



# 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

March 20, 2019

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

**Agenda Date: April 10, 2019**  
**Agenda Item #: 6**

**Subject: Appeal of Zoning Administrator's Denial of Application 181353 for a Coastal Development Permit.**

Members of the Commission:

On September 6, 2018, application 181353 for a Coastal Development Permit was filed to demolish an existing two story single family dwelling and construct a new three story single family dwelling at 2914 Pleasure Point Drive approximately 60 feet east of the intersection of Pleasure Point Drive and Rockview Drive in the Live Oak Planning Area.

On February 1, 2019, the Zoning Administrator denied application 181353 based on the findings contained within the staff report (Exhibit 1B).

On February 11, 2019, an appeal was filed by DiBenedetto & Lapcevic (Exhibit 1A). The appeal letter asserts that the Zoning Administrator's denial of application 181353 was "arbitrary and capricious, as well as based on considerations that are contrary to applicable FEMA safety standards." No other specific issues were raised in the initial letter of appeal and the applicant has not provided further clarification regarding the assertions.

### **FEMA Safety Standards**

The project is located in the VE Flood Zone (subject to wave and tidal inundation) with a base flood elevation of 35 feet. The applicant intends to elevate the proposed dwelling to comply with FEMA requirements for flood plain management which is fundamentally supported by staff. However, staff and the Zoning Administrator determined that elevating the proposed dwelling and granting of the numerous exceptions to the required site and development standards results in a home which is inconsistent with the homes in the vicinity.

FEMA standards require only that homes be elevated to address base flood elevation and do not in themselves provide relief from the site and development standards affecting the site. As indicated at the Zoning Administrator hearing on February 1, 2019, the authority for granting variances to site and development standards and design review exceptions lies with the local jurisdiction.

The basis for denial of application 181353 was due to neighborhood compatibility conflicts with the proposed design and resulting failure to establish the right to a variance under State law and County Code. Specifically, the proposed height of 30 feet 8 inches and the massing of the upper (third) floor do not comply with the Pleasure Point Design criteria and will be out of proportion with the other homes in the vicinity. Further, the project would result in a significant impact to the public viewshed due to the project being situated on a coastal bluff overlooking a public beach and public access way which is considered a scenic location. A variance may be approved only where a finding can be made that strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning, and is in harmony with the intent of the zoning objectives and does not result in a grant of special privileges inconsistent with limitations on other properties in the vicinity and zone.

### **Decisions by the Zoning Administrator**

Action taken by the Zoning Administrator to deny application 181353 was not arbitrary or capricious but based on substantial evidence contained in the staff report (Exhibit 1C). The Zoning Administrator clearly articulated specific areas of the proposed design that could be modified in order to achieve a compatible design with the homes in the vicinity. The Zoning Administrator, upon providing feedback on the proposed design, offered the applicant additional time to consider various design recommendations but the applicant declined.

The Zoning Administrator recommended that the applicant explore one or more of the following design revisions to bring the project into conformance with the Pleasure Point Design Guidelines and the character of the surrounding neighborhood:

1. Setbacks for walls exceeding 15 feet in height should be incorporated particularly at the 3<sup>rd</sup> floor.
2. The bulk and massing size of the third story should be reduced to be more proportionate to the second floor.
3. Dropping the plate height of the first story would result in a reduction in overall height.
4. If keeping first story at the proposed plate height is a priority, additional thought should be put into the upper two stories to better comply with the Pleasure Point Design criteria.
5. The garage could be eliminated from the first story or a split-level floor plan could be explored.

The Zoning Administrator acknowledged the numerous physical constraints of the project site which include the 100-year geologic setback and base flood elevation of 35 feet. As noted in the staff report, the project is located in an area with specific design criteria (Pleasure Point) and the proposed design requests numerous exceptions and relief from the site and development standards. The Zoning Administrator found that the result of the combination of exceptions requested is a design that is not compatible with the homes in the vicinity, which are primarily one and two story homes that do not exceed 28 feet in height.

### **Staff Recommendation**

Staff recommends that the Planning Commission determine that the project is exempt from further environmental review under the California Environmental Quality Act and DENY application 181353 based on the attached finding contained in the staff report (Exhibit 1D).

The Planning Commission has three choices, as listed in SCCC 18.10.330(D), after consideration of the evidence and testimony, and after making the appropriate findings required by SCCC 18.10.230:

- 1) Deny the application,
- 2) Approve the application, or
- 3) Approve the application with modifications,

subject to such conditions as it deems advisable.

In the event the Commission is unable to reach an agreement on a decision at this meeting, the matter may be continued at the request of the appellant for one meeting for a decision in conformance with this section. In the event the Planning Commission is unable to reach a decision, the decision of the Zoning Administrator shall remain valid and may be appealed to the Board of Supervisors in accordance with the provisions of SCCC 18.10.340.

Sincerely,



Nathan MacBeth  
Project Planner  
Development Review

Reviewed By:



Steven Guiney, AICP  
Principal Planner  
Development Review

Exhibits:

- 1A. Appeal letter prepared by DiBenedetto & Lapcevic dated February 11, 2019
- 1B. Adopted Finding for denial
- 1C. Staff Report from the 2/1/19 Zoning Administrator Hearing
- 1D. Project Plans, revised 11/6/18
- 1E. Comments and Correspondence received after the 2/1/19 public hearing

# **Appeal Letter**

**Application Number 181353**

**EXHIBIT 1A**



ANNA DiBENEDETTO  
WILLIAM A. LAPCEVIC  
ALISON KELLY  
EMMETT L. SMITH

**DiBENEDETTO & LAPCEVIC, LLP**

1101 Pacific Avenue, Suite 320  
Santa Cruz, California 95060  
Telephone: 831-325-2674 | Facsimile: 831-477-7617

**MODESTO OFFICE**  
1016 12<sup>TH</sup> STREET  
MODESTO, CALIFORNIA 95354

February 11, 2019

**Via Hand Delivery**

Chair Rachel Dann and Members  
SANTA CRUZ COUNTY PLANNING COMMISSION  
701 Ocean Street  
Santa Cruz, CA 95060



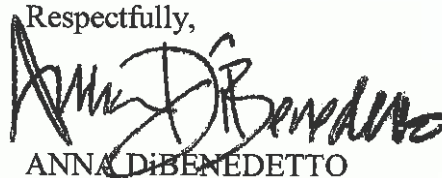
RE: Development Application No. 181353  
Assessor's Parcel No. 032-232-04  
Applicants/Owners: William and Heidi Rielly  
Our File No. 00298

Dear Chairperson Dann and Committee Members:

Our clients William and Heidi Rielly hereby appeal to the Planning Commission the February 1, 2019 denial of Development Permit Application No. 181353 by Deputy Zoning Administrator Jocelyn Drake.

The Applicants are awaiting the transcription of the February 1<sup>st</sup> hearing audiotape, which will be provided to the Commission before the appeal hearing date, along with the additional detailed information that supports the position of both the Applicants and their design team that Ms. Drake's denial was arbitrary and capricious, as well as based upon considerations that are contrary to applicable FEMA safety standards for this project.

Respectfully,

  
ANNA DiBENEDETTO

AKD/akw

cc: Clients *via email only*  
Matson Britton Architects *via email only*

# **Finding for Denial**

**Application Number 181353**

**EXHIBIT 1B**

## Coastal Development Permit Findings

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

This finding cannot be made, in that the design of the proposed development is not consistent with the character of the surrounding neighborhood and will result in adverse impacts to a significant public viewshed.

The coastal design criteria set forth in SCCC 13.20.130 and 13.20.140 et seq encourages designs that do not maximize site standards, incorporate smaller second story elements that are setback from the first floor, encourages the use of pitched roofs rather than flat roof design, and requires projects be sited and designed so that upper stories do not cantilever toward, loom over, or otherwise adversely impact significant viewsheds (including public access ways) and community character.

The project is situated on a coastal bluff overlooking a public beach and public accessway considered a significant public viewshed. Residential development in the area consists of one and two story homes with a maximum height of 28 feet, subject to the Pleasure Point Community Design standards.

As proposed, the project intends to exceed the maximum height of 28 feet (30 feet 8 inches), exceeds the maximum floor area ratio of 50% (67%), exceed the maximum two stories (three stories), proposes a flat roof design on the seaward side of the home with third story elements which cantilever beyond the extent of the exterior wall of the second floor, and contains second and third story elements which encroach into the required setback for side walls exceeding 15 feet in height. Collectively, the project will result in adverse impacts to a significant public viewshed and community character; therefore, this finding cannot be made.

# **Zoning Administrator Staff Report**

**Application Number 183153**

**EXHIBIT 1C**



## **Staff Report to the Zoning Administrator**

**Application Number: 181353**

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**Applicant:** Matson Britton Architects  
**Owner:** William & Heidi Rielly  
**APN:** 032-232-04  
**Site Address:** 2914 Pleasure Point Drive

**Agenda Date:** February 1, 2019  
**Agenda Item #:** 2  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to demolish an existing 2,000 square foot two story single family dwelling and construct a replacement 1,644 square foot three story single family dwelling with a 225 square foot garage and 638 square feet of non-habitable storage at the first floor. Requires a Coastal Development Permit, variance to allow for three stories and increase the allowed 50% floor area ratio to approximately 67%, Design Review to increase the allowed 28 foot height to 30 feet 8 inches, Pleasure Point Exception to reduce the required 10 foot side yard setback to 5 feet and a determination that the project is exempt from review under CEQA.

**Location:** Property located on the south side of Pleasure Point Drive approximately 60 feet from the intersection with Rockview Drive in Pleasure Point (2914 Pleasure Point Drive).

**Permits Required:** Coastal Development Permit, Variance, Pleasure Point Design Exception

**Supervisory District:** First District (District Supervisor: John Leopold)

### **Staff Recommendation:**

- Determine that the proposed action is exempt from further Environmental Review under the California Environmental Quality Act. CEQA Section 15270 states that "CEQA does not apply to projects which a public agency rejects or disapproves."
- Denial of Application 181353, based on the attached findings.

### **Project Description & Setting**

The property is located on the south side of Pleasure Point Drive (2914 Pleasure Point Drive) on a coastal bluff, approximately 60 feet east of Rockview Drive. The site contains an existing 1,400 square foot two story single family dwelling, constructed in 1937. The coastal bluff contains existing shoreline protection structures consisting of rip rap at the base of the bluff and concrete retaining wall along the bluff face. The top of the bluff sits at an elevation of approximately 30 feet. Flood mapping places the subject property within the FEMA VE flood zone with a Base Flood Elevation of 35 feet.

The subject property, while not specifically designated as a scenic resource in the General Plan, is highly visible from a public viewshed and beach. The property is surrounded by existing two story dwellings to the east and west. Properties immediately across the street from the subject property contain Mediterranean style two story dwellings. Most of the remaining Pleasure Point Drive neighborhood contains Mediterranean style dwellings with stucco walls and tile roofs as well as other one and two story dwellings. In addition, most of the dwellings both immediately adjacent to the property and in the remaining neighborhood do not exceed the 28' height limit.

### **Variance**

The property is zoned for residential uses and located inside the Urban Services Line (USL), an area which allows a maximum of two stories per SCCC 13.10.323 and General Plan Policy 8.6.3. Due to the project location within the VE Flood zone, the applicant requests a variance to increase the allowed number of stories to three. As proposed, the first story of the home would be non-habitable to comply with FEMA requirements for development within the flood plain and consist of a garage, entry, and storage. Though the first story is non-habitable, the area is included in the calculation for Floor Area Ratio (FAR). Per SCCC 13.10.323, the garage and entry have a ceiling height of 7 feet 6 inches and per SCCC 13.10.323 all areas which contain a ceiling height of 5 feet or greater count toward FAR. As proposed, the project requires a variance to increase the allowed 50% FAR to approximately 67%.

Under State law and SCCC 13.10.230, a variance may be approved where, because of special circumstances applicable to a property, strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. In addition, a finding must be made that the granting of a variance will be in harmony with the general intent and purpose of zoning objectives, and will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zone.

As noted above, the property is surrounded by existing two story dwellings to the east and west and immediately across the street, and most of the remaining neighborhood contains one and two story dwellings.

### **Design Review**

The proposed project includes a request to increase the allowed 28 foot height for the R-1-5 zone district to 30 feet 8 inches. The request for increased height is a result of increasing the number of stories as outlined above. As indicated in SCCC 13.10.323(E)(5)(b), building heights up to a maximum of 33 feet may be authorized subject to Design Review.

It is noted that the subject parcel is located in the FEMA VE flood zone with a Base Flood Elevation of 35 feet. Redevelopment of the project site would require the horizontal structural members of the habitable floor to be placed a minimum of 1 foot above the based flood elevation (elevation 36 feet or 6 feet above grade) to comply with FEMA requirements.

Due to the location of the proposed development on a coastal bluff, increasing the height to exceed the 28 feet maximum in the R-1-5 zone district is not supported. The result of the request for increased height would result in a home which is inconsistent with the surrounding character of the neighborhood which consists primarily of one and two story homes and a maximum height of 28 feet.

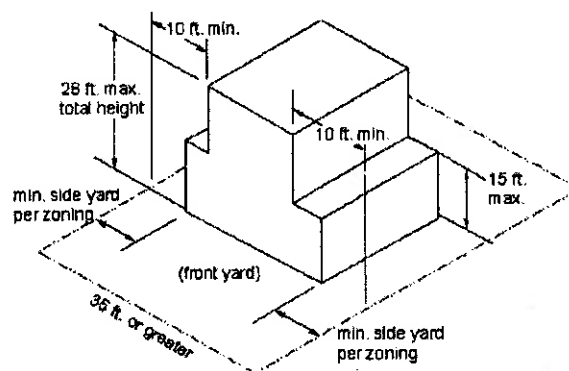
of the neighborhood which consists primarily of one and two story homes and a maximum height of 28 feet.

### **Pleasure Point Design Criteria Exception**

SCCC 13.10.444 states that “The purposes of the Pleasure Point Community Design PP Combining District are to: (A) Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses; (B) Encourage community interaction and orientation towards the street by providing an incentive for the creation of more front porches in Pleasure Point; and (C) Reduce the visual impact of automobile-oriented features on residential building facades and in front yards.”

The purpose of the Pleasure Point Design Criteria Combining District second story setback standards, provided in County Code Section 13.10.446(A)(1)(a), is to reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses. The standards require that second story exterior side walls, or the portion of the single-story exterior side wall exceeding 15 feet in height, on lots 35 feet or greater, be set back at least 10 feet from the side yard property line and subject to Figure 13.10.446-1 as shown below.

**Building Envelope Limits for Lots 35 Feet or Greater in Width**



As proposed, portions of the proposed home which exceed 15 feet in height would be setback a minimum of 5 feet on both sides. The applicant has requested a reduction in the required side yard setback due to a reduced developable area and to address FEMA requirements. The reduction to the side yard setback requires a Pleasure Point Design Criteria exception pursuant to SCCC 13.10.447.

Exceptions may be granted if the project is found consistent with the purposes set forth in SCCC 13.10.444, development permit findings are made, and at least one of the additional findings in SCCC 13.10.447 are made, which include “special existing site or improvement characteristics or circumstances” that excuse the project from meeting the standards, such as “the absence of adjacent residential parcels that could potentially be shaded”; a determination that the purposes set forth in SCCC 13.10.444 are better met by an alternative design; or a determination that the exception will result in a “superior residential design” that is consistent with the purposes set forth in SCCC 13.10.444.

### **Local Coastal Program Consistency**

As proposed, the three story home which exceeds the allowed FAR is not in conformance with the County's certified Local Coastal Program, in that the structure is not sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. While larger homes exist in the vicinity, the proposed design is out of proportion to that of the parcel size.

Further, the project site is located between the shoreline and the first public road and situated on a coastal bluff overlooking a public beach and public access way which is considered a scenic location. Size and architectural styles vary in the area however, the design submitted is inconsistent with the type of development found along this stretch of coastline with respect to number of stories. Further, the Pleasure Point Design criteria requires side walls to be set back further than the lower floor to ensure availability of light air and open space and reduce massing at the upper portion of homes. As proposed, the project would not conform to the design standards set forth in the Pleasure Point Community Plan.

### **Conclusion**

As proposed, the project is inconsistent with several applicable codes and policies of the Zoning Ordinance and General Plan/Local Coastal Program. Specifically, Coastal Development Permit Findings cannot be made, therefore it is not necessary to further evaluate the appropriateness of the other approvals being requested. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Determine that the proposed action is exempt from further Environmental Review under the California Environmental Quality Act. CEQA Section 15270 states that "CEQA does not apply to projects which a public agency rejects or disapproves."
- **DENIAL** of Application Number **181353**, based on the attached findings.

**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: Nathan MacBeth  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3118  
E-mail: [nathan.macbeth@santacruzcounty.us](mailto:nathan.macbeth@santacruzcounty.us)



## **Exhibits**

- A. Statutory Exemption (CEQA determination)
- B. Findings
- C. Visual Simulations and Shadow Study
- D. Project Plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel Information
- G. Site Photos
- H. Comments & Correspondence

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

# 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: 181353  
Assessor Parcel Number: 032-232-04  
Project Location: 2914 Pleasure Point Drive

**Project Description: Demolition of an existing single family dwelling and construction of a replacement single family dwelling**

**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.   X   **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).  
E. \_\_\_\_\_ **Categorical Exemption**

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

### **15270. PROJECTS WHICH ARE DISAPPROVED**

- (a) CEQA does not apply to projects which a public agency rejects or disapproves.  
(b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved.  
(c) This section shall not relieve an applicant from paying the costs for an EIR or Negative Declaration prepared for his project prior to the Lead Agency's disapproval of the project after normal evaluation and processing.

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

\_\_\_\_\_  
Nathan MacBeth, Project Planner

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

**EXHIBIT A**

## **Coastal Development Permit Findings**

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

This finding cannot be made, in that the design of the proposed development is not consistent with the character of the surrounding neighborhood and will result in adverse impacts to a significant public viewshed.

The coastal design criteria set forth in SCCC 13.20.130 and 13.20.140 et seq encourages designs that do not maximize site standards, incorporate smaller second story elements that are setback from the first floor, encourages the use of pitched roofs rather than flat roof design, and requires projects be sited and designed so that upper stories do not cantilever toward, loom over, or otherwise adversely impact significant viewsheds (including public access ways) and community character.

The project is situated on a coastal bluff overlooking a public beach and public accessway considered a significant public viewshed. Residential development in the area consists of one and two story homes with a maximum height of 28 feet, subject to the Pleasure Point Community Design standards.

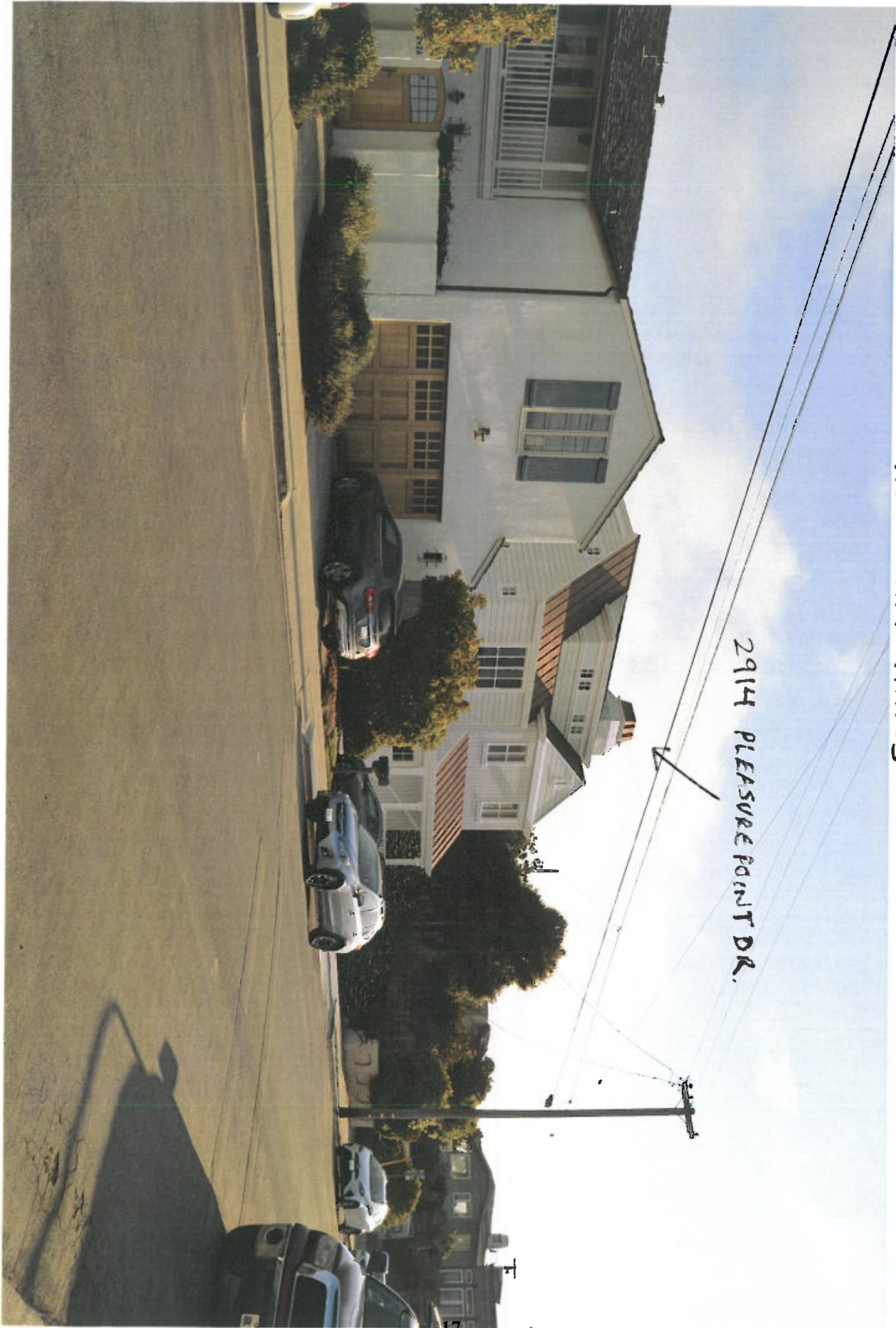
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# **Visual Simulations & Shadow Study**

**Application Number 181353**

VISUAL SIMULATIONS

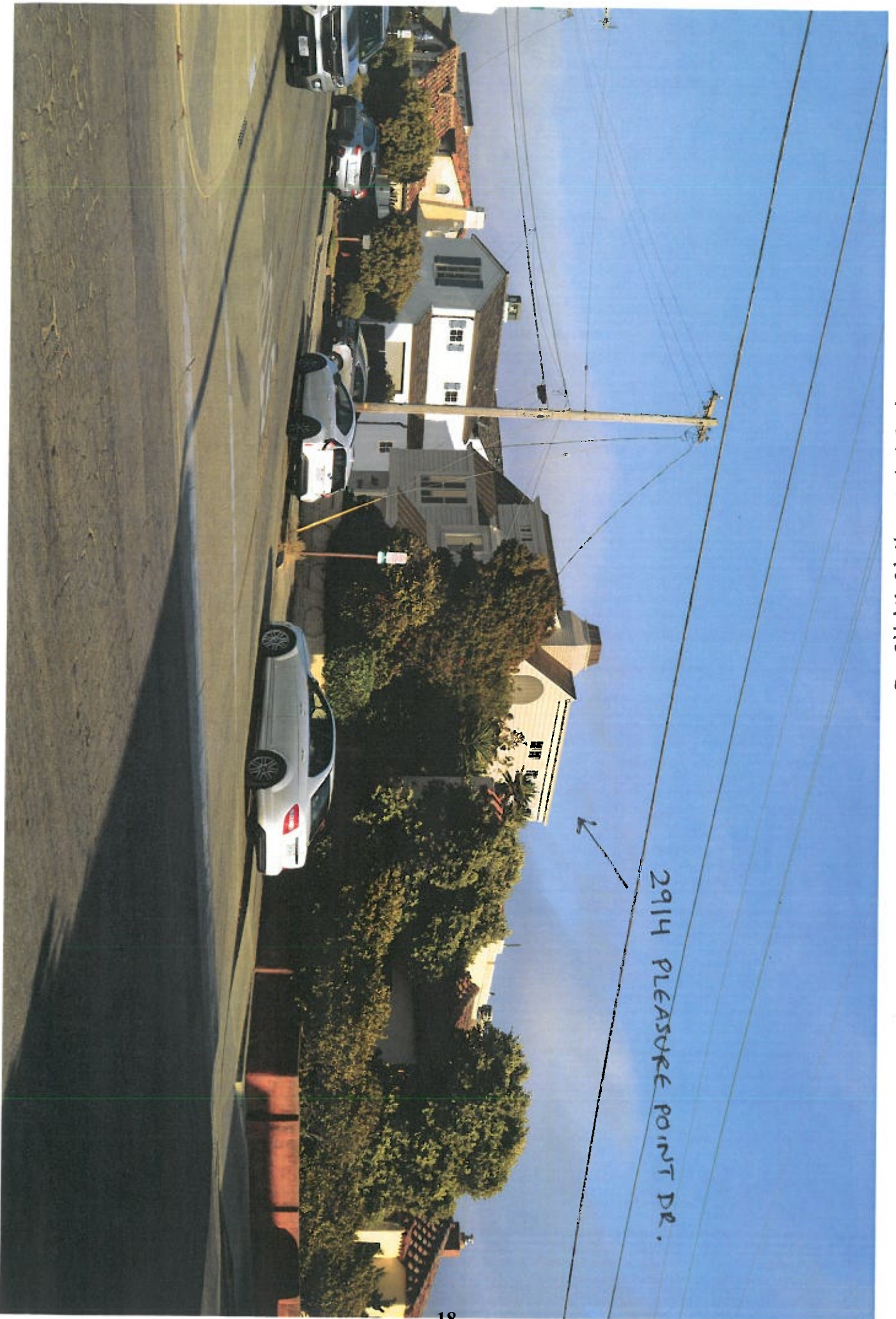
2914 PLEASURE POINT DR.





# VISUAL SIMULATIONS

2914 PLEASURE POINT DR.







June 21 10am



June 21 2pm



December 21 10am



December 21 2pm

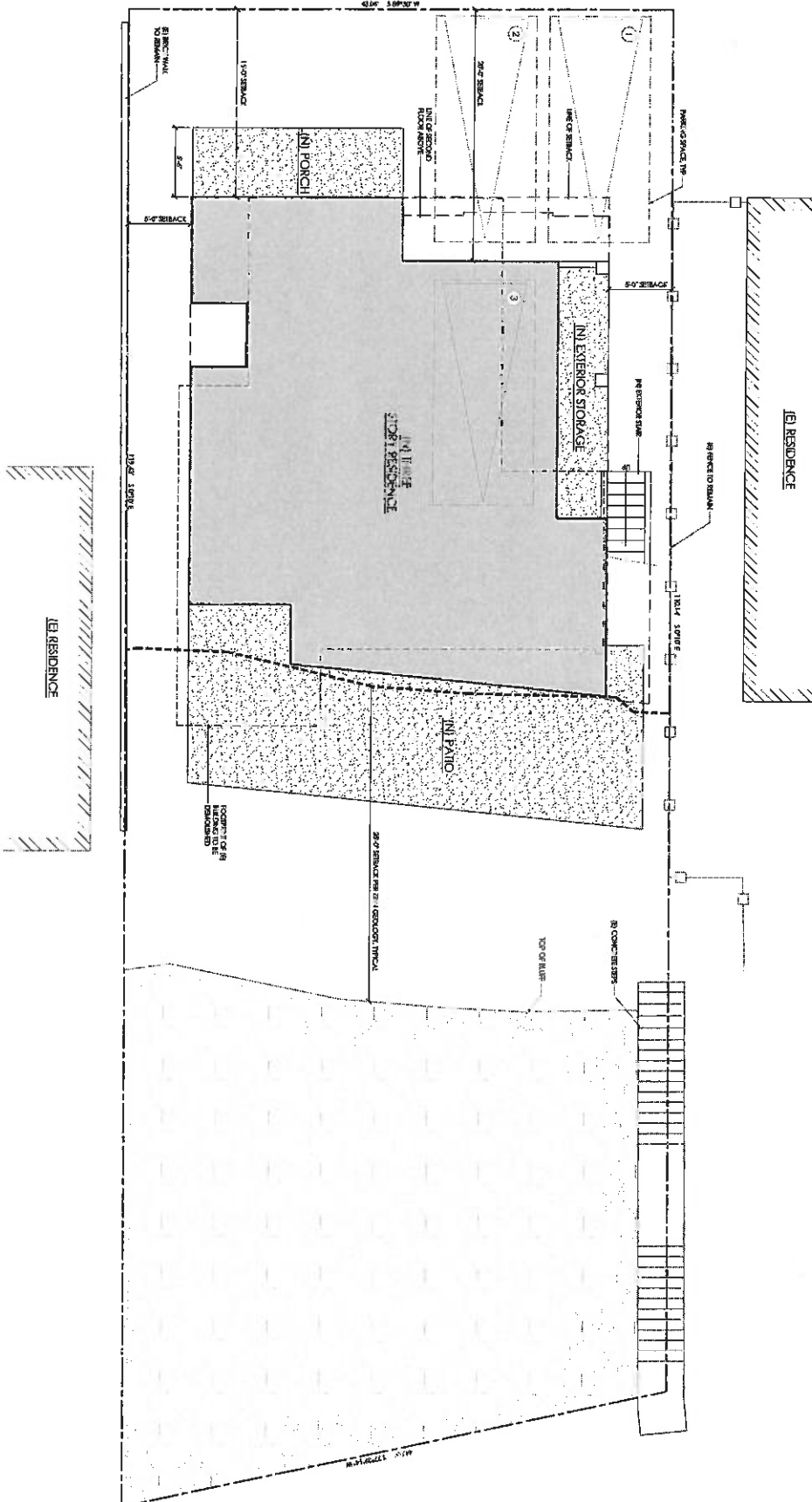
# **Project Plans**

**Application Number 181353**





SCALE 1/4" = 1'-0"

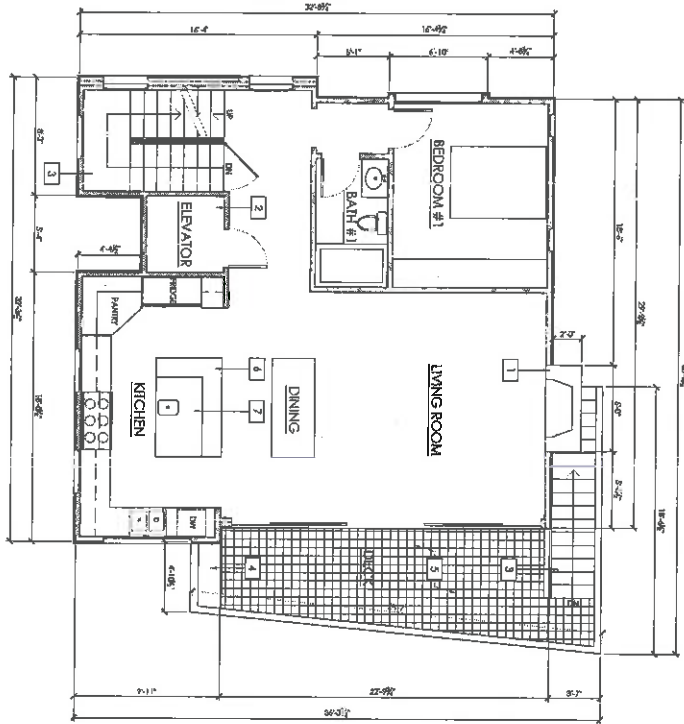


SITE LEGEND		SITE PLAN NOTES
<p>PERCUTANEOUS SINK/LINE</p> <p>RECOVER TO CITY BY BANKING TO BE DRAINAGE</p> <p>RECEIVED FROM</p> <p>RECEIVED FROM SERVICE RECEIVED FROM SERVICE</p>	<p>NEW</p> <p>TO DRAINAGE</p> <p>CONCRETE</p> <p>RECEIVED FROM</p>	

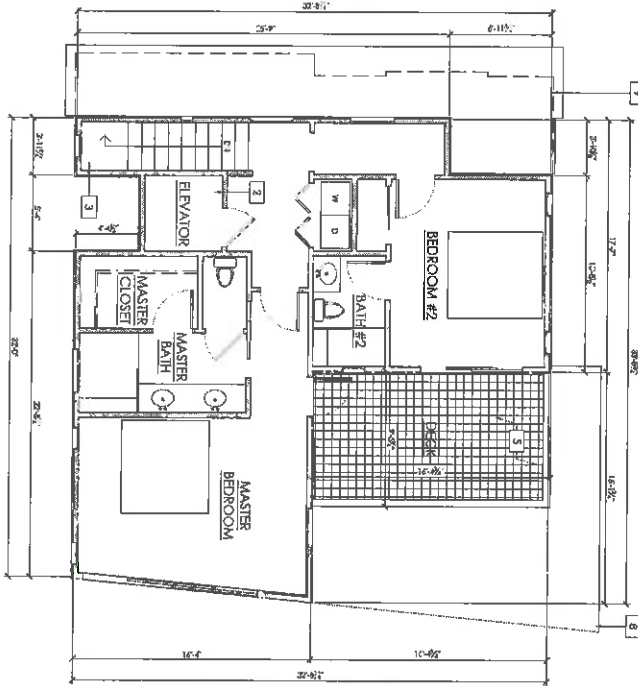
**SCALE 1/4" = 1'-0"**

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# SECOND FLOOR PLAN



# THIRD FLOOR PLAN



## PLAN KEYNOTES

1. FINISHES
2. FINISHES
3. FINISHES
4. FINISHES
5. FINISHES
6. FINISHES
7. FINISHES
8. FINISHES
9. FINISHES

## WALL LEGEND

1	FINISHES
2	FINISHES
3	FINISHES
4	FINISHES
5	FINISHES
6	FINISHES
7	FINISHES
8	FINISHES
9	FINISHES

RIELLY RESIDENCE  
NEW RESIDENCE  
2914 PLEASURE POINT DRIVE  
SANTA CRUZ, CA 95062  
032-292-04

SECOND AND THIRD  
FLOOR PLAN

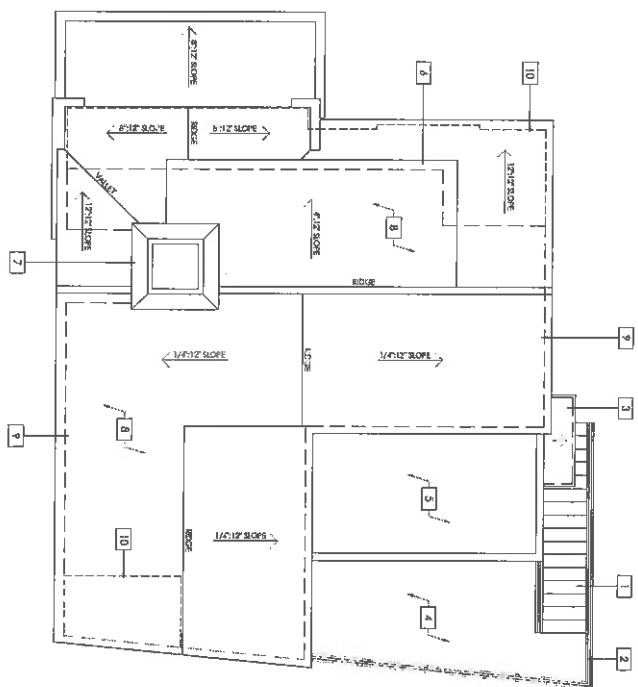


DATE	11/06/18
BY	MA
FOR	MA
SCALE	1/8" = 1'-0"
PROJECT	RIELLY

P4

# ROOF PLAN

SCALE 1/8" = 1'-0"



## ROOF PLAN KEYNOTES

1. SHEET 2X8S
2. PAINTED STEEL BEAMS
3. FLASHING
4. 1/2\"/>

## ROOF PLAN NOTES

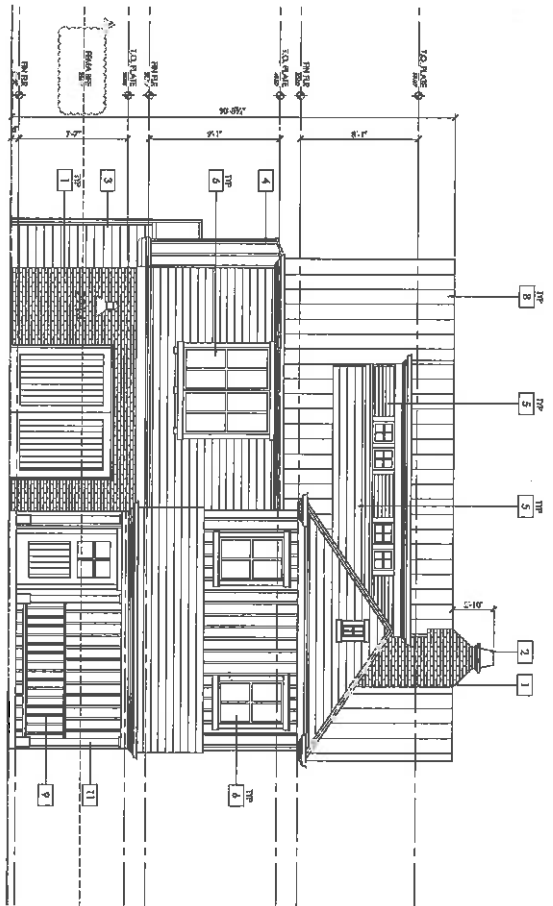
1. ROOF SHALL BE MAINTAINED FREE OF ALL OBSTRUCTIONS.
2. ALL FLASHING, CORROSION RESISTANT, AND CORROSION RESISTANT FLASHING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
3. FLASHING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
4. FLASHING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
5. ALL ROOF DRAINAGE SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
6. ALL ROOF DRAINAGE SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

RIELLY RESIDENCE  
NEW RESIDENCE  
2914 PLEASURE POINT DRIVE  
SANTA CRUZ, CA 95062  
032-232-04

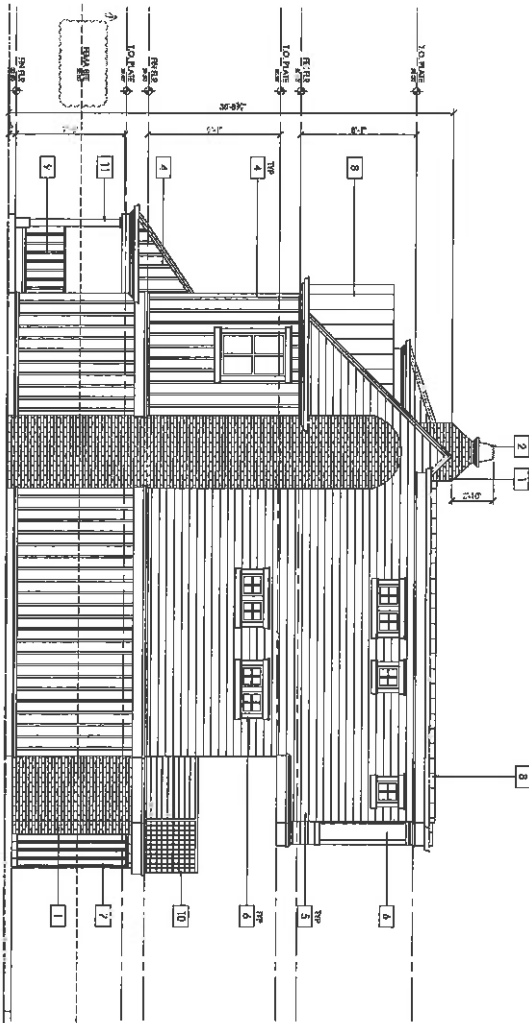
ROOF PLAN



P5

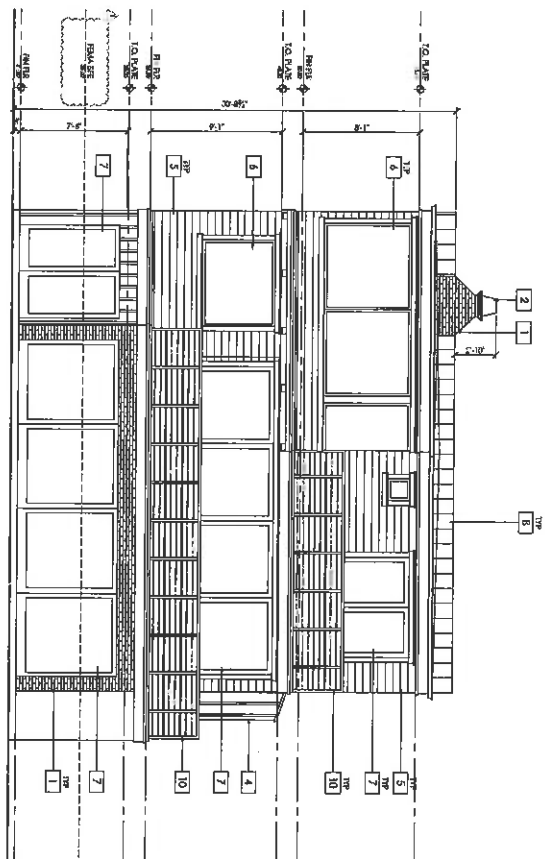


NORTH ELEVATION  
SCALE 1/8" = 1'-0"



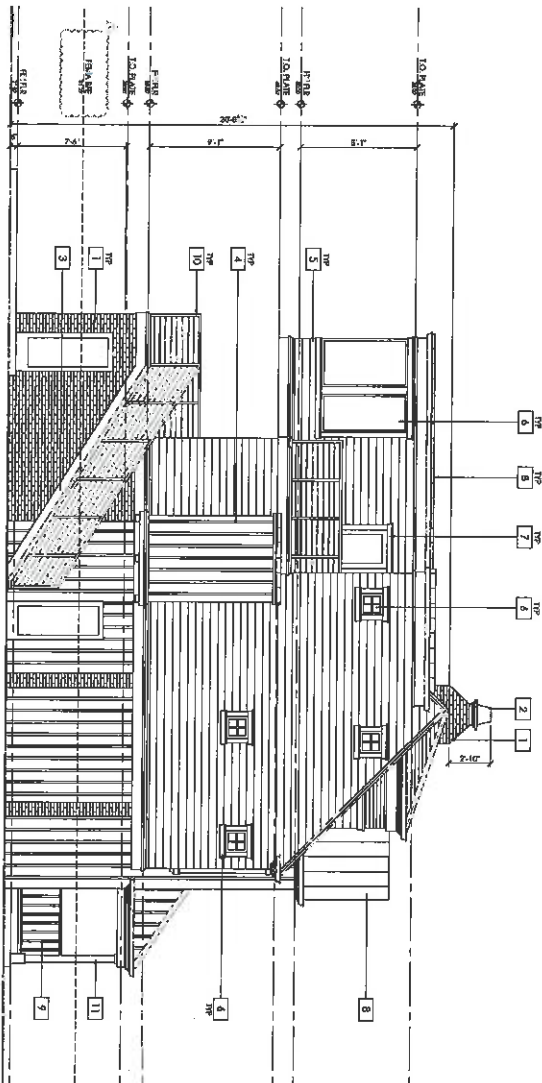
WEST ELEVATION  
SCALE 1/8" = 1'-0"

ELEVATION KEYNOTES	
1	BRICK - 1/2" x 8" WHITE
2	CORNER CHAMFER CAP
3	STAIRS
4	ROCK BOARD BATHS - 1/2" x 8" WHITE
5	HORIZONTAL LAP S.C. - 1/2" x 8" WHITE
6	WINDOWS WITH WOOD TRIM - 1/2" x 8" WHITE
7	DOOR WITH WOOD TRIM - 1/2" x 8" WHITE
8	CORNER STAIRS - 1/2" x 8" WHITE
9	47" x 12" WOOD BALKY
10	47" x 12" WOOD BALKY
11	WOOD CORNER



SOUTH ELEVATION

SCALE 1/8" = 1'-0"



EAST ELEVATION

SCALE 1/8" = 1'-0"

ELEVATION KEYNOTES

- 1 BRICK - FLINT WHITE
- 2 CORNER CHIMNEY CAP
- 3 STAIRS
- 4 BOARD AND BATTEN - FLINT WHITE
- 5 HORIZONTAL LAP SIDING - FLINT WHITE
- 6 VINYL Siding WITH WOOD TRIM - FLINT WHITE
- 7 CROWN MOULDING - FLINT WHITE
- 8 CEILING SIDING - FLINT WHITE
- 9 4" X 6" WOOD PLANK
- 10 4" X 6" WOOD PLANK
- 11 WOOD COLUMN



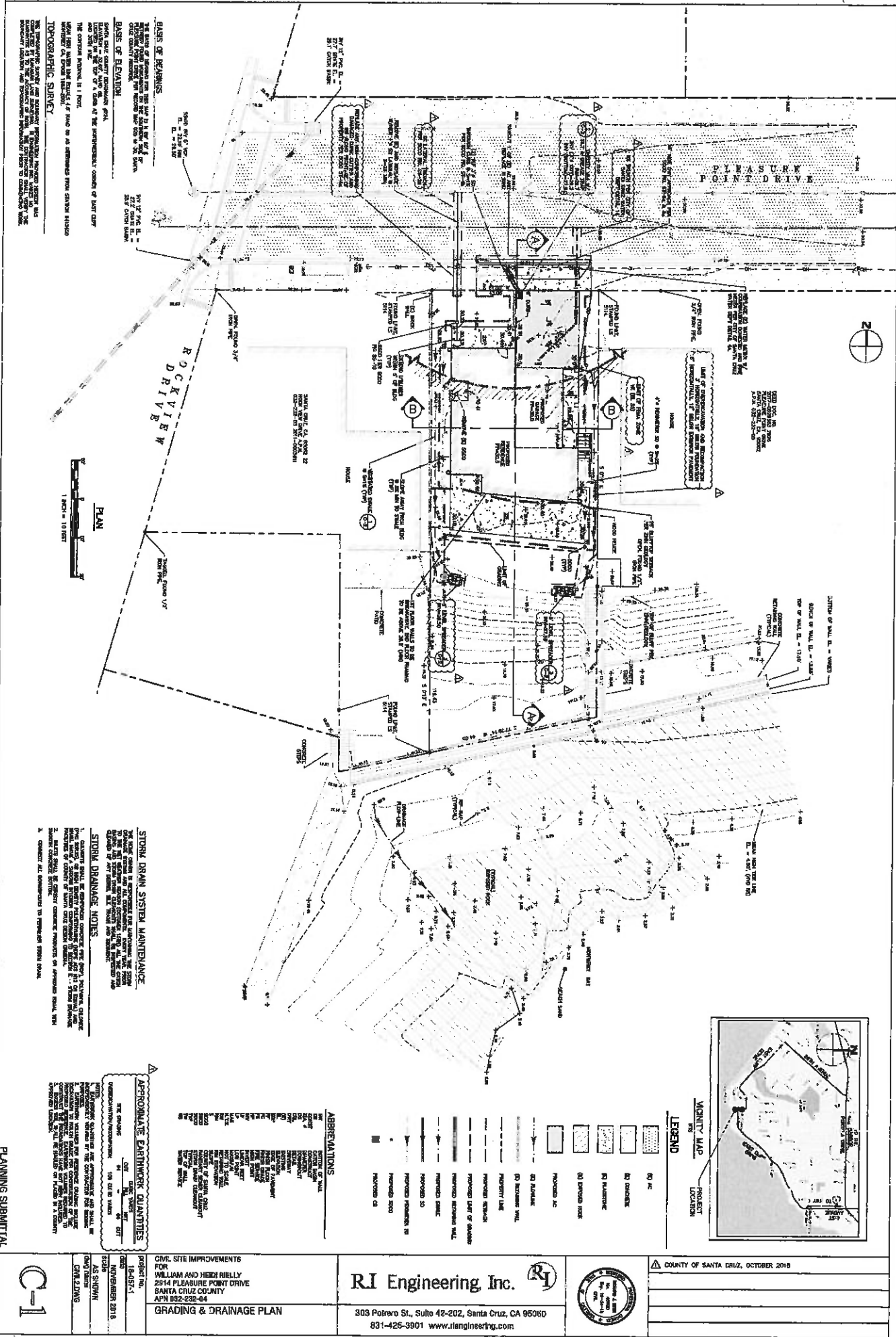
PROJECT: RIELLY RESIDENCE  
 2014 PLEASURE POINT DRIVE  
 SANTA CRUZ, CA 95062  
 033-232-04

RIELLY RESIDENCE  
 NEW RESIDENCE  
 2014 PLEASURE POINT DRIVE  
 SANTA CRUZ, CA 95062  
 033-232-04

EXTERIOR ELEVATIONS



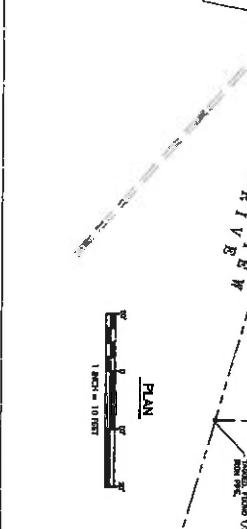
P7



**BASE OF EXAMINATION**  
 THE GRADING AND DRAINAGE PLAN FOR THE PROPOSED IMPROVEMENTS TO THE PROPERTY LOCATED AT 2914 PLEASURE POINT DRIVE, SANTA CRUZ, CALIFORNIA, WAS PREPARED BY THE ENGINEER BASED ON THE INFORMATION FURNISHED BY THE CLIENT. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROPERTY OR THE PROPOSED IMPROVEMENTS. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROPERTY OR THE PROPOSED IMPROVEMENTS. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROPERTY OR THE PROPOSED IMPROVEMENTS.

