



County of Santa Cruz

PLANNING DEPARTMENT

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TOM BURNS, DIRECTOR

December 19, 2003

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, Ca 95060

Application Number: 02-0600
APN: 032-242-11

Owner: William and Susan Porter
Applicant: Cove Britton

Subject: Appeal of the Zoning Administrator's denial of application number 02-0600, a proposal to remodel and construct an addition to an existing one story single-family dwelling, to include an addition and remodel on the first story (new hallway, enlarge garage, new unheated storage area, new roof), to construct a second story with two bedrooms, office, living room, two bathrooms, laundry room and a deck over a portion, of the first floor, detached accessory structure (motor cycle work shop) and repair an existing seawall.

Members of the Commission,

PROJECT HISTORY

This application was submitted on December 3rd, 2002 and deemed incomplete on January 3rd, 2003. The completeness determination was appealed by the applicant on January 16th, 2003 and the project was deemed complete on March 18th, 2003 by the Planning Directors Designee. The application was heard at the public hearing before the Zoning Administrator on October 3rd, 2003 and was denied without prejudice. The application was appealed on October 10th, 2003

ANALYSIS AND DISCUSSION OF THE POINTS RAISED IN THE APPELLANTS LETTER

Listed below are the items staff is addressing from the appeal letter:

1. The Zoning Administrator failed to adequately consider the Design Review Report submitted by the applicant.

The Zoning Administrator reviewed the report prepared by Anthony Kirk Ph.D, dated September 19th, 2003 which was submitted two days prior to the October 3rd, 2003 Zoning Administrator hearing date. That report is included as Attachment "E". In addition, the Zoning Administrator

considered testimony from Anthony Kirk at the public hearing. After carefully considering the testimony, the Zoning Administrator raised several issues in the Design Review Report and these were discussed in detail at the hearing. Please refer to the Zoning Administrator statement included as Attachment "F," and the hearing transcripts included as attachment "H."

2. The Zoning Administrator acknowledged there to be other information submitted by the applicant that was not in the record being considered.

The applicant submitted several items to the staff several days prior to the hearing. All of the items were referred to the Zoning Administrator and were reviewed and considered. Please see the Zoning Administrator statement included as Attachment "F." In addition, other information in our records was also reviewed by the Zoning Administrator prior to the hearing.

There was some discussion during the public hearing relating to plans submitted as part of application 02-0002, a review of the geologic and geotechnical report for a room addition and remodel. The Zoning Administrator noted at the public hearing that the plans submitted were drawn prior to the date of the reports and did not address **the** recommendations in those reports or the requirements of the review letter (Attachment "G"), so were not applicable to application 02-0600 currently under consideration. (See attachment "H")

3. The Variance issue were dropped by staff and raised by the Zoning Administrator

The applicant requested that the variance be omitted at the hearing and staff concurred with this request. The Zoning Administrator added a statement to the Development Permit Findings stating that the plans which were submitted would require a variance from the parking standards Section 13.10.0500.

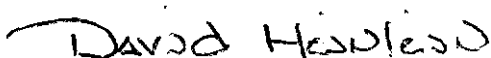
The staff report to the Zoning Administrator is included as Attachment "D." Findings for denial are included as Attachment "B," which have been revised to reflect the Zoning Administrator's action.

CONCLUSION AND RECOMMENDATION

In conclusion, the decision of the Zoning Administrator was based upon all information submitted, all testimony presented at the public hearing, a review of the County General Plan and applicable ordinances, and any additional information submitted at the hearing.

It is therefore **RECOMMENDED**, that your Commission uphold the Zoning Administrator's decision for denial of the proposed application **02-0600**.

Sincerely,




David Heinlein
Project Planner III

RECOMMENDED:



David Heinlein
Planner III



Cathy Graves
Principal Planner

Cc: File, owner applicant

Attachments:

- A. Project plans
- B. Revised Findings
- C. October 9th, 2003 Appeal Letter
- D. October 3rd, 2003 Staff Report
- E. Design Review Report, Prepared by Anthony Kirk Ph.D. on September 19th, 2003
- F. Letter from the Zoning Administrator Dated November 12th, 2003
- G. Letter from Joe Hanna and Kevin Crawford
- H. October 3rd, 2003 Zoning Administrator hearing transcript
- I. Zoning Map
- J. General Plan Map

COASTAL DEVELOPMENT PERMIT FINDINGS:

Listed below are the Findings which cannot be made to approve this application.

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

This Finding cannot be made. The proposed project is not in conformity with the County's certified Local Coastal Program in that the structure is not designed to be visually compatible, in scale with and integrated with the character of the surrounding neighborhood. In addition, the proposed project site is visible from several designated scenic state beaches and is located on a prominent or bluff top. The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story buildings. All have sloped roofs; either hip or gable traditional style roof styles. The proposed design, on the other hand, would have a dominant curved roof at the front and rear. The west elevation would be an unbroken two-story wall nearly one hundred feet long. There is nothing similar to it in the neighborhood.

The curved roof elements and *long unbroken* ridgelines would be unlike anything in the neighborhood, creating an outline of the proposed structure which would stand out both from the beach and the street sides. The architectural style of this building would clearly be different from anything in the neighborhood with the exception of a three story tower a block away – which itself remains uncharacteristic of the neighborhood. The character of the building would be jarring when seen in context of the existing structures on the street. The proposed design disregards the character of architecture which exists on this street.

In addition, the length and height of the building is out of scale with the rest of the neighborhood. The front, and most publicly visible side of the building, would feature an extremely large “window wall” with a curved roof as a major element – an element which does not occur anywhere in the neighborhood and would overpower the streetscape.

Other than maintaining required setbacks and the use of stucco, there is little physical relationship between the proposed project and the adjacent residences. Given the *project* plans, a variance from the required parking ordinance is required.

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

This Finding cannot be made. The proposed project is not in conformity with the County's certified Local Coastal Program in that the structure is not sited and designed to

be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood.

The proposed design, though located in an existing cluster of buildings, fails to repeat or harmonize the colors and materials with those on the same street.

The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story buildings. All have sloped roofs; either hip or gable traditional style roof styles. The proposed design, on the other hand, would have a dominant curved roof at the front and rear. The west elevation would be an unbroken two-story wall nearly one hundred feet long. There is nothing similar to it in the neighborhood.

The curved roof elements and long unbroken ridgelines would be unlike anything in the neighborhood, creating an outline of the proposed structure which would stand out both from the beach and the street sides. The architectural style of this building would clearly be different from anything in the neighborhood with the exception of a three story tower a block away – which itself remains uncharacteristic of the neighborhood. The character of the building would be jarring when seen in context of the existing structures on the street. The proposed design disregards the character of architecture which exists on this street.

In addition, the length and height of the building is out of scale with the rest of the neighborhood. The front, and most publicly visible side of the building, would feature an extremely large “window wall” with a curved roof as a major element – an element which does not occur anywhere in the neighborhood and would overpower the streetscape.

Other than maintaining required setbacks and the use of stucco, there is little physical relationship between the proposed project and the adjacent residences.

Finally, the project does not conform to the Geologic Hazards Ordinance 16.10. **with respect to bluff top development.** As observed in the geotechnical, geological reports and preliminary upgrade plans of the existing seawall submitted in 2002, which states that the existing seawall is deteriorating, cracks are visible and the seawall must be upgraded.

Plans to upgrade the existing seawall, that **are** consistent with the recommendations of the accepted technical reports, have not been submitted as part of the current proposal.

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 cannot be made.

Both the geotechnical and geologic reports for this project express concerns about the structural integrity of the existing seawall system. The geotechnical report (dated October 2001) states: "The structural integrity of the existing seawall system should be thoroughly evaluated in terms of the geotechnical criteria in this report, seismic considerations as recommended by the project geologist, and current California practice, in order to assess their stability over a 100-year design life. The walls should be upgraded as necessary to meet the 100-year stability requirement and maintained over the lifespan of the project. As a minimum, we anticipate that some modifications to all but the "lower", "middle" and "lower eastern" walls will be required to establish the design structural section."

Despite a demonstrated need to upgrade the seawall, plans for upgrading the seawall that address the requirements of the technical reports have not been submitted, therefore staff can not determine the stability or 100-year life span of the coastal bluff and cannot make an affirmative finding that any new development would not be detrimental to the health, safety and welfare of persons residing in the proposed residence.

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 cannot be made. The project site is located in the R-1-5 (Single family residential with a 5,000 square foot minimum lot) zone district. The proposed location of the addition to the single-family residence, and associated improvements, and the conditions under which it would be operated *or* maintained will not be consistent with all pertinent County ordinances and the purpose of the R-1-5 zone district in that the design of the project does not comply with Chapter 13.11, Site, Architectural and Landscape Design Review. The proposed development also may conflict with Chapter 16.10, the Geological Hazards Ordinance.

As noted previously, the proposed project is inconsistent with the standards and policies set forth in County Code Sections 13.20.130 et seq.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

This Finding cannot be made. The proposed project may not comply with the Coastal Bluff Policies of the General Plan, specifically policies 6.2.11, 6.2.12, 6.2.13 and 6.2.14. See Development Permit Finding 1 for additional information relating to the structural integrity of the existing seawall. Because plans for upgrading the seawall that address the requirements of the geologic and geotechnical reports have not been submitted, findings relating to 100-year stability of the coastal bluff cannot be made. Given the project plans a variance from the requirements from the parking ordinance is required.

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

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 cannot be made. The existing residences on the ocean side of Pleasure Point Drive are primarily one with a few two-story buildings. All have sloped roofs; either hip or gable traditional style roof styles. The proposed design, on the other hand, would have a dominant curved roof at the front and rear. The west elevation would be an unbroken two-story wall nearly one hundred feet long. There is nothing similar to it in the neighborhood.

The curved roof elements and long unbroken ridgelines would be unlike anything in the neighborhood, creating an outline of the proposed structure which would stand out both from the beach and the street sides. The architectural style of this building would clearly be different from anything in the neighborhood with the exception of a three story tower a block away – which itself remains uncharacteristic of the neighborhood. The character of the building would be jarring when seen in context of the existing structures on the street. The proposed design disregards the character of architecture, which exists on this street.

In addition, the length and height of the building is out of scale with the rest of the neighborhood. The front, and most publicly visible side of the building, would feature an extremely large “window wall” with a curved roof as a major element – an element which does not occur anywhere in the neighborhood and would overpower the streetscape.

The proposed design, though located in **an** existing cluster of buildings, fails to repeat or harmonize the colors and materials with those on the same street. Other than maintaining required setbacks and the use of stucco, there is little physical relationship between the proposed project and the adjacent residences.

In addition, the proposed project site is visible from several designated scenic state beaches and is located on a prominent bluff top. Please see Urban Designer comments in the analysis section of this staff report in addition to the Urban Designer's Memo **(Exhibit D of Attachment D)**

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 cannot be made. Please see Development Permit Finding #5

ATTORNEYS
COMSTOCK, THOMPSON, KONTZ & BRENNER
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ATTACHMENT C

AUSTIN B. COMSTOCK
JAMES C. THOMPSON
THORNTON KONTZ
LAWRENCE M. BRENNER

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2003 OCT 10 AM 11:22

NATHAN C. BENJAMIN
(JAMES C. THOMPSON, P.C.)

County of Santa Cruz
Planning Commission
701 Ocean Street
Santa Cruz, California

By Hand Delivery

October 9, 2003

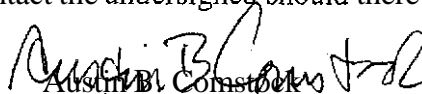
Re: **APPEAL**
02-0600
APN 032-242-11
3030 Pleasure Point, Santr **Cruz**
Owner: William & **Susan** Porter

Planning Commission:

I write on behalf of my clients, William and Susan Porter and Applicant Cove Britton, to appeal the decision of the Zoning Administrator in the above-stated matter on October 3, 2003. Enclosed you will find the necessary fee in the amount of \$2037.00.

The basis for this appeal includes: The Zoning Administrator failed to adequately consider the Design Review Report submitted by the applicant; The Zoning Administrator acknowledged there to be other information submitted by the applicant that was not in the record being considered; Variance issues were dropped by staff and raised by the Zoning Administrator at the hearing without notice.

My clients look forward to receipt of notice of hearing to be set within thirty days of the date of this appeal. Please feel free to contact the undersigned should there be any questions.


Austin B. Comstock

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 02-0600

APN: 032-242-11

APPLICANT: Cove Britton

OWNER: William and Susan Porter

PROJECT DESCRIPTION: Proposal to remodel and construct an addition to an existing one story single-family dwelling, to include an addition and remodel on the first story (new hallway, enlarge garage, new unheated storage area, new roof), to construct a second story with two bedrooms, office, living room, two bathrooms, laundry room and a deck over a portion, of the first floor, detached accessory structure (motor cycle work shop) and repair an existing seawall.

LOCATION: 3030 Pleasure Point Drive

PERMITS REQUIRED: Coastal Zone Permit, a Variance, Design Review and Soils and Geologic Report Review.

ENVIRONMENTAL DETERMINATION: Exempt - Class 1

COASTAL ZONE: X Yes No **APPEALABLE TO CCC:** X Yes No

PARCEL INFORMATION

PARCEL SIZE: 14,720 sq. ft.

EXISTING LAND USE:

PARCEL: Existing 2,530 sq. ft., one-story single-family residence.

SURROUNDING: Existing one and two-story single-family residences.

PROJECT ACCESS: Pleasure Point Drive

PLANNING AREA: Live Oak

LAND USE DESIGNATION: R-UM (Residential - Urban Medium Density)

ZONING DISTRICT: R-1-5 (Residential Medium Density 5,000 Sq. ft. minimum parcel size) and PR (Parks, Recreation and Open Space)

SUPERVISORIAL DISTRICT: 1st (Jan Beautz)

ENVIRONMENTAL INFORMATION

- | | |
|----------------------|----------------------------------------------------------------------------------------------------------------------|
| a. Geologic Hazards | a. Coastal bluff at the rear of the parcel. |
| b. Soils | b. Soils 178 – Watsonville loam |
| c. Fire Hazard | c. Not a mapped constraint |
| d. Slopes | d. 50% + at the rear of the parcel |
| e. Env. Sen. Habitat | e. Mapped biotic, no biotic resources found. |
| f. Grading | f. Not enough information provided. |
| g. Tree Removal | g. No trees proposed to be removed |
| h. Scenic | h. Not a mapped resource, but the proposed project is visible from Pleasure Point Drive and from the public beaches. |
| i. Drainage | i. Not enough information provided |

- | | |
|-----------------------|--------------------------------------------|
| j. Traffic | j. N/A |
| k. Roads | k. Existing roads adequate |
| l. Parks | l. Existing park facilities adequate |
| m. Sewer Availability | m. Yes |
| n. Water Availability | n. Yes |
| o. Archeology | o. Not mapped/no physical evidence on site |

SERVICES INFORMATION

Inside Urban/Rural Services Line: X Yes N o

Water Supply: Santa Cruz City Water
Sewage Disposal: Santa Cruz Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5

HISTORY

Application was applied for on December 3rd, 2002 and deemed incomplete on January 3rd, 2003. The completeness determination was appealed on January 16th, 2003 and the project was deemed complete on March 28th, 2003.

ANALYSIS AND DISCUSSION

The property is a 14,720 square foot lot, currently developed with an existing 2530 sq. ft. single-family dwelling and a bluff protection structure. It is located in the R-1-5 (Single-Family Residential/ 5,000 Sq. ft. minimum parcel size) zone district, a designation, which allows residential uses and PR (Parks, Recreation and Open Space) along the coastal bluff and the beach. The existing single-family residence is a principal permitted use within the zone district and is consistent with the site's R-UM (Residential – Urban Medium Density) General Plan designation.

Staff is recommending denial based on two factors: 1) the lack of sufficient information to make the required Findings of Approval. 2) Inconsistency with Chapters 13.11 and 13.20 of the County Code for the project materials and information submitted.

The proposed remodel and second floor addition, as illustrated in the submitted plans (Exhibit A), are not in conformity with the County's Design Guidelines and Coastal Regulations; in addition, the proposed project includes upgrades to an existing seawall which were not addressed in the previously submitted geotechnical report (Exhibit G). Using the submitted plans, staff is unable to determine if the proposed project is consistent with several County regulations.

From the plans submitted, staff has concluded a Variance would be needed to exceed the maximum 50% driveway limitation in the front yard. Due to the lack of sufficient information as to the scope of the project and identified design issues, staff isn't able to make the required positive Findings for approval for the variance.

Staffs Inability to Analyze Submitted Plans.

The plans submitted to staff on December 3rd, 2002 were insufficient for staff to determine several key factors. They are as follows:

- Is the proposal a remodel or a reconstruction? Planning staff carefully analyzed the plans submitted and was unable to determine if the proposed project was in fact a remodel or a reconstruction. Planning staff asked the applicant for clarification on this matter but has not received requested information. This determination is required in order to determine appropriate parking standards, determine conformity or non-conformity of the existing structure, and determine if the proposed work is “substantial improvement” as defined by Chapter 16.10 of the Geologic Hazards Ordinance.
- Staff is unable to determine where the construction ends in conjunction with the location of the coastal bluff. This information is required in order to evaluate if this project meets the requirements of Chapter 16.10 of the Geologic Hazards Ordinance.
- Due to the unusual configuration of the proposed project, staff requested that each room have a specific square footage shown on the plans in order to determine floor area ratio and lot coverage. Without this information, staff cannot determine if the project is consistent with the R-1-5 site standards.
- DPW Drainage concluded that the information submitted is also insufficient due to several key issues and requested additional information. See Alyson Tom’s comments on page (5) and (Exhibit E) on the information they need to analyze the drainage impacts of this existing project.
- The existing seawall system is required to be upgraded as determined by a geologist and geotechnical engineer in 2001. Plans for this required upgrade were not submitted; therefore staff is unable to affirmatively make the health, safety and welfare Findings required by Chapter 18.10. See Environmental Planning’s comments on page (5-6) and in (Exhibit G).
- From the plans submitted, staff concluded a Variance would be needed to exceed the maximum 50% driveway limitation in the front yard. Due to the lack of sufficient information as to the scope of the project and identified design issues, staff isn’t able to make the required affirmative Findings for approval for the variance request.

Design Issues

Coastal Zone -

County Code Section 13.20.110, which implements the Local Coastal Program (LCP) requires certain findings to be made before granting an approval of a Coastal Zone Approval. One required finding is 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.” Thus, an affirmative finding of consistency with those criteria is necessary before a project may be approved.

Section 13.20.130 of the County Code describes the Design Criteria for Coastal Zone Developments. In 13.20.130(b) it describes criteria that apply to the entire coastal zone and begins with:

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

This project is located on a blufftop. Blufftop development is described in 13.20.130 under (d) Beach Viewsheds (applicable to all projects located on blufftops and visible from beaches). For projects within urban areas this section requires conformity with 13.20.130(c) 2 [concerning Site Planning] and 3 [concerning Building Design].

The Site Planning provisions of Section 13.20.130(c)(2) require that 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.”

The structure is not designed to be visually compatible, in scale with and integrated with the character of the surrounding neighborhood. The County’s Urban Designer discussed the project’s integration and compatibility in the following respects, among others (per County Code 13.10.073):

- On Massing of building form: The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story buildings. All have sloped roofs; either hip or gable traditional style roof styles. The proposed design, on the other hand, has a dominant curved roof at the front and rear. The west elevation is an unbroken two-story wall that is nearly one hundred feet long. “There is nothing similar to it in the neighborhood.”

- On the Building Silhouette: “The curved roof elements and long unbroken ridgelines are unlike anything in the neighborhood,” creating an outline of the proposed structure which will stand out both from the beach and the street sides.
- On Character of Architecture: The architectural style of this building is “clearly different” from anything in the neighborhood with the exception of a three story tower a block away – which itself remains “totally uncharacteristic of the neighborhood.” The character of the building will be “rather jarring when seen in context of the existing structures on the street,” in the opinion of the Urban Designer. “The disregard of the ‘character of architecture’ which exists on this street is the most objectionable (along with bulk) [design] characteristic of this proposal.”
- On Building Scale: The length and height of the building is out of scale with the rest of the neighborhood.
- On the Proportion and Composition of Projections and Recesses, Doors, and Windows, and Other Features: The most public side of the building (the front) has an extremely large “window wall” with a curved roof as a major element – an element which “does not occur anywhere in the neighborhood and will overpower the streetscape.”
- “Other than maintaining required setbacks and the use of stucco, I can see no physical relationship between the proposed project and the adjacent residences.” The County Urban Designer thus concluded that “I do not believe that Findings can be made under [Chapters] 13.11 or 13.20 [of the County Code] that would justify recommending the approval of this project.

In addition, the proposed project site is visible from several designated scenic state beaches and is located on a prominent or blufftop. Please note comments from Larry Kasparowitz, Urban Designer for the County, (**Exhibit D**)

As noted above, blufftop development also requires compliance with County Code Section 13.20.130(c)3 [concerning Building Design]. That section provides:

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

The design proposed by the applicant clearly ignores the latter part of the last sentence in regards to both colors and materials.

Site, Architectural and Landscape Design Review -

Chapter 13.11 of the County Code includes the following language regarding innovative or unusual design:

13.11.010 Purpose

(d) Promote and protect the safety, convenience, comfort, prosperity and general welfare of the County by:

(1) Stimulating creative design for individual buildings and structures, and other physical improvements.

however, it also goes on to say;

(3) Preserving and creating compatibility of land use and building design within neighborhoods and commercial areas.

This would indicate that the "creative design for individual buildings and structures" be integrated with the intention of "preserving and creating compatibility of building design within neighborhoods." Staff believes that the ordinance does not suggest ignoring compatibility at the expense of creativity.

Under the section of Chapter 13.11 that deals with building design (13.11.073), the first sentence states:

(a) It shall be an objective of building design that the basic architectural 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.

The ordinance in the next Section (13.11.073 (b)) goes on to describe compatible building design standards. The proposed design does not meet these standards, as discussed above, and as further detailed in the Urban Designers Inter-Office Memo (Exhibit D).

Staff agrees with the Urban Designer Memo (see Exhibit D) that the development and coastal findings cannot be made in terms of compatibility and under 13.11 or 13.20 that would justify recommending approval of this project. The architect has not demonstrated that there are "consistent design and functional relationships so that new development relates to adjacent development".

DPW Drainage Issues

Drainage Issues

Drainage is unable to analyze the proposed project due to the items listed on (Exhibit E). Until the applicant provides DPW with the required information, they are unable to analyze the project. Planning staff discussed these issues on August 18th, 2003 with Alyson Tom and to

date, none of the drainage information has been provided to DPW Drainage.

Environmental Planning

Environmental Planning Issues

Environmental Planning still has not received any plans that show work to upgrade the existing seawall. Staff noted that upgrading/repairs to the existing seawall have been added to the project description, but Environmental Planning Staff has not seen any plans indicating what types of repairs/upgrades are proposed.

Both the geotechnical and geologic reports for this project express concerns about the structural integrity of the existing seawall system. The geotechnical report (dated October 2001) clearly states (pgs. 22 & 23): "The structural integrity of the existing seawall system should be thoroughly evaluated in terms of the geotechnical criteria in this report, seismic considerations as recommended by the project geologist, and current California practice, in order to assess their stability over a 100-year design life. The walls should be upgraded as necessary to meet the 100-year stability requirement and maintained over the lifespan of the project. As a minimum, we anticipate that some modifications to all but the "lower", "middle" and "lower eastern" walls will be required to establish the design structural section".

The geologist notes (pg. 13): "Deterioration and/or failure of the walls appears to be due to erosion along the boundaries between the walls and the underlying bedrock, and along joints and fractures within the seawalls themselves. Erosion is concentrated in a zone at or slightly above mean sea level. During our fieldwork, we noticed prominent vertical cracks that extended the height of the outside, primary retaining wall. Also, the outer block face of the lower retaining wall appeared to be separating from the main wall in places. Significant mechanical erosion of the face of the retaining wall near the western side of the property was also observed". The geologist further states: "If the seawalls and retaining walls are made structurally sound and maintained over the lifetime of the home, then from a geologic standpoint the building setback zone should extend 25 feet back from the bluff top which is the minimum required by the County of Santa Cruz". See (Exhibit F)

Conclusion

The project as proposed has serious deficiencies regarding neighborhood compatibility (Exhibit D), a seawall which needs to be repaired before the proposed project can be considered, the applicants own geotechnical reports states this (Exhibit F), potential drainage problems (Exhibit E), lack of sufficient information to make Findings of Approval and the plans which were submitted show how the project is not consistent with Zoning and the General Plan policies.

As proposed, the project is not 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.

RECOMMENDATION

Staff recommends:

1. **DENIAL without prejudice** of Application Number **02-0600**, based on the attached findings and exhibits.

EXHIBITS

- A. Project plans
- B. Findings
- C. Omitted
- D. Urban Designer Comments
- E. DPW Drainages Outstanding Issues
- F. Environmental Planning's Outstanding Issues
- G. Geotechnical Conclusion
- H. Letter from Joe Hanna, County Geologist
- I. General Plan Map
- 3. Zoning map
- K. Location Map
- L. Completeness Appeal and Completeness Determination
- M. Comments & Correspondence
- N. Other Agency's Comments

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.

Report Prepared By: David Heinlein
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cmz CA 95060
Phone Number: (831) 454-5321 (or, david.heinlein@co.santa-cruz.ca.us)

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. A single family-family dwelling is a principle permitted use in the R-1-5 zone district.

2. 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 cannot be made. The proposed project is not in conformity with the County's certified Local Coastal Program in that the structure is not designed to be visually compatible, in scale with and integrated with the character of the surrounding neighborhood. The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story buildings. All have sloped roofs; either hip or gable traditional style roof styles. The proposed design, on the other hand, would have a dominant curved roof at the front and rear. The west elevation would be an unbroken two-story wall nearly one hundred feet long. There is nothing similar to it in the neighborhood.

The curved roof elements and long unbroken ridgelines would be unlike anything in the neighborhood, creating an outline of the proposed structure which would stand out both from the beach and the street sides. The architectural style of this building would clearly be different from anything in the neighborhood with the exception of a three story tower a block away – which itself remains uncharacteristic of the neighborhood. The character of the building would be jamming when seen in context of the existing structures on the street. The proposed design disregards the character of architecture which exists on this street.

In addition, the length and height of the building is out of scale with the rest of the neighborhood. The front, and most publicly visible side of the building, would feature an extremely large "window wall" with a curved roof as a major element – an element which does not occur anywhere in the neighborhood and would overpower the streetscape.

Other than maintaining required setbacks and the use of stucco, there is little physical relationship between the proposed project and the adjacent residences.

In addition, the proposed project site is visible from several designated scenic state beaches and is located on a prominent or bluff top.

3. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE

CERTIFIED LOCAL COASTAL PROGRAM.

This Finding cannot be made. The proposed project is not in conformity with the County's certified Local Coastal Program in that the structure is not sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The proposed design, though located in an existing cluster of buildings, fails to repeat or harmonize the colors and materials with those on the same street.

The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story buildings. All have sloped roofs; either hip or gable traditional style roof styles. The proposed design, on the other hand, would have a dominant curved roof at the front and rear. The west elevation would be an unbroken two-story wall nearly one hundred feet long. There is nothing similar to it in the neighborhood.

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Other than maintaining required setbacks and the use of stucco, there is little physical relationship between the proposed project and the adjacent residences.

In addition, the proposed project site is visible from several designated scenic state beaches and is located on a prominent or bluff top. In addition, the project does not conform to the Geologic Hazards Ordinance 16.10. Despite the geotechnical report submitted in 2001 which states that the existing seawall is deteriorating, cracks are visible and the seawall must be upgraded, Environmental Planning still has not received any plans that show work to upgrade the existing seawall.

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 cannot be made. Due to the lack of information provided in the geotechnical report, and in the plans submitted, the project file lacks the necessary information needed to support this Finding.

Both the geotechnical and geologic reports for this project express concerns about the structural integrity of the existing seawall system. The geotechnical report (dated October 2001) states: "The structural integrity of the existing seawall system should be thoroughly evaluated in terms of the geotechnical criteria in this report, seismic considerations as recommended by the project geologist, and current California practice, in order to assess their stability over a 100-year design life. The walls should be upgraded as necessary to meet the 100-year stability requirement and maintained over the lifespan of the project. As a minimum, we anticipate that some modifications to all but the "lower", "middle" and "lower eastern" walls will be required to establish the design structural section".

Despite a demonstrated need to upgrade the seawall, plans for upgrading the seawall have not been submitted nor were they addressed in the geotechnical report; therefore staff can not determine the stability or 100-year life span of the coastal bluff and that any new development wouldn't be detrimental to the health, safety and welfare of persons residing in the proposed residence. Until the plans for the seawall upgrade can be addressed, any additions to the existing single-family residence could have the potential to be detrimental to health, safety and welfare.

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 cannot be made. The project site is located in the R-1-5 (Single family residential with a 5,000 square foot minimum lot) zone district. The proposed location of the single-family residence, and construction of landscaping walls and the conditions under which it would be operated or maintained will not be consistent with all pertinent County ordinances and the purpose of the R-1-5 zone district in that the design of the project doesn't comply with Section 13.11, Site, Architectural and Landscape Design Review (see pages 4-5) and it also may conflict with Section 16.10, the Geological Hazards Ordinance.

Nor, as noted above, is the proposed project consistent with the standards and conditions set

forth in County Code Sections 13.20.130 et seq.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

This Finding cannot **be** made. The proposed project may not comply with the Geologic Hazard Ordinance 16.10, the Local Coastal Plan (LCP) (see Finding # 3 in the Coastal Development Findings), nor does it comply with the County's Design Guidelines.

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

4. 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 cannot **be** made. The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story buildings. All have sloped roofs; either hip or gable traditional style roof styles. The proposed design, on the other hand, would have a dominant curved roof at the front and rear. The west elevation would be an unbroken two-story wall nearly one hundred feet long. There is nothing similar to it in the neighborhood.

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The proposed design, though located in an existing cluster of buildings, fails to repeat or harmonize the colors and materials with those on the same street. Other than maintaining required setbacks and the use of stucco, there is little physical relationship between the proposed project and the adjacent residences.

In addition, the proposed project site is visible from several designated scenic state beaches and is located on a prominent or bluff top. Please see Urban Designer comments in the analysis section of this staff report in addition to the Urban Designer's Memo (Exhibit D)

5. 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 cannot be made. The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story buildings. All have sloped roofs; either hip or gable traditional style roof styles. The proposed design, on the other hand, would have a dominant curved roof at the front and rear. The west elevation would be an unbroken two-story wall nearly one hundred feet long. There is nothing similar to it in the neighborhood.

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The proposed design, though located in an existing cluster of buildings, fails to repeat or harmonize the colors and materials with those on the same street. Other than maintaining required setbacks and the use of stucco, there is little physical relationship between the proposed project and the adjacent residences.

In addition, the proposed project site is visible from several designated scenic state beaches and is located on a prominent or bluff top. Please see Urban Designer comments in the analysis section of this staffreport in addition to the Urban Designer’s Memo (Exhibit D).

VARIANCE FINDINGS:

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, AND SURROUNDING EXISTING STRUCTURES, THE STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION

This Finding cannot be made. From the plans submitted, a Variance would be needed to exceed the maximum 50% driveway limitation in the front yard. Due to the lack of sufficient information as to the scope of the project and identified design issues, albeit it is not possible to make the required affirmative Findings for approval for the variance request.

2. THAT THE GRANTING OF A VARIANCE IS IN HARMONY WITH THE GENERAL INTENT AND PURPOSE OF ZONMG OBJECTIVES AND WILL NOT BE MATERIALLY DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

This Finding cannot be made. Due to the lack of information provided in the geotechnical report, and in the plans submitted, the project file lacks the necessary information needed to make this Finding.

Both the geotechnical and geologic reports for this project express concerns about the structural integrity of the existing seawall system. The geotechnical report (dated October 2001) states: "The structural integrity of the existing seawall system should be thoroughly evaluated in terms of the geotechnical criteria in this report, seismic considerations as recommended by the project geologist, and current California practice, in order to assess their stability over a 100-year design life. The walls should be upgraded as necessary to meet the 100-year stability requirement and maintained over the lifespan of the project. As a minimum, we anticipate that some modifications to all but the "lower", "middle" and "lower eastern" walls will be required to establish the design structural section".

Despite a demonstrated need to upgrade the seawall, plans for upgrading the seawall have not been submitted nor were they addressed in the geotechnical report; therefore staff can not determine the stability or 100-year life span of the coastal bluff and that any new development wouldn't be detrimental to the health, safety and welfare of persons residing in the proposed residence. Until the plans for the seawall upgrade can be addressed, any additions to the existing single-family residence could have the potential to be detrimental to health, safety and welfare.

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

This Finding cannot be made. From the plans submitted, a Variance would be needed to exceed the maximum 50% driveway limitation in the front yard. Due to the lack of sufficient information as to the scope of the project and identified design issues, it is not possible to make the required affirmative Findings for approval for the variance request.

