



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

April 14, 2009

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

**Agenda Date: April 29, 2009**  
**Item #: 8**  
**Time: After 9 AM**  
**APN: 043-231-11**  
**Application: 08-0373**

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

Members of the Commission:

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

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

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

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

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

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

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

### **Appeal Issues**

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

### Neighborhood Compatibility and Design Review Criteria Ordinance Standards

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

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

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<sup>1</sup> The hearing audio can be accessed at:

[http://sccounty01.co.santacruz.ca.us/planning/plnmeetings/ASP/Display/SCCB\\_Meeting\\_Frame.asp?Type=Agenda&Date=20090306&MeetingType=2&ItemNumber=1](http://sccounty01.co.santacruz.ca.us/planning/plnmeetings/ASP/Display/SCCB_Meeting_Frame.asp?Type=Agenda&Date=20090306&MeetingType=2&ItemNumber=1)

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

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

"Neighborhood" is only referenced in 13.11 as follows: *"Where the existing zoning allows the creation of new land use patterns, applicants are encouraged to provide an analysis of the surrounding neighborhood in support of their proposal for a new type of land use. The analysis would include one block on each side of the proposed site, on each side of the street."*<sup>2</sup>

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

#### Analysis

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

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

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

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

**Summary and Recommendation**

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

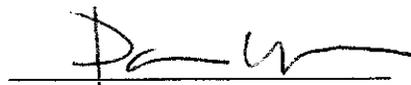
Planning Department staff therefore recommends that your Commission UPHOLD the Zoning Administrator's decision to DENY Application Number 08-0373.

Sincerely,



Alice Daly  
Project Planner, Development Review

Reviewed By:



Paia Levine  
Principal Planner  
County of Santa Cruz Planning Department

**Exhibits:**

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



March 17, 2009

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

RE: NOTICE OF APPEAL of Decision of the Acting Zoning  
Zoning Administrator on March 6, 2009  
Application Number- 08-0373  
APN: 043<sup>2</sup>31-11  
Owner: Trent & Michele West  
Owners' Architect: Matson Britton

Dear Commissioners:

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

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

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

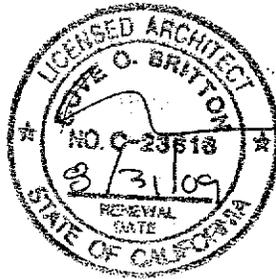
*Glenda Hill (acting Zoning Administrator) denial of application 08-0373 is an  
abuse of discretion in that her decision was inconsistent with the County's  
applicable codes and ordinances, was not fair and impartial and, in addition, was  
based on County codes and ordinances that both on their face,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

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

Thank you for your consideration.

Sincerely,

Cove Britton  
Architect





## Staff Report to the Zoning Administrator

Application Number: **08-0373**

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

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

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

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

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

**Permits Required:** Coastal Development Permit and Residential Development Permit  
**Technical Reviews:** none

### Staff Recommendation:

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

### Exhibits

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

### Parcel Information

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

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

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

### Environmental Information

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

### Services Information

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

### History

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

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

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

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

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

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

### **Project Setting**

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

### **Analysis**

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

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

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

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

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

A recommendation for approval would not be supported by the applicable Ordinance sections that address compatible site design and building design. In Chapter 13.11.072(a), it is stated, "*It shall be the objective of new development to enhance or preserve the integrity of existing land use patterns or character where those exist and to be consistent with village plans, community plans and coastal special community plans as they become adopted, and to complement the scale of neighboring development where appropriate to the zoning district context. New development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas.*" The scale and massing of the proposed new house are not visually compatible with, nor integrated into the character of, existing development in the surrounding neighborhood.

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

The required Development Permit finding (see Attachment B) under County Code Section 18.10.230 cannot be made. Section 18.10.230(a)(5) reads: "*That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.*" As stated above, the proposed residence is just below the maximum allowed for each of the three site standards that address mass and footprint relative to the lot (FAR, lot coverage and height). Maximizing these site standards on a double lot can result in a structure that looks out of place next to smaller lots and homes, even if given additional setback area.

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

### **Zoning & General Plan Consistency**

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

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

### **Local Coastal Program Consistency**

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

The required Coastal Zone finding relating to design criteria, Chapter 13.20.110(c) states: "*... c) That the project is consistent with the Design Criteria and special use standards and conditions of this Chapter pursuant to Section 13.20.130 et seq.*" The finding cannot be made (see Attachment B), given that the proposed new dwelling is not compatible with, or integrated with the character of the surrounding neighborhood.

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

### **Design Review**

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

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

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

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

### **Environmental Review**

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

### **Conclusion**

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

### **Staff Recommendation**

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

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Alice Daly  
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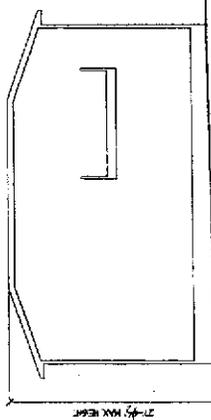
# WEST RESIDENCE

## NEW RESIDENCE

### 313 KINGSBURY DRIVE

### APTOS, CA 95003

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



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

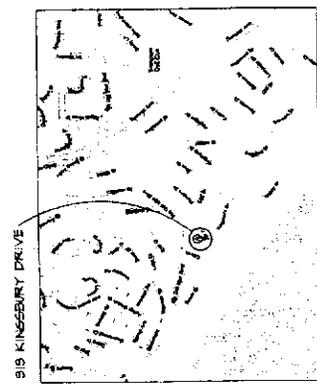
**ARCHITECTS:**  
MATSON BRITTON ARCHITECTS  
120 N. DRAYTON STREET  
APTOS, CA 95003  
PHONE: 831-425-0244  
FAX: 831-425-4745  
EMAIL: [govem@matsonbrtton.com](mailto:govem@matsonbrtton.com)  
CONTACT: COVE BRITTON

**SOILS:**  
PACIFIC CREST ENGINEERING, INC.  
1000 W. 10TH STREET  
WATSONVILLE, CA 95076  
PHONE: 831-722-4446  
FAX: 831-722-4189  
EMAIL: [elizabeth@pce-engineering.net](mailto:elizabeth@pce-engineering.net)  
CONTACT: ELIZABETH MITCHELL

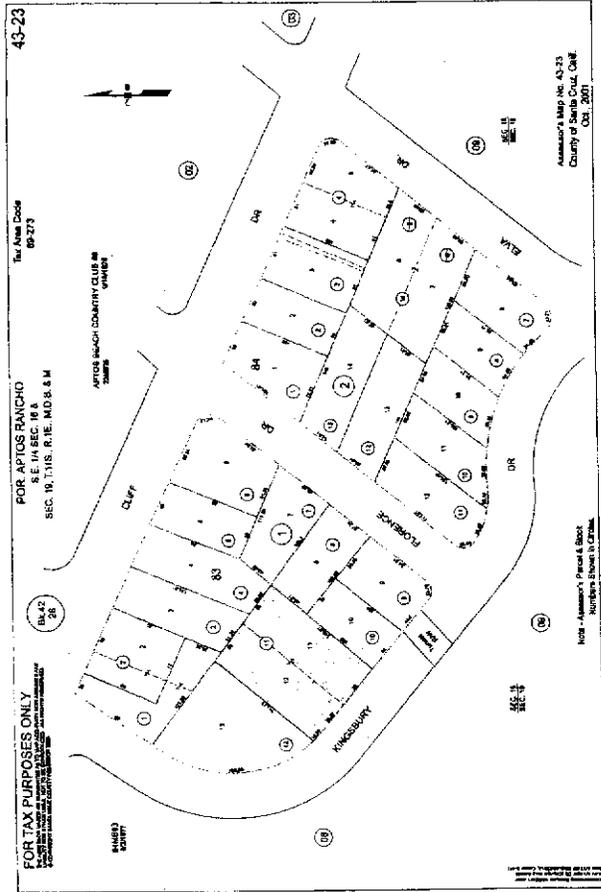
**CIVIL:**  
R.J. ENGINEERING INC.  
1000 W. 10TH STREET  
SANTA CRUZ, CA 95060  
PHONE: 831-425-3001  
FAX: 831-425-9222  
EMAIL: [rl@rj-engineering.com](mailto:rl@rj-engineering.com)  
CONTACT: RICHARD IRISH

**SUBSURFACE:**  
WARD SURVEYS  
625 SEVENTH AVENUE  
SANTA CRUZ, CA 95062  
PHONE: 831-425-5005  
FAX: 831-425-6266  
EMAIL: [surveys@ward.com](mailto:surveys@ward.com)  
CONTACT: MATT WARD

#### CONSULTANTS



#### VICINITY MAP



#### A.P.N. MAP

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

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

ZONING:  
R-1-6

OCCUPANCY GROUP: R-3.4 U (PER 2007 C.D.C.)  
CONSTRUCTION TYPE: VB, FULLY SPRINKLERED

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

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

LOT SIZE: 14,605 SQ. FT.

GROSS FLOOR AREAS:

FIRST FLOOR: 2,372 SQ. FT.  
(EXCLUDES GARAGE)

GARAGE: 611 SQ. FT.

SECOND FLOOR: 2,645 SQ. FT.

FIRST FLOOR ACCESSORY GARAGE: 695 SQ. FT.

SECOND FLOOR ACCESSORY DWELLING: 604 SQ. FT.

TOTAL CONDITIONED SPACE: 5,826 SQ. FT.

TOTAL FLOOR AREA: 6,672 SQ. FT.

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

COVERED AREA: 945 SQ. FT.

COVERED AREA > 7.4' HT.: 140 SQ. FT.

1/2 AREA BAYS (40 SQ. FT.): 4 SQ. FT.

ADJUSTED FLOOR AREA (2912.61+695+549): 4,211 SQ. FT.

TOTAL LOT COVERAGE (2372+611+695+549): 4,211 SQ. FT.

PAR: (181 SF / 14,605 SF) X 100% = 44.17%

LOT COVERAGE: (4211 SF / 14,605 SF) X 100% = 28.83%

#### PROJECT SUMMARY

- P1 TITLE SHEET
- P2 SITE PLAN
- P3 FIRST FLOOR PLAN
- P4 SECOND FLOOR PLAN
- P5 ACCESSORY BUILDING PLANS
- P6 EXTERIOR ELEVATIONS
- P7 EXTERIOR ELEVATIONS
- P8 ACCESSORY BUILDING ELEVATIONS
- P9 ACCESSORY BUILDING ELEVATIONS
- C1 GRADING AND DRAINAGE PLAN
- C2 DETAILS
- C3 EROSION CONTROL PLAN
- ONE SURVEY

#### SHEET INDEX

MATSON ARCHITECTS  
120 N. DRAYTON STREET  
APTOS, CA 95003  
PHONE: 831-425-0244  
FAX: 831-425-4745  
EMAIL: [govem@matsonbrtton.com](mailto:govem@matsonbrtton.com)  
CONTACT: COVE BRITTON

WEST RESIDENCE  
313 KINGSBURY DRIVE  
APTOS, CA 95003

TITLE SHEET

DATE: 11/11/09

PROJECT NO: 043-231-11

SCALE: 1/8" = 1'-0"

PROJECT SUMMARY

SHEET INDEX

**SITE LEGEND**

- PROPERTY LINE
- SETBACK LINE
- (R) RESIDENCE TO BE DEMO'D
- (R) FENCE
- LINE OF SECOND FLOOR AND DECKS ABOVE
- (N) RESIDENCE
- (N) DRIVEWAY & WALKWAYS

**GRADING NOTES**

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

**LANDSCAPE LEGEND**

**TALL SHRUBS:**

- 18 Eriogonum fasciculatum (Santa Cruz Island Bushclover)
- 18 Corethrospiza (Fringed Blue California Lark)
- 18 Artemisia tridentata (Sagebrush - Japanese California Yucca)

**SHORT SHRUBS:**

- 36 Corethrospiza (Fringed Blue)
- 36 Artemisia tridentata (Sagebrush - Japanese)
- 36 Yucca filifera (Fountain Yucca)
- 36 Yucca elata (Spiky Yucca)
- 36 Yucca brevifolia (Joshua Tree)
- 36 Yucca schottlandii (Spiky Yucca)

**VINES:**

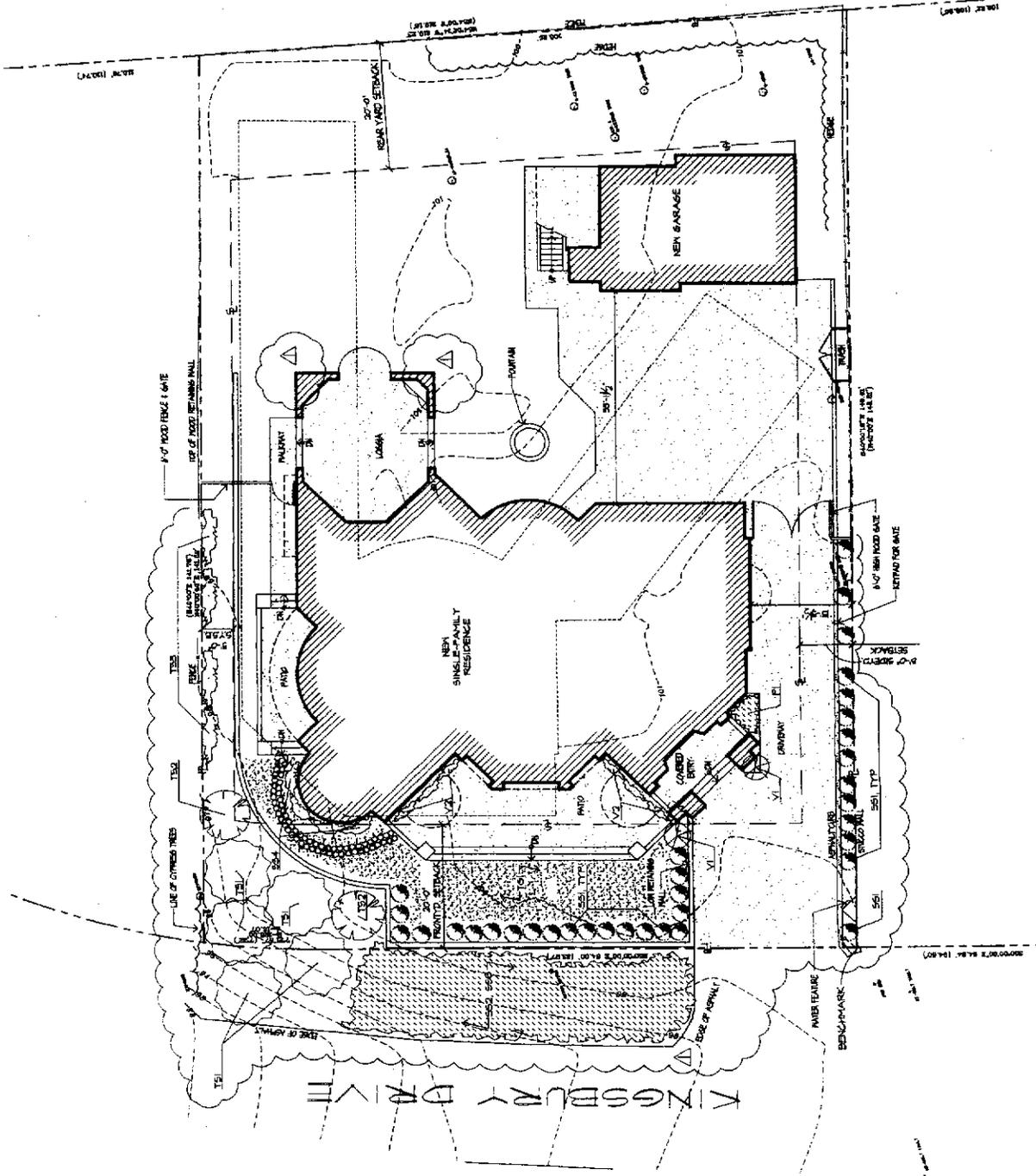
- 12 Passiflora ligularis (Passiflora)
- 12 Passiflora vitifera (Passiflora)

**PERENNIALS:**

- 12 Hebe (Hebe)
- 12 Hebe (Hebe)
- 12 Hebe (Hebe)
- 12 Hebe (Hebe)

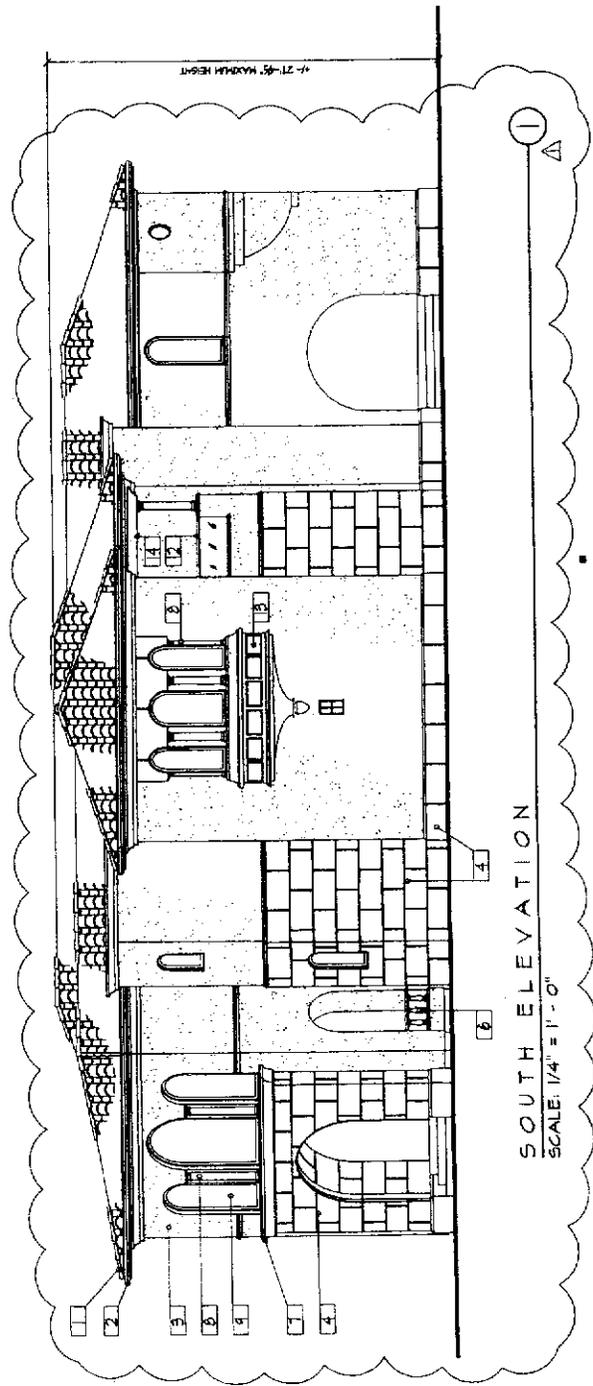
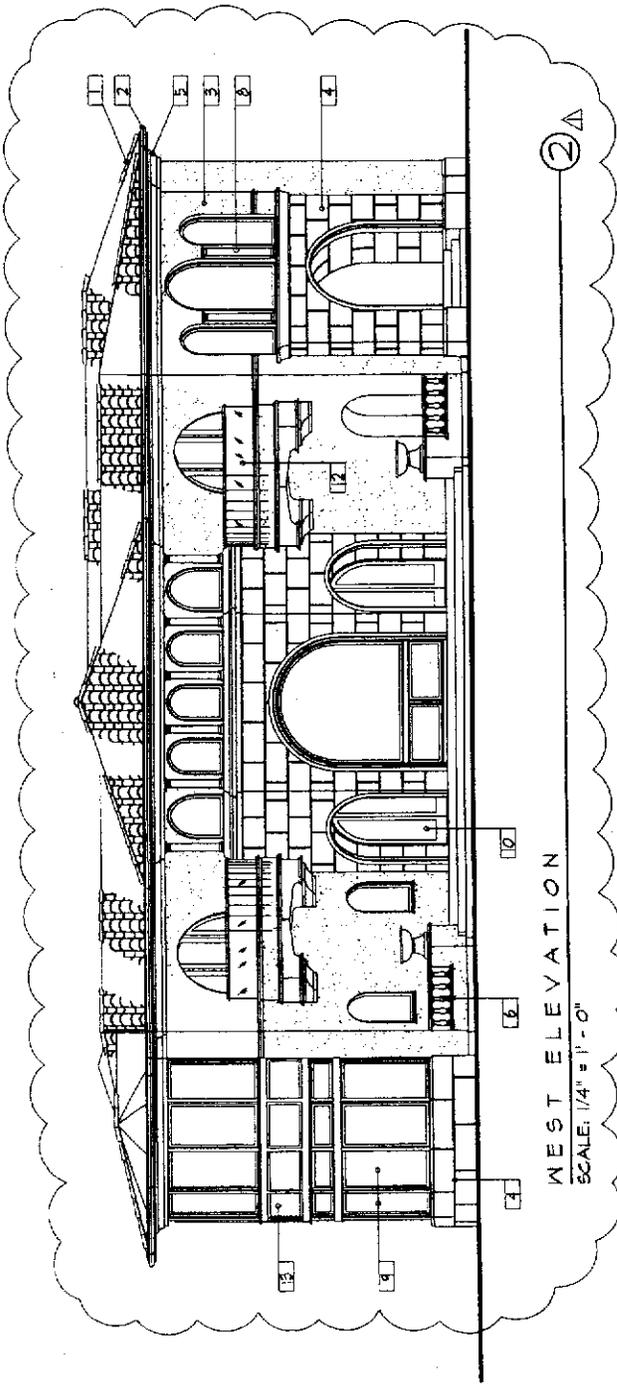
**LANDSCAPE NOTES**

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

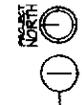
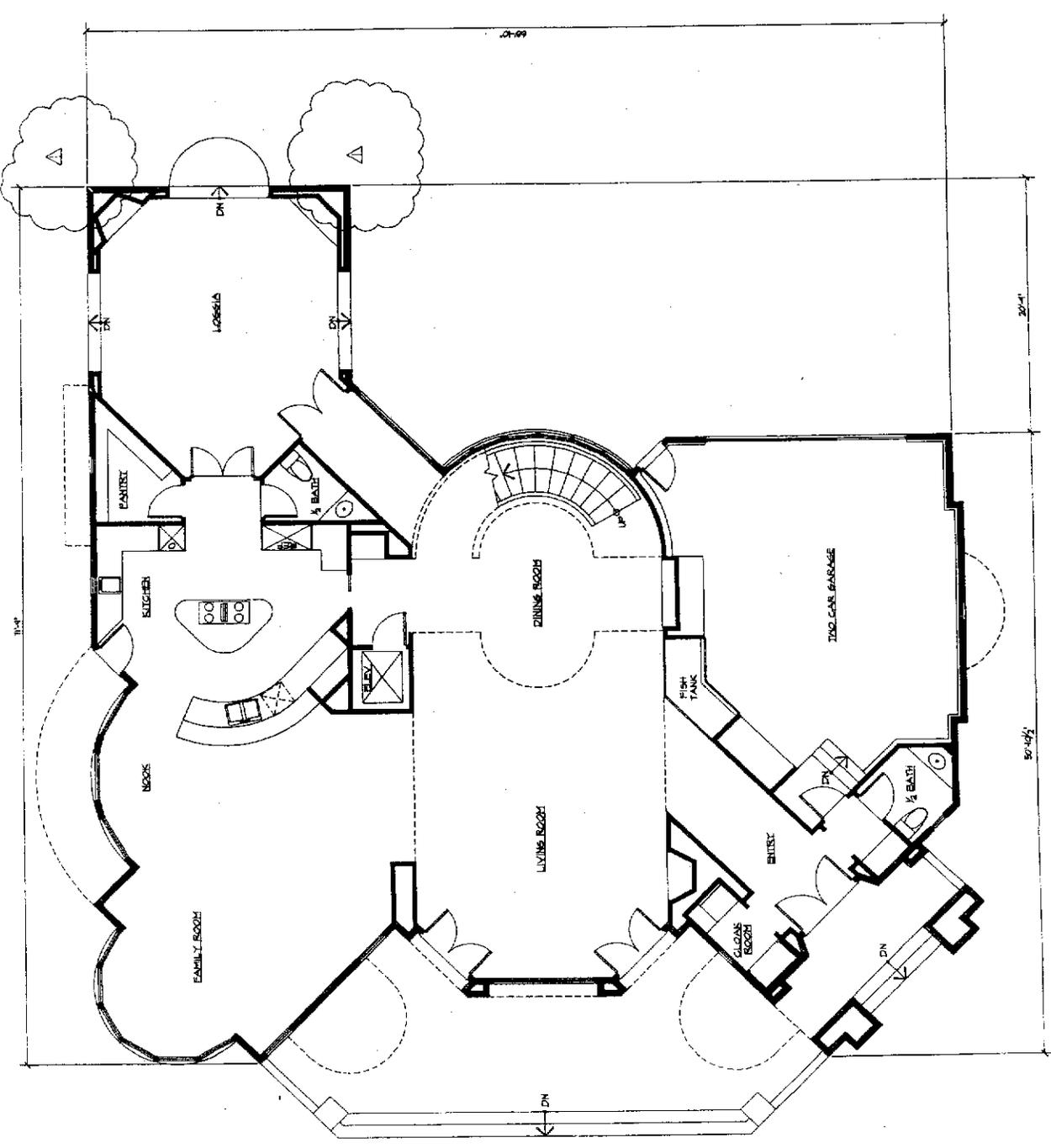


