



## Staff Report to the Zoning Administrator

Application Number: **08-0086**

**Applicant:** Matson Britton Architects  
**Owner:** M. Mulcahy  
**APN:** 043-105-12

**Agenda Date:** September 5, 2008  
**Agenda Item #:** 3  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct an addition and remodel an existing 2-story, significantly non-conforming, single family dwelling. Results in a four bedroom, three bath home and detached single car garage. This project includes the demolition of an accessory shed.

**Location:** Property located on the north side of Beach Drive, approximately 3075 feet east of the intersection with Rio Del Mar Blvd (423 Beach Drive), in Aptos, California.

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

**Permits Required:** Coastal Development Permit, Residential Development Permit for a Significantly Non-conforming structure

**Technical Reviews:** Geologic Hazard Assessment

### Staff Recommendation:

- DENIAL of Application 08-0086 without prejudice, based on the attached findings and conditions.

### Exhibits

- |                                               |                                                           |
|-----------------------------------------------|-----------------------------------------------------------|
| A. Project plans                              | H. Geologic Hazard Assessment, dated August 1, 2008       |
| B. Findings                                   | I. Urban Designer comments, dated March 11, 2008          |
| C. Categorical Exemption (CEQA determination) | J. Excerpt from Cove Britton letter, dated April 30, 2008 |
| D. Assessor's parcel map                      | K. Comments & Correspondence                              |
| E. Location map                               |                                                           |
| F. Zoning map                                 |                                                           |
| G. General Plan map                           |                                                           |

### Parcel Information

Parcel Size:	7,193 square feet
Existing Land Use - Parcel:	Residential-Single Family Dwelling
Existing Land Use - Surrounding:	Residential-Single Family Dwelling

Project Access: Beach Drive  
Planning Area: Aptos  
Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: R 1-8 (Single Family Dwelling-8,000 square foot minimum)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

### Environmental Information

Geologic Hazards: FEMA Flood Zone VE ( Wave run-up hazard zone)  
Soils: 109 Beach Sand (soils map index number 109)  
Fire Hazard: Not a mapped constraint  
Slopes: 0 to over 50% slopes  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Designated Coastal Scenic Resource Area  
Drainage: Drainage to beach  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### Project Setting

The property is located on the bluff side of Beach Drive in Aptos at 423 Beach Drive. The property is essentially flat towards the front third of the property and remainder is steeply sloped, in excess of 50% slopes. A line of mostly two and three story homes already exists on either side of the existing residence. A public beach is located directly across Beach Drive.

### History

The Assessor's records database shows the single family dwelling was constructed in 1939. A room addition and remodel was finalized in 1993 under building permit 104061. In addition, the front window in the living was repaired and finalized under building permit 105805.

On March 3, 2008 the County Planning Department accepted an application for a Coastal and Residential Development Permit for the addition/remodel of an existing second story significantly non-conforming structure (garage is located within five feet of a structure on an adjacent parcel).

### **Detailed Project Description**

The proposal is to construct an addition and remodel an existing 2-story, significantly non-conforming dwelling. The addition is for 262 square feet on the first floor and 260 square feet on the second floor. In order to accomplish the remodeling, significant demolition and reconstruction of the majority of the existing structure, with the exception of the garage and parts of the southern and eastern walls may occur. The plans are ambiguous with regard to the amount and kind of foundation work that will occur. A note in a letter (Exhibit J) from the applicant states that there will be new foundation at the proposed addition and at various portions under the remainder of the structure, the extent of which is unclear. The foundation work will affect how much of the superstructure will be reconstructed. The applicant has declined to submit a foundation plan, which would clarify the scope of work.

### **Geologic Hazard Assessment**

The project is located in the coastal flood hazard zone and at the base of a coastal bluff. Therefore a geologic hazard assessment was required per General Plan policies 6.2.11, 6.4.1 and 6.2.1 and County Code 16.10.050. The proposal meets the definition of development given in 16.10.040(s). The geologic hazard assessment (attachment H) identified slope stability, coastal flood and seismic hazards on the subject property and required Engineering Geologic and Geotechnical reports to assess these hazards. The applicant has declined to submit these reports and has filed an appeal of the County Geologist's decision to require them. Therefore it is not known at this time how the property may be affected by geologic hazards, and mitigations to lessen the impact of the geologic hazards have not been identified.

The proposal was evaluated to determine whether it meets the test of "substantial improvement" (16.10.040(3m)). Projects that are "substantial improvement" must comply with Federal Emergency Management Agency (FEMA) regulations (16.10.070(h)5). Based on the appraisal by Frank O. May, dated June 10, 2008, a project valued above \$197,008.80, which is 50 percent of the depreciated value of the structure (attachment H), is substantial improvement. Staff analysis of the plan shows the proposed work to be valued at \$173,523.54 (attachment H), just below the allowed dollar amount that would be considered substantial improvement. However, valuation should be considered preliminary as it is based on the assumption that the foundation work is limited to a small area of new foundation under the proposed addition. This assumption was made because no detailed foundation plan was submitted. Staff believes that once the project civil engineer evaluates the existing foundation and the geologic and geotechnical reports, the extent of work required is likely to increase. If the value of the additional work on the project exceeds \$23,500, the total will exceed \$173,523.54, and the structure must comply with FEMA regulations and General Plan/LCP 6.4.8. These regulations require elevation of the structure above the 100-year flood level and foundations that do not cause floodwater displacement among other requirements.

### **Zoning Consistency**

The subject property is a 7,193 square foot lot, located in the R-1-8 (Single family residential –

8,000 square feet per unit) zone district, a designation which allows residential uses. The existing dwelling is significantly non-conforming due to the garage location within five feet of a structure on an adjacent parcel downcoast. In addition, a portion of the existing deck and living room in the front of the house do not meet the required twenty foot front yard setback. With these two exceptions, the project is consistent with the Zoning designation and site standards.

