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Prepared February 26, 2009 (for March 12, 2009 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Susan Craig, Coastal Planner

Subject: Santa Cruz County LCP Major Amendment Number 2-06 Part 2 (Neighborhood Compatibility). Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's March 12, 2009 meeting to take place at Portola Hotel and Spa at Monterey Bay, Two Portola Plaza in Monterey.

Summary

Santa Cruz County is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP, also known as the LCP zoning code) to make three changes associated with residential development standards: (1) changing the definition of net site area (NSA) for residential properties within the Urban Services Line to exclude certain areas from the NSA calculation that is used for determining maximum allowable lot coverage and floor area ratio (FAR); (2) increasing the maximum allowable lot coverage from 30% to 40% on residential parcels between 5,000 to 16,000 square feet in size; and (3) allowing for required minimum front yard setbacks to be based on the average of adjacent front yard setbacks, subject to certain restrictions. Thus, the proposed amendment primarily affects residential siting and scale which, by extension, affects public viewsheds and community character. Both of these resources are strongly protected by the LCP's Land Use Plan (LUP), which is the standard of review for the proposed amendment.

The proposed changes are designed to address recent concerns that overly large residential development is having an adverse impact on community character and public viewsheds. The NSA modifications are designed to reduce NSA when bluffs, beaches, and submerged lands are part of underlying lots, thus reducing the LCP-allowed coverage and FAR, and thus leading to smaller scale residential development in such cases. The coverage increase, while at first somewhat counterintuitive in terms of lessening residential scale, is intended to encourage larger first-story footprints and smaller second-story footprints as a means of leading to articulation that avoids overly boxy and "looming" second-story massing. The front yard averaging is designed to provide for some variation and interest in the pattern of residential development as opposed to every house being at the same setback, and to also facilitate second stories set back from the first.

In general, these proposed measures are a good step in the right direction because it is clear that Santa Cruz County's residential built environment is at a crossroads of sorts, with ever increasing size and scale predominating in recent years, where this is perhaps most evident nearest the shoreline at one of



the most critical interfaces with the public viewshed. However, the measures proposed raise concerns because they could lead to unintended consequences (e.g., the front yard averaging and coverage increase could lead to residential massing even closer to significant viewshed areas) and they do not address critical issues (e.g., the NSA changes do not address the issue of residential development in bluffs and on beaches themselves). They also raise more fundamental questions regarding the most appropriate manner of best addressing the problems identified that precipitated the amendment in the first place. Although the County has chosen a blanket approach (that relies on countywide policies) in the LCP amendment, staff continues to believe that specific and focused sub-regional planning is necessary in this respect, and such efforts would better pinpoint and address residential mass, scale, and character issues that differ from area to area throughout the County. Such planning efforts are, however, more appropriately undertaken by the County through a local public planning process, and it is less appropriate for the Commission to undertake and develop such plans in this amendment context. Given the Commission's current severe staffing constraints, such an exercise is all the more impractical.

Thus, staff has recommended two minor changes to the proposed amendment to ensure that some of the most sensitive coastal areas are protected against inappropriate residential massing associated with front yard averaging and increased coverage. These changes require that certain findings be made to ensure that the proposed front yard setback and coverage allowances do not adversely impact significant public viewsheds (including for residential development along shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.). Staff has not identified changes to the County's proposed NSA language. In part, this is due to the practical difficulty of crafting a "one-size fits all" solution to address NSA problems that vary significantly based on different landform characteristics, and in part this is due to a commitment on behalf of the County to work together on future LCP amendments designed to hone in and respond to such site-specific issues most appropriately.

Thus, Staff believes that the modifications identified are best considered to be interim steps in the sense that the viewshed and character issues identified are probably best resolved in the long run by a series of new LCP tools focused on sub-regional planning (e.g., for Beach Drive, Live Oak, Pleasure Point, etc.) and more fundamental changes overall (e.g., residential design guidelines, decreased FAR, etc.). Until such efforts are undertaken and brought to fruition, the modified amendment should serve to better protect such resources than does the current LCP. **As such, staff recommends that the Commission approve the modified LCP amendment.** The necessary motions and resolutions can be found on pages 3 and 4 below. The County has indicated that it is in agreement with the proposed modifications.

LCP Amendment Action Deadline: This proposed LCP amendment was filed as complete on April 8, 2008. It is an IP amendment only and the original 60-day action deadline was June 8, 2008. On May 9, 2008 the Commission extended the action deadline by one year to June 8, 2009. Thus, the Commission has until June 8, 2009 to take a final action on this LCP amendment.



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I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

1. Denial of Implementation Plan Major Amendment Number 2-06 Part 2 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (1 of 2). I move that the Commission **reject** Implementation Plan Major Amendment Number 2-06 Part 2 as submitted by Santa Cruz County.

¹ The Commission received most of this correspondence in response to the December 10, 2008 hearing, and most of that was directed to the suggested modification addressing NSA that was in that report. The December 10th hearing was postponed at the County's request, and this report does not include the NSA-related suggested modification that engendered the vast majority of the correspondence received to date. To err on the conservative side, and thus to ensure maximum participation and that all input is appropriately before the Commission on this item, all such correspondence is still included in this report. However, and as is the Commission's practice, where form letters were received (or letters with nearly identical text) only one representative sample is reproduced in Exhibit C. There are three such representative samples in Exhibit C (and they are labeled as such there), serving as proxy for 75 pieces of similar/identical correspondence actually received by the Commission. All such correspondence is available for review at the Commission's Central Coast District Office in Santa Cruz.



Resolution to Deny. The Commission hereby **denies** certification of Implementation Plan Major Amendment Number 2-06 Part 2 as submitted by Santa Cruz County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

2. Approval of Implementation Plan Major Amendment Number 2-06 Part 2 if Modified
Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (2 of 2). I move that the Commission **certify** Implementation Plan Major Amendment Number 2-06 Part 2 if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Implementation Plan Major Amendment Number 2-06 Part 2 to Santa Cruz County's Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Land Use Plan consistency findings. If Santa Cruz County accepts each of the suggested modifications within six months of Commission action (i.e., by June 10, 2009), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.



1. **Maximum Parcel Coverage.** Modify Section 13.20.130(b) of the Implementation Plan to add new subsection (5) as follows:

(5) All second story development located in significant public viewsheds (including adjacent to shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) shall be sited and designed so that it does not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character.

2. **Front Yard Averaging.** Modify Section 13.20.130(b) of the Implementation Plan to add new subsection (6) as follows:

(6) Front yard averaging shall only be allowed where the front setback so established does not adversely impact significant public viewsheds (including those associated with shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) and community character.

III. Findings and Declarations

The Commission finds and declares as follows:

A. Description of Proposed LCP Amendment

The amendment modifies multiple sections of the certified LCP zoning code (see Exhibit A for the proposed LCP changes):

First, it amends LCP Section 13.10.700-S (the definition of “Site Area, Net”) for properties within the Urban Services Line to exclude certain areas from the net site area (NSA) calculation. Public and private vehicular rights of ways would continue to be excluded from NSA in all cases, and the amendment would then also exclude coastal bluff, beach, and Monterey Bay lands for blufftop parcels, and would exclude Monterey Bay lands for toe of bluff/beachfront properties.

Second, it amends the LCP’s Site and Structural Dimension Charts for the R-1 (Single Family Residential) and RM (Multi-Family Residential) zone districts to change the maximum parcel coverage from 30% to 40%, and to modify one RM entry from “RM-6 to RM-9.9 5,000 to <6,000 sq.ft.” to “RM-6 to RM-9.9 6,000 to < 10,000 sq.ft.”.

Finally, it modifies Section 13.10.323 (Development Standards for Residential Districts) to add a provision allowing for calculating the minimum required front yard setback by front yard averaging in certain circumstances. Front yard averaging uses the average of existing adjacent and nearby front setback distances to arrive at an average that can then be applied to a site. As proposed, such averaging setback could only be applied to the first floor of structures, and not to garages or carports, and could be no less than 10 feet.



Given the adverse impacts that large-scale residential development can have on community character and public viewsheds (particularly along beach and bluff areas), Commission staff provided written comments to the County regarding the proposed amendment² prior to its adoption by the Board of Supervisors. Please see Exhibit C for this correspondence.

B. LUP Consistency Analysis

1. Standard of Review

The standard of review for proposed modifications to the County's LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the County's IP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance, including sometimes on a parcel by parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified LCP LUP.

2. Applicable Policies

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the LUP. The proposed amendment primarily affects visual resources and community character. Selected applicable LUP policies include:

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

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

LUP Policy 5.10.1 (Designation of Visual Resources). Designate on the General Plan and LCP Resources Maps and define visual resources as areas having regional public importance for their natural beauty or rural agricultural character. Include the following areas when mapping visual resources: vistas from designated scenic roads, Coastal Special Scenic Areas, and unique hydrologic, geologic and paleontology c features identified in Section 5.0.

LUP Policy 5.10.2 (Development Within Visual Resource Areas). Recognize that visual resources of Santa Cruz County possess diverse characteristics.... Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks

² At the time of Commission staff's correspondence, the County was proposing to exclude coastal bluffs, beaches, and Monterey Bay submerged lands from the definition of Net Site Area; as submitted to the Commission, however, the proposed amendment excludes only Monterey Bay submerged lands from the definition of Net Site Area.



and design to protect these resources consistent with the objectives and policies of this section....

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

LUP Policy 5.10.6 (Preserving Ocean Vistas). *Where public ocean vistas exist, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.*

LUP Policy 5.10.7 (Open Beaches and Blufftops). *Prohibit the placement of new permanent structures which would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection and for public beach access. Use the following criteria for allowed structures: (a) Allow infill structures (typically residences on existing lots of record) where compatible with the pattern of existing structures. (b) Require shoreline protection and access structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.*

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

LUP Policy 5.10.12 (Development Visible from Urban Scenic Roads). *In the viewsheds of urban scenic roads, require new discretionary development to improve the visual quality through siting, architectural design, landscaping and appropriate signage.*

LUP Policy 8.6.6 (Protecting Ridgetops and Natural Landforms). *Protect ridgetops and prominent natural landforms such as cliffs, bluffs, dunes, rock outcroppings, and other significant natural features from development. In connection with discretionary review, apply the following criteria: (a) Development on ridgetops shall be avoided if other developable land exists on the property; (b) Prohibit the removal of tree masses when such removal would erode the silhouette of the ridgeline form. Consider the cumulative effects of tree removal on the ridgeline silhouette.*

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

LUP Policy 8.8.1 (Design Guideline for Unique Areas). *Develop specific design guidelines and/or standards for well-defined villages, towns and communities.... New development within these areas listed in Figure 8-1...shall conform to the adopted plans for these areas, as plans*



become available.

LUP Policy 8.8.2 (Coastal Special Community Designation). *Maintain a Coastal Special Community designation for the following areas shown on the General Plan and LCP Land Use Maps: Davenport, Seacliff Beach Area, Rio del Mar Flats/Esplanade, Harbor Area, East Cliff Village Tourist Area.*

LUP Figure 8-1 (Areas with Special Design Criteria or Guidelines).... *Coastal Zone and Coastal Special Communities, Davenport, Live Oak Planning Area, North Coast Beaches, Rio Del Mar Flats/Esplanade Area, Seacliff Beach Area Special Community...*

3. Analysis

A. Net Site Area

The County has proposed the NSA changes (see page 3 of Exhibit A) to address neighborhood compatibility issues that have arisen over time as a result of allowing what is generally considered to be undevelopable land (i.e., bluff slopes, beach areas, submerged lands, etc.) to be counted towards NSA, which in turn leads to larger maximum allowed lot coverage and FAR, and thus larger houses. Such larger houses often appear out of scale with other houses in the neighborhood that do not include such undevelopable land, and these houses often appear overly massive from public viewing areas (i.e., typically beaches and immediate shoreline areas given that that is where such undevelopable land has been allowed to count towards NSA). The end result is houses that create visual impacts inconsistent with the visual resource protection and community character provisions of the LCP.³ Really, when such areas count towards NSA, other LCP scaling tools (like lot coverage and FAR) no longer function for the LCP purpose intended for them.

The proposed NSA changes are intended to address these kinds of issues by excluding certain non-developable areas from the net site area definition, thus leading to reduced allowable maximum lot coverage and FAR overall in many circumstances. Specifically, the proposed new NSA definition would exclude vehicular rights of way (as is currently the case), and also exclude bluffs, beaches, and Monterey Bay submerged lands in certain circumstances. Although this is clearly a step in the right direction, the County has chosen to specify that for in-bluff cases (i.e., residential development where the bluff is excavated to allow residential development to be developed in the excavated bluff area) and for beach cases (i.e., residential development on what was historically beach), only vehicular areas and submerged lands would be excluded. However, such a distinction still allows for steep bluff and sandy beach areas to count toward NSA in such cases, and this leads to the same type of scale impacts

³ For example, if a lot is 10,000 square feet but appears to be 5,000 square feet because half of it is along a steep bluff face and the beach, the existing LCP allows for the full 10,000 square feet to apply to scale calculations (not just the 5,000 square feet of “flat” area), leading to development that is perceived as twice as large as parcels similarly sized to the blufftop area available. In other words, the existing LCP methodology allows for development of a much larger house than would be allowed if only the relatively flat coastal blufftop area of the parcel was used to calculate NSA.



identified above.⁴ In fact, given that these sites are generally located in the most critical part of beach viewsheds (at the toe of bluffs and on beaches themselves), allowing the bluff and sandy areas to count toward NSA has historically resulted in—and would continue to result in the future under the amendment—large beachfront houses that loom over the beach area and create negative visual impacts on significant public beach, ocean, and general shoreline vistas.

There are a variety of ways to address NSA for these anomalous situations in a way that protects community character and public viewsheds. The County has chosen to take a blanket definition approach. Unfortunately, such a solution only partially addresses the identified problem. For example, the proposed amendment allows the entire square footage of toe-of-bluff parcels to count towards NSA, when there may be more appropriate ways to apply standards that ensure that development on these unique sites is consistent with the pattern of development along this stretch of coast. Similarly, the amendment doesn't address the anomaly of development that is located on the beach itself in a way that scale requirements are directly related to what appears to be the developable area (i.e., the area inland of shoreline armoring).

Given the limited areas in the County where this type of non-traditional residential development phenomenon plays out, specific plans associated with these anomalous beach and in-bluff development areas would be the best way to address this issue. Such plans can hone in on site issues, including on a lot by lot basis, and would provide the most targeted response for them. There are only a few areas in the County where there are existing residentially developed areas on what was historically beach (i.e., at Potbelly Beach, Las Olas Drive, Beach Drive, and Via Gaviota in the south County area), and only one area in the County where there is development in bluffs at their toe (i.e., Beach Drive). Specific planning for these limited areas could respond more directly to the issues raised.⁵ Such planning efforts are, however, more appropriately undertaken by the County through a local public planning process, and it is less appropriate for the Commission to undertake and develop such plans in this amendment context. Given the Commission's current severe staffing constraints, such an exercise is all the more impractical.

Thus, and as an interim measure, modifications are identified to ensure that the blanket definition approach can be found consistent with the LUP policies protecting public viewshed and community

⁴ The County originally approved an ordinance that removed all coastal bluff faces, beaches, and Monterey Bay submerged lands from contributing to the determination of NSA. However, given that toe-of-coastal bluff parcels (which often consist almost entirely of coastal bluff face and little or no "flat" property on which to build) and beach properties would have little to no site area available for the calculation of allowable lot coverage and FAR (and would need to obtain variances for any new construction or additions under that scenario), the County modified its original approval to allow the counting of toe-of-coastal bluff properties and non-submerged beach area in NSA in such cases.

⁵ As well as responding to related issues associated with development in these non-traditional settings. For example, development along Beach Drive cannot be approved absent LCP variances due to flood elevation and site stability issues. Variances have been routinely granted and, as a result, in place of specific regulations applicable to Beach Drive against which projects can be measured, each individual project is varied to lesser and greater degrees. The need for variances for such development along Beach Drive does not reflect a special circumstance, but rather constitutes a pattern of development that should be addressed through the specific planning and the LCP amendment process. Commission staff has long recommended such an approach to the County.



character. With respect to blufftop lots, the proposed NSA language appropriately excludes bluffs, beaches, and Monterey Bay lands, and is appropriate in that regard. The NSA calculations for beach lots and in-bluff lots, however, require additional discussion.

