



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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February 11, 2019

AGENDA DATE: February 27, 2019

Agenda Item #: 10

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

SUBJECT: PUBLIC HEARING TO REVIEW AND PROVIDE RECOMMENDATION TO BOARD OF SUPERVISORS REGARDING: PROPOSED AMENDMENTS TO COUNTY CODE CHAPTERS 13.10 AND 13.20 TO CREATE A SEASCAPE BEACH ESTATES (SBE) COMBINING ZONE DISTRICT; ZONING PLAN AMENDMENT TO ADD 152 PARCELS TO THE DISTRICT; MINOR VARIATION OF PUD/USE PERMIT 4119-U GOVERNING 14 PARCELS IN THE PROPOSED DISTRICT; AND CEQA NOTICE OF EXEMPTION. AMENDMENTS TO CHAPTERS 13.10 and 13.20 ARE COASTAL IMPLEMENTING AND WILL REQUIRE COASTAL COMMISSION CERTIFICATION AFTER COUNTY ADOPTION.

Recommended Action(s):

- 1) Conduct a public hearing to review proposed County Code Amendments that would create a Seascape Beach Estates (SBE) Combining Zone District, with associated Zoning Plan Amendment, Minor Variation, and CEQA Notice of Exemption; and
- 2) Adopt the attached resolution (Exhibit A) recommending that the Board of Supervisors:
 - a. Direct staff to file the California Environmental Quality Act (CEQA) Notice of Exemption (Exhibit B) with the Clerk of the Board; and
 - b. Adopt ordinance (Exhibit C) enabling and creating the SBE Combining Zone District;
 - c. Adopt ordinance (Exhibit D) applying the new Combining Zone District designation to parcels in the Seascape Beach Estates neighborhood; and
 - d. Approve a minor variation to conditions of approval for Planned Unit Development/Use Permit 4119-U (Exhibit E).

EXECUTIVE SUMMARY

The proposed project would create the Seascape Beach Estates (SBE) Combining Zone District. The purpose of this district is to modify development standards for 152 parcels within the Seascape Beach Estates subdivision, in order to codify the general characteristics of the built environment to ensure neighborhood design consistency and preservation of public views in a Visual Resource Area. The proposed standards are the result of extensive discussion with and input from the neighborhood and the Board of Supervisors. The proposal incorporates many of the standards that

the original subdivision developer included within Conditions, Covenants and Restrictions (CC&Rs) at the time the neighborhood was subdivided in the late 1960's/early 1970's, while also reflecting certain adjustments that recognize the pattern of improvements made since that time.

The proposed development standards for the SBE Combining Zone District are as follows:

- Height: 16, 18 or 28 feet, dependent on location within neighborhood, measured from top of curb to top of structure.
- Lot Coverage: 45% (60% for lots with height limits of 16 or 18 feet).
- Floor Area Ratio: 0.6.
- Front yard setbacks: 20 feet.
- Side yard setback: Minimum 10% of lot width, but not less than 5 feet and no more than 8 feet, and street-facing side yard setbacks minimum 8 feet.
- Rear extent of dwelling: Average of rear extent of dwellings on the two adjacent parcels.

Planning Department staff has presented the draft ordinance to Coastal Commission staff, and Coastal staff have expressed support for this Combining Zone District approach.

The project is exempt from CEQA review because there would be no change in property use and there is no potential for a significant effect on the environment (CEQA Section 15061[b][3]). The SBE Combining Zone District is considered a "Coastal Implementing Ordinance" and will therefore require review and certification by the Coastal Commission subsequent to approval by the Board of Supervisors.

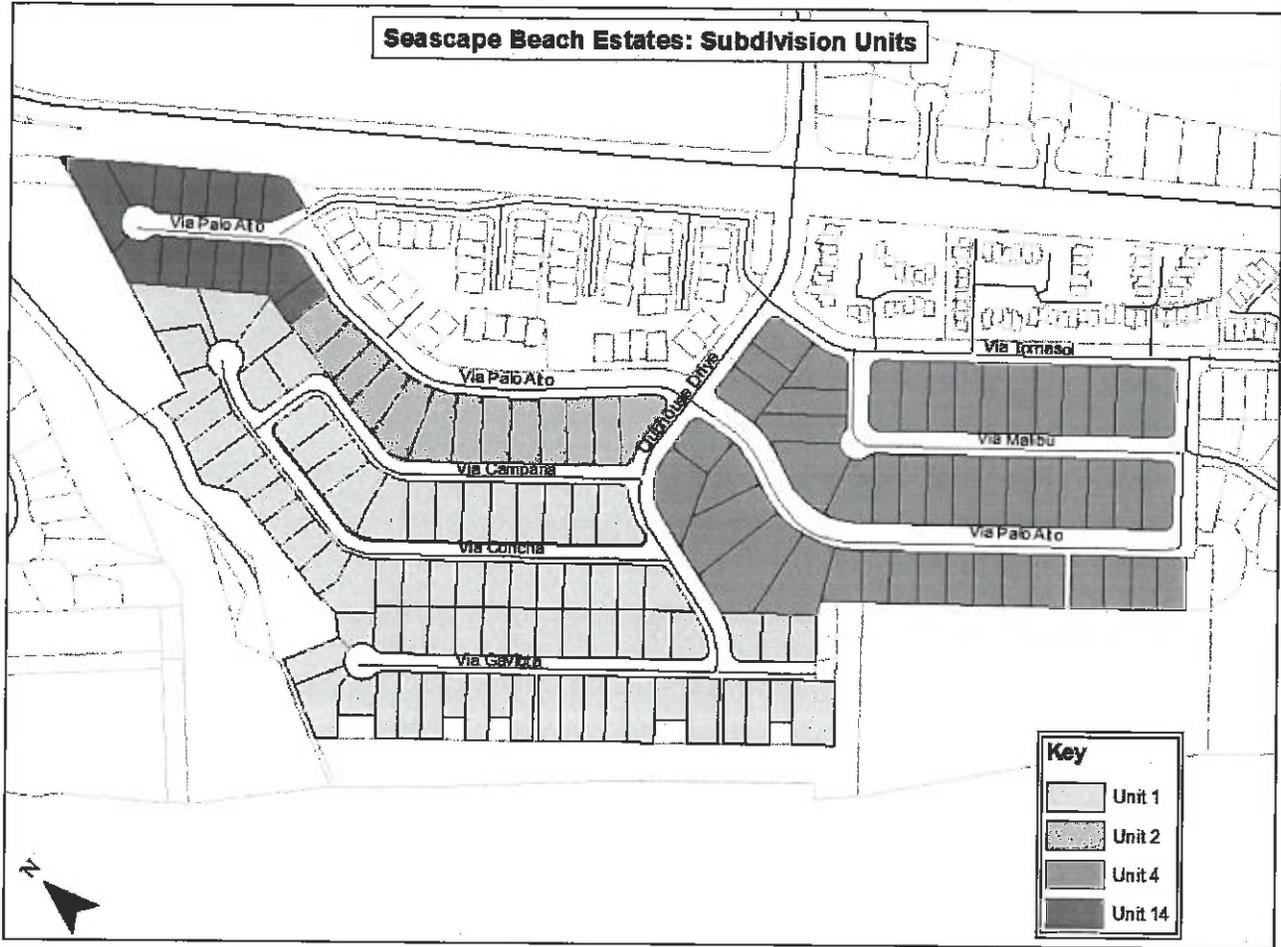
Staff recommends that the Planning Commission conduct a public hearing and adopt the attached resolution (Exhibit A) recommending Board of Supervisors approval of an ordinance creating the SBE Combining Zone District (Exhibit C), an ordinance rezoning 152 parcels into the SBE Combining Zone District (Exhibit D), a minor variation to PUD/Use Permit 4119-U (Exhibit E), and a CEQA Notice of Exemption (Exhibit B).

BACKGROUND

The SBE Combining Zone District geographic area consists of 152 parcels along the Aptos coast, located southwest of the Aptos Seascape golf course and accessed from Club House Drive. These parcels were originally mapped as four separate "units" in the Aptos Seascape Estates subdivision between 1968 and 1972, as demonstrated in Figure 1. Unit 1 [Tract 483] is comprised of 77 parcels on three streets: Via Gaviota, Via Concha and Via Campana. Unit 4 [Tract 511] is comprised of 48 parcels on lower Via Palo Alto, Via Malibu, and Via Tornasol. Unit 14 [Tract 574] is comprised of 14 parcels on upper Via Palo Alto. The portion of Unit 2 [Tract 497] included in the project area is comprised of 13 parcels on middle Via Palo Alto; these parcels will be referred to as "Unit 2" hereafter for the purposes of this analysis. Unit 1, which is a private, gated community, was developed first, followed by the other units, which have public streets.

The Seascape Beach Estates neighborhood is unique in its location and topography. The neighborhood is within the Coastal Zone but was designed and developed before regulations were in place limiting development on coastal bluffs. The natural bluff was graded into stepped terraces from the beach up to Via Palo Alto, with lots configured such that each property in the neighborhood has a sight line to the ocean. Portions of Units 1 and 4 were later designated as part of a Visual Resource Area in the County's General Plan and Local Coastal Plan (Policies 5.10.1 – 5.10.3). Development in visual resource areas must preserve public vistas as detailed in Section 13.20.130 of the Santa Cruz County Code (SCCC).

Figure 1. Seascape Beach Estates Neighborhood: Subdivision Units 1, 2, 4 and 14



Lots in the neighborhood are zoned R-1-6 (single family residential – minimum lot size 6,000 square feet) except for the beach side of Via Gaviota, which is zoned RB (single family residential – oceanfront). The neighborhood was built out soon after being subdivided according to the County's development standards at that time, as well as the Conditions Covenants & Restrictions (CC&Rs) recorded by the developer for each unit of the subdivision. CC&Rs are enforced by each unit's Home Owner's Association (HOA) where these were formed. CC&Rs are a set of restrictions administered privately by HOAs and property owners and are not part of the County's project approval process, although property owners within HOAs must obtain HOA approval in order to proceed with development.

The CC&Rs for each of the four units in this neighborhood incorporate site development standards that differ from the County's current site development standards for single family residential zone districts. In particular, CC&Rs for Units 1 and 4 limit building height on many lots to 16 feet, rather than the County's current limit of 28 feet. Also, CC&Rs for Units 1, 2 and 4 set the maximum floor area/lot coverage to 0.6 rather than the County's current limit of 0.5, which has allowed property owners to build out horizontally despite being limited vertically. Front, side and rear setbacks vary in the CC&Rs for the four units but are generally more relaxed and are measured differently as compared to the current County standards of 20 feet (front), 5 feet (side), 8 feet (street side), and 10-15 feet (rear). The original Seascape Beach Estates subdivision conditions of approval stated that all site development standards of the parcels' zone districts would apply to development on these lots. Over time, the County's development standards for the R-1 and RB zone districts have become more stringent, which means that many existing homes in the Seascape Beach Estates

subdivision are now considered "legal non-conforming structures" that do not meet current County standards for building height, setbacks, lot coverage and/or floor area ratio.

Prior to 2012, when the County Code for nonconforming uses and structures was amended to significantly ease restrictions and allow maintenance and extensive remodeling of non-conforming property (SCCC 13.10.260 – 13.10.265), the non-conforming status of Seascape Beach Estates homes was quite limiting; property owners were not able to construct additions or significant remodels without applying for variances. This issue led staff to propose an "Aptos Seascape" (AS) Combining Zone District in 2003 with new standards for the Seascape Beach Estates neighborhood matching the more relaxed standards in place in the County in 1969. These revised standards were intended to reduce the number of non-conforming structures in the Seascape Beach Estates neighborhood. The Board of Supervisors approved the district, which would have increased allowed height from 28 to 30 feet except for the beach side of Via Gaviota, which would have been reduced from 17 to 16 feet. Lot coverage would have been increased to 45% throughout the neighborhood. However, the Coastal Commission denied the proposal because the standards would have allowed for homes to be larger than allowed by current County code. In 2007, the HOA for Unit 1 initiated a proposal to create a Planned Unit Development, which would have addressed some of the issues raised by the Coastal Commission. This proposal encountered neighborhood opposition from outside Unit 1 and was withdrawn. Then, in 2012 the County Code was revised to make non-conforming status less restrictive. Pursuant to SCCC 13.10.262, a property owner with a non-conforming structure may now demolish and reconstruct up to 65% of major structural elements before triggering a need for a variance. This code update to allow significant maintenance and remodeling to non-conforming property resolved some property owner concerns regarding the non-conforming status of their properties.

Despite the easing of non-conforming structure regulations, there is still a need for unique, common development standards in the Seascape Beach Estates neighborhood. Adherence to CC&Rs during build-out of the Seascape Beach Estates neighborhood created a unique design character with defining features that are evident throughout the neighborhood, including a distinct uniformity in structure height and rear yard limits of development, homes that are close together, and noticeably low profiles of most homes when viewed from the street. However, this existing pattern is not reflected in the governing R-1 site standards in the County Code. This difference between CC&Rs and County standards, as well as differences between CC&Rs amongst the four units, has resulted in confusion and controversy in County review of proposed development projects in this neighborhood.

On January 26, 2016 the Board of Supervisors held a public hearing regarding an application to remodel and construct a partial second story addition to a single-family home at 185 Via Campaña. This proposal had received approval from the Unit 1 HOA as an allowed exception to the usual height requirement in the Unit 1 CC&Rs. The Board denied the application on appeal based on findings that the resulting home would be inconsistent with the scale of existing development and incompatible with the character and pattern of development established in the subdivision. At that time, the Board recognized that special regulations were needed to provide clarity to property owners, staff, and decision-makers regarding what the County will be willing to approve in the Seascape Beach Estates neighborhood in the future. Specifically, the Board noted that reduced maximum building heights were necessary to preserve the special neighborhood character. The Board directed Planning staff to research and report back on potential regulatory tools to guide development in Seascape Beach Estates. On April 12, 2016 staff returned to the Board with multiple regulatory options, and the Board directed staff to work directly with Seascape Beach Estates property owners to develop draft neighborhood-specific development standards for incorporation into a Combining Zone District.

The neighborhood was not able to agree on proposed standards. On March 14, 2017, staff presented the Board of Supervisors with a proposal from Unit 1, another proposal from Units 2, 4 and 14, and a compromise staff proposal. The compromise staff proposal included the following development standards:

- Front yard setbacks: 20 feet
- Interior side yard setbacks: 6 – 8 feet depending on lot width, 5 feet for garages
- Street side yard setbacks: 8 feet
- Rear yard setbacks: Varying based on existing conditions and site topography
- Floor Area Ratio: 0.6
- Lot Coverage: 60%
- Maximum building height: 17 – 28 feet depending on parcel location.

The Board accepted staff's compromise proposal in concept and directed Planning Department Staff to draft an SBE Combining Zone District in general conformance with the presented standards, including any necessary refinements based on further analysis, and to conduct environmental review in accordance with CEQA. The Board further directed staff to set the maximum height to 16 feet on Via Gaviota (beach side), Via Concha, lower Via Palo Alto, and 1405 and 1327 Clubhouse Drive; and set the maximum height to 18 feet on Via Malibu and Via Compana. These modifications to height limits caused the Board's proposal to be more consistent with the existing CC&Rs and the two neighborhood proposals. A link to the March 14, 2017 Board of Supervisors agenda item is provided as Exhibit F.

ANALYSIS

As directed by the Board, staff is now presenting a proposed SBE Combining Zone District. These development standards are intended to codify the characteristics of the existing built environment, preserve the existing neighborhood character, protect public views, and provide clarity regarding development in this neighborhood going forward. The proposal incorporates many of the standards in the subdivision's CC&Rs and reflects Board direction as well as further property owner input provided to staff and input received at a community meeting held on May 22, 2018.

The County Code would be amended by adding Sections 13.10.434 through 13.10.436 to create a Combining Zone District specific to the 152 single family residential parcels in the Seascape Beach Estates Subdivision. Also, existing SCCC sections 13.10.170[d] and 13.10.400 would be amended and new section 13.20.149 would be added to accommodate the new district. The properties zoned Single-Family Ocean Beach Residential (RB) would be rezoned to RB-SBE or RB-PR-SBE, and the properties zoned Single-Family Residential (R-1-6) would be rezoned to R-1-6-SBE. The development standards in the SBE Combining Zone District would be applied in addition to the underlying zoning district residential development standards found in SCCC 13.10.323(B), with the SBE standards overriding underlying standards where there are differences between the two. The draft ordinance creating the district is attached as Exhibit C; the draft ordinance adding the 152 parcels to the district is attached as Exhibit D.

The proposed development standards are intended to strike a reasonable balance that continues the current look and feel of the neighborhood, minimizes changes to scenic character and public views, and allows property owners some development flexibility as homes age and improvements are contemplated. The SBE Combining District development standards would differ from the existing County Code by establishing a site-specific structural height measurement standard, reducing maximum allowable height for certain properties, setting neighborhood-specific setbacks, and increasing allowances for maximum Floor Area Ratio and Lot Coverage. Table 1 and Figure 2

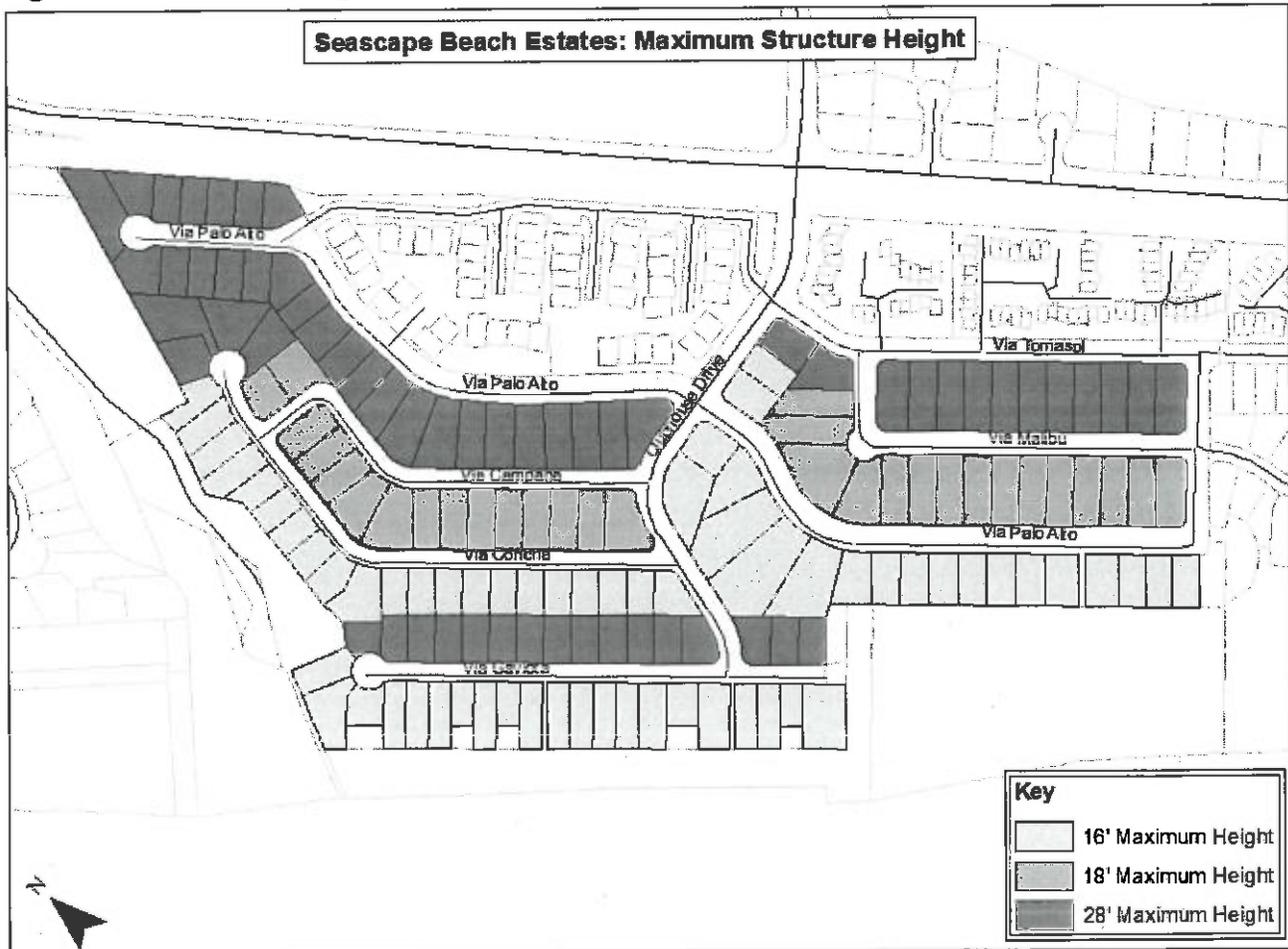
present the proposed standards as compared to the County's current single-family residential development standards.

Table 1. SBE Combining Zone District: Proposed Site Standards

<i>Site Standard</i>	<i>R-1-6 zone¹</i>	<i>RB zone¹</i>	<i>Proposed SBE combining zone district</i>
Building height	28'	17'	16, 18 or 28 feet, measured from highest point on curb to highest point on structure, excluding chimneys. See Figure 2.
Front yard setbacks	20'	10'	20 feet
Side yard setback	5' & 8'	0' & 5' or 10'	10% of lot width, but minimum setback shall be no less than five feet and no more than eight feet. Minimum street side yard setbacks shall be 8 feet.
Rear yard setback	15'	0' – 10'	Rear extent of dwelling measured as average between rear extent of dwellings on 2 adjoining parcels, measured from front property line.
Floor Area Ratio	0.5	0.5	0.6
Lot Coverage	40%	40%	45% (60% for parcels with height limits of 16 or 18 feet).

¹For more detail on R-1-6 and RB zone district standards, please see SCCC 13.10.323(B).

Figure 2. SBE Combining Zone District: Proposed Maximum Structure Heights



Following is a discussion of the reasoning for each of the new proposed standards.

Height

One of the key features of the existing Seascape Beach Estates neighborhood is the uniform-height, low-profile homes along the terraced bluff. Therefore, it is important that the SBE Combining Zone District include a standard for building height. The challenge is that in order to preserve this height uniformity, the height standard must address the unique characteristics of each street, and in some locations individual parcels, as they relate to elevation, views from the beach, parcel size, and the existing built environment.

Height Measurement Methodology. The ordinance proposes that height in the SBE Combining District be measured from street elevation, rather than from ground level of the structure itself (the usual County measurement). This alternative height measurement is proposed because the Unit 1 CC&Rs specify height measurement from the curb, and this is how the original homes in that part of the neighborhood were constructed. This measurement methodology has the benefit of resulting in continuous, uniform roof lines that parallel the coastal terraces stepping up from the beach, which has directly informed the visual character of the Seascape Beach Estates neighborhood that this ordinance aims to maintain. For this reason, the ordinance states that structure height shall be measured from the highest point on the curb at the front of a parcel to the highest point of the structure, excluding chimneys which may extend up an additional four feet. This methodology would replace the usual County methodology (the maximum of 28' measured from ground elevation would not apply). Chimney height is specified because otherwise, the County Code allows chimneys to extend up to 25 feet above maximum building height (SCCC 13.10.510[D][2]). Also, chimney heights of maximum four feet are specified in CC&Rs for Units 1 and 4.

Public comments (Exhibit J) have indicated some concern about this proposed measurement methodology. Most homes in the neighborhood were not built using this methodology, so properties with a ground level that slopes up from the curb (up-sloping properties) may now be counted as non-conforming structures under the proposed measurement methodology, although they would be counted as conforming under the standard County Code measurement methodology. This is because on up-sloping properties, the height as measured from curb to top of roof is greater than the height of the structure as measured from the ground. As a result, the proposed height measurement methodology constrains upsloping properties more than down-sloping properties. In Seascape Beach Estates, most properties are relatively flat or down-sloping, but there are upsloping conditions along Club House Drive and the Via Concha cul-de-sac, and other properties have a small up-slope of a foot or two.

Two examples illustrate the issue: at 911 Via Palo Alto (on the corner of Via Palo Alto and Club House Drive), the height survey measured the home at 21 feet, but the proposed height limit for this property is 16 feet. The home is single-story with a low-pitch roof, so this home is non-conforming with the maximum height limit based only on the fact that this is an upsloping property. Similarly, at 341 Via Concha, the height survey measured this two-story home at 45 feet, which is non-conforming with the proposed 28-foot height limit for this property. On lots like these, Variance findings (SCCC 13.10.230[C]) could be made if property owners desire to completely demolish and rebuild.

Proposed Maximum Structure Heights. Maximum structure heights proposed in the SBE Combining District are 16, 18, and 28 feet depending on the location of each lot within the neighborhood. Please see Exhibit I for a map of proposed heights in the various units. Proposed structure heights are as recommended by the Board of Supervisors in 2017. Maximum structure heights of 28 feet are allowed on the inland side of Via Gaviota, where homes are built into the hillside. Lots on the Via Concha cul-de-sac are up-sloping so a 28-foot height limit is also

appropriate for those lots. 28-foot height limits are also allowed on the upper streets in the neighborhood (upper Via Palo Alto and Via Tornasol) because these lots are located along the top terrace of the Seascape Beach Estates neighborhood and the topography extending east from these streets is flat.

Maximum structure heights of 16 or 18 feet are proposed for homes on lots along the neighborhood's lower terraces in Units 1 and 4. The CC&Rs for both of these units limit structure height to 16 feet on most lots, with exceptions allowed with the HOA's Architectural Review Committee approval. As a result, most existing homes on these lots were designed as 16-foot height, single-story homes. The 16 and 18-foot limits reflect the desire expressed by Unit 4 representatives to ensure structures are single story, as well as the desire expressed by Unit 1 representatives to gradually increase allowed building height as terraces step up from the beach to Via Palo Alto.

Public comment has been received expressing the following opinions:

- All homes in Unit 4 should be limited to 16 feet, especially Via Malibu (due to view impacts to Via Tornasol)
- 911 Palo Alto in Unit 4 should be limited to 20 feet instead of 16 feet;
- Via Campana should be limited to 20 feet or should not be height-limited because there is not a view impact to Via Palo Alto;
- Via Campana should be limited to 16 feet because most homes on the street were built to 16 feet;
- The southerly five homes on the cliff side of Via Gaviota (841, 853, 865, 877, and 895 Via Gaviota) should be limited to 20 feet instead of 28 feet to preserve views from Clubhouse Drive and Via Concha.
- No variances to the proposed height standards should be allowed.

Public comment has also been received expressing that the ordinance is motivated by the desire of Units 2 and 14 for unobstructed views of the ocean, and that this fine-grained, parcel-by-parcel height limit is more appropriate for review and decision by HOAs and should not be codified.

Height Survey. Following the March 14, 2017 Board meeting, staff conducted a survey of existing building heights in the neighborhood, with the purpose of determining how many homes would become legal non-conforming structures relative to the proposed height limits. County Department of Public Works Survey staff, accompanied by Planning Department staff, used Leica Total Station 1203 laser survey tools with reflectorless capability to measure height. Surveyors measured from the highest point on the curb at each property's front yard to the top of roofs or to the top of permanent structures on roofs (such as railings or decks). Chimney heights were not measured. Measurements taken with this reflectorless technology are accurate within 0.5 centimeter. The height survey results are attached as Exhibit H.

The height survey revealed that the proposed height limits would cause approximately half of the neighborhood's existing homes to be non-conforming structures. Specifically, the 16-foot height limit proposed for Via Gaviota, Via Concha and lower Via Palo Alto would cause 48 of these properties to be non-conforming in terms of height. The proposed 18-foot height limit on Via Campana and Via Malibu would cause two of these properties to be non-conforming. The 28-foot height limit with the new measurement methodology (from top of curb) on the remaining properties would cause 24 properties to be non-conforming, likely because these 24 properties are up-sloping by one or two feet. However, as discussed in the previous section, constraints on non-conforming structures were substantially relaxed in 2013 and now principally affect projects that demolish and fully rebuild structures.

Setbacks

The minimum front, side, and rear setbacks proposed in the SBE Combining Zone District are intended to maintain existing setback conditions and building footprints to ensure that future development will be consistent with CC&Rs and the existing characteristics of the built environment to the extent possible.

Front Yard Setbacks. The ordinance proposes a minimum front yard setback of 20 feet, which is the same as the setback for the R-1 zone district, but greater than the RB zone district standard of 10 feet. This setback matches CC&Rs for Units 1, 2 and 14. Unit 4 CC&Rs require front setbacks of only 5 feet, but homes in this unit are built to the 20-foot setback required by County Code, so the proposal of 20 feet reflects what exists on site and maintains neighborhood consistency. This is the same setback that was proposed to the Board of Supervisors in 2017.

Side Yard Setbacks. The ordinance proposes a minimum side yard setback of 10% of lot width, with at least 5-foot minimum setbacks for lots with widths less than 50 feet, and a cap of 8-foot minimum setbacks for lots with widths greater than 80 feet. The proposed setbacks are more generous than those proposed to the Board of Supervisors in 2017 (6-8 feet), because allowing a minimum setback of five feet more closely matches neighborhood conditions and CC&Rs for Units 1, 2 and 14, and creates zero new non-conforming situations. Staff notes that Unit 4 CC&Rs allow setbacks of three feet, and some homes in this neighborhood were built to this standard. These homes are already considered non-conforming structures under County Code.

Rear Extent of Dwelling. The ordinance proposes that the maximum rear extent of the primary dwelling shall be the average between the rear extent of primary dwellings on the two adjacent parcels, measured from the front property line. This is an alternative measurement strategy to the usual rear yard setback, which is measured as a certain distance from the rear property line. In the Seascape Beach Estates neighborhood, lots are varying depths and have varying topography, so one numeric rear yard setback is not appropriate for the whole neighborhood. The alternative measurement proposal achieves the objective of maintaining the visual consistency of homes along the terraced bluffs as viewed from the public beach. Most homes in the neighborhood have already been built to identical or similar rear extents, so this measurement strategy would effectively preserve the visual impression of consistent rear setbacks through the neighborhood (despite varying yard depths) and would restrict property owners from building dwellings down the hillsides. Properties along coastal bluffs (terraces subject to marine erosion) are also limited by coastal bluff setbacks as defined in SCCC 16.10.

There is precedent for this measurement strategy in the County Code (averaging is an alternative measurement option for front yard setbacks: SCCC 13.10.323[E][7]). Also, CC&Rs for Units 2 and 4 measure the rear extent of buildings from the front property line. Formal surveys of adjacent lots would not be required in order to determine this measurement for development proposals. Setbacks for decks and other structures would be measured as required by current County Code.

Another rear-yard setback measurement option that has been considered by staff and was discussed at the community meeting in May 2018 involved measuring setbacks from the seawall and/or break in slope. However, staff received feedback that the break in slope is not a reliable measure and may be challenging and costly to calculate consistently from site to site. Also, staff reviewed aerial imagery for the neighborhood and estimates that this rear setback measurement would result in 55 new non-conforming rear yards. Therefore, that proposal was modified.

Floor Area Ratio and Lot Coverage

The proposed SBE Combining District includes more generous Floor Area Ratio (FAR) and Lot Coverage standards than are allowed by underlying R-1 and RB zone districts, with the intent to achieve a balance between limiting structural heights and providing flexibility for residential development. FAR is the ratio of building square footage to lot square footage. Lot coverage is the percentage of a lot that is covered by structures. For a single-story structure, FAR is approximately equal to lot coverage. The proposed FAR and lot coverage allowances provide an opportunity for creative remodeling, such as interior courtyard conversions, while the height restrictions serve to limit additional visible mass and volume to existing homes.

The Unit 2, 4 and 14 CC&Rs state "in no event shall the covered floor area of buildings on a lot exceed sixty percent of the land area of such lot." This could be interpreted as meaning FAR and/or lot coverage. Many homes in the neighborhood were clearly built to 0.6 FAR, with single-story buildings occupying about 60% of lot square footage. County Code limits residential FAR to 0.5, and limits residential lot coverage to 40%, meaning that a one-story building can only occupy approximately 40% of a site. As a result, most homes in Seascape Beach Estates are currently non-conforming in terms of FAR and/or lot coverage.

Floor Area Ratio. The ordinance proposes a FAR of 0.6 throughout the neighborhood. In order to codify what exists and reflect what is in the CC&Rs, 0.6 FAR is the appropriate standard. This is the same proposed standard that was presented to the Board of Supervisors in 2017.

Lot Coverage. The ordinance proposes maximum lot coverage of 45% for lots with a structure height maximum of 28 feet, and maximum lot coverage of 60% for lots with a structure height maximum of 16 or 18 feet. A lot coverage maximum of 45% reflects the 1969 zoning standards and the conditions written on parcel maps enforced in neighborhood through the 1990s, and reflects the existing conditions on many of the lots with two-story homes.

