

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th22a

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APPEAL STAFF REPORT - SUBSTANTIAL ISSUE DETERMINATION**Appeal number**.....A-3-SCO-03-032, Royan SFD**Applicant**.....Patrick & Teresa Royan**Appellants**.....Ralph Oswald and E. James Young**Local government**.....Santa Cruz County**Local decision**.....Approved with Conditions (February 12, 2003)**Project location**.....Vacant property at 531 Beach Drive (on the seaward/sandy beach side of Beach Drive) in the Aptos-Rio del Mar area of south Santa Cruz County.

Project description.....Construct a two-story, roughly 5,000 square foot, single family residence founded on drilled piers (approximately 2,400 square foot habitable space on 2nd floor, and roughly 2,600 non-habitable space on ground floor for garage and storage). The project requires variances to LCP requirements to increase the allowed number of stories from one to two, and to increase the allowed maximum height from 17 feet to 22 feet in response to LCP flood elevation requirements.

File documents.....Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County CDP Application File 01-0022.

Staff recommendation ...No Substantial Issue

Summary of staff recommendation: Santa Cruz County approved a proposal to construct a two-story, 22-foot tall, approximately 5,000 square foot residence of which the lower half would be non-habitable garage and storage space (due to LCP flood elevation requirements) on a vacant residential lot located on Beach Drive in the Aptos-Rio Del Mar area. Beach Drive is a pre-Coastal Act residential subdivision built along the base of the shoreline bluff. The Appellants contend that the approved project would be incompatible with the neighborhood's built environment and would adversely impact private and public views due to the mass, scale, and design approved; the variances are also raised as an issue.

The County-approved project is similar in size, scale, and design to existing residential structures along this stretch of Beach Drive. Because the LCP requires habitable space to be elevated above the 21 foot mean sea level (msl) 100-year flood elevation, the variances are necessary to allow one story of habitable space above 21 foot msl; development in this beach-fronting location would not be possible otherwise.

**California Coastal Commission****July 2003 Meeting in Petaluma**

Staff: D. Carl Approved by: D. F. L. 6/19/03
A-3-SCO-03-032 Royan stfrpt 7.10.2003.doc

The incremental impact of this structure on the public beach viewshed would be negligible because it is in-fill development between existing residences along a stretch of back beach already fronted by a seawall, a revetment, and residential development.

Thus, Staff recommends that the Commission find that no substantial issue exists with respect to this project's conformance with the certified LCP, and that the Commission decline to take jurisdiction over the coastal development permit for the project.

The most important issue raised by the appeal is that the LCP includes internally inconsistent policies and standards for development along Beach Drive. The LCP requires 1-story development and a maximum height of 17 feet in this location. It also requires, though, that habitable space be elevated above the 100-year flood elevation to provide long term safety in this hazardous area at the base of the coastal bluffs. These two policies create a catch-22 for applicants and approving bodies because they cannot both be met. Although the variances approved in this case are relatively minor (raising the height of the structure by 5 feet), and do not raise a substantial LCP conformance issue in this specific case, this issue may be more difficult to address in future development projects along Beach Drive.

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1. Appeal of Santa Cruz County Decision

A. Santa Cruz County Action

Santa Cruz County approved this proposed project subject to multiple conditions on February 12, 2003 (see exhibit C for the County's adopted staff report, findings and conditions on the project). The County's approval was by the Planning Commission following an appeal of the Zoning Administrator's original approval. The current Appellants in this matter before the Commission are the same persons who appealed the Zoning Administrator's decision to the Planning Commission, and are the owners of the properties on either side of the subject vacant lot. The Planning Commission's approval was not appealed locally (i.e., to the Board of Supervisors).¹

Notice of the Planning Commission's action on the coastal development permit (CDP) was received in the Coastal Commission's Central Coast District Office on February 28, 2003. The Coastal Commission's ten-working day appeal period for this action began on March 3, 2003 and concluded at 5pm on March 14, 2003. One valid appeal (see below) was received during the appeal period.

B. 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 it is located seaward of the first public road, it is immediately adjacent to the beach, and just seaward of the bluffs.

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

¹ Normally local appeals must be exhausted before an appeal can be made to the Coastal Commission. In Santa Cruz County's case, the appeals process is that Zoning Administrator decisions can be appealed to the Planning Commission, and Planning Commission decisions can be appealed to the Board of Supervisors (and the Board can also independently elevate an item to the Board for consideration). However, because Santa Cruz County charges a fee for local coastal permit appeals, aggrieved parties can appeal lower decisions directly to the Commission. Since the appeal in this case is of a Planning Commission decision, the Appellants have availed themselves of the direct appeal route.



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 so located and thus this additional finding would need to 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.

C. Appellants' Contentions

The Appellants' contend that the approved project is inconsistent with the LCP in four main areas: (1) the approved project is inconsistent with the goals of the LCP because of the variances approved; (2) there are on-site alternatives to the approved project that could avoid the use of variances (and could presumably be found consistent with the goals of the LCP); (3) the LCP requires that the project be compatible with the neighborhood, and the size and scale of the approved project is not compatible; and (4) the approved project would adversely impact public and private views. Thus, the appeal contentions can be distilled to a concern that the approved project would be incompatible with the neighborhood's built environment and would adversely impact private and public views due to the mass, scale, and design approved. Please see exhibit D for the Appellants' complete appeal document.

D. Previous Commission Action

Pursuant to Section 30621 of the Coastal Act, an appeal must be set for hearing no later than 49 days after the date on which the appeal is filed with the Commission (since this appeal was filed on March 14, 2003, the 49th day was May 2, 2003). The Commission opened and continued the substantial issue hearing on April 11, 2003.

2. 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 no substantial issue would mean that the County's decision in this matter would be final (conversely, 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-03-032 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-03-032 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 and/or the public access and recreation policies of the Coastal Act.

Recommended Findings and Declarations

The Commission finds and declares as follows:

3. Project Description

A. Project Location

The proposed development is located along Beach Drive in the unincorporated Aptos-Rio del Mar area of Santa Cruz County. Beach Drive is not a through road, and is partially public (on the upcoast portion) and partially private, marked by a locked gate, on its downcoast side. The pre-Coastal Act Beach Drive road and mostly built-out residential development is located at the base of the coastal bluff on an area that was historically beach. The middle section of Beach Drive (i.e., up and down coast of the midpoint) enjoys through views of the beach and ocean, whereas the up and downcoast ends have a row of residential structures between the road and the beach. Shoreline armoring fronts the entire seaward side of the Beach Drive and the residences. The character of the residential stock is somewhat eclectic but mostly quite boxy. The structures on the seaward side of the road are quite large at its upcoast end, and generally smaller on the private downcoast end (past the locked gate). Just upcoast is Aptos Creek and State Parks' Seacliff State Beach unit, and just downcoast is Hidden Beach. See exhibit A for a location map and oblique air photos of the project area.

The proposed project is located on the private portion of Beach Drive. The Applicant's parcel extends from mean high tide inland across the road and includes a portion of the directly inland bluff. All told, the site measures approximately 19,000 square feet. An existing seawall, part of a continuous seawall spanning the residential properties here, bisects the site on the seaward side of the road. The area between the seawall and the Beach Drive right-of-way measures roughly 5,000 square feet, and it on this vacant and undeveloped portion of the property that the residence is proposed. The Appellants own the up and downcoast (respectively) neighboring properties developed with residences. The site is designated in the LCP Land Use Plan (LUP) as Urban Residential, Very Low Density, and zoned RB, Single-Family Ocean Beach Residential. Again, see exhibit A for map and photos of the site and surrounding area; see also pages 25 and 26 of exhibit E for close-up aerials of the site.



B. County Approved Project

The County approved a two-story, 22-foot tall, 5,014 square foot residence with a 612 square foot second floor cantilevered deck on the seaward side. The structure would be founded on deep pier caissons extending down into the Purisma bedrock below the sandy top layer of the site. The lower floor (2,629 square feet) is a non-habitable garage and storage area framed with break-away walls to allow for flooding in a 100-year storm surge pursuant to LCP regulations. The upper floor (2,385 square feet) is a 4-bedroom habitable residential area. The exterior finishes would include upper floor cedar siding, and lower floor siding and stucco. The deck would include a non-reflective glass railing.

See exhibit B for County-approved plans and exhibit C for the adopted County staff report, findings, and conditions approving the project. The Applicant and Appellants have also both prepared photo simulations of the proposed residential structure. The Applicant's photo simulations are on pages 1 and 2 of exhibit E, and the Appellants' photo simulations are on pages 6 through 8 of exhibit D.²

4. Substantial Issue Findings

A. Policies Cited by Appeal

The Appellants do not cite any specific LCP policies in their appeal. Rather, the appeal refers to the project not meeting the goals of the LCP, not being compatible with the neighborhood, and having adverse view impacts. The Appellant also raises issues about the variances approved in this case (allowing for an increase from one to two stories, and a height increase from 17 to 22 feet), and that they don't conform to the LCP. Note that this variance contention could be read to mean both that variances are not allowed by the LCP, as well as the impacts of the variances (on LCP goals, compatibility, and views) is not consistent with the LCP. See exhibit D for the Appellants' complete appeal document.

Thus, the appeal contentions can be distilled to a contention that the approved project would be incompatible with the neighborhood's built environment and would adversely impact private and public views due to the mass, scale, and design approved. LCP "goals" are inherent in this discussion, as are related technical issues regarding variances.

B. Analysis of Consistency with Cited Policies

As detailed below, the appeal does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

² Note that these photo simulations are essentially the same, though shown from slightly different vantage points and at slightly different scales.



1. Neighborhood Compatibility

The LCP requires visual compatibility. For example, LCP Section 13.20.130(b)(1) states:

Visual Compatibility. All new development shall be sited, designed, and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.

The Appellants contend that the size and scale of the project is not compatible with neighboring development along Beach Drive. However, the proposed structure is the same general size and scale of development that is currently found along this part of Beach Drive. The visual simulations of the proposed structure show that it is similar in size and scale to those surrounding it.³ Although it would be 22 feet tall and 2 stories when the LCP maximum is 17 feet and 1-story on the seaward side of the road (see variance findings on this point below), there are several homes along the seaward side of this part of Beach Drive that also are 2 stories and/or a similar height. In addition, on the inland side of Beach Drive, there are a series of 2 and 3 story residential structures significantly larger than that proposed that also provide neighborhood compatibility context; these larger structures on the inland side of the road are easily visible in the beach viewshed over the tops of the seaward-side homes (again, see project area photos in exhibit A, and see photos of individual existing homes on pages 18 through 24 of exhibit E).

The County found the project to be within the floor area ratio (FAR) and lot coverage limits for development in the RB district: FAR is 31% when 50% is the maximum allowed, coverage is 17% when 40% is the maximum allowed. Because the lot includes substantial area inland of the road, the County also calculated FAR and coverage as if the road right-of-way and inland bluff area were not part of the lot (to approximate the lot areas associated with most development along the beach side of Beach Drive that doesn't include lot area inland of the road).⁴ Those calculations show the project to be less than 45% FAR and 25% coverage – still below the maximum allowed. See County report in exhibit C.

The County also indicates that the habitable space is within the established range for homes in this section of Beach Drive. The County estimates that habitable square footages range from 1,167 to 3,257 square feet, with an average of 2,260 square feet. In this case, 2,385 square feet of habitable space was approved. Again, see County report in exhibit C.

Likewise, the Applicant has prepared a series of comparisons of the proposed project when measured against the twenty closest homes along Beach Drive.⁵ These comparisons corroborate the County findings and indicate that the proposed project is fairly average in terms of useable square feet, lot

³ See both the photo simulations prepared by the Applicant on pages 1 and 2 of exhibit E, and those prepared by the Appellants on pages 6 through 8 of exhibit D. Again, these photo simulations are essentially the same except that they are shown from slightly different vantage points and at slightly different scales.

⁴ Although not technically the way these calculations are to be made per the LCP, this is informative to see how the development compares to the maximums allowed similarly situated properties along the seaward side of Beach Drive. Note that the County LCP allows for the sandy beach area within the lot lines, though not within the "buildable" portion of the site, to be used for calculating both FAR and coverage.

⁵ See pages 12 through 17 of the Applicant's submittal in exhibit E. Note that the Applicant's comparisons have not been independently verified by Commission staff. That said, the comparisons appear to approximate what can be seen on the photos of the houses surrounding the subject site.



coverage, and setback from the beach. The comparisons also identify five other 2-story homes on the seaward side of the private portion of Beach Drive, 2 of which are taller than the proposed home and one about the same height. See exhibit E for the Applicant's project submittal.

In sum, the County-approved project is not atypical of the size and scale of development along this stretch of Beach Drive. The photos of the project site and the Applicant's photo simulations are particularly instructive on this point. The project is substantially consistent with neighboring development along Beach Drive and this issue does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

2. Visual Resources

In addition and related to the compatibility issues described above, the LCP protects the public viewshed, particularly along the shoreline. The LCP states:

***Objective 5.10.a Protection of Visual Resources.** To identify, protect, and restore the aesthetic values of visual resources.*

***Objective 5.10.b New Development in Visual Resource Areas.** To ensure that new development is appropriately designed and constructed to minimal to no adverse impact upon identified visual resources.*

***LUP Policy 5.10.2 Development Within Visual Resource Areas.** Recognize that visual resources of Santa Cruz County possess diverse characteristics.... Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section....*

***LUP Policy 5.10.3 Protection of Public Vistas.** Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,... inappropriate landscaping and structure design.*

The Appellants contend that the approved project adversely impacts their (and other Beach Drive homeowners) private views, and would severely negatively impact the public view, particularly due to the second-story deck. The LCP does not protect private views. As a result, the private view portion of this contention does not raise a substantial issue. As to public views, they are limited in this case to the view of the site from the beach and offshore because Beach Drive is a private road.

The public beach and offshore viewshed at this location has long been defined (mostly pre-Coastal Act) by existing residential stock, seawalls, and rip-rap along Beach Drive, and by homes extending all along the top the bluff fronted in many cases by larger retaining structures (see exhibit A, and pages 18 through 26 of exhibit E). The homes along Beach Drive are relatively boxy and developed close together. At the project site area, there are multiple 2 and 3 story residential structures on the inland side of Beach Drive, and a series of 1 and 2 story structures on the seaward side. Rip-rap and seawalls front all of the homes, and many include large decks and other structures extending to the shoreline armoring. In other words,



the public viewshed at this site has long been impacted by similar urban style development and is hardly pristine. It is against this backdrop that the project's viewshed impacts must be evaluated.

In this case, the approved project is infill development between two existing residences and inland of an existing seawall. Although it will incrementally add to the amount of development within the public viewshed, its impact would be less than significant within the scope of the existing view, including the structures visible on the inland side of the road over the roofline of the seaward homes (again, see exhibits A and E (pages 18 through 26), and photo-simulations in exhibits D (pages 6 through 8) and E (pages 1 and 2)). Its size and scale are not atypical for this stretch of Beach Drive, and it would occupy an area between the Appellants' two existing homes which would make it blend in somewhat with the existing developed back-beach aesthetic.

This issue does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

3. Variances

As noted, Beach Drive is located along the base of a coastal bluff and is in area subject to wave attack and storm surge. As a result, it is within the mapped floodplain. The County's LCP requires that the lowest habitable floor of development in the floodplain be elevated above the 100-year flood level, which has been set at 21 feet above mean sea level (msl) along Beach Drive. Structural elements below the 100-year flood level must be designed to allow flood waters to surge through; typically this is accomplished with caissons holding up the habitable space and break away walls that attach to and enclose the caissons.

Development along Beach Drive is also subject to landslides from the directly inland bluff, often requiring extraordinary engineering measures to address this hazard (such as heavy duty roof and foundation systems capable of withstanding the force of such a landslide).

In sum, all of Beach Drive, and development along it, is subject to geologic hazards from storms, flooding, and landsliding. The LCP requires new development to take these factors into account and ensure long-term stability. Habitable portions of structures must be above 21 feet msl, and anything below 21 feet msl must function as non-habitable expendable space.

The Appellants appear to contend that the variances in this case do not conform to the LCP. However, the LCP allows for variances to development standards in certain circumstances. LCP Section 13.10.230 (Variance Approvals) states:

A Variance Approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including design criteria and regulations for special uses...The following findings shall be made prior to granting a Variance Approval in addition to the findings required for the issuance of a Development Permit pursuant to Chapter 18.10:

1. *That because of special circumstances applicable to the property, including size, shape,*



topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. *That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.*
3. *That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.*

In this case, the maximum height in the RB district on the seaward side of the street is 17 feet, and the maximum number of stories is one.⁶ The County approved a variance to allow a height of 22 feet and 2 stories. As detailed in the County's variance findings, the primary reason for this is that the required 100-year flood elevation makes it essentially impossible to have a residential use on the seaward side of Beach Drive that is one story or 17 feet in height maximum (see County variance findings on pages 17 through 19 of exhibit C).⁷ Lacking specific development guidelines designed to address flood elevation (and other geologic hazard) requirements along Beach Drive, such a variance can be found appropriate⁸ provided there are no other less environmentally damaging and/or more safe siting options available.

To complete this analysis, the County evaluated whether a residential structure could be constructed on the inland side of Beach Drive on the lot (note that the Appellants contend that this option was not given adequate consideration). The County concluded that although a residential structure could be sited on the inland side of Beach Drive (and meet the 2 story, 25 foot height limit that applies there), that that portion of the lot is steeply sloping (in excess of 50%) and would require significant bluff landform alteration if a residence were to be placed there. The County concluded that development on it would conflict with other LCP hazard policies, would place the structure in greater physical risk due to landslides in addition to flooding, and would cost significantly more due to the extraordinary engineering measures that would be necessary (again, see County variance findings in exhibit C).

Clearly there are geologic hazards that apply to the entirety of the subject site. Landslide issues are

⁶ Note that for the inland side of the street in the RB district, the maximum height is 25 feet, and the maximum number of stories is 2.

⁷ Note that the 21 msl requirement is an absolute height in relation to sea level, whereas the 22-foot approved structure height is a relative height measured from the grade at the house site. In this case, the grade at the house site ranges from roughly +12 msl nearest the beach to +14 msl nearest the road. Thus, the 17-foot RB district height limitation translates into an absolute height ranging from +29 msl nearest the beach to +31 msl nearest the road (i.e., 17 feet above the elevation at the site that itself is at +12 to +14 msl). For the habitable portion of the structure to be developed above +21 msl but below +29 msl, it would have to be a maximum of 8 feet tall nearest the beach (and 10 feet tall nearest road). All structural floor support components, roof and roof support components, and any utilities (e.g., water, air, heating, etc.) would need to be within the 8 feet. With a uniform building code minimum of 7½ feet floor-to-ceiling, it is not possible to build a habitable space within an 8-foot limitation. In any case, note that the height variance is for an increase of 3 feet nearest the road (from +31 to +34 msl), and an increase of 5 feet nearest the beach (from +29 to +34 msl). In other words, the height increase requested and approved is not 5 feet across the lot, but rather a 5-foot maximum increase.

⁸ See also substantial issue conclusion section that follows.



relatively higher on the inland side of Beach Drive, and storm flooding issues are relatively higher on the seaward side of the road. The County reasonably concluded that a residence sited on the seawall-armored portion of the lot (on the ocean side of the road) would be less environmentally damaging and subject to less geologic hazards than would a site on the inland side. Although the Appellants raise a valid issue regarding the "planning by variance" phenomena, the variances in this case are relatively minor and required to meet flood elevation requirements (see also substantial issue conclusion that follows). The height and number of stories thus established are not incompatible with existing development along developed Beach Drive (see also preceding findings on this point).

This issue does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

C. Substantial Issue Conclusion

The County-approved project is infill residential development that is not atypical from the existing Beach Drive character in size, scale, and design. The approved project is substantially consistent with neighboring development along Beach Drive, and would have an insignificant impact on the public viewshed. Thus, the Commission finds that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County LCP and declines to take jurisdiction over the coastal development permit for the project.

The real issue raised by the appeal is more general, and applies to the phenomenon of "planning by variance" identified by the Appellants. Beach Drive is a unique development area, being one of the few locations in the State where residential lots have been developed (pre-Coastal Act) on the beach. The RB district LCP requirements were developed to ensure that the public beach viewshed was not unduly marred by residential development on what was historically the beach. These standards limiting height and number of stories clearly reflect an attempt to maintain small-scale, beach cabin-type homes along the immediate shoreline.⁹ In the time since the RB standards were certified, however, the LCP's geologic hazard requirements have changed to become more specific, and now require elevations that lead directly to conflicts with the RB maximum scale standards. As a result in recent years, projects along Beach Drive have included variances to address geologic hazard issues while still allowing development. Each variance, though, is different, and depends on any number of factors.

As opposed to continuing to process variances in each case, the County may wish to consider developing specific regulations applicable to Beach Drive that better harmonize both aesthetics and hazard considerations. Without such specific guidance, individual requests for variances, each to different maximum/minimums, can be expected in the future. Although in this case the infill project approved does not raise a substantial LCP conformance issue, compliance with LCP policies and directives for Beach Drive, and the effectiveness of them, can be difficult to measure when each case includes requests to vary established development standards. This will become even more critical as redevelopment of

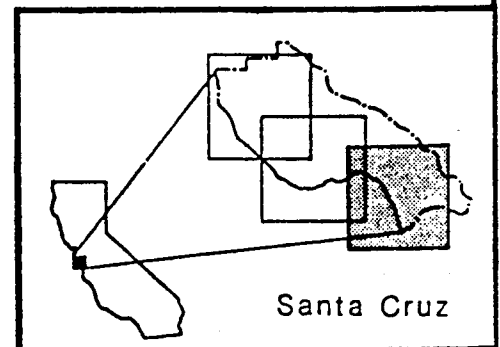
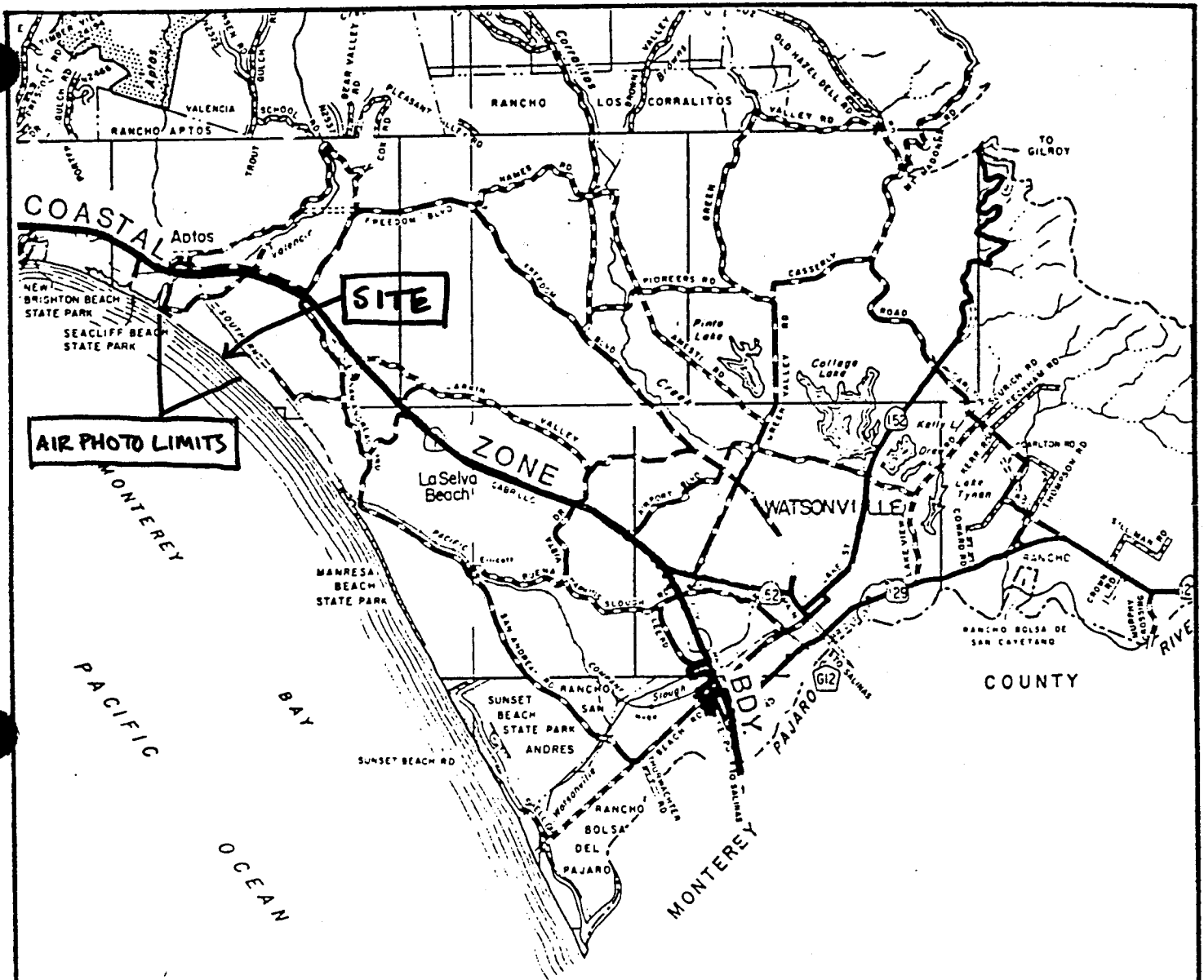
⁹ Note that many Beach Drive residences pre-date RB district requirements and are legal non-conforming structures in this regard.



older structures increases in the future.

If recent projects are an indication, Beach Drive residential stock is increasing in size, particularly due to LCP flood elevation and landslide requirements. Over time, and on a cumulative basis, the mass of structures in the Beach Drive public viewshed is thus expected to increase, particularly those structures that are not currently flood elevated but will be required to be when they redevelop in the future. The increased massing could lead to a slow deterioration of LCP-protected visual resources. Without upper maximum mass standards that take into account LCP hazard issues, the absolute degree of the massing increase is unknown. Until specific design standards and policies are developed for Beach Drive, and in the drafting of them, the LCP read as a whole dictates that an appropriate balance must be achieved to allow for reasonable residential uses that also address hazard issues. That balance must, as the Beach Drive RB policies direct, be guided by the principal that Beach Drive be a small-scale community with a beach house aesthetic. Thus, the planning concept of minimizing mass increases to the absolute degree feasible (to allow for aesthetically-pleasing design, reasonable residential use, and protection from coastal hazards) governs.

