

# **Exhibit 1B**

**Staff Report, Application 241334  
Including Exhibit B, Findings for Denial**

**May 27, 2025**



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# Staff Report & Development Permit Administrative Use/Site Development Review

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Application Number: **241334**  
Applicant: **Cove Britton**  
Site Address: **625 Beach Road, Aptos**

APN: **043-152-54**  
Owner: **Kevin and Sandy Huber (Trust)**

## Proposal & Location

Proposal to construct a two-story, approximately 3,100 square foot detached single-family dwelling pursuant to SB-9, with rooftop decks, attached carport and storage rooms and a pedestrian entrance gate, on a site where one single-family dwelling exists, thereby constituting a two-unit dwelling group; and to construct a second-story, approximately 364 square foot ADU attached to the proposed single-family dwelling. Requires a Minor Coastal Development Permit. Property is located on Beach Drive (625 Beach Drive), approximately one mile southeast of the intersection with Rio del Mar Boulevard.

## Background

### SB-9 Prescreen

On July 17, 2023, the applicant, Cove Britton, submitted a prescreen application to determine the eligibility of APN 043-152-54 for an SB-9 project to construct a second primary dwelling on the site of approximately 2,049 square feet, an attached, 357 square foot ADU and an attached garage and storage. The next day, July 18, 2023, the applicant emailed the County of Santa Cruz to withdraw this application.

### Building Permit Application

A building permit application for the project, APP-241004, was submitted – and fees paid – on January 16, 2024. A Zoning Correction was entered on January 31, 2024, notifying the applicant that discretionary review was required for the project. The correction letter also detailed numerous areas of non-compliance with objective standards, notably density and other zone district standards.

### Building Permit Appeal

The applicant appealed the Zoning determination to the Planning Director, who denied the appeal in a letter dated April 24, 2024. The appellant submitted two key arguments: 1) that State law, SB-9, required ministerial review of the Coastal Development Permit (CDP), and 2) that SB-9 overrides density standards in the Coastal Zone. The Planning Director's letter (Exhibit C) responded that although State law prohibits the Coastal Commission from requiring a public hearing, it does not prohibit requiring an administrative discretionary permit (Minor Coastal Development Permit). In other words, under SB-9, the CDP is subject to administrative discretionary review, not ministerial review. In upholding the staff determination that the proposed project exceeds the allowable density on the site, the Director noted that Government Code Section 65852.21(k) (now Section 65852.21(l)) provides that "Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act" other than to exempt a local agency from being required to

hold public hearings for coastal development permits.

#### Discretionary Permit Application

On August 29, 2024, the applicant submitted an application (231334) containing both a Preliminary Application pursuant to SB330 and a standard discretionary application containing the items required on the County's List of Required Information ("LORI"). Pursuant to SB 330, the regulations in effect at the time that the Preliminary Application is submitted shall be applied to the project review, subject to paragraphs (2), (6) and (7) of Government Code Section 65589.5(o) and Government Code Section 65941.1(d). At the time Application 231334 was submitted, the County of Santa Cruz had not adopted an SB-9 implementing ordinance. Therefore, the application is subject to the requirements of the adopted Local Coastal Plan (LCP), including the requirement to obtain a CDP compliant with the existing policies and implementing ordinances of the LCP.

Application 231334 was reviewed for completeness in conformance with the Permit Streamlining Act. Following the initial review of the submitted materials, an Incomplete Letter, dated September 27, 2024 (Exhibit D), was sent to the applicant. The applicant submitted slightly revised materials on January 27, 2025. A second Incomplete Letter was issued on February 26, 2025 (Exhibit E). Both letters delineated areas wherein the plans were incomplete and noncompliant with multiple sections of the County Code. On March 12, 2025, the applicant appealed the second incomplete letter to the Planning Commission. However, the applicant subsequently withdrew the appeal when, on April 11, 2025, Application 241334 was determined to be complete (Exhibit F), with areas of noncompliance still pending.

#### **Analysis**

The relationship of the two State laws, SB-9 and the California Coastal Act, is established by Government Code Section 65852.21(l). This section mandates that SB-9 shall not "supersede or in any way alter or lessen the application of the California Coastal Act...." The County consulted with Coastal Commission staff on SB-9 processing, and the Coastal staff affirmed the County's determination that the project would not be exempt from Coastal Permitting and that, until an LCP Amendment is certified for the County of Santa Cruz, any SB-9 application submitted in the Coastal Zone would be required to comply with existing LCP ordinances and policies.

