



## Staff Report to the Zoning Administrator

Application Number: **171228**

**Applicant:** Hamilton Land Planning, C/O  
Deidre Hamilton

**Agenda Date:** June 1, 2018

**Owner:** Gordon and Valori Stitt

**Agenda Item #:** 3

**APN:** 028-143-47

**Time:** After 9:00 a.m.

**Project Description:** Proposal to demolish an existing single-family dwelling and to construct an approximately 5,491 square foot two story single family dwelling including an approximately 824 square foot basement below existing grade, 2,452 square foot first floor, 1,729 square foot second floor, and an attached 486 square foot garage. Requires a Coastal Development Permit, Large Dwelling Approval, and a determination that the project is exempt from further review under the California Environmental Quality Act.

**Location:** Property is located on the north side of Geoffroy Drive (65 Geoffroy Drive) about 250 feet west of the intersection with 16th Avenue.

**Supervisory District:** 1<sup>st</sup> District (District Supervisor: John Leopold)

**Permits Required:** Coastal Development Permit, Large Dwelling Approval

**Technical Reviews:** Combined Geologic Soils Report Review, Preliminary Grading Review, Design Review

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 171228 based on the attached findings and conditions.

### Exhibits

- |   |  |
|---|--|
| A. Categorical Exemption (CEQA determination)         | Recession Study and Geology Report Acceptance Letter, prepared by Rick Parks and Joseph Hanna, dated November 30, 2017 |
| B. Findings   |  |
| C. Conditions   |  |
| D. Project plans (including visual sims)              | G. County Code Section 18.10.134 - Amendments  |
| E. Assessor's, Location, Zoning and General Plan Maps | H. Comments & Correspondence   |
| F. Combined Soils, Coastal Bluff                      |  |

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

### Parcel Information

Parcel Size: 14,652 square feet gross area; 9,770 square feet net (gross area - corridor access area & beach areas)  
Existing Land Use - Parcel: Single family residential  
Existing Land Use - Surrounding: Single family residential  
Project Access: 15-foot-wide corridor access extending north from Geoffroy Drive, 50-foot right-of-way  
Planning Area: Live Oak  
Land Use Designation: R-UL (Residential Urban Low - 6000 to 10,000 Square feet per unit)  
Zone District: R-1-6, PR (Residential, 6000 square feet per unit), Existing Parks and Recreation)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

### Environmental Information

Geologic Hazards: Site located on a coastal bluff, subject to combined geologic/soils report review recommendations, Exhibit F. Reports on file in the Planning Department and available upon request  
Soils: See above  
Fire Hazard: Not a mapped constraint  
Slopes: Building site is flat  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: 140 cubic yards cut, and 10 cubic yards fill for dwelling; 260 cubic yards cut for basement (exempt from Grading Ordinance)  
Tree Removal: One 14" Pine  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate, proposed drainage compliant with Public Works design standards and subject to recommended conditions of approval  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside  
Water Supply: Santa Cruz Water Department  
Sewage Disposal: Santa Cruz Sanitation  
Fire District: Central Fire Protection District  
Drainage District: Zone 5 Flood Control District

### Project Setting

The site is located near the end of Geoffroy Drive, approximately 250 feet south of the

intersection with 16<sup>th</sup> Avenue. The subject property is a flag shape lot and is located on the coastal bluff adjacent to Black's Beach. The property is located within the appealable area of the coastal zone. The site is situated among other fully developed residential parcels. The project plans include photos that show the neighborhood and existing development surrounding the subject parcel.

The subject property contains an existing 2,087 square foot single story dwelling with a 461 square foot carport. The existing residence is located approximately 35 to 40 feet from the edge of the coastal bluff with an existing patio at the rear of the dwelling located approximately 24-28 feet from the edge of the bluff.

The parcels to the north and south of the subject property contain two story single family dwellings. There are two parcels directly behind the subject property to the east. They also contain two story single family dwellings. The neighborhood is comprised of both one and two-story dwellings, but predominately two-story dwellings toward the end of Geoffroy Drive where the property is situated.

## **Detailed Project Description**

### **Demolition**

The applicant proposes to demolish the following:

- existing dwelling and carport
- building foundation
- existing rear concrete wall and patio, patio stairs and spa (northwest side)
- parking and driveway hardscape
- removal of an existing 14-inch Monterey Pine tree located in the southeast portion of the site, and a few small trees less than 6 inches in diameter on northeast side of site. In coordination with Environmental Planning staff and prior to Coastal Development Permit application submittal, the property owner was authorized to remove a 16-inch palm tree located on the northwest that did not qualify as a significant tree and was not subject to a significant tree removal permit prior to removal.

### **Tree retention**

Existing trees located at the northeast corner (26-inch eucalyptus tree) and the southwest side of the property (double 34-inch pine tree) are proposed to be retained. These trees are protected under the significant tree protection ordinance.

### **Proposed work**

Project construction includes an approximately 5,491 square foot, six-bedroom, two story single family dwelling comprised of approximately:

- 824 square foot basement located entirely below existing grade
- 2,452 square foot first floor area
- Attached 486 square foot two car garage

- 1,729 square foot second floor area
- Approximately 1,057 square foot ground level deck at the rear of the proposed dwelling in the approximate location of the existing rear patio
- Approximately 838 square foot first story rooftop deck located on the northwest and southwest portion of the dwelling
- Approximately 232 square foot rear covered porch

### **Required Permits**

- 1) A Coastal Development Permit is required for the proposed replacement dwelling as the project does not qualify for a residential exclusion, applicable to one to four unit demolition or reconstruction, pursuant to County Code Section 13.20.070 in that the subject property is located between the sea and the first through public road, is located within 300 feet of the inland extent of a bluff or beach and includes grading more than 100 cubic yards.
- 2) A Large Dwelling Approval is required for dwellings that exceed 5,000 square feet of floor area, pursuant to County Code Section 13.10.325 and the large dwelling policy interpretation on file in the Planning Department. The policy interpretation qualifies a large dwelling as either 5,000 square feet of total floor area or 5,000 square feet of habitable floor area, whichever method is greater. The proposed dwelling requires a large dwelling approval given approximately 5,491 square feet of total floor area.

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

The subject property is a parcel of approximately 14,652 square feet gross site area. Excluding the existing corridor access, bluff, and beach area, the parcel is approximately 9,770 square feet of net site area. Site standards apply to net site area.

The parcel is in two zone districts. The front two thirds of the site are located within the R-1-6 (Residential, 6000 square feet per unit) and back third is located in the PR (Existing Parks and Recreation) zone district. The proposed dwelling is a permitted use within the both zone districts and the zoning is consistent with the site's R-UL (Residential Urban Low - 6000 to 10,000 Square feet per unit, and Existing Parks and Recreation) General Plan designation.

The proposed residence lies within the portion of the site zoned R-1-6. The undeveloped portion of the site, which extends down the coastal bluff and along a small portion of the beach, is zoned Existing Parks, Recreation and Open Space zone district.

The below table provides the required site standards based on the respective zone district.

### **Setbacks**

Pursuant to 13.10.353, the PR zone district site standards require application of residential site standards for residential development. Thus, based on the net site area of 9,699 square feet, the R-1-6 to R-1-9 site standards apply to the entire property.

The front setback extends from the eastern property line, which coincides with the full width of the property and elongated, rectangular shape of the parcel. The project also complies with the minimum 20-foot setback to the garage from the corridor access located on the south of the site.

A 15-foot rear yard setback is required from the west property line. The rear yard setback is approximately 76 feet and exceeds the minimum 15-foot setback. The rear setback also exceeds the minimum 100-year geologic stability setback of 25 feet from the top of the bluff, as determined by the accepted combined soils and geological report review on file. The structure is 27 feet to 28 feet from the top of slope.

<b>Residential Site Standards (R-1-6 Site Standard)</b>			
	Front (east)	Side (north and south)	Rear (west)
Required	20'	5' and 8'	15'min; 25' geological setback
Proposed	20'	5' (north), 20+ to garage 8' (south)	76', 27'-28'
Lot Coverage: 40 percent allowed; 32.7 percent proposed			

### Floor Area Ratio

The method to calculate floor area is interpreted by the Floor Area Ratio (FAR) Policy Interpretation on file in the Planning Department. Floor area ratio includes all floor area associated with the dwelling with exception of non-habitable basements and provides garage and porch credit credits. The FAR table is provided here.

<b>Floor Area Ratio</b>	
<b>(50% of Net Developable area of site = 14,652 square feet gross area - 1,127 square foot corridor access and 3,755 square foot beach area = 9,770 square feet Net area/2 = 4,850 square feet floor area allowed)</b>	
Proposed Basement	824 square feet (non-habitable under 7'6" in height uncounted)
Proposed attached garage	486 square feet (counted)
Ground level unenclosed, uncovered rear deck	1,057 square feet (uncounted)
Ground level rear covered porch	232 square feet (counted)
First floor unenclosed, uncovered deck	838 (uncounted)
Proposed first floor	2,452 square feet (counted)
Proposed Second floor	1,729 square feet (counted)
Sub-Total FAR	4,899 square feet
Garage Credit	-225
Covered Porch Credit	-186 feet (first 140 square foot credit plus ½ remainder of area; 232-140 = 92/2 = 46 credit=186)
Total FAR	4,488 square feet FAR, 46 %, less than allowed

### Lot Coverage

40 percent lot coverage or 3,880 square feet of lot coverage is allowed. 3,170 square feet of first floor area is proposed, or approximately 33 percent. The proposed dwelling meets the lot coverage allowance.

### Large dwelling Review

The large dwelling review is based on a separate calculation from the FAR calculation. A separate table has been provided to avoid any confusion. The large dwelling floor area is intended to be calculated more conservatively than the FAR calculation to ensure that the whole of the residential development square footage is included for purposes of the analysis.

There are two methods used to calculate large dwelling floor area, as detailed in the large dwelling policy interpretation. The larger of the two calculations is used for purposes of determining if a large dwelling review is required. The proposed replacement dwelling is proposed as an approximately 5,491 square foot home. Approximately 824 square feet is entirely underground. Therefore, the apparent size of the structure is approximately 4,667 square feet in size, less than the large dwelling maximum. Approximately 46 percent is proposed. Dwellings more than 5000 square feet require a large dwelling approval.

<b>Large Dwelling Calculations (&gt;5000 square feet require Large Dwelling Review)</b>	
<b>Method 1 (Habitable Floor Area)</b>	
Proposed Basement	824 square feet (non-habitable uncounted)
Proposed attached garage	486 square feet (non-habitable uncounted)
Ground level unenclosed rear deck	1,057 square feet (uncounted)
Ground level rear covered porch	232 square feet (uncounted)
First floor unenclosed deck	838 (uncounted)
<b>Proposed first floor</b>	<b>2,452 square feet (counted)</b>
<b>Proposed Second floor</b>	<b>1,729 square feet (counted)</b>
<b>Total Habitable Floor area</b>	<b>4,181 square feet (&lt;5000 square feet)</b>
<b>Method 2 (Total Floor Area)</b>	
Proposed Basement	824 square feet (counted)
Proposed Attached garage	486 square feet (counted)
Proposed First Floor	2,452 square feet (counted)
Ground level unenclosed rear deck	1,057 square feet (uncounted)
Ground level rear covered porch	232 square feet (uncounted)
First floor rooftop unenclosed deck	838 (uncounted)
<b>Proposed Second floor (main)</b>	<b>1,729 square feet (counted)</b>
<b>Total Floor Area</b>	<b>5,491 square feet (&gt;5000 square feet)</b>
<b>Large Dwelling Review Required</b>	

## Design Review

Large dwellings are subject to design review in accordance with County Code Section 13.11.040, which requires review for structures or additions involving more than 500 square feet within a sensitive site and for large dwellings. A sensitive site is defined to include location on a coastal bluff.

Design review includes analysis of the proposed residence for compliance with both the Large Dwelling Ordinance and the Coastal Design Criteria, County Code Section 13.20.130.

The project submittal includes existing and proposed visual simulations (Exhibit D). Views of the home are limited from the street due to the flag lot shape of the property and proposed home toward the beach and away from the corridor access, which is proposed for site parking and turnaround. A view of the existing home from the beach is provided below.



Existing - View from Beach Looking East

**Existing**



Corresponding Resubmittal View from from Beach Looking East

**Original Proposal (not Proposed Project)**

### Original Plan

The applicant originally submitted the above proposal. Project design review resulted in design recommendations to provide a smaller scaled down version of the proposed home to better fit the site and neighboring dwellings. This was expected to improve compatibility with the adjoining property to the north by a reduction in shading during the winter months, provide an overall improvement in neighborhood design compatibility, and reduce visual impacts from the beach.

The applicant was recommended to reduce the overall building massing, recess the second story elements (set back from first floor), and reduce the overall height by reduction in ceiling heights and/or removal of the rooftop banding so that the height and massing would be minimized, and structure height would not exceed the apparent height of the surrounding development.

In addition, the original plans included white or metal color for the deck railing that did not blend with the muted shades of the proposed dwelling. Thus, railing materials and color were recommended to be revised to dark brown or black, so these improvements would recede from public beach view. In addition, the applicant was directed to address a proposed short retaining wall along the foundation of the structure facing the beach to connect the home to the site. Landscaping was suggested for this purpose and to screen and soften the appearance of the development. The applicant was informed that all glass elements would be conditioned to provide non-reflective glass to minimize glare from the beach.

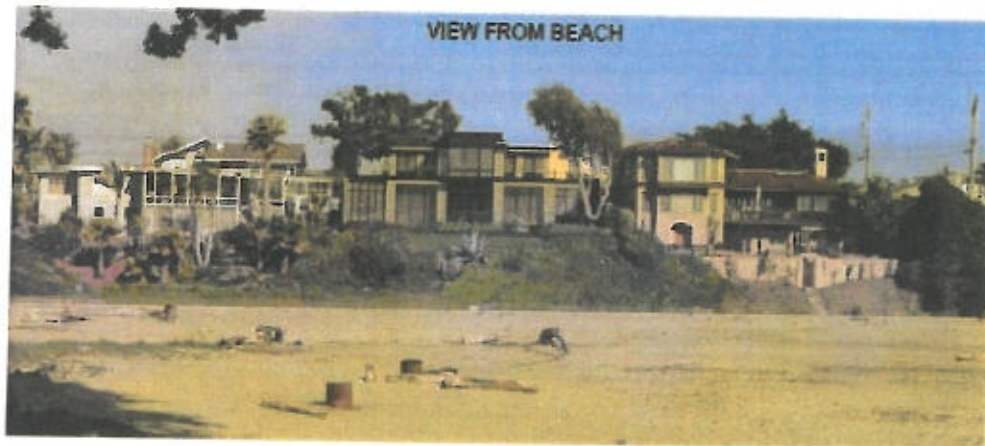
Finally, the applicant was requested to provide detailed surveyed contour plans and shadow plans for evaluation of roof height relative to neighboring residential structures and to evaluate potential shading impacts on adjacent properties.

