

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT ST., STE. 300
SANTA CRUZ, CA 95060
(831) 427-4891

F6c



Filed: 1/11/2006
49th day: 3/1/2006
Staff: SC-SC
Staff report prepared: 1/19/2006
Hearing date: 2/10/2006
Hearing item number: F6c

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal numberA-3-SCO-06-006, Willmott SFD
ApplicantsGraham & Pamela Willmott
AppellantsCommissioners Caldwell and Wan
Local governmentSanta Cruz County
Local decisionApplication #02-0548 approved with conditions by Zoning Administrator on December 2, 2005
Project locationAtop the bluff at Black's Point at 100 Geoffroy Drive (APN 028-143-43) in the unincorporated Live Oak area of Santa Cruz County.
Project descriptionDemolish existing one-story SFD; construct new two-story, approximately 7,000 square foot, six-bedroom SFD.
File documents.....Santa Cruz County Certified Local Coastal Program (LCP), Santa Cruz County Coastal Development Permit #02-0548.
Staff recommendation ...**Substantial Issue**

I. Recommended Findings and Declarations for Substantial Issue:

The Santa Cruz County Zoning Administrator approved a Coastal Development Permit to allow the demolition of an existing one-story single-family dwelling and construction of a new two-story, six bedroom, approximately 7,000 square-foot single family dwelling with a wide wraparound deck, landscaping, and other associated development atop the bluff at Black's Point in the unincorporated Live Oak area of Santa Cruz County. The inland part of the project would take place on land designated by the LCP for residential uses, and the seaward part would take place on a part of the property designated by the LCP for parks, recreation, and open space. Black's Point is a significant landform and geologic feature that extends perpendicularly from the general trend of the shoreline bluff and out into the Monterey Bay about 200 feet. As such, the site and the existing residence are located somewhat further seaward than surrounding residences. Sea caves on either side of Black's Point have eroded toward one another under the existing house. In light of the hazardous nature of the development site, its visual prominence, and its partial designation for parks, recreation, and open space uses, the project raises issues of consistency with the with the Santa Cruz County certified Local Coastal Program (LCP)



**California Coastal Commission
February 2006 Meeting in Chula Vista**

Staff: S. Craig Approved by:

and the public access and recreation policies of the Coastal Act. Specifically, the County's approval of this project has been appealed to the Coastal Commission on the basis that: (1) the approved project is inconsistent with the LCP's natural hazards components, including LUP Chapter 6 and Zoning Code Chapter 16.10, which require that development be sited to ensure long-term stability; (2) the approved project is larger than typical Live Oak residences and will adversely impact public views of Black's Point, inconsistent with the LCP's requirements (including LUP Sections 5.9 and 5.10, LUP Chapter 7, and Zoning Code Chapters 13.10, 13.11, and 13.20) to protect bluffs, viewsheds, geological/natural landforms, and recreational uses (including the portion of the property designated for parks, recreation, and open space), and; (3) the project is inconsistent with the Coastal Act's Public Access and Recreation policies because the development is proposed on lands designated for open space and recreation, and poses impacts that will adversely affect coastal access and recreational opportunities.

Project location maps and plans are attached as Exhibit #1. The submitted reasons for appeal are attached as Exhibit #2. The County's Notice of Final Local Decision is attached to the report as Exhibit #3. The LUP and Coastal Act provisions referenced by this staff report appeal are attached in full as Exhibit #4.

The appeal contentions are valid as discussed below, and, thus, the Commission finds that the appeal raises a **substantial issue** regarding the project's conformance to the Santa Cruz County certified LCP for the following reasons:

1. Substantial Issue Regarding Consistency With the LUP's Natural Hazards Policies

The LCP requires that development be sited to ensure long-term stability, including at a minimum providing a stable building site over a minimum 100-year period (as required by LUP Chapter 6 and Zoning Code Chapter 16.10). Per the LCP, new development must also avoid the need for shoreline armoring with its attendant impacts. In this case, it is not clear that the approved project meets the required LCP stability tests, and that it would not increase the potential need for a seawall in the future, due to its proximity to the bluff edge and sea caves.

The approved residence has been sited about 40 feet from the top edge of the coastal bluff on the west side, and about 25 feet from the edge of the coastal bluff on the east side, which results in a 10-foot and zero-foot setback from the inland extent of the underlying sea caves, respectively. The deck that would wrap around the residence extends the development an additional 20 feet closer to the bluff edges and over the sea caves. The project also includes an excavated basement about 15 feet from the western sea cave, and related residential development (e.g., planters, steps, paths, etc.) even closer to the caves and the blufftop edge. The approved residence would be sited about 20 feet (and the deck about 40 feet) further seaward than the existing residence.

The appeal asserts that the locally approved project may be inconsistent with LCP requirements, including those noted above, by questioning the adequacy of the 40-foot western setback. As estimated by the applicants' consultants, the western bluff edge is eroding an average of four-tenths of a foot per



year. Applying this estimated erosion rate, the western bluff would erode to the edge of the house within 100 years, and the house would not be considered stable at that point. In addition, the appeal notes that the wraparound deck conflicts with the project geologist's recommendation to avoid development over existing sea caves, and would also be undermined within the 100-year period established by the LCP's hazard policies. The adequacy of the 40-foot western setback is further called into question by the appeal due to the presence of the sea cave extending some 30 feet further inland from the blufftop edge. On the eastern side, the 25-foot blufftop setback was based on the presence of an existing concrete sea cave plug, which according to the appeal, has not been properly permitted. Finally, the appeal states that site drainage would be directed seaward as opposed to inland, which may increase erosion. These appeal contentions raise a substantial issue regarding project consistency with the hazard provisions of the LCP as stated above, warranting further analysis and review of the approved project by the Coastal Commission.

2. Substantial Issue Regarding Consistency with the LCP's Visual Resources, Open Space, and Recreation Provisions

Black's Point and the approved development site are visible from significant public viewing areas up and down coast (including highly used beach and bluff areas), as well as from offshore. The approved residential structure is larger than typical Live Oak residences and will adversely impact public views of Black's Point and the ocean by increasing the size, mass, and seaward encroachment of residential development at this sensitive location. The appeal contends that these impacts are inconsistent with LCP requirements that protect bluffs, viewsheds, recreational uses (including the portion of the property designated for parks, recreation, and open space), and geological/natural landforms (specifically LUP Sections 5.9 and 5.10, LUP Chapter 7, and Zoning Code Chapters 13.10, 13.11 and 13.20). The appeal further questions whether the size and mass of the approved structure meet the LCP's Floor Area Ratio and coverage tests, among other reasons because: (a) property lines appear to have changed since this application was originally being considered by the County, and; (b) the boundary between State and private property has not been identified or analyzed, and may be affected by the presence of the underlying sea caves. Also, the appeal notes that the project proposes to retain and augment existing development in the area seaward of the existing house (e.g., fencing, retaining walls, planters, steps, paths, etc.) that do not appear to have been authorized by coastal permit, and that raise similar viewshed and bluff compatibility issues. For the above reasons, County approval of the project raises a substantial issue regarding consistency with the LCP's visual resources, open space, and recreation provisions.