Prior to submitting a SB-9 ordinance for Coastal Certification, the County of Santa Cruz completed the comprehensive "Sustainability Update" to the County Local Coastal Program (LCP), which included amendments to the Zoning Ordinance and to the General Plan, certified by the Coastal Commission with an effective date of March 15, 2024. Accordingly, this was the existing version of the LCP when the applicant submitted an application (231334) containing both a Preliminary Application pursuant to SB330 and Minor Coastal Permit application, on August 29, 2024. The primary LCP policies applicable to the proposed project are outlined below.

#### Density

The subject parcel is located within the RB (Beach Residential) zone district. All proposed development must comply with the maximum density established for the RB district. SCCC Section 13.10.323(B)(3)(c) provides for a maximum density of 4,000 square feet of land area per dwelling unit as follows: *(c) RB Ocean Beach Residential District. Minimum land area per dwelling unit is 4,000 square feet.*

In the RB (Beach Residential) zone district, the minimum lot area required for a dwelling group

consisting of two units is 8,000 square feet.

The land area used to calculate density, whether for land divisions or dwelling groups, does not include beach and bluff areas, pursuant to SCCC Section 13.10.323(B)(1), which sets out: *“Calculation of Land Area. Inside the urban services line or rural services line, land area is based on gross site area, minus any coastal bluffs, beaches, and land seaward of the mean high tide line of Monterey Bay.*

This section is reinforced by SCCC Section 13.10.70-D: “Density” means the number of primary dwelling units or the number of people per acre of land or other given land area. Appropriate density ranges are provided for each land use designation in the General Plan and each zone district in the SCCC. Maximum allowed density is calculated as follows:

- (1) Within the USL/RSL, maximum density is based on gross site area, minus any coastal bluffs, beaches, and all land seaward of the mean high tide line of Monterey Bay.

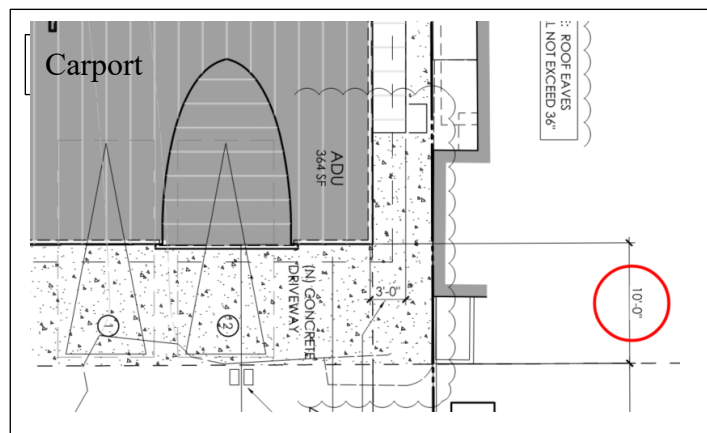
The County has a long-standing practice of classifying land at the toe of a Coastal bluff to be beach and therefore excluded from developable area under SCCC Section 13.10.323. Because the subject parcel is at beach level (i.e., on the beach), subject to possible wave inundation and erosion, and seaward of the toe of the coastal bluff, the parcel has effectively zero square feet of land area per SCCC Section 13.10.323(B)(1). The entire area of the parcel is comprised of Coastal bluff land and beach area extending seaward from the toe of the bluff. Thus, the density requirement of SCCC Section 13.10.323(B)(3)(c) cannot be met, and the proposed project is inconsistent with the current LCP.

#### Site and structural standards

The LCP establishes site and structural standards for development within RB district, as well as standards applicable Countywide. The submitted site plan and architectural plans are inconsistent with several such standards, as described below.

**Setbacks.** The plans do not comply with SCCC Section 13.10.323(C) (Development Standards in Residential Districts), which provides that the minimum setback to any garage or carport is 20 feet. The proposed setback to the carport is 10 feet, as indicated below.

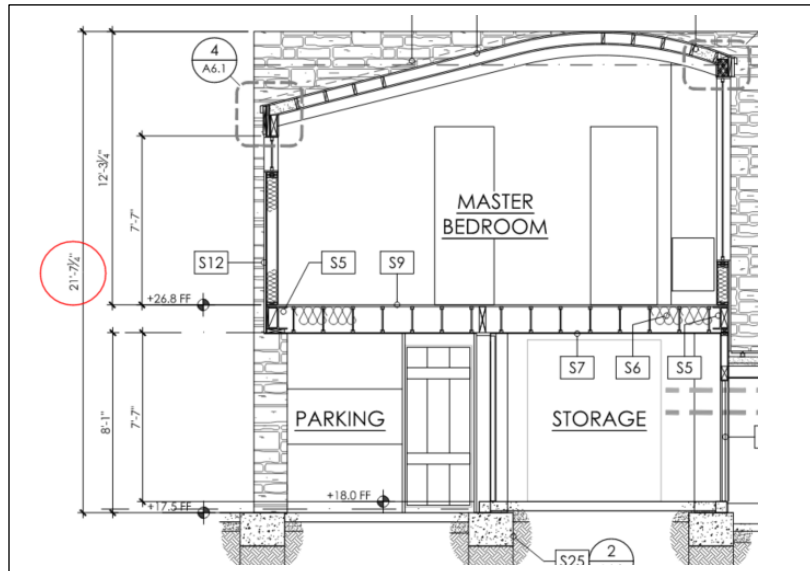
Development Standards	RB
Front, side, or rear yard setback—garage/carport entrance (feet)	20