### Proposed Project

Revised plans were submitted that address the areas of concern. Survey contours and corresponding visual simulation reference sheets show the proposed site contours and adjacent site contours of the house to the south (reference point) and heights of surrounding homes demonstrating the height and accuracy of the plan information for evaluation of relative height. Visual simulations are provided for the original and the proposed project on the following page. Additional visual simulations are contained in the project plans.



Perspective Rendering View from Beach Looking East  
**Original Proposal (not Proposed Project)**



**Proposed Plan**

Large dwellings are allowed within the residential zone district with consideration for siting and design of the proposed home relative to the specific property characteristics and surrounding properties. Situating a large home in a neighborhood with smaller homes does not render a large house incompatible with an existing neighborhood by itself. The floor area ratio ordinance regulates the size of the dwelling based on the size of the parcel. In this case the proposed home does not exceed the 50 percent floor area ratio standard established for residential zone districts. Approximately 46 percent is proposed.

Furthermore, while the dwelling is large the proposed dwelling addresses staff concerns and incorporates design measures identified in the coastal design criteria and large dwelling ordinance to ensure that the dwelling fits the site and adjoining residences, overall neighborhood, as well as minimizes impacts to the public beach view shed. As proposed, the proposed replacement dwelling complies with the requirements of the Coastal Zone Design Criteria and County Design Review Ordinance in the following respects.

- Smaller non-cantilevered, second story elements that are set back from the north and south side yards that recess second story elements from the beach, reduce the appearance of massing of the structure, and almost entirely preclude shading of the property to the north.
- Respects and protects existing views across the existing property from the north and east, where feasible. The proposed design maximizes private views to the beach for these properties.
- Provision of the lowest profile building height feasible for a two-story dwelling, at approximately 23'10" maximum to roof peak (reduces height by approximately 9 inches), with further reduced height for the remainder of the roof by approximately 1 1/2 feet to 22' 4" maximum, minimizing building height so that the proposed structure recedes within the context of existing residential development and blends with adjacent homes.
- Provision of a varied roofline, comprised of flat and low-pitched elements, consistent with the varied rooflines of surrounding homes throughout the neighborhood and from the beach. Visual simulations provide examples of styles in neighborhood supporting the proposed design.
- Repetition of design elements, including window shape and number, as well as horizontal trim elements of adjacent homes to the north and south where the structure is most visible.
- Provision of earth tone brown colors common to the beach and of drift wood often seen at the beach, which minimize the appearance of the dwelling from the beach.
- Retention and protection of the significant trees on the property located to the south and northeast, which soften the appearance of the proposed dwelling.
- Provision of native, drought tolerant landscaping along the beach front elevation of the home, screening the retaining wall facing the beach, connecting the dwelling to the site, and softening the appearance of the dwelling, and further enhancing the natural character of the site visible from the beach.
- Minimizes grading associated with the project, following natural site contours of the site.
- Site circulation allows for turnaround for vehicles to exit the site in a forward motion to ensure traffic safety.

## **Local Coastal Program Consistency**

### **Public Access**

Chapter 7: Parks, Recreation and Public Facilities of the Local Coastal Program includes Policy 7.1.18 intended establish and to maintain coastal access locations. Geoffroy Drive is identified by Policy 7.1.18 as a public access point to Twin Lakes State beach.

The subject property is located on the north side of Geoffroy Drive, 150 feet from the end of Geoffroy Drive. An existing unobstructed coastal access pathway is located on the south side of Geoffroy Drive just past the intersection of Geoffroy Drive and 16<sup>th</sup> Avenue. This is approximately 175 feet southeast of the subject property driveway. A second access point is alleged to be located at the end of the Geoffroy Drive, assessor's parcel number 028-143-34, -44, by the Coastal Commission and is the subject of a Coastal Commission violation action. This alleged access is approximately 150 feet northwest of the driveway associated with the subject property driveway. Coastal Commission staff have noted that the property owner is included in this access violation.

However, the applicant has noted that they recently purchased the property and were not and are not party to the violations of coastal access; the applicant had no part in blocking access down the coastal bluff to the beach and was not involved in construction of the existing gate across Geoffroy Drive beyond the subject property. See attached Coastal Commission correspondence (Exhibit H).

The proposed project does not and would not interfere with existing public access points located on Geoffroy Drive. Furthermore, the subject property does not currently provide existing public access to the beach or have a deeded public access easement through the parcel to the beach. Finally, the proposed replacement dwelling does not change the existing single family residential use or include uses that would increase recreation demand to Twin Lakes beach that would substantiate a nexus between the proposed project and a requirement to develop public access through the property to the beach. Thus, no public access is recommended through the subject property.

#### Coastal Design Criteria (County Code Section 13.20)

The coastal zone regulations ensure that developments meet the coastal design criteria. The proposed replacement 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 as noted in a design review section narrative of this report. 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 of sizes and styles.

Notwithstanding, the Coastal Commission provided comments suggesting that the proposed dwelling would be inconsistent with the Coastal Design Criteria, pursuant to Section 13.20.130, in that "the proposed project does not appear to be compatible with the surrounding neighborhood, and represents a "maximum-sized and bulkier/boxy design,".

While the proposed home provides a home with a modern appearance with flat wall construction details and sections of flat roofs, the structure also includes pitched portions, recessed second story elements that reduce the size and massing of the structure that do not maximize the size of the dwelling, appear boxy or bulky relative to adjacent homes, and are less than floor area allowances of the code. In addition, over 800 square feet of the home is below grade, further reducing the apparent size of the dwelling relative to the large dwelling threshold. Furthermore, the proposed home is designed to respect the adjoining homes regarding light, air, open space, and privacy, repeat design elements of adjoining homes, designed to be significantly lower in height than the maximum 28-foot zone district height standard, and lower in height than the height of all surrounding homes by approximately 2 to 4 feet.

As proposed the structure is compatible with the surrounding development and is within the range of architectural styles of the neighborhood and minimizes visual impacts to the beach.

#### Coastal Commission Suggested Conditions of Approval

Coastal Commission staff submitted suggested conditions of approval for this Coastal Development Permit (Comments and Correspondence, Exhibit H). Conditions of approval included in the proposed project comply with the geologic hazards ordinance and include

suggested Coastal Commission Conditions where consistent with the County Code and Local Coastal Program. Conditions have been reviewed and approved by Environmental Planning as proposed.

### Neighborhood Input

The attorney representing the property owner located to the north of the subject property, Miles Dolinger (Exhibit H), requests a condition of approval to require a permit amendment, with approval by the Zoning Administrator, for modifications to the proposed first story rooftop on the north side due to concerns that should the rooftop be converted to a deck or any other use significant impacts to privacy would occur to the adjoining property owner. Staff agrees that privacy would be compromised given that ground area decking and house windows facing the south are located directly below the rooftop.

The consultant representing the applicant, Deidre Hamilton, has noted that standard conditions of approval require the project to be in substantial conformance with the project plans prior to building permit approval. Furthermore, she has noted that changes to the plans are subject to the provisions of County Code 18.10. See code section (Exhibit G).

The relevant section of County Code 18.10 would direct staff to conclude that revisions to a project that are a matter of discussion during the public hearing, such as this, be considered by the Zoning Administrator subject to a public hearing. Since this is the case, it is staff's recommendation that a condition of approval be added to the project to avoid confusion in the future, especially because ownership of the property or code language could change that might affect how this issue would be addressed. Furthermore, impacts from a first story rooftop deck could permanently affect the privacy of the property to the north. It is staff's preference to be specific and clear. Please see operational conditions of approval for proposed language.

### **Environmental Review**

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). A CEQA exemption form is attached as Exhibit D. Section 15303, Class 3 (New construction or conversion of small structures) exempts construction of one to four single family dwellings within the urban area.

### **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**

- **DETERMINE** that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **171228** 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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# 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: 171228  
Assessor Parcel Number: 028-143-47  
Project Location: 65 Geoffroy Drive

**Project Description:** Proposal to demolish an existing single-family dwelling and to construct an approximately 5,491 square foot two story single family dwelling including an approximately 824 square foot basement below existing grade, 2,452 square foot first floor, 1,729 square foot second floor, and an attached 486 square foot garage. Requires a Coastal Development Permit, Large Dwelling Approval, and a determination that the project is exempt from further review under the California Environmental Quality Act.

**Person or Agency Proposing Project:** Hamilton Land Planning, C/O Deidre Hamilton

**Contact Phone Number:** 831-423-9992

- 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).  
E. ☒ **Categorical Exemption**

Specify type: Section 15303 (New construction or conversion of small structures)

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

Class 3 exempts construction of one to four single family dwellings within the urban area.

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

\_\_\_\_\_  
Sheila McDaniel, Project Planner

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

**EXHIBIT A**

## **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts, 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-1-6 (Single family residential – 6000 square feet per unit) and Existing Parks and Recreation, zone districts, which allow residential uses. The proposed replacement dwelling is a principal permitted use within the zone district, consistent with the site's R-UL and Existing Parks and Recreation General Plan Land Use 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 the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such public easements or restrictions are known to encumber the project site.

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 and Section 13.20.140 et seq.

This finding can be made, in that the proposed replacement dwelling is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood as noted in a design review section narrative of this report and coastal zone consistently narrative. 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 of styles. The site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site.

Although the proposed home provides a modern architectural style with flat wall construction details and sections of flat roofs, the structure also includes pitched portions and recessed second story elements that reduce the size and massing of the structure and which do not maximize the size of the dwelling, or appear boxy or bulky relative to adjacent homes, and is below floor area allowances of the zone district code. In addition, over 800 square feet of the home is below grade, further reducing the apparent size and mass of the dwelling relative to the large dwelling threshold. Furthermore, the proposed home is designed to respect the adjoining homes regarding light, air, open space, and privacy, repeat design elements of adjoining homes, is designed to be significantly lower in height than the maximum 28-foot zone district height maximum, and is lower in height than the height of all surrounding homes by approximately 2 to 4 feet. As a result, the proposed home would be compatible with the neighborhood and would achieve consistency with the coastal design criteria of 13.20.130. Project findings include staff report narrative associated with design review and coastal zone design criteria.

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 the nearest through 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 although the project site is located between the shoreline and the first public road, no existing public access is available between the beach and the roadway at this location. There is an existing public beach access approximately 175 feet from the site. Consequently, the addition 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.

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 with the character of the surrounding neighborhood by incorporation of an addition consistent with existing architectural style of the structure including additional articulation to the wall planes and roof line of the building. Additionally, residential uses are allowed uses in the R-1-6 and Existing Parks and Recreation zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings of varying sizes. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent 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 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 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 proposed replacement residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood. Furthermore, a shadow study demonstrates that shading impacts are minimized by the proposed project.

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 dwelling 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-1-6, PR (Residential, 6000 square feet per unit, Existing Parks and Recreation) zone districts as the primary use of the property will be one single family dwelling that meets all current site standards for the zone district, coastal design criteria, and large dwelling regulations.

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 R-UL (Residential Urban Low - 6000 to 10,000 Square feet per unit) land use designation in the County General Plan.

The proposed residential use will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the proposed dwelling will not adversely shade adjacent properties and will meet current setbacks for the zone district. Furthermore, a shadow study demonstrates that shading impacts are minimized by the proposed project.

The proposed 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 proposed will comply with the site standards for the R-1-6, PR zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and 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.

This finding can be made, in that the proposed replacement dwelling is to be constructed on an existing developed lot. The existing dwelling creates only 1 peak trip per day. The expected level of traffic associated with the proposed replacement dwelling is not anticipated to result in an increase in traffic and will not adversely impact existing roads or intersections in the surrounding 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.

This finding can be made, in that the proposed replacement dwelling is in a mixed neighborhood containing a variety of architectural styles, and the proposed dwelling is consistent with the land use intensity and density of the neighborhood.

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 replacement 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. Project findings include staff report narrative associated with design review.

## Large Dwelling Review Findings

1. The proposed structure is compatible with its surroundings given the neighborhood, locational and environmental context and its design is consistent with the large dwelling design guidelines in County Code section 13.10.325(d); or

This finding can be made, in that the proposed replacement dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and neighborhood, respects the 100-year geologic stability required for developments located on a coastal bluff, and is consistent with the large dwelling guidelines. Particularly, project findings include staff report narrative associated with design review.

2. The proposed structure, due to site conditions, or mitigation measures approved as part of this application, will be adequately screened from public view and will not adversely impact public viewsheds, neighboring property privacy or solar access, and its design is consistent with the large dwelling design guidelines set forth in County Code section 13.10.325(d).

This finding can be made, in that the proposed replacement dwelling was revised from original submittal plans to comply with the requirements of the Coastal Zone Design Criteria and County Design Review Ordinance in that the revised dwelling provides a smaller scaled down version of the proposed home to better fit the coastal bluff site and neighboring dwellings. The proposed dwelling minimizes reduction in shading to the property to the north during the winter months, provides an overall improvement in neighborhood design compatibility, and reduce visual impacts from the beach in the following ways:

- Smaller non-cantilevered, second story elements that are set back from the north and south side yards that recess second story elements from the beach, reduce the appearance of massing of the structure, and almost entirely preclude shading of the property to the north.
- Respects and protects existing views across the existing property from the north and east, where feasible. Although this is not required by the LCP, the proposed design maximizes private views to the beach for these properties.
- Provision of the lowest profile building height feasible for a two-story dwelling, at approximately 23'10" maximum to roof peak (reduces height by approximately 9 inches), with further reduced height for the remainder of the roof by approximately 1 1/2 feet to 22' 4" maximum, minimizing building height so that the proposed structure recedes within the context of existing residential development and blends with adjacent homes.
- Provision of a varied roofline, comprised of flat and low-pitched elements, consistent with the varied rooflines of surrounding homes throughout the neighborhood and from the beach. Visual simulations provide examples of styles in neighborhood supporting the proposed design.
- Repetition of design elements, including window shape and number, as well as horizontal trim elements of adjacent homes to the north and south where the structure is most visible.