3. Substantial Issue Regarding Consistency with the Coastal Act's Public Access and Recreation Policies

The appeal also questions the approved project's consistency with relevant Coastal Act public access and recreation policies, for similar reasons as described in section #2 above. For example, the appeal asserts that the approved project's encroachment into a significant coastal viewshed will interfere with the public's visual access to the sea, and therefore raises issues of consistency with Coastal Act Section 30211. In addition, the appeal states that development proposed on lands designated for open space and recreation, including the retention of an apparently un-permitted fence, may interfere with historic and



potential coastal access and recreation opportunities, inconsistent with Coastal Act Sections 30210, 30211, 30213, 30220, 30221, and 30240(b). Furthermore, the appeal contends that future shoreline structures that may be needed to protect the approved development are likely to have adverse impacts on coastal access and recreational opportunities, inconsistent with the Coastal Act sections cited above. For the above reasons, the appeal contentions raise a substantial issue of project consistency with the public access and recreational policies of the Coastal Act.

II. Recommended Motion and Resolution

MOTION:

*I move that the Commission determine that Appeal No. A-3-SCO-06-006 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

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

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-SCO-06-006 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 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 located between the first public road and the sea, is located within 300 feet of the inland extent of the beach, and a portion of the approved project may be located on public trust lands.

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.

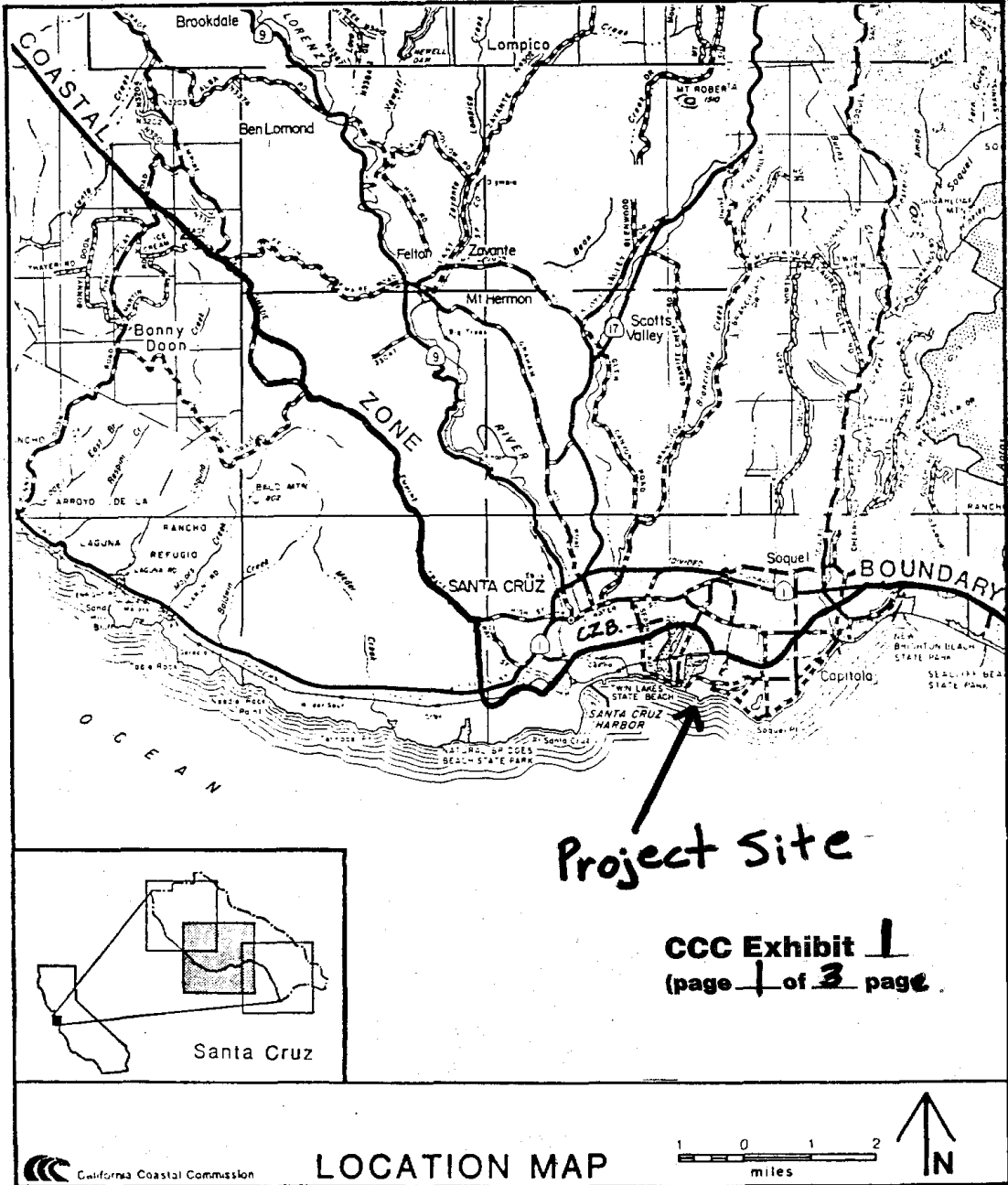


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Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under 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 located between the first public road and the sea 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.



