

CALIFORNIA COASTAL COMMISSION

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APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....A-3-SCO-05-073, Porter SFR Remodel and Addition

Applicants.....William & Susan Porter

Appellant.....James & Sandra Sheehan

Local government.....Santa Cruz County

Local decision.....Approved with conditions (September 14, 2005)

Project location.....3030 Pleasure Point Drive (seaward side of Pleasure Point Drive) in the Pleasure Point region of the unincorporated Live Oak area of Santa Cruz County (APN 032-242-11).

Project description.....Remodel and additions to an existing 2,530 square foot single-story residence. First floor additions include construction of 159 square feet of additional floor area and 527 square foot two car garage. Second story addition includes 1,627 square feet of floor area and a 431 square foot deck above an existing bedroom. A 133 square foot detached shop will also be added to the property.

File documents.....Santa Cruz County Certified Local Coastal Program; Santa Cruz County Coastal Development Permit Application File 02-0600.

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

Summary of Staff Recommendation: This is the substantial issue determination for appeal number A-3-SCO-05-073. Santa Cruz County conditionally approved a project to remodel an existing 2,530 square foot single story residence and construct a roughly 2,877 square foot addition. The addition involves enlarging the first floor by 159 square feet, adding a 527 square foot garage, and construction of a second story with two bedrooms, two bathrooms, office and laundry room (1,627 s.f.) and a deck (431 s.f.) over a portion of the first floor. A detached single story accessory structure (133 s.f.) to be used as shop will also be constructed on the 14,740 square foot parcel. A single-family residence with a detached garage is a principally permitted use in the R-1-5 (Single Family Residential) zone and is consistent with the LCP land use designation of Urban Medium Residential (R-UM). The project is located on a coastal bluff in the Pleasure Point region within the Live Oak Beach Area of Santa Cruz County (location map attached as Exhibit 1).



California Coastal Commission

November 16, 2005 Meeting in Los Angeles

Staff: M. Watson Approved by: *MW 11/27/05*

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The Appellants contend that the County-approved project will not adequately protect the community and visual character of the Pleasure Point neighborhood. They further contend that the County's approval fails to comply with the direction of the Board of Supervisors and that the approval authorizes development within the bluff setback, and as a result, is inconsistent with the County's Local Coastal Program (LCP). These contentions do not raise a substantial issue for the following reasons:

1. **Community Character / Visual Resources.** The residential remodel is of modern architectural design that meets the LCP standards for mass/scale, floor area, lot coverage, and height requirements. The County conditioned its approval to require two-tone coloration and finish materials and low reflective glass to add visual interest and minimize visual impacts. The project also has been refined to add offsets and articulation that break up mass and avoid a bulky appearance. The project will join an eclectic mix of neighborhood residences and will not adversely impact the character of the surrounding area, nor block or degrade views of the coast available to the public. Therefore, the appeal does not raise a substantial issue regarding the protection of community character or scenic coastal views.

2. **Compliance with Board of Supervisor Direction.** During local consideration of the appeal, the Board of Supervisors remanded the project back to the Planning Commission with guidance to address neighborhood concerns regarding privacy and illumination transmitting from the residence at night. The Planning Commission conditioned the permit to require the second story window to be composed of low reflective material with zero light transmission capabilities in order to maintain the privacy of residents across the street and address nighttime illumination issues. The conditioned permit adequately addresses the concerns raised by the Board of Supervisors and complies with LCP requirements related to lighting and neighborhood privacy. Therefore, appeal contentions that assert the Board's direction was not followed do not raise a substantial issue of LCP consistency.

3. **Bluff Setbacks.** The Appellants correctly identify a mistake in the County's approval as it authorizes development within the required bluff setback. The applicant proposes to construct a second-story deck on top of a portion of the existing dwelling which is located within the bluff setback. Construction of the deck will not expand the building footprint, but rather replace the existing low-pitched roof with parapets and railings for the deck. Accordingly, the development will not extend any further seaward than its current position. The site is currently armored with a large seawall permitted by the Commission in September 2004 (CDP No. 3-93-039-A1). Thus, even though the County's approval is not consistent with the standards for establishing development setbacks from coastal bluffs, the approval will not contribute to bluff instability, subject the development to additional geologic hazards, or result in the need for shoreline protection. As a result, the contentions do not raise a substantial issue.

Therefore, 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 thereby decline to take jurisdiction over the coastal development permit for the project.



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1. Appeal of Santa Cruz County Decision

A. Local Government Action

On September 14, 2005, the Santa Cruz County Planning Commission approved the proposed project subject to multiple conditions (see Exhibit 2 for the County's staff report findings and conditions on the project). The Planning Commission received the application as an appeal of the Zoning Administrator's denial of a Coastal Development Permit. The Zoning Administrator denied the project because it 1) proposed a seawall that was outside of the County's retained permitting jurisdiction and 2) contemplated development within the 100-year bluff setback area which had not yet been adequately identified. As noted, the Zoning Administrator's denial was appealed to the Planning Commission who recommended the applicant first obtain a coastal development permit from the Commission for the seawall portion of the project. Upon issuance of a Coastal Development Permit for the seawall in September 2004, the Planning Commission re-examined the application for a substantial remodel and addition and made recommendations to bring the project into conformance with the County's standards. The Planning Commission's action was reviewed by the County Board of Supervisors as a Special Consideration item on March 8, 2005, which resulted in the item being remanded back to the Planning Commission with direction to address massing along the western elevation and window treatment at the primary (south) elevation. The Planning Commission then approved the project with conditions on September 14, 2005



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and notice of the coastal development permit (CDP) was received in the Coastal Commission's Central Coast Office on October 7, 2005. The County's approval was appealed directly to the Commission, rather than to the Board of Supervisors, because the County charges a fee to file an appeal.

B. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line 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 between the first public road and the sea, and 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 so located and thus this additional finding would need to be made in a de novo review in this case.

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

C. Appellant's Contentions

In summary, the Appellants contend that the project is not consistent with the LCP due to impacts to visual resources and community character. Appellants also maintain that the County approval failed to comply with directions from the Board of Supervisors as they related to design aesthetics. The appeal further contends that the approval includes construction of new development within the required coastal bluff setback and failed to address non-compliance issues regarding site design and coastal zone requirements. Please see Exhibit 3 for the Appellant's complete appeal document.



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2. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the County's decision in this matter would be final (conversely, a finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action).

Motion. I move that the Commission determine that Appeal Number A-3-SCO-05-073 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.

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

Resolution to Find No Substantial Issue. The Commission hereby finds that Appeal Number A-3-SCO-05-073 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

Recommended Findings and Declarations

The Commission finds and declares as follows:

3. Project Description

A. Project Location

The county approved project is located at 3030 Pleasure Point Drive in Live Oak. 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 and coastal recreation opportunities. Walking, biking, skating, viewing, surfing, fishing, and sunbathing are among the range of recreational activities possible along the Live Oak shoreline. In addition, Live Oak supports 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 give Live Oak a unique character that makes it a prime destination for coastal access and recreation opportunities.

Primarily residential with some concentrated commercial and industrial areas, Live Oak is a substantially



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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 along the shoreline.

B. County Approved Project

The County of Santa Cruz approved a coastal development permit to remodel and construct an addition to an existing 2,530 square foot single-story residence. First floor additions include enlarging the floor area by 159 square feet and adding a 527 square foot garage. The approval also includes construction of a second story with two bedrooms, two bathrooms, office and laundry room (1,627 s.f.) and a deck (431 s.f.) over a portion of the first floor. A detached single story accessory structure (133 s.f.) has also been approved on the 14,740 square foot parcel.

The proposed structure incorporates a modern design with glass façades at the second story and curving roofline. Exterior materials include textured concrete panels similar to stucco, large glass-paneled windows, and a brush metal aluminum roof. The architect also proposes a series of graduated setbacks from the western property line to breakup overall massing along the western elevation. Please see Exhibit 5 for exterior elevations and renditions.

4. Substantial Issue Findings

A. Policies Cited by Appeal

The Appellants formally identify LCP policies 13.11.072, 13.11.073(b)(1), 13.20.130 (various subsections), 16.10.070(h)(1)(ii), and 18.10.350 as the basis for the appeal. Appellants generally refer to the project not meeting the goals of the LCP, as it relates to site design, character of the community, and visual resource impacts. See exhibit C for the Appellants complete appeal documents.

B. Analysis of Consistency with Cited Policies

1. Visual Resources / Character Issues

a. LCP Policies

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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The following County LCP design criteria are protective of coastal zone visual resources and require visual compatibility with the developed character of neighborhoods and adjacent areas. The LCP site design and visual resource policies applicable to the Appellant's visual and community character contentions include:

IP Section 13.11.072 Site Design

(a) It shall be the objective of new development to enhance or preserve the integrity of existing land use patterns or character where those exist and to be consistent with village plans, community plans, and coastal special community plans as they become adopted, and to complement the scale of neighboring development where appropriate to the zoning district context, new development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas.

IP Section 13.11.073 (b)(1) Compatible Building Design

- (i) Building design shall relate to adjacent development and the surrounding area.*
- (ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of compatibility:
 - (A) Massing of building form*
 - (B) Building silhouette*
 - (C) Spacing between buildings*
 - (D) Street face setbacks*
 - (E) Character of architecture*
 - (F) Building scale*
 - (G) Proportion and composition of projections and recesses, doors and windows, and other features*
 - (H) Location and treatment of entryways*
 - (I) Finish material, texture, and color.**

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(c)(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.*



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IP Section 13.20.130(c)(3) Rural Scenic Resources, Building Design. The following Design Criteria shall apply to all projects located in designated rural scenic resource areas: 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.

