

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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Appeal Filed:	10/21/05
49th day:	12/09/05
Substantial Issue found:	11/16/05
Staff:	Katie Morange-SC
Staff report prepared:	5/22/06
Hearing date:	6/15/06

## APPEAL STAFF REPORT DE NOVO HEARING

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**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 (Planning Commission, Permit Number 02-0600)

**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 nonconforming 2,812-square foot single-story residence. First floor additions include construction of 159 square feet of additional floor area and a 527-square foot two-car garage. Second story additions include 1,627 square feet of floor area and a 431-square foot deck above an existing bedroom. A 133-square foot detached workshop is also included in the project.

**File documents** ..... Santa Cruz County Certified Local Coastal Program; Santa Cruz County Coastal Development Permit Application File 02-0600; materials received 2/6/06 and 5/23/06 from applicant.

**Staff recommendation** ... **Approval with conditions**

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### Summary of Staff Recommendation

On September 14, 2005, the Santa Cruz County Planning Commission approved a coastal development permit (CDP), subject to multiple conditions, for a 2,031-square foot addition to an existing 2,812-square foot residence, conversion of an existing roof area to a 431-square foot deck, and a detached 133-square foot single-story workshop at 3030 Pleasure Point Drive, in unincorporated Santa Cruz County. The project was appealed to the Coastal Commission (Commission), and on November 16, 2005, the Commission found that the appeal raised a substantial issue regarding for the project's consistency with the Santa Cruz County Local Coastal Program (LCP). As a result, the Commission took jurisdiction



**California Coastal Commission**  
**June 15, 2006 Meeting in Santa Rosa**  
Staff: K. Morange Approved by:

## A-3-SCO-05-073 De Novo Staff Report

Porter SFR Remodel and Addition

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over the CDP application.

Since that time, the applicant submitted additional information in an effort to resolve the issues raised by the appeal. This information included a detailed analysis of the history of the design and architectural character of the project area; engineering plans demonstrating the extent of the remodel and detailing the amount of the existing structure to remain; construction and post-construction drainage plans indicating the locations and extent of both construction and post-construction drainage mechanisms; and project landscape and irrigation plans.

The existing structure is nonconforming due to its location within the 25-foot bluff setback required by the LCP. As designed, the majority of the remodel and additions would be located outside the 25-foot setback, with the exception of a new 431-square foot deck. The deck is proposed to be located over an existing roof area within the 25-foot setback, at the southwest corner of the existing structure. The LCP prohibits any new development, including non-habitable structures and additions, within established bluff setbacks. Furthermore, the LCP prohibits any structural alterations to nonconforming portions of a structure if the alteration increases the nonconforming dimensions of the structure. The new deck would convert a previously unusable portion of the structure to a functional space, thereby increasing the usable area of the structure within the bluff setback. This raises clear inconsistencies with setback policies of the LCP, policies that are based on the overriding goal of protecting human life, private property, and the environment by preventing inappropriate use and development in areas which present a threat to public health, safety, and general welfare. To resolve this inconsistency, staff recommends the permit be conditioned to require that this deck be removed from the project.

The LCP requires new development, where appropriate, to be sited, designed, and landscaped so as to be visually compatible with the character of the surrounding area. LCP policies also call for adherence to basic architectural design principles of balance, harmony, order, and unity, without excluding the opportunity for unique design. The proposed project employs a modern architectural design in a neighborhood that lacks a cohesive architectural character or design pattern. As conditioned by the County, the project's LCP inconsistencies and neighborhood design concerns have been addressed. These County conditions, incorporated as Special Conditions under this coastal development permit, require a two-tone coloration scheme using related earth tones; trellis and plant screening along the western elevation; low-reflective, zero transmission glass for windows; and a landscape plan that ensures integration with the character of the surrounding neighborhood. An additional lighting condition has been added to ensure full consistency with LCP design standards.

In sum, staff recommends that the Commission **approve with conditions** a coastal development permit for the proposed project. In addition to those described above, the recommended conditions specify measures to be implemented during and after construction to avoid and mitigate potential impacts to water quality. Only as conditioned can the project be found consistent with the Santa Cruz County Certified Local Coastal Program (LCP), including the Land Use Plan (LUP) and Coastal Implementation Plan (CIP) and Public Access and Recreation policies of the Coastal Act.



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### Exhibits

Exhibit 1	Location Map
Exhibit 2	Project Site
Exhibit 3	Site Plan
Exhibit 4	First Floor Plan
Exhibit 5	Second Floor Plan
Exhibit 6	Project Elevation Drawings
Exhibit 7	Photo Renditions
Exhibit 8	First Floor Demolition Plan/Walls to Remain
Exhibit 9	May 24, 2006 Memo from Richard Irish re: Condition of Existing Structure
Exhibit 10	February 2, 2006 Letter and photos from Anthony Kirk re: Architectural History and Character of Project Vicinity
Exhibit 11	Santa Cruz County Final Local Action Notice



## 1. Staff Recommendation on De Novo Permit

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

***MOTION:*** *I move that the Commission approve Coastal Development Permit Number A-3-SCO-05-073 pursuant to the staff recommendation and subject to the conditions below.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the provisions of the Santa Cruz County certified Local Coastal Program and the public access and recreation policies of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

## 2. Conditions of Approval

### A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is



the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## B. Special Conditions

**1. Scope of Permit.** This permit authorizes the construction of a 2,031-square foot addition to an existing single-family dwelling at 3030 Pleasure Point Drive (APN 032-242-11), plus a new 133-square foot detached workshop, in accordance with the plans prepared by Matson Britton Architects (dated August 2, 2005), subject to the Standard Conditions above and the Special Conditions identified below. As required under IP Section 13.10.265, no more than 50 percent of the total length of the exterior walls within the nonconforming portion of the structure shall be moved, replaced, or altered in any way in any 5-year period. The project proposes to replace approximately 10 percent of the existing walls within the nonconforming portion. If it is determined that 50 percent or more of the exterior walls within the nonconforming portion of the structure require replacement for any reason within any five-year period, a possible amendment to this permit would be required.

**2. Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of Final Project Plans to the Executive Director for review and approval. The Final Project Plans shall be consistent with the following requirements:

(a) **Removal of Deck.** The Final Project Plans shall include a revised site plan that eliminates the new 431-square foot deck, located over the southwest corner of the existing structure. No new project elements may be located in place of the deck and this area shall be depicted as roof area.

(b) **Exterior Design Elements.** The following County conditions regarding project design have been incorporated into this coastal permit. Those County conditions requiring Planning Department or Planning Director review and approval have been revised to require Executive Director review and approval:

II (A) (1) Exterior elevations identifying finish materials and colors. Final colors shall be reviewed and approved by the Executive 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 planting 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 Executive Director.

(4) The plans shall specify low reflective glass for the windows and low reflective, zero transmission glass for the second story, front façade window.



#### 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 Pleasure Point Drive from the subject dwelling. An amendment to the permit 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.
- (I) The residence shall be painted using subdued, earth tone colors. The use of white, light cream or similar colors is prohibited.

(c) **Landscaping Plan.** The following County conditions regarding landscaping of the project site have been incorporated into this coastal permit. The planting and irrigation plan prepared for the project (dated January 20, 2006, received February 6, 2006), prepared pursuant to these conditions, shall remain consistent with these conditions. Any changes rendering the planting and irrigation plan inconsistent with these conditions shall not be made.

II (A) (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. 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.

#### IV. Operational Conditions

(H) All landscaping in the front yard 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.

**(d) Lighting.** All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lighting shall be limited to that which is necessary to illuminate driveway, pathways, and entrance to the main residence. The applicant shall submit an exterior lighting plan that shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting plan shall be coordinated with the landscape plan to shield lighting sources from surrounding properties.

The Permittee shall undertake development in accordance with the approved Final Project Plans. Any proposed changes to the approved Final Project Plans shall be reported to the Executive Director. No changes to the approved Final Project Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

3. Construction Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Construction Plan to the Executive Director for review and approval. The Construction Plan shall include the requirements prescribed by County conditions II(A)(15) and III(C). The County conditions shall be augmented by the following conditions in order to protect water quality to the maximum extent feasible.



- (a) **Drainage, Erosion, and Sedimentation Control.** No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Executive Director. Construction (including, but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas. The construction plan shall identify the type and location of all erosion control/water quality best management practices to be implemented during construction. Silt fences, or equivalent apparatus, shall be installed along the perimeter of the entire construction zone (including along the bluff edge) to prevent construction-related runoff, sediment, and/or debris from entering the Monterey Bay. Provisions shall be made for stockpiling and covering any graded soils, equipment, and/or materials. The construction plan shall also include a wet weather contingency plan that clearly states what actions will be taken in the event of precipitation events to avoid off-site impacts due to runoff emanating from the construction zone. ALL EROSION, SEDIMENT, AND OTHER WATER QUALITY CONTROLS SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AS WELL AS AT THE END OF EACH DAY DURING CONSTRUCTION.
- (b) **Good Housekeeping.** The construction plan shall include good construction site housekeeping controls and procedures, and shall indicate that: (1) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site; (2) off-site equipment wash areas are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment shall not be allowed; in any event, such wash water shall not be allowed to enter any natural drainage or existing drain inlet; (3) concrete rinsates shall be collected and properly disposed of off-site and they shall not be allowed to enter any natural drainage areas or existing drain inlet; (4) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); and, (5) all wastes shall be disposed of properly, trash receptacles shall be placed on site for that purpose, and open trash receptacles shall be covered during wet weather.
- (c) **Work Schedule.** All work shall take place during daylight hours with the following exception: any construction that occurs after sunset shall be limited to interior (of structures) work and shall be subject to the same lighting parameters as established for the completed structure by Special Condition 2(d). Lighting of the beach and Monterey Bay is prohibited unless, due to extenuating circumstances, the Executive Director authorizes non-daylight work and/or beach/Bay lighting.
- (d) **Construction Coordinator.** The Construction Plan shall identify a designated construction coordinator to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and in emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be provided. The Construction Plan shall require that the construction coordinator record the name, phone number,



and nature of all complaints received regarding the construction, and that the construction coordinator investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

- (e) Construction Site Documents.** DURING ALL CONSTRUCTION, copies of each of the following shall be maintained in a conspicuous location at the construction job site at all times (where such copies shall be available for public review) and all persons involved with the construction shall be briefed on the content and meaning of each prior to commencement of construction: (a) the signed coastal development permit; (b) the approved final plans; and (c) the approved construction plan. In addition, the designated construction coordinator's contact information (including their address and 24-hour phone number at a minimum) shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies).

The Permittee shall undertake development in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

4. Post Construction Drainage. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit, for Executive Director review and approval, a drainage plan as required by County condition II(A)(12)(d), II(A)(14), and IV(G) with the following augmentations: The drainage plan must identify the specific type, design, and location of all drainage infrastructure and Best Management Practices (BMPs) necessary to ensure that post construction drainage from the project, including runoff from the roof, driveway, and other impervious surfaces, does not result in erosion, sedimentation, or the degradation of coastal water quality. The drainage plan must be designed to direct all second story runoff to the proposed driveway drain filter or to permeable areas of the site. Drainage features shall be limited in size and footprint to the minimum necessary to achieve effective drainage and erosion control. Paved surfaces where vehicles are located shall include a filter runoff system to collect any petroleum products. The drainage plan shall clearly identify a drainage system designed to collect, filter, and treat all runoff prior to its discharge from the site and to remove vehicular contaminants and other typical urban runoff pollutants more efficiently than standard silt and grease traps. The drainage plan shall also comply with the following requirements:

- A. The drainage system shall be designed to filter and treat (i.e., a physical and/or chemical reduction of pollutants achieved through active filtration) the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water



Management Task Force, March 1993);

- B. The drainage system may include natural biologic filtration components such as vegetated filter strips and grassy swales provided that they are populated with non-invasive (preferably native) plant species capable of active filtration and treatment (e.g., rushes). If grades require, check-dams may be used in such biologic filters.
- C. The drainage system shall include at least one engineered filtration unit to which all drainage (with the exception of drainage along the existing paved bluff area) shall be directed prior to any discharge from the site. The engineered filtration unit shall be designed to remove, at a minimum, vehicular contaminants, and shall be appropriately sized to handle all parking area drainage. Such unit may include media designed to remove expected contaminants.