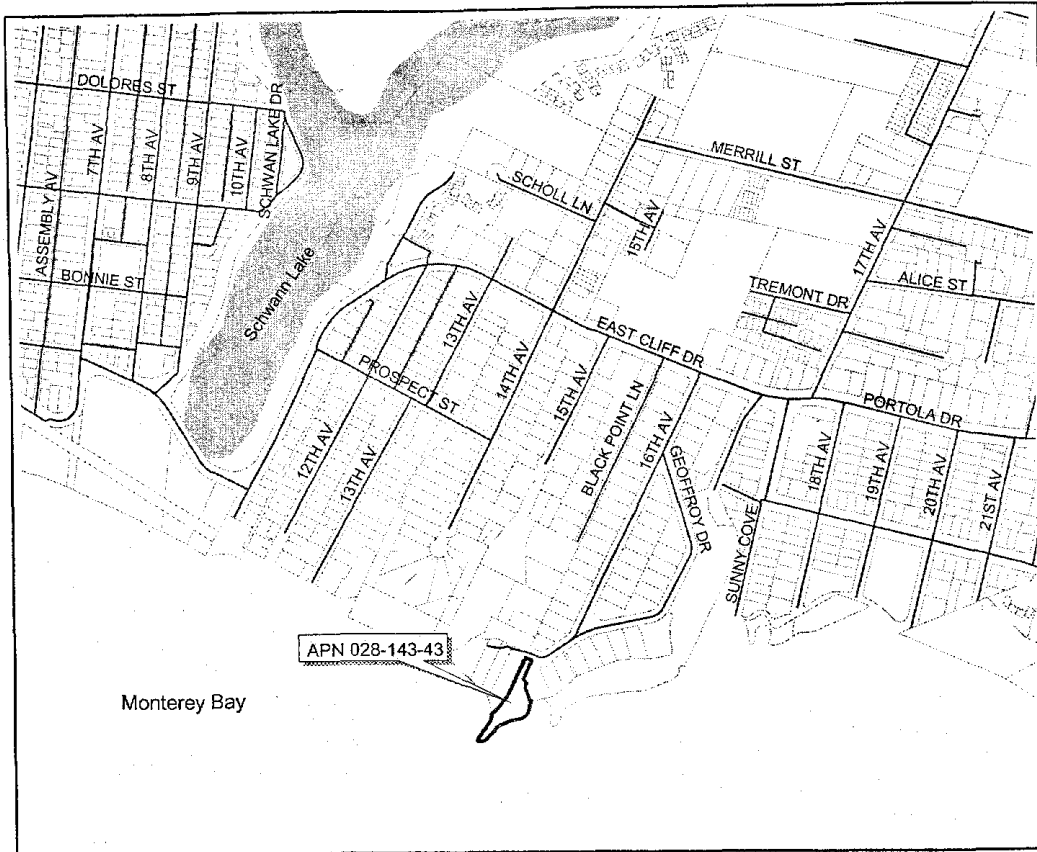


Project Site

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Location Map



Map created by Santa Cruz County
Planning Department:
December 2004

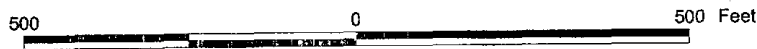
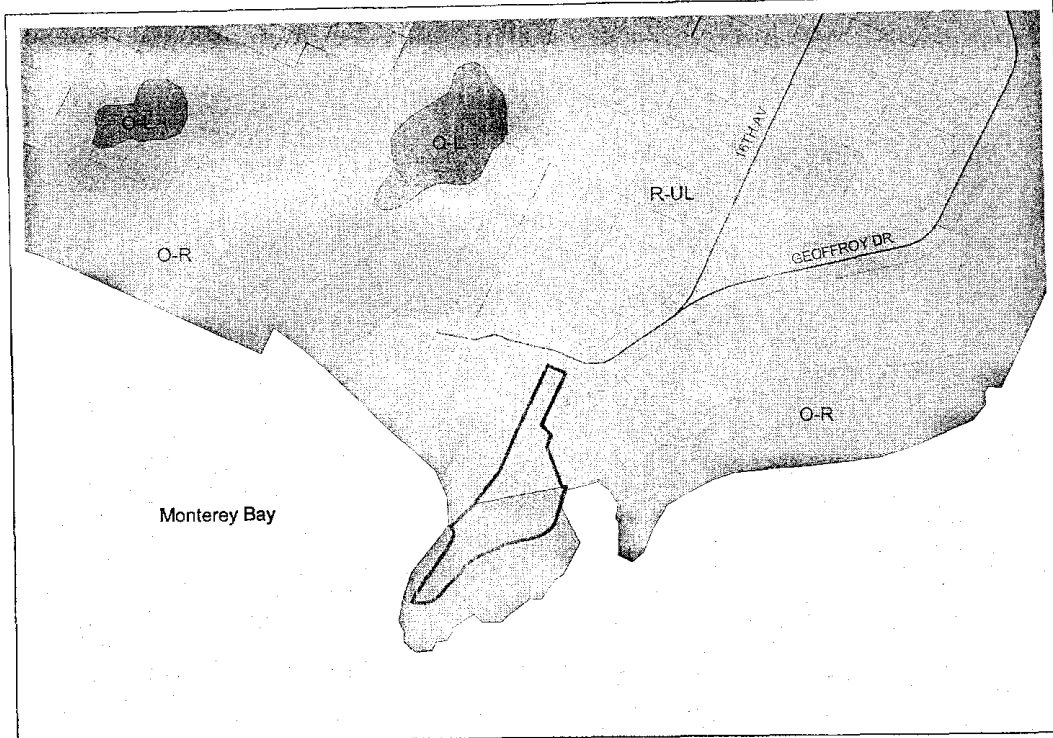


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General Plan Map



Legend

	APN 028-143-43
	Parcel boundaries
	Streets
	Residential - Urban Low Density
	Parks and Recreation
	Lake



Map created by Santa Cruz County
Planning Department:
December 2004

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Reasons for Appeal
Santa Cruz County Coastal Development Permit 02-0458
(A-3-SCO-06-006)

Santa Cruz County approved a proposal to demolish an existing one-story residence and construct an approximately 7,000 square foot two-story residence with a wide wrap-around deck, landscaping, and other associated development atop the bluffs at Black's Point, adjacent to Twin Lakes State Beach and the Monterey Bay in the Live Oak area of Santa Cruz County. The inland part of the project would take place on land designated by the LCP for residential uses, and the seaward part would take place on a part of the property designated by the LCP for parks, recreation, and open space.

Black's Point is a significant landform and geologic feature that extends perpendicular from the general trend of the shoreline bluffs and out into the Monterey Bay about 200 feet. As such, the site, and the existing residence, are located somewhat further seaward than surrounding residences. Sea caves on either side of Black's Point have eroded toward one another under the existing house. In light of the hazardous nature of the development site, its visual prominence, and its partial designation for parks, recreation, and open space uses, the project raises issues of consistency with the with the Santa Cruz County certified Local Coastal Program (LCP) and the access and recreation policies of the Coastal Act as follows:

Hazards. The LCP requires that development be sited to ensure long-term stability, including at a minimum providing a stable building site over a minimum 100-year period (including LUP Chapter 6 and Zoning Code Chapter 16.10). Per the LCP, new development must also avoid the need for shoreline armoring with its attendant impacts. In this case, it is not clear that the approved project meets the required LCP stability tests, and that it would not increase the potential need for a seawall in the future, due to its proximity to the bluff edge and sea caves.

The new residence has been sited about 40 feet from the top edge of the coastal bluff on the west side, and about 25 feet on the east side, which results in a 10-foot and zero-foot setback from the inland extent of the underlying sea caves, respectively. The deck that would wrap-around the residence extends the development an additional 20 feet closer to the bluff edges and over the sea caves. The project also includes an excavated basement about 15 feet from the western sea cave, and related residential development (e.g., planters, steps, paths, etc.) even closer to the caves and the blufftop edge. The residence would sited about 20 feet (and the deck about 40 feet) further seaward than the existing residence.

