



## Staff Report to the Zoning Administrator

Application Number: **101094**

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**Applicant:** Jason Bowman  
**Owner:** John and Linda Daane  
**APN:** 038-461-16

**Agenda Date:** August 19, 2011  
**Agenda Item #:** 2  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to replace an existing approximately 8 foot high wood fence with an 8 foot tall masonry privacy wall, with a 9 foot high section surrounding the entry gate, and to reconfigure an existing entry courtyard. Requires a Coastal Development Permit and a Residential Development Permit for a wall of over 6 feet in height within the required 20 foot front yard setback.

**Location:** Property located on the south side of Las Olas Drive (759 Las Olas Drive) about two thirds of a mile west of the intersection with State Park Drive.

**Supervisory District:** 2nd District (District Supervisor: Ellen Pirie)

**Permits Required:** Coastal Development Permit and Residential Development Permit

**Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 101094, based on the attached findings and conditions.

**Exhibits**

- |   |                                     |
|---|-------------------------------------|
| A. Project plans                              | E. Assessor's, Location, Zoning and |
| B. Findings                                   | General Plan Maps                   |
| C. Conditions                                 | F. Comments & Correspondence        |
| D. Categorical Exemption (CEQA determination) |                                     |

**Parcel Information**

Parcel Size:	13,503 square feet
Existing Land Use - Parcel:	Single-family Dwelling
Existing Land Use - Surrounding:	Single-family Dwellings/Beach.
Project Access:	20 foot Right-of-Way (Las Olas Drive)
Planning Area:	Aptos

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Land Use Designation: R-UL (Urban Low Residential) PR (Existing Parks and Recreation)  
Zone District: Single Family Residential (R-1-8)  
Coastal Zone: X Inside      \_\_\_ Outside  
Appealable to Calif. Coastal Comm. X Yes      \_\_\_ No

### Environmental Information

Geologic Hazards: Within VE-zone - FEMA wave run-up and coastal flooding hazard zone / Coastal bluff (adjacent)/ landslide hazard area / high liquefaction hazard.  
Soils: USDA type 109 - Beach  
Fire Hazard: Not a mapped constraint  
Slopes: Level at parcel, coastal bluff to north on adjacent parcel  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Mapped within a scenic resource area, visible from the beach  
Drainage: Existing drainage to beach  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: X Inside      \_\_\_ Outside  
Water Supply: Soquel Creek Water District  
Sewage Disposal: County sanitation  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: Zone 6

### Project description and background

This application seeks approval for a masonry/stucco wall to replace a wooden wall that separates the existing dwelling and private entry courtyard from the right-of-way for Las Olas Drive. In addition, the entry courtyard will be re-paved and re-landscaped but no structural changes are proposed to the existing nonconforming two story single-family dwelling that was constructed on the site in 1920.

The project site is part of "Beachlands", a gated beach community lying at the base of a steep, eroding coastal bluff that is located to the west of Seacliff State Park. The 20 foot right-of-way for Las Olas Drive lies at the base of the bluff and crosses the northern end of the parcel. The subject property is nearly level with a slight slope down from Las Olas Drive towards the beach and there is an existing rip rap seawall roughly bisecting the parcel between the residential development and the Pacific Ocean. In common with other development within this community, the dwelling and the associated courtyard walls are located close to Las Olas Drive. Due to its topographic location on former beach area, development along Las Olas Drive is subject to flood and wave impact hazards associated with wave run up and coastal surges from the south and also

to potential landslide hazards from the coastal bluff to the north. The Base Flood Elevation for flood events at this parcel has been determined by FEMA, to be 25 feet above mean sea level and the grade elevation of the lot in the vicinity of the proposed wall is approximately between 17.9 and 19.0 feet above mean sea level.

The applicant is proposing to demolish the existing approximately eight foot tall wooden wall that encloses the entry courtyard and to construct an eight foot high masonry wall with a nine foot high section above the entry gate. The proposed wall is to be located approximately 3 feet from the edge of the right-of-way for Las Olas Drive on the same line as the existing wood wall that is to be replaced. This wall is primarily a privacy structure that has been designed in accordance with the California Building Code to meet seismic design criteria. The wall is also designed and engineered, as required per FEMA flood design standards, to fail under a hydrostatic load that is less than would be experienced under base flood conditions. The project Architect/Engineer has certified that the wall will not increase the risk of flood damage to the home on the parcel or to neighboring structures (see Exhibit F). While the wall may provide some protection to the dwelling on the parcel from minor debris flows from the adjacent bluff, the structure has not been designed as a debris flow wall to protect the property from landslides.

The wall has been designed to enhance the existing street scene and includes recessed panels with stained wood trellises and painted metal doors. Variations in height, surface treatment and wall line are intended to break up the visual appearance of the wall. A small planter in front of the wall for grasses, climbing plants and other low maintenance ornamentals will also soften its appearance and result in a more aesthetically pleasing structure. The existing residential gas meter that serves the dwelling on the parcel will remain in its existing location and will be located within one of the recessed sections of the wall. The meter will be screened from public view behind the proposed trellis work and plantings.

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

The subject property is a parcel of approximately 13,503 square feet, located in the R-1-8 (Single-Family Residential) zone district, a designation which allows residential uses including walls and fences. As set out in County Code Section 13.10.525, the height of a wall or fence that is located within any required front yard, is limited to a maximum of three feet in height without approval of a Residential Development Permit. Further, walls or fences that exceed 6 feet in height also require approval by the Zoning Administrator following a public hearing.

Since the proposed wall is consistent in scale, design and location with other walls and fences along Las Olas Drive and also will not unduly affect the line of sight along the street, staff can make findings for this Residential Development Permit. In addition the proposed wall will be partially screened and softened by the addition of trellises with climbing plants, to break up the visual mass and by the addition of a planter along the base of the wall to allow for new landscaping.