The proposed maximum heights of 16 and 18 feet for 92 properties effectively restrict homes on these properties to a single story. As a result, lot coverage will be approximately equal to FAR for these properties. Based on staff analysis of aerial imagery of this neighborhood, it is estimated that at least 36 homes on these properties are already built to between 45% and 60% lot coverage - especially along Via Gaviota and Via Concha. It is therefore appropriate to allow a higher lot coverage for these properties, in order to visually maintain what exists and avoid removing significant development potential for any future property owners seeking to rebuild on those lots. Also, a higher lot coverage maximum allows height-constrained properties some flexibility to add square footage by filling in interior courtyards and building cut-outs with small additions.

Staff has worked with the Department of Public Works in developing these proposed standards. The ordinance includes the stipulation that any permit application involving an increase in lot coverage shall incorporate measures or conditions that direct runoff to the landscape, use permeable paving material, reduce existing impermeable area, and/or incorporate other low impact drainage design practices to control any increase in stormwater runoff.

Public comment has been received requesting that FAR and lot coverage maximums not be required in the SBE Combining Zone District, since the home envelopes are already constrained by height and setbacks. Due to the County's responsibility to develop site standards that allow for stormwater treatment on residential properties, it would not be appropriate for the County to remove FAR or lot coverage requirements for this neighborhood. Also, this approach would not be supported by the Coastal Commission. Currently, many homes in the neighborhood are non-conforming with the County's FAR and lot coverage site standards, and the proposal aims to reduce this non-conformity.

Other Development Standards

Public comment has been received requesting codification of other aspects of the Seascape Beach Estates unit CC&Rs, such as disallowing landscaping that blocks views, and regulating the type of roof shape allowed. These topics are more appropriately addressed as part of the project-by-project design review process described in SCCC 13.11.072.

MINOR VARIATION TO PUD/USE PERMIT 4119-U

While Units 1, 2 and 4 were created via tract map, Unit 14 was created with a tract map and corresponding Planned Unit Development (PUD)/Use Permit 4119-U. This development permit must be modified in order to allow SBE development standards to be applied to the fourteen properties in this unit. Unit 14 was originally planned as Phase II of the townhome development that exists on the north side of Via Palo Alto, across the street from Unit 2. The townhome development was approved with PUD/Use Permit 3078-U in 1968. Later, the developer decided to change what is now Unit 14 from a townhome development to single-family lots. This change was approved in 1972 with a tract map and PUD/Use Permit 4119-U, which amended permit 3078-U. Condition of Approval #3 on Permit 4119-U was that R-1 standards must apply to the fourteen lots. Therefore, staff is proposing a minor variation to Permit 4119-U to allow SBE standards to apply to these lots. The minor variation with findings is presented as Exhibit E.

PUBLIC OUTREACH/PUBLIC COMMENT

There have been multiple proposals for unique development standards in the Seascape Beach Estates neighborhood over time, and all of those proposals have involved outreach to property owners. As part of the current effort, staff held community meetings in 2016 and 2017 in an attempt to draft consensus-based standards for presentation to the Board of Supervisors. When neighborhood consensus could not be reached, staff presented the Board with two HOA proposals along with a compromise staff proposal on March 14, 2017. Next, staff conducted a survey of existing structure heights on Seascape Beach Estates lots, and presented the results of this survey, along with proposed standards, at a community meeting on May 22, 2018. This meeting served as an opportunity to gather additional public input.

In advance of the February 27 Planning Commission meeting, per SCCC 18.10.211, notification was sent to all properties proposed for rezoning as well as properties with a 300-foot radius of the exterior boundaries of each parcel proposed for rezoning.

Public comments received since March 14, 2017 are attached as Exhibit J. Most comments concern the proposed height limits and/or the proposed height measurement methodology. There are also comments regarding intent of the ordinance, setbacks, floor area ratio, and preservation of public and private views.

ENVIRONMENTAL REVIEW

Establishment of the SBE Combining Zone District is a "project" under CEQA but is exempt from CEQA review per CEQA §15061(b)(3): "where it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment." The goal of this District is to codify the existing situation in this developed neighborhood. Maximum building height would be lowered for some lots in the new district. Where floor area ratio, lot coverage, and setback

development standards would be relaxed, the changes are made to closely parallel the regulations that were in effect when the subdivisions were originally built out, and therefore continue the pattern of existing development. Overall, development standards would serve to reduce potential impact to scenic vistas from new development in this coastal community. There would be no change in land use and no possibility of a significant effect on the environment.

At the March 14, 2017 Board of Supervisors meeting, there was discussion of conducting environmental impact review in a CEQA Initial Study. However, staff has reviewed the CEQA Guidelines Appendix G Checklist and found that the only environmental topic to warrant any discussion in an Initial Study would be the potential impact to a "scenic vista" in the "Aesthetics" section, since the Combining Zone District would be changing the allowed building envelope for parcels in this district. However, the overwhelming visual effect of the Combining Zone District would be to restrict building height and preserve existing neighborhood character and vistas. Therefore, the overall visual impact from the project will be positive, and there is no need to prepare an Initial Study.

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed amendments would not result in any loss of agricultural land, any loss of coastal access, or any negative impacts to public viewsheds within the Coastal Zone. In fact, the development standards would reduce the maximum structure heights allowed under the current County Code for homes on coastal terraces visible from the public beach. The parcels are all residentially zoned and developed with single family residences except for one vacant lot. There would be no change in use associated with the SBE Combining Zone District. The amendments therefore meet the requirements of, and are consistent with, the County's certified Local Coastal Program (LCP) and the California Coastal Act. The amendments require review and certification by the Coastal Commission subsequent to approval by the Board of Supervisors.

STRATEGIC PLAN

The proposed amendments meet the County Strategic Plan's "Natural Resources" and "Outdoor Experience" goals within the "Sustainable Environment" focus area. This Combining Zone District would limit building height and preserve the rhythm of the existing built environment in the Seascape Beach Estates neighborhood, which would prevent future visual encroachment into the coastal visual resource area as seen from the public beach.

The amendments also meet the Strategic Plan's "Customer Experience" goal within the "Operational Excellence" focus area, because the Combining Zone District would result in more clarity and consistency in County processing of development proposals in the Seascape Beach Estates neighborhood.

FINANCIAL IMPACT

The creation of the SBE Combining Zone District would not have a financial impact. This Combining Zone District would specify development standards for properties within the district, but would not trigger any new permits or other requirements with associated fees. The zone district would not be available to any additional sites beyond those proposed for rezoning into the district at this time.

Daisy Allen
Senior Planner

Paia Levine
Assistant Planning Director

Exhibits:

- A) Proposed Planning Commission Resolution
- B) CEQA Notice of Exemption
- C) Proposed Ordinance for SBE Combining Zone District
- D) Proposed Ordinance Rezoning 152 Parcels into the SBE Combining Zone District
- E) Minor Variation to Use Permit 4119-U: Findings
- F) Link to background material, Item 34, March 14, 2017 Board of Supervisors Meeting
- G) Table Comparing Proposed Standards with CC&Rs and Current County Code
- H) Height Survey Results
- I) Neighborhood Map Indicating Height Survey Results and Proposed Maximum Heights
- J) Public Correspondence received since the March 14, 2017 Board of Supervisors Meeting

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner:
Duly seconded by Commissioner:
The following Resolution is adopted:

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF
SANTA CRUZ RECOMMENDING ADOPTION OF PROPOSED
AMENDMENTS TO SANTA CRUZ COUNTY CODE SECTIONS 13.10.170(D)
AND 13.10.400 AND NEW SECTIONS 13.10.434 – 13.10.436 AND 13.20.149 TO
CREATE A SEASCAPE BEACH ESTATES (SBE) COMBINING ZONE
DISTRICT, AMENDMENT TO THE ZONING PLAN TO ADD 152 PARCELS
INTO THE SBE COMBINING ZONE DISTRICT, A MINOR VARIATION TO
PUD/USE PERMIT 4119-U (GOVERNING 14 PARCELS IN THE PROPOSED
DISTRICT) AND CEQA NOTICE OF EXEMPTION**

WHEREAS, the Seascape Beach Estates neighborhood was subdivided in 1968 and 1972, and most lots in this neighborhood were developed in the following decade under the Conditions, Covenants and Restrictions (“CC&Rs”) recorded by the developer for four separate neighborhood “units;”

WHEREAS, adherence to neighborhood CC&Rs has created a unique design character with generally low profile, single-story homes on graded terraces stepping up from the public beach;

WHEREAS, the County Planning Department enforces the development standards in the County Code for the zone districts in which the properties are located, and these standards differ from the various CC&R standards that have been enforced in the neighborhood over time;

WHEREAS, the differences between CC&Rs and County Code development standards have resulted in overlapping and contrary sets of development regulations, which has led to difficulty in administering regulations and controversy over proposed development projects;

WHEREAS, on January 26, 2016, the Board of Supervisors held a public hearing on an application to remodel and construct a second story addition to a single family home in the Seascape Beach Estates neighborhood, and denied the application based on findings that the resulting home would be inconsistent with the scale of existing development and incompatible with the character and pattern of development that was established by the developer of the subdivision;

WHEREAS, following this project denial, the Board of Supervisors directed Planning staff to work with property owners and develop a community-based proposal for an amended set of development standards specific to this neighborhood;

WHEREAS, property owners were unable to agree on one set of development standards for the neighborhood, and therefore staff returned to the Board of Supervisors on March 14, 2017, and presented two different HOA proposals as well as a staff proposal;

WHEREAS, the Board of Supervisors accepted staff's proposal in concept and directed staff to prepare an ordinance establishing an SBE Combining Zone District, with specific changes to staff's proposal regarding building height limits;

WHEREAS, in order to implement an SBE Combining Zone District, the County must make amendments to County Code sections 13.10.170(d) and 13.10.400, and add new sections 13.10.434 – 13.10.436 and 13.20.149;

WHEREAS, County Code Chapters 13.10 and 13.20 are Local Coastal Program implementing ordinances;

WHEREAS, the Planning Commission has reviewed the proposed SBE ordinance and finds that these County Code amendments are consistent with all elements of the General Plan/Local Coastal Program, and comply with the California Coastal Act; and

WHEREAS, the proposed SBE Combining Zone District defines a geographic area for the district, bounded by Monterey Bay to the west, Hidden Beach Park to the north, Via Palo Alto to the east, and Via Verde to the south, and the district will be applied to 152 properties within this geographic area as depicted in Exhibit 1;

WHEREAS, the Planning Commission has reviewed the proposed rezoning ordinance and finds that:

1. The proposed zone district will allow a density of development and types of uses which are compatible with the objectives, policies and programs, and land use designations of the adopted General Plan, and conforms with, and is adequate to carry out, the coastal resource protection provisions of the certified Land Use Plan; and
2. The proposed zone district is compatible with the level of utilities and community services available to the land; and
3. The proposed rezoning is in the best interests of the public welfare.

WHEREAS, Planned Unit Development/Use Permit 4119-U enabled the subdivision of fourteen parcels (APNs 054-181-25 through 054-181-38), known as "Unit 14" of the Seascape Beach Estates subdivision, and Condition #3 of this permit requires development on these lots to comply with R-1 district regulations, and therefore a minor variation to Permit 4119-U is required in order to enable compliance with SBE Combining District regulations on these fourteen parcels;

WHEREAS, the Planning Commission has reviewed the proposed minor variation to PUD/Use Permit 4119-U and finds:

1. That the proposed locations of the SBE Combining Zone District sites and the conditions under which the properties 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; and
2. That the proposed locations of the SBE Combining Zone District sites and the conditions under which the properties 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; and
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; and
4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity; and
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.

WHEREAS, the proposed County Code amendments, Zoning Plan amendments and amended use permit are exempt from CEQA pursuant to Section 15061(b)(3) of the California Environmental Quality Act because development standards would serve to reduce potential impact to scenic vistas from new development in this coastal community, and there would be no change in land use and no possibility of a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors confirm that a Notice of Exemption is appropriate under CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommends that the proposed amendments to the County Code as presented on this date be adopted by the Board of Supervisors.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2019 by the following vote:

AYES:	COMMISSIONERS
NOES:	COMMISSIONERS
ABSENT:	COMMISSIONERS
ABSTAIN:	COMMISSIONERS

Chairperson

ATTEST: _____
Secretary

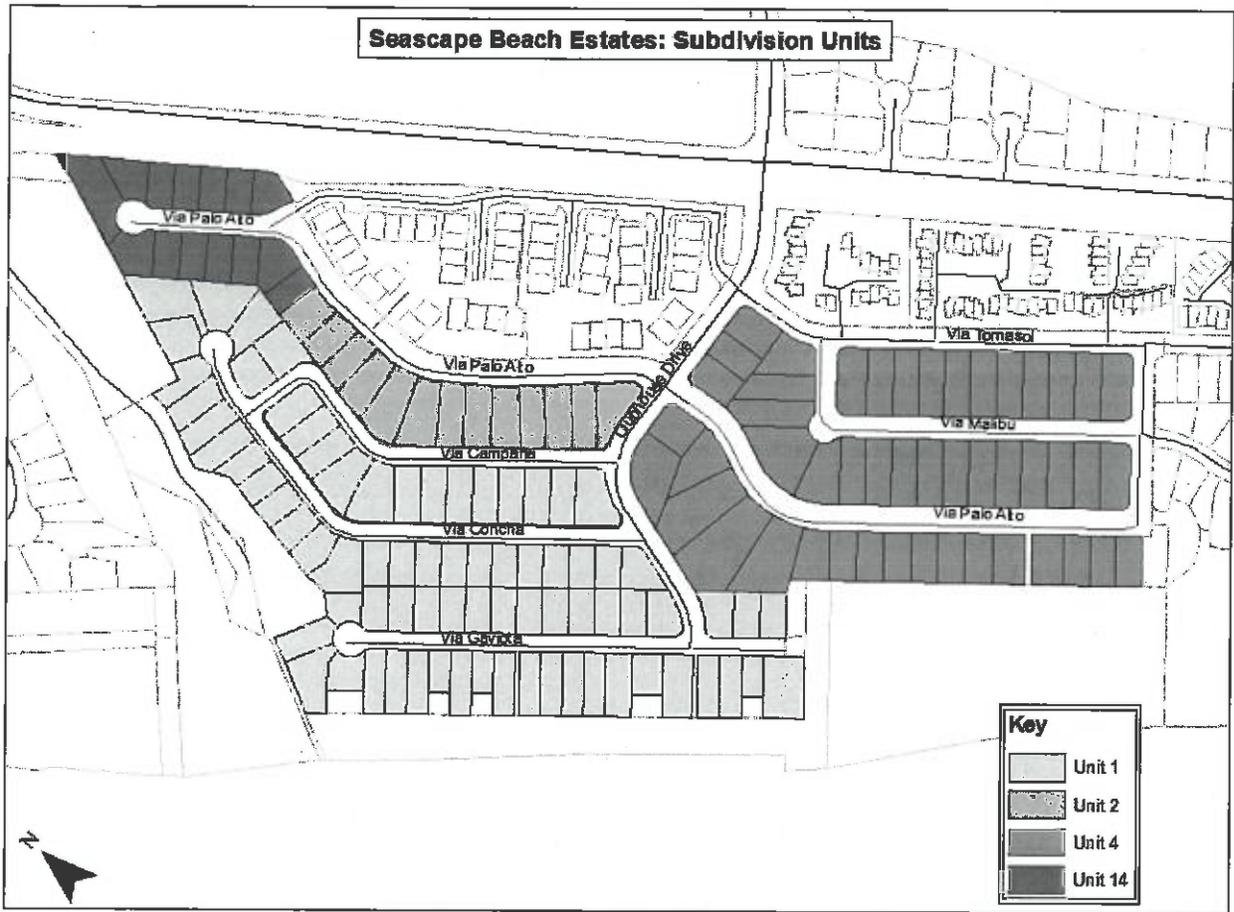
APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

**Seascape Beach Estates Combining Zone District
 Planning Commission Resolution Exhibit 1: Location of Combining Zone District**



Assessor's Parcel Number	Existing Zone District	New Zone District
Unit 1		
054-181-01	R-1-6	R-1-6-SBE
054-181-02	R-1-6	R-1-6-SBE
054-181-03	R-1-6	R-1-6-SBE
054-181-04	R-1-6	R-1-6-SBE
054-181-05	R-1-6	R-1-6-SBE
054-181-06	R-1-6	R-1-6-SBE
054-181-07	R-1-6	R-1-6-SBE
054-181-08	R-1-6	R-1-6-SBE
054-181-09	R-1-6	R-1-6-SBE
054-181-10	R-1-6	R-1-6-SBE
054-182-01	R-1-6	R-1-6-SBE
054-182-02	R-1-6	R-1-6-SBE
054-182-03	R-1-6	R-1-6-SBE
054-182-04	R-1-6	R-1-6-SBE
054-182-05	R-1-6	R-1-6-SBE

Assessor's Parcel Number	Existing Zone District	New Zone District
054-182-06	R-1-6	R-1-6-SBE
054-182-07	R-1-6	R-1-6-SBE
054-182-08	R-1-6	R-1-6-SBE
054-182-09	R-1-6	R-1-6-SBE
054-182-10	R-1-6	R-1-6-SBE
054-182-11	R-1-6	R-1-6-SBE
054-182-12	R-1-6	R-1-6-SBE
054-182-13	R-1-6	R-1-6-SBE
054-191-01	R-1-6	R-1-6-SBE
054-191-02	R-1-6	R-1-6-SBE
054-191-03	R-1-6	R-1-6-SBE
054-191-04	R-1-6	R-1-6-SBE
054-191-05	R-1-6	R-1-6-SBE
054-191-06	R-1-6	R-1-6-SBE
054-191-07	R-1-6	R-1-6-SBE
054-191-08	R-1-6	R-1-6-SBE
054-191-09	R-1-6	R-1-6-SBE
054-191-10	R-1-6	R-1-6-SBE
054-191-11	R-1-6	R-1-6-SBE
054-191-12	R-1-6	R-1-6-SBE
054-191-13	R-1-6	R-1-6-SBE
054-191-14	R-1-6	R-1-6-SBE
054-191-15	R-1-6	R-1-6-SBE
054-191-16	R-1-6	R-1-6-SBE
054-191-17	R-1-6	R-1-6-SBE
054-191-18	R-1-6	R-1-6-SBE
054-191-19	R-1-6	R-1-6-SBE
054-191-20	R-1-6	R-1-6-SBE
054-191-21	R-1-6	R-1-6-SBE
054-191-22	R-1-6	R-1-6-SBE
054-191-23	R-1-6	R-1-6-SBE
054-191-24	R-1-6	R-1-6-SBE
054-191-25	R-1-6	R-1-6-SBE
054-191-26	R-1-6	R-1-6-SBE
054-191-27	R-1-6	R-1-6-SBE
054-191-28	R-1-6	R-1-6-SBE
054-191-29	R-1-6	R-1-6-SBE
054-191-30	R-1-6	R-1-6-SBE
054-191-32	R-1-6	R-1-6-SBE
054-191-35	R-1-6	R-1-6-SBE
054-191-39	RB	RB-SBE
054-191-41	RB	RB-SBE
054-191-48	RB	RB-SBE
054-191-53	RB	RB-SBE
054-191-59	R-1-6, PR	R-1-6-SBE, PR
054-191-61	R-1-6, PR	R-1-6-SBE, PR
054-191-62	RB, PR	RB-SBE, PR
054-191-63	RB, PR	RB-SBE, PR
054-191-65	RB, PR	RB-SBE, PR
054-191-67	RB, PR	RB-SBE, PR

Assessor's Parcel Number	Existing Zone District	New Zone District
054-191-68	RB, PR	RB-SBE, PR
054-191-71	RB, PR	RB-SBE, PR
054-191-75	RB, PR	RB-SBE, PR
054-191-76	RB, PR	RB-SBE, PR
054-191-78	RB, PR	RB-SBE, PR
054-191-79	RB, PR	RB-SBE, PR
054-191-80	RB, PR	RB-SBE, PR
054-191-81	RB, PR	RB-SBE, PR
054-192-01	R-1-6	R-1-6-SBE
054-192-02	R-1-6	R-1-6-SBE
054-192-03	R-1-6	R-1-6-SBE
054-231-12	RB, PR	RB-SBE, PR
Unit 2		
054-181-11	R-1-6	R-1-6-SBE
054-181-12	R-1-6	R-1-6-SBE
054-181-13	R-1-6	R-1-6-SBE
054-181-14	R-1-6	R-1-6-SBE
054-181-15	R-1-6	R-1-6-SBE
054-181-16	R-1-6	R-1-6-SBE
054-181-17	R-1-6	R-1-6-SBE
054-181-18	R-1-6	R-1-6-SBE
054-181-19	R-1-6	R-1-6-SBE
054-181-21	R-1-6	R-1-6-SBE
054-181-22	R-1-6	R-1-6-SBE
054-181-23	R-1-6	R-1-6-SBE
054-181-24	R-1-6	R-1-6-SBE
Unit 4		
054-222-01	R-1-6	R-1-6-SBE
054-222-02	R-1-6	R-1-6-SBE
054-222-03	R-1-6	R-1-6-SBE
054-222-04	R-1-6	R-1-6-SBE
054-222-05	R-1-6	R-1-6-SBE
054-222-06	R-1-6	R-1-6-SBE
054-222-07	R-1-6	R-1-6-SBE
054-222-08	R-1-6	R-1-6-SBE
054-222-09	R-1-6	R-1-6-SBE
054-222-10	R-1-6	R-1-6-SBE
054-222-11	R-1-6	R-1-6-SBE
054-223-01	R-1-6	R-1-6-SBE
054-223-02	R-1-6	R-1-6-SBE
054-223-03	R-1-6	R-1-6-SBE
054-223-04	R-1-6	R-1-6-SBE
054-223-05	R-1-6	R-1-6-SBE
054-223-06	R-1-6	R-1-6-SBE
054-223-07	R-1-6	R-1-6-SBE
054-223-08	R-1-6	R-1-6-SBE
054-223-09	R-1-6	R-1-6-SBE
054-223-10	R-1-6	R-1-6-SBE

Assessor's Parcel Number	Existing Zone District	New Zone District
054-223-11	R-1-6	R-1-6-SBE
054-223-12	R-1-6	R-1-6-SBE
054-223-13	R-1-6	R-1-6-SBE
054-223-14	R-1-6	R-1-6-SBE
054-223-15	R-1-6	R-1-6-SBE
054-223-16	R-1-6	R-1-6-SBE
054-223-17	R-1-6	R-1-6-SBE
054-223-18	R-1-6	R-1-6-SBE
054-223-19	R-1-6	R-1-6-SBE
054-631-01	R-1-6	R-1-6-SBE
054-631-02	R-1-6	R-1-6-SBE
054-631-03	R-1-6	R-1-6-SBE
054-631-04	R-1-6	R-1-6-SBE
054-631-05	R-1-6	R-1-6-SBE
054-631-06	R-1-6	R-1-6-SBE
054-631-07	R-1-6	R-1-6-SBE
054-631-08	R-1-6	R-1-6-SBE
054-631-09	R-1-6	R-1-6-SBE
054-631-10	R-1-6	R-1-6-SBE
054-631-11	R-1-6	R-1-6-SBE
054-631-12	R-1-6	R-1-6-SBE
054-631-13	R-1-6	R-1-6-SBE
054-631-14	R-1-6	R-1-6-SBE
054-631-15	R-1-6	R-1-6-SBE
054-631-16	R-1-6	R-1-6-SBE
054-631-17	R-1-6	R-1-6-SBE
054-631-18	R-1-6	R-1-6-SBE
Unit 14		
054-181-25	R-1-6	R-1-6-SBE
054-181-26	R-1-6	R-1-6-SBE
054-181-27	R-1-6	R-1-6-SBE
054-181-28	R-1-6	R-1-6-SBE
054-181-29	R-1-6	R-1-6-SBE
054-181-30	R-1-6	R-1-6-SBE
054-181-31	R-1-6	R-1-6-SBE
054-181-32	R-1-6	R-1-6-SBE
054-181-33	R-1-6	R-1-6-SBE
054-181-34	R-1-6	R-1-6-SBE
054-181-35	R-1-6	R-1-6-SBE
054-181-36	R-1-6	R-1-6-SBE
054-181-37	R-1-6	R-1-6-SBE
054-181-38	R-1-6	R-1-6-SBE

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): County of Santa Cruz (Planning)
701 Ocean Street 4th Floor
Santa Cruz, 95060

County Clerk
County of: Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

(Address)

Project Title: Seascape Beach Estates Combining Zone District

Project Applicant: County of Santa Cruz Planning Department

Project Location - Specific:
Seascape Beach Estates, an area including 152 parcels bordered on the north by Hidden Beach Park, on the east by Via Palo Alto, on the south by Via Verde, and on the west by the public beach. See Attachment 1.

Project Location - City: Unincorporated County Project Location - County: Santa Cruz County

Description of Nature, Purpose and Beneficiaries of Project:
See Attachment 1.

Name of Public Agency Approving Project: County of Santa Cruz Board of Supervisors

Name of Person or Agency Carrying Out Project: County of Santa Cruz Planning Department

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number: 15061(b)(3)

Reasons why project is exempt:
Maximum building height would be lowered for some lots in the new district, and floor area ratio, lot coverage, and setbacks would be relaxed to accommodate this height restriction. Overall, development standards would serve to reduce potential impact to scenic vistas from new development in this coastal community. There would be no change in land use and no possibility of a significant effect on the environment.

Lead Agency
Contact Person: Daisy Allen Area Code/Telephone/Extension: 831-454-2801

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title:

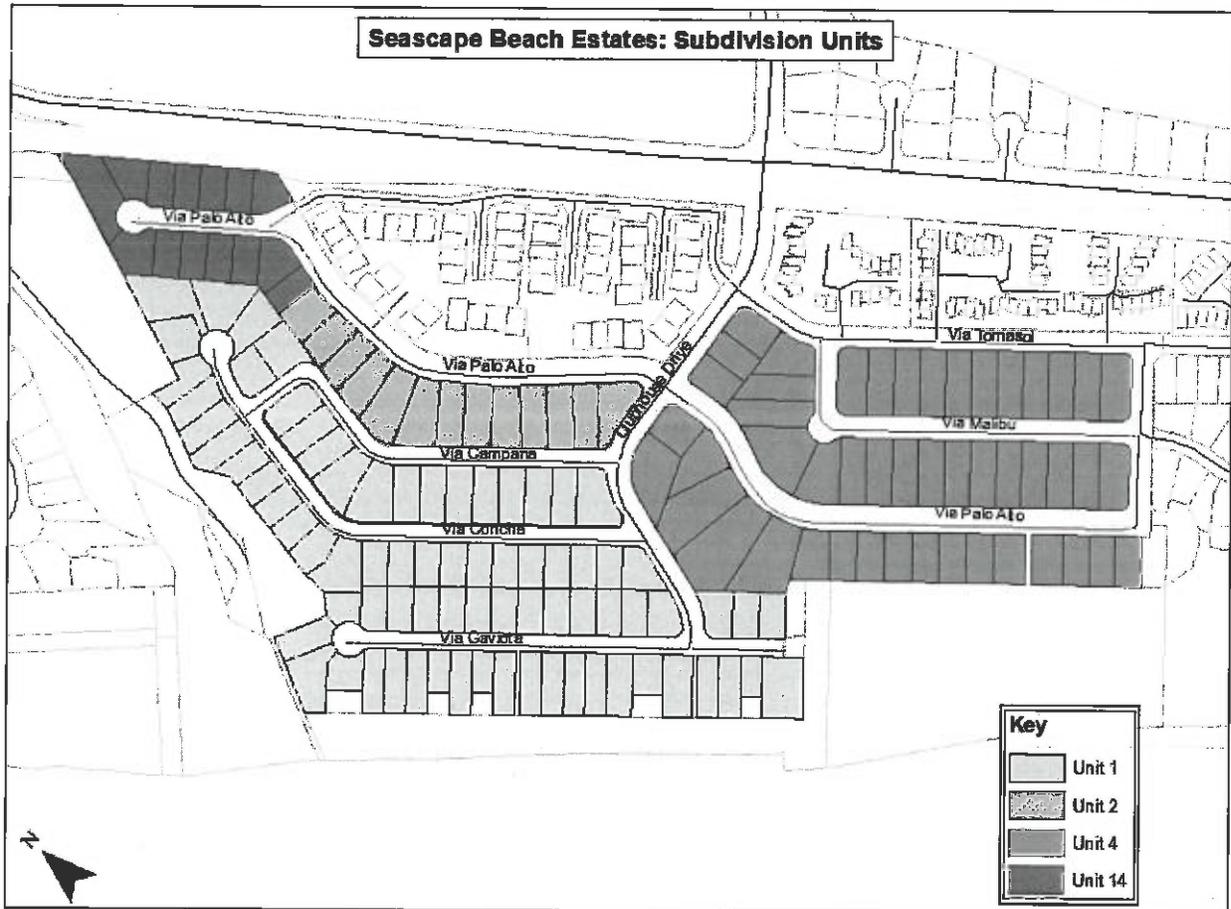
Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

Seascape Beach Estates Combining Zone District: CEQA Notice of Exemption Attachment 1: Project Description and Location of Combining Zone District

The project involves County Code amendments, a Zoning Plan Amendment, and a minor variation to Planned Unit Development/Use Permit 4119-U to create a "Combining Zone" (overlay) district with height, floor area ratio, lot coverage, and setback development standards for 152 properties in the Seascape Beach Estates neighborhood, with the purpose of protecting the public viewshed and maintaining neighborhood consistency.