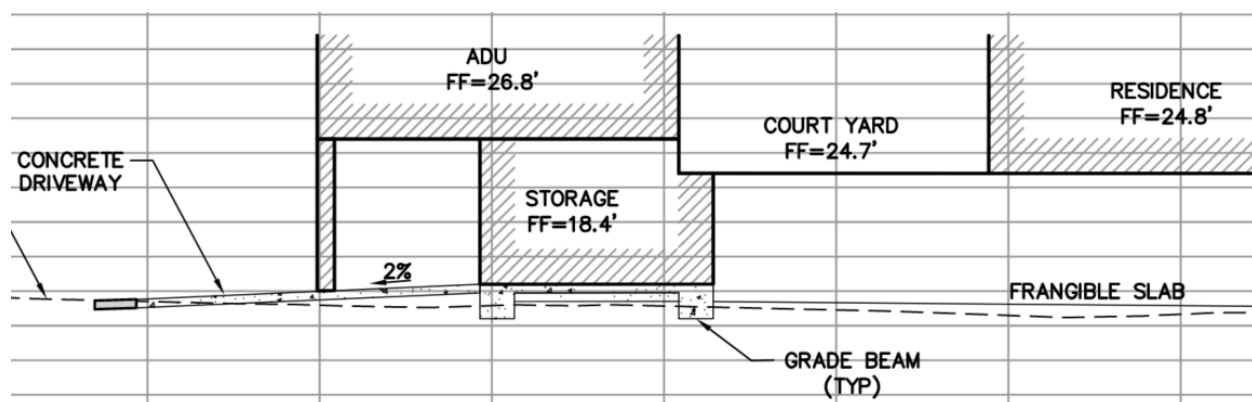
**Height & Stories.** The plans do not comply with SCCC Section 13.10.323(C) (Development Standards in Residential Districts), which provides that the maximum height for any structure on

beach lots of Beach Drive in the RB district is 17 feet and maximum number of stories is one. The proposed structure would be more than 21 feet and two stories, as indicated below.

Development Standards	RB
<b>Building Massing<sup>1</sup></b>	
Maximum building height	25 (17 for beach lots)
Maximum number of stories	2 (1 for beach lots)



While the applicant maintains that the entire ground-level of the proposed structure is “underfloor,” and therefore does not count as a story, this interpretation is inconsistent with the SCCC. “Underfloor” is defined by SCCC 13.10.700-U as: “a non-habitable space between the underside of the first story floor framing (joists or girders that directly support the floor sheathing) and the grade below. An underfloor is not considered a ‘story’ (see definition). To qualify as underfloor, the space may be used for storage but cannot have a finished floor, insulation, or conditioned space, and there must be no stairway access to the underfloor area.” The frangible (breakaway) slab underlying part of the structure is functionally equivalent to “the grade below,” and so is considered underfloor. However, the carport and storage areas have finished floors (FF = 18.4’) and are therefore considered a story.



Two rooftop decks are proposed, one above underfloor and one above the first story comprised of carports and storage. The latter deck is therefore a second-story rooftop deck, which is prohibited by SCCC 13.10.323(F)(1), which states in part, “Second story rooftop decks and landings are not permitted.

**Lot coverage and Floor Area Ratio.** Pursuant to SCCC Section 13.10.323(C) (Development Standards in Residential Districts), the maximum lot coverage allowed in the RB district is 40%;

the maximum floor area ratio is 0.5.

Development Standards	RB
Maximum floor area ratio (FAR) <sup>3</sup>	0.5
Maximum parcel coverage ("lot coverage")	40%

SCCC Section 13.10.510(F) (Maximum Allowed Lot Coverage), further provides that: "For zone districts subject to a maximum lot coverage percentage, calculate maximum lot coverage (square feet) as follows: multiply maximum allowed lot coverage (percentage) by gross site area (square feet), excluding any coastal bluffs, beaches, and land seaward of the mean high tide line of Monterey Bay." Because the subject parcel has no area that is not considered bluff or beach, it has effectively zero land area that can be used for calculating maximum lot coverage. The plans would increase the lot coverage by approximately 2,600 square feet and thus do not comply with SCCC Section 13.10.323(C).