The proposed wall and re-landscaping of the entry courtyard and at the base of the wall will not intensify the existing use on the site or generate a requirement for the provision of additional parking on the site. The existing nonconforming parking area that accommodates two cars is not affected by the proposed project and will remain.

The proposed courtyard wall is consistent with the site's Urban Low Residential (R-UL) and Existing Parks and Recreation (PR) General Plan designations.

### **Local Coastal Program Consistency**

The parcel is located within a mapped scenic corridor. Coastal design criteria require that development be located on parts of the site not visible or least visible from public view, and that development not block public views of the shoreline. The site is located on a private and gated right-of-way that is not accessible to the public and, therefore, the proposed wall will not block any public views of the shoreline. The proposed project is not visible from the beach since it is located between the existing dwelling and the bluff and so is screened from view by the existing taller structure. The proposed wall and courtyard is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood.

The project site is located between the shoreline and the first public road but is not identified as a priority acquisition site in the County's Local Coastal Program. The proposed masonry/stucco wall replaces an existing courtyard wall in essentially the same location, and will not interfere with any existing public access to the beach, ocean, or any other nearby body of water.

### **Design Review**

Because the project is located within a designated scenic corridor, the project is subject to the County's Design Review Ordinance, Chapter 13.11. The project complies with the requirements of the County Design Review Ordinance, in that the proposed masonry wall with a stucco finish will replace an existing similarly proportioned wood wall in the same location. The developed parcels in the area contain an eclectic collection of single family homes that are all set close to or within the front yard setback and most have walls or fences exceeding three feet in height within the required front yard setback. Finish materials for walls and fences along Las Olas Drive vary widely and other examples of stucco, wood, or mixtures of the two exist throughout the neighborhood. The proposed design and color of the proposed replacement wall is consistent with the existing range of styles and finishes.

The visual impact of the proposed replacement wall will be reduced by recessed panels with stained wood trellises, by a raised section at the entry gate and by landscaping along the street side of the wall to reduce the visual impact of the proposed wall on surrounding land uses and the natural landscape. In addition the one second story wall of the house that is currently painted black to match the existing wood wall, will be painted white to match the remainder of the dwelling and the proposed stucco/masonry wall.

### **Environmental Review**

The proposed construction of a masonry wall to replace the existing wood wall at the existing dwelling has been determined to be categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines Section 15301, Existing Facilities.

## **Conclusion**

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

## **Staff Recommendation**

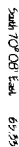
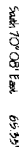
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **101094**, based on the attached findings and conditions.

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

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

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## Specialist 1/8" = 1' - 00"


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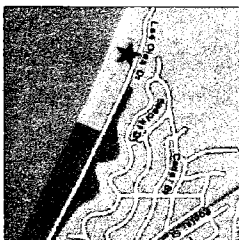
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### Vacuity Map



# EXHIBIT A



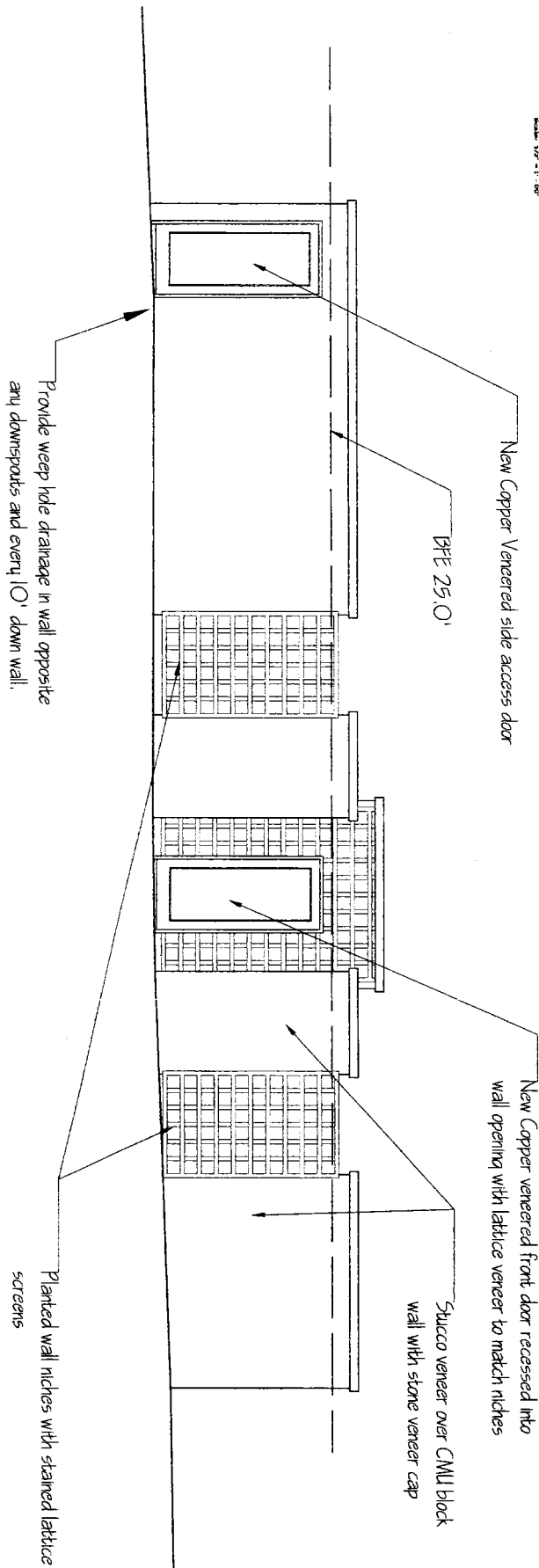
**John and Linda Daane      759 Las Olas Drive      Aptos, Ca**

Student: <b>Asa Nigam</b>
Subject: <b>Computer Systems</b>
Course: <b>1st February 2010</b>
Created by: <b>JIS</b>
Revised by: <b>JIS</b>
1st February 2011 - <b>JIS</b>
2nd February 2011 - <b>JIS</b>

