

Exhibit 1D

Appeal of Application 241334 Public Comments

July 14, 2025

From: [Clark, Nolan@Coastal](mailto:Clark.Nolan@Coastal)
To: [Jerry Busch](#)
Cc: khuber@grupehuber.com; Cove Britton; Jocelyn Drake; Graeven, Rainey@Coastal
Subject: 7.23.2025 PC Hearing on 241334
Date: Monday, July 14, 2025 3:41:25 PM
Attachments: [CCC Comments on CDP Application 241334 \(625 Beach Drive\) 7.14.2025.pdf](#)

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Hi Jerry,

Please find the attached comment letter regarding the July 23, 2025 Planning Commission appeal hearing on CDP application 241334 (625 Beach Drive).

Please do not hesitate to contact our office should you have any questions regarding these comments.

Thank you,

Nolan Clark
Coastal Planner

Central Coast District
California Coastal Commission
(831) 427-4863
coastal.ca.gov

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
WEB: WWW.COASTAL.CA.GOV



July 14, 2025

Jerry Busch
Santa Cruz County Community Development and Infrastructure Department (CDID)
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
Sent via email to: Jerry.Busch@santacruzcountyca.gov

Subject: July 23, 2025 Planning Commission Hearing on CDP Application No. 241334 (625 Beach Drive, APN 043-152-54)

Dear Mr. Busch and Planning Commission:

Please accept the following comments on the above-referenced Planning Commission item scheduled for hearing on July 23, 2025, which was recently administratively denied by the Planning Director. Please note that Commission staff previously provided comments on the project (see attached comments dated September 19, 2024), highlighting Local Coastal Program (LCP) consistency issues related to Senate Bill (SB) 9, coastal hazards, maximum allowed density, maximum height, maximum stores, and rooftop decks, among other issues.

Further, we would note the Commission approved an SB 9-implementing LCP amendment on April 11, 2025 which expressly prohibits beach level SB 9 development, and the Board of Supervisors approved these suggested modifications in concept at its June 24, 2025 hearing. A copy of the adopted Commission staff report with suggested modifications is attached herewith for your reference, as well, and we point you specifically to the findings related to coastal hazards and the creation of new building sites in coastal hazards areas, such as at beach level where the subject proposed project would be located (see pages 11-14).

Importantly, SB 9 states that nothing in Government Code Section 65852.21 "shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal act of 1976 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development..." (Gov. Code Section 65852.21(k)). Thus, the proposal must be consistent with the certified LCP, including, for example, Land Use Plan (LUP) Policies 6.2.10 and 6.2.17, which require that all development be sited and designed to avoid or minimize hazards and specifically prohibit "the creation of new building sites, lots, or parcels in areas

County CDP Application 241334

subject to coastal hazards,”¹ and Implementation Plan (IP) Chapters 13.10 (Zoning Regulations) and 16.10 (Geologic Hazards) which implement the same requirements.

Finally, we would note that the project description states that this project would require a minor CDP, and Commission staff respectfully disagrees. While the intent here to harmonize SB 9 and the LCP is clear by utilizing a mechanism to waive the requirement for a public hearing (as noted above), nothing about this project is “minor.” IP Section 13.20.040 defines “minor development” as “with regard to the public hearing requirement for a coastal development permit only, pursuant to Public Resources Code Section 30624.9, a development which the Planning Director determines satisfies all of the following requirements: 1) is consistent with the certified LCP; 2) requires no discretionary approvals other than a coastal development permit; and, 3) has no adverse effect either individually or cumulatively on coastal resources, including public access to the shoreline or along the coast.” In this case, this project is inconsistent with the LCP, as detailed in our comments on the project to date, and as evidenced by the County’s administrative denial of the project. We therefore recommend that the project description be updated to require a regular CDP, albeit with the public hearing requirement waived pursuant to SB 9.

In conclusion, we appreciate County staff’s work on this item. We further concur with the administrative denial of the project, and we urge the Planning Commission to uphold this denial on appeal. Thank you for your consideration.

Sincerely,

DocuSigned by:

77591515633A40D...

Nolan Clark
Coastal Planner
California Coastal Commission

cc: Kevin and Sandy Huber, Applicant
Cove Britton, Applicants’ Representative
Jocelyn Drake, Santa Cruz County CDID

Attachments:

- A. September 19, 2024 CCC staff comments on CDP application 241334
- B. CCC adopted staff report for LCP Amendment LCP-3-SCO-24-0067-3 (SB 9)

¹ IP Section 13.10.700-B defines “building site” as “an area of land occupied by or proposed as a location for a building or for a manufactured or mobile home on a permanent foundation” emphasis added.

From: [Clark, Nolan@Coastal](mailto:Clark.Nolan@Coastal)
To: [Jerry Busch](#)
Cc: [Cove Britton](#)
Subject: CDP Application 241334 - First Routing Comments
Date: Thursday, September 19, 2024 7:04:00 PM

Hi Jerry,

Thank you for the opportunity to comment on the above-referenced Coastal Permit application. Please include these comments as part of the administrative record for this project, and distribute to the applicant and appropriate staff.

Project Description:

The project proposes an approximately 2,500 square foot single-family dwelling (SFD) with attached 364 square foot accessory dwelling unit (ADU), garage, and carport constructed on structural piers with the main floor elevated above the VE Flood elevation, with underfloor enclosed by breakaway walls below. The project site is developed with one SFD, so the proposed project would constitute a two-unit housing development pursuant to Government Code Section 65852.21 ("SB-9"). The project site is designated as a mix of Urban Low Density Residential (R-UL) and Parks, Recreational, and Open Space (O-R), zoned as Single-Family Ocean Beach Residential (RB), and located at beach level at 625 Beach Drive (APN 043-152-54) in the unincorporated community of Aptos.

Comments:

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1. **California Government Code Section 65852.21 ("SB-9").** This application proposes a second single-family dwelling (SFD) with attached accessory dwelling (ADU) unit on a residential parcel where one SFD already exists, thus qualifying as a two-unit housing development under California Government Code Section 65852.21 ("SB-9"). Santa Cruz County does not currently have a certified SB-9 Local Coastal Program (LCP) amendment, and thus the proposal must be reviewed under current LCP provisions. Further, SB-9 states that nothing in Government Code Section 65852.21 "shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commenting with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development..." (Gov. Code Section 65852.21(k)). Thus, the proposal must be consistent with the certified LCP, including, for example, Implementation Plan (IP) Chapters 13.10 (Zoning Regulations) and 16.10 (Geologic Hazards). We also note that the County is currently developing an SB-9 LCP amendment, which would provide specific direction for the proposed project.
2. **Development on Beach Drive.** Development at beach level on Beach Drive (and in other areas in the County such as Las Olas Drive and Potbelly Beach) is sited in an area frequently affected by coastal hazards such as landslides from the coastal bluff above and wave action from the ocean, especially during high wave events and storm surges. Continuing development in this location requires extensive mitigation of

potential hazards in the form of elevating structures and/or shoreline armoring, much of which is inconsistent with the LCP and Coastal Act, and such measures will only be more necessary over time due to sea level rise and climate change and their associated increased coastal hazard risks. Moreover, new development will only further put additional structures and individuals in harm's way, and significant public funds are consistently provided for the repair of damaged private structures. Further, when taken together, the County's LCP and the Coastal Act both discourage the development of beach areas for private uses, and instead encourage the use of beach level shoreline areas such as this for public recreational pursuits. Put another way, new development on Beach Drive would result in adverse coastal resource impacts over the short and long term, and any proposed development that requires multiple variances and is implicitly inconsistent with the LCP should be discouraged. Instead, the County should continue its efforts to plan for this entire stretch of beach level development given these issues, including the potential for phasing out development in this area.

3. **Maximum Density.** IP Section 13.10.323(B)(3)(c) sets the minimum land area per dwelling unit (i.e., the maximum allowed density) in the RB zoning district at 4,000 square feet. In this case, for two units to meet this density requirement, there would need to be 8,000 square feet of developable land available on the subject parcel. IP Section 13.10.323(B)(1) states that "[i]nside 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." As applied to this project site, because the parcel is at beach level (i.e., on the beach) and seaward of the toe of the coastal bluff, there is effectively no developable land area per IP Section 13.10.323(B)(1). Thus, the density requirement of IP Section 13.10.323(B)(3)(c) cannot be met, and the project is inconsistent with the LCP.
4. **Parks, Recreation, and Open Space (O-R) Designation.** According to the Santa Cruz County Geographical Information System (GIS), portions of the project site are designated as Parks, Recreation, and Open Space (O-R), extending into the building site for the proposed SFD. LUP Policy PPF-1.2.1 lists the appropriate uses in the O-R designation, including active recreation uses, outdoor entertainment, and expanded recreation opportunities for the public. The O-R designation does not allow private residential development. The project should be modified to only propose development within the area of the project site designated as R-UL.
5. **Lot Size.** Sheet A0.1 of the proposed project shows the "total lot size" as 22,357 square feet and uses that figure to determine proposed lot coverage and floor area ratio (FAR). However, the County's GIS system shows the Assessor's square footage as 15,115 square feet. Please explain the reason for this discrepancy and/or update the "total lot size" to 15,115 square feet and subsequent lot coverage and FAR calculations accordingly.

6. **Maximum height.** IP Section 13.10.323(C) sets the maximum height allowed for beach parcels at 17 feet in the RB zoning district. The proposed maximum height for the project is ~22 feet. This discrepancy in height is due to the proposal to elevate the structure above base VE flood elevation, as well as proposed design considerations such as high ceilings, sloping roof structures, and a decorative chimney. However, a variance would be required to approve a height above the maximum allowed in the RB zoning district. Please see findings required for variances in IP Section 13.10.230(C). The project should be modified to reduce the proposed variance to the maximum extent feasible.
7. **Maximum stories.** IP Section 13.10.323(C) sets the maximum number of stories for beach parcels at 1 story in the RB zoning district. The proposed number of stories for the project is 2 stories. The reason for this discrepancy is not clear or justified in the project application materials. A variance would be required to approve additional stories in the RB zoning district. Please see findings required for variances in IP Section 13.10.230(C). The project should be modified to remove the second story and conform to the maximum allowed stories for beach parcels in the RB zoning district.
8. **Underfloor Area.** IP Section 13.10.700-U defines “underfloor” as “a non-habitable space between the underside of the first story floor framing and the grade below...to qualify as an 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. Please confirm that the proposed underfloor area conforms to this definition. If the proposed underfloor area does not conform to this definition, it should be considered in determining the proposed FAR.
9. **Rooftop Deck.** The project proposes a rooftop deck. IP Section 13.10.323(F)(1) prohibits second story rooftop decks. This aspect of the project proposal should be removed, and the project plans should be updated accordingly.

Please do not hesitate to contact me should you have any questions regarding these comments.

Thank you,

Nolan Clark
Coastal Planner

Central Coast District
California Coastal Commission
(831) 427-4863
coastal.ca.gov

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
WEB: WWW.COASTAL.CA.GOV

**ADOPTED****F13b****Prepared March 21, 2025 for April 11, 2025 Hearing****To:** Commissioners and Interested Persons**From:** Dan Carl, Central Coast District Director
Nolan Clark, Coastal Planner**Subject: Santa Cruz County LCP Amendment Number LCP-3-SCO-24-0067-3 (SB 9)****SUMMARY OF STAFF RECOMMENDATION**

Santa Cruz County proposes to amend its Local Coastal Program (LCP) Implementation Plan (IP) by adding IP Sections 13.10.327 (Two-unit residential developments) and 13.10.328 (Urban lot splits) to implement the provisions of Senate Bill (SB) 9 in the coastal zone. Broadly, the proposed amendment would allow either: 1) the subdivision of single-family residentially zoned parcels into two parcels and the construction of up to two residential units on each of the created lots; or, 2) up to four residential units total on one lot (with two primary units and two accessory dwelling units) when no subdivision occurs. In other words, a lot that previously only allowed one residence may now allow a total of four units. In these ways, SB 9 seeks to intensify the amount of allowed residential development within urbanized areas zoned for single-family residential use in California as a means of helping to address the state's housing – particularly affordable housing – crisis, a crisis that is particularly acute in the coastal zone, and perhaps even more acute in Santa Cruz County, which has one of the most expensive housing markets in the entire country. In general, the expected outcome of such a program is residential densification and intensification of use in such single-family zoned urban residential areas.

Single-family residential zoning comprises the bulk of many jurisdictions' coastal zone, and thus these areas are often seen as an opportunity where increased density can help to meet housing goals, which is exactly what SB 9 envisions. To be clear, SB 9's approach in that respect is not so different from the Coastal Act requirement to direct new development into existing developed areas with infrastructure and facilities able to handle it, including as a means of avoiding coastal resource impact issues in other less urbanized – and by extension typically more resource rich – areas. At the same time, however, not every single-family residential zoned urban area is homogenously free of coastal resource impact concerns, which are handled by the Coastal Act's resource protection provisions. And SB 9 explicitly only applies in the coastal zone only as long as the development that it accommodates is consistent with the Act (and by extension LCPs). Thus, the focus of SB 9 LCP amendment analysis is making sure that its implementation will not lead to significant coastal resource impacts.

LCP-3-SCO-24-0067-3 (SB 9)

In this case, the vast majority of new residential development that would be fostered by the proposed amendment would best be considered 'infill' development in areas where it is not expected to raise significant coastal resource issues, and the applicable LCP provisions there should be sufficient to address any latent issues that remain (e.g., through required setbacks, heights, square footages, etc.). However, there are two specific areas where densification of this sort could lead to significant adverse coastal resource impacts, namely in terms of development in sensitive habitats and in more hazardous shoreline areas. The County's proposal attempts to disallow SB 9 densification within these areas to a certain degree, but it appears to inadvertently limit such application, including to apply the prohibition to blufftop setback areas but not to the shoreline areas seaward of the blufftop (which are arguably even more hazardous), and allowing for mitigations to make a site eligible. Fortunately, relatively minor modifications can clarify these provisions in a way that the densification proposed does not occur within sensitive habitats or hazardous shoreline areas where significant coastal resource issues are raised, but where such densification is otherwise fostered elsewhere in the County's coastal zone. Importantly, the areas where this densification would not apply are extremely limited relative to the areas to which such provisions would apply, and thus even as modified it is clear that the proposed LCP amendment would provide a valuable LCP tool to help address the housing shortage in Santa Cruz County in a way that also protects significant coastal resources.

In sum, as modified the proposed amendment offers another new LCP tool to help encourage additional housing in a way where it can be accommodated while also avoiding any potentially significant coastal resource impacts. Staff recommends that the Commission approve the amendment as modified, where the County has indicated it is in agreement with the staff recommendation. The required motions and resolutions are found on page 4 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on February 11, 2025. The proposed amendment affects LCP's IP, and the 60-working-day action deadline is May 8, 2025. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until May 8, 2025 to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Time Extension Motion: I move that the Commission extend the time limit to act on Santa Cruz County Local Coastal Program Amendment Number LCP-3-SCO-24-0067-3 to May 8, 2026, and I recommend a yes vote.

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EXHIBITS

- Exhibit 1: Proposed IP Amendment
- Exhibit 2: Proposed IP Amendment with Suggested Modifications
- Exhibit 3: SB 9 Eligibility Map

CORRESPONDENCE

1. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. The Commission needs to make two motions on the IP amendment in order to act on this recommendation.

A. Deny the IP Amendment as submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the Implementation Plan Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission reject the Implementation Plan Amendment LCP-3-SCO-24-0067-3 as submitted by Santa Cruz County, and I recommend a yes vote.*

Resolution to Deny: *The Commission hereby denies certification of LCP Amendment Number LCP-3-SCO-24-0067-3 as submitted by Santa Cruz County and adopts the findings set forth below on grounds that the Implementation Plan Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.*

B. Certify the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the Implementation Plan Amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present:

Motion: *I move that the Commission certify LCP Amendment Number LCP-3-SCO-24-0067-3 as submitted by Santa Cruz County if it is modified as suggested in this staff report, and I recommend a yes vote.*

Resolution to Certify: *The Commission hereby certifies LCP Amendment Number LCP-3-SCO-24-0067-3, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

2. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed Implementation Plan amendment, which is necessary to make the requisite Land Use Plan consistency findings. If Santa Cruz County accepts the suggested modification within six months of Commission action (i.e., by October 11, 2025), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in underline format denotes proposed text to be deleted/added by the County. Red text in ~~double cross-out~~ and double underline denotes text to be deleted/added by the Commission. **See Exhibit 2 for specific suggested modifications in context.**

3. FINDINGS AND DECLARATIONS

A. Senate Bill 9

The State of California is experiencing a critical shortage of affordable housing. In recognition of this shortage, the state Legislature has passed numerous laws in recent years aimed at increasing construction of housing units, and preferably affordable units. State Senate Bill (SB) 9, which took effect January 1, 2022, is one of those new state laws,¹ and it established a series of new regulations to allow for ministerial approval (i.e., without discretionary review or hearing) of two residential units on one parcel and/or urban lot splits² on parcels located in urban single-family residential zones. Broadly speaking, SB 9 seeks to intensify the amount of allowed residential development within urbanized areas zoned for single-family residential use in California as a means of helping to address the state's housing – particularly affordable housing – crisis, a crisis that is particularly acute in the coastal zone, and perhaps even more acute in Santa Cruz County, which has one of the most expensive housing markets in the entire country. This is specifically achieved by either: 1) the subdivision of single-family residentially zoned parcels into two parcels and the construction of up to two residential units on each of the created lots; or, 2) up to four residential units total on one lot (with two primary units and two accessory dwelling units) where no subdivision occurs. In other words, a lot that previously only allowed one residence may now allow a total of four units, if applicable criteria are met. The intent is to facilitate additional housing opportunities in urban areas previously zoned solely for one residential unit. In many coastal jurisdictions, such single-family zoning comprises the bulk of its coastal zone area, and thus these areas represent places of opportunity for residential densification that could help meet affordable and market rate housing goals.

¹ SB 9 added Government Code Sections 65852.21 and 66411.7, and amended Government Code Section 66452.6.

² Limited to lot splits that create no more than two new parcels of approximately equal area, where one parcel cannot be smaller than 40% of the original parcel proposed for subdivision, and where both newly created parcels cannot be smaller than 1,200 square feet (and a local agency may adopt a smaller minimum lot size).

LCP-3-SCO-24-0067-3 (SB 9)

SB 9 includes specific criteria, and provides that local governments may impose their own additional objective standards so long as these standards do not have the effect of physically precluding the construction of up to two units of at least 800 square feet each. The specific criteria in SB 9 include, but are not limited to:

- Off-street parking for new residential units is not required if the units are located within one-half mile of a high-quality transit corridor or within one block of a car share vehicle.³
- New residential units are prohibited within high fire hazards, designated historic properties, and affordable housing units.
- New residential units cannot be used as short-term rentals (i.e., rentals must be for a term longer than 30 days).
- Accessory dwelling units (ADUs) or junior ADUs (JADUs) may be prohibited on parcels where both a second unit is added and the lot is split.
- New residential units and/or lot splits may be denied if they would have an adverse impact on public health and safety or the physical environment, and for which there is no feasible mitigation.
- Lot splits must also comply with the Subdivision Map Act, except as otherwise expressly provided in SB 9, and applicants must occupy one of the housing units as their principal residence for a minimum of 3 years.

Importantly, and notably for coastal resource purposes, SB 9 includes a Coastal Act 'savings clause' that states that it shall not be construed to supersede or lessen the effect of the Coastal Act, except that local governments may not hold public hearings for new residential units and/or lot splits.⁴ This means that, aside from CDP public hearing requirements, projects utilizing SB 9's provisions must still be consistent with the Coastal Act and/or Local Coastal Programs (LCP) implementing the Coastal Act. Put another way, SB 9 explicitly only applies in the coastal zone as long as the development that it accommodates is consistent with the Act (and by extension LCPs). Thus, the focus of SB 9 LCP amendment analysis is making sure that its implementation will not lead to significant coastal resource impacts.

³ Where "high-quality transit corridor" is defined as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours (see Public Resources Code Section 21155(b)), and "car share vehicle" is defined as a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service (see Vehicle Code Section 22507.1(d)).

⁴ The SB 9 public hearing limitation does not extend to the Coastal Commission, and the Commission can hold public hearing for new residential units and/or lots, whether for projects located in the Commission's original CDP jurisdiction, a Commission consolidated CDP, or for projects appealed to the Commission from a local government CDP action.

B. Description of Proposed LCP amendment

Santa Cruz County proposes to amend the Implementation Plan (IP) component of its LCP to add regulations to implement the provisions of SB 9. Specifically, the County proposes to amend IP Chapter 13.10 by adding SB 9-related provisions, including the following:

- SB 9 (i.e., Government Code Sections 65852.21 and 66411.7) would govern over the proposed LCP provisions in the case of a conflict.
- SB 9 development would be allowed to be located within the Special Use (SU),⁵ Single-Family Residential (R-1), Residential Agricultural (RA), Single-Family Ocean Beach Residential (RB), and Rural Residential (RR) zoning districts.
- SB 9 development would not require a public hearing.
- SB 9 residential units would be required to comply with setback, height, lot coverage, and floor area ratio standards applicable to the base residential zoning district where the units are located, except that side and rear-yard setbacks could be no more than a maximum of 4 feet.
- SB 9 development would be prohibited within the LCP-required 100-year coastal blufftop erosion stability envelope, established without the reliance on any proposed or existing shoreline armoring.⁶
- SB 9 development would be prohibited within environmentally sensitive habitat areas (ESHA) and their required setbacks/buffers.⁷
- SB 9 development would be allowed within 100-year flood hazard areas and floodways only if the flood hazard is adequately mitigated.
- SB 9 development would be allowed within State Response Areas,⁸ including those areas considered moderate, high, or very high fire severity zones, only if the area is not a Critical Fire Hazard Area and risks are appropriately mitigated.
- SB 9 development would be allowed within Watsonville Municipal Airport Safety Zones only if it complies with the standards and maximum densities allowed therein.

⁵ A parcel within the SU zoning district must have an underlying single-family residential LCP Land Use Plan (LUP) land use designation in order to be eligible.

⁶ Although located in a proposed section that refers to applying “state and local mitigation” to such areas to be eligible, the actual proposed text is clear, and County staff confirms that the intent is a prohibition in these areas.

⁷ See footnote 6.

⁸ State Responsibility Areas (SRA) are recognized by the California Board of Forestry and Fire Protection as areas where Cal Fire is the primary emergency response agency.

In sum, the amendment largely tracks the requirements of SB 9 itself, but with the specific coastal zone and Santa Cruz coastal resource context applied. See **Exhibit 1** for the proposed IP amendment text.

C. Evaluation of Proposed LCP Amendment

Standard of Review

The proposed amendment affects the LCP's IP, and the standard of review for IP amendments is that they must be consistent with and adequate to carry out the certified LUP. Should there be any question of interpretation related to these LUP provisions, the LCP explicitly requires that the Coastal Act govern, stating:⁹

In any case in which the interpretation or application of an LCP policy is unclear, as that policy may relate to a particular development application or project, the application or interpretation of the policy which most clearly conforms to the relevant Coastal Act policy shall be utilized.

Similarly, should there be any question of appropriate LCP interpretation, courts have also previously held that LCP provisions must be understood in relation to the relevant Coastal Act section or sections from which a specific LCP provision derives its authority.¹⁰ As relevant here, the Coastal Act only allows new development where it will not rely on shoreline armoring (see Section 30253)¹¹ and only allows resource-dependent development (e.g., habitat restoration, scientific research/education, low-impact interpretive trails, etc.) in ESHA that doesn't in any way lead to significant disruption of ESHA habitat values (see Section 30240).¹²

Applicable Land Use Plan Provisions

Broadly, the LUP seeks to provide for infill development in urban areas with adequate services/facilities and in a manner that protects and preserves coastal resources, similar to the Coastal Act (see Section 30250).¹³ In addition, the LUP contains objectives,

⁹ See LUP Chapter 1, "Interpretation" Section.

¹⁰ See, for example, *McAllister v. Cal. Coastal Com'n* (2008) 169 Cal.App.4th 912, 930-932 (discussed further below), which held that: "Although local governments are responsible for drafting the 'precise content' of their local coastal programs, those subdivisions must, at a minimum, conform to and not conflict with the resource management standards and policies of the [Coastal] Act," and as such, any ambiguities must be interpreted as being consistent with the Coastal Act standards.

¹¹ Section 30253 states, in applicable part, that "**New development shall...Assure stability and structural integrity**, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area **or in any way require the construction of protective devices** that would substantially alter natural landforms along bluffs and cliffs" (emphasis added).

¹² Section 30240 states that "(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."

¹³ Section 30250 states, in applicable part, that "New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate

policies, and implementation strategies that specifically encourage a mix of housing types clustered together in existing developed neighborhoods, for example:

LUP Policy BE-1.1.4: Siting New Development. Require new urban residential, commercial, or industrial development to locate within, next to, or near existing developed areas with adequate public services and where development will not have significant adverse effects on agricultural land or natural resources.

LUP Objective BE-2.1: Urban Residential Designations. To offer urban residential land use designations that allow for a diverse range of single and multifamily housing types, with higher-density development along multimodal corridors, within activity centers, and on key opportunity sites.

Additionally, the LUP includes provisions specifically protecting coastal bluffs and requiring that development be safe from coastal hazards risk through appropriate setbacks (for a minimum 100 years of site stability, or a minimum of 25 feet from the bluff edge, whichever is a greater distance) without shoreline armoring, for example:

LUP Policy 6.2.10: Site Development to Minimize Hazards. Require all developments to be sited and designed to avoid or minimize hazards as determined by the geologic hazards assessment or geologic and engineering investigations.

LUP Policy 6.2.12: Setbacks from Coastal Bluffs. All development activities, including those which are cantilevered, and non-habitable structures for which a building permit is required, shall be set back a minimum of 25 feet from the top edge of the bluff. A setback greater than 25 feet may be required based on conditions on and adjoining the site. The setback shall be sufficient to provide a stable building site over the 100- year lifetime of the structure, as determined through geologic and/or soil engineering reports. The determination of the minimum 100-year setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed shoreline or coastal bluff protection measures.

LUP Policy 6.2.15: New Development on Existing Lots of Record. Allow development activities in areas subject to storm wave inundation or beach or bluff erosion on existing lots of record, within existing developed neighborhoods, under the following circumstances: (a) A technical report (including a geologic hazards assessment, engineering geology report and/or soil engineering report) demonstrates that the potential hazard can be mitigated over the 100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, and foundation design; (b) Mitigation of the potential hazard is not dependent on shoreline or coastal bluff protection structures, except on lots where both adjacent parcels are already similarly protected; and (c) The owner records a Declaration of Geologic Hazards on the

it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.”

property deed that describes the potential hazard and the level of geologic and/or geotechnical investigation conducted.

LUP Policy 6.2.17: Prohibit New Building Sites in Coastal Hazard Areas. *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.*

Next, the LUP seeks to protect sensitive habitats by allowing only resource-dependent uses within such areas, requiring development otherwise to be adequately set back, requiring that all development avoid significant disruption of habitats, and requiring that any impacts be commensurately mitigated, for example:

LUP Policy ARC-3.1.3: Environmentally Sensitive Habitat Area (ESHA). *[in relevant part] Evaluate sites proposed for development within the coastal zone for the presence of ESHA...Areas confirmed to be ESHA may only be developed for uses dependent on such resources in these habitats within the Coastal Zone, unless other uses are: (1) Consistent with sensitive habitat protection policies and serve a specific purpose beneficial to the public; (2) Determined through environmental review that any adverse impacts on the resource will be completely mitigated and there is no feasible less-damaging alternative; and (3) Legally necessary to allow for a reasonable economic use of the land, and there is no feasible less-damaging alternative.*

LUP Policy ARC-3.1.6: Development Within Sensitive Habitats. *Sensitive habitats shall be protected against any significant disruption of habitat values, and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project that cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.*

LUP Policy ARC-3.3.3: Activities Within Riparian Corridors and Wetlands. *Development activities, land alteration, and vegetation disturbance within riparian corridors and wetlands and required buffers shall be prohibited unless an exception permit is granted per the Riparian Corridor and Wetlands Protection ordinance. As a condition of a riparian exception permit, require evidence of compliance with applicable permit or review requirements of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and other federal or state agencies that may have regulatory authority over activities within riparian corridors and wetlands.*

Finally, the LUP serves to protect and preserve agricultural lands within the County's more rural coastal zone, including through preventing the conversion of agricultural lands to non-agricultural uses, and by reducing conflicts caused by residential development on or in close proximity to agricultural lands, for example:

Objective ARC-1.1: Preserve Commercial Agricultural Land. *To maintain for exclusive agricultural uses those lands identified on the County Agricultural Resources Map as best suited to the commercial production of food, fiber and ornamental crops and livestock, and to prevent conversion of commercial agricultural lands to non-agricultural uses that are not associated with farming and/or are necessary to support the agricultural economy. To recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands.*

LUP Policy ARC-1.4.1: Agricultural Buffers Required. *[in relevant part] In order to prevent or minimize potential land use conflicts, nonagricultural habitable uses such as residences (excluding farmworker housing), habitable accessory structures and non-agricultural commercial businesses that are located on land adjacent to a parcel in the Commercial Agriculture or Agricultural Preserve zone districts are required to provide a 200-foot buffer setback to the property line of the adjacent commercial agricultural parcel...*

LUP Policy ARC-1.4.5: Siting to Minimize Conflicts. *Structures shall be sited to minimize possible conflicts with productive commercial agricultural lands in the area. Where structures are located on commercial agricultural land, the structures shall be sited in such a manner to remove as little land as possible from production while still meeting supportable project objectives.*

Consistency Analysis

Generally speaking, SB 9 represents a fairly significant shift in traditional land use planning as it relates to single-family residential zoning, which historically has stood for one residential unit per lot. This shift reflects a growing awareness that the application of single-family zoning to broad swaths of what is typically the most developable land in our communities leaves little land left for additional growth when such growth is needed, and instead commits these areas to traditional single-family homes, often on larger lots. Such a shift is consistent with recent planning and legislation trends (including the recent encouragement by the State for accessory dwelling units in single-family residential areas) that aim to respond to growing housing shortages in certain areas of the country, California in particular. In California's coastal areas, the housing shortages and inequities are particularly acute given the high cost of land and favorable living conditions. Housing, like most forms of development, can run up against important and protected coastal resources, including public recreational areas, sensitive habitats, agricultural lands, and coastal visitor-serving areas. This potential tension in the coastal zone between housing development and protection of coastal resources can be avoided, and both priorities advanced, by harmonizing State laws such as SB 9 with Coastal Act and LCP coastal resource protection requirements. In this case, most areas of the County's coastal zone appear to be suitable for the type of additional development that would be facilitated, especially its many urbanized areas with adequate services and generally few to no coastal resource issues.

In general, the expected outcome of the proposed amendment is residential densification and intensification of use in these urban single-family residentially zoned

areas. Such an approach is aligned with Coastal Act and LCP direction to funnel new development into existing developed areas with infrastructure and facilities able to handle it,¹⁴ including as a means of avoiding coastal resource impact issues in other less urbanized – and by extension typically more resource rich – areas. And it also attempts to make better use of the coastal zone’s single-family residential areas, recognizing that conventional single-family residential land use practices and development, especially as it relates to large lot single-family development, can limit the amount of housing stock that can be developed. Thus, SB 9 goals are generally in harmony with Coastal Act/LCP goals that foster infill development, and in particular it attempts to do so by providing tools that can help to change long-standing practices associated with single-family residential development, and to make better collective use of such residential areas in a way that can accommodate more housing. In the state’s current housing crisis, providing more housing opportunities in already developed communities is key, particularly in the urban coastal zone where not doing so may put more pressure to build housing in outlying/peripheral areas that could lead to concerns regarding more sensitive rural, agricultural, and natural lands.

At the same time, however, not every single-family residential zoned urban area is homogenously free of coastal resource impact concerns, which is why application of Coastal Act and LCP resource protection provisions remains important. In this case, the vast majority of new residential development that would be fostered by the proposed amendment would best be considered ‘infill’ development in areas where it is not expected to raise significant coastal resource issues, and the applicable LCP provisions there should be sufficient to address any latent issues that remain (e.g., through required setbacks, heights, square footages, etc.). In fact, the areas in the County where SB 9 development would be allowed are primarily urban in nature and essentially ‘built out’, and the proposed provisions largely track SB 9 limitations (associated with avoiding historic properties, high fire hazard zones, affordable housing units, short-term rental use, and parcels less than 1,200 square feet in size). The amendment also provides additional specificity related to development standards, ensuring that all new development comply with the height, lot coverage, and maximum building area standards for single-family residential zones (with some reductions in certain yard setbacks to accommodate the envisioned densification of housing). And finally, the amendment makes clear that, within the coastal zone, such development must still comply with the Coastal Act and applicable LCP policies, including in terms of CDP requirements. Thus, at a broad level, providing for additional infill development within the County’s single-family residentially zoned neighborhoods should not raise significant coastal resource issues, and any issues can be appropriately addressed by fairly standard LCP requirements (e.g., setbacks, heights, coverage, etc.).

However, there are two specific areas where densification of the sort envisioned could lead to significant adverse coastal resource impacts, namely in terms of development in sensitive habitats and in hazardous shoreline areas. The County’s proposal attempts to disallow SB 9 densification within these areas to a certain degree, but it appears to inadvertently limit such application, including to apply the prohibition to blufftop setback

¹⁴ See, for example, Coastal Act Section 30250 and LUP Policy BE-1.1.4.

areas but not to the shoreline areas seaward of the blufftop (which are arguably even more hazardous), and allowing for mitigations to make a site eligible.

With respect to coastal hazards, although the amendment as proposed does require that all SB 9 development (including both additional units and urban lot splits) be located outside (i.e., inland) of the LCP-required 100-year site stability setback from the top edge of a coastal bluff without the reliance on any existing or proposed shoreline armoring, the language and framing of this requirement is unclear as proposed for several reasons. First, the proposed amendment establishes what can be understood as three types of parcels under the SB 9 construct: 1) those parcels ineligible for SB 9 development due to site-specific constraints, including those listed above pursuant to SB 9 (e.g., in historic districts, within critical fire hazard areas, etc.) (see proposed IP Section 13.10.327(C)(3) in **Exhibit 1**); 2) those parcels eligible for SB 9 development only when sufficient state and local mitigation is included in the development proposal (e.g., in State-identified fire response areas, in County-identified airport safety zones, within the 100-year flood plain, etc.) (see proposed IP Section 13.10.327(C)(4) in **Exhibit 1**); and, 3) those parcels eligible for SB 9 development without any restrictions other than those already required by SB 9 and the LCP (e.g., a single-family residentially zoned parcel in an urban infill area). Within this construct, the language that provides the requirement to be sited outside of the 100-year site stability setback from the top edge of a coastal bluff is proposed as a scenario requiring mitigation (i.e., the second type of area in the list above). However, the LUP is clear that no development, including lot splits that might create buildable areas, is allowed on blufftops seaward of the minimum required 100-year setback line (see LUP Policy 6.2.12), where this requirement is intended to allow for development that will not lead to shoreline armoring and its attendant impacts on beaches and shoreline area resources. As a result, the proposed IP language is inconsistent with the LUP on this point (see, again, LUP Policy 6.2.12). Fortunately, this can be readily rectified by clarifying the language and moving it to the ineligible list (see page 2 of **Exhibit 2**), thus bringing the proposed IP into consistency with the LUP on this point.¹⁵

Second, while the proposed amendment, as modified above, does well to ensure that allowable SB 9 development sited on coastal bluffs must meet safety setbacks without reliance on shoreline armoring, the amendment does not consider several locations along the County's shoreline where development is currently sited at beach level seaward of the coastal bluff,¹⁶ which is potentially an even more precarious location for new development, and certainly for denser residential development. In such locations, residential development is sandwiched between an eroding coastal bluff and the beach/ocean. This pattern of development has resulted in a situation where many private homes, public roads, and public infrastructure have historically been impacted by both wave action (during high tide and large storm and swell events) as well as by

¹⁵ Again, as described above, County staff confirms that the intent was to have a prohibition in these areas, so this helps to more clearly implement the County's objectives.

¹⁶ Within the County's Santa Cruz and Watsonville Census Urban Areas (where SB 9 development is allowed pursuant to State law), these areas consist of beach level residential parcels at Potbelly Beach Road, Las Olas Drive, Beach Drive, Via Gaviota, and Oceanview Drive, each of which pre-date the Coastal Act.

bluff sloughing, and even landslides, including during heavy rain and runoff events. Put another way, these beach-level parcels can face coastal hazards from both inland and seaward forces, and an increase in residential density in these areas would only expose more residents and development to significant risk. As proposed, these IP provisions that would facilitate SB 9 densification and development on these beach level areas and would be inconsistent with the LUP (see, LUP Policies 6.2.10 and 6.2.17).

Fortunately, the LUP speaks specifically to this type of scenario, and these issues can be easily remedied. Notably, LUP Policy 6.2.10 requires that all development be sited and designed to avoid or minimize hazards, and LUP Policy 6.2.17 specifically prohibits “the creation of new building sites, lots, or parcels in areas subject to coastal hazards.”¹⁷ In other words, the LCP requires that all development avoid and minimize risk, and also prohibits the creation of new building sites, lots, or parcels in coastal hazards areas, including sites proposed as locations for new development, in order to do so. And while in most cases development proposed pursuant to SB 9 will serve the statewide and local goals of densification and providing mixed housing types for all income levels in urban areas that face no such risk, allowing SB 9 development in these beach-level areas, where coastal hazards risks are inherently maximized, would only place more individuals and residential development at risk, and usually at great private and public expense. Therefore, to achieve LUP consistency, and to appropriately align state climate adaptation policy and state housing policy, Coastal Hazards Areas,¹⁸ including seaward of and on/adjacent to coastal bluffs (except in cases where the 100-year setback can be met as discussed above), need to be added to the ineligible list as well (see page 2 of **Exhibit 2**).

As to ESHA, the proposed amendment language is similarly unclear. First, proposed IP Section 13.10.327(C)(4)(b) is specific to “Coastal bluffs within the Coastal Zone” and requires, in addition to the 100-year stability setback described above, that all SB 9 development meet the requirements for allowing only resource dependent uses within ESHA. In effect, this should prohibit SB 9 development in ESHA, as residential development is not a resource dependent use in the context of ESHA.¹⁹ However, one could interpret this section of the proposed amendment as only pertaining to coastal bluffs within the coastal zone that are also ESHA. The LUP requires that all ESHA be protected, including through proper setbacks and buffers from sensitive habitat, riparian corridors, and wetlands, regardless of whether it is located on a coastal bluff (and, in fact, most of the County’s coastal zone ESHA is not located on coastal bluffs). Thus, as

¹⁷ Although the LUP does not define “building site”, IP Section 13.10.700-B defines “building site” as “an area of land occupied by or proposed as a location for a building or for a manufactured or mobile home on a permanent foundation” (emphasis added).

¹⁸ The LCP defines Coastal Hazard Areas as “areas which are subject to physical hazards as a result of coastal processes such as landsliding, erosion of a coastal bluff, and inundation or erosion of a beach by wave action.”

¹⁹ Although the LUP does not define “resource dependent use”, IP Section 16.32.040 defines “resource dependent use” as “any development or use which requires utilization of a natural resource and must be sited within a sensitive habitat in order to be able to function at all, such as a fish hatchery.” Further, IP Section 16.32.090 lists the types of allowed uses within sensitive habitat and includes nature study and research, nature observation, recreational uses, aquaculture, among others, but does not include residential uses.

proposed, the language is inconsistent with the LUP (see, for example, LUP Policies ARC-3.1.3, ARC-3.1.6, and ARC-3.3.3). Fortunately, this, too, is easily remedied with suggested modifications that ensures that all coastal zone ESHA is protected against unallowable residential development projects (see pages 2 and 3 of **Exhibit 2**).²⁰ Importantly, these suggested modifications still allow SB 9 development on parcels where ESHA may be present, so long as the proposed development (e.g., the new building sites for additional units) is not sited within ESHA or required ESHA buffers. In other words, similar to how one single-family residence must avoid ESHA impacts, so too must additional units or lot splits pursued under the provisions of SB 9, as is required by the County's LCP and the Coastal Act.

And, with respect to the Rural Residential (RR), Residential Agricultural (RA), and Special Use (SU) zoning districts within both the County's coastal zone and Census Designated Areas²¹ where the proposal seeks to apply lot split and extra unit densification, these areas too raise some potential issues worth discussing. First, these Rural Residential, Residential Agricultural, and Special Use zoning districts are not single-family residentially zoned properties in the first place, rather these are agricultural (and in the case of Special Use, any type of use) districts. As such, an argument can be made that the provisions of SB 9 do not apply to these properties as its implementation is limited to single-family residentially zoned properties.²² And second, even if they were, such areas are all primarily located in the less densely developed and more rural and agricultural mid- and south-County area between Rio Del Mar and La Selva Beach (see page 1 of **Exhibit 3**). In these locations, the LUP requires that agricultural land is provided the utmost protection through strictly limiting conversion of agricultural land to non-agricultural uses, requiring significant buffers (a minimum of 200 feet; see LUP Policy ARC-1.4.1) between agricultural land and nonagricultural development (such as residential development), by placing stringent siting controls on nonagricultural development so as to minimize any potential impact to agricultural uses and soils, and by balancing any policy conflicts in the favor of preserving agricultural lands (see, for example, LUP Objective ARC-1.1 and Policies 1.4.1 and 1.4.5). Already, isolated pockets of what once was agricultural land in mid- and south-County (e.g., between Rio Del Mar and Highway 1, in the vicinity of La Selva Beach, and west of the City of Watsonville) are threatened by an increasing pattern of residential development, and further residential densification and subdivisions would only accelerate this fracturing of agricultural resources. Providing for additional densification in these areas (i.e., in the RR, RA, and SU districts in proposed IP Section 13.10.327(C)(2)), certainly raise questions of consistency with the directives of SB 9 itself for where two unit developments and lot splits are envisioned to occur under State law, as well as the previously described LUP directives for preserving agricultural lands and resources.