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. In urban areas of the viewshed, site development shall conform to (c) 2 and 3 above

b. Analysis

Appellants contend that the county approved project will negatively impact the visual character of Pleasure Point. Appellants maintain the project does not minimize visual intrusion and will result in a structure that stands out from the beach, Pleasure Point Drive, and East Cliff Drive. Similarly, the Appellants contend that the project's modern architectural style and increase in size are not compatible with the surrounding neighborhood. They assert that existing large two-story houses are similar in height but that they exhibit much shorter ridgelines. Appellants complain that because of the length of the building and the north-south orientation of the proposed residence, it will clearly stand out above the adjacent residences and will be massive in relationship to the existing structures. In addition, Appellants stress that the negative visual impacts will be exacerbated by the extensive amount of glass on the east second story wall, and the north and south facades, which will become "a beacon like the Tower House on East Cliff Drive when they are lit up at night."

The site of the proposed project is a developed blufftop lot, near Pleasure Point park in Live Oak. The Pleasure Point area of Live Oak is a highly developed urban neighborhood containing an assortment of styles and sizes of homes ranging from older ranch style homes, bungalows, split-levels, Spanish colonial revival, and some with a mixture of these elements. Both one and two story homes are present in a variety of sizes and massing. In general the neighborhood lacks any defining architectural character or design and there are a number of dwellings that could individually be considered unique in their size, scale, or design.

As currently designed, the architectural style of the County approved project is very modern. Because of required bluff setbacks and the shape of the lot, the development envelope is restricted to a long narrow area adjacent to the western side of the property. As a result, the development opportunities are limited mainly to second story expansion concentrated towards the street and western property line. The proposed shape of the expanded residence is long and narrow and somewhat irregular. Proposed construction materials include concrete (stucco), metal, and glass. The roof is pitched, curved, and



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articulated to provide visual interest and avoid a bulky appearance. Similarly, the long ridgeline on the west elevation employs a graduated setback from the western property line and multi-hued coloration to breakup massing.

The Applicant has proposed a modern style of architecture that meets LCP standards for floor area, lot coverage, and height requirements. The subject parcel is 14,740 square feet. The maximum height of the two-story portions of the residence would vary between 25 and 28 feet (maximum 28 feet allowed). The lot is relatively flat and no grading is proposed. The County approved project approaches the limits of lot coverage (24% proposed, maximum 30% allowed), but is well under the maximum floor area ratio (36% proposed, maximum 50% allowed). Because the certified LCP does not exclude undevelopable portions of the lot, such as the beach and bluff from the calculation of allowable lot coverage, the structure appears larger in relation to perceived lot size than would a similar structure on a flat lot of similar or same size. As evidenced by this and past appeals to the Commission, keeping the size and mass of new residential structures within a reasonable range of the existing housing stock is an important neighborhood issue. Accordingly, Staff has urged the County to adopt more specific guidelines for the Live Oak planning area that would help resolve such design issues and allow the community to establish a vision for the future.

c. Conclusion

As approved by the County, the remodel and additions to the existing residence are consistent with LCP sections 13.11.072 and 13.20.130(b)(1) identified above. These sections require new development to be sited, designed, and landscaped to be visually compatible and integrated with the character of the surrounding neighborhoods or areas. The design of the proposed remodel includes a varied roofline, numerous offsets, articulations, and coloring scheme all intended to add visual interest and breakup mass. Low reflective, opaque glass is required by the County to reduce glare, increase privacy, and address nighttime illumination. The design includes the use of natural materials and the project has been conditioned to include a landscape plan to ensure visual compatibility and integration into the character of the neighborhood consistent sections 13.20.130(c)(2) and 13.20.130(c)(3). Accordingly, the county approved development is consistent with LCP design criteria and development standards, and will join an eclectic mix of existing neighborhood residences without adverse impact to the character of the surrounding area or the scenic coastal views currently available to the public. **Therefore, no substantial issue exists.**

2. Bluff Setbacks

a. LCP Policies

The certified LCP states:

IP Section 16.10.070(h)(1)(ii) Coastal Bluffs and Beaches:

1. Criteria in Areas Subject to Coastal Bluff Erosion: Projects in areas subject to coastal bluff



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erosion shall meet the following criteria:

- (ii) for all development, including that which is cantilevered, and for non-habitable structures, a minimum setback shall be established at least 25 feet from the top edge of the coastal bluff, or alternatively, the distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater.*

b. Analysis

Appellants contend that the County approved project authorizes development within the established bluff buffer (i.e., within 25' of the blufftop edge) in contradiction to LCP standard 16.10.070(h)(1)(ii). At least a portion of the existing bedroom on the southwest corner of the site is located within the 25' bluff setback required area. As noted in the appeal, the Applicant's propose to extend the walls above the bedroom and build a new deck (431 s.f.) with parapets and railings on top of it, placing most of the deck within the 25' bluff setback.

The relevant zoning standard requires all development and structures (habitable or non-habitable) in areas prone to coastal erosion to be setback a minimum distance of 25' from the blufftop edge or alternatively, a distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater. The purpose of the standard is to protect against future requests for shoreline armoring and minimize the threat from geologic hazards. The County approved project includes construction of a second-story deck on top of an existing structure within the 25' bluff setback. The existing structure is non-conforming with respect to the bluff setback and thus construction of the new decking will expand that non-conformity, and is inconsistent with certified LCP standard 16.10.070(h)(1)(ii).

c. Conclusion

Although, the proposed second-story deck is technically inconsistent with this ordinance, it will be located on top of an existing structure and as such does not encroach any further seaward of the existing non-conforming dwelling. Additionally, the site of the proposed development is presently armored with a large recurved concrete wall and as a result, the new deck will not result in a future need for shoreline armoring. The existing bedroom is single-story with a fairly low-pitched roof. The approved deck will extend the height of the existing walls a few feet above the existing roofline and add new railings and parapets that will impact the views of the neighboring property, but not affect public views. Accordingly, although approval of the second-story decking is technically not consistent with the County standards establishing blufftop setback requirements, approval of this aspect of the project will not cause any further bluff instability, subject the development to additional geologic hazards, or result in future shoreline protection. Therefore, **no substantial issue exists.**



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3. Other Issues

a. LCP Policies

IP Section 18.10.350 Special Consideration by Board of Supervisors.

Various planning decisions have been delegated to the Planning Commission, the Zoning Administrator, the Planning Director, or other officers, subject to appeal procedures. In order to ensure the orderly and consistent application of this Chapter in accordance with its intent, it is hereby provided that the Board of Supervisors shall consider and act on any such delegated matter which would otherwise be appealable, upon the request of any member of the Board of Supervisors, provided such a request, outlining the reasons why a special consideration of the matter is appropriate, is filed in writing with the Clerk of the Board within the time provided for filing an appeal. If such a written request signed by a Board member is filed with the Clerk of the Board within such time limits, the Clerk shall place the matter on the Board's next consent agenda, and the Board shall set the matter for public hearing within thirty (30) calendar days. Upon the date of the hearing, the matter shall appear on the Board's regular Planning agenda as a public hearing set for special consideration. Thereafter, the matter may be considered de novo by the Board, beginning with a staff report, followed by Board of Supervisors' comments, and public testimony; or alternately, after taking public comment, the Board may remand the matter to the Planning Commission, the Zoning Administrator, the Planning Director or other officers, with directions that such subsidiary bodies or officers take any action consistent with this Code and the Santa Cruz County General Plan, subject to appeal procedures. Where a hearing upon notice was required before the approving body making the initial decision, the procedure for the Board's consideration of such matter shall include hearing and notice as required in appeals from such approving body. Any Board member requesting such special consideration shall not be considered an appellant, and shall be fully qualified on all matters.

b. Analysis

Appellants contend that the County approved project does not comply with the direction given from the Board of Supervisors at its Special Consideration hearing on March 8, 2005 as required by County Code 18.10.350. At issue is the amount of glass proposed for the front façade (i.e., north elevation) and the direction of two Supervisors to reduce the amount of glass. The County approved the project with a different type of glass and no corresponding reduction in glass.

Section 18.10.350 provides for Board review of projects that are otherwise appealable upon request by a member of the Board of Supervisors, and if received within the designated appeal period. On a split decision (2-2), the Board requested a reduction in the amount of glass on the front façade after receiving testimony from the neighbors across the street regarding privacy issues and illumination at night, and remanded the project back to the Planning Commission for further consideration. The Board of Supervisors did not recommend modification of the architectural design of the home. Accordingly, the County conditioned its approval to require the second story window at the front (north) elevation to be composed of low reflective material with zero light transmission capabilities to maintain the privacy of