Assessor's Parcel Number	Existing Zone District	New Zone District
Unit 1		
054-181-01	R-1-6	R-1-6-SBE
054-181-02	R-1-6	R-1-6-SBE
054-181-03	R-1-6	R-1-6-SBE
054-181-04	R-1-6	R-1-6-SBE
054-181-05	R-1-6	R-1-6-SBE
054-181-06	R-1-6	R-1-6-SBE
054-181-07	R-1-6	R-1-6-SBE
054-181-08	R-1-6	R-1-6-SBE
054-181-09	R-1-6	R-1-6-SBE

Assessor's Parcel Number	Existing Zone District	New Zone District
054-181-10	R-1-6	R-1-6-SBE
054-182-01	R-1-6	R-1-6-SBE
054-182-02	R-1-6	R-1-6-SBE
054-182-03	R-1-6	R-1-6-SBE
054-182-04	R-1-6	R-1-6-SBE
054-182-05	R-1-6	R-1-6-SBE
054-182-06	R-1-6	R-1-6-SBE
054-182-07	R-1-6	R-1-6-SBE
054-182-08	R-1-6	R-1-6-SBE
054-182-09	R-1-6	R-1-6-SBE
054-182-10	R-1-6	R-1-6-SBE
054-182-11	R-1-6	R-1-6-SBE
054-182-12	R-1-6	R-1-6-SBE
054-182-13	R-1-6	R-1-6-SBE
054-191-01	R-1-6	R-1-6-SBE
054-191-02	R-1-6	R-1-6-SBE
054-191-03	R-1-6	R-1-6-SBE
054-191-04	R-1-6	R-1-6-SBE
054-191-05	R-1-6	R-1-6-SBE
054-191-06	R-1-6	R-1-6-SBE
054-191-07	R-1-6	R-1-6-SBE
054-191-08	R-1-6	R-1-6-SBE
054-191-09	R-1-6	R-1-6-SBE
054-191-10	R-1-6	R-1-6-SBE
054-191-11	R-1-6	R-1-6-SBE
054-191-12	R-1-6	R-1-6-SBE
054-191-13	R-1-6	R-1-6-SBE
054-191-14	R-1-6	R-1-6-SBE
054-191-15	R-1-6	R-1-6-SBE
054-191-16	R-1-6	R-1-6-SBE
054-191-17	R-1-6	R-1-6-SBE
054-191-18	R-1-6	R-1-6-SBE
054-191-19	R-1-6	R-1-6-SBE
054-191-20	R-1-6	R-1-6-SBE
054-191-21	R-1-6	R-1-6-SBE
054-191-22	R-1-6	R-1-6-SBE
054-191-23	R-1-6	R-1-6-SBE
054-191-24	R-1-6	R-1-6-SBE
054-191-25	R-1-6	R-1-6-SBE
054-191-26	R-1-6	R-1-6-SBE
054-191-27	R-1-6	R-1-6-SBE
054-191-28	R-1-6	R-1-6-SBE
054-191-29	R-1-6	R-1-6-SBE
054-191-30	R-1-6	R-1-6-SBE
054-191-32	R-1-6	R-1-6-SBE
054-191-35	R-1-6	R-1-6-SBE
054-191-39	RB	RB-SBE
054-191-41	RB	RB-SBE
054-191-48	RB	RB-SBE
054-191-53	RB	RB-SBE

Assessor's Parcel Number	Existing Zone District	New Zone District
054-191-59	R-1-6, PR	R-1-6-SBE, PR
054-191-61	R-1-6, PR	R-1-6-SBE, PR
054-191-62	RB, PR	RB-SBE, PR
054-191-63	RB, PR	RB-SBE, PR
054-191-65	RB, PR	RB-SBE, PR
054-191-67	RB, PR	RB-SBE, PR
054-191-68	RB, PR	RB-SBE, PR
054-191-71	RB, PR	RB-SBE, PR
054-191-75	RB, PR	RB-SBE, PR
054-191-76	RB, PR	RB-SBE, PR
054-191-78	RB, PR	RB-SBE, PR
054-191-79	RB, PR	RB-SBE, PR
054-191-80	RB, PR	RB-SBE, PR
054-191-81	RB, PR	RB-SBE, PR
054-192-01	R-1-6	R-1-6-SBE
054-192-02	R-1-6	R-1-6-SBE
054-192-03	R-1-6	R-1-6-SBE
054-231-12	RB, PR	RB-SBE, PR
Unit 2		
054-181-11	R-1-6	R-1-6-SBE
054-181-12	R-1-6	R-1-6-SBE
054-181-13	R-1-6	R-1-6-SBE
054-181-14	R-1-6	R-1-6-SBE
054-181-15	R-1-6	R-1-6-SBE
054-181-16	R-1-6	R-1-6-SBE
054-181-17	R-1-6	R-1-6-SBE
054-181-18	R-1-6	R-1-6-SBE
054-181-19	R-1-6	R-1-6-SBE
054-181-21	R-1-6	R-1-6-SBE
054-181-22	R-1-6	R-1-6-SBE
054-181-23	R-1-6	R-1-6-SBE
054-181-24	R-1-6	R-1-6-SBE
Unit 4		
054-222-01	R-1-6	R-1-6-SBE
054-222-02	R-1-6	R-1-6-SBE
054-222-03	R-1-6	R-1-6-SBE
054-222-04	R-1-6	R-1-6-SBE
054-222-05	R-1-6	R-1-6-SBE
054-222-06	R-1-6	R-1-6-SBE
054-222-07	R-1-6	R-1-6-SBE
054-222-08	R-1-6	R-1-6-SBE
054-222-09	R-1-6	R-1-6-SBE
054-222-10	R-1-6	R-1-6-SBE
054-222-11	R-1-6	R-1-6-SBE
054-223-01	R-1-6	R-1-6-SBE
054-223-02	R-1-6	R-1-6-SBE
054-223-03	R-1-6	R-1-6-SBE
054-223-04	R-1-6	R-1-6-SBE

Assessor's Parcel Number	Existing Zone District	New Zone District
054-223-05	R-1-6	R-1-6-SBE
054-223-06	R-1-6	R-1-6-SBE
054-223-07	R-1-6	R-1-6-SBE
054-223-08	R-1-6	R-1-6-SBE
054-223-09	R-1-6	R-1-6-SBE
054-223-10	R-1-6	R-1-6-SBE
054-223-11	R-1-6	R-1-6-SBE
054-223-12	R-1-6	R-1-6-SBE
054-223-13	R-1-6	R-1-6-SBE
054-223-14	R-1-6	R-1-6-SBE
054-223-15	R-1-6	R-1-6-SBE
054-223-16	R-1-6	R-1-6-SBE
054-223-17	R-1-6	R-1-6-SBE
054-223-18	R-1-6	R-1-6-SBE
054-223-19	R-1-6	R-1-6-SBE
054-631-01	R-1-6	R-1-6-SBE
054-631-02	R-1-6	R-1-6-SBE
054-631-03	R-1-6	R-1-6-SBE
054-631-04	R-1-6	R-1-6-SBE
054-631-05	R-1-6	R-1-6-SBE
054-631-06	R-1-6	R-1-6-SBE
054-631-07	R-1-6	R-1-6-SBE
054-631-08	R-1-6	R-1-6-SBE
054-631-09	R-1-6	R-1-6-SBE
054-631-10	R-1-6	R-1-6-SBE
054-631-11	R-1-6	R-1-6-SBE
054-631-12	R-1-6	R-1-6-SBE
054-631-13	R-1-6	R-1-6-SBE
054-631-14	R-1-6	R-1-6-SBE
054-631-15	R-1-6	R-1-6-SBE
054-631-16	R-1-6	R-1-6-SBE
054-631-17	R-1-6	R-1-6-SBE
054-631-18	R-1-6	R-1-6-SBE
Unit 14		
054-181-25	R-1-6	R-1-6-SBE
054-181-26	R-1-6	R-1-6-SBE
054-181-27	R-1-6	R-1-6-SBE
054-181-28	R-1-6	R-1-6-SBE
054-181-29	R-1-6	R-1-6-SBE
054-181-30	R-1-6	R-1-6-SBE
054-181-31	R-1-6	R-1-6-SBE
054-181-32	R-1-6	R-1-6-SBE
054-181-33	R-1-6	R-1-6-SBE
054-181-34	R-1-6	R-1-6-SBE
054-181-35	R-1-6	R-1-6-SBE
054-181-36	R-1-6	R-1-6-SBE
054-181-37	R-1-6	R-1-6-SBE
054-181-38	R-1-6	R-1-6-SBE

ORDINANCE AMENDING SECTIONS 13.10.170(d) AND 13.10.400, AND ADDING COUNTY CODE SECTIONS 13.10.434, 13.10.435, AND 13.10.436 UNDER NEW ARTICLE III-A TO CHAPTER 13.10 AND SECTION 13.20.149 TO CHAPTER 13.20 OF THE SANTA CRUZ COUNTY CODE ESTABLISHING A SEASCAPE BEACH ESTATES (“SBE”) COMBINING ZONE DISTRICT

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

SECTION I

Subdivision (D) of Section 13.10.170 of the Santa Cruz County Code (General Plan Consistency – Zoning Implementation Table) is hereby amended to add the following text to the “Other Designation or Condition:” section of the Zoning Implementation Table:

Special Residential Development Standards for the Seascape Beach Estates neighborhood

SBE –Seascape Beach Estates Combining District with any parcel in the Seascape Beach Estates Neighborhood as defined in Section 13.10.435

SECTION II

Section 13.10.400 of the Santa Cruz County Code (Combining Zone Districts) is hereby amended to add the following text to the list of Combining Zone Districts:

Section	Designation	Summary of Special Allowances or Restrictions
<u>13.10.434 through 436</u>	<u>SBE (Seascape Beach Estates) Combining Zone District</u>	<u>Denotes parcels in the Seascape Beach Estates neighborhood with special residential development standards intended to maintain characteristics of the existing built environment and ensure protection of the public viewshed.</u>

SECTION III

The Santa Cruz County Code is hereby amended by adding Sections 13.10.434, 13.10.435, and 13.10.436 of new Article III-A entitled “Seascape Beach Estates (SBE) Combining District” to read as follows:

ARTICLE III-A. “SBE” Seascape Beach Estates Combining Zone District

13.10.434. Purpose of the SBE Combining District. The purpose of the SBE Combining District is to:

- (A) Ensure that future development in the Seascape Beach Estates subdivision maintains consistency with the scale, character, and pattern of development that dominates the area by adopting site development standards intended to maintain the characteristics of the existing built environment.
- (B) Ensure protection of the public viewshed in this location which is mapped as a Coastal Scenic Resource Area, by regulating future development in the Seascape Beach Estates subdivision to maintain the general existing size and scale of development.

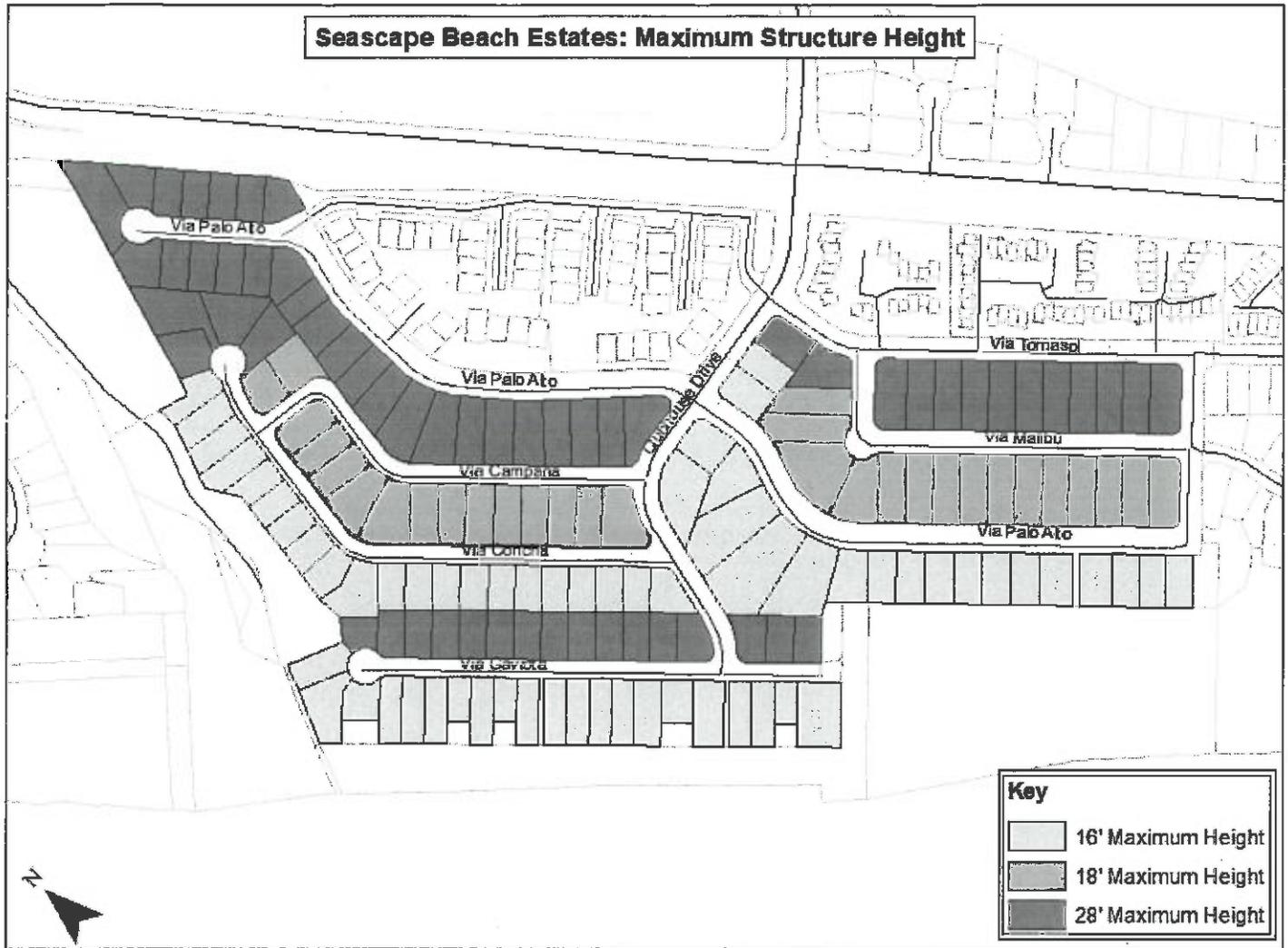
13.10.435. Designation of the SBE Combining District.

The SBE Combining District shall apply to parcels in Seascape Beach Estates, an area bordered on the north by Hidden Beach Park, on the east by Via Palo Alto, on the south by Via Verde, and on the west by the public beach. Parcels recorded on the following subdivision maps shall be included: Aptos Seascape Estates Unit 1 [Tract 483], Unit 4 [Tract 511], Unit 14 [Tract 574], and the portion of Unit 2 [Tract 497] west of Via Palo Alto.

13.10.436. Residential development standards in the SBE Combining District.

In addition to the residential development standards in SCCC 13.10.323, the following standards apply to residential development in the SBE Combining District. Where there are differences between this section and SCCC 13.10.323, and/or other provisions of Chapter 13.10, the provisions of this section shall apply.

- (A) Setbacks.
- (1) Minimum front yard setbacks shall be 20 feet.
 - (2) Minimum side yard setbacks shall be 10% of lot width, but minimum setbacks shall be no less than five feet and no more than eight feet. On corner lots minimum exterior (street side) side yard setbacks shall be eight feet.
 - (3) The maximum rear extent of the primary dwelling shall be the average between the rear extent of existing primary dwellings on the two adjoining parcels, as measured from the front property line. If there is only one adjoining parcel, or an adjoining parcel is vacant, the next closest parcel on the same street may be used to calculate the maximum rear extent.
- (B) Height of structure, measurement standard. The height of a structure shall be measured from the highest point on the curb at the front of a parcel to the highest point of the structure, excluding chimneys.
- (1) Chimney measurement. On all lots, chimneys shall not extend more than 4 feet above the roof unless required by building code regulations.
- (C) Maximum height of structure shall be limited on certain parcels as indicated in the figure titled "Seascape Beach Estates: Maximum Height of Structure."
- (D) Floor Area Ratio. All parcels shall be subject to a maximum 0.6 (60%) Floor Area Ratio.
- (E) Lot Coverage. All parcels that are limited in height to 16 or 18 feet shall be subject to a maximum Lot Coverage of 0.60 (60%). All other parcels shall be subject to a maximum Lot Coverage of 0.45 (45%). Any permit application that involves an increase in lot coverage shall incorporate measures or conditions that direct runoff to the landscape, use permeable paving material, reduce existing impermeable area, and/or incorporate other low impact drainage design practices to control any increase in stormwater runoff.



SECTION IV

The Santa Cruz County Code is hereby amended by adding Section 13.20.149 entitled “Seascape Beach Estates residential design criteria” to read as follows:

13.20.149 Seascape Beach Estates residential design criteria.

All residential development on parcels in the “SBE” (Seascape Beach Estates) Combining District shall be subject to the residential development standards in SCCC 13.10.436.

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13.10 OF THE COUNTY CODE BY ADDING THE
“SBE” SEASCAPE BEACH ESTATES COMBINING ZONE DISTRICT TO CERTAIN
PARCELS**

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the County Zoning Plan to implement the policies of the County General Plan regarding the parcels listed below in Section III; finds that the zoning designated herein is consistent with all elements of the County General Plan; and finds and certifies that the proposed action is exempt from further review under the California Environmental Quality Act.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan Amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below, per Santa Cruz County Code 13.10.215[D]:

- 1. The proposed zone district will allow a density of development and types of uses that are compatible with the objectives, policies and programs, and land use designations of the adopted General Plan, and conforms with, and is adequate to carry out, the coastal resource protection provisions of the certified Land Use Plan.**

The proposed zoning plan amendments would add the “-SBE” combining zone district to the existing zone districts for 152 properties. These properties are all designated as Urban Low Density Residential and are zoned for residential single-family development as either R-1 (single family residential – urban, rural) or RB (single family residential - oceanfront, urban). The proposed combining zone district would not change the density of development or types of uses allowed on these properties. The district would modify the height, setback, floor area ratio, and lot coverage development standards.

All 152 properties are in the Coastal Zone. The proposed property rezonings will not result in any loss of agricultural land, any loss of coastal access, or any negative impacts to public viewsheds within the Coastal Zone. In fact, by limiting building height on certain properties, the district helps to protect public vistas within the General Plan and Local Coastal Plan-designated scenic area that extends along the coast and includes approximately half of the Seascape Beach Estates neighborhood (General Plan and Local Coastal Plan policies 5.10.1 – 5.10.3).

As an amendment to the County Code Chapter 13.10, the implementation of the SBE Combining Zone District is considered a “Coastal Implementing ordinance” and will therefore require review and certification by the Coastal Commission subsequent to approval by the Board of Supervisors. Future development on these properties would continue to be subject to review for compliance with coastal resource protection provisions and could require Coastal Development Permits.

2. **The proposed zone district is compatible with the level of utilities and community services available to the land.**

The Seascape Beach Estates neighborhood is served by existing utilities and community services. All parcels but one are already developed with single family homes; the remaining parcel is vacant. There would be no change in the level of utilities or community services required as a result of the zoning plan amendments.

3. **One or more of the following findings can be made:**
 - a. **The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district;**
 - b. **The proposed rezoning is necessary to provide for a community-related use which was not anticipated when the zoning plan was adopted;**
 - c. **The present zoning is the result of an error;**
 - d. **The present zoning is inconsistent with designation on the General Plan;**
 - e. **The proposed rezoning is in the best interests of the public health, safety or welfare;**
 - f. **A rezoning from nonresidential to residential use is appropriate in that the site has low commercial potential as reflected by existing vacancies, or outdated low value improvements, or low employment density, or low market demand for commercial use of the site; or**
 - g. **A rezoning from nonresidential to residential use is appropriate in that the site will be rezoned to accommodate a mixed use development that will accommodate both commercial and residential uses, and/or the site will accommodate housing type(s) that are needed to house the local workforce in support of the local economy.**

The proposed Zoning Plan Amendments meet finding (e). The SBE Combining Zone District would modify height, floor area ratio, lot coverage and setback standards for the Seascape Beach Estates neighborhood. These modifications are based on incorporating many of the standards that the original subdivision developer included in Conditions, Covenants and Restrictions (CC&Rs) at the time the neighborhood was subdivided in the late 1960's/early 1970's. At that time, the land was graded up from the beach in a series of flat terraces in a manner that would not be allowed in this designated scenic area today and is unique to this neighborhood. CC&Rs for the neighborhood limited building height in order to maintain ocean views across the terraced streets. Floor area ratio, lot coverage and setback standards were generally relaxed as compared to current County standards, giving property owners the opportunity to build out horizontally rather than vertically.

As a result of these CC&Rs, the existing developed neighborhood is uniform, with single-story structures on the lower terraces with the ocean view, and roof heights, lot coverage and setbacks that are nearly identical from property to property. The SBE Combining Zone District would codify these existing conditions to preserve this unique neighborhood. This is in the best interests of the public welfare because it limits allowed building heights on the lower terraces of the Seascape Beach Estates neighborhood and therefore limits visual impact on the designated scenic area along the public beach. Further, because the CC&Rs differ from the County development standards and over time both of those have been applied to this area, there has been confusion and controversy about the regulations that apply in the neighborhood. The SBE overlay zone district

will bring clarity and assist in the orderly administration of the development regulations in this area.

4. **For amendments located within the Coastal Zone, the proposed rezoning maintains and provides for priority uses consistent with Sections 2.22.1 and 2.22.2 of the certified Land Use Plan.**

Sections 2.22.1 and 2.22.2 of the certified Land Use Plan prioritize land use within the Coastal Zone, with private residential use as a third priority behind first priority agriculture and coastal-dependent industry, and second priority recreation, visitor serving commercial uses, and coastal recreation facilities. These sites are currently zoned single family residential and are in active residential use. As such, adding the “-SBE” Combining Zone District to these sites’ zoning would not change the sites’ use from a high priority to a lower priority. Therefore, the proposed Zoning Plan Amendment is consistent with Sections 2.22.1 and 2.22.2 of the County’s General Plan and Local Coastal Plan.

SECTION III

The County Zoning Plan is hereby amended to add the "SBE" Seascape Beach Estates Combining District to the following properties in the Seascape Beach Estates neighborhood, an area bounded by Monterey Bay to the west, Hidden Beach Park to the north, Via Palo Alto to the east, and Via Verde to the south, as depicted on the map attached as Exhibit 1:

Assessor's Parcel Number	Existing Zone District	New Zone District
Unit 1		
054-181-01	R-1-6	R-1-6-SBE
054-181-02	R-1-6	R-1-6-SBE
054-181-03	R-1-6	R-1-6-SBE
054-181-04	R-1-6	R-1-6-SBE
054-181-05	R-1-6	R-1-6-SBE
054-181-06	R-1-6	R-1-6-SBE
054-181-07	R-1-6	R-1-6-SBE
054-181-08	R-1-6	R-1-6-SBE
054-181-09	R-1-6	R-1-6-SBE
054-181-10	R-1-6	R-1-6-SBE
054-182-01	R-1-6	R-1-6-SBE
054-182-02	R-1-6	R-1-6-SBE
054-182-03	R-1-6	R-1-6-SBE
054-182-04	R-1-6	R-1-6-SBE
054-182-05	R-1-6	R-1-6-SBE
054-182-06	R-1-6	R-1-6-SBE
054-182-07	R-1-6	R-1-6-SBE
054-182-08	R-1-6	R-1-6-SBE
054-182-09	R-1-6	R-1-6-SBE
054-182-10	R-1-6	R-1-6-SBE
054-182-11	R-1-6	R-1-6-SBE
054-182-12	R-1-6	R-1-6-SBE
054-182-13	R-1-6	R-1-6-SBE

Assessor's Parcel Number	Existing Zone District	New Zone District
054-191-01	R-1-6	R-1-6-SBE
054-191-02	R-1-6	R-1-6-SBE
054-191-03	R-1-6	R-1-6-SBE
054-191-04	R-1-6	R-1-6-SBE
054-191-05	R-1-6	R-1-6-SBE
054-191-06	R-1-6	R-1-6-SBE
054-191-07	R-1-6	R-1-6-SBE
054-191-08	R-1-6	R-1-6-SBE
054-191-09	R-1-6	R-1-6-SBE
054-191-10	R-1-6	R-1-6-SBE
054-191-11	R-1-6	R-1-6-SBE
054-191-12	R-1-6	R-1-6-SBE
054-191-13	R-1-6	R-1-6-SBE
054-191-14	R-1-6	R-1-6-SBE
054-191-15	R-1-6	R-1-6-SBE
054-191-16	R-1-6	R-1-6-SBE
054-191-17	R-1-6	R-1-6-SBE
054-191-18	R-1-6	R-1-6-SBE
054-191-19	R-1-6	R-1-6-SBE
054-191-20	R-1-6	R-1-6-SBE
054-191-21	R-1-6	R-1-6-SBE
054-191-22	R-1-6	R-1-6-SBE
054-191-23	R-1-6	R-1-6-SBE
054-191-24	R-1-6	R-1-6-SBE
054-191-25	R-1-6	R-1-6-SBE
054-191-26	R-1-6	R-1-6-SBE
054-191-27	R-1-6	R-1-6-SBE
054-191-28	R-1-6	R-1-6-SBE
054-191-29	R-1-6	R-1-6-SBE
054-191-30	R-1-6	R-1-6-SBE
054-191-32	R-1-6	R-1-6-SBE
054-191-35	R-1-6	R-1-6-SBE
054-191-39	RB	RB-SBE
054-191-41	RB	RB-SBE
054-191-48	RB	RB-SBE
054-191-53	RB	RB-SBE
054-191-59	R-1-6, PR	R-1-6-SBE, PR
054-191-61	R-1-6, PR	R-1-6-SBE, PR
054-191-62	RB, PR	RB-SBE, PR
054-191-63	RB, PR	RB-SBE, PR
054-191-65	RB, PR	RB-SBE, PR
054-191-67	RB, PR	RB-SBE, PR
054-191-68	RB, PR	RB-SBE, PR
054-191-71	RB, PR	RB-SBE, PR
054-191-75	RB, PR	RB-SBE, PR

Assessor's Parcel Number	Existing Zone District	New Zone District
054-191-76	RB, PR	RB-SBE, PR
054-191-78	RB, PR	RB-SBE, PR
054-191-79	RB, PR	RB-SBE, PR
054-191-80	RB, PR	RB-SBE, PR
054-191-81	RB, PR	RB-SBE, PR
054-192-01	R-1-6	R-1-6-SBE
054-192-02	R-1-6	R-1-6-SBE
054-192-03	R-1-6	R-1-6-SBE
054-231-12	RB, PR	RB-SBE, PR
Unit 2		
054-181-11	R-1-6	R-1-6-SBE
054-181-12	R-1-6	R-1-6-SBE
054-181-13	R-1-6	R-1-6-SBE
054-181-14	R-1-6	R-1-6-SBE
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054-181-22	R-1-6	R-1-6-SBE
054-181-23	R-1-6	R-1-6-SBE
054-181-24	R-1-6	R-1-6-SBE
Unit 4		
054-222-01	R-1-6	R-1-6-SBE
054-222-02	R-1-6	R-1-6-SBE
054-222-03	R-1-6	R-1-6-SBE
054-222-04	R-1-6	R-1-6-SBE
054-222-05	R-1-6	R-1-6-SBE
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054-222-08	R-1-6	R-1-6-SBE
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054-223-07	R-1-6	R-1-6-SBE
054-223-08	R-1-6	R-1-6-SBE
054-223-09	R-1-6	R-1-6-SBE

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054-223-19	R-1-6	R-1-6-SBE
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054-631-04	R-1-6	R-1-6-SBE
054-631-05	R-1-6	R-1-6-SBE
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054-631-12	R-1-6	R-1-6-SBE
054-631-13	R-1-6	R-1-6-SBE
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054-631-17	R-1-6	R-1-6-SBE
054-631-18	R-1-6	R-1-6-SBE
Unit 14		
054-181-25	R-1-6	R-1-6-SBE
054-181-26	R-1-6	R-1-6-SBE
054-181-27	R-1-6	R-1-6-SBE
054-181-28	R-1-6	R-1-6-SBE
054-181-29	R-1-6	R-1-6-SBE
054-181-30	R-1-6	R-1-6-SBE
054-181-31	R-1-6	R-1-6-SBE
054-181-32	R-1-6	R-1-6-SBE
054-181-33	R-1-6	R-1-6-SBE
054-181-34	R-1-6	R-1-6-SBE
054-181-35	R-1-6	R-1-6-SBE
054-181-36	R-1-6	R-1-6-SBE
054-181-37	R-1-6	R-1-6-SBE
054-181-38	R-1-6	R-1-6-SBE

SECTION IV

This Ordinance shall take effect on the 31st day following adoption, or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2019 by the Board of Supervisors and the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
 Clerk of the Board

APPROVED AS TO FROM: _____
 County Counsel

Seascape Beach Estates Combining Zone District: Minor Variation to PUD/Use Permit 4119-U

Planned Unit Development (PUD)/Use Permit 4119-U (1972) modified PUD/Use Permit 3078-U (1968) to change the type of permitted development from townhomes to detached single family dwellings on 14 lots. Condition #3 of Permit 4119-U states: "All provisions for development shall be in compliance with the R-1 District regulations." At this time, these 14 lots are proposed for inclusion in the Seascape Beach Estates (SBE) Combining Zone District. The SBE Combining Zone District would have development standards for building height, setbacks, floor area ratio, and lot coverage that are different from R-1 standards.

Therefore, in order to include these 14 lots in the SBE Combining Zone District, it is necessary to modify PUD/Use Permit 4119-U Condition #3 to recognize the proposed Seascape Beach Estates overlay zone district as follows: "All provisions for development shall be in compliance with the Seascape Beach Estates (SBE) Combining Zone District regulations." Per 18.10.134, this change constitutes a "minor variation" to conditions of approval for a development permit, and requires the approving body to make the findings required by SCCC 13.10.230.

Permit Findings (Santa Cruz County Code 18.10.230)

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

This finding can be made, in that there would be no new development or allowed uses associated with the minor variation to Permit 4119-U for these 14 lots. The proposed location of this Use/Development Permit and the residential use that would continue to be allowed on this property will not be detrimental to the health, safety, or welfare of the neighborhood or the general public.

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

This finding can be made, in that the location of this property and the residential use and development standards that would be allowed with the proposed minor variation to Permit 4119-U would be consistent with SCCC 13.10.434 – 13.10.436 (the SBE Combining Zone District). The purpose of this minor variation is to allow these properties to have the same use and development standards as other properties in the surrounding Seascape Beach Estates neighborhood as defined in SCCC 13.10.434 – 13.10.436. All other underlying R-1 zone district standards that are not particular to the SBE Combining Zone District would still apply for this property.

- (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 can be made, in that the subject parcels have a General Plan designation of R-UL (Urban Low Density Residential), where appropriate development includes detached houses at densities of 4.4 to 7.2 units per net developable acre. The subject parcels are developed with detached single-family homes, and there would be no change in use or density as a result of this minor variation to allow these parcels to be incorporated into the SBE Combining Zone District. These parcels are not located within a town or village plan area.

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

This finding can be made, in these 14 parcels are already developed with single family homes, and there would be no change in use or new development associated with the proposed minor variation that would generate any new impacts on traffic or utilities.

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

This finding can be made, in that the proposed minor variation to Permit 4119-U would allow the same development standards that will be applied to the surrounding parcels in the SBE Combining Zone District to be applied to the 14 subject parcels. Therefore, the proposed project will complement and harmonize with land uses, physical design aspects, land use intensities, and dwelling unit densities of the surrounding neighborhood.

Santa Cruz County Board of Supervisors Regular Meeting March 14, 2017

Agenda Item 34: Consider Concept Proposal for Combining Zone District and Revised Site Standards for Seascape Beach Estates, adoption of resolution of intent and related actions, as outlined in the memorandum of the Planning Director

https://santacruzcountyca.igm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1575&MediaPosition=8379.258&ID=3464&CssClass=

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Santa Cruz County
CA

Agenda Item
DOC-2017-237

Approved as amended
Mar 14, 2017 9:00 AM

Consider Concept Proposal for Combining Zone District and Revised Site Standards for Seascape Beach Estates, adoption of resolution of intent and related actions, as outlined in the memorandum of the Planning Director

Information

Department:	Planning: Sustainability and Special Projects	Sponsors:	Planning Director Kathleen Molloy
Category:	PLN SSP - Board Letter	Functions:	Land Use & Community Services

Links

Reference DOC-2016-290 : Consider potential planning actions to guide development in Seascape Beach Estates, as recommended in the memo of the Planning Director, dated March 29, 2016

Attachments

- Board Memo
- A. Map of the four units that make up the Seascape Beach Estates Subdivision
- B. Previous materials (web link) April 12, 2016 BOS -- Item No. 49
- C. Map of Proposed Site Standards for Seascape Beach Estates
- D. Proposals from Neighborhood Groups
- 34.e Resolution of Intention and Exh 1 (3464)
- #34, Comment_Chris Liotta
- #34, Comment_Lynda Ariano
- #34, Comments_James Baldacci
- #34, Comment_Frank McLoughlin
- #34, Comments rec'd 3-13-17 (1)
- #34, Comments rec'd 3-13-17 (2, 3)
- #34, Comments rec'd 3-13-2017 (4)
- #34 Replacement pages BOS memo (clean copy)
- #34 Replacement pages BOS memo (strikeout)
- #34, Comment_Keeler
- #34, Comments rec'd 3-14-17
- Resolution 62-2017 final, #34 (3464)
- 034 DOC-2017-237 Minute order (signed), SBE combining concept

EXHIBIT F

Seascape Beach Estates: Comparison of Proposed SBE Combining Zone District Development Standards with Neighborhood CC&Rs and Current County Code

	PROPOSED STANDARDS	Current Zoning Standards		Summary of CC&R Provisions			
	RB-SBE, R-1-6-SBE	RB	R-1-6	Unit 1 (Gaviota, Concha, Campaña)	Unit 2 (upper Palo Alto)	Unit 4 (lower Palo Alto, Malibu, Tornasol, Club House)	Unit 14 (upper Palo Alto cul-de-sac)
Minimum Front Yard Setback	20'	10'	20'	20'	20'	5'	20'
Minimum Rear Yard Setback	Average of rear extent of main structure on two adjoining properties	10' 0' beach side	15'	2 ft from seawall	90 ft from front property line	Lots 6-31: 100 ft from front property line. Lot 4: 140 ft. Lot 5: 130 ft. Lots 39-49: 110 ft.	No standard
Minimum Side Yard Setback	10% of lot width (between 5' and 8') 8' street-side	0'&5'	5'&8'	5' for 50' lots, 6' for 60' lots	10% of lot width, (maximum 8'). Garages minimum 5'. Corner lots minimum 8' street side setbacks	3'	10% of lot width, minimum 6'. Corner lots minimum 8' street side setbacks
Maximum Structure Height	16', 18', or 28' (see map)	17'	28'	1-story and 16' for all lots, except 2-3 stories for lots 25-40 (via Gaviota) and 2-stories for lots 41-80 if no impaired views (Via Concha and Via Campaña) with HOA approval	No standard	1-story (16') on 1, 3-34, 36, 37, unless HOA approval. 2-stories (30') in other limited locations that will not impair view of other lots.	No standard
Maximum Lot Coverage	45%*	40%	40%	See comment below	See comment below	See comment below	No standard
Maximum Floor Area Ratio	0.6:1	0.5:1	0.5:1	See comment below	See comment below	See comment below	No standard
Notes	*60% for parcels with height limitations (see map)	*All parcels < 60' wide side setbacks 5'&5' *Corner lots 5'&10' (existing parcels) 5'/20' (creating new parcels)		In no event shall the covered floor area of buildings on a lot exceed 60% of the land area of such lot	In no event shall the covered floor area of all buildings exceed 60% of the land area.	In no event shall the covered floor area of buildings on a lot exceed 60% of the land area of such lot.	