### **Local Coastal Program and General Plan Consistency**

Pursuant to the County Code and General Plan the County Geologist required Engineering Geologic and Geotechnical reports to address the coastal flood, seismic and slope stability hazards that are present on the property (attachment H). The applicant has chosen not to submit the reports and has filed an appeal of the requirement on August 15, 2008. Until these reports have been reviewed, the proposal cannot be evaluated in relation to local coastal and general plan policies.

### **Design Review**

The Urban Designer determined that the current proposal would comply with Design Review criteria per Chapter 13.20 (attachment I). However, it is important to note that in the absence of geologic and geotechnical investigations the design is somewhat preliminary. The design may change after geologic and geotechnical reports are prepared. For example, the building may have to be elevated, and retaining walls or other slope stability mitigation might be added. These types of changes may significantly change the exterior of the design and could make it necessary to re-evaluate the design relative to the criteria given in 13.20.

### **Permit Processing Timeline**

It is unusual that the Zoning Administrator is hearing an application that has an appeal pending before the appeal has been resolved. The appeal concerns the decision by the County Geologist that engineering geologic and geotechnical reports are required. The applicant was only informed of this requirement on August 1, 2008. Ordinarily, there would be more time between the requirement for the information and the public hearing by the decision maker. However, in this case the applicant has informed the County of his intention to pursue an automatic approval of the project under the Permit Streamlining Act. It is therefore, necessary to continue moving the project forward while the appeal is under consideration.

### **Parking**

The current proposal is for a four bedroom single family dwelling that requires three parking spaces per County Code 13.10.552. The proposal does not increase the number of existing bedrooms and therefore the existing three spaces are adequate. However, the plans show a proposed patio where the original building permit # 104061 shows the third required parking space. The driveway can accommodate up to two parking spaces, as no more than two tandem spaces are allowed per 13.10.554(b). It appears, therefore, that in order to meet parking requirements the patio area must be removed to accommodate a third parking space.

## **Environmental Review**

In the absence of the geologic and geotechnical reports necessary to address the slope stability, coastal flood, and seismic hazards on the subject property the required findings for approval cannot be made. Because the recommendation is for denial, the project is statutorily exempt from California Environmental Quality Act (CEQA).

## **Conclusion**

In conclusion, the scope of work that is proposed on the existing 2 story, significantly non-conforming dwelling includes a 522 square foot addition and a remodel, the full extent of which is unknown. The applicant has appealed the County's request for geologic and geotechnical reports that address the slope stability, flood and seismic hazards that are present on the property.

In the absence of geologic and geotechnical information, staff is not able to determine if the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

## **Staff Recommendation**

- **DENIAL** of Application Number 08-0086 without prejudice, 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)**

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## **Coastal Development Permit Findings**

Each of the five findings must be made in order to approve a Coastal Development Permit. Finding #5 cannot be made, as follows:

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

This finding cannot be made, in that the property is located in an area subject to coastal flood, seismic and slope stability hazards and these hazards have not been fully described and potential impacts on the development have not been evaluated. Engineering Geologic and Geotechnical reports to assess hazards were required by the County Geologist in his letter dated August 1, 2008 (Attachment H) to assess the hazards. The applicant appealed this determination that these reports are necessary on August 15, 2008. Until technical reports that evaluate the hazards have been submitted there is insufficient information on which to base a determination that the project complies with the local coastal plan as follows:

General Plan/LCP policy 6.2.10 requires that all development be sited and designed to avoid or minimize hazards as determined by the geologic hazard assessment and geologic and geotechnical investigations. This finding cannot be made, in that the Engineering Geologic and Geotechnical reports which were required per General Plan policies 6.2.2, 6.2.15 and 6.4.2 to address the slope stability and flood hazards and identify mitigation, have not been submitted for this project and therefore there is no data on which to base this finding.

General Plan policy/LCP 6.2.6 requires that the structure be located away from potentially unstable slopes and that drainage plans direct runoff and drainage away from unstable slopes. This finding cannot be made in that the Engineering Geologic and Geotechnical reports have not been submitted to address the slope stability. The structure may be located in proximity to an unstable slope for which mitigation measures have not been identified.

General Plan policy/LCP 6.4.3 allows for development adjacent to coastal bluffs and beaches only if a geologist determines that wave action and inundation are not a hazard to the proposed development or that the hazard can be mitigated. This finding cannot be made in that the Engineering Geologic and Geotechnical reports, which would determine whether mitigations such as a specialized foundation are necessary to mitigate for the flood hazards, have not been submitted.

General Plan policy/LCP 6.2.3 allows development subject to slope stability to be conditioned based on the recommendations of a Geologic Hazard Assessment and geologic and geotechnical reports. This finding cannot be made in that the reports have not been submitted and therefore any Conditions of Approval that may be necessary to address the hazard have not been identified.

General Plan policy/LCP 6.1.5 requires that the location of development away from potentially hazardous areas be conditioned based on the recommendations of the site's hazard assessment and geologic and geotechnical reports. Because this site is located at the base of a coastal bluff and within the wave run up zone, it has the potential to be affected by a landslide or a tsunami caused by seismic activity.

## Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding cannot be made, in that the project is located on the beach at the base of a coastal bluff and is subject to slope stability, flood and seismic hazards, and without the required Engineering Geologic and Geotechnical reports staff is not able to determine the extent of the potential risks to health, safety and welfare of persons residing, working or the general public or whether it may be injurious to properties or improvements in the vicinity.

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

This finding cannot be made, in that the proposed development is located at the base of a coastal bluff, which is subject to slope instability, flood hazards and seismic hazards. The location cannot be evaluated without the required Engineering Geologic and Geotechnical reports and therefore there is insufficient information available to address whether or not the project will be consistent with Geologic Hazards Ordinance, Chapter 16.10, and the Zoning ordinances 13.10.323, 13.20 and 13.11.