- Provision of earth tone brown colors common to the beach and of drift wood often seen at the beach, which minimize the appearance of the dwelling from the beach.
- Retention and protection of the significant trees on the property located to the south and northeast, which soften the appearance of the proposed dwelling.
- Provision of native, drought tolerant landscaping along the beach front elevation of the home, screening the retaining wall facing the beach, connecting the dwelling to the site and softening the appearance of the dwelling, and further enhancing the natural character of the site visible from the beach.
- Minimizes grading associated with the project, following natural site contours of the site.
- Site circulation allows for turnaround for vehicles to exit the site in a forward motion to ensure traffic safety.

## Conditions of Approval

Exhibit D: Project plans, 39 sheets, prepared by Goldman Architects, dated 4/18/2018.

- I. This permit authorizes the demolition of an existing single-family dwelling and construction of an approximately 5,491 square foot two story single family dwelling including an approximately 824 square foot basement below existing grade, 2,452 square foot first floor, 1,729 square foot second floor, and an attached 486 square foot garage as indicated on the approved Exhibit "D" for this permit. 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. Prior to issuance of a demolition permit:
    1. The existing sewer lateral shall be properly abandoned (including inspection by District).
  - 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
  2. 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 sheet in 8 1/2" x 11" format for Planning Department review and approval.
  3. Grading, drainage, and erosion control plans.
  4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.
  5. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
  6. Plans shall include non-reflective glass throughout the home.
- B. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
1. The proposed outdoor shower doesn't appear to be connected to the sanitation line. Please clarify how greywater from this area will be treated. The applicant may need to contact Environmental Health Services Dept. and acquire approval.
    - A. The outdoor shower will not be allowed to connect directly to the private stormwater system. Please provide a cross-section construction detail for this feature and show how potential pollutants of concern will be effectively collected and treated for this feature.

- B. The interior drain for the new garage (shown on Architectural Plans) will not be allowed to connect to the new stormwater system. Please contact the Sanitation Dept. for a viable solution.
- 2. Please include cross-section construction details for all the proposed stormwater mitigation features along with accurate invert elevations, grades, and proposed pipe sizes to ensure that the designed system will be constructed as intended.
- 3. To reduce the potential for vector control issues, please ensure that ponding/standing water is not allowed to occur at any of the proposed stormwater features or junctions. All features should drain within the specified 48-hour period as specified in Section C of the County Design Criteria (CDC).
  - A. A copy of the CDC can be found by using the following link:  
<http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DESIGNCRITERIA.pdf?ver=2017-04-27-134016-453>
- 4. Please update the provided tabulation table to clearly identify each of the semi-pervious and impervious areas that are to be removed, newly constructed, or replaced. Pervious pavers and compacted gravel will be given a 50% credit as they are recognized as semi-impervious. All unpermitted structures to be removed will not be given credit (i.e. the existing flagstone patio & retaining walls). Spas and pools are impervious and should be accounted for in the revised tabulation table, please also account for the covered trash enclosure and concrete walkways.
- 5. Please provide a wet-signed and stamped Geotechnical Letter of Approval for the proposed stormwater management system.
- 6. Upon approval of the project, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: To clear the Hold, one of these options must be exercised:
  - A. The civil engineer must inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The civil engineer's letter shall be specific as to what was inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of "general conformance to plans" are not sufficient.
  - B. As-built plans stamped by the civil engineer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet

of the plans where stormwater management improvements were shown.

- C. The civil engineer may review as-built plans completed by the contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the civil engineer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor's name, address, license and phone number. The civil engineer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the civil engineer that the as-built plans meet the design intent and are adequate in detail, the civil engineer shall submit the as-built plans and a review letter, stamped by the civil engineer to the County Public Works Department for review to process the clearance of the drainage Hold, if the submittal is satisfactory.
7. Please provide a maintenance schedule establishing the ongoing requirements for maintenance and monitoring of all permanent stormwater management facilities in compliance with County Code 7.79 (this schedule shall also be included in the maintenance agreement as a packet when the applicant records and notarizes their SWM-25A form). It will be the responsibility of the homeowner to inspect and maintain all drainage features.
- A. Notification that the property owner may be assessed an annual service charge and/or re-inspection fee to cover the County costs of inspection and oversight. See the current Unified Fee Schedule for Stormwater Management Maintenance inspection and oversight fees.
    - 1. Notification that the property owner may be required to report to the County on the management and maintenance of the stormwater management facility. All large projects are required to report on at least an annual basis regarding system maintenance and are expected to be assessed an annual service charge.
    - 2. All large projects shall include an attached exhibit that shows the stormwater management facility location/s on the project site along with delineations of the subwatershed area/s draining to each facility.

3. All large projects shall include an attached exhibit that lists at a minimum for each stormwater mitigation: the operation and maintenance requirements, inspection and maintenance intervals, and symptoms of system failure or not functioning as designed. The annual report shall address each item from the attached exhibit and shall include date/s of inspection, name/s of inspector/s, and a detailed list of maintenance and repairs completed. The annual report shall include photos, as necessary, to document operation, maintenance and repairs completed. See Section B Design References, references j (Appendix H) and l (Chapter 6) for examples.
4. The maintenance agreement shall be binding on and shall inure to the benefit of the successors, heirs, executors, administrators, and assigns of the owner.
5. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedures. The maintenance agreement form can be picked up from the Public Works office or can be found online at:  
<http://dpw.santacruzcounty.us/Portals/19/pdfs/FigureSWM25A.pdf>
8. This project is within an established Flood Control District as part of the Santa Cruz County and shall be charged a fee based on the total new permitted impervious area created. The current fee is \$1.27 per square foot but is subject to change based on the most updated fee amount applicable at the time of permit issuance. The County of Santa Cruz currently has four Zones with the associated fee rate (Zone 5 established in 1969, Zone 6 established in 1986, Zone 7a established in 2005, & Zone 8 established in 1977).
  - A. This project may be eligible for fee credits for existing impervious areas previously permitted or built prior to the established flood control zone if acceptable documentation is presented. (Acceptable documentation can be in the form of an assessor's record, survey record, permit record, dated aerial photograph(s), or another official record that can confirm a previously permitted structure.) Otherwise County staff will utilize the most relevant aerial photos to establish credit if no additional information is furnished by the applicant.
  - B. A 50% credit is given to all projects that implement semi-pervious surfaces such as: pervious/porous/permeable pavers, porous concrete, porous asphalt, baserock, etc.

- C. Meet all requirements of the Santa Cruz Water Department. Proof of water service availability is required prior to application for a Building Permit.
- D. Meet all requirements of the Santa Cruz County Sanitation District. Proof of sanitary sewer service availability is required prior to application for a Building Permit. Acknowledgement and/or meet all requirements as follows:
  - 1. Prior to building permit submittal, the applicant/owner is required to video inspect all on-site sewer laterals and make repairs to any damaged or leaking pipes that might remain in place after abandonment of the existing lateral, up to and including the existing connection with the on-site public sewer main. This includes root intrusion, open joints, cracks or breaks, sags, damaged or defective cleanout, inflow and infiltration of extraneous water, older pipe materials that are known to be inadequate, inadequate lift or pump stations, inadequate alarm systems for overflows, and inadequate maintenance of lift stations. Color video results (dvd), of a sufficient quality to observe interior pipe condition, joints, sags among other items, shall be made available to the District for review, along with the District certification form completed by plumber. The District shall review results within 10 working days of submittal to the District. Repairs, as required by the District, shall be made within 90 working days of receipt of video result review. Applicant/owner shall obtain a sewer repair permit (no charge) from the District and shall have repairs inspected by the District inspector prior to backfilling of pipe or structure. (Sanitation District Code section 7.04.375 Private Sanitary Sewer System Repair).
  - 2. Show the proposed sewer lateral, showing the pipe material.
  - 3. The District wishes to notify the property owner that a sewer main may be located on the property and that any improvements in the easement will be removed if the District needs to replace the sewer main.
  - 4. Connection of uncovered outside floor/deck/parking lot drains to the sewer system is prohibited by District code. Any drain that is connected to the sewer is to be covered and the surrounding area shall be bermed or sloped to prevent surface water from entering sewer system. Floor or deck drains in trash enclosure areas shall be covered and be connected to a grease interceptor before entering the sewer system.
  - 5. Design and Construction Standards: The project sewer design and connection of the project to the Santa Cruz County Sanitation District system will be required to conform to the *County of Santa Cruz Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition.*

6. Time limit of review: This review notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If, after this time frame, this project has not received approval from the Planning Department, a new availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.
  - E. Meet all requirements of the Environmental Planning section of the Planning Department, including the following:
    1. The 26-foot-deep pit on sheet C2.0 of the final plans shall be filled.
    2. Final plans shall reference recommendations of the soils engineer (i.e., fill in voids with cement grout).
    3. The geotechnical engineer shall review and approve the location of the proposed drainage outlet structure.
  - F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - G. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
  - H. Pay the current fees for Parks and Child Care mitigation for 3 bedroom(s). Currently, these fees are, respectively, \$327.00 and \$109 per bedroom.
  - I. Pay the current fees for Roadside and Transportation improvements for 3 bedroom(s). Currently, these fees are, respectively, \$1,000.00 and \$1,000.00 per bedroom. Total fees are \$6,000.00, subject to change.
  - J. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a replacement dwelling, excluding garages, from 2,501-3,000 net new square feet is \$5 per square foot.
  - K. Provide required off-street parking for 5 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.
  - L. 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.
- 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 16.42.080 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 16.42.080, shall be observed.

#### IV. Operational Conditions

- A. If 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.
- B. Revisions to the project plans in the area of the rooftop deck, located on the north side of the subject property, shall require an amendment to the coastal development permit with consideration by the Zoning Administrator before a public hearing.
- C. Geologic Hazards Conditions
  - 1. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of the Coastal Development Permit (CDP), the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, to the following:
    - A. Coastal Hazards. That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;
    - B. Assume Risks. To assume all risks of injury and damage in connection with the permitted development;
    - C. Waive Liability. To unconditionally waive any claim of damage or liability against the County of Santa Cruz, its officers, agents, and

employees for injury or damage in connection with this permitted development; any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.

- D. Indemnification. To indemnify and hold harmless the County of Santa Cruz, its officers, agents, and employees with respect to the County's approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage.

- 2. Coastal Hazards Response. By acceptance of the CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, that:

- A. Intent of CDP. The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of the CDP for only as long as the approved residential development remains safe for occupancy and use. The intent is also to ensure that development is removed, and the affected area restored under certain circumstances. If coastal hazards result in an unsafe site or unsafe structure, the property owner agrees to abate or address dangerous conditions in accordance with County regulations and/or Orders of the Chief Building Official and these Conditions of Project Approval. If all or any portion of improvements are deemed uninhabitable, the property owner agrees to remove the improvements and restore the affected area, unless an alternative response involving a shoreline protection structure is proposed by the property owner and approved by the County of Santa Cruz, and also by the California Coastal Commission if the project location is within the Coastal Commission's primary jurisdiction. Alternative responses to coastal hazards may include pursuit of an Emergency Coastal Development Permit consistent with County Code regulations in Chapter 13.20 (Coastal Zone Regulations) and Chapter 16.10 (Geologic Hazards).

- B. Requirement for Geotechnical and Coastal Hazards Reports: In the event that in the future the bluff top edge recedes to within ten feet of the single-family dwelling, the property owner shall undertake the following activities to determine whether selection and pursuit of a Coastal Hazards Response Alternative is required:

- 1. Notify the Santa Cruz County Geologist, and

2. Retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation and Coastal Hazards Report that addresses whether all or any portions of the residence and related development are threatened by coastal hazards, and that identifies actions that should be taken to ensure safe use and occupancy, which may include removal or relocation of all or portions of the threatened development and improvements, or other alternate response(s).
- C. Agree to undertake activities to pursue an appropriate Coastal Hazards Response consistent with these Conditions of Approval and in accordance with adopted and applicable County of Santa Cruz and California Coastal Commission regulations. The geotechnical investigation and Coastal Hazards Report shall be submitted to the Executive Director of the California Coastal Commission, and to the Planning Director, Chief Building Official and County Geologist of Santa Cruz County. If the residence or any portion of the residence is proposed to be removed, the Applicant shall submit a Removal and Restoration Plan.
3. Removal and Restoration. If an appropriate government agency or the above-referenced approved geotechnical investigation determines that any portion of the approved development is not to be occupied or used due to landslide activity occurring at the site, and if such safety concerns cannot be abated by ordinary repair and/or maintenance or relocation of structures, the Applicants shall remove such development or portions of such development. Prior to removal, the Applicants shall submit two copies of a Removal and Restoration Plan to the Planning Director for review and approval and Coastal Commission Executive Director review. No removal activities shall commence until the Removal and Restoration Plan and all other required plans and permits are approved. If the Planning Director determines that an amendment to the CDP or a separate CDP and grading permit are legally required in order to authorize the activities, the Applicants shall submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Planning Director approval, or Coastal Commission approval of the CDP or CDP amendment application, if necessary due to an appeal.
- 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: \_\_\_\_\_

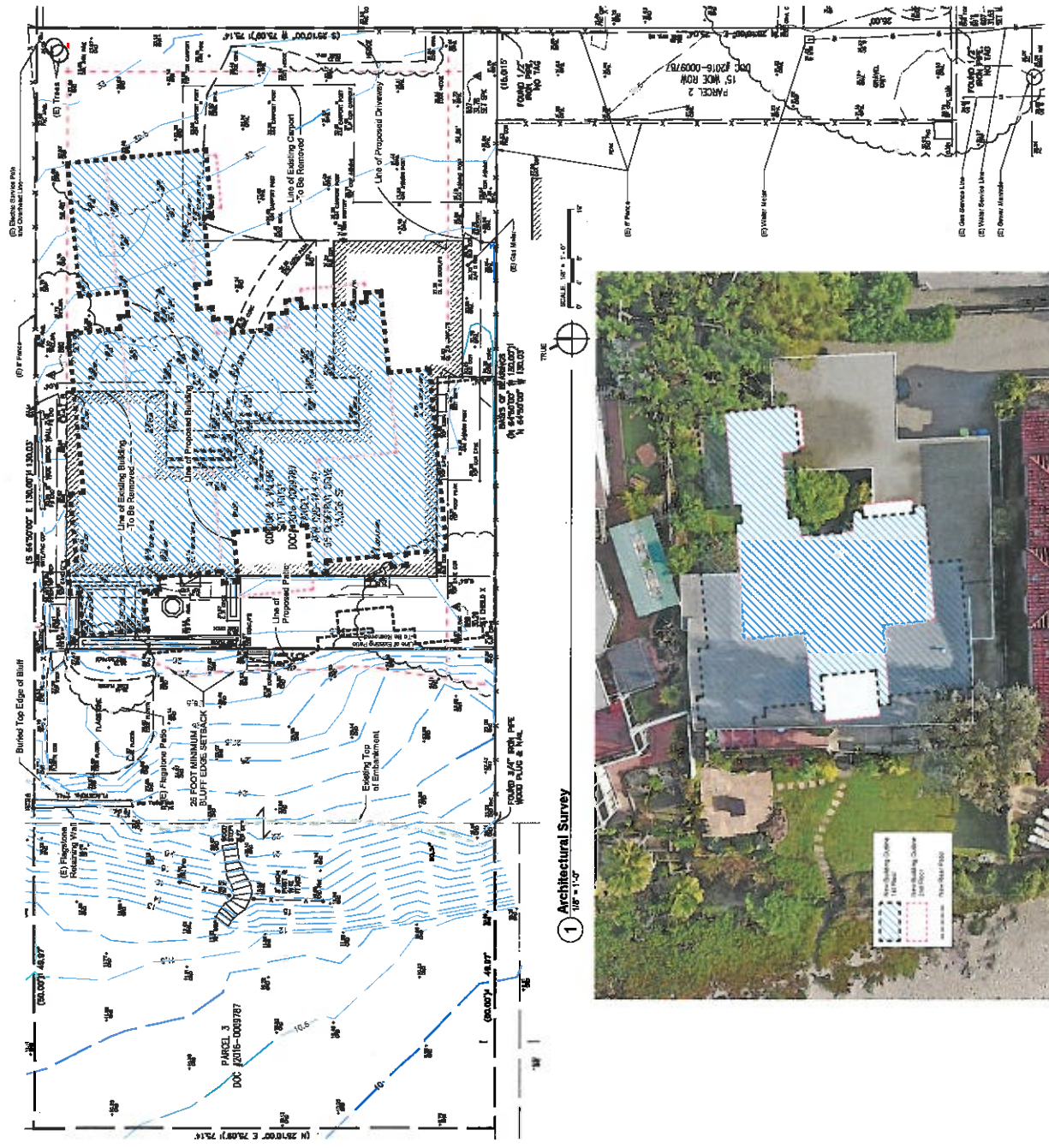
Application #: 171228  
APN: 028-143-47  
Owner: Gordon and Valori Stitt

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

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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.