Beach Parcels

The four areas within the County in which residential development is located on what was historically beach (Beach Drive, Las Olas Drive, Potbelly Beach, and Via Gaviota) are all located in the unincorporated Aptos area of south County. These residential areas pre-date the Coastal Act, and are almost entirely built out. Redevelopment is the primary residential development driver here, although some new development on undeveloped lots is also seen (i.e., exclusively “in-bluff” or “bunker house” development on Beach Drive). Although the beach viewshed is already impacted by residential development along these areas to lesser and greater degrees, it is still important that new development and redevelopment not contribute to the cumulative degradation of the public viewshed at these locations, but rather be sensitively sited and designed, including in terms of scale, in response to the special setting in which it is located. Given these areas are located in and adjacent to significant public beach areas (i.e., New Brighton State Beach, Seacliff State Beach, Hidden Beach County Park, etc.) that are heavily used by the public, such sensitive siting and design is even more critical.

All existing beach residential development in these areas is currently fronted by shoreline armoring (i.e., seawalls, bulkheads, and/or rip-rap revetments). In many cases, though, the underlying parcels extend seaward of the existing shoreline protection to take in sandy beach area.⁶ Under the proposed amendment, any portion of a beach parcel that extends seaward of the existing shoreline armoring may be used to calculate NSA, except for any portion of the parcel that is located seaward of the mean high tide line. For many of these parcels, however, the area seaward of the shoreline armoring is located mostly or entirely above the mean high tide line. Thus, under the proposed amendment, the unusable and undevelopable sandy beach area located seaward of the shoreline structure (but above the mean high tide line) would continue to count towards NSA. This in turn allows for the development of larger beachfront residences that can overwhelm what appears to be the developable portion of the site inland of shoreline armoring. Such residences in these areas can loom over the beach and create negative visual impacts in areas of significant public views.

Absent the aforementioned specific planning exercise, one possible appropriate standard would be to allow only those beach areas inland of the armoring to be counted towards NSA. However, for some beach parcels, this could result in a substantial reduction in the allowable amount of residential living space, the consequence of which would likely be the issuance of additional variances by the County. For these reasons, the Commission is not requiring such a standard. Another approach, one targeted to the massing as seen from the beach, is to require rear setbacks to be measured from the existing armoring so

⁶ Where such sandy beach area has historically been used by the public for general beach activities as if it were public for many years, and continues to be used in this manner without restriction today. Although publicly used in this manner, the underlying lots are still privately owned fee-title in most of these cases, and these sandy beach areas are counted toward NSA as part of such lots.



as to protect against “looming” structures at the beach sand interface.⁷ This approach could also be extended to second floors commensurately (i.e., to require second floors to be set back farther than first floors) to achieve “stepping” and less perceived residential mass from the beach side. Such an approach also recognizes and enforces the fact that most beachfront homes include at-grade decks/outdoor living space in the area directly inland of the armoring. This approach would guard against development in this area that is taller than the armoring; such development could lead to public viewshed degradation on its own. However, given the range of different circumstances applicable to these beach parcels, and the difficulty in terms of clearly articulating the effect of these blanket approaches on them, particularly as they interact with the other revised standards pursuant to this LCP amendment, and further given the County’s indication that it will work with the Commission in the future to develop mutually agreeable standards that can apply to these areas, the Commission is not requiring these approaches be applied at the current time. Instead, Commission staff will continue to monitor proposed redevelopment of these beach parcels and will provide comments to the County as necessary to ensure that redevelopment is done in a way that best protects the public viewshed at these sensitive locations. Also, Commission staff will continue to communicate and coordinate closely with County planning staff regarding possible future LCP amendments to further refine setbacks and other standards for these beach parcels, with the intent of lessening the visual impact of beach residential development on beachgoers.

Toe of Bluff Parcels

The “toe-of-bluff” parcels are located almost exclusively along the bluff side of Beach Drive in Aptos, with a few potentially located along Las Olas Drive in Aptos.⁸ In a number of cases, these bluff-side parcels consist solely of the bluff face with the entire site consisting of a slope ranging from 50% to sometimes over 70%. Other “toe-of-bluff” parcels along the inland side of Beach Drive do have some amount of flat land on the parcel that can accommodate residential development, but also include steeply-sloped land that extends up the bluff face. Given the steep nature of these parcels and a history of geological instability and landslides along Beach Drive, in recent years the County has required that new residential development on these parcels be constructed using reinforced concrete, and has also required that these residences be designed and engineered to withstand the impact of any expected landslides and storm surges. These types of reinforced residences are often referred to as “bunker” houses. Typically, new bunker houses approved by the County range in size from about 3,000 to 6,000 square feet, depending on the size of the parcel.

The toe-of-bluff development along the inland side of Beach Drive constitutes an anomaly that does not exist elsewhere in the County. The amendment as proposed by the County, however, would have no impact on the vast majority of the toe-of-bluff parcels in terms of the NSA calculation because very few, if any, of these parcels extend seaward of the mean high tide line of Monterey Bay. While it would be possible to exclude the bluff face from contributing to the determination of NSA for parcels along Beach

⁷ Currently, the LCP measures this setback from the property line out on the beach, thus completely undoing its utility.

⁸ To date, toe-of-bluff development is limited to Beach Drive, and none has been pursued elsewhere. The County has not provided a comprehensive accounting of where such in-bluff development may be pursued in the future, but preliminary review of the lot pattern inland of bluff-fronting roads indicates that there may be additional areas to which this phenomenon may spread.



Drive, the end result would be that many of these parcels would have little or no site area available for the calculation of allowable lot coverage and FAR. This would either lead to such development not being approvable and/or the need for the issuance of variances to allow for new construction on these parcels.

As with the beach lots, there are a variety of approaches that could be considered, including the same approaches identified there and other approaches tied more specifically to the in-bluff circumstance (e.g., applying an additional height limit that is measured from street grade, applying maximum scale requirements that equal average NSA, coverage, and FAR of other in-bluff developments, etc.). However, and again, given the unique situation along the inland extent of Beach Drive, a specific plan exercise would be the most appropriate remedy. Absent such an exercise, though, it is difficult to articulate a meaningful method of calculating NSA and/or otherwise best address mass issues given the nature of the development sites in question. As discussed above, Commission staff will continue to monitor and provide comments to the County regarding development along these bluff-face properties, and will continue to seek ways to address the massing and scale issues of “bunker” and other bluff-side development through collaboration with the County on a future the LCP amendment.

B. Maximum Parcel Coverage

The purpose of the proposed change (i.e., to increase the maximum allowed site coverage from 30% to 40% for R-1 and RM properties) is to attempt to reduce the prevalence of boxy houses and overly large second stories that tend to appear more massive, and that adversely impact community character and public views, particularly at sensitive shoreline locations (see pages 1 and 2 of Exhibit A for the proposed amendment language). The idea is that by increasing site coverage limits, larger first stories could be pursued within the larger allowed footprints, and this would in turn lead to smaller second stories set back from the first (i.e., more massing would be allotted to first stories)⁹ that would help residential structures appear more small scale. By extension, community character and public views would be better protected, and potentially enhanced. The LCP amendment does not require second stories to be smaller than first stories, and does not propose to change the maximum 50% FAR that applies to the LCP’s R-1 and RM districts.

A smaller second story could address concerns about larger, boxy residential development in which the second story is as large as the first story and looms over neighboring properties or over public areas such as public streets, parks, or beaches. However, under the proposed amendment, a smaller second story could still be located such that it looms over a street or other public viewing areas (e.g., by placing the entire second story above the portion of the first story that is closest to a beach or public viewpoint in order to maintain maximum views from the second story). Also, the amendment, as proposed, would not mandate a larger first story, and many properties could continue to be developed with two-story residences in which each story was similar in size, leading to the same potential impacts to neighboring

⁹ The reduction in size of the second story would occur because the allowable FAR for these sites would not change. Thus, if a larger first story were constructed, the second story would have to be smaller in scale to meet FAR requirements.



properties and public views from the “looming” effects of the second story. It also does not address the issue of cantilevered second story elements (including decks) that only exacerbate character/viewshed impacts.

There are a variety of ways to get at the massing issue that is being addressed here. It is true that the proposed amendment method could lead to some better mass/scale outcomes in this respect, but it is not guaranteed. Really, if the objective is to have second stories that are smaller than the first, then the rules would need to be written to require that to be the case (e.g., a requirement that all second story elements are set back some number of feet from first story elements). Also, if the objective is to have smaller-scale residential development, some FAR reductions and/or modifications would probably be necessary to ensure that smaller residential stock was the outcome.¹⁰ Finally, residential design guidelines and/or some form of design/architectural review board may ultimately prove necessary.¹¹

Although some combination of these various methods, including in tandem with that proposed, would probably be appropriate in Santa Cruz County, and particularly in certain more sensitive residential shoreline areas (e.g., Pleasure Point), developing such tools in an LCP sense is deserving of a public planning process that is better undertaken by the County than by the Commission through this LCP amendment request. The Commission encourages the County to pursue such tools for the LCP. In the interim, and to ensure that the proposed amendment works appropriately in sensitive coastal areas (and protects character and public viewsheds as intended), modifications are identified that require all second story development located in significant public viewsheds (including adjacent to shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) to be sited and designed so that it does not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character. See suggested modification 1.

C. Front Yard Averaging

The front yard averaging component of the proposed amendment (see page 2 of Exhibit A) allows the required front yard setback for new first floor structures (other than garages and carports) to be determined based on either: a) the average of the front yards of the houses on each side of the site proposed for development; or b) for project sites that are not situated between sites improved with buildings and where sites comprising 40% of the frontage of the block are improved with buildings, the minimum front yard setback may be the average of the existing front yard depths on the block. In no case would the allowed front yard setback be less than 10 feet, and garages and carports would still need to meet existing LCP minimum front yard setbacks (currently ranging from 10 to 20 feet for the R-1 and RM districts in question).

¹⁰ For example, reducing allowed FAR to 40% and/or allowing underground areas (basements, etc.) to be excluded from FAR calculations to encourage development that accommodated square footage needs underground as opposed to in the public view (for example, see the City of Carmel LCP).

¹¹ Such tools have proven effective in other coastal communities interested in ensuring small-scale residential development and design (e.g., City of Carmel). Several years ago the County embarked on a residential design guidelines document that could have been useful in this regard, but the County has not recently pursued this avenue and it has not come to LCP fruition.



The “front yard averaging” site regulation was in effect in the County from 1962 to 1983, and many houses in now established neighborhoods were built to this standard. More recent developments have had to meet fairly standard setback requirements (20 feet in most cases). Allowing new houses and additions to meet an average setback as proposed may help such development be more compatible with existing patterns of development relevant to front yards, which can vary quite a bit, particularly in older neighborhoods. It may provide for less uniformity in the front yard setback, leading to more visually interesting development patterns overall.¹² The proposed change would also return a number of existing houses built between 1962 and 1983 to conformity with the adopted site regulations and eliminate their nonconforming status.

Although the front yard averaging concept is valid, and it could lead to the type of visual interest in front yard articulation relative to certain neighborhoods, it would, over the long run, also lead to residential development that is located closer to the public streets than would occur under the existing setback regulations as new houses spring up that take advantage of the averaging rule. In other words, setbacks would only decrease under this proposal, leading to reduced setbacks cumulatively over time. In many neighborhoods, this may be appropriate and even contribute to neighborhood character. However, along certain public thoroughfares, prominent coastal viewshed areas, or areas adjacent to public paths or trails (such as portions of East Cliff Drive), locating residential development as close as within 10 feet of these public areas may negatively impact these visual and public resources.

Ideally, the proposed amendment would include some refinements that were case and site specific to be able to address these types of potential issues, but instead the proposed amendment applies to all residential zoning districts, including those residential areas that may be located in the sensitive areas mentioned above. Again, and as with the other amendment components described above, these issues speak to the need for more specific planning efforts based on sub-regional areas. The County has in recent years started and stopped some such efforts (e.g., the Live Oak Community Plan that has remained in draft form for many years), and has rekindled some others (e.g., the currently ongoing Pleasure Point Community Plan effort), but even these efforts to date have not dealt with the types of issues identified in a meaningful way (i.e., specific requirements for setbacks, FAR, design articulation, etc.). Again, the County is more appropriately the entity to pursue such efforts through a local public planning process (as opposed to the Commission through this LCP amendment), and the Commission encourages the County to pursue such tools for the LCP. In the interim, and to ensure that front yard averaging does not adversely impact particularly sensitive coastal areas by moving mass closer to public streets, modifications are identified that only allow front yard averaging where the front setback does not adversely impact significant public viewsheds (e.g., shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) and community character. See suggested modification 2.

4. Conclusion

¹² A neighborhood that is completely uniform in all its front setbacks and other design patterns (such as is typical of many residential subdivisions and tract homes in recent years) is less visually interesting than one that is varied.



The County has proposed a series of measures intended to address certain neighborhood compatibility and residential mass/scale issues. These measures require modification to ensure that the most sensitive shoreline areas are protected against inappropriate residential massing, and so the modified amendment can be found consistent with and adequate to carry out the LUP. The modifications identified are interim in the sense that the Commission believes that the viewshed and character issues identified are best resolved by a series of new LCP tools that can be applied to address the residential housing stock of Santa Cruz County in a manner that is more protective of coastal resources as directed by the Coastal Act and the LUP. Specific planning efforts for sub-regional areas with similar issues are appropriate and are encouraged (e.g., Beach Drive, Live Oak, Pleasure Point, etc.), as are other tools that should be considered overall (like residential design guidelines, FAR changes, etc.). Until such efforts are undertaken and brought to fruition, the modified amendment should serve to better protect such resources than does the current LCP.

It is clear that Santa Cruz County's residential built environment is at a crossroads of sorts, with ever increasing size and scale predominating in recent years, where this is perhaps most evident nearest the shoreline at one of the most critical interfaces with public viewsheds. If a competing vision is to be established that is based on a small scale community ethic, the LCP will need to be augmented and updated accordingly. Although relatively minor changes, like those proposed and modified here, can help, more substantive and fundamental LCP refinement is required. The Commission strongly supports and encourages such LCP planning efforts, and hopes that the County can pursue such efforts in the near future.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed.

The County, acting as lead agency, found the proposed LCP amendments to be categorically exempt from further environmental review under Sections 1805 and 1808 of the County's CEQA Guidelines and Sections 15303, 15308, and 15265 of the State CEQA Guidelines and Public Resources Code Section 21080.9.

This report has discussed the relevant coastal resource issues with the proposal, and has identified appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which



would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



ORDINANCE NO. _____

0323

ORDINANCE AMENDING SECTIONS 13.10.323 and 13.10.700-S OF THE SANTA CRUZ COUNTY CODE AND ADDING SUBSECTION (e) (7) TO SECTION 13.10.323 OF THE SANTA CRUZ COUNTY CODE ALL RELATING TO NEIGHBORHOOD COMPATIBILITY

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Site and Structural Dimensions Charts for the R-1 Single Family Residential Zone Districts and RM Multi-Family Residential Zone Districts in Subdivision (b) of Section 13.10.323 of the Santa Cruz County Code are hereby amended to read as follows:

1. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Condition of "Parcels >5,000 sq. ft." within the Zone District of "R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft." is revised to read "40%" instead of the current "30%".
2. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft." are each revised to read "40%" instead of the current "30%".
3. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements", "Corner lots", and "Parcels >4,000 to <5,000 sq. ft." within the Zone District of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." are each revised to read "40%" instead of the current "30%".
4. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "PARCEL SPECIFIC CONDITION" described as "Parcels >4,000 to <5,000 sq. ft." within the Zone District of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." is revised to read "Parcels >4,800 to <5,999 sq.ft." instead of the current "Parcels >4,000 to < 5,000 sq. Ft."
5. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "R-1-10 to R-1-15.9 10,000 to <16,000 sq. ft." are each revised to read "40%" instead of the current "30%".

CCC Exhibit A
(page 1 of 3 pages)

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6. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Condition of "Parcels >5,000 sq. ft." within the Zone District "RM-1.5 to RM-4.9 0 to <5,000 sq. ft." is revised to read "40%" instead of the current "30%".

7. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements and for all parcels >6,000 sq. ft." and "Corner lots" within the Zone District of "RM-5 to RM-5.9 5,000 to <6,000 sq. ft." are each revised to read "40%" instead of the current "30%".

8. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the Zone District described as "RM-6 to RM-9.9 5,000 to <6,000 sq. ft." is revised to read "RM-6 to RM-9.9 6,000 to < 10,000 sq.ft." instead of the current "RM-6 to RM-9.9 5,000 to < 6,000 sq. ft."

9. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "RM-6 to RM-9.9 6,000 to <10,000 sq. ft." are each revised to read "40%" instead of the current "30%".

SECTION II

The Santa Cruz County Code is hereby amended by adding Subsection (e) (7) to Section 13.10.323 to read as follows:

(7) Front Yard Averaging

(A) On a site situated between sites improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average depth of the front yards on the improved sites adjoining the side lines of the site but in no case shall be less than 10 feet.

(B) Where a site is not situated between sites improved with buildings and where sites comprising forty percent (40%) of the frontage on a block are improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average of the existing front yard depths on the block but in no case shall be less than 10 feet.

(C) In computing average front yard depths, the figure thirty (30) feet shall be used in lieu of any front yard depth greater than thirty (30) feet.

(D) Proposed garages or carports shall meet the minimum front yard setbacks shown in Section 13.10.323 Site and Structure Dimensions Charts or as allowed by Section 13.10.323(d)(5) Parcel with Steep Slopes. The required front yard setback for other accessory structures may be reduced as allowed by Section 13.10.323(e)(6).

AN ORDINANCE AMENDING SECTION 13.10.700-S
OF THE SANTA CRUZ COUNTY CODE AND RESCINDING
SECTION III OF ORDINANCE NO. 4841 RELATING TO THE
DEFINITION OF NET SITE AREA

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 13.10.700-S of the Santa Cruz County Code—the definition of "Site Area, Net"—is hereby amended to read as follows:

Site Area, Net.

- a. Outside the Urban Services Line, the total site area less all public or private rights-of-way designated for vehicle access.
- b. Inside the Urban Services Line, for all coastal bluff-top parcels, the total site area less:
 - i. All public or private rights-of-way designated for vehicle access; and
 - ii. Coastal bluff, beaches, and all land seaward of the mean high tide line of Monterey Bay.
- c. Inside the Urban Services Line, for all parcels located at the toe of a bluff or on the beachfront, the total site area less:
 - i. All public or private rights-of-way designated for vehicle access; and
 - ii. All land seaward of the mean high tide line of Monterey Bay.

SECTION II

Section III of Ordinance No. 4841 is hereby rescinded.

~~Site Area, Net. Outside the Urban Services Line the total site area less all public or private rights-of-way designated for vehicle access. Inside the Urban Services Line, the total site area less:~~

~~a. All public or private rights-of-way designated for vehicle access, and Coastal bluffs, beaches, and Monterey Bay submerged lands, including all the area from the top of a coastal bluff to the bayward property line, but not including coastal arroyos.~~

SECTION III

This ordinance shall become effective on the 31st day following adoption or upon certification by the California Coastal Commission, whichever occurs later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz
this _____ day of _____, 2007, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS

★ SECTION 13.10.700-S – LANGUAGE AS CURRENTLY CERTIFIED
(The language below is being replaced by the language shown in underline above)

Site Area, Net. The total site area less any public or private rights-of-way designated for vehicle access.

CCC Exhibit A
(page 3 of 3 pages)

CALIFORNIA COASTAL COMMISSION

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

**Sent By Fax**

December 5, 2006

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

Subject: *Update on Neighborhood Compatibility Policy Issues (December 5, 2006 Board of Supervisors Hearing)*

Dear Mr. Burns,

Please accept these comments on the proposed changes to the County's local coastal program (LCP) to address Neighborhood Compatibility Policy issues that will be heard at the Board of Supervisors meeting of December 5, 2006. Please also provide a copy of this letter to the Board. We apologize for these late comments. We did not receive a staff report regarding this item as is required pursuant to California Code of Regulations Section 13515c (so we have accessed the staff report online). We would suggest that the Board consider continuing this item in order to provide an opportunity for us to discuss our concerns with your staff.

We have the following comments on the proposed changes:

- We support and encourage the County's efforts to review and modify the LCP as necessary to ensure that the size of new housing development is compatible with existing neighborhoods. Thus, we support the general intent of part c of the proposed amendment, which redefines net site area and eliminates unbuildable portions of certain lots as this will help avoid development that is out of proportion with a site's actual buildable area.
- We do recommend that the proposed language in Code Section 13.10.700-S be changed to state "...from the top of a coastal bluff or inland extent of the beach to the bayward property line, ~~not including coastal arroyos.~~" We are recommending adding the phrase "inland extent of the beach" because there are many bayfront properties that do not technically have coastal bluffs. Applying a uniform standard to all bayfront lots appears appropriate. We are recommending the removal of the reference to "coastal arroyos" because there is no definition of a "coastal arroyo" in the LCP that we are aware of. If removing this reference to "coastal arroyo" is not satisfactory, then a definition of "coastal arroyo" should be added to the LCP that does not conflict with the definition of "coastal bluff."
- We note that this proposed change regarding Net Site Area does not address (i.e., does not subtract out of gross site area) other undevelopable areas in addition to beaches. We also note that it only applies to bayfront parcels. Thus, this proposed amendment will have a very limited effect on reducing house size. Construction of large houses is having a cumulative impact in areas within the coastal zone that are not directly on

CCC Exhibit B
(page 1 of 3 pages)

coastal bluffs (e.g., the Pleasure Point area). We recall a recent County staff report where you outlined several initiatives to address this issue and we support further evaluation beyond the effect that this limited amendment will have. For example, the County could evaluate whether there are other areas within the coastal zone where the proposed changes regarding Net Site Area would be also appropriate and, as suggested above, whether the definition should be further modified to subtract out areas of wetlands, environmentally sensitive habitats, and steep slopes (greater than 30%). We further note that in addition to Net Site Area, there are a number of regulations that contribute to the overall scale and size of houses, such as FAR, setbacks, height, etc. We encourage the County to continue examining how these various factors work together to influence house size. A full analysis of the interplay of all of these factors could lead to further appropriate LCP amendments that would additionally address the issue of house size and neighborhood compatibility.

- Another part of the proposed amendment increases the maximum parcel coverage in certain R-1 zoning districts from 30% to 40%. This, of course, will have the opposite effect of the net site area amendment, in that it will result in larger homes. Perhaps, there are certain areas of the County where such a change might be appropriate, but we would need more information to evaluate this. If the County Board approves this portion of the amendment for submittal to the Coastal Commission, we will request an explanation of what its impact will be on each County coastal neighborhood as part of the required filing review for the submittal.
- We have the same type of comment on part b of the proposed amendment to allow front yard averaging. Not only will averaging in some instances allow an applicant to develop closer to the front property line, but the result may then mean that an adjacent property owner will be able to do the same, and so on along the street leading to more reduced front yard setbacks over time. Again, this may be appropriate and acceptable in certain neighborhoods within the coastal zone of the County, but not in others. The County will need to provide an evaluation of the impact of "front yard averaging" if this proposed amendment is submitted to the Coastal Commission. Also, the staff report uses the term "front yard depth." Assuming that this is equivalent to "front yard setback," we suggest changing the text to "setback" for consistent reading of the Code. If it is not meant to be the equivalent of "setback," then further explanation is needed.
- On a related note, we have noticed an inconsistency in the printed LCP regarding parcel coverage that should be corrected at some point. The textual definition of coverage in the LCP includes all impervious surfaces that are part of a development, i.e., structures, walkways, driveways, etc.; however, the figure that is used to demonstrate calculation of coverage applies to the footprint of a structure only, minus all other associated impervious development. The County should take the steps necessary to ensure that the term "coverage" applies to all impervious development for a project and not just the structure itself.

Thank you for the opportunity to comment on the proposed amendments. Please do not hesitate to call me at (831) 427-4891 if you have any questions regarding any of the above

Tom Burns
Neighborhood Compatibility
December 5, 2006
Page 3

concerns. As noted, we would be happy to meet with you and further discuss these preferably before the Board takes a final action on them.

Sincerely,



Susan Craig
Coastal Planner
Central Coast District Office

cc: Santa Cruz County Board of Supervisors (By Fax)

CALIFORNIA COASTAL COMMISSION
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060
Attn. Susan Craig
FOR DEC. 10TH HEARING, ITEM W10g
Santa Cruz County IP Amendment: Net Site Area

Dear Commission members:

I am a property owner in the Beach Drive area of Aptos in Santa Cruz County. My property would be adversely affected by the adoption of the Definition of Net Site Area proposed by Coastal Commission staff. The Definition of Net Site Area proposed in the Santa Cruz County application currently results in houses of between 1000 to 2000 sq ft of living area, two stories on the beach side and three stories on the bluff toe side, with the first floor being non-habitable FEMA floor area. This is in keeping with the existing houses along this section of Beach Drive. The revised Definition of Net Site area proposed by Coastal staff would result in houses as small as 225 square feet on the smaller parcels along the beach side of the road in the section known as Beach Island, and in the other beach areas much smaller than the other existing houses in the other beach side sections. Using the average house size for the parcels along the bluff toe would not take into account the difference in parcel sizes. The County's method results in houses in keeping with the existing neighborhood and of commensurate size with the houses already developed along that section of the coast and differing in size based on parcel size. The County's current method works. We would like to retain it. If you cannot retain the County's method of calculating house size, we request a continuance of the December 10th meeting in order to work with Coastal and County staff on specific regulations for each beach development area. Thank you.

Property Owner:

Patricia B. Cruden (Patricia B. Cruden)

Beach Property Address:

642 Beach Dr.

RECEIVED

DEC 15 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

REPRESENTATIVE FORM
LETTER RECEIVED FROM 65
SEPARATE INDIVIDUALS

Exhibit C

RECEIVED

DEC 08 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Potbelly Beach Club, LLC

c/o PacCom Management Services, Inc.

155 Westridge Drive
Watsonville, CA 95076
(831) 722-7609

December 3, 2008

California Coastal Commissioners

c/o Susan Craig

California Coastal Commission

725 Front Street, Suite 300

Santa Cruz, CA 95060

REPRESENTATIVE FORM
LETTER RECEIVED FROM 5
SEPARATE INDIVIDUALS

Re: December 10th – AGENDA – Santa Cruz County LCP Amendment 2-06
(Neighborhood Compatibility).

Dear Ms. Craig:

My family and I own property at 32 Potbelly Beach Road, which is located on the beach at the Potbelly Beach community in Aptos, California. I am writing to voice my opposition, both personally and as the principal manager of the Potbelly Beach Club, LLC association to the recommendations contained in the CCC staff report related to the Net Site Area (NSA) issue on your December 10, 2008 agenda. We have been closely involved with the NSA issue and understand that concerns over the size of newer bluff top homes, which were located on bluff top parcels with very little flat area, triggered the changes to the NSA at the County level. The County Board of Supervisors appropriately adopted the proposed NSA changes so that beach owners would not be unduly penalized or restricted unfairly. As you know, it is extremely difficult to develop (new or remodel) properties on the beach. An overwhelming number of existing requirements including FEMA regulations, County Coastal Permit requirements, and California Coastal Commission review, significantly restrict what can be built in these areas.

The CCC staff-proposed changes to the NSA definition would further restrict our properties such that very little could be built without variances. The elimination of all but a small area of land (between the revetment and street) from consideration of NSA and corresponding allowable Floor Area Ratio (FAR), would make most of our properties non-conforming, and negatively impact our ability to rebuild, maintain or reconstruct our homes. This would be devastating to the 17 owners of homes at Potbelly Beach. The difference amongst parcels located on the top of the bluff, toe of the bluff, and beachfront are far too great to simply use a blanket approach such as the NSA definition to address complex design issues in coastal areas. We urge the Commission to reject the CCC staff proposed changes and take the following actions:

1. Remove the NSA amendment from consideration on December 10, to be heard at a later date.
2. Approve Amendments #2 (lot coverage and #3 (front yard setback) as submitted by the County.
3. Direct CCC staff to work with the County to revise the NSA definition to apply only to bluff top parcels.

Existing regulations are adequately addressing neighborhood compatibility for beach front parcels. Please do not use the efforts by the County to close a loophole on bluff top development to unfairly restrict and penalize beach owners. Thank you for your consideration.

Sincerely,



Daniel E. Lester, Principal Manager
Potbelly Beach Club, LLC

DEL/mb

c: Glenda Hill
County of Santa Cruz Planning Department

Ellen Pirie, 2nd District Supervisor
County of Santa Cruz Board of Supervisors

Steven Graves
Steven Graves and Associates

**Coastal Property Owners Association
of Santa Cruz County**
(a non-profit California corporation)
500 41st Avenue, Santa Cruz, CA 95062 831.479.4200
www.CoastalPropertyOwners.org

**DEC. 10TH HEARING
ITEM W10g**

RECEIVED

December 4, 2008

DEC 05 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Via FAX: 831-427-4877

RE: DEC. 10TH HEARING, ITEM W10g
Santa Cruz County IP Amendment: Net Site Area

Dear Ms. Craig:

This letter is
substantially similar
in content to
letters received from
5 other individuals.

The Coastal Property Owners Association of Santa Cruz County represents the interests of the 2,000 Santa Cruz County coastal property owners whose addresses are impacted by the erosive forces of the ocean.

We respectfully request a continuance of the subject item for the following reasons:

- 1) Coastal property owners have not received proper or adequate notice of this item from either the County of Santa Cruz or the California Coastal Commission.
- 2) The County of Santa Cruz has been unable to determine or provide to us the number of properties that will be impacted by the subject ordinance amendment which further clouds the proper noticing requirements.
- 3) The ordinance amendment is spot zoning and designed to discriminate solely against coastal homes.
- 4) The ordinance amendment conflicts with the county's affordable housing plan in that it will reduce the ability to provide affordable secondary units.
- 5) The ordinance amendment should be reviewed by the CCC once it is fully completed by the county such that it can be analyzed in its entirety. As it stands now it is a work in process as both the Santa Cruz County Planning Commission (public meeting of April 25, 2007 meeting) and the Santa Cruz County Board of Supervisors (public meeting of August 19, 2008) have directed the Santa Cruz County Planning Department to evaluate a "grandfathering" clause for those properties that will become non-conforming under this amendment. This would permit existing homes to be rebuilt if destroyed by fire or other natural disaster.

Page 2

Thank you for the opportunity to comment on the proposed item. As coastal property owners we share the same objectives as the California Coastal Commission in fulfilling the intent of the California Coastal Act. We want to work together to maintain a healthy coast and responsibly protect coastal properties.

Sincerely,

A handwritten signature in black ink, appearing to be 'Keith Adams', with a stylized, cursive script.

Keith Adams
President

Susan Craig

From: cliff colyer [clifftime@comcast.net]
Sent: Tuesday, February 24, 2009 3:11 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.gov
Subject: [Possible Spam] Ordinance 13.10
Importance: Low

Susan,

We really appreciate your help and the time you are putting into reading all of our comments. The county of Santa Cruz has done a fine job with their original intent to control the footprints of the mega homes being built on the edge of our ocean bluffs. Yes there was a small bloop dragging other areas into the fray, but they took the time to listen to people that they govern and came up with the appropriate fix. This has been a local issue, that's where and how it should be handled. PLEASE LET THE COUNTY'S DEFINITION BE APPROVED! The Coastal Commission needs to adopt the language as written by the county, when they were trying to deal with the initial problem of the net site to bluff top residences only.

Some of the homes at the toe of the bluff or beach side have been here for more than fifty years; the area is rich in local history we should be able to preserve all that is here presently. Some folks have passed on the beauty of this location to several generations and we all want and do deserve the same options. This is our slice of the world one that we chose, and have invested dearly in; one of its best and biggest features is kids and grand kids playing on the beach. It is not conceivable to think an act of nature or a house fire could take all that away. It is only logical and fair to let the rules read that we can rebuild in those cases, not bigger, but the same size that exist today. Thank you for all of your time and help. Please let common sense prevail.

Cordially yours,
Cliff Colyer
339 Beach dr.
Aptos, Ca.

