



## Staff Report to the Zoning Administrator

Application Number: **111159**

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**Applicant:** Brett Brenkwitz  
**Owner:** Steven R. Jones Pot Belly Beach  
Club (Nancy Jones)  
**APN:** 038-231-28

**Agenda Date:** December 16, 2011  
**Agenda Item #:** 1  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to add a two-story addition to an existing two-story single-family dwelling, consisting of a first floor carport and storage area and a second floor bedroom and bathroom, and the reconstruction of an exterior stairway off of the existing deck.

**Location:** The property is located on Pot Belly Beach which is just east of New Brighton State Beach and accessed (18 Pot Belly Beach).

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

**Permits Required:** Coastal Development Permit

**Technical Reviews:** A Geologic Hazards Assessment (GHA) was done previously in preparation for this application.

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111159, 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<br>determination) | G. Variance 1431-V                  |

### Parcel Information

Parcel Size:	12,327 square feet (see discussion below)
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential and Recreation (beach)
Project Access:	Pot Belly Beach Road
Planning Area:	Aptos

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Land Use Designation: R-UL; O-R (Urban Low Residential; Existing Parks & Recreation)  
Zone District: R-1-8, PR (Single-family residential, 8,000 square foot minimum parcel size; Parks, Recreation & Open Space)  
Coastal Zone: X Inside    \_\_\_ Outside  
Appealable to Calif. Coastal Comm. X Yes    \_\_\_ No

### Environmental Information

Geologic Hazards: Coastal Wave Run-up  
Soils: Beach sand  
Fire Hazard: Not a mapped constraint  
Slopes: Flat  
Env. Sen. Habitat: Mapped as Monarch Butterfly (none found on-site)  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Coastal scenic  
Drainage: Existing drainage adequate, addition is on to existing impervious surface  
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 of Santa Cruz Sanitation District  
Fire District: Central Fire Protection District  
Drainage District: Zone 5

### Project Setting & Background

The project site is part of a larger property owned by the Pot Belly Beach Club, a development with 16 single-family dwellings located on land held in common ownership. The project site is located off of Pot Belly Beach Road, a private road that extends from McGregor Drive along the edge of the New Brighton State Park campground to the beach. All of the Pot Belly Beach dwellings are located on the open beach and are subject to coastal wave run up hazards during major storm events and landslide events from the coastal bluff to the immediate north of the project site. In anticipation of this project, a Geologic Hazards Assessment was completed (REV 111031) to assess the hazards of this location. The Pot Belly Beach development is located within the coastal scenic area.

The current proposal is to add a two-story addition to the north side of the structure which will not be readily visible from the beach located to the south. This addition, which will match the existing finish materials, consists of a first floor storage area and carport, a second floor bedroom and bathroom and the reconstruction of the external stairs leading to the existing deck.

## **Zoning & General Plan Consistency**

The subject property is located in the R-1-8, PR (Single-family residential, Parks and Recreation (beach)) zone district, a designation which allows residential uses. The use of the site will remain one single-family dwelling, a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan/Local Coastal program designation. No development is proposed in the portion of the site located in the portion of the property zoned for parks and recreation.

## **Site Standards**

Although each house retains a separate parcel number, all 16 "lots" on Pot Belly Beach Road are actually one parcel under common ownership represented by the Pot Belly Beach Club. For this reason, the normal R-1-8 setbacks apply to the edge of the property, and floor area ratio and lot coverage include all structures in the development. Due to the size of the entire Pot Belly Beach property, .5 floor area ratio and 40% lot coverage maximums are not an issue.

Variance 1431-V, approved in July 1972 for the entire development, allowed a minimum distance of 10 feet between structures subject to two conditions: 1) No architectural feature are allowed to extend more than one foot beyond the west side of each dwelling; and 2) Architectural features are allowed to extend beyond the east side of each dwelling as stated in Section 13.04.300-e, 5 and 6 of the Zoning Ordinance. The referenced section in the 1972 County Code allows open, unenclosed stairways and landings to extend three feet into any required side yard or space required between structures on the same site. The current project complies with this requirement.

The Pot Belly Beach Home Owners Association has indicated their acceptance of the proposed project by email (see Exhibit F).

## **Local Coastal Program Consistency**

The proposed single-family dwelling 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 other Pot Belly Beach "lots" are developed with single-family dwellings, most of which are two-story. Size and architectural styles vary within the development, and the design submitted for the addition is consistent both with the existing style of the subject dwelling and with that of the other houses in the development. The proposed addition is located on the north side of the existing dwelling and therefore will not be readily visible to members of the public using the beach. The project site is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

## **Design Review**

The proposed single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed addition will have a second-story setback from the first floor on the east side of the structure which combined with the unenclosed carport, will reduce

the apparent mass and bulk of the structure. In addition, the proposed finish material for the addition—shiplap wood siding—will match the existing finish, creating an integrated design. The proposed addition is to the north side of the home, where it will not be readily visible from the beach.

### **Geologic Hazards Assessment**

As noted, in anticipation of this project, the applicant applied for a Geologic Hazards Assessment (GHA). The project site is mapped as a Federal Emergency Management Agency (FEMA) flood hazard zone (VE). This means that in a 100-year storm event, the project site is anticipated to experience storm surges, including wave run-up and flooding. There is potential for damage to occur to the structure due to high velocity waves resulting in flooding. FEMA requires homeowners elevate structures above the 100-year flood level when the cost of improvements to an existing structure exceeds 50% of the market value of the structure. As a part of the GHA, the applicant submitted documentation that the proposed improvements will not exceed this threshold, and, therefore, the structure is not required to be elevated.

Although the project complies with FEMA regulations, Environmental Planning staff strongly encouraged the property owner to elevate the structure since it is located in an area that has experienced repetitive loss. The property owner elected not to elevate the structure. A condition of approval is included that requires the structure to be elevated should the current (or future within 5 years) improvements exceed 50% the market value, and the property owner is required to record a Declaration of Geologic Hazards to formally acknowledge the risks of this location.

### **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 **111159**, 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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Owner: Steven R. Jones Pot Belly Beach Club (Nancy Jones)

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# JONES RESIDENCE ADDITION

## 18 POT BELLY BEACH ROAD APTOS, CALIF.

### 95003

EXHIBIT A

5 NTS TITLE SHEET

<p>DATE: 5-1-11  </p>		<p>REVISION:</p>		<p>SCALE: NTS</p>		<p>SHEET NO.</p>		<p><b>A-1</b></p>		<p>OF 6 SHEETS</p>					
<p><b>JONES RESIDENCE</b></p>															
<p><b>TITLE SHEET</b></p>															
<p>Franks Brenkowitz &amp; Associates          Architecture + Planning + Historical          P.O. BOX 597 APTOS, CA. 95001 (831) 662-8800</p>															
<p>1 NTS PROJECT NOTES</p>				<p>2 NTS PROJECT DATA</p>				<p>3 NTS VICINITY MAP</p>							
<p>OWNER:          RICH AND STEVEN JONES          688 TATE DR.          REDWOOD CITY, CA 94061          (650) 734-1111          (650) 842-8738</p>				<p>ARCHITECT:          FRANKS BRENKOWITZ &amp; ASSOC.          P.O. BOX 597          APTOS, CA 95001          (831) 662-8800</p>				<p>SHEET DESCRIPTION:          A-1 TITLE SHEET          A-2 FLOOR PLANS          A-3 ELEVATIONS          A-4 PROPOSED FLOOR PLANS          A-5 PROPOSED ELEVATIONS          A-6 PROPOSED ELEVATIONS          A-7 FLOOR PLAN          A-8 NOTES</p>				<p>4 NTS VICINITY MAP</p>			
<p>PARCEL # 1: 6256-231-25          ADDRESS: 18 POT BELLY BEACH ROAD          ZONING: R-1-S          LOT SIZE: 12,315 (EHS)          PROPOSED PROJECT:          -RESIDENTIAL ADDITION APPLICATION          FOR LEVEL 3 COASTAL PERMIT.          EXISTING HEATED AREA: 1,901 SF          EXISTING UNHEATED AREA: 183 SF          TOTAL ADDED HEATED AREA: 1,571 SQ. FT.          TOTAL ADDED UNHEATED/          UNFINISHED AREA: 1,125 SQ. FT.          RELATED GHA REV 11/03</p>				<p>5 NTS VICINITY MAP</p>				<p>6 NTS VICINITY MAP</p>							



NOTE: NEW WATER SERVICE  
IS CURRENTLY BEING INSTALLED  
BY BOQUEL CREEK WATER.