**STITT RESIDENCE**



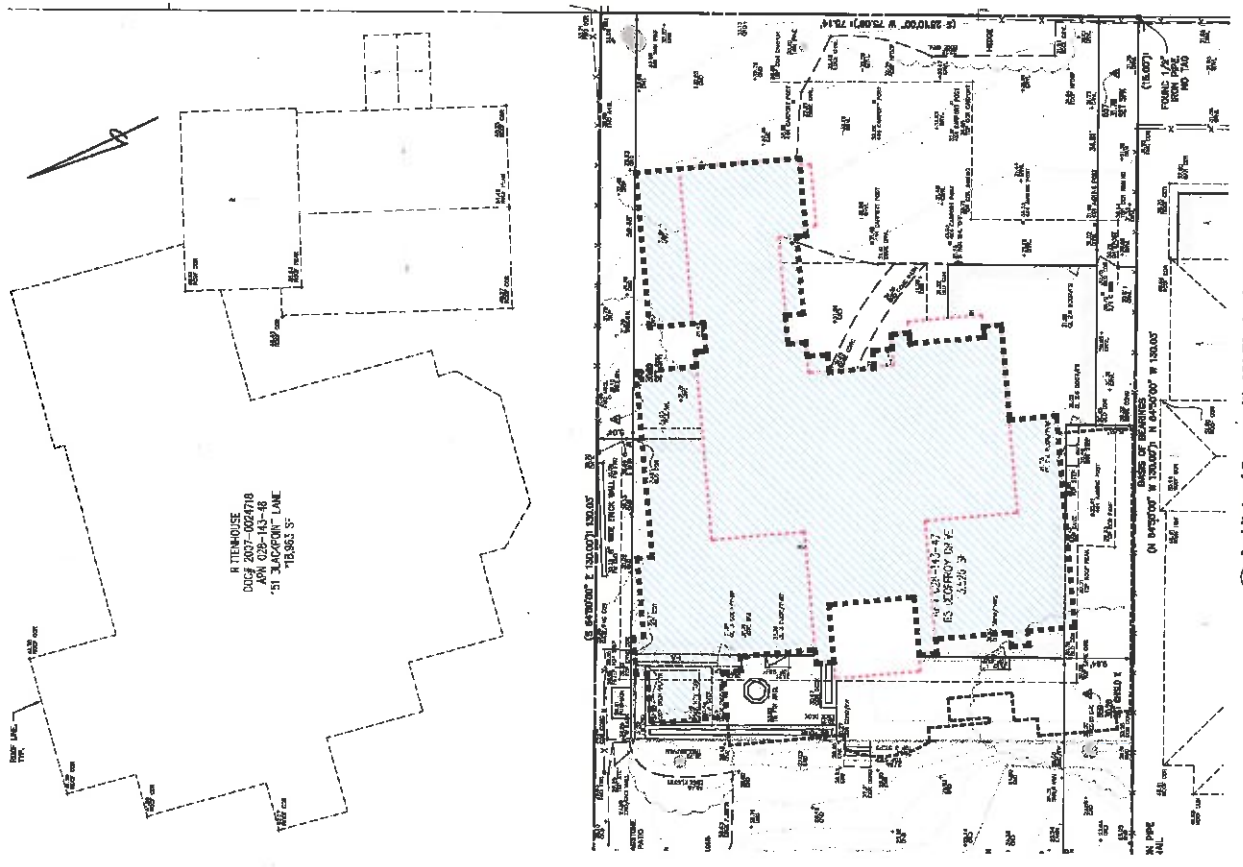
① Architectural Survey  
1" = 1'-0"



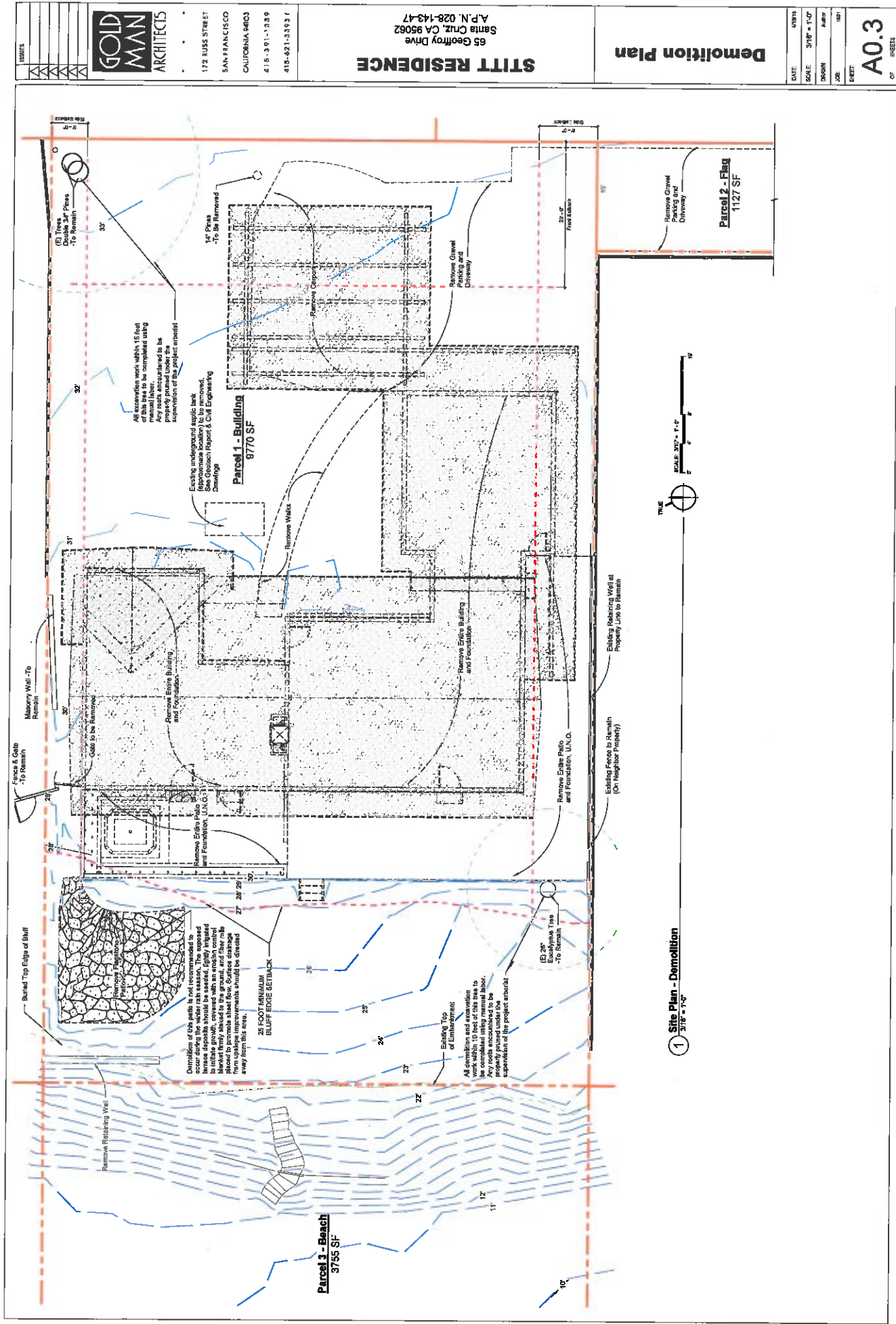
② Aerial with New Building Overlay



2 Aerial with 151 Blackpoint Ln. and New Building Overlay



1 Architectural Survey with 151 Blackpoint Ln.



DATE: 4/18/14

SCALE:

COLOR:

JOB: 1001

SHEET: A0.4

OF: 30

Subject Property

Context Photos

STITT RESIDENCE

65 Geoffrey Drive  
Santa Cruz, CA 95062  
A.P.N. 028-143-47

GOLDMAN ARCHITECTS

112 RUSS STREET  
SAN FRANCISCO  
CALIFORNIA 94103  
415-391-1339  
415-628-3283 F

8

Aerial view of the Stitt Residence property, showing the house, driveway, and surrounding landscape. A red arrow points to the property line.

8

7

Aerial view of the Stitt Residence property, showing the house, driveway, and surrounding landscape. A red arrow points to the property line.

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6

Aerial view of the Stitt Residence property, showing the house, driveway, and surrounding landscape. A red arrow points to the property line.

6

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Aerial view of the Stitt Residence property, showing the house, driveway, and surrounding landscape. A red arrow points to the property line.

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4

Aerial view of the Stitt Residence property, showing the house, driveway, and surrounding landscape. A red arrow points to the property line.

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Aerial view of the Stitt Residence property, showing the house, driveway, and surrounding landscape. A red arrow points to the property line.

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Aerial view of the Stitt Residence property, showing the house, driveway, and surrounding landscape. A red arrow points to the property line.

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Aerial view of the Stitt Residence property, showing the house, driveway, and surrounding landscape. A red arrow points to the property line.

1

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DATE	4/18/19
SCALE	
DESIGNED	
JOHN	
DATE	
JOHN	
DATE	
JOHN	

**GOLDMAN ARCHITECTS**

172 RUSS STREET  
SAN FRANCISCO  
CALIFORNIA 94103  
415-391-1339  
415-621-3263 F

**STITT RESIDENCE**  
65 Geoffrey Drive  
Santa Cruz, CA 95062  
A.P.N. 028-143-47

**Neighborhood Context Photos**

DATE 4/18/19  
SCALE  
DESIGNED  
JOHN  
DATE  
JOHN  
DATE  
JOHN

**A0.5**  
OF SHEETS



301 15TH AVE.



