

**CALIFORNIA COASTAL COMMISSION**

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**Important Hearing Procedure Note:**

This is a substantial issue only hearing. Public testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

**W16b**

Appeal Filed: 03/21/2014  
49<sup>th</sup> Day: Waived  
Staff: K. Geisler - SC  
Staff Report: 5/23/2014  
Hearing Date: 6/11/2014

**APPEAL STAFF REPORT  
SUBSTANTIAL ISSUE DETERMINATION**

**Appeal Number:** A-3-SCO-14-0014

**Applicants:** Hassan & Tooran Khayam-Bashi

**Appellant:** Mark Saito

**Local Government:** Santa Cruz County

**Local Decision:** Coastal development permit application number 131100 approved by the Santa Cruz County Zoning Administrator on February 21, 2014.

**Location:** 155 24<sup>th</sup> Avenue in the Live Oak area of Santa Cruz, Santa Cruz County (APN 028-232-27).

**Project Description:** Construction of a 1,600 square foot second-story addition to an existing single-family residence.

**Staff Recommendation:** No Substantial Issue

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**SUMMARY OF STAFF RECOMMENDATION**

Santa Cruz County approved a coastal development permit (CDP) to construct a 1,600 square-foot second-story addition to an existing, single-story, 2,400 square-foot single-family residence at 155 24<sup>th</sup> Avenue within the Live Oak area of Santa Cruz County. The project site is located approximately 100 feet south of the bluffs at Santa Maria Cliffs and Corcoran Lagoon Beach and is surrounded by infill development to the south, west and east. The Appellant contends that the approved project is inconsistent with Santa Cruz County Local Coastal Program (LCP) policies related to visual resources and community character. After reviewing the local record,



Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

Specifically, in terms of visual resources and public views, the approved project does not block public views from designated scenic roads or from any other visual resource areas, nor does it significantly impact views from the beach. Even though the project will be visible from the beach, it will minimally add to the amount of development within the beach viewshed. In terms of views towards the ocean, the County-approved project will not have any impact on public views as seen from the surrounding area. Therefore, the project does not raise substantial issue with respect to visual impacts and scenic resources.

With regards to community character and neighborhood compatibility, the project constitutes infill development, is comparable to, and blends in with, the existing and surrounding built environment, and is consistent with the LCP's applicable site and design standards for this area. In terms of scale, the project is for a second story addition located in a neighborhood mainly comprised of two-story houses and does not exceed applicable design standards, including height and lot coverage requirements. With regards to shading, the project meets the required sideyard setbacks which seek to avoid adverse shading impacts to neighboring properties. Thus, the project is sited and designed to blend in with the surrounding neighborhood and does not raise substantial issue with respect to community character.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.



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## APPENDIX

Appendix A – Substantive File Documents

## EXHIBITS

Exhibit 1 – Project Site Map

Exhibit 2 – Project Site Images and Photographic Simulations

Exhibit 3 – Approved Project Plans

Exhibit 4 – County’s Final Local Action Notice

Exhibit 5 – Appeal of Santa Cruz County’s CDP Decision

Exhibit 6 – Applicant Correspondence

Exhibit 7 – Applicable LCP Policies and Standards



## I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal Number A-3-SCO-14-0014 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a **yes** vote.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in a finding of no substantial issue and adoption of the following resolution and findings. If the Commission finds no substantial issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution:

*The Commission finds that Appeal Number A-3-SCO-14-0014 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

## II. FINDINGS AND DECLARATIONS

### A. PROJECT LOCATION AND DESCRIPTION

The County-approved project is located at 155 24<sup>th</sup> Avenue in the Live Oak area of Santa Cruz County. The project site is on the upcoast (west) side of 24<sup>th</sup> Avenue. 24<sup>th</sup> Avenue is not a through road and extends inland from East Cliff Drive where the road ends at the bluff edge facing the Pacific Ocean (to the south). The single family dwelling is the third residential property as measured inland from the bluff edge which is located at the terminus of 24<sup>th</sup> Avenue (to the south). At its nearest point, the property line is approximately 105 feet from the edge of the coastal bluff that is parallel and adjacent to 23<sup>rd</sup> Avenue and above Santa Maria Cliffs and Corcoran Lagoon Beach (to the west). Furthermore, at this location there are two currently undeveloped lots that lie between the project site and the bluff edge (to the west). The land use designation is R-UM (Urban Medium Residential) and the parcel is zoned R-1-4-PP (Single-Family Residential with a 4,000 square foot minimum parcel size located in the Live Oak planning area which allows residential uses). The project site lies within, and is subject to, the LCP's Pleasure Point Combining District (PPCD). The surrounding properties on 24<sup>th</sup> Avenue are typically two-story single family residences that are made up of a variety of architectural styles.

Currently, the project site is an approximately 8,300 square foot parcel that has been developed with a 2,400 square-foot single-story residence (originally built in 1966) with 3-bedrooms, 2 ½ baths, and an attached garage and swimming pool. The County-approved project allows for the



construction of a 1,600 square-foot second-story addition that results in expansion of the existing home to create a 4-bedroom, 3 ½ bathroom single family residence with existing garage and swimming pool.

See **Exhibit 1** for a location map; **Exhibit 2** for photographs of the site and surrounding area, as well as a simulation of the County-approved residence; and **Exhibit 3** for approved project plans.

## **B. SANTA CRUZ COUNTY CDP APPROVAL**

On February 21, 2014 the Santa Cruz County Zoning Administrator (ZA) approved a CDP for the construction of a 1,600 square foot second story addition to expand an existing single family residence resulting in a 4-bedroom, 3 ½ bathroom single family dwelling on site with a swimming pool.

The County's Final Local Action Notice was received in the Coastal Commission's Central Coast District Office on Tuesday, March 11, 2014. The Coastal Commission's ten-working day appeal period for this action began on Wednesday, March 12, 2014 and concluded at 5pm on Tuesday, March 25, 2014. One valid appeal (see below) was received during the appeal period.

See **Exhibit 4** for the County's Final Local Action Notice and **Exhibit 5** for the Notification of Appeal.

## **C. APPEAL PROCEDURES**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain Coastal Development Permit (CDP) decisions in jurisdictions with certified Local Coastal Programs (LCP). The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located between the first public road and the sea, and because it is located within 300 feet of the beach and the coastal bluff.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.<sup>1</sup> Under Section 30604(b), if the Commission conducts the de novo portion of an

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<sup>1</sup> The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by



appeals hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea and thus this additional finding would need to be made if the Commission were to approve the project following the de novo portion of the hearing.

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

#### **D. SUMMARY OF APPEAL CONTENTIONS**

The Appellant contends that the County-approved project raises LCP consistency questions relating to protection of visual resources and community character. Specifically, the Appellant contends that the County-approved project is inconsistent with applicable LCP policies because: 1) it obstructs views to and from the beach; 2) it does not comply with the Pleasure Point Combining District standards for community character and its size is out of scale with the surrounding neighborhood; and 3) it does not provide an adequate view corridor.

Please see **Exhibit 5** for the appeal contentions.

#### **E. SUBSTANTIAL ISSUE DETERMINATION**

##### **Visual Resources**

The Santa Cruz County LCP is very protective of coastal zone visual resources, particularly in regards to views from public roads, and views of ridgelines and rural scenic areas. LCP Objective 5.10a seeks to identify, protect and restore the aesthetic values of visual resources and LCP Objective 5.10b seeks to ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources. LCP Policies 5.10.3 and 5.10.6 require the protection and preservation of public and ocean vistas respectively. Policy 5.10.7 seeks to protect scenic visual resources of open beaches and bluff tops by limiting new structures visible from a public beach while allowing for infill structures compatible with existing development. In addition, Implementation Policy (IP) Section 13.20.130 outlines the required design criteria with respect to visual compatibility applicable to all projects located within the coastal zone; and more specifically, in relation to second story development that could adversely impact significant public viewsheds and community character (13.20.130(B)(1) and (5)) (see community character findings in next section below).

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the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.



Refer to **Exhibit 7** for the LCP's applicable visual protection policies.

The Appellant contends that the approved residence raises LCP consistency questions relating to protection of visual resources because the "construction of the imposing walls" in front of the windows of the neighboring property will block sunlight and private ocean views. Also the Appellant contends that the house is visually obtrusive and questions the project's neighborhood compatibility.<sup>2</sup>

As mentioned above, the project is located on the upcoast (west) side of 24<sup>th</sup> Avenue between East Cliff Drive and the terminus of 24<sup>th</sup> Avenue, which fronts the Pacific Ocean. The project site is approximately 105 feet away from the bluff edge to the west with two currently undeveloped parcels located between the approved project site and the bluff edge adjacent to Corcoran Beach. The neighboring houses are composed of various architectural styles, shapes and sizes ranging from 1-story to 2-stories (see **Exhibit 1** for Location Map and **Exhibit 2** for Site Photographs).

In terms of visual resources, the project site is visible from the beach but not from any designated scenic roads (Section 5.10.10). It is also not within an LCP-mapped visual resource area (Section 5.10.16). The major public views in this area are ocean views as seen from the intersection of East Cliff Drive and 24<sup>th</sup> Avenue, beach and ocean views from 24<sup>th</sup> Avenue itself, and views from Santa Maria Cliffs fronting Corcoran Lagoon and Corcoran Beach (**Exhibits 1 and 2**). In terms of views towards the ocean, the approved project will not have any impacts. The Appellant contends that ocean views from his and other houses will be adversely impacted by the County-approved project, but as the Appellant states, the certified LCP does not protect private views (See **Exhibit 5** and **Exhibit 6**).

With respect to impacts on views from the beach, the existing single story house is currently visible from Corcoran Beach (to the west) along with several houses in the neighborhood. Thus, the County-approved project would also be visible from Corcoran Beach because the project site is located one parcel inland from the blufftop that is currently undeveloped. For those portions of the approved project that will not be completely out of view from the beach, the existing residential development that would form the backdrop to this view would effectively blend into the existing built environment. In other words, the view from the beach below the bluffs at 23rd Avenue and the surrounding environs is primarily of residential development atop and along the bluff, and because this is an in-fill lot, the County-approved residence would not be inconsistent with that existing development framework. In even more distant views from the water, the site blends into the background of the built environment that is the existing and densely developed Live Oak area. Thus, even though the approved project will incrementally add to the amount of development within the beach viewshed, in this case, such increment is minor in relation to the nature of the existing built environment in this urban location, and the effect that it will have on the public view from the beach.

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<sup>2</sup> "Compatibility" is a relative term which requires the analysis of site, building, and landscape design in relationship to adjacent development. Compatibility is established when there are consistent design and functional relationships so that new development relates to adjacent development. Achieving compatibility does not require the imitation or repetition of the site, building and landscape design of adjacent development.



Therefore, for all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to visual resources.

### **Community Character and Neighborhood Compatibility**

The LCP protects community character<sup>3</sup> and neighborhood compatibility through policies applying certain design criteria and requiring visual compatibility with surrounding areas (for example, see IP policy 13.20.130 in **Exhibit 7**). A project's compatibility and consistency with the community character of an area can be determined by assessing whether the project, including how and where it is sited, designed and landscaped, blends appropriately into the established community aesthetic and ambiance of an area (IP Sections 13.11.071 – 13.11.073) and whether the project is visually well-suited and integrated into the make-up of the surrounding neighborhood (in this case, the 24<sup>th</sup> Avenue neighborhood specifically and coastal Live Oak more broadly). In this sense, the most applicable LCP requirement is to ensure that the approved development is visually compatible (see previous findings above) and integrated with the character of the neighborhood and coastal Live Oak. (Refer to **Exhibit 7** for the LCP's applicable policies, including Pleasure Point Community Design (PPCD) Combining District standards, with regards to community character and compatibility (IP Section 13.10.444 – 13.10.446)).

The Appellant contends that the height, bulk and mass of the approved project is incompatible with the neighborhood, specifically because the "Pleasure Point Plan emphasizes smaller upper additions that better blend with the surrounding community flavor". In addition, the Appellant contends that this plan calls for "scaled down and less invasive second story additions" and the size of the approved project is "inconsistent with community will". Finally, the Appellant states the "construction of the imposing walls" will result in shading of the neighboring properties.

As identified above, the approved project consists of a 1,600 square foot second-story addition to an existing 2,400 square-foot single family residence. The County-approved addition is considered to be a principal permitted use within the R-1-4-PP (Single Family Residential 4,000 square foot minimum) zone district which allows for residential uses and zoning consistent with the site's Urban Medium Residential General Plan Designation (R-UM). The County-approved project complies with the LCP's design standards and guidelines (IP Sections 13.11.070 through 13.11.073) and is consistent with all site standards that apply in this case (for R-1-4-PP zoning) for lot coverage, height, floor area ratio and setbacks (13.10.323). In addition, the project site is located within the PPCD and meets the required residential development standards (IP Sections 13.10.444 – 13.10.446) of the PPCD.<sup>4</sup> (See **Exhibit 2** for photographs of the project site and

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<sup>3</sup> "Coastal special communities" means those areas designated in the Local Coastal Program and General Plan Land Use Maps as special communities due to their unique characteristics and visitor destination qualities, and includes the Pleasure Point /41st Avenue area. As mentioned in the staff report, there is a Pleasure Point Combining District (PPCD) in the certified Santa Cruz County LCP, and the project is located within the PPCD.