**BASE OF PLATON**  
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**STORM DRAIN SYSTEM MAINTENANCE**  
 THE STORM DRAIN SYSTEM MAINTENANCE PLAN FOR THE PROPOSED IMPROVEMENTS TO THE PROPERTY LOCATED AT 2914 PLEASURE POINT DRIVE, SANTA CRUZ, CALIFORNIA, WAS PREPARED BY THE ENGINEER BASED ON THE INFORMATION FURNISHED BY THE CLIENT. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROPERTY OR THE PROPOSED IMPROVEMENTS. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROPERTY OR THE PROPOSED IMPROVEMENTS. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROPERTY OR THE PROPOSED IMPROVEMENTS.

**STORM DRAINAGE NOTES**  
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**APPROPRIATE EARTHWORK QUANTITIES**

ITEM	QUANTITY	UNIT
1. EXISTING GRADE	10.00	CU YD
2. EXISTING GRADE	10.00	CU YD
3. EXISTING GRADE	10.00	CU YD
4. EXISTING GRADE	10.00	CU YD
5. EXISTING GRADE	10.00	CU YD
6. EXISTING GRADE	10.00	CU YD
7. EXISTING GRADE	10.00	CU YD
8. EXISTING GRADE	10.00	CU YD
9. EXISTING GRADE	10.00	CU YD
10. EXISTING GRADE	10.00	CU YD

**ABBREVIATIONS**

SYMBOL	DESCRIPTION
1	EXISTING GRADE
2	EXISTING GRADE
3	EXISTING GRADE
4	EXISTING GRADE
5	EXISTING GRADE
6	EXISTING GRADE
7	EXISTING GRADE
8	EXISTING GRADE
9	EXISTING GRADE
10	EXISTING GRADE

**PLANNING SUBMITTAL**

**C-1**

**LEGEND**

SYMBOL	DESCRIPTION
1	EXISTING GRADE
2	EXISTING GRADE
3	EXISTING GRADE
4	EXISTING GRADE
5	EXISTING GRADE
6	EXISTING GRADE
7	EXISTING GRADE
8	EXISTING GRADE
9	EXISTING GRADE
10	EXISTING GRADE

**LOCALITY MAP**

**COUNTY OF SANTA CRUZ, OCTOBER 2018**

**RI Engineering, Inc.**

303 Potrero St., Suite 42-202, Santa Cruz, CA 95060  
 831-425-3901 www.riengineering.com



1. THE INFORMATION SHOULD BE A DETAILED AND CONCISE SUMMARY OF THE FACTS AS THEY RELATE TO THE CASE. THE INFORMATION IS TO BE PREPARED BY THE PERSONS WHOSE NAMES ARE LISTED ON THE CASE. THE INFORMATION IS TO BE PREPARED BY THE PERSONS WHOSE NAMES ARE LISTED ON THE CASE. THE INFORMATION IS TO BE PREPARED BY THE PERSONS WHOSE NAMES ARE LISTED ON THE CASE.

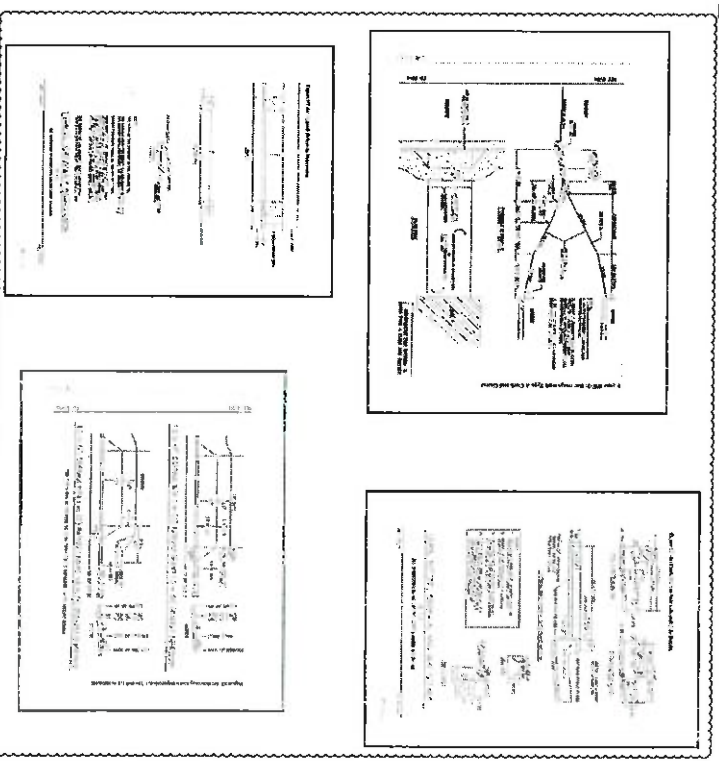
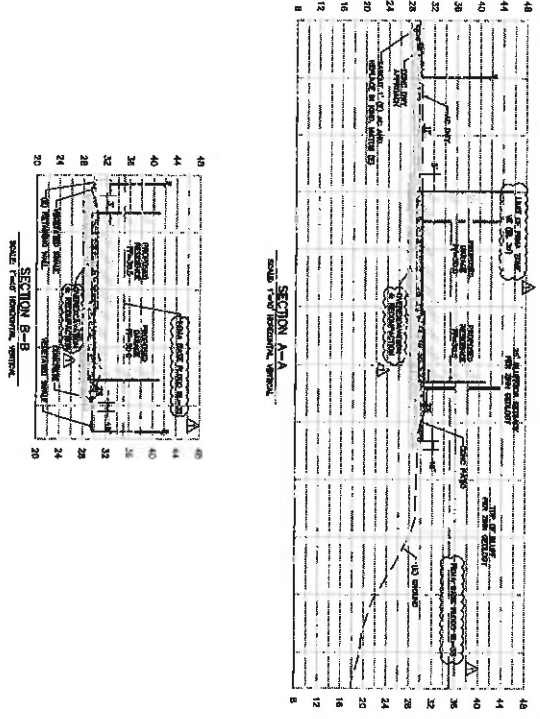
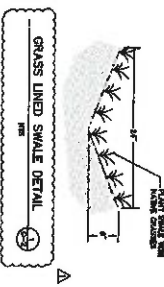
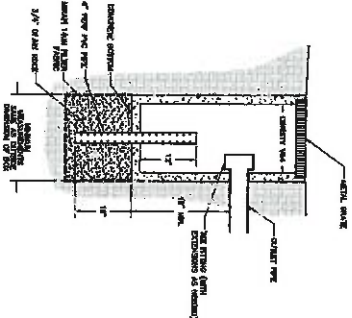
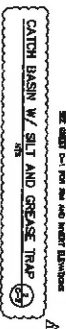
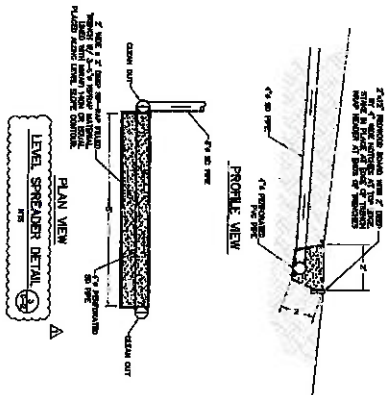
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1. WORK SHALL CONSIST OF ALL CLEARING, GRUBBING, SHORING, REPAIRS AND/OR LAID TO BE FILLED, EXISTING SPECIALTIES, DEMOLITION AND CORREL. OF FILL AND ALL SKEWERLY WORK NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE LINES, PAVED, AND OTHER AS SHOWN ON THE APPROVED PLANS.
2. ALL GRADING UNDERBARS SHALL CONFORM TO SECTION 10 OF

- [illegible]

[illegible]

# F051 CONSTRUCTION STORM DRAIN SYSTEM MAINTENANCE SCHEDULE







# RIELLY RESIDENCE

EAST CLIFF DRIVE  
SANTA CRUZ, CA 95062  
A.P.N.: 028-304-75

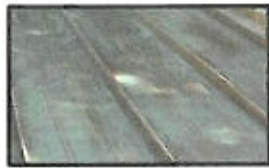


728 N BRANCIORTE  
SANTA CRUZ  
CA 95062  
831-425-0544

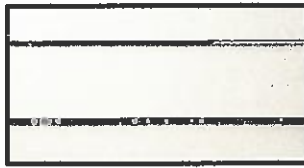
## MATERIALS



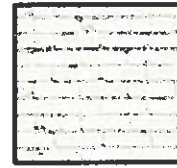
GLASS GUARDRAIL WITH  
BLACK METAL FRAME



COPPER STANDING SEAM  
ROOF WITH PATINA



HARDIE BOARD SMOOTH  
SIDING, PAINTED WHITE



BRICK, PAINTED  
WHITE TYPICAL



BOARD AND BATTEN  
SIDING, PAINTED WHITE



# **Assessor's, Location, Zoning and General Plan Maps**

**Application Number 181353**

**FOR TAX PURPOSES ONLY**  
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

**POR. RANCHO ARROYO DEL RODEO**  
 S. 1/2 SEC. 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
 82-040

32-23

Electronically Redrawn 7/22/97 by  
 Rev 9/18/00 CB (Conti Form, 2-12)  
 Rev 10/14/03 CB (104RS15)  
 Rev 2/18/17 CB (123RS38)

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

Assessor's Map No. 32-23  
 County of Santa Cruz, Calif.  
 Oct 1998





# Parcel Location Map

Santa Cruz County Planning Department

Parcel Number  
**032-232-04**  
Jan. 16, 2019



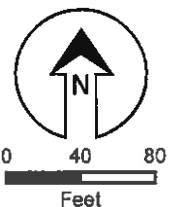
032-232-04



Location Overview

## Symbol Key

— Street







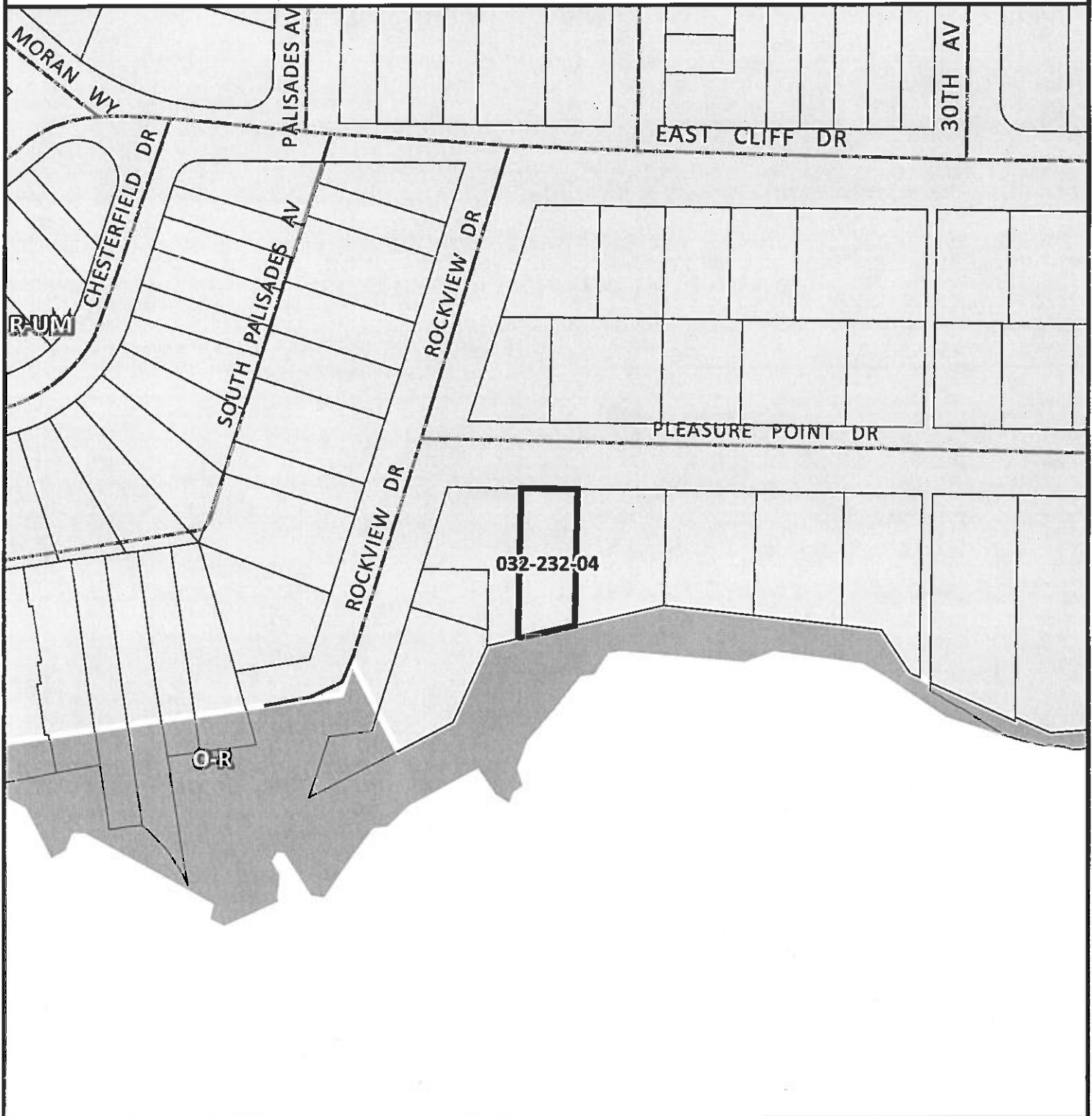
# Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number

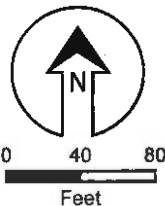
032-232-04

Jan. 16, 2019



## General Plan

- O-R - Parks and Recreation
- R-UM - Residential - Urban Medium Density







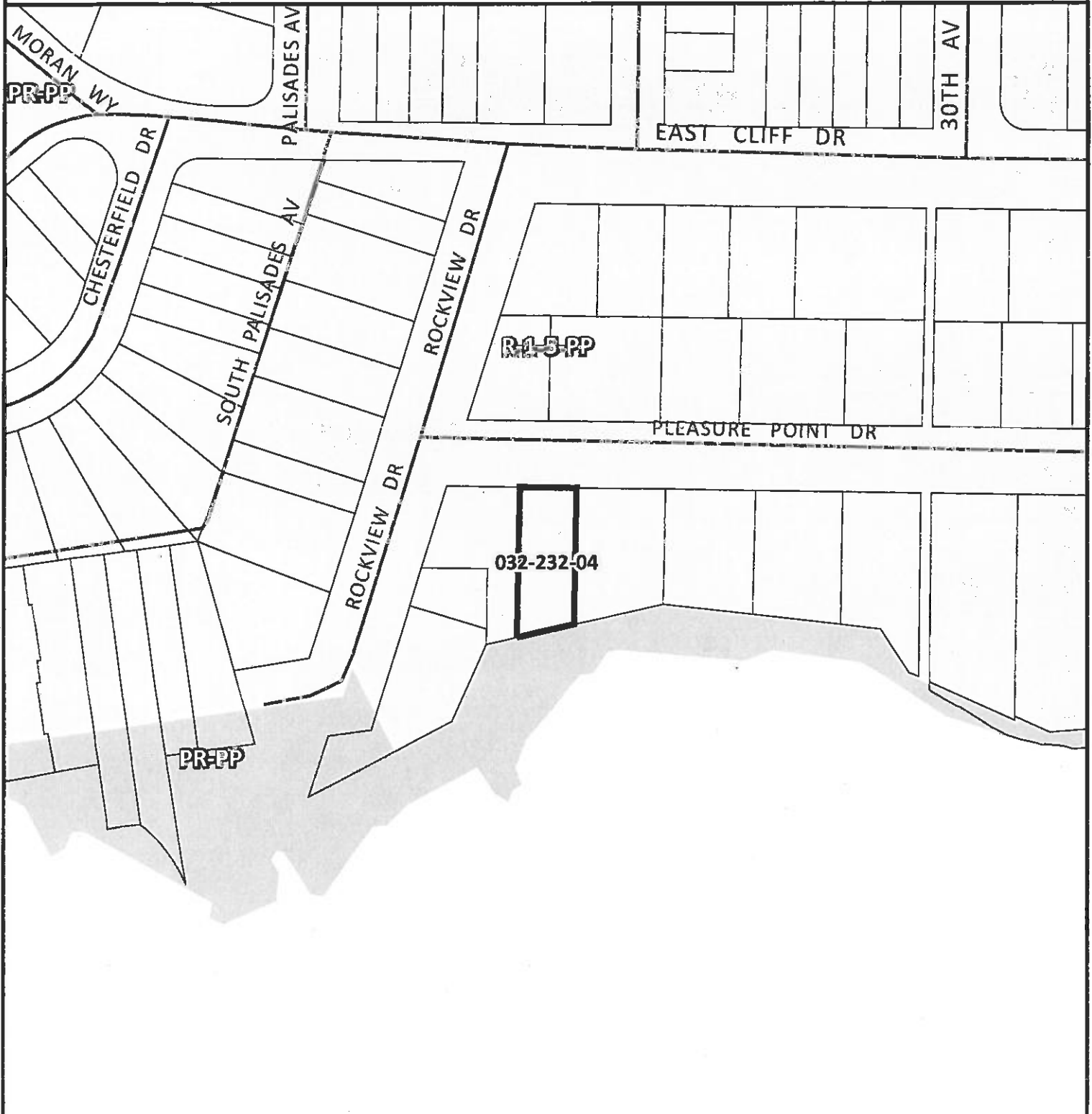
# Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number

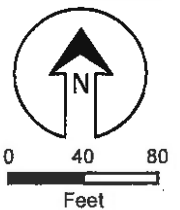
032-232-04

Jan. 16, 2019



## Zoning

- (PR) Parks, Recreation, and Open Space
- (R-1) Single-Family Residential



## Parcel Information

### Services Information

Urban/Rural Services Line:	<u>X</u> Inside <u>  </u> Outside
Water Supply:	City of Santa Cruz Water
Sewage Disposal:	County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Flood Control District 5

### Parcel Information

Parcel Size:	3,391 net square feet (5,000 gross square feet)
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Pleasure Point Drive
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-5- PP (Single Family Residential - 5,000 square feet per unit, Pleasure Point Combining District)
Coastal Zone:	<u>X</u> Inside <u>  </u> Outside
Appealable to Calif. Coastal Comm.	<u>X</u> Yes <u>  </u> No

### Technical Reviews

Combined Geotechnical and Geologic reports accepted (REV181144)

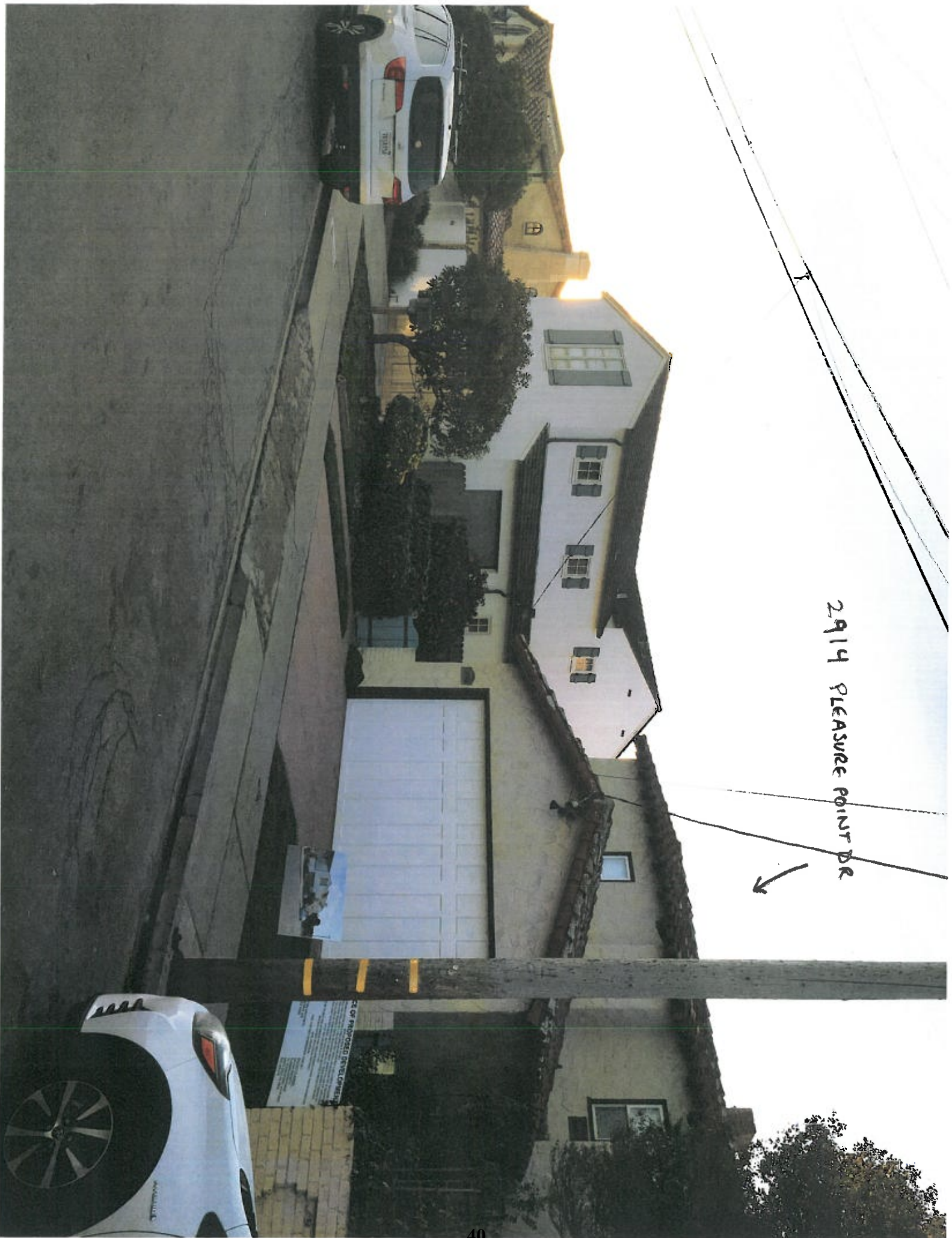
### Environmental Information

Geologic Hazards:	Site is located on a coastal bluff and mapped within the VE (storm wave zone) on the Flood Insurance Rate Map (FIRM) by Federal Emergency Management Agency (FEMA).
Fire Hazard:	Not a mapped constraint
Slopes:	Site is flat to the edge of coastal bluff
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource but site is visible from public beach
Archeology:	Not mapped/no physical evidence on site

## **Site Photos**

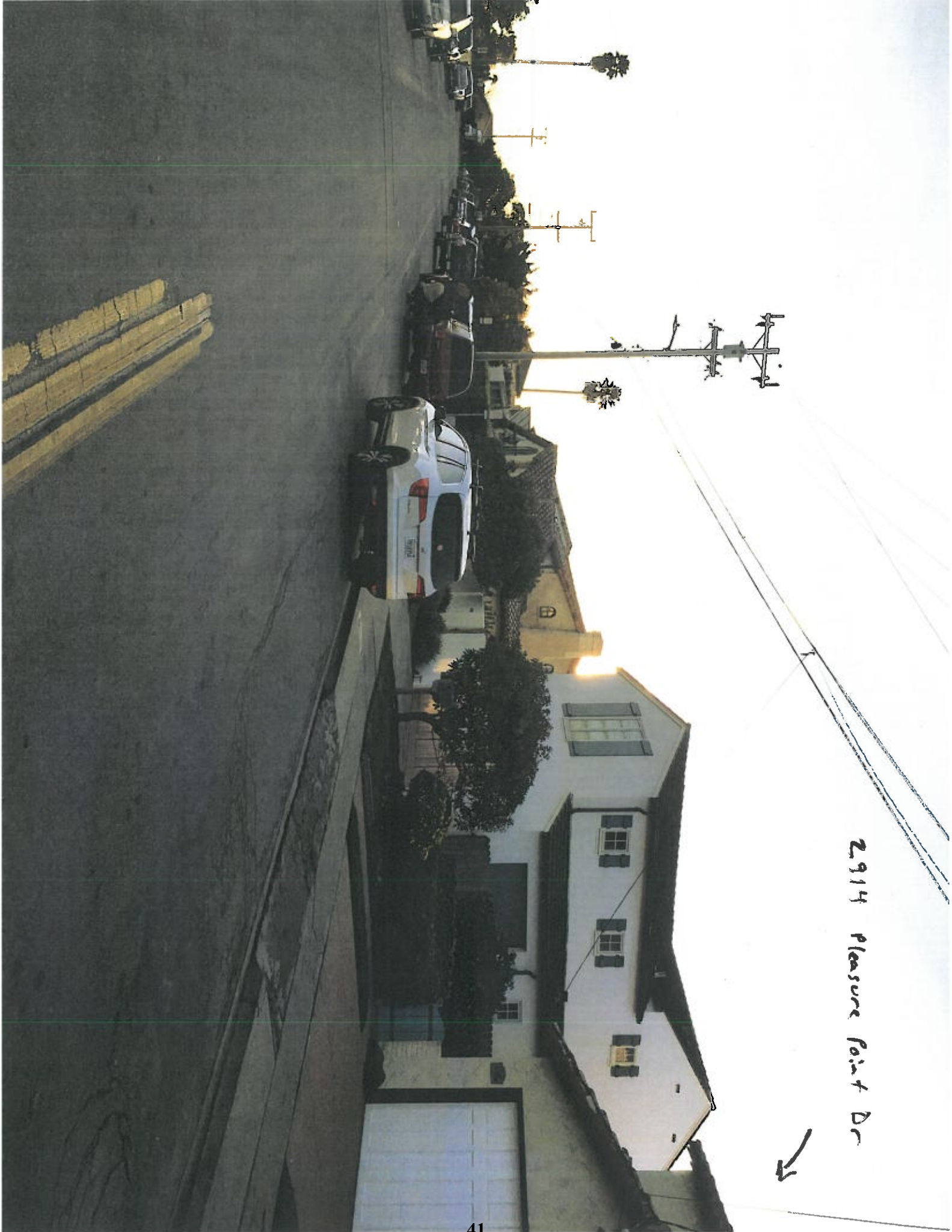
**Application Number 181353**

2914 PLEASURE POINT DR

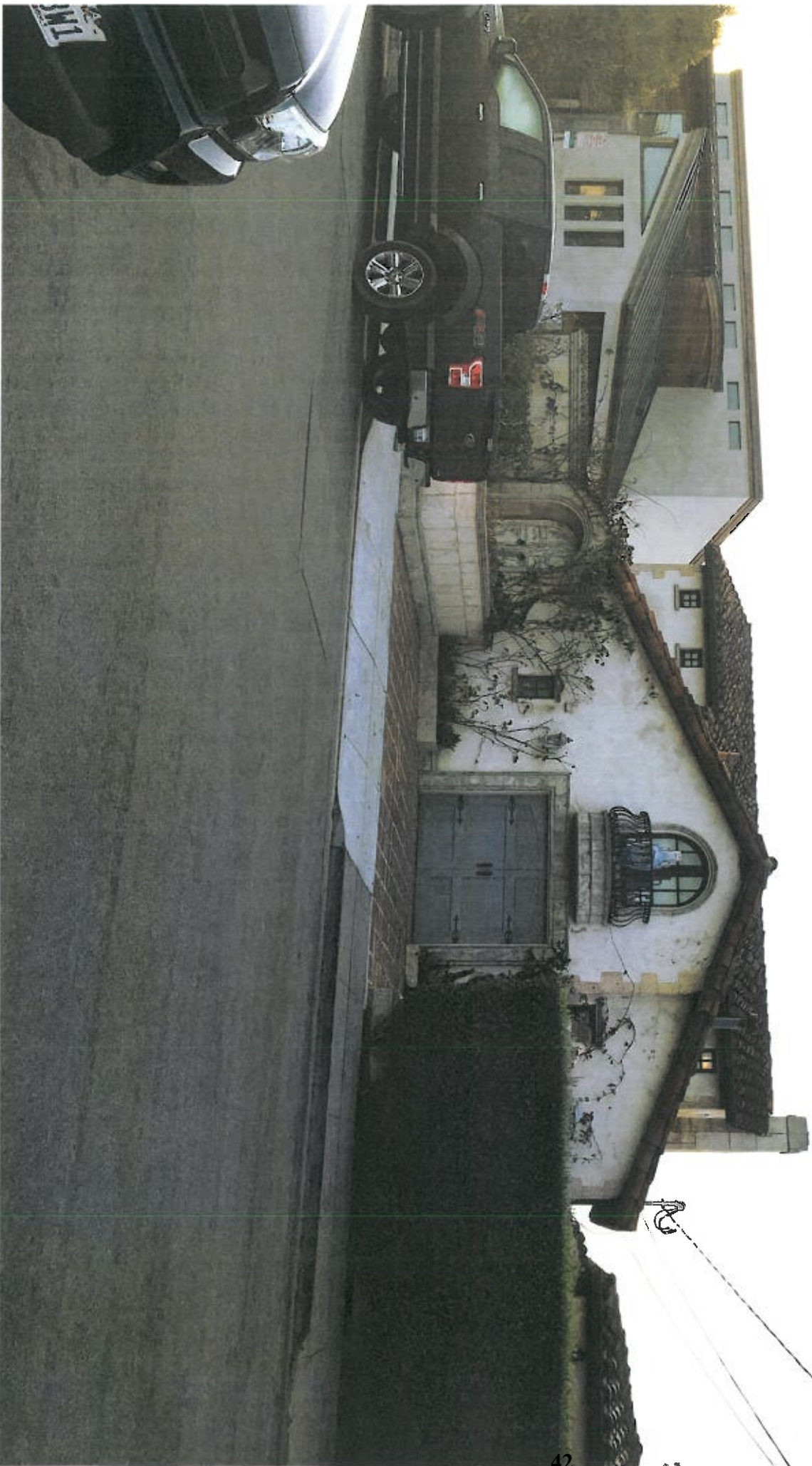




2914 Pleasure Point Dr

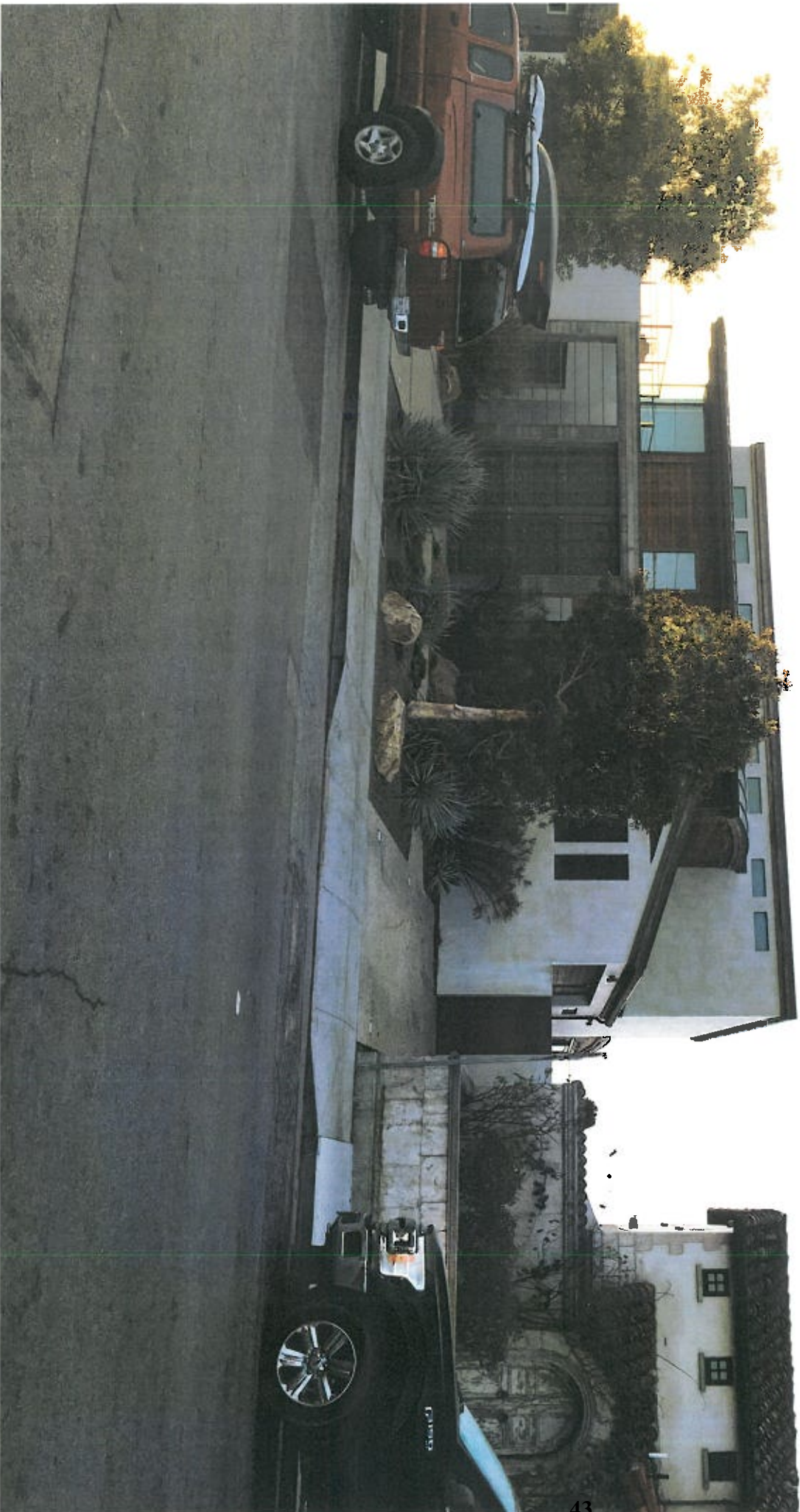


EAST ON PLEASURE POINT DR

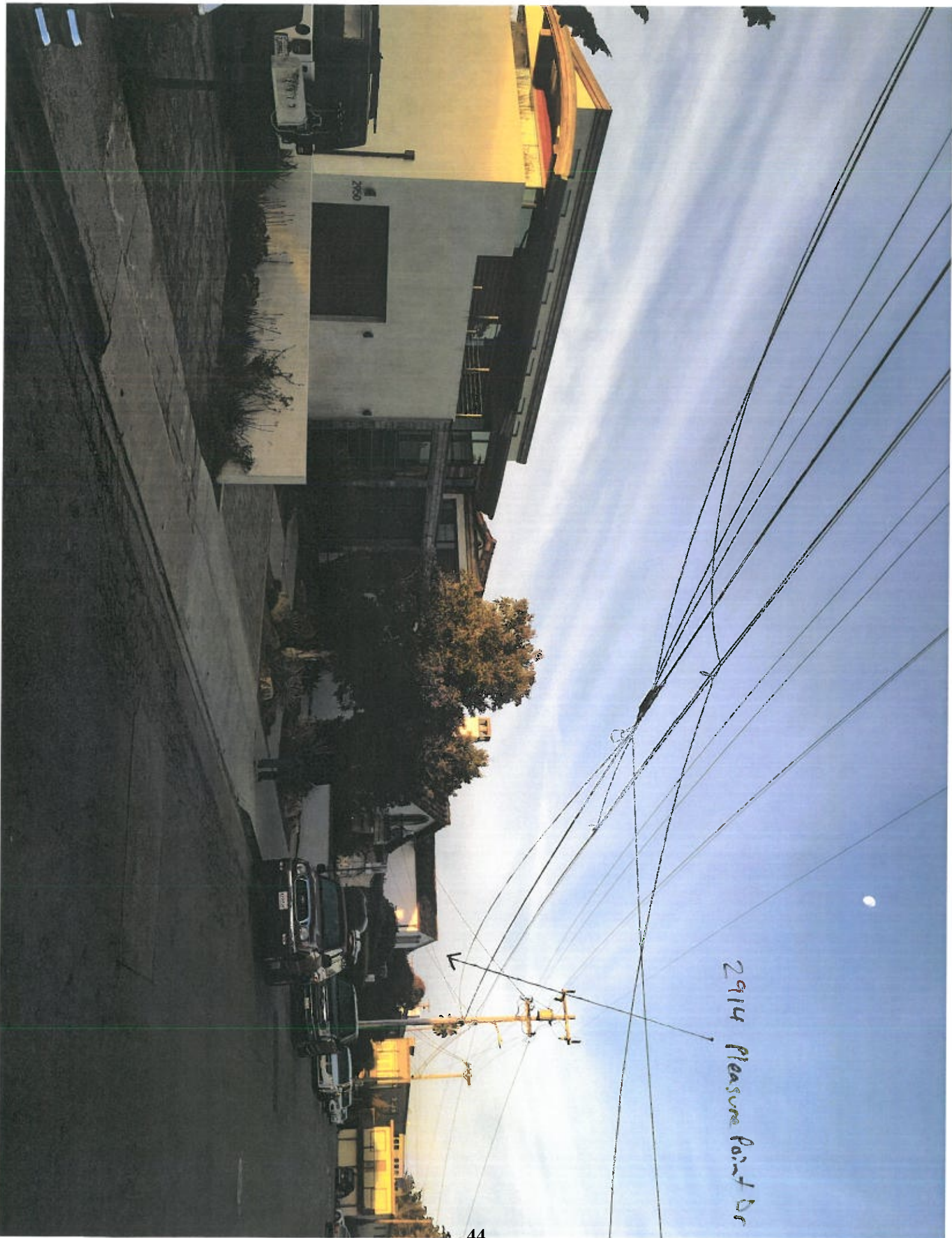




EAST ON PLEASURE POINT DR



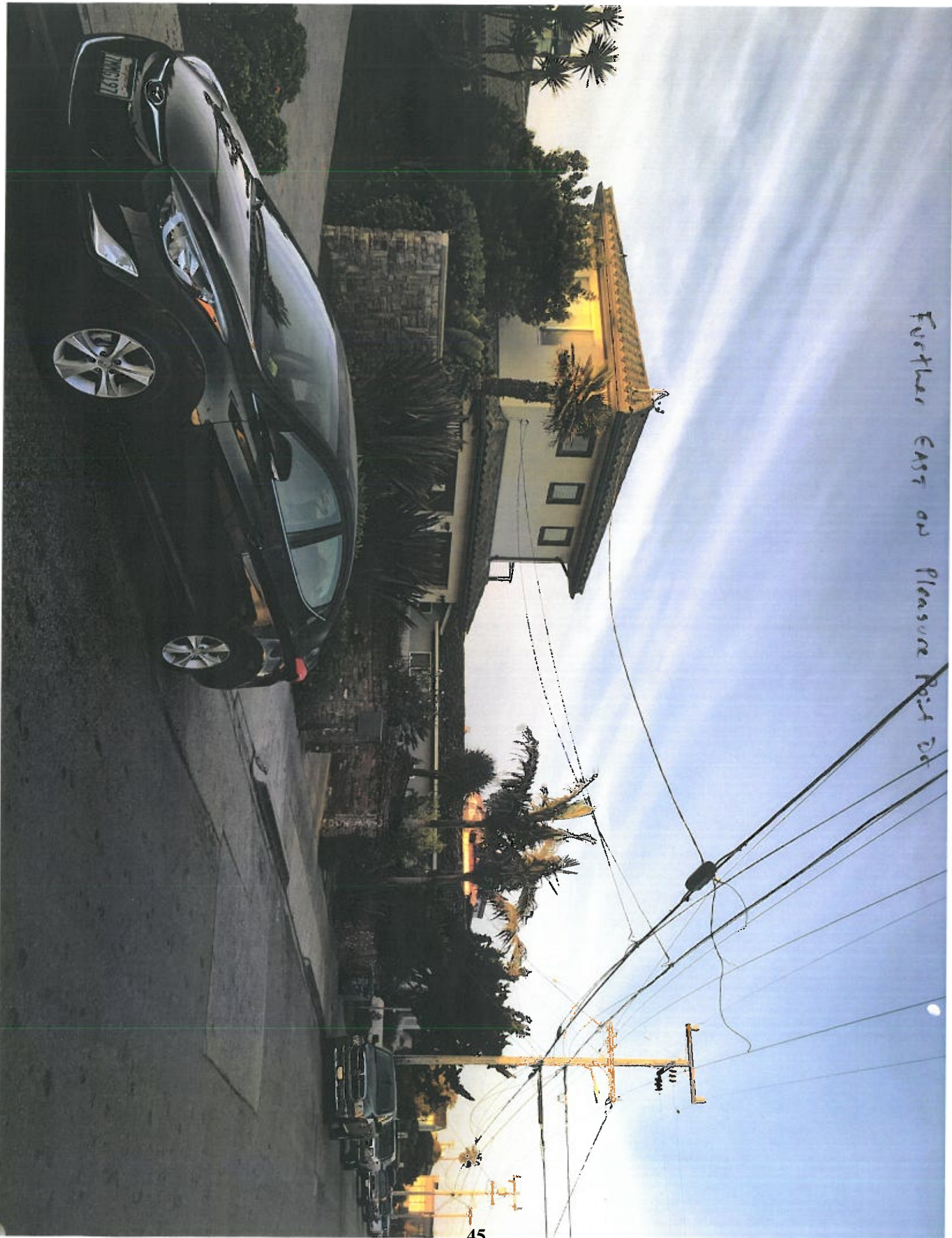




2914 Pleasure Point Dr



Further East on Pleasure Point Dr





2914 Pleasure Point Dr



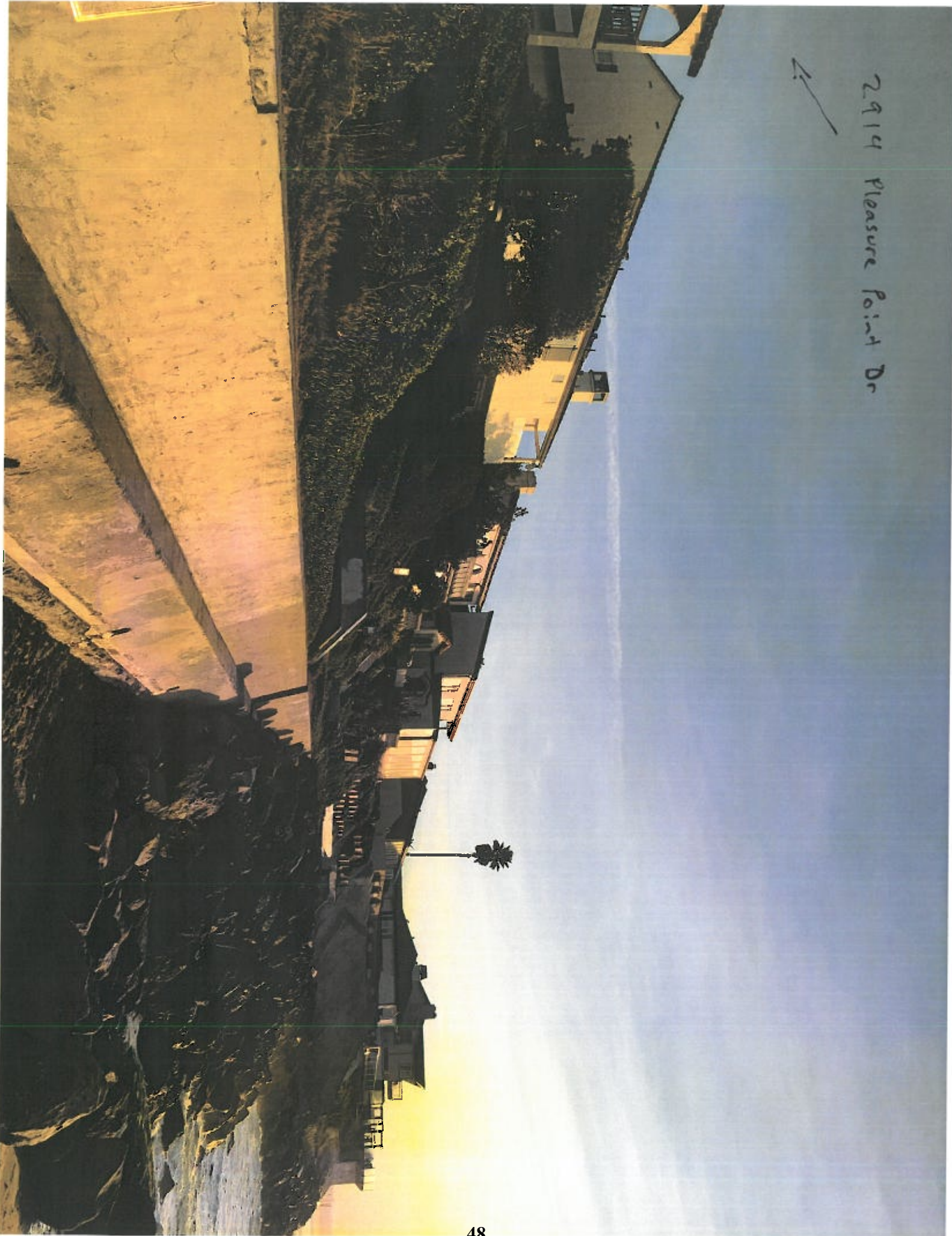


2914 Pleasure Point Dr

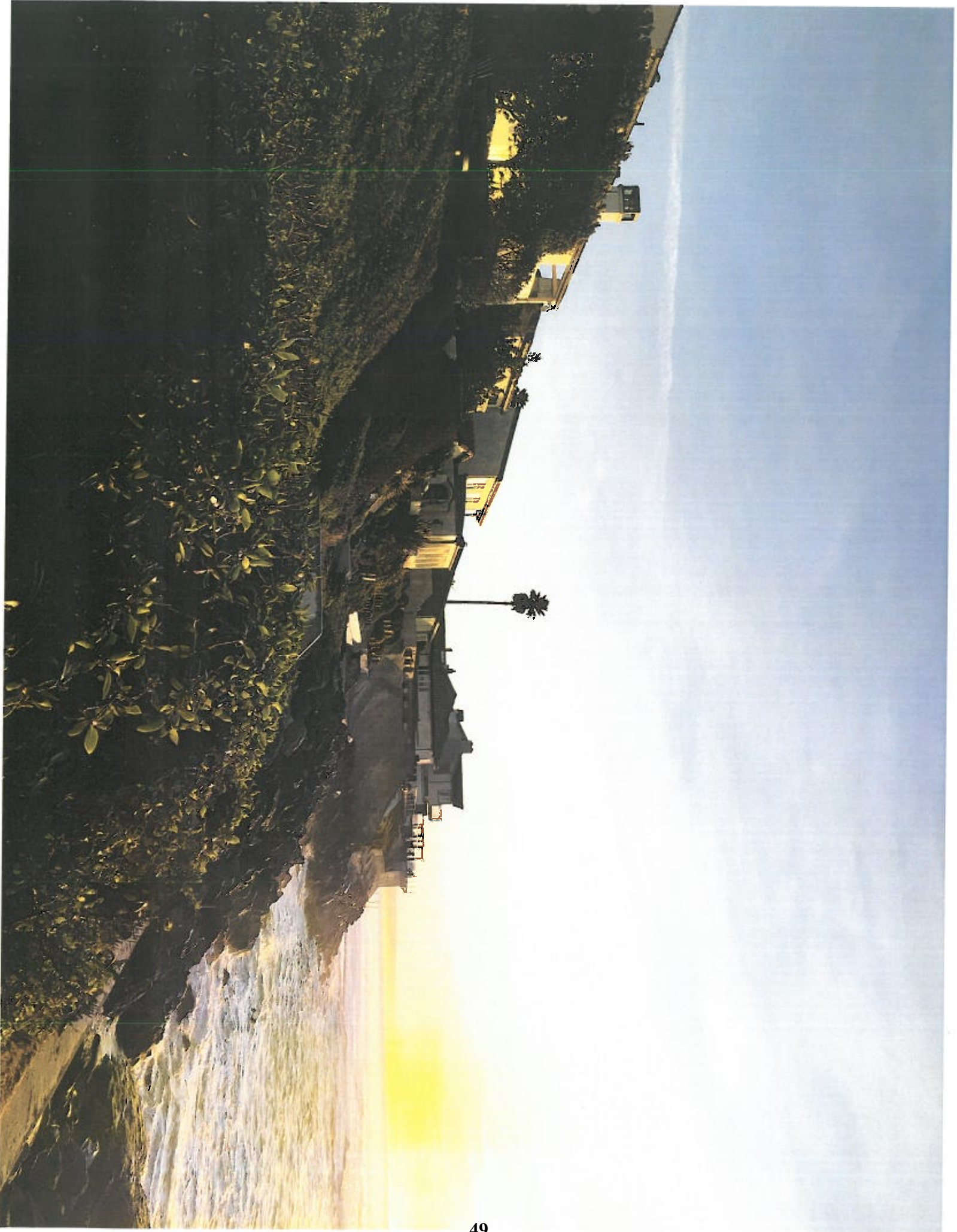




2914 Pleasure Point Dr













## **Comments & Correspondence**

**Application Number 181353**

## Nathan MacBeth

---

**From:** Alison Paul <alisonpaul2002@yahoo.com>  
**Sent:** Tuesday, January 15, 2019 10:00 AM  
**To:** Nathan MacBeth  
**Subject:** 2914 Pleasure Point Drive

Dear Nathan:

This email concerns Project Application # 181353, for 2914 Pleasure Point Drive in Santa Cruz.

