



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
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TOM BURNS, PLANNING DIRECTOR

Agenda Date: January 26, 2005

December 16, 2005

PLANNING COMMISSION  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**Subject: Appeal of Zoning Administrator's Denial  
Application No. 02-0600; Coastal Permit and Variance  
Assessor's Parcel No.: 032-242-11**

Members of the Commission:

### BACKGROUND

Application No. 02-0600, a **request** to remodel and ~~construct first and~~ second story additions and a detached shop to an existing one-story, single family dwelling within the Coastal Zone was heard by the Zoning Administrator on October 3, 2003 and was denied. An appeal was filed on October 10, 2003 by Austin Comstock, Esq. on behalf of the property owners, William and Susan Porter and the applicant, Cove Britton (Attachment E).

The project is redevelopment of a residential lot within a row of developed properties along *the* coastal bluff. The property is within the appealable jurisdiction of the California Coastal Commission. The 14,740 square foot lot has an irregularly shaped, essentially level building site adjacent to Pleasure Point Drive. The property drops off abruptly at a roughly "S"-shaped coastal bluff to the shoreline below. There is an existing seawall near the break in slope, which is in a state of disrepair. The proposed home meets all of the site development standards for the R-1-5 zone district. The structure approaches the limits of lot coverage, but is well under the maximum floor area ratio. One architectural element reaches the 28-foot height limit, while most of *the* dwelling is approximately 26.5 feet or less in height.

This application came before the Zoning Administrator at the October 3, 2003 public hearing. Planning staff recommended denial of the application without prejudice based on incompatibility with the neighborhood in design and scale (Chapter 13.20 Coastal Regulations and Chapter 13.11, Design Review ordinance), inconsistency with Chapter 16.10 (Geologic Hazards) and lack of

special circumstances for a parking Variance. Several neighbors testified at the public hearing in opposition to the project. The primary concerns raised were the modern/high tech design being incompatible with the neighborhood, reflection from the largely glass façade areas and privacy due to the expansive glass wall on the second story. The applicant and several speakers on behalf of the owners and applicant provided testimony arguing that the proposed architectural design was not incompatible with the surrounding existing development. Public testimony also included discussions with County staff regarding geologic issues. After the close of the public hearing, the Zoning Administrator denied application 02-0600 based on the denial findings.

## ANALYSIS **AND** DISCUSSION OF APPEAL ISSUES

The grounds of this appeal, as described in the brief letter of appeal dated October 9, 2003 are that the Zoning Administrator failed to adequately consider the Design Review Report submitted by the Applicant, that there was information submitted by the applicant that was not included in the record for consideration and that the Zoning Administrator raised Variance issues at the hearing without notice. These items will be discussed in the order of complexity.

### Variance Issues

Planning staff included a Variance for parking exceeding 50% of the front yard setback in the original Zoning Administrator staff report. During the staff presentation, the project planner requested that the Variance be omitted. The Zoning Administrator stated that the plans as submitted would require a Variance from the parking standards set forth in County Code Section 13.10.554(d). Planning staff and the architect have met to discuss and clarify the parking/variance issue. Exhibit A shows a driveway meeting County standards for two off-street parking spaces with an adjacent walkway from the sidewalk to the side yard. The paved parking area is less than 50% of the front yard setback. If the walkway were included in this calculation, then this paving does exceed the 50% threshold. The County Code, however, specifically states, "Parking areas, aisles and access drives together shall not occupy more than 50 percent of any required front yard setback area for any residential use". Clearly, the walkway is not included in this calculation. The applicant has agreed to distinguish the pedestrian path from the parking area by using a different construction material, finish and/or coloration. Thus, a Variance to the County parking regulations is not required.

### Submitted Materials Not Included in the Record

The materials at issue included seawall repair plans and three letters of support from the public. The seawall became a key issue in that the findings could not be made that the proposed project was consistent with the Geologic Hazards ordinance (Ch. 16.10) and General Plan policies 6.2.12 and 6.2.14 pertaining to additions/remodeling of an existing dwelling on a coastal bluff and would not endanger the health and safety of the occupants of the new additions. Specifically, the sea wall was acknowledged to be in a state of disrepair and the overall stability of the bluff was questionable over time. Following the Zoning Administrator's denial of this application, it was determined that the seawall was within the permitting jurisdiction of the California Coastal Commission. The applicant submitted an application to the Coastal Commission for the repair of the seawall. The Coastal Commission has approved the Coastal Development Permit (CDP 3-93-039), and the conditions of approval are included as Attachment J. Based on the repair of the seawall, the minimum 25-foot coastal bluff setback set forth in Chapter 16.10 and the County General Plan will provide 100-year

stability for the proposed additions. The project soils engineer has submitted a letter specifically stating that the plans meet the 100-year stability requirement (Attachment I). Therefore, the findings can now be made that the project as proposed is consistent with Chapter 16.10 and the General Plan policies for additions to an existing single family dwelling on a coastal bluff and that the project does not pose a threat to public health, safety or welfare.

### Design Review Issues

The appellant contends that the Zoning Administrator did not adequately consider the Design Review Report submitted by the applicant. In addition, several letters from neighbors supporting the project were not included in the staff report or public record for consideration (see Attachment H). The Design Review Report prepared by Anthony Kirk, Ph.D. (Attachment F), while largely not pertinent to this neighborhood, does raise some valid points for consideration. Specifically, the neighborhood surrounding the project site lacks any particular architectural character or design theme, and there is a significant disparity in the size, style and massing of the various structures in this area. Consequently, there are a number of dwellings in this neighborhood that can individually be considered unique in their size, scale, design and/or massing. Moreover, there are several examples of the larger scale use of glass in the greater Pleasure Point neighborhood, specifically at 11 Rockview and one newly constructed dwelling at 330 15<sup>th</sup> Avenue.

The proposed addition and remodel as it relates to the development standards for the R-1-5 zone district is the following:

SITE STANDARD	REQUIRED	PROPOSED
Front yard setback	20 feet	20 feet
Side yard (east) setback	5 feet	5 feet
Side yard (west) setback	8 feet	8 feet
Coastal Bluff setback (rear)	25 feet	25 feet
Lot Coverage	30% max.	24%
Floor Area Ratio	50% max.	36%
Height	28 feet max.	25.5-28 feet

Thus, the proposed project is within the limits for development on this R-1-5 zoned parcel. This parcel is substantially constrained by the "S" curved coastal bluff line. The required 25-foot coastal bluff setback restricts the development envelope to a long narrow area adjacent to the western side of the property and a narrow band across the parcel's frontage. Consequently, new additions and substantial reconstruction are, through this coastal constraint; forced to one side and the front of the parcel. Moreover, the geometry of the parcel is such that the frontage is rather narrow (about 38.5 feet wide). As a result of the constraints of the coastal bluff, the location of the existing residence and the narrow frontage, the development opportunities are limited to predominantly second story expansion concentrated towards the street and 5-foot side yard. While it may be preferable to minimize two-story massing of a structure at the front yard setback, this goal is problematical given the constraints of this particular parcel. The maximum height of the proposed structure at the street side elevation is less than 26 feet and incorporates both one and two story elements.

Several neighbors expressed concerns over glare from the extensive use of glass and of loss of privacy (neighbors across the street). The architect now proposes using a low-reflective glass for

the windows, which will substantially reduce potential glare problems. In addition, the architect is proposing to use opaque to semi-opaque glass (frosted, patterned) for the second story living room windows (front elevation) to provide privacy for the neighbors located across from the proposed dwelling. The architect has also lowered the front portion of the structure along the western elevation (at the 5-foot side yard) to address some of the concerns of the adjacent neighbor and to reduce some of the massing of this wall, which was a concern expressed by the Urban Designer.

The Design Review ordinance states under "Building design" (Section 13.11.073) that, "It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for a unique design. Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark **buildings to** background buildings" (emphasis added). What is before your Commission is such a unique design. Elements of this design as well as similar scale and massing are present in the context of the larger neighborhood. Nevertheless, the broad range of architectural styles, sizes, massing and configuration of structures in this neighborhood will accommodate a broad range of designs that could be considered compatible. Within the context of a neighborhood with an established character, such as craftsman style bungalows or predominantly neo-Mediterranean style architecture for example, the proposed modern-style home would clearly be incompatible and would not meet the objectives of the Design Review ordinance. Ideally, the two-story elements of the proposed structure would be set back further from the front yard setback and the five-foot side yard. This ideal, however, is unattainable given the severe building envelope constraints resulting from the coastal bluff setback.

## CONCLUSION

The issues relating to public health and safety and consistency with the geologic ordinances and General Plan policies for development adjacent to a coastal bluff have been resolved, and these findings can now be made. In addition, staff has determined that a variance to the County's development standards is not required for this project. Finally, it is staff's opinion that the proposed residence, as recently modified by the architect, is consistent with the objectives of the Design Review ordinance and Coastal Development regulations within the context of the wide variety of architectural styles of the neighborhood, a general lack of a cohesive architectural character, the wide variety of significant disparity in the size, style and massing of the various structures and the substantial natural constraints of the coastal bluff setback on the development envelope of this parcel.

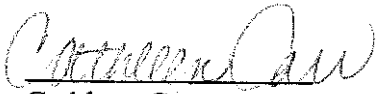
## SUMMARY AND RECOMMENDATION

The proposed project is consistent with County General Plan policies and ordinances, and staff recommends that the Zoning Administrator's denial of application 02-0600 be overturned.

It is therefore, RECOMMENDED, that your Commission:

1. **Certify** the determination that the project is Categorically Exempt from the California Environmental Quality Act, and
2. Uphold the Appeal and approve Application 02-0600, based on the attached Coastal Zone and Residential Development Findings and subject to the attached Conditions of approval.

Report Prepared by:



Cathleen Carr  
Project Planner  
Development Review

Reviewed by:



Cathy Graves  
Principal Planner  
Development Review

Attachments:

- A. Project Plans prepared by Matson Britton Architects, last revised 10/21/04  
Seawall Plans prepared by Matson Britton Architects, last revised 9/20/04  
Photo-simulations and renderings of Proposed Dwelling and similar dwellings
- B. Findings
- C. Conditions of Approval
- D. CEQA Determination
- E. Appeal Letter
- F. Design Review Report prepared by Anthony **Kirk**, Ph.D. dated 9/19/03
- G. Zoning Administrator Staff Report of October 3, 2003
- H.** Correspondence
- I. Soil Engineer's Letter
- J. CCC Permit Conditions

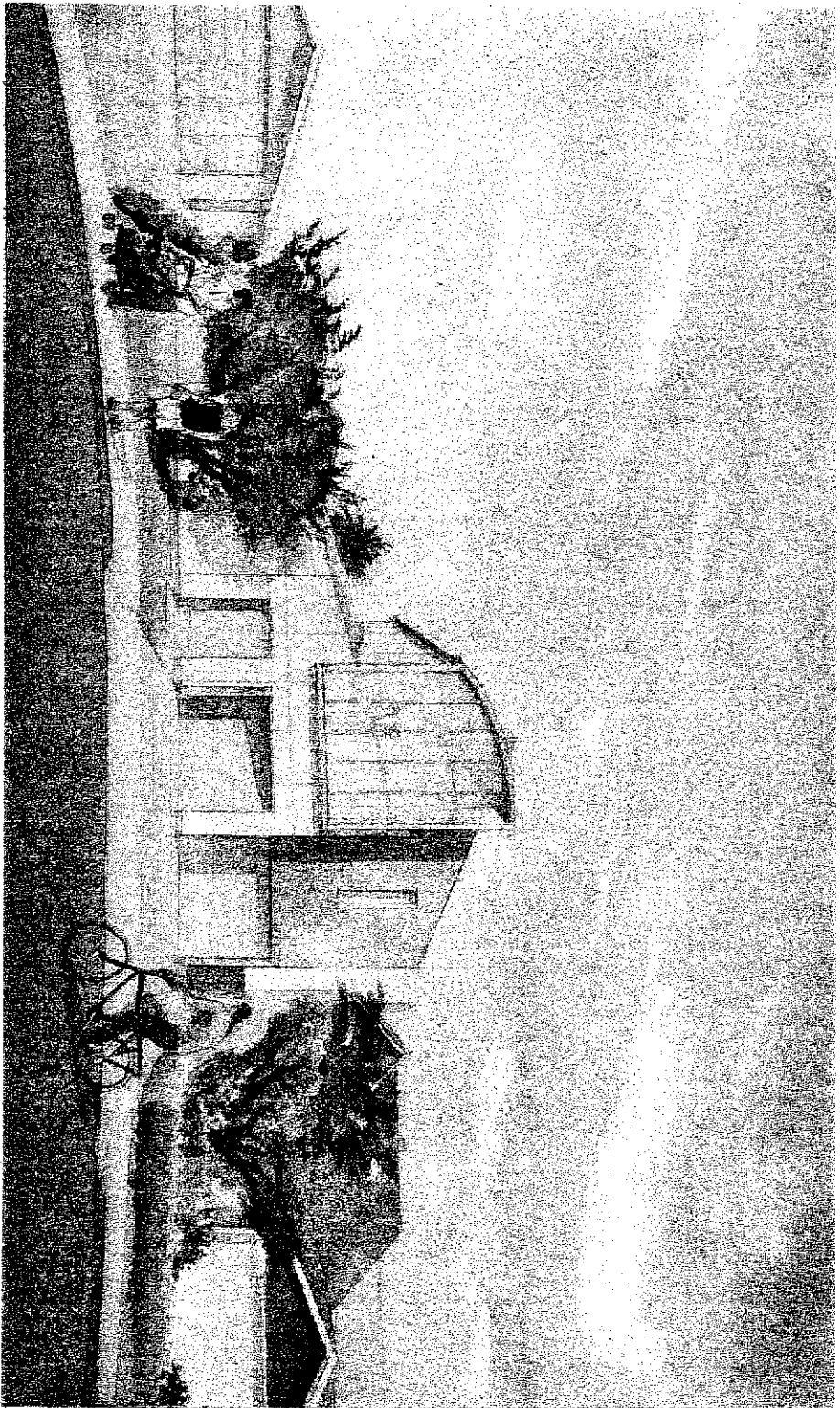


IMAGE © ROBERT BECKER 2003

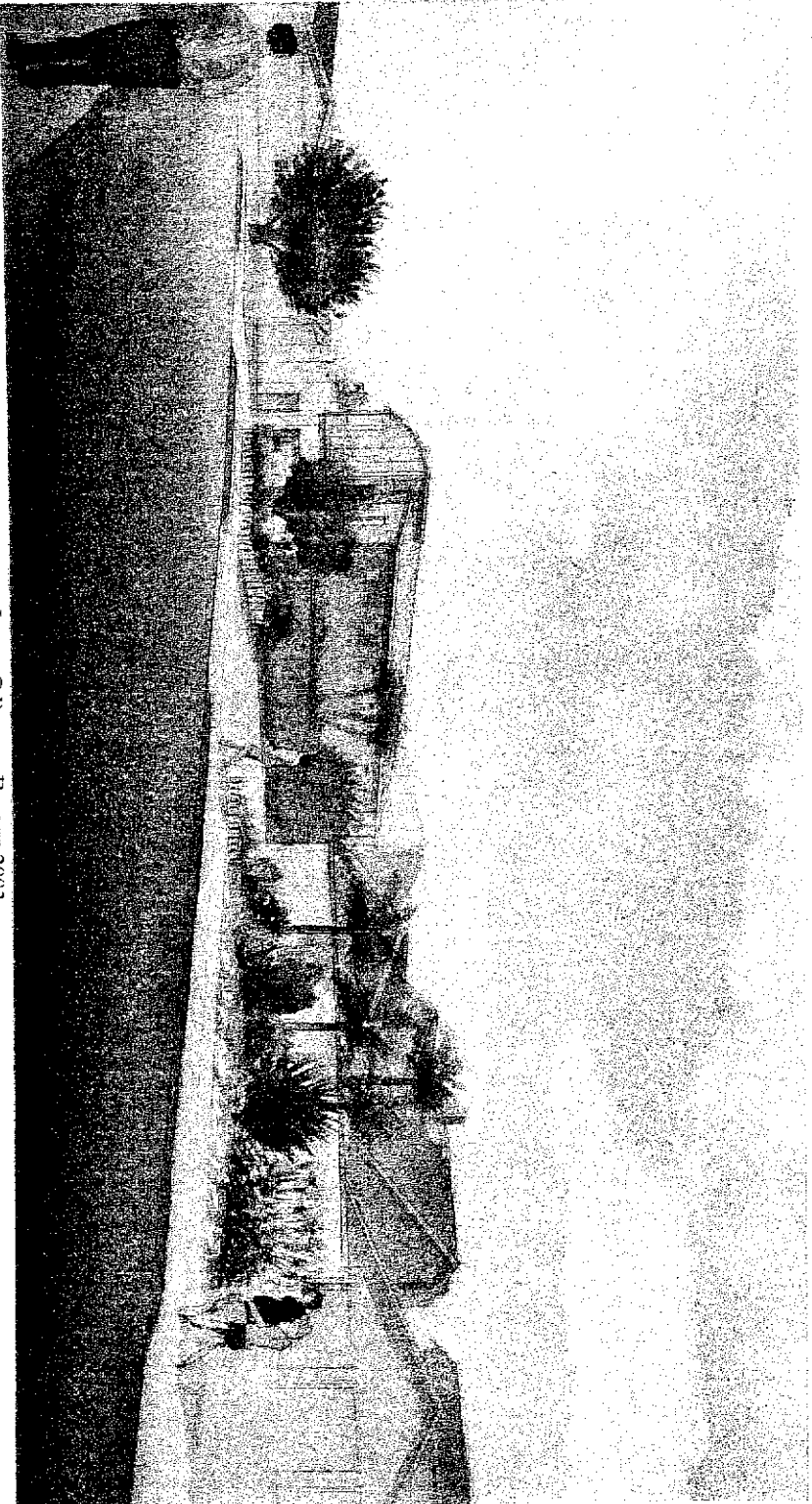
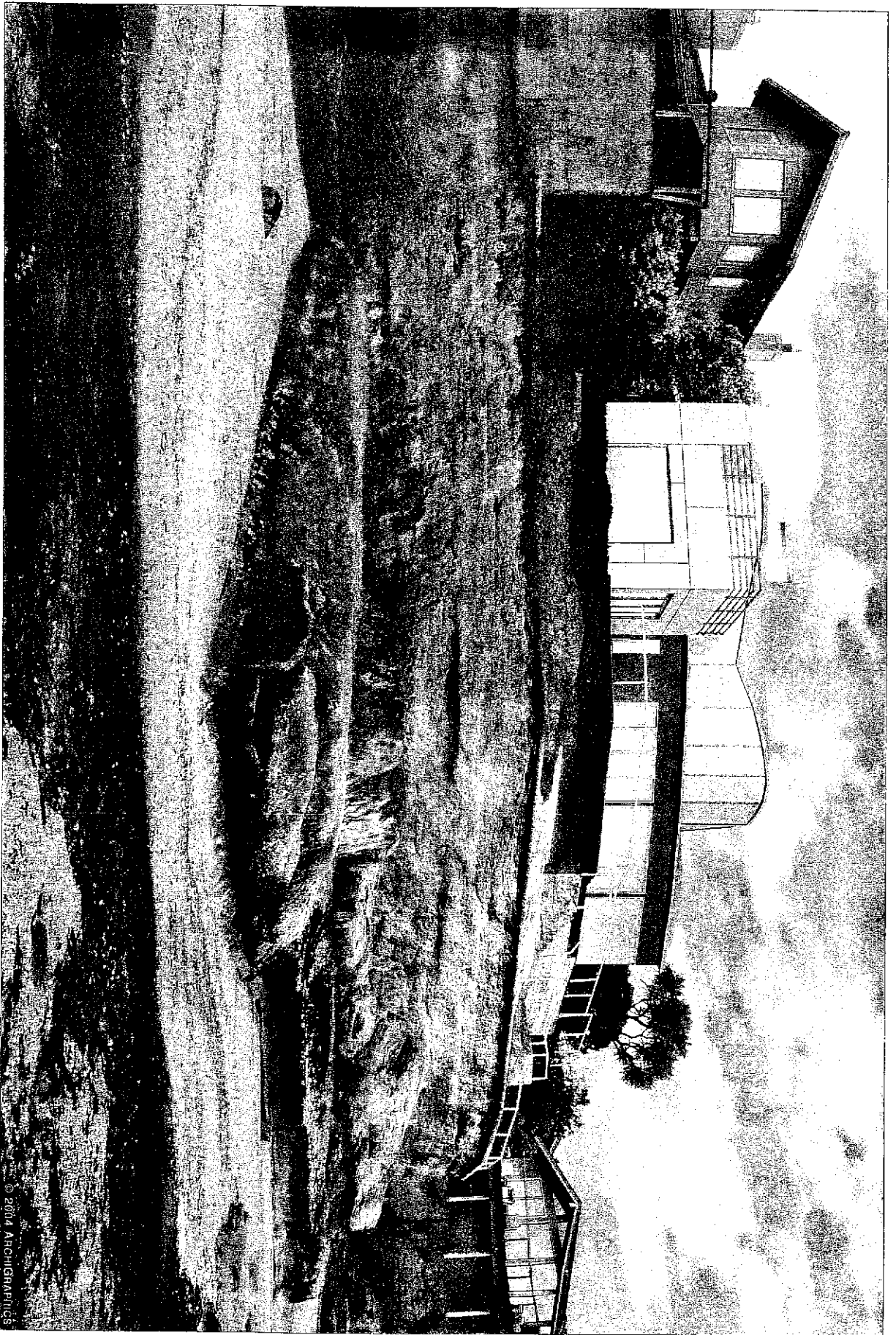