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

Page 15

Denial Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

David Heinlein
Project Planner

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

COUNTY OF SANTA CRUZ

Planning Department

INTEROFFICE MEMO

APPLICATION NO: 02-0600

Date: April 14, 2003

To: David Heinlein, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for a residential remodel at 3030 Pleasure Point Drive, Santa Cruz (Matson Britton Architects / applicant, Porter / owner)

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
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		✓	<i>See comments below.</i>
Minimum Site Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.	✓		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✓		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✓		
Ridgeline Development			

Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			NIA
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
Landscaping			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area	✓		
Rural Scenic Resources			
Location of development			
Development shall be located, if possible, on Parts of the site not visible			NIA
Development shall not block views of the shoreline from scenic road			NIA
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).			NIA
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed.			N/A
Building design			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy			NIA
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.			N/A

GOVERNMENT CODE

SECTION 65950-65957.5

65950. (a) Any public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) Ninety days from the date of certification by the lead agency of the environmental impact report if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project and all of the following conditions are met:

(A) The development project is affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(3) Sixty days from the date of adoption by the lead agency of the negative declaration if a negative declaration is completed and adopted for the development project,

(4) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) if the project is exempt from the California Environmental Quality Act.

(b) Nothing in this section precludes a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of this section, "lead agency" and "negative declaration" shall have the same meaning as those terms are defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

65950.1. Notwithstanding Section 65950, if there has been an extension of time pursuant to Section 21100.2 or 21151.5 of the Public Resources Code to complete and certify the environmental impact report, the lead agency shall approve or disapprove the project within 90 days after certification of the environmental impact report.

*determination
has not
been
made.*

65944. (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. **3**

(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.

(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A date by which the environmental agency shall act on the permit application.

(c) Notwithstanding any other provision of this chapter, any appeal submitted pursuant to subdivision (a) involving an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection if the environmental agency declines to accept the appeal for a decision pursuant to subdivision (a) or the environmental agency does not make a final written determination pursuant to subdivision (b).

(d) Any appeal submitted pursuant to subdivision (a) involving an environmental permit to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.

(e) For purposes of this section, "environmental permit" has the same meaning as defined in Section 71012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

65957. The time limits established by Sections 65950, 65950.1, 65951, and 65952 may be extended once upon mutual written agreement of the project applicant and the public agency for a period not to exceed 90 days from the date of the extension. No other extension, continuance, or waiver of these time limits either by the project applicant or the lead agency shall be permitted, except as provided in this section and Section 65950.1. Failure of the lead agency to act within these time limits may result in the project being deemed approved pursuant to the provisions of subdivision (b) of Section 65956.

65957.1. In the event that a development project requires more than one approval by a public agency, such agency may establish time limits (1) for submitting the information required in connection with each separate request for approval and (2) for acting upon each such request; provided, however, that the time period for acting on all such requests shall not, in aggregate, exceed those limits specified in Sections 65950 and 65952.

65957.5. (a) Whenever the director of a Department of Transportation highway district recommends to a public agency considering an application to subdivide real property or to issue a construction permit that the agency impose certain conditions on its approval of the application, the applicant may appeal the district director's recommendation.

(b) The Department of Transportation shall adopt regulations prescribing procedures for effecting an appeal pursuant to subdivision (a). The appeal shall be made in writing to the Director of Transportation. The director's decision on the appeal shall be rendered within 60 calendar days after receipt of the appeal, and the director's written determination shall be transmitted to the appellant and to the agency to whom the appealed recommendation was made. The adopted regulations shall require the appellant to pay to the department a fee of not more than 50 percent of the estimated administrative cost to the department of conducting the appeal.

(c) The appeal process, including the director's written determination, shall be completed at least 60 days prior to completion of the period of public review for a draft environmental

impact report or a negative declaration prescribed by Section 21091
of the Public Resources Code.

NOTICE OF INTENT
TO PROVIDE PUBLIC NOTICE
PURSUANT TO
GOVERNMENT CODE SECTION 65956

TO: County of Santa Cruz Planning Department
701 Ocean Street
Santa Cruz, CA 95060

LOCATION: The premises located at 3030 Pleasure Point Drive
Santa Cruz, CA

PERMIT NO.: Development Permit Application No. 02-0600

PROJECT DESCRIPTION:

Proposal to remodel and construct an addition to an existing one story single family dwelling, to include an addition and remodel on the first story (new hallway, enlarge garage, new unheated storage area, new roof), and to construct a second story with two bedrooms, office, living room, two bathrooms, laundry room and a deck over a portion of the first floor, and repair an existing seawall.

PLEASE TAKE NOTICE that pursuant to Government Code Section 65956 the applicant in the above-mentioned permit application intends to provide public notice pursuant to Government Code Section 65956(b). The applicant intends to provide public notice advising the public of the project location, permit application number, name and address of permitting agency, description of the project, and all information required under Government Code Section 65956(b). Should the permitting agency wish to discuss the matter with the applicant, please contact Austin B. Comstock at 340 Soquel Avenue, Suite 205, Santa Cruz, CA 95062, (831) 427-2727.

65951. In the event that a combined environmental impact report-environmental impact statement is being prepared on a development project pursuant to Section 21083.6 of the Public Resources Code, a lead agency shall approve or disapprove the project within 90 days after the combined environmental impact report-environmental impact statement has been completed and adopted.

65952. (a) Any public agency which is a responsible agency for a development project that has been approved by the lead agency shall approve **or** disapprove the development project within whichever of the following periods of time is longer:

(1) Within 180 days from the date on which the lead agency has approved the project.

(2) Within 180 days of the date on which the completed application for the development project has been received and accepted as complete by that responsible agency.

(b) At the time a decision by a lead agency to disapprove a development project becomes final, applications for that project which are filed with responsible agencies shall be deemed withdrawn.

65952.1. (a) Except as otherwise provided in subdivision (b), where a development project consists of a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), the time limits established by Sections 65950 and 65952 shall apply to the approval or disapproval of the tentative map, or the parcel map for which a tentative map is not required.

(b) The time limits specified in Sections 66452.1, 66452.2, and 66463 for tentative maps and parcel maps for which a tentative map is not required, shall continue to apply and are not extended by the time limits specified in subdivision (a).

65952.2. No public agency shall disapprove an application for a development project in order to comply with the time limits specified in this chapter. Any disapproval of an application for a development project shall specify reasons for disapproval other than the failure to timely act in accordance with the time limits specified in this chapter.

65953. All time limits specified in this article are maximum time limits for approving or disapproving development projects. All public agencies shall, if possible, approve or disapprove development projects in shorter periods of time.

65954. The time limits established by this article shall not apply in the event that federal statutes or regulations require time schedules which exceed such time limits.

65955. The time limits established by this article shall not apply to applications to appropriate water where such applications have been protested pursuant to Chapter 4 (commencing with Section 1330) of Part 2 of Division 2 of the Water Code, or to petitions for changes pursuant to Chapter 10 (commencing with Section 1700) of Part 2 of Division 2 of the Water Code.

65956. (a: If any provision of law requires the lead agency or responsible agency to provide public notice of the development project or to hold a public hearing, or both, on the development project and the agency has not provided the public notice or held the hearing, or both, at least 60 days prior to the expiration of the time limits established by Sections 65950 and 65952, the applicant or his or her representative may file an action pursuant to Section 1085 of the Code of Civil Procedure to compel the agency to provide the public notice or hold the hearing, or both, and the court shall give the proceedings preference over all other civil actions or proceedings, except older matters of the same character.

(b) In the event that a lead agency or a responsible agency fails to act to approve or to disapprove a development project within the time limits required by this article, the failure to act shall be deemed approval of the permit application for the development project. However, the permit shall be deemed approved only if the public notice required by law has occurred. If the applicant has provided seven days advance notice to the permitting agency of the intent to provide public notice, then no earlier than 60 days from the expiration of the time limits established by Sections 65950 and 65952, an applicant may provide the required public notice using the distribution information provided pursuant to Section 65941.5. If the applicant chooses to provide public notice, that notice shall include a description of the proposed development substantially similar to the descriptions which are commonly used in public notices by the permitting agency, the location of the proposed development, the permit application number, the name and address of the permitting agency, and a statement that the project shall be deemed approved if the permitting agency has not acted within 60 days. If the applicant has provided the public notice required by this section, the time limit for action by the permitting agency shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the permitting agency shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

(c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65944, inclusive, may constitute grounds for disapproving a development project.

(d) Nothing in this section shall diminish the permitting agency's legal responsibility to provide, where applicable, public notice and hearing before acting on a permit application.

*applicant has
not submitted
requested
information*

65956.5. (a) Prior to an applicant providing advance notice to an environmental agency of the intent to provide public notice pursuant to subdivision (b) of Section 65956 for action on an environmental permit, the applicant may submit an appeal in writing to the governing body of the environmental agency, or if there is no governing body, to the director of the environmental agency, as provided by the environmental agency, for a determination regarding the failure by the environmental agency to take timely action on the issuance or denial of the environmental permit in accordance with the time limits specified in this chapter.

(b) There shall be a final written determination by the environmental agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The final written determination by the environmental agency shall specify both of the following:

(1) The reason or reasons for failing to act pursuant to the time limits in this chapter.

COUNTY OF SANTA CRUZ
DISCRETIONARY APPLICATION COMMENTS

EXHIBIT A

Project Planner: David Heinlein
Application No.: 02-0600
APN: 032-242-11

Date: September 19, 2003
Time: 09:37:19
Page: 1

Environmental Planning Completeness Comments

----- REVIEW ON DECEMBER 17, 2002 BY ROBERT S LOVELAND =====

1. It appears that both the geotechnical report and geologic report reviewed under application 02-0002 have been accepted by the County. IMPORTANT NOTE: Both the geologist and geotechnical engineer make recommendations to upgrade the existing seawall system. The current project description does not identify any work towards upgrading the current seawall system. The recommendations made by the geologist and geotechnical engineer towards upgrading the seawall system must be completed before any additional work can commence on the residence. Please clearly identify all areas along the coastal bluff to be upgraded per the reports and describe what type of work will be completed.

2. Please provide earthwork estimates for upgrades to the seawall system.

3. Please add "New Accessory Building" to the project description.

4. Biotic resource is not present on this parcel.

Environmental Planning Miscellaneous Comments

===== REVIEW ON DECEMBER 17, 2002 BY ROBERT S LOVELAND =====

Conditions of Approval:

1. Prior to building permit approval, please provide Plan Review letters from the project geotechnical engineer and geologist to Environmental Planning.

2. This project may require a grading permit.

3. Please provide a detailed drainage/erosion control plan for review.

4. A Declaration of Geologic Hazards will need to be completed for this parcel.

5. A project-staging plan is required for this project. The staging plan must include access for the work (seawall repair), locations of barriers to prevent construction materials from spilling on the beach and a location map that shows the location for storage of construction materials and equipment.

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON DECEMBER 9, 2002 BY ALYSON B TOM ===== Application submitted is not complete with regards to drainage for the discretionary stage. All potential off-site impacts and mitigations must be identified prior to discretionary approval.

1) Please provide topographic information (such as contours, spot elevations, or slope labels) so that the drainage patterns for the site are clear.

Discretionary Comments - Continued

Project Planner: David Heinlein
Application No.: 02-0600
APN: 032-242-11

Date: September 19, 2003
Time: 09:37:19
Page: 2

2) Please show locations for proposed splashblocks and runoff patterns. Demonstrate that the runoff from the new roof will not impact adjacent parcels.

3) Provide drainage information for the proposed driveway, provide a cross section. Driveway should not be sloped towards the western property line without measures to control runoff from entering adjacent property.

4) Prior to building permit issuance Zone 5 fees will be assessed on the net increase in impervious area due to this project.

For questions regarding this review Public Works drainage staff is available from 8-12 Monday through Friday.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON DECEMBER 9, 2002 BY ALYSON B TOM =====
NO COMMENT

The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings.			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure.			N/A
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development.			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited.			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts.			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors.			N/A
Beach Viewsheds			

Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive.			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations).			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred.	✓		

Design Review Authority

13.11.040 Projects requiring design review.

- (a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

13.11.030 Definitions

- (u) "Sensitive Site" shall mean any property located adjacent to a scenic road or within the viewshed of a scenic road as recognized in the General Plan; ***or located on a coastal bluff***, or on a ridgeline.

Design Review Standards

13.11.072 Site design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale		✓	<i>See comments below.</i>
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		

Landscaping	✓		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures		✓	See comments below.
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation

windows, and other features			
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
Scale			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		

The following are selected pertinent sections from the County of Santa Cruz Code:

Chapter 13.11 SITE, ARCHITECTURAL AND LANDSCAPE DESIGN REVIEW

13.11.030 Definitions.

- (e) "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.

13.11.073 Building design.

- (a) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design. Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark buildings to background buildings.
- (b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context,
- (1) Compatible Building Design
- (i) Building design shall relate to adjacent development and the surrounding area.

- (ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of compatibility:

- (A) Massing of building form.
- (B) Building silhouette.
- (C) Spacing between buildings.
- (D) Street face setbacks.
- (E) Character of architecture.
- (F) Building scale.
- (G) Proportion and composition of projections and recesses, doors and windows, and other features.
- (H) Location and treatment of entryways
- (I) Finish material, texture and color.

13.11.052 Required findings and action.

For all projects subject to the provisions of this Chapter, the Planning Department is authorized to and shall make a positive, negative, or conditional design review recommendation based upon the following finding:

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.

The decision making body(ies) is(are) authorized to and shall approve, conditionally approve or deny applications and impose reasonable conditions upon such approval as are necessary to make the finding above. No approval and no permit shall be issued unless this finding can be made.

Chapter 13.20 COASTAL ZONE REGULATIONS

13.20.130 Design criteria for coastal zone developments.

- (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.

13.20.110 Findings.

The following findings shall be made prior to granting approvals pursuant to this Chapter in addition to the findings required for the issuance of a development permit in accordance with Chapter 18.10:

- (c) 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.

URBAN DESIGN ANALYSIS

The elements that are listed above for compatible building design are not all equal in weight. The “character & architecture” and “massing & building form” are stronger indications of compatibility between a new structure and its context. Addressing each of the & elements that are given above to assess compatibility (13.11.073):

(A) Massing & building form.

The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story. All the buildings have sloped roofs; either hip or gable traditional roof styles. The proposed design has a dominant curved roof at the front and rear. The west elevation is an unbroken two story wall that is almost one hundred feet long. There is nothing that is similar in the neighborhood.

(B) Building silhouette

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

(C) Spacing between buildings

In this context, the minimum spacing between building is set by the County Code (setbacks) for this zoning district. The proposed residence is designed to come up to the minimum setbacks on both sides of the lot.

(D) Streetface setbacks

In this context, the minimum street face setback is set by the County Code (setbacks) for this zoning district. The proposed residence is designed to come up to the minimum setback on the front of the lot.

(E) Character & architecture

The architectural style of this building is clearly different from anything in the neighborhood (with the exception of the three story tower a block away – which is totally uncharacteristic of the neighborhood). The character of this building will be, in my opinion, rather jarring when seen in context with the existing structures on the street. The disregard of the “character of architecture” which exists on this street is the most objectionable (along with the bulk) characteristic of this proposal.

(F) Building scale

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

(G) Proportion and composition of projections and recesses, doors and windows, and other features

The most public side of this building, the front, has an extremely large “window wall” with a *curved* roof as a major element. This feature does not occur anywhere in the neighborhood and will overpower the streetscape.

(H) Location and treatment of entryways

The entry to this residence is through a passageway between the garage and the storage area. The front door is not visible from the street. This is not characteristic of the other residences in the neighborhood.

(J) Finish material, texture and color

Cement plaster (stucco) is used as an exterior finish material throughout the neighborhood. The fiber reinforced building panels are not found in the area.

From the discussion above, I do not believe that findings can be made under 13.11 or 13.20 that would justify recommending approval of this project. While the Code (13.11.073 a.) does allow accommodation of “unique or landmark buildings”, it is also very clear that the building design must “relate to adjacent development and the surrounding area”. The architect has not demonstrated that there are “consistent design and junctional relationships so that new development relates to adjacent development? Other than maintaining the REQUIRED setbacks and the use of stucco, I can see no physical relationship between the proposed project and the adjacent residences.

DPW Drainages Outstanding Issues

- Please show locations for proposed splashblocks and runoff patterns. Demonstrate that the runoff from the new roof and paved areas will not impact adjacent parcels.
- Provide drainage information for the proposed driveway and pathways. Please provide a driveway cross section. The driveway should not be sloped towards the western property line without measures to control runoff from entering the adjacent parcel. The survey information indicates there is a low spot along the western property boundary. Describe how the paved pathway will drain in this area.
- The extent of the proposed project is unclear. Is the construction of the new retaining walls described on plans dated 4/4/01 proposed as part of this application? If so please provide drainage details for these walls.

Environmental Planning's Outstanding Issue's

The following items will need to be provided and approved for Environmental Planning to analyze the proposed project.

1. Add seawall retaining wall repair work to the project description (02-0600).
2. Add grading volumes (cubic yards) for seawall retaining wall work. A grading Permit will be required.
3. Provide full plans for all work proposed to the seawall system. Include all associated grading work too. NOTE: Highly recommend that these plans be completed by a California licensed civil engineer.
4. Once the plans from item 3 above are accepted by the County, a "Plan Review" letter will be required from both the geotechnical engineer and the geologist.

The following comments were also made by the geotechnical engineer in a letter addressed to the County Geologist (dated May 17, 2002):

1. "The existing walls have been damaged, are in serious need of repair and subject to failure during major storm activity".
 2. "Failure of the existing seawalls on the Porter property will present a significant threat to structures on the neighboring parcels and the Porter property".
- "Given their age and lack of maintenance, the older walls are deteriorating, severely distressed, and are in real danger of collapse during major storm activity".

David Heinlein

From: Robert Loveland
Sent: Thursday, February 06, 2003 6:41 PM
To: David Heinlein
Subject: Appeal of Completeness (02-0600)

The following comments are in response to Mr. Britton's letter dated 1/15/03:

There is no reference to upgrading the seawall system in either recently submitted discretionary applications (02-002 & 02-0600). Both the geotechnical and geologic reports express concerns about the structural integrity of the existing seawall system.

The geotechnical report (dated October 2001) that was submitted for review (02-002) clearly states (pgs. 22 & 23): "The structural integrity of the existing seawall system should be thoroughly evaluated in terms of the geotechnical criteria in this report, seismic considerations as recommended by the project geologist, and current California practice, in order to assess their stability over a 100-year design life. The walls should be upgraded as necessary to meet the 100-year stability requirement and maintained over the lifespan of the project. As a minimum, we anticipate that some modifications to all but the "lower", "middle", and "lower eastern" walls will be required to establish the design structural section".

The geologist notes (pg.13): "Deterioration and/or failure of the walls appears to be due to erosion along boundaries between the walls and the underlying bedrock, and along joints and fractures within the seawalls themselves. Erosion is concentrated in a zone at or slightly above mean sea level. During our fieldwork, we noticed prominent vertical cracks that extended the height of the outside, primary retaining wall. Also, the outer block face of the lower retaining wall appeared to be separating from the main wall in places. Significant mechanical erosion of the face of the retaining wall near the western side of the property was also observed". The geologist further states: "If the seawalls and retaining walls are made structurally sound and maintained over the lifetime of the home, then from a geologic standpoint the building setback zone should extend 25 feet back from the bluff top which is the minimum required by the County of Santa Cruz".

The following items will need to be provided and approved prior to Environmental Planning deeming this application complete:

1. Add seawall/retaining wall repair work to the project description (02-0600).
2. Add grading volumes should this repair work require a grading permit.
3. Provide full plans for all work proposed to the seawall system. Include all associated grading work too. NOTE: Recommend that these plans be completed by a California licensed civil engineer.
4. Once the plans from item 3 above are accepted by the County, a "Plan Review" letter will be required from both the geotechnical engineer and the geologist.

Project No. SC7363
11 October 2001

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

Based on the results of our investigation, the proposed improvements are compatible with the geotechnical and coastal site conditions, provided our recommendations and those of the Nielsen & Associates geology report are closely followed during the design and construction phases of the project.

Primary geotechnical concerns at the site include impacts to existing improvements due to 100-year design storm or seismic conditions, and adequate bearing support for new/existing foundations and/or retaining wall modifications.

Our wave runup analysis indicates the potential for wave runup to approximately 34 to 36 feet above MSL. Therefore, some overtopping of the existing bluff edge is expected during peak wave runup conditions. We anticipate that most of the higher elevation runup will be in the form of vertical spray and wave splash. Future wave overtopping and/or wind driven spray may cause minor damage to existing structures but is not expected to significantly affect new improvements. Constructing recurves along the edge of the bluff could provide additional protection by redirecting splash seaward and deflecting some of the wave energy away from the blufftop.

The structural integrity of the existing seawall system should be thoroughly evaluated in terms of the geotechnical criteria outlined in this report, seismic considerations as

recommended by the project geologist, and current California practice, in order to assess their stability over a 100-year design life. The walls should be upgraded as necessary to meet these 100-year stability requirement and maintained over the lifespan of the project. As a minimum, we anticipate that some modifications to all but the "lower", "middle", and "lower eastern walls" will be required to establish the design structural section. These modifications will probably consist of a reinforced concrete mat anchored to the seawall face with tiebacks and covered with shotcrete or facing stone. All rebar should be epoxy-coated or have significant concrete cover with water resistant additives used in the concrete mixture. New shotcrete facing above the "upper" wall and armoring of the landscaped slope above the "cinder block wall should also be provided. As the extent of repair to the walls is largely unknown at this time, we anticipate that supplemental geotechnical recommendations may be required during the course of the project.

To provide adequate foundation support, we recommend that any new foundation elements for the proposed addition/remodel penetrate loose surficial soils and rest upon competent marine terrace sands or bedrock. Existing foundation elements should be evaluated using the criteria outlined in this report and modified if necessary to meet our current recommendations.

was protected with seawalls early on in the historical record of aerial photographs. However, a study of coastal erosion rates along East Cliff Drive between 33rd and 36th Avenues a very short distance east of the property indicated erosion rates ranging between 0.75 and 1.0 feet-per-year along a section of coast that is not protected with any seawalls (Fox, Nielsen and Associates, 1998). These data illustrate the critical nature of the seawalls at the Porter property relative to protecting the home from erosion.

The seawalls at the property as well as much of Pleasure Point are continually experiencing weathering and erosion as a result of regular wave attack. Furthermore, most of the seawalls at the property were built around 1959 which means that they have been subjected to severe ocean processes for nearly 40 years. Additionally, it is unknown whether any of the seawalls were engineered and how their footings were constructed into the bedrock. Deterioration and/or failure of the walls appears to be due to erosion along boundaries between the walls and the underlying bedrock, and along joints and fractures within the seawalls themselves. Erosion is concentrated in a zone at or slightly above mean sea level. During our fieldwork, we noticed prominent vertical cracks that extended the height of the outside, primary retaining wall. Also, the outer block face of the lower retaining wall appeared to be separating from the main wall in places (Plate 1). Significant mechanical erosion of the face of the retaining wall near the western side of the property was also observed.

It is imperative that the seawalls and retaining walls at the Porter property be structurally sound and continually maintained in order to achieve a minimal building setback at the property. It is only the presence of the seawalls and retaining walls that mitigates coastal erosion which would otherwise undermine the house foundation with serious consequences. If the seawalls and retaining walls are made structurally sound and maintained over the lifetime of the home, then from a geologic standpoint the building setback must extend 25 feet back from the bluff top which is the minimum required by the County of Santa Cruz. In our professional opinion, the bluff top or edge should be considered to be the inner seawall or retaining wall since the top of this wall coincides with the edge of the level portion of the property. Understanding this definition is best accomplished by examining the seaciff along East Cliff Drive a short distance east of the property where there are no protective structures such as seawalls. This is not possible near the property since the shoreline has been completely protected from erosion by seawalls for several hundred feet west and a couple hundred feet east of the property. Along East Cliff Drive, and along much of the coastline in this area, the edge of the coastal bluff is the outer edge of the roughly level terrace deposit surface.

FAULTS and EARTHQUAKE HAZARDS

Discussion of Faults

The subject property lies in a highly seismically-active region of California, and strong ground shaking from earthquakes can have serious negative consequences for the retaining walls and seawalls

Mr. Joe Hanna
 County of Santa Cruz
 Project No. Sc7363
 3030 Pleasure Point Drive
 Page 2

Section 16.10.70(h)(4) Alteration of Damaged Structures. Per the ordinance, structures damaged by coastal hazards and slope instability to an extent of less than 50 percent of the value of the structure may repair or replace in kind. Hazards shall be mitigated to a level that provides stability for a period of 700 years. The existing walls can be relocated seaward but not landward, therefore relocating them to meet setback requirements is not likely to be economically or practicably feasible. The existing walls have been damaged, are in serious need of repair, and subject to failure during major storm activity. The recent geologic and geotechnical studies outline the 100-year stability forces to be incorporated into the design of the proposed repair of the existing coastal protection system.

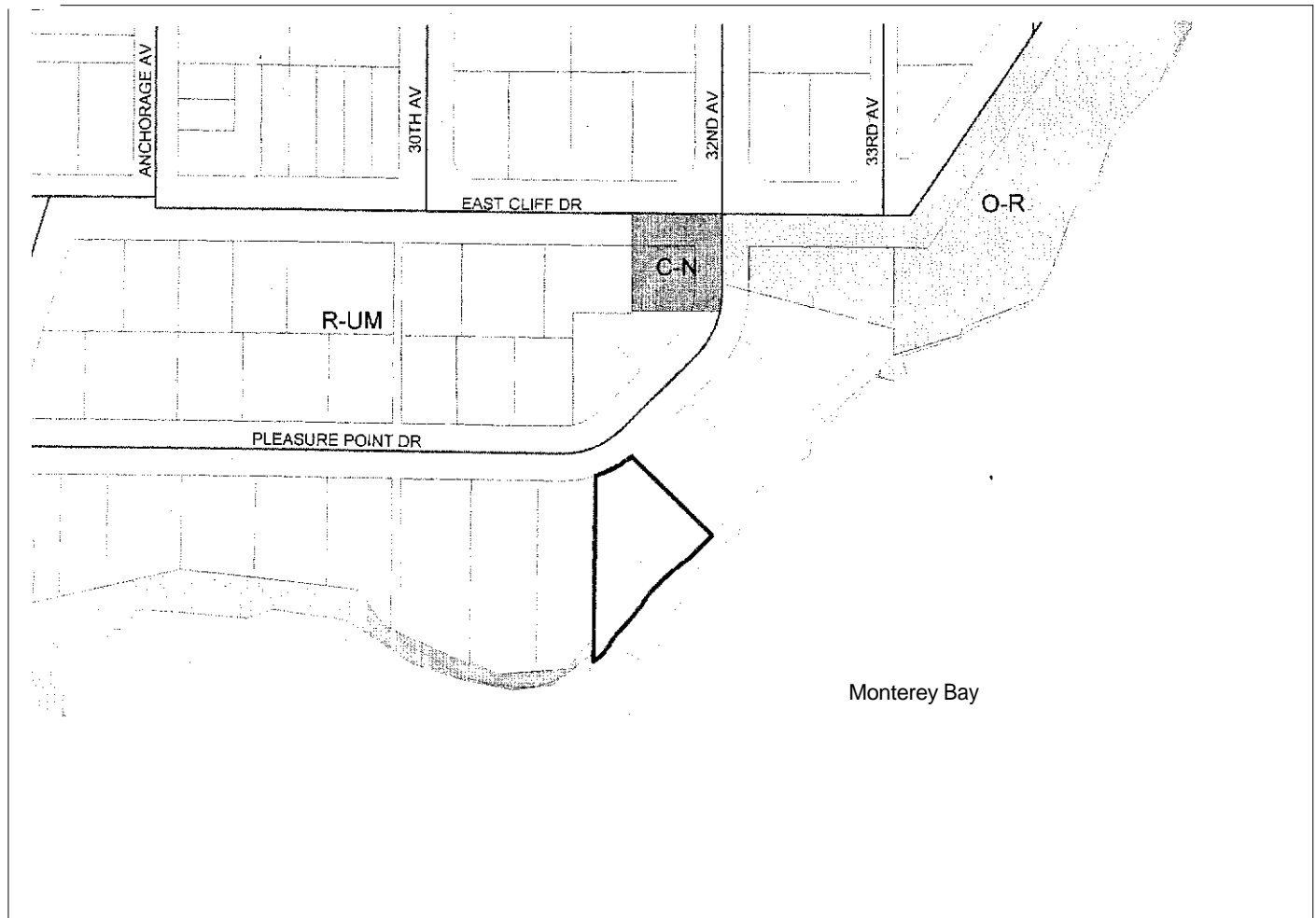
Section 16.10.070(h)(3) Shoreline protection structures shall be governed by the following:

(ii) seawalls, specifically, shall only be considered where there is a *significant* threat to an existing structure and both adjacent parcels are already similarly protected. Both properties to the east and west of the subject site are protected by concrete seawalls. Failure of the existing seawalls on the Porter property will present a significant threat to structures on the neighboring parcels and the Porter residence. The proposed improvements to the seawalls will ensure a higher degree and longer period of protection to the subject property and neighboring parcels than presently exists.

(v). shoreline protection structures shall *not* reduce or restrict public beach access, adversely *affect* shoreline processes, . . . *etc.* The proposed improvements are intended to stabilize the existing walls against the design 100-year stability forces. Impacts to the present coastal processes that have existed over the last 60+ years in this area are therefore expected to be zero. In addition, placement of natural-colored rock facing over the walls as recommended will enhance visual impact, especially considering the unsightly grey concrete that now exists.

(viii) All shoreline protection structures shall include a *permanent*, County approved, monitoring and *maintenance* program. Historic seawall maintenance and repair at this property has been somewhat sporadic, with no formal monitoring or maintenance procedures. Given their age and lack of maintenance, the older walls are deteriorating, severely distressed, and are in real danger of collapse during major storm activity. These conditions are similar to those that led to the failure of the walls on the Candau property to the west several years ago. As previously discussed, such an event would adversely affect the parcels to the east and west. The improvements as proposed will ensure that the existing seawalls are brought into conformance with County ordinance.

General Plan Map



500 0 500 Feet

Legend

-  APN 032-242-11
-  Parcel boundaries
-  Streets
-  Neighborhood Commercial
-  Parks and Recreation
-  Residential - Urban Medium Density



Map created by Santa Cruz County
Planning Department
September 2003

Zoning Map



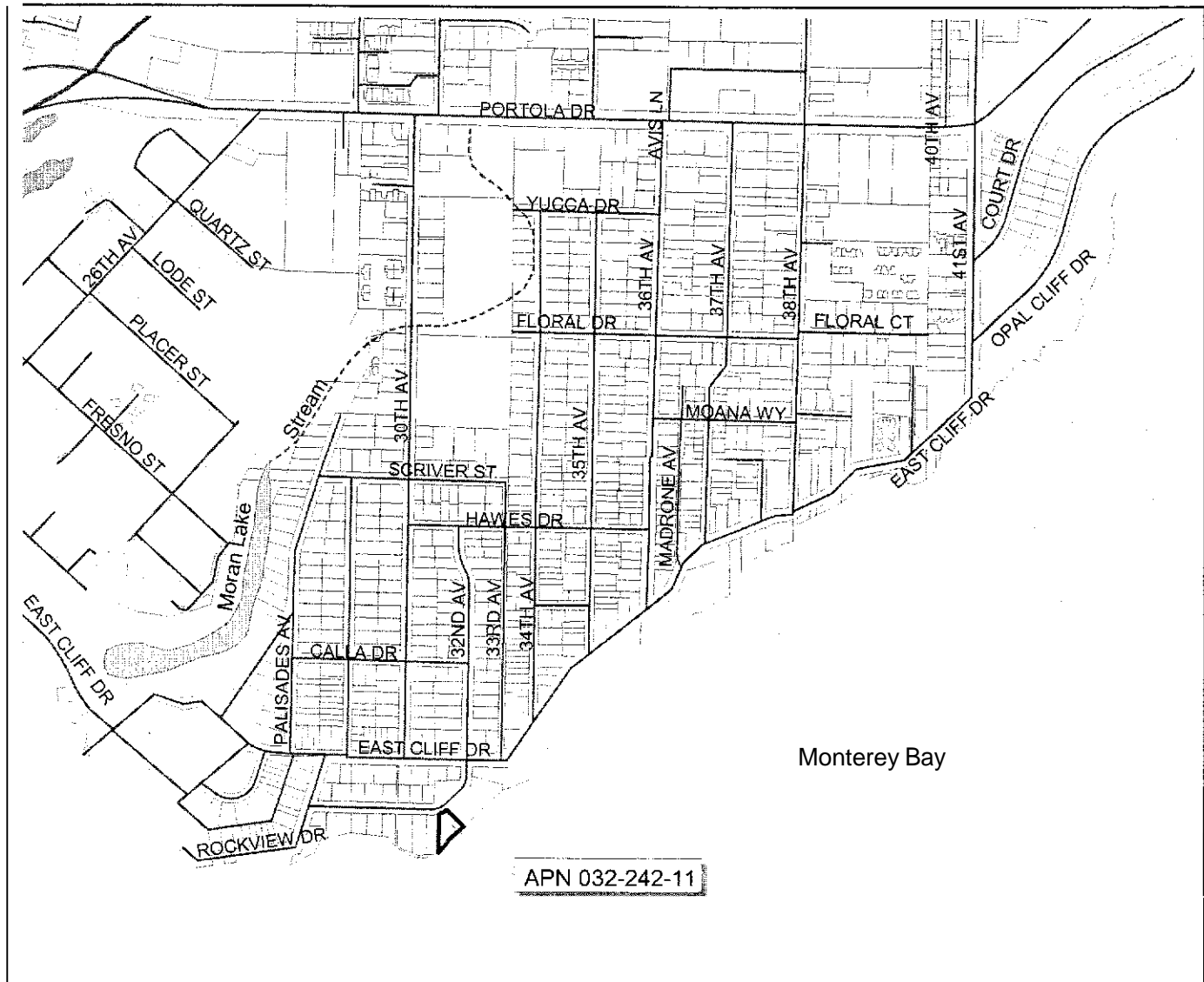
Legend

	APN 032-242-11
	Parcel boundaries
	Streets
	PR
	R-1-X
	C-1



Map created by Santa Cruz County
Planning Department:
September 2003

Location Map



0.25 0 0.25 0.5 Miles

Map created by Santa Cruz County
Planning Department:
September 2003





David Heinlein
Project Planner III
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

January 15, 2003

Subject: Application # 02-0600; Assessor's Parcel #: 032-242-11
Owner: William and Susan Porter

Dear Mr. Heinlein,

Thank you for your application status letter (dated January 3, 2003). Though a number of the items located in the status letter appear reasonable, a number of items do appear questionable.