<sup>4</sup> With regards to the PPCD standards and incentives regarding residential building mass and height and access to sun and light, there are specific requirements for second story setbacks (13.10.446 (A)(1)(a)). The PPCD required sideyard setback is 10ft for new two-story residential structures or second story additions for a lot width of 35ft or more. The County-approved project sideyard setbacks are 16ft and 10ft (County required the minimum 10ft setbacks as a condition of approval). The maximum allowable height for sidewalls is 22ft and the approved project sidewall



photographic simulations of the County-approved project; **Exhibit 3** for project plans and **Exhibit 7** for LCP Policies)).

The project site is one of only two single-story homes on 24<sup>th</sup> Avenue seaward of East Cliff Drive; the remaining development on the street consists of two-story homes. Size and architectural design vary widely in this area and the County-approved project is consistent with the existing range of styles. The project incorporates site and architectural design features such as the use of natural color to reduce any visual impacts of the approved development on surrounding land uses and landscape and provides visual relief through the use of varied roofs and wall planes, including decks, to help break up the mass of the structure. Finally, the size and scale of the addition meets, or is under, all of the LCP's applicable site standards (see IP Sections 13.11.072 and 13.11.073 in **Exhibit 7**).

In terms of community character, the larger Live Oak neighborhood is comprised of an eclectic mix of coastal residential design themes and one and two-story homes together with small businesses, community centers, and churches, etc. It is this type of close-knit, densely developed small to medium scale housing stock and related beach aesthetic and ambiance that best defines this area's personality, and perhaps best defines what the community's character is and should be in an LCP sense. The approved two-story residence would not be atypical in that respect. The County approved residence is similar to adjacent development (both a mix of smaller and medium sized homes) and other development in the surrounding area, and employs building elements designed to create an overall composition that achieves residential compatibility, including building heights, setbacks to minimize shading impacts, and design standards as required by the LCP policies, including the PPCD policies (IP Sections 13.20.130 and 13.10.446 et seq. in **Exhibit 7**).

In addition, the County-approved project is on an infill lot located in an urban neighborhood. The approved project allows for the expansion of an existing structure on an existing parcel which is located within an existing pattern of development.

Finally, with regards to shading, the project meets all current setbacks required by the PPCD, including increased setbacks for second stories, to ensure the approved project will not interfere with access to sun and light or inappropriately shade adjacent properties. Thus, the approved project is consistent with the LCP, including PPCD policies.

In summary, the project is sited and designed to be visually compatible and integrated with the community character of the surrounding neighborhood, and the project would blend appropriately into the established community character of this area of Live Oak. Thus, for all the above reasons, this contention does not raise a substantial issue of LCP conformance with respect to community character and neighborhood compatibility.

## F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine

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heights are 21ft and 6 5/8 inches. At a maximum roof height of 23ft, the approved project development is 3ft shorter than the 28ft maximum allowable height limit for this zoning district.



whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission is guided in its decision of whether the issues raised in a given case are “substantial” by the following five factors: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance. In terms of the Appellant’s public view contention, the County-approved project does not block public views from designated scenic roads or from any visual resources areas, nor does it degrade views from the beach. In terms of community character, the project constitutes infill development, is comparable to and blends in with the existing and surrounding built environment, and is consistent with all applicable site standards. Therefore, the County has provided adequate factual and legal support for its decision that the approved development is consistent with the certified LCP.

The proposed development is in-fill in an existing developed neighborhood, so its extent and scope also weigh in favor of a finding of no substantial issue. The County-approved project only allows for a second-story addition to an existing single-family residence, and it will not adversely impact significant coastal resources. Because the project is consistent with the LCP, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP. Finally, the project does not raise issues of regional or statewide significance.

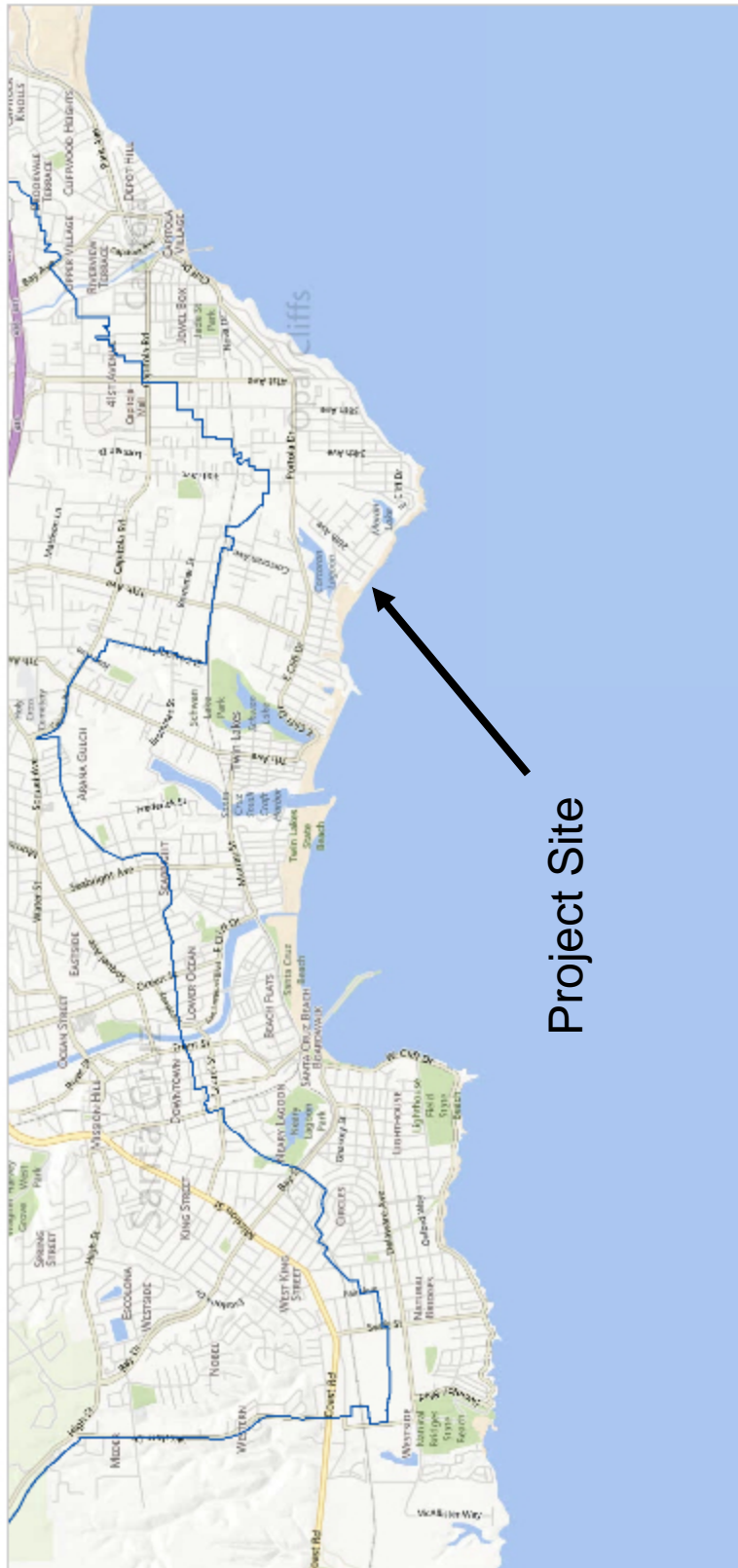
For the reasons stated above, the Commission finds that Appeal Number A-3-SCO-10014 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act and is consistent with the certified LCP and the public access policies of the Coastal Act.

## **APPENDIX A - SUBSTANTIVE FILE DOCUMENTS**

- 1. County of Santa Cruz Application No.131100 Administrative File Record**
- 2. County of Santa Cruz Local Coastal Program**



# Santa Cruz



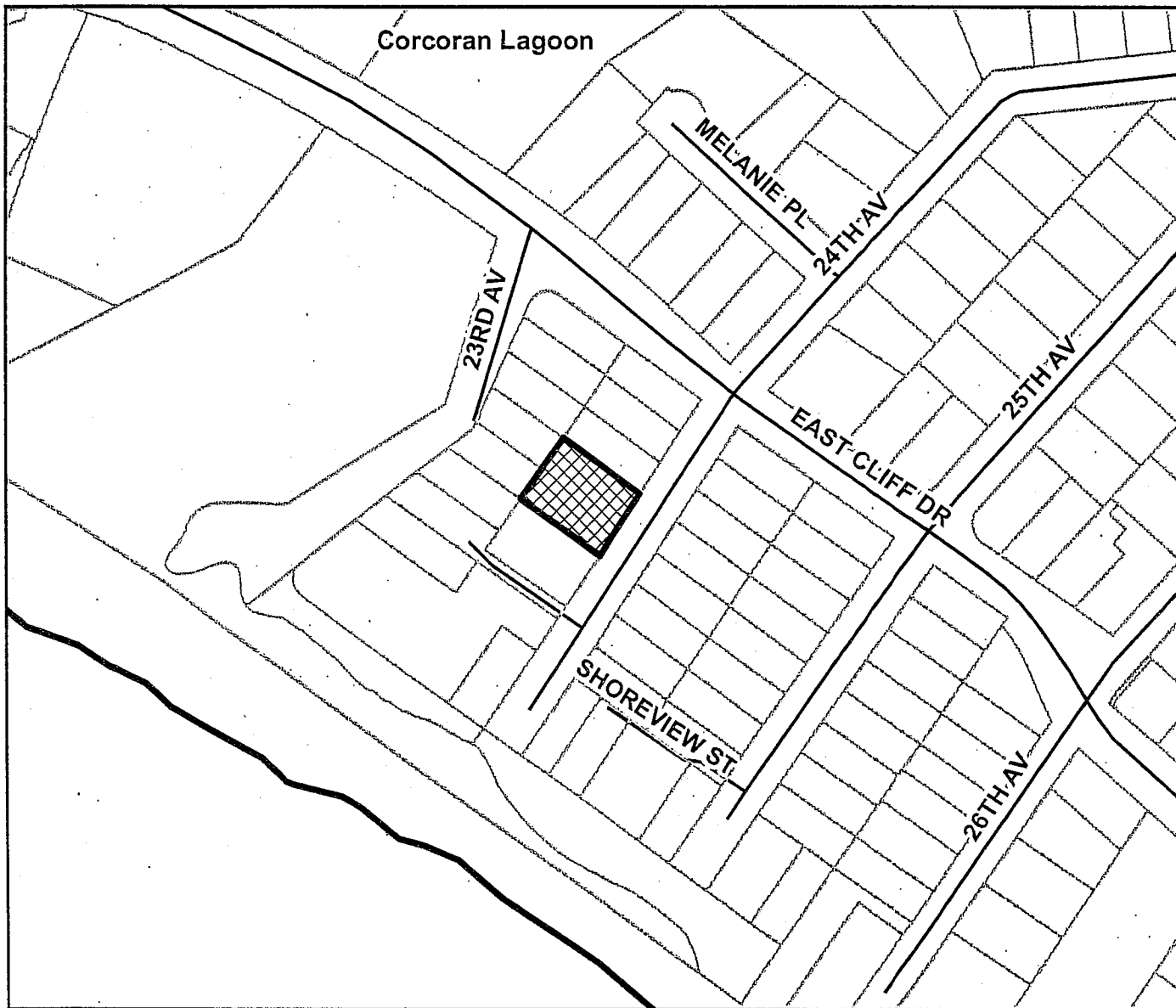
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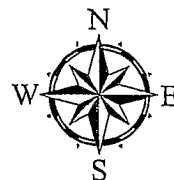