IMAGE © ROBERT BECKER 2003

Proposed Porter Residence, Santa Cruz  
Matson Britton Architects

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PHONE: 925.947.1291 • FAX: 925.947.1291 • EMAIL: robert@robertbecker.com  
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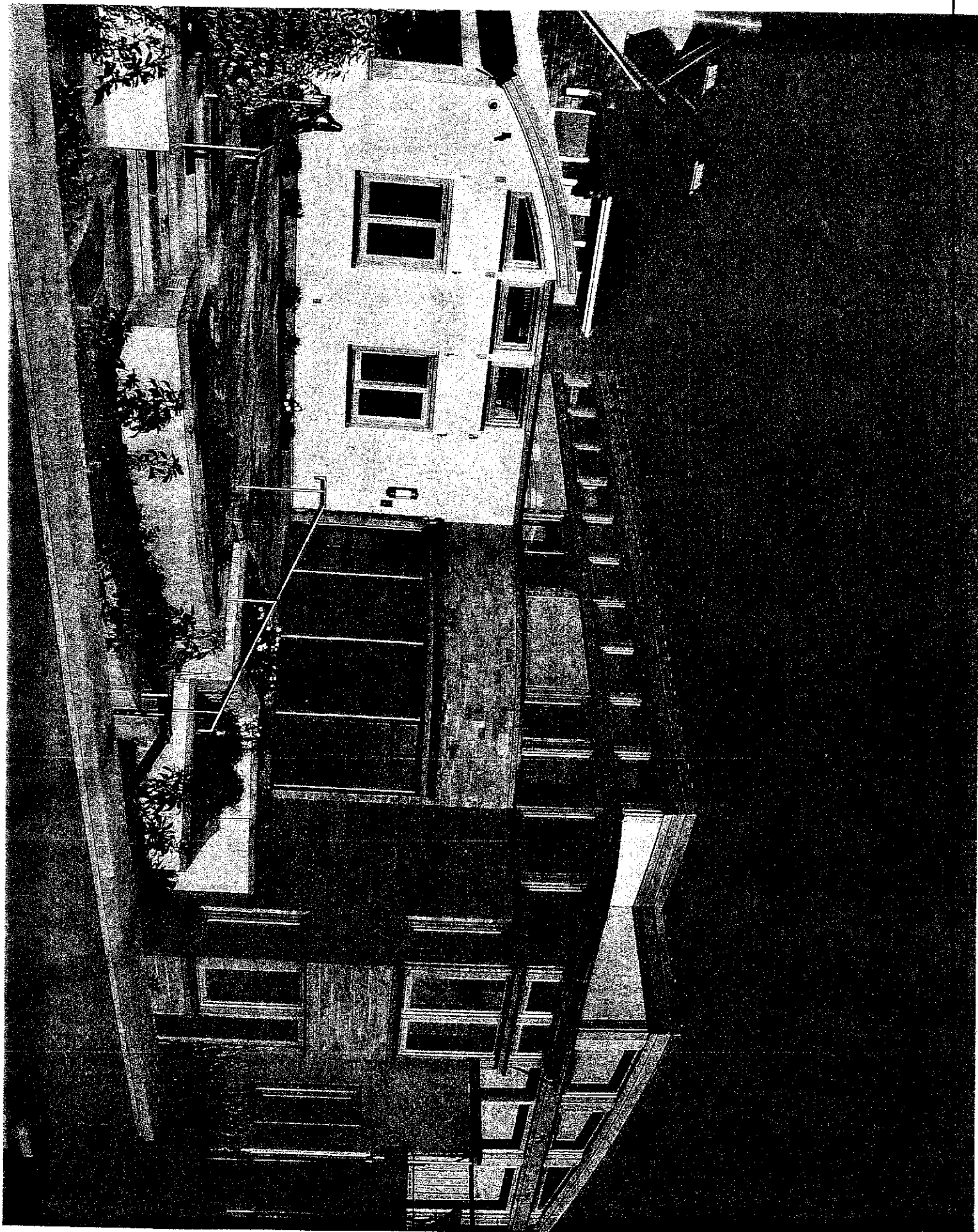


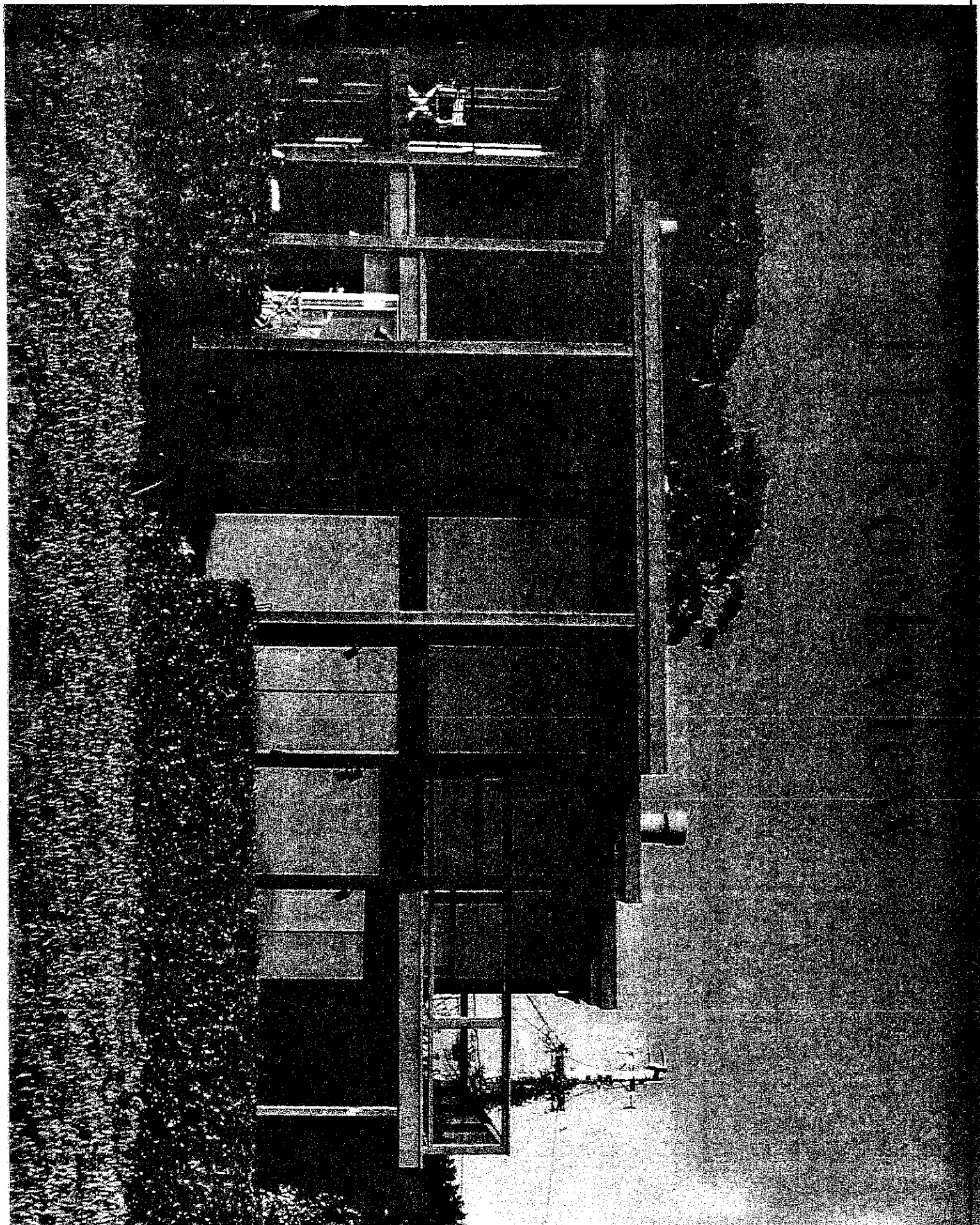
**PORTER SEA WALL REPAIR**

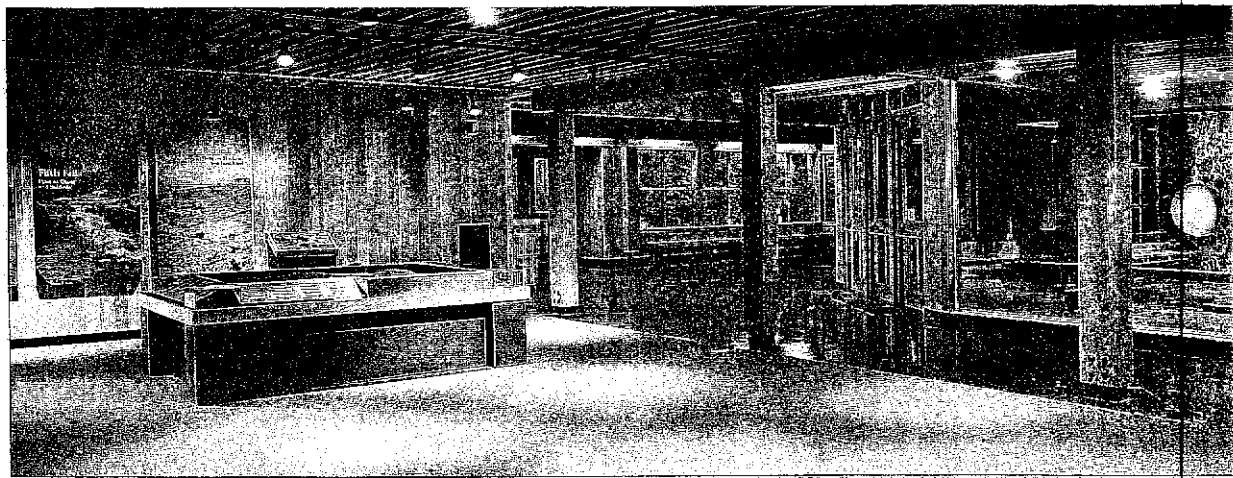
Architect: Matson Britton Architects  
Civil Engineer: Island Engineers Inc.  
Rendering: ArchiGraphics

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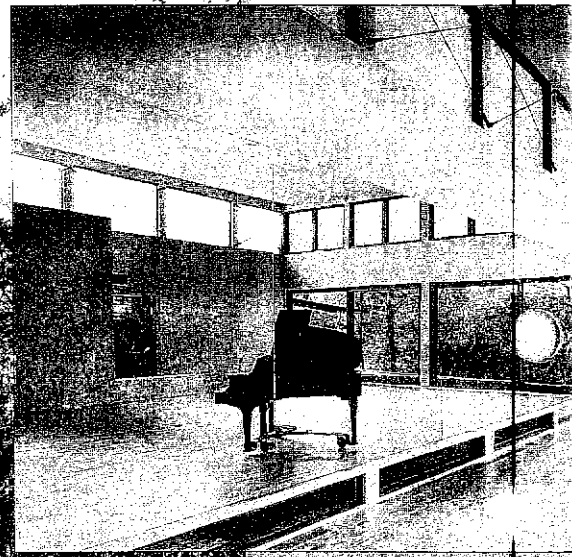








Above: Gooseberry  
Falls Visitor Center  
Two Harbors, MN  
Salmela Fosdick Ltd.



Above & Left:  
Atlantic Center  
for the Arts  
New Smyrna Beach, FL  
Thompson & Rose  
Architects

Below: 11 Wilton Road  
Wilton, CT  
Ferris Associates



"We're thankful that Duratherm exists on the market. It affords us the opportunity to use windows in a way that really complements our designs. Duratherm sets a kind of standard within the American market."

*Charles Rose, Thompson and Rose Architects*

## COASTAL DEVELOPMENT PERMIT FINDINGS

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

A single-family dwelling with a detached garage is a principal permitted use in the "R-1-5 (Single Family Residential) zone. The "R-1-5" zone district is consistent with the General Plan and Local Coastal Program land use designation of Urban Medium Residential.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The parcel is not governed by an open space easement or similar land use contract. The project will not conflict with any existing right-of-way easement or development restriction as none exist

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

The single-family dwelling is consistent with the design criteria and special use standards and conditions of County Code Section 13.20.130 et seq., in that the project proposes no grading, is not on a prominent ridge, and is visually compatible with the character of the surrounding urban residential neighborhood. Section 13.20.130(b)1. of the County Code which provides the visual compatibility design criteria for development in the coastal zone, states that all new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Section 13.20.130(c) provides the design criteria for projects within designated scenic resource areas. This regulation states that development shall be located, if possible, on parts of the site not visible or least visible from the public view and that development not block public views of the shoreline. The project is located adjacent to coastal bluff. Thus, it is impossible to locate the project where it cannot be viewed from the shore. The project is located within a neighborhood containing significant disparity in the sizes, styles and massing of the various structures. This particular area is a densely developed urban residential neighborhood and the proposed project is consistent with the pattern of new development in the area. The proposed roof is pitched, curved and articulated to provide visual interest and to avoid a bulky appearance in accordance with coastal design guidelines. Moreover, the project, as conditioned, will utilize earth tone colors and finish materials and low reflective glass to minimize visual impacts. The project will join an existing, highly eclectic neighborhood and will not adversely impact the public view shed. Thus, the proposed project is consistent with coastal design requirements in that the project is not on a ridge line, does not obstruct public views, is consistent with the eclectic character of the surrounding neighborhood and will not be visually intrusive from the shoreline.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN



AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is located in the appealable area between the shoreline and the first through public road and within 300 feet of a coastal bluff. Public access to the beach is located to the southwest at Moran Lake and to the northeast at Pleasure Point. The proposed dwelling and non-habitable accessory structure (shop) will not interfere with public access to the beach, ocean, or any nearby body of water as the precipitous slope between the proposed addition and Pleasure Point Drive precludes access. The project site is not identified as a priority acquisition site in the County Local Coastal Program, and is not designated for public recreation or visitor serving facilities. Therefore, the project will not interfere with the public's access and enjoyment of this beach area.

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

The proposed single-family dwelling and garage are consistent with the County's certified Local Coastal Program in that a single family dwelling and appurtenant structures are principal permitted uses in the R-1-5 (Single Family Residential) zone district, although a use approval is required in this area of the Coastal Zone. The development permit has been conditioned to maintain a density of development compatible with the zone district. The structure is sited, designed and landscaped to be visually compatible and integrated with the eclectic character of the surrounding neighborhood. The proposed home and shop will incorporate a pitched, curved roof and use earth tone coloration on the cement fiber siding. The size of the proposed dwelling following the additions is consistent with other larger homes on similar sized lots along the bluff.

The purpose of General Plan and Local Coastal Plan (LCP) 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". Policy 5.10.2 Development Within Visual Resource areas, recognizes the diversity of Santa Cruz County's visual resources and provides criteria for evaluating projects within designated visual resource areas. The project is located on a Coastal bluff. A visual analysis has been conducted for the proposed dwelling. The existing and proposed dwelling will be visible from the shoreline below the coastal bluff. The existing dwellings on either side of the subject parcel can be readily viewed from the shore as well. There are a number of dwellings along the bluff that are visible from the shoreline. These include both one and two story structures. The proposed two-story addition will harmonize with the built environment, given the variation in heights and setbacks from the bluff along the bluff top. The project has been conditioned to utilize a low reflective glass on the windows to minimize glare. The proposed dwelling is within all of the site development standards for the R-1-5 zone district. A one-story design is not a viable alternative due to the extremely restrictive building envelope determined by the coastal bluff setback. The project is consistent with General Plan policies for residential infill development in a readily visible location, where there already are two-story dwellings.

The proposed development is consistent with the County's certified Local Coastal Program for development within a coastal hazards area, in that Geologic and Geotechnical Reports have been completed for the project. The technical report has been reviewed and accepted by the Planning Department under Application 02-0002. The soils engineer has projected that the building site has 100 years stability, based on the repair and maintenance of the existing seawall. A Coastal Development Permit (CDP 3-93-039) has been issued by the California Coastal Commission for the repair of the seawall. Therefore, the appropriate setback from the coastal bluff for the building site is 25 feet, as specified in the 1994 General Plan and Local Coastal Plan. The project has been designed to meet the required coastal bluff top setback.