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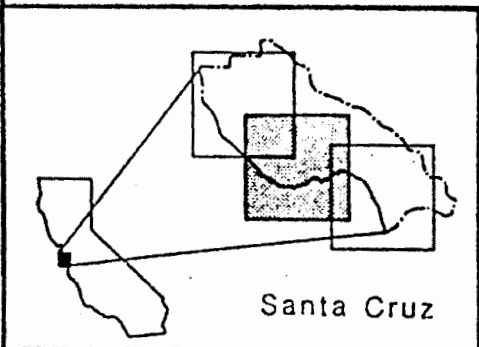
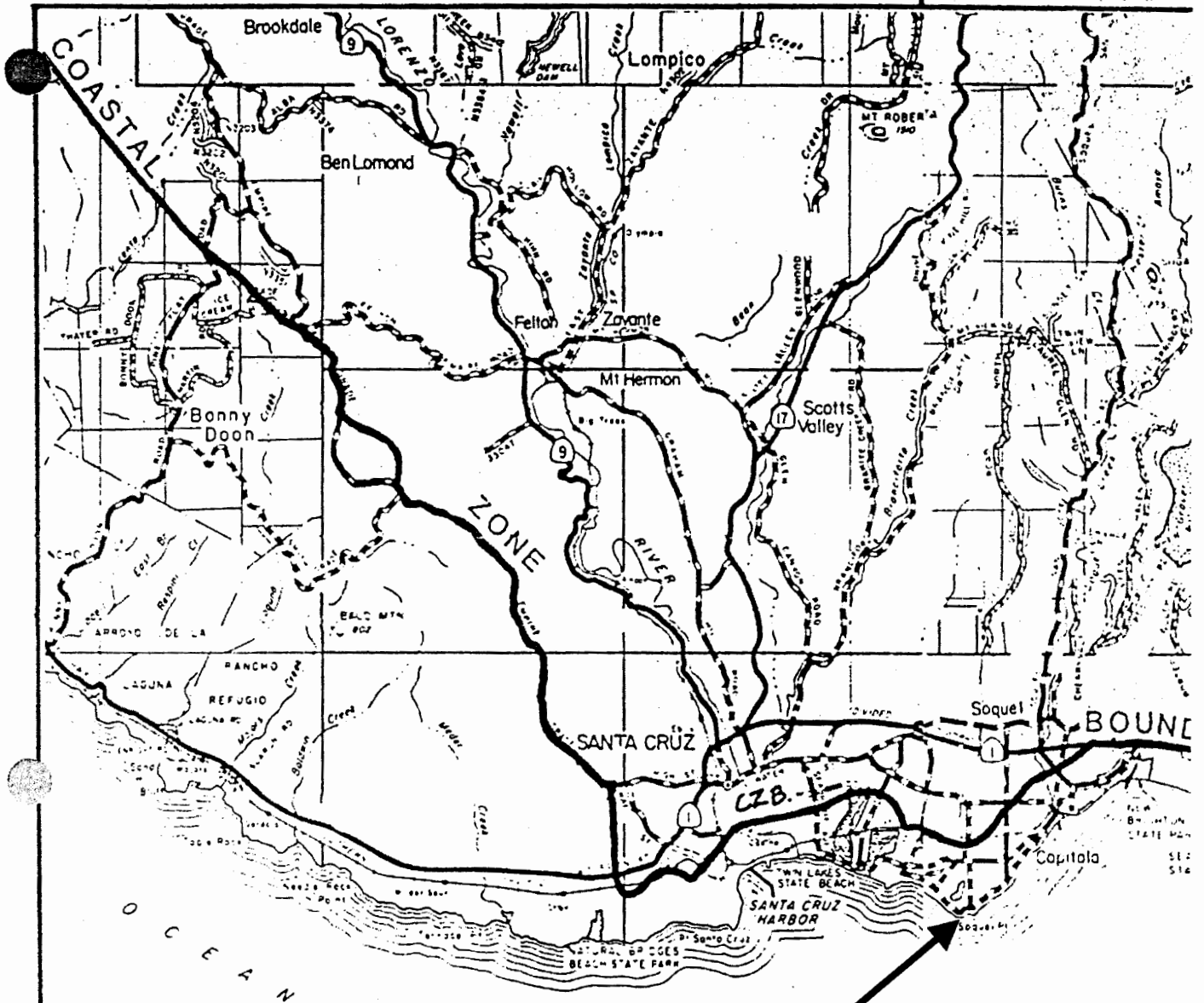
residents across Pleasure Point Drive and address nighttime illumination issues.

C. Conclusion

The conditioned window treatment required by the Planning Commission adequately addresses LCP requirements regarding design and lighting. Therefore, no substantial issue regarding LCP compliance is raised by the contention that the approval does not follow the Board of Supervisors directions.



Exhibit A: Location Map

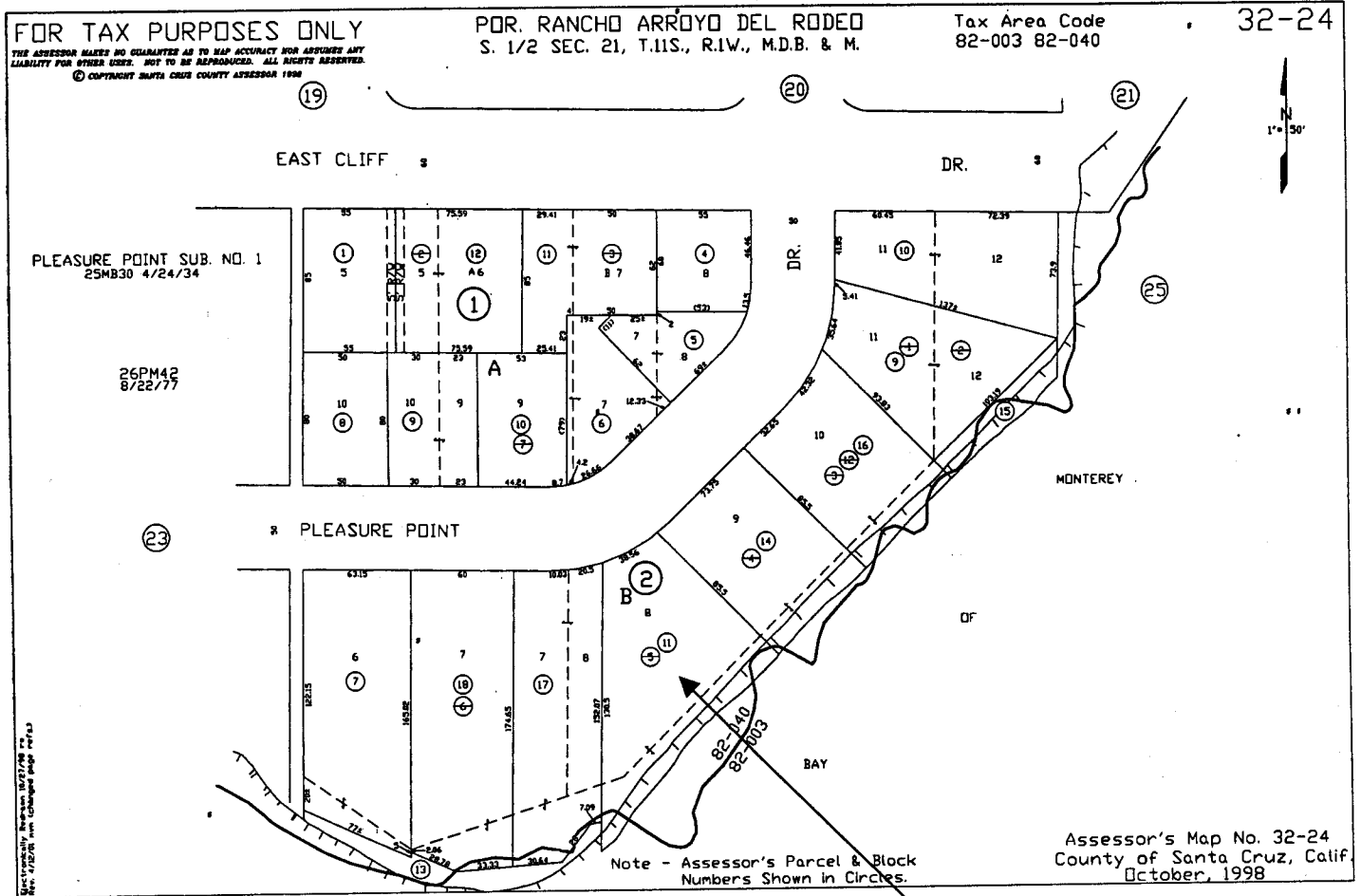


Project Location
Santa Cruz, CA

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Exhibit A: Site Location

APN 032-242-11



3030 Pleasure Point
 Drive

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COASTAL DEVELOPMENT PERMIT FINDINGS

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

A single-family dwelling with a detached garage is a principal permitted use in the "R-1-5 (Single Family Residential) zone. The "R-1-5" zone district is consistent with the General Plan and Local Coastal Program land use designation of Urban Medium Residential.

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

The parcel is not governed by an open space easement or similar land use contract. The project will not conflict with any existing right-of-way easement or development restriction as none exist

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

The single-family dwelling is consistent with the design criteria and special use standards and conditions of County Code Section 13.20.130 et seq., in that the project proposes no grading, is not on a prominent ridge, and is visually compatible with the character of the surrounding urban residential neighborhood. Section 13.20.130(b)1. of the County Code which provides the visual compatibility design criteria for development in the coastal zone, states that all new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Section 13.20.130(c) provides the design criteria for projects within designated scenic resource areas. This regulation states that development shall be located, if possible, on parts of the site not visible or least visible from the public view and that development not block public views of the shoreline. The project is located adjacent to coastal bluff. Thus, it is impossible to locate the project where it cannot be viewed from the shore. The project is located within a neighborhood containing significant disparity in the sizes, styles and massing of the various structures. This particular area is a densely developed urban residential neighborhood and the proposed project is consistent with the pattern of new development in the area. The proposed roof is pitched, curved and articulated to provide visual interest and to avoid a bulky appearance in accordance with coastal design guidelines. Moreover, the project, as conditioned, will utilize two-hued, earth tone coloration and finish materials and low reflective glass to minimize visual impacts. The project will join an existing, highly eclectic neighborhood and will not adversely impact the public view shed. Thus, the proposed project is consistent with coastal design requirements in that the project is not on a ridgeline, does not obstruct public views, is consistent with the eclectic character of the surrounding neighborhood and will not be visually intrusive from the shoreline.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND

CCC Exhibit 2
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LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is located in the appealable area between the shoreline and the first through public road and within 300 feet of a coastal bluff. Public access to the beach is located to the southwest at Moran Lake and to the northeast at Pleasure Point. The proposed dwelling and non-habitable accessory structure (shop) will not interfere with public access to the beach, ocean, or any nearby body of water as the precipitous slope between the proposed addition and Pleasure Point Drive precludes access. 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. Therefore, the project will not interfere with the public's access and enjoyment of this beach area.

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

The proposed single-family dwelling and garage are consistent with the County's certified Local Coastal Program in that a single family dwelling and appurtenant structures are principal permitted uses in the R-1-5 (Single Family Residential) zone district, although a use approval is required in this area of the Coastal Zone. The development permit has been conditioned to maintain a density of development compatible with the zone district. The structure is sited, designed and landscaped to be visually compatible and integrated with the eclectic character of the surrounding neighborhood. The proposed home and shop will incorporate a pitched, curved roof and use earth tone coloration on the cement fiber siding. The size of the proposed dwelling following the additions is consistent with other larger homes on similar sized lots along the bluff.