The appeal period is relatively short and it appears that county staff will be unable to give definitive formal answers to our concerns prior to the appeal period expiration. Since the formal answers to our queries will not be available prior to the appeal expiration **we are hereby appealing the status of incomplete.**

The following information in italics represent county staff comments.

1. More information on siteplans. Please submit revised site plans, drawn to scale, to include the following information:

a. Please provide separate plans clearly indicating the existing structure in addition to the final proposed structure. Plans submitted of walls proposed for demolition and walls which will remain. are unclear.

Response:

Enclosed in the submittal set of December 3, 2002 is sheet P2. Sheet P2 is a demolition plan, and is labeled as such. The demolition plan was prepared within industry standards and was based on a format already accepted on a recent

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CA 95062

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previous coastal permit. We realize the existing, and proposed, home contain complexities which we are more than happy to meet with staff to provide verbal clarification and any reasonable additional documentation, but it is our understanding that said documentation is not required to deem the application complete.

b. Submit clarification on the 25 ft new construction setback. It is not possible to determine this setback requirement due to unclear plans.

Response:

Though floor plan sheets **P3** and **P4** indicate the setback, we do agree this is a reasonable request for clarification (particularly to adding the setback line to the site plan and labeling the indication on sheet P4).

c. Provide plans and elevations for the proposed accessory structure.

Response:

The provided plans do show elevations of the “proposed accessory” structure. There has been some confusion of exactly how to label this structure based on planning ordinance. There essentially is a breezeway entry to the property which a motorcycle garage is off of. The motorcycle garage is the “accessory structure” (?). Said structure is shown on the plans. We are happy to provide additional reasonable clarifications of this item and provide different labeling if appropriate. This does not appear to be a basis for determining “incomplete” submittal.

d. Site plans do not indicate distance from the top of the coastal bluff and the proposed construction; please indicate these on the required additional plans.

Response:

This item appears essentially to be the same as b (?). Please see our response to b.

e. Plans submitted state the parcel is 14,740 sq ft in size, but the Assessors Office indicates a different lot size than submitted, please clarify this discrepancy. Have a registered land surveyor provide a stamped legal description indicating the existing square footage of the property.

Response:

The parcel size quoted is from the surveyor. We are happy to provide you with the appropriate documentation from the surveyor indicating the size of the lot.

*f. Floor area ratio and building lot coverage are difficult to calculate with this design, please provide calculations of the area of **each** room.*

Response:

We are happy to provide clarification of this item. We do suggest that a diagram of basic shapes would be more helpful for staff in verifying our calculations, versus square footages of each room. We do not believe this item is a basis for “incompleteness”, the required information was provided.

g. On the second floor plans, the living room plans are not clear, what is the addition located in the lower right corner? Provide clarification.

We are happy to provide clarification. This area is contiguous with the Living Room and we foresee its use as an area for seating. This area was “rotates” to address the curve of the street, to obtain views to the ocean, and to provide building articulation. We do not believe this item is a basis for an “incomplete” determination.

2. It appears that both the geotechnical report and geologic report reviewed under application 02-0002 have been accepted by the County. IMPORTANT NOTE: Both the geologist and geotechnical engineer make recommendations to upgrade the existing seawall system. The current project description does not identify any work towards upgrading the current seawall system. The recommendations made by the geologist and geotechnical engineer towards upgrading the seawall system must be completed before any additional work can commence on the residence. Please clearly identify all areas along the coastal bluff to be upgraded per the reports and describe what type of work will be completed.

Response:

The Geotechnical report and Geologic report have been reviewed and accepted by the Planning Department of the County. The permit conditions from the County are stated as building permit conditions. We will be happy to submit any additional copies of the approved documents requested (including preliminary seawall repair documents by Ifland Engineers). We do not believe this item is a basis for an “incomplete” determination.

3. Please provide earthwork estimates for upgrades to seawall system

Response:

Please see response to number two (2) above. It is our understanding of the documents provided that no significant and applicable earthwork is anticipated

4. Please provide topographic information (such as contours, spot elevations, or slope labels) so that the drainage patterns for the site are clear.

Response:

We are happy to provide the full survey with all appropriate elevations shown. No significant changes to drainage patterns are proposed.

5. Please show locations for proposed splashblocks and runoff patterns. Demonstrate that the runoff from the new roof will not impact adjacent parcels.

Please note that the submittal requirements for a level 5 state "preliminary" drainage plans. The location of splashblocks is inappropriate as preliminary information. Please also note that this project is a remodel/addition to an existing residence and the new impervious area is negligible. Please note that the proposed remodel and addition structure shall essentially make no difference in existing drainage patterns as existing fencing and structures limit concentrated drainage from flowing anywhere but to the street or bluff. We do not believe this item is a basis for an "incomplete" determination.

6. Provide drainage information for the proposed driveway, provide a cross section. Driveway should not be sloped towards the western property line without measures to control runoff from entering adjacent property.

Response:

The driveway is an existing driveway which slopes to the street (which a driveway profile has been provided for). Drainage from this existing driveway shall flow to the street. We do not believe this item is a basis for an "incomplete" determination.

7. Prior to building permit issuance Zone 5 fees will be assessed on the net increase in impervious area due to this project.

Response:

No specific comment. We do not believe this item is a basis for an "incomplete" determination.

8. Included in this incomplete letter are the comments from Larry Kasparowitz, Urban Planner for the County of Santa Cruz. His review indicates that the project is incomplete. Planning Staff has provided a copy of his comments for your review.

The following are the comments (and our response) of **Larry Kasparowitz**, Urban Designer (dated December 5, 2002).

1. A roof plan should be submitted with this application.

Response:

Roof plans are not listed on the list of documents listed for a level 5 hearing or listed as supplemental information. Industry standard is that roof plans are not preliminary residential design documents. We do not believe this item is a basis for an “incomplete” determination.

2. The applicant should submit a description of how this design meets the “visually compatible” requirement for Coastal Development per ordinance

Response:

We are happy to submit a “statement of project concept, design goals, design constraints, and an explanation of the design approach take” (per 18.10.210). But as this is not listed as requirement for a level 5 hearing, or listed as supplemental information, nor is it typically required (in our experience) for this type of project, we do not believe this item is a basis for deeming the submittal incomplete. Since staff has determined that the project is “visually incompatible” it would be helpful if we had a written statement on what basis that the determination was made so we may address the issues in our statement specifically.

3. The lower floor plan should show the windows and doors (solid lines: to remain, and dashed lines: to be removed).

Response:

Sheet **P2** is a demolition plan. For clarity’s sake, it is our office policy, and standard industry practice, to not indicate the removed walls (on the new construction floor plan) when a demolition plan is provided. We do not believe this item is a basis for an “incomplete” determination.

4. The lines on the site plan should be consistent for clarity. Please use dashed line to indicate setback lines and use the property line indication for all property lines.

Response:

We agree the setback lines should be dashed, we shall revise. The property lines are indicated per the survey, it has been typical in our experience that surveyor’s

indicate the mean high water "property line" as solid. We do not believe it is in our purview to change the nomenclature of the surveyor.

5. Indicated which lot is the subject property on the Assessor's Map.

Response:

We are happy to clarify this for staff. Please note that the circled number eleven is the assessor's number indicating this lot. In addition we shall provide shading or hatching for the convenience of staff.

6. Indicate on the elevations which windows are to remain.

Response:

Please note that no existing glass shall remain. Many existing window **openings** shall remain. We have provided, on the demolition plan and new construction floor plan, the industry standard for this information. In our professional opinion, indicating existing window openings on the elevations does not appear reasonable and would only further the confusion in this case. We do not believe this item is a basis for an "incomplete" determination.

*7. Add a note on the second floor plan that **THE ENTIRE SECOND FLOOR IS NEW CONSTRUCTION.***

Response:

We shall add this note for staff convenience. We do not believe this item is a basis for an "incomplete" determination.

8. Submit elevations of the existing residence.

Response:

It is our understanding (e-mail from Mr. Kasparowitz dated January 9, 2003) that this request has been waived and photos of the existing residence shall suffice. We do note we have submitted photos of the "project site and adjoining properties" per supplemental application materials requirements. We are happy to provide additional photos of the existing residence for staff. We do not believe this item is a basis for an "incomplete" determination. We would also request the items that are not specifically listed as required submittal information state what the particular objective of the supplemental information requested is.

9. Submit a color board for exterior materials.

Response:

The color board was submitted on December 3, 2002 per planner Susan Kauffman's requirement made on November 27, 2002. The color board and photo are items listed on the supplemental submittal list that "may" be required (two other items that "may" be required were not requested). We do not believe this item is a basis for an "incomplete" determination.

10. The architect should produce photo montages of the proposed residence as seen from the street and from the ocean bluff (consult with Project Planner and Urban Designer).

Our office is happy to provide additional visual information for staff. Photo montages may not be appropriate, the beach area only exists at certain tides and is always minimal and the location of the project is at a bend in the street. We also note that the regulations refer to compatibility with the "surrounding neighborhoods and areas". We may have a method of providing this information in this context, we are happy to consult with staff in regards to this. We do not believe this item is a basis for an "incomplete" determination.

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Response:

No Comment

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Response:

We have enclosed the full Evaluation Criteria spread sheet that Mr. Kasparowitz provided. It is our understanding that of the 25 items indicated in the spread sheet all but 3 are not applicable (according to Mr. Kasparowitz).

The "visual compatibility" item is checked as a "does not meet criteria". It is our understanding that what basis that this determination was made on should be provided within the initial thirty day review.

The “new or replacement vegetation” item is checked as “does not meet criteria”. In addition it states “a landscape plan is not required, but could help to assist this application”. Since a landscape plan is not required it appears inappropriate to base design criteria comments on one.

The “design of permitted structures” item is checked as “does not meet criteria”. We believe this criterion is based on section 13.20.130(d) #2 Beaches. Said section states that this applies to “open beaches” (such as Pajaro Dunes, Beach Drive, etc). This project is a “Blufftop Development” which is #1 of stated section. We believe this item should be marked “not applicable”.

General Response:

Based on the State of California Government Code Permit Streamlining Act, we believe the following County required items to be submitted may be appropriate, and reasonable to provide for determining completeness:

Mr. Heinlein’s items 1.b, d, e.

DPW Drainage comment #4, additional topographic information (only).

Mr. Kasparowitz’s item #4, dashed lines for setbacks (only)

In our opinion all other items either have been provided or are not a basis for determining the submittal is incomplete.

In our detailed response above we acknowledge information requested by staff that we are happy to provide, but does not appear to be required for a determination of complete. We do acknowledge that per ordinance that the Planning Director or designee may require additional information (or waive required information). We are also of the understanding additional, or supplemental, information is not a basis for determining incomplete under the state code, though such requests must be reasonable (and in the context of the applicable ordinances).

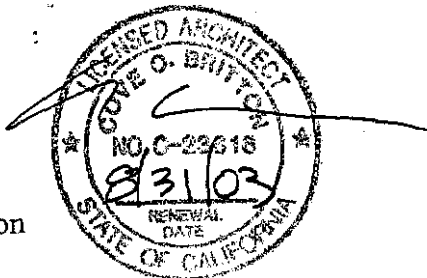
We do reiterate that we believe staff should supply the basis for determining the project is not visually compatible. Per staffs statement “Planning staff is open to discussing options, including redesigning the proposed project”; we cannot discuss options if we are unaware of what specifics the determination was based on. We are also of the understanding that these issues should be provided in the first thirty day response.

It would appear appropriate that information not required for the initial submittal state what "agenda" or "objective" the request is made under (such as "we request photo montages in order to view the proposed project in visual context of the neighborhoods or areas, so that we may better analyze visual compatibility to the neighborhoods or areas").

We request as a part of this appeal process that we may meet with the appropriate staff in order to have a better understanding of the particular issues.

Thank you for your consideration.

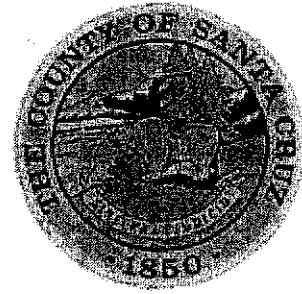
Sincerely,



Cove Britton
Architect

MATSON BRITTON ARCHITECTS, A CALIFORNIA CORPORATION

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE



DATE: 03 February 03
TO: Don Bussey, Planning
FROM: David Heinlein, Planning
SUBJECT: 02-0600 884 Appeal

The applicant has appealed the incomplete letter sent from staff on 03 January 03. The applicant states in his incompleteness appeal, that staff has incorrectly determined the completeness of project 02-0600. The applicant further states that all of staffs additional requirements are not completeness issues and that the project should be deemed complete.

Staff carefully analyzed the plans submitted by the applicant and came to the conclusion that proper determination for completeness could not be made and requested additional information and revised plans be submitted, Listed below are comments from Development Review staff regarding the applicants appeal issues:

- 1) (a) The applicant admits the existing home "contains complexities." Staff carefully analyzed the proposed plans for demolition and request plans be revised to clearly indicate what is being proposed for removal and what part of the existing home is remaining. Plans submitted are unclear.
- (b) Staff does not understand what the applicant is appealing on this issue. Applicant states they are willing to provide set back line. All proposed development must meet the required 25-foot set back.
- (c) The plans submitted do not clearly indicate proposed height of the "motorcycle" accessory structure. Staff is unable to determine proposed height of this structure. Heights of accessory structures have a direct relation on the completeness of a application.
- (d) See 2 (b) for response.
- (e) Applicant is willing to submit a surveyor's stamp indicating lot size. Staff does not understand what the applicant is appealing.
- (f) Due to the proposed house configuration, staff is unable to calculate floor area ratio or lot coverage. Staff has requested the applicant to submit calculations for each and every room to determine if the proposal meets existing zoning regulations.

(g) Staff is unclear why this item is being appealed, the applicant states they are willing to submit information to staff.

Development Review staff needs the above mentioned items so staff can make a determination on completeness. Development Review staff can not comment comments on Environmental Planning staffs review but has included an e-mailed received from Robert Loveland on 6 February 03.

COUNTY OF SANTA CRUZ

Planning Department

INTEROFFICE MEMO

APPLICATION N O 02-0600

Date: January 17, 2003
 To: Don Bussey, Zoning Administrator
 From: Lary Kasparowitz, Urban Designer
 Re: Design Review for a residential remodel at 3030 Pleasure Point Drive, Santa Cruz (Matson Britton Architects / applicant, Porter / owner)

I would assume that the "industry standard" referred to in the appellant's letter is the architectural profession. This **has** no bearing on whether or not plans submitted to Planning Departments are "complete". The term completeness is based on whether or not the reviewers and ultimately the decision makers have enough information to review the application and from which a decision eventually can be made.

COMPLETENESS APPEAL COMMENTS

1. *A roof plan should be submitted with this application.*
 - In my opinion, the floor plans and elevations submitted will not convey to the Planner nor the decision makers how this building will appear in three dimensions..
2. *The applicant should submit a description of how this design meets the "visually compatible" requirement for Coastal Development per ordinance.*
 - The appellant is correct in that the Submittal Requirements for Design Review include a "written statement establishing the parameters of site planning, landscaping and architectural design". This should be submitted for this project to establish the architect's rationale for this specific design.
 - I believe ~~that~~ the architect should address neighborhood compatibility within this written statement and clearly state if this is a "unique or landmark building", or if the architect is requesting an exception from Chapter 13.11.
3. *The lower floor plan should show the windows and doors (solid lines: to remain, and dashed lines: to be removed).*
 - **There** is some confusion about this in the appellant's letter. My memo asks for windows and doors, not the walls. Without the windows and doors to be removed, **this** is an incomplete representation of the existing plan and again is difficult to read for the planner and decision makers.

4. *The lines on the site plan should be consistent for clarity. Please use dashed line to indicate setback lines and use the property line indication for all property lines*

- The above comment asks for all ~~property~~ lines to be indicated. It would help the planner and decision makers if they were more clearly indicated at the bay side of this property. No survey was submitted with this set.

5. *Indicate which lot is the subject property on the Assessor's Map.*

- A clearer indication was all that was requested

6. *Indicate on the elevations which windows are to remain.*

- This project ~~was~~ labeled as a remodel. It is extremely difficult to understand what is to remain and what ~~is~~ new.

7. *Add a note on the second floor plan that THE ENTIRE SECOND FLOOR IS NEW CONSTRUCTION.*

- This project was labeled as a remodel. It is extremely difficult to understand what is to remain and what is new.
- This note would clarify the new construction (we are not given existing elevations)

8. *Submit elevations of the existing residence.*

- This project was labeled as a remodel. It ~~is~~ extremely difficult to understand what is to remain and what is new.
- The appellant is correct in that photos are acceptable
- Please *note* that photos of the project site and adjoining properties are listed on the Supplemental Application Materials List under "~~Coastal~~ Permit".

9. *Submit a color board for exterior materials.*

- If this was submitted, the appellant may disregard this note.

10. *The architect should produce photo montages of the proposed residence as seen from the street and from the ocean bluff (consult with Project Planner and Urban Designer).*

- This was asked for in order to evaluate the proposal within the existing context. While it is ~~true~~ that all who will make a decision regarding this project are supposed to visit the site, a photo montage will help maintain that evaluation without having to re-visit the site,



COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

701 ~~OCEAN STREET~~, SUITE 400, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN JAMES, DIRECTOR
DON BUSSEY, DEPUTY ZONING ADMINISTRATOR

Mr. Cove Britton
421 Clinton Street
Santa Cruz, CA
95062

March 28, 2003

SUBJECT: Appeal of the Incompleteness Determination
Application 02-0600
Applicant: Cove Britton for Porter
Appellant: Cove Britton for Porter
APN: 032-242-11

Mr. Britton.

The purpose of this letter is to inform you of my decision regarding your appeal of the determination that application #02-0600 is incomplete. My determination is based upon discussions with staff, any and all testimony presented, a review of applicable local Ordinances and State Law and a review of the application file.

As submitted, ~~this~~ application is a "Proposal to remodel and *construct* an addition to *an* existing one story *single* family dwelling, to include an addition and *remodel* on the first *story* (new hallway, *enlarge* garage, new unheated storage *area*, new *roof*), and to *construct* a second story with two bedrooms, *office*, living room, two bathrooms, *laundry* room and a *deck over* a portion of *the* first *floor*." This project is located on the south side of Pleasure Point Drive about 228 feet southwest of the intersection of East Cliff Drive and Pleasure Point Drive (3030 Pleasure Point Drive). Given the information and plans submitted at the time of application, application #02-0600 was determined by staff to be incomplete for processing on January 3, 2003.

The issues raised in the appeal letter focus on two major issues:

1. The appropriateness of the information request.
2. The information requested is not an item that is a completeness issue.

ANALYSIS

The required information necessary to process any application is specified in County Code, with a summary of the required information available in the form of a handout at the Zoning Counter. Applicable submittal requirements are delineated in County Code Sections 13.11.051, 18.10.210 and 16.20.060. In addition, County Code provides that additional information may be required by the Planning Director *or to* insure that the public health and safety is maintained. It must be understood that the key reason why an application is determined to be complete or incomplete is based on whether the reviewer and the decision maker have sufficient information to review the

application submittal and come to a decision.


From a review of the file and the project plans, all of the additional information requested is reasonable and well within the parameters of the County Code for the processing of this application. However, the incompleteness determination letter sent by the County is dated January 3, 2003, 31 days after the submittal of the application to the County. Government Code Section 65943 (a) stipulates the following:

“Not *later* than 30 *calendar* days *after* any public agency ~~has~~ received an application for a development ~~project~~, the agency shall determine in writing whether the application is *complete* and shall immediately transmit the determination to the applicant *for* the development project. If the written determination is not *made* within 30 days *after* receipt of the application, *and* the application includes a statement that it is an application for *a* development permit, the application shall be deemed complete for the purposes of this chapter.”

CONCLUSION

Based upon the comments received and a review of the applicable law, all of the information requested is reasonable and consistent with past actions by this department under similar situations. However, the incompleteness letter is dated January 3, 2003, 31 days after the submittal of the application to the County which is in conflict with Government Code Section 65943. Therefore, I am OVERTURNING the previous action (Determination that Application #02-0600 is incomplete dated January 3, 2003) and UPHOLDING the appeal.

Sincerely,


Don Bussey
Deputy Zoning Administrator

Exhibits: Appeal Letter dated January 16, 2003
 Copies of Excerpts of the County Code and Applicable State Law
 Required Information Handouts
 Application File for #02-0600

cc: W. Porter



COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN JAMES, DIRECTOR
DON BUSSEY, DEPUTY ZONING ADMINISTRATOR

Mr. Cove Britton
421 Clinton Street
Santa Cruz, CA
95062

April 8, 2003

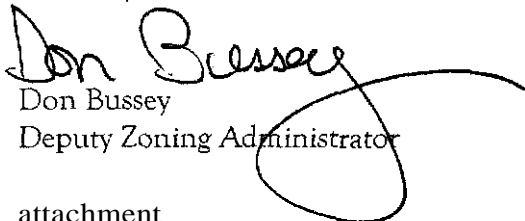
SUBJECT: Appeal of the Incompleteness Determination
Application: 02-0600
Applicant: Cove Britton for Porter
Appellant: Cove Britton for Porter
APN: 032-242-11

Mr. Britton,

The purpose of this letter is to clarify my decision dated March 28, 2003 regarding your appeal of the determination that application #02-0600 is incomplete. The date of completeness for this application is March 18, 2003. This date corresponds to the 61st day after the filing of the appeal (the appeal was filed on January 16, 2003).

Feel free to contact me if you have any questions.

Sincerely,


Don Bussey
Deputy Zoning Administrator

attachment

cc: W. Porter
N. Benjamin

ATTORNEYS

COMSTOCK, THOMPSON, KONTZ & BRENNER

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

AUSTIN B. COMSTOCK
JAMES C. THOMPSON
THORNTON KONTZ
LAWRENCE M. BRENNER

340 SOQUEL AVENUE SUITE 205
SANTA CRUZ, CALIFORNIA 95062

(831) 427-2727
FAX 458-1165

NATHAN C. BENJAMIN

(JAMES C. THOMPSON, P.C.)

August 5, 2003

County of Santa Cruz Planning Dept.
701 Ocean Street, Fourth Floor
Santa Cruz, CA 95060

Re: Permit Application No. 02-0600
3030 Pleasure Point Drive, Santa Cruz

Attached you will find a corrected seven days' advance notice pursuant to Government Code Section 65956(b). Should a representative of the Planning Department wish to discuss the matter, please contact me at your earliest convenience.

Very truly yours,


Austin B. Comstock

ABC:ss
Enclosure
cc: Clients

DESIGN REVIEW

PORTER HOUSE
3030 PLEASURE POINT DRIVE
SANTA CRUZ, CALIFORNIA

Prepared for

Barry and Susan Porter
165 Rodonovan Drive
Santa Clara, CA 95051

Prepared by

Anthony Kirk, Ph.D.
142 McCornick Street
Santa Cruz, CA 95062

19 September 2003

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ILLUSTRATIONS

ILLUSTRATIONS

Following Page

11

1. 3030 Pleasure Point Drive, North Elevation
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22. 2-3010 East Cliff Drive
23. 3034 Pleasure Point Drive, Northwest Elevation
24. 3020 Pleasure Point Drive, North Elevation

EXECUTIVE SUMMARY

In May 2003 Barry and Susan Porter retained Anthony Kirk, Ph.D., to review plans to remodel their house at 3030 Pleasure Point Drive in Live Oak, an unincorporated area of Santa Cruz County, and to read and comment on a recent analysis of the project by Larry Kasparowitz, the Santa Cruz County Urban Designer. They also asked that he conduct research into the design-review process in Santa Cruz County and undertake his own analysis of the remodel for consistency with the relevant design-review criteria of the Santa Cruz County Code. Following completion of the work the Porters requested the preparation of this report.

The proposed project comprises a series of additions and alterations to a one-story single-family residence that was constructed in 1959 in the then-popular Contemporary style, one of several competing design modes that signaled the widespread preference for modern architecture in the postwar era. The remodel, which is the work of Cove Britton of the Santa Cruz firm of Matson Britton Architects, includes adding a second story, enlarging the garage, and constructing a small accessory structure. The project will nearly double the size of the residence and transform its character.

In Santa Cruz County, certain development projects are subject to design review by the Planning Department under one or both of two chapters of the County Code: Chapter 13.20, Coastal Zone Regulations, and Chapter 13.11, Site, Architectural and Landscape Design Review. Because the Porter House is located on a coastal bluff and the remodel includes an addition of more than five hundred square feet, the project must meet the applicable criteria of both chapters. These regulations are intended to protect and enhance the character of the built environment as well as the natural environment. They articulate a series of specific goals, but they provide applicants with varying amounts of clear and useful guidance to help them attain the objectives. Because many of the criteria are broadly prescriptive rather than specific in wording, it is a matter of interpretation—and not infrequently an interpretation that turns exclusively on personal taste—as to whether a project meets certain standards. As a consequence, the Planning Department staff and, even more so, the Zoning Administrator, who makes the final decision to approve or not approve a proposed project, have considerable latitude in making findings under the regulations.

Insight into the character of the design-review process can be gained by examining at development projects that have been subject to evaluation over the past decade. In the case of three examples chosen at random—the Simpkins Family Swim Center on 17th Avenue and two single-family residences, also in Live Oak—the Planning Department staff and the Zoning Administrator took a broad, inclusive approach to design review, looking at the larger objectives of the relevant sections of the County Code and generously interpreting the standards. Although all three projects appear not to meet certain regulations, chiefly because their site- or building-design characteristics—notably their size and style—

seem incompatible with the surrounding area or adjacent development, they were found to be consistent with the criteria, and following approval of each project by the Zoning Administrator, the necessary permits were issued.

In contrast to these three examples, the evaluation of the Porter House conducted by Larry Kasparowitz is narrow in outlook, focusing on why the project appears not to be fully consistent with specific elements of the guidelines. His analysis is also inconsistent and illogical, marred by errors of fact and arbitrary and unfair in judgment. Ironically, in light of the three case studies mentioned, his chief objections to the remodel relate to its size, scale, and massing and, even more so, to its architectural character, which, like the current house, is an example of modern architecture. Because of these objections, Mr. Kasparowitz concludes, "I do not believe that findings can be made under **13.11** or **13.20** that would justify recommending approval of this project."

Contrary to Mr. Kasparowitz' findings, the proposed Porter House remodel appears to be consistent with both Chapter **13.20**, Coastal Zone Regulations, and Chapter **13.11**, Site, Architectural and Landscape Design Review. The design arises out of specific local conditions, testifying to the architect's imaginative response to his clients' vision and the dramatic coastal setting—within the limitations imposed by an irregularly shaped parcel, much of which is not buildable, and by an S-shaped coastal setback and a segmental street setback. In addition to creatively playing off the natural setting, the proposed house is visually compatible with the adjacent residences, even though they have nothing in common with each other, including size, massing, style and even the number of stories. The Porter House will also enhance the character of the Pleasure Point Drive, a neighborhood characterized by undistinguished examples of a farrago of architectural styles, from Monterey Revival through Ranch to Neo-Mediterranean, reflecting two-thirds of a century of residential development in which the only identifiable trend has been the construction of larger and larger houses

QUALIFICATIONS

Anthony Kirk holds a Ph.D. in American History from the University of California, Santa Barbara, and serves as a consultant specializing in environmental, cultural, and architectural history. He has worked for the National Park Service, the California Department of Parks and Recreation, the City of Carmel-by-the-Sea, the California Historical Society, Sony, Pacific Gas & Electric, and E. & J. Gallo Winery. He was appointed to the City of Santa Cruz Historic Preservation Commission in **1994** and served until **1998**, chairing the commission for the final two years of his term. He meets the Secretary of the Interior's Professional Qualification Standards in history and in architectural history and is listed in both these fields in the Referral List for Historical Resources Consultants maintained by the Northwest Information Center (an affiliate of the California Office of Historic Preservation).

PROJECT DESCRIPTION

The proposed project is a series of additions and alterations to the single-family residence at 3030 Pleasure Point Drive, owned by Barry and Susan Porter, that will nearly double the size of the house and transform its architectural character.

The current house is an attractive 2,530-square-foot one-story wood-frame Contemporary-style residence, with an attached 282-square-foot one-car garage, that was constructed in 1959 (figures 1-4). Spectacularly sited near the edge of a coastal bluff overlooking Monterey Bay, it is irregular in plan, with a small recessed entry porch, and rests on a post-and-pier foundation. The walls are clad with T1-11 plywood panels. Fenestration is asymmetrical, consisting chiefly of a series of fixed, sliding, and double-hung aluminum-sash windows. On the southeast side of the house, which describes a segmental curve of wide radius, large picture windows flank sliding-glass doors that open onto a wooden deck, the assembly forming a glass wall that provides a sweeping view of the Pacific. The complex roof system, composed of flat and low-pitched shed and gable roofs, is covered with mineral-faced roll roofing. A high wooden fence borders the sidewalk on Pleasure Point Drive and runs along the east side of the driveway, hiding much of the house and the small handsomely landscaped yard from view.

The proposed residence is a 4,634-square-foot two-story steel- and wood-frame house of a modern design, with an attached 541-square-foot two-car garage and a 133-square-foot accessory structure (figures 5-8). The complex is irregular in plan, with a footprint similar to the current building except for an increase in the size of the garage and the addition of the accessory structure. A breezeway connects the latter two elements, forming a segmental wall along Pleasure Point Drive that sweeps up from east to west to intersect the glass-enclosed second-floor living room. The walls are clad with stucco and Petrarch (a relatively new building material composed of natural stone tillers in a resin binder). Fenestration is asymmetrical, consisting of a series of wood-sash windows—awning, casement, and fixed—as well as Innovative Structural Glass windows, the latter forming the walls of both the south and east sides of the Great Room, overlooking the ocean. The complex roof system, composed of shed and curvilinear roofs, is finished with galvanized standing-seam steel sheets. The house is set back slightly from the street, with the recessed entry porch and the interior yard visible through the breezeway.

PLANNING DEPARTMENT DESIGN REVIEW

Design Review Regulations and Process

In Santa Cruz County, certain proposed development projects are subject to design review under one or both of two chapters of the County Code: Chapter 13.20, Coastal Zone Regulations, and Chapter 13.11, Site, Architectural and Landscape Design Review.

As part of the Coastal Zone Approval process, all projects located within the Coastal Zone of the unincorporated area of Santa Cruz County are required to undergo evaluation by the Santa Cruz County Planning Department unless they are defined as exempt or have been approved as categorical exclusions by the California Coastal Commission. Among the categorical exclusions, for example, are residential development projects of one to four units, unless they are located within three hundred feet of the inland extent of a beach or the top of the seaward face of a coastal bluff. The standards and guidelines employed by the Planning Department in the review process, the Coastal Zone Design Criteria, are found in Section 13.20.130 of the County Code (Appendix A) and are intended to preserve and enhance the character of the coastal zone, both the natural and the built environment. The criteria address, among other matters, the visual compatibility, site disturbance, and landscaping of the proposed project.

In addition to design review under these regulations, review by the Planning Department under a second series of criteria is required for certain projects, including construction of a single-family residence or an addition of five hundred square feet or more to an existing house within a "sensitive site," such as on a coastal bluff. Like the Coastal Zone Design Criteria, the Design Standards and Guidelines, set forth in Sections 13.11.070 through 13.11.076 of the County Code (Appendix B), are meant to protect and improve both open space and the built environment, and, additionally, to promote and protect the convenience, prosperity, and general welfare of the residents of Santa Cruz County. They address not only the same issues as the criteria in Chapter 13.20, notably site, building, and landscape design, but also such matters as physical access, circulation, and parking. Additionally, they are more fully developed, providing extensive and sometimes highly specific guidelines for achieving the general objectives articulated in the Chapter.

Following submission of an application for a residential development project subject to these chapters of the County Code, the Planning Department staff evaluates the project for consistency with the Coastal Zone Design Criteria and the Design Standards and Guidelines and makes a recommendation to the Zoning Administrator to approve or deny the application. The Zoning Administrator, who subsequently acts upon the recommendation of staff—though he is not bound by the recommendation—must find the project to be consistent with the applicable criteria prior to issuance of a Coastal Zone Permit and a Development Permit.