2/25/2009

RECEIVED

California Coastal Commissioners
C/O Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

FEB 23 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

February 19, 2009

Re: Net Site Area Amendments- March Agenda

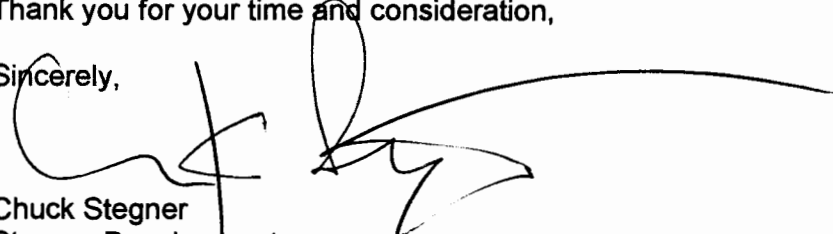
Dear Coastal Commissioners,

My family and I own property at 731 Las Olas. We are very concerned and opposed to the CCC staff proposed changes to the County's Net Site Area definition. With current regulations it's already difficult to make changes to our home. Adding new regulations would make it even harder because our home would be considered non-conforming before even starting a project. The recommendations by CCC staff as outlined in the December 10, 2008 agenda staff report, would have serious negative impacts on our ability to maintain, rebuilt, remodel and/or sell our property in the future.

We understand that the rules may need to change for some areas of the bluff top, where larger homes have been built on very little usable land, but please take into consideration the beach areas are very different from the bluff top. A one-size-fits all approach is not appropriate. The problem that has been identified by the County is with bluff top parcels, not beachfront lots. Please do not penalize the beach property owners in the process of closing a loophole on bluff top development. We urge your Commission to adopt the language that the County has proposed (not the CCC staff recommended changes) which allows for the current development standards to continue to apply to beach and toe of bluff parcels. We also support the changes to lot coverage and front yard setbacks as proposed by the County and encourage the CCC to approve those changes.

Thank you for your time and consideration,

Sincerely,



Chuck Stegner
Stegner Development
350 W. Julian Street, Suite 2
San Jose, CA 95110
(408) 491-8000 x 2
(408) 491-8005 fax

THOMAS H. O'CONNOR
108 Bonita Avenue
Piedmont, CA 94611
(510) 658-3278
thomashoconnor@gmail.com

February 23, 2009

Ms. Susan Craig
California Coastal Commissioners
725 Front Street
Santa Cruz, California 95060

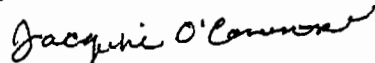
Dear Coastal Commissioners:

We have been residents of 727 Las Olas Drive, Aptos, since the mid 1960s and have been ardent supporters of the efforts of the Coastal Commission and thankful of its existence, always. Recently our homes have been thrown in with bluff-top properties, which is truly unfair and has nothing to do with the problem that you are trying to solve.

As you know, we have many restrictions and safeguards from the County, as well as from the Commission, that we abide by faithfully. So we ask you, please, to remove the NSA amendment on December 10, to be heard later. Also, please approve amendments #2 (lot coverage) and #3 (front yard setbacks). Then would you ask your staff to work with the County to revise the NSA definition to apply only to bluff-top properties.

You people are doing a great job, but please don't punish us for sins that are not ours. Keep up the good work.

Sincerely,



Thomas and Jacqueline O'Connor

THOC:coc

Susan Craig

From: Diana Howell [dajhowell@yahoo.com]
Sent: Monday, February 23, 2009 3:56 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us; jvaudagna@comcast.net
Subject: ordinance 13.10

Dear Susan Craig,

We are writing to you in regards to the ordinance 13.10. We currently have property and a home located on Beach Drive in Aptos. We are requesting that the Coastal Commission adopt language which limits any changes to the net site area to bluff top properties only. We are located on the bluff side and by using average house size for the parcels along the bluff toe would not take into account the difference in parcel sizes even though the calculation counts the FEMA floor, making average house size unfair since the existing houses were constructed on varying size parcels prior to the FEMA floor being required.

Thank you,

Diana and Gregory Howell
643 Beach Drive
Aptos, CA
(831) 708-2355

RECEIVED

FEB 23 2008

PATRICIA B. CRUDEN

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

2-19-2009

To: Central Coast District Office

To: Santa Cruz Co. Planning Dept.

Subject: Ordinance 13.10

I have enjoyed my property at 642 Beach Drive, Aptos, for over twenty years, and hope that I and my family will continue to spend positive time there.

I understand that the revision proposal by Coast Commission will confine rebuilding, in case of disaster, to sizes both unacceptable & unbuildable.

Therefore, I request the Commission to adopt language which limits suitable changes.

Patricia B. Cruden

760 Chiltern Rd

Hillsborough CA 94010

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FEB 23 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

February 18, 2009

Connie Kettmann
206 Beach Drive
Aptos, CA 95003

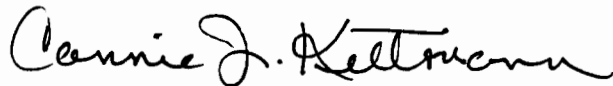
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Attn: Susan Craig, Coastal Planner

Dear Ms. Craig,

As home owner in the area known as 'Beach Island', I am more than a little concerned over the Coastal Commission staff's revised definition of the 'net site area'. As I understand it, in the event of a fire or natural disaster, rebuilding my home would be questionable and perhaps impossible. This is quite frightening.

Please take my concerns under consideration and do what you can to convince the entire Commission to adopt language that limits the proposed changes from the 'net site area', to *Bluff Top properties only*. Thank you very much for your time and expertise in this matter.

Sincerely,



Connie J. Kettmann

CC To: Glenda Hill

Susan Craig

From: Cheryl Webster [cwebster@norenproducts.com]

Sent: Monday, February 23, 2009 7:59 AM

To: Susan Craig

I am writing with regard to the New Site Area issue which affects the beach side homes in Aptos.

I respectfully request that you adopt language which limits any changes to the net site area to **the bluff top properties only**, not the toe of the bluff homes.

Please vote for the original ordinance 13.10 which the Santa Cruz County Board of Supervisors submitted to the Coastal Committee for approval.

Thank you for your consideration of this issue.



Cheryl L. Webster

Susan Craig

From: Kimberley Dawn [kdawn@norenproducts.com]
Sent: Monday, February 23, 2009 8:00 AM
To: Susan Craig; ghill@co.santa-cruz.ca.us
Subject: [Possible Spam] ordinance 13.10
Importance: Low

Thank you for taking your time to read my request.

I am *encouraging you* to vote for the **original ordinances 1310 language** that the Santa Cruz County Board of Directors submitted to the Coast Committee for approval.

I believe that is was the County's intention to have the **"bluff top properties only"** included in this situation.

Thank you for your consideration.

Kimberley Dawn

kdawn@norenproducts.com



www.norenproducts.com

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Cabinet Coolers – Heat Exchangers

Acoustic Noise Reduction Computer Cabinets

Susan Craig

From: jan serra [jpaysan@yahoo.com]
Sent: Sunday, February 22, 2009 8:17 PM
To: Susan Craig; ghill@co.santa-cruz.ca.us
Cc: jvaudagna@comcast.net
Subject: Rio Del Mar Net Site Area Issue

Dear Ms. Craig, and Ms, Hill,

We have a house at 323 Beach Drive, Rio Del Mar/Aptos which will soon become our primary residence. This property is included in the Net Site Area issue. We are requesting that the commission adopt language which limits any changes to the net site area to bluff top properties only. This reportedly, was the county's original intention.

Using the average house size for the parcels along the bluff toe would not take into account the significant difference in parcel sizes even though the calculation counts the FEMA floor. This makes the average house size calculation unfair since the existing houses were constructed on varying size parcels prior to the FEMA floor being required.

Thank-you for your consideration.

Sincerely,

Jan and John Serra

Susan Craig

From: Jkinkle1@aol.com
Sent: Saturday, February 21, 2009 3:58 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Ordinance 13.10

Dear Ms. Craig,

I am writing to express my concern regarding Ordinance 13.10 and the Net Site Area issue. I have owned a home at the foot of the bluff on Beach Drive in Rio Del Mar/Aptos for 20 years.

It is critical to the property value of my home that the Coastal Commission exclude homes on Beach Drive in regard to changes to the Net Site Area. I request that the commission preserve the square footage of Beach Drive homes according to the size of the parcels (as opposed to determining square footage based on average house size). Using the average house size would not take into account the difference in parcel sizes. The use of average house size to determine square footage is unfair, since the existing houses were built on varying size parcels prior to the FEMA floor being required.

I urge you to approve the definition of the Net Site Area as proposed by Santa Cruz County. Thank you very much for your consideration.

Sincerely,

Gladys Brock
355 Beach Drive
Aptos

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Dear Coastal Commission,

I am writing this letter to you at the request of my mother Dorothy Menezes, a homeowner and member of the Rio Surf and Sand Homeowners Association.

My parents John and Dorothy Menezes purchased their home a handful of years ago. Their home, 525 Beach Drive, Aptos, CA, is located at the toe of the bluff. 525 Beach Drive is not just another house to our family, it is a home, a place where four generations of Menezes family members collect to spend time together and a place where we can enjoy the natural beauty that the Monterey Bay offers.

Our family time together is even more important to us since my father passed away August 7, 2008. Let me tell you a little bit about my father, my mother's life long sweetheart, he was the corner stone of all of our lives, and a man who worked hard for what he had. As a young man his country called on him to serve in Korea as a member of the U.S. Army. He returned home a Purple Heart veteran. Both of my parents raised a family of six children. They cared for their family and they were stewards of the land with their farming and ranching operations.

My parents, who have given so much to their family, community, county, state and country, are only asking for one thing from the Coastal Commission, to be able to rebuild 525 Beach Drive as it is, should a disaster happen. It is inconceivable that your commission could even think about taking away my mothers property rights by not allowing her to rebuild her current home as it is today. All across America, when disaster strikes, our states and governments help citizens to rebuild their homes and their lives. Please do not adopt any actions that would change my mother's lot size or take away my mothers right to rebuild the exact home that my parents purchased together years ago.

Thank you for your time and attention to this important matter. I can be reached at dineves7@gmail.com or 209-704-0369.

Diane Menezes Neves
715 Madison Avenue
Los Banos, CA 93635

RECEIVED

FEB 19 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1

RECEIVED

FEBRUARY 17, 2009

FEB 19 2009

RE: ORDINANCE 13.10

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TO: SUSAN CRAIG - CC

GLENDA HILL - County of Santa Cruz

PLEASE GIVE SERIOUS CONSIDERATION & APPROVE THE
SANTA CRUZ COUNTY PROPOSED ORDINANCE TO BLUFF
TOP PROPERTIES ONLY - AS ORIGINALLY INTENDED.

OUR PROPERTY IS AT 235 BEACH DRIVE -
LOT SIZE IS APPX 32' x 35', AND THE HOUSE
IS ABOUT 1800 SQ. FT. ANY REDUCTION IN
THE LIVING AREA WOULD SEVERELY LIMIT THE
UTILITY OF THIS PROPERTY. SINCE OUR PURCHASE
IN 1985, WE HAVE RENTED THIS PROPERTY ^{YEARLY} BETWEEN
120 DAYS AND UP TO 205 DAYS. - SOME VACATIONERS
HAVE COME TO "STAY AT THE BEACH" FOR A WEEK FOR
15 OR 20 YEARS. WITH AN OCCUPANCY OF 9 OR
10 PEOPLE PER WEEK A SIGNIFICANT NUMBER OF
VACATIONERS HAVE ENJOYED MONTEREY BAY. FOR
THOSE THAT ELECT NOT TO OWN BEACH PROPERTY OR
CAN'T FINANCIALLY DO SO, RENTING IS AN IMPORTANT
OPTION.

PLEASE ALLOW HOME SIZES THAT CAN SERVE FAMILY
NEEDS AND PERMIT EXISTING HOUSE SIZES TO BE
REBUILT AFTER MAJOR PROPERTY DAMAGE. THANK YOU
Bill Weisloh (BILL WEISLOH) Jeanne Weisloh (JEANNE WEISLOH)

JACK TROEDSON

165 Sausal Drive, Portola Valley, California 94028
621 Beach Drive, Aptos, California 95003

February 17, 2009

RECEIVED

Ms. Susan Craig
California Coastal Commission
725 Front St. #300
Santa Cruz, CA 95060

FEB 19 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

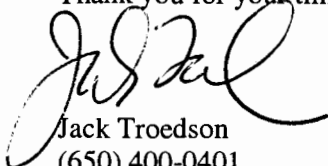
Re: Santa Cruz County

Dear Ms. Craig:

We traded voice messages recently about my personal experiences as a homeowner on Beach Dr. in Aptos. I am sending you this letter as you prepare for your upcoming meetings with Santa Cruz County. My wife and I have owned our home @ 621 Beach Drive for 20 yrs. Two yrs ago we completed a tasteful remodel of the existing structure without adding any square footage---a "neighborhood compatible" project! At no point in time did we anticipate the level of construction and development that has taken place in our neighborhood over the last several yrs. Our quiet beach side property has been converted into a multi-year construction zone. This has been caused by the construction of SIX, three story, "bunker style" homes located on the bluff side of our street, as well as the recent introduction of two story homes on the beach side, effectively blocking our views of the ocean. We are shocked that such massive disruption would be permitted in our community, particularly with the additional oversight of the Coastal Commission. With respect to the bunker style homes on the bluff, the level of excavation and foundation work is extremely difficult to live around, as well as the subsequent steel framing, etc. These homes are similar to the construction of three story office bldgs with underground parking garages.....in a quiet neighborhood of one and two story beach houses!!!! Adding to our frustration is the "FEMA mandated" two story homes on the beach, which are completely out of character, not particularly attractive, and restrict other homeowners' views of the ocean. Basically, there is nothing close to "neighborhood compatible" with either style of construction. It appears that there is no end in sight, as additional permits are being considered by the County under its current guidelines, other permits have already been issued, and the local homeowners group is pushing for more rights!

Rest assured, we do appreciate people's property rights, but nowhere should it allow people to negatively impact others in the same neighborhood on such a massive scale. If you or your team have not done so, please visit our neighborhood "behind the gate" at the end of Beach Drive. I would be happy to personally escort you.

Thank you for your time.


Jack Troedson
(650) 400-0401
jackt@ccarey.com

Susan Craig

From: Tom Sauer [TJS@mgrc.com]
Sent: Thursday, February 19, 2009 10:43 AM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Ordinance 13.10
Importance: High

Susan,

My name is Tom Sauer and my wife, Anne, and I own a home at 431 Beach Drive in Aptos, CA

Currently, the Coastal Commission is reviewing and discussing with the County of Santa Cruz the Net Site Area Issue. We believe the intention of the original ordinance was to address the size of homes on the bluff and should not have applied to those homes located on Beach Drive. Under that ordinance, the unintended consequence is that in the event of a disaster, Beach Drive homes most likely would not be rebuilt as a result of limiting the square footage of those rebuilt homes; significantly smaller homes would result, and may, in fact, significantly impact the value of these homes on a go forward basis. These seem to be unreasonable outcomes for an ordinance which was to address the net site area issue of homes constructed or remodeled on the bluff. We would request that the Coastal Commission approve language, proposed by the County which limits any changes to the net site area to the bluff top properties only, which was the County's original intention.

Thank you for your consideration in this matter.

Tom and Anne Sauer
home - (925) 837-6735
cell - (925) 858-9065

2/23/2009



James D. Prigmore, D.D.S.

*"Here to
guide you"*

February 13, 2009

Central Coast District Office

Dear Susan Craig,

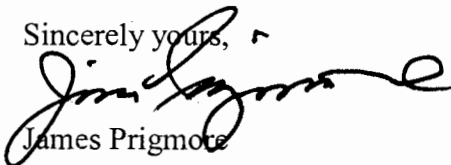
I am an owner of a bungalow type beach house located at 435 Beach Drive in Aptos, CA. As an owner, I am concerned that new standards of size of construction may adversely impact our residence.

We have had this beach house continuously in our family since the 1940's. My brother in law and our families bought the house in 1977 from our grand uncle. We enjoyed the use of the home for many generations and have no plans to change the house. The house is about 1350 square feet of living space and sits on about 5,000 square feet lot.

Our understanding of the new coastal building rules is that in the event of a total loss due to fire or flood, we could not rebuild. The building code on the Beach Drive requires that no living space be on the first floor and because of necessities of scale between the first floor and living space and the ratio of land space and building size, rebuilding would be impossible.

As you balance interests please keep in mind that our beach property and house affects no "views" of the house behind us and our lot size is very small and does not allow for "green space" to surround it. Please keep the interests of the beach drive homeowners in mind and make standards that allow appropriate exceptions.

