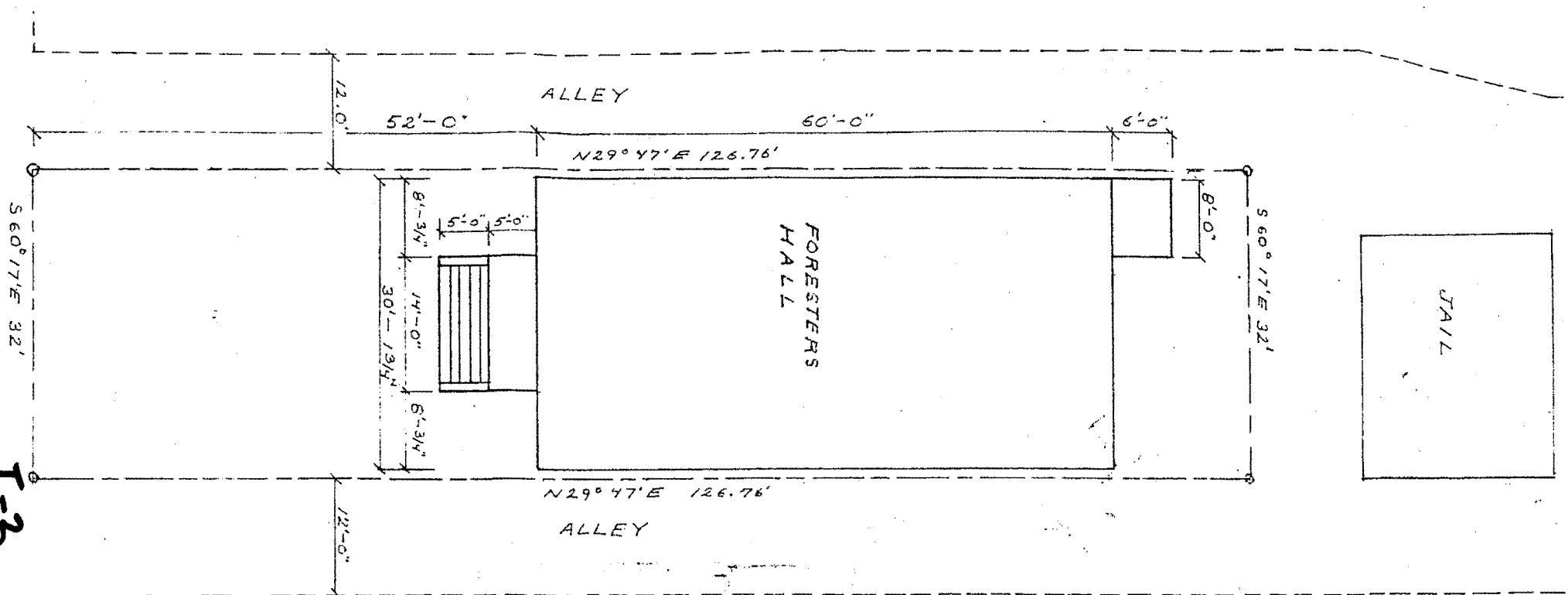




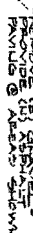
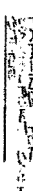
- 1042
- TOP
- 1 REDWOOD LAPPED SIDEING
 - 2 CEDAR SHINGLE ROOF
 - 3 CONCRETE PORCH & STAIRS
 - 4 8x8 PORCH COLUMNS
 - 5 2x4 TRIM
 - 6 1x8 TRIM
 - 7 4056 DBL. HUNG WINDOWS EA. SIDE
 - 8 3030 WINDOW
 - 9 5- 12"x12" GLASS PANES
 - 10 2- 5 PANEL 3068 DOORS
 - 11 2ND FLOOR LEVEL - FRONT PORTION ONLY
 - 12 ROOF LINE BEHIND STEPPED FACADE
 - 13 CONCRETE FOUNDATION



I-3





















DRAWN BY TIM SULLIVAN FOR MORELLI FAMILY 1997	FORESTERS HALL DAVENPORT CALIF. CONSTRUCTED 1908
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STP 0727