NOTE: NO EROSION CONTROL  
MEASURES ARE TO BE  
TO CONSTRUCTION BEING  
ENTIRELY SURROUNDED BY EXISTING  
ALC PAVING

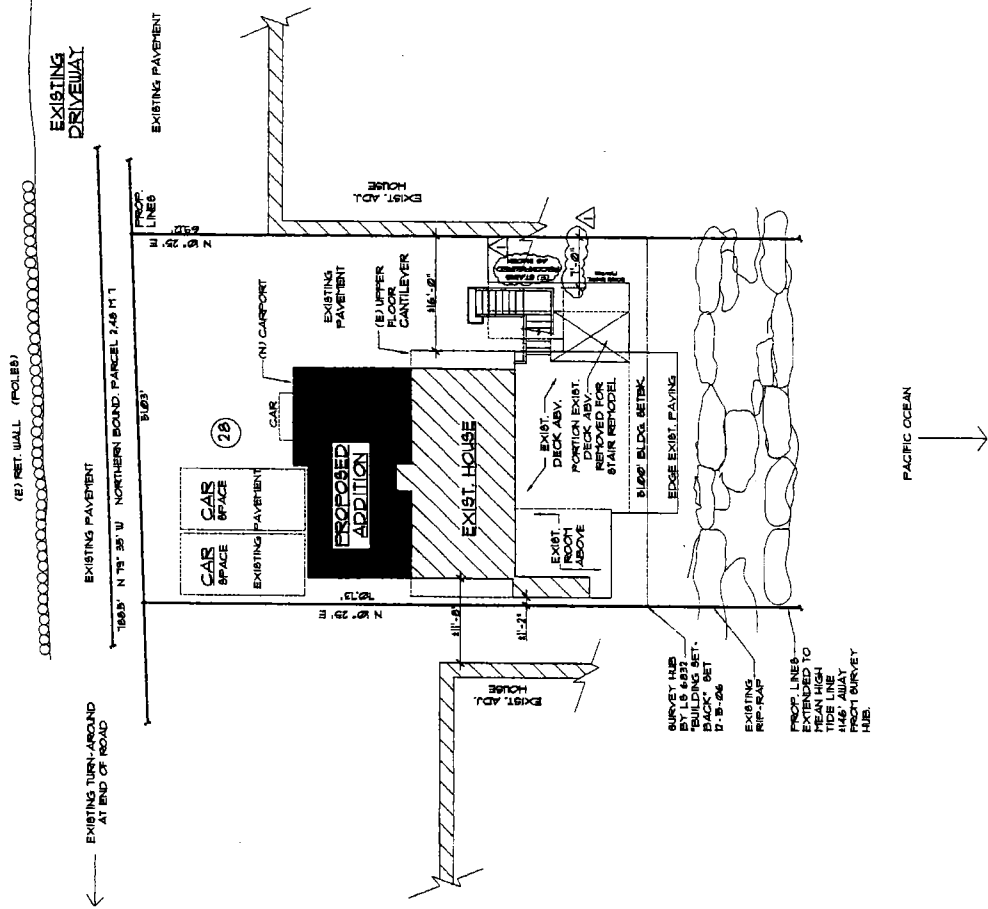


EXHIBIT A

1 W-10 SITE PLAN

<p>DATE: 5-1-11</p> <p>REVISION:</p> <p>SCALE: 1/4" = 1'-0"</p> <p>SHEET NO.</p> <p><b>A-2</b></p> <p>OF 9 SHEETS</p>	<p><b>SITE PLAN</b></p>	<p><b>JONES RESIDENCE</b></p>	<p>Franks Brenkowitz &amp; Associates</p> <p>Architecture + Planning + Historical</p> <p>P.O. BOX 597 APTOS, CA 95001</p> <p>(931) 662-8800</p>
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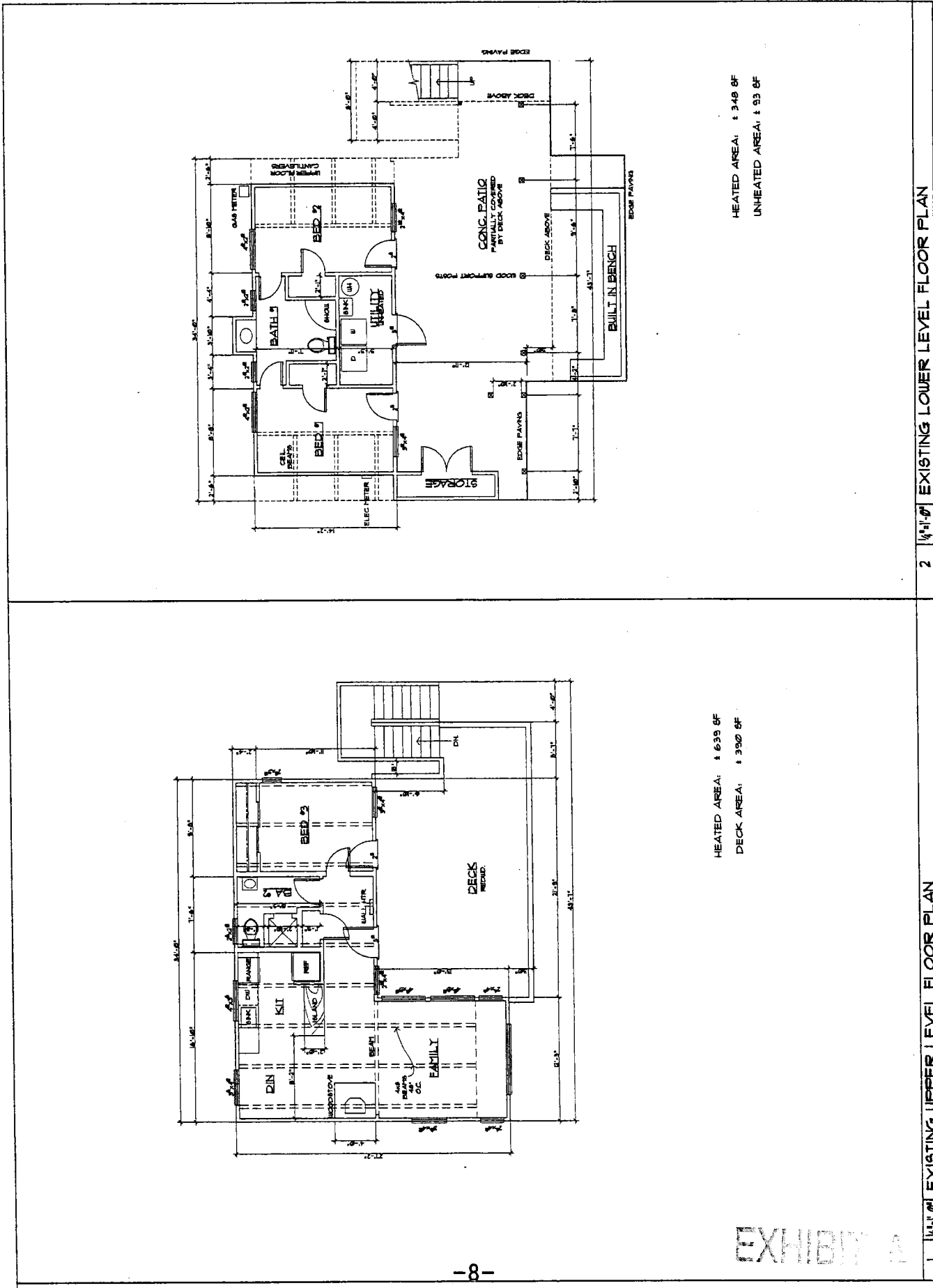
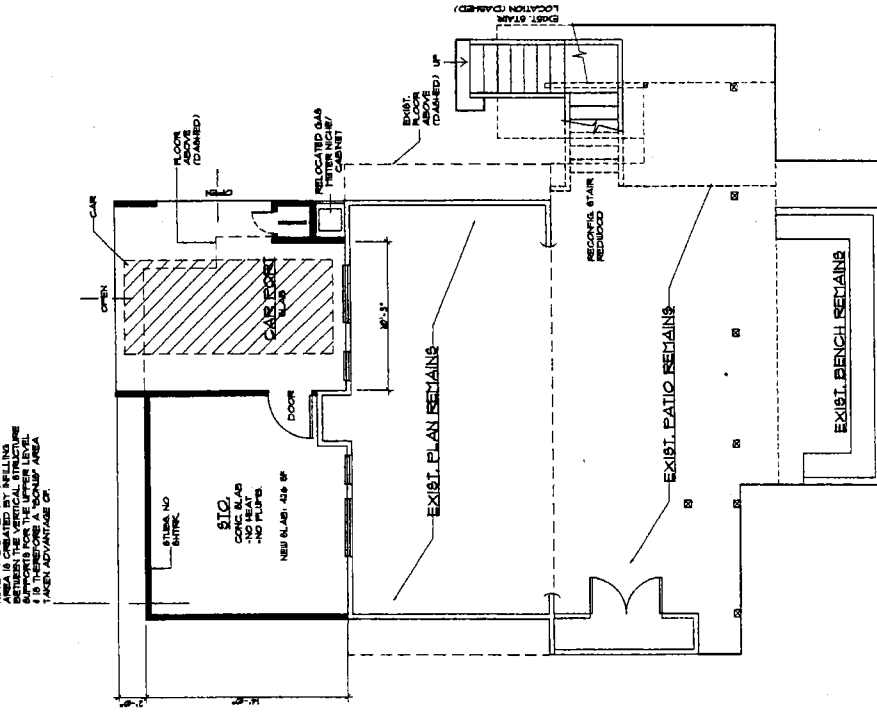