## **DEVELOPMENT PERMIT FINDINGS**

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the addition to an existing single family dwelling and the new non-habitable accessory structure (shop) and the conditions under which they would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvement in the vicinity, as the proposed project complies with all development regulation applicable to the site. In addition, low reflective glass is proposed to minimize glare, and an opaque glass is proposed to preserve privacy for the residents located across the street.

As discussed in the Coastal Development Finding #5 above, the site is located adjacent to a coastal bluff. Geologic and Geotechnical reports have been completed for this site to determine design parameters to construct the proposed additions to this residence and the seawall repair, and protect the health and safety of the proposed home's occupants and adjacent neighbors from geologic hazards associated with this precipitous slope. The reports, which have been reviewed and accepted by the County, determined a setback from the bluff providing 100-year stability is 25 feet, based on the proper maintenance and repair of the existing seawall. These recommendations have been incorporated into the project plans and conditions of approval. A declaration of potential hazards must be recorded on the property deed acknowledging the hazards associated with the coastal bluff and the necessity to maintain the seawall.

Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. A soils engineering report has been completed to ensure the proper design and functioning of the proposed additions and the seawall repair.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the R-1-5 zone district. The dwelling addition and detached shop and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 zone district. The project meets the site standard requirements for residential development on a R-1-5 parcel. The proposed lot coverage for the development is 24% and the maximum allowed lot coverage is 30%. The maximum allowed floor area ratio is 50%, and the floor area for the proposed project is about 36%. The scale of the proposed remodel and addition to the existing single-family dwelling is consistent with that of larger dwellings in the surrounding neighborhood.

The proposed development as conditioned is consistent with the Geologic Hazards Ordinance (Ch. 16.10) for development in an area subject to geologic hazards, specifically a coastal bluff. Geologic and soils reports have been prepared for this project evaluating slope stability, 100 year stability setbacks from the coastal bluff and soil conditions and set forth recommendations for development providing an acceptable level of safety.

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

The project is located in the Urban Medium Residential land use designation. As discussed in the Coastal Zone Findings for this project, all LCP policies have been met in the proposed location of the project and with the required conditions of this permit. The size and scale of the proposed single-family dwelling and shop is consistent with that of the larger dwellings in the surrounding neighborhood. The project is a unique design within an eclectic neighborhood containing a broad range of architectural styles, sizes, massing and configuration of structures. Elements of this design as well as similar scale and massing are present in the context of the larger neighborhood. The dwelling will not block public vistas to the public beach and will blend with the built environment, which is visible from the public shoreline.

**4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.**

The use will not overload utilities and will not generate more than the acceptable level of traffic on the roads in the vicinity in that there will be no significant increase in traffic, as a result of the proposed additions to an existing single family dwelling and the new shop structure. The existing dwelling has three bedrooms and the addition will result in a five bedroom dwelling. The plans provide for adequate off-street parking for a five-bedroom residence.

**5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.**

The proposed single-family dwelling and shop will complement and harmonize with the existing and proposed land uses in the vicinity. The geometry and siting of the additions corresponds to the physical limitations of the building envelope resulting from the coastal bluff setback. The proposed

addition will result in a dwelling of a similar size and mass to other larger homes on similar sized lots in the neighborhood. The neighborhood surrounding the project site lacks any particular architectural character or design theme, and there is a significant disparity in the size, style and massing of the various structures in this area. Consequently, there are a number of dwellings in this neighborhood that can individually be considered unique in their size, scale, design and/or massing. Elements of this design as well as similar scale and massing are present in the context of the larger neighborhood. The project design will complement the eclectic nature of the existing neighborhood while responding to the physical constraints of the building site.

6. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTION 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed two-story addition and new detached shop are consistent with the Design Standards and Guidelines of the County Code in that the proposed dwelling complies with the required development standards within the context of the eclectic neighborhood and the physical constraints of the parcel. The concentration of the two-story elements towards *the* western side yard and the front of the parcel are in direct response to the strict limitations on the building envelope resulting from the 25-foot setback from the "S" shaped coastal bluff and the narrowness of the lot along its frontage. As discussed in Finding #5 above, this neighborhood contains a wide range in sizes, styles, massing and architecture of the various structures in this area. Overall, there is no particular architectural theme or characteristic in this area of Pleasure Point. There are a few *examples* of Modern-type designs and extensive use of glass within the larger neighborhood, and there are a number of two-story dwellings. The key elements of the proposed Modern design for this site are a pitched, articulated curving roof and second story glass wall, which are unique. Section 13.11.073 of the Design Review ordinance specifically states that the opportunity for a unique design is not precluded. Given that the broad range of architectural styles, sizes, massing and configuration of structures in this neighborhood will accommodate a broad range of designs that could be considered compatible and the physical constraints of the site that limits the development opportunities to the western side and front of the property, the proposed dwelling is consistent with the objectives of the Design Review policies and guidelines.



## CONDITIONS OF APPROVAL

Coastal Development Permit **02-0600**

APPLICANT: Cove Britton

OWNER: William and Susan Porter

APN: 032-242-11

LOCATION: Located on the southeast side of Pleasure Point Drive, 200 feet southwest of the intersection of East Cliff Drive and the east end of Pleasure Point Drive. Situs: 3030 Pleasure Point Drive

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Exhibit: **A:** Project Plans prepared by Matson Britton Architects, last revised 10/21/04  
Seawall Plans prepared by Matson Britton Architects, last revised 9/20/04

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- I. This permit authorizes the construction of a one and two story addition and remodel of an existing one-story single family dwelling and the construction of a detached non-habitable accessory structure (shop). Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. Obtain Building and Grading Permits from the Santa Cruz County Building Official for the construction of the seawall.
  - D. Obtain an Encroachment Permit from the Department of Public Works for any work within the Pleasure Point Drive right-of-way.
  - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include, but not be limited to, the following:
    - 1. Exterior elevations identifying finish materials and colors. Final colors shall be reviewed and approved by the Planning Director.

2. Floor plans identifying each room, its dimensions and square footage. Detailed floor area ratio and lot coverage calculations.
3. The plans shall specify low reflective glass for the windows.
4. Final plans shall include a copy of the conditions of approval.
5. Final seawall plans shall conform to all conditions of the Coastal Development Permit 3-93-039, which are hereby incorporated into these conditions of approval by reference.
6. A site plan showing the geologic setback and the location of all site improvements, including, but not limited to. points of ingress and egress, parking areas, sewer laterals, on and off site drainage improvements and grading.
  - a. A standard driveway and conform is required, including a structural section, centerline profile and a typical cross section.
  - b. Plans shall show the existing roadside improvements.
  - c. On site parking shall be shown on the plans. Four on-site spaces are required. The minimum dimensions of each space are 18 feet in length by 8.5 feet in width.
  - d. Earthwork for the building site shall not exceed 100 cubic yards unless an amendment to this permit is obtained.
  - e. Final plans shall provide earthwork estimates for the upgrade/repair of the seawall system.
  - f. Plans shall specify coloration, treatment and materials for the driveway and adjacent walkway. The walkway shall be constructed, colored or treated in a manner that differentiates it from the driveway.
7. All development shall meet the site development standards set forth in Section 13.10.323 of the County Code for the R-1-5 zone district.
8. New development as defined in Chapter 16.10 must be located outside of the 25-foot coastal bluff top setback.
9. The owner/applicant shall submit a project-staging plan for the seawall construction. The staging plan must include access for the work, locations of barriers to prevent construction materials from spilling on the beach and a site plan/map showing the location for the storage of construction materials and equipment.
10. A final landscape plan. This plan shall include the location, size, and species of all existing and proposed trees and plants within the front yard setback.

- a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall fescue. Turf areas should not be used in areas less than 8 feet in width.
  - b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be drought tolerant. Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
    1. The use of invasive, exotic plant species is prohibited.
    2. Plans shall include vegetation to screen the retaining wall. Plant selection(s) shall be drought tolerant and planted at the base of the retaining wall. California native species and species from the State Coastal Commission Native Bluff Planting list is preferred.
  - C All landscaping within the 25-foot coastal bluff setback shall conform with the following:
    1. Only drought tolerant species shall be utilized.
    2. Plans shall specify that irrigation, except for the minimum amount of hand watering required to establish new plantings, is strictly prohibited.
  - d. All runoff from impervious surfaces shall be collected in an enclosed drainage system to the street or other approved runoff collection system.
11. Final plans shall reference and incorporate all recommendations of the soils report prepared for this project, with respect to the construction and other improvements on the site. All pertinent soils report recommendations shall be included in the construction drawings submitted to the County for a Building Permit. A plan review letter from the soils engineer shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the soils report.
12. A final detailed drainage plan, which shows how and where the building, paved driveway, patios and other impervious areas will drain without adverse effects on adjoining properties. The final drainage plans shall be reviewed and approved by the Department of Public Works (DPW) and Environmental Planning. Drainage plans shall also conform to the soils report recommendations. Final drainage plans shall conform with the following:
- a. Final drainage plans shall show complete topographic information such as contours or spot elevations.

- b. Final plans shall show existing and proposed impervious surfaces and include calculations for the net increase in impervious area.
  - c. Show the locations and types of drainage control. Demonstrate that **the** runoff from the new impervious surfaces will not impact adjacent parcels.
  - d. Provide drainage information for the proposed driveway and provide a cross section, The driveway shall not be sloped towards the western property line, unless measures to prevent runoff from entering the adjacent property are provided.
  - e. Submit a copy of an updated plan review letter from the project geotechnical engineer approving the final drainage plan and stating that the plan will not cause any erosion or stability problems.
13. Submit a detailed erosion control plan to be reviewed and accepted by Environmental Planning. The plan shall include measures to prevent runoff generated during construction from flowing towards the coastal bluff and for the construction on the seawall.
14. Any new electrical power, telephone, and cable television service connections shall be installed underground.
15. **All** improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
16. Meet all requirements and pay the appropriate plan check fee of the Central Fire Protection District.
17. Meet all requirements and pay the appropriate fees, if required, of the Santa Cruz County Sanitation District.
- B. Obtain an Encroachment Permit from the Department of Public Works for all work within the County right-of-way, including but not limited to driveway apron and off site drainage improvements.
- C. Pay the Santa Cruz County Park Dedication fee in effect at the time of building permit issuance. Currently, this fee would total \$2,000.00 based on the formula of \$1,000 for each new bedroom and two new bedrooms are proposed. These fees are subject to change without notice.
- D. Pay the Santa Cruz County Roadside Improvement fee in effect at the time of building permit issuance. Currently, this fee would total this fee would total \$1,334.00 based on the formula of \$667.00 for each new bedroom and two new bedrooms are proposed. These fees are subject to change without notice.
- E. Pay the Santa Cruz County Transportation Improvement fee in effect at the time of building permit issuance. Currently, this fee would total \$1,334.00 based on the formula

of \$667.00 for each new bedroom and two new bedrooms are proposed. These fees are subject to change without notice.

- F. Pay the Santa Cruz County Child Care fee in effect at the time of building permit issuance. Currently, this fee would total \$218.00, based on the formula of \$109 per new bedroom, but is subject to change without notice.
- G. Pay the Zone 5 Flood Control District Storm Drainage Improvement fees. This fee is assessed per squarefoot of new, impervious surface.
- H. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district, if required.

III. All construction shall be performed according to the approved plans for the building permit. For reference in the field: a copy of these conditions shall be included on all construction plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:

- A. All construction of the seawall shall conform to conditions of approval of the Coastal Development Permit 3-93-039 and the grading and building permits issued by the County of Santa Cruz.
- B. Erosion shall be controlled at all times. During construction, measures shall be in place to prevent runoff from flowing towards the bluff.
- C. All inspections required by the building and grading permits shall be completed to the satisfaction of the County Building Official, the County Senior Civil Engineer and County Geologist.
- D. All site improvements shown on the final approved Building and Grading Permits plans shall be installed.
- E. The soils engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted soils report. A copy of this letter shall be kept in the project file for future reference.

IV. Operational Conditions:

- A. Modifications to the architectural elements including but not limited to exterior finishes, window placement, roof pitch and exterior elevations are prohibited, unless an amendment to this permit is obtained.
- B. All windows shall utilize low reflective glass.
- C. The second story living room window at the front (north) elevations shall utilize an opaque or semi-opaque glass to maintain the privacy of residents across the Pleasure Point Drive from the subject dwelling.

- D. The walkway adjacent to the driveway shall utilize a different coloration, treatment and/or material that differentiates the walkway from the driveway and adjacent walkway.
- E. All development, including cantilevered or non-habitable structures, as defined in section 16.10.070 shall be located outside of the 25-foot coastal bluff setback.
- F. The seawall shall be maintained in accordance with the recommendations contained in the geotechnical report on file under 02-0002, in order to maintain site stability and protect the dwelling and its occupants.
- G. All drainage improvements shall be permanently maintained. All runoff from impervious surfaces shall be collected in an enclosed drainage system to the street or other approved runoff collection system. Uncontrolled runoff from impervious surfaces shall not be allowed to flow towards the coastal bluff.

- H. All landscaping in the front yard (shown in Exhibit A) shall be permanently maintained.

Irrigation of landscaping within the 25-foot coastal bluff setback, except for the minimum amount of hand watering required to establish new plantings, is strictly prohibited.

- I. The residence shall be painted using subdued, earth tone colors. The use of white, light cream or similar colors is prohibited.
- J. The detached non-habitable accessory structure (shop) shall be maintained as a non-habitable structure and shall adhere to following conditions:
  - 1. The detached shop shall not have a separate electric meter from the main dwelling. Electrical service shall not exceed 100A/220V/single phase.
  - 2. Toilet facilities are prohibited,
  - 3. Waste drains for a utility sink or clothes washer shall not exceed 1 ½ inches in size.
  - 4. Mechanical heating, cooling, humidification or dehumidification of the detached shop is prohibited. The structure may be either finished with sheet rock or insulated, but shall not utilize both sheet rock and insulation.
  - 5. The detached shop shall not to be converted into a dwelling unit or into any other independent habitable structure in violation of County Code Section 13.10.611.
  - 6. The detached shop shall not have a kitchen or food preparation facilities and shall not be rented, let or leased as an independent dwelling *unit*. Under County Code Section 13.20.700-K, kitchen or food preparation facilities shall be defined as any room or portion of a room used or intended or designed to be used for cooking and/or the preparation of food and containing one or more of the following

appliances: any sink having a drain outlet larger than 1 1/2 inches in diameter, **any** refrigerator larger than 2 li2 cubic feet, any hot plate, burner, stove or oven.

7. The detached shop may be inspected for condition compliance twelve months after approval, and at any time thereafter at the discretion of the Planning Director. Construction of or conversion to an accessory structure pursuant to an approved permit shall entitle County employees or agents to enter and inspect the property for such compliance without warrant or other requirement for permission.
- K. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, **up** to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
  - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
  - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, **or** proceeding if both of the following occur:
    1. COUNTY bears its own attorney's fees and costs; and
    2. COUNTY defends the action in good faith.
  - C. Settlement. The Development Approval Holder shall not be required to pay or **perform** any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
  - D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

Minor variations to this permit, which do not affect the overall concept or density, may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION.**

**Approval Date:** \_\_\_\_\_

**Effective Date:** \_\_\_\_\_

**Expiration Date:** \_\_\_\_\_

\_\_\_\_\_  
Cathy Graves  
Planning Commission Secretary

\_\_\_\_\_  
Cathleen Carr  
Project Planner



## CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 02-0600  
Assessor Parcel Number: 032-242-11  
Project Location: 3030 Pleasure Point Drive, Santa Cruz.

**Project Description: Proposal remodel and construct first and second story additions and a detached shop to an existing one-story, single family dwelling within the Coastal Zone. Requires a Coastal Development Permit.**

**Person or Agency Proposing Project: Cove Britton**

**Contact Phone Number: (831) 425-0544**

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

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

**F. Reasons why the project is exempt:**

Existing residential and ancillary development in an area designated for residential uses. Geologic and Geotechnical reports have been completed to determine a building envelope for new construction confirming stability over an expected 100-year lifetime of the structure, and the new construction is located within this development envelope.

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

  
Cathleen Carr, Project Planner

Date: 1/12/05

ATTORNEYS

COMSTOCK, THOMPSON, KONTZ & BRENNER

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ATTACHMENT

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2003 OCT 10 AM 11 22

NATHAN C. BENJAMIN

(JAMES C. THOMPSON, P.C.)

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

**By Hand Delivery**

October 9, 2003

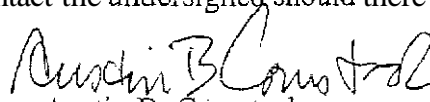
**Re: APPEAL  
02-0600  
APN 032-242-11  
3030 Pleasure Point, Santa Cruz  
Owner: William & Susan Porter**

Planning Commission:

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

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

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

  
Austin B. Comstock

**DESIGN REVIEW**

**PORTER HOUSE  
3030 PLEASURE POINT DRIVE  
SANTA CRUZ, CALIFORNIA**

**Prepared for**

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

**Prepared by**

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

**19 September 2003**

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### ILLUSTRATIONS

*Following Page*

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## EXECUTIVE SUMMARY

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

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

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

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

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

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

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

## QUALIFICATIONS

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

## PROJECT DESCRIPTION

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

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

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

## PLANNING DEPARTMENT DESIGN REVIEW

### Design Review Regulations and Process

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



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

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

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

### Commentary on the Design Review Regulations and Process

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

number or a formula and, indeed, they often cannot be easily reduced to a series of unambiguous expository sentences.

Chapters 13.20 and 13.11 of the County Code articulate a series of specific goals for development projects, but they provide applicants with widely varying amounts of clear and meaningful guidance to help them attain the objectives. Some of the former regulations, in particular, are merely broadly prescriptive, such as Section 13.20.130 (b)(1), which, in establishing the design criteria of Visual Compatibility, states, in its entirety, with no explanatory guidelines, “All new development shall be cited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.”

The Design Standards and Guidelines in Chapter 13.11 are, as earlier noted, more fully developed than the criteria in Chapter 13.20, and some of the regulations are written with great specificity. Section 13.11.075 (c)(2)(i), for example, which, in seeking to promote the goal of water conservation in landscape design through soil conditioning, mandates that “in new planting areas, soil shall be tilled to a depth of six inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention.” Other regulations in this Chapter, if not as explicit, leave little possibility of misinterpretation, such as Section 13.11.073 (b)(2), which in addressing the relationship of new development to neighborhood character, states that “building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.”

For the most part, though, the criteria in Chapter 13.11 are not expressed quantitatively or even in a clearly descriptive manner but rather in terms that, while leaving no doubt of the objective, demand complex and difficult value judgments. Thus, Section 13.11.072 (a)(1)(ii), which concerns itself with promoting Compatible Site Design, dictates that “consideration of the surrounding zoning district, as well as the age and condition of the existing building stock, is important in determining when it is appropriate to continue existing land use patterns or character and when it is appropriate to foster a change in land use or neighborhood character.”