Sincerely yours,


James Prigmore

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FEB 19 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

February 16, 2009

Susan Craig, Coastal Planner
725 Front St, Suite 300
Santa Cruz, CA 95060-4508

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FEB 19 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Ms Craig,

As the owner of a house along the toe of the bluff on Beach 4th (385), I am concerned with your discussions regarding the net site area. I would respectfully request that the Commission adopt language which would limit changes to the bluff top property only, which was the County's intention.

In the case of the toe of the bluff side houses, if you were to use the average house size it would be unfair since the existing houses were built on varying size lots prior to the FEMA floor requirement.

I hope that you will give my concerns your consideration.

Sincerely,

Juan Lane

500 Almer Rd, #301

Burlingame, CA 94010

Susan Craig

From: william.stonhaus@ubs.com
Sent: Wednesday, February 18, 2009 3:54 PM
To: Susan Craig
Cc: ghill@co.santacruz.ca.us
Subject: Net Site Area Issue

Ms. Craig,

With regard to the net site area issue, neither my wife nor I have heard any kind of update. As you may or may not know we are requesting that the commission adopt the language to limit any changes to the net site are to "Bluff Top Properties" only.

With regards to Toe of the bluff side houses: our understanding is using the average house site for the parcels along the bluff toe would not take into account the difference in parcel sites even though the calculation looks the FEMA floor making the average site unfair since the existing houses were constructed on varying size parcels prior to the FEMA floor being required.

This is an extremely important issue for my family. We live at 377 Beach Dr. and would appreciate your help.

Sincerely,

Bill and Karen Stonhaus
851.685.2415

William Stonhaus

Senior Vice President – Investments
(559) 248-4004
Toll Free (888) 274-5536
Fax (559) 248-4078

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2/23/2009

Susan Craig

From: Kate Hawley [katehawley@cruzio.com]
Sent: Wednesday, February 18, 2009 4:08 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Beach Drive Properties

Dear Ms. Craig,

I respectfully request that the Commission adopt language which limits changes to net sit area to bluff top properties only. As the owner (with my brothers) of surely the smallest house on the private property side of the fence, any reduction in the size of our house would result in something the size of a walk-in closet.

My father, Mel Hawley, built our little house in the 50's with his own two hands. It has withstood flood and mudslides. We sincerely hope that, were disaster to strike again, we would be able to rebuild a reasonable replacement.

Many thanks.

Kate Hawley

Susan Craig

From: jimbofx Melehan [jimbofx@msn.com]
Sent: Tuesday, February 17, 2009 8:01 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Net Site Area Issue

Dear Ms. Craig,

For nearly 40 years my family has owned the property located at 222 Beach Drive in Aptos. Ours is one of the homes located on what is known as Beach Island. Over these many decades our extended family has experienced innumerable happy times and built irreplaceable memories in what we all simply call "the beach house." We plan to keep this home in the family for many years to come.

I am writing to express my concern about the proposed Net Site Area rebuilding restrictions currently under discussion by the Coastal Commission staff and the Santa Cruz County Board of Supervisors. The revised definition of NSA proposed by the CCC staff would very negatively affect our ability to rebuild our home in the event of a disaster. It is my understanding that our rebuilding could be restricted to as little as 225 square feet, thus effectively rendering our lot unbuildable.

It is also my understanding that this evolved from the efforts of two county supervisors to deal with the issue of large, new bluff top homes that were being built in the area over the past few years. I agree wholeheartedly with the necessity of imposing reasonable restrictions on such building, since these bloated structures not only affect the views from nearby homes, but are also completely out of character with the surrounding area. It would seem that what is at work here is a case of unintended consequences. What began as a good faith effort to protect the existing owners and preserve the beauty of the area has morphed into something quite the opposite. A catastrophic event that would take our home and all of the memories it holds would cause tremendous trauma within my family. To then be denied the ability to rebuild our home would present a scenario nothing short of a nightmare. Although property rights are at stake here as well as a loss of property values, there is a much more simple issue involved and that is one of basic unfairness. Non-bluff owners have been dragged into this basically as innocent bystanders, and we should not be caused harm because of the "sins" of others. I trust that it is not the intention the Coastal Commission to create such deleterious effects for toe of the bluff and sand owners, but that is precisely what would happen if the NSA amendments are adopted.

I therefore urge that the CCC not adopt any NSA amendments or at least to restrict such amendments to bluff top property owners only (thus following the original county intent). I also request that the definition of NSA proposed in the Santa Cruz County application by the county be approved. This will protect those of us who should never have become involved in this issue.

I hope that common sense will prevail in this matter and justice will be served to toe of the bluff and beach owners.

Sincerely,

Jim Melehan
256 Spreading Oak Dr.
Scotts Valley, Ca 95066

February 16, 2009

Susan Craig
Coastal Planner
CA Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Ms. Craig:

I am writing on behalf of my parents, John and Katherine Nomellini, owners of 437 Beach Drive, Aptos. We urge the Coastal Commission to work cooperatively with Santa Cruz County planning staff, and adopt the Net Site Area definitions that have been recommended by the County after careful consideration.

The value and future of our family's property, located at the toe of the bluff on Beach Drive, is at stake. This home was built by my parents in the early 1960's, the result of many years of hard work and savings after my father's service to his country in the U.S. Navy during WW II. My parents are 90 and 83, respectively, and this conflict over the definition of Net Site Area has been an annoyance to them at best, and a worrisome threat, at worst.

In short, if the Coastal Commission elects to use the average house size as a standard maximum house size for all the parcels along the toe of the bluff, this standard will effectively ignore the difference in parcel sizes, thereby treating Beach Drive properties inequitably and unreasonably. We urge you to treat the property owners along the toe of buff on Beach Drive fairly, and to quickly resolve this matter in the manner the local County Planning Department supports.

Best regards,

Elizabeth Nomellini Musbach
jlmusbach@comcast.net

cc: Glenda Hill, Santa Cruz County Planning Department, ghill@co.santa-cruz.ca.us
John and Katherine Nomellini

PYRAMID 5
c/o Mel Silveira
1865 Prune Street
Hollister, CA 95023
msilveira49@hotmail.com
(831) 637-7026

February 11, 2009

Susan Craig, Coastal Planner
scraig@coastal.ca.gov
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Re: Santa Cruz Ordinance 13.10

Dear Ms. Craig:

We are the owners of a home at 309 Beach Drive, Rio del Mar, Aptos, CA.

We agree with the senior staff and commissioners of Santa Cruz County and request that the definition proposed by the county be approved.

The definition of the net site area suggested by the staff of the Coastal Commission would devalue our property and all those on Beach Drive. If our home is badly damaged or destroyed we would be restricted to a replacement home of approximately 800 square feet of living area. Such event would make our lot unbuildable and practically valueless.

We urge that the Coastal Commission adopt the recommendations proposed by Santa Cruz County.

Thank you for consideration and attention in this matter.

Respectfully yours,

Frank and Josephine Borelli
Paul and Henriette Carbone
Bob and Marian Cruz
Maria Grimsley
Melvin and Yvonne Silveira

Susan Craig

From: Christopher Booth [BoothCP@cci-sf.com]
Sent: Wednesday, February 11, 2009 1:18 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Santa Cruz County - Definition of Net Site Area

CALIFORNIA COASTAL COMMISSION
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060
Attn. Susan Craig

Dear Commission members:

Our family owns a property on Beach Drive in Aptos, Santa Cruz County. We understand that you are in discussions with Santa Cruz County to bring your rules regarding Net Site Area in line with recently adopted County rules.

We strongly urge you to adopt the County's definition of Net Site Area. The County's method results in houses (a) in keeping with the existing neighborhood, (b) of commensurate size with the houses already developed along our section of the coast, and (c) in scale with the size of their parcels. It is fair to all concerned. Under the definition being considered by the Coastal Commission prior to December 10, our ability to rebuild following a disaster would be substantially impaired, at best.

Thank you for considering our feelings in this most important matter.

Christopher P. Booth
624 Beach Drive
Aptos, CA
Christopher P. Booth
101 Howard Street, Suite 404
San Francisco, CA 94105
(415) 392-2708 x351 (voice)
(415) 777-0937 (fax)
boothcp@cci-sf.com

Robert & Kathleen Dimino
James & Ellen Snell
39510 Paseo Padre Parkway #190
Fremont, CA 94538

February 11, 2009

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

Attn: Susan Craig

Re: Santa Cruz County IP Amendment: Net Site Area

Dear Commission member:

We are the property owners of 540 Beach Drive, Aptos CA in Santa Cruz County, which is a three story home on the bluff toe side of Beach Drive. Our property would be adversely affected by the adoption of the Definition of Net Site Area proposed by Coastal Commission staff.

The revised Definition of Net Site area proposed by the Coastal staff would unfairly result in much smaller houses because using the average house size for the parcels along the bluff toe would not take into account the difference in parcel sizes. Since our house was built many years prior to FEMA floors being required, any rebuilding necessary in the event of a disaster, would be severely limited.

We respectfully request that the Coastal Commission limit any changes to the net site area to bluff **top** properties only, which was the County's intention. The definition proposed by the County is a fair and equitable one. Please consider retaining their method.

Thank you.

Sincerely,

Robert & Kathleen Dimino
James & Ellen Snell

cc: Glenda Hill,
Santa Cruz County Planning Dept.

LAW OFFICES OF

HARRETT W. MANNINA, JR. ATTORNEY

SUITE 110 EMPIRE BUILDING • 510 N. FIRST STREET • SAN JOSE, CALIFORNIA 95112 • TELEPHONE (408) 294-5061 • FACSIMILE (408) 294-5069

HARRETT W. MANNINA, SR.
(1920-2002)

February 10, 2009

RECEIVED

FEB 11 2009

Ms. Susan Craig
Coastal Planner
Central Coast District Office
725 Front Street, #300
Santa Cruz, CA 95060-4508

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Beach Drive Properties, Aptos, CA
Ordinance No. 4841-Santa Cruz
County Code Section 13.10.700-S

Dear Ms. Craig:

I am one of the property owners having a home on Beach Drive in Aptos, California. Needless to say, myself and neighbors were greatly upset when the county adopted an ordinance which would greatly limit and inhibit our use of our real property if in fact it became necessary to rebuild.

The County of Santa Cruz has been extremely receptive and helpful in addressing the ordinance problem which was apparently an oversight on their behalf. It is my understanding that when the ordinance in question was adopted, its' intent was to regulate building sizes on the top of the bluff and not to impact residences located on beach and toe of the bluff.

I have been informed the County has proposed language changes to effectuate their original intent to limit any changes to net site area of bluff top properties only. In doing so there would be no adverse impact on beach properties, beach side and toe of the bluff. I am therefore respectfully requesting that the Commission adopt language which would limit any changes to the net site area to bluff top properties only, as the County originally intended or, in the alternative, that the definition proposed by the County be approved.

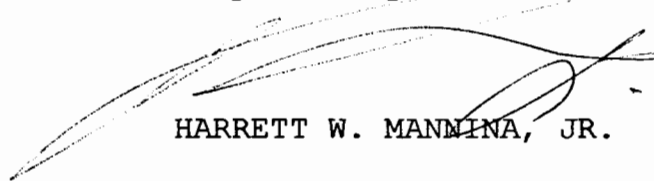
Further, being a homeowner on the toe of the bluff side and if needing to rebuild, using the average house size for the parcels along the bluff toe would not take into account the difference in parcel sizes even though the calculation counts the FEMA floor thus making average house size unfair since existing houses were

Ms. Susan Craig
February 10, 2009
Page Two

constructed on varying size parcels prior to the FEMA floor being required. It would be a great hardship upon myself and I'm sure fellow neighbors if our houses ended up to be 50-60% of the size of a neighbor's home.

Again, the County has been extremely helpful in their attempts to rectify the situation which has developed and the Commission's adoption of language limiting changes to net site area to bluff top properties or approving the definition being proposed by the County would be greatly appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Harrett W. Mannina, Jr.', is written over the typed name.

HARRETT W. MANNINA, JR.

HWM:el

cc: Ms. Glenda Hill
Santa Cruz County Planning Department
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Susan Craig

From: Cwatchers@aol.com
Sent: Tuesday, February 10, 2009 10:42 AM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Net Site Area

Dear Susan,

The Coastal Commission staff's revised definition of "net site area" (proposed prior to December tenth), would make it very difficult for Beach Side Home owners (those of us in the area known as "Beach Island") to rebuild in lieu of a fire or a natural disaster. Because of the limited lot size of many of the properties in that area, which includes 208 Beach Drive, we would be limited to homes as small as 225 square feet which is not only unacceptable, but uninhabitable.

It is my sincere hope that the Coastal Commission adopts language which limits the proposed changes to the "net site area" to Bluff Top properties only, which was the County's original intention.

Sincerely,

Sharon Krenek
208 Beach Drive
Aptos, California 95003

The year's hottest artists on the red carpet at the Grammy Awards. **AOL Music takes you there.**

2/23/2009

Susan Craig

From: Doug Alman [doug@somersetauctions.com]

Sent: Tuesday, February 10, 2009 2:59 PM

To: Susan Craig

Cc: ghill@co.santa-cruz.ca.us

Susan Craig and Glenda Hill

We have been living in our beach home for the past sixteen years. Our home is over seventy years old but in excellent condition. It was built from redwood and has been well taken care off.

We are now told that if something happens to our home we will not be able to fully rebuild. This seems impossible. FEMA and the Coastal Commission didn't even exist when our home was built. Please reconsider this plan.

Thank You

Doug Alman
393 Beach Drive
Reo Del Mar

Susan Craig

From: Michael Becker [cruzfire@gmail.com]
Sent: Monday, February 09, 2009 1:02 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Ordinance 13.10 Critique

Susan Craig, Coastal Planner
California Coastal Commission
Central Coast District Office

Dear Ms. Craig,

I am writing this on behalf of myself, Michael Becker and my three brothers, Richard, Steven and Stuart Becker; owners of 272 Beach Dr., Aptos, CA, 95003.

We have become aware that the Coastal Commission is considering changing the definition of "net site area" which would directly result in a harmful impact to our property, a small, beach-side home. The change, as proposed, is too broad in its reach. If enacted it would prohibitively reduce our rebuildable square footage to an impractically small, unbuildable footprint.

The County of Santa Cruz has recognized this problem and has proposed an alternative definition, which we would encourage you to adopt.

An alternative solution would be if the Commission would restrict the area affected by the definition to strictly bluff top properties.

Thank you for your consideration to this most important matter.

Michael Becker
cruzfire@gmail.com

Susan Craig

From: Betfred200@aol.com
Sent: Saturday, February 07, 2009 12:59 PM
To: Susan Craig
Cc: ghill@co.santacruz.ca.us; jvaudagna@comcast.net
Subject: (no subject)

Dear Ms. Craig,

I am writing relative to the Net Site Area discussions going on now with the Coastal Commission.

My wife and I are the owners of a beach front property in Aptos and we are alarmed at the possibility that legislation, which was originally intended for bluff top properties only, will affect beach front properties.

If the proposed regulation were imposed; and if I were unlucky enough to have a fire or other reason to rebuild, my existing property would be useless and would have zero value. In that event, neither we or my extended family would have any enjoyment from a property we have had for years and paid substantially for.

Even without a disaster, I can't see how this proposal does any one any good.

In this case, it would diminish the value of our property by having this hanging over our heads, thereby causing a reappraisal which would reduce the property tax on the property.

In the event of a disaster, since rebuilding would be impossible, it would destroy our investment and make the property worth nothing.

Since we would not keep it, and no one would buy it, there would be no property taxes.

Either way, it is not a very good arrangement for the communities relying on property taxes to have a law that diminishes the tax base.

I strongly request that this proposal be limited in scope and not include beach front homes, as originally conceived and as proposed by the county.

Sincerely,

Mr. and Mrs Fred Bialek

218 Beach Dr.

Aptos, CA

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

2/23/2009

I am a homeowner at 341 Beach Drive, Aptos CA and am concerned regarding the discussions/proposals that have been taking place regarding the Net Site Area issue. The citizen's group that lobbied to make ordinance changes for bluff top properties I am in full support of, which was the county's intention. However the impact this language has on my home, which lies on the toe of the bluff, is not in the spirit of their mission. Using the average house size for the parcels along the bluff toe would not take into account the difference in parcel sizes even though the calculator counts the FEMA floor making average house size unfair since the existing houses were constructed on varying size parcels prior to the FEMA floor being required. I am looking for the Coastal Commission and the County Supervisors of Santa Cruz to put ordinance changes to take this into account .

