

CALIFORNIA COASTAL COMMISSION

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

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APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....A-3-SCO-03-119, Arata 7-Unit Townhouse and Subdivision
Applicants.....David Arata
Appellant.....Charles Paulden, People for the Preservation of Pleasure Point
Local government.....Santa Cruz County
Local decision.....Approved with conditions (November 12, 2003)
Project location.....Inland side of East Cliff Drive (between East Cliff Drive and Moana Way approximately 100-feet east of 38th Avenue) in the Pleasure Point region of the unincorporated Live Oak area of Santa Cruz County (APNs 032-171-01, 02, 03, 04 and 05).
Project description.....Demolish three single-family dwellings, combine five parcels, subdivision of land into 7 single-family townhouse lots and one lot in common ownership, grade approximately 2,000 cubic yards of material, and construct seven townhouse units.
File documents.....Santa Cruz County Certified Local Coastal Program; Santa Cruz County Coastal Development Permit Application File 02-0271.
Staff recommendation ...No Substantial Issue

I. Recommended Findings and Declaration for No Substantial Issue:

Summary: This is the substantial issue determination for appeal number A-3-SCO-03-119. Santa Cruz County approved a project to demolish three existing single-family residences (one two-story single-family residence and two one-story single-family residences) and combine five parcels to form a total area of .75 acres. Subdivide land into seven single-family townhouse lots and one lot for common space. Seven 3-bedroom two-story townhouses, common space, and a parking area are planned for the site. The townhouses will be located on lots varying in size from 1,495 to 1,929 square feet. The remaining 21,746 square feet of common space will contain parking, landscaped pathways, a lawn, barbeque area, and pedestrian access between Moana Way and East Cliff Drive (see County approval attached as Exhibit 1). The land use designation where the project occurs is Urban Medium Density Residential (R-UM). The project is located in the Pleasure Point region within the Live Oak Beach Area



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March 18, 2004 Meeting in Monterey

Staff: M. Nowak Approved by: *OSL*

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of Santa Cruz County (location map attached as Exhibit 2). The southern boundary of the property is approximately 60 to 80 feet away from the top of the coastal bluff. The Appellant claims that the County-approved project would not adequately protect the Pleasure Point community and visual character, an existing public trail and recreational access, and Monterey Bay water quality, and is thus inconsistent with the County's Local Coastal Program (LCP). The Appellant raises a several valid issues; however, these do not rise to the level of a substantial issue requiring the Commission to take jurisdiction over the project. The Applicant has developed a relatively modest project, which is generally consistent with the level of adjacent urbanization and the surrounding character, and has been designed to address impervious runoff entering Monterey Bay.

The site is on the landward side of East Cliff Drive and the existing public access trail traversing the project site will remain intact and be demarcated by signage. Although the project will replace smaller homes that currently exist on a portion of the parcel, the project will not be any denser than the surrounding existing neighborhood. The immediate neighborhood is a mixture of two-story single-family homes and multi-family structures. The architectural style in this area is a mix of eclectic styles and includes Spanish style structures scattered throughout the neighborhood. Water quality best management practices (BMPs) include the use of silt and grease traps that should, for this particular site, ensure that runoff from the site does not adversely impact Monterey Bay waters.

Staff recommends that the Commission find that no substantial issue exists with respect to this projects conformance with the certified Santa Cruz County LCP and decline to take jurisdiction over the coastal development permit for the project.

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Live Oak is the name for the unincorporated segment of Santa Cruz County located between the City of Santa Cruz (upcoast) and the City of Capitola (downcoast). The Live Oak coastal area is well known for excellent public access opportunities for beach area residents, other Live Oak residents, other Santa Cruz County residents, and visitors to the area. Walking, biking, skating, viewing, skimboarding, bodysurfing, surfing, fishing, sunbathing, and more are all among the range of recreational activities possible along the Live Oak shoreline. In addition, Live Oak also provides a number of different coastal environments including sandy beaches, rocky tidal areas, blufftop terraces, and coastal lagoons (such as Moran Lake). Live Oak includes a number of defined neighborhood and special communities within it, including the larger Pleasure Point area in which this site is located. These varied coastal characteristics make the Live Oak shoreline unique in that a relatively small area can provide different recreational users a diverse range of alternatives for enjoying the coast. By not being limited to one large, long beach, or solely an extended stretch of rocky shoreline, the Live Oak shoreline accommodates recreational users in a manner that is typical of a much larger access system.

Primarily residential with some concentrated commercial and industrial areas, Live Oak is a substantially urbanized area with few major undeveloped parcels remaining. Development pressure has been disproportionately intense for this section of Santa Cruz County. Because Live Oak is projected to absorb the majority of the unincorporated growth in Santa Cruz County, development pressure will likely continue to tax Live Oak's public infrastructure (e.g., streets, parks, beaches, etc.) as the remaining vacant parcels are developed and developed residential lots are re-developed with larger homes.¹ Given that the beaches are the largest public facility in Live Oak, this pressure will be particularly evident in the beach area.

1. Local Government Action

On November 11, 12, 2003, the Santa Cruz County Planning Commission approved the proposed project subject to multiple conditions (see Exhibit 1 for the County's staff report, findings and conditions on the project). The Planning Commission approval was not appealed to the Board of Supervisors. Notice of the coastal development permit (CDP) was received in the Coastal Commission's Central Coast Office on December 3, 2003.

II. Recommended Motion and Resolution

MOTION:

¹ Live Oak is currently home to some 20,000 residents. The LCP identifies Live Oak at buildout with a population of approximately 29,850 persons; based on the County's recreational formulas, this corresponds to a park acreage of 150-180 acres. Though Live Oak accounts for less than 1% of Santa Cruz County's total acreage, this projected park acreage represents nearly 20% of the County's total projected park acreage.



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*I move that the Commission determine that Appeal No. A-3-SCO-03-119 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

*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 SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-3-SCO-03-119 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 Plan and/or the public access and recreation policies of the Coastal Act.

III. 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 within 300 feet of the inland extent of the beach.

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

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives),



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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.

2. Appellant's Contentions

The Appellant contends that the project is not consistent with the LCP due to the project's impacts to visual resources and community character; public access; water quality, and environmentally sensitive habitat areas (ESHA). In addition, the Appellant contends that the project is inconsistent with LCP density policies and is incompatible with the bulk, scale, lot size, and house size of the surrounding neighborhood, and is not coastal dependent development. Please see Exhibit 3 for the Appellant's complete appeal document.

3. Visual/Community Character Issues

Visual Issues. The Appellant contends that the proposed project would negatively impact the special character of Pleasure Point. The Appellant contends that the proposed project does not protect visual resources from East Cliff Drive, does not comply with Local Coastal Program (LCP) policies that preclude permanent structures where visible from the beach and that protect public ocean vistas.

Community Character Issues. The Appellant contends that the projects Spanish revival architectural style is not consistent with the surrounding neighborhood, which he asserts is represented primarily by architectural style from the California craftsmen/arts and crafts period. The Appellant contends the project does not protect cultural resources because it would remove existing structures which date back several decades. The Appellant further contends that the projects bulk and scale is out of sync with surrounding structures; that the project increases neighborhood density, which is not consistent with the LCP policies regulating density. Additionally, the Appellant contends that the project is inconsistent with the LCPs Community Design policies, which recognize established neighborhoods such as the Live Oak Planning Area and Coastal Zone,² for their unique characteristics and/or popularity as visitor destination points.

Applicable Policies

As evidenced by the following LCP policies, the County is very protective of coastal zone visual resources and community character. The Santa Cruz County LCP describes "visual resource" areas as areas visible from public roads, and especially along the shoreline. The LCP Visual Resource and other relevant policies applicable to the Appellant's visual and community character contentions include:

5.10.2 Development within Visual Resource Areas. Recognize that visual resources of Santa

² Figure 8-1 Areas with Special Design Criteria or Guidelines; Santa Cruz County LCP, pg. 8-2



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

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

5.10.6 Open Beaches and Blufftops. *Prohibit the placement of new permanent structures which would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection and for public beach access. Use the following criteria for allowed structures:[emphasis added].*

- a) Allow infill structures (typically residences on existing lots of record) where compatible with the patter of existing development.*
- b) Require shoreline protection and aces structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.*

5.10.10 Designation of Scenic Roads. *The following are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection.*

County Roads: *...East Cliff Drive – from 33rd Avenue to 41st Avenue...*

5.10.12 Development Visible from Urban Scenic Roads. *In the viewshed of urban scenic roads, require new discretionary development to improve the visual quality through siting, architectural design, landscaping and appropriate signage... [emphasis added].*

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

IP Section 13.20.130(d)(1) Beach Viewsheds, Blufftop Development. *The following Design Criteria shall apply to all projects located on blufftops and visible from beaches: Blufftop development and landscaping...in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive.*



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The LCP recognizes Live Oak as a special area and requires that its community character, be protected. Additional relevant policies applicable to the Appellant's contentions include:

Objective 8.4 Residential Neighborhoods. *To preserve the residential use and character of existing urban neighborhoods...*

Policy 8.4.1 Neighborhood Character. *Based on the Zoning Ordinance, require new infill development on vacant land within established residential neighborhoods to be consistent with the existing residential character of the neighborhood, dwelling unit types, and where appropriate, architectural style, allowing for innovative design for clustering or solar design. Project density in established residential neighborhoods shall be compatible with existing neighborhood density, consistent with the land use designations, with incentives given to accommodate elderly and low and moderate income housing...[emphasis added].*

Objective 8.8, Villages, Towns and Special Communities. *To recognize certain established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with existing character of these areas.*

Policy 8.8.1 Design Guidelines for Unique Areas. *Develop specific design guidelines and/or standards for well-defined villages, towns and communities... New development within these areas listed in Figure 8-1 and any other subsequently adopted area plan, shall conform to the adopted plans for these areas, as plans become available.*

Figure 8-1 Areas with Special Design Criteria or Guidelines. *...Area: Coastal Zone and Coastal Special Communities; Design Guideline Source: Coastal Zone Regulation Ordinance, General Plan/Local Coastal Plan; Live Oak Planning Area; Design Guideline Source: Live Oak Community Plan*

Other relevant LCP policies include:

Objective 2.9 Urban Medium Density Residential Designation (R-UM). *To provide medium density residential development (7.3 to 10.8 units per net developable acre) in areas within the Urban Services Line (USL) served by a full range of urban services, with access onto collector or arterial streets, and location near neighborhood, community or regional shopping facilities. Housing types appropriate to the Urban Medium Density Residential designation may include: detached houses, duplexes, townhomes, mobile home parks, and small lot detached units at allowable densities.*



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Policy 2.9.1 Minimum Parcel Sizes. Allow residential development at densities equivalent to 4,000 to 6,000 square feet of net developable parcel area per unit. Increased density incentives for projects with a large percentage of very low or low income housing and for senior housing projects are also allowed in accordance with State law.

Policy 2.9.2 Specific Density Determination. Consider terrain, adequacy of access, presence of significant environmental resources, the pattern of existing land use in the neighborhood, and unique circumstances of public value, for instance, the provision of very low or lower income housing in accordance with State law, in determining the specific density to be permitted within the Urban Medium Density Residential designation.

Conformance with Applicable Policies

The LCP describes visual resource areas as, among other things, areas visible from urban scenic roads (which includes East Cliff Drive from 33rd Avenue to 41st Avenue) and views from public beaches. The project is located just inland of East Cliff Drive, and the shoreline bluffs are just seaward. East Cliff Drive is the first through public road and is heavily used by the public for both through and recreational access. The current view of the project site from East Cliff Drive looking to the north side of the street (where the project is located) consists of three single-family residences and undeveloped vacant land. Two of the single-family residences are one-story; the remaining residence is a two-story structure. The view on the south side or seaward side of East Cliff Drive at this location is generally unobstructed bluffs, beach and ocean views (there is a very small house opposite East Cliff Drive from this site). The view from public beaches and from the water for surfers and other ocean enthusiasts is one of a dense mixture of small and large cottages and bungalows whose different styles, scale and rooflines that blend with the surrounding residences. The surrounding neighborhood is a mix of architectural styles that despite eclectic new and old styles, flow together and are made up of one and two-story residences, including multiple multi-family structures. This area has an informal, beach community aesthetic and ambience that distinguishes it from other neighborhoods surrounding it within the County.

The LCP requires that the proposed project "be visually compatible and integrated with the character of the surrounding neighborhoods or areas" (IP Section 13.20.130(b)(1)) and sensitively designed to retain and preserve visual resources and visual access (see applicable policies above). The Appellant claims that this is not the case because: (1) the new townhouses would be too large and not aesthetically in character with the surrounding development; and (2) the three smaller houses that would be removed on site are more evocative of the local housing stock and/or should be preserved for what historically was present in Pleasure Point.

In terms of replacing the smaller homes with larger townhouses, the proposed project is clearly different than what exists on the site today. As such, it will change the character of the site. However, the existing situation on this site is hardly typical of development in and around the area. Development within this section of the County is very dense, and has been increasing in size, architectural detail, and cost rapidly over the past two decades. Surrounding neighborhood development, particularly that landward of East



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Cliff Drive is mostly two-story with much redevelopment occurring recently. The properties surrounding this site are currently developed nearly or as densely as the project proposed here. The structures proposed, while distinct by nature of Spanish Revival in terms of architectural detail, are not wildly different from development within the neighborhood surrounding the site. So while the site will change, the overall character of the area will not be substantially altered by the proposed project.

The County does not recognize the existing houses on the site as a historic resource. Although clearly they are older structures, they are not particularly representative or a typical example of local historical architecture, nor are they associated with any persons particularly important in the development of the County. The existing structures are small, as were many of the original cottages developed in and around Pleasure Point, but not particularly critical for maintaining the character of the area (a densely developed character different than the existing homes here).

Conclusion

The LCP requires that new infill development be consistent with the existing residential character of the neighborhood including architectural style (Policy 8.4.1). The project site has an LCP/General Plan land use designation of Urban Medium Density Residential (R-UM). This density allows a density range of 7.3 to 10.8 units per net developable acre, which corresponds to lot size requirements of 4,000 square feet to 6,000 square feet of net developable parcel area. As proposed the project will have a density of 10.1 units per developable acre, for an average of 4,322 square feet per lot. The project is in the Multi-family Residential Zone District (RM-4; 4,000 square feet of net developable land area per dwelling unit). As a result, the projects density is within the range provided by the R-UM and RM-4 designations. Additionally, as permitted by the LCP the project will meet the LCP standards for height, floor area ratio (FAR), front setbacks, side setbacks, rear setbacks, and site coverage (less than 30%). The County states that the Spanish Eclectic architectural style is compatible with other Spanish style structures in Pleasure Point.

The LCP protects the unique Pleasure Point community and visual character and requires development to be compatible with it. The County-approved project represents a fairly large-sized development for the .75 acre combined property. However, it is one that retains all trees on site and one that is within the zoning and density range. Coastal views from public viewing areas will not be blocked, and the development visible from the water and beaches below, although larger than the existing homes to be demolished, is generally in character with this portion of the County's shoreline. The LCP does not require that development in urban environments be completely out of view but rather that it be compatible. Therefore the County approved project is consistent with the LCP visual and community character policies. Design review and character assessment is often somewhat discretionary, and the Appellant argues some of the finer points of design and character compatibility. The certified LCP does not include specific design guidance for the Pleasure Point area against which to evaluate the proposed project. In its absence, judgment calls must be made against the broader County design standards, as was done by the County in this case.



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The Appellant correctly points out that the project will be larger and denser than the existing homes. However, the County-approved project is substantially consistent with its larger surroundings and is within the allowed scale for this site (FAR, coverage, height, and setbacks). Therefore, these issues do not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP's community and visual character policies cited in this finding.

In making this finding, the Commission again encourages that the County provide better defined design guidance for the Live Oak beach area in subsequent LCP amendments.³ As articulated by the Appellant, this area has an informal, beach community aesthetic and ambiance – particularly in Pleasure Point – within which extensive redevelopment⁴ is expected (as homes are remodeled, increased in size, etc.) in the future. If the informal charm and appeal of the area is to be defined and maintained, the County needs better tools with which to make decisions. Such tools should take the form of better defined design guidelines, and may include additional design review measures (for example, an architectural review board or equivalent). Such tools help all parties understand what is expected in proposed development, and allows the community to establish a vision for the future. If the Live Oak Community Plan identified in the LCP is not to be developed for whatever reason, then some other form of guidance is necessary. Such guidance in any case should encompass residential, commercial, and public improvement (e.g., streetscape) projects and provide standards for each.

4. Public Access Issues

The Appellant contends that the project does not protect land along the coast for recreation and open space. Moreover, the Appellant contends that the project does not protect prescriptive rights on a historic trail traversing the site and providing public access from Moana Way to East Cliff Drive, thus impacting public access to the coastal bluffs, beaches and surfing spots along this segment of East Cliff Drive.

Applicable Policies

Relevant LCP policies include:

***Objective 7.7.b Shoreline Access.** To provide a system of shoreline access to the coast with adequate improvements to serve the general public and the coastal neighborhoods which is consistent with the California Coastal Act, meets public safety needs, protects natural resource areas from overuse, protects public rights and the rights of private property owners, minimizes conflicts with adjacent land uses...*

³ See A-3-SCO-00-076 (Santa Cruz County Department of Public Works), A-3-SCO-01-034 (Rogers)

⁴ Because of the dearth of vacant lots in this area, redevelopment is much more likely in the future than significant new development on previously vacant lots.



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Objective 7.7c Beach Access. *To maintain or provide access, including visual access, to every beach to which a granted access exists or to which the public has acquired a right of access through use, as established through judicial determination of prescriptive rights, and acquisition through appropriate legal proceedings, in order to ensure one access to every pocket beach and convenient, well distributed access to long sandy beaches...*

Policy 7.7.1 Coastal Vistas. *Encourage pedestrian enjoyment of ocean areas and beaches by the development of vista points and overlooks with benches and railings, and facilities for pedestrian access to the beaches...*

Policy 7.7.10 Protecting Existing Beach Access. *Protect existing pedestrian, and where appropriate, equestrian and bicycle access to all beaches to which the public has a right of access, whether acquired by grant or through use, as established through judicial determination of prescriptive rights, and acquisition through legal proceedings. Protect such beach access through permit conditions such as easement dedication or continued maintenance as an accessway by a private group...*

Policy 7.7.11 Vertical Access. *Determine whether new development may decrease or otherwise adversely affect the availability of public access, if any, to beaches and/or increases the recreational demand. If such impact will occur, the County will obtain, as a condition of new development approval, dedication of vertical access easements adequate to accommodate the intended use, as well as existing access patterns, if adverse environmental impacts and use conflicts can be mitigated under the following conditions:*

...b) Within Urban Services Line: ...through properties inland of the first public roadway if there is evidence that residents have been using the property to gain access to the shoreline, and if closure of the pathway would require residents to detour more than one-eighth mile...

Conformance with Applicable Policies

The LCP and Coastal Act require public access and recreational uses to be preserved. The project is located on the landward or north side of East Cliff Drive and will not impact lateral access along the coast, (nothing is proposed along East Cliff Drive that would block public access). Historically, the subject project has been used for access to bluff top pedestrian areas and beach access points for surfers and visitors alike on the seaward side of East Cliff Drive (i.e., from Moana Way to East Cliff Drive). The County recognized the importance of preserving this coastal access feature and required the project Applicant to dedicate a pedestrian easement for use by the general public. The access easement would connect Moana Way to East Cliff Drive and be clearly demarcated with public access signage that meets the Coastal Commission signage requirements. Therefore, as conditioned the project does not raise a substantial issue with respect to public access.



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5. Water Quality Issues

The Appellant contends the project does not utilize best management practices for control and treatment of urban runoff, including wastewater discharge to maintain local, state and national water quality standards to protect the public health and safety and sensitive marine habitats of Monterey Bay. The Appellant states that the projects use of silt and grease traps do not remove petrochemical or other pollutants of concern. The Appellant contends an alternative project design would better prevent pollutants from entering into Monterey Bay, and believes the use of covered parking (building resident structure on top of the parking lot versus an open air parking lot) would help address runoff issues.

Applicable Policies

The LCP relevant policies are as follows:

***Objective 5.4 Monterey Bay and Coastal Water Quality.** To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the best management practices for the control and treatment of urban run-off and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats and prevent the degradation of the scenic character of the region.*

***Policy 5.4.1 Protecting the Monterey Bay National Marine Sanctuary from Adverse Impacts.** Prohibit activities which could adversely impact sensitive habitats of the Monterey Bay National Marine Sanctuary, including the discharge of wastes and hazardous materials. The main sources of concern are wastewater discharge, urban runoff...*

***Policy 5.4.14 Water Pollution from Urban Runoff.** Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.*

Conformance with Applicable Policies

The LCP dictates that impervious surfaces be minimized, pre-development runoff rates are to be maintained, and that everything possible is done to protect the water quality of Monterey Bay. Additional impervious surfacing is expected with the proposed project. However, the approved project has addressed runoff concerns to a degree in that it would include silt and grease traps. While it can be said that there may be better ways to address runoff than silt and grease traps (some of these alternatives include use of biofiltration swales in combination with engineered measures, using runoff for irrigation, etc.), the County required use of silt and grease traps, which are not insignificant to address runoff, and would provide some amount of water quality enhancement. Thus, the Appellant's contention that there



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may be alternative methods of treating runoff raises an issue; it is not a substantial issue regarding conformity with the LCP.

6. Other Issues

The Appellant contentions include several other issues with respect to the projects inconsistency with the LCP.

Coastal Dependent Development

The Appellant contends that the project is not consistent with LCP policies concerning coastal dependent development. The existing parcels contain residences and are located within an established residential neighborhood that is designated for continued residential use in the LCP. There is no LCP requirement that the project be coastal dependent. Thus, the project raises no substantial issue with regard to coastal dependent uses.

Affordable Housing

The Appellant contends that the project does not conform to LCP policies regulating low to moderate income housing in the coastal zone.⁵ Affordable housing is not a Coastal Act issue. Nonetheless, the LCP allows for in-lieu fees to provide alternate affordable housing options off-site. The project has been conditioned to pay in-lieu fees to the County's affordable housing fund in order to provide affordable housing off-site. Consequently, the project will provide an additional affordable housing unit by paying an in-lieu fee versus meeting the minimum on-site affordable housing requirements. Thus the project does not raise a substantial issue with respect to LCP lower and moderate-income housing policies.

Archaeological Resources

The Appellant contends that the project is inconsistent with LCP policies protecting archaeological resources because the applicant was not required to do a specific site survey and depends on the registers to support the claim that the site is not significant. The project site was determined to not contain any archaeological sites by review of archaeological maps. However, the County has conditioned the project to cease and desist any activity on site should any artifact or other evidence of an historic archaeological resource or a Native American cultural site be discovered during construction consistent with procedures established in the LCP. Thus, the project does not raise a substantial issue with regards to archaeological resources.

⁵ Objective 2.23 Conservation of Coastal Land Resources; Policy 2.23.1 Lower and Moderate Income Housing in the Coastal Zone; pg. 2-47



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Environmentally Sensitive Habitat Area

The Appellant contends that the project site contains a seasonal wetland and that because of the LCP protection provided it, the project is inconsistent with the LCP in this regard. According to the County's findings, there is seasonal standing water that collects after some rains during the wet season due to low spots in the ground combined with clayey soils. There are not any native plants located on the property, there are not any plants associated with wetlands, and the County's soil evaluation does not indicate a presence of hydric soils. It is apparent that the site is subject to over-saturation during certain periods of the wet season, as is any residential yard with the same soil characteristics on a periodic basis. The County did not find evidence of any biologically sensitive habitat on the project site. A wet yard does not make a wetland; the LCP's wetlands policies are not germane to this project. Thus the project does not raise a substantial issue with respect to the LCP's wetland protective policies.

Conclusion

The LCP protects the community character of coastal Live Oak, including Pleasure Point, its associated viewshed, the habitat value of Monterey Bay, and the coastal trail access from Moana Way to East Cliff Drive. The County-approved project will have a negligible impact on these public resources; some aspects of the County-approved project will enhance these resources (e.g., permanent demarcated public access across the parcel site, inland tree planting, open space/common area; etc.). Although the Appellant raises some valid coastal issues, the County-approved project has been conditioned to be sensitive to its important location and to the LCP issues engendered here. Accordingly, and as detailed in the above findings, the issues raised by the Appellant do not rise to the level of a substantial issue in terms of the projects conformance with the certified LCP policies cited in this staff report and the Commission declines to take jurisdiction over the coastal development permit for the project.



California Coastal Commission

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: 11/26/03

Notice Sent to (via certified mail):

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

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SC0-03-440

APPEAL PERIOD 12/4 - 12/17/03

RECEIVED

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Please note the following **Final Santa Cruz County Action** on a coastal permit, coastal permit amendment or coastal permit extension application (all local appeals have been exhausted for this matter as of 11/26/03):

Project Information

Application No.: 02-0271

Project Applicant: Wald, Ruhnke, and Dost Architects

Applicant's Rep: Matt Norr

Project Location: Between Moana Way and East Cliff Drive about 100 feet east of 38th Ave. at 3834 Moana Way

Project Description: 7-unit townhouse subdivision

Final Action Information

Final Local Action: Approved with Conditions on 11/12/03

Final Action Body:

- ☐ Zoning Administrator
- ☒ Planning Commission
- ☐ Board of Supervisors

Required Materials Supporting the Final Action	Enclosed	Previously sent (date)
Staff Report	X	
Adopted Findings	X	
Adopted Conditions	X	
Site Plans	X	
Elevations	X	

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
CEQA Document	X	
Geotechnical Reports	X	
Biotic Reports		
Other: <i>Tree Evaluation</i>	X	
Other:		

Coastal Commission Appeal Information

This Final Action is:

- ☐ **NOT** appealable to the California Coastal Commission. The Final County of Santa Cruz Action is now Effective.
- ☒ **Appealable** to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast Area Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast Area Office at the address listed above, or by phone at (831) 427-4863.

Copies of this notice have also been sent via first-class mail to:

- Applicant (550 Hartnell Street, Suite I, Monterey CA, 93940)
- Interested parties requested mailing of notice

EXHIBIT NO. 1

APPLICATION NO.

3A-3-SC0-03-419
ARNTA

Pg. 1 of 29
California Coastal Commission

RECEIVED

DEC 03 2003

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Conditions of Approval

APPROVED

as amended by the
Planning Commission

on 11-12-03

Land Division and Coastal Permit 02-0271 (Tract No. 1458)

Applicant: Wald, Ruhnke, & Dost Architects (Matt Norr)

Property Owners: David Arata

Assessor's Parcel No.: 032-171-01, 02, 03, 04, and 05

Property Address and Location: 3845 East Cliff Drive, on the north side of East Cliff Drive about 100 feet East of 38th Ave.

Planning Area: Live Oak

Exhibits:

- A. Tentative Map prepared by Ifland Engineers, dated August 27, 2002; Architectural and floor plans prepared by Wald, Ruhnke & Dost Architects, dated February 5, 2003

All correspondence and maps relating to this land division shall carry the land number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
- A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
 - B. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder). The conditions shall also be recorded on the Final Map and are applicable to all resulting parcels.
 - C. Submit a copy of the approved Tentative Map on vellum to the County Surveyor.
 - D. Pay a Negative Declaration De Minimis fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- II. A Final Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:

- A. The Final Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
- B. This land division shall result in no more than seven (7) single-family townhouse lots and one (1) lot in common ownership.
- C. The minimum aggregate lot size shall be 4,000 square feet net developable land per unit.
- D. The following items shall be shown on the Final Map:
 - 1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the RM-4 zone district of 20 for the front yard, 5 and 8 feet for the side yards, and 15 feet for the rear yard.
 - 2. Show the net area of each lot to nearest square foot.
 - 3. The owner's certificate shall include:
 - a. An easement for pedestrian access for the general public from Moana Way to East Cliff Drive. The location of the easement shall correspond with the central walkway of the project.
- E. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. Lots shall be connected for water service to city of Santa Cruz Water District.
 - 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the Sanitation District shall be met.
 - 3. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawing as stated or depicted in Exhibits "A" and shall also meet the following additional conditions:
 - a. No changes in the placement of windows that face directly towards existing residential development as shown on the architectural plans. shall be permitted without review and approval by the Planning Commission.



- b. Exterior finishes shall incorporate cement plaster (painted in a variety of shades) with accents and details, as shown on the approved plans.
 - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the RM-4 zone district. The project shall not exceed a 30% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district. No fencing shall exceed three feet in height within the required front setback.
4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz water conservation regulations:
- a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
 - b. 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 well-suited to the climate of the region and require minimal water once established (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.
 - c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
 - d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

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

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

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

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

- e. All planting shall conform to the landscape plan shown as part of Exhibit "A", *except that all trees planted in the parking area shall be 24" box in size. (Added by Planning Commission 11/12/03).* Alsoe
 - 1. A letter from a certified arborist, detailing how the 3 large cypress trees along East Cliff Drive will be protected during construction is required.
 - 2. Trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.
 - 3. Notes shall be added to the improvement plans and the building permit plans that indicate the manner in which the trees shall be protected during construction. Include a letter from a certified arborist verifying that the protection measures recommended in the required arborist letter measures have been incorporated into the construction plans.
- 5. All future development on the lots shall comply with the requirements of the geotechnical report prepared by Pacific Crest Engineering Inc, dated 5/02.

6. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of Live Oak School District, the applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.
7. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
 - a. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - b. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
8. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code.
9. The central pedestrian walkway shall be extended 15 feet to the north to meet Moana Way. The path shall be signed for "Coastal Access" consistent with recommended signage standards of the California Coastal Commission.
10. The parking area shall contain a least 21 parking spaces of which 10 percent may be designed as compact spaces and appropriately marked, and one accessible space designed in accordance with Sections 13.10.550 through .560 of the County Code. All spaces shall be striped and defined by wheel stops. Parking and circulation areas shall be surfaced with a minimum of 2 inches of asphalt concrete over 5 inches of Class II base rock or other approved equivalent surface. All parking and circulation areas shall be lighted with low-rise "bollard" type light standards to a maximum height of 4 feet (added by Planning Commission 11/12/03). The construction plans

must indicate the location, intensity, and variety of all exterior lighting fixtures. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures. All lighting shall be directed onto the site and away from adjacent properties.

III. Prior to recordation of the Final Map, the following requirements shall be met:

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated June 25, 2002 including, without limitation, the following standard conditions:
 - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
 - 2. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district.
- C. A Homeowners Association shall be formed for maintenance of all area under common ownership including sidewalks, driveways, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps and buildings. CC&R's shall be sent furnished to the Planning Department and shall include the following, which are permit conditions: No unit shall be rented or sublet for a period of less than 30 days, the parking area is exclusively to be used for daily use by residents and guests, with no long-term storage of vehicles allowed.
- D. Engineered improvement plans for all water line extensions required by City of Santa Cruz shall be submitted for the review and approval of the water agency.
- E. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.
- F. All requirements of the Central Fire District shall be met.

- G. Park dedication in-lieu fees shall be paid for four (4) single-family dwelling units. These fees are 3,000 per unit (which assumes 3 bedrooms at \$1,000 per bedroom), but are subject to change.
- H. Transportation improvement fees shall be paid for four (4) single-family dwelling units. These fees \$2,000 per unit, but are subject to change.
- I. Roadside improvement fees shall be paid for four (4) dwelling units. These fees are \$2,000 per unit, but are subject to change.
- J. Child Care Development fees shall be paid for four (4) single-family dwelling units. These fees \$327 per unit (which assumes three bedrooms at \$109 per bedroom), but are subject to change.
- K. Submit one reproducible copy of the Final Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- L. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code. The developer shall pay in-lieu fees in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code.
- M. Engineered improvement plans are required for this land division, and a subdivision agreement backed by financial securities is necessary. Improvements shall occur with the issuance of building permits for the new parcels and shall comply with the following:
 - 1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
 - 2. Plans shall include a cross section of Moana Way and details indicating the installation of a stop sign, street sign and stop bar on Moana Way at 38th Ave. No structures are permitted in the required yard setback.
 - 3. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils.

4. Details for the installation of required silt and grease traps to filter runoff from the parking area. Submit a silt and grease trap maintenance agreement to the Department of Public Works.
- N. The project geotechnical engineer shall prepare a soil treatment plan that includes a description of the technique used for the mixing and spreading operations, site map indicating soils storage areas and the boundaries of the area to be overexcavated and treated, barriers at the perimeter of the work area and soils poles adequate to contain any material that contains lime or other treatment, and a schedule indicating the number of work days required to complete the treatment phase of the project.. The plan shall be submitted for review and approval by the Planning Department.
- IV. All future construction within the property shall meet the following conditions:
- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria. *The condition of Moana Way, A private road, shall be documented prior to construction and shall be repaired to pre-construction condition at the expense of the owner/applicant. (Added by Planning Commission 11/12/03)*
 - B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
 - C. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

- E. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - 1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation; and
 - 2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
 - 3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- F. Construction of improvements shall comply with the requirements of the geotechnical report (Pacific Crest Engineering, dated 5/02). The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E, above.
- VI. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

**AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE
PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.**


This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 14-day appeal period. The Final Map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking **at least 90 days** prior to the expiration date and in no event later than 3 weeks prior to the expiration date.

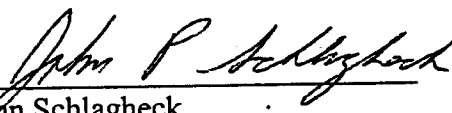
cc: County Surveyor

Approval Date: 11/12/03

Effective Date: 11/26/03

Expiration Date: 11/26/05


Cathy Graves
Principal Planner


John Schlagheck
Project Planner



COUNTY OF SANTA CRUZ

Planning Department

SUBDIVISION (TRACT #1458) AND COASTAL DEVELOPMENT PERMIT

Owner DAVID ARATA
Address 108 KENNEDY CT.
LOS GATOS, CA 95032

Permit Number 02-0271
Parcel Number(s) 032-171-01, 02, 03, 04, 05

PROJECT DESCRIPTION AND LOCATION

Permit to demolish three single family dwellings, combine five parcels, grade approximately 2,000 cubic yards of material, and construct seven townhouse units.

Requires a Subdivision, Coastal Development Permit, Preliminary Grading Approval, and Biotic Site Review. Property located on the north side of East Cliff Drive and the south side of Moana Way, about 100 feet east from 38th Avenue. Also requires a Geological Hazards Assessment.

RECEIVED

Property located at 3834 Moana Way.

DEC 03 2003

SUBJECT TO ATTACHED CONDITIONS.

Approval Date: 11/12/03
Exp. Date (if not exercised): 11/26/05
Denied by: _____

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA
Effective Date: 11/26/03
Coastal Appeal Exp. Date: Call Coastal Commission
Denial Date: _____

____ This project requires a coastal zone permit which is not appealable to the California Coastal Commission. It may be appealed to the Planning Commission. The appeal must be filed within 14 calendar days of action by the decision body.

X This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

[Signature]
Signature of Owner/Agent

11/25/03
Date

[Signature]
Staff Planner

11-12-03
Date

Dissemination: Applicant, File, Clerical, Coastal Commission

California Coastal
Commission

File Number: A-3-SCO-03-119
File Name: Arata

Exhibit 1
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COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

#9 J.S.
Date: November 12, 2003
Agenda Item: No. 9
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO.: 02-0271

APN: 032-171-01, 02, 03, 04, 05

APPLICANT: Wald, Ruhnke, Dost Architects (Matt Norr)

OWNERS: David Arata

PROJECT DESCRIPTION: Proposal to demolish or remove three single-family dwellings, combine 5 parcels, grade approximately 2,000 cubic yards of material, and construct seven townhouse units.

LOCATION: Property located on the north side of East Cliff Drive about 100 feet east of 38th Ave. at 2-3851 East Cliff Drive in Live Oak.

PERMITS REQUIRED: Subdivision, Coastal Development Permit, Preliminary Grading Approval, and a Residential Development Permit

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

COASTAL ZONE: X yes ___ no

PARCEL INFORMATION

PARCEL SIZE: 32,758 +/- square feet (EMIS Est.) in five parcels

EXISTING LAND USE:

PARCEL: Residential and Vacant

SURROUNDING: Residential

PROJECT ACCESS: Driveway and parking area off Moana Way

PLANNING AREA: Live Oak

LAND USE DESIGNATION: Urban Medium Density Residential (R-UM)

ZONING DISTRICT: RM-4

SUPERVISORIAL DISTRICT: First District

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. No mapped hazards.
b. Soils	b. Soil Type 178. Soils report submitted and accepted.
c. Fire Hazard	c. Low
d. Slopes	d. All slopes are less than 5%.
e. Env. Sen. Habitat	e. Biotic Pre-Site completed, no resources identified
f. Grading	f. Maximum 2,000 cy, even cut and fill
g. Tree Removal	g. No trees to be removed
h. Scenic	h. East Cliff Drive is a designated scenic corridor at this site
i. Drainage	i. Within Zone 5 Drainage District.
j. Traffic	j. Traffic on East Cliff Drive and Moana Way operates at an acceptable level of service; any increase from the proposed



California Coastal
Commission

File Number: A-3-SCO-03-119

File Name: Arata

Exhibit 1
Pg 14 of 29

- project will not result in a reduction of the level of service.
- | | |
|-----------------------|---|
| k. Roads | k. No new roads to be constructed. |
| l. Parks | l. Park fees are required. |
| m. Sewer Availability | m. Sewer service is available for the existing and proposed development. Sewer will be extended to serve the new units. |
| n. Water Availability | n. Municipal water is available from City of Santa Cruz Water district, for both domestic use and fire protection. Water will be extended to serve the new units. |
| o. Archeology | o. Not within a mapped Archeological Resource Area. |

SERVICES INFORMATION

W/in Urban Services Line: X yes ___ no

Water District: City of Santa Cruz Water District

Sewage Disposal: Santa Cruz County Sanitation District

Fire District: Central Fire Protection District

Drainage District: Zone 5 Drainage District

ANALYSIS & DISCUSSION

Background and Environmental Review

On May 5, 2002, the County Planning Department accepted this application for 7-unit townhouse development. In accordance with the California Environmental Quality Act (CEQA) and the County Environmental Review Guidelines, County staff prepared an Initial Study for the project that was reviewed by the Environmental Coordinator on June 2, 2003. Following a preliminary determination to issue a Negative Declaration and the mandatory 30-day public comment period, a revised final Negative Declaration with mitigations was issued on August 11, 2003. The Initial Study was revised by the Environmental Coordinator to respond to comments that were received during the comment period.

Project Setting & Surroundings

The project is proposed on 5 exiting lots totaling 0.75 acres and located in the Live Oak Planning Area. The southern boundary of the property is approximately 60 to 80 feet away from the top of the coastal bluff and approximately 1550 feet from an unnamed intermittent stream.

Three of the subject parcels contain older residential structures and minimal improvements to the landscape. One and two story residential structures of varying architectural styles surround the project site. Surrounding development consists predominately of residential uses, developed to a similar density as that requested in this proposal.

East Cliff Drive is a County maintained road that contains sidewalks and gutters on one side of the street. This is a well-traveled vehicular, pedestrian, and bicycle pathway. Moana Way is a non-County

maintained road proposed as the access to the site. Surrounding local streets typically do not have standard roadside improvements such as curbs, gutters, sidewalks, and planting strips.

Commercial uses and neighborhood serving businesses are located along Portola Drive approximately ¼-mile north of the site. Regional shopping areas are relatively close in the vicinity of the Capitola mall, which is approximately 1 mile from the site.

Project Description

The applicant proposes to combine parcels 032-171-01, -02, -03, -04, and -05 to form a total area of 32,758 square feet, or 0.75 acres. Seven 3-bedroom townhouses, common space, and a parking area are planned for the site. The townhouses will be located on lots varying in size from 1,495 to 1,929 square feet and each will have a small private patio. The remaining 21,746 square feet of common area will contain parking, landscaped pathways, a lawn, and a barbeque. Pedestrian access and an entry trellis will be constructed between the three large cypress trees along East Cliff Drive. All three large cypress trees are to be retained and protected during construction.

The parcels are located approximately 100 feet east of 38th Avenue between East Cliff Drive and Moana Way. Vehicular access will be from Moana Way and 38th Avenue. Water and sewer service will be modified to serve the new homes while stormwater runoff will be handled by existing structures that are adequately sized. Two separate collection points located on the south side of the site discharge into Monterey Bay.

Engineered fill will be used underneath all structures, parking areas, and roadways according to recommendations made in the Geotechnical Investigation. Grading volumes were estimated based on planned overexcavation of the site to a maximum depth of 3.5 feet.

All parcels have RM-4 zoning designations and R-UM (Urban Medium Density Residential) General Plan designations. The seven townhouses that are proposed for the site will create a density of 10.1 units per net developable acre, or 4,322 square feet per unit. Of the seven units, one is proposed to be a one-story unit while 6 are to be two-story to a maximum height of 28 feet. The units will range in size from 1,675 to 1,900 square feet.

General Plan & Zoning Consistency

The project site has a General Plan land use designation of "R-UM" (Urban Medium Density Residential). This designation allows a density range of 7.3 to 10.8 units per net developable acre, which corresponds to lot size requirements of 4,000 square feet to 6,000 square feet of net developable parcel area. The objective of this land use designation is to provide for medium density residential development in areas within the Urban Services Line that have a full range of urban services. As proposed the project will have a density of 10.1 units per developable acre, for an average of 4,322 square feet per lot.



The project is in the RM-4 Zone District (Multi-Family Residential; 4,000 square feet of net developable land area per dwelling unit). The proposed division of land complies with the RM-4 zoning designation regulations as the residential uses, including townhouses, are a principal permitted use, and the aggregate lot size, open space, and on-site parking meet the minimum standard for the Zone District. The perimeter setbacks for the development will meet or exceed the minimum zoning ordinance requirements. The proposed new dwellings are proposed to be 25 feet from the front property line at East Cliff Drive (20 feet required), 15 feet from the rear parcel boundary, and five and eight feet from the side parcel boundaries. The development covers less than 30% of the total area, and the proposed floor area ratio is less than 50%. The proposed building footprints are shown on the architectural plans included as Exhibit "A", as are the lot coverage and floor area ratio calculations.

Per County Code Section 13.10.323(f) a minimum of 200 square feet of private open space has been designated for each of the 7 units, with each area having the required 10-foot minimum dimension. Group open space is divided into two areas that together exceed the required minimum of 300 square feet per unit (2,100 square feet). The two open space areas are the barbeque area at the center of the property, and a lawn area with plantings just north of Unit 4.

The project meets the definition of a townhouse project set forth in County Code Section 14.01.105-T (Subdivision Regulations) as the proposed development consists of seven separately owned areas, encompassing the footprint and courtyard for each dwelling, with additional contiguous area that will be owned in common by the owners of the separate units. The project meets the land division regulations set forth in Chapter 14 of the County Code in that the project meets all applicable zoning regulations for development in the RM-4.

Coastal Zone Issues

The subject property has been used as access to bluff top pedestrian areas on the seaward side of East Cliff Drive via an unimproved path that runs from Moana Way to East Cliff Drive. In order to preserve this coastal access feature, a pedestrian easement for use by the general public is required. The location of the easement will correspond with the central walkway of the development that runs from the parking area adjacent to Moana Way south to East Cliff Drive. The project has been conditioned to require the walkway to extend an additional 15 feet to Moana Way, and to be signed as "Coastal Access" with signage to conform to any relevant specifications of the California Coastal Commission. Other than the walkway, the project area is to be private property.

Design Review Issues

Because the project is a land division located inside the Urban Services Line, it is subject to the provisions of County Code Chapter 13.11; Site, Architectural and Landscape Design Review. A primary purpose of the Design Review ordinance, as defined by General Plan Objective 8.1, is to achieve functional high quality development through design review policies that recognize the diverse characteristics of the area, maintain design creativity, and preserve and enhance the visual

fabric of the community. Architectural drawings and floor plans for the proposed new homes are included as part of Exhibit A.

The 7 new town homes are proposed to be mostly two-story with one single-story unit located at the center of the East Cliff Drive frontage. The 7 units are grouped into four buildings—two single-unit buildings, one two-unit building, and one three-unit building. The design of the buildings incorporates characteristics of the Spanish Eclectic architectural style. These characteristics include arch top windows, iron railings, little or no overhangs, clay tile roofs, decorative tile elements, elaborated or open chimney tops, and stucco siding. Such design is typical of coastal California and can be found at many locations in Live Oak and in Pleasure Point. A beige tone is proposed for the walls, with two trim colors to be used under the eaves and under the windows. The roof material is proposed to be one-piece "S" Tile in a De Anza Blend (terracotta and brown tones).

The proposed design is highly articulated and will complement and harmonize with the existing structures in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. The project has been review by the County's Urban Designer, Larry Kasparowitz.

To assure that the final construction is in conformance with the information submitted, a condition of approval has been included that requires all construction to be as presented in Exhibits "A". An additional condition of approval has been incorporated that prohibits changes in the placement of windows that face directly towards existing residential development without review and approval by the Planning Commission.

No mature vegetation is to be removed, and the three large cypress trees on East Cliff Drive have been integrated into the design. A condition has been added to require a report by a certified arborist with the construction plans that details measures to be taken to protect the trees during construction. The recommended measures are required to be incorporated into the plans. Eighteen additional trees are to be planted per the submitted landscape plan.

The location of the homes and configuration of the parking area has eliminated all driveway access on East Cliff Drive, with access to the parking area planned from Moana Way.

Pedestrian movements from the neighborhood to the north to East Cliff Drive will be preserved through a pedestrian easement for public use of the central sidewalk through the development (see Coastal Issues above). This public walkway will serve to further integrate the neighborhood and the new development.

Affordable Housing

The project is subject to the most recent regulations adopted by the Board of Supervisors. For the seven units proposed, the affordable housing requirement is 1.05 units or 1.05 times the applicable in-lieu amount, based on the average sale price of the units in the project. The applicable amount is \$1,000,000. The project is located in the City of Arata, which is in the unincorporated area of the County of Santa Clara. The project is located in the City of Arata, which is in the unincorporated area of the County of Santa Clara. The project is located in the City of Arata, which is in the unincorporated area of the County of Santa Clara.

requested the Planning Commission approve the payment of the in-lieu fee into the housing fund. Staff supports the request to pay the in-lieu fee as the fee, according to Mark Deming, Principal Planner for Advanced Planning, will likely be sufficient to provide two affordable units in the future instead of the one that would be constructed within this project. The three existing houses on the property are currently vacant.

Conclusion

All required findings can be made to approve this application. The project is consistent with the General Plan in that the project constitutes a residential use. The proposed density is within the General Plan density range and is similar to the intensity of land use in the surrounding area, and is consistent with the zoning designation of the subject parcel. The project, as conditioned, will not have a significant effect on the environment.

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

RECOMMENDATION

Staff recommends that the Commission take the following actions:


1. **Certify the attached Mitigated Negative Declaration** per the California Environmental Quality Act, and
2. **Approve Application No. 02-0271**, based on the project Plans (Exhibit "A"), the attached findings, (Exhibit "B") and subject to the attached conditions (Exhibit "C").


EXHIBITS

- A. Tentative Map prepared by Ifland Engineers, dated September 25, 2003; Architectural and floor plans prepared by Wald, Ruhnke & Dost Architects dated February 5, 2003
- B. Subdivision Findings and Development Findings
- C. Conditions of Approval
- D. Assessor's Parcel Map
- E. General Plan Map
- F. Zoning Map
- G. Mitigated Negative Declaration

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: John Schlagheck
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3012

Report reviewed by: 
Cathy Graves
Principal Planner, Development Review Planner

Report prepared by: 
John Schlagheck
Development Review Planner

APPROVED

SUBDIVISION FINDINGS:

1. THAT THE PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDIVISION ORDINANCE AND THE STATE SUBDIVISION MAP ACT.

The proposed division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance as set forth in the findings below.

2. THAT THE PROPOSED SUBDIVISION, ITS DESIGN, AND ITS IMPROVEMENTS, ARE CONSISTENT WITH THE GENERAL PLAN, AND THE AREA GENERAL PLAN OR SPECIFIC PLAN, IF ANY.

The proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates seven single-family town house lots and is located in the Residential, Urban Medium Density General Plan designation that allows a density of one dwelling for each 4,000 to 6,000 square feet of net developable parcel area.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the new parcels, including municipal water and sewer service. The land division is on an existing street, and no improvements are needed to provide satisfactory access to the project, with the exception of new driveway access from Moana Way to the parking area in the north of the parcel. The proposed land division is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and will have adequate and safe vehicular access.

The land division, as conditioned, will be consistent with the General Plan regarding infill development in that the proposed single-family development will be consistent with the pattern of the surrounding development, and the design of the proposed homes is consistent with the character of the surrounding neighborhood. The land division is not in a hazardous or environmentally sensitive area and protects natural resources by providing residential development in an area designated for this type and density of development.

3. THAT THE PROPOSED SUBDIVISION COMPLIES WITH ZONING ORDINANCE PROVISIONS AS TO USES OF LAND, LOT SIZES AND DIMENSIONS AND ANY OTHER APPLICABLE REGULATIONS.

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the RM-4 Zone District

where the project is located, and all setbacks will be consistent with the zoning standards. The proposed project complies with the development standards in the zoning ordinance as they relate to setbacks, maximum parcel coverage, building height, floor area ratio, and required open space.

4. THAT THE SITE OF THE PROPOSED SUBDIVISION IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF DEVELOPMENT.

The site of the proposed land division is physically suitable for the type and density of development in that no challenging topography affects the site, the existing property is commonly shaped, and the proposed units offer a typical town house arrangement and shape to insure development without the need for variances or site standard exceptions. No environmental constraints exist which would prevent redevelopment of the area.

5. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE NOR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. No mapped or observed sensitive habitats or threatened species impede development of the site as proposed. The County issued a Mitigated Negative Declaration on August 11, 2002 pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines (Exhibit "G").

6. THAT THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed division of land or its improvements will not cause serious public health problems in that municipal water and sewer are available to serve the proposed parcels, and these services will be extended to serve the new parcels. The elimination of driveway access from the property to East Cliff Drive will increase the pedestrian and vehicular safety.

7. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH, OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to all lots will be from Moana Way, a private road.

8. THE DESIGN OF THE PROPOSED SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES.

The design of the proposed division of land provides to the fullest extent possible, the ability to use passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. All of the proposed parcels are conventionally configured and the proposed building envelopes meet the minimum setbacks as required by the zone district for the property and County code.

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

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed lot sizes meet the minimum dimensional standards for the RM-4 zone district, and all development standards for the zone district will be met.

The 7 new town homes are proposed to be mostly two-story with one single-story unit located at the center of the East Cliff Drive frontage. The 7 units are grouped into four buildings—two single-unit buildings, one two-unit building, and one three-unit building. The design of the buildings incorporates characteristics of the Spanish Eclectic architectural style. These characteristics include arch top windows, iron railings, little or no overhangs, clay tile roofs, decorative tile elements, elaborated or open chimney tops, and stucco siding. Such design is typical of coastal California and can be found at many locations in Live Oak and in Pleasure Point. A beige tone is proposed for the walls, with two trim colors to be used under the eaves and under the windows. The roof material is proposed to be one-piece "S" Tile in a De Anza Blend (terracotta and brown tones).

The proposed design is highly articulated and will complement and harmonize with the existing structures in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. The project has been reviewed by the County's Urban Designer, Larry Kasparowitz (Exhibit H).

To assure that the final construction is in conformance with the information submitted, a condition of approval has been included that requires all construction to be as presented in Exhibits "A". An additional condition of approval has been incorporated that prohibits changes in the placement of windows that face directly towards existing residential development without review and approval by the Planning Commission.

No mature vegetation is to be removed, and the three large cypress trees on East Cliff Drive have been integrated into the design. The location of the homes and configuration of the parking area has

Application 02-0271

APN 032-171-01, 02, 03, 04, 05

eliminated all driveway access on East Cliff Drive, with access to the parking area planned from Moana Way.

Pedestrian movements from the neighborhood to the north to East Cliff Drive will be preserved through a pedestrian easement for public use of the central sidewalk through the development.



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.

Single and multi-family dwellings are principal permitted uses in the RM-4 (Multi-family Residential) zone district. A seven-unit townhouse development is an allowed use in the RM-4 zone within the Coastal Zone at a density of one dwelling unit per 4,000 to 6,000 square feet of net site area (30,122 square feet). The proposed land division would create seven townhouse lots and a large parcel in common ownership. The proposed land division and townhouse development is results in a density of one dwelling unit per 4,322 square feet, with is within the range R-UM (Urban Medium Residential) General Plan designation.

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

The parcel is not governed by an open space easement or similar land use contract. The subject property has been used as access to bluff top pedestrian areas on the seaward side of East Cliff Drive via an unimproved path that runs from Moana Way to East Cliff Drive. In order to preserve this coastal access feature, a pedestrian easement for use by the general public is required. The easement will correspond with the central walkway of the development that runs from the parking area adjacent to Moana Way south to East Cliff Drive. The project has been conditioned to require the walkway to extend an additional 15 feet to Moana Way, and to be signed as "Coastal Access" with signage to conform to any relevant specifications of the California Coastal Commission. Other than the walkway, the project area is to be private property.

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.

Since a land division is proposed, the project does not qualify for exclusion and is subject to the Coastal Development regulations set forth in Chapter 13.20. County Code Section 13.20.130(b)(1) provides the visual compatibility design criteria for development in the coastal zone and 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. The project has been designed to blend with the existing development of the surrounding neighborhood. This particular area is relatively densely developed urban residential neighborhood consisting of a wide range of housing types and styles. The submitted design is not inconsistent with the existing range.

The 7 new town homes are proposed to be mostly two-story with one single-story unit located at the center of the East Cliff Drive frontage. The 7 units are grouped into four buildings—two single-unit buildings, one two-unit building, and one three-unit building. The design of the buildings incorporates characteristics of the Spanish Eclectic architectural style. These characteristics include arched top windows, flat eaves, little or no overhangs, clay tile roofs, decorative tile elements, elaborated or

open chimney tops, and stucco siding. Such design is typical of coastal California and can be found at many locations in Live Oak and in Pleasure Point. A beige tone is proposed for the walls, with two trim colors to be used under the eaves and under the windows. The roof material is proposed to be one-piece "S" Tile in a De Anza Blend (terracotta and brown tones).

The proposed design is highly articulated and will complement and harmonize with the existing structures in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

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 proposed townhouse development will provide for continued public access to the coast through the dedication of a pedestrian easement. The subject property has been used as access to bluff top pedestrian areas on the seaward side of East Cliff Drive via an unimproved path that runs from Moana Way to East Cliff Drive. In order to preserve this coastal access feature, a pedestrian easement for use by the general public is required. The easement will correspond with the central walkway of the development that runs from the parking area adjacent to Moana Way south to East Cliff Drive. The project has been conditioned to require the walkway to extend an additional 15 feet to Moana Way, and to be signed as "Coastal Access" with signage to conform to any relevant specifications of the California Coastal Commission. Other than the walkway, the project area is to be private property.

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 division of land and the seven townhouse unit residential development are consistent with the County's certified Local Coastal Program in that these are allowed uses in the RM-4 (Multi-Family Residential, 1 dwelling per 4,000 square feet) zone district. The development permit has been conditioned to maintain a density of development compatible with the zone district and the neighborhood. The townhomes are sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding urban neighborhood.



RESIDENTIAL DEVELOPMENT FINDINGS FOR SEMI-DETACHED TOWNHOUSES

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 seven-unit townhouse development with 5 units sharing a common wall (semi-detached) and the conditions under which this townhouse development 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. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the RM-4 zone district. The seven-unit townhouse development with semi-detached dwelling units and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RM-4 zone district. The project meets the site standard requirements (setbacks, lot coverage, floor area ratio, height, parking and open space) for residential development on a RM-4 parcel, and semi-detached dwelling units are an allowed use in the zone district. The proposed density of development (one unit per 4,322 square feet of net developable land) meets the minimum density of one dwelling unit per 4,000 square feet set forth by the zone district.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the Urban Medium Residential land use designation. This designation allows a density range of 7.3 to 10.8 units per net developable acre, which corresponds to lot size requirements of 4,000 square feet to 6,000 square feet of net developable parcel area. The objective of this land use designation is to provide for medium density residential development in areas within the Urban Services Line that have a full range of urban services. As proposed the project will have a density of 10.1 units per net developable acre, for an average of 4,322 square feet per lot. As discussed in the Coastal Zone Findings for this project, all LCP policies have been met in the proposed locations of the project.

and with the required conditions of this permit. The design of the proposed seven-unit, semi-detached townhouse development is consistent with that of the surrounding neighborhood.

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 in that there will be a minimal increase in traffic, as a result of the seven-unit townhouse development. On-site parking has been provided as required by County Code

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.

As discussed in Finding #3 above, Subdivision Finding #2 and Coastal Findings #3 and 5, the proposed semi-detached townhouse development is consistent with the density and type of development in the neighborhood and proposed an architectural design that will complement and harmonize with the existing land uses in the vicinity. The design is compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

The 7 new town homes are proposed to be mostly two-story with one single-story unit located at the center of the East Cliff Drive frontage. The 7 units are grouped into four buildings—two single-unit buildings, one two-unit building, and one three-unit building. The design of the buildings incorporates characteristics of the Spanish Eclectic architectural style. These characteristics include arch top windows, iron railings, little or no overhangs, clay tile roofs, decorative tile elements, elaborated or open chimney tops, and stucco siding. Such design is typical of coastal California and can be found at many locations in Live Oak and in Pleasure Point. A beige tone is proposed for the walls, with two trim colors to be used under the eaves and under the windows. The roof material is proposed to be one-piece "S" Tile in a De Anza Blend (terracotta and brown tones).

The proposed design is highly articulated and will complement and harmonize with the existing structures in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

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 development is consistent with the Design Standards and Guidelines of the County Code in that the proposed lot sizes meet the minimum dimensional standards for the RM-4 zone district, and all development standards for the zone district will be met.

The 7 new town homes are proposed to be mostly two-story with one single-story unit located at the center of the East Cliff Drive frontage. The 7 units are grouped into four buildings—two single-unit buildings, one two-unit building, and one three-unit building. The design of the buildings incorporates characteristics of the Spanish Eclectic architectural style. These characteristics include arch top windows, iron railings, little or no overhangs, clay tile roofs, decorative tile elements, elaborated or open chimney tops, and stucco siding. Such design is typical of coastal California and can be found at many locations in Live Oak and in Pleasure Point. A beige tone is proposed for the walls, with two trim colors to be used under the eaves and under the windows. The roof material is proposed to be one-piece "S" Tile in a De Anza Blend (terracotta and brown tones).

windows, iron railings, little or no overhangs, clay tile roofs, decorative tile elements, elaborated or open chimney tops, and stucco siding. Such design is typical of coastal California and can be found at many locations in Live Oak and in Pleasure Point. A beige tone is proposed for the walls, with two trim colors to be used under the eaves and under the windows. The roof material is proposed to be one-piece "S" Tile in a De Anza Blend (terracotta and brown tones).

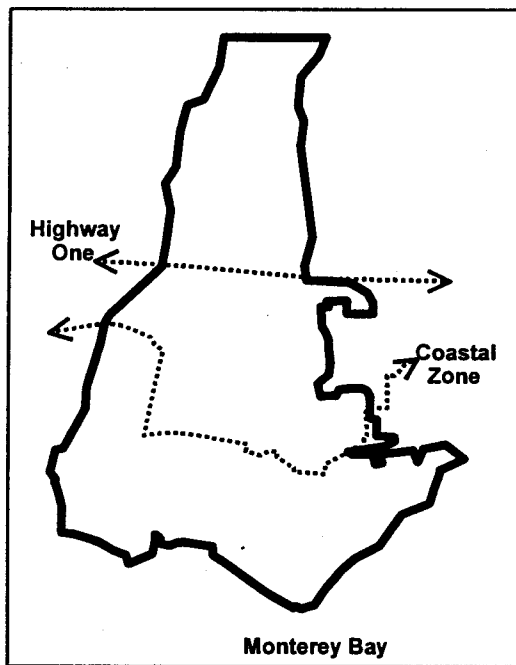
The proposed design is highly articulated and will complement and harmonize with the existing structures in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. The project has been review by the County's Urban Designer, Larry Kasparowitz (Exhibit H).

To assure that the final construction is in conformance with the information submitted, a condition of approval has been included that requires all construction to be as presented in Exhibits "A". An additional condition of approval has been incorporated that prohibits changes in the placement of windows that face directly towards existing residential development without review and approval by the Planning Commission.

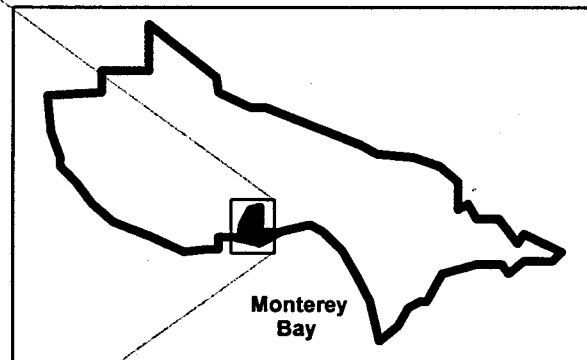
No mature vegetation is to be removed, and the three large cypress trees on East Cliff Drive have been integrated into the design. The location of the homes and configuration of the parking area has eliminated all driveway access on East Cliff Drive, with access to the parking area planned from Moana Way.

Pedestrian movements from the neighborhood to the north to East Cliff Drive will be preserved through a pedestrian easement for public use of the central sidewalk through the development.

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APPLICATION NO.
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ARATA



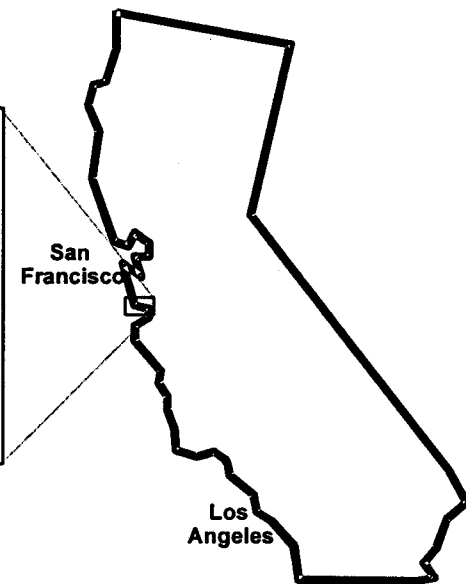
Live Oak



Santa Cruz County



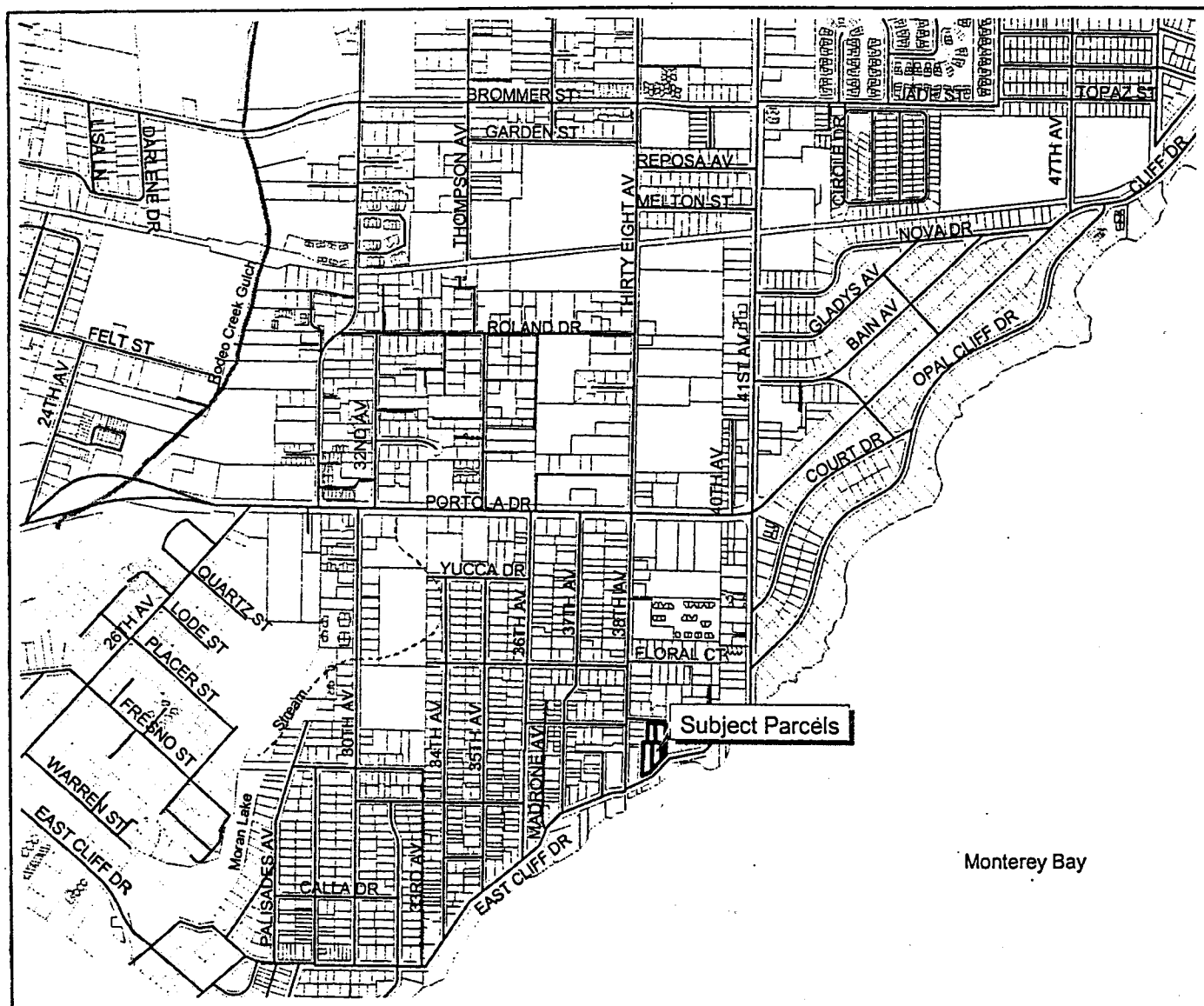
North



California

Note: All Maps Approximate

Location Map



0.2 0 0.2 0.4 Miles

Map created by Santa Cruz County
Planning Department:
May 2003



ATTACH

EXHIBIT NO. 2	pg. 2
APPLICATION NO.	
A-3-50003-119	
ARATA	

CALIFORNIA COASTAL COMMISSION

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

**RECEIVED**

DEC 17 2003

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

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

SECTION I. Appellant(s):

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

CHARLES PAULDEN - PEOPLE for THE Preservation of REASURE
415 PALISADES POINT

SANTA CRUZ CALIF

95062

(831) 462 - 3423

Zip

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

SANTA CRUZ CO

2. Brief description of development being appealed:

7-UNIT TOWN HOUSE

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

3834 MOANA WAY, BETWEEN MOANA WAY

AT EAST CLIFF DR, LIVER OAK, SC.

APNS 032-171-01, 02, 03, 04, 05

4. Description of decision being appealed:

a. Approval; no special conditions:

b. Approval with special conditions: X

c. Denial:

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-03-119

DATE FILED: 12/17/03

DISTRICT: Central



**California Coastal
Commission**

Appeal Form 1999.doc

File Number: A-3-SCO-03-119
File Name: Arata

Exhibit 3
Pg 1 of 14

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: 11.12.03

7. Local government's file number: 02-0271

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:

DAVID ARATA
3834 MOANA WAY
SANTA CRUZ, CA

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

(1) SIERRA CLUB ATT: EX COAL, GROWTH COM.
P.O. BOX 604
SANTA CRUZ CAL

(2) Surfnder Foundation
P.O. BOX 3203
S.C. CAL

(3) SAVE OUR SHORES
2227 ECLIFF DR
S.C. CAL

(4) MIKE GUTH ATT: HARBOR TO THE HOOK
2-2905 ECLIFF
SANTA CRUZ, CA

SECTION IV. Reasons Supporting This Appeal

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

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

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

LCP Policy 2.10.3, 2.22, 2.22.1, 2.22.2,
2.23, 2.23.1, 5.1.2, 5.1.3, 5.1.6, 5.1.7, 5.1.11
5.2, 5.2.1, 5.4, 5.4.1, 5.4.4, 5.4.14
7.1B1, 7.23.5, 5.10.2, 5.10.6, 5.10.7
5.10.12
8.8
The Approved Project Does NOT protect
Community Character
historic & cultural Resources
Prescriptive Rights
Seasonal Marshy WPT LANDS
Visual Resources
Affordable Housing in the Coastal Zone
Open Space
Scenic Resources
Water Quality in MBMS
Does NOT consider cumulative effect of this type
of large scale development on a small coastal community

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.

Charles Paulsen
Signature of Appellant(s) or Authorized Agent
Date 12.17.03

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.



File Number A-3-SCO-03-119
Signature of Appellant(s)
File Name: Arata
Date _____

Exhibit 3
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3-SCC -03-440
LOCAL ID: 02-0271

APPEAL

By: Charles Paulden,
People for the Preservation of Pleasure Point
APN 032-272-01, -02, -03, -04, -05
Location: 3834 Moana Way, Santa Cruz
Permit Application Number: 02-0271
Owner: David Arata

It is often stated that Carmel, along with such other special coastal communities as the town of Mendocino, is one of the special communities for which Coastal Act Section 30253(5) was written.

Pleasure Point has a similar informal character.

Indeed, Pleasure Point has been, and remains today, a spectacular coastal resource known the world over as an outstanding visitor destination as much for the character of its casual architecture, as for its renowned surfing resource and sub culture as for its scenic beauty. In part, Pleasure Point is made special by the character of development within its limits. In particular, as a primarily residential community, the web of residential development in Pleasure Point plays a key role in its special character. Pleasure Point is distinctly recognized for its many small cottages. These modest, sometimes quaint residences are associated with the era in which Pleasure Point was known for its resident artists, world class surfers, working class renters and owners, and functioned as a retreat for those who enjoyed a casual surf oriented community life. These little homes were the context for Pleasure Point's community life and its built character.

The demolition of existing residential buildings in Pleasure Point is a more recent phenomenon, a series of demolitions in the recent past, and a larger than usual influx of new applications, have engendered controversy over whether or not an existing house represents the historical, architectural, and environmental character of Pleasure Point, and if a replacement house detracts from Pleasure Point's character because of a modern design, tree removal, proposed house size, or other characteristics.

The demolition phenomenon impacts both those structures worth saving, and those that are not. Nonetheless, many worthy cottages remain. Some have historical credentials, and some because of their architectural character and context are contributing characters on the stage.

It is not clear to what extent the history of such demolition/rebuild/remodel has altered the special community character/aesthetic of Pleasure Point. A comprehensive cumulative impact assessment of such a trend has not been conducted to date. There is little doubt that structures within Pleasure Point have generally been getting larger.

However, up to now, and based on the County's limited design review process as well as Commission staff's lack of design guidelines, that a Special Coastal Community designation would impart, Commission staff has concluded that the character would not be adversely affected (individually or cumulatively) by the demolitions proposed to date. As such, Commission staff has generally recommended approval (either through formal recommendations to the Commission, administrative permits, or through a determination that a waiver of coastal permit requirements was in order) for such proposed demolitions over the years.

Based on the rapidly changing character of this area it leads to questions to this analysis, can staff absolutely ensure that continuation of this interpretation will protect the special character of Pleasure Point as required by the Coastal Act? Part of the reason for this is that although the elements that define the Pleasure Point character can be generally described (e.g. Casual country surf community, architecture, beach area, etc.), it has not been determined how these elements interact to make Pleasure Point special. In other words, Pleasure Point's community character has not yet been defined. The reason for this is because such a definition, as well as a means to adequately protect such character consistent with the Act, is best determined through a community and Commission review process.

culminating in a Special Coastal Community designation. Such a process is ongoing in Pleasure Point; the process has not yet been completed.

Until the Special Coastal Community designation. Process is completed; a higher level of protection needs to be given to the community resources of Pleasure Point so they are preserved for the future.

(This has been freely drawn from the commissions report, November 2, 2000 (for November 15, 2000 Hearing (W11))

Summary: Pleasure Point is a very popular visitor destination as much for its style, scale and rich history both as a surfing community and a place of recreation. In the past people came to enjoy its remoteness to enjoy duck hunting on its wetland and during prohibition for the wetness of its libations. The Pleasure Point Road house is rumored to be a house of pleasure as well as one of the counties first gas stations. Oral history suggests that it was served by a coastal railroad with a station at this site.

The development of Pleasure Point as it was developed with small beach cottage after the break up of the Houghton Estate, set the tone of this community.

Surfers and working people lived in the beach cottages and refurbished them as part of a beach and surf oriented community.

Jack O'Neill, the father of the wetsuit, lives on land that Gion (Gion vs. City of Santa Cruz Cal. 1970) sold after losing a prescriptive rights case. The land that was gained through this process provides the ocean view that visitors enjoy, and access the coastal resources through.

The coastal commission has sighted the special character of this area in that it is of smaller scale than down coast Opal Cliff.

The county has had meetings in an attempt to define and preserve this area as a special coastal community, and though to this date it has not been given official recognition, it does meet the guidelines for such designation.

The proposed development, which will remove 4 existing units, three of which were rented at affordable rates before the property was transferred to the applicant, are from the 1920s and before.

The home built in the 1920s is of fine craftsmanship, with details in the plaster around the fireplace, shaped beams tied together with wrought iron. Together with the adjacent house and open undeveloped lot is united with the attractive older homes on the corner of 38th Ave and East Cliff, and the Roadhouse, barn and outbuildings as well as the small light house across the street, that a person coming from the past would readily recognize.

The never developed lot with its seasonal marshy wetland is a remnant of the area where hunters came for ducks and provides seasonal habitat for water fowl. An historic trail transects this field and provides scenic access to the coastal stairs across East Cliff Dr.

The field, trail, seasonal marshy wetland, existing historic structures and surrounding cottages and water house create a scenic resource for those traveling on the listed scenic road of East Cliff Dr (from 34th to 41st Ave) as well as the many bikers, walkers, joggers and surfers.

This block, from 38th to the Roadhouse adjacent, that Pleasure Point gained its name from, create an historic district that would be eligible for the historic register, even if the county, state and federal agencies have not designated it so.

In particular the Pleasure Point Roadhouse deserves this designation. The surroundings while historic and scenic are important to the community reinforce the site and contribute to the historic context of the resource.

The proposed development will combine 5 lots and place 7 Spanish Eclectic townhouses across this charming vista.

They will be massed across the property to the maximum height and will be close to the adjoining properties. The size and mass of the structures are larger than the traditional



shaped character of the neighbors and the community
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The architectural style is out of keeping with the adjacent properties, which are more of a Northern California esthetic, of which Arts and Crafts would be more in keeping. The proposed project is not set back further on the property to help protect it from coastal retreat and to help preserve scenic resources and seasonal marshy wetland.

1. The proposed project does not protect community character. It does not protect the single small cottage type home on a single lot of the surrounding area.
2. The proposed project does not protect affordable housing. .
3. The proposed project does not protect historic or cultural resources.
4. The proposed project does not protect prescriptive rights on the historic trail.
5. The proposed project does not protect the seasonal marshy wetland used by seasonal waterfowl
6. The proposed project does not protect the visual resources from the scenic road, East Cliff Dr.
7. The proposed project does not protect land along the coast for recreation and open space.
8. The proposed uncovered parking lot is not using best practices to preserve water quality.
9. The proposed project adds to the cumulative effect of building large homes and developments on smaller lot, changing the community character and leading to larger scale development on the surrounding parcels.

Please reference

1/10/01 W 14a

<http://www.coastal.ca.gov/sc/A-3-SCO-00-076.pdf>

for the analysis of your office on relevant community character, scenic resources and water protection.

LCP policy

(LCP) 2.10.3 Specific Density Determination, Objective 2.22 Coastal Dependent Development, 2.22.1 Priority of Uses within the Coastal Zone, 2.22.2 Maintaining Priority Uses, Objective 2.23, 2.23.1, policies 5.1.2, 5.1.3, 5.1.6, 5.1.7, 5.1.11, Objective 5.2, 5.2.1, Objective 5.4, Policies 5.4.1, 5.4.4, 5.4.14, Objective 7.18c, 7.23.5, Objective 5.10a, Objective 5.10b, 5.10.6, 5.10.7, 5.10.12, LCP Objective 8.8,

LCP policy

(LCP) 2.10.3 Specific Density Determination

requires:

Consider terrain, adequacy of access, *presence of significant environmental resources, the pattern of existing land use in the neighborhood, and unique circumstances of public value, for instance, the provision of very low or lower income housing* in accordance with State law, in determining the specific density to be permitted within the Urban High Density Residential designation.

The approved project is inconsistent with LCP because:

It does not fit with the adjacent homes in style, bulk, scale or lot size to house size ratio. It removes affordable housing that fits with the surrounding and adds to its visual pleasure. It does not protect the cultural resources by destroying homes over 80 yrs old that are of good craftsmanship are part of a small historic district, that are valued by the community and preserve the site context for the adjacent roadhouse that gives Pleasure Point its name. The project is being built on a historic trail through a marshy seasonal wetland on the last undeveloped land along the scenic road of East Cliff.

This is inconsistent with the LCP.



LCP policies

Objective 2.22 Coastal Dependent Development, 2.22.1 Priority of Uses within the Coastal Zone, 2.22.2 Maintaining Priority Uses
requires

Objective 2.22 Coastal Dependent Development

(LCP) *To ensure priority for coastal-dependent and coastal-related development over other development on the coast.*

Policies

2.22.1 Priority of Uses within the Coastal Zone

(LCP) Maintain a hierarchy of land use priorities within the Coastal Zone:

First Priority: Agriculture and coastal-dependent industry

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

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

2.22.2 Maintaining Priority Uses

(LCP) *Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.*

The approved project is inconsistent with LCP because:

-The proposed project does not ensure priority for coastal-dependent and coastal-related development over other development on the coast.

-The proposed project does allow the conversion of an existing priority use to another use, one that is not of equal or higher priority.

The proposed project does not protect prescriptive rights on the historic trail.

The proposed project does not protect land along the coast for recreation and open space.

This is inconsistent with the LCP.

LCP policies Objective 2.23, 2.23.1 requires:

Objective 2.23 Conservation of Coastal Land Resources

(LCP) To ensure orderly, balanced utilization and conservation of Coastal Zone resources, taking into account the social and economic needs of the people of Santa Cruz County.

Policies

2.23.1 Lower and Moderate Income Housing in the Coastal Zone

(LCP) Restrict conversion or demolition of existing residential units occupied by persons or families of lower or moderate income, unless provision has been made for replacement of those units. Replacement units shall be available to persons of lower or moderate income, and if the units which are converted or demolished are in the Coastal Zone, replacement units shall be located elsewhere within the Coastal Zone, if feasible.

The approved project is inconsistent with LCP because:

The proposed project does not protect affordable housing.

-It removes 3 units that were rented at lower rates.

This is inconsistent with the LCP.

LCP policies 5.1.2, 5.1.3, 5.1.6, 5.1.7, 5.1.11, Objective 5.2, 5.2.1 require that:

5.1.2 Definition of Sensitive Habitat

(LCP) An area is defined as a sensitive habitat if it meets one or more of the following criteria:

(b) Areas which provide habitat for locally unique biotic species/communities, including, Cruz Cypress.



All lakes, wetlands, estuaries, lagoons, streams and rivers.

5.1.3 Environmentally Sensitive Habitats

(LCP) Designate the areas described in 5.1.2 (d) through (j) as Environmentally Sensitive Habitats per the California Coastal Act and *allow only uses dependent on such resources* in these habitats within the Coastal Zone *unless* other uses are:

- (a) *consistent with sensitive habitat protection policies and serve a specific purpose beneficial to the public;*
- (b) *it is determined through environmental review that any adverse impacts on the resource will be completely mitigated and that there is no feasible less-damaging alternative;* and
- (c) *legally necessary to allow a reasonable economic use of the land, and there is no feasible less-damaging alternative.*

5.1.6 Development Within Sensitive Habitats

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

5.1.7 Site Design and Use Regulations

(LCP) Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations:

- (a) *Structures shall be placed as far from the habitat as feasible.*
- (b) *Delineate development envelopes to specify location of development in minor land divisions and subdivisions.*
- (c) *Require easements, deed restrictions, or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity or to protect sensitive habitats on adjacent parcels.*

5.1.11 Wildlife Resources Beyond Sensitive Habitats

(LCP) *For areas which may not meet the definition of sensitive habitat contained in policy 5.1.2, yet contain valuable wildlife resources (such as migration corridors or exceptional species diversity), protect these wildlife habitat values and species using the techniques outlined in policies 5.1.5 and 5.1.7 and use other mitigation measures identified through the environmental review process.*

Objective 5.2 Riparian Corridors and Wetlands

(LCP) *To preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.*

5.2.1 Designation of Riparian Corridors and Wetlands

Designate and define the following areas as Wetlands:

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

The US Army Corps of Engineers, and other federal agencies utilize a unified methodology which defines wetlands as those areas meeting certain criteria for hydrology, vegetation, and soils.

The approved project is inconsistent with LCP: in that the seasonal marshy wetland that provides resources for water fowl in the rainy season, which is sensitive habitat, are to be removed and treated through the approved exemption to move soil to create a surface for the house to be built on.



The project is permitted to join 5 lots. The siting is not being placed out of this marshy area nor is it further away from the Mountery Bay Marine Sanctuary or the coastal bluffs. The project is not being required to build over the parking area to the back of the project, which would reduce the need to fill the marshy seasonal wetland. The project does not preserve for open space or other mandated uses This is inconsistent with the LCP.

LCP Objective 5.4, Policies 5.4.1, 5.4.4, 5.4.14, Objective 7.18c, 7.23.5 require that:

Objective 5.4 Monterey Bay and Coastal Water Quality

(LCP) To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the *best management practices for the control and treatment of urban run-off* and wastewater discharges in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the Counties sensitive marine habitats and *prevent the degradation of the scenic character of the region.*

Policies 5.4.1 Protecting the Monterey Bay National Marine Sanctuary from Adverse Impacts

(LCP) Prohibit activities which could adversely impact sensitive habitats of the Monterey Bay National Marine Sanctuary, including the discharge of wastes and hazardous materials. *The main sources of concern are wastewater discharge, urban runoff*

5.4.4 Disclosure of Chemical and Biological Characteristics of Wastewater

(LCP) Require full disclosure of the projected chemical and biological characteristics of all proposed new and/or expansion of wastewater discharges to the Monterey Bay or other coastal waters of Santa Cruz County. Require full disclosure of the projected chemical and biological characteristics of wastewater entering treatment and pretreatment facilities connected with new and/or expansion of wastewater discharges to Monterey Bay and other coastal waters of Santa Cruz County. *Particular areas of concern include toxic chemicals, toxic metals, bacteria, virus and other constituents identified as threats to the health and safety of coastal waters.*

5.4.14 Water Pollution from Urban Runoff

(LCP) *Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.*

Objective 7.18c Water Conservation

(LCP) *To maximize the Counties water conservation potential through a coordinated program with water purveyors and water management agencies involving public education, financial incentives to conserve, voluntary and mandatory conservation measures, retrofit programs, run-off management and water waste regulations and enforcement.*

7.23.5 Control Surface Runoff

(LCP) *Require new development to minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control:*

The approved project does not use best management practices and depends on a better silt and grease traps that do not remove petrochemical or other pollutants of concern. As the commission noted in its analysis of the Pleasure Point sea wall (1) The use of pavers that allow ground water recharge and bio filtration, see the Live Oak Library parking lot filtration system that was approved by the commission, would move towards best practices. The building above the parking lot would keep rain from washing the pollutants into the Bay. The use of covered parking that directs the water gathered on the roof into dry wells or holding ponds that perk back into the ground would be best practice. The marshy wetland provides this function at present.



The project allows more runoff than before the project, even though it is not required to do so by best management practices.
This is inconsistent with the LCP.

LCP policies Objective 5.10a, Objective 5.10b, 5.10.6, 5.10.7, 5.10.12 requires:
VISUAL RESOURCES

Objective 5.10a Protection of Visual Resources

(LCP) To identify, protect and restore the *aesthetic values of visual resources*.

Objective 5.10b New Development in Visual Resource Areas

(LCP) To ensure that new development is *appropriately designed and constructed* to have minimal to no adverse impact upon identified visual resources.

5.10.6 Preserving Ocean Vistas

(LCP) *Where public ocean vistas exist*, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.

5.10.7 Open Beaches and Blufftops

(LCP) Prohibit the placement of new permanent structures, which would be *visible from a public beach*, except where allowed on existing parcels of record, or for shoreline protection and for public beach access. Use the following criteria for allowed structures:

(a) Allow infill structures (typically residences on existing lots of record) where *compatible with the pattern of existing development*.

Policies

(6) Designation of Scenic Roads

(LCP) The following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection.

County Roads

East Cliff Drive from 33rd Avenue to 41st Avenue

5.10.12 Development Visible from Urban Scenic Roads

(LCP) In the viewsheds of urban scenic roads, require new discretionary development to *improve the visual quality through siting, architectural design, landscaping and appropriate signage*. (See policies 5.10.18, 5.10.19 and 5.10.20.)

Programs

(LCP) c. Refine the Zoning ordinance so that *design criteria for development visible from scenic roads* is more specific and consistent with the other policies in this section.

The project does not protect the scenic resources of the open field and trail, the historic, attractive cottages and their setting, the view from the scenic road.

The project is out of keeping with the surroundings. An arts and crafts, California bungalow, shingled structures set back from the road and off the field and trail would help to preserve the scenic resources.

This is inconsistent with the LCP. (2)

LCP Objective 5.19, 5.19.2, 5.19.3, 5.19.4, requires

Objective 5.19 Archaeological Resources

(LCP) To protect and preserve archaeological resources for their scientific, educational and cultural values, and for their value as local heritage.

Policies

5.19.2 Site Surveys (LCP) Require an archaeological site survey (surface reconnaissance) as part of the environmental review process for all projects with very high site potential as determined by the inventory of archaeological sites, within the Archaeological Sensitive Areas, as designated on the General Plan



5.19.3 Development Around Archaeological Resources

(LCP) Protect archaeological resources from development by restricting improvements and grading activities to portions of the property not containing these resources, where feasible, or by preservation of the site through project design and/or use restrictions, such as covering the site with earth fill to a depth that ensures the site will not be disturbed by development, as determined by a professional archaeologist.

5.19.4 Archaeological Evaluations

(LCP) Require the applicant for development proposals on any archaeological site to provide an evaluation, by a certified archaeologist, of the significance of the resource and what protective measures are necessary to achieve General Plan and LCP Land Use Plan objectives and policies.

Programs

(LCP) a. Develop and maintain an Inventory of Archaeological Resources. Maintain a liaison to the Regional Office, California Archaeological Site Survey, and the Ohlone Indian Cultural

Association.

(LCP) g. Maintain and update, in coordination with the Regional Office of the California Archaeological Site Survey, an inventory of known archaeological sites.

The project did not do a site survey and depends on the registers to support the claim that the site is not significant.

Case law shows this is not sufficient.

This is the last example of this type of land use with in the Pleasure Point area, and indeed the Santa Cruz/Live Oak Coastal area.

The parcels and houses themselves are undeveloped or over 80 years old.

There is a demonstrable public interest in the area and rises important scientific research questions in regard to the building settings and artifacts that can give a glimpse to how people lives in this area.

The site also provides the context to the historic Roadhouse adjacent and needs to be studied in this context.

Joined with the surrounding properties it would create an historic district that would save an example of how this special community was historically developed.

Historic significance is not based only on registry, eligibility for registry is needs also be considered in determining a resources significant environmental effect, and need for study under CEQA. This was not done and is Inconsistent with LCP. (3)

LCP Objective 8.8, requires:

Objective 8.8 Villages, Towns and Special Communities

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

The approved project does not protect the community character and is not in scale, style, bulk or lot to structure ratio of the surrounding single small cottages with large open space setting, predominately single story with garages rather than parking lots.

This is inconsistent with LCP. (4)

LCP requires:

Cumulatively or Cumulative Effect

The incremental effects of an individual project in connection with the effects of past

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projects, the effects of other current projects, and the effects of probable future projects. The approved project does not take into consideration of how the project will lead to the increased development on the surrounding larger parcels. This style of development will destroy the existing character of the community in relationship to architectural style, historic resources, open space, affordability, urban runoff and wetlands protection, This is indeed the tyranny of small decisions. This is inconsistent with the LCP. (5)

(1)

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through,

among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

A. Water Quality

The project does not include any measures to filter and/or treat runoff prior to its discharge into the Sanctuary, at one of the primary recreational water use areas within the Sanctuary. The Sanctuary is home to some 26 Federal and State Endangered and Threatened species and a vast diversity of other marine organisms. Pleasure Point attracts surfers from far and wide to tackle the consistent line of surf wrapping around the headland and heading downcoast to Capitola here. As such, the Commission recognizes the marine and recreational resources involved with the proposed project as sensitive coastal resources that are of state and federal importance.

Runoff that flows directly to the Monterey Bay could negatively impact marine and recreational resources and water quality by contributing additional urban contaminants to the recreational surfing area there. Urban runoff is known to carry a wide range of pollutants including nutrients, sediments, trash and debris, heavy metals, pathogens, petroleum hydrocarbons, and synthetic organics such as pesticides. Urban runoff can also alter the physical, chemical, and biological characteristics of water bodies to the detriment of aquatic and terrestrial organisms.²³ Such impacts would be at the expense of two of the State and nation's great treasures, the Monterey Bay and the Pleasure Point surfing area. Such impacts raise questions of consistency with the above-referenced Coastal Act policies protecting these resources.

(2)

Chapter 13.20 COASTAL ZONE REGULATIONS

13.20. 130 Design criteria for coastal zone developments.

5.10.10 (a) General

1. Applicability. The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.
2. Conformance with Development Standards and Design Criteria of Basic Zones. All required project Design Criteria and use standards and conditions of Chapters 13.10, 13.11 and Section 13.20.140 et seq. shall be met in addition to the criteria of this section. (Ord. 4346, 12/13/94)
 1. 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.
 1. Location of Development. Development shall be located, if possible, on parts of the site not visible or least visible from the public view. Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points.
 2. Site Planning. Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative



2. Site Planning. Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities). Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed.

3. Building Design. Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction. Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged. Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster.

(d) Beach Viewsheds. The following Design Criteria shall apply to all projects located on bluffs and visible from beaches.

(ii) The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred. (Ord. 3435, 8/23/83; 3487, 12/20/83)

(3)

1969 NEPA-national environmental policy act

CEQ- council on environmental quality- agencies consider effects on environment

SIA-social impact assessment- relation between both human social cultural systems and natural environment and social environment (lifeways and value systems)

1972 Executive Order 11593- treat NRHP eligible properties as if listed

1973 PRC Sec. 21000 discretionary projects must have identified and examined significant environmental effect.

Section 21083.2 possible adverse effects to a unique archaeological resource are a significant environmental effect and require an EIR.

Unique...a high probability that it

- contains info needed for important scientific research questions with demonstrable public interest

- has special or particular qualities-oldest or best available example of its type

- is directly associated with ...event or person.

LEGAL DECISIONS FOR ARCHAEOLOGY

Schaeffer Land Trust vs. San Jose City Council (1989), 215 CA App. 3rd. 612

piggy backed with Sundstrom vs. County of Mendocino (1988), 202 CA App 3rd. 296

- Detailed test must be provided earliest moment

- If there is no flexibility in future design, full survey and testing must be done to understand consequences of approval.

Topanga Association for A Scenic Community vs. County of Los Angeles (1989), 214 CA App 3rd. 1348.

Qualified archaeologist define what is unique and need to be protected under Sec 21083.2 Public Resource Code (PRC) and Appendix K.

Kings County Farm Bureau vs. City of Hanford (1990) 221 CA App 3rd. 692.

Reinforced Laurel Heights Improvement Association vs. Regents of University of San Francisco (1988) 47 CA App 3rd. 376, 392.

Decision-makers must weigh technical info (survey/testing/report - with adequate analysis in draft EIR), and public opinion.



Land Waste Management vs. Contra Costa Co. Board of Supervisors (1990), 222 CA App 3rd. 950.

A certified EIR is not automatic if decision is not made within one year under Permit Streamlining Act and CEQA protection cannot be avoided.

(4)

Section 30253(5). New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality on visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

(5)

E. Cumulative Impacts

Coastal Act Section 30250(a) addresses cumulative impacts, stating in part as follows:


New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located...where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...

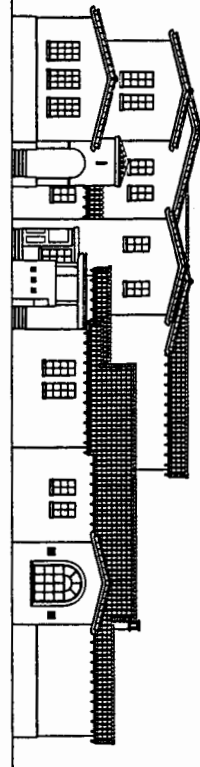
It has become common practice to contend that the impacts of individual projects are negligible because the structure being proposed is small in relation to the coastline, or its impacts individually can be addressed in some manner. This phenomenon has been described as the "tyranny of small decisions": summarized by Gary Griggs, James Pepper and Martha Jordan (*California's Coastal Hazards: Critical Assessment of Existing Land-Use Policies and Practices*). They observe:

[decisions to approve shoreline protective devices] are usually made on a project-by-project basis, they tend to be evaluated independently, without any systematic consideration of the aggregate or cumulative effects either within or among jurisdictions. Within such a decision-making context any given project can be viewed as small and thus easy to rationalize in terms of approval. Cairns (1986) calls this endemic failure to take into account the aggregate effects of environmental management 'the tyranny of small decisions.'

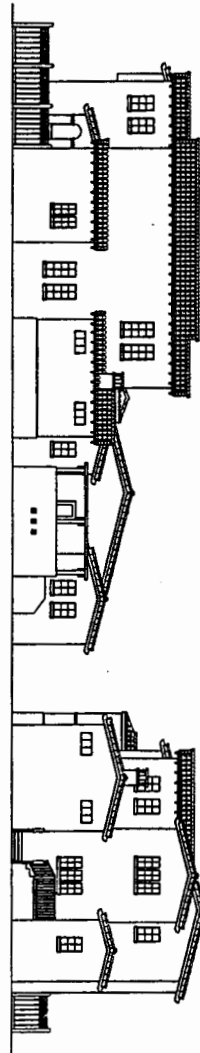


- | KEY NOTES | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|-------------------------------------|-------------------------------------|---|--|--|---------------------|---|----------------------------------|-----------------|-----------------------|
| SEE S&L FOR ENTRY WELLS | LOCATION OF WATER AND GAS METERS | THRESH ENCLAVEMENT SEE S&L FOR DETAILS | NEW STOP SIGN AND PARKING SIGN FOR CITY TRUCKS | NEW 6" CONC. CURB | NEW 4" PLUMB | POSTING SIGN TO BE REPAIRED OR REPLACED REQUIRED ON HIGHWAY | POSTING SIGN ACCESS BY THE BLADE | NEW HALL BORDS | CORNER LANDSCAPE AREA |
| SEE S&L FOR WELLS AND BASESIDE AREA | DECATIVE FENCE, SEE 4/13 FOR DETAIL | WFE PROPERTY L&E ARE CAL. DIVISION FOR PLAN OF CONVECTION | PRIVATE DRIVE SPACE, MINIMUM OF 20' FOR TURN | PRIVATE DRIVE SPACE, MINIMUM OF 20' FOR TURN | COUNTY INTERSECTION | CORNERED LOCATIONS SIGNALS BECAUSE FOR 8 TRUCKS | LANDSCAPE MAINTENANCE ROOM | POSTING SIGNWAY | POSTING SIGN |

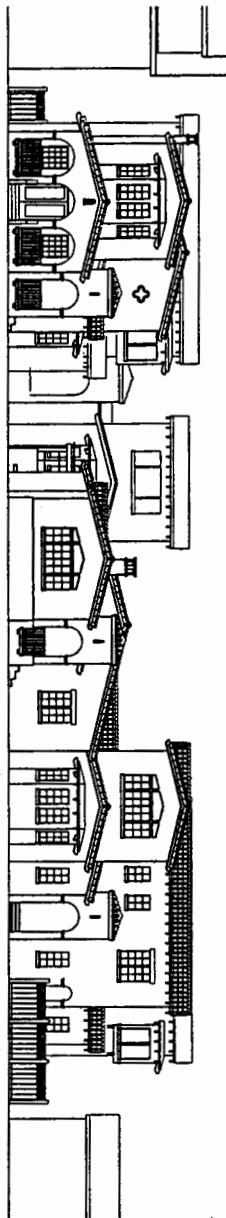
EXHIBIT NO. 4
APPLICATION NO. SITE PLAN
A-3-SCO-03-119
ARATA  California Coastal Commission



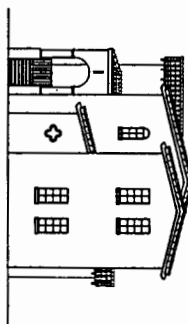
① WEST ELEVATION
SCALE: 1/8" = 1'-0"



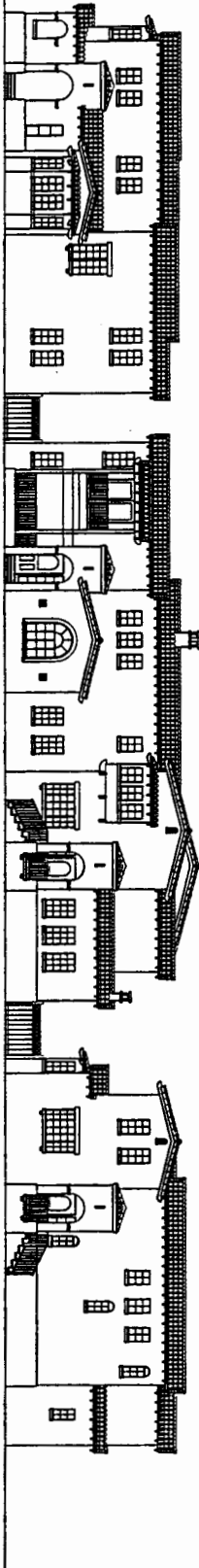
② NORTH ELEVATION
SCALE: 1/8" = 1'-0"



③ SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



④ NORTH ELEVATION
SCALE: 1/8" = 1'-0"



⑤ EAST ELEVATION
SCALE: 1/8" = 1'-0"

EXHIBIT NO. 5
APPLICATION NO.
A-3-SO-03-119
ARATA

PLANNING SUBMITTAL
02/05/03

A3.1 # 13	SHEET NO. EXTERIOR ELEVATIONS	PROJECT Ocean Cliff Village 3845 E. Cliff Dr. San Diego, CA	APC 032-171-1, 2, 3, 4 & 5	FIRM NAME Wald, Ruhnke & Dost Architects, LLP AIA • Architecture • Planning 680 International Street • Suite 1 Menlo Park, CA 94025-3815 PH (650) 449-0842 • FAX (650) 449-0850 • E-Mail: arata@waldruhndost.com California Registration: C-21584 • C-21585	DATE 02/05/03	DRAWN BY AJ	CHECKED BY HR
	PROJECT Ocean Cliff Village	DATE 02/05/03	DRAWN BY AJ	CHECKED BY HR			

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Central Coast District Office of the Coastal Commission
Charles Lester, Deputy Director
Diane Landry, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863
FAX (831) 427-4877

A-3-SCO-03-119

I support the appeal of the County approved project:
APN 032-272-01, -02, -03, -04, -05
Location: 3834 Moana Way, Santa Cruz
Permit Application Number: 02-0271

It is inconsistent with the LCP in that

It does not fit with the adjacent homes in style, bulk, scale or lot size to house size ratio.

It removes affordable housing that fits with the surrounding and adds to its visual pleasure.

It does not protect the cultural resources by destroying homes over 80 yrs old that are of good craftsmanship are part of a small historic district, that are valued by the community and preserve the site context for the adjacent roadhouse that gives Pleasure Point its name.

The project is being built on a historic trail through a marshy seasonal wetland on the last undeveloped land along the scenic road of East Cliff.

It is inconsistent with the LCP also in that:

1. The proposed project does not protect community character. It does not protect the single small cottage type home on a single lot of the surrounding area.
2. The proposed project does not protect affordable housing. .
3. The proposed project does not protect historic or cultural resources.
4. The proposed project does not protect prescriptive rights on the historic trail.
5. The proposed project does not protect the seasonal marshy wetland used by seasonal waterfowl
6. The proposed project does not protect the visual resources from the scenic road, East Cliff Dr.
7. The proposed project does not protect land along the coast for recreation and open space.
8. The proposed uncovered parking lot is not using best practices to preserve water quality.
9. The proposed project adds to the cumulative effect of building large homes and developments on smaller lot, changing the community character and leading to larger scale development on the surrounding parcels.

LCP Objective 8.8, requires:

Objective 8.8 Villages, Towns and Special Communities

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

The approved project does not protect the community character and is not in scale, style, bulk or lot to structure ratio of the surrounding single small cottages with large open space setting, predominately single story with garages rather than parking lots.

This is inconsistent with LCP. (4)

I oppose the County approved project and call upon the Coastal Commission to protect the special coastal community of Pleasure Point and to ask the Commission to encourage the County to Designate Pleasure Point as a Special Coastal Community with design guidelines that protect the small country coastal community esthetic.

Thank you



**California Coastal
Commission**

File Number: A-3-SCO-03-119
File Name: Arata

Exhibit 6
Pg 1 of 1