**SHEET**

151

**2016**



Front Wall Photos



EXHIBIT A

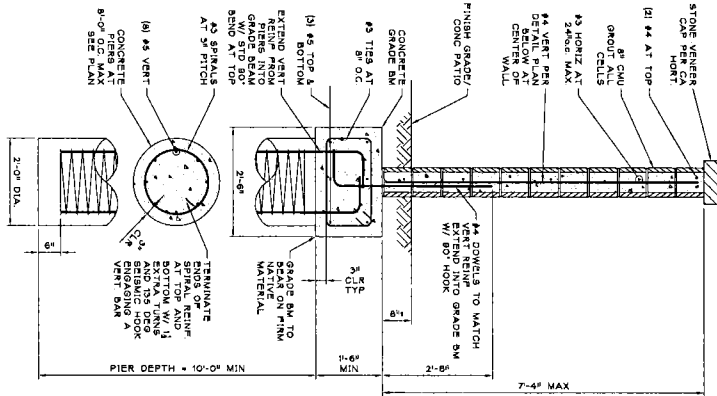
**California Horticulture**  
Landscape Architecture  
CONSTRUCTION  
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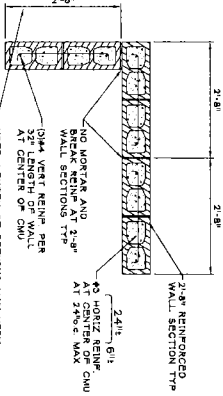
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Editor: Not Provided
Designer: Not Provided
Checker: Not Provided
Printer: Not Provided
Revisions:

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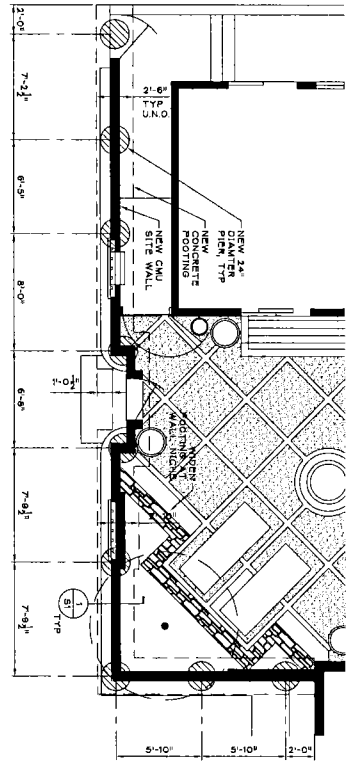
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TRP CMU SITE WALL SECTION



TYP CMU WALL DETAIL PLAN



**EXHIBIT A**

## STRUCTURAL NOTES AND SPECIFICATIONS

## CMU SITE WALL FOUNDATION PLAN

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

### A. EARTHWORK

1. FOOTINGS SHALL BE EMBEDDED AT LEAST 12 INCHES INTO FIRM NATIVE MATERIAL. FOOTINGS ARE PROPORTIONED PER THE CALIFORNIA BUILDING CODE TABLE 1606A.3 FOR AN ALLOWABLE SOIL PRESSURE OF 2000 P.S.F.
2. CONTRACTOR SHALL CAREFULLY EXCAVATE ALL MATERIALS NECESSARY OF WHATEVER NATURE AND QUANTITY OF NATURAL MATERIAL OF THE UNDERSOILS IS UNDESIRABLE OR DETRIMENTAL NATURE DISCOVERED BELOW THE BOTTOMS OF THE FOUNDATIONS SHALL BE SUFFICIENT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH THE WORK.

### B. CONCRETE

1. REINFORCED PLACED CONCRETE WORK SHALL BE CONSTRUCTED TO NOMINAL WEIGHT OF 150 POUNDS PER CUBIC YARD. ALL PORTLAND CEMENT CONCRETE SHALL CONFORM TO THE REQUIREMENTS OF SECTION 202.01. ALL PORTLAND CEMENT SHALL BE TYPE I OR II. ALL PORTLAND CEMENT SHALL BE FURNISHED IN BAGS OR SHALL BE EQUIVALENT TO BAGS. ALL PORTLAND CEMENT SHALL BE OF THE BRAND AND MANUFACTURE SPECIFIED BY THE ENGINEER. THE USE OF ANY SUBSTITUTE IN THE CONCRETE MUST BE APPROVED BY THE ENGINEER.
2. ALL NEWLY PLACED CONCRETE SHALL BE CURED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 202.02. ALL CONCRETE SHALL BE PROTECTED FROM FREEZING TEMPERATURES. ALL NEW CONCRETE SHALL BE AT THE OPTION OF THE CONTRACTOR WITH APPROVAL OF THE OWNER.
3. ALL WEAP, ANCHORAGE DEVICES, ANCHOR BOLTS, ETC. SHALL BE SECURED IN PLACE AND INSTALLED BY SUBMITTER PRIOR TO PLACING CONCRETE.

### C. REINFORCEMENT

1. USE GRADE 40 DEPOSITED REINFORCING FOR #4 AND SHALL BE SAAS AND GRADE 60 FOR #5 AND LARGER BARS CONFORMING TO THE REQUIREMENTS OF ASTM A618, STABORIZED BARS SHALL BE USED FOR ALL REINFORCING. ALL REINFORCING SHALL BE PROTECTED WITH BITUL AT BOTTOM OF WORK AREA BLOCKS. MINIMUM CLEARANCE SHALL BE 3 INCHES FOR SURFACES POLISHED AGAINST EARTH AND 10 INCHES REINFORCEMENT. UNLESS OTHERWISE SPECIFIED.
2. ALL REINFORCING SHALL BE SECURED IN PLACE AND INSPECTED BY THE ENGINEER PRIOR TO PLACING ANY CONCRETE OR GROUT.
3. ALL WORK DONE UNDER THIS SECTION SHALL CONFORM WITH THE APPLICABLE PORTIONS OF AASHTO, LATEST EDITION, PARTICULARLY CHAPTER 7, DETAILS OF REINFORCEMENT.