The consistency of these setbacks with the LCP requirements, including those noted above, is called into question by, among other things, the adequacy of the 40-foot western setback. As estimated by the applicant's consultants, the western bluff edge is eroding an average of four-tenths of a foot per year. Applying this estimated erosion rate, the western bluff would erode to the edge of the house within 100 years, and the house would not be considered stable at that point. In addition, the wrap-around deck, which conflicts with the project geologist's recommendation to avoid development over existing sea caves, would have also long been undermined. The adequacy of the 40-foot western setback is further called into question by the presence of the sea cave extending some 30 feet further inland from the blufftop edge. On the

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eastern side, the 25-foot blufftop setback was based on the presence of an existing concrete sea cave plug. It appears that an emergency permit in 1990 authorized the sea cave plug on a temporary basis, but that the regular follow-up coastal permit required to retain the sea cave plug has not been obtained. Finally, site drainage would be directed seaward as opposed to inland, which may increase erosion. These hazard issues warrant further analysis and review of the approved project by the Coastal Commission.

Public Viewshed/Open Space and Recreation. Black's Point and the development site are visible from significant public viewing areas up and down coast (including highly used beach and bluff areas) as well as offshore. The proposed residential structure is larger than typical Live Oak residences, and will adversely impact public views of Black's Point and the ocean by increasing the size, mass, and seaward encroachment of residential development at this sensitive location. These impacts are inconsistent with LCP requirements protecting bluffs, viewsheds, recreational uses (including the portion of the property designated for parks, recreation, and open space), and geologic/natural landforms (including LUP Sections 5.9 and 5.10, LUP Chapter 7, and Zoning Code Chapters 13.10, 13.11 and 13.20). In addition, it is not clear that the size and mass of the structure meet the LCP's Floor Area Ratio and coverage tests, among other reasons because: (a) property lines appear to have changed since this application was originally being considered by the County; and (b) the boundary between State and private property has not been identified or analyzed, and may be affected by the presence of the underlying sea caves. Also, the project proposes to retain and augment existing development in the area seaward of the existing house (e.g., fencing, retaining walls, planters, steps, paths, etc.) are proposed to be retained and augmented that do not appear to have been authorized by coastal permit, and raise similar viewshed and bluff compatibility issues.

Coastal Act Access and Recreation Policies. For similar reasons as described above, it is not clear that the project is consistent with the relevant Coastal Act access and recreation policies. For example, the project's encroachment into a significant coastal viewshed will interfere with the public's visual access to the sea, and therefore raises issues of consistency with Coastal Act Section 30211. In addition, development proposed on lands designated for open space and recreation, including the retention of an apparently unpermitted fence, may interfere with historic and potential coastal access and recreation opportunities, inconsistent with Coastal Act Section 30210, 30211, 30213, 30220, 30221, and 30240(b). Furthermore, future shoreline structures that may be needed to protect the proposed development are likely to have adverse impacts on coastal access and recreation opportunities, inconsistent with the Coastal Act sections cited above.

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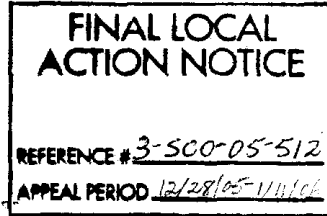
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NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: December 19, 2005

Notice Sent to (via certified mail):
California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060



RECEIVED

DEC 27 2005

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):

Project Information

Application No.: 02-0548
Project Applicant: Graham and Pamela Willmot
Applicant's Rep: Wayne Miller
Project Location: 100 Geoffroy Drive, Santa Cruz

Project Description: Proposal to demolish an existing single family dwelling and construct a new two-story, six bedroom, single family dwelling requiring a variance to: a) reduce the required 20 feet front setback to 0 feet; b) to construct a garage and other improvements within the access corridor, c) to allow greater than 50% of the front setback area to be used for parking and access, and d) construct a 5'-10" gate with pillars within the 20 feet front setback.

Final Action Information

Final Local Action: Approved with Conditions

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:		
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
- Interested parties who requested mailing of notice

CCC Exhibit 3
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COUNTY OF SANTA CRUZ
Planning Department

COASTAL DEVELOPMENT PERMIT,
COMMERCIAL DEVELOPMENT PERMIT,
AND VARIANCE

Owner: GREYSEA LIMITED
Address: 1718 DORRANCE DRIVE
SAN JOSE, CA 95125

Permit Number: 02-0548
Parcel Number(s): 028-143-43

PROJECT DESCRIPTION AND LOCATION

Permit to demolish an existing single family dwelling and construct a new single family dwelling; requires a variance to: a) reduce the required 20 feet front setback front setback to 0 feet, b) to construct a garage and other improvements within the access corridor, c) to construct a driveway which covers over 50% of the front yard setback d) construct a 5'-10" gate with pillars within the required 20-foot front setback. Requires a Variance, a Residential Development Permit, a Coastal Development Permit; a Geologic Report Review and a Soils Report Review. Property located on the south side of Geoffrey Drive (at 100 Geoffrey Drive) approximately 200 feet southwest from 16th Avenue.

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 12/02/05
Exp. Date (if not exercised): 12/16/07
Denial Date: _____

Effective Date: 12/16/05
Coastal Appeal Exp. Date: Call Coastal Com
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.

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 of Owner/Agent _____ Date _____
[Handwritten Signature] 12/16/05
Staff Planner _____ Date _____
Distribution: Applicant, File, Clerical, Coastal Commission

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**Staff Report to the
Zoning Administrator**

Application Number: **02-0548**

Applicant: Wayne Miller
Owner: Greyse Limited
APN: 028-143-43

Agenda Date: November 18, 2005
Agenda Item #: 4
Time: After 10:00 p.m.

Project Description: Proposal to demolish an existing single family dwelling and construct a new two-story, six bedroom, single family dwelling requiring a variance to: a) reduce the required 20 feet front setback to 0 feet; b) to construct a garage and other improvements within the access corridor, c) *to allow greater than 50% of the front setback area to be used for parking and access (added since previous hearing)*, and d) construct a 5'-10" gate with pillars within the 20 feet front setback.