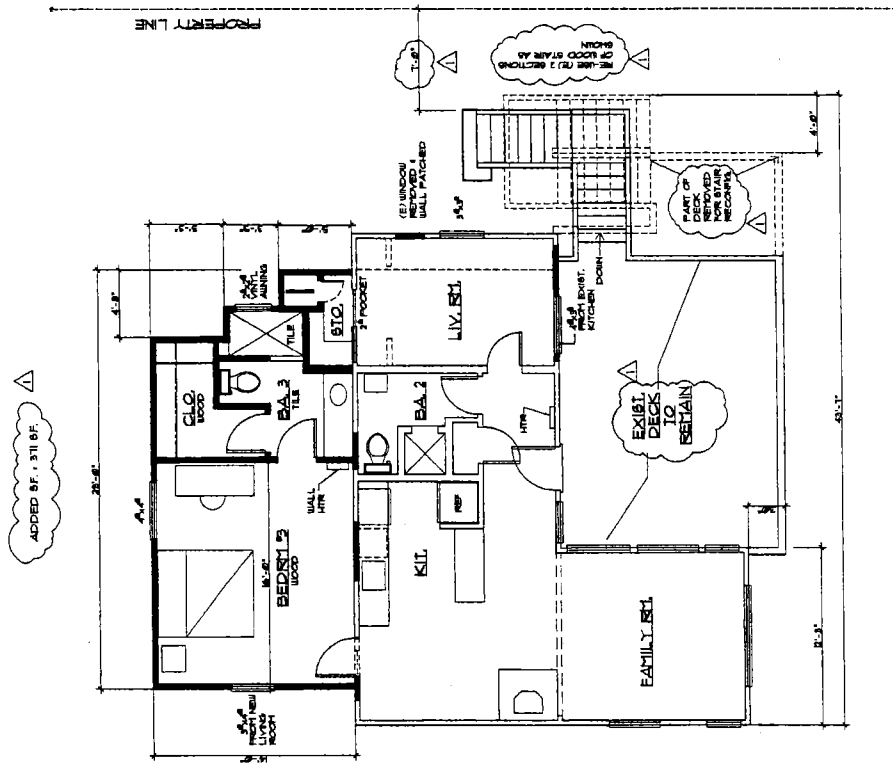
EXHIBIT A





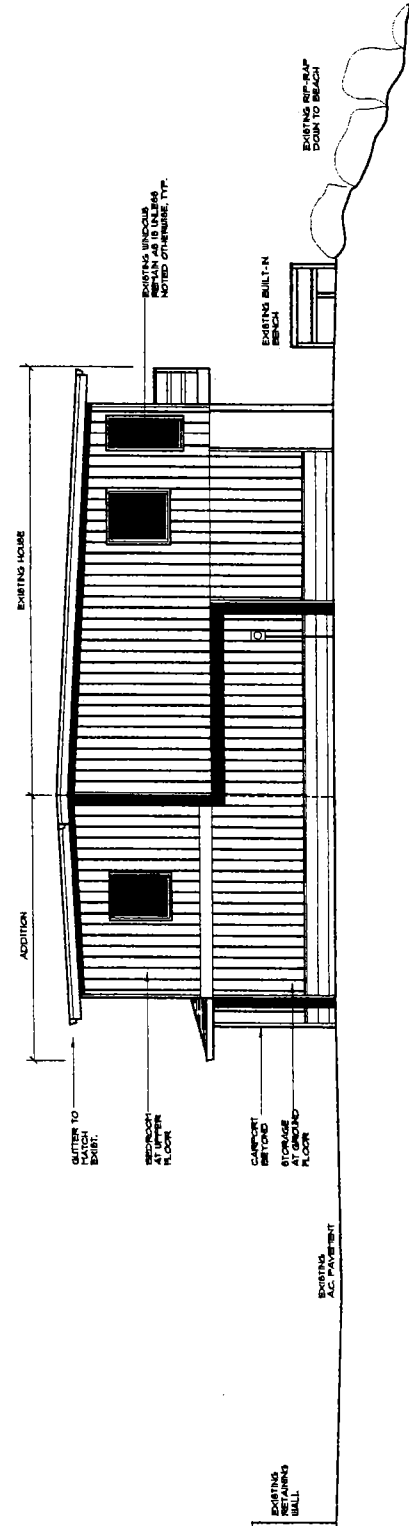
NOTE: THE LOWER LEVEL NEW AREA IS CREATED BY SELLING EXISTING TERRACE AND SUPPORTS FOR THE UPPER LEVEL. IT IS THEREFORE A "LOOSE" AREA TAKEN ADVANTAGE OF.