**PRELIMINARY LANDSCAPE PLAN**  
 SCALE: 1/8" = 1'-0"

- ELEVATION NOTES**
1. BELED CLAY TILE ROOF IN CUSTOM COLOR BLEND
  2. COPPER LOOSE BUTTERS
  3. THREE GRAY STUCCO IN INTERNAL COLOR, TAN EXTERIOR STORE PANELS COLOR, BROWN
  4. PAINTED WOOD TRIM COLOR, DARK BROWN
  5. PRECAST CONCRETE HOLDING & BALUSTRADE COLOR, SABLE
  6. PRECAST CONCRETE HOLDING COLOR, SADDLE
  7. PRECAST CONCRETE COLUMNS
  8. WOOD / GLAZ PINECONE IV CHESTNUT BRONZE FINISH
  9. WOOD / GLAZ DOORS IV CHESTNUT BRONZE FINISH
  10. WOOD / GLAZ WOOD PANELS IV DARK BROWN WOOD STAIN
  11. WOOD / GLAZ WOOD STAIN IV DARK BROWN WOOD STAIN
  12. CLEAR GLASS HAND RAIL
  13. COPPERED WOOD PANEL
  14. WOOD ANKOR
  15. COPPER CORNER CAP







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



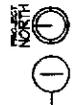
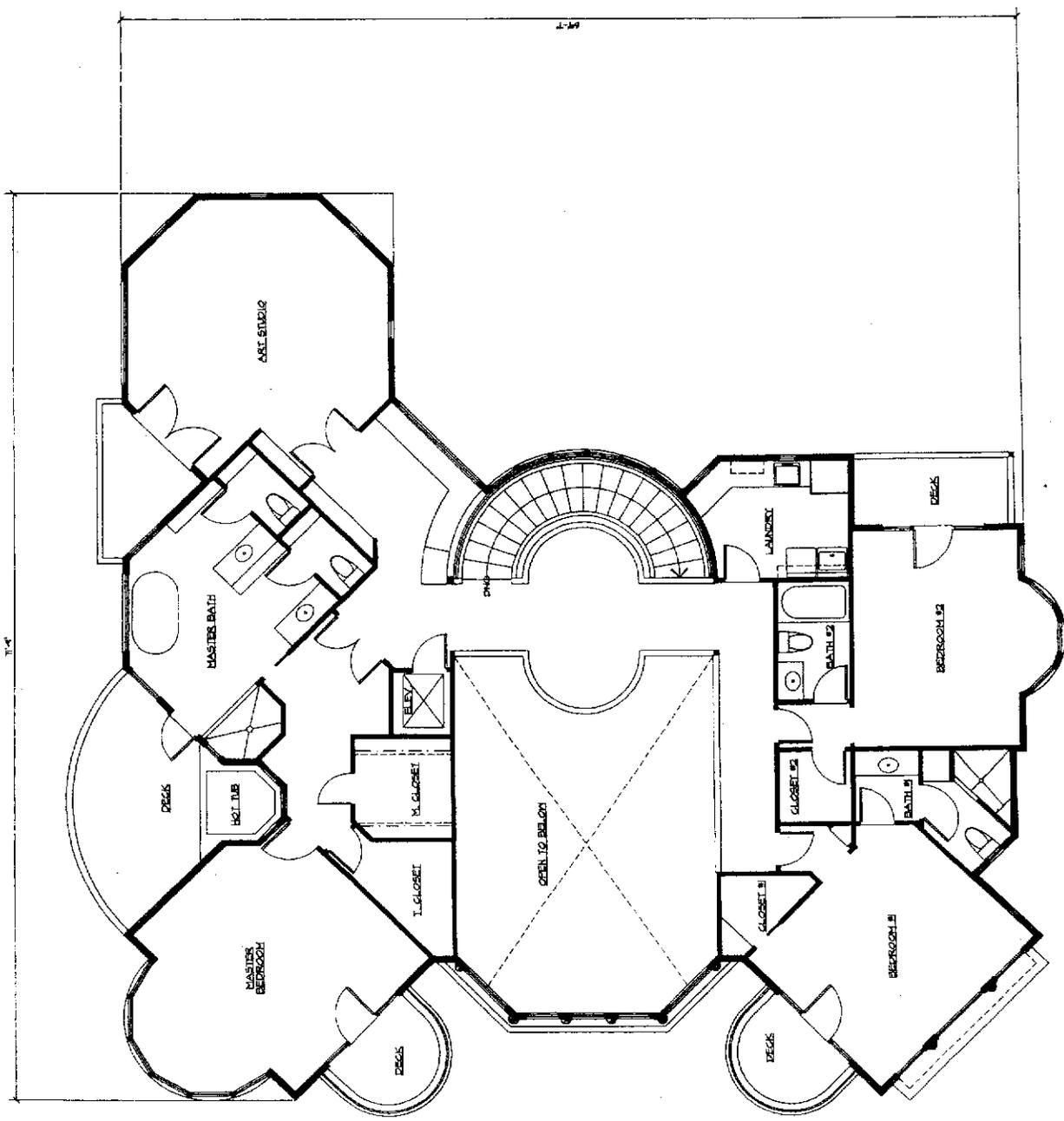
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NO. 4	1
NO. 5	1
NO. 6	1
NO. 7	1
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NO. 92	1
NO. 93	1
NO. 94	1
NO. 95	1
NO. 96	1
NO. 97	1
NO. 98	1
NO. 99	1
NO. 100	1

WEST RESIDENCE  
 315 KINGSBURY DRIVE  
 ANTONIO, CA 92003  
 A.P.N. 096-281-11

SECOND FLOOR PLAN

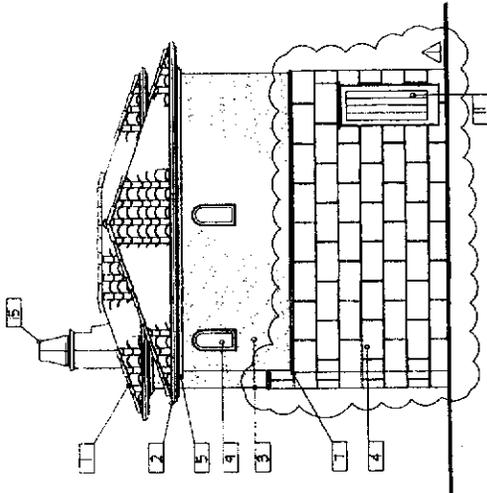
DATE	6/12/08
BY	...
CHECKED BY	...
SCALE	...

P4

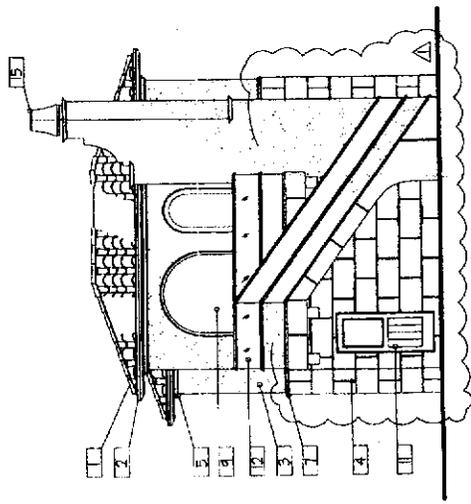


SECOND FLOOR PLAN  
 SCALE: 1/4" = 1' - 0"

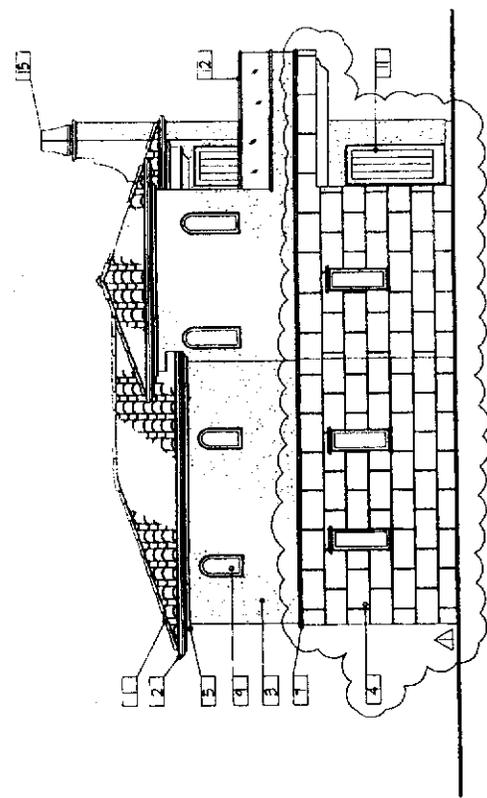
ELEVATION NOTES	
1	OLD CLAY TILE ROOF IN CUSTOM COLOR BLEND
2	COPPER ORBE CUTTERS
3	THREE COAT STUCCO IN INTERNAL COLOR COLOR 104
4	EXTERIOR STONE PANELS COLOR SP301
5	PAINTED WOOD TRIM COLOR: JANE BROWN
6	PRECAST CONCRETE HOLDING BRACKETS WITH STUCCO FINISH & POLISHED STONE TILE
7	PRECAST CONCRETE HOLDING COLOR: SADDLE
8	PRECAST CONCRETE COLUMNS
9	WOOD / GLAZ INSIDERS IN ORIENTAL BRONZE FINISH
10	WOOD / GLAZ DOORS IN CRISTANT BRONZE FINISH
11	WOOD VERTICAL PLANK PANEL WITH VERTICAL GRAIN FINISH BY JANE BROWN WOOD STAIN
12	CLEAR GLASS SHARD RAIL
13	CUSTOMED WOOD PANEL
14	WOOD ANDBOR
15	COPPER GABLET CAP



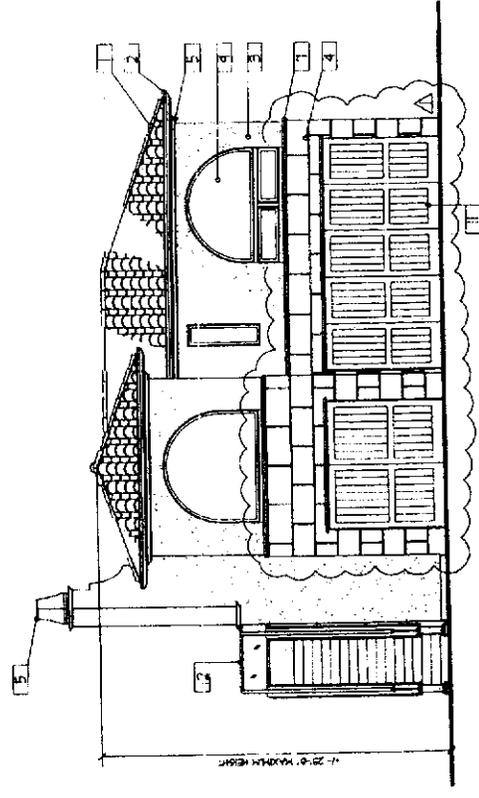
SOUTH ELEVATION ③  
 SCALE: 1/4" = 1'-0"



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



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



WEST ELEVATION ②  
 SCALE: 1/4" = 1'-0"







## Coastal Development Permit Findings

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

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

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

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

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

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

## Development Permit Findings

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

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

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

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

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

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

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

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

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

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

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

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

Chapter 13.11.072(a) states, "*It shall be the objective of new development to enhance or preserve the integrity of existing land use patterns or character where those exist and to be consistent with village plans, community plans and coastal special community plans as they become adopted, and to complement the scale of neighboring development where appropriate to the zoning district context. New development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas.*" The scale and massing of the proposed new house are not visually compatible with, nor integrated into the character of, existing development in the surrounding neighborhood. The street-facing elevation gives an impression of overwhelming bulk and massing, and all four elevations have high horizontal cornices and other elements that contribute to an overall sense of box-like size and formality that will appear out of context with the existing neighborhood. The project is on a combined lot that has approximately twice the area of most surrounding parcels, and thus building to the maximum FAR and lot coverage for this double lot can thus result in a proportionally larger house than would meet the same thresholds on surrounding lots. Even with additional setback area, the house would appear massive compared to those on nearby single-width parcels.

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 08-0373  
Assessor Parcel Number: 043-231-11  
Project Location: 313 Kingsbury Drive

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

**Person or Agency Proposing Project:** Matson Britton Architects

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

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

Specify type:

E.  **Categorical Exemption**

Specify type: CEQA Section 15270: Projects Which are Disapproved

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

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

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

\_\_\_\_\_  
Alice Daly, Project Planner

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

**FOR TAX PURPOSES ONLY**

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. INFO IS BEING PROVIDED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2001

**POR. APTOS RANCHO**

S.E. 1/4 SEC. 18 &  
SEC. 19, T.11S., R.1E., M.D.B. & M.

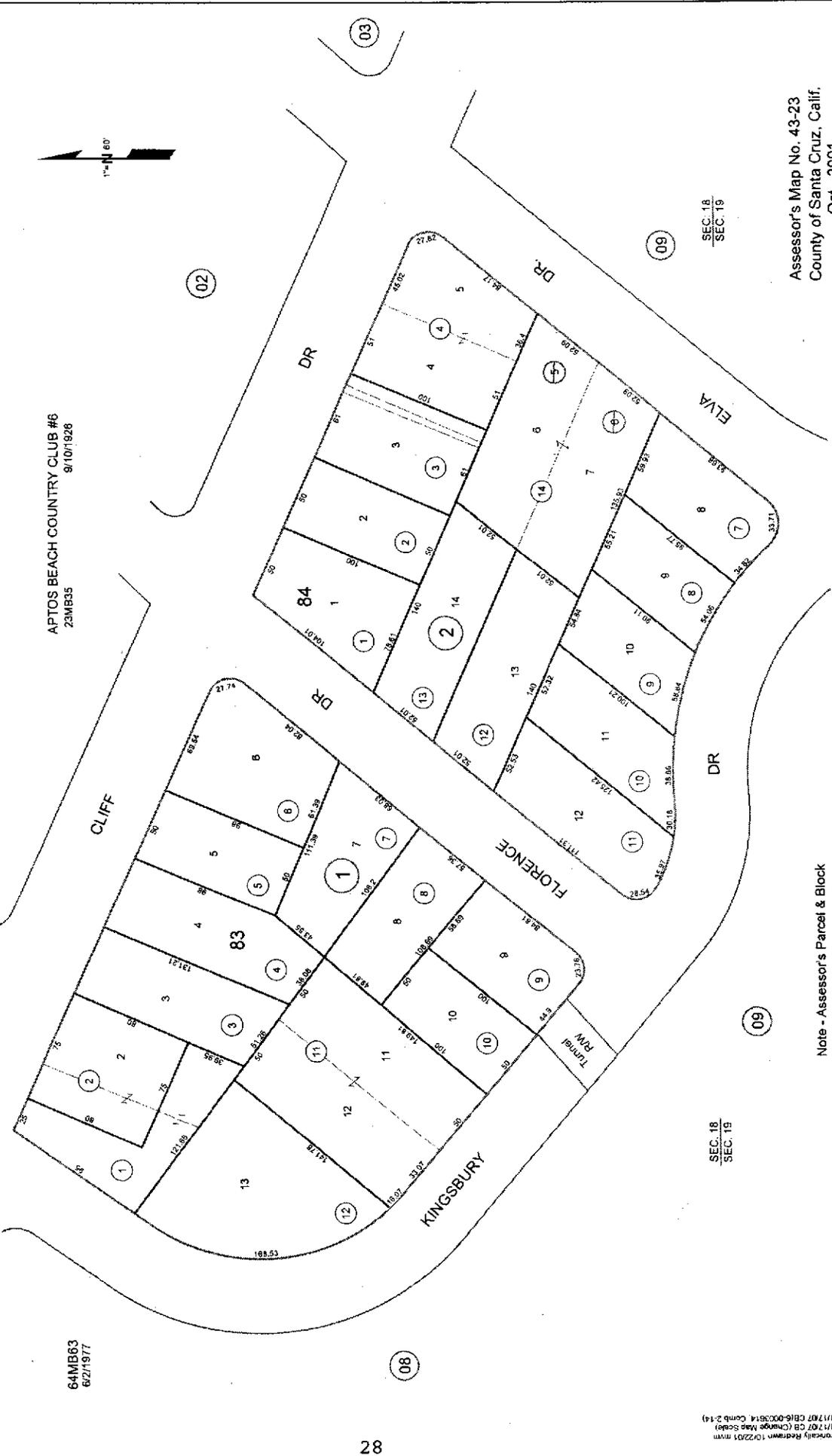
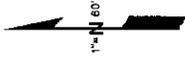
**Tax Area Code**

69-273

43-23

64MB63  
6/2/1977

APTOS BEACH COUNTRY CLUB #6  
23MB35  
9/10/1928



Bk. 42  
28

SEC. 18  
SEC. 19

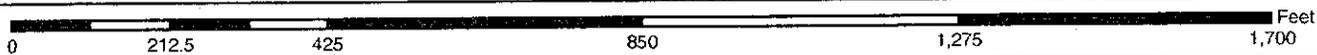
Electronically Prepared 10/22/01 mvm  
Rev 11/7/01 CR/6-00/3514 Comp 2-14)  
Rev 11/7/01 CR/6-00/3514 Map Scale)

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

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

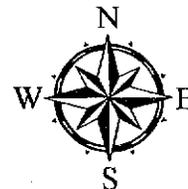


# Location Map



### LEGEND

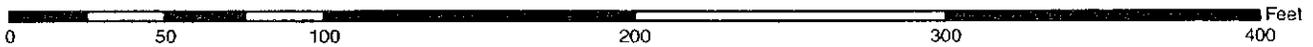
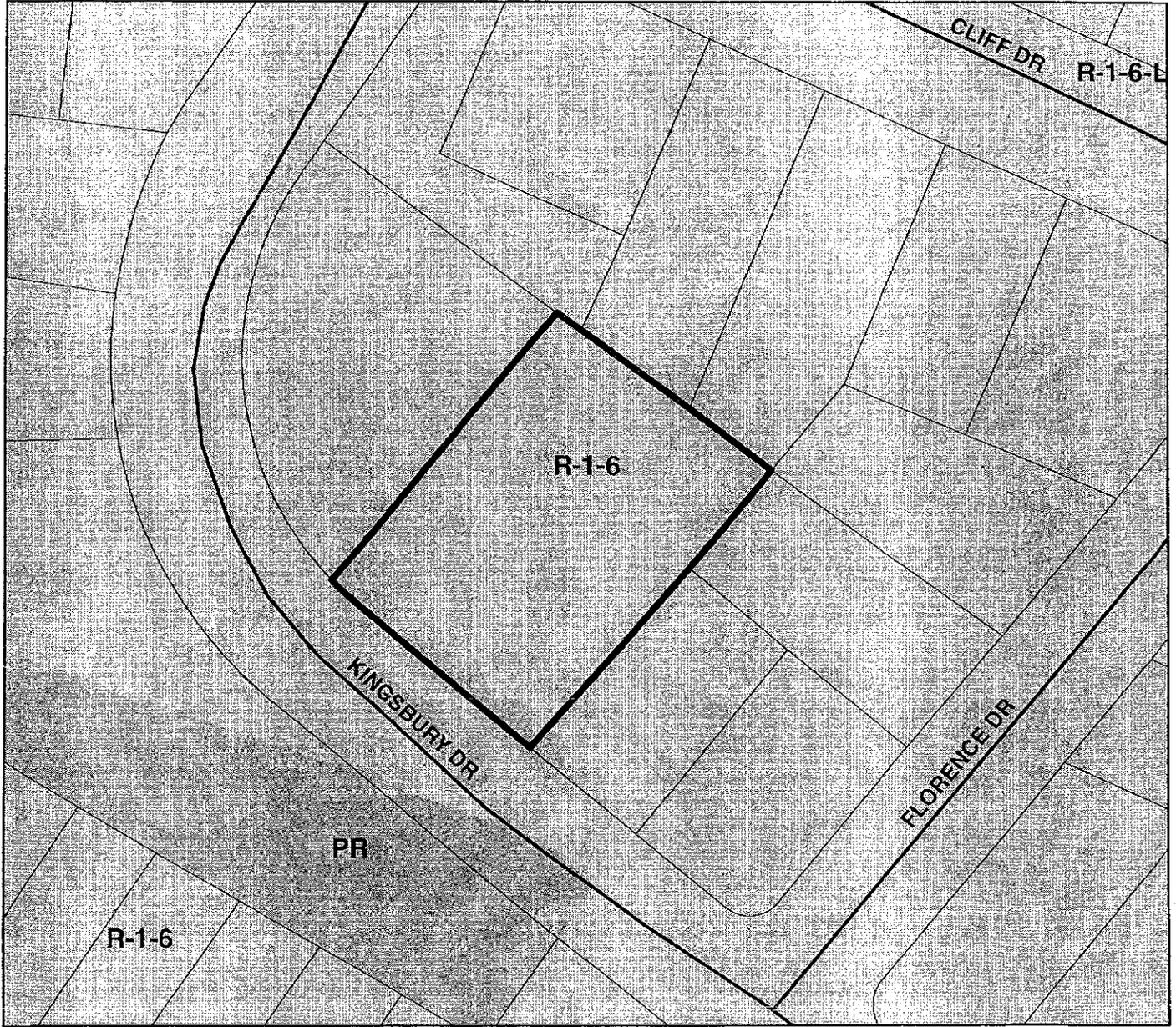
-  APN: 043-231-11
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by  
County of Santa Cruz  
Planning Department  
August 2008



# Zoning Map



**LEGEND**

-  APN: 043-231-11
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY
-  PARK



Map Created by  
County of Santa Cruz  
Planning Department  
August 2008

**INTEROFFICE MEMO**

**APPLICATION NO: 08-0373**

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

**I. COMPLETENESS ITEMS (for design review only)**

none

**II. COMPLIANCE ISSUES**

A. Recommendation

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

B. Applicable Ordinances

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

Section 13.20.130 Design Criteria for Coastal Zone developments.

(b) Entire Coastal Zone.

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

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

Section 13.11.072 Site design.

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

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

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

13.11.073 Building design.

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

- (1) Compatible Building Design.
  - (i) Building design shall relate to adjacent development and the surrounding area.

C. Applicable Findings

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

Section 13.20.110 Findings

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

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

Section 18.10.230 Findings required.

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

D. Design Issues / Urban Designer Comments

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

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

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

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

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

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

**INTEROFFICE MEMO**

APPLICATION NO: 08-0373 (second routing)

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

**I. COMPLETENESS ITEMS (for design review only)**

none

**II. COMPLIANCE ISSUES**

A. Recommendation

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

B. Applicable Ordinances

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

Section 13.20.130 Design Criteria for Coastal Zone developments.

(b) Entire Coastal Zone.

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

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

Section 13.11.072 Site design.

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

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

(1) Compatible Site Design.

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

13.11.073 Building design.

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

(1) Compatible Building Design.

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

C. Applicable Findings

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

Section 13.20.110 Findings

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

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

Section 18.10.230 Findings required.

- (a) Development Permits.

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

D. Design Issues / Urban Designer Comments

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

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

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

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

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

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

January 6, 2009

Attention: Alice Daly,

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

I have four concerns as a neighbor of Kingsbury:

① I would like to see story fall of how high the West project will

EXHIBIT 1 B EXHIBIT C

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

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

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

Thank you  
Very sincerely  
Jerry Byrne

**Alice Daly**

---

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

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

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

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

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

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

Gary Martin  
306 Cliff Dr  
Aptos Ca 95003 8316890313

**Alice Daly**

---

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

To Whom it May Concern,

I Lesa Stock who has a house at 317 Kingsbury Drive, Aptos CA.  
would like to see story poles for project 08-0373(\*\*) at 313 Kingsbury Drive, Aptos  
APN(S):043-231-11.

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

Thank you for this consideration

Lesa Stock



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

October 23, 2008

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

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

Dear Mr. Britton:

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

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

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

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

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

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

application has been deemed complete for further processing.

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

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

**Additional Issues**

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

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

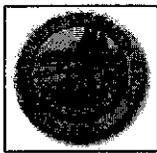
Sincerely,



Alice Daly, AICP  
Project Planner, Development Review

**Attachments:**

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



**County of Santa Cruz  
Zoning Minutes**

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

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

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

**REGULAR AGENDA ITEMS**

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

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

SUPERVISORIAL DIST: 2  
PROJECT PLANNER: ALICE DALY, 454-3259  
EMAIL: pln050@co.santa-cruz.ca.us

**DENIED WITHOUT PREJUDICE**

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

**CONTINUATION OF NO. 1 AUDIO FOR FINAL DECISION**

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

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

SUPERVISORIAL DIST: 2  
PROJECT PLANNER: MARIA PEREZ, 454-5321  
EMAIL: pln110@co.santa-cruz.ca.us

**CONTINUED TO MARCH 20, 2009; 8:30AM**

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

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

December 1, 2008

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

Dear Mrs. Bowden

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

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

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

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

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

Thank you very much for getting in touch with us.