Sincerely,

Robert B Filuk MD

Susan Craig

From: Allen & Patti [alpat331@sbcglobal.net]
Sent: Friday, February 06, 2009 12:41 PM
To: Susan Craig
Cc: ghill@co.co.santa-cruz.ca.us
Subject: Coastal Commission Net Site Area issue

Susan Craig, Coastal Planner

I would like to request that the commission adopt language which limits any changes to the net site area to bluff top properties only, which was the County's original intention. I own a home on the toe of the bluff, and would be severely damaged if I lost my ability to repair or replace my structure in case of damage. I believe that the definition proposed by the County of Santa Cruz should be approved. I attended the County board meeting at which the discussion and decision took place, and was very relieved at the result.

Thank you for your consideration and assistance in this matter.

Allen Brown
331 Beach Drive
Aptos, CA 95003

2/23/2009

Keating Family Property
1980 Mountain Blvd. Suite 208
Oakland, CA 94611

February 6, 2009

California Coastal Commission-Central Coast District Office

Susan Craig, Coastal Planner
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

RE: Ordinance 13.10-Net Site Area

Dear Mrs. Craig,

As a homeowner at 230 Beach Drive, Aptos, I write this letter to urge you and the Commission to consider the unreasonable and severe consequences to non-bluff homeowners as the referenced ordinance comes before the CCC later this year.

In the event of a catastrophic loss, the revised definition of the Net Site Area, as proposed by the California Coastal Commission's staff, would limit the reconstruction of my family's home to a fraction of its current size. In fact, throughout Beach Drive, all of the homes would be limited to an average size of 800 square feet and in at least one case the home would be limited to nearly 200 square feet. This is not only unreasonable, but it is more than likely unbuildable.

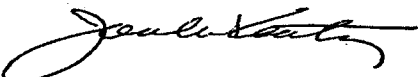
I was present at the hearing where Santa Cruz County concluded that the intent of the ordinance was to control the over building of the bluff lots and that the original language unfairly penalized beach lots and bluff toe lots. Consequently, the County modified the language accordingly before it was submitted to the CCC.

I strongly urge you to take one of the following actions:

- Request that the Commission adopt the language that was proposed by the County before it was modified by the Commission's Staff
- Request that the Commission adopt other language that limits any changes to lots on the bluff tops.

Thank you in advance for your consideration and recognition of the severe hardship that the beach and bluff toe lot owners are faced with.

Sincerely,



James M. Keating
230 Beach Drive- Aptos, Ca.

Cc: Glenda Hill, Santa Cruz Planning Dept.

February 6, 2009

Central Coast District Office

Susan Craig, Coastal Planner
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Re: Ordinance #13.10

Dear Susan:

We are the Owners of 411 Beach Drive in Aptos, California. We are writing to comment on the proposed Ordinance 13.10. The following are our primary concerns:

- 1) Adopt language in the ordinance that limits "net site area" to apply to bluff-top parcels only to be consistent with the intent of the County.
- 2) Using the average house size for the parcels along the bluff toe would not take into account the difference in parcel sizes. This would result in a taking of property from numerous parcels along the toe of the bluff (and beach side parcels as well).

Please include the above comments as you move towards approving Ordinance 13.10. Thank you for your consideration.

Regards,

Pam & Joe Nootbaar
411 Beach Drive
Aptos, CA

cc:

Glenda Hill, Santa Cruz County Planning Dept

February 6, 2009

California Coastal Commissioners
c/o Susan Craig
California Coastal Commission
725 Front Street
Santa Cruz, CA 95060

RE: Santa Cruz County LCP Amendment 2-06 (Neighborhood Compatibility)

Dear Coastal Commissioners:

My family and I own a residential property at 423 Beach Drive, Aptos, CA and I am writing to voice opposition to the recommendations contained in the CCC Staff report related to the Net Site Area (NSA) issue on your December 10, 2008 agenda. We have been closely involved with the NSA issue and believe that the Santa Cruz County Board of Supervisors appropriately adopted the proposed NSA changes so that beachfront and toe of the bluff owners would not be unduly penalized or restricted unfairly.

As you know, it is extremely difficult to build new or even remodel properties on the beach. An overwhelming number of existing requirements including FEMA regulations, County Coastal Permit requirements, and California Coastal Commission review, significantly restrict what can be built in these areas. The CCC staff-proposed changes to the NSA definition would further restrict our properties such that very little could be built without variances. To apply a blanket approach for parcels located on the top of the bluff, toe of the bluff and beachfront is inconceivable due to the complexities of each of these areas. We urge the Commission to reject the CCC staff proposed changes and take the following actions:

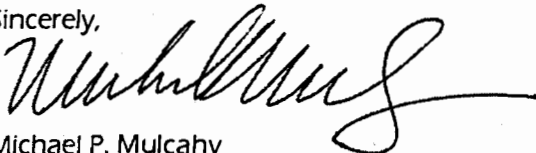
1. We request that the definition previously proposed by the County be approved.
2. At the very least, the Commission should adopt language which will limit the changes to the net site area only to bluff top properties which was the County's intention in its proposed language.

Using the average house size for the parcels along the bluff toe would not take into account the difference in parcel sizes even though the calculation counts the FEMA floor, making average house size unfair since the existing houses were constructed on varying size parcels prior to the FEMA floor being required.

Existing regulations are adequately addressing neighborhood compatibility for beachfront parcels. Please do not use the efforts by the County to close a loophole on bluff top development to unfairly restrict and penalize beachfront and bluff-toe owners.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Mulcahy", written in a cursive style.

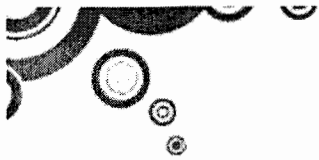
Michael P. Mulcahy
Partner, SDS Hayward LP, Owner, 423 Beach Drive

Susan Craig

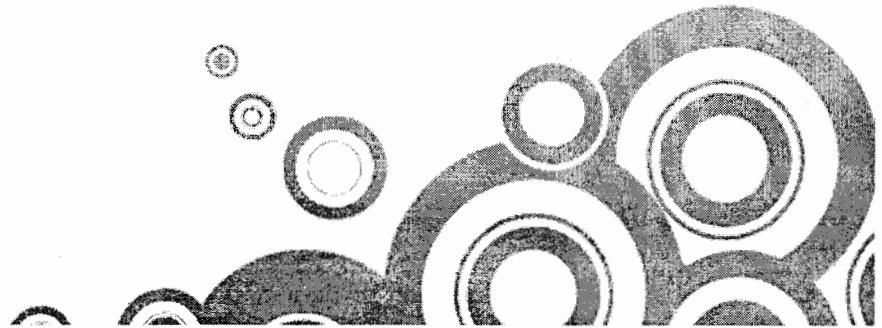
From: kim Gerami [kimgerami@yahoo.com]
Sent: Thursday, February 05, 2009 7:55 PM
To: Susan Craig
Subject: Fw: 270 BEACH DRIVE, Aptos

----- Forwarded Message -----

From: kim Gerami <kimgerami@yahoo.com>
To: michaelg@myexcel.com
Sent: Thursday, February 5, 2009 7:54:17 PM
Subject: 270 BEACH DRIVE, Aptos



Dear Susan, We own a home on the beach side of beach drive. We purchased it about 6 years ago and are still paying a huge mortgage on it. The revised definition of our site area would create a financial hardship for us, our house would lose its resale value and we wouldn't be able to refinance for the amount we owe now. We have 6 children and we really look forward to our stays in Aptos. If a storm were to damage our home, the square footage allowed for rebuilding would not accomodate even half of us. Please consider us and others who have put so much time and money into our homes. Thankyou, Kim and Majid Gerami



RECEIVED

January 28, 2009

FEB 05 2009

Susan Craig, Coastal Planner
725 Front Street, Suite 300
Santa Cruz, Ca 95060-4508

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Ms. Craig

My husband and I own a house, built years ago on the "toe side of the bluff", at 327 Beach Drive in Aptos. We purchased this "dream" home back in 1989, just prior to the Loma Prieta earthquake. In the last twenty years, we have put much effort and spent considerable financial resources to preserve it BUT we have also been rewarded by countless hours of peaceful enjoyment. Other homeowners have being there longer yet.

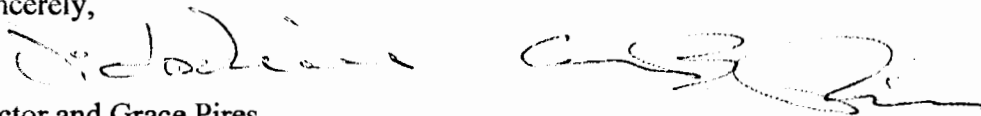
The passage of ordinance 13.10 in December 2006 took us by alarming surprise. It felt like a major crash with an unforeseen semi-truck due to **the powerful negative impact on our property and our neighbors' properties**. If these houses sustain substantial damage from storm, fire, earthquake or other disaster, **they will likely not be re-built** because the original ordinance excludes "coastal bluffs, beaches and submerged Monterey Bay areas" from being considered in a parcel's size when determining lot coverage and floor area ratio maximums AND these houses are flanked by these exclusions. **Such a situation would mean emotional and financial disaster to all of us.**

This ordinance has effectively lowered our property values. What if Beach Drive is hit with a major storm and we are denied variances to rebuild? Not only will we loose our houses but the county will loose considerable property tax revenue. What if some of us need to sell the houses due to current or future economic hardship? Houses cannot be sold without disclosure of such ordinance. Who will want to buy these houses with the knowledge that, in case of a disaster, they may not be able to rebuild?

We respectfully request that the Coastal Commission take in account the difference in existing parcel sizes on the toe side of the bluff when making this consideration. These lots and, consequently, the existing houses vary so greatly in size, most of them being built before the FEMA floor requisites, that using "the average size house" to determine future construction would be unfair.

The county supervisors understood the possible devastating consequences and proposed an amendment to the Coastal Commission to accommodate the home owners' concerns while preserving their original intent when they passed the ordinance in 2006. By either adopting language which limits changes to the net site area to the bluff top properties ONLY, the original County's intent, or by approving the County's proposed definition, the Coastal Commission can resolve BOTH the county's and the homeowners' issues. Please take favorable action and resolve this issue to meet everyone's needs.

Sincerely,



Victor and Grace Pires

CC: Glenda Hill, Santa Cruz County Planning Dept.

Susan Craig

From: The Cliff Family [cliffnotes@mac.com]
Sent: Wednesday, February 04, 2009 10:52 AM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: beach front property net site issue

Dear Ms. Craig,

I am writing to express my concern about the revised definition of the net site area proposed by the Coastal Commission. As the property owner of 539 Beach Drive in Rio Del Mar I am requesting that the Commission adopt language which limits any changes to the net site area to bluff top properties only. This I believe was the County's intention and I would like to see the definition proposed by the County approved.

My family has owned 539 Beach Drive for nearly 40 years and it would be ruinous and unfair to us, or any of our neighbors, if we had to rebuild, in the event of a disaster, under the Coastal Commission's proposed net site restrictions.

Thank you for your attention to this matter. Please contact me with any questions at (415) 648-7700.

Daniel S. Cliff

Susan Craig

From: TJ Krueger [tjkrueg@verizon.net]
Sent: Wednesday, February 04, 2009 2:42 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: 303 Beach Drive & Current Proposals

Attn: Susan Craig, Coastel Planner
725 Front St., Suite 300
Santa Cruz, CA 95060-4508

Susan, I have been the owner of 303 Beach Drive, Aptos; for forty years and this piece of property is a serious and the largest element in and of my retirement income. Any restrictions prohibiting rebuilding this property to at least it's present size would seriously impair my income and livelihood.

I am requesting that you accept the language that Glenda Hill has proposed regarding our properties on Beach Drive.

Respectfully,

Teresa Jane Krueger

2/23/2009

Dr. Jeanne Linsdell
264 Beach Drive
Aptos, California 95003
831-662-8324
JeanneLinsdell@aol.com

RECEIVED

FEB 03 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

February 1, 2009

Central Coast District Office
Susan Craig, Coastal Planner
725 Font Street, Suite 300
Santa Cruz, CA 95060-4508

CC: Glenda Hill
Santa Cruz County Planning Dept.
701 Ocean Street, Room 400
Santa Cruz, CA 95060

SUB: Ordinance 13.10

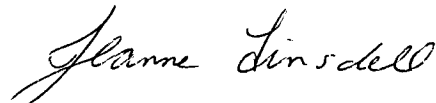
Dear Susan Craig, Coastal Planner,

I bought my home at 264 Beach Drive in 1987. I live here permanently. I am writing due to my concern about the value and future of my home (on what is called "Beach Island").

Every engineering student at SJSU (all majors) must take a class that I developed several years ago titled "Engineering Reports on the Earth and Environment." I am very aware and supportive of environmental concerns, and am very involved in the field. However, the discussions of new regulations regarding my home and the Net Site Area issue are frightening. In the event of a disaster (earthquake, fire, etc.) I would be prohibited from rebuilding; this is wrong and unethical. This is not environmental protection. This is my home. This is my largest investment. Please help me to protect the worth, significance, and future of my home.

Thank you.

Most sincerely,


Jeanne Linsdell

Susan Craig


From: Jim Matalone [jfmatalone@aol.com]
Sent: Tuesday, February 03, 2009 7:43 AM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Ordinance 13.10

Dear Ms. Craig,

I am a home owner at 367 Beach Dr. and I would like to voice my support for the continuing protection of value and future of our homes. We would urge the commission to protect and limit any changes to the net site area to bluff top properties only. We support the county in this endeavor. The parcels were originally sold with size and varying geometric definition differences from each other. Using the average house size for the parcels along the bluff would not work; this would not take into account the differences. The calculations would render rebuilding houses after a disaster unbuildable and unacceptable.

Thank you for your attention to this important matter.

James Matalone
Elaine Matalone
owners, 367 Beach dr. Aptos, Ca

 Jim Matalone
WCCI
Ph:408-280-2211
FX:408-280-2218

Carnations mean admiration, Tulips mean love - what do Roses mean? **Find out now!**

Feb.2, 2009

Dear Coastal Commission,

We are extremely concerned about the discussion of the Net Site Area issue in regards to our beach home in Aptos. Our home is on the beach side and we hope you will adopt language limiting changes to the bluff top properties only, which was the County's intent.

Our beach home has been in our family for nearly 30 years. Like any home, it is full of memories and it is a very important part of our family history. The thought of any disaster damaging our home during an earthquake, flood, or fire would be devastating. Yet, in the event of that happening the inability to replace our existing home, which we have held onto for so many years, would be far worse.

The financial impact of this is obvious, as all the value in our home would be lost. We are convinced that this is not your intent.

We hope you will understand how important our beach home is to our family.

Please approve the definition proposed by the County.

Sincerely,

Leonard and Denise Roberts

RECEIVED

FEB 03 2009

GEOFF. VAN LOUCKS

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

154 Del Mesa Carmel
Carmel CA 93923

831 625 1109
831 625 1119 (Fax)

E-MAIL:
geoff@vanloucks.com

January 27, 2009

California Coastal Commissioners
c/o Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re Net Site Area Issue

Dear Coastal Commissioners,

My wife and I have owned, since 1969, property at 212 Beach Drive, Aptos. It is located on the beach and in the Beach Island area of Rio Del Mar. I am writing to voice our opposition to the recommendations contained in the staff report related to the Net Site Area (NSA) issue which was on your December 10th agenda and which has been continued to March.

I and many of the residents on Beach Drive have been closely involved with the NSA issues and understand that concerns over the size of newer bluff top homes which were located on bluff top parcels with very little flat area, triggered the changes to the NSA at the County level. The County Board of Supervisors appropriately adopted the proposed NSA changes so that beach owners would not be unduly penalized or restricted unfairly.

However the CCC staff -proposed changes to the County's NSA definition would increase existing restrictions to the point that we would be deprived of all beneficial use of our property. For example the elimination of all but a small area of land (between the revetment and street) from consideration of NSA and corresponding allowable Floor Area Ratio would make my and my neighbors non-conforming and negatively impact our ability to rebuild, maintain or reconstruct. For example under the staff's definition my 1250 square foot home, in the case of fire or other natural disaster upon rebuilding would be reduced to 225 sq feet of living space, a result which would make my home uninhabitable.