SHEET NO. <b>A-4</b> OF 8 SHEETS	REVISION SCALE: 1/4" = 1'-0" DATE: 9-1-11	PROPOSED FLOOR PLANS	JONES RESIDENCE Franks Brenkowitz & Associates Architecture + Planning + Historical P.O. BOX 597 APTOS, CA. 95001 (831) 862-8800
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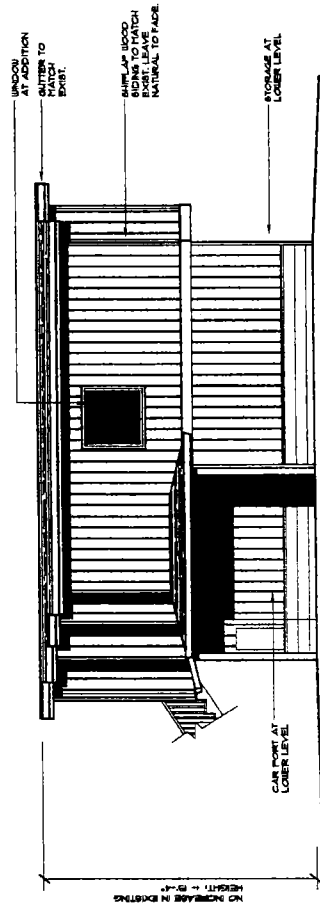
ADDED 96 SF. 3TH SF.

1 1/4" = 1'-0" PROPOSED UPPER LEVEL FLOOR PLAN 2 1/4" = 1'-0" PROPOSED LOWER LEVEL FLOOR PLAN

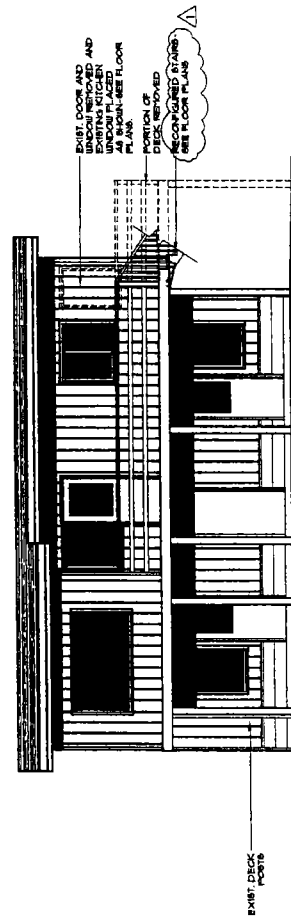


1	4'-11-0"	PROPOSED WEST ELEVATION
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Franks Brenkowitz & Associates Architecture + Planning + Historical P.O. BOX 597 APTOS, CA. 95001 (831) 662-8800	JONES RESIDENCE	ELEVATIONS	DATE: 5-1-11 10-1-11 REVISION: SCALE: 1/4"=1'-0" SHEET NO.	A-6 OF 8 SHEETS
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2 1/4"=1'-0" PROPOSED NORTH ELEVATION



1 1/4"=1'-0" EXISTING SOUTH ELEVATION

EXHIBIT A

Franks Brenkowitz & Associates Architecture + Planning + Historical P.O. Box 597 Aptos, CA 95001 (415) 662-8800	JONES RESIDENCE	PROPOSED ROOF PLAN	DATE: 8-1-11 REVISION:	SCALE: 1/4" = 1'-0" SHEET NO.	A-7 OF 9 SHEETS
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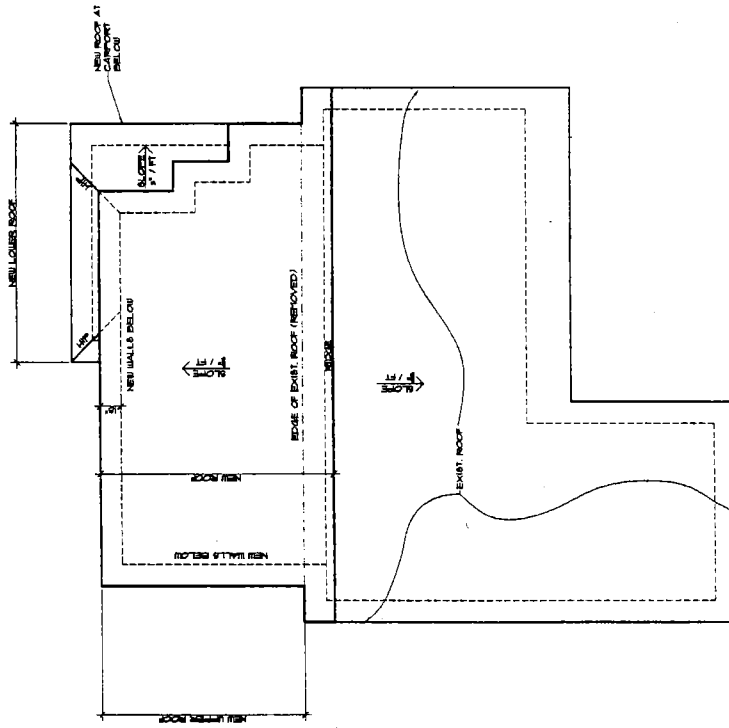


EXHIBIT A



## **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 property is zoned R-1-8, PR (Single-family residential, 8,000 square foot minimum parcel size; Parks, Recreation & Open Space), a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UL / O-R (Urban Low Residential / Existing Parks & Recreation) General Plan designation. No construction is proposed for the portion of the site within the PR (Parks and Recreation) zone district or the O-R (Existing Park site) General Plan designation, located on the open beach seaward of the existing seawall.

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 the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements as no such easements or restrictions are known to encumber APN 038-231-28, where the development is proposed to take place.

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 development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site; and the development is located on the north side of the existing dwelling, away from public views available from the beach.

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.

This finding can be made, in that the addition will occur to an existing single-family dwelling. All improvements and additions will occur landward of the existing seawall, and will therefore not interfere with public access to the beach. Existing public access points exist in the vicinity, including New Brighton State Beach immediately up-coast from the project site.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally,

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Owner: Steven R. Jones Pot Belly Beach Club (Nancy Jones)

residential uses are allowed uses in 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. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range.

## **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 can be made, in that the project is located in an area designated for residential uses and will not encroach onto the portion of the site designated for open space. The proposed addition will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all required setbacks that ensure access to light, air, and open space in the neighborhood. 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 project site is mapped as a Federal Emergency Management Agency (FEMA) flood hazard zone (VE). This means that in the 100-year storm event, the project site is anticipated to experience storm surges, including wave run-up and flooding. There is potential for damage to occur to the structure due to high velocity waves resulting in flooding. However, because the proposed project is valued at less than 50% of the market value of the dwelling, FEMA regulations do not require the property owner to flood-elevate the structure.

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 can be made, in that the proposed location of the single-family residence addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-8 and PR (Single-family residential and Parks and Recreation) zone district in that the primary use of the property will be remain one single-family residence that meets the site standards for R-1-8 zone district and the Pot Belly Beach development. No development is proposed on the portion of the property zoned PR.

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 can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Low Density Residential, Existing Parks and Recreation (beach) (R-UL, O-R) land use designation in the County General Plan.