Additionally, it should be noted, some of the regulations in both Chapters allow significant exceptions without defining specific conditions that might give rise to such exemptions. Section 13.20.130 (c)(1), for example, observes that, in rural scenic resource areas, “development shall be located, if possible, on parts of the site not visible from the public view.” Similarly, Section 13.11.072 (b)(2)(i) mandates that “development shall protect the public viewshed, where possible.”

The lack of clarity and precision in many of the criteria, together with an invitation to grant exemptions to the requirements of some regulations, present serious challenges to objectively apply the standards and guidelines in Chapter 13.20 and Chapter 13.11 to a project. Moreover, some of the most critical design criteria in the County Code turn exclusively on personal aesthetic judgments,

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

## **Design Review Case Studies**

Insight into the range of latitude available to the Santa Cruz Planning Department in making findings under the design criteria can be gained by a review of three development projects that, over the past decade, were subject to regulations in one or both of the two design-review chapters of the County Code. These three projects—the Simpkins Family Swim Center at 979 17<sup>th</sup> Avenue, a single-family residence at 10324<sup>th</sup> Avenue, and a single-family residence at 16525<sup>th</sup> Avenue—also provide useful context for understanding the Planning Department's recent design review of the proposed remodel of the Porter House at 3030 Pleasure Point Drive.

### ***Simpkins Family Swim Center***

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

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

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

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

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

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

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

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

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

Given the apparent inconsistency of the Simpkins Family Swim Center with various sections of Chapter 13.20 and Chapter 73.11 of the County Code, it would appear that the larger purposes of these regulations, together with the personal taste of both staff and the Zoning Administrator, played a crucial role in approving the project.

### *10324<sup>th</sup> Avenue*

On 3 June 1994 Charles Franks, acting as agent for the owner of a one-story single-family residence at 10324<sup>th</sup> Avenue, submitted an application to the Planning Department for a major remodel of the house, which had been built in 1949. The project, as subsequently amended, called for construction of a 2,792-square-foot first-story addition and a 962-square-foot second-story addition to the existing 2,786-square-foot house, an increase in size of 3,754 square feet or slightly more than 135 percent. Later that year, the owner's architect submitted a second application, proposing, additionally, to build an "approximately" 400-square-foot second-story addition to the house, creating a 6,940 square-foot residence, an effective increase in size over the original structure of 4,154 square feet, or nearly 150 percent.

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

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

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

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

### *165 25<sup>th</sup> Avenue*

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

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

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

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

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

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

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

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

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

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

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

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

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

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



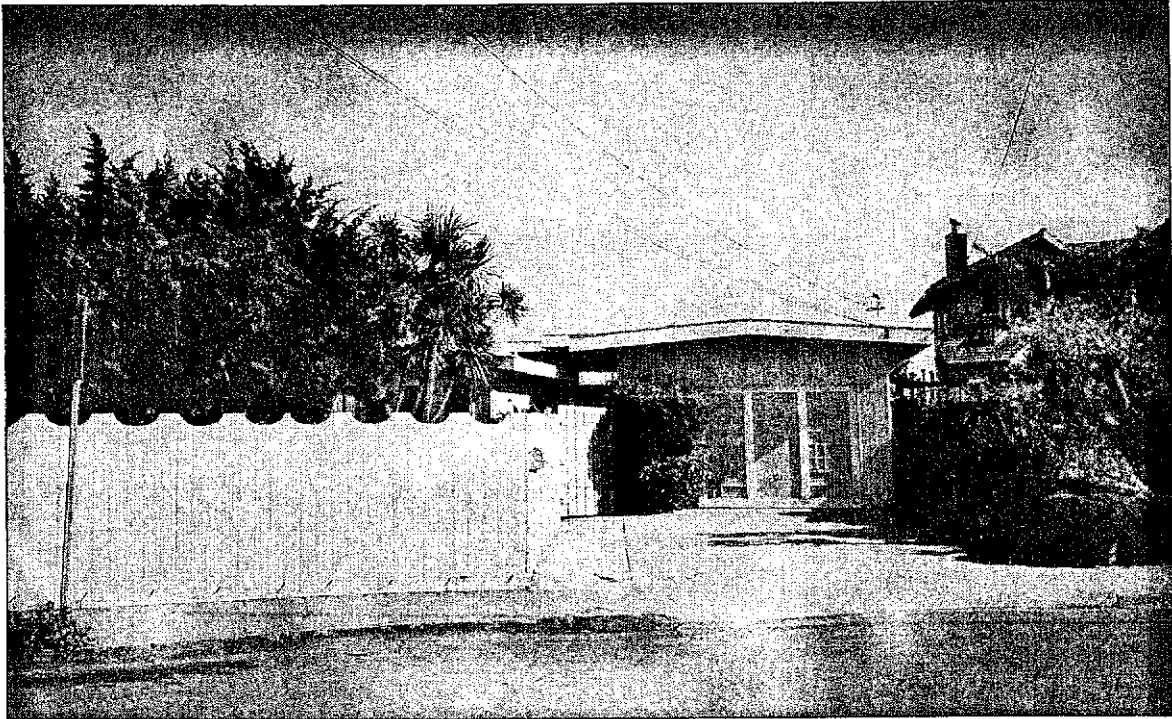


Figure 1. 3030 Pleasure Point Drive, looking south at north elevation, May 2003.



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

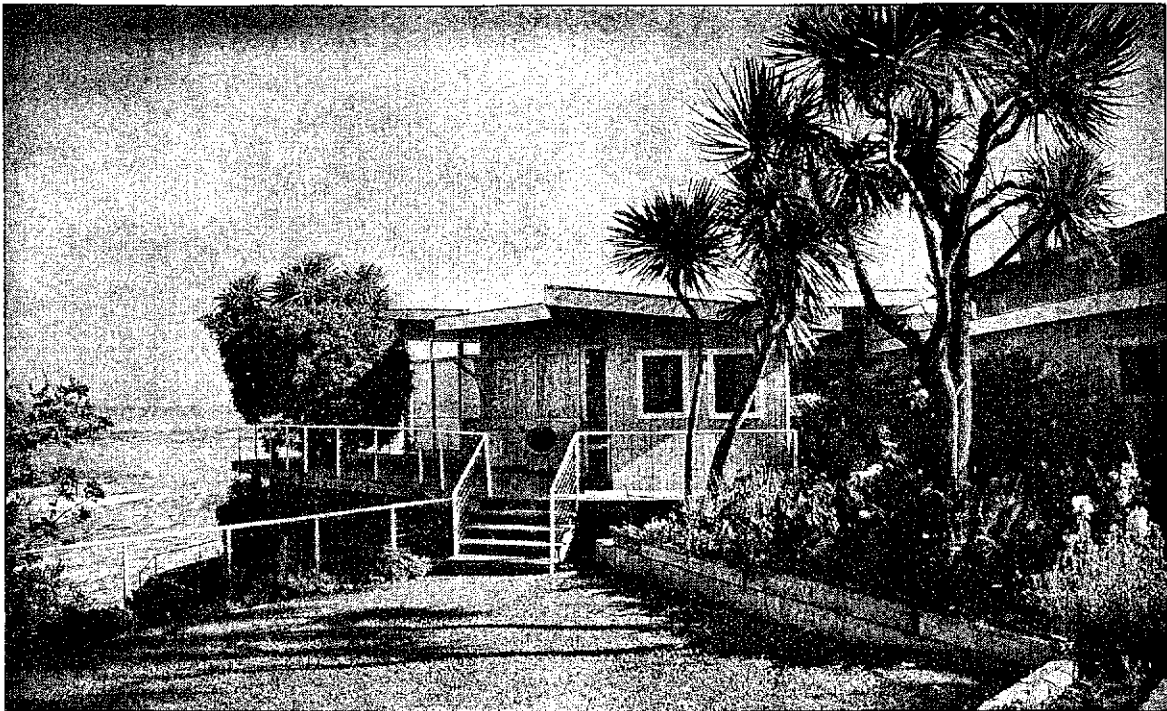


Figure 3. 3030 Pleasure Point Drive, looking southwest at east and north elevations, May 2003.

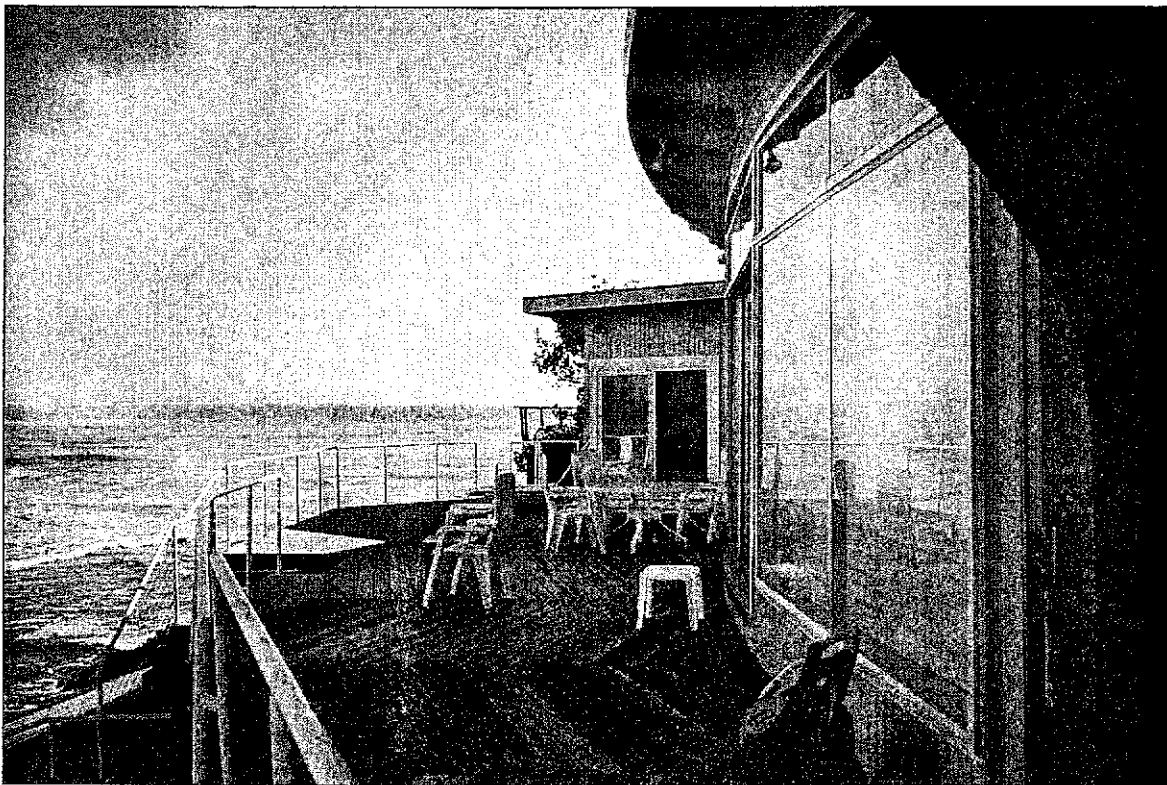


Figure 4. 3030 Pleasure Point Drive, looking southwest at south elevation, May 2003.

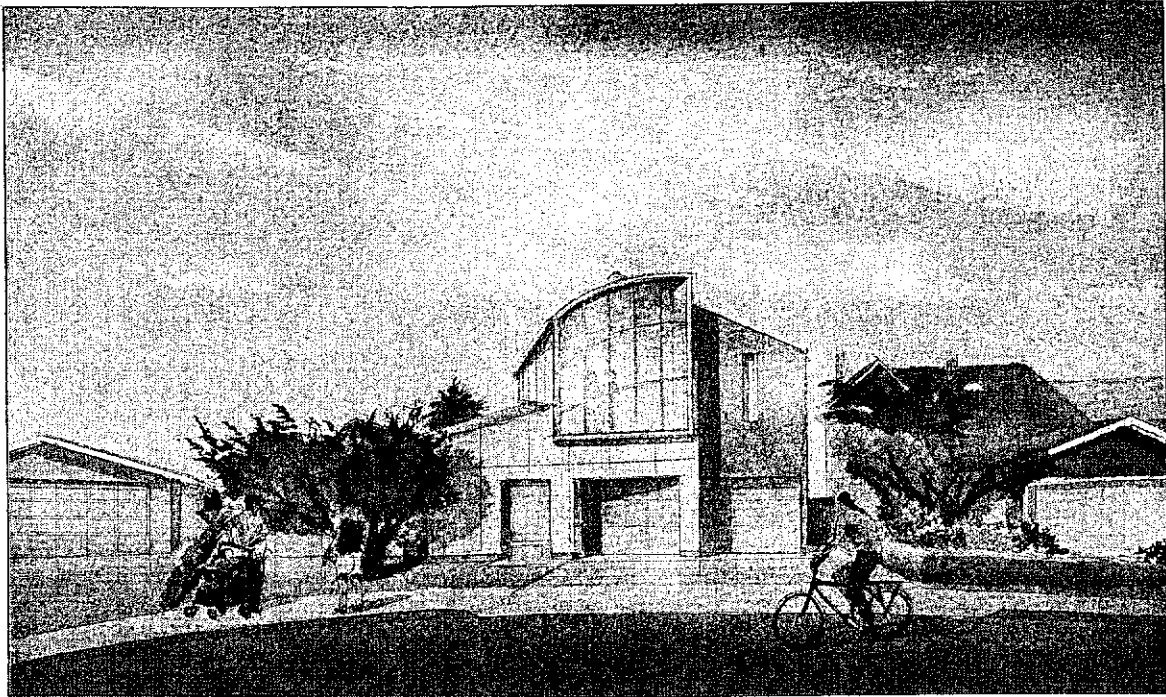


Figure 5. Proposed Porter House, north elevation. *Watercolor by Robert Becker.*

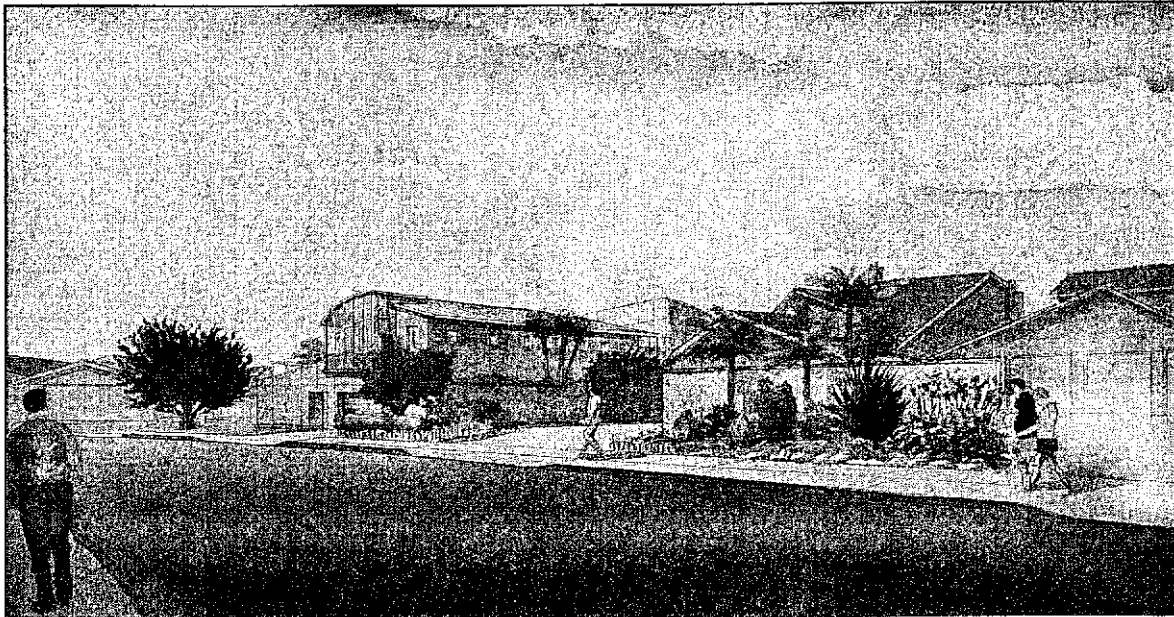


Figure 6. Proposed Porter House, north and west elevations. *Watercolor by Robert Becker.*



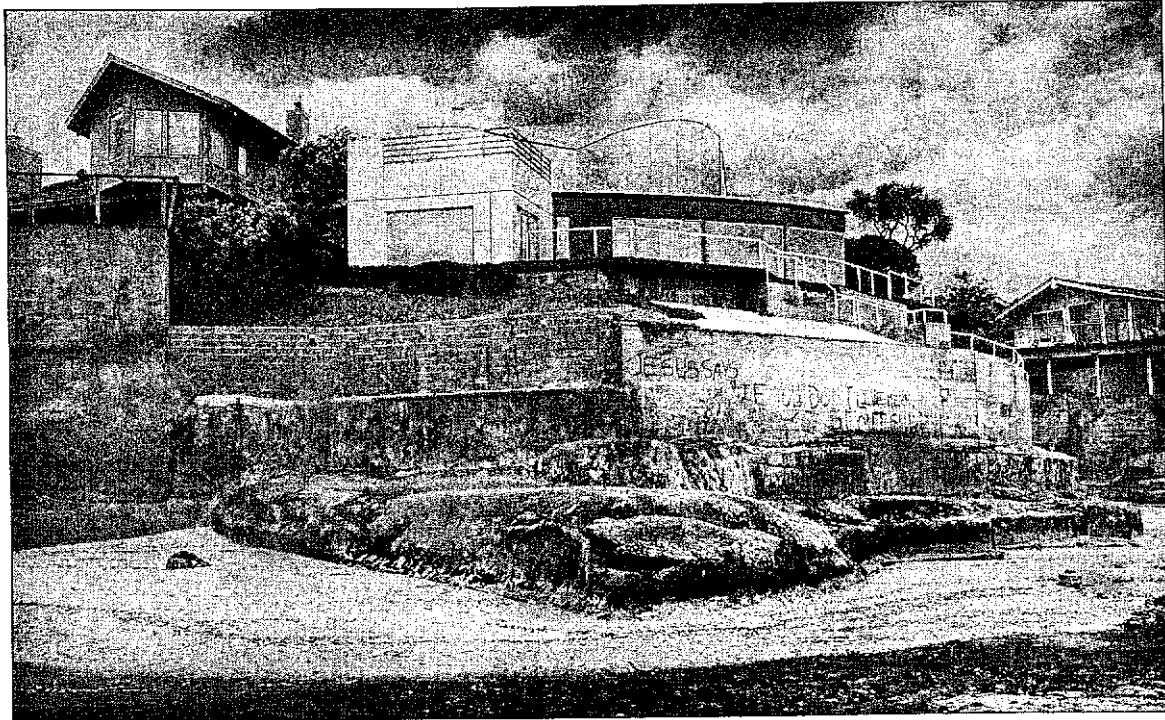


Figure 7. Proposed Porter House, south elevation. *Photo visual by ArchiGraphics.*



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

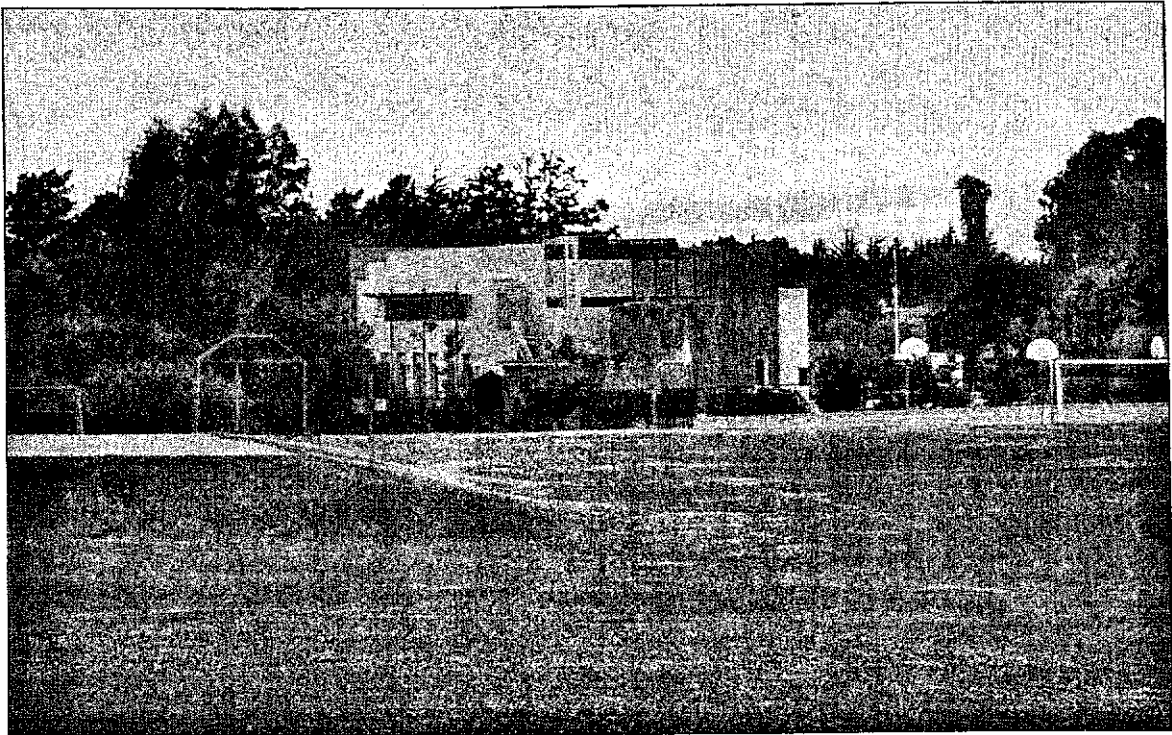


Figure 9. Simpkins Family Swim Center, looking west at east elevation, June 2003.