Commentary on the Design Review Regulations and Process

Both the Coastal Zone Design Criteria and the Design Standards and Guidelines spring from the environmental movement that arose in California, and across the nation, in the 1960s. They are part of a broad and complex regulatory structure, administered by local, regional, state, and national agencies, that aspires to the protection and improvement of the environment, in the broadest sense. Unlike regulations associated with environmental programs such as clean-air and clean-water acts, however, most design-review standards cannot be reduced to a

making individual taste—whether informed and catholic or limited and parochial—the ultimate arbiter of whether or not a Coastal Permit or Development Permit is granted. As a consequence, the Planning Department staff and the Zoning Administrator are granted latitude in making findings that on occasion, despite the indisputably laudable purpose of both design-review chapters of the County Code, presumably exceeds any legislative intent and certainly exceeds any legitimate legislative end.

Design Review Case Studies

Insight into the range of latitude available to the Santa Cruz Planning Department in making findings under the design criteria can be gained by a review of three development projects that, over the past decade, were subject to regulations in one or both of the two design-review chapters of the County Code. These three projects—the Simpkins Family Swim Center at 979 17th Avenue, a single-family residence at 103 24th Avenue, and a single-family residence at 165 25th Avenue—also provide useful context for understanding the Planning Department's recent design review of the proposed remodel of the Porter House at 3030 Pleasure Point Drive.

Simpkins Family Swim Center

On 28 September 1993 the Santa Cruz County Department of Parks, Open Space, and Cultural Services submitted an application to the Planning Department to construct a swim and community center to the west of 17th Avenue, on a parcel bordering the eastern reach of Twin Lakes State Beach. Plans called for two outdoor pools and a two-story 25,000-square-foot structure that would house an indoor pool, locker rooms, offices, and meeting rooms. The pool complex evolved over the course of time, most notably in regard to the proposed lap pool, which was enlarged from twenty-five to fifty meters. As a consequence two subsequent applications were submitted, the last on 27 June 1995. Because the building site was located within the Coastal Zone and because it was a county undertaking, the project was reviewed for consistency with both the Coastal Zone Design Criteria and the Design Standards and Guidelines.

The Planning Department staff report on the initial application found that the proposed Live Oak Community Swim Center (as the project was originally called) met the design-review criteria of both chapters of the County Code, as did the staff reports on the two amended proposals. With regard to Section 13.20.130 the original, undated report of spring 1994 laconically stated that the project conformed to “the design criteria and development standards of the ‘PR’ zone district,” adding that “the design of the facility is visually compatible with the character of existing and future surrounding development.” Similarly, the report found the project to be consistent with the applicable regulations of Chapter 13.11. “The architectural and site design improvements conform to the County design review ordinance,” it asserted, noting that the pool complex would “complement and harmonize with the existing and proposed land uses in the

vicinity" and would be compatible with the "physical design aspects" of the neighborhood.

The Zoning Administrator approved the proposed pool complex on 23 August 1995, and three years later it opened as the Simpkins Family Swim Center.

Notwithstanding the findings of the Planning Department, the project, as designed and built, appears not to meet the design criteria of several critical sections of Chapters 13.20 and 13.11. Because of its great size and open setting, the swim center draws immediate attention to itself (figures 9 and 10). Bold and sculptural in form, with flowing lines, and the occasional playful aquatic reference, the complex is both dramatic and visually stimulating (figure 11-12), testifying to the imagination and confidence of the architects. But while striking in design, it is incompatible in form, color, and materials (stucco and metal) with the character of the adjacent riparian woodland to the west, composing an incongruent context for hikers traversing this section of Twin Lakes State Beach (figure 10). It, similarly, appears to lack compatibility with the surrounding development to the north, east, and west, which, while also large in size and scale, is predominantly industrial in character, with rectilinear forms, metal wall cladding and metal roofing, as is sympathetically reflected in the architecture of a neighboring project developed concurrently with the swim center, the sprawling Shoreline Middle School (figure 13).

As such, the pool complex seems inconsistent with Section 13.20.130 (b)(1) of the Coastal Design Criteria, Visual Compatibility, which mandates that new development be "sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods and areas." The swim center also appears inconsistent with related sections of the Design Standards and Guidelines, notably Section 13.11.072 (a), Site Design, which states that "new development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas," and Section 13.11.072 (b)(2)(i), which requires that "development shall protect the public viewshed, where possible."

Not only is the pool complex visually intrusive in relation to the neighboring woodland, it is largely incompatible in design with the built environment, contrary to the criteria of Section 13.11.073 (b)(1)(ii) of the Design Standards and Guidelines. This section, which calls for new construction to relate to adjacent development, states that compatible design can be accomplished "by creating visual transitions between buildings," and then lists nine building elements, one or more of which, if repeated, "can combine to create an overall composition that achieves the appropriate level of compatibility." Of these nine elements, however, the swim center can only be said to have two in common with its immediate neighbors, "building scale" and, because of one of its colors, "finish material, texture, and color."

In this context it should be noted that the architectural plans submitted with the original permit application in September 1993 showed the sweeping curvilinear wall that defines much of the exterior of the pool complex clad with wood siding.

According to the design review submitted by the Deputy Zoning Administrator to the project planner in October, "the more contemporary appearance [of the swim center] will be significantly softened with the addition of vertical cedar siding." Although the plans were later changed to substitute stucco for the cedar siding, significantly altering the character of the complex, particularly in relation to the adjacent woodland, Planning Department staff continued to find the project consistent with all design regulations.

Given the apparent inconsistency of the Simpkins Family Swim Center with various sections of Chapter 13.20 and Chapter 13.11 of the County Code, it would appear that the larger purposes of these regulations, together with the personal taste of both staff and the Zoning Administrator, played a crucial role in approving the project.

103 24th Avenue

On 3 June 1994 Charles Franks, acting as agent for the owner of a one-story single-family residence at 103 24th Avenue, submitted an application to the Planning Department for a major remodel of the house, which had been built in 1949. The project, as subsequently amended, called for construction of a 2,792-square-foot first-story addition and a 962-square-foot second-story addition to the existing 2,786-square-foot house, an increase in size of 3,754 square feet or slightly more than 135 percent. Later that year, the owner's architect submitted a second application, proposing, additionally, to build an "approximately" 400-square-foot second-story addition to the house, creating a 6,940 square-foot residence, an effective increase in size over the original structure of 4,154 square feet, or nearly 150 percent.

Because the house was situated on a coastal bluff, the initial project was subject to review under the design criteria of both Chapter 13.20 and Chapter 13.11. The subsequent application also required an evaluation under the Coastal Zone Design Criteria, but because the addition was less than five hundred square feet, it was exempt from evaluation under the Design Standards and Guidelines. Nonetheless, inasmuch as the project required an amendment to the first Coastal Permit, Planning Department staff reviewed the project for consistency with this chapter of the County Code.

Despite the objections of neighbors who called attention to the "visual impact" the house would have on the open beach and who declared it "would be out of character with the neighborhood," Planning Department staff recommended approval of both development applications to the Zoning Administrator. The staff report on the initial project, dated 23 September 1994, stated it was consistent with all applicable regulations in Section 13.20.130 of the County Code. "In particular," it noted, "the structure follows the natural topography of the site and has been sited and designed to be visually compatible with the character of the area by implementation of a low pitched roof, location of the structure 40 feet from the edge of the bluff, and predominantly single story design. These design characteristics will minimize impacts on the site, surrounding neighborhood and scenic corridor." The report also found the project consistent with the Design

Standards and Guidelines of Chapter 13.11, declaring it "will complement and harmonize with the existing use of the property and surrounding uses. The proposed structure will be compatible with the character of the area given siting and design of the addition."

The staff report on the second application, dated 11 January 1995, also asserted it was consistent with the Coastal Design Criteria, repeating word-for-word the findings of the 23 September 1994 report except for changing "visually compatible with the character of the area" to "visually compatible with the character of the existing dwelling" and "predominantly single story design" to "repeating design features of the original structure." Similarly, the report found the project consistent with the Design Standards and Guidelines and also copied the original findings except to substitute the word "addition" for "project" in the second sentence.

The Zoning Administrator approved the initial phase of the proposed project on 18 November 1994 and the second phase on 17 February 1995, and the house was subsequently remodeled and enlarged.

Despite the findings of Planning Department staff, the house at 10324th Avenue, with its series of alterations and additions, appears to be inconsistent with both the spirit and the letter of the Coastal Design Criteria and the Design Standards and Guidelines. Chiefly because of its size and scale, it dominates the point of land on which it sits, commanding the attention of motorists and cyclists proceeding south on East Cliff Drive (figure 14), as well as sunbathers and strollers on the broad beaches situated to the south and west (figure 15). With its huge mass, complex volumes, and strong geometric patterns of cream-colored stucco and tinted glass, the house seems incompatible with the area and indisputably intrudes on the scenic viewshed, contrary to the standards and guidelines of several sections of both design chapters. With regard to the Coastal Design Criteria, it appears to be inconsistent with Section 13.20.130 (b)(1), Visual Compatibility, which requires that new development be "sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas"; and with Section 13.20.130 (c)(2), Site Planning, which mandates that development be designed and situated to be "subordinate to the natural character of the site," and that "landscaping suitable to the site be used to soften the visual impact of development in the viewshed."

Similarly, the house seems inconsistent with related sections of the Design Standards and Guidelines, notably Section 13.11.072 (a), Site Design, which states that "new development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas," and Section 13.11.072 (b)(2)(i), which mandates that "development shall protect the public viewshed, where possible."

Additionally, the house cannot be said to be compatible with surrounding development, as is called for by both the Coastal Design Criteria and the Design Standards and Guidelines. Most noticeably, it is four times the size of its one-

story neighbor to the north at 111 24th Avenue, a modest Contemporary-style residence built in 1959 (figure 14), and completely overwhelms the adjacent 808-square-foot log-cabin-style cottage at 101 24th Avenue, which dates to about 1924 (figure 16). It is unrelated to these structures not only in size and scale but in style, massing, materials, and character. As such, it appears to be inconsistent with Section 13.20.130 (b)(1) of the Coastal Design Criteria, which requires new development to be compatible in design and character with the neighborhood, and with parts of Section 13.11.072 (a)(1)(i) of the Design Standards and Guidelines which speaks to the importance of balanced "building bulk, massing and scale" and "relationship to existing structures" in achieving compatible site design.

The house seems also not to meet the spirit or the letter of Section 13.11.073 (b)(1) et seq. of the Design Standards and Guidelines, and this lapse perhaps most clearly illustrates the wide degree of discretion available to Planning Department staff in making design-review findings. Section 13.11.073 (b)(1)(i) requires that the design of new construction relate to adjacent development. "Compatible relationships between adjacent buildings," it states, "can be achieved by creating visual transitions between buildings," and then goes on to note that "one or more" of nine building elements "can combine to create an overall composition that achieves the appropriate level of compatibility." Yet of these nine elements—which include, among others, "massing of building form," "building silhouette," "character of architecture," and "building scale"—the only element of adjacent development repeated by the house at 103 24th Avenue is the final (and ephemeral) part of the last of the nine enumerated elements, "finish material, texture, and color," and only in relation to the house at 111 24th Avenue.

165 25th Avenue

On 9 August 2000 the architectural firm of Boone & Low, acting on behalf of the owners of a single-family residence at 165 25th Avenue, submitted an application to the Planning Department to demolish the existing one story 939-square-foot house and build a 2,200-square-foot two-story house. Because the residence is situated in the Coastal Zone, the project was subject to design review under Chapter 13.20 of the County Code, but because it is not located within a "sensitive site," such as on a coastal bluff or in a designated special community, an evaluation under the Design Standards and Guidelines of Chapter 13.11 was not required.

The staff report of 29 March 2002 to the Zoning Administrator found the project consistent with applicable regulations of the Coastal Zone Design Criteria. With regard to Section 13.20.130 (b)(1), Visual Compatibility, it stated: "The new replacement single-family dwelling will be in an architectural style that is compatible with the surrounding beach neighborhoods. The materials will be reddish-brown stucco with an orange trim on the open trellis and wood brackets. The roof will be corrugated metal. The style is modern, but will reflect the beach character of the neighborhood in terms of architectural elements and colors."

The report further observed that "the structure is sited and designed to be visually

compatible, in scale with, and integrated with the character of the surrounding neighborhood."

Although the project was approved by the Zoning Administrator on 19 April 2002, demolition of the older residence has not occurred, and work on the proposed house has yet to begin.

As indicated by the staff report, the proposed house appears compatible in siting, scale, and style with the character of the neighborhood, which is perhaps best described as undistinguished and modestly diverse. Seventeen residences line the one-block stretch of 25th Avenue between East Cliff Drive and the coastal bluff, several of them built as early as the mid-1940s and at least one as recently as this year. Although five of them, or nearly a third, are one story, they are predominantly two or three stories in height. They vary widely in size, running from less than a thousand square feet to several thousand square feet, and, reflecting the wide range of construction dates, they vary even more in architectural style.

Like several other residences along 25th Avenue, the proposed house is in the Shed style, a design mode that first gained popularity in the early 1960s, but it is distinctly more modernist than its neighbors. It is distinguished by a sophisticated massing of complex volumes and the interplay of multiple shed roofs, as well as by imaginative detailing and choice of materials, notably the glass-railed balconies and, even more so, the corrugated sheet-metal roofing. While the look is significantly more urban and industrial than other houses along the street, it appears as if it will relate well to much of the neighboring architecture.

Although the proposed house seems to be visually compatible with the character of the neighborhood, it is indisputably incompatible in size, scale, and style with the two single-family residences located immediately to the south, at 155 and 145 25th Avenue. Both are small, undistinguished one-story houses, the former constructed in 1967 (figure 17), the latter in 1949. Neither in design nor in massing nor in details does the proposed residence acknowledge these neighbors, providing stark contrast rather than graceful visual transition from the old to the new. There can be no doubt that the house, which will be built to within six feet of the lot line (a foot less than allowed), will overwhelm its neighbor in much the same way that the house currently under construction at 181 25th Avenue overwhelms the current house at 165 25th (figure 18).

In evaluating this proposed project for consistency with Section 13.20.130 (b)(1) of the Coastal Zone Design Criteria, the planning Department clearly choose to focus on the larger context rather than the immediate neighborhood, demonstrating, as in the other examples discussed here, the enormous latitude available to staff and the Zoning Administrator in making findings under the various design standards and guidelines.

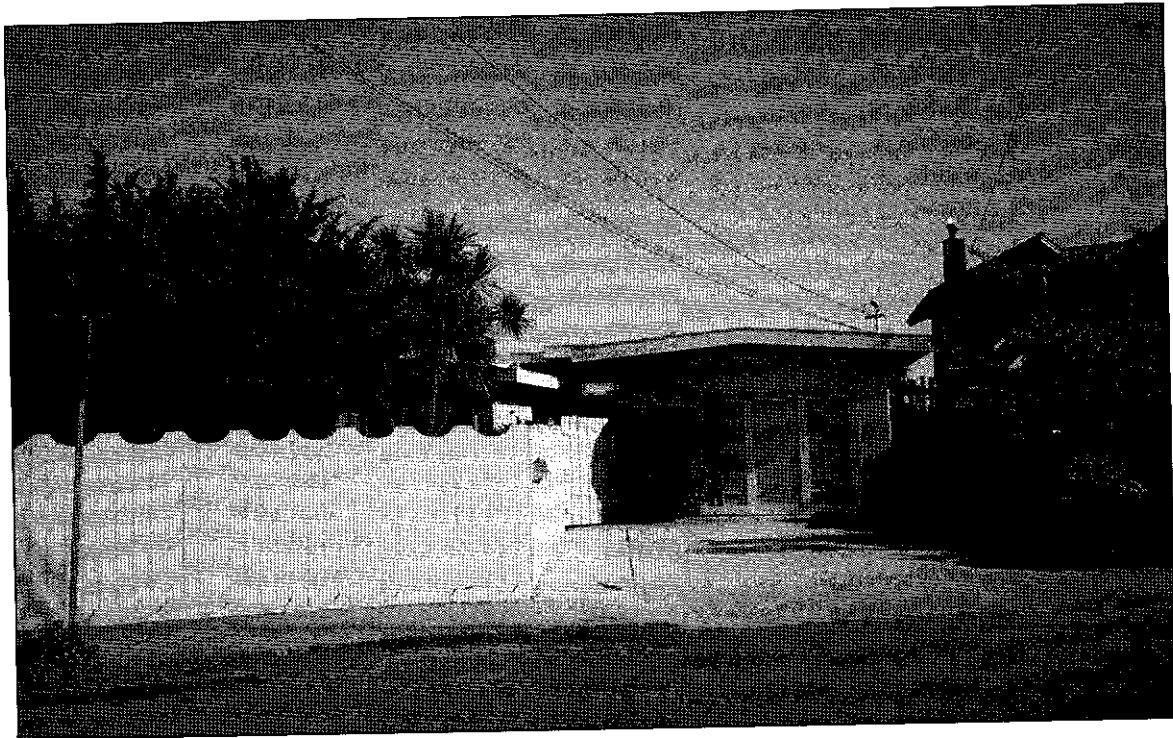


Figure 1. 3030 Pleasure Point Drive, looking south at north elevation, May 2003.

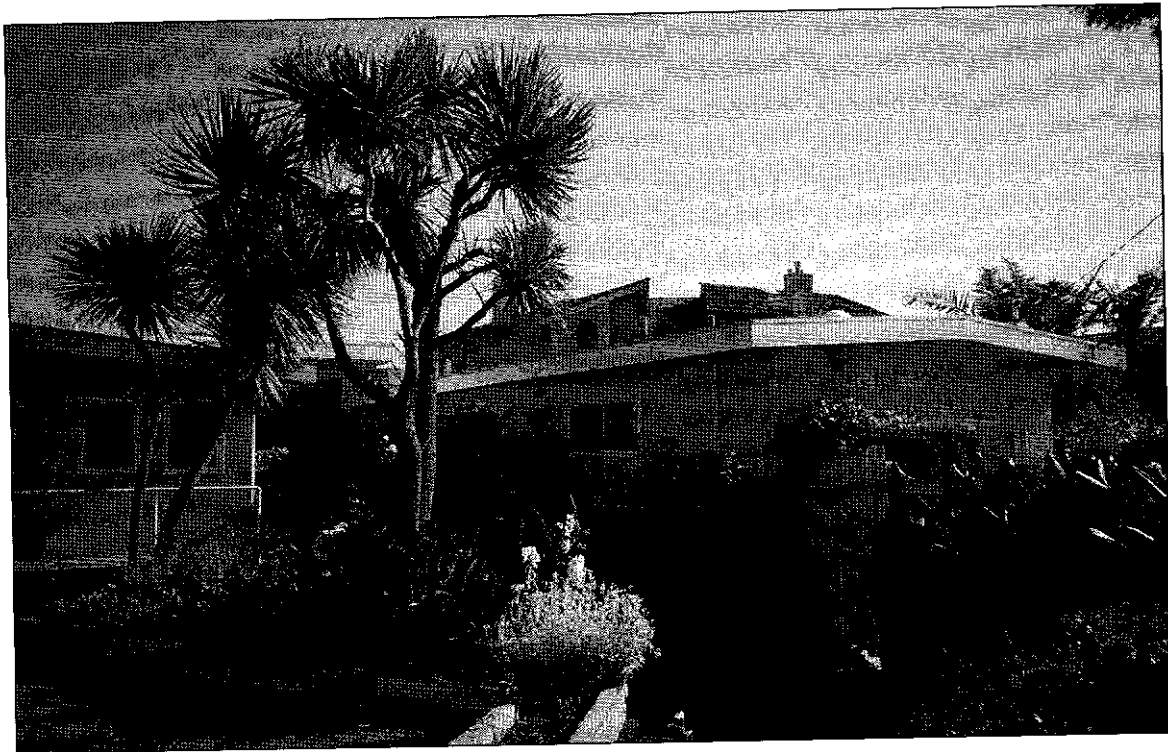


Figure 2. 3030 Pleasure Point Drive, looking southwest at east and north elevations, May 2003.

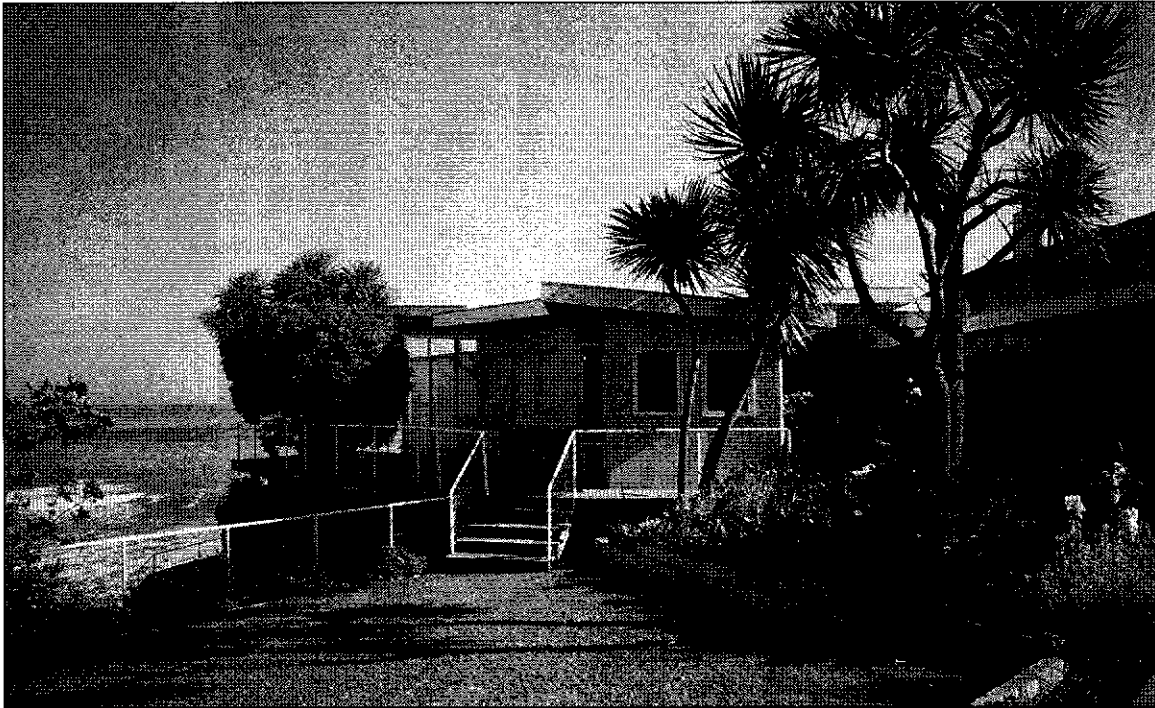


Figure 3. 3030 Pleasure Point Drive, looking southwest at east and north elevations, May 2003.



Figure 4. 3030 Pleasure Point Drive, looking southwest at south elevation, May 2003.

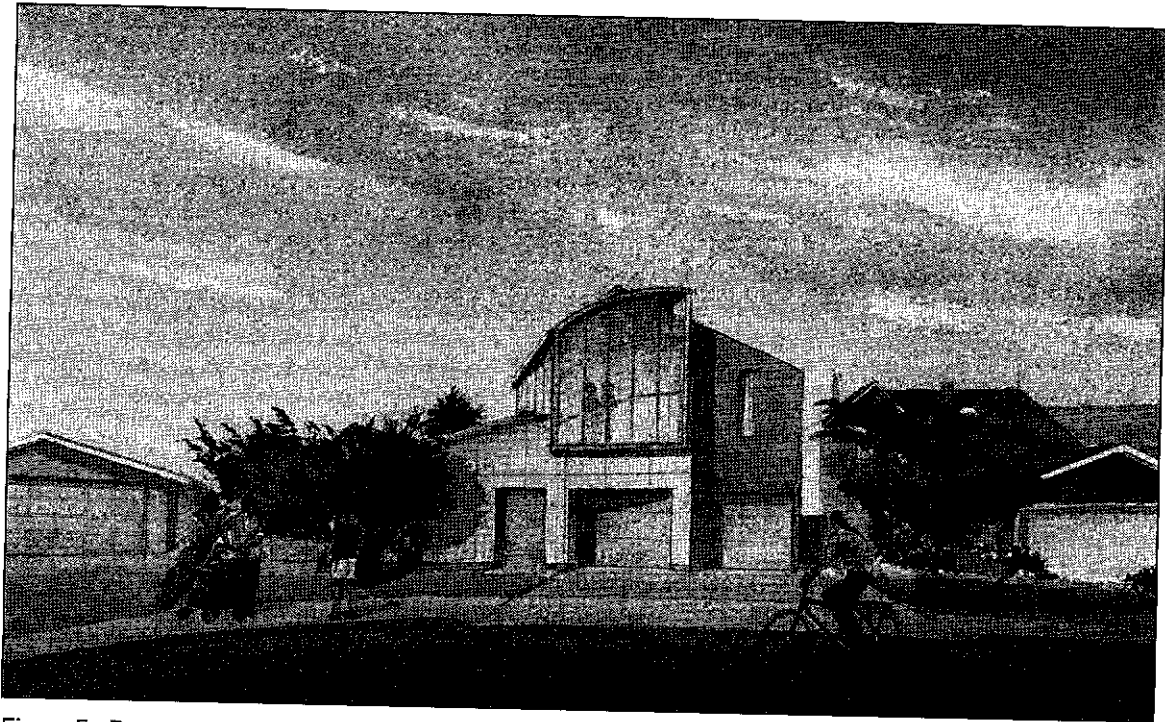


Figure 5. Proposed Porter House, north elevation. *Watercolor by Robert Becker.*

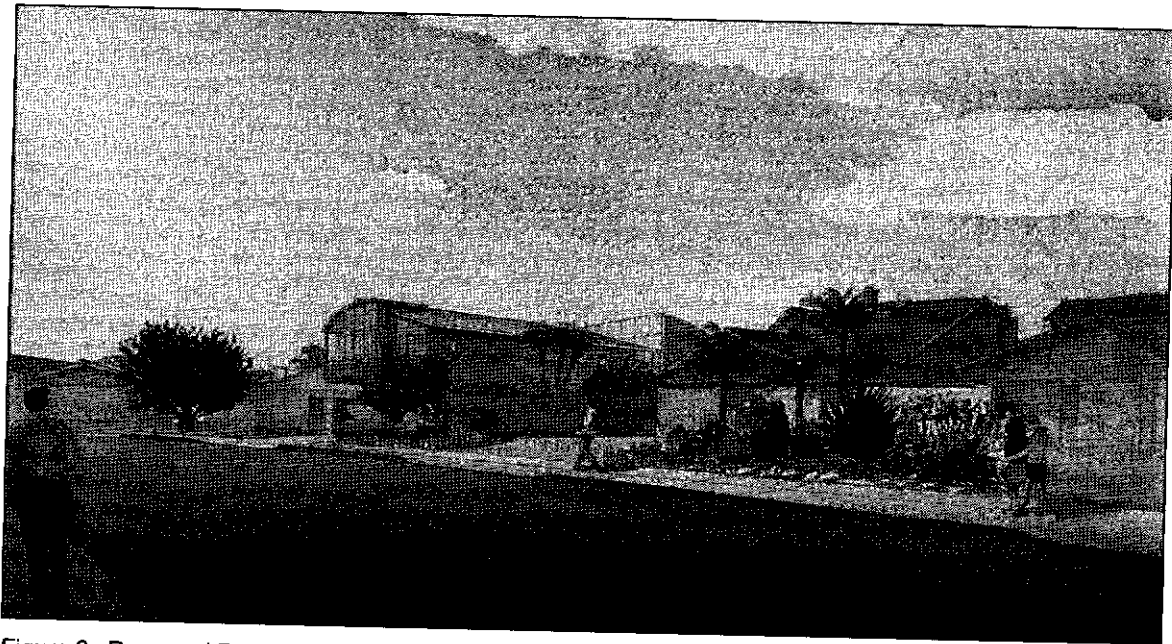


Figure 6. Proposed Porter House, north and west elevations. *Watercolor by Robert Becker.*

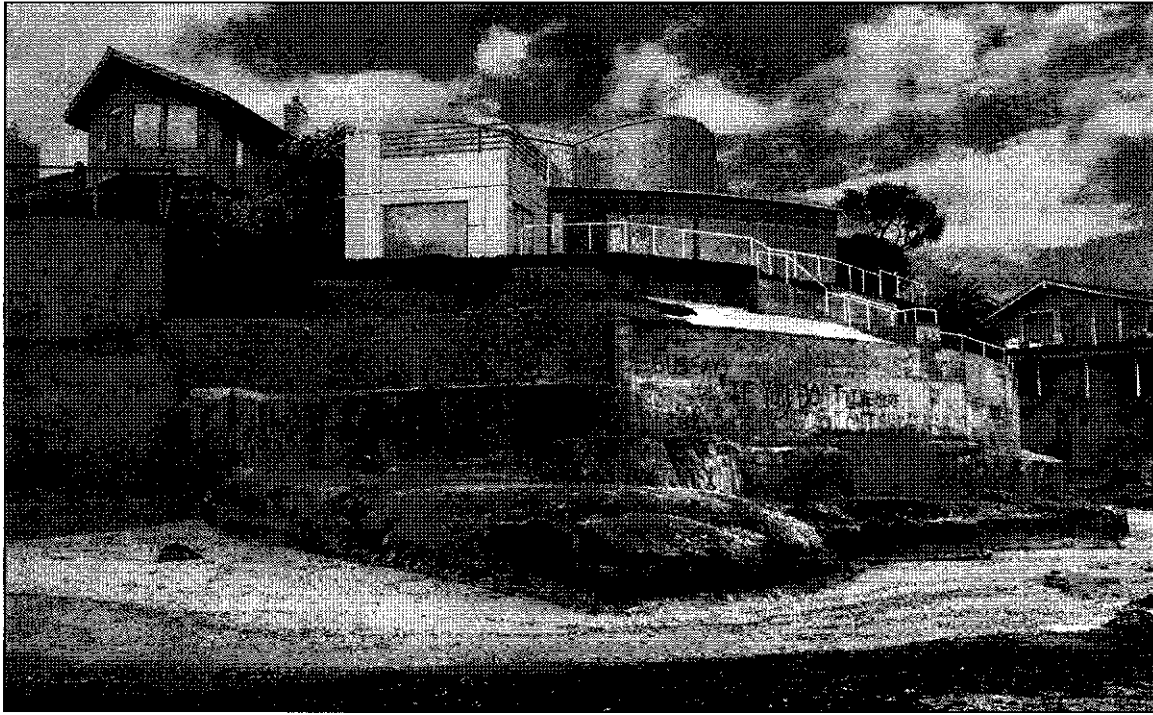


Figure 7. Proposed Porter House, south elevation. *Photo visual by ArchiGraphics*



Figure 8. Aerial perspective of proposed Porter House, lower center. *Photo visual by ArchiGraphics*

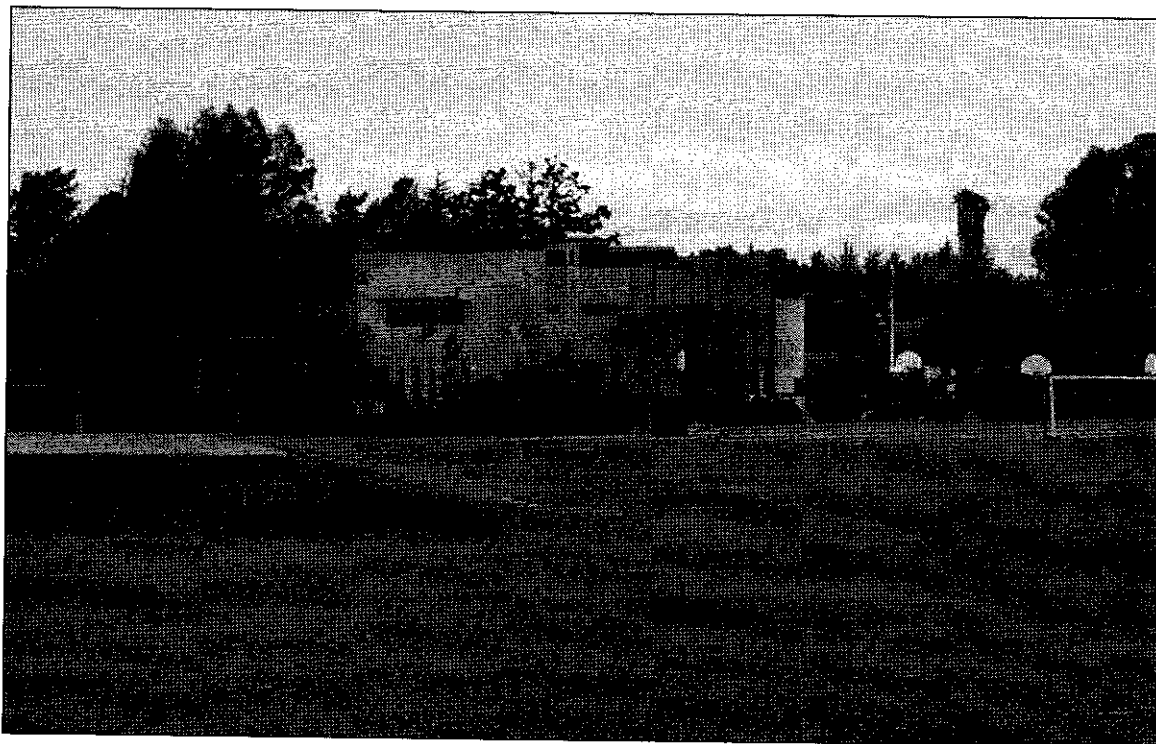


Figure 9. Simpkins Family Swim Center, looking west at east elevation, June 2003.