The proposed project will comply with General Plan/LCP Policy 5.10.7 (Open Beaches and Blufftops), in that the remodel and addition will result in a single-family dwelling that is compatible with the existing pattern of development on Pot Belly Beach in terms of size, height, materials, and colors.

The proposed addition and remodel will not result in a dwelling that is improperly proportioned to the parcel size or 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 proposed addition



will result in a residence with a similar bulk, mass, scale, and height as surrounding structures.

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.

This finding can be made, in that the project entails an addition to an existing single-family residence with adequate utility service. The addition and remodel will not result in an increase in the number of bedrooms, and will therefore not result in an increase in traffic.

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

This finding can be made, in that the addition and remodel will result in a single-family dwelling that is of comparable size, bulk, mass, and scale to surrounding homes on Pot Belly Beach. No increase in dwelling unit density or land use intensity is proposed.

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 proposed single-family dwelling 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. The proposed project will result in a single-family dwelling of similar bulk, mass, scale, and height as the surrounding development on Pot Belly Beach. The proposed finish materials of the addition will match the finish materials on the existing dwelling.

## Conditions of Approval

Exhibit A: 8 Sheets by Franks Brenkwitz & Associates: A-1: Title Sheet, revised to 10/7/11; A-2: Site Plan, revised to 10/7/11; A-3: Existing Floor Plans dated 9/7/11; A-4: Proposed Floor Plans, revised to 10/7/11; A-5: Proposed Elevations, dated 9/7/11; A-6: Elevations, revised to 10/7/11; A-7: Proposed Roof Plan, dated 9/7/11; A-8: Notes, dated 9/7/11.

I. This permit authorizes the construction of a two-story addition-- including a carport, storage area, bedroom, bathroom-- to the existing single-family dwelling and the reconstruction of the external staircase leading to the existing deck. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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 Demolition Permit from the Santa Cruz County Building Official.
- C. 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.
- D. Obtain a Grading Permit from the Santa Cruz County Building Official.
- E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.

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. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
2. Grading, drainage, and erosion control plans.

**B. Environmental Planning**

1. Prior to issuance of the building permit, a new cost estimate shall be submitted, based upon the plans submitted with the building application. The cost estimate shall include:
  - a. A list of all plan sheets submitted, including title, last revision date, and plan preparer;
  - b. The following statement, "This estimate represents all costs (including overhead and profit, labor, materials and work by sub-contractors) to complete the work as depicted on the referenced plans. I understand that the cost estimate is used to determine compliance with FEMA and County regulations for development within the flood zone. I also understand that if the structure is damaged by flooding, FEMA may audit my records related to the cost of construction of the project."; and
  - c. The signature and license number of the licensed contractor.
2. Prior to issuance of the building permit, the owner shall sign a statement that the contractor's estimate includes all project costs to complete the work shown on the plans. This statement shall be provided with the building permit application.
3. If the project cost estimate exceeds 50% of the structure's value, either portions of the project shall be removed from the project plans prior to building permit issuance to reduce project costs below 50%, or the applicant shall modify the application to bring the structure into compliance with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.
4. Any additional work (including siding, roofing, damage repairs, etc.) proposed within five years of the issue date of the building permit shall be evaluated for cumulative improvement. If the total value of the proposed work, when added to the costs of this project, exceeds 50% of the structure's value, the structure will be required to comply with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.

- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to

submittal, if applicable.

- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
  - F. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
  - G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
  - H. Complete and record a Declaration of Geologic Hazards. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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. The project must comply with all recommendations of the approved soils reports.
  - D. 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.**

Application #: 111159  
APN: 038-231-28  
Owner: Steven R. Jones Pot Belly Beach Club (Nancy Jones)

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

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

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

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

\_\_\_\_\_  
Annette Olson  
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: 111159  
Assessor Parcel Number: 038-231-28  
Project Location: 18 Potbelly Beach

**Project Description: Two-story addition**

**Person or Agency Proposing Project: Brett Brenkwitz**

**Contact Phone Number: (831) 662-8800**

- 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: 15301(e): Additions to existing structures

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

Minor addition to an existing structure

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



\_\_\_\_\_  
Annette Olson, Project Planner

Date: 12 / 1 / 11

# FOR TAX PURPOSES ONLY

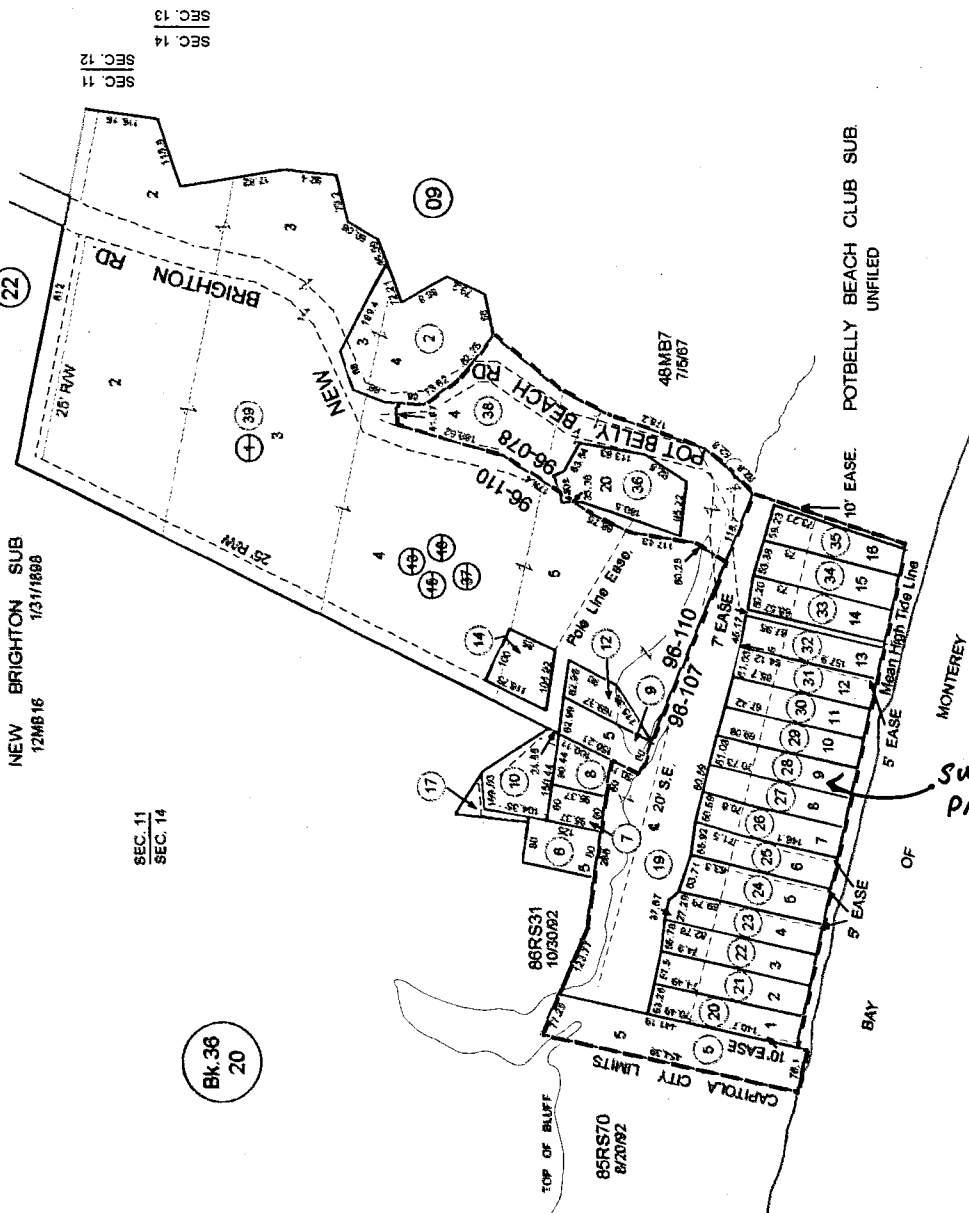
THE ASSessor MAKES NO WARRANTY AS TO THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ASSessor MAKES NO WARRANTY AS TO THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ASSessor MAKES NO WARRANTY AS TO THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