The purpose of General Plan and Local Coastal Plan (LCP) Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". Policy 5.10.2 Development Within Visual Resource areas, recognizes the diversity of Santa Cruz County's visual resources and provides criteria for evaluating projects within designated visual resource areas. The project is located on a Coastal bluff. A visual analysis has been conducted for the proposed dwelling. The existing and proposed dwelling will be visible from the shoreline below the coastal bluff. The existing dwellings on either side of the subject parcel can be readily viewed from the shore as well. There are a number of dwellings along the bluff that are visible from the shoreline. These include both one and two story structures. The proposed two-story addition will harmonize with the built environment, given the variation in heights and setbacks from the bluff along the bluff top. The project has been conditioned to utilize a low reflective glass on the windows to minimize glare. The proposed dwelling is within all of the site development standards for the R-1-5 zone district. A one-story design is not a viable alternative due to the extremely restrictive building envelope determined by the coastal bluff setback. The project is consistent with General Plan policies for residential infill development in a readily visible location, where there already are two-story dwellings.

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The proposed development is consistent with the County's certified Local Coastal Program for development within a coastal hazards area, in that Geologic and Geotechnical Reports have been completed for the project. The technical report has been reviewed and accepted by the Planning Department under Application 02-0002. The soils engineer has projected that the building site has 100 years stability, based on the repair and maintenance of the existing seawall. A Coastal Development Permit (CDP 3-93-039) has been issued by the California Coastal Commission for the repair of the seawall. Therefore, the appropriate setback from the coastal bluff for the building site is 25 feet, as specified in the 1994 General Plan and Local Coastal Plan. The project has been designed to meet the required coastal bluff top setback.

DEVELOPMENT PERMIT FINDINGS

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the addition to an existing single family dwelling and the new non-habitable accessory structure (shop) and the conditions under which they would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvement in the vicinity, as the proposed project complies with all development regulation applicable to the site. In addition, low reflective glass is proposed to minimize glare, and an opaque glass is proposed to preserve privacy for the residents located across the street.

As discussed in the Coastal Development Finding #5 above, the site is located adjacent to a coastal bluff. Geologic and Geotechnical reports have been completed for this site to determine design parameters to construct the proposed additions to this residence and the seawall repair, and protect the health and safety of the proposed home's occupants and adjacent neighbors from geologic hazards associated with this precipitous slope. The reports, which have been reviewed and accepted by the County, determined a setback from the bluff providing 100-year stability is 25 feet, based on the proper maintenance and repair of the existing seawall. These recommendations have been incorporated into the project plans and conditions of approval. A declaration of potential hazards must be recorded on the property deed acknowledging the hazards associated with the coastal bluff and the necessity to maintain the seawall.

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. A soils engineering report has been completed to ensure the proper design and functioning of the proposed additions and the seawall repair.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT

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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 R-1-5 zone district. The dwelling addition and detached shop and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 zone district. The project meets the site standard requirements for residential development on a R-1-5 parcel. The proposed lot coverage for the development is 24% and the maximum allowed lot coverage is 30%. The maximum allowed floor area ratio is 50%, and the floor area for the proposed project is about 33%. The scale of the proposed remodel and addition to the existing single-family dwelling is consistent with that of larger dwellings in the surrounding neighborhood.

The proposed development as conditioned is consistent with the Geologic Hazards Ordinance (Ch. 16.10) for development in an area subject to geologic hazards, specifically a coastal bluff. Geologic and soils reports have been prepared for this project evaluating slope stability, 100 year stability setbacks from the coastal bluff and soil conditions and set forth recommendations for development providing an acceptable level of safety.

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. As discussed in the Coastal Zone Findings for this project, all LCP policies have been met in the proposed location of the project and with the required conditions of this permit. The size and scale of the proposed single-family dwelling and shop is consistent with that of the larger dwellings in the surrounding neighborhood. The project is a unique design within an eclectic neighborhood containing a broad range of architectural styles, sizes, massing and configuration of structures. Elements of this design as well as similar scale and massing are present in the context of the larger neighborhood. The dwelling will not block public vistas to the public beach and will blend with the built environment, which is visible from the public shoreline.

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 no significant increase in traffic, as a result of the proposed additions to an existing single family dwelling and the new shop structure. The existing dwelling has three bedrooms and the addition will result in a five bedroom dwelling. The plans provide for adequate off-street parking for a five-bedroom residence.

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

The proposed single-family dwelling and shop will complement and harmonize with the existing and proposed land uses in the vicinity. The geometry and siting of the additions corresponds to the physical limitations of the building envelope resulting from the coastal bluff setback. The proposed addition will result in a dwelling of a similar size and mass to other larger homes on similar sized lots in the neighborhood. The neighborhood surrounding the project site lacks any particular architectural character or design theme, and there is a significant disparity in the size, style and massing of the various structures in this area. Consequently, there are a number of dwellings in this neighborhood that can individually be considered unique in their size, scale, design and/or massing. Elements of this design as well as similar scale and massing are present in the context of the larger neighborhood. The project design will complement the eclectic nature of the existing neighborhood while responding to the physical constraints of the building site.

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 two-story addition and new detached shop are consistent with the Design Standards and Guidelines of the County Code in that the proposed dwelling complies with the required development standards within the context of the eclectic neighborhood and the physical constraints of the parcel. The concentration of the two-story elements towards the western side yard and the front of the parcel are in direct response to the strict limitations on the building envelope resulting from the 25-foot setback from the "S" shaped coastal bluff and the narrowness of the lot along its frontage. The second story addition along the western side wall is articulated through an increasing inset from the existing first story wall from four feet up to six feet. This increasing inset minimizes the mass and scale of this wall within the context of the site's constraints. As discussed in Finding #5 above, this neighborhood contains a wide range in sizes, styles, massing and architecture of the various structures in this area. Overall, there is no particular architectural theme or characteristic in this area of Pleasure Point. There are a few examples of Modern-type designs and extensive use of glass within the larger neighborhood, and there are a number of two-story dwellings. The key elements of the proposed Modern design for this site are a pitched, articulated curving roof and second story glass wall, which are unique. Section 13.11.073 of the Design Review ordinance specifically states that the opportunity for a unique design is not precluded. Given that the broad range of architectural styles, sizes, massing and configuration of structures in this neighborhood will accommodate a broad range of designs that could be considered compatible and the physical constraints of the site that limits the develop opportunities to the western side and front of the property, the proposed dwelling is consistent with the objectives of the Design Review policies and guidelines.

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RECEIVED

COUNTY OF SANTA CRUZ

OCT 07 2005

Planning Department

CALIFORNIA COASTAL COMMISSION COASTAL DEVELOPMENT PERMIT
CENTRAL COAST AREA

Owner: William & Susan Porter
Address: 165 Rodonovan Drive
Santa Clara, CA 95051

Permit Number: 02-0600
Parcel Number(s): 032-242-11

PROJECT DESCRIPTION AND LOCATION

Permit to remodel and construct an addition to an existing one-story single family dwelling, to include an addition and remodel on the first story (new hallway, enlarge garage, new unheated storage area storage area, new roof), to construct a second story with two bedrooms, and a new roof), to construct a second story with two bedrooms, an office, living room, two bathrooms, laundry room and a deck over a portion of the first floor, and a detached single story accessory structure (motorcycle work shop). Requires a Coastal Zone Permit. Project is located on the southeast side of Pleasure Point Drive, about 200 feet southwest of the intersection of East Cliff Drive and the east end of Pleasure Point Drive (3030 Pleasure Point Drive).

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 9/14/05

Effective Date: 9/28/05

Exp. Date (if not exercised): 9/28/07

Coastal Appeal Exp. Date: call Coastal Comm.

Denial Date: _____

Denial Date: _____

_____ This project requires a Coastal Zone Permit which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. 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

10/4/05
Date

[Signature]
Staff Planner

9/28/05
Date

Distribution: Applicant, File, Clerical, Coastal Commission

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CONDITIONS OF APPROVAL

Coastal Development Permit 02-0600

APPLICANT: Cove Britton

OWNER: William and Susan Porter

APN: 032-242-11

LOCATION: Located on the southeast side of **Pleasure Point Drive**, 200 feet southwest of the intersection of **East Cliff Drive** and the east end of **Pleasure Point Drive**. **Situs:** 3030 **Pleasure Point Drive**

Exhibit: A: Project Plans prepared by Matson Britton Architects, last revised 8/2/05
Seawall Plans prepared by Matson Britton Architects, last revised 9/20/04

- I. This permit authorizes the construction of a one and two story addition and remodel of an existing one-story single family dwelling and the construction of a detached non-habitable accessory structure (shop). Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - C. Obtain Building and Grading Permits from the Santa Cruz County Building Official for the construction of the seawall.
 - D. Obtain an Encroachment Permit from the Department of Public Works for any work within the Pleasure Point Drive right-of-way.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - F. Submit actual sample materials for the front façade "window" and finish materials to the Planning Department to bring to the Planning Commission as an Information Item on their consent agenda.

- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include, but not be limited to, the following:

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1. Exterior elevations identifying finish materials and colors. Final colors shall be reviewed and approved by the Planning Director. A two-toned, color scheme using related earth tone hues is required for the building exterior.
 - a. Final plans shall include details for trellises and plantings along the western façade (at the elevations where the second story is within 7 feet of the property line). The trellises and planting shall be utilized to soften the appearance of the side wall.
 - b. The trellis and planting design, materials and locations must be reviewed and approved by the Development Review Section of the Planning Department.
2. Floor plans identifying each room, its dimensions and square footage. Detailed floor area ratio and lot coverage calculations.
3. A progressive side yard setback from 7 feet to 11 feet is required for the second story addition in conformance with Exhibit A.
4. The plans shall specify low reflective glass for the windows and low reflective, zero transmission glass for the second story, front façade window.
5. Plans shall clearly delineate all modifications or demolition of any portion of the exterior walls. Modification or replacement of 50% or more of the total length of the exterior walls; excluding interior and exterior wall coverings and the replacing of windows or doors without altering their openings; meets the definition of development which is required to meet the 100-year stability setback.
6. Final plans shall include a copy of the conditions of approval.
7. Final seawall plans shall conform to all conditions of the Coastal Development Permit 3-93-039, which are hereby incorporated into these conditions of approval by reference.
8. A site plan showing the geologic setback and the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, sewer laterals, on and off site drainage improvements and grading.
 - a. A standard driveway and conform is required, including a structural section, centerline profile and a typical cross section.
 - b. Plans shall show the existing roadside improvements.
 - c. On site parking shall be shown on the plans. Four on-site spaces are required. The minimum dimensions of each space are 18 feet in length by 8.5 feet in width.