Seascape Beach Estates Combining Zone District: Height Survey Results

Santa Cruz County conducted a survey of existing building heights in the neighborhood, with the purpose of determining how many homes would become legal non-conforming structures as a result of the 16- and 18-foot proposed height limits on certain parcels in the Seascape Beach Estates neighborhood.

Surveys were completed in May and November 2017. County Department of Public Works Survey staff, accompanied by Planning Department staff, used Leica Total Station 1203 laser survey tools with reflectorless capability to measure height with an accuracy of 0.5 centimeter. Surveyors measured from the highest point on the curb to the top of roofs or to the top of permanent structures on top of roofs (such as railings or decks). Chimney heights were not measured.

APN	Address	Proposed Maximum Structure Height (feet)*	Surveyed Height (feet)*	Will the existing structure be non-conforming with the new proposed maximum height?
Unit 1				
054-181-01	285 Via Concha	16	16.3895	Yes
054-181-02	307 Via Concha	16	15.9825	No
054-181-03	319 Via Concha	16	18.127	Yes
054-181-04	329 Via Concha	16	16.4292	Yes
054-181-05	335 Via Concha	28	27.6245	No
054-181-06	341 Via Concha	28	44.9489	Yes
054-181-07	350 Via Concha	28	33.1824	Yes
054-181-08	330 Via Concha	28	28.485	Yes
054-181-09	262 Via Campana	18	13.3776	No
054-181-10	256 Via Campana	18	19.2196	Yes
054-182-01	237 Via Campana	18	13.0581	No
054-182-02	225 Via Campana	18	15.9055	No
054-182-03	213 Via Campana	18	16.5795	No
054-182-04	205 Via Campana	18	15.623	No
054-182-05	195 Via Campana	18	17.4899	No
054-182-06	185 Via Campana	18	15.642	No
054-182-07	173 Via Campana	18	15.8839	No
054-182-08	161 Via Campana	18	28.9463	Yes
054-182-09	143 Via Campana	18	16.4473	No
054-182-10	137 Via Campana	18	17.488	No
054-182-11	125 Via Campana	18	17.0949	No
054-182-12	113 Via Campana	18	13.1656	No
054-182-13	101 Via Campana	18	16.1979	No
054-191-01	283 Via Concha	16	17.83	Yes
054-191-02	271 Via Concha	16	15.9122	No
054-191-03	259 Via Concha	16	17.7362	Yes
054-191-04	249 Via Concha	16	16.3127	Yes
054-191-05	239 Via Concha	16	16.0945	Yes
054-191-06	229 Via Concha	16	18.1527	Yes

EXHIBIT H

APN	Address	Proposed Maximum Structure Height (feet)*	Surveyed Height (feet)*	Will the existing structure be non-conforming with the new proposed maximum height?
054-191-07	219 Via Concha	16	16.2519	Yes
054-191-08	207 Via Concha	16	17.8482	Yes
054-191-09	195 Via Concha	16	16.8235	Yes
054-191-10	183 Via Concha	16	17.0376	Yes
054-191-11	171 Via Concha	16	17.6942	Yes
054-191-12	169 Via Concha	16	15.5498	No
054-191-13	147 Via Concha	16	15.9345	No
054-191-14	135 Via Concha	16	16.0961	Yes
054-191-15	123 Via Concha	16	17.4747	Yes
054-191-16	111 Via Concha	16	18.1597	Yes
054-191-17	101 Via Concha	16	15.9519	No
054-191-18	895 Via Gaviota	28	12.3812	No
054-191-19	877 Via Gaviota	28	28.4312	Yes
054-191-20	865 Via Gaviota	28	23.7048	No
054-191-21	853 Via Gaviota	28	27.1486	No
054-191-22	841 Via Gaviota	28	29.7888	Yes
054-191-23	829 Via Gaviota	28	26.0249	No
054-191-24	817 Via Gaviota	28	32.9564	Yes
054-191-25	805 Via Gaviota	28	31.9113	Yes
054-191-26	793 Via Gaviota	28	30.1778	Yes
054-191-27	781 Via Gaviota	28	31.4612	Yes
054-191-28	769 Via Gaviota	28	31.5245	Yes
054-191-29	755 Via Gaviota	28	38.9418	Yes
054-191-30	745 Via Gaviota	28	47.1893	Yes
054-191-32	733 Via Gaviota	28	16.8772	No
054-191-35	750 Via Gaviota	16	16.1241	Yes
054-191-39	790 Via Gaviota	16	17.359	Yes
054-191-41	810 Via Gaviota	16	16.5693	Yes
054-191-48	888 Via Gaviota	16	16.3126	Yes
054-191-53	930 Via Gaviota	16	16.6309	Yes
054-191-59	740 Via Gaviota	16	17.3609	Yes
054-191-61	760 Via Gaviota	16	16.3767	Yes
054-191-62	770 Via Gaviota	16	16.4117	Yes
054-191-63	780 Via Gaviota	16	16.4302	Yes
054-191-65	800 Via Gaviota	16	16.7969	Yes
054-191-67	820 Via Gaviota	16	16.4427	Yes
054-191-68	830 Via Gaviota	16	18.9565	Yes
054-191-71	860 Via Gaviota	16	17.3192	Yes
054-191-75	910 Via Gaviota	16		[under construction so not measured]
054-191-76	920 Via Gaviota	16	16.3374	Yes
054-191-78	900 Via Gaviota	16	16.2384	Yes
054-191-79	840 Via Gaviota	16	16.1154	Yes
054-191-80	850 Via Gaviota	16	16.0016	No

APN	Address	Proposed Maximum Structure Height (feet)*	Surveyed Height (feet)*	Will the existing structure be non-conforming with the new proposed maximum height?
054-191-81	870 Via Gaviota	16	16.5418	Yes
054-192-01	915 Via Gaviota	28	29.7641	Yes
054-192-02	927 Via Gaviota	28	26.2354	No
054-192-03	939 Via Gaviota	28	26.9817	No
054-231-12	940 Via Gaviota	16	17.1079	Yes
Unit 2				
054-181-11	890 Via Palo Alto	28	17.2353	No
054-181-12	880 Via Palo Alto	28	19.1847	No
054-181-13	872 Via Palo Alto	28	26.758	No
054-181-14	864 Via Palo Alto	28	30.3489	Yes
054-181-15	858 Via Palo Alto	28	29.4495	Yes
054-181-16	852 Via Palo Alto	28	28.5453	Yes
054-181-17	844 Via Palo Alto	28	30.9653	Yes
054-181-18	(vacant lot)	28		N/A
054-181-19	832 Via Palo Alto	28	19.8887	No
054-181-21	826 Via Palo Alto	28	19.5326	No
054-181-22	820 Via Palo Alto	28	25.6654	No
054-181-23	812 Via Palo Alto	28	24.6311	No
054-181-24	804 Via Palo Alto	28	21.5408	No
Unit 4				
054-222-01	960 Via Tornasol	28	25.0101	No
054-222-02	974 Via Tornasol	28	25.8885	No
054-222-03	986 Via Tornasol	28	27.9867	No
054-222-04	1000 Via Tornasol	28	28.2739	Yes
054-222-05	1010 Via Tornasol	28	29.9013	Yes
054-222-06	1022 Via Tornasol	28	30.4154	Yes
054-222-07	1034 Via Tornasol	28	29.5332	Yes
054-222-08	1046 Via Tornasol	28	28.9597	Yes
054-222-09	1058 Via Tornasol	28	27.7757	No
054-222-10	1070 Via Tornasol	28	29.2306	Yes
054-222-11	1080 Via Tornasol	28	27.4335	No
054-223-01	920 Via Tornasol	28	23.684	No
054-223-02	1327 Club House Dr	16	18.3196	Yes
054-223-03	911 Via Palo Alto	16	21.3853	Yes
054-223-04	930 Via Tornasol	28	28.4148	Yes
054-223-05	920 Via Malibu	18	14.8863	No
054-223-06	930 Via Malibu	18	12.8957	No
054-223-07	940 Via Malibu	18	17.5497	No
054-223-08	950 Via Malibu	18	16.7745	No
054-223-09	960 Via Malibu	18	14.7083	No
054-223-10	974 Via Malibu	18	14.238	No
054-223-11	986 Via Malibu	18	15.8211	No

APN	Address	Proposed Maximum Structure Height (feet)*	Surveyed Height (feet)*	Will the existing structure be non-conforming with the new proposed maximum height?
054-223-12	998 Via Malibu	18	16.1662	No
054-223-13	1010 Via Malibu	18	17.4558	No
054-223-14	1022 Via Malibu	18	17.227	No
054-223-15	1034 Via Malibu	18	16.1434	No
054-223-16	1046 Via Malibu	18	16.6063	No
054-223-17	1058 Via Malibu	18	17.4305	No
054-223-18	1070 Via Malibu	18	15.7466	No
054-223-19	1080 Via Malibu	18	16.725	No
054-631-01	910 Via Palo Alto	16	17.1672	Yes
054-631-02	1405 Club House Dr	16	16.6732	Yes
054-631-03	930 Via Palo Alto	16	12.8077	No
054-631-04	948 Via Palo Alto	16	16.9975	Yes
054-631-05	962 Via Palo Alto	16	13.8764	No
054-631-06	974 Via Palo Alto	16	15.3578	No
054-631-07	986 Via Palo Alto	16	14.3348	No
054-631-08	998 Via Palo Alto	16	17.1577	Yes
054-631-09	1010 Via Palo Alto	16	16.993	Yes
054-631-10	1022 Via Palo Alto	16	17.7345	Yes
054-631-11	1036 Via Palo Alto	16	16.4944	Yes
054-631-12	1048 Via Palo Alto	16	15.9294	No
054-631-13	1062 Via Palo Alto	16	15.2906	No
054-631-14	1074 Via Palo Alto	16	17.7277	Yes
054-631-15	1094 Via Palo Alto	16	18.685	Yes
054-631-16	1106 Via Palo Alto	16	18.2818	Yes
054-631-17	1118 Via Palo Alto	16	16.4496	Yes
054-631-18	1130 Via Palo Alto	16	16.9316	Yes
Unit 14				
054-181-25	786 Via Palo Alto	28	27.8498	No
054-181-26	774 Via Palo Alto	28	25.0647	No
054-181-27	762 Via Palo Alto	28	20.871	No
054-181-28	750 Via Palo Alto	28	25.6138	No
054-181-29	738 Via Palo Alto	28	19.1804	No
054-181-30	724 Via Palo Alto	28	26.3735	No
054-181-31	712 Via Palo Alto	28	25.6851	No
054-181-32	697 Via Palo Alto	28	22.673	No
054-181-33	709 Via Palo Alto	28	29.3798	No
054-181-34	721 Via Palo Alto	28	27.1442	No
054-181-35	733 Via Palo Alto	28	27.6792	No
054-181-36	745 Via Palo Alto	28	27.5371	No
054-181-37	757 Via Palo Alto	28	27.1828	No
054-181-38	769 Via Palo Alto	28	24.5683	No

*Structure height measured from top of highest curb at front of property to highest point of structure, excluding chimneys.

Daisy Allen

From: Cove Britton
Sent: Wednesday, March 15, 2017 9:29 AM
To: Paia Levine
Cc: Zach Friend; Ryan Coonerty; Kathy Molloy
Subject: 911 Via Palo Alto

Hi Paia-

Our office is about to submit a project located at 911Via Palo Alto (APN 054-223-03).

This home is located at the corner of Via Palo Alto and Clubhouse, the inland south corner. The home appears to be the only home on the inland side of Via Palo Alto and already exceeds 16 feet (approximately 20 feet). The two homes directly adjacent also exceed 16 feet (one on Club House and one on Via Malibu.

Based on the hearing yesterday I wanted to make sure that a 16 foot height limit would *not* be applied to this property.

We also have two other clients in the Unit 4 subdivision that have no intention on raising their homes any higher than they are now up but do not want to have their homes considered non-conforming so it might be appropriate for Zach to consider having a more accurate survey of the actual existing homes in Unit 4 before applying a height limit that is not consistent with many of the existing homes.

There are many neighbors in the Unit 4 subdivision that want nothing to do with this process and feel bullied. However they also do not want to raise the height of their homes so ultimately not an issue....but also do not want to have their homes determined non-conforming due to inaccurate information in regards to the actual heights of existing homes in Unit 4.

Regards-

--

Cove Britton
Matson Britton Architects

O. (831) 425-0544

Daisy Allen

From: Betty Kayton <betty@kayton.net>
Sent: Wednesday, March 15, 2017 4:16 PM
To: Sarah Neuse
Cc: 'Chris Liotta'; Paia Levine
Subject: RE: SBE Combining District
Attachments: 895 via gaviota.JPG; Arc Guidelines adopted 2000 annotated.pdf

Hi, Sarah. Thanks for the email below.

While we're talking about heights, the recent proposals from all 4 units had unanimously agreed to limit the heights of 895, 877, 865, 853 and 841 Via Gaviota to the as-built 20' heights. As you can see from the attached photo, the Gaviota bluff in this location is rather short, so an 8' increase in height would be very impactful. I believe that the Board overlooked this (while they were focusing on the 16' homes).

We concur with the Unit 1 ARC that these 5 homes should be limited to their as-built 20' heights, so there is no impact on the views of the residents of Via Concha, nor any impact on folks walking down Clubhouse to get to the beach. These 4 homes have no impact on views from Unit 2 – however, taller homes would negatively impact the entire neighborhood. Also attached are the Unit 1 ARC Guidelines which show that these 5 lots are intended to be 20'.

Thanks for considering my comments, and a special thanks for all your hard work in helping protect the neighborhood and eliminate subjectivity.

Best,

Betty Kayton
812 Via Palo Alto
650.255.1712

However, the Unit 1 neighbors that live at
From: Sarah Neuse <Sarah.Neuse@santacruzcounty.us>
Sent: Wednesday, March 15, 2017 3:34 PM
To: 'Chris Liotta'; Paia Levine
Cc: Kathy Previsich
Subject: RE: SBE Combining District

Hi Chris,

Thanks for sending along the survey information. We are figuring out what data we will need, and to what degree of precision. We will certainly be in touch with everyone as the process moves forward.

Regarding 256 Via Campana, the map correctly reflects our recommendation. The existing home is a full two stories, and the house is situated adjacent to the cliff in the same manner as the homes on the Via Concha cul-de-sac. Again, this is our starting point. If you (or anyone) feels strongly that a different standard should be applied to any specific parcel, those comments can be taken into consideration through the CEQA process (which will be publicized), and the Planning Commission and Board Hearings on specific code language and the final rezoning action.

Thank you for following the process so closely, I hope the next several months can proceed as smoothly as possible.

Sarah

Sarah Neuse
Planner III
Policy Section, Planning Department
County of Santa Cruz
831.454.3290
831.454.2131 FAX
M-Thu: 8:00 - 4:45

From: Chris Liotta [<mailto:chrisliotta@msn.com>]
Sent: Wednesday, March 15, 2017 3:24 PM
To: Paia Levine <Paia.Levine@santacruzcounty.us>; Sarah Neuse <Sarah.Neuse@santacruzcounty.us>
Cc: Kathy Previsich <Kathy.Previsich@santacruzcounty.us>
Subject: SBE Combining District

Thank you for your continuing efforts to help us reach a final resolution in the Seascapes Beach Estates. I know our neighborhood has been less than pleasant to work with at times, but please know, your involvement is very much appreciated.

I thought the report you gave yesterday was very well done. Including pictures of the homes beside the recommendations really made it clear what we were talking about. I don't fully understand the next steps, but I heard mention of getting a surveyor involved. A while back, we engaged Edmundson and Associates to do surveys of the heights of many of the homes on Via Campana. I've enclosed the report. We did not have access to Unit 1, so the heights are not exact.

Additionally, I noticed one home on your color coded map that was incorrect. 256 Via Campana (lot # 054-18-110) should be included with the 18-foot limits proposed by the Board. We had this wrong on our initial maps as well.

Thank you again. If there is anything I can do to help going forward, please do not hesitate to reach out to me at 650-799-3647.

Chris

**ARCHITECTURAL REVIEW COMMITTEE (ARC)
SEASCAPE BEACH ASSOCIATION (TRACT 483 UNIT #1)**

DWELLING PLANS CHECKLIST

(Updated and clarified 2000)

Lot Number _____ Owner _____ Phone _____
 Plans presented _____ Architect _____ Phone _____
 Date _____

ITEM	SPECIFICATIONS PRESCRIBED	PLANS SHOW
Dwelling Use	Single Family	
Dwelling Size	Maximum 60% Lot Area Minimum 1500 square Feet	
Plot Plan Setbacks (Exclude eaves, steps & porch)	Front - 20' Sides - 5' for 50' width lot 6' for 60' width lot Rear - #1-23, 41-52 80' from front lot line (FLL) #25-40, 53-57, 61-67 & 81 10' from rear lot line #58 95' from FLL #59, 60 97.5' from FLL at common corner post #68-71 85' from FLL #72-80 86' from FLL	
Number of stories	#1 - 23 One #25-40 Two or Three #41-81 One; Two if ARC approves	
Basement	Requires approval by ARC	
Dwelling Height (1) (Max)	16' - #1-23; 41-61; 66; 68-81 30' - #25-32; 38-40 20' - #33-37 16' - #62-65; 67	
Chimney - Height Width	Maximum 4' above dwelling height Minimize view impairment of others (Maximum 3' on beach front lots)	

→ **TYPOGRAPHICAL ERROR
INTENDED TO BE
28 FEET**

(1) Measured from highest point of curb abutting front street side of lot, unless approved otherwise by ARC. ARC will consider request for exception for height greater than 16', or alternatively to adjust datum plane to ground level of actual building site.

<u>ITEM</u>	<u>SPECIFICATIONS PRESCRIBED</u>	<u>PLANS SHOW</u>
Garage	#1-40 None required #41-80 Minimum 2 cars	
Enclosed Storage Space	Minimum 1200 cu. ft. (satisfied by garage)	
Parking Spaces	#1-40 Minimum 4 #41-81 Garage plus 2-car driveway	
Driveway Surface	Concrete only	
Fences/Walls - Height	Maximum 3' in front & rear setbacks areas; otherwise maximum 6'	
	- Depth As approved by ARC	
Open Deck/Porch (2) (At ground level)	Maximum depth beyond rear building line (RBL) #41-51 14' (RBL is 80' from FLL) #58-60 15' (RBL is 95' & 97.5 from FLL) #68-71 12' (RBL is 85' from FLL) #72-80 to berm (RBL is 86' from FLL) All seawall lots as required by the Agreement recorded 12/20/83 Other Lots - as approved by ARC Cantilever any deck portion extending beyond berm	
Open Balcony/Stairway (2)	Maximum extension into setback areas: Front and rear - 6'; side - 3'	
Roof	1) Material and colors require ARC approval 2) ARC flat roof guideline: less than 60% desired; maximum 75% acceptable	
Exterior Elevations	Design, materials and colors require ARC approval	
Grades/Drainage	1) No grade alternation without ARC approval	

(2) Safety railing to conform to county code. When such railing may cause view impairment of others, its size and form should be minimized (within code requirements).

<u>ITEM</u>	<u>SPECIFICATIONS PRESCRIBED</u>	<u>PLANS SHOW</u>
	2) All Lots to drain to street only; keep drainage off adjacent lots; drain pipe should go to curb 3) #23-40: Soil engineers recommend minimum disturbance of rear slope (3)	
Grading Plan	#25-41; 81 - Required with building plans Others - submit, if requested by ARC	
Rubbish Area	Enclosed to shield from view at ground level and above (sunken garbage cans at side of dwelling acceptable)	
Swimming Pool	Requires ARC approval	
Nameplate - Size	Maximum 72 square inch (e.g. 6" x 12"); For larger designs, submit to ARC for approval	
Flagpole - Height	Maximum - 8" above dwelling	
-Vertical section	Minimize to avoid unnecessary view impairment of others	
-Horizontal section	No cross arms above allowable building heights	
Architectural Harmony	To be judged by ARC	
Color Scheme	To be approved by ARC; color of roof vents and roof surfacing materials to blend with roofscape; aluminum window frames should be anodized. Skylights to be flat and blend with other roof material.	
Landscaping - Plans	Submit for ARC approval prior to commencement	
Dwelling - Completion	By 18 months after ARC approval	
- Cessation	After 120 days ARC may remove or complete	

(3) Cutting into the face of the rear slope of these lots is to be held to a minimum, with adequate retaining walls designed and constructed to prevent earth slide. In order to ensure positive control of these critical matters, building plans submitted for ARC approval will be accompanied by a signed statement of a state licensed engineer certifying the adequacy of the plans for protection against earth slide resulting from the planned construction. Upon completion of that part of the construction involving the rear slope, a further signed statement of a state licensed engineer will be provided to ARC that he has physically inspected the construction and finds it fully adequate to protect against earth slide due to the construction.

NOTE 3 is subject to revision by our attorney. This may also require a change in item 3) #23-40 above.

GENERAL NOTES

1. CC&R's state that plans, specifications, color scheme, plot plan, and grading plan (when required) shall be submitted in writing over the signature of the owner or his duly authorized agent on a form prepared by ARC. The use of this check-off list form is encouraged for this purpose.
2. ARC needs 3 sets of plans and 3 sets of specifications when submitted for approval.
3. Allow minimum of 4 weeks for ARC action on plans. CC&R's state that approval may be assumed if ARC does not act within 60 days, upon receipt of a complete ARC application.
4. Preliminary sketched/plans may be submitted to ARC for review and tentative acceptance of an item of uncertainty. Artist conception providing perspective sketch of building in place should be included so that ARC can visualize more clearly and points in question and thus speed up the review process. Final plans will still require review and approval.
5. Any proposed alternatives, modifications, or subsequent additions must be submitted to ARC for further review and approval.
6. Any damage to common areas, landscaping, sidewalks, and streets occurring during construction will be promptly repaired by owner.
7. Plans being submitted for review may be:

Hand delivered to ARC Chairperson or Anderson & Company, Inc. or mailed to
ARC, Seascape Beach Association, P. O. Box 408, Aptos, CA 95001-0408

PART II conforms to existing CC&R's. Changes here would require revision of CC&R's. Also, satellite dish restrictions should be included in CC&R's.

PART II - SUMMARY OF RESTRICTIONS

1. The basic restrictions are recorded in the Official Records, Santa Cruz County, Document 7282, March 21, 1968, Book 1871, Page 457; amended and recorded April 30, 1990, Book 4667, Page 617. The condensation below has been prepared by your Board of Directors in less legal terms and we hope more understandable. The summary has no legal significance interpreting the recorded Covenants, Conditions, and Restrictions or in any other way, and the recorded documents control all matters.
2. It is hoped that with proper enforcement of the Restrictions, as well as the Rules established

by the Association, Seascape Beach Estates (Tract 483, Unit #1) will remain one of the most attractive subdivisions on Monterey Bay.

3. Every owner's property deed incorporates a "Declaration of Covenants, Conditions, and Restrictions".
4. In buying and accepting a deed to property in Seascape Beach Estates, each owner takes title subject to the Restrictions, and as a matter of contract becomes bound along with other property owners to comply with all the terms. Lot owners who are making house plans should consult the specific language of the Restrictions to ensure compliance and perhaps save time.
5. The summary of Restrictions follows: Reference is made to paragraphs in the Restrictions presently on file with the County and State.
 - A. **Land Use (IV - (a), Page 6)** Each lot is restricted to the construction and maintenance of a single family dwelling. Four (4) parking spaces are required on Lots 1 through 40, two (2) of which may be in a garage or carport. A private garage or carport containing not less than two (2) parking spaces is required on Lots 41 through 80.
 - B. **Building Heights (IV - (b), Page 6)** Buildings more than one (1) story in height require written approval of the Architectural Review Committee; however, two (2) or three (3) story or split-level homes may be constructed on Lots 25 through 40, subject to approval of the Committee. Also, two (2) story homes may be permitted on Lots 41 through 80 if the Architectural Review Committee determines that VIEWS WILL NOT BE IMPAIRED and that the proposed height is in keeping with the character of the surrounding area.

Building heights limit one (1) story to 16 ft. and two (2) story to 30 ft. There is, however, one recorded addendum to the Restrictions which limits the heights of homes on Lots 33 through 37 to twenty (20) ft.

- C. **Dwelling Size and Cost (IV - (c), Page 7)** Living space of a house must be at least 1500 sq. ft. and its cost at least \$20,000 based on cost levels of March, 1968. Carports and garages must have a minimum of 1200 cu. ft. enclosed storage space.
- D. **House Location on Lot (IV - (d), Page 7)** See reference for side, front and rear set-back requirements.
- E. **Driveways (IV - (e), Page 7)** Driveways and paved areas for vehicles must have a wearing surface of cement concrete or asphaltic concrete.

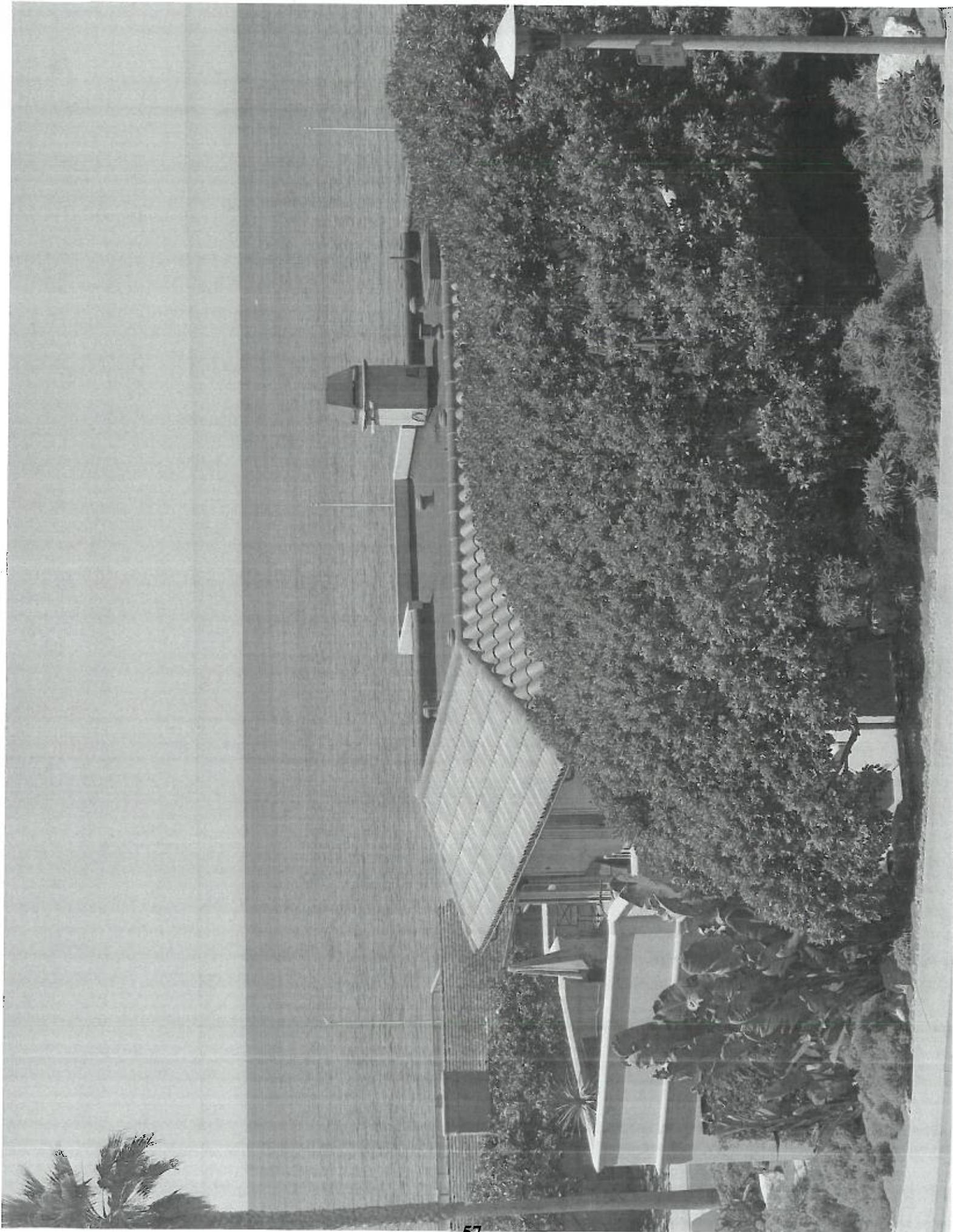
- F. ***Basements - Chimneys (IV - (f), (g), Page 8)*** Basements require approval of the Architectural Review Committee; chimneys shall not extend more than four (4) ft. above the building roof.
- G. ***Nuisances (IV - (h), Page 8)*** No offensive activity shall be carried on which could be an annoyance to the neighborhood. No animals except dogs and cats, and not more than two (2) animals, shall be kept on any lot. Burning of leaves is permitted if allowed by the County. (NOTE: Burning is currently allowed (1971); however, a permit from the Aptos Fire Station is required and burning must take place in a covered container.
- H. ***Commercial Vehicles - Parkways (IV - (i), Page 8)*** Garages, carports, driveways and parking areas may NOT be used as a habitual parking place for commercial vehicles. Lands and parkways between lot lines and streets or walkways are to be maintained by their owner. Such areas shall be kept clean and are NOT to be used for parking private or commercial vehicles, boats or trailers.
- I. ***Plant Diseases or Noxious Insects (IV - (j), Page 9)*** No Owner shall permit any thing or condition to exist upon his lot to which shall induce, breed or harbor infectious plant diseases or noxious insects.
- J. ***Nameplates - TV/Radio Antennae - Laundry/Flag Poles (IV - (k), Page 9)*** Nameplates are authorized if kept to within 72 sq. inches in area; TV and radio antennae and laundry drying equipment are NOT authorized to be erected or used outdoors.
- K. ***Temporary Structures (IV - (l), Page 9)*** Temporary structures of any kind may NOT be used as a temporary or permanent residence.
- L. ***Underground Utilities (IV - (m), Page 10)*** All utilities are to be placed underground except when they are within the buildings.
- M. ***Signs (IV - (n), Page 10)*** All signs on lots/homes require the written approval of the Architectural Review Committee.
- N. ***Oil and Mining Operations (IV - (o), Page 10)*** No lot shall be used for the purpose of boring, mining, quarrying, exploring for, or removing water, oil or other hydrocarbons, minerals of any kind, gravel or earth. No machinery shall be placed, operated or maintained upon any lot except such machinery as is usual and customary in connection with the maintenance of a private residence.
- O. ***Home Occupations (IV - (p), Page 10)*** This area is planned for residential use; any gainful occupation or trade requires written approval of the Architectural Review

Committee.

- P. **Architectural Controls (IV - (q), Page 11, 12, 14, 15 & 16)** Approval in writing by the Architectural Review Committee is required for: Any kind of building, garage, fence, wall, retaining wall, sidewalk, steps, awnings, poles or swimming pools. All owners must submit three (3) complete sets of house plans to the Committee for approval. One set of the approved plans will be retained in the files of the Committee.
- Q. **Visual Obstructions - Fences (IV - (r), Page 13)** The intent of the paragraph is to protect all owners' views from their home. Generally, fences, walls and hedges are to be kept to three (3) ft. in height; however, the Committee may approve heights up to six (6) ft., providing it would not obstruct or impair the view from other lots.
- R. **Landscaping (IV - (s), Page 14)** Landscaping is required for all homes; plans are to be submitted to the Committee for approval.
- S. **Construction & Completion of Dwelling (IV - (t), Page 15)** Any construction of dwellings shall, when commenced, be completed within such period of time as may be specified by the Architectural Review Committee. Said Committee, for good cause, as determined by it, may extend any of the foregoing time limits. In the event of cessation of construction for one hundred twenty (120) consecutive days not caused by force majeure, the existence of such incomplete construction shall be deemed to be a nuisance and Declarant and/or the Architectural Review Committee and/or the Association shall have the right to remove the incomplete work or complete the same, at the cost of the Owner, such cost to become a lien upon said lot, subject to foreclosure in the manner provided for foreclosure of trust deeds upon California law, all as hereafter more fully provided.
- T. **Maintenance of Lots and Dwellings (IV - (u), Page 15)** Each Owner shall at all times keep and maintain any building, building accessory, garage or other structure on his lot in good condition and repair, including but not limited to painting as often as necessary, replacement of trim, caulking, roof repairs, structural repairs, and all other necessary and proper maintenance and repair. To the extent the same is not done by any Owner after sixty (60) days notice in writing from Declarant and/or the Architectural Review Committee and/or the Association may accomplish the same, and charge the reasonable cost thereof to said Owner, and said charge, together with interest thereon at twelve (12) percent per annum, or the highest non-usurious rate under California law, whichever is less, shall be and become a lien upon the said lot, subject to foreclosure in the same manner as trust deed under the laws of the State of California, as hereafter provided. Declarant and/or the Architectural Review Committee and/or the Association is hereby given a right of entry upon and onto any lot when necessary in connection with maintenance.