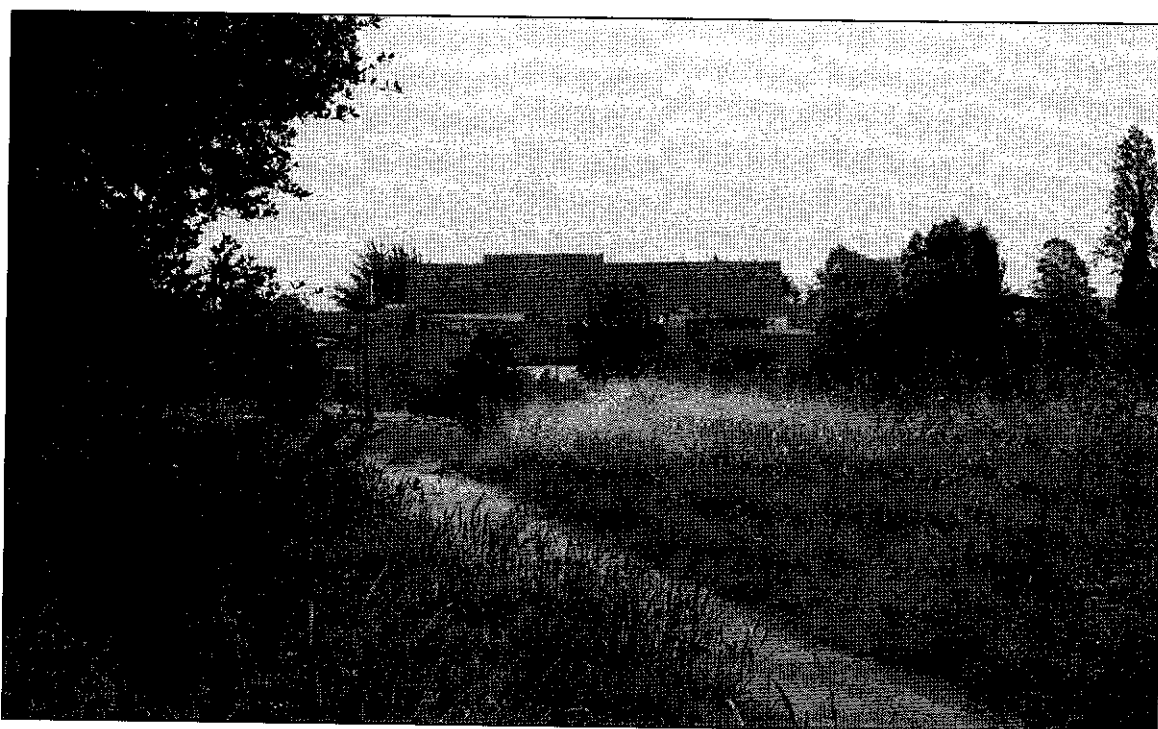


Figure 10. Simpkins Family Swim Center, looking east at west elevation, June 2003.

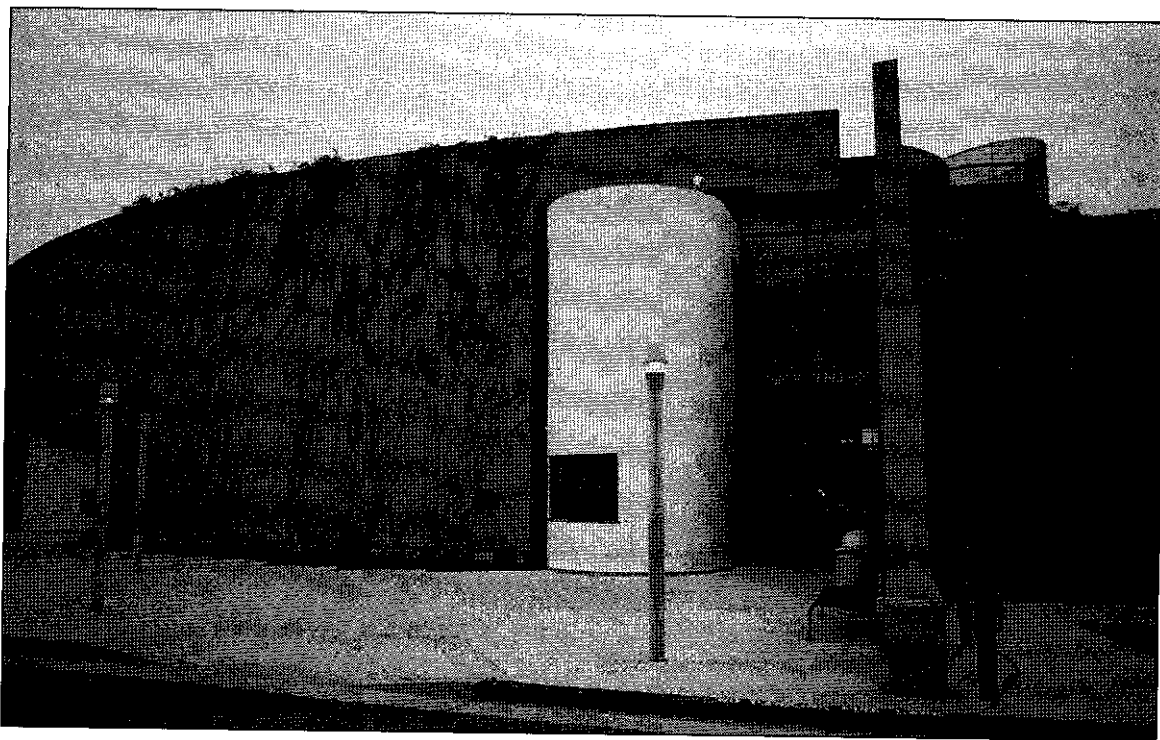


Figure 11. Simpkins Family Swim Center, looking south at main entrance, north elevation, May 2003

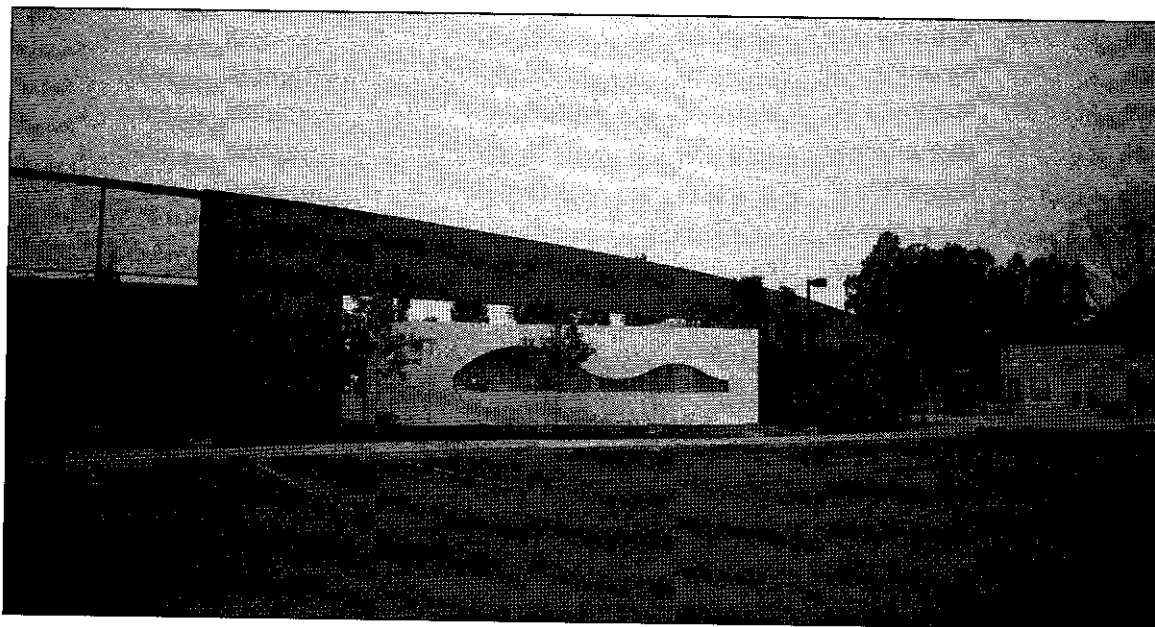


Figure 12. Simpkins Family Swim Center, looking southwest at north elevation, May 2003.

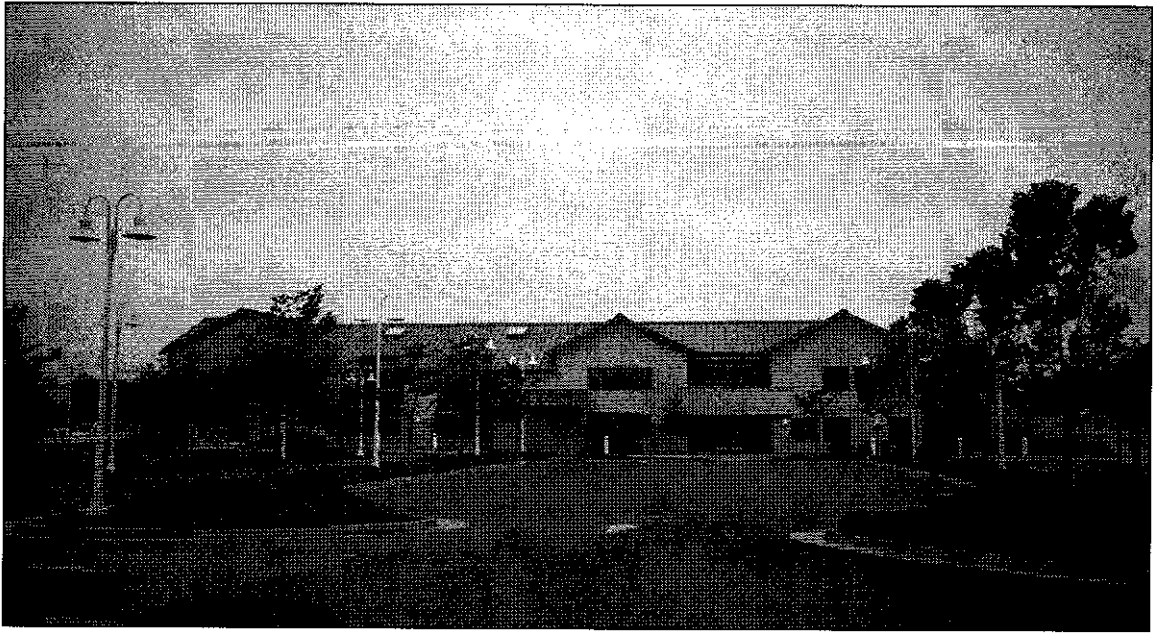


Figure 13. Shoreline Middle School, looking west at east elevation, June 2003.

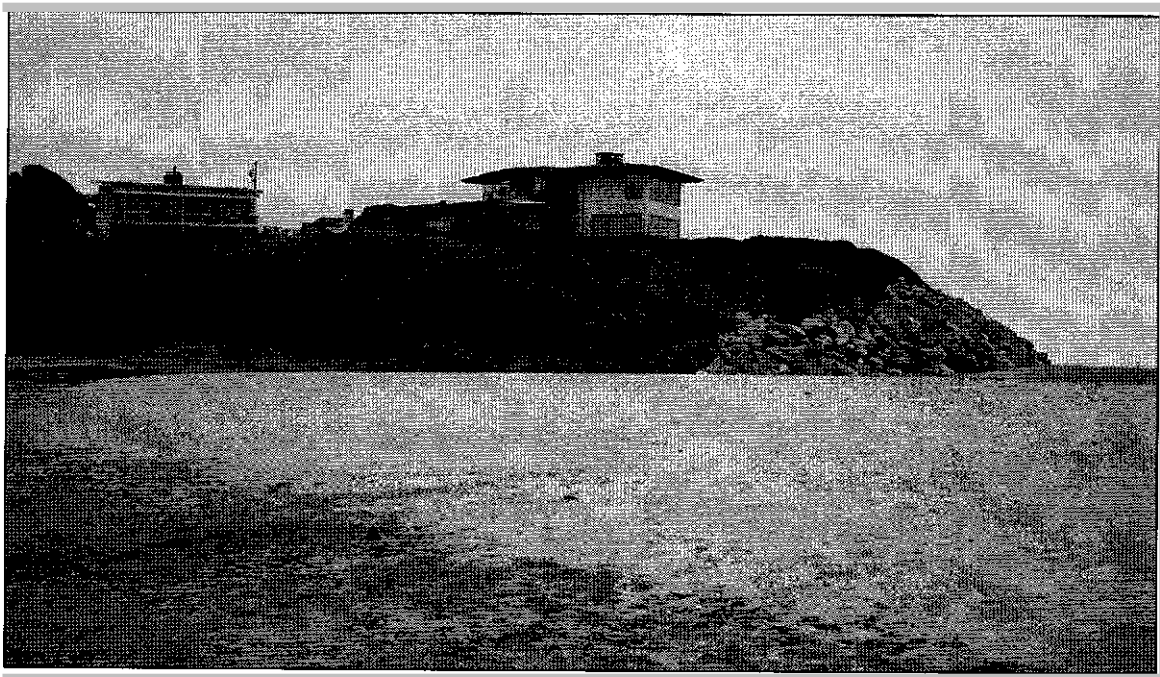


Figure 14. 11124th Avenue, *left*, and 10324th Avenue, *right*, looking southeast at west elevations, June 2003.

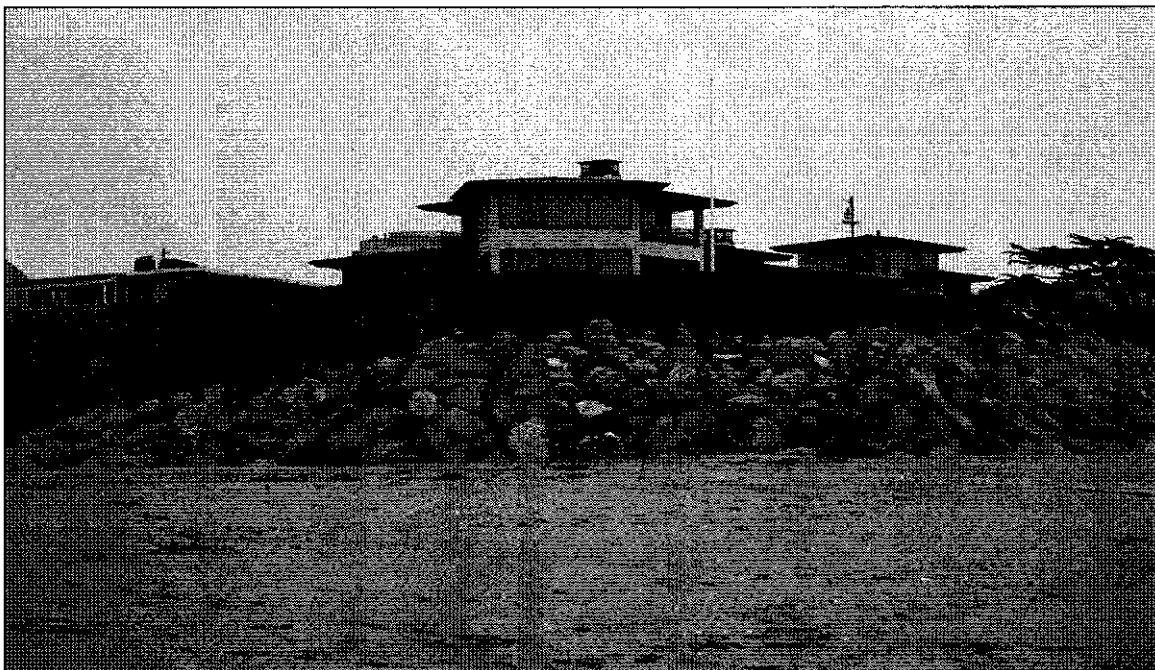


Figure 15. 103 24th Avenue, looking northeast at west and south elevations, June 2003.

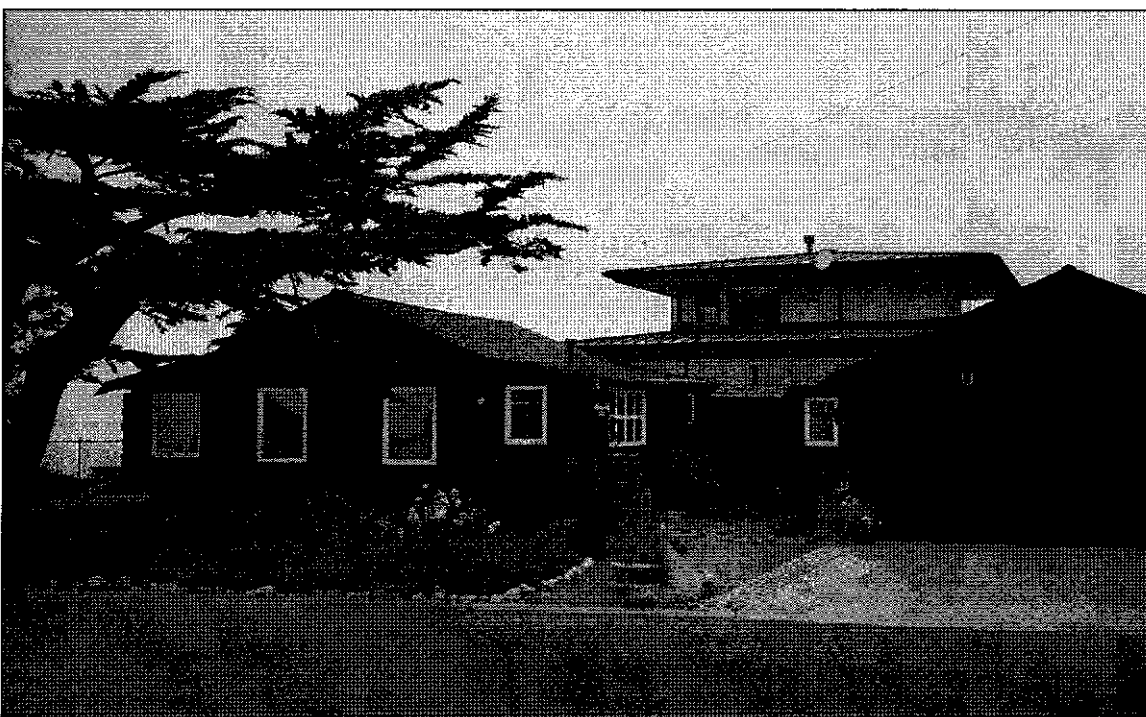


Figure 16. 101 24th Avenue, looking west at east elevation, with 103 24th Avenue in background, June 2003.



Figure 17. 155 25th Avenue, *left*, and 165 25th Avenue, *center*, looking northwest at east elevations, May 2003.

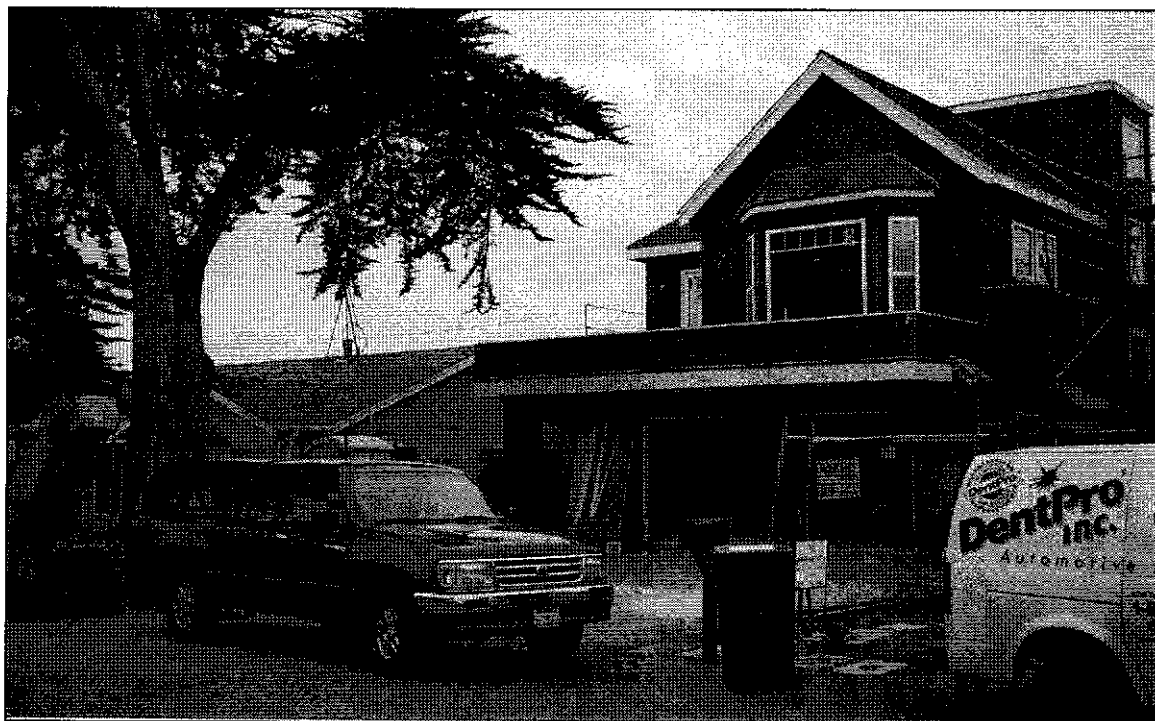


Figure 18. 165 25th Avenue, *left*, and 181 25th Avenue, *right*, looking southwest at east and north elevations, May 2003.



Figure 19. 2914 Pleasure Point Drive, looking southwest at north elevation, June 2003.

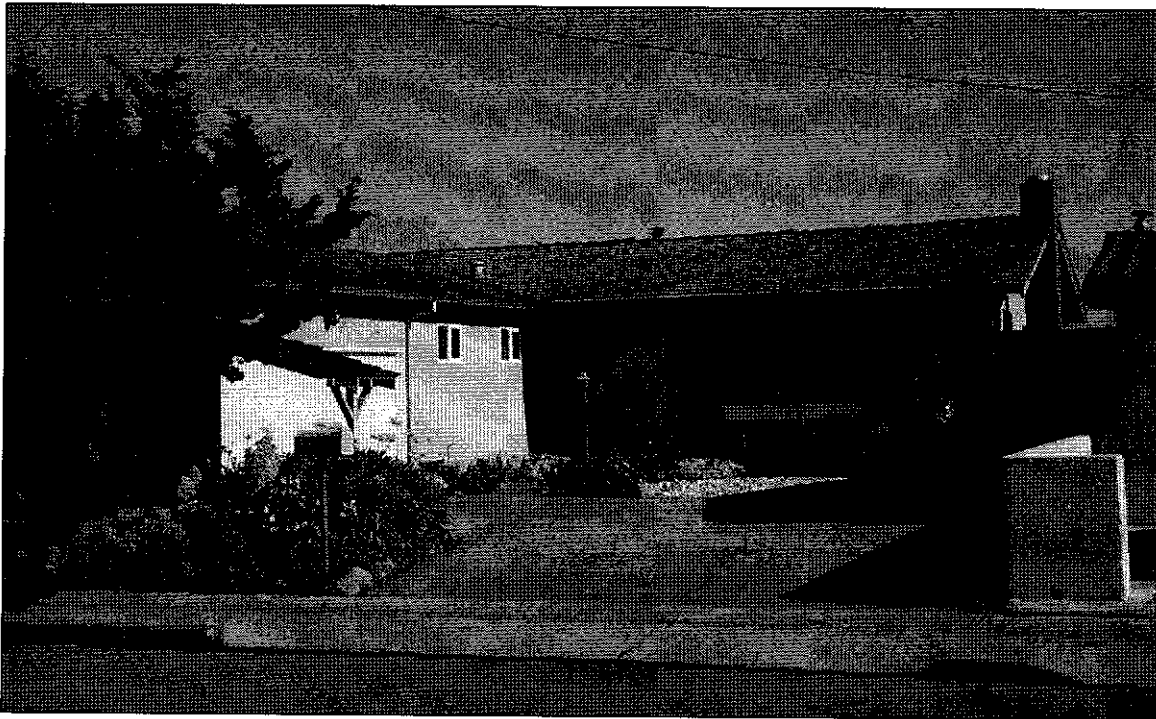


Figure 20. 2970 Pleasure Point Drive, looking southeast at west and north elevations, May 2003.



Figure 21. 2935 Pleasure Point Drive, looking northeast at south elevation, May 2003

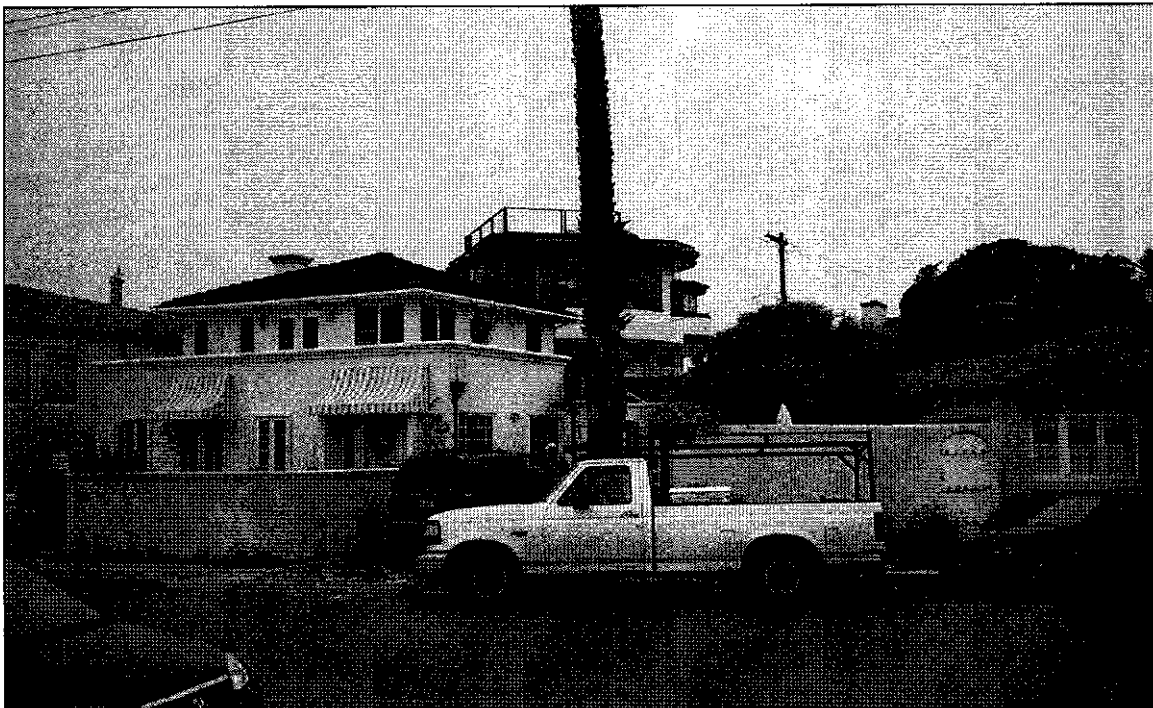


Figure 22. 2-3010 East Cliff Drive, *center rear*, looking northwest from driveway of 3030 Pleasure Point Drive, May 2003.



Figure 23. 3034 Pleasure Point Drive, looking southeast at northwest elevation, May 2003.

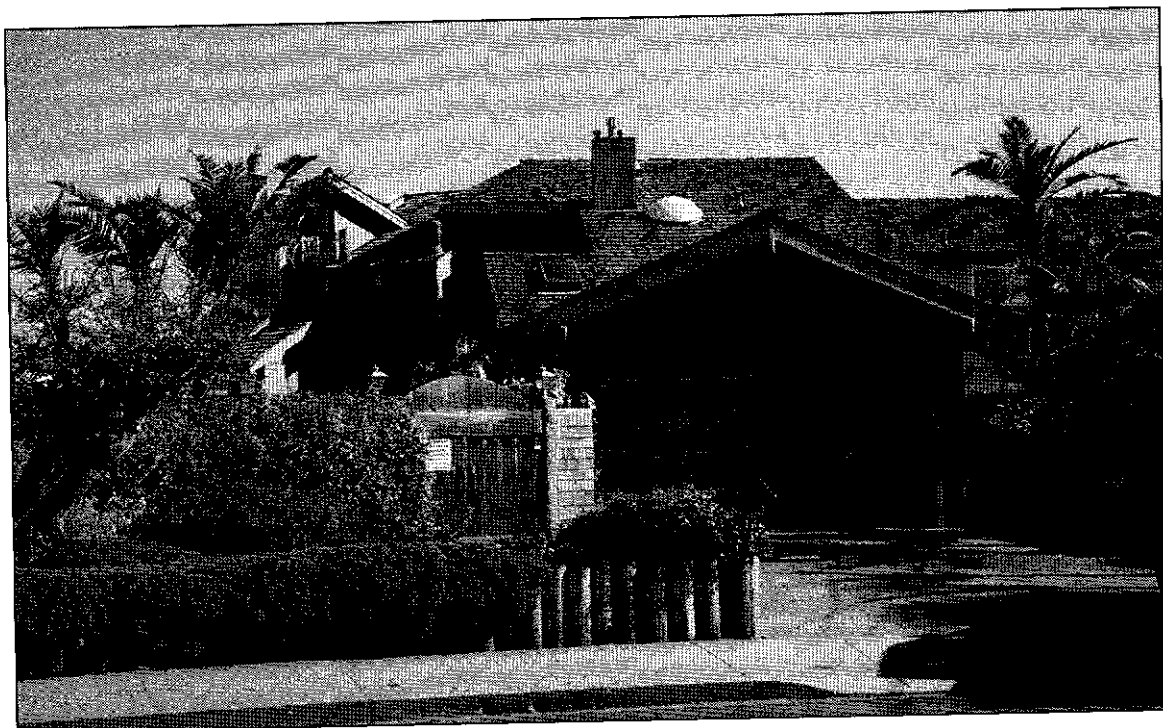


Figure 24. 3020 Pleasure Point Drive, looking south at north elevation, May 2003

Larry Kasparowitz Design Review of Proposed Project

An evaluation of the proposed development project at 3030 Pleasure Point Drive was completed on 14 April 2003 by Larry Kasparowitz, Santa Cruz County Urban Designer (Appendix C). The evaluation, which takes the form of an interoffice memo from Mr. Kasparowitz to David Heinlein, the Santa Cruz County Project Planner for the Porter House remodel, finds the project to be inconsistent with parts of both the Coastal Zone Design Criteria and the Design Standards and Guidelines.

The proposed project is said not to meet the criteria of Section 13.20.130 (b)(1) of the Coastal Zone Regulations, which mandates new development be "sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas." It is suggested, though not stated, that the project is also inconsistent with Section 13.11.072 (a)(1)(i) of the Design Standards and Guidelines, because two of nine primary site-design elements—"building bulk, massing and scale" and "relationship to existing structures"—are not balanced in relation to the project site and/or surrounding development. Finally, it is indicated, though again not explicitly stated, that on account of the "massing of building form" and the "character of architecture" the project fails to meet Section 13.11.073 (a)(1) of the same chapter, which requires that building design "relate to adjacent development and the surrounding area."

As a consequence, Mr. Kasparowitz does "not believe that findings can be made under 13.11 or 13.20 that would justify recommending approval of this project." Although he acknowledges that the Design Standards and Guidelines chapter of the County Code recognizes the need to accommodate "unique design," he nonetheless expresses concern that the style of the proposed house is, with the exception of a three-story single-family residence located some 150 feet to the northwest, "clearly different from anything in the neighborhood." And it is this "disregard" of neighborhood character that he finds to be "the most objectionable (along with the bulk) characteristic of this proposal." "Other than maintaining the REQUIRED setbacks and the use of stucco," he concludes, "I can see no physical relationship between the proposed project and the adjacent residences [emphasis in original]."

Commentary on Larry Kasparowitz Design Review

The evaluation of the proposed Porter House remodel prepared by Larry Kasparowitz is, by turns, confusing, inconsistent, and illogical. It is also incomplete and, most important by far, marred by errors of fact, narrow in outlook, and arbitrary and unfair in judgment.

Although clearly organized, with a series of checked boxes to indicate if the project does or does not meet specific elements of applicable criteria, and fuller in analysis than the design review found in the staff reports of the three development projects previously discussed, it is less than clear and helpful. It finds, for example, that the proposed remodel does not meet Section 13.20.130

(b)(1) of the Coastal Zone Regulations, Visual Compatibility, but it does not state whether this failure is because the project is incompatible with the character of the natural environment or the built environment or, for that matter, if the incompatibility is a result of its siting, design, or landscaping, or all three. The evaluation indicates that a comment on this findings appear later in the report, but no comment appears.

With regard to Sections 13.20.130 (c)(2) and (3) of the same chapter of the County Code, which provide standards for Site Planning and Building Design, the evaluation characterizes them as not applicable. In urban areas, however, all projects located on bluffs and visible from beaches are subject to these standards, pursuant to Section 13.20.130 (d)(1). It is unclear whether Mr. Kasparowitz is unaware of the applicability of these two sections of the Coastal Zone Regulations, or if it is his judgment that the project will not be visible from the beach.