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- d. Earthwork for the building site shall not exceed 100 cubic yards unless an amendment to this permit is obtained.
 - e. Final plans shall provide earthwork estimates for the upgrade/repair of the seawall system.
 - f. Plans shall specify coloration, treatment and materials for the driveway and adjacent walkway. The walkway shall be constructed, colored or treated in a manner that differentiates it from the driveway.
9. All development shall meet the site development standards set forth in Section 13.10.323 of the County Code for the R-1-5 zone district.
 10. New development as defined in Chapter 16.10 must be located outside of the 25-foot coastal bluff top setback.
 11. The owner/applicant shall submit a project-staging plan for the seawall construction. The staging plan must include access for the work, locations of barriers to prevent construction materials from spilling on the beach and a site plan/map showing the location for the storage of construction materials and equipment.
 12. A final landscape plan. This plan shall include the location, size, and species of all existing and proposed trees and plants within the front yard setback.
 - a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall fescue. Turf areas should not be used in areas less than 8 feet in width.
 - 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 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.
 1. The use of invasive, exotic plant species is prohibited.
 2. Plans shall include vegetation to screen the retaining wall. Plant selection(s) shall be drought tolerant and planted at the base of the retaining wall. California native species and species from the State Coastal Commission Native Bluff Planting list is preferred.
 3. Plans shall include species, sizes and locations for plantings along the western side yard and trellises located along the section of the western side yard where the second story is within 7 feet of the property line.

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This area shall utilize a fast growing, evergreen species for the trellises.

- c. All landscaping within the 25-foot coastal bluff setback shall conform with the following:
 1. Only drought tolerant species shall be utilized.
 2. Plans shall specify that irrigation, except for the minimum amount of hand watering required to establish new plantings, is strictly prohibited.
 - d. All runoff from impervious surfaces shall be collected in an enclosed drainage system to the street or other approved runoff collection system.
13. Final plans shall reference and incorporate all recommendations of the soils report prepared for this project, with respect to the construction and other improvements on the site. All pertinent soils report recommendations shall be included in the construction drawings submitted to the County for a Building Permit. A plan review letters from the soils engineer shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the soils report.
14. A final detailed drainage plan, which shows how and where the building, paved driveway, patios and other impervious areas will drain without adverse effects on adjoining properties. The final drainage plans shall be reviewed and approved by the Department of Public Works (DPW) and Environmental Planning. Drainage plans shall also conform to the soils report recommendations. Final drainage plans shall conform with the following:
- a. Final drainage plans shall show complete topographic information such as contours or spot elevations.
 - b. Final plans shall show existing and proposed impervious surfaces and include calculations for the net increase in impervious area.
 - c. Show the locations and types of drainage control. Demonstrate that the runoff from the new impervious surfaces will not impact adjacent parcels.
 - d. Provide drainage information for the proposed driveway and provide a cross section. The driveway shall not be sloped towards the western property line, unless measures to prevent runoff from entering the adjacent property are provided.
 - e. Submit a copy of an updated plan review letter from the project geotechnical engineer approving the final drainage plan and stating that the plan will not cause any erosion or stability problems.

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15. Submit a detailed erosion control plan to be reviewed and accepted by Environmental Planning. The plan shall include measures to prevent runoff generated during construction from flowing towards the coastal bluff and for the construction on the seawall.
 16. Any new electrical power, telephone, and cable television service connections shall be installed underground.
 17. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
 18. Meet all requirements and pay the appropriate plan check fee of the Central Fire Protection District.
 19. Meet all requirements and pay the appropriate fees, if required, of the Santa Cruz County Sanitation District.
- B. Obtain an Encroachment Permit from the Department of Public Works for all work within the County right-of-way, including but not limited to driveway apron and off site drainage improvements.
- C. Pay the Santa Cruz County Park Dedication fee in effect at the time of building permit issuance. Currently, this fee would total \$2,000.00 based on the formula of \$1,000 for each new bedroom and two new bedrooms are proposed. These fees are subject to change without notice.
- D. Pay the Santa Cruz County Roadside Improvement fee in effect at the time of building permit issuance. Currently, this fee would total this fee would total \$1,334.00 based on the formula of \$667.00 for each new bedroom and two new bedrooms are proposed. These fees are subject to change without notice.
- E. Pay the Santa Cruz County Transportation Improvement fee in effect at the time of building permit issuance. Currently, this fee would total \$1,334.00 based on the formula of \$667.00 for each new bedroom and two new bedrooms are proposed. These fees are subject to change without notice.
- F. Pay the Santa Cruz County Child Care fee in effect at the time of building permit issuance. Currently, this fee would total \$218.00, based on the formula of \$109 per new bedroom, but is subject to change without notice.
- G. Pay the Zone 5 Flood Control District Storm Drainage Improvement fees. This fee is assessed per square foot of new, impervious surface.
- H. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district, if required.

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

- A. All construction of the seawall shall conform to conditions of approval of the Coastal Development Permit 3-93-039 and the grading and building permits issued by the County of Santa Cruz.
- B. Modification or replacement of 50% or more of the total length of the exterior walls, excluding interior and exterior wall coverings and the replacing of windows or doors without altering their openings, is prohibited. If 50% or more of the total length of the exterior walls are modified and/or replaced, then the entire structure must meet the 100-year stability setback.
- C. Erosion shall be controlled at all times. During construction, measures shall be in place to prevent runoff from flowing towards the bluff.
- D. All inspections required by the building and grading permits shall be completed to the satisfaction of the County Building Official, the County Senior Civil Engineer and County Geologist.
- E. All site improvements shown on the final approved Building and Grading Permits plans shall be installed.
- F. The soils engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted soils report. A copy of this letter shall be kept in the project file for future reference.

IV. Operational Conditions:

- A. Modifications to the architectural elements including but not limited to exterior finishes, window placement, roof pitch and exterior elevations are prohibited, unless an amendment to this permit is obtained.
- B. All windows shall utilize low reflective glass.
- C. The second story living room "window" at the front (north) elevations shall utilize a low reflective material with zero light transmission capabilities to maintain the privacy of residents across the Pleasure Point Drive from the subject dwelling. An Amendment to Permit 02-0600 is required for any modification of the second story "window" at the front façade.
- D. The walkway adjacent to the driveway shall utilize a different coloration, treatment and/or material that differentiates the walkway from the driveway and adjacent walkway.

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- E. All development, including cantilevered or non-habitable structures, as defined in section 16.10.070 shall be located outside of the 25-foot coastal bluff setback.
- F. The seawall shall be maintained in accordance with the recommendations contained in the geotechnical report on file under 02-0002, in order to maintain site stability and protect the dwelling and its occupants.
- G. All drainage improvements shall be permanently maintained. All runoff from impervious surfaces shall be collected in an enclosed drainage system to the street or other approved runoff collection system. Uncontrolled runoff from impervious surfaces shall not be allowed to flow towards the coastal bluff.
- H. All landscaping in the front yard (shown in Exhibit A) shall be permanently maintained.

Irrigation of landscaping within the 25-foot coastal bluff setback, except for the minimum amount of hand watering required to establish new plantings, is strictly prohibited.

- I. The residence shall be painted using subdued, earth tone colors. The use of white, light cream or similar colors is prohibited.
- J. The detached non-habitable accessory structure (shop) shall be maintained as a non-habitable structure and shall adhere to following conditions:
 - 1. The detached shop shall not have a separate electric meter from the main dwelling. Electrical service shall not exceed 100A/220V/single phase.
 - 2. Toilet facilities are prohibited.
 - 3. Waste drains for a utility sink or clothes washer shall not exceed 1-½ inches in size.
 - 4. Mechanical heating, cooling, humidification or dehumidification of the detached shop is prohibited. The structure may be either finished with sheet rock or insulated, but shall not utilize both sheet rock and insulation.
 - 5. The detached shop shall not to be converted into a dwelling unit or into any other independent habitable structure in violation of County Code Section 13.10.611.
 - 6. The detached shop shall not have a kitchen or food preparation facilities and shall not be rented, let or leased as an independent dwelling unit. Under County Code Section 13.20.700-K, kitchen or food preparation facilities shall be defined as any room or portion of a room used or intended or designed to be used for cooking and/or the preparation of food and containing one or more of the following appliances: any sink having a drain outlet larger than 1 1/2 inches in diameter, any refrigerator larger than 2 1/2 cubic feet, any hot plate, burner, stove or oven.

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7. The detached shop may be inspected for condition compliance twelve months after approval, and at any time thereafter at the discretion of the Planning Director. Construction of or conversion to an accessory structure pursuant to an approved permit shall entitle County employees or agents to enter and inspect the property for such compliance without warrant or other requirement for permission.

- K. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 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.

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Application #: 02-0600
APN: 032-242-11
Owner: William and Susan Porter

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.