LANDSCAPE KEY

	10' GULLY
	10' GULLY
	10' GULLY
	10' GULLY
	10' GULLY
	10' GULLY
	10' GULLY
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	10' GULLY
	10' GULLY
	10' GULLY



J-1

THE RALPH FISHER
DIVISION OF GENERAL INVESTIGATION
DATE 1-22-69
SPECIAL AGENT IN CHARGE
ASSIGNED TO SAC NEW YORK
REMARKS A1
BY B4

Foresters Gallery PROJECT LOCATION: 71 Hwy 1
 OWNER: Mr. & Mrs. J. Lloyd 4017 Rockledge Dr.
 Carmichael, CA. 95008
 TERRI L.N. FISHER ARCHITECT
 14281 428-8106 LICENSE # C-14028
 825 MIRACLE LN. SANTA CRUZ, CA 95060

DATE	BY
4/14/77	PF
9/10/77	PF

NO.	REVISIONS
1	
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FORESTERS GALLERY
 PROJECT LOCATION: 77 Highway 1
 Danvers, CA

OWNER:
 Mr. & Mrs. J. L. Fisher
 4017 Rockledge Dr.
 Carmichael, CA 95608

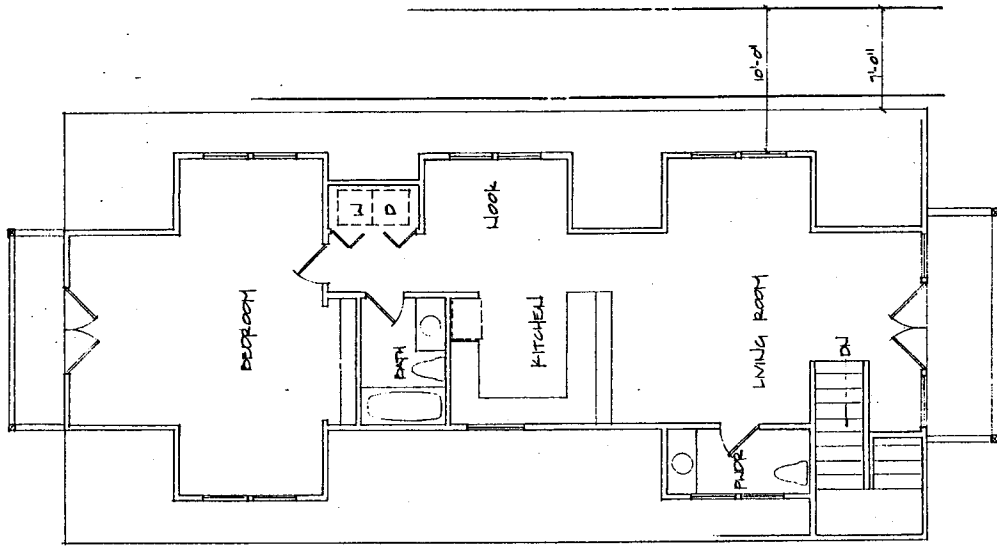
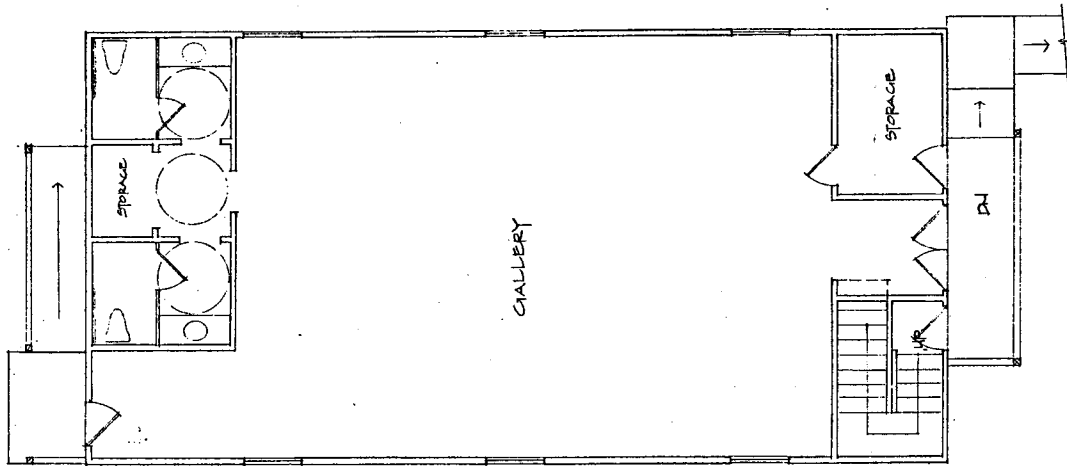
ARCHITECT:
 TERRI L. N. FISHER
 14080 425-5705
 255 MIRACLE LN. SANTA CRUZ, CA 95060