²⁰ Again, speaking to the County's intent on this issue.

²¹ Government Code Sections 65852.21(a)(1) and 66411.7(a)(3)(B) delineate where SB 9 development is allowed based on Census Designated Urban Areas, in addition to the other eligibility requirements described herein throughout.

²² See, for example, HCD guidance on this point: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/sb-9-fact-sheet.pdf>.

That all said, County staff provided important additional information regarding on-the-ground context for each of these districts in the coastal zone. Specifically, County staff showed that the applicable RR and RA areas in this case (i.e., within the United States Census Designated Urban Area where SB 9 applies) have almost all already been developed with single-family residences on what are essentially larger residential lots, and these areas are already in large measure semi-urban/semi-rural residentially developed areas, and not larger rural/agricultural properties. In other words, allowing for additional housing opportunities through the application of SB 9 provisions in these specific areas would not appear to threaten rural/agricultural resources inconsistent with the LUP. In fact, based on the materials provided by County staff, it appears that additional densification and intensification of housing opportunities in these areas would appear to be possible without significant coastal resource impacts, and where any remnant such issues can be addressed through existing LCP requirements. Thus, while in some other situations applying SB 9 to more rural/agricultural zoning may indeed result in adverse harm to coastal resources, including agricultural resources and stable urban/rural boundaries, the Commission does not believe that such is the case for the specific RR and RA sites in Santa Cruz County. The proposed amendment's inclusion of the RR and RA zoning as SB 9 eligible can be found LUP consistent in this case.

As to the SU zone, this is an LCP zoning district that allows for a variety of development types, and generally applies to larger sites where future planning was deemed necessary, often because of known or perceived constraints to development.²³ Put another way, SU sites in the County typically apply to more controversial and constrained sites. And, importantly, any uses are allowed in SU sites (per IP Section 13.10.382(A)(2)). As a result, one could certainly argue that the SU zone should be excluded from SB 9 eligibility, mostly due to the fact that these are the types of areas that require significant analysis under the LCP to ensure coastal resource protection, and where there can be unknown constraints. However, like the RR and RA discussion above, County staff also provided additional information about the specific SU properties within the coastal zone and within the Census Urban Area that are also designated in the LUP for single-family residential development, and this applied to only two sites, where these sites were located in quite urban settings and where residential densification/intensification of the type imagined by SB 9 would not be expected to result in significant coastal resource impacts. Thus, and again, while in certain circumstances it may be inappropriate to apply SB 9 provisions to certain non-single-family residential zones, it is clear that the on-the-ground reality in this case is different,

²³ Per IP Section 13.10.381, the SU district is meant to achieve the following purposes: "(A) General. To provide for and regulate the use of land for which flexibility of use and regulation are necessary to ensure consistency with the General Plan, and to encourage the planning of large parcels to achieve integrated design of major developments, good land use planning, and protection of open space, resource, and environmental values. (B) Lands with a Variety of Physical Constraints. To provide for the development of lands with a variety of physical hazard constraints or about which there is a lack of sufficient information about the particular characteristics of the land or where some unusual feature of the known characteristics of the land precludes effective use and regulation of such land under any other zone district. (C) Mixed Uses. To provide for the development of lands which are designated on the General Plan for mixed uses, and where the specific portions of the land reserved for each use have not yet been specified or determined in detail."

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and thus warrants a different approach. Thus, the proposed SU zone too can be found LUP compliant in this case.

All told, these suggested modifications serve to promote sustainable SB 9 development by clearly defining the areas in the County's coastal zone where increased residential development is not expected to have adverse coastal resource impacts, including in terms of coastal hazards and ESHA. Importantly, these modifications support and augment certain County intentions, and further protect valuable and significant coastal resources not covered by the proposed amendment but that require protection under the LUP. Notably, the areas where these site restrictions for SB 9 development apply represent just a small sliver of the overall land potentially eligible for SB 9 development in the County's coastal zone (and in fact, only affect coastal hazards areas seaward of coastal bluffs and ESHA; again, see **Exhibit 3**) and do not conflict with the broader SB 9 goals of increased residential densification where such development can occur without impacts to significant coastal resources.

In addition, several additional modifications are also made to ensure LUP consistency, including clarifying that proposed IP Section 13.10.327(C)(4)(c) only applies outside of the coastal zone (because Santa Cruz County Code Chapter 16.13 (Flood Management Regulations) is not part of the County's LCP);²⁴ ensuring that only legally created parcels are allowed to avail themselves of SB 9-related measures; clarifying building setback requirements for existing structures; specifying that public hearings are not required for permit approval, rather than permit issuance, given appealability provisions; and, adding references to the LCP throughout the proposed amendment to ensure projects are consistent with the LCP in addition to other prevailing laws and provisions (e.g., the Subdivision Map Act, Santa Cruz County Code, etc.).

Finally, the proposed conflict resolution sections (see proposed IP Sections 13.10.327(A) and 13.10.328(A) in **Exhibit 1**) indicates that the Government Code takes precedence over the LCP in cases of conflict. However, this LCP amendment and the analysis in this report not only represent the embodiment of SB 9 as applied to unincorporated coastal Santa Cruz County, and can stand on its own without any SB 9-related ruling hierarchy, but also SB 9 includes the Coastal Act 'savings clause' that does not allow it to supersede or lessen the effect of the Coastal Act. In any case, it is also true that the proposed conflict resolution sections are actually unnecessary inasmuch the LCP already includes conflict resolution provisions. Thus, the most appropriate way to handle any conflicts is via those already certified provisions, and modifications are suggested (see **Exhibit 2**) that remove these proposed conflict resolution sections in their entirety. Should the Government Code change in the future, then the LCP can adapt, but it would adapt within the LCP amendment context.

In sum, as modified the proposed amendment offers another new LCP tool to help encourage additional housing in a way where it can be accommodated while also avoiding any potentially significant coastal resource impacts, and the suggested

²⁴ Santa Cruz County Code Chapter 16.13 (Floodplain Management Regulations) was proposed to be incorporated into the County's IP via LCP amendment LCP-3-SCO-20-0067-2, but the County did not accept the suggested modifications necessary to certify the amendment and thus it was not added to the IP.

modifications should be understood as refinements and clarifications in this regard. The County has indicated that it is in agreement with the modifications. Accordingly, for all of the reasons above, the IP amendment with the suggested modifications can be found consistent with the certified LUP.

D. California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the County exempted the proposed amendment from environmental review, determining that preparing an ordinance to implement the provisions of SB 9 are statutorily exempt from CEQA (citing CEQA Section 21080.17, CEQA Guidelines Section 15282(h), and Government Code Sections 65852.21(j) and 66411.7(n)).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein. Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. Thus, the proposed LCP amendment as modified will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
WEB: WWW.COASTAL.CA.GOV



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Exhibit 2: Proposed IP Amendment with Suggested Modifications

Exhibit 3: SB 9 Eligibility Map

SECTION I

Section 13.10.327 is hereby added to the Santa Cruz County Code, to read as follows:

13.10.327 Two-unit residential developments.

- (A) General Purposes. The purpose of this section is to provide for two-unit residential developments, pursuant to Government Code Section 65852.21. These regulations in this section are promulgated in order to preserve public health, safety and general welfare of the people and environment of the County of Santa Cruz, and to promote orderly growth and development. In cases where a provision of this section directly conflicts with Government Code Section 65852.21, the Government Code shall govern over the conflicting provision, but the remaining provisions shall remain and be given full force and effect.
- (B) Definitions. Solely for the purposes of this section, the following words and phrases shall have the following definitions.
- (1) “Census Urban Area” means an urbanized area or urban cluster, as designated by the United States Census Bureau and as mapped in the County Geographic Information System (GIS).
 - (2) “Dwelling Unit” shall have the same meaning as defined in SCCC 13.10.700-D.
 - (3) “Major Transit Stop,” as defined in Public Resources Code Section 21064.3, means a site containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - (4) “Primary Dwelling Unit,” means one single-family or multi-family residential unit designated on a single parcel, as defined in the definition of “Dwelling Unit” in SCCC 13.10.700-D.
- (C) Property Eligibility Requirements.
- (1) An eligible parcel shall be located wholly within a Census Urban Area.
 - (2) An eligible parcel shall only be located within the SU, R-1, RA, RB, or RR zone districts. A parcel within the SU zone district must have an underlying single family residential General Plan land use designation, including R-MT, R-R, R-S, R-UVL, R-UL, R-UM, or R-UH, to be eligible.
 - (3) An eligible site shall not be in:
 - (a) Areas identified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Government Code Section 65913.4.

- (b) Historic district or property included on the State Historic Resources Inventory or designated or listed as a County historic property or historic district in the County's Historic Resources Inventory.
 - (c) Critical fire hazard area, as defined in SCCC 12.01.040.
- (4) A parcel located in any of the following areas as identified in the County General Plan/Local Coastal Program or County Code requires sufficient state and local mitigation to be eligible under this section.
- (a) Geologic Hazards, as defined in SCCC 16.10.040(T). Parcels within these areas may be required to provide a geologic hazard assessment pursuant to SCCC 16.10.050(B).
 - (b) Coastal bluffs within the Coastal Zone. Parcels within these areas are only eligible if they are compliant with 100-year bluff erosion stability setback, without the reliance on any proposed or existing coastal armoring, consistent with SCCC 16.10.070(H)(1) and (7), and meet requirements for only allowing resource-dependent uses within Environmentally Sensitive Habitat Area (ESHA), consistent with SCCC 16.32.090(C)(1).
 - (c) 100-year flood hazard areas and floodways, as defined in SCCC 16.13. Parcels within these areas are only eligible if the flood hazards and floodways are mitigated pursuant to SCCC 16.13.
 - (d) State Response Areas (SRAs), including very high, high, and moderate fire severity zones, as mapped by the California Department of Forestry and Fire Protection (CAL FIRE) and the California Board of Forestry and Fire Protection. Parcels within these areas are only eligible if mitigation is provided in compliance with Government Code Section 65913.4(a)(6)(D) and the parcel is located outside Critical Fire hazard areas.
 - (e) Airport Safety Zones. Parcels within these areas are only eligible if they are compliant with standards and maximum densities established by SCCC 13.12.
 - (f) Sensitive habitat areas and their buffers shall be protected pursuant to Title 16. A biotic approval through the biotic review process outlined in SCCC Chapter 16.32 shall be obtained in order to establish appropriate development areas.
- (5) No Ellis Act (Government Code Section 7060 et seq.) evictions(s) have occurred for any existing housing on the parcel in the 15 years prior to submittal of the application.

(D) Project Requirements.

- (1) For two-unit residential development only, the project shall contain no more than two primary residential units on a single parcel, plus accessory dwelling units (ADUs) or

junior ADUs (JADUs) consistent with SCCC 13.10.681. The total number of units (primary units, ADUs and JADUs combined) may not exceed four units on a single parcel. ADUs and JADUs included in two-unit residential development must comply with the County ADU regulations.

- (2) The project will not require demolition or alteration of any the following types of housing:
 - (a) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (b) Housing that is subject to any form of rent or price control.
 - (c) Housing that has been occupied by a tenant (whether rent paying or not) in the last three years.
- (3) All new rental units resulting from any two-unit residential development project shall be rented long term (greater than 30 days).

(E) Objective Development Standards. 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. In the event that a standard is reduced, the reduction shall be the minimum required to accommodate the unit.

- (1) Residential Structure Type.
 - (a) Attached single-family, detached single-family or multi-family duplex structures are allowed for two-unit residential developments. Duplexes may include either two primary units, or a primary unit and one ADU, or a primary unit and one JADU.
 - (b) Mobile homes are allowed for two-unit residential developments compliant with the adopted California Building Code. A mobile home is required to be less than 10 years old and placed on a permanent foundation.
 - (c) Tiny Homes on Wheels (THOW) are allowed for two-unit residential developments as a primary dwelling unit or an ADU pursuant to SCCC 13.10.680.
 - (d) Existing ADUs on a parcel may be converted into a primary dwelling unit. If an ADU is to be converted, the maximum number of two primary dwellings units for a two-unit residential development will be achieved.
 - (e) A combination of three or four units, attached or detached, comprised of primary dwellings plus ADUs and JADUs will be allowed for a two-unit residential development.

- (2) Accessory Structures. Habitable and non-habitable accessory structures shall comply with SCCC 13.10.611.
- (3) Lot Standards.
- (a) For existing development on two-unit residential development applications, no setback is required for an existing structure or for a structure reconstructed in the same location and to the same dimensions as an existing structure.
 - (b) Front yard setback, height, lot coverage, and floor area ratio shall meet the standards of the zoning district in SCCC 13.10.323, except as follows:
 - (i) The minimum side and rear setbacks are four feet, subject to restrictions of any onsite public utility easements.
 - (ii) Pleasure Point standards. Pleasure Point standards shall apply, except if the required 10-foot second story setbacks are infeasible for an 800 square foot dwelling, the setback may be reduced by the minimum necessary to accommodate the proposed project. Side and rear setbacks for the second story shall be no less than four feet. In the event of a conflict, the standards herein shall prevail.
- (4) Parking Standards.
- (a) One off-street parking space is required per dwelling unit, except as follows:
 - (i) If the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Sections 21155 and 21064.3, no parking shall be required.
 - (ii) If the parcel is within one block of a car share vehicle rental location, no parking shall be required.
- (5) Two-unit residential development projects shall meet the following buildability criteria:
- (a) All lots shall have a “Will Serve” letter from a water district or mutual water company, or an Individual Water Service Permit issued by the County Environmental Health Department for a well or other water source prior to issuance of a building permit as described in the current County Lists of Required Information (LORIs).
 - (b) The parcel shall have or qualify for a compliant sewage disposal system, either a septic system sized for the development and approved by the County Environmental Health Department, or a sewer connection provided by the wastewater provider, as applicable.

- (c) If units are connected to an onsite wastewater treatment system (OWTS), the OWTS must meet or be upgraded to meet current standards in compliance with SCCC 7.38.
 - (d) Emergency Vehicle Access. The site access must comply with the fire district access standards applicable to both new and existing roads in SCCC 7.92.503.2.1.
 - (e) Site Safety. The building site shall be free from geologic hazards to the extent that the safety of the proposed development can be ensured. A geological hazards assessment, full geologic report, soils (also called “geotechnical”) report, or hydrologic report may be required to assess or address environmental/safety concerns pursuant to SCCC 16.10.
 - (f) Legal Access. A parcel may not be used as a building site unless it is accessible from a public right-of-way or has legally deeded access.
 - (g) Structures shall comply with required setbacks and buffers from environmentally sensitive habitat areas, geologic hazards, agricultural resource lands, and other environmental protection setbacks as specified in SCCC Title 16 or the setbacks established through a biotic report / geological hazards assessment, respectively.
- (F) Application Procedures.
- (1) Two-unit residential development projects shall be approved ministerially if the application complies with the eligibility requirements and objective development standards herein.
 - (2) Two-unit residential applications must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.
 - (3) Projects in the Coastal Zone.
 - (a) Projects located within the Coastal Zone shall require a Coastal Development Permit pursuant to SCCC 13.20.100, the approval of which is subject to the required findings found in SCCC 13.20.110, except that no public hearing shall be required to issue said permit.
 - (b) Nothing in this chapter shall supersede or in any other way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code) except that the County shall not be required to hold public hearings for coastal development permits for a development pursuant to this section.
 - (4) Basis for Project Denial.

- (a) An application for a two-unit residential development shall be denied if any of the following is found:
- (i) The two-unit residential development fails to comply with any objective development standard imposed by this section. Any such requirement or condition that is the basis for denial shall be specified in writing.
 - (ii) The Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as described in Government Code Section 65589.5(d)(2) and further specified in this section, upon the public health and safety, and if there is no feasible method to satisfactorily mitigate or avoid that specific, adverse impact.
 - (iii) Within the Coastal Zone, the two-unit residential development fails to meet the provisions of this section or the certified Santa Cruz County Local Coastal Program.

SECTION II

Section 13.10.328 is hereby added to the Santa Cruz County Code, to read as follows:

13.10.328 Urban lot split.

- (A) General Purposes. The purpose of this section is to provide for urban lot splits, pursuant to Government Code Section 66411.7. These regulations are provided in order to preserve public health, safety and general welfare of the people and environment of the County of Santa Cruz, and to promote orderly growth and development. In cases where a requirement in this section directly conflicts with Government Code Section 66411.7, the provisions of the Government Code shall govern over the conflicting provision herein, but the remaining provisions shall remain and be given full force and effect.
- (B) Definitions.
- (1) “Urban lot split” means a subdivision of a parcel within a “Single-Family Residential” zone district, as defined, into two parcels pursuant to Government Code Section 66411.7.
 - (2) See SCCC 13.10.327(B) for additional definitions relevant to this section.
- (C) Nothing in this section shall be construed to supersede or in any other way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that the County shall not be required to hold public hearings for coastal development permits for an urban lot split pursuant to this section.

- (1) Urban lot splits located within the Coastal Zone shall require a coastal development permit pursuant to SCCC 13.20.100, the approval of which is subject to the required findings found in SCCC 13.20.110, except that no public hearing shall be required.

(D) Additional Eligibility Requirements for an Urban Lot Split.

- (1) The requirements of SCCC 13.10.327(C) and (D) for two-unit residential developments apply as urban lot split eligibility requirements. Lot splits on parcels requiring mitigation under section 13.10.327(C)(4) shall identify building footprint areas where adequate mitigation can be implemented.
- (2) Parcel Map Required. A parcel map is required for all urban lot splits pursuant to Government Code Section 66411.7 and shall comply with parcel map requirements in SCCC 14.01.
- (3) No Prior Urban Lot Split.
 - (a) The parcel has not been established through a prior urban lot split; and
 - (b) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split.
- (4) Property owners are required to sign an affidavit stating the intent to occupy a unit on one of the lots as their primary residence for a minimum of three years.
- (5) The site plan shall indicate at least one existing legal dwelling unit on the property or one existing dwelling unit under construction (passed first inspection) at the time of application submittal. Documentation of occupancy status of existing structures may be required.
- (6) Both new lots shall be limited to residential uses only.
- (7) Urban lot splits shall allow up to two minimum 800 square foot primary units on each lot created. Existing primary dwelling units are not subject to the 800 square foot provision. An accessory dwelling unit (ADU) and a junior accessory dwelling unit (JADU) count toward the two-unit total per lot. Units may be attached or detached. An urban lot split may include the development of two primary dwellings per lot or one primary dwelling and one ADU or one primary dwelling and one JADU per lot, or one primary dwelling on one lot and no development on the other lot. A maximum of four total units may result from an urban lot split.
- (8) ADUs and JADUs are subject to SCCC 13.10.681, except as explicitly provided in SCCC 13.10.327 or this section.

- (9) No urban lot split shall be allowed that requires a discretionary permit for an exception to objective standards or requires any other discretionary review other than a Coastal Development Permit.
- (E) Objective Development Standards. All urban lot splits shall comply with the objective development standards below, except that no standard shall preclude the development of a unit up to 800 square feet. In the event that a standard is reduced, the reduction shall be the minimum required to accommodate the unit.
- (1) Existing Parcel Size. The area of the existing parcel is 2,400 square feet or more (net developable site area).
 - (2) Number of New Parcels. The urban lot split creates no more than two new parcels.
 - (3) New parcels shall conform to the following standards:
 - (a) The gross site area of the larger parcel shall not be more than 60 percent of the gross site area of the existing parcel.
 - (b) In no case shall the net developable site area of the smaller parcel be less than 1,200 square feet.
 - (c) Parcels with septic systems shall each comply with gross parcel size pursuant to SCCC 7.38.
 - (4) The maximum parcel size allowed is 60 percent of the existing parcel's gross site area.
 - (5) Any parcel proposed for an urban lot split must itself be a legal parcel of record created in compliance with the Subdivision Map Act and applicable provisions of the Santa Cruz County Code.
 - (6) Any urban lot split involving a vacant parcel shall meet the buildability criteria stated in SCCC 13.10.327(E)(5).
 - (7) Lots created by an urban lot split shall allow parking according to the standards requirements in SCCC 13.10.327(E)(4).
 - (8) Access to Public Right-of-way. All newly created parcels shall provide access to, or adjoin, the public right-of-way in a manner sufficient to allow development on the parcel to comply with all applicable property access requirements under the California Fire Code Section 503 (Fire Apparatus Access Roads) and California Code of Regulations Title 14, Section 1273.00 et seq.
 - (a) Shared Driveways. Driveway access shall meet the applicable fire agency standard, including driveway width, fire turnaround, turning radius, slope, and driveway surface.

- (b) The minimum driveway width shall be 12 feet or the applicable standard of the fire agency having jurisdiction over the property, whichever is greater.
- (9) Setbacks. Lots created by an urban lot split shall allow for structures to meet the lot standards pursuant to SCCC 13.10.327(E)(3).
- (10) Existing Structure on One Parcel. The proposed lot split shall not result in the splitting of any structure between the two parcels and shall not create a new encroachment of an existing structure over a property line.
- (11) Floor Area and Lot Coverage. Lots created by an urban lot split shall allow for structures to meet the lot standards pursuant to SCCC 13.10.327(E)(3).
 - (i) If application of the zone district standard for lot coverage or FAR would preclude a proposed lot split, the standard may be reduced by the minimum amount necessary to allow development per the land division as determined by the Planning Director or their designee.
- (12) Compliance with Subdivision Requirements. The parcel map shall satisfy the objective requirements of the Subdivision Map Act and SCCC 14.01. Non-title site requirements, disclosures and other information may also be required on the Parcel Map documents by the Planning Director.
- (13) The site plan shall indicate at least one existing legal dwelling unit on the property or one existing dwelling unit under construction (permitted and passed first inspection) at the time of application submittal. The structure shall be final and occupied by the owner prior to map recordation. Documentation of occupancy status of existing structures may be required.
- (14) Any vacant parcel proposed for a two-unit residential development or urban lot split must be a legal lot of record created in compliance with the Subdivision Map Act and Santa Cruz County Code.
- (F) Application Procedures. Urban lot split applications must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.
- (G) Deed Restrictions. Before obtaining building permits, the property owner shall file with the Santa Cruz County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
 - (1) The primary use of the dwelling units must be residential.

- (2) For an urban lot split with a shared driveway, maintenance and use of the shared driveway must be permanently provided through a reciprocal access easement and maintenance agreement or other comparable mechanism.
- (3) The dwelling unit may not be used for vacation rentals as defined in SCCC 13.10.700 V.
- (4) Affordable housing impact fees shall apply to projects pursuant to SCCC 17.10.034.
- (5) The above declarations run with the land and are binding upon all successors in ownership of the property. Lack of compliance shall be cause for code enforcement pursuant to SCCC 19.01.
- (6) The deed restriction shall lapse upon removal of all dwelling units established under this section.

SECTION I

Section 13.10.327 is hereby added to the Santa Cruz County Code, to read as follows:

13.10.327 Two-unit residential developments.

- (A) General Purposes. The purpose of this section is to provide for two-unit residential developments, pursuant to Government Code Section 65852.21. These regulations in this section are promulgated in order to preserve public health, safety and general welfare of the people and environment of the County of Santa Cruz, and to promote orderly growth and development. ~~In cases where a provision of this section directly conflicts with Government Code Section 65852.21, the Government Code shall govern over the conflicting provision, but the remaining provisions shall remain and be given full force and effect.~~
- (B) Definitions. Solely for the purposes of this section, the following words and phrases shall have the following definitions.
- (1) “Census Urban Area” means an urbanized area or urban cluster, as designated by the United States Census Bureau and as mapped in the County Geographic Information System (GIS).
 - (2) “Dwelling Unit” shall have the same meaning as defined in SCCC 13.10.700-D.
 - (3) “Major Transit Stop,” as defined in Public Resources Code Section 21064.3, means a site containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - (4) “Primary Dwelling Unit,” means one single-family or multi-family residential unit designated on a single parcel, as defined in the definition of “Dwelling Unit” in SCCC 13.10.700-D.
- (C) Property Eligibility Requirements.
- (1) An eligible parcel shall be located wholly within a Census Urban Area.
 - (2) An eligible parcel shall only be located within the SU, R-1, RA, ~~RP~~, or RR zone districts. A parcel within the SU zone district must have an underlying single family residential General Plan/Land Use Plan land use designation, including R-MT, R-R, R-S, R-UVL, R-UL, R-UM, or R-UH, to be eligible.
 - (3) An eligible site shall not be in:
 - (a) Areas identified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Government Code Section 65913.4.

- (b) Historic district or property included on the State Historic Resources Inventory or designated or listed as a County historic property or historic district in the County's Historic Resources Inventory.
 - (c) Critical fire hazard area, as defined in SCCC 12.01.040.
 - (d) 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.
 - (e) Environmentally sensitive habitat areas or their buffers within the Coastal Zone boundary, except for properties where there is a buildable site available outside of such areas and their buffers.
- (4) A parcel located in any of the following areas as identified in the County General Plan/Local Coastal Program or County Code requires sufficient state and local mitigation to be eligible under this section.
- (a) For areas not subject to Section 13.10.327(C)(3)(d) above, Geologic Hazards, as defined in SCCC 16.10.040(T). Parcels within these areas may be required to provide a geologic hazard assessment pursuant to SCCC 16.10.050(B).
 - ~~(b) Coastal bluffs within the Coastal Zone. Parcels within these areas are only eligible if they are compliant with 100-year bluff erosion stability setback, without the reliance on any proposed or existing coastal armoring, consistent with SCCC 16.10.070(H)(1) and (7), and meet requirements for only allowing resource-dependent uses within Environmentally Sensitive Habitat Area (ESHA), consistent with SCCC 16.32.090(C)(1).~~
 - (b) Outside of the Coastal Zone, 100-year flood hazard areas and floodways, as defined in SCCC 16.13. Parcels within these areas are only eligible if the flood hazards and floodways are mitigated pursuant to SCCC 16.13.
 - (c) State Response Areas (SRAs), including very high, high, and moderate fire severity zones, as mapped by the California Department of Forestry and Fire Protection (CAL FIRE) and the California Board of Forestry and Fire Protection. Parcels within these areas are only eligible if mitigation is provided in compliance with Government Code Section 65913.4(a)(6)(D) and the parcel is located outside Critical Fire hazard areas.
 - (d) Airport Safety Zones. Parcels within these areas are only eligible if they are compliant with standards and maximum densities established by SCCC 13.12.

- (e) Outside of the Coastal Zone, sensitive habitat areas and their buffers shall be protected pursuant to Title 16. A biotic approval through the biotic review process outlined in SCCC Chapter 16.32 shall be obtained in order to establish appropriate development areas.
 - (5) No Ellis Act (Government Code Section 7060 et seq.) evictions(s) have occurred for any existing housing on the parcel in the 15 years prior to submittal of the application.
 - (6) An eligible parcel shall be a legal parcel of record created in compliance with the Subdivision Map Act, the LCP, and applicable provisions of the Santa Cruz County Code.
- (D) Project Requirements.
- (1) For two-unit residential development only, the project shall contain no more than two primary residential units on a single parcel, plus accessory dwelling units (ADUs) or junior ADUs (JADUs) consistent with SCCC 13.10.681. The total number of units (primary units, ADUs and JADUs combined) may not exceed four units on a single parcel. ADUs and JADUs included in two-unit residential development must comply with the County ADU regulations.
 - (2) The project will not require demolition or alteration of any the following types of housing:
 - (a) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (b) Housing that is subject to any form of rent or price control.
 - (c) Housing that has been occupied by a tenant (whether rent paying or not) in the last three years.
 - (3) All new rental units resulting from any two-unit residential development project shall be rented long term (greater than 30 days).
- (E) Objective Development Standards. 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. In the event that a standard is reduced, the reduction shall be the minimum required to accommodate the unit.
- (1) Residential Structure Type.
 - (a) Attached single-family, detached single-family or multi-family duplex structures are allowed for two-unit residential developments. Duplexes may include either two primary units, or a primary unit and one ADU, or a primary unit and one JADU.

- (b) Mobile homes are allowed for two-unit residential developments compliant with the adopted California Building Code. A mobile home is required to be less than 10 years old and placed on a permanent foundation.
 - (c) Tiny Homes on Wheels (THOW) are allowed for two-unit residential developments as a primary dwelling unit or an ADU pursuant to SCCC 13.10.680.
 - (d) Existing ADUs on a parcel may be converted into a primary dwelling unit. If an ADU is to be converted, the maximum number of two primary dwellings units for a two-unit residential development will be achieved.
 - (e) A combination of three or four units, attached or detached, comprised of primary dwellings plus ADUs and JADUs will be allowed for a two-unit residential development.
- (2) Accessory Structures. Habitable and non-habitable accessory structures shall comply with SCCC 13.10.611.
- (3) Lot Standards.
- (a) For existing development on two-unit residential development applications, ~~no~~ existing setbacks may be retained is required for an existing structure or for a structure reconstructed in the same location and to the same dimensions as an existing structure.
 - (b) Front yard setback, height, lot coverage, and floor area ratio shall meet the standards of the zoning district in SCCC 13.10.323, except as follows:
 - (i) The minimum side and rear setbacks are four feet, subject to restrictions of any onsite public utility easements.
 - (ii) Pleasure Point standards. Pleasure Point standards shall apply, except if the required 10-foot second story setbacks are infeasible for an 800 square foot dwelling, the setback may be reduced by the minimum necessary to accommodate the proposed project. Side and rear setbacks for the second story shall be no less than four feet. In the event of a conflict, the standards herein shall prevail.
- (4) Parking Standards.
- (a) One off-street parking space is required per dwelling unit, except as follows:
 - (i) If the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Sections 21155 and 21064.3, no parking shall be required.

- (ii) If the parcel is within one block of a car share vehicle rental location, no parking shall be required.
- (5) Two-unit residential development projects shall meet the following buildability criteria:
 - (a) All lots shall have a “Will Serve” letter from a water district or mutual water company, or an Individual Water Service Permit issued by the County Environmental Health Department for a well or other water source prior to issuance of a building permit as described in the current County Lists of Required Information (LORIs).
 - (b) The parcel shall have or qualify for a compliant sewage disposal system, either a septic system sized for the development and approved by the County Environmental Health Department, or a sewer connection provided by the wastewater provider, as applicable.
 - (c) If units are connected to an onsite wastewater treatment system (OWTS), the OWTS must meet or be upgraded to meet current standards in compliance with SCCC 7.38.
 - (d) Emergency Vehicle Access. The site access must comply with the fire district access standards applicable to both new and existing roads in SCCC 7.92.503.2.1.
 - (e) Site Safety. The building site shall be free from geologic hazards to the extent that the safety of the proposed development can be ensured. A geological hazards assessment, full geologic report, soils (also called “geotechnical”) report, or hydrologic report may be required to assess or address environmental/safety concerns pursuant to SCCC 16.10.
 - (f) Legal Access. A parcel may not be used as a building site unless it is accessible from a public right-of-way or has legally deeded access.
 - (g) Structures shall comply with required setbacks and buffers from environmentally sensitive habitat areas, geologic hazards, agricultural resource lands, and other environmental protection setbacks as specified in SCCC Title 16 or the setbacks established through a biotic report / geological hazards assessment, respectively.
- (F) Application Procedures.
 - (1) Two-unit residential development projects shall be approved ministerially if the application complies with the eligibility requirements and objective development standards herein.
 - (2) Two-unit residential applications must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.

(3) Projects in the Coastal Zone.

- (a) Projects located within the Coastal Zone shall require a Coastal Development Permit pursuant to SCCC 13.20.100, the approval of which is subject to the required findings found in SCCC 13.20.110, except that no public hearing shall be required to ~~issue~~ approve said permit.
- (b) Nothing in this chapter shall supersede or in any other way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code) except that the County shall not be required to hold public hearings for coastal development permits for an eligible development pursuant to this section.

(4) Basis for Project Denial.

- (a) An application for a two-unit residential development shall be denied if any of the following is found:
 - (i) The two-unit residential development fails to comply with any objective development standard imposed by this section. Any such requirement or condition that is the basis for denial shall be specified in writing.
 - (ii) The Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as described in Government Code Section 65589.5(d)(2) and further specified in this section, upon the public health and safety, and if there is no feasible method to satisfactorily mitigate or avoid that specific, adverse impact.
 - (iii) Within the Coastal Zone, the two-unit residential development fails to meet the provisions of this section or the remainder of the certified Santa Cruz County Local Coastal Program.

SECTION II

Section 13.10.328 is hereby added to the Santa Cruz County Code, to read as follows:

13.10.328 Urban lot split.

- (A) General Purposes. The purpose of this section is to provide for urban lot splits, pursuant to Government Code Section 66411.7. These regulations are provided in order to preserve public health, safety and general welfare of the people and environment of the County of Santa Cruz, and to promote orderly growth and development. ~~In cases where a requirement in this section directly conflicts with Government Code Section 66411.7, the provisions of the Government Code shall govern over the conflicting provision herein, but the remaining provisions shall remain and be given full force and effect.~~

(B) Definitions.

- (1) “Urban lot split” means a subdivision of a parcel within a “Single-Family Residential” zone district, as defined, into two parcels pursuant to Government Code Section 66411.7.
- (2) See SCCC 13.10.327(B) for additional definitions relevant to this section.

(C) Nothing in this section shall be construed to supersede or in any other way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that the County shall not be required to hold public hearings for coastal development permits for an **eligible** urban lot split pursuant to this section.

- (1) Urban lot splits located within the Coastal Zone shall require a coastal development permit pursuant to SCCC 13.20.100, the approval of which is subject to the required findings found in SCCC 13.20.110, except that no public hearing shall be required.

(D) Additional Eligibility Requirements for an Urban Lot Split.

- (1) The requirements of SCCC 13.10.327(C) and (D) for two-unit residential developments apply as urban lot split eligibility requirements. Lot splits on parcels requiring mitigation under section 13.10.327(C)(4) shall identify building footprint areas where adequate mitigation can be implemented.
 - (a) **Urban lot splits are prohibited in Coastal Hazards Areas, including areas seaward of and on/adjacent to coastal bluffs, except for blufftop properties where proposed building sites can meet the 100-year bluff erosion stability setback without reliance on any existing or proposed shoreline armoring.**
- (2) Parcel Map Required. A parcel map is required for all urban lot splits pursuant to Government Code Section 66411.7 and shall comply with parcel map requirements in SCCC 14.01.
- (3) No Prior Urban Lot Split. **A parcel is only eligible for processing under this section if:**
 - (a) The parcel has not been established through a prior urban lot split; and
 - (b) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split.
- (4) Property owners are required to sign an affidavit stating the intent to occupy a unit on one of the lots as their primary residence for a minimum of three years.
- (5) The site plan shall indicate at least one existing legal dwelling unit on the property or one existing dwelling unit under construction (passed first inspection) at the time of

application submittal. Documentation of occupancy status of existing structures may be required.

(6) Both new lots shall be limited to residential uses only.

(7) Urban lot splits shall allow up to two minimum 800 square foot primary units on each lot created. Existing primary dwelling units are not subject to the 800 square foot provision. An accessory dwelling unit (ADU) and a junior accessory dwelling unit (JADU) count toward the two-unit total per lot. Units may be attached or detached. An urban lot split may include the development of two primary dwellings per lot or one primary dwelling and one ADU or one primary dwelling and one JADU per lot, or one primary dwelling on one lot and no development on the other lot. A maximum of four total units may result from an urban lot split.

(8) ADUs and JADUs are subject to SCCC 13.10.681, except as explicitly provided in SCCC 13.10.327 or this section.

(9) No urban lot split shall be allowed that requires a discretionary permit for an exception to objective standards or requires any other discretionary review other than a Coastal Development Permit.

(E) Objective Development Standards. All urban lot splits shall comply with the objective development standards below, except that no standard shall preclude the development of a unit up to 800 square feet. In the event that a standard is reduced, the reduction shall be the minimum required to accommodate the unit.

(1) Existing Parcel Size. The area of the existing parcel is 2,400 square feet or more (net developable site area).

(2) Number of New Parcels. The urban lot split creates no more than two new parcels.

(3) New parcels shall conform to the following standards:

(a) The gross site area of the larger parcel shall not be more than 60 percent of the gross site area of the existing parcel.

(b) In no case shall the net developable site area of the smaller parcel be less than 1,200 square feet.

(c) Parcels with septic systems shall each comply with gross parcel size pursuant to SCCC 7.38.

(4) The maximum parcel size allowed is 60 percent of the existing parcel's gross site area.

(5) Any parcel proposed for an urban lot split must itself be a legal parcel of record created in compliance with the Subdivision Map Act, the LCP, and applicable provisions of the Santa Cruz County Code.

- (6) Any urban lot split involving a vacant parcel shall meet the buildability criteria stated in SCCC 13.10.327(E)(5).
- (7) Lots created by an urban lot split shall allow parking according to the standards requirements in SCCC 13.10.327(E)(4).
- (8) Access to Public Right-of-way. All newly created parcels shall provide access to, or adjoin, the public right-of-way in a manner sufficient to allow development on the parcel to comply with all applicable property access requirements under the California Fire Code Section 503 (Fire Apparatus Access Roads) and California Code of Regulations Title 14, Section 1273.00 et seq.
 - (a) Shared Driveways. Driveway access shall meet the applicable fire agency standard, including driveway width, fire turnaround, turning radius, slope, and driveway surface.
 - (b) The minimum driveway width shall be 12 feet or the applicable standard of the fire agency having jurisdiction over the property, whichever is greater.
- (9) Setbacks. Lots created by an urban lot split shall allow for structures to meet the lot standards pursuant to SCCC 13.10.327(E)(3).
- (10) Existing Structure on One Parcel. The proposed lot split shall not result in the splitting of any structure between the two parcels and shall not create a new encroachment of an existing structure over a property line.
- (11) Floor Area and Lot Coverage. Lots created by an urban lot split shall allow for structures to meet the lot standards pursuant to SCCC 13.10.327(E)(3).
 - (i) If application of the zone district standard for lot coverage or FAR would preclude a proposed lot split, the standard may be reduced by the minimum amount necessary to allow development per the land division as determined by the Planning Director or their designee.
- (12) Compliance with Subdivision Requirements. The parcel map shall satisfy the objective requirements of the Subdivision Map Act and SCCC 14.01. Non-title site requirements, disclosures and other information may also be required on the Parcel Map documents by the Planning Director.
- (13) The site plan shall indicate at least one existing legal dwelling unit on the property or one existing dwelling unit under construction (permitted and passed first inspection) at the time of application submittal. The structure shall be final and occupied by the owner prior to map recordation. Documentation of occupancy status of existing structures may be required.

- (14) Any vacant parcel proposed for a two-unit residential development or urban lot split must be a legal lot of record created in compliance with the Subdivision Map Act, ~~the LCP,~~ and Santa Cruz County Code.
- (F) Application Procedures. Urban lot split applications must be approved, or a notice of deficiency sent, within 60 days of receipt of a completed application. Such applications resubmitted in response to a notice of deficiency must be approved or a notice of deficiency sent, within 60 days.
- (G) Deed Restrictions. Before obtaining building permits, the property owner shall file with the Santa Cruz County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
- (1) The primary use of the dwelling units must be residential.
 - (2) For an urban lot split with a shared driveway, maintenance and use of the shared driveway must be permanently provided through a reciprocal access easement and maintenance agreement or other comparable mechanism.
 - (3) The dwelling unit may not be used for vacation rentals as defined in SCCC 13.10.700 V.
 - (4) Affordable housing impact fees shall apply to projects pursuant to SCCC 17.10.034.
 - (5) The above declarations run with the land and are binding upon all successors in ownership of the property. Lack of compliance shall be cause for code enforcement pursuant to SCCC 19.01.
 - (6) The deed restriction shall lapse upon removal of all dwelling units established under this section.