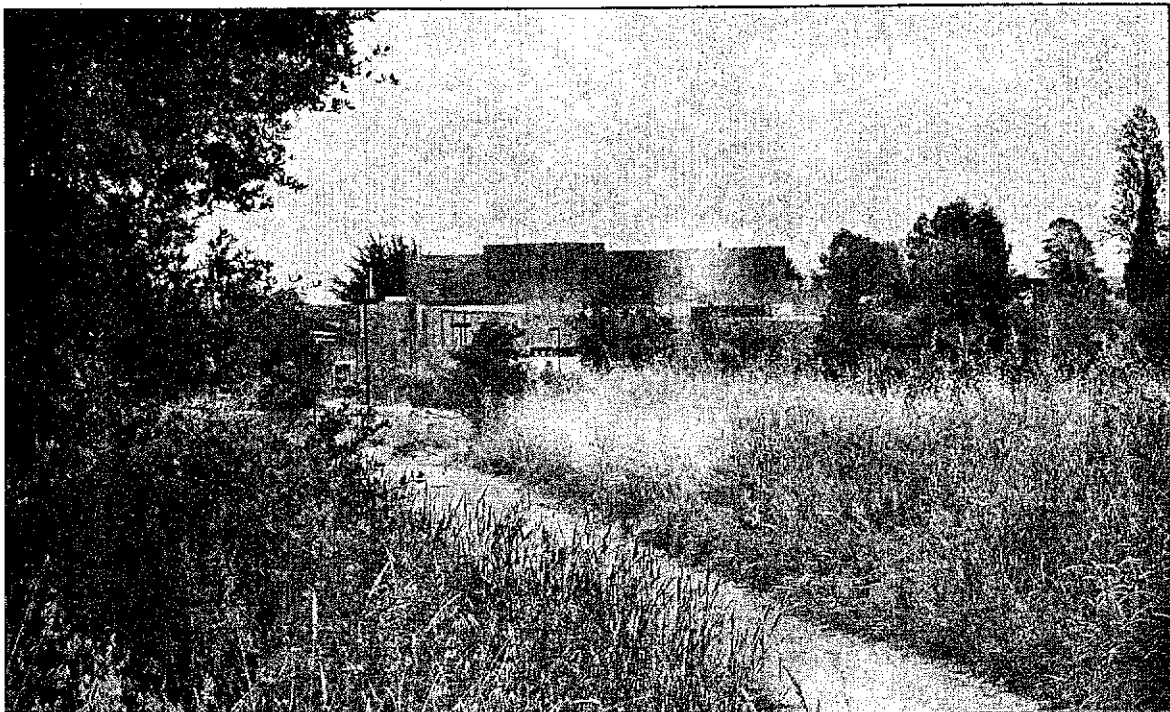


Figure 10. Simpkins Family Swim Center, looking east at west elevation, June 2003.



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

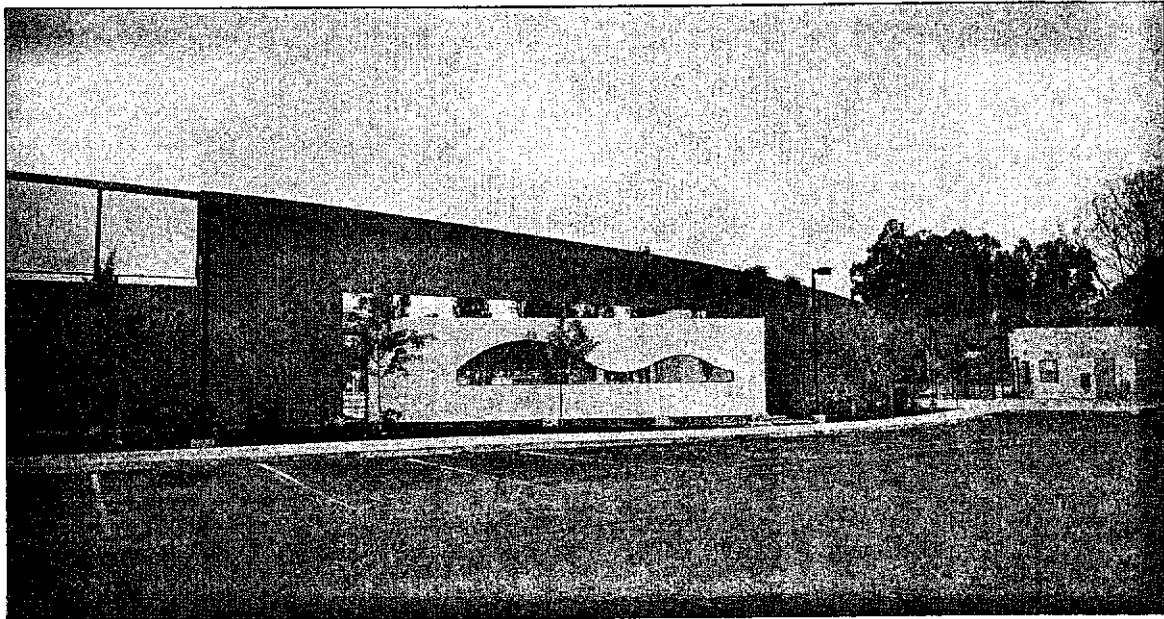


Figure 12. Simpkins Family Swim Center, looking southwest at north elevation, May 2003



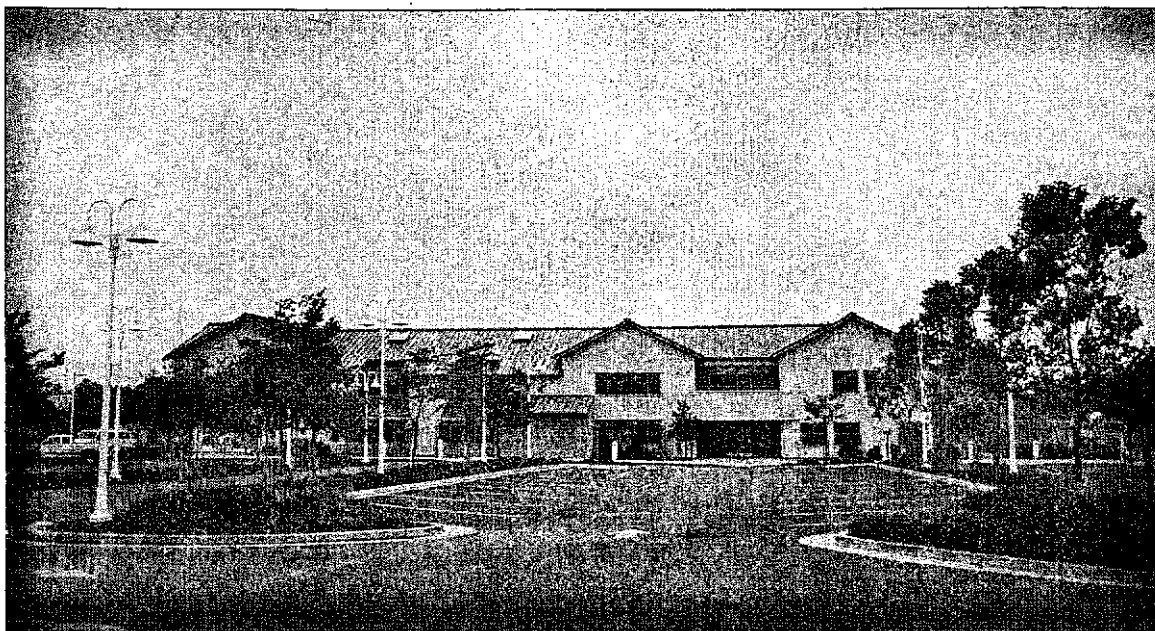


Figure 13. Shoreline Middle School, looking west at east elevation, June 2003.



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

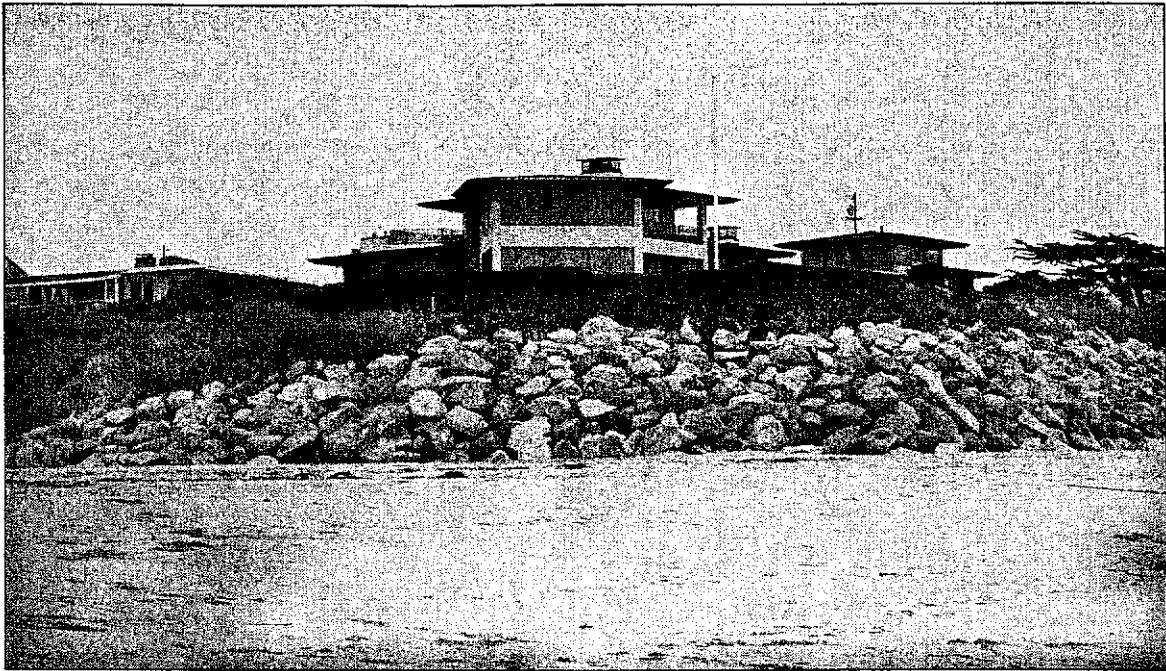


Figure 15. 103 24<sup>th</sup> Avenue, looking northeast at west and south elevations, June 2003.



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



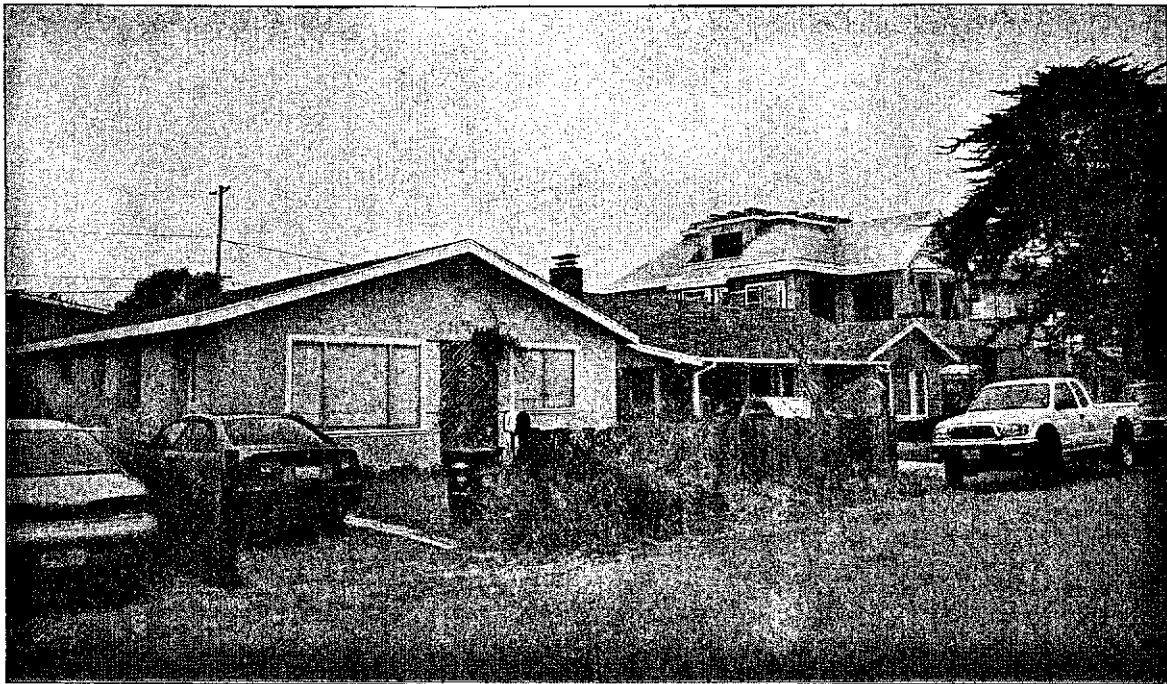


Figure 17. 155 25<sup>th</sup> Avenue, *left* and 165 25<sup>th</sup> Avenue, *center*, looking northwest at east elevations, May 2003.



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



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

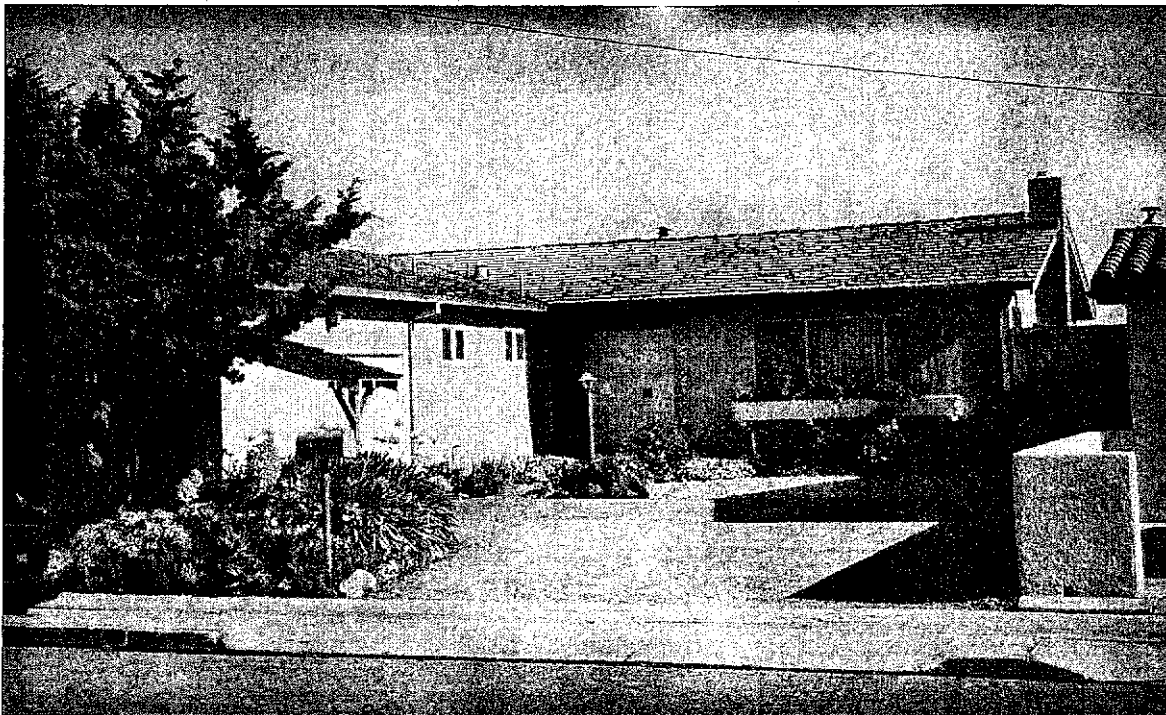


Figure 20. 2970 Pleasure Point Drive, looking southeast at west and north elevations, May 2003