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

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: September 14, 2005

Effective Date: September 28, 2005* (Call Coastal Commission for Coastal Appeal dates)

Expiration Date: September 28, 2007



Tom Burns
Planning Director



Cathleen Carr
Project Planner

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

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EXHIBIT C

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: James and Sandra Sheehan

Mailing Address: 3020 Pleasure Point Drive

City: Santa Cruz, CA

Zip Code: 95062

Phone: 831-462-4863

RECEIVED

OCT 21 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Cruz

2. Brief description of development being appealed:

The project is redevelopment of a residential lot within a row of developed properties along the coastal bluff. Application 02-0600 is a proposal to remodel and construct first and second story additions to an existing 2530 sq. ft. single story residence. 159 sq. ft., plus a 527 sq. ft. two car garage, will be added on the first level. 1627 sq. ft., plus a 431 sq. ft. deck will be added on the second floor. A 133 sq. ft. detached shop will also be added on the property.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

3030 Pleasure Point Drive (X-street East Cliff Drive)

Santa Cruz, CA 95062

APN:032-242-41

4. Description of decision being appealed (check one.):

Approval; no special conditions

X Approval with special conditions:

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-05-073

DATE FILED:

DISTRICT:

Central Coast

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

Planning Director/Zoning Administrator

City Council/Board of Supervisors

X Planning Commission

Other

6. | Date of local government's decision: | September 14, 2005

7. | Local government's file number (if any): | Application #02-0600

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:

Applicant: Cove Britton
Matson Britton Architects
728 No. Branciforte Avenue
Santa Cruz, CA 95062

Owner: William and Susan Porter
165 Rodonovan Drive
Santa Clara, CA 95051

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

(1) See Attached Exhibit "A"

(2)

(3)

(4)

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

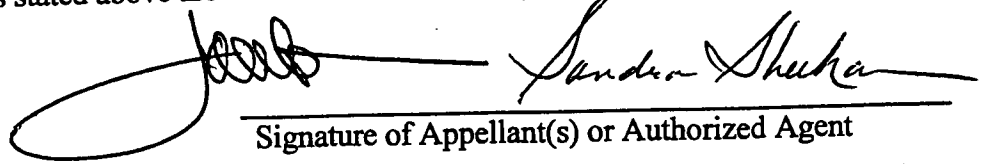
- 1 Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- 2 State briefly your reasons for this appeal. Include a summary description of Local 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.)
- 3 This 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.

See Attached Exhibit "B"

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: October 21, 2005

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

Section VI. Agent Authorization

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

Signature of Appellant(s)

Date:

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EXHIBIT "A"

Cathleen Carr
County of Santa Cruz
701 Ocean St.
Santa Cruz, CA 95060

William & Susan Porter
165 Rodonovan Dr.
Santa Clara, CA 95051

Cove Britton
Matson Britton Architects
728 N. Branciforte Ave.
Santa Cruz, CA 95062

Patricia Curtin
Morgan Miller Blair
1676 N. California Blvd. #200
Walnut Creek, CA 94596

Peter & Terry Vokos
3021 Pleasure Point Dr.
Santa Cruz, CA 95062

Henry Etta Van Valkenburgh
3005 Pleasure Point Dr.
Santa Cruz, CA 95062

Jay & Annette Pennock
3000 Pleasure Point Dr.
Santa Cruz, CA 95062

Don Darst
3052 Pleasure Point Dr.
Santa Cruz, CA 95062

Mike & Cindy Candau
25777 Corado Ct.
Los Altos Hills, CA 94022

Bill & Gerry Beasley
1055 Deanna Dr.
Menlo Park, CA 94025

Barbara Schlager
3885 Floral Ct.
Santa Cruz, CA 95062

Ralph & Caralyn Steinberg
43 Rockview Dr.
Santa Cruz, CA 95062

Charles Paulden
415 Palisades Ave.
Santa Cruz, CA 95062

Jim Tucker
33 Rockview Dr.
Santa Cruz, CA 95062

Steve Munson
260 Anchorage Ave.
Santa Cruz, CA 95062

Michael & Ellen Mellon
107 Farley Dr.
Aptos, CA 95003

Scott Porter
702 Vista Del Mar
Aptos, CA 95003

Jim & Sandy Sheehan
3020 Pleasure Point Dr.
Santa Cruz, CA 95062

EXHIBIT "B"

Coastal Commission Appeal
Santa Cruz County Application #02-0600
October 21, 2005

We contend that the Planning Commission incorrectly approved Application #02-0600 based on the following reasons:

1. Failure to Comply With Direction from the Board of Supervisors

The Board of Supervisors held a public hearing on this project on March 8, 2005. One of the Minute Orders from that meeting states:

"Upon the motion of Supervisor Beautz, duly seconded by Supervisor Pirie, with Supervisors Warmhoudt and Stone voting no, (2) Return to the Planning Commission to create a smaller amount of glass in the front wall".

However, the revised plans submitted for the subsequent re-hearing by the Planning Commission on September 14, 2005 do not include a smaller amount of glass in the front wall. Instead, a different type of glass was proposed for the same area. This does not meet the requirement that the Commission take action as directed by the Board in County Code Section 18.10.350.

2. New Construction Within Setback Requirements from the Coastal Bluff

Part of the existing single story structure (a bedroom) on the subject property is located within the 25-foot setback from the coastal bluff. The applicants propose to increase the height of the walls of this room and build a new deck with parapets and railings on top of it, placing most of the new, second story deck within the 25-foot setback as well.

However, County Code Section 16.10.070(h)(1)(ii), which applies to remodels as well as new construction, requires that: "for all new development, including that which is cantilevered, and for non-habitable structures, a minimum setback shall be established at least 25-feet from the top edge of the coastal bluff". In addition, County Code Section 13.20.130(d) regarding Beach Viewsheds contains language about not being visually intrusive and minimizing visual intrusion when projects are located on bluffs and visible from beaches. Raising the wall height and adding a deck and railings on top of it will make the part of the structure closest to the bluff even more visible from the beach and cove below than is the case currently.

This new deck does not meet requirements in the area of new construction in Geologic Hazard Zones (Section 16.10), or limiting visual intrusions in Coastal Zone Regulations (Section 13.20).

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3. Failure to Address Non-Compliance Issues Regarding Site Design and Coastal Zone Regulations

The County Urban Designer, a licensed architect, submitted a Design Review Memo regarding this project on April 13, 2003. This memo raised several serious issues about the compliance of this proposal with various County Design and Coastal Zone requirements. Some of these issues were addressed, and design changes made, as the project went through a series of public hearings at the Zoning Administrator, Planning Commission, and Board of Supervisors.

However, there were two issues, identified as "Does Not Meet Requirements" of either County Code Section 13.11.072 regarding Site design and/or Section 13.20.110 regarding the Coastal Zone concerning the Building Bulk, Massing, and Scale, and Relationship to Existing Structures, that have yet to be modified in the latest revision of the plans.

The specific comments regarding Building Silhouette were:

"The curved roof elements and long unbroken ridge lines are unlike anything else in the neighborhood. They will create an outline of the proposed structure which will certainly stand out from the beach and the street side"

The specific comments regarding Building Scale were:

"The length of the building (over 100 feet long) and the height of the building (predominantly two story) is out of scale with the rest of the neighborhood. The building will be massive in relationship to existing structures"

The most recent version of the plans, submitted as Exhibit "A" for the September 14, 2005 Planning Commission meeting, shows a 105-foot long structure, with a 100-foot long second story. They also show a curving roof with an 88-foot long second story ridge line that is predominantly 25-foot high, ranging to 27.5-foot high in places. To put this in perspective, other large two story houses on the block reach similar heights, but ridge lines are in the 45 to 60-foot long range. Thus, with a ridge line that is 1.5 to 2 times longer than the neighbors, the original issues of massive silhouette and scale have not yet been materially addressed in either relative or absolute terms.