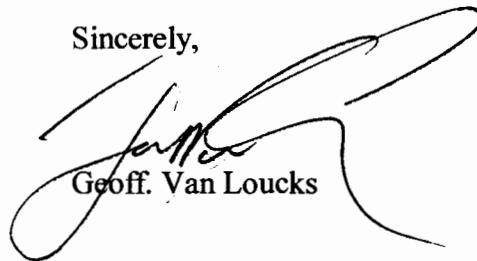
May I take the liberty of pointing out the following quote from the Court of Appeal for this Judicial District, in a case involving the Coastal Commission:

"An owner deprived of all beneficial use of the property is a result that the Coastal Commission must avoid under the Coastal Act."

Existing regulations are adequately addressing neighborhood compatibility for beachfront parcels. Please do not use the efforts by the County to close a loophole on bluff top development to unfairly restrict and penalize beach owners.

I, and my family, wife, children, grandchildren and great grandchildren thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoff. Van Loucks", is written over the typed name. The signature is stylized with a large, sweeping loop at the end.

Geoff. Van Loucks

Susan Craig

From: Mike Biggar [mbiggar@orchardpartners.com]
Sent: Monday, February 02, 2009 5:28 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: [Possible Spam] Net Site Area Issue - Ordinance 13.10 - Beach Drive
Importance: Low

Central Coast District Office
Susan Craig, Coastal Planner
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Ms. Craig:

I am the owner of 357 Beach Drive, Aptos (Santa Cruz). The house is located on the "bluff" side of Beach Drive, at the toe of the bluff, as opposed to the sand side. I am aware that the County and the Coastal Commission are in discussions with respect to revising the definition of "net site area".

I am writing to urge the Commission to adopt language which limits any changes to the net site are to bluff top properties only, which was the County's original intention. I urge you to approve the definition currently proposed by the County. This will allow us to rebuild a house similar to our current house in the event of disaster, and is the only fair solution.

If you have any questions please feel free to contact me at (408) 955-1414, or you can write to me via email (mbiggar@orchardpartners.com) or at 494 W. Portola Avenue, Los Altos, CA 94022. Thank you in advance for your help.

Sincerely,

Mike Biggar
Owner, 357 Beach Drive

cc: Glenda Hill, Santa Cruz County Planning Dept.

2/23/2009

Susan Craig

From: Jack Krenek [jk2@earthlink.net]
Sent: Friday, January 30, 2009 1:14 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: California Coastal Commission & Net Site Area Issue (Beach Side Properties)

January 30, 2009

John H. Krenek
208 Beach Dr.
Aptos, CA 95003

Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Attn: Susan Craig, Coastal Planner

Dear Susan,

With the Coastal Commission staff's revised definition of 'net site area' (proposed prior to December tenth), many of the smaller lots along Beach Drive, known as Beach Island, and their owners (myself included), would be unable to rebuild in the event of disaster—in fact, many of the lots are so small that with the proposed definition homes as tiny as 225 square feet would result—homes not only of unacceptable size, but perhaps even unbuildable and certainly uninhabitable.

It is my sincere hope that the Coastal Commission adopts language that would limit the proposed changes to the 'net site area' to the top of the bluff properties only, which was the County's original intention.

Regards,

John H Krenek

2/23/2009

Susan Craig

From: ksrjwyl@aol.com
Sent: Friday, January 30, 2009 1:59 PM
To: Susan Craig
Subject: Fwd: Santa Cruz County Ordinance 13.10

-----Original Message-----

From: ksrjwyl@aol.com
To: scraig@coastal.ca.gov
Cc: ghill@co.santacruz.ca.us; frschlichting@comcast.net
Sent: Fri, 30 Jan 2009 1:02 pm
Subject: RE: Santa Cruz County Ordinance 13.10

As owners of the four bedroom 2 bath residence at 245 Beach Drive, Aptos, we are writing to object to the adoption of Santa Cruz County Ord. 13.10 as it would apply to us.

Unlike the homes on the bluff, our residence does not block the view of any homes behind us. Therefore, we ask that the Commission adopt language which limits the changes to the net site area of the bluff properties only. The definition proposed by the County should be approved.

As a beach side house, the revised definition of net site area proposed by the Commission staff prior to December 10th would have resulted in reducing our living area down to 225 square feet. In the event of disaster, we would lose all reasonable economic value of our house.

Thank you for your consideration.

Richard J. Wylie

Fred Schlichting

Owners of 245 Beach Drive, Aptos, California

Susan Craig

From: robin krenek [rkrenek@earthlink.net]
Sent: Friday, January 30, 2009 12:36 PM
To: Susan Craig
Cc: Glenda Hill
Subject: 208 Beach Dr., Aptos, CA

ROBIN J. KRENEK
338 Meadowood Circle
San Ramon, CA 94583

January 30, 2009

Central Coast District Office
ATTN: Susan Craig, Coastal Planner
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Dear Ms. Craig:

With the revised definition of "net site area" as proposed by the Coastal Commission staff prior to December 10th, some owners on Beach Drive, of which I am one, will not be able to rebuild in the event of a disaster, natural or otherwise. The only size home possible on my particular lot would be as small as 225 square feet, which is not only unacceptable, but unlivable and probably not buildable.

I would like to request that the Coastal Commission adopts language that would limit changes to the "net site area" to the Top of the Bluff side properties, which was the County's intention.

Sincerely,

Robin J. Krenek

robin krenek
rkrenek@earthlink.net
EarthLink Revolves Around You.

2/23/2009

RECEIVED

JAN 29 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mrs. Donald E. Allen
1641 University Way
San Jose, California 95126

Jan 27, 2009

Dear Mr. Craig,
we have owned our
property at 405 Beach Dr. since
1960. It is located at the base
of the cliff.

Our family would like
to urge you to adopt the
definition proposed by the
Santa Cruz County Planning
dept.

Thank you,

Elizabeth J. Allen

Susan Craig

From: Sue Vaudagna [casaowner@comcast.net]
Sent: Monday, January 26, 2009 11:27 AM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Ordinance 13.10 amendment/Net Site Area Issue

Dear Susan,

I am writing to plead for our home at 278 Beach Drive in the matter of net site area (ordinance 13.10) that is going before the Coastal Commission. Our homes on Beach Drive have been there for over fifty years and have never caused any problems. The net site area issue was supposed to address a problem that had to do with bluff top properties. Our homes on Beach Drive were inadvertently swept into this matter due to a poorly worded ordinance. The County has seen fit to rectify this matter at their level. I am hoping that the CCC will adopt language that limits any net site area changes to the bluff top properties.

Thank you for your attention to this matter.

Susan Vaudagna
278 Beach Drive
408-998-1488

Page 1 of 1

Susan Craig

From: Annie Vaudagna [aspenowner@comcast.net]
Sent: Monday, January 26, 2009 11:48 AM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: Re: Ordinance 1310, 379 Beach Drive

Dear Susan,

As the homeowner of 379 Beach Drive I am concerned about the future of my home. I am requesting that the California Coastal Commission adopt the 13.10 ordinance amendment as written by the Santa Cruz County. If the California Coastal Commission must adopt a new policy, please confine any new policy to the bluff top properties which are the properties that County of Santa Cruz intended to address. The new Coastal Commission language would greatly restrict the rebuilding of my home.

Sincerely,

Ann Vaudagna
379 Beach Drive

Susan Craig

From: James Vaudagna [jvaudagna@pacbell.net]
Sent: Monday, January 26, 2009 12:16 PM
To: Susan Craig
Cc: ghill@co.santa-cruz.ca.us
Subject: 13.10 and rebuilding my home

I recently purchased 274 Beach Drive next to my Son. I thought this 13.10 situation was resolved by the county and my realtor did not mention this was still an ongoing issue. My son Jim told me it needed to be reviewed by the Coastal Commission but so much time had passed since the county fix the ordinance I forgot about it. He now tells me if my house burns down or needs to be rebuilt from earthquake or other disaster I will lose most of the livable sq/ft of my home. I am 82 years old and don't understand all of the net site formulas but it does not seem right to take people's homes away from them. I was planning on retiring and relaxing at the beach and now I find myself worrying about losing the home I just purchased. Please adopt the original language my son and other Beach Drive residents worked so hard to fix with the County.

James S. Vaudagna M.D.
274 Beach Drive

Page 1 of 1

Susan Craig

From: Jim Vaudagna [jvaudagna@comcast.net]
Sent: Monday, January 26, 2009 11:02 AM
To: Susan Craig
Subject: Ordinance 13.10 NSA Amendments

Dear Susan:

My name is James Vaudagna and I own a home on Beach Drive. The county passed the 13.10 amendment to deal with issues related to the top of the bluff and accidentally set our net site area to zero. We worked with the county and were able to get a unanimous vote to correct the oversight. It has come to my attention that the Coastal Commission is now changing NSA for people on Beach Drive which was never the intention of the county. It seems like a problem is being created where none existed before. Please only address the issues related to the top of the bluff and adopt the language as passed by the county. Since the 13.10 issues started, Beach Drive and Los Olas residents have become very organized and committed to protecting the values of our homes. If the language is passed as it now stands I will lose most of my home in case I need to rebuild. I do not understand what problem is being solved by the government taking my home of 30 years away from me. There is no outstanding problem my home is creating for the community. Please adopt the 13.10 language as written by the county. Please feel free to call me if you have any questions.

Sincerely
Jim Vaudagna
408-998-1488

RECEIVED

DEC 05 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Rick Bianchina

755 Las Olas Drive ♦ Aptos, CA 95001
831-684-2921

December 3, 2008

California Coastal Commissioners
c/o Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: DEC 10th -AGENDA – Santa Cruz County LCP Amendment 2-06 (Neighborhood Compatibility).

Dear Coastal Commissioners:

My family and I own a beachfront residence at 755 Las Olas Drive, which is located upcoast of Seacliff Beach State Park. We are opposed to the recommendations contained in the CCC staff report related to the Net Site Area (NSA) issue. It is our understanding that the CCC staff has recommended revising the County's proposed definition of NSA for sand parcels to eliminate all land except the area between the revetment and street as NSA. This is extremely problematic and onerous for our properties. This arbitrary determination of what is considered to be NSA will result in our residence becoming non-conforming and would likely impede our ability to remodel or make minor additions to our home in the future. This definition has no relationship to whether our home fits in with our neighbors and is not an appropriate means to address design issues. As you know, it is already extremely difficult to obtain permits for even modest additions and remodels on coastal beach properties. This definition is unfair, unclear, and will result in even more confusion and ammunition for projects to be denied.

Clearly, coastal bluffs and beachfront parcels should be treated differently. We should be afforded the same development rights as other properties in the County. While it might make sense to eliminate blufftop land which has fallen to the sea from the net area, our homes sit on flat land protected by a legally permitted seawall and contain areas that are not submerged or in public ownership. There have been little or no compatibility issues in recent times in our Las Olas Drive neighborhood. If there is not a problem on beach parcels, why try to fix it with a blanket approach that will cause major hardships and complications for beachowners?

We urge you to continue this item for further consideration. We support the other two proposed amendments (lot coverage and front yard setbacks). The best solution would be to direct CCC staff to work with County staff to modify the definition of NSA to apply only to blufftop parcels as originally intended. Please treat this issue carefully, and allow full public input by notifying all beachfront property owners before reconsidering this item. Thank you for considering our position and taking steps to ensure that a reasonable policy is ultimately adopted.

Sincerely,



Rick Bianchina

Cc: Glenda Hill, Principal Planner
Ellen Pirie, 2nd District Supervisor, County of Santa Cruz

Susan Craig

From: Wmacquattie@aol.com
Sent: Friday, December 05, 2008 3:59 PM
To: Susan Craig
Subject: Beach Drive, Aptos

Mrs. Susan Craig,

I am one of the property owners on Beach Drive, Aptos, Santa Cruz County that would be adversely affected if the coastal commission's net site proposal were to be implemented.

This email is to express my thanks for your effort in obtaining a continuance of the discussion so that Costal and County staff can work together and obtain a reasonable resolution to the problem.

Bill MacQuattie
333 Beach Drive
Aptos, CA

Stay in touch with ALL of your friends: update your AIM, Bebo, Facebook, and MySpace pages with just one click. [The NEW AOL.com](#).

12/5/2008

Susan Craig

From: James Reichmuth [jdreichmuth@sbcglobal.net]
Sent: Thursday, December 04, 2008 4:03 PM
To: Susan Craig
Cc: Kristin Reichmuth
Subject: CALIFORNIA COASTAL COMMISSION HEARING DEC 10TH, 2008

Dear Ms. Craig,

I believe that it would be beneficial for the CCC to grant a continuance of this matter so that the county can review the proposed changes and hopefully add a "grandfathering" clause prior to resubmission to the CCC.

We believe the continuance is needed as:

- 1) Coastal property owners were not properly notified of the proposed changes
- 2) The ordinance amendment is spot zoning
- 3) The ordinance amendment does not provide adequate protection allowing for the rebuilding of homes that are lost by fire or other natural disaster.
- 4) The potential cost of redesign, reengineering and considerable impact to aesthetics and functionality that this imposes on homeowners has, clearly, not been thought through. Homeowners insurance for fire and earthquake, at best, only covers the cost of replacement. Re-design, re-engineering, etc. are costs that will NOT be covered AND that we can't properly insure against since it is unclear what changes will have to be made if a the home cannot be built back to original design.
- 5) If the home cannot be repaired to original (pre-damage) condition and a smaller structure needs to be built, we will also lose property value as a result of the damage.

This seems patently unfair to those of us who have conformed to the (considerable) zoning regulations and ordinances in place at the time we purchased or built our homes. A grandfather clause for those of us that own our homes currently **MUST** be considered.

Thanks for your attention to this and for conveying to appropriate CCC personnel.

Sincerely,

James & Kristin Reichmuth

944 W. Cliff Dr.

Santa Cruz, CA 95060
jdreichmuth@sbcglobal.net

12/4/2008

Fat
925-939-3630

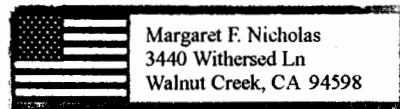
266 Beach Dr, Aptos

RECEIVED

12/1/08

DEC 04 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



The Coastal Commission,
Dear Sir,

I own a home on Beach Drive, Aptos. And it has been in our family for 40 years. The home is part of the original Beach Island homes, which were built in 1936 and hold a unique place in Aptos history.

This property would be uninhabitable if the revised definition of net site proposed by Coastal Commission staff was enforced. You have no moral or legal right to take it upon yourselves to justify telling homeowners, that they can ~~no~~ longer rebuild a small 2 storey home, which is damaged by sea or fire.

Please use some good old American Common Sense on this issue.

Sincerely Margaret Nicholas.



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DEC 04 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

12/2/08

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

Regarding: Public Hearing
December 10, 2008
San Francisco City Hall
Agenda item # W10g

Dear Coastal Commission:

Thank you for notifying me about this public hearing. I will not attend, but I am writing to share my opinion.

I do not approve of the proposal to modify the definition of "Net Site Area". This will exclude coastal bluffs and other sloping land from a parcel area. If this is approved, the effected properties will be worth less. Property value will be taken. If this proposal is approved, it will, in effect be government taking property away from individuals without compensation. Effected property owners will still have tax obligations and other liabilities for the effected property but will no longer have the benefits. I urge the Commission to not approve this part of the proposed agenda item #W10g.

Thank you for your consideration.

Best regards,


Bert Lemke

Bert Lemke, Architect AIA
258 Farallon Court ■ Aptos, California 95003 ■ (831) 688-6642

RECEIVED

DEC 04 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**WESELOH & YOUNG**
REAL ESTATE BROKERS & LAND AGENTS

12/4/2008

CALIFORNIA COASTAL COMMISSION FOR: DEC 10TH HEARING
SANTA CRUZ, CA ITEM 10g
ATTN: SUSAN CRAIG NET SITE

DEAR COMMISSION MEMBERS:

PLEASE VOTE NO ON ITEM 10g. AS OWNERS
OF 235 BEACH DRIVE, APTOS, WE DO NOT
ACCEPT THE STATEMENT THAT THE COASTAL
COMMISSION "ORDINANCE" IS "MOSTLY MINOR
CHANGES" (PAGE 2 OF SUMMARY).