# Location Map



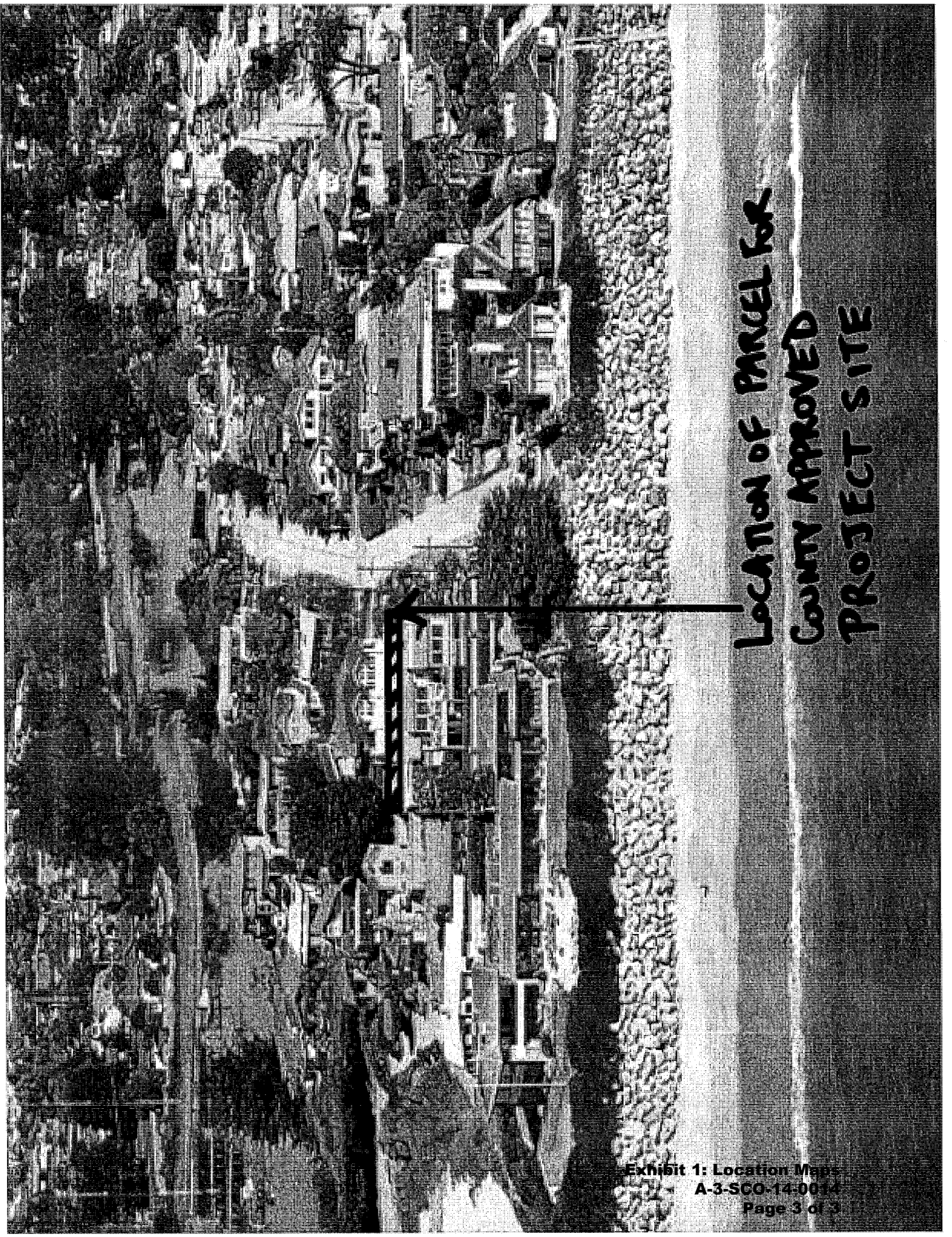
## LEGEND

-  APN: 028-232-27
-  Assessors Parcels
-  Streets
-  County Boundary
-  Lakes



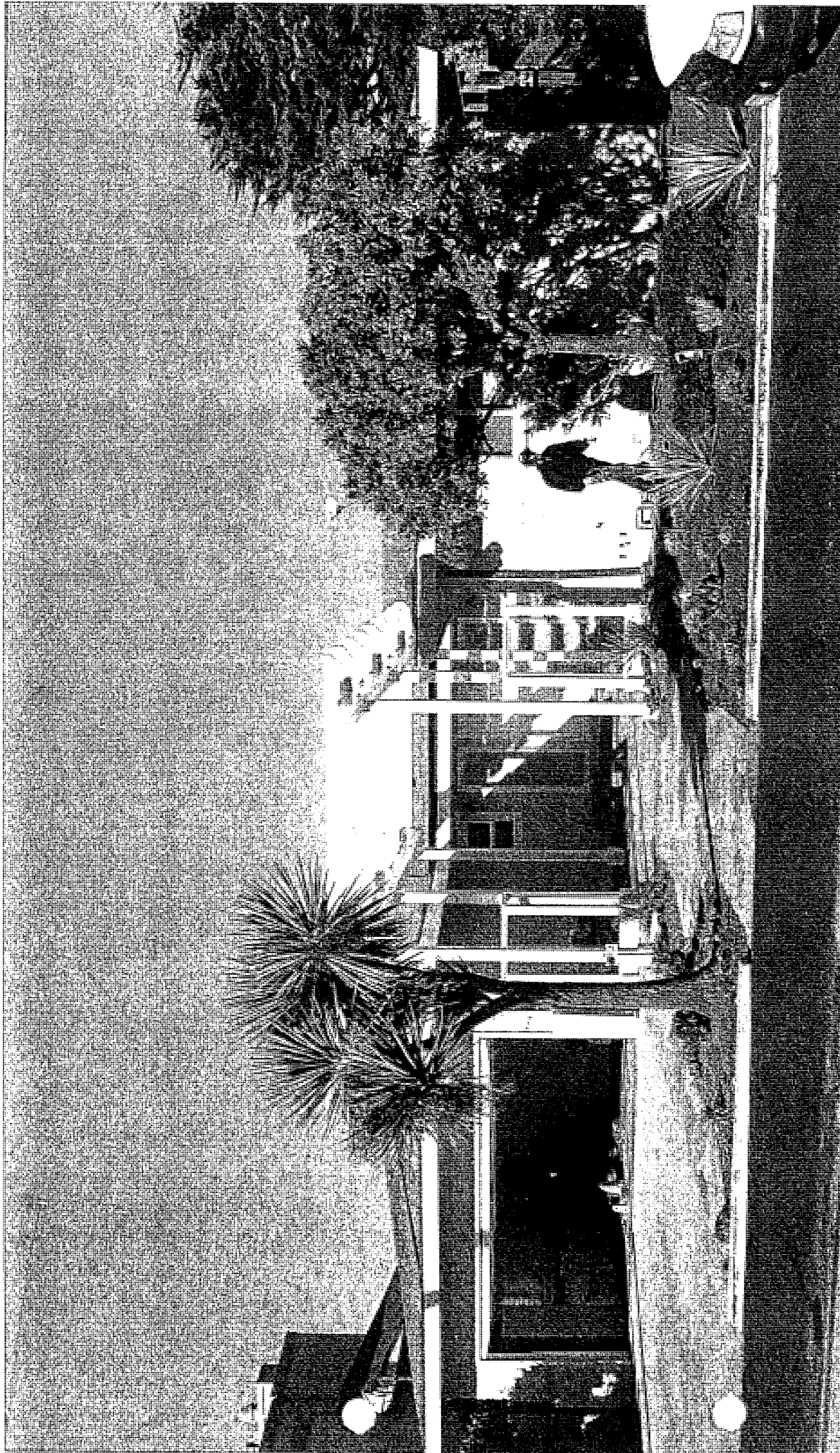
Map Created by  
County of Santa Cruz  
Planning Department  
April 2013