Equally puzzling is his favorable treatment of the project under Section 13.20.130 (d)(2)(ii), which concerns projects on open beaches and which states, "The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area." Although the introduction to the section would seem to indicate that this criterion applies to bluff-top development, a careful reading of the regulation makes it evident that it relates exclusively to construction on open beaches. Consequently, because the criteria is not applicable, the proposed Porter House remodel cannot be said to meet it, Mr. Kasparowitz' judgment notwithstanding.

With regard to Chapter 13.11 of the County Code, parallel findings made under the Site Design and Building Design sections are contradictory. Evaluation of the project under the Site Design section of the Design Standards and Guidelines, finds that the "building bulk, massing and scale," referenced in Section 13.11.072 (a)(1)(i)(C) of the County Code, do not meet the criteria. But in the Building Design section, the "meets criteria in code" box for both "massing of building form" and "building scale," referenced in Sections 13.11.073 (a)(1)(ii)(A) and (F) are checked. The evaluation indicates that a comment on these findings appear later in the report, but no comment appears.

More inconsistent by far is the handling of findings under Sections 13.11.073 (b)(1)(i) and (ii), which address the key issue of the compatibility of the proposed project with adjacent development. The "meets criteria in code" box is checked for all nine of the enumerated building elements save one, "character of architecture." Yet in the subsequent Urban Design Analysis, a point-by-point discussion of this section of the standard, Mr. Kasparowitz indicates that the remodel does not relate to the adjoining properties in regard to most of these elements, including "massing of building form," "building silhouette," "character of architecture," "building scale," "proportion and composition of projections and recesses, doors and windows, and other features," and "location and treatment of entryways." His discussion of "finish material, texture and color" is so brief and cryptic as to render it impossible to determine if he believes the project does or

does not meet the criteria, and it is only later, in his concluding remarks, that he notes that the stucco wall cladding is a material used on an adjacent house. Parenthetically, it would appear he is unaware that the other wall cladding of the proposed remodel, the Petrarch cement panels, is similar in composition to stucco and that its appearance will be similar to hand-troweled, tool-jointed stucco panels. Finally, in commenting favorably on two other building elements of the project, "spacing between buildings" and "street face setbacks," Mr. Kasparowitz makes it evident he has confused observance of minimum setback requirements with what is the sole object of this section, design choices that establish a visual transition between buildings

There are, additionally, significant errors of fact in the Urban Design Analysis of the proposed Porter House under Section 13.11.073(b)(1)(ii). First, with regard to "massing of building form," Mr. Kasparowitz is mistaken when he states that "the west elevation is an unbroken two story wall that is almost one hundred feet long." This side is broken into two sections, totaling eighty-five feet, which are clearly differentiated by wall height, cladding, color, and fenestration pattern. Second, under "building scale," Mr. Kasparowitz is incorrect in stating that the height of the building is "predominantly two story." The first floor of the house comprises 3,363 square feet of space, including the garage and accessory structure, while the second floor comprises 1,945 square feet of space, or slightly more than a third of the total area. Third, in regard to "location and treatment of entryways," Mr. Kasparowitz is in error when he implies that most of the houses in the neighborhood have a main entrance that can be seen from the street. In fact, nearly half of the residences along Pleasure Point Drive do not have this feature, including the current Porter House itself and the adjacent residence on the west.

Mr. Kasparowitz prefaces his analysis of the project under Sections 13.11.073 (b)(1)(i) and (ii) with the assertion that the nine building elements associated with compatible building design "are not all equal in weight" and that "'character of architecture' and 'massing of building form' are stronger indications [than the other seven building elements] of compatibility between a structure and its context." This statement lacks citation of an authority, such as a reference to a passage in the County Code or a standard treatise on architectural design, and, as such, is both revealing and troubling. It is, moreover, unequivocally contrary to the spirit of the regulation as well as to the letter, which reads, "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." It suggests that Mr. Kasparowitz is, at the outset of his analysis, establishing an intellectual foundation for imposing his personal architectural taste on the design-review process. This supposition is borne out by his subsequent discussion of the Porter House remodel, in which he finds, not surprisingly, the architectural character and massing of the project to be its "most objectionable" aspects, and then goes on to deem it incompatible with adjacent development and the neighborhood.

this imperative, he notes that "it is also very clear that the building design must 'relate to adjacent development and the surrounding area.'" In this case it does not, Mr. Kasparowitz states, largely because the architectural character of the proposed house is "clearly different" from all but one other residence in the neighborhood. He fails, however, to explain the reasoning underlying this element of his evaluation, leaving the impression that his analysis rests on the untenable premise that contrasting styles are inherently incompatible and, as such, potentially establishing a precedent that presumably would render impossible a favorable design review of what Chapter 13.11 refers to as "landmark buildings."

Ultimately, it would seem that Mr. Kasparowitz' dislike of what is "clearly different"—of modern architecture, that is—prevents him from undertaking a fair and impartial evaluation of the proposed Porter House remodel, particularly in regard to the purpose of the Design Standards and Guidelines. This is unfortunate because it is the larger context that speaks to the reasons that design review is conducted. Among the five broad purposes of Chapter 13.11, the third, as described in Sections 13.11.010 (c)(1) and (2) includes "enhancing the visually-pleasing qualities of the land and built environment" and "improving the qualities of, and relationships between, individual buildings . . . in such a manner as to best contribute to the amenities and attractiveness of the County." It is to this end, presumably, that Section 13.11.010 (a)(3) states that the chapter implements the General Plan by providing regulations "to enhance the quality of residential . . . development to achieve an aesthetic and functional community [emphasis added]." Nowhere in Mr. Kasparowitz' evaluation is there any recognition or understanding of how the proposed project relates to this vision.

DESIGN REVIEW OF PROPOSED PROJECT

Pleasure Point Drive: A Brief History

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

In 1904 a distinguished engineer by the name of Austin D. Houghton, who had worked for John D. Rockefeller and the U.S. Navy, purchased a hundred or so

acres of the old rancho and constructed a large one-and-a-half-story house for his family just to the west of present-day 3030 Pleasure Point Drive. Recently retired, Houghton pursued the life of a gentleman farmer, planting a windbreak of eucalyptus trees, erecting a barn, and cultivating row crops. In 1914 the Owls, as the Houghton residence was called, burned to the ground, leaving only the basement excavation as testimony to the family's decade of country life. Over the years a scattering of houses arose in the vicinity of Pleasure Point, chiefly on the west side of Rockview Drive and along East Cliff Drive near 34th Avenue, but despite gradual growth the area retained its rural character through the early 1930s.

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

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

Pleasure Point Drive: Current Conditions

Twenty-three single-family residences and a small grocery store with a second-story apartment compose the Pleasure Point Drive neighborhood (though three of these buildings, it should be noted, actually front on either Rockview Drive or East Cliff Drive). Constructed over the span of two-thirds of a century, they, not surprisingly, represent a wide range of architectural styles. Somewhat more than half of the oldest residences—composing nearly half of the neighborhood housing stock—testify to the continuing popularity of the Spanish Colonial Revival through the mid- and late 1930s (figure 19). Among the other houses built during the Great Depression, one is in the Monterey Revival style, one is a simple board-and-batten cottage with a relatively recent detached two-car garage, and three defy stylistic identification. Elizabeth's Market, located at the southwest corner of Pleasure Point and East Cliff and dating to 1940, also lacks any distinctive architectural character, as do several residences built in subsequent decades. For the most part, though, the houses constructed in the immediate postwar

years and into the sixties are examples of either the Ranch style (figure 20) or the Contemporary style. The newest addition to the neighborhood, erected just six years ago, in 1997, is distinctly Neo-Mediterranean (figure 21).

None of the houses along Pleasure Point Drive is stylistically notable, and in fact the street is distinguished by the absence of architectural distinction. Several houses command the attention of the passerby but chiefly on account of their size and scale rather than their design, though the three-story single-family residence at 2-3010 East Cliff Drive, which is visible from much of Pleasure Point Drive and forms part of the greater neighborhood (figure 22), is a striking example of modern architecture. The row of Hispanic-influenced houses on the south side of the Pleasure Point Drive where it intersects Rockview is characterized by shared design elements, as is the string of low, horizontally orientated Ranch and Contemporary houses at the opposite end of the street. But considered as a neighborhood, Pleasure Point Drive lacks a unified architectural character. As often as not, adjacent residences are studies in contrast, distinctly different not only in style but also in size, scale, and massing, and occasionally even in siting. Indeed, largely because of the street's two forty-five-degree curves, which change its orientation from north-south to east-west, four of the houses, including the Porter residence, are not even situated parallel to Pleasure Point Drive.

It is suggestive of the character of the street that the newest house and one of the oldest houses, located on adjoining lots at 2935 and 2941 Pleasure Point Drive, share not a single building or siting element in common. The latter residence, dating to 1935, is a one-story 1,023-square foot end-gabled board-and-batten cottage. It is simple in design and rustic in character and, because it is set at the very back of the lot, with dense landscaping and a high lattice fence bordering the sidewalk, essentially invisible. Its neighbor, by contrast, is a two-story stucco-clad tile-roofed Neo-Mediterranean house that, including the integral garage, measures 3,493 square feet (figure 21). It is distinguished by a Post-Modern sensibility, most noticeable in the playful *pseudo-espadaña* that screens a second-story balcony, and because of its size and scale, its rich detailing and vivid colors, its proximity to the street, it dominates this section of the neighborhood.

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

area that has been evolving since Francisco Rodriguez first ran his cattle here a century and three-quarters ago.

Design Review of Proposed Project

The design of the proposed house at 3030 Pleasure Point Drive springs from the needs and vision of the owners, Barry and Susan Porter, from the conditions and constraints of the site, and from the objectives and requirements of the Santa Cruz County zoning ordinances. A married couple with two nearly grown children and many friends (some of whom live at great distances from Santa Cruz), the Porters want a house with three bedrooms and a guest suite, as well as a large office space to accommodate their work in the fields of music preservation and interior design. They want a house that is light and airy, with an open floor plan and ocean views from as many rooms as is possible, and a house that, while distinctly modern in design, enhances the character of the neighborhood and presents a welcoming face to the street.

Although the irregularly shaped parcel on which the current house sits is quite large, much of it is beach and not buildable. The rest of the site is characterized by meandering bluffs on the south and east and by a curved lot line of less than forty feet circumference bordering Pleasure Point Drive, to the north. These conditions, together with a 25-foot setback for new construction along the coastal fronts, necessitate the addition of a second floor to create most of the space required for work and a comfortable family life. Compounding the challenge of enlarging and remodeling the present house so that it not only relates to the natural setting but to its neighbors is the disparate character of the adjoining houses. To the northeast, at 3034 Pleasure Point Drive, stands a simple one-story stucco-clad house dating to 1958, which, though lacking a truly distinctive architectural character, speaks to the enormous popularity of the Ranch style in the postwar decades (figure 23). To the west, at 3020, rises a sprawling two-story residence built in 1980. Distinguished by its complex massing, its profusion of contrasting roof planes and alternating recesses and projections, it is clad with shingles and vertical tongue-and-groove wood siding. It, too, is possessed of no real stylistic identity but is nonetheless very much of its times, evoking a distinctly exuberant and confident California feeling (figure 24).

The proposed Porter residence reflects the architect's imaginative response to the clients' vision and the littoral setting, within the confines imposed by an S-shaped coastal setback and a segmental street setback (figures 5-8). It provides space and light and sweeping views while celebrating the dramatic meeting of land and water. Irregular in plan and more sculptural than rectilinear in form, the house builds upon the context of the site. The swelling curves of the glass-enclosed second-story living room and workspace and the shed-dormer skylight over the accessory structure suggest the shape and transparency of cresting ocean waves, just as the green-brown tonality of the stucco cladding calls to mind neritic kelp beds and the Petrarch wall panels echo the color and texture of coastal bluffs.

In addition to creatively playing off the beauty of the natural setting, the proposed house relates well to the adjacent residences and enhances the character of the neighborhood. Its complex massing and modulated green-brown tones connect it visually to its westerly neighbor, just as its stucco cladding, bluff-colored Petrarch panels, and front setback tie it to the other residence. The design, moreover, provides a graceful, flowing transition between these two houses as it steps up from one story to two, improving the aesthetics of the streetscape. In this relation, it should be noted that the Pleasure Point Drive elevation, which follows the curve of the lot line, is low and open for the most part, allowing residents across the street to see over and through to the ocean beyond..

As such, the proposed remodel of the Porter House appears to be consistent with the general objectives and specific applicable design criteria of Chapter 13.20, Coastal Zone Regulations, and Chapter 13.11, Site, Architectural and Landscape Design Review, of the Santa Cruz County Code. In general, it is sited and designed to be visually compatible and integrated with both the natural and built environment, as required by Section 13.20.130(b)(1). In particular, its irregular plan, curvilinear forms, and organic colors relate directly to the character of the site and the coastal setting, and though stylistically sui generis, it harmonizes with adjacent development and enhances the neighborhood, **as** called for variously by Sections 13.20.130(c)(2) and (3), Sections 13.11.072(a)(1)(i) and (b)(1)(i) and (iii), Sections 13.11.073(a)(1)(i) and (ii), and Section 13.11.073(a)(2). It will not adversely affect either public views or views from neighboring parcels, complying with the criteria of Sections 13.11.072(b)(2)(i) and (ii). Its scale is appropriate to the suburban context, and its design—especially its complex massing, sculptural forms, and broad expanses of glass—will engage pedestrian interest, as called for by Sections 13.11.073(c) and (d).

CONCLUSION

The proposed Porter House is sited and designed to be compatible with both the natural setting and adjacent residences. It will enhance the character of Pleasure Point Drive, contributing to the historic architectural diversity of the street while looking forward to the continually evolving character of the neighborhood. It appears to meet the specific design criteria of Chapter 13.20, Coastal Zone Regulations, and Chapter 13.11, Site, Architectural and Landscape Design Review, of the Santa Cruz County Code. It appears, as well, to meet the general purposes of these chapters and also the vision of the related section of the *County of Santa Cruz General Plan*, Chapter 8, Community Development.

2. Projects approved in County jurisdiction located on tidelands, submerged lands, public trust lands, or within 100 feet of any wetland, estuary, or stream, as shown on maps of the Coastal Commission's appeal jurisdiction on file at the Planning Department.

3. Any approved project involving development which is not a principal permitted use in the basic zone district. Principal permitted uses are listed for each zone district in the following sections of the zoning regulations (Chapter 13.10):

District Type	Section
Agricultural	13.10.312
Residential	13.10.322
Commercial	13.10.332
Industrial	13.10.342
Parks, Recreation,	13.10.352
Open Space	
Public and Community Facilities	13.10.362
Timberland Preserve	13.10.372
Special Use	13.10.382

4. Any project approved or denied involving development which constitutes a major public works project or a major energy facility.

(b) An appeal pursuant to this section may be filed only by the applicant for the Coastal Zone Approval in question, the permittee, an aggrieved person, or any two members of the Coastal Commission. The appeal must be filed with the Coastal Commission and be received in the Commission office on or before the tenth working day after receipt of the notice of permit decision by the Director of the Coastal Commission pursuant to Section 18.10.223(g).

(c) Grounds of appeal for any coastal project approved under these regulations in the area identified in Section 13.20.122(a) shall be limited to the following:

1. The development will fail to provide adequate physical access or public or private commercial use or interferes with such uses.

2. The development will fail to protect public views from any public road or from a recreational area to and along the coast.

3. The development will not be compatible with the established physical scale of the area.

4. The development may significantly alter existing natural land forms.

5. The development will not comply with shoreline erosion and geologic setback requirements.

(d) Grounds for appeal of any Coastal Zone Approval listed in Section 13.20.122(a)(2) through (4) above, is consistency with the certified Land Use Plan.

(e) When an appeal of a Coastal Zone approval is filed with the Coastal Commission, the Development Permit shall not be issued by the County until the Coastal Commission has approved the project and the Planning Director has reviewed and approved any terms or conditions imposed by the Coastal Commission. In the event the Planning Director determines that the terms and conditions imposed by the Coastal Commission are a substantial variation from the terms and conditions of the proposed Development Permit, then the approving body shall reconsider the Development Permit approval, and review and approve, modify, or deny the project as approved by the Coastal Commission. If the County reconsiders and modifies the project, the approval shall again become appealable to the Coastal Commission pursuant to the provisions of this Section. (Ord. 3435, 8/23/83)

13.20.130 Design criteria for coastal zone developments.

(a) General

1. Applicability. The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

2. Conformance with Development Standards and Design Criteria of Basic Zones. All required project Design Criteria and use standards and conditions of Chapters 13.10, 13.11 and Section 13.20.140 et seq. shall be met in addition to the criteria of this section. (Ord. 4346, 12/13/94)

3. Exceptions. Exceptions to the Coastal Zone Design Criteria may be allowed in conjunction with granting of a Coastal Zone Approval (Level V or higher) when the following findings can be made:

(i) The project meets the general intent of the Coastal Zone Design Criteria.

(ii) The exception will result in a project design quality equivalent to that produced by adherence to the required Design Criteria and will be equally protective of the natural and visual environments.

(iii) The project will be consistent with the Visual Resource Policies of the General Plan and Local Coastal Program Land Use Plan. (Ord. 4346, 12/13/94)

(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.

2. Minimum Site Disturbance. Grading, earth moving, and removal of major vegetation shall be minimized. Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species. Special landscape features (rock outcroppings, prominent landforms, tree groupings) shall be retained.

3. Ridgeline Development. Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline. Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted.

4. Landscaping. When a landscaping plan is required, new or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area. The County's adopted Landscape Criteria shall be used as a guide.

(c) Rural Scenic Resources. The following Design Criteria shall apply to all projects located in designated rural scenic resource areas (Ord. 4346, 12/13/94):

1. Location of Development. Development shall be located, if possible, on parts of the site not visible or least visible from the public view. Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points.

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

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

4. Large Agricultural Structures. The visual impact of large agricultural structures shall be minimized by:

(i) Locating the structure within or near an existing group of buildings.

(ii) Using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).

(iii) Using landscaping to screen or soften the appearance of the structure.

5. Restoration. Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development. The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project.

6. Signs. Signs shall minimize disruption of the scenic qualities of the viewshed.

(i) Materials, scale, location and orientation of signs shall harmonize with surrounding elements.

(ii) Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited.

(iii) Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts.

(iv) In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors.

(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 rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive. In urban areas of the viewshed, site development shall conform to (c) 2 and 3 above.

2. Beaches. The scenic integrity of open beaches shall be maintained:

(i) No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations).

(ii) The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred. (Ord. 3435, 8/23/83; 3487, 12/20/83)

installed or, in some cases, secured, as shown on the plans prior to issuance of a certificate of occupancy.

(b) Maintenance. All **required** improvements **on** the approved building permit application package shall be permanently maintained as approved and installed.

(c) Violation. Failure to comply with this Chapter is a violation of the County of Santa Cruz Zoning Ordinance.

(d) Enforcement. Any violation of **this** Chapter, including failure to comply with additional approved conditions **and/or** agreements between the County and the permittee for the development and maintenance of the project improvements, is enforceable under the provisions of **Section** 13.10.280 and Chapter 1.12 of the Santa Cruz County Code. Enforcement may include, without limitation, permit review, permit amendment, permit revocation, or enforcement of a landscape maintenance agreement and other actions authorized under Chapter 1.12 **of** the County Code.

13.11.070 Design standards and guidelines.

The design **standards** and guidelines for site plan, architectural and landscape design review for the County of Santa Cruz are set forth in **Sections** 13.11.071 through 13.11.076, inclusive.

13.11.071 General.

(a) Compliance with Development Standards. All required site development standards, set forth in Sections 13.10.320 **through** 13.10.324, inclusive, Sections 13.10.330 **through** 13.10.335, inclusive, and Sections 13.10.340 through 13.10.345, inclusive, of the Santa Cruz County Code shall be met.

(b) Compliance with Other Applicable Regulations. The design review proposal plans shall conform to the provisions of all other ordinances and regulations **as** applicable.

(c) Compliance with Specific Plans and **Town** Plans. In those areas where design **standards** and **guidelines** have been adopted for **t o m**, village centers, neighborhoods, specific roads or other areas with specific plans or area plans. the project design shall be consistent with those standards and guidelines. Where Specific Plan design standards or' guidelines conflict with requirements contained herein, the **Specific/Area** Plan design standards and guidelines shall take precedence.

(d) Compliance with the General Plan and the Local Coastal Program. Proposed projects shall be in compliance with the General Plan and the Local Coastal Program, where applicable.

13.11.072 Site design.

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

(1) Compatible Site Design.

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

(A) Location and **type** of access to the site.

(B) Building siting in terms of its location and orientation.

(C) Building bulk, massing and scale.

(D) Parking location and layout.

(E) Relationship to natural site features and environmental influences.

(F) Landscaping.

(G) Streetscape relationship.

(H) Street design and transit facilities.

(I) Relationship to existing **structures**.

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

(iii) Where the existing zoning allows the creation of new land use patterns, applicants are encouraged to provide an analysis of the surrounding neighborhood in support of their proposal for a new **type** of land use. The analysis would include one block on each side of the proposed site, on each side **of** the street. **Supporting** material **may** include the use of photographs, building elevations, or **maps** indicating the surrounding land **uses**, and a written analysis.

(iv) Transitions shall be provided between existing and new projects of different zoning. where appropriate.

(2) Coordinated Development.

(i) Coordinated site design (including shared parking and circulation system, sign facilities, landscaped areas, and recycling and garbage storage and collection areas) shall be encouraged on adjacent parcels with similar **uses**. In such cases, mutual access easements granted to each property owner are necessary. Site plans which allow for

future shared use between adjacent parcels are encouraged, where appropriate.

(ii) Clustered commercial use areas with shared facilities, rather than linear commercial use with separate facilities for each site, are encouraged.

(iii) Physical barriers (e.g., fences, curbs, or walls) between adjacent parcels with similar uses are discouraged unless needed for drainage, security, screening, or noise attenuation purposes.

(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.

(1) Natural Site Amenities and Features.

(i) The site plan shall relate to surrounding topography, and significant natural vegetation of long-term quality shall be retained, where appropriate.

(ii) Existing mature trees, rock outcroppings, riparian corridors, natural site amenities and other features shall be retained or enhanced and incorporated into the site design and landscaping, where appropriate.

(iii) Buildings shall be sited and oriented in such a way as to take advantage of, or make connection to, the site amenities and features, where appropriate.

(iv) Hilltop and hillside development shall be integrated into the silhouette of the existing backdrop such as the terrain, landscaping, and other structures. Ridgeline protection shall be insured by restricting the height and placement of buildings and providing landscape screening in order to prevent any projection above the ridgeline. If there is no other building location on a property except a ridgeline, this circumstance shall be verified by the Planning Department with appropriate findings and mitigation measures to insure that the proposed structure is low profile and visually screened.

(2) Views.

(i) Development shall protect the public viewshed, where possible.

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

(c) It shall be an objective of the site plan to incorporate safe and functional circulation, accessible to the disabled, pedestrians, bicycles and vehicles.

(d) It shall be an objective of the site plan to locate, buffer and screen accessory uses and utilities so as to reduce impacts on adjacent properties and on primary site uses.

(1) Accessory Uses.

(i) Accessory uses are defined as recycling and garbage storage and collection areas, exterior storage

areas, service yards, loading docks, utility service areas and other non-primary uses.

(ii) Accessory uses which may be visible from public streets and adjacent properties shall be screened.

(iii) Acceptable methods of screening include wood fencing, masonry walls, dense hedges, landscape earth berms, or a combination of these devices. Chain-link fencing will usually not be acceptable.

(iv) Accessory uses shall be integrated into the site design, and grouped together into "service yards" where feasible, in order to minimize on-site and off-site impacts.

(v) Accessory uses shall not be located adjacent to residential properties unless such uses can be screened and buffered to prevent adverse impacts to the adjacent residential property.

(vi) Accessory buildings, walls, storage areas, and fences shall be architecturally consistent with the primary structures of the site and compatible with the surrounding area. Architectural consistency can be achieved by repeating building forms, materials, colors, or detailing.

(vii) Accessory uses shall be located and designed for ease of access by service vehicles and tenants, and in such a way as to minimize conflicts with circulation, parking, and other site uses.

(2) Utilities.

(i) New utility and service lines shall be installed underground, unless inappropriate.

(ii) Pad-mounted transformers (as part of the underground electrical service distribution system) shall not be located in the front setback or area visible from public view, unless they are completely screened by walls and/or thick landscaping, and shall not obstruct views of traffic from tenant spaces or driveways, or views to monument signs. Underground vaults may be located in the front setback area for aesthetic purposes.

(e) It shall be an objective of site design to provide for the separate storage and collection of all recyclable materials generated by the on-site uses.

(1) Recycling. The County of Santa Cruz Recycling Design Criteria on file in the Planning Department shall be consulted for all recycling area design guidelines.

(i) Commercial, industrial, institutional and multi-family residential uses shall include areas for recycling storage and collection adequate in capacity, number and distribution to serve the development where the project occurs.

(ii) Access into the storage area shall be provided with adequate vertical and horizontal clearances for collection vehicles as specified by the County of Santa Cruz Recycling Design Criteria.

(iii) Provisions shall be made to protect the recyclable materials from weather by covering the storage area ~~or~~ by the use of covered receptacles.

(iv) Recycling storage areas should be adjacent to or within the same enclosures as the garbage area ~~or~~ at least as convenient as the location for garbage storage.

(v) Maximum distance for the storage area to be no greater than 250 feet from each living unit in a multifamily residential development.

(vi) An exterior sign with the international recycling logo shall be required, including the name and phone number of the responsible person and an interior sign for the types of materials to be recycled ~~as~~ specified by the County of Santa Cruz Recycling Design Criteria.

(vii) The property owner is responsible for arranging with the collector/broker for regular pick up of material. Recyclable materials shall not be allowed to accumulate in such a manner that visual or public health nuisance is created.

(viii) Security ~~shall~~ be provided to prevent theft of recyclable materials by unauthorized persons, however, the enclosure shall also be accessible for deposit of materials by authorized persons.

(f) It shall be an objective of site signage design to provide adequate, attractive identification and direction, consistent with the area and use.

Signage Design.

(1) All sign regulations shall be met according to **Section 13.10.580** through **13.10.586**, inclusive, of the Santa Cruz County Code.

(2) Freestanding signage shall be an integral part of the site ~~or~~ landscape design, or shall be similar to, ~~or~~ consistent with, the design of the proposed building(s).

(g) It shall be an objective of site design to promote energy conservation and to reduce the impacts of adverse environmental influences.

(1) Solar Design and Access.

(i) Buildings shall be designed and located ~~so~~ that off-site solar access is reasonably protected for the buildable lot area of adjacent, affected properties.

(ii) Buildings shall be sited and designed ~~so~~ that solar access is reasonably protected for benefitting properties currently occupied by a building using a solar energy system.

(2) Noise.

(i) Reasonable protection for adjacent properties from noise may be achieved through site planning, building siting, building orientation, physical barriers such as masonry walls, landscaped earth berms, ~~or~~ setback/buffer areas.

(h) It shall be an objective of an open space design, whether landscape ~~or~~ hardscape, to relate to building and site design.

(1) Open Space Design.

(i) Activities in "protected use areas" shall be limited to those having minimal impacts, such as paths and benches. Where feasible, a path to and/or along the perimeter of the natural areas shall be provided.

(ii) All useable open space requirements for "RM" districts shall be satisfied according to **Section 13.10.323(f)** of the Santa Cruz County Code.

(i) It is an objective of residential site design, when permitted by zoning, to encourage cluster design for residential development in rural and protected use areas; for sites where natural amenities could be retained ~~or~~ enhanced, ~~or~~ where cluster design could be used to accommodate outdoor amenities for higher density development in urban areas.

(1) Cluster Design. Cluster site design is encouraged in the following areas, when permitted by zoning:

(i) Protected Use Areas. Protected use areas include: riparian corridors and buffer areas, beaches, floodways, lagoons, wetlands, marshes, fault areas, bluffs, ravines, areas with steep slopes or unstable soil conditions, timberlands, and sensitive wildlife habitat and biotic resource areas.

(ii) Amenities. On sites having natural amenities such as significant groups of trees ~~or~~ other areas of vegetation, wooded arroyos ~~or~~ other protected use areas, ~~or~~ with views to mountains ~~or~~ the Bay, the cluster design concept could be employed to incorporate these features into the site plan.

(iii) Urban Areas. On sites where medium to high density residential development is permitted by the zoning district, cluster design is encouraged to increase the potential for useable outdoor amenities.

(2) When the cluster concept issued, the units should be designed in a manner that incorporates light, air, space and privacy for the individual units while maintaining quality common open space. (Ord. 4496-C, 8/4/98)

13.11.073 Building design.

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

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

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

(1) Compatible Building Design.

(i) Building design shall relate to adjacent development and the surrounding area.

(ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of compatibility:

(A) Massing of building form.

(B) Building silhouette.

(C) Spacing between buildings.

(D) Street face setbacks.

(E) Character of architecture.

(F) Building scale.

(G) Proportion and composition of projections and recesses, doors and windows, and other features.

(H) Location and treatment of entryways.

(I) Finish material, texture and color.

(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 Section 13.11.030(v)).

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

Building Articulation.

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

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

(e) It shall be an objective of building design to locate and screen mechanical equipment, and other accessory uses, so as to reduce impacts on primary building uses and on adjacent properties.

Rooftop Equipment.

(1) All rooftop mechanical and electrical equipment shall be designed to be an integral part of the building design, and shall be screened.

(2) Utility equipment such as electrical and gas meters, electrical panels, and junction boxes shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.

(f) It shall be an objective of building signage to relate to the building design.

(1) Building Signage. Signage attached to buildings shall relate to the building design by being an integral part of that design or by use of compatible materials and colors.

(g) It shall be an objective of building design to promote energy conservation and to reduce the impacts of environmental influences.

(1) Noise. Where noise will impact the building users, the building design shall incorporate buffering to reduce the interior sound levels.

(2) Solar Design.

(i) Buildings shall be designed so that solar access is reasonably protected for the buildable lot area of adjacent, affected properties.

(ii) Wherever lot size and setbacks permit, the building walls with major window areas shall be appropriately oriented for passive solar heating and cooling, and natural lighting. Building layout should encourage energy conservation.

(3) Recycling.

(i) Encourage recycling areas or storage systems within all commercial, industrial, institutional and residential structures for use by the building occupants. Recommended storage space and design concepts can be found in the Santa Cruz County Recycling Design Criteria

13.11.074 Access, circulation and parking.

(a) It shall be an objective to design pedestrian, bicycle and vehicle circulation, and parking, to be safe, convenient, and readily understandable to users. access, circulation and parking design shall relate to the proposed development on adjoining properties.

(1) Vehicle access for multi-family residential, commercial and industrial projects.

(i) Refer to the County of Santa Cruz, "Design Criteria for Streets, Storm Drains, Sanitary Sewers and Water Sewers," as prepared by the County Department of Public Works, for all street design and driveway design requirements.

(ii) Corner lots with frontages on both an arterial street and a local or collector street shall concentrate driveway access on the local or collector street wherever

possible. If access is necessary from both streets, an entrance and exit should be located on the local or collector street and an "exit, right turn only" on the arterial. However, parking lots serving commercial uses should be accessed from commercially developed streets whenever possible.

(iii) Parking areas shall be designed, whenever feasible, so that all vehicles shall enter and exit public streets in a forward movement only, with the exception of projects of under 2,000 square feet on local streets or projects on cul-de-sacs. Directional arrows for one-way entrances and exits shall be clearly marked on the pavement.

(iv) Avoid locating walls and fences where they block driver sight lines when entering or exiting the site.

(v) The location and design of curb cuts, and curb cut widths on public streets shall be determined by the Public Works Director according to the public Works Design Criteria. Minimize the number of curb cuts.

(vi) Pavement width for interior driveways shall be a minimum of 24 feet for two-way circulation and 12 feet for one-way circulation, unless additional width is required for emergency access by the fire department.

(vii) Driveways between commercial or industrial parcels shall be shared where appropriate.

(viii) Where an interior driveway or parking area parallels the side or rear property line, a minimum 5-foot wide net landscape strip shall be provided between the driveway and the property line. Where the interior driveway occurs between commercial or industrial properties with like zoning, the 5-foot net landscape strip can be a divided leaving a minimum 2 feet net at the property line and the balance 3 feet net of landscaping on the other side of the driveway.

(ix) Driveways shall be coordinated with existing or planned median openings.

(x) Entry drives on commercial or industrial projects greater than 10,000 square feet should include a 5-foot minimum net landscaped median to separate incoming and out going traffic, where appropriate.

(2) Standards for Pedestrian Travel Paths.

(i) On-site pedestrian pathways shall be provided from street, sidewalk and parking areas to the central use area. These areas should be delineated from the parking areas by walkways, landscaping, changes in paving materials, narrowing of roadways, or other design techniques.

(ii) Sidewalks or pedestrian pathways shall be provided where required by County regulations. Separations between bicycle and pedestrian circulation routes shall be utilized where appropriate.

(3) Access for the Disabled. State laws require that all facilities which are open to the public must be accessible to, and usable by, the physically disabled. Plans for construction of new public facilities and remodeling of existing facilities shall incorporate both architectural barrier removal and physical building design and parking area features to achieve access for the physically disabled.