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



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



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

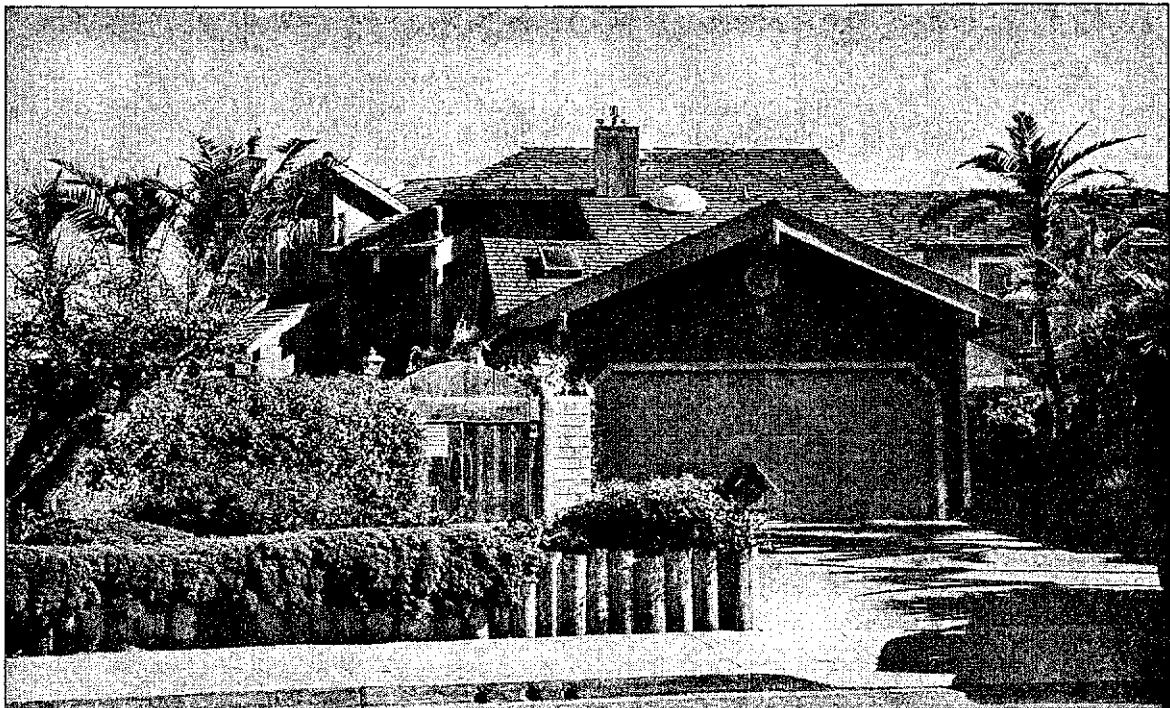


Figure 24. 3020 Pleasure Point Drive, looking south at north elevation, May 2003



## Larry Kasparowitz Design Review of Proposed Project

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

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

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

## Commentary on Larry Kasparowitz Design Review

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

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

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

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

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

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

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

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

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

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

In respect to this regulation, Mr. Kasparowitz' report, inarguably, takes a narrow, highly exclusive approach to design review, focusing on how the proposed project is not fully consistent with specific elements of the guidelines—unlike the staff reports on the two projects subject to this standard earlier discussed, the Simpkins Family Swim Center and the single-family residence on 24<sup>th</sup> Avenue, both of which took a broad, inclusive approach to evaluation. The pool complex, as described in the final amended application, appeared to have no more than two building elements that could be construed as establishing a visual link with adjacent structures. The sole element shared by the house at 103 24<sup>th</sup> Avenue with its neighbors—and only one of them at that—was color. Moreover, the proposed house was four times the size of its largest immediate neighbor (whereas the proposed Porter House complex is 60 percent larger than the smallest adjacent house). Nonetheless, both projects were found consistent with the Design Standards and Guidelines of Chapter 13.11. By contrast, the Porter House remodel has, by Mr. Kasparowitz' count, three building elements in common with adjoining development, and yet he is unable to recommend approval of the project.

It is highly revealing that nowhere in his design review of the Porter House does Mr. Kasparowitz address the unique conditions of the building site or the disparate character of adjacent development, a startling omission that speaks directly to the fundamental unfairness of his analysis and, it should be noted, indirectly to the potential difficulty of applying the standards of Section 13.11.073 (b)(1)(ii) to certain development projects. The parcel on which the house at 3030 Pleasure Point Drive sits is irregular in shape, and the adjoining houses have nothing in common with each other, including architectural style, size, scale, massing, materials, and even the number of stories. These circumstances present formidable challenges to designing a house that satisfies the intent of the Compatible Building Design regulation, as will be fully developed in the following section of this report. By not discussing the Porter House remodel in the context of these conditions, Mr. Kasparowitz creates the impression that his evaluation is less than objective and less than fair, an impression supported by the lack of discussion of the project in relation to other applicable design-review regulations in Chapter 13.11.

Mr. Kasparowitz, for example, neglects to indicate whether or not he finds the project consistent with Section 13.11.073 (b)(2), requiring building design to be "site and area specific." He does check the "meets criteria in code" boxes for Sections 13.11.073 (c) and (d), which state, respectively, it shall be an objective of building design to "address scale on the appropriate levels" and "to use design elements to create a sense of human scale, and pedestrian interest." But he does not discuss them in the Urban Design Analysis portion of his review, implying, it would seem, that he does not consider them as significant to design review as Section 13.11.073 (b)(1)(ii).

The lack of balance and equity that runs through the report is also evident in a comment Mr. Kasparowitz makes on the Porter House project in relation to Section 13.11.073 (a), which introduces the Building Design segment of the Chapter and which calls for accommodation of unique design. While recognizing



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

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

## DESIGN REVIEW OF PROPOSED PROJECT

### Pleasure Point Drive: A Brief History

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

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

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

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

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

### **Pleasure Point Drive: Current Conditions**

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

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

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

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

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

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

## Design Review of Proposed Project

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

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

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

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

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

## CONCLUSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 13.20.130 **Design criteria for coastal zone developments.**

(a) General

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

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

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

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

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

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

(b) Entire Coastal Zone. The following Design Criteria shall apply to projects sited anywhere in the coastal zone:

1. Visual Compatibility. All new development shall be sited, designed and landscaped to be visually

compatible **and** integrated **with** the character of surrounding neighborhoods or areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Beach Viewsheds. The following Design Criteria shall apply to all projects located on blufftops and visible from beaches.

1. Blufftop Development Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive. In urban areas of the viewshed, site development shall conform to (c) 2 and 3 above.

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

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

(ii) The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred. (Ord. 3435, 803183; 3487, 12/20/83)

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

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

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

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

### **13.11.070 Design standards and guidelines.**

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

#### **13.11.071 General.**

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

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

(c) Compliance with Specific Plans and Town Plans. In those areas where design standards and guidelines have been adopted for towns, village centers, neighborhoods, specific roads, or other areas with specific plans or area plans, the project design shall be consistent with those standards and guidelines. Where Specific Plan design standards or guidelines conflict with requirements contained herein, the Specific/Area Plan design standards and guidelines shall take precedence.

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

### **13.11.072 Site design.**

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

(1) Compatible Site Design.

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

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

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

(C) Building bulk, massing and scale.

(D) Parking location and layout.

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

(F) Landscaping.

(G) Streetscape relationship.

(H) Street design and transit facilities.

(I) Relationship to existing structures.

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

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

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

(2) Coordinated Development

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



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

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

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

(b) It shall be an objective to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, to a reasonable extent, into the site design.

(1) Natural Site Amenities and Features.

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

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

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

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

(2) Views.

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

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

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

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

(1) Accessory Uses.

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

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

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

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

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

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

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

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

(2) Utilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Signage Design.

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

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

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

#### (1) Solar Design and Access.

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

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

#### (2) Noise.

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

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

#### (1) Open Space Design.

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

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

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

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

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

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

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

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

#### 13.11.073 Building design.

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

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

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

(1) Compatible Building Design.

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

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

(A) Massing of building form

(B) Building silhouette.

(C) Spacing between buildings.

(D) Street face setbacks.

(E) Character of architecture.

(F) Building scale.

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

(H) Location and treatment of entryways.

(I) Finish material, texture and color.

(2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.

(c) It shall be an objective of building design to address scale on the appropriate levels (Scale is defined in Section 13.11.030(v)).

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

Building Articulation.

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

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

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

Rooftop Equipment.

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

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

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

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

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

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

(2) Solar Design.

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

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

(3) Recycling.

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

13.11.074 Access, circulation and parking.

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

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

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

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

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

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

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

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

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

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

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

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

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

## (2) Standards for Pedestrian Travel Paths.

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

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

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

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

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

## (1) Parking Lot Design.

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

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

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

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

## (1) Parking Lot Landscaping.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Service Vehicles/Loading Space. Loading space **shall** be provided **as** required in Sections 13.10570 through 13.10578, inclusive, for commercial **and** industrial uses. Loading areas shall be designed to not interfere with circulation or parking, and to permit trucks to fully maneuver on the property without backing from or onto a public street.

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

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

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

#### Lighting.

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

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

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

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

FIGURE 1

## OFF-STREET PARKING REGULATIONS

Minimum Aisle and Stall Dimensions  
for Various **Angles of Parking**

(diagrams are in the County Code printed version)

## WIDTH OF LOT REQUIRED

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

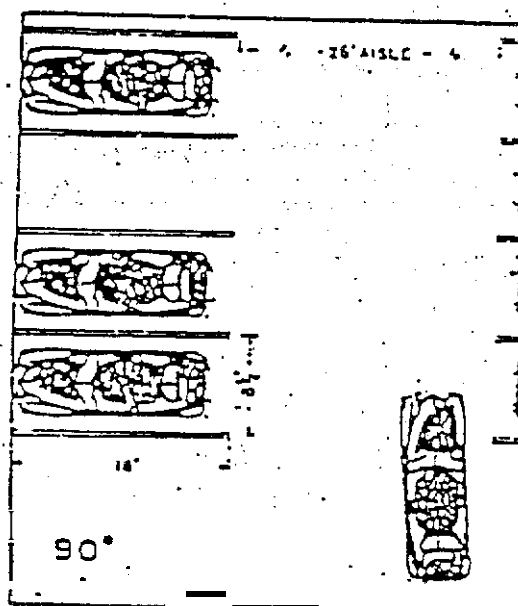
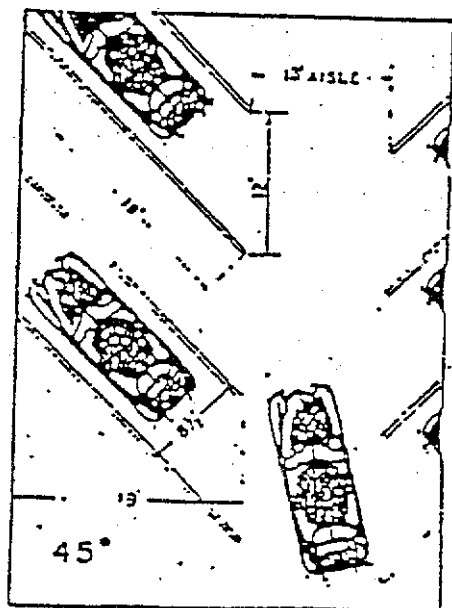
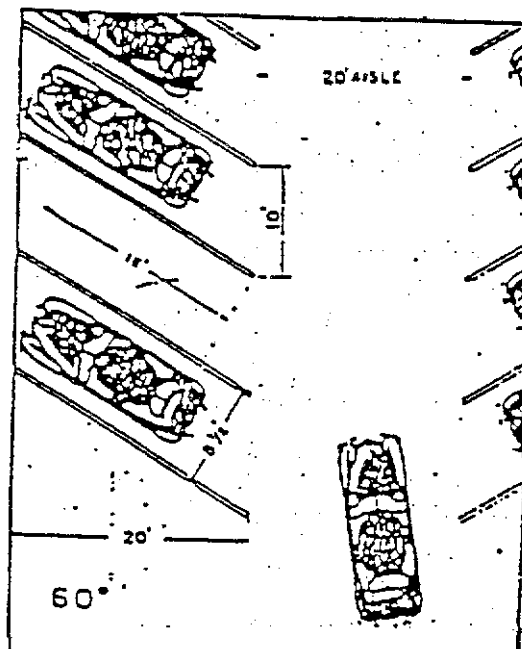
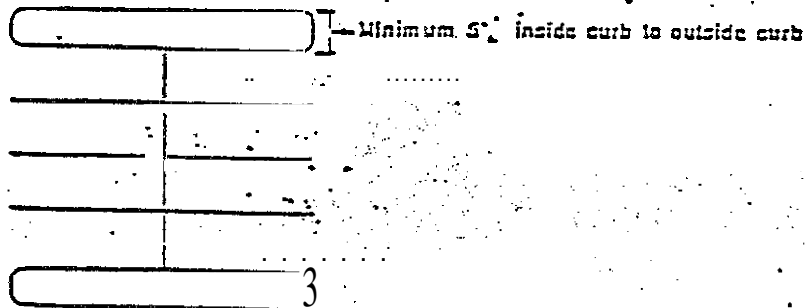


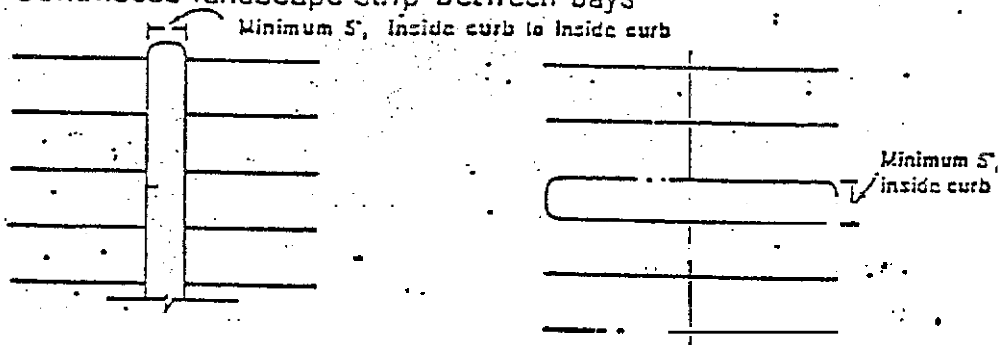
FIGURE 2

(diagrams are in the County Code printed version)

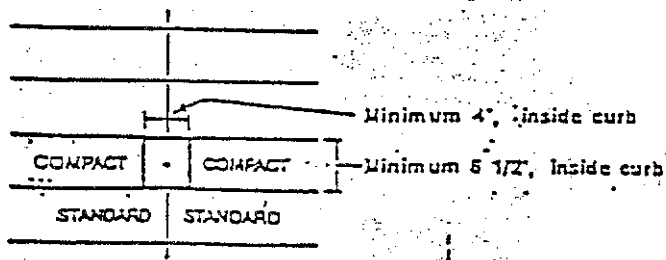
## 1. Landscape Island which terminates a row of parking



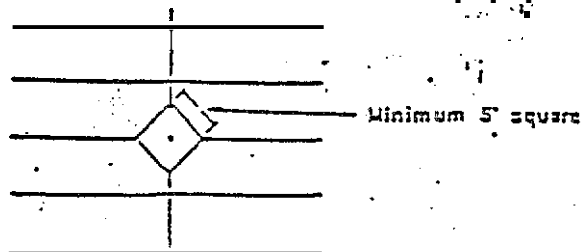
## 2. Continuous landscape strip between bays



wells ...



## 4. Tree wells



**13.11.075 Landscaping.**

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

(1) Site Landscaping.

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

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

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

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

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

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

(2) Existing Trees.

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

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

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

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

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

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

(3) Street Trees.

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

(4) Screening, Fences and Walls.

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

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

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

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

(1) Plant Material Type, Size And Growth.

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

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

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



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

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

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

(2) Landscape Maintenance.

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

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

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

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

(1) Turf Limitation and Plant Selection.

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

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

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

(2) Soil Conditioning.

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

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

(3) Irrigation Management.

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

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

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

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

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

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

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

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

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

#### **13.11.076 Preparation of design review standards and guidelines manual.**

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

## INTEROFFICE MEMO

APPLICATION NO: 026600

Date: April 14, 2003

To: David Heinlein, Project Planner

From: Larry Kasparowitz, Urban Designer

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

Design Review Authority

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

Design Review Standards

13.20.130 Design criteria for coastal zone developments

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

Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			N/A
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
<b>Landscaping</b>			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area	✓		
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Developments shall not block views of the shoreline from scenic road turnouts, rest stops or vista points, Site Planning			N/A
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities).			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the			N/A
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction.			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged.			N/A
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster.			N/A

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

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

#### Design Review Authority

##### **13.11.040** Projects requiring design review.

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

##### **13.11.030** Definitions

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

#### Design Review Standards

##### **13.11.072** Site design.

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

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

**13.11.073 Building design,**

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

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

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

**Chapter 13.11 SITE, ARCHITECTURAL AND LANDSCAPE DESIGN REVIEW**

**13.11.030 Definitions.**

- (e) "Compatibility" is a relative term which requires the analysis of site, building, and landscape design in relationship to adjacent development. Compatibility is established when there are consistent design and functional relationships so that new development relates to adjacent development. Achieving compatibility does not require the imitation or repetition of the site, building and landscape design of adjacent development.

**13.11.073 Building design.**

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



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

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

#### 13.11.052 Required findings and action.

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

The proposed development project is consistent with the Design Standards and Guidelines (Sections 13.11.070 through 13.11.076) and any other applicable requirements of this Chapter.

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

## Chapter 13.20 COASTAL ZONE REGULATIONS

### 13.20.130 Design criteria for coastal zone developments.

- (b) Entire Coastal Zone. The following Design Criteria shall apply to projects sited anywhere in the coastal zone:
1. Visual Compatibility. All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.

### 13.20.110 Findings.

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

- (c) That the project is consistent with the Design Criteria and special use standards and conditions of this Chapter pursuant to Section 13.20.130 et seq.

**URBAN DESIGN ANALYSIS**

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

**(A) *Massing of building form.***

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

**(B) *Building silhouette***

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

**(C) *Spacing between buildings***

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

**(D) *Streetface setbacks***

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

**(E) *Character of architecture***

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

**(F) *Building scale***

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

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

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

**(H)** *Location and treatment of entryways*

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

**(J)** *Finish material, texture and color*

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

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

**STAFF REPORT TO THE ZONING ADMINISTRATOR**

**ATTACHMENT**

**APPLICATION NO.:** 02-0600

**APN:** 032-242-11

**APPLICANT:** Cove Britton

**OWNER:** William and Susan Porter

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

**LOCATION:** 3030 Pleasure Point Drive

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

**ENVIRONMENTAL DETERMINATION:** Exempt - Class 1

**CGASTAL ZONE:** X Yes N o      **APPEALABLE TO CCC:** X Yes    No

**PARCEL INFORMATION**

**PARCEL SIZE:** 14,720 sq. ft.

**EXISTING LAND USE:**

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

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

**PROJECT ACCESS:** Pleasure Point Drive

**PLANNING AREA:** Live Oak

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

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

**SUPERVISORIAL DISTRICT:** 1<sup>st</sup> (Jan Beautz)

**ENVIRONMENTAL INFORMATION**

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

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

### **SERVICES INFORMATION**

Inside Urban/Rural Services Line: X Yes N o

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

### **HISTORY**

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

### **ANALYSIS AND DISCUSSION**

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

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

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

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

Staffs Inability to Analyze Submitted Plans.