## D. MASONRY

- [illegible]

### E. STRUCTURAL OBSERVATION

1. THE TWO THICK WALLS SHALL BE DESIGNED AND APPROVED BY THE ENGINEER PRIOR TO POURING THE CONCRETE.
2. SINGULAR WALLS SHALL BE THE REMAINING 2 THICK WALLS, OBSERVATION OF THE PRIMARY FOUNDATION PRIOR TO POURING CONCRETE BUT AFTER REINFORCING STEEL.
3. FOUNDATION PRIOR TO POURING CONCRETE BUT AFTER REINFORCING STEEL, AND STEEL REINFORCEMENTS ARE IN PLACE.
  - a. WALL WALLS PRIOR TO POURING STEEL, BUT AFTER REINFORCING STEEL, AND STEEL REINFORCEMENTS ARE IN PLACE.
  - b. WALL REINFORCEMENTS ARE IN PLACE.
4. CONSTRUCTION SHALL COME TO THE ENGINEER 4+ HOURS MINIMUM PRIOR TO DESIRED TIME OF CONSTRUCTION.



## **Coastal Development Permit Findings**

- 1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in Section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.**

This finding can be made in that the proposed replacement wall at the entry courtyard of the existing single-family dwelling is an allowed use in the R-1-8 (Single Family Residential) zone district where the parcel is located. The R-1-8 zone district is consistent with the site's Urban Low Residential (R-UL) and Existing Parks and Recreation (PR) General Plan designations.

- 2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.**

This finding can be made, in that no such development restrictions are known to encumber the project site. In addition, the proposed wall is designed to incorporate the existing residential gas meter for the property such that no relocation of the meter will be required and there will be no disturbance to the existing service. The proposed project is located outside the right-of-way for Las Olas Drive and therefore will not interfere with street access to other parcels in the area.

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

This finding can be made, in that the proposed courtyard wall is consistent with the surrounding neighborhood in terms of architectural style. The site is surrounded by parcels developed to an urban density and lots in the area contain an eclectic collection of single family homes that are all set close to or within the front yard setback. Most properties also have increased wall or fence heights within the required front yard. Finish materials for existing walls and fences along Las Olas Drive vary widely and other examples of stucco, wood, or mixtures of the two exist throughout the neighborhood. The proposed design and color of the proposed replacement wall, that includes white painted stucco with stained wood latticework at the proposed wall recesses, is consistent with the existing range of styles and finishes. In addition, landscaping is proposed to further enhance the wall and minimize its potential impact on the surrounding street scene. The development site is not on a prominent ridge or bluff top and although the site is located on a former beach area, the proposed wall will not be visible from the beach or from the Pacific Ocean.

- 4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.**

The project site is located within the appealable area of the Coastal Zone, between the shoreline and the first public through road. Public access to the beach is located east of the project site via Seacliff State Park. The proposed wall is located on a private gated road for a small beach

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community. The replacement wall will not interfere with public access to the beach, ocean or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program and is not designated for public recreation or visitor serving facilities, except for the southernmost portion of the property nearest to the ocean, and no development is proposed in this area.

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

The proposed privacy wall is in conformity with the County's certified local Coastal Program in that the structure is sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, walls within the required front yard are allowed within the R-1-8 (Single Family Residential) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Other similar privacy walls exist all along Las Olas Drive and many of these also exceed 6 feet in height. These walls have a wide variety of finish materials, including both stucco and wood, and therefore the proposed wall will be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood.

## **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.**

The location of the courtyard wall as shown will not be detrimental to health, safety or public welfare of persons living or working in the neighborhood, or the general public in that the wall is proposed to be placed outside of the access right-of-way for Las Olas Drive. The wall will not result in the inefficient or wasteful use of energy, and will not be materially injurious to other properties or improvements in the vicinity. The project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

The elevation of the parcel in the vicinity of the proposed wall is between 17.8 feet and 19.0 feet above mean sea level. Base Flood Elevation for flood events at this parcel has been determined to be 25 feet above mean sea level, so the wall is will be potentially subject to a base flood event. The proposed wall will therefore be designed to fail under a hydrostatic load that is less than would be experienced under base flood conditions. The wall is also certified to not increase the potential for flood damage to the structure on this property or to neighboring structures. While the wall has not been designed as a debris flow wall to withstand the impact of a landslide event it may give some increased protection to the existing dwelling from minor debris flows from the adjacent coastal bluff.

The proposed wall is located within the front yard setback but is not within the right-of-way and the location of the wall therefore will not adversely affect the line of sight for travellers along Las Olas Drive. Finally, the proposed wall will not deprive adjacent properties or the neighborhood of light, air, or open space.

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

The project is located within the R-1-8 (Single Family Residential) zone district and the proposed 8 foot courtyard wall with a 9 foot high section at the entrance gate, is consistent with the pertinent County ordinances and the purpose of the zone district. The wall is appurtenant to an existing single-family dwelling and replaces an existing wall of a similar scale in the same location. The wall provides privacy from Las Olas Drive and encloses an entry courtyard. The proposed wall and re-landscaping of the entry courtyard will not intensify the existing use of the site or generate a requirement for the provision of additional parking, and the existing nonconforming parking area that accommodates two cars will remain.

While the wall is located within the front setback, it is not located within the right-of-way, so the wall and associated landscaping will not interfere with the line of sight for travelers using Las Olas Drive. The proposed colors and materials for the wall harmonize with those of other homes

in this neighborhood and also with the existing home on the parcel. The wall is therefore allowable under the exceptions to the residential development standards for walls and fences as set out in County Code Section 13.10.525.

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

The project is located on the portion of the parcel that has an Urban Low Density land use designation. The proposed 8 foot courtyard wall with a 9 foot high section at the entrance gate, on site with an existing single-family dwelling, is consistent with all elements of the General Plan, in that the property is designated for this density and type of residential use.