Location: 100 Geoffroy Drive, Santa Cruz

Supervisory District: First District (District Supervisor: Janet K. Beautz)

Permits Required: Coastal Development Permit, Geologic Report Review, Soil Report Review, and Variance

Staff Recommendation:

- Approval of Application 02-0548, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | |
|---|--|
| A. Project plans | M. Diagram prepared by Wayne Miller illustrating setback and buildable areas. |
| B. Findings | N. Photomontages and aerial views |
| C. Conditions | O. Letter from Wayne Miller, Designer, dated 8/28/08. |
| D. Categorical Exemption (CEQA determination) | P. Letter from Neilsen and Associates, dated 23 August 2005. |
| E. Location map | Q. Site plan sketches showing alternative garage locations, undated. |
| F. General Plan map | R. Review of Geotechnical Investigation letter, date November 25, 2002. |
| G. Zoning map | S. Santa Cruz County Sanitation District's Condition of Service letter, dated November 21, 2002. |
| H. Discretionary Application Comments | T. California Coastal Commission Project Comments, dated November 26, 2002. |
| I. Memo from Urban Designer, Dated December 2, 2002 | |
| J. Letter from Haro, Kasunich and Associates, dated 15 April 2005 | |
| K. Letter from Neilsen and Associates, dated 16 November 2004 | |
| L. Letters from neighbors in support of the project | |

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County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060



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APN: 028-143-43
Owner: Greysa Limited

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Parcel Information

Parcel Size: 24,703 sq. ft.
Existing Land Use - Parcel: Single family residential
Existing Land Use - Surrounding: Single family residential
Project Access: Geoffroy Drive
Planning Area: Live Oak
Land Use Designation: R-UL / Existing Parks and Recreation (Residential Urban Low Density)
Zone District: R-1-6 / Parks, Recreation and Open Space District (6,000 sq. ft. min. site area)

Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Geotechnical review provided
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: N/A
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: City of Santa Cruz Water Department
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5

Project Setting

This site is located on Geoffroy Drive and involves a small neck of land that juts into Monterey Bay. The access to the site is a narrow section 29.2 feet wide.

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Application #: 02-0548
APN: 028-143-43
Owner: Greysa Limited

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Local Coastal Program Consistency

The proposed single family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

The project site is located between the shoreline and the first public road, however the site is not identified as a priority acquisition site in the County's Local Coastal Program. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Zoning & General Plan Consistency

The subject property is a 24,703 square foot lot, located in the R-1-6 (6,000 sq. ft. min. site area) / Parks, Recreation and Open Space District zone district, a designation that allows residential uses. The proposed development is located primarily within the portion of the parcel zoned R-1-6. The proposed single family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UL / Existing Parks and Recreation) Residential Urban Low Density General Plan designation.

SITE DEVELOPMENT STANDARDS TABLE

	R-1-6 Standards	Proposed Residence
Front yard setback:	20 feet (residence and front of garage)	0'
Side yard setback:	5 feet / 8 feet	5'-0" / 8'-0" (see note below)
Lot Coverage:	30 % maximum	17 %
Building Height:	28 feet maximum	24'-10"
Floor Area Ratio (F.A.R.):	0.5:1 maximum (50 %)	27.5 %
Parking	5 bedrooms – four (18' x 8.5')	three in garage three uncovered

NOTE: The previous site plan showed a 5'-5" side setback on the North side of the residence and a 5'-0" side setback on the South side. The plans have been revised since the last hearing showing setbacks to be 8 feet on the North and 5 feet on the South.

Exhibit Q was submitted since the last hearing to demonstrate the logic of the garage location and access).

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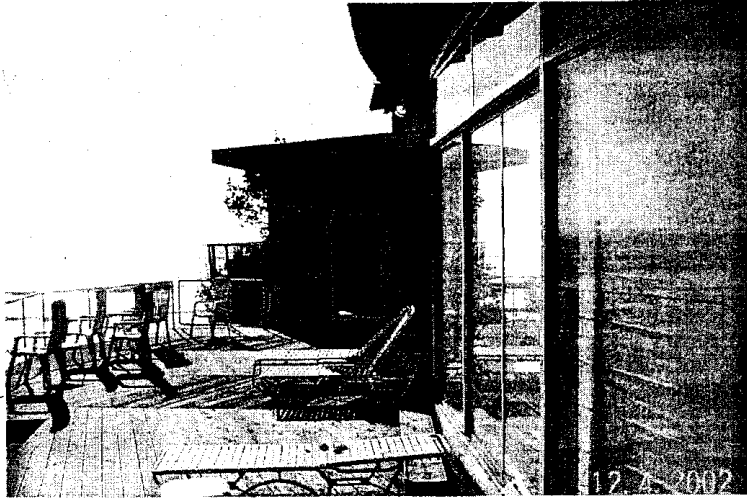


Figure 1. Deck and rear façade of existing residence

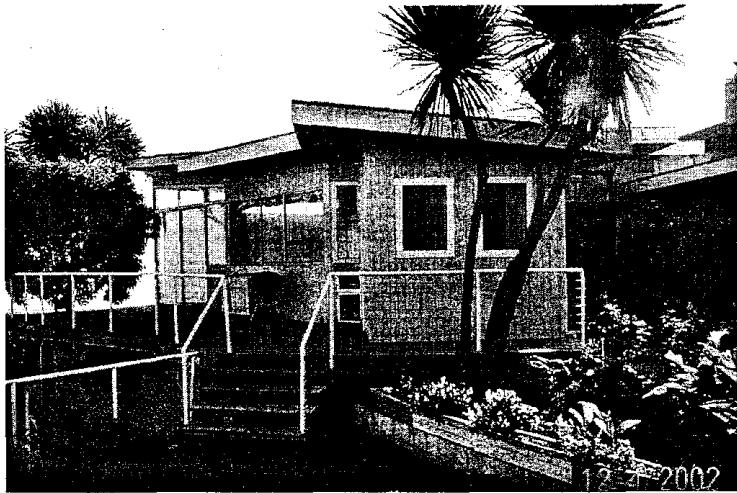


Figure 2. Front entry and front yard

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Figure 3. The promontory at the rear of the lot.

Design Review

The proposed single family dwelling is subject to both Chapter 13.20 (Local Coastal Program) and Chapter 13.11 (Site, Architectural and Landscape Review). The design is a two-story residence with low slope roof. Photo simulations were submitted which represent the design within the context of the site.

The Urban Designer has reviewed the plans and found that the proposed structure will be visually compatible with the neighborhood, and that the bulk, mass and scale is appropriate for a structure within the confines of the setbacks and unusual shape of the site.

Geological and Soils Review

Both the west and east sides of the site contain "sea caves" (indentations into the bluff), which have been identified on the site plan. The eastern sea cave has been plugged with concrete, while the western sea cave remains open. Hans Nielsen, Geologist, mapped the sea caves in January 2002. Haro, Kasunich and Associates, Geotechnical and Coastal Engineers were retained in 2005 to examine the sea cave "plug" and confirm their recommended blufftop setback of 40 feet along the west perimeter.

Haro, Kasunich and Associates visited the site and measured the western sea cave with no change to their previous setback recommendation. See Exhibits J, K and P for both Nielsen and Haro, Kasunich review letters.

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Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed.

Variance request

Staff believes the odd shape and the geological setbacks required of this parcel, are conditions that are enough for a variance to be granted. County Code states:

" That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. " (bold type added).

The proposed residence is within the maximums for Lot Coverage and Floor Area Ratio.