Sincerely,

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

April 16, 2009

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

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

Dear Ms. Daly

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

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

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

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

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

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

Sincerely,

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

## **Additions to the Staff Report for the Planning Commission**

**Item 8: 08-0373**

**Late Correspondence**



April 23, 2009

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

Re: Appeal of denial by the Zoning Administrator of West Application No. 08-0373  
Agenda Date: April 29, 2009  
Time: After 9:00 a.m.  
Item No. 8  
APN: 043-231-11

Members of the Commission:

I am the architect of record for Applicants/Appellants Trent West and MICHELE West (hereinafter "Applicants" or "Mr. and Mrs. West") and am submitting this on their behalf in support of their appeal of the denial of their Application (No. 08-0373) for a Coastal Development Permit and a Residential Development Permit by the Planning Department of the County of Santa Cruz, through its acting Zoning Administrator. This submission will be supplemented by the presentation made at the time of the hearing. That presentation will be made by me and may be aided by a combination of power point and the submission of copies of documents and photographs.

#### I. REQUEST FOR CONTINUANCE AND PROCEDURAL OBJECTION

Applicants, Mr. and Mrs. West, respectfully request a continuance of the hearing on their appeal. They believe that they have not had sufficient time to review and respond to the submission by the Planning Department, dated April 14, 2009 (postmarked April 21, 2009), and not available on the Santa Cruz County internet site until Wednesday, April 22, 2009. In addition, they believe that the submission by the Planning Department does not include all relevant material submitted by the applicants and available at the time the Zoning Administrator denied the applicants' application. (E.g., see Exhibit 1-a "Tracking Dropped off Materials" form and Exhibits 2, 3 and 4 that were some of the things Mr. and Mrs. West submitted on January 16, 2009 and before the March 9, 2009 Zoning

728 NORTH  
BRANCIORTE  
SANTA CRUZ  
CA 95062  
877-877-3797

Administrator hearing) The applicants, therefore, specifically raise these circumstances as procedural objections.

## II. INTRODUCTION

On March 6, 2009, Glenda Hill (acting Zoning Administrator) denied Mr. and Mrs. West's application No. 08-0373. The application sought approval to replace a somewhat dilapidated and out-of-style home located on two existing lots of record with a new home that had the design features and size that Mr. and Mrs. West believed would best suit them and Mrs. West's mother, who they wished to have continue to live with them, as well as avoid any unlawful or inappropriately harmful effect on their neighbors. It is respectfully submitted that the denial by the Zoning Administrator of Mr. and Mrs. West's application was an abuse of discretion in that her decision was inconsistent with Santa Cruz County's applicable codes and ordinances, was not fair and impartial and, in addition, was based on County codes and ordinances that both on their face, and as applied to the applicants, violate the applicant's rights under the Constitution of the United States.

More specifically, but still in summary: (1) the only basis for the Staff's Recommendation for denial and the Zoning Administrator's decision to deny was that the house as sited and designed was not "compatible;" otherwise, the application was fine; (2) the criterion of "compatibility" has been recognized by well-respected experts in the field and their "best practices" guidelines, by courts and by the public and their communities as fraught with danger due to problems of vagueness, ambiguity, lack of predictability and unequal application; (3) what is clear is that the County must at least comply with the standards set forth in its own ordinance concerning the criterion of "compatibility," not merely as a matter of good public policy and/or general morality and fairness but in order to meet obligations imposed on it by the law; (4) that the County has not complied with the standards set forth in its own ordinance, because the County's staff failed to identify the geographic boundaries of "the neighborhood" or "surrounding area(s)" and failed to make any specific comparison of the West's design with the design of any individual home or set of homes in any such "neighborhood" or "surrounding area(s); and (5) in fact the West design contains most, if not all, of the 9 elements which the County's Code in section 13.11.073 itself declares are elements any one of which may make a design "compatible."

## III. STATEMENT OF FACTS.

The Applicants/Appellants, Mr. and Mrs. West, are husband and wife. Petitioner Trent West is a well-known and respected jeweler and entrepreneur, his wife is a well-known and respected oil canvass artist. Petitioner West's story of his hard work as a jeweler and Y STORE owner in the Carmel Plaza, Capitola and Aptos, his ultimate invention and patenting of a process with tungsten carbide wedding bands that has become the popular and financially rewarding rage in the jewelry business, his several cases for patent infringement that he was forced to file in federal courts in California, Texas, Colorado and New York and pursue and great length and cost to protect his invention, his ultimate

success in those cases across the United States and his eventual purchase of his and his wife's dream property overlooking the beach and ocean on the coastal bluff of Santa Cruz is the epitome of an American inventor's story. It is after their purchase of their dream property that their nice American story has been interrupted by the difficult, extremely subjective and vague design review process implemented by the Planning Department and its acting Zoning Administrator. That process, by its very nature, gives little guidance to applicants and their architects or designers, causes significant additional financial costs and leads to potentially unjustified, unequal treatment among applicants.

In February, 2008, Petitioners purchased real property (APN #043-231-11) in the County of Santa Cruz with the address of 313 Kingsbury Drive, Aptos (the "Kingsbury property"). The property consisted of two lots of record on which was located a somewhat dilapidated house that did not have features needed by Mr. and Mrs. West. The Wests purchased the property with the intent to build a new house and other improvements on the property and, therefore, retained a licensed architect, a licensed geotechnical engineer, a licensed structural engineer and other qualified professional consultants to assist them. All these were knowledgeable professionals who had worked in Santa Cruz County and specifically on beach bluff properties for many years.

From February to August, 2008, Mr. and Mrs. West worked with their retained award winning architectural firm, Matson Britton, to select a site and design plan for a new house that would please them and Mrs. West's elderly mother, who they wished to have live with them. The Wests found the building owned by Monterey Mushroom Company and visible from Highway 1 near Airport Blvd., in Watsonville to be very appealing, and requested Matson Britton architects to use that building's style for the new house. Matson Britton interpreted that style as a contemporary version of Italian Renaissance and Spanish Eclectic. (See Exhibit No. 2- a "response letter" from architect Britton to Project Planner Alice Daly, dated January 13, 2009, with its attachment for examples, including two well respected California examples located in residential neighborhoods: (1) the John G. Kennedy House in Palo Alto, designed by Julia Morgan, and (2) the Leask House, designed by William Weeks in the City of Santa Cruz). So, Matson Britton came up with a beautiful design to capture that style (See Planning Department's 4/14/09 submission at pp. 16-17) It is respectfully submitted that what Matson Britton designed is not only very attractive but also consistent with general design features found in some of the houses in the immediate neighborhood, including the house next door to the Wests' house. (See Exhibit 3-Photo realistic of the Wests' planned new house and their neighbor's existing house)

It was also Mr. and Mrs. West's intent not to have the site and design of their new house unlawfully or inappropriately harm their neighbors. So, Matson Britton sited the house and its two story sections to the front of the property as much possible and with extra set back space on its side and back boundaries, angled the house's wings, created a "shielded" patio and strategically placed its two story elements so as protect as much as possible the privacy and views that the immediate neighbors currently have. (See Exhibit 2- Cove Britton's letter, dated January 13, 2009, to Project Planner Alice Daly at p. 3 and Exhibit 4-Memorandum from neighborhood facilitator Ms. Bowden to Cove Britton,

dated January 14, 2009, reporting on Mr. and Mrs. West's neighborhood outreach efforts and "follow up" letters dated December 19, 2008 including letter to Linda White requesting a meeting to address options that may lessen impacts to her view).

On or about August 12, 2008, Mr. and Mrs. West's retained architect, Cove Britton, filed Petitioners' Application for a Coastal Development Permit with Santa Cruz County's Planning Department (hereinafter the "Planning Department"). The application contained all the plans and information required by the County's codes and written policies to accompany such an application.

On September 12, 2008, a Project Planner for the Planning Department wrote a letter to architect Britton stating that "[a]t this stage, you're application is considered incomplete" because "[i]t has been determined that additional information and/or material is necessary." (Exhibit 5) The Planning Department contended that the applicant was required to submit grading and drainage information to be deemed "complete." Mistakenly, the Planning Department now asserts that "the applicant submitted an appeal of the requirement by County Staff for this information." (See Planning Department's 4/14/09 submission at p. 1, paragraph 3). Mr. and Mrs. West did not do so. Rather on September 16, 2008, Mr. and Mrs. West appealed, pursuant to California Health & Safety Code, to the Local Building Appeals Board certain Environmental Planning and DPW grading and drainage comments. (See Exhibit 6-Britton's letter to Project Planner Daly, dated September 16, 2008) The applicants believe that this appeal should have been heard by the County's Local Building Appeals Board. Their appeal may yet come before the Local Building Code Appeals Board for determination, but the jurisdictional and substantive issues concerning that appeal is not an issue in this appeal.

On October 23, 2008, during the time that the appeal of the "incompleteness" finding was being processed, the Planning Department staff informed the applicants that their "application has been deemed complete for further processing." (See Exhibit 7-letter from Planner Daly to Matson Britton). The Department also determined that the proposed new residence as designed was inconsistent with County Code, Chapters 13.11 and 13.20 with neighborhood "compatibility" and notified the applicants of the intent to bring the project forward with a recommendation for denial. (Ibid.)

In response to the Planning Department's letter of October 23, 2008, the applicants requested a 90-day processing extension to March 16, 2009 in order to meet with the Staff and discuss options for a revised design.

On December 12, 2008, the applicants' architect (Cove Britton) and attorney (Gerald v. Barron) met with various members of the Planning Department's Staff (specifically, Assistant Planning Director Mark Deming, Principal Planner Paia Levine, Project Planner (Alice Daly) and County Urban Designer Larry Kasparowitz) and Assistant County Counsel Chris Cheleden).

On December 13, 2008, a meeting with neighbors was held at Matson Britton with Ms. Kay Archer Bowden acting as a facilitator. (Exhibit 4)

On January 16, 2009, architect Cove Britton submitted to the Planning Department's Project Planner certain revised design plans and additional information, along with his cover letter summarizing these. (See Exhibit 1). These submissions, with their substantial design changes, were made in the good faith belief that the Staff's "compatibility" concerns or issues had been adequately addressed and resolved by these submissions.

On February 5, 2009, architect Cove Britton provided additional submissions to the Planning Department. (See Exhibit 8).

Nevertheless, shortly before the March 6, 2009, Zoning Administrator's hearing on this application, the Planning Department Staff issued the "Report to the Zoning Administrator" and recommended denial. (See Exhibit 9) The Staff described the reason for their recommendation with various phrases. Their reason, distilled to its essence, was that they did not find the design "compatible" with the neighborhood or surrounding area(s). For example, they stated at page 5:

*"While size and architectural styles vary in the area, the massive and formal design submitted is not consistent with the existing 'beach neighborhood' character of the surrounding neighborhood."*

On March 6, 2009, the Acting Zoning Administrator denied the application. She did so by essentially adopting the recommendation and bare conclusion of the Staff that the design was not "compatible" with the neighborhood or the surrounding area(s). Although the Zoning Administrator announced at the hearing that she had inspected the neighborhood and some other area(s) to determine whether the West house was "compatible," she never indicated what she determined to be the neighborhood or relevant areas or what site or design features any specific neighborhood house had and with which the West house was incompatible. Furthermore, neither the Staff nor the Zoning Administrator were able to rebut the evidence that Mr. and Mrs. West produced of actual houses in the immediate vicinity that had site and design features not substantially different than the house proposed by them. This included evidence of houses: (1) having as eclectic or unique a style as the West house has (2) having as many square feet as the West house has, (3) taking up far greater percentages of the lot than the West house, (4) sited as close or closer to the street as the West house, (5) having as many stories as the West house, and (6) having a continuous roof line at the front of the house as the West house has.

#### IV. REASONS TO GRANT THE APPEAL

The decision of the Zoning Administrator should be reversed. Mr. and Mrs. West should be allowed to build the house as sited and designed, or at least something very close to it as approved by this Honorable Planning Commission.

First, the Zoning Administrator's decision was not based on any clearly identifiable "neighborhood." The geographic boundary of any such purported "neighborhood" was never identified. Second, the Zoning Administrator's decision was not based on any clearly identifiable site or design features of any such purported general "neighborhood" or other area. Third, the Zoning Administrator's decision was based on the premise that there existed some neighborhood features with which Mr. and Mrs. West's house was not "compatible," but never identified any specific house or houses with such specific features and overlooked or ignored houses with features identical or not substantially different than those of Mr. and Mrs. West's house. No greater proof of this is needed than the concession made by the Planning Department Staff when they stated:

*"The established residential neighborhood contains a range of architectural styles, and the determination that the proposed home would not be compatible with the eclectic variety of surrounding dwellings is based largely on the formality and massive scale of the architectural elements, i.e. the execution of the proposed style.... (See Exhibit 7-Staff Report to Zoning Administrator at p. 3)"*

Such an approach by the Zoning Administrator was flawed. It ignored the County's own codes (E.g., see Santa Cruz County Code section 13.11.073-which sets forth 9 building elements, any one or more of which if met by a house's design may make the house "achieve the appropriate level of compatibility") The Zoning Administrator's approach also potentially violated the rights of Mr. and Mrs. West that are guaranteed to them under the United States Constitution. Mr. and Mrs. West are aware that California appellate courts have given to public entities a significant degree of latitude to create and implement local codes that protect visual resources. However, they are also aware that whether the legal limits of that latitude have been crossed by local codes that are unconstitutionally vague in language or by application or that impermissibly result in unequal protection under the laws is always a question that must be answered on a case by case basis. Mr. and Mrs. West do not believe that the County's codes, at least as applied to them, will withstand legal scrutiny and analysis.

Let me conclude by thanking in advanced this Commission for taking the time to address this mater. I will be pleased during the hearing to answer any questions that any member of the Commission may have.

Sincerely yours,

Cove Britton  
Architect



# **EXHIBIT**

**#1**



# County of Santa Cruz Planning Department

General Information Desk  
Santa Cruz: 454-3252 • Aptos: 454-7576 • Felton: 461-7450

Date Stamp: **2009 JAN 16 AM 11 55**  
Staff Initials: *[Handwritten initials]*  
Exhibit #1

## Tracking Dropped Off Materials

Screening at the Building and Zoning Counter is needed for the following materials:

- Applications for all new projects
- Revisions of projects that alter the permit description
- Applications for revisions of projects / change orders for issued permits
- Any submittal which requires a fee to be paid

To track material that does not need to be screened at the zoning counter, please complete this form and have it reviewed at the general information desk. A copy will be attached to the material and a receipt will be given to you once completed.

Please ask the general information desk for assistance.

Today's Date: 1/15/09

Parcel Number (APN): 043-231-11

Building Application #: -

Discretionary Application #: 08-0373

(if Discretionary) Project Planner: Alice Daly

Other: \_\_\_\_\_

Chose One

Application #: \_\_\_\_\_  
Parcel #: \_\_\_\_\_  
Project Planner Initials: \_\_\_\_\_

FOR OFFICE USE ONLY

Person Dropping off Material: Name: Reem Farhat

Person Dropping off Material: Phone #: (831) 425-0544

Contact Name (if different from above): Cove Britton

Contact Phone #: (831) 425-0544

Contact E-mail: cove@matsonbritton.com

Description of Material: (1) response letter + (2) add'l copies  
(Reminder: Any plans submitted need to be **folded** to 8 1/2" x 12" format) (8) sets revised plans / (2) reduced sets

Indicate number of copies/sets submitted (2) sets photo realistic renderings

Is Code Compliance Involved: NO  No  Yes  Investigator

Destination of Material: Person: Alice Daly

Note: All discretionary project material will be reviewed by the project planner first, then will be passed on to the final destination)

Original: Receipt

Canary: Routed

Pink: GID file

# **EXHIBIT**

**#2**



January 13, 2009

Alice Daly  
Project Planner  
County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

RE: West Residence  
313 Kingsbury Drive  
APN 043-231-11

Dear Ms. Daly,

Thank you for our meeting of December 12, 2008 ((Assistant Planning Director Mark Deming, Principal Planner Paia Levine, County of Santa Cruz Urban Designer Larry Kasparowitz (Architect), County Counsel Chris Cheleden, Gerald Barron (attorney for Trent and Michelle West) and my self attending)). I believe it was a productive meeting and I appreciate county staff input on the project. We have made a number of changes to the design and we are providing additional information (a preliminary landscape plan, photo simulation, and revised plans), both at staff's request and also resulting from interaction with the neighbors who attended a meeting that we held for their input.

In response to per Larry Kasparowitz's comments and recommendations we have provided the following design revisions:

A. We have made the stone panels smaller, because Larry commented that the larger stone panels seemed to be too large for the house. I would ask that Larry take another look at the issue, since I am a little concerned the change may have

728 NORTH  
BRANCIORTE  
SANTA CRUZ  
CA 95062  
877-877-3797

had the opposite affect of Larry's intention as it may make the front of the house appear larger?

B. We have also added a "belly band" molding detail with a darker color below and a lighter above, since Larry recommended some break up to the look of the height of the front exterior.

C. We have provided a preliminary front yard landscaping plan and photo simulation reflecting the proposed front yard landscaping, in order to further address Larry's recommendation as well as Alice's comment about the need for some landscaping ideas for the front of the house.

D. We have also eliminated the second floor art studio's closet and bathroom, though this is not in response to a comment from Larry (or any other staff) but in response to view concerns of the neighbors to the rear.

In response to staff's request for a written version of my verbal description of our design approach for this project please see below:

The home design for Trent and Michelle West is a product of many factors, but the three basic concepts that we started with are the following:

**Style**

**Privacy**

**Preservation of neighboring ocean views where practical.**

**1. Style**

Stylistically the Wests noted the building popularly known as the "mushroom" building (visible from highway 1 near Airport Boulevard in Watsonville) as a style they found appealing. We have interpreted that style as a contemporary version of Italian Renaissance and Spanish Eclectic. Rather than have a long winded description of this style, I believe that Mr. Kasparowitz is familiar with *A Field Guide to American Houses* and can assist staff in more detailed information in regards to these styles. I have enclosed some copies of various homes of this style including two well respected California examples located in a residential neighborhood; the John G. Kennedy House in Palo Alto (designed by Julia Morgan), and closer to home, the Leask house (designed by William H. Weeks) in the city of Santa Cruz.

Both the California homes noted above have continuous eaves (something that is typical of the style). And as can be observed in the various photos (and is typical), "massing" is an integral element of this style.

## **2. Privacy**

A typical feature of this style of home is to have two projecting wings that are forward of the central block (*A Field Guide to American Houses*). We angled these wings in order to assist in preserving views for the down coast neighbor, to avoid placing the full two story mass at the front setback, and to create a "shielded" area for the front patio. In addition, due to the concentrated massing style (versus a rambling home) we were able to keep the primary mass away from the neighbors. Proposed side yards are two to three times wider than required and rear yard setback is over double of that required. Essentially the style of the home allowed the proposed project to pull its mass away from the adjacent homes which appear all to be at, or near, their minimum setbacks.

## **3. Preservation of neighboring ocean views where practical.**

While our clients, and my office, is aware the County does not generally attempt to protect private views, we have attempted to accommodate existing views that certain neighbors have. As noted above, the angled wing and large side yard setback assist in preserving the down coast neighbors' up coast view. Presently, three neighbors' homes to the inland side of this property have angled views over the rear yard of the West property (and over the property of the up coast neighbor of the West residence). By pulling the home towards the front of the property it appears we are able to preserve at least a portion of this view for at least two of these homes. Unfortunately one neighbor's present view will be blocked. Based on a meeting with the neighbors, Trent and Michelle West requested that our office explore what revisions could be done that would assist in the preservation of that view. Towards that end we have designed a potential design revision which removes the second story accessory dwelling and places it at ground level and also revises Michelle West's art studio space to assist in preserving the view for this adjacent neighbor. Through Kay Bowden Archer (who acted as the facilitator for our neighborhood meeting) we have invited a couple of the affected neighbors to review this possible revision, unfortunately we have not heard back at this time and for the time being have tabled that revision.

As staff is aware, our office has designed a large number of remodels and new homes in this neighborhood (approximately 13 in the immediate neighborhood

with another 9 in the process); including three other homes down the street from this one. I think that staff will agree, and based on our experience, there is a wide variety of size and style existing in the neighborhood, with most of the newer homes meeting (or even exceeding) maximum FAR and lot coverage. While the house we are proposing has more square footage than the majority of homes, it is consistent with heights, FAR, and lot coverage, with the majority of homes in this neighborhood. I understand that staff prefers styles and/or sizes that are "small" in character, but hopefully it is helpful to point out (and we pointed this out to the neighbors also) that the subject property is actually two lots of record. If the Wests chose to do two homes consistent with the homes directly adjacent, those two homes would result in more total "mass" (i.e. not "smaller" in character, style or actual square footage) than is currently proposed, also these two new homes would be significantly closer to their neighbors than the proposed home and would clearly block the views that we are trying to preserve.

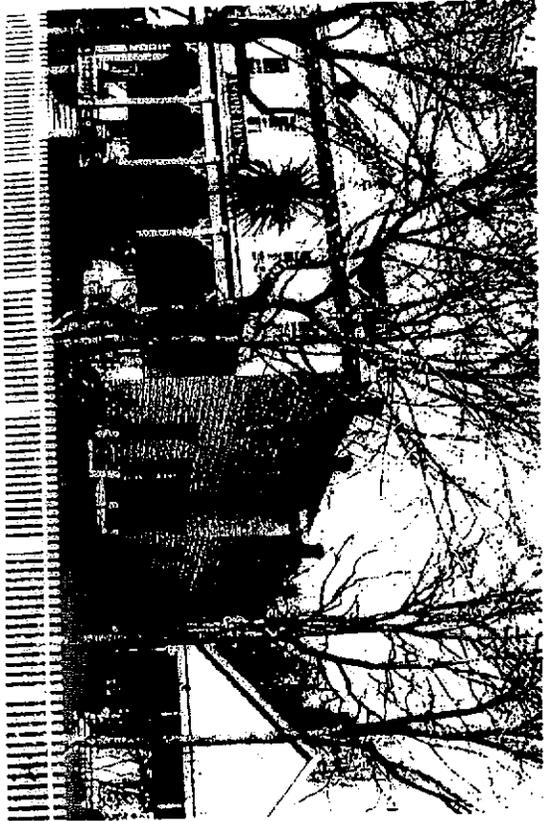
Thank you again for staffs' consideration and input.

Please do not hesitate to contact me with any additional questions or concerns regarding this project.

Sincerely,

Cove Britton  
Architect





(28) Pope house

through the years, and the last of its buildings were torn down in 1919.

Green St. dates from Mission days, according to Ernest Otto, and was used for hauling timber down to the beach. Green and Potrero Sts. line up, and may well have been connected as a through street from one side of the bluff to the other. Probably nameless in those days it was called the "church street" at the time the Methodist church was built on the corner.

(29) At 104 Green St. was a two-story, cube-shaped house with hipped roof and quoining built for Dr. C.L. Anderson in 1867 by John B. Perry. The stone retaining-wall and picket fence remain.

Anderson was a physician with an active interest in the natural sciences, particularly geology and botany. He contributed material to the 1879 *History of Santa Cruz County* published by Elliott and to Phil Francis' 1896 *Beautiful Santa Cruz County*.

The house was torn down c. 1950.

(30) Across the street was the story-and-a-half house of butcher Wesley P. Young.

"There is an abundance of flowers, fountains, croquet grounds, and everything desirable for a pleasant home," approvingly noted Elliott's *History of Santa Cruz County*.

The house burned down in the 1920's, but part of the pattern of paths remains in the circular drive on the property.

(31) Young's house was later occupied by the Samuel Leask family, moved across the street to 128 Green St. The two-story red-tile roofed



(29) Leask house

was designed by architect William H. Weeks, and built in 1928. There is nothing under the eaves and a continuous molding marking the division between the first and second stories. The two sets of triple windows on the second floor are set in shallow arches with spiral columns. The recessed main entrance is flanked by elongated pilasters supporting an entablature with shield.

The design is a subdued version of the Spanish Colonial Revival, which was so skillfully handled by southern California architects during this period.

Businessman Samuel Leask, Sr. had taken over George Place's Seaside store, today known as Leask's Department Store.

123 Green St. is a square-fronted, two-story Italianate with low roof. A sawn-wood balustrade of overlapping circles tops the porch. The entrance stairway is bordered by a classical balustrade in large newel posts.

On the south side of a Palladian window and a two-story slanted bay windowed pediment cornice.

Through the house through the tall double entrance doors with their fluted, frosted glass panels, one is immediately struck by the generally large size of the Colonial Revival main stairway, which the parlor like a thrust stage. Notable features of the interior are the wainscoted dining-room, Italianate cast-iron fireplace, and the arches in the arches of the bay windows.

*Palo Alto continued*

*Ramona Street Commercial Building (Pedro de Lemos Building) (CA-2067).* 520-526 Ramona St. Stuccoed tile construction, 24' (three-bay front) × 100', L-shaped, one-story front portion, two-and-a-half stories, in rear, tiled hipped and gabled roofs, tiled gable dormers, courtyard with tree in front section, lavish use of Spanish ornament. Built 1925, Pedro de Lemos, graphic artist and director of Stanford Art Museum, designer. 5 sheets (1979, including plans, elevation, sections); 6 ext. photos (1980); 15 data pages (1978, 1981).

*Stanford University:*

□ *Dunn-Bacon House (CA-2175).* 565 Mayfield Ave. Wood frame with clapboards, two-and-a-half stories, five-bay front, hipped roof with gable dormers on sides, two-story *pedimented* portico with paired fluted Ionic columns, wide eaves with extended modillions. Built 1899, Charles Edward Hodges, architect, for the Dunns, who were not connected with Stanford Univ. but who received permission from Mrs. Stanford to build on its property. 4 ext. photos (1975).

□ *Durand-Kirkman House (CA-2176).* 623 Cabrillo Ave. Wood frame with shingles, two-and-a-half stories, cross gambrel roof, variety of windows, some bay windows, some geometric patterns in lead, one-story porch across front; extensive hand-carving on interior. Built 1904,

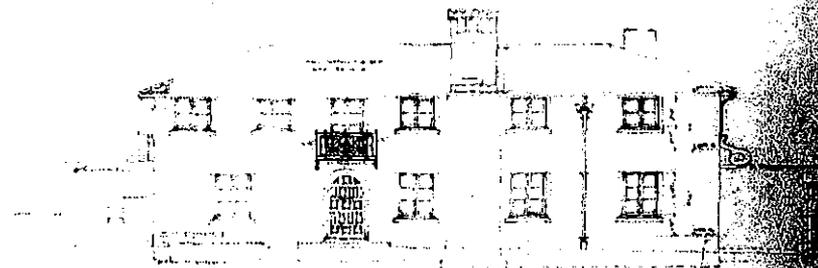


John G. Kennedy House, Palo Alto

Prof. A. B. Clark, architect; first built outside established residential area. 1 ext. photo (1975), 2 int. photos (1975), copies of architect's drawings (1975), elevations and partial section).

□ *Escondite Cottage (CA-2168).* Wood frame with board-and-batten siding, one-story with two-story section, L-shaped with wide eaves and stick-like moldings on openings. Built 1875 by Auguste-Paulin Caperon, a.k.a. Peter, who returned to France in 1882 and sold to Leland Stanford. 5 ext. photos (1975).

□ *Frenchman's Library (CA-2169).* Rd. Brick, two stories with three



John G. Kennedy House, main elevation, Palo Alto (CA-2076).

Orville Dam vicinity □ Butte County

*Wagon Bridge and Stone Toll House (CA-2098)*. Suspension bridge shipped around the world from Troy, New York, in 1853, and placed in California in 1856, operated as a toll bridge until 1874, then became a free bridge and was in 1937; the bridge with its toll house was moved to its original site, which is now covered by the waters of Lake Oroville, to a site near the Oroville Dam. 1 photocopy of 1937 general view.

Northridge □ Los Angeles County

*El Escorpión* under Los Angeles.

San Diego County

*San Antonio de Pala (CA-44)*. Plastered stone foundations, L-shape, chapel and living quarters in other, one story, gabled gable roof, plain facade, decorative campanario originally on boulder and now on two stages with curved top, molded round-arched openings contain two niches; has exposed wood timber roof and plastered walls with Indian paintings, north end. Built 1816 by Indian labor under supervision of Father Antonio Peyrí of San Luis Rey as dependency of the Mission. Mission declined to ruinous state, restored by Southern California Landmarks

Club under Charles Lummis; original campanario destroyed by rains in 1916, restored 1917; building restored again 1957-59 as a school and convent. 7 sheets (1936, including plot plan, plan, elevations, int. elevations, details); 12 ext. photos (1936, 1937), 2 int. photos (1936); 2 data pages (1937). SHL

Palo Alto □ Santa Clara County

*Courtyard Building (CA-2098)*. 533-39 Ramona St. Stuccoed, three-bay front, two stories with center bay rising to three stories, tiled roof, arched entrance, balcony above has tiled shed roof, tiled entrance and interior courtyard lavishly in Spanish ornament. Built 1927, Birge M. Clark, architect. 6 int. photos (1980).

*Emperger Grocery (Channing Market) (CA-2103)*. 532 Channing Ave. Wood frame with drop siding, 18' (three-bay front) × 58', two stories, gable roof with gabled false front, storefront with canopy. Built 1900. 2 sheets (1980, including site plan, plans, elevations); 3 ext. photos (1980); 13 data pages (1980).

*Kennedy, John G., House (CA-2076)*. 423 Chaucer St. Stuccoed wood frame, approx. 60' (five-bay front) × 45', two stories, tiled hipped roof, prominent exterior chimney on front, round-arched recessed entrance, casement windows. Built 1922, Julia Morgan, architect. 3 ext. photos (1980), 7 int. photos (1980), 8 photocopies of architect's drawings (1921, including plans, elevations, section, details); 6 data pages (1980).



*San Luis Rey de Francia, Oceanside vicinity, (CA-42).*

*Eclectic Houses: Spanish Eclectic*

HIPPED ROOF

1. Palo Alto, California; 1930s. Kennedy House.
2. Morgan Hill, California; 1930s. Fountain Oaks.
3. Corning, New York; 1930s.
4. Dallas, Texas; 1942. Luse House. Note the elaborate door surround, the two focal window areas, and the corner quoins.
5. Dallas, Texas; 1937. Bounds House. Note the roof-top cupola, centered visor roof echoed on the porte cochere, and massive door surrounds with spiraled columns.

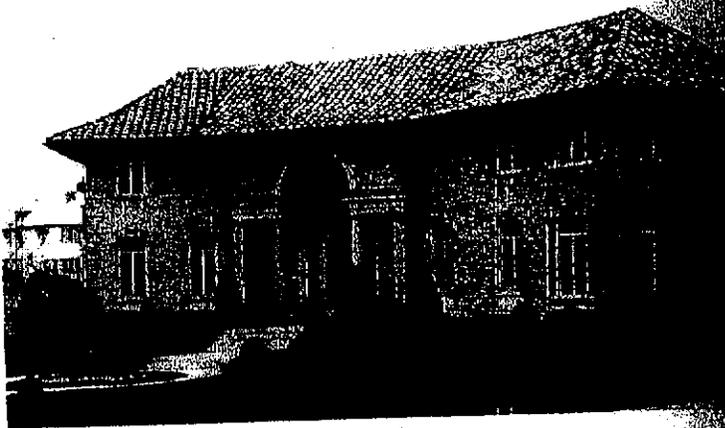
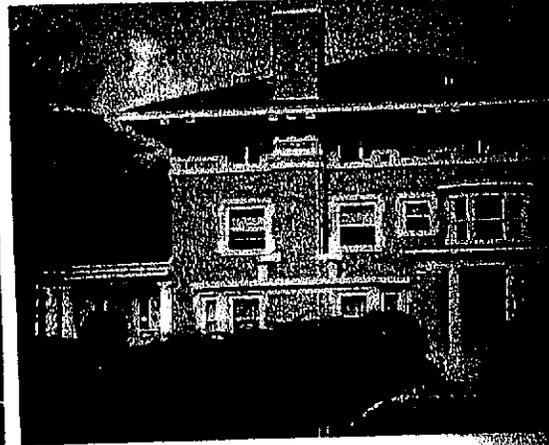
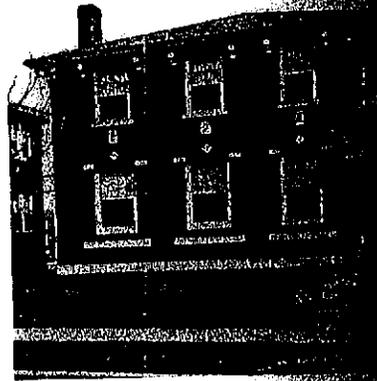


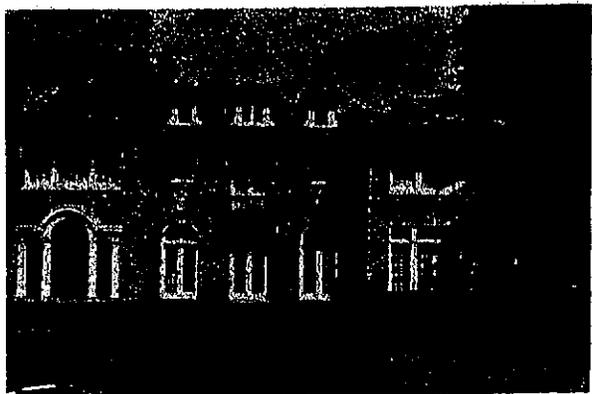
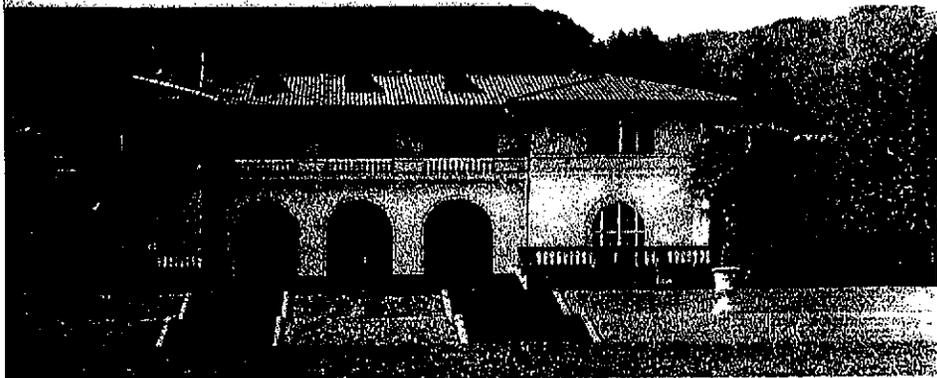
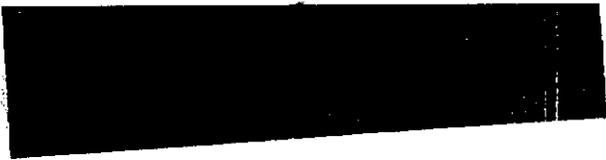
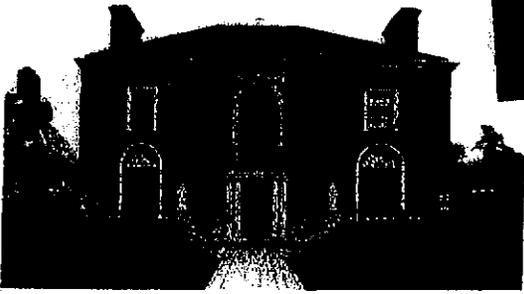
*Eclectic Houses: Italian Renaissance*

Exhibit #2

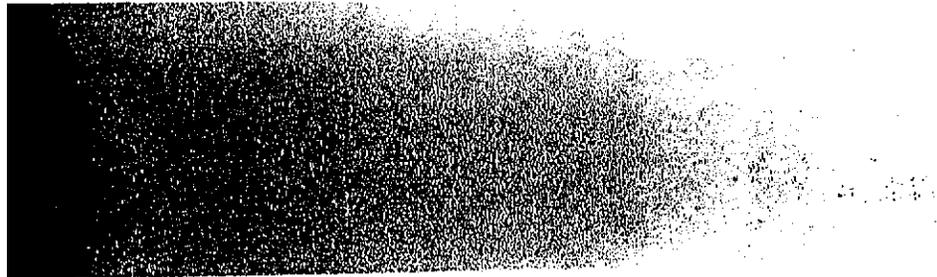
ASYMMETRICAL.

1. St. Louis, Missouri; 1910s. This simple brick example has lower-story windows in blind arches and a side entrance.
2. Durham, North Carolina; 1920s. This stucco example is a simpler version of its neighbor shown in Figure 3.
3. Durham, North Carolina; 1920s. A seven-ranked brick example with asymmetrical recessed porch.
4. Louisville, Kentucky; 1920s. This example has Beaux Arts detailing over the door and arched windows.
5. Kansas City, Missouri; 1910s. An unusual feature for this style is the prominent front chimney.
6. Montgomery, Alabama; 1910s. The taller, projecting section recalls the towers of the Italianate style.
7. St. Louis, Missouri; 1910s. Note the prominent Palladian-motif entry and angled side wings.
8. Montgomery, Alabama; 1910s.





Italian Renaissance 403



# **EXHIBIT**

**#3**



© 2009 ArchiGraphics

**WEST RESIDENCE**  
313 Kingsbury Drive, Aptos  
Matson Britton Architects

Rendering: ArchiGraphics  
January 16, 2009

# **EXHIBIT**

**#4**

TO: Cove Britton  
FROM: Kay Archer Bowden  
DATE: January 14, 2009

**REPORT ON NEIGHBORHOOD OUTREACH EFFORTS  
REGARDING PROPOSED HOUSE AT 313 KINGSBURY**

You asked me to coordinate and facilitate neighborhood outreach efforts for the project proposed at 313 Kingsbury in Rio del Mar. I recommended that you hold a meeting to allow people to raise issues and get answers to questions. I recommended that you invite everyone on the list that the County would require for any hearing on the project. This report summarizes the implementation of those recommendations.

**INVITATIONS TO DECEMBER 13<sup>TH</sup> MEETING**

I mailed personal letters to owners and residents within 300 feet of 313 Kingsbury Drive. I used lists of owners and residents provided by Santa Cruz County Planning Department.

The letters invited recipients to a meeting on Saturday, December 13, 2008 at 2:00 p.m. at the office of the project architect, Cove Britton, at 728 North Branciforte Avenue, Santa Cruz 95060, to discuss the proposed new house at 313 Kingsbury Drive. A copy of the invitation is attached.

**RESPONSE TO INVITATIONS**

**RETURNED ENVELOPES**

Seventeen envelopes addressed to "Residents" were returned as undeliverable. None were returned from the owner lists.

## PHONE CALLS

I received three telephone calls:

- Jerry Scattini, 325 Kingsbury Drive, said he is not opposed to the project, but is concerned about the effect of construction trucks (cement, lumber, etc. on the section of Kingsbury between Florence and Alba.
- Stephen Chen, 319 Beach Drive, [SChen@Teserra.com](mailto:SChen@Teserra.com), 408.221.6663, would like a summary of plans for the hillside during the construction and afterwards. He is concerned about drainage and is assuming that the applicants will do some shoring up of the hillside.
- Albert Zecher, who owns property on Rio del Mar Blvd, wanted the parcel number so he could determine if the new house would have any effect on him.

## LETTERS

I received a letter from Victor and Grace Pires, 327 Beach Drive. Their mailing address is 327 S. 15<sup>th</sup> Street, Renton, WA 98055. Their cell phone is 992-9879. They are concerned about the effect of the construction on the stability of the road and the hillside. They stated that there have been problems over the last 20 years or longer with water drainage and hill sliding.

On January 7, I received a hand written letter from someone who identified herself as "Neighbor 101 Florence Drive". She was unable to attend the December 13<sup>th</sup> meeting. She is concerned about the impact on neighbors and would like story poles installed.

## DECEMBER 13<sup>TH</sup> MEETING

Nine people attended the December 13 meeting. An attendance list is attached to this report.

The issues raised and discussed at December 13 2008 Meeting were:

1. Construction Traffic
  - Where will the trucks and workers park?

- What will be the impacts on Kingsbury?
    - Kingsbury is not a County maintained road
    - Trucks will create noise
    - Trucks may damage road surface
  - What will be the impacts on Florence and other nearby roads?
  - How many trucks will be coming to the site at one time?
2. Impacts on views from other houses
  3. Size of the proposed house
  4. Consistency with the neighborhood
  5. Height of the Granny Unit (23' 8")

### **FOLLOW-UP LETTERS AND EMAILS**

On December 19<sup>th</sup> I sent letters to everyone who attended the December 13<sup>th</sup> meeting. I included the issue list shown above and invited them to call me if they had further concerns. A sample of the letter is attached.

At the meeting, Linda White of 105 Florence Drive, was particularly concerned about the effect of the new structures on her view. I included in her letter an invitation to meet with the architect and the owner to discuss options that might lessen the effect on her view. I asked her to call me if she was interested in such a meeting. A copy of the letter is attached to this report. I have not received a call from her. When I did not hear from her, I emailed one of the neighbors who had expressed concern about the effect on Ms. White's view. I asked him to call me to discuss the options. He did not reply to the email and did not call.

### **CONCLUSION**

- Outreach efforts have included
- Letters,
  - Telephone conversations,

- A meeting where neighbors could ask questions and express opinions,
- Follow-up letters to meeting attendees summarizing the issues raised at the meeting and inviting them to call me if they had further concerns,
- A special invitation to Ms. White to discuss design options,
- An email to a neighbor concerned about the effect of the structure on Ms. White's view.

I not received any responses to my follow-up letters and emails after the December 13<sup>th</sup> meeting.

A handwritten signature in cursive script that reads "Kay Archer Bowden". The signature is fluid and somewhat stylized, with the first letters of each name being capitalized and prominent.

**Kay Archer Bowden**

**Attachments:**

**Invitation Letter Sample**

**Meeting Attendance List**

**Sample Follow-up Letter**

**Follow-up Letter to Linda White**

November 25, 2008

Dear Neighbor:

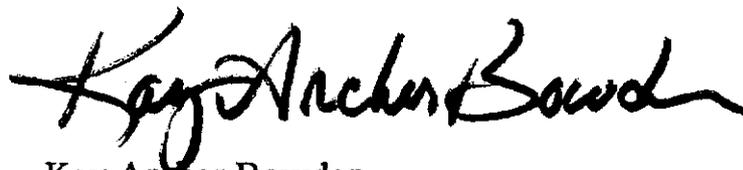
I am writing to you on behalf of your neighbors, Trent and Michele West. The Wests have asked me to invite you to a meeting at the office of their architect, Cove Britton, at 728 North Branciforte Avenue in Santa Cruz on Saturday, December 13<sup>th</sup> at 2:00 p.m.

Mr. and Mrs. West are planning to replace their existing home at 313 Kingsbury Drive in Rio del Mar and would like to discuss their plans with you. They have asked me to arrange and facilitate a meeting with their neighbors. The Wests' architect will be at the meeting to describe the plans and answer your questions. We hope you will be able to join us on December 13<sup>th</sup>.

If you have questions about the meeting, please call my office at (831) 425-3613.

I look forward to meeting you on December 13<sup>th</sup>.

Sincerely,



Kay Archer Bowden

*invitation letter sample*

ATTENDANCE LIST FROM DECEMBER 13 2008 MEETING

John Barnickel  
302 Cliff Drive, Aptos 95003  
[johnbarnickel@sbcglobal.net](mailto:johnbarnickel@sbcglobal.net)  
work phone: 415.545.5905  
cell: 925.872.3000

Peter & Susan Canepa  
110 Florence Drive, Aptos

Richard & Colleen LeCour  
306 Kingsbury Drive, Aptos 95003

Gary Martin  
306 Cliff Drive, Aptos 95003

Frank McNally  
4120 Heritage Lane  
Mariposa, CA 95338  
[Frank4120@hotmail.com](mailto:Frank4120@hotmail.com)  
209.966.6270

Robert Oram  
317 Kingsbury Drive, Aptos 95003

Mark Tashima  
963 Trifone Drive, San Jose 95117

Linda White  
105 Florence Drive, Aptos 95003

December 19, 2008

Robert Oram  
317 Kingsbury Drive  
Aptos, CA 95003

Dear Mr. Oram:

Thank you for attending the December 13<sup>th</sup> meeting to discuss the proposed house at 313 Kingsbury Drive in Aptos.

According to my notes, the issues raised and discussed at the meeting were

- The impacts of construction traffic on the roads and the neighborhood atmosphere,
- The impact of the new house on views from existing houses,
- The size and height of the house and the accessory dwelling unit,
- The consistency of the new house with the neighborhood.

We tried to answer your questions at the meeting. However, if you have further questions or wish more information about the issues discussed at the meeting or any other issues, please call me at 831.425.3613.

Again, thank you for taking the time to attend the December 13<sup>th</sup> meeting.

Sincerely,

Kay Archer Bowden

*Sample of letter sent to neighbors who attended the December 13<sup>th</sup> Meeting*

December 19, 2008

Linda White  
105 Florence Drive  
Aptos, CA 95003

Dear Ms. White:

Thank you for attending the December 13<sup>th</sup> meeting to discuss the proposed house at 313 Kingsbury Drive.

According to my notes, the issues raised and discussed at the meeting were

- The impacts of construction traffic on the roads and the neighborhood atmosphere,
- The impact of the new house on views from existing houses,
- The size and height of the house and the accessory dwelling unit,
- The consistency of the new house with the neighborhood.

You were particularly concerned about the effect of the new house on your view. The architect and the owner would like to meet with you to discuss options that might lessen the effect on your view. If you are interested in such a meeting, please call me at 831.425.3613 to discuss convenient times and dates.

Again, thank you for taking the time to attend the December 13th meeting.

Sincerely,

Kay Archer Bowden

*Follow-up letter sent to Linda White.*

# **EXHIBIT**

**#5**



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

September 12, 2008

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

Subject: **Incomplete Application - Additional Information Required**  
Application #: **08-0373**; Assessor's Parcel #: **043-231-11**  
Owner: **Trent and Michele West**

Dear Matson Britton Architects:

This letter is to inform you of the status of your application. On 8/12/08, the above referenced application was submitted for a Coastal Development Permit and Residential Development Permit with the Santa Cruz County Planning Department. The initial phase of processing your application is an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, existing files and records and input from other agencies, conducting a site visit and a preliminary review of whether there is enough information to evaluate the compliance of your proposal with current codes and policies.

### Completeness Issues

It has been determined that additional information and/or material is necessary. At this stage, your application is considered **incomplete**. For your proposal to proceed, the following items should be submitted:

1. Please list all earthwork quantities on Sheet C-1 of your plans, as requested by Environmental Planning in the attached Discretionary Application Comments. Include a separate line item for over-excavation / re-compaction quantities.
2. Please directly contact Travis Rieber, Department of Public Works Storm Water Management Section at 454-2594, to discuss and resolve the DPW Drainage "Completeness Comments" itemized on the attached Discretionary Application Comments. Please note that items # 4, 5, and 6 under "DPW Drainage Completeness Comments" are compliance rather than completeness issues.
3. Please review the attached Discretionary Application Comments from all agencies. Comments listed under the heading "Completeness Comments" for each agency must be addressed and resolved prior to your application being considered complete and able to move forward with the review. Questions related to these comments can be addressed to each

separate agency. As stated above, be aware that items # 4, 5, and 6 under "DPW Drainage Completeness Comments" are compliance, not completeness issues.

4. Please note that you will be required to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for preparing your sign. Please do not prepare or install the sign until all other completeness issues have been resolved as the description may change during the review process. Neighborhood Notification Guidelines online: [www.sccoplanning.com/brochures/neighbornotice.htm](http://www.sccoplanning.com/brochures/neighbornotice.htm) If you require a paper copy, please let us know and one can be provided to you.

You must submit the required materials to the Planning Department at one time. Revisions to plans must be included in complete, updated sets of plans. All plan sets must be individually stapled and folded into an ~ 9" x 12" format (per Folding Plans handout). To reduce waste and to aid in recycling efforts, plan sets should be printed on bond (white) paper and should not include colored binding material of any kind. You have until **11/12/08**, to submit all of the information required in this letter. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees.

Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

You have the right to appeal this determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee and a letter addressed to the Board Of Supervisors stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be formally submitted through the Zoning Counter of the Planning Department at 701 Ocean Street, Santa Cruz, California no later than 5:00 p.m. on 9/26/08.

### **Compliance Issues**

#### Design and Neighborhood Compatibility

Please carefully review the attached memo regarding your project from the County Urban Designer. You are encouraged to consider a re-design of your proposal based upon the recommendations of the Urban Designer in order to move the project toward greater compliance with the applicable provisions of County Code Chapters 13.20 and 13.11. We are unlikely to be able to make the required findings or recommend approval of the project as currently submitted.

#### Additional Information

In addition to evaluating the completeness of your application, the initial review has identified other issues that will affect the processing of your project. Although it is not necessary for you to address these items for your application to be declared complete, they will need to be dealt with in later stages of your application process.

- A. You are requested to please fill out the attached Floor Area/ Gross Building Area worksheet in order to clarify the square footage calculations for your proposed project.
- B. You are encouraged to submit a landscape plan for this project, as landscaping may soften the visual impact from the street, and is a site design element that would help to bring the

proposed new home into conformance with Section 13.11.072 site design standards for visual compatibility with surrounding development. Please review the attached Urban Designer memo.

- C. Please review the attached Discretionary Application Comments from all agencies, and the Aptos / La Selva Fire Protection District Memo dated August 21, 2008. Comments listed under the heading "Miscellaneous Comments" for each agency shall either be addressed as Conditions of Approval for this permit, if approved, or will be required prior to approval of any Building or Grading Permit(s) for this project. Questions related to these comments can be addressed to each separate agency.

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

Sincerely,



Alice Daly, AICP  
Project Planner, Development Review

Attachments:

- County of Santa Cruz Discretionary Application Comments
- County of Santa Cruz Urban Designer Memo dated September 10, 2008
- Aptos / La Selva Fire Protection District Memo dated August 21, 2008
- Floor Area Ratio and Gross Building Area Worksheet

C O U N T Y O F S A N T A C R U Z  
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Exhibit #5

Project Planner: Alice Daly  
Application No.: 08-0373  
APN: 043-231-11

Date: September 11, 2008  
Time: 15:06:48  
Page: 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON SEPTEMBER 4, 2008 BY ROBERT S LOVELAND =====

1. The soils report submitted is in review status.
2. Please list earthwork quantities on "Sheet C1". Include a separate line item for overexcavation/recompaction quantities.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON SEPTEMBER 4, 2008 BY ROBERT S LOVELAND =====

The biotic resource mapped within this area is not present on this parcel.

Conditions of Approval:

1. Submit a "Plan Review" letter from the project geotechnical engineer for review and approval.

**Dpw Drainage Completeness Comments**

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

===== REVIEW ON SEPTEMBER 3, 2008 BY TRAVIS RIEBER =====

1. How is runoff from the existing impervious area collected and directed? Where does the existing catch basin in the driveway area drain? Are there any problems with the existing drainage system?
  2. Does this site currently receive any runoff from adjacent/upslope property? If so, how will the project continue to accept this runoff without causing adverse impacts to the proposed structure or adjacent/downstream properties.
  3. Continue the description of the offsite routing path along Kingsbury Drive to a safe point of release.
  4. For impacts and fee calculations please provide tabulation of existing impervious areas and new impervious areas resulting from the proposed project. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor-s records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.
  5. Projects are required to minimize impervious surfacing. This project is proposing an extensive amount of paved driveway and patio area. The requirement to minimize impervious surfacing can be achieved by the use of porous pavement where feasible.
  6. The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.
-

Project Planner: Alice Daly  
Application No.: 08-0373  
APN: 043-231-11

Date: September 11, 2008  
Time: 15:06:48  
Page: 2

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Note: All re-submittals shall be made through the Planning Department. Materials left with Public Works may be returned by mail, with resulting delays.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions.

#### Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON SEPTEMBER 3, 2008 BY TRAVIS RIEBER =====

1. A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

2. A civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received.

#### Dpw Road Engineering Completeness Comments

===== REVIEW ON SEPTEMBER 3, 2008 BY RODOLFO N RIVAS =====

NO COMMENT

#### Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON SEPTEMBER 3, 2008 BY RODOLFO N RIVAS =====

NO COMMENT

#### Dpw Sanitation Completeness Comments

===== REVIEW ON SEPTEMBER 2, 2008 BY CARMEN M LOCATELLI =====

Sewer service is currently available.

#### Dpw Sanitation Miscellaneous Comments

===== REVIEW ON SEPTEMBER 2, 2008 BY CARMEN M LOCATELLI =====

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application

Existing lateral(s) must be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure.

An abandonment permit for disconnection work must be obtained from the District.

Show all existing and proposed plumbing fixtures on floor plans of building application.

#### Aptos-La Selva Beach Fire Prot Dist Completeness C

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

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## Discretionary Comments - Continued

Project Planner: Alice Daly  
Application No.: 08-0373  
APN: 043-231-11

Date: September 11, 2008  
Time: 15:06:48  
Page: 3

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===== REVIEW ON AUGUST 26, 2008 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept. APPROVED

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

**Aptos-La Selva Beach Fire Prot Dist Miscellaneous**

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

===== REVIEW ON AUGUST 26, 2008 BY ERIN K STOW =====

NO COMMENT

COUNTY OF SANTA CRUZ

Planning Department

## INTEROFFICE MEMO

APPLICATION NO: 08-0373

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

### I. COMPLETENESS ITEMS (for design review only)

none

### II. COMPLIANCE ISSUES

#### A. Recommendation

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

#### B. Applicable Ordinances

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

Section 13.20.130 Design Criteria for Coastal Zone developments.

(b) Entire Coastal Zone.

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

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

Section 13.11.072 Site design.

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

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

(1) Compatible Site Design.

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

13.11.073 Building design.

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

(1) Compatible Building Design.

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

C. Applicable Findings

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

Section 13.20.110 Findings

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

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

Section 18.10.230 Findings required.

(a) Development Permits.

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

D. Design Issues / Urban Designer Comments

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

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

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

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

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

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



## Aptos/La Selva Fire Protection District

6934 Soquel Drive • Aptos, CA 95003  
 Phone # 831-685-6690 • Fax # 831-685-6699

August 21, 2008

Planning Department  
 County of Santa Cruz  
 Attention: Alice Daly  
 701 Ocean Street  
 Santa Cruz, CA 95060

Subject: APN: 043-231-11/ Appl #08-0373  
 313 Kingsbury Drive

Dear Ms. Daly:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

A plan review fee of **\$50.00** is due and payable to the Aptos/La Selva Fire Department **PRIOR TO APPROVAL** of building application. **Reminder:** the enclosed Permit/Service Fees form must be submitted to the Aptos/La Selva Fire Department at time of payment.

- Any other requirements will be addressed in the Building Permit phase.
- Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

In order to obtain building application approval, recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following information **on the plans that are submitted for BUILDING PERMIT**.

The County of Santa Cruz Emergency Services Department/Addressing must approve or assign an address before Fire Department approval is obtained.

**NOTE** on the plans "the **REQUIRED** and **AVAILABLE FIRE FLOW**. FIRE FLOW requirements for this project is **2,250 gallons per minute**. The AVAILABLE FIRE FLOW information can be obtained from the water company. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m<sup>2</sup>) shall be 1,000 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5m<sup>2</sup>) shall not be less than that specified in Appendix Table B105.1 of the California Fire Code".

**SHOW** on the plans a public fire hydrant within 600 feet of any portion of the building meeting the minimum required fire flow for the building. Hydrant shall be on a fire apparatus access road, as measured by an approved drivable route around the exterior of the facility or building.

APN: 043-231-11  
APPL. # 08-0373  
PAGE 2 of 3

**NOTE** on the plans "All buildings shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13-D, and adopted standards of the Aptos/La Selva Fire Protection District."

**NOTE** on the plans "the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval."

**NOTE** on the plans "an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT. Underground plan submittal and permit, will be issued to a Class B, Class C-16, Class C-36 or owner/builder. No exceptions."

**SHOW** on the plans where the smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement.

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc.)
- One detector in each sleeping room.
- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.
- There must be at least one smoke detector on each floor level regardless of area usage.
- There must be a minimum of one smoke detector in every basement area.

When a fire alarm system is proposed in lieu of 110V/battery backup smoke detectors, a separate fire alarm permit and fee is required by the Aptos/La Selva Fire District. **NOTE** on the plans, "three sets of fire alarm plans shall be submitted and approved prior to commencing work."

**NOTE** on the plans "building numbers shall be provided. Numbers shall be a minimum of four (4) inches in height on a contrasting background and visible from the street. Where numbers are not visible from the street, additional numbers shall be installed on a directional sign at the property driveway and the street."

**NOTE** on the plans "the installation of an approved spark arrester on the top of the chimney. The wire mesh not to exceed 1/2 inch."

**NOTE** on the plans "the roof covering shall be no less than Class "B" rated roof."

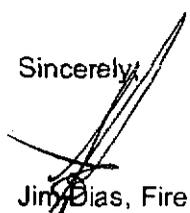
**NOTE** on the plans "a 30-foot clearance shall be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

**EXCEPTION:** Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure."

**NOTE** on the plans "the job copies of the building and fire systems plans and permits must be on-site during inspections."

APN: 043-231-11  
APPL. # 08-0373  
PAGE 3 of 3

Sincerely,



Jim Dias, Fire Marshal  
Fire Prevention Division  
Aptos/La Selva Fire Protection District

Cc: Trent & Michele West  
563 Cuesta Drive  
Aptos, CA 95003

Cc: Matson Britton Architects  
728 N. Branciforte Avenue  
Santa Cruz, CA 95062

# **EXHIBIT**

**#6**



2008 SEP 17 AM 9 56

September 16, 2008

Alice Daly  
 Project Planner  
 Planning Department  
 County of Santa Cruz  
 701 Ocean Street – 4<sup>th</sup> Floor  
 Santa Cruz, CA 95060

Subject: Appeals Board  
 Application #:08-0373  
 Assessor's Parcel #:043-231-11  
 Owners: Trent and Michele West  
 Situs: 313 Kingsbury Drive, Aptos

To Whom It May Concern:

As agent of the owner, I hereby appeal (per 17920.5 of state Health and Safety code) the county staff determination of:

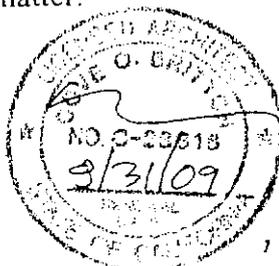
1. Robert S. Loveland - Environmental Planning comments provided from letter of Alice Daly, dated September 14, 2008. Mr. Loveland's comments regarding earthwork is not consistent with (but not limited too) county code and ordinance.
2. Travis Rieber – DPW Drainage comments from letter of Alice Daly, dated September 14, 2008. Mr. Rieber's comments regarding drainage are not consistent with (but not limited too) county code and ordinance.

These issues are technical in nature and the project Geotechnical and Structural Engineer shall provide additional information regarding this appeal. I do request that Mr. Loveland and Mr. Rieber provide specific code that they are basing their comments on in order to assist our project team to respond to their comments more concisely.

Please do not hesitate to contact our office with any questions or concerns regarding this matter.

Sincerely,

Cove Britton  
 Architect



728 NORTH  
 BRANCIORTE  
 SANTA CRUZ  
 CA 95062  
 877-877-3797



GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060  
 FAX (831) 454-2131 TDD (831) 454-2123

**DEVELOPMENT PERMIT APPLICATION**

PHONE: (831) 454-2130  
 PRINT DATE: 09/17/2008  
 APPLICATION DATE: 08/12/2008

APPLICATION NO.: **08-0373**

PARCEL NO. 043-231-11 SITUS ADDRESS 313 KINGSBURY DR APTOS 95003

**PROJECT DESCRIPTION:**

Proposal to demolish an existing 3,656 square foot 4 bedroom 3.5 bath single-family residence and to construct a new approximately 6,995 square foot 2-story 4 bedroom 4 bath and two half bath residence with an attached 611 square foot two-car garage, and a detached 634 square foot 3-car garage with a 609 square foot second floor accessory dwelling unit above. Requires a Coastal Development Permit, a Residential Development Permit and a Level 5 approval for approval of a second dwelling unit over 17 feet in height.

ADMINISTRATIVE APPEAL BY APPLICANT, MATSON-BRITTON ARCHITECTS, ON 9-17-08, regarding Env. Planning and DPW Drainage Comments in Incomplete Letter dated Sept 12, 2008.

**DIRECTIONS TO PROPERTY:** TAKE HWY 1 TO RIO DEL MAR BLVD EXIT, GO WEST 1.3 MILES TO A LEFT ON KINGSBURY DRIVE, GO 235 FEET TO 313 KINGSBURY DRIVE.

**OWNER:** WEST TRENT & MICHELE H/W CP 563 CUESTA DR APTOS CA 95003  
 SEND HEARING NOTICE AND STAFF REPORT TO OWNER

**APPLICANT:** MATSON BRITTON ARCHITECTS: APPELLANTS 728 N. BRANCIFORTE AVE SANTA CRUZ CA 95062  
 BUS. PHONE: (831)425-0544  
 SEND HEARING NOTICE AND STAFF REPORT TO APPLICANT

**STATEMENT OF INTEREST IN PROPERTY:** APPLICANT

APPLICATION FEES:	RECEIPT: 00113474	DATE PAID: 08/12/2008
COB NOE ADMINISTRATIVE FEE		50.00
COASTAL ZONE PERMIT - REGULAR		4626.00 #15244
ENVIRONMENTAL RESOURCE - SFD URBAN		622.00
SOILS REPORT REVIEW - MINOR		987.00
MAINT. GENERAL PLAN		23.01
UPDATE GENERAL PLAN		15.34
ENVIRONMENTAL EXEMPTION		145.00
NON-HAB ACCESS STRUCTURE >1000 SQ FT		300.00 #15244
NON-HAB ACCESS STRUCTURE >1000 SQ FT		-300.00 #15244
NEW/REPLACE RES/MISC MINOR REV		250.00
DPW ROAD PLAN REVIEW NEW SFD		398.00
DPW ZONE 6 PLN CK NEW SFD TYPICAL		445.00
URBAN DES REV PROJ SUBJ TO CODE SEC 1311		500.00 #15244
URBAN DES REV PROJ SUBJ TO CODE SEC 1311		-500.00 #15244
*** TOTAL ***		7561.35 ***

COPY - APPLICANT

=====

COUNTY OF SANTA CRUZ - ALUS 3.0

CASHIER: LMJ

RECEIPT FOR PAYMENT

DATE: 03/17/08

APPLICATION NO.: 08-0373

TIME: 10:43:23

PARCEL NO.: 043-231-11

RECEIPT NO: 00114169

DEPOSIT NO: 08261PL

TRANSACTION	FUNDING FOR	DESCRIPTION	FEE AMOUNT
FEE PAID	PROCESS APPEAL	ADMIN APPEAL	577.00
			577.00

PAYMENT TYPE	CHECK NO.	RECEIVED FROM	AMOUNT PAID
PERSONAL CHECK	7261	MATSON BRITTON ARCHITECTS	577.00

=====



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

September 12, 2008

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

Subject: **Incomplete Application - Additional Information Required**  
 Application #: 08-0373; Assessor's Parcel #: 043-231-11  
 Owner: Trent and Michele West

Dear Matson Britton Architects:

This letter is to inform you of the status of your application. On 8/12/08, the above referenced application was submitted for a Coastal Development Permit and Residential Development Permit with the Santa Cruz County Planning Department. The initial phase of processing your application is an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, existing files and records and input from other agencies, conducting a site visit and a preliminary review of whether there is enough information to evaluate the compliance of your proposal with current codes and policies.

### Completeness Issues

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separate agency. As stated above, be aware that items # 4, 5, and 6 under "DPW Drainage Completeness Comments" are compliance, not completeness issues.

4. Please note that you will be required to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for preparing your sign. Please do not prepare or install the sign until all other completeness issues have been resolved as the description may change during the review process. Neighborhood Notification Guidelines online: [www.sccoplanning.com/brochures/neighbornotice.htm](http://www.sccoplanning.com/brochures/neighbornotice.htm) If you require a paper copy, please let us know and one can be provided to you.

You must submit the required materials to the Planning Department at one time. Revisions to plans must be included in complete, updated sets of plans. All plan sets must be individually stapled and folded into an ~ 9" x 12" format (per Folding Plans handout). To reduce waste and to aid in recycling efforts, plan sets should be printed on bond (white) paper and should not include colored binding material of any kind. You have until **11/12/08**, to submit all of the information required in this letter. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees.

Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

You have the right to appeal this determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee and a letter addressed to the Board Of Supervisors stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be formally submitted through the Zoning Counter of the Planning Department at 701 Ocean Street, Santa Cruz, California no later than 5:00 p.m. on 9/26/08.

### **Compliance Issues**

#### Design and Neighborhood Compatibility

Please carefully review the attached memo regarding your project from the County Urban Designer. You are encouraged to consider a re-design of your proposal based upon the recommendations of the Urban Designer in order to move the project toward greater compliance with the applicable provisions of County Code Chapters 13.20 and 13.11. We are unlikely to be able to make the required findings or recommend approval of the project as currently submitted.

#### Additional Information

In addition to evaluating the completeness of your application, the initial review has identified other issues that will affect the processing of your project. Although it is not necessary for you to address these items for your application to be declared complete, they will need to be dealt with in later stages of your application process.

- A. You are requested to please fill out the attached Floor Area/ Gross Building Area worksheet in order to clarify the square footage calculations for your proposed project.
- B. You are encouraged to submit a landscape plan for this project, as landscaping may soften the visual impact from the street, and is a site design element that would help to bring the

proposed new home into conformance with Section 13.11.072 site design standards for visual compatibility with surrounding development. Please review the attached Urban Designer memo.

- C. Please review the attached Discretionary Application Comments from all agencies, and the Aptos / La Selva Fire Protection District Memo dated August 21, 2008. Comments listed under the heading "Miscellaneous Comments" for each agency shall either be addressed as Conditions of Approval for this permit, if approved, or will be required prior to approval of any Building or Grading Permit(s) for this project. Questions related to these comments can be addressed to each separate agency.

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

Sincerely,



Alice Daly, AICP  
Project Planner, Development Review

Attachments:

- County of Santa Cruz Discretionary Application Comments
- County of Santa Cruz Urban Designer Memo dated September 10, 2008
- Aptos / La Selva Fire Protection District Memo dated August 21, 2008
- Floor Area Ratio and Gross Building Area Worksheet

C O U N T Y O F S A N T A C R U Z  
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Alice Daly  
Application No.: 08-0373  
APN: 043-231-11

Date: September 11, 2008  
Time: 15:06:48  
Page: 1

**Environmental Planning Completeness Comments**

===== REVIEW ON SEPTEMBER 4, 2008 BY ROBERT S LOVELAND =====

1. The soils report submitted is in review status.
2. Please list earthwork quantities on "Sheet C1". Include a separate line item for overexcavation/recompaction quantities.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON SEPTEMBER 4, 2008 BY ROBERT S LOVELAND =====

The biotic resource mapped within this area is not present on this parcel.

Conditions of Approval:

1. Submit a "Plan Review" letter from the project geotechnical engineer for review and approval.

**Dpw Drainage Completeness Comments**

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

===== REVIEW ON SEPTEMBER 3, 2008 BY TRAVIS RIEBER =====

1. How is runoff from the existing impervious area collected and directed? Where does the existing catch basin in the driveway area drain? Are there any problems with the existing drainage system?
2. Does this site currently receive any runoff from adjacent/upslope property? If so, how will the project continue to accept this runoff without causing adverse impacts to the proposed structure or adjacent/downstream properties.
3. Continue the description of the offsite routing path along Kingsbury Drive to a safe point of release.
4. For impacts and fee calculations please provide tabulation of existing impervious areas and new impervious areas resulting from the proposed project. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor-s records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.
5. Projects are required to minimize impervious surfacing. This project is proposing an extensive amount of paved driveway and patio area. The requirement to minimize impervious surfacing can be achieved by the use of porous pavement where feasible.
6. The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.

## Discreetory Comments - Continued

Project Planner: Alice Daly  
 Application No.: 08-0373  
 APN: 043-231-11

Date: September 11, 2008  
 Time: 15:06:48  
 Page: 2

Note: All re-submittals shall be made through the Planning Department. Materials left with Public Works may be returned by mail, with resulting delays.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions.

**Dpw Drainage Miscellaneous Comments**

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

===== REVIEW ON SEPTEMBER 3, 2008 BY TRAVIS RIEBER =====

1. A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

2. A civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received.

**Dpw Road Engineering Completeness Comments**

===== REVIEW ON SEPTEMBER 3, 2008 BY RODOLFO N RIVAS =====  
 NO COMMENT

**Jpw Road Engineering Miscellaneous Comments**

===== REVIEW ON SEPTEMBER 3, 2008 BY RODOLFO N RIVAS =====  
 NO COMMENT

**Dpw Sanitation Completeness Comments**

===== REVIEW ON SEPTEMBER 2, 2008 BY CARMEN M LOCATELLI =====  
 Sewer service is currently available.

**Dpw Sanitation Miscellaneous Comments**

===== REVIEW ON SEPTEMBER 2, 2008 BY CARMEN M LOCATELLI =====

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application

Existing lateral(s) must be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure.

An abandonment permit for disconnection work must be obtained from the District.

Show all existing and proposed plumbing fixtures on floor plans of building application.

**Aptos-La Selva Beach Fire Prot Dist Completeness C**

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

## Discretionary Comments - Continued

Project Planner: Alice Daly  
Application No.: 08-0373  
APN: 043-231-11

Date: September 11, 2008  
Time: 15:06:48  
Page: 3

===== REVIEW ON AUGUST 26, 2008 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept. APPROVED

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

**Aptos-La Selva Beach Fire Prot Dist Miscellaneous**

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

===== REVIEW ON AUGUST 26, 2008 BY ERIN K STOW =====

NO COMMENT



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060  
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
 TOM BURNS, DIRECTOR

Cove Britton  
 728 North Branciforte  
 Santa Cruz, CA  
 95062

November 10, 2008

SUBJECT: Application No.: 08-0373  
 Appellant: Cove Britton  
 Applicant: Cove Britton  
 Owner: Trent and Michele West  
 APN: 043-231-11  
 Situs: 313 Kingsbury Drive, Aptos, CA

Dear Mr. Britton,

The purpose of this letter is to inform you of my determination regarding your appeal of the action on the noted Building Permit application. Tom Burns, the Planning Director, has directed me to act on his behalf for this appeal. My determination is based upon a review of all correspondence, a review of any applicable ordinances, discussions with staff and a review of the application and associated file. Meetings set with you on October 15, 2008 and October 31, 2008 were cancelled by you or your representative. You did not attend the meeting set for November 10, 2008.

This project involves a proposal to demolish an existing single family dwelling on the noted parcel and to construct a new single family dwelling with an attached garage and a detached structure that includes a garage and an accessory dwelling unit.

### APPEAL ISSUES

From my review of the record, you are appealing the basis of the information request by the Environmental Planning Section and the Department of Public Works Drainage Section. The key points contained in your appeal are as follows:

1. *"Robert S. Loveland - Environmental Planning comments provided from letter of Alice Daly, dated September 14, 2008. Mr. Loveland's comments regarding earthwork is not consistent with (but not limited too) county code and ordinance."*
2. *"Travis Rieber - DPW Drainage comments from letter of Alice Daly, dated September 14, 2008. Mr. Rieber's comments regarding drainage are not consistent with (but not limited too) county code or ordinance."*

The specific completeness comments in question are as follows:

#### Environmental Planning Completeness Comments/ Mr. Loveland

. The soils report submitted is in review status.

. Please list earthwork quantities on "Sheet C1". Include a separate line item for over excavation/ recompaction quantities.

DPW Drainage Completeness Comments/ Mr. Rieber

1. How is runoff from the existing impervious area collected and directed? Where does the existing catch basin in the driveway area drain? Are there any problems with the existing drainage system?
2. Does this site currently receive any runoff from adjacent/upslope property? If so, how will the project continue to accept this runoff without causing adverse impacts to the proposed structure or adjacent/downstream properties?
3. Continue the description of the offsite routing path along Kingsbury Drive to a safe point of release.
4. For impacts and fee calculations please provide tabulation of existing impervious areas and new impervious areas resulting from the proposed project. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built. Project is proposing an extensive amount of paved driveway and patio area.
5. Projects are required to minimize impervious surfacing. This project is proposing an extensive amount of paved driveway and patio area. The requirement to minimize impervious surfacing can be achieved by the use of porous pavement where feasible.
6. The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.

As you are aware, the soils report review was completed on October 9, 2008. The remaining information requests include information that was required in the LORI.

**BACKGROUND/ ANALYSIS**

Chapter 18.10 outlines the requirements of any submittal to the Planning Department. These include *"such information and reports as may be required by the Section or by other applicable ordinances or by the Planning director or approving body in order to make the required findings"*. Clearly, the objective of the submittal requirements is to not only to comply with applicable code, but also to provide the decision maker with sufficient information to address all concerns and questions and make the required findings. For a Level 5 application such as this, Section 18.10.210 (a) and (b) outlines the minimum information required. Again, these sections provide for the Planning Director to determine the information necessary for any application, with this detailed in the List of Required Information (LORI) maintained by the Planning Department.

The Coastal Development Permit application, which includes a Residential Development Permit, was submitted to the County on August 12, 2008. A LORI for the Coastal Permit/ Residential Development Permit Application was prepared for this proposed project on May 16, 2008. The LORI clearly noted under the section titled Site Plan that grading quantities are required. It is our experience that replacement structures require over excavation/ re-compaction of the soils after the demolition has been completed. Completion of the soils report review would allow the Environmental Planning staff the ability to determine if grading is required on the site after the existing house is demolished. Knowing the grading requirements allows the project to be properly advertised with the estimated grading quantities (especially for a Coastal Development Permit). Finally, under the section titled Stormwater Management Plan, the LORI listed requirements that cover the requested information.

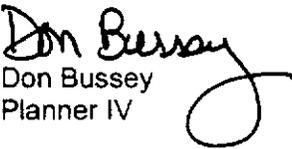
The soils report review comment was in response to the soils reports submitted with the application. As noted on the Soils Report Requirements Guidelines handout, a soils report is required for a single-family dwelling. As stated earlier, the soils report review was completed on October 9, 2008.

#### CONCLUSION

The appellant has not demonstrated that the County has acted unjustifiably or inappropriately, or that there was a lack of a fair or impartial analysis in the determination that the additional information was required to have a complete application. Further, it has not been demonstrated that there was an error or an abuse of discretion on the part of staff, or that the decision is not supported by the facts presented for consideration or available to staff in making the decision to declare this application incomplete for further processing.

Therefore, I am upholding the determination of the staff planner dated September 12, 2008 and DENYING your appeal. This determination is final and cannot be further appealed except as provided for in County Code Section 18.10.350 (Special Consideration by Board of Supervisors).

Sincerely,

  
Don Bussey  
Planner IV

#### Attachments:

1. Letter of Appeal received 09/17/08
2. Incomplete letter for Application 08-0373 dated 09/12/08
3. LORI for APN: 043-231-11 dated 05/16/08 (on file with the Planning Department)
4. Excerpts from the County Code

# **EXHIBIT**

**#7**



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

October 23, 2008

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

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

Dear Mr. Britton:

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

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

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

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

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

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

application has been deemed complete for further processing.

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

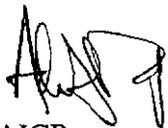
Please note that you are now required to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for preparing your sign. The Neighborhood Notification Guidelines are online at: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

**Additional Issues**

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

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

Sincerely,



Alice Daly, AICP  
Project Planner, Development Review

**Attachments:**

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

COUNTY OF SANTA CRUZ

Planning Department

**INTEROFFICE MEMO****APPLICATION NO: 08-0373**

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

**I. COMPLETENESS ITEMS (for design review only)**

none

**II. COMPLIANCE ISSUES****A. Recommendation**

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

**B. Applicable Ordinances**

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

Section 13.20.130 Design Criteria for Coastal Zone developments.

(b) Entire Coastal Zone.

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

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

Section 13.11.072 Site design.

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

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

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

13.11.073 Building design.

- (b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.
  - (1) Compatible Building Design.
    - (i) Building design shall relate to adjacent development and the surrounding area.

C. Applicable Findings

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

Section 13.20.110 Findings

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

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

Section 18.10.230 Findings required.

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

D. Design Issues / Urban Designer Comments

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

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

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

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

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

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

24 to 48 inches (depending on amount of text)

# NOTICE OF PROPOSED DEVELOPMENT

Application # 08-0373

PROPOSAL TO DEMOLISH AN EXISTING 3,656 SQUARE FOOT 4 BEDROOM 3.5 BATH SINGLE-FAMILY RESIDENCE AND TO CONSTRUCT A NEW APPROXIMATELY 6,995 SQUARE FOOT 2-STORY 4 BEDROOM 4 BATH AND TWO HALF-BATH RESIDENCE WITH AN ATTACHED 611 SQUARE FOOT TWO-CAR GARAGE AND A DETACHED 634 SQUARE FOOT 3-CAR GARAGE WITH A 609 SQUARE FOOT SECOND FLOOR ACCESSORY DWELLING UNIT ABOVE. REQUIRES A COASTAL DEVELOPMENT PERMIT, AND A RESIDENTIAL DEVELOPMENT PERMIT.

FOR FURTHER INFORMATION CONTACT:

APPLICANT:

MATSON BRITTON ARCHITECTS  
728 N. BRANCIFORTE AVE  
SANTA CRUZ CA 95062  
(831) 425-0544

PROJECT PLANNER:

ALICE DALY  
PLANNING DEPARTMENT  
701 OCEAN STREET, 4<sup>TH</sup> FLOOR  
SANTA CRUZ CA 95060  
(831) 454-3259  
PLN050@CO.SANTA-CRUZ.CA.US

# **EXHIBIT**

**#8**



# County of Santa Cruz Planning Department

General Information  
Aptos: 454-7576 • Santa Cruz: 454-3252

Date Stamp: Exhibit #8

2009 FEB 5 PM 2 35

Staff Initials:

CS

## Routing Form (For Tracking Dropped Off Materials)

### Instructions for this Form:

To track material that does not need to be screened at the Building and Zoning Counters, please complete this form and have it reviewed at the General Information Desk. A copy will be attached to the material and a receipt will be given to you. Please ask the General Information Desk for assistance.

**Note:** Screening at the Building and Zoning Counter is required for the following materials:

- Applications for all new projects
- Revisions of projects that alter the permit description
- Applications for revisions of projects / change orders for issued permits
- Any submittal which requires a fee to be paid

Please provide all information as necessary:

Today's Date: 2/5/09

Assessor's Parcel Number: 043-231-11

Application Number: 08-0373

Other (if no current application): \_\_\_\_\_

Name of person dropping off material: Samantha Nielsen

Contact name (if different from above): Reem Farhat

Contact phone #: 831-425-0544

Description of Material: (8) partial sets of plans

(2) 8 1/2 x 11 reductions of parcel

Number of copies / sets submitted: Sets as requested by planner

Person to receive material: Alice Daily

Note: all material relating to current discretionary applications will be reviewed by the project planner first

# **EXHIBIT**

**#9**



## Staff Report to the Zoning Administrator

Application Number: **08-0373**

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

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

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

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

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

**Permits Required:** Coastal Development Permit and Residential Development Permit  
**Technical Reviews:** none

### Staff Recommendation:

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

### Exhibits

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

### Parcel Information

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

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

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

**Environmental Information**

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

**Services Information**

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

**History**

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

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

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

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

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

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

### **Project Setting**

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

### **Analysis**

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

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

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

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

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

A recommendation for approval would not be supported by the applicable Ordinance sections that address compatible site design and building design. In Chapter 13.11.072(a), it is stated, "*It shall be the objective of new development to enhance or preserve the integrity of existing land use patterns or character where those exist and to be consistent with village plans, community plans and coastal special community plans as they become adopted, and to complement the scale of neighboring development where appropriate to the zoning district context. New development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas.* The scale and massing of the proposed new house are not visually compatible with, nor integrated into the character of, existing development in the surrounding neighborhood.

The project is also inconsistent with County Code Chapter 13.20.130:1 (Design Criteria for Coastal Development), where it is stated, "*All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.*" The siting of the proposed new home toward the front of the parcel only emphasizes the manner in which the height, large massing of elements and formality of the proposed home contrasts with neighboring residential development. In addition, the proposed landscaping is not sufficient to mitigate the impression that the proposed residence is out of scale with its surroundings.

The required Development Permit finding (see Attachment B) under County Code Section 18.10.230 cannot be made. Section 18.10.230(a)(5) reads: "*That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.*" As stated above, the proposed residence is just below the maximum allowed for each of the three site standards that address mass and footprint relative to the lot (FAR, lot coverage and height). Maximizing these site standards on a double lot can result in a structure that looks out of place next to smaller lots and homes, even if given additional setback area.

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

#### **Zoning & General Plan Consistency**

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

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

#### **Local Coastal Program Consistency**

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

The required Coastal Zone finding relating to design criteria, Chapter 13.20.110(c) states:

*"... c) That the project is consistent with the Design Criteria and special use standards and conditions of this Chapter pursuant to Section 13.20.130 et seq."* The finding cannot be made (see Attachment B), given that the proposed new dwelling is not compatible with, or integrated with the character of the surrounding neighborhood.

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

#### **Design Review**

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

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

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

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

#### **Environmental Review**

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

#### **Conclusion**

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

#### **Staff Recommendation**

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

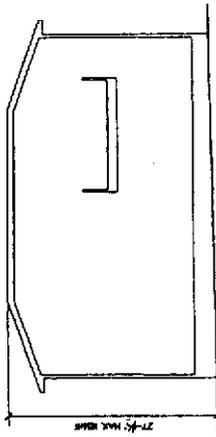
**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Alice Daly  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3259  
E-mail: [alice.daly@co.santa-cruz.ca.us](mailto:alice.daly@co.santa-cruz.ca.us)

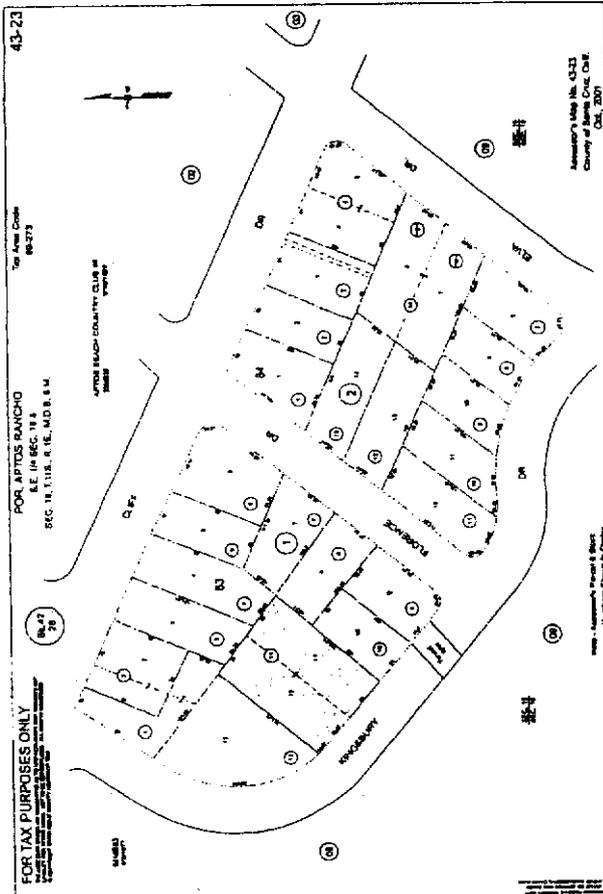
# WEST RESIDENCE

NEW RESIDENCE  
313 KINGSBURY DRIVE  
APTOS, CA 95003  
A.P.N. : 043-231-11



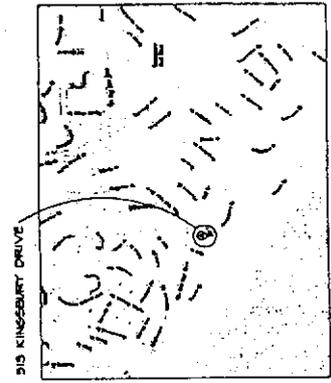
SECTION @ HIGH PT.  
SCALE: 1/8" = 1'-0"

- ARCHITECTS:** MATSON BRITTON ARCHITECTS  
720 N. BRANIFFORTE  
SANTA CRUZ, CA 95062  
PHONE: 831-425-0944  
FAX: 831-425-4715  
EMAIL: [convec@matsonbr.com](mailto:convec@matsonbr.com)  
CONTACT: COVE BRITTON
- SOILS:** PACIFIC CREST ENGINEERING, INC.  
444 AIRPORT BLVD., SUITE 108  
WATSONVILLE, CA 95076  
PHONE: 831-723-4446  
FAX: 831-723-4155  
EMAIL: [sliz@pcrengineering.net](mailto:sliz@pcrengineering.net)  
CONTACT: ELIZABETH MITCHELL
- GEOL:** R.I. ENGINEERS, INC.  
505 POKORNO STREET  
SANTA CRUZ, CA 95060  
PHONE: 831-425-5041  
FAX: 831-425-4523  
EMAIL: [rich@ri-engineering.com](mailto:rich@ri-engineering.com)  
CONTACT: RICHARD IRISH
- SURVEYOR:** WARD SURVEYING  
1323 SEVENTH AVENUE  
SANTA CRUZ, CA 95063  
PHONE: 831-425-5005  
FAX: 831-425-4998  
EMAIL: [surveys@wardso.com](mailto:surveys@wardso.com)  
CONTACT: MATT HARD



A.P.N. MAP

## CONSULTANTS



VICINITY MAP

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

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

**ZONING:** R-1-B

**OCCUPANCY GROUP:** R-9 (U PER 2001 C.B.C.)

**CONSTRUCTION TYPE:** VS, FULLY SPRINKLERED

**PROJECT DESCRIPTION:** THIS PROJECT CONSISTS OF THE DEMOLITION OF AN EXISTING SINGLE FAMILY DWELLING AND THE CONSTRUCTION OF A NEW TWO STORY SINGLE FAMILY DWELLING WITH FOUR BEDROOMS, BATHS, HALL, BREAKFAST ROOM, LIVING ROOM, DINING ROOM, FAMILY ROOM, AND A DETACHED TWO STORY ACCESSORY GARAGE AND A DETACHED TWO STORY ACCESSORY DWELLING UNIT WITH 3 CAR GARAGE BELOW AND AN ACCESSORY DWELLING UNIT ABOVE WITH 1 BEDROOM, 1 BATH, KITCHEN AND LIVING ROOM.

**CODE COMPLIANCE:** THIS RESIDENTIAL CONSTRUCTION COMPLIES WITH TITLE 24, AND MEETS THE REQUIREMENTS OF CODES 2001 C.B.C., 2001 C.A.C., 2001 C.P.C. AND 2001 R.C.

**LOT SIZE:** 14,805 SQ. FT.

**GROSS FLOOR AREAS:**

FIRST FLOOR (EXCLUDES GARAGE) 2372 SQ. FT.

GARAGE 611 SQ. FT.

SECOND FLOOR 2649 SQ. FT.

FIRST FLOOR ACCESSORY GARAGE 695 SQ. FT.

SECOND FLOOR ACCESSORY DWELLING 604 SQ. FT.

SECOND FLOOR ACCESSORY DWELLING 5826 SQ. FT.

TOTAL CONDITIONED SPACE 6,873 SQ. FT.

TOTAL FLOOR AREA 990 SQ. FT.

AREA OVER 18' IN HEIGHT 343 SQ. FT.

COVERED AREA 149 SQ. FT.

COVERED AREA 7'-6" W/ 1/2" AREA LIDS 140 SQ. FT.

ADJUSTED FLOOR AREA (2372+611+695+5949) 4,211 SQ. FT.

TOTAL LOT COVERAGE (2372+611+695+5949) 4,211 SQ. FT.

P.A.R. (1181 SF / 14,805 SF X 100) = 4.17%

LOT COVERAGE: (4,211 SF / 14,805 SF) 100 = 28.25%

## PROJECT SUMMARY

- P1 TITLE SHEET
- P2 SITE PLAN
- P3 FIRST FLOOR PLAN
- P4 SECOND FLOOR PLAN
- P5 ACCESSORY BUILDINGS PLANS
- P6 EXTERIOR ELEVATIONS
- P7 EXTERIOR ELEVATIONS
- P8 ACCESSORY BUILDING ELEVATIONS
- U1 GRADING AND DRAINAGE PLAN
- C2 DETAILS
- C3 EROSION CONTROL PLAN
- ONE SURVEY

SHEET INDEX





WEST RESIDENCE  
 3100 S. W. 15th AVE.  
 MIAMI, FL 33149

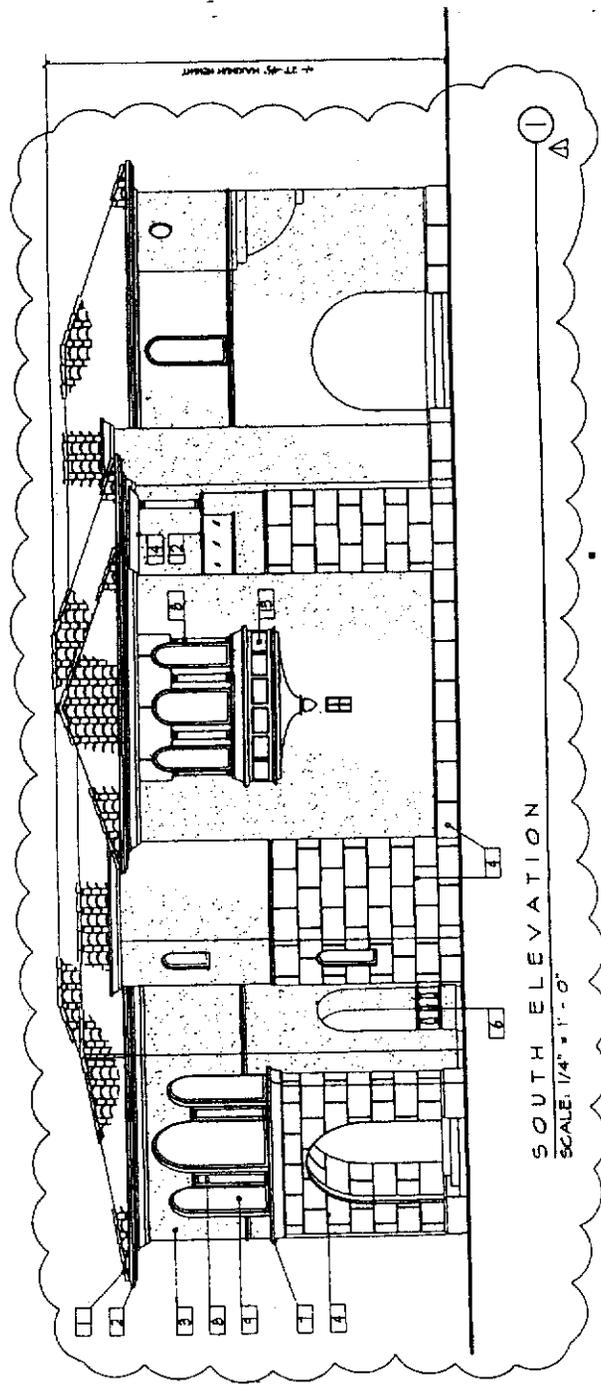
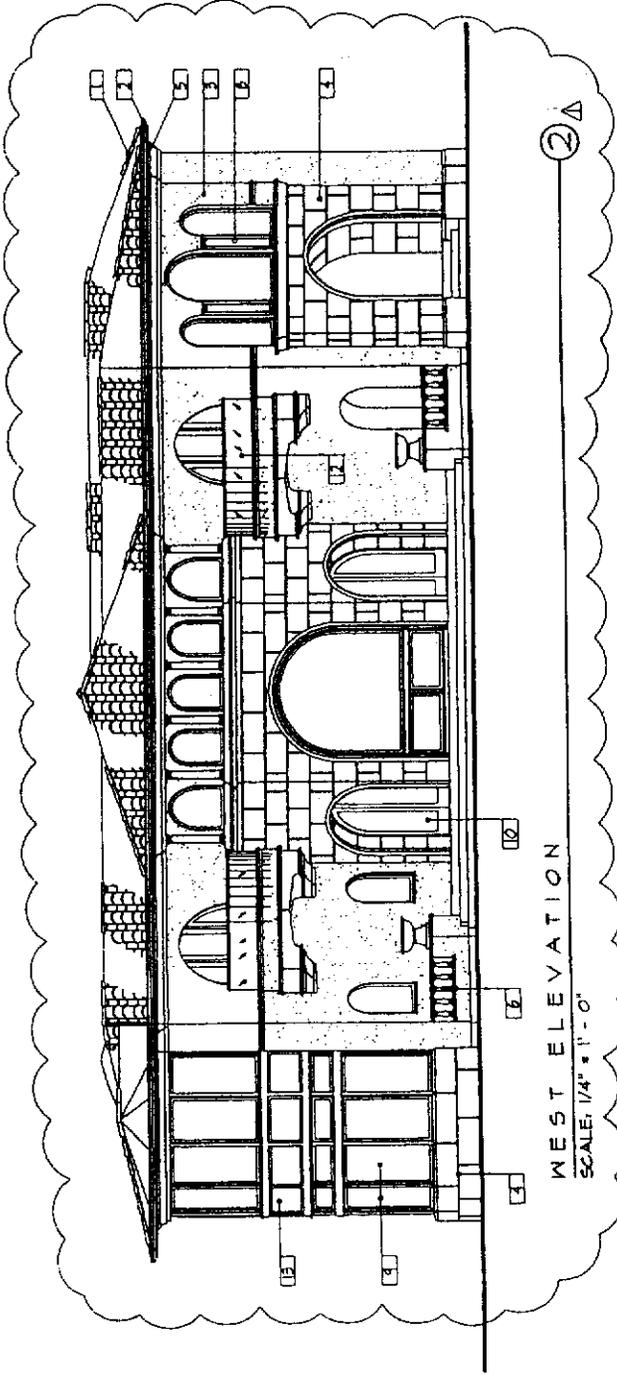
SOUTH AND WEST  
 EXTERIOR ELEVATIONS

DATE	1/12/08
BY	...
CHECKED	...
SCALE	...

P6

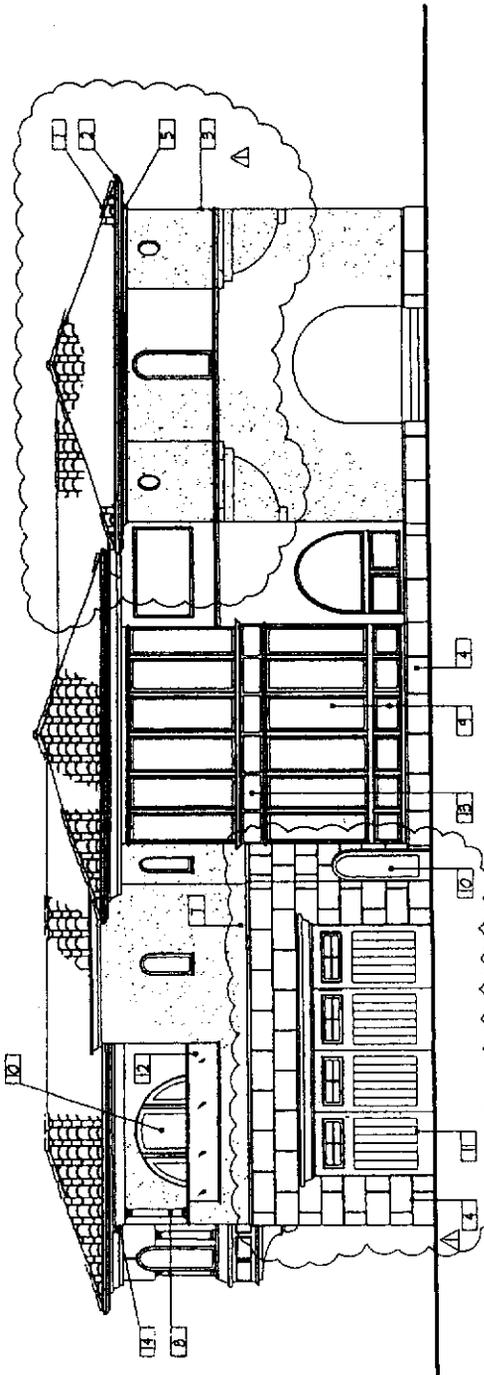
**ELEVATION NOTES**

1. REDD CLAY TILE ROOF IN CLUTCH COLOR BLEND
2. CONCRETE QUARTZ FINISH
3. WHITE GROUT FINISH IN INTERIOR COLOR COLOR TAN
4. INTERIOR TRIM PANELS COLOR: BROWN
5. PAINTED WOOD TRIM COLOR: DARK BROWN
6. PRECAST CONCRETE HOLDING WALLS COLOR: SANDSTONE
7. PRECAST CONCRETE HOLDING WALLS COLOR: SANDSTONE
8. PRECAST CONCRETE HOLDING WALLS COLOR: SANDSTONE
9. WOOD / CLAD WINDOWS BY DESIGNER FINISH
10. WOOD / CLAD WINDOWS BY DESIGNER FINISH
11. WOOD / METAL DOOR AND WINDOW DOOR OR WINDOW FINISH BY DARK BROWN WOOD STAIN
12. CLEAR GLASS SHARD WALL
13. COLORED WOOD PANELS
14. WOOD ARCHES
15. CONCRETE CORNER CAP

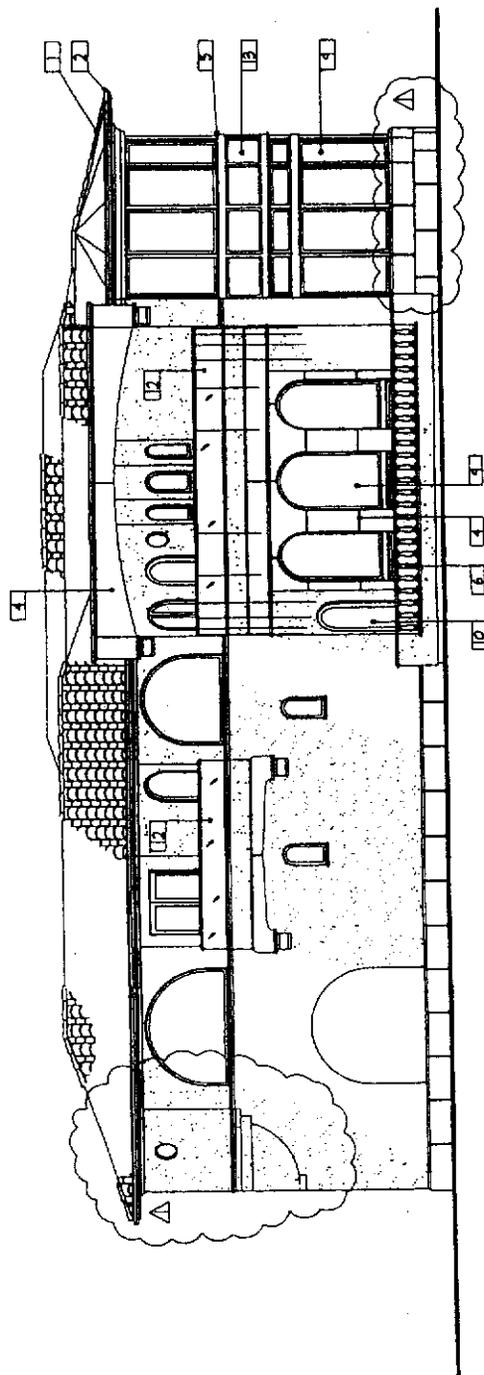


ELEVATION NOTES

1. BRICK AT THE ROOF EXTERIOR COLOR BROWN
2. CONCRETE OVER BITTERS
3. THREE COAT STUCCO IN INTERIOR COLOR CALIF. TAN EXTERIOR STONE PANELS COLOR BROWN
4. PAINTED WOOD TRIM COLOR DARK BROWN
5. PRECAST CONCRETE WALKERS 1
6. PRECAST CONCRETE WALKERS 2
7. PRECAST CONCRETE WALKERS 3
8. PRECAST CONCRETE WALKERS 4
9. PRECAST CONCRETE WALKERS 5
10. WOOD FLOOR FINISH BY CONTRACTOR TO BE DETERMINED
11. WOOD FLOOR FINISH BY CONTRACTOR TO BE DETERMINED
12. WOOD VERTICAL BLIND PANELS AT DOOR OR WINDOW DOOR IN DARK BROWN WOOD STAIN AT CLEAR BLIND WOOD PANEL
13. LANTERN WOOD PANEL
14. WOOD ARCH
15. LOWER GARMENT CAP

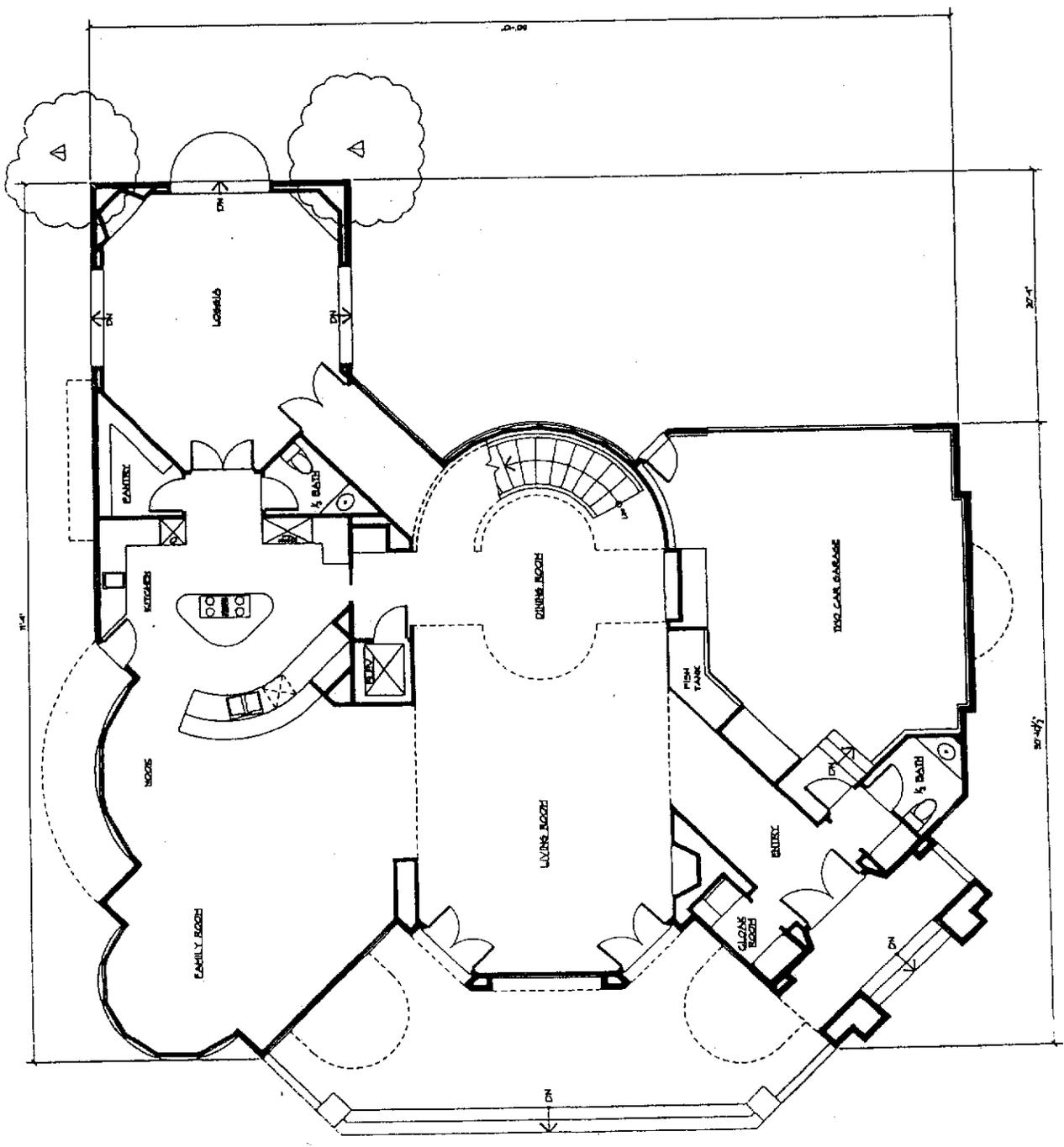


EAST ELEVATION  
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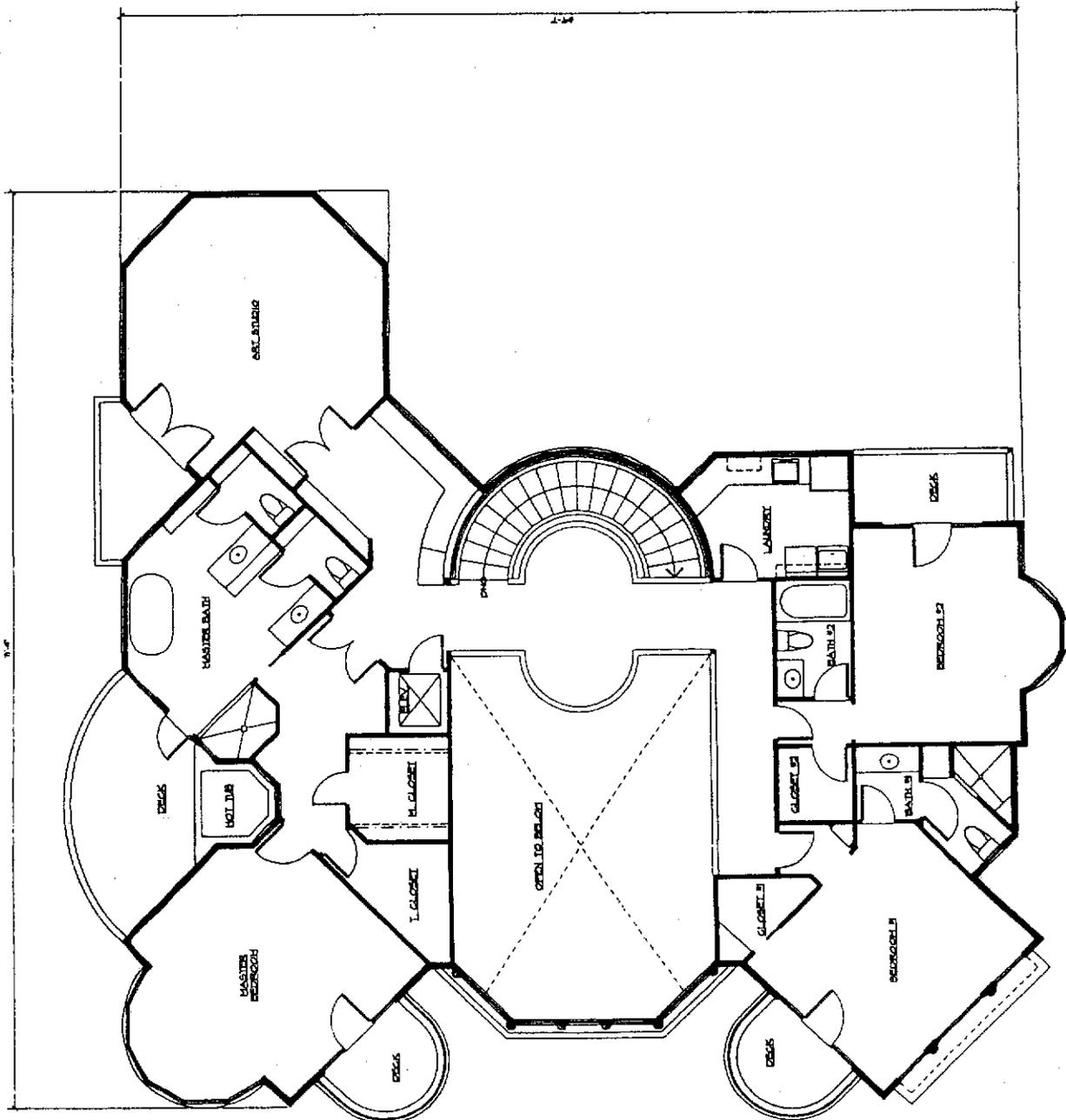
NORTH ELEVATION  
SCALE: 1/4" = 1' - 0"

WEST RESIDENCE  
 315 GARDENWAY DRIVE  
 LOS ANGELES, CA 90024  
 NORTH AND EAST  
 EXTERIOR ELEVATIONS  
 1/10/08  
 17



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

Exhibit #9



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



WEST RESIDENCE  
218 KENNEDY DRIVE  
ATLANTA, GA 30308

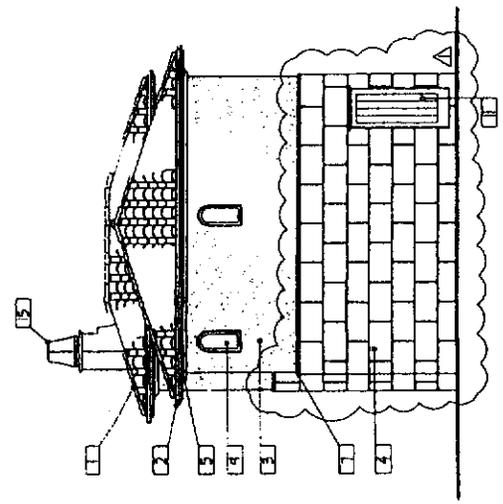
ACCESSORY BLDG.  
EXTERIOR ELEVATIONS

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
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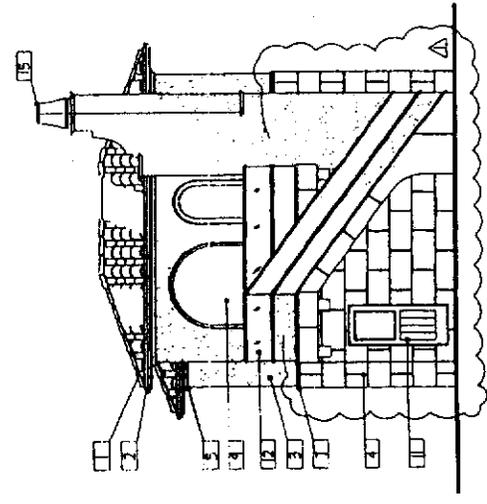
P8

ELEVATION NOTES

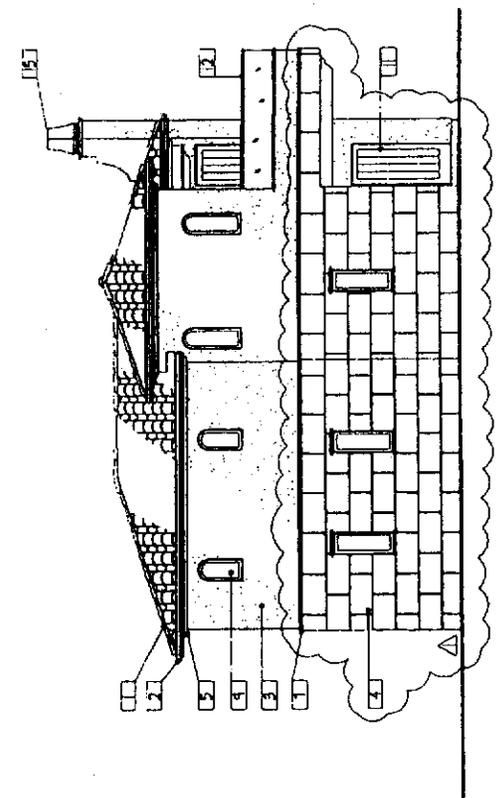
- 1 DELIC CLAY TILE ROOF IN CUSTOM COLOR BLEND
- 2 COPPER SHIM MITERS
- 3 SIDE GUTS FINISH IN INTERIOR COLOR COLOR 104
- 4 EXTERIOR STONE PANELS COLOR 104
- 5 PAINTED WOOD TRIM COLOR DARK BROWN
- 6 PRECAST CONCRETE HOLDING BALUSTRADE COLOR SADDLE COLOR, SADDLE
- 7 PRECAST CONCRETE HOLDING COLOR, SADDLE
- 8 PRECAST CONCRETE COLUMNS
- 9 WOOD / GLASS WINDOWS BY CUSTOMER FINISH TRIM
- 10 WOOD / GLASS DOORS BY CUSTOMER FINISH TRIM
- 11 WOOD VERTICAL PLANK PANEL BY CUSTOMER FINISH TRIM
- 12 WOOD / GLASS WOOD STAIR BY DARK BROWN WOOD STAIR
- 13 CLEAR GLASS HAND RAIL
- 14 COPPER ROOF PANEL
- 15 WOOD MECH
- 16 COPPER CORNER CAP



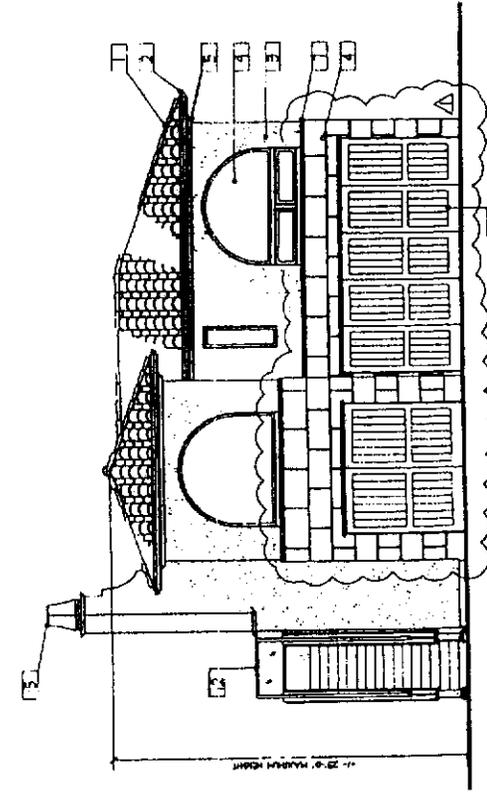
SOUTH ELEVATION ③  
SCALE: 1/4" = 1'-0"



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



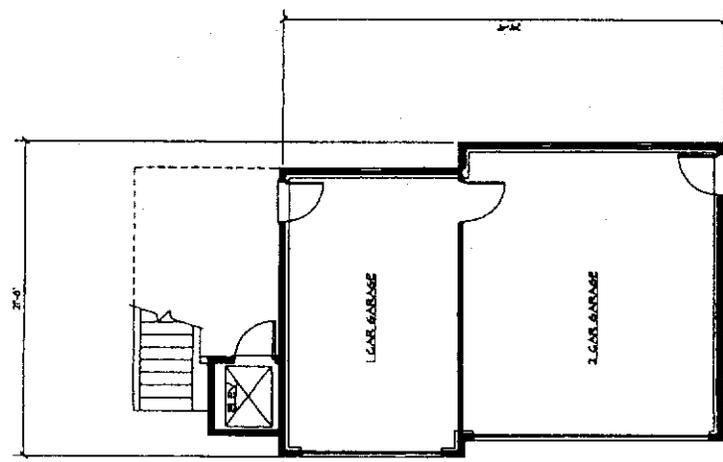
EAST ELEVATION ④  
SCALE: 1/4" = 1'-0"



WEST ELEVATION ②  
SCALE: 1/4" = 1'-0"

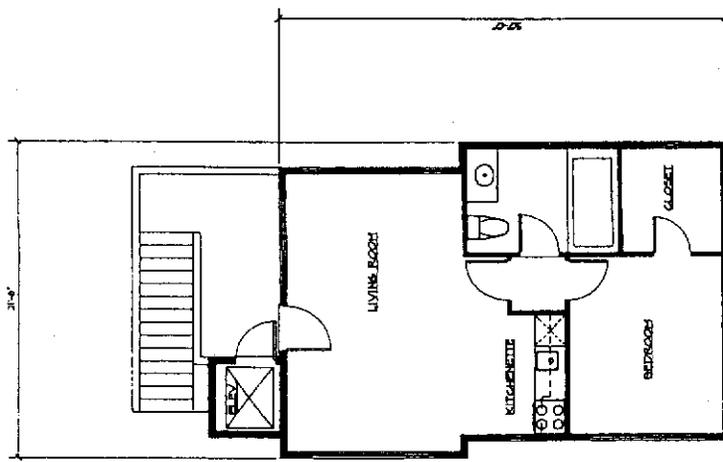
Exhibit #9

1



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

2



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





## Coastal Development Permit Findings

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

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

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

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

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

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

## Development Permit Findings

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

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

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

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

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

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

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

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

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

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

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

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

Chapter 13.11.072(a) states, "*It shall be the objective of new development to enhance or preserve the integrity of existing land use patterns or character where those exist and to be consistent with village plans, community plans and coastal special community plans as they become adopted, and to complement the scale of neighboring development where appropriate to the zoning district context. New development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas.* The scale and massing of the proposed new house are not visually compatible with, nor integrated into the character of, existing development in the surrounding neighborhood. The street-facing elevation gives an impression of overwhelming bulk and massing, and all four elevations have high horizontal cornices and other elements that contribute to an overall sense of box-like size and formality that will appear out of context with the existing neighborhood. The project is on a combined lot that has approximately twice the area of most surrounding parcels, and thus building to the maximum FAR and lot coverage for this double lot can thus result in a proportionally larger house than would meet the same thresholds on surrounding lots. Even with additional setback area, the house would appear massive compared to those on nearby single-width parcels.

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 08-0373  
Assessor Parcel Number: 043-231-11  
Project Location: 313 Kingsbury Drive

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

**Person or Agency Proposing Project: Matson Britton Architects**

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

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

Specify type:

E.  **Categorical Exemption**

Specify type: CEQA Section 15270: Projects Which are Disapproved

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

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

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

\_\_\_\_\_  
Alice Daly, Project Planner

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

43-23

Tax Area Code  
69-273

POR. APTOS RANCHO  
S.E. 1/4 SEC. 18 &  
SEC. 19, T.11S., R.1E., M.D.B. & M.

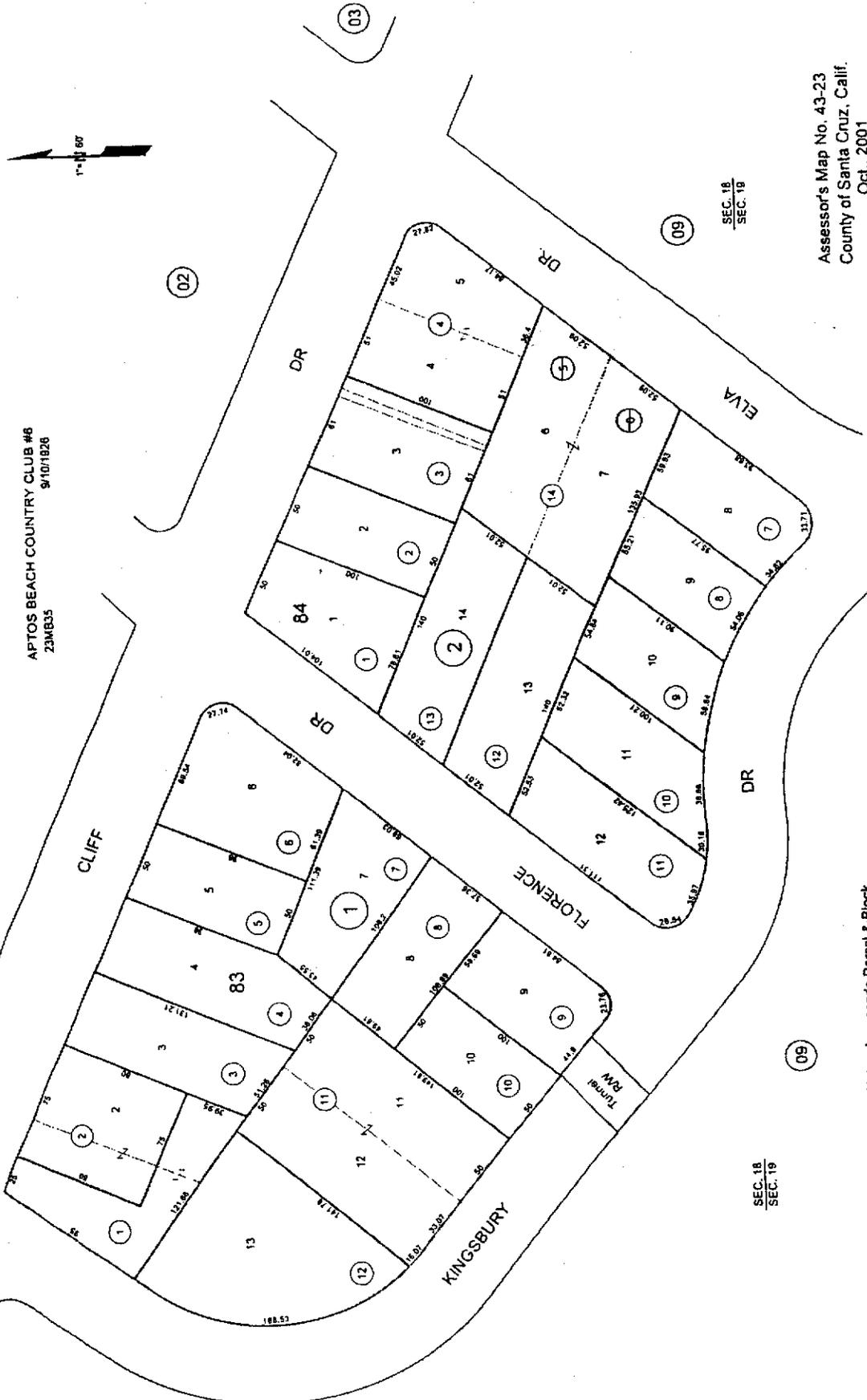
**FOR TAX PURPOSES ONLY**

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



SEC. 18  
SEC. 19

SEC. 18  
SEC. 19

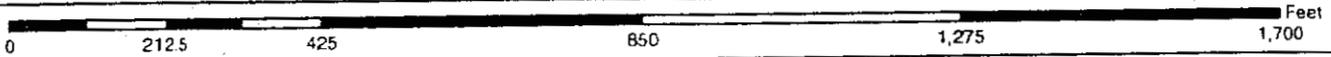
Assessor's Map No. 43-23  
County of Santa Cruz, Calif.  
Oct., 2001

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

Rev 11/17/07 CB-0003514, Comb 2-14)  
Electronically Prepared 10/22/01  
Map 11/17/07 CB-0003514, Comb 2-14)

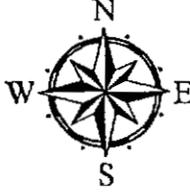


# Location Map



**LEGEND**

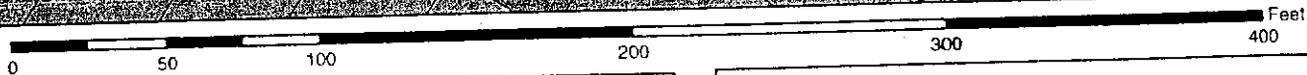
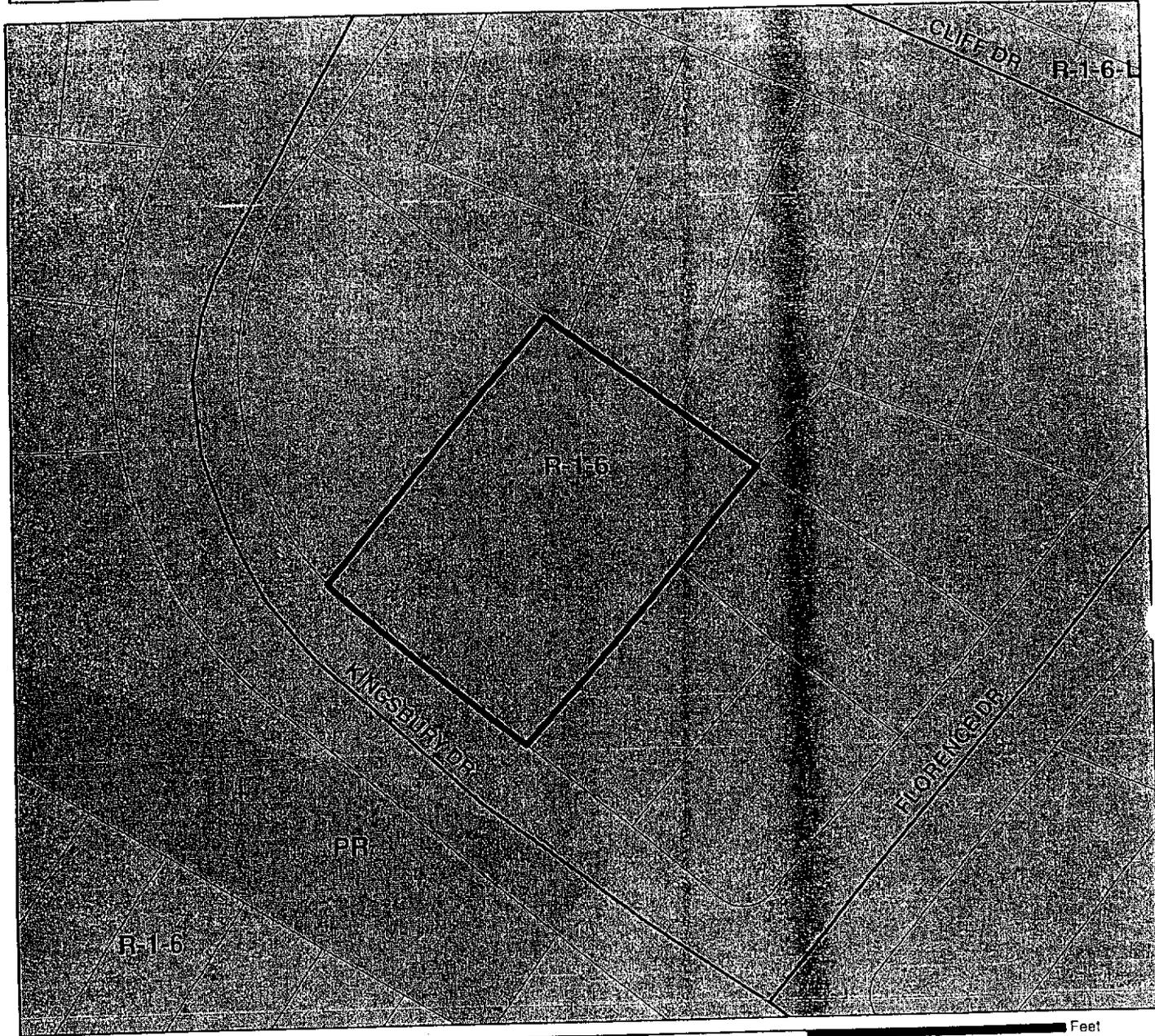
-  APN: 043-231-11
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by  
County of Santa Cruz  
Planning Department  
August 2008

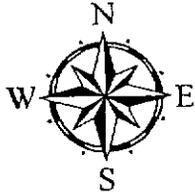


# Zoning Map



**LEGEND**

-  APN: 043-231-11
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY
-  PARK



Map Created by  
County of Santa Cruz  
Planning Department  
August 2008

COUNTY OF SANTA CRUZ

Planning Department

## INTEROFFICE MEMO

APPLICATION NO: 08-0373

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

### I. COMPLETENESS ITEMS (for design review only)

none

### II. COMPLIANCE ISSUES

#### A. Recommendation

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

#### B. Applicable Ordinances

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

Section 13.20.130 Design Criteria for Coastal Zone developments.

- (b) Entire Coastal Zone.
  - 1. Visual Compatibility. All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas

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

Section 13.11.072 Site design.

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

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

(1) Compatible Site Design.

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

13.11.073 Building design.

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

(1) Compatible Building Design.

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

C. Applicable Findings

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

Section 13.20.110 Findings

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

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

Section 18.10.230 Findings required.

(a) Development Permits.

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

D. Design Issues / Urban Designer Comments

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

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

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

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

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

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

**INTEROFFICE MEMO**

APPLICATION NO: 08-0373 (second routing)

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

**I. COMPLETENESS ITEMS (for design review only)**

none

**II. COMPLIANCE ISSUES**

A. Recommendation

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

B. Applicable Ordinances

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

Section 13.20.130 Design Criteria for Coastal Zone developments.

(b) Entire Coastal Zone.

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

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

Section 13.11.072 Site design.

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

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

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

13.11.073 Building design.

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

- (1) Compatible Building Design.
  - (i) Building design shall relate to adjacent development and the surrounding area.

C. Applicable Findings

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

Section 13.20.110 Findings

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

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

Section 18.10.230 Findings required.

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

D. Design Issues / Urban Designer Comments

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

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

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

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

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

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

January 6, 2009

Exhibit #9

Attention: Alice Sealy,

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

I have four concerns as a neighbor of Kingsbury:

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

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

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

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

Thank you  
Very Sincerely  
Jerry Byrne

**Alice Daly**

---

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

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

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

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

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

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

Gary Martin  
306 Cliff Dr  
Aptos Ca 95003 8316890313

12/24/2008

- 34 -

EXHIBIT (

**Alice Daly**

---

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

To Whom it May Concern,

I Lesa Stock who has a house at 317 Kingsbury Drive, Aptos CA.  
would like to see story poles for project 08-0373(\*\*) at 313 Kingsbury Drive, Aptos  
APN(S):043-231-11.

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

Thank you for this consideration

Lesa Stock



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

October 23, 2008

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

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

Dear Mr. Britton:

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

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

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

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

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

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

application has been deemed complete for further processing.

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

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

#### **Additional Issues**

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

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

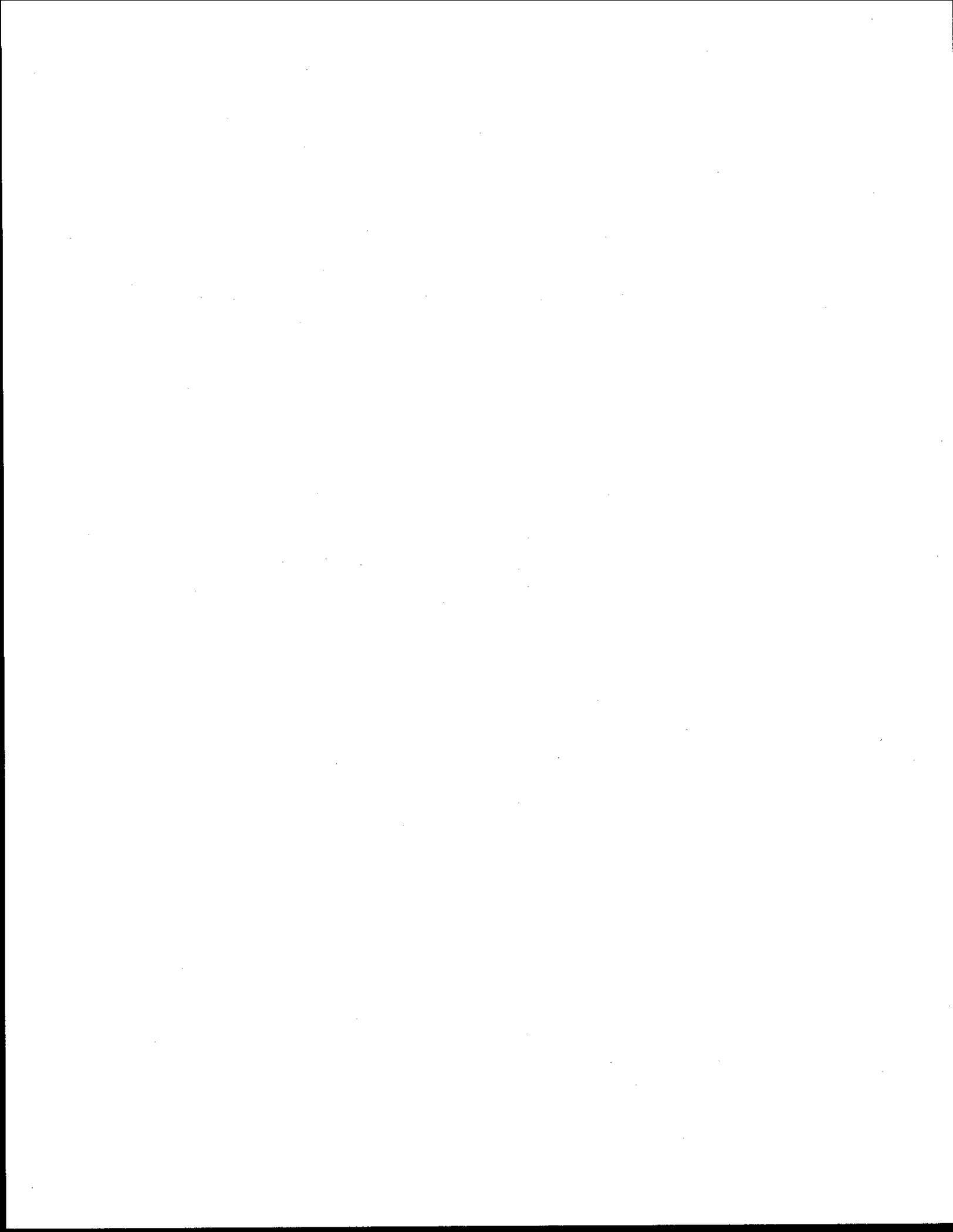
Sincerely,



Alice Daly, AICP  
Project Planner, Development Review

#### **Attachments:**

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



County of Santa Cruz  
Planning Department

Planning Commission  
Meeting Date: 04/29/09  
Agenda Item: # 8  
Time: After 9:00 a.m.

## **Additions to the Staff Report for the Planning Commission**

**Item 8: 08-0373**

**Late Correspondence**

## MEMORANDUM

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Date: 5/28/09

To: Members of the Planning Commission

From: Alice Daly, Project Planner

Re: Additional Late Correspondence, 08-0373, 313 Kingsbury Drive

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The attached letters and emails were submitted either just prior to, or during the March 6, 2009 hearing of the Zoning Administrator. Because of their later receipt, they were not attachments to the ZA Staff Report, but were entered into the public record at the hearing, and were read and considered by the Zoning Administrator.

The letters should have been included as "late correspondence" to your Commission.

Richard J. André  
310 Kingsbury Dr.  
Aptos, CA 95003

March 6, 2009

Re: application # 08-0373 by Matson Britton Architects  
for Trent and Michelle West

I have a few simple recommendations and requests.

Recommendations:

1. The Wests should fire the architects and find an architect less interested in building monuments to himself or themselves.
2. With a new architect, the Wests should reduce the size of their proposed mansion by about one-third (to about 4,650 square feet, allowing themselves ample bathrooms, garages, and view windows or decks.
3. With the money saved, increase their philanthropy to help people who have zero to 600 square feet and zero to one bathroom for living space.
4. Plan to have the next meeting to gain the favor of neighbors at their present 3,656 square foot house at a time more than two weeks from a major holiday.

Requests:

1. Make consideration of the neighbors--including placement of story poles--more important than increasing their carbon footprint in a time when we should be reducing our carbon footprint.
2. Include in their building contract, restoration of Kingsbury Drive to its present condition, not raising the level of the pavement.
3. Assure neighbors like my wife Ramona and me, who have special needs, that they will follow all precautions assiduously during demolition and construction to contain/control ALL dust and/or toxic chemicals.

Thank you,  
Richard J. André



**Alice Daly**

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**From:** llmccrabb@msn.com  
**Sent:** Monday, March 02, 2009 8:11 AM  
**To:** Alice Daly  
**Subject:** FW: 313 Kingsbury Drive

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From: llmccrabb@msn.com  
To: pln050@co.santa-cruz.ca.us  
Subject: 313 Kingsbury Drive  
Date: Mon, 2 Mar 2009 08:08:04 -0800

Alice Daly  
Project Planner

Dear Ms. Daly,

The sign for the proposed development of the 313 Kingsbury residence has been down for over a month now. However, I received the notice of the March 6th public hearing, so obviously they are moving forward.

The massive size of this proposed project does not appear to be compatible with the look and feel of our neighborhood. I've heard negative comments about the 4,000 square foot home Cove Britton built at 337 Kingsbury a few years ago. The mammoth they are now proposing is almost double that size.

I'm concerned about the size and height of these structures and the negative impact they will have on my residence in relationship to sunlight, air flow, as well as ocean views. I would like to see story poles put up so we can see the exact height and mass of the structures they would like to build. Of course, they should also take into consideration any land fill they may be adding and show hows that also would increase the actual height.

My neighbors on Kingsbury Drive have beautiful white water views. Although my views are not as spectacular as my neighbors, I enjoy my ocean view very much. My home is a big investment for me, and their massive project will not only obliterate my views, but also adversely affect the value of my home.

I would hope they would try to be considerate of a close-knit neighborhood.

Thank you for taking the time to review my concerns.

Sincerely,

Linda White  
105 Florence Drive  
Aptos, CA 95003  
(831)685-2063

**Alice Daly**

---

**From:** mtash@sbcglobal.net  
**Sent:** Friday, March 06, 2009 1:10 AM  
**To:** Alice Daly  
**Subject:** 313 Kingsbury Drive, Aptos

Dear Alice,

I'm writing to you regarding the proposed house on 313 Kingsbury Drive in Aptos. I would like to voice my strongest opposition against this project. My house which is 1565 sf will be dwarfed by this 6995 sf single family residence with an attached 611 sf two car garage, and a detached 634 sf 3 car garage with a 609 sf dwelling unit above. I definitely don't think this is compatible and consistent with our neighborhood.

I find it extremely disturbing that a house of this size would even be considered in our area. Due to the elevation, structure height, and square footage of this project, this will obstruct and possible eliminate ocean views my neighbors have enjoyed over the years.

Before any type of approval or modification I would like the contractor to erect story poles at the site. That would sure be helpful for me.

Sincerely,

Mark Tashima

3/5 '09 #1 08-0373

To Alisa Daly & others  
connected to project West  
313 Kingsbury Dr. Apts.

Design is too far forward &  
massive - Wal Mart with  
turrets. Needs to be moved  
back - way back!

Landscaping won't hide  
ugly design.

2/2

① What pollution procedures  
are planned for demolition &  
construction? Exactly how  
will you tear down and  
remove? (such as wet  
method for asbestos & other)

We want to see this plan.

2 Air - 1960's buildings contain asbestos, lead etc.

How will you protect our air and land from your pollution? We want specifics. Do not contaminate our organic edible land & pollute our necessary for health environment.

② I need advance warning for strong petro chemicals used since I've been chemically injured. How will you cooperate with this?

③ What are your plans for repaving Kingsbury Dr. after your trucks etc. will damage?

④ How long will the project last?

⑤ Our mail box and route to garage are near construction. What plans do you have for moving mailbox & our safety?

Pamona Andrie  
310 Kingsbury Dr.,  
across the street.

Richard and Ramona André  
310 Kingsbury Dr.  
Aptos, CA 95003

April 29, 2009

**To: Planning Commissioners**

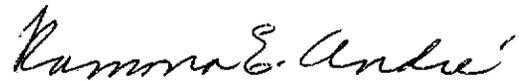
We don't approve of the present West property plan.

Whatever plan is approved eventually must stipulate that maximum measures must be required to protect us, our property, and the environment in general from toxic pollution and contamination. We want to see the plan in advance.

Sincerely,



Richard J. André



Ramona E. André

## **Additions to the Staff Report for the Planning Commission**

### **Item 8: 08-0373**

#### **Additional Late Correspondence for the 5/27/09 Hearing**

May 8, 2009

TO: Cove Britton

FROM: Kay Archer Bowden



RE: Neighborhood outreach on 313 Kingsbury project

The purpose of this report is to summarize efforts to contact and meet with interested neighbors of the 313 Kingsbury project.

You asked me to schedule and to facilitate meetings with Linda White, Mark Tashima, and Robert Oram and Lesa Stock. You asked me to facilitate a meeting you had scheduled with Dick and Ramona Andre. The Planning Commission continued the hearing on this project until May 27, 2009. Since I will be out of town between May 9 and May 30, I tried to schedule meetings for the week of May 4.

Outreach Efforts

I sent letters to Linda White, Mark Tashima, and Robert Oram stating that we would like to meet to discuss possible design changes to the project. I followed up with emails to Ms. White, Mr. Tashima, and to Lesa Stock. I telephoned Linda White as well. I did not have telephone numbers for Mr. Tashima, Mr. Oram, nor Ms. Stock. Copies of the letters and emails are attached.

I eventually spoke with Ms. White, Mr. Tashima, Mr. Oram, and Ms. Stock by telephone. Mr. Oram and Ms. Stock declined the invitation to meet. They both told me that they both want the applicant to do whatever the County wants him to do. They also both expressed support for having story poles erected.

Ms. White and Mr. Tashima could not meet before my scheduled trip, but agreed to meet with you later in May.

I facilitated a meeting with Dick and Ramona Andre on May 5. They had both visual impact concerns and health impact concerns. We discussed possible design changes that included an additional front yard set back and arrangements for procedures to address their health concerns. A letter to the Andres summarizing specific concerns and agreements is attached.

Cc: Alice Daly, County Planning Department

May 7, 2009

Dick and Ramona Andre  
310 Kingsbury Drive  
Rio del Mar, CA

Dear Dick and Ramona:

Thank you for taking the time to meet with Cove Britton and me on May 5 to discuss your concerns about the proposed house at 313 Kingsbury Drive. The purpose of this letter is to summarize our discussion and my understanding of your concerns. Your concerns fall into two broad categories: visual impact concerns and health impact concerns.

Visual Impact Concerns

You are primarily concerned about the visual impact of the front part of the house. Your preference would be to have the house further back from Kingsbury. You would like to have story poles put up to help you visualize the house. You like the juniper bush that is on the property next to 313 Kingsbury and hope it will remain intact.

Health Impact Concerns

Ramona is sensitive to air pollution, dust, and chemical odors and residue because of prior chemical damage. You hope that the timeframe for the project will be as short as possible because you may need to leave your home during construction.

You are concerned about dust and air pollution that might occur during demolition of the existing house. You are particularly worried about any asbestos that may be part of the existing house. You are also concerned about strong chemicals, such as those used to finish wood floors, that may be used during construction. You would like to be notified in advance of activities that may cause dust or a strong chemical odor so you could arrange to be away from your property during those events. You would like to know

who to contact during project construction to discuss the schedule and methods that will be used.

Possible Changes and Arrangements

Cove Britton told you that one possible design change would be to move the proposed structure back farther on the lot and increase the front yard setback by 4 feet. That would result in a 24 foot front yard set back and make the house less visible from the street. Cove is willing to meet with you on the site to help you understand the design and location of the house. Please call him if you would like such a meeting

When a contractor is selected, Cove will give you his/her name and telephone number. He will inform the contractor of your concerns and ask him/her to contact you. If you encounter difficulties with the contractor, you may call Cove Britton at 425-0544 and he will contact the contractor.

Thank you again for taking the time to meet with us. Since I will be leaving on vacation on May 9, you should call Cove Britton if you have any comments or questions about this letter.

Sincerely,



Kay Archer Bowden

Cc: Cove Britton  
Alice Daly

**May 1, 2009**

**Linda White  
105 Florence Drive  
Aptos, CA 95003**

**RE: 313 Kingsbury Drive**

**Dear Ms. White:**

**I met you last December at the meeting regarding the proposed house at 313 Kingsbury Drive.**

**Cove Britton, the architect, has asked me to meet with you again next week to discuss possible design changes. We can be available at your convenience either during the day or the evening. I would like to schedule it next week because I will be out of town from May 9 until May 30.**

**Would you please call me at 831 425-3613 to discuss times next week when it would be convenient for you to meet with Cove Britton and me. I look forward to hearing from you soon.**

**Sincerely,**

**Kay Archer Bowden**

**Cc: Cove Britton  
Alice Daly**

May 6, 2009

Linda White  
105 Florence Drive  
Aptos, CA 95003

RE: 313 Kingsbury Drive

Dear Ms. White:

I left a message on your answering machine confirming your meeting with Cove Britton at his office at 728 N. Branciforte Avenue, Santa Cruz on Sunday, May 17 at 3:00 p.m. This letter is to make sure you received the phone message. The purpose of the meeting is to discuss possible design changes to the 313 Kingsbury project.

I'm sorry I won't be able to join you at the meeting. I will be out of town from May 9 until May 30. I'm sure you will have a productive meeting with Cove.

Sincerely,

Kay Archer Bowden

Cc: Cove Britton  
Alice Daly, County Planning

May 1, 2009

Robert Oram  
317 Kingsbury Drive  
Aptos, CA 95003

RE: 313 Kingsbury Drive

Dear Mr. Oram:

I met you last December at the meeting regarding the proposed house at 313 Kingsbury Drive.

Cove Britton, the architect, has asked me to meet with you again next week to discuss possible design changes. We can be available at your convenience either during the day or the evening. I would like to schedule it next week because I will be out of town from May 9 until May 30.

Would you please call me at 831 425-3613 to discuss times next week when it would be convenient for you to meet with Cove Britton and me. I look forward to hearing from you soon.

Sincerely,

Kay Archer Bowden

Cc: Cove Britton  
Alice Daly

**Kay Archer Bowden**

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**From:** "Kay Archer Bowden" <kay@cruzio.com>  
**To:** <Lesastock1@sbcglobal.net>  
**Sent:** Wednesday, May 06, 2009 8:12 PM  
**Subject:** Can we meet re. 313 Kingsbury

**Lesa:**

I hope you received my last email inviting you to set up a meeting with Cove Britton and me to discuss possible design changes to 313 Kingsbury. The Planning Commission only continued the hearing for a month, and unfortunately I am leaving on a long-planned trip on May 9. If at all possible, we would like to set up a meeting with you on either May 7 or May 8.

If you have no available time on either of those days, you could meet with Cove after I leave. Please call me at 425-3613 to set up a meeting. If you can't call before I leave, please call Cove at 425-0544, ext 2 to arrange a meeting at your convenience.

I look forward to hearing from you soon.

Kay Archer Bowden

May 1, 2009

Lesa Stock,

I am attaching and pasting in a letter I mailed this afternoon to Robert Oram. I facilitated a meeting last December about 313 Kingsbury that Robert attended. You were not at the meeting, but I understand that you are also interested. I don't have an email address for Robert, but the Planning Department file had your address in the file. I would like to invite you and Robert to meet with Cove and me next week to discuss possible design changes.

Would you please call me at 831 425-3613 to discuss times next week when it would be convenient for you to meet with Cove Britton and me. I look forward to hearing from you soon.

Thanks,

Kay Archer Bowden

The letter I mailed this afternoon:

5/8/2009

May 1, 2009

Robert Oram  
317 Kingsbury Drive  
Aptos, CA 95003

RE: 313 Kingsbury Drive

Dear Mr. Oram:

I met you last December at the meeting regarding the proposed house at 313 Kingsbury Drive.

Cove Britton, the architect, has asked me to meet with you again next week to discuss possible design changes. We can be available at your convenience either during the day or the evening. I would like to schedule it next week because I will be out of town from May 9 until May 30.

Would you please call me at 831 425-3613 to discuss times next week when it would be convenient for you to meet with Cove Britton and me. I look forward to hearing from you soon.

Sincerely,

Kay Archer Bowden

Cc: Cove Britton  
Alice Daly

The message is ready to be sent with the following file or link attachments:  
May 1 Oram letter

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

5/8/2009

May 1, 2009

Mark Tashima  
963 Trifone Drive  
San Jose, CA 95117

RE: 313 Kingsbury Drive

Dear Mr. Tashima:

I met you last December at the meeting regarding the proposed house at 313 Kingsbury Drive.

Cove Britton, the architect, has asked me to meet with you again next week to discuss possible design changes. We can be available at your convenience either during the day or the evening. I would like to schedule it next week because I will be out of town from May 9 until May 30.

Would you please call me at 831 425-3613 to discuss times next week when it would be convenient for you to meet with Cove Britton and me. I look forward to hearing from you soon.

Sincerely,

Kay Archer Bowden

Cc: Cove Britton  
Alice Daly

**Kay Archer Bowden**

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**From:** "Kay Archer Bowden" <kay@cruzio.com>  
**To:** <Mtash@sbcglobal.net>  
**Sent:** Wednesday, May 06, 2009 8:18 PM  
**Subject:** Meeting re. 313 Kingsbury

May 6, 2009

Mark,

I hope you received my letter and my last email. I'm pasting them in below just in case you didn't get them.

Cove Britton and I would like to meet with you to discuss possible design changes to 313 Kingsbury. The Planning Commission only granted a one month continuance, and unfortunately, I am leaving on a long-planned trip on May 9 and won't return until May 30. Could you meet with us some time on Thursday, May 7 or Friday, May 8? Please call me at 425-3613 to set up a meeting on either day or email me your preferences.

If those dates won't work for you, you could meet with Cove while I am gone. You can call him at 831-425-0544, ext. 2.

Hope to hear from you soon.

Kay Archer Bowden

May 1, 2009

Mark Tashima:

I am pasting in and attaching the letter I mailed to you today. I'm trying to set up a meeting with you next week. Please give me a call at 831 425-3613 so we can find a time to meet that is convenient for you. Thanks.

Kay Archer Bowden

May 1, 2009

5/8/2009

Mark Tashima  
963 Trifone Drive  
San Jose, CA 95117

RE: 313 Kingsbury Drive

Dear Mr. Tashima:

I met you last December at the meeting regarding the proposed house at 313 Kingsbury Drive.

Cove Britton, the architect, has asked me to meet with you again next week to discuss possible design changes. We can be available at your convenience either during the day or the evening. I would like to schedule it next week because I will be out of town from May 9 until May 30.

Would you please call me at 831 425-3613 to discuss times next week when it would be convenient for you to meet with Cove Britton and me. I look forward to hearing from you soon.

Sincerely,

Kay Archer Bowden

Cc: Cove Britton  
Alice Daly

5/8/2009