A public notice on the property states that the owners/architects are asking for variances, which would include reducing the required building property line set back on both side yards from 10 feet to 5 feet.

Such a reduction would create a tunnel effect on both sides of the home., decreasing light and open space. Aesthetically the 10 foot side setback is a required standard for good reasons!

In addition, a reduction to a 5 foot setback puts the homes on either side in more fire jeopardy. I have 2 personal experiences with fire breaking out in the ground floors of homes next door to me in Santa Cruz county. Each time flames were leaping 10-15 feet before fire trucks arrived. It was the total 20' side setback between 2 properties that saved the homes I was in from fire damage.\*

I would like to receive mailed notices in the future regarding this project application.

Thank you,

Alison Paul  
3920 Glen Haven Road  
Soquel, CA 95073

alisonpaul2002@yahoo.com  
831-247-0748

\* The fire damaged homes met electrical code requirements. On Coastview Drive it was an uninterruptible power supply that had stopped working correctly and overheated, catching a curtain on fire. On Glen Haven Road, it was a short in garage decorative lights.

## Nathan MacBeth

---

**From:** pleasure\_point\_1@yahoo.com  
**Sent:** Tuesday, January 15, 2019 5:54 PM  
**To:** Nathan MacBeth; john.leopold@santacruzco.us; Dan.Carl@coastal.ca.gov  
**Subject:** 2914 Pleasure Point Dr APN; 032-232-04 on Historic Pleasure Point Dr  
**Attachments:** 20190111\_172420.jpg; ptplung.jpg; rockv.jpg

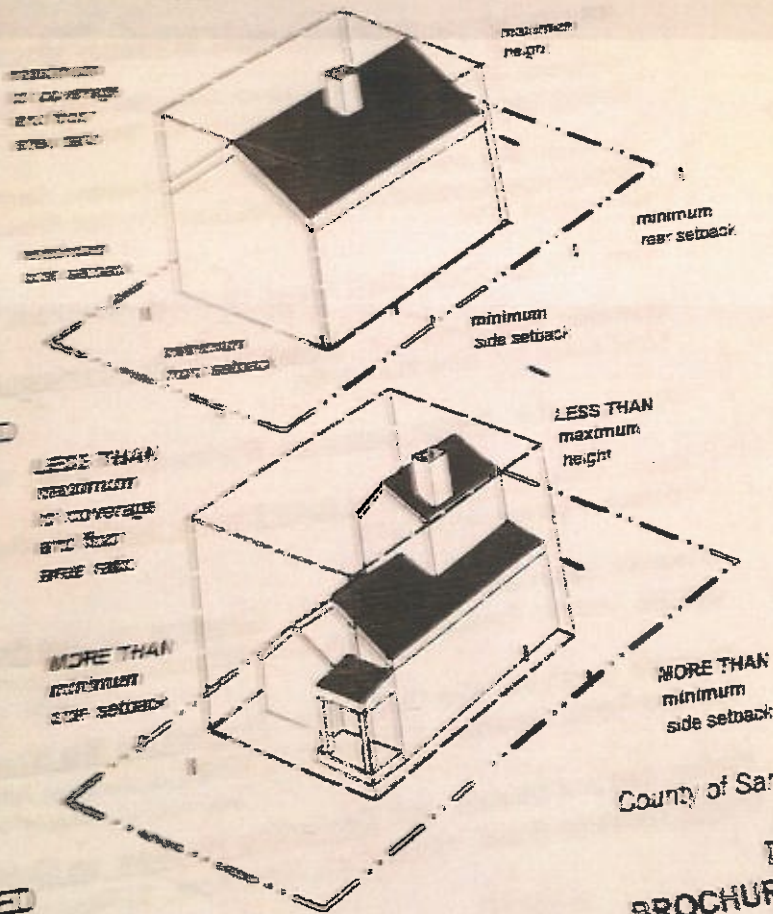
What do you think about them not following the rules for Cove Brenton? He said he was going to do this to Pleasure Pt and it looks like he is/ The Coastal Commission would not support Neighborhood Compatibility without a Pleasure Pt Plan.

I helped get us one even though RDA brought all the Developers to the table and it was watered down, now he wants to ignore it What will the CCC do now? The Planing Dept does not seem to care. What is there excuse now?

# ZONING MAXIMUMS

**Designing to the maximum - all setbacks, height limit, lot coverage and floor area ratio - is not recommended.** The neighborhood and "area of influence" should be considered for compatibility.

**NOTE:**  
CONTINGENCY  
RECOMMENDED  
RECOMMENDED  
FOR THE  
AND RECOMMENDED  
FOR THE  
FOR THE



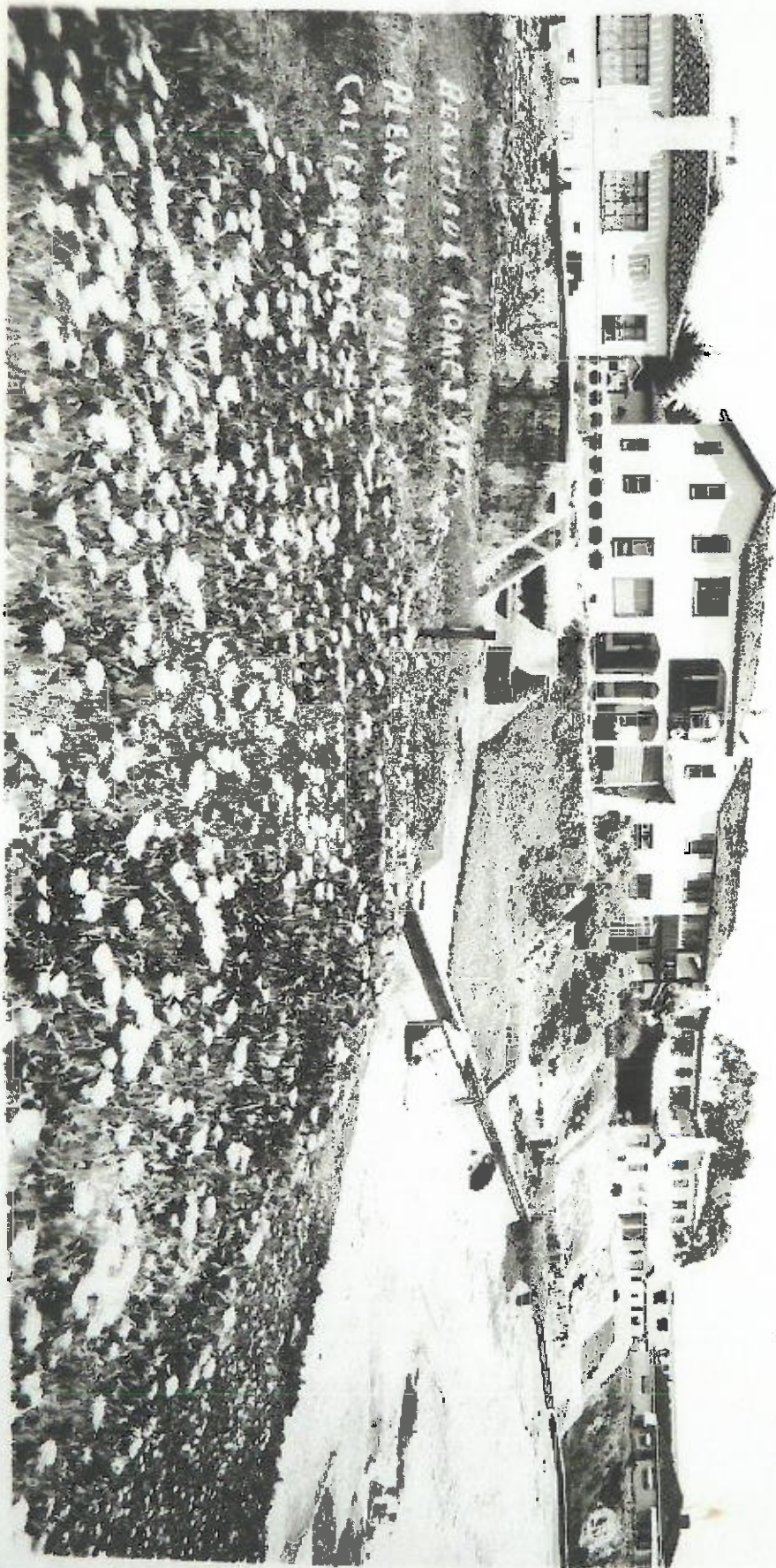
County of Santa Cruz  
**DESIGN  
BROCHURE NO. 5**

2914 pleasure pldr





2914 Pleasure Point Dr



## Nathan MacBeth

---

**From:** pleasure\_point\_1@yahoo.com  
**Sent:** Saturday, January 19, 2019 5:38 PM  
**To:** Nathan MacBeth; john.leopold@santacruzco.us  
**Subject:** 2914 Pleasure Point Dr APN; 032-232-04 on Historic Pleasure Point Dr  
**Attachments:** pleasure Pt dr Plunge.jpg

: 2914 Pleasure Point Dr APN; 032-232-04 on Historic Pleasure Point

My concerns have to do with Neighborhood Compatibility and views from the coast at Rockview Beach

Neighborhood Compatibility calls for less than allowed size, not greater Scale and Bulk

The Major exemptions to our building sizes, lot Coverage and set backs is not in line with the Pleasure Pt Plan as well.

This applicant is pushing way beyond what is allowed, again!

It will become a precedence that will lead to more exemptions for them in the future.

This is in the Historic Pleasure Pt development

The House next door was done by them without need for over looming the neighborhood

Please protect the special coastal community of Pleasure Pt and protect the Pleasure Pt plan

People have walked on the Sea wall in front of this property for decades.

They have also used the whole area to the stairs at the end of the Public access at 30th Ave.

The Rip Rap in front of the sea wall was emergency permitted I think in the 80's, when the house fell in the ocean at Moran.

The Moran site was saved by Prescriptive Rights, when they tried to develop it years later

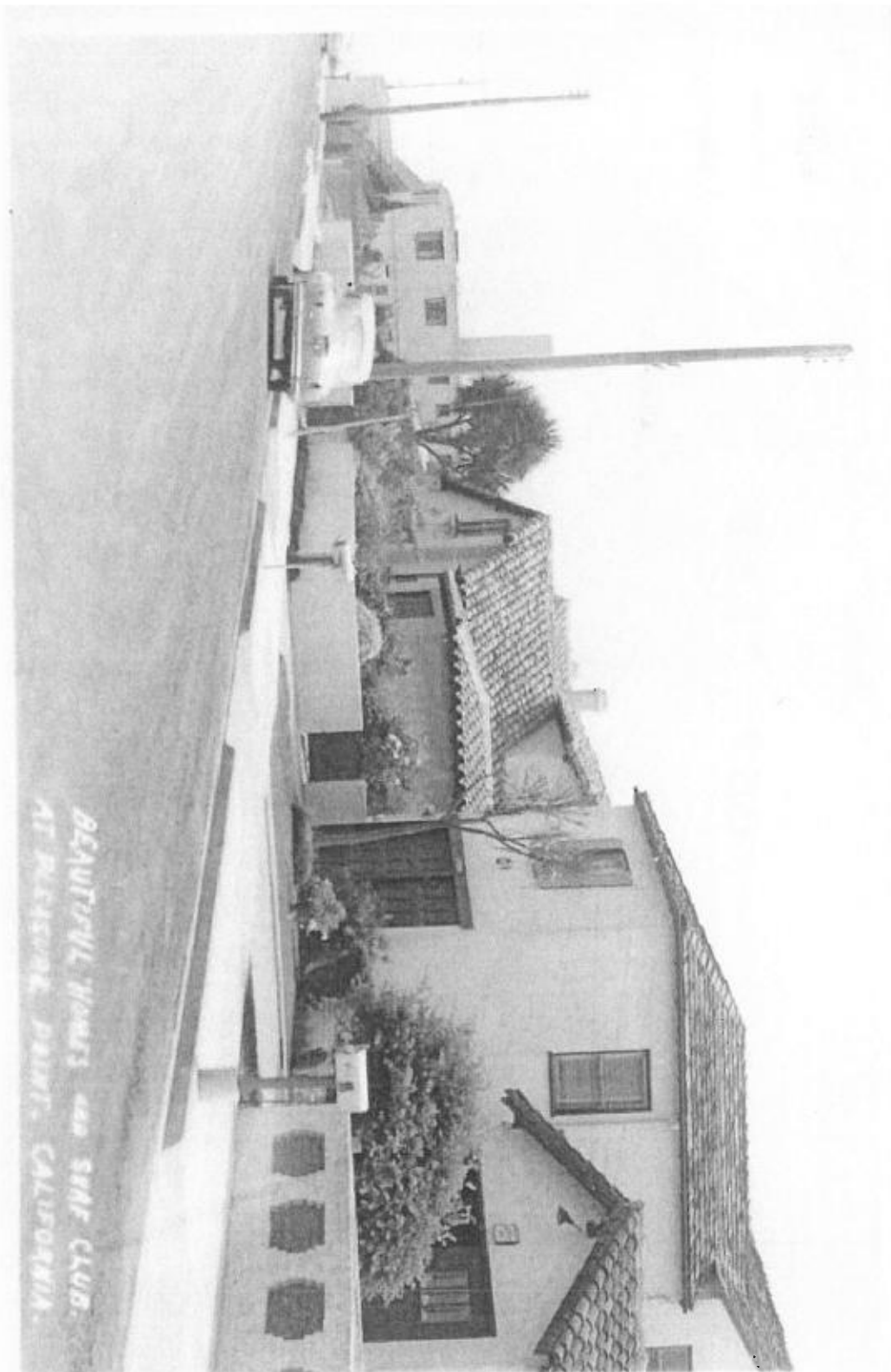
Thank you for your work.

It looks like you realize that it is being over built for the location

Thank you  
Charles Paulden



2914 Pleasure Point Drive



BEAUTIFUL HOMES AND SRAE CLUB  
AT PLEASURE POINT, CALIFORNIA.

## Nathan MacBeth

---

**From:** Margaret Perrone <margaret.perrone@gmail.com>  
**Sent:** Monday, January 21, 2019 9:20 PM  
**To:** Nathan MacBeth  
**Cc:** Peter Perrone  
**Subject:** Please approve the 2914 Pleasure Point Drive new home project

Dear Nathan -

We are Bill and Heidi Rielly's next-door neighbors, and we're writing to let you know that we fully support their planned home at 2914 Pleasure Point Dr. We think their home will be an attractive addition to the street and is a huge improvement over the structure that is currently on the property. Houses in Santa Cruz will need to adapt to the projected sea level rise, and we support doing so in a thoughtful way while still staying true to the neighborhood. The Rielly's plans strike this balance very nicely. What Bill and Heidi have been able to accomplish with the design is a pleasant surprise given the FEMA regulations they had to take into consideration. We are very happy with the way the house appears to be a two-story from the street despite it being built to meet the flood requirements. We really love the front porch and how it gives a friendly neighborhood feel.

We hope you will approve the Rielly's new home.

Thank you,

Margaret and Pete Perrone

## Nathan MacBeth

---

**From:** Gillingham III, John R. <gillinghamj@msx.umsi.edu>  
**Sent:** Tuesday, January 22, 2019 4:45 PM  
**To:** Nathan MacBeth  
**Subject:** 2914 Pleasure Point Drive  
**Attachments:** reilly1.docx

Dear Mr. MacBeth,

My wife, Barbara, and I live next door to Bill and Heidi Reilly at 22 Rockview, and have owned our property for nearly twenty years. We wholeheartedly support our neighbors' plans for their new home, which represents a remarkable design success, given the constraints of the new FEMA regulations. The appearance of their new house, if approved, is consistent with the style of the neighborhood--- a fact often commented upon by those who enjoy walking along Pleasure Point Drive on their way to the beach at Rockview.

I'm sure that your office recognizes that the new permitting process may call for certain adjustments. The Reillys have made an impressive effort to come up with a plan which, while providing for a pleasant home meets the necessary safety requirements. They have been extremely cooperative and forthcoming in their relationships with us and are well-liked in the local community.

My wife and I support the Reilly's plans without reservation and are confident that their new home will be a valuable neighborhood asset. We hope that their plans meet with your approval.

Yours truly,

The Gillinghams (John and Barbara)

## Nathan MacBeth

---

**From:** Sherrie Besson <dsjbbesson@gmail.com>  
**Sent:** Tuesday, January 22, 2019 5:55 PM  
**To:** Nathan MacBeth  
**Subject:** 2914 Pleasure Point Dr., Santa Cruz, Public Hearing on Feb. 1, 2019  
**Attachments:** Letter re. 2914 Pleasure Point Dr..pdf

Dear Mr. Macbeth:

I've attached a letter that I would like to be taken into consideration at the hearing on February 1, 2019 regarding the replacement dwelling request for 2914 Pleasure Point Drive, Santa Cruz.

If you have any questions, please feel free to contact me.  
Thank you.

Sincerely,

Sherrie A. Besson  
408-710-0458

Sherrie A. Besson  
5050B Hecker Pass Rd.  
Gilroy, CA 95020  
408-710-0458  
[dsjibesson@gmail.com](mailto:dsjibesson@gmail.com)

January 22, 2019

Attn: Nathan MacBeth, Project Planner  
County of Santa Cruz

Subject: Item #2, 181353, 2914 Pleasure Point Dr., Santa Cruz 95062, APN: 032-232-04

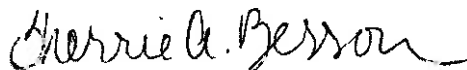
To Whom it May Concern:

I am writing in opposition to the proposal to construct a replacement dwelling as requested at 2914 Pleasure Point Dr., Santa Cruz. I am a property owner in the area.

The Pleasure Point community is a vibrant neighborhood in which we all live and coexist, and we do so by adhering to the existing zoning ordinances, set in place to make our neighborhood comfortable, livable, and safe. We all may make compromises in our living situations to adhere to established ordinances and laws, but by doing so, we enjoy a sense of aesthetic and comfort within our immediate neighborhood and the surrounding coastal environment.

In the replacement dwelling proposal at 2914 Pleasure Point Dr., I counted at least 5 variance and exception requests. If granted, these changes would negatively affect our quality of life in the neighborhood, severely impinging on our aesthetics and sense of place. I strongly urge that the proposed variances and exceptions requested to the replacement dwelling at 2914 Pleasure Point Dr., Santa Cruz, are not approved.

Sincerely yours,



Sherrie A. Besson

## Nathan MacBeth

---

**From:** Richard <richard.gallivan@gmail.com>  
**Sent:** Tuesday, January 22, 2019 8:24 PM  
**To:** Nathan MacBeth  
**Cc:** Mary Gallivan  
**Subject:** New Home at 2914 Pleasure Point Drive

Dear Nathan,

We live on Pleasure Point Dr. and support the plans Bill and Heidi Rielly have submitted for their home construction at 2914 Pleasure Point Drive. The Rielly family's proposed home is compatible with the neighborhood and will fit in nicely and will be a positive addition to the overall feel of Pleasure Point Drive. Bill and Heidi went through many permutations of potential plans so that they could have an attractive home while also meeting the requirements set forth by FEMA's flood elevation rules. We especially appreciate the care that was taken in designing the home to look attractive from all angles.

We urge you to approve the Rielly's new home. Approving their application is the fair thing to do, given all of the considerations and regulations. Their plan addresses the FEMA rules and ensures their home will be able to endure future changes to sea levels and weather systems. As a Pleasure Point Drive resident, we feel it to be a sensible plan that is a net positive addition to the neighborhood. We look forward to seeing their new home out of our front windows as it will be a nice upgrade to the neighborhood.

The Rielly's have our unequivocal support for their home re-build project and we urge you to please approve their submission with haste. Please feel free to reach out to Mary or me with any questions.

Regards,

Richard and Mary Gallivan

2965 Pleasure Point Drive  
Santa Cruz, CA 95062  
650-862-7311 mobile  
831-431-6242 home



## Nathan MacBeth

---

**From:** Frank Casanova <casanova@mac.com>  
**Sent:** Wednesday, January 23, 2019 10:30 AM  
**To:** Nathan MacBeth  
**Cc:** Debbie Casanova  
**Subject:** Rielly Residence

Hi Nathan,

My name is Frank Casanova and my wife Debbie and I own 3000 Pleasure Point Drive. I'm writing to you in support of Bill and Heidi Rielly's proposed construction project at 2914 Pleasure Point Drive.

We've seen the proposed plans as posted on their property and we've read through the Notice of Public Hearing and it's easy to see they're adding value to the Pleasure Point community. Their proposed home represents a significant improvement over the current structure and as property owners ourselves, we appreciate that.

While we can't make the Public Hearing itself, if we could, I'd voice my opinion as a "yes" in support of their new home.

If you have any questions about this, please feel free to contact me directly at this email address: [casanova@mac.com](mailto:casanova@mac.com).

Thank you,  
Frank and Debbie Casanova  
3000 Pleasure Point Drive  
Santa Cruz

## Nathan MacBeth

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**From:** Jennifer Jordan <jnfrjordan@gmail.com>  
**Sent:** Wednesday, January 23, 2019 11:40 AM  
**To:** Nathan MacBeth  
**Subject:** 2914 Pleasure Point Dr.

Hello Nathan,

I live on Rockview Drive and am a neighbor of the Riellys. I am writing in support of their new home proposed for 2914 Pleasure Point Drive. I love the design and think it looks *significantly* better than the existing house.

It will look great in the neighborhood and I ask that you support its approval.

With gratitude,

Jen Jordan

## Nathan MacBeth

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**From:** Kay Lord-Stout <kaylordstout@gmail.com>  
**Sent:** Thursday, January 24, 2019 3:11 PM  
**To:** Nathan MacBeth  
**Subject:** Project at 2914 Pleasure Point Drive

Dear Mr. MacBeth,

I am a resident of Rockview Drive and I strongly support the approval of the planned home at 2914 Pleasure Point Drive. It's a beautiful home that will be a value add to the street and the neighborhood. I know the Riellys had to factor in the new FEMA regulations and feel that the design does so in a very attractive way.

Please approve the Rielly's project as we are all looking forward to this beautiful home's improvement to the neighborhood.

Sincerely,

Kay Stout

## Nathan MacBeth

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**From:** Bob Zollars <bob.zollars@gmail.com>  
**Sent:** Friday, January 25, 2019 9:22 AM  
**To:** Nathan MacBeth  
**Subject:** 2914 Pleasure Point Dr.

Dear Nathan,

We're writing to express our support for the proposed project at 2914 Pleasure Point Drive. We've owned a nearby property on 20th Avenue for the past seven years and feel that the proposed home will enhance our neighborhood.

As coastal homeowners ourselves, we understand that changing climate necessitates new ways of designing and building properties that protect our beautiful environment and the local community. We believe the Rielly's plans do just that and blend in nicely with the surrounding homes, which we think adds value to the overall community.

We enthusiastically support their plans and urge you to allow them to move forward.

All the best,

Bob and Patsy Zollars  
220 N. 20th Ave.  
Santa Cruz, CA.  
(916) 717-0143

## Nathan MacBeth

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**From:** Bob Matiasovich <bobmatiasovich@yahoo.com>  
**Sent:** Monday, January 28, 2019 9:08 PM  
**To:** Nathan MacBeth  
**Subject:** construction on Pleasure Point Drive

Hello Mr. MacBeth,

We hope you will support the planned new home at 2914 Pleasure Point Drive. We live two houses over and are very happy with the way the design of the new home fits into the neighborhood.

We understand that the new FEMA regulations mean that changes to the way homes are built along the coast are necessary. The Rielly's plan is able to comply, yet still look great and work well with the other homes on the street.

We strongly support the approval of this project and we hope the County will support it as well. It will be a terrific addition to this beautiful street.

Sincerely,

Bob & Sue Matiasovich  
2940 Pleasure Point Drive

## Nathan MacBeth

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**From:** Robert Grimes <bob44cali@gmail.com>  
**Sent:** Tuesday, January 29, 2019 7:54 AM  
**To:** Nathan MacBeth  
**Subject:** Pleasure Point Drive

Dear Mr. MacBeth,

We are frequent visitors to Pleasure Point and want you to know that we have seen and like the plans for the proposed home at 2914 Pleasure Point Dr. We love the style of the home and based on the photo-renderings, we think it'll look great with the surrounding homes.

We support the approval of this plan.

Kind Regards,

Bob and Jeanne Grimes  
9 Palma Ave.  
La Selva Beach

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## Nathan MacBeth

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**From:** Walsh, John F. <john.f.walsh@accenture.com>  
**Sent:** Tuesday, January 29, 2019 9:32 AM  
**To:** Nathan MacBeth  
**Subject:** Please approve the new home project at 2914 Pleasure Point Drive

Dear Nathan,

I am a resident of East Cliff Drive in Pleasure Point (22826 East Cliff Dr.), and I strongly support the approval of the planned home on 2914 Pleasure Point Drive. The design is really nice and fits in so well to the Pleasure Point community. The Rielly's have gone through a lot of plans and concepts to arrive at a beautiful home that meets the new FEMA regulations.

Please approve the Rielly's project as it would be a big improvement to the neighborhood.

Sincerely,

-John Walsh

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**John F. Walsh - Accenture**  
Senior Managing Director, Lead North America  
Communications, High Tech, Media & Entertainment  
Office Lead San Francisco / San Jose, CA  
Mobile 973-886-1108  
[john.f.walsh@accenture.com](mailto:john.f.walsh@accenture.com)

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[www.accenture.com](http://www.accenture.com)

## Nathan MacBeth

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**From:** Susan Porter <susan22155@comcast.net>  
**Sent:** Tuesday, January 29, 2019 4:12 PM  
**To:** Nathan MacBeth  
**Subject:** 2914 Pleasure Point Dr project

Nathan,

We recently became aware of the proposed new home at 2914 Pleasure Point Dr. We live on Pleasure Point Dr. and would like to give you our comments on the proposal. We have reviewed the plans from Matson-Britton Architects.

This home would be a welcome addition to our neighborhood. We believe it is well-designed, fits well with the surrounding homes and is compatible with other homes on this street.

Given the new FEMA floodplain rules, we believe this design is an excellent solution that meets those rules and presents a handsome face not only to the neighbors and to the street, but also to the seaward side. It just makes sense to design a home that will endure in the face of sea level changes and catastrophic weather conditions.

We urge you to approve this project.

Barry & Susan Porter  
3030 Pleasure Point Dr.

## Nathan MacBeth

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**From:** David Cote <dgcote@gmail.com>  
**Sent:** Wednesday, January 30, 2019 12:09 PM  
**To:** Nathan MacBeth  
**Cc:** Wanda Williams  
**Subject:** Approve 2914 Pleasure Point Dr

Dear Nathan,

We frequently walk on Pleasure Point Drive and are fully in support of the planned project for the street. The design looks great and manages to look like a two-story while still meeting the FEMA guidelines. We view that as a win for a neighborhood.

The new FEMA rules mean new ways of thinking are required and we trust that the County will take a reasonable approach that helps its homeowners and assures that property values in the area are not negatively impacted. Approving this project is the right thing to do.

Sincerely,

Denise and Dave Côté  
4780 Opal Cliff Dr.

## Nathan MacBeth

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**From:** joniwords@aol.com  
**Sent:** Wednesday, January 30, 2019 1:21 PM  
**To:** Nathan MacBeth  
**Cc:** Wanda Williams  
**Subject:** support for proposed project at 2914 Pleasure Point Drive

Dear Mr. MacBeth,

As a surfer and a Santa Cruz County resident of nearly 30 years, I have spent a lot of time observing the evolution of homes in the coastal Pleasure Point area.

I am writing now in strong support of a proposed remodel project for one of those homes, which is overdue for positive attention: the home of Bill and Heidi Rielly at 2914 Pleasure Point Drive.

The Riellys, an outstanding family who have contributed to the Santa Cruz community through volunteer efforts they engaged in before even moving here, have done a superb job coming up with a design that meets current challenging FEMA regulations while creating an attractive appearance consistent with the feel and look of the best aspects of their neighborhood.

I understand that they have had to request some exceptions, but those seem minor given the constraints they have with meeting FEMA's new rules and given the fact that their design is so appealing and is justifiably similar to other homes in their area.

I have observed for years how that particular home, prior to their purchase, needed attention and upgrading, and I am so happy that it is being done by a family who cares so much about their community and their physical environment.

I wholeheartedly support the Rielly family's plans and urge you to as well. These are good people making an effort to do a good remodeling project that will benefit both property owners and visitors in their neighborhood by improving the appearance of their home and complying with new FEMA regulations.

Kind regards,

Joni Martin  
831/239-1690

cc: Wanda Williams

## Nathan MacBeth

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**From:** Geoff Flavell <gflavell1@me.com>  
**Sent:** Wednesday, January 30, 2019 1:51 PM  
**To:** Nathan MacBeth  
**Subject:** New Residence at 2914 Pleasure Point Drive Proposal

Dear Mr. MacBeth,

I understand the new residence proposed at 2914 Pleasure Point Drive will come before the Zoning Administrator for review this Friday, February 1, 2019.

I reside at 40 Rockview Drive which is just two homes from the proposed new residence. I am writing to let you know I have read the County's information on this proposal and I am in strong support for it.

I think this new residence proposal is very reasonable. This is especially true when you take into consideration the recent limitations and restrictions that FEMA remapping has placed on the properties in this area.

Having a house go up on stilts, perhaps the first since the new remapping in consideration of sea level rise is something the County should be vigorously encouraging and supporting. The County did so in the past with an example along East Cliff Drive near Moran Lagoon.

This new residence will clearly add to our neighborhood and will not detract in the least.

A new three story home is clearly NOT precedent setting for our neighborhood. On just the next street over at 22838 South Palisades Ave. is an approved three story home.

The height is of no issue. Any change to shadows cast, or views of sky are not significant. Furthermore, I really like how the top story of the house is pushed towards the ocean, so it is actually less imposing compared to the existing house, from a street perspective. I also noticed the existing house does not have upper story setbacks on either side. I actually support not having these setbacks because the proposal is of no absolutely change from what exists today.

This proposal is aesthetically pleasing and it will have a positive impact on our neighborhood. Many visitors and locals walk our neighbourhood each day and I always love overhearing as they compare and contrast the homes along Pleasure Point debating their favorite. This proposal provides a new viable option to be considered by our these folks. It is such a better option for our community compared to what exists there today.

Thank you for your consideration and the opportunity to comment.

Geoffrey and Limay Flavell  
40 Rockview Drive

## Nathan MacBeth

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**From:** Cove Britton <cove@matsonbritton.com>  
**Sent:** Wednesday, January 30, 2019 3:42 PM  
**To:** Wanda Williams  
**Cc:** Nathan MacBeth; Steven Guiney  
**Subject:** 032-232-04  
**Attachments:** rielleyhearing.pdf

Dear Ms. Williams:

I am deeply concerned and perplexed by the staff report prepared for application 181353 (APN 032-232-04).

Per FEMA Floodplain Management Bulletin P-993 (July 2014):

**"The safety of all residents takes precedence over neighborhood aesthetics"**

The denial of an application to bring an existing residence into conformance with FEMA/NFIP requirements should not be based on "local provisions that regulate standards other than health and public safety standards".

The owners could merely propose to raise their existing home to comply with FEMA. Any denial of such an application would result in the County being liable for known public health and safety issues and ramifications with the ability for the County to participate in the National Flood Insurance Program as such a denial based on aesthetic reasons violates NFIP 44CFR part 60 – Criteria For Land Management and Use .

The existing home is two stories and built from side yard set back to side yard set back. In other words the existing home does not meet the Pleasure Point Design Guidelines. By raising the existing residence up per NFIP criteria (and what NFIP requires a jurisdiction to approve over the concern of neighborhood aesthetics) the project would end up taller than proposed by this application, have a third story, and have additional floor area per some current County zoning code guidelines and ordinances (that conflict with FEMA/NFIP and California Building Code).

My letter of October 29, 2018 provides the appropriate findings language for this project per Craik v. County of Santa Cruz. However the staff report findings are based on aesthetic concerns in defiance of FEMA/NFIP criteria and not consistent with Craik v. County of Santa Cruz . The staff report does not respond to any aspect of the letter and specifically not to the findings per Craik v. County of Santa Cruz.

In addition, in my meeting with County staff on January 14<sup>th</sup> regarding this project, I explained the difficulties of staff's aesthetic concerns versus the public life and safety issues. However the staff report in no way responds to any of that discussion.

I request the hearing be continued and that staff be directed to provide a discussion, and findings, that address FEMA/NFIP criteria and the requirements for the benefit of public health and safety versus staff's aesthetic concerns that I have raised.



As noted by most of the neighborhood that are familiar with the issues, what is proposed is a pleasing design and I suspect no one merely wants the Rielly's to raise the existing home up (it would look odd and exceed in height what is proposed). I am also perplexed that the County is currently proposing to the Planning Commission to add 2 more feet of freeboard to the FEMA BFE (base flood elevation), which we are not proposing, but staff is attempting to lower the first level in contradiction to what other County staff are proposing to the Planning Commission.

Please include attachments 1 through 5 in the record, and this e-mail:

1. My letter of October 29, 2018 and. Mr. MacBeth's letter of October 4, 2018.
2. Letter of the County of Santa Cruz regarding raising homes subject to flooding.
3. UCONN School of Law white paper discussing height restrictions for elevated residential building.
4. Portion of NFIP Handbook for Rhode Island Communities discussing what the lowest floor is in a NFIP/FEMA complaint residential structure.
5. Craik v. County of Santa Cruz (2000) regarding variance for a residential structure.

Thank you for your consideration.

Sincerely,

Cove Britton  
Architect

--  
Cove Britton  
Matson Britton Architects

O. (831) 425-0544

October 29, 2018

Nathan MacBeth  
701 Ocean Street - 4<sup>th</sup> Floor  
Santa Cruz, CA 95060



RE: Response to Completeness Comments dated October 4, 2018  
Application #:181353; Assessor's Parcel #:032-232-04; Owner Reilly

Dear Nathan MacBeth:

Per your letter of October 4, 2018.

1. Enclosed.
2. Provided.
3. There is no public beach at this location per se. This property is located atop a coastal bluff which is protected by a revetment which reaches to the mean high tide line. Due to those circumstances, in order to get a photo realistic of the home it would be necessary to go so from the ocean. Views from the ocean are not covered by the Coastal Act nor County Code. The only time we have done that type of photo realistic is when a seawall was involved.
4. There are no guidelines for shadow studies. This is not a completeness item and the documents provided satisfy any possible relevant documents regarding the issue. Shadow studies are provided in order to determine whether or not the shadow cast is "reasonable". It is unclear to me what is an unreasonable shadow, however the fact that the proposed house overlaps shadows of existing is far more relevant than showing a shadow that is not truly a condition that would occur. It is also important to note...the existing home is two stories and the shadow being created by the new house will have no substantive difference from existing conditions. That said, please see enclosed revised shadow studies.
5. Liability wise it is inadvisable to count area as floor area due to the fact the walls are temporary "break away walls", the floor is frangible concrete, and the area is explicitly required to be non-habitable. While I understand planning staff's quandary over the matter, but indicating space as floor area that has temporary walls (etc.), and cannot be floor area per FEMA and the building code, is as said, problematic due to liability. I have attempted to assist staff in that I made sure that the area was less than 7'-6" in height to be consistent with area not counted similar to decks and underfloor areas. I.e. I suggest Planning staff view this area as non-habitable under floor area (and thus not counted as FAR) to be consistent with various life safety codes.
6. This comment is a building code comment and as such only licensed professionals (architects and engineers) and those certified to do building plan

118 NORTH  
SAN FRANCISCO  
SANTA CRUZ  
CA 95062  
377-827-3197

EX. 1

check should be making it. That said, I am not aware of any building code that requires an occupancy separation in this instance. However FEMA does recommend protection from potential storm damage to the upper floor through the stair well.... However the methodology is left open. We have indicated a door way at the top of the stairs at the habitable area consistent with FEMA recommendations. I do not believe this a substantive comment for this level of review. I would suggest comments that address the small technicalities (i.e. specific building methodology) of how the proposal meets FEMA be left for the building permitting process.

7. The granting of a variance is justified in that because of Special Circumstances Applicable to the Property, Including Size, Shape, Topography, Location, the Strict Application of the Zoning Ordinances Deprives Such Property of Privileges Enjoyed by Other Property in the Vicinity and Under Identical Zoning Classification.

Special circumstances applicable to this property to justify the granting of a variance to development regulations concerning number of stories, and increased floor area (though as said my office does not believe that the County should consider the lower level of the propose residence as FAR however special circumstances do exist to grant a variance), include the shape of the parcel, the topography of the parcel, the location of the parcel, and the size of usable area on the parcel, the lack of developable area on the parcel, the topography of the parcel, the location of the parcel and the size and configuration of other houses in the vicinity. A narrow 43.06 foot property width provides limited area for development as required 5 foot side setbacks leave a narrow 33.06 foot wide building envelope.

The project site is further constrained by existing topography:

- i. The project site is located at the top of a coastal bluff to the rear of the lot, and due to the required 100 year setback from said coastal bluff the developable area is reduced by approximately half of typically available.
- ii. The project site is located in a flood zone which requires elevation of the structure a minimum of 3.6 feet BFE. The proposed structure would exceed the 28 foot height limit by approximately 2'-8 1/2", so that the first level would provide the necessary flood elevation required by the geologic report completed for the property and by General Plan policies 5.4.2 and 5.4.3, and by FEMA which regulates development in flood hazard areas.

The granting of a variance to increase the maximum number of stories from to three stories will not constitute a grant of special privilege to this parcel as similar variances have been granted in the R-1 zone district. All surrounding structures were developed prior being subject to FEMA and County regulations regarding flood zones (due to recent revisions to FEMA flood maps). As said, the County has considered and approved similar variance requests for single family dwellings under the same circumstances and zone and the variance would provide a remedy for the proposed infill development of a single-family

dwelling residence consistent with the existing surrounding development while addressing the recently adopted flood maps.

a. The proposed residence is approximately 30'-8 1/2" inch feet as indicated on the plans. Please note that proposed maximum height increase does not require a variance per 13.10.323 #5 Structures Exceeding 28 Feet (3). The justification for an exception to the 28 foot height limits is as follows:

- i. The project site is located in a flood zone which requires elevation of the structure a minimum of 36 feet BFE. The proposed structure would exceed the 28 foot height limit by approximately 2'-8 1/2", so that the first level would provide the necessary flood elevation required by the geologic report completed for the property and by General Plan policies 6.4.2 and 6.4.3, and by FEMA which regulates development in flood hazard areas.

Please also note that such items as chimneys, and in this case a false chimney to "disguise" a service area for the elevator, may exceed the height limit per 13.10.510(d)2.

b. Three stories are indicated. Justification for the variance is as noted above and is commonly applied to residential structures in similar circumstances.

c. The FAR as called out is correct. As noted the under floor walls are break away and therefore temporary, the "flooring" is frangible, and the height of the area is under 7'-6". No variance is required.

d. The stairway is allowed to encroach 3 feet per 13.10.323 #1 Structural Encroachments. The railing for the stair is required by building code and is incidental to the stairway as is a hose bib, a light, stucco, etc. is to a house. No variance is required.

2. As noted above, there are special existing site or improvement characteristics or circumstances that requires an exception to Pleasure Point Residential Development Standards.

i. Limited developable area.

ii. No substantive difference or impact due to shadowing as the proposed residence is similar in setbacks etc...as the existing home.

iii. The result of the Exception will be a superior residential design in that the home complies with new FEMA requirements for the location (due to recent adoption of new FEMA flood maps) while having a similar height and setbacks to the existing residence and surrounding homes.

3. Coastal Commission staff comments: CC staff have no formal role in regards to this application, but are also not consistent with County Code, the County LCP, and various state and federal laws.

Please note that CC staff are not qualified to make the determination of "unsafe" regarding the sidewalk and requirements regarding those issues are not administered by the CC staff. Also note that no permission by any of the

licensed professionals, that have submitted documents for this project, have granted permission to provide copies of those documents to CC staff. Also note that local CC staff are not qualified to comment on any technical documents, any such comments require that a reviewing engineer/architect/geologist stamp and sign such comments. Please separate CC staff comments from County staff comments so we may determine the appropriate actions.

DPW Stormwater: comments regarding DPW Stormwater are not completeness comments but shall be addressed by RI Engineering.

Environmental Planning: Plans have been revised to indicate FEMA BFE. Please note that these documents are not construction documents and as such do not have structural engineering. Floor thicknesses in relationship to structural requirements are preliminary. Please refer to FEMA flood maps regarding location of extent of the FEMA VE zone. As the map indicates, the lot is largely in the VE zone. As a curiosity, what is the pertinence of showing specifically where that line is on our plans once the building site is indicated to be in the flood zone (i.e. we do not indicate on the plans any other such zoning line)? Regardless, we have enclosed a copy of the flood map for staff's convenience. RI engineering shall respond to site grading issues in relationship to FEMA but please note that the grading involved is profoundly minor and for drainage purposes, said grading is NOT the type of grading that FEMA is concerned with.

#### Compliance Issues

Geotechnical and geological report review

#### PSA AND CEQA REVIEW REQUIREMENTS AND TIMELINES

I. Per CEQA Guidelines 21003 (a) Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all such procedures, to the maximum feasible extent, run concurrently, rather than consecutively

This means that if there are compliance issues dealing with PLANNING and ENVIRONMENTAL review they must be integrated. I.e. substantive comments and CONCURRENT shall be provided and shall be provided in the first 30 day review period (see below).

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

This means the County must INTEGRATE (per #1) comments in the specified time limits. It also means that if they are aware the project is Categorically Exempt that they proceed in their review under that assumption. The PSA does not say when determined Categorically Exempt that there is a time limit of 60 days to hearing. It states that IF it is categorically exempt, then it is to go to hearing in 60 days after being determined complete. CEQA runs

concurrently...the 30 days for a Initial Study is ONLY for projects that are not categorically exempt but still irrelevant as the time frames run CONCURRENTLY.