The applicant shall be responsible for implementing and maintaining drainage, erosion, and sedimentation control measures and facilities for the life of the project. This shall include performing annual inspections, and conducting all necessary clean-outs, immediately prior to the rainy season (beginning October 15), and as otherwise necessary to maintain the proper functioning of the approved system.

The Permittee shall undertake development in accordance with the approved Plans. Any proposed changes to the approved Plans shall be reported to the Executive Director. No changes to the approved Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

- 5. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from heavy storm damage, flooding, earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 6. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall



also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

7. County Conditions. All Santa Cruz County coastal permit 02-0600 conditions of approval are incorporated as conditions of this coastal permit (see Exhibit 11), except where revised and/or augmented under the special conditions described herein. The applicant shall provide evidence of compliance with the County conditions to the Executive Director at the time period for compliance indicated by the condition. All conditions of Santa Cruz County's approval pursuant to a planning authority in addition to or other than the Coastal Act continue to apply.

### 3. De Novo Permit Findings and Declarations

#### A. Project Location and Description

The 0.34-acre (14,740-square foot) site is located on the seaward side of Pleasure Point Drive in the unincorporated Live Oak area of Santa Cruz County (Exhibits 1 and 2). The Live Oak segment of the County stretches from the City of Santa Cruz (upcoast) to the City of Capitola (downcoast). The Live Oak coastal area is well known for its excellent public access and coastal recreation opportunities, and it supports a number of different coastal environments including sandy beaches, rocky tidal areas, blufftop terraces, and coastal lagoons (such as Corcoran Lagoon and Moran Lake). These varied coastal elements give Live Oak a unique character that makes it a prime destination for coastal access and recreational opportunities. This area is comprised of a number of defined neighborhood and special communities, including the Pleasure Point area in which the project site is located. The Pleasure Point area has an informal, beach community aesthetic and ambiance that clearly distinguishes it from inland commercial areas as well as the downcoast Opal Cliffs neighborhood towards Capitola. Housing stock is eclectic, and densely crowded together. Though certainly in the midst of a gentrification that has intensified over the last decade or so, the Pleasure Point area retains its informal charm and appeal, much of it rooted in the intrinsic relationship between the built environment – and its inhabitants – and the surfing area offshore.

Live Oak is a substantially urbanized area with few remaining undeveloped parcels. The area is primarily residential in nature, with pockets of commercial and industrial uses. Development pressure has been and is expected to continue to be disproportionately intense in this area since it is projected to absorb the majority of the unincorporated growth in Santa Cruz County. This 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. Given that the beaches are the largest public facility in Live Oak, this pressure will be particularly evident



along the shoreline.<sup>1</sup>

The subject parcel currently supports a 2,530 square foot single-story single-family residence with an attached 282 square foot garage. As shown in Exhibit 3, the proposed project involves the remodel of and 2,031 square foot addition to this residence. First floor additions include enlargement of the main floor area by 159 square feet, and enlargement of the garage area by 245 square feet (Exhibit 4). The project also includes construction of a second story with two bedrooms, two bathrooms, office, and laundry room (1,627 square feet) over the western portion of the first floor (Exhibit 5). In addition, the project involves conversion of an existing roof area to a deck (431 square feet) at the southwest corner of the structure, and a detached single-story workshop (133 square feet) at the northeast corner of the site.

The proposed structure incorporates a modern design with clean lines, a large glass façade, and a curved, articulated roofline (Exhibits 6 and 7). Exterior materials include textured concrete panels similar to stucco and a brushed metal aluminum roof. The architect also proposes a series of graduated setbacks from the western property line to break up overall massing along the western elevation.

## B. Coastal Development Permit Findings

### 1. Geologic Hazards/Nonconforming Structures

#### a. Applicable Policies

##### **LUP Public Health and Safety Goal:**

*To protect human life, private property, and the environment, and to minimize public expenses by preventing inappropriate use and development or location of public facilities and infrastructure in those areas which, by virtue of natural dynamic processes or proximity to other activities, present a potential threat to public health, safety, and general welfare.*

##### **LUP Policy 6.2.10 – Site Development to Minimize Hazards:**

*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.*

##### **LUP Policy 6.2.11 – Geologic Hazards Assessment in Coastal Hazard Areas:**

*Require a geologic hazards assessment or full geologic report for all development activities within coastal hazards areas, including all development activity within 100 feet of a coastal*

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<sup>1</sup> 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.



*bluff. Other technical reports may be required if significant potential hazards are identified by the hazards assessment.*

**LUP Policy 6.2.12 – Setbacks from Coastal Bluffs:**

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

**LUP Policy 6.2.14 – Additions to Existing Structures:**

*Additions, including second story and cantilevered additions, shall comply with the setback requirements of 6.2.12.*

**LUP Policy 6.2.19 – Drainage and Landscape Plans:**

*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 hazards area. 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.*

**IP Section 16.10.070(h) Coastal Bluffs and Beaches:**

*1. Criteria in Areas Subject to Coastal Bluff Erosion: Projects in areas subject to coastal bluff erosion shall meet the following criteria:*

- (i) for all development and for non-habitable structures, demonstration of the stability of the site, in its current, pre-development application condition, for a minimum of 100 years as determined by either a geologic hazards assessment or a full geologic report.*
- (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.*
- (iii) the determination of the minimum setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed protection measures, such as shoreline protection structures, retaining walls, or deep piers.*



(v) additions, including second story and cantilevered additions, shall comply with the minimum 25 foot and 100 year setback.

### **IP Section 13.10.265 Nonconforming Structures**

(b) The structural enlargement, extension, reconstruction, or alteration which conforms to the site development standards of this district in which the structure is located may be made to a nonconforming structure upon issuance of only those building permits and/or development permits required by other sections of the County Code if the property's use is made to conform to the uses allowed in the district and provided that the structure is not significantly nonconforming as defined in this Section, and further provided that where the floor area of an addition exceeds 800 square feet, a Level IV Use Approval shall be required.

(e) Ordinary maintenance and repairs and other structural alterations, including foundation replay/replacement, may be made to the nonconforming portions of a structure which is not significantly nonconforming as defined in this Section provided that:

1. The building permit(s) and/or development permits required by other Sections of the County Code are obtained for any structural alterations, including foundation repair/replacement;
2. There is no increase in the nonconforming dimensions of the structure; and
3. Within any five-year period, no more than fifty (50) percent of the total length of the exterior walls within the nonconforming portions of the structure, exclusive of the foundation, shall be moved, replaced, or altered in any way. The replacement or alteration of the interior or exterior wall coverings or the replacement of windows and doors without altering their openings will not be included in this calculation. The Planning Director may require that a termite inspector, registered engineer or other professional(s) acceptable to the Planning Director be retained at the applicant's expense to certify that portions of the structure which the plans show as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction.

(k) For the purposes of this section, a structure is significantly nonconforming if it is any of the following:

1. Located within five feet of a vehicular right-of-way;
2. Located across a property line;
3. Located within five feet of another structure on a separate parcel;
4. Located within five feet of a planned future public right-of-way improvement (i.e. an adopted plan line); or,
5. Exceeds the allowable height limit by more than 5 feet.



b. Consistency Analysis

The project site is situated at the crest of a 30-foot high coastal bluff that has been reinforced with several generations of seawalls and gunite-surfaced bedrock faces. In 2004, the applicants received a coastal development permit to augment and repair the existing seawall system at the site. Geotechnical and geologic reports prepared for the current remodel and addition to the existing residence determined that, based on the proper repair and maintenance of the existing seawall system, a minimum 25-foot setback from the bluff would provide a stable building site over the 100-year lifetime of the structure, consistent with LCP setback requirements. As shown in Exhibit 3, the existing residence at the project site currently extends into the 25-foot setback, rendering it nonconforming under the setback requirement.

The proposed additions to the existing structure have been designed to remain outside the 25-foot setback, with the exception of a new deck over the southwest corner of the existing structure. This 431-square foot deck would extend up over the proposed master bedroom, over the existing roof. Although the main structural additions to the residence would be located outside the 25-foot setback and are therefore consistent with LCP policies requiring no new additions within the established bluff setback, the new deck would not be consistent with these policies. LUP Policy 6.2.12 and IP Sections 16.10.070(h)(1)(ii) and (v) prohibit all development activities and additions, including non-habitable structures for which a building permit is required, within the 25-foot bluff setback.

Although the deck would not increase impervious surface area or extend the existing structure any further seaward into the setback, it would transform the previously unusable rooftop area to a functional space. It is unlikely that transformation of the roof to a functioning deck would result in a future need for shoreline armoring, but it would increase risks to humans and property in the event of future erosion and bluff failure. This raises clear inconsistencies with setback policies of the LCP, policies that are based on the overriding goal of protecting human life, private property, and the environment by preventing inappropriate use and development in areas which present a threat to public health, safety, and general welfare. Conversion of previously unusable areas within an established setback directly conflicts with this goal of protecting human life, property, and the environment. Therefore, in order to be consistent with the LCP, Special Condition 2(a) requires the removal of this project element. It should be noted that the project includes retention of an ample area of existing decking along the southeast edge of the first floor, and that the conditional removal of the new second-story deck would not deprive the applicants of any existing outdoor deck use along the bluff edge.

Approximately 10 percent of the exterior walls within the nonconforming portion of the structure are proposed for replacement (see Exhibit 8); however, this activity is consistent with IP Section 13.10.265(b) which allows for the structural reconstruction or alteration of a nonconforming structure provided that the structure is not considered “significantly nonconforming.” Pursuant to IP Section 13.10.265(k), the structure is not considered significantly nonconforming because it is not located within five feet of a vehicular right-of-way; not located across a property line; not located within five feet of another structure on a separate parcel; not located within five feet of a planned future public right-of-way improvement; or does not exceed allowable height limits by more than 5 feet. Furthermore, under Section 13.10.265(e)(3), for structures that are not significantly nonconforming, moving, replacement,



or alteration of exterior walls within the nonconforming portions of a structure are allowed as long as this activity does not exceed 50 percent of the total length of exterior walls in the nonconforming area. As indicated above, the project involves replacement of approximately 10 percent of existing exterior walls within this nonconforming area, and is therefore consistent with this policy. Since the appeal, the applicants have provided additional information regarding the structural integrity of the exterior walls to remain (Exhibit 9). Although it is expected that only 10 percent of the exterior walls within the nonconforming portion of the structure will require replacement, in the event that 50 percent or more of these walls require replacement, Special Condition 1 requires an amendment to this permit. Such an amendment would involve redesign of the project and could involve removal of the nonconforming portion of the structure.

