



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
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TOM BURNS, PLANNING DIRECTOR

April 14, 2009

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

Agenda Date: April 29, 2009

Item #: 8

Time: After 9 AM

APN: 043-231-11

Application: 08-0373

Subject: Applicant appeal of the decision of the Zoning Administrator to deny a proposal to demolish an existing 3,656 square foot single-family residence, and to construct a new 6,995 square foot two-story residence with an attached two-car garage, and a detached 3-car garage with a 609 square foot second floor accessory dwelling unit at 313 Kingsbury Drive in Aptos.

Members of the Commission:

On March 6, 2009, the Zoning Administrator denied application # 08-0373, a proposal to demolish an existing 3,656 square foot 4 bedroom, 3 ½ bath single-family residence, and to construct a new 6,995 square foot, two-story, 4-bedroom, 4 bath and two half-bath residence, including an attached 611 square foot two-car garage, and a detached 634 square foot 3-car garage with a 609 square foot second floor accessory dwelling unit.

The proposed project was found to be inconsistent with County Code Chapters 13.11.072 (Site Design) and 13.11.073 (Building Design) of the Design Review Ordinance, with regards to visual compatibility with the surrounding neighborhood. The project is also inconsistent with County Code Chapter 13.20.130.1 (Design Criteria for Coastal Development), as fully discussed in the "Analysis" section of the staff report to the Zoning Administrator (Exhibit 1B).

The current application was submitted on August 12, 2008. On September 12, 2008, the application was determined to be "incomplete" pending the provision of required grading and drainage information. On September 16, 2008, the applicant submitted an appeal of the requirement by County staff for this information. In a letter dated November 10, 2008, Don Bussey, acting on behalf of the Planning Director, denied the appeal of the completeness determination and found the application incomplete.

While the appeal regarding grading and drainage information was being processed, staff reviewed the design of the proposed new structures and determined that the proposal was inconsistent with County Code Chapters 13.11 and 13.20 with regard to neighborhood compatibility, siting, bulk and massing.

The applicant was sent a letter dated October 23, 2008, stating the Planning Department's intent to bring the project forward with a recommendation for denial. The applicant requested a 90-day processing extension (to March 16, 2009) in order to meet with County staff and discuss options regarding the project. This request was granted.

The applicant met with County staff, including County Urban Designer Larry Kasparowitz, and also held an informational meeting for neighbors. Revised plans were submitted on January 16 and February 5, 2009 which again received full review and consideration by the Planning Department. Staff did not find a basis for changing its conclusion that the proposal was not compatible with the neighborhood.

As a result, the project was scheduled for consideration by the Zoning Administrator on March 6, 2009. The Zoning Administrator considered the staff report (see Exhibit 1B) that includes as Exhibit F the County Urban Designer memos dated 9/9/08 and 2/17/09. These memos provide specific analysis of the elements that contribute to the determination of neighborhood incompatibility, including discussion of the structural massing and site layout. At the hearing, architect / applicant Cove Britton gave testimony and showed a presentation on compatibility issues. The hearing also included testimony from neighbors who commented on the size and siting of the proposed house relative to other homes in the neighborhood. The Zoning Administrator stated at the hearing that she had conducted a site visit, walked through the neighboring streets and driven throughout the wider vicinity in order to fully understand the proposal in the context of the existing neighborhood. At the conclusion of the hearing, the project was denied by the Zoning Administrator.¹

Appeal Issues

The appellant's letter dated March 17, 2009 (see Exhibit 1A) asserts that the denial by the Zoning Administrator is inconsistent with the applicable County ordinances, that the County has not complied with the requirements of its ordinance, and that the concept of "compatibility" is problematic due to ambiguity and unfair application.

Neighborhood Compatibility and Design Review Criteria Ordinance Standards

As fully discussed in the attached staff report (Exhibit 1B), the proposal is just below the highest threshold for every one of the ordinance site standards: floor area ratio (FAR), lot coverage and maximum height. The Urban Designer memo dated 2/17/09 states, "...While indeed these are maximum limits, they are not guaranteed. When pushed to near maximum, they become indicators that a design may not be compatible with neighboring structures that are obviously smaller and lower."

County Code Chapter 13.11.050 specifies the County Design Review procedures that were adhered to for the review of this proposal, as consistently applied to all applications requiring design review and neighborhood compatibility determinations. Chapter 13.11.072 declares the objective of site design as "...to be visually compatible and integrated with the character of surrounding areas", and lists the specific elements of compatible site design. These elements of site design, "which must be balanced and evaluated in relation to the proposed project site and surrounding development..." include bulk, massing and scale, siting, landscaping, streetscape relationship and relationship to existing structures, and other elements, each of which is considered by staff in reviewing all projects that require design review and neighborhood compatibility determinations. Chapter 13.11.073 offers similar specific guidance by listing the elements of compatible building design.

¹ The hearing audio can be accessed at:

http://sccounty01.co.santacruz.ca.us/planning/plnmeetings/ASP/Display/SCCB_Meeting_Frame.asp?Type=Agenda&Date=20090306&MeetingType=2&ItemNumber=1

Ms. Hill's deliberation and decision can be heard beginning at 41:12 on the recording.

In addition, the "Definitions" section of Chapter 13.11 assigns specific meanings to such terms as "compatibility", "building bulk" (the perceived physical size of a structure in relation to the site), "balance", "complementary", "massing" and "scale", to name several relevant terms. Thus, counter to the assertion of the appellant, the ordinance does offer clear guidance for bringing consistency to the task of design and neighborhood compatibility review.

"Neighborhood" is only referenced in 13.11 as follows: *"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."*²

Staff practice is for the Urban Designer to walk the neighborhood and take photographs of the project site and of all surrounding residences on either side of the street within a block. Often, depending upon street, block and parcel layouts, review may extend around the corners of the surrounding blocks. Staff evaluation is a consultative process. The project planner and the Zoning Administrator also make site visits to all proposed project sites in order to attain a first-hand understanding of the neighborhood context.

Analysis

The project is on a combined lot that has approximately twice the area of most surrounding parcels. Building to the maximum dimensions specified in the ordinance site standards could thus result in a proportionally larger house than would meet the same thresholds on smaller surrounding lots. But size alone would not be the basis for an incompatibility determination. Rather, the determination of incompatibility was not made due to any one factor but rather is based upon the cumulative analysis of multiple factors, including overall size, massing of second-story elements, and structural placement on site in relation to the street frontage, surrounding structures and the size of surrounding parcels. The neighborhood has a few residences on similarly larger-than-average lots, as well as some homes that exceed one or another of the maximum site standards. However, few if any other residences exceed or maximize all of the site standards to the same extent as the proposed project.

The neighborhood contains a range of sizes and architectural styles, and the determination that the proposed home would not be compatible is also based on the formality and massive proportions of the architectural elements, i.e. the execution of the proposed style. If a similar design was executed with different proportions and smaller overall massing, the project might appear less out of place in the neighborhood. Thus, it is important to make the distinction that the recommendation for denial was not based on a genre of architectural style, but rather upon how the particular execution of a style for a home of a certain size may not fit into a neighborhood on the subject parcel.

It can be acknowledged that mass, scale, bulk and site placement can also be subjectively experienced: for example, the written communications, phone calls and public testimony of neighbors who expressed concerns with the size and bulk of the proposed project did not link their observations about the project design to citations of specific code sections. However, there is ample direction in the ordinance language to allow the design and neighborhood compatibility review process to be conducted in a fair and consistent manner through review of the applicable site standards and analysis of the elements of building design that can contribute to compatibility.

² While helpful, this definition is not applicable to this project, as no new types of land use are being proposed.

Summary and Recommendation

Staff believes that neighborhood compatibility considerations were properly addressed by the decision of the Zoning Administrator to deny the application on March 6, 2009, based upon a comprehensive and consistent application of the requirements of County Code Chapters 13.11 and 13.20.

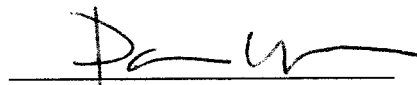
Planning Department staff therefore recommends that your Commission UPHOLD the Zoning Administrator's decision to DENY Application Number 08-0373.

Sincerely,



Alice Daly
Project Planner, Development Review

Reviewed By: _____



Paia Levine
Principal Planner
County of Santa Cruz Planning Department

Exhibits:

- 1A. Appeal letter prepared by Cove Britton dated March 17, 2009
- 1B. Staff report to the Zoning Administrator dated March 6, 2009
- 1C. Minutes of the Zoning Administrator, March 6, 2009
- 1D. Late Correspondence



March 17, 2009

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

RE: NOTICE OF APPEAL of Decision of the Acting Zoning
Zoning Administrator on March 6, 2009
Application Number- 08-0373
APN: 043²31-11
Owner: Trent & Michele West
Owners' Architect: Matson Britton

Dear Commissioners:

As agents of the owners, we hereby appeal the denial decision of the acting
Zoning Administrator, Glenda Hill, regarding application 08-0373.

Under section 18.10.030 no statement of reason is required for the notice of
appeal. Our office person, Samantha Niesen, attempted to file a Notice of Appeal
on March 16, 2009, and was turned away by County staff for not having a
statement regarding our basis of appeal. (See enclosed dated March 16, 2009) It
appears that County staff applied the requirements found in section 18.10.310 that
relate to "General Appeal Procedures" for "building permits."

In any event, we have included below the additional information as requested by
County staff, although that requirement does not appear consistent with
18.10.030.

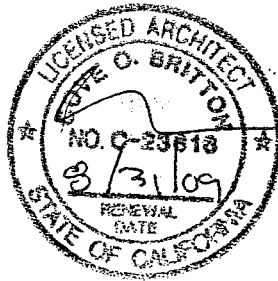
*Glenda Hill (acting Zoning Administrator) denial of application 08-0373 is an
abuse of discretion in that her decision was inconsistent with the County's
applicable codes and ordinances, was not fair and impartial and, in addition, was
based on County codes and ordinances that both on their face, and as applied to
the applicants, violate the applicant's rights under the U.S. Constitution*

More specifically, but still in summary: (1) the only basis for the Staff's Recommendation for denial and the Zoning Administrator's decision to deny was that the house as designed was not "compatible;" otherwise, the application was fine; (2) the criterion of "compatibility" has been recognized by well-respected experts in the field and their "best practices" guidelines, by courts and by the public and their communities as fraught with danger due to problems of vagueness, ambiguity, lack of predictability and unequal application; (3) what is clear is that the County must at least comply with the standards set forth in its own ordinance concerning the criterion of "compatibility," not merely as a matter of good public policy and/or general morality and fairness but in order to meet obligations imposed on it by the law; (4) that the County has not complied with the standards set forth in its own ordinance, because the County's staff failed to identify the geographic boundaries of "the neighborhood" and failed to make any specific comparison of the West's design with the design of any individual home or set of homes in any such "neighborhood;" and (5) in fact the West design contains most, if not all, of the 9 elements which the County ordinance itself declares are elements of compatibility, any one of which may make a design compatible.

Thank you for your consideration.

Sincerely,

Cove Britton
Architect





Staff Report to the Zoning Administrator

Application Number: **08-0373**

Applicant: Matson Britton Architects
Owner: Trent & Michele West
APN: 043-231-11

Agenda Date: March 6, 2009
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing 3,656 square foot 4 bedroom, 3 ½ bath single-family residence and to construct a new approximately 6,995 square foot, two-story, 4-bedroom, 4 bath and two half-bath residence, including an attached 611 square foot two-car garage, and a detached 634 square foot 3-car garage with a 609 square foot second floor accessory dwelling unit above. Requires a Coastal Development Permit, a Residential Development Permit, a Level 5 approval for a second dwelling unit over 17 feet in height and a Preliminary Grading Approval.

Location: The property is located on Kingsbury Drive approximately 235 feet from the intersection with Rio Del Mar Boulevard at 313 Kingsbury Drive.

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit and Residential Development Permit

Technical Reviews: none

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **Denial** of Application 08-0373, based on the attached findings.