LOCATION OF PARCEL FOR  
COUNTY APPROVED  
PROJECT SITE





# PROJECT SITE: EXISTING HOUSE



**EXISTING HOUSE**

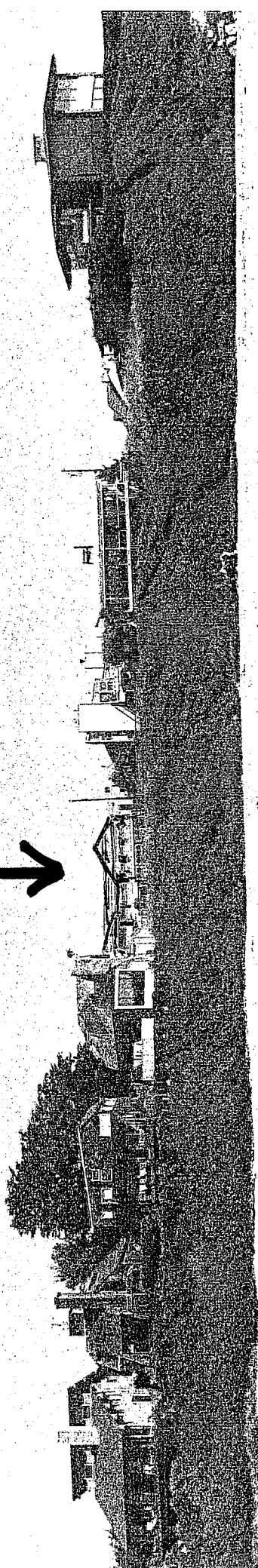


**FROM VIEWPOINT A**





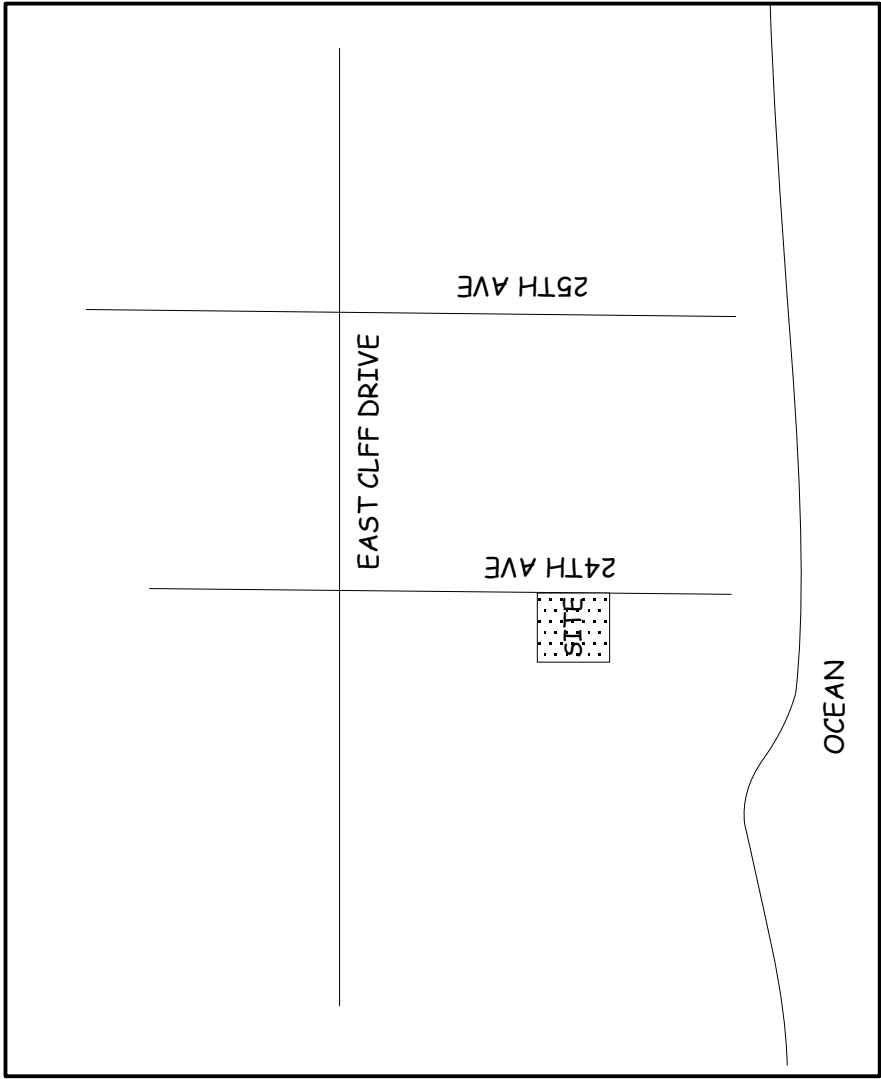
PROJECT SITE:  
WITH COUNTY APPROVED PROJECT



VIEW FROM WEST  
SARID AREA

7-20-2013

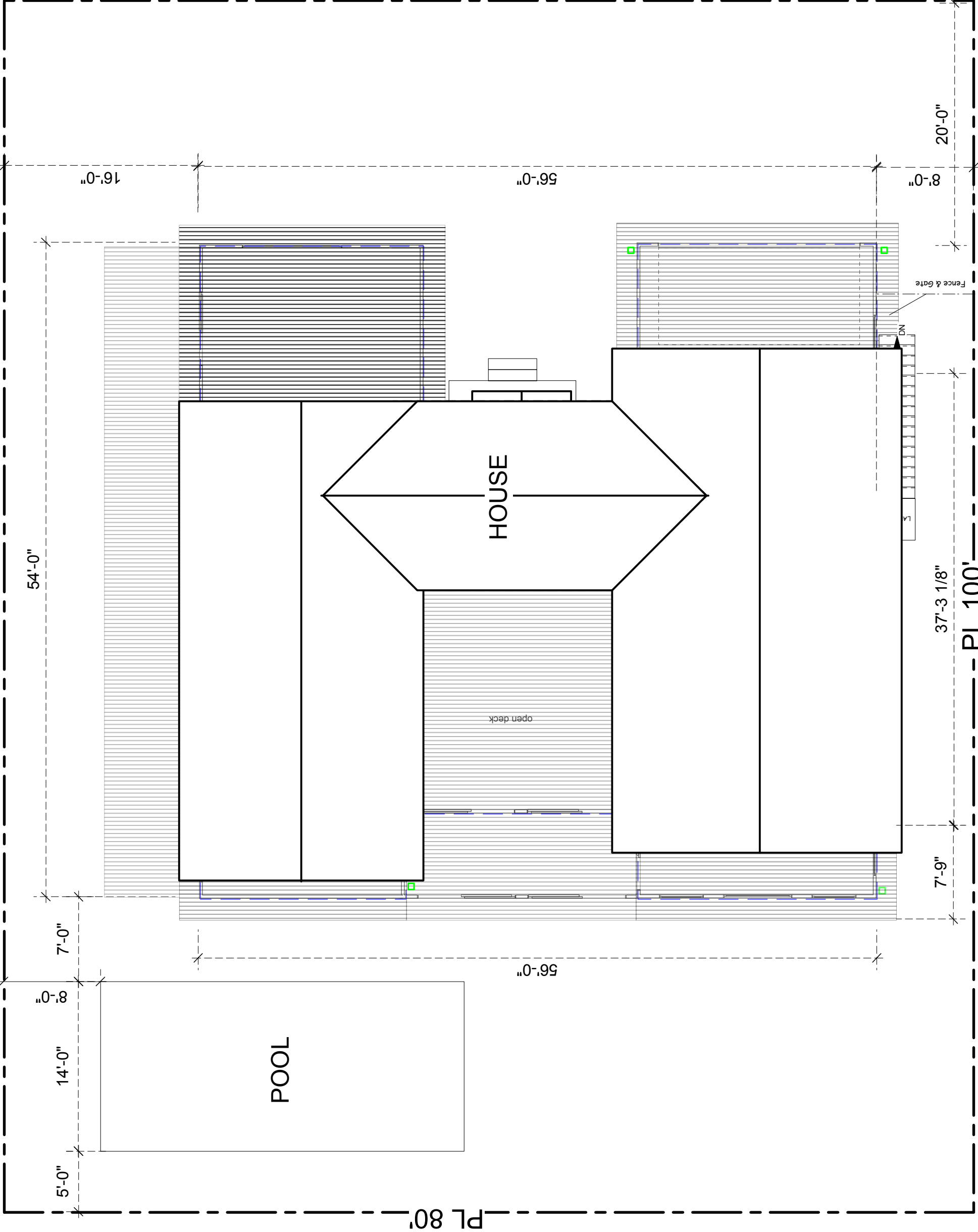




VICINITY MAP NTS

## GENERAL NOTES

- IT IS THE INTENT OF THE DRAWINGS TO DESCRIBE THE EXTENT AND THE RELATIONSHIPS, DIMENSIONAL AND POSITIONAL, OF THE MATERIALS, PRODUCTS AND COMPONENTS FOR THIS PROJECT.
- THESE DRAWINGS ARE DIAGRAMMATIC. THEY DO NOT REPRESENT TO SHOW OR INCLUDE EVERY SPECIFIC ITEM WHICH MAY BE NECESSARY AND PROPER FOR A COMPLETE INSTALLATION. IT IS THE INTENT OF THESE DOCUMENTS TO SUFFICIENTLY DESCRIBE THE PROJECT, EITHER SPECIFICALLY, BY REFERENCE, OR BY IMPLICATION, TO CAUSE A COMPLETE AND OPERATIONAL BUILT PRODUCT.
- DO NOT SCALE DRAWINGS. CONSULT DESIGNER FOR ANY DESIRED CLARIFICATIONS REGARDING DIMENSIONS.
- BING ANY DISCREPANCIES, ERRORS, OMISSIONS, OR NEW FINDINGS TO THE ATTENTION OF THE DESIGNER BEFORE PROCEEDING WITH THE WORK.
- SHEET NOTES AND LEGENDS APPLY ONLY TO THE SPECIFIC SHEET OF THE DRAWINGS ON WHICH THEY OCCUR, UNLESS OTHERWISE NOTED.
- INFORMATION REFERENCED FROM ONE PART OF THESE DOCUMENTS TO ANOTHER, BY SYMBOLIC REPRESENTATION OR NOTATION, SHALL BE AS IF INCLUDED COMPLETE AT THE INDICATED POSITION IN THE DOCUMENTS.
- CONFLICTS BETWEEN ONE PART OF THESE DOCUMENTS TO ANOTHER, OR BETWEEN THE DOCUMENTS AND THE DISCOVERED EXISTING CONDITIONS SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY FOR CLARIFICATION.
- CONTRACTOR SHALL PROVIDE ALL WORK AND MATERIALS IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.
- CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL SUB-TRADES TO INSURE EXPEDITIOUS COMPLETION OF THE JOB.
- CONTRACTOR SHALL OBTAIN ALL PERMITS AND LICENSES REQUIRED BY THE LOCAL GOVERNING AUTHORITIES AND SHALL INCLUDE THE COST OF SUCH PERMITS IN THE BID.
- CONSTRUCTION CONTRACTOR AND HIS SUB CONTRACTORS AGREE THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR AND HIS SUBCONTRACTORS WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTORS AND HIS SUB-CONTRACTORS FURTHER AGREE TO DEFEND, INDEMNIFY, AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTION LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.



## SITE MAP

## PROJECT DESCRIPTION

ALL WORK SHALL CONFORM TO THE 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA FIRE CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2008 CALIFORNIA ENERGY STANDARDS, 2010 CALIFORNIA GREEN BUILDING CODE AND THE 2010 CALIFORNIA RESIDENTIAL CODES.

## SITE & BUILDING DATA

PARCEL NUMBER 028-232-27  
SITE ADDRESS 24th AVE.  
CONSTRUCTION TYPE R-3/VB/ Non-Sprinklered.

## DRAWING INDEX

SHEET	PAGE	DESCRIPTION
C-1	1	COVER SHEET & SITE PLAN
A-1	2	EXISTING FLOOR PLAN
A-2	3	NEW FLOOR PLAN
A-3	4	NEW SECOND FLOOR PLAN
A-4	5	EXISTING ELEVATIONS
A-5	6	NEW ELEVATIONS

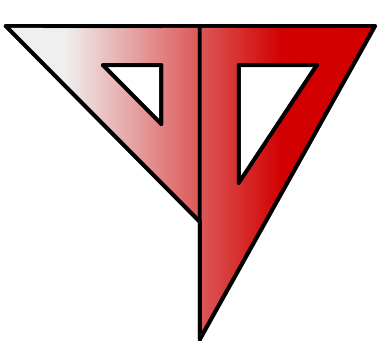
## PROJECT DIRECTORY

OWNER: HANS BASHI  
24th AVE.  
SANTA CRUZ CA 95062  
415-317-5005

PRINCIPAL DESIGNER: RICHARD EMIGH  
413 CAPITOLA AVE.  
CAPITOLA, CA 95010  
831-479-1452 PH  
831-479-1476 FAX

DESIGNER: DONNA EMIGH FLOOR  
413 CAPITOLA AVE.  
CAPITOLA, CA 95010  
831-331-7377 PH  
831-479-1476 FAX

CONSTRUCTION CONTRACTOR AND HIS SUB CONTRACTORS AGREE THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR AND HIS SUBCONTRACTORS WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTORS AND HIS SUB-CONTRACTORS FURTHER AGREE TO DEFEND, INDEMNIFY, AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTION LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.



## SITE PLAN BUILDING INFO

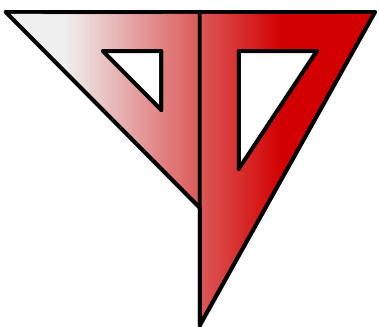
MAILING ADDRESS:  
415-317-5005

HANS BASHI
24th AVE
SANTA CRUZ 95062

APN # 021314 DATE: 1/7/13 DRAWN BY: DLEF
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C-1
SHEETS

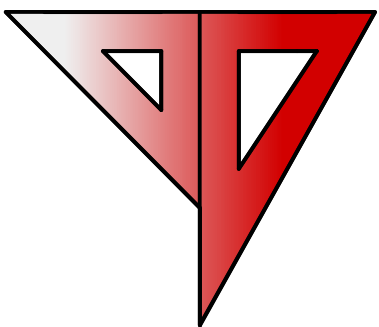




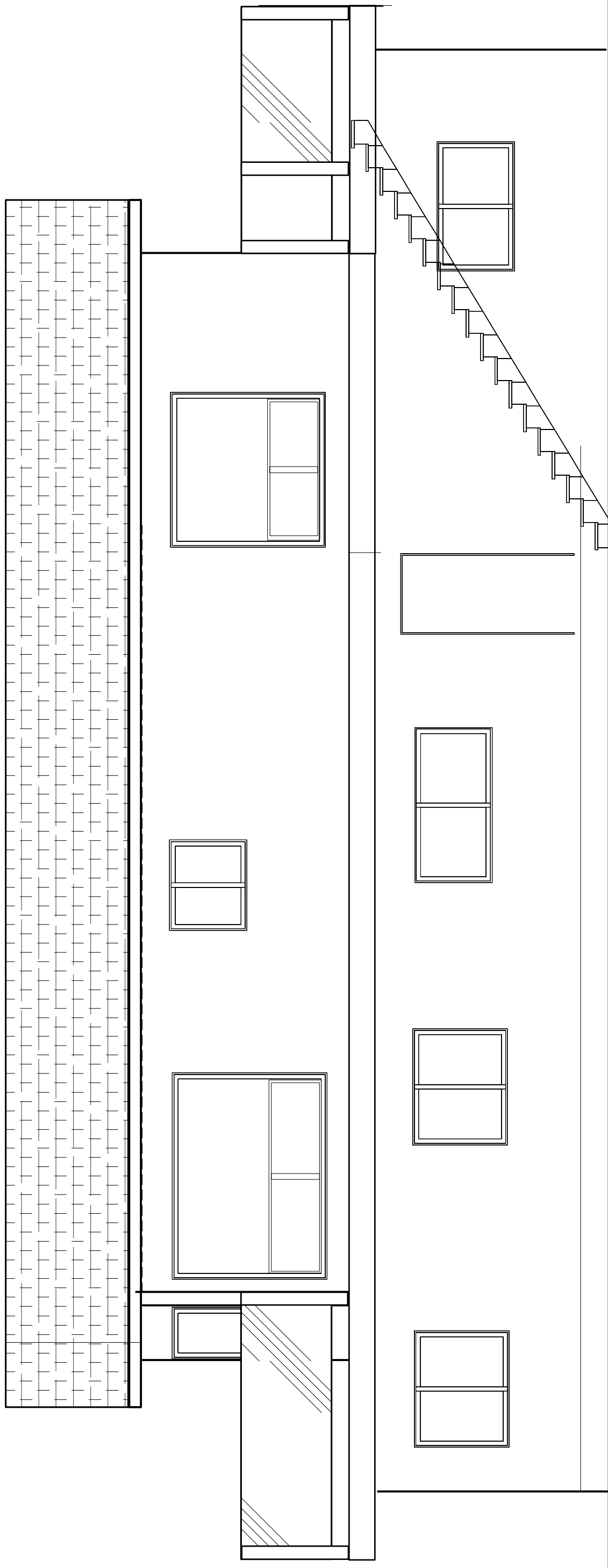




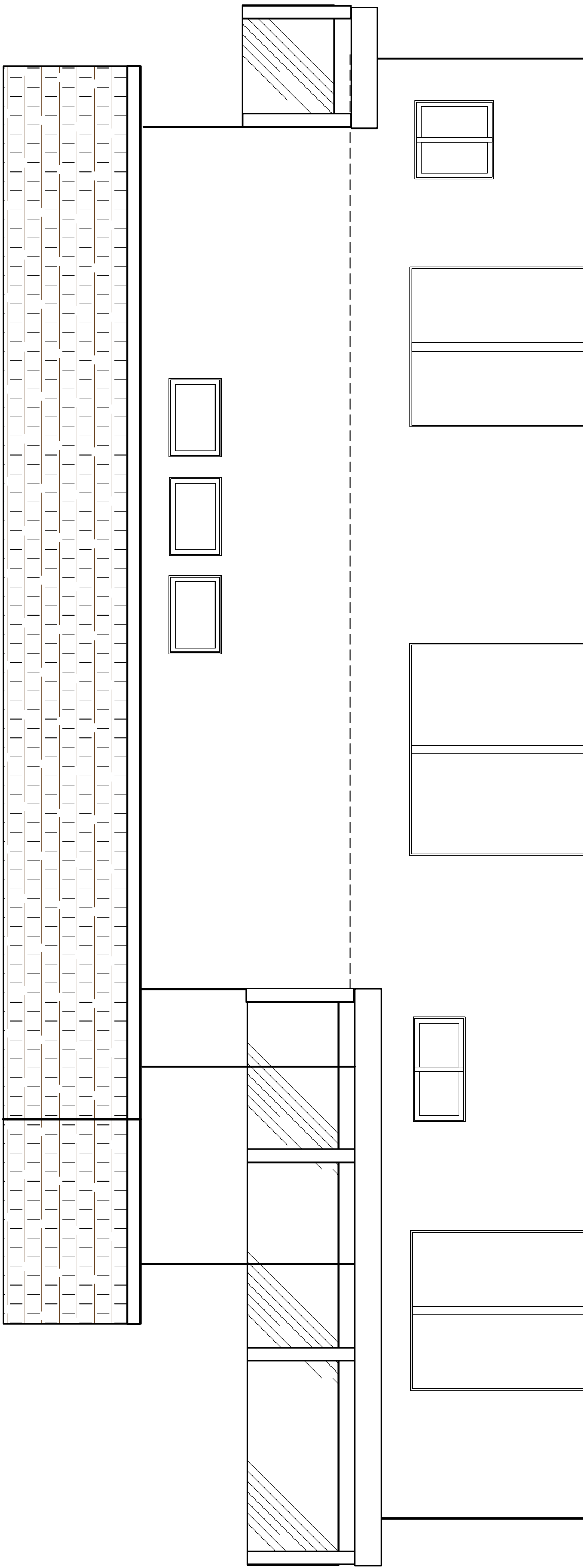




LEFT ELEVATION  
Scale: 1/4" = 1'-0"