### III CEQA 15060 Preliminary Review:

*(a) A lead agency is allowed 30 days to review for completeness applications for permits or other entitlements for use. While conducting this review for completeness, the agency should be alert for environmental issues that might require preparation of an EIR or that may require additional explanation by the applicant. Accepting an application as complete does not limit the authority of the lead agency to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application.*

Per Government Code 65942(a) the information required is: *To provide sufficient information to permit the public agency to make the determination required by Section 21080.1 of the Public Resources Code, as provided by Section 65941.*

Public Resources Code 21080.1 (a): *The lead agency shall be responsible for determining whether an environmental impact report, a negative declaration, or a mitigated negative declaration shall be required for any project which is subject to this division. That determination shall be final and conclusive on all persons, including responsible agencies, unless challenged as provided in Section 21167.*

In other words, Categorical Exempt applications are to follow the below:

- A. Once an applicant submits their application. The County shall determine (it does not need to be formal) in the first 30 days if a project is to be processed as Categorical Exempt so as to guide their review consistent with the Preliminary Review process etc.
- B. The County shall provide substantive comments per CEQA 21003 (a).
- C. All Categorical Exempt permits shall be heard within 60 days from the determination of completeness.

As staff is no doubt aware, this project is Categorical Exempt from CEQA. The County is in violation of CEQA requirements and the Permit Stream Lining Act regarding this application.

### County Code Section 13.10.230

1. Current FEMA requirements indicate the bottom of the lowest horizontal structural element must be located a MINIMUM of 1 foot above the BFE. The existing grade is approximately at a 30 foot elevation. The FEMA BFE is 35, the resulting minimum elevation to the lowest horizontal structural element is an elevation of 36 (one foot, MINIMUM, freeboard is required). As the County is proposing to change various codes etc. to require an additional 3 feet higher BFE (due to sea rise) that would result in a 39 foot minimum



- elevation to the lowest horizontal structural member, it is very concerning that this review indicates this as a compliance issue.
- ii. County code requires that covered parking be a minimum of 7'-6" high. Building code requires an approximate slope of 4" in a garage floor. The resulting minimum elevation of the lowest horizontal structural member would be approximately 8 feet above adjacent grade. Which is what is proposed.
  - iii. Entry to the stairs and elevator require a minimum of 7 feet in height. How does staff perceive the ability to enter this residence without such a clearance to the lowest horizontal structural element?

I am perplexed by this compliance comment as this is a typical variance given for homes located in the VE zone and with similar BFEs. If County staff wants to have a properly qualified professional indicate that lowering the lowest horizontal structural element, in regards to the BFE, is advisable in anyway, please do so. Please see the additional comments regarding this issue under #7 above.

#### County Code Section 13.30.477

Please note that it is irrelevant whether the project has two or three stories in regards to the Pleasure Point design guidelines. Once a residence goes over 15 feet in height at the side yard setbacks, the guidelines indicate stepping that area in. I.e. the area above 15 feet from adjacent grade could be one story, or two story, or three, or six, or a hundred, etc. It is completely irrelevant in regards to the design guidelines. That said please review #7 and #8 above. It should be noted that a variance axiomatically indicates an exception (to a guideline) is appropriate when concerning the same matter.

#### Guideline:

By definition, following a guideline is never mandatory. Guidelines are not binding and are not enforced.

#### County Code Section 13.20.130

It is categorically untrue that the proposed home is highly visible from a public beach unless one is scrambling over rip rap or located well below the mean high tide (i.e. in the ocean most of the time) and nearly impossible to see from either up coast or down coast locations. Regardless 13.20.130 notes "or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster". The house next door is white as is another home one house beyond that it is profoundly common color along our coast for homes, as well as many other colors that are not "earth tone". It does not pass the straight face test that this home in anyway does not conform to 13.20.130. The only question here is the need for a minimal increase in height (80'-81 1/2" versus 28'-0"), and allowing three stories versus two, which is required due to the recently adopted the FEMA flood maps.

County Code Section 13.11.073

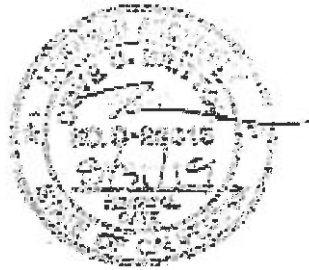
As noted above under the response to "Geotechnical and geological report review", the County is violation of CEQA and the Permit Streamlining Act regarding this comment.

It should also be noted that if this project does comply with 13.11.073 and the documents submitted are more than sufficient to verify that.

Please do not hesitate to contact me if there are any questions or concerns regarding this response letter.

Sincerely,

Cove Britton  
Architect





# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2680 FAX: (831) 454-2131

October 4, 2018

Matson Britton Architects  
Attn Cove Britton  
728 N Branciforte  
Santa Cruz, CA 95062

**Subject: Incomplete Application - Additional Information Required**  
Application #: 181353; Assessor's Parcel #: 032-232-04  
Owner: Reilly

Dear Cove Britton:

This letter is to inform you of the status of your application. On 9/6/18, the above referenced application was submitted for a development permit with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough information has been submitted. This evaluation includes a review of the submitted materials, other existing files and records, gathering input from other agencies, and conducting a site visit to determine existing site conditions. A preliminary review is also performed to determine whether or not the proposal complies with current codes and policies.

Please note that your project has **compliance issues**. Prior to submitting any of the information listed below, please review the compliance issues section of this letter. Your project, as currently proposed, cannot be supported by Planning Department staff.

At this stage, your application is considered **incomplete** and additional information is necessary to allow further processing of your application. For your proposal to proceed, please submit the following items:

1. Please submit 5 full and complete sets of revised plans (and two 8.5" x 11" reduced sets) which include the following information:
  - a. Please revise all elevations/sections to show the Base Flood Elevation (BFE) of 35-feet.
  - b. All revisions required by each of the reviewing agencies listed below.
2. Please provide a color and materials sheet which is consistent with the visual renderings of the proposed development as seen from Pleasure Point Drive and Rockview Drive and Elevations.

3. The project site is visible from the public beach. Please provide visual simulations of the proposed development as seen from Rockview Beach.
4. Please provide a revised shadow plan that only provides the shading associated with the proposed dwelling and not the shading associated with the adjoining dwellings. Alternatively, you may revise the shadow plan to provide different color saturation associated with each home so that the difference between shadows created by the proposed dwelling can be clearly discerned from shadows created by the adjoining dwellings.
5. Plan sheet P1 indicates that the ceiling height of the non-habitable first floor of the proposed dwelling is less than 7 feet 6 inches and excluded from the Floor Area Ratio (FAR) calculation however, the proposed first floor is not considered a basement or underfloor. Since the first floor (non-habitable) is contained within the walls of the proposed dwelling and not otherwise excluded, the first floor shall be included in the FAR calculation. Please note that a variance will be required if the FAR exceeds 50% of the net site area.
6. The project proposes the ground floor to be non-habitable however, a the project proposes an interior stairway between the habitable second level and non-habitable ground floor. Separation (e.g. a door) between the non-habitable ground floor and the habitable first floor are required to define the two areas.
7. The project proposes a number of variances listed below. Please provide written justification for the variances that are being requested. While it appears the request for a variance is a result of the Base Flood Elevation (BFE) of 35 feet, this is not explicitly called out and the BFE is not noted on the project plans. Please refer to the Variance Findings in SCCC 13.10.230 when preparing the justification.
  - a. Increase allowed 28-foot height to approximately 33 feet,
  - b. Increase the maximum number of stories from 2 to 3 stories,
  - c. Increase the maximum 50% FAR (if applicable, see above)
  - d. Reduction of required 5-foot side yard to 1.5 feet for the construction of a stairway (greater than 3 foot encroachment).
8. Please also provide written justification for the exception to the Pleasure Point Design Criteria. Specifically, the request for reduction to the required 10-foot setback for portions of the exterior wall exceeding 15 feet in height. Please refer to the required findings in SCCC 13.10.447 when preparing the statement for the exception.
9. Please review the attached comments from all agencies. Comments which require additional information to be submitted must be addressed and resolved prior to your application being considered complete and able to move forward with the review. The agencies listed below have comments which will require additional information to be submitted. Questions related to these comments and the specific information that is required should be addressed to each separate agency:
  - Coastal Commission Rainey Graeven (831) 427-4863: See attached comments
  - DPW Stormwater Management Forrest Revere (831) 454-2407: See attached
  - Environmental Planning Jessica deGrassi (831) 454-3162: See attached comments

10. Please submit an annotated list detailing where the required information has been provided in your next submittal. Please affix a copy of the annotated list, and required submittal materials (technical reports, drainage calculations, arborist report, etc.) to each agency plan set prior to submittal of all the plans to ensure that requested materials are routed to the appropriate agencies.
11. 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. Guidelines for Neighborhood Notification online: [www.sccplanning.com](http://www.sccplanning.com) (under Zoning & Development, Brochures link). If you do not have internet access and 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 8 1/2" 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 December 17, 2018, to submit the 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 the 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 for administrative appeals and a letter addressed to the Planning Director stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be received by the Planning Department no later than 5:00 p.m., 10/18/18.

### Compliance Issues

In addition to evaluating the completeness of your application, the initial review has identified areas in which your proposal is in conflict with applicable codes and policies. Although it is not necessary for you to address the compliance issues for your application to be declared complete, you will need to resolve these issues in order to achieve compliance with the codes and policies that pertain to your development proposal. Planning Department staff cannot support an application that is not in compliance with County ordinances, General Plan policies, or other areas of applicable law. The areas of conflict with applicable codes and policies identified in this preliminary review are listed below:

- This application includes a geological and geotechnical report review, which is currently in process. We will notify you of the outcome of the technical review when it is completed. Please note that the result of this review may include a request for additional information if there are technical issues that were not fully addressed in the report. The project must comply with the recommendations of the reports.



- County Code Section 13.10.236: (Variance): It appears the justification for granting a third story and increased height is based on the Base Flood Elevation (BFE) of 35 feet however, FEMA guidelines require that the habitable floor of the home be elevated above the BFE. As proposed, the habitable floor exceeds the minimum requirement for elevating above the BFE. Consequently, there appears to be opportunity to reduce the height of the proposed home to comply with the maximum height of 28 feet while complying with FEMA requirements for development within a flood plain. It should be noted that a reduction in height of the proposed development would likely result in a reduction to the portions of the ceiling height at the first floor (non-habitable).
- County Code Section 13.10.447 (Exceptions to Pleasure Point): Finding #3 states that the granting of an exception will result in a superior residential design that is consistent with the Pleasure Point Community Design "PP" Combining District purposes found in SCCC 13.10.344.

The project is located in an area consisting of 1 and 2-story homes. It is noted that homes in the vicinity have been granted exceptions to the Pleasure Point Design Criteria to reduce the required 10-foot side yard setback for second stories however, is unclear how an exception to reduce the 10-foot side yard setback for construction of a third story would meet this purpose of the Pleasure Point Combining District. Should adequate justification be provided to allow a variance for construction of a third story, it would be appropriate to apply the required 10-foot side yard setback to the upper floor of the home.

- County Code Section 13.20.130 (Design Criteria for Coastal Zone Development) The subject property is located within the Urban Services Line (USL) and considered blufftop development. Additionally, the site, while not specifically designated as a scenic resource in the General Plan, is highly visible from a public beach. The project is therefore subject to rural scenic resources as indicated in 13.20.130(D)(1)(b). The following are recommendations to ensure the project is consistent with Coastal Design Criteria.

As indicated in the completeness section of this letter, additional materials are necessary to determine if the project complies with the Coastal Design Criteria. The design review materials submitted include visual simulations of the proposed development as seen from Pleasure Point Drive and Rockview Drive and the project plans (sheet P6) which indicates the finish colors and materials.

Given the scenic location of the project, the use of "white" as a finish color is discouraged. It is recommended that a more "earth tone" color be applied to the home. It is also recommended that the use of a pre-patina or natural patina copper be applied to the roof and chimney cap.

- County Code Section 13.11.073 (Building Design): The proposed development is located on a coastal bluff and subject to design review as specified in SCCC 13.11.040. Additional materials have been requested in order to determine if the proposed development complies with the County Design Review Ordinance. Upon review of the additional materials, further comment may be forthcoming.

Additional Information

The following items are included as general information and do not need to be addressed in order for your application to be declared complete.

- A. Please review the attached comments from all agencies. Comments may specify Conditions of Approval for this permit, if approved, or other requirements which must be met prior to approval of any Building or Grading Permit(s) for this project. Questions related to these comments can be addressed to each separate agency.
- B. Please note that additional sets of revised full size plans and two sets of revised reduced (8.5" x 11") plan sets will be required prior to the public hearing for this project.

Should you have further questions concerning this application, please contact me at (831) 454-3118, or e-mail: [nathan.macbeth@santacruzcounty.us](mailto:nathan.macbeth@santacruzcounty.us)

Sincerely,



Nathan MacBeth  
Project Planner  
Development Review



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD/TTY: 711

Dear Resident:

You have received this letter because your property is in an area that has been flooded several times. Our community is concerned about repetitive flooding and has an active program to help you protect yourself and your property from future flooding, but here are some things you can do:

1. Check with the Planning Department for information about past flooding in your area. Department staff can tell you about the causes of repetitive flooding, the expected elevation of the base flood, if available, and flood protection alternatives.
2. Prepare for flooding by doing the following:
  - Know how to shut off the electricity and gas to your house when a flood comes.
  - Make a list of emergency numbers and identify a safe place to go.
  - Make a household inventory, especially of basement contents.
  - Put insurance policies, valuable papers, medicine, etc., in a safe place.
  - Collect and put cleaning supplies, camera, waterproof boots, etc., in a handy place.
  - Develop a disaster response plan. See the Red Cross' website at [www.redcross.org](http://www.redcross.org) for information about preparing your home and family for a disaster.
  - Get a copy of *Repairing Your Flooded Home*, available here:  
<http://www.sccoplanning.com/Portals/2/County/Planning/cnv/Repairing%20Your%20Flooded%20Home.pdf>.
3. Consider some permanent flood protection measures.
  - Mark your fuse or breaker box to show the circuits to the floodable areas. Turning off the power to the basement before a flood can reduce property damage and save lives.
  - Consider elevating your house above flood levels.
  - Check your building for water entry points, such as basement windows, the basement stairwell, doors, and dryer vents. These can be protected with low walls or temporary shields.

- Install a floor drain plug, standpipe, overhead sewer, or sewer backup valve to prevent sewer backup flooding.
  - More information can be found at FEMA's website, [www.ready.gov/floods](http://www.ready.gov/floods).
  - Note that some flood protection measures may need a building permit and others may not be safe for your type of building, so be sure to talk to the Building Department.
4. Talk to the Planning Department for information on financial assistance.
- If you are interested in elevating your building above the flood level, a grant may be available to cover 75% of the cost. Visit <http://www.sccoplanning.com/Portals/2/County/Planning/cnv/Financial%20Assistance%20Info%20to%20Elevate%20Structures%20in%20Flood%20Zones.pdf> for more information.
  - Get a flood insurance policy – it will help pay for repairs after a flood and, in some cases, it will help pay the costs of elevating a substantially damaged building.
5. Get a flood insurance policy.
- Homeowner's insurance policies do not cover damage from floods. However, because our community participates in the National Flood Insurance Program, you can purchase a separate flood insurance policy. This insurance is backed by the Federal government and is available to everyone, even properties that have been flooded. Because our community participates in the Community Rating System, you will receive a reduction in the insurance premium.
  - Some people have purchased flood insurance because it was required by the bank when they got a mortgage or home improvement loan. Usually these policies just cover the building's structure and not the contents. During the kind of flooding that happens in your area, there is usually more damage to the furniture and contents than there is to the structure. Be sure you have contents coverage.
  - Don't wait for the next flood to buy insurance protection. In most cases, there is a 30-day waiting period before National Flood Insurance Program coverage takes effect.
  - Contact your insurance agent for more information on rates and coverage.
  - Find an agent and get a quote at <https://www.fema.gov/national-flood-insurance-program>.

Sincerely,

Environmental Planning

1/11/2019

# Height Restrictions on Elevated Residential Buildings in Connecticut Coastal Floodplains

William R. Rath  
Legal Research Fellow

**Christopher P. Kelly**  
Legal Writing Fellow

**Kristle A. Beahm**  
Legal Writing Fellow

May 1, 2018

1. The first step is to identify the problem. This involves understanding the symptoms and the context in which they are occurring.

[illegible]



## Executive Summary

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Elevating buildings above flood levels is a common and effective way to minimize damage from floodwaters, and is a key flood protection provision of the National Flood Insurance Program (NFIP). Since all Connecticut municipalities participate in the NFIP, all have enacted floodplain regulations that meet or exceed the NFIP requirement to elevate habitable portions of new and substantially improved residential structures to or above the “Base Flood Elevation” (BFE) shown on federal flood insurance rate maps. The Connecticut State Building Code also specifies floodplain building elevation requirements, and in some cases the building code elevation requirements exceeds those of the NFIP. Supplementing these mandatory requirements are incentives under federal disaster relief and flood insurance programs that make it attractive for homeowners to voluntarily elevate new and existing residential structures to levels even higher than the regulatory minimums.

Unfortunately, conflicts can arise when a requirement or desire to raise a building above the BFE runs up against a zoning regulation that limits how high the building can rise above the surrounding grade. Most Connecticut shoreline communities simply use their existing zoning variance process to resolve such conflicts on a case-by-case basis. However, eight shoreline communities have adopted floodplain zoning ordinances that can accommodate some increase in height above the usual limit without going through the complicated and time-consuming variance process. These communities use one of two different methods to facilitate this accommodation:

- 1. allow additional height above the surrounding grade, or
- 2. allow additional height above a specified floodwater elevation.

This paper describes these two approaches and Appendix A provides the text of the floodplain height ordinances in the eight communities that make such accommodations. Shoreline communities interested in enhancing coastal resilience should consider whether similar ordinances are appropriate for their situations.

## I. Introduction

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Coastal flooding represents a tremendous threat to Connecticut infrastructure. The Federal Emergency Management Administration (FEMA) estimates that a “100 year flood” in the four Connecticut Shoreline counties could cause a staggering \$3,571,200,000 in damage to residential structures alone.<sup>1</sup> To further exacerbate this problem, climate scientists estimate that by 2100 the foundation levels of this 100 year flood will revisit the Connecticut coast once every seventeen years if greenhouse gas emissions continue at current rates.<sup>2</sup>

The National Flood Insurance Program (NFIP) offsets some of the financial risk that these floods pose to homeowners.<sup>3</sup> This program, administered by the Federal Emergency Management Agency (FEMA), makes federal flood insurance available to communities that impose a minimum standard of floodplain management regulation, generally imposed through zoning ordinances.<sup>4</sup> Every Connecticut municipality participates in the NFIP.<sup>5</sup>

Under the NFIP, participating municipalities must create land use ordinances that require habitable portions of new or substantially improved residential structures within the Special Flood Hazard Area<sup>6</sup> to be elevated to or above the Base Flood Elevation (BFE)<sup>7</sup> shown on Flood Insurance Rate Maps (FIRM).<sup>8</sup> This elevation requirement is intended to minimize flood damage by keeping buildings above anticipated flood levels.<sup>9</sup>

The FEMA elevation specifications reflect the minimum requirements of the NFIP. Property owners may wish to raise their buildings even higher than these minimum elevations to further reduce the risk of flood damage and to

reduce their flood insurance premiums.<sup>10</sup> Municipalities may also impose higher elevation requirements to minimize property loss during flood events that exceed historical highs or to accommodate projected sea level rise. Complicating the process of elevating buildings located in floodplains are zoning ordinance height restrictions that limit the distance between grade (ground elevation) and a high point on the building, such as ultimate roof height.<sup>11</sup> When floodplain property owners elevate existing buildings to or above the BFE, an otherwise compliant building may exceed the height limit set by a local zoning ordinance, squeezing property owners between two different regulatory requirements.

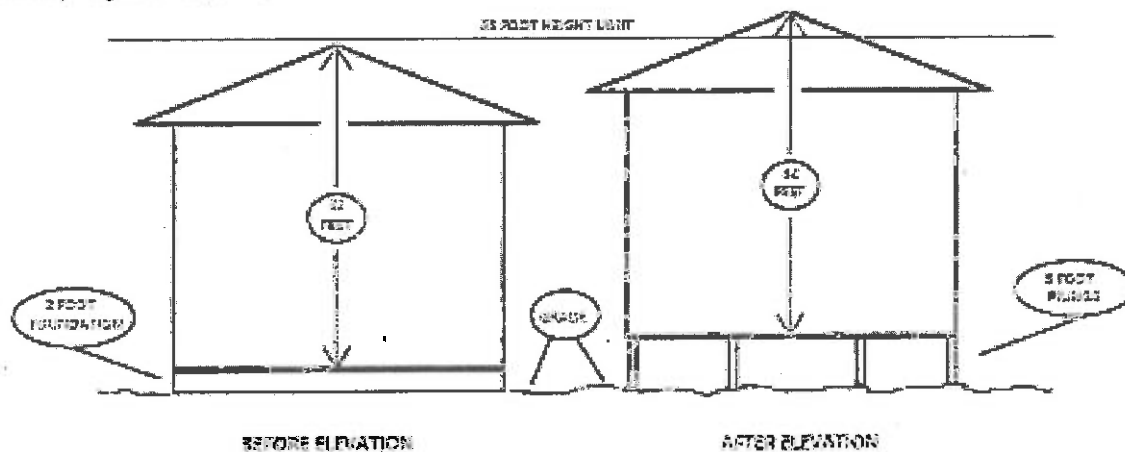


Figure 1 Shoreline House Before and After Renovation

For example, assume the shoreline house in Figure 1 is located in a residential neighborhood where the zoning height limit is 35 feet above grade. This particular house is 37 feet tall from the bottom of the lowest habitable floor to the peak of the roof and rests upon a foundation that is two feet above grade. The top of the house is therefore 34 feet above grade, just below the 35-foot limit. To protect the house from flood damage, the owner wants to hire a contractor to replace the foundation with pilings and raise the lowest habitable floor to the BFE, which is five feet above grade. Unfortunately, the work would raise the peak of the roof to 37 feet above grade, in violation of the 35-foot zoning height limit. Without relief from this height limit, the owner would have to modify the roof of the house to raise the lowest habitable floor to the BFE. Such a modification would add to the expense of the project and could put the project out of financial reach.

To accommodate this situation, a municipality can either grant variances on a case-by-case basis or pass an ordinance raising the height limit for elevated buildings in floodplains. A municipality may prefer variances to retain control over individual circumstances, but the variance process is time consuming and can be expensive as it requires an individual analysis, a detailed application, and a formal public hearing.

Applicants for a variance must demonstrate to a zoning board of appeals that the variance will not substantially affect the comprehensive zoning plan and that strict adherence to the letter of the zoning ordinance will cause an unnecessary and unusual hardship.<sup>12</sup> The applicant must also demonstrate that the variance is required because of "some peculiar characteristic of his property."<sup>13</sup> There can be difficult requirements to meet when the applicant is one of many similarly situated floodplain property owners. Furthermore, the process can become even more expensive and time consuming for the owner if an aggrieved abutter contests a variance approval and appeals the board's decision to a superior court.<sup>14</sup> The possibility of appeal adds another degree of uncertainty for property owners as the court may find that the variance was improperly granted and reverse the decision of the board.<sup>15</sup>

If a municipality wishes to create a more efficient process it can enact an ordinance to accommodate the increased height of elevated floodplain buildings without going through the variance procedure. While such an ordinance may reduce the municipality's control over individual building elevation projects, it may represent a more efficient use of municipal resources. It will also reduce the time, expense, and uncertainties that the variance process imposes on floodplain building owners, which may encourage more owners to elevate floodplain buildings above dangerous floodwaters.

The remainder of this paper addresses the means by which shoreline communities can use ordinances to accommodate increased building heights. Section II describes the legal authority that allows Connecticut municipalities to establish zoning ordinances and grant variances from those ordinances. Section III describes how Connecticut shoreline communities handle zoning height limits in floodplains and identifies the communities that have adopted ordinances to accommodate some increase in floodplain building height without resorting to the variance process. Section IV highlights some of the considerations involved when making decisions on a floodplain building height ordinance. Finally, the conclusion in Section V is followed by Appendix A, which provides the text of the regulations in the eight communities that use ordinances rather than the variance process to accommodate increased building heights in floodplains.

## II. Legal Authority

The legal authority for communities to regulate land use through zoning ordinances is long and well established. The threshold case affirming this authority was in 1926, when the United States Supreme Court held that local land use zoning is a valid exercise of police power as long as the zoning ordinances are not "clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare."<sup>16</sup>

In Connecticut, municipalities derive their zoning authority from the state through a general zoning enabling act passed in 1925 and revised and reenacted in 1949.<sup>17</sup> These acts, now codified in Title 8 of the Connecticut General Statutes, empower municipalities to establish zoning commissions and enact zoning ordinances that regulate land use and establish dimensional requirements, including building height.<sup>18</sup> In fact, Section 8-2 of the Connecticut General Statutes specifically allows zoning ordinances that regulate the "height, number of stories and size of buildings and other structures."<sup>19</sup>

Communities that adopt zoning ordinances must also establish a zoning board of appeals empowered to grant variances where special circumstances unique to a particular parcel of land would cause "exceptional difficulty or unusual hardship" if the zoning ordinances were enforced as written.<sup>20</sup> This variance process provides an important protection for land owners who, through no fault of their own, are confronted with unique circumstances that don't allow them to comply with certain provisions of local zoning ordinances.

The combination of explicit delegation of state authority and access to a variance process provides a strong legal authority for zoning ordinances that regulate building height. This authority is so strong, in fact, that the municipal authority to regulate building heights through zoning ordinances has never been challenged in the Connecticut Appellate or Supreme Courts.

## III. Current Practices in Connecticut Coastal Municipalities

Eight of Connecticut's twenty-four coastal towns and cities have ordinances that work to reconcile NFIP elevation standards with building height zoning limits. These municipalities are Bridgeport, Fairfield, Greenwich, Guilford,

Norwalk, Stamford, Waterford, and Westport. As shown in the text of the ordinances in Appendix A, these communities use one of two methods to accommodate the increased height of elevated buildings in flood zones:

- 32 allow additional height above grade, or
- 33 allow additional height above a specified floodwater elevation.

Both of these methods are described below.

### **Additional Height Above Grade**

The simplest method used to reconcile height limits with elevation requirements in floodplains is to grant additional height above grade to elevated structures in those areas. The most straightforward example of this method is in Norwalk, where residential structures in flood zones are permitted an additional one foot of height.<sup>21</sup>

Other towns allow additional height above grade in a more conditional manner that may accommodate greater flood depths. In Westport, for every one foot between average grade and BFE, an additional foot may be added to building height, up to a maximum of five additional feet above the ordinary limit for height above grade.<sup>22</sup> Fairfield employs a similar system, where one foot of additional height is allowed for every two feet of difference between grade and BFE with no other limit on height above grade.<sup>23</sup>

### **Additional Height Above a Specified Floodwater Elevation**

The municipalities described above measure building height in relation to the grade at the base of the building, which is the usual manner of measuring building height. However, some coastal municipalities have adopted a different starting point to measure the height of buildings in floodplains. Instead of starting at the surrounding grade, these municipalities start height measurements at an elevation related to the anticipated depth of floodwaters.

In Stamford, the starting point for floodplain building height measurement is BFE.<sup>24</sup> Therefore, if a residential building is in a coastal flood area with a zoning limit of thirty-five feet above grade and the BFE is three feet above grade, the building may be elevated until the highest point of the building is thirty-five feet above BFE, or thirty-eight feet above grade. There are limits, however, to how much extra height above grade can be granted under this ordinance. In Stamford, an elevated building in a floodplain may not exceed the prevailing above-grade height limit by more than five feet irrespective of the BFE.

Other towns have chosen different elevations related to the BFE as the starting point for building height measurement. In Guilford, the limits for floodplain building heights are measured from four feet below BFE or from grade, whichever is higher, with a maximum height of 40 feet above grade.<sup>25</sup> In Greenwich, the limits for floodplain building heights are measured from two feet below BFE or from grade, whichever is higher, with no separate limit on height above grade.<sup>26</sup>

The floodplain building height accommodations are more generous in Bridgeport and Waterford. In Bridgeport, the limits for floodplain building heights are measured from one foot above BFE or from grade, whichever is higher, up to a maximum of five additional feet above the ordinary height limit.<sup>27</sup> In Waterford, the limits for floodplain building heights are measured from two feet above BFE with no limit on height above grade.<sup>28</sup>

#### IV. Considerations

When choosing whether to enact an ordinance that will allow buildings in flood zones to exceed their local building height limits, a zoning commission's decision will likely be dictated by local preferences and concerns. Among these are the commission's preferences for how much variation to permit in maximum building heights. Some municipalities appear to take a more conservative stance in permitting variations in maximum building heights, while others are more generous. Additionally, municipalities may differ in elevation specifications for residential structures in floodplains. While a majority of shoreline communities specify the NFIP minimum elevation of requirement of BFE, a significant minority of municipalities have chosen to exceed the minimum requirements and specify elevation requirements one foot or more above BFE.<sup>28</sup>

Municipalities should also be aware that elevating a building increases the chance of wind damage to the building.<sup>29</sup> Municipalities considering ordinances related to elevating existing residential buildings in flood zones should also consider a recommendation or requirement to evaluate and, if necessary, retrofit these buildings in accordance with FEMA Publication P-804, "Wind Retrofit Guide for Residential Buildings."

#### V. Conclusion

Elevating residential structures above floodwaters is a common and effective measure to reduce flood damage, and elevation to at least the BFE is required for new construction and substantial improvements in communities that participate in the NFIP. However, property owners facing significant flood depths may encounter a regulatory impasse when elevating a structure above floodwaters violates municipal zoning height limits. Eight of Connecticut's shoreline municipalities have ordinances that bring some relief in such circumstances, either by allowing additional height above grade or by starting height measurements from an elevation related to flood depth instead of the surrounding grade. The other sixteen shoreline municipalities do not have ordinances that reconcile building height limits with floodplain elevation requirements. For property owners in those communities, a variance is the only relief when a floodplain building elevation project would cause building height to exceed zoning limits. These sixteen communities should consider height-accommodating ordinances to minimize the need for expensive, time-consuming, and uncertain variance applications and thus encouraging floodplain residents to elevate buildings above dangerous floodwaters.



## Appendix A

### Floodplain Building Height Accommodation Ordinances (Effective September 1, 2017)

#### Connecticut Shoreline Communities

Bridgeport - BRIDGEPORT, CONN., ZONING & SUBDIVISION REG. Table 3, note 8 (2015).

"In flood plain areas where the lowest floor of the building is elevated to meet the flood damage prevention standards, the maximum total building height shall be measured from the Base Flood Elevation (BFE)+1' elevation provided that the resulting height of the building is not more than five (5) feet greater than the maximum building height permitted in the RCC Zone."

Fairfield - FAIRFIELD, CONN., ZONING REG. § 5.2.2 (2017).

"Two and one half (2 1/2) stories or thirty-two (32) feet, whichever is less except that dwellings located within the 100 year flood zone are allowed one foot of additional height for every two (2) feet of vertical distance between existing average grade and the base flood elevation."

Greenwich - GREENWICH, CONN., BLDG. ZONE REG. § 6-139.1(c)(22.1) (2017).

"Grade Plane, Flood Zone – A reference plane from which to measure the number of stories, height, and floor area of dwelling units in residential zones within the Flood Hazard Overlay Zone. The flood zone grade plane shall be measured from two feet (2') below the Base Flood Elevation, or the grade plane as defined under Section 6-51a(20), whichever is higher. If the structure complies with Section 6-139.1(f)(11)(A and D), the floor area below the flood zone grade plane shall be excluded. The area below the flood zone grade plane shall not count as a story provided there is no more than 7" from the flood zone grade plane to the top of the finished floor."

Gulfport - GULFPORT, CONN., ZONING CODE § 273-91(O) (2016).

"For buildings or structures in Flood hazard areas as defined by FEMA, average height shall be measured from the Base Flood Elevation minus four (4) feet or average grade whichever is higher. No building shall be higher than 40 ft. total height from average grade."

Norwalk - NORWALK, CONN., BLDG. ZONE REG (2017).

*The Norwalk limits for building height and bulk are set forth in schedules that are not reproduced here. Those schedules add one foot to the height limits for residential structures in flood zones. See the Norwalk Connecticut Building Zone Regulations, Schedule limiting height and bulk of buildings - Residential (Part I) (2017).*

Stamford - STAMFORD, CONN., ZONING REG. § 3(A)(16)(b) (2016).

"Where a residential building is to be built, altered or reconstructed in order to comply with the Minimum Elevation Standard of Article III, Section 7 I Flood Prone Area Regulations, and such building is located fully or partially within the Coastal Boundary as defined in Article III, Section 7(T) Coastal Area Management Regulations, building height may be measured from the Base Flood Elevation applicable to the residential building, provided that the resulting height of the building measured from average grade is not more than five (5) feet greater than the maximum building height permitted in the applicable Zoning District."

## Appendix A

### Waterford - WATERFORD, CONN., ZONING REG. § 1-11.2 (2017).

"Buildings located in an F.E.M.A. Designated Flood Zone AE and VE or both, the height shall be measured from the Base Flood Elevation (BFE) plus Two (2) feet as shown on the latest version FIRM (Flood Insurance Rate Map)."

### Westport - WESTPORT, CONN., ZONING & SUBDIVISION REG. § 6-3.3 (2017).

"Building Height for principal buildings may be increased by up to an additional five feet; (Maximum of 31') for an existing or new structure located within the Special Flood Hazard Area specifically, when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in the VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height as measured from average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation up to a maximum of five feet. Wet flood proofed enclosed spaces below the first floor with a head room of five feet or less shall not be considered a story. (See §5-2 Definition of Crawl Space).

## Endnotes

*This White Paper is sponsored by CIRCA, the Connecticut Institute for Resilience and Climate Adaptation. This work is made possible through a grant from the State of Connecticut Department of Housing Community Development Block Grant Disaster Recovery Program and the US Department of Housing and Urban Development.*

**DISCLAIMER:** *This white paper addresses issues of general interest and does not give any specific legal advice pertaining to any specific circumstance. Parties should obtain advice from a lawyer or other qualified professional before acting on the information in this paper.*

<sup>1</sup> ADAPTATION SUBCOM. TO THE GOVERNOR'S STEERING COM. ON CLIMATE CHANGE, THE IMPACTS OF CLIMATE CHANGE ON CONNECTICUT AGRICULTURE, INFRASTRUCTURE, NATURAL RESOURCES AND PUBLIC HEALTH 38 (2010).

<sup>2</sup> *Id.* at 25.

<sup>3</sup> National Flood Insurance Program, DEPT. OF ENERGY & ENVTL. PROT. [hereinafter DEEP-NEIP], [http://www.eop.gov/DeepNewp/view.asp?n=2720&Q=446992&deepNav\\_CID=1654](http://www.eop.gov/DeepNewp/view.asp?n=2720&Q=446992&deepNav_CID=1654) (last visited June 1, 2017).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Special Flood Hazard Area (SFHA) is an area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AF, A99, AH, AR, AR/A, AR/AL, AR/AL, AR/AO, AR/A1-A30, V1-V30, VE or V. *Definitions*, FED. EMERGENCY MGMT. AGENCY, <https://www.fema.gov/national-flood-insurance-program/definitions> (last visited June 8, 2017). In common parlance, this is the area within the 100 year floodplain.

<sup>7</sup> Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equalling or exceeding that level in any given year. *Definitions: FEMA*, <https://www.fema.gov/national-flood-insurance-program/definitions> (last visited June 8, 2017). BFE is sometimes called the "100 year flood" elevation. *Designing for Flood Levels Above the BFE*, FED. EMERGENCY MGMT. AGENCY 1 (2010), [https://www.fema.gov/media-library-data/20130726-1537-20490-8057/fema499\\_1\\_s\\_rev.pdf](https://www.fema.gov/media-library-data/20130726-1537-20490-8057/fema499_1_s_rev.pdf).

<sup>8</sup> *Base Flood Elevation, Definition/Description*, FED. EMERGENCY MGMT. AGENCY, <https://www.fema.gov/base-flood-elevation> (last visited June 8, 2017).

<sup>9</sup> DEEP-NEIP, *supra* note 3.

<sup>10</sup> FED. EMERGENCY MGMT. AGENCY, DESIGNING FOR FLOOD LEVELS ABOVE THE BFE, TECHNICAL FACT SHEET 1.6, 1 (2010).

<sup>11</sup> See, e.g., Greenwich, Conn., Mun. Code, art. I, §§ 6-5(a)(9), 6-40(b) (2017).

<sup>12</sup> Bloom v. Zoning Bd. of Appeals of the City of Norwalk, 658 A.2d 559, 564 (Conn. 1995).

<sup>13</sup> *Id.*

<sup>14</sup> CONN. GEN. STAT. § 8-8 (2012).

<sup>15</sup> See, e.g., Amendola v. Zoning Bd. of Appeals of the City of West Haven, 129 A.Jd 743 (Conn. 2015).

<sup>16</sup> Vill. of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 385 (1926).

<sup>17</sup> 1925 Conn. Pub. Acts 4037.

<sup>18</sup> CONN. GEN. STAT. § 8-2 (2017).

<sup>19</sup> *Id.*

<sup>20</sup> CONN. GEN. STAT. § 8-6 (2017).

<sup>21</sup> Norwalk, Conn., Bldg. Zone Reg., Schedule Limiting Height and Bulk of Buildings, Residential (Part 1) (2017).

<sup>22</sup> Westport, Conn., Zoning & Subdivision Reg. § 6-3.3 (2017).

<sup>23</sup> Fairfield, Conn., Zoning Reg. § 5.2.2 (2017).

<sup>24</sup> Stamford, Conn., Zoning Reg. § 3(A)(16)(b) (2016).

<sup>25</sup> Guilford, Conn., Zoning Code § 27-91(O) (2016).

<sup>26</sup> Greenwich, Conn., Mun. Code, art. X, § 6-139.1(c)(22.1) (2017).

<sup>27</sup> Bridgeport, Conn., Zoning & Subdivision Reg. Table 3, note 5 (2015).

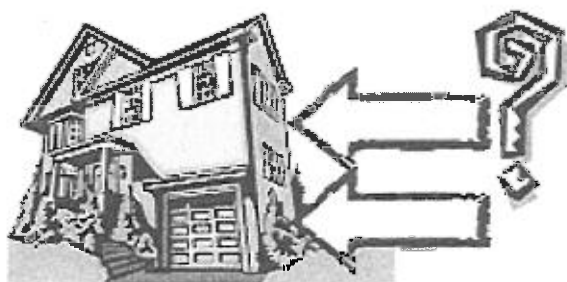
<sup>28</sup> Waterford, Conn., Zoning Reg. § 1.11.2 (2017).

<sup>29</sup> E.g., Waterford, Conn., Zoning Reg. § 14a.5(8) (2017).

## Endnotes

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<sup>80</sup> Jeffrey Weston, Fang Pan & Wei Zhang, Resilience Study of Elevated Coastal Residential Buildings Subject to Strong Winds, The 13th Americas Conference on Wind Engineering (May 24, 2017) (unpublished), <http://www.engr.uconn.edu/~wzhang/Pdf/C201705AAWEWestonBuilding.pdf>.



## Determining the Lowest Floor

**D**ETERMINING WHICH LEVEL OF a structure is the lowest floor is critical to proper NFIP enforcement, but is not always a straight-forward matter. Plans for floodplain structures commonly show enclosed areas below the BFE which are termed "crawl space", "cubana", "cellar", "storage area", "lobby", "ground floor", "walk-out", "first floor", "first level", "garage", "service level", or any number of other descriptive terms. Regardless of nomenclature, however, the compliance of all such areas with the NFIP criteria must be assured. Enclosed areas which meet the definitional criteria for a "lowest floor" must be elevated. Enclosed areas not meeting the definition of "lowest floor" may be allowed below the BFE, only if they conform to strict usage, design and construction guidelines.

**T**HE NFIP DEFINES THE "lowest floor" of a structure as the "lowest enclosed area", but qualifies what this term encompasses. Basements—defined as areas whose floors are sub-grade on all sides—are included in the lowest floor definition, and must always be elevated. Unfinished, flood-resistant enclosures which are not basements and which are

used exclusively for parking of vehicles, building access or storage, are not considered as the "lowest floor" unless (by virtue of their design and construction) they render the structure in violation of other applicable (non-elevation) design requirements (e.g., free of obstruction, anchoring to resist floatation, collapse, lateral movement requirements). Figure 3.3 illustrates the proper interpretation of some typical situations on the "elevation of lowest floor" theme.

**D**ESCRIBED BELOW ARE the general and specific requirements applying to enclosed areas below the Base Flood Elevation (BFE).

## General Requirements for Enclosed Areas Below the BFE

**S**EVERAL NFIP STANDARDS apply to non-basement enclosures below the base flood elevation in all new or substantially-improved structures (except floodproofed A-zone, non-residential structures):

**USAGE** Areas must be suitable only for garage, building access, and/or storage of incidental materials having low flood damage potential (washer/dryer, freezers, and other appliances are not permitted).

**MATERIALS** All such enclosed areas must employ flood resistant construction materials below the base flood elevation. (see FEMA Technical Bulletin 2-93) *Text continues on page 54...*



# JUSTIA

## Craik v. County of Santa Cruz (2000)

[No. H020690, Sixth Dist. May 3, 2000.]

JIM CRAIK et al., Plaintiffs and Appellants, v. COUNTY OF SANTA CRUZ et al.,  
Defendants and Respondents; NORMA P. ODENWELLER et al., Real Parties in Interest  
and Respondents.

(Superior Court of Santa Cruz County, No. CV194743, Richard J. McAdams, Judge.)

(Opinion by Premo, Acting P. J., with Barnattre-Manoukian and Wunderlich, JJ.,  
concurring.)

### COUNSEL

Douglas E. Marshall; McCutchen, Doyle, Brown & Eversen, Geoffrey, L. Robinson and  
Marie A. Cooper for Plaintiffs and Appellants.

Dwight L. Herr, County Counsel, and Rahn Garcia, Assistant County Counsel, for  
Defendant and Respondent County of Santa Cruz.

Bill Lockyer, Attorney General, Richard M. Frank, Chief Assistant Attorney General, J.  
Matthew Rodriguez, Assistant Attorney General, and Joseph C. Rusconi, Deputy  
Attorney General, for Defendant and Respondent California Coastal Commission.

Bosso, Williams, Sachs, Atack & Gallagher, John M. Gallagher and Peter L. Sanford for  
Real Parties in Interest and Respondents. [81 Cal. App. 4th 882]

### OPINION

PREMO, Acting P. J.:-

Plaintiffs Jim Craik and Judi Craik appeal from an adverse judgment on their petition

for writ of mandate. The petition challenged the approval of several variances and related building permits by defendant County of Santa Cruz. Real parties in interest Norma P. Odenweller and Robert W. Fleck, plaintiffs' next-door neighbors, had sought the [81 Cal. App. 4th 883] variances for the construction of a residence. Plaintiffs contend that defendant abused its discretion in certain respects. We disagree and affirm the judgment. *fn. 1*

### Legal Background and Scope of Review

"A comprehensive zoning plan could affect owners of some parcels unfairly if no means were provided to permit flexibility. Accordingly, in an effort to achieve substantial parity and perhaps also in order to insulate zoning schemes from constitutional attack, our Legislature laid a foundation for the granting of variances. Enacted in 1965, section 65906 of the Government Code establishes criteria for these grants; it provides: 'Variances from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. [¶] Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.' [¶] Applicable to all zoning jurisdictions except chartered cities [citation], section 65906 may be supplemented by harmonious local legislation." (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 511 [113 Cal. Rptr. 836, 522 P.2d 12], *ins. omitted*.)

We note that defendant has enacted a harmonious ordinance. Santa Cruz County Code section 13.10.230(c) requires three findings before a variance may be granted: "1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. [¶] 2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and [81 Cal. App. 4th 884] will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity. [¶] 3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is

situated."

[1] A local government's grant of a variance is a quasi-judicial act subject to judicial review under Code of Civil Procedure section 1094.5. (*Topanga Assn. for a Scenic Community v. County of Los Angeles*, *supra*, 11 Cal.3d at p. 514.) "Section 1094.5 clearly contemplates that at minimum, the reviewing court must determine both whether substantial evidence supports the administrative agency's findings and whether the findings support the agency's decision. Subdivision (b) of section 1094.5 prescribes that when petitioned for a writ of mandamus, a court's inquiry should extend, among other issues, to whether 'there was any prejudicial abuse of discretion.' Subdivision (b) then defines 'abuse of discretion' to include instances in which the administrative order or decision 'is not supported by the findings, or the findings are not supported by the evidence.' (*italics added*.) Subdivision (c) declares that 'in all ... cases' (*italics added*) other than those in which the reviewing court is authorized by law to judge the evidence independently, 'abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.' [*Citation.*]" (*Id.* at pp. 514-515, original *italics*, *fn. omitted.*)

In determining whether the findings are supported, "[w]e may not isolate only the evidence which supports the administrative finding and disregard other relevant evidence in the record. [*Citations.*] On the other hand, neither we nor the trial court may disregard or overturn the ... finding 'for the reason that it is considered that a contrary finding would have been equally or more reasonable.'" [*Citations.*]" (*Northern Inyo Hosp. v. Fair Emp. Practice Com.* (1974) 38 Cal. App. 3d 14, 24 [112 Cal. Rptr. 872].)

[2] In determining whether the decision is supported, we require the findings to "bridge the analytic gap between the raw evidence and ultimate decision or order." (*Topanga Assn. for a Scenic Community v. County of Los Angeles*, *supra*, 11 Cal.3d at p. 515.) The findings need not be stated with the precision required in judicial proceedings. (*Id.* at p. 517, *fn. 16.*) They may properly incorporate matters by reference and even omissions may sometimes be filled by such relevant references as are available in the record. (*McMillan v. American Gen. Fin. Corp.* (1976) 60 Cal. App. 3d 175, 183-184 [131 Cal. Rptr. 462].) "Thus, where reference to the administrative record informs the parties and reviewing courts of the theory upon which an agency [31 Cal. App. 4th 885] has arrived at its ultimate finding and decision it has long been recognized that the decision should be upheld if the agency 'in truth found those facts which as a matter of law are

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essential to sustain its ... [decision].' [Citations.]" (Id. at p. 184.)

"In making these determinations, the reviewing court must resolve reasonable doubts in favor of the administrative findings and decision." (Topanga Assn. for a Scenic Community v. County of Los Angeles, supra, 11 Cal.3d at p. 514.)

Topanga makes clear, however, "that despite the applicability of the substantial evidence rule and the deference due to the administrative findings and decision, judicial review of zoning variances must not be perfunctory or mechanically superficial." (Orinda Assn. v. Board of Supervisors (1986) 182 Cal. App. 3d 1145, 1161 [227 Cal. Rptr. 688].)

"Whereas the adoption of zoning regulations is a legislative function [citation], the granting of variances is a quasi-judicial, administrative one. [Citations.] If the judiciary were to review grants of variances superficially, administrative boards could subvert this intended decision-making structure. [Citation.] They could '[amend] ... the zoning code in the guise of a variance' [citation], and render meaningless, applicable state and local legislation prescribing variance requirements. [¶] Moreover, courts must meaningfully review grants of variances in order to protect the interests of those who hold rights in property nearby the parcel for which a variance is sought. A zoning scheme, after all, is similar in some respects to a contract; each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare. [Citations.] If the interest of these parties in preventing unjustified variance awards for neighboring land is not sufficiently protected, the consequence will be subversion of the critical reciprocity upon which zoning regulation rests." (Topanga Assn. for a Scenic Community v. County of Los Angeles, supra, 11 Cal.3d at pp. 517-518.)

We apply the above principles in the same manner as the trial court. (Orinda Assn. v. Board of Supervisors, supra, 182 Cal. App. 3d 1145, 1161.) Though the trial court's conclusions and disposition do not factor into our analysis, we acknowledge and appreciate the assistance of the trial court given via its detailed tentative decision.

#### Factual Background

Beach Drive in Aptos is immediately adjacent to Rio Del Mar Beach. Defendant's 1994 general plan regulates this area since it falls within [8: Cal. App. 4th 886]

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defendant's "Urban Services Line." Relevant to the instant issues, the general plan generally prohibits three-story homes. The 400 block of Beach Drive is zoned R-1-8 (residential, 8,000-square-foot lots); the rest of Beach Drive (and some inland areas) is zoned R-1-6 (residential, 6,000-square-foot lots) or RB (residential beach). Zoning restrictions on Beach Drive generally include height limits, floor-area ratio, and lot line setbacks. Beach Drive is also within a wave-runup hazard zone for purposes of restrictions imposed by the Federal Emergency Management Agency (FEMA). FEMA generally prohibits livable space on ground level. This prohibition specifically amounts to a requirement that the lowest habitable level of a residence on Beach Drive must be 22 or 23 feet above mean sea level.

Most of Beach Drive is built out with residences of the same general size and design. Most of the residences were developed before the existing general plan, zoning ordinance, and FEMA regulations became effective. And most do not comply with current lot line setbacks. Some have been allowed variances for setbacks, height limits, and floor-area ratios. Nineteen of 61 homes are three stories.

In 1996, one family owned 415 and 413 Beach Drive. A residence was on 415, and a garage and parking area were on 413. In late 1996, plaintiffs purchased 415 and real parties in interest purchased 413. Soon thereafter, real parties submitted building plans to defendant. Defendant's zoning administrator approved the plans over plaintiffs' objections. Plaintiffs unsuccessfully appealed the decision to defendant's planning commission. Plaintiffs then appealed the commission's decision to defendant's board of supervisors. The board declined to hear the matter, but remanded to the commission to reconsider a variance pertaining to floor-area ratio. The commission reconsidered and approved the variance. Plaintiffs then appealed the decision to the board of supervisors. The board declined to hear the matter. Plaintiffs then instituted this action and the Coastal Commission proceeding. In. 2

Defendant granted real parties interest six variances:

1. A variance to exceed the two-story limit, allowing three stories.
2. A variance to exceed a 28-foot height limit, allowing 32 feet.
3. A variance to reduce a 20-foot front yard setback, allowing 16 feet (and 8 feet for a second story deck).
4. A variance to exceed a 50 percent floor-area ratio, allowing 53 percent house-to-lot

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coverage. [81 Cal. App. 4th 887]

5. A variance to allow a second story deck.

6. A variance to exceed a 50 percent limit on front yard space to be used for parking.

Defendant's findings were as follows:

"1. That Because of Special Circumstances Applicable to the Property, Including Size, Shape, Topography, Location, or Existing Surrounding Structures, the Strict Application of the Zoning Ordinance Deprives Such Property of Privileges Enjoyed by Other Property in the Vicinity and Under Identical Zoning Classification.

"Special circumstances applicable to this property to justify the granting of a variance to development regulations concerning the height, number of stories, parking on more than 50 percent of the front setback, a reduced front setback and an increased floor area ratio, include the shape of the parcel, the size of usable area on the parcel, the lack of developable area on the parcel, the topography of the parcel, the location of the parcel, and the size and configuration of other houses in the vicinity. A narrow 35 foot property width provides limited area for development as required 5 foot side setbacks leave a 25 foot wide building envelope.

"The project site is further constrained by existing topography. It is located below an eroding coastal bluff to the rear of the lot, and in a coastal wave run-up and/or flooding zone which requires elevation of any structure above 23 feet mean sea level at the front of the lot. The proposed structure would exceed the 28 foot height limit by four feet, exceed the two story height limit and exceed the 50 percent floor area ratio by about 3 percent, so that the first level would provide the necessary flood elevation required by the geologic report completed for the property and by General Plan policies 6.4.2 and 6.4.3, and by FEMA which regulate development in flood hazard areas. Without counting the non-habitable FEMA floor, the house would meet the floor area ratio requirement of 50 percent. Since this non-habitable floor has to be counted towards floor area ratio due to the County's definition of under floor area having to do with ceiling height, the floor area ratio variance is necessary.

"Due to the steep coastal bluff at the rear of the property, proposed to be retained by a 12 foot high engineered wall to deflect potential slides, the entire backyard is unsuitable for a deck/patio or recreational area, as this area is reserved for storage of landslide debris in the event of a slope failure [81 Cal. App. 4th 888] above the site which

would flow into the rear yard. Such a landslide could occur at any time due to seismic events as well as storm events. This rear yard is therefore unsuitable for a deck/patio or recreational area, and makes the deck areas at the front of the structure important as the only useable outdoor area available to the parcel. The house is situated as far forward on the lot as possible due to the amount of debris flow catchment area required. This creates the necessity for the front yard variance for the proposed encroachment into the 20 foot front setback of four feet for the house (a 16 foot distance from the house to the front property line). The proposed deck encroachment to within eight feet of the front property line provides needed open space area for the single-family dwelling.

"The vast majority of existing surrounding structures enjoy reduced front and/or side setbacks and the strict application of the zoning ordinance would prevent this property owner from utilizing this site to the same extent as other properties in the vicinity under identical R-1-S zoning. The majority of properties in the vicinity were developed more than 50 years ago, predating both the zoning ordinance and FEMA regulations.

"Required on-site parking takes up more than 50 percent of the 35 foot wide front yard, but provides a total of three spaces on-site so that this property does not compete with coastal visitors for access to public on-street parking on Beach Drive. The proposed deck encroachment to within 8 feet of the front property line and 16 feet to the residence, provides needed open space area for the single-family dwelling.

"2. That the Granting of the Variance Will Be in Harmony With the General Intent and Purpose of Zoning Objectives and Will Not Be Materially Detrimental to Public Health, Safety, or Welfare or Injurious to Property or Improvements in the Vicinity.

"Compliance with mitigation measures required by technical studies accepted by the Planning Department [reference] will insure that the granting of a variance to construct the proposed single-family dwelling shall not be materially detrimental to the public health, safety or welfare or be injurious to property or improvements in the vicinity. The residence is required to be elevated above 23 foot mean sea level with no habitable features on the ground floor and constructed with breakaway walls and a collapsible garage door. No mechanical, electrical or plumbing equipment shall be installed below the base flood elevation. An engineered 12 foot high retaining wall is to be constructed behind the house to stabilize the base of the coastal bluff above the residence. The rear yard is to be free of obstructions so that there is nothing substantial to deflect slide debris onto adjacent properties. [31 Cal. App. 4th 889]

"3. That the Granting of Such Variances Shall Not Constitute a Grant of Special Privileges Inconsistent with the Limitations upon Other Properties in the Vicinity and Zone in Which Such Is Situated.

"The granting of a variance to reduce the front setback from the required 20 feet to about 16 feet to the dwelling and about 8 feet to the edge of the cantilevered second floor deck; to increase the maximum height from 28 feet to about 32 feet; to allow three stories; to allow parking to exceed a maximum of 50 percent of the required front yard, and to allow an increase in the floor area ratio from 50 percent to about 53 percent will not constitute a grant of special privilege to this parcel as similar variances have been granted in the R-1-8 zone district and immediate vicinity. The variance would provide a remedy for the proposed infill development of a single-family residence consistent with the existing surrounding development.

"The County has considered and approved similar variance requests with existing surrounding development. Reduced setbacks have been granted at APN's 043-105-03, -06, and -22 for example, under Applications #97-0387 (reduced side setback from 5 feet to 3 feet), #86-45-V (reduced 5 feet setbacks to 3 feet and zero feet), and #4780 (reduced front setback from 10 feet to 5 feet). A permit for a fence greater than 6 feet in the required side yard was also granted at APN 043-105-15 under Application #91-0608.

"A field survey and aerial photographs indicate that the majority of existing homes along Beach Drive have a front setback of ten feet or less, so that the proposed project being set back 16 feet to the proposed residence and 8 feet to the second level deck, would not constitute a grant of special privilege inconsistent with existing surrounding development. A field survey has shown that there are at least 19 other three-story homes on Beach Drive, so granting the variance is consistent with the privileges already enjoyed by surrounding development." (Underscoring in Original.)

#### Discussion

[3] Plaintiffs generally explain their abuse-of-discretion argument as follows: "The fundamental problem with the County's actions is its failure to act according to a development plan. State Planning and Zoning laws require the County to plan for anticipated development, and then to implement that plan with each and every project approval. They preclude the County from making ad hoc decisions, on a parcel-by-parcel basis, regarding appropriate development. [¶] ... [¶] The County's violation of this

fundamental premise of the State Planning and Zoning laws took two forms: the County approved [81 Cal. App. 4th 890] variances from its Zoning Code when no justification for a variance was present, and it adopted a new exception to its General Plan when the Plan contains no such exception."

Plaintiffs specifically argue that variances can only be granted in the presence of "physical" disparities between the subject property and other properties in the zone. They urge that the record contains no evidence of any physical disparity. They continue that 413 Beach Drive is a narrow, 35-footwide lot, backing up against an eroding coastal bluff. They point out that these characteristics are common to all of the lots in the R-1-S zone of the 400 block of Beach Drive. They urge that defendant's reliance on the FEMA and related county regulations is erroneous because, since all built-out properties are subject to the regulations upon a remodel or reconstruction, the regulations constitute a reason to rezone rather than a physical disparity justifying a variance. We disagree with this analysis.

First, there is no authority to support that a "physical" disparity is a precondition for a variance. Government Code section 65906 requires variances to be granted "because of special circumstances applicable to the property." (*italics added.*) The Santa Cruz County Code adopts the same concept (special circumstances). And the leading case in this area interprets the concept as emphasizing only undefined "disparities between properties." (*Topanga Assn. for a Scenic Community v. County of Los Angeles*, *supra*, 11 Cal.3d at p. 520, *italics in original.*) Thus, defendant was not barred from considering the FEMA and related county regulations as special circumstances.

And second, though the FEMA and related county regulations may abstractly apply to everyone (contraindicating a disparity), in reality, the regulations only impact the land of real parties and a few other vacant parcels. Thus, defendant could reasonably accept that there is a disparity between properties. That the abstract impact of the regulations suggests a need to rezone does not negate that the practical impact is limited and could be considered disparate. The point here is that plaintiffs define disparity in one way and defendant defines disparity in another way. Neither construction is unreasonable. We therefore defer to defendant's construction. (*Anderson v. San Francisco Rent Stabilization & Arbitration Bd.* (1987) 192 Cal. App. 3d 1336, 1343 [237 Cal. Rptr. 894].)

Plaintiffs next specifically argue that one of the variances is inconsistent with the general plan to the extent that it allows a three-story home.

Defendant's general plan states: "Residential structures shall be limited to two stories in urban areas and on parcels smaller than one acre in the rural [81 Cal. App. 4th 891] areas except where explicitly stated in the Residential Site and Development Standards ordinance [RSDSO]."

The RSDSO states, in part: "Outside the Urban Services Line, the number of stories in a residential structure shall not be limited by the provisions of Section 13.10.323(b) [generally reaffirming the general plan's two-story limit]." (Santa Cruz County Code, § 13.10.323(e)(1).)

Plaintiffs claim that the only explicit exception to the two-story limit in the RSDSO is for residential structures outside the Urban Services Line. Since real parties in interest's property is inside the Urban Services Line, plaintiffs reason that the variance allowing three stories is inconsistent with the general plan.

Again, plaintiffs argue for an interpretation of this statutory interplay in favor of their point of view and refuse to accept that defendant adopted a reasonable, contrary interpretation.

The RSDSO also states: "The [maximum-number-of-stories] standards shall apply within all residential 'R' zone districts, except as noted elsewhere in this Section and uses inconsistent therewith shall be prohibited absent a variance approval." (Santa Cruz County Code, § 13.10.323(b).)

Thus, the RSDSO can be construed as explicitly stating that the standards governing the maximum number of stories can be modified by a variance. Though plaintiffs characterize the variance-approval exception as generic rather than explicit, the argument simply constitutes a point of view. Another equally reasonable point of view is that the variance-approval exception is the specific exception to the general plan while the outside-Urban-Services-Line "exception" is, more accurately, an exemption from the burden of having to apply for a variance. Again, we defer to defendant's construction of its own ordinance. (*Anderson v. San Francisco Rent Stabilization & Arbitration Bd.*, supra, 192 Cal.App.3d at p. 1343.)

Plaintiffs finally argue that defendant's findings do not support the decision in the sense that the analytic path between the evidence and conclusions cannot be traced. They complain that the findings are scattered throughout the record, the number and character of the variances are uncertain, and there exists no explanation why the



setbacks are so large, all the stories have a reduced setback, the third story deck was needed, and 32 feet rather than 28 or 29 feet was needed. There is no merit to these claims.

We reiterate that findings need not be stated with judicial formality. Findings must simply expose the mode of analysis, not expose every minutia. (*Topanga Assn. for a Scenic Community v. County of Los Angeles*, supra, [81 Cal. App. 4th 892] 11 Cal.3d at p. 517, fn. 16.) Here, we have identified six clearly defined variances. And we have no trouble following defendant's analysis. The property in question is small and the backyard is unusable. Hence, the need for a forward-set building site and decks. The proposed structure cannot be occupied in the first 23 vertical feet. Hence, the need for four additional feet and an extra story.

#### Disposition

The judgment is affirmed.

Bamattre-Manoukian, J., and Wanderlich, J., concurred.

FN 1. Plaintiffs' petition also challenged certain findings made by defendant California Coastal Commission in a decision that declined to hear an appeal of defendant county's action. According to plaintiffs, they brought the appeal to ensure that they exhausted all administrative remedies and do not quarrel with defendant commission's discretionary decision against hearing the appeal; but they fear that, if they prevail against defendant county, the victory will be hollow because the findings made by defendant commission will have a res judicata effect. Since plaintiffs are not prevailing against defendant county, the contingency plaintiffs anticipated will not occur. We therefore do not address the arguments concerning defendant commission, which include at the threshold whether there (1) is a justiciable controversy given that plaintiffs challenge findings but not a decision, and (2) can be a res judicata effect of "findings" without a final decision on the merits.

FN 2. Plaintiffs later amended their petition to add the Coastal Commission as a defendant.

## **Nathan MacBeth**

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**From:** Graeven, Rainey@Coastal <Rainey.Graeven@coastal.ca.gov>  
**Sent:** Wednesday, January 30, 2019 3:46 PM  
**To:** Jocelyn Drake  
**Cc:** Nathan MacBeth; Cove Britton  
**Subject:** Comments on Application No. 181353 (2914 Pleasure Point Drive) 2.1.19 Z.A. Hearing  
**Attachments:** Comments on Application 181353 (Reilly SFD) 2.1.19 Z.A. Hearing.pdf

Dear Ms. Drake,

Please find our comments on Application 181353 scheduled for Friday's Zoning Administrator hearing attached. Please let me know if you have any questions.

Thank you,

Rainey Graeven  
Coastal Program Analyst, Central Coast District  
California Coastal Commission  
725 Front Street, Santa Cruz, CA 95060  
(831) 427-4863

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



January 30, 2019

Jocelyn Drake, Zoning Administrator  
Santa Cruz County Planning Department  
701 Ocean Street 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

**Subject: February 1, 2019 Zoning Administrator Hearing on County Application Number 181353 (2914 Pleasure Point Drive (Rielly SFD))**

Dear Ms. Drake:

The coastal development permit (CDP) application for the proposed project at 2914 Pleasure Point Drive (County Application Number 181353) is scheduled for a February 1, 2019 Zoning Administrator hearing. The proposed project consists of the demolition of an existing 2,000 square foot two-story single-family dwelling and the construction of a new 1,644 square foot three-story single-family dwelling with a 225 square-foot garage and a 638 square foot non-habitable first floor. We previously provided comments to County staff (when requested to do so on the CDP application referral) related to coastal hazards, public view protection, and the proposed project's various Santa Cruz County Local Coastal Program (LCP) inconsistencies and requests for exceptions/variances to LCP requirements (see our September 27, 2018 correspondence attached). We continue to believe that the proposed project raises significant LCP compliance issues, and provide additional comments for your consideration below, including that we agree with the staff recommendation of denial given that context.

In terms of coastal hazards, it does not appear that the LCP's required 100-year bluff erosion setback has been determined or applied correctly, and there also appear to be outstanding issues and questions related to the armoring present seaward of the proposed house, including whether the applicant owns the property where the riprap and seawall are located and its legal and permitting status. In terms of visual resource and Pleasure Point community character issues, the proposed project includes a request for variances to allow three stories (when only two stories are allowed under the LCP) and to allow an increase in the floor area ratio (FAR) to 67% (the LCP's maximum FAR is 50%). The proposed project also includes a 33-foot plus height (the LCP height maximum for residences in this zoning district is 28 feet). The project also requests an exception to the LCP's Pleasure Point Design Standards to reduce the second-story setback (and in this case, also the proposed third-story setback) from the required 10 feet to 5 feet. Given the project's visually prominent location (i.e., the residence is located on the bluff and immediately fronts the adjacent and popular beach and shoreline recreational area) and its location within the Pleasure Point community, the proposed LCP-inconsistent massing, scale, and height, including via exceptions and variances to the LCP's requirements, are not appropriate, and further, it does not appear that the findings required under the LCP to approve

such exceptions/variances can even be made. In addition, it is not clear that any public access issues associated with the project and the public use area have been resolved (including ownership of the armoring area that is actively used for public access).

In sum, the proposed project raises significant LCP compliance issues, and there appear to be a number of outstanding questions that have yet to be fully resolved. Given the significance of the coastal resources impacted, the prominent location of the proposed project (in terms of coastal hazards, public views, and active public recreational access), and the series of exceptions/variances requested that do not appear warranted under the LCP, we agree with the staff recommendation of denial.

Thank you for your consideration of these comments. Please contact me via email or phone if you wish to discuss the issues above.

Sincerely,

A handwritten signature in black ink, appearing to read "Rainey Graeven", written over the printed name.

Rainey Graeven  
Coastal Planner  
Central Coast District Office

Enclosure: Comments on County Referral dated September 27, 2018

cc: Nathan MacBeth (County Project Planner)  
Cove Britton (Applicant's Representative)

## Graeven, Rainey@Coastal

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**From:** Graeven, Rainey@Coastal  
**Sent:** Thursday, September 27, 2018 1:09 PM  
**To:** 'Nathan MacBeth'  
**Subject:** Comments on Application 181353

Dear Nate,

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

### *Project Description/Location:*

The project proposes to demolish an existing two-story single-family dwelling and construct a new three-story square single-family dwelling at 2914 Pleasure Point Drive immediately adjacent to the Rockview/Pleasure Point Drive beach area. The project is also located within the Pleasure Point combining district, and thus subject to those additional standards.

### Compliance:

**1. Three Stories/Height Limit/Visual Resources Protection.** The project proposal includes the construction of a new three-story and approximately 33'3" tall house immediately adjacent to the public beach area at Rockview Drive/Pleasure Point Drive. The Zoning Code generally limits residential development to two stories, although an additional non-habitable floor can be permitted provided it qualifies as a basement, mezzanine, or an understory, and meets all of the visual resource protection policies and coastal permit findings. In this case, however, the base floor does not qualify as a basement as it does not appear to be below grade, or a mezzanine floor because it is not between two stories, or an under floor as it is not the space between the underside of the floor framing and the grade below, and because it is accessible via elevator (see IP Sections 13.10.700-B, -S, and -U). In addition, the proposed project would be immediately visible from the beach, and given that the proposed house is located on the bluff above beach level, a 33'3" house would have the effect of seeming much larger and would appear to loom over the beach. Given the visibly prominent location of the proposed house, it does not appear that a 33'3" height or a three-story residence would meet the LCP's visual resource protection policies (see LUP Objectives 5.10a, 5.10b, LUP Policies 5.10.2, 5.10.7 including in terms of being compatible with existing development and using natural materials/finishes to blend in with the bluff/beach area, 13.120.130(B), and 13.120.1340(D)(1)). The project should therefore be modified including reducing the number of stories (from 3 to 2) and reducing the overall height of the proposed residence such that it is compatible with neighboring development.

**2. Geologic Hazards Setback.** The project proposes extensive new development in an area of potential coastal hazards and therefore requires a geologic report (see IP Section 16.10.070(H)(1)). The LCP requires that a coastal bluff building site be stable for a minimum of 100 years in its pre-development application condition, and that any development be set back an adequate distance to provide stability for the development's lifetime, and at least 100 years. The minimum 100 years of stability must be established through the use of appropriate setbacks and siting, and without reliance on engineering measures "such as shoreline protection structures, retaining walls, or deep piers" (IP Section 16.10.070(H)(3)). Also, the LCP allows shoreline protection structures only "to protect existing structures from a significant threat" (LUP Policy 6.2.16). Thus, the LCP has a two-part minimum 100-year stability requirement: first, there must be a portion of the site in question that itself will be stable for at least 100 years in a pre-development (i.e., no project) scenario without reliance on structural development; and second, any development then introduced onto the site must also be stable for its lifetime measured for at least 100 years without reliance on engineering measures. The project plans currently depict the minimum-required 25-foot setback, but not the 100-year geologic setback. Therefore, please provide a geology report that identifies the 100-year geologic setback (calculated without the influence of any



existing shoreline armoring as new development must be sited without reliance on shoreline armoring); include the 100-year geologic setback on the project plans; and revise the project to ensure that no new development is within either the minimum 25-foot or the 100-year setback; whichever is greater (including the proposed patio which is currently proposed to be located seaward of the minimum 25-foot setback). Please also provide a copy of any geology/geologic hazards reports to Coastal Commission staff when it becomes available.

**3. Pleasure Point Exception for Reduced Second Story Setbacks.** Because the project site is located within the Pleasure Point combining district, the project is also subject to the Pleasure Point Community Design PP Combining District standards. The proposed project seeks a Pleasure Point Exception to reduce the required second story setback to 5 feet. It does not appear that the findings necessary to approve such an exception can be made (see IP Section 13.10.447), including because the granting of the exception would not result in a superior design and would not meet the intended objectives of these standards, which is to reduce visual bulk and massing and provide for more articulation in design. Moreover, similar to comment 1 above, given that the project is located immediately adjacent to (and thus visible from) the beach, any exceptions to allow for increased massing/bulk are inappropriate due to inevitable impacts to visual resources. Accordingly, the Applicants should revise the project to eliminate the exception request and to meet both the residential development standards and the Pleasure Point combining districts standards.

**4. Primary Public Access Point.** The project site is located within an LCP-designated Primary Public Access Point (Pleasure Point Drive) [see LUP Policy 7.7.15], and both the Coastal Act and LCP require that new development between the sea and the first public road provide public access (see Coastal Act Section 30212 and IP Section 13.20.110(F)). The LCP encourages/requires that improvements at primary access points be included as a condition of development approval including pathway improvements and maintenance, identification signs, etc. (see LUP Policy 7.7.16). The project should therefore be conditioned to require improvements to the primary public access point at this location (i.e.: the beach accessway or beach area itself), such as improving the dilapidated stairway or potentially removing/relocating the retaining wall to open up additional beach area at this heavily used beach access area. Completion of the real property history at the site (see #1 below) will better inform the most appropriate public access improvement for this project.

**5. Coastal Access and Public Right-of-Way (ROW).** It appears that the existing sidewalk at this location (including the applicant's driveway) is in disrepair, and as a result creates an unsafe condition for pedestrians and bicyclists, inconsistent with the LCP Including Land Use Policies 7.7.4 Maintaining Recreational Oriented Uses, 7.7.5 Coastal Bicycle Route, 7.7.6 Hiking and Biking Trail Network, and IP Section 15.10 Roadway and Roadside Improvements. We therefore recommend that the project be conditioned to require removal of any encroachments into the public ROW and easement areas and improvements to the sidewalk.

#### **Completeness:**

**1. History of Property Ownership/ Parcel Lines.** The project plans include a line bisecting the parcel identified as "abandon property line (typical)." Please provide a complete real property history of the entire project site including past and current ownership, when any property abandonment took place, and how such an abandonment/property transfer was recognized (i.e.: through a CDP, administrative permit, etc.). Please note that upon receipt of this information, Commission staff may have additional comments/recommendations for this permit application. Please also ensure the project plans depict all property lines, including along the street frontage and public access easement area.

**2. Geologic Hazards Setback.** See item #2 above.

**3. Visual Resource Protection.** Please include visual simulations comparing the existing residence with the proposed residence as seen from the beach.

#### **Permit Conditions:**

**1. No Future Shoreline Armoring.** (See sample condition below). IP Section 16.10.070 sets forth applicable conditions for development on bluffs. Please also ensure that the project is conditioned such that any new development may not rely on shoreline protective structures. A sample Coastal Hazards condition is provided below (see, especially highlighted provisions).

Sample hazard condition:

**XX. Coastal Hazards Risk.** By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, to the following:

- (a) **Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, liquefaction and the interaction of same;
- (b) **Assume Risks.** To assume the risks to the Applicant and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted development;
- (c) **Waive Liability.** To unconditionally waive any claim of damage or liability against the [County], its officers, agents, and employees for injury or damage from such coastal hazards;
- (d) **Indemnification.** To indemnify and hold harmless the [County], its officers, agents, and employees with respect to the [County's] approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
- (e) **Property Owner Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner.

**XX. Coastal Hazards Response.** By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, that:

- (a) **Intent of CDP.** The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of the CDP for only as long as the approved development remains safe for occupancy and use without additional measures beyond ordinary repair and/or maintenance to protect it from coastal hazards. The intent is also to ensure that development is removed and the affected area restored under certain circumstances (including as further described and required in this condition), including that endangered development is required to be removed as described in this condition.
- (b) **Shoreline Protective Structures Prohibited.** Shoreline protective structures that protect the approved development (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.) shall be prohibited.
- (c) **Section 30235 and LCP Waiver.** Any rights to construct such shoreline protective structures, including rights that may exist under Public Resources Code Section 30235, the Santa Cruz County Local Coastal Program, or any other applicable law are waived.
- (d) **Reporting Requirement/Ten-foot Trigger.** In the event the blufftop edge recedes to within ten feet of residential development, but no government agency has yet ordered that the residence not be occupied, the Applicant shall retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation that addresses whether any portions of the residence and related development are threatened by coastal hazards. The report shall identify all those immediate or potential future ordinary repair and/or maintenance measures that could be applied to address the threat without shoreline protective structures, including but not limited to removal or relocation of threatened

development. The investigation shall be submitted to the Executive Director and appropriate local government officials for review and approval. If the approved geotechnical investigation concludes that the residence or any portion of the residence is unsafe for occupancy, the Applicant shall submit a Removal and Restoration Plan (see subsection (e) below).

**XX. Removal and Restoration.** If an appropriate government agency or the above-referenced approved geotechnical investigation determines that any portion of the approved development is not to be occupied or used due to any coastal hazards, and such safety concerns cannot be abated by ordinary repair and/or maintenance, the Applicant shall remove such development or portions of such development. Prior to removal, the Applicant shall submit two copies of a Removal and Restoration Plan to the [Planning] Director for review and approval. If the Director determines that an amendment to the CDP or a separate CDP is legally required, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Director approval, or County approval of the CDP or CDP amendment application, if necessary.

Please let me know if you have any question regarding the above comments.

Rainey Graeven  
Coastal Program Analyst, Central Coast District  
California Coastal Commission  
725 Front Street, Santa Cruz, CA 95060  
(831) 427-4863

## **Nathan MacBeth**

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**From:** Sunil Bhojwani <sunilb101@gmail.com>  
**Sent:** Wednesday, January 30, 2019 4:20 PM  
**To:** Nathan MacBeth; Wanda Williams

Dear Mr. MacBeth-

I live near the Rielly family at 22825 East Cliff Dr. and I respectfully request that you support their new construction project on Pleasure Point Dr. I understand that their project requires some exceptions to county building guidelines and also understand that their project is constrained by new FEMA regulations.

I hope that you will take into consideration that the existing home on the property would require the same setback exception that is being requested for the new home and that flood considerations necessitate some additional height allowances. The home looks like a two-story from the street and the fact that it is technically "three stories" should not be a factor, since it blends right in.

Overall, the new plans seem to be a good solution to meeting flood protection needs, yet still working with the homes on the street.

Thanks for your consideration,

Best,  
Sunil Bhojwani.

[sunilb101@gmail.com](mailto:sunilb101@gmail.com)  
**831 566 1116.**

## Nathan MacBeth

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**From:** Wanda Williams  
**Sent:** Wednesday, January 30, 2019 6:39 PM  
**To:** heidirielly@me.com  
**Cc:** billrielly@me.com; Cove Britton; Jocelyn Drake; Steven Guiney; Nathan MacBeth; Michael Lam  
**Subject:** Re: Hearing this Friday

Thank you. I will ensure that Jocelyn Drake or Steve Guiney, who will serve as Zoning Administrator have all written itens and that these materials are available for public review.

Sent from my Verizon 4G LTE Smartphone

----- Original message -----

**From:** Heidi Rielly  
**Date:** Wed, Jan 30, 2019 2:19 PM  
**To:** Wanda Williams;  
**Cc:** Bill;Cove Britton;  
**Subject:**Hearing this Friday

Hi Ms. Williams -

I am the homeowner at 2914 Pleasure Point Drive and we are scheduled for a hearing on Friday morning. We have a lot of neighborhood support for our project and I want to make sure you're aware of the emails that have been sent in to Nathan MacBeth, since he is out of the office thi\$ week and some of the emails are not in the packet posted on the ZA website.

I am compiling the emails I've been copied on below for your review.

Thanks so much for your time.

Sincerely,

Heidi Rielly

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Dear Mr. MacBeth,

My wife, Barbara, and I live next door to Bill and Heidi Reilly at 22 Rockview, and have owned our property for nearly twenty years. We wholeheartedly support our neighbors' plans for their new home, which represents a remarkable design success, given the constraints of the new FEMA regulations. The appearance of their new house, if approved, is consistent with the style of the neighborhood--- a fact often commented upon by those who enjoy walking along Pleasure Point Drive on their way to the beach at Rockview.

I'm sure that your office recognizes that the new permitting process may call for certain adjustments. The Reillys have made an impressive effort to come up with a plan which, while providing for a pleasant home meets the necessary safety requirements. They have been extremely cooperative and forthcoming in their relationships with us and are well-liked in the local community.

My wife and I support the Reilly's plans without reservation and are confident that their new home will be a valuable neighborhood asset. We hope that their plans meet with your approval.

Yours truly,

Dear Nathan -

We are Bill and Heidi Rielly's next-door neighbors, and we're writing to let you know that we fully support their planned home at 2914 Pleasure Point Dr. We think their home will be an attractive addition to the street and is a huge improvement over the structure that is currently on the property. Houses in Santa Cruz will need to adapt to the projected sea level rise, and we support doing so in a thoughtful way while still staying true to the neighborhood. The Rielly's plans strike this balance very nicely. What Bill and Heidi have been able to accomplish with the design is a pleasant surprise given the FEMA regulations they had to take into consideration. We are very happy with the way the house appears to be a two-story from the street despite it being built to meet the flood requirements. We really love the front porch and how it gives a friendly neighborhood feel.

We hope you will approve the Rielly's new home.

Thank you,

Margaret and Pete Perrone

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**From:** Geoff Flavell <[gflavell1@me.com](mailto:gflavell1@me.com)>  
**Subject:** New Residence at 2914 Pleasure Point Drive Proposal  
**Date:** 30 January 2019 at 1:50:33 PM GMT-8  
**To:** [Nathan.MacBeth@santacruzcounty.us](mailto:Nathan.MacBeth@santacruzcounty.us)

Dear Mr. MacBeth,

I understand the new residence proposed at 2914 Pleasure Point Drive will come before the Zoning Administrator for review this Friday, February 1, 2019.

I reside at 40 Rockview Drive which is just two homes from the proposed new residence. I am writing to let you know I have read the County's information on this proposal and I am in strong support for it.

I think this new residence proposal is very reasonable. This is especially true when you take into consideration the recent limitations and restrictions that FEMA remapping has placed on the properties in this area.

Having a house go up on stilts, perhaps the first since the new remapping in consideration of sea level rise is something the County should be vigorously encouraging and supporting. The County did so in the past with an example along East Cliff Drive near Moran Lagoon.

This new residence will clearly add to our neighborhood and will not detract in the least.

A new three story home is clearly NOT precedent setting for our neighborhood. On just the next street over at 22838 South Palisades Ave. is an approved three story home.

The height is of no issue. Any change to shadows cast, or views of sky are not significant. Furthermore, I really like how the top story of the house is pushed towards the ocean, so it is actually less imposing compared to the existing house, from a street perspective. I also noticed the exiting house does not have upper story setbacks on either side. I actually support not having these setbacks because the



proposal is of no absolutely change from what exists today.

This proposal is aesthetically pleasing and it will have a positive impact on our neighborhood. Many visitors and locals walk our neighbourhood each day and I always love overhearing as they compare and contrast the homes along Pleasure Point debating their favorite. This proposal provides a new viable option to be considered by our these folks. It is such a better option for our community compared to what exists there today.

Thank you for your consideration and the opportunity to comment.

Geoffrey and Limay Flavell  
40 Rockview Drive

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Hi Nathan,

My name is Frank Casanova and my wife Debbie and I own 3000 Pleasure Point Drive. I'm writing to you in support of Bill and Heidi Rielly's proposed construction project at 2914 Pleasure Point Drive.

We've seen the proposed plans as posted on their property and we've read through the Notice of Public Hearing and it's easy to see they're adding value to the Pleasure Point community. Their proposed home represents a significant improvement over the current structure and as property owners ourselves, we appreciate that.

While we can't make the Public Hearing itself, if we could, I'd voice my opinion as a "yes" in support of their new home.

If you have any questions about this, please feel free to contact me directly at this email address: [casanova@mac.com](mailto:casanova@mac.com).

Thank you,  
Frank and Debbie Casanova  
3000 Pleasure Point Drive  
Santa Cruz  
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Hello Nathan,

I live on Rockview Drive and am a neighbor of the Riellys. I am writing in support of their new home proposed for 2914 Pleasure Point Drive. I love the design and think it looks *significantly* better than the existing house.

It will look great in the neighborhood and I ask that you support its approval.

With gratitude,

Jen Jordan  
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Hello Mr. MacBeth,

We hope you will support the planned new home at 2914 Pleasure Point Drive. We live two houses over and are very happy with the way the design of the new home fits into the neighborhood.

We understand that the new FEMA regulations mean that changes to the way homes are built along the coast are necessary. The Rielly's plan is able to comply, yet still look great and work well with the other homes on the street.

We strongly support the approval of this project and we hope the County will support it as well. It will be a terrific addition to this beautiful street.

Sincerely,

Bob & Sue Matiasovich  
2940 Pleasure Point Drive

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Dear Nathan,

We live on Pleasure Point Dr. and support the plans Bill and Heidi Rielly have submitted for their home construction at 2914 Pleasure Point Drive. The Rielly family's proposed home is compatible with the neighborhood and will fit in nicely and will be a positive addition to the overall feel of Pleasure Point Drive. Bill and Heidi went through many permutations of potential plans so that they could have an attractive home while also meeting the requirements set forth by FEMA's flood elevation rules. We especially appreciate the care that was taken in designing the home to look attractive from all angles.

We urge you to approve the Rielly's new home. Approving their application is the fair thing to do, given all of the considerations and regulations. Their plan addresses the FEMA rules and ensures their home will be able to endure future changes to sea levels and weather systems. As a Pleasure Point Drive resident, we feel it to be a sensible plan that is a net positive addition to the neighborhood. We look forward to seeing their new home out of our front windows as it will be a nice upgrade to the neighborhood.

The Rielly's have our unequivocal support for their home re-build project and we urge you to please approve their submission with haste. Please feel free to reach out to Mary or me with any questions.

Regards,

Richard and Mary Gallivan

2965 Pleasure Point Drive  
Santa Cruz, CA 95062  
650-862-7311 mobile  
831-431-6242 home

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Dear Mr. MacBeth,

I am a resident of Rockview Drive and I strongly support the approval of the planned home at 2914 Pleasure Point Drive. It's a beautiful home that will be a value add to the street and the neighborhood. I know the Riellys had to factor in the new FEMA regulations and feel that the design does so in a very attractive way.

Please approve the Rielly's project as we are all looking forward to this beautiful home's improvement to the neighborhood.

Sincerely,

Kay Stout

From: David Cote <[dgcote@gmail.com](mailto:dgcote@gmail.com)>  
Subject: Approve 2914 Pleasure Point Dr  
Date: January 30, 2019 at 12:09:22 PM PST  
To: [Nathan.MacBeth@santacruzcounty.us](mailto:Nathan.MacBeth@santacruzcounty.us)  
Cc: [Wanda.williams@santacruzcounty.us](mailto:Wanda.williams@santacruzcounty.us) Dear Nathan,

Dear Nathan,

We frequently walk on Pleasure Point Drive and are fully in support of the planned project for the street. The design looks great and manages to look like a two-story while still meeting the FEMA guidelines. We view that as a win for a neighborhood.

The new FEMA rules mean new ways of thinking are required and we trust that the County will take a reasonable approach that helps its homeowners and assures that property values in the area are not negatively impacted. Approving this project is the right thing to do.

Sincerely,

Denise and Dave Côté  
4780 Opal Cliff Dr.

Dear Nathan,

We're writing to express our support for the proposed project at 2914 Pleasure Point Drive. We've owned a nearby property on 20th Avenue for the past seven years and feel that the proposed home will enhance our neighborhood.

As coastal homeowners ourselves, we understand that changing climate necessitates new ways of designing and building properties that protect our beautiful environment and the local community. We believe the Rielly's plans do just that and blend in nicely with the surrounding homes, which we think adds value to the overall community.

We enthusiastically support their plans and urge you to allow them to move forward.

All the best,

Bob and Patsy Zollars  
220 N. 20th Ave.  
Santa Cruz, CA.

(916) 717-0143

Dear Nathan,

I am a resident of East Cliff Drive in Pleasure Point (22826 East Cliff Dr.), and I strongly support the approval of the planned home on 2914 Pleasure Point Drive. The design is really nice and fits in so well to the Pleasure Point community. The Rielly's have gone through a lot of plans and concepts to arrive at a beautiful home that meets the new FEMA regulations.

Please approve the Rielly's project as it would be a big improvement to the neighborhood.

Sincerely,

-John Walsh

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**John F. Walsh - Accenture**  
Senior Managing Director, Lead North America  
Communications, High Tech, Media & Entertainment  
Office Lead San Francisco / San Jose, CA  
Mobile 973-886-1108  
[john.f.walsh@accenture.com](mailto:john.f.walsh@accenture.com)

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Dear Mr. MacBeth -

We reside in Pleasure Point and would like to voice our support for the new home project at 2914 Pleasure Point Dr.

The proposed home is great-looking and would be a nice change vs. the house that is currently on the property.

We feel it would be a nice improvement in the neighborhood and are in favor of the project's approval.

Kind Regards,

Amy and Rusty Hofmann  
131 34th Ave.  
Amy and The Boys

The Hofmann Party of Five

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Dear Mr. MacBeth,

We are frequent visitors to Pleasure Point and want you to know that we have seen and like the plans for the proposed home at 2914 Pleasure Point Dr. We love the style of the home and based on the photo-renderings, we think it'll look great with the surrounding homes.

We support the approval of this plan.

Kind Regards,

Bob and Jeanne Grimes  
9 Palma Ave.  
La Selva Beach

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**From:** [joniwords@aol.com](mailto:joniwords@aol.com)  
**Subject:** support for proposed project at 2914 Pleasure Point Drive  
**Date:** January 30, 2019 at 1:21:08 PM PST  
**To:** [Nathan.MacBeth@santacruzcounty.us](mailto:Nathan.MacBeth@santacruzcounty.us)  
**Cc:** [Wanda.williams@santacruzcounty.us](mailto:Wanda.williams@santacruzcounty.us)

Dear Mr. MacBeth,

As a surfer and a Santa Cruz County resident of nearly 30 years, I have spent a lot of time observing the evolution of homes in the coastal Pleasure Point area.

I am writing now in strong support of a proposed remodel project for one of those homes, which is overdue for positive attention: the home of Bill and Heidi Rielly at 2914 Pleasure Point Drive.

The Riellys, an outstanding family who have contributed to the Santa Cruz community through volunteer efforts they engaged in before even moving here, have done a superb job coming up with a design that meets current challenging FEMA regulations while creating an attractive appearance consistent with the feel and look of the best aspects of their neighborhood.

I understand that they have had to request some exceptions, but those seem minor given the constraints they have with meeting FEMA's new rules and given the fact that their design is so appealing and is justifiably similar to other homes in their area.

I have observed for years how that particular home, prior to their purchase, needed attention and upgrading, and I am so happy that it is being done by a family who cares so much about their community and their physical environment.

I wholeheartedly support the Rielly family's plans and urge you to as well. These are good people making an effort to do a good remodeling project that will benefit both property owners and visitors in their neighborhood by improving the appearance of their home and complying with new FEMA regulations.

Kind regards,

Joni Martin  
831/239-1690

cc: Wanda Williams

## Nathan MacBeth

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**From:** Steven Laub <steve.laub@comcast.net>  
**Sent:** Thursday, January 31, 2019 10:40 PM  
**To:** Nathan MacBeth  
**Subject:** New Proposed Residence - 2914 Pleasure Point Drive

Dear Mr. MacBeth,

I am writing with regards to a new residence that has been proposed at 2914 Pleasure Point Drive. I own the property at 2866 S. Palisades Avenue which is near the subject property. I have had the opportunity to review the Proposal and related information and strongly support the proposed project.

With the recent implementation of the FEMA floodplain rules and coastal mapping, property owners have significant limitations in their ability to build new homes that satisfy FEMA's height requirements while simultaneously being enjoyable to live in and compatible with existing homes in the neighborhood. The proposed home satisfies all those requirements and provides an excellent model for future construction in this area.

The overall height of the proposed new residence does not negatively impact the neighborhood and this new home compliments the surrounding homes in Pleasure Point. The design of the home is attractive from those viewing it from the street or the seaward side. Clearly, this proposed home will substantially enhance this area as compared to the existing house.

Sincerely,

Steven Laub  
2866 S Palisades Avenue



# **Project Plans**

**Application Number 181353**

**EXHIBIT 1D**

&	AND	H.B.	HOSE BIB
L, A	ANGLE	HDR.	HEADER
@	AT	HDWR.	HARDWARE
	DEGREE	HORIZ.	HORIZONTAL
A.B.	ANCHOR BOLT	HT., H.	HEIGHT
(A)	ABOVE	I.D.	INSIDE DIAMETER
A.C.I.	AMERICAN CONCRETE INSTITUTE	IN.	INCH(ES)
		INSUL.	INSULATION
ADJ.	ADJACENT	INT.	INTERIOR
A.F.F.	ABOVE FINISH FLOOR	JT.	JOINT
		K.P.	KING POST
A.I.S.C.	AMERICAN INSTITUTE OF STEEL CONSTRUCTION	L.	LENGTH
		LIN.	LINEAR
ALT.	ALTERNATE	MAX.	MAXIMUM
ALUM.	ALUMINUM	M.B.	MACHINE BOLT
APPROX.	APPROXIMATELY	MEMB.	MEMBRANE
ARCH.	ARCHITECTURAL	MFR.	MANUFACTURER
A.S.T.M.	AMERICAN SOCIETY OF TESTING MATERIALS	MIN.	MINIMUM
		MISC.	MISCELLANEOUS
(B)	BELOW	MTL.	METAL
BD.	BOARD	MW.	MICROWAVE
BLDG.	BUILDING	N.	NORTH
BLKG.	BLOCKING	(N)	NEW
BM.	BEAM	N.T.S.	NOT TO SCALE
B.N.	BOUNDARY NAILING	O/	OVER
B.O.	BOTTOM OF	O.C.	ON CENTER
BOT.	BOTTOM	O.D.	OUTSIDE DIAMETER
		O.H.	OPPOSITE HAND
BOTT.		OV.	OVEN
BTWN.	BETWEEN	N.I.C.	NOT IN CONTRACT
CAB.	CABINET	PL.	PLATE
C.B.	CEILING BEAM	PLYWD.	PLYWOOD
C.J.	CEILING JOIST	PKG.	PARKING
CLG.	CEILING	P.S.F.	POUNDS PER SQUARE FOOT
CLR.	CLEAR		
COL.	COLUMN	P.S.I.	POUNDS PER SQUARE INCH
CONC.	CONCRETE		
CONT.	CONTINUOUS	QTY.	QUANTITY
CTR.	CENTER	RAD.	RADIUS
CL	CENTERLINE	R.B.	ROOF BEAM
Db	BAR DIAMETER	RCP.	REFLECTED CEILING PLAN
DBL.	DOUBLE		
DEG.	DEGREE	RE:	REFERENCE
DEMO.	DEMOLISH	REF.	REFRIGERATOR
DET., DTL.	DETAIL	REINF.	REINFORCED
D.W.	DISHWASHER	REQ'D.	REQUIRED
DWG.	DRAWING	RM.	ROOM
DWN., DN.	DOWN	R.O.	ROUGH OPENING
		R.R.	ROOF RAFTER
(E)	EXISTING	SCHED.	SCHEDULE
EA.	EACH	SF.	SQUARE FOOT
E.N.	EDGE NAILING	SQ. FT.	
EL.	ELEVATION	SHTG.	SHEATHING
ELEV.		SHT.	SHEET
ENG.	ENGINEER	SIM.	SIMILAR
EQ.	EQUAL	SL.	SLOPED
EXT.	EXTERIOR	SPKL.	SPRINKLER
E.W.	EACH WAY	SQ.	SQUARE
F.B.	FLOOR BEAM	STAGG.	STAGGER
F.F.	FINISHED FLOOR	STD.	STANDARD
FIN.	FINISH(ED)	STL.	STEEL
F.J.	FLOOR JOIST	STR.	STRUCTURAL
FL.	FLUSH	STRUCT.	
FLR.	FLOOR	T&B	TOP & BOTTOM
F.N.	FIELD NAILING	T&G	TONGUE & GROOVE
FND.	FOUNDATION		
F.O.	FACE OF	THK.	THICK
FP.	FIREPLACE	T.O.	TOP OF
F.R.	FIRE RATED	T.P.	TOILET PAPER
FT.	FOOT OR FEET	TYP.	TYPICAL
FTG.	FOOTING	U.B.C.	UNIFORMED BUILDING CODE
FZR.	FREEZER	VERT.	VERTICAL
GA.	GAUGE	W.	WIDTH
GALV.	GALVANIZED	WD.	WOOD
G.B.	GRADE BEAM	WH.	WATER HEATER
GLB.	GLU-LAM BEAM		
GYP. BD.	GYPSUM WALL		
G.W.B.	BOARD		

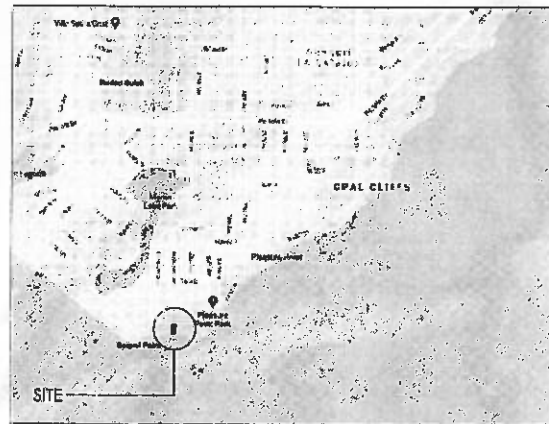
## ABBREVIATIONS

# RIELLY RESIDENCE

## NEW RESIDENCE

2914 PLEASURE POINT DRIVE  
SANTA CRUZ, CA 95062

EXHIBIT D  
PERMIT NO. 181353



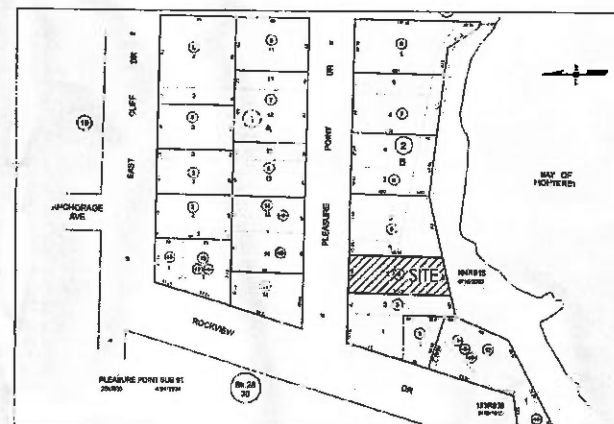
VICINITY MAP

THIS RESIDENTIAL CONSTRUCTION COMPLIES WITH TITLE 24 AND THE FOLLOWING CODES:  
2016 CALIFORNIA RESIDENTIAL CODE (CRC),  
2016 CALIFORNIA BUILDING CODE (CBC),  
2016 CALIFORNIA MECHANICAL CODE (CMC),  
2016 CALIFORNIA PLUMBING CODE (CPC),  
2016 CALIFORNIA ELECTRICAL CODE (CEC) AND THE  
2016 CALIFORNIA ENERGY CODE (CEC).

## CODE COMPLIANCE

- THESE PLANS SHALL COMPLY WITH 2016 CALIFORNIA BUILDING CODE AND 2016 CALIFORNIA FIRE CODE AND DISTRICT AMENDMENTS.
- OCCUPANCY R-3, TYPE V-B, FULLY SPRINKLERED.
- ADDRESS NUMBERS SHALL BE POSTED AND MAINTAINED AS SHOWN ON THE SITE PLAN. NUMBERS SHALL BE A MINIMUM OF 4 INCHES IN HEIGHT AND OF A COLOR CONTRASTING TO THEIR BACKGROUND.
- ROOF COVERING SHALL BE NO LESS THAN GLASS "B" RATED.
- ALL CHIMNEYS SHALL BE APPROVED WITH AN APPROVED SPARK ARRESTOR ON THE TOP OF THE CHIMNEY. WIRE MESH NOT TO EXCEED 1/2" IS ACCEPTABLE.
- THE JOB COPIES OF THE BUILDING PLANS AND PERMITS MUST REMAIN ON-SITE DURING INSPECTIONS.
- PUBLIC FIRE HYDRANT REQUIRED WITHIN 400 FT. OF ANY PORTION OF THE BUILDING WITH A MINIMUM 1500 GALLON FIRE FLOW. AVAILABLE FIRE HYDRANT APPROXIMATELY 400' FROM BUILDING.

## FIRE PROTECTION NOTES



PARCEL MAP

ARCHITECTS:	MATSON BRITTON ARCHITECTS 728 N. BRANCIORTE SANTA CRUZ, CA 95062 PHONE: 831-425-0544 FAX: 831-425-4795
ENGINEERING:	R.I. ENGINEERING, INC. 303 POTRERO STREET, STE. 42-202 SANTA CRUZ, CA 95060 PHONE: 831-425-3901 FAX: 831-425-1522
SURVEYING:	HANAGAN LAND SURVEYING, INC. 305-C SOQUEL AVE SANTA CRUZ, CA 95062 PHONE: 831-469-3428 FAX: 831-469-3400
GEOLOGIST:	ZINN GEOLOGY 2231 40TH AVENUE SANTA CRUZ, CA 95062 PHONE: (831) 334-4833
GEOTECHNICAL ENGINEER:	ELIZABETH MITCHELL 444 AIRPORT BLVD SU 106 WATSONVILLE, CA 95076 PHONE: (831) 722-9158

## CONSULTANTS

OWNER:	HEIDI AND BILL RIELLY 2914 PLEASURE POINT DRIVE SANTA CRUZ, CA 95062
A. P. N.:	032-232-04
ZONING:	R-1-5-PP
OCCUPANCY GROUP:	R-3 (PER 2016 CBC)
CONSTRUCTION TYPE:	V-B SPRINKLERED
PROJECT DESCRIPTION:	A NEW 3-STORY, 3 BEDROOM RESIDENCE WITH 3 BATHROOMS AND AN ATTACHED GARAGE.
UTILITY DISTRICTS:	CITY OF SANTA CRUZ WATER DISTRICT SANTA CRUZ COUNTY SANITATION DISTRICT

## PROJECT INFORMATION

P1	TITLE SHEET
P2	SITE PLAN
P3	FIRST FLOOR PLAN
P4	SECOND AND THIRD FLOOR PLAN
P5	ROOF PLAN
P6	EXTERIOR ELEVATIONS
P7	EXTERIOR ELEVATIONS
C-1	GRADING AND DRAINAGE PLAN
C-2	DETAILS
C-3	STORMWATER POLLUTION CONTROL PLAN
SU-1	SURVEY PLAN

## SHEET INDEX

LOT AREA:	
GROSS AREA:	4,942.6 SF
NET AREA (TO TOP OF BLUFF):	3391.3 SF
MAX LOT COVERAGE (40% OF NET LOT SIZE)	
3,391.3 SF x .40 =	1,356.52 SF
MAXIMUM FLOOR AREA RATIO (50% OF LOT SIZE):	
3,391.3 SF x .50 =	1,695.65 SF
GROSS AREAS:	
1ST FLOOR:	637.9 SF
(NON-HABITABLE, UNDER 7'-6" CEILING HEIGHT)	-637.9 SF
1ST FLOOR COVERED FRONT DECK:	91.2 SF
(LESS THAN 140 SF CREDIT)	-91.2 SF
2ND FLOOR:	939.3 SF
2ND FLOOR COVERED SIDE DECK:	47 SF
(LESS THAN 140 SF CREDIT)	-47 SF
3RD FLOOR:	704.3 SF
GARAGE:	225 SF
GARAGE CREDIT:	-225 SF
TOTAL:	1,643.6 SF
TOTAL FAR:	48%
LOT COVERAGE:	38%

3 PARKING SPACES PROVIDED, 1 COVERED

## PROJECT CALCULATIONS



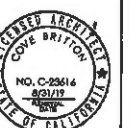
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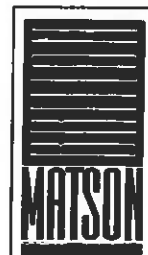
RIELLY RESIDENCE  
NEW RESIDENCE  
2914 PLEASURE POINT DRIVE  
SANTA CRUZ, CA 95062  
032-232-04

TITLE SHEET



DATE  
11/06/18  
DRAWN  
MA  
JOBB  
RIELLY  
SHEET

P1



728 W BRUNNEN DRIVE  
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CA 95062  
931-123-8844

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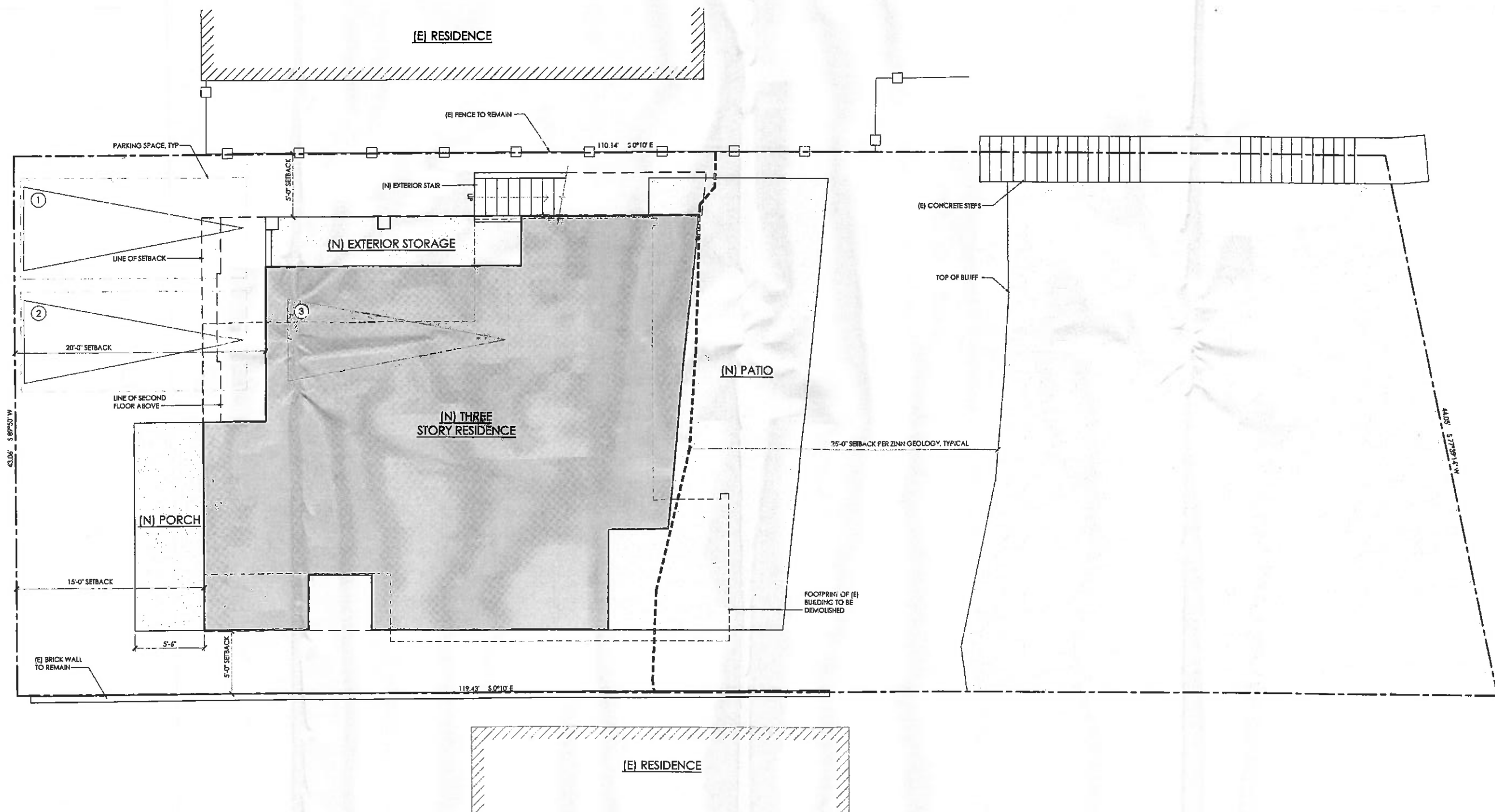
SITE PLAN



DATE  
11/06/18  
DRAWN  
MA  
JOB  
RIELLY  
SHEET

P2

SITE LEGEND			SITE PLAN NOTES	
	PROPERTY LINE		PROPOSED FIRST FLOOR	<ol style="list-style-type: none"><li>PROJECT REQUIRES MINIMAL GRADING.</li><li>UNNECESSARY GRADING AND DISTURBING OF THE SOIL SHALL BE AVOIDED.</li><li>ANY EXCESS MATERIAL SHALL BE DISPOSED OF OFF SITE OR STOCKPILED IN A MANNER TO AVOID RUNOFF ONTO ADJOINING PROPERTIES.</li><li>ANY MATERIAL STOCKPILED DURING CONSTRUCTION SHALL BE COVERED WITH PLASTIC.</li><li>NO CHANGE TO EXISTING WATER AND SEWER SERVICE LINES.</li><li>ALL EXISTING TREES, SITE WALLS, AND LANDSCAPE TO REMAIN.</li></ol>
	SETBACK LINE		CONCRETE PATIO	
	FOOTPRINT OF (E) BUILDING TO BE DEMOLISHED		REVEALMENT	
	(E) FENCE TO REMAIN			
	25'-0" BLUFTOP SETBACK PER ZINN GEOLOGY REPORT			



SITE PLAN  
SCALE: 1/4" = 1'-0"





720 N. BRANIFF DRIVE  
SANTA CRUZ  
CA 95062  
831-453-0344

#### NOTICE

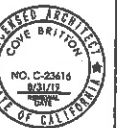
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AND NO OTHER DRAWINGS  
SHOULD BE USED FOR CONSTRUCTION

#### REVISIONS

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1	11/06/18	

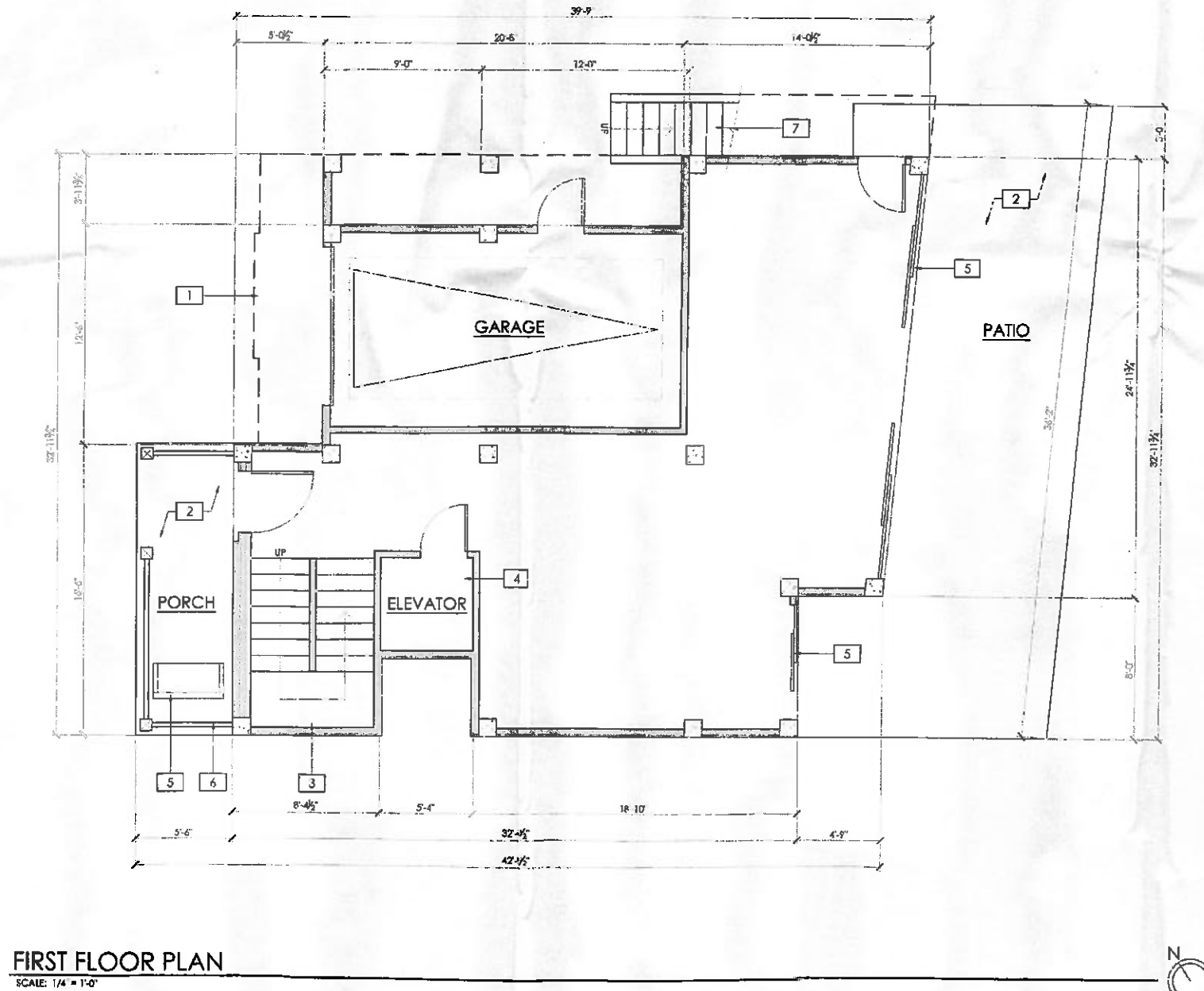
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NEW RESIDENCE  
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032-232-04

#### FIRST FLOOR PLAN



DATE
11/06/18
DRAWN
MA
JOBB
RIELLY
SHEET

P3



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

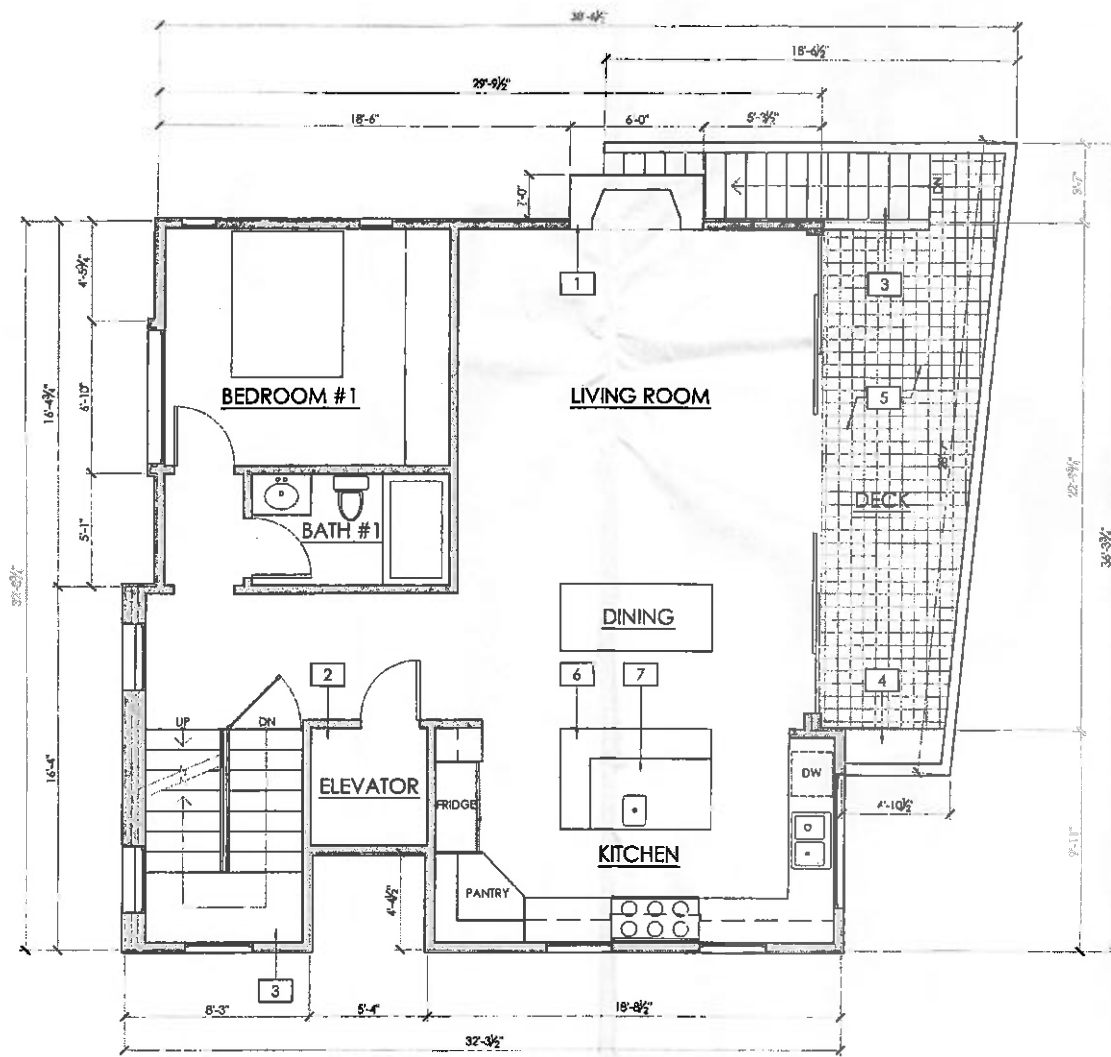
**PLAN KEYNOTES**

- 1 LINE OF FLOOR ABOVE
- 2 CONCRETE PATIO
- 3 STAIRS
- 4 ELEVATOR
- 5 7'-0" HIGH SLIDING GLASS DOOR
- 6 WOOD COLUMN AND 42" RAILING
- 7 EXTERIOR STAIRS TO SECOND FLOOR DECK

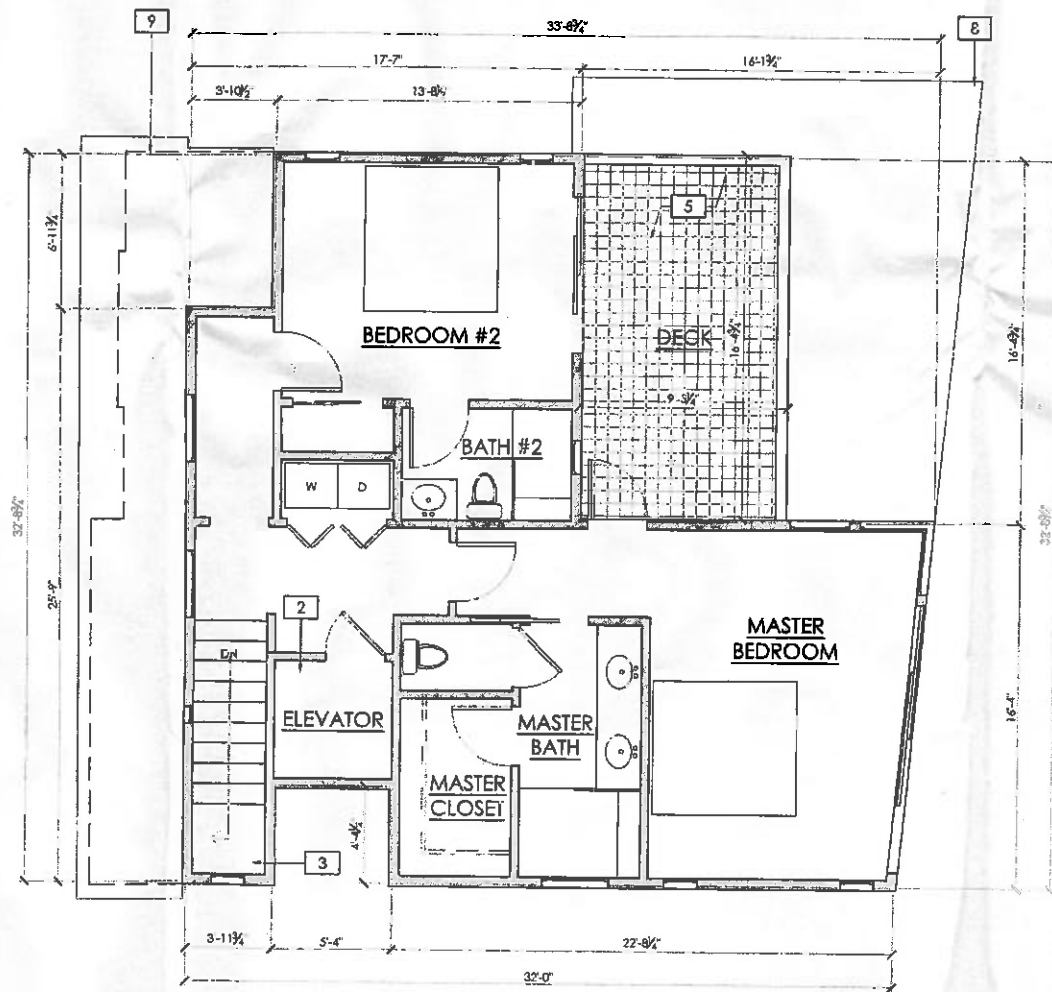
**WALL LEGEND**

- (N) 2x4 EXTERIOR WOOD STUD WALL
- (N) 2x4 INTERIOR WOOD STUD WALL
- (N) 2'-0" X 2'-0" CONCRETE COLUMN

\*ALL WALLS AT LOWER FLOOR TO BE OF NFP APPROVED BREAK-AWAY CONSTRUCTION EXCEPT STAIRS & ELEVATOR. PER FEMA GUIDELINES. PROVIDE P.T.D.F. WD STUDS AND MARINE GRADE FLYWOOD EXTERIOR SHEATHING @ ALL LOWER FLOOR WALLS. TYP. U.N.O. PROVIDE WATERTIGHT SEALANT @ ALL JOINTS BETWEEN SHEATHING AND CONC. COLUMNS TYP. U.N.O.



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



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

PLAN KEYNOTES	
1	(N) FIREPLACE
2	(N) ELEVATOR
3	(N) STAIRS
4	(E) BBQ ALCOVE
5	(N) TILED DECK
6	(N) 42" HIGH COUNTER
7	(N) 36" HIGH COUNTER
8	LINE OF SECOND FLOOR DECK BELOW
9	LINE OF WALL BELOW

WALL LEGEND	
	(N) 2x4 EXTERIOR WOOD STUD WALL *
	(N) 2x4 INTERIOR WOOD STUD WALL *



728 N BRANFLORE  
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NEW RESIDENCE  
2914 PLEASURE POINT DRIVE  
SANTA CRUZ, CA 95062  
032-232-04

SECOND AND THIRD  
FLOOR PLAN



DATE  
11/06/18  
DRAWN  
MA  
JOBB  
RIELLY  
SHEET

P4



728 N BRANCH/ROUTE  
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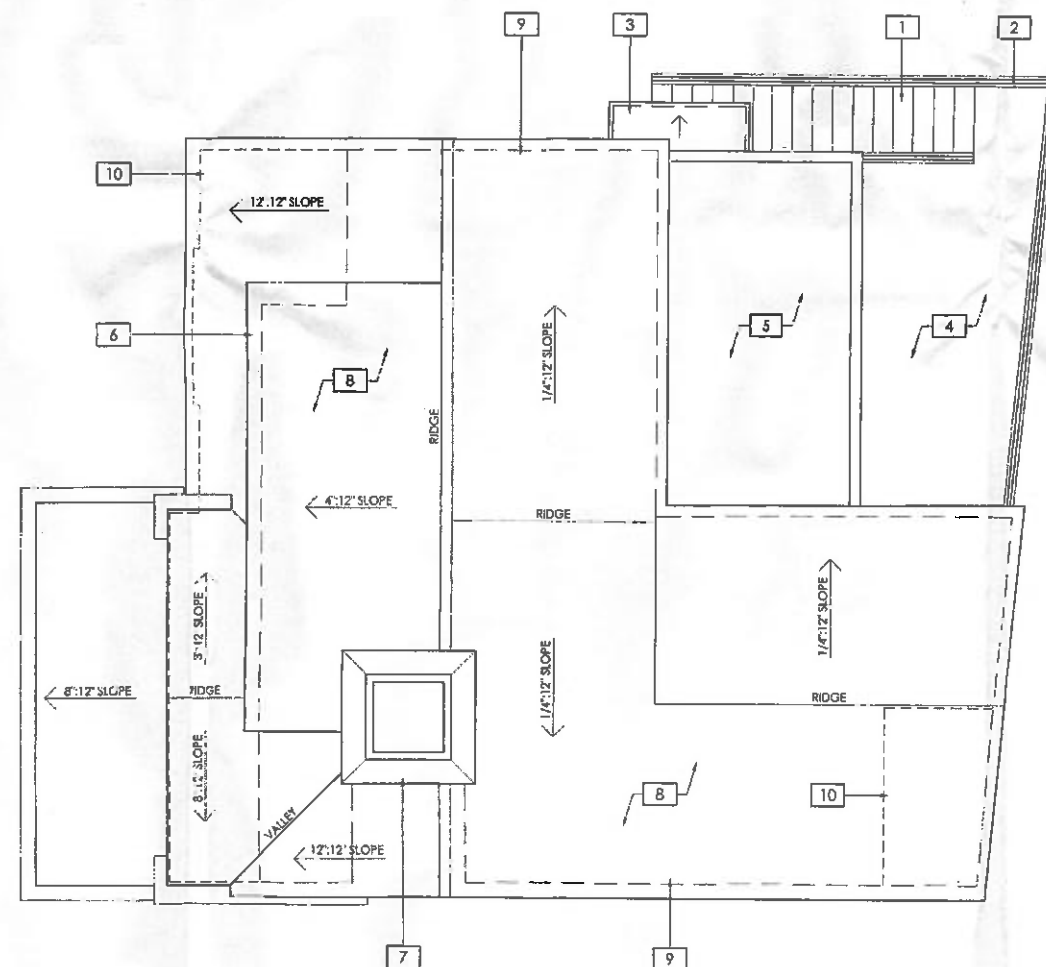
RIELLY RESIDENCE  
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2914 PLEASURE POINT DRIVE  
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032-232-04

ROOF PLAN



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11/06/18  
D R A W N  
MA  
J O B  
RIELLY  
S H E E T

P5



ROOF PLAN  
SCALE: 1/4" = 1'-0"

ROOF PLAN KEYNOTES	
1	EXTERIOR STAIR
2	PAINTED STEEL RAILING
3	FIREPLACE
4	FIRST FLOOR DECK BELOW
5	SECOND FLOOR DECK BELOW
6	DORMER
7	COPPER CHIMNEY CAP
8	COPPER STANDING SEAM ROOF, TYP
9	LINE OF SECOND FLOOR WALL BELOW, TYP
10	LINE OF FIRST FLOOR WALL BELOW, TYP

ROOF PLAN NOTES	
1.	INSTALL MINIMUM FIRE RATED CLASS A ROOFING PER 2016 C.B.C.
2.	ALL FLASHING, COUNTERFLASHING, AND COPING TO BE MINIMUM 26 GA. NON-CORROSIVE COPPER
3.	FLASH AND COUNTERFLASH AS REQUIRED
4.	INSTALL OGEE SHAPE COPPER GUTTERS - DOWNSPOUTS LOCATIONS & NUMBERS ARE SCHEMATIC. FINAL LOCATION AND NUMBERS TO BE VERIFIED BY ARCHITECT PRIOR TO PLACEMENT
5.	ALL ROOF DRAINAGE CARRIED VIA 6" P.V.C. CLOSED PIPE TO DISPENSAL BOX. SLOPE 2% MINIMUM WITH 2' GROUND COVER
6.	ARROWS POINT TO DOWNSLOPE





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



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

ELEVATION KEYNOTES	
1	BRICK - PAINT WHITE
2	COPPER CHIMNEY CAP
3	STAIRS
4	BOARD AND BATTEN - PAINT WHITE
5	HORIZONTAL LAP SIDING - PAINT WHITE
6	WINDOW WITH WOOD TRIM - PAINT WHITE
7	DOOR WITH WOOD TRIM - PAINT WHITE
8	COPPER STANDING SEAM ROOF
9	42" HIGH WOOD RAILING
10	42" HIGH PAINTED STEEL RAILING
11	WOOD COLUMN



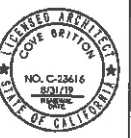
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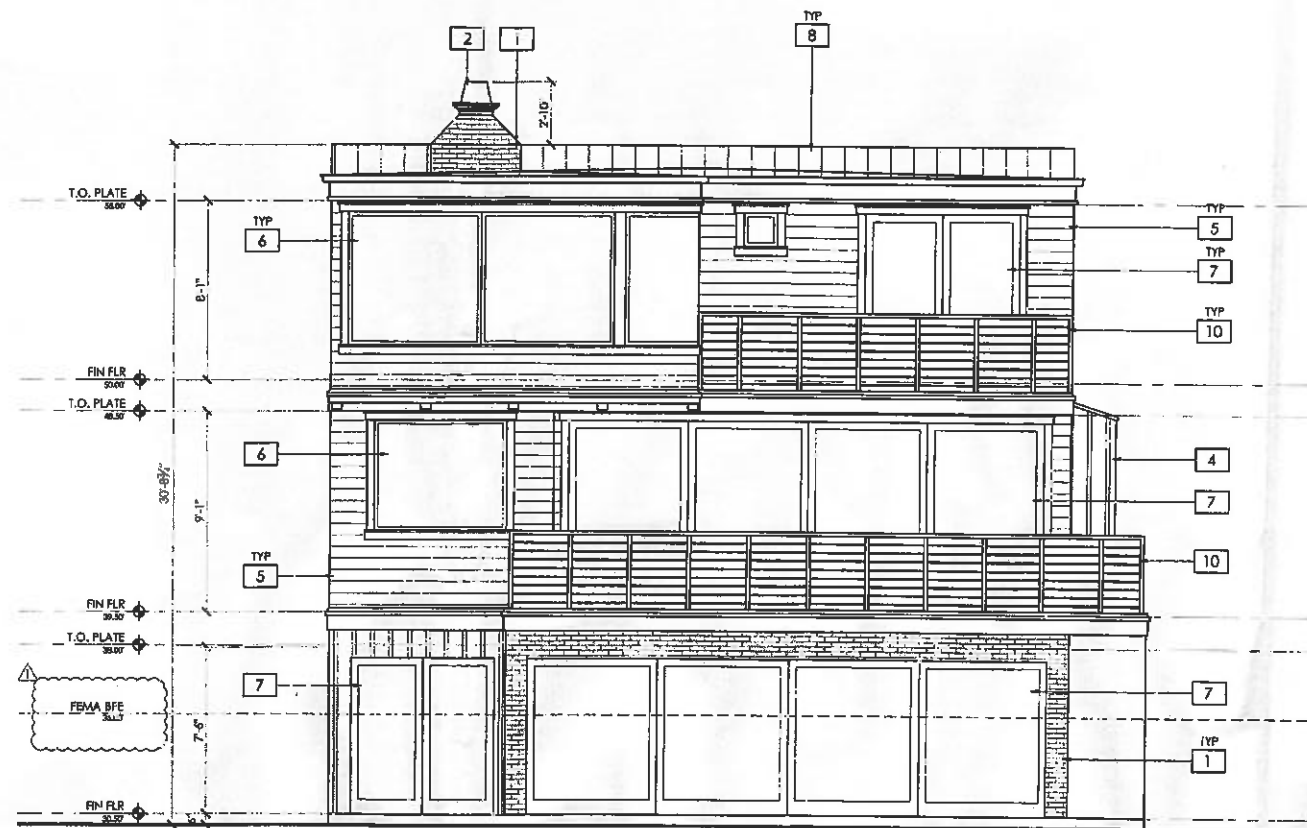
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NEW RESIDENCE  
2914 PLEASURE POINT DRIVE  
SANTA CRUZ, CA 95062  
032-232-04

EXTERIOR ELEVATIONS



D A T E	11/06/18
D R A W N	MA
J O B	RIELLY
S H E E T	

P6



**SOUTH ELEVATION**

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



**EAST ELEVATION**

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

ELEVATION KEYNOTES	
1	BRICK - PAINT WHITE
2	COPPER CHIMNEY CAP
3	STAIRS
4	BOARD AND BATTEN - PAINT WHITE
5	HORIZONTAL LAP SIDING - PAINT WHITE
6	WINDOW WITH WOOD TRIM - PAINT WHITE
7	DOOR WITH WOOD TRIM - PAINT WHITE
8	COPPER STANDING SEAM ROOF
9	42" HIGH WOOD RAILING
10	42" HIGH PAINTED STEEL RAILING
11	WOOD COLUMN



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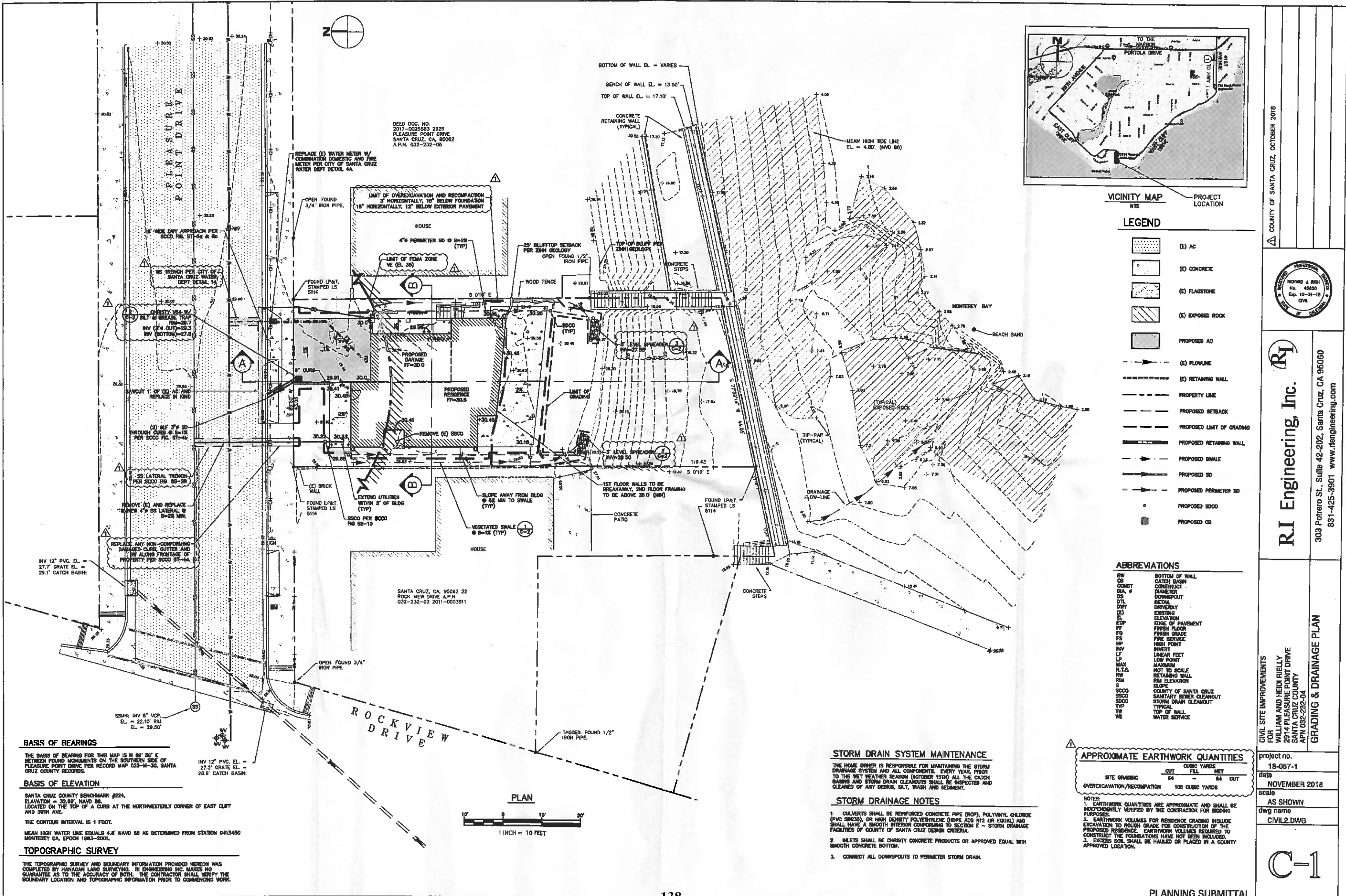
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NEW RESIDENCE  
2914 PLEASURE POINT DRIVE  
SANTA CRUZ, CA 95062  
032-232-04

**EXTERIOR ELEVATIONS**



DATE  
11/06/18  
DRAWN  
MA  
JOB  
RIELLY  
SHEET

**P7**



## GENERAL NOTES

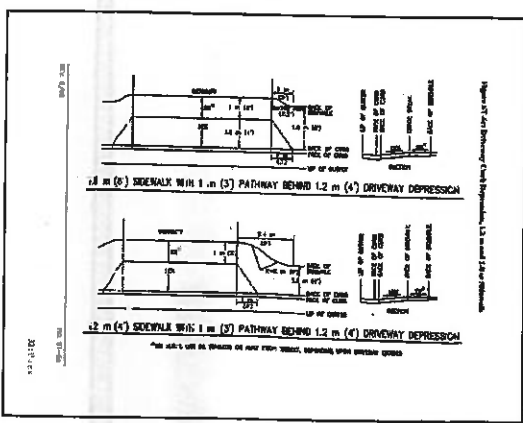
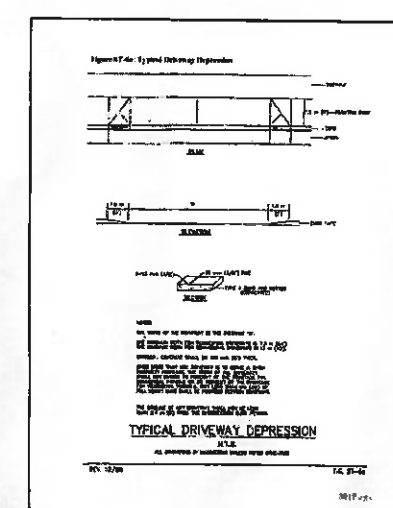
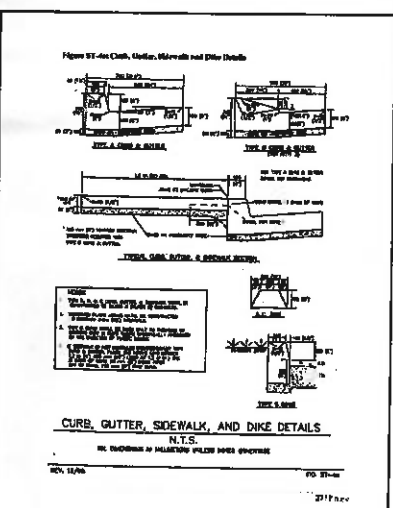
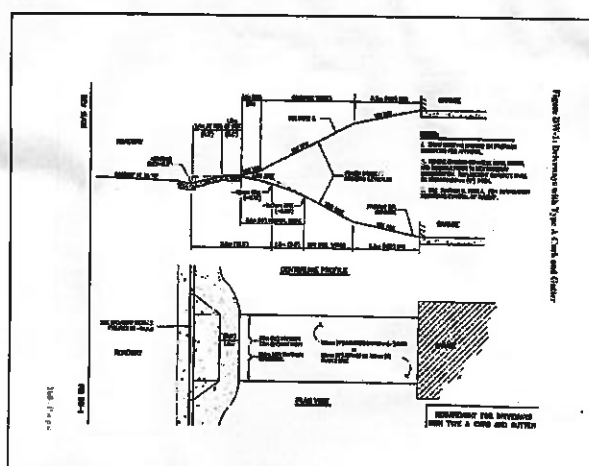
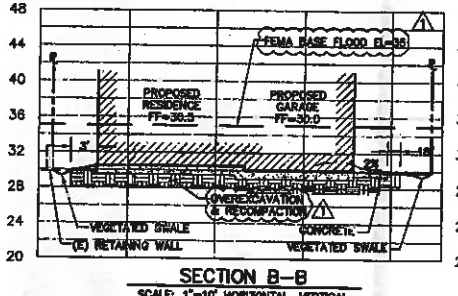
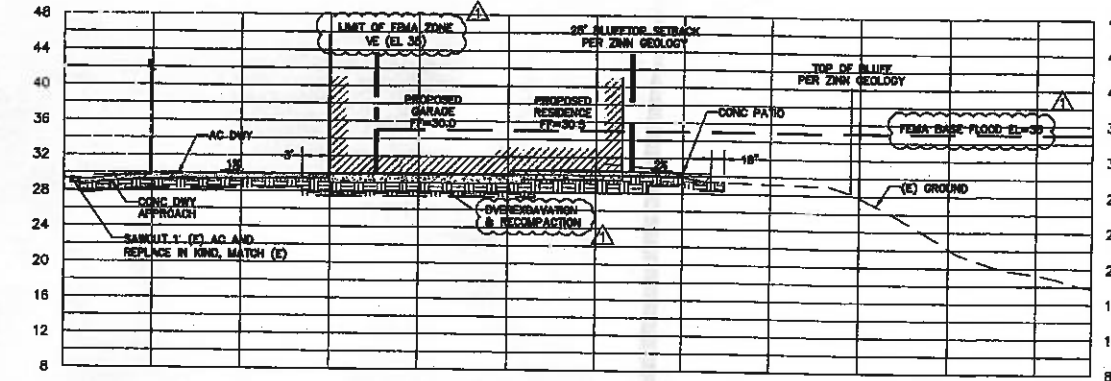
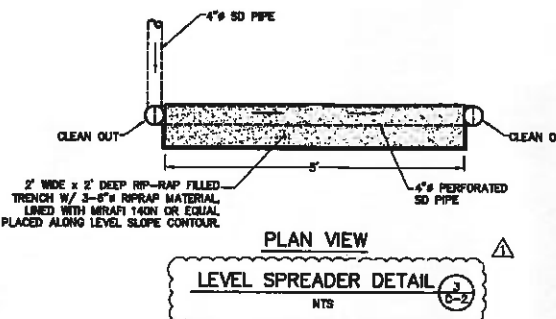
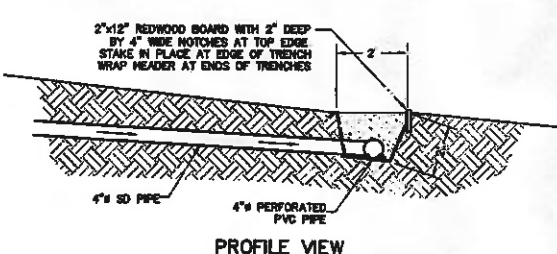
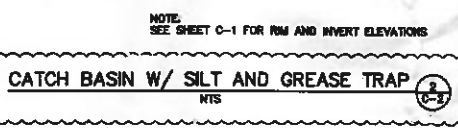
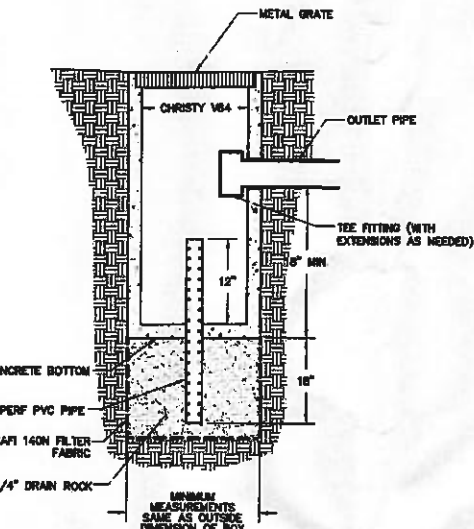
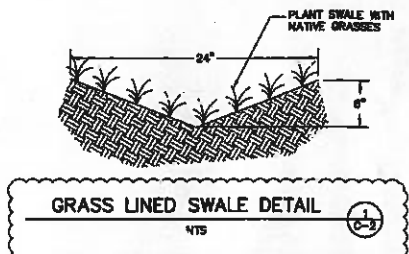
1. THE CONTRACTOR SHALL MAKE A DETAILED AND THOROUGH STUDY OF THESE PLANS IN THEIR ENTIRETY PRIOR TO ANY WORK ON THE JOBSITE. THE CONTRACTOR IS TO VERIFY ALL EXISTING CONSTRUCTION CONDITIONS AND IS TO COORDINATE THESE DRAWINGS WITH ALL OTHER TRADE DISCIPLINES FOR THE COMPLETED WORK. THE CONTRACTOR IS ALSO TO UNDERSTAND THAT ANY FEATURE OF CONSTRUCTION NOT FULLY SHOWN OR DETAILED SHALL BE OF THE SAME TYPE AS SHOWN FOR SIMILAR CONDITIONS.
2. THE CONTRACTOR SHALL IMMEDIATELY REPORT TO THE ENGINEER ANY DISCREPANCY OCCURRING ON THE DRAWINGS OR FOUND IN HIS COORDINATION WORK. NO CHANGES IN APPROVED PLANS SHALL BE MADE WITHOUT PRIOR WRITTEN APPROVAL OF THE PROJECT ENGINEER AND THE COUNTY OF SANTA CRUZ DEPARTMENT OF PUBLIC WORKS.
3. ANY REQUEST FOR ALTERATIONS OR SUBSTITUTIONS MUST BE PRESENTED DIRECTLY TO THE PROJECT ENGINEER, ACCOMPANIED BY A DETAILED SKETCH, FOR REVIEW BEFORE ANY APPROVAL WILL BE GIVEN AND BEFORE PROCEEDING WITH THE WORK. ABSOLUTELY NO ALTERATIONS OF THESE DOCUMENTS OF ANY KIND WILL BE APPROVED ON ANY SHOP DRAWINGS.
4. ALL CONSTRUCTION SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE STATE OF CALIFORNIA STANDARD SPECIFICATIONS (CALTRANS) LATEST EDITION, THE COUNTY OF SANTA CRUZ DESIGN CRITERIA AND ALL APPLICABLE CODES AND ORDINANCES.
5. THE LOCATIONS OF EXISTING UTILITIES AS SHOWN ON THE PLANS WERE OBTAINED FROM RECORD DRAWINGS AND MAY NOT REPRESENT TRUE LOCATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF THESE UTILITIES PRIOR TO CONSTRUCTION, AND TO NOTIFY THE PROJECT ENGINEER IN CASE OF CONFLICT.
6. THE CONTRACTOR SHALL SECURE ALL REQUIRED CONSTRUCTION PERMITS FROM THE COUNTY OF SANTA CRUZ PRIOR TO THE START OF WORK.
7. CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD PROJECT ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE PROJECT ENGINEER.
8. GRADING SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL INVESTIGATIONS AND THE REQUIREMENTS OF THE COUNTY OF SANTA CRUZ.
9. THE CONTRACTOR SHALL NOTIFY THE COUNTY GRADING INSPECTOR, GEOTECHNICAL ENGINEER, THE CIVIL ENGINEER, & THE COUNTY CONSTRUCTION ENGINEER AT LEAST 48 HOURS PRIOR TO THE START OF CONSTRUCTION.
10. WORK SHALL BE LIMITED TO 8:00 A.M. TO 5:00 P.M. WEEKDAYS. NON-NOISE PRODUCING ACTIVITIES, SUCH AS INTERIOR PAINTING, SHALL NOT BE SUBJECT TO THIS RESTRICTION.
11. ALL FIGURE (FIG.) REFERENCES, UNLESS OTHERWISE SPECIFIED, REFER TO STANDARD DRAWINGS IN THE CURRENT EDITION OF THE "COUNTY OF SANTA CRUZ DESIGN CRITERIA."
12. NO LAND CLEARING, GRADING OR EXCAVATING SHALL TAKE PLACE BETWEEN OCTOBER 15 AND APRIL 15 UNLESS THE PLANNING DIRECTOR APPROVES A SEPARATE WINTER EROSION CONTROL PLAN.
13. BETWEEN OCTOBER 15 AND APRIL 15, EXPOSED SOIL SHALL BE PROTECTED FROM EROSION AT ALL TIMES. DURING CONSTRUCTION SUCH PROTECTION MAY CONSIST OF MULCHING AND/OR PLANTING OF NATIVE VEGETATION OF ADEQUATE DENSITY. BEFORE COMPLETION OF THE PROJECT, ANY EXPOSED SOIL ON DISTURBED SLOPES SHALL BE PERMANENTLY PROTECTED FROM EROSION.
14. THE CONTRACTOR SHALL APPLY WATER TO ALL EXPOSED EARTH SURFACES AT INTERVALS SUFFICIENT TO PREVENT AIRBORNE DUST FROM LEAVING THE PROJECT SITE. ALL EXPOSED EARTH SHALL BE WATERED DOWN AT THE END OF THE WORK DAY.
15. WHILE IN TRANSIT TO AND FROM THE PROJECT SITE, ALL TRUCKS TRANSPORTING FILL SHALL BE EQUIPPED WITH TARPS.
16. PURSUANT TO SECTIONS 16.40.040 AND 16.42.100 OF THE COUNTY CODE, IF AT ANY TIME DURING SITE PREPARATION, EXCAVATION OR OTHER GROUND DISTURBANCE ASSOCIATED WITH THIS DEVELOPMENT, ANY ARTIFACT OR OTHER EVIDENCE OF AN HISTORIC ARCHEOLOGICAL RESOURCE OR A NATIVE AMERICAN CULTURAL SITE IS DISCOVERED, THE RESPONSIBLE PERSONS SHALL IMMEDIATELY CEASE AND DESIST FROM ALL FURTHER SITE EXCAVATION AND NOTIFY THE SHERIFF-CORNER IF THE DISCOVERY CONTAINS HUMAN REMAINS, OR THE PLANNING DIRECTOR IF THE DISCOVERY CONTAINS NO HUMAN REMAINS. THE PROCEDURES ESTABLISHED IN SECTIONS 16.40.010 AND 16.42.100, SHALL BE OBSERVED.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF CONSTRUCTION QUANTITIES PRIOR TO BEGINNING ANY ITEM. QUANTITY REFERENCES SHOWN ON THESE PLANS, OR ENGINEER'S ESTIMATES ARE FOR ESTIMATING PURPOSES ONLY AND SHALL NOT BE CONSIDERED AS A BASIS FOR CONTRACTOR PAYMENT. CONSULTANT SHALL NOT BE RESPONSIBLE FOR ANY FLUCTUATIONS IN SUCH QUANTITIES AND ESTIMATES.
18. THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO, OR USES OF, THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.
19. UNDERGROUND UTILITY LOCATIONS SHOWN ARE COMPILED FROM INFORMATION SUPPLIED BY UTILITY AGENCIES, AND ARE APPROXIMATE ONLY. CONTRACTOR SHALL VERIFY LOCATIONS OF AFFECTED UTILITY LINES PRIOR TO ANY TRENCHING OR EXCAVATING AND POTENTIALLY THOSE AREAS WHERE POTENTIAL CONFLICTS EXIST OR WHERE DATA IS OTHERWISE INCOMPLETE. FOR LOCATION, CALL USA 1-800-824-1444.
20. ANY EXISTING UTILITIES THAT ARE REQUIRED TO BE RELOCATED AS A PART OF THIS CONSTRUCTION SHALL BE RELOCATED AT THE OWNER'S EXPENSE.

## POST CONSTRUCTION STORM DRAIN SYSTEM MAINTENANCE SCHEDULE

ITEM	INTERVAL	INSPECTION	REPAIR
CATCH BASINS	ANNUAL	1. SEDIMENT BUILD UP 2. TRASH & DEBRIS	1. REMOVE SEDIMENT 2. REMOVE TRASH & DEBRIS
SWALES	ANNUAL	1. WASHOUTS 2. MISPLACED ROCK 3. ACCUMULATION OF TRASH & DEBRIS	1. REPLACE TRANSPORTED ROCK 2. REMOVE TRASH & DEBRIS
GRAVEL RETENTION PIT	ANNUAL	1. DISPLACEMENT OF GRAVEL 2. SCOUR AROUND PERIMETER 3. ACCUMULATION OF TRASH & DEBRIS	1. REPLACE GRAVEL 2. REPAIR DAMAGED SLOPES & FABRIC. 3. REMOVE TRASH & LOOSE DEBRIS

## EARTHWORK AND GRADING

1. WORK SHALL CONSIST OF ALL CLEARING, GRUBBING, STRIPPING, PREPARATION OF LAND TO BE FILLED, EXCAVATION, SPREADING, COMPACTION AND CONTROL OF FILL, AND ALL SUBSIDIARY WORK NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE LINES, GRADES, AND SLOPES, AS SHOWN ON THE APPROVED PLANS.
2. ALL GRADING OPERATIONS SHALL CONFORM TO SECTION 10 OF THE CALTRANS STANDARD SPECIFICATIONS, AND SHALL ALSO BE DONE IN CONFORMANCE WITH THE REQUIREMENTS OF THE COUNTY OF SANTA CRUZ. THE MOST STRINGENT GUIDELINE SHALL PREVAIL.
3. REFERENCE IS MADE TO THE GEOTECHNICAL INVESTIGATIONS BY PACIFIC CREST ENGINEERING, ENTITLED "GEOTECHNICAL INVESTIGATION FOR 2014 PLEASURE POINT DRIVE," DATED AUGUST 30, 2018. THE CONTRACTOR SHALL MAKE A THOROUGH REVIEW OF THIS REPORT AND SHALL FOLLOW ALL RECOMMENDATIONS THEREIN. THE CONTRACTOR SHALL CONTACT PACIFIC CREST ENGINEERING FOR ANY CLARIFICATIONS NECESSARY PRIOR TO PROCEEDING WITH THE WORK.
4. THE CONTRACTOR SHALL GRADE TO THE LINE AND ELEVATIONS SHOWN ON THE PLAN AND SHALL SECURE THE SERVICES OF A LICENSED LAND SURVEYOR OR REGISTERED CIVIL ENGINEER TO PROVIDE STAKES FOR LINE AND GRADE.
5. THE GEOTECHNICAL ENGINEER SHOULD BE NOTIFIED AT LEAST FOUR (4) DAYS PRIOR TO ANY SITE CLEARING AND GRADING OPERATIONS.
6. STRIPPED AREAS SHOULD BE SCANNED TO A DEPTH OF ABOUT 6", WATER-CONDITIONED TO BRING THE SOILS WATER CONTENT TO ABOUT 2-4% ABOVE THE OPTIMUM, AND COMPACTED TO A DENSITY EQUIVALENT TO 88-90% OF THE MAXIMUM DRY DENSITY OF THE SOIL ACCORDING TO ASTM D1557 (LATEST EDITION). SUBGRADES AND AGGREGATE BASE ROCK FOR PAVEMENTS SHOULD BE COMPACTED TO A MINIMUM OF 90%.
7. ENGINEERED FILL SHOULD BE PLACED IN THIN LIFTS NOT EXCEEDING 6" IN LOOSE THICKNESS, MOISTURE CONDITIONED, AND COMPACTED TO AT LEAST 90% RELATIVE COMPACTION.
8. MATERIAL USED FOR ENGINEERED FILL SHALL MEET THE REQUIREMENTS OF THE AFOREMENTIONED REPORTS BY PACIFIC CREST ENGINEERING.
9. IMPORTED FILL MATERIAL USED AS ENGINEERED FILL FOR THE PROJECT SHALL MEET THE REQUIREMENTS OF THE AFOREMENTIONED GEOTECHNICAL INVESTIGATION.
10. ALL FILL MATERIAL SHALL BE APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER PRIOR TO JOBSITE DELIVERY AND PLACEMENT. NO EARTHWORK OPERATIONS SHALL BE PERFORMED WITHOUT THE DIRECT OBSERVATION AND APPROVAL OF THE GEOTECHNICAL ENGINEER.
11. BARE GROUND WITHIN 10' OF FOUNDATIONS SHALL BE SLOPED AWAY @ 5% MINIMUM OR 2% MINIMUM FOR PAVED SURFACES.



COUNTY OF SANTA CRUZ, OCTOBER 2018



**RI Engineering, Inc.**

303 Potrero St., Suite 42-202, Santa Cruz, CA 95060  
831-425-3901 www.riengineering.com

CIVIL SITE IMPROVEMENTS  
FOR  
WILLIAM AND HEIDI RIELLY  
2014 PLEASURE POINT DRIVE  
SANTA CRUZ COUNTY  
APN 032-232-04

DETAILS

project no.  
18-057-1  
date  
NOVEMBER 2018  
scale  
AS SHOWN  
dwg name  
CIVIL2.DWG

C-2

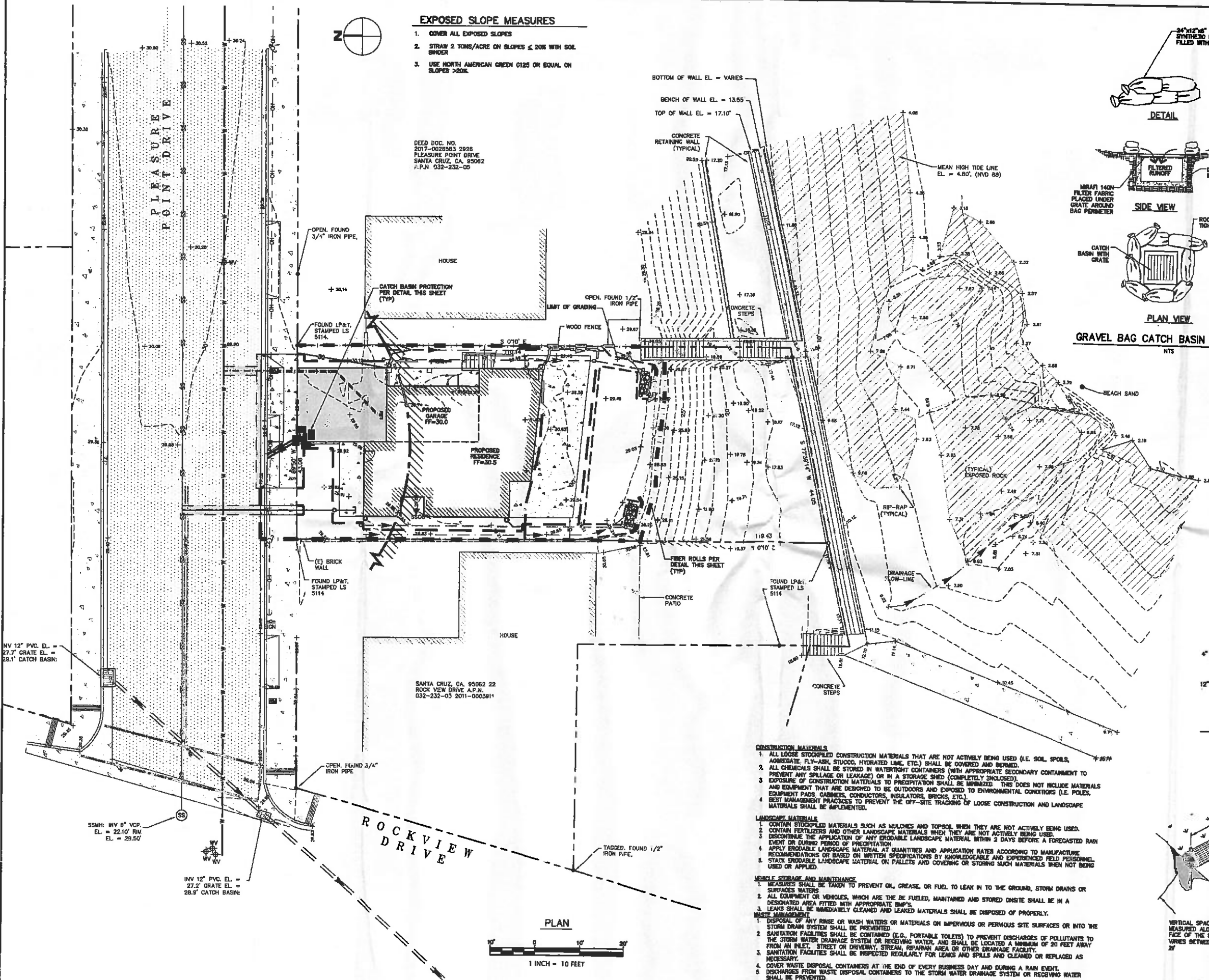


# EXPOSED SLOPE MEASURES

- COVER ALL EXPOSED SLOPES
- STRAW 2 TONS/ACRE ON SLOPES  $\leq 20\%$  WITH SOL BRIDER
- USE NORTH AMERICAN GREEN C125 OR EQUAL ON SLOPES  $>20\%$

DEED DOC. NO.  
2017-002883 2828  
PLEASURE POINT DRIVE  
SANTA CRUZ, CA 95062  
P.N. 532-232-05

SANTA CRUZ, CA 95062 22  
ROCK VIEW DRIVE A.P.N.  
032-232-03 2011-000381



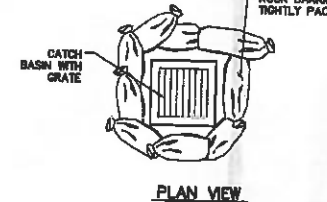
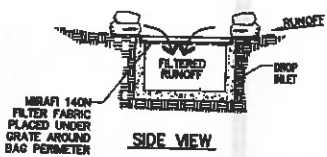
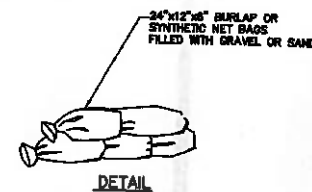
## EROSION CONTROL MEASURES

- EROSION IS TO BE CONTROLLED AT ALL TIMES ALTHOUGH SPECIFIC MEASURES SHOWN ARE TO BE IMPLEMENTED AT A MINIMUM BY OCTOBER 15.
- UNLESS SPECIFIC MEASURES ARE SHOWN OR NOTED ON THIS PLAN, ALL COLLECTED RUNOFF SHALL BE CHARGED TO DRAINAGE COURSES IN LINED CONDUITS. DISCHARGE SHALL BE IN THE LOCATIONS SHOWN ON THE PLANS.
- THE DESIRED END RESULT OF THESE MEASURES IS TO CONTROL SITE EROSION AND PREVENT SEDIMENT TRANSPORT OFF THE SITE. IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO SEE THAT ANY ADDITIONAL MEASURES NECESSARY TO MEET THIS GOAL ARE IMPLEMENTED. IF FAILED INSPECTIONS BY COUNTY STAFF SHOW THIS GOAL IS NOT BEING MET, ADDITIONAL MEASURES MAY BE REQUIRED.
- ALL DISTURBED AREAS NOT CURRENTLY BEING USED FOR CONSTRUCTION SHALL BE SEEDING WITH THE FOLLOWING SEED MIXTURE:  
WINTER BARLEY 25#/ACRE
- AFTER SEEDING, STRAW MULCH WILL BE APPLIED IN 4" (AVG.) LAYERS.
- AMMONIUM PHOSPHATE FERTILIZER, 6-3-3, SHALL BE APPLIED AT A RATE OF 30 LBS. PER ACRE ON SLOPES GREATER THAN 20% EROSION CONTROL BLANKET (NORTH AMERICAN GREEN) SHALL BE APPLIED.
- SILT BARRIERS SHALL BE PLACED END TO END AND STAKED DOWN ALONG THE BOTTOM OF ALL GRADED SLOPES.

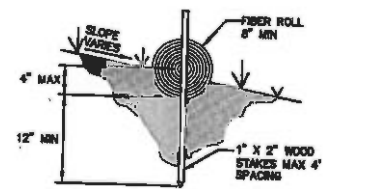
ALL EROSION CONTROL MEASURES INCLUDING BUT NOT LIMITED TO SILT FENCES, FIBER ROLLS AND SLOPE PROTECTION SHALL BE IN PLACE BY OCTOBER 15TH. THE ENGINEER OF RECORD SHALL INSPECT ONCE EROSION CONTROL MEASURES HAVE BEEN INSTALLED.

## EROSION CONTROL LEGEND

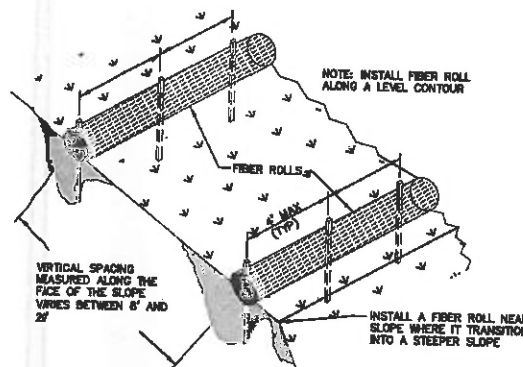
- INSTALL FIBER ROLL PER DETAILS THIS SHEET
- INSTALL CATCH BASIN PROTECTION PER DETAIL THIS SHEET
- PROPOSED SLOPE PROTECTION
- PROPOSED STOCKPILE AREA



GRAVEL BAG CATCH BASIN PROTECTION  
NTS



FIBER ROLL DETAIL IN SLOPE AREA  
NTS



TYPICAL FIBER ROLL INSTALLATION  
NTS

## CONSTRUCTION MATERIALS

- ALL LOOSE STOCKPILED CONSTRUCTION MATERIALS THAT ARE NOT ACTIVELY BEING USED (I.E. SOIL, SPOILS, AGGREGATE, FLY-ASH, STUCCO, HYDRATED LIME, ETC.) SHALL BE COVERED AND REMOVED.
- ALL CHEMICALS SHALL BE STORED IN WATER-TIGHT CONTAINERS (WITH APPROPRIATE SECONDARY CONTAINMENT TO PREVENT ANY SPILLAGE OR LEAKAGE) OR IN A STORAGE SHED (COMPLETELY ENCLOSED).
- EXPOSURE OF CONSTRUCTION MATERIALS TO PRECIPITATION SHALL BE MINIMIZED. THIS DOES NOT INCLUDE MATERIALS AND EQUIPMENT THAT ARE DESIGNED TO BE OUTDOORS AND EXPOSED TO ENVIRONMENTAL CONDITIONS (I.E. POLES, EQUIPMENT PADS, CABINETS, CONDUCTORS, INSULATORS, BRICKS, ETC.).
- BEST MANAGEMENT PRACTICES TO PREVENT THE OFF-SITE TRACKING OF LOOSE CONSTRUCTION AND LANDSCAPE MATERIALS SHALL BE IMPLEMENTED.

## LANDSCAPE MATERIALS

- CONTAIN STOCKPILED MATERIALS SUCH AS MULCHES AND TOPSOIL WHEN THEY ARE NOT ACTIVELY BEING USED.
- CONTAIN FERTILIZERS AND OTHER LANDSCAPE MATERIALS WHEN THEY ARE NOT ACTIVELY BEING USED.
- DISCONTINUE THE APPLICATION OF ANY ERODIBLE LANDSCAPE MATERIAL WITHIN 2 DAYS BEFORE A FORECASTED RAIN EVENT OR DURING PERIOD OF PRECIPITATION.
- APPLY ERODIBLE LANDSCAPE MATERIAL AT QUANTITIES AND APPLICATION RATES ACCORDING TO MANUFACTURER'S RECOMMENDATIONS OR BASED ON WRITTEN SPECIFICATIONS BY KNOWLEDGEABLE AND EXPERIENCED FIELD PERSONNEL.
- STACK ERODIBLE LANDSCAPE MATERIAL ON PALLETS AND COVERING OR STORING SUCH MATERIALS WHEN NOT BEING USED OR APPLIED.

## VEHICLE STORAGE AND MAINTENANCE

- MEASURES SHALL BE TAKEN TO PREVENT OIL, GREASE, OR FUEL TO LEAK IN TO THE GROUND, STORM DRAINS OR SURFACES WATERS.
- ALL EQUIPMENT OR VEHICLES, WHICH ARE THE BE FUELED, MAINTAINED AND STORED ON-SITE SHALL BE IN A DESIGNATED AREA FITTED WITH APPROPRIATE BMP'S.
- LEAKS SHALL BE IMMEDIATELY CLEANED AND LEAKED MATERIALS SHALL BE DISPOSED OF PROPERLY.

## WASTE MANAGEMENT

- DISPOSAL OF ANY RINSE OR WASH WATERS OR MATERIALS ON IMPERVIOUS OR PERVIOUS SITE SURFACES OR INTO THE STORM DRAIN SYSTEM SHALL BE PREVENTED.
- SANITATION FACILITIES SHALL BE CONTAINED (E.G. PORTABLE TOILETS) TO PREVENT DISCHARGES OF POLLUTANTS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER, AND SHALL BE LOCATED A MINIMUM OF 20 FEET AWAY FROM AN INLET, STREET OR DRIVEWAY, STREAM, RIPARIAN AREA OR OTHER DRAINAGE FACILITY.
- SANITATION FACILITIES SHALL BE INSPECTED REGULARLY FOR LEAKS AND SPILLS AND CLEANED OR REPLACED AS NECESSARY.
- COVER WASTE DISPOSAL CONTAINERS AT THE END OF EVERY BUSINESS DAY AND DURING A RAIN EVENT.
- DISCHARGES FROM WASTE DISPOSAL CONTAINERS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER SHALL BE PREVENTED.
- STOCKPILED WASTE MATERIAL SHALL BE CONTAINED AND SECURELY PROTECTED FROM WIND AND RAIN AT ALL TIMES UNLESS ACTIVELY BEING USED.
- PROCEDURES THAT EFFECTIVELY ADDRESS HAZARDOUS AND NON-HAZARDOUS SPILLS SHALL BE IMPLEMENTED.
- EQUIPMENT AND MATERIALS FOR CLEANUP OF SPILLS SHALL BE AVAILABLE ON-SITE AND THAT SPILLS AND LEAKS SHALL BE CLEANED UP IMMEDIATELY AND DISPOSED OF PROPERLY, AND
- CONCRETE WASHOUT AREAS THAT MAY CONTAIN ADDITIONAL POLLUTANTS SHALL BE CONTAINED SO THERE IS NO DISCHARGE INTO THE UNDERLYING SOIL AND ONTO THE SURROUNDING AREAS.



**RI Engineering, Inc.**  
303 Potrero St., Suite 42-202, Santa Cruz, CA 95060  
831-425-3901 www.risengineering.com

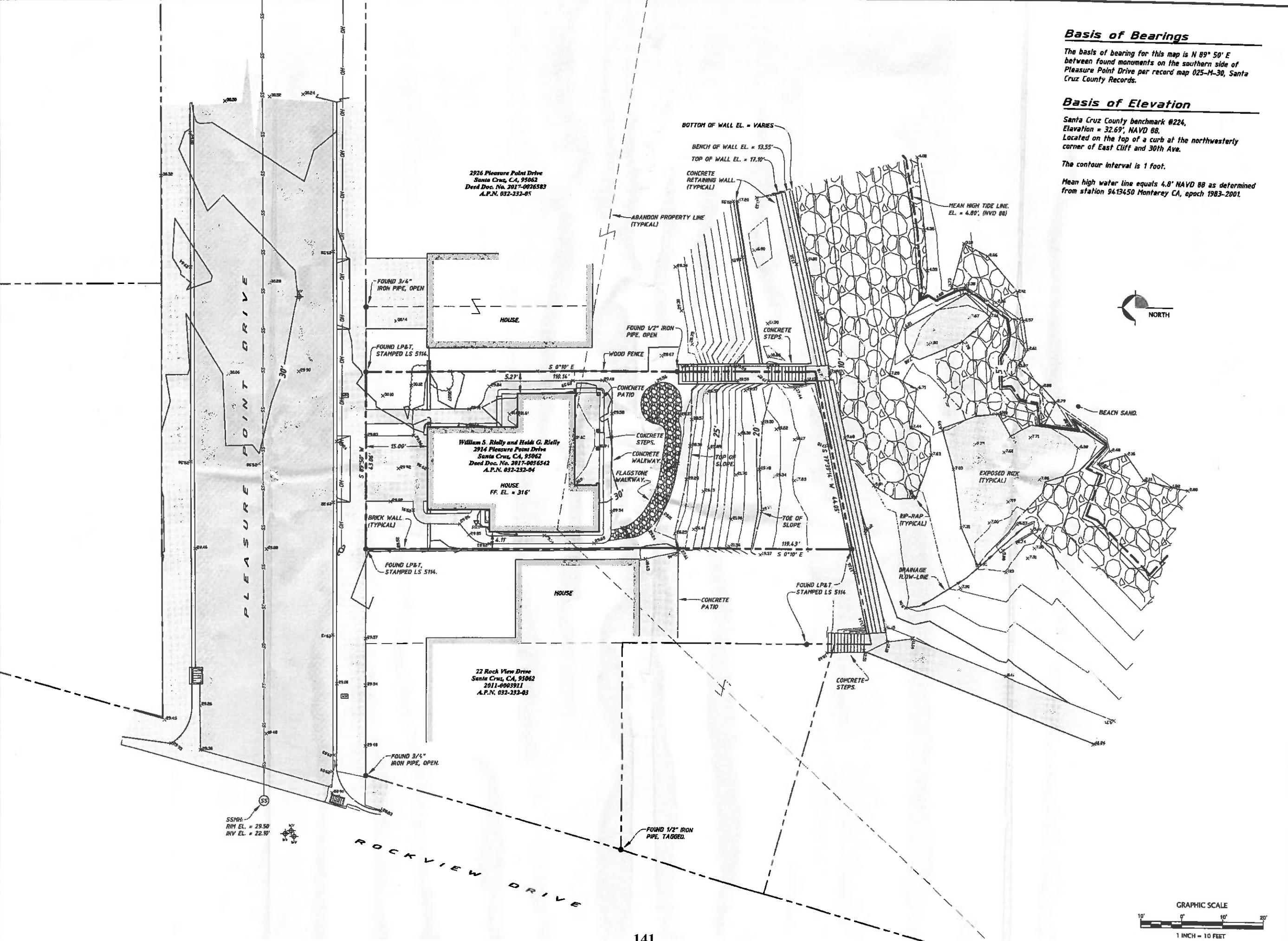
CIVIL SITE IMPROVEMENTS  
FOR  
WILLIAM AND HEIDI RIELLY  
2914 PLEASURE POINT DRIVE  
SANTA CRUZ COUNTY  
APN 032-232-04  
STORMWATER POLLUTION  
CONTROL PLAN

project no.  
18-057-1  
date  
NOVEMBER 2018  
scale  
AS SHOWN  
dwg name  
CIVIL2.DWG

C-3

William & Hiedi Rielly and Paul Hanagan are not responsible for the accuracy of the information provided in this map. The user of this map is advised to verify the information provided in this map with the appropriate authorities. The user of this map is advised to verify the information provided in this map with the appropriate authorities. The user of this map is advised to verify the information provided in this map with the appropriate authorities.

PROJECT: 2018-032-232-04 2914 Pleasure Point Drive, Santa Cruz, CA 95062  
DATE: 4/19/2018  
SCALE: 1" = 10'

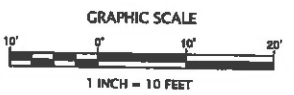


**Basis of Bearings**

The basis of bearing for this map is N 89° 50' E between found monuments on the southern side of Pleasure Point Drive per record map 025-M-30, Santa Cruz County Records.

**Basis of Elevation**

Santa Cruz County benchmark #224, Elevation = 32.69' NAVD 88. Located on the top of a curb at the northwesterly corner of East Cliff and 30th Ave. The contour interval is 1 foot. Mean high water line equals 4.8' NAVD 88 as determined from station 9413450 Monterey CA, epoch 1983-2001.



<b>PROFESSIONAL LAND SURVEYOR</b> PAUL J. HANAGAN No. 7797 Exp. 12-31-18 STATE OF CALIFORNIA	
REVISION	8-18-17 Mean high water line.
APPROVED Paul Hanagan LS 7797	
<b>HANAGAN LAND SURVEYING</b> 305-C ROQUEL AVE., SANTA CRUZ, CA 95062 PHONE 831-489-3428	
<b>Boundary &amp; Topographic Map, The Lands Of:</b> <b>William &amp; Hiedi Rielly</b> 2914 Pleasure Point Drive, Santa Cruz, Ca 95062	
A.P.N. 032-232-04	SHEET 1
DATE 4/19/2018	DESIGN
SCALE 1" = 10'	DRAWN J. Kaneg
OF 1 SHEETS	
18036	



# **Comments and Correspondence**

**Application Number 181353**

## **EXHIBIT 1E**

## Nathan MacBeth

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**From:** tom king <h2odog19@yahoo.com>  
**Sent:** Tuesday, March 26, 2019 2:33 PM  
**To:** Nathan MacBeth  
**Subject:** Application #181353 2914 Pleasure Point Dr. APN 032-232-04

Nathan Macbeth;

I wish to be on record for fully objecting to this project. I find it highly arrogant and disrespectful that the applicants are requesting not one, not two, not even three, but four exceptions for this project. The existing home is beautiful, well established, and very fitting with the neighborhood. That the applicants want so many exceptions to neighborhood conditions, indicates they bought the wrong place for their needs / desires and shows contempt to the whole concept of neighborhood design. Pleasure Point is a close knit community which strives to retain its unique identity. This proposed development violates every possible standard and each variance should be rejected.

- 1) Requesting a height variance; How absurd to request a height variance on an ocean front parcel! WOW! Arrogance at its best! On the contrary, an ocean front property should be as low profile as possible.
- 2) Reducing the side setbacks will cause encroachment on privacy of neighbors, block side views from both neighbors and pedestrians, give it the "McMansion"crowded look, and take away from the fit of the neighborhood.
- 3) Requesting a three story structure with a non habitable main floor is purely deplorable! How tacky would that look? No one needs three stories on an ocean front parcel.
- 4) Requesting to exceed floor space allotment fits in with the crowded "McMansion" look. Again, it appears the owners purchased the wrong property for their needs and or desires, and if the existing house is not what they desire, they should look elsewhere more fitting to their wants and / or needs.

In summary, I support the original decision to reject this project in its entirety. Please uphold the original decision. Should the applicants return with another design, it should not request any variances to Pleasure Point and county standards. If it does, any and all such variances should be rejected.

Thank you for your attention, Tom King

## Nathan MacBeth

---

**From:** Cove Britton <cove@matsonbritton.com>  
**Sent:** Wednesday, March 27, 2019 4:04 PM  
**To:** Nathan MacBeth  
**Subject:** Re: 2914 Pleasure Point Drive - 181353  
**Attachments:** reillycraiv.SC.pdf

...and please include my response (dated October 29th, 2018) to your comments of October 4, 2018 and attached Craik v. County of Santa Cruz

On Wed, Mar 27, 2019 at 3:39 PM Cove Britton <[cove@matsonbritton.com](mailto:cove@matsonbritton.com)> wrote:  
Hi Nathan-

Sorry for the late response, a bit distracted.

We received the notice today and will post. Also we will get those sets printed up for you.

Please include the audio transcript (attached) from the hearing in the packet for the Planning Commissioners.

We will have no additional comments/information to submit for the time being.

Regards-

On Tue, Mar 26, 2019 at 9:37 AM Nathan MacBeth <[Nathan.MacBeth@santacruzcounty.us](mailto:Nathan.MacBeth@santacruzcounty.us)> wrote:

Cove,

As you are aware, the appeal hearing for 2914 Pleasure Point Drive is scheduled to be heard by the Planning Commission on April 10.

I will be providing the Commissioners with scanned 11x17 plan sets. While this meets the minimum requirement, the quality is not great.

I would like to request that you provide 5 full-sized plan sets for the Commissioners.

Additionally, your appeal letter indicated that you were going to be submitting additional materials but I have not received them.

Please note that a staff report will be distributed to the Planning Commission shortly.

Materials submitted after the staff report has been distributed to the Commission will be treated as late correspondence.

Please let me know if you have any questions.

Thank you,

**Nathan MacBeth**

Development Review Planner

County of Santa Cruz Planning Department

--

Cove Britton

Matson Britton Architects

O. (831) 425-0544

--

Cove Britton

Matson Britton Architects

O. (831) 425-0544

# JUSTIA

## Craik v. County of Santa Cruz (2000)

[No. H020690. Sixth Dist. May 3, 2000.]

JIM CRAIK et al., Plaintiffs and Appellants, v. COUNTY OF SANTA CRUZ et al.,  
Defendants and Respondents; NORMA P. ODENWELLER et al., Real Parties in Interest  
and Respondents.

(Superior Court of Santa Cruz County, No. CV134743, Richard J. McAdams, Judge.)

(Opinion by Premo, Acting P. J., with Bamattre-Manoukian and Wunderlich, JJ.,  
concurring.)

### COUNSEL

Douglas E. Marshall; McCutchen, Doyle, Brown & Enersen, Geoffrey, L. Robinson and  
Marie A. Cooper for Plaintiffs and Appellants.

Dwight L. Herr, County Counsel, and Rahn Garcia, Assistant County Counsel, for  
Defendant and Respondent County of Santa Cruz.

Bill Lockyer, Attorney General, Richard M. Frank, Chief Assistant Attorney General, J.  
Matthew Rodriguez, Assistant Attorney General, and Joseph C. Rusconi, Deputy  
Attorney General, for Defendant and Respondent California Coastal Commission.

Bosso, Williams, Sachs, Atack & Gallagher, John M. Gallagher and Peter L. Sanford for  
Real Parties in Interest and Respondents. [81 Cal. App. 4th 882]

### OPINION

**PREMO, Acting P. J.-**

Plaintiffs Jim Craik and Judi Craik appeal from an adverse judgment on their petition

for writ of mandate. The petition challenged the approval of several variances and related building permits by defendant County of Santa Cruz. Real parties in interest Norma P. Odenweller and Robert W. Fleck, plaintiffs' next-door neighbors, had sought the [81 Cal. App. 4th 383] variances for the construction of a residence. Plaintiffs contend that defendant abused its discretion in certain respects. We disagree and affirm the judgment. fn. 1

#### Legal Background and Scope of Review

"A comprehensive zoning plan could affect owners of some parcels unfairly if no means were provided to permit flexibility. Accordingly, in an effort to achieve substantial parity and perhaps also in order to insulate zoning schemes from constitutional attack, our Legislature laid a foundation for the granting of variances. Enacted in 1965, section 65906 of the Government Code establishes criteria for these grants; it provides: 'Variances from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. [¶] Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.' [¶] Applicable to all zoning jurisdictions except chartered cities [citation], section 65906 may be supplemented by harmonious local legislation." (Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal. 3d 506, 511 [113 Cal. Rptr. 836, 522 P.2d 12], fns. omitted.)

We note that defendant has enacted a harmonious ordinance. Santa Cruz County Code section 13.10.230(c) requires three findings before a variance may be granted: "1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. [¶] 2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and [81 Cal. App. 4th 384] will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity. [¶] 3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is

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situated."

[1] A local government's grant of a variance is a quasi-judicial act subject to judicial review under Code of Civil Procedure section 1094.5. (Topanga Assn. for a Scenic Community v. County of Los Angeles, *supra*, 11 Cal.3d at p. 514.) "Section 1094.5 clearly contemplates that at minimum, the reviewing court must determine both whether substantial evidence supports the administrative agency's findings and whether the findings support the agency's decision. Subdivision (b) of section 1094.5 prescribes that when petitioned for a writ of mandamus, a court's inquiry should extend, among other issues, to whether 'there was any prejudicial abuse of discretion.' Subdivision (b) then defines 'abuse of discretion' to include instances in which the administrative order or decision 'is not supported by the findings, or the findings are not supported by the evidence.' (Italics added.) Subdivision (c) declares that 'in all ... cases' (italics added) other than those in which the reviewing court is authorized by law to judge the evidence independently, 'abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.' [Citation.]" (Id. at pp. 514-515, original italics, fn. omitted.)

In determining whether the findings are supported, "[w]e may not isolate only the evidence which supports the administrative finding and disregard other relevant evidence in the record. [Citations.] On the other hand, neither we nor the trial court may disregard or overturn the ... finding 'for the reason that it is considered that a contrary finding would have been equally or more reasonable.'" [Citations.]" (Northern Inyo Hosp. v. Fair Emp. Practice Com. (1974) 38 Cal. App. 3d 14, 24 [112 Cal. Rptr. 872].)

[2] In determining whether the decision is supported, we require the findings to "bridge the analytic gap between the raw evidence and ultimate decision or order." (Topanga Assn. for a Scenic Community v. County of Los Angeles, *supra*, 11 Cal.3d at p. 515.) The findings need not be stated with the precision required in judicial proceedings. (Id. at p. 517, fn. 16.) They may properly incorporate matters by reference and even omissions may sometimes be filled by such relevant references as are available in the record. (McMillan v. American Gen. Fin. Corp. (1976) 60 Cal. App. 3d 175, 183-184 [131 Cal. Rptr. 462].) "Thus, where reference to the administrative record informs the parties and reviewing courts of the theory upon which an agency [81 Cal. App. 4th 885] has arrived at its ultimate finding and decision it has long been recognized that the decision should be upheld if the agency 'in truth found those facts which as a matter of law are

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essential to sustain its ... [decision].' [Citations.]" (Id. at p. 184.)

"In making these determinations, the reviewing court must resolve reasonable doubts in favor of the administrative findings and decision." (Topanga Assn. for a Scenic Community v. County of Los Angeles, supra, 11 Cal.3d at p. 514.)

Topanga makes clear, however, "that despite the applicability of the substantial evidence rule and the deference due to the administrative findings and decision, judicial review of zoning variances must not be perfunctory or mechanically superficial." (Orinda Assn. v. Board of Supervisors (1986) 182 Cal. App. 3d 1145, 1161 [227 Cal. Rptr. 688].)

"Whereas the adoption of zoning regulations is a legislative function [citation], the granting of variances is a quasi-judicial, administrative one. [Citations.] If the judiciary were to review grants of variances superficially, administrative boards could subvert this intended decision-making structure. [Citation.] They could '[amend] ... the zoning code in the guise of a variance' [citation], and render meaningless, applicable state and local legislation prescribing variance requirements. [¶] Moreover, courts must meaningfully review grants of variances in order to protect the interests of those who hold rights in property nearby the parcel for which a variance is sought. A zoning scheme, after all, is similar in some respects to a contract; each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare. [Citations.] If the interest of these parties in preventing unjustified variance awards for neighboring land is not sufficiently protected, the consequence will be subversion of the critical reciprocity upon which zoning regulation rests." (Topanga Assn. for a Scenic Community v. County of Los Angeles, supra, 11 Cal.3d at pp. 517-518.)

We apply the above principles in the same manner as the trial court. (Orinda Assn. v. Board of Supervisors, supra, 182 Cal. App. 3d 1145, 1161.) Though the trial court's conclusions and disposition do not factor into our analysis, we acknowledge and appreciate the assistance of the trial court given via its detailed tentative decision.

#### Factual Background

Beach Drive in Aptos is immediately adjacent to Rio Del Mar Beach. Defendant's 1994 general plan regulates this area since it falls within [81 Cal. App. 4th 886]

defendant's "Urban Services Line." Relevant to the instant issues, the general plan generally prohibits three-story homes. The 400 block of Beach Drive is zoned R-1-8 (residential, 8,000-square-foot lots); the rest of Beach Drive (and some inland areas) is zoned R-1-6 (residential, 6,000-square-foot lots) or RB (residential beach). Zoning restrictions on Beach Drive generally include height limits, floor-area ratio, and lot line setbacks. Beach Drive is also within a wave-runup hazard zone for purposes of restrictions imposed by the Federal Emergency Management Agency (FEMA). FEMA generally prohibits livable space on ground level. This prohibition specifically amounts to a requirement that the lowest habitable level of a residence on Beach Drive must be 22 or 23 feet above mean sea level.

Most of Beach Drive is built out with residences of the same general size and design. Most of the residences were developed before the existing general plan, zoning ordinance, and FEMA regulations became effective. And most do not comply with current lot line setbacks. Some have been allowed variances for setbacks, height limits, and floor-area ratios. Nineteen of 61 homes are three stories.

In 1996, one family owned 415 and 413 Beach Drive. A residence was on 415, and a garage and parking area were on 413. In late 1996, plaintiffs purchased 415 and real parties in interest purchased 413. Soon thereafter, real parties submitted building plans to defendant. Defendant's zoning administrator approved the plans over plaintiffs' objections. Plaintiffs unsuccessfully appealed the decision to defendant's planning commission. Plaintiffs then appealed the commission's decision to defendant's board of supervisors. The board declined to hear the matter, but remanded to the commission to reconsider a variance pertaining to floor-area ratio. The commission reconsidered and approved the variance. Plaintiffs then appealed the decision to the board of supervisors. The board declined to hear the matter. Plaintiffs then instituted this action and the Coastal Commission proceeding. fn. 2

Defendant granted real parties interest six variances:

1. A variance to exceed the two-story limit, allowing three stories.
2. A variance to exceed a 28-foot height limit, allowing 32 feet.
3. A variance to reduce a 20-foot front yard setback, allowing 16 feet (and 8 feet for a second story deck).
4. A variance to exceed a 50 percent floor-area ratio, allowing 53 percent house-to-lot

coverage. [81 Cal. App. 4th 887]

5. A variance to allow a second story deck.

6. A variance to exceed a 50 percent limit on front yard space to be used for parking.

Defendant's findings were as follows:

"1. That Because of Special Circumstances Applicable to the Property, Including Size, Shape, Topography, Location, or Existing Surrounding Structures, the Strict Application of the Zoning Ordinance Deprives Such Property of Privileges Enjoyed by Other Property in the Vicinity and Under Identical Zoning Classification.

"Special circumstances applicable to this property to justify the granting of a variance to development regulations concerning the height, number of stories, parking on more than 50 percent of the front setback, a reduced front setback and an increased floor area ratio, include the shape of the parcel, the size of useable area on the parcel, the lack of developable area on the parcel, the topography of the parcel, the location of the parcel, and the size and configuration of other houses in the vicinity. A narrow 35 foot property width provides limited area for development as required 5 foot side setbacks leave a 25 foot wide building envelope.

"The project site is further constrained by existing topography. It is located below an eroding coastal bluff to the rear of the lot, and in a coastal wave run-up and/or flooding zone which requires elevation of any structure above 23 feet mean sea level at the front of the lot. The proposed structure would exceed the 28 foot height limit by four feet, exceed the two story height limit and exceed the 50 percent floor area ratio by about 3 percent, so that the first level would provide the necessary flood elevation required by the geologic report completed for the property and by General Plan policies 6.4.2 and 6.4.3, and by FEMA which regulate development in flood hazard areas. Without counting the non-habitable FEMA floor, the house would meet the floor area ratio requirement of 50 percent. Since this non-habitable floor has to be counted towards floor area ratio due to the County's definition of under floor area having to do with ceiling height, the floor area ratio variance is necessary.

"Due to the steep coastal bluff at the rear of the property, proposed to be retained by a 12 foot high engineered wall to deflect potential slides, the entire back yard is unsuitable for a deck/patio or recreational area, as this area is reserved for storage of landslide debris in the event of a slope failure [81 Cal. App. 4th 888] above the site which

would flow into the rear yard. Such a landslide could occur at any time due to seismic events as well as storm events. This rear yard is therefore unsuitable for a deck/patio or recreational area, and makes the deck areas at the front of the structure important as the only useable outdoor area available to the parcel. The house is situated as far forward on the lot as possible due to the amount of debris flow catchment area required. This creates the necessity for the front yard variance for the proposed encroachment into the 20 foot front setback of four feet for the house (a 16 foot distance from the house to the front property line). The proposed deck encroachment to within eight feet of the front property line provides needed open space area for the single-family dwelling.

"The vast majority of existing surrounding structures enjoy reduced front and/or side setbacks and the strict application of the zoning ordinance would prevent this property owner from utilizing this site to the same extent as other properties in the vicinity under identical R-1-8 zoning. The majority of properties in the vicinity were developed more than 50 years ago, predating both the zoning ordinance and FEMA regulations.

"Required on-site parking takes up more than 50 percent of the 35 foot wide front yard, but provides a total of three spaces on-site so that this property does not compete with coastal visitors for access to public on-street parking on Beach Drive. The proposed deck encroachment to within 8 feet of the front property line and 16 feet to the residence, provides needed open space area for the single-family dwelling.

"2. That the Granting of the Variance Will Be in Harmony With the General Intent and Purpose of Zoning Objectives and Will Not Be Materially Detrimental to Public Health, Safety, or Welfare or Injurious to Property or Improvements in the Vicinity.

"Compliance with mitigation measures required by technical studies accepted by the Planning Department [reference] will insure that the granting of a variance to construct the proposed single-family dwelling shall not be materially detrimental to the public health, safety or welfare or be injurious to property or improvements in the vicinity. The residence is required to be elevated above 23 feet mean sea level with no habitable features on the ground floor and constructed with breakaway walls and a collapsible garage door. No mechanical, electrical or plumbing equipment shall be installed below the base flood elevation. An engineered 12 foot high retaining wall is to be constructed behind the house to stabilize the base of the coastal bluff above the residence. The rear yard is to be free of obstructions so that there is nothing substantial to deflect slide debris onto adjacent properties. [81 Cal. App. 4th 889]

"3. That the Granting of Such Variances Shall Not Constitute a Grant of Special Privileges Inconsistent with the Limitations upon Other Properties in the Vicinity and Zone in Which Such Is Situated.

"The granting of a variance to reduce the front setback from the required 20 feet to about 16 feet to the dwelling and about 8 feet to the edge of the cantilevered second floor deck; to increase the maximum height from 28 feet to about 32 feet; to allow three stories; to allow parking to exceed a maximum of 50 percent of the required front yard, and to allow an increase in the floor area ratio from 50 percent to about 53 percent will not constitute a grant of special privilege to this parcel as similar variances have been granted in the R-1-8 zone district and immediate vicinity. The variance would provide a remedy for the proposed infill development of a single-family residence consistent with the existing surrounding development.

"The County has considered and approved similar variance requests with existing surrounding development. Reduced setbacks have been granted at APN's 043-105-03, -06, and -22 for example, under Applications #97-0387 (reduced side setback from 5 feet to 3 feet), #86-45-V (reduced 5 feet setbacks to 3 feet and zero feet), and #4780 (reduced front setback from 10 feet to 5 feet). A permit for a fence greater than 6 feet in the required side yard was also granted at APN 043-105-15 under Application #91-0608.

"A field survey and aerial photographs indicate that the majority of existing homes along Beach Drive have a front setback of ten feet or less, so that the proposed project being set back 16 feet to the proposed residence and 8 feet to the second level deck, would not constitute a grant of special privilege inconsistent with existing surrounding development. A field survey has shown that there are at least 19 other three-story homes on Beach Drive, so granting the variance is consistent with the privileges already enjoyed by surrounding development." (Underscoring in Original.)

#### Discussion

[3] Plaintiffs generally explain their abuse-of-discretion argument as follows: "The fundamental problem with the County's actions is its failure to act according to a development plan. State Planning and Zoning laws require the County to plan for anticipated development, and then to implement that plan with each and every project approval. They preclude the County from making ad hoc decisions, on a parcel-by-parcel basis, regarding appropriate development. [¶] ... [¶] The County's violation of this

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fundamental premise of the State Planning and Zoning laws took two forms: the County approved [81 Cal. App. 4th 890] variances from its Zoning Code when no justification for a variance was present, and it adopted a new exception to its General Plan when the Plan contains no such exception."

Plaintiffs specifically argue that variances can only be granted in the presence of "physical" disparities between the subject property and other properties in the zone. They urge that the record contains no evidence of any physical disparity. They continue that 413 Beach Drive is a narrow, 35-footwide lot, backing up against an eroding coastal bluff. They point out that these characteristics are common to all of the lots in the R-1-8 zone of the 400 block of Beach Drive. They urge that defendant's reliance on the FEMA and related county regulations is erroneous because, since all built-out properties are subject to the regulations upon a remodel or reconstruction, the regulations constitute a reason to rezone rather than a physical disparity justifying a variance. We disagree with this analysis.

First, there is no authority to support that a "physical" disparity is a precondition for a variance. Government Code section 65906 requires variances to be granted "because of special circumstances applicable to the property." (Italics added.) The Santa Cruz County Code adopts the same concept (special circumstances). And the leading case in this area interprets the concept as emphasizing only undefined "disparities between properties." (Topanga Assn. for a Scenic Community v. County of Los Angeles, *supra*, 11 Cal.3d at p. 520, italics in original.) Thus, defendant was not barred from considering the FEMA and related county regulations as special circumstances.

And second, though the FEMA and related county regulations may abstractly apply to everyone (contraindicating a disparity), in reality, the regulations only impact the land of real parties and a few other vacant parcels. Thus, defendant could reasonably accept that there is a disparity between properties. That the abstract impact of the regulations suggests a need to rezone does not negate that the practical impact is limited and could be considered disparate. The point here is that plaintiffs define disparity in one way and defendant defines disparity in another way. Neither construction is unreasonable. We therefore defer to defendant's construction. (Anderson v. San Francisco Rent Stabilization & Arbitration Bd. (1987) 192 Cal. App. 3d 1336, 1343 [237 Cal. Rptr. 894].)

Plaintiffs next specifically argue that one of the variances is inconsistent with the general plan to the extent that it allows a three-story home.

Defendant's general plan states: "Residential structures shall be limited to two stories in urban areas and on parcels smaller than one acre in the rural [81 Cal. App. 4th 891] areas except where explicitly stated in the Residential Site and Development Standards ordinance [RSDSO]."

The RSDSO states, in part: "Outside the Urban Services Line, the number of stories in a residential structure shall not be limited by the provisions of Section 13.10.323(b) [generally reaffirming the general plan's two-story limit]." (Santa Cruz County Code, § 13.10.323(e)4.)

Plaintiffs claim that the only explicit exception to the two-story limit in the RSDSO is for residential structures outside the Urban Services Line. Since real parties in interest's property is inside the Urban Services Line, plaintiffs reason that the variance allowing three stories is inconsistent with the general plan.

Again, plaintiffs argue for an interpretation of this statutory interplay in favor of their point of view and refuse to accept that defendant adopted a reasonable, contrary interpretation.

The RSDSO also states: "The [maximum-number-of-stories] standards shall apply within all residential 'R' zone districts, except as noted elsewhere in this Section and uses inconsistent therewith shall be prohibited absent a variance approval." (Santa Cruz County Code, § 13.10.323(b).)

Thus, the RSDSO can be construed as explicitly stating that the standards governing the maximum number of stories can be modified by a variance. Though plaintiffs characterize the variance-approval exception as generic rather than explicit, the argument simply constitutes a point of view. Another equally reasonable point of view is that the variance-approval exception is the specific exception to the general plan while the outside-Urban-Services-Line "exception" is, more accurately, an exemption from the burden of having to apply for a variance. Again, we defer to defendant's construction of its own ordinance. (*Anderson v. San Francisco Rent Stabilization & Arbitration Bd.*, supra, 192 Cal.App.3d at p. 1343.)

Plaintiffs finally argue that defendant's findings do not support the decision in the sense that the analytic path between the evidence and conclusions cannot be traced. They complain that the findings are scattered throughout the record, the number and character of the variances are uncertain, and there exists no explanation why the

setbacks are so large, all the stories have a reduced setback, the third story deck was needed, and 32 feet rather than 28 or 29 feet was needed. There is no merit to these claims.

We reiterate that findings need not be stated with judicial formality. Findings must simply expose the mode of analysis, not expose every minutia. (Topanga Assn. for a Scenic Community v. County of Los Angeles, supra, [81 Cal. App. 4th 892] 11 Cal.3d at p. 517, fn. 16.) Here, we have identified six clearly defined variances. And we have no trouble following defendant's analysis. The property in question is small and the backyard is unusable. Hence, the need for a forward-set building site and decks. The proposed structure cannot be occupied in the first 23 vertical feet. Hence, the need for four additional feet and an extra story.

#### Disposition

The judgment is affirmed.

Bamattre-Manoukian, J., and Wunderlich, J., concurred.

FN 1. Plaintiffs' petition also challenged certain findings made by defendant California Coastal Commission in a decision that declined to hear an appeal of defendant county's action. According to plaintiffs, they brought the appeal to ensure that they exhausted all administrative remedies and do not quarrel with defendant commission's discretionary decision against hearing the appeal; but they fear that, if they prevail against defendant county, the victory will be hollow because the findings made by defendant commission will have a res judicata effect. Since plaintiffs are not prevailing against defendant county, the contingency plaintiffs anticipated will not occur. We therefore do not address the arguments concerning defendant commission, which include at the threshold whether there (1) is a justiciable controversy given that plaintiffs challenge findings but not a decision, and (2) can be a res judicata effect of "findings" without a final decision on the merits.

FN 2. Plaintiffs later amended their petition to add the Coastal Commission as a defendant.

AUDIO TRANSCRIPTION  
COUNTY OF SANTA CRUZ  
ZONING ADMINISTRATIVE HEARING  
FEBRUARY 1, 2019

OWNER: WILLIAM AND HEIDI RIELLY

APN NUMBER: 032-232-04

SITE ADDRESS: 2914 PLEASURE POINT DRIVE

APPLICATION NUMBER: 181353

Transcribed by:

Diana Sasseen

CSR No. 13456

1 MS. DRAKE: My name is Jocelyn Drake. Hi. I  
2 am the deputy zoning administrator for the County of  
3 Santa Cruz.

4 And the time is approximately 9:05. Today's  
5 date is February 1st, 2019.

6 And we have two items on today's agenda.

7 The first item includes a request for variances  
8 and a site development permit to allow for a residential  
9 remodel at 655 Brookside Way in Felton. And the second  
10 item today consists of a request for a Coastal  
11 Development Permit, Design Review Variance, and Pleasure  
12 Point Design Criteria exception to allow for demolition  
13 of an existing residence and construction of a new  
14 residence at 2914 Pleasure Point Drive.

15 So for zoning administrator hearings, we just  
16 move through the agenda. And we typically begin with a  
17 presentation from staff followed by a presentation from  
18 the project applicant should they wish to make a  
19 presentation. And then we'll open the public hearing  
20 for public comment. We allow 3 minutes for each public  
21 comment. And then we'll close the hearing, and I'll  
22 attempt to render a decision.

23 So with that, I'll move on to the first item on  
24 the agenda today, which is Application 181087. The  
25 project consists of a proposal to raise and remodel is

1 existing non-conforming single-story dwelling. The  
2 project requires approval of variances to reduce the  
3 required front yard and side yard setbacks and a Site  
4 Development Permit to allow for structural modifications  
5 that exceed 65 percent. A CEQA determination is also  
6 required.

7 The property is located at 655 Brookside Way in  
8 Felton. The applicants and property owners are Larry  
9 Peterson and Kim Walker. And the project is located in  
10 the 5th supervisorial district.

11 The project planner is Lezanne Jeffs.

12 Good morning, Lezanne.

13 MS. JEFFS: Good morning.

14 MS. DRAKE: Do you want to make a brief  
15 presentation this morning?

16 MS. JEFFS: I would love to.

17 MS. DRAKE: Thanks.

18 MS. JEFFS: Brookside Way is a narrow  
19 residential street and it runs parallel with Gulch  
20 Creek, which is a tributary of the San Lorenzo River and  
21 flows in a southwest-to-northeast direction. The parcel  
22 is really steep. The existing house is located on the  
23 south side of -- southeast side of the road and it's got  
24 a really limited building area that is more gently  
25 sloping, and then it slopes down very steeply from the



1 street.

2 The house is about 5 to 6 feet below the level  
3 of the traveled roadway, and then it drops away another  
4 35 feet or so to the creek below. The area is heavy  
5 wooded and includes several large redwood trees. And  
6 they also limit the available building area.

7 And then in addition to that, the building area  
8 is further constrained by the existing septic system  
9 which is immediately northeast of the house. So the  
10 house as it is is on this very small area and has no  
11 available parking on the parcel, and the only parking is  
12 available in the right-of-way.

13 The house is non-conforming to the current site  
14 and development standards for the R1-15 zone district in  
15 that it's approximately 15 feet from the edge of the  
16 right-of-way for Brookside Way where we would require  
17 20 feet, and it's about 6 feet from the southwestern  
18 property boundary where we would require 10 feet.

19 The proposed project would add a 106 square  
20 foot addition at the rear of the home, and it would  
21 raise the dwelling about 5 feet above its current  
22 location to allow for the construction of a 917 square  
23 foot lower floor addition within the existing footprint.  
24 And in addition, there's a 116 square foot stairwell at  
25 the front of the house that would provide access to the

1 new lower floor, and a 368 square foot carport which  
2 would be constructed between the front of the house and  
3 the dwelling. There's an existing 434 square foot deck  
4 at the rear of the house that will be demolished as  
5 well.

6 Variances are required because the project has  
7 additions that will further encroach into the 20-foot  
8 front yard setback from Brookside Way, and also that  
9 would encroach into the 10-foot side yard setback at the  
10 west of the property line. And the Site Development  
11 Committee is required because the structural alterations  
12 to the building will exceed 65 percent.

13 The additions, as I mentioned, will be located  
14 mostly beneath the existing home. The addition at the  
15 rear will meet all of the required setbacks, but the  
16 small addition at the front of the dwelling, which is a  
17 new entry and stairs, are located in the front yard  
18 setback, and that requires a variance to reduce the  
19 setback to 9 feet.

20 The carport is actually allowed under County  
21 code because of the steep slopes. An open, enclosed  
22 carport can actually be constructed to within 5 feet of  
23 the edge of the right-of-way; that is what's proposed  
24 here. But in order to get the width of the carport, it  
25 does extend into the side yard setback, and that the

1 post is located 5 feet from the property line where  
2 technically a 10-foot setback would be required, but  
3 that is consistent with the existing home which has a  
4 6-foot setback to the wall.

5 So the approval -- because of the very  
6 constrained site, the approval of a variance for the  
7 additions is appropriate. And in addition to the slopes  
8 the septic system and the trees, it also should be noted  
9 that there's a 50-foot riparian corridor along Gold  
10 Gulch Creek that's right behind the property, so we  
11 couldn't extend further back without going into the  
12 riparian corridor.

13 Similarly, the proposed alteration of more than  
14 65 percent of the non-conforming structure is  
15 appropriate as it really does not materially change the  
16 overall character of the proposed dwelling and it's  
17 consistent with the findings for the variance.

18 So the project will actually result in  
19 provision of two on-site parking spaces. It's not  
20 required under code because the project won't result in  
21 intensification of the use and there's no additional  
22 bedrooms proposed, but the resulting project will have  
23 three available spaces for the house.

24 So in conclusion, as proposed in condition, the  
25 project's consistent with all the applicable codes and

1 policies of the zoning ordinance and General Plan, and  
2 staff therefore recommends that the zoning administrator  
3 determine that the proposal is exempt from further  
4 environmental review under the California Environmental  
5 Quality Act and approve Application Number 181087 based  
6 on the findings and conditions contained in the staff  
7 report.

8 Thank you.

9 MS. DRAKE: Thank you.

10 Is the applicant present today, and if so,  
11 would you like to make a presentation?

12 MR. WALKER: Okay. My name is Kim Walker and  
13 Larry Peterson, and we're just happy to get to  
14 (inaudible).

15 MS. DRAKE: All right. Thank you.

16 So I'll open the public hearing now.

17 Are there any members of the public present who  
18 would like to speak on this item today?

19 I'm not seeing any. All right. So I'll close  
20 the public hearing.

21 Thank you for that thorough staff report,  
22 Lezanne.

23 I went out to the project site. I reviewed the  
24 record. I did have a question about the front yard  
25 setback whether it was 9 or 8 feet, but you clarified

1 that in your presentation that it's 9 feet, because I  
2 think in one location in the staff report it said 8, and  
3 I just wanted to make sure that the findings reflected  
4 the correct number; and they do, 9 feet.

5 So with that, I want to acknowledge the  
6 applicant on designing a project that minimizes the  
7 exceptions, minimizes any exceptions to the County code  
8 by also coming up with a design that fits in with the  
9 neighborhood.

10 The project site is very constrained as Lezanne  
11 pointed out. You've got a steeply sloped site, you've  
12 got a septic system in the front yard area, you have an  
13 existing grove of redwood trees, and you also have the  
14 riparian setback in the rear of the property. So  
15 there's not a lot of room to work with there. And I  
16 think you did a commendable job in minimizing any  
17 variances that would be required to accomplish your goal  
18 of adding on to the house.

19 But a couple of variances are required; one for  
20 the front yard setback to reduce the setback from 20 to  
21 9 feet, and one for the side yard setback to facilitate  
22 construction of the carport from 10 to 5 feet. And I  
23 think that's reasonable and we can make the findings as  
24 reflected in the record and the staff report due to the  
25 constraints of the site. So I can make the findings for

1 the variances.

2 I did have -- I was a little concerned about  
3 tree protection in looking at the grading plan. It  
4 looks like you've got some -- the extent of the grading  
5 is right up to the trees, and it wasn't clear which  
6 trees you're proposing to retain and which ones will  
7 need to be removed. But it looks like your intent is to  
8 retain the trees to the extent possible because the  
9 grading line comes right up to the trees I noticed.

10 So there is a condition of approval that  
11 addresses this issue. I noticed from the environmental  
12 planning stuff that tree protection and tree fencing is  
13 required. And as long as you think that through a  
14 little bit and you come up with a tree protection plan  
15 that is feasible to retain the trees, if you designed  
16 around the trees, then you should take the time to  
17 develop the tree protection plan where you can actually  
18 retain the trees because I think they're a huge asset to  
19 the site, provide screening and ambiance.

20 So with that, I concur with the findings in the  
21 staff report, and I will move to approve Application  
22 181087 subject to the findings and conditions of  
23 approval therein. And I will further determine that the  
24 project is exempt from further environmental review  
25 under the California Environmental Quality Act. And so



1 the project is approved.

2 This decision can be appealed for 14 days to  
3 the Planning Commission by filing an appeal with the  
4 County's Planning Department. But after that, it should  
5 be final.

6 Okay. Thank you.

7 So the next item on the agenda -- I was waiting  
8 to see if those repair guys might come back, but I don't  
9 see them, so I'm going to go ahead and move on to the  
10 next item.

11 Second item on the agenda is Application Number  
12 181353. The project consists of a proposal to demolish  
13 an existing two-story 2,000 square foot single-family  
14 dwelling and construction of a three-story 1,644 square  
15 foot dwelling not including storage under the garage  
16 area or the underfloor.

17 The project applicant Matson Britton Architects  
18 is seeking Coastal Development Permit and variance  
19 approval as well as exception to the Pleasure Point  
20 Design Criteria -- as well as an exception to the  
21 Pleasure Point Design Criteria.

22 The project site is located at 2914 Pleasure  
23 Point Drive, and the property owners are William and  
24 Heidi Rielly. The project site is in the 1st  
25 supervisorial district, and the project planner is

1 Nathan MacBeth.

2 Good morning, Nathan.

3 MR. MacBETH: Good morning.

4 MS. DRAKE: Would you like to make a brief  
5 presentation this morning?

6 MR. MacBETH: Sure.

7 MS. DRAKE: Thank you.

8 MR. MacBETH: The subject property is just shy  
9 of 4,000 net square feet in size and zoned R-1-5 which  
10 is consistent with the General Plan designation of urban  
11 medium residential density, parcels within the Pleasure  
12 Point Community Design and Combining District.

13 The property is located on the south side of  
14 Pleasure Point Drive on a coastal bluff. The site  
15 contains an existing approximately 2,000 square foot  
16 single-family dwelling, two stories. The existing home  
17 sits on top of a coastal bluff, has an elevation of  
18 approximately 30 feet.

19 Flood mapping places the subject property  
20 within the FEMA VE flood zone with a base flood  
21 elevation of 35 feet, which means that during large  
22 storm events the home could be subject to wave  
23 inundation.

24 While not specifically designated as a scenic  
25 resource in the General Plan, the site's a highly

1 visible from a public viewshed, public beach access and  
2 beach at the rear of the home. The property's  
3 surrounded by existing two-story dwellings to the east  
4 and west, the properties immediately across the street  
5 contain two-story dwellings as well with a mix of  
6 architectural styles. Most of the remaining Pleasure  
7 Point Drive neighborhood contains two -- one- and  
8 two-story homes. Additionally, most of the dwellings,  
9 both immediately adjacent to the property, do not exceed  
10 the maximum height of 28 feet.

11 I've received public comment regarding the item  
12 both in support and in opposition. Both are with  
13 respect to compatibility with the neighborhood and the  
14 design compatibility.

15 The applicant, as you mentioned, is requesting  
16 a number of variances and exceptions to address the  
17 physical constraints of the parcel, the result of which  
18 results in a design that's inconsistent with several  
19 codes and policies including the zoning ordinance,  
20 General Plan, Local Coastal Program; specifically  
21 Coastal Development Permit findings cannot be made to  
22 support the project.

23 Therefore staff recommends a determination that  
24 the proposal is exempt under the California  
25 Environmental Quality Act, CEQA does not apply to

1 projects which the public agenda rejects or disapproves,  
2 and denial of Application 131 -- sorry -- 181353 based  
3 on the attached finding.

4 Happy to answer any questions.

5 MS. DRAKE: Thank you.

6 Let me make a quick note here.

7 Great. Is the applicant present today?

8 Yes, I see you.

9 Would you like to make a presentation?

10 MR. BRITTON: Yes.

11 MS. DRAKE: All right.

12 MR. BRITTON: I would also request time at the  
13 end for rebuttal (inaudible) --

14 MS. DRAKE: Okay.

15 MR. BRITTON: -- in opposition.

16 MS. DRAKE: Granted.

17 MR. MacBETH: If you wouldn't mind using the  
18 microphone, please, for the record.

19 MR. BRITTON: Cove Britton, Matson Britton  
20 Architects.

21 Microphone's not working anyway.

22 MS. DRAKE: Good morning.

23 MR. BRITTON: Is it now?

24 MS. DRAKE: Oh, yes.

25 MR. BRITTON: Do I need to repeat myself?

1 MS. DRAKE: No.

2 MR. BRITTON: Okay. Good.

3 The first thing I would like to note is that my  
4 letters raise a series of issues that are technical in  
5 nature, and my e-mail, Wednesday, January 30th, to Wanda  
6 Williams, she responded that staff would be reviewing  
7 the FEMA requirements regarding this project and the  
8 (inaudible) versus County of Santa Cruz.

9 Today I've had no direct responses to my  
10 questions and statements. My understanding is this  
11 process does require that staff respond to those type of  
12 things, not merely present a staff report; with all  
13 respect to Nate, that merely presenting staff's point of  
14 view without presenting the applicant's point of view is  
15 inappropriate.

16 That said, going directly to our process, okay,  
17 the existing homes in the FEMA flood plain, that's just  
18 the way it is; it's recent, there's rules you have to  
19 comply to. The County of Santa Cruz even recently sent  
20 a letter out recommending people raise their homes above  
21 the BFE.

22 So I'm being told on one hand to raise the home  
23 up and on the other hand that it's not allowed. This  
24 goes in direct contradiction to what the Planning  
25 Director Kathy Previsich said in public to a large group

1 of people, that the County would be granting variances  
2 for this type of situation.

3 There's reasons for that. Variances for height  
4 and stories and square footage are considered axiomatic  
5 for a project in the FEMA flood plain. If the County  
6 proceeds with denying these type of applications, they  
7 put at risk the whole community from being able to gain  
8 flood insurance.

9 It's stated specifically -- my e-mail states  
10 it, you've got it; so I'm not going to go over the  
11 various codes. But it does state specifically, and it's  
12 repeatedly stated, the safety of all residents takes  
13 precedence over neighborhood aesthetics.

14 Staff has presented nothing other than  
15 aesthetic preferences, and not necessarily those of the  
16 neighbors, but of staff's and some other people. Again,  
17 that's not a basis for denying a house a variance when  
18 it's raising above the coastal flood elevation.

19 (Inaudible) versus County is a great example of  
20 that. It's actually where the County had a much more  
21 public viewshed than this one. I've worked on five  
22 projects right on this side of the street, and at no  
23 time have I had another staff report try to claim this  
24 is a highly public viewshed. But we're going to ignore  
25 that for the moment.



1           The (inaudible) versus County of Santa Cruz  
2     made the findings the County can make these findings.  
3     It's not questionable. It's a can, and has done so as  
4     virtually every community in the country that has homes  
5     subject to flooding.

6           So to backtrack to our situation, the clients  
7     tried to initially remodel their existing home. They  
8     would love to do so. Again, you could give us a  
9     variance from FEMA, and we'd do it. Unfortunately, FEMA  
10    says you can't do it for aesthetic reasons. There's no  
11    basis for a variance from FEMA per FEMA. So they're  
12    left with a situation they have to raise their home,  
13    okay?

14           Well, they have the right to raise the existing  
15    home. You would have to give us a variance. It's a  
16    known public safety hazard. The County would  
17    potentially lose its ability to insure through the  
18    National Flood Insurance Program if you didn't.

19           So that existing house is side to side two  
20    stories. No matter what, by every definition, that it  
21    would go up, and it would have a lower floor. FEMA  
22    doesn't consider that a floor. Building doesn't  
23    consider that a floor. County does. Fine.

24           Now there's conflicts in codes all over the  
25    place, but that still goes back to we have the right to

1 take that existing house and raise it up. It would be  
2 taller and closer to the bluff than what we propose.  
3 Also, it would be profoundly weird looking. So we took  
4 the direction of going, okay, let's raise this home up  
5 and try to make it look as normal as possible, that it  
6 wasn't just up on stilts, and to try to do massing that  
7 minimized the impact to the neighborhood. Okay?

8           So if you take a look at the site plan, you'll  
9 see that the existing residence is significantly closer  
10 to the seawall. So what we did is we actually pushed  
11 our mass back. You'll find that the portion that is --  
12 it steps back, it has a deck, and then it steps back  
13 again and another deck, and then there's another  
14 portion, but it's back and it's actually approximately  
15 29 feet above grade. So the bulk of this building is  
16 29 feet above grade. There's a small portion at the  
17 peak that's 38-and-a-half.

18           So what you're seeing is what we're trying to  
19 do is take the mass of the building and push it away  
20 from the ocean side. And from the front, and it was  
21 very tricky by the way, is that we used the stair in a  
22 gable shape, those windows are actually at the landing  
23 height. So we're disguising that we've got a three  
24 story; we're trying to. Couldn't do it from the back,  
25 but we did it from the front because that is the highly

1 visible area, not the back. Surfers are not protected  
2 from views, but at least at back we stepped back. So in  
3 front we're disguising it.

4 Since the existing house is side to side, it  
5 seemed irrelevant, there's no shadow difference, there's  
6 no change in view, or no substantive as far as shadow.  
7 So it seemed much more relevant to try to disguise to  
8 the street the three stories.

9 So it seems to me the primary variance we're  
10 looking at here is the three story. The exceptions  
11 should be axiomatic; the existing house is that way,  
12 there's no change. Our direct neighbors support it.  
13 But also go to, which I demonstrated to Nate and Steve,  
14 is once we put an elevator in, once we put a stair in,  
15 once we put a hallway in, and we tried to meet the  
16 design guidelines, we'd have 8-foot wide rooms. It's  
17 not viable. So again, it backtracks us to either we do  
18 this or we raise the existing building up. What we're  
19 proposing I think brings us much more in conformance  
20 than that result would be.

21 And to talk about the site, this is a 5,000  
22 square foot site, gross. If you've seen it, it looks  
23 like property that the County's discounting is this  
24 property. That ordinance is not very old, and it was  
25 intended initially to have property that was under water

1 not County, or like in Rio Del Mar where you had steep  
2 slopes and they want -- the County decided that we don't  
3 want you to be able to count that towards your net site  
4 area. That isn't the situation here. That property  
5 looks like this property.

6 And the rest of the homes in this area do  
7 benefit from square footage based on the old FAR. So  
8 the size of this house, even when you include, which you  
9 shouldn't, the lowest area, ends up being under the FAR  
10 if you had 5,000 square feet. So now we're seeing --  
11 we've got a 1600 square foot house of livable area that  
12 is profoundly reasonable to request.

13 And I also -- staff has mentioned, well, you  
14 could lower it a little bit. And I'm going, well,  
15 parking is important. So 7-6, I would need a variance  
16 for three parking spaces if I lowered this building.  
17 I'd also have to show -- put the stair to the outside.  
18 That's going to look kind of weird. You know, we're  
19 trying to make it look normal.

20 And then I'm participating in meetings with the  
21 Planning Commission where County staff is proposing  
22 2 more feet of freeboard. What we're proposing here  
23 doesn't comply to that. So even if you approve this  
24 or -- you know, we come back and this is approved, it  
25 will be, if staff is successful with having that

1 approved, substandard to County code by springtime.

2 Then I'll have to push it farther up.

3 So you might understand some of my frustration.

4 Then we go to counting that area's square  
5 footage. Now, I simply could put a wall between the  
6 stairs in the back area. It's under 7-6. It would not  
7 be square footage. That isn't under building code, it  
8 isn't under FEMA. There's interpretation that it is  
9 under County. I could even merely drop the wall in the  
10 back and call it a covered porch, and then it wouldn't  
11 be square footage.

12 So again, I go back to, to me, what seems the  
13 substantive issue here is the third-story issue. And I  
14 don't see a way around it, but I think we've done a very  
15 good job in managing to do this and keep the majority of  
16 the house at about 29 feet above grade.

17 Thank you.

18 MS. DRAKE: Thank you.

19 Nate, would you like to respond to any of  
20 Cove's comments?

21 MR. MacBETH: Sure. Sure. Yeah.

22 The (inaudible) case, we consulted with county  
23 counsel and determined that, yeah, in fact, that was a  
24 case where the County did make the findings to support a  
25 variance specifically for elevating the home. And in

1 this case, we're not -- it's not necessarily -- we're  
2 not looking at the variance findings for this one; it  
3 really comes down to a compatibility component, and  
4 that's why the Coastal Development Permit findings are  
5 not able to be made.

6 And then in terms of the variance, we talked  
7 about the variance to, correct, maybe you had said for  
8 aesthetics, correct, that we couldn't deny a project  
9 based on aesthetics. I just wanted to be clear because  
10 I'm --

11 MS. DRAKE: I want to let Nate finish before  
12 you --

13 MR. BRITTON: Okay. I thought he was asking me  
14 a question.

15 MR. MacBETH: Yeah, well, I do --

16 MS. DRAKE: I'll let you --

17 MR. MacBETH: So essentially the variance to a  
18 flood plain management cannot be -- a variance to flood  
19 plain management requirements can't be made based on  
20 aesthetics rather than a denial of a variance to site  
21 and development standards could be made based on  
22 aesthetic, which that's kind of the distinction.  
23 There's two things, there's two different types of  
24 variances that we may be talking about.

25 MS. DRAKE: Okay.

1 MR. BRITTON: Can I respond?

2 I also quoted the criteria for land management

3 and use, and it does state specifically that it is

4 recommended that you allow existing homes to do this.

5 So it's not just that particular article; it's

6 throughout. It just had the most concise statement.

7 MS. DRAKE: Okay. Thank you.

8 MR. MacBETH: Yeah. And any specifics

9 regarding flood plain management, Carolyn Burke is here

10 from the Environmental Planning Section; she might be

11 able to be more technical in terms of response to those

12 comments.

13 MS. DRAKE: Okay. Thank you.

14 I might -- it was a little bit unclear to me

15 from Cove's presentation whether or not it's feasible to

16 raise the existing residence to meet the FEMA BFE

17 requirements.

18 Carolyn, would you mind clarifying. I'm sorry.

19 I didn't think I was going to ask you, but --

20 MS. BURKE: Good morning. Carolyn Burke,

21 senior civil engineer with Environmental Planning.

22 So your question is whether it's feasible to

23 raise the existing residence?

24 MS. DRAKE: Yes. I mean, is there a process

25 for that that we could bring that application through if



1 they came in to raise the existing home to meet the FEMA  
2 base flood elevation requirements, it would trigger a  
3 variance probably from the Planning Department, but that  
4 is a separate issue, just the issue of whether or not  
5 they could raise the existing residence, I mean, it  
6 sounds like they explored that idea, and it sounds like  
7 you weren't able to for FEMA reasons is my impression of  
8 what you said.

9 MR. BRITTON: No, we were able to, we just  
10 thought it would make it really weird looking.

11 MS. DRAKE: Okay. That is a separate issue.

12 MR. BRITTON: Okay.

13 MS. DRAKE: This is feasible.

14 MS. BURKE: Yeah.

15 MR. BRITTON: Technically it's feasible.

16 MS. BURKE: From an engineering standpoint, it  
17 would be feasible to raise the existing residence to  
18 that height. I think -- yeah, and it would require a  
19 new foundation system that would allow for breakaway  
20 walls on the lower portions that are within -- beneath  
21 the BFE. But then, you know, my understanding is that  
22 it would still be subject during the variance project to  
23 certain design review requirements.

24 MS. DRAKE: That's true. Okay. Great, thank  
25 you.

1 MS. BURKE: Thanks.

2 MS. DRAKE: It was a little bit unclear to me.

3 All right. I will open the public hearing now.

4 Is there anyone here to would like to speak on

5 this item?

6 Hi there.

7 MS. JORDAN: Hello, everyone. Good morning,

8 Jocelyn.

9 MS. DRAKE: Good morning.

10 MS. JORDAN: My name is Jen Jordan. And I'm a

11 neighbor at Pleasure Point there. My partner's lived

12 there about 20 years.

13 And all of my neighbors and I, we've been

14 discussing this project; we think it's beautiful. I

15 surf on the beach -- or I surf in the ocean and I hang

16 out on the beach there quite often. And yeah, the plans

17 look great. I think not only that they fit in with the

18 neighborhood there, I think it will improve the

19 community. So I ask that you approve the project.

20 Thank you for --

21 MS. DRAKE: Thank you.

22 MS. JORDAN: -- letting me talk.

23 MS. DRAKE: Is there anyone else here who would

24 like to speak on this item?

25 I'm not seeing anybody. All right.

1           So I'll close the public hearing.

2           I did see your correspondence, Cove, your late  
3 correspondence and your earlier correspondence about the  
4 FEMA requirements, the (inaudible) versus the County of  
5 Santa Cruz case. I looked at that. I reviewed it with  
6 county counsel and the planning director to ensure that  
7 I understood everything that you were sending and I  
8 could piece out all of the difference points that you  
9 were making because it was a lot of material.

10           And I will also say that I have worked on a  
11 number of projects in the coastal zone that face these  
12 issues, so I feel fairly comfortable with this material  
13 and with getting up to speed with some of the  
14 information you sent. It's becoming even more clear to  
15 me that -- the separate issues and how they're related  
16 and how they're not related.

17           And it's a tough situation. I mean, this is I  
18 think -- I think this is the first house or one of the  
19 first houses under the new FEMA flood maps that have to  
20 comply with the current BFE of 35 feet. And it raises a  
21 lot of issues, it poses a lot of design challenges, and  
22 I'm sympathetic to that.

23           The site is constrained, not only by the FEMA  
24 flood zone requirements, it's constrained by the  
25 geologic setback because it's on the bluff. And also

1 it's in the Pleasure Point Combining District, so we've  
2 got some Pleasure Point Design Guideline criteria that  
3 asks for walls that are over 15 feet in height to be  
4 brought in by an additional setback, in this case 5 feet  
5 for this property. So there are some challenges. And  
6 I'm aware that you've tackled these challenges the best  
7 that you can coming up with a nice design. And I do  
8 think there are a lot of great things about the project.

9 But you're requesting -- so you're requesting a  
10 Coastal Permit, Design Review to allow the dwelling to  
11 exceed the height to 30 feet 8 inches maximum, but you  
12 mentioned a lot of it is 29 feet in height. You're  
13 asking for a variance for approval to allow for a third  
14 story where two stories is permitted in the  
15 neighborhood, and an exception of the Pleasure Point  
16 Design Criteria to not step in the upper story or  
17 stories, as I mentioned, which is required, or that's  
18 the guideline.

19 And also staff has pointed out the floor-area  
20 ratio variance would be required under the County's  
21 definition of floor area, which I admit is challenging  
22 for a project like this. And staff is -- as Nate  
23 mentioned, staff is recommending denial of the project.  
24 And per staff's analysis in the staff report, he's  
25 recommending denial because he cannot make Coastal

1 Development Permit Finding Number 3. And he feels that  
2 the project is not consistent with the County's local  
3 coastal program with regard to the high bulk and mass  
4 and neighborhood compatibility.

5 I concur with staff, but I feel like what's  
6 challenging with this is you're not far off. I feel  
7 like there are revisions to the project that could be  
8 made that it would comply.

9 The design of the house is not consistent with  
10 the surrounding neighborhood. There's only one  
11 three-story residence that I've seen -- okay two, he's  
12 saying two. I know that ultra tall one that I think was  
13 built in the '80s, which is not an example of what to  
14 do, in my opinion, from an aesthetic standpoint; but  
15 most of the houses out there are about 24 feet in height  
16 and two stories -- oh, I'm sorry, I talk with my hands.  
17 Yeah, we don't have any examples of structures out there  
18 that exceed about 24 feet and two stories.

19 The design of the proposed dwelling I don't  
20 feel is aligned with the intent of the Pleasure Point  
21 Design Guidelines, which call for the setbacks, the  
22 walls. And, you know, what the Pleasure Point Design  
23 Guidelines are trying to accomplish is sort of a wedding  
24 cake style house, if you will, or something that  
25 provides for additional light and air and open space

1 between structures.

2           There are not a whole lot of examples out in  
3 that neighborhood that reflect that, but because you're  
4 going for a third story, I think it's especially  
5 important to attempt to comply with that guideline. You  
6 actually have a reversed cake almost, especially on the  
7 rear setback where you have a smaller second story but a  
8 larger third story, like going the opposite direction of  
9 the design guidelines. And I think that some work needs  
10 to be done there.

11           And the first floor of the structure is -- does  
12 feature an 8-foot plate height. 6 feet is required  
13 under the current code. I understand that you're  
14 anticipating the regulations, the draft regulations that  
15 call for 3 feet.

16           MR. BRITTON: You can't get parking in --

17           MS. DRAKE: So it's a challenge, it's a  
18 challenge. And no one -- you know, nobody's saying you  
19 should not comply with FEMA. The staff isn't saying  
20 that, we're not saying that; no one -- you know, you  
21 absolutely need to comply with FEMA, we support that.

22           MR. BRITTON: But I've already demonstrated  
23 it's not viable.

24           MS. DRAKE: I'm sorry, I don't want to -- I  
25 don't want to have a conversation about it. I do think

1 that, you know, you can make that case if you want to  
2 take this further.

3 There are design solutions that you could  
4 explore. I've seen a number of solutions employed that  
5 you could explore dropping the plate height on the  
6 bottom floor since it isn't required under current code.  
7 If you don't want to explore that option, you could  
8 explore making --

9 MR. BRITTON: I need to put on the record that  
10 I did explore all those things.

11 MS. DRAKE: I'll allow you an additional  
12 comment --

13 MR. BRITTON: Okay.

14 MS. DRAKE: -- to rebut if you'd like, but I  
15 just want to just move through kind of where I'm going  
16 with this; which is that, you know, if you want to keep  
17 that third story or that top -- the bottom floor as  
18 designed with the plate height where it is, which you  
19 absolutely may if you would like to for FEMA reasons and  
20 design reasons and to get the parking incorporated into  
21 the lower floor, then I think more attention needs to be  
22 paid to the top two stories. That would bring it into  
23 conformance with the coastal development findings. And  
24 I realize it's a challenging task, but I concur with  
25 staff that that is what should happen. And I think that



1 you could easily accomplish some nips and tucks to bring  
2 it further into conformance with the neighborhood. So  
3 that's where I'm going with it.

4 I will allow you to speak one more time if  
5 you'd like before I render a decision so you're on the  
6 record.

7 MR. BRITTON: Okay. You know, for the record,  
8 we did explore all those options. And the County of  
9 Santa Cruz no longer has a reviewing architect, so I  
10 don't have another professional architect to deal with  
11 on these issues.

12 One of the past zoning administrators, Don  
13 Bussey, used to say, I'm not an architect, and that he  
14 limited some of his comments regarding this -- I'm not  
15 being personal -- but he limited it for that very  
16 specific reason, because we did explore all those things  
17 and abandoned them. As I offered to Steve and Nate, I  
18 can work with them for the next four to six months to  
19 demonstrate that they don't work, but they don't.

20 And there's been no rebuttal on -- I need  
21 7-foot-6 height for the garage, period, but there's been  
22 no rebuttal. You're going, well, I could lower it.  
23 Sorry. You're saying I could lower it. I'm going, then  
24 how do I deal with parking? Are you offering me a  
25 variance on parking? You know, that's where I'm sitting

1 there going, this isn't wait on me at this point. If  
2 you all think there's a solution, tell me, but what I'm  
3 telling you, it's not viable. And we worked on it for  
4 months, you know. And it then becomes ludicrous because  
5 the existing house is two stories wide.

6 So I was at all those meetings that were with  
7 the Pleasure Point community, and I know the reasons for  
8 why they occurred. They were primarily concerned over  
9 one-story homes going two story. Never anticipated  
10 FEMA, ever. But we've got sea rise, and it is  
11 happening. And it's staff's inability to recognize that  
12 this is going to be every place -- not every place, but  
13 a lot more places. So much more thoughtful approach  
14 from staff about this and potentially rehiring a  
15 licensed architect to assist with this type of thing  
16 would be appropriate.

17 Thank you.

18 MS. DRAKE: Thank you.

19 So I'm not a professional architect, I'll put  
20 that on the record, it's true, but what I am is a  
21 planner and the deputy zoning administrator; and we are  
22 tasked with looking at design review findings and  
23 compatibility with the neighborhood. And we feel and  
24 have determined that this project is not consistent with  
25 the neighborhood from a design perspective. How you

1 accomplish bringing it into conformance is up to you.

2 And, you know, some -- I mean, I -- there are  
3 certain things that you're after in this project.  
4 You're after a garage that's incorporated with the  
5 structure, with the whole structure. You're after plate  
6 heights on the first story that are high enough to use  
7 that bottom floor as living space essentially. You've  
8 got a patio coming off of it, you've got glass doors in  
9 the back. That's fine. You can do that. There's  
10 nothing in the code that says you can't do that.

11 But you're after a certain aesthetic and  
12 livability, comfort and livability. And I fully  
13 appreciate that and understand that, but that has to be  
14 balanced with neighborhood compatibility. And there  
15 are, in my mind, a few ways that you could do that, and  
16 I would like you to explore those things.

17 So, you know, I was curious if you were going  
18 to come today with a revised design based on staff's  
19 feedback. I didn't see one today. So based on that  
20 project that I have here before me, I need to take  
21 staff's recommendation and deny the project without  
22 prejudice. So I'm going to go ahead and do that.

23 You can appeal the project, I mean the decision  
24 to the Planning Commission within 14 calendar days, and,  
25 you know, get materials together if you'd like to do

1 that, or you can come back.

2 MR. BRITTON: Oh, no, we're appealing.

3 MS. DRAKE: Right. Thank you.

4 MR. BRITTON: Thank you.

5 So with that, we're going to close today's  
6 public hearing. Thank you, everyone.

7 (End of recording.)  
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REPORTER'S CERTIFICATE

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing electronically-recorded proceedings were transcribed by me to the best of my ability.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Diana Sasseen  
CSR No. 13456

## **Nathan MacBeth**

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**From:** Michael Lam  
**Sent:** Tuesday, April 2, 2019 7:47 AM  
**To:** Nathan MacBeth  
**Subject:** FW: Appeal of Rejection on Pleasure Pt Dr

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**From:** pleasure\_point\_1@yahoo.com <pleasure\_point\_1@yahoo.com>  
**Sent:** Friday, March 29, 2019 6:41 PM  
**To:** Michael Lam <Michael.Lam@santacruzcounty.us>  
**Subject:** Appeal of Rejection on Pleasure Pt Dr

**181353\*\*                      2914 Pleasure Point Dr., Santa Cruz 95062                      APN: 032-232-04**

**I still oppose the project as stated before.  
It does not meet the standards we have established for Pleasure Point and the County.**

**Thank you  
Charles Paulden**