Exhibits

- | | |
|---|---|
| A. Project plans | F. County Urban Designer memos dated 9/9/08 and 2/17/09 |
| B. Findings | G. Correspondence |
| C. Categorical Exemption (CEQA determination) | H. Letter to applicant dated 10/23/08 |
| D. Assessor's parcel map | |
| E. Vicinity and Zoning maps | |

Parcel Information

Parcel Size: 14,157 square feet
Existing Land Use - Parcel: Residential

Existing Land Use - Surrounding: Residential
Project Access: From driveway off Kingsbury Drive
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-6 (Single-family residential, minimum 6,000 square foot parcel size)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Mapped liquefaction area
Soils: Not a mapped constraint
Fire Hazard: Not a mapped constraint
Slopes: Gently sloped
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: 11 cubic yards of cut; 149 cubic yards of fill
Tree Removal: No trees proposed to be removed
Scenic: Yes, mapped scenic area
Drainage: Drainage plans not submitted; information not available
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Water District
Sewage Disposal: County Sanitation District
Fire District: Aptos- La Selva Fire District
Drainage District: Zone 6

History

The parcel is developed with an existing 3,656 square foot 4-bedroom 3.5 bath single-family residence that was built in 1964. A small portion of the footprint of the existing home is a 2-story element.

The current project was initiated with planner consultation # 08-0060 on February 20, 2008. Staff direction to the applicant was limited due to the fact that no plans were made available for the consultation.

The current application was submitted on August 12, 2008, without grading or drainage information. On September 12, 2008, the applicant was sent an "incomplete" letter requesting earthwork quantities (grading) and drainage information. On September 16, 2008, the applicant submitted an appeal of the requirement by County staff for grading and drainage calculations. The appeal was adjudicated by Planner IV Don Bussey, on behalf of the Planning Director. In a letter dated November 10, 2008, Mr. Bussey denied the appeal of the completeness determination and found the application incomplete.

During the time that the appeal was being processed, staff determined that the proposed new residence as designed was inconsistent with County Code Chapters 13.11 and 13.20, with regard to

neighborhood compatibility, bulk and massing. The applicant was sent a letter dated October 23, 2008, in which staff explained the intent to bring the project forward with a recommendation for denial. A copy of the letter is attached here as Exhibit H. The applicant requested a 90-day processing extension (to March 16, 2009) in order to meet with County staff and discuss options regarding the project. This request was granted.

The applicant met with County staff, including County Urban Designer Larry Kasparowitz, and also held a meeting for neighbors for discussion of the proposed project. Revised plans were submitted on January 16 and February 5, 2009 for staff review.

Project Setting

The parcel is in an existing developed single-family residential neighborhood in Aptos, across the street from a coastal bluff. The parcel is mapped "Scenic Resources", and thus is subject to review pursuant to the County Design Review Ordinance. Many of the surrounding residences are also two-story homes, though of lesser size and bulk than the proposed residence, and set back farther from the street frontage. The subject parcel consists of two combined parcels. Most of the surrounding parcels are smaller, in the 6,000-9,000 square foot range, and thus developed with smaller homes. The existing home on the property is a 1960s-era contemporary with a small 2-story element. There are distant views to the coastal public beach below.

Analysis

The proposed new residence and detached garage with a second-floor accessory dwelling unit is just below all of the maximum site standards: the Floor Area Ratio (FAR) is .4998 (.50 is the maximum), lot coverage 28.23% (30% is the maximum) and the building height is 27', 4½" (28' is the maximum). The FAR dimensions for the main dwelling (which do not include a 148 square foot covered area that is proposed to be less than 7.5 feet high) fall just below the 7,000 square foot threshold that would require the project to meet the findings required under County Code Section 13.10.325(a), the Large Dwelling Ordinance. The Large Dwelling Ordinance excludes accessory buildings from the area calculations for determining "large dwelling" status. The adjusted floor area for the total proposed new development (including the detached 2-story structure not included in "Large Dwelling" calculations) comes to 7,181 square feet.

In his memo dated 2/17/09 (see Attachment G), Urban Designer Larry Kasparowitz states, "...While indeed these are maximum limits, they are not guaranteed. When pushed to near maximum, they become indicators that a design may not be compatible with neighboring structures that are obviously smaller and lower." The project is on a combined lot that has approximately twice the area of most surrounding parcels. Building to the maximum dimensions allowed by these site standards for this double lot could thus result in a proportionally larger house than would meet the same thresholds on surrounding lots. If the double lot was uncombined and two smaller houses were proposed, the result would be greater density, but with structures that might be more in proportion with the range of existing character and sizes of homes in the vicinity, depending upon the particular design.

The established residential neighborhood contains a range of architectural styles, and the determination that the proposed home would not be compatible with the eclectic variety of surrounding dwellings is based largely on the formality and massive scale of the architectural elements, i.e. the execution of the proposed style. If a similar design were to be carried out in

different proportions and with smaller overall massing, the project would not necessarily appear to be as out of place in the neighborhood. Thus, it is important to make the distinction that the recommendation for denial is not based on a genre of architectural style, but rather upon how a particular execution of a style for a home of a certain size may not fit into a neighborhood on the subject parcel.

The determination of incompatibility with the existing neighborhood is based upon analysis of multiple factors, including size, massing of second-story elements, and placement in relation to the street frontage and surrounding structures. In the general area of the neighborhood there are a few residences on other larger-than-average lots that are of similar size as what the applicant has proposed, as well as homes that are slightly above maximum site standard dimensions for their parcels. However, development on contiguous parcels and within the same block is smaller and presents less massing in proximity to the street frontage. While the detached garage with a second-floor accessory dwelling unit is excluded from "large dwelling" calculations, the placement of the second structure is in part determining the siting of the larger main residence closer to the street in a manner that will make the dwelling more of a singularly massive presence from the pedestrian streetscape. In addition, because the detached structure, like the main dwelling, presents a two-story box-like mass from all elevations, it adds to the impression of being out of character with the extent of development on neighboring lots.

A recommendation for approval would not be supported by the applicable Ordinance sections that address compatible site design and building design. In Chapter 13.11.072(a), it is stated, *"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."* The scale and massing of the proposed new house are not visually compatible with, nor integrated into the character of, existing development in the surrounding neighborhood.

The project is also inconsistent with County Code Chapter 13.20.130.1 (Design Criteria for Coastal Development), where it is stated, *"All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas."* The siting of the proposed new home toward the front of the parcel only emphasizes the manner in which the height, large massing of elements and formality of the proposed home contrasts with neighboring residential development. In addition, the proposed landscaping is not sufficient to mitigate the impression that the proposed residence is out of scale with its surroundings.

The required Development Permit finding (see Attachment B) under County Code Section 18.10.230 cannot be made. Section 18.10.230(a)(5) reads: *"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."* As stated above, the proposed residence is just below the maximum allowed for each of the three site standards that address mass and footprint relative to the lot (FAR, lot coverage and height). Maximizing these site standards on a double lot can result in a structure that looks out of place next to smaller lots and homes, even if given additional setback area.

Staff received correspondence (see Attachment H) and phone calls from neighbors who have expressed concerns about the size, style and siting of the proposed new house, based on viewing the project plans and upon their impressions of another project in the neighborhood of similar scale by the same architect. The applicant has made some revisions to the design, primarily by removing a second-floor turret element, that work toward maintaining the private views of abutting neighbors. However, staff has heard numerous requests for story poles, as residents remain concerned about the overall size and height of the proposed new home.

Zoning & General Plan Consistency

The subject property is a 14,157 square foot lot, located in the R-1-6 (Single-family residential, minimum 5,000 square foot parcel size) zone district, a designation that allows residential uses. The proposed single-family residence is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

The proposed new residence is not consistent with County Code Chapters 13.11.072 (Site Design) and 13.11.073 (Building Design) of the Design Review Ordinance, in regards to visual compatibility with the surrounding neighborhood. The project is also inconsistent with County Code Chapter 13.20.130.1 (Design Criteria for Coastal Development), as discussed above under the "Analysis" section of this staff report.

Local Coastal Program Consistency

The proposed single-family residence is not in conformance with the County's certified Local Coastal Program, in that it has been determined that the structure is not sited and designed to be "*visually compatible and integrated with the character of the surrounding neighborhood*" according to Chapter 13.20.130(b)(1). Developed parcels in the area contain single-family dwellings in a range of sizes, and while some of the surrounding homes are large, few are within the 6,000 + square foot size range, nor do they give the same appearance of overall unrelieved 2-story massing as does the proposed new dwelling. While size and architectural styles vary in the area, the massive and formal design submitted is not consistent with the existing "beach neighborhood" character of the surrounding neighborhood.

The required Coastal Zone finding relating to design criteria, Chapter 13.20.110(c) states: "... 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.*" The finding cannot be made (see Attachment B), given that the proposed new dwelling is not compatible with, or integrated with the character of the surrounding neighborhood.

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

Design Review

The proposed single-family residence was reviewed by the County Urban Designer for consistency with the requirements of the County Design Review Ordinance (Chapter 13.11) and Design Criteria for Coastal Zone Development (Chapter 13.20). Urban Designer Larry Kasparowitz' memos dated September 9, 2008 and February 17, 2009, were provided to the applicant and are attached to this staff report (Attachment G).

In response to the first memo, a meeting with County staff was requested by the applicant in order to facilitate further discussion of design concerns. This meeting took place on December 12, 2008, and resulted in a re-submittal by the applicant on January 13, 2009. In response to staff comments and recommendations and also in response to neighbor feedback, the applicant made some revisions and supplied additional materials. Project revisions included:

- smaller stone panels
- new molding details and colors to break up the unrelieved two-story massing
- deletion of a second-story turret feature that would impact neighbors' private views
- provision of a preliminary front yard landscaping plan
- provision of photo-simulations

The re-submittal was again given a full review by staff. As discussed in the Urban Designer memo dated February 17, 2009, the project as proposed is still determined to not be in scale with neighboring structures and the overall character of the neighborhood. The street-facing elevation still gives an impression of overwhelming bulk and massing, and all four elevations have high horizontal cornices and other elements that contribute to the overall sense of a box-like form and formality. The revised project still appears out of context with its immediate setting, particularly given its size and siting on the parcel. The proposed landscaping does not sufficiently soften the massing.

Environmental Review

Because the proposed new residence is being brought forward with a staff recommendation for denial, Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is exempt per CEQA Guidelines Section 15270: Projects Which Are Disapproved. Should a decision be made to approve the proposed project, a new environmental determination would need to be completed.

Conclusion

As proposed and conditioned, the project is not consistent with applicable codes and policies of the Zoning Ordinance and General Plan/LCP regarding visual compatibility with the existing neighborhood and compatible site design. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

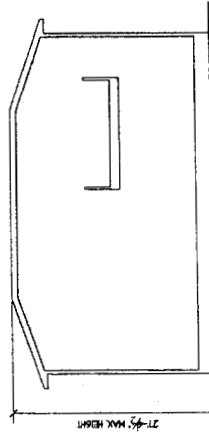
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **DENIAL** of Application Number **08-0373**, based on the attached findings and conditions.

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

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

Report Prepared By: Alice Daly
Santa Cruz County Planning Department
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Santa Cruz CA 95060
Phone Number: (831) 454-3259
E-mail: alice.daly@co.santa-cruz.ca.us



SECTION @ HIGH PT.
SCALE: 1/8" = 1'-0"

WEST RESIDENCE

NEW RESIDENCE

313 KINGSBURY DRIVE

APTOS, CA 95003

A.P.N. : 043-231-11

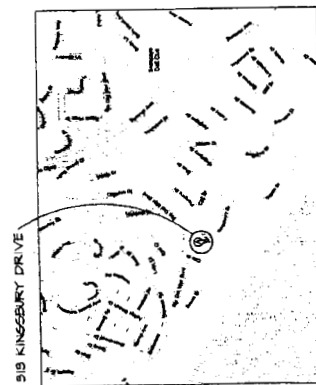
ARCHITECTS
MATSON BRITTON ARCHITECTS
120 N. BRANFLORE
SANTA CRUZ, CA 95062
PHONE: 651-423-0544
FAX: 651-423-4795
EMAIL: cove@matsonbrutton.com
CONTACT: COVE BRITTON

SOILS
PACIFIC CREST ENGINEERING, INC.
444 AIRPORT BLVD., SUITE 106
WATSONVILLE, CA 95076
PHONE: 651-722-4446
FAX: 651-722-4150
EMAIL: elizabeth@pacificcresteng.com
CONTACT: ELIZABETH MITCHELL