Section 13.10.265(e)(2) allows structural alterations to be made to the nonconforming portions as long as there is no increase in the nonconforming dimensions of the structure. In this case, although the actual footprint of the structure would not encroach any further seaward into the bluff setback, the new 431-square foot deck above the proposed master bedroom would increase the area of usable structural space within the setback, increasing the structure's nonconforming dimensions. As such, the project is considered inconsistent with this LCP policy. Special Condition 2(a), as described above, is required to ensure that the project is consistent with LCP nonconforming structure requirements.

#### c. Conclusion

The remodel and additions under the proposed project are mostly consistent with LCP coastal bluff policies, with the exception of a new 431-square foot deck within the 25-foot setback. This project element conflicts with LCP policies prohibiting new development or additions within the prescribed setback, and it also conflicts with nonconforming structure requirements of the LCP. To ensure consistency of the project with LCP hazards, coastal bluff, and nonconforming structure policies, Special Condition 2(a) requires the removal of the new deck. Only as conditioned is the project consistent with the LCP.

## 2. Visual Resources/Community Character

### a. Applicable Policies

#### **LUP Objective 8.6 – Building Design**

*To encourage building design that addresses the neighborhood and community context; utilizes scale appropriate to adjacent development; and incorporates design elements that are appropriate to surrounding uses and the type of land use planned for the area.*

#### **LUP Policy 8.6.1 – Maintaining a Relationship Between Structure and Parcel Sizes**

*Recognize the potential for significant impacts to community character from residential structures which are not well-proportioned to the site; and require residential structures to have*



*a direct relationship to the parcel size as per the Residential Site and Development Standards ordinance.*

**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.*

*(1) Compatible Site Design.*

*(i) The primary elements of site design which must be balanced and evaluated in relation to the proposed project site and surrounding development in order to create compatible development include:*

- (A) Location and type of access to the site.*
- (B) Building siting in terms of its location and orientation.*
- (C) Building bulk, massing, and scale.*
- (D) Parking location and layout.*
- (E) Relationship to natural site features and environmental influences.*
- (F) Landscaping.*
- (G) Streetscape relationship.*
- (H) Street Design and transit facilities.*
- (I) Relationship to existing structures.*

*(ii) Consideration of the surrounding zoning district, as well as the age and condition of the existing building stock, is important in determining when it is appropriate to continue existing land use patterns or character and when it is appropriate to foster a change in land use or neighborhood character.*

*(b) It shall be an objective to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, to a reasonable extent, into the site design.*

*(2) Views.*

*(ii) Development should minimize the impact on private views from adjacent parcels, wherever practicable.*

**IP Section 13.11.073 Building Design**

*(a) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique*



*design. Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark buildings to background buildings.*

*(b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.*

*(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.*

*(c) It shall be an objective of building design to address scale on the appropriate levels (Scale is defined in Section 13.11.030(v)).*

*(d) It shall be an objective of building design to use design elements to create a sense of human scale, and pedestrian interest.*

*Building Articulation.*

*(1) Variation in wall plane, roof line, detailing, materials and siting are techniques which can be used to create interest in buildings, where appropriate. Roof and wall plane variations including building projections, bay windows, and balconies are recommended to reduce scale and bulk.*

*(2) All exterior wall elevations visible from and/or facing streets are to have architectural treatment. No building surface fronting on a street shall have a flat, void surface without architectural treatment. The provision of projections and recesses, windows, doors and entries, color and texture, are methods of articulating facades.*

**IP Section 13.20.130 Design Criteria for Coastal Zone Development**



*(b)Entire Coastal Zone. The following Design Criteria shall apply to projects site anywhere in the coastal zone:*

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

*(c) Rural Scenic Resources. The following Design Criteria shall apply to all projects located in designated rural scenic resource areas:*

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

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

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

*(1) 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. Consistency Analysis

The project site is currently developed with a single-family residence. 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. Since the appeal, the applicant submitted additional photos and analysis of the current architectural conditions in the project area (Exhibit 10), illustrating the lack of cohesive architectural design in the neighborhood.

As currently designed, the architectural style of the proposed remodel is very modern. Because of



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Porter SFR Remodel and Addition

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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 low reflective glass. The roof is pitched, curved, and articulated to provide visual interest and avoid a bulky appearance. Similarly, the long ridgeline and wall along the west elevation employs a graduated setback from the western property line and a multi-hued color scheme to break up structural massing. The proposed residence would not block previously available public views of the coast or Monterey Bay, as none are currently available through the site.

The proposed project meets LCP standards for floor area, lot coverage, and height requirements. 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 project approaches the limits of lot coverage (24% proposed, maximum 30% allowed), but is well under the maximum floor area ratio (FAR) (33% 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. However, despite inclusion of the undevelopable portions of the site in the FAR calculation, the 33% FAR would be the fourth lowest out of 21 homes on Pleasure Point Drive.

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

Originally, the project was not entirely consistent with LCP design compatibility standards. However, the applicant worked with neighbors to address specific design concerns, and the County, in their approval of the project, imposed design and landscaping conditions to further address potential LCP inconsistencies. These conditions are incorporated by reference under Special Conditions 2(b) and 2(c). With the inclusion of these conditions, plus an additional lighting condition (Special Condition 2(d)), the remodel and additions to the existing residence are consistent with LCP sections 13.11.072, 13.1.073, and 13.20.130 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 break up mass. Low reflective, opaque glass is required by the conditions 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 project 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.

### 3. Water Quality

#### a. Applicable Policies

##### **Objective 5.4 Monterey Bay and Coastal Water Quality**

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

##### **Policy 5.4.1 Protecting the Monterey Bay National Marine Sanctuary from Adverse Impacts**

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

##### **Policy 5.4.14 Water Pollution from Urban Runoff**

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

#### b. Consistency Analysis

Runoff that flows directly to the Monterey Bay could negatively impact marine and recreational resources and water quality by contributing urban contaminants. Urban runoff is known to carry a wide range of pollutants including nutrients, sediments, trash and debris, heavy metals, pathogens, petroleum hydrocarbons, and synthetic organics such as pesticides. Urban runoff can also alter the physical, chemical, and biological characteristics of water bodies to the detriment of aquatic and terrestrial



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organisms.<sup>2</sup> Runoff from the project site would be expected to contain such typical runoff elements.

The construction plan prepared for the project (dated January 2006, received February 6, 2006) identifies all staging areas and the type and location of all erosion control/water quality best management practices to be implemented during construction. Silt fences and fiber rolls are shown along the entire western and northern boundaries of the site, as well as along the northeast boundary and within the northeast area of the site. The plan also shows a block and gravel filter apparatus in the driveway area. However, no construction runoff collecting devices are shown along the entire southern boundary of the site, along the bluff edge, raising consistency issues with LCP coastal water quality provisions.

The permanent drainage plan prepared for the project (dated January 2006, received February 6, 2006) shows that site drainage would be collected and discharged toward permeable areas of the site where feasible, except on the west side of the residence, which will connect to existing first floor downspouts, out through an existing opening in the seawall, and then out to the beach. The new driveway will drain to the northwest corner of the driveway to a catch basin with a silt and grease trap, then out to the existing Pleasure Point Drive drain. Although it is acknowledged that little can be done with the existing drainage pattern along the paved bluff edge, the new second story drainage to the existing outlet raises potential LCP inconsistencies, for both coastal water quality and erosion reasons. In addition, the silt and grease trap to be located in the driveway may not be sufficient to adequately treat all runoff from paved areas of the site.

The project would generate typical urban runoff from both construction and post-construction activities described above that would be directed off site and into the Monterey Bay, thereby proportionally degrading the Bay as well as the offsite areas that would be relied upon to filter and treat typical pollutants generated by the project. This is inappropriate and inconsistent with the LCP's water quality requirements. Therefore, Special Conditions 3 and 4 are necessary for LCP conformance.

To ensure compliance with Objective 5.4 and Policies 5.4.1 and 5.4.12, Condition 3 requires that adequate construction BMPs are applied along the entirety of the project site, including the bluff edge, to prevent construction-related runoff and debris from entering and degrading the Monterey Bay. Under Special Condition 4, the permanent drainage plan must be revised to show all second story drainage directed towards either permeable areas of the site or the driveway or existing sidewalk drain. This condition will ensure that the maximum feasible amount of runoff from the site will be directed away from the bluff edge. In addition, Special Condition 4 requires a driveway filtration system more advanced than the proposed standard silt and grease trap. Since this drain must be designed to collect not only driveway runoff but also second story roof runoff, Special Condition 4 requires an engineered filtration unit that is designed to remove all expected contaminants.

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<sup>2</sup> Pollutants of concern found in urban runoff include, but are not limited to: sediments; nutrients (nitrogen, phosphorous, etc.); pathogens (bacteria, viruses, etc.); oxygen demanding substances (plant debris, animal wastes, etc.); petroleum hydrocarbons (oil, grease, solvents, etc.); heavy metals (lead, zinc, cadmium, copper, etc.); toxic pollutants; floatables (litter, yard wastes, etc.); synthetic organics (pesticides, herbicides, PCBs, etc.); and physical changed parameters (freshwater, salinity, temperature, dissolved oxygen).



c. Conclusion

Runoff from the project site both during and after project construction has the potential to degrade coastal water quality and cause erosion and sedimentation. The conditions of approval attached to this permit are necessary to avoid and minimize such impacts consistent with LCP requirements. Only as conditioned does the project comply with the water quality protection requirements of the LCP.

## 4. Public Access

a. Applicable Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea “shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3.” The proposed project is located seaward of the first through public road. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. The policies of relevance to the proposed project include:

***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 30212(a):** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:...(2) Adequate access exists nearby...*

b. Consistency Analysis and Conclusion

The Coastal Act requires that all projects proposed between the first public road and the sea be analyzed for compliance with the public access and recreation policies of the Coastal Act. In general, the project is consistent with the relevant Coastal Act policies that require the protection of public access and recreation opportunities. Public access within the project vicinity is provided just south of the project site via an access point on Pleasure Point Drive and beyond that, at the end of Rockview Drive, as well as just northeast of the site along E. Cliff Drive. In addition, beyond the immediate project area, multiple points exist in the larger project vicinity where public access is provided to the coast. No public access, either formal or informal, existed on or adjacent to the project site prior to the proposed project, and the site is generally not suitable as a public access point. The project would not block or otherwise impede public access, and is therefore considered to be consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act.