VIEW TO THE NORTH FROM SUBJECT PROPERTY



SUBJECT PROPERTY  
65 GEOFFROY



154 SUNNY COVE CT.



100 GEOFFROY DRIVE



266 GEOFFROY DRIVE



210 GEOFFROY DRIVE



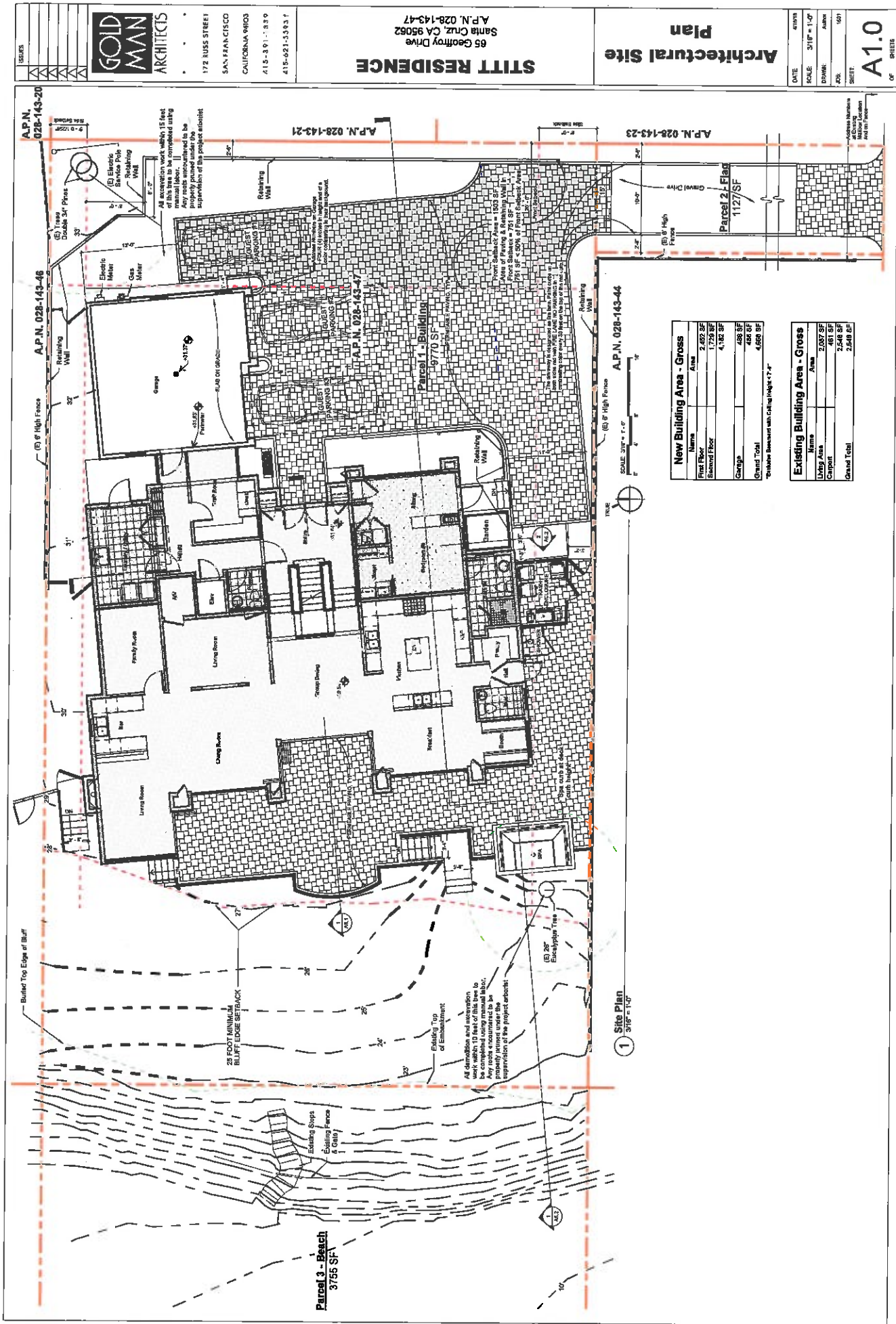
138 GEOFFROY DRIVE - EXISTING



138 GEOFFROY DRIVE - APPROVED

VIEW FROM BEACH





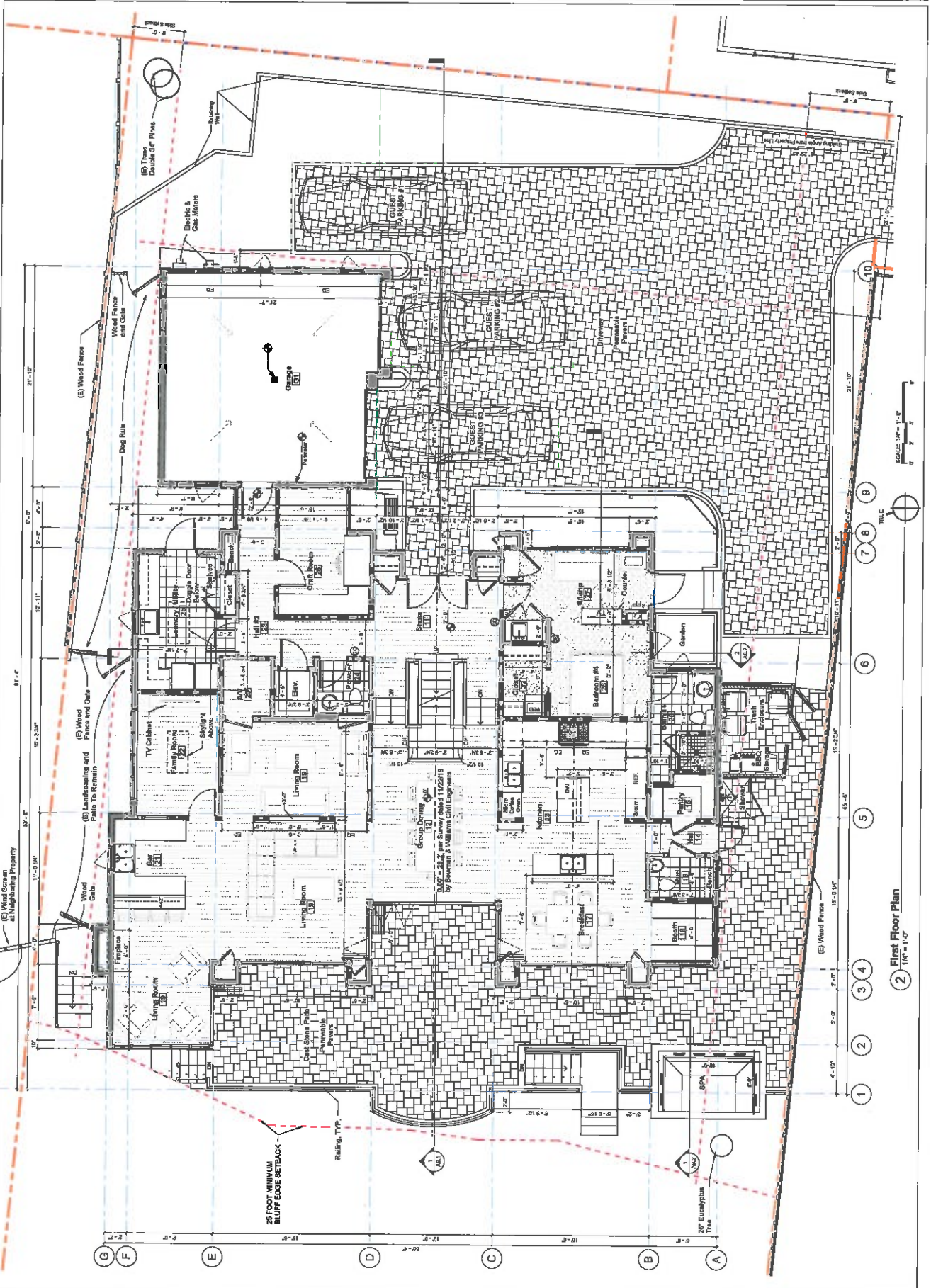
**New Building Area - Gross**

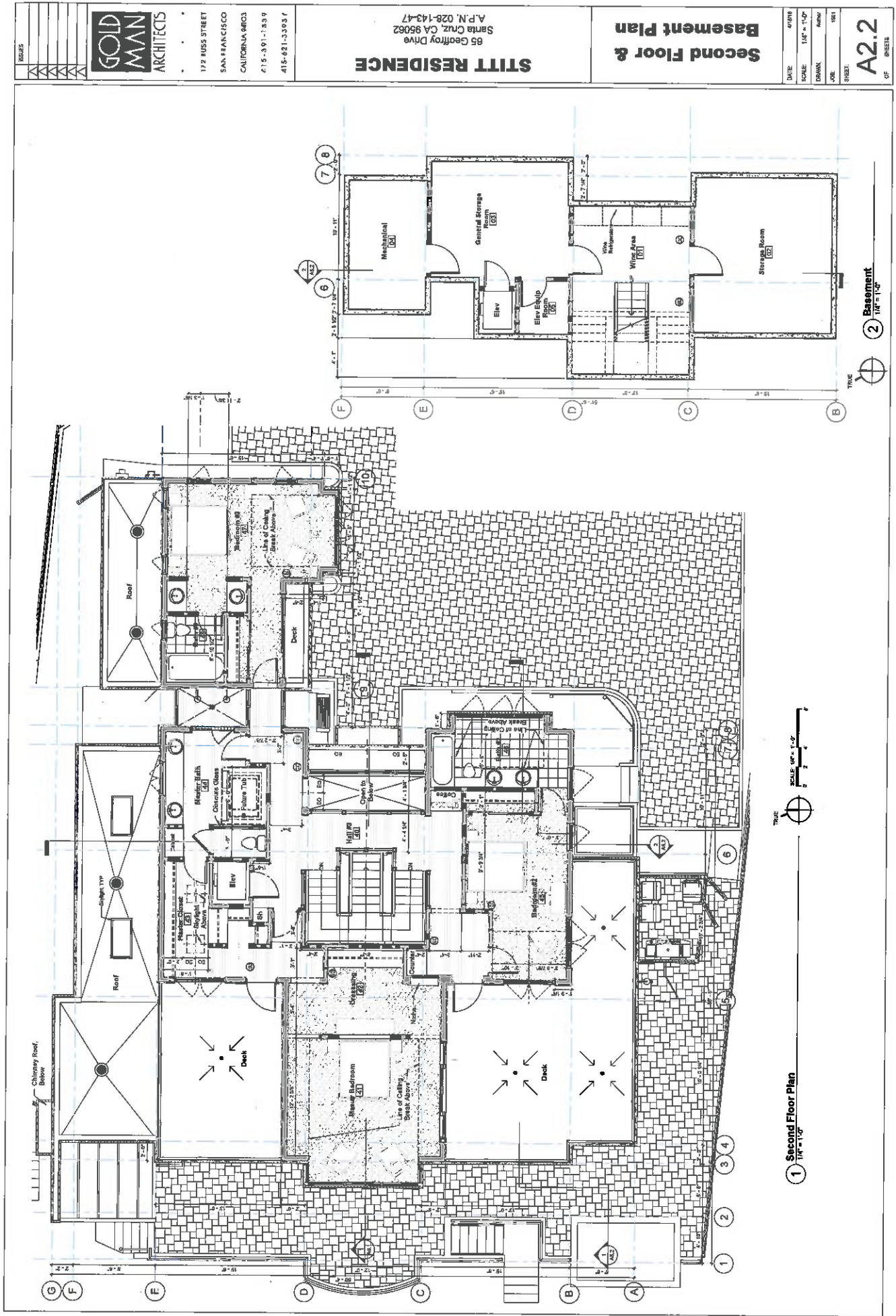
Name	Area
First Floor	2,403 SF
Second Floor	1,726 SF
Garage	418 SF
Grand Total	4,547 SF

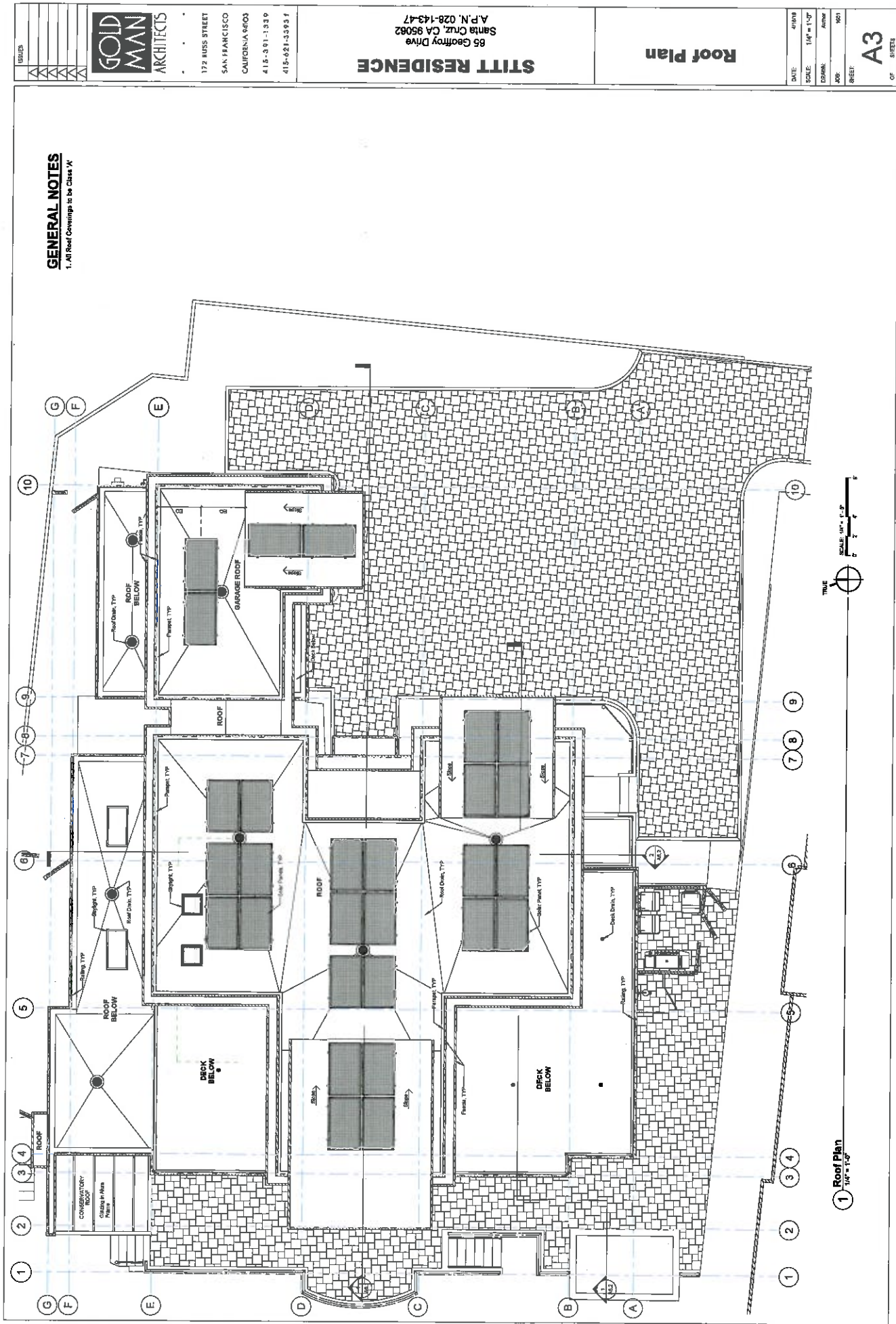
\*Excludes Basement with Ceiling Height < 7'-0"