SHEET
A2

DATE
 1/21/89

JOB NO.
 141121

CHECKED
 1/21/89



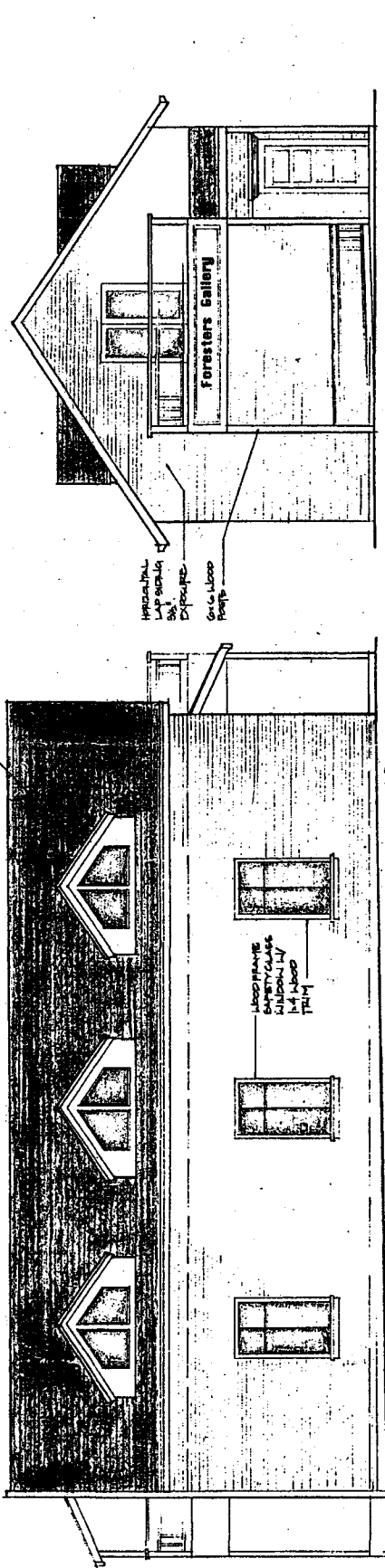
J-2

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TERRI L.N. FISHER
 ARCHITECT
 555 MIRACLE LN. SANTA CRUZ, CA 95060
 (408) 428-5705
 LICENSE # C-10000