The proposed courtyard wall will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the wall will not adversely shade adjacent properties, and is allowable under the exceptions to the residential development standards for walls and fences as set out in County Code Section 13.10.525.

The proposed replacement wall will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the courtyard wall replaces an existing wall that is similarly proportioned and the proposed wall is consistent with the location, scale, and design of privacy walls located on other parcels all along Las Olas Drive. The proposed project will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

**4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.**

The proposed re-landscaped and improved entry courtyard and walls will not overload utilities and will not generate any additional level of traffic on the streets in the vicinity. Two nonconforming parking spaces that are partially within the right of way exist on the parcel. No changes are proposed to the dwelling and the proposed project will not alter the existing parking area.

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

The proposed courtyard walls with recessed panels and stained wood trellises and landscaping will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities and dwelling unit densities in the neighborhood. The proposed development is of a similar size and mass to other walls in the neighborhood and will be sited, designed and landscaped to be visually compatible and integrated with the character of the surrounding homes and with the natural environment.

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

This finding can be made, in that the wall will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

## Conditions of Approval

Exhibit A: 2 sheets prepared by California Horticulture Landscape Construction Inc. dated 15 January, 2011, revised 21 February, 2011, and 1 sheet prepared by Streeter group Inc. dated December 18, 2009, revised June 6, 2011.

- I. This permit authorizes the construction of an eight foot masonry wall with a 9 foot section surrounding the entry gate. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
    2. Details showing compliance with FEMA requirements for breakaway walls located in coastal high hazard areas in accordance with the national Flood insurance Program. The proposed structure shall be designed to fail, as required by the FEMA flood design criteria, under a water load less than that which would occur in the event of a base flood.
    3. The project Architect or Engineer shall certify that the wall will collapse as described above and certify that the wall shall not cause additional flood hazards for neighboring FEMA compliant homes.
    4. The wall shall not be structurally attached to the home.

- B. Submit two copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. 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 archaeological 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-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

**Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

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

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

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

\_\_\_\_\_  
Steven Guiney, AICP  
Deputy Zoning Administrator

\_\_\_\_\_  
Lezanne Jeffs  
Project Planner

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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: 101094

Assessor Parcel Number: 038-461-16

Project Location: 759 Las Olas Drive, Aptos CA

**Project Description: Proposal to replace an existing wood fence with a maximum 8 foot tall masonry debris flow wall and to reconfigure an existing courtyard.**

**Person or Agency Proposing Project: Jason Bowman**

**Contact Phone Number: (408) 364 3190**

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

Specify type:

E.   X   **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

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

Minor alterations to existing residential structures.

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

\_\_\_\_\_  
Lezanne Jeffs, Project Planner

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

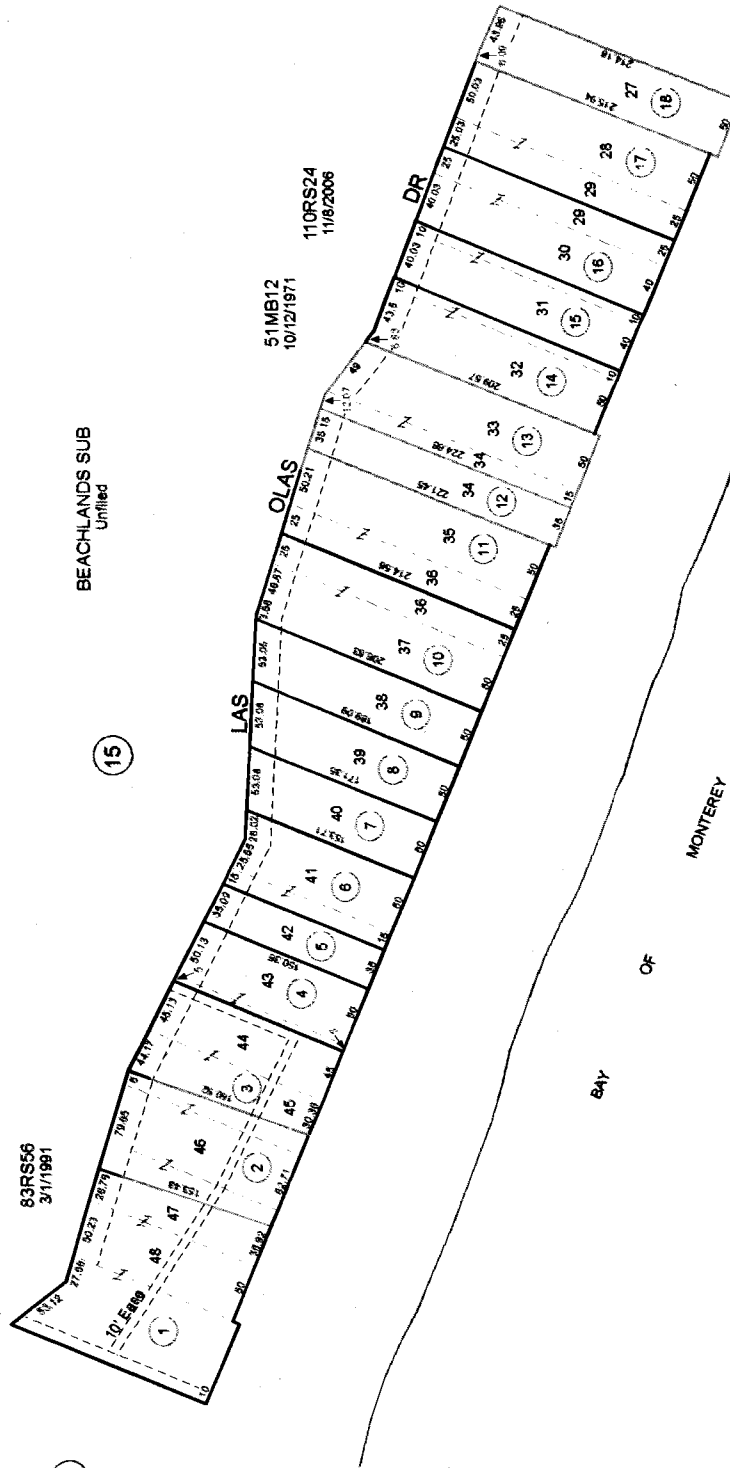
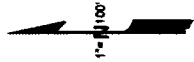
# FOR TAX PURPOSES ONLY