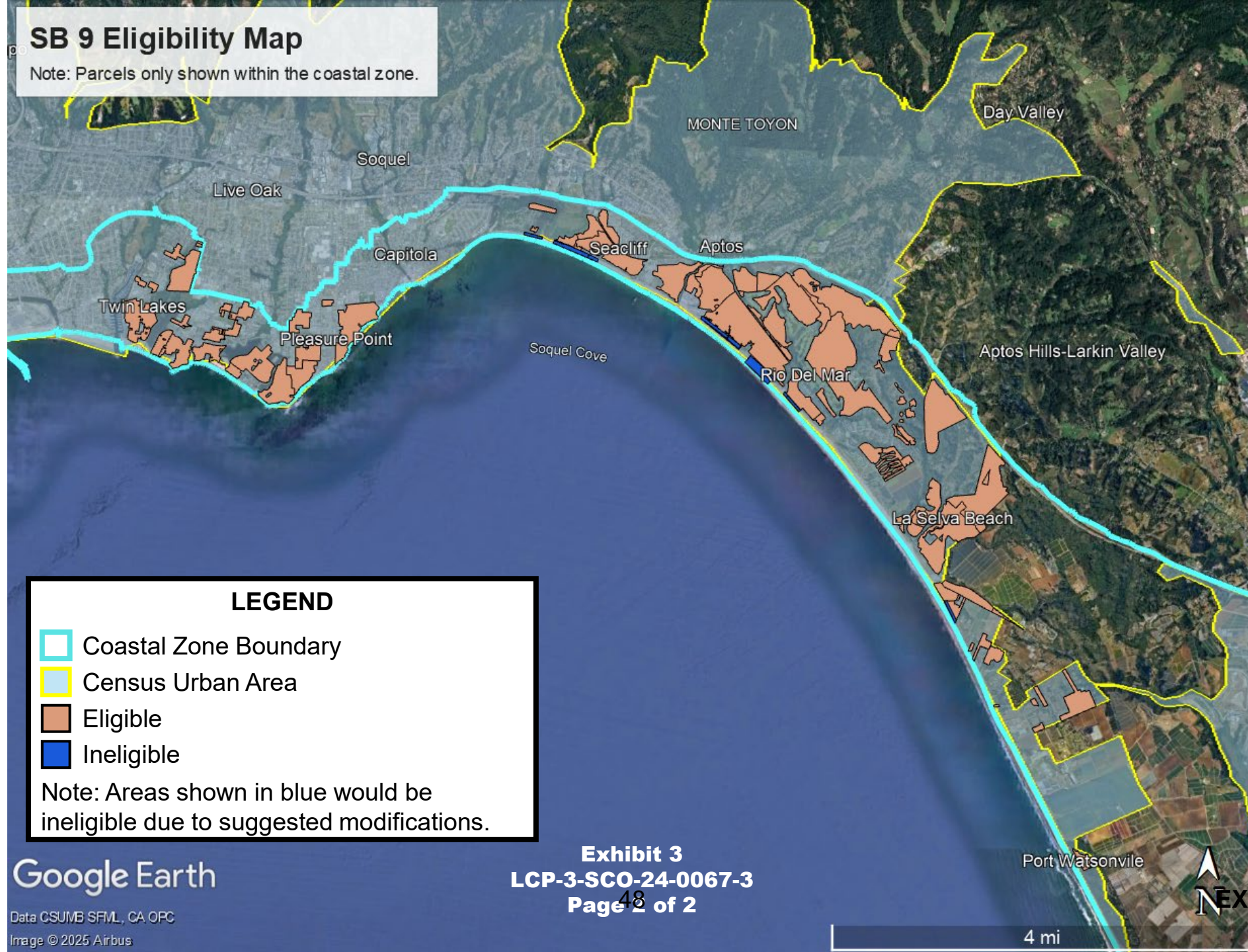
SB 9 Eligibility Map

Note: Zoning only shown within the coastal zone.







SB 9 Eligibility Map

Note: Parcels only shown within the coastal zone.



LEGEND

-  Coastal Zone Boundary
-  Census Urban Area
-  Eligible
-  Ineligible

Note: Areas shown in blue would be ineligible due to suggested modifications.

Google Earth

Data CSUMB SFML, CA OPC
Image © 2025 Airbus

Exhibit 3
LCP-3-SCO-24-0067-3
Page 48 of 2

4 mi



EXHIBIT 1D

Jerry Busch

From: Kevin Huber <khuber@grupehuber.com>
Sent: Monday, July 14, 2025 4:14 PM
To: Clark, Nolan@Coastal; Jerry Busch
Cc: Cove Britton; Jocelyn Drake; Graeven, Rainey@Coastal
Subject: RE: 7.23.2025 PC Hearing on 241334
Attachments: SCC GP LCP 5.1.7.pdf

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Mr. Clark,

Thank you for copying me. We believe our existing lot of record that predates the coastal act, is landward of an existing seawall, and has adequate square footage for a second dwelling per the Santa Cruz Code, is not "creating a new site" To create is a verb which requires an action be taken. No action is needed for the vacant area to be available, it exists today. Thus, the code sections you cite do not apply.

We also believe that County LUP ARC-5.1.7 (attached) excludes existing parcels of record and promotes infill. We also believe that the CCC modifications to arbitrarily exclude ONLY the RB zone is clearly targeted at ONE property...mine, when other residential zones sit seaward of the bluff, but were not excluded, and that such an arbitrary and capricious will not ultimately stand up.

I'm sure we will get a chance to argue these points at the hearing on the 23rd, and likely in the future.

Kevin

Kevin Huber

President/CEO

GRUPE HUBER COMPANY

From: Clark, Nolan@Coastal <nolan.clark@coastal.ca.gov>
Sent: Monday, July 14, 2025 3:41 PM
To: Jerry.Busch@santacruzcountyca.gov
Cc: Kevin Huber <khuber@grupehuber.com>; Cove Britton <cove@matsonbritton.com>;
jocelyn.drake@santacruzcountyca.gov; Graeven, Rainey@Coastal <Rainey.Graeven@coastal.ca.gov>
Subject: 7.23.2025 PC Hearing on 241334

Hi Jerry,

Please find the attached comment letter regarding the July 23, 2025 Planning Commission appeal hearing on CDP application 241334 (625 Beach Drive).

Please do not hesitate to contact our office should you have any questions regarding these comments.

Thank you,

Nolan Clark

Coastal Planner

Central Coast District
California Coastal Commission
(831) 427-4863
coastal.ca.gov

Agriculture, Natural Resources + Conservation Element

Chapter 5 of the Santa Cruz County General Plan/LCP

Adopted by the Santa Cruz County
Board of Supervisors:

November 15, 2022

Certified by the California Coastal
Commission:

March 15, 2024

Effective Date:

March 18, 2024



See also Policy ARC-5.2.2: *Development Visible from Rural Scenic Roads.*

ARC-5.1.4 Preserving Natural Buffers. Preserve the vegetation and landform of natural wooded hillsides that serve as a backdrop for new development. Also comply with Policy ARC-5.1.8 regarding protection of ridgetops and natural landforms.

ARC-5.1.5 (LCP) Preserving Agricultural Vistas. Preserve the aesthetic value of agricultural vistas. Encourage development to be consistent with the agricultural character of the community. Structures appurtenant to agricultural uses on agriculturally designated parcels are considered compatible with the agricultural character of surrounding areas.

ARC-5.1.6 (LCP) Preserving Ocean Vistas. Where public ocean vistas exist, require these vistas be retained to the maximum extent possible as a condition of approval for any new development.

ARC-5.1.7 (LCP) Open Beaches and Blufftops. Do not permit or allow the placement of new permanent structures that would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection, public beach access, or public ocean viewing, and where consistent with SCCC Chapter 13.11. Use the following criteria:



Twin Lakes State Beach Photo Credit: Santa Cruz County

- (1) Allow infill structures (typically residences and accessory structures on existing lots of record) where compatible with the pattern of existing development.
- (2) Require shoreline protection and access structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.

Also see Objective AM-4.1: *Recreational and Coastal Access.*

Jerry Busch

From: Kevin Huber <khuber@grupehuber.com>
Sent: Monday, July 14, 2025 4:40 PM
To: Clark, Nolan@Coastal; Jerry Busch
Cc: Cove Britton; Jocelyn Drake; Graeven, Rainey@Coastal; jerskine@nossaman.com; Noah DeWitt; Cove Britton
Subject: RE: 7.23.2025 PC Hearing on 241334
Attachments: 625 Beach Nossaman letter re Huber Appeal Letter 061025.pdf; 13.10.322 Res Use Chart and Density Definition.pdf; 625 Beach CDP 221192.pdf

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Nolan,

One thing you may want to know, since County staff must not have been clear with you. In early 2024, we applied for a ministerial application under SB 9. We were denied and told we were required to process this as a discretionary CDP. We applied for a discretionary CDP and initially were told our application was incomplete. After our attorney sent a letter challenging the Incompleteness, the County reversed and deemed our application complete. We then surprisingly received notice that were being proceed as a Level IV Administrative permit (which was the source of the denial we have appealed). See Nossaman letter attached.

We believe our existing lot of record, surrounded by existing homes and which has between 15,700 and 22,000+ square feet of land area (depending on which survey you look at) qualifies for a two SFD dwelling group under County code where dwelling groups ARE allowed in the RB zone (see attached). Please also see a prior CDP on our parcel where our parcel was described as “the only vacant beach fronting parcel along this reach of coastline”. If this were a subdivided lot, one would be able to process a CDP for a residence. We are not asking to subdivide the parcel (recognizing the CCC direction on SLR), thus we are not “creating a new site”.

We have no problem processing a discretionary CDP for a two-unit (plus one ADU) project instead of an SB 9 project.

Unfortunately, we are put in the position of having to challenge the SB 9 LCPA. If you look at this area (versus other coastal areas), it makes no sense that a FEMA compliant home should not be allowed on the vacant portion of the lot.

I think it would be better to work towards a solution versus us being required to challenge the position that we are “creating a new site” and challenging the arbitrary exclusion of the RB zone for the SB 9 LCPA.

Kevin

Kevin Huber

President/CEO

GRUPE HUBER COMPANY

From: Clark, Nolan@Coastal <nolan.clark@coastal.ca.gov>

Sent: Monday, July 14, 2025 3:41 PM

To: Jerry.Busch@santacruzcountyca.gov

Cc: Kevin Huber <khuber@grupehuber.com>; Cove Britton <cove@matsonbritton.com>;
jocelyn.drake@santacruzcountyca.gov; Graeven, Rainey@Coastal <Rainey.Graeven@coastal.ca.gov>

Subject: 7.23.2025 PC Hearing on 241334

Hi Jerry,

Please find the attached comment letter regarding the July 23, 2025 Planning Commission appeal hearing on CDP application 241334 (625 Beach Drive).

Please do not hesitate to contact our office should you have any questions regarding these comments.

Thank you,

Nolan Clark

Coastal Planner

Central Coast District
California Coastal Commission
(831) 427-4863
coastal.ca.gov



Staff Report & Development Permit Level 4 – Administrative Review

Application Number: **221192**
Applicant: **Kevin Huber**
Site Address: **625 Beach Drive, Aptos**

APN: **043-152-54**
Owner: **Kevin Huber**

Proposal & Location

Proposal to recognize grading, installation of hardscape, and landscaping. Project includes removal of a 120 square foot non-habitable storage shed. Requires a Coastal Development permit.

Property located on both sides of Beach Drive approximately 1,000 feet south of the Seacliff State Beach and access gate (625 Beach Drive).

Analysis

On 7/30/2020, the subject property was found to be in violation of county code for the unpermitted installation of a 120 square foot storage shed located within the front and side yard setback, grading within the coastal zone, and installation of landscape improvements on the seaward side of Beach Drive.

On 7/14/2022, the subject application was submitted to address the unpermitted work by removing the storage shed and capping utilities, and recognizing the grading and placement of hardscape on the property. Further, the project proposes to remove bollards that were placed within the privately maintained right of way.

The subject property is located at the southern end of Beach Drive behind a security gate which restricts public access. The property is approximately 15,000 square feet in size and zoned Ocean Beach Residential (RB) which is consistent with the General Plan designations of Urban Low (R-UL) residential density and Parks Recreation and Open Space (O-R) General Plan designations.

The project site is roughly twice the size of surrounding parcels in that it spans from the coastal bluff lying northeast of Beach Drive, southwest to the revetment which serves as shoreline protection for the homes along this portion of Beach Drive. Similar to the surrounding parcels, the coastal bluff side of the parcel is developed with an existing single family dwelling whereas the beach side of the parcel is vacant with the exception of the landscape and site improvements proposed as part of this permit. The beach fronting side of the parcel is unique to the area in that the parcels up and down coast are developed with single family dwellings. The subject property is the only vacant beach fronting parcel along this reach of coastline.

As proposed, the project would be consistent with the type of development found within the vicinity. The project has been reviewed by Environmental Planning staff for consistency with the County Code, specifically the Geologic Hazards Ordinance. Staff has determined that the proposed grading and hardscape does not constitute development pursuant to the County Geologic Hazards Ordinance. Though the project is located within the mapped VE flood plain and subject to storm and tidal surge including wave inundation, it is not expected that the project would result in adverse impacts to adjoining properties in that the project would be consistent with FEMA requirements for development within the flood plain. Further, none of the improvements trigger the need for a soils report.

Findings are on file in the County Planning Department.

Staff Recommendation

The Planning Department has taken administrative action on your application as follows:

 X Approved (if not appealed).

 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.

**Please note: This permit will expire unless exercised prior to the expiration date.
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact Nathan MacBeth at:
(831) 454-3118 or nathan.macbeth@santacruzcounty.us

Report Prepared By: Nathan MacBeth
Nathan MacBeth
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By: Jocelyn Drake
Jocelyn Drake
Principal Planner
Santa Cruz County Planning Department

Mail to: Kevin Huber
16101 N Ray Road
Lodi, CA 95242

Table 13.10.322-1: Residential Uses Chart

USE	PERMIT REQUIRED BY ZONE						REFERENCES AND NOTES
	RA/ SU	RR	R-1	RB	RM	RF	
Housing—Residential Units							
Dwelling unit, single-family detached	P	P	P	P	NA*	NA*	*Exception per 13.10.324(F) (AB803). CUP for units >5,000 sf per 13.10.324(C) . 13.10.700-D
Dwelling unit, single-family attached	P	P	P	P	P	P	
Dwelling units, single-family dwelling groups	ZC	ZC	ZC	ZC	NA	NA	
Dwelling units, multifamily	NA*	NA*	NA*	NA*	P	P	*Exception for duplexes where allowed per CA Gov. Code 65852.1 (SB9) 13.10.700-D
Senior rental housing	NA	NA	NA	NA	CUP	CUP	13.10.700-S
Foster home: 7 or fewer children	P	P	P	P	P	P	13.10.700-F
Foster home: 8 or more children	CUP	CUP	CUP	CUP	CUP	CUP	13.10.700-F
Mobile home park	NA	NA	NA	NA	CUP	NA	13.10.684
Permanent room housing	CUP-PC	CUP-PC	CUP-PC	NA	CUP-PC	NA	13.10.425 —13.10.428
Accessory dwelling unit (ADU)	P ^A	P ^A	P ^A	P ^A	P ^A	P ^A	13.10.681
Junior ADU	P ^A	P ^A	P ^A	P ^A	P ^A	NA	JADU must be associated with a single-family dwelling unit. 13.10.681
Residential accessory structure, habitable and non-habitable	P*	P*	P*	P*	P*	P*	*See 13.10.611 for when a discretionary permit is required.
Housing - Institutional and Care Facilities							
Residential care home (six or	P	P	P	P	P	P	Residential care homes are considered a

57

EXHIBIT 1D

land farming. Does not include container crops, hoop houses, hydroponics, mushrooms, or other crops grown in structures or nurseries.

“CT” means the Coastal/Tourist Commercial Zone District. [Ord. 5423 § 37, 2022; Ord. 5382 § 7, 2021; Ord. 5336 § 8, 2020; Ord. 5334 § 8, 2020; Ord. 5302 § 5, 2019; Ord. 5272 § 1, 2018; Ord. 5265 § 14, 2018; Ord. 5264 § 15, 2018; Ord. 5239 § 10, 2017; Ord. 5182 § 12, 2014; Ord. 5124 § 3, 2012; Ord. 5115 § 3, 2012; Ord. 5095 § 3, 2011; Ord. 4873 § 11, 2007; Ord. 4808 §§ 22, 23, 2005; Ord. 4496-C § 62, 1998; Ord. 4346 § 36, 1994; Ord. 4159 § 6, 1991; Ord. 3756 § 4, 1986; Ord. 3632 § 22, 1985; Ord. 3432 § 1, 1983].

13.10.700-D “D” definitions.

“Day care center” means a State-licensed commercial facility which provides nonmedical care for children or adults in need of personal services, supervision, or assistance, for periods of less than 24 hours per day.

“Day care home, family” means a dwelling in which an occupant provides care, protection, and supervision of up to 14 children, for periods of less than 24 hours a day, in accordance with a State license, and which meets the definition and land use regulations for large or small family day care homes as provided in the California Health and Safety Code.

“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.
- (2) Outside the USL/RSL, maximum density is based on net developable site area and the rural density matrix, per Chapter [13.14](#) SCCC.
- (3) Maximum density on both urban and rural parcels may be restricted by an overriding minimum lot size based on the presence of resources, as provided in the General Plan and SCCC Title [16](#).
- (4) Where a parcel has multiple designations on the land use map or multiple zone districts on the zoning map, consistency with the General Plan and LCP is met by conforming to the different density limits for the different portions of the property.
- (5) Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) do not count toward density calculations.

“Density bonus” means the allocation of development rights that allow a parcel to accommodate additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision of affordable unit(s) pursuant to Chapter [17.12](#) SCCC.

“Department” means the County Planning Department.

“Depth, front yard” or “depth, parcel” or “depth, site” means the horizontal distance between the front property line or the edge of the road right-of-way and the rear property line of a site measured along a line midway between the side property lines. The depth of a corridor lot shall be measured from the rear line of the corridor.



ATTORNEYS AT LAW

18101 Von Karman Avenue
Suite 1800
Irvine, CA 92612
T 949.833.7800
F 949.833.7878

John P. Erskine
D 949.833.7800
jerskine@nossaman.com

Refer To File # 504802-0001

VIA HAND DELIVER AND E-MAIL

June 10, 2025

Chair Barton and Commissioners
Matt Machado, Planning Director
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
Matt.machado@santacruzcounty.us

Re: **Appeal to Zoning Administrator, Planning Commission of County of Santa Cruz Planning Department's Denial of Application No. 241334, APN 043-152-54; Applicant: Cove Britton; Owner: Kevin and Sandy Huber**

Dear Chair Barton and Planning Commissioners, and Director Machado:

Our firm represents the owners of the property located at 625 Beach Drive (Rio Sand & Surf Community) in the County of Santa Cruz ("County") (APN 043-152-54), Kevin and Sandy Huber ("Owner"), and architect/applicant, Cove Britton (collectively, "Applicant") for a single-family home and accessory dwelling unit being processed pursuant to Senate Bill 9 ("SB 9") on the Owner's previously subdivided beachfront lot ("Project"). This letter serves as the Applicant's appeal from the County Planning Department's May 27, 2025 denial of Application Number 241334 ("Denial Letter").

This appeal is directed to the County Planning Commission, who may "either deny the application, approve the application, or approve the application with modifications, subject to such conditions as it deems advisable." (County Code, § 18.10.330, subd. (D).)¹ Because County Staff's denial of the Appeal is unsupported by the record and arbitrary and capricious, Applicant requests that the Planning Commission approve the application with any appropriate conditions and/or modifications, consistent with the facts and law set forth herein.

I. The County Staff's Denial was Procedurally Improper.

On January 16, 2024, Applicant submitted a building permit application for the Project. In response, County Staff issued a Zoning Correction Letter, stating that the Project required discretionary review and alleging that the Project was non-compliant with applicable zoning

¹ This appeal is addressed to the Planning Director who serves as the County Zoning Administrator—the designated appeal decision making body for Level IV actions. (County Code, § 18.10.015-1.) The appeal is also addressed to the Planning Commission because the County Staff informed Applicant that the appeal will be elevated directly to the Planning Commission.

standards and therefore would require discretionary approval of a variance and Coastal Development Permit (“CDP”).

In light of the County’s determination, the Applicant subsequently submitted, on August 29, 2024, Application 241334, which included a Preliminary Application under Senate Bill 330 (“SB 330”) and a **standard discretionary permit application** for the Project that would require **at least** a Conditional Use Permit (“CUP”)—a discretionary Level V permit. (See Exhibit A, at p. 1 [Project application labeled “Discretionary Permit Application”].) Pursuant to the Permit Streamlining Act (“PSA”), County Staff reviewed the Project application for completeness, and on September 27, 2024, Staff issued an incompleteness determination. Then, after months of back-and-forth efforts to resolve the alleged incompleteness—including a meeting between Applicant and Staff—and despite demonstrated evidence of completeness, County Staff issued a second incomplete letter on February 26, 2025.

Applicant appealed Staff’s second incompleteness determination on March 12, 2025, detailing why the application should be deemed complete under the PSA. Then, on April 11, 2025, despite asserting for the prior half a year that the application was incomplete, County Staff *suddenly* decided that the remaining issues were “more appropriately categorized as compliance issues rather than matters of application completeness.” (See Exhibit B, at p. 1.)² County Staff provided no explanation for its sudden change in position. The effort by our clients, their architect and counsel spanned over six months and cost the Hubers time and tens of thousands of dollars.

At multiple times during the application process, County Staff indicated that the Project would require a hearing and an initial determination by the Zoning Administrator.

- *April 24, 2024 Letter* – County Staff stated that “the application would be considered a major Coastal project and **require a public hearing** before the Zoning Administrator (Level V permit).” (Exhibit C, at p. 2 [emphasis added].)
- *August 28, 2024 Email* – County Staff stated that “this is a discretionary permit application” that would require “**discretionary land use approvals**” in the form of a Coastal Development Permit and Variances.” (Exhibit D [emphasis added].)
- *April 11, 2025 Application Completeness Letter* (“Completeness Letter”) – The County Staff stated that “[t]he next phase in the processing of your application will be the preparation of a staff report with **recommendations to the appropriate decision-making body**, and the **scheduling of a public hearing**” and that the Applicant would “receive notice of the public hearing and a copy of the staff report prior to the hearing date.” (Exhibit B, at p. 1 [emphasis added].) According to the Completeness Letter, “[a]t the public hearing [the Applicant would] have an opportunity to discuss your project.” (*Ibid.*)

² Although the application was eventually deemed complete, it took six months and substantial costs from the Applicant for the County to eventually agree with Applicant’s repeated arguments.

However, on May 27, 2025, without notice, a hearing, or any prior discussions with the Applicant or counsel, the County issued its Denial Letter. In its denial, County Staff asserted for the first time that the Project would be processed as a Level IV permit that did not require a CUP or variance. (Denial Letter, at p. 9.) Discretionary projects that require a CUP or a variance are required to be acted on by the Zoning Administrator **after a public hearing**. (County Code, §§ 18.10.015-1; 18.10.112, subd. (C).) Therefore, the County's Staff's siloed approach to the Project denial is contrary to the County Code requirements for processing an application, and thus is unlawful.

II. County Staff's Denial of the Project Application is Substantively Improper.

A. A Basis of County Staff's Denial Is Its Conclusion that the Project Site has Zero Developable Lot Area; This Flawed Determination is Arbitrary and Inconsistent with County-Permitted Development in the Surrounding Area.

The County Code calculates a property's maximum floor-area ratio ("FAR") 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." (County Code, § 13.10.510, subd. (E).)³ In its Denial Letter, County Staff states that the Project site has "effectively zero square feet of land area" because the Project is both on the beach and located on coastal bluff. (Denial Letter, at p. 3.) It is neither.

The Property is an existing graded, pre-Coastal Act, subdivided residential lot within a long row of County-permitted single-family residences. There is no "beach" or "bluff" on the Property. Thus, even under the most conservative survey measurements, the property consists of 15,115 total square feet, which results in a permitted floor area of 7,557.5 feet without the need for a variance.

There remain numerous legal defects in the County Staff's position. First, the County Zoning Code does not contain definitions of the terms "beach" or "bluff" and the County's arbitrary identification of the Project site as a "beach" and/or "bluff" conflicts with general principles of code interpretation and the beachfront (not "on the beach") development in the enclave. Where the County's Zoning Code lacks defined terms, the County may only apply a **reasonable interpretation** to the term based on "plain language." (See *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916, 930 ["[A]n agency's interpretation of a regulation or statute does not control if an alternative reading is compelled by the plain language of the provision."].) Here, it is unreasonable to label the existing private and graded lot as a "beach" or a "bluff." The Project site is immediately adjacent to a long line of existing single-family residences and the beachfront lot pre-dates the Coastal Act, thus, vesting the parcel's development rights and prohibiting the County from imposing more restrictive standards on the parcel.⁴ County Staff's

³ Throughout the application process, the County has repeatedly cited to the wrong County code provision for measuring an existing site's permitted FAR.

⁴ The Project is supported by the General Plan, which states that the County can "Allow infill structures (typically residences and accessory structures on existing lots of record where compatible with the pattern of existing development." (County of Santa Cruz General Plan, Agriculture, Natural Resources and Conservation Element, 5.1.7.)

bald assertion that its position is supported by “long-standing practice” is contrary to its recorded treatment of every other application along Beach Drive. (Denial Letter, at p. 3.) For example, when the County approved the development of a 2-story single family residence upcoast at 620 Beach Drive, the County did not then assert that the project had zero developable lot area. (Exhibit E.)

Second, as stated above, the Hubers’ previously subdivided lot on the beachside of Beach Drive pre-dates the Coastal Act, and thus, the property owner has a vested right in the lot’s treatment as such. (Pub. Resources Code, § 30608.)⁵ The County is not at liberty to strip away a property owner’s vested right to develop **any** residential structure along the seaward side of Beach Drive on an existing lot merely because the County arbitrarily labels the Property “beach” or “coastal bluff,” and then effectively negates the vested development right to use of that lot. Ironically, the Hubers, by proceeding under a Senate Bill designed to **increase** housing development, have been granted less, via County Staff’s tortured use of recent code provisions.

B. The Project Is Not Subject to a 20-Foot Setback Limited to “Garages” and “Carports” as Defined in the County Code.

The County claims the Project fails to comply with a rear setback requirement because the County improperly labeled an off-street parking space as a “carport.” Despite the submitted Project plans not indicating that the Project includes a “carport” or “garage,” without explanation on review, County Staff unilaterally determined that a carport exists on the Project by **adding language** to the Project plans in its Denial Letter. (Denial Letter, at p. 3.) The basis for County Staff’s confusion appears to be that the off-street parking spaces are partially tucked under the Project’s raised accessory dwelling unit (“ADU”); however, as discussed below, this off-street parking area does not qualify as a “carport,” and thus, is not subject to the more restrictive setback requirements reserved for such.⁶

To fulfill its parking requirement, the County Code only requires that parking for residential uses be “off-street parking spaces.” (County Code, § 13.16.050.) Off-street parking is defined as “a site or a portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.” (*Id.* § 13.16.020.) Notably, **there is no requirement that off-street parking spaces for residential uses be provided under a carport or garage.** The County Code’s definition of a carport is “a non-habitable accessory structure or a portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles and large enough to accommodate at least one compact car parking space.” (*Id.*, § 13.10.700-G.) The Project does not contain a carport.

This distinction is relevant because the County Code provides that “garages and carports” must be set back from a property line by 20 feet, but absent a “garage or carport” there is no off-street parking setback requirement. (*Id.*, § 13.10.323-1.) Instead, the only

⁵ We do not argue that Clients have a vested right to *build* their project, only that the Clients have a vested right in the character of their lot as private residential.

⁶ There is no requirement that an off-street parking space located partially underneath a residential unit be entirely within the footprint of the above structure.

applicable setback is that the Project must comply with a 10-foot building setback requirement, which the Project complies with. (Denial Letter, at p. 12.)

Therefore, the Project's off-street parking is not subject to a 20-foot setback.

C. The Project Is an Elevated One-Story Residence Raised with an Underfloor Consistent with FEMA Standards Applied to the Other Properties in the Community.

As the Applicant stated in its March 12, 2025 completeness appeal letter, ***the Project is one story***—it consists of a raised single story in compliance with the Federal Emergency Management Agency (“FEMA”) flood standards. Contrary to this fact, County Staff continues to assert that the Project is two stories. Its only basis for this claim is that one, 18-foot section of the Project's underfloor is labeled “FF=18.4” on the Project plans. (Denial Letter, at p. 4.) However, as Applicant has plainly communicated to County Staff multiple times throughout the application process, ***no portion of the Project's underfloor will contain a finished floor*** (only a frangible slab). Thus, the County can properly condition the Project's approval on the requirement that the underfloor will not contain any finished floor area.

On November 15, 2024, Applicant and County Staff (including Jocelyn Drake and Jerry Busch) held a call to discuss this and other Project issues. During the call, County Staff seemed to concur that based on the nature of the uninhabitable, unfinished underfloor, no variance was required based on any alleged second story. This was again reiterated in Applicant's March 12, 2025 Completeness Appeal Letter. (Exhibit F, at p. 5.)⁷ In prior projects within the Rio Sand & Surf Community, the County has recognized that because the properties are located in a FEMA flood zone, “[s]tructures in this area are required to be elevated above the base flood elevation,” and thus, are required to be developed in excess of the County's 17-foot height limitation for the RB zone. (Exhibit E, at p. 3.)

Therefore, contrary to the Staff Report, ***the Huber Project is only one story.***

D. The Project's Height of 22 Feet is Permitted Under a CUP and Design Review.

As Applicant has previously stated, the Project may require a CUP and Design Review in order to achieve its proposed height of 22-feet. (Exhibit F, at p. 4.) The County generally limits development by-right in the Residential Beach (“RB”) zone to 17 feet. However, the County Code permits residential projects to achieve a height of 22 feet (5 feet over the base height limit) with the grant of a CUP and Design Review. (County Code, § 13.10.323, subd. (C).) This height increase is necessary for the Project to comply with FEMA's flood elevation standards. The County Staff previously conceded that the Project could achieve the 22-foot height with a CUP and Design Review. (Exhibit G, at p. 4.) Further, County Staff has found that if any single-story home along Beach Drive is constructed/ redeveloped, the home will be

⁷ This was also addressed in Applicant's March 8, 2024 letter to County Staff. (See Exhibit I, at p. 3.) See also the explanation from the Applicant to County Staff on November 12, 2024. (See Exhibit J, at p. 1.)

required to obtain a permitted height increase over the 17-foot limit. (Exhibit E, at p. 3.) To comply with this standard, the Applicant informed County Staff that the Project is limited to 22 feet in height, and at most, would be subject to a CUP. (Exhibit H, at p. 1; Exhibit F, at p. 4.)⁸

Therefore, the Project's proposed height of 22 feet is an inadequate basis to deny the Project application. The Planning Commission may require that the Project obtain a CUP and undergo Design Review based on the Project's height, but should not be denied.

E. The Project Contains Adequate Parking.

The Project is adequately parked. The home consists of only one bedroom and an ADU, thus, pursuant to the County Code, the County may only require two off-street parking spaces: one for the ADU and one for the one-bedroom primary dwelling. (County Code, § 13.16.050-1.) As proposed, the Project includes 2 parking spaces. In addition, the 2,568 square-foot existing residence on the inland side of Beach Drive was developed in the 1970s and is **fully permitted, built with 2 parking spaces**. The County may not utilize the SB 9 Project to retroactively impose more stringent parking requirements on an existing, full vested residence. Notwithstanding the fact that the Project complies with the County's parking requirements, for SB 9 projects, the County may only impose "offstreet parking of up to one space per unit." (Gov. Code, § 65852.21, subd. (c)(1).)

Thus, the Applicant's entire property is only required to include four parking spaces (2 for the proposed Project and 2 for the existing residence). Imposing a requirement for 5-offstreet parking spaces is unsupported by the County Code, flips the entire purpose of SB 9, and is an improper basis to deny the Project.

III. Conclusion.

In light of the above, the County Staff's denial of the Appeal is unsupported by the record and arbitrary and capricious. Therefore, Applicant requests that the Planning Commission approve the Application, or otherwise approve the application with appropriate conditions and/or modifications.

⁸ Notably, County Staff never responded to this request that the County acknowledge the Project's proposed height.

Thank you very much for your review and consideration of our appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Erskine", enclosed within a light gray rectangular border.

John J. Erskine
Nossaman LLP

cc: Jason M. Heath, Esq., County Counsel [jason.heath@santacruzcounty.us]
Justin Graham, Esq., Assistant County Counsel [justin.graham@santacruzcounty.us]
Kevin and Sandy Huber [khuber@grupehuber.com]
Cove Britton [cove@matsonbritton.com]
Noah S. DeWitt [ndewitt@nossaman.com]

Exhibit A



County of Santa Cruz
Community Development & Infrastructure
701 Ocean Street 4th Floor, Santa Cruz, CA 95060
www.cdi.santacruzcountyca.gov

Discretionary Permit Application

Form
PLG-100

The preparer is legally responsible for signatures whether graphic, typewritten, or handwritten. Documents may not be restricted by digital signatures or otherwise.

Project Information All applicants must fill out this section

Staff will assign Permit No. _____

Property Owner and Location

APN(s): 043-152-54

Project Address or Location: 625 Beach Drive Aptos. CA 95003

Legal Owner: Kevin and Sandv Huber Trust

Email: khuber@grupehuber.com

Owner Mailing Address: 16101 N. Ray Rd Lodi, CA 95242

Phone: 209-684-2525

Applicant

Name: Cove Britton- Matson Britton Architects

Email: cove@matsonbritton.com

Address: 728 N. Branciforte Santa Cruz, CA 95062

Phone: 831-425-0544 Ext#2

Other Contact

Name: Frank Kruzic Matson Britton Architects

Email: frank@matsonbritton.com

Address: 728 N. Branciforte Santa Cruz, CA 95062

Phone: 707-623-4756

Briefly Describe Scope of Work Indicate the proposed project and type of discretionary permit required.

SB 9 Application for a ministerial Coastal Development Permit for an existing 2568 sf Primary Dwelling (to remain) with a proposed 2153 sf second Primary Dwelling added to the property between Beach Drive and the existing seawall with a 364 sf attached ADU and a 269 sf Garage/Parking/storage area below. Main floor is elevated above the FEMA BFE, and as such requires a variance to the height standard similar to other variances granted for this reason on Beach Dr.

Owner-Agent Authorization

For persons other than the property owner who wish to obtain a building permit, development permit and/or other permit, the approval of the property owner is required.

Agent Name: Cove Britton Matson Britton Architects

Phone: 831-425-0544 ext 2

Agent Address: 728 N. Branciforte Santa Cruz, CA 95062

Email: cove@matsonbritton.com

I declare under penalty of perjury that I am the Property Owner at the above Project Address; I have completed the above information; and certify the accuracy of the information provided.

Signature of Owner: (actual signature required)

Date: 8-2-24

Note: When there is more than one owner, the owner signing this form represents that they have the consent of all other owners of the parcel. By signing this form, the owner is authorizing the agent to legally bind the owner to responsibility for payment of the County's cost for permit processing and inspections and all other actions related to noncompliance with permit conditions. Finally, by signing this form, the owner is designating the agent as their Agent for Service of Process for all matters relating to this application.

Applicant's Signature

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the County of Santa Cruz is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the CDI Director. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as authorized above.

I understand the County of Santa Cruz has attempted to request everything necessary to review the proposal; however, following the 30-day completeness review, it may be necessary to request additional information as listed on the Universal List of Required Information (LORI). Further, I acknowledge that pursuant to Santa Cruz County Code Section 18.10.210, applications for permits shall be accompanied by a fee as prescribed in the unified fee schedule as adopted by the Board of Supervisors and that fee payment starts the 30-day completeness review period pursuant to the Permit Streamlining Act. I authorize County staff to enter the property involved in this application to conduct site visits necessary for the processing of my application.

Property Owner or Authorized Agent Signature: Sign and print name below

Signature:

Date: 8-5-24

Print Name: Cove Britton



Property Disclosure Statement: Hazardous Waste and Substances Statement

STATE OF CALIFORNIA HAZARDOUS WASTE AND SUBSTANCES SITE LIST (C.G.C § 65962.5)

This section is to be completed by the applicant. In accordance with California Government Code Section 65962.5(e), prior to accepting an application for any development project, the local agency requires the applicant to consult the State of California Hazardous Waste and Substances Site List, also known as the "Cortese List." This list encompasses facilities and environmental cleanup cases identified in various state databases.

To fulfill this requirement, please refer to the California Environmental Protection Agency's (CalEPA) Cortese List Data Resources web page (<https://calepa.ca.gov/SiteCleanup/CorteseList/>). This page provides access to the facilities or sites that meet the criteria for inclusion in the Cortese List.

Upon reviewing the above resources, you are required to submit a signed statement indicating whether the project site falls under the categories specified in the resources provided above.

Statement: I have consulted the State of California Hazardous Waste and Substances List (Cortese List), along with the associated resources, and have determined that the project site (select by checking): ☐ is (or) ☒ is not included on the Cortese List (or) ☐ I am unsure.

Signature: _____

Date: _____

8-2-24

Project Disclosure Statement: Commonly Handled Hazardous Materials

If your proposed use involves one of these materials, or a similar material, you must, under state law, acknowledge the use of handling of such materials on the checklist below. Environmental Health staff can assist you in determining whether you will need to prepare a Business Plan and/or Risk Management and Prevention Program, as required by State law. They can also help you distinguish between hazardous and acutely hazardous materials. Environmental Health located at County Government Center, 701 Ocean Street, Room 312, Santa Cruz, CA, 95060, or call 831-454-2022.

Check one or more of the following:

- ☐ Motor fuels, oils, solvents, thinners, some paints, lacquers, kerosene, and other petroleum products.
- ☐ Acids, caustics, and other corrosive materials.
- ☐ Poisons and toxic materials such as pesticides and herbicides.
- ☐ Oxidizers and oxidizing materials, e.g., liquid oxygen, concentrated sulfuric and nitric acid, chlorates, permanganates, etc.
- ☐ Compressed gases such as oxygen, acetylene, nitrogen, argon, and hydrogen.
- ☐ Flammable solids, explosives, organic peroxides.
- ☐ Toxic gases such as chlorine, ammonia, ethylene oxide, arsine, phosphine, etc.
- ☐ Infectious/etiologic materials such as needle syringes, cultures, anatomical parts, etc.
- ☒ None of the above would be used in the proposed use.

Monterey Bay Air Resources District (MBARD) can assist you with questions regarding air contaminants. Information is available on their website: <https://www.mbard.org>, or you may call 831-647-9411.

Common Interest Development or Homeowners Association (HOA)

For properties located in a Common Interest Development or Homeowner's Association (HOA), please be advised that such associations often require their own internal review and approval of any new development project. With the exception of Paradise Park, the County will not withhold the issuance of a building permit for projects located within HOA; however it is recommended that any project located within an HOA area be vetted in accordance with HOA procedures prior to submittal to the County. For projects located in Paradise Park, please submit a confirmation letter and approval form from the Board of Directors as a Supplemental Document, verifying that the plans have been reviewed and approved.



Your project is required to be submitted through the online [ePlan Review portal](#). The following lists the three files that are required: APP (Application), PLN (Plans), and SUP (Supplemental Documents) and each of their contents. For a step-by-step guide to submitting a discretionary plan, review Eplan Discretionary Permit Overview and Application Process

Application Submittal

The following documents are required for each new application submittal:

1. The APP (Application) file including:
 - a. Application Form – PLG-100 form.
 - b. Associated Discretionary Permit Submittal Checklist
 - ☒ Residential and Commercial Projects (available online [here](#))
 - ☐ Cannabis Use Permits (available online [here](#))
 - ☐ Certificate of Compliance (available online [here](#))
 - ☐ Lot Line Adjustments (available online [here](#))
 - ☐ Tentative Maps/Land Divisions (available online [here](#))
 - ☐ Wireless (WCF) Permits (available online [here](#))
 - ☐ All other projects (available online [here](#))
2. The PLN file contains the project plans. The Discretionary Permit Submittal Checklist (see 1.b. above) details the required content for your project's plans.
3. The SUP file: The Supplement Forms Index - PLG-135 form (available online [here](#)). This form is the cover sheet for the supplemental documents file. This file will contain any additional documents needed for your project, such as a soils report, or other technical reports and design review materials.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

SB 330 PRELIMINARY APPLICATION

This form serves as the Preliminary Application for projects seeking vesting rights pursuant to Senate Bill 330, the Housing Crisis Act of 2019 (amended via SB 8 in 2021). Applicants for eligible housing development projects shall be deemed to have submitted a Preliminary Application upon provision of all the information listed in this form and payment of the permit processing fee.

After submitting this Preliminary Application, an applicant has 180 days to submit a full discretionary application or the Preliminary Application will expire. Please refer to the [SB 330 Guide](#) to learn more about this state law and the SB 330 Preliminary Application process.

PROJECT INFORMATION

Site Address: 625 Beach Dr. Apts APN(s): 043-152-54

PRIMARY CONTACT INFORMATION

Name: Cove Britton Contact Type: Architect
Address: 728 N. Branciforte Santa Cruz, CA 95062
Email: Cove@matsonbritton.com Phone: 831-425-0544

PLEASE PROVIDE ALL INFORMATION REQUIRED BELOW. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED AND VESTING DATE WILL BE DELAYED.

☐ This form serves as a **notice of intent** to submit the SB 35 Streamlined Multifamily Review Process Application. (Only applies to projects pursuing SB 35 streamlining.)

☒ I hereby certify that my SB 330 Preliminary Application is complete pursuant to Gov. Code [§65941.1](#) and includes the following items:

☒ Required Attachments

☒ \$1,000 deposit for application processing fee

Owner Name: Kevin and Sandy Huber Trust Signature: _____ Date: _____

Applicant Name: Kevin Huber Cove Britton Signature: _____ Date: _____

AGENCY USE ONLY

Submittal Date Stamp*:

Note to Staff:

* Record keeping pertaining to which standards and fees apply at date of submittal is imperative, as penalties may apply for imposing incorrect standards.

* If this form serves as a notice of intent to submit the SB 35 Application, please notify the Planning Department Policy Division to begin the tribal consultation process.

* Submittal of all information listed and payment of permit processing fee freezes development standards and fees as of this date, unless exceptions per Gov. Code [§65889.5\(o\)](#) are triggered.