## SOQUEL RANCHO

POR. SECS. 11, 12, 13 & 14, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
96-078 96-107  
96-110

38-23



Assessor's Map No. 38-23  
County of Santa Cruz, Calif.  
Nov., 1997

**SUBJECT PARCEL**  
Note Assessor's Parcel & Block Numbers Shown in Circles.

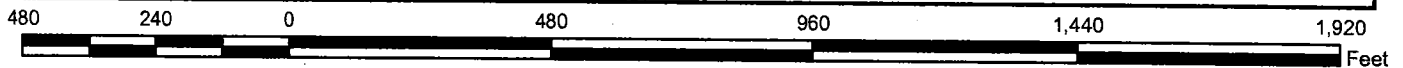
EXHIBIT B

Electronically Redrawn 11/19/97 w/p  
Rev 5/19/96 KSA (CA)  
Rev 8/19/96 GG (CA)  
Rev 3/20/96 md (spatial adjustment)







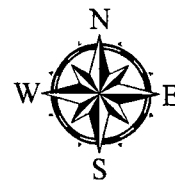


# Location Map



## LEGEND

-  APN: 038-231-28
-  Assessors Parcels
-  Streets
-  County Boundary

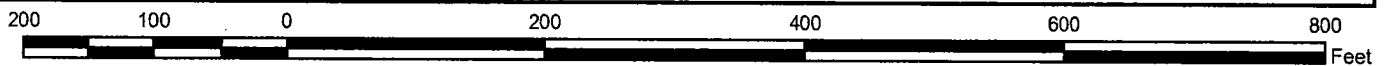
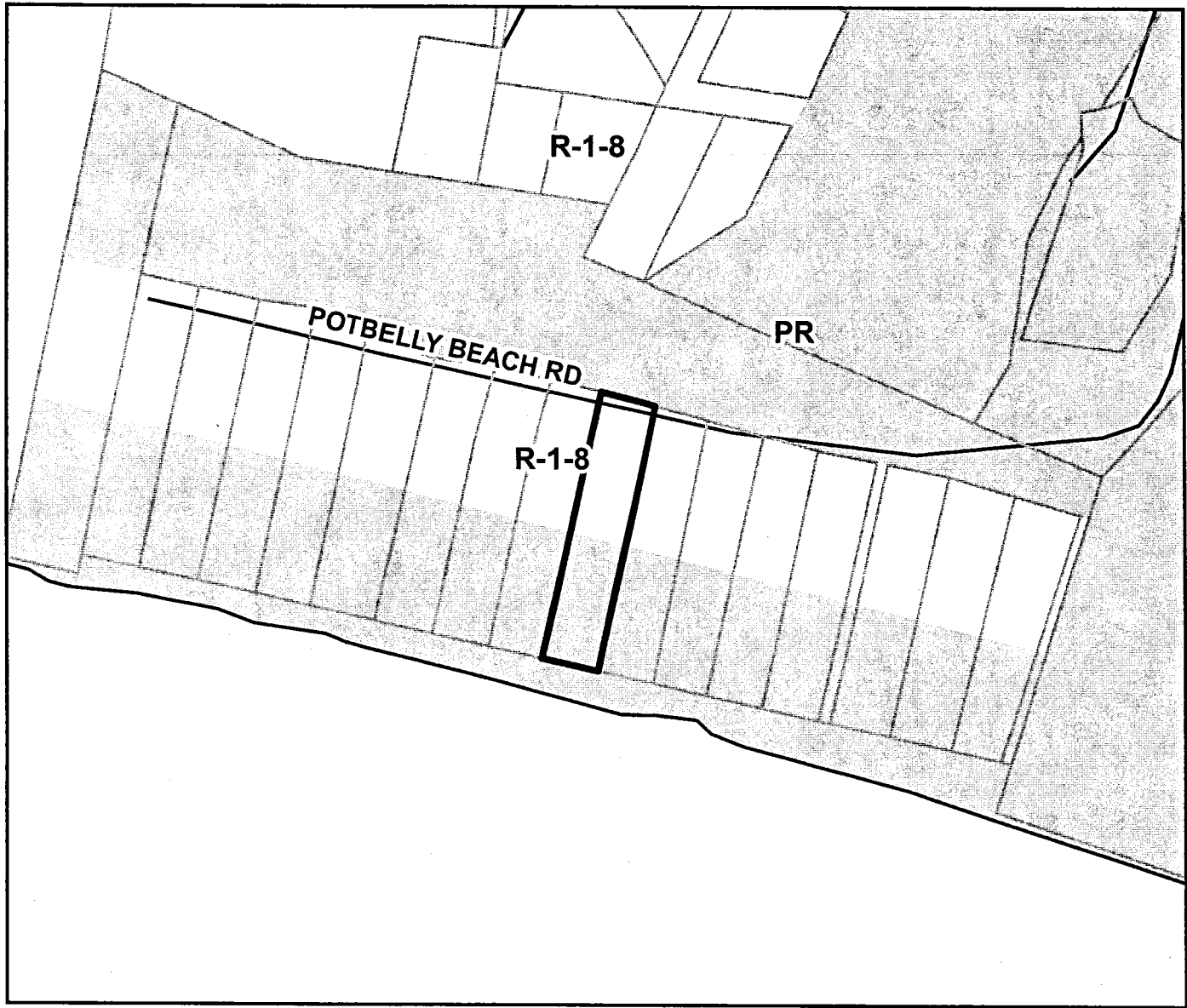