This structure does not overpower the parcel in that the overall bulk and mass will not be injurious to neighboring parcels. The reduction in the front setback is an oddity of the lot; the garage will be 66 feet from the street (where 20 feet would be normal). The setback on this lot is measured from the line parallel to the street where the minimum 60 feet width is achieved for the R-1-6 zoning (see Exhibit M).

The narrowness of the "neck" of the property makes it difficult to achieve the required length of garage and length of back up area and still maintain the R-1-6 side minimum setbacks. The only entry to this site is from a narrowed area (29ft. wide) and over 50% of the width of this area is appropriate for driveway.

The front yard reduction is based on the odd configuration of the entry to this lot and will produce a garage setback that is greatly increased from other properties in the neighborhood.

Additional items

The following were items of concern which were brought up at the Zoning Administrator's hearing of July 15, 2005:

- a. *geological impact of the wine cellar on the nearby sea cave* -- see Exhibit P, letter from Hans Neilsen, project geologist. Mr. Neilsen believes that the basement/wine cellar "will be located almost entirely within the terrace deposits" and that it "will not be affected by the sea cave on this side of the property."
- b. *alternative arrangement for garage entry*- see Exhibit Q, alternative studies for the garage entry location, prepared by Wayne Miller, Designer. As the drawings illustrate, given the location of the entry drive in relation to the

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widening of the property at the garage location, siting the garage as shown on the original plans is appropriate.

- c. *over 50% of the area of the front setback used for parking and access* – the project description was revised to include this as part of the variance request. The “flag” portion of the lot is only 29 feet wide and a standard driveway will occupy over 50% of the width.
- d. *variance to side setback* – the designer has revised the plans to increase the setback on the west side from eight feet to five feet, thus alleviating the variance formerly requested.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **APPROVAL** of Application Number **02-0548**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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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.

This finding can be made, in that the property is zoned R-1-6 / Parks, Recreation and Open Space District (6,000 sq. ft. min. site area), a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UL / Existing Parks and Recreation) Residential Urban Low Density 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.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is on a prominent bluff top.

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.

This finding can be made, in that the project site is located between the shoreline and the first public road, however the single family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 / Parks, Recreation and Open Space District (6,000

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sq. ft. min. site area) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

EXHIBIT **3**



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Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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.

This finding can be made, in that the proposed location of the single family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 / Parks, Recreation and Open Space District (6,000 sq. ft. min. site area) zone district in that the primary use of the property will be one single family dwelling that meets all current site standards for 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.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Residential Urban Low Density (R-UL / Existing Parks and Recreation) land use designation in the County General Plan.

The proposed single family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed single family dwelling will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single family dwelling will comply with the site standards for the R-1-6 / Parks, Recreation and Open Space District

EXHIBIT B.3



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zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed single family dwelling is to be constructed on an existing developed lot.

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.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family dwelling is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed single family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will only minimally reduce or visually impact available open space in the surrounding area.

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VARIANCE FINDINGS:

1. That because of special circumstances applicable to the property, including size, shape, topography, location and surrounding existing structures, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

This finding can be made. The odd shape and the geological setbacks required for the development of this parcel, are the special circumstances applicable to this site. County Code states:

“-That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. “ (bold type added).

The proposed residence is below the maximums for Lot Coverage and Floor Area Ratio and all other site standards are met.

2. That the granting of such a variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare injurious to the property or improvements in the vicinity.

This finding can be made. This structure does not overpower the parcel. Lot Coverage and Floor Area Ratio are below maximums and the overall bulk and mass will not be injurious to neighboring parcels. The reduction in the front setback is an oddity of the lot, the garage will be 66 feet from the street (where 20 feet would be normal).

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

This finding can be made. The majority of structures in this neighborhood have five feet wide side setbacks. The front yard reduction is based on the odd configuration of the entry to this lot and will produce a garage setback that is greatly increased from other properties in the neighborhood.

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Conditions of Approval

Exhibit A: architectural plans by Wayne Miller, Designer dated 12/02/04,
Revised 7/18/05.
Site statistics revised (faxed 11/30/05).

- I. This permit authorizes the demolition of an existing one story, single family dwelling and the construction of a two story, single family dwelling. 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 Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. Meet all standards and obtain a permit and from the Monterey Bay Air Quality Control District for all demolition work.
 - F. Obtain a disconnect permit from the Santa Cruz County Sanitation District.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. 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 the following additional information:
 - 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 - 2. Details showing compliance with fire department requirements.
 - 3. Submit a plot plan prepared by a Licensed Surveyor or a Registered Civil Engineer.

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- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. An engineered foundation plan is required. This plan must incorporate the design recommendations of the geotechnical engineer and engineering geologist with regards to the setback of the foundation from the bluff. The geotechnical engineer shall specify any maintenance measures necessary to maintain the existing site improvements including the sea cave.
- F. Final plans shall show an engineered drainage system that must be approved by the geotechnical engineer and engineering geologist. This plan must be prepared on a site specific relief map that accurately represents topography for a minimum of 50 feet from all improvements. Drainage shall not be designed in a manner that will adversely affect the adjacent parcels. The structure shall be approved by the County Geologist.
- G. Prior to building permit issuance, the soils engineer and project geologist must submit a brief building and drainage plan review letter to Environmental Planning stating that the plans and foundation design are in general compliance with the report recommendations.
- H. Prior to building permit issuance, the owner must complete and record the following form "Declaration Regarding the Issuance of a Development Permit in an Area Subject to Geologic Hazards".
- I. Identify the existing Cypress tree in the backyard on Sheet 1-L, and provide a tree protection detail for this tree.
- J. Provide a detailed erosion control plan for review.
- K. Identify the size of the proposed rock outcroppings shown on the landscaping plan and how they will be attached.
- L. Building setbacks established by the geotechnical engineer and the geologist shall be identified on the site plan. The location of the foundation shall be confirmed by the project Licensed Surveyor or Registered Civil Engineer.
- M. Submit an engineered drainage plan for review.

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- N. Submit the geotechnical engineer's approval for the stream bed portion at the top of the bluff.
 - O. The face of the garage must be placed no less than 23 feet 6 inches from the property line to allow an acceptable amount of space for vehicles to back out.
 - P. Provide required off-street parking for four cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - Q. 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.
 - R. All glazing shall utilize non-reflective glass.
 - S. Pay the current fees for Parks and Child Care mitigation for two bedrooms. Currently, these fees are, respectively, \$ 1,000 and \$ 109 per bedroom.
 - T. Pay the current fees for Roadside and Transportation Improvements for two bedrooms. Currently, these fees are, respectively, \$ 667 and \$ 667 per bedroom.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - 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.

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IV. Operational Conditions

- A. 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.
- B. Construction shall only occur on weekdays from 8am to 6pm. All construction vehicles shall be parked on site or in the right of way directly in front of the lot.