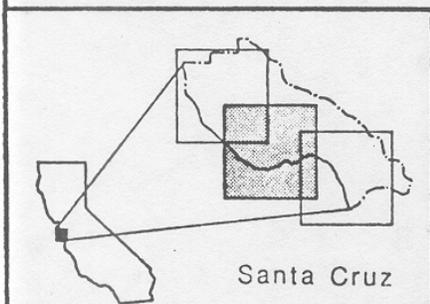
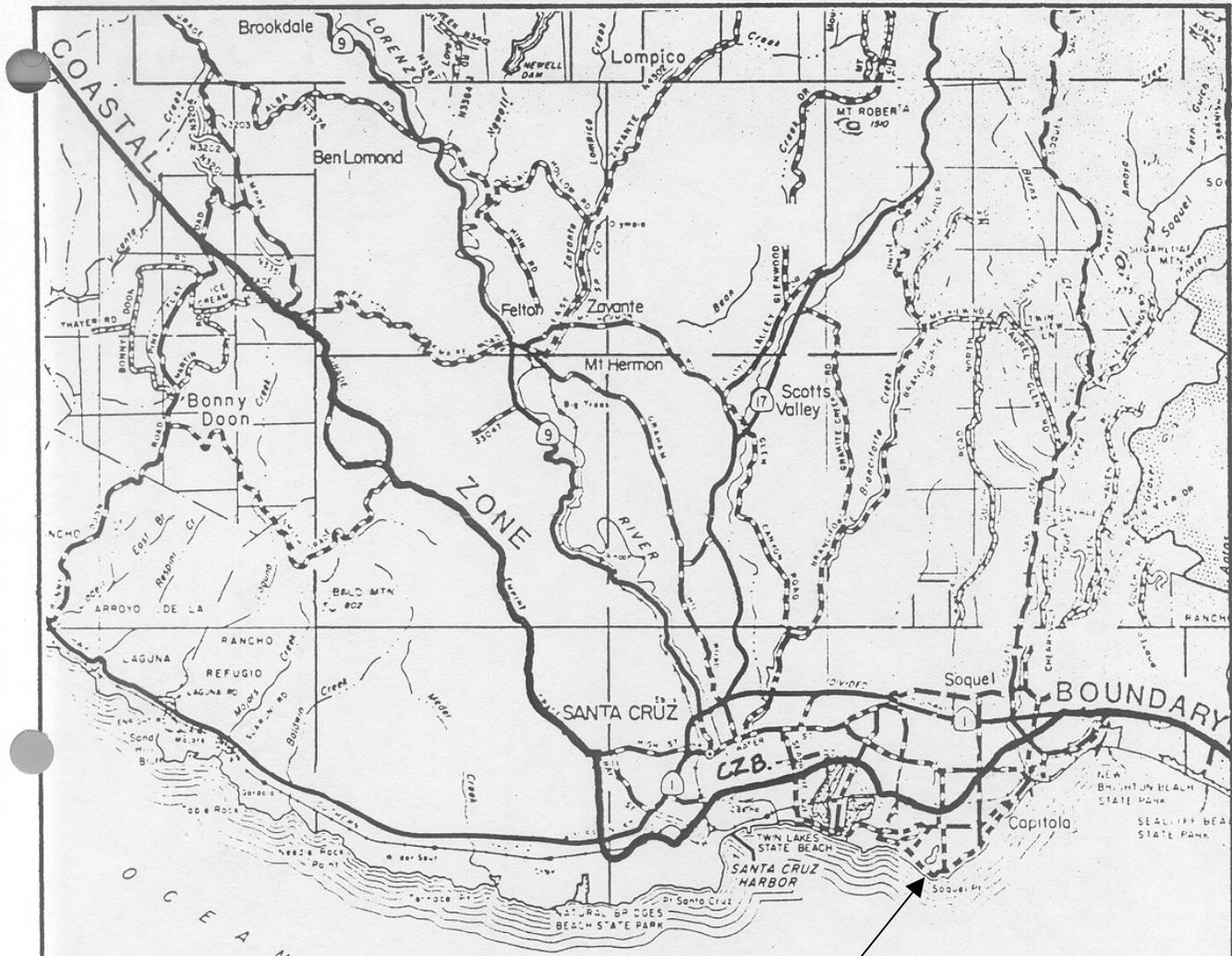


## 5. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

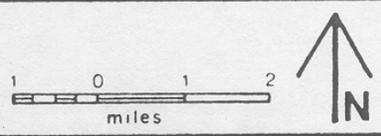
The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA.





**Project Location**  
Santa Cruz, CA

**LOCATION MAP**



California Coastal Commission



CALIFORNIA COASTAL COMMISSION

**Location Map**

**EXHIBIT**  
**1**

Porter Remodel/Addition  
A-3-SCO-05-073  
Item: Th12b

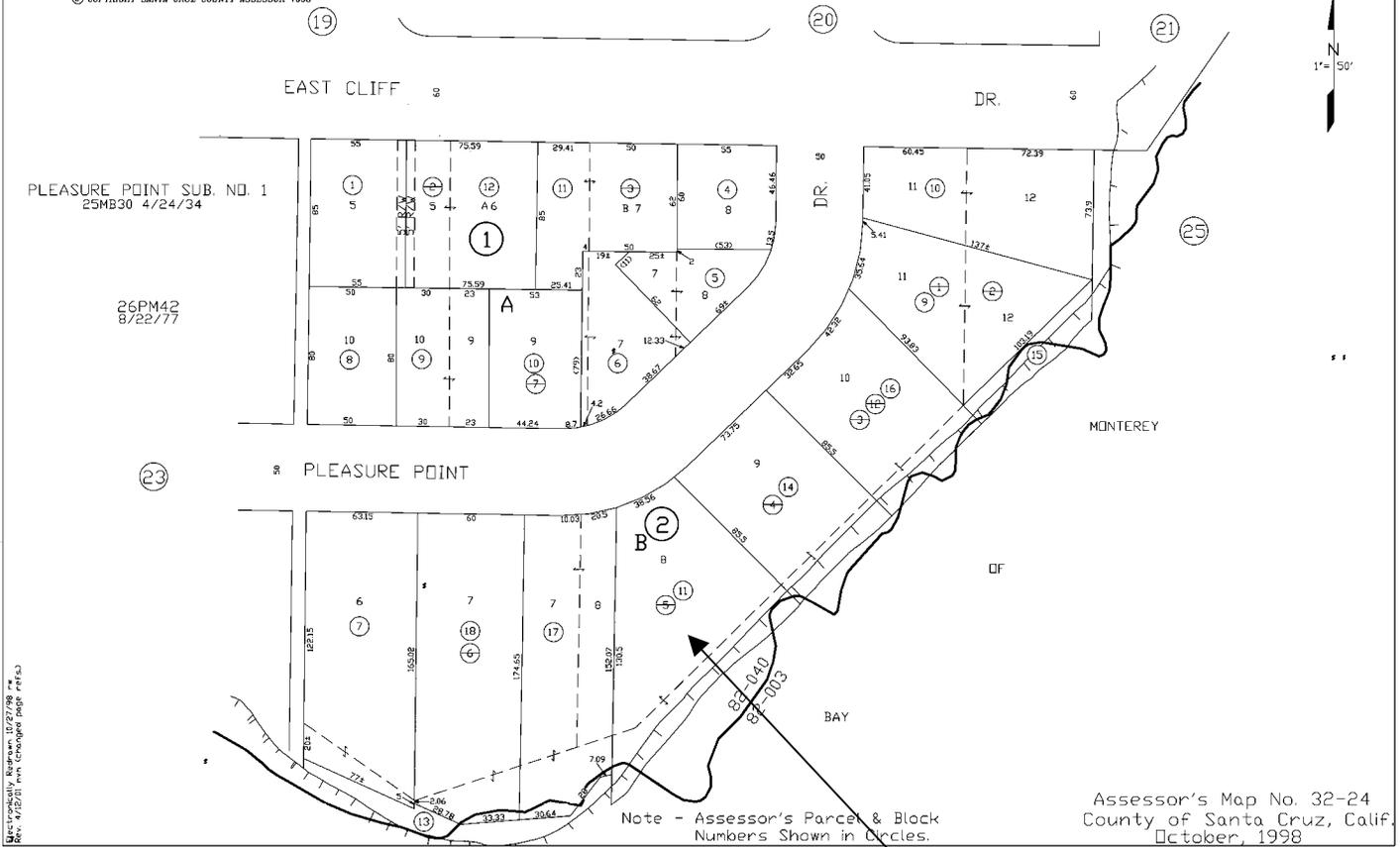
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POR. RANCHO ARROYO DEL RODEO  
 S. 1/2 SEC. 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
 82-003 82-040

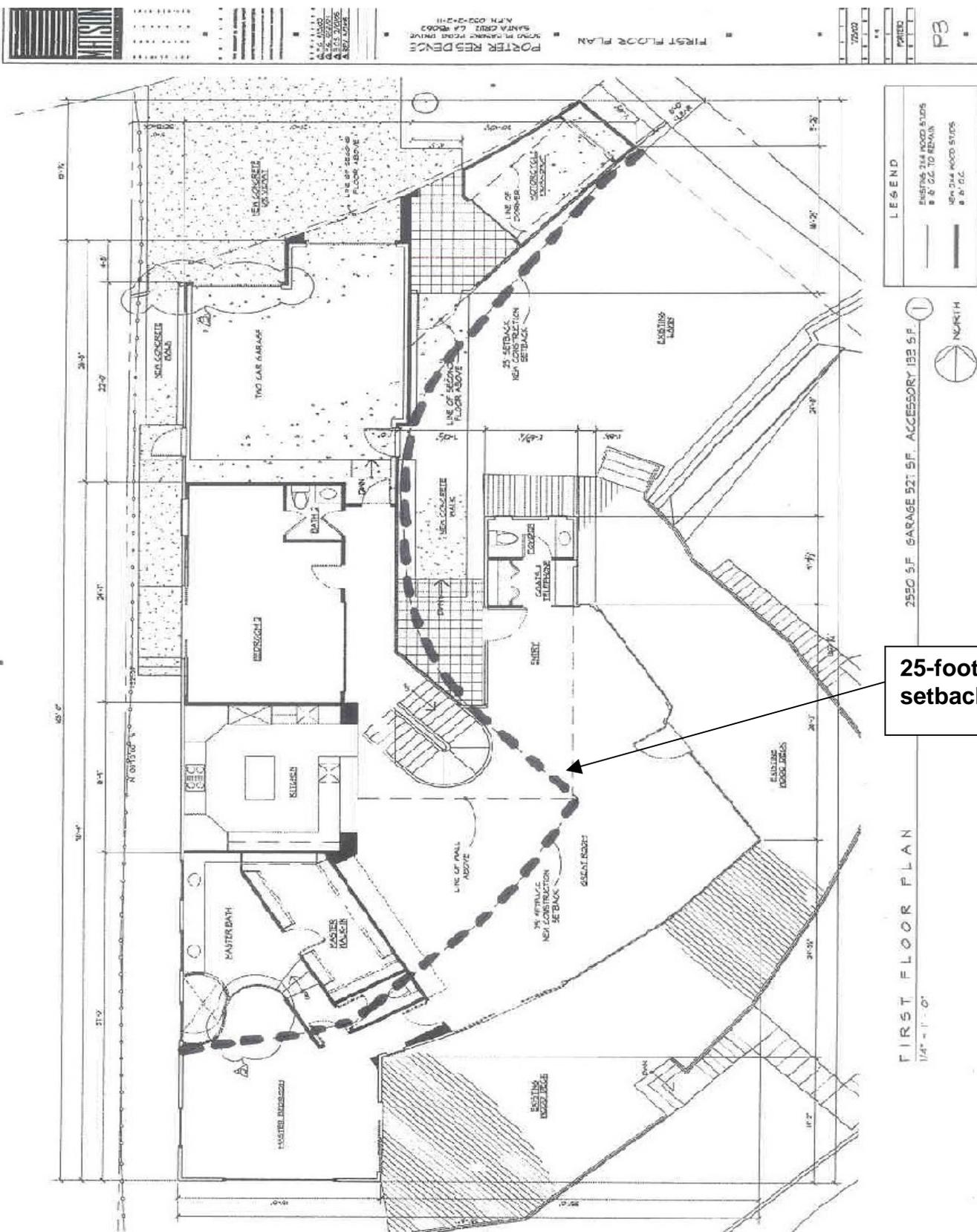
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**3030 Pleasure Point Drive  
 (APN 032-242-11)**

 CALIFORNIA COASTAL COMMISSION	<p align="center"><b>Project Site</b></p>	<p align="center"><b>EXHIBIT 2</b></p>
		<p align="center">Porter Remodel/Addition                  A-3-SCO-05-073                  Item: Th12b</p>