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

This finding cannot be made, in that the property is located in an area subject to coastal flood, seismic and slope stability hazards and these hazards have not been fully described and potential impacts on the development have not been evaluated. Engineering Geologic and Geotechnical report reviews were required by the County Geologist in his letter dated August 1, 2008 (Attachment H); the applicant has appealed this requirement on August 15, 2008. These reports have not been submitted and there is therefore insufficient information to determine whether the project complies with General Plan/LCP policies as follows:

General Plan/LCP policy 6.2.10 requires that all development be sited and designed to avoid or minimize hazards as determined by the geologic hazard assessment and geologic and geotechnical investigations. This finding cannot be made, in that the Engineering Geologic and Geotechnical reports which were required to address the slope stability and flood hazards and identify mitigation, have not been submitted for this project and therefore there is no data on which to base this finding.

General Plan/LCP policy 6.2.6 requires that the structure be located away from potentially unstable slopes and that drainage plans direct runoff and drainage away from unstable slopes. This finding cannot be made in that the Engineering Geologic and Geotechnical reports, which would address slope stability, have not been submitted. The structure may be located in proximity to an unstable slope for which mitigation measures have not been identified.

General Plan policy/LCP 6.4.3 allows for development adjacent to coastal bluffs and beaches only if a geologist determines that wave action and inundation are not a hazard to the proposed development or that the hazard can be mitigated. This finding cannot be made in that the Engineering Geologic and Geotechnical reports have not been submitted to determine whether mitigations such as a specialized foundation, are necessary to mitigate for the flood hazards.

General Plan policy/LCP 6.2.3 allows development subject to slope stability to be conditioned based on the recommendations of a Geologic Hazard Assessment and geologic and geotechnical reports. This finding cannot be made in that the reports have not been submitted and therefore any Conditions of Approval that may be necessary to address the hazard have not been identified.

General Plan policy/LCP 6.1.5 requires that the location of development away from potentially hazardous areas be conditioned based on the recommendations of the site's hazard assessment and geologic and geotechnical reports. Because this site is located at the base of a coastal bluff and within the wave run up zone, it has the potential to be affected by a landslide or a tsunami caused by seismic activity. This finding cannot be made in that the geologic and geotechnical reports have not been submitted with recommendations and therefore conditions cannot be developed.



# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

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

Application Number: 08-0086

Assessor Parcel Number: 043-105-12

Project Location: 423 Beach Drive

**Project Description: Proposal to construct an addition/remodel an existing significantly non-conforming structure.**

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

**Contact Phone Number: (831) 426-5313**

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

Specify type: Projects which are disapproved (Section 15270)

E. ☐ **Categorical Exemption**

Specify type:

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

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

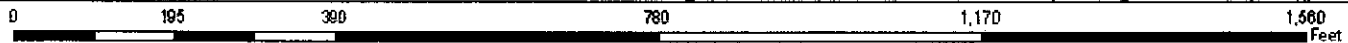
  
\_\_\_\_\_  
Maria Perez, Project Planner

Date: 8/15/08







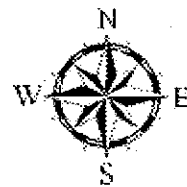


# Location Map



## LEGEND

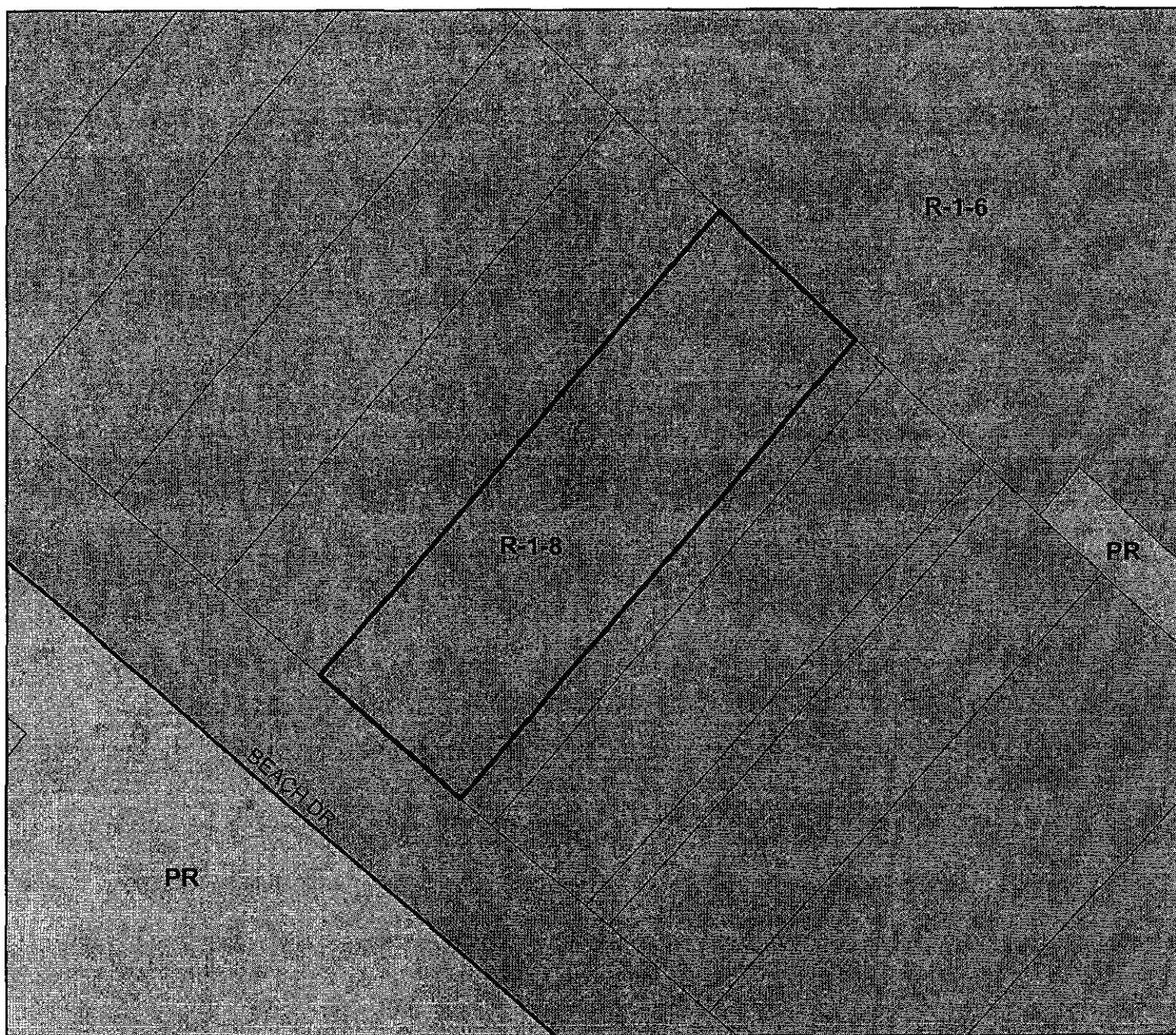
-  APN: 043-105-12
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by  
County of Santa Cruz  
Planning Department  
February 2008