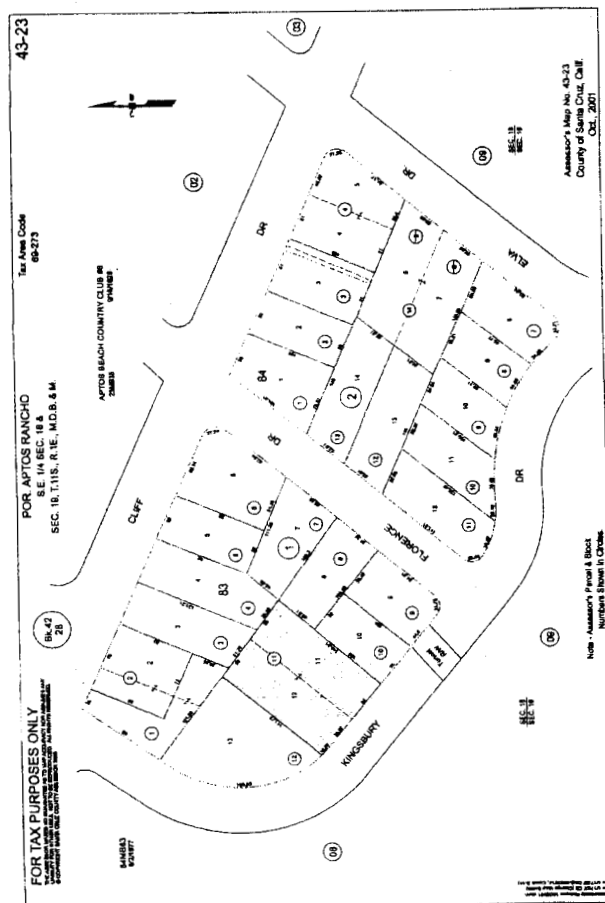
CIVIL
R.L. ENGINEERING, INC.
505 PORTER STREET
SANTA CRUZ, CA 95060
PHONE: 651-423-3041
FAX: 651-423-1522
EMAIL: richard@rl-engineering.com
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422 SEVENTH AVENUE
SANTA CRUZ, CA 95062
PHONE: 651-423-5005
FAX: 651-423-6586
EMAIL: surveyor@ward.com
CONTACT: NAIT WARD

CONSULTANTS



VICINITY MAP



A.P.N. MAP

OWNER:
TRENT AND MICHELLE WEST
313 KINGSBURY DRIVE
APTOS, CA 95003

A.P.N.:
043-231-11

ZONING:
R-1-6

OCCUPANCY GROUP:
R-3.4 U (PER 2007 CBC.)

CONSTRUCTION TYPE:
VB FULLY SPRINKLERED

PROJECT DESCRIPTION:
THIS PROJECT CONSISTS OF THE DEMOLITION OF AN EXISTING TWO-STORY SINGLE-FAMILY DWELLING WITH FOUR BEDROOMS, 4 BATHS, 2 1/2 BATHS, LIVING ROOM, DINING ROOM, FAMILY ROOM, KITCHEN, BREAKFAST NOOK, AN ATTACHED TWO CAR GARAGE AND A DETACHED TWO STORY ACCESSORY STRUCTURE WITH 9 CAR GARAGE BELOW AND AN ACCESSORY DWELLING UNIT ABOVE WITH 1 BEDROOM, 1 BATH, KITCHEN AND LIVING ROOM.

CODE COMPLIANCE:
THIS RESIDENTIAL CONSTRUCTION COMPLIES WITH TITLE 24, AND THE FOLLOWING CODES: 2007 CBC, 2007 CM, 2007 CPC, AND 2007 NEC.

LOT SIZE:
14,805 SQ. FT.

GROSS FLOOR AREAS:

FIRST FLOOR:
(EXCLUDES GARAGE)
2,872 SQ. FT.

GARAGE:
611 SQ. FT.

SECOND FLOOR:
2,845 SQ. FT.

FIRST FLOOR ACCESSORY GARAGE:
635 SQ. FT.

SECOND FLOOR ACCESSORY DWELLING:
604 SQ. FT.

TOTAL CONDITIONED SPACE:
5,626 SQ. FT.

TOTAL FLOOR AREA:
6,872 SQ. FT.

AREA OVER 16' IN HEIGHT:
550 SQ. FT.

COVERED AREA:
945 SQ. FT.

COVERED AREA > 7'-6" HT.:
140 SQ. FT.

1/2 AREA LESS 140 SQ. FT.:
4 SQ. FT.

ADJUSTED FLOOR AREA (2,872 + 611 + 2,845 + 604 + 4,225):
11,101 SQ. FT.

TOTAL LOT COVERAGE (2,872 + 611 + 2,845 + 604 + 4,225):
11,101 SQ. FT.

PAR. (11,101 SF / 14,805 SF X 100) = 41.17%

LOT COVERAGE: (4,221 SF / 14,805 SF) 100 = 28.53%

PROJECT SUMMARY

- PT. TITLE SHEET
- PT. SITE PLAN
- PT. FIRST FLOOR PLAN
- PT. SECOND FLOOR PLAN
- PT. ACCESSORY BUILDING PLANS
- PT. EXTERIOR ELEVATIONS
- PT. EXTERIOR ELEVATIONS
- PT. ACCESSORY BUILDING ELEVATIONS
- PT. GRADING AND DRAINAGE PLAN
- PT. DETAILS
- PT. EROSION CONTROL PLAN
- ONE SURVEY

SHEET INDEX

SITE LEGEND

- P— PROPERTY LINE
- S— SETBACK LINE
- (R) RESIDENCE TO BE DEMO
- (R) FENCE
- LINE OF SECOND FLOOR AND DECKS ABOVE
- ▨ (N) RESIDENCE
- ▨ (N) DRIVEWAY & WALKWAYS

GRADING NOTES

- EXISTING TOPOGRAPHY, SITE FEATURES, PROPERTY LINE BOUNDARY INFORMATION IS BASED ON SURVEY MAP COMPLETED BY MAND SURVEYING, SEE SHEET ON SHEET 1.
- SEE CIVIL ENGINEERING DRAWINGS BY R.L. ENGINEERING, INC. FOR GRADING, DRAINAGE AND EROSION CONTROL NOTES.

LANDSCAPE LEGEND

TALL SHRUBS

- T51 Eriogonum fasciculatum (Santa Cruz Island)
- T52 Cordyline allamanda (Pink Star Fronds Blue California Lily)
- T53 Cordyline allamanda (Pink Star Fronds Blue California Lily)
- T54 Ligularia japonica (L. ovalifolia (Japanese California Privet))

SHORT SHRUBS

- S51 Eriogonum fasciculatum (Santa Cruz Island)
- S52 Cordyline allamanda (Pink Star Fronds Blue California Lily)
- S53 Cordyline allamanda (Pink Star Fronds Blue California Lily)
- S54 Buxus microphylla japonica (Japanese Boxwood)

VINES

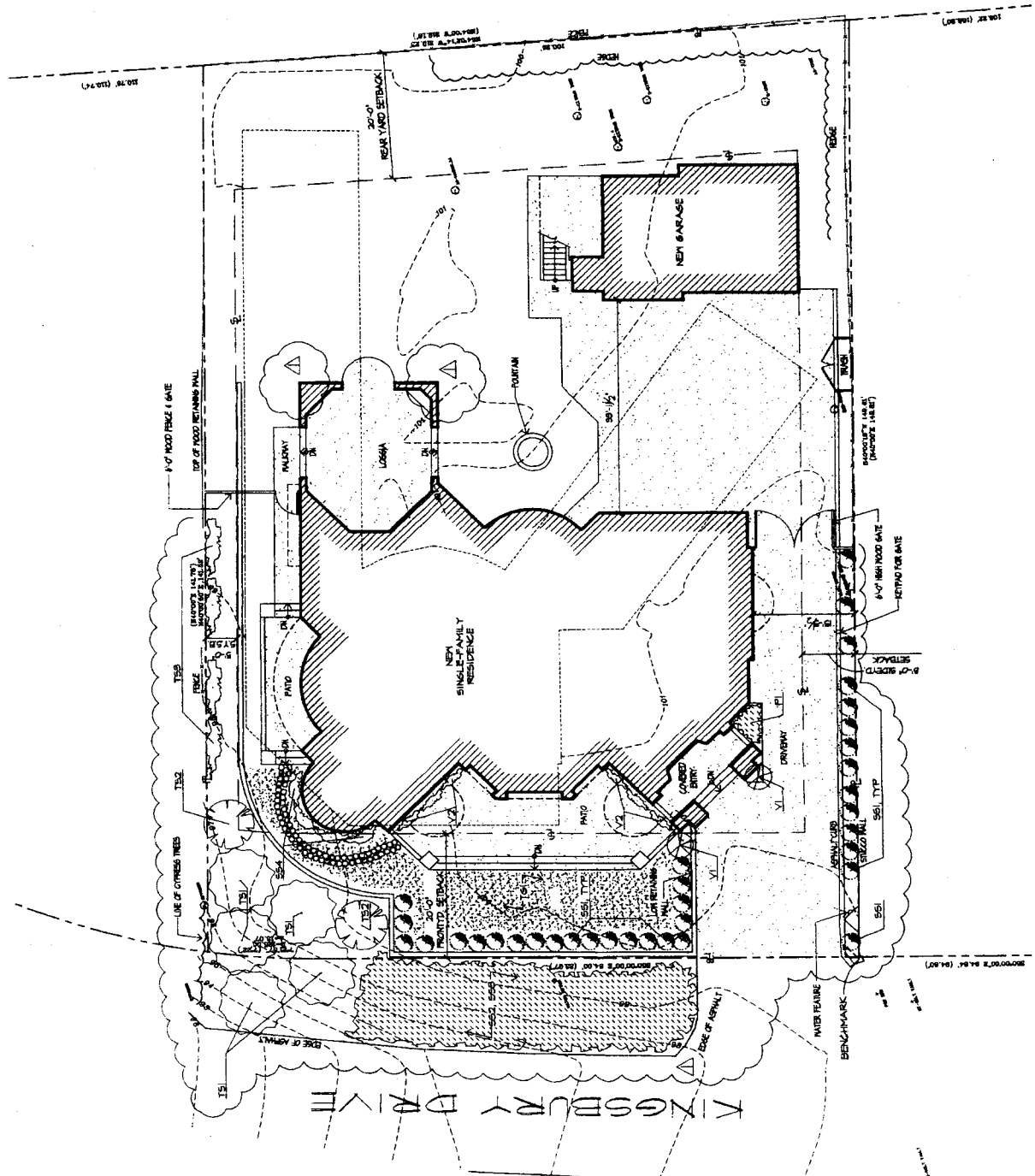
- V1 Bougainvillea speciosa
- V2 Rhois Cordia (Cordia Allamanda)

PERENNIALS

- P1 Phil. Tenuifolia (Panicum)
- TURF GRASS
- T55 Ficus microcarpa (Tall Hedge)

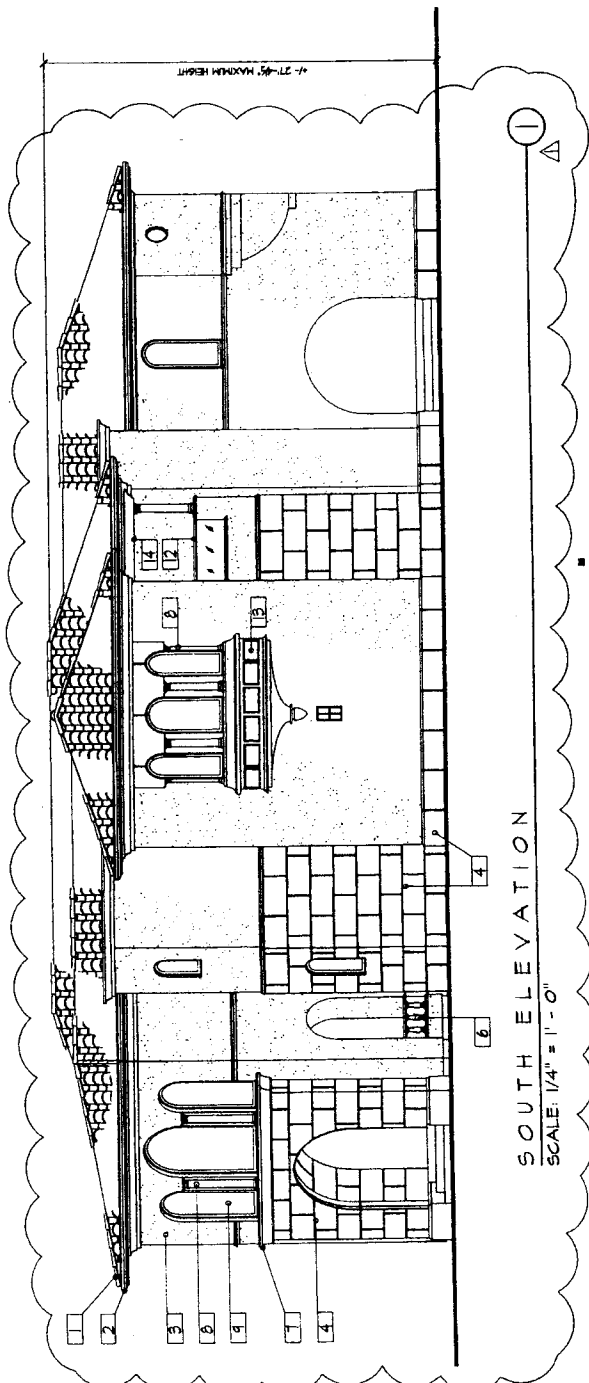
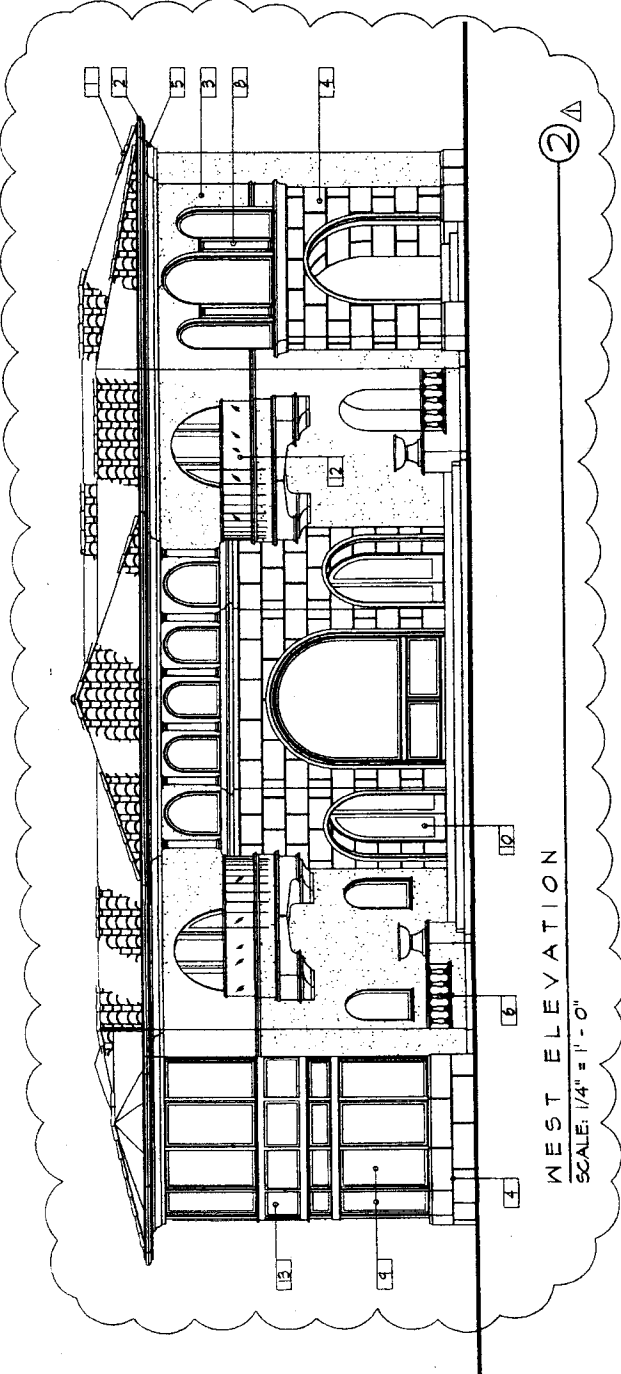
LANDSCAPE NOTES

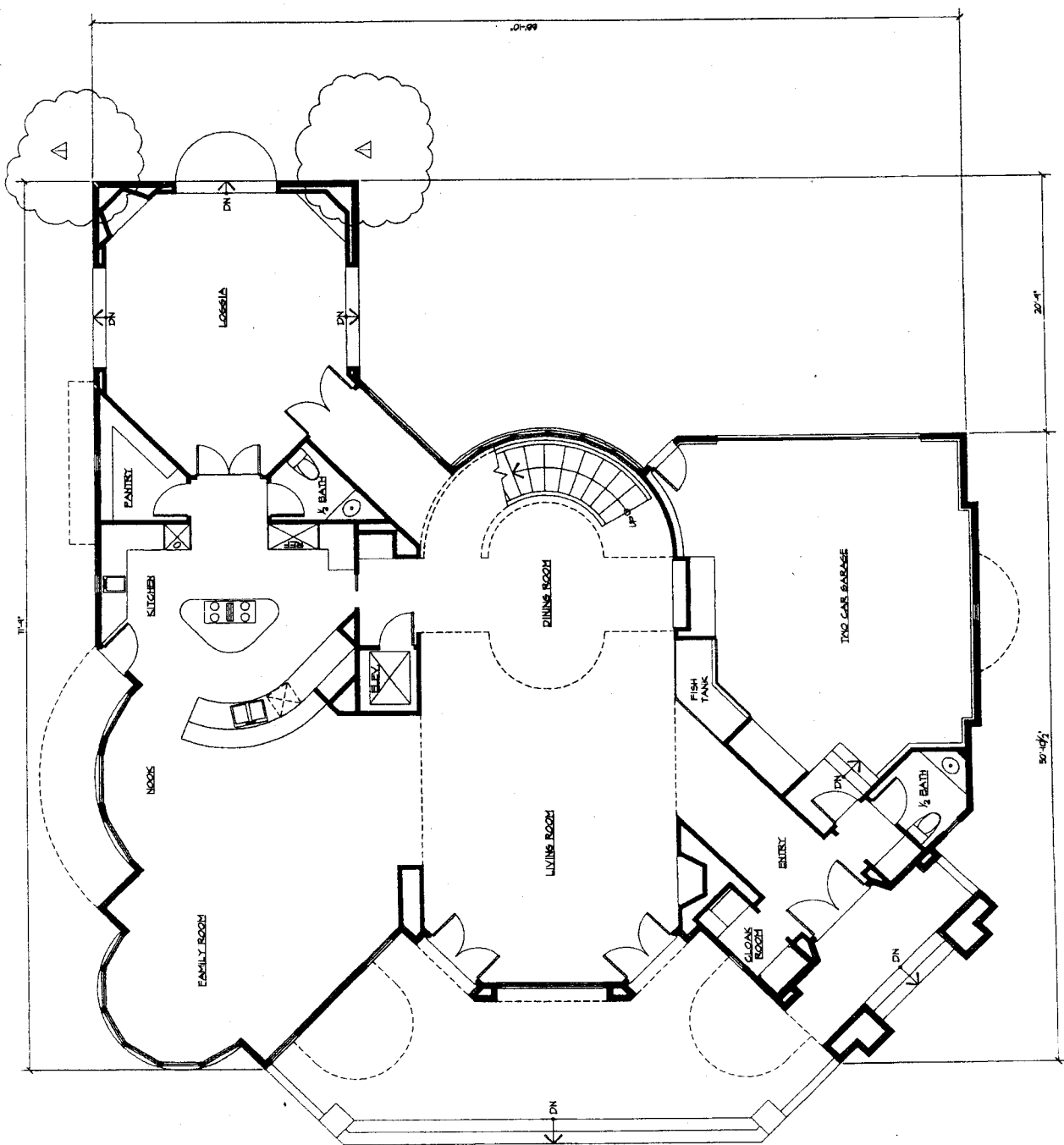
- ALL SHRUBS AND VINES ARE TO BE 5 GALLONS, UNLESS OTHERWISE NOTED.
- AN AUTOMATICALLY TIERED IRRIGATION SYSTEM CONSISTING OF SPRAY AND/OR DRIP COMPONENTS WILL BE USED IF REQUIRED.



PRELIMINARY LANDSCAPE PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

ELEVATION NOTES	
1	PERFORATED CLAY TILE ROOF IN CUSTOM COLOR BLEND
2	COPPER GAGE BUTTERS
3	THREE COAT STUCCO IN INTERIOR COLOR COLOR: TAN
4	EXTERIOR STONE PANELS COLOR: BROWN
5	PAINTED WOOD TRIM COLOR: DARK BROWN
6	PRECAST CONCRETE HOLDING BAULTRADE COLOR: SADDLE
7	PRECAST CONCRETE HOLDING COLOR: SADDLE
8	PRECAST CONCRETE COLLARS
9	WOOD / CLAD WINDOWS IN INTERIOR COLOR: TAN
10	WOOD / CLAD DOORS IN CHESTNUT BRONZE FINISH
11	WOOD VERTICAL PLANK PANEL EXT. DOOR OR GARAGE DOOR IN DARK BROWN WOOD STAIN
12	CLEAR GLASS GLAZED RAIL
13	CORTED WOOD PANEL
14	WOOD ANCHOR
15	COPPER CHIMNEY CAP

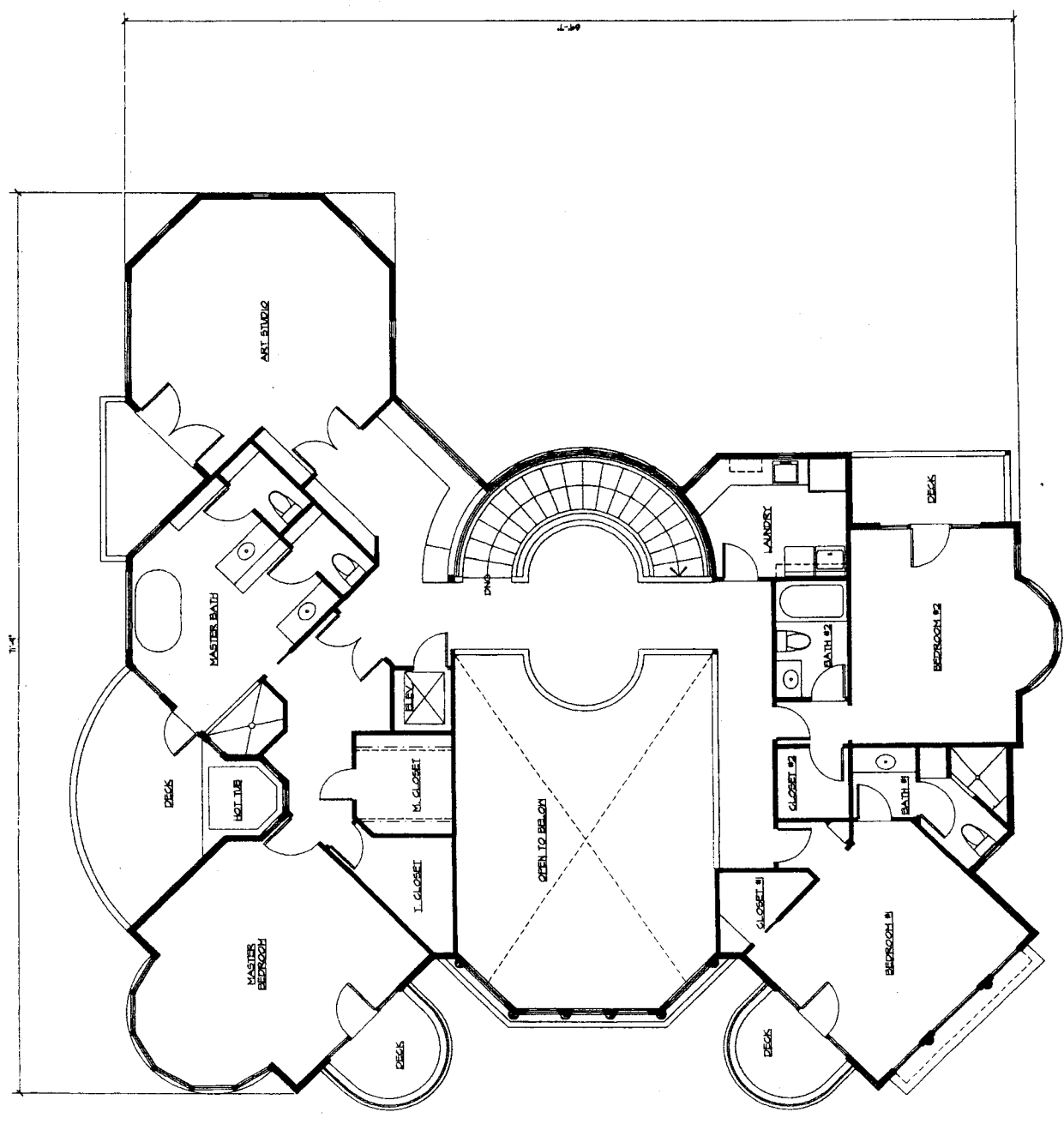




NORTH

FIRST FLOOR PLAN

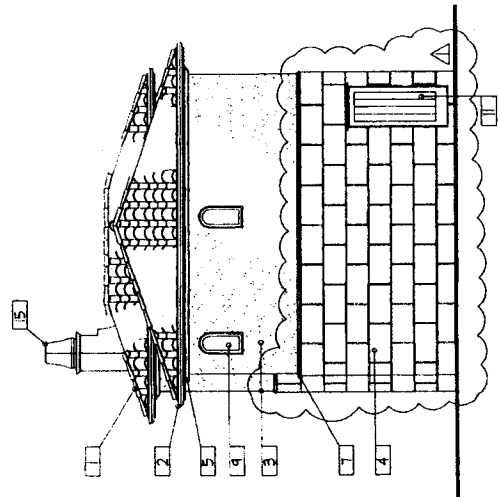
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

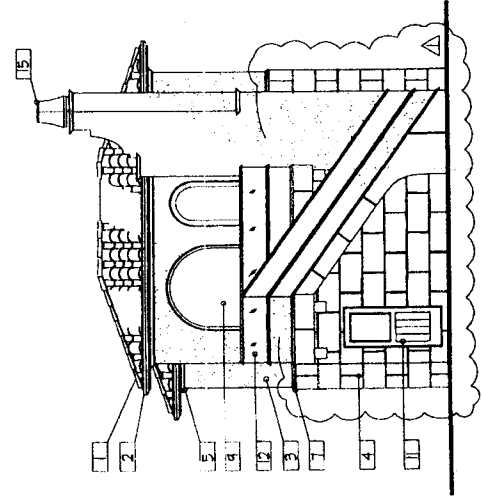
NORTH


ELEVATION	NOTES
1	DECKED TYLE TILE ROOF IN CLAY COLOR BLEND
2	COPPER ORNE OUTERS
3	THREE CAT SILICO TAN INTERNAL COLOR COLOR TAN
4	EXTERIOR STONE PANELS COLOR BROWN
5	PAINTED WOOD TRIM COLOR DARK BROWN
6	PREFRAG CONCRETE MOLDING 4 BALUSTRADE COLOR SANDBLE
7	PREFRAG CONCRETE MOLDING, COLOR SANDBLE
8	PREFRAG CONCRETE COLUMNS
9	MOOD / GLAD INDOORS W/ CHRISTIN BRONZE FINISH
10	MOOD / GLAD DOORS IN CHRISTIN BRONZE FINISH
11	MOOD VERTICAL PLANK PANE WITH DARK BROWN MOOD STAIN
12	GLASS GLASS GLASS RAIL
13	COFFERED MOOD PANE.
14	MOOD AMBER
15	COPPER CHANNEL CAP



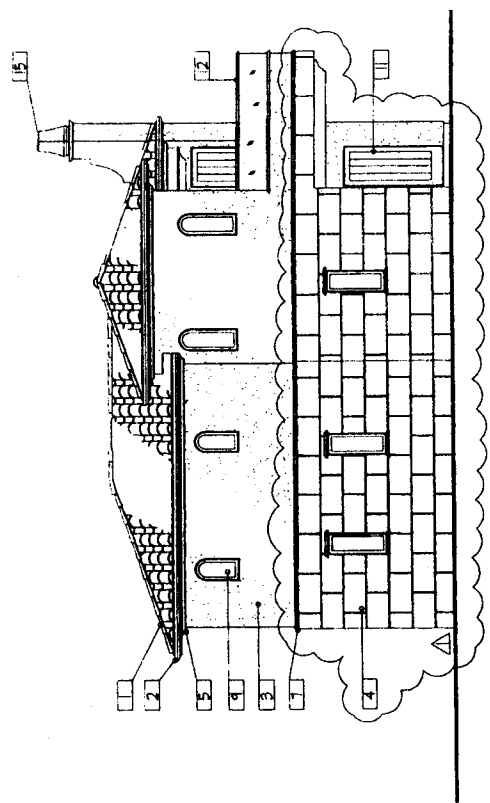
SOUTH ELEVATION

SCALE: 1/4" = 1' - 0"

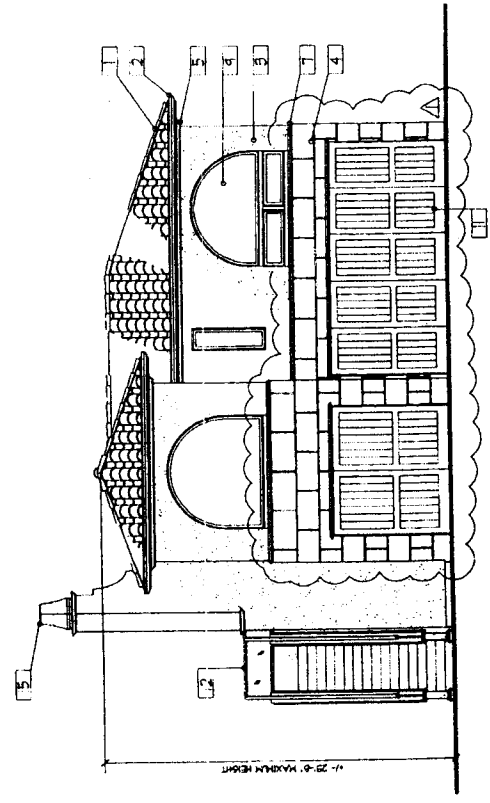


NORTH ELEVATION

SCALE: 1/4" = 1' - 0"



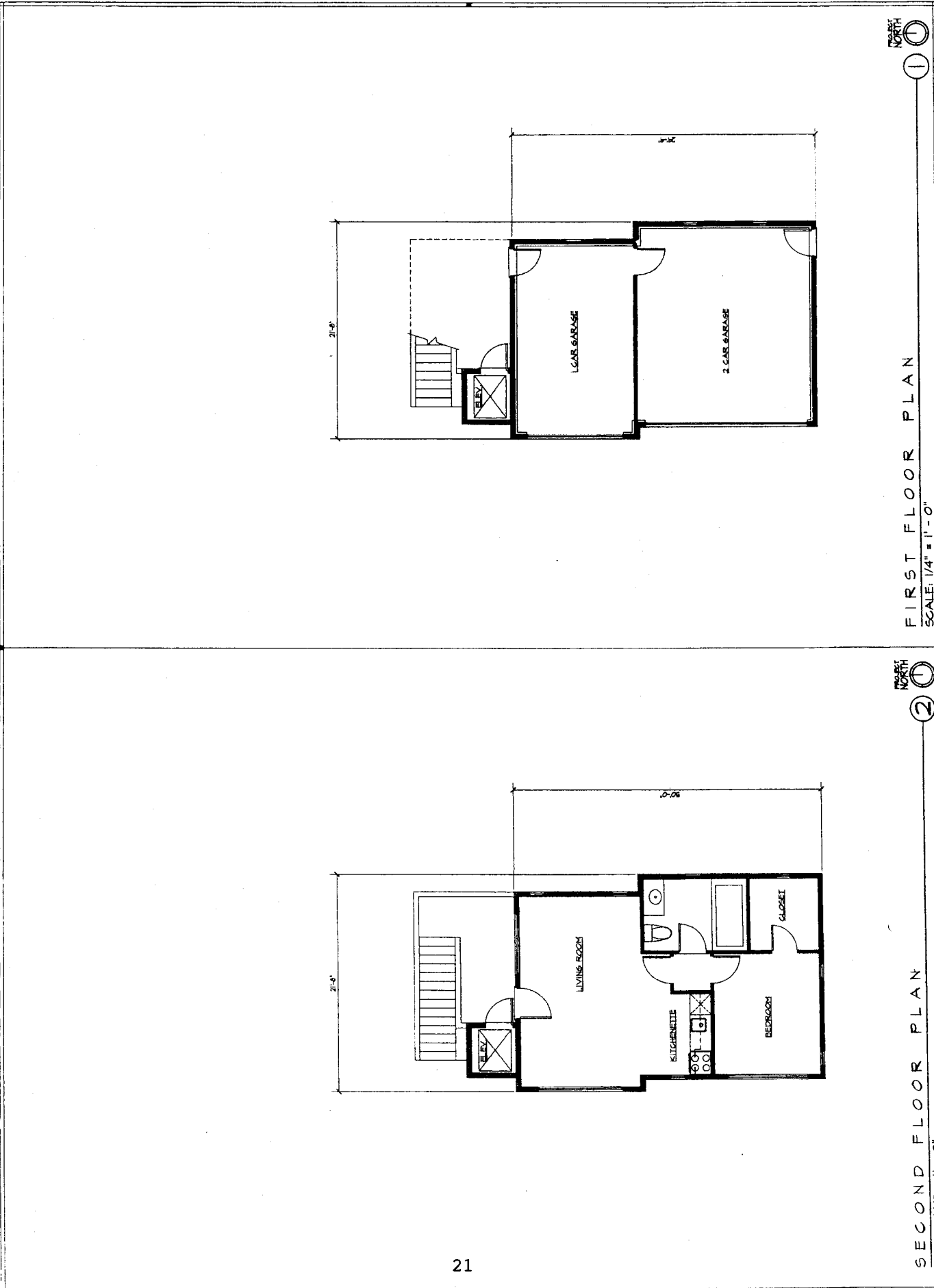
EAST ELEVATION
SCALE: 1/4" = 1' - 0"



WEST ELEVATION

SCALE: 1/4" = 1' - 0"

2



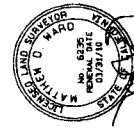
622 SEVENTH AVENUE
SANTA CRUZ, CA. 95062
(831) 425-5005

313 KINGSBURY DRIVE
APTOS, CA 95003

DATE RECEIVED

JOB # 07268	PLOT 07	DATE 03/04/81	DRAWN MDW	SCALE 1" = 8'
-------------	---------	---------------	-----------	---------------

SHEET
1
OF 1



MEMBER
VED
LOCAL
CALIFORNIA LAND
AMERICAN COUNCIL ON
SURVEYING AND MAPPING
ASSOCIATION

2101 LAMARCA DRIVE
APT. 102-10111
LOS ANGELES, CALIF. 90015

TO: DIRECTOR, FBI
FROM: SAC, LOS ANGELES (100-10111)
SUBJECT: MURDER OF MARTIN LUTHER KING, JR.
RE: LOS ANGELES TELETYPE TO BUREAU, APRIL 11, 1968.

ENCLOSED FOR THE BUREAU ARE TWO COPIES OF A LETTER
FROM THE LOS ANGELES POLICE DEPARTMENT TO THE
LOS ANGELES DISTRICT ATTORNEY, DATED APRIL 11, 1968,
AND A COPY OF A LETTER FROM THE LOS ANGELES DISTRICT
ATTORNEY TO THE LOS ANGELES POLICE DEPARTMENT, DATED
APRIL 11, 1968. THE LETTERS ARE BEING FORWARDED TO
THE BUREAU FOR INFORMATION.

LOS ANGELES (100-10111) (P)

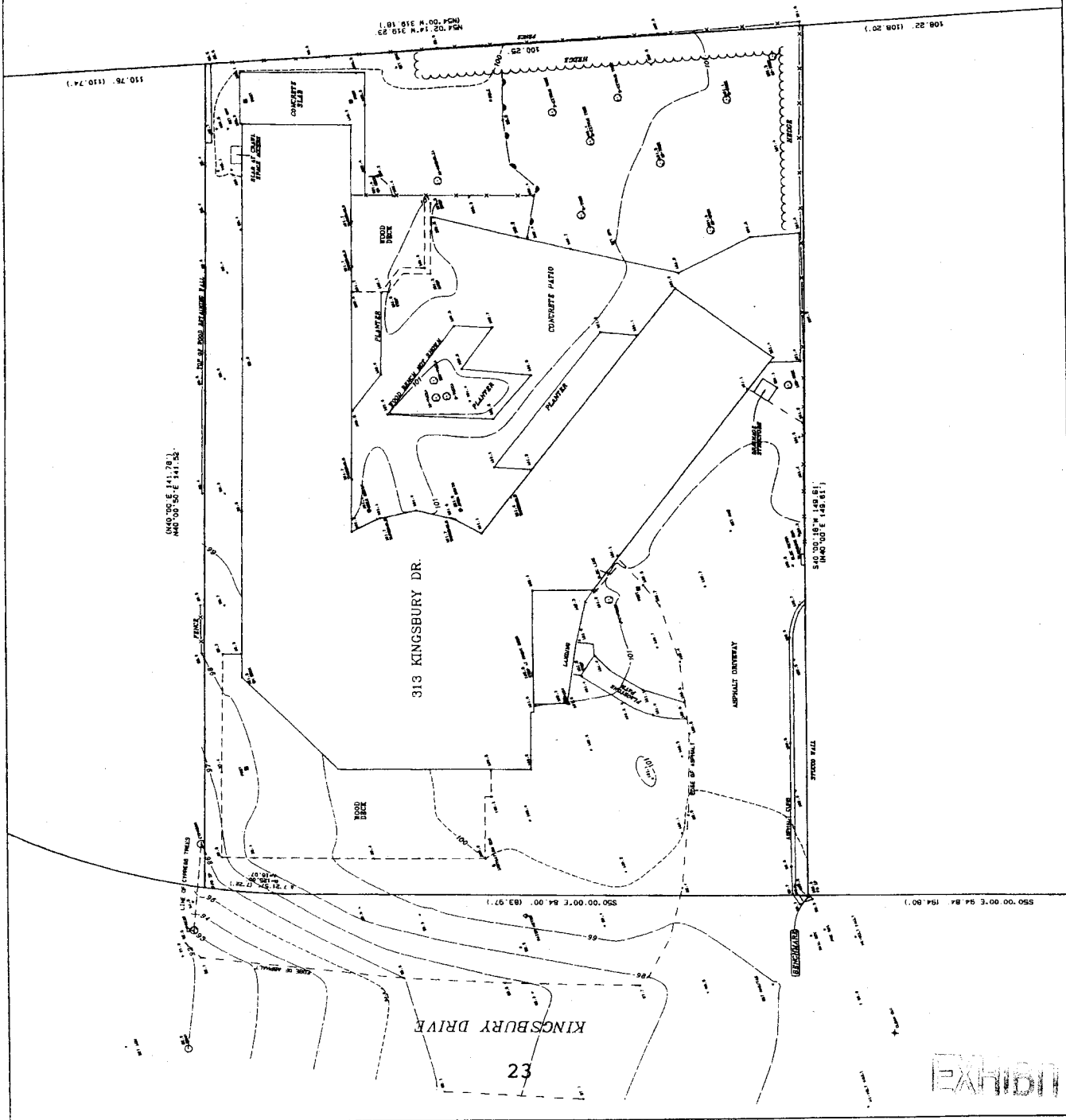


EXHIBIT / B

EVUJDT D

Coastal Development Permit Findings

The following findings **cannot** be made for the project as proposed:

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

This finding cannot be made, in that the proposed residence and detached two-story accessory structure are not compatible with the surrounding neighborhood, largely due to their unrelieved two-story massing and bulk. While surrounding lots are developed with single-family residences in a variety of sizes and styles, the proposed new residence will appear more massive and formal than surrounding dwellings, and thus out of character and not visually compatible with the existing surrounding neighborhood. The siting of the dwelling on the parcel contributes to the lack of compatibility in that the two-story residence is proposed be placed right up to the Kingsbury Drive front setback line, thus exacerbating the sense of large massing from the street view that is out of scale with surrounding development.

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

This finding cannot be made, in that the proposed development is not sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood, as required by County Code Section 13.20.130. While residential uses are allowed uses in the R-1-6 (Single-family residential, minimum 6,000 square foot parcel size) zone district, as well as the General Plan and Local Coastal Program Urban Low Residential land use designation, the project as proposed is not consistent with the existing range of sizes and styles. It is larger, more massive in form and more imposing toward the streetscape than the structures in the immediate area.

While the detached garage with a second-floor accessory dwelling unit is excluded from "large dwelling" calculations, the placement of the second structure is in part determining the siting of the larger main residence closer to the street in a manner that will make the dwelling more of a singularly massive presence from the pedestrian street view. In addition, because the detached structure, like the main dwelling, presents a two-story box-like mass from all elevations, it adds to the impression of being out of character with the extent of development on neighboring lots.

Development Permit Findings

The following findings **cannot** be made for the project as proposed:

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, in that the proposed development is not consistent with County Code Chapters 13.11.072 (Site Design) and 13.11.073 (Building Design) of the Design Review Ordinance, in regards to visual compatibility with the surrounding neighborhood. Chapter 13.11.072 requires that new development complement the existing bulk, mass and scale of neighborhood development, and the proposed new residence and two-story detached garage and accessory dwelling unit are not consistent with Chapter 13.11.072 requirements that there should be a compatible relationship with the streetscape and with existing structures in the vicinity. The large two-story massing right up to the front setback line would look out of place with the existing pedestrian streetscape because both placement and size would make the proposed residence seem out of scale with its neighbors.

The project is also inconsistent with County Code Chapter 13.20.130.1 (Design Criteria for Coastal Development), where it is stated, "*All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.*", because the siting of the proposed new home toward the front of the parcel only emphasizes the manner in which the height, large massing of elements and formality of the proposed home contrasts with neighboring residential development. In addition, the proposed landscaping is not sufficient to mitigate the impression that the proposed residence is out of scale with its surroundings.

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, in that the proposed residential use is not consistent with General Plan Policy 8.1.2 that requires new development to conform to the Design Review Ordinance Chapter 13.11. While the proposed project is in conformity with the use and density requirements specified for the Urban Low Density Residential (R-UL) land use designation in the County General Plan, it is incompatible with the existing neighborhood because of the massing and bulk.

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, in that the proposed development is not compatible with the surrounding neighborhood because of its unrelieved 2-story massing and bulk. While surrounding lots are developed with single-family residences in a variety of sizes and styles, the proposed new residence will appear more massive and formal than surrounding dwellings, and thus out of character and not visually compatible with the surrounding neighborhood. The siting of the dwelling on the

parcel contributes to the incompatibility in that the 2-story residence is proposed be placed right up to the Kingsbury Drive front setback line, thus exacerbating the sense of large massing from the street that is out of scale with surrounding development. The landscaping proposed for the front of the parcel does not sufficiently soften the impact of the massing and bulk.

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, in that the proposed single-family residence and detached garage/second dwelling unit will not be of an appropriate scale and design that will enhance the aesthetic qualities of the surrounding properties, and will appear more bulky and massive than other development in the vicinity.

Chapter 13.11.072(a) states, *"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."* The scale and massing of the proposed new house are not visually compatible with, nor integrated into the character of, existing development in the surrounding neighborhood. The street-facing elevation gives an impression of overwhelming bulk and massing, and all four elevations have high horizontal cornices and other elements that contribute to an overall sense of box-like size and formality that will appear out of context with the existing neighborhood. The project is on a combined lot that has approximately twice the area of most surrounding parcels, and thus building to the maximum FAR and lot coverage for this double lot can thus result in a proportionally larger house than would meet the same thresholds on surrounding lots. Even with additional setback area, the house would appear massive compared to those on nearby single-width parcels.

Chapter 13.11.073(b) states, *"It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context."* Chapter 13.11.073(1)(i) states, *"Building design shall relate to adjacent development and the surrounding area."* As stated above, the size, bulk, height and horizontal massing of the proposed project does not easily relate to the existing beach community neighborhood context.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 08-0373

Assessor Parcel Number: 043-231-11

Project Location: 313 Kingsbury Drive

Project Description: proposal to demolish an existing 3,656 square foot single-family residence and construct a new 6,995 square foot 2-story residence with an attached 611 square foot garage and a detached 634 square foot garage with a 609 square foot accessory structure

Person or Agency Proposing Project: Matson Britton Architects

Contact Phone Number: 831-425-0544

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

Specify type:

E. X **Categorical Exemption**

Specify type: CEQA Section 15270: Projects Which are Disapproved

F. Reasons why the project is exempt:

The proposed project is not consistent with County Code and is recommended for denial.

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

Alice Daly, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. APTOS RANCHO

S.E. 1/4 SEC. 18 &

SEC. 19, T.11S., R.1E., M.D.B. & M.

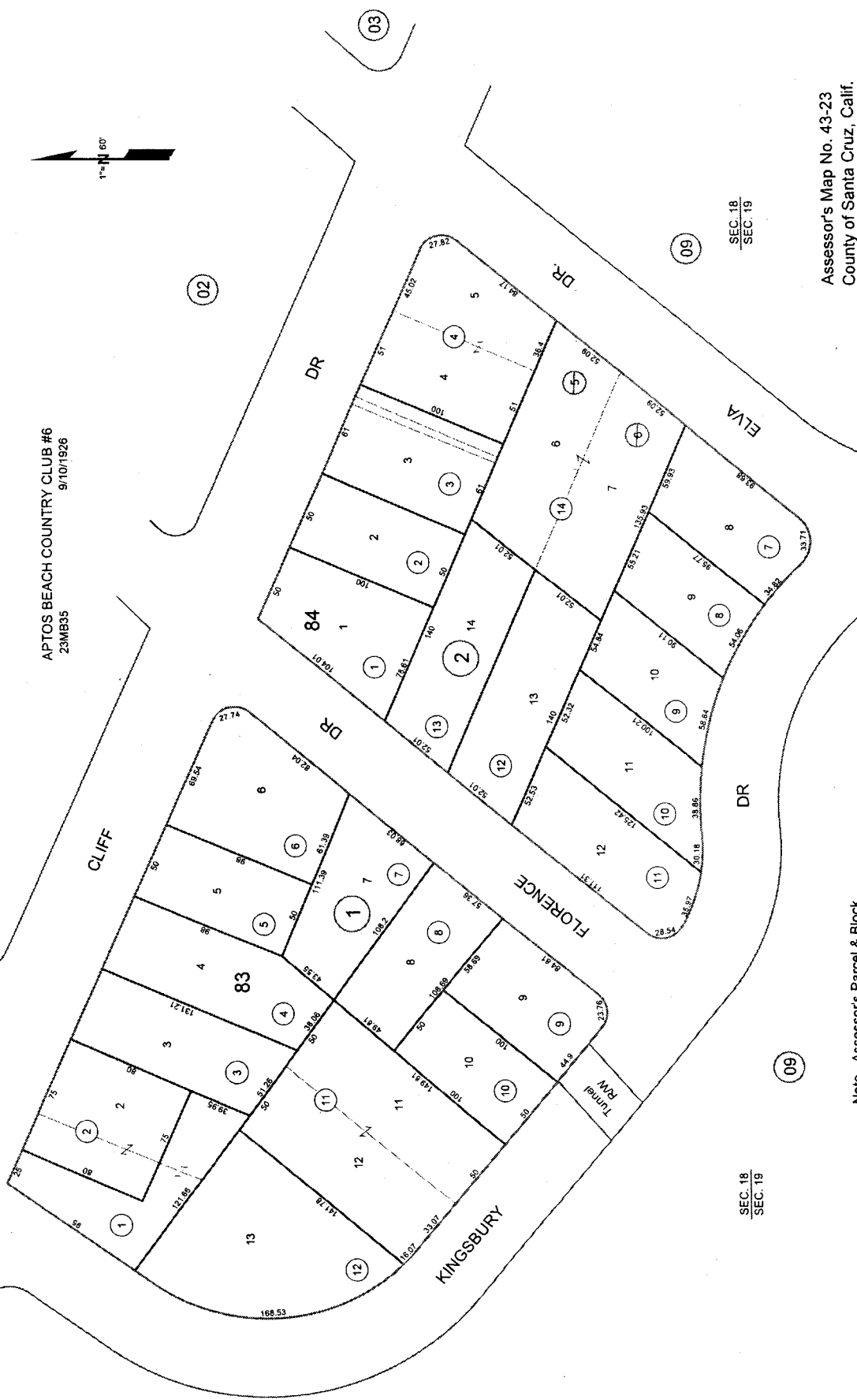
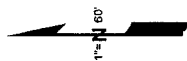
Tax Area Code

69-273

43-23

APTOS BEACH COUNTRY CLUB #6
23MB35 9/10/1926

64MB63
6/2/1977



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

Assessor's Map No. 43-23
County of Santa Cruz, Calif.
Oct., 2001

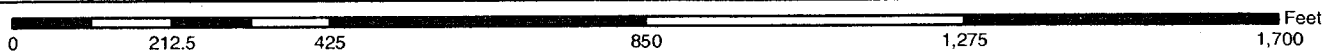
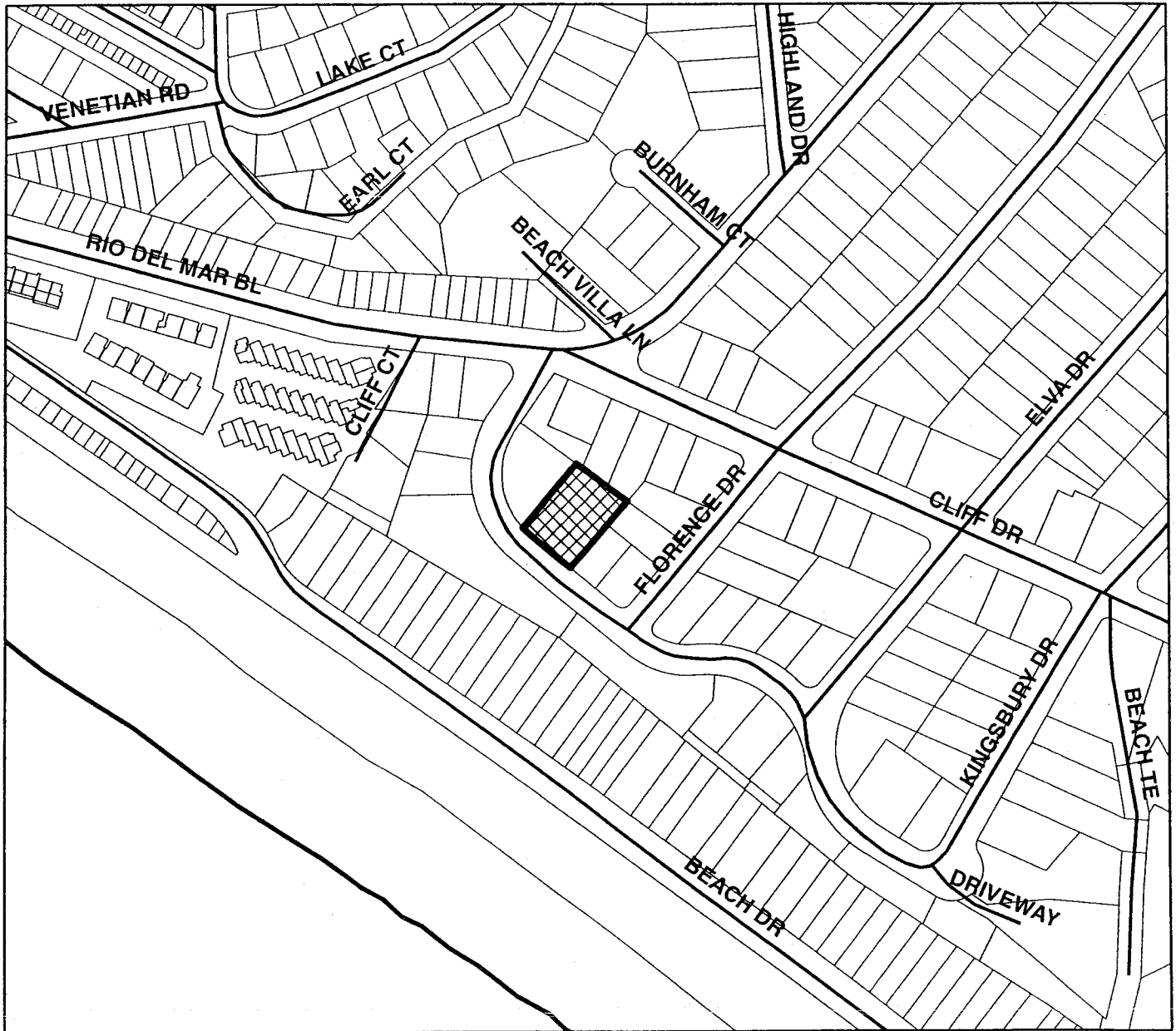
SEC. 18
SEC. 19

SEC. 18
SEC. 19





Electrically Redrawn 10/22/01 mmm
Rev 1/17/07 CB/S-0003614 (Comb 2-14)
Rev 1/17/07 CB (Change Map Scale)

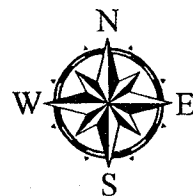


Location Map



LEGEND

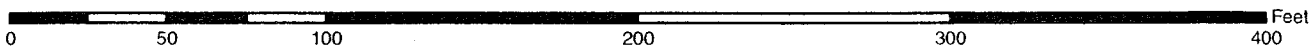
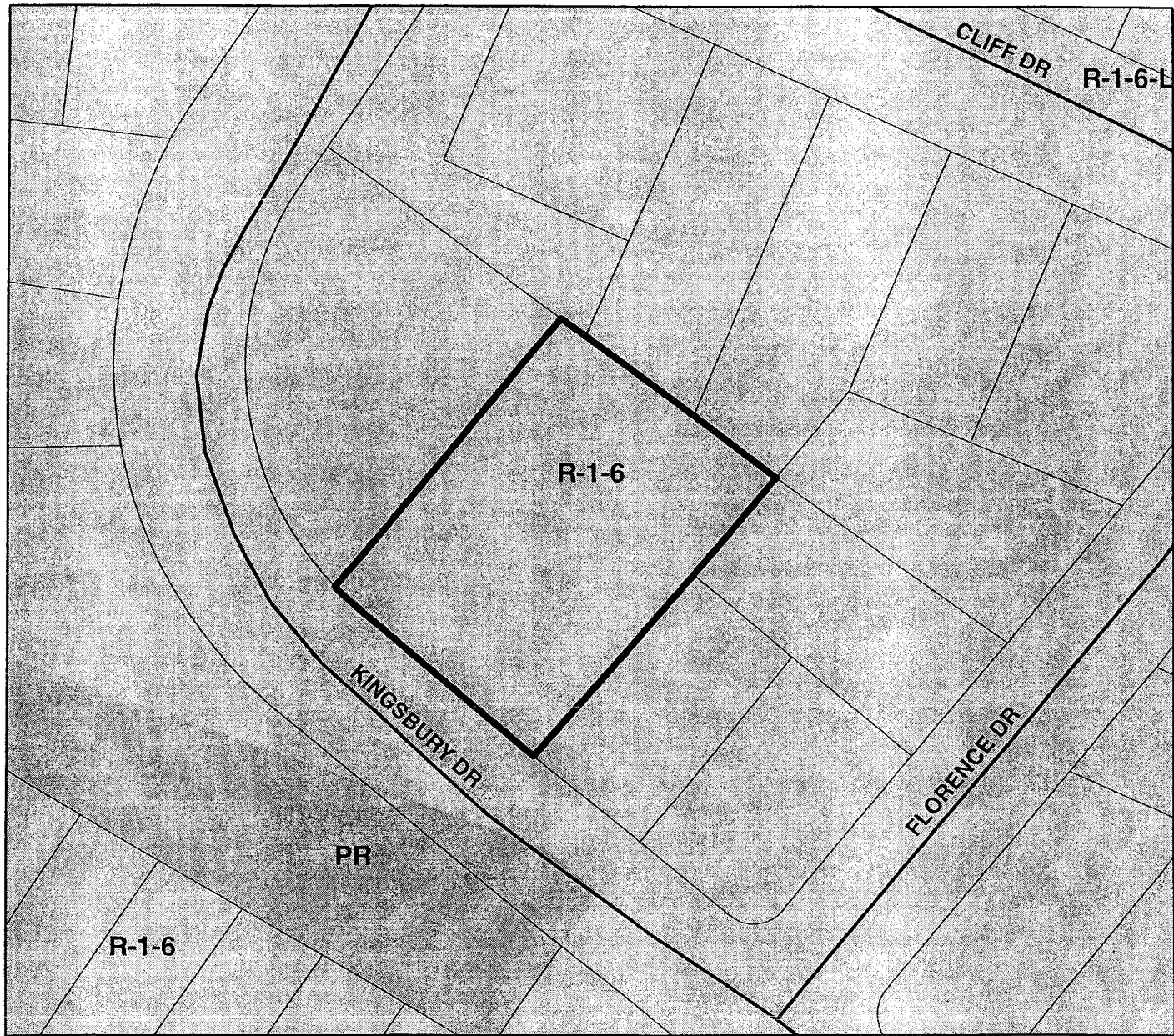
-  APN: 043-231-11
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
August 2008



Zoning Map



LEGEND



APN: 043-231-11



Assessors Parcels



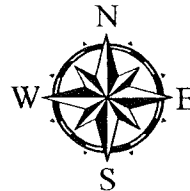
Streets



RESIDENTIAL-SINGLE FAMILY



PARK



Map Created by
County of Santa Cruz
Planning Department
August 2008

INTEROFFICE MEMO

APPLICATION NO: 08-0373

Date: September 9, 2008
 To: Alice Daly, Project Planner
 From: Larry Kasparowitz, Urban Designer
 Re: New residence at 313 Kingsbury Drive, Santa Cruz

I. COMPLETENESS ITEMS (for design review only)

none

II. COMPLIANCE ISSUES

A. Recommendation

I do not believe that the Zoning Administrator could make the findings that this design is compatible with the neighborhood.

B. Applicable Ordinances

There are two chapters of the County of Santa Cruz Code that pertain to the application. The first pertains to the Coastal Zone (Chapter 13.20).

Section 13.20.130 Design Criteria for Coastal Zone developments.

(b) Entire 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

The second portion of the County of Santa Cruz Code that pertains to this application is the Design Review ordinance (Chapter 13.11), because the lot is mapped scenic.

Section 13.11.072 Site design.

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

landscaped so as to be visually compatible and integrated with the character of surrounding areas.

(1) Compatible Site Design.

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

13.11.073 Building design.

- (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.

C. Applicable Findings

There are also two sets of findings that must be made for this application. The Coastal Zone finding pertaining to design is as follows:

Section 13.20.110 Findings

- (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. (see above).

The other finding that must be made is for the Development Permit --

Section 18.10.230 Findings required.

(a) Development Permits.

- (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.

D. Design Issues / Urban Designer Comments

This residence is just below the maximum site standards as follows -

	Floor Area Ratio	Lot Coverage	Building Height
Code Maximum	.50	30%	28'-0"
Proposal	.4998	28.23	27'-4 1/2"

Floor Area Ratio, Lot Coverage and Building Height are measures that are designed to limit the overall bulk and mass of a new residence. While indeed these are maximum limits, they are not guaranteed. When pushed to near maximum, they become indicators that a design may not be compatible with neighboring structures that are obviously small and lower.

There are additional aspects of the design increase the image of bulk:

- The building is pushed to the front setback and the rear half of the lot only contains the loggia and garage. This increases the impact of the bulk to the street
- All faces of the building contain two story walls. This gives a large "box-like" appearance – uniformly two stories.
- The cornice line of the building is almost continuous. This emphasizes the 21 ft. high plate lines.
- Cement plaster is the primary material for the walls. This limits the contrast of materials that would reduce the visual impact.
- A landscape plan was not submitted. It is unclear if the existing shrubs in the front are being kept which would decrease the visual impact from the street – new planting could assist in softening the massing and adding interest.

NOTE: Revising the design to address the above issues is critical, but may not be sufficient to insure compatibility with the neighborhood.

INTEROFFICE MEMO

APPLICATION NO: 08-0373 (second routing)

Date: February 17, 2009
To: Alice Daly, Project Planner
From: Larry Kasparowitz, Urban Designer
Re: New residence at 313 Kingsbury Drive, Santa Cruz

I. COMPLETENESS ITEMS (for design review only)

none

II. COMPLIANCE ISSUES

A. Recommendation

I cannot support making findings that this design is compatible with the neighborhood.

B. Applicable Ordinances

There are two chapters of the County of Santa Cruz Code that pertain to the application. The first pertains to the Coastal Zone (Chapter 13.20).

Section 13.20.130 Design Criteria for Coastal Zone developments.

(b) Entire 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

The second portion of the County of Santa Cruz Code that pertains to this application is the Design Review ordinance (Chapter 13.11), because the front portion of the lot is mapped "scenic".

Section 13.11.072 Site design.

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

landscaped so as to be visually compatible and integrated with the character of surrounding areas.

(1) Compatible Site Design.

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

13.11.073 Building design.

- (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.

C. Applicable Findings

There are also two sets of findings that must be made for this application. The Coastal Zone finding pertaining to design is as follows:

Section 13.20.110 Findings

- (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. (see above).

The other finding that must be made is for the Development Permit –

Section 18.10.230

Findings required.

(a) Development Permits.

- (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.

D. Design Issues / Urban Designer Comments

This residence is just below the maximum site standards as follows -

	Floor Area Ratio	Lot Coverage	Building Height
Code Maximum	.50	30%	28'-0"
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Floor Area Ratio, Lot Coverage and Building Height are measures that are designed to limit the overall bulk and mass of a new residence. While indeed these are maximum limits, they are not guaranteed. When pushed to near maximum, they become indicators that a design may not be compatible with neighboring structures that are obviously small and lower.

There are additional aspects of the design increase the image of bulk:

- The building is pushed to the front setback and the rear half of the lot only contains the loggia and garage. This increases the impact of the bulk as seen from the street.
- All faces of the building contain two story walls. This gives a large "box-like" appearance that is uniformly two stories.
- The cornice line of the building is almost continuous. This emphasizes the 21 ft. high plate lines.
- The new planting shown does not assist in softening the impact of the massing from the street.
- The building elements are not in scale (one meaning of that term is that in relationship to a person, they are out of proportion).
- The entire building is also not in scale with the neighboring structures, and will seem overwhelming at the street.

NOTE: Revising the design to address the above issues is critical, but may not be sufficient to insure compatibility with the neighborhood.

January 6, 2009

Attention: Alice Daly,

I am writing as a concerned neighbor on Kingsbury drive about the home 313 Kingsbury drive of Mr. and Mrs. Brent West. The Wests had a meeting with their architect Cane Britton on Saturday December 13th at 2:00 p.m. for all neighbors who were concerned about their building project. I was unable to attend due to being gone for the holidays. I was told by neighbors who could attend the meeting that the Wests architect Cane Britton made fun of the concerns about the project. He was also the architect on another home on the other end of Kingsbury. The neighbors there were very upset that a massive home was built with no consideration to the beauty of the neighborhood.

I have four concerns as a neighbor of Kingsbury:

① I would like to see Story roll of how high the West project will

EXHIBIT 1 B EXHIBIT C

- impact us as Kingbury neighbors
- ② I would like to know if the West project will be protruding out further than the ~~existing~~ home site now. This will impact the view of us neighbors close by.
- ③ There has been another home just compleated at the bottom of Kingbury (#302) and Cliff drive. It took over two years to be compleated. Our Kingbury drive is a very small private County road. All the neighbors had gone in together for repairs on our road several years earlier before this new home at 302 was compleated this last year. Big trucks were constantly driving quit fast around our small road and getting stuck or couldn't manoeuvre the small corners on our road. The road had to be closed many times so this problem could be taken care of. I do realize this will happen again.
- ④ I would like to be sure

that there will be no back-filling on top of the existing ground as it is now. The Wests can say they won't but it has been done many times around the neighborhood before. Of course that has impacted others views.

I hope you will consider my concerns about our beautiful neighborhood.

Thank you
Very sincerely
Jerry Byrne

Alice Daly

From: Dawn & Gary Martin [dawnandgary@comcast.net]**Sent:** Tuesday, December 23, 2008 4:31 PM**To:** Alice Daly**Subject:** Trent West's Kingsbury Development

Ms. Daly as you may know, on Dec 13th Cove Britton, architect on subject development held a neighborhood meeting to review plans for Mr. West's Kingsbury Dr development. While it appears the owner has taken into consideration to the extent possible the view of surrounding homeowners, attempting to visualize how the structures will appear is difficult. During the meeting someone asked about the possibility of putting up "story poles". While I realize this is added cost for the owners, it may help with his application if it removed concerns that one neighbor expressed regarding her lose of view.

Personally I have no serious issue with the development as presented. Yes the house will be large, but I would prefer one larger home on the two lots, then have the property developed as two separate parcels, which would likely eliminate most of the views of surrounding neighbors. Additionally there are a number of very large homes along Kingsbury, Seaview and Farley Drives.

I do not favor moving the main house back from its proposed location as this too would jepordize surrounding views.

During the meeting I suggested to Mr. Britton that I would not object to a request for a variance to the rear set-back of 15 feet vs 20 if it would help insure that neighbor's view from Florence St (east) elevation because of the "granny" unit. As the plan is currently drawn the east elevation has the potential for the greatest loss of view. However those views would also be lost if two homes were developed. I realize the County can't be concerned about views, but in the end the issues people raise for what ever reason, are made in an attempt to keeps those things they value most. Oceanviews to owners that have them are valuable things.

You may make this email part of the file as my comments on the proposed development.

Gary Martin
306 Cliff Dr
Aptos Ca 95003 8316890313

Alice Daly

From: lesa stock [lesastock1@sbcglobal.net]
Sent: Monday, February 23, 2009 3:02 PM
To: Alice Daly
Subject: 313 Kingsbury Drive Aptos

To Whom it May Concern,

I Lesa Stock who has a house at 317 Kingsbury Drive, Aptos CA.

would like to see story poles for project 08-0373(**) at 313 Kingsbury Drive, Aptos
APN(S):043-231-11.

I understand Matson Britton Architects have done the design. Being that said they should have no
problem showing the lines of the roof on this project with story poles.

Thank you for this consideration

Lesa Stock



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

October 23, 2008

Matson Britton Architects
728 N. Branciforte Ave
Santa Cruz, CA 95062

Subject: **Complete Application - Application #: 08-0373**
Assessor's Parcel #: **043-231-11**, Owner: **Trent and Michele West**

Dear Mr. Britton:

This letter is to update you on the status of your application. On 8/12/08, the above referenced application was submitted for a Coastal Development Permit and Residential Development Permit with the Santa Cruz County Planning Department. The initial phase of processing your application was an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination).

In a letter dated September 12, 2008, your project was deemed incomplete, with additional information requested by Environmental Planning and DPW/ Drainage as detailed in that letter and its attachments.

On September 16, 2008, you filed an appeal, and that appeal is currently under review.

Also on September 16th, staff received a separate letter under the header "Completeness Issues Response". In that letter, you stated that while you did not believe that the information requested by Environmental Planning and DPW/ Drainage were completeness items, you would "provide appropriate clarification, corrections and additional information that is appropriate for this level of review".

In an email to you on September 24, 2008, Principal Planner Paia Levine sought clarification on whether the "Completeness Issues Response" letter was intended as informational only, or whether—in spite of the reference to the provision of additional information—the letter was intended to be your re-submittal in response to our determination of 9/12/08. On 9/30/08, you clarified that we should consider the "Completeness Issues Response" letter to be your re-submittal.

The information that is outstanding pending the review of your appeal would have been necessary to evaluate your project in typical circumstances. However, because we believe that the project is inconsistent with respect to County Code Chapters 13.20 and 13.11 regarding Design Review and Neighborhood Compatibility, and because staff will be recommending denial to the Zoning Administrator for that reason, the information is not necessary at this time. Therefore, your

application has been deemed complete for further processing.

I will be proceeding with the preparation of a Staff Report for the Zoning Administrator for agenda date **December 5, 2008**. Your pending appeal will have been adjudicated by that time.


Please note that you are now required to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for preparing your sign. The Neighborhood Notification Guidelines are online at: www.sccoplanning.com/brochures/neighbornotice.htm The required sign text is attached to this letter.

Additional Issues

- A. Please again review the September 9, 2008 memo from the County Urban Designer, which is attached for your convenience. You are encouraged to consider a re-design of your proposal based upon the recommendations of the Urban Designer in order to move the project toward greater compliance with County Code Chapters 13.20 and 13.11. We will not be able to recommend approval of the project as currently submitted.
- B. You are encouraged to submit a landscape plan for this project, as landscaping may soften the visual impact from the street, and is a site design element that would help to bring the proposed new home into conformance with Section 13.11.072.

Should you have further questions concerning this application, please contact me at:
(831) 454-3259, or e-mail: alice.daly@co.santa-cruz.ca.us

Sincerely,


Alice Daly, AICP
Project Planner, Development Review

Attachments:

County of Santa Cruz Urban Designer Memo dated September 10, 2008
Sign text



County of Santa Cruz Zoning Minutes

Planning Department, 701 Ocean Street, Suite 400, Santa Cruz, CA 95060

Meeting Date : Friday, March 06, 2009 10:00 AM

Location : Board of Supervisors Chambers, Room 525
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

REGULAR AGENDA ITEMS

1. **08-0373 (**)** **313 KINGSBURY DRIVE, APTOS** **APN(S): 043-231-11**

Proposal to demolish an 3,656 square foot, 4 bedroom, 3.5 bath single-family residence and to construct a new approximately 6,995 square foot, 2-story, 4 bedroom, 4 bath and two half bath residence with an attached 611 square foot two-car garage, and a detached 634 square foot 3-car garage with a 609 square foot second floor accessory dwelling unit above. Requires a Coastal Development Permit, a Residential Development Permit, a Level 5 approval of a second dwelling unit over 17 feet in height and a Preliminary Grading Approval. Property is located on Kingsbury Drive approximately 235 feet southeast from the intersection with Rio Del Mar Boulevard at 313 Kingsbury Drive.

SUPERVISORIAL DIST: 2

PROJECT PLANNER: ALICE DALY, 454-3259

EMAIL: pln050@co.santa-cruz.ca.us

DENIED WITHOUT PREJUDICE

1.1 **08-0373 (**)** **313 KINGSBURY DRIVE, APTOS** **APN(S): 043-231-11**

CONTINUATION OF NO. 1 AUDIO FOR FINAL DECISION

2. **08-0367 (**)** **202 BEACH DR., APTOS** **APN(S): 043-072-01**

Proposal to construct two six foot electric gates and fence at the entrance of an existing carport and removal of un-permitted railing on top of roof. Requires an amendment to Coastal Permit and Variance 88-0599 and a Residential Development Permit to allow a fence and gate to exceed three feet in the front yard at the entrance to an existing carport with a zero front yard setback. Property located approximately 125 feet east of the corner of Beach Drive and Rio Del Mar Blvd, at 202 Beach Drive, Aptos.

SUPERVISORIAL DIST: 2

PROJECT PLANNER: MARIA PEREZ, 454-5321

EMAIL: pln110@co.santa-cruz.ca.us

CONTINUED TO MARCH 20, 2009; 8:30AM

3. **08-0440** **51 HOLLINS DRIVE, SANTA CRUZ** **APN(S): 060-221-09**

Proposal to demolish an existing attached garage (built to the side property line) and to construct an attached two-car garage and addition to an existing single-family dwelling. Requires a Variance to reduce the required 15 feet side yard setback to 5 feet and an Archaeological Site Review. Property located on the west side of Hollins Drive approximately 1,800 feet south of Pasatiempo Drive. (51 Hollins Drive)

December 1, 2008

Kathleen Archer Bowden Associates
225 Ross Street
Santa Cruz, CA 95060

Dear Mrs. Bowden

We received your letter of November 25th asking us to join you and others at a meeting on December 13th to discuss the replacement of an existing house at 313 Kingsbury Drive in Rio Del Mar.

Unfortunately, we will be out of the country during the month of December so we could not possibly attend. However, I e-mailed your letter and will e-mail our response to our real estate agents, Cheshire Rio in Aptos.

I would like to express our concerns about the construction of such a huge house, up on the cliff, right behind our house, even though I understand that it is on the other side of the street. There have been too many problems, over the last 20 years or longer, with water drainage and, consequentially, hill sliding.

We are questioning the stability of the road and of the hillside as a result of such construction, especially with a huge displacement of dirt.

We ask your cooperation in keeping us informed and we will definitely be in touch in January. Meantime, we would like to let you know that we authorize our agents, Randy Maldonado and/or Sue Lane to attend the meeting if they have an opportunity to do so.

Thank you very much for getting in touch with us.

Sincerely,

Victor and Grace Pires
327 Beach Drive
Aptos, CA 95003
Mailing address: 327 S. 15th St., Renton, WA 98055
Cell phone: 992-9879

April 16, 2009

Planning Commission
County Government Center
Attn: Ms. Alice Daly
701 Ocean Street, 4th floor
Santa Cruz, Ca 95060

RE: Item 8 on the Agenda for April 29th, 2009 with the Board of Supervisors
Application: 08-0373
Situs: 313 Kingsbury Drive, Aptos APN: 043-231-11

Dear Ms. Daly

You and I spoke about the project referenced above right after the March 6th Board of Supervisors meeting. At that time, I expressed our concerns about such a huge house being built on top of the cliff, in the direction of our house located at 327 Beach Drive.

As you know, the drainage on Kingsbury Drive is not well designed. Any water drainage towards the cliff could possibly have huge consequences of hill sliding over our property and our neighbors' properties causing, therefore, huge problems. It has happened more than once in the past 20 years.

In addition, we also question possible disturbance of stability of the hillside as a result of such construction which requires a huge displacement of dirt.

This is quite a big project, with a lot of square footage in the main house as well as additional garages, living quarters, etc. I am not sure that it really fits the neighborhood. A month ago, we were at a meeting with the Coastal Commission and they expressed concerns about big houses in the neighborhood. I believe that this fits their description of "unsightly".

We first received notification of a meeting at their architect's office back in November 2008. Because we could not attend, we mailed a letter expressing our concerns. I am sending you a copy of our response.

We hope that the Planning Commission will protect the neighborhood. Thank you for your cooperation.

Sincerely,

Grace Pires
327 Beach Drive
Aptos, CA 95003
408-674-7447