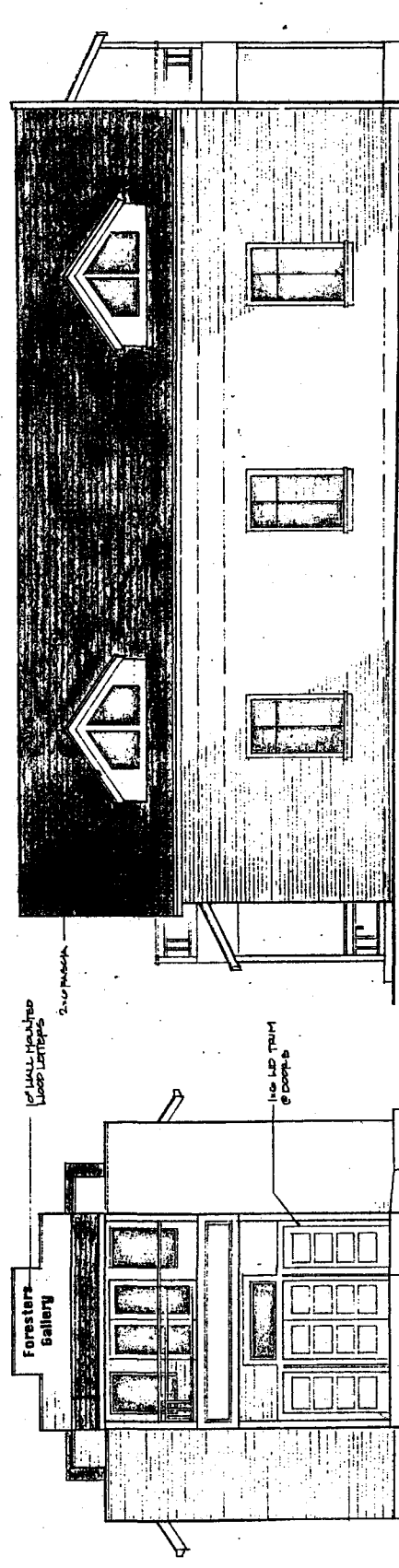
Foresters Gallery
 PROJECT LOCATION: 71 HWAY 17
 CAMPBELL, CA 95008
 OWNER: M.B. & M.L. LEON
 4017 RIVERVIEW DR.
 CAMPBELL, CA 95008

DATE	1/21/90
BY	TERRI L.N. FISHER
NO.	66-12-1
SCALE	1/4" = 1'-0"
SHEET	A3



EAST ELEVATION

NOTE: ALL WOOD POINTS, TRIM & TRIM
TO BE PAINTED WHITE
ALL WOODS TO BE PAINTED
CREAM YELLOW OR NANTUCKET GREY



WEST ELEVATION

SOUTH (HWAY 17) ELEVATION

J-3

LAW OFFICES OF

**BOSSO, WILLIAMS, SACHS,
ATAK & GALLAGHER
AND
PETER L. SANFORD**

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

ROBERT E. BOSSO
LLOYD R. WILLIAMS
PHILIP M. SACHS
CHARLENE B. ATAK
JOHN M. GALLAGHER
PETER L. SANFORD*
CATHERINE A. PHILPOVITCH
PASCHA R. STEVENS

* CERTIFIED SPECIALIST IN TAXATION
LAW, THE STATE BAR OF CALIFORNIA,
BOARD OF LEGAL SPECIALIZATION

E-MAIL
ADMIN@SCLAWFIRM.COM

PETER L. SANFORD
SAN JOSE OFFICE:
333 W. SANTA CLARA ST. #612
SAN JOSE, CA 95113
TEL: (408) 286-9700
FAX: (408) 286-9403
PLEASE REPLY TO SANTA CRUZ

MAILING ADDRESS: P.O. Box 1822
LOCATION: 133 MISSION STREET, SUITE 280
SANTA CRUZ, CA 95061-1822
TELEPHONE: (831) 426-8484
FACSIMILE: (831) 423-2839

August 22, 2000

RECEIVED

AUG 22 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

VIA HAND-DELIVERY

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

Re: **Commission Appeal No. A-3-SCO-00-106**
Local Permit No. 99-0036
Applicant: Jack M. Licursi, Trustee
Property: APN 058-082-08, 71 Highway 1, Davenport

Dear Commissioners:

This office represents Jack and Arlene Licursi, Trustees, the applicants under the above-referenced permit. The permit authorizes construction of a 2-story replacement commercial structure, with an 1,800 square foot art gallery on the ground floor, and an 1,100 square foot residential unit on the second floor. The property is located on the inland side of Highway One in Davenport, and is the site of the former Forester's Hall. The former Forester's Hall building was demolished in 1997 after it was determined that it posed a danger to the public. The property has been owned by the Licursi family since the early 1900s.

The purposes of this letter are to respond to the issues asserted on appeal by Susan Young, and to request that your Commission find that the appeal does not raise a substantial issue.