# Zoning Map



0 35 70 140 210 280 Feet

## LEGEND



APN: 043-105-12



Assessors Parcels



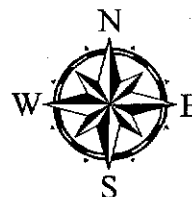
Streets



RESIDENTIAL-SINGLE FAMILY



PARK

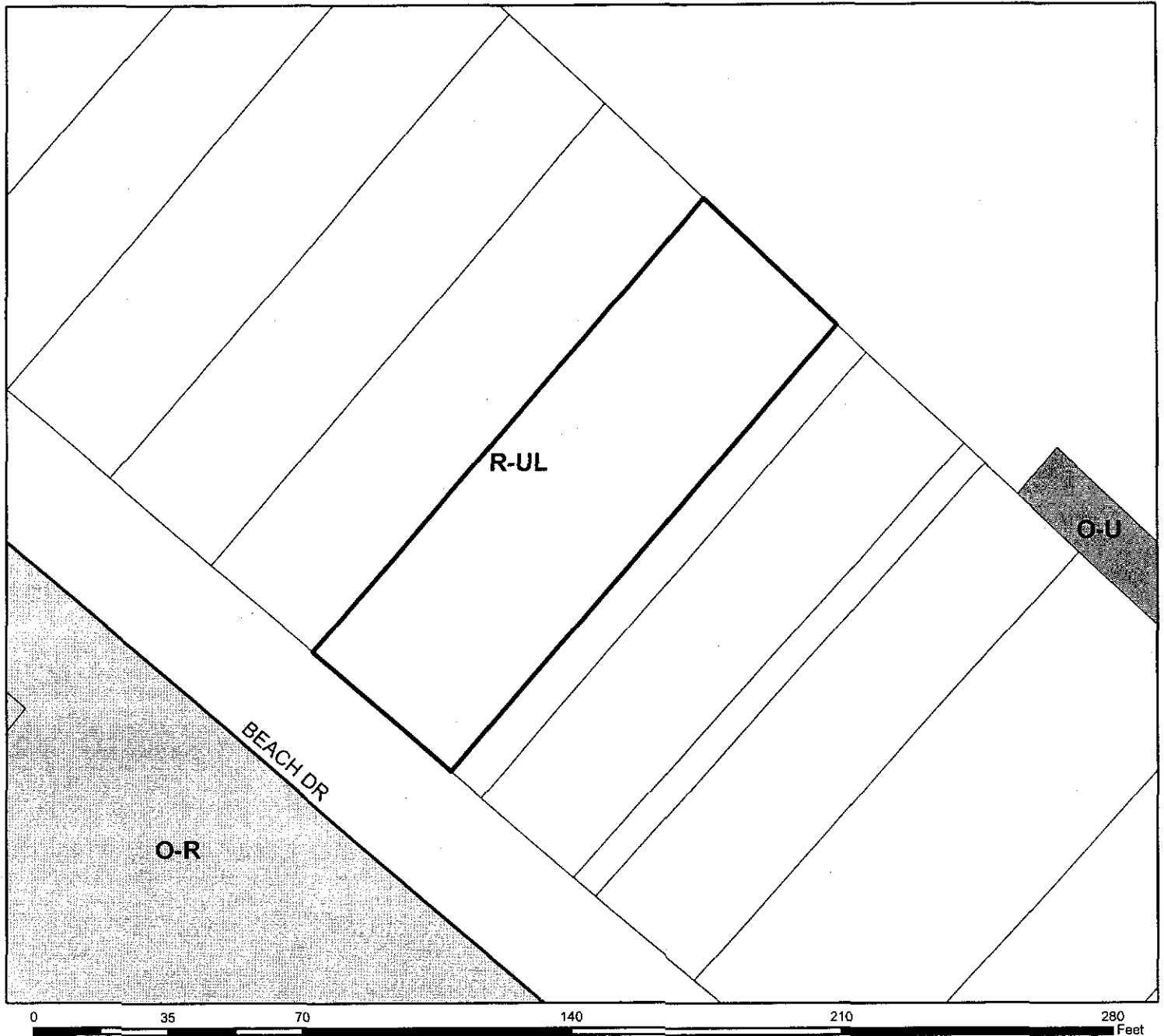


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February 2008







EXHIBIT F

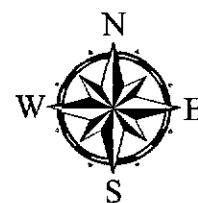


# General Plan Designation Map

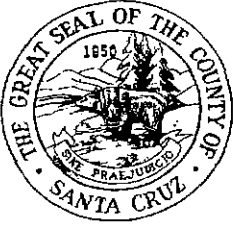


## LEGEND

-  APN: 043-105-12
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density
-  Parks and Recreation
-  Urban Open Space