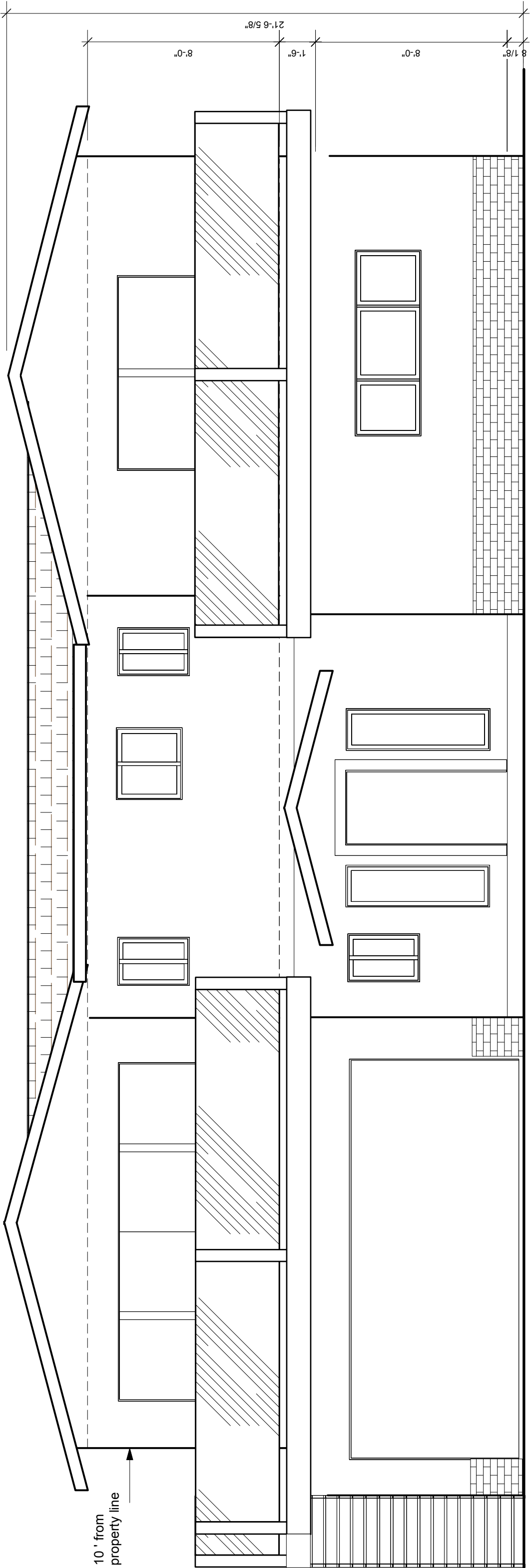
RIGHT ELEVATION  
Scale: 1/4" = 1'-0"



BACK ELEVATION  
Scale: 1/4" = 1'-0"



FRONT ELEVATION  
Scale: 1/4" = 1'-0"





# NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

## County of Santa Cruz

Date of Notice: 3/10/14

**Notice Sent (via certified mail) to:**

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

### FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SCO-14-0221  
APPEAL PERIOD 3/11-3/25/14

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

#### Project Information

Application No.: 131100  
Project Applicant: Richard Emigh  
Address: 413 Capitola Ave, Capitola, CA 95010  
Phone/E-mail: (831) 479-1452, redesigns02@yahoo.com  
Property Owner: Hassan & Tooran Khayam-Bashi  
Project Location: 155 24<sup>th</sup> Ave, Santa Cruz, CA 95062

Project Description: Proposal to construct a 1,600 square foot second story addition to an existing single family dwelling. Results in a 4 bedroom 3 and 2 half bathroom single family dwelling. Requires a Coastal Development Permit.

#### Final Action Information

Final Local Action: Approved with Conditions

Final Action Body:

- ☒ Zoning Administrator  
☐ Planning Commission  
☐ Board of Supervisors

# RECEIVED

MAR 11 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

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

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
CEQA Document	X	
Geotechnical Reports		
Biotic Reports		
Other:		
Other:		

#### Coastal Commission Appeal Information

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

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

- Applicant
- Interested parties who requested mailing of notice



# RECEIVED

MAR 11 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



## Staff Report to the Zoning Administrator

Application Number: **131100**

**Applicant:** Richard Emigh  
**Owner:** Khayam-Bashi  
**APN:** 028-232-27

**Agenda Date:** 2/21/14  
**Agenda Item #:** 1  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to construct an approximately 1,600 square foot second-story addition to an existing single family dwelling on a parcel in the R-1-4-PP zone district. Results in a 4 bedroom, 3 and ½ bathroom single family dwelling on site with a swimming pool. Requires a Coastal Development Permit.

**Location:** Project is located at 155 24<sup>th</sup> Ave in Santa Cruz, CA

**Supervisory District:** 1st District (District Supervisor: Leopold)

**Permits Required:** Coastal Development Permit

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 131100, based on the attached findings and conditions.

### Exhibits

- |   |   |
|---|---|
| A. Categorical Exemption (CEQA determination) | E. Photo Simulations                                  |
| B. Findings                                   | F. Assessor's, Location, Zoning and General Plan Maps |
| C. Conditions                                 | G. Comments & Correspondence                          |
| D. Project plans                              |   |

### Parcel Information

Parcel Size:	8,276.4 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Public Road
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-4-PP (Single Family Residential (4,000 square foot



Coastal Zone: minimum) Pleasure Point Combining District  
X Inside      \_\_\_ Outside  
Appealable to Calif. Coastal X Yes      \_\_\_ No  
Comm.

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: To be reviewed with Building Permit  
Fire Hazard: Not a mapped constraint  
Slopes: N/A  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: To be reviewed with Building Permit  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: X Inside      \_\_\_ Outside  
Water Supply: City of Santa Cruz Water District  
Sewage Disposal: Santa Cruz Sanitation District  
Fire District: Central Fire  
Drainage District: Zone 5

### History

The subject parcel is developed with an existing 3 bedroom, 2 ½ bath single family dwelling with attached garage that was originally permitted in 1966. Subsequent to the issuance of a building permit for the single family dwelling, permits for a swimming pool and pool enclosure were issued for the property.

### Project Setting

The subject parcel is located in an area containing a variety of architectural styles primarily developed with 2-story single family dwellings. The proposed development is fronted by 24<sup>th</sup> Avenue and there are currently, two undeveloped lots immediately behind the subject parcel (west) that are situated between the subject parcel and the top of a coastal bluff above Corcoran Beach.

The subject parcel is approximately 100 feet from the top of the bluff and located within the Pleasure Point Combining District.



### **Zoning & General Plan Consistency**

The subject property is a parcel of approximately 8,300 square feet, located in the R-1-4-PP (Single Family Residential (4,000 square foot minimum) Pleasure Point Combining District) zone district, a designation which allows residential uses. The proposed addition is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation. With the removal of the roof above an existing pool enclosure, the project is consistent with all site standards for the zone district with respect to setbacks, lot coverage, floor area ratio, and height.

### **Local Coastal Program Consistency**

The proposed addition is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Design Review**

The proposed residential addition complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as the use of natural color to reduce the visual impact of the proposed development on surrounding land uses and landscape.

Though the proposed development will be visible from Corcoran Beach, the existing house and several other existing homes on 24<sup>th</sup> Avenue are readily visible from the beach in this area that is developed at an urban density.

### **Environmental Review**

The proposed development qualifies for a Class 1 Exception under the California Environmental Quality Act and is exempt from further environmental review.

### **Conclusion**

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

### **Staff Recommendation**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.



- **APPROVAL** of Application Number **131100**, based on the attached findings and conditions.

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Nathan MacBeth  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3118  
E-mail: [nathan.macbeth@co.santa-cruz.ca.us](mailto:nathan.macbeth@co.santa-cruz.ca.us)



# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 131100

Assessor Parcel Number: 028-232-27

Project Location: 155 24th Ave, Santa Cruz

**Project Description:** Construct a second story addition to and existing single family dwelling

**Person or Agency Proposing Project:** Richard Emigh

**Contact Phone Number:** (831) 479-1452

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
- E. ☒ **Categorical Exemption**

Specify type: Class 1 - Existing facilities

F. **Reasons why the project is exempt:** Addition to an existing single family dwelling

In addition, none of the conditions described in Section 15300.2 apply to this project.

  
Nathan MacBeth, Project Planner

Date: 2-21-14



## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-4-PP (Single Family Residential (4,000 square foot minimum) Pleasure Point Combining District), a designation which allows residential uses. The proposed residence is a principal permitted use within the zone district, and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made in that no such easements or restrictions are known to encumber the project site.

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site; and the development site is not on a prominent ridge, beach, or bluff top. While the proposed second story addition will be visible from Corcoran Beach, many other existing structures, including the single story structure on the site are readily visible.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that even though the project site is located between the shoreline and the first public road public access exists within ¼ mile of the site, at Moran Lake to the east and 20<sup>th</sup> Avenue to the west. Consequently, the addition will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-4-PP (Single Family Residential (4,000 square foot minimum) Pleasure Point Combining District) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family



dwelling. Size and architectural styles vary widely in the area, and the design submitted is consistent with the scale of new development and the existing range of styles.

### Development Permit Findings

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

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

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4-PP (Single Family Residential (4,000 square foot minimum) Pleasure Point Combining District) zone district as the primary use of the property will be one single family dwelling. With the removal of the roof over the existing pool enclosure, all structures onsite would be in conformance with all current site standards for the zone district.

3. That the proposed use is consistent with all elements of the County General Plan, and any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with density requirements specified for the Urban Medium Residential (R-UM) land use in the County General Plan.

The proposed addition will not adversely impact the light, solar opportunity space available to other structures or properties, and meets all current site standards for the zone district as specified in Policy 8.1.3 (Residential Site Standards Ordinance), in that the addition will not adversely shade adjacent properties, meet current setbacks for the zone district including the Pleasure Point District, specifically, increased setbacks for second stories.

The proposed addition will be properly proportioned to the parcel size and neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Residential Structure and Parcel Sizes), in that the proposed residence will comply with

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regs for  
2nd stories.



the R-1-4-PP zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed addition is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is not expected to increase above existing levels, therefore no adverse impact to existing roads or intersections in the surrounding area is anticipated.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed addition is consistent with the land use intensity and density of the neighborhood. The proposed addition will not interfere with access to sun and light to adjacent properties and will preserve the character of neighborhood.

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

This finding can be made, in that the proposed addition will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Two undeveloped lots are located immediately behind the subject parcel (west) and are situated between the subject parcel and the top of a coastal bluff above Corcoran Beach. At least one of the parcels has an issued building permit for construction of a new single family dwelling. Though the proposed development will be visible from Corcoran Beach, several existing homes are also visible from the beach in this area of urban density development.

Furthermore, size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles.



## Conditions of Approval

Exhibit D: 6 Sheets Prepared by Richard Emigh Dated 9/11/13

- I. This permit authorizes the construction of an addition to an existing single family dwelling. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit for the roof over the pool house from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.



2. Grading, drainage, and erosion control plans.
  3. Details showing compliance with fire department requirements.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- F. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$1000 and \$109 per bedroom.
- G. Pay the current fees for Roadside and Transportation improvements for 1 bedroom. Please contact Department of Public Works staff for correct fees.
- H. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- I. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological



resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080 shall be observed.

#### IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. Construction shall take not commence prior to October 1, 2014.
- C. During construction, the right-of-way shall be kept clear of all construction materials and vehicles.