SCCC Section 13.10.510(E) (Maximum Allowed Floor Area) provides that "For zone districts subject to a maximum floor area ratio (FAR), calculate maximum allowable floor area (square feet) as follows: multiply maximum allowed FAR (percentage) by gross site area (square feet), excluding any coastal bluffs, beaches, and land seaward of the mean high tide line of Monterey Bay." Because the subject parcel has no area that is not considered bluff or beach, it has effectively zero land area that can be used for calculating maximum floor area ratio. The plans would increase the floor area by approximately 2,500 square feet and thus do not comply with SCCC Section 13.10.323(C).

**Parking spaces.** SCCC Section 13.16.050(D) establishes the minimum parking requirements for dwellings based on the number of bedrooms:

Residential <sup>4,7</sup>		
Detached single-family, duplexes and mobile homes including employee housing	1 bedroom	1
	2—3 bedrooms	2
	4 bedrooms or more	3

SCCC Section 13.10.681(D)(7)(d)(ii) establishes minimum parking requirements for Accessory Dwelling Units (ADUs):

(ii) New Construction ADUs: one off-street parking space per ADU.

The required minimum dimensions of a parking space are 8.5' x 18' as set out in SCCC Section 13.16.060(E).

The existing dwelling onsite has four bedrooms (final building permit B-153533). The proposed new primary dwelling has one bedroom and the ADU has one bedroom. The total required off-street parking required is therefore five (5) spaces. The applicant proposes (3) parking spaces, and one additional "space" that is approximately 7.5 feet wide.

#### Compliance with Objective Standards

While an SB-9 ordinance has not been certified within the coastal zone, a County SB-9 ordinance

is in effect outside the coastal zone. For context, SB-9 projects located outside the Coastal Zone, proposed development must comply with the objective site and structural standards set forth in the SB-9 ordinance, in conjunction with the application provisions in the Zoning Ordinance. In instances where a proposed project does not meet all applicable standards, the ordinance provides that “Two-unit residential development shall comply with the objective development standards below, except that no standard shall preclude the development of a unit up to 800 square feet.” The draft SB-9 ordinance within the coastal zone, which has been revised by the Coastal Commission and is currently under review by the Board of Supervisors, includes the same 800 square foot provision, meaning that property owners in eligible locations are entitled to an 800 square foot secondary primary dwelling unit, even if all site standards cannot be met.

Within the Coastal Zone, until an SB-9 ordinance is certified, proposed projects are obligated to comply with density and site and structural standards provided by the existing LCP. The proposed project at 625 Beach Drive fails to comply with the maximum density; therefore, a two-unit dwelling group could not be approved. Additionally, the proposed project fails to comply with several site and structural standards and parking requirements, as described. Under the draft ordinance, this project would also not comply, as the proposed secondary primary dwelling exceeds 800 square feet and deviates from multiple RB site standards.

#### Analysis of Findings

To recommend approval of the proposed project, SCCC Section 18.10.230 requires seven findings, including 18.10.230(A)(1)(b), which states the following: *“Zoning Conformance. The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.”*

Since the proposed project is not “in substantial conformance with the intent and requirements of all pertinent County ordinances” as previously delineated, staff cannot recommend making this finding.

SCCC Section 18.10.230(A)(1)(f) requires the following finding: *“Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.”*

Staff is aware of no other properties within the Beach Drive neighborhood developed with a two-unit dwelling group. The proposed project, a two-unit dwelling group, is inconsistent with the prevailing dwelling unit densities found in the neighborhood. The maximum density established by the RB zone district is one dwelling unit per 4,000 sq.ft., which would be exceeded by two dwelling units on the subject site, as discussed above. Staff therefore cannot recommend making this finding.

The finding required by SCCC Section 18.10.230(A)(1)(c) pertains to General Plan conformance: *“The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.”* A similar section, SCCC Section 18.10.230(A)(1)(g), requires *“(g) Local Coastal Program Consistency. For proposed projects located within the Coastal Zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.”*

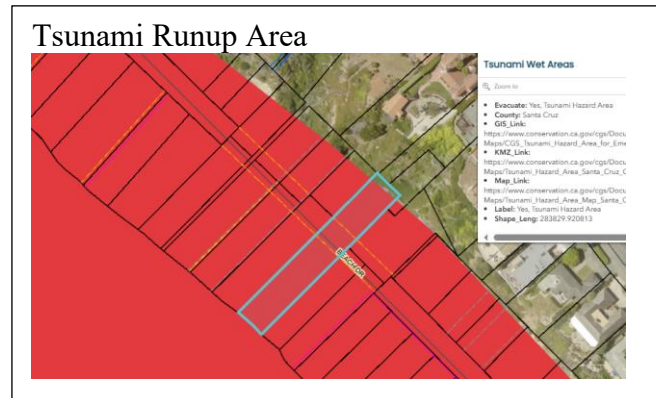


The proposed project inconsistent with several policies in Chapter 6 (Public Safety) of the Santa Cruz County General Plan, as described below.