Map Created by  
County of Santa Cruz  
Planning Department  
February 2008



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
TOM BURNS, DIRECTOR

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August 1, 2008

SDS Hayward Limited Partnership  
C/O Mattson Britton Architect  
728 N. Branciforte Avenue  
Santa Cruz, CA 95062

Subject: GEOLOGIC HAZARDS ASSESSMENT, APN 043-105-12  
LOCATION: **423 Beach Drive**  
PERMIT APPLICATION NUMBER: **08-0086**  
OWNER: SDS Hayward Limited Partnership

I performed a site reconnaissance of the parcel referenced above, where a remodel/addition to a single-family dwelling is proposed. The parcel was evaluated for possible geologic hazards due to its location within a coastal hazard zone and below an actively eroding beach bluff. The proposed remodel was determined to represent development as defined by (16.10.040 s (14.)). This letter briefly discusses my site observations, outlines permit conditions, and requirements for further technical investigation, and completes the hazard assessment for this property.

Completion of this hazards assessment included a site reconnaissance, a review of maps and other pertinent documents on file with the Planning Department, and an evaluation of aerial photographs. The scope of this assessment is not intended to be as detailed as a full geologic or geotechnical report completed by a state registered consultant.

Substantial improvement is defined as any repair, reconstruction, rehabilitation, addition, alteration or improvement to a structure, or the cumulative total of such activities as defined in Section 16.10.040(r) of the County Code, where the cost of which equals or exceeds 50 percent of the market value of the structure immediately prior to the issuance of the building permit. It has been determined that the proposed development is not considered to be substantial improvement based upon the submitted information. Our calculations are based upon plans and other information that you have submitted to the County of Santa Cruz Planning Department. Our understanding of these plans indicates that only minor changes will occur to the existing foundations with only a small section of new foundation under the proposed additions (see the attached Evaluation.) Our evaluation indicates that the proposed modifications to the home are close to being considered substantial improvement. Please be aware that when you provide detailed plans you may well cross the threshold. If and when the threshold is crossed the project will require different conditions. Some of these conditions could

entail compliance to FEMA regulations as required by County of Santa Cruz Code. Furthermore, future additions to the structure cumulative over a 5-year period will be carefully analyzed to determine whether the improvements meet the definition of substantial improvement.

Even though the project is not Substantial Improvement the proposal includes changes to developed or undeveloped real estate in a Special Flood Hazard Area (16.10.040 s (14.)) This makes to project development and subject to the requirements for 16.10. The following indicates the County's requirements for compliance with 16.10.

### COASTAL FLOOD HAZARDS

Based upon the plans and information submitted to the County of Santa Cruz Planning Department the project is not considered substantial improvement. Therefore the project does not have to comply with FEMA requirements unless additional information or changes to the plans demonstrate that the project will is considered substantial improvement as defined by County Code. This parcel is located adjacent to the beach, and published maps on file with the Planning Department indicate that the parcel is within a federally-designated coastal flood hazard area. FEMA has mapped this location as an area of 100-year coastal flood with high velocity (wave action) floodwaters. The subject parcel will be subject to coastal storm waves and tsunami inundation.

Enclosed is a reproduction of the federal flood maps that indicates the flood hazard boundaries in this area and the approximate parcel location (see Figure 1). The flood hazard maps delineate the extent of flooding which is anticipated during a 100-year flood, an event with a one percent chance of occurring in any given year. As indicated earlier in this letter the County of Santa Cruz Planning Department has determined, based upon the information and plans already submitted, that the project is not Substantial Improvement and therefore the project does not have to comply with the FEMA regulations. Our calculations to determine if the project is Substantial Improvement are based upon minor changes to the existing foundations and indicate that the proposed modifications to the home are close to being considered Substantial Improvement. Please be aware that when you provide detailed plans you may well cross the threshold. If and when the threshold is crossed the project will require different conditions. If the project is later identified as being Substantial Improvement, the following conditions must be met:

1. The structure shall be elevated on pilings and columns so that the lowest finished floor, including the furnace or hot water heater, above the level of flooding anticipated during the 100-year flood event. At this site, elevation of at least 22 feet above mean sea level must occur.
2. The pile or column foundation shall be anchored and the structure attached thereto to prevent flotation, collapse and lateral movement due to the effect of

wind and water loads, acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year.

3. For all new construction, the space below the lowest floor that are subject to flooding shall be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice or insect screen intended to collapse. Designs for meeting this requirement must be certified by a registered professional engineer or architect. Breakaway walls and the garage door shall meet the following:
  - a. Breakaway walls and garage door collapse shall result from a water load less than that which would occur during the base flood, and
  - b. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
4. Any walls on the ground floor not designated as breakaway shall be demonstrated to be structural support and approved by Environmental Planning.
5. After the building plans are approved, an Elevation Certificate will be mailed to the property owner. A state-registered engineer or licensed architect must complete this certificate by indicating the elevation to which floodproofing was achieved before a final building inspection of the structure can occur.
6. No mechanical, electrical or plumbing equipment shall be installed below the base flood elevation.
7. The placement of fill is prohibited.
8. The project-engineering geologist must discuss the potential for the property to be affected by tsunami inundation.

#### SEISMIC HAZARDS

This property is located in a seismically active region of northern California, as the October 17, 1989 earthquake demonstrated. The subject parcel is located approximately 7.8 miles southwest of the San Andreas Fault zone and 4.1 miles southwest of the Zayante Fault zone.