**Existing Building Area - Gross**

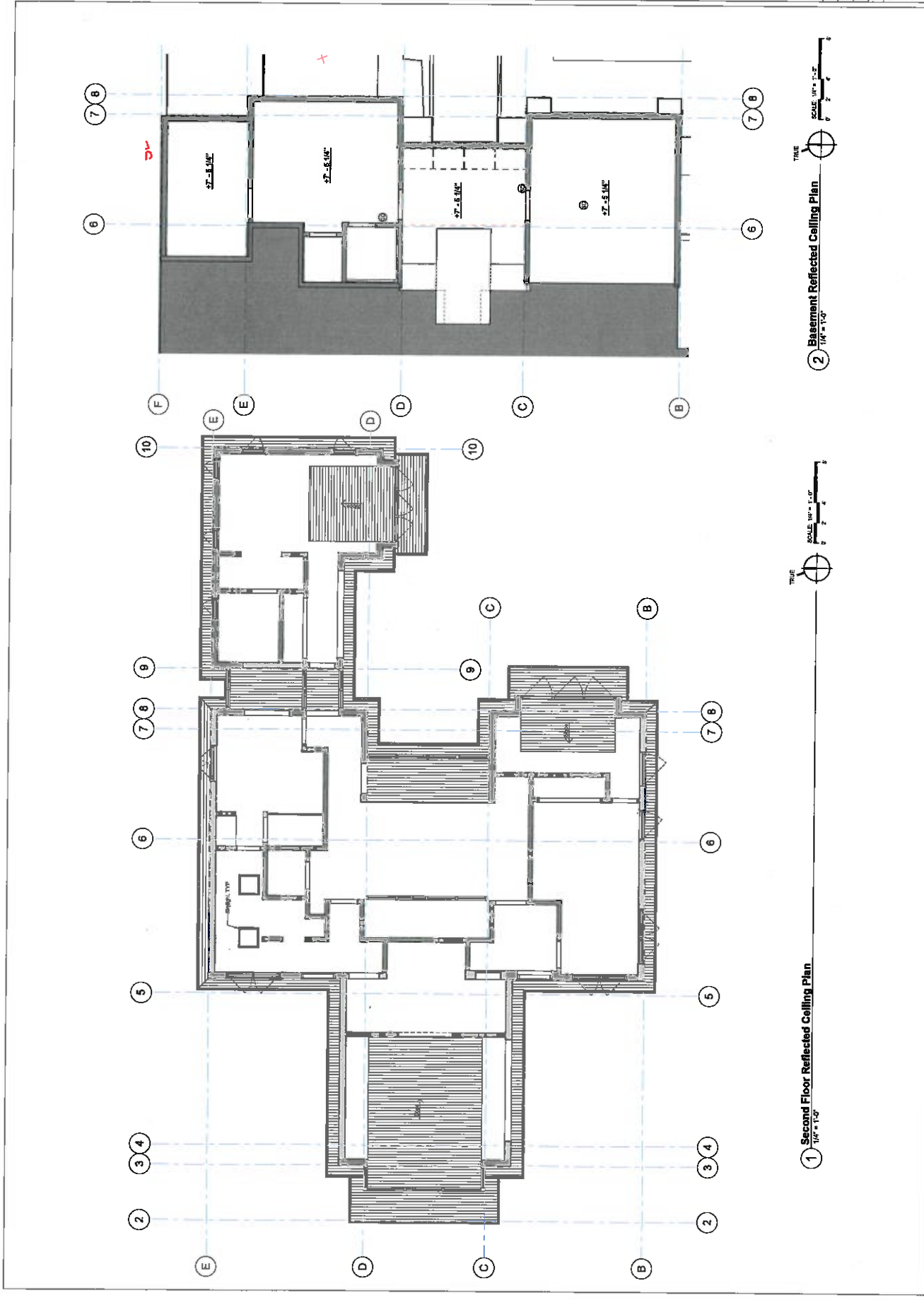
Name	Area
Living Area	2,037 SF
Carport	461 SF
Grand Total	2,548 SF

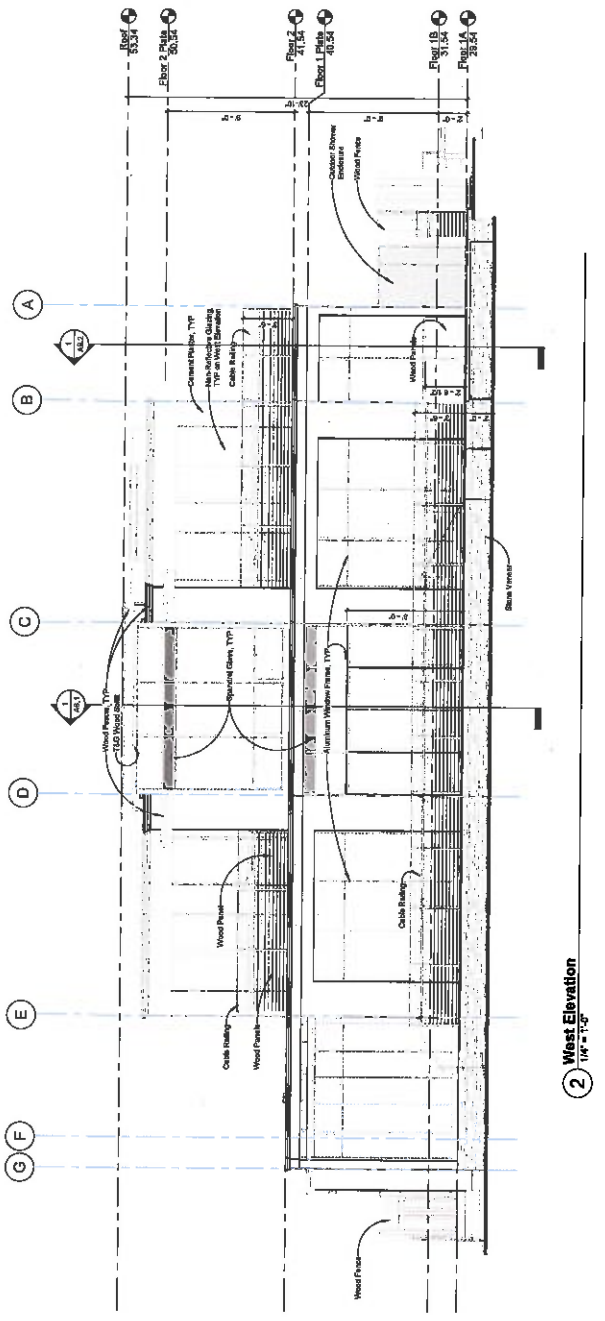
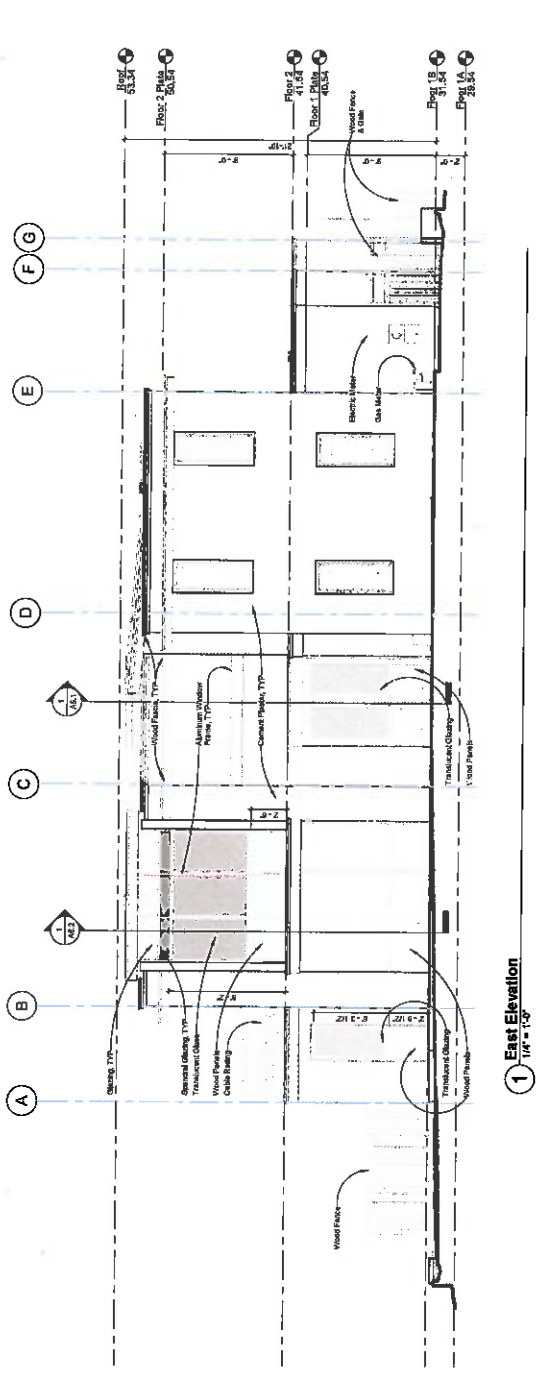


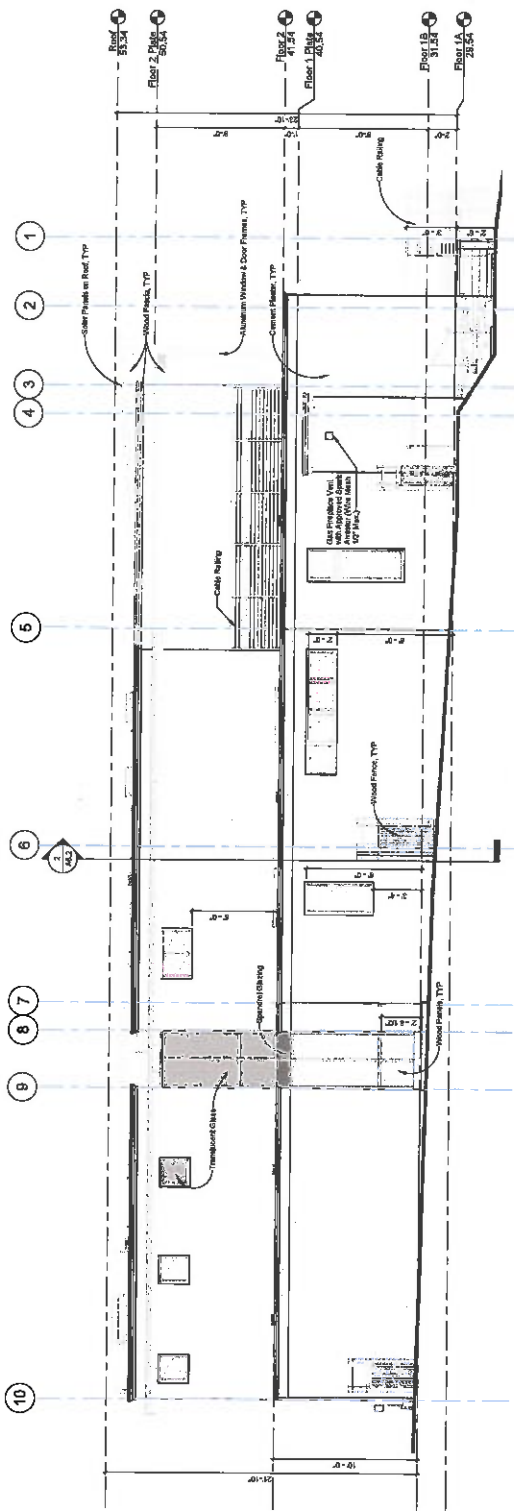
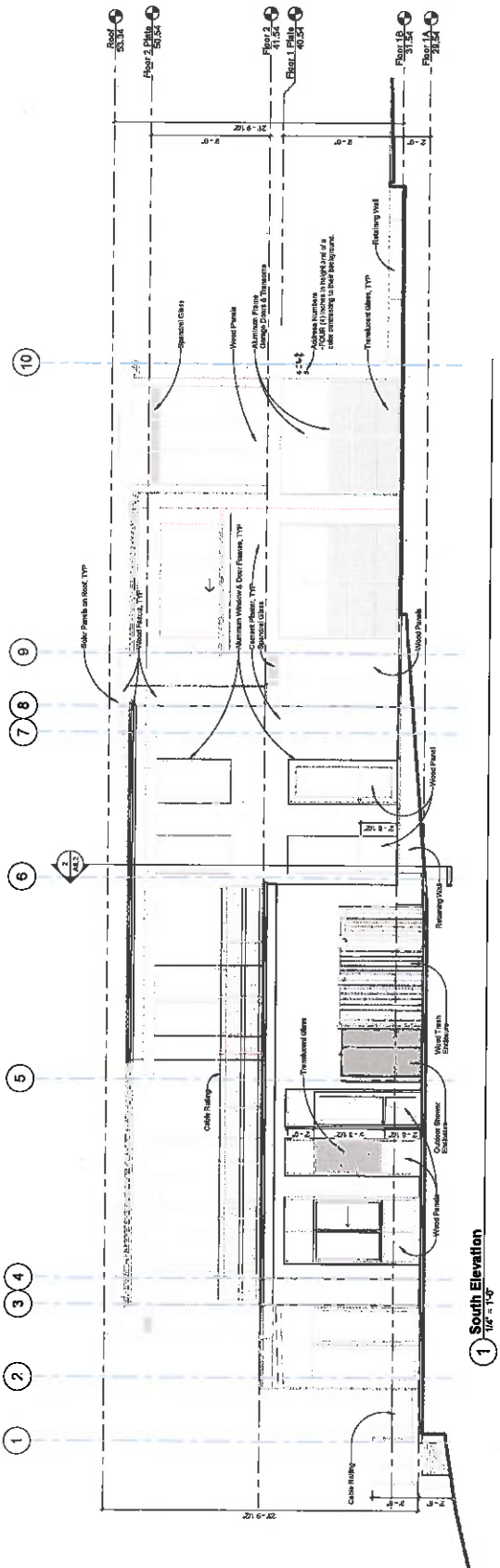