SITE INFORMATION

1. **PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

Street Address 625 Beach Drive Apts, CT 95005 Unit/Space Number _____

Legal Description (Lot, Block, Tract)

Attached? YES ☒ NO ☐

~~APN 043-152-54~~
Legal Description attached

Assessor Parcel Number(s) 043-152-54

2. **EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

One Primary Residence on a ~~15,000~~ square foot +
RB zoned Parcel. 22,357

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

Attached? YES ☒ NO ☐

4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Attached? YES ☒ NO ☐

5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

~~SB 9 Application for a Coastal Development Permit~~
~~to add a second Primary Dwelling of 2,128 square feet and~~
~~a 364 sq. ft. ADU~~
See attached Development Permit Application

a. **RESIDENTIAL DWELLING UNIT COUNT:**

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

	Number of Units
Market Rate	2
Managers Unit(s) – Market Rate	
Extremely Low Income	
Very Low Income	
Low Income	
Moderate Income	
Total No. of Units	2
Total No. of Affordable Units	
Total No. of Density Bonus Units	

Other notes on units:

One existing and one proposed Primary Dwelling as allowed under SB 9

6. **FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

	Residential	Nonresidential	Total
Floor Area (Zoning)	290 sq ft	11 sq ft	301 sq ft
Square Footage of Construction	2,591 sq ft	1,181 sq ft	3,772 sq ft

7. **PARKING** - The proposed number of parking spaces:

(1) covered, (3) uncovered

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES ☐ NO ☒

If "YES," please describe:

9. **SUBDIVISION** – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES ☐ NO ☒

If "YES," please describe:

10. **POLLUTANTS** – Are there any proposed point sources of air or water pollutants?

YES ☐ NO ☒

If "YES," please describe:

11. **EXISTING SITE CONDITIONS** – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	Occupied Residential Units	Unoccupied Residential Units	Total Residential Units
Existing	1		1
To Be Demolished	0		0

12. **ADDITIONAL SITE CONDITIONS** –

- a. Whether a portion of the property is located within any of the following:
- A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178?

YES ☐ NO ☒

- Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?

YES ☐ NO ☒

- A hazardous waste site that is listed pursuant to Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

YES ☐ NO ☒

- A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency?

YES ☒ NO ☐

7

- v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?

YES ☐ NO ☐

- vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?

YES ☐ NO ☒

If "YES" to any, please describe:

Located in a Flood Zone, thus the project will be built to FEMA Standards.

- b. Does the project site contain historic and/or cultural resources?

YES ☐ NO ☒

If "YES," please describe:

- c. Does the project site contain any species of special concern?

YES ☐ NO ☒

If "YES," please describe:

- d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

YES ☐ NO ☒

If "YES," please describe:

- e. Does the project site contain a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? Provide an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

YES ☐ NO ☒

If "YES," please describe and depict in attached site map:

13. COASTAL ZONE - For housing development projects proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

- a. Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

YES ☐ NO ☒

- b. Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

YES ☐ NO ☒

- c. A tsunami run-up zone.

YES ☐ NO ☐

- d. Use of the site for public access to or along the coast.

YES ☐ NO ☒

14. PROJECT TEAM INFORMATION - The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

Applicant's Name Cove Brittan

Company/Firm Martean Brittan Architects

Address 728 Branciforte Unit/Space Number _____

City Santa Cruz State CA Zip Code 95062

Telephone 831-425-0544 ^{2#} Email Cove@marteanbrittan.com

Are you in escrow to purchase the property? YES ☐ NO ☒

Property Owner of Record ☐ Same as applicant ☐ Different from applicant

Name (if different from applicant) Kevin and Sandy Huber Trust

Address 16101 N. Ray Rd Unit/Space Number _____

City Hed State CA Zip Code 95242

Telephone 209-684-2525 Email Khuber@grapehuber.com

Optional: Agent/Representative Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Optional: Other (Specify Architect, Engineer, CEQA Consultant, etc.) _____

Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Primary Contact for Project: ☐ Owner ☒ Applicant ☐ Agent/Representative ☐ Other

PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.

1. I hereby certify that I am the owner of record of the herein previously described property located in Santa Cruz County, which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
2. I hereby consent to the filing of this Preliminary Application on my property for processing by Santa Cruz County for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
3. Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with Santa Cruz County within 180 days of the date that the Preliminary Application is submitted.
4. By my signature below, I certify that the foregoing statements are true and correct.

Printed Name: Kevin Huber

Signature: [Signature] 8.2.24
Date

Printed Name: SANDY HUBER

Signature: [Signature] 8.2.24
Date

APPLICANT'S SIGNATURE

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the County of Santa Cruz is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Planning Director. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, and that proof of such is on file with the Zoning Section.

I understand that the County of Santa Cruz has attempted to request everything necessary for an accurate and complete review of your proposal; however, after Planning staff has taken in the application and reviewed it further, it may be necessary to request additional information and clarification. I authorize County staff to enter the property involved in this application to conduct site visits necessary for the processing of my application.



Signature of Owner or Authorized Agent

Date



THIS IS A SELF-CERTIFIED APPLICATION. SELF-CERTIFIED APPLICATIONS ARE MADE AT THE APPLICANT'S OWN RISK. IF A PROPOSED PROJECT DOES NOT MEET STATE ELGIBILITY STANDARDS, PROJECT REVIEW FEES WILL NOT BE REFUNDED, AND ADDITONAL FEES MAY APPLY. BY SIGNING BELOW, YOU ARE ACKNOWLEDGING THIS RISK.

PROJECT INFORMATION

Site Address: 625 Beach Drive Aptos, CA 95003 APN: 043-152-54

Is the parcel located in the Coastal Zone? ☒ Yes ☐ No Parcel Size: 22,357 (per survey) sf
(Additional fees will apply)

The proposed project will use SB9 for one of the following purposes:

- ☒ ONLY development of two primary housing units on one parcel.
- ☐ ONLY an urban lot split of one existing parcel.
- ☐ BOTH an urban lot split AND development of dwelling units.

Note: proposed development projects may also include ADUs / JADUs.

DETAILED PROJECT DESCRIPTION An existing 2,568 sf Primary Dwelling to remain with a proposed
2153 Second Primary Dwelling added to the property between Beach Drive and the seawall with a 364 sf ADU
and a 269 sf Garage/Parking Port/Storage below. The new residence consists of a main living level accessing
a separate deck off the living room, a master bedroom suite and attached ADU both accessing an open courtyard
over a lower underfloor storage (less than 7'6" in height), and a parking level (Garage/Storage and Parking Ports
7' 6" minimum in heght) with access to the living level via stairs and an elevator.

Primary Contact Information

Name: Cove Britton/Martha Matson Matson Britton Architects (See PLG-210)

Address: 728 N. Branciforte Santa Cruz, CA 95062

Email: cove@matsonbritton.com Phone: 831-425-0544 Extension 2

Owner Name: The Kevin and Sandy Huber Trust Signature: [Signature] Date: 06-05-2024

Applicant Name: Cove Britton (See PLG-210) Signature: _____ Date: _____



SB9 Eligibility Checklist

The criteria listed below are SB9 requirements per [Gov. Code §65852.21](#) and [§66411.7](#). Note: GISWEB references are informational only to identify potential areas and are not definitive

IMPORTANT: Before starting the SB9 application process, property owners and project professionals should review all the eligibility requirements in the SB9 Eligibility Checklist below. This checklist will help you verify if your project concept complies with the criteria for a residential development and/or land division under SB9. Only projects that comply will be approved for a building permit and/or land division. One key requirement to be aware of is Owner Occupancy; for all SB9 urban lot splits, the property owner must live on one of the parcels resulting from the land division as their primary dwelling for three years from the date of approval. Please review this application for more information on this and other requirements.

SECTION A. PROPERTY ELIGIBILITY

This section must be completed for all SB9 Applications. See the [Santa Cruz County GISWeb](#) for parcel information. Select your property by entering the Parcel Number or address. Use the Property Report button to generate a list of general information about your parcel. The checklist below identifies specific layers available on the GISWeb legend for more detail.

<input checked="" type="checkbox"/>	<p>1. The site is a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the US Census Bureau.</p> <p><i>GISWeb Legend: Jurisdictional, Elections, Census > Census Urban Areas 2010</i></p>
<input checked="" type="checkbox"/>	<p>2. The parcel is located within a single-family residential zone.</p> <p><i>GISWeb Legend: Zoning</i></p> <p>Single-Family Residential Zones include the zone districts below:</p> <ul style="list-style-type: none"><input type="checkbox"/> R-1 Single-Family Residential District<input type="checkbox"/> RA Residential Agricultural District<input checked="" type="checkbox"/> RB Ocean Beach Residential District<input type="checkbox"/> RR Rural Residential District
<input checked="" type="checkbox"/>	<p>3. The project is a) located outside of a historic district or property included on the State Historic Resources Inventory, AND b) the site is not designated or listed as a County landmark or historic property or district.</p> <p><i>GISWeb Property Report: Zoning includes "-L" Historic Landmark Combining District</i></p>
<input checked="" type="checkbox"/>	<p>4. No Ellis Act evictions(s) have occurred for any existing housing on the property in the 15 years prior to submittal of the application.</p>
<input checked="" type="checkbox"/>	<p>5. The project will not require demolition or substantial alteration (>25% of exterior walls) of the following types of housing:</p> <ul style="list-style-type: none">a) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.b) Housing that is subject to any form of rent or price control.c) Housing that has been occupied by a tenant (rent paying or not) in the last three years. <p><i>Please provide evidence of housing vacancy or owner occupancy such as: property tax records, income tax records, utility bills, vehicle registration, or similar documentation.</i></p>



SECTION A. PROPERTY ELIGIBILITY

6. The parcel does not include one or more of the following protected areas:

- a) Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a local ballot measure
 - o GISWeb Legend: Land Use > Important Farmlands & GISWeb Legend: Zoning > Important Farmlands and Land Use > Ag Resource Area.
- b) Wetlands, as defined by the United States Fish and Wildlife Service
 - o GISWeb Legend: Biotic and Water Resources > Streams¹
- c) Lands identified for conservation in an adopted natural resource protection plan
 - o GISWeb Legend: Biotic and Water Resources > IPHCP Area
- d) Habitat for state and federally protected species
 - o GISWeb Legend: Biotic and Water Resources² > Potential Sandhills Habitat, Grasslands, SpecialForest, Riparian Woodlands, Biotic Resources, Santa Cruz County Biotic Data
- e) Lands under conservation easement
 - o GISWeb Property Report: Zoning includes "-O" Open Space Easement Combining District
 - o GISWeb Property Report: Zoning includes "-P" Agricultural Preserve Combining District

7. The parcel is not located in a hazard area. If the parcel is located in a hazard area, the project will need to meet County safety standards, and/or meet all Building Code standards and incorporate mitigation measures as applicable.

If the parcel is located in a hazard area, please complete the section below:

The project is located in hazard area(s)

- ☐ Very high or high fire hazard severity zone
GISWeb Legend: Hazards and Geophysical > State Response Areas
- ☐ Hazardous waste site
GISWeb Legend: Hazards and Geophysical > Permitted Hazardous Materials Facilities
- ☐ Earthquake fault zone
GISWeb Legend: Hazards and Geophysical > Geologic Structures - Faults
- ☒ FEMA-designated 100-year flood hazard area
GISWeb Legend: Hazards and Geophysical > FEMA Insurance zones
- ☐ FEMA-designated floodway
GISWeb Legend: Hazards and Geophysical > FEMA Floodway

AND meets following requirement(s), as applicable:

- ☐ Adopts applicable fire hazard mitigation measures
- ☐ State has cleared the site for residential use
- ☐ Complies with seismic protection standards
- ☒ Meets minimum flood plain management criteria
- ☐ Project has received a no-rise certification

¹ NOTE: Streams layer only identifies potential wetland areas. A site visit or additional studies may be required to determine presence of wetlands as defined by USFWS. Please contact Environmental Planning section for more information: EnvironmentalPlanningInfo@santacruzcounty.us

² NOTE: The layers listed only identify potential habitat areas. A site visit from a County environmental planner may be required to determine presence of state and federally protected species. Please contact Environmental Planning section for more information: EnvironmentalPlanningInfo@santacruzcounty.us



SECTION B. RESIDENTIAL DEVELOPMENT ELIGIBILITY

Required for development of two primary units on a single-family parcel. If project only proposes a lot split, skip to Section C.

<input checked="" type="checkbox"/>	1. If units are connected to an Onsite Wastewater Treatment System (OWTS), the OWTS must meet or be upgraded to meet current standards in compliance with County Code Chapter 7.38. (Please attach Environmental Health Clearance, if applicable.)
<input checked="" type="checkbox"/>	2. If the site has been occupied by a tenant (whether or not paying rent) in the last three years, no more than 25% of the existing structural wall will be demolished. Does the project propose demolition of more than 25% of the existing structural walls? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, has the site been occupied by a tenant in the last three years? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes and yes, project is not eligible for SB9. If yes then no, provide evidence of vacancy or owner occupancy such as: property tax records, income tax records, utility bills, vehicle registration, or similar.
<input checked="" type="checkbox"/>	3. The project proposes development of no more than two primary units per parcel and no more than four units per project. Number and type (primary or ADU) of existing units: <u>One Primary Dwelling</u> Number and type of existing units to be demolished: <u>None</u> No. & type of extg. units to be converted, No.& type of units to result: <u>None</u> Number and type of proposed units: <u>One Primary Dwelling and one attached ADU</u> Resulting in (total number and type of units. Reference parcels if also splitting.): _____ <u>Two Primary Dwellings and one attached ADU on one existing parcel.</u>
<input checked="" type="checkbox"/>	4. All new rental units will be rented long term (>30 days). Concurrent to recordation of the Parcel Map, the applicant must record a Deed Restriction identifying that the units on the properties may not be rented for a term of 30 days or less.
<input checked="" type="checkbox"/>	5. Total existing off-street parking spaces (8.5' X 18') : <u>3</u> 6. Total off-street parking spaces after project completion:* <u>7</u> Proposed parking equals 2 spaces for 1-BR primary dwelling(s) and 3 spaces for 2-, 3- or 4-BR primary dwelling(s). If not feasible, then at least one off-street parking space per primary unit. Also, one space per ADU where required (see GIS layer Land Use / ADU Parking Exemption). : <input type="checkbox"/> YES <input type="checkbox"/> NO OR the project does not require parking because: <input type="checkbox"/> Parcel located one-half mile walking distance from high-quality transit corridor or major transit stop (Note: None yet located in County area a/o 2023.) <input type="checkbox"/> Car share vehicle located within a block of parcel
<input checked="" type="checkbox"/>	7. Standard building setbacks are met; if not, setbacks to side and rear property lines are at least 4 feet and new primary dwelling(s) do not exceed 800 sq.ft. Indicate setbacks:* Front: <u>10'</u> Rear: <u>128' to PL</u> Sides: <u>Zero LL on East and 5' on West</u>
<input checked="" type="checkbox"/>	8. The project information presented is consistent with County <u>Objective Standards</u> that do not conflict with SB9. If not checked, please describe areas of conflict: _____ <u>A Height Variance due to the FEMA requirements consistent with other homes that been built on Beach Drive. See Application 06-0083 for 618 Beach Drive as an example. Height of 22' allowed.</u>



SECTION C. SB9 LOT SPLIT ELIGIBILITY REQUIREMENTS

Required for subdivision of single-family parcel. If project does not include a lot subdivision, this section is not required.

<input type="checkbox"/>	1. The existing parcel proposed for subdivision was not created by an urban lot split under SB9. At least one dwelling unit exists (or is under construction) on the parcel.*
<input type="checkbox"/>	2. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split pursuant to SB9.
<input type="checkbox"/>	3. The proposed subdivision creates no more than two new parcels of approximately equal net site area that meet the following criteria. Net site area is the gross area minus rights of way (unless on beach or coastal bluff): a) Proposed net site area is at least 40% of the gross area of the original parcel, and b) Proposed gross area at least 1,200 square feet for parcels served by sewer, or c) Proposed gross area at least 1 acre for most parcels with septic systems. Parcels of 15,000 sq. ft. on septic are allowed in Monte Toyon #1 and Rio del Mar Lodge #1 & 2 subdivisions and Assessors map page 040-14, if within Soquel Creek Water District.*
<input type="checkbox"/>	Lot A net site area: _____ sf. Percentage of net site area of the original parcel: _____ % Lot B net site area: _____ sf. Percentage of net site area of the original parcel: _____ %
<input type="checkbox"/>	4. Both new lots will be limited to residential uses only.
<input type="checkbox"/>	5. If the project includes both an urban lot split and development of two primary housing units, the project proposes no more than four units total— can be attached or detached. (Please complete Section B.)
<input type="checkbox"/>	6. The owner(s) have provided a) a signed attestation stating that the owner intends to occupy one of the lots as their principal residence for a minimum of three years from the date of the approval of the urban lot split (see below), OR b) documentation verifying owner occupancy is not required.*
<input type="checkbox"/>	7. The project is consistent with all applicable County objective standards that do not conflict with SB9. <u>(See List of Objective Standards.)</u> "Objective standards," including "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. If not checked, please describe areas of conflict: _____ _____ _____ _____ _____ _____



Owner's Occupancy Attestation

This form is required only for SB9 lot split applications. Please do not e-sign in this application, as it locks the document. Instead, please print out, sign, scan and submit this signature page as a separate pdf file. Or extract as a separate, one-page document, e-sign that document and submit as a separate pdf file.

Under penalty of perjury the following declarations are made:

- 1) The undersigned is/are the owner(s) of the property that is subject of this application.
- 2) The information presented is true and correct to the best of my/our knowledge.
- 3) I/We acknowledge that additional information or applications may be required prior to a decision on this application.
- 4) At least one of the owners below will occupy one of the housing units as their principal residence for a minimum of three years from the date of the approved land division.
- 5) I/We understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to the Department websites. All owners or trustees must sign. Please add signature lines as necessary.

Owner Name: _____ Signature: _____ Date: _____

Phone: _____ Email: _____

Owner Name: _____ Signature: _____ Date: _____

Owner Name: _____ Signature: _____ Date: _____

Owner Name: _____ Signature: _____ Date: _____

Owner Name: _____ Signature: _____ Date: _____

Owner Name: _____ Signature: _____ Date: _____

Owner Name: _____ Signature: _____ Date: _____

DEVELOPMENT PERMIT APPLICATION

County of Santa Cruz Planning Department

GENERAL DATA ABOUT YOUR PROPOSED PROJECT

Assessors Parcel Number (APN)(s): 043-152-54

(This may be obtained from the Assessor's Office)

Property Address: 625 Beach Drive CITY: Aptos CA Zip: 95003

Property Location: (If no address) _____

APPLICANT'S (Authorized Agent), NAME

if different from Owner Cove Britton Matson Britton Architects

APPLICANT MAILING ADDRESS 728 N. Branciforte

CITY/STATE Santa Cruz, CA ZIP 95062 EMAIL cove@matsonbritton.com

PHONE NO. (831) 425-0544 Ext #2 FAX NO. () CELL NO. ()

A signed owner-agent form (attached) must be submitted if the application submittal is by anyone other than the owner.

OWNER NAME(S) Kevin and Sandy Huber Trust

OWNER MAILING ADDRESS 16101 N Ray Rd

CITY/STATE Lodi, CA ZIP 95242 EMAIL khuber@grupehuber.com

PHONE NO. (209) 490-2650 FAX NO. () CELL NO. (209) 684-2525

DESCRIBE THE PROPOSED PROJECT IN DETAIL:

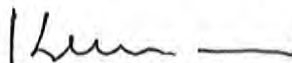
SB 9 application for a Coastal Development Permit (ministerial) for an existing 2568 sf Primary Dwelling to remain with a proposed 2153 sf second primary dwelling added to the property between Beach Drive and the existing seawall with a 364 sf attached ADU and a 269 sf Garage/Parking Port/Storage below. The new residence consists of a main living level accessing a separate deck off the living room, a master bedroom suite and attached ADU, both accessing an open courtyard over a lower underfloor storage, a parking level. Access to the main living level is via stairs and an elevator.

Since the property is in the FEMA floodplain, the main floor will be elevated at the required elevation above the FEMA BFE. Due to this requirement, and consistent with other homes on Beach Drive built to FEMA standards, the applicant is requesting a variance to the height standard. For an example of how this request has been treated on other CDP's, please refer to application 06-0083 for 618 Beach Drive, where a variance for this reason was granted to a 22' height.

APPLICANT'S SIGNATURE

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the County of Santa Cruz is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Planning Director. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, and that proof of such is on file with the Zoning Section.

I understand that the County of Santa Cruz has attempted to request everything necessary for an accurate and complete review of your proposal; however, after Planning staff has taken in the application and reviewed it further, it may be necessary to request additional information and clarification. I authorize County staff to enter the property involved in this application to conduct site visits necessary for the processing of my application.



Signature of Owner or Authorized Agent

6-5-24

Date



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

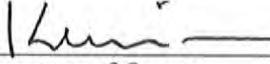
701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131

OWNER-AGENT APPROVAL FORM

For persons other than the owner who wish to obtain a building, development or other permit, owner approval is required. This is the County's authorization to issue a permit to the agent listed below:

Agent: **Name:** Cove Britton- Matson Britton Architects
Address: 728 N Branciforte
City: Santa Cruz
State/Zip Code: CA 95062
Telephone: (831) 425-0544 Ext: 2#
Email: cove@matsonbritton.com

Owner: **Name:** Kevin and Sandy Huber Trust
Address: 16101 N Ray Rd
City: Lodi
State/Zip Code: CA 95242
Telephone: (209) 684-2525
Email: khuber@grupehuber.com

Date: <u>6-5-24</u>	Signature of Owner <u></u>
<u>043-152-54</u>	<u>625 Beach Dr Aptos, CA 95003</u>
Assessor's Parcel Number(s)	Project Location

Note: One Owner-Agent form will be required for each permit required. In the case where there is more than one owner of a parcel, the owner signing this form represents that he/ she has the consent from all other owners of the parcel. For development permits, by signing this form, the owner is authorizing the agent to legally bind the owner to responsibility for payment of the County's cost for inspections and all other actions related to noncompliance with permit conditions. The agent will be required to provide the department with proof of service by mail, that the owner was mailed a copy of the executed acceptance of permit conditions. Finally, by signing this form, the owner is designating the agent as their Agent for Service of Process for all matters relating to this application.

****Any refunds will be made to whomever made the payment**



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

PROPERTY DISCLOSURE STATEMENT

Date: 6-5-24 APN: 043-152-54 Application #: _____

Applicant: Kevin Huber, Trustee of the Kevin and Sandy Huber Trust

1. Applicant's statement of interest in the property (in connection with the application to be filed).
Owner _____
2. Does the subject property have an Agricultural Preserve contract in effect?
☐ Yes ☒ No ☐ Unsure
3. Does the subject property have an existing Open Space Easement contract in effect?
☐ Yes ☒ No ☐ Unsure
4. Is your project located on property identified on the following lists, as designated by the State of California Secretary for Environmental Protection?
 - a. Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code:
☐ Yes ☒ No ☐ Unsure
 - b. Hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code:
☐ Yes ☒ No ☐ Unsure
 - c. Hazardous waste disposal site on public lands as identified by the Department of Toxic Substances control pursuant to Section 25242 of the Health and Safety Code:
☐ Yes ☒ No ☐ Unsure
 - d. Property listed pursuant to Section 25356 of the Health and Safety Code:
☐ Yes ☒ No ☐ Unsure
 - e. Property listed in the Abandoned Site Assessment Program:
☐ Yes ☒ No ☐ Unsure
5. If your property is not served by a public sewer or municipal water system, have you contacted Environmental Health Services (3rd Floor, County Building)
☐ Yes ☒ No

COMPLETE THE SECTION BELOW ONLY FOR NON-RESIDENTIAL PROJECTS

6. Hazardous Materials:

- ☐ I will be using or handling hazardous materials in my property use.
☒ I will NOT be using or handling hazardous materials in my proposed use.
☐ Unsure

7. Acutely Hazardous Materials:

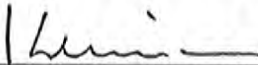
- ☐ I will be using or handling acutely hazardous materials in my property use.
☒ I will NOT be using or handling acutely hazardous materials in my proposed use.
☐ Unsure

8. Proximity of property to a school.

- ☐ The property on which my use is proposed is within 1000 feet of a public or private school.
☒ The property on which my use is proposed is NOT within 1000 feet of a public or private school.

9. Air Contaminants (NOTE: Agricultural operations are exempt from this disclosure.)

- ☐ My proposed use involves machinery, equipment or other contrivances that may cause release or emission of air contaminants.
☒ My proposed use DOES NOT involve machinery, equipment, or other contrivances that may cause release or emission of air contaminants.



Signature of applicant

6-5-24

Date

COMMONLY HANDLED HAZARDOUS MATERIALS LIST

Commonly handled hazardous materials are listed below. If your proposed use involves one of these materials, or a similar material, you must, under state law, acknowledge the use of handling of such materials on this form. Environmental Health staff can assist you in determining whether you will need to prepare a Business Plan and/or Risk Management and Prevention Program, as required by State law. They can also help you distinguish between hazardous and acutely hazardous materials. Environmental Health is located in Room 312, County Government Center, 701 Ocean Street, Santa Cruz, CA, 95060, or call 831-454-2022.

EXAMPLES OF REGULATED HAZARDOUS MATERIALS COMMONLY HANDLED:

1. Motor fuels, oils, solvents, thinners, some paints, lacquers, kerosene, and other petroleum products.
2. Acids, caustics, and other corrosive materials.
3. Poisons and toxic materials such as pesticides and herbicides.
4. Oxidizers and oxidizing materials such as liquid oxygen, concentrated sulfuric and nitric acid, chlorates, permanganates, etc.
5. Compressed gases such as oxygen, acetylene, nitrogen, argon, and hydrogen.
6. Flammable solids, explosives, organic peroxides.
7. Toxic gases such as chlorine, ammonia, ethylene oxide, arsine, phosphine, etc.
8. Infectious/etiologic materials such as needle syringes, cultures, anatomical parts, etc.

The Monterey Bay Unified Air Pollution Control District can assist you with questions concerning air contaminants. They are located at 24580 Silver Cloud Court, Monterey, CA 93940, or you may call 831-647-9418



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 454-2131

ZONING INFORMATION: PLANNING.ZONINGINFO@SANTACRUZCOUNTY.US

APPLICATION INSTRUCTIONS

Before finalizing your application materials, you are encouraged to bring in a preliminary set of project plans, special studies, and exhibits to the Zoning Counter (walk-in only-no appointment required) for a cursory completeness review by a counter planner. This will increase the likelihood that the application will be accepted at your submittal appointment. *Applications with deficiencies cannot be accepted.*

1. Complete the Application Form.
2. If the property owner will not be present at the time of submittal, complete the Owner-Agent Form (attached to the Application Form). If there is more than one parcel involved and the parcels have separate owners, a separate owner-agent form will be required for each parcel.
3. Prepare your project plans, Program Statement, and Special Studies (as applicable) in accordance with the County's List of Required Information (LORI). Fill out the LORI.
4. For Level 5, 6 or 7 permit applications (refer to the Discretionary Permit Levels of Review Form in the Application Packet for Guidance), you are required to submit the Fee Estimate and Routing Form at the time of submittal. The Fee Estimate and Routing Form shall be completed by a Zoning Counter planner prior to submittal. All other permit applications may be submitted without a Fee Estimate and Routing Form.
5. For properties located in a Common Interest Development or Homeowner's Association (HOA), such as the Sand Dollar Beach, Pasatiempo, Pajaro Dunes, and Paradise Park HOAs, please be advised that such associations often require their own internal review and approval of any new development project. With the exception of Paradise Park, the County will not withhold the issuance of a building permit for projects located within HOA; however it is recommended that any project located within an HOA area be vetted in accordance with HOA procedures prior to submittal to the County.
6. Bring your payment in the form of a check or cash (we do not accept credit cards at this time). We recommend that you do not make out your check ahead of time, since the fee estimate provided to you with the LORI is an estimate and is subject to change.
7. Call (831) 454-3252 to determine if you need an appointment for your submittal. Applications processed at Levels 4 through 7, including Commercial Development Permits, Coastal Development Permits and Subdivisions, require an appointment for submittal. All other application submittals may be taken in any time during Zoning Counter hours, 8 AM until 11:30 AM and 1 PM until 3:30 PM, Monday through Thursday. At the time of application submittal, please bring in all required forms, including the Application Form, Fee Estimate & Routing Form, and completed LORI, along with all required plans, reports and exhibits.

*All application forms, including the LORI, are available at the Zoning Counter or on the Planning Department's web page at: <http://sccoplanning.com>.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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


OWNER-AGENT APPROVAL FORM

For persons other than the owner who wish to obtain a building, development or other permit, owner approval is required. This is the County's authorization to issue a permit to the agent listed below:

Agent: **Name:** Cove Britton- Matson Britton Architects
Address: 728 N Branciforte
City: Santa Cruz
State/Zip Code: CA 95062
Telephone: (831) 425-0544 Ext: 2#
Email: cove@matsonbritton.com

Owner: **Name:** Kevin and Sandy Huber Trust
Address: 16101 N Ray Rd
City: Lodi
State/Zip Code: CA 95242
Telephone: (209) 684-2525
Email: khuber@grupehuber.com

Date: 6-5-24


Signature of Owner

Assessor's Parcel Number(s) 043-152-54

Project Location 625 Beach Dr Aptos, CA 95003

Note: One Owner-Agent form will be required for each permit required. In the case where there is more than one owner of a parcel, the owner signing this form represents that he/ she has the consent from all other owners of the parcel. For development permits, by signing this form, the owner is authorizing the agent to legally bind the owner to responsibility for payment of the County's cost for inspections and all other actions related to noncompliance with permit conditions. The agent will be required to provide the department with proof of service by mail, that the owner was mailed a copy of the executed acceptance of permit conditions. Finally, by signing this form, the owner is designating the agent as their Agent for Service of Process for all matters relating to this application.

****Any refunds will be made to whomever made the payment**



County of Santa Cruz
Community Development & Infrastructure
701 Ocean Street 4th Floor, Santa Cruz, CA 95060
www.sccoplanning.com

Owner-Agent Authorization

Form
PLG-210
Page 1 of 1
Rev 10/15/22

The preparer is legally responsible for signatures whether a graphic, typewritten, or handwritten. Documents may not be restricted by digital signatures or otherwise.

Project Information		Permit No.
APN: 043-152-54		Date: Dec. 11, 2023
Project Address: 625 Beach Drive, Aptos, CA 95003		
Legal Owner: Kevin and Sandy Huber Trust		Email: khuber@grupehuber.com
Owner Address: 16101 N Ray Rd Lodi, CA 95242		Phone: 209-684-2525
Authorized Agent		
Firm Name: Matson Britton Architects		License No. C-23616
Name: Cove Britton		Email: cove@matsonbritton.com
Address: 728 N. Branciforte Ave.		Phone: 831-425-0544

Authorization Statement

This is the County's authorization to issue a permit to the Agent shown above.

One Owner-Agent Authorization form will be required for each permit required. In the case where there is more than one owner of a parcel, the owner signing this form represents that he/she has the consent from all other owners of the parcel. For development permits, by signing this form, the owner is authorizing the agent to legally bind the owner to responsibility for payment of the County's cost for inspections and all other actions related to noncompliance with permit conditions. The agent will be required to provide the department with proof of service by mail, that the owner was mailed a copy of the executed acceptance of permit conditions. Finally, by signing this form, the owner is designating the agent as their Agent for Service of Process for all matters relating to this application.

Refunds will be made to whomever made the payment.

Effective 11/1/20 (Building Permits): [ePlan](#) electronic submittal required for all projects requiring a review. Permit status and corrections must be tracked [online](#).

AB3002 Notice to Applicants for Commercial Building Permits online: [AB3002](#)

I declare under penalty of perjury that I am the Property Owner at the above Project Address; I have filled out this document; and I certify the accuracy of the information provided.

Signature of the Owner (who is authorizing the agent)

Signature: _____

Date: _____

6-5-24



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

PROPERTY DISCLOSURE STATEMENT

Date: 12/11/23 APN: 043-152-54 Application #: _____
Applicant: Kevin Huber, Trustee of the Kevin and Sandy Huber Trust

1. Applicant's statement of interest in the property (in connection with the application to be filed).
Owner _____
2. Does the subject property have an Agricultural Preserve contract in effect?
☐ Yes ☒ No ☐ Unsure
3. Does the subject property have an existing Open Space Easement contract in effect?
☐ Yes ☒ No ☐ Unsure
4. Is your project located on property identified on the following lists, as designated by the State of California Secretary for Environmental Protection?
 - a. Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code:
☐ Yes ☒ No ☐ Unsure
 - b. Hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code:
☐ Yes ☒ No ☐ Unsure
 - c. Hazardous waste disposal site on public lands as identified by the Department of Toxic Substances control pursuant to Section 25242 of the Health and Safety Code:
☐ Yes ☒ No ☐ Unsure
 - d. Property listed pursuant to Section 25356 of the Health and Safety Code:
☐ Yes ☒ No ☐ Unsure
 - e. Property listed in the Abandoned Site Assessment Program:
☐ Yes ☒ No ☐ Unsure
5. If your property is not served by a public sewer or municipal water system, have you contacted Environmental Health Services (3rd Floor, County Building)
☐ Yes ☒ No

COMPLETE THE SECTION BELOW ONLY FOR NON-RESIDENTIAL PROJECTS

6. Hazardous Materials:

- ☐ I will be using or handling hazardous materials in my property use.
☒ I will NOT be using or handling hazardous materials in my proposed use.
☐ Unsure

7. Acutely Hazardous Materials:


- ☐ I will be using or handling acutely hazardous materials in my property use.
☒ I will NOT be using or handling acutely hazardous materials in my proposed use.
☐ Unsure

8. Proximity of property to a school.

- ☐ The property on which my use is proposed is within 1000 feet of a public or private school.
☒ The property on which my use is proposed is NOT within 1000 feet of a public or private school.

9. Air Contaminants (NOTE: Agricultural operations are exempt from this disclosure.)

- ☐ My proposed use involves machinery, equipment or other contrivances that may cause release or emission of air contaminants.
☒ My proposed use DOES NOT involve machinery, equipment, or other contrivances that may cause release or emission of air contaminants.


 Signature of applicant

6-5-24
 Date

COMMONLY HANDLED HAZARDOUS MATERIALS LIST

Commonly handled hazardous materials are listed below. If your proposed use involves one of these materials, or a similar material, you must, under state law, acknowledge the use of handling of such materials on this form. Environmental Health staff can assist you in determining whether you will need to prepare a Business Plan and/or Risk Management and Prevention Program, as required by State law. They can also help you distinguish between hazardous and acutely hazardous materials. Environmental Health is located in Room 312, County Government Center, 701 Ocean Street, Santa Cruz, CA, 95060, or call 831-454-2022.

EXAMPLES OF REGULATED HAZARDOUS MATERIALS COMMONLY HANDLED:

1. Motor fuels, oils, solvents, thinners, some paints, lacquers, kerosene, and other petroleum products.
2. Acids, caustics, and other corrosive materials.
3. Poisons and toxic materials such as pesticides and herbicides.
4. Oxidizers and oxidizing materials such as liquid oxygen, concentrated sulfuric and nitric acid, chlorates, permanganates, etc.
5. Compressed gases such as oxygen, acetylene, nitrogen, argon, and hydrogen.
6. Flammable solids, explosives, organic peroxides.
7. Toxic gases such as chlorine, ammonia, ethylene oxide, arsine, phosphine, etc.
8. Infectious/etiologic materials such as needle syringes, cultures, anatomical parts, etc.

The Monterey Bay Unified Air Pollution Control District can assist you with questions concerning air contaminants. They are located at 24580 Silver Cloud Court, Monterey, CA 93940, or you may call 831-647-9418



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 454-2131

ZONING INFORMATION: PLANNING.ZONINGINFO@SANTACRUZCOUNTY.US

APPLICATION INSTRUCTIONS

Before finalizing your application materials, you are encouraged to bring in a preliminary set of project plans, special studies, and exhibits to the Zoning Counter (walk-in only-no appointment required) for a cursory completeness review by a counter planner. This will increase the likelihood that the application will be accepted at your submittal appointment. *Applications with deficiencies cannot be accepted.*

1. Complete the Application Form.
2. If the property owner will not be present at the time of submittal, complete the Owner-Agent Form (attached to the Application Form). If there is more than one parcel involved and the parcels have separate owners, a separate owner-agent form will be required for each parcel.
3. Prepare your project plans, Program Statement, and Special Studies (as applicable) in accordance with the County's List of Required Information (LORI). Fill out the LORI.
4. For Level 5, 6 or 7 permit applications (refer to the Discretionary Permit Levels of Review Form in the Application Packet for Guidance), you are required to submit the Fee Estimate and Routing Form at the time of submittal. The Fee Estimate and Routing Form shall be completed by a Zoning Counter planner prior to submittal. All other permit applications may be submitted without a Fee Estimate and Routing Form.
5. For properties located in a Common Interest Development or Homeowner's Association (HOA), such as the Sand Dollar Beach, Pasatiempo, Pajaro Dunes, and Paradise Park HOAs, please be advised that such associations often require their own internal review and approval of any new development project. With the exception of Paradise Park, the County will not withhold the issuance of a building permit for projects located within HOA; however it is recommended that any project located within an HOA area be vetted in accordance with HOA procedures prior to submittal to the County.
6. Bring your payment in the form of a check or cash (we do not accept credit cards at this time). We recommend that you do not make out your check ahead of time, since the fee estimate provided to you with the LORI is an estimate and is subject to change.
7. Call (831) 454-3252 to determine if you need an appointment for your submittal. Applications processed at Levels 4 through 7, including Commercial Development Permits, Coastal Development Permits and Subdivisions, require an appointment for submittal. All other application submittals may be taken in any time during Zoning Counter hours, 8 AM until 11:30 AM and 1 PM until 3:30 PM, Monday through Thursday. At the time of application submittal, please bring in all required forms, including the Application Form, Fee Estimate & Routing Form, and completed LORI, along with all required plans, reports and exhibits.

*All application forms, including the LORI, are available at the Zoning Counter or on the Planning Department's web page at: <http://sccoplanning.com>.

Exhibit B



County of Santa Cruz

DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070

Planning (831) 454-2580 Public Works (831) 454-2160
<https://cdi.santacruzcountycalifornia.gov/>

April 11, 2025

Cove Britton
728 North Branciforte Dr.
Santa Cruz, CA 95062

Subject: **Complete Application Submittal**
Application #: **241334**; Assessor's Parcel #: **043-152-54**
Owner: **Huber**

Dear Cove Britton:

On August 29, 2024, you applied for a development permit with the County of Santa Cruz. The first phase in the processing of your application is the determination of the “completeness” of the application. The determination of “completeness” is made based on the preliminary review of the materials that you have submitted, by all the reviewing agencies, and site visits by Santa Cruz County Planning staff. As of this time, the reviewing agencies and Santa Cruz County Planning staff have made comments on the materials that you have submitted. This letter is to inform you of the status of your application.

As of 4/11/2025, this application has been considered **complete** for further processing. The next phase in the processing of your application will be the preparation of a staff report with recommendations to the appropriate decision-making body, and the scheduling of a public hearing. If additional materials or information are necessary to prepare the staff report, Santa Cruz County Planning staff will contact you. You will receive notice of the public hearing and a copy of the staff report prior to the hearing date. At the public hearing you will have the opportunity to discuss your project with the decision-making body, and a decision will be made. Possible outcomes of the public hearing include: approval (with conditions), denial, or continuance (with specific reasons for continuance; or requests for additional information) of your proposed project. Decisions of the Zoning Administrator can be appealed to the Planning Commission, and decisions of the Planning Commission and the Agricultural Policy Advisory Commission can be appealed to the Board of Supervisors. Decisions of some projects in the coastal zone may be appealable to the California Coastal Commission.

Please note that no later than 10 calendar days in advance of the required public hearing, you will be required to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for preparing your sign. Guidelines for Neighborhood Notification (including sign format and installation certificate) online: <https://cdi.santacruzcountycalifornia.gov/UPC/FormsPublications.aspx> If you do not have internet access and require a paper copy, please let us know and one can be provided.

Environmental Review

It is important to understand that although your application has been found to be complete for further processing, Santa Cruz County Planning may, in the course of processing the application, request that you

clarify, amplify, correct, or otherwise supplement the information required for this application, or to submit additional information to comply with the provisions of Division 13 (California Environmental Quality Act) of the Public Resources Code. Please note that the environmental determination for this project has not been made at this time and the environmental determination for this project, required by the California Environmental Quality Act, shall be made at the time the final action is taken on this project by the appropriate decision-making body.

Should you have further questions concerning this application, please contact me at:
(831) 454-3234 or e-mail: **jerry.busch@santacruzcountyca.gov**

Sincerely,



Jerry Busch
Project Planner
Development Review

cc: Kevin Huber
16101 N. Ray Road
Lodi, CA 95242

Exhibit C



County of Santa Cruz

DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070
Planning (831) 454-2580 Public Works (831) 454-2160

April 24, 2024

Kevin and Sandy Huber
16101 North Ray Rd.
Lodi, CA 95242

Subject: Application #: **241102**; Assessor's Parcel #: **043-152-54**
Owner: **Huber**

Dear Kevin and Sandy Huber:

This letter is in response to your letter of appeal submitted on March 11, 2024, wherein you contested the staff determination made by Planner Jerry Busch, pursuant to the Zoning review of Building Permit application APP-241004.

The formal project description of Application APP-241004 is as follows: "Proposal to construct a 2,128 square foot single-family dwelling on the beach side of the property with a 364 square-foot attached studio ADU, a 273 square foot attached garage, a 275 square-foot attached carport and a 275 square-foot attached storage structure, along with a 386 square-foot deck and 350 square-foot rooftop deck, and an elevator, on site with an existing single-family dwelling on the bluff side of Beach Drive. Requires Combined GeoSoils Report Review (REV241009)."

The zoning determination for APP-241004 was entered into Infor on January 31, 2024 (Attachment 2) and is excerpted below. The correction comments were based on the Santa Cruz County Code in effect prior to the Sustainability Update.