Map Created by  
County of Santa Cruz  
Planning Department  
September 2011





EXHIBIT E



# Zoning Map

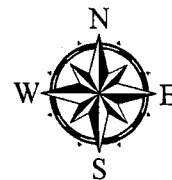


## LEGEND

-  APN: 038-231-28
-  Assessors Parcels
-  Streets
-  County Boundary

RESIDENTIAL-SINGLE FAMILY

PARK

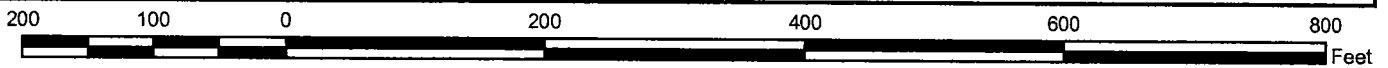
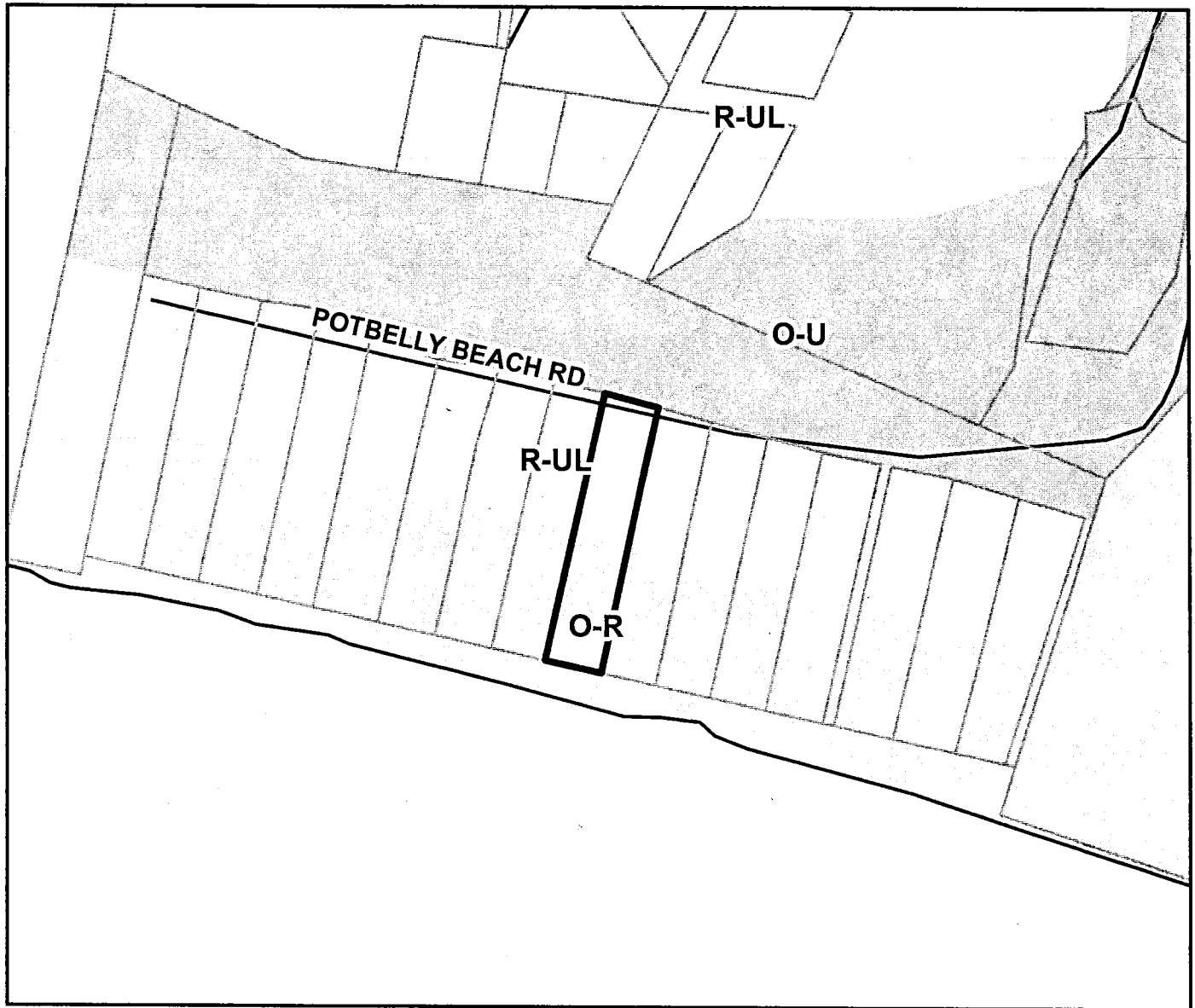


Map Created by  
County of Santa Cruz  
Planning Department  
September 2011








EXHIBIT E

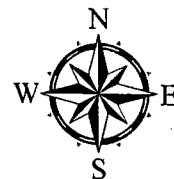


# General Plan Designation Map



## LEGEND

-  APN: 038-231-28
-  Assessors Parcels
-  Streets
-  County Boundary
-  Residential - Urban Low Density
-  Parks and Recreation
-  Urban Open Space



Map Created by  
County of Santa Cruz  
Planning Department  
September 2011

EXHIBIT E



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## Coastal Commission Review

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**Routing No: 1 | Review Date: 11/03/2011**

ANNETTE OLSON (AOLSON) : No Response

## Environmental Planning

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**Routing No: 1 | Review Date: 09/28/2011**

ANTONELLA GENTILE (AGENTILE) : Incomplete

### Completeness Comments

1. Please provide a detailed estimate from a licensed contractor for the additional work proposed beyond what was shown on the plans submitted with GHA REV111031. This should include the addition of the water heater closet and relocated niche on the first floor, the patching of the removed window in the living room, the partial deck demo, and the stair rebuild.
2. Clarify on sheet A-4 that the existing deck is to remain on the upper floor.

### Compliance/Miscellaneous Comments

1. GHA REV111031 included an estimate of work equal to 48% of the structure's existing value. If the additional proposed work described in Completeness Comment 1, when added to the value provided in the GHA, exceeds 50% of the structure's existing value, this application will not be approved as proposed. The application will need to be modified to comply with all requirements of the Geologic Hazards Code prior to project approval.
2. Please note that if the value of proposed work is determined to be less than 50% of the existing structure's value, no additional work can be permitted, either as part of the building permit application or as a separate application for 5 years from the date of building permit final, that when added to the value of the current proposed improvements, exceeds 50% of the existing structure's value.
3. Please be advised that this structure is in a repetitive loss area, meaning that flooding is known to have occurred on nearby properties on more than one occasion. The property owner is **STRONGLY** advised to elevate the structure in order to reduce the potential for damage during a flood, reduce flood insurance premiums, and reduce the potential hazard to occupants of the structure.

**Routing No: 2 | Review Date: 11/09/2011**

ANTONELLA GENTILE (AGENTILE) : Complete

Project is considered complete per Environmental Planning requirements.  
The following are required conditions of approval for this project:



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## Environmental Planning

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**Routing No: 2 | Review Date: 11/09/2011**

ANTONELLA GENTILE (AGENTILE) : Complete

1. Prior to issuance of the building permit, a new cost estimate shall be submitted, based on the plans submitted with the building application. The cost estimate shall include:

A. A list of all plan sheets submitted, including title, last revision date, and plan preparer,

B. The following statement: "This estimate represents all costs (including overhead and profit, labor, materials, and work by sub-contractors) to complete the work as depicted on the referenced plans. I understand that the cost estimate is used to determine compliance with FEMA and County regulations for development within the flood zone. I also understand that if the structure is damaged by flooding, FEMA may audit my records related to the cost of construction of the project," and

C. The signature and license number of the licensed contractor.

2. Prior to issuance of the building permit, the owner shall sign a statement that the contractor's estimate includes all project costs to complete the work shown on the plans. This statement shall be provided with the building permit application.

3. If the project cost estimate exceeds 50% of the structure's value, either portions of the project shall be removed from the project plans prior to building permit issuance to reduce project costs below 50%, or the applicant shall modify the application to bring the structure into compliance with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.

4. Any additional work (including siding, roofing, damage repairs, etc.) proposed within 5 years of the issue date of the building permit shall be evaluated for cumulative improvement. If the total value of the proposed work, when added to the costs of this project, exceeds 50% of the structure's value, the structure will be required to comply with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.

## Fire Review

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**Routing No: 1 | Review Date: 09/28/2011**

KAREN MILLER (KMILLER) : Complete

**Date:** September 16, 2011

**To:** Brett Brenkwitz

**Applicant:** Steven Jones

**From:** Tom Wiley

**Subject:** 111159



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## Fire Review

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**Routing No: 1 | Review Date: 09/28/2011**

KAREN MILLER (KMILLER) : Complete

**Address 18 Potbelly Beach Rd.**

**APN:** 038-231-28

**OCC:** 3823128

**Permit:** 20110209

We have reviewed plans for the above subject project.