(4) Public Transit. Support facilities for public transit, including bus turnouts and bus shelters, shall be provided when required by the Transit District.

(b) It shall be an objective to reduce the visual impact and scale of interior driveways, parking and paving.

(1) Parking Lot Design.

(i) The site design shall minimize the visual impact of pavement and parked vehicles. Parking design shall be an integral element of the site design. Siting buildings toward the front or middle portion of the lot and parking areas to the rear or side of the lot is encouraged where appropriate.

(ii) Parking areas shall be screened from public streets using landscaping, berms, fences, walls, buildings, and other means, where appropriate, in accordance with Section 13.11.076.

(iii) Variation in pavement width, the use of texture and color variation in paving materials, such as stamped concrete, stone, brick, pavers, exposed aggregate, or colored concrete is encouraged in parking lots to promote pedestrian safety and to minimize the visual impact of large expanses of pavement.

(c) It shall be an objective of landscaping to accent the importance of driveways from the street, frame the major circulation aisles, emphasize pedestrian pathways, and provide shade and screening.

(1) Parking Lot Landscaping.

(i) Parking lot landscaping shall be designed to visually screen parking from public streets and adjacent uses. Techniques to achieve screening include: the use of mixed planting which incorporates trees, shrubs, and groundcovers; mounds; low walls; parking set below grade; or a combination of these techniques which achieves this function.

(ii) Parking lots shall be landscaped with large canopy trees. A landscape strip shall be provided at the end of each parking aisle.

(iii) A minimum 5-foot wide landscape strip (to provide necessary vehicular back-out movements) shall be provided at dead-end aisles.

(iv) Parking areas shall be landscaped with large canopy trees to sufficiently reduce glare and radiant heat from the asphalt and to provide visual relief from large stretches of pavement. A minimum of one tree for each

five parking spaces should be planted along each single or double row of parking spaces. Planting areas for trees required within parking rows should be achieved by one of the following methods (see Figure 2.):

(A) A continuous landscape strip, at least 5 feet wide net, between rows of parking spaces, or;

(B) Tree wells, 8 feet wide, resulting from the conversion of two opposing full sized spaces to compact spaces, or;

(C) Tree wells, at least 5 feet square, placed diagonally between standard or compact car spaces.

(v) At least twenty-five percent (25%) of the trees required for parking lot screening shall be 24-inch box size when planted; all other trees shall be 15 gallon size or larger when planted.

(vi) As appropriate to the site use, required landscaped areas next to parking spaces or driveways shall be protected by a minimum six-inch high curb or wheel stop, such as concrete, masonry, railroad ties, or other durable materials.

(vii) A minimum of one tree for each five parking spaces shall be planted along rows of parking.

(viii) Trees shall be dispersed throughout the parking lot to maximize shade and visual relief.

(2) Service Vehicles/Loading Space. Loading space shall be provided as required in Sections 13.10.570 through 13.10.578, inclusive, for commercial and industrial uses. Loading areas shall be designed to not interfere with circulation or parking, and to permit trucks to fully maneuver on the property without backing from or onto a public street.

(3) Parking Structures. Parking within structures including basement and roof parking is encouraged in order to minimize asphalt pavement and maximize open areas.

(4) Bicycle Parking. Bicycle parking spaces shall be provided as required in Section 13.10.560. They shall be appropriately located in relation to the major activity area.

(d) It shall be an objective of lighting design to relate to the site and building design and reduce off site impacts.

Lighting.

(1) All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design.

(2) All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to

the building. Light standards to a maximum height of 15 feet are allowed.

(3) Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.

FIGURE 1

OFF-STREET PARKING REGULATIONS

Minimum Aisle and Stall Dimensions
for Various Angles of Parking

(diagrams are in the County Code printed version)

WIDTH OF LOT REQUIRED

Parking Angle	Cars on One Side of Aisle	Cars on Both Sides of Aisle
90°	44'	62'
60°	40'	60'
45°	32'	51'

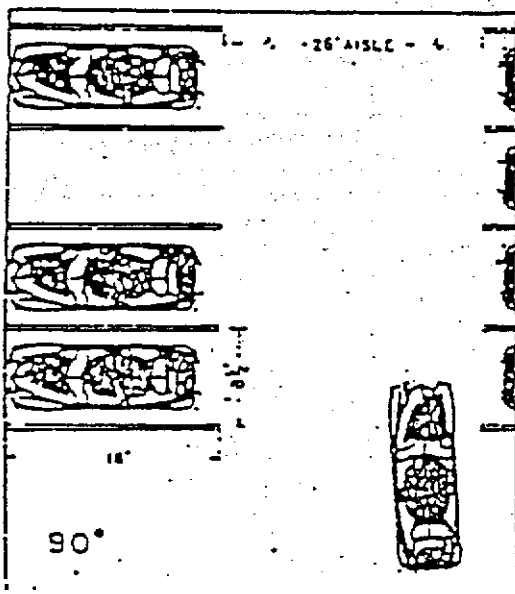
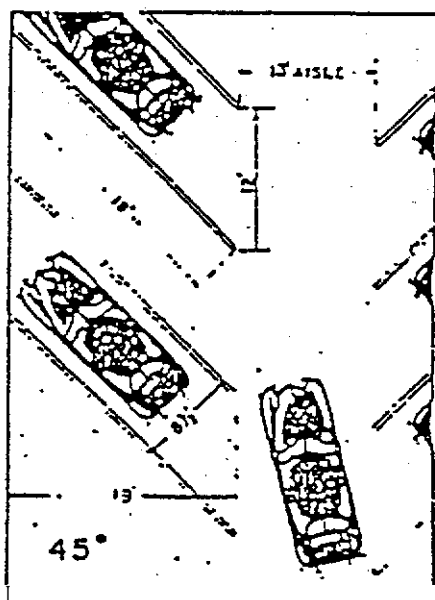
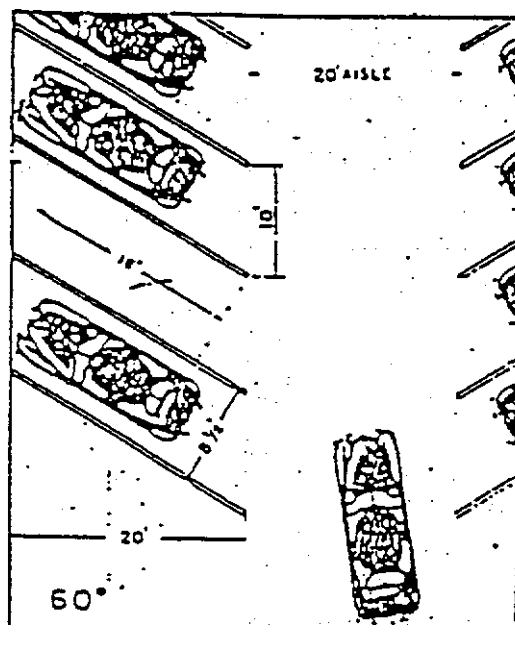
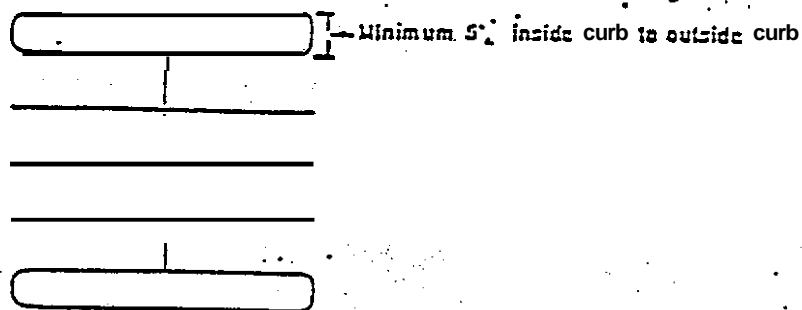


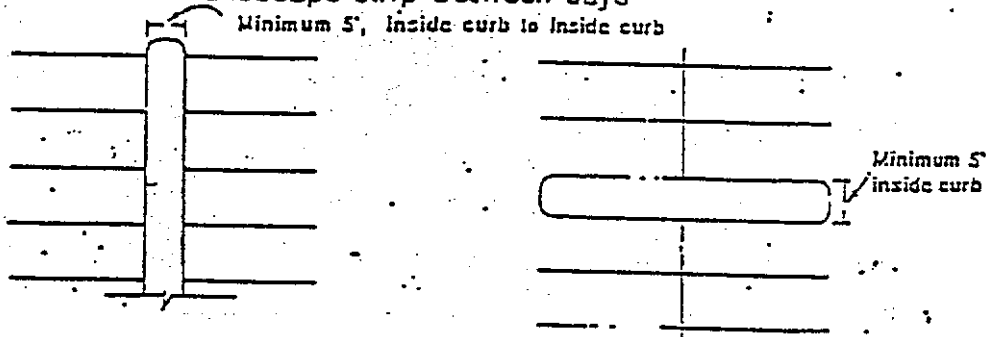
FIGURE 2

(diagrams are in the County Code printed version)

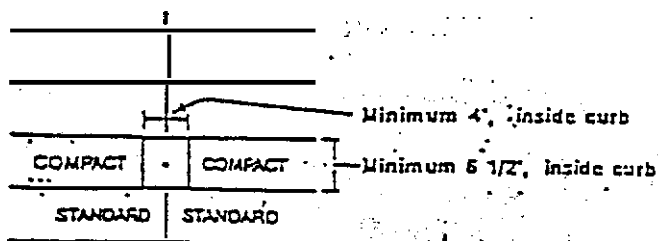
1. Landscape Island which terminates a row of parking



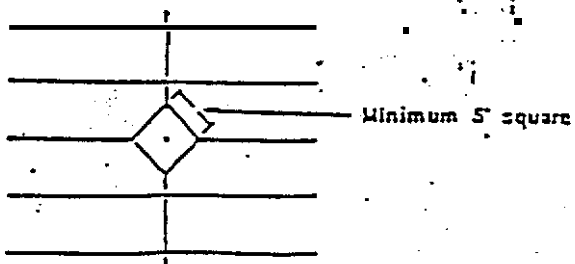
2. Continuous landscape strip between bays



3. Tree wells



4. Tree wells



13.11.075 Landscaping.

(a) It shall be an objective of landscape design to relate to the building and site design, the proposed use, and to site conditions.

(1) Site Landscaping.

(i) The required yard (setback) adjoining a street shall incorporate appropriate landscape and/or hardscape. Appropriate landscape elements may include trees, shrubs, and groundcover. Appropriate hardscape materials may include brick or other modular pavers; stamped or textured concrete; or colored concrete and shall create useable exterior space appropriate to the site and buildings.

(ii) Where a commercial or industrial use is located adjacent to a residential district, the following landscaped buffers shall be applied at the property line:

(A) Commercial and industrial buildings under 5,000 square feet shall provide a minimum 5-foot net landscape strip and a six-foot high solid wood fence or masonry wall.

(B) Commercial and industrial buildings between 5,000 square feet and 10,000 square feet shall provide a minimum 5-foot net landscape strip with a 6-foot high masonry sound wall.

(C) Commercial and industrial buildings between 10,000 and 20,000 square feet shall provide a landscape strip of 5 feet wide plus an additional 1-foot width for each additional 1,000 square feet of building over 10,000 square feet, up to 20,000 square feet, and a 6-foot high masonry sound wall. The landscaping which is required in excess of the minimum 5-foot wide strip may be modulated to provide additional buffer, where appropriate. The balance may not be less than the required total square footage of landscaping.

(iii) Landscaping shall be planted in the ground. If this is not feasible, planter boxes of an appropriate size are acceptable.

(2) Existing Trees.

(i) Mature trees over 6 inches in diameter at 5 feet above ground level shall be incorporated into the site and landscape design unless other provisions of this subsection allow removal.

(ii) Circumstances where tree removal may be appropriate include: the obstruction of the prime building site to provide an appreciably better project design not possible without the tree removal; retention of solar access to adjacent properties; dead, dying or diseased trees; nuisance trees; and trees which threaten adjacent development due to instability.

(iii) An evaluation and recommendation by a landscape architect or a licensed arborist shall be required in order to substantiate the removal of any mature tree

based on a claim that the tree is unhealthy or poses a nuisance or threat to adjacent development.

(iv) The applicant may be required to replace any mature trees which are permitted to be removed, as determined through the design review process.

(v) The decision-making body may waive the requirement of removal of invasive species in order to protect visual amenities.

(3) Street Trees.

(i) Street trees (or private yard trees providing similar effect) shall match any existing street tree species and spacing; shall implement any proposed street tree program; and complement any existing trees in the area, if a street tree program does not exist for the street. Street trees installed within County rights-of-way shall be chosen from the Santa Cruz Urban Forestry Master Plan or the County Street tree list. Street tree species selected for the north side of east/west streets shall be chosen from those included on the "Street Tree List for the North side of East/West streets."

(4) Screening, Fences and Walls.

(i) When landscaping is required to screen views of a site or site uses, the plant material shall be appropriately sized and spaced so that a dense screen grows in a short period of time and views of objects on the opposite side are effectively screened.

(ii) All shrubs used for screening purposes shall be a minimum five-gallon size when planted.

(iii) A fence or wall, when required as a screening device, shall be of solid wood or masonry, or other material, modulated and landscaped where appropriate to provide visual relief from continuous wall or fence surfaces.

(b) It shall be a landscape design objective to select plant material appropriate to the design and site conditions. Site conditions which affect the selection of appropriate plant material include, soil conditions, microclimate, maintenance, and solar access. Factors which affect the landscape design include the growth pattern, color, and texture of the plant material.

(1) Plant Material Type, Size And Growth.

(i) Invasive species such as acacia, pampas grass, broom, etc., should not be used and should be eliminated if already present.

(ii) Landscaping shall be provided in sufficient size and quantity to adequately screen and soften the effect of new building planes and asphalt within the first year of growth.

(iii) All trees planted shall be a minimum of 15-gallon size. Larger specimens may be required, e.g., 24" box or field specimens, depending upon the scale of the proposed

project. The trees shall have been **grown** to the minimum nursery standards for tree height, caliper and canopy for the container size and tree species specified.

(iv) Where a specific height of planting is required, such landscaping shall be within two feet of the prescribed height at the time of planting if the prescribed height is five feet or more, and shall be within one foot of the prescribed height at the time of planting if the prescribed height is less **than** five feet. All heights are measured above the ground level at the point the landscaping will be planted.

(v) All plants shall be planted with spacings and locations, given the plant types and characteristics, type of soil, availability and likelihood of watering regularity and similar considerations, so that the **plantings** will achieve their **purpose** within a reasonable time.

(2) Landscape Maintenance.

(i) All required vegetation shall be maintained **free** of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight or disease. Any vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at **full growth**.

(ii) Required landscaping **shall** be kept free from weeds and undesirable grasses. One means of preventing weed **growth** is to plant dense **ground-covers**, another is by mulching. This subsection does not apply to private yard areas of single-family dwellings other **than** large dwellings as defined in this Chapter.

(iii) The Planning Commission or Zoning Administrator shall, as a condition of approval of any landscaping or landscaped area, require the execution of a landscape maintenance agreement and bond **as** defined in Section 13.11.030, or other acceptable surety, for the maintenance of any or all landscaping on a building site. A landscape maintenance security shall not be required for commercial, **industrial** or residential projects where a property owners' association is established to assure that landscape maintenance of common areas is satisfactorily accomplished. Proof of the formation of the property owners' association shall be supplied to, and approved by, the Planning Department before the landscape maintenance bond requirement is waived.

(c) It shall be an objective of the landscape design to conserve water and to maximize water use **efficiency** through plant selection, soil conditioning and irrigation management (the following requirements apply only to **those** projects listed in Section 13.11.040(k)).

(1) **Turf** Limitation and Plant Selection.

(i) The turf area shall be limited to no more than 25 percent of the total landscaped area. This limitation shall not apply to projects such as public parks, cemeteries and recreation areas where water use efficiency is evaluated on a regular basis **through** a landscape irrigation audit or **to** any project that **uses** reclaimed or recycled water **for** irrigation purposes.

(ii) Turf shall be of low to moderate water-using varieties, such as tall fescue. Turf shall be **used** in a practical manner for high use or **aesthetically** desirable areas. Turf should not be used in median strips, on slopes greater than 33 percent or in areas **less** than eight feet wide.

(iii) At least 80 percent of the plant materials selected in non-turf areas (equivalent to **60 percent** of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped **area**) **need** not be drought tolerant, provided that they are grouped together and can be irrigated separately. The use of trees and native plants is encouraged in appropriate **locations**.

(2) Soil Conditioning.

(i) In new planting areas, soil shall be tilled to a depth of six inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention.

(ii) After planting, a **minimum of** **four** inches of mulch shall be applied to all **non-turf areas** to retain moisture, reduce evaporation and inhibit weed growth.

(3) Irrigation Management.

(i) All required landscaping shall be provided with **an** adequate, permanent and nearby source of water which shall be applied by an installed irrigation or, where feasible, a drip irrigation system.

(ii) Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, **non-**irrigated areas, **walks**, roadways or **structures**.

(iii) Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation **systems**, rain shutoff devices, and other equipment shall be utilized to maximize the **efficiency** of water applied to **the** landscape.

(iv) Plants materials having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.

(v) **An** irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit application. The irrigation plan shall show

the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.

(vi) Whenever possible, landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative loss.

(d) It shall be a design objective that site furniture relate to the building and landscape design.

Site Furniture and Fixtures. Required outdoor furniture and fixtures such as lighting, free-standing signs, trellises, raised planters, benches, trash receptacles, newspaper racks, bus stops, phone booths and fencing, shall be compatible with project architecture; shall be integral elements of the building and landscape design; and shall be included in, and shown on, all site and landscape plans.

13.11.076 Preparation of design review standards and guidelines manual.

The Board of Supervisors, upon consideration of the Planning Commission's recommendation, may adopt, by resolution a "Design Review Standards and Guidelines Manual" setting forth standards and guidelines for the use of persons planning future developments subject to site, architectural, and landscape design plan approval. The purpose of the manual shall be to assist the public, the community, applicants, designers, architects, landscape architects, engineers, staff and the recommending and decision-making bodies in applying and evaluating conformance with the requirements of this Chapter. Review and revision of the Design Standards and Guidelines shall be conducted periodically in order to consider any changing aesthetic and environmental concerns of the community. (Ord. 4286, 12/14/93)

INTEROFFICE MEMO

APPLICATION NO: 02-0600

Date: April 14, 2003

To: David Heinlein, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for a residential remodel at 3030 Pleasure Point Drive, Santa Cruz (Matson Britton Architects / applicant, Porter / owner)

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas		▼	<i>below. See comments below.</i>
major vegetation shall be minimized	✓		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal. such as obstruction of the building site, dead or diseased trees, or nuisance species.	✓		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✓		
Ridgeline Development			

Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			NIA
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			NIA
Landscaping			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area	✓		
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			NIA
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points.			N/A
			N/A
			N/A
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction.			NIA
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged.			N/A
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.			N/A

The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings.			N/A
structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure.			N/A
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development.			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project..			N/A
Signs			
Materials. scale , location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited.			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts.			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks , or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors.			N/A
Beach Viewsheds			

Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive.			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Coastal Regulation).			N/A
The design of structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred.	✓		

Design Review Authority

13.11.040 Projects requiring design review.

- (a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and **sensitive sites** as defined in this Chapter.

13.11.030 Definitions

- (u) "Sensitive Site" shall mean any property located adjacent to a scenic road or within the viewshed of a scenic road as recognized in the General Plan; **or located on a coastal bluff**, or on a ridgeline.

Design Review Standards

13.11.072 Site design.

Evaluation Criteria	Meets criteria in code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale		✓	<i>See comments below.</i>
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		

Landscaping	✓		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures		✓	See comments below.
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture		✓	See comments below.
Building scale	✓		
Proportion and composition of projections and recesses, doors and	✓		

windows, and other features			
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
detailing, materials and siting			
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		

The following are selected pertinent sections from the County of Santa Cruz Code:

Chapter 13.11 SITE, ARCHITECTURAL AND LANDSCAPE DESIGN REVIEW

13.11.030 Definitions.

- (e) "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.

13.11.073 Building design.

- (a) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design. Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark buildings to background buildings.
- (b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.
- (1) Compatible Building Design.
- (i) Building design shall relate to adjacent development and the surrounding area.

- (ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an **overall** composition that achieves the appropriate **level** of compatibility:

- (A) Massing of building form.
- (B) Building silhouette.
- (C) Spacing between buildings.
- (D) Street face setbacks.
- (E) Character of architecture.
- (F) Building **scale**.
- (G) Proportion and composition of projections and recesses, doors and windows, and other features.
- (H) Location and treatment of entryways.
- (I) Finish material, texture and color.

13.11.052 Required findings and action.

For all projects subject to the provisions of this Chapter, the Planning Department is authorized to and shall make a positive, negative, or conditional design review recommendation based upon the following finding:

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.

The decision making body(ies) is(are) authorized to and shall approve, conditionally approve or deny applications and impose reasonable conditions upon such approval as are necessary to make the finding above. No approval and no permit shall be issued unless this finding can be made.

Chapter 13.20 COASTAL ZONE REGULATIONS

13.20.130 Design criteria for coastal zone developments.

- (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.

13.20.110 Findings.

The following findings shall be made prior to granting approvals pursuant to this Chapter in addition to the findings required for the issuance of a development permit in accordance with Chapter 18.10:

- (c) 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.

URBAN DESIGN ANALYSIS

The elements that are listed above for compatible building design are not all equal in weight. The "character of architecture" and "massing of building form" are stronger indications of compatibility between a new structure and its context. Addressing each of the elements that are given above to assess compatibility (13.11.073):

(A) Massing of building form.

The existing residences on the ocean side of Pleasure Point Drive are primarily one and two story. All the buildings have sloped roofs; either hip or gable traditional roof styles. The proposed design has a dominant curved roof at the front and rear. The west elevation is an unbroken two story wall that is almost one hundred feet long. There is nothing that is similar in the neighborhood.

(B) Building silhouette

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

(C) Spacing between buildings

In this context, the **minimum** spacing between building is set by the County Code (setbacks) for this zoning district. The proposed residence is designed to come up to the **minimum** setbacks on both sides of the lot.

(D) Streetface setbacks

In this context, the **minimum** street face setback is set by the County Code (setbacks) for this zoning district. The proposed residence is designed to come up to the **minimum** setback on the front of the lot.

(E) Character of architecture

The architectural style of this building is clearly different from anything in the neighborhood (with the exception of the ~~three~~ story tower a block away - which is totally uncharacteristic of the neighborhood). The character of this building will be, in my opinion, rather jarring when seen in context with the existing structures on the street. The disregard of the "character of architecture" which exists on this street is the most objectionable (along with the bulk) characteristic of this proposal.

(F) Building scale

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

(G) Proportion and composition of projections and recesses, doors and windows, and other features

The most public side of this building, the front, has an extremely large "window wall" with a curved roof as a major element. This feature does not occur anywhere in the neighborhood and will overpower the streetscape.

(H) Location and treatment of entryways

The entry to this residence is through a passageway between the garage and the storage area. The front door is not visible from the street. This is not characteristic of the other residences in the neighborhood.

(J) Finish material, texture and color

Cement plaster (stucco) is used as an exterior finish material throughout the neighborhood. The fiber reinforced building panels are not found in the area.

From the discussion above, I do not believe that findings can be made under 13.11 or 13.20 that would justify recommending approval of this project. While the Code (13.11.073 a) does allow accommodation of "unique or landmark buildings": it is also very clear that the building design must "relate to adjacent development and the surrounding area". The architect has not demonstrated that there are "consistent design and functional relationships so that new development relates to adjacent development". Other than maintaining the REQUIRED setbacks and the use of stucco, I can see no physical relationship between the proposed project and the adjacent residences.



COUNTY OF SANTA CRUZ

ATTACHMENT

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060
(831)454-2580 FAX: (831) 454-2131 TDD: (831)454-2123

TOM BURNS, DIRECTOR
DON BLSEY, DEPUTY ZONING ADMINISTRATOR

Planning Commission
701 Ocean Street
Santa Cruz, CA
95076

November 12, 2003

SUBJECT: Appeal of the action on Application 02-0600
APN: 032-242-11
Owner: Porter

Members of the Commission:

This letter is a response to the statements contained within the appeal letter dated October 9, 2003 from Austin B. Comstock.

1. *The Document titled Design Review Porter House, 3030 Pleasure Point Drive, Santa Cruz, CA and prepared by Dr. A. Kirk was considered in making my decision. I reviewed the document in detail and went so far as to ask clarifying questions of the author at the hearing regarding the meaning of various statements including several on page 2*
2. *All items submitted to the Zoning Administrator prior to the hearing or during the hearing were taken under consideration before I acted on this project.*
3. *The variance was requested to be dropped by Mr. Cove Britton, the applicant of record. At the beginning of the hearing process, at the applicant's request and staff's recommendation, I deleted the variance from the project being considered.*
I added a statement to the Coastal Findings and the Development Findings indicating that the plans submitted and being considered at that hearing would require a variance from the parking standards (see 13.10.500).

In summary, my decision was based upon the staff report and the project plans, any and all testimony presented, a site visit, a review of the County General Plan and applicable Ordinances and any and all information submitted for the record.

Sincerely,

Don Bussey
Don Bussey
Deputy Zoning Administrator



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060-4000
 (831) 454-2580 FAX (831) 454-2131 TOD (831) 454-2123
 ALVIN D. JAMES, DIRECTOR

July 15, 2002

William Potter
 165 Rodonovan Drive
 Santa Clara, CA 95051

And,

Matson-Britton Architects
 421 Clinton St.
 Santa Cruz, CA 95062

SUBJECT: Review of Geotechnical Investigation by Haro, Kasunich and Associates, Inc., Dated May 17, 2002, Project No.: **SC 7363**
 And,
 Nielsen and Associates
 October 2001, Project Number SCr-900-G
 APN: **032-242-11**, Application No.: **02-0002**

Dear Messr. Potter and Britton:

Thank you for submitting the reports for the parcel referenced above. The report was reviewed for conformance with County Guidelines for Soils/Geotechnical Reports and also for completeness regarding site-specific hazards and accompanying technical reports (e.g. geologic, hydrologic, etc.). The purpose of this letter is to inform you that the Planning Department has accepted the report and the following recommendations become permit conditions:

1. All report recommendations must be followed.
2. A project-staging plan is required for this repair. The staging plan must include access for the work, locations of barriers to prevent construction materials from spilling on the beach, and a location map that shows the location for storage of construction materials and equipment.
3. Final plans shall show the each location of repair and construction as detailed in the soils engineering report including outlet locations and appropriate energy dissipation devices.
4. Final plans shall reference the approved reports and state that all development shall conform to the report recommendations.


5. Along with the building permit application, the soil engineer must submit a brief building, grading and drainage plan review letter to Environmental Planning stating that the plans and foundation design are in general compliance with the report recommendations. If, upon plan review, the engineer requires revisions or additions, the applicant shall submit to Environmental Planning two copies of revised plans and a final plan review letter stating that the plans, as revised, conform to the report recommendations.
6. The soil engineer must inspect all foundation excavations and a letter of inspection must be submitted to Environmental Planning and your building inspector prior to pour of concrete.
7. For all projects, the soil engineer must submit a final letter report to Environmental Planning and your building inspector regarding compliance with all technical recommendations of the soil report prior to final inspection. For all projects with engineered fills, the soil engineer must submit a final grading report (reference August 1997 County Guidelines for Soils/Geotechnical Reports) to Environmental Planning and your building inspector regarding the compliance with all technical recommendations of the soil report prior to final inspection.

The soil report acceptance is only limited to the technical adequacy of the report. Other issues, like planning, building, septic or sewer approval, etc., may still require resolution.

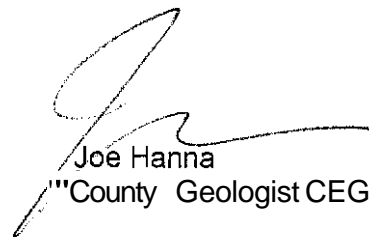
The Planning Department will check final development plans to verify project consistency with report recommendations and permit conditions prior to building permit issuance. If not already done, please submit two copies of the approved soil report at the time of building permit application for attachment to your building plans.

Please call 454-3210 if we can be of any assistance

Sincerely,



Kevin Crawford
Senior Civil Engineer



Joe Hanna
County Geologist CEG 1313

Cc: Jessica DeGrassi, Resource Planner
Building Plan Check

FINAL SOILS –GRADING REPORTS

Prior to final inspection clearance a final soils report must be prepared and submitted for review for all projects with engineered fills. These reports, at a minimum, must include:

1. Climate Conditions

Indicate the climate conditions during the grading processes and indicate any weather related delays to the operations.

2. Variations of Soil Conditions and/or Recommendations

Indicate the accomplished ground preparation including removal of inappropriate soils or organic materials, blending of unsuitable materials with suitable soils, and keying and benching of the site in preparation for the fills.

3. Ground Preparation

The extent of ground preparation and the removal of inappropriate materials, blending of soils, and keying and benching of fills.

4. Optimum Moisture/Maximum Density Curves

Indicate in a table the optimum moisture maximum density curves. Append the actual curves at the end of the report.

5. Compaction Test Data

The compaction test locations must be shown on same topographic map as the grading plan and the test values must be tabulated with indications of depth of test from the surface of final grade, moisture content of test, relative compaction, failure of tests (i.e. those less than 90% of relative compaction), and re-testing of failed tests.

6. Adequacy of the Site for the Intended Use

The soils engineer must re-confirm her/his determination that the site is safe for the intended use.

DB – Don Bussey, Zoning Administrator

DH – David Heinlein, Project Planner

CB – Cove Britton, Applicant

RL – Robert Loveland, Environmental Planning

LK – Larry Kasparowitz, Urban Designer

BS – Bill Schultz, Planning Commissioner for the City of Santa Cruz, contractor

SS – Sandy Shehan, neighbor of the Porter property

TV – Terry Vokos, neighbor of the Porter Property

AK – Anthony Kirk Ph.D, prepared the Design Review Report for the applicant

DB – Item # 2 is application 02-0600, it is located @ 3030 Pleasure Point Drive in Santa Cruz, parcel number 032-242-11. A proposal to remodel and construct an addition to an existing one-story single-family dwelling, to include an addition and remodel of the first floor, a new hallway, a large garage, new unheated storage area, (muffled), to construct a 2nd story with 2 bedrooms, an office, a living room, 2 bathrooms, laundry room, and a deck over a portion of the first floor, a detached single-story accessory structure/motorcycles workshop and repair an existing seawall. Requires a Coastal Zone Permit, a soils and geologic report review was done under permit 02-0002 and a variance to exceed the 50% maximum driveway area within the required front yard. Property is located at the southeast side of Pleasure Point Drive about 200 feet southwest of the intersection of East Cliff and the east end of Pleasure Point Drive @ 3030 Pleasure Point Drive, the owner is Porter, the applicant is Cove Britton, the project planner is David Heinlein, David.

DH – Good morning Mr. Zoning Administrator

DB – Good Morning

DH – The subject parcel is approximately 14,720 sq. ft. in size and has an R-1-5 (Residential – Medium Density 5,000 sq. ft. minimum parcel size) and PR (Parks and Recreation Open Space) zoning designation and has a RM, residential urban medium density general plan designation. The subject parcel is also in the appealable area of the Coastal Zone. Before staff goes on to the recommendations, staff is recommending the following changes to the staff report, on page one where it says environmental determination, staff would like to change the CEQA exemption from what it says, class one to exempt under 15270, the CEQA exemption for denial.

On page 2, staff would like to change the history section from the project completeness from March 28th to March 18th. Also on page 2, third paragraph down under analysis, change the language from the proposed project which includes upgrades to an existing seawall which were not addressed in the previously geotechnical report to the proposed project must outline upgrades to an existing seawall which were addressed previously geotech report. Staff would also like to change Finding 3 in the Coastal Development Findings, change the language from an addition (muffled) the proposed project site is visible from several designated scenic state beaches and is located on a prominent (ridge sic) or bluff top in addition the project does not conform to the geologic hazards of 16.10. The changes would state in addition, the proposed project site is visible from several designated state beaches and is located prominent bluff or hilltop. Finally the project does not conform with the geo hazards ordinance of 16.10 with respect to bluff top development. That is the wordage we would like to have put in there.

On Finding 4 under the development permit finding change the first sentence from this finding cannot be made, the existing residence to the ocean side of Pleasure Point Drive are primarily one and two story buildings to this finding cannot be made, the existing residences on the ocean side of Pleasure Point Drive are primarily one with a few two-story buildings.

Finding number 5 under development permit findings, change the first sentence from this finding cannot be made, the existing residence on the ocean side of Pleasure Point Drive are primarily one and two story buildings to this finding cannot be made the existing residences on the ocean side of Pleasure Point Drive are primarily one with a few two-story buildings.

After a conversation with the applicant and the applicant's lawyer regarding the variance, staff is recommending that the entire variance section of the original staff report be removed.

DB – is it recommended or removed?

DH –Recommended that it be removed.

DB – **Ok**, we will get to that clarified before we go any further. Ummm Cove, you're the applicant. Is the variance being removed? Is that your request?