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

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

## Design Issues

### Coastal Zone -

County Code Section 13.20.110, which implements the Local Coastal Program (LCP) requires certain findings to be made before granting an approval of a Coastal Zone Approval. One required finding is that “the project is consistent with the Design Criteria and special use standards and Conditions of this Chapter pursuant to Section 13.20.130 et seq.” Thus, an affirmative finding of consistency with those criteria is necessary before a project may be approved.

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

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

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

The Site Planning provisions of Section 13.20.130(c)(2) require that development:

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

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

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

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

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

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

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

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

Site, Architectural and Landscape Design Review -



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

*13.11.010 Purpose*

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

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

however, it also goes on to say;

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

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

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

*(a) It shall be an objective of building design that the basic architectural principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design. Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark buildings to background buildings.*

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

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

## **DPW Drainage Issues**

### Drainage Issues

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

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

## **Environmental Planning**

### Environmental Planning Issues

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

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

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

### Conclusion

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

As proposed, the project is not consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

## **RECOMMENDATION**

Staff recommends:

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

## EXHIBITS

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

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: David Heinlein  
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### **COASTAL DEVELOPMENT PERMIT FINDINGS:**

1. THAT THE PROJECT IS A USE ALLOWED IN ONE OF THE BASIC ZONE DISTRICTS, OTHER THAN THE SPECIAL USE (SU) DISTRICT, LISTED IN SECTION 13.10.170(d) AS CONSISTENT WITH THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LUP DESIGNATION.

**This Finding can be made.** A single family-family dwelling is a principle permitted use in the R-1-5 zone district.

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

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

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

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

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

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

3. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE

## CERTIFIED LOCAL COASTAL PROGRAM.

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

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

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

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

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

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

## **DEVELOPMENT PERMIT FINDINGS:**

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

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

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

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

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

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

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

forth in County Code Sections 13.20.130 et seq.

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

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

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

4. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

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

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

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

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

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

5. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

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

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

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

#### VARIANCE FINDINGS:

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





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

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

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

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

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

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

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

Denial Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date.: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
David Heinlein  
Project Planner

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

## COUNTY OF SANTA CRUZ

## Planning Department

## INTEROFFICE MEMO

APPLICATION NO: 02-0600

Date: April 14, 2003

To: David Heinlein, Project Planner

From: Larry Kasparowitz, Urban Designer

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

Design Review Authority

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

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<u>Visual Compatibility</u>			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas		✓	<i>See comments below.</i>
<u>Minimum Site Disturbance</u>			

Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			<b>NIA</b>
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			<b>NIA</b>
	✓		
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			<b>NIA</b>
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points.			<b>NIA</b>
			<b>N/A</b>
			<b>N/A</b>
ed.			
ing design			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction.			<b>N/A</b>
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged.			<b>N/A</b>
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster.			<b>NIA</b>

## GOVERNMENT CODE

### SECTION 65950-65957.5

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

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

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

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

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

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

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

(4) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21300) of the Public Resources Code) if the project is exempt from the California Environmental Quality Act.

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

(c) For purposes of this section, "lead agency" and "negative declaration" shall have the same meaning as those terms are defined in Sections 21067 and 21364 of the Public Resources Code, respectively.

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

*determination  
has not  
been  
made.*

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

**PROJECT DESCRIPTION:**

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

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

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

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

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

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

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

65952.1. (a) Except as otherwise provided in subdivision (b), where a development project consists of a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) or Title 7), the time limits established by Sections 65950 and 65932 shall apply to the approval or disapproval of the tentative map, or the parcel map for which a tentative map is not required.

(b) The time limits specified in Sections 66452.1, 55452.2, and 66463 for tentative maps and parcel maps for which a tentative map is not required, shall continue to apply and are not extended by the time limits specified in subdivision (a).

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

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

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

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

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

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

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

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

*applicant has  
not submitted  
requested  
information*

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

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

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

COUNTY OF SANTA CRUZ  
DISCRETIONARY APPLICATION COMMENTS

EXHIBIT N

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

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

Environmental Planning Completeness Comments

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

1. It appears that both the geotechnical report and geologic report reviewed under application 02-0002 have been accepted by the County. IMPORTANT NOTE: Both the geologist and geotechnical engineer make recommendations to upgrade the existing seawall system. The current project description does not identify any work towards upgrading the current seawall system. The recommendations made by the geologist and geotechnical engineer towards upgrading the seawall system must be completed before any additional work can commence on the residence. Please clearly identify all areas along the coastal bluff to be upgraded per the reports and describe what type of work will be completed.
2. Please provide earthwork estimates for upgrades to the seawall system.
3. Please add "New Accessory Building" to the project description.
4. Biotic resource is not present on this parcel.

Environmental Planning Miscellaneous Comments

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

Conditions of Approval:

1. Prior to building permit approval, please provide Plan Review letters from the project geotechnical engineer and geologist to Environmental Planning.
2. This project may require a grading permit.
3. Please provide a detailed drainage/erosion control plan for review.
4. A Declaration of Geologic Hazards will need to be completed for this parcel.
5. A project-staging plan is required for this project. The staging plan must include access for the work (seawall repair), locations of barriers to prevent construction materials from spilling on the beach and a location map that shows the location for storage of construction materials and equipment.

Dpw Drainage Completeness Comments

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

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

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

Discretionary Comments - Continued

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

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

- 2) Please show locations for proposed splashblocks and runoff patterns. Demonstrate that the runoff from the new roof will not impact adjacent parcels.
- 3) Provide drainage information for the proposed driveway, provide a cross section. Driveway should not be sloped towards the western property line without measures to control runoff from entering adjacent property.
- 4) Prior to building permit issuance Zone 5 fees will be assessed on the net increase in impervious area due to this project.

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

Dpw Drainage Miscellaneous Comments

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

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

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

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

#### Design Review Authority

##### 13.11.040 Projects requiring design review.

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

##### 13.11.030 Definitions

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

#### Design Review Standards

##### 13.11.072 Site design.

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



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

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

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

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

## **Chapter 13.11 SITE, ARCHITECTURAL AND LANDSCAPE DESIGN REVIEW**

### **13.11.030 Definitions.**

- (e) "Compatibility" is a relative term which requires the analysis of site, building, and landscape design in relationship to adjacent development. Compatibility is established when there are consistent design and functional relationships so that new development relates to adjacent development. Achieving compatibility does not require the imitation or repetition of the site, building and landscape design of adjacent development.

### **13.11.073 Building design.**

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

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

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

#### 13.11.052 Required findings and action.

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

The proposed development project is consistent with the Design Standards and Guidelines (Sections 13.11.070 through 13.11.076) and any other applicable requirements of this Chapter.

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

### Chapter 13.20 COASTAL ZONE REGULATIONS

#### 13.20.130 Design criteria for coastal zone developments.

- (b) Entire Coastal Zone. The following Design Criteria shall apply to projects sited anywhere in the coastal zone:

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

#### 13.20.110 Findings.

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

- (c) That the project is consistent with the Design Criteria and special use standards and conditions of this Chapter pursuant to Section 13.20.130 et seq.

**URBAN DESIGN ANALYSIS**

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

**(A) Massing of building form.**

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

**(B) Building silhouette**

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

**(C) Spacing between buildings**

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

**(D) Street face setbacks**

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

**(E) Character of architecture**

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

**(F) Building scale**

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

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

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

*(H) Location and treatment of entryways*

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

*(J) Finish material, texture and color*

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

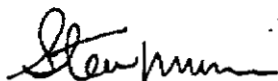
*From the discussion above, I do not believe that findings can be made under 13.11 or 13.20 that would justify recommending approval of this project. While the Code (13.11.073 a.) does allow accommodation of "unique or landmark buildings", it is also very clear that the building design must "relate to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

September 18,2003

To Whom It May Concern:

I am in accordance with the design for the remodel/addition to the residen at 3030  
Pleasure Point Drive. I believe that this design by Matson Britton Architects will be an asset  
to the neighborhood and that it is, in fact, compatible with the surrounding residences. Thus,  
I support the construction of this remodel/addition.

Sincerely,



Steve Munson  
260 Anorage Avenue  
Santa Cruz, CA 95062

September 24,2003

To the County of Santa Cruz,

This letter is to show that we support the proposed project located at 3030 Pleasure Point Drive. We enjoy the variety in architecture that Santa Cruz possesses.

Sincerely,

*-Joe Salvador*  
*Narda Salvador*  
Joe and Narda Salvador  
4775 Opal Cliff Dr.  
Santa Cruz. Ca.

10/1/2003 11:39 AM FROM: Tucker 867-4065 TO: I 831 4254795 PAGE: 002 002

September 30, 2003

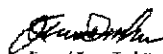
Santa Cruz Zoning Administrator

RE: 3030 Pleasure Point Drive

To whom it may concern:

My wife and I have examined renderings of the proposed remodel/addition at 3030 Pleasure Point Drive. We believe the design is an imaginative one that will benefit the surrounding neighborhood and we urge that you consider it favorably in your upcoming review.

Yours truly,



Jim and Karen Tucker  
33 Rockview Drive  
Santa Cruz, CA  
831/462-5055

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**My Wife and I have examined renderings of the proposed remodel/addition at 3030 Pleasure Point Drive. We believe the design is an imaginative one that will benefit the surrounding neighborhood and we urge that you consider it favorably in your upcoming review.**

Yours truly,



Jim and Karen Tucker  
33 Rockview Drive  
Santa Cruz, CA  
831/462-5055



DANIELLE + MATTHEW GRENIER

January 13, 2004

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

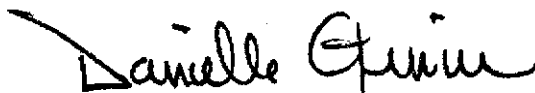
SUBJECT: 5030 PLEASURE POINT DRIVE

To Whom It May Concern:

As a neighbor of Barry and Susan Porter, I attended a *site* meeting with other neighbors to review the plans for their new home. Cove Britton presented plans, elevations, three dimensional colored drawings, and numerous material samples.

I fully support and enjoy Mt. Britton's design solution, and expect it to add value to the neighborhood. I cannot wait to see the finished product.

Respectfully.



Danielle Grenier

## Dan & Kathy Wilkes

25 Rockview Drive Santa Cruz, California 95062  
831-464-8164  
roc\*view@sbcglobal.net

January 15, 2004

Santa Cruz County Planning Commission

Dear Sir or Madam:

in review of Matson Britton's design for Barry and Susan Porter's new home to be located at 3030 Pleasure Point Drive, we can only give our thumbs up. Looks like a fun house full of innovative ideas. Every site has different constraints and different owners with different tastes. Diversity is what makes our area "liveable."

Sincerely,

Dan Wilkes



Kathy Wilkes



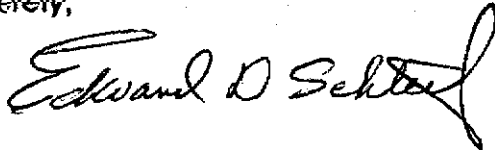
January 16<sup>th</sup>, 2004

Santa Cruz County Planning Commission  
701 Ocean Street

To Whom it May Concern:

I believe that Mr. Britton's design for the Porter Residence at 3030 Pleasure Point Drive will contribute to the surrounding area in a positive way. It is thoughtful and innovative. It is very clear that this design is well planned with respect to the site and surrounding areas. This project will evoke a curiosity that many neighborhoods lack. I look forward to seeing this completion of this project!

Sincerely,



Edward Schleif  
432 Larch Lane  
Santa Cruz, CA

January 20, 2004

The Planning Commission  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060

Re: Design Review of 3030 Pleasure Point Drive; Santa Cruz, CA 95062

To Whom It May Concern:

I am writing as a concerned property owner of Santa Cruz County. It has recently been brought to my attention that the remodel plans for 3030 Pleasure Point Drive are being held up in the permit process simply because the design does not "fit" with the neighborhood. I have reviewed the blueprints and the graphic streetscape renditions of this remodel by Cove Britton, Matson Britton Architects, and quite frankly, I disagree.

First of all, I believe the design certainly considers and respects the impact of the second story addition on the neighbors. The plan has kept the FAR 15% lower than allowed. In addition, I believe the design will have minimal affect on the ocean views from the surrounding properties and the colors & materials specified will blend well with the local landscape. Most importantly, the design complies with all the building code and setbacks regulations and in my opinion; none of the houses on Pleasure Point Drive have anything in common but the street address. The remodel plans proposed for 3030 Pleasure Point Drive will only add property value and desirability to our neighborhood.

I have lived on the corner of 26th Avenue and East Cliff Drive since 1994. I bought in 1995 and remodeled in 1999. I run along East Cliff Drive, including Pleasure Point Drive, 3 mornings per week and will run on the beach from Rockview Drive to the Capitola wharf when the tide permits. I am very familiar with the location and surroundings of the property in question. One of the reasons I love this neighborhood is the diversity of the homes, many of which are quite eclectic and bold. I definitely do not like the design of all that has been built here in the last 10 years, but I know that my idea of the perfect house is not the same as my neighbor's idea.

We pay a pretty penny to live and own ocean view property and I do worry when my local planning commission starts withholding permits based on aesthetic issues alone. The Planning Department should appreciate and respect the investment that property owners make to this community. The permit process is difficult at best and the rules seem to change dramatically depending on the property. It is my hope that permits are withheld solely for projects that do not comply with safety and building codes.

Sincerely,



Coralie Gerlach  
2-2545 East Cliff Drive  
Santa Cruz, CA 95062  
(831) 477-0416  
cori@smallplanetbrewery.com

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ATTACHMENT

Karen Pursell

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**From:** PLN AgendaMail  
**Sent:** Friday, January 16, 2004 1:05 PM  
**To:** PLN AgendaMail  
**Subject:** Ayenda Comments

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**Meeting Type :** Planning Commission

Meeting Date : 1/28/2004

**Item Number :** 11.00

**Name :** Barry & Susan Porter

**Email :** susan22155@comcast.net

**Address :** Not Supplied

**Phone :** Not Supplied

Comments :  
 January 16, 2004

Planning Commission  
 County of Santa Cruz

Re: Application #02-0600 (also with reference to #02-0002)

To Whom It May Concern:

We would like to submit to you this letter in consideration of our appeal for our proposed remodel of 3030 Pleasure Point Drive.

The design, which is the work of Cove Britton of Matson-Britton Architects, arose out of the combination of our family's needs with the particular conditions of the site. Working with us over a period of many months, Cove evolved a design that, despite the limitations imposed by a highly irregular lot shape and demanding building regulations, not only fulfills our requirements but celebrates the natural environment-the dramatic meeting of land and sea that brought us here-and, at the same time, relates sympathetically to the surrounding neighborhood.

**Design Challenges and Solutions**

This project began as a set of physical challenges:

- a wedge-shaped lot with a curved edge at the street and an extremely irregular edge at the coastal bluff
- a significant part of the existing house within the coastal setback restricted area;
- only a small portion of the lot available for new construction

and a set of design challenges:

1/16/2004

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- plenty of natural light and views for all rooms in the house;
- "green" design principles, practices and materials;
- style of architecture in the modern vernacular.

In any project, when presented with such overriding challenges, it is **imminently** more successful to embrace and "celebrate" those challenges rather than try to force a particular style ill-suited to the site and its surroundings. Thus: no one specific style or theme was used on this home, rather, the inspiration for this design was the environment at the site - not just the natural environment, where the land and sea intersect so dramatically, but also the social environment of the surrounding neighborhood.

As important as the natural environment is at this site, the surrounding built environment cannot be overlooked. Thus, the more geometric, roughly historical, architectural forms are also present in this design. The simple, sloping, shed roof shapes on the street side of the home relate to the many shed-style homes in the neighborhood. These two elements also have a social purpose. The one-story portion is specifically designed to have a Smaller Scale to relate to the one-story home next door and to provide an area that neighbors can still view over. The two-story structure is scaled to its immediate neighbor.

The third element of the street-side frontage is pivotal feature of the design. Functionally, in terms of building mass and scale, it provides the transition between the one- and two-story volumes flanking it. Socially, because it provides "a view through" by way of glass all around, it symbolically evokes the semi-public space of a porch or balcony, an important, interactive element of social context that is missing from a significant number of the houses on the Ocean side of Pleasure Point Drive. Symbolically, it references the natural environment with water represented by the transparency of the glass, and the curved shape representing a cresting wave.

In total, no one specific theme or style was used, each design decision was made based on a myriad of conditions, both self imposed and as a result of regulations. While this approach has certainly produced a unique design, there is not one element occurring that does not literally relate to the surrounding neighborhood, the functional requirements, or the natural environment.

#### Compatibility

To describe in more detail the immediate setting of our proposed house with its neighbors on each side and the challenge faced by Mr. Britton in achieving a measure of compatibility with them, it is important to note the greatest challenge was the fact that these two neighbor houses have nothing in common with each other. One is a small, one-story ranch, with a simple pitched-roof shape and tan in color. The other is a two-story, much larger, more abstract conglomeration of complex volumes and shapes in a dark green color. This dichotomy of shapes, styles and colors to be worked with, along with the irregular shape of our own lot, were the major challenges in designing a house that could be compatible with its surroundings.

The design that Mr. Britton did is actually more compatible with the neighbors than the current house is. Here is why:

- The one-story portion of the mass of the our house is closest to the one-story house next door, and the two-story mass of our house is closest to the two-story house on the other side,

creating a repetition in the patterning of mass of this group of houses.

- The colors chosen for our house incorporate the colors of both neighbors' houses.

- The material (stucco) is the same as most of the houses in the neighborhood including one of our two neighbors.

- The curved roof shape in the middle section of the front façade of our house provides a transition from one-story to two-story so there is not an abrupt change in height at any point. And, the extensive use of glass in the upper story of this section gives an impression of less mass than a typical solid two-story shape so that there is the same feeling of a transition from one-story mass to a lighter two-story mass to a solid two-story mass without an abrupt shift.

- The entire house itself serves as a "bridge" connecting the three houses together not just in color, material & massing, but also as a transition from the simple to the complex, where it has more complex shapes and volumes than the one-story ranch on one side, but is simpler than the complex grouping of the other neighbor's house.

- The two shed roofs at the front façade of the house take inspiration from the form of a gable roof, a common roof style in this neighborhood.

### Other Design Issues

In addition to the features of the design discussed above, other elements of the design mentioned in the Development Permit Findings need to be addressed. First, the "long, unbroken ridgeline" pointed to as a negative feature of the proposed design was in actuality specifically designed for placement of the solar panels planned for this house.

Second, and related to the above feature, is the mention of the "unbroken two-story wall", also identified as a negative point. This element of the design arises from an existing condition, i.e., the existing exterior wall of the house that is not being altered. Mitigation used to reduce the appearance of mass caused by extending part of this wall to a second story included change of color and material, fenestration and landscaping along the plane of this wall.