### 6.2.17 Prohibit New Building Sites in Coastal Hazard Areas

(LCP) Do not allow the creation of new building sites, lots, or parcels in areas subject to coastal hazards, or in the area necessary to ensure a stable building site for the minimum 100-year lifetime, or where development would require the construction of public facilities or utility transmission lines within coastal hazard areas or in the area necessary to ensure a stable building site for the minimum 100-year lifetime.

The proposed project includes a new building site in a Coastal Hazard Area (Tsunami Runup) in addition to the building site already developed on the subject parcel with one single-family dwelling. The addition of a second building site on the parcel is therefore inconsistent with General Plan (LCP) Policy 6.2.17, and staff cannot support making the finding of consistency with the County General Plan and LCP.



### 6.2.18 Public Services in Coastal Hazard Area

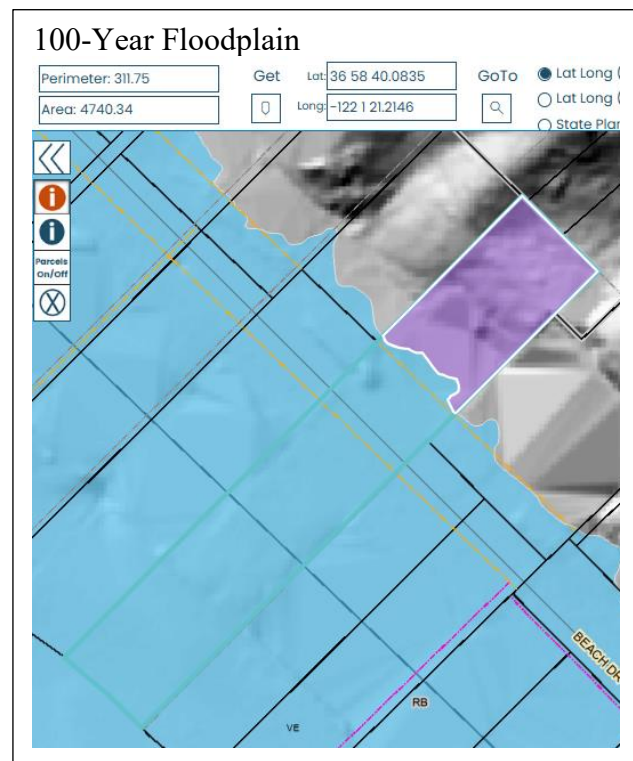
(LCP) Prohibit utility facilities and service transmission systems in coastal hazard areas unless they are necessary to serve existing residences. (Revised by Res. 81-99).

Development of the proposed dwelling group would require new utility facilities and service transmission systems (sewer lateral, water service hook-up, power and phone connections) in coastal hazard areas to serve new residences. The proposed project is therefore inconsistent with General Plan (LCP) Policy 6.2.18, and staff cannot support making the finding of consistency with the County General Plan and LCP.

#### 6.2.18.1 Density Calculations

(LCP) Exclude areas subject to coastal inundation, as defined by geologic hazard assessment or full geologic report, from use for density calculations. (Added by Res. 81-99).

The proposed dwelling group is mostly within in a 100-year floodplain (FEMA “VE” Insurance Zone). Only approximately 4,740 square feet is located outside the area of coastal inundation. To meet the minimum area per dwelling unit in the RB zone district (4,000 square feet), an area of 8,000 square feet is required. To obtain the necessary density for a





two-unit dwelling group, land area on the subject site that is subject to Coastal inundation would need to be included. Therefore, staff cannot support making the finding of consistency with the County General Plan and LCP.

SCCC Section 13.20.110 sets forth additional findings required for Coastal Permit approvals, including finding 13.20.110(E), “(E) That the project conforms to all other applicable standards of the certified LCP.” As detailed in previous sections of this staff report, the proposed project does not conform to all other applicable standards of the certified LCP, violating both Zoning standards and General Plan / LCP policies. Therefore, this finding cannot be made.

#### Coastal Commission Revisions to County SB-9 Ordinance Pertaining to Coastal Processes

The Coastal Commission recently approved revisions to the proposed SB-9 Ordinance that incorporate the Commission’s ongoing concerns about allowing development in Coastal Hazards Areas. The proposed revisions (Exhibit G) would prohibit SB-9 development in “Coastal Hazards Areas, including areas seaward of and on/adjacent to coastal bluffs, except for blufftop properties where proposed residences can meet the 100-year bluff erosion stability setback without reliance on any existing or proposed shoreline armoring.”