#### V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the



interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

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

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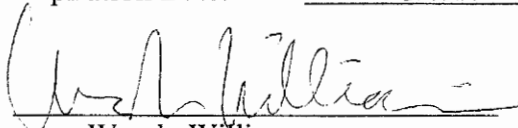
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

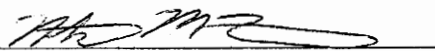
Approval Date: 2/21/14

Effective Date: 3/7/14

Expiration Date: 3/7/17



Wanda Williams  
Deputy Zoning Administrator



Nathan MacBeth  
Project Planner

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



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## SITE & BUILDING DATA

## OVER-

4-9011 7/9/02  
SANTA CRUZ CA 95062  
415-317-5005

### PRINCIPAL DESMORFEN

CAPTOLA, CA 95010  
831-478-1452 PH  
831-478-1478 FAX

SHEET	PAGE	DESCRIPTION
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C-1	1	COVER SHEET & SITE PLAN
A-1	2	EXISTING FLOOR PLAN
A-2	3	NEW FLOOR PLAN
A-3	4	NEW SECOND FLOOR PLAN
A-4	5	EXISTING ELEVATIONS
A-5	6	NEW ELEVATIONS

DATE:	SYM:	DESCRIPTION
11/11/11	11/11/11	11/11/11

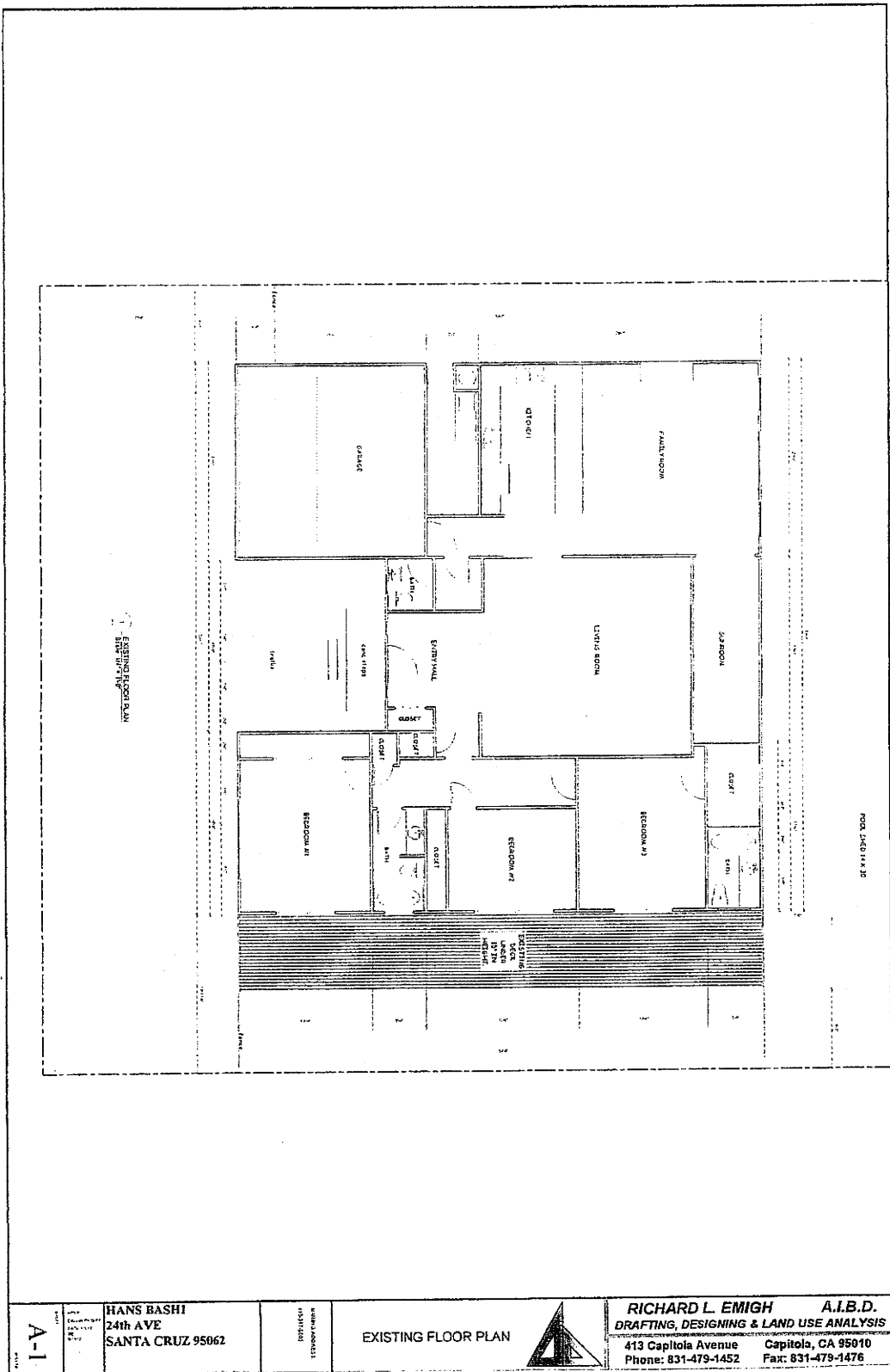
1. *Journal of the American Medical Association*, 1997; 277: 1001-1005.