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**APTOS RANCHO**  
POR. SEC. 13, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
69-273

38-46



MONTEREY

OF

BAY

Assessor's Map No. 38-46  
County of Santa Cruz, Calif.  
Aug. 1995

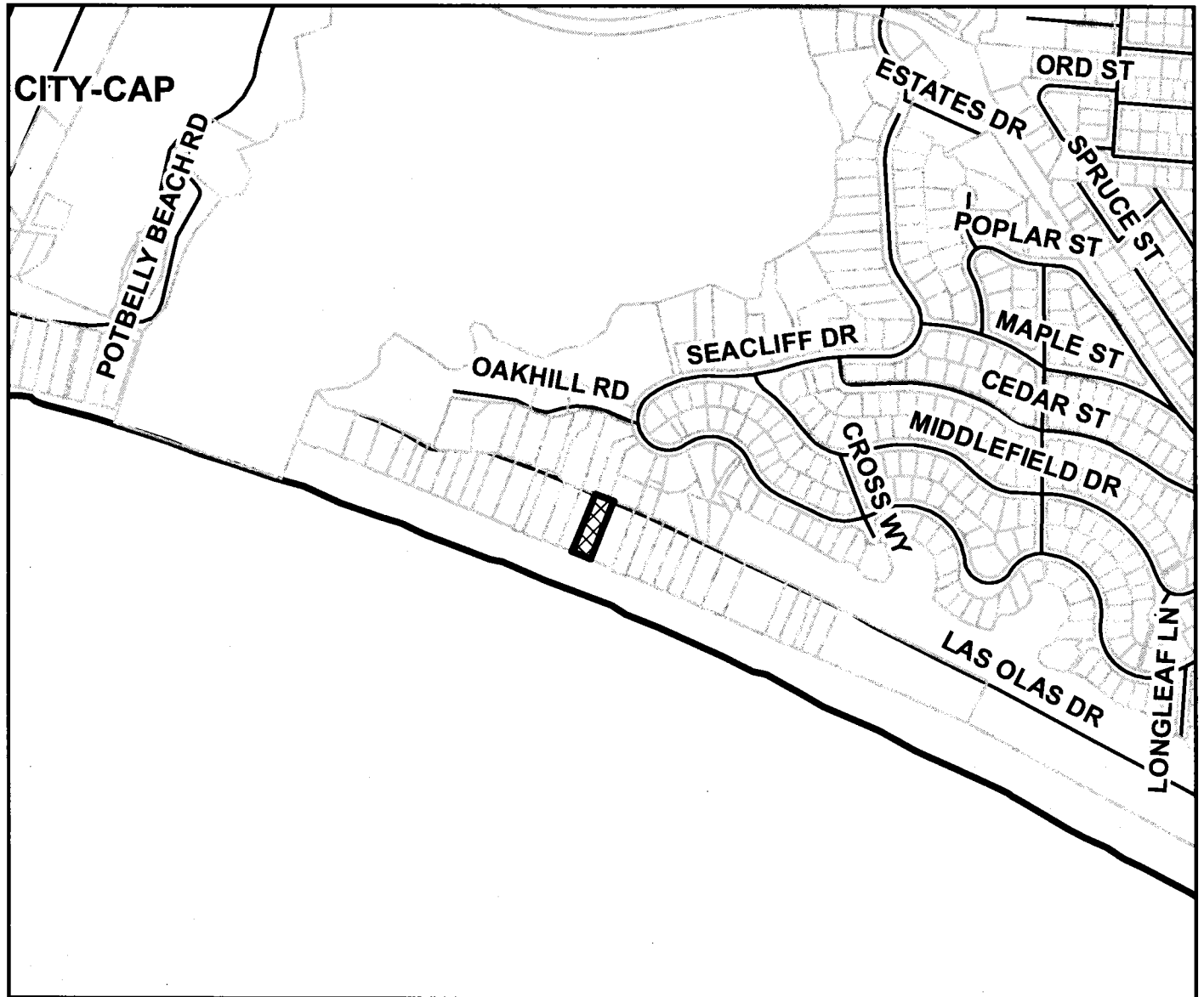
Note - Assessor's Parcel & Block  
Numbers Shown in Circles

## EXHIBIT E






Electrically drawn 8-16-95 KSA  
Rev 5/12/99 KSA (CA)  
Rev 3/12/99 CG (for Pg. reference)  
Rev 3/24/06 MD (Spatial Adjustment)  
Rev 6/27/07 to (11ORS24)

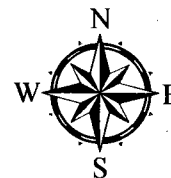


# Location Map



## LEGEND

-  APN: 038-461-16
-  Assessors Parcels
-  Streets
-  County Boundary
-  CAPITOLA