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

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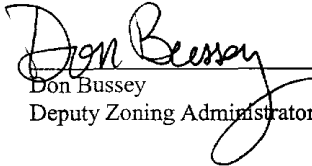
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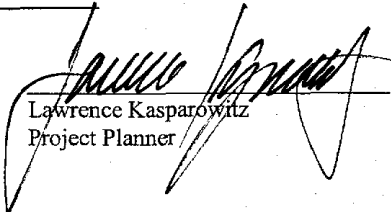
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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: 12/2/09
Effective Date: 12/14/05
Expiration Date: 12/14/07


Don Bussey
Deputy Zoning Administrator


Lawrence Kasparowitz
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 Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

EXHIBIT # 3



APPLICABLE COASTAL ACT PUBLIC ACCESS AND RECREATION POLICIES

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

APPLICABLE SANTA CRUZ COUNTY LAND USE PLAN POLICIES

5.9.1 Protection and Designation of Significant Resources

(LCP) Protect significant geological features such as caves, large rock outcrops, inland cliffs and special formations of scenic or scientific value, hydrological features such as major waterfalls or springs, and paleontological features, through the environmental review process. Designate such sites on the General Plan and LCP Resources and Constraints Maps where identified...

5.10.1 Designation of Visual Resources

(LCP) Designate on the General Plan and LCP Resources Maps and define visual resources as areas having regional public importance for their natural beauty or rural agricultural character. Include the following areas when mapping visual resources: vistas from designated scenic roads,

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Coastal Special Scenic Areas, and unique hydrologic, geologic and paleontologic features identified in Section 5.9.

5.10.2 Development Within Visual Resource Areas

(LCP) Recognize that visual resources of Santa 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. Require discretionary review for all development within the visual resource area of Highway One, outside of the Urban/Rural boundary, as designated on the GP/LCP Visual Resources Map and apply the design criteria of Section 13.20.130 of the County's zoning ordinance to such development.

5.10.3 Protection of Public Vistas

(LCP) 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, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design. Provide necessary landscaping to screen development which is unavoidably sited within these vistas.

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. (b) Require shoreline protection and access structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.

5.10.9 Restoration of Scenic Areas

(LCP) Require on-site restoration of visually blighted conditions as a mitigating condition of permit approval for new development. The type and amount of restoration shall be commensurate with the size of the project for which the permit is issued. Provide technical assistance for restoration of blighted areas.

6.2.1 Geologic Hazards Assessments for Development On and Near Slopes

(LCP) Require a geologic hazards assessment of all development, including grading permits, that is potentially affected by slope instability, regardless of the slope gradient on which the development takes place. Such assessment shall be prepared by County staff under supervision of the County Geologist, or a certified engineering geologist may conduct this review at the applicant's choice and expense.

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6.2.2 Engineering Geology Report

(LCP) Require an engineering geology report by a certified engineering geologist and/or a soils engineering report when the hazard assessment identifies potentially unsafe geologic conditions in an area of proposed development.

6.2.3 Conditions for Development and Grading Permits

(LCP) Condition development and grading permits based on the recommendations of the Hazard assessment and other technical reports.

6.2.4 Mitigation of Geologic Hazards and Density Considerations

(LCP) Deny the location of a proposed development or permit for a grading project if it is found that geologic hazards cannot be mitigated to within acceptable risk levels; and approve development proposals only if the project's density reflects consideration of the degree of hazard on the site, as determined by technical information.

6.2.5 Slope Considerations for Land Division Calculations

(LCP) Exclude land with slopes exceeding 30 percent in urban areas and 50 percent in rural areas and land with recent or active landslides from density calculations for land divisions.

6.2.6 Location of Structures and Drainage Considerations in Unstable Areas

(LCP) Require location and/or clustering of structures away from potentially unstable slopes whenever a feasible building site exists away from the unstable areas. Require drainage plans that direct runoff and drainage away from unstable slopes.

6.2.9 Recordation of Geologic Hazards

(LCP) Require the owner of a parcel in an area of potential geologic hazards to record, with the County Recorder, a Notice of Hazards and the level of prior geologic and/or geotechnical investigation conducted as a condition of development approval.

6.2.10 Site Development to Minimize Hazards

(LCP) Require all developments to be sited and designed to avoid or minimize hazards as determined by the geologic hazards assessment or geologic and engineering investigations.

6.2.11 Geologic Hazards Assessment in Coastal Hazard Areas

(LCP) Require a geologic hazards assessment or full geologic report for all development activities within coastal hazard areas, including all development activity within 100- feet of a coastal bluff. Other technical reports may be required if significant potential hazards are identified by the hazards assessment.

6.2.12 Setbacks from Coastal Bluffs

(LCP) All development activities, including those which are cantilevered, and non-habitable structures for which a building permit is required, shall be set back a minimum of 25 feet from the top edge of the bluff. A setback greater than 25 feet may be required based on conditions on and adjoining the site. The setback shall be sufficient to provide a stable building site over the 100- year lifetime of the structure, as determined through geologic and/or soil engineering reports. The determination of the minimum 100 year setback shall be based on the existing site



conditions and shall not take into consideration the effect of any proposed shoreline or coastal bluff protection measures.

6.2.13 Exception for Foundation Replacement and/or Upgrade

(LCP) Foundation replacement and/or foundation upgrades that meet the definition of development activity shall meet the 25-foot minimum and 100-year stability setback requirements. An exception to those requirements may be granted for existing structures that are located partly or wholly within the setback if the Planning Director determines that:

(1) the area of the structure that is within the setback does not exceed 25% of the area of the structure, OR (2) the structure cannot be relocated to meet the setback due to inadequate parcel size.

6.2.15 New Development on Existing Lots of Record

(LCP) Allow development activities in areas subject to storm wave inundation or beach or bluff erosion on existing lots of record, within existing developed neighborhoods, under the following circumstances: (a) A technical report (including a geologic hazards assessment, engineering geology report and/or soil engineering report) demonstrates that the potential hazard can be mitigated over the 100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, and foundation design; (b) Mitigation of the potential hazard is not dependent on shoreline or coastal bluff protection structures, except on lots where both adjacent parcels are already similarly protected; and (c) The owner records a Declaration of Geologic Hazards on the property deed that describes the potential hazard and the level of geologic and/or geotechnical investigation conducted.

6.2.16 Structural Shoreline Protection Measures (in part)

(LCP) Limit structural shoreline protection measures to structures which protect existing structures from a significant threat, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches, or coastal dependent uses...

6.2.17 Prohibit New Building Sites in Coastal Hazard Areas

(LCP) Do not allow the creation of new building sites, lots, or parcels in areas subject to coastal hazards, or in the area necessary to ensure a stable building site for the minimum 100-year lifetime, or where development would require the construction of public facilities or utility transmission lines within coastal hazard areas or in the area necessary to ensure a stable building site for the minimum 100- year lifetime.