A. Height & Scale

Ms. Young contends that the project is inconsistent with the LCP's requirements regarding the height and scale of new development in Davenport. This argument lacks merit. As determined by County Staff and the Zoning Administrator, the "proposed use is

K-1

compatible with the existing intensity of land use in the surrounding area, and is consistent with the zoning designation of the subject parcel. The proposed new structure has been designed to be compatible with surrounding commercial and residential uses." (See Staff Report to Zoning Administrator, p. 5). The LCP Implementing Ordinance, County Code section 13.10.333(a), permits buildings in the Neighborhood Commercial zone to be 3 stories and up to 35 feet in height. No variance is being requested from these height limitations. Not only is the project well within the maximum height established by the implementing ordinance, but it is also consistent with the surrounding structures.

The proposed building will be 29-feet high. The previously existing Forester's Hall was approximately 29-feet high as well. The residence next door to the Forester's Hall site is 26-feet tall. The Davenport Cash Store, located a few parcels south of the project site, is 24 feet tall, measured from a pad that is located approximately 6 feet above the street elevation on the south side. The Oceanview Hotel, which existed for many years next to the old Forester's Hall, was 3 stories and exceeded the height of the old Forester's Hall by several feet. (Attached are two photos showing the former Oceanview Hotel). The barn located on the south end of Davenport along the Highway One frontage is 29-1/2 feet tall.

The building has been designed to closely replicate the original Forester's Hall, in keeping with the historic designation of the property. This is consistent with the General Plan and LCP's policies of encouraging property owners to foster historic preservation. The facade of the building will closely resemble the old Forester's Hall. On review of the application, one member of the Historic Resources Commission commented that the proposed building did a good job mimicking the prior historic resource. (See Exh. D, Attachment 6 to County Staff Report).

The proposed structure is wholly consistent with the LCP's policies regarding building height and scale for the project area.

B. Cumulative Impacts

Ms. Young contends that the Licursi project will have great cumulative and growth-inducing impacts. This argument lacks merit. The proposed project is a replacement structure. The proposed new structure will be the same height as the old structure, and will

have the same size footprint as the old structure. No precedent is being set. The proposed project is consistent with the surrounding neighborhood.

C. Circulation

Ms. Young argues that the County has not addressed the problem of circulation between the proposed building and the historic Davenport Jail. She contends that it will be dangerous to have cars traveling between the two buildings because pedestrians will also be walking there. Again, Ms. Young's argument wholly lacks merit.

The new Forester's Hall building is proposed to be located approximately 57-feet from the Davenport Jail, whereas the old Forester's Hall building was located approximately 24-feet from the Davenport Jail. The project site is surrounded on 3 sides by 12-foot wide alleys which currently provide vehicular access around the property. The parcel fronts on Highway One. Vehicular and pedestrian access already exist between the project site and the Davenport Jail. The number of pedestrians walking across this small alley, and the number of vehicles using this alley, will remain minimal after the new structure is constructed.

D. Parking

Ms. Young objects to the parking for the proposed project being located in the rear of the lot based on her concern that the parking will be visually unattractive located across from the Davenport Jail. In fact, placing the parking in the rear of the subject parcel will maximize the exposure of the Davenport Jail. The former Forester's Hall building was located only 24 feet away from the Davenport Jail, with the parking in front of the parcel. The footprint of the proposed new building will be pulled forward to align the building with the other adjacent buildings along Highway One, which will facilitate the parking in the rear. The proposed new building will enhance visibility of the Davenport Jail.

California Coastal Commission
August 22, 2000
Page 4

We request that the Commission decline to hear the appeal on the basis that **the appeal does not raise a substantial issue.**