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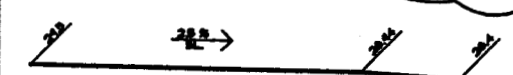
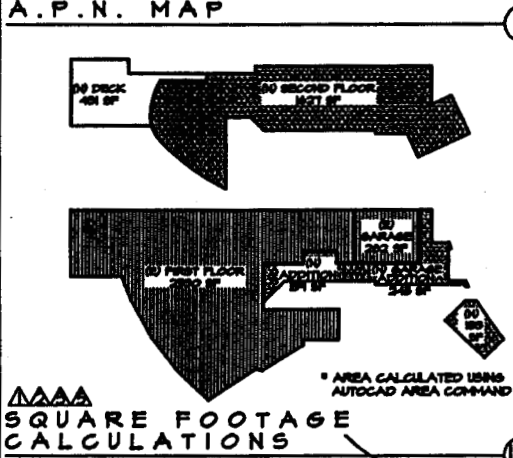
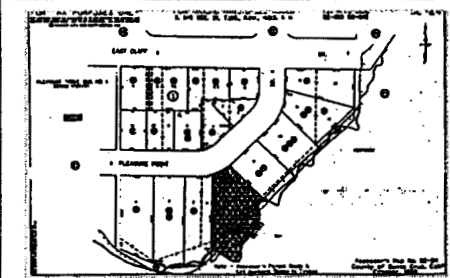
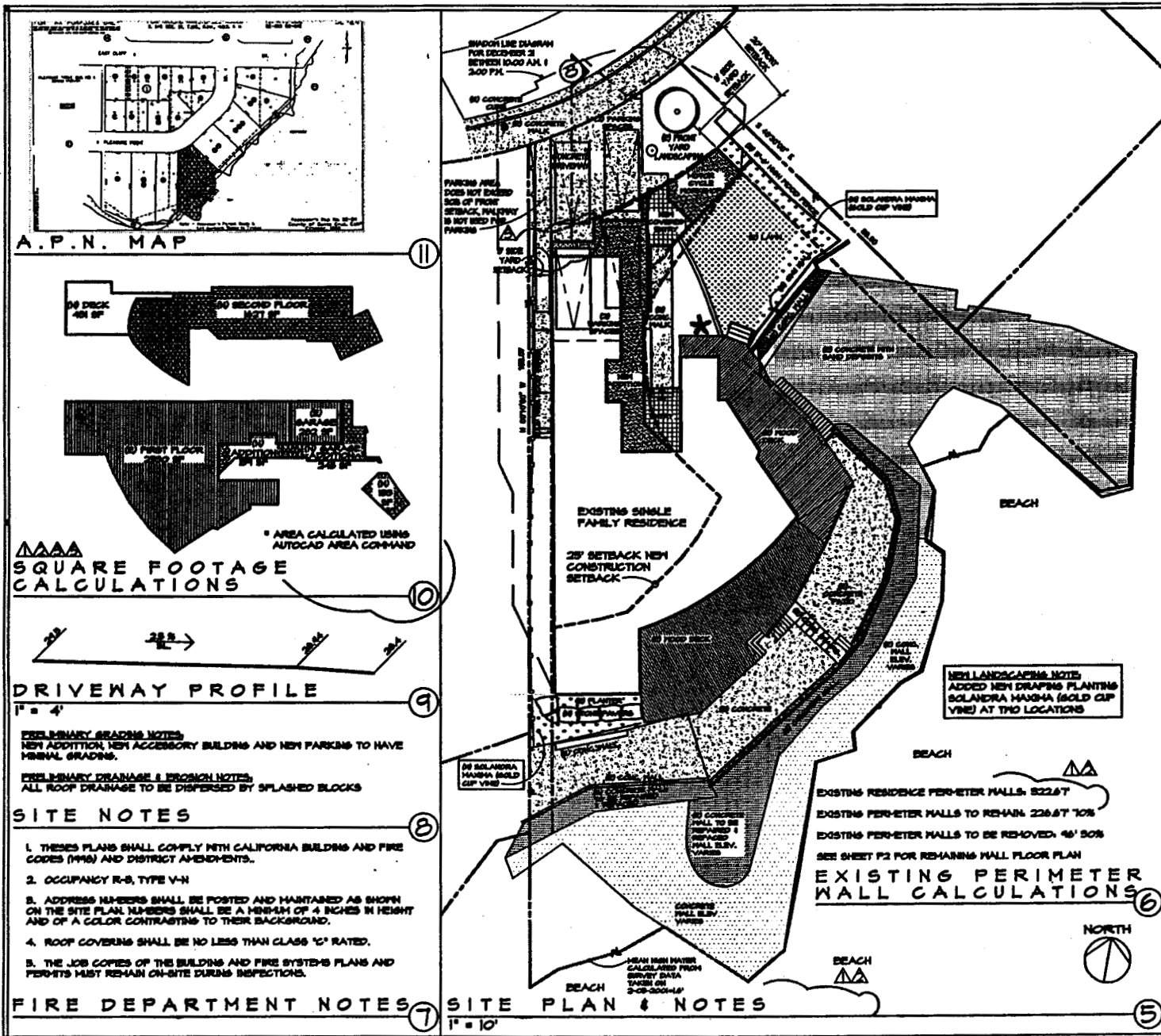
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This issue of silhouette and scale is even more critical given the location of the building site on the east side of the tip of Soquel Point. Since the lengthy second story wall and ridge line run in a north/south direction, this part of the structure will clearly stand out above the adjacent two story structures to the east. This will also be visible all along East Cliff Drive, and the beach below, for at least six blocks, past O'Neill's to 38th. Avenue and beyond. The negative visual impact will be exacerbated by the extensive amount of glass on the east second story wall. The clear glass called for in the permit conditions is "low reflective", not "no reflective", so there will still be glare. The glass windows will also be highly visible, and become a beacon, like the "Tower House" on East Cliff Drive, when they are lit up at night. The question of day and night time visibility along East Cliff drive was raised in letters by neighbors to the Planning Commission and Board of Supervisors, but the design remains unchanged.

An additional design concern is the specification of an "Aluminum Standing Seam Metal Roof" for the residence. County Code Section 13.20.130(c)(3) states that: "Pitched, rather than flat roofs, which are surfaced with *non-reflective materials* (Emphasis added) except for solar energy devices shall be encouraged". Since aluminum is inherently reflective, and there are no permit conditions regarding roof finish, this requirement has also not been met.

In conclusion, the proposed project does not meet requirements in 13.11.073(b)(1) regarding Compatible Building Design, specifically criteria in sub-part (ii) regarding Building Silhouette and Scale. It also does not meet requirements in 13.20.130(b)(1) regarding Visual Compatibility or 13.20.130(c)(3) regarding Building design in the Coastal Zone. Nor does it meet previously cited Coastal Zone Regulations in 13.20. 130(d) about minimizing visual intrusions from the beach, or public view areas, such as East Cliff Drive.

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PRELIMINARY GRADING NOTES
 NEW ADDITION, NEW ACCESSORY BUILDING AND NEW PARKING TO HAVE MINIMAL GRADING.

PRELIMINARY DRAINAGE & EROSION NOTES
 ALL ROOF DRAINAGE TO BE DISPERSED BY SPLASHED BLOCKS

- SITE NOTES**
- THESE PLANS SHALL COMPLY WITH CALIFORNIA BUILDING AND FIRE CODES (MHS) AND DISTRICT AMENDMENTS.
 - OCCUPANCY R-8, TYPE V-N
 - ADDRESS NUMBERS SHALL BE POSTED AND MAINTAINED AS SHOWN ON THE SITE PLAN. NUMBERS SHALL BE A MINIMUM OF 4 INCHES IN HEIGHT AND OF A COLOR CONTRASTING TO THEIR BACKGROUND.
 - ROOF COVERINGS SHALL BE NO LESS THAN CLASS 'C' RATED.
 - THE JOB COPIES OF THE BUILDING AND FIRE SYSTEMS PLANS AND PERMITS MUST REMAIN ON-SITE DURING INSPECTIONS.

FIRE DEPARTMENT NOTES

OWNERS: WILLIAM & SUSAN PORTER
 5050 PLEASURE POINT
 SANTA CRUZ, CA 95062

A. P. N.: 082-342-11

OCCUPANCY GROUP: R-8 (PER 47 U.B.C.)

CONSTRUCTION TYPE: V-N

PROJECT DESCRIPTION:
 REMOVE 1 SECOND ADDITION TO A SINGLE FAMILY RESIDENCE AND NEW AN ACCESSORY UNIT. PROJECT CONSIST OF (4) BEDROOMS, (4) BATHS, POWDER, KITCHEN, GREAT ROOM, LIVING ROOM, OFFICE, LAUNDRY AND ATTACHED TWO CAR GARAGE.

CODE COMPLIANCE:
 THIS RESIDENTIAL CONSTRUCTION COMPLIES WITH TITLE 24, AND THE FOLLOWING CODES: 2001 UBC, 2001 IBC, 2001 UPC, AND 2001 NEC.

LOT SIZE: 14740 SF.

GROSS FLOOR AREAS:

PROPOSED ACCESSORY STRUCTURE: 180 SQ. FT.
EXISTING FIRST FLOOR: 2800 SQ. FT.
FIRST FLOOR ADDITION: 104 SQ. FT.
SECOND FLOOR ADDITION: 1571 SQ. FT.
TWO CAR GARAGE: 527 SQ. FT.
FIRST FLOOR COVERED ENTRY: 107 SQ. FT.
UPPER DECK: 481 SQ. FT.
P.A.U.: 5055-228 SF/14740 SF. = 35.0%
LOT COVERAGE: 5470 SF/14740 SF. = 38%

PROJ. SUMMARY

ARCHITECTS: MATSON BRITTON ARCHITECTS
 421 CLINTON STREET
 SANTA CRUZ, CA 95062
 801-425-0544 F 801-425-4715

SURVEYORS: DINBAR AND GRAB
 LAND SURVEYORS
 101 CEDAR STREET
 SANTA CRUZ, CA 95060
 801-425-1500

SOL. ENGINEERS: HARG, KASUNICH & ASSOCIATES
 116 EAST LAKE AVE.
 MATSONVILLE, CA 95076
 801-723-4175

GEOLOGICAL ENGINEERS: NELSON & ASSOCIATES
 801 MESSIAH STREET, SUITE 5
 SANTA CRUZ, CA 95060
 801-421-1770



SHEET INDEX

P1 TITLE SHEET / SITE PLAN
 P2 DEMOLITION PLAN / WALLS TO REMAIN
 P3 FIRST FLOOR PLAN
 P4 SECOND FLOOR PLAN
 P5 ELEVATIONS
 P6 SHADOW PLANS
 1 OF 5 SURVEY
 2 OF 5 SECTION LOCATION MAP
 3 OF 5 SECTIONS

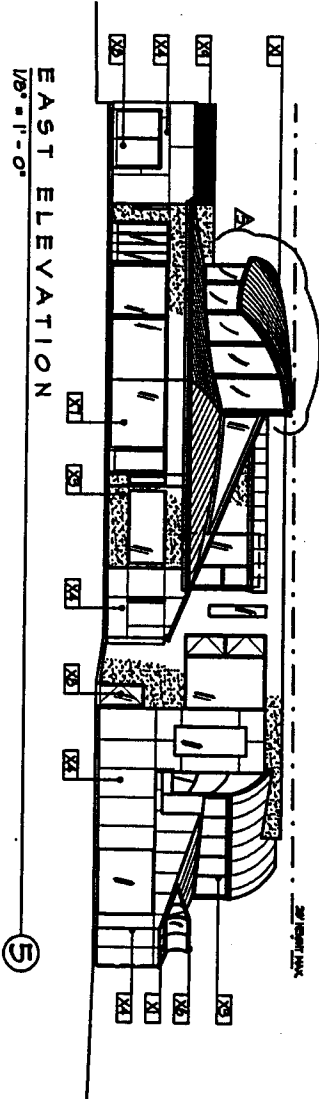
MATSON

PORTER RESIDENCE
 5050 PLEASURE POINT DRIVE
 SANTA CRUZ, CA 95062
 A/P.N. 082-342-11

SITE PLAN PROJECT NOTES

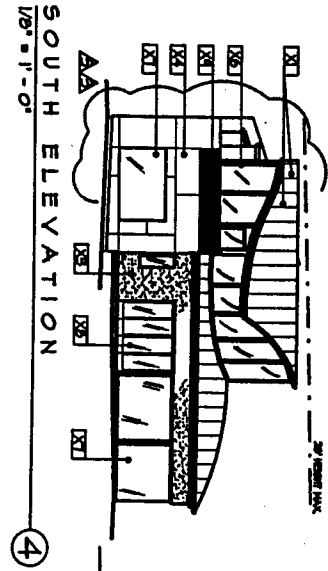
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 PORTER