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for **Application for Building Permit**:

NOTE on the plans that these plans are in compliance with California Building and Fire Codes **(2010)** and District Amendment.

NOTE on the plans the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE-FIRE RATING and either SPRINKLERED or NON-SPRINKLERED as determined by the building official and outlined in the 2010 California Building Code (e.g., R-3, Type V-B, Sprinklered). Although the residence is not required to be equipped with an automatic fire sprinkler system, it is highly recommended that a system be installed throughout.

The FIRE FLOW requirement for the subject property is 1000 gallons per minute for 120 minutes. NOTE on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 600 feet of any portion of the building. With the permit plan set submittal, provide a map from Soquel Creek Water District that indicates the location of the proposed fire hydrant system. Also provide the proposed water flow information from the Water District.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to construction.

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

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

Show the location of the CO detector outside each sleeping room and on each level at a minimum of the residence

NOTE on the plans where address numbers will be posted and maintained. Note on plans that address numbers shall be a minimum of FOUR (4) inches in height and of a color contrasting to their background.

NOTE on the plans the installation of an approved spark arrestor on the top of the chimney. Wire mesh not to exceed ½



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## Fire Review

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**Routing No: 1 | Review Date: 09/28/2011**

KAREN MILLER (KMILLER) : Complete

inch.

NOTE on the plans that the roof coverings to be no less than Class "B" rated roof.

Submit a check in the amount of \$115.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late Fee** may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message or email me at tomw@centralfpd.com. All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.  
3823128-091611

## Project Review

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**Routing No: 1 | Review Date: 11/03/2011**

ANNETTE OLSON (AOLSON) : Incomplete

See letter in file.

**Routing No: 2 | Review Date: 11/10/2011**

ANNETTE OLSON (AOLSON) : Complete

## Sanitation Review

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**Routing No: 1 | Review Date: 11/03/2011**

ANNETTE OLSON (AOLSON) : Not Required

## Annette Olson

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**From:** Brett Brenkwitz [brenkwitz@sbcglobal.net]  
**Sent:** Tuesday, November 08, 2011 2:54 PM  
**To:** Annette Olson  
**Subject:** Fw: Potbelly re Jones Residence

Annette-here is the approval from the HOA. Please let me know if you need anything else.

Thanks,

Brett

Re: Jones Residence  
App. # 111159

----- Forwarded Message -----

**From:** Jeffery Anne Tatum <jatatum@tatumgc.com>  
**To:** 'Brett Brenkwitz' <brenkwitz@sbcglobal.net>  
**Cc:** 'Nancy Jones' <nnjones@sisna.com>; 'Carl Sprague' <carl@paccom.biz>  
**Sent:** Tuesday, November 8, 2011 9:03 AM  
**Subject:** Potbelly re Jones Residence

Dear Brett – I am the Principal Manager of Potbelly Beach Club LLC, and am authorized by the Operating Agreement to provide this consent. The Management Committee of Potbelly has reviewed the plans dated October 7, 2011, and we approve the project. Please let me know if you need anything else.

Jeffery Anne

Jeffery Anne Tatum  
Legal Services  
[www.tatumgc.com](http://www.tatumgc.com)  
(831) 768-7481 office  
(650) 245-0110 cell (no signal in office)  
(831) 768-7528 fax

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This email is from the law firm of Jeffery Anne Tatum Legal Services and is intended only for the use of the addressee. This message and any attached documents may be confidential and/or contain information protected by the attorney-client or attorney work product privileges. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or reliance on the information in this email is strictly prohibited. If you received this email in error, please immediately notify the sender at 831-768-7481 and completely delete this email. Thank you.

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Mark Drummond Construction  
Lic. No. 437537  
146 Wesley Street  
Capitola, Ca. 95010

October 19, 2011

Nancy Jones Remodel estimate #3  
Pot Belly Beach

A.	Survey	0
B.	Foundation m&l	\$10,000.00
C.	Demolition/fees	\$600.00
D.	Frame-material	\$15,000.00
E.	Window-mat.	\$2,000.00
F.	Plumbing-labor	\$3,000.00
G.	Electrical-labor	\$5,000.00
H.	Plumbing-fixtures,mat.	\$1,500.00
I.	Electrical-fixtures.mat.	\$1,200.00
J.	Cabinet-mat.	\$1,000.00
K.	Tile-labor	\$3,000.00
L.	Hot-mop-m&l	\$350.00
M.	Tile-material	\$500.00
N.	Vanity-countertop,m&l	\$450.00
O.	Rough Carpentry-labor	\$13,000.00
1.	Drywall-m&l	\$3,000.00
P.	Fin. Carpentry-m&l	\$4,500.00
2.	Paint-m&l	\$2,500.00
Q.	Roofing-m&l	\$3,000.00
R.	Insulation-m&l	\$1,200.00
S.	Sheetmetal-m&l	\$800.00
T.	Doors-mat	\$600.00
U.	Wall heater-m&l	\$1,500.00
V.	Profit & overhead	\$3,000.00
W.	Reuse exist. Stairs	\$1,800.00
Total estimated cost		\$78,500.00

This is an estimate only, off preliminary drawings. 'Approved for construction', plans could be more or less than the original estimate. Contractor reserves the right to bid final working drawings before acceptance by owner.

## VARIANCE

ISSUED TO Potbelly Beach Club NUMBER 1431-V  
MAILING ADDRESS 160 Tamarack Drive PARCEL NO. 38-231-15 (part of)  
Aptos, California  
LOCATION OF USE South of Potbelly Beach Road, bordering the Bay of Monterey,  
approximately 1 mile south of New Brighton Road, Aptos area

VARIANCE UNDER THE FOLLOWING TERMS AND CONDITIONS: To reduce the minimum required  
side yards so that 16 single-family dwellings not exceeding 30 feet in height  
may be maintained or constructed with a minimum distance of 10 feet between  
structures subject to the following conditions: (see reverse side)

VARIANCE MUST BE EXERCISED AND CONSTRUCTION COMMENCED WITHIN ONE YEAR TO BE  
VALID. SEE ORDINANCE CODE, SECTION 13.04.310-315.

SANTA CRUZ COUNTY BOARD OF ZONING ADJUSTMENT  
WALTER J. MONASCH, SECRETARY

SIGNATURE

BY:

*Dennis Pisila*

DATE: July 17, 1972

NOTE: THIS IS NOT A BUILDING PERMIT

-30- Dennis Pisila, Senior Planner

EXHIBIT

1. No architectural feature shall extend more than 1 foot beyond the west side of each dwelling.
2. Architectural features shall be allowed to extend beyond the east side of each dwelling as stated in Section 13.04.300-e, 6 and 5 of the Zoning Ordinance.

NOTED PER ORDINATE CODE 13.04.300-e, 6 AND 5 OF THE ZONING ORDINANCE WHICH BE EXCEEDED AND CONSIDERED AS SUCH TAKEN INTO ACCOUNT TO BE

THESE PROVISIONS ARE NOT APPLICABLE TO THE FOLLOWING: (SEE SECTION 13.04.300-e, 6 AND 5 OF THE ZONING ORDINANCE) THE FOLLOWING PROVISIONS ARE NOT APPLICABLE TO THE FOLLOWING: (SEE SECTION 13.04.300-e, 6 AND 5 OF THE ZONING ORDINANCE) THE FOLLOWING PROVISIONS ARE NOT APPLICABLE TO THE FOLLOWING: (SEE SECTION 13.04.300-e, 6 AND 5 OF THE ZONING ORDINANCE)

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AMIS 12 JUL 7