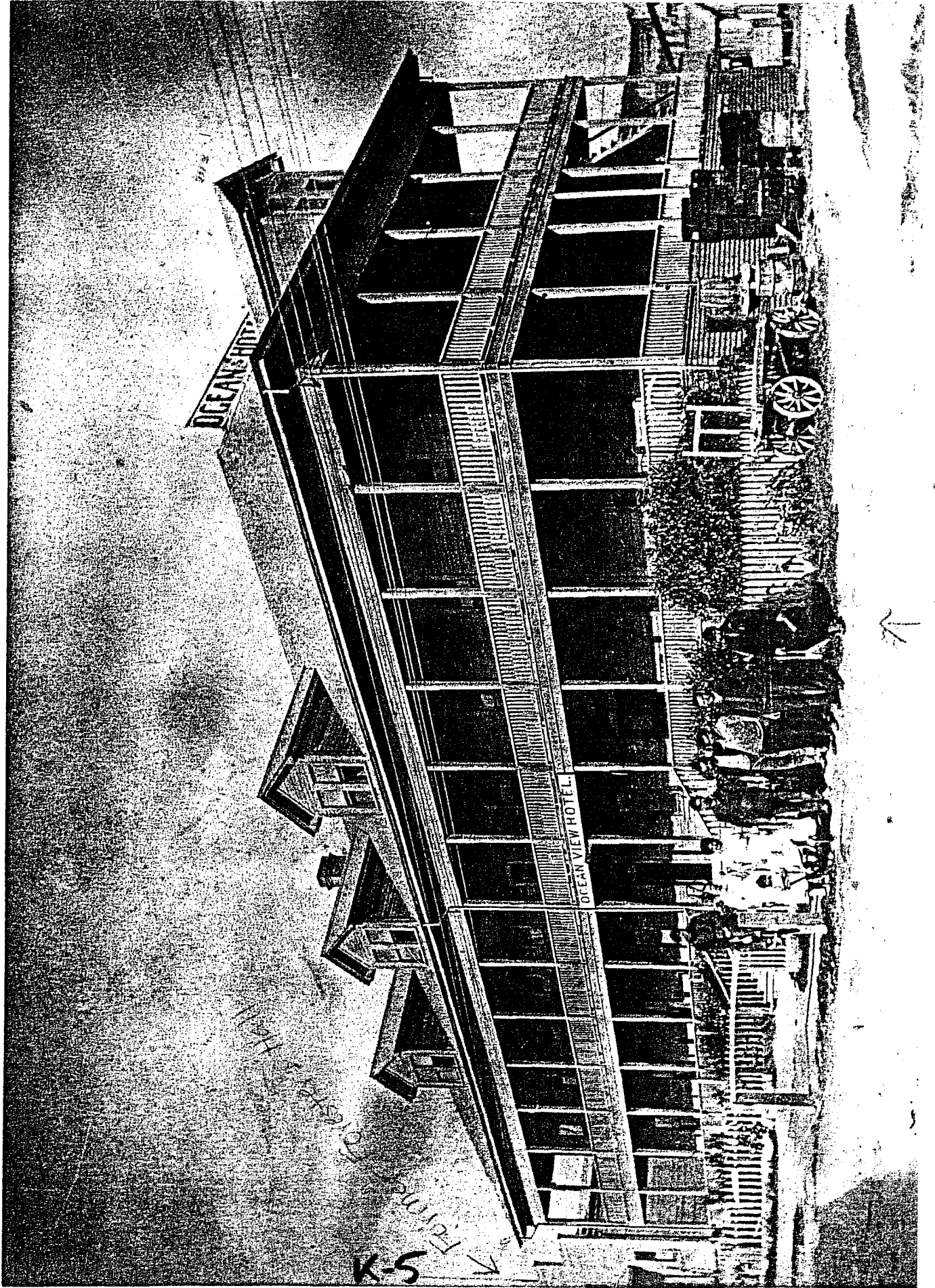
Very truly yours,

Catherine A. Philipovitch

Catherine A. Philipovitch

Enc.