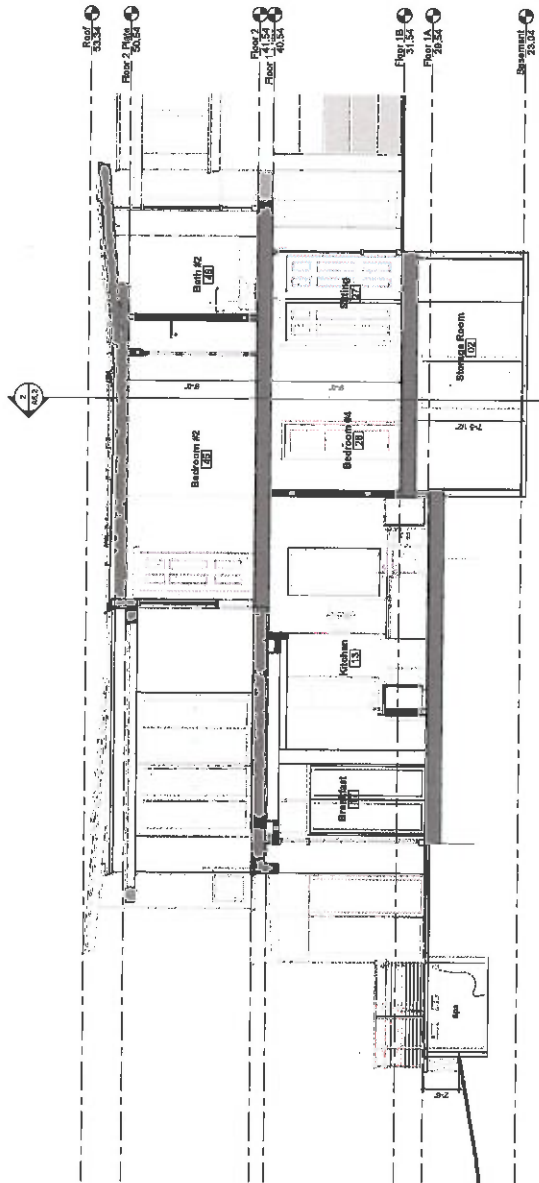




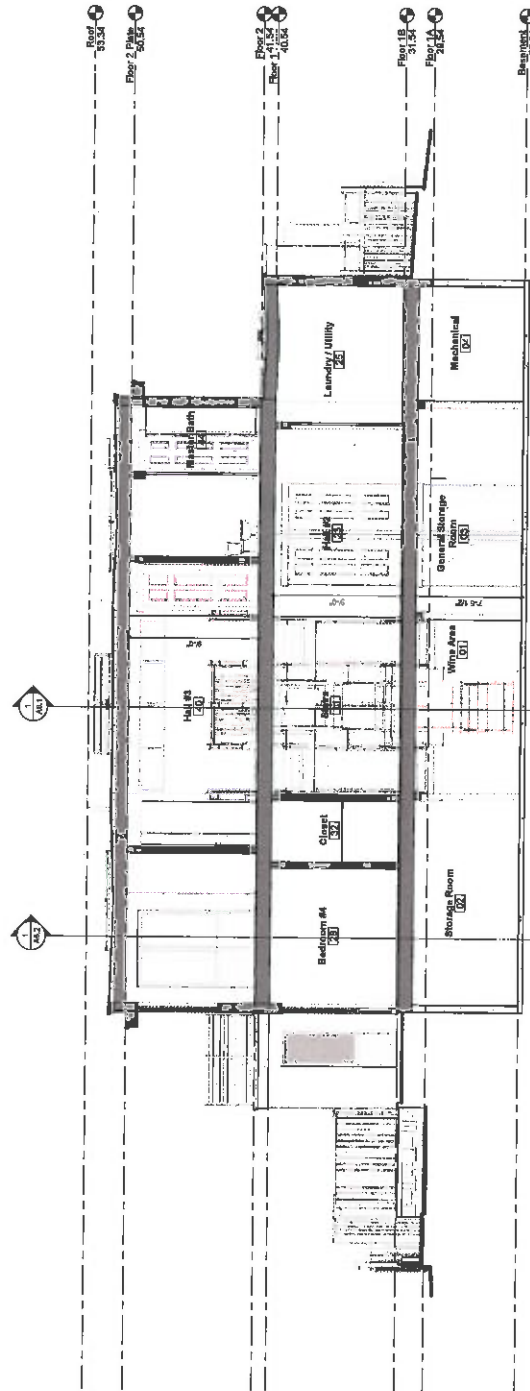




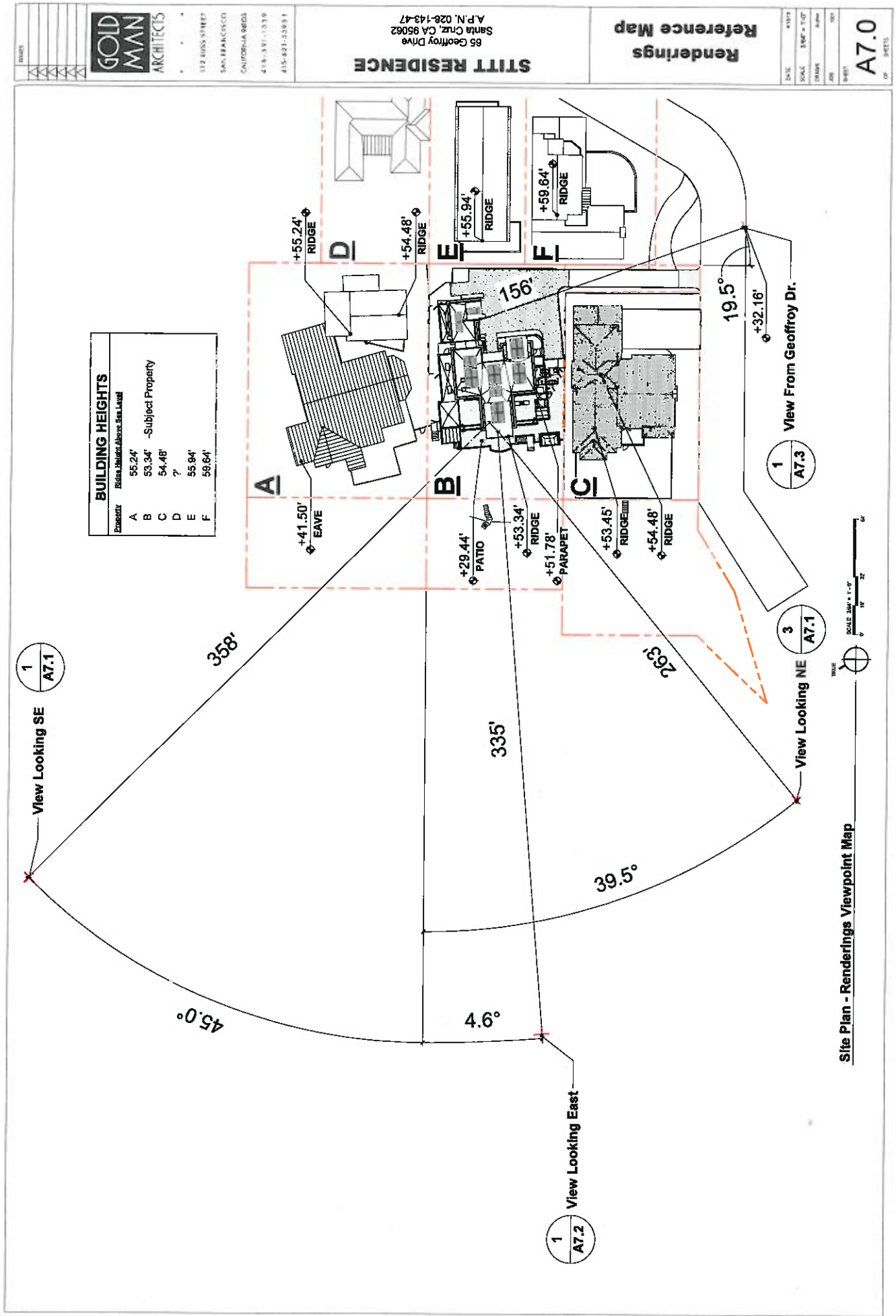




1 Longitudinal Section Looking North  
1/8" = 1'-0"



2 Lateral Section Looking West  
1/8" = 1'-0"



2 Existing - View from Beach Looking SouthEast

**4 Existing - View from Beach Looking NorthEast**

1 Perspective Rendering View from Beach Looking SouthEast

**3** respective rendering view from Beach Looking Northeast

DATE	
SCALE	
PROJECT	
ARCHITECT	
DATE	
SCALE	
PROJECT	
ARCHITECT	
DATE	
SCALE	
PROJECT	
ARCHITECT	

**GOLD  
MAN  
ARCHITECTS**

172 BUSH STREET  
SAN FRANCISCO  
CALIFORNIA 94103

415-391-1359  
415-623-2383 F

**STITT RESIDENCE**

65 Geoffrey Drive  
Santa Cruz, CA 95062  
A.P.N. 028-143-47

**Perspective  
Rendering**

DATE	4/18/18
SCALE	
PROJECT	
ARCHITECT	
DATE	1/1/17
SCALE	
PROJECT	
ARCHITECT	

**A7.2**

OF SHEETS



① Perspective Rendering View from from Beach Looking East



② Existing - View from from Beach Looking East

DATE	4/19/18
SCALE	
DESIGNER	
DATE	1/18/1
SHEET	

**GOLD MAN ARCHITECTS**  
 172 RUSSELL STREET  
 SAN FRANCISCO  
 CALIFORNIA 94103  
 415-391-1359  
 415-628-3283 F

**STITT RESIDENCE**  
 65 Geoffrey Drive  
 Santa Cruz, CA 95062  
 A.P.N. 028-143-47

**Perspective Rendering**

DATE	4/19/18
SCALE	
DESIGNER	
DATE	1/18/1
SHEET	

**A7.3**  
 OF SHEETS

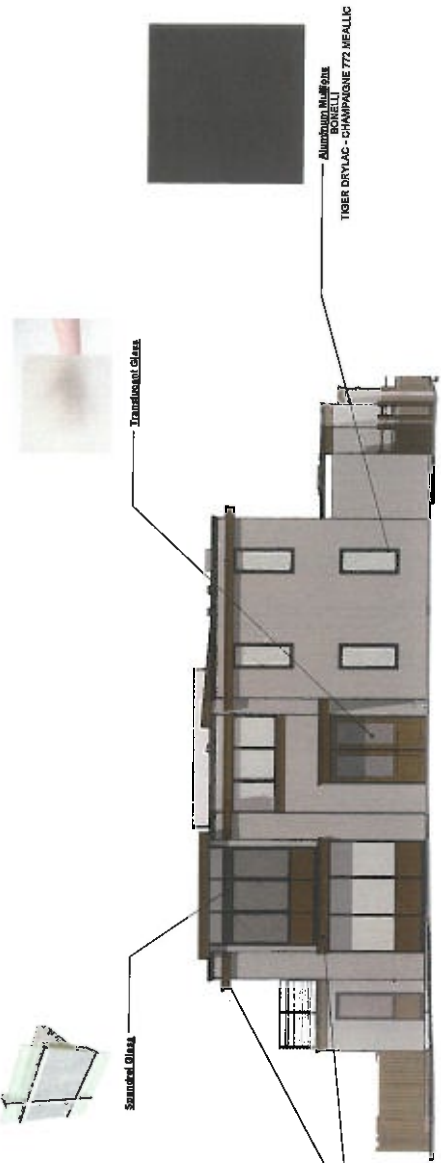


① Street Frontage Perspective Rendering from Geoffrey Drive



② Existing - Street Frontage from Geoffrey Drive

### East - Exterior Materials



**Sandblast Glass**

**Translucent Glass**


**Aluminum Mullions**

**TIGER DRYLAC - CHAMPAGNE 772 METALLIC**

**FASCIA**

**CASOT 85% TRANSPARENT WOOD STAIN**  
**CONSERVAT BROWN 057**

### West - Exterior Materials



**Balustrade**

**EXTERIOR WALLS**  
**LA HABRA STUCCO**  
**CANVAS 3004 (49)**

**PATIO WALL**  
**EL DORADO STONE - LEDGESTONE**  
**WILCONSH**



**Shadow Study - 12/21/17 10:00 AM - EXISTING**



**Shadow Study - 12/21/17 2:00 PM - EXISTING**



**Shadow Study - 12/21/17 10:00 AM**



**Shadow Study - 12/21/17 2:00 PM**



**Shadow Study - 3/21/17 & 9/21/17 10:00 AM - EXISTING**



**Shadow Study - 3/21/17 & 9/21/17 2:00 PM - EXISTING**



**Shadow Study - 3/21/17 & 9/21/17 10:00 AM**



**Shadow Study - 3/21/17 & 9/21/17 2:00 PM**

**LEGEND**

- Project Shadow - Existing
- Project Shadow - 1st Floor
- Project Shadow - 2nd Floor
- (E) Tree





**Shadow Study - 6/21/17 10:00 AM - EXISTING**



**Shadow Study - 6/21/17 2:00 PM - EXISTING**



**Shadow Study - 6/21/17 10:00 AM**



**Shadow Study - 6/21/17 2:00 PM**







**EARTHWORK AND GRADING NOTES**

1. THE GRADE SHOWN ON THIS PLAN IS THE GRADE AS SHOWN ON THE SURVEY. THE GRADE AS SHOWN ON THE SURVEY IS THE GRADE AS SHOWN ON THE SURVEY. THE GRADE AS SHOWN ON THE SURVEY IS THE GRADE AS SHOWN ON THE SURVEY.
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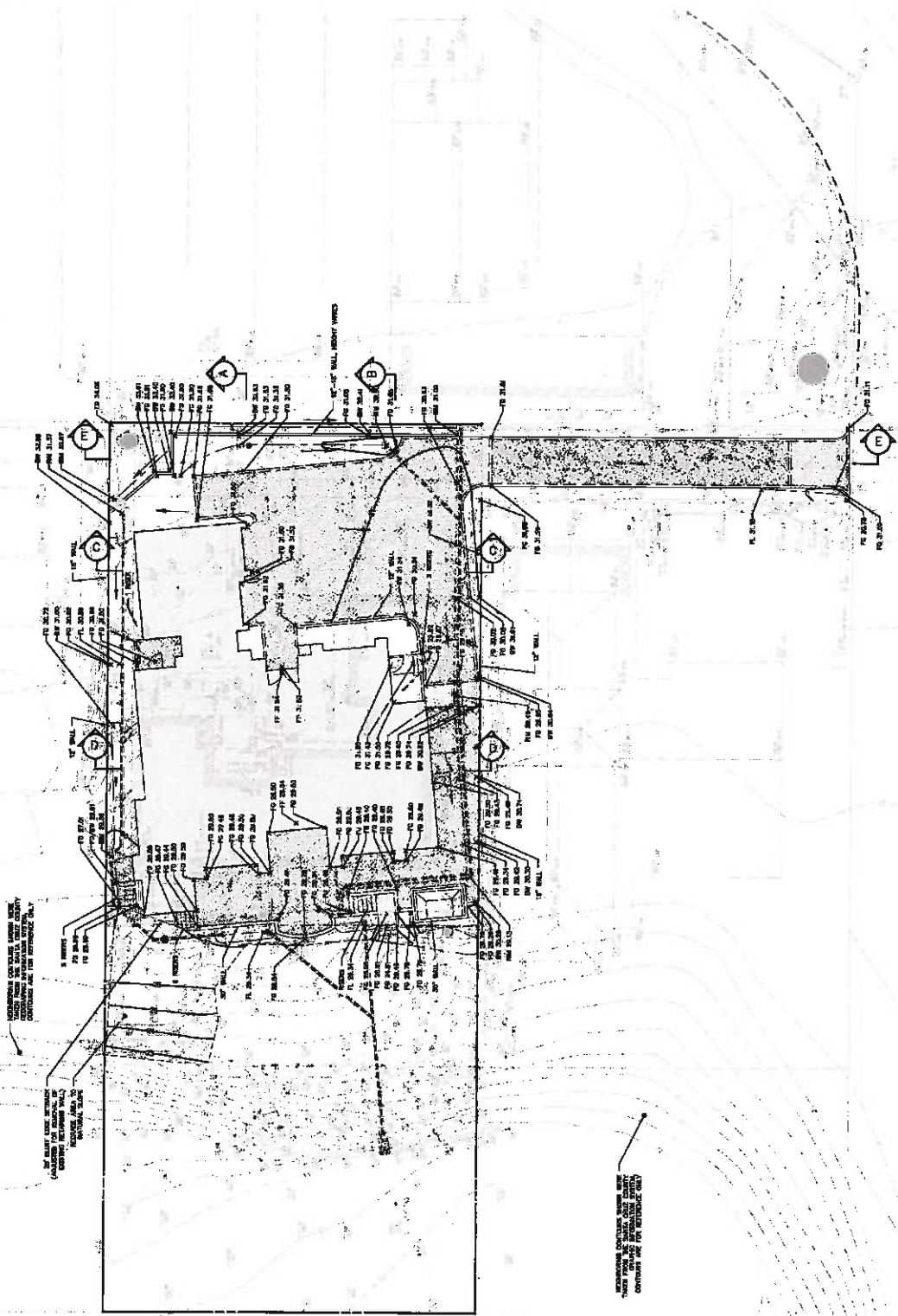
4-27-18

**BOWMAN & WILLIAMS**  
CIVIL ENGINEERS  
2040 REDWOOD BLVD., STE. 100  
SAN JOSE, CALIF. 95131

**GRADING PLAN**

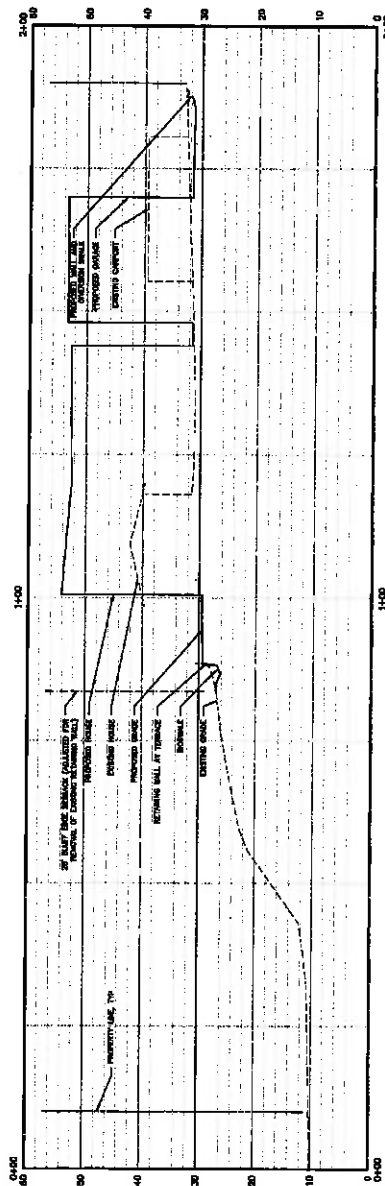
DATE: 12/20/17	DRAWN: JH	CHECKED: JH	SCALE: 1" = 20'
PROJECT: 17-000000	CONTRACT: 17-000000	CONTRACT: 17-000000	CONTRACT: 17-000000
CONTRACT: 17-000000	CONTRACT: 17-000000	CONTRACT: 17-000000	CONTRACT: 17-000000

**GRAPHIC SCALE**  
1" = 20'

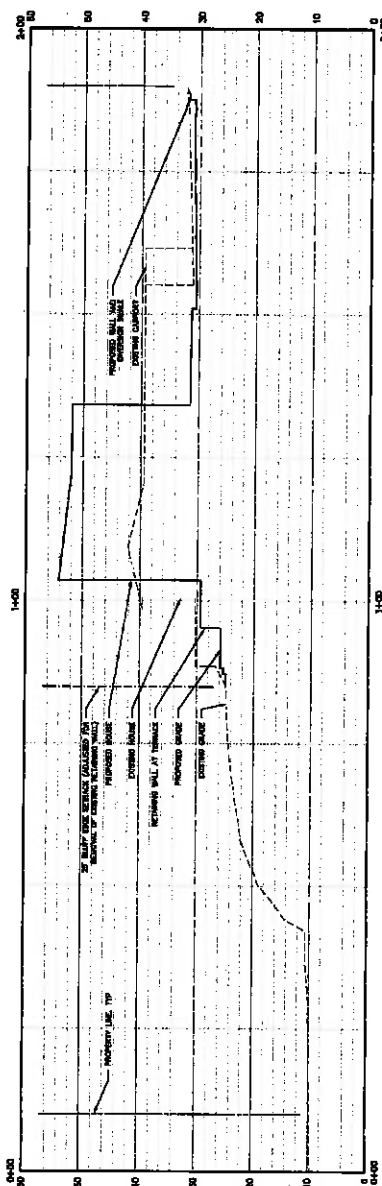


**ESTIMATED EARTHWORK VOLUMES DERIVED FROM SITE GRADING**

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**SITE SECTION A-A**  
SCALE 1"=40' HORIZ

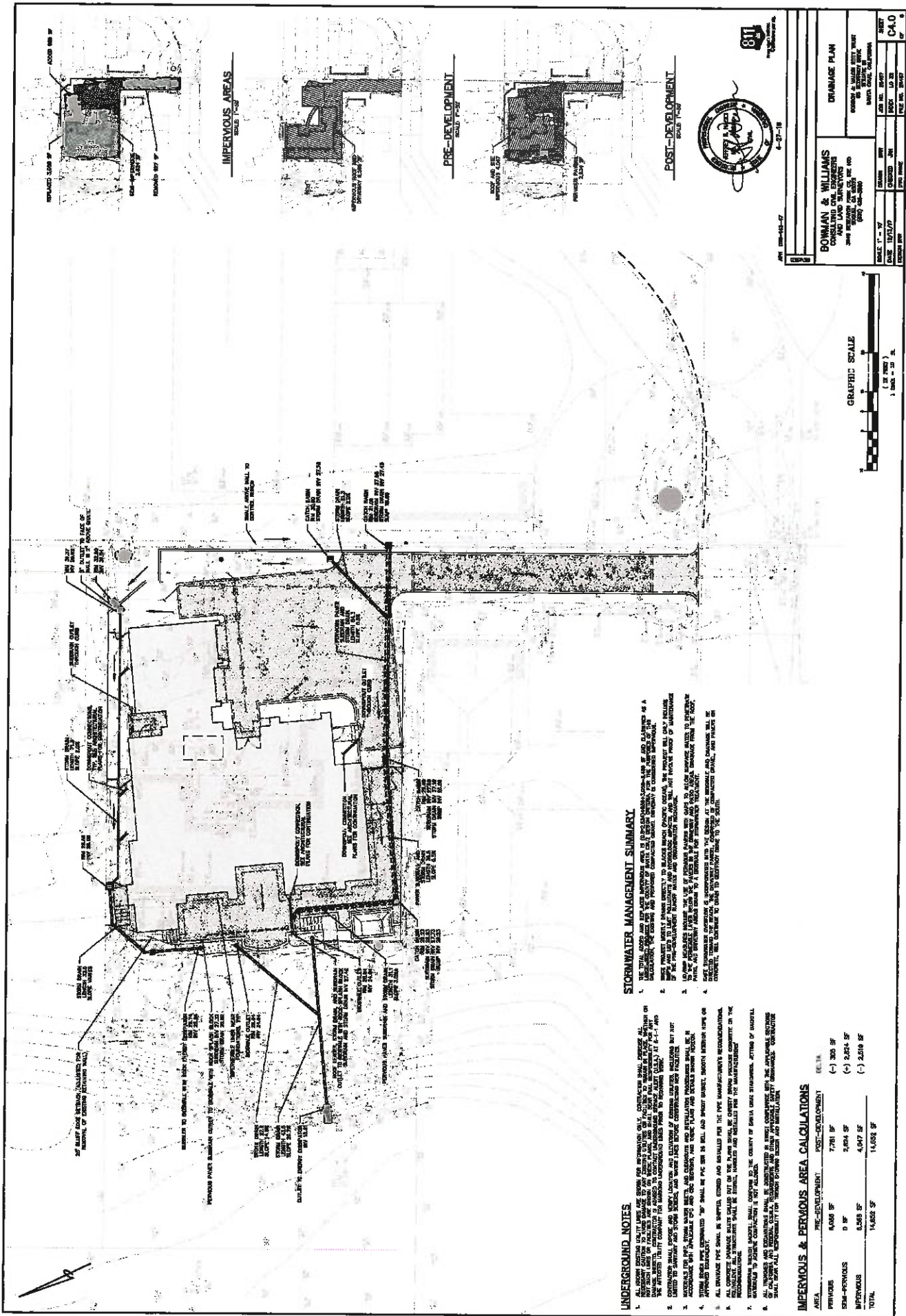


**SITE SECTION B-B**  
SCALE 1"=40' HORIZ



<b>BONMAN &amp; WILLIAMS</b> CONSULTING ENGINEERS 3040 MARSHALL AVENUE, SUITE 100 SANTA CLARA, CALIFORNIA 95050 (408) 293-1000		<b>SITE SECTIONS</b> SHEET NO. 03.1 DATE 07/27/77 DRAWN BY J. W. WILSON CHECKED BY J. W. WILSON DATE 08/01/77	
SCALE 1" = 40' DATE 07/27/77 DRAWN BY J. W. WILSON CHECKED BY J. W. WILSON DATE 08/01/77	SHEET NO. 03.1 DATE 07/27/77 DRAWN BY J. W. WILSON CHECKED BY J. W. WILSON DATE 08/01/77	SHEET NO. 03.1 DATE 07/27/77 DRAWN BY J. W. WILSON CHECKED BY J. W. WILSON DATE 08/01/77	SHEET NO. 03.1 DATE 07/27/77 DRAWN BY J. W. WILSON CHECKED BY J. W. WILSON DATE 08/01/77



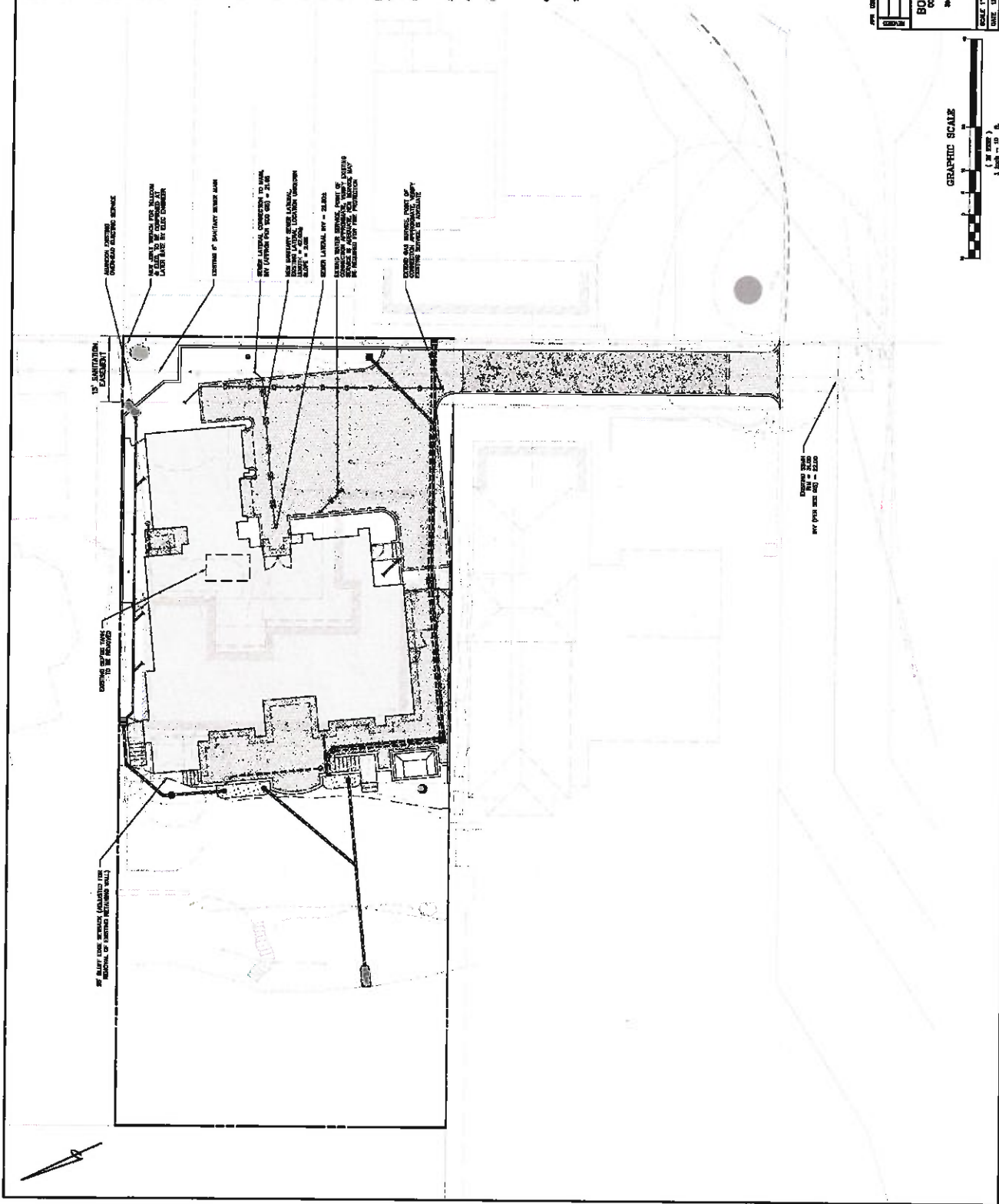


# **SANTA CRUZ COUNTY SANITATION DISTRICT NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE COUNTY OF SANTA CRUZ AND THE CITY OF SANTA CRUZ.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE COUNTY OF SANTA CRUZ AND THE CITY OF SANTA CRUZ.
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## **CITY OF SANTA CRUZ WATER DEPARTMENT NOTES**

1. ALL WORK ON THE WATER SYSTEM MUST BE COMPLETED IN COMPLIANCE WITH THE CITY OF SANTA CRUZ WATER DEPARTMENT STANDARDS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SANTA CRUZ WATER DEPARTMENT.
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<b>BOWMAN &amp; WILLIAMS</b> CONSULTING CIVIL ENGINEERS 2040 RESERVE PARK, SUITE 100 SANTA CRUZ, CALIFORNIA 95060 (408) 298-2000		<b>UTILITY PLAN</b> SHEET NO. 05.01 DATE: 10/15/17 DRAWN BY: JAW CHECKED BY: JAW IN CHARGE: JAW	
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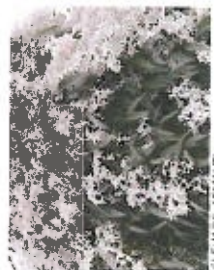






PRELIMINARY  
LANDSCAPE PLAN

STITT RESIDENCE  
65 GEOFFROY DRIVE  
SANTA CRUZ, CA 95062

[illegible]



THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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Tax Area Code  
82-040

Assessor's Map No. 28-14  
County of Santa Cruz, California  
April 1998

Assessor's Parcel & Block  
Numbers Shown in Circles.

31PM30  
1/9/1979

43PM40  
12/1/1983

103RS24  
3/11/2003

68RS24  
12/17/1979

115RS14  
3/2/2009

SHORE ACRES SUB. TR. # 64  
28MB37  
7/16/1946

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Assessor's Map No. 28-14  
County of Santa Cruz, Calif.  
April 1998

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