- U. ***Re-subdividing Lots (IV - (v), Page 16)*** Other than Lot 20, no portion of any lot less than all, and no easement covering a portion of any Lot, shall be conveyed unless approved in writing by the Architectural Review Committee.

- V. ***Grades and Slope Control (IV - (w), Page 16)*** The drainage of rain water in this subdivision is especially important in maintaining the existing banks, cliffs, lot grades and streets to prevent land erosion. Strict compliance with the Restrictions on this matter is demanded by the Architectural Review Committee. Owners whose lots include a bank or cliff are responsible for landscaping, watering and maintaining their property to their property line.



Daisy Allen

From: Chris Liotta <chrisliotta@msn.com>
Sent: Wednesday, March 15, 2017 3:24 PM
To: Paia Levine; Sarah Neuse
Cc: Kathy Molloy
Subject: SBE Combining District
Attachments: survey report.pdf

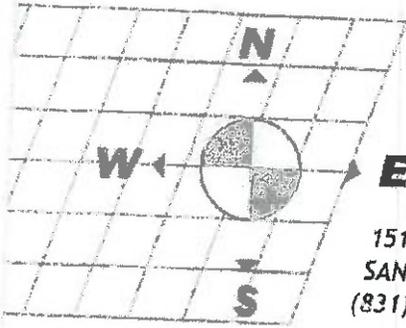
Thank you for your continuing efforts to help us reach a final resolution in the Seascape Beach Estates. I know our neighborhood has been less than pleasant to work with at times, but please know, your involvement is very much appreciated.

I thought the report you gave yesterday was very well done. Including pictures of the homes beside the recommendations really made it clear what we were talking about. I don't fully understand the next steps, but I heard mention of getting a surveyor involved. A while back, we engaged Edmundson and Associates to do surveys of the heights of many of the homes on Via Campana. I've enclosed the report. We did not have access to Unit 1, so the heights are not exact.

Additionally, I noticed one home on your color coded map that was incorrect. 256 Via Campana (lot # 054-18-110) should be included with the 18-foot limits proposed by the Board. We had this wrong on our initial maps as well.

Thank you again. If there is anything I can do to help going forward, please do not hesitate to reach out to me at 650-799-3647.

Chris



EDMUNDSON & ASSOCIATES

1512 SEABRIGHT AVENUE
SANTA CRUZ, CA 95062
(831) 425-1796 FAX (831) 425-1795

May 13, 2015

Betty Kayton
812 Via Palo Alto
Aptos, CA
95003

RE: Roof heights for houses on Via Campana

Dear Betty,

At your request we have performed a survey of the roof heights of houses on Via Campana & Via Concha. The following heights are the differences between the highest point on the top of curb in front of house to the highest roof peak. All elevations are tied to NAVD 88 vertical datum. All measurements were performed with reflector-less measurement techniques and are thus approximate only. True vertical measurements would require access to each individual roof.

237 Via Campana
Top back of curb: 92.1'
Roof peak: 107.5'
Difference=15.4'

225 Via Campana
Top back of curb: 93.3'
Roof peak: 109.2'
Difference=15.9'

213 Via Campana
Top back of curb: 94.5'
Roof peak: 111.1'
Difference= 16.6'

205 Via Campana
Top back of curb: 95.4
Roof peak: 111.2'
Difference= 15.8'

195 Via Campana
Top back of curb: 96.2'
Roof peak: 113.6'
Difference: 17.4'

185 Via Campana

Top back of curb: 97.3
Roof peak: 113.5
Difference = 16.2'

173 Via Campana

Top back of curb: 97.8'
Roof peak: 113.7'
Difference = 15.9'

161 Via Campana

Top back of curb: 97.9'
Roof peak: 126.9'
Difference: 29.0'

143 Via Campana

Top back of curb: 97.9'
Roof peak: 114.2'
Difference: 16.3'

137 Via Campana

Top back of curb: 97.3'
Roof peak: 114.7'
Difference: 17.4'

125 Via Campana

Top back of curb: 95.1'
Roof peak: 112.1'
Difference: 17.0'

113 Via Campana

Top back of curb: 91.0'
Roof peak: 104.0'
Difference: 13.0'

101 Via Campana

Top back of curb: 86.4'
Roof peak: 102.3'
Difference: 15.9'

Note: All distances are shown in feet and decimals thereof.

If you have any questions, please give me a call.

Sincerely,

Olin S. Edmundson

Olin S. Edmundson, PLS



Daisy Allen

From: Tere <tereoc@hotmail.com>
Sent: Sunday, March 19, 2017 4:08 PM
To: Paia Levine
Subject: Seascape Beach Estates

March 19, 2017

Paia Levine
Principal Planner
County of Santa Cruz Planning Dept

RE: Seascape Beach Estates

Dear Paia Levine:

HERE IS A COPY OF THE LETTER THAT I SENT TO BOARD OF SUPERVISORS:

I am a resident of Seascape Beach Estates Unit 1. My husband, Paul and have lived here for 22 years. I am quite surprised and dismayed that the Board of Supervisors have chosen to become involved in the issue in our neighborhood regarding height limits.

The home built on 161 Via Campana which was approved by our HOA, the planning department and Supervisor Ellen Pirie at the time is NOT an eyesore and fits very nicely with our neighborhood. It does not block ANYONES view on Via Palo Alto. So when our neighbor on 185 Via Campana chose to add on and build a 2nd story it was once again approved by the HOA ARC Committee and the Planning Department. It was not going to block ANYONES view on Via Palo Alto. I am disappointed in the vote of the Board of Supervisors to deny this process move forward on several accounts. Most notably because of the prior approval of the HOA AND Planning Dept! Are you going to continually be involved in our neighborhood and questions decisions that we make as homeowners thru our Board AND County Planning Dept?

I am also deeply concerned that if the height limit rules are changed then in the case of a natural disaster (earthquake, flooding, and mudslides) will we not be able to rebuild our homes as they are? I strongly suggest that you visit the neighborhood and visually see the little impact of homes on Via Campana have on the much larger homes on Via Palo Alto. Those homes block the views of everyone on the other side of their street.

I realize that Units 2, 4 and 14 have had more people at the meetings but they also have more homes in those areas than Unit 1. I implore to please do the right thing and put your trust back into your own Santa Cruz County Planning Dept and the Seascape Beach Estates HOA and put an end to this ridiculous debate which should have never happened.

Sincerely,

Tere Carrubba

Sent from [Mail](#) for Windows 10

Daisy Allen

From: Bryan Happee <bryan@bowmanandwilliams.com>
Sent: Monday, March 20, 2017 11:46 AM
To: Paia Levine; Sarah Neuse
Subject: Seascape Beach Estates

Paia & Sarah,

Below (in red) is a response by you regarding the Seascape Beach Estates, and the ability to rebuild a non-conforming structure. I want to get some clarification on the issue.

When we met with you at the planning department conference room, you indicated a different stance on the subject, especially with regards to 161 Via Campana. Can you clarify that the houses (including 161) would be able to be built to their existing roof height regardless of what the new overlay shows setbacks and heights are allowed to be when finalized? I was always under the impression that if a structure is completely destroyed, that the replacement structure must conform with the current zoning guidelines, including setbacks, FAR, Building lot coverage and heights, as well as being brought up to current fire and building codes.

Also, in regards to the measurement of the roofs based on the highest top back of curb elevation, I have a couple of comments.

- 1.) The curbs are rolled curbs and are not a standard 6" curb. This should not be a problem, but I wanted you to know.
- 2.) The measurement in the original Unit 1 CCR's were measured differently than in the Unit 1 amended (2002) CCR's. Actually they were measured in the same way that the current Unit 4 CCR's are written. The buildings (in all the Units) were constructed under the original CCR rules. Most (if not all) the houses on all the streets are built higher than the highest curb elevation by as much as several feet in some cases. It is not a surprise that many of the building do not comply with the heights as they are currently supposed to be measured in Unit 1, and if the rules are changed for all of Seascape Beach estates, other Units will also have this issue. The change in the amended Unit 1 CCR's was probably made to make it easier for the ARC to determine the heights, without the foresight to see that they were changing the allowable heights. This is going to be important, because this may cause a large number of houses in unit 1 (and also the other units) to be non-conforming. Unit 4 CCR's also currently state that height "shall be measured from ground level to the highest point of the roof, excluding chimneys". I am not sure why you would want to go with that method of measurement since it is only in the amended CCR's for Unit 1 have that way of measuring height, and all houses were constructed using rules in the original CCR's that lead to different allowable heights. New construction in Unit 2 was also built using the County of Santa Cruz Height ordinance, I have done a small amount of surveying in Seascape Beach Estates for this issue and want you to know that several of the houses in unit 2 are going to exceed the maximum 28 feet in height using the method you are proposing. **I just want to reiterate that I am not talking about higher buildings, but I am requesting that the height, and measurement of the height of the existing structures be conforming and consistent with the County height ordinance to the extent possible.**
- 3.) I also have a concern that the height measurements are going to be different for this one area in the county, and this is just asking for mistake to be made during the remodel or re-building of a house in the area. As a Land Surveyor, it is always better that the rules of measuring be the uniform throughout the county to mitigate errors that can happen with differences in the way heights are measured. In this case I am not advocating for higher buildings in Unit 1 (or any unit), but I would just like to voice my concern that if the rules vary from the way the county height ordinance measures height it could lead to (expensive) problems. Ultimately it would be desirable

that all the buildings are in conformance with heights and setbacks etc. and height be measured consistent with the county height ordinance.

Please let me know if you need further clarification on anything or have any questions.

Hello Patty,

The Planning Commission will be holding a public hearing down the road, and that will be an opportunity to ask the Commissioner to consider a different height, if you are so inclined. You will be noticed about that hearing when it is scheduled.

Also, I hope it is helpful to note that if a disaster does occur that causes you to have to rebuild your home, you would be able to do that even if it is non-conforming.

Best wishes,

Paia

Paia Levine
Principal Planner
Sustainability and Special Projects
County of Santa Cruz Planning Department

Sincerely,
Bowman & Williams

Bryan Happee, PLS 8229
(831)426-3560 ph.
(831)426-9182 fax.

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Any and all documents prepared by me or under my direct supervision, if attached to this email and unless otherwise noted, are issued in accordance with Section 8761 of the Business and Professions Code (The Professional Land Surveyors Act) and unless noted otherwise, are "Preliminary" documents. All final surveys, reports, and drawings, issued by me will be signed and stamped in accordance with the Business and Professions Code.

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Daisy Allen

From: linda lamb <lindaloulamb@sbcglobal.net>
Sent: Monday, March 20, 2017 11:42 AM
To: Zach Friend; Bruce McPherson; Greg Caput; Ryan Coonerty; John Leopold
Cc: Paia Levine; Sarah Neuse
Subject: Supervisor's Meeting, March 14, 2017

To BOS members,

It has taken me a week to respond to last week's meeting. I have thought about it a lot and feel that it is necessary to express my impressions as to what is and has transpired.

As in the meeting a year ago when the Miller's were turned down on their remodel at 185 Via Campana, I came out of this meeting feeling as if those of us on Via Campana had been dismissed and disregarded. First of all, I know that the coalition has put lots of time and money into keeping the heights on Via Campana as is. They have used many avenues to show that this is not about private views. The reality of all of this is that it is about Units 2 and 14 and their wish for an unobstructed private view of the bay. Mr. Friend, you have given your reason for your decisions being one of compatibility to the neighborhood. Of course, this is subjective, as, looking at the homes above us on Via Palo Alto, we have everything from very modern to a home shaped like a boat. That being said, I believe you are looking at roof lines and are determined to stop anything from going any higher than, except for 161, what now exists.

As far as public views from the beach, how can that even be a criteria? Many pictures have shown that, except for my house, on the corner of Club House, even with higher homes on our street, the large 28 foot homes on Via Palo Alto, are the ones that you see.

Those of us on Via Campana, along with Bob Burick and Bob Hartmann, have worked very hard to come up with a compromise. Although, we realized that you would not accept 24 feet, we felt that it was a starting point. We commend Paia Levine for her acknowledging what we were attempting to do. We were hoping for 22 feet and were disappointed in 20 but were happy for the compromise. The coalition was not willing to budge from their stance of 16 feet. In my opinion, I think the Unit 4 people were sorry they got involved in all of this, because what they have is working for them.

Then, when all of the comments were presented, again, the board, led by Mr. Friend, came back with a charge to the planning department to come back with something 18 feet or less. There was no recognition of the 20 feet, which in reality, was not a lot taller but seemed more fair. Obviously, you are not looking at this as "what is fair". Your rationalization for neighborhood compatibility could just as well be thought of as giving the street some character that would not be a bad thing.

I know that there are many steps before these building standards are complete, but I would urge you to look at your decision again and perhaps look at it through our eyes. We left that meeting feeling, again, that we had been sucker punched. Please reassess your criteria and reconsider your charge.

Respectfully,

Linda Lamb

101 Via Campana

Daisy Allen

From: Betty Kayton <betty@kayton.net>
Sent: Saturday, April 1, 2017 4:38 PM
To: Sarah Neuse
Cc: Paia Levine
Subject: RE: some thoughts regarding the SBE Combining District - an additional thought

I hope you both had a great weekend. I've been walking around the neighborhood, and realized that there's a problem with the proposed height measurement "from top of curb" when there is a 28' height limit.

for example, look at 343 Via Concha. It's up on a high knoll, and if they are only allowed to build 28' from top of curb, their house might be only a few feet high. Worried about this negative impact on 343 via concha... I walked by all of the lots proposed to be 28' tall. Most of them have flat building pads at the street level (with the notable exceptions of 343 and 350 via concha, and of 256 via campana).

I think the most effective way to allow these exceptional homes to build 28' tall on their sloped lots (without making them non-conforming) is for height to be measured as follows:

- a) For all 28' tall lots, maximum height is measured per county rules
- b) For all other lots, maximum height is measured from the highest point of the front curb but still may not exceed the county 28' standard. This 28' standard would apply, for example, to portions of the home that terraced down the hill of a sloped lot.

Thanks for considering this suggestion.

-betty

From: Betty Kayton [mailto:betty@kayton.net]
Sent: Sunday, March 26, 2017 5:27 PM
To: 'sarah.neuse@santacruzcounty.us'
Cc: 'paia.levine@santacruzcounty.us'
Subject: some thoughts regarding the SBE Combining District

Hi, Sarah and Paia. I hope you both had a great weekend. The purpose of this email is to share some of my thoughts regarding the combining district, so you can consider them while you prepare the proposed zoning ordinance.

- a) The first 5 houses on gaviota (cliff side, north of clubhouse) should be 20'
The recent proposals from all 4 units had unanimously agreed to limit the heights of 895, 877, 865, 853 and 841 Via Gaviota to the as-built 20' heights. As you can see from the attached photo of 895 Via Gaviota (taken from the beach accessway on Clubhouse) and of a photo taken from the beach (where you can see that the height of the Via Concha bluff becomes much shorter to the right of the yellow house on Via Concha just to the right of the tall palm tree), the Gaviota bluff in this location (close to Clubhouse) is much shorter than the northern end), so an 8' increase in height would be very impactful. I believe that the Board overlooked this request for 20' max height (while the Board focused on the 16' homes).

Units 2, 4 and 14 concur with the Unit 1 ARC that these 5 homes should be limited to their as-built 20' heights, so there is no impact on the views of the residents of Via Concha, nor any impact on folks walking down Clubhouse to get to the beach. These 4 homes have no impact on views from homes in Units 2, 4 and 14 – however, taller homes would be visible as beach-goers walk down Clubhouse, and would also block views of Via

Concha homeowners. Also attached are the Unit 1 ARC Guidelines which show that these 5 lots were intended to be 20'.

- b) I assume that the zoning overlay is intended to be in addition to the county restrictions. For example, even if 16' from curb would allow a 30' home, the home would still be limited by the county 28'. So each property would get the more restrictive height of (a) regular zoning or (b) overlay zoning.
- c) All of via Malibu and Via Campana should be 16' not 18'. Except for 161 Via Campana, the blueprints for all of these homes were approved at 16'0" maximum. Any home which is taller would only be due to construction (or measurement) errors. Once the surveyors complete their measurements (done with reflectors placed on roofs to ensure accuracy), we're confident that there will be few, if any, homes which exceed 16'. And even if they do, we expect the variances to be not only small but also unintended (since prior to 161 Via Campana, none of these homes had been approved by the ARC to exceed 16'0").
- d) Landscaping: the existing downslope CCR say that a property's vegetation can't block views. The zoning overlay should codify this, for the entire 152 home subdivision.
- e) Grandfathered homes (taller than limit) should only be grandfathered with respect to the existing exterior envelope. Please see attached photo of Via Concha. The white mostly-flat topped house is 271 Via Concha and the brown/black roofed-home to its right is 283 Via Concha.

283 Via Concha has an asymmetrical roof which is far taller on the right side than it is on the left. If their peak height of the gable exceeds 16' (let's assume, for argument's sake, that it's 17') then if the house were to be destroyed, the entire home should not be allowed to be built to 17' tall; the home should be allowed to rebuild 16' tall – and only the previous "over 16' tall" portion of the exterior envelope should be allowed to rebuild at the pre-damage height.

271 Via Concha is mostly flat-topped, with a pop-up gabled section near the chimney. If this house were to remodel, it should not be allowed to exceed the lower of (a) 16'0" or (b) the current exterior envelope. They shouldn't be allowed to build their entire home to the maximum height of the current highest point of the house.

Please ask your surveyors, when they measure the heights of the homes on Concha, Campana, Palo Alto (unit 4) and Malibu, that they measure not only the highest peak of each home (as measured from highest point on front curb), but they also measure the predominant height of the home. For example, on 271 Via Concha, the predominant height is that of the flat roof. And on 283 Via Concha, the predominant height is the average of the height of the southern and northern eaves.

- f) If a home wants to take advantage of grandfathered heights, they should be required to have a licensed surveyor measure the entire pre-construction exterior envelope so that the post-construction exterior envelope can be later measured by a licensed surveyor and compared to the pre-construction envelope to confirm that the new structure does not exceed the grandfathered exterior envelope to any extent. These surveys should be a condition of building permit (pre-construction measurements) and final building inspection and/or occupancy permit (post construction measurement), the homeowner must present to the County a certificate signed by a licensed surveyor which states the actual height of the actual as-built structure (measuring the entire exterior envelope).

No variances should be allowed. In my other home (in Los Altos Hills), if the structure is too high by even 1/2", the occupancy permit is not granted. This is why most homeowners in Los Altos Hills (like me) had surveyors measure the home as soon as the roof peak was framed (and actually I built 5.5" lower than shown on the blueprints to leave sufficient height for the Spanish tile roof). Otherwise, there is a slippery slope (the first house is only too high by 1". Then the next house is only over by 6", then the next by 10", etc).

- g) What happens to newer homes within the subdivision that were built to today's setbacks (not the old 1968 setbacks)? I assume they get to keep their setbacks. It'll be a bit odd when a new-setback-home is next to and old-

setback-home; these homes can end up too close together. but I think that's unavoidable. I can't think of a better suggestion, other than "from today forward, the old 1960's rules (as codified in the combining district) apply, but if your home was built to the current County standards, then these rules are grandfathered for your home".

- h) Unit 1 ARC guidelines (attached) provide a maximum of 60%-75% flat roof. This is designed to lower massing, by requiring that roofs be gabled and/or hipped so they don't appear as massive. Should this "max 60%" be codified for Unit 1? In Unit 4, I don't recall any flat roofs except for 940 via Malibu (and some central flat zones that can't be seen from the street at 1010 VPA and 974 Malibu and 1080 Malibu). Should any other CCR guidelines (aside from height) be codified in the combining district?
- i) I think that the combining district should have an "intent statement" to provide Planning with guidance. The intent statement should say something like: "we encourage homes to build down and out, not up", to encourage homes to take advantage of the terrain and build "down the hill", and to build to the side setbacks (as every existing home has done), rather than to build taller structures (as measured from top of curb).

Thank you for considering the above suggestions. And I am looking forward to reading your proposal for the combining district. I very much appreciate the time and effort that you, and the entire Planning Department, have devoted to helping preserve our unique neighborhood. It is very much appreciated.

Betty Kayton
812 Via Palo Alto (Unit 2)
Aptos, CA 95003
650.255.1712

**ARCHITECTURAL REVIEW COMMITTEE (ARC)
SEASCAPE BEACH ASSOCIATION (TRACT 483 UNIT #1)**

DWELLING PLANS CHECKLIST

(Updated and clarified 2000)

Lot Number _____ Owner _____ Phone _____
 Plans presented _____ Architect _____ Phone _____
 Date _____

<u>ITEM</u>	<u>SPECIFICATIONS PRESCRIBED</u>	<u>PLANS SHOW</u>
Dwelling Use	Single Family	
Dwelling Size	Maximum 60% Lot Area Minimum 1500 square Feet	
Plot Plan Setbacks (Exclude eaves, steps & porch)	Front - 20' Sides - 5' for 50' width lot 6' for 60' width lot Rear - #1-23, 41-52 80' from front lot line (FLL) #25-40, 53-57, 61-67 & 81 10' from rear lot line #58 95' from FLL #59, 60 97.5' from FLL at common corner post #68-71 85' from FLL #72-80 86' from FLL	
Number of stories	#1 - 23 One #25-40 Two or Three #41-81 One, Two if ARC approves	
Basement	Requires approval by ARC	
Dwelling Height (1) (Max)	16' - #1-23; 41-61; 66; 68-81 30' - #25-32; 38-40 20' - #33-37 16' - #62-65; 67	
Chimney - Height Width	Maximum 4' above dwelling height Minimize view impairment of others (Maximum 3' on beach front lots)	

→ TYPOGRAPHICAL ERROR
INTENDED TO BE
28 FEET

(1) Measured from highest point of curb abutting front street side of lot, unless approved otherwise by ARC. ARC will consider request for exception for height greater than 16', or alternatively to adjust datum plane to ground level of actual building site.

<u>ITEM</u>	<u>SPECIFICATIONS PRESCRIBED</u>	<u>PLANS SHOW</u>
Garage	#1-40 None required #41-80 Minimum 2 cars	
Enclosed Storage Space	Minimum 1200 cu. ft. (satisfied by garage)	
Parking Spaces	#1-40 Minimum 4 #41-81 Garage plus 2-car driveway	
Driveway Surface	Concrete only	
Fences/Walls - Height	Maximum 3' in front & rear setbacks areas; otherwise maximum 6'	
	- Depth As approved by ARC	
Open Deck/Porch (2) (At ground level)	Maximum depth beyond rear building line (RBL) #41-51 14' (RBL is 80' from FLL) #58-60 15' (RBL is 95' & 97.5 from FLL) #68-71 12' (RBL is 85' from FLL) #72-80 to berm (RBL is 86' from FLL) All seawall lots as required by the Agreement recorded 12/20/83 Other Lots - as approved by ARC Cantilever any deck portion extending beyond berm	
Open Balcony/Stairway (2)	Maximum extension into setback areas: Front and rear - 6'; side - 3'	
Roof	1) Material and colors require ARC approval 2) ARC flat roof guideline: less than 60% desired; maximum 75% acceptable	
Exterior Elevations	Design, materials and colors require ARC approval	
Grades/Drainage	1) No grade alternation without ARC approval	

(2) Safety railing to conform to county code. When such railing may cause view impairment of others, its size and form should be minimized (within code requirements).

ITEM	SPECIFICATIONS PRESCRIBED	PLANS SHOW
	2) All Lots to drain to street only; keep drainage off adjacent lots; drain pipe should go to curb 3) #23-40: Soil engineers recommend minimum disturbance of rear slope (3)	
Grading Plan	#25-41; 81 - Required with building plans Others - submit, if requested by ARC	
Rubbish Area	Enclosed to shield from view at ground level and above (sunken garbage cans at side of dwelling acceptable)	
Swimming Pool	Requires ARC approval	
Nameplate - Size	Maximum 72 square inch (e.g. 6" x 12"); For larger designs, submit to ARC for approval	
Flagpole - Height	Maximum - 8" above dwelling	
-Vertical section	Minimize to avoid unnecessary view impairment of others	
-Horizontal section	No cross arms above allowable building heights	
Architectural Harmony	To be judged by ARC	
Color Scheme	To be approved by ARC; color of roof vents and roof surfacing materials to blend with roofscape; aluminum window frames should be anodized. Skylights to be flat and blend with other roof material.	
Landscaping - Plans	Submit for ARC approval prior to commencement	
Dwelling - Completion	By 18 months after ARC approval	
- Cessation	After 120 days ARC may remove or complete	

(3) Cutting into the face of the rear slope of these lots is to be held to a minimum, with adequate retaining walls designed and constructed to prevent earth slide. In order to ensure positive control of these critical matters, building plans submitted for ARC approval will be accompanied by a signed statement of a state licensed engineer certifying the adequacy of the plans for protection against earth slide resulting from the planned construction. Upon completion of that part of the construction involving the rear slope, a further signed statement of a state licensed engineer will be provided to ARC that he has physically inspected the construction and finds it fully adequate to protect against earth slide due to the construction.

NOTE 3 is subject to revision by our attorney. This may also require a change in item 3) #23-40 above.

GENERAL NOTES

1. CC&R's state that plans, specifications, color scheme, plot plan, and grading plan (when required) shall be submitted in writing over the signature of the owner or his duly authorized agent on a form prepared by ARC. The use of this check-off list form is encouraged for this purpose.
2. ARC needs 3 sets of plans and 3 sets of specifications when submitted for approval.
3. Allow minimum of 4 weeks for ARC action on plans. CC&R's state that approval may be assumed if ARC does not act within 60 days, upon receipt of a complete ARC application.
4. Preliminary sketched/plans may be submitted to ARC for review and tentative acceptance of an item of uncertainty. Artist conception providing perspective sketch of building in place should be included so that ARC can visualize more clearly and points in question and thus speed up the review process. Final plans will still require review and approval.
5. Any proposed alternatives, modifications, or subsequent additions must be submitted to ARC for further review and approval.
6. Any damage to common areas, landscaping, sidewalks, and streets occurring during construction will be promptly repaired by owner.
7. Plans being submitted for review may be:

Hand delivered to ARC Chairperson or Anderson & Company, Inc. or mailed to
ARC, Seascape Beach Association, P. O. Box 408, Aptos, CA 95001-0408

PART II conforms to existing CC&R's. Changes here would require revision of CC&R's. Also, satellite dish restrictions should be included in CC&R's.

PART II - SUMMARY OF RESTRICTIONS

1. The basic restrictions are recorded in the Official Records, Santa Cruz County, Document 7282, March 21, 1968, Book 1871, Page 457; amended and recorded April 30, 1990, Book 4667, Page 617. The condensation below has been prepared by your Board of Directors in less legal terms and we hope more understandable. The summary has no legal significance interpreting the recorded Covenants, Conditions, and Restrictions or in any other way, and the recorded documents control all matters.
2. It is hoped that with proper enforcement of the Restrictions, as well as the Rules established

by the Association, Seascape Beach Estates (Tract 483, Unit #1) will remain one of the most attractive subdivisions on Monterey Bay.

3. Every owner's property deed incorporates a "Declaration of Covenants, Conditions, and Restrictions".
4. In buying and accepting a deed to property in Seascape Beach Estates, each owner takes title subject to the Restrictions, and as a matter of contract becomes bound along with other property owners to comply with all the terms. Lot owners who are making house plans should consult the specific language of the Restrictions to ensure compliance and perhaps save time.
5. The summary of Restrictions follows: Reference is made to paragraphs in the Restrictions presently on file with the County and State.
 - A. **Land Use (IV - (a), Page 6)** Each lot is restricted to the construction and maintenance of a single family dwelling. Four (4) parking spaces are required on Lots 1 through 40, two (2) of which may be in a garage or carport. A private garage or carport containing not less than two (2) parking spaces is required on Lots 41 through 80.
 - B. **Building Heights (IV - (b), Page 6)** Buildings more than one (1) story in height require written approval of the Architectural Review Committee; however, two (2) or three (3) story or split-level homes may be constructed on Lots 25 through 40, subject to approval of the Committee. Also, two (2) story homes may be permitted on Lots 41 through 80 if the Architectural Review Committee determines that VIEWS WILL NOT BE IMPAIRED and that the proposed height is in keeping with the character of the surrounding area.

Building heights limit one (1) story to 16 ft. and two (2) story to 30 ft. There is, however, one recorded addendum to the Restrictions which limits the heights of homes on Lots 33 through 37 to twenty (20) ft.

- C. **Dwelling Size and Cost (IV - (c), Page 7)** Living space of a house must be at least 1500 sq. ft. and its cost at least \$20,000 based on cost levels of March, 1968. Carports and garages must have a minimum of 1200 cu. ft. enclosed storage space.
- D. **House Location on Lot (IV - (d), Page 7)** See reference for side, front and rear set-back requirements.
- E. **Driveways (IV - (e), Page 7)** Driveways and paved areas for vehicles must have a wearing surface of cement concrete or asphaltic concrete.