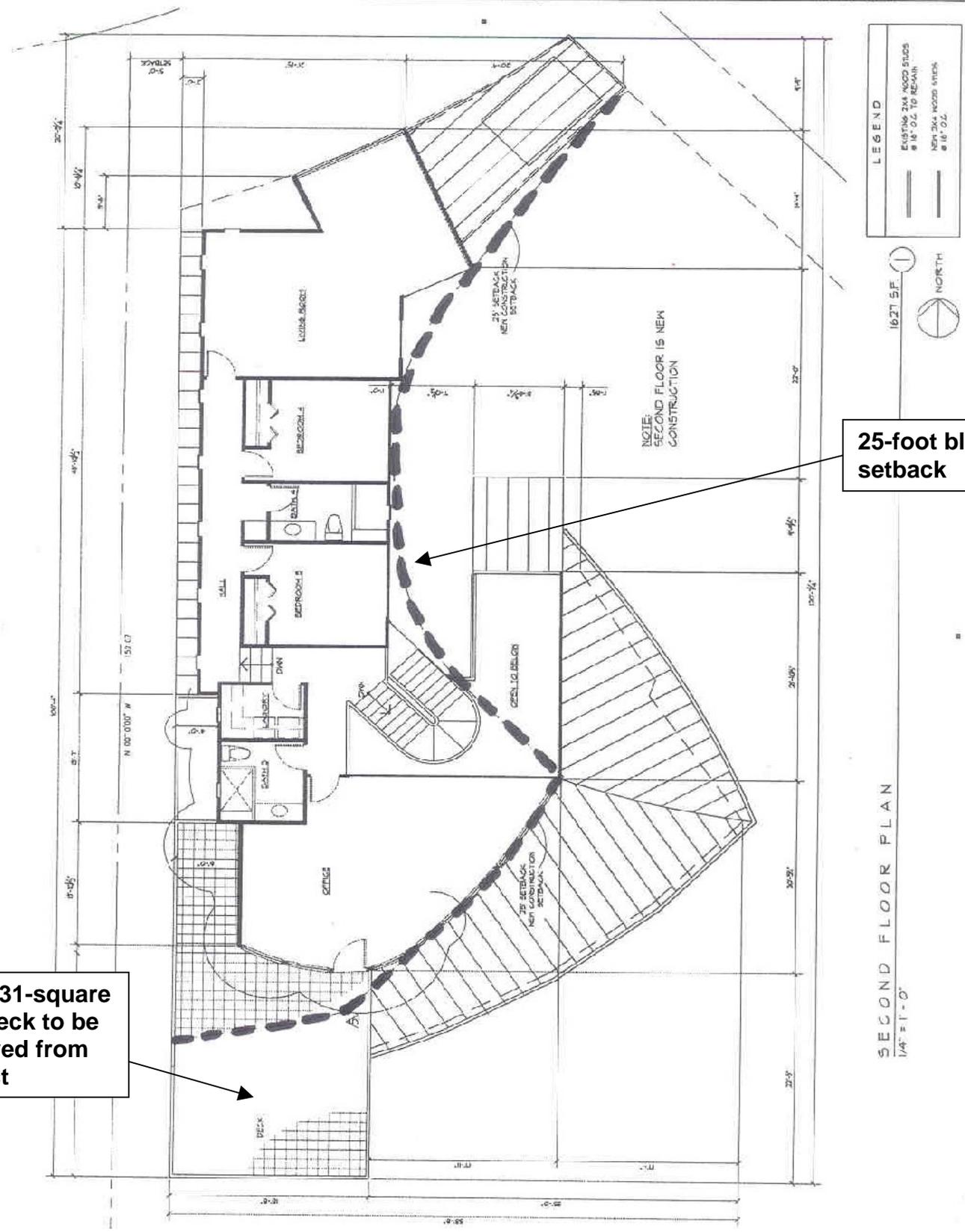


CALIFORNIA COASTAL COMMISSION

# First Floor Plan

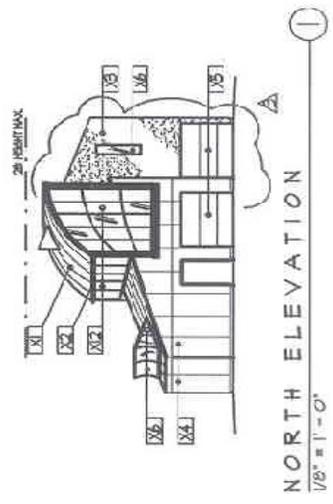
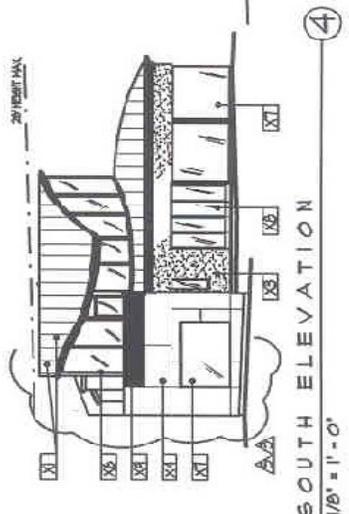
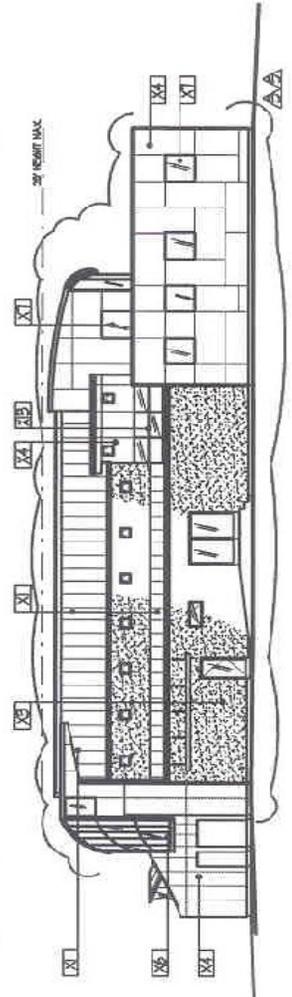
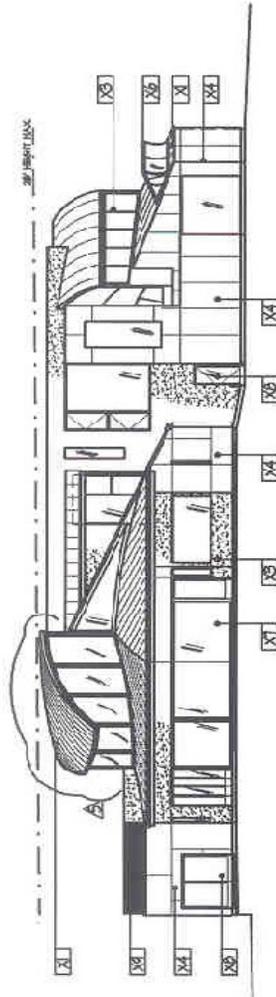
EXHIBIT  
4

Porter Remodel/Addition  
 A-3-SCO-05-073  
 Item: Th12b



**New 431-square foot deck to be removed from project**

**25-foot bluff setback**



**ELEVATION NOTES**

- X1 ALUMINUM SHIMONS METAL SHAM ROOF
- X2 ALUMINUM SITTER
- X3 6 GAUGE BRASS
- X4 INTERIOR TRANSPARENT PAPER WOOD TRIMEL FINISH
- X5 SLATE ARCHITECTURAL PANELS
- X6 ROCK PANEL SHAMROCK ROSE
- X7 WOOD FRAME WINDOW IV
- X8 ALUMINUM WINDOW IV
- X9 METAL MESH STRUCTURAL GLASS
- X10 METAL MESH
- X11 WOOD FRAME FINISH CORNER
- X12 CLEAN VERTICAL GLASS
- X13 1/4" METAL MATERIAL
- X14 RETAIL FRAME TRELLIS
- X15 WOOD FRAME SLIDING TR. DOORS
- X16 CLEAR TRANSPARENT GLASS
- X17 WOOD FRAME WINDOW IV
- X18 OFFICE GLASS
- X19 SCLUMPT



# Project Elevation Drawings

**EXHIBIT**  
**6**  
 Porter Remodel/Addition  
 A-3-SCO-05-073  
 Item: Th12b

**North Elevation: 3030 Pleasure Point Drive**



© 2005 ArchiGraphic

**New 431-square foot deck to be removed from project**



**South Elevation: 3030 Pleasure Point Drive**

© 2005 ArchiGraphics



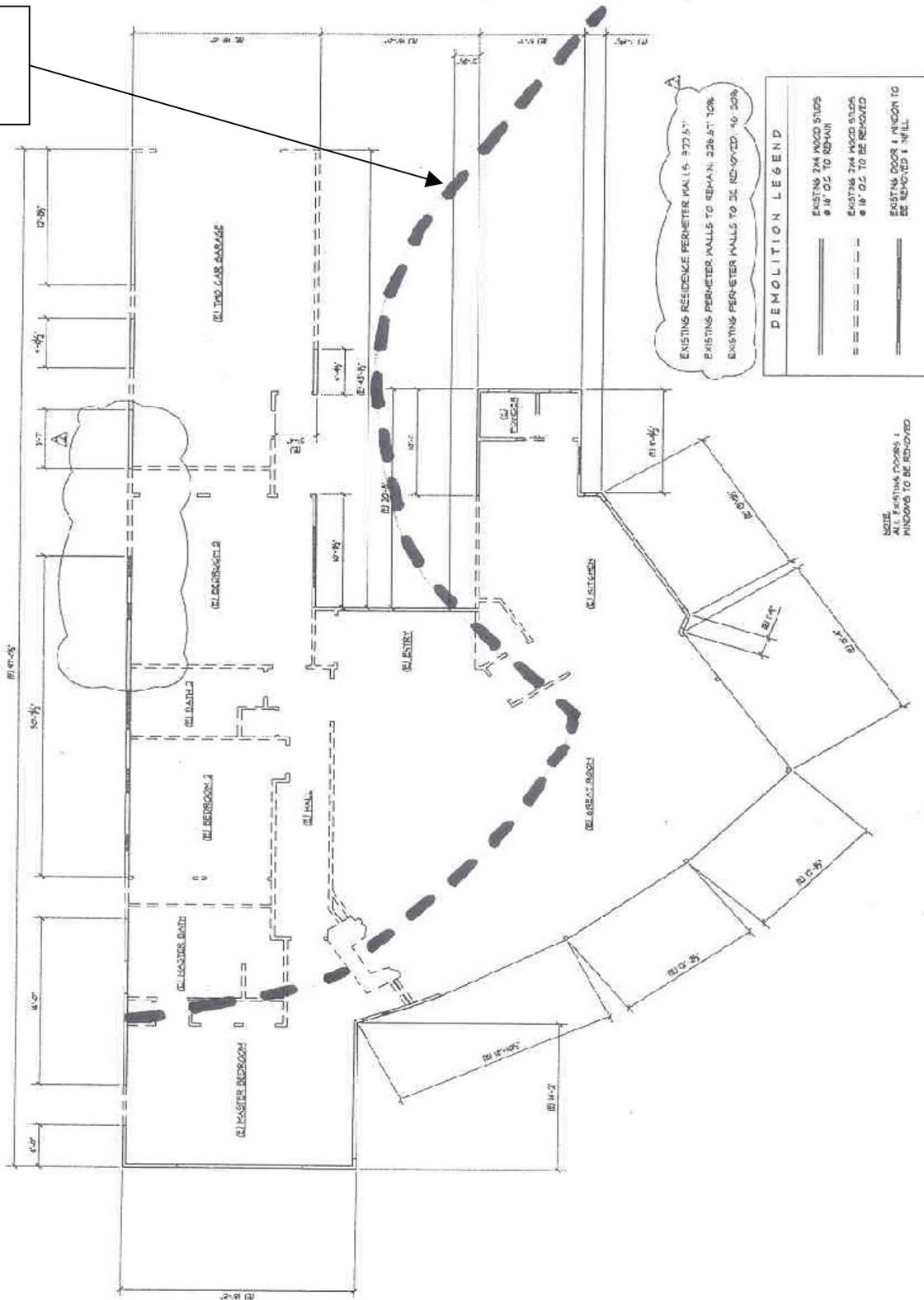
CALIFORNIA COASTAL COMMISSION

## Photo Renditions

EXHIBIT  
7

Porter Remodel/Addition  
A-3-SCO-05-073  
Item: Th12b

**25-foot bluff setback**



NORTH  
 1  
**FIRST FLOOR DEMOLITION PLAN / WALLS TO REMAIN**  
 1/4" = 1' - 0"