Comments on Application APP-241004, 625 Beach Drive -- APN 043-152-54

The following additional information is required in order to render the building permit application complete for processing:

APP-241004 does not qualify for submittal at this time because it requires discretionary land use approvals in the form of a coastal development permit and variances. (See, SCCC 18.10.123 ["At Levels V (Zoning Administrator) through VII (Board of Supervisors), building permits shall not be applied for until after all development and/or land division permits have been obtained."]; see also, preliminary Compliance Comments.) However, as a courtesy, preliminary completeness comments have been provided for the applicant's information.

Preliminary Completeness Comments

1. Obtain approval of the required coastal development permit and variances for the proposed project.
2. See Attachment 2, items 2-17. [Detailed technical corrections and incomplete items.]

Preliminary Compliance Comments

SB9 applications are subject to the Coastal Act and the currently enacted Local Coastal Program (Government Code 66411.7(o)). Please note that the County of Santa Cruz is currently preparing an LCP amendment to implement SB9 within the Coastal Zone. Until the new ordinance is adopted, all development within the Coastal Zone is required to be evaluated in accordance with the current LCP.

In accordance with SCCC 13.20.040 "Definitions" the proposed project constitutes development. As set out in SCCC 13.20.050 all development in the Coastal Zone requires approval of a coastal development permit unless the development qualifies for an exemption under the provisions of SCCC 13.20.060 et seq., or a Coastal exclusion under the provisions of SCCC 13.20.070 et seq. In accordance with these codes, the proposed project does not qualify for either an exemption or an exclusion. Therefore, a Coastal Development Permit is required to be approved for the proposed project. Because variances are required in addition to the coastal permit (see comments below), the application would be considered a major Coastal project and require a public hearing before the Zoning Administrator (Level V permit)

The maximum density of single-family dwellings is controlled by the applicable Zoning as established by the underlying General Plan/LCP Land Use designation. The subject parcel is zoned RB (Residential Beach), which has a maximum density of one unit per 4,000 sq.ft. of net developable area. The net developable area for this parcel appears to be close to zero square feet (to be confirmed), therefore the maximum density would be one single family dwelling. Notwithstanding the limitation on primary units, with Coastal approval, one ADU, if otherwise compliant with 13.10.681 and other LCP code provisions, may be feasible in conjunction with the existing single-family dwelling.

The proposed project constitutes a dwelling group as defined in 13.10.700-D "Dwelling Group." Under the current LCP as implemented by County Code§ 13.10.322(B), dwelling groups are not allowed in the RB district.

The current LCP sets a maximum height of 17' maximum height for all structures in the RB zone district if located on the Beach Side of Beach Drive. The proposed structure is located on the beach side of the right-of-way and exceeds 17 feet in height, which requires approval of a variance.

The minimum setback to any garage door or carport opening is 20 feet. The proposed garage and proposed carport are both less than 20 feet from the edge of the right of way for Beach Drive, therefore additional variances are required to approve these structures as shown.

NOTE: Additional compliance comments may apply once a complete application has been submitted.

Appellant arguments and staff responses

The letter of appeal, (Attachment 1) signed by Atty. John P. Erskine of Nossaman LLP, was based on the four arguments highlighted in bold below. The County's response is provided below each numbered argument. The County's response is based on the amended County Code that became effective on March 19, 2022, and remains in effect, which would govern any discretionary permit application submitted after that date.

1. **The appellants assert that their project requires a ministerial coastal development permit pursuant to SB9.**

Staff response: Government Code § 65852.21(K) states that, apart from provisions regarding public hearings, SB9 does not preempt the California Coastal Act. Santa Cruz County's certified Local Coastal Program (LCP), which implements the California Coastal Act, does not provide for ministerial review of coastal permits. Two types of coastal permits may be obtained under the current LCP: minor coastal permits, which are administrative with public notice but no public hearing, and coastal development permits requiring a public hearing. Both are discretionary reviews. Until and unless the County LCP is amended to provide ministerial permits for SB9 projects, Coastal permits for these projects are discretionary.

2. **The appellants assert that their project is proscribed by SB9 from incurring a public hearing.**

Response: SB9 exempts a local agency from being required to hold public hearings for coastal development permit applications for housing developments. The local jurisdiction may thereby prepare and submit for Coastal certification an LCP amendment that would exempt SB9 housing developments from public hearing requirements, even for SB9 projects in the non-exclusion areas of the Coastal Zone. However, until the local LCP is amended, existing LCP requirements apply, which currently require a public hearing for any development that is not a "Minor Development" under 13.20.040.

3. **The appellants assert that Government Code section 65852.21(k) allows a second residence plus an ADU on an existing lot.**

Response: The current Santa Cruz County Code (SCCC) prohibits two-unit dwelling groups in the RB Zone District (13.10.322(B)). Until and unless the County LCP is amended pursuant to SB9 to provide for 2-unit dwelling groups in the RB district, such housing development is prohibited. Further, the minimum site area per primary dwelling unit in the RB district is 4,000 sq.ft., measured as gross site area, so two units would require at least 8,000 sq.ft. The County Code (SCCC § 13.10.323(B)(1)) provides that "Inside the urban services line or rural services line, gross site area is based on the total land area, minus any coastal bluffs, beaches, and land seaward of the mean high tide line of Monterey Bay" (13.10.700-D, Definition re. Density). The subject site has virtually no area that is not coastal bluff or beach, and so does have sufficient area to qualify for a dwelling group.

4. **The appellants assert that Government Code section 65852.21(k) allows a second residence plus an ADU on an existing lot.**

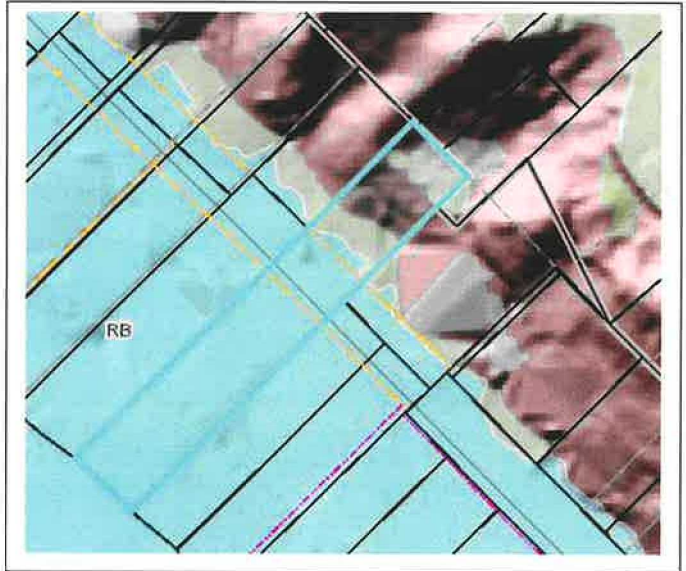
Response: The Santa Cruz County LCP implements the Coastal Act mandates to maintain Coastal access, protect sensitive Coastal resources and mitigate Coastal hazards. SB9 states that "Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act" other than to exempt a local agency from being required to hold public hearings for coastal development permit.

The County of Santa Cruz is in the process of amending its LCP to implement SB9 in all areas of the County – including the Coastal Zone as consistent with the Coastal Act. Until

this amendment is certified by the Coastal Commission, the existing LCP will continue to guide SB9-based projects within the Coastal Zone.

The proposed project is subject to numerous objective standards established by the County LCP for Coastal development. A coastal permit application would be subject to the amended County Code, upon which the comments below are based.

- The proposed project does not comply with the 40% maximum lot coverage or 50% maximum floor area ratio standards because the subject site has almost no land area that may be included in FAR or lot coverage calculations. Coastal bluffs and beaches are not included as land area for calculating lot coverage or floor area (13.10.510(E & F)).
- The site is on the beach side of Beach Drive and within a mapped Coastal scenic area. In this location, the RB zone district limits the dwelling height to 17 feet and one story (13.10.323(C)). The proposed structure is three stories, counting the uppermost decks, and is approximately 22 feet high. Second story rooftop decks are prohibited by 13.10.323(F).



Although the bottom story is labeled as “underfloor,” it has stairway access, which is not allowed for underfloor, per 13.10.700-U. If the access stair were removed and the plans specified that no finished floors would be provided, this could potentially qualify as underfloor. If the rooftop decks were also removed, the structure could be reduced to one story. Irrespective of the number of stories, however, the proposed height of the structure would remain noncompliant.

- The minimum front yard setback to any garage or carport fronting a right-of-way is 20 feet. The setback indicated to the applicant’s proposed garage and carport is 10 feet.

The following is included as a supplemental compliance comment based on parcel research conducted for this appeal review:

- The existing single-family dwelling has four bedrooms, according to building permit B-153533 (finalized 5/3/2016). The proposed single-family dwelling also has four bedrooms. Three compliant offstreet parking spaces are required for 4-bedroom single-family dwellings (13.16.050(A)). In the subject location within the Sea Cliff/Aptos/La Selva Beach Designated Area, one additional space is required per ADU. The combined total parking requirement for the site is seven spaces (8.5 x 18 feet).

The County Code specifies that parking spaces and driveway aisles shall comprise no more than 50% of the front yard (13.106.060(H)). On the seaward side of Beach Drive (attached), the four proposed parking spaces and one associated driveway aisle comprise

more than 70% of the front yard. Even three aisles would comprise 53% of the front yard. Effectively, only two valid parking spaces have been proposed on this side of the street. On the bluff side, the house and fencing are set back 7-9 feet from the r.o.w., leaving space for only one compliant parking space. So, a total of three compliant spaces has been proposed – less than half of the total required parking for two dwellings plus ADU.

The applicants have indicated that they would seek a variance for exceeded standards. However, a variance requires a finding that the strict application of the zoning ordinance deprives a property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Two primary dwellings are not a privilege enjoyed by other property owners in the district because dwelling groups are expressly prohibited (13.10.322(B)). Additionally, the RB district requires 8,000 sq.ft. of gross site area for two primary dwellings. The subject site has virtually no gross site area after bluff and beach areas are deducted, as is the case with other properties in the vicinity.

Based on the forgoing discussion, a coastal development permit and variance not only are required for the proposed project but unlikely to be approved. The applicants were provided much of this information in the context of a Project Review Consultation (PA231017) before they withdrew the application.

Processing an Administrative Appeal

The appeals procedure governing this building permit (Level 3) appeal is provided by SCCC § 18.10.320 (text below). The Planning Director shall provide the decision in writing to the applicant within 60 days of submittal. The deadline for a decision on the subject appeal is 60 calendar days from March 11, 2024 (on or before May 10, 2024).

18.10.320 Appeals to Planning Director—From Level I through Level III (field visit).

(A) Who May Appeal. Any decisions or actions of any staff person charged with the administration of this chapter may be administratively appealed to the Planning Director. Such an appeal may be initiated by the applicant by submitting a written request to the Planning Director within 14 calendar days of the decision.

(B) Planning Director's Action. The Planning Director shall commence consideration of every appeal filed pursuant to this section from acts or determinations at Levels I through III by reviewing the application file within 20 business days of the submittal of the appeal. The Planning Director may decide the appeal on the basis of the written appeal or may review the appeal with the applicant and/or the appellant. The decision of the Planning Director on the appeal shall be made in writing and shall be provided to the applicant and/or the appellant within 60 calendar days of the submittal of the appeal, unless the appellant agrees, in writing, to a longer period. [Ord. 5119 § 48, 2012; Ord. 4500-C § 4, 1998; Ord. 4075 § 6, 1990; Ord. 4044]

Determination of the Planning Director

The Planning Director upholds the staff determination that the proposed dwelling group and ADI project: 1) requires a coastal development permit and variance, 2) is not allowed within, nor meets the density requirements of, the RB zoning district, and 3) does not comply with the lot coverage and other objective standards referenced herein.

This determination of the Planning Director is not appealable.

Should you have further questions concerning this determination, please contact me by e-mail at:
Matt.Machado@santacruzcountycalifornia.gov.

Sincerely,

DocuSigned by:

Matt Machado

50E8AC64454C48C...

Matt Machado, Planning Director

Deputy CAO, Director of Community Development and Infrastructure

Attachments

Attachment 1: Appeals letter

Attachment 2: Zoning determination, APP-241004

Attachment 3: Plans, application APP-241004

Exhibit D

Noah DeWitt

From: Cove Britton <cove@matsonbritton.com>
Sent: Wednesday, August 28, 2024 2:10 PM
To: Jocelyn Drake
Cc: Lezanne Jeffs; Jerry Busch; Manu Koenig; Jamie Sehorn; Justin Graham; John Erskine; Noah DeWitt; Kevin Huber; Mark Connolly
Subject: [External] Re: FW: MRI - portal closed - CDP - HUBER SB9H Planning_20819,
Attachments: image001.png

Hi Jocelyn-

Please have Mr. Busch include our office in his emails regarding this project (see below).

Again respectfully, it is not Mr. Busch's role to determine whether or not this project is discretionary as the legislation is clear that it is not. If he wishes to argue the point, that is *after* the application is in process.

Please have Mr. Graham way in on this matter as it is a *legal* issue. As a licensed architect I can say as a matter of fact, this application is not discretionary. As such the application is required to be accepted, County staff have every right to argue the matter once that has occurred however we will exhaust our remedies as necessary. But first the application must be accepted.

Regards-

From: Jerry Busch <Jerry.Busch@santacruzcountyca.gov>
Sent: Wednesday, August 28, 2024 11:31 AM
To: Kevin Huber <khuber@grupehuber.com>; Discretionary ePlanReview <Discretionary.ePlanReview@santacruzcountyca.gov>; Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>
Cc: Lezanne Jeffs <Lezanne.Jeffs@santacruzcountyca.gov>; Jocelyn Drake <Jocelyn.Drake@santacruzcountyca.gov>
Subject: RE: MRI - portal closed - CDP - HUBER SB9H Planning_20819,

Hi, Kevin –

Yes, this is a discretionary permit application, required by the correction comments for your building permit application, to wit: “APP-241004 does not qualify for submittal at this time because it requires discretionary land use approvals in the form of a Coastal Development Permit and Variances.”

Exhibit E



Staff Report to the Zoning Administrator

Application Number: **07-0449**

Applicant: Matson Britton Architects
Owner: Stephen & Cheryl Maruyama
APN: 043-152-25

Agenda Date: May 2, 2008
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing single family residence and construct a replacement 2-story single family residence. Requires a Coastal Development Permit, a Variance to increase the height limit from 17 feet to 21 feet, a Variance for two stories on the beach side of Beach Drive (RB zone district limits the number of stories to one on the beach side), and a Residential Development Permit for a wall between 3 and 6 feet in height within the required ten foot front yard setback.

Location: Property located on the beach side of Beach Drive past the entry gate at 620 Beach Drive in the Aptos.

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

Permits Required: Coastal Development Permit; Variance to increase from one story to two stories in the RB zone district; Variance to increase the allowed height limit from 17 feet to 21 feet in the RB zone district; Residential Development Permit for a wall over three feet within the required front yard setback.

Technical Reviews: Geotechnical Investigation and Engineering Geology Report Reviews

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0449, based on the attached findings and conditions.

Exhibits

A. Project plans	I. Printout of discretionary application comments including email, dated 3/04/08 and 9/17/07 respectively
B. Findings	J. Urban Designer comments, dated 9/18/07
C. Conditions	K. Geotechnical and Engineering Geology Report review letter, dated 8/29/07
D. Categorical Exemption (CEQA determination)	L. Excerpt of Recommendations from
E. Assessor's parcel map	
F. Zoning & General Plan map	
G. Location Map	
H. Photo-simulations by ArchiGraphics	

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

- Engineering Geology Report
prepared by Zinn Geology, dated
8/09/07 (report on file).
- M. Excerpt of Discussions, Conclusions
and Recommendations from
Geotech. Report prepared by Pacific
- N. Crest Engineers, dated 8/16/07
(report on file).
Comments & Correspondence

Parcel Information

Parcel Size: 11,812 square feet (does not include 5' easement)
Existing Land Use - Parcel: Residential-Single Family Dwelling
Existing Land Use - Surrounding: Residential-Single Family Dwelling
Project Access: Beach Drive
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: RB (Ocean Beach-Residential)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: FEMA Flood Zone VE (Wave run-up hazard zone)
Soils: 109 Beach sand (soils map index number 109)
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Designated Coastal Scenic Resource Area
Drainage: Drainage to beach
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The subject parcel contains a one story single family residence that was constructed in 1966. The property has received two reroof building permits, one in 1993 and the other in 1996.

Project Setting

The subject property is located on the beach along Beach Drive at 620 Beach Drive. The portion of Beach Drive where the parcel is located contains homes on the beach side of Beach Drive that consist of single and two story homes. Due to the location of the site on the beach across from the coastal bluff, the site is subject to landslide and coastal flood hazards. The lot is essentially level with an approximately 5 foot high seawall separating the site from the open beach. A three foot right-of-way exists immediately downcoast of the project and a five foot easement exists immediately upcoast of the project.

Zoning & General Plan Consistency

The subject property is an 11,812 square foot lot, located in the RB (Ocean Beach Residential) zone district, a designation that allows residential uses. The proposed Single Family Dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

The site is located in the Federal Emergency Management Agency (FEMA) flood zone-V due to coastal flood hazards from wave run-up. Structures in this area are required to be elevated above the base flood elevation of 21 feet mean sea level. These flood elevation requirements conflict with the height requirements and number of stories of the RB zone district, which limit the maximum height of structures to only 17 feet in height and one story. Therefore, all new construction must obtain a variance to the 17 foot height limit and number of stories, as a habitable floor can not be constructed to meet FEMA elevation requirements and be under 17 feet in height. Homes granted the variance to meet FEMA regulations are two stories, but only one habitable story. Most houses on the beach side of Beach Drive were constructed prior to the implementation of FEMA flood elevation requirements and are one-story, including the existing house. If and when the existing one-story houses are re-constructed or replaced, they will also be required to comply with FEMA flood elevation requirements and will be two stories like the neighboring property upcoast that is currently under construction.

Zoning Issues

The project site is zoned RB (Ocean Beach Residential), and a single-family residence is a principal permitted use subject to the coastal regulations and the issuance of a Coastal Development Permit. The RB zone district has unique site standards, as outlined in the following table:

	RB Zone District Standard	Proposed
Front yard setback	10'	20'
Side yard setbacks	0' & 5'	5' & 5'
Rear yard setback	10'	About 100'
Maximum height	17' on beach side	21'*
Maximum % lot coverage	40%	22.9%
Maximum % Floor Area Ratio	50%	36.5%
Number of stories	One	Two*

* Variance requested to increase the maximum height to 21 feet and two stories due to FEMA flood elevation requirements, see Variance Issues, below.

The project complies with all RB site standards with the exception of the maximum height limit, and number of stories, for which a variance is requested due to FEMA flood elevation requirements. The floor area ratio will be at 22.9%, mainly due to the elevation requirements that mandate a non-habitable first floor of more than 7 ½ feet in height.

The house is a three-bedroom residence, requiring three off-street parking spaces. The proposed garage is sufficient for two and the driveway apron can accommodate two additional parking spaces. The County's off street parking standards (Section 13.10.554) requires that parking areas, aisles and access drives together shall not occupy more than 50% of the required front yard setback area for any residential use. The proposal complies with these standards in that less than 50% of the front yard will be devoted to parking areas, aisles and access drives.

Residential Development Permit

The proposal includes a five foot six inch concrete wall and wood gate within the required ten (10) foot front yard setback. This requires a Residential Development Permit for a fence/wall over three feet high within the required front yard setback. The Department of Public Works, Road Engineering does not recommend over height walls and gates within the front yard setback (Exhibit I). The adjacent homes in the vicinity do not have walls or fences over three feet within the front yard setback, nor are they common on Beach Drive. In addition, there are no circumstances such as a busy street in front of the home that support the need for this wall. A condition of approval requires revising plans to lower the wall to three feet or move it back, outside the front yard setback.

Local Coastal Program Consistency

The General Plan Designation for this parcel is Urban Low Residential (R-UL), a designation that permits residential uses. The RB zone district implements this General Plan/Local Coastal Program land use designation.

The property is located within a mapped scenic area. The purpose of General Plan Objective 5.10b New Development within Visual Resource Areas is to "ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources". General Plan/LCP policies 5.10.2 and 5.10.3 require that development in scenic areas be evaluated against the context of their environment, utilize natural materials, blend with the area and integrate with the landform and that significant public vistas be protected from inappropriate structure design. General Plan/LCP policy 5.10.7 allows structures, which would be visible from a public beach, where compatible with existing development. In this case, the subject lot is located within a row of developed residential beach properties, and is consistent with General Plan policies for residential infill development. The proposed dwelling structure will integrate with the built environment along Beach Drive by incorporating the use of two shades of yellow stucco, cherry stained wood, and slate tile. The height of the dwelling is proposed at about 21 feet, more than the 17-foot height limit for the RB zone district on the beach, but of a comparable height to the adjacent 22 foot dwelling at 618 Beach Drive currently under construction. As the area is redeveloped, other new and replacements houses will be required to comply with the FEMA flood elevation requirements, and will be of a similar height to the proposed residence.

General Plan/LCP policies 8.6.5 and 8.6.6 require that development be complementary with the natural environment and that the colors and materials chosen blend with the natural landforms. The residence is proposes to use stucco, wood, and slate tile.

General Plan policy 6.2.10 requires all development to be sited and designed to avoid or minimize hazards as determined by geologic or engineering investigations. Due to the location of the parcel, potential hazards cannot be avoided and therefore must be mitigated. General Plan policy 6.2.15 allows for new development on existing lots of record in areas subject to storm wave inundation or beach or coastal bluff erosion within existing developed neighborhoods where a technical report demonstrates that the potential hazards can be mitigated over the 100-year lifetime of the structure. Coastal hazards at this property are mitigated in part by an existing seawall, which extends the entire length of the private section of Beach Drive. The project incorporates flood elevation and break-away walls, which are expected to provide protection from landslide hazards and storm events within the 100-year life span of the structure. The project is located on the beach side of the property, which is subject to less significant landslide hazards than locating directly at the base of the coastal bluff.

Design Review

The site is a sensitive site as defined in the Design Review Ordinance (Chapter 13.11) due to its location on an open beach, and therefore, is subject to Design Review. The proposed single family dwelling has been designed to be compatible with the existing development in the area, including the adjacent upcoast single family dwelling that is currently under construction. The architecture along this section of Beach Drive is generally boxy, one to three story designs, using wood siding or stucco exterior finishes. Most homes have rear yard decks and large windows facing the beach. These homes predate the FEMA flood regulations and many predate zoning regulations. Nearly all of the homes in the neighborhood have flat roofs. As proposed, the exterior of the home will be stucco, similar to newer homes, including the adjacent home under construction upcoast. The proposed yellow color scheme for the stucco is not similar to other homes in the neighborhood. In general, the proposed materials reflect those of the newer homes in this neighborhood. The proposed structure is appropriately sized to the size of the parcel given the flood elevation constraints. The design has been reviewed by the County Urban Designer and has received a positive design review, as it is compatible with the goals of the County's Design Review regulations.

Conclusion

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

Staff Recommendation

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

- **APPROVAL** of Application Number **07-0449**, based on the attached findings and conditions.

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

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

Report Prepared By: Maria Perez
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5321
E-mail: maria.perez@co.santa-cruz.ca.us

Exhibit F



ATTORNEYS AT LAW

18101 Von Karman Avenue
Suite 1800
Irvine, CA 92612
T 949.833.7800
F 949.833.7878

John P. Erskine
D 949.833.7800
jerskine@nossaman.com

Refer To File # 504802-0001

VIA HAND DELIVERY AND E-MAIL

March 12, 2025

Matt Machado, Director
Community Development & Infrastructure
Chair and Members of the Planning Commission
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
Matt.machado@santacruzcounty.us

Re: **Appeal to Planning Commission of County of Santa Cruz 'Incompleteness'
Determination Letter re Application No. 241334, APN 043-152-54;
Applicant: Cove Britton; Owner: Kevin and Sandy Huber**

Dear Director Machado, Chair Violante and County Planning Commissioners:

Our firm represents the owners of the property located at 625 Beach Drive in the County of Santa Cruz ("County") (APN 043-152-54), Kevin and Sandy Huber ("Owner"), and architect/applicant, Cove Britton (collectively, "Applicant") for a project developing a single-family home and accessory dwelling unit pursuant to Senate Bill 9 ("SB 9") on the Owner's vacant lot ("Project"). This letter serves as the Applicant's appeal from the County's February 26, 2025 Letter regarding Incomplete Application for Application No. 241334 ("Incompleteness Letter").

In response to the County's request and consistent with the County's published "Submittal Checklist for Residential and Commercial Projects" (hereinafter, "Submittal Checklist"), attached here as **Exhibit A**, Applicant submitted the requisite information necessary for County Staff to determine that the application was "complete" under the Permit Streamlining Act ("PSA"). (Gov. Code, § 65920.) This letter appeals County Staff's improper determination that the application was incomplete.

In its Incompleteness Letter, the County cites numerous alleged "compliance issues" that are wholly inapplicable to this stage of project review and/or are unnecessary under the PSA. (Incompleteness Letter, at p. 5.) However, because this letter is solely an appeal of the County's incompleteness determination under the PSA, we only address those issues raised by County Staff relating to the Project application's completeness. Failure to rebut any of Staff's irrelevant "compliance comments" shall not be deemed as a waiver of Applicant's ability to contest the County's position on these issues at a later date.

A. The County Improperly Requests Items Outside the Scope of its Residential Project Submittal Checklist in Violation of the Permit Streamlining Act.

For any housing development project, the PSA requires that public agencies compile a list that “shall specify in detail the information that will be required from any applicant for a development project.” (Gov. Code, § 65940, subd. (a)(1).) The list must be made “publicly available on the internet website of the city or county” (*Id.* § 65943, subd. (a).) and serves as the guidepost for any project applicant to determine what is required to make their development application “complete.” (*Ibid.*) Upon submittal, an agency’s determination that a development application is “complete” “shall be limited to those items actually required on the lead agency’s **submittal requirement checklist**.” (*Ibid.* [emphasis added].) The express Legislative purpose of the foregoing PSA application completion procedure is to “**ensure a clear understanding** of the specific requirements which must be met in connection with the approval of development projects and to expedite decisions on such projects.” (*Id.* § 65921 [emphasis added].)

As part of the initial application submittal, an applicant is not required to “submit with an initial application the entirety of the information which a public agency may require in order to take final action on the application.” (*Id.* § 65944, subd. (b).) Instead, the agency may later request that the applicant “clarify, amplify, correct, or otherwise supplement the information required for the application.” (*Ibid.*) In *Claxton v. County of Colusa* (2011 9th Cir.) 446 Fed.Appx. 10, 12, the Court held that it was improper for a county to determine that a development application was “incomplete” based on simple, inconsequential issues that could have been resolved by later corrections. This holding applies in this case as well.

Consistent with the PSA, the County maintains a publicly available “checklist” on its website for residential projects, the Submittal Checklist (attached as **Exhibit A**). The Submittal Checklist states that “all residential and commercial application submittals shall be accompanied by the following information” and lists the “required” elements for a project application. Despite the Applicant’s compliance with the County’s Submittal Checklist, County Staff responded to the submittal by pointing to a much more extensive list of requirements for the Project’s application submittal—the Universal List of Required Information, attached as **Exhibit B**. According to the Incompleteness Letter, staff is indicating it has the discretion to review the initial submittal based on the clearly defined Submittal Checklist and then unilaterally determine that **additional information** beyond the Submittal Checklist is required. This is in conflict with the statutory mandates of the PSA and the express Legislative intent that local planning agencies provide a “clear understanding” of the application process. County staff is not at liberty to change the goalposts.¹

As summarized in the points below, there are numerous items in the County Staff’s Incompleteness Letter where it is requesting information that is inappropriate for a completeness determination under the PSA.

¹ We note that the Submittal Checklist states that County Staff may waive unnecessary items on a Project-specific basis.

1. *The Items Requested as Part of the PLN File and Survey Revisions Are Not Necessary for Application Completeness.*

In its Incompleteness Letter, the County lists five items that must be added to the existing PLN file for the Project application to be deemed complete: (a) electronic color boards; (b) wood stain, ceramic, and masonry color; (c) porcelain design material; (d) color rendering of the Project within the “neighborhood context”; and (e) relabeling the “Family Room” and “Living Room” on the Project plans. (Incompleteness Letter, at p. 2.) In addition, the County requested minor revisions to the Project property survey submitted. (*Id.* at p. 3.) Not only do some of these requests exceed the requirements in the Submittal Checklist, but as in *Claxton v. County of Colusa*, these are simply issues that the PSA allows applicants to “clarify, amplify, [or] correct” **after** the Project application is deemed complete.

2. *A Statement of Special Circumstances Is Not Required for Application Completeness.*

The County Staff is requiring a “Statement of Special Circumstances” prior to considering the application complete. (Incompleteness Letter, at pp. 3-4.) Notwithstanding the fact that the Project will not require a variance as discussed in Section D below, the Submittal Checklist does not require a Statement of Special Circumstances. Therefore, consistent with the PSA, the County is limited to its Submittal Checklist in determining whether the Project application is complete, and the County may not require a Statement of Special Circumstances. Instead, the County may discuss additional requirements for final action on the Project after the completeness determination is made.

Thus, many of the items the County currently requests in its Incompleteness Letter either exceed the requirements of the County’s own Submittal Checklist and the PSA or may be adequately addressed and/or corrected by the Applicant after the Project application is deemed complete.

B. The County Improperly Requests an Easement Deed that Applicant Previously Submitted to the County.

In County’s initial letter of completeness for the Project, dated September 27, 2024, the County requested a copy of Easement Deed No. 381OR113 relating to the pedestrian easement. As demonstrated in **Exhibit C**, this easement was submitted to the County via email on November 12, 2024. Therefore, the County’s request for Easement Deed No. 381OR113 is an invalid basis to determine that Applicant’s application is incomplete.

C. The Landscaping Plan Is Unnecessary for Application Completeness.

The effective date of the Coastal Development Permit (“CDP”) No. 221192 (“2023 CDP”), attached here as **Exhibit D**, is May 9, 2023 and the CDP expires May 9, 2026. If Applicant is successful in obtaining a CDP and related approvals pursuant to SB 9 to develop the Project, then the 2023 CDP will be abandoned. To date, no landscaping has been installed on the Property. In the event landscaping occurs on the Property, it will be compliant with the 2023 CDP. Therefore, the lack of a landscaping permit is an invalid basis to deny the Project application’s completeness.

D. No Variance or Statement of Special Circumstances Is Required for the County to Make a Completeness Determination.

As discussed above in Section A.1, the County's Submittal Checklist does not condition development applications on an applicant's production of a Statement of Special Circumstances and thus it is inappropriate to require one from Applicant at this stage of the Project. However, even if the Planning Commission determines on appeal that County Staff may require an applicant to submit a Statement of Special Circumstances for variances, this request is inapplicable to the Project here because no variances is required. Where no variance is requested, the Statement of Special Circumstances is inapplicable. In the Incompleteness Letter, the County improperly asserts that there are three Project aspects that will require a variance: (1) height; (2) floor area ratio ("FAR"); and (3) setback. Below, we discuss why no variance will be required for the Project.

1. No Variance is Required for the Project's Height.

In its Incompleteness Letter, the County states the Project would require a variance due to its height. (Incompleteness Letter, at p. 3.) Regarding height, the County cites a County Code provision which limits development in the Residential Beach ("RB") zone to 17 feet for "beach lots." (Incompleteness Letter, at p. 4; see County Code, § 13.10.323, subd. (C).)² The County Staff states that projects may be allowed to be developed at a height of 5 feet over the 17-foot limitation (allowing 22 feet) with the grant of a Conditional Use Permit ("CUP") and Design Review. (Incompleteness Letter, at p. 4.) Applicant recognizes that the Project as initially submitted was 22.104 feet tall—1.2 inches over the 22-foot limit. Accordingly, Applicant agrees to limit the Project height to 22 feet.³ Therefore, no variance would be required for the Project's height and instead, the most the County could require is a CUP and Design Review under County Code section 13.10.323, subdivision (F)(6)(b).

Because there is no variance required for the Project, it is unnecessary for the County to make the Project application's completeness contingent on a Statement of Special Circumstances that requires an analysis of verbatim findings for the County **variance** approvals, **not a CUP**. (See County Code, § 13.10.230, subd. (C).) Whether or not a CUP is required for the height increase is inapplicable at this stage of the application process. The PSA does not require an applicant to submit the entirety of its application for final action. (See Gov. Code § 65944, subd. (b); see also Section A above.)

² Note that the maximum building height for development in the RB zone generally is 25 feet, but the County Code further limits the height of development on "beach lots" to 17 feet. (County Code, § 13.10.323, subd. (C).) The County states that the Project is subject to the 17-foot limitation but does not point to a definition of "beach lot" or any supporting evidence for its conclusion. Thus, while not an issue for the purposes of this appeal limited to application completeness, Applicant reserves the right to dispute the applicable maximum building height for the Project.

³ The additional height for the Project is required in order to be consistent with the Federal Emergency Management Agency's ("FEMA") recommended elevation above the flood hazard elevation.

2. No Variance is Required for the Project's Elevated First Floor.

Regarding the County's claim that the Project is "two stories", as demonstrated below, the County is merely mistaking the Project's underfloor for the first floor. (Incompleteness Letter, at p. 3.) The County Code provides that "**an underfloor is not considered a 'story'**" and is a "non-habitable space between the underside of the first story floor framing and the grade below." (County Code, § 13.10.323-U [emphasis added].) What the County is improperly identifying as the "second floor" is the first habitable floor above the base flood elevation. On November 15, 2024, Applicant and County Staff (including Jocelyn Drake and Jerry Busch) held a call to discuss this issue among other completeness concerns. During the call, after Applicant explained the nature of the understory, the County Staff seemed to concur that based on the nature of the uninhabitable, unfinished underfloor, no variance was required based on any alleged second story. Thus, the Project's elevated first floor is not a valid basis to determine that the Project application is incomplete.

3. No Variance is Required for the Project to Comply with the County's Floor Area Ratio Requirements.

The County calculates a property's maximum FAR 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." (County Code, § 13.10.510, subd. (E).) The Property is an existing graded, residential lot, subdivided prior to the Coastal Act and within a long row of single-family residences. There is no "beach" or "bluff" on the Property. Thus, even under the most conservative survey measurements, the property consists of 15,115 total square feet, which results in a permitted floor area of 7,557.5 feet without the need for a variance.

The County Staff provides no support beyond its mere assertion that "the subject parcel has no area that is not considered bluff or beach." (Incompleteness Letter, at p. 7.) There are numerous flaws with this position. First, the County Zoning Code does not contain a definition of the terms "beach" or "bluff" and the County's arbitrary identification of the Property as a "beach" and/or "bluff" conflicts with general principles of code interpretation and the historic private nature of the Property. Where the County's Code lacks defined terms, the County may only apply a **reasonable interpretation** to the term based on "plain language." (See *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916, 930 ["[A]n agency's interpretation of a regulation or statute does not control if an alternative reading is compelled by the plain language of the provision."].) Here, it is unreasonable to label the existing private and graded lot as a "beach" or a "bluff." The Property is immediately adjacent to a long line of existing single-family residences and the lot pre-dates the Coastal Act, thus, vesting the parcel's development rights and prohibiting the County from imposing more restrictive standards on the parcel.

Second, the private, residential nature of the lot on the beachside of Beach Drive pre-dates the Coastal Act, and thus, the property owner has a vested right in the lot's treatment as such. (Pub. Resources Code, § 30608.)⁴ The County is not at liberty to strip away a property

⁴ We do not argue that Clients have a vested right to *build* their project, only that the Clients have a vested right in the character of their lot as private residential.

owner's vested right to develop **any** residential structure along the seaward side of Beach Drive on an existing lot merely because the County arbitrarily labels the Property "beach" or "coastal bluff."

4. No Variance is Required for the Project's Setbacks.

In its Incompleteness Letter, County Staff states that the Project does not comply with the County Code's setback requirements, and thus, a Statement of Special Circumstances is required to explain the need for the variance. (Incompleteness Letter, at pp. 4, 7.) Notwithstanding the fact that it is inappropriate at this stage to require a Statement of Special Circumstances (as discussed in Sections A.2 and D), the Project plans demonstrate compliance with the County's setback requirements. The County Code requires that any garage/carport entrance be setback 20 feet in the RB zone. (County Code, § 13.10.323, subd. (C).) The Project plans submitted as part of the application indicate a 20-foot setback for the parking. Thus, no variance or corresponding Statement of Special Circumstances is required.

E. Conclusion.

Consistent with the County's published Submittal Checklist for residential projects, Applicant has provided all the information necessary to consider the Project application "complete" under the PSA. Further, to the extent there are any additional items of correction, clarification, or supplementation that County Staff requests, the PSA permits these issues to be resolved **after** the completeness determination has been made. We therefore respectfully ask that the County Planning Commission find that the Project application is complete.

Thank you very much for your review and consideration of our appeal.

Sincerely,



John J. Erskine
Nossaman LLP

cc: Jason M. Heath, Esq., County Counsel [jason.heath@santacruzcounty.us]
Justin Graham, Esq., Assistant County Counsel [justin.graham@santacruzcounty.us]
Kevin and Sandy Huber [khuber@grupehuber.com]
Cove Britton [cove@matsonbritton.com]
Noah S. DeWitt, Esq. [ndewitt@nossaman.com]

Exhibit A



Discretionary Permit Submittal Checklist Residential & Commercial

All residential and commercial application submittals shall be accompanied by the following information. The applicant is required to attest to the fact that all elements are provided by checking the boxes alongside each required item and by signing the last page of the checklist. All elements are required, *unless either waived by planning staff or by attesting (as the applicant) that the subject element is not applicable by writing N/A alongside the required element.*

Projects are submitted electronically through ePlan in three file types: Application (APP), Plans (PLN), and Supplemental Documents (SUP).

- ☐ **APP (APPLICATION) FILE:** Discretionary Permit Application (Form PLG – 100)
- ☐ **PLN (PLANS) FILE:** Plans and specifications must contain the signed statement (or signature and license number) asserting that the preparer is licensed under Chapter 3 of Division 3 of the California Business and Professionals Code to prepare such plans and specifications unless the proposed project qualifies for one of the exceptions listed in Santa Cruz County Code Section 18.10.210(a)(5).

All project plans shall include the following:

- ☐ Assessor's Parcel Number
- ☐ North arrow: North should be labeled at the top of site plan, floor plan, grading plan, and landscape plan sheets. A plan north reference should be used in cases where the property or improvements are not easily aligned to a North-South-East-West axis.
- ☐ Contact data: Name, address, and phone number of the property owner, applicant, architect, engineer, or surveyor must be provided on all plan sheets.
- ☐ Scale: Scales used for floor plans and elevations shall be no less than 1/8 inch to 1 foot, preferably 1/4 inch per 1 foot. Scales used should be consistent throughout the plan sheets.
- ☐ Date of preparation: Provide the preparation date and all revision dates, as applicable, on the floor plan, site plan, grading plan, elevation plan, and landscape plan sheets.

PLN FILE CONTENTS SHALL INCLUDE THE FOLLOWING PLAN SHEETS:

- ☐ **SITE PLAN (Separate Site Plans entitled "Existing Site Plan" and "Proposed Site Plan" are required for reconstruction and demolition projects, and projects that entail additional building area or site improvements on a developed site):** Drawn to a conventional scale, preferably 1:10 or 1:8 (where this is not possible, a focused site plan may be accepted).

The Site Plan shall include the following:

- ☐ **Project Data Table:** Project data must be provided as a Project Data table on the Site Plan, based on applicable definitions in Santa Cruz County Code, including the following information:
 - a. Lot area (both the total lot area and net lot area calculation shall be provided).



- b. Existing and proposed Building Area
- c. Existing and proposed Floor Area Ratio
- d. Proposed Area of additional disturbance
- e. Proposed Lot Coverage
- f. Grading calculations (cubic yards) including cut, fill and off-haul (and, for significant quantities exceeding 2,000 cubic yards, the anticipated location of where the off-haul will be taken).
- g. Existing and proposed parking (dimensioned)
- h. Minimum setbacks, from exterior walls of all structures to property lines
- i. Minimum setbacks from coastal bluffs, riparian vegetation, waterways (including perennial and/or intermittent streams, rivers, arroyos, and fault lines
- j. *For projects encumbered by geologic hazards*, boundaries of the geological building envelope, as confirmed by the County Geologist, shall be provided.
- k. *For projects located in a mapped FEMA flood hazard zone*, flood zones shall be mapped and labeled.
- l. Maximum height of all proposed structures
- m. Names of applicable Homeowner's Association, Special Subdivision/PUD, and/or Special Districts

- ☐ **Vicinity Map and Directions:** A vicinity map that clearly shows the subject property and surrounding roads. The vicinity map shall be accompanied by specific directions to the site from a main road.
- ☐ **Boundaries:** All existing and proposed lot lines, labeled with their metes and bounds; the existing and proposed location of public and private open space; and the boundaries of existing and proposed easements and rights-of-way. *If the property is split zoned, the zoning boundary must be indicated.
- ☐ **Building and Development Envelopes (as applicable):** On parcels encumbered by established building or development envelopes via a recorded map, on all parcels with geologic hazards and/or located on a floodplain, in sensitive habitats, or with visual resources, existing and/or proposed building envelopes shall be shown.
- ☐ **Structures and Site Improvements (existing):** On a separate plan sheet titled "Existing Site Plan," show the footprints and eave lines of all existing structures, site improvements (hard scape, decks, retaining walls, fencing, light standards etc.). All structures and improvements shall be drawn to-scale; setbacks shall be called, and the structure/s shall be labeled with their existing use.
- ☐ **Structures and Site Improvements (proposed):** On a separate plan sheet titled "Proposed Site Plan," show the footprints and eave lines of all proposed buildings and structures (including decks and stairways greater than 18" in height, retaining walls, fencing and light standards) on the subject property. Include



any structures or site improvements proposed to be removed (labeled TO BE REMOVED), proposed to be constructed (labeled PROPOSED), or proposed to remain (labeled TO REMAIN). All structures and improvements shall be drawn to scale. Their use, location, and setbacks to all property lines must be indicated. The minimum setbacks from the exterior walls of the buildings to property lines and access easements must be dimensioned on the plans. The minimum separation distance between structures shall be indicated.