#### Summary

The proposed project is inconsistent with LCP / Zoning Ordinance standards regulating density, setbacks, height, stories, lot coverage, floor area ratio and parking and neighborhood compatibility. The project also would be inconsistent with General Plan policies regarding new building sites, new public services and density requirements requiring exclusion of land area in Coastal hazard areas and Coastal flood areas. Findings of consistency with the Zoning Ordinance, General Plan and Local Coastal Program that are required by SCCC Sections 18.10.230(A)(1)(b, c and f) and 13.20.110 cannot be made. Since findings for approval cannot be made, staff cannot recommend approval of the project.

#### **Staff Recommendation: Denial**

Santa Cruz County Planning has taken administrative action on your application as follows:

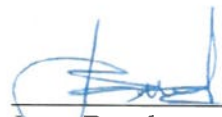
\_\_\_\_\_ Approved (if not appealed).  
  X   Denied (based on the attached findings).

NOTE: This decision is final unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

If you have any questions about this project, please contact Jerry Busch at:  
(831) 454-3234 or [jerry.busch@santacruzcounty.us](mailto:jerry.busch@santacruzcounty.us)

Report Prepared By: \_\_\_\_\_

  
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### Exhibits

- A. Project plans
- B. Findings
- C. Planning Director's Response to Appeal of Building Permit #APP-241004
- D. Incomplete Letter #1
- E. Incomplete Letter #2
- F. Complete Letter
- G. Coastal Commission, Proposed Revisions

Mail to:

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### Appeals

In accordance with Section 18.10 *et seq.* of the Santa Cruz County Code, the applicant or any aggrieved party may appeal an action or decision taken on an Administrative (Level 4) review such as this one. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter and the basis on which the decision is to be considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of publication of the action from which the appeal is being taken and must be accompanied by the appropriate filing fee.

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Denial Date: \_\_\_\_\_ 5-27-2025 \_\_\_\_\_

Effective Date: \_\_\_\_\_ 6-10-2025 \_\_\_\_\_

Denial Date: 5-27-2025

Effective Date: 6-10-2025

## Coastal Development Permit Findings

- (A) That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned RB (Beach Residential), a designation which allows residential uses. The proposed second primary dwelling with attached ADU and carport are principal permitted uses within the RB zone district, and the zoning is consistent with the site's predominant R-UL (Residential, Urban Low) General Plan Designation.

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

This finding can be made. A five-foot pedestrian easement adjacent to the mean high tide line on the subject property exists but is usually separated by an area of beach from the base of the existing retaining wall on the project site.

- (C) That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding cannot be made in that the proposed northeast wall, as designed, lacks articulation. . Further, no vegetative screening is proposed to break up and soften the appearance of this wall. As such, the proposed design is inconsistent with design review policies promoting articulation, minimizing impacts on neighbors and maximizing neighborhood compatibility. The proposed color(s) of this wall were not provided by the applicant.

- (D) That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access is available at other locations on Beach Drive, including both ends of the street.

- (E) That the project conforms to all other applicable standards of the certified LCP.

This finding cannot be made, in that the proposed two-unit dwelling group is inconsistent with both the Santa Cruz County Zoning Ordinance (LCP) and the General Plan. Santa Cruz County Code (SCCC) Section 13.10.323(B)(1) specifies that beach and bluff areas are excluded from the calculation of land area for residential density purposes. Since the parcel is entirely comprised of beach and bluff areas, it has zero land area upon which to base an increased density. In the RB district, a minimum of 4,000 square feet is required per dwelling unit, so the parcel land area would need to be 8,000 square feet to support two primary dwelling units.

This finding also cannot be made because, as detailed under Development Review Findings in the next section, the proposed project is inconsistent with the following Zoning Ordinance Standards and General Plan Policies:

- SCCC Section 13.10.323(C), site and structural standards for carport setbacks, height, number of stories, lot coverage and floor area ratio.
- SCCC Section 13.16.050(D), parking requirements for residential dwellings and ADUs.
- General Plan Policy 6.2.17 - New building sites in Coastal Hazard Areas.
- General Plan Policy 6.2.18 – Public services in Coastal Hazard Area
- General Plan Policy 6.2.18.1 – Density Calculations

(F) If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

The project site is located between the shoreline and the first public road; however this finding can be made in that the second primary dwelling with attached ADU and carport will not interfere with public access to the beach, ocean, or any nearby body of water. A five-foot County pedestrian easement runs along the beach parallel to the mean high tide line but does not extend to the inland side of the seawall, so would not be affected by the project. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

(G) In the event of any conflicts between or among the required findings, required findings in subsections (E) and (F) of this section shall prevail.