6.2.19 Drainage and Landscape Plans

(LCP) Require drainage and landscape plans recognizing potential hazards on and off site to be approved by the County Geologist prior to the approval of development in the coastal hazard areas. Require that approved drainage and landscape development not contribute to offsite impacts and that the defined storm drain system or Best Management Practices be utilized where feasible. The applicant shall be responsible for the costs of repairing and/or restoring any off-site impacts.

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6.3.2 Grading Projects to Address Mitigation Measures

(LCP) Deny any grading project where a potential danger to soil or water resources has been identified and adequate mitigation measures cannot be undertaken.

6.3.3 Abatement of Grading and Drainage Problems

(LCP) Require, as a condition of development approval, abatement of any grading or drainage condition on the property which gives rise to existing or potential erosion problems.

6.3.4 Erosion Control Plan Approval Required for Development

(LCP) Require approval of an erosion control plan for all development, as specified in the Erosion Control ordinance. Vegetation removal shall be minimized and limited to that amount indicated on the approved development plans, but shall be consistent with fire safety requirements.

6.3.8 On-Site Sediment Containment

(LCP) Require containment of all sediment on the site during construction and require drainage improvements for the completed development that will provide runoff control, including onsite retention or detention where downstream drainage facilities have limited capacity. Runoff control systems or Best Management Practices shall be adequate to prevent any significant increase in site runoff over pre-existing volumes and velocities and to maximize on-site collection of non-point source pollutants.

6.3.9 Site Design to Minimize Grading

(LCP) Require site design in all areas to minimize grading activities and reduce vegetation removal based on the following guidelines: (a) Structures should be clustered; (b) Access roads and driveways shall not cross slopes greater than 30 percent; cuts and fills should not exceed 10 feet, unless they are wholly underneath the footprint and adequately retained; (c) Foundation designs should minimize excavation or fill; (d) Building and access envelopes should be designated on the basis of site inspection to avoid particularly erodable areas; (e) Require all fill and sidecast material to be recompacted to engineered standards, reseeded, and mulched and/or burlap covered.

6.4.1 Geologic Hazards Assessment Required in Flood Hazard Areas

(LCP) Require a geologic hazards assessment of all development proposals within the County's flood hazard areas in order to identify flood hazards and development constraints.

6.4.2 Development Proposals Protected from Flood Hazard

(LCP) Approve only those grading applications and development proposals that are adequately protected from flood hazard and which do not add to flooding damage potential. This may include the requirement for foundation design which minimizes displacement of flood waters, as well as other mitigation measures.

6.4.3 Development on or Adjacent to Coastal Bluffs and Beaches

(LCP) Allow development in areas immediately adjacent to coastal bluffs and beaches only if a geologist determines that wave action, storm swell and tsunami inundation are not a hazard to the



proposed development or that such hazard can be adequately mitigated. Such determination shall be made by the County Geologist, or a certified engineering geologist may conduct this review at applicant's choice and expense. Apply Coastal Bluffs and Beaches policies.

7.1.1 Existing Park, Recreation and Open Space Designation (0-R)

(LCP) Designate on the General Plan and Local Coastal Program Land Uses and Facilities Maps those areas existing as, or suitable for, Parks, Recreation and Open Space uses.

7.1.3 Parks, Recreation and Open Space Uses

(LCP) Allow low intensity uses which are compatible with the scenic values and natural setting of the county for open space lands which are not developable; and allow commercial recreation, County, State and Federal parks, preserves, and biotic research stations, local parks and passive open space uses for park lands which are developable.

7.1.10 Design Criteria

(LCP) Require all recreation and visitor-serving developments to be consistent with the Zoning ordinance.

7.2.5 Beaches in Neighborhoods

(LCP) Support the continued availability and use of beach areas to serve as a neighborhood recreational outlet for County residents, but do not credit beach areas toward satisfying neighborhood park acreage goals due to the seasonal availability of the resource, and the extensive regional demands placed on this limited coastal area.

7.7.1 Coastal Vistas

(LCP) 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, subject to policy 7.6.2.

7.7.4 Maintaining Recreation Oriented Uses

(LCP) Protect the coastal bluff top areas and beaches from intrusion by non-recreational structures and incompatible uses to the extent legally possible without impairing the constitutional rights of the property owner, subject to policy 7.6.2.

7.7.10 Protecting Existing Beach Access

(LCP) 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 appropriate legal proceedings. Protect such beach access through permit conditions such as easement dedication or continued maintenance as an accessway by a private group, subject to policy 7.6.2.

7.7.11 Vertical Access

(LCP) 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,

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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 the Urban Services Line: from the first public roadway to the shoreline if there is not dedicated access within 650 feet; 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. (c) All dedications required shall comply with policy 7.6.2 and the other policies of this chapter.

7.7.12 Lateral Access

(LCP) Determine whether new development would interfere with or otherwise adversely affect public lateral access along beaches. If such impact will occur, the County will obtain dedication of lateral access along the beach to the first line of terrestrial vegetation to the base of the bluffs, where present, or to the base of any seawall; and the dedication of lateral access along bluff tops where pedestrian and/or bicycle trails can be provided and where environmental and use conflict issues can be mitigated...

7.7.14 Primary Public Access Points

(LCP) Primary public access points shall be developed only when they can provide automobile parking or an acceptable alternative, and when all environmental impacts and use conflicts can be satisfactorily mitigated, subject to policy 7.6.2.

7.7.15 Areas Designated for Primary Public Access

(LCP) The following are designated as primary public access, subject to policy 7.6.2*:
... Black's Beach (Lincoln Beach)

7.7.16 Improvements at Primary Access Points

(LCP) Provide, encourage provision of, and/or require as a condition of new development approval, subject to policy 7.6.2, the following improvements at primary destinations: path improvements and maintenance; recycling, garbage collection; automobile parking, or in an impacted neighborhood, an acceptable alternative such as beach shuttle; bicycle parking; transit service; access provisions for disabled if feasible; restrooms; law enforcement; scenic overlooks if appropriate; safety signs if needed, and identification signs.

7.7.18 Areas Designated for Neighborhood Public Access

(LCP) Maintain a system of neighborhood access points appropriate for access by local residents at the following locations and other accesses as determined by the Board of Supervisors, subject to policy 7.6.2: Live Oak Mid County at the end of the following streets: ... Geoffrey Drive

7.7.19 Improvements at Neighborhood Access Points

(LCP) Provide, encourage, and/or require provision of the following improvements appropriate to neighborhood access points: path improvements and maintenance; bicycle parking; recycling; garbage collection; and law enforcement, subject to policy 7.6.2.

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APPLICABLE SANTA CRUZ COUNTY CERTIFIED ZONING CODE REGULATIONS

For applicable Zoning Code Chapters 13.10, 13.11, 13.20, and 16.10, please go to:

<http://ordlink.com/codes/santacruzco/index.htm>

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