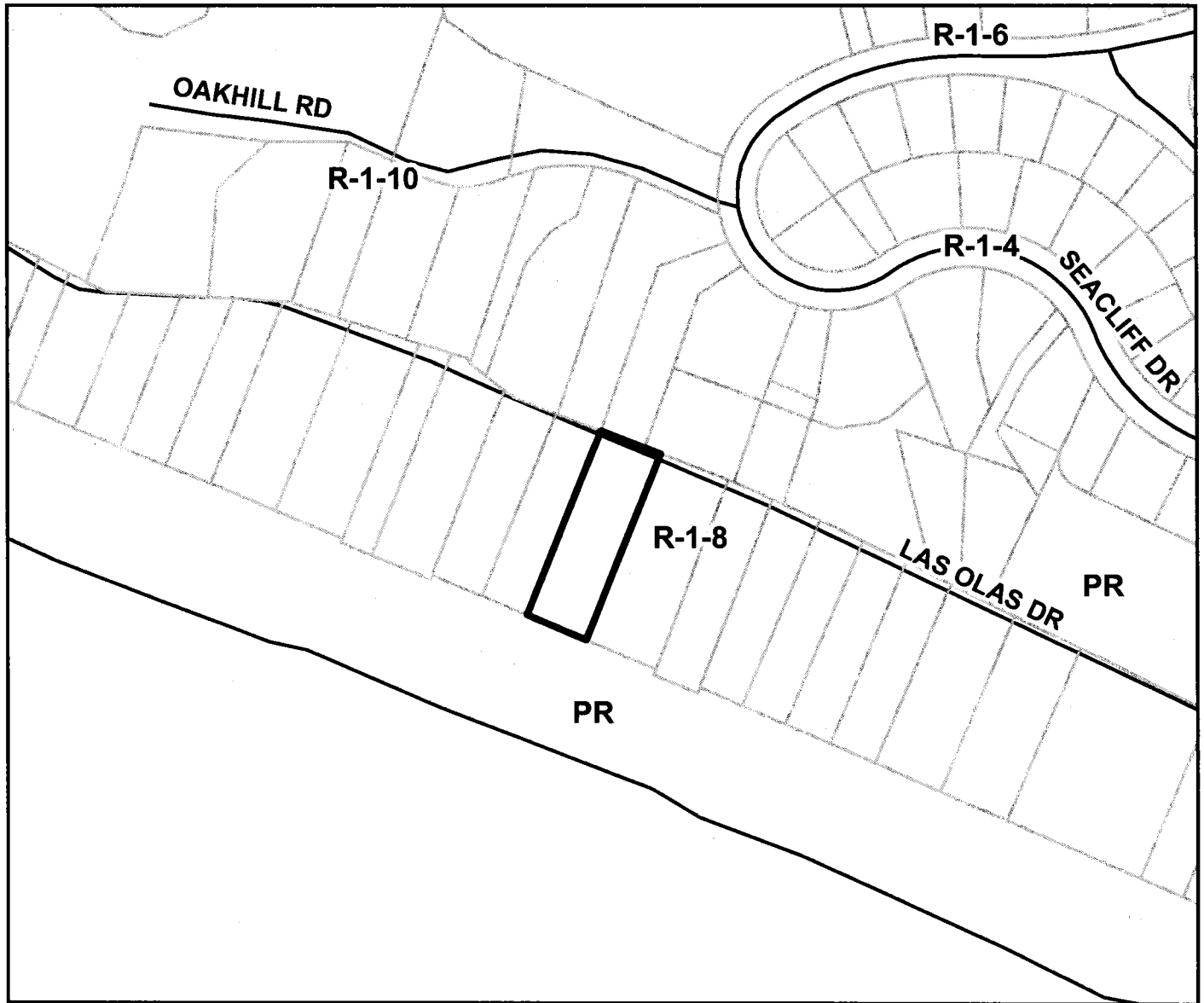


Map Created by  
County of Santa Cruz  
Planning Department  
July 2011

## EXHIBIT E



# Zoning Map



## LEGEND



APN: 038-461-16



Assessors Parcels

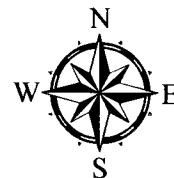


Streets



County Boundary

RESIDENTIAL-SINGLE FAMILY  
PARK

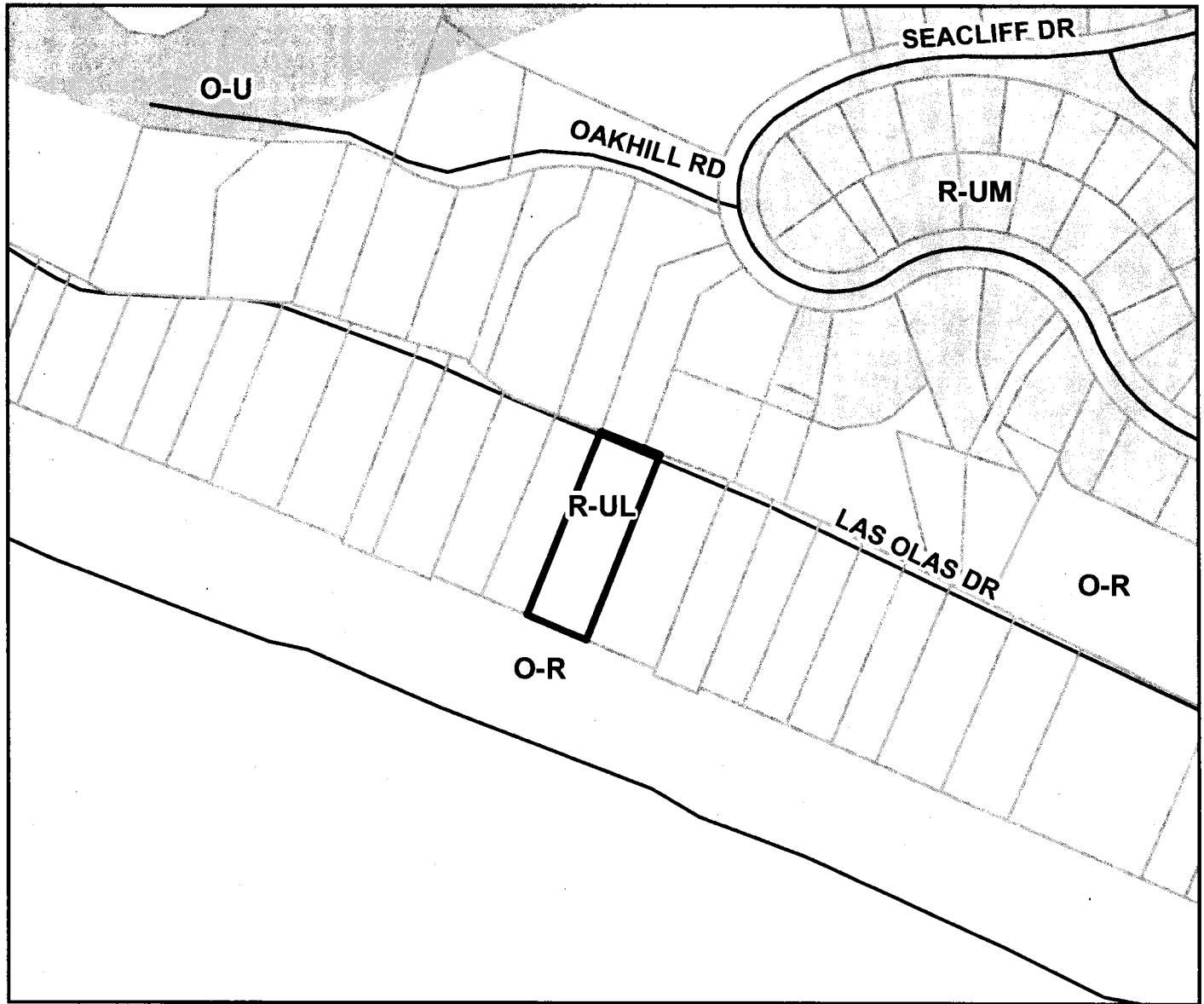


Map Created by  
County of Santa Cruz  
Planning Department  
July 2011

## EXHIBIT E

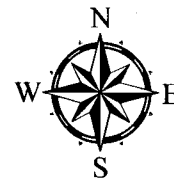


# General Plan Designation Map



## LEGEND

- APN: 038-461-16
- Assessors Parcels
- Streets
- County Boundary
- Residential - Urban Low Density
- Parks and Recreation
- Residential - Urban Medium Density
- Urban Open Space



Map Created by  
County of Santa Cruz  
Planning Department  
July 2011

## EXHIBIT E

**Hugh Zike**

**From:** Wilson, Gregory P [Gregory.P.Wilson@dhs.gov]  
**Sent:** Friday, April 15, 2011 8:41 AM  
**To:** hugh@streetergroup.com  
**Cc:** Hornick, Michael  
**Subject:** 755 Las Olas  
Mr. Zike,

Thank you for your inquiry to the FEMA Building Science Helpline concerning your request to replace an existing wood privacy wall with a masonry (concrete masonry unit) privacy wall for the property 755 Las Olas Dr, Aptos, CA. The property is located in a VE flood zone. The existing and proposed walls lie landward of the building, and separate the subject property from Las Olas Dr and a steep bluff landward of the road. The proposed wall has the potential to serve as a "debris" break for potential coastal slope failure.

Guidance for fences and privacy walls can be found in FEMA's National Flood Insurance Program Technical Bulletin (TB-5) *Free-of-Obstruction Requirements for Buildings Located in Coastal High Hazard Areas in accordance with the National Flood Insurance Program* (FEMA, 2008). TB-5 states that privacy walls (including walls separating one property from another) may obstruct or divert flood flow and waves, and that solid privacy walls must be designed and constructed to fail under base flood conditions without causing harm to adjacent NFIP-compliant buildings.

While FEMA does not have specific breakaway requirements for privacy walls, it is reasonable to consult FEMA regulations and guidance for breakaway walls beneath elevated buildings, and related breakaway wall provisions contained in building codes and standards:

- NFIP Technical Bulletin 9 (TB-9) *Design and Construction Guidance for Breakaway Walls below Elevated Buildings Located in Coastal High Hazard Areas in accordance with the National Flood Insurance Program* (2008)