CB – We never applied for a variance nor did we approve a variance or agree that it was a variance

DB – You don't have the authority to approve the variance (laughter)

CB – well we never –

DB – You don't want the variance

CB – we never (muffled) for one, it showed up 10 days ago

DB – so based on what the applicants indicated the variance is deleted.

DH – Additionally on September 30th of 2003, the applicant submitted several sets of plans of projects, which have been approved in the past with this letter I would like to read into the record – ummm – it says dear Mr. Heinlein, I have two projects I am submitting to you are examples of Coastal residences in Santa Cruz County that have been approved for design review by the County, we feel that the Porter project, APN 032-242-11, located @ 3030 Pleasure Point Drive can be compared to both the Haas and the Salvador residences and they were both accepted by standards and approved by the County (Don reviews the plans submitted), please revise these plans in reference and how they apply to the proposed design of the new residence located @ 3030 Pleasure Point Drive. I would like that read into the record. Ummmm one of the proposed or one of the projects that letter is referring to was approved by the City of Capitola which is outside the County's jurisdiction and the second project which was approved in the County's jurisdiction was originally denied by the zoning administrator and appealed to the Planning Commission. The applicant, then choose to redesign that application and then it was approved at that point and staff has both of those if you wish to see them. Staff is recommending denial of the proposed project 02-0600 without prejudice based on the following merits, as stated in the staff report – the project does not conform the County's Design Guidelines 13.10 of the County's zoning ordinance, secondly the project proposal does not address the requirements of the geotech report regarding upgrades to the existing seawall and thirdly the plans which were submitted are confusing and staff was unable to determine if the proposed project meets the existing zoning guidelines. Staff also received a phone call from Sandy Shehann (spelling?), a neighbor who was opposed to the project this morning, she said she would try to be at the hearing, but didn't know if she could or not. Due to these reasons, the (muffled) reasons, staff is recommending denial of the proposed 02-0600 without prejudice. This concludes staff's presentation although staff is willing to answer any additional questions.

DB – Ohhh there will be questions – ummmm – I received a letter from a William and Geraldine Beasley who are opposed to the design of the building – ummm – we believe the modern design looks more like a commercial building and is not compatible with our neighborhood, we also know that if this addition and the program desires of our neighbor can be accomplished with a design more compatible with the rest of the Pleasure Point properties, particularly concerned the use of so much glass facing our property, a non-ocean side of 3030 Pleasure Point. It will be seen from many blocks because of single-story homes just south and will be reflective material. We have that; I have reviewed the Design Review Document prepared for the Porters by Anthony Kirk. I've reviewed the set of color aerial photos and color renderings, Coastal records, photographs of the site, so before I open the public hearing, I have a couple of questions for other staff members. Bob Loveland, can you come up an, I just have a quick question for you. Good morning.

RL – Good morning.

DB – With respect to the geologic issues, with respect to the retaining wall, have you received any plans indicating any repairs or what ever it will take to stabilize that?

RL – No I have not

DB – And is there a determination, has there been one made on the 100-year at this point by either the project geologist or geotechnical engineer?

RL – Not that I am aware of.

DB – OK, so the 25-foot, they may be able to comply with the 25-foot setback from the bluff edge, but until this, plans are submitted to address the damaged retaining wall, that determination cannot be made.

RL – Correct

DB – OK, thank you

RL – Thanks

DB – Larry, good morning to you

LK – Good morning.

DB – You reviewed this as a role as the Urban Designer, in that role you took the existing ordinance and evaluated the design of the building, ummm, there are exceptions on your 13.11, I know we have talked about that, but under 13.20 – compatibility has to be maintained, is that correct?

LK – Yeah, this triggers both the Coastal Design Criteria and the Chapter 13.11 because it is on a Coastal Bluff

DB – (muffled)

LK – it triggers both design ordinances

DB – and in your determination conclusion after reviewing it, is that the design is not compatible with the neighborhood setting as it is now?

LK – Right and just to clarify I give a recommendation to the staff planner and then of course the staff planner gives the...

DB – the recommendation

LK - recommendation to you so that is my recommendation was

DB – you gave to the planner with a memo format it was not in a (muffled)

LK – Correct

DB – It was not meant to be a (muffled) analysis that is detailed in every single

LK – But I couldn't justify the findings for compatibility

DB – Ok, thank you, Ok this is a public hearing the applicant will be given 10 minutes each other party will be given 5 minutes. Is there anyone here that wants to speak on this item? Seeing no one I will close (laughter), good morning.

CB – Good morning, ummmm I am going to try to keep this within 10 minutes, I will note many of the much of the information we received ahhh ten days ago. Ummm – first thing, ummmm it's a (muffled) repair, remodel and reconstruction page 3, ahhh CP 2 clearly states indicates that 72% of the exterior walls are to remain, the method indicating this has been accepted by the County APN 033-131-12 of which copies of said plans were submitted on September 30". In the experience of the licensed professional in our office and other professionals I've dealt with and contractors and planners – ummmm – it is the standardly accepted method for communicating this information. In addition in a letter dated January 15th, 2003 our office offered to provide any additional reasonable documentation and verbal clarification. To date there has been no response to that offer despite meetings with planning staff on February 24th and April 22nd of this year. Section 13.110.700-r-r definitions reconstruction clearly indicate that greater than 50% of exterior walls must be removed to constitute a reconstruction as indicated on CP 2 we proposed to retain 70% of the exterior walls, the proposed project as indicated is not a reconstruction by definition.

Section 13.10.700-f-f definitions structural alterations clearly indicate that the proposed project is a structural alteration by definition by altering more than 10% of the exterior walls but retaining more than 50.1%. Though not previously addressed by staff prior to the staff report, until the staff report it is important to note under Section 16.10.040 definitions (f) development, development activities to states specifically that 50% of the exterior walls may be modified the substantial (muffled/improvement?) definition is in reference to definition cumulative improvement is not an applicable to the proposed project regardless this point is moot as all exterior walls are to remain that are located on the coastal bluff setback as clearly indicated on sheet P-1, P-3 and P-4. Second staff issue on page 3, staff is unable to determine where construction ends in conjunction with location of the coastal bluff. Sheet P-3 and P-4 clearly indicate which walls to be removed and walls to remain in addition the (clear net?) states 25-foot setback on new construction with a dash line indication, also P-1 contains said note on the site plan.

DB – Can I ask a question?

CB – Sure

DB – What is the 25-foot line represent?

CB – We have letters here from approval from Joe Hanna and umm

DB – What is it represent?

CB – Jessica, wait Kevin Crawford that gives us the setback, this was approved under 02-0002, that plan that you see back there was submitted and is referred to by DPW, you do have plans for this retaining wall repair, you do have an accepted report but I would like to continue on my track if you don't mind

DB - Ok

CB – Per our letter of January 15th, 2003 providing calculations to the area of each room, ohhh lets go back to what – due to unusual configuration of (muffled proposed...?) project, staff requested each room have a square specific square footage. Per our letter on of **January** 15th, 2003 providing calculations of the area of each room would not be appropriate based on a past experience and also under section 13.10.323, there are not, there are many areas count as lot coverage and square footage that are not rooms, such as attics.

So on May 2nd, we provided on sheet P-1 a diagram that hopefully help with staffs concerns. No comments were made that, that said **diagram** was insufficient, no response to that diagram what so ever until the staff report.

Going to DPW Drainage, we did respond to these issues in our letter January 15th, 2003 and our submittal May 2nd, 2003. To date there has been no response. We also want to note that our professional past experience and past submittals in this jurisdiction and others which is why we submitted a City of Capitola, that was a typo there but we submitted a City of Capitola and the Salvador project to indicate that the information being asked of by DPW was inappropriate for this level but we also responded and received no response from them. We also researched the public works design criteria which is applicable under section 14.01.501, we don't see a cross reference there also looked at the design standards under 16.20.170, design standards for drainage facilities and it is my understanding when it goes to that and you look at chapter 16 that the drainage issue goes to environmental planning in particular Mr. Hanna, the County's geologist.

E – the existing seawall is required to be upgraded as determined by a geologist, this appears to be a misrepresentation of facts Ifland plans regarding this upgrade were submitted May 17th, 2002. The letter of Haro Kasunich and Associates dated May 17th, 2002 which specifically refers to those plans being submitted and a letter from County Planning Engineer Kevin Crawford and geologist Joe Hanna accepting and refermng to the letter of May 17th, 2002. In addition we resubmitted the documents which referred to on an additional geologist and soils copies and of plans on April 28th, we have the

tracking record for that. This also interests, well we will talk about that later. In addition to exhibit E, DPW Drainage outstanding issues specifically refers to Ifland plans dated 04/04/01 . Clearly County staff did have these plans, we have the tracking numbers, we have the letters, we have the approval letter and we have also DPW reviewing them.

DPW issues is again exhibits E, we showed locations of the proposed splash blocks and runoff patterns with Austin Comstock present meeting with you Mr. Bussey, I was, both are understanding you agreed that wasn't appropriate at this point, that is our recollection, if you disagree, understood.

DB – What was inappropriate?

CB – That requiring splash blocks and run off patterns at this stage wasn't appropriate or this project.

DB – It is something that could be considered at the building permit stage, I stated that. Lets, lets get clear, that was a meeting regarding the appeal of the completeness issues. It had nothing to do with the project specific items.

CB - Well then I should have been responded to by DPW because my letter contains numerous requests on that in question but in any case, again we provided the information that is standard that we have found in our professional experience and from other plans that have been approved by the County and from conversing with other professionals. Again, no response was made to plans that to our letter or plans submitted later,

Second issue here, the provide drainage information, this is information that changed and again that's ignored are submittals this is the first time some of this information has come to me, it came about ten days ago, clearly after the completeness maybe it is clarification and so on but it would have been appropriate get this to our office so we could have responded to it prior to it coming to a hearing. Then we come down to the extended proposed project is at it the construction new retaining wall is described plans dated 4/4/01 again that goes back to those plans which have been submitted and also the County's civil engineer, senior civil engineer and County geologist accepted those plans and also gave the process for how to deal with this project.

DB – Let me ask a question because this is real critical, you saying the plans were drafted April 1st, 2001, correct?

CB – unnnn huhhhhhh

DB – OK the geotechnical report is dated October of 2001 and the submittal for the review of the geologic and geotechnical report in early 2002.

CB – I am not sure, you know I didn't look real closely at the dates, but I can give you this right here, Ifland engineers is and is (muffled) with this letter plans from Ifland Engineers, here's from the County geologists accepting that letter

DB – What **are** the plans?

CB – The plans, they see the report says May 17th and the plans were part of that report. That's, that's clear. See, its dated May 17th, this is the report.

DB – Ok so then what you're alleging is the application 02-0002 was not just a geologic report review and soils report review

CB – County geologists requested and required to have preliminary plans those were prepared and submitted to them on May 17th. We resubmitted them at planning's request, we resubmitted them months ago, I can pull out the tracking number

DB – Wait, wait, listen to what I am saying, an application was made for a geologic report review and a soils report review, no application included the review of a retaining wall or repair are you saying that this application 02-0002 was intended or was suppose to include

CB – What I **am** saying is the County geologist requested preliminary plans for it, you tell me what that means.

DB – Is that a condition of the letter you are submitting, you have a copy of that. (Don asks me do you have a copy of the plans)

DH – No I don't

DB – Are you submitting those?

CB – Sure,

CB – Please can you read the dates into the record,

DB – The dates of what?

CB – Dates of those letters,

DB – July 15th, 2002, May 17th, 2002, one of them is from Haro Kasunich and Associates addressing a preliminary plan and this is dated July, May 17* the other is July 15" and the subject, I think this is important – review of geotechnical investigation by Haro Kasunich and Associates 02-0002

CB – Dated May 17th, so the submittal of May 17th included preliminary plans for the geologists that submittal was, came from the County geologist or from Haro and Kasunich

DB – There is no indication acceptance letter those plans were accepted, that's my point

CB – I would beg to differ, it says May 17th, the letter from Haro Kasunich was accepted, the letter from Haro Kasunich specifically refers to the Ifland documents, if Mr. Hanna wanted to preclude the Ifland documents from being part of the acceptance I would assume he would have said so. Those documents...

DB – Your saying that the July 15th letter which specifically refers..

CB – Mr. Hanna's approval letter

DB – The Ifland documents?

CB – Specifically refers to the May 17th submittal

DB – It says the review of the geotechnical investigation by Haro Kasunich and Associates Incorporated dated May 17th 2002 project # SC7363

CB – It is referring to that May 17th letter that you have right there

DB – Ok so your argument is, this letter was attached to a set of plans that were the plans that have been approved

CB – Ummm what I am saying is, those plans have been submitted and have been accepted for that process, I am not saying they have been approved for everything, I don't know that, but what I am saying is for that portion of the process they were accepted and they were resubmitted. Today, I am seeing on here, the staff report, nobody had received them and then I see further on that clearly staff had received them or some members of staff received them. So our tracking number shows you have it, this shows you have it, I don't know what more.

Anyway, on to exhibit "F," Environmental Planning's outstanding issue, clearly Mr. – again this goes back to this application 02-0002 which again refers to retaining wall or and these are retaining wall repairs, anyway, it refers to that work there and to that report which has been provided apparently doesn't seem that they are aware of that. On to the next exhibit, excuse me, Robert Loveland again states he did not receive it. Clearly staff has received it. As far as the design of the residence, I think Mr. Anthony Kirk responded well to it, I will note that there are various styles in this neighborhood, I would note that you did get letters from people supporting the project. I also want to note that the mass

DB – Letters of support?

CB – There were three letters of support submitted, we have the tracking – did you not receive those?

DB – They're not part of the packet

CB – Ok

DB – Ok

CB – I have a tracking number, I don't know how to go about that.

DB – Before the next person speaks, I have a question for Bob Loveland again so I just understand what is going on with this. Good morning again Bob

RL – Good morning

DB – My understanding application 02-0002 with the review of the geologic and geotechnical report that were submitted and the status of the retaining wall bluff

RL – Correct, that is my understanding

DB – And it didn't include any approvals of any plans

RL – No

DB – In fact it gave direction that it should be upgraded and repaired and you responded back to it as I understand it from reading those reports

RL – Correct, in my review of the application 02-0002, I am not the one who reviews the geology or the geotechnical report but I did skim through there and there are several references to repairing the seawall because it is in imminent danger during large storm events and in order for us proceed with the other discretionary application we needed to have that addressed, have that you know as part of this proposed addition.

DB – And plans prepared in April of 2001 would report drawn up in October 2001 just given the time frames that are spelled out here.

RL – Well

DB – It may have given some direction but it really wasn't the final plan

RL – Well on mine, on my comments, I made comments on December 17th, those were my initial comments and comments once again on February 6th, 2003

DB – You indicate as a deficiency

RL Yes and on August 21st 2003, I submitted a letter to the planner and all three of these have been all the same comments and it boils down for Environmental Planning, well we need plans for proposed seawall repair and each time I was, I never had any plans so I got building plans for the addition but I never got any plans

DB – and the plans that are alleged to or done in April of 2001 do they provide adequate information?

RL – I would start looking at them right now, I am not prepared to make any comments about that at this particular point, I would like to a, I mean that is going to be reviewed by senior civil and Joe also

DB – Then an application would formally have to be made for the retaining wall

RL – Correct, initially when I made comments on, I don't know the application number, a the discretionary application for the addition, I made my initial comments on December 17th 2002, there was nothing in the description that said that there was going to be reconstruction of the existing seawall in that description. Only until between the time of December 17th and February 6th

DB – That was included

RL – That was included in the part of the description.

DB – Ok, thank you. Ok, back to the public, does anyone else want to speak on this item?

BS – Good morning

DB – Good morning

BS – My name is Bill Schultz and I ~~am~~ a Planning Commissioner for ~~the~~ City of Santa Cruz, I have been a planning commissioner and a zoning board member for over 8 years, I am also a general contractor in the City of Santa Cruz, I've been practicing building here for over 25 years. Cove asked me to speak, based on my experience as a planning commissioner on a completeness of this application and I have reviewed this over the last week or so and in my opinion this is one of more complete application that I have ever seen. **We** have reviewed many applications similar to this in the City of Santa Cruz and in my opinion based on my experience as a commissioner, this is a fully complete application and that the findings could be made or not be made based on the merits of what I have seen on the material that Cove has presented to me and your staff report which I have reviewed.

So again to reiterate as far as I am concerned as a planning commissioner for the City of Santa Cruz and maybe that you hold applicants to a higher standard here in the County, but based on my experience in the City of Santa Cruz this is a fully complete application and could certainly be reviewed by staff and you know a planning commissioner based upon what I have seen. Parenthetically and on terms of if it confusing or not, I didn't find these plans confusing. Maybe it is just me and my experience as a builder over the years but ~~um~~ it seemed fairly clear to me that this application constituted a remodel and the parameters of ~~the~~ work fairly clear to me and I was not confused the drawings or the specifications that I saw

DB – You're a contractor, so let me ask you a question,

BS – Sure

DB – How much, if you took the existing structure that sits there right now, would you say the addition or the remodel is more than 50% of the value of that structure? Not including the land cost.

BS – I am not sure I would answer, is the applicant alleging that this is less than 50% of the value?

DB – That was one of the things I was going to point out.

BS – If this is a legal point

DB – No, I am not going to pin you in a corner, let me explain. Cove made a statement that 50% of the walls lengths and things aren't applicable, no in the geologic hazards ordinance 50% of the market value of the structure is what the ordinance says and so there's issues here. One of the things is, is it a significant improvement? That carries some ramification, the setback from the coastal bluff, is it being met? The 100 year, I don't know. That is one of the things determination on

BS – So you are asking if the improved value of this house is over 50% more than the value now

DB – Right

BS – Much of the value of the house is based on the fact that it is located on a coastal bluff

DB – I am aware of that

BS – And so I don't feel like I am confident to answer that question because when ever or not this house is built is worth 50% more than the existing house, I don't know, because so much of the value is based on the location

DB – I would say the vast majority of the value is based on the location

BS – Sure, also just parenthetically I would like to talk a little bit about the design and the compatibility of the neighborhood. Just driving by this morning, I was just kind of cruising by the neighborhood, I am pretty familiar with the neighborhood and I noticed that there was Italian, kind of Tuscan villas there, there was kind of Japanese style house down the way, there was a couple of real modern houses, there was kind of a high tech house, just around the corner I actually bought, I built a little French provincial cottage on Rock View and the reason I am pointing this out is that the argument that somehow

there is some kind of consistent neighborhood design standards in Pleasure Point, Pleasure Point seems to be more eclectic areas in all of Santa Cruz and the idea that just because modern or some what you know high tech looking or what ever or lot of glass, that some how this is inconsistent or incompatible with the neighborhood is a little bit disingenuous to me because the neighborhood is so varied and it is a neighborhood in transition. Thank you very much.

DB – Thank you, anyone else? Good Morning

SS – My name is Sandy Shehan, this is a letter from my husband and I, I would like to read for the record. We live at 32(muffled) Pleasure Point Drive which is just west of the Porters property, the purpose of this letter is to share our views on the proposed project @ 3030 Pleasure Point Drive, Santa Cruz, California. We live in the house immediately west of the site @ 3020. After multiple conversations with the Porters and their architect Cove Britton, we believe we have a good understanding of the parameters that have led them to the proposed design. These include the physical limitations of the site, required setbacks, their family and their lifestyle needs and their interest in contemporary design. We respect the Porters desire to build a residence that meets their needs and their interests. We also appreciate their wiliness to discuss the proposed design and take inputs from their neighbors after the design was done. We especially appreciate their willingness to modify the design of the railing on the west ocean side of the house to retain much as possible white and (muffled) site lines from our property. All that being said, a modern design would not be our personal choice given the size and the location of the proposed house on the Porters property. In our opinion, this results in a commercial/industrial look that does not fit the neighborhood particularly along the west side facing our house and I know the neighborhood well and I don't see, I see the eclectic nature of the neighborhood but I don't see the modern and high tech that the previous speaker saw. I think that maybe the view of the person who is, who is looking. We thank you for the opportunity to provide input.

DB – Alright

SS – Thank you, do you want this?

DB – Sure

SS – For the record?

DB – Thank you

DB – Anyone else?

DB – Good morning

TV – Good morning, I am Terry Vokos, my husband and I Peter live directly across the street @ 3021 Pleasure Point Dr., I would just like to reiterate what Sandy spoke about, I

don't share Mr. Shultz or the Porters excitement for the cultural diversity quite as much as they do. Directly behind me I have possibly the single largest blight on the landscape in Pleasure Point.

CB – Directly, it is non-reflective glass.

DB – They would be on the north side is what my question is

CB – (couldn't hear what he said – he wasn't speaking in the microphone)

TV – But that's going to bounce

CB – Yeah

DB – My point is you wouldn't be directly having sunlight hit that glass, it would be indirect off the street etc..

TV – Right which is still, I think not, it is a concern to me and a, I think the people that live directly to the left of us. Thank you.

DB – Ok, anyone else? Ok seeing no one else, give you 5 minutes to rebuff.

CB – Actually the only thing I just wanted to clarify, we did say to the neighbors that we would be willing to put in non-reflective glass, I don't think there would be much of an issue but that is the product available. **Also** to the neighbors, the Shehans, we also willing to cutback a wall at the deck and put an open railing at the deck but we don't know if that is appropriate to discuss at this point but to just a clarify there willingness to do that. Thank you.

DB – **Ok**, I am going to close the public hearing. This presents a lot of issues. The first one is a significant public health and safety issue with respect to if it is safe and a retaining wall is going to dictate that and its clearly compromised. I don't have anything

before me that clearly says this set of plans are the approved plans for the retaining wall repair. I **think** its, difficult to have a set of plans drawn up on April 1st and then have a geologic report and geotechnical report drafted up October 11th or something like that 2001, submit those reports, nothing else, just those reports for review. I don't know if anybody made any statements that those plans are adequate but no application has been submitted for that retaining wall specifically. I am concerned over that. I am also concerned were the, you can take it anyway you want, I think this is an evaluation and I told a couple of you that I was going to say this, I **took** some history classes in college, I think everyone did and is Doctor Kirk here?

AK – I am here

DB – I have a couple of questions for you. I had a great teacher in history and he said history is based on fact. Where did you get your base information for this document?

AK – Well I got it from a variety of sources. If you are speaking of the history I put together for **the.....**

DB – I am talking about the specific analysis of the three test cases, where did you get your base information?

Ak – By looking at the record, in the records department with the planning department

DB- Ok... for example you state it was considered by the zoning administrator, the Simpkins Swim Center

AK- (agrees)

DB – It was never heard by the zoning administrator

AK – It was never what?

DB – Considered by the zoning administrator

AK – Well to my recollection I looked through the, and I photo copied all the documents

DB – I would love to help you and I can show you the actual log of the hearings and dates whatever. Bu it raises a bigger question because there is that, there are some well (?) segments that got smaller and the plans submitted show a wall of 102-feet and the second floor of over 97-feet and the document says it is 85-feet. I just wanted to make a comment that this one guy left me with a thought. History is fact, if it not fact, it is mythology

AK – I would say this

DB – I am just making a statement,

AK – I would like to make a statement in response then.

DB – Sure

AK – Is that any work of history including those of your professor is inevitably marred by errors of fact, that's inevitable. You can take it any work of history and find errors in it. With regard to what you perceive as two errors in my report, I would say number one, I don't have the documents in front of me but if you would care to put in writing which you perceive to be errors, I would be happy to address it.

DB – Right here (Don was referring to the Design Review Report submitted by AK). You can get right up on mine (muffled). The other question I got for you since you are here

AK – I haven't finished replying. With regard to the 85-feet that's on the remodel, am I correct?

DB – That is correct?

AK – I got those from the plans, I checked them with Cove and he said they were correct.

DB – Ok the plans....

CB – the plans (muffled) accurate

DB – Ok

CB - Muffled talk away from the microphone.

All three of them DB, CB and AK are talking.

DB – Three people looked at those plans based on your comments yesterday and based on Cove's plans the lengths don't work, so I am just making a statement.

CB – muffled talking

DB – Cove, the public hearing closed. Last comment, what is your expertise in aesthetics or architectural evaluation? The resume that shows in the document indicates your background is prominently history and historical preservation.

AK – I have a Ph.D. in American history from the University of California, my professor was Herald Kirker who expertise was in California architectural. He was the author of what is known as still considered the classic on California architectural frontier. I also have my outside field of, I am getting my Ph.D, there are four fields to get an degree in architectural history from David Kepheart (sp?) who possibly you have heard of. He was the, until his death outstanding leading architectural historian of California,

I've worked, in the field of art, I have written and published in art, in fact my doctoral dissertation was on California painting. I have worked in a variety of fields as a consultant over the last 11 years, including environmental history and a cultural history but (chiefly?) (muffled) the work for the past three years has how to do with historical houses with historic preservation. I have served as a consultant and served on the historical preservation commission for the City of Santa Cruz for 4 years and I chaired it for 2 years and much of our work had to do with applying (muffled) standards to proposed alterations additions and as I am sure you are familiar with that has a lot to do with compatibility.

DB – Ok, there's one, actually two sentences contained in your document I just want to raise (?) and I am assuming you are standing behind these. On page two, third paragraph down

AK – May I get my report?

DB – Sure

AK – Page?

DB – third paragraph, the one that starts "contrary to Mr. Kasparowitz's findings."

AK – *Yes*

DB – Ok, at the middle of that paragraph, "in addition to creatively playing off the natural setting, the proposed house is visibly compatible with the adjacent residences even though they have nothing in common with each other including size, massing, style and even the number of stories." What other thing would make them compatible?

AK – I am not sure I understand your question

DB – I am reading, this is your statement, it's visually compatible with the adjacent residences even though they have nothing in common. Are you just making a statement that it is visually compatible period, or were you just trying to make a statement or is there something else I am missing?

AK – What I am saying is that the new construction at the proposed residence is visually compatible with the two houses even though the two houses have nothing in common with one another

DB – **Ok**, so I am just taking it literally, the other comment, it's back toward the rear of the document. I am concerned about this but I am going to address it. "The proposed Porter residence reflects the..."

AK – Could you tell me what page this is

DB – Page 19, last paragraph, first sentence.

AK – Which paragraph?

DB – The last paragraph on the page. “The proposed Porter residence reflects the architect’s imaginative response to the client’s vision and the literal setting within the confines imposed by a “S” shaped coastal setback and a segmental street setback.”

AK – *Yes*

DB – Ok. Somewhere in there, and this is a significant thing that is lacking, is local policies and ordinances.

AK - I am not sure again I understand your comment

DB – Policies and ordinances regarding development on a coastal bluff. I read this to say, architect/owner want to build this and you have some constraints on the property.

AK – Correct

DB – Period

AK – Correct

DB – OK

AK - But then you know I addressed fully within this review how the project is indeed consistent with the various guidelines and standards (muffled) I am starting out by telling you or any other reader what the applicant, one is the Porter’s, wanted in terms of their vision, how they communicated to their architect, and what the architect was trying to do within the confines of rather demanding setbacks.

DB – Ok, thank you

AK – Thank you

DB - Ok, getting back to this, I think we have an issue as of, I believe the memo from Bob Loveland, the most recent one was an e-mail to you, Dave dated February 6th, 2003 at that point in time they were still looking for the information to justify the seawall repair.

CB – That information wasn’t available to me.

DB – So we have a public health and safety issue, we have an issue with compatibility, as I said this many time @ the hearing. Staff makes a recommendation, the Urban Designer makes a recommendation, Dr. Kirk made a recommendation. All of those are opinions,

all those carry weight but the person that has to make the decision and the person whose opinion really counts is the decision maker, (muffled) be myself or the planning commission. With a straight face, it's very difficult to say that this particular design fits at this location, this setting, it's not compatible. When you look @ the definition of compatible contained in the dictionary

TAPE ENDS

DB – copied it. I know not what happened to it. If you look @ compatible, its gotta be similar. I don't see that, are you looking @. ...

CB – I ~~am~~ looking @ the ordinance, at the definition of compatibility

DB – Ok

CB – it says specifically achieving compatibility does not require imitation or repetition of site, building and landscaping

DB – Did I say, did I say it has to imitate or be exactly the same, something could be built here and be consistent with all policies and ordinances. That I can assure you. I am just not convinced based on the record and based on the information that this is the, the one to do it. So based on the findings, I need to change a couple of things, this is based on the plans as submitted, ok. I would like to add a sentence to coastal permit finding number 3, given the project plans, a variance from the required parking ordinance is required, period. And that is going strictly by what the plans show. I would like to change development permit finding 3 to add the same sentence @ the end of that, given the project plans a variance from the requirements from the parking ordinance is required.

DH – That was number three Don?

DB – Correct

DB – So, given the testimony received, given the project plans as submitted and review of all documents, before I make a final action I would like to state that this received a CEQA exemption because it is being recommended for denial. There is no assurances based on, when we get plans that show what's going to be done with this retaining wall that it would also be exempt under CEQA, I don't know, I haven't seen that. All the testimony from EP (Environmental Planning) says they haven't seen it. So at this point in time, I want to just state that for the record I am going to deny this project without prejudice.

DB – So here are those (handing me paper work).

Zoning Map



500 0 500 Feet

Legend

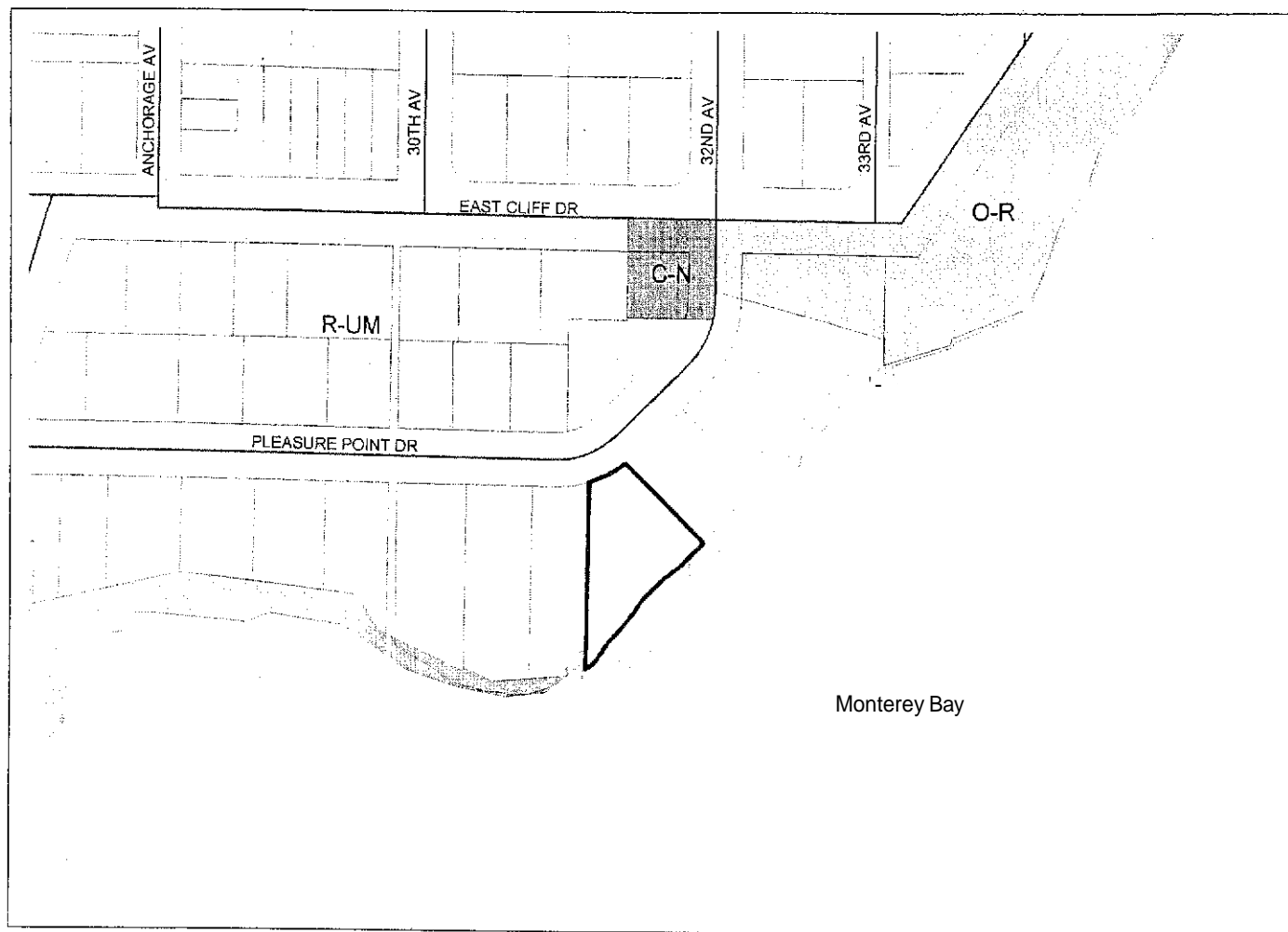
	APN 032-242-11
	Parcel boundaries
	Streets
	PR
	R-1-X
	C-1



Map created by Santa Cruz County
Planning Department:
September 2003

General Plan Map

ATTACHMENT J



500 0 500 Feet

Legend

-  APN 032-242-11
-  Parcel boundaries
-  Streets
-  Neighborhood Commercial
-  Parks and Recreation
-  Residential - Urban Medium Density



Map created by Santa Cruz County,
Planning Department
September 2003