For projects that involve additions, the additional building area shall be shaded and walls to be demolished shall be dashed. Areas proposed for demolition shall be hatched.

- ☐ **Noise Generators:** Indicate the location of any proposed mechanical equipment, including air conditioners, commercial drying equipment, generators, or other noise source. Provide specifications, including the size, height, and proposed placement of the equipment, as well as the proposed noise output associated with the equipment, and method(s) of ensuring compliance with noise standards through buffering or other strategies as needed.
- ☐ **Natural Features:** All natural features, such as rock outcrops, ridgelines, wetlands, creeks (flow line and top of bank), ponds, water bodies, and all existing significant vegetation, including significant vegetation to be removed as part of the project, must be shown. The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of all watercourses, including tide water, must be shown.

Areas of geological instability shall be identified, including faults and landslides.

The trunk location, dripline, and common and scientific names of all existing trees on the subject property and/or located along adjacent shared property lines with a 6-inch or greater trunk diameter at breast height measured at a height of 4.5 feet above grade must be shown. Any trees proposed for removal must be indicated. For more densely vegetated or wooded areas, or in tree clusters, only the perimeter outline of the dripline needs to be shown.

- ☐ **Topography:** Existing and proposed contours, at the proposed development, must be shown at two-foot intervals, clearly labeled. The contour information must be generally accurate. In some cases, a Lot Slope Calculation and/or topographic survey may be required.
- ☐ **Parking and Access:** Proposed off-street parking and loading areas, including access driveways and maneuvering areas, must be indicated and dimensioned. All proposed parking stalls shall be dimensioned and turning radii for backout maneuvers shall be provided. For driveways on slopes, driveway profiles and cross-sections shall be included. Turnouts and turnarounds shall be dimensioned and labeled.

The Site Plan must show the legal access from the property to the public right-of-way, the width of the right-of-way, and the edge of pavement and width of the street along the property's frontage. All easements and dedicated areas of the property must be identified. For non-residential projects, loading



and unloading areas, as well as parking spaces meeting State accessibility requirements and accessible paths of travel, must be shown.

For newly proposed access roads, cross sections and proposed grades shall be provided, along with details of curbs, gutters, sidewalks, and other improvements, as proposed.

- ☐ **On-Site Water Provision:** For parcels not served by a mutual water company: Show the location of all existing or proposed domestic and irrigation water sources as applicable (e.g. wells, springs, and surface water), along with backflow prevention devices, water storage tanks, reservoirs, treatment facilities, distribution system, and any other water-related appurtenances. Further, provide the location of any existing or proposed sewage disposal system, including leach fields, septic tanks, sewer mains and sewer laterals, and proposed expansion areas.

Yield tests, water quality lab results, shared water systems agreements, cross-connection control certifications, water conservation plans, minimum setbacks to septic systems, property lines, and other studies may be required by the Environmental Health Services Division for projects involving wells.

- ☐ **Associated Site Design Elements (as applicable):** The location of identification signs, propane tanks, trash enclosures, exterior lighting fixtures, mailboxes, fencing, paths and walkways (including paving materials), bicycle stands, and other features that affect the exterior appearance and use of the property must be indicated.
- ☐ **Fire Access:** For projects proposed to be accessed from a private road, a minimum 20-foot road width, in addition to emergency vehicle turn-around areas, is required. For two or fewer habitable structures, access driveways shall be a minimum 12 feet in width; for three or more habitable structures, driveways shall be a minimum 20 feet in width.

☐ **FLOOR PLAN**

- ☐ **Existing Floor Plan:** Fully dimensioned floor plans for all levels of existing structures must be submitted. All rooms shall be labeled.
- ☐ **Proposed Floor Plan:** Fully dimensioned floor plans for all levels of proposed structures must be submitted. The garage, windows, doors, elevators, stairways, and food preparation areas must be indicated. All rooms shall be labeled, consistent with the County's regulations (see definition of Bedroom in the Zoning Ordinance, SCCC 13.10.700 – "B").

For projects that involve an addition, the existing floor area shall be outlined with a dashed line and the proposed addition shall be shaded. Areas proposed for demolition shall be hatched.

☐ **BUILDING ELEVATIONS**

- ☐ **Existing Elevations:** Fully dimensioned elevations of all existing structures and buildings, including roof ridgeline, finished floor, and foundation line elevations based upon the same datum as the topographic information, must be provided for all sides of a proposed structure (labeled "north", "south", "east" and



“west”). Exterior building materials and colors, including but not limited to siding, roofing, and glazing, must be indicated. The elevation drawings should show the height of all sides of the structure in relation to the topography, from both the adjoining finished grade at the exterior of the structure, and natural grade on the interior of the structure. The preferred scale of ¼ inch per foot should be used for all architectural plans.

- ☐ **Proposed Elevations:** Fully dimensioned elevations of all proposed structures and buildings, including roof ridgeline, finished floor, and foundation line elevations based upon the same datum as the topographic information, must be provided for all sides of a proposed structure (labeled “north”, “south”, “east” and “west”). Exterior building materials and colors, including but not limited to siding, roofing, and glazing, must be indicated. The elevation drawings should show the height of all sides of the structure in relation to the topography of the adjoining finished and/or natural grades. The preferred scale of ¼ inch per foot should be used for all architectural plans.

*If an addition to an existing structure is proposed, elevations of the existing structure, as well as elevations depicting the proposed addition, shall be provided.

- ☐ **ROOF PLAN:** For all structures proposed to be within two feet of the maximum permitted building height, roof plans that indicate existing and proposed pitch, slope direction, hips, valleys, and size and location of any mechanical equipment, vents, ducts, skylights, and chimneys must be shown on the site plan (or on a separate Roof Plan sheet). The roof plans *must* be overlaid on the topographic contours and include “spot elevations” of all roof corners and ridgeline elevations above the corresponding (natural grade) elevation contours. In those instances where natural grade no longer exists, an interpolation of natural grade based on surrounding grade shall be shown in dashed contour lines.
- ☐ **CROSS SECTIONS:** Cross sections through all proposed structures shall be provided. Cross sections shall be based on accurate topography and shall include the following labels: finished floor, foundation line, natural grade, finished grade, plate height, and roof ridge height. A site cross section may be required to show the relative height of proposed structures to adjoining roadways and impacts to surrounding properties. All height measurements shall be reflected in the format of elevation above sea level.
- ☐ **MATERIALS, COLORS AND DETAILS:** One sheet of the architectural plans must include manufacturers’ brochures, photos, or color chips that indicate all proposed exterior building materials, including the painting, roofing, siding, window casings, and trim. For additions and/or accessory structures, the plans may be labeled “elevations to match existing colors and materials”. The photos of the colors and materials must be accurate representations of the true colors and labeled for proper identification. Complete details, including dimensions, building materials, and colors for all proposed retaining walls and fencing shall also be submitted.



- ☐ **SUP (SUPPLEMENTAL DOCUMENTS FILE):** Discretionary Permit Supplemental Documents Index (Form PLG – 135)

SUP FILE CONTENTS SHALL INCLUDE THE FOLLOWING DOCUMENTS, AS APPLICABLE:

- ☐ **WATER WILL SERVE LETTER** – *Applicable to ALL newly proposed residential structures (not including in-kind replacement structures and ADUs) and commercial projects where habitable square footage will be added:* Letter from the applicable water district, or if well water is proposed, from the well owner, certifying as to the availability of water and an ability to serve the project.
- ☐ **SANITATION WILL SERVE LETTER** - *Applicable to ALL newly proposed residential structures (not including in-kind replacement structures and ADUs) and commercial projects where habitable square footage will be added:* Letter from the County Sanitation District, certifying availability, capacity, and ability to serve the project.

PROJECTS PROPOSED IN THE COASTAL ZONE

- ☐ **SOILS REPORT:** **Required for all projects located within 100 feet of a coastal bluff that entail construction of an addition >500 square feet in size and/or for all projects that qualify as “development” as defined in SCCC Section 16.10.040).*

The soils report must be prepared in accordance with County guidelines and reviewed and “accepted” by the County’s Environmental Planning division as being consistent with applicable County Codes and technical standards. To obtain acceptance of the report, a draft soils report, prepared by a licensed geotechnical engineer or registered civil engineer experienced in soils engineering, shall be submitted for review and acceptance by Environmental Planning staff. If desired, *the report may be submitted ahead of the development project application.* For more information about soils report requirements, please visit Environmental Planning web page at:

<https://cdi.santacruzcountyca.gov/UPC/EnvironmentalPermitsTechnicalReviews/GeologyandSoils.aspx>.

- ☐ **GEOLOGY REPORT:** **Required for all projects located within 100 feet of a coastal bluff that entail construction of an addition >500 square feet in size and/or for all projects that qualify as “development” as defined in SCCC Section 16.10.040).*

The geology report must be reviewed and “accepted” by the County’s Environmental Planning Division. To obtain acceptance of the report, a draft geology report, prepared by a geologist licensed by the State of California Board for Professional Engineers, Land Surveyors and Geologists shall be submitted for review and acceptance by Environmental Planning staff/County Geologist. If desired, *the report may be submitted ahead of the development project application.* For more information about geology report requirements, please visit Environmental Planning web page at:

<https://cdi.santacruzcountyca.gov/UPC/EnvironmentalPermitsTechnicalReviews/GeologyandSoils.aspx>.



- ☐ **GEOLOGIC HAZARDS ASSESSMENT:** **In lieu of a Soils and/or Geology Report, an application for a Geologic Hazards Assessment (GHA) may be submitted in tandem with the applicable discretionary application.*
- ☐ **MEAN HIGH TIDE LINE AND TOP AND TOE OF SLOPES** *Applicable to ALL proposed projects along the coast. Show mean high tide line and top and toe of all slopes, including coastal bluffs, on all plan sheets and cross-sections.*

In addition to the items above, if your project is a conditionally permitted use in a residential zone district, commercial project, or requires an approval or recommendation from the Planning Commission, you must submit the following items as a part of your Supplemental Documents (SUP) file.

CONDITIONALLY PERMITTED USES - RESIDENTIAL ZONE DISTRICTS

- ☐ **OPERATIONAL CHARACTERISTICS:** Information regarding the proposed use of the project must be prepared by the applicant, including but not limited to the following items:
 - a. The maximum number of staff on site at any one time.
 - b. The hours of operation, including hours open to the public, as well as hours closed to the public where operations are taking place that could affect exterior lighting, noise, odors, traffic or parking.
 - c. Projected peak hours of operation, with the total number of staff, customers and other visitors on the site indicated.
 - d. The schedule and projected peak hours of operation for special events, with maximum number of staff, customers and visitors that would be in attendance.
 - e. The schedule, frequency, and nature of expected deliveries to the site.
 - f. Noise levels proposed for the operation of the project, which specify what is causing various noise levels.
 - g. The path of travel for pedestrians and vehicles at the site.

COMMERCIAL PROJECTS

- ☐ **OPERATIONAL CHARACTERISTICS:** Information regarding the proposed use of the project must be prepared by the applicant, including but not limited to the following items:
 - a. The maximum number of staff on site at any one time.
 - b. The hours of operation, including hours open to the public, as well as hours closed to the public where operations are taking place that could affect exterior lighting, noise, odors, traffic or parking.
 - c. Projected peak hours of operation, with the total number of staff, customers and other visitors on the site indicated.



- d. The schedule and projected peak hours of operation for special events, with maximum number of staff, customers and visitors that would be in attendance.
- e. The schedule, frequency, and nature of expected deliveries to the site.
- f. Noise levels proposed for the operation of the project, which specify what is causing various noise levels.
- g. The path of travel for pedestrians and vehicles at the site.

PROJECTS REQUIRING PLANNING COMMISSION APPROVAL

- ☐ **NEIGHBORHOOD NOTIFICATION AND MEETING** – Pursuant to Santa Cruz County Code Section (SCCC) 18.10.211, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. Review SCCC 18.10.211 for noticing and meeting requirements.

* FOR A COMPREHENSIVE LIST OF REQUIRED INFORMATION (LORI), PLEASE REFER TO THE UNIVERSAL LIST OF REQUIRED INFORMATION (UNIVERSAL LORI), AVAILABLE [ONLINE](#).

I hereby certify that the above-listed required information has been included as part of the initial application submittal (unless waived by a staff planner).

Signature of Owner or Authorized Agent

Date



County of Santa Cruz

Department of Community Development & Infrastructure

701 Ocean Street, 4th Floor, Santa Cruz, CA 95060-4070
(831) 454-2160

Project Information & Threshold Determination - Appendix A

Completion of this form shall be used as a [guidance](#) by the applicant for determining the projects stormwater requirements. Applicants are encouraged to contact the Stormwater Management staff with any questions.

PROJECT & CONTACT INFORMATION

Project Site Address:

Property Owner, Applicant, or Representative Name:

Contact Phone Number:

Assessor's Parcel Number (APN):

Building Permit No. / Discretionary Application:

Flood Control District (additional permit fees for lot coverage may be assessed, refer to Unified Fee Schedule)

Select From Dropdown or Write-In

PROJECT DESCRIPTION

Lot Coverage	Actual	Adjusted
A. Total lot size:	<input type="text"/> sq.ft.	
B. Existing Permitted Impervious Area:	<input type="text"/> sq.ft.	
C. Replaced Permitted Impervious Area:	<input type="text"/> sq.ft.	
D. Replaced Permitted Semi-Impervious* Area:	<input type="text"/> sq.ft.	<input type="text"/> 0 sq.ft.
E. Total proposed Self-mitigating Area:	<input type="text"/> sq.ft.	
F. Proposed Impervious Area:	<input type="text"/> sq.ft.	
G. Proposed Semi-Impervious* Area:	<input type="text"/> sq.ft.	<input type="text"/> 0 sq.ft.

Values in these tables are automatically calculated, user does not need to enter information here if filled out electronically.

Total **REPLACED** impervious & semi-impervious area [C + D]:

0 sq.ft.

Total **NEW** impervious & semi-impervious area [F + (0.5*G)]:

0 sq.ft.

Project Threshold Classification

(Value will auto-sum if filled out electronically, otherwise add **REPLACED** and **NEW** to obtain total for determining project size below)

0 sq.ft.

☐ **Small Project** (less than 500 sq.ft. created and/or replaced) - Use Appendix B 'Small Project Submittal Requirements' for submittal requirement guidance.

☐ **Medium Project** (more than 500 sq.ft. but less than 5,000 sq.ft. created and/or replaced) - Use Appendix C 'Medium Project Submittal Requirements' for submittal requirement guidance.

☐ **Large Project** (more than 5,000 sq.ft. created and/or replaced **OR** 50% increase in permitted impervious area**) - Use Appendix D 'Large Project Submittal Requirements' for submittal requirement guidance.

- Application is part of a phased project OR master plan?
- No diversion is proposed and pre-development runoff patterns will be maintained.
- Application complies with Part 3 of the Design Criteria requirements.
- Drainage has been evaluated. There are no existing drainage issues on/near the site and none anticipated.
- Safe stormwater overflow has been incorporated into the project design. No adverse impacts to neighboring properties, drainage pathways, or roadways are anticipated.

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Signature Required

By signing this form, the signee agrees the information provided here represents, to the best of their knowledge the scope of work being proposed. Signee acknowledges this document is to be used as a guidance for determining the project size and stormwater requirements, additional requirements and clarification may be required.

*Form will apply a 50% credit for semi-impervious areas as final count. Applicant shall not apply the credit.

** Projects that add more than 50% impervious area coverage are required to mitigate the entire site.

Exhibit B



Universal List of Required Information (LORI)

Submittal of a complete application is the key to completing the discretionary review permit process quickly. The Submittal Checklist provided as part of the Discretionary Permit Application is designed to cover the basic submittal requirements required for most project types; however, for certain types of projects additional information may be required. After reviewing your application in detail during the 30-day review period, the assigned project planner may identify one or more items from the below List of Required Information necessary to deem your application complete.

1. PROJECT INFORMATION – All project plans shall include the following:

- a. *Assessor's Parcel Number*
- b. *North arrow*: North should be labeled at the top of every sheet in the project plans including the site plan, floor plan, grading plan, and landscape plan sheet. A plan north reference should be used in cases where the property or improvements are not easily aligned to a North-South-East-West axis.
- c. *Contact data*: Name, address, and phone number of the property owner, applicant, and architect, designer, engineer, or surveyor must be provided on all plan sheets.
- d. *Scale*: Scales used for floor plans and elevations should not be less than 1/8 inch to 1 foot, preferably ¼ inch to 1 foot. Scales used should be consistent between different drawings.
- e. *Date of Preparation*: Provide the preparation date and all revision dates, as applicable.

2. SITE PLAN

Drawn to a conventional scale, preferably 1:10 or 1:8 (where this is not possible, a focused site plan may be accepted). The name, address, and phone number of the plan preparer shall be provided.

The SITE PLAN (Separate Site Plans entitled “Existing Site Plan” and “Proposed Site Plan” are required for reconstruction and demolition projects, and projects that entail additional building area or site improvements on a developed site):

- a. *Vicinity Map and Directions*: A vicinity map that clearly shows the subject property and surrounding roads. The vicinity map shall be accompanied by specific directions to the site from a main road.
- b. *Boundaries*: All existing and proposed lot lines, labeled with their metes and bounds; the existing and proposed location of public and private open space; and the boundaries of existing and proposed easements and rights-of-way. *If the property is split zoned, the zoning boundary must be indicated.
- c. *Project Data Table*: A project data table must be provided on the site plan, based on applicable definitions in Santa Cruz County Code, including the following information:
 - Lot area (both the total lot area and net lot area calculation shall be provided).
 - Existing and proposed Building Area
 - Existing and proposed Floor Area



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- Existing and proposed Floor Area Ratio
 - Proposed Area of additional disturbance
 - Existing Lot Coverage
 - Impervious coverage (see DPW Drainage Checklist – attached)
 - Pervious coverage
 - Proposed Lot Coverage
 - Grading calculations (cubic yards) including cut, fill and off-haul (and, for significant quantities exceeding 2,000 cubic yards, the anticipated location of where the off-haul will be taken).
 - Existing and proposed parking (dimensioned)
 - Minimum setbacks, from exterior walls of all structures to property lines
 - Minimum setbacks from coastal bluffs, riparian vegetation, waterways (including perennial and/or intermittent streams, rivers, arroyos, and fault lines
 - *For projects encumbered by geologic hazards*, boundaries of the geological building envelope, as confirmed by the County Geologist, shall be provided.
 - *For projects located in a mapped FEMA flood hazard zone*, flood zones shall be mapped and labeled.
 - Maximum height of all proposed structures
 - Names of applicable Homeowner's Association, Special Subdivision/PUD, and/or Special Districts
- d. *Building and Development Envelopes (as applicable)*: On parcels encumbered by established building or development envelopes via a recorded map, on all parcels with geologic hazards and/or located on a floodplain, in sensitive habitats, or with visual resources, existing and/or proposed building envelopes shall be shown.
- e. *Structures and Site Improvements (existing)*: On a separate plan sheet titled "Existing Site Plan" the footprints and eave lines of all existing structures, site improvements (hard scape, decks, retaining walls, fencing, light standards etc.). All structures and improvements shall be drawn to-scale; setbacks shall be called, and the structure/s shall be labeled with their existing use.
- f. *Structures and Site Improvements (proposed)*: On a separate plan sheet titled "Proposed Site Plan" the footprints and eave lines of all proposed structures and buildings (including decks and stairways > 18" in height, retaining walls, fencing and light standards) on the subject property. Include any structures or site improvements proposed to be removed (labeled TO BE REMOVED), proposed to be constructed (labeled PROPOSED), or proposed to remain (labeled TO REMAIN). All structures and improvements shall be drawn to scale. Their use, location, and setbacks to all property lines must be indicated. The minimum setbacks from the exterior walls of the buildings



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to property lines and access easements must be dimensioned on the plans. The minimum separation distance between structures shall be indicated. For projects that involve additions, the additional building area shall be shaded and walls to be demolished shall be dashed. Areas proposed for demolition shall be hatched.

- g. *Noise Generators*: Indicate the location of any proposed mechanical equipment, including air conditioners, commercial drying equipment, generators, or other noise source. Provide specifications, including the size, height, and proposed placement of the equipment, as well as the proposed noise output associated with the equipment, and method(s) of ensuring compliance with noise standards through buffering or other strategies as needed.
- h. *Natural Features*: All natural features, such as rock outcrops, ridgelines, wetlands, creeks (flow line and top of bank), ponds, water bodies, and all existing significant vegetation, including significant vegetation to be removed as part of the project, must be shown. The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of all watercourses, including tide water, must be shown.

Areas of geological instability shall be identified, including faults and landslides. The trunk location, dripline, and common and scientific names of all existing trees on the subject property with a 6-inch or greater trunk diameter at breast height measured at a height of 4.5 feet above grade must be shown. Any trees proposed for removal must be indicated. For more densely vegetated or wooded areas, or in tree clusters, only the perimeter outline of the dripline needs to be shown.

- i. *Topography*: Existing and proposed contours, at the proposed development, must be shown at two-foot intervals, clearly labeled. The contour information must be generally accurate. In some cases, a Lot Slope Calculation and/or topographic survey may be required.
- j. *Parking and Access*: Proposed off-street parking and loading areas, including access driveways and maneuvering areas, must be indicated and dimensioned. All proposed parking stalls shall be dimensioned and turning radii for backout maneuvers shall be provided. For driveways on slopes, driveway profiles and cross-sections shall be included. Turnouts and turnarounds shall be dimensioned and labeled.

The Site Plan must show the legal access from the property to the public right-of-way, the width of the right-of-way, and the edge of pavement and width of the street along the property's frontage. All easements and dedicated areas of the property must be identified. For non-residential projects, loading and unloading areas, as well as parking spaces meeting State accessibility requirements and accessible paths of travel, must be shown.

For newly proposed access roads, cross sections and proposed grades shall be provided, along with details of curbs, gutters, sidewalks, and other improvements, as proposed.

- k. *On-Site Water Provision*: For parcels not served by a mutual water company: Show the location of all existing or proposed domestic and irrigation water sources as applicable (e.g. wells, springs, and surface water), along with backflow prevention devices, water storage tanks, reservoirs, treatment facilities, distribution system, and any other water-related appurtenances. Further,



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provide the location of any existing or proposed sewage disposal system, including leach fields, septic tanks, sewer mains and sewer laterals, and proposed expansion areas.

Yield tests, water quality lab results, shared water systems agreements, cross-connection control certifications, water conservation plans, minimum setbacks to septic systems, property lines, and other studies may be required by the Environmental Health Services Division for projects involving wells.

- l. *Associated Site Design Elements (as applicable)*: The location of identification signs, propane tanks, trash enclosures, exterior lighting fixtures, mailboxes, fencing, paths and walkways (including paving materials), bicycle stands, and other features that affect the exterior appearance and use of the property must be indicated.
- m. *Fire Access*: For projects proposed to be accessed from a private road, a minimum 20-foot road width, in addition to emergency vehicle turn-around areas, is required. For two or fewer habitable structures, access driveways shall be a minimum 12 feet in width; for three or more habitable structures, driveways shall be a minimum 20 feet in width.

3. FLOOR PLANS

Existing Floor Plan: Fully dimensioned floor plans for all levels of existing structures must be submitted. All rooms shall be labeled.

Proposed Floor Plan: Fully dimensioned floor plans for all levels of proposed structures must be submitted. The garage, windows, doors, elevators, stairways, and food preparation areas must be indicated. All rooms shall be labeled, consistent with the County's regulations (see definition of "Bedroom" in the Zoning Ordinance, Chapter 13). Existing and proposed floor area calculations shall be provided. Floor area calculations must be based upon the dimensioned floor plans. For projects that involve an addition, the existing floor area shall be outlined with a dashed line and the proposed addition shall be shaded. Areas proposed for demolition shall be hatched.

4. BUILDING ELEVATIONS

Existing Elevations: Fully dimensioned elevations of all existing structures and buildings, including roof ridgeline, finished floor, and foundation line elevations based upon the same datum as the topographic information, must be provided for all sides of a proposed structure (labeled "north", "south", "east" and "west"). Exterior building materials and colors, including but not limited to siding, roofing, and glazing, must be indicated. The elevation drawings should show the height of all sides of the structure in relation to the topography of the adjoining finished and/or natural grades. The preferred scale of ¼ inch per foot should be used for all architectural plans.

Proposed Elevations: Fully dimensioned elevations of all proposed structures and buildings, including roof ridgeline, finished floor, and foundation line elevations based upon the same datum as the topographic information, must be provided for all sides of a proposed structure (labeled "north", "south", "east" and "west"). Exterior building materials and colors, including but not limited to siding, roofing, and glazing, must be indicated. The elevation drawings should show the height of all sides of the structure in relation to the



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topography of the adjoining finished and/or natural grades. The preferred scale of $\frac{1}{4}$ inch per foot should be used for all architectural plans.

*If an addition to an existing structure is proposed, elevations of the existing structure, as well as elevations depicting the proposed addition, shall be provided.

5. ROOF PLAN

For all structures proposed to be within two feet of the maximum permitted building height, roof plans that indicate existing and proposed pitch, slope direction, hips, valleys, and size and location of any mechanical equipment, vents, ducts, skylights, and chimneys must be shown on the site plan (or on a separate Roof Plan sheet). The roof plans *must* be overlaid on the topographic contours and include “spot elevations” of all roof corners and ridgeline elevations above the corresponding (natural grade) elevation contours. In those instances where natural grade no longer exists, an interpolation of natural grade based on surrounding grade shall be shown in dashed contour lines.

6. CROSS SECTIONS

Cross sections through all proposed structures shall be provided. Cross sections shall be based on accurate topography and shall include the following labels: finished floor, foundation line, natural grade, finished grade, plate height, and roof ridge height. A site cross section may be required to show the relative height of proposed structures to adjoining roadways and impacts to surrounding properties. All height measurements shall be reflected in the format of elevation above sea level.

7. MATERIALS, COLORS AND DETAILS

One sheet of the architectural plans must include manufacturers’ brochures, photos, or color chips that indicate all proposed exterior building materials, including the painting, roofing, siding, window casings, and trim. For additions and/or accessory structures, the plans may be labeled “elevations to match existing colors and materials”. The photos of the colors and materials must be accurate representations of the true colors and labeled for proper identification. Complete details, including dimensions, building materials, and colors for all proposed retaining walls and fencing shall also be submitted.

8. WATER WILL SERVE LETTER

Applicable to ALL newly proposed residential structures (not including in-kind replacement structures and ADUs) and commercial projects where habitable square footage will be added: Letter from the applicable water district, or if well water is proposed, from the well owner, certifying as to the availability of water and an ability to serve the project.

9. SANITATION WILL SERVE LETTER

Applicable to ALL newly proposed residential structures (not including in-kind replacement structures and ADUs) and commercial projects where habitable square footage will be added: Letter from the appropriate Sanitation District, certifying availability, capacity, and ability to serve the project.



10. SOILS REPORT

**Required for all projects located within 100 feet of a coastal bluff that entail construction of an addition >500 square feet in size and/or for all projects that qualify as “development” as defined in SCCC Section 16.10.040).*

The soils report must be prepared in accordance with County guidelines and reviewed and “accepted” by the County’s Environmental Planning division as being consistent with applicable County Codes and technical standards. To obtain acceptance of the report, a draft soils report, prepared by a licensed geotechnical engineer or registered civil engineer experienced in soils engineering, shall be submitted for review and acceptance by Environmental Planning staff. If desired, *the report may be submitted ahead of the development project application.* In the report, seismic and geologic hazards shall be identified, and within the report, the licensed professional shall recommend construction measures and other precautions to be incorporated into the project in order to reduce the risk of these hazards to acceptable levels. The term geotechnical report may encompass documents referred to as soils report, soil investigation report, soils stability report, preliminary soils report, and other similar terms.

A preliminary geotechnical report may be divided into two parts:

- a. Soils reconnaissance. The soils reconnaissance shall include a complete description of the site based on a field investigation of soils matters. The soils matters reviewed shall include stability, erosion, settlement, feasibility of construction of the proposed improvements, description of soils related hazards and problems and proposed methods of eliminating or reducing these hazards and problems. The soils reconnaissance shall also estimate the retreat rate of any bluff that could threaten improvements within 100 years.
- b. Final soils investigation and report. This investigation and report shall include a field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling and other earthwork, foundation design, pavement design and subsurface drainage.

The report shall also recommend any required corrective action for the purpose of preventing structural damage to the development. Further, the report shall recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.

11. GEOLOGY REPORT

**Required for all projects located within 100 feet of a coastal bluff that entail construction of an addition >500 square feet in size and/or for all projects that qualify as “development” as defined in SCCC Section 16.10.040).* The geology report must be reviewed and “accepted” by the County’s Environmental Planning Division. To obtain acceptance of the report, a draft geology report, prepared by a geologist licensed by the State of California Board for Professional Engineers, Land Surveyors and Geologists shall be submitted for review and acceptance by Environmental Planning staff/County Geologist. If desired, *the report may be submitted ahead of the development project application.*



12. GEOLOGIC HAZARDS ASSESSMENT

**In lieu of a Soils and/or Geology Report, an application for a Geologic Hazards Assessment (GHA) may be submitted in tandem with the applicable discretionary application.*

13. MEAN HIGH TIDE LINE AND TOP AND TOE OF SLOPES

Applicable to ALL proposed projects along the coast.

14. NEIGHBORHOOD NOTIFICATION AND MEETING

Applicable to all projects that require Planning Commission approval: Pursuant to Santa Cruz County Code Section (SCCC) 18.10.211, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. Review SCCC 18.10.211 for noticing and meeting requirements.

15. MODIFICATION WORKSHEET

A Modification Worksheet shall be required for all projects that entail structural modifications to non-conforming structures or uses, or structural modification of any structure or use proposed in a floodplain, or on a site with potential geologic concerns. An electronic version of the Worksheet is available on the County's Planning Department web page (www.sccoplanning.com). Printed copies are also available at the Zoning Counter.

16. SHADOW PLAN

Shadow patterns are those cast on the 21st of December and the 21st of June between 10 am and 2 pm Pacific Standard Time. A Shadow Plan shall accurately depict the shadow patterns of all proposed structures and significant (proposed) landscaping that will occur on neighboring properties on the aforementioned dates and times.

17. NEIGHBORHOOD CONTEXT PHOTOGRAPHS

Neighborhood Context Photographs shall consist of labeled photographs of the project site, as seen from the street, as well as the adjacent properties (5 lots on either side of the project site and 10 lots across the street from the project site).

18. PRELIMINARY LANDSCAPE PLAN

A Preliminary Landscape Plan shall be submitted for all applications, except minor remodels or additions. The Preliminary Landscape Plan shall be included as a separate sheet in the project submittal and shall be titled "Preliminary Landscape Plan". The Plan shall be designed in accordance with the County's Water Efficient Landscape Ordinance (WELO, Chapter 13.13), as applicable. The Plan shall include the following information: all existing vegetation, either labeled "to be removed" or "to be retained"; all proposed vegetation, labeled and tied to a Landscape Key indicating the common and scientific name of the proposed plant, along with the quantity of the proposed plant (for larger plant species, such as new trees); all locations



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of existing and proposed area drains, slot drains, drop inlets, etc., labeled “existing” or “proposed”; all existing and proposed fencing and retaining walls, labeled “existing” and “proposed”; all existing and proposed patios, walkways, driveways, decks, etc., labeled either “existing” or “proposed”. The proposed materials of all site improvements shall be indicated; all existing and proposed landscape lighting, including tree lighting; and all proposed (permanent) outdoor seating, street furniture, etc.

The landscape plan shall also include trunk locations, driplines, and common and scientific names of all existing trees on the subject property with a 6-inch or greater trunk diameter measured at a height of 4.5 feet above grade. For more densely vegetated or wooded areas or in tree clusters, only the perimeter outline of the dripline needs to be shown.

Only those elements of the proposed landscaping that are related to the project must be shown. The landscape plan shall be drawn at the same scale as the site plan.

19. VEGETATION MANAGEMENT PLAN

A Vegetation Management Plan that addresses any vegetation modification and management requirements established by the local fire district for minimum brush and tree clearance to create defensible space around the structure shall be prepared by a qualified arborist, forester, landscape architect or designer. The vegetation management plan shall include the following information:

- a. Existing vegetation types (grass, low shrubs, high shrubs, and trees) within the Defensible Space area, as defined by the applicable Fire District. Every tree within the Defensible Space with a trunk that is greater than six inches in diameter at 4.5 feet above grade should be accurately depicted as to trunk and canopy location, diameter, and tree species.
- b. Vegetation management proposed for all vegetation types in the Defensible Space. In particular, proposed removal/substantial pruning must be detailed for every tree shown.

20. SIGN PLAN

Sign Plans are required for all applications that entail commercial development. A Sign Plan must include the following information:

- a. The location of all existing and proposed sign, indicated on the Site Plan.
- b. Indication of the number, dimensions, cumulative area of all signs, height above grade, sign copy, size and color of lettering, and any proposed lighting. Indicate any signs proposed to be altered or moved.

*For all Sign Exceptions, please provide written justification for the exception, in accordance with the Sign Ordinance (refer to Section 13.10.587).



21. ACCESSIBILITY PLAN

Required for most commercial and multi-family projects. The accessibility plan shall be prepared by a licensed architect, shall be a separate sheet, and shall include the following: existing and proposed topography; accessible path of travel and accessible parking; notations as to the occupancy and construction type; accessibility to buildings or portions of buildings (multi-story buildings must include access ramp or elevator); an egress plan showing maneuvering clearances at all doorways, passageways, and landings; and accessible restrooms.

22. PRELIMINARY GRADING PLAN

A Preliminary Grading Plan is required for all projects that entail moving more than 100 cubic yards of earth, creating a cut slope greater than 5 feet high, creating fill more than 2 feet deep, or placing fill on slopes greater than 20%. Please note, the Planning Department may require a Preliminary Grading Plan for smaller projects.

The Preliminary Grading Plan may be included on the Site Plan, or on a separate sheet titled Preliminary Grading Plan. The Preliminary Grading Plan shall be based on a property survey. Indicate all areas of proposed grading, including the existing and proposed contours across the building site and the limits of grading (existing contours shall be shown with light lines and proposed contours shall be shown with darker lines); the amount of proposed excavation and fill in cubic yards; the location of proposed deposition and borrow sites for each major element of the project; the total area of disturbance proposed for the project; and the limits of grading. The grading plan shall be drawn at the same scale as the site plan. The total amount of off-haul, or import, shall be identified in cubic yards. Provide a cross-section of cuts, fills, building pads and driveways (including property lines where appropriate). For significant quantities of off-haul exceeding 2,000 cubic yards, the anticipated location of where the off-haul will be taken).

Contour intervals for Preliminary Grading Plans shall be as follows:

<u>Slope of Existing Ground</u>	<u>Contour Interval</u>
0-5%	1 foot
5-15%	5 foot
> 15%	10 feet

NOTE: If grading activities will involve more than 2,000 cubic yards of material, the plan must be prepared by a licensed civil engineer. Although not required for smaller projects, it is recommended that a licensed civil engineer prepare all grading plans.

23. PRELIMINARY UTILITIES PLAN

The location of all public and private utility connections and methods of extension (overhead or underground) must be indicated. The size and capacity of utilities may also be required. For sanitary sewer and grease waste lines, show minimum proposed slope.



24. PRELIMINARY SEPTIC SYSTEM PLAN

If the subject property is not served by sanitary sewer, the location of any existing or proposed septic system (including dimensions and sizes of the septic tank, disposal fields, and/or expansion area), and wells and water systems on the subject and adjoining lots. Springs, creeks, and/or waterbodies (if any) must be clearly and accurately depicted consistent with the site plan. The septic system plan must include a calculation of the existing and proposed floor area for the project, by structure and by occupancy code, as defined by the most recently approved version of the California Building Code.

*Please note: new septic systems are not permitted on floodplains or on slopes greater than 30%. Environmental Health Services may require additional information to ensure that the parcel/s can accommodate a septic system.

25. PRELIMINARY ENGINEERED IMPROVEMENT PLANS

For large commercial project, multi-family projects, or where street improvements are proposed within a public right-of-way, or where off-site improvements are necessary, the preliminary engineered improvement plan shall be prepared by a licensed civil engineer.

The plan shall include the following:

- a. Drainage: Drainage details and calculations including the tributary drainage area on a topographic map; the location of existing drainage facilities, or proposed facility/facilities, such as drop inlets and storm drains; the location of downstream receiving drainage facilities or proposed facility/facilities to an adequate outlet point, or for a minimum distance of 500 feet; calculated Q10 and Q100 of on-site facilities and downstream facilities with full buildout; and calculated capacity of proposed on-site facilities and existing downstream drainage facilities at appropriate points.
- b. Circulation: Circulation details including points of ingress and egress; existing right-of-way (full street) and proposed right-of-way, utilizing guidelines as established by an approved plan line, or the County's standards if there is no plan line.

26. PRELIMINARY EROSION CONTROL PLAN

A Preliminary Erosion Control Plan is required for projects that would result in any ground disturbance. For large projects, or development proposed near sensitive habitats, the Erosion Control Plan must be prepared by a Certified Professional in Erosion and Sediment Control (CPESC). The plan may be incorporated into the Site Plan, Grading Plan, or Improvement Plan, or may be included as a separate sheet. The Erosion Control Plan shall include the following information: location of the site; property lines; locations of specific erosion and sediment control measures (silt fences, erosion control blankets, etc.); details of erosion and sediment control measures and the date such measures must be initiated; terrain details; proposed drainage and erosion control structures (construction details); areas to be cleared; proposed structures and new contours after grading; septic tank and leachfield locations; the nearest public road intersection; proposed construction schedule and dates; revegetation proposals; plant species, amount of seed to be used, mulching specifications, etc.



27. BUILDING AND DEVELOPMENT ENVELOPES

For proposed land divisions, and on parcels located in floodplains, in geologic hazard areas, sensitive habitats, or areas identified as having visual resources: Development and/or Building Envelopes for existing and future development and/or structures, including proposed locations of road and utility alignments and septic leachfield areas, must be shown on the site plan. In some cases, only envelopes for buildings will be required.

28. SITE BOUNDARY SURVEY

Where required to establish the location of property lines, rights-of-way, or structures, a Site Boundary Survey, prepared and signed by a licensed surveyor whose name, address and phone number are indicated, may be required. Surveys shall show all property lines, boundaries, rights-of-way, easements, locations of existing structures and other improvements.

29. SITE TOPOGRAPHY SURVEY

The topographic survey information must be prepared by a licensed surveyor whose name, seal, and signature appear on the plans. For property with an average slope of 15% or less, two-foot contour intervals must be indicated. For a property with an average slope greater than 15%, five or ten-foot contour intervals are acceptable.

All natural features such as creeks, flood zones, slides, faults, and rock outcrops, and human-made improvements must be shown. For properties that contain a creek (perennial, intermittent or ephemeral), the plans must show the creek bank contours, centerline of the creek, the low flow channel, and top and toe of both banks of the creek.

The scale of the topographic survey must be sufficiently large to show the details of the plan clearly (preferably one inch equals 10 feet) and shall match the site plan. All elevations referred to shall be based on the National American Vertical Datum (NAVD) except that an assumed datum may be used if the entire project is above an elevation of 25 feet NAVD.

30. SITE STAKING

A staking plan showing development features such as the edges of hardscape site improvements, building footprints, driveways, parking areas, the edge of development envelopes and the limits of grading and development envelopes shall be prepared by the project architect, designer, civil engineer or qualified professional and the stakes shall subsequently be installed.

The stakes shall be located at approximately 25-foot intervals, shall be approximately 1.5 feet high, shall be painted a bright color on the top, and shall be labeled to indicate the feature that they delineate. The schedule for installing the stakes must be coordinated with the Planning staff. The applicant shall submit written notification that the stakes have been installed. Planning staff has the discretion to require that the staking be placed by a licensed surveyor.



31. STORY POLES OR ALTERNATE VISUALIZATION TECHNIQUES

A story pole plan showing the locations and heights of all story poles that are necessary to clearly and accurately demonstrate the maximum heights of roof ridges and edges for all proposed structures shall be provided. The plan should be prepared by the project architect, designer, civil engineer or qualified professional, and the story poles shall subsequently be installed. Orange, or other brightly colored, netting outlining the proposed building shall be installed at the top of the poles. In lieu of story poles, an alternate visualization method such as a computer visual simulation may be authorized by staff.

32. STORMWATER MANAGEMENT PLAN

A Stormwater Management Plan is required if the proposed project would result in an increase in a change in existing drainage patterns or increase impervious surface areas. The Stormwater Management Plan may be combined with the Site, Erosion Control, Civil, or other plan sheet if all the required information is clearly depicted, otherwise a separate sheet titled Stormwater Management Plan shall be provided. The plan shall include the following: existing and proposed topography, including contours, spot elevations, and slope arrows; perennial and intermittent streams. Resource protection areas shall also be depicted including wetlands, lakes, ponds; water well and septic system setbacks; location of existing and proposed conveyance systems, such as swales, channels, storm drains, and flow paths; locations of proposed roads, buildings, and other structures; locations of floodplain/floodway limits; location, size, maintenance access, and easements for all drainage facilities; limits of disturbance; and construction details for all drainage structures. Indicate location and provide details for proposed stormwater mitigation features; all impervious and semi pervious areas (labelled as existing and permitted, existing and unpermitted, or proposed); watershed and sub- watershed maps that show where and how all site areas drain; and location and details depicting where and how the subject site receives offsite upstream runoff.