### Neighborhood Involvement

Another point we would like to bring to your attention is that because it is our desire to not just live in this house, but become a part of this neighborhood, it was important to us to involve our neighbors in this process from early on. To accomplish this in what we felt would be the most effective way, we held an open house for the neighborhood, inviting everyone on Pleasure Point Drive and anyone within 300 feet beyond, to come to see our plans and talk with us. This event happened last July, well before our hearing with the Zoning Administrator in October. In Sept., we held a follow-up meeting with several of the close neighbors.

We believe these meetings were productive, that we had some effective discussions with the neighbors, and were able to address concerns that they had. Statements to this effect have been made both to us, and in public at the Zoning Administrator's hearing.

We appreciate your consideration on resolution of this matter, and are looking forward to being a part of this community.

Sincerely,

Barry & Susan Porter





**Karen Pursell**

**From:** PLN AgendaMail  
**Sent:** Friday, January 16, 2004 1:05 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

**Meeting Type :** Planning Commission

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**Name :** Barry & Susan Porter

**Email :** susan22155@comcast.net

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**  
 January 16, 2004

Planning Commission  
 County of Santa Cruz

Re: Application #02-0600 (also with reference to #02-0002)

To Whom It May Concern:

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The design, which is the work of Cove Britton of Matson-Britton Architects, arose out of the combination of our family's needs with the particular conditions of the site. Working with us over a period of many months, Cove evolved a design that, despite the limitations imposed by a highly irregular lot shape and demanding building regulations, not only fulfills our requirements but celebrates the natural environment-the dramatic meeting of land and sea that brought us here-and, at the same time, relates sympathetically to the surrounding neighborhood,

#### Design Challenges and Solutions

This project began as a set of physical challenges:

- a wedge-shaped lot with a curved edge at the street and an extremely irregular edge at the coastal bluff;
- a significant part of the existing house within the coastal setback restricted area;
- only a small portion of the lot available for new construction

and a set of design challenges:

1/16/2004

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ATTACHMENT H

- . plenty of natural light and views for all rooms in the house;
- . "green" design principles, practices and materials;
- . style of architecture in the modern vernacular.

In any project, when presented with such overriding challenges, it is imminently more successful to embrace and "celebrate" those challenges rather than try to force a particular style ill-suited to the site and its surroundings. Thus, no one specific style or theme was used on this home, rather, the inspiration for this design was the environment at the site - not just the natural environment, where the land and sea intersect so dramatically, but also the social environment of the surrounding neighborhood.

As important as the natural environment is at this site, the surrounding built environment Cannot be overlooked. Thus, the more geometric, roughly historical, architectural forms are also present in this design. The simple, sloping, shed roof shapes on the street side of the home relate to the many shed-style homes in the neighborhood. These two elements also have a social purpose. The one-story portion is specifically designed to have a smaller scale to relate to the one-story home next door and to provide an area that neighbors can still view over. The two-story structure is scaled to its immediate neighbor.

The third element of the street-side frontage is pivotal feature of the design. Functionally, in terms of building mass and scale, it provides the transition between the one- and two-story volumes flanking it. Socially, because it provides "a view through" by way of glass all around, it symbolically evokes the semi-public space of a porch or balcony, an important, interactive element of social context that is missing from a significant number of the houses on the ocean side of Pleasure Point Drive. Symbolically, it references the natural environment with water represented by the transparency of the glass, and the curved shape representing a cresting wave.

In total, no one specific theme or style was used, each design decision was made based on a myriad of conditions, both self imposed and as a result of regulations. While this approach has certainly produced a unique design. there is not one element occurring that does not literally relate to the surrounding neighborhood, the functional requirements, or the natural environment.

#### Compatibility

To describe in more detail the immediate setting of our proposed house with its neighbors on each side and the challenge faced by Mr. Britton in achieving a measure of compatibility with them, it is important to note the greatest challenge was the fact that these two neighbor houses have nothing in common with each other. One is a small, one-story ranch, with a simple pitched-roof shape and tan in color. The other is a two-story much larger, more abstract conglomeration of complex volumes and shapes in a dark green color. This dichotomy of shapes, styles and colors to be worked with, along with the irregular shape of our own lot, were the major challenges in designing a house that could be compatible with its surroundings.

The design that Mr. Britton did is actually more compatible with the neighbors than the current house is. Here is why:

- . The one-story portion of the mass of the our house is closest to the one-story house next door, and the two-story mass of our house is closest to the two-story house on the other side,

creating a repetition in the patterning of mass of this group of houses.

- The colors chosen for our house incorporate the colors of both neighbors' houses.
- The material (stucco) is the same as most of the houses in the neighborhood including one of our two neighbors.
- The curved roof shape in the middle section of the front facade of our house provides a transition from one-story to two-story so there is not an abrupt change in height at any point. And, the extensive use of glass in the upper story of this section gives an impression of less mass than a typical solid two-story shape so that there is the same feeling of a transition from one-story mass to a lighter two-story mass to a solid two-story mass without an abrupt shift.
- The entire house itself serves as a "bridge" connecting the three houses together not just in color, material & massing, but also as a transition from the simple to the complex, where it has more complex shapes and volumes than the one-story ranch on one side, but is simpler than the complex grouping of the other neighbor's house.
- The two shed roofs at the front facade of the house take inspiration from the form of a gable roof, a common roof style in this neighborhood.

#### Other Design Issues

In addition to the features of the design discussed above, other elements of the design mentioned in the Development Permit Findings need to be addressed. First, the "long, unbroken ridgeline" pointed to as a negative feature of the proposed design was in actuality specifically designed for placement of the solar panels planned for this house.

Second, and related to the above feature, is the mention of the "unbroken two-story wall", also identified as a negative point. This element of the design arises from an existing condition, i.e., the existing exterior wall of the house that is not being altered. Mitigation used to reduce the appearance of mass caused by extending part of this wall to a second story included change of color and material, fenestration and landscaping along the plane of this wall.

#### Neighborhood Involvement

Another Point we would like to bring to your attention is that because it is our desire to not just live in this house, but become a part of this neighborhood, it was important to us to involve our neighbors in this process from early on. To accomplish this in what we felt would be the most effective way, we held an open house for the neighborhood, inviting everyone on Pleasure Point Drive and anyone within 300 feet beyond, to come to see our plans and talk with us. This event happened last July, well before our hearing with the Zoning Administrator in October. In Sept., we held a follow-up meeting with several of the close neighbors.

We believe these meetings were productive, that we had some effective discussions with the neighbors, and were able to address concerns that they had. Statements to this effect have been made both to us, and in public at the Zoning Administrator's hearing.

We appreciate your consideration on resolution of this matter, and are looking forward to being a part of this community.

Sincerely,

Barry & Susan Porter

**CONSULTING GEOTECHNICAL & COASTAL ENGINEERS**

116 EAST LAKE AVENUE • WATSONVILLE, CALIFORNIA 95078 • (831) 7224173 • FAX (831) 722-3202

## 2. Conditions of Approval

### A. Standard Conditions

1. Notice of Receipt and **Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run **with** the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### B. Special Conditions

1. **Final Plans**. PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the Permittee shall submit Final Plans (in full-size and 11" x 17" formats with a graphic scale (two sets of each)) to the Executive Director for review and approval. The Final Plans shall be prepared by a licensed civil engineer with experience in coastal structures and processes and shall be substantially in conformance with the plans submitted to the Coastal Commission (four sheets with title sheet *Porter Residence* by Matson Britton Architects dated received in the Coastal Commission's Central Coast District Office on July 9, 2004) but shall show the following changes and clarifications to the project:
  - (a) **Concrete Surfacing**. All exposed concrete surfaces located on the subject property that are below the elevation of the existing wooden deck on the seaward side of the residence and visible from offshore and/or other public viewing areas shall be faced with a sculpted concrete surface that mimics natural undulating bluff landforms in the vicinity in terms of integral color, texture, and undulation. Any protruding concrete elements (e.g., the stairway, wave return, etc.) shall be contoured in a non-linear manner designed to evoke natural bluff undulations.
  - (b) **Deck Substructure and Cantilever**. The substructure and underside of the existing wooden deck on the seaward side of the residence shall be completely screened from view as seen from the ocean by either extending the sculpted concrete under the deck and/or by installing a planter system vegetated with non-invasive native plant species. The concrete and/or vegetative screening shall be located at the edge of the deck as seen in site plan view so as to eliminate any perceived cantilevering of the deck.

- (c) **Drainage.** All drainage within the sculpted concrete shall be camouflaged (e.g., randomly spaced, hidden with overhanging or otherwise protruding sculpted concrete, etc.) so as to be hidden from view and/or inconspicuous as seen from the ocean.
- (d) **Railing.** All railings below the elevation of the existing wooden deck on the seaward side of the residence shall be earth tone colors designed to blend in seamlessly with the sculpted concrete.
- (e) **Existing Rock and Rubble.** All existing rip-rap rock, concrete rubble, and debris seaward of the seawall shall be removed and properly disposed of off-site.
- (f) **Benchmarks.** One or more permanent surveyed benchmarks inland of the seawall (e.g., a permanently embedded brass cap) shall be installed for use in future monitoring efforts. Benchmark elevation shall be described in relation to National Geodetic Vertical Datum (NGVD).

All requirements of this condition above shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Final Plans. Any proposed changes to the approved Final Plans shall be reported to the Executive Director. No changes to the approved Final Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

2. **Construction Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit a Construction Plan (in full-size and 11" x 17" formats with a graphic scale (two sets of each)) to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

- (a) **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas: all construction access corridors (to the construction sites and staging areas), and all public access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on the beach, Monterey Bay, and all shoreline access points, and to have the least impact on public access. Unobtrusive fencing (or equivalent) shall be provided to enclose the construction area in a closed polygon (as seen in site plan view).
- (b) **Construction Methods and Timing.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from Monterey Bay waters and public recreational use areas (including using the blufftop space available on the Permittee's property inland of the seawall for staging, storage; and construction activities to the maximum extent feasible). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.
- (c) **Property Owner Consent.** The Construction Plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including any properties to be crossed in accessing the site, consent to the use of their properties in these manners.
- (d) **Construction Coordinator.** The Construction Plan shall identify a designated construction

coordinator to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and in emergencies). The coordinator's contact information (i.e., address, phone numbers; etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be provided. The Construction Plan shall require that the construction coordinator record the name, phone number, and nature of all complaints received regarding the construction, and that the construction coordinator investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

(e) **Construction Requirements.** The Construction Plan shall, at a minimum, include the following construction requirements specified via written notes on the Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources.

- All work shall take place during daylight hours and lighting of the beach and Monterey Bay area is prohibited unless, due to extenuating circumstances, the Executive Director authorizes non-daylight work and/or beach/Bay area lighting.
- Construction work or equipment operations shall not be conducted below the mean high water line unless tidal waters have receded from the authorized work areas.
- All construction activities shall avoid contact with ocean waters and intertidal areas.
- All construction materials and equipment placed on the beach and/or rock shelf during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach and rock shelf area by sunset on each day that work occurs. The only exceptions shall be for erosion and sediment controls (e.g., a silt fence at the base of the wall) as necessary to contain sediments at the site, where such controls are placed as close to the toe of the seawall as possible, and are minimized in their extent.
- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- No work shall occur on the beach and/or rock shelf during weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances, the Executive Director authorizes such work.
- Equipment washing, refueling, and/or servicing shall not take place on the beach and/or rock shelf.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).

- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Monterey Bay.
- All beach and/or rock shelf areas and all shoreline access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction and required beach-area restoration activities. If planning staff should identify additional reasonable measures necessary to restore the beach and beach access points, such measures shall be implemented immediately.

All requirements of this condition above shall be enforceable components of this coastal development permit. The Permittee shall undertake construction in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

- 3. Construction Site Documents.** DURING ALL CONSTRUCTION, copies of each of the following shall be maintained in a conspicuous location at the construction job site at all times (where such copies shall be available for public review) and all persons involved with the construction shall be briefed on the content and meaning of each prior to commencement of construction: (a) the signed coastal development permit; (b) the approved final plans (see special condition 1); and (c) the approved construction plan (see special condition 2). In addition, the designated construction coordinator's contact information (including their address and 24-hour phone number at a minimum) shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas: along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies).
- 4. As-Built Plans.** WITHIN SIX-MONTHS OF COMPLETION OF CONSTRUCTION, the Permittee shall submit As-Built Plans (in full-size and 11" x 17" formats with a graphic scale (two sets of each)) to the Executive Director for review and approval. The As-Built Plans shall clearly identify in site plan and cross-section: all development completed pursuant to this coastal development permit; all property lines; and all residential development inland of the seawall structures. The As-Built Plans shall include photographs that show the as-built project with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan. At a minimum, the photographs shall be from the same viewpoints, and at the same scale, as those submitted with the application package on July 9, 2004. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the project has been constructed in conformance with the approved project plans described by special condition 1 above.
- 5. Monitoring and Reporting.** The Permittee shall ensure that the condition and performance of the



as-built project is regularly monitored by a licensed civil engineer with experience in coastal structures and processes. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that may adversely impact performance, or that may reduce the effectiveness of the camouflaging treatment applied (i.e., the sculpted concrete and/or vegetation). Monitoring reports prepared by a licensed civil engineer with experience in coastal structures and processes, and covering the above-described evaluations, shall be submitted to the Executive Director for review and approval at five year intervals by May 1st of each fifth year (with the first report due May 1, 2009, and subsequent reports due May 1, 2014, May 1, 2019, and so on) for as long as the approved project exists at this location. The reports shall identify any recommended actions necessary to maintain the approved project in a structurally sound manner and its approved state, and shall include photographs taken from each of the same vantage points as required in the as-built plans (see special condition 4) with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan.

6. Future Maintenance Authorized. This coastal development permit authorizes future maintenance subject to the following:
  - (a) Maintenance. "Maintenance," as it is understood in this special condition, means development that would otherwise require a coastal development permit whose purpose is to repair, reface, and/or otherwise maintain the approved seawall structure in its approved configuration.
  - (b) Maintenance Parameters. Maintenance shall only be allowed subject to the approved construction plan required by special condition 2. Any proposed modifications to the approved construction plan associated with any maintenance event shall be identified in the maintenance notification (described below), and such changes shall require a coastal development permit amendment unless the Executive Director deems the proposed modifications to be minor in nature (i.e., the modifications would not result in additional coastal resource impacts).
  - (c) Construction Coordinator. A construction coordinator shall be identified, and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be provided with the maintenance notification (described below).
  - (d) Other Agency Approvals. The Permittee acknowledges that these maintenance stipulations do not obviate the need to obtain permits from other agencies for any future maintenance and/or repair episodes.
  - (e) Maintenance Notification. At least two weeks prior to commencing any maintenance event, the Permittee shall notify, in writing, planning staff of the Coastal Commission's Central Coast District Office. The notification shall include a detailed description of the maintenance event proposed, and shall include any plans, engineering and/or geology reports, proposed changes to the maintenance parameters, other agency authorizations, and other supporting documentation describing the maintenance event. The maintenance event shall not commence until the Permittee has been informed by planning staff of the Coastal Commission's Central Coast District Office that the maintenance event complies with this coastal development permit. If the Permittee has not received a response within 30 days of submitting the notification, the maintenance event shall be authorized as if planning staff affirmatively indicated that the event complies with this coastal development permit. The notification shall clearly indicate that the

maintenance event is proposed pursuant to this coastal development permit, and that the lack of a response to the notification within 30 days constitutes approval of it as specified in the permit.

(f) **Maintenance Coordination.** Maintenance events shall, to the degree feasible, be coordinated with other maintenance events proposed in the immediate vicinity with the goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach area, Monterey Bay area, and shoreline access points. As such, the Permittee shall make reasonable efforts to coordinate the Permittee's maintenance events with other adjacent events, including adjusting maintenance event scheduling as directed by planning staff of the Coastal Commission's Central Coast District Office.

(g) **Non-compliance Proviso.** If the Permittee is not in compliance with the conditions of this permit at the time that a maintenance event is proposed, then the maintenance event that might otherwise be allowed by the terms of this future maintenance condition shall not be allowed by this condition until the Permittee is in full compliance with this permit.

(h) **Emergency.** Nothing in this condition shall serve to waive any Permittee rights that may exist in cases of emergency pursuant to Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).

(i) **Duration of Covered Maintenance.** Future maintenance under this coastal development permit is allowed subject to the above terms for five (5) years from the date of amendment approval (i.e., until September 8, 2009). Maintenance can be carried out beyond the 5-year period if the Permittee requests an extension prior to September 8, 2009 and the Executive Director extends the maintenance term. The intent of the permit is to regularly allow for 5-year extensions of the maintenance term unless there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the Coastal Act and thus warrant a re-review of the permit.

7. **Shoreline Development Stipulations.** By acceptance of this permit, the Permittee acknowledges and agrees to, on behalf of itself and all successors and assigns, the following:

(a) **Maintenance Required.** It is the Permittee's responsibility: (1) to maintain the approved project in a structurally sound manner and its approved state; (2) to repair any damage to the camouflaging treatment applied (i.e., the sculpted concrete and/or vegetation) as soon as is feasibly possible; and (3) to immediately remove all debris that may fall from the residential area inland of the seawall onto the seawall, stairs, beach, rock shelf, or Monterey Bay below.

(b) **No Further Seaward Encroachment.** Any future development, as defined in Section 30106 ("Development") of the Coastal Act, including but not limited to modifications to the seawall, shall be constructed inland of, and shall be prohibited seaward of, the seaward plane of the approved concrete facing with the following development excepted from this prohibition: (1) appropriately permitted construction activities associated with construction, maintenance, and/or repair of the project approved by this coastal development permit; and (2) standard shoreline access maintenance activities.

(c) **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (1) that the site is

subject to extreme coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, and coastal flooding; (2) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (3) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (4) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (5) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

**(d) Future Shoreline Planning.** The Permittee agrees, on behalf of itself and all successors and assigns; to participate in future shoreline armoring planning efforts that involve the seawall approved pursuant to this coastal development permit. Such planning efforts may involve consideration of a shoreline armoring management entity meant to cover the larger shoreline that includes the seawall; and may involve consideration of potential modifications and/or programs designed to reduce public viewshed and shoreline access impacts due to shoreline armoring. Agreeing to participate in no way binds the Permittee (nor any successors and assigns) to any particular outcome of such planning efforts or to any financial commitment; and in no way limits his/her ability to express his/her viewpoint during the course of such planning efforts.

**(e) Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this permit as evidence of a waiver of any public rights which may exist on the property.

**8. MBNMS Review.** PRIOR TO CONSTRUCTION, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the project as approved by this coastal development permit have been granted by the Monterey Bay National Marine Sanctuary. Any changes to the approved project required by the Sanctuary shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

**9. Deed Restriction.** PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description and site plan of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason: the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.