OUR "LAND SITE" HOME IS TWO STORY, \pm 1800 SQUARE
FEET WITH A LARGE DECK. IT WAS CONSTRUCTED &
EXPANDED PRIOR TO OUR OWNERSHIP WITH APPROPRIATE
COUNTY BUILDING PERMITS. ALL CONSTRUCTION PRIOR TO
THE CREATION OF THE COASTAL COMMISSION. IT'S A
"BEACH HOUSE" WITH LITTLE OR NO SET-BACKS. MOST OF
OUR NEIGHBORS HOMES ARE \pm 1200 SQUARE FEET.--
NO SET-BACKS.

IF ANY OF THESE HOMES ARE DESTROYED, WHAT ARE
OUR RECONSTRUCTION RIGHTS/PRIVILEGES?? --- 225,450
600,900 SQUARE FEET??? WITH OR WITHOUT VARIANCES??

THIS WOULD NOT BE A "MINOR CHANGE". THIS SUBJECT
NEEDS MORE RESEARCH - FOR NOW VOTE NO ON 10g.
Thank you - William E. Young Joanne Weseloh

Susan Craig

From: Carol McGuire [carolbmguire@yahoo.com]

Sent: Wednesday, December 03, 2008 5:36 PM

To: Susan Craig

Please "grandfather" in existing home sizes in the coastal home areas and also allow for review of plans for homes in this area before turning down a homeowners desire to improve his property by adding more square feet. A homeowner needs to have this assurance and should not have his or her rights taken away. A continuance is being requested regarding this matter.

Thank you for your consideration. Carol McGuire-Pleasure Point H.O. Assoc. and Rita Benbow , homeowners in the areas being considered.

**STEPHEN GRAVES & ASSOCIATES**

Environmental and Land Use Consulting

RECEIVED

December 2, 2008

California Coastal Commissioners
c/o Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

DEC 03 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: DEC 10th -AGENDA ITEM - Santa Cruz County LCP Amendment 2-06 (Neighborhood Compatibility).

Dear Coastal Commissioners:

Sara Clarenbach, attorney with Newman, Marcus & Clarenbach in Capitola, and I, Stephen Graves, Land Use Consultant, submit this joint letter on behalf of our clients, all of whom are owners of property on the beach in Aptos. They include owners at Potbelly Beach, Las Olas Drive (Sea Cliff Beach Association), and the Rio del Mar Beach Island, comprising a total of 72 parcels. Our clients are extremely concerned that the CCC staff report regarding the above referenced matter recommends changes to the proposed County definition of Net Site Area (NSA) that would have deleterious effects on the beach property owners. We urge the Commission to take the following actions:

- Reject CCC staff report recommendations regarding Net Site Area. As discussed in more detail below, this portion of the amendment package should be separated out and removed from consideration on December 10.
- Move forward with Amendment #2 (increase maximum lot coverage from 30 to 40%) and Amendment #3 (front yard averaging) as proposed and adopted by the Santa Cruz County Board of Supervisors. The amendments should be approved as submitted. The changes proposed in the staff report are unnecessary, as the County's design review process already incorporates the considerations requested by CCC staff.

The following summarizes our position as to proposed changes to the County's NSA definition recommended by CCC staff:

1. The NSA should be removed from consideration at the December 10th hearing.

Clearly the NSA issue is more complicated and controversial than the other two amendments, both of which are positive and have received minimal opposition from the public or CCC staff. Therefore, the NSA amendment should be pulled from consideration and reheard as a separate item at a later date. The Commission should take action so that the County can proceed with amendments #2, and #3 without further delay. It is our understanding that County staff and members of the Board of Supervisors have serious problems with the CCC staff report and have not had an adequate opportunity to work directly with CCC staff prior to preparation of the CCC staff report. County staff has requested a meeting with CCC staff to see if common ground can be established. Additionally, in that the staff report has only been publicly available since 11/25/08, our clients have had very little time to respond to this proposed action which will have extremely negative effects on their property values and development rights.

2. The NSA should be limited in application to the bluff top parcels.

We agree with the CCC staff's determination that a "one-size fits all" approach to the NSA is not the optimal approach to addressing issues of neighborhood compatibility in the coastal areas. Page 2 of the report states, *"Although the County has chosen a blanket approach (that relies on Countywide policies) in the LCP amendment, staff continues to believe that specific and focused sub-regional planning is necessary in this respect, and such efforts would better pinpoint and address residential mass, scale, and character issues that differ from area to area throughout the County."* The intention of the NSA amendment was clear from the beginning. Residential neighbors in several urbanized coastal areas were concerned that large boxy homes were being built on the bluffs and these homes were able to utilize steep unbuildable bluff areas in order to meet the County's floor area ratio (FAR). The Board of Supervisors and County staff felt that revising the NSA so that coastal bluff top parcels could not utilize unbuildable land was akin to closing a loophole. While CCC staff has recognized that this is a positive move toward reducing home size on large coastal bluff parcels with little buildable area, they also recognize that the NSA definition is not easily applied to the beach areas. These communities, which are relatively few in number, contain very unique characteristics that cannot be appropriately addressed by amending the NSA. The physical characteristics and existing development patterns vary dramatically between the top of bluff, the bluff toe, and beach areas.

We disagree with the report's assertion that neighborhood compatibility issues are prevalent in these beachfront neighborhoods. While it is true that some larger homes have been recently constructed, many of those were on multiple parcels which could support larger homes. County staff recently reported to the Board of Supervisors that the existing review process in the beach areas was adequately addressing neighborhood compatibility issues, and that no major problems with the process were reported.

We urge the Commission to refer the NSA item back to CCC staff and to the County with the direction that NSA amendment apply only to bluff top parcels. If the CCC feels that a "sub-regional" planning process is necessary in the beach areas to address design issues, the Commission could recommend this to the County for future consideration.

3. The NSA amendment changes proposed by CCC staff are unfair, inappropriate, and would have extremely deleterious effects on the beach property owners.

The staff report proposes to amend the NSA for beachfront parcels such that only the area which lies between the street and revetment gets counted as developable land area. This would unnecessarily penalize beachfront property owners and deprive them of rights enjoyed by their neighbors. This recommendation fails to recognize that FEMA flood plain requirements require that the first floor of any new residence or substantial remodel be constructed as non-habitable floor area. The County counts this area towards the allowable FAR, so beach front parcels start out with 50% less allowable floor area than other areas of the County. The result would be that variances would have to be approved in order to allow for even modest sized homes to be built. This NSA changes would make the majority of beach homes non-conforming, and deprive owners of rebuilding what they currently have in the event of a natural disaster. For areas such as Beach Island, which were built prior to the Coastal Act, practically no new construction could occur without variances. For areas along the toe of the bluff, CCC staff proposes utilizing an average house size criteria. Despite being impractical and potentially unfair depending on which homes are counted, this would not necessarily

address parcel specific variations in size, buildable area, location etc. and is not an effective way to ensure neighborhood compatibility.

In conclusion, we urge the CCC to take the following actions:

- Pull the NSA amendment from consideration on December 10, to be heard at a later date.
- Approve Amendments #2 and #3 as submitted by the County.
- Direct CCC staff to work with the County to revise the NSA definition to apply only to bluff top parcels.

Failure to take these steps will likely ensure that no change occurs, since the most probable outcome would be that all three amendments would be abandoned by the County. The CCC could work with the County in the future for more area-specific planning policies if neighborhood compatibility is determined to be an issue now or in the future. Thank you for your consideration.

Sincerely,



Stephen Graves, Land Use Consultant



and Sara Clarenbach, Esq.

cc: ✓ Glenda Hill, Principal Planner County of Santa Cruz
✓ Ellen Pirie, 2nd District Supervisor, County of Santa Cruz
✓ Rick Bianchina, Sea Cliff Beach Association
✓ Carl Sprague, Potbelly Beach
✓ Geoff Van Loucks, Rio del Mar Beach Island
✓ Betty Cost, Land Use Consultant — *e-mailed 12/2/08*

Rick Bianchina

755 Las Olas Drive • Aptos, CA 95001

831-684-2921
RECEIVED

December 3, 2008

California Coastal Commissioners
c/o Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

DEC 03 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: DEC 10th -AGENDA – Santa Cruz County LCP Amendment 2-06 (Neighborhood Compatibility).

Dear Coastal Commissioners:

My family and I own a beachfront residence at 755 Las Olas Drive, which is located upcoast of Seacliff Beach State Park. We are opposed to the recommendations contained in the CCC staff report related to the Net Site Area (NSA) issue. It is our understanding that the CCC staff has recommended revising the County's proposed definition of NSA for sand parcels to eliminate all land except the area between the revetment and street as NSA. This is extremely problematic and onerous for our properties. This arbitrary determination of what is considered to be NSA will result in our residence becoming non-conforming and would likely impede our ability to remodel or make minor additions to our home in the future. This definition has no relationship to whether our home fits in with our neighbors and is not an appropriate means to address design issues. As you know, it is already extremely difficult to obtain permits for even modest additions and remodels on coastal beach properties. This definition is unfair, unclear, and will result in even more confusion and ammunition for projects to be denied.

Clearly, coastal bluffs and beachfront parcels should be treated differently. We should be afforded the same development rights as other properties in the County. While it might make sense to eliminate blufftop land which has fallen to the sea from the net area, our homes sit on flat land protected by a legally permitted seawall and contain areas that are not submerged or in public ownership. There have been little or no compatibility issues in recent times in our Las Olas Drive neighborhood. If there is not a problem on beach parcels, why try to fix it with a blanket approach that will cause major hardships and complications for beachowners?

We urge you to continue this item for further consideration. We support the other two proposed amendments (lot coverage and front yard setbacks). The best solution would be to direct CCC staff to work with County staff to modify the definition of NSA to apply only to blufftop parcels as originally intended. Please treat this issue carefully, and allow full public input by notifying all beachfront property owners before reconsidering this item. Thank you for considering our position and taking steps to ensure that a reasonable policy is ultimately adopted.

Sincerely,



Rick Bianchina

Cc: Glenda Hill, Principal Planner
Ellen Pirie, 2nd District Supervisor, County of Santa Cruz

Susan Craig

From: AUGUST MOTMANS [asmotmans@sbcglobal.net]
Sent: Wednesday, December 03, 2008 6:14 PM
To: Susan Craig
Subject: documents.costal.ca.gov/reports/2008/12/w10g-2008.pdf

Attn. Susan Craig
FOR DEC. 10TH HEARING, ITTEM W10g
Santa Cruz County IP Amendment: Net Site Area

The proposed ammendment (on the subject web site) to our Local Coastal Program will cause many homes to become non-conforming and prevent many hoimeowners from replacing it with a like sized home if destroyed by a fire or other natural causes.

I believe a continuence should be granted so the proposed changes can be analyzed and add a grandfathering clause prior to resubmission to the CCC.

The continuance is needed because because Coastal property owners were not properly notified of the proposed changes, the ordinance is spot zoning and the ordinance amendment does not provide adequate protection for rebuilding homes.

August Motmans

Susan Craig

From: Don Schrader [don@schraderfamily.com]
Sent: Wednesday, December 03, 2008 4:02 PM
To: Susan Craig
Subject: net site area

Dear Commission members:

I am a property owner in the Beach Drive area of Aptos in Santa Cruz County. My property would be adversely affected by the adoption of the definition of net site area proposed by Coastal Commission staff. The Santa Cruz County method has worked for many years and I would like to retain it.

Sincerely,
Don Schrader
630 Beach Drive
Aptos, California

12/4/2008

Susan Craig

From: Floyd Kvamme [FloydKvamme@kpcb.com]
Sent: Wednesday, December 03, 2008 12:07 PM
To: Susan Craig
Subject: FOR DEC. 10TH HEARING, ITEM W10g

December 3, 2008

CALIFORNIA COASTAL COMMISSION
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Attn. Susan Craig
FOR DEC. 10TH HEARING, ITEM W10g
Santa Cruz County IP Amendment: Net Site Area

By FAX: 831-427-4877, and E-MAIL: scraig@coastal.ca.gov

My wife and I are the owners of property located at 785 Las Olas Drive and 789 Las Olas Drive in Aptos, CA. These homes involve a considerable investment for us. We feel that we were not properly notified of the proposed changes to be discussed at the above referenced hearing and find them to be very restrictive in light of the investment we have in these homes. In reviewing this matter with others, we believe that this change is a clear example of spot zoning and does not protect us in the event of any disaster which would call for the rebuilding of our homes for future use by our children and grandchildren.

We would hope that as a minimum the County would revise their recommendation so as to grandfather in existing homes impacted by this amendment.

As we will be out of town on the December 10, I request that my objection be brought to the meeting and that this matter be continued until a proper hearing with revised objectives can be convened.

Very truly yours,

E. Floyd Kvamme
785 and 789 Las Olas Drive
Aptos, CA 95003

November 29, 2008

RECEIVED

DEC 01 2008

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

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: Peggy Lindsey
212 Florence Dr.
Aptos, CA 95003

Regarding: Local Coastal Program Amendments

Currently, I am unable to drive to the meeting in San Francisco because I am physically handicapped. However, I hope my letter will emphasize the importance of passing the ordinance item, W10g LCP Amendment No. SCO-MAN-2-06 Part 2 (Neighborhood Compatibility to agree with the ordinance already passed by Santa Cruz County #1) to increase maximum lot coverage from 30% to 40% for residential parcels between 5,000 and 15,000 sq. feet.

At age 72, my children gave me the privilege of living in the house, they inherited, for the rest of my life. They encouraged me to update the 65 year old home making it suitable to my needs and limitations. The main intent of the remodel of this house has been to add a second small bathroom allowing for a therapy tub while maintaining a single story house. I have made the house structurally and environmentally sound by doing things like replacing the wood fireplace with natural gas, using original wood floors and thorough insulation and replacement with energy saving furnace and appliances. The most important element to the remodel was to keep the dwelling one story and to make it compliment the neighborhood as such, much to my neighbors relief, in a block of modest one story houses.

The original house measured 1,140 square feet, plus the garage at 494 square feet for a total of 1,634 square feet. In order to add the bath, I added six feet to the spacious back yard. The back yard to the property line measures 35 feet. I did not make any addition to the sides of the house which measure 7 feet and 17 feet to the property line. There is absolutely no infringement in anyway to my surrounding neighbors lots. Additionally, besides the original two car garage, there are two parking spaces on the driveway and two more on the 20 foot easement in front of the house.

The remodeled house measures with garage not changed, 1,870 square feet and occupies 31% of the lot, making it 1% over the current limit. All of the neighbors have voiced their appreciation for the improvements made, majorly that I kept it one story instead of a looming two story or more. So many people, because of this restriction, have built two or more stories overshadowing other homes from having sunlight in Santa Cruz County within the coastal domain.

I preceded with the remodel because of a need for a one-story dwelling as it was indicated to last January that this ordinance "should pass the Coastal Commission in the next couple of months." The desire in our county being to keep the integrity of a single story type bungalow from having high multi levels that don't compliment the neighborhood. The location of this house is one and one half blocks from the bluff. Many neighbors and builders even are in doubt whether we are in the Costal Commission's domain.

I want to do what is legally correct, but if this fails to pass, I well be forced to remove approximately one foot from the front of the garage. This would demand moving a new furnace, water heater and laundry facilities something I can ill afford.

I feel, as do my neighbors, that this remodel has only improved the house and property. For these reasons, I am greatly in favor of the passage of Santa Cruz County LCP Amendment No. SCO-MAJ-2-06 Part 2.

Sincerely,


Peggy Lindsey

PROJECT DATA:

PROJECT ADDRESS: 212 FLORENCE DR, APTOS, CA
OWNER: PEGGY LINDSEY
PROJECT DESCRIPTION: A REMODEL & ADDITION TO
(E) 1-STORY HOUSE
APN: 43-022-04
ZONING: R-1-6
CONSTRUCTION TYPE: V-N, NOT FIRE SPRINKLED
OCCUPANCY GROUP: R-3 / U-1

LOT SIZE: 6,039.45 SQ. FT. \approx 0.138 ACRE

ALLOWABLE STRUCTURAL COVERAGE:
 $30\% \times 6,039.45 = 1,811.9 \text{ SQ. FT.}$

BUILDING AREA	
EXISTING HOUSE	1,140
NEW ADDITION	236
SUBTOTAL	1,376
(E) GARAGE	
	494.9
GARAGE REDUCTION	68
SUBTOTAL	426.9
TOTAL	1,802.9 \approx 29.9 %

SCOPE OF WORK INCLUDES KITCHEN REMODEL