33. LIGHTING PLAN

All exterior lighting (for project site, structures, and/or landscaping), including the location and type of lights, must be shown. For newly proposed light standards, indicate the proposed location, height, and cut sheets of the standards and associated fixtures. Technical details, including footcandles, may be required.

34. PRELIMINARY TITLE REPORT

The preliminary title report must be dated within six (6) months of the application submittal date and shall reflect the status of the property. The Preliminary Title Report must include all recorded easements, provide proof of ownership, and be issued from a Title Company.

35. OPERATIONAL CHARACTERISTICS (COMMERCIAL DEVELOPMENT & HOME OCCUPATIONS)

Information regarding the proposed use of the project must be prepared by the applicant, including but not limited to the following items:

- a. The maximum number of staff on site at any one time.
- b. The hours of operation, including hours open to the public, as well as hours closed to the public where operations are taking place that could affect exterior lighting, noise, odors, traffic or parking.
- c. Projected peak hours of operation, with the total number of staff, customers and other visitors on the site indicated.



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- d. The schedule and projected peak hours of operation for special events, with maximum number of staff, customers and visitors that would be in attendance.
- e. The schedule, frequency and nature of expected deliveries to the site.
- f. Noise levels proposed for the operation of the project, which specify what is causing various noise levels.
- g. The path of travel for pedestrians and vehicles at the site.

36. STATEMENT OF SPECIAL CIRCUMSTANCES

Where an exception or variance to a site development standard is requested: Describe the special circumstance that affects the property and necessitates a variance to the required site standard/s. Focus your letter on explaining why you believe that the following necessary findings can be made by the County to approve your request.

- a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- b. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.
- c. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

37. STATEMENT OF DESIGN PARAMETERS

For Large Dwellings (larger than 5,000 square feet in size): Describe how the projects is consistent and compatible with surrounding development. See County Code Section 13.10.325.

38. PROPERTY STATUS INFORMATION

To gain more information regarding the status of a historic structure or use, the following information may be required:

- a. Copies of the Assessor's Records for the subject property.
- b. Copies of records related to the history of the property, such as affidavits, previous utility bills, and historic maps and photographs.
- c. Copies of any permits issued by State or Federal agencies for the property.
- d. Property appraisals performed by a qualified appraiser.

39. PROOF OF DEEDED ACCESS

Proof of deeded access shall consist of documentation that establishes legal access over a private right-of-way.

40. VISUAL RENDERINGS

Visual Renderings are required for most discretionary projects located in a Scenic Viewshed, on a sensitive site, where capable of being seen from a public beach, or as determined by the project planner. Visual



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Renderings of the proposed project shall be prepared by a qualified professional or firm that is acceptable to the County. Two visual renderings shall be prepared, one designed to show the impact of the development without any proposed landscaping, and a second to show the impact of the development with the proposed landscaping (assuming five years of average growth).

41. PHOTOGRAPHS OF THE PROJECT SITE AND NEIGHBORHOOD CONTEXT

Color photographs of the project site, including photographs of the existing structure as seen from the street and the adjacent properties, as well as photographs of all adjacent properties (5 lots on each side and 10 lots across the street) shall be provided. All photographs shall be labeled.

42. ACOUSTICAL STUDY

An acoustical study shall be prepared by a qualified acoustical engineer. The study shall quantify the maximum noise levels that would affect the project or result from the proposed operation of the project or any noise generators. The noise shall be quantified using standard acoustical engineering methods and shall indicate the time of day, duration, and regularity of the noise for regular operations and special events resulting from a project. The study shall identify measures to be incorporated into the project to ensure compliance with the County's noise regulations, including but not limited to siting, special construction materials or techniques, buffering/reducing noise from mechanical equipment, and so forth. The acoustical study is subject to peer review at the Planning Director's discretion.

43. ARBORIST REPORT

For projects that include removal of trees over 20 inches d.b.h (inside urban services line) or 40 inches d.b.h. (outside urban services line), or for new development proposed in the dripline of such trees, an arborist's report that has been prepared by a qualified arborist must be submitted. The arborist's report shall provide an evaluation of the trees that stand to be impacted and/or proposed for removal. The evaluation shall, at a minimum, indicate the health of the tree/s and evaluate any adverse effects to the trees that would occur as a result of the proposed project. Specifically, the arborist's report shall recommend appropriate tree protection zones for significant trees that would remain on the property, as well as appropriate locations for replacement trees to be planted. The arborist's report is subject to peer review at the Planning Director's discretion.

44. AGRICULTURAL VIABILITY AND MANAGEMENT PLAN

An agricultural viability and management plan to address the on-going agricultural use of the property must be prepared by the applicant. The plan must: (1) identify and assess arable and non-arable (see General Plan Glossary of terms) agricultural land on the property and identify agricultural resource type land (see GIS), including soil classification and topography, as well as the history of agricultural production on the site; (2) identify and assess the potential, existing and proposed agricultural uses on the site, including proposed structures, and evaluate whether proposed non-soil dependent uses have been located on the perimeter of agricultural resource type land, with clustering near existing buildings or other non-arable land; (3) identify and assess site access, and evaluate whether access has been provided along existing agricultural field access roads. If not feasible, the viability analysis shall determine whether site access length has avoided or minimized loss of arable land; (4) Identify and assess all existing and proposed parking, pervious and non-



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pervious surfaces areas associated with the site providing evidence that the use of paving materials or other impervious surfacing associated with the proposed use have been minimized and located on non-arable land; (5) provide and assess for long-term management and preservation of the agricultural lands and outline a plan for sustainable agricultural use(s); (6) provide location of existing and/or proposed water supply and provide and analyze water demand associated with proposed use; (7) analyze the extent to which proposed development enhances and supports the continued and future agricultural viability of the land; and (8) provide a marketing/business plan. The plan shall also provide a brief description of the farmer or rancher's background in agricultural operations as well as provide any leasehold contracts for farming on the site.

45. PHOTOMETRIC STUDY

A photometric study showing existing and proposed ground-level lighting intensity in foot-candles for the subject property, and the surrounding properties that would be affected by on-site lighting shall be prepared by a lighting expert.

46. HYDROLOGY REPORT

A hydrology report shall be prepared by a qualified hydrologist, geomorphologist, or engineer. The hydrological report shall provide calculations of pre-project and post-project amounts of storm water runoff. Further, the report shall assess whether the proposed project would increase the likelihood of downstream erosion, channel instability or flooding in the area, or other potentially significant impacts to the environment. If the study finds that the project could result in a significant impact, then a further evaluation of potential mitigation measures may be required.

47. BIOTIC REPORT

A biotic report shall be prepared at the applicant's expense by a professional biologist (the County has a list of biologists and revegetation specialists familiar with the report and plan preparation requirements). The report must be written according to County guidelines.

The biotic report shall provide evidence regarding the presence of sensitive biological resources, determine the property's habitat value relative to any special status species, and provide conclusions regarding how the project may affect those resources. Stream channels, tops of banks, and edges of riparian vegetation and any associated buffer areas must be clearly mapped.

In addition, the biotic report shall evaluate the habitat value of any watercourses adjacent to the proposed project, and whether the project would result in adverse effects to the riparian vegetation surrounding the watercourse or the water quality of the watercourse. The report shall also indicate whether there are any exotic species of plants on the site and whether any species are invasive.

48. ARCHEOLOGY/PALEONTOLOGY REPORT

An archaeology/paleontology report shall be prepared by a qualified and State registered professional archaeologist. At a minimum, the report shall be based on a field survey and records search and shall indicate whether there is evidence of archaeological resources on or in close proximity to the project site and evaluate the project's potential impacts to those resources. If the report finds that the project could result in a significant impact, then a further evaluation of potential mitigation measures may be required.



49. HISTORIC DOCUMENTATION REPORT

A historic documentation report shall consist of a report that documents the historic significance and physical appearance of an historic resource. The report shall be prepared by a historic resources consultant meeting the Secretary of the Interior's professional qualification standards and in accordance with the guidelines established by the Historic Resources Commission. The report may take the form of a narrative with attached photographs and shall include a completed California Department of Parks and Recreation Historic Inventory Form.

50. TRAFFIC / PARKING STUDY

A traffic study shall be prepared by a licensed traffic engineer, in accordance with County and industry standards. As an option, the applicant can elect to have the County retain a traffic consultant, and have the traffic study included within the CEQA environmental review process carried out for the proposed project. The study shall include an evaluation of Vehicle Miles Traveled, as well as existing Levels of Service at intersections and road/highway segments within the vicinity of the project site, including the existing and post-project peak AM and PM trips to and from the project site.

The intersections and segments to be studied shall be reviewed and agreed to by county staff, and advance consultation with the Planning Department transportation planner and the Public Works Department traffic engineer regarding such, as well as other content, methodology and assumptions to be included in the traffic study, is strongly recommended. The study shall also include the proposed level of service including the project, taking into account the peak trips that would be added by the project, and determine cumulative traffic conditions.

A parking study may also be required, which analyzes existing parking demand and the parking demand created by the project.

51. AFFORDABLE HOUSING PLAN

The Affordable Housing Plan must include the following information:

- a. Number, affordability level, unit type, tenure, number of bedrooms, location, size of unit and parcel, and design of all market rate and inclusionary units.
- b. Construction schedule and phasing of inclusionary units in relation to market-rate units. Note: All affordable units shall be constructed prior to, or concurrently with the construction of market rate units.
- c. Provisions for income certification and screening of potential purchasers and/or renters of inclusionary units, resale control mechanisms, and ongoing monitoring and administration.
- d. Participation in Affordable Housing Program pursuant to Chapter 17.10.
- e. Any incentive/concession requested pursuant to Chapter 17.12 (density bonus projects). Note: See Chapter 17.12 for a complete list of items required if applying for a density bonus.
- f. Such additional information as may be required by the Director to ensure conformance of the project with Santa Cruz County's affordable housing requirements and the County's General Plan.



52. CONSTRUCTION PROGRAM

A construction program shall contain information related to development activities, including the following:

- a. A site plan showing areas where grading and construction will take place, soils will be stockpiled, laydown areas for building materials, parking for construction workers, and temporary facilities such as portable toilets, construction signs, temporary areas for secure storage and construction trailers will be located. The location of power generators or temporary power poles shall also be shown.
- b. Dust reduction consistent with the Monterey Bay Area Air Resources District's basic control measures.
- c. An erosion control and/or storm water pollution prevention plan, as required by the Department of Public Works.
- d. A traffic control plan, as required by the Department of Public Works.
- e. The location and design of tree protection fencing and any other fencing necessary to provide environmental safeguards during construction.
- f. Construction phasing and the timing during any given year when the various components of construction will occur, such as grading, tree and vegetation removal, loud external noise-making work, quiet interior work or finish work, septic system and utilities installation.

53. TEMPORARY CONSTRUCTION TRAILER

For commercial and Subdivision projects only. In the event a temporary construction trailer will be necessary during construction of the project, indicate the proposed location on the trailer on the Site Plan, planned duration of the temporary trailer, proposed hours of occupancy, number of occupants anticipated, and size specifications of the trailer.

54. TIMBER HARVEST PLAN

A timber harvest plan shall be prepared by a licensed forester in accordance with Cal Fire's guidelines.

55. PROOF OF ON-SITE NOTICING

Pursuant to Santa Cruz County Code Section 18.10.224, proof of on-site noticing.

Exhibit C

From: Kevin Huber <khuber@grupehuber.com>
Sent: Tuesday, November 12, 2024 4:40 PM
To: Jocelyn Drake
Cc: Cove Britton; John Erskine; Noah DeWitt
Subject: [External] Application 241334 Issues for discussion
Attachments: Easement 3815OR113.pdf

Hi Jocelyn,

Thank you again for arranging a meeting for this Friday. As you requested, listed below are some of the main issues we would like to discuss and clarify before we provide a formal response to the September 27, 2024, letter from Jerry Busch to Cove Britton for our Application # 241334.

- 1. Net Site Area Inconsistency** – The County staff and Coastal Commission continue to refer to the County Code definition of developable area for the “creation of new sites.” As Applicant has stated before, the Project does not involve the creation of any “new sites.” Therefore, County Code section 13.10.323(B)(3)(c) does not apply to exclude “beaches” and “coastal bluffs” from the property’s developable land area calculation. The Project site is an *existing lot of record*. County Resolution 89-2009 refers to *parcels of record* as “beachfront” and defines the “Site Area, Net” as the total site area minus vehicular rights-of-way and land seaward of the mean high tide. Furthermore, the County’s LCP creates an exception for existing parcels of record visible from a public beach when it states that the County may “allow infill structures (typically residences and accessory structures on existing lots of record) where compatible with the pattern of existing development.” (ARC 5.1.7.)
- 2. Survey Discrepancies** – Applicant’s submitted licensed survey shows that the property has a “total lot size” of 22,357 square feet, but the County’s GIS map only shows 15,115. The reason for the discrepancy is Applicant’s survey includes the square footage of the lot seaward of the sea wall up to the mean high tide line (which is estimated to be about 140 feet). This issue would be cured by the resolution of the net site area inconsistency described in Item # 1 above.
- 3. Underfloor vs. First Floor** – The Project contains an underfloor with concrete but without a finished floor to comply with FEMA flood requirements. This makes the “first floor” higher, and the County and Coastal Commission are confusing this for a two-story project. The County Code Definition of “Story” in 13.10.700-S is “that portion of a building included between the upper surface of any floor and the lower surface of the floor or ceiling above.” An attic, basement, mezzanine, and underfloor areas do not count as stories. As designed, the Project is consistent with FEMA’s definition of a first floor which is the lowest floor of a building elevated to meet flood regulations. Furthermore, the stairs are from the ground level to the elevated first floor, not stairs to the underfloor.
- 4. Parking** – SB 450 provides that the County may only require one off-street parking space per unit. (Gov. Code, § 65852.21, subd. (c)(1).)

5. **Coastal Commission Balance with SB 9** – The Coastal Commission claims in its comments that because the County does not have an operative SB 9 implementing ordinance, the Commission may apply the operative County LCP provisions to appeal and potentially deny the Project based on purported zoning and geologic hazard inconsistencies. Once the County’s SB 9 ordinance is in effect, can the Coastal Commission override the County’s approval based on SB 9?
6. **The Stairs Do Not Interfere with the Easement** – Based on the easement deed, the stairs down the seawall are part of the seawall and are excluded from the easement area, regardless of the proximity of the mean high tide to the sea wall. See deed attached with the specific language highlighted.
7. **Fencing** – The County’s Incompleteness Letter states that there is “existing fencing on the site”; however, the fencing is a neighbor’s and not the Applicant’s. How should we address this?
8. **Landscaping Plan** – The County’s letter requests a landscape plan, however, because this Project is being processed under an SB 9 application, Applicant has not completed the landscape plan and will abandon the CDP 221192 if the Application is approved.

Please let me know if you would like any additional information in advance of the call on Friday. I didn’t copy Natalie Kirkish, as I don’t have her email address.

Thank you,

Kevin

Kevin Huber

President/CEO

GRUPE HUBER COMPANY

D: (209) 490-2650

E: khuber@grupehuber.com

1203 N. Grant Street

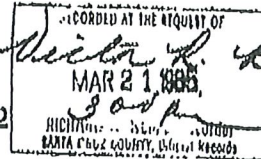
Stockton, CA 95202

grupehuber.com



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EASEMENT DEED



I (we), the owner of that certain parcel of real property identified as Santa Cruz County Assessor's Parcel Number 43-152-54 situated on Beach Drive extension, Rio Del Mar, California, make the following declaration relative to a public pedestrian easement and seawall maintenance. The property described above is on the seaward side of Beach Drive extension. A portion is occupied by a residence, which in turn is protected by a seawall, said seawall located approximately ~~one-half~~ of the distance from my Northern property line to mean high tide, property line to the south. The portion between the seawall and mean high tide is approximately 140 ft. High tides or wind-driven water may cause water to flood over a portion of the property above described inundating a portion ~~of~~ of the private property between mean high tide and the seawall.

Grant of Easement. I (we) grant to the County of Santa Cruz a public easement, solely for beach lateral pedestrian access over a five-foot wide strip paralleling the mean high-tide line, and generally traversing the described property in an east-west direction; said five foot wide strip to be seaward at varying distances from the seawall so as to be located immediately adjacent to the highest tide line, from time to time existing, caused by high tides or wind-driven water; provided, however, that said easement shall traverse only that portion of the described property between mean high tide and the seawall; provided, further, that any stairs or access from my seawall to the beach shall be considered part of the seawall and not included in any such easement.

Seawall Maintenance. The above described property is involved in a common seawall along with other property owners beginning with the property of Menafee, Assessor's Parcel Number 43-152-52, and terminating with the property of Means, Assessor's Parcel Number 43-152-60. I (we) agree for myself (ourselves) to contribute to the maintenance of the entire seawall in accordance with the long-term, maintenance plan attached whether that maintenance takes place on my property or on the property of other adjoining owners and will contribute to the maintenance of said seawall based upon my (our) ~~per foot~~ ^{1/1000} share of the seawall. This

**party to said maintenance plan

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agreement binds all successive owners of the above described property including heirs and assigns. Any failure on the part of myself (ourselves) to contribute the prorata share of the seawall shall create a lien on said property. ***

DATED:

Dec 17, 1984

[Signature]
J. Beckers

Approved as to form:

[Signature]
Dwight A. Herr
County Counsel

STATE OF CALIFORNIA
COUNTY OF *San Jose* } ss.
On *December 17, 1984* before me, the under-
signed, a Notary Public in and for said State, personally appeared
John Beckers

known to me
to be the person whose name subscribed to the within
instrument and acknowledged that executed the same.
WITNESS my hand and official seal.

Signature *[Signature]*

Name (Typed or Printed)



*** Nevertheless, I/we shall be responsible only for my/our prorata share and no more and any lien or obligation is limited to my/our prorata share.

Rio Del Mar Seawall
Maintenance Plan

1. Semi-annual inspections of the wall surface and all visible connections shall be conducted by a registered professional engineer commencing three (3) years after completion of construction.
2. Connections shall be inspected for deterioration of galvanized coating and rust. Connections requiring maintenance shall be wire brushed to remove flaking galvanizing and rust and painted with three (3) coats of a zinc-rich rust inhibiting paint.
3. Concrete surfaces exhibiting deterioration or spalling shall be chipped back to solid concrete and brushed clean of all dust or loose particles. Voids shall be filled with an epoxy grout consisting of fine sand and epoxy bonding compound. Proportions shall be in accordance with the manufacturer's recommendations.
4. Cracks in the wall determined by the inspecting engineer to be structural or otherwise detrimental to the structural integrity of the wall shall be repaired by injecting a liquid epoxy, under pressure, into the crack in a manner in which the entire void is filled.
5. This plan shall not cover damages caused by a particular property owner and such repair shall be the responsibility of such particular landowner.
6. Any displaced rock rip rap shall be removed from the beach within four weeks from the time of its displacement.

Exhibit D



Staff Report & Development Permit Level 4 – Administrative Review

Application Number: **221192**
Applicant: **Kevin Huber**
Site Address: **625 Beach Drive, Aptos**

APN: **043-152-54**
Owner: **Kevin Huber**

Proposal & Location

Proposal to recognize grading, installation of hardscape, and landscaping. Project includes removal of a 120 square foot non-habitable storage shed. Requires a Coastal Development permit.

Property located on both sides of Beach Drive approximately 1,000 feet south of the Seacliff State Beach and access gate (625 Beach Drive).

Analysis

On 7/30/2020, the subject property was found to be in violation of county code for the unpermitted installation of a 120 square foot storage shed located within the front and side yard setback, grading within the coastal zone, and installation of landscape improvements on the seaward side of Beach Drive.

On 7/14/2022, the subject application was submitted to address the unpermitted work by removing the storage shed and capping utilities, and recognizing the grading and placement of hardscape on the property. Further, the project proposes to remove bollards that were placed within the privately maintained right of way.

The subject property is located at the southern end of Beach Drive behind a security gate which restricts public access. The property is approximately 15,000 square feet in size and zoned Ocean Beach Residential (RB) which is consistent with the General Plan designations of Urban Low (R-UL) residential density and Parks Recreation and Open Space (O-R) General Plan designations.

The project site is roughly twice the size of surrounding parcels in that it spans from the coastal bluff lying northeast of Beach Drive, southwest to the revetment which serves as shoreline protection for the homes along this portion of Beach Drive. Similar to the surrounding parcels, the coastal bluff side of the parcel is developed with an existing single family dwelling whereas the beach side of the parcel is vacant with the exception of the landscape and site improvements proposed as part of this permit. The beach fronting side of the parcel is unique to the area in that the parcels up and down coast are developed with single family dwellings. The subject property is the only vacant beach fronting parcel along this reach of coastline.

As proposed, the project would be consistent with the type of development found within the vicinity. The project has been reviewed by Environmental Planning staff for consistency with the County Code, specifically the Geologic Hazards Ordinance. Staff has determined that the proposed grading and hardscape does not constitute development pursuant to the County Geologic Hazards Ordinance. Though the project is located within the mapped VE flood plain and subject to storm and tidal surge including wave inundation, it is not expected that the project would result in adverse impacts to adjoining properties in that the project would be consistent with FEMA requirements for development within the flood plain. Further, none of the improvements trigger the need for a soils report.

Findings are on file in the County Planning Department.

Staff Recommendation

The Planning Department has taken administrative action on your application as follows:

 X Approved (if not appealed).

 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.

**Please note: This permit will expire unless exercised prior to the expiration date.
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact Nathan MacBeth at:
(831) 454-3118 or nathan.macbeth@santacruzcounty.us

Report Prepared By: Nathan MacBeth
Nathan MacBeth
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By: Jocelyn Drake
Jocelyn Drake
Principal Planner
Santa Cruz County Planning Department

Mail to: Kevin Huber
16101 N Ray Road
Lodi, CA 95242

Exhibit G



County of Santa Cruz

DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070

Planning (831) 454-2580 Public Works (831) 454-2160
<https://cdi.santacruzcountyca.gov/>

February 26, 2025

Cove Britton
728 North Branciforte Dr.
Santa Cruz, CA 95062

Subject: **Incomplete Application - Additional Information Required**
Application #: **241334**; Assessor's Parcel #: **043-152-54**
Owner: **Huber**

Dear Cove Britton:

This letter is an update on the status of your application.

On August 29, 2024, you submitted an application containing both a Preliminary Application pursuant to SB330 and a Full Application containing the items required on the County's List of Required Information ("LORI"). Under SB 330, the regulations in effect at the time that the Preliminary Application was submitted shall be applied to the project review, subject to paragraphs (2), (6), and (7), of Section 65589.5 and subdivision (d) of Section 65941.1. (Cal. Gov. Code §65589.5(o).) The County of Santa Cruz had not, at the time of application submittal, adopted an SB9 implementing ordinance and the current requirements of the approved Local Coastal Plan (LCP) remained in effect, including the requirement to obtain a Coastal Development Permit compliant with the existing policies and implementing ordinances of the LCP, along with any other required discretionary permits and / or building permits as described herein. Additionally, SB9 does not supersede the application of the California Coastal Act (Public Resources Code Section 30000), or the requirements of the LCP. Both minor and standard Coastal Permits are discretionary, but a minor Coastal Permit does not require a public hearing.

On January 27, 2025, you submitted additional materials for the above-listed development permit application. The circumstances for permit review delineated above remain in effect. The most recent submittal has been reviewed and it has been determined that your application remains **incomplete**. Additional information continues to be necessary to allow further processing of your application.

****Please note that your project may have significant issues of non-compliance with applicable policies and regulations. Prior to submitting any of the information listed below, please review the compliance issues section of this letter.**

***** Please submit all requested materials digitally through the ePlan portal. Additional physical (paper) copies of plans and materials may be separately required prior to the public hearing for the project. *****

Items of Incomplete Application

1. PLN File. Plans submitted are still largely incomplete, as most of the requested information was not provided. Please submit full and complete sets of revised plans which include the following information. Completed items are also noted. Please remove untitled viewports from all sheets to enable the plans to be scaled and measured:

The General Plan policy cited in your response letter regarding design review, formerly policy 5.10.7, is renumbered as ARC-5.1.7 in the current Santa Cruz County General Plan. This policy does not relieve the applicant of compliance with the objective General Plan Policies and Zoning Ordinance requirements for design and neighborhood compatibility, and in fact explicitly requires consistency with SCCC Ch. 13.11. General Plan Policies and County Code sections requiring design review and neighborhood compatibility include, but are not necessarily limited to, General Plan Policies ARC-5.1.2, ARC-5.1.3, ARC-5.1.7, and Santa Cruz County Code (SCCC) sections 13.11.040, 13.11.070, 13.20.130 and 18.10.230(A)(1)(f) and 18.10.230(A)(2)(a,b).

- a. Please provide an electronic color board of all the colors and materials, with name and product callouts matching elevations.
- b. On the elevations, please provide the following information:
 - i. Proposed IPE wood color / stain(s).
 - ii. Ledge stone masonry type / color.
 - iii. Color and type of the ceramic panels proposed for the southeast elevation (misabeled as “northeast elevation”).
- c. On your elevation legend, please state the proposed SinterClad porcelain material name / color / pattern. Note: the proposed building is subject to County Design Review (SCCC Ch. 13.11, and Design Guidelines). Please see compliance comments below.
- d. Thank you for providing the reduced color rendering on elevation page A3.1. Please provide scaled, color renderings of the proposed dwelling accurate in full detail and true to proposed colors, showing the proposed dwelling in the neighborhood context, including views from the beach and both directions on Beach Drive.
- e. The rooms on the second level are still mislabeled. The room open to the kitchen is the “Family Room” and the room currently designated “Family Room” can be labeled as a “Living Room.”
- f. Complete. Frangible floor areas of the ground floor are accepted as underfloor.
- g. Complete. Thank you for indicating your proposed parking. Please see compliance comments regarding the proposed parking below.
- h. Complete. Thank you for stating the proposed width of the eave on the north side of the proposed dwelling. Based on the setback shown for the proposed dwelling in this location, the proposed eave is assumed to be set back two feet from the property line.
- i. Complete. Thank you for correcting the elevation designations.
- j. Complete. Regarding the fencing, the parking spaces and aisles on the proposed plans are outside the sight-distance triangles on Beach Dr. and meet the required front yard setback, so existing fence and proposed fence / entrance gate heights do not appear to conflict with setback requirements. However, if parking spaces are added or moved in future revisions to locations where sight-distance is noncompliant, the following information will be required as set forth in the first deficiency letter:

The survey indicates existing fencing on the site. Please add the following to the architectural site plan, using a line value and location that is not masked by the property line:

- i. All existing fencing
 - ii. All fencing to be removed
 - iii. All proposed fencing, stating the height above grade anywhere the height changes.
 - iv. Please provide elevation views of all existing and proposed fencing.
- k. Complete. Thank you for calling out the proposed height of the proposed pedestrian entrance (labeled “parapet wall”) at the north corner of the property
- l. Provide a landscape plan reflective of the landscape approved under permit CDP 221192. The site is obligated to maintain landscaping as required by permit CDP 221192 as modified by the currently pending permit application 241334, and to install landscaping and landscape screening pursuant to Coastal design criteria (SCCC Ch. 13.20) and site design criteria (13.11). It is given that the possibility exists that the landscaping may need to be refurbished or reconfigured from time to time if damaged by flooding, future site modification or other events. Please provide a landscape plan reflective of the landscape approved under permit CDP 221192. The refurbished landscape plan shall indicate all existing plants to be removed for construction purposes, the number, type and location of all replacement plants, and additional landscaping in both the front and the rear of the dwelling to provide a visual screen for the dwelling, consistent with 13.20.130(B)(1,4) and 13.11.070(D), with landscaping in front of both proposed structures in areas not designated as parking spaces. Please see compliance comments regarding parking aisles below.
- m. The County requires a copy of the right-of-way easement crossing the parcel southwest of the proposed structure to confirm the nature and location of the r.o.w. Requiring documentation of rights-of-way crossing or abutting parcels is standard practice for County permit reviews and is described in the County’s [Universal List of Required Information](#):

34. PRELIMINARY TITLE REPORT The preliminary title report must be dated within six (6) months of the application submittal date and shall reflect the status of the property. The Preliminary Title Report must include all recorded easements, provide proof of ownership, and be issued from a Title Company.

If desired, the applicant could provide a Preliminary Title Report for the property that included the requested r.o.w. description. Alternatively, the applicant may, in lieu of submitting a preliminary title report at this time, provide a copy of 3815OR113 to confirm configuration of the pedestrian easement at the easterly section of the parcel.

- n. The site will require a stile or stair over or through the retaining wall(s) for beach access. Beach access structures require a Coastal Permit. The County’s intention in requesting a preliminary design for this stairway or stile is to ensure that interference with a pedestrian r.o.w. is avoided or minimized. Please show proposed stair or stile on the site plan and accurately indicate the height and configuration of

the existing retaining wall. The height and location of the retaining wall at the beach side of the parcel as shown on the engineered plans do not appear to reflect reality, as the one visible retaining wall at the beach side appears to be at-grade. Please correct.

- o. Please provide all revisions identified as completeness items by each of the reviewing agencies in the attached document.
2. **Boundaries.** The survey is incomplete. Thank you for revising the survey to state the approximate parcel area. The revised survey deleted critical information that was provided with the initial application, including the length of r.o.w., parcel length and parcel widths. The stated length and width of the parcel (from the survey and site plan respectively), do not multiply out to the stated site area, partially because the parcel width varies. Please submit the complete parcel survey, corrected to provide one, accurate figure for the parcel area. Also, please provide the Notes and Parcel Description sheet, which also was deleted from the application materials originally submitted.
3. **Variance.** Although the plans were modified, they still indicate two stories in the front part of the house above the garage and storage areas. This will require a variance to the RB zone district, which limits stories to one in this location, regardless of whether the application includes a residential development permit application to exceed the max height with design review.

The cited code section (13.10.323(F)(6)(b)) allows consideration of a height of up to 5' above the RB height limitation of 17 feet, pursuant to a conditional use permit with design review, which would allow consideration of a dwelling height of up to 22 feet with a conditional use permit approval:

(b) With Design Review. An additional height allowance of up to five feet may be allowed without increased yards or variance approval, subject to design review and CUP approval.

However, the proposed max height is 22.104', which would exceed the maximum height exception pursuant to resume by 1.25 inches.

Please see compliance comments below regarding 20' setback.

As previously indicated, the variance request is incomplete. The variance request requires a Statement of Special Circumstances listing all the variances requested by the applicant. The submitted application could not be approved without approval of a variance to the maximum height (17') and maximum number of stories (one) established by the Santa Cruz County Code (SCCC) for any structure in the RB zone district on the seaward side of Beach Drive. Additionally, the current SCCC provides that, for the purposes of calculating lot coverage and floor area ratio, the subject site has effectively zero lot area because bluffs and beaches are subtracted for purposes of FAR and lot coverage calculations. Therefore, a variance to FAR and lot coverage is required (see compliance information below). Please provide a letter justifying each variance request specifically (height, stories, floor area, lot coverage, etc.), compliant with the County's Universal List of Required Information. The LORI states:

"36. STATEMENT OF SPECIAL CIRCUMSTANCES Where an exception or variance to

a site development standard is requested: Describe the special circumstance that affects the property and necessitates a variance to the required site standard/s. Focus your letter on explaining why you believe that the following necessary findings can be made by the County to approve your request.

a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

b. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

c. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

4. Please review the attached comments from all agencies. Material responsive to “completeness” comments must be submitted prior to your application being considered complete under the Permit Streamlining Act and able to move forward with further review and processing. The agencies listed below have comments which will require additional information to be submitted before your application will be deemed complete. Questions related to these comments and the specific information that is required should be addressed to each separate agency.

Public Notice

Please note that you will be required to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for preparing your sign. Please do not prepare or install the sign until all other completeness issues have been resolved as the project description may change during the review process. Guidelines for Neighborhood Notification (including sign format and installation certificate) online: <https://cdi.santacruzcountyca.gov/UPC/FormsPublications.aspx> If you do not have internet access and require a paper copy, please let us know and one can be provided.

Compliance Issues

In addition to evaluating the completeness of your application, we have begun an initial review of your application materials for compliance with County and State codes and policies. We have identified areas in which your proposal appears to be in significant conflict with applicable County and State codes and policies. Additional compliance issues may be identified as we continue our compliance review. Although it is not necessary for you to address these issues for your application to be declared complete, your application will need to comply with the codes and policies that pertain to your development proposal to be supported and/or approved. Planning staff strongly suggest that the proposed project be modified prior to resubmittal to address significant compliance issues. The areas of apparent conflict with applicable codes and policies identified to date in this preliminary review are listed below:

- Density. The application density does not comply with County Code Sections 13.10.170(A,B) (General Plan and Local Coastal Program, and village, town, or area plan consistency); County Code Section 13.10.180 (Zoning map); County Code Section 13.10.323(B)(1) (Site Area for the Creation of New Sites - Calculation of Land Area); 13.10.323(B)(3)(c)(Minimum Land Area per Dwelling Unit (Maximum Density)). The maximum density of primary dwelling units in the Coastal Zone under the approved Santa

Cruz County Local Coastal Program is controlled by the General Plan/LCP Land Use designation and implementing Zone District. The subject parcel is zoned RB (Residential Beach), which has a maximum density of one unit per 4,000 sq.ft. of site area.

County Code Section 13.10.323(B)(1) states:

- *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.*

All the land within the existing property lines is either coastal bluff or beach, which is excluded from measurements of parcel land area. Therefore, the effective land area for density purposes is zero. A second primary dwelling would require at least 8,000 sq.ft. of total land area and therefore cannot be approved. The maximum density on the existing parcel is thus one single family dwelling, which is currently provided by the existing house on the parcel. If the existing primary dwelling were proposed for demolition, a replacement primary dwelling could be considered.

One ADU of up to 800 sq.ft. (regardless of lot coverage or floor area ratio) would be consistent with the residential uses chart for the RB district in conjunction with an existing single-family dwelling, if otherwise compliant with 13.10.681 and other LCP code provisions. An ADU by itself would not require a separate Coastal Permit application.

- County Code Section 13.16.050(D) (Table 13.16.050-1: Off-Street Vehicle Parking Spaces Required); also SCCC 13.10.681(D)(7)(d)(ii): Based on finalized permit B-153533, the existing dwelling has four approved bedrooms. The proposed new primary dwelling has one bedroom. Under the current code, the site parking requirements are as follows: existing dwelling, 3 spaces; proposed primary dwelling, 1 space; ADU, 1 space. The total off-street parking required is therefore five (5) spaces. As established by SCCC Sect. 13.16.060(E)(1), each standard size parking space shall be not less than 18 feet in length and eight and one-half feet in width, exclusive of aisles and access drives

On the proposed site plan, one of the two spaces presented on the northeast side of the right-of-way in front of the existing dwelling scales at 7.5 feet wide, due to the chimney projection on the dwelling. An existing built-in storage container in by the chimney, not shown on the plans, further reduces the width of this space. Since the minimum width of a parking space is 8.5 feet, the existing house appears to have room for only one compliant parking space on the northeast side of the r.o.w. as presented. The space depicted in this location is deficient, being shown at only 8 feet wide; however, there is room to provide a parking space of 8.5 feet in width. Please correct the plans to indicate a parking space of 8.5 feet in width (18' long), and to indicate the built-in storage container near the chimney. Please indicate whether this storage container is proposed for demolition. The parking spaces depicted in the carports of the proposed dwelling are also noncompliant, as they scale at 8' wide, while the County standard requires parking spaces of 8.5 feet in width. Please correct these spaces to scale correctly and state the dimensions of all parking spaces proposed onsite. Although the proposed project would require five offstreet parking spaces, zero (0) compliant spaces are currently indicated on the plans submitted for the second routing. The proposed parking therefore does not comply with County standards.

- SCCC 13.16.050(H) provides that “*Parking areas, aisles, interior driveways, and access*

drives together shall not occupy more than 50 percent of any required front yard setback area for any residential use, except for parking spaces located on an individual mobile home lot, which does not front on an exterior street, in a mobile home park, and except for parking required for accessory dwelling units as provided for in SCCC 13.10.681.” Thus, the combined area of parking spaces and aisles for four parking spaces may not exceed 50% of the combined area of both site front yards on either side of Beach Drive. A fifth space (for the ADU) is allowed to exceed the 50% maximum. On the second routing site plan, the right-of-way bisecting the parcel is called out at 47.5 feet long, which would result in a combined area of parking spaces of 50.1% - slightly over the maximum, assuming no aisles are proposed and the remaining areas are landscaped. However, using the right of way lengths called out in the survey provided in the first routing, the combined area is 49.9% and therefore compliant, assuming no parking aisles. Areas not needed for parking spaces and aisles shall be landscaped, as required by Coastal design criteria, County design review; please see also the Department of Public Works Roads comments. Note: if the garage designated as storage were re-designated as garage, the combined area of parking spaces and aisles under the site plan configuration would be 53.57%, exceeding the 50% maximum.

- Setbacks. The plans do not comply with County Code Section 13.10.323(C) (Development Standards in Residential Districts), which provides that the minimum setback to any garage or carport in the RB district is 20 feet – including partial carports that do not cover an entire parking space. Although a variance application could be submitted to decrease the required setback to 10 feet, it would be difficult to make the required findings because space exists on existing unimproved lot area – as well as on ground floor of the proposed structure – to provide garage and carport setbacks compliant with the development standard. Therefore, it is not assumed that the applicant wishes to seek a variance to carport setbacks, and the application description was not modified to include this. If desiring to modify the application description to include a variance application for the carport setbacks, please include justification for this in the submitted Statement of Special Circumstances.
- Decks. The proposed decks do not comply with County Code Section 13.10.323(F)(1) (Site and Structural Dimension Exceptions Relating to Structures), which states in part: “*Second story rooftop decks and landings are not permitted.*” The proposed project cannot be approved with second story rooftop deck. Because this is a use regulation (use of a second or third story for a rooftop deck), not a structural one, variance review for the proposed rooftop deck is not applicable.
- Floor Area. The plans do not comply with County Code Section 13.10.510(E) (Maximum Allowed Floor Area). The section states: *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. See definition of “floor area ratio” and related definitions in SCCC 13.10.700.* The subject parcel has no area that is not considered bluff or beach. Therefore, the proposed project cannot be considered without a variance application to increase the allowable floor area on the parcel by 2,548 sq.ft., the effective floor area of the proposed primary dwelling unit for FAR purposes. The project description has been updated accordingly.

Floor area ratio. The following areas do not count towards FAR: areas with ceiling height less than 7 feet, unenclosed parking areas, entry stair, uncovered courtyard, decks, exterior

stairs and underfloor. The decks (see comment above) on the top floor would not count even where allowed. The floor area of the proposed structure as submitted in the first routing was calculated for FAR purposes at approximately 3,137 sq.ft., including the proposed primary dwelling, ADU, car parking and storage. The 364 sq.ft. ADU and 225 sq.ft. of the garage area are credited, so the variance required for the initially routed plans was to allow an increase in floor area of approximately 2,548 sq.ft. (see table below). The applicant did not revise FAR calculations based on removing the garage and omitting the garage credit. The approximate FAR calculations below will be revised as needed, along with the project description, when compliance issues are addressed and applicant calculations revised as applicable. Note that in the table below, the garage credit would not be allowed if no garage were proposed (carports did not count towards FAR).

Floor Area Ratio	Applicant	Staff
Proposed primary dwelling, garage, strg + ADU	2786	3,137
ADU credit	-364	-364
Garage credit	-225	-225
Proposed increase in floor area for FAR purposes (variance request)	2,197	2,548
Existing dwelling	2,568	2,568
Total FAR: existing d.u., proposed primary d.u. ADU credit, garage and garage credit	4,765	5,116

- Lot Coverage.** The proposed plans do not comply with County Code Section 13.10.510(F) (Maximum Allowed Lot Coverage), which states: *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, the proposed project cannot be considered without a variance application to increase the allowable lot coverage on the parcel by 2,883 sq.ft. The project description has been updated accordingly.

Based on the lot coverage calculations performed for the first routing, the proposed project would've resulted in a total lot coverage of approximately 4,870 sq.ft., including both the existing and primary dwellings, the ADU, garages, non-cantilevered decks and deck access stairs. The existing dwelling covers 1,623 sq.ft., so the proposed variance would have been to increase the allowed lot coverage to allow for a second primary dwelling and non-cantilevered decks, which together added up to 2,883 sq.ft. based on initial calculation. The 364 sq.ft. ADU was credited (see table below). However, the initial calculations included an error, as the 225 sq.ft. garage credit now provided by 13.10.700-L – "Lot Coverage" was inadvertently omitted. If the garage is restored, this omission will be corrected. Conversely, the applicant did not revise lot coverage calculations based on removing the garage and deleting the garage credit. The approximate lot coverage calculations below will be further revised as needed when compliance issues are addressed and applicant calculations revised as applicable.

Lot Coverage Calcs	Applicant	Staff
Proposed primary dwelling + decks (variance req.)		2,883
Proposed ADU (credit)		364
Subtotal: primary dwelling plus ADU credit	3,187.5	3,247
Existing dwelling	1,623	1,623
Total lot coverage: existing d.u., proposed primary d.u. and garage, plus ADU allowance (364 sq.ft.)	4,810.5	4,870

- Fences. Thank you for reducing the height of the proposed “parapet wall” surrounding the pedestrian gate in the northerly corner of the property to six feet, which now complies with the 8-foot maximum fence height provided by County Code 13.10.525(D)(3). The project description was updated to omit the requirement for an Administrative Site Development Permit for the wall.
- Beach Access. The proposed beach access shall avoid or minimize interference with pedestrian use of easement 3815OR113, such as when high tide is less than 5 feet from seawall.