**First Floor Demolition Plan/Walls to Remain**

**EXHIBIT**  
**8**  
 Porter Remodel/Addition  
 A-3-SCO-05-073  
 Item: Th12b



## RECEIVED

MAY 23 2006

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Civil Engineering**

303 Potrero St., Suite 42-202  
Santa Cruz, CA 95060  
831-425-3901  
831-425-1522 fax

[richard@riengineering.com](mailto:richard@riengineering.com)

## Memorandum

To: Susan Porter  
From: Richard Irish  
Date: 5/24/2006  
Re: 3030 Pleasure Point Drive – Condition of Existing Structure

In conformance with Santa Cruz County Code 13.10.700-0 RI Engineering, Inc. completed a site inspection of the existing single-family residence at the above noted address. The purpose of the site inspection was to determine whether the existing portions of the structure that are scheduled to remain in place as part of the planned remodel are structurally sound and will not need to be replaced in the course of construction.

We noted that the exterior walls are in good condition with no visible signs of deterioration. The existing structure is a wood frame building with painted plywood sheathing exterior. The exterior walls were constructed with studs at 16 inches on center. Vents are located between the foundation footing and the sub-floor at approximately 12 feet on center. No evidence of deterioration was noted on the inside of the structure.

It is our opinion, based on our visual inspections that that the portions of the existing structure that have been determined to remain are sound and can function as required for the remodel project.

Please feel free to call me if you have any questions.



5/24/06

**CCC Exhibit 9**  
**(page 1 of 1 pages)**

Anthony Kirk, Ph.D.  
142 McCornick Street  
Santa Cruz, CA 95062  
831-427-2289

RECEIVED

FEB 6 2006

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

2 February 2006

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

Dear Cove:

In response to your recent request that I provide you with information on the history and current architectural conditions of Pleasure Point Drive, I trust that you will find the following useful.

**Pleasure Point Drive: A Brief History**

Located in the Live Oak area of Santa Cruz County, Pleasure Point Drive is a single block in length. It swings south from East Cliff Drive, then immediately angles west to end at the intersection with Rockview Drive, running a total of some 250 yards along the coastal bluffs overlooking Monterey Bay. The street lies within the boundaries of what was once the Rancho Arroyo del Rodeo, granted in 1834 by Governor José Figueroa to Francisco Rodriguez. Don Francisco, son of one of the early colonists of the Villa de Branciforte, devoted most of his land to raising cattle, the dark rangy longhorns grazing the oak woodland that ran from the bay up into the foothills. In later years, after the American conquest of California, the ranch was broken up and came into the hands of farmers who planted the fertile soil to wheat and barley. By the early 1860s, Live Oak was characterized by small farms that ran from thirty or forty acres to a couple of hundred acres.

In 1904 a retired engineer named Austin D. Houghton, who had worked for John D. Rockefeller and the U.S. Navy, purchased a hundred or so acres of the old rancho and constructed a large one-and-a-half-story house for his family just to the west of present-day 3030 Pleasure Point Drive. Houghton pursued the life of a gentleman farmer, planting a windbreak of eucalyptus trees, erecting a barn, and cultivating row crops. In 1914 the Owls, as the Houghton residence was called, burned to the ground, leaving only the basement excavation as testimony to the family's decade of country life. Over the years a scattering of houses arose in the Pleasure Point vicinity, chiefly on the west side of Rockview Drive and along East Cliff Drive near 34th Avenue. But despite their presence, the area remained strongly rural in character into the early 1930s.

CCC Exhibit 10  
(page 1 of 16 pages)

Development of the lands surrounding the site of the old Houghton house got under way in April 1934 with the creation of Pleasure Point Subdivision No. 1. Though the nation was still mired in the Great Depression, the sale of lots appears to have proceeded well. Four or five houses went up along Pleasure Point Drive that summer, and by the end of the decade ten single-family residences lined the street. At the center of this enclave stood the Pleasure Point Plunge, a large swimming pool that had been constructed in the basement excavation of the Owls not long after the creation of the subdivision. Said to be the first year-round pool north of Santa Barbara, it measured seventy-by-forty feet. Early aerial photographs suggest it was originally an open-air facility, with a large patio area extending close to the edge of the bluff, but by the mid-1950s the pool had been enclosed.

The neighborhood continued to grow through this decade, reflecting the huge demand for housing that characterized postwar California. By 1961 twenty-one houses stood on the twenty-five lots along Pleasure Point Drive. Several years later the Pleasure Point Plunge was demolished, and in 1972 and 1980, respectively, two single-family residences were constructed on the land formerly occupied by the facility. The last house built on the street went up in 1997, leaving but a single empty lot, at the southeast corner of Pleasure Point Drive and East Cliff Drive.

#### **Pleasure Point Drive: Current Conditions**

Twenty-three single-family residences and a small grocery store with a second-story apartment compose the Pleasure Point Drive neighborhood (though three of these buildings, it should be noted, actually front on either Rockview Drive or East Cliff Drive). Constructed over the span of two-thirds of a century, they, not surprisingly, represent a wide range of architectural expression. Somewhat more than half of the older residences—composing nearly half of the neighborhood housing stock—testify to the continuing popularity of the Spanish Colonial Revival style in the mid- and late 1930s. Among the other houses built during the Great Depression, one is in the Monterey Revival style, one is a simple board-and-batten cottage with a relatively recent detached two-car garage, and three defy stylistic identification. Elizabeth's Market, located at the southwest corner of Pleasure Point and East Cliff and dating to 1940, also lacks an identifiable architectural character, as do several residences built in subsequent decades. The houses constructed in the postwar years and the sixties are, for the most part, examples of the two competing styles of that era, Ranch and Contemporary. The newest addition to the neighborhood, erected in 1997, is distinctly Neo-Mediterranean.

None of the houses along Pleasure Point Drive is stylistically notable. Indeed, the street is distinguished chiefly by the absence of architectural distinction. Several houses command the attention of the passerby but on account of their size and scale rather than their design, though the three-story single-family residence at 2-3010 East Cliff Drive, which is visible from much of Pleasure Point Drive and forms part of the greater neighborhood, is a striking example of contemporary architecture. The row of Hispanic-influenced houses on the

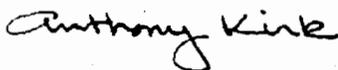
south side of the Pleasure Point Drive where it intersects Rockview is characterized by shared design elements, as is the string of low, horizontally orientated Ranch and Contemporary houses at the opposite end of the street. But considered as a neighborhood, Pleasure Point Drive lacks a unified architectural character. As often as not, adjacent residences are studies in contrast, distinctly different not only in style but also in size, scale, and massing, and occasionally even in siting. Indeed, largely because of the street's two forty-five-degree curves, which change its orientation from north-south to east-west, four of the houses, including the Porter residence, are not even situated parallel to Pleasure Point Drive.

It is suggestive of the character of the street that the newest house and one of the oldest houses, located on adjoining lots at 2935 and 2941 Pleasure Point Drive, share not a single building or siting element in common. The latter residence, dating to 1935, is a one-story 1,023-square foot end-gabled board-and-batten cottage. It is simple in design and rustic in character and, because it is set at the back of the lot, with dense landscaping and a high lattice fence bordering the sidewalk, essentially invisible. The adjacent residence, by contrast, is a two-story stucco-clad tile-roofed Neo-Mediterranean house that, including the integral garage, measures 3,493 square feet. It is distinguished by a Post-Modern sensibility, most noticeable in the playful pseudo-espadaña that screens a second-story balcony. Because of its size and scale, its rich detailing and vivid colors, and its proximity to the street, it dominates this section of the neighborhood.

Although large in comparison with its older neighbor, this residence is by no means the largest on Pleasure Point Drive. That distinction is shared by two houses constructed on the site of the old Pleasure Point Plunge, just to the west of the Porter residence. The house at 3006 Pleasure Point Drive, built in 1972, is 4,326 square feet, including the garage. Its neighbor at 3020 Pleasure Point Drive, which dates to 1980, is somewhat smaller at 3,593 square feet, including the garage, but because of its siting and massing actually appears to be bigger. These houses are double the size of six older residences lining the street and 50 percent larger than over half of all the houses in the neighborhood, even though a substantial number of them have been enlarged (and some of them twice). As land prices have rapidly increased over the recent decades, houses have grown increasingly larger, establishing what is perhaps the single identifiable building trend in an area that has been evolving since Francisco Rodriguez first ran his cattle here a century and three-quarters ago.

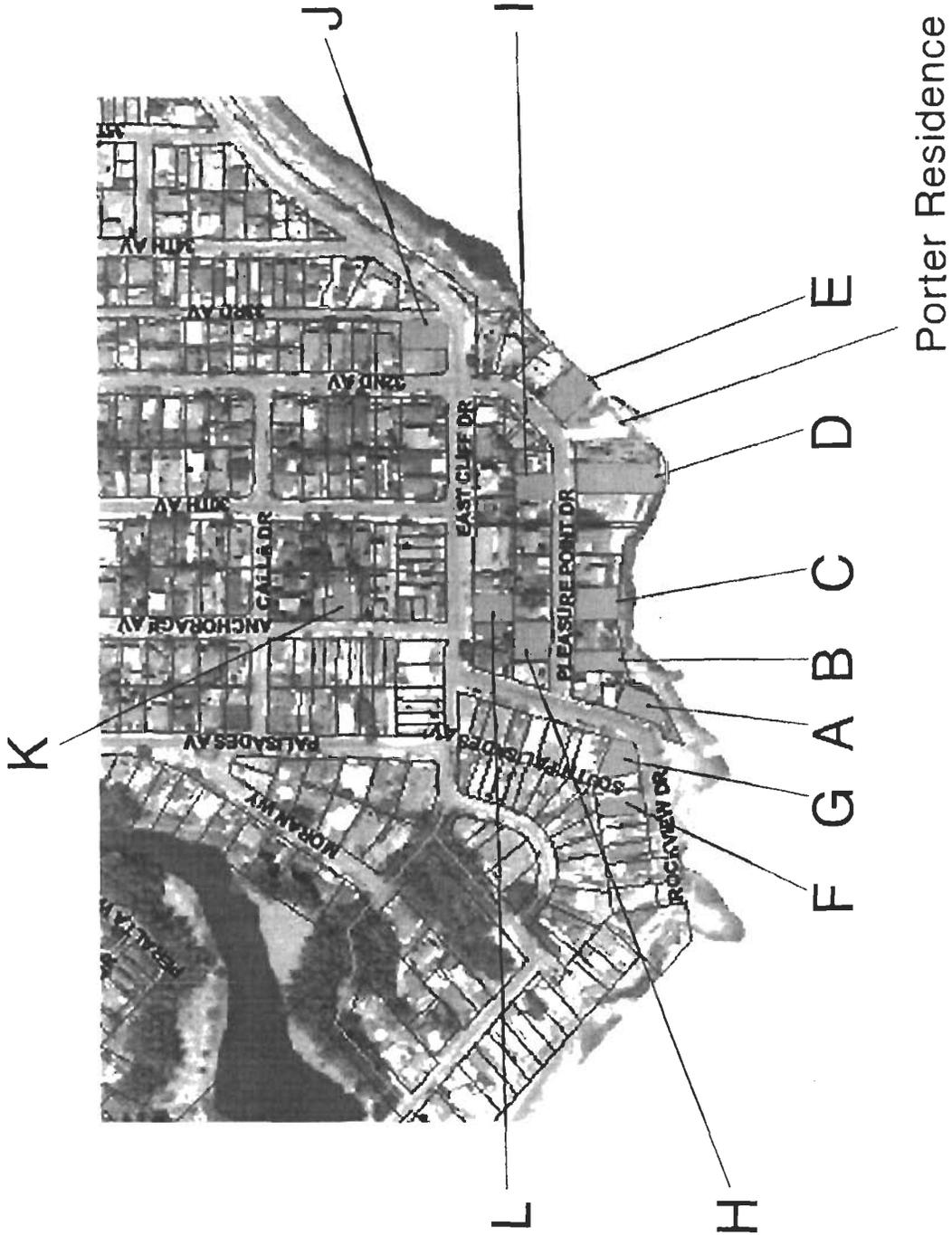
If you have any questions about the foregoing, please do not hesitate to call me.