Although the subject property is situated outside of any mapped fault zones, very strong ground shaking is likely to occur on the parcel during the anticipated lifetime of the proposed dwelling and, therefore, proper structural and foundation design is imperative. In addition to the San Andreas, other nearby fault systems capable of producing intense



seismic shaking on this property include the San Gregorio, Zayante, Sargent, Hayward, Butano, and Calaveras faults, and the Monterey and Corralitos fault complexes. In addition to intense ground shaking hazard, development on this parcel could be subject to the effects of seismically-induced landsliding during a large magnitude earthquake occurring along one of the above-mentioned faults.

The home is located at the based of the coastal bluff and the home may straddle a zone between the intact rock and beach sands. Studies on adjacent properties have indicated that these beach sands are subject to liquefaction although this cannot be confirmed without exploration. If the home is located within this zone, the civil engineer that designs the foundation must work with a geotechnical engineer familiar with liquefaction and the foundations must compensate for this hazard.<sup>3</sup>

### SLOPE STABILITY HAZARDS

A review of aerial photographs, County files, and my observations during my site visit demonstrate that this parcel is subject to bluff failure from the slope above the home site (see Figure 2.) The home is located in an area of recent landsliding and erosion. Some observations from this material are:

- To the north west along the bluff an erosion rill developed in the 1930's, 1940's and 1950's. The rill extends from the property at crest of the slope at 422 Sea View to the toe of the slope. Some sediment accumulated to the west of this property.
- Shallow landslides have occurred along the crest of the hill immediately upslope of this property.
- Some erosion has occurred immediately upslope of the accumulated material at the base of the slope.
- To the immediate east of the property the bluff has failed during the Loma Prieta Earthquake. The debris from this landslide flowed against portions of the residential structures along 427 to 439 Beach Drive.<sup>1</sup>
- Prior to the Loma Prieta Earthquake a slope repair was completed on the nearby parcel at 429 Beach Drive.<sup>2</sup>
- Older aerial photographs indicate the presence of shallow landsliding immediately above the subject parcel.

<sup>1</sup> See Geotechnical Engineering Report, Haro, Kasunich, and Associates dated February 26, 1991, Project SC2867

<sup>2</sup> See Grading Permit 1674

Landsliding and erosion have occurred on the slope above and surrounding the subject parcel. Shallow landsliding is the most likely form of landsliding to affect the subject parcel. Typically these landslides occur when diverted drainage or rainfall saturate the bluff hillslope causing depletion along the crest of the bluff and accumulation along the base of the hillslope. Historically, similar rainfall initiated landslides have caused extensive damage to homes at the base of the hillslope along Beach Drive including the nearby home at 429 Beach Drive. Based upon my observations there is a high to very high likelihood of this type of landsliding to occur above this property, and there is a moderate to high potential for larger landslides to develop during an earthquake that are similar to the one that occurred above 427 to 439 Beach Drive during the Loma Prieta Earthquake.

Another concern for project design is consolidation and slow down slope movement of the material accumulated at the toe of slope.

Any landslide, including the shallow landslides, has the potential to damage structures at the base of the bluff. The potential risk associated with slope failure can be maintained at a reasonable level if appropriate mitigation is achieved based on the results of an investigation by an engineering geologist and the quantitative slope stability analysis performed by a geotechnical engineer. The geotechnical engineer and geologist must provide recommendations and conclusions regarding the stability of the existing retaining structures onsite, the existing foundation systems and any modification to these foundations, and the affect of liquefaction on the project.

## REPORT REQUIREMENTS

The Geologic Hazards Ordinance requires that "all development activities shall be located away from potentially unstable areas....". Therefore, based on my site visit and review of maps and air photos, a full engineering geologic report is required to evaluate any homesite on this parcel with respect to slope stability, seismic and flooding issues.

The soils engineer will need to assist the project-engineering geologist in evaluating the potential slope stability hazards affecting the development envelope, and a civil engineer must design the foundations to resist the liquefaction<sup>3</sup>. I encourage you to have the consultant you select contact me before beginning work so that the County's concerns will be clearly understood and properly addressed in an acceptable report.

When completed, please submit two copies of the investigation to the Zoning Counter at the Planning Department, and pay the \$1811 fee for Geologic and Geotechnical Report Reviews (plus additional intake and records fees).

---

<sup>3</sup> 16.10.075

## PERMIT CONDITIONS

Permit conditions will be developed for your proposal after the technical reports have been reviewed. At a minimum, however, you can expect to be required to follow all the recommendations contained in the reports in addition to the following items:

1. A topographic map of the site must be developed that shows site drainage and any proposed retaining wall construction. This map must have a scale of approximately 1"=40' and should have a minimum of 2-foot contour intervals on slopes less than 30% and 5-foot contour interval on slopes over 30%.
2. Grading activities must be kept to a minimum, and must comply with Chapter 16.20 Grading Regulations.
3. All project design must comply with applicable local, state, and federal law.
4. Drainage from impermeable surfaces (such as the proposed roof and driveway) must be collected and properly disposed of. Runoff must not be allowed to sheet off these areas in an uncontrolled manner. An engineered drainage plan formulated by the project civil engineer, and reflecting the findings of the geologic report is required for any development on the parcel.
5. All development must meet FEMA regulations (as outlined above).
6. A Declaration of Geologic Hazards form acknowledging a possible geologic hazard to the parcel and completion of technical studies must be completed prior to permit issuance, and will be forwarded to you when your technical studies have been reviewed and accepted by the Planning Department.

Final building plans submitted to the Planning Department will be checked to verify that the project is consistent with the conditions outlined above prior to issuance of a building permit. If you have any questions concerning these conditions, the hazards assessment, or geologic issues in general, please contact me at 454-3175. It should be noted that other planning issues not related specifically to geology may alter or modify your development proposal and/or its specific location.