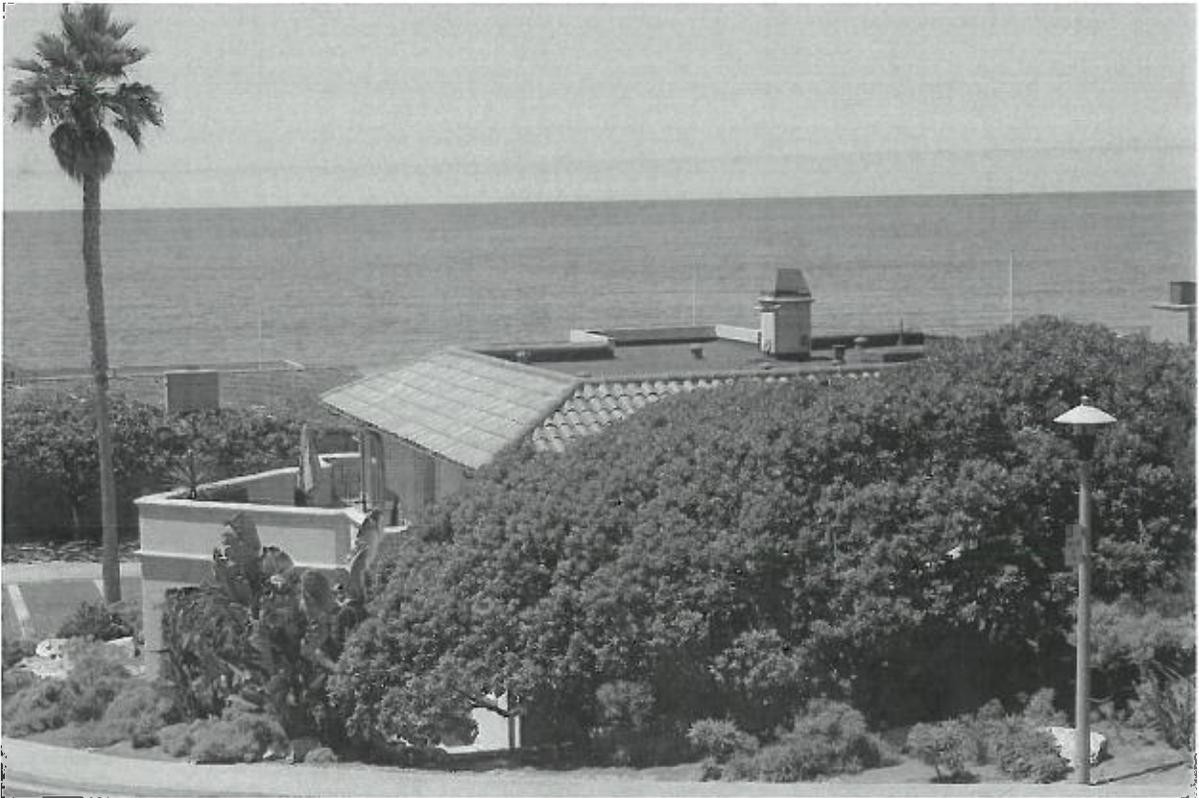
- F. **Basements - Chimneys (IV - (f), (g), Page 8)** Basements require approval of the Architectural Review Committee; chimneys shall not extend more than four (4) ft. above the building roof.
- G. **Nuisances (IV - (h), Page 8)** No offensive activity shall be carried on which could be an annoyance to the neighborhood. No animals except dogs and cats, and not more than two (2) animals, shall be kept on any lot. Burning of leaves is permitted if allowed by the County. (NOTE: Burning is currently allowed (1971); however, a permit from the Aptos Fire Station is required and burning must take place in a covered container.
- H. **Commercial Vehicles - Parkways (IV - (i), Page 8)** Garages, carports, driveways and parking areas may NOT be used as a habitual parking place for commercial vehicles. Lands and parkways between lot lines and streets or walkways are to be maintained by their owner. Such areas shall be kept clean and are NOT to be used for parking private or commercial vehicles, boats or trailers.
- I. **Plant Diseases or Noxious Insects (IV - (j), Page 9)** No Owner shall permit any thing or condition to exist upon his lot to which shall induce, breed or harbor infectious plant diseases or noxious insects.
- J. **Nameplates - TV/Radio Antennae - Laundry/Flag Poles (IV - (k), Page 9)** Nameplates are authorized if kept to within 72 sq. inches in area; TV and radio antennae and laundry drying equipment are NOT authorized to be erected or used outdoors.
- K. **Temporary Structures (IV - (l), Page 9)** Temporary structures of any kind may NOT be used as a temporary or permanent residence.
- L. **Underground Utilities (IV - (m), Page 10)** All utilities are to be placed underground except when they are within the buildings.
- M. **Signs (IV - (n), Page 10)** All signs on lots/homes require the written approval of the Architectural Review Committee.
- N. **Oil and Mining Operations (IV - (o), Page 10)** No lot shall be used for the purpose of boring, mining, quarrying, exploring for, or removing water, oil or other hydrocarbons, minerals of any kind, gravel or earth. No machinery shall be placed, operated or maintained upon any lot except such machinery as is usual and customary in connection with the maintenance of a private residence.
- O. **Home Occupations (IV - (p), Page 10)** This area is planned for residential use; any gainful occupation or trade requires written approval of the Architectural Review

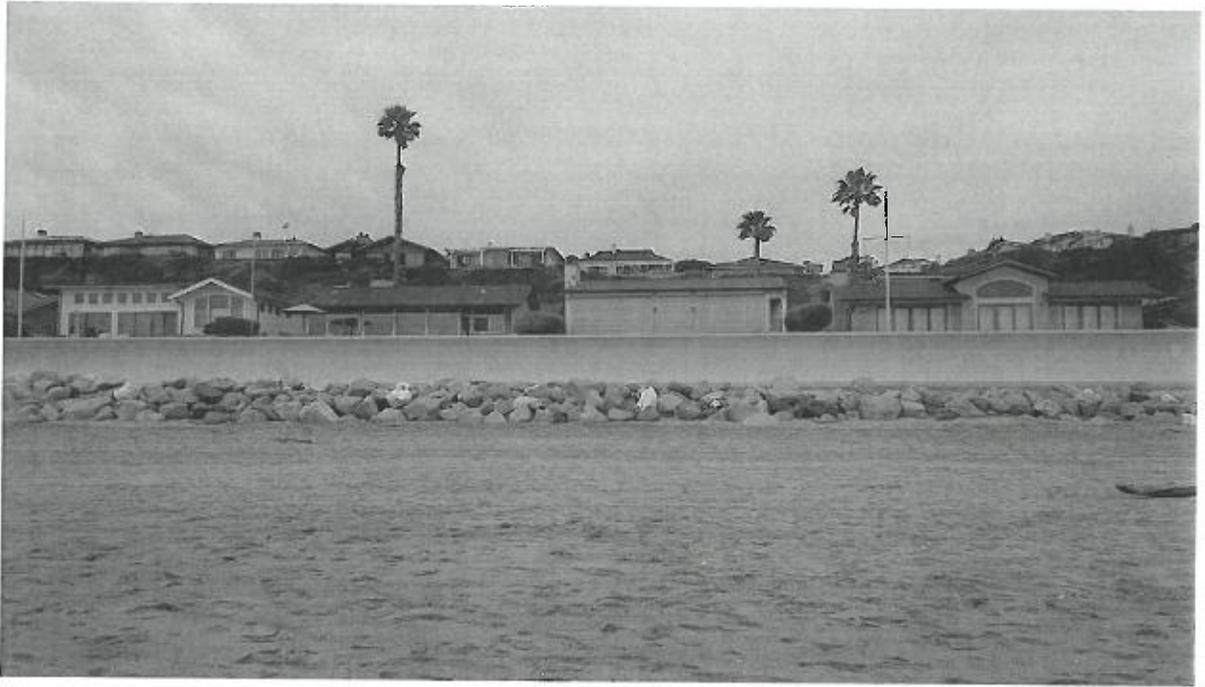
Committee.

- P. **Architectural Controls (IV - (q), Page 11, 12, 14, 15 & 16)** Approval in writing by the Architectural Review Committee is required for: Any kind of building, garage, fence, wall, retaining wall, sidewalk, steps, awnings, poles or swimming pools. All owners must submit three (3) complete sets of house plans to the Committee for approval. One set of the approved plans will be retained in the files of the Committee.
- Q. **Visual Obstructions - Fences (IV - (r), Page 13)** The intent of the paragraph is to protect all owners' views from their home. Generally, fences, walls and hedges are to be kept to three (3) ft. in height; however, the Committee may approve heights up to six (6) ft., providing it would not obstruct or impair the view from other lots.
- R. **Landscaping (IV - (s), Page 14)** Landscaping is required for all homes; plans are to be submitted to the Committee for approval.
- S. **Construction & Completion of Dwelling (IV - (t), Page 15)** Any construction of dwellings shall, when commenced, be completed within such period of time as may be specified by the Architectural Review Committee. Said Committee, for good cause, as determined by it, may extend any of the foregoing time limits. In the event of cessation of construction for one hundred twenty (120) consecutive days not caused by force majeure, the existence of such incomplete construction shall be deemed to be a nuisance and Declarant and/or the Architectural Review Committee and/or the Association shall have the right to remove the incomplete work or complete the same, at the cost of the Owner, such cost to become a lien upon said lot, subject to foreclosure in the manner provided for foreclosure of trust deeds upon California law, all as hereafter more fully provided.
- T. **Maintenance of Lots and Dwellings (IV - (u), Page 15)** Each Owner shall at all times keep and maintain any building, building accessory, garage or other structure on his lot in good condition and repair, including but not limited to painting as often as necessary, replacement of trim, caulking, roof repairs, structural repairs, and all other necessary and proper maintenance and repair. To the extent the same is not done by any Owner after sixty (60) days notice in writing from Declarant and/or the Architectural Review Committee and/or the Association may accomplish the same, and charge the reasonable cost thereof to said Owner, and said charge, together with interest thereon at twelve (12) percent per annum, or the highest non-usurious rate under California law, whichever is less, shall be and become a lien upon the said lot, subject to foreclosure in the same manner as trust deed under the laws of the State of California, as hereafter provided. Declarant and/or the Architectural Review Committee and/or the Association is hereby given a right of entry upon and onto any lot when necessary in connection with maintenance.

- U. ***Re-subdividing Lots (IV - (v), Page 16)*** Other than Lot 20, no portion of any lot less than all, and no easement covering a portion of any Lot, shall be conveyed unless approved in writing by the Architectural Review Committee.

- V. ***Grades and Slope Control (IV - (w), Page 16)*** The drainage of rain water in this subdivision is especially important in maintaining the existing banks, cliffs, lot grades and streets to prevent land erosion. Strict compliance with the Restrictions on this matter is demanded by the Architectural Review Committee. Owners whose lots include a bank or cliff are responsible for landscaping, watering and maintaining their property to their property line.





Daisy Allen

From: Dan Orlando <dano@ssprog.com>
Sent: Thursday, May 3, 2018 4:34 PM
To: Juliette Robinson
Cc: Paia Levine; Hal Gerrish; Linda Banner PhD
Subject: RE: Seascape Beach Estates, neighborhood meeting planned

Hi Juliette:

Thank you for the notice. Do you have something we can look at prior to the meeting or is the meeting an open session to learn about the direction the Board is going towards? I know in unit 4 we're in the process of renewing our CC&R's to keep everything "as is" in the area of height restrictions to the 16' max on Via Malibu and Via Palo Alto. When I discussed this with Zach on the phone, he felt the Board would appreciate us extending our CC&R's with these limits stated clearly on them. However, my concern from the last session was a proposal to increase Via Malibu in Section 4 to split the difference that the other units were upset over. This didn't make sense for our Unit 4 as we're happy the way it is.

Which brings me to the question, is this a final presentation and hopefully it doesn't allow Via Malibu to go up to 18'; or just a prelim of what's to come?

Regards,

Dan Orlando

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From: Juliette Robinson [mailto:Juliette.Robinson@santacruzcounty.us]
Sent: Thursday, May 03, 2018 4:20 PM
To: Juliette Robinson <Juliette.Robinson@santacruzcounty.us>
Cc: Paia Levine <Paia.Levine@santacruzcounty.us>
Subject: Seascape Beach Estates, neighborhood meeting planned

Dear Bob Burick, Bob Hartmann, Chris Liotta, Larry Biggam, Linda Banner, Daniel Orlando, Greg Evans, and Susan Kincaid:

Thank you to those of you who have been checking in periodically about the status of zoning and Seascape Beach Estates. As you know, in March of 2017 the Santa Cruz County Board of Supervisors directed the Planning Department to process a Combining Zone District for Seascape Beach Estates. At this time, Planning Department Staff would like to invite you and your neighbors to a meeting to hear about the revised site standards and the Seascape Beach Estates Combining Zone District that are proposed. An invitation postcard will be sent to all property owners, which should be arriving in the next few days.

Please join us on Tuesday, May 22th from 6:30 pm to 8:30 pm at Twin Lakes Church in Aptos (2701 Cabrillo College Drive, Room 7100).

Please feel free in the meantime to pass this email along to your neighbors, and to contact me if you have any questions. We look forward to seeing you at the meeting!

Seascape Beach Estates Neighborhood Meeting

DATE: Tuesday May 22, 2018
TIME: 6:30 – 8:30
PLACE: Twin Lakes Church
2701 Cabrillo College Drive
Aptos, CA 95003

Sincerely,

Juliette

Juliette Robinson

Environmental Planner
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
(831) 454-3156

Daisy Allen

From: Betty Kayton <betty@kayton.net>
Sent: Thursday, May 10, 2018 9:53 AM
To: Juliette Robinson
Subject: RE: Seascape Beach Estates, neighborhood meeting planned
Attachments: 895 via gaviota.JPG; IMAG0658.jpg; Arc Guidelines adopted 2000.pdf; Exhibit A - Two story homes on Via Concha.JPG; IMAG0692.jpg; Kayton overlay ideas 2018-05-10bk1.docx

Thanks for the details below and the very quick reply. It is very much appreciated.

I would appreciate if you emailed the height surveys ahead of time so we can review them. In particular, I am interested in:

- a) the methodology that was used for the surveys (for example, was height measured in comparison to the "highest spot at top of curb"? was a reflector placed on the rooftops?)
- b) the actual heights of each property (to compare to the surveyor's report that we already submitted to the county as part of the public hearing process for 185 Via Campana)

I don't know if you already received our recommendations with respect to height limits. Therefore, I'm sending them in an attachment so you can review our thoughts for potential inclusion in your recommendations.

I'm looking forward to meeting you at the hearing to learn more about your recommendations. And thanks again for all of your efforts and hard work to help preserve the unique character of our neighborhood.

Best,

Betty Kayton
Member, Steering Committee of the Seascape Beach Estates Community Coalition
812 Via Palo Alto
Aptos, CA 95003

From: Juliette Robinson [mailto:Juliette.Robinson@santacruzcounty.us]
Sent: Thursday, May 10, 2018 8:06 AM
To: betty@kayton.net
Subject: Seascape Beach Estates, neighborhood meeting planned

Hi Betty,

Thank you for your voice message. Yes, the County did some height surveys in the neighborhood last year. I had the privilege of assisting our survey crew during one of their visits in November. Such a beautiful neighborhood!

Our intention for the meeting on May 22nd is to provide information in person, and walk everyone through the details at that time. We will present the height survey results then.

We will be outlining the proposed standards we expect to present to the Planning Commission at a public hearing in July or August, but there will be multiple opportunities to review and comment on the information and proposed re-zoning of the parcels and code revisions over the next several months.

Thanks again, and I look forward to meeting you on the 22nd!

Juliette

Juliette Robinson

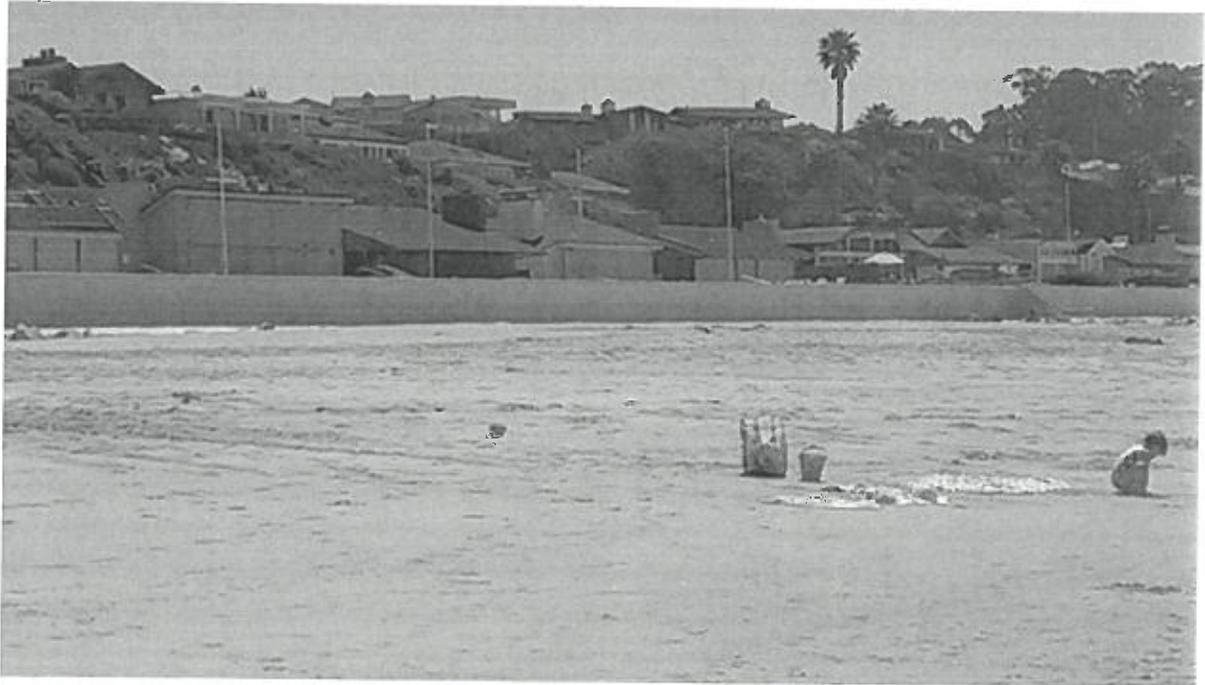
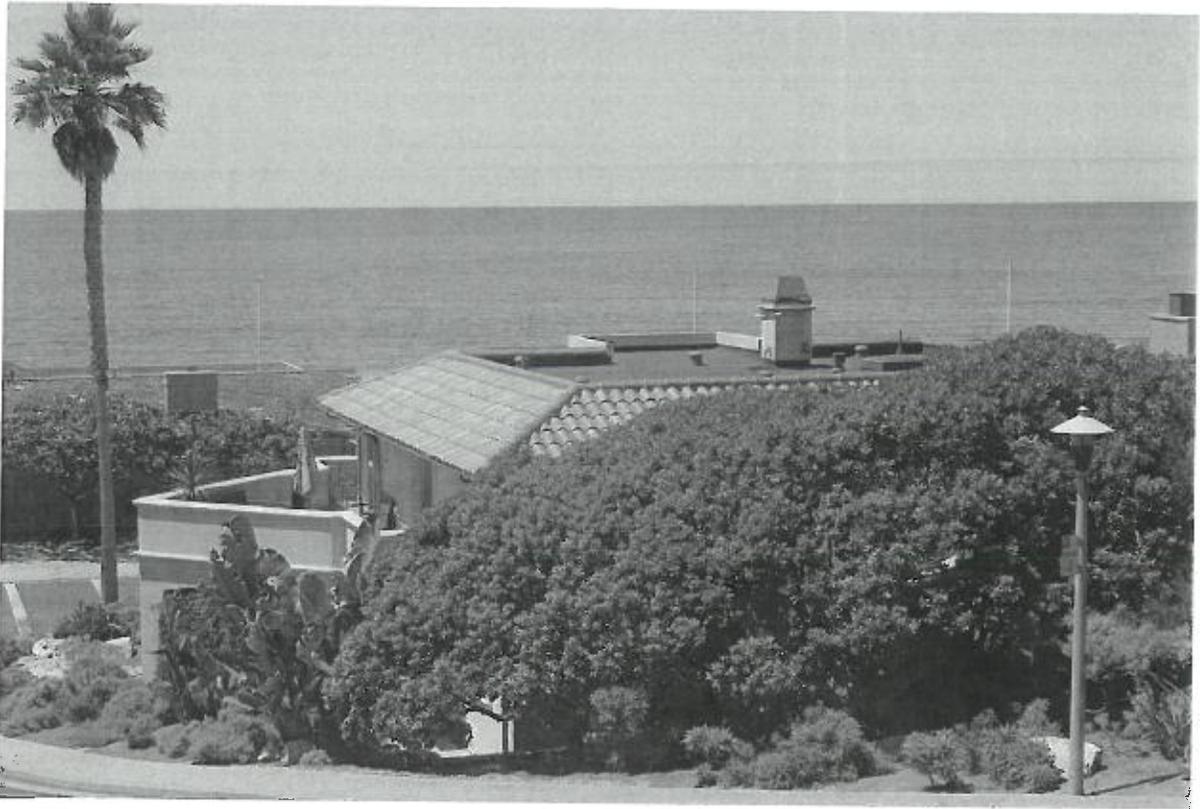
Environmental Planner

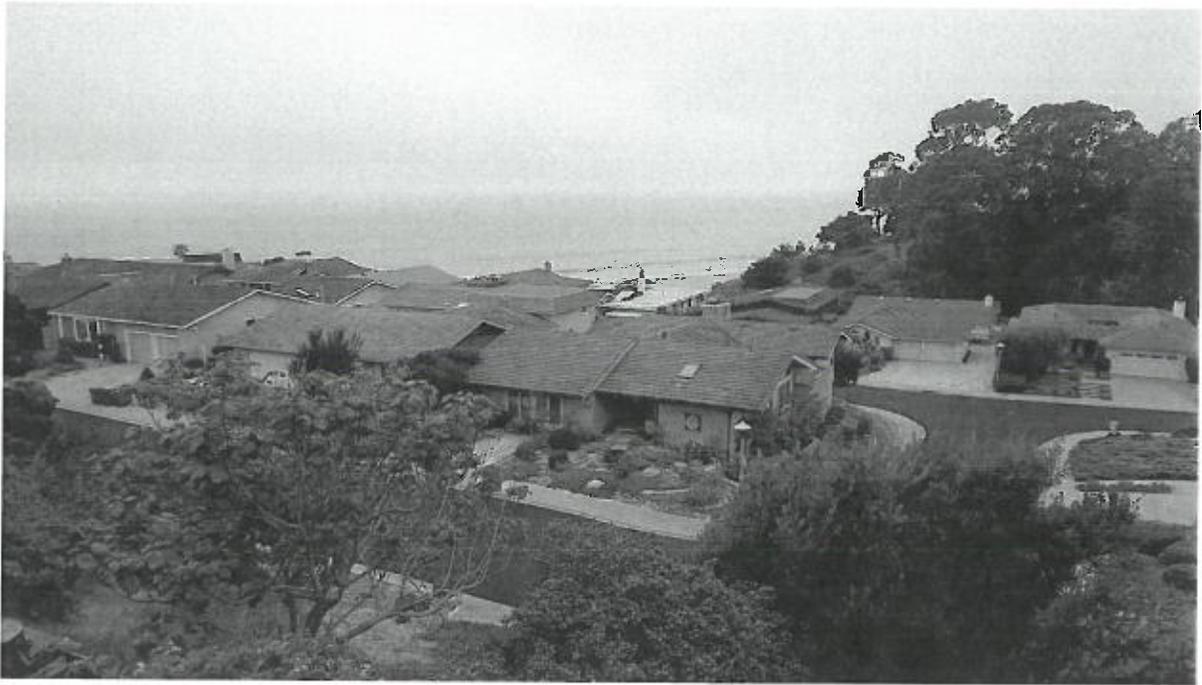
Santa Cruz County Planning Department

701 Ocean Street, 4th Floor

Santa Cruz, CA 95060

(831) 454-3156





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Garage	#1-40 None required #41-80 Minimum 2 cars	
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Dwelling - Completion	By 18 months after ARC approval	
- Cessation	After 120 days ARC may remove or complete	

(3) Cutting into the face of the rear slope of these lots is to be held to a minimum, with adequate retaining walls designed and constructed to prevent earth slide. In order to ensure positive control of these critical matters, building plans submitted for ARC approval will be accompanied by a signed statement of a state licensed engineer certifying the adequacy of the plans for protection against earth slide resulting from the planned construction. Upon completion of that part of the construction involving the rear slope, a further signed statement of a state licensed engineer will be provided to ARC that he has physically inspected the construction and finds it fully adequate to protect against earth slide due to the construction.

NOTE 3 is subject to revision by our attorney. This may also require a change in item 3) #23-40 above.

GENERAL NOTES

1. CC&R's state that plans, specifications, color scheme, plot plan, and grading plan (when required) shall be submitted in writing over the signature of the owner or his duly authorized agent on a form prepared by ARC. The use of this check-off list form is encouraged for this purpose.
2. ARC needs 3 sets of plans and 3 sets of specifications when submitted for approval.
3. Allow minimum of 4 weeks for ARC action on plans. CC&R's state that approval may be assumed if ARC does not act within 60 days, upon receipt of a complete ARC application.
4. Preliminary sketched/plans may be submitted to ARC for review and tentative acceptance of an item of uncertainty. Artist conception providing perspective sketch of building in place should be included so that ARC can visualize more clearly and points in question and thus speed up the review process. Final plans will still require review and approval.
5. Any proposed alternatives, modifications, or subsequent additions must be submitted to ARC for further review and approval.
6. Any damage to common areas, landscaping, sidewalks, and streets occurring during construction will be promptly repaired by owner.
7. Plans being submitted for review may be:

Hand delivered to ARC Chairperson or Anderson & Company, Inc. or mailed to ARC, Seascape Beach Association, P. O. Box 408, Aptos, CA 95001-0408

PART II conforms to existing CC&R's. Changes here would require revision of CC&R's. Also, satellite dish restrictions should be included in CC&R's.

PART II - SUMMARY OF RESTRICTIONS

1. The basic restrictions are recorded in the Official Records, Santa Cruz County, Document 7282, March 21, 1968, Book 1871, Page 457; amended and recorded April 30, 1990, Book 4667, Page 617. The condensation below has been prepared by your Board of Directors in less legal terms and we hope more understandable. The summary has no legal significance interpreting the recorded Covenants, Conditions, and Restrictions or in any other way, and the recorded documents control all matters.
2. It is hoped that with proper enforcement of the Restrictions, as well as the Rules established

by the Association, Seascape Beach Estates (Tract 483, Unit #1) will remain one of the most attractive subdivisions on Monterey Bay.

3. Every owner's property deed incorporates a "Declaration of Covenants, Conditions, and Restrictions".
4. In buying and accepting a deed to property in Seascape Beach Estates, each owner takes title subject to the Restrictions, and as a matter of contract becomes bound along with other property owners to comply with all the terms. Lot owners who are making house plans should consult the specific language of the Restrictions to ensure compliance and perhaps save time.
5. The summary of Restrictions follows: Reference is made to paragraphs in the Restrictions presently on file with the County and State.
 - A. **Land Use (IV - (a), Page 6)** Each lot is restricted to the construction and maintenance of a single family dwelling. Four (4) parking spaces are required on Lots 1 through 40, two (2) of which may be in a garage or carport. A private garage or carport containing not less than two (2) parking spaces is required on Lots 41 through 80.
 - B. **Building Heights (IV - (b), Page 6)** Buildings more than one (1) story in height require written approval of the Architectural Review Committee; however, two (2) or three (3) story or split-level homes may be constructed on Lots 25 through 40, subject to approval of the Committee. Also, two (2) story homes may be permitted on Lots 41 through 80 if the Architectural Review Committee determines that VIEWS WILL NOT BE IMPAIRED and that the proposed height is in keeping with the character of the surrounding area.

Building heights limit one (1) story to 16 ft. and two (2) story to 30 ft. There is, however, one recorded addendum to the Restrictions which limits the heights of homes on Lots 33 through 37 to twenty (20) ft.

- C. **Dwelling Size and Cost (IV - (c), Page 7)** Living space of a house must be at least 1500 sq. ft. and its cost at least \$20,000 based on cost levels of March, 1968. Carports and garages must have a minimum of 1200 cu. ft. enclosed storage space.
- D. **House Location on Lot (IV - (d), Page 7)** See reference for side, front and rear set-back requirements.
- E. **Driveways (IV - (e), Page 7)** Driveways and paved areas for vehicles must have a wearing surface of cement concrete or asphaltic concrete.

- F. ***Basements - Chimneys (IV - (f), (g), Page 8)*** Basements require approval of the Architectural Review Committee; chimneys shall not extend more than four (4) ft. above the building roof.
- G. ***Nuisances (IV - (h), Page 8)*** No offensive activity shall be carried on which could be an annoyance to the neighborhood. No animals except dogs and cats, and not more than two (2) animals, shall be kept on any lot. Burning of leaves is permitted if allowed by the County. (NOTE: Burning is currently allowed (1971); however, a permit from the Aptos Fire Station is required and burning must take place in a covered container.
- H. ***Commercial Vehicles - Parkways (IV - (i), Page 8)*** Garages, carports, driveways and parking areas may NOT be used as a habitual parking place for commercial vehicles. Lands and parkways between lot lines and streets or walkways are to be maintained by their owner. Such areas shall be kept clean and are NOT to be used for parking private or commercial vehicles, boats or trailers.
- I. ***Plant Diseases or Noxious Insects (IV - (j), Page 9)*** No Owner shall permit any thing or condition to exist upon his lot to which shall induce, breed or harbor infectious plant diseases or noxious insects.
- J. ***Nameplates - TV/Radio Antennae - Laundry/Flag Poles (IV - (k), Page 9)*** Nameplates are authorized if kept to within 72 sq. inches in area; TV and radio antennae and laundry drying equipment are NOT authorized to be erected or used outdoors.
- K. ***Temporary Structures (IV - (l), Page 9)*** Temporary structures of any kind may NOT be used as a temporary or permanent residence.
- L. ***Underground Utilities (IV - (m), Page 10)*** All utilities are to be placed underground except when they are within the buildings.
- M. ***Signs (IV - (n), Page 10)*** All signs on lots/homes require the written approval of the Architectural Review Committee.
- N. ***Oil and Mining Operations (IV - (o), Page 10)*** No lot shall be used for the purpose of boring, mining, quarrying, exploring for, or removing water, oil or other hydrocarbons, minerals of any kind, gravel or earth. No machinery shall be placed, operated or maintained upon any lot except such machinery as is usual and customary in connection with the maintenance of a private residence.
- O. ***Home Occupations (IV - (p), Page 10)*** This area is planned for residential use; any gainful occupation or trade requires written approval of the Architectural Review

Committee.

- P. **Architectural Controls (IV - (q), Page 11, 12, 14, 15 & 16)** Approval in writing by the Architectural Review Committee is required for: Any kind of building, garage, fence, wall, retaining wall, sidewalk, steps, awnings, poles or swimming pools. All owners must submit three (3) complete sets of house plans to the Committee for approval. One set of the approved plans will be retained in the files of the Committee.
- Q. **Visual Obstructions - Fences (IV - (r), Page 13)** The intent of the paragraph is to protect all owners' views from their home. Generally, fences, walls and hedges are to be kept to three (3) ft. in height; however, the Committee may approve heights up to six (6) ft., providing it would not obstruct or impair the view from other lots.
- R. **Landscaping (IV - (s), Page 14)** Landscaping is required for all homes; plans are to be submitted to the Committee for approval.
- S. **Construction & Completion of Dwelling (IV - (t), Page 15)** Any construction of dwellings shall, when commenced, be completed within such period of time as may be specified by the Architectural Review Committee. Said Committee, for good cause, as determined by it, may extend any of the foregoing time limits. In the event of cessation of construction for one hundred twenty (120) consecutive days not caused by force majeure, the existence of such incomplete construction shall be deemed to be a nuisance and Declarant and/or the Architectural Review Committee and/or the Association shall have the right to remove the incomplete work or complete the same, at the cost of the Owner, such cost to become a lien upon said lot, subject to foreclosure in the manner provided for foreclosure of trust deeds upon California law, all as hereafter more fully provided.
- T. **Maintenance of Lots and Dwellings (IV - (u), Page 15)** Each Owner shall at all times keep and maintain any building, building accessory, garage or other structure on his lot in good condition and repair, including but not limited to painting as often as necessary, replacement of trim, caulking, roof repairs, structural repairs, and all other necessary and proper maintenance and repair. To the extent the same is not done by any Owner after sixty (60) days notice in writing from Declarant and/or the Architectural Review Committee and/or the Association may accomplish the same, and charge the reasonable cost thereof to said Owner, and said charge, together with interest thereon at twelve (12) percent per annum, or the highest non-usurious rate under California law, whichever is less, shall be and become a lien upon the said lot, subject to foreclosure in the same manner as trust deed under the laws of the State of California, as hereafter provided. Declarant and/or the Architectural Review Committee and/or the Association is hereby given a right of entry upon and onto any lot when necessary in connection with maintenance.

- U. ***Re-subdividing Lots (IV - (v), Page 16)*** Other than Lot 20, no portion of any lot less than all, and no easement covering a portion of any Lot, shall be conveyed unless approved in writing by the Architectural Review Committee.

- V. ***Grades and Slope Control (IV - (w), Page 16)*** The drainage of rain water in this subdivision is especially important in maintaining the existing banks, cliffs, lot grades and streets to prevent land erosion. Strict compliance with the Restrictions on this matter is demanded by the Architectural Review Committee. Owners whose lots include a bank or cliff are responsible for landscaping, watering and maintaining their property to their property line.

**Betty Kayton
812 Via Palo Alto
Aptos, CA 95003
(650) 255-1712**

Juliette Robinson
Environmental Planner
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

May 10, 2018

The purpose of this letter is to share some of my thoughts regarding the combining district, so you can consider them while you prepare the proposed zoning ordinance.

a) **The first 5 houses on Via Gaviota (cliff side, north of Clubhouse) should be 20'**

The recent proposals from all 4 units had unanimously agreed to limit the heights of 895, 877, 865, 853 and 841 Via Gaviota to the as-built 20' heights. As you can see from the attached photo of 895 Via Gaviota (taken from the beach accessway on Clubhouse) and of a photo taken from the beach (where you can see that the height of the Via Concha bluff becomes much shorter to the right of the yellow house on Via Concha just to the right of the tall palm tree), the Gaviota bluff in this location (close to Clubhouse) is much shorter than the northern end), so an 8' increase in height would be very impactful. I believe that the Board overlooked this request for 20' max height (while the Board focused on the 16' homes).

Units 2, 4 and 14 concur with the Unit 1 ARC that these 5 homes should be limited to their as-built 20' heights, so there is no impact on the views of the residents of Via Concha, nor any impact on folks walking down Clubhouse to get to the beach. These 4 homes have no impact on views from homes in Units 2, 4 and 14 – however, taller homes would be visible as beach-goers walk down Clubhouse, and would also block views of Via Concha homeowners. Also attached are the Unit 1 ARC Guidelines which show that these 5 lots (lots 33 through 38) were intended to be 20'.

b) **I assume that the zoning overlay is intended to be in addition to the county restrictions.** For example, even if 16' from curb would allow a 30' home, the home would still be limited by the county 28'. So each property would get the more restrictive height of (a) regular zoning or (b) overlay zoning.

c) **All of via Malibu and Via Campana should be 16' not 18'.** Except for 161 Via Campana, the blueprints for all of these homes were approved at 16'0" maximum. Any home which is taller would only be due to construction (or measurement) errors. Once the surveyors complete their measurements (hopefully, this was done with reflectors placed on roofs to ensure accuracy), we're confident that there will be few, if any, homes which exceed 16'. And even if they do, we expect the variances to be not only small but also unintended (since prior to 161 Via Campana, none of these homes had been approved by the ARC to exceed 16'0").

d) **The height standard for some lots shouldn't be "measured from top of curb".**

For example, look at 343 Via Concha. It's up on a high knoll, and if they are only allowed to build 28' from top of curb, their house might be only a few feet high. Since this 'law of unintended consequences' worried me, I walked by all of the lots proposed to be 28' tall. Most of them have

flat building pads at the street level (with the notable exceptions of 343 and 350 Via Concha, and of 256 Via Campana).