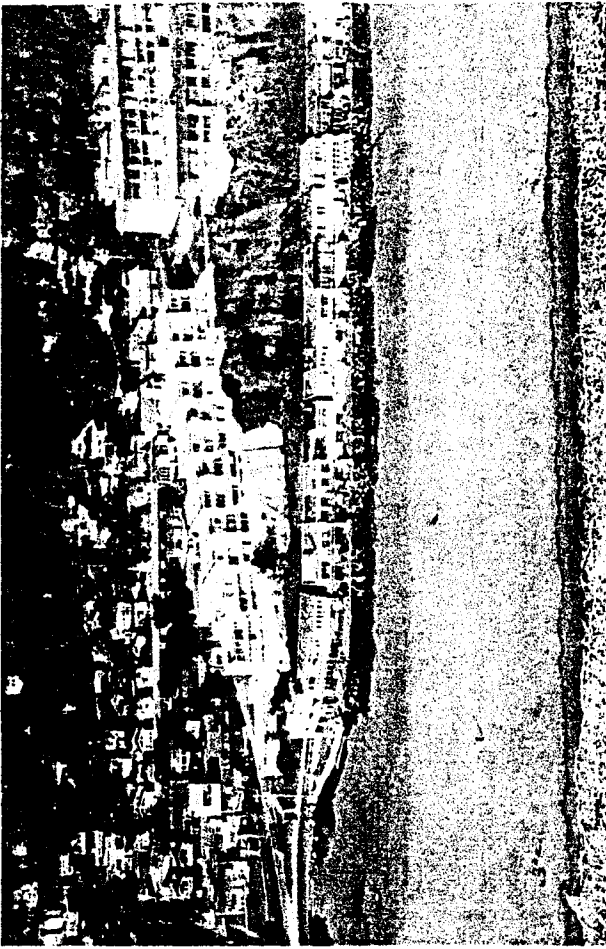




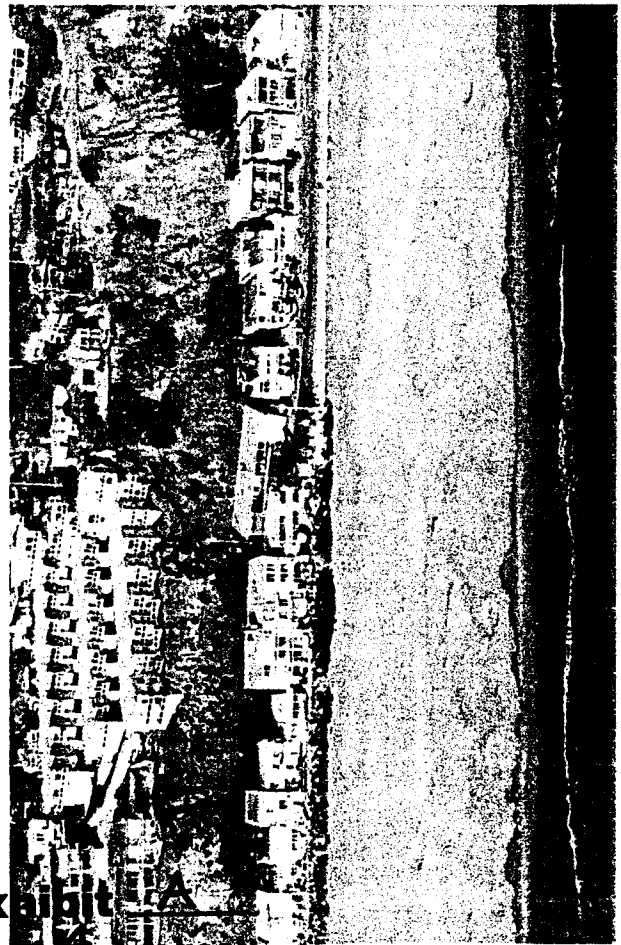


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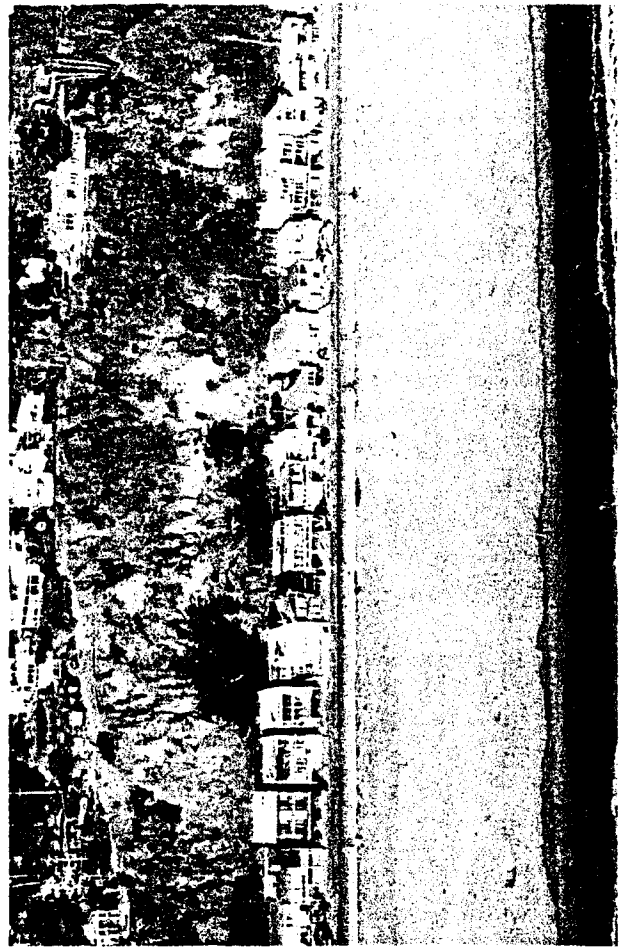
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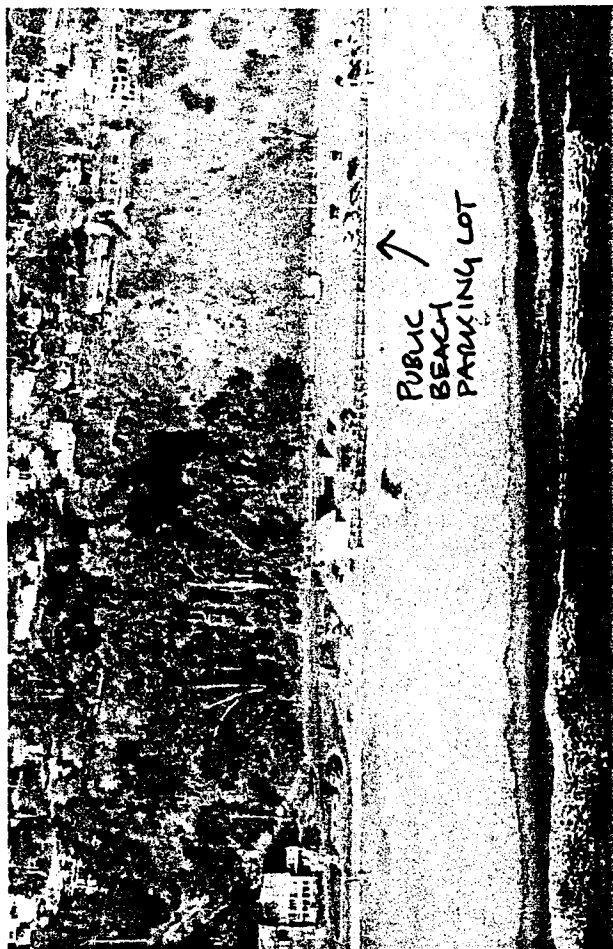
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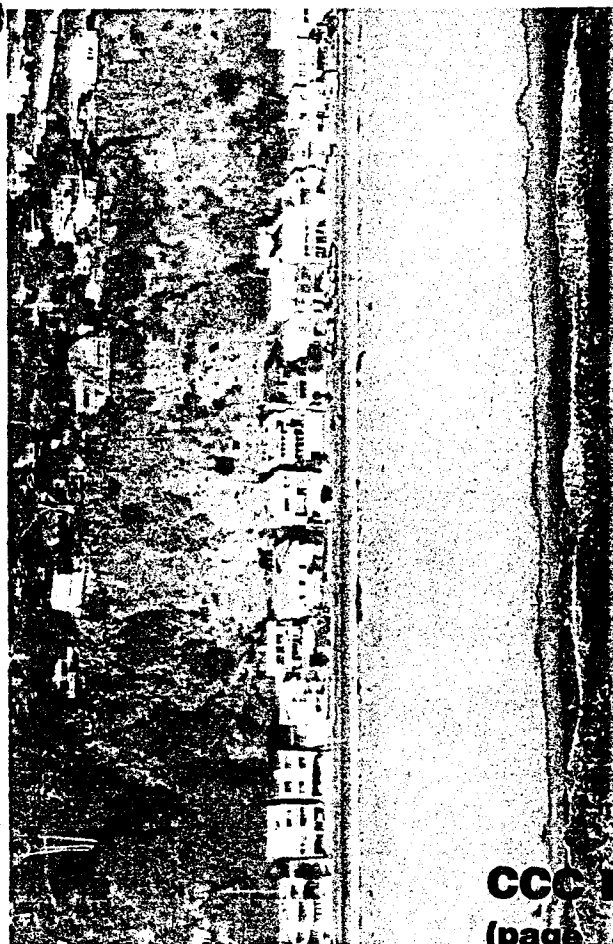
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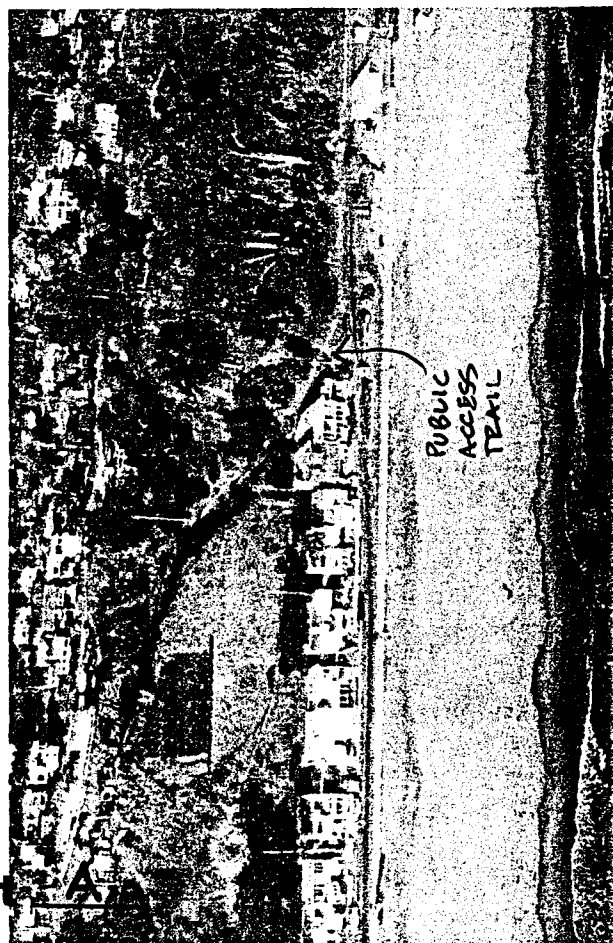
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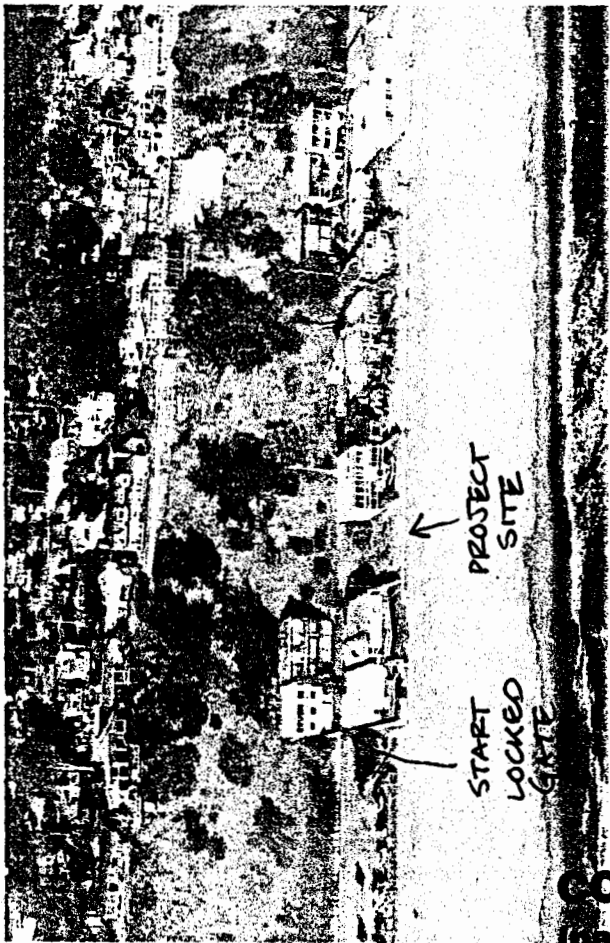
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7 OF 12



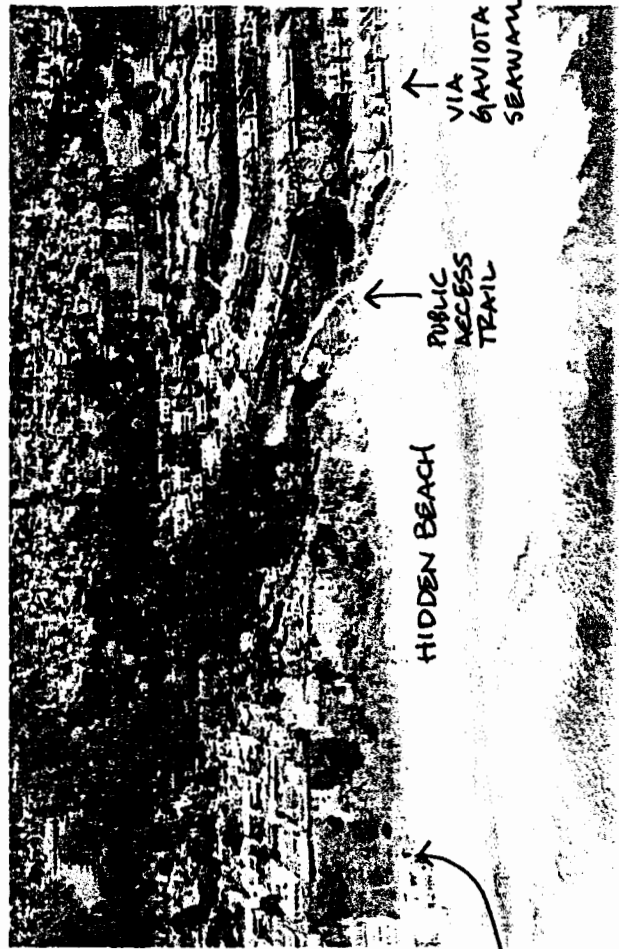
9 OF 12



10 OF 12



11 OF 12



12 OF 12

Exhibit A
01-0022-
11/01/02 ZA
H-3 PC 2/12/03
Clark

GENERAL NOTES

[illegible]

GENERAL NOTES

[illegible]

ABBREVIATIONS

[illegible]

DESIGN STATEMENT

This building has designed to combine
 both North and South American
 styles. The exterior is finished with
 the finest materials, including
 the finest North American
 materials. The interior is finished
 with the finest materials, including
 the finest North American
 materials. The building is
 designed to be a masterpiece of
 architecture and design.

BUILDING DATA

Zone	Sq. Ft.
SQUARE FOOTAGE	681 P.L.A. - 24,524
SQUARE FOOTAGE	1ST. P.L.A. - 2,669
TOTAL	904 S.F.
LOT AREA	~ 14,000 S.F.
LOT COVERAGE	34.00 S.F. (13.4%)
P.A.U.	38.4% (14.6%)

DIRECTORY

[illegible]

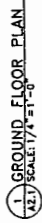
SHEET INDEX

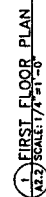
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- AS-02 GENERAL
- AS-03 TITLE SHEET
- AS-04 GENERAL
- AS-05 GENERAL
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- AS-09 GENERAL
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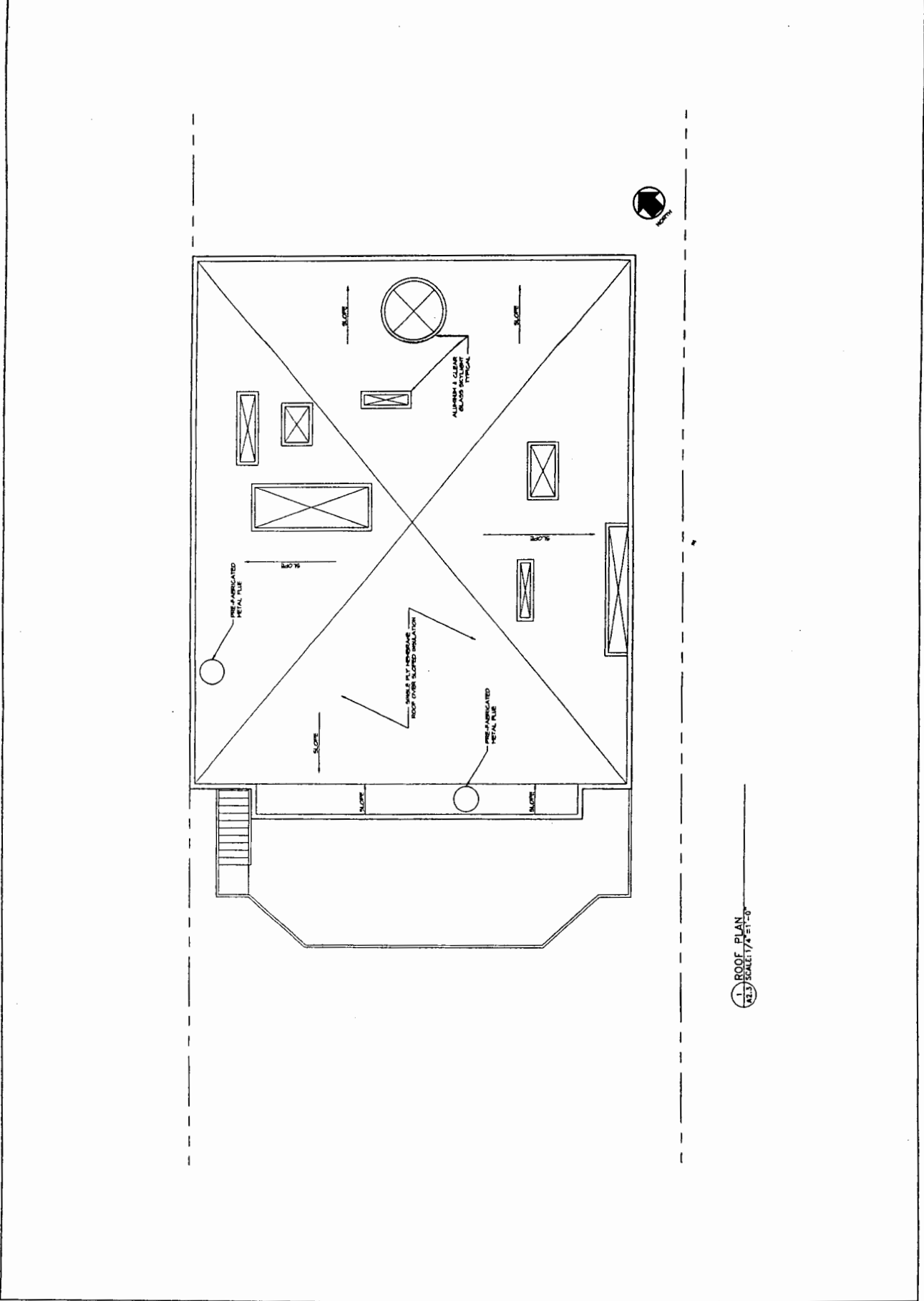
VICINITY MAP



RECEIVED
JUN 17 2003
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

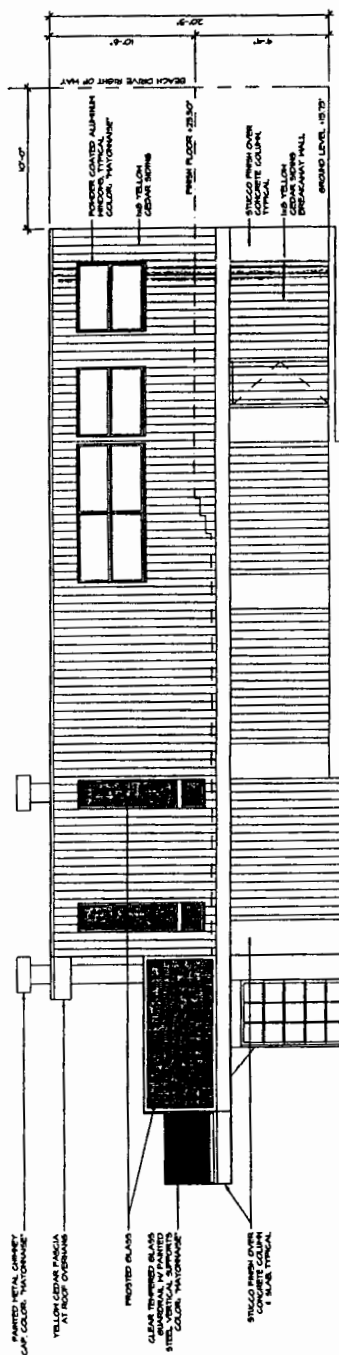




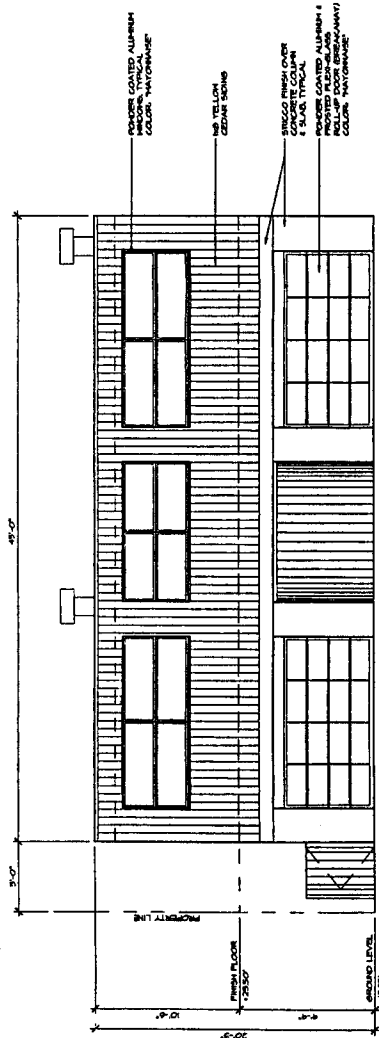


1. ROOF PLAN
2. SCALE 1/4" = 1'-0"

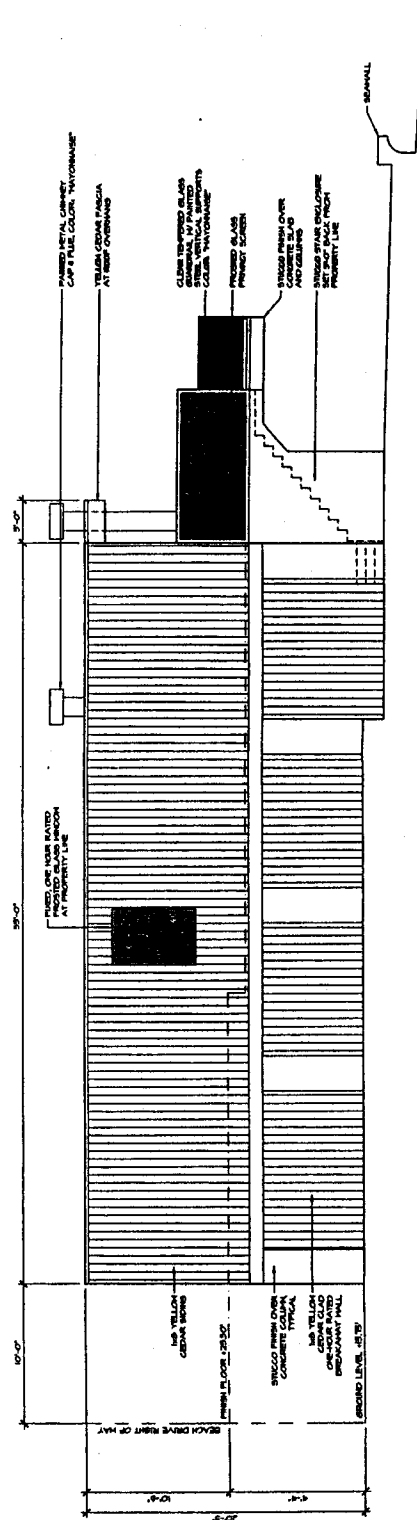




2 SOUTH ELEVATION
A3.1 SCALE: 1/4" = 1'-0"
SCROLL



1 EXTERIOR ELEVATION
A3.2 SCALE: 1/4" = 1'-0"



2 EXTERIOR ELEVATION
A3.2/SCALE: 1/4" = 1'-0"



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN JAMES, DIRECTOR

Agenda Date: February 12, 2003

January 6, 2003

PLANNING COMMISSION

County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: **Agenda Item H-3**
Appeal of Zoning Administrator's Approval
Application No. 01-0022; Coastal and Variance Permits
Assessor's Parcel No.: 043-152-48

Members of the Commission:

BACKGROUND

Application No. 01-0022, a request to construct a single family dwelling within the Coastal Zone was heard by the Zoning Administrator on October 4 and November 1, 2002 and was approved with revised findings and conditions (Exhibit B). An appeal was filed on November 15, 2002 by E. James Young and Janet Young MacGreor (APN 043-0152-50 and Ralph and Barbara Oswaldt (APN 043-152-47) (Exhibit C).

ANALYSIS AND DISCUSSION

The applicant seeks to construct a two-story single family dwelling on a vacant parcel with access from Beach Drive, just past the gate. The legality of the subject parcel has been confirmed through Lot Legality Determination 02-0223. The project is infill development of a vacant lot within a row of developed properties along the beach side of beach Drive. The property lies on the beach side of Beach Drive and is within the appealable area between the first through road and the beach of urban coastal zone. The 19,000 square foot lot is essentially level at the building site with an approximately 5 foot high seawall constructed under Coastal Permit 84-234 and later repaired under 89-0910. The parcel also includes a portion of a very steep coastal bluff located across Beach Drive from the proposed building site. The cliff is over 100 feet high and composed of uncemented sands of the Purisima formation. This material is prone to sloughing as well as larger scale failures. Consequently, the proposed dwelling is subject to landslide hazards from this coastal bluff. The subject parcel is also located within the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA). Consequently, the proposed dwelling must be elevated above the expected 100-year coastal inundation level in accordance with both FEMA and County (Chapter 16.10) regulations. The proposed dwelling will exceed the maximum stories and height set forth for the RB zone district, due to these flood elevation requirements, and requires Variances to increase the allowed stories from one to two and to increase the allowed height from 17 feet to 22 feet.

CCC Exhibit C
(page 1 of 26 pages)

H-3
C.C.
2-12-03

The appellant parties and other neighbors testified on October 4, 2002 in opposition to the project. Concerns raised included: the height of the proposed home, the two-story design, the size and location of the second story deck, access stairs and support beams, blocking views of neighboring residences and the overall size of the dwelling. The neighbors immediately adjacent to the project (the appellants) argued that the two story home with the expansive, rear yard second story deck would interfere with their privacy, light and enjoyment of their properties as the deck extended far beyond the rear of their homes and "loomed" over the at-grade decks in their rear yards. The appellant to the north (MacGregor and Young) also object to the stairs and landing accessing the deck that was proposed with a zero lot line. After the taking public testimony, the Zoning Administrator continued consideration of this application to November 1, 2002 to allow the applicant time to meet with the neighbors determine if a compromise could be worked out addressing some of the neighbor's concerns. The applicant resubmitted plans with changes including the following:

- The maximum height was reduced from 23 feet to 22 feet.
- The second story deck was pulled back by about 7 feet.
- 10 feet of the new deck was cantilevered as opposed to 6 feet of the original, allowing the removal of one row of support piers.
- The wall of the ground floor was extended out approximately 4 feet to enclose the other set of pier supports and help support the larger cantilever.
- The second story was reconfigured and the rear exterior wall pulled back about three feet and the exterior wall along the MacGregor/Young side pushed out three feet to the zero lot line.
- The stairway and landing were shortened and setback three feet from the MacGregor/Royan property line.
- The corners of the deck were removed on both sides.
- Frosted privacy screens were added parallel to the side yards for the deck and stairs and for the windows along the side yard facing the MacGregor/Young parcel.

Testimony was again taken at the November 1, 2002 Zoning Administrator hearing with neighbors' concerns on the height, size, second story deck. The appealing neighbors voiced specific objections to the extension of the lower story beyond the exterior wall of their buildings, the projection of the second story deck (still too large) and for MacGregor and Young, placing the dwelling to the zero lot line along their side yard. After the close of the public hearing, the Zoning Administrator approved the revised plans with revised conditions of approval.

Issues of the Appeal

The appellants have submitted a brief letter of appeal. Additional information and/or supporting analysis have not been submitted as of the preparation of the staff report. Therefore, staff will address the six points of the appeal based on the appellants' testimony at the Zoning Administrator hearings and a discussion with one of the appellants.

Height

The appellants and other neighbors raised concerns regarding the proposed variances to increase the height and stories of the dwelling. As discussed in the October 4 and November 1, 2002 Zoning Administrator staff report, the building site is within the FEMA designated V zone, a 100-year flood hazard zone for coastal inundation from high waves or storm surges. FEMA regulations and the County Geologic Hazards

ordinance (Chapter 16.10) requires flood elevation of all new residential structures. According to the FEMA maps, the expected 100-year wave impact height is 21 feet above mean sea level (msl). The existing grade is 14 feet msl at the Beach Drive right-of-way and slopes down to about 12.25 feet msl at the rear of the lot near the seawall. Thus, the lower, uninhabitable story must be 10 feet high at the rear of the lot. Since the minimum floor to ceiling height required by the Uniform Building Code and Santa Cruz County Code is 7.5 feet, the lower floor meets the definition of a story and a habitable floor cannot be constructed that would meet the 17-foot height for the structure nor the one story limit. The height is further increased to accommodate plumbing and duct works placed above the ceiling to prevent flood damage to this infrastructure. The proposed second story ceiling height is about 8 feet. Consequently, it is impossible to construct a dwelling meeting the RB zone district height and one-story requirements, and the strict application of the 17-foot height and one-story requirements would deprive the property owner of privileges enjoyed by other properties in the area, specifically a single family dwelling on a legal, residentially zoned, parcel of record. If the appellants were to replace their dwellings or embark on improvements that exceed 50% of the market value of the structure, they would also be subject to FEMA flood elevation requirements.

Mass

The maximum lot coverage allowed in the RB site development standards is 40% and the maximum floor area ratio is 50%. The total proposed lot coverage is about 2,800 square feet (less than 17%) and includes the second story deck. The proposed floor area ratio is less than 31%. While the proposed dwelling is more massive than the existing dwellings along the beach, this is primarily due to the flood elevation requirements, which results in a ground story that can only be used for storage and parking. The subject parcel is larger than the adjacent parcels, which do not include the bluff area across Beach Drive. On the other hand, if the bluff portion of the subject parcel and the Beach Drive right-of-way excluded from the lot coverage and Floor Area Ratio calculation (a comparable situation to the other parcels on the beach side of Beach Drive), the lot coverage would still remain under the 40% maximum at 25% and the FAR would be less than 45% while the maximum allowed is 50%. This, however, is not how the County regulations calculate coverage and FAR. Nevertheless, this exercise does demonstrate the development proposed on the subject parcel is within the scope of what would be allowed on the surrounding beach side properties should they be redeveloped and flood elevated.

Scale

The appellants have included the scale of the dwelling as an appeal issue. The scale of the proposed dwelling's habitable space is consistent with that of several two-story (but not flood elevated) dwellings along this area of Beach Drive. Again, there is a large ground floor created by the flood elevation requirements that cannot be used for habitation. The first twenty homes along this section of Beach Drive range in size from 1,167 square feet with no garage or carport to 3,257 square feet with a 260 square foot carport; the average structure size is 2,260 square feet. The square footage of the habitable portion of the proposed dwelling is about 2,385 square feet, roughly matching the average habitable area of the existing beach homes.

The appellants' objections to the scale may also refer to the proposed construction of the two-story dwelling to the zero lot line. Construction to one side yard lot line (0 setback) is allowed in the RB zone district for both the one-story beach side as well as on the bluff side where two-story dwellings are allowed.

Impact of Second Story Deck

The second story deck was a primary concern for the appellants at both public hearings. The appellants believe that the second story deck, which runs roughly parallel to and above their existing at-grade decks

will significantly impact their privacy. The project plans were revised by the applicant between the October 4th and November 1st ZA hearings, scaling back the scope of this deck and adding privacy screening along the sides in an attempt to address the neighbors' concerns. The subject site is also subject to landslide hazards from nearby coastal bluff, although the landslide hazards are not as significant or as dangerous as a location at the base of the bluff. The landslide potential also places limitations on the use of the parcel, and hazard-free outdoor useable space must be located off of the second story. Hence, a second story deck provides a safe, useable outdoor area. Several homes along this section have second story decks along the beach side of the structures (again none of these existing structures are flood elevated). Nonetheless, the proposed deck is substantially larger than any currently existing decks, but also reflects a design where the entire habitable space is located on the second story, unlike the existing development that does not meet FEMA flood standards.

Privacy Issues

Privacy issues are assumed to relate to the two-story design, the proposed construction to the zero lot line and the second story deck. The Zoning Administrator's approval included the addition of language requiring frosted glass or other semi-opaque materials for windows along the MacGregor/Young zero lot line and for the sides of the second story deck and stairs to provide privacy barriers. Again, the two-story design is necessitated by hazard mitigation required by Santa Cruz County Code, General Plan/LCP policies and Federal Emergency Management Agency regulations. Construction to the lot line is allowed on one side yard in the RB zone district. The applicant proposes construction to the zero lot line along the MacGregor/Young lot line, where the adjacent dwelling has an enclosed walkway and no windows facing this side yard. One concern both appellants raised at the first ZA hearing was that the exterior wall of the proposed dwelling extended beyond the exterior walls of their homes. The applicant redesigned the exterior wall moving it back three feet to align it with that of the dwellings on either side. The applicant also moved the side wall three feet out along the MacGregor/Young side yard to recapture the square footage.

Impact on Public Viewshed

As discussed in the ZA staff report, the property is visible from the beach, thus it is located within a mapped scenic area. The goal of General Plan Objective 5.10b (New Development within Visual Resource Areas) is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". Implementing policies 5.10.2 and 5.10.3 require that development in scenic areas be evaluated against the context of their environment, utilize natural materials, blend with the area and integrate with the landform and that significant public vistas be protected from inappropriate structure design. In addition, General Plan/LCP policy 5.10.7 allows structures, which would be visible from a public beach, where compatible with existing development. Generally, significant impacts to existing public views occur when development extends into areas that are currently natural and are visible from the beach. In this case, the subject lot is located within a row of developed residential beach properties and the project is consistent with General Plan policies for residential infill development in the context of FEMA flood elevation requirements. The proposed dwelling is compatible with the built environment along Beach Drive. The 22-foot height is compare to some of the existing two-story residences along the beach. Moreover, the size of the structure is consistent with the many of the existing homes, although these structures are not flood elevated. The proposed development is consistent with General Plan/LCP policies 8.6.5 and 8.6.6, in that the colors and materials chosen blend with the natural landforms. The residence is proposed to use natural cedar siding, sand colored plastered and copper chimney caps and based on the photo simulation and using the existing development as a comparison, the proposed colors will blend with the surroundings and will be compatible with the site.

The appellants have stated in personal communications that the deck, when constructed, would appear out of character and out of proportion to the existing development when viewed from the beach constituting a visual impact. Due to the two dimensional appearance of the photo simulation and to the lack of supporting information by the appellant, this assertion cannot be readily upheld or refuted.

SUMMARY AND RECOMMENDATION

Given the information submitted, Staff recommends that the Zoning Administrator's approval of application 01-0022 be upheld.

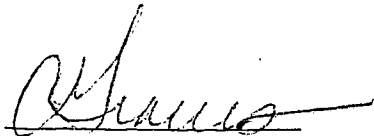
It is therefore, RECOMMENDED, that your Commission:

1. Certification of the determination that the project is Categorically Exempt from the California Environmental Quality Act, and
2. Deny the Appeal and uphold the Zoning Administrator's approval of Application 01-0022, subject to the Coastal Zone, Residential Development and Variance Findings contained in the November 1, 2002 Staff Report and subject to the Conditions as revised by the Zoning Administrator at the November 1, 2002 hearing.



Cathleen Carr
Project Planner
Development Review

Reviewed by:



Cathy Graves
Principal Planner

- Exhibits: A. Project Plans prepared by Walker & Moody Architects, dated 8/23/01, revised 1/28/02 and 10/22/02, Drainage Plan last revised on 1/17/02 and Photo-simulation by Walker & Moody Architects
- B. Staff Report to the Zoning Administrator dated 11/1/02
- C. Letter of Appeal
- D. Correspondence

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: November 1, 2002
Agenda Item: No. C
Time: After 8:30 a.m.

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 01-0022

APN: 043-152-48

APPLICANT: Rich Beale Land Use Consultants, Attn: Betty Cost

OWNER: Patrick and Teresa Royan

PROJECT DESCRIPTION: Proposal to construct a two-story single family dwelling on a vacant parcel within the Coastal Zone. Requires a Coastal Development Permit and Variances to increase the maximum stories from one story to two stories and to increase the height limitation from 17 feet to 23 feet.

LOCATION: Located on the beach side of Beach Drive (531 Beach Drive) at approximately 90 feet east from the private gate (about 1/3 mile east from Rio Del Mar Esplanade, Aptos.

FINAL ACTION DATE: 90 days from hearing date

PERMITS REQUIRED: Coastal Zone and Variance Permits

ENVIRONMENTAL DETERMINATION: Categorically Exempt Class 3(a)

COASTAL ZONE: XX yes ___ no APPEALABLE TO CCC: XX yes ___ no

PARCEL INFORMATION

PARCEL SIZE: gross - 19,000 square feet, net - 17,000 square feet

EXISTING LAND USE: PARCEL: Vacant residential parcel

SURROUNDING: Residential, State Park, public beach

PROJECT ACCESS: Beach Drive

PLANNING AREA: Aptos

LAND USE DESIGNATION: R-UL - Urban Low Residential

ZONING DISTRICT: RB - Single Family Residential Beach

SUPERVISORIAL DISTRICT: 2nd

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. FEMA Flood Zone V (Wave run-up hazard zone), landslide - base of a coastal bluff located across Beach Drive **
b. Soils	b. Beach sand**
c. Grading	c. None proposed
d. Tree Removal	d. Two trees removed under 00-0180, two replacement trees proposed
e. Biotic Resource	e. None mapped
f. Scenic	f. Located within a mapped scenic zone, visible from public beach
g. Drainage	g. To street
h. Traffic	h. No significant increase
i. Roads	i. Privately maintained road
j. Parks	j. Park fees are required.
k. Sewer Availability	k. Will serve letter received.
l. Water Availability	l. Will serve letter received from Soquel Creek Water District.
j. Archaeology	j. None mapped

** Engineering Geologic Investigation, prepared by Foxx, Nielsen and Assoc., dated June 2000

** Geotechnical Investigation, prepared by Haro, Kasunich and Assoc., dated July 2000

SERVICES INFORMATION

W/in Urban Services Line: XX yes no
Water Supply: Soquel Creek Water
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos-La Selva Fire Protection District
Drainage District: Zone 6

ANALYSIS & DISCUSSION

Project Description and Background

On January 16, 2001, the County Planning Department accepted this application for a Coastal Development Permit and Variances for a single family dwelling. The project qualifies for a categorical exemption in accordance with the California Environmental Quality Act (CEQA) and the County Environmental Review Guidelines, Article 18, Section 1800 (Exhibit D). Specifically, the project qualifies for a categorical exemption because it is a single residence and an infill project, which will not create a significant visual impact to the public viewshed, and requires minimal grading.

The applicant requests approval to construct a new two-story, single family dwelling on an existing vacant parcel on Beach Drive. The legality of the subject parcel has been confirmed through Lot Legality Determination 02-0223. The project is infill development of a vacant lot within a row of developed properties along the beach side of beach Drive. The property lies on the beach side of Beach Drive and is within the appealable area between the first through road and the beach of urban coastal zone. The 19,000 square foot lot is essentially level at the building site with an approximately 5 foot high seawall constructed under Coastal Permit 84-234 and later repaired under 89-0910. The parcel also includes a portion of a very steep coastal bluff located across Beach Drive from the proposed building site. The cliff is over 100 feet high and composed of uncemented sands of the Purisima formation. This material is prone to sloughing as well as larger scale failures. Consequently, the proposed dwelling is subject to landslide hazards from this coastal bluff. The subject parcel is also located within the 100-year flood zone designated by the Federal Emergency Management Agency (FEMA). Consequently, the proposed dwelling must be elevated above the expected 100-year coastal inundation level in accordance with both FEMA and County (Chapter 16.10) regulations. The proposed dwelling will exceed the maximum stories and height set forth for the RB zone district, due to these flood elevation requirements, and will require Variances to increase the allowed stories from one to two and to increase the allowed height above 17 feet. The applicant is seeking to increase the height to 22 feet (See discussion under "Variance Issues").

Geologic and Coastal Hazards Issues

The subject parcel is located within the V zone, a FEMA designated 100-year flood hazard zone. The V zone designates that the area is subject to inundation resulting from run-up from high waves or storm surges. FEMA regulations and the County Geologic Hazards ordinance (Chapter 16.10) requires flood elevation of all new residential structures. A Pre-Development Site Review (PDSR) was conducted in 2000 under application 00-0068. An Engineering Geologic Report and a Geotechnical Report and Report and Report Reviews were required for this site and completed in lieu of a Geological Hazards Assessment (GHA). The FEMA flood elevation requirements are well documented for this area and were delineated in the technical reports. The expected 100-year wave impact height is 21 feet above mean sea level (msl). The lowest habitable floor of the proposed dwelling must be elevated above 21 feet msl to prevent the habitable portions of the dwelling from flooding due to a 100 year storm surge. The lower story walls and garage doors must

function as "break-away" walls as set forth in the FEMA regulations for development in the V zone and in Chapter 16.10 of the County Code.

Any structure placed in proximity to the cliff face would be vulnerable to damage or destruction from the expected landsliding, requiring extraordinary engineering and structural design measures to mitigate these hazards. Consequently, the dwelling location is proposed on the vacant lot between two existing residences. This location is subject to the same hazards associated with wave inundation, but has significantly reduced hazards associated with coastal bluff failure. Specifically, there is sufficient distance between the base of the bluff and the proposed residence to result in significantly lower debris volumes and velocity at the building site. Engineering Geologic and Geotechnical Reports have been prepared addressing the proposed development, geologic hazards and site conditions. The structural elements will be designed to withstand the impacts anticipated landslide debris and the habitable portions will be elevated above both the 100-year flood elevation and landslide flows. Finally, an engineered foundation is required to mitigate for unconsolidated soils associated with the sandy soils and fill behind the existing seawall. The conceptual plans (Exhibit A) have been reviewed and accepted by the project soils engineer. The project geologic and geotechnical reports have been reviewed and accepted by the County (Exhibit I). These technical reports are on file with the Planning Department.

Zoning Issues

The subject parcel is zoned RB (Single Family Residential Beach). The parcel has a General Plan designation of Urban Low Residential (R-UL). RB is an implementing zone district for the Urban Low Residential General Plan designation. The Parcel, Zoning and General Plan Maps are provided as Exhibits E and F. A single family dwelling is a principal permitted use in this zone district, but is subject to coastal regulations and requires a Coastal Development Permit. The site development standards for the RB zone district are as follows: 10 feet to the dwelling and 20 feet to the garage opening for the front yard setback. The proposed garage openings are located 20 feet from the Beach Drive right-of-way and the second floor and entry stairs are 10 feet from the right-of-way. The required side yards are 0 and 5 feet, and 0 and 5-foot side yard setbacks are proposed. The required rear yard is 10 feet and over 50 feet is proposed. The maximum lot coverage allowed in the RB site development standards is 40% and the maximum floor area ratio is 50%. The total proposed lot coverage is 2,629 square feet or 14%. The proposed floor area ratio is approximately 29%. The maximum allowed height is 17 feet and the maximum number of stories is one story. The proposed height is 22 feet and two-stories are proposed, which require site standard Variances.

Four rooms in the proposed dwelling meet the County's definition of bedroom set forth in County Code section 13.10.700-B. As this is considered a four-bedroom residence, three off-street parking spaces are required. The proposed garage is sufficient for two and the driveway apron can accommodate two additional parking spaces. The County's off street parking standards (Section 13.10.554) requires that parking areas, aisles and access drives together shall not occupy more than 50% of the required front yard setback area for any residential use and exactly 50% of the front yard will be devoted to parking and vehicle access.

Variance Issues

Due to the location of the parcel on a beach and to the FEMA flood elevation requirements, it is impossible to construct a dwelling meeting the RB zone district height and one-story requirements. As discussed above, the expected 100-year wave impact height is 21 feet above mean sea level (msl). The lowest habitable floor of the proposed dwelling is elevated above 21 feet msl to prevent the habitable portions of the dwelling from flooding due to a 100-year storm surge. Existing grade is 14 feet msl at the Beach Drive right-of-way and slopes down to about 12.25 feet msl at the rear of the lot near the seawall. Thus, the lower, uninhabitable story must be 10 feet high at the rear of the lot. Since the minimum floor to ceiling height required by the

Uniform Building Code and Santa Cruz County Code is 7.5 feet, the lower floor meets the definition of a story and a habitable floor cannot be constructed that would meet the 17-foot height for the structure. The height is further increased to accommodate plumbing and duct works placed above the ceiling to prevent flood damage to this infrastructure. The proposed second story ceiling height is about 8 feet. Any new residence on a beach side RB zoned lot would need Variances to the height and one-story requirements in order to meet FEMA flood elevation requirements. Due to the FEMA flood elevation requirements unique to this property's location on a beach and subject to coastal inundation, the strict application of the 17-foot height and one-story requirements would deprive the property owner of privileges enjoyed by other properties in the area, specifically a single family dwelling on a legal, residentially zoned, parcel of record. The plans (Exhibit A) show the FEMA flood height as 21 feet msl, and the lowest habitable floor is proposed at 22.25 feet msl. The lowest members of the proposed lowest habitable floor meet the minimum elevation requirement. Thus, for the reasons discussed above, a variance to increase the maximum height from 17 feet to 22 feet is necessary. The findings for a variance to increase the height to 22 feet are included in Exhibit B.

General Plan Issues

The General Plan Designation for this parcel is Urban Low Residential (R-UL). The objective of this land use designation is to provide low density single family residential development. The RB zone district is consistent with this General Plan land use designation. The property is located within a mapped scenic area. The purpose of General Plan Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". General Plan/LCP policies 5.10.2 and 5.10.3 require that development in scenic areas be evaluated against the context of their environment, utilize natural materials, blend with the area and integrate with the landform and that significant public vistas be protected from inappropriate structure design. Moreover, General Plan/LCP policy 5.10.7 allows structures, which would be visible from a public beach, where compatible with existing development. Generally, impacts to existing public views occur when development extends into areas that are currently natural and are visible from the beach. In this case, the subject lot is located within a row of developed residential beach properties. The project is consistent with General Plan policies for residential infill development. The proposed dwelling will integrate with the built environment along Beach Drive. The height of the dwelling is proposed at 22 feet, which exceeds the 17-foot height limit for the RB zone district on the beach. The 22-foot height would be consistent with the existing two-story residences along the beach. The size of the structure is consistent with the many of the existing homes, although these structures are not flood elevated. General Plan/LCP policies 8.6.5 and 8.6.6 require that development be complementary with the natural environment and that the colors and materials chosen blend with the natural landforms. The residence is proposed to use natural cedar siding, sand colored plastered and copper chimney caps. As is evident from the photo simulation and using the existing development as a comparison, these colors will blend with the surroundings and will be compatible with the site.

General Plan policy 6.2.10 requires all development to be sited and designed to avoid or minimize hazards as determined by geologic or engineering investigations. Due to the location of the parcel, potential hazards cannot be avoided and therefore must be mitigated. General Plan policy 6.2.15 allows for new development on existing lots of record in areas subject to storm wave inundation or beach or coastal bluff erosion within existing developed neighborhoods where a technical report demonstrates that the potential hazards can be mitigated over the 100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, friction pier or deep caisson foundation; and where mitigation of the potential hazard is not dependent on shoreline protection structures except on lots where both adjacent parcels are already similarly protected; and where a deed restriction indicating the potential hazards on the site and level of prior investigation conducted is recorded on the property deed with the County Recorder.

Coastal hazards are mitigated in part by an existing shoreline protection structure, specifically a seawall, which extends for the entire length of the private section of Beach Drive. The project design further incorporates flood elevation and break-away walls, which are expected to provide protection from landslide hazards and flooding during 100-year storm events within the 100-year life span of the structure. The project is located on the beach side of the property, which is subject to less significant landslide hazards than locating directly at the base of the coastal bluff. This location is consistent with both General Plan policies for public health and safety and with coastal development policies in that is infill with houses already located on both sides of the property and does not extend the built environment on any undeveloped stretch of beach and is the less hazardous location on the parcel.

General Plan policy 6.2.16 for Structural Shoreline Protection Measures states that these structures shall be limited to those which protect existing structures from a significant threat, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches or coastal dependent uses. This policy further states that any application for shoreline protection measures include a thorough analysis of all reasonable alternatives, and to permit structural protection measures only if nonstructural measures are infeasible from an engineering standpoint or not economically viable. The project site has an existing shoreline protection structure and no new shoreline protection structures are proposed.

Coastal Zone Issues

Section 13.20.130(b)1. of the County Code, which provides the visual compatibility design criteria for development in the coastal zone, states that all new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Section 13.20.130(c) provides the design criteria for projects within designated scenic resource areas. This regulation states that development shall be located, if possible, on parts of the site not visible or least visible from the public view and that development not block public views of the shoreline. As discussed above, the building site is located on a vacant beach parcel above an existing seawall and between two existing residences. Thus, it is impossible to locate the project where it cannot be viewed from the beach. The project has been designed to blend with the existing development of the surrounding neighborhood. This particular area is relatively densely developed urban residential strip and the proposed project is harmonious with character of this development. The proposed roof is flat to minimize the height. The structure must be flood elevated and cannot meet the required 17-foot height for the zone district. Nevertheless, as conditioned, the proposed dwelling will be consistent with the height of most of the dwellings in this area, even though the established dwellings are not flood elevated. The project will utilize subdued, natural colors, and architecture complementary with the existing development, so the dwelling will not be visually intrusive. Thus, the proposed project is consistent with coastal design requirements in that the project is not on a ridge line, does not obstruct public views, is not on a Coastal Bluff and is consistent and integrated with the character of the surrounding neighborhood and is not extending residential development into an undeveloped area of the beach.

The project plans indicate new stairs will be constructed from the seawall onto the beach. These stairs are in the jurisdictional area of the California State Coastal Commission and cannot be authorized by the County (See Coastal Commission letter, Exhibit M). The applicant will need to obtain a Coastal Development Permit from the California State Coastal Commission prior to seeking building permits for the stairs. The conditions in Exhibit C reflect that the approval of 01-0022 would not authorize the construction of this stairway.

Design Review

The site is located within a in a sensitive site as defined in the Design Review Ordinance (Chapter 13.11), and therefore, is subject to Design Review. The proposed single family dwelling has been designed to be compatible with the existing development in the area. The architecture along this section of Beach Drive is generally boxy, one and two story designs, using wood siding or stucco exterior finishes, and composite or tile roofs. Most homes have rear yard decks and large expanses of windows facing the beach. These homes predate the FEMA flood regulations and many predate zoning regulations. Nearly all of the homes in the neighborhood have flat roofs. As proposed, the exterior of the home will be use clear stained cedar siding and sand colored plaster. This color and material scheme is appropriate to the neighborhood. In general, the proposed colors and materials reflect those of the newer homes in this neighborhood, and the color will harmonize with the surrounding development. The proposed structure is similar in size to the existing development of the surrounding neighborhood, and is more appropriately sized, given the size of the parcel and the flood elevation constraints. The design has been reviewed by the County Urban Designer and has received a positive design review (Exhibit M). Overall, the project is compatible with the goals of the County's Design Review regulations.

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

RECOMMENDATION

Staff recommends the following actions:

1. Certification of the determination that the project is Categorically Exempt from the California Environmental Quality Act, and
2. Approval of Application No. 01-0022 based on the findings and subject to the attached conditions.

EXHIBITS

- A. Project Plans prepared by Walker & Moody Architects, dated 8/23/01, revised 1/28/02 and 10/22/02, Drainage Plan last revised on 1/17/02 and Photo-simulation by Walker & Moody Architects
- B. Findings
- C. Conditions
- D. Environmental Exemption
- E. Assessor's Map
- F. Zoning, General Plan and General Plan Resource Maps
- G. FEMA Flood Map
- H. Conclusions of Geologic Report and Geotechnical Report
- I. Report Review letter dated February 13, 2001
- J. Comments from reviewing departments and agencies
- K. Correspondence
- L. Memorandum of Larry Kasparowitz, Urban Designer
- M. Letter of Dan Carl, California Coastal Commission
- N. Drainage Plan review letter by Geotechnical Engineer
- O. Correspondence

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SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: Cathleen Carr
Cathleen Carr
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3225
Email: cathleen.carr@co.santa-cruz.ca.us

CCC Exhibit C
(page 12 of 26 pages)

EXHIBIT B

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.

A single-family dwelling is a principal permitted use in the "RB" (Single Family Residential Beach) zone district according to a density of one dwelling per parcel and one dwelling is proposed. The "RB" zone district is consistent with the General Plan and Local Coastal Program land use designation of Urban Low Residential.

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

The parcel is not governed by an open space easement or similar land use contract. The Beach Drive right-of-way crosses the subject parcel. The project will not conflict with the existing right-of-way in that all dwelling meets the required setbacks. The proposed dwelling will not affect public access, as public access is available just outside of the Beach Drive gate.

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.

Subject to the concurrent approval of the proposed Variances, the single-family dwelling is consistent with the design criteria and special use standards and conditions of County Code Section 13.20.130 et seq. for development in the coastal zone. Specifically, the structure follows the natural topography, proposing minimal grading, is visually compatible with the character of the surrounding urban residential neighborhood, and includes mitigations for the geologic and coastal hazards which may occur within its' expected 100 year lifespan (landslides, seismic events and coastal inundation). The project is not on a ridgeline, and does not obstruct any public views to the shoreline. There are no existing special landscape features on the site. The design and siting of the proposed residence, as conditioned, will minimize impacts on the site and the surrounding neighborhood. The building will have an exterior finish of clear stained, cedar wood siding and sand colored plaster. The architecture is complementary to the existing pattern of development and will blend with the built environment. The size of the dwelling is comparable to most of the dwellings along Beach Drive, although the actual habitable space is smaller due to the flood elevation requirements. The structure is flood elevated, two stories and will be conditioned not to exceed 22 feet in height. This height is consistent with the existing older development and more conforming than most new flood elevated, development. While located on the beach side of the parcel, the proposed dwelling is located between two existing dwellings and, therefore, does not extend development into a currently undeveloped area of the beach.

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 located in the appealable area between the shoreline and the first through public road. Public access to the beach is located less than 100 feet northwest of the parcel on Beach Drive at the State Parks parking lot located before the gate for the private section of Beach Drive. The proposed dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. The project site is not identified as a priority acquisition site in the County Local Coastal Program, and is not designated for public recreation or visitor serving facilities.

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

The proposed single-family dwelling is consistent with the County's certified Local Coastal Program in that a single family dwelling is a principal permitted use in the RB (Single Family Residential) zone district, although a use approval is required in this area of the Coastal Zone. General Plan policy 6.2.10 requires all development to be sited and designed to avoid or minimize hazards as determined by geologic or engineering investigations. Any structure placed in proximity to the cliff face would be vulnerable to damage or destruction from the expected landsliding, requiring extraordinary engineering and structural design measures to mitigate these hazards. Consequently, the dwelling location is proposed on the vacant lot between two existing residences. This location is subject to the same hazards associated with wave inundation, but has significantly reduced hazards associated with coastal bluff failure. Specifically, there is sufficient distance between the base of the bluff and the proposed residence to result in significantly lower debris volumes and velocity at the building site. General Plan policy 6.2.15 allows for development on existing lots of record in areas subject to storm wave inundation or beach or bluff erosion within existing developed neighborhoods and where technical reports demonstrate that the potential hazards can be mitigated over the 100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, friction pier or deep caisson foundation; and where mitigation of the potential hazard is not dependent on shoreline protection structures except on lots where both adjacent parcels are already similarly protected; and where a deed restriction indicating the potential hazards on the site and level of prior investigation conducted is recorded on the property deed with the County Recorder. A Geologic report and a geotechnical report have been prepared for this project evaluating the hazards and mitigations. These reports have been reviewed and accepted by the County of Santa Cruz. The proposed structure will be engineered to withstand landslide impacts on the structural elements of the lower floor. The lower floor will utilize materials, which will function as break-away walls in a storm surge or landslide event. There is an existing seawall on the subject parcel, which extends to the parcels on either side and for the entire length of the private section of Beach Drive. The dwelling will be elevated with no habitable portions under 21 feet above mean sea level, in accordance with FEMA, the County General Plan policies and Chapter 16.10 of the County Code for development within the 100-year wave hazard or V-zone. Thus, the proposed development is consistent with this General Plan policy.

General Plan policy 6.2.16 for Structural Shoreline Protection Measures states that such structures shall be limited to those which protect existing structures from a significant threat, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches or coastal dependent uses. This policy further states that any application for shoreline protection measures include a thorough analysis of all reasonable alternatives, and to permit structural protection measures only if nonstructural measures are infeasible from an engineering standpoint or not economically viable. The building site is already protected to some measure by an existing seawall.

The proposed beach access stairs leading from the seawall as shown in Exhibit A is within the State Coastal Commission's jurisdiction. This Coastal Development permit (01-0022) specifically excludes the construction of these stairs from the County permit and requires that a permit must be obtained from the State Coastal Commission prior to their construction.

General Plan/LCP policy 5.10.7 allows structures, which would be visible from a public beach, where compatible with existing development. The subject lot is located within a row of developed residential beach properties. As discussed above, the proposed beach building site minimizes potential geologic hazards. This location is consistent with coastal design and viewshed protection policies, in that the beach site is located between existing structures and does not extend the built environment into an undisturbed stretch of beach. Thus, the project is also consistent with General Plan policies for residential infill development. The proposed dwelling will integrate with the built environment along Beach Drive. The height of the dwelling, as conditioned, will be 22 feet, which exceeds the 17-foot height limit for the RB zone district on the beach. However, as discussed in the Variance Findings, it is not possible to construct a single family dwelling at this site meeting both the zone district height and story requirements and the FEMA flood elevation requirements. The height, as conditioned, is consistent with most of the existing two-story beach residences. The size of the structure is consistent with the many of the existing homes, even though the existing structures are not flood elevated. General Plan/LCP policies 8.6.5 and 8.6.6 require that development be complementary with the natural environment and that the colors and materials chosen blend with the natural landforms. The residence is proposed to be a clear stained natural wood and sand colored plaster. As is evident from the photo simulation and using the existing development as a comparison, these colors will blend with the surroundings and will be compatible with the site. The scale of the proposed home and architectural style is physically compatible with the existing pattern of development.

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 single family dwelling and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvement in the vicinity, as the proposed project complies with all development regulation applicable to the site with the exception of the maximum height (17 feet) and maximum number of stories (1), for which Variances are being sought. The parcel is located within a coastal hazard area and is expected to be subject to wave inundation, landslides and seismic shaking hazards during its 100 lifetime. Geologic and geotechnical reports have been completed for this project analyzing these hazards and recommending measures to mitigate them. The beach site was chosen to minimize landslide hazards from the nearby coastal bluff. The habitable portions of the dwelling will be constructed above 21 feet mean sea level (msl), which is the expected height of wave inundation predicted for a 100-year storm event. The lower story will utilize break-away doors to minimize structural damage from wave action and landslide debris impacts.

Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance, the geologic and soils engineering reports and recommendations to insure the optimum

in safety and the conservation of energy and resources. An engineered foundation is required in order to anchor the dwelling in the event of a landslide impact, to found the structure in an appropriate substrate and withstand seismic shaking. Adherence to the recommendations of the soils engineer and geologist in the house design and construction will provide an acceptable margin of safety for the occupants of the proposed home.

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 RB zone district. The proposed dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RB zone district, with the two exceptions discussed in Finding #1. Specifically, the project does not meet the requirements for the height and maximum stories. Variance findings can be made for an exception to these site standards. As conditioned, these exceptions will allow a dwelling to be constructed subject to an acceptable level of risk for public health and safety, and will allow adequate light, air and open space to adjacent neighbors. The design of the proposed single-family dwelling is consistent with that of the surrounding neighborhood, and is sited and designed to be visually compatible and integrated with the character of surrounding neighborhoods, and by that meets the intent of County Code Section 13.10.130, "Design Criteria for Coastal Zone Developments" and Chapter 13.11 "Site, Architectural and Landscape Design Review." Homes in the area are two and three-stories, with a wood or stucco exteriors, large expanses of windows and mostly flat roofs. The proposed colors and materials and architecture will harmonize and blend with the other homes in this neighborhood. Thus, the design of the proposed single-family dwelling is consistent with that of the surrounding neighborhood. As discussed in Finding #1, geologic and soils reports have been prepared evaluating the coastal hazards and the landslide and coastal flooding hazards will be mitigated in accordance with the regulations set forth in Chapter 16.10 (Geologic Hazards) of the County Code. As discussed in the Coastal Findings, the project is consistent with the County's Coastal Regulations (Chapter 13.20).

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 Urban Low Residential land use designation. As discussed in the Coastal Zone Findings for this project, all LCP policies have been met in the proposed location of the project, the hazard mitigations and with the required conditions of this permit. The design of the single-family dwelling is consistent with that of the surrounding neighborhood, and is sited and designed to be visually compatible and integrated with the character of surrounding neighborhoods and to minimize exposure to geologic hazards. The dwelling will not block public vistas to the public beach. Although the dwelling is visible from the public beach, it is infill development that will blend with the built environment.

There is no specific plan for this area of Rio del Mar/Aptos.

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

The use will not overload utilities and will not generate more than the acceptable level of traffic on the roads in the vicinity. Specifically, there will be minimal increase in traffic, resulting from the construction of one

single family dwelling. The dwelling will have four bedrooms and adequate off-street parking will be provided.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed single-family dwelling will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. The home will be engineered to mitigate for the potential debris from landslides and wave inundation at this site, but will not appear significantly different from the existing development. The proposed project will result in a home of a similar size and mass to other homes in the neighborhood, and will be sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood along the beach.

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

The proposed home is consistent with the Design Standards and Guidelines of the County Code in that the proposed dwelling complies with the required development standards with the exception of the 17-foot height and one-story requirement for which Variances are being sought. Special circumstances exist which warrant these exceptions. The primary elements of the project design, contemporary styling and subdued, natural colors, a flat roof, and two story design with a 22-foot maximum height are compatible with the surrounding development along this section of Beach Drive.

VARIANCE FINDINGS

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, AND SURROUNDING EXISTING STRUCTURES, THE STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

The subject parcel contains a very steep, unstable coastal bluff and a flat building site above a seawall on the other side of the Beach Drive right-of-way. The building site is within the coastal flood hazard area. Due to debris flows associated with this topography and the location at the beach, the structure must be elevated above the expected 100-year coastal inundation level of 21 feet above mean sea level in accordance with the regulations set forth by the Federal Emergency Management Agency (FEMA) and Chapter 16.10 (Geologic Hazards Ordinance) of the County Code. The lower floor area cannot be used as habitable space due to hazards associated with wave impact, flooding and landslides. Due to the elevation of the existing grade, the FEMA flood elevation requirements mean that the entire ground floor cannot function as a residence, and any habitable space must be located on a second story. The zone district requirement allowing a maximum one-story dwelling would essentially preclude a residential use on this existing, legal parcel of record. While it is possible to construct a two-story flood elevated dwelling across Beach Drive at the base of the coastal bluff where the zone district allows two stories, this would place the residence in an area of significantly

greater physical hazards from direct impacts from landslide debris from the coastal bluff. A home at the base of the slope would require extraordinary engineering measures and commensurate construction costs to provide an acceptable level of safety. Development of the bluff side also conflicts with several General Plan policies and Chapter 16.10 (Geologic Hazards ordinance) and 16.22 (Erosion Control ordinance) of the County Code in that a significant amount of grading on a slope over 50% is required, but a less environmentally damaging alternative and a site subject to less geologic hazards is available. Almost all of the parcels along Beach Drive are either located on the bluff side or the beach side of Beach Drive. The property owners on the bluff side have no alternative but to resort to these measures, if they are to develop their property. This parcel is fairly unique in that the parcel encompasses both the beach and bluff. The few similarly configured parcels are developed with the dwellings located on the beach side. The majority of homes in this area pre-date the FEMA and County flood regulations and are not flood elevated. All replacement dwellings or improvements to existing structure which constitute substantial improvement will be required to flood elevate, which for parcels along the beach will necessitate variances to height and one-story requirements to construct any replacement dwellings.

A California Court of Appeal has held in its review of Craik v. County of Santa Cruz (2000 Daily Journal B.A.R. 6627), that the application of FEMA regulations can be considered a special circumstance. In that case it was determined that a physical disparity between the subject parcel and surrounding parcels was not required for findings for a variance.

2. THAT THE GRANTING OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL INTENT AND PURPOSE OF ZONING OBJECTIVES AND WILL NOT BE MATERIALLY DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

Compliance with the recommendations and construction methods required by the geologic and geotechnical studies accepted by the Planning Department will insure that the granting of the variances to the height and maximum stories to construct the proposed single family dwelling shall not be materially detrimental to the public health, safety and welfare or be materially injurious to property or improvements in the vicinity. The residence is required to be elevated above 21 feet mean sea level with no habitable features on the ground floor and constructed with a break-away walls and garage doors. No mechanical, electrical or plumbing equipment shall be installed below the base flood elevation. The dwelling will be engineered to withstand debris impacts from landslides on the structural members of the lower floor. Although a two-story, 25-foot high dwelling could be constructed on the bluff side Beach Drive, which would not require these variances, this site is inconsistent with public safety and welfare by increasing the exposure to landslide hazards and requiring extraordinary engineering measures to mitigate for such hazards. Moreover, in this specific case, the proposed beach location is consistent with coastal development policies, in that the proposed dwelling is an infill project located between existing residences and will not extend development into an undeveloped stretch of beach.

3. THAT THE GRANTING OF SUCH VARIANCES SHALL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGES INCONSISTENT WITH THE LIMITATIONS UPON OTHER PROPERTIES IN THE VICINITY AND ZONE IN WHICH SUCH IS SITUATED.

The expected 100-year wave impact height is 21 feet above mean sea level (msl). The lowest habitable floor of the proposed dwelling is elevated above 21 feet msl to prevent the habitable portions of the dwelling from flooding due to a 100-year storm surge. Existing grade is 14 feet msl at the Beach Drive right-of-way and slopes down to about 12.25 feet msl at the rear of the lot near the seawall. Thus, the lower, uninhabitable story must be 10 feet high at the rear of the lot. Since the minimum floor to ceiling height required by the Uniform Building Code and Santa Cruz County Code is 7.5 feet, the lower floor meets the definition of a

story and a habitable floor cannot be constructed that would meet the 17-foot height for the structure. The height is further increased to accommodate plumbing and duct works placed above the ceiling to prevent flood damage to this infrastructure. Any new residence on a beach side RB zoned lot would need Variances to the height and one-story requirements in order to meet FEMA flood elevation requirements. Due to the FEMA flood elevation requirements unique to this property's location on a beach and subject to coastal inundation, the strict application of the 17-foot height and one-story requirements would deprive the property owner of privileges enjoyed by other properties in the area, specifically a single family dwelling on a legal, residentially zoned, parcel of record. Increasing the maximum number of stories from one to two and the maximum height from 17 to 22 feet does not constitute a special privilege in that these variances will allow construction of a dwelling on this parcel of record on the physically, geologically and environmentally superior building site. Similar variances have been granted in the Beach and Las Olas Drive areas to allow an increase in height and the number of stories in order to construct a flood elevated dwelling. Any new development, reconstruction of or substantial improvements to existing dwellings along the beach will be subject to FEMA flood mitigation requirement and would require both height and story variances in order to comply with the FEMA and County flood hazard regulations. Thus, the variances will provide a remedy for the proposed infill development of a single family dwelling consistent with the existing surrounding development, while mitigating significant coastal and geologic hazards associated with the property.

CONDITIONS OF APPROVAL

Coastal Development Permit 01-0022

APPLICANT: Rich Beale Land Use Consultants

OWNER: Patrick and Therese Royan

APN: 043-152-48

LOCATION: Located on the beach side of Beach Drive (531 Beach Drive) at approximately 90 feet east from the private gate (about 1/3 mile east from Rio Del Mar Esplanade, Aptos.

Exhibits: A: Project Plans prepared by Walker & Moody Architects, dated 8/23/01, revised 1/28/02 and 10/22/02, Drainage Plan last revised on 1/17/02 and Photo-simulation by Walker & Moody Architects

- I. This permit authorizes the construction of a two-story single family dwelling by increasing the allowed height to 22 feet and increasing the number of allowed stories to two. The project includes a new driveways, walkway, decks, and front landscaping. The permit specifically excludes construction of any stairway from the seawall to the beach. 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. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - D. Within 60 days of this approval or prior to the building permit application, whichever comes first, record the Development Agreement required by Condition V.
- 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. The final plans shall include, but not be limited to, the following:
 - 1. Exterior elevations identifying finish materials and colors. Colors shall be a neutral, subdued color. All windows facing the beach shall utilize low-reflective glazing materials. All windows facing the side yard setbacks shall utilize frosted or patterned/opaque glass block windows to preserve privacy for the neighbors. The wall/railing between the stairway and stairway landing and the north property shall utilize frosted glass or other opaque materials.
 - 2. Final plans shall exclude the stairs from the seawall to the beach (shown in Exhibit A), unless a permit is obtained from the California State Coastal Commission authorizing their construction. If a Coastal Development permit is obtained from the California State Coastal Commission, a copy of the permit shall be submitted with the plans.

3. The final plans shall include a specify that all windows and non-supporting structures on the ground floor shall be designed to break away during landslide debris or coastal wave impacts, which would otherwise cause structural failure.
4. The structural members shall be engineered to resist the force of a landslide and wave impacts, as specified by the geotechnical engineer.
5. Floor plans identifying each room, its dimensions and square footage.
6. Final plans shall conform to the following FEMA and County flood regulations:
 - a. The lowest habitable floors and the top of the highest horizontal structural members (joist or beam) which provides support directly to the lowest habitable floor and elements that function as a part of the structure such as furnace or hot water heater, etc. shall be elevated above the 100-year wave inundation level. Elevation at this site is a minimum of 21 feet above mean sea level.
 - b. The building plans must indicate the elevation of the lowest habitable floor areas relative to mean sea level and native grade. Locations for furnaces, hot water heaters shall be shown.
 - c. Foundations shall be anchored and the structure attached thereto to prevent flotation, collapse and lateral movement of the structure due to the forces to which they may be subjected during the base flood and wave action.
 - d. The garage doors and exterior ground floor walls shall function as breakaway walls. The break-away walls and garage doors shall be certified by a registered civil engineer or architect and meet the following conditions:
 - i. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
 - ii. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of a base flood.
 - e. Any walls on the ground floor not designated as breakaway shall be demonstrated to be needed for shear or structural support and approved by Environmental Planning.
7. Final plans shall include a copy of the conditions of approval.
8. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, sewer laterals and drainage improvements. A standard driveway and conform is required.
9. All development shall meet the site development standards set forth in Section 13.10.323 of the County Code for the RB zone district with the exception that the height may be increased up to 22 feet and the maximum stories increased to two.

10. Final landscape plan. This plan shall include the location, size, and species of all existing and proposed trees and plants within the front yard setback and the five replacement trees as for Significant Tree Removal Permit 00-0180 and shall meet the following criteria:
 - a. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be drought tolerant. Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
 - b. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall fescue. Turf areas should not be used in areas less than 8 feet in width.
 - c. The location of the five replacement trees (3 existing trees, two new trees to be planted) shall be shown on the final landscape plans and shall be Monterey Cypress or other tree species approved by Environmental Planning and be a minimum 15-gallon size.
11. Final plans shall reference and incorporate all recommendations of the soils and geologic reports prepared for this project, with respect to the construction and other improvements on the site. All pertinent soils report recommendations shall be included in the construction drawings submitted to the County for a Building Permit. Plan review letters from the soils engineer and geologist shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the soils and geologic reports.
12. Final plans shall conform to the conditions of the Soils and Geologic Reports Review dated February 13, 2001.
13. Final plans shall note that Soquel Creek Water District will provide water service and shall meet all requirements of the District including payment of any connection and inspection fees. Final engineering plans for water connection shall be reviewed and accepted by the District.
14. Final plans shall note that Santa Cruz County Sanitation District will provide sewer service and shall meet all requirements of the District including payment of any connection and inspection fees. Final engineering plans for the sewer system shall be reviewed and accepted by the District.
15. Final plans shall include a detailed drainage plan conforming to the requirements of the Drainage Section of the Department of Public Works. All proposed impervious areas within the parcel shall be shown on the plans. All requirements of the Drainage Section of the Department of Public Works shall be met and the owner/applicant shall pay all fees for Zone 6 Santa Cruz County Flood Control and Water Conservation District, including plan check and permit processing fees.
16. Submit a detailed erosion control plan to be reviewed and accepted by Environmental Planning.

17. Meet all requirements and pay the appropriate plan check fee of the Aptos-La Selva Fire Protection District as stated in their letter/memorandum dated January 22, 2001.
 18. Any new electrical power, telephone, and cable television service connections shall be installed underground.
 19. 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 Park Dedication fee in effect at the time of building permit issuance. Currently, this fee would total \$4,000.00 based on the formula of \$1,000 for each new bedroom and four bedrooms are proposed (4 rooms in the proposed dwelling meet the definition of "bedroom" in the Santa Cruz County Zoning ordinance. These fees are subject to change without notice.
 - C. Pay the Santa Cruz County Roadside Improvement fee in effect at the time of building permit issuance. Currently, this fee would total \$2,000 for one new single family dwelling, but is subject to change without notice.
 - D. Pay the Santa Cruz County Transportation Improvement fee in effect at the time of building permit issuance. Currently, this fee would total \$2,000 for new single family dwelling, but is subject to change without notice.
 - E. Pay the Santa Cruz County Child Care fee in effect at the time of building permit issuance. Currently, this fee would total \$436 for four new bedrooms (\$109 per bedroom), but is subject to change without notice.
 - F. Pay the Zone 6 Flood Control District Storm Drainage Improvement fees. This fee is currently \$0.80 per square foot of new, impervious surface, but is subject to change without notice.
 - G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district, if required.
 - H. The owner shall record a Declaration of Geologic Hazards to be provided by Environmental Planning staff on the property deed. Proof of recordation shall be submitted to Environmental Planning.

III. Prior to site disturbance and during construction:

- A. Erosion shall be controlled at all times. Erosion control measures shall be monitored, maintained and replaced as needed. No turbid runoff shall be allowed to leave the immediate construction site.
- B. Dust suppression techniques shall be included as part of the construction plans and implemented during construction.
- C. All foundation and retaining wall excavations shall be observed and approved in writing by the project soils engineer prior to foundation pour. A copy of the letter shall be kept on file with the Planning Department.

- D. Prior to subfloor building inspection, compliance with the elevation requirement shall be certified by a registered professional engineer, architect or surveyor and submitted to the Environmental Planning section of the Planning Department. Construction shall comply with the FEMA flood elevation requirement of 21 feet above mean sea level for all habitable portions of the structure. **Failure to submit the elevation certificate may be cause to issue a stop work notice for the project.**
 - E. All construction shall conform to the conditions set forth in the Soils and Geologic Reports Review letter dated February 13, 2001.
- IV. All construction shall be performed according to the approved plans for the building permit. 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 inspections required by the building permits shall be completed to the satisfaction of the County Building Official and the County Senior Civil Engineer.
 - B. All site improvements shown on the final approved Building Permits plans shall be installed.
 - C. The soils engineer/geologist shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geologic and soils report. A copy of the letter shall be kept in the project file for future reference.
 - D. All landscaping shall be installed. Prior to the final building permit inspection, notify the Code Compliance Section at 454-3197 that the five replacement trees have been planted for inspection and code compliance clearance.
 - E. Final erosion control and drainage measures shall be completed.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and

2. COUNTY defends the action in good faith.

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 60 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

VI. Operational Conditions

- A. Modifications to the architectural elements including but not limited to exterior finishes, window placement, roof design and exterior elevations are prohibited, unless an amendment to this permit is obtained.
- B. All portions of the structure located below 21 feet mean sea level shall be maintained as non-habitable.
 - 1. The ground floor shall not be mechanically heated, cooled, humidified or dehumidified.
 - 2. No toilets, kitchen, bedrooms, other habitable rooms, furnaces or hot water heaters shall be installed.
 - 3. The structure may be inspected for condition compliance twelve months after approval and at any time thereafter at the discretion of the Planning Director.
- C. All landscaping shall be permanently maintained.
- D. The residence shall be painted using subdued earth tone colors in the sandy, natural wood or tan tones, as proposed under Exhibit A.
- E. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- F. All windows facing the beach shall utilize low-reflective glazing materials. All windows facing the side yard setbacks shall utilize frosted or patterned/opaque glass block windows to preserve privacy for the neighbors. The wall/railing between the stairway and stairway landing for the second story deck and the adjacent property to the north shall utilize frosted glass or other opaque materials.

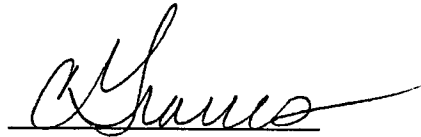
Minor variations to this permit, which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

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

Approval Date: February 12, 2003

Effective Date: February 26, 2003

Expiration Date: February 26, 2005



Cathy Graves
Planning Commission Secretary



Cathleen Carr
Project Planner

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

27-4863



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):

Ralph Oswald

970 Lassen Drive

Menlo Park CA 94025

650-854-9891

Zip

E. James Young M.D.

400 W. Santa Inez

Hillsborough CA 94010

(650) 342-8806

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:

Two story,

single family dwelling at 531 Beach Drive

Aptos within the Coastal Zone

requiring variances for height (17' to 22') and two-story

(one story allowed).

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

531 Beach Drive

Assessor's Parcel No: 043-152-48

Aptos CA

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-SC0-03-032

DATE FILED: 3/14/03

DISTRICT: Central

RECEIVED

MAR 14 2003

 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

CCC Exhibit D
(page 1 of 26 pages)

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: 2/12/03

7. Local government's file number: Application # 01-0022

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:

Pat and Teresa Royan
20170 Upper Thompson Road
Los Gatos CA 95033

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) _____

(2) Janet MacGregor
1015 San Raymundo Rd.
Hillsborough CA 94010

(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.)

See attached Comments

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.

Ralph O'Connell E. James Young III
Signature of Appellant(s) or Authorized Agent

Date 3/13/03

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.

CCC Exhibit D
(page 3 of 26 pages)
Signature of Appellant(s)

Date _____

531 BEACH DRIVE, APTOS

The project, a single family dwelling at 531 Beach Drive, Aptos, is the first development on the seaward side of Beach Drive required to comply with the new FEMA flood elevation requirements. It is a precedent setting project that deserves closer scrutiny as it will be used as the benchmark for future development and redevelopment in this 50+ year old neighborhood. The proposed structure requires variances which do not conform to the LCP and which cause significant harm to the public viewshed. Our appeal is based on the following objections:

1. The LCP goals are not being met as new development is being approved on a piecemeal basis using variances.

There needs to be new zoning policy and building guidelines put in place which incorporate the new FEMA regulations. Currently, anything built on the seaward side of Beach Drive must be approved on a case-by-case basis using variances because nothing can be built which complies with the new flood elevation requirements under the existing planning guidelines. In effect, there is no planning as every project requires variances. We urge the Commission to reject the project without prejudice until the County planning department adopts new guidelines and ordinances that address the new FEMA regulations. Planning by variance is piecemeal and counter to LCP policies.

2. There is a part of the lot which could be developed without variances that was not given adequate consideration.

The lot at 531 Beach Drive extends from the beach well up the bluff affording an opportunity for construction on the upper side of the property. The house could be built there without variances and in full conformity with FEMA regulations. That the area is buildable is attested to by the fact that a residence has existed for many years on the bluff side of the contiguous lot. Further, Santa Cruz County recently approved a permit for a house on the bluff side of Beach Drive in exchange for surrendering building rights on the beach side. The only house built in this development since the establishment of FEMA regulations has been on the bluff side. We recommend that the Commission require the applicant to thoroughly explore this option and provide additional technical studies to prove that, in fact, the bluff is not buildable.

3. The size and scale of this project render it incompatible with the existing neighborhood.

The LCP requires that new development be compatible with the existing neighborhood. The house is too large and too far seaward which creates an inharmonious beach-scape and severe privacy and visual issues for the neighbors. FEMA regulations have determined that the proposed house be two story. The 2nd level of 3000 sq. ft., including the deck, are set above the enclosed ground level, storage, garage area, creating the appearance of a massive structure. When viewed from the beach it will present a façade that looms over the seascape, significantly larger than the houses in proximity. (See Photo #1). The impact on the neighbors and on the public viewshed is of a massive 2 story, 22' high, approx. 5700 sq. ft. structure (total square footage of both stories including 2nd story deck). The 16 ft. wide, 2nd story deck looms over the neighboring residences and is the dominant feature of the house as seen from the beach. The applicable LCP policies dictate small-scale, aesthetically attractive, beach type homes meant to blend in with the natural and built environment. We recommend that the Commission deny the project without prejudice or require the applicant to return with a substantially reduced project design.

4. The seaward protrusion and the bulky appearance of the house adversely impacts adjacent neighbors and the public's view from the Beach.

We are concerned that the design, as presently approved, will have an adverse impact on our homes, on the other homeowners along that stretch of beach, and severely negatively impact the public's view. The design calls for an attached integral 2nd story deck to extend 30' past the corner of one adjacent residence and 18' past the other. (See Photo # 2 and #3). Aside from the loss of privacy and light, this will cause irreparable harm to the esthetics of the entire beach as it disrupts the existing continuity of the neighboring homes.

Thank you for your consideration of these issues.

Attachments:

- | | |
|---------------|--|
| I. Photo #1 | View from beach of 531 Beach Drive |
| II. Photo #2 | View from adjacent neighbor at 529 Beach Drive |
| III. Photo #3 | View from adjacent neighbor at 533 Beach Drive |

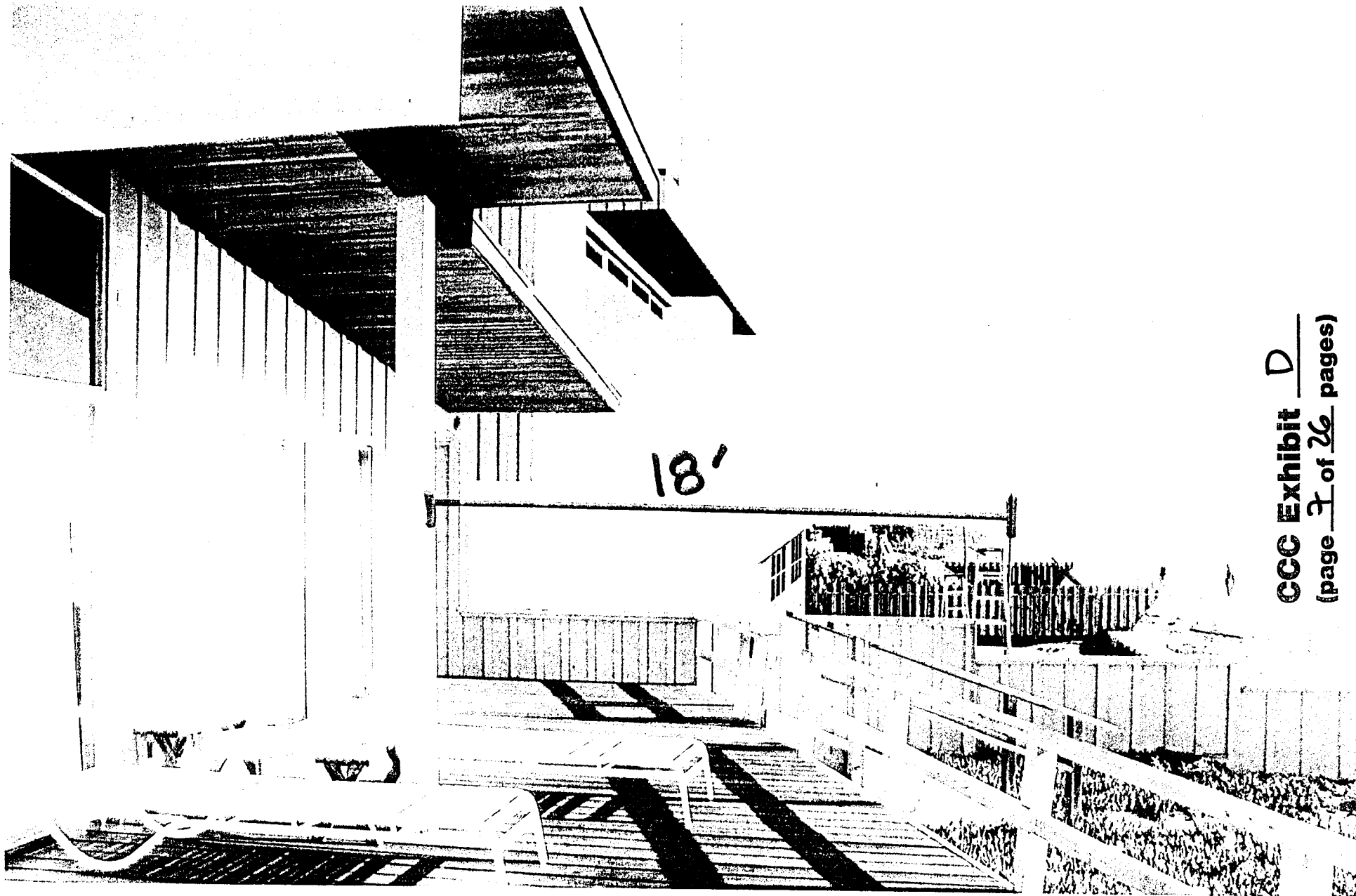


CCC Exhibit
(page 6 of 26 pages)

Rendering #1: View From Directly in Front of Proposed Royans Residence

Prepared for: Janet MacGregor and Ralph Oswald
Date: 12/14/02

Renderings by: A.C.M.S.
423-5902



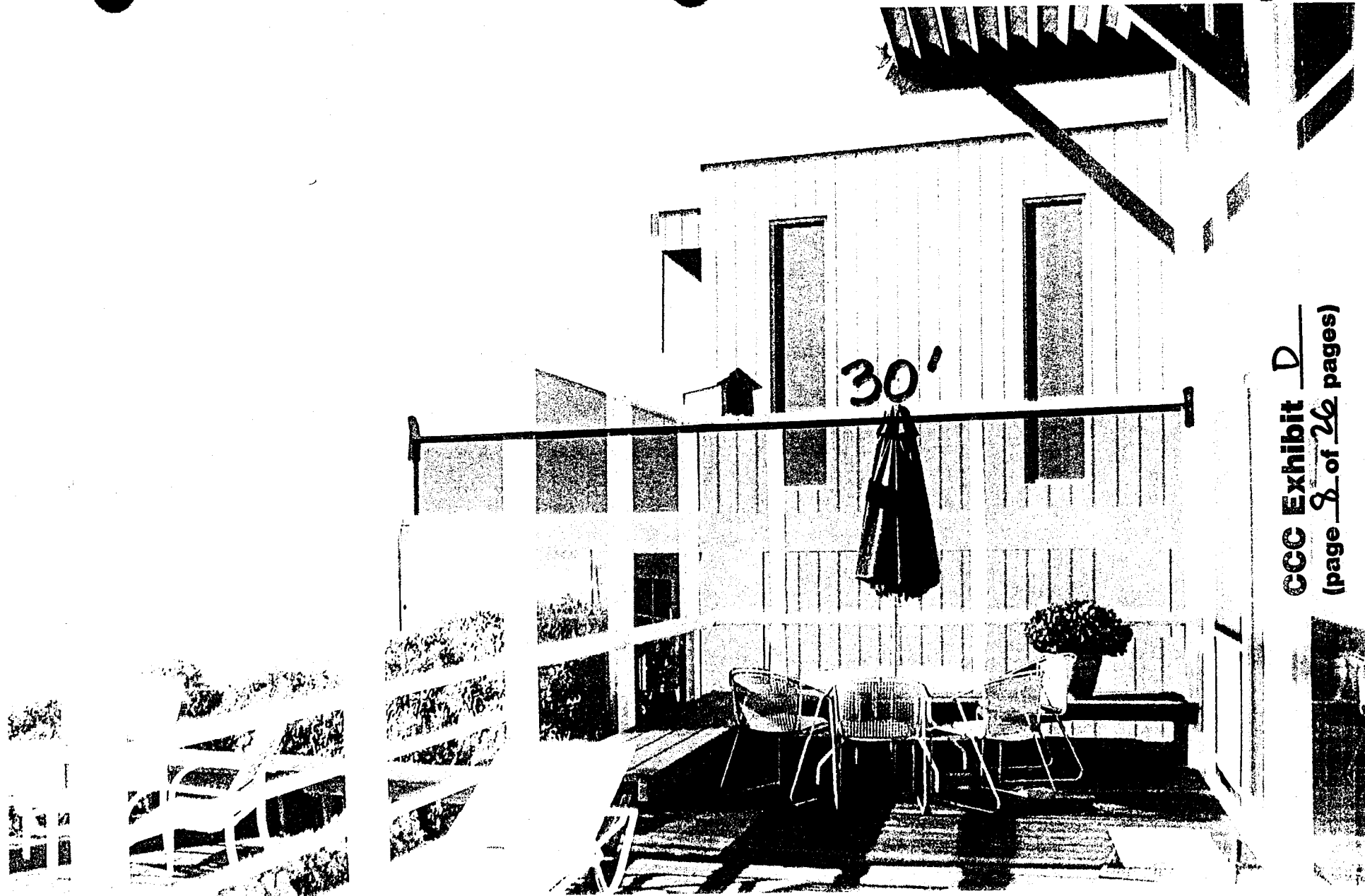
CCC Exhibit D
(page 7 of 26 pages)

Rendering #2: View From Youngs Deck looking East at Proposed Royan Residence

Prepared for: Janet MacGregor and Ralph Oswald

Date: 12/14/02

Renderings by: A.C.M.S.
423-5902



Rendering #3: View From Oswalds Deck looking West at Proposed Royan Residence

Prepared for: Janet MacGregor and Ralph Oswald
Date: 12/14/02

Renderings by: A.C.M.S.
423-5902

CCC Exhibit D
(page 8 of 26 pages)

Opposition Letters from Neighbors of 531 Beach Drive

1. George Stanley 622 Beach Drive, Aptos CA 95003
1415 Villa Drive, Los Altos CA 94022
2. Albert R. Schreck 549 Beach Drive, Aptos CA 95003 or
244 California Street, Suite 700
San Francisco CA 94111-4375
3. Karene Vernor 551 Beach Drive, Aptos CA 95003 or
2 Carnoustie, Moraga CA 94556
4. Audrey Adams and Clyde Nagakura 542 Beach Drive, Aptos CA 95003
15466 Los Gatos Blvd. #109 PMB 16
Los Gatos CA 95032
5. Foster and Dania Gamble 537 Beach Drive, Aptos CA 95003
6. Don Beukers 625 Beach Drive, Aptos CA 95003
1195 North Fifth Street, San Jose, CA 95112
7. John S. Troedson 621 Beach Drive, Aptos CA 95003
165 Sausal Drive, Portola Valley CA 94028
8. Rob and Mitzie Forsland 545 Beach Drive, Aptos CA 95003
7 Rancheria Road, Kentfield CA 94904
9. Corwin & Caroline Booth 624 Beach Drive, Aptos CA 95003
10. Sharon Hatch 628 Beach Drive, Aptos CA 95003 or
1296 Creek Trail Drive, Pleasanton, CA 94566
11. Martha and Joseph Kokes 528 Beach Drive, Aptos CA 95003 or
367 Gordon Ave. San Jose, CA 95127
12. Fritz and Phyllis Grupe 555 Beach Drive, Aptos CA 95003
16175 North Ray Road, Lodi CA 95242-9213
13. Rocky and Laurie Pimentel 615 Beach Drive, Aptos CA 95003
14. Elizabeth Means 544 Beach Drive, Aptos, CA 95003
15. Ralph and Barbara Oswald 533 Beach Drive, Aptos CA 95003 or
970 Lassen Dr. Menlo Park CA 94025
16. E. James Young, M.D. 529 Beach Drive, Aptos CA 95003 or
400 W. Santa Inez, Hillsborough CA 94010

Santa Cruz Planning Commission
C/o Cathleen Carr
701 Ocean Street
Santa Cruz , CA 95060

January 20, 2003


Dear Planning Commission;

I just saw the enclosed picture of the proposed Royan residence for 531 Beach Dr. The house footprint projects so far out that a person on the Royan deck could look into the bedroom of the residence at 533 Beach Dr.

The overall size of this project seems somewhat excessive compared to all other residences on Beach Dr. The square footage appears to be about 2X the size of the 529 residence and 1.5 X the size of the 533 residence.

A more equitable solution would seem to be to scale the deck back so that the privacy in 533 could be preserved.

Thanks you,


George Stanley
622 Beach Dr.

Enc: Photo model for 531 Beach Dr.

MONTGOMERY CAPITAL CORPORATION

244 CALIFORNIA STREET, SUITE 700
SAN FRANCISCO, CALIFORNIA 94111-4375
(415) 392-8969
FAX (415) 392-3990

January 23, 2003

Santa Cruz County Planning Commission
c/o Cathleen Carr
701 Ocean Street
Santa Cruz, CA 95060

RE: Proposed House—531 Beach Drive, Aptos

To Whom It May Concern:

My wife and I have been long term original owners of 549 Beach Drive. We have reviewed the proposed design of the Royan Residence at 531 Beach Drive and have great reservations about its scale. In general, the house seems out of proportion to the lot size and a second story does not fit with the other houses on the beach. The restrictions that were put in place originally were done to protect existing owners and future development. There does not appear to be a rationale for a variance which should rarely be granted in any event by a governing body. The variances should be repealed as the house is not compatible since it is out of scale to the neighbors on the beach.

Thank you for your consideration.


Albert R. Schreck

BCC: R. OSWALD
J. YOUNG
DWS
CRS
TAS
JWS

CCC Exhibit D
(page 11 of 26 pages)

KARENE M. VERNOR

2 Carnoustie

Moraga, CA 94556

(925)376-0515

Santa Cruz County Planning Commission
Attn: Cathleen Carr
701 Ocean Street
Santa Cruz, CA 95060

January 28, 2003

RE: 531 Beach Drive, Aptos

This letter is being written to support the concerns of my neighbors about the proposed house at 531 Beach Drive. I am concerned that the submitted design may be too large for the lot and that the project is not compatible with the existing neighborhood.

Thank you for your consideration in this matter.

Sincerely,



Karene Vernor, Co-Owner
Co-Executor Gladys C. O'Connell Trust Estate
551 Beach Drive, Aptos

H-2

15466 Los Gatos Blvd, #109, PMB 16
Los Gatos, CA 95032
January 18, 2003

Santa Cruz Planning Commission
701 Ocean Street
Santa Cruz, CA 95060

Re: 531 Beach Drive, Aptos

To Whom It May Concern:

We are writing to express our concern regarding the plans submitted for construction at 531 Beach Drive.


The plans for a "monster home" are not compatible with our neighborhood. This home will loom over adjoining homes with its massive deck, excessive square footage, and huge second story. The owners are proposing to wedge a hulking, overbearing home into a small lot.

Please consider what has happened in other places, such as the Silicon Valley, with the rampant construction of enormous, hulking mansions in neighborhoods that used to have character and charm. Santa Cruz County must avoid becoming an imitator of those counties in the Bay Area.

Thank you for considering our viewpoint.

Sincerely,


Audrey C. Adams


Clyde H. Nagakura

H-3

15466 Los Gatos Blvd, #109, PMB 16
Los Gatos, CA 95032
September 10, 2002

Zoning Administrator
County Government Center
701 Ocean Street, Room 400
Santa Cruz, CA 95060

RE: 01-0022 531 Beach Drive, Aptos APN(S): 043-152-48
(Hearing scheduled for September 20, 2002)

To the Zoning Administrator:

We are the owners of a home at 542 Beach Drive. We have enjoyed the view of the beach from our home. Allowing a 2-story home that exceeds the height limitations imposed on rest of the community to be built in the front row of the two rows of homes would adversely affect that view.

The criteria for height imposed on the first row were developed with the views of the people in the second row in mind. Those homeowners who bought homes with views will find that their views are now blocked.

We heartily oppose the application for the variance and permit.

Sincerely,


Audrey L. Adams


Clyde Nagakura

CCC Exhibit D
(page 14 of 26 pages)

FOSTER & DANIA GAMBLE

537 Beach Dr.
Aptos, CA 95003

Mr. Don Bussey
Zoning Administrator
Santa Cruz County Planning Department
County Government Center
701 Ocean St.
Room 400
Santa Cruz, CA 95060

Re: Coastal permit for new residence at
531 Beach Dr., Rio Del Mar

September 16, 2002

Dear Mr. Bussey,

My wife, Dania and I are full time residents at 537 Beach Dr. in Aptos, a few houses away from the proposed new house at 531. We are very concerned that the proposed home as designed will have an extremely negative effect on the views and privacy of its closest neighbors and set a precedent that will adversely impact the feel and appearance of the whole association.

We strongly urge that the home be required to fit in as much as possible with the neighborhood. Specifically we suggest that the deck and house sizes be reduced and pulled back out of the views of its neighbors and in line with the pattern of current structures. There is no precedent in our association for the numerous and massive concrete pilings that are planned to support the deck. Since the deck needs to be so high relative to the houses next door (because of FEMA regulations), slanting the corners of the deck and possibly cantilevering a smaller deck, could also help preserve the neighbors cherished views and privacy.

In short, though we sympathize fully with the predicament of the new owners with the current restrictions, and support their being able to build a viable structure, we strongly recommend that an appropriate and livable house be built, rather than the massive imposition currently proposed. There is a critical precedent being set with this situation, and we hope that sensitivity, cooperation and compromise will continue to prevail in the Rio Sands community.

Sincerely,

Foster & Dania Gamble
Dania Gamble

Foster and Dania Gamble

CCC Exhibit D
(page 15 of 26 pages)

EXHIBIT D

FROM : HECI "ELECTRICAL CONTRACTORS"

OCT. 31. 2002 2:15PM P 1.
PHONE NO. : 408 286 0953

**BEUKERS
PROPERTIES
COMPANY**

1195 NORTH FIFTH STREET
SAN JOSE, CA 95112
PHONE 408-286-8625
FAX 408-286-0953

October 31, 2002

Zoning Administrator
County Government Center
701 Ocean Street Room 400
Santa Cruz, Ca 95060

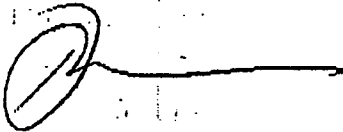
Re: 01-0022-531 Beach Drive, Aptos; APN (S) 043-152-48

Dear Sir or Madam:

This letter is to advise you that I am opposed to the height variance for the proposed building at 531 Beach Drive. I believe that the existing height restriction of 18 feet, for those houses on the beach side of the road, should be maintained.

Sincerely,

BEUKERS PROPERTIES CO.



DON BEUKERS

CCC Exhibit D
(page 16 of 26 pages)

EXHIBIT D

H-E

JOHN S. TROEDSON
165 Sausal Drive
Portola Valley, California 94028

October 28, 2002

Subject: 531 Beach Drive, Aptos


Dear County Official:

I am writing to you to express my thoughts regarding the proposed project at 531 Beach Drive in Aptos. My wife and I have been homeowners at 621 Beach Dr. since March of 1989. Our home is located on the other side of the street from the subject property, and is also located "behind the gate" in the Rio Surf and Sand neighborhood.

I am in the commercial real estate business and am keenly aware of property owner rights and restrictions. My understanding is that, under the new FEMA guidelines, there are certain elevation requirements that must be met which may, unfortunately, negatively impact ocean views for many of us. The height of any proposed home on the beach should be a concern to everyone, not just to those of us that will have our views suddenly obstructed by new home development. I am concerned that the County is becoming more lenient with coastal development and, in this case in particular, is considering granting a variance to allow for two-story construction and additional height to allow for interior "head room". This sounds like Malibu or a Southern California development to me, and not the single story cozy neighborhood in Aptos that so many of us have grown so fond of.

I urge you not to set a dangerous precedent by allowing this variance, and ask you to NOT grant the proposed variance.

Sincerely,


John S. (Jack) Troedson

CCC Exhibit D
(page 17 of 26 pages)

EXHIBIT D

H+

Forsland
7 Rancheria Road
Kentfield, CA 94904

October 27, 2002

Zoning Administrator
Santa Cruz County
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

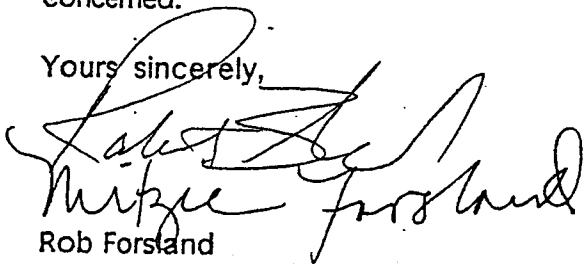
Dear Zoning Administrator,

With this letter we would like to register our opposition to the granting of a height-limit variance with regard to the proposed home at 535 Beach Drive, Aptos, California (Ref.: 01-0022, APN 043-152-48).

As the owners of our own beach front home on Beach Drive, we believe all members of the neighborhood should work together to preserve one another's privacy, one another's views, and the "not-overbuilt" character of the community. In fact, a number of years ago we rebuilt our home within the 17-foot limit, paying close attention to the view lines of the neighbors behind us and choosing a peaked roof line to avoid a "big square block" aesthetic ... even though that approach allowed us to build less than we might have liked.

We urge you to maintain the 17-foot height standard going forward, for the good of all concerned.

Yours sincerely,



Rob Forsland
Mitzie Forsland

H-3

October 27, 2002
624 Beach Drive
Aptos, CA 95003

Zoning Administrator
County of Santa Cruz Zoning Administration
County Government Center
701 Ocean Street, Room 400
Santa Cruz CA 95060

Dear Administrator:

This letter is in reference to 01-0022 APN(S) 043-152-48.

As owners of the property at 624 Beach Drive we are opposed to the granting of a variance for the building of a house at 531 Beach Drive which will in any way adversely affect the properties surrounding it.

Very truly yours,

Caroline Booth

Corwin and Caroline Booth

H-3

Sept. 20, 2002

Mr. Don Bussey

Re: Costal Building Permit for 531 Beach Drive, Aptos, Ca.

To block views of existing homes is unconscionable and inconsiderate of those planning this house.

To build a house to the seawall and towering over its neighbors would be an eyesore to owners of Rio Surf & Sands.

In conclusion, I am against these plans as they stand.

Yours truly,

Sharon L Hatch

Sharon L. Hatch
628 Beach Drive
Aptos, Ca.

or

1296 Creek Trail Drive
Pleasanton, CA 94566



57

H-3

367 Gordon Ave
San Jose, Calif 95127
Sept. 14, 2002

Zoning Administrator
County Government Center
701 Ocean Street Room 400
Santa Cruz, Calif 95060

Re: 01-0022 531 Beach Alvar, Aptos APN(S) 043-152-48

To Whom It May Concern:

I am writing in regard to the proposed construction of a two story single family dwelling at the above address. As property owners at 528 Beach Alvar in Aptos, we strongly protest both the increase from one story to two stories and especially the increase in height from 17 ft. to 23 ft.

This structure will seriously obstruct our view and certainly impact negatively on the resale value of our property which is across the street and one house to the north of the proposed structure.

I hope our concerns will be addressed and honored.

Sincerely,

Joseph F. Kokos

CCC Exhibit

(page 21 of 26 pages)

Joseph F. Kokos

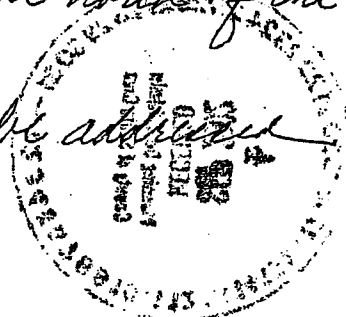


EXHIBIT D



January 31, 2003

RE: 01-0022 APN(S) 043-152-48
531 Beach Drive
Aptos, California

To Whom it may concern:

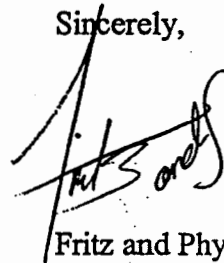
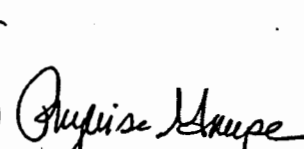
Our family purchased the lot and built the home at 555 Beach Drive in 1980/81. At that time we would have liked to build a taller home but because of restrictions we were unable to do so. There were several reasons, but the two most important were:

1. To keep the home in conformity with the existing homes.
2. To protect the views that were accessible from the second story of the home off the water.

We respected the wishes of the community. Today, although it seems as though a single variance would be important, we believe this variance will open a Pandora's Box of issues for the future repairs, remodels, additions and restorations. After having experience the extensive damages from the storm and tides of the early eighties the failure of the sea wall, we know only too well how many homes could come up for repairs at a single time.

It is for these reasons we oppose the variance for 531 Beach Drive.

Sincerely,

 
Fritz and Phyllis Grupe

CCC Exhibit D
(page 22 of 26 pages)

January 28, 2003

Santa Cruz County Planning Commission
c/o Cathleen Carr
701 Ocean Street
Santa Cruz, CA 95060
Re: 531 Beach Drive, Aptos

Dear Ms. Carr,

I am a resident of Beach Drive, 615 Beach Drive. We have owned our home on Beach Drive for 11 years. I am writing this letter in regards to a proposed new home at 531 Beach Drive. I do not feel that this home is in keeping with other homes on our street. The home is very large, 5,000 square feet and the 2nd story deck is also very large. I strongly feel that this home should be more in keeping with the other homes on our street.

We thank you for your time.

Sincerely,


Rocky and Laurie Pimentel
615 Beach Drive

Elizabeth Means
544 Beach Drive
Aptos, CA 95003
(831)688-5561

Zoning Administrator
County Government Center
701 Ocean Street, Room 400
Santa Cruz, CA 95060

October 19, 2002

RE: APN(S) 043-152-48

Dear Administrator,

Like folks in any neighborhood we on Beach Drive in Aptos want the houses there to fit in and usually there are certain parameters spelled out to achieve that. There are CC&Rs for Beach Drive and County zoning rules in the General Plan.

How can planners from elsewhere, such as the East Coast, come and tell us what we must have on our lots? We don't have the same weather, the same styles, the same needs as the East Coast. Our CC&Rs are what we need to abide by and our CC&Rs don't allow houses on the beach to be built six feet higher than their neighbors (17 feet by our CC&Rs and the County rules) because it destroys the view for the houses across the street. It ruins the view of the ocean for them. The value of all the houses is in the view.

Sincerely,

Elizabeth Means
Elizabeth Means

Elizabeth Means
544 Beach Drive
Aptos, CA 95003
January 17, 2003

Santa Cruz County Planning Commission
c/o Cathleen Carr
701 Ocean Street
Santa Cruz, CA 95060

Re: proposed house at 531 Beach Drive, Aptos

Dear Ms. Carr,

I cannot believe you would ever consider permitting a house of 5000 square feet on a lot the size of the one at 531 Beach Drive. There is no house that size on our street on a lot twice that size! Everyone who saw it from the beach, or anywhere, would say, "How did they ever get a permit for that!"

I myself built 626 Beach Drive on the water and received many compliments on it but it is only about 2000 square feet with a very spacious ambience. It was rented to as many as 10 people at a time as well.

There is also no reason for a huge deck as the owners will discover for themselves. We do not need to accommodate FEMA and their preemptive perceptions with a monster in our midst.

Yours very truly,

Elizabeth Means

Elizabeth Means

Ms. Cathleen Carr
Santa Cruz County Planning Department
701 Ocean Street, Suite 400
Santa Cruz CA 95060-4073

November 15, 2002

Re: 531 Beach Drive, Aptos Application #01-0022

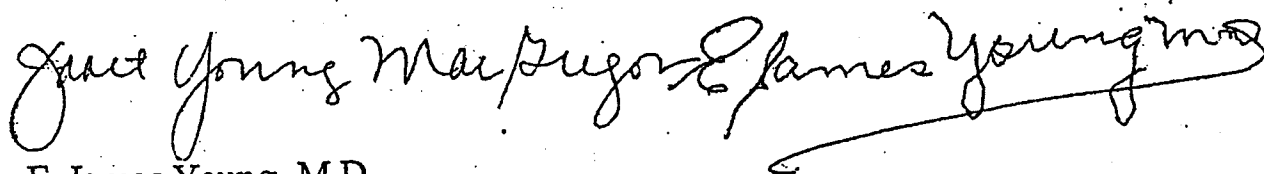
Dear Ms. Carr:

We are appealing the approval of the variances to increase the maximum stories from one story to two stories, and to increase the 17' height limitation to 22' required to construct a two-story, single family dwelling at 531 Beach Drive, Aptos. We have concerns about the following aspects of the project:

1. Height
2. Mass
3. Scale
4. Impact of 2nd story deck
5. Privacy issues
6. Impact on public viewshed.

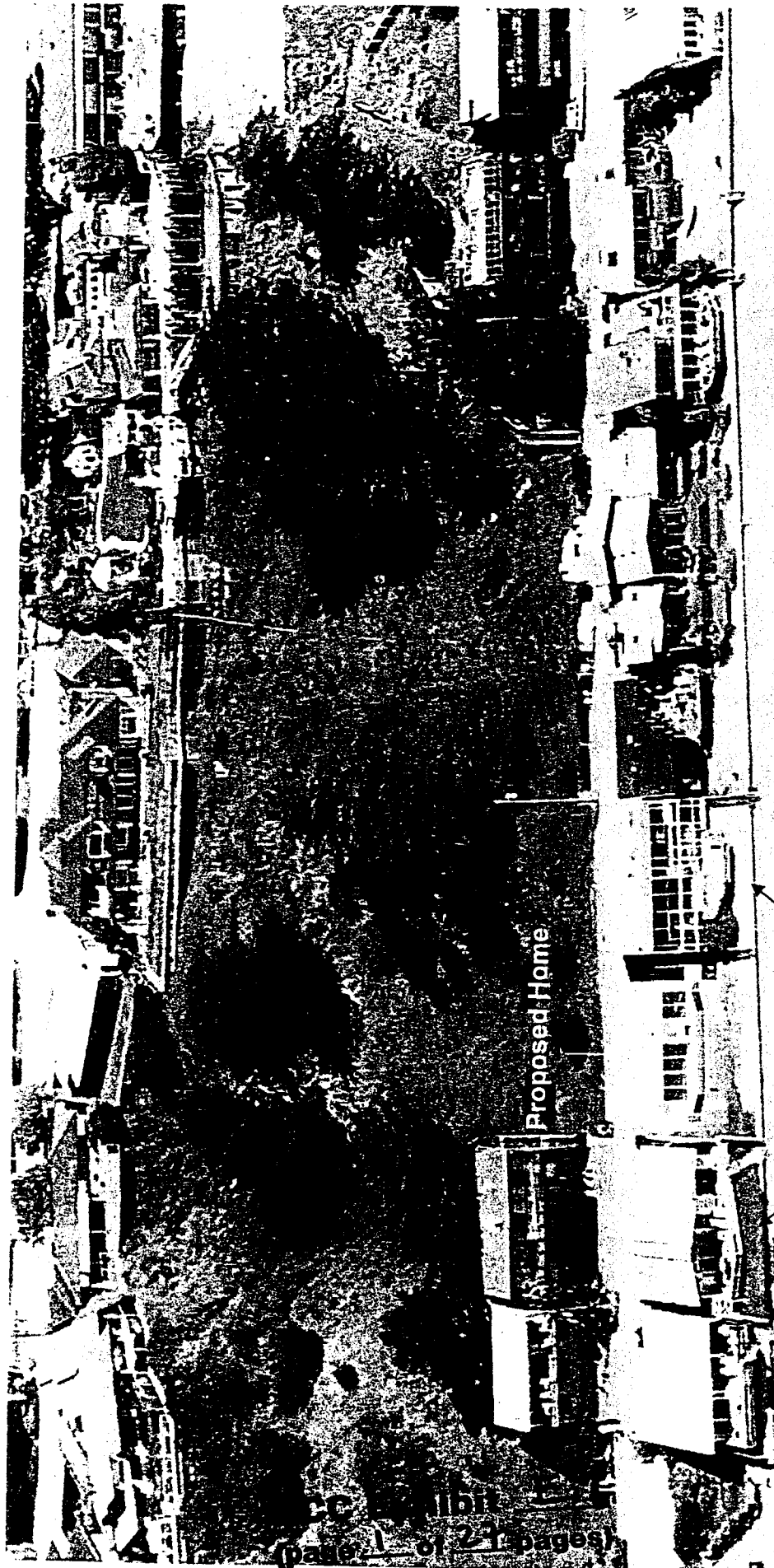
We will be providing detailed information on these issues as well as discuss how they can be addressed to alleviate our concerns.

Sincerely,



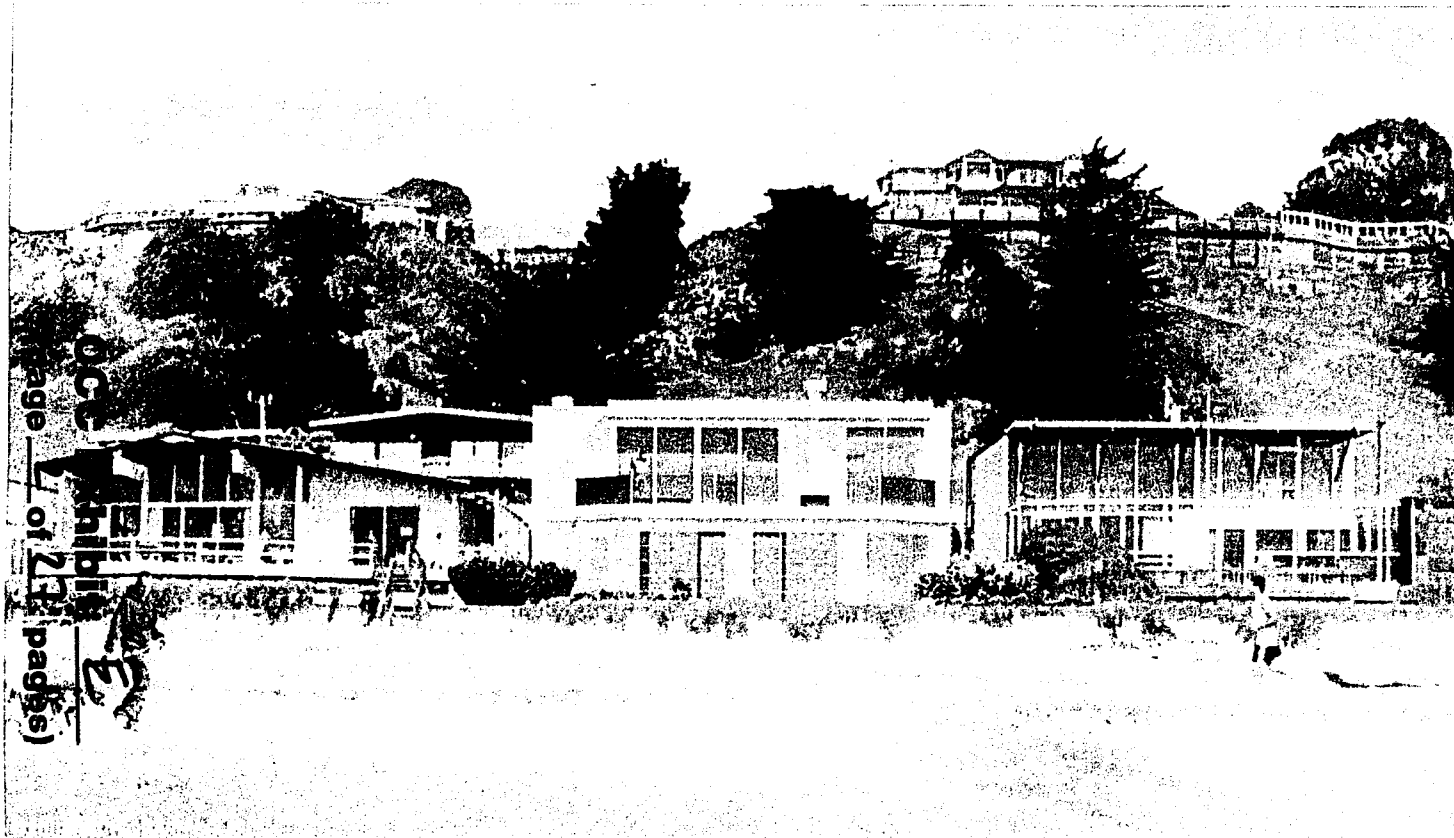
E. James Young, M.D.
Janet Young MacGregor
Ralph and Barbara Oswald

The Proposed Home – Aerial View



Consistent / Compatible with other homes on Beach Drive

The Proposed Home – Beach Front View



- FEMA standards required a height variance
- Lower level uninhabitable
 - Breakaway Walls
 - Garage
 - Storage
- Zero setback on North, 5' setback on south
- Privacy wall on sides of Deck

Kevin Rose, owner
111 Beach Drive
Aptos
CA 95020

Walker & Moore Architects
Rendering: Art In Graphics

Consistent / Compatible with other homes on Beach Drive

531 Beach Drive

Located in existing Development

Minimal Impact on Coast

Does not block public views or beach access

Large Lot Size (no home directly behind)

Our family has Vacationed on Beach Drive for years

Project Team / Advisors

Owners	Teresa & Patrick Royan
Planning Consultant	Rich Beale
Architecture	Sandy Walker
Design	Sally Sirkin-Lewis
Legal	Catherine Philipovitch; Bosso, Williams, Sachs, Atack & Gallacher
Geology	Rogers, Johnson & Associates
Geotechnical Engineering	Haro, Kasunich & Associates
Surveyors	Dunbar & Craig
County	Cathleen Carr, Don Bussey

Project History

Lot purchased	Jul 99
Design / Architecture / Geological / Soils / Etc.	Aug 99 - Dec 01
Lot legality	May 02 - Nov 02
Meetings with neighbors	7 Times
First Zoning Administrator Hearing - Continued	Sep 20, 2002
Redesigned Home to accommodate neighbors	Sep 02 - Oct 02
Second Zoning Administrator Hearing	Nov 1, 2002
Approved by county	Nov 1, 2002
Appealed to Planning Dept.	Nov 15, 2002

Steps Taken to Accommodate Neighbors

- 1. Met with Neighbors prior to submitting plans
- 2. Revised and submitted plans
- 3. Met with Neighbors subsequent to submitting plans (prior to first hearing)
- 4. Reviewed letters from neighbors to county
- 5. Revised plans

Seven (7) separate meetings with neighbors to listen to concerns

Summary of Significant Neighbor Complaints

Height / Size of Home (Despite FEMA requirement)

Privacy / Blocks Private Views

Size of Deck

Distance of Deck and Home from Beach

Unsignifilness of piers

Changes to Accommodate Neighbors

Height Size of Home (Despite FEMA requirement)

Lowered the house one foot (improves neighbor's view, required by county) Minimal interior ceiling heights compared with other Beach Drive homes

Privacy / Blocks Private Views

Angled ends of deck to give neighbors privacy

Re-designed stairs so that egress is enclosed, 8ft away and not facing the neighbors

Added privacy walls on both sides of the deck and on the stairs.

Added privacy windows on the South side of the house

Omitted the barbeque to omit one chimney and allow room for the new stairs design

Reduced the size of the remaining chimney's

Angled the storage area to give neighbors on the South Side a better ocean view.

Omitted glass from lower half sides of house for privacy and ascetics.

Size of Deck

Reduced size of deck by 31% (pulled back deck total of 7 ft from seawall)

Distance of Deck and Home from Beach

Redesigned house in order to pull back House 3 feet from seawall.

Wider by 3 feet on North side

Unsightliness of piers

Re-engineered slab to Eliminate 4 (one row) of piers.

Enclosed remaining piers in lower level

Appendix – Neighbor Next to Royan

CCC Exhibit E
(page 9 of 27 pages)



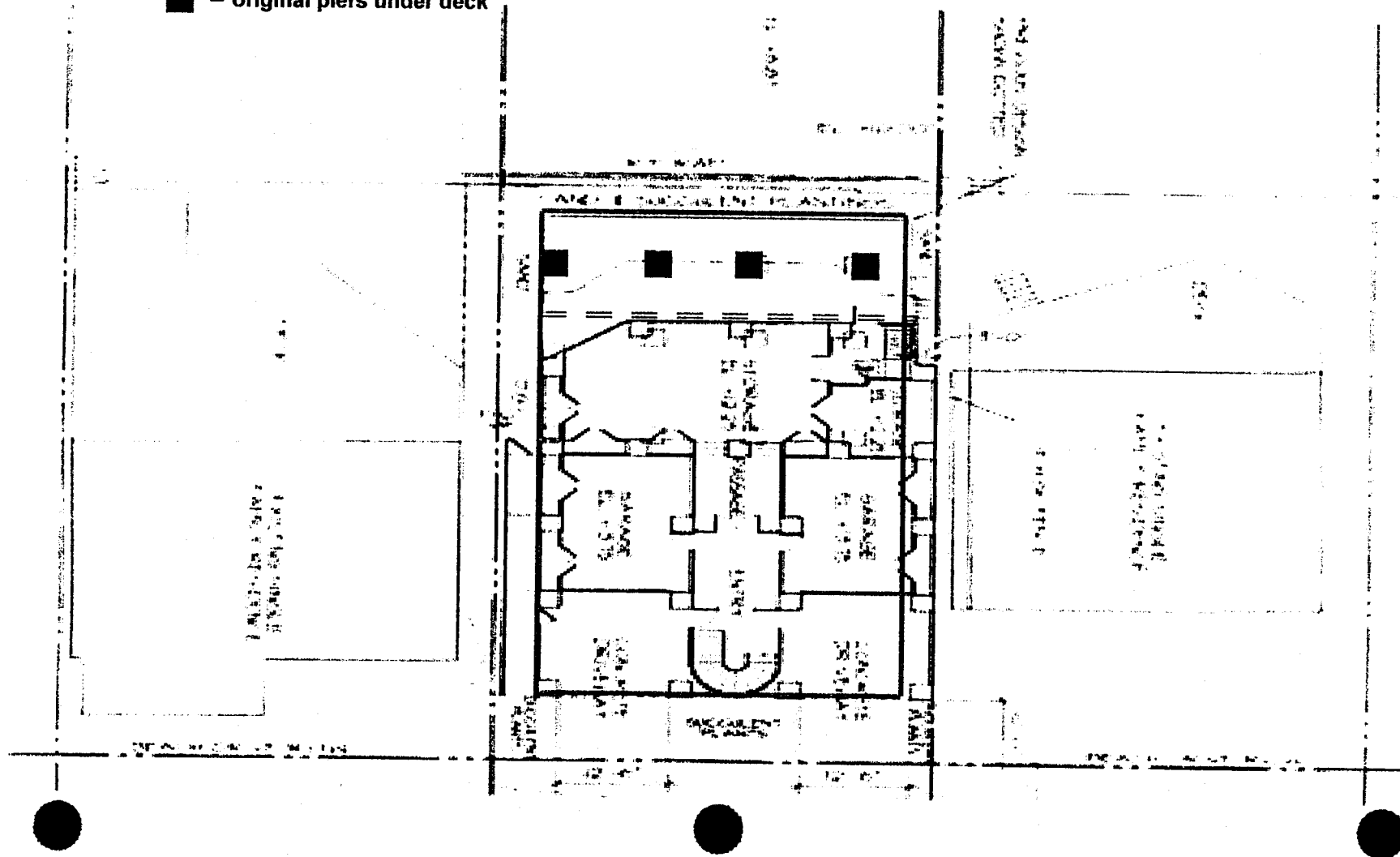
One reason the Northern side of home was chosen for zero lot line is the existing 9 foot privacy wall

Changes to Accommodate Neighbors – Drawing – Original Design

== == == = original location of top floor wall

———— = original home and deck footprint

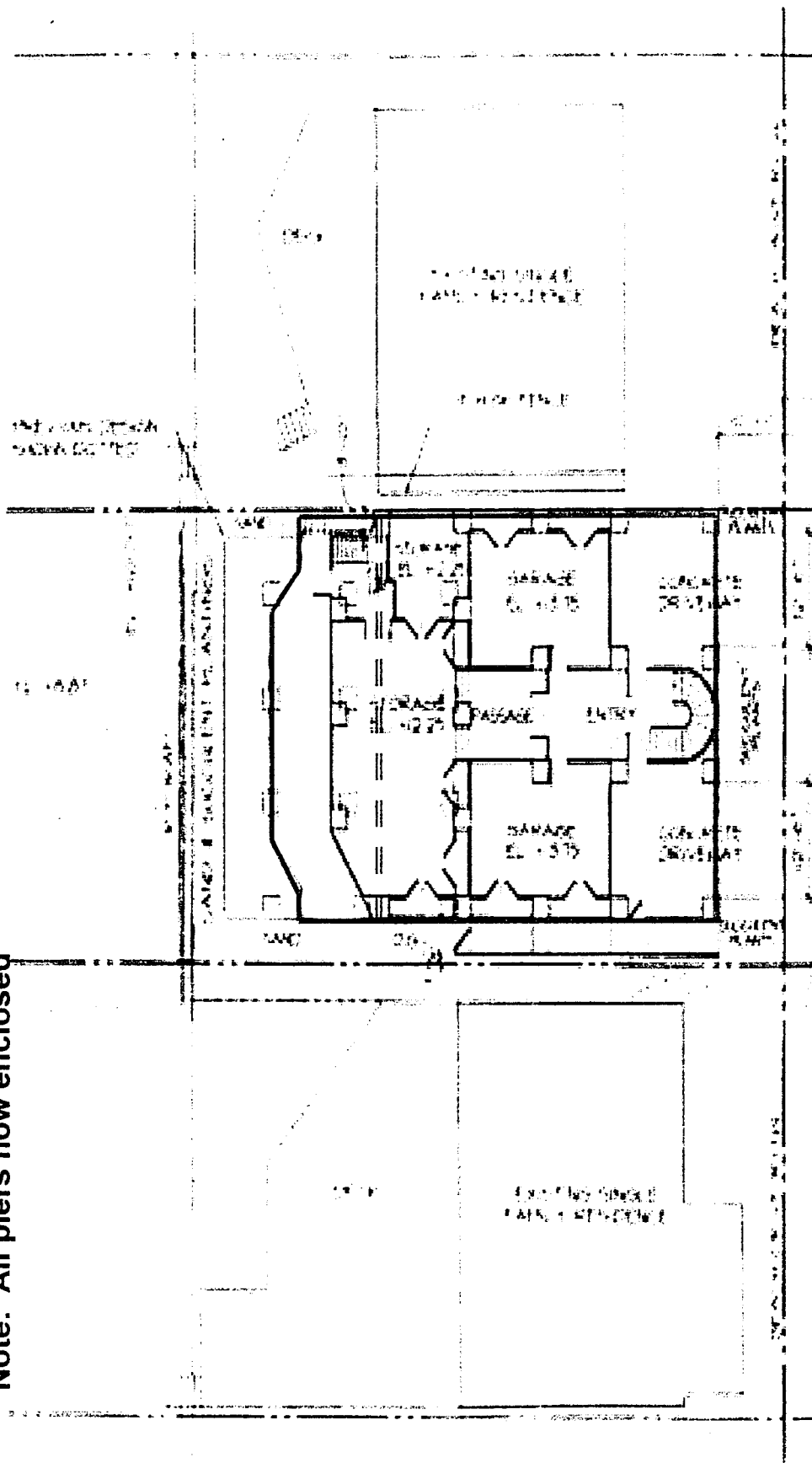
■ = original piers under deck



Changes to Accommodate Neighbors – Drawing – Revised Design

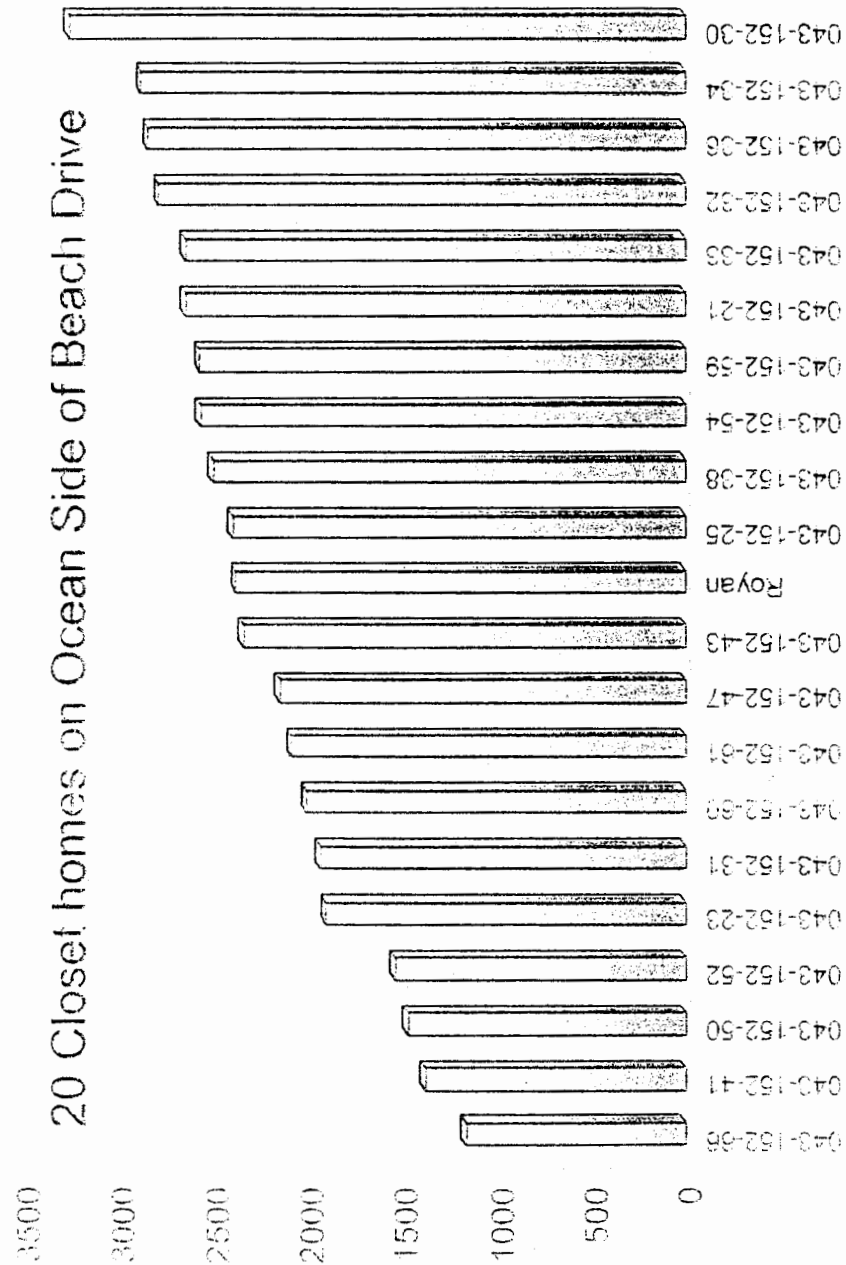
== == == == == revised location of top floor wall
 _____ = Revised home and deck footprint

Note: All piers now enclosed



Consistent with Existing Development — Usable Square Feet

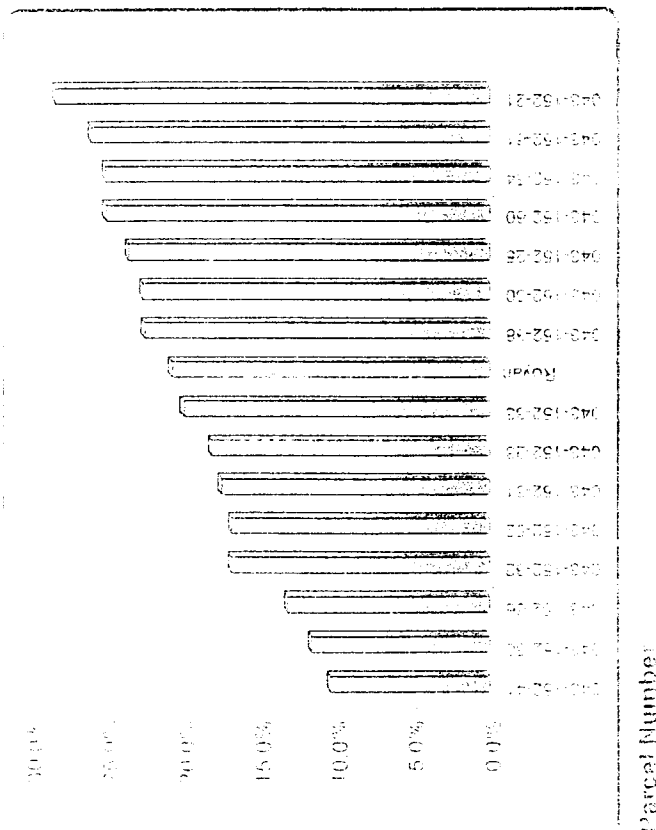
San Diego County Tax Records



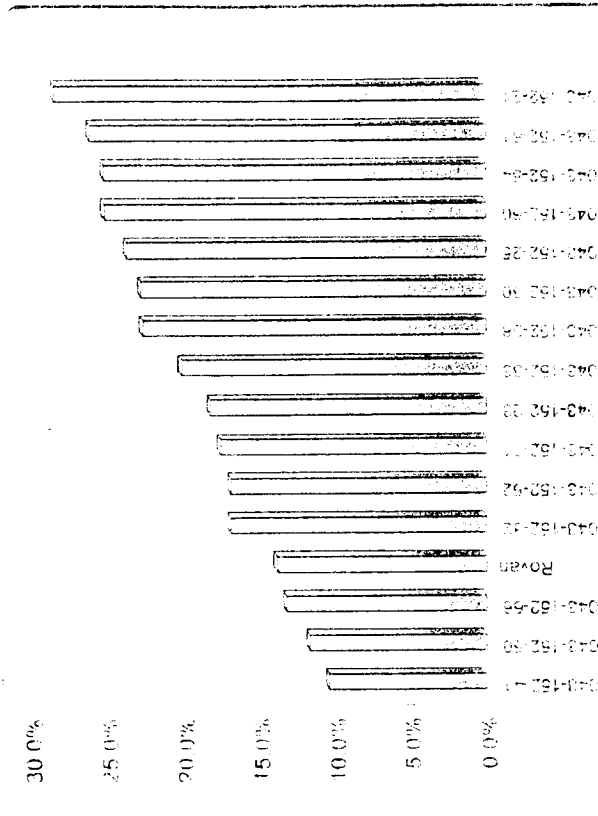
Parcel Numbers

Consistent with Existing Development – Lot Coverage

Lot Size = Seawall to Road



Lot Size = Entire Lot



Note: Only single story homes included since lot coverage within the acreage calculated on two story homes. Lot coverage calculated by dividing the square footage of the house by the lot square footage

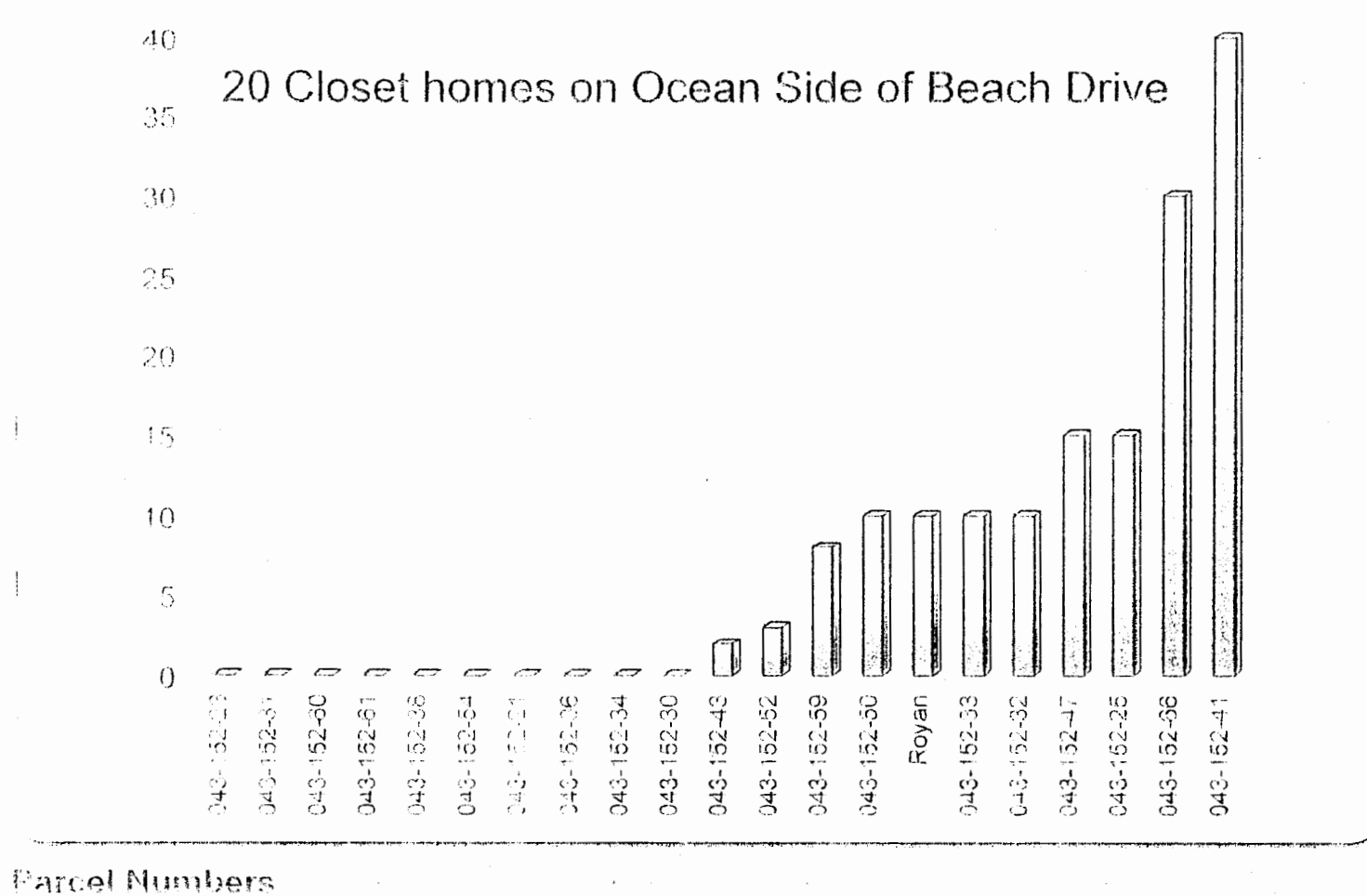
Consistent with Existing Development – Approximate Distance Deck from Seawall

Source: Visual Inspection on 10/29/02

CCC Exhibit E
(page 14 of 27 pages)

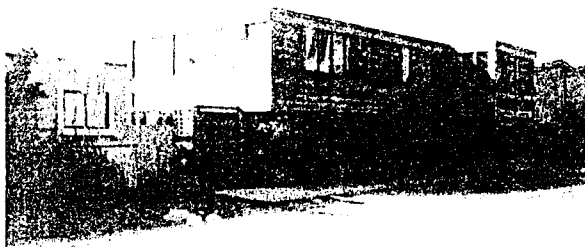
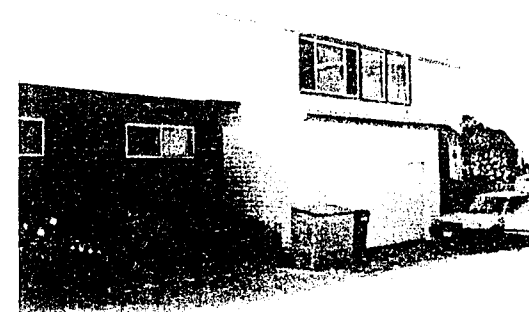
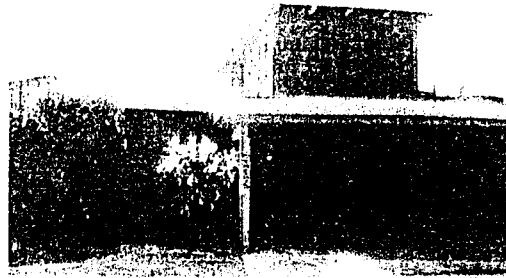
Approximate Feet from Seawall

20 Closet homes on Ocean Side of Beach Drive



Consistent with Existing Development –
Number of Existing 2 story homes on
Ocean side of Beach Drive = 5

CCG Exhibit E
(page 15 of 27 pages)



Source: Visual inspection of aerial photographs from

on 10/31/02. Ocean side of Beach Drive same development

Consistent with Existing Development – Height (above sea level) of highest homes on Ocean side of Beach Drive

(page 16 of 21 pages)

CCC Exhibit 1

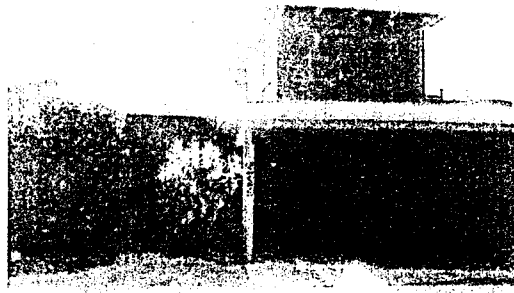
Height = 36.1 feet



(approx 24.1 ft above grade)

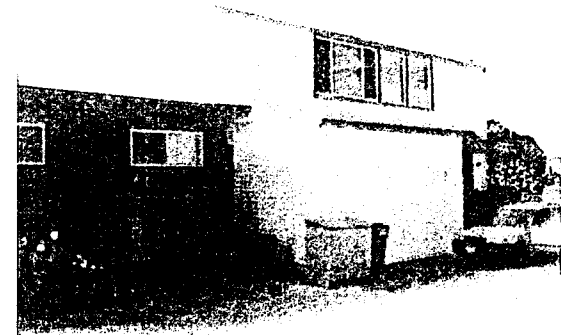
Existing Homes

Height = 34.4 feet



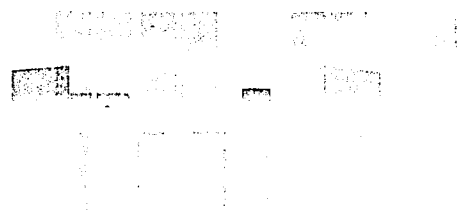
(approx 22.4 ft above grade)

Height = 33.5 feet



(approx 21.5 ft above grade)

Proposed Home
Height = 34 feet above sea level



(approx 22 ft above grade)

Consistent with Existing Development –
Other

Number of homes with elevated decks = 4

Distance homes to seawall

Closer = 12

Farther = 6

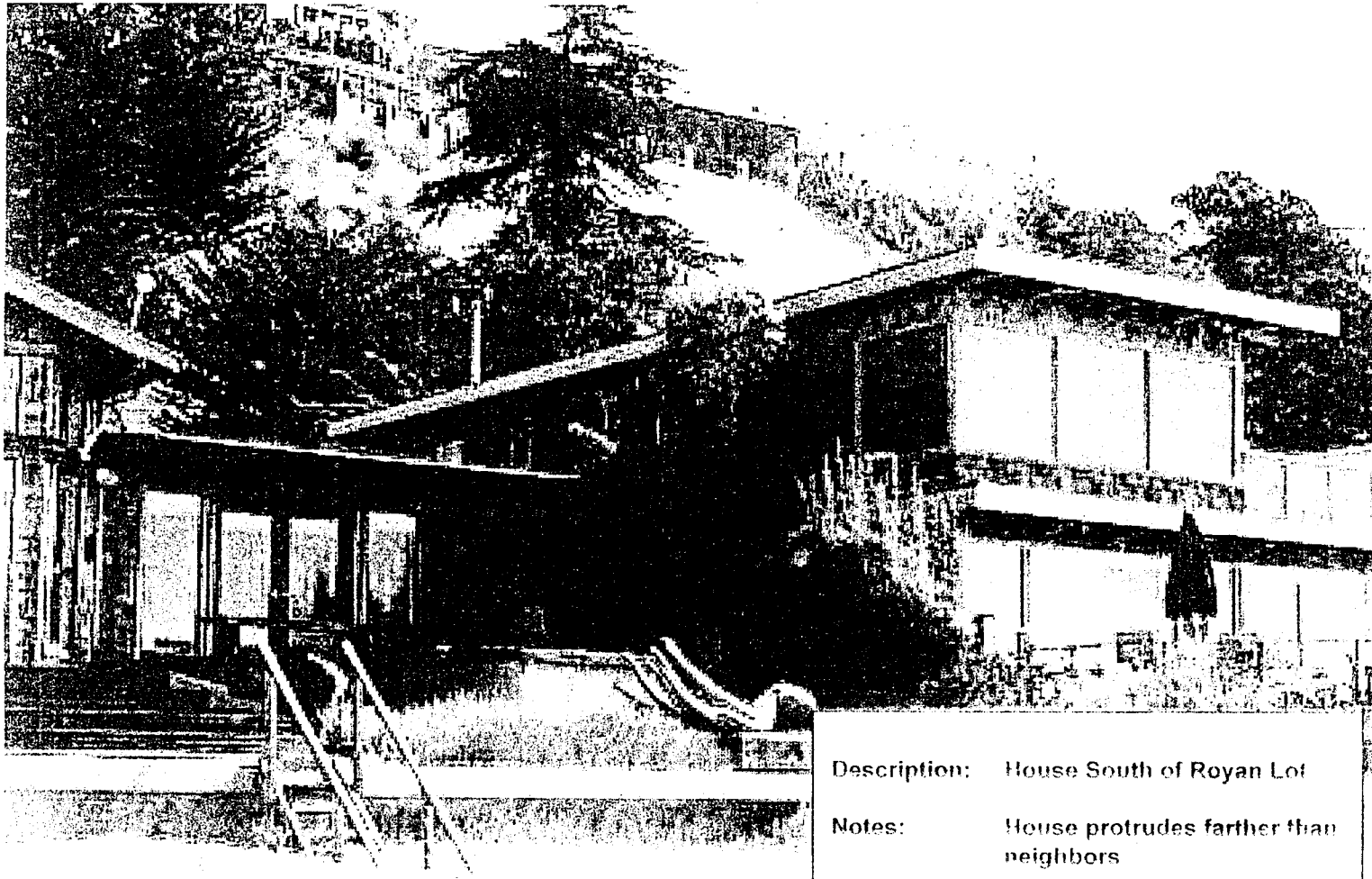
Same = 2

Consistent with Existing Development – Photo # 1:



Description: South View from Royan Lot
Notes: Inconsistent Deck Sizes
Houses protrude different
distances toward beach

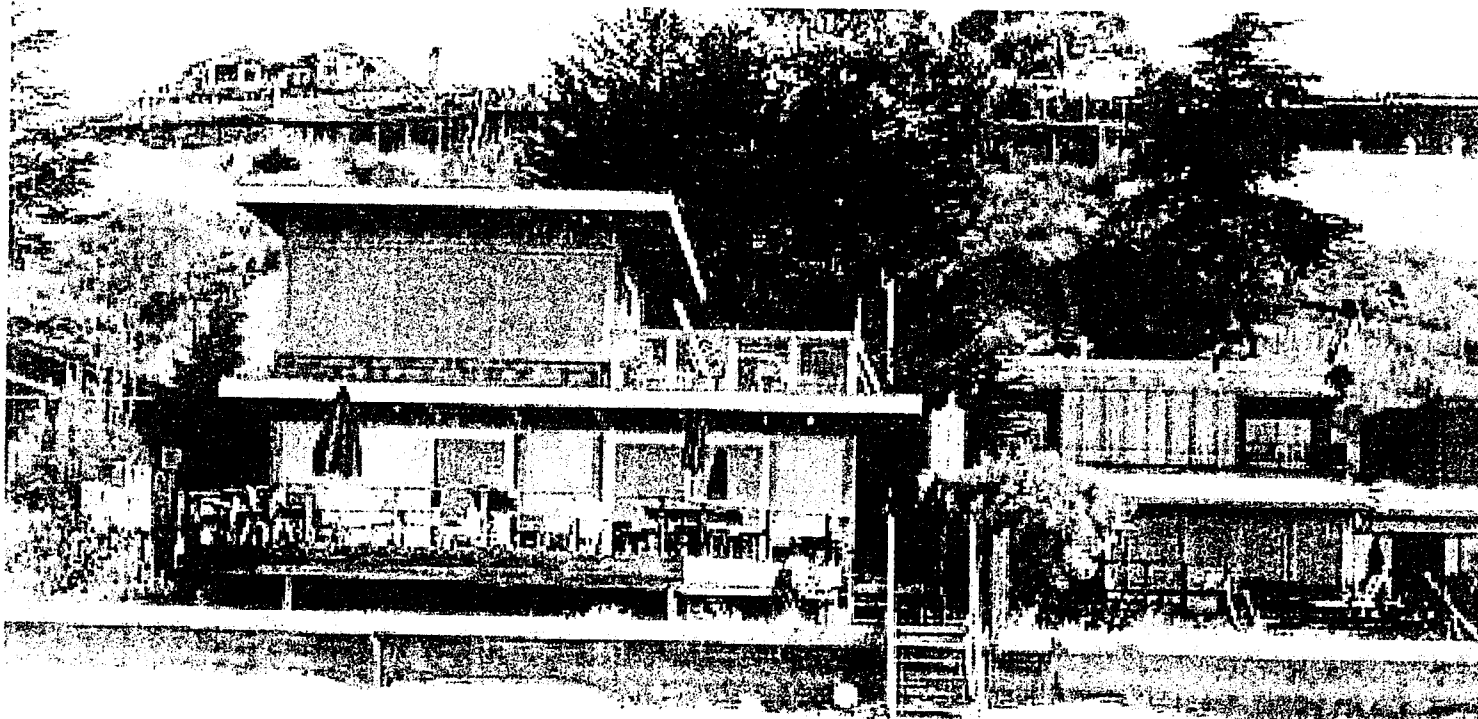
Consistent with Existing Development – Photo # 2:



Description: House South of Royan Lot

Notes: House protrudes farther than neighbors

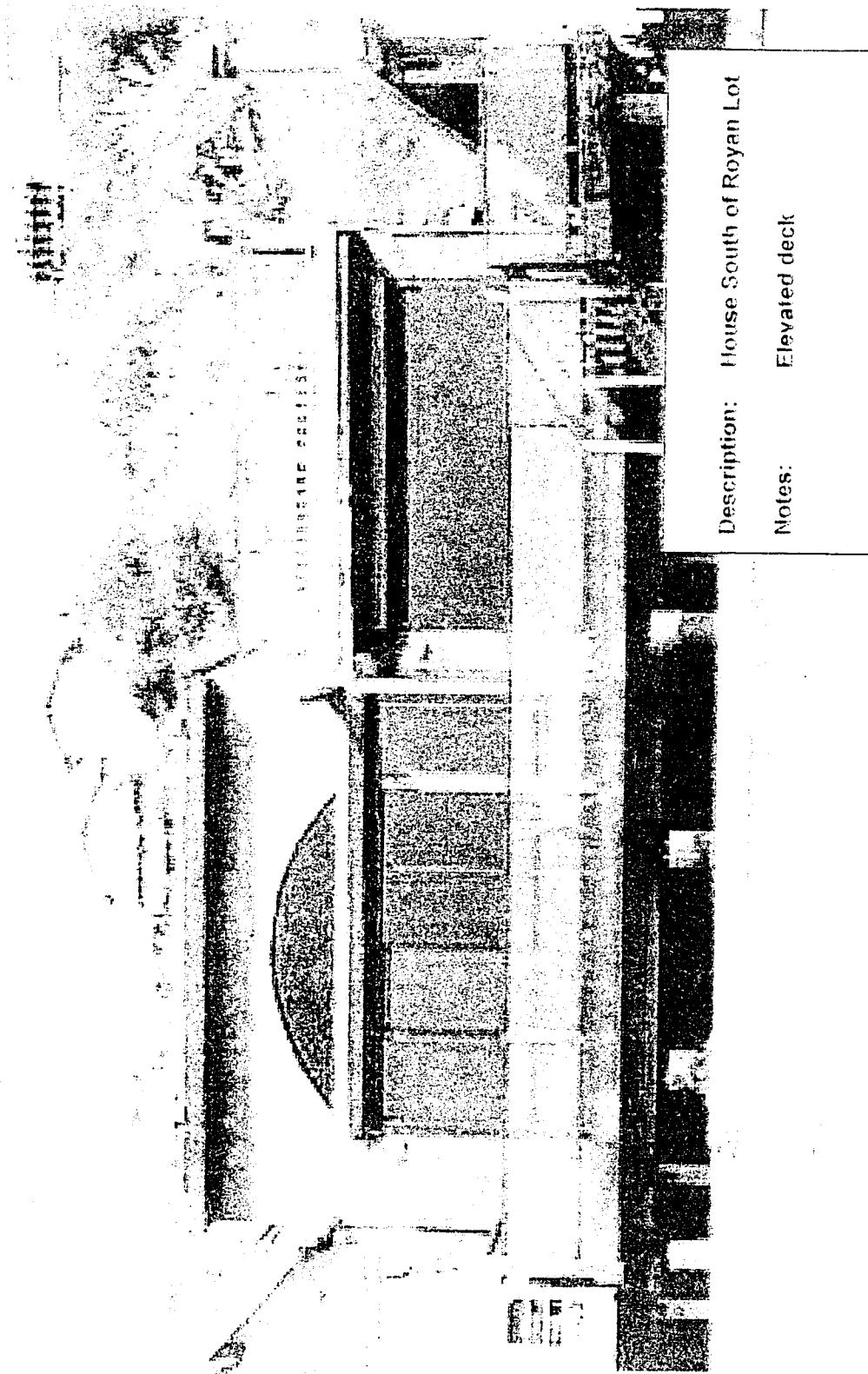
Consistent with Existing Development — Photo #3:



Description: House South of Royan Lot

Notes: Large elevated deck with
privacy walls.

Consistent with Existing Development —
Photo #4:



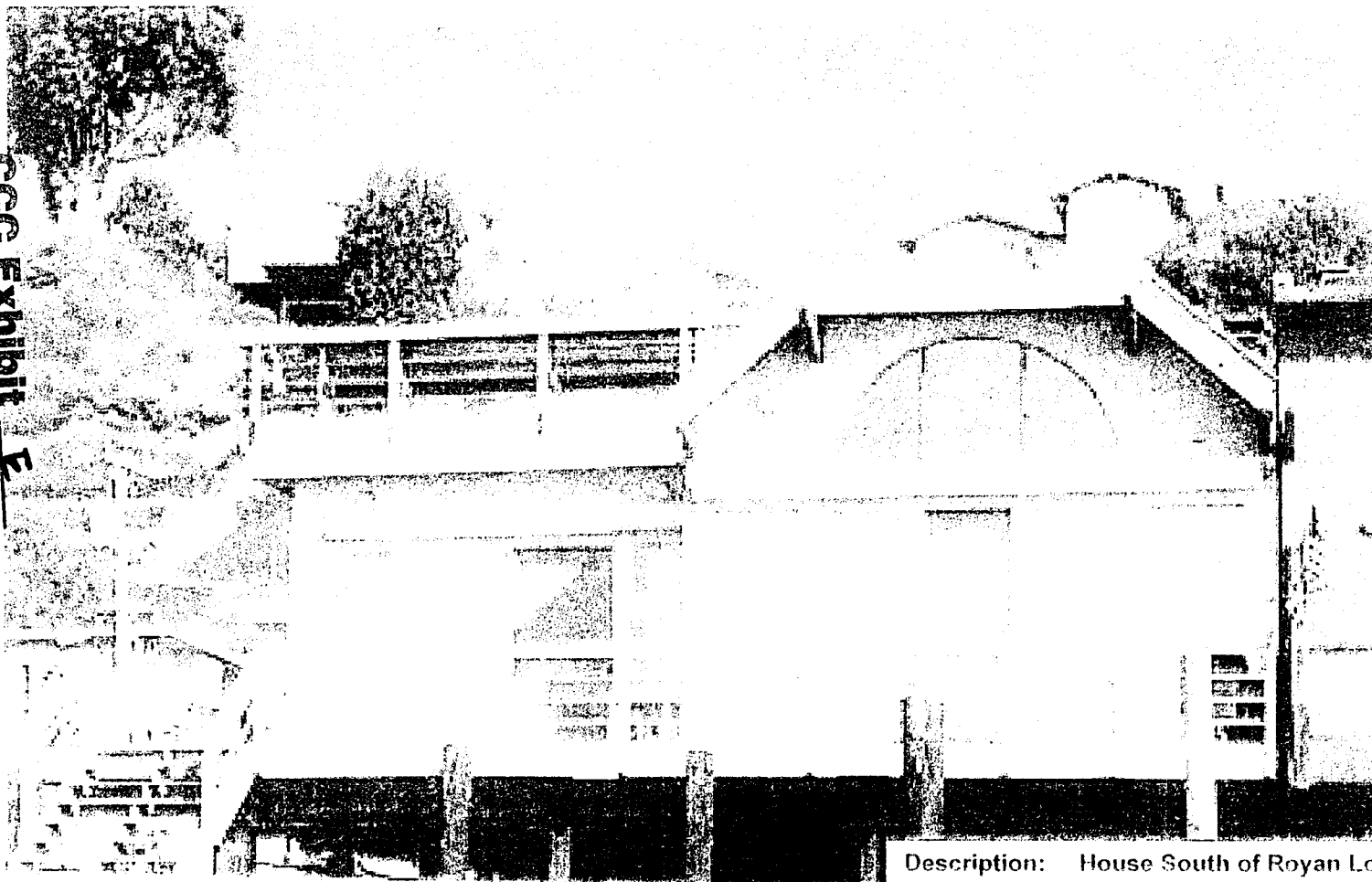
Description: House South of Royan Lot

Notes: Elevated deck

Consistent with Existing Development —

Photo #5:

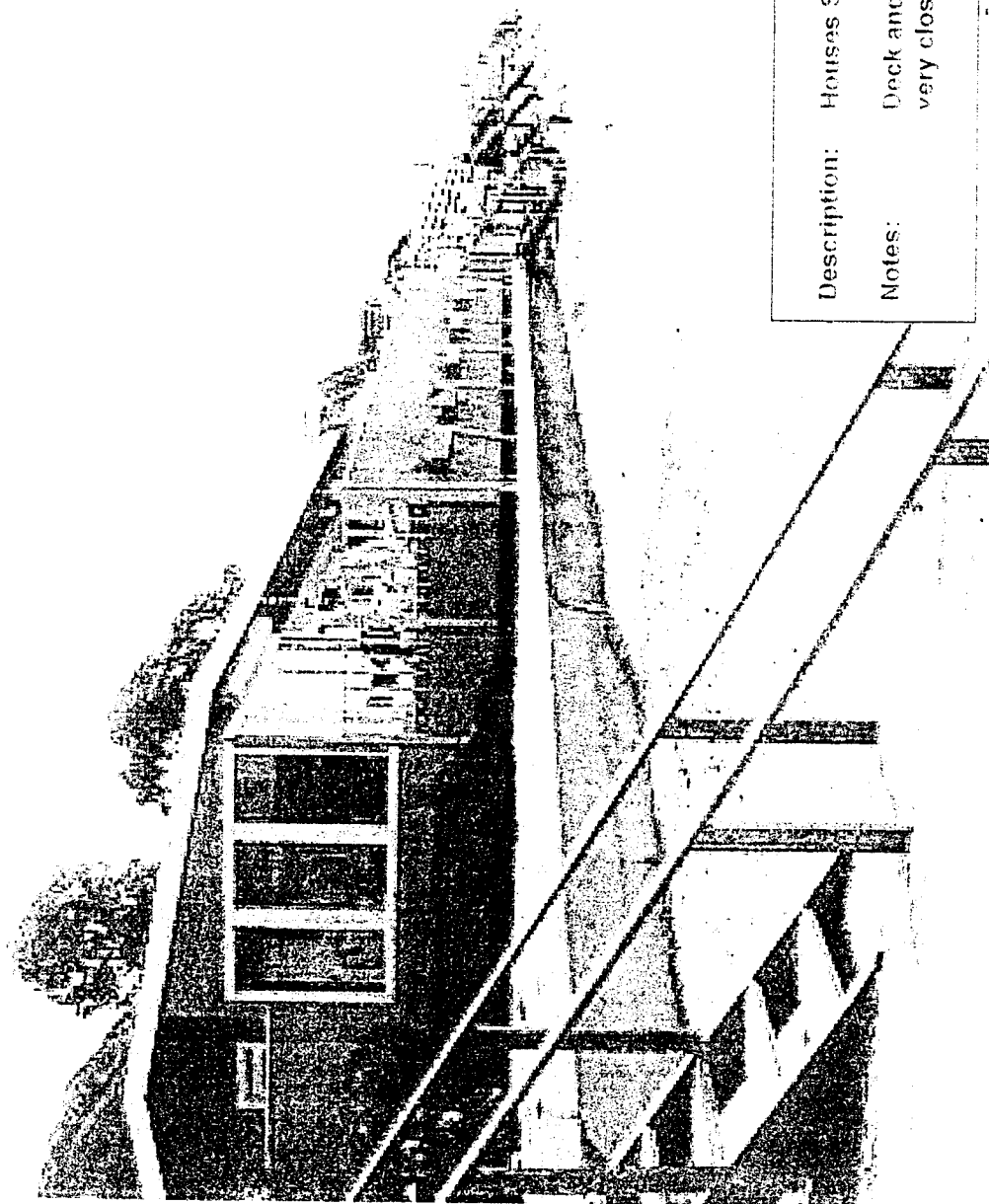
CCC Exhibit E
(page 22 of 27 pages)



Description: House South of Royan Lot

Notes: Elevated deck

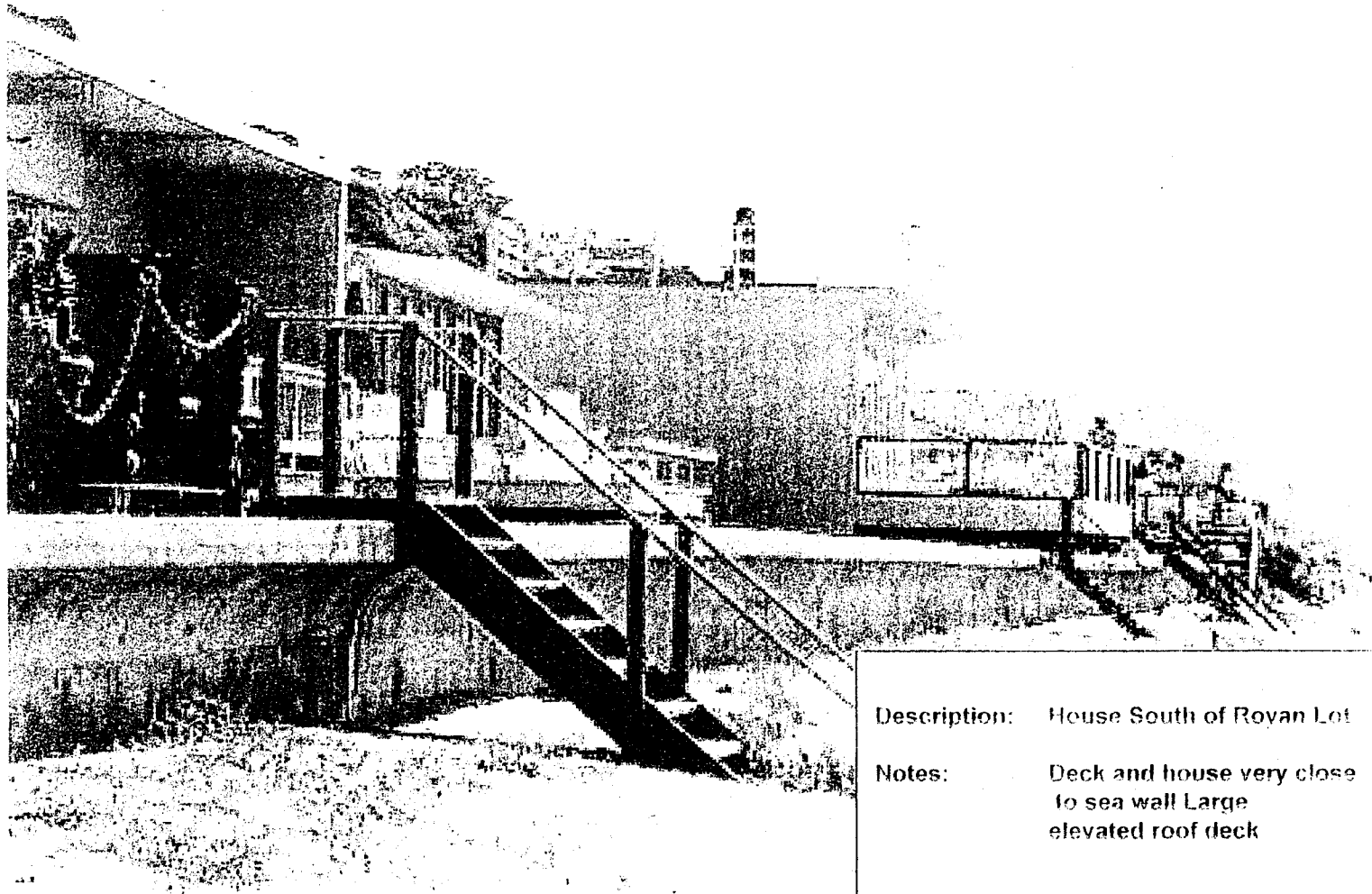
Consistent with Existing Development —
Photo #6:



Description: Houses South of Royan Lot
Notes: Deck and house
very close to sea wall

Consistent with Existing Development – Photo #7:

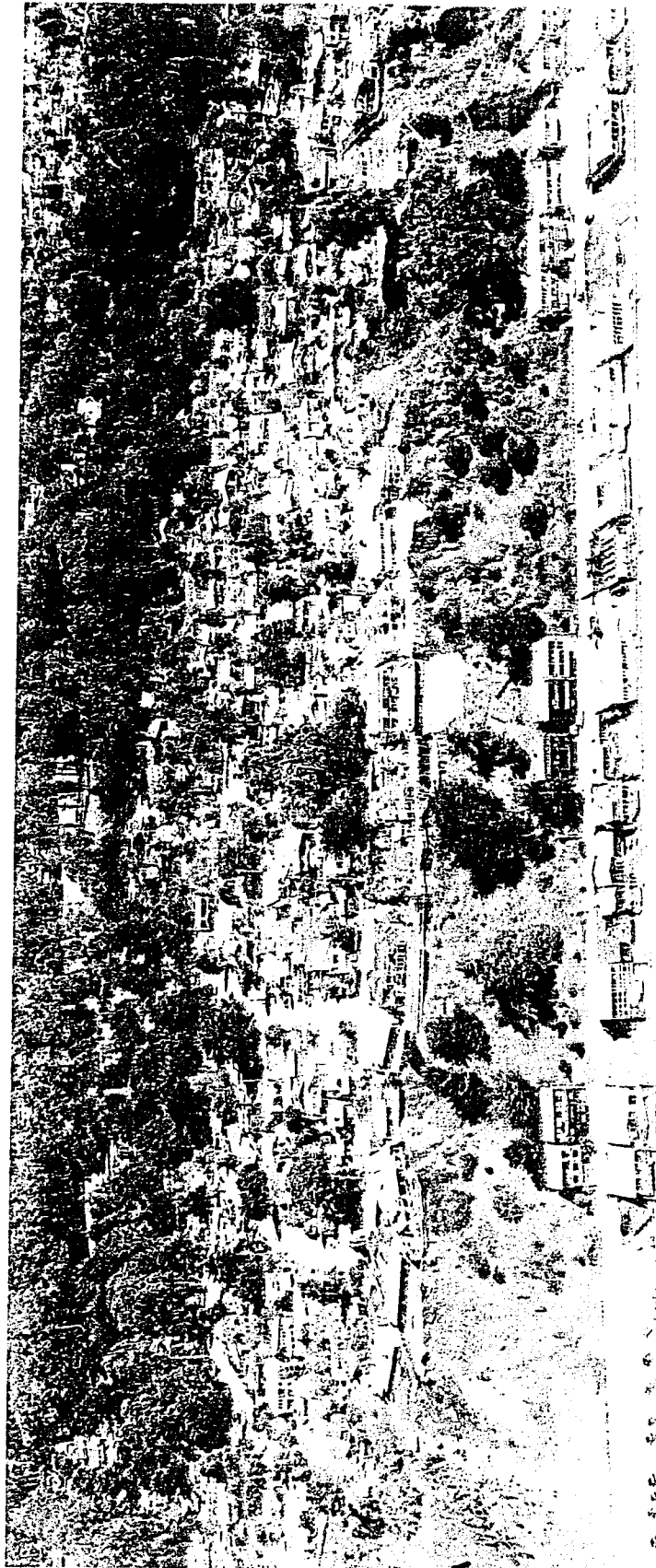
CCC Exhibit E
(page 24 of 27 pages)



Description: House South of Royan Lot

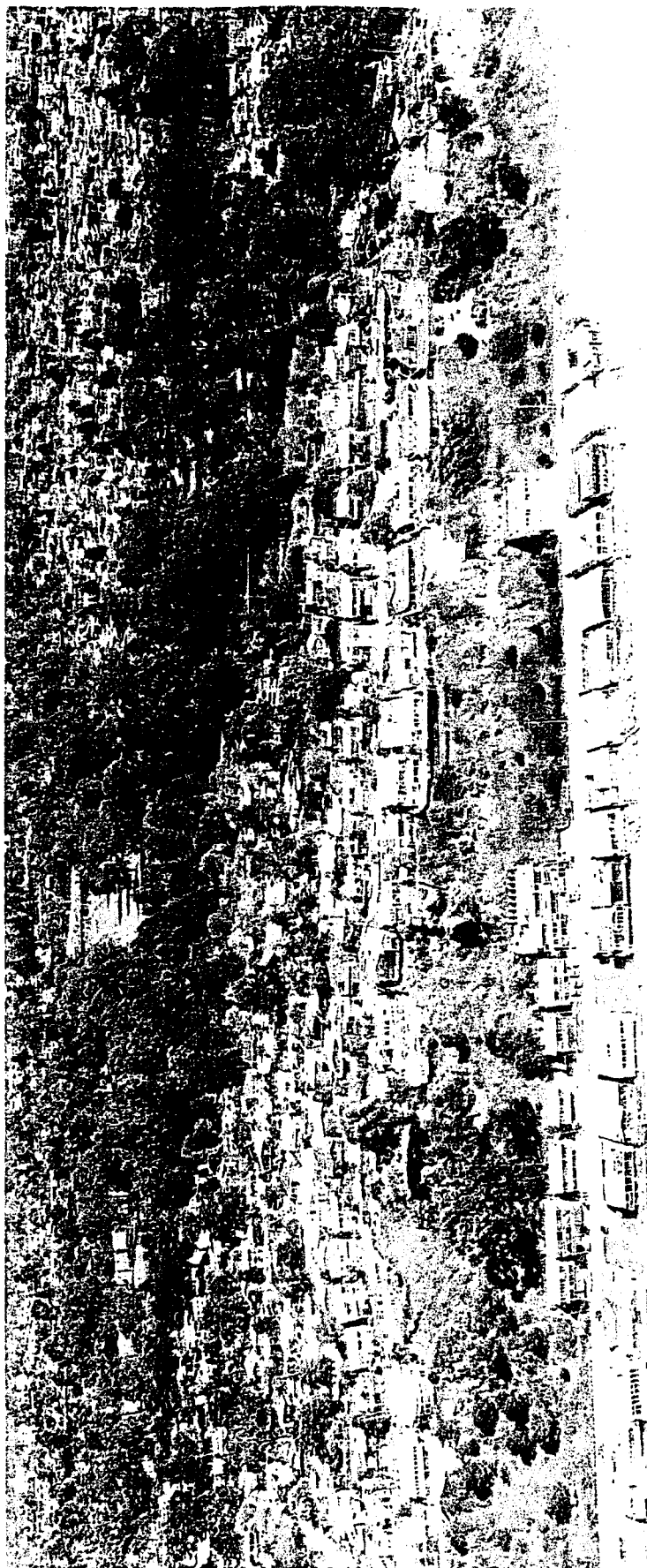
Notes: Deck and house very close
to sea wall Large
elevated roof deck

Appendix -- Aerial Photo of Beach Drive # 1



531 Beach

Appendix – Aerial Photo of Beach Drive # 2



Conclusions

- Well thought out and planned project using advisors familiar with Santa Cruz County codes, regulations, and variances
- FEMA requirements require height variance
- Does not block public views or beach access
- Design is consistent with existing development (compared with 20 closest beachside homes)
- Significant time and resources have been expended to attempt to accommodate neighbors
- County Planning Staff and Zoning Administrator believe this home is compatible with neighborhood and made findings for approval of project

June 3, 2003

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

RECEIVED

JUN 04 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Proposed project at 531 Beach Drive, Aptos.

Dear Mr. Carl:

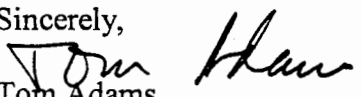
I have been a resident of Santa Clara County for 35 years and have grown up spending most of my weekends and summers at the beach. Since my parents had six kids they needed to find a place where the entire family could have fun that was inexpensive; and this was the beach. I have been on every beach from San Francisco to Monterey and a many beaches south of Monterey. I now take my children to the beach so they can enjoy this vast playground as much as I do. My in-laws own property in La Selva and we are at the beach at least twice a month visiting them and enjoying the coast.

I was fortunate enough to grow up with a friend whose parents own a beach house in Rio Del Mar, so I have spent a great deal of time up and down that beach. As you know, there has been a great deal of change in the properties located near and on this beach. Most of these changes have been for the better. Many of the homes and stores that used to be rundown have been fixed up so they are not such an eyesore.

I have recently walked past 531 Beach Drive as well as reviewed the proposal for the construction. It appears that the applicants are building a modest home that has taken in to consideration its surrounding, and it blends in well with the other homes in the area. If there were no other homes in this area, I could see a good reason not to allow this construction; however, this home is in-between 2 other homes in a row of 20 or so homes and the only view that it would block from the beach is the bottom of a cliff with overgrown brush. (A view that is currently blocked by all the other homes on the beach)

I believe in the Charter of the Coastal Commission, and I am glad that we have an entity whose purpose is to preserve the beauty of the coast. I believe that this residence would have no negative impact on the coast whatsoever. I would be happy to discuss this in greater detail should you so desire. You can reach me via email at tom.adams@bbcglobal.net or at home (408) 979-0787.

Sincerely,


Tom Adams

Cc: Pat and Teresa Royan

Wednesday, May 20, 2003

RECEIVED

MAY 28 2003

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

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Proposed project at 531 Beach Drive, Aptos.

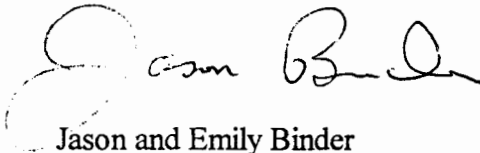
Dear Mr. Carl;

My name is Jason Binder and I have resided in San Mateo County for nearly 30 years. My wife, Emily, and I love our weekend getaways and spend a great deal of time in Santa Cruz County. As children, our parents took us to the beaches, and now we are fortunate enough to be able to do the same with ours. Over the last few years, we have seen many new homes constructed directly on the beach. We enjoy taking part in the various beach developments, as they directly affect our experience at the coastline.

In regards to the proposed project at 531 Beach Drive, we are extremely impressed. Emily and I feel the project works well with the current developments, does not interfere with public view and beach access, and is fair to surrounding neighbors. The Planning staff did a very thorough job approving the project, as we are convinced the design will improve the general appearance of the area.

Emily and I were raised to appreciate the Santa Cruz coastline and Coastal Commission's charter. We do not believe this project should be denied or even scaled back. We recommend that the Coastal Commission approve the construction of 531 Beach Drive as it currently exists and deny potential appeals.

Best regards,



Jason and Emily Binder
278 Iris Street
Redwood City, CA 94062

May 15, 2003

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

RECEIVED

MAY 19 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: The Royan's proposed residence at 351 Beach Drive, Aptos

Dear Mr. Carl:

I have lived in Santa Clara County since 1975 and been a homeowner since 1991. I routinely visit the beach communities of Santa Cruz County, including Aptos. Pat Royan has been a personal friend of mine for the past thirteen years.

I have reviewed the Royans' proposal and discussed it at length with them. My review was not a "rubberstamping". Rather, as a licensed CPA, I approached it with the same professional skepticism used in audits, and the Royans had to convince me of their position. I considered the proposal from several viewpoints: the Royans', their neighbors' and that of the local community.

The Royans purchased their lot in July 1999, almost four years ago. During that time, the Royans met with their neighbors seven times and redesigned the home twice, at considerable expense, to accommodate them. The home is consistent with existing development on Beach Drive (ocean side) in terms of usable square feet, lot coverage and distance to the seawall. The Urban Designer, County Planner, Zoning Administrator and (four) Planning Commissioners of Santa Cruz County have all approved the project. The house is modest and tastefully designed, not ostentatious, and will have a positive impact on the area. To be honest, I am dismayed that, in spite of the Royans' good faith efforts to work with the neighborhood, certain individuals have appealed the project to the Coastal Commission.

I believe the proposed development would be a fine addition to the area and ask that you approve it.

Respectfully,

David Leonard

David Leonard
1454 Almaden Valley Drive
San Jose, CA 95054

cc: Pat and Teresa Royan

5/12/03

Mr. Dan Carl
California Coastal Commission
Santa Cruz, CA 95060

Re: 531 Beach Drive, Aptos

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MAY 14 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Mr. Carl,

My wife and I have been residents of Santa Cruz County for 22 years. Like many emigrants to our county we place a high value on the surrounding natural beauty, particularly the coast and beaches. Being native Californians we are also very much aware of how rampant development can spoil a beautiful natural resource.

Recently I reviewed the proposed project at 531 Beach Drive. I was able to examine the elevations and the site in detail. Having worked a project through the planning process myself and being involved in local land use issues I was able to view the proposal through the prism of those experiences. In my view the project fits very nicely into the surrounding development. I see no negative visual impact or reduction of beach access. I believe the project represents a strong commitment on the part of the applicant to "fit" within the many demands of building on this site.

I expect that in the future, once construction is finished, my wife and I will have little to remark on about 531 Beach Dr. as we walk the "Rio" beach. We would recommend the Coastal Commission approve the project as planned and forego any appeals.

Sincerely,



Ken Kimes

1255 Hames Rd
Aptos, CA 95003

DINA HOFFMAN
Attorney at Law
74 River Street, Suite 201
Santa Cruz, California 95060
Telephone (831) 423-1411
Facsimile (831) 423-6106

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MAY 08 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 7, 2003

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

Re: 531 Beach Drive, Aptos
Assessor's Parcel Number 043-152-48
Coastal Commission Application No. 01-0022

Dear Mr. Carl:

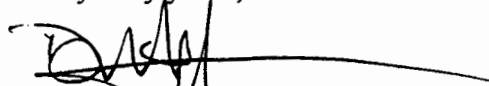
I am writing on my own behalf to support the application of Teresa and Patrick Royan for a permit to construct a new dwelling on the lot located at 531 Beach Drive in Aptos. As a resident of Santa Cruz living within the Coastal Zone's jurisdiction, I appreciate the mandate of the Coastal Commission to protect our coast, and in particular to safeguard the view of the coastline for the public at large.

I have reviewed the plans for the Royan home, which is to be situated in the midst of a longstanding development on Beach Drive, and I am impressed by the efforts the Royans have made to minimize the impact of the modest home they plan to build there. I cannot imagine that anyone could argue that the home they propose to build will alter the general landscape and views looking toward Beach Drive in any way. In fact, from my point of view, it represents an improvement over the existing dwellings there, and will no doubt raise everyone's property values once built.

The Royans have gone to Herculean lengths to address their neighbors' stated concerns, and nonetheless it appears the most immediate neighbors remain unappeased. As you are well aware, the zoning laws do not exist to create parkland for property owners who own their own developed parcels and then seek to prevent others from developing an adjacent parcel which is otherwise zoned for development. Efforts to thwart the Royans at this point can only be viewed as some form of sour grapes and should not be encouraged. I appreciate the efforts the Royans have made and admire their tenacity. We will be fortunate to have their presence here, and I know they will be good caretakers of their small patch of the coast.

Thank you for your consideration.

Very truly yours,


Dina Hoffman

April 27, 2003

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

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MAY 05 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Proposed home on 531 Beach Drive, Aptos, CA

Dear Mr. Carl,

I am an avid surfer who frequents many of the beaches of Santa Cruz County, particularly, Aptos Beach. The beauty and expansiveness of this beach is what has drawn me back year after year. Being in the construction business, I spend a lot of time taking notice of the architectural designs of the homes along this beachfront and how they impact the aesthetics of the beachscape. I believe it is important to maintain and preserve harmony between home development and our natural resources as much as possible. Additionally, I have always been concerned about how newly proposed construction will affect my ability to access the shoreline.

I have had the opportunity to review the proposed home plans for 531 Beach Drive. Given the many revisions that the project has undergone, it is evident care has been taken to consider all aspects of how this structure will impact both the public and surrounding neighbors. I feel the design will blend in well with and ultimately improve the appearance of the development as many of the homes there are aging and in need of improvement. Finally, public access to the beach would not be affected in any way.

In closing, it is my understanding that the proposed home has undergone intense scrutiny by the County of Santa Cruz and has ultimately received unanimous approval. As such, I am in full support of this project and would urge the Coastal Commission to approve the proposed home plans.

Thank you for your time and consideration.

Sincerely,

Michael Spehar



cc: Pat and Teresa Royan



THE
BUILDING
COMPANY

GENERAL CONTRACTORS

MIKE. SPEHAR

(408)-265-7500

FAX 265-7403

BI LICENSE #: 425229

2102 RADIO AVENUE, SAN JOSE, CA 95125

CCC Exhibit F
(page 6 of 10 pages)

April 29, 2003

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MAY 02 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Re: Proposed project at 531 Beach Drive, Aptos.

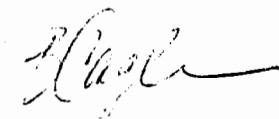
Dear Mr. Carl;

My relocation to Santa Cruz in 1985 was substantially based on the fact I could be at virtually any beach in a matter of minutes. The beach is an important part of my family's life and it is unlikely that we would find living anywhere else as satisfactory. Many walks along the beach with my wife and child give us the opportunity to review new construction. We are sensitive to the fact the Coastal Commission is chartered to insure the beach is a shared and protected resource.

I have had the opportunity to carefully review the proposed new home construction at 531 Beach Drive. I feel strongly that the project would not harm the beach nor would it harm pedestrian access. The project is consistent in scope and size with the other homes in the development and would appear to me to improve the overall view. The changes that the Royan family made to the plan as proposed by the County Planning Commission are a fair compromise with the surrounding neighbors.

We recommend that the Coastal Commission approve this project as it currently exists and deny any potential appeals.

Best regards,



Bob & Carrie Cagle
2606 La Paloma Lane
Santa Cruz, CA 95062

CCC Exhibit F
(page 7 of 10 pages)

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April 24, 2003

APR 28 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Re: Proposal to build a Beach Home at 531 Beach Drive; Pat and Teresa Royan, Applicants.

Dear Mr. Carl,

Please let me introduce myself. My name is Stephen J. Pereira, and have been a resident of Santa Cruz since 1982. I am a Realtor with Bailey Properties, also in Santa Cruz, and have been active in the business since 1978. I have specialized in beach properties in our area since 1982, and am intimately familiar with many of the developments that have taken Place along the coast. These include the Las Olas subdivision, in the Seacliff area, and specifically the most recent developments on Beach Drive, in Rio Del Mar.

In developing my own property at 403 Coates Drive in Seacliff, I am well aware of the constraints Placed on the owners of bluff and beach related properties. When one develops a property, the constraints are varied and more than not, confusing at best. They include, but are not limited to a myriad of planning, zoning, geological, and neighborhood concerns. As you are also aware, the process has become quite burdensome, expensive, and time consuming to all concerned.

As in my own case, and relative to the project being pursued by Mr. and Mrs. Pat Royan on the Property known as 531 Beach Drive, I know the obstacles one must overcome to get a project completed.

It is in this light Mr. Carl, that I ask you to consider the approval of the proposal to build a Home on the property at 531 Beach Drive. The Royans' have met all the requirements, changes, and obligations asked of them. They have met with all the governing agencies, and received their blessings.

I am familiar with their homes design and the FEMA requirements, I have attended the public hearings, heard the neighbors complaints, and have seen the accommodations the Royans' have made to appease and mitigate those complaints. As you are well aware, appeasement can only be accomplished when both parties are willing to work with each other. In this case, it is my qualified judgement that the neighbors complaints are unfounded. I also believe the home currently designed is consistent with the neighborhood, does not impede access to the beach, and does not preclude the views of any of the neighbors. It was also the opinion of the Planning Commission Review Board, that the Royans' had met all the requirements to build, and had met their obligations to the neighbors in an open forum. They *boldly* indicated approval to build, with their unanimous vote to deny the appeal of the neighbors. This group of public officials has the obligation in all instances, as you do Mr. Carl, to weigh all the information presented. The Planning Commission made their recommendation to approve. After reviewing the submitted information approved by this knowledgeable, fair, and considered panel, I ask for your approval on the project, and look for your affirmation of the Royan Development in the upcoming Coastal Commission meeting.

I am of the opinion that once you review all the documentation, and supportive resource material, you will come to the same conclusion reached by all that have preceded you in this matter.

CCC Exhibit F
(page 8 of 10 pages)

I thank you for your time, your consideration, and your approval in this matter. Should you have any questions of me, please feel free to call me at you're earliest convenience. My phone number is 831-818-7064. My e-mail is Beachhouse4u@bigplanet.com, and my web site is Lifesabeach.com.

Kindest Regards,



Stephen J. Pereira

403 Coates Drive

Aptos, California 95003

Cc. Pat and Teresa Royan

Wednesday, April 16, 2003

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

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APR 22 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Proposed project at 531 Beach Drive, Aptos.

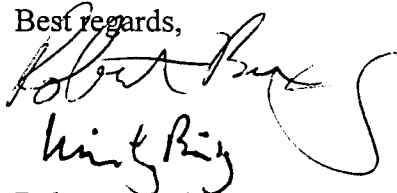
Dear Mr. Carl;

My wife Lindy and I have been residents of Santa Cruz County for 25 years. We have seen the county grow substantially in that time. We have spent a considerable amount of time enjoying the various beaches of Santa Cruz County and are very familiar with the various beach developments and how they affect the coast. We have witnessed the construction of a several new homes directly on the beach in the last few years.

Lindy and I have taken a detailed look at the proposed project at 531 Beach Drive as well as attended the recent Santa Cruz County Planning Commission Hearing regarding this project. We were impressed with the work of the Planning staff and believe that they did a thorough job researching and approving the project within the Santa Cruz County Coastal Plan. We feel that the project as currently proposed is a fair compromise with the surrounding neighbors, is compatible with the current development and does not interfere with the public's view of, or access to the beach. Development on the beach is certainly of great concern to everyone. Because this project is infill on a lot in an existing development, its overall impact on the aesthetics of the beach area will be minimal. The design, in fact, will actually improve the general appearance of the area as the houses that are in close proximity are fairly old and run down.

As native Californians, we believe in the charter of the Coastal Commission. Every year there are numerous proposed projects on the coast that should be scaled back or denied, but we don't believe that this is one of them. We recommend that the Coastal Commission approve the project as it currently exists and deny any potential appeals.

Best regards,



Robert and Lindy Bixby
180 Pear Creek Lane
Santa Cruz, CA 95065