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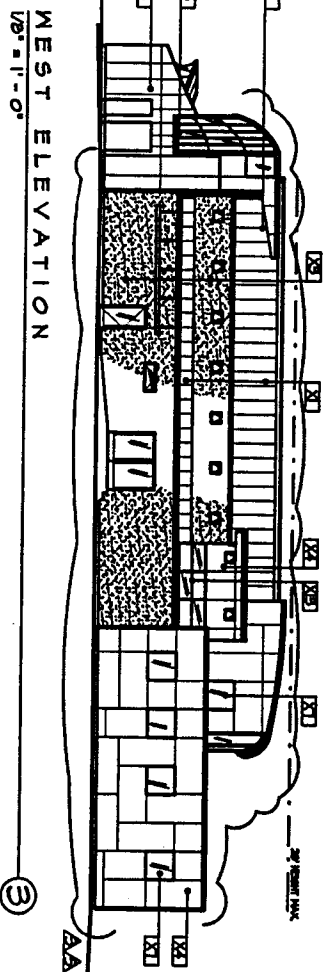
EAST ELEVATION
 1/8" = 1'-0"

5



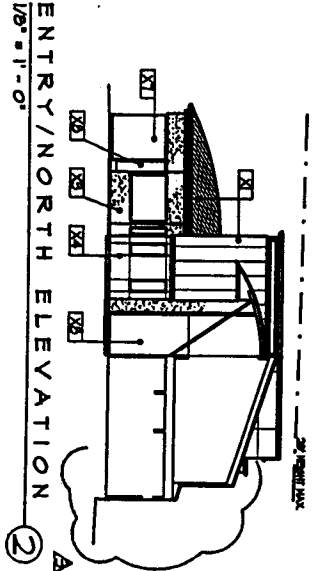
SOUTH ELEVATION
 1/8" = 1'-0"

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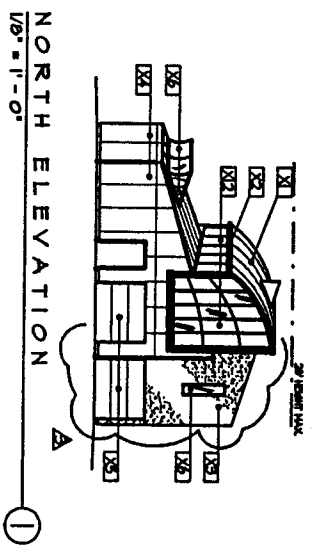
WEST ELEVATION
 1/8" = 1'-0"

3



ENTRY/NORTH ELEVATION
 1/8" = 1'-0"

2



NORTH ELEVATION
 1/8" = 1'-0"

1

ELEVATION NOTES	
X1	ALUMINUM FINISHES
X2	ALUMINUM FINISHES
X3	ALUMINUM FINISHES
X4	ALUMINUM FINISHES
X5	ALUMINUM FINISHES
X6	ALUMINUM FINISHES
X7	ALUMINUM FINISHES
X8	ALUMINUM FINISHES
X9	ALUMINUM FINISHES
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X23	ALUMINUM FINISHES

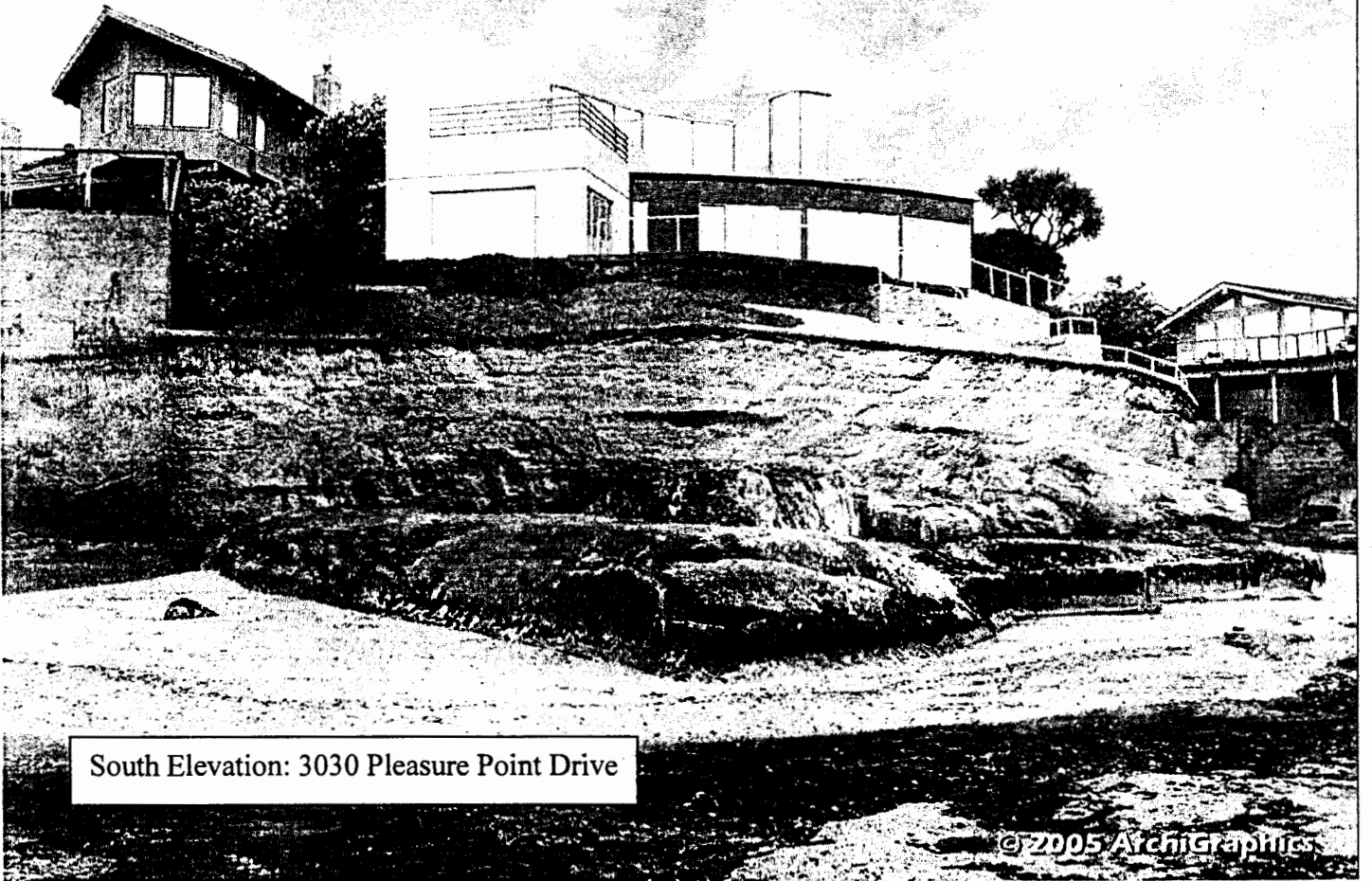
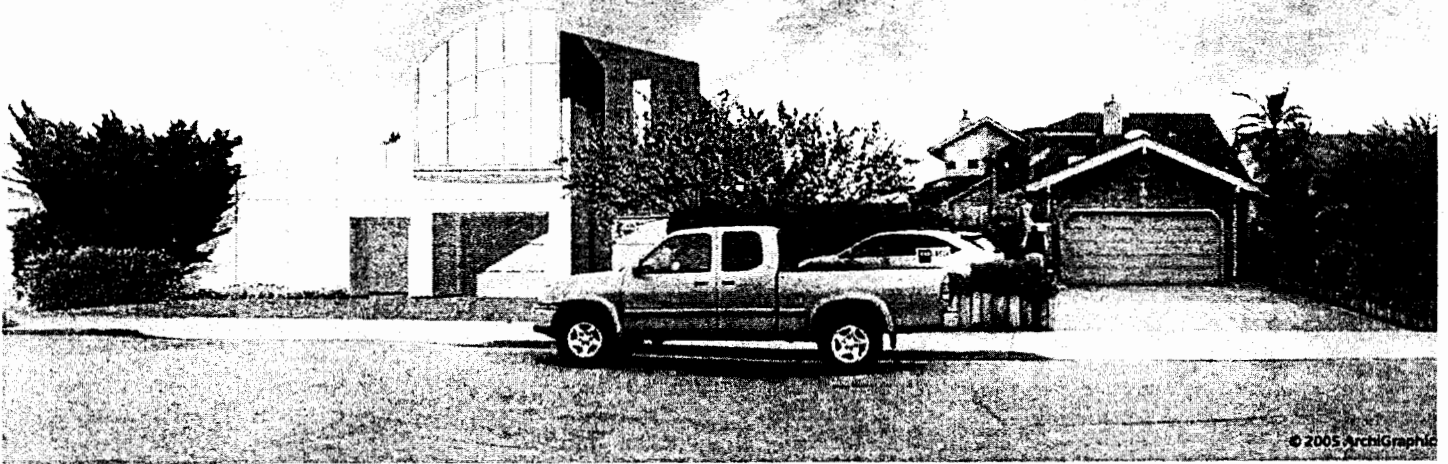
ELEVATIONS

PORTER RESIDENCE
 8080 PLEASURE POINT DRIVE
 SANTA CRUZ, CA 95062
 APN 083-243-4

WINSON

PS

North Elevation: 3030 Pleasure Point Drive



South Elevation: 3030 Pleasure Point Drive



CALIFORNIA COASTAL COMMISSION

Photo Renditions

EXHIBIT
5

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Item: W11b