I think the most effective way to allow these exceptional homes to build 28' tall on their sloped lots (without making them non-conforming) is for height to be measured as follows:

- a) For all 28' tall lots (including, for example, 343 Via Concha and all the homes on Via Tornasol, and in Units 2 and 14), maximum height is measured per county rules
 - b) For all other lots, maximum height is measured from the highest point of the front curb but still may not exceed the county 28' standard. This 28' standard would apply, for example, to portions of the home that terraced down the hill of a sloped lot.
- e) **Landscaping:** the existing downslope CCR say that a property's vegetation can't block views. The zoning overlay should codify this, for the entire 152 home subdivision.
- f) **Grandfathered homes (taller than limit) should only be grandfathered with respect to the existing exterior envelope.** For example, please see attached photo of Via Concha. The white mostly-flat topped house is 271 Via Concha and the brown/black roofed-home to its right is 283 Via Concha.

283 Via Concha has an asymmetrical roof which is far taller on the right side than it is on the left. If their peak height of the gable exceeds 16' (let's assume, for argument's sake, that it's 17') then if the house were to be destroyed, the entire home should not be allowed to be built to 17' tall; the home should be allowed to rebuild 16' tall – and only the previous “over 16' tall” portion of the exterior envelope should be allowed to rebuild at the pre-damage height.

271 Via Concha is mostly flat-topped, with a pop-up gabled section near the chimney. If this house were to remodel, it should not be allowed to exceed the lower of (a) 16'0” or (b) the current exterior envelope. They shouldn't be allowed to build their entire home to the maximum height of the current highest point of the house.

I hope that the County's surveyors, when they measured the heights of the homes on Concha, Campana, Palo Alto (unit 4) and Malibu, that they measured not only the highest peak of each home (as measured from highest point on front curb), but they also measure the predominant height of the home. For example, on 271 Via Concha, the predominant height is that of the flat roof. And on 283 Via Concha, the predominant height is the average of the height of the southern and northern eaves.

- g) **Pre-construction and post-construction proof of actual “as-built” height.** If a home wants to take advantage of grandfathered heights, they should be required to have a licensed surveyor measure the entire pre-construction exterior envelope so that the post-construction exterior envelope can be later measured by a licensed surveyor and compared to the pre-construction envelope to confirm that the new structure does not exceed the grandfathered exterior envelope to any extent. These surveys should be a condition of building permit (pre-construction measurements) and final building inspection and/or occupancy permit (post construction measurement), the homeowner must present to the County a certificate signed by a licensed surveyor which states the actual height of the actual as-built structure (measuring the entire exterior envelope).

No variances should be allowed. In my other home (in Los Altos Hills), if the structure is too high be even ½”, the occupancy permit is not granted. This is why most homeowners in Los Altos Hills (like me) had surveyors measure the home as soon as the roof peak was framed (and actually I built 5.5” lower than shown on the blueprints to leave sufficient height for the Spanish tile roof). Otherwise, there is a slippery slope (the first house is only too high by 1”. Then the next house is only over by 6”, then the next by 10”, etc).

- h) **What happens to newer homes within the subdivision that were built to today's setbacks (not the old 1968 setbacks)?** I assume they get to keep their setbacks. It'll be a bit odd when a new-setback-home is next to an old-setback-home; these homes can end up too close together. but I

think that's unavoidable. I can't think of a better suggestion, other than "from today forward, the old 1960's rules (as codified in the combining district) apply, but if your home was built to the current County standards, then these rules are grandfathered for your home".

- i) Unit 1 ARC guidelines (attached) provide a maximum of 60%-75% flat roof. This is designed to lower massing, by requiring that roofs be gabled and/or hipped so they don't appear as massive. Should this "max 60%" be codified for Unit 1? In Unit 4, I don't recall any flat roofs except for 940 via Malibu (and some central flat zones that can't be seen from the street at 1010 VPA and 974 Malibu and 1080 Malibu). **Should any other CCR guidelines (aside from height) be codified in the combining district?**
- j) **I think that the combining district should have an "intent statement" to provide Planning with guidance.** The intent statement should say something like: "we encourage homes to build down and out, not up", to encourage homes to take advantage of the terrain and build "down the hill", and to build to the side setbacks (as every existing home has done), rather than to build taller structures (as measured from top of curb).

Thank you for considering the above suggestions. And I am looking forward to reading your proposal for the combining district. I very much appreciate the time and effort that you, and the entire Planning Department, have devoted to helping preserve our unique neighborhood. It is very much appreciated.

Sincerely,

Betty Kayton
812 Via Palo Alto (Unit 2)
Aptos, CA 95003

Daisy Allen

From: Betty Kayton <betty@kayton.net>
Sent: Monday, May 28, 2018 5:32 PM
To: Juliette Robinson
Subject: seascape beach estates
Attachments: vpa setbacks 2018-05-27bk2.xlsx; 774 thru 750 VPA rear.JPG; 832 VPA rear6.JPG; 880 VPA rear.jpg; 812 VPA setback.jpg; 786 VPA rear.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for holding the community meeting on Tuesday. I'm glad we finally got to meet in person! The entire community appreciates all of the hard work and thoughtfulness that you, Paia and the department have invested in protecting our community.

The purpose of this email is to provide feedback on the proposed combining district, from the perspective of units 2 and 14. You will be receiving other feedback directly from the other units.

The intent of the combining district is "ensure that future development... maintains the characteristics of the existing built environment". I read this to mean that the intent is to codify the CC&R so that future development matches the scale/scope of existing development.

1) HEIGHT LIMITS FOR 101 to 237 VIA CAMPANA

The height surveys that were conducted by both the County and Unit 2 show that the 67% of these homes are at or below the 16' maximum provided in the applicable CC&Rs. **Therefore, I believe that the proposed zoning restrict these homes to 16' (not 17' or 18').** Of these homes: (a) eight are 16' or lower, (b) four are 17', and (c) one is 29' (this is the "too tall" house at 165 Via Campana). Therefore, 67% (8 of the 12 homes (excluding the too-tall home)) are less than or equal to 16' in height.

The only reason that the 4 homes are 17' tall is either due to construction error (since their plans were all approved at 16' tall) or measurement error (since the surveyors used reflector-less technology which is subject to measurement error).

2) REAR YARD SETBACKS

The CCR for unit 2 state that the rear setback begins at a point which is 90' from the front property line. The CCR for unit 14 have no rear setback requirement.

Planning has proposed that the rear setback begins 10 feet inside the "break in 30% slope". Since this didn't match any of the existing CC&R nor the existing County rules, I wanted to understand how the existing as-built conditions would compare to this proposed setback. Over the weekend, I surveyed all of the beach-facing homes in units 2 and 14. Here are the results:

- In 13 of the 20 lots, a retaining wall had been constructed. In 8 of these lots, the grading is so extensive that it's impossible to tell where the original break in slope was located
- Of the 7 lots without retaining walls:
 - o One is vacant land
 - o 3 have setbacks less than 10' (they are 4', 5' and 8' respectively)
 - o 2 have setbacks over 10'
 - o I was unable to access the backyard of the 7th property

- Of the lots with retaining walls, in some cases it was possible to approximate where the original break in slope occurred (by looking at adjoining properties). Of these:
 - o One has a setback of 6'
 - o Most of the rest would probably be under 10', since the homes are terraced into the hillside so the setback probably would be 0'

In summary, for units 2 and 14..... a setback of 10' from the break in slope simply isn't practical:

- It's impossible to measure the original break-in-slope for most lots,
- If the standard is not the 'original break in slope' but the 'break-in-slope when a permit is applied for', then homeowners can build retaining walls and then use this new demarcation line as the 'break in slope'
- Any standard tied to 'break in slope' is highly subjective and will not bring the degree of certainty and predictability to the planning process that the Board of Supervisors wanted to provide
- Although the front rows and via gaviota have unique geological features that require special protection, the back two rows have man made slopes that do not need special protection (and generally already have retaining walls)
- The East side of Via Palo Alto backs onto train tracks. There is no "break in slope".

Therefore, I believe that the rear setbacks should be:

- **Unit 2: 90' from the front property line (identical to the current CC&R). this is an objective standard which is easy to measure (unlike any measure of break-in-slope which would be highly subjective). This codifies the current conditions and provides protection from mega houses being built too far down the hillside.**
- **Unit 14: standard county rules apply (identical to the current CC&R).**
- **The important factor here is that there should not be a "one size fits all" rear setback for all 152 homes. The ocean bluff-top homes and via gaviota are so geologically different from the man-made slopes of the back two rows, that the rear setbacks should be treated differently in each of these locations.**
- You stated in the meeting that decks (not homes) can intrude into the setbacks. This is an important feature of the setback rules since almost all of the homes in units 2 and 14 have large ocean-facing decks which generally protrude into the setbacks.

FAR AND LOT COVERAGE RATIOS

- Neither Unit 2 nor Unit 14 have FAR or LCR in their CC&R.
- The intent of the LCR and FAR is clearly to limit development. But the homes in SBE have, for the past 50+ years, been constrained by the setbacks and height restrictions, not by FAR and LCR.
- Is there a compelling reason to add yet another set of restrictions?
 - o The view from the beach is based on the height of the structure (compared to the ground) and the side-to-side dimensions of the structure (since it can't build in the setbacks). Both of these are already regulated.
 - o Many of the homes have interior courtyards. If these courtyards were to be "filled in", there is no impact on off-site views
- Therefore, I don't understand the purpose in proposing FAR and LCR in the Seascape Beach Estates. Especially since a large percentage of the homes in Units 2 and 14 (and presumably in both of the other units) would be non-conforming. For example, there are many large two story homes in both of these units. 864 Via Palo Alto is 8,578 sq ft (per SC County GIS) and 5,106 sqft home (per Zillow) which is around 59% of the lot size. I realize that FAR calcs are more complicated than this, but from my back-of-the-

envelope calcs, far more than half the homes in units 2 and 14 would be non-conforming with respect to FAR.

- LCR is dictated by the setbacks. Almost everyone home in our units is built to the maximum envelope permitted by the setbacks. So an LCR restriction would make almost every home non-conforming. And there's no need for LCR with codified setbacks

I encourage Planning to either (a) not have any AR/LCR limits – but rely on the setbacks and heights to limit development, or (b) conduct a thorough study of the existing FAR/LCR to determine the current “as built” conditions, prior to trying to impose any FAR/LCR limits. This would be in the same spirit as the survey conducted by a licensed surveyor as to the existing as-built heights (prior to proposing any height limits). The same method should be followed with respect to any proposed FAR/LCR.

Attached are:

- 1) XLS which shows some key data for each property in units 2 and 14, and
- 2) Some photos to illustrate the complexities involved in trying to impose a rear setback which is based on the ‘break in slope’, and showing some of the properties that are within 10’ of the break-in-slope

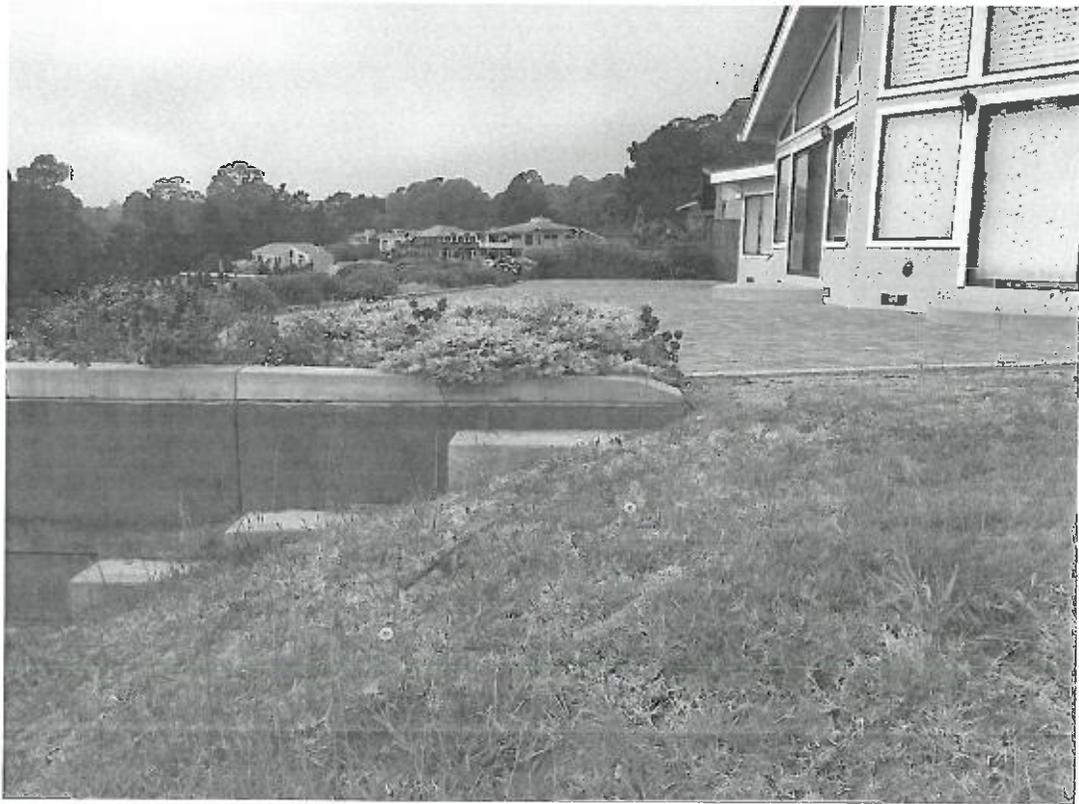
Thank you very much for considering my comments. If you have any questions, or would like to receive additional photos (from each property in Units 2 and 14), please don't hesitate to contact me.

Best,

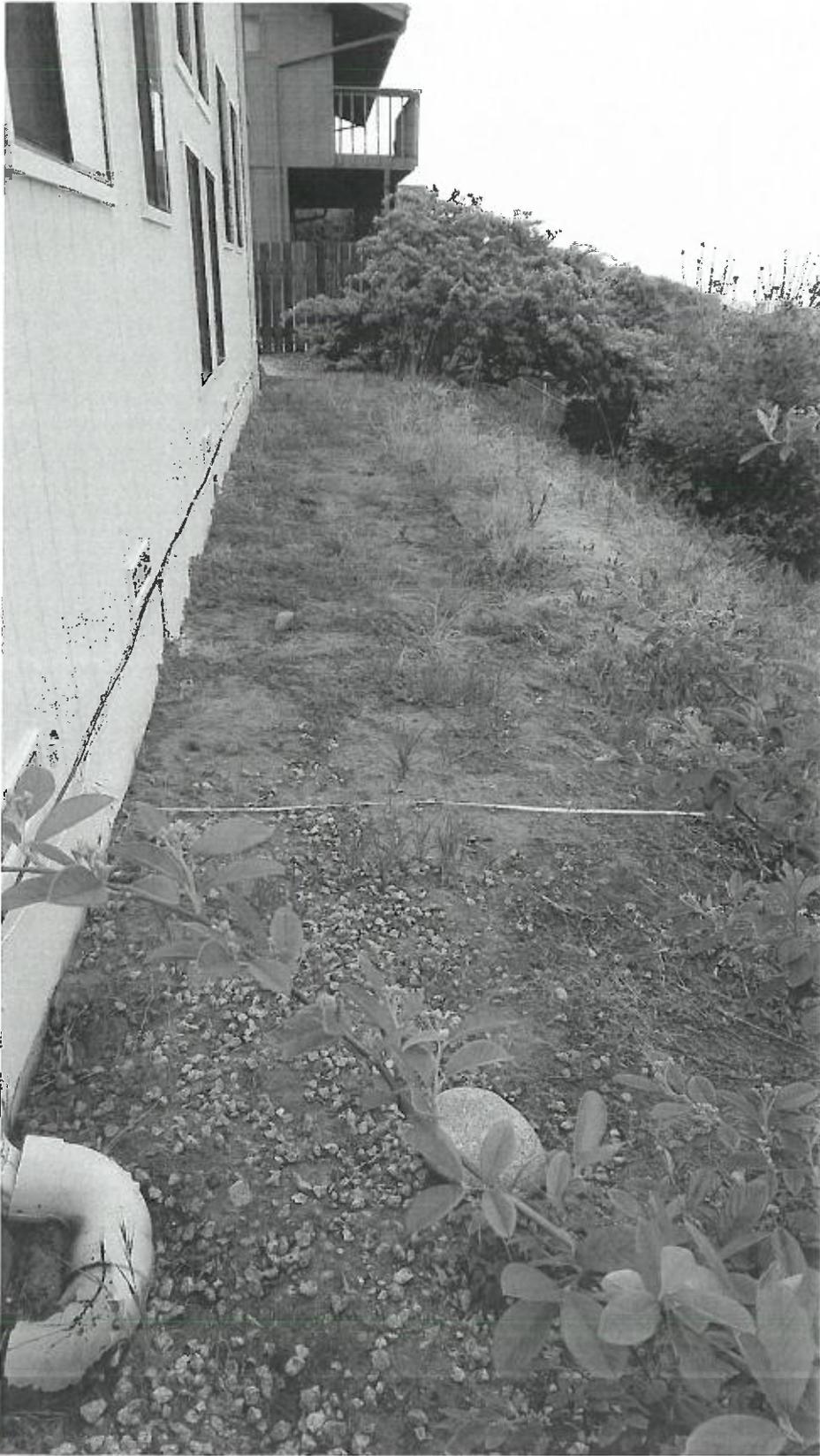
Betty Kayton
812 Via Palo Alto
Aptos, CA 95003
Mobile 650.255.1712
betty@kayton.net

Via Palo Alto
Rear Setbacks

	Slope Break?	Rear Setback	Retaining Wall?	Deck in Setback?	Photo
West/beach side of VPA:					
712 Karmarkar	no	over 10'	no	n/a	no
724 Rothschild	unknown	over 10'	can't tell	no	no
738 McLoughlin	yes	can't tell due to grading and retaining wall	yes	yes	yes
750 Evans	yes	can't tell due to grading and retaining wall	yes	yes	yes
762 Siegel	yes	can't tell due to grading and retaining wall	yes	yes	yes
774 Paisley	yes	over 10'	yes	yes	yes
786 Kincaid	yes	5'	no	yes	yes
804 Rebagliati	yes	8'	no	yes	yes
812 Kayton	yes	4'	no	no	yes
820 Perkins	yes	can't tell due to grading and retaining wall	yes	yes	yes
826 Biggam	yes	can't tell due to grading and retaining wall	yes	yes	yes
832 Vermeer	yes	can't tell due to grading and retaining wall	yes	yes	yes
vacant Vermeer	yes	vacant land	n/a	n/a	n/a
844 Yu	yes	over 10'	yes	yes	yes
852 Bozorghdad	yes	over 10'	no	yes	yes
858 Schulze	yes	can't tell due to grading and retaining wall	yes	yes	yes
854 Liotta	yes	6'	yes	yes	yes
872 Barrone	yes	can't tell due to grading and retaining wall	yes	yes	yes
880 Anderson	yes	build down the hill, past any break in grade	yes	yes	yes
890 Jessup	no	no break in grade	small	n/a	yes
East side of VPA:					
697 Greeson					
709 Bar					
721 Miracle					
733 Savident					
745 Weitzman					
757 Macusi-Ungaro					
769 LaVigna					







Daisy Allen

From: Chris Liotta <chrisliotta@msn.com>
Sent: Tuesday, February 12, 2019 11:43 AM
To: Paia Levine; Daisy Allen
Subject: Re: Seascape Beach Estates Combining Zone District: Public Hearing 2-27-19

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for asking. I will go back over each and every lot from my records, but the main items are:

The 4 houses at the end of the cul de sac on Via Concha are 28' I believe, but they are built up a slope so the measurement from the curb is much higher. One of the homes is sandwiched between a Via Concha home and a Via Palo Alto home (almost a flag lot).

The first 5 houses on the NE side of Via Gaviota (not on water) have always been limited to 20'. I know we do not want to complicate things with a 20' section, but 28' is not correct for these homes.

Many of the houses on Via Palo Alto are built on a slight upgrade to a level pad (including mine) which was 28' as the county measures it, but will be more like 30-31 from the highest point of the curb.

Lastly, the 18' height for Via Campana and Via Malibu is going to be a significant impact to the people on Via Tournasol. I know they have been attempting to get their CCRs renewed but as of yet I do not believe this has occurred.

Again, thank you for sticking with this!

Chris

From: Paia Levine <Paia.Levine@santacruzcounty.us>
Sent: Tuesday, February 12, 2019 10:59 AM
To: Chris Liotta; Daisy Allen
Subject: RE: Seascape Beach Estates Combining Zone District: Public Hearing 2-27-19

Hi Chris: Can you flesh out that comment?
Paia

From: Chris Liotta <chrisliotta@msn.com>
Sent: Monday, February 11, 2019 5:02 PM
To: Daisy Allen <Daisy.Allen@santacruzcounty.us>
Cc: Paia Levine <Paia.Levine@santacruzcounty.us>
Subject: Re: Seascape Beach Estates Combining Zone District: Public Hearing 2-27-19

Looking at the map, there are still a few lots that may need to be revised.

From: Daisy Allen <Daisy.Allen@santacruzcounty.us>
Sent: Monday, February 11, 2019 3:33 PM
To: Daisy Allen
Cc: Paia Levine
Subject: Seascape Beach Estates Combining Zone District: Public Hearing 2-27-19

Hello Seascape Beach Estates neighborhood property owners,

The purpose of this message is to update you on the Seascape Beach Estates (SBE) zoning ordinance process and provide advance notice of an upcoming public hearing at which the Planning Commission will consider a revised zoning ordinance on February 27, 2019 at 9:00 AM in the Board of Supervisors Chambers (Room 525) at 701 Ocean Street.

My name is Daisy Allen, I am the Planning Department staff member moving the proposed SBE Combining Zone District forward at this time. The SBE Combining Zone District would establish development standards for the 152 parcels in this neighborhood with the purpose of preserving the unique character of the neighborhood and protecting views from the public beach. The upcoming public hearing is the next step in the process after the community meeting we held on May 22, 2018 at the Twin Lakes Church, when we discussed the results of the height survey, presented the draft development standards, and received input from you. I have familiarized myself with the history of this project, and I want to thank you for your patience as the Planning Department has worked to develop this draft ordinance.

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A summary of the main points of the draft ordinance follows. For more information, please see the Seascape Beach Estates project website, which will be updated as the ordinance moves through the public review process: <http://www.sccoplanning.com/PlanningHome/SustainabilityPlanning/TownVillageSpecificPlans/SeascapeBeachEstatesSiteStandards.aspx>

The proposed SBE Combining Zone District would establish the following development standards:

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Please reach out with any questions you may have. Also, some property owners do not live locally and may not be on this email distribution list, so please share this information with your neighbors!

Best,
Daisy

Daisy Allen, AICP, LEED AP
Planner IV, Sustainability and Special Projects
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-2801
daisy.allen@santacruzcounty.us

Daisy Allen

From: Chris Liotta <chrisliotta@msn.com>
Sent: Monday, February 11, 2019 5:01 PM
To: Daisy Allen
Cc: Paia Levine
Subject: Re: Seascape Beach Estates Combining Zone District: Public Hearing 2-27-19

Follow Up Flag: Follow up
Flag Status: Flagged

thank you for the update. the changes you highlight from the last meeting seem to be good additions. I appreciate your sticking with this process. See you on the 27th.

Chris

From: Daisy Allen <Daisy.Allen@santacruzcounty.us>
Sent: Monday, February 11, 2019 3:33 PM
To: Daisy Allen
Cc: Paia Levine
Subject: Seascape Beach Estates Combining Zone District: Public Hearing 2-27-19

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Best,
Daisy

Daisy Allen, AICP, LEED AP
Planner IV, Sustainability and Special Projects
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-2801
daisy.allen@santacruzcounty.us

Daisy Allen

From: Dan Orlando <dano@ssprog.com>
Sent: Wednesday, February 13, 2019 2:47 PM
To: Daisy Allen
Cc: Hal and Charlene Gerrish (hgerrish@yahoo.com)
Subject: Follow up letter per our phone conversation on Feb 12, 2019
Attachments: Aptos.pdf

Good afternoon Daisy:

I hope you're having a good day and the weather in Santa Cruz area is not too bad. It's been on and off in regards to the high winds and heavy rain in San Jose.

Per our phone conversation yesterday, you suggested I email a letter to you since I'll be out of town on Feb 27th and cannot make the meeting. Please see the attached letter and let me know if you have any questions prior to me leaving the area. Again this summarizes the fact that Unit 4 is happy with our CC&R's and the height restrictions stated within them. By having the board correct Via Malibu to the 16' current limit vs. the 18' proposed by the board's last meeting would be much appreciated to keep the character of our Unit 4 intact.

Have a good evening!

Regards,

Dan Orlando
408-209-5502

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February 13, 2019

Daisy Allen, AICP, LEED AP
Planner IV, Sustainability and Special Projects
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

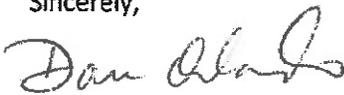
Dear Ms. Allen,

As we discussed in our conversation yesterday, Unit 4 of Seascapes Beach Estates is currently in the process of sending a proxy to owners to extend the current CC&R's for 60 years and remove the ability of an Architectural Review Committee (ARC) to alter building heights. The Amendment was drafted by Cathy Philipovitch, Attorney at Law, on behalf of our ARC. We anticipate owner approval and filing of the Amendment by May, 2019.

We've been very fortunate that Unit 4 is, generally, compliant with the intent of the CC&R's, recognizing that the County's actual engineering survey indicated some deviations from the 16' limit on Via Malibu and Via Palo Alto. We will support an "as-built" decision which allows owners to rebuild to their current height only if destroyed by fire or natural causes. Any voluntary remodels should comply with the 16' limit.

We're very pleased with the direction being taken by the Planning Department to form a SBE Combining Zone District to eliminate the disparity between CC&R's and County building regulations. I regret I will be unable to attend due to a business commitment. Thank you for your attention to this important process.

Sincerely,



Dan Orlando
Unit 4 ARC Member

930 Via Tornasol
Aptos, CA 95003

Daisy Allen

From: betty kayton <betty@kayton.net>
Sent: Monday, February 18, 2019 11:28 PM
To: Daisy Allen
Cc: Paia Levine
Subject: RE: Seascapes Beach Estates Combining Zone District: Public Hearing 2-27-19
Attachments: seascape area with rear setbacks.pdf; rear setbacks of selected properties.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, Daisy and Paia.

It's great to see the amount of progress and to know that, thanks to all your hard work, the zoning overlay is almost finished. I was exceptionally pleased that the "purpose statement" in the ordinance states that its intent is to maintain (not change) the existing built environment. I agree that it's very important to preserve our unique neighborhood character by codifying the as-built environment.

I support all of the proposals in the proposed ordinance except that I think there are just two remaining items that should be reconsidered:

1. Height on Via Malibu and Via Campana should be limited to 16' not 18'. I think there has already been substantial communication/information regarding this subject, so I won't repeat it all in this email.
2. Rear setbacks

I very much appreciate that you revised the proposed rear setbacks (perhaps in response to my earlier comments). However, I respectfully request that you reconsider the current proposal of using "average of building extent of the neighboring properties".

- 1) The Founding Fathers of the 152 unit subdivision carefully crafted the rear setbacks in the CC&R (often on a lot-by-lot basis). The attached map shows that the CCR for the 152 lots have a total of 11 different rear setbacks (some CCR-mandated setbacks were measured from the front property line, some from the rear). This scrupulous attention to CC&R detail is what resulted in reasonably uniform development that is specifically suited to the lot-specific topology and street layout.
- 2) Not every house is built out to the CC&R's maximum depth. If a home is next to a shallow home, then this homeowner is accidentally penalized because the neighboring home is shallow. And if a lot is adjacent to a very deep home, then they are accidentally rewarded by being able to build deeper. Attached are some print-outs of google maps to show some irregular house rears.
- 3) The lots are not all on a rectangular grid, and many of the lots are not rectangular. There will be a lot of subjectivity in determining how to make a building match the building extent of neighbors when the lot sizes and lot shapes are irregular. Several of the homes were built to be oriented toward the ocean, which results in them not being placed squarely on their lots.
- 4) When homeowners purchased their lots, they were aware of the CCR's lot-specific setbacks, so if these CCR rear setbacks are codified, there is no reduction in the homeowner's property rights. However, if the depth of a

home is limited by the as-built depth of an adjacent property (which happens to be very shallow), then this is an unwarranted and unnecessary reduction in the homeowner's property rights.

- 5) And, perhaps most importantly, I'm not aware that there has been any controversy regarding rear setbacks. As far as I know, everyone (in all of the units) is happy with the existing setbacks (as documented in the CC&R). especially coupled with the new FAR and lot coverage rules, I don't think that there is any reason to change the currently-successful rear setbacks. As the purpose statement of the Zoning Overlay says: the intent of the rules is to maintain (not change) the existing neighborhood character. So, why change the rear setbacks?

I recommend that the Planning Department reconsider its recommendation of 'average of building extent of the neighboring properties' and, instead, use the attached map which would codify the existing CCR/ARC rear setbacks.

To use the famous phrase – if the rear setbacks ain't broke.... Why fix them? Instead, I think that we should just codify the existing CCR/ARC guidelines per the attached map (which I prepared from the various CCR/ARC).

Thank you very much for all of the progress on the zoning ordinance, and I look forward to seeing you on the 27th. Thank you for considering my feedback.

If you have any questions, or would like any further information on the rear setbacks, please don't hesitate to contact me.

Best,

Betty Kayton
812 Via Palo Alto
Aptos, CA 95003
Mobile 650.255.1712
betty@kayton.net

From: Daisy Allen [mailto:Daisy.Allen@santacruzcounty.us]
Sent: Monday, February 11, 2019 3:34 PM
To: Daisy Allen
Cc: Paia Levine
Subject: Seascape Beach Estates Combining Zone District: Public Hearing 2-27-19

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daisy.allen@santacruzcounty.us

SHOULD THIS BE
AVERAGE OF
ITS
NEIGHBORS?

ULTRA
SPRINKLER
by Tomaso!

Via Palo Alto

Via Palo Alto

Via Palo Alto

Via Palo Alto

Google

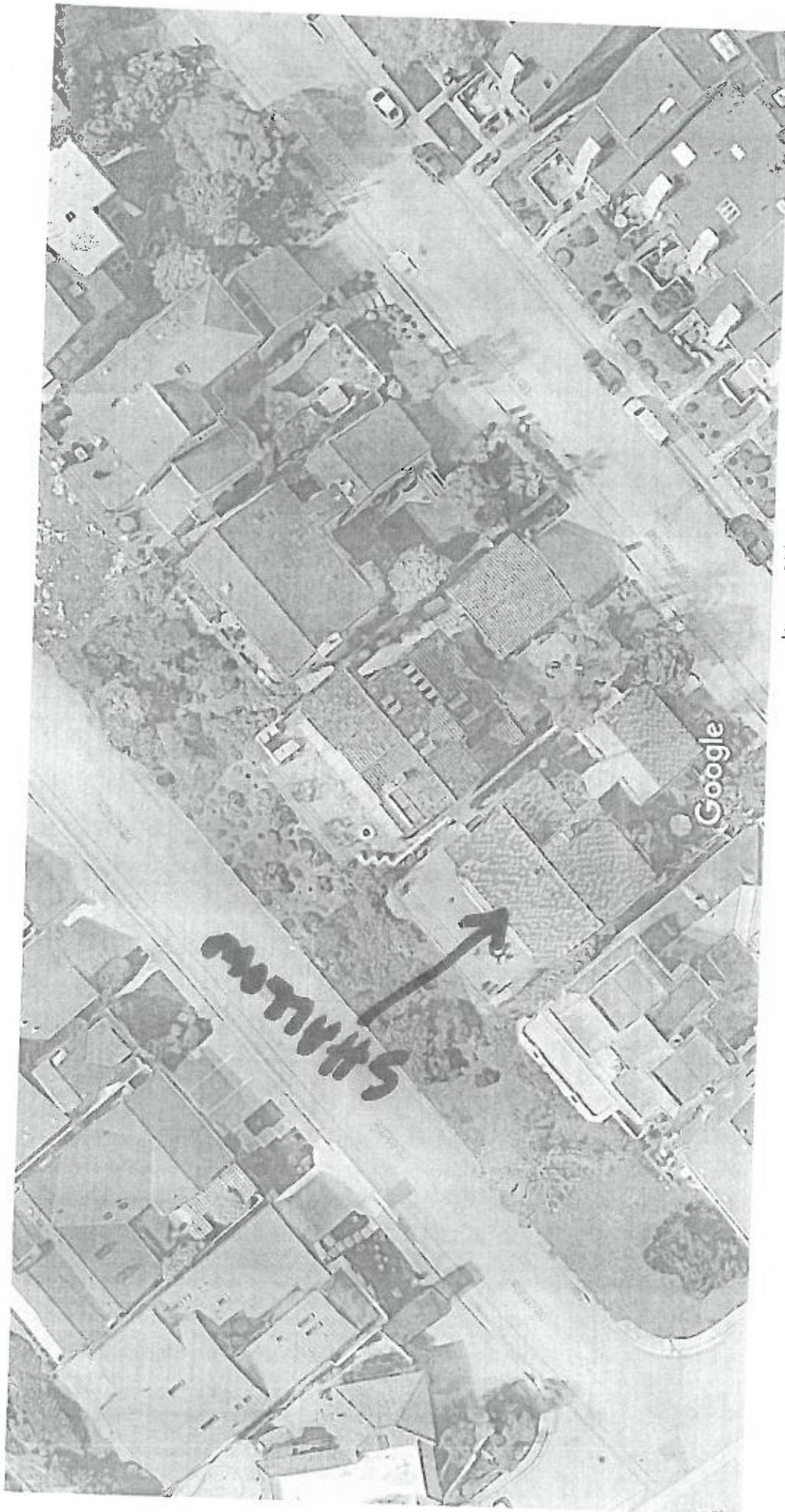
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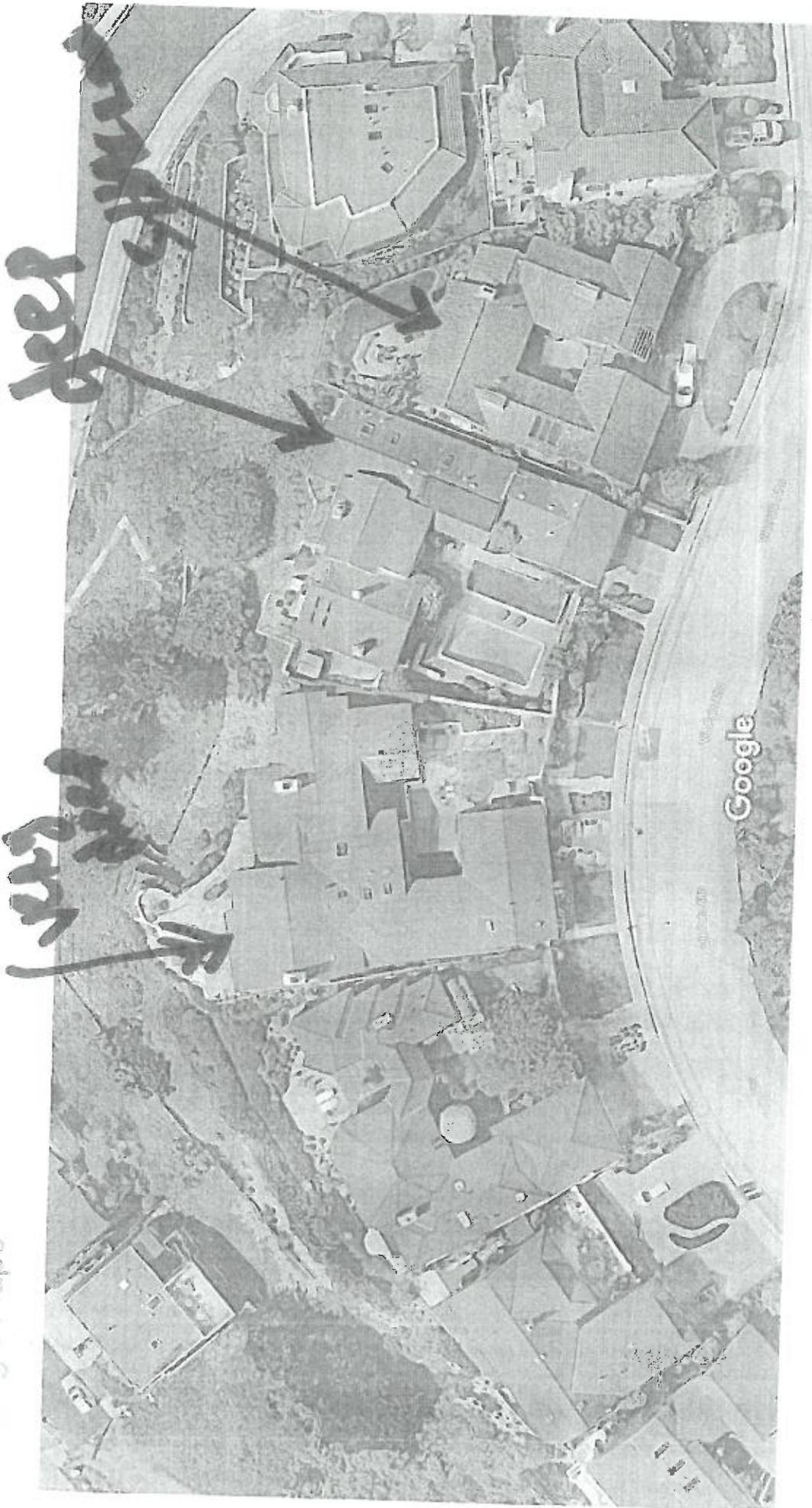


Google

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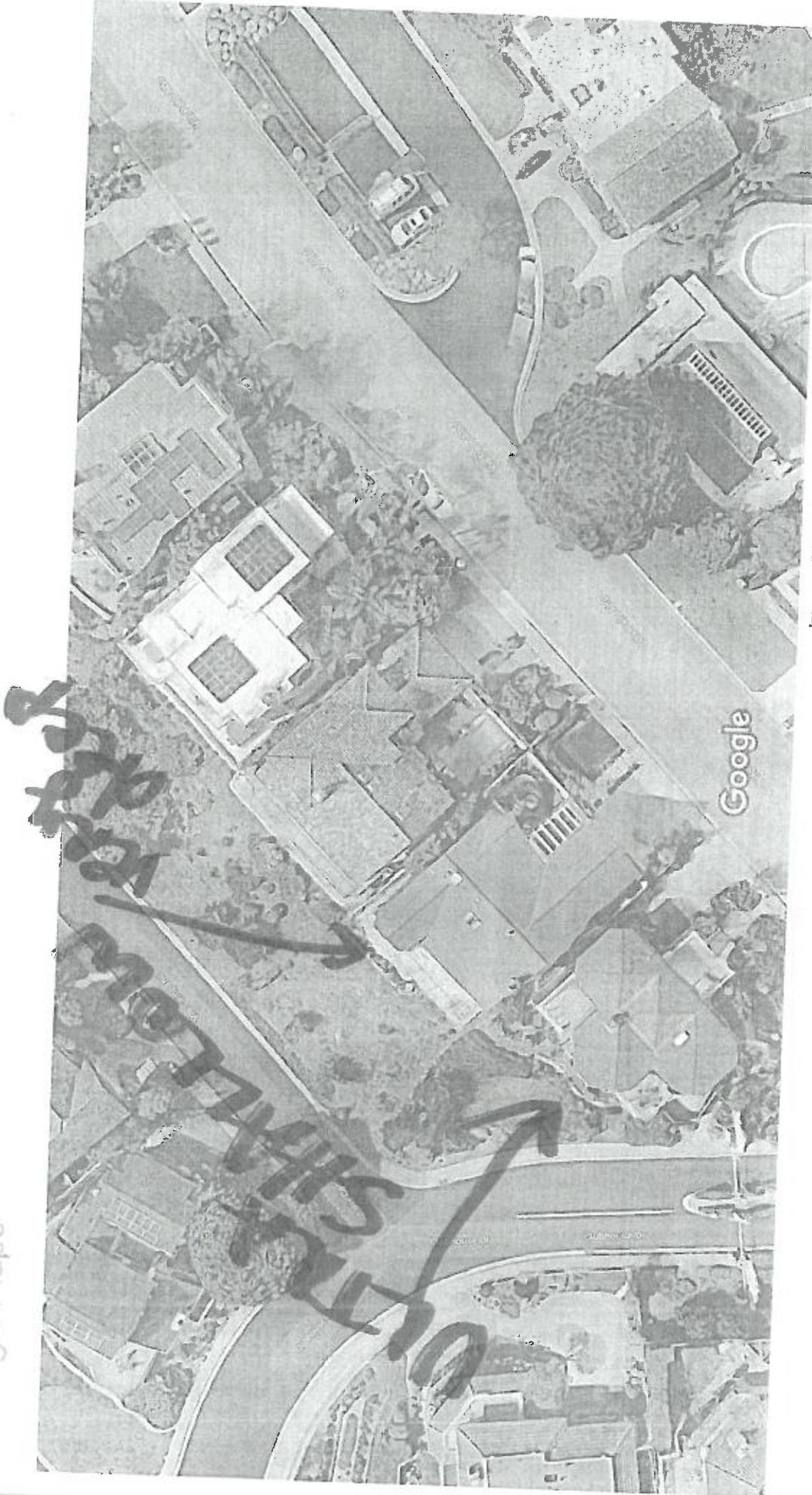
Google Maps



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Google Maps



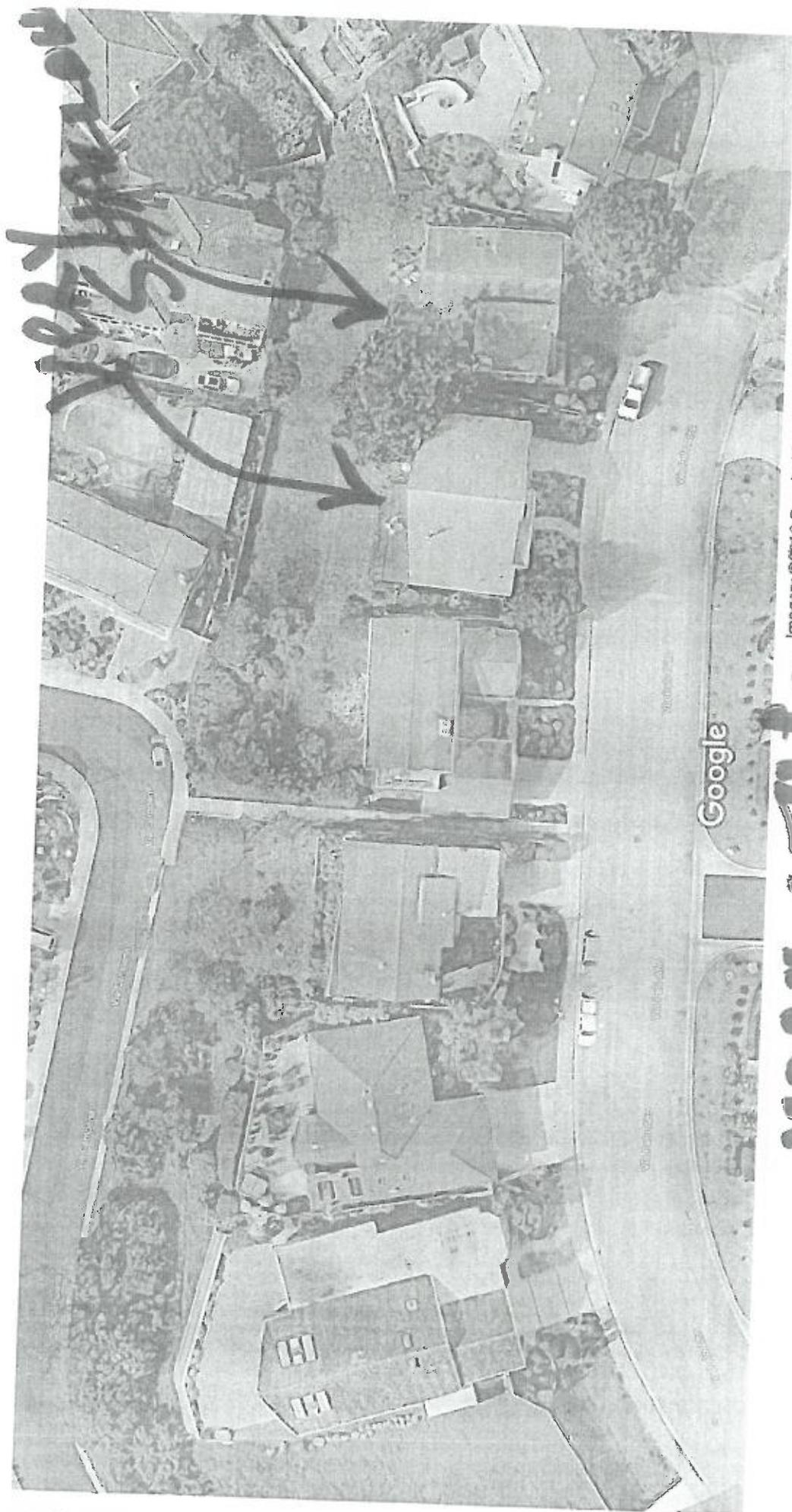
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Google Maps



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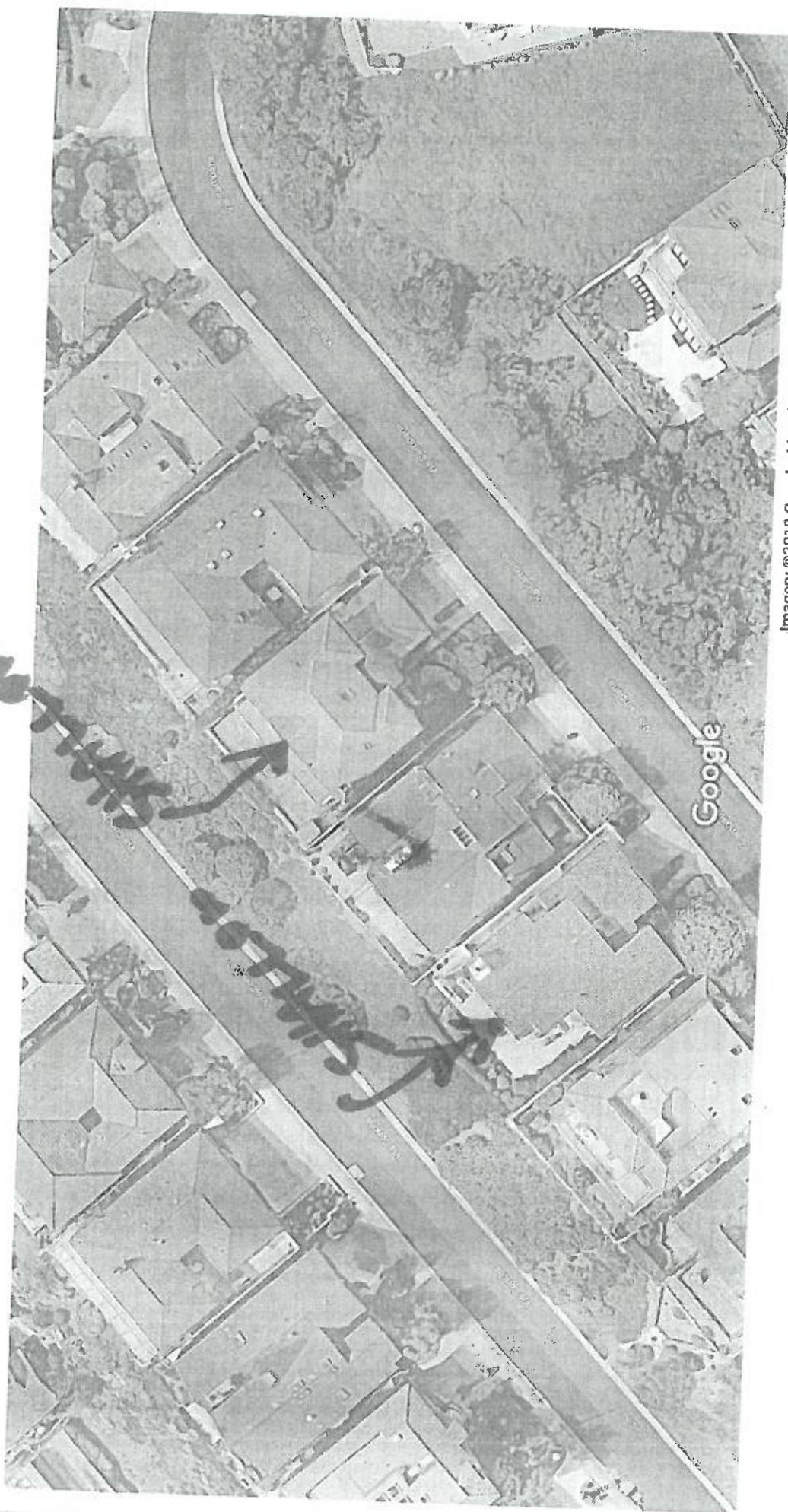
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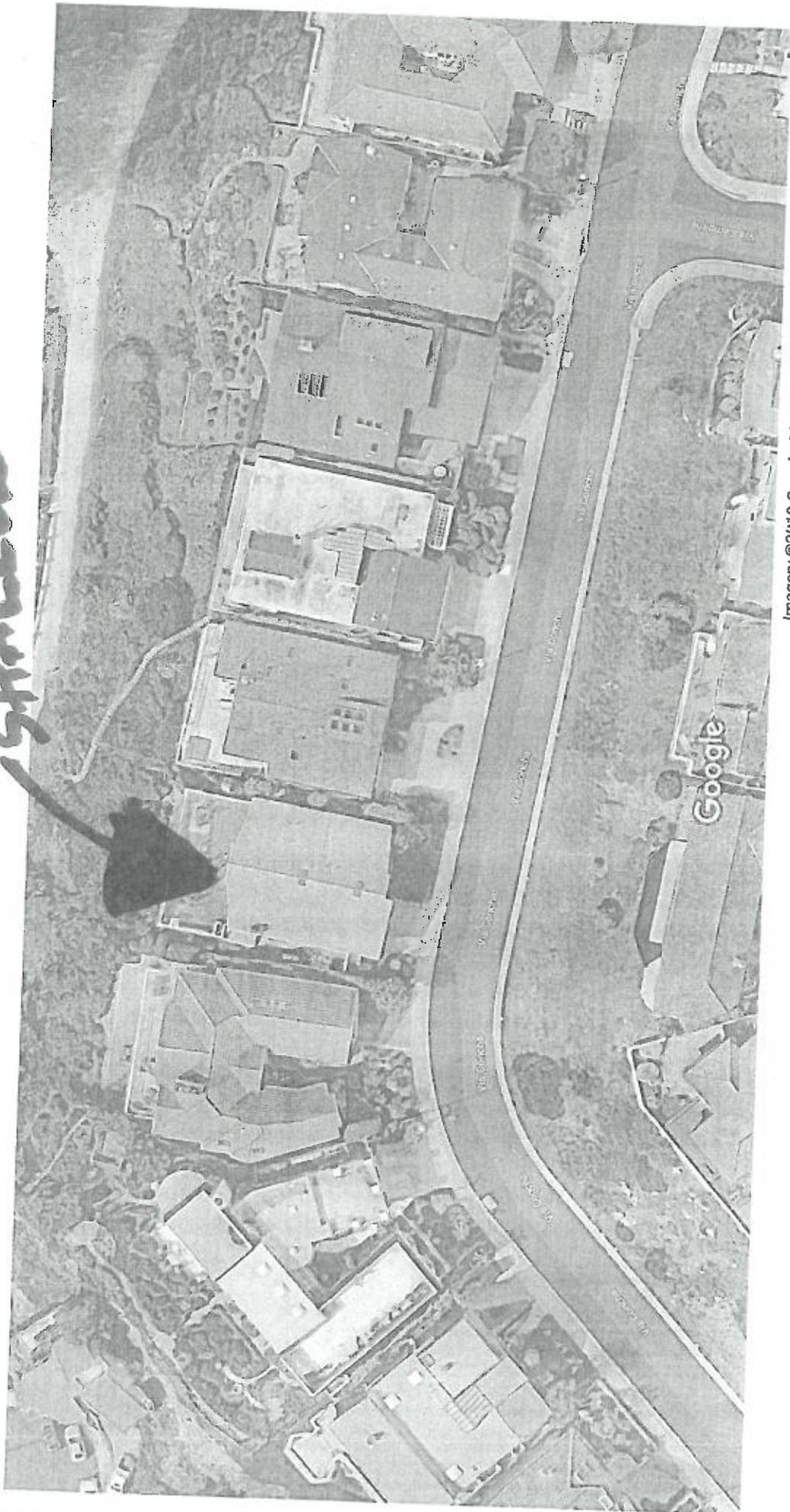
VERY LITTLE CONSISTENCY
between Bears of
houses

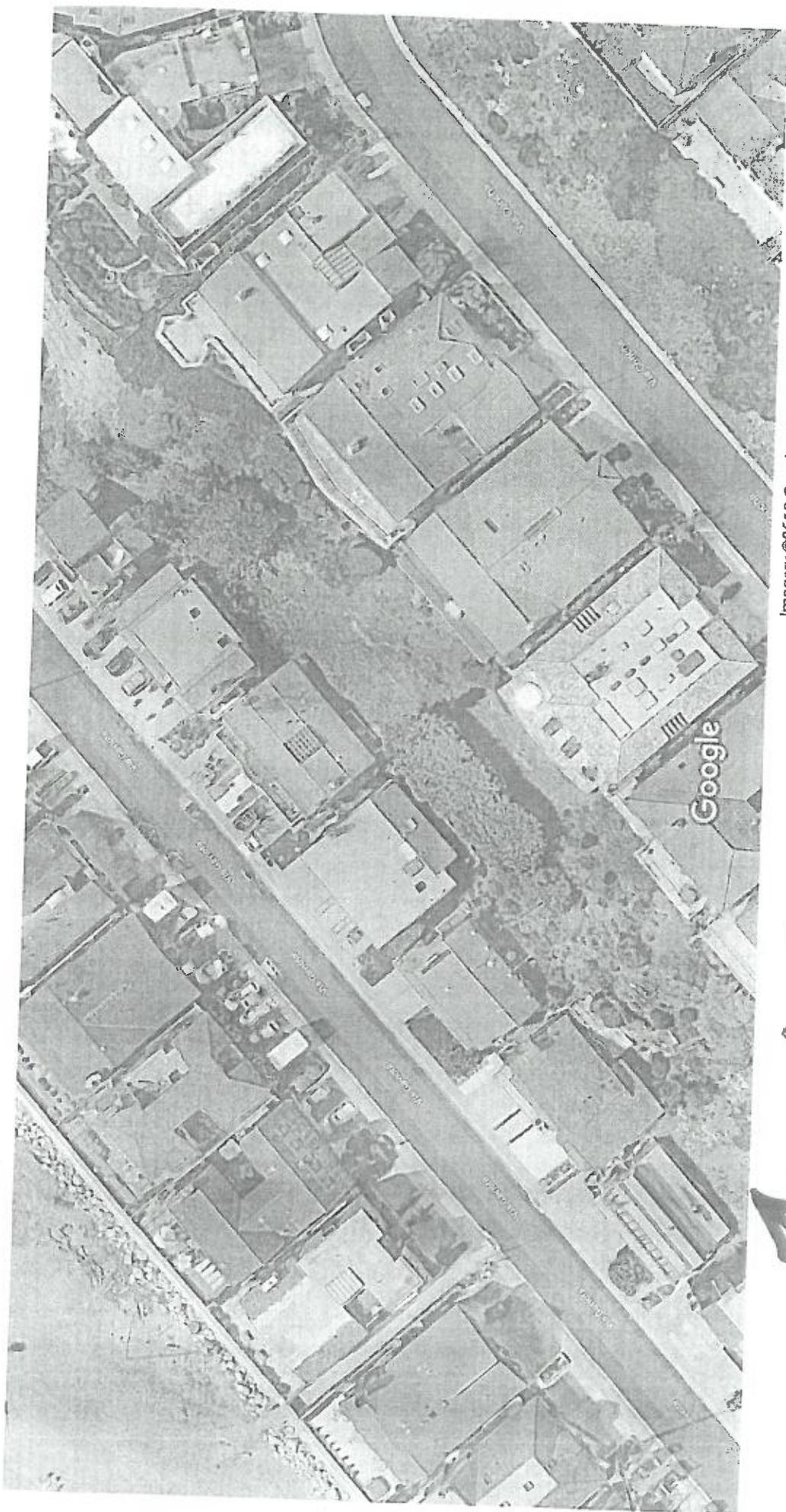
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Imagery ©2019 Google, Map data ©2019 Google 20 ft

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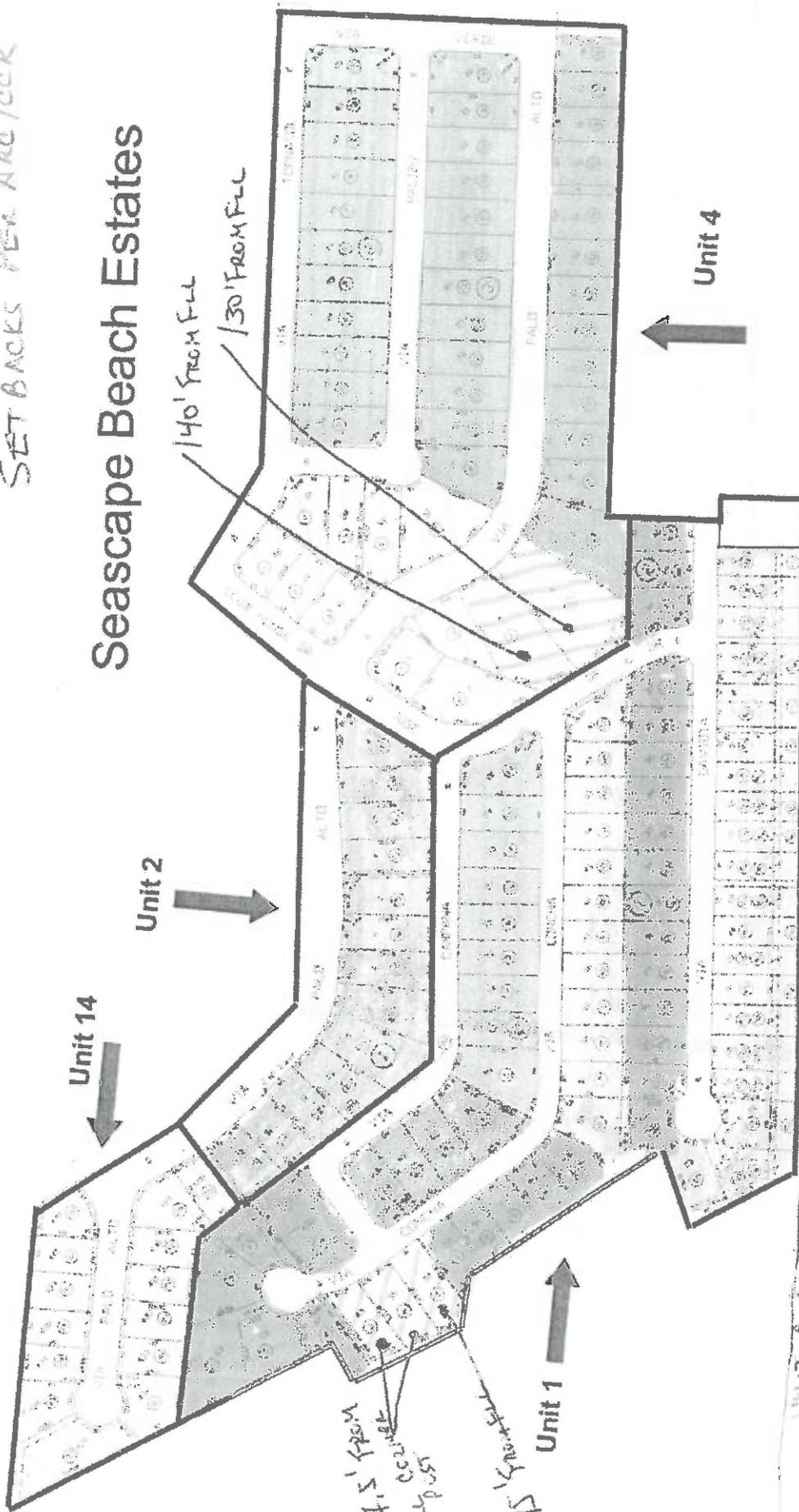


Imagery ©2019 Google, Map data ©2019 Google 20 ft

↑
very little
consistency on
near setbacks.

SET BACKS PER ARC/CCR

Seascape Beach Estates



Unit 14

Unit 2

Unit 4

Beach / Ocean

NO LIMIT
LOT-BY-LOT LIMIT

97.5' from centerline
95' from fill

140' FROM FILL
130' FROM FILL

UNIT 2 ARE
 30' FROM FROM LOT LINE
 10' FROM FROM LOT LINE
 85' FROM FILL
 86' FROM FILL
 90' FROM FILL
 100' FROM FILL
 110' FROM FILL

* 11 DIFFERENT REAR SETBACKS

* 2 AREAS WITH NO LIMITS

Daisy Allen

From: lrvtt@aol.com
Sent: Monday, February 18, 2019 5:43 PM
To: Daisy Allen
Subject: SBE Zoning

Follow Up Flag: Follow up
Flag Status: Flagged

My husband and I are permanent residents of Seascapes Beach Association (SBA) living on Via Campana. Our CC&R's have been in existence for over 50 years. Our street height allowance is 30' in the CCR's and with the County 28'. The proposed restrictions to lower the height on Via Campana will adversely and exponentially effect monetarily the worth of properties. What are the County's plans to reimburse Via Campana residents for the loss of equity due to the lower height and view restrictions?

A few residents on Via Palo Alto, namely Yu, Liotta & Kayton, who live directly above Via Campana have brought this height issue on. They all live in homes that in their words on a petition dated May 8, 2015 to the Planning Department states "completely changed the consistency and continuity of the view shed, and negatively impacts shared views". They were talking about Via Campana, but, IT RELATES TO THEIR MONSTER HOMES above us. They talk about neighborhood compatibility and character what a joke, when you go to the beach all you see is their homes. This whole height restriction is SO UNFAIR. We invite you to tour the neighborhood with us and see that the heights on Via Campana should remain at 28' as they have been for over 50 years. We have professional photographs to prove our points as well as a drone video.

Regards,
Rita & Bill Witmer
161 Via Campana
Aptos, CA 95003

Daisy Allen

From: Diane Abraham <diane@seahorsevineyards.com>
Sent: Wednesday, February 20, 2019 7:52 AM
To: Daisy Allen
Cc: Zach Friend
Subject: Seascape Beach Estates Combining Zone District - Letter from Charles and Diane Abraham
Attachments: Letter to Planning re SBE ordinances 2-19-19.pdf

Good morning Ms Allen,

Attached please find a letter referring to the above issue to be discussed at the February 27, 2019 Planning meeting.

Many thanks

Diane Abraham

Charles and Diane Abraham
820 Via Palo Alto
Aptos, CA 95003

Santa Cruz County Planning Commission
c/o Daisy Allen
701 Ocean Street, Fourth Floor
Santa Cruz, CA 95060

February 19, 2019

Re: ORDINANCE AMENDING SECTIONS 13.10.170(d) AND 13.10.400,
ESTABLISHING A SEASCAPE BEACH ESTATES ("SBE") COMBINING
ZONE DISTRICT

Dear Ms Allen,

We are perhaps the newest residents in the Seascape Beach Estates neighborhood having purchased our house in December 2018. We bought into this neighborhood because of its unique residential character, the overall design and layout of the houses and streets, easy access to the beach and the peaceful views of the ocean and surf. From the CC&Rs we were given we felt reassured that all views from the neighborhood, both public and private, would continue to be respected and safeguarded as it seemed they had been for the totality of the years the neighborhood had been in existence.

We appreciate the county's efforts to codify the charming character of our neighborhood and to protect public and homeowners' views, as we understand was the intention of the original developers. We do, however, have two issues with the current draft of the county's ordinance.

The first issue is that we see no justification to raise the height limit of the houses with driveways on Via Campana from 16' to 18'. Per the survey done by Edmunson and Associates, May 13, 2015 all the houses on Via Campana with the exception of 161 Via Campana are roughly a height of 16'. Raising the height to 18' on Via Campana would significantly and detrimentally impact many view perspectives, from the public beach accessways in the neighborhood, to the sightlines of beachgoers walking between Beer Can and Hidden Beach to the ocean views of other houses in the neighborhood. The original CC&Rs of the Unit 1 homes established a height restriction of 16'. Codifying a 16' height limitation would protect and maintain the existing characteristic of the entire neighborhood.

Secondly, the CC&Rs of each development unit addressed rear setbacks. These setbacks were carefully determined to preserve a uniform neighborhood character and to protect the views of all the houses in the neighborhood should each house build out to the maximum extent. The proposed ordinance establishing a "relative" rear setback is not clear and will be open to different interpretations and manipulation over time. The county should leave in tact the rear setbacks as established by the developers and documented in the CC&Rs to preserve the views of all the houses and maintain the neighborhood's intended character.

Thank you for your time and attention in codifying the zoning regulations for the Seascape Beach Estates neighborhood.

Very best regards,

 
Charles and Diane Abraham

cc: Zach Friend, Santa Cruz County District 2 Supervisor via email
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