Sincerely,



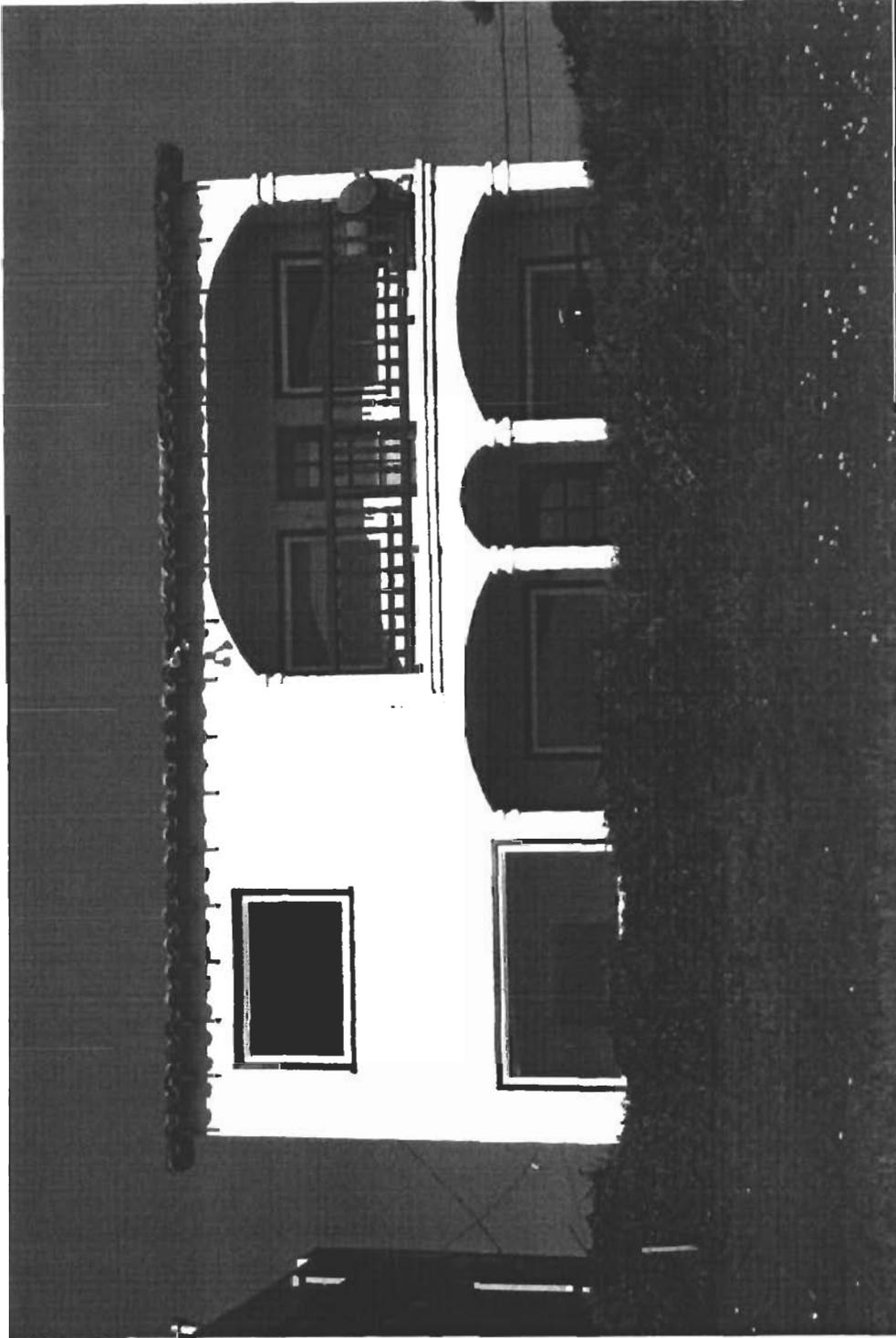
Anthony Kirk, Ph.D.