Agency Compliance Comments

Please review preliminary comments from all reviewing agencies, which are attached below. These include “significant compliance issues”, which specify areas in which your proposal conflicts with applicable codes, policies, and criteria also attached below.

Technical Reports Under Review

This application is associated with a geological/geotechnical report review (REV241009), which is currently under review for compliance (“compliance review”) with the County’s policies and regulations. The results of the compliance review may affect the project design and/or the CEQA documentation and process that will apply to the proposed project. Environmental Planning staff will notify you of the outcome of the compliance review when it is completed. If you would like to appeal a staff determination regarding the compliance of any technical report associated with your discretionary permit application, as to its consistency with applicable County Codes and technical standards, that appeal is considered by the Planning Director pursuant to County Code section 18.10.320 (administrative appeals).

Additional Information

The following items are included as general information, intended to assist you in understanding the application review process and county requirements, and do not need to be addressed for your application to be declared complete.

1. Because the subject parcel is within a mapped scenic area and visible from a public beach, it is a sensitive site (13.11.030(I)). The Santa Cruz County Code / LCP therefore requires a Minor Site Development Permit for the proposed two-unit dwelling group in addition to the Coastal Permit (Table 13.11.037-1, SCCC 13.11.037). See also Compliance issues above – a two-unit dwelling group would exceed the allowable density.

SCCC 18.10.230(A)(2)(a) requires a finding for all site development permits that *“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.”*

Based on the assumption that the applicant intends to proceed with the application, a Minor Site Development Permit was added to the project description. Please notify the project planner if you have any questions or concerns about this modification.

Subsection (b) requires making a finding that *(b) 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 Chapter 13.11 SCCC (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 Chapter 13.20 SCCC.”* These findings reinforce the potential value of incorporating story poles into the review process if necessary later, as well as requiring compliance with design criteria found in the County Code Sections 13.20.130(B)(1,4) and 13.11.070(D).

2. SCCC Section 13.10.322(D), Table 13.10.322-1 – Residential Uses Chart: The residential uses chart would normally require a Zoning Clearance for a two-unit dwelling group in the RB zone district. However, the purpose of a Zoning Clearance in this instance would be to determine whether a building permit application is appropriate to submit, and whether other permits would be required. Since building permit and coastal permit applications have already been submitted and are now pending, a Zoning Clearance is not applicable in this instance.
3. Based on the completeness and compliance comments and revisions submitted with the second routing, the project description has been revised to read as follows:

“Proposal to construct a two-story, detached single-family dwelling with a rooftop deck on top of the second story, an attached garage, carport, storage room, fencing and gate, on a site where one single-family dwelling exists, thereby constituting a two-unit dwelling group, pursuant to SB9; to construct a second-story ADU attached to the proposed single-family dwelling; and to construct a pedestrian entrance gate with a decorative parapet wall. Requires a Coastal Development Permit, a Minor Site Development Permit, Design Review, and a Variance to increase the maximum 17-foot height limitation to approximately 22'1.25," increase the maximum number of stories from one to two, allow an increase in lot coverage of approximately 2,880 sq.ft., and allow an increase in floor area of approximately 2,548 sq.ft.”
4. Due to the proposed variance to height and number of stories, the Universal List of Required Information requires a story pole plan and installation, to wit: “A story pole plan showing the locations and heights of all story poles that are necessary to clearly and accurately demonstrate the maximum heights of roof ridges and edges for all proposed structures shall be provided. The plan should be prepared by the project architect, designer, civil engineer or qualified professional, and the story poles shall subsequently be installed. Orange, or other brightly colored, netting outlining the proposed building

shall installed at the top of the poles.” This requirement is waived for current completeness purposes but may be required later if the height variance becomes controversial or the planning director or designee determines story poles to be necessary.

5. Part of the proposed dwelling unit lies within a General Plan designation of O-R (Parks, Recreation and Open Space), for which the implementing zone districts are PR (Parks, Recreation and Open Space) and TP (Timber Production). The current zoning is still RB over the entire parcel, which allows single family dwellings by right and dwelling groups with a Zoning Clearance, apart from any required site development permits.
6. Because the current application invokes SB 330, State and local legislation that was not yet in effect at the time of the application will not apply to the project. SB 450 had not yet gone into effect. Similarly, the County’s SB 9 ordinance had not yet been approved by the Board of Supervisors, and has yet to be certified by the Coastal Commission as of the date of this letter. The SB 9 ordinance language approved by the Board of Supervisors would allow no more than the required State minimum, 800 sq.ft. of floor area, for any primary dwelling requiring relief from zoning standards under SB 9 such as height or number of stories.
7. The building permit associated with this discretionary permit application is currently in process. The current milestone is “resubmittal,” which means that for the process to continue to move forward, the applicant must submit revised plans and documents responding to correction comments entered in response to the first routing (processed 1-16-24). Although the application is entitled to be reviewed under the building code in effect at the time of the building permit submittal (as long as the building permit application remains active), elements of the resubmitted building permit application may also be reviewed pursuant to the Santa Cruz County Code in effect at the time that the Coastal permit was submitted, at the discretion of the applicant. The County Code in effect at that the time the Coastal Permit was submitted and “locked-in” for discretionary review purposes under SB330 is the same code that is currently (a/o 2/25/2025) posted online and linked from the CDI home page. This current County Code (Sect. 18.10.123) provides that concurrent processing of the Coastal Permit and building permit is allowed, provided that the applicant acknowledges the associated risk as set forth below.

18.10.223 Concurrent processing.

(A) Concurrent Action. When approval of more than one discretionary development permit is required for a project, or when a time extension for more than one permit is applied for, then all of the required permits or extensions shall be applied for, processed, and acted upon concurrently, except in the following cases:

- (1) No building permit or permit extension shall be issued until all required development permits or development permit extensions have been issued. However, the Planning Director may authorize submittal and processing of applications for building permits in advance of approval and issuance of discretionary permits, with such authorization granted only upon written agreement by the applicant that fees paid for such building permit application and any other applicant-incurred costs are at the sole risk of the applicant and non-refundable to the extent that County costs have been incurred.*

8. Agency Review Comments

The attached agency review comments may include anticipated Conditions of Approval for this permit, if approved, or other requirements which must be met prior to approval of any Building or Grading Permit(s) for this project. Questions related to these comments can be addressed to each separate agency.

Resubmittals

You must submit the required materials to the Santa Cruz County Planning Division at one time. Please submit an annotated list detailing where the required information has been provided in your next submittal. Revisions to plans must be included in complete, updated sets of plans.

You have until **April 26, 2025**, to submit all of the information required in this letter. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees. Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

Permit Streamlining Act and Appeals

As mandated by the Permit Streamlining Act, the County follows the application completeness deadlines set forth in Section 65943 of the Government Code as follows: not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the application is determined to be incomplete, the lead agency shall provide the applicant with an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the lead agency's submittal requirement checklist. In any subsequent review of the application determined to be incomplete, the local agency shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

The property owner or applicant has the right to appeal the determination that the application is incomplete pursuant to Section 65943 of the Government Code. Appeals of application completeness determinations are considered by the Planning Commission. To appeal, submit the required fee for appeals to the Planning Commission and a letter addressed to the Planning Director, stating the determination appealed from and the reasons you believe the completeness determination is erroneous and/or unjustified. The appeal letter and fee must be received by the Planning Division no later than 5:00 p.m., 3/12/2025.

Should you have further questions concerning this application, please contact me at: (831) 454-3234, or e-mail: jerry.busch@santacruzcountyca.gov

Sincerely,


Jerry Busch
Project Planner
Development Review

Cc: Kevin Huber
16101 N. Ray Road
Lodi, CA 95242

Attachment: Agency comments on application 241334

Agency Comments

California Coastal Commission, Central Coast District, Nolan Clark, coastal.ca.gov, (831) 427-4863. Coastal staff's comments on the first routing detailed a number of compliance issues, which have largely gone unaddressed. Therefore, I am re-attaching those first routing comments here for the County's and Applicant's reference and consideration, which continue to apply.

Project Description:

The project proposes an approximately 2,500 square foot single-family dwelling (SFD) with attached 364 square foot accessory dwelling unit (ADU), garage, and carport constructed on structural piers with the main floor elevated above the VE Flood elevation, with non-habitable area enclosed by breakaway walls below. The project site is developed with one SFD, so the proposed project would constitute a two-unit housing development pursuant to Government Code Section 65852.21 ("SB-9"). The project site is designated as a mix of Urban Low Density Residential (R-UL) and Parks, Recreational, and Open Space (O-R), zoned as Single-Family Ocean Beach Residential (RB), and located at beach level at 625 Beach Drive (APN 043-152-54) in the unincorporated community of Aptos.

Comments:

- 1. California Government Code Section 65852.21 ("SB-9").** This application proposes a second single-family dwelling (SFD) with attached accessory dwelling (ADU) unit on a residential parcel where one SFD already exists, thus qualifying as a two-unit housing development under California Government Code Section 65852.21 ("SB-9"). Santa Cruz County does not currently have a certified SB-9 Local Coastal Program (LCP) amendment, and thus the proposal must be reviewed under current LCP provisions. Further, SB-9 states that nothing in Government Code Section 65852.21 "shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commenting with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development..."

(Gov. Code Section 65852.21(k)). Thus, the proposal must be consistent with the certified LCP, including, for example, Implementation Plan (IP) Chapters 13.10 (Zoning Regulations) and 16.10 (Geologic Hazards). We also note that the County is currently developing an SB-9 LCP amendment, which would provide specific direction for the proposed project [if eligible].

- 2. Development on Beach Drive.** Development at beach level on Beach Drive (and in other areas in the County such as Las Olas Drive and Potbelly Beach) is sited in an area frequently affected by coastal hazards such as landslides from the coastal bluff above and wave action from the ocean, especially during high wave events and storm surges. Continuing development in this location requires extensive mitigation of potential hazards in the form of elevating structures and/or shoreline armoring, much of which is inconsistent with the LCP and Coastal Act, and such measures will only be more necessary over time due to sea level rise and climate change and their associated increased coastal hazard risks. Moreover, new development will only further put additional structures and individuals in harm's way, and significant public funds are consistently provided for the repair of damaged private structures. Further, when taken together, the County's LCP and the Coastal Act both discourage the development of beach areas for private uses and instead encourage the use of beach level shoreline areas such as this for public recreational pursuits. Put another way, new development on Beach Drive would result in adverse coastal resource impacts over the short and long term, and any proposed development that requires multiple variances and is implicitly inconsistent with the LCP should be discouraged. Instead, the County should continue its efforts to plan for this entire stretch of beach level development given these issues, including the potential for phasing out development in this area.
- 3. Maximum Density.** [Compliance Issue] IP Section 13.10.323(B)(3)(c) sets the minimum land area per dwelling unit (i.e., the maximum allowed density) in the RB zoning district at 4,000 square feet. In this case, for two units to meet this density requirement, there would need to be 8,000 square feet of developable land available on the subject parcel. IP Section 13.10.323(B)(1) states that "[i]nside 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." As applied to this project site, because the parcel is at beach level (i.e., on the beach) and seaward of the toe of the coastal bluff, there is effectively no developable land area per IP Section 13.10.323(B)(1). Thus, the density requirement of IP Section 13.10.323(B)(3)(c) cannot be met, and the project is inconsistent with the LCP.
- 4. Parks, Recreation, and Open Space (O-R) Designation.** [Compliance Issue] According to the Santa Cruz County Geographical Information System (GIS), portions of the project site are designated as Parks, Recreation, and Open Space (O-R), extending into the building site for the proposed SFD. LUP Policy PPF-1.2.1 lists the appropriate uses in the O-R designation, including active recreation uses, outdoor entertainment, and expanded recreation opportunities for the public. The O-R designation does not allow private residential development. The project should be modified to only propose development within the area of the project site designated as R-UL.
- 5. Lot Size.** [Incomplete] Sheet A0.1 of the proposed project shows the "total lot size" as 22,357 square feet and uses that figure to determine proposed lot coverage and floor area ratio (FAR). However, the County's GIS system shows the Assessor's square footage as

15,115 square feet. Please explain the reason for this discrepancy and/or update the “total lot size” to 15,115 square feet and subsequent lot coverage and FAR calculations accordingly.

6. **Maximum height.** [Compliance Issue] IP Section 13.10.323(C) sets the maximum height allowed for beach parcels at 17 feet in the RB zoning district. The proposed maximum height for the project is ~22 feet. This discrepancy in height is due to the proposal to elevate the structure above base VE flood elevation, as well as proposed design considerations such as high ceilings, sloping roof structures, and a decorative chimney. However, a variance would be required to approve a height above the maximum allowed in the RB zoning district. Please see findings required for variances in IP Section 13.10.230(C). The project should be modified to reduce the proposed variance to the minimum extent feasible.
7. **Maximum stories.** [Compliance Issue] IP Section 13.10.323(C) sets the maximum number of stories for beach parcels at 1 story in the RB zoning district. The proposed number of stories for the project is 2 stories [if rooftop decks removed]. The reason for this discrepancy is not clear or justified in the project application materials. A variance would be required to approve additional stories in the RB zoning district. Please see findings required for variances in IP Section 13.10.230(C). The project should be modified to remove the second story and conform to the maximum allowed stories for beach parcels in the RB zoning district.
8. **Underfloor Area.** [Compliance Issue] IP Section 13.10.700-U defines “underfloor” as “a non-habitable space between the underside of the first story floor framing and the grade below...to qualify as an underfloor, the space may be used for storage but cannot have a finished floor, insulation, or conditioned space, and these must be no stairway access to the underfloor area. Please confirm that the proposed underfloor area conforms to this definition. If the proposed underfloor area does not conform to this definition, it could be considered in determining the proposed FAR.
9. **Rooftop Deck.** [Compliance Issue] The project proposes a rooftop deck. IP Section 13.10.323(F)(1) prohibits second story rooftop decks. This aspect of the project proposal should be removed, and the project plans should be updated accordingly.

Stormwater Management Review, Jennifer Buckley – jennifer.buckley@santacruzcountyca.gov, 831-454-2160.

Completeness Comment:

The conceptual stormwater management plan shall show existing and proposed drainage patterns on and near the site, including areas that drain to/through the project site. Please provide topographic information and/or site inspection notes to clarify whether runoff from Beach Drive and/or adjacent properties flows toward the subject site. If runoff currently flows toward the site, then the stormwater management design shall accommodate the existing runoff on the subject site in accordance with Hydrology Section I of the CDC, without adversely impacting neighboring properties, roadways, or drainage pathways.

After receiving the requested information above, compliance comments may be made following the resubmittal. Conditions of approval will be provided after the completeness comments have been addressed. The applicant is encouraged to discuss the above comments with the reviewer,

Jennifer Buckley, to avoid unnecessary additional routings. An additional review fee shall be applied to all re-submittals starting with the third routing.

Environmental Planning, Jessica deGrassi – Jessica.degrassi@santacruzcountyca.gov, 831-454-3162

Completeness Comments

None at this time.

Compliance Comments

None at this time.

Misc Comments

1. Please note that the Geologic and Geotechnical Reports have not been accepted under application REV241009. Additional comments may be made once those reports have been reviewed and accepted. Specifically, plan review form PLG300 shall be submitted from project Geologist and Geotechnical engineer once the reports have been accepted under REV241009.

2. Comment provided by the County Geologist, Craig Stewart: As required by SCCC 16.10.070 (H)(5)(a) and the County Guidelines for Engineering Geologic Reports, please have the project engineering geologist confirm that the potential hazards identified can be mitigated over the 100-year lifetime of the structure. As part of this evaluation, please have the project engineering geologist also discuss the potential for sea-level rise to impact the site and confirm their mitigation recommendations consider this constraint or provide supplemental recommendations. Comment 2 should be addressed in a revised engineering geologic report submitted to the County to be reviewed under REV241009.

Dept. Public Works, Roads – Greg Martin, gregmartin@santacruzcountyca.us, 831-454-2160

Compliance

1. Beach Drive is a private local street within the Urban Services Line within the Aptos General Plan area. The following standards from the County Design Criteria should be adhered to:

- a. The total width of the driveways for the lot should not exceed 50% of the frontage.
- b. The maximum width of one driveway is 24 feet.
- c. There should be a minimum of 20 feet between driveways.
- d. The remaining frontage should be landscaped.

Exhibit H

Noah DeWitt

From: Jerry Busch <Jerry.Busch@santacruzcountyca.gov>
Sent: Tuesday, April 15, 2025 10:59 AM
To: Kevin Huber; Cove Britton
Cc: Jocelyn Drake; Natalie Kirkish; Sheila McDaniel; Noah DeWitt; John Erskine
Subject: [External] RE: Application 241334 Appeal

Hi, Kevin –

Thank you for confirming the withdrawal of your appeal. Your email will suffice to confirm that you have formally withdrawn your appeal.



Jerry Busch

Planner IV
Community Development & Infrastructure

Phone: 831-454-3234
701 Ocean Street, Room 400
Santa Cruz, CA 95060



From: Kevin Huber <khuber@grupehuber.com>
Sent: Tuesday, April 15, 2025 10:44 AM
To: Jerry Busch <Jerry.Busch@santacruzcountyca.gov>; Cove Britton <cove@matsonbritton.com>
Cc: Jocelyn Drake <Jocelyn.Drake@santacruzcountyca.gov>; Natalie Kirkish <Natalie.Kirkish@santacruzcountyca.gov>; Sheila McDaniel <Sheila.McDaniel@santacruzcountyca.gov>; Noah DeWitt <ndewitt@nossaman.com>; John Erskine <jerskine@nossaman.com>
Subject: Re: Application 241334 Appeal

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hi Jerry,

We are hereby withdrawing our appeal. Please let me know if you need anything more than this email to confirm such.

We would like your confirmation that you read and understand from the appeal letter that our application is for a home that is 22' high and we agree to make that change. We don't want our project to be described as a home that exceeds 22' high.

Thank you,

Kevin

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From: Jerry Busch <Jerry.Busch@santacruzcountyca.gov>
Sent: Monday, April 14, 2025 5:21:26 PM
To: Kevin Huber <khuber@grupehuber.com>; Cove Britton <cove@matsonbritton.com>
Cc: Jocelyn Drake <Jocelyn.Drake@santacruzcountyca.gov>; Natalie Kirkish <Natalie.Kirkish@santacruzcountyca.gov>; Sheila McDaniel <Sheila.McDaniel@santacruzcountyca.gov>
Subject: FW: Application 241334 Appeal

Hi, Kevin -

Thank you for the update. We received a copy of the easement deed 381OR113 and the project has been deemed complete. A revised "complete" letter is attached.

Items 2 and 3 are not completeness issues.

Please confirm whether you are withdrawing your appeal. Upon confirmation, we will evaluate the proposed project and prepare a staff report for review.



Jerry Busch

Planner IV
Community Development & Infrastructure

Phone: 831-454-3234
701 Ocean Street, Room 400
Santa Cruz, CA 95060



Exhibit I



ATTORNEYS AT LAW

18101 Von Karman Avenue
Suite 1800
Irvine, CA 92612
T 949.833.7800

John P. Erskine
D 949.477.7633
jerskine@nossaman.com

Admitted only in California

Refer To File # 504802-0001

VIA PERSONAL DELIVERY AND E-MAIL

matt.machado@santacruzcounty.us

March 8, 2024

Matt Machado
Deputy CAO, Director of
Community Development and Infrastructure
County of Santa Cruz
701 Ocean Street, 4th floor
Santa Cruz, CA 95060

**Re: Appeal of County of Santa Cruz Requirement for Zoning Administrator
(Level V) Public Hearing for SB-9 Project at 625 Beach Drive, Aptos,
California (APP-241004)**

Dear Mr. Machado:

Our firm represents Kevin and Sandy Huber with respect to processing and approval of their application for an SB 9 “housing development”¹ project on their existing improved lot at 625 Beach Drive in Aptos, California (Rio Del Mar community).

This letter appeals the County of Santa Cruz (“County”) Planning and Public Works Departments’ Correction Letter/Determination dated February 27, 2024 regarding Application Number APP-241004, APN 043-152-54 (Kevin and Sandy Huber, 625 Beach Drive), each of which Department determined as follows:

APP-241004 does not qualify for submittal at this time because it requires discretionary land use approvals in the form of a Coastal Development Permit and Variances. (See SCCC 18.10.123 [“At Levels V (Zoning Administrator) through VII (Board of Supervisors), building permits shall not be applied for until after all development and/or land division permits have been obtained.”]) however, as a courtesy, preliminary completeness comments have been provided for the applicant’s information.

This Correction Letter therefore effectively mandates a public hearing and discretionary land use approval before the County Zoning Administrator for the Hubers’ application for a second residence and ADU on their 15,000 sf lot at 625 Beach Drive, in violation of the core provisions of SB 9. Specifically, Government Code section 65852.21(k) allows a second residence, plus an ADU on an existing lot with only a ministerial approval process and to restate, no discretionary hearing.

¹ As defined in Government Code section 65852.21(i)(1) pursuant to SB 9.

SB 9 Overrides Hearing Requirements for Approval of Coastal Development Permits

SB 9 Applications are subject to the Coastal Act and the County GP/Local Coastal Program (LCP), however the Sections of the Government Code that have been amended by SB 9 modify the requirements of the County's Coastal Development Permit (CDP) Application process and redefine what constitutes an allowable "housing development." Furthermore, Section 65852.21 (i)(1) defined a "housing development" as a project containing two residential units (either two new or one existing and one new). Government Code Section 65852.21 (k) as modified states that **"local agencies shall not be required to hold public hearings for CDP applications for housing developments pursuant to this section."**

The County has processed and is currently processing CDPs under the existing LCP. Many parcels on Beach Drive have been issued CDPs allowing the construction (or reconstruction) of single-family residences. The distinction between those CDPs and the CDP for 625 Beach Drive is solely that the CDP for this application is being applied for under SB 9. Since SB 9 specifically allows for two primary dwellings on one lot (in fact there are prohibitions in the legislation that do not allow a local agency to deny a project with two units), a CDP application should be processed by the County. The other distinction is that, because this CDP is being applied under SB 9, no public hearing is required (as noted above). That said, the applicant agrees that a ministerial CDP is required for the project and will submit a completed CDP application.

In response to the need for a public hearing before a zoning administrator because there are variances being requested, the County has provided guidance and precedence that variance requests fall under the CDP application when filed together and that a separate Level V process is not required when the variances fall into certain categories. SCCC 18.10.123 states that when there is more than one application, the applications will be processed concurrently. Further, under Subsection (B) of SCCC 18.10.123, since the variance request and the CDP are both under the same processing level, they would fall into the ministerial process afforded by SB 9, with no public hearing. To require the concurrent processing of two applications with Level V to have a public hearing would nullify the benefits afforded under SB 9.

The County has also provided guidance for variances in writing. See footnote 1 on page 1 of the Santa Cruz County SB 9 Objective Standards Guide (Form PLG-192), which states, "Alternatives and Exceptions to County Standards are considered only when compliance design is not possible." The height variance requested for this application is required because the residence must be elevated above the Base Flood Elevation to Mitigate the flood hazard in the 100-year flood zone.

In addition, in response to a question on this matter during the planning stages, Senior Planner Jocelyn Drake wrote in an email to Cove Britton on May 25, 2023, "Pursuant to the SB 9 regulations, Variances to objective site standards, such as building height, lot coverage, and using more than 50% of the front yard for parking to allow for a dwelling of a minimum size of 800 SF can be considered as part of the SB 9 approval. **A separate Level V variance is not required if the variances fall in to these categories.**" Since SB 9 does not require public hearings for CDP's, it follows that a separate public hearing is not required for variance requests that accompany an SB 9 CDP application.

Response to Additional Preliminary Comments from Planning Staff

The applicant is providing additional responses for the Director's information. We believe that the square footage of the parcel meets the coverage requirements set forth in the RB Zone. That said, even if the coverage was not met, this objective standard of coverage in the Zoning Code is not applicable to the subject application. Government Code Section 65852.21 (b)(1) states, "Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards **that do not conflict with this section**."

Section 65852.21 (b)(2)(A) goes on to state, "The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area."

The cited County Code is a section of the Zoning Code. As stated above, a Zoning Code Objective Standard that would not allow this SB 9 housing development of two units, does not apply. In addition, and as also noted earlier, SB 9 specifically defines a housing development as two primary units and allows for a housing development in a single-family residential zoning, which the RB zone is.

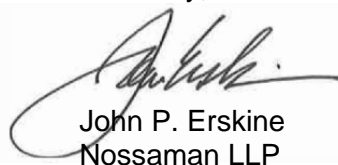
As previously stated, the height variance is required to mitigate the flood hazard as allowed under the County's FEMA Flood management plan. For reference to a previously approved variance on a CDP, please see application 06-0083 for 618 Beach Drive.

The variances requested for carport and garage setbacks are also consistent with variances and setbacks on neighboring properties located on Beach Drive.

Finally, we are in contact with State Housing and Community Development ("HCD") which has published guidelines on implementation of SB 9 and has already provided admonitions to at least two other coastal jurisdictions that they may not process amendments to their LCP or Zoning Code that negate the streamlining provisions of SB 9.

Thank you for your consideration of this appeal.

Sincerely,



John P. Erskine
Nossaman LLP

cc: Jocelyn Drake, Assistant Director – Permit Center [Jocelyn.Drake@santacruzcountyca.gov]
Jerry Busch, Planner [Jerry.Busch@santacruzcountyca.gov]
Justin Graham, Esq., Assistant County Counsel [Justin.Graham@SantaCruzCountyCA.Gov]
Jessica deGrassi, Resource Planner [Jessica.deGrassi@SantaCruzCountyCA.Gov]
Suzanne Ise, Principal Planner – Housing [Suzanne.Ise@SantaCruzCountyCA.Gov]
Kevin Huber [khuber@grupehuber.com]
Cove Britton [cove@matsonbritton.com]

Exhibit J

Noah DeWitt

From: Jocelyn Drake <Jocelyn.Drake@santacruzcountyca.gov>
Sent: Wednesday, June 4, 2025 4:45 PM
To: Cove Britton; Kevin Huber
Cc: Lezanne Jeffs; Natalie Kirkish; Manu Koenig; Kimberly De Serpa; John Erskine; Noah DeWitt; Matt Machado
Subject: [External] RE: 043-152-54

Hi Cove –

The Planning Director’s determination was as follows: “the proposed dwelling group and ADU project; 1) requires a coastal development permit and variance, 2) is not allowed within, nor meets the density requirements of, the RB zoning district, and 3) does not comply with the lot coverage and other objective standards referenced herein.”

While there is no question that the project is subject to the Coastal Act, the County’s Local Coastal Program (LCP), and discretionary review, the core issue is the appropriate level of review. While you are correct that a public hearing is required when a proposed project requires **variances to site standards**, an SB 9 application must be processed without requiring a public hearing. Because SB 9 does not override the Coastal Act, an SB 9 project in the Coastal Zone must demonstrate consistency with the LCP and meet the required Coastal Development Permit findings.

In this case, after careful review, it was determined that the project does not meet the minimum objective eligibility criteria for SB 9 and does not comply with the LCP; therefore, further evaluation for consistency with variance findings was not pursued, and your application was processed via discretionary administrative review.

We understand that this determination may not align with your expectations. If you choose to appeal the determination, please be advised that, due to the complexity of the project, staff is prepared to elevate the appeal directly to the Planning Commission in order to facilitate a more efficient review process.

Thanks –

Jocelyn



Jocelyn Drake

CDI Planning Division – Permit Center
Assistant Director

Phone: 831-454-3127
701 Ocean Street, Room 400



Jerry Busch

From: Kevin Huber <khuber@grupehuber.com>
Sent: Tuesday, May 27, 2025 8:49 PM
To: Cove Britton; Lezanne Jeffs
Cc: Jocelyn Drake; Jerry Busch; Natalie Kirkish; John Erskine; Jason Heath; Manu Koenig; Noah DeWitt; jvaudagna
Subject: Re: Minor Coastal Development Permit #241334 - 625 Beach Drive, Aptos (APN 043-152-54)

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Lezanne,

I am also perplexed as to why our parcel is deemed ineligible for development, but multiple CDP's have been recently issued up and down Beach Drive..... so, our legal parcel of record that precedes the Coastal Act is considered "Beach or Bluff" with no definition in the County code to support such a designation, but other parcels do not have the same designation?

Also, saying that our project is different because it is two dwellings ignores the intent of SB 9.

I have only had time for a cursory review of the report, but many of the reasons for denial seem to be based on rational that isn't supported by either county code or state law and repeats all the things that Jerry has been wrong on previously. This appears to continue to be Jerry's opinion and another example of his personal goal to thwart this project.

We will also now be required to oppose the Coastal Commission's amendments to the County's SB 9 LCP Amendment.

We may also need to pursue other civil rights litigation where the County is denying us the same rights afforded to others.

I look forward to a county response to Cove's questions... and we will be formally filing our appeal.

Kevin

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From: Cove Britton <cove@matsonbritton.com>
Sent: Tuesday, May 27, 2025 7:55:02 PM
To: Lezanne Jeffs <Lezanne.Jeffs@santacruzcountyca.gov>
Cc: Kevin Huber <khuber@grupehuber.com>; Jocelyn Drake <Jocelyn.Drake@santacruzcountyca.gov>; Jerry Busch <Jerry.Busch@santacruzcountyca.gov>; Natalie Kirkish <Natalie.Kirkish@santacruzcountyca.gov>; John Erskine <jerskine@nossaman.com>; Jason Heath <Jason.Heath@santacruzcountyca.gov>; Manu Koenig <Manu.Koenig@santacruzcountyca.gov>; Noah DeWitt <ndewitt@nossaman.com>; jvaudagna <jvaudagna@comcast.net>
Subject: Re: Minor Coastal Development Permit #241334 - 625 Beach Drive, Aptos (APN 043-152-54)

Hi Lezanne-

Sorry to bombard you but considering a number of things some clear communication would be good now, and in writing.

I am writing regarding the County's February 26, 2025 completeness determination and the subsequent Final Staff Report for Application #241334 (APN 043-152-54). After careful review, it appears that the **staff's core position** is that the subject parcel has **no developable lot area** due to its location on coastal bluff and beach, and is therefore **ineligible for any residential development**—even a single-family home—without multiple variances.

This interpretation is deeply concerning and prompts several critical legal and procedural questions.

1. Is the Parcel Considered Undevelopable Without Variances?

The staff report's analysis indicates that:

- The parcel cannot meet minimum density standards;
- Floor Area Ratio (FAR) and lot coverage are calculated as zero;
- Any proposed structure would require a variance from multiple zoning standards.

This suggests the County is treating the parcel as **undevelopable by right**, despite its RB (Residential Beach) zoning. If accurate, this position implies that **no residential development—one unit or two—could proceed without discretionary relief**, effectively rendering the parcel unusable for its intended zoning designation.

Please confirm:

Is it the County's position that **no residential structure**—even a conforming single-family dwelling—may be constructed on this parcel without variances due to its purported lack of developable lot area?

2. Is It Legal to Require Variances Under These Circumstances?

While counties may require variances in rare, site-specific cases, **systematically requiring variances as the only avenue for zoning compliance—especially on parcels zoned for residential use—raises serious legal and constitutional issues**, including:

A. De Facto Zoning Amendment Without Due Process

If the County's interpretation results in all or many RB-zoned beach parcels being effectively undevelopable without variances, this represents a **de facto amendment** to zoning and/or the Local Coastal Program. Such a shift in policy requires:

- Public hearings and legislative process,
- Coastal Commission certification,
- And proper notice to affected property owners.

To my knowledge, **no such process occurred**, and property owners along Beach Drive were **not notified** of any change to how their lot area is calculated or whether development is now considered nonconforming by default.

Please clarify: When was this “zero lot area” interpretation adopted, and were RB-zoned property owners notified of this regulatory change?

B. Risk of Regulatory Taking

If the County now denies any residential use without granting variances, this may constitute a **regulatory taking** under *Lucas v. South Carolina Coastal Council* and *Monks v. Rancho Palos Verdes*. A total deprivation of economic use triggers per se takings liability, requiring just compensation under both the U.S. and California Constitutions.

C. Arbitrary and Unequal Treatment

The County continues to approve new homes on similarly situated Beach Drive parcels. Requiring variances here—based on novel or inconsistently applied interpretations—raises concerns of **arbitrary enforcement** and **unequal treatment**, potentially violating the Equal Protection Clause and California’s Planning and Zoning Law.

3. Request for Formal Clarification and Policy Rationale

To fully understand the County’s position and assess the appropriate response, I respectfully request written clarification on the following points:

1. Does the County consider this parcel developable for any residential use **without variances**?
2. Is the “zero lot area” interpretation codified in ordinance, or is it an administrative position? If the latter, when was it adopted, and under what authority?
3. Were affected property owners notified of this interpretation prior to its application to current development projects?
4. Is the County asserting that even a single new home on this parcel is **not allowable by right**?
5. How does the County justify this approach in light of recent approvals for similarly situated parcels on Beach Drive?

Looking forward to your response. I have cc'd several people here as there seems to be some sort of on going vacuum between staff creation and significant interpretations of code with little to no notice to the BOS and the public.

Regards-

On Tue, May 27, 2025 at 7:51 PM Cove Britton <cove@matsonbritton.com> wrote:

Hi Lezanne-

Thanks for the prompt response. However, can you provide me with an example? As you know I have been doing this for 35 years in the County and I cannot remember a level 4 was used in this type of circumstance where staff intended to deny (as it appears was clearly the intent). Was this to avoid a public hearing? Respectfully, why was this unique approach taken? If it is not unique please provide examples. And even if not unique, why? Typically this would be a ZA hearing based on Jerry's interpretations.

Regards-

On Tue, May 27, 2025 at 7:42 PM Lezanne Jeffs <Lezanne.Jeffs@santacruzcountyca.gov> wrote:

Dear Cove,

The Administrative application process (formerly Level 4) has been included in the County Code for many years, and most certainly pre-dates the tenure of Kathy Molloy.

What I believe you may be remembering is that Kathy spearheaded administrative procedures for the approval of "Minor Exceptions" to site and development standards. Previously, there the only option had been to obtain a Variance in accordance with SCCC 13.10.230, for which a public hearing is required. There may also have been other application types that were created (or pre-existing regulations that were revised) during Kathys tenure, that were crafted with the same intention.

That said, although administrative review is intended to be a simpler process in that no public hearing is required, I don't believe the requirement for an administrative review was ever intended to imply an absolute right to approval.

Lezanne



Lezanne Jeffs

Principal Planner – Development Review

Community Development & Infrastructure

Phone: 831-454-2480 / 831-345-7839

701 Ocean Street, Room 410



From: Cove Britton <cove@matsonbritton.com>

Sent: Tuesday, May 27, 2025 6:53 PM

To: Lezanne Jeffs <Lezanne.Jeffs@santacruzcountyca.gov>

Cc: Kevin Huber <khuber@grupehuber.com>; Jocelyn Drake <Jocelyn.Drake@santacruzcountyca.gov>; Jerry Busch <Jerry.Busch@santacruzcountyca.gov>; Natalie Kirkish <Natalie.Kirkish@santacruzcountyca.gov>; John Erskine <jerskine@nossaman.com>; Jason Heath <Jason.Heath@santacruzcountyca.gov>; Manu Koenig <Manu.Koenig@santacruzcountyca.gov>; Noah DeWitt <ndewitt@nossaman.com>

Subject: Re: Minor Coastal Development Permit #241334 - 625 Beach Drive, Aptos (APN 043-152-54)

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Hi Lezanne-

This is the first time I have ever seen a Level 4 application denied. As I remember Kathy Molloy essentially created this process for permits that are going to be approved unless there is an appeal. May I ask why you (and/or Jerry) decided to use this process for this application?

Regards-

On Tue, May 27, 2025 at 6:42 PM Lezanne Jeffs <Lezanne.Jeffs@santacruzcountyca.gov> wrote:

Good evening, Kevin and Cove,

Your Minor Coastal Development Permit, application #241334, has been denied pending the required 14-calendar day appeal period. Please see the attached Staff Report, which includes a complete list of findings and exhibits.

Please note that anyone whose interests are adversely affected by any administrative determination, may appeal the act or determination to the Zoning Administrator in accordance with chapter 18.10.324 of the Santa Cruz County Code. Please also note that, because the project site is located in the Coastal Appeal Zone, this decision may also be appealed to the Coastal Commission. The 10-working day Coastal Commission appeal period will start after the end of the 14-day local appeals period.

Sincerely,

Lezanne



Lezanne Jeffs

Principal Planner – Development Review

Community Development & Infrastructure

Phone: 831-454-2480 / 831-345-7839

701 Ocean Street, Room 410



The Department's Zoning, Building, and Environmental Planning counters are open

BY APPOINTMENT, Monday through Thursday from 8:00 to 11:30 AM

Either in-person or telephone.

Self-schedule your appointment [here](#).

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Cove Britton

Matson Britton Architects

O. (831) 425-0544

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Cove Britton

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Cove Britton

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O. (831) 425-0544

Jerry Busch

From: Donna Fazzino <dfazzino@nossaman.com> on behalf of John Erskine <jerskine@nossaman.com>
Sent: Tuesday, June 10, 2025 1:10 PM
To: Matt Machado; Nicholas Brown
Cc: Jason Heath; Justin Graham; Kevin Huber; Cove Britton; Noah DeWitt; Jocelyn Drake; Lezanne Jeffs; Jerry Busch; John Erskine; Donna Fazzino
Subject: From John Erskine: Nossaman Appeal Letter re Kevin and Sandy Huber (App 241334)
Attachments: Nossaman letter re Huber Appeal Letter 061025.pdf

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Good afternoon:

On behalf of John Erskine, I have attached the Appeal Letter, with all exhibits, regarding Kevin and Sandy Huber (Application #241334, APN 043-152-54), owners of the property at 625 Beach Drive. Please note that we were informed via a telephone call with Planning Staff yesterday (June 9) that because the appeal is from the Project Applicant, an appeal fee did not need to be submitted concurrently with the attached appeal since the Applicant (Huber) can be charged by the City. Please let us know if this is incorrect.

A representative from First Legal will deliver the letter/attachments today. Thank you, and you may contact Mr. Erskine directly at jerskine@nossaman.com.

Donna Fazzino
Legal Secretary
NOSSAMAN LLP
18101 Von Karman Avenue, Suite 1800
Irvine, CA 92612
dfazzino@nossaman.com
T 949.833.7800 F 949.833.7878
D 949.477.7671



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Jerry Busch

Subject: FW: From John Erskine on June 10: Nossaman Appeal Letter re Kevin and Sandy Huber (App 241334)

From: Donna Fazzino <dfazzino@nossaman.com>
Sent: Monday, June 16, 2025 1:41 PM
To: Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>
Subject: From John Erskine on June 10: Nossaman Appeal Letter re Kevin and Sandy Huber (App 241334)

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Dear Mr. Arteaga:

Last week we sent the attached appeal letter to Matt Machado and Nicholas Brown (so that Nicholas could distribute our letter to the Planning Commissioners). We've received email receipts from Matt Machado's email, but I have not received confirmation from Nicholas that he's received the email and would be distributing our attached letter to each of the Commissioners. Are you able to distribute our letter to the Commissioners as soon as possible (since the letter is from June 10)? If I don't hear from you by later this afternoon, I will go ahead and email it to each Commissioner individually. This attachment, as well as the initial email below from June 10, really needs to get to them so your quick response is appreciated. Thank you very much.

Donna Fazzino
Legal Secretary
NOSSAMAN LLP
18101 Von Karman Avenue, Suite 1800
Irvine, CA 92612
dfazzino@nossaman.com
T 949.833.7800 F 949.833.7878
D 949.477.7671



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From: Donna Fazzino **On Behalf Of** John Erskine
Sent: Tuesday, June 10, 2025 1:10 PM
To: matt.machado@santacruzcountyca.gov; Nicholas Brown (Nicholas.Brown@santacruzcounty.us)
<Nicholas.Brown@santacruzcounty.us>
Cc: jason.heath@santacruzcounty.us; justin.graham@santacruzcounty.us; Kevin Huber <khuber@grupehuber.com>; Cove Britton (cove@matsonbritton.com) <cove@matsonbritton.com>; Noah DeWitt <ndewitt@nossaman.com>; jocelyn.drake@santacruzcountyca.gov; lezanne.jeffs@santacruzcountyca.gov; Jerry.Busch@santacruzcountyca.gov; John Erskine <jerskine@nossaman.com>; Donna Fazzino <dfazzino@nossaman.com>
Subject: From John Erskine: Nossaman Appeal Letter re Kevin and Sandy Huber (App 241334)

Good afternoon:

On behalf of John Erskine, I have attached the Appeal Letter, with all exhibits, regarding Kevin and Sandy Huber (Application #241334, APN 043-152-54), owners of the property at 625 Beach Drive. Please note that we were informed via a telephone call with Planning Staff yesterday (June 9) that because the appeal is from the Project Applicant, an appeal fee did not need to be submitted concurrently with the attached appeal since the Applicant (Huber) can be charged by the City. Please let us know if this is incorrect.

A representative from First Legal will deliver the letter/attachments today. Thank you, and you may contact Mr. Erskine directly at kerskine@nossaman.com.

Donna Fazzino
Legal Secretary
NOSSAMAN LLP
18101 Von Karman Avenue, Suite 1800
Irvine, CA 92612
dfazzino@nossaman.com
T 949.833.7800 F 949.833.7878
D 949.477.7671



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