Although findings can be made for subsections A, B, D and F, the finding E cannot be made. Finding E prevails. Therefore, the finding of overall project consistency with Coastal Development Permit Findings cannot be made.

## Discretionary Permit Findings

- (a) **Health and Safety.** The proposed location of the project and the conditions under which it would be developed, 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 be materially injurious to properties or improvements in the vicinity.

This finding can be made, that the project is in an area designated for residential uses. Construction would comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project would not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public and would not be materially injurious to properties or improvements in the vicinity.

- (b) **Zoning Conformance.** The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.

The proposed location of the second primary dwelling with attached ADU and carport will not be in substantial conformance with all pertinent County ordinances and the purpose of the RB (Beach Residential) zone district and this finding cannot be made for the following reasons:

- The proposed dwelling group is inconsistent with the RB zone district density limitations. The RB zone district limits the density of dwellings to one per 4,000 square feet of developable land area (SCCC Section 13.10.323(B)(3)(c)). A two-unit dwelling group cannot be allowed on a parcel that has less than 8,000 square feet of developable land area. SCCC Section 13.10.323(B)(3)(c) provides that “[i]nside the urban services line or rural services line, developable land area is based on gross site area, minus any coastal bluffs, beaches, and land seaward of the mean high tide line of Monterey Bay.” Since the subject parcel is comprised entirely of beach and bluff areas, it contains zero land area that counts towards the required 8,000 square feet of land area. The proposed two-unit dwelling group therefore is inconsistent with the density limitations of SCCC Section 13.10.323(B)(3)(c).
- The proposed setbacks, building height, number of stories lot coverage and floor area ratio are inconsistent with the RB zone district standards established by SCCC Section 13.10.323(C).

RB District Standard	Proposed Project
20’ setback to carport	10’ setback to carport
17’ maximum height	22’ maximum height
1 story	2 stories
40% maximum lot coverage	Parcel has zero land area to support lot coverage <sup>1</sup>
50% maximum floor area	Parcel has zero land area to support floor area ratio <sup>2</sup>

- The proposed parking is inconsistent with SCCC Section 13.16.050(D), which requires three spaces for an existing 4-bedroom primary dwelling, one space for a proposed 1-bedroom

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<sup>1</sup> SCCC Section 13.10.510(F) provides that the area used to calculate lot coverage excludes any coastal bluffs, beaches, and land seaward of the mean high tide line of Monterey Bay.

<sup>2</sup> SCCC Section 13.10.510(E) provides that the area used to calculate floor area ratio excludes any coastal bluffs, beaches, and land seaward of the mean high tide line.

single-family dwelling and one space for a proposed ADU. The applicant has proposed three compliant parking spaces for the project and one additional space that would not meet the minimum 8.5 width required by SCCC Section 13.16.060(E), which is inconsistent with SCCC Section 13.16.050(D).

- (c) General Plan Conformance. The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

This finding cannot be made, in that the proposed residential use is NOT in substantial conformance with the use and density requirements specified for the R-UL (part) and O-R (Residential, Urban Low and Parks, Recreation, and Open Space) land use designation in the County General Plan as set out below:

- General Plan Policy 6.2.17 states: “**6.2.17 Prohibit New Building Sites in Coastal Hazard Areas.** (LCP) Do not allow the creation of new building sites, lots, or parcels in areas subject to coastal hazards, or in the area necessary to ensure a stable building site for the minimum 100-year lifetime, or .where development would require the construction of public facilities or utility transmission lines within coastal hazard areas or in the area necessary to ensure a stable building site for the minimum 100-year lifetime.” The proposed project would create a new building site for a second primary dwelling unit on the subject parcel in a Coastal Hazard Area – the Tsunami Wet Area. Therefore, the proposed dwelling group is not in conformance with General Plan Policy 6.2.17,
- General Plan Policy 6.2.18 states: “**6.2.18 Public Services in Coastal Hazard Area – (LCP)** Prohibit utility facilities and service transmission systems in coastal hazard areas unless they are necessary to serve existing residences. (Revised by Res. 81-99). Development of the proposed dwelling group would require new utility facilities and service transmission systems (sewer lateral, water service hook-up, power and phone connections) in Coastal Hazard Areas to serve new residences. The proposed project is therefore inconsistent with Policy 6.2.18, and staff cannot support making the finding of consistency with the County General Plan and LCP.
- General Plan Policy 6.2.18.1 states “**6.2.18.1 Density Calculations – (LCP)** Exclude areas subject to coastal inundation, as defined by geologic hazard assessment or full geologic report, from use for density calculations. (Added by Res. 81-99).” All of the parcel area except for about 4,740 square feet is within the 100-year coastal floodplain. To achieve the minimum density of 4,000 sq.ft. per dwelling unit, a two-unit dwelling group in the RB district requires 8,000 sq.ft. of parcel area. The 8,000 square foot. of parcel area could be achieved only by including areas subject to coastal inundation. Therefore, the proposed two-unit dwelling group would not be in conformance with General Plan Policy 6.2.18.1.