- Chapter 1612 of the *California Building Code* (2007 and 2010)
- Section 5.3.3 of *ASCE 7 Minimum Design Loads for Buildings and Other Structures* (2005 and 2010 editions)
- Section 4.6.1 of *ASCE 24 Flood Resistant Design and Construction* (2005).

The requirements and guidance listed above are consistent in allowing breakaway walls to be designed to resist more than 20 psf, provided the engineer will certify that the breakaway wall collapse shall result from a water load less than which would occur during the base flood 44 CFR 60.3 (E)(5)(i). Section 5.3.3 of ASCE 7 states that breakaway walls shall be designed for the largest of the following loads perpendicular to the plane of the wall: the design wind load, the design earthquake load, or 10 psf. In the case of the proposed privacy wall, the fact that the computed seismic load is 25.5 psf is not a violation of breakaway wall provisions. There is no need to use any alternate loading procedures permitted by ASCE 7.

**Gregory P Wilson, CFM**

Building Sciences Program Specialist

FEMA

Federal Insurance and Mitigation Administration

Washington, DC 20472

(202) 646-3953 (Desk)

(202) 679-5934 (Cell)

4/15/2011

EXHIBIT F



# Streeter Group, Inc.

Architecture, Structural Engineering

July 19, 2011

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

Re: Daane Residence, Application #101094, APN 038-461-16  
Our File No: 09045

Dear Ms Gentile:

In response to your plan check comments regarding the fence / privacy wall for the subject project dated July 7, 2011 we have revised our calculation per our meeting on July 14, 2011. Mr. George Wilson of FEMA provided us with the attached design criteria guidelines. Based upon these requirements, our calculation and details it is our professional opinion the proposed privacy wall as detailed is adequate to conform to the California Building Code seismic design criteria while also designed to fail as required per FEMA flood design criteria. It is also our opinion that the proposed fence / privacy wall as detailed will not increase the risk of flood damage to the structure on this property or neighboring structures. We therefore certify that collapse of the subject wall shall result from a water load less than that which would occur during the base flood.

Respectfully yours,

**STREETER GROUP, INC.**

Brad Streeter, S3724  
President, Principal Engineer



cc: Jason Bowman, file  
Attachment: Email from George Wilson with FEMA design criteria