Sincerely,



JOE HANNA

County Geologist

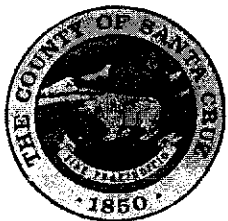
CEG #1313

Figure 1 Flood Map

Figure 2 Reconnaissance Map

Evaluation and Appraisal

2006 FEMA Map  
423 Beach Drive  
Aplos, California



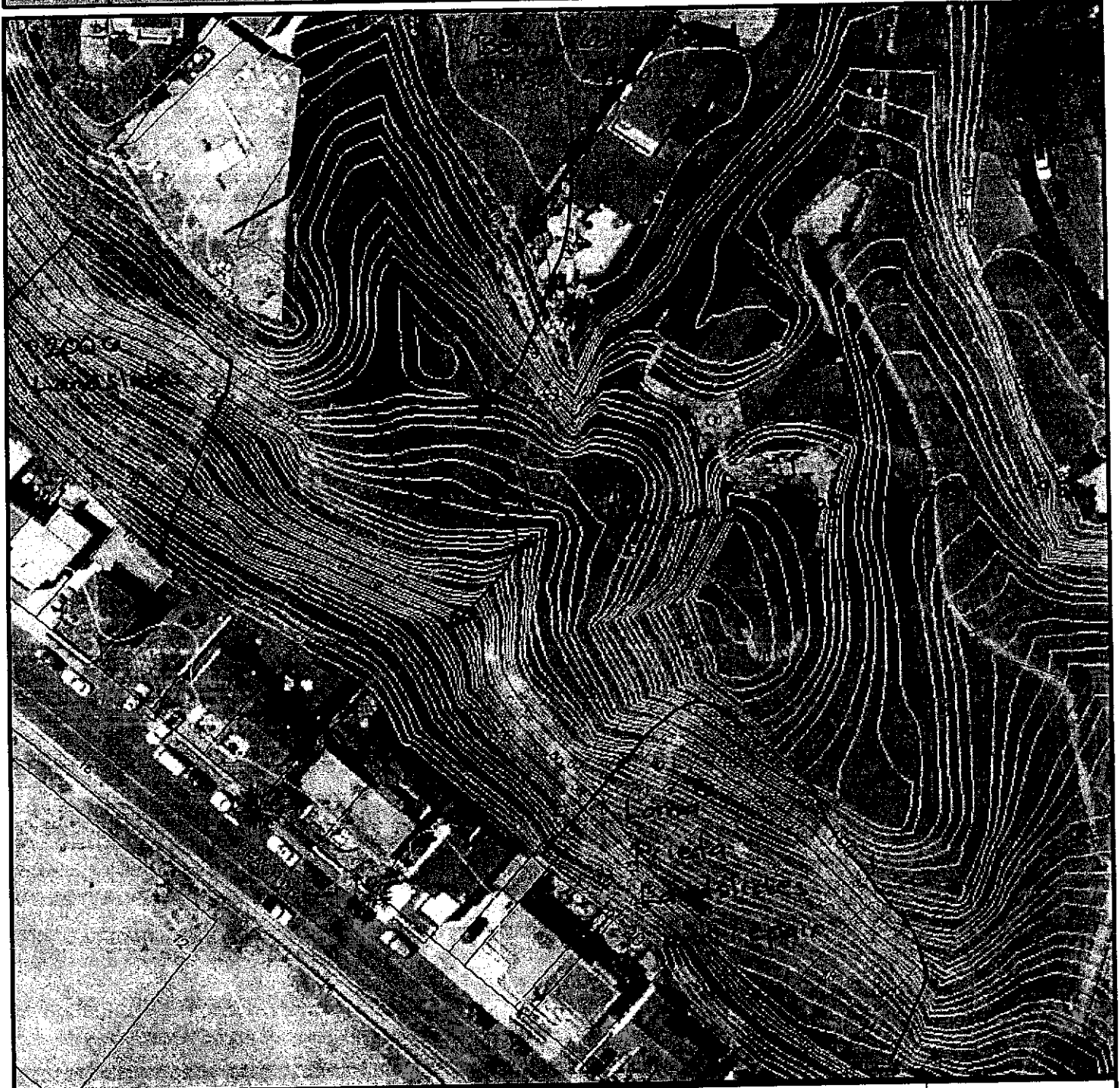
0 15 30 60 90 120  
Feet  
- 20 -

Figure #

1

EXHIBIT H

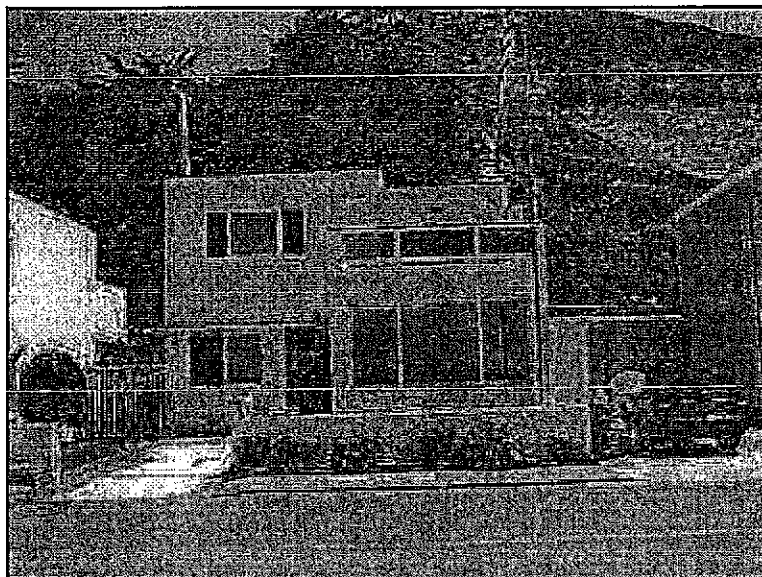
Slope Stability  
423 Beach Drive



0 15 30 60 90 120  
Feet

Figure #

2



**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

423 Beach Drive  
Aptos, CA 95003

**FOR:**

Mike Mulcahy  
99 Almaden Blvd., #565  
San Jose, CA 95113

**AS OF:**

June 10, 2008

**BY:**

Frank O. May, MAI  
State Certified General Appraiser (CA#AG002051)  
Appraisal Services  
Real Estate Analysts and Appraisers  
2815 Chanticleer Avenue, Santa Cruz, CA 95065  
Tel: (831)479-1901; fax:479-1905; e-mail: frank@frankmay.com

Appraisal Services (831) 479-1901



## Cost Approach Addendum

Mulcahy  
File No. 08-0257

Component	No.	Size	Unit Cost	Cost
Above Grade Living Area	1	2,064	\$ 230	\$ 474,720
Attached Garage	1	210	\$ 75	\$ 15,750
Decking	1	65+ sf	\$ 50	\$ 3,250
Reproduction <input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Cost New of Improvements				\$ 493,720
Plus: Indirect (Soft) Costs				\$ 75,000
Plus: Entrepreneurial Profit			%	\$
Total Cost New				\$ 568,720
Less: Physical Deterioration			17 %	96,682
Less: Functional Obsolescence			%	
Less: External Obsolescence			%	
Total Accrued Depreciation (Deterioration & Obsolescence)				(\$ 96,682)
Depreciated Value of Building(s)				\$ 472,038
Plus: Contributing Value of Site Improvements				\$ 140,000
Depreciated Value of Improvements				\$ 582,038

Analysis/Comments: The reproduction cost estimate, less depreciation, considers all actual costs associated with the construction of the subject property, using the materials and craftsmanship of the original structure. Some of the costs reflected contributory value, such as site improvements. Indirect (Soft) Costs were estimated and included loan origination fees as well as legal, engineering, architectural and permit costs. Physical depreciation was estimated using effective age depreciation tables from Marshall & Swift Valuation.

The subject property is an above average quality, well-built custom home located on the opposite side of Beach Drive from the Rio Del Mar Beach. It is of classic International Modern influenced design that has been periodically updated and remodeled.

This cost approach to value is based on a typical building environment with no extraordinary conditions or building constraints, beyond those typically impacting a property like the subject property. The land has not been included in this analysis.

Reconciliation: The Cost Approach was given very little weight in the final reconciliation, because of the age and depreciation of the existing improvements, in addition to the lack of suitable land sales data. The Cost Approach did not include the land.

SUMMARY OF COST APPROACH VALUE INDICATIONS	
Site Value (Utilized Land Value)	\$ Not Included
Improvements Value	\$ 582,038
Total Value Indication by the Cost Approach	\$ 582,038
Market Rent Equivalency Adjustment	\$
Value Estimate	\$ 582,038
Plus: Excess Land	\$
Total Value - Cost Approach - Real Estate	\$ 582,038
Rounded	\$ 582,040

08:22:03 Wed Jul 30, 2008

07/30/08 MM16

COUNTY OF SANTA CRUZ - ALUS 3.0/3.1

U-ALPBR140

08:14:00

SQUARE FOOTAGE/VALUATION FOR FEES

ALSBR140

APPLICATION INTAKE

APPL.NO.: 0015062M :

TYPE : RES RESIDENTIAL

APN: NO\_APN\_SPEC :

STATUS: PRELIM

D

----- E  
SQUARE FOOTAGE USES (UP TO 10) -----/---RATE/---SQ FEET/-----VALUE/L  
REMODEL @ 60% 64.31 1,724 110,870.44 N  
DWELLING TYPE V WOOD FRAME 107.18 522 55,947.96 N  
UNCOVERED DECK 13.94 481 6,705.14 N

CONSTRUCTION COST: :

TOTAL VALUATION: 173,523.54 :

(RATE X SQ FEET = VALUE)

PF5-SQ. FOOTAGE USE WINDOW

CHANGE SQ FEET, 'Y' TO DELETE, CONSTR.COST

AND PRESS 'ENTER' TO UPDATE

PF19-PREVIOUS

PF20-NEXT



## INTEROFFICE MEMO

APPLICATION NO: 08-0086

Date: March 11, 2008

To: Planning Commission

From: Larry Kasparowitz, Urban Designer

Re: Residential remodel at 423 Beach Drive, Aptos

Design Review Authority

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

Design Review Standards

13.20.130 Design criteria for coastal zone developments

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

the ridgeline			
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
<b>Landscaping</b>			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			N/A

<b>Rural Scenic Resources</b>			
<b>Location of development</b>			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
<b>Site Planning</b>			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A
<b>Building design</b>			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			N/A

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





Response: Please see sheets P6, P7 & P8.

*II. Environmental Planning. Environmental Planning must make a determination about whether the project meets development and/or substantial improvement under the Geologic Hazards Ordinance. Please submit the additional information:*

a. *Provide a roof plan.*

Response: Please see sheet P5.

b. *Provide a foundation plan.*

Response: This is not a listed document and we do not believe it is appropriate to provide at the preliminary stage. We anticipate new foundation at the new portion, and probably new pads at various locations at the interior of the existing residence.

c. *Submit an appraisal report that separate the value of the structure from the value of the land. The appraisal should provide the cost of replacement of the existing home and include depreciation.*

Response:

1. This requirement is for damaged structures (16.10.070) as previously discussed with Maria Perez via e-mail. This residence is not a damaged structure. An appraisal is not a listed document. This is neither a listed document nor does it appear to apply to this project. In addition the direction given on how the appraisal is to be conducted appears to be inconsistent with ordinance. Please clarify the ordinance relevance of an appraisal in reference to this project.

2. This requirement is also in reference for **Requirements for geologic assessment:**

"(a) All *development* (emphasis added) is required to comply with the provisions of this Chapter, specifically including but not limited to, the placement of manufactured homes in the areas designated as SFHAs in the Flood Insurance Study.

(b) Hazard Assessment Required. A geologic hazards assessment shall be required for all development activities in the following designated areas...

So the question is, is what being proposed defined as "Development/Development Activities?