NEIGHBORHOOD CHARACTER PHOTOS

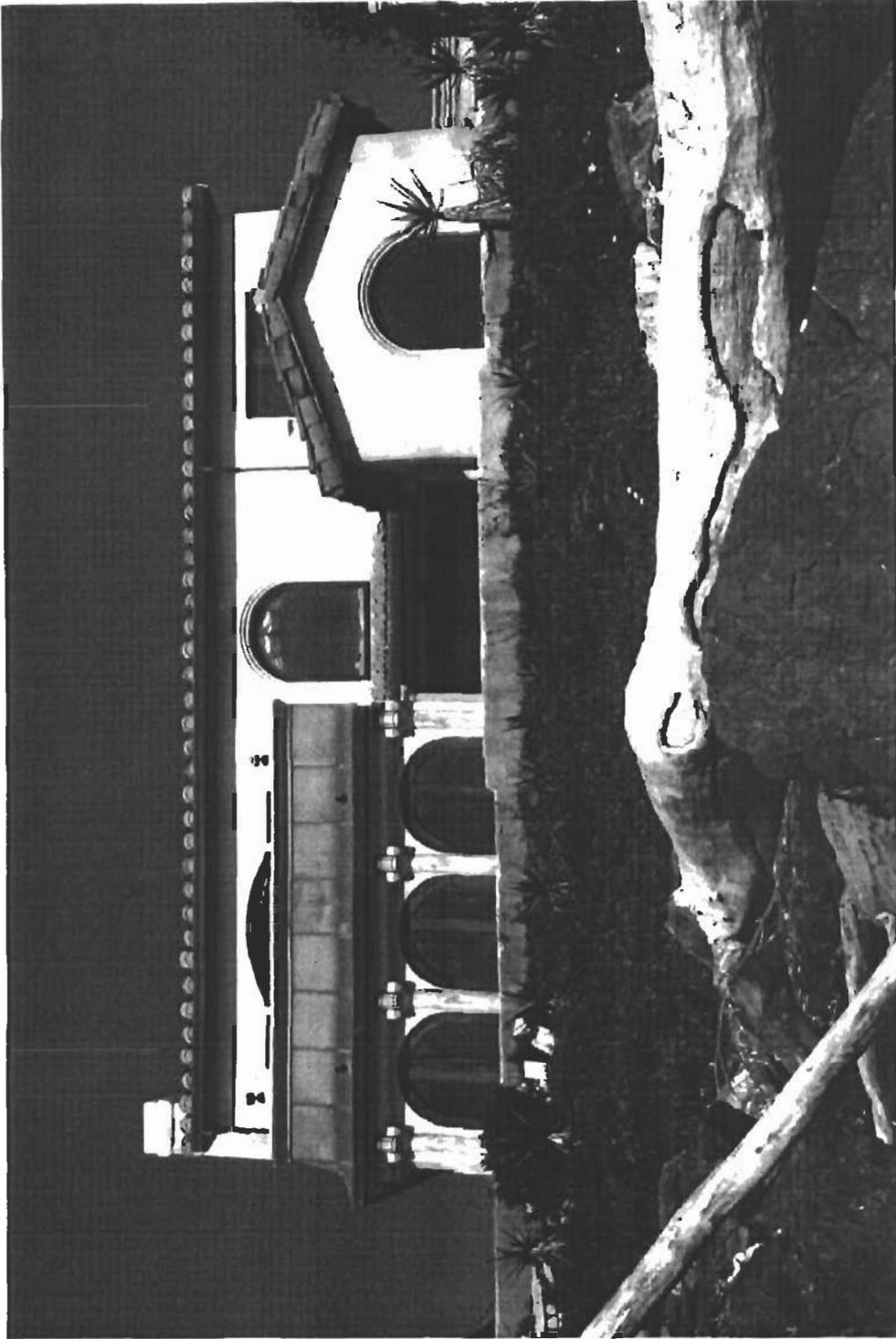




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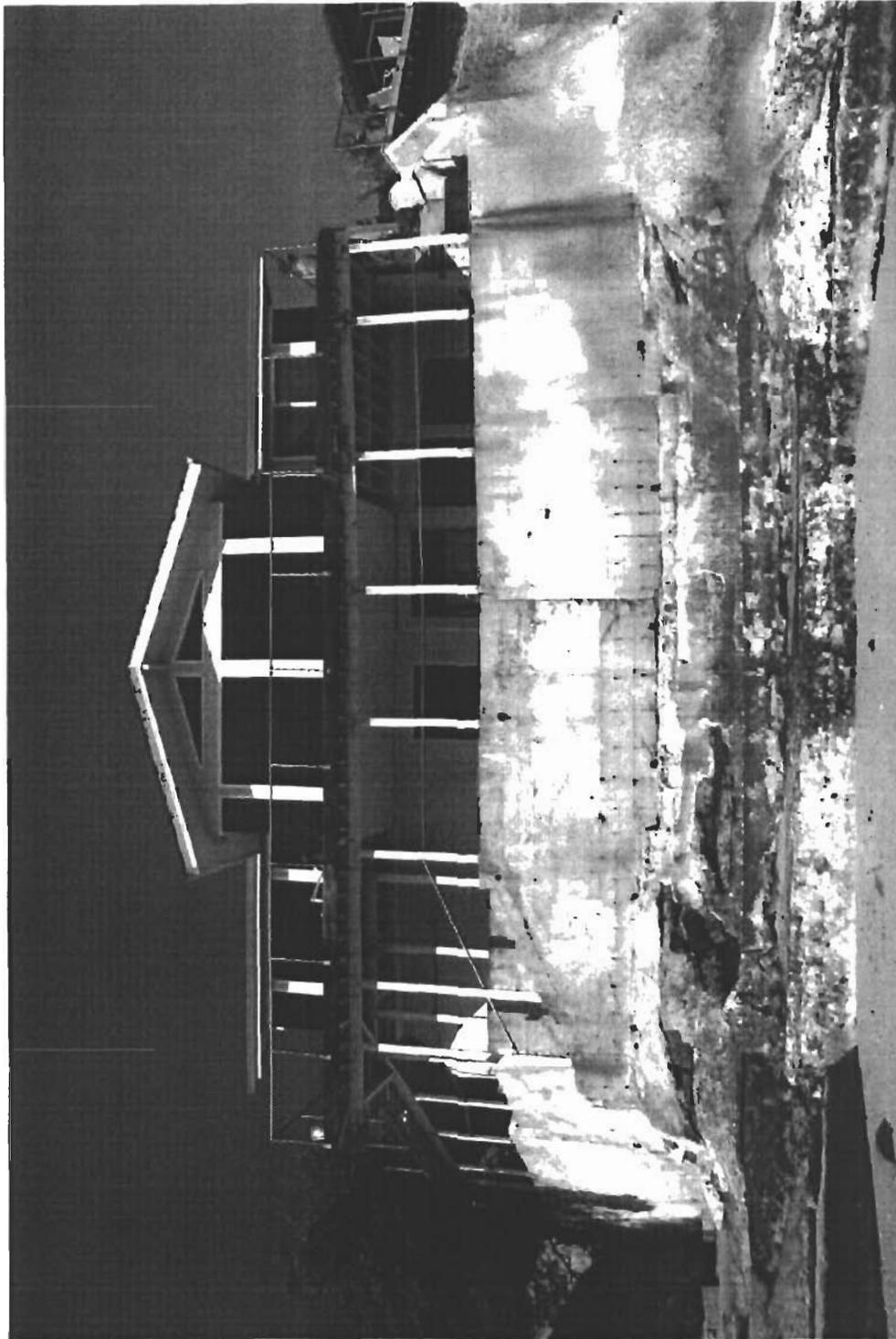
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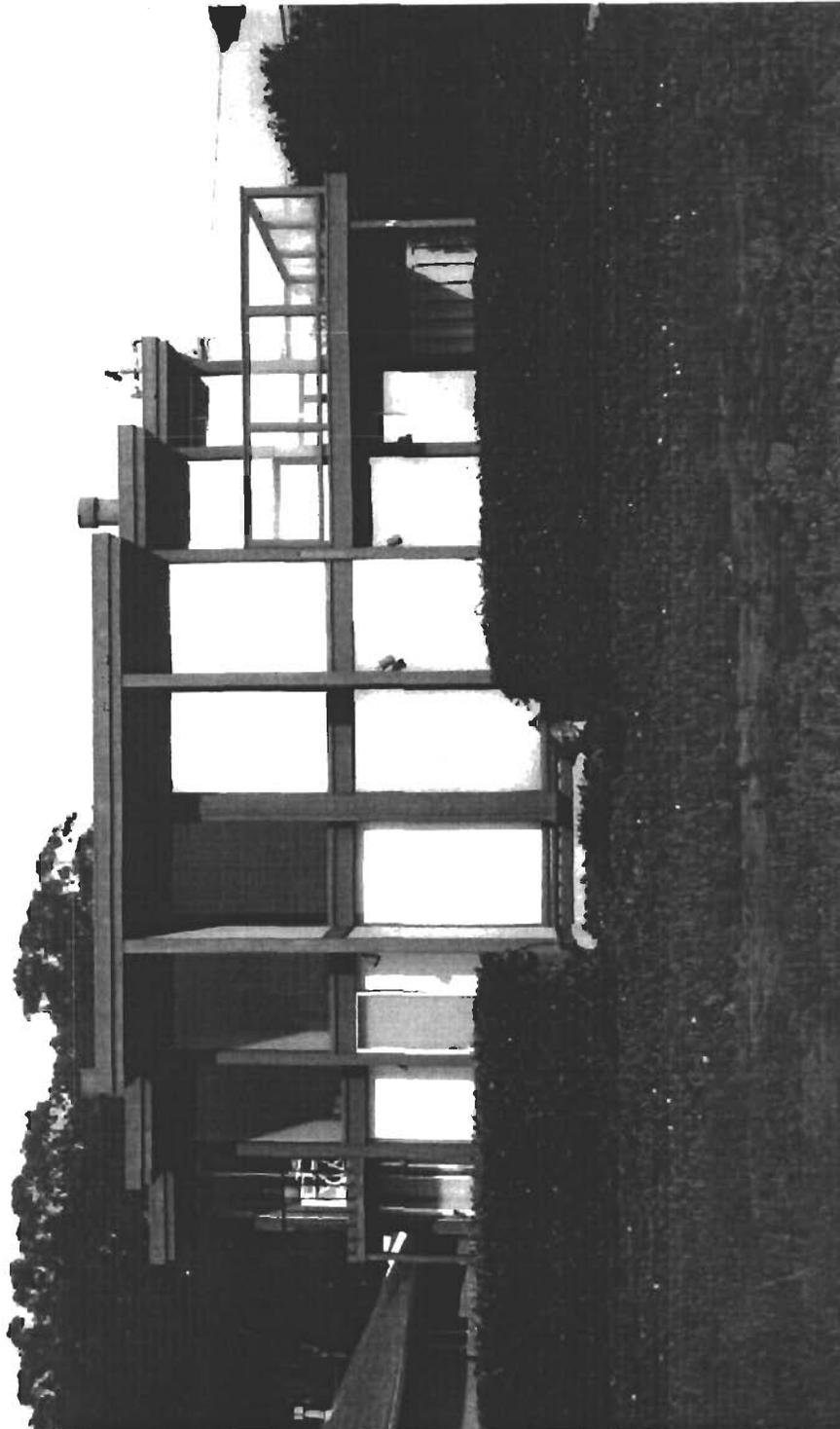
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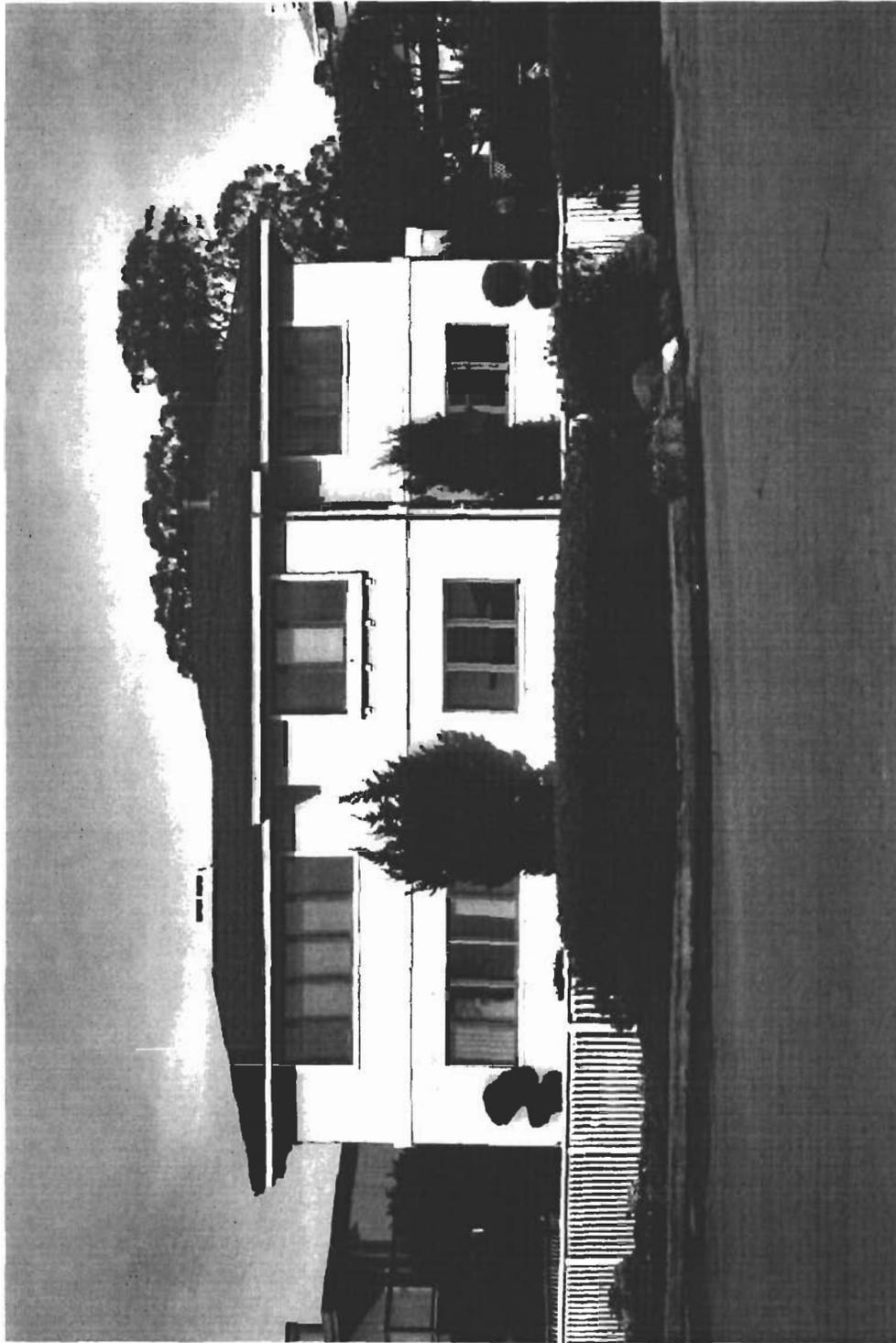
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L

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

FINAL LOCAL ACTION NOTICE
REFERENCE # 3-SC0-05-406
APPEAL PERIOD 10/11-10/24/05

RECEIVED

OCT 07 2005

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Date of Notice: October 4, 2005

Notice Sent to (via certified mail):

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

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.: 02-0600
Project Applicant: William and Susan Porter
Applicant's Rep: Cove Britton, Matson-Britton Architects
Project Location: 3030 Pleasure Point Drive, Santa Cruz

Project Description: Coastal Development 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, to construct a second story with two bedrooms, laundry room and a deck over a portion of the first floor and a detached single story accessory structure (motorcycle workshop).

Final Action Information

Final Local Action: XX Approved with Conditions

Final Action Body:

- Zoning Administrator
XX Planning Commission
Board of Supervisors

Table with 3 columns: Required Materials Supporting the Final Action, Enclosed, Previously sent (date). Rows include Staff Report, Adopted Findings, Adopted Conditions, Site Plans, Elevations.

Table with 3 columns: Additional Materials Supporting the Final Action, Enclosed, Previously sent (date). Rows include CEQA Document, Geotechnical Report, Biotic Reports, Other: Geologic report, Other: PC Minutes.

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.
X 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.

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

CCC Exhibit 11
(page 1 of 16 pages)



RECEIVED

COUNTY OF SANTA CRUZ

Planning Department

OCT 07 2005

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: \_\_\_\_\_

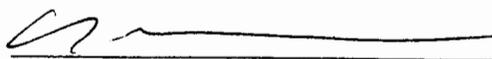
This project requires a Coastal Zone Permit which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. The appeal must be filed within 14 calendar days of action by the decision body.

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

10/4/05  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Staff Planner

9/28/05  
\_\_\_\_\_  
Date

Distribution: Applicant, File, Clerical, Coastal Commission

## 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 11  
(page 3 of 16 pages)

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.

CCC Exhibit 11  
(page 4 of 16 pages)

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

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.

CCC Exhibit 11  
(page 6 of 16 pages)

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.

**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

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**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

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- 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:

**CCC Exhibit 11**  
**(page 8 of 16 pages)**

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.

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.

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.

- 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 1-1/2 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.

- 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

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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.