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

- (d) CEQA Conformance. The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding is not applicable\_in that the project cannot be recommended for approval and,



therefore, conformance with the California Environmental Quality Act (CEQA) is not required.

- (e) Utilities and Traffic Impacts. The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed second primary dwelling with attached ADU and carport would add one residential unit on an existing developed lot. The expected level of traffic generated by the proposed project would be anticipated to be only one peak trip per day (1 peak trip per dwelling unit). Such an increase would not adversely impact existing roads or intersections in the surrounding area. In addition, all construction would comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project will not overload utilities or otherwise result in an inefficient or wasteful use of energy.

- (f) Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding cannot be made, in that the proposed second primary dwelling with attached ADU and carport is not consistent with the land use intensity and density of the neighborhood. Historically, the RB zone district explicitly prohibited two-unit dwellings groups. Additionally, because density was based on net developable site area and excluded flood plain areas and slopes greater than 30%, none of the RB parcels could achieve the density necessary to establish a dwelling group under the previous code. Under the current ordinance, beach and bluff areas are excluded from density calculations. The neighborhood is one of individual one- and two-story single-family dwellings on single-family lots. Therefore, the proposed dwelling group would not be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

- (g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

SB-9 (Government Code Section 65852.21(l)) provides that “Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act” other than to exempt a local agency from being required to hold public hearings for coastal development permit. Thus, SB-9 does not in any way lessen the requirement for proposed projects located within the coastal zone to be consistent with the provisions of the certified Local Coastal Program. However, with respect to the proposed project, a finding of consistency with the provisions of the certified Local Coastal Program cannot be made, in that the proposed project has multiple inconsistencies with Zoning Ordinance and areas of noncompliance with the County General plan that preclude making findings required by SCCC Sections 13.20.110 and 18.10.230. Within the Coastal Zone, the policies of the Local Coastal Program are established as part of the General Plan and implemented by a Zoning Ordinance, which is adapted as part of the LCP. Therefore, all areas of noncompliance with SCCC Chapter 13.10, with the County General Plan and with SCCC

Chapter 18.10 are also areas of noncompliance with the certified Santa Cruz County Local Coastal Program. Therefore, the proposed project is inconsistent with the Santa Cruz County LCP and the required findings cannot be made.

## Site Development Permit Findings

- (a) Siting and Neighborhood Context. The proposed development is designed and located on the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding cannot be made, in that the southeast wall of the proposed structure lacks articulation or vegetative screening and would not harmonize with the physical design aspects of existing and proposed development in the neighborhood, particularly the neighboring dwelling to the southeast.

- (b) Design. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC Chapter 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC Chapter 13.20.

This finding cannot be made due to the unarticulated, two-story northeast wall of the proposed single-family dwelling and lack of landscape screening. The subject property is a “sensitive site” as defined by 13.11.030(I) and is therefore subject to design review. SCCC Section 13.11.070(B)(3), Design Review, states that “reducing impacts on existing adjacent development shall be accomplished by providing adequate transitions in building massing and rooflines, setbacks, and landscape buffering at property lines shared with lower density development.” The proposed project includes a monolithic, two-story planer wall without articulation or relief and no vegetative screening, that looms over the adjoining property on Beach Drive, and as such is inconsistent with the design review policy stated in SCCC Section 13.11.030(I) promoting articulation, minimizing impacts on neighbors and maximizing neighborhood compatibility. The proposed color(s) of this wall were not provided by the applicant.



## County of Santa Cruz

### Community Development & Infrastructure - Planning Division

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Denial of application **241334** (Huber, Kevin and Sandy)

Your Minor Coastal Development Permit has been administratively **denied** by Santa Cruz County Planning, subject to completion of a 14-day appeal period. This denial is not final and cannot be exercised until the appeal period is completed. This decision is appealable by you, or by any other interested person. Any appeal must be filed in writing and be accompanied by the current appeal filing fee.

Following the local appeal period, Coastal Development Permits may also be subject to appeal through the California Coastal Commission, with a 10-working day appeal period from the date that notice of final local action is received by the California Coastal Commission.

Please contact the project planner at (831) 454-3234 or [jerry.busch@santacruzcounty.us](mailto:jerry.busch@santacruzcounty.us) should you have further questions about the processing of your application.