SITE PLAN  
BUILDING INFO



HANS BASHI  
24th AVE  
SANTA CRUZ 95062

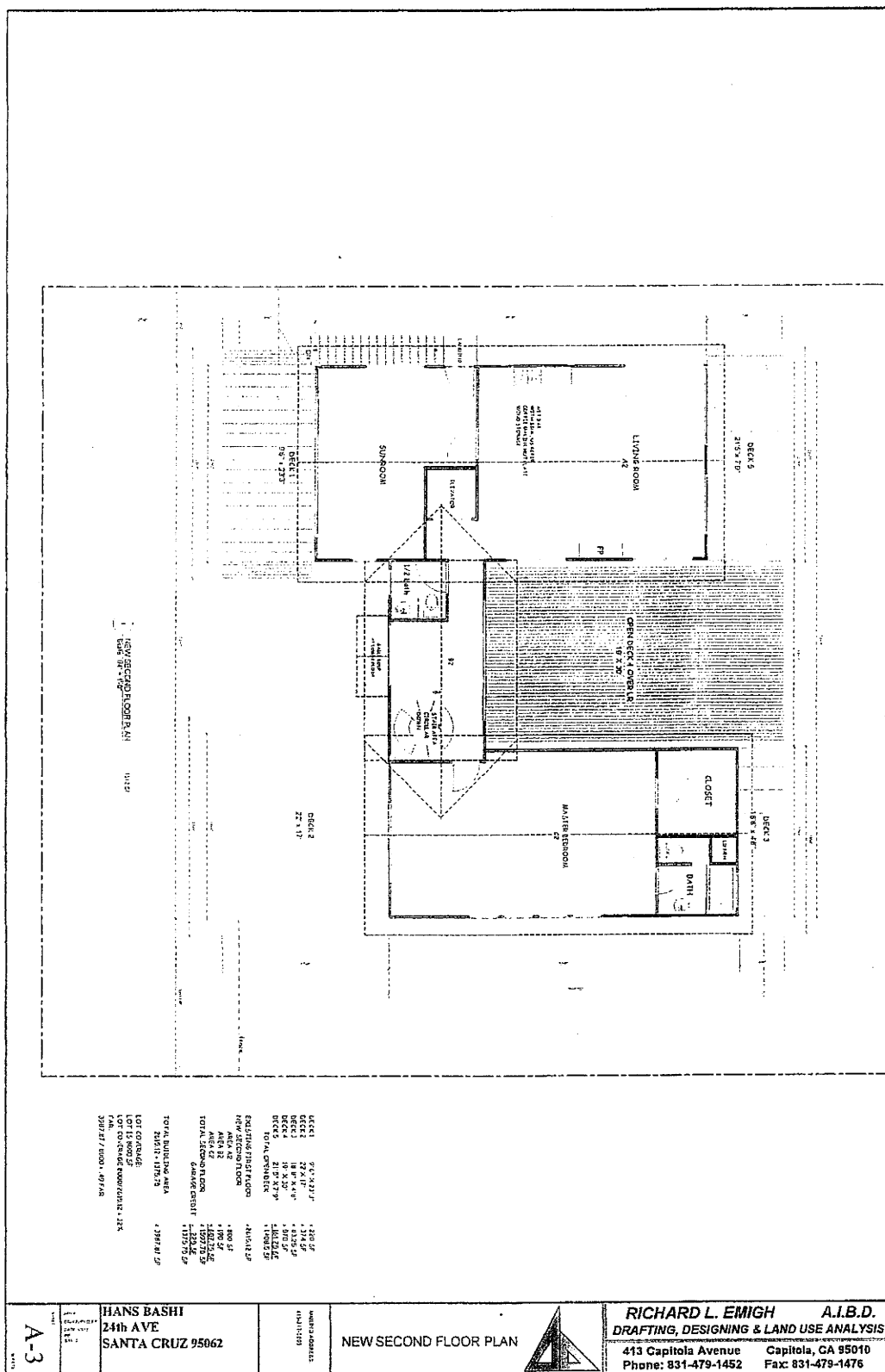




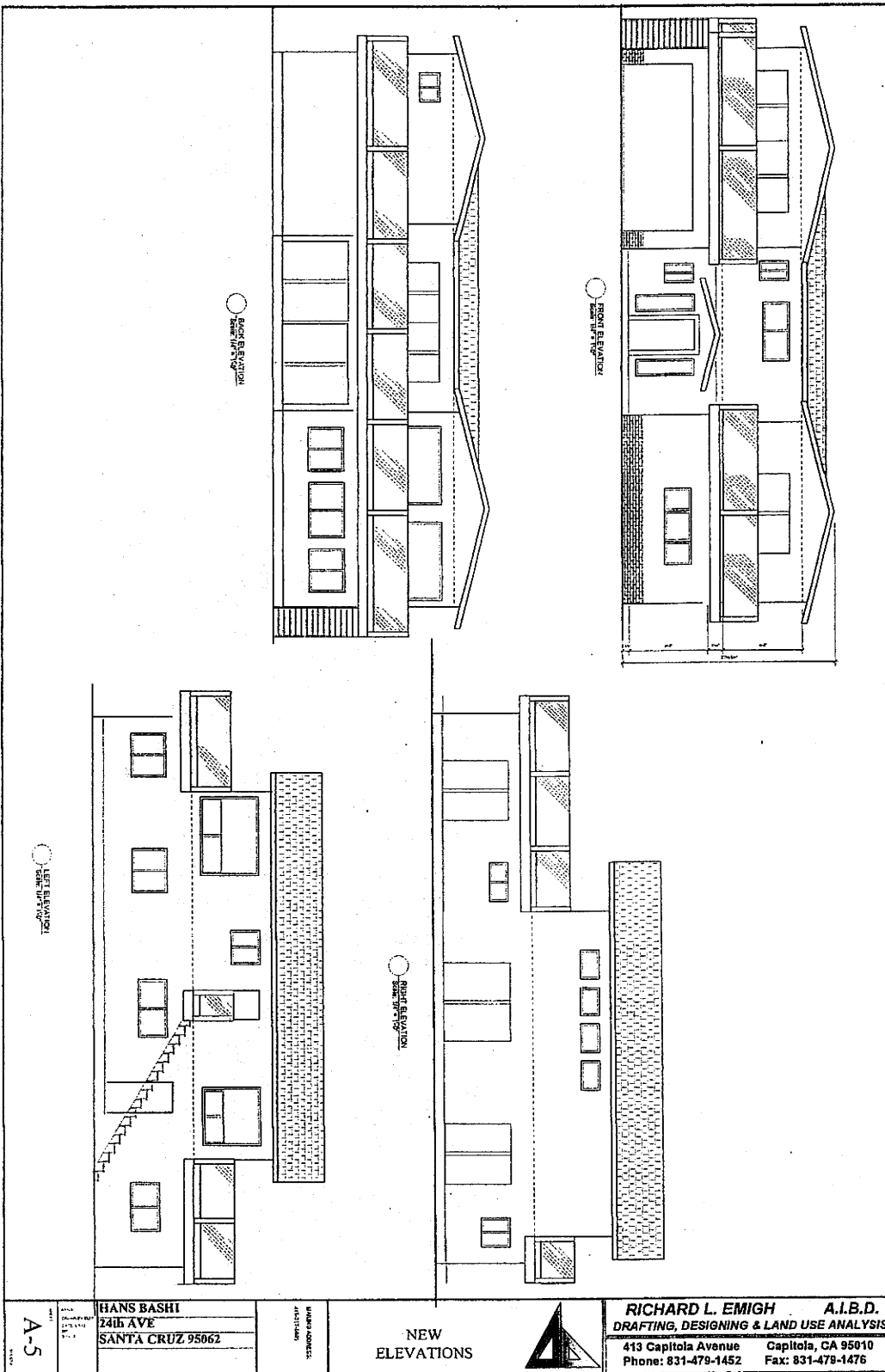




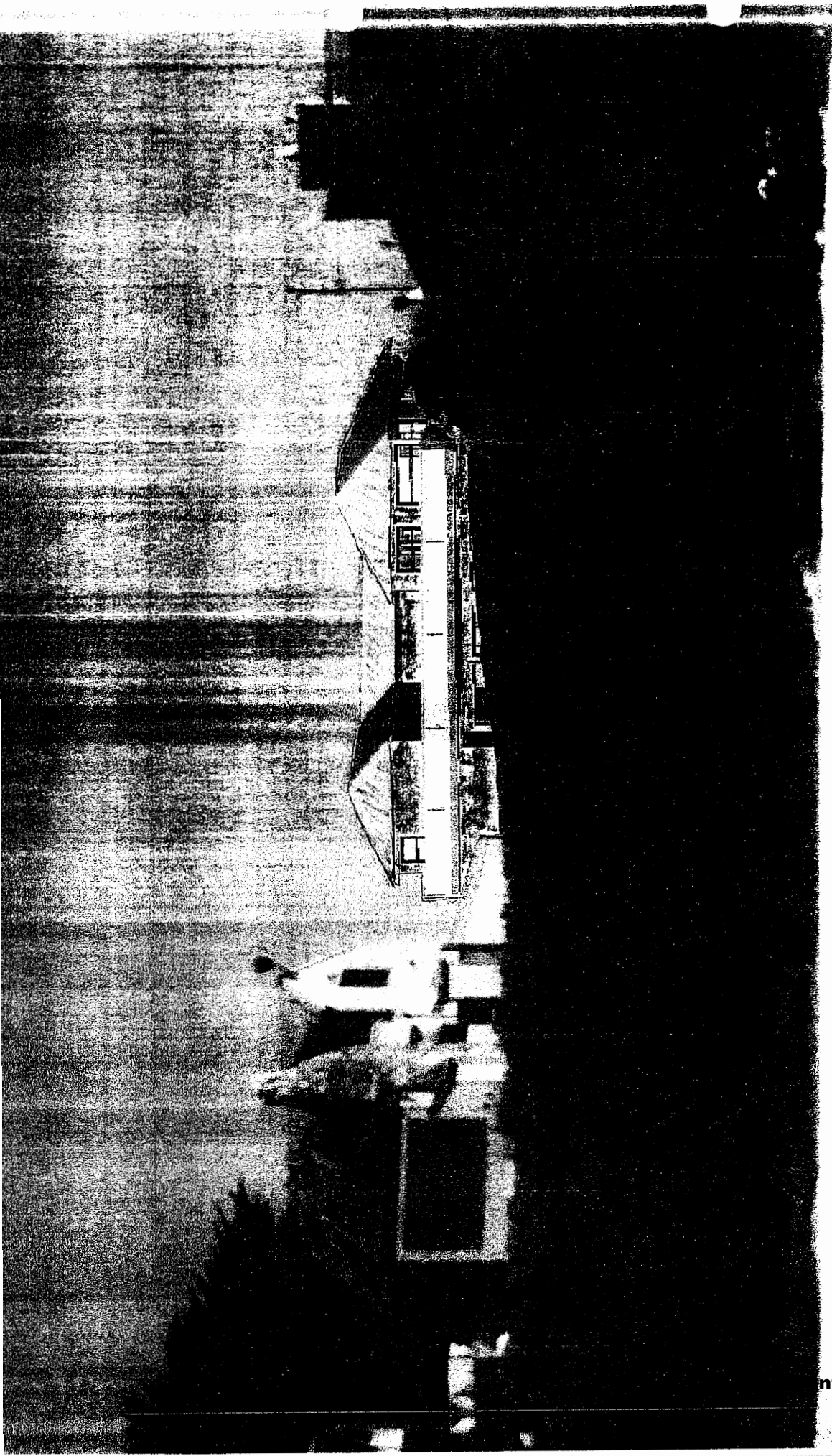












EXHIBIT

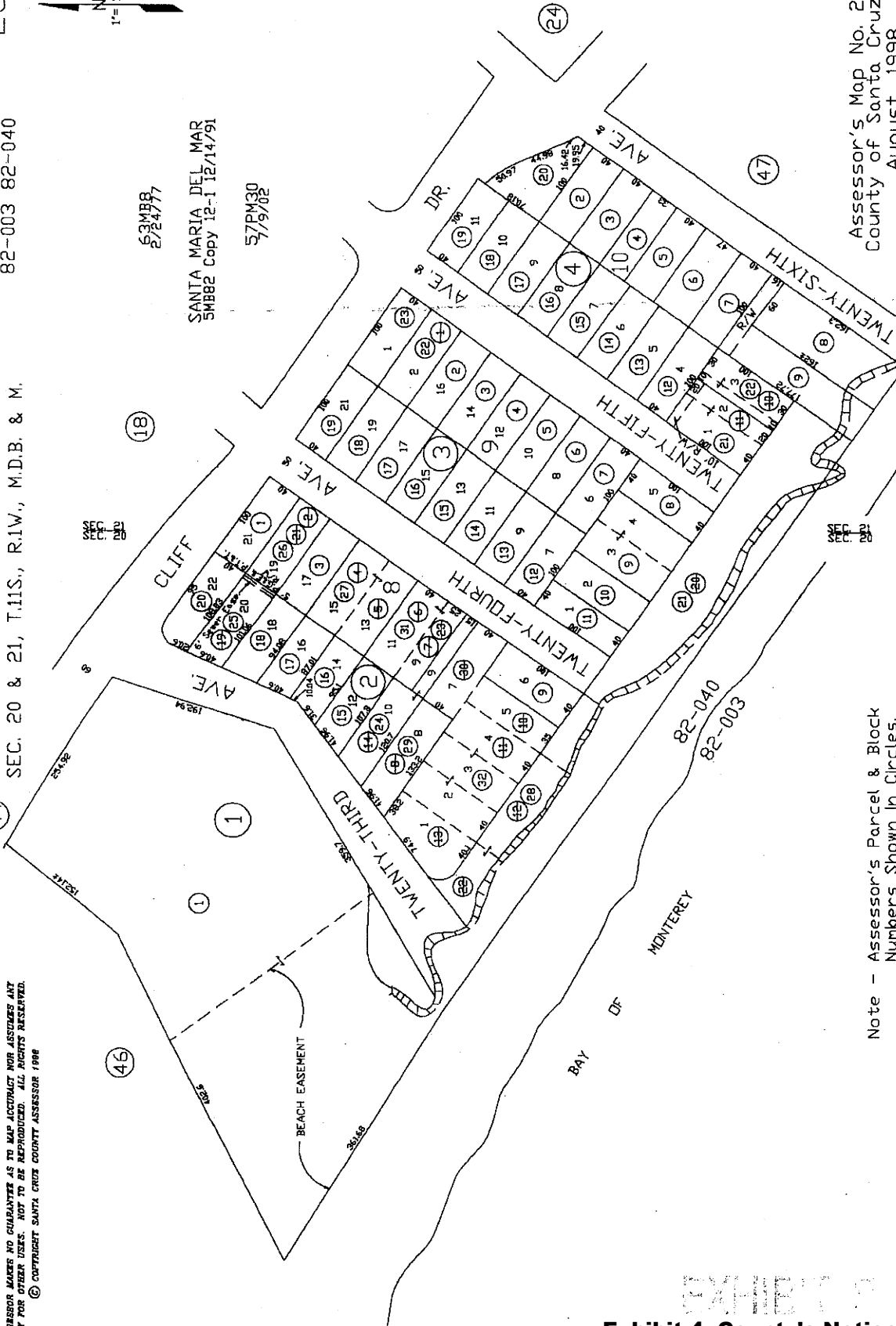
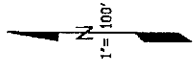


FOR TAX PURPOSES ONLY  
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY  
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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44 POR. RANCHO ARROYO DEL RODEO  
 SEC. 20 & 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
 82-003 82-040

28-23



53MB88  
 2/24/77

SANTA MARIA DEL MAR  
 5MB82 Copy 12-1 12/14/91

57PM30  
 7/9/02

Assessor's Map No. 28-23  
 County of Santa Cruz, Calif.  
 August, 1998

Note - Assessor's Parcel & Block  
 Numbers Shown In Circles.





# Location Map

Corcoran Lagoon

23RD AV

MELANIE PL

24TH AV

25TH AV

EAST CLIFF DR

SHOREVIEW ST

26TH AV

240 120 0 240 480 720 960 Feet

## LEGEND



APN: 028-232-27



Assessors Parcels

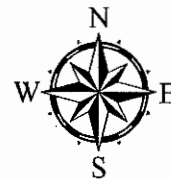


Streets



County Boundary

Lakes

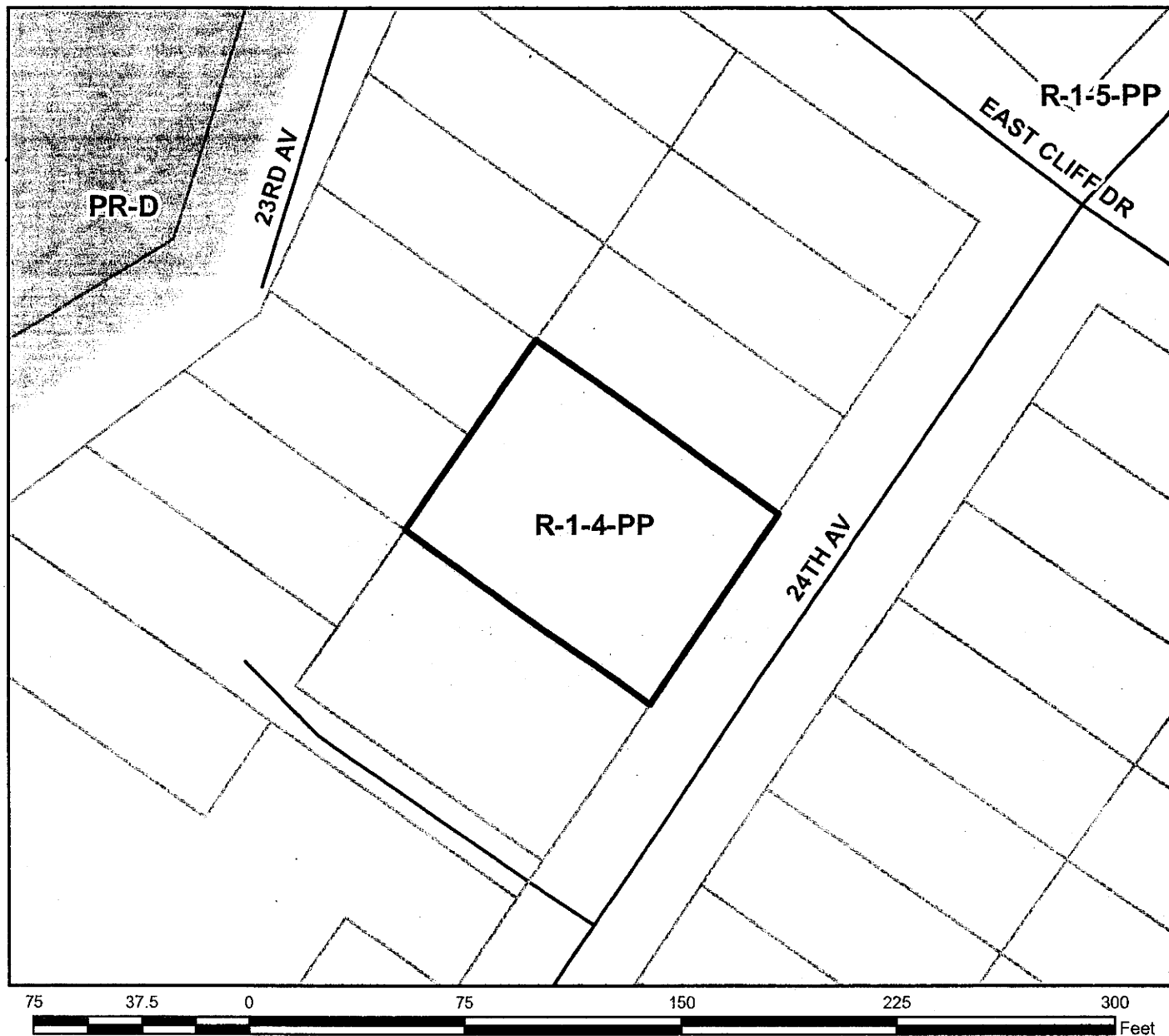


Map Created by  
County of Santa Cruz  
Planning Department  
April 2013







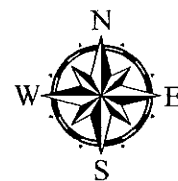


# Zoning Map



## LEGEND

-  APN: 028-232-27
-  Assessors Parcels
-  Streets
- RESIDENTIAL-SINGLE FAMILY
-  PARK



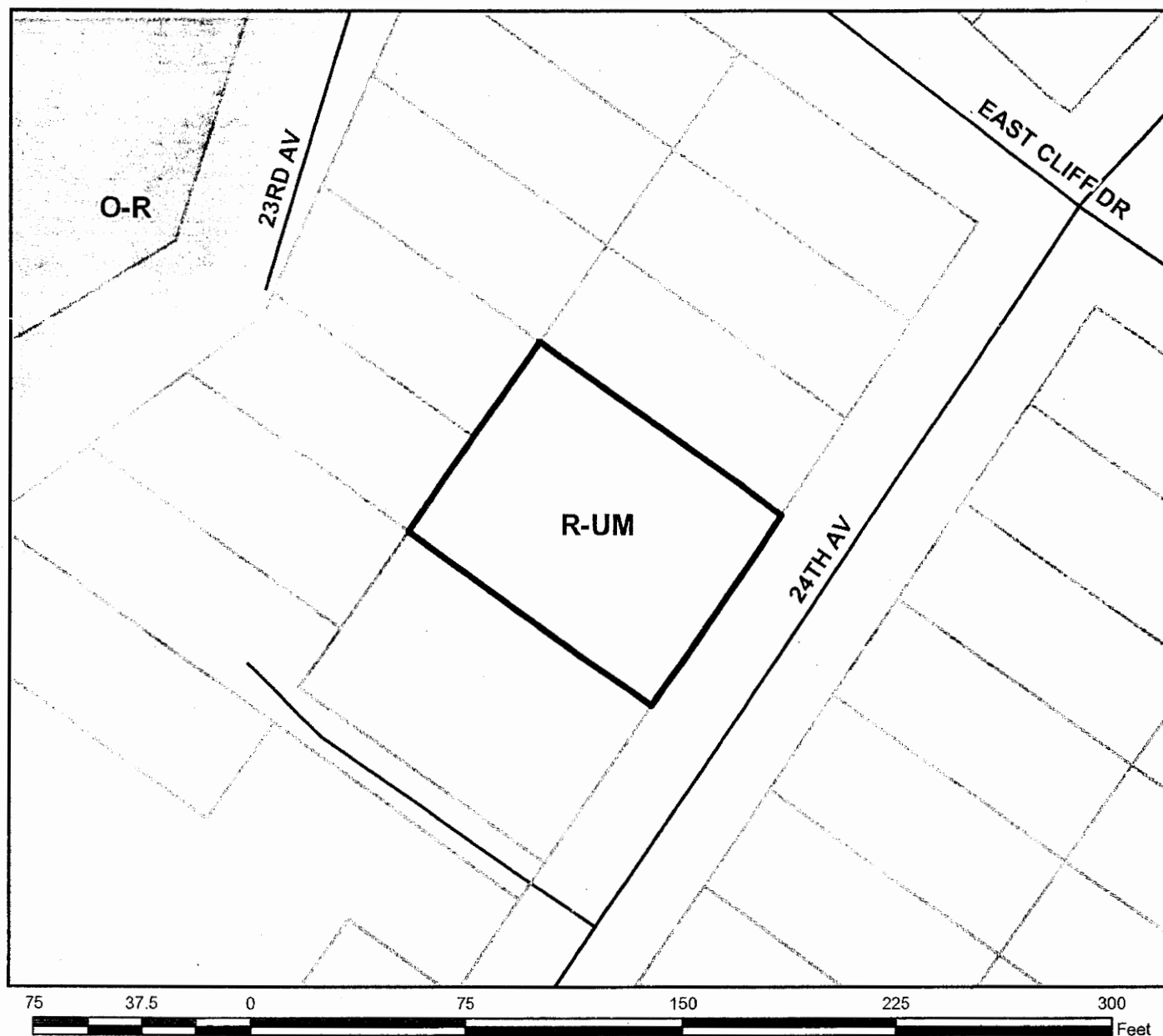
Map Created by  
County of Santa Cruz  
Planning Department  
April 2013

EXHIBIT A





# General Plan Designation Map



## LEGEND



APN: 028-232-27



Assessors Parcels



Streets

Residential - Urban Medium Density



Parks and Recreation



Map Created by  
County of Santa Cruz  
Planning Department  
April 2013

EXHIBIT F

Exhibit 4: County's Notice of Final Action

A-3-SCO-14-0014

Page 23 of 23

pin028



**CALIFORNIA COASTAL COMMISSION**

Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, California 95060-4508  
(831) 427-4863 FAX (831) 427-4877  
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: March 24, 2014

TO: Kathy Previsich  
Planning Director, Santa Cruz County Planning Department  
701 Ocean St., 4<sup>th</sup> Floor, Santa Cruz, CA 95060

FROM: Madeline Cavalieri, District Manager

RE: **Commission Appeal No. A-3-SCO-14-0014**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

Local Permit #: 131100  
Applicant(s): Attn: Hassan & Tooram Khayam-Bashi  
Description: Construct a 1,600 second-story addition to an existing single family residence.  
Location: 155 24TH AVE (APN(s) 06087-028-232-27)  
Local Decision: Approval With Special Conditions  
Appellant(s): Mark Saito  
Date Appeal Filed: 03/21/2014

The Commission appeal number assigned to this appeal is A-3-SCO-14-0014. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Santa Cruz's consideration of this coastal development permit must be delivered to the Central Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Karen Geisler at the Central Coast District Office.

cc: Richard L. Emigh  
Hassan & Tooram Khayam-Bashi  
Mark Saito



## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060-4508  
VOICE (831) 427-4863 FAX (831) 427-4877



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: MARK SAITO  
Mailing Address: 2559 W. Ellery Ave  
City: Fresno, CA Zip Code: 93711 Phone: 559-284-0123

SECTION II. Decision Being Appealed

1. Name of local/port government:  
Santa Cruz County
2. Brief description of development being appealed:  
Proposal To build 1600 sq. ft. second story addition  
to a large single family dwelling at 155 24th Ave.  
SANTA CRUZ
3. Development's location (street address, assessor's parcel no., cross street, etc.):  
155 24th Ave. SANTA CRUZ, CA 95062  
APN: 028-232-27 Cross Street: East Cliff
4. Description of decision being appealed (check one.):  
☐ Approval; no special conditions  
☒ Approval with special conditions:  
☐ Denial

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

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-3-SCO-14-0014

DATE FILED: March 21, 2014

DISTRICT: Central Coast

**RECEIVED**

MAR 21 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

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

- ☒ Planning Director/Zoning Administrator  
☐ City Council/Board of Supervisors  
☐ Planning Commission  
☐ Other

6. Date of local government's decision: \_\_\_\_\_

2/21/14

7. Local government's file number (if any): \_\_\_\_\_

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

HASSAN AND TOORAN Khayam-Bashi  
155 24th Ave.  
Santa Cruz, CA. 95062

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

(1) MARK SAITO

(2) Nancy Eriksen  
P.O. Box 432  
Capitola, CA. 95010

(3) Bill Rogers  
170 24th Ave.  
Santa Cruz, CA. 95062

(4) Scott ?  
160 24th Ave.  
Santa Cruz, CA.

(5) Karen Fredericks  
150 24th Ave.  
Santa Cruz, CA. 95062



**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The submission of this appeal is based upon neighbor concern regarding the visual compatibility of the proposed second story addition at 155 24th Ave. as it pertains ~~not~~ necessarily to design but to community character (section 13.20.122).

The Pleasure Point Plan emphasizes smaller upper additions that better blend with the surrounding community flavor. The project in question proposes a relatively massive 1600 sq ft second story that would bring the house ~~close~~ to 4000 sq ft total. The home next door at 165 24th was built by my co-owner in 2006. Ours is the newest home on the ocean side of East Cliff (24th Ave) and is a substantial size for the street at 2000 sq ft.

The Pleasure Point Plan was adopted after the construction of 165 24th and since it calls for scaled down and less invasive second story additions, the current proposal ~~proposal~~ for a second story addition approaching the total size of the two story home next to it seems to be inconsistent with community will.

While private view is not a consideration for an appeal the particular concern for 165 24th is the construction of large imposing walls in front of all of the south facing windows. In that, aside from blocking our view, would block our sun. In addition to this we have grown fond of viewing our home from walks on the beach below and would be in favor of any plan or adjustment to preserve some of that.



The Santa Cruz County zoning administrator closed the Public hearing on this proposal by recommending that the architect and/or parties involved in this project meet with my co-owner, the builder of 165 24th, to explore a potential small alteration of the current plans that would address some of these concerns to determine if there could be a mutually agreeable change.

This meeting took place and a viable small change to the master bedroom was discussed in light of pulling a wall back about 6 ft. for retention of a view corridor to a valued community landmark, Steamer's Lane.

This suggestion was rejected by the applicants because of their concern about going back through the County process. In discussion with other local architects it appears as though that would not necessarily be the case as it may be possible to go back through the assigned planner to have a small change approved and signed off.

We like our <sup>new</sup> neighbors at 155 24th and respect their right to improve their property although we would have appreciated some pre-plan discussion and would be grateful for any small change that would afford greater enjoyment of the surroundings by all neighbors impacted by this proposal.

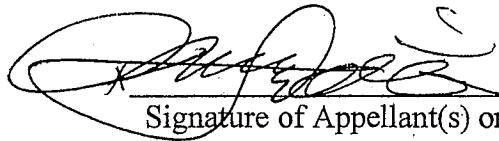
Thank you for your attention to this matter and your consideration of our concerns.



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

**SECTION V. Certification**

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



Signature of Appellant(s) or Authorized Agent

Date: \* 3/20/2014

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

**Section VI. Agent Authorization**

I/We hereby  
authorize

\_\_\_\_\_

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

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_



**Geisler, Karen@Coastal**

---

**Subject:** FW: Appeal for 155 24th Ave

---

**From:** Richard Emigh [<mailto:redesigns02@yahoo.com>]

**Sent:** Tuesday, March 25, 2014 3:44 PM

**To:** Geisler, Karen@Coastal

**Subject:** Re: Appeal for 155 24th Ave

Karen Geisler

Thank you for sending the letter of appeal.

I did not see anything which justifies the appeal as the plans meet all of the Pleasure Point Regulations and the LCP, as the staff report states. The Second floor is set back sixteen feet from the North side property line on the and eight feet on the South side property line. It is set back twenty six feet from the rear (West) property line. The required setbacks would allow the structure to be closer to the rear (North) property line and 20 feet from the rear (West) Property line.

I find it interesting that the forth paragraph recognizes that "private view is not a consider action for an appeal" It also notes that I met with the co-owner as requested by the Zoning Administrator. The Owner did not want me to even suggest a price for what would be the requested view easement. It is set back six feet further than the zoning allows and they requested another six feet.

I hope you able to agree it not a valid grounds for appealing as the project conforms all the requirements of the Local Coastal Plan.

Again, Please let me know when I can come to you office to review the plans with you.

Respectfully

Richard L Emigh, CPBD (Certified Professional Building Designer) and Member of AIBD (the American Institute of Building Designers)

Note: I do not claim to be an Architect



## **APPLICABLE AND CITED COUNTY OF SANTA CRUZ COASTAL PROGRAM POLICIES AND ZONING ORDINANCE SECTIONS**

### **VISUAL RESOURCES**

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

**Objective 5.10b 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 5.10.3 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. Provide necessary landscaping to screen development which is unavoidably sited within these vistas.*

**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 Bluff Tops.** *Prohibit the placement of new permanent structures which would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection and for public beach access.*

*Use the following criteria for allowed structures:*

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

### **DESIGN GUIDELINES**

#### **IP Section 13.11.071 General**

*(A) Compliance with Specific Plans...for design standards and guidelines.*

*(B) Compliance with the General Plan and LCP...*

#### **IP Section 13.11.072 Site Design**

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

*(1) Compatible Site Design.*

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

- (i) Location and type of access to the site.*
- (ii) Building siting in terms of its location and orientation.*
- (iii) Building bulk, massing and scale.*
- (iv) Parking location and layout.*



- (v) *Relationship to natural site features and environmental influences.*
  - (vi) *Landscaping.*
  - (vii) *Streetscape relationship.*
  - (viii) *Street design and transit facilities.*
  - (ix) *Relationship to existing structures.*
  - (b) *Consideration of the surrounding zoning district, as well as the age and condition of the existing building stock, is important in determining when it is appropriate to continue existing land use patterns or character and when it is appropriate to foster a change in land use or neighborhood character...*
- (B) *It shall be an objective to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, to a reasonable extent, into the site design.*
- (2) *Views.*
    - (a) *Development shall protect the public viewshed, where possible.*
    - (b) *Development should minimize the impact on private views from adjacent parcels, wherever practicable.*

***IP Section 13.11.073 Building Design***

*(A) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design. Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark buildings to background buildings.*

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

*(1) Compatible Building Design. (a) Building design shall relate to adjacent development and the surrounding area. (b) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of compatibility:*

- (i) Massing of building form. (ii) Building silhouette. (iii) Spacing between buildings. (iv) Street face setbacks. (v) Character of architecture. (vi) Building scale. (vii) Proportion and composition of projections and recesses, doors and windows, and other features. (viii) Location and treatment of entryways. (ix) Finish material, texture and color.*

*(2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.*

*(C) It shall be an objective of building design to address scale on the appropriate levels (“scale” is defined in SCCC 13.11.030).*

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

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



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

***IP Section 13.20.130***

***(B) Entire Coastal Zone.*** *The following design criteria shall apply to projects sited anywhere in the Coastal Zone:*

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

***(C) Rural Scenic Resources.*** *The following design criteria shall apply to all projects located in designated rural scenic resource areas:*

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

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

***(D) Beach Viewsheds.*** *The following design criteria shall apply to all projects located on blufftops and visible from beaches:*

***(1) Blufftop Development.*** *Blufftop development and landscaping (e.g. decks, patios, structures, trees, shrubs, etc.)... In urban areas of the viewshed, site development shall conform to (C)2 and (C)3 of this section (as described above).*

**Article IV-A. PP Pleasure Point Community Design Combining District**

***IP Section 13.10.444 Purposes of the Pleasure Point Community Design PP Combining District.***



*The purposes of the Pleasure Point Community Design PP Combining District are to:*

- c. Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses;*

***IP Section 13.10.445 Designation of the Pleasure Point Community Design PP Combining District.***

*The Pleasure Point Community Design PP Combining District shall apply to all R-1 and RM zoned parcels and residential development on PR zoned parcels in the Pleasure Point neighborhood, an area bounded by Portola Drive on the north, 41st Avenue on the east, Monterey Bay on the south, and the eastern shore of Corcoran Lagoon on the west. [Ord. 5063 § 3, 2010].*

***IP Section 13.10.446 Residential development standards in the Pleasure Point Community Design PP Combining District.***

*In addition to the residential site standards found in SCCC 13.10.323(B), the following standards and incentives apply to residential development in the Pleasure Point Community Design PP Combining District. Where there are differences between this section and SCCC 13.10.323(B), the provisions of this section shall apply:*

***(A) Standards and Incentives Regarding Residential Building Mass and Height, and Access to Sun and Light.***

*(1) Second Story Setbacks. For new two-story residential structures or second story additions, or any new single-story structure or addition that exceeds 15 feet in height, the second story exterior side walls, or the portion of the single-story exterior side wall exceeding 15 feet in height, shall be set back from the side yard property line as follows:*

*(a) Lot Width of 35 Feet or Greater. Second story exterior side walls, or the portion of the single-story exterior side wall exceeding 15 feet in height, shall be set back at least 10 feet from the side yard property line. Residential buildings on such lots shall comply with the minimum and maximum dimensions of the building volume envelope limit diagram illustrated in Figure 13.10.446-1. Plans shall graphically demonstrate that new construction fits entirely within the building volume envelope as shown in Figure 13.10.446-1.*

**Figure 13.10.446-1  
Building Envelope Limits for Lots 35 Feet or Greater in Width**