cc: Jack Licursi
Dan Carl



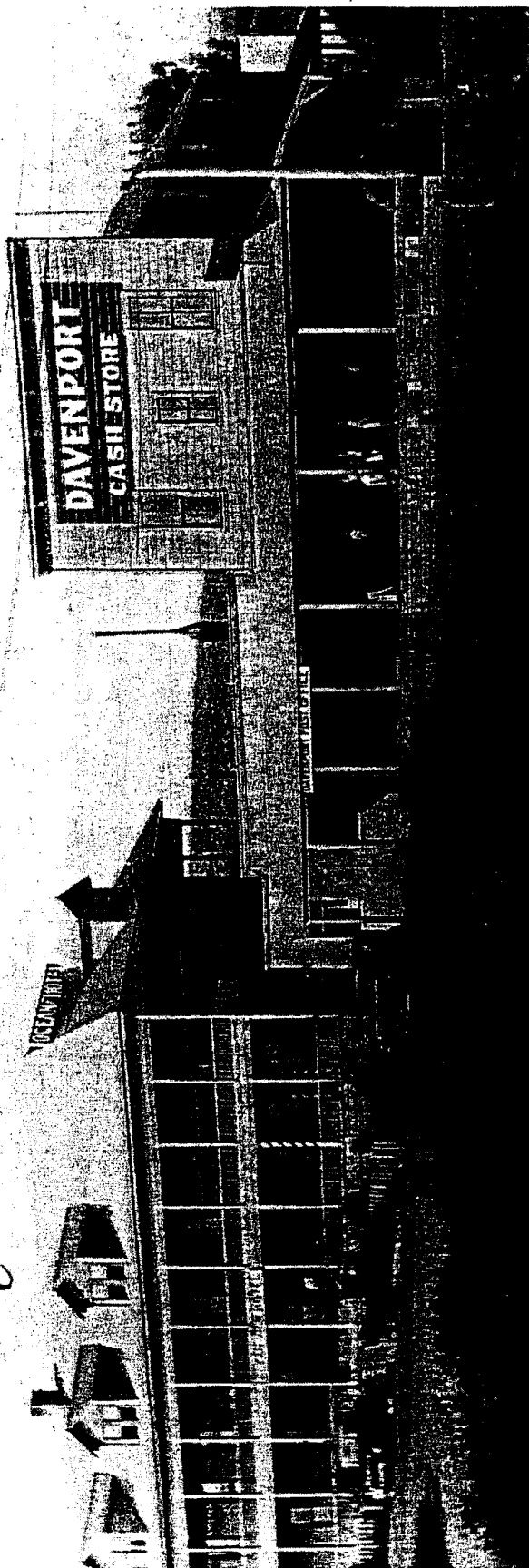
Former Ocean View Hotel

A LOOK BACK

Remembering Old Davenport

Former Appearance of
Davenport Cash Store
↓

Former Ocean View Hotel
↓



1999 CALENDAR

RECEIVED

AUG 17 2000

PETITION

The undersigned support the project proposed by the owners of the old Forester's Hall site in Davenport. We believe that the proposed new building will be consistent with the character of the surrounding neighborhood. We request that the Coastal Commission DENY the appeal filed by Susan Young against the project.

Signature/Name

Address

[illegible]

81 Fair Ave Davenport
 81 FAIR AVE DAVENPORT
 200 Quail Dr. Santa Cruz
 91 Fair Ave Davenport.
 P.O. Box 133 DAVENPORT
 PO BOX 43 DAVENPORT
 P.O. Box 206 Davenport CA 95017
 PO BOX 262 DAVENPORT '11
 PO 206 DAVENPORT
 P.O. 334 Davenport
 500 Caballo Hwy 7 Davenport 95012
 P.O. BOX - Davenport Ca
 570 Caballo Hwy 7 D.P. -
 P.O. Box J, Davenport Ca 95017
 20 Davenport Ave, Davenport
 20 Davenport Ave, Davenport
 20 Davenport Ave, Davenport
 Box 298, Davenport 95012
 P.O. Box 104, 81 Davenport Ave 95017
 P.O. Box 267 Davenport 95017
 P.O. BOX 267 DAVENPORT 95017
 POB 76 DAVENPORT 95017
 PO Box 104, DAVENPORT CA 95017
 Old Coast Rd, DAVENPORT 95017
 101 Church St DAVENPORT 95017
 111-B Marine View Ave DAVENPORT 95017
 Box 295 DAVENPORT, CA 95017
 PO Box 278 DAVENPORT, CA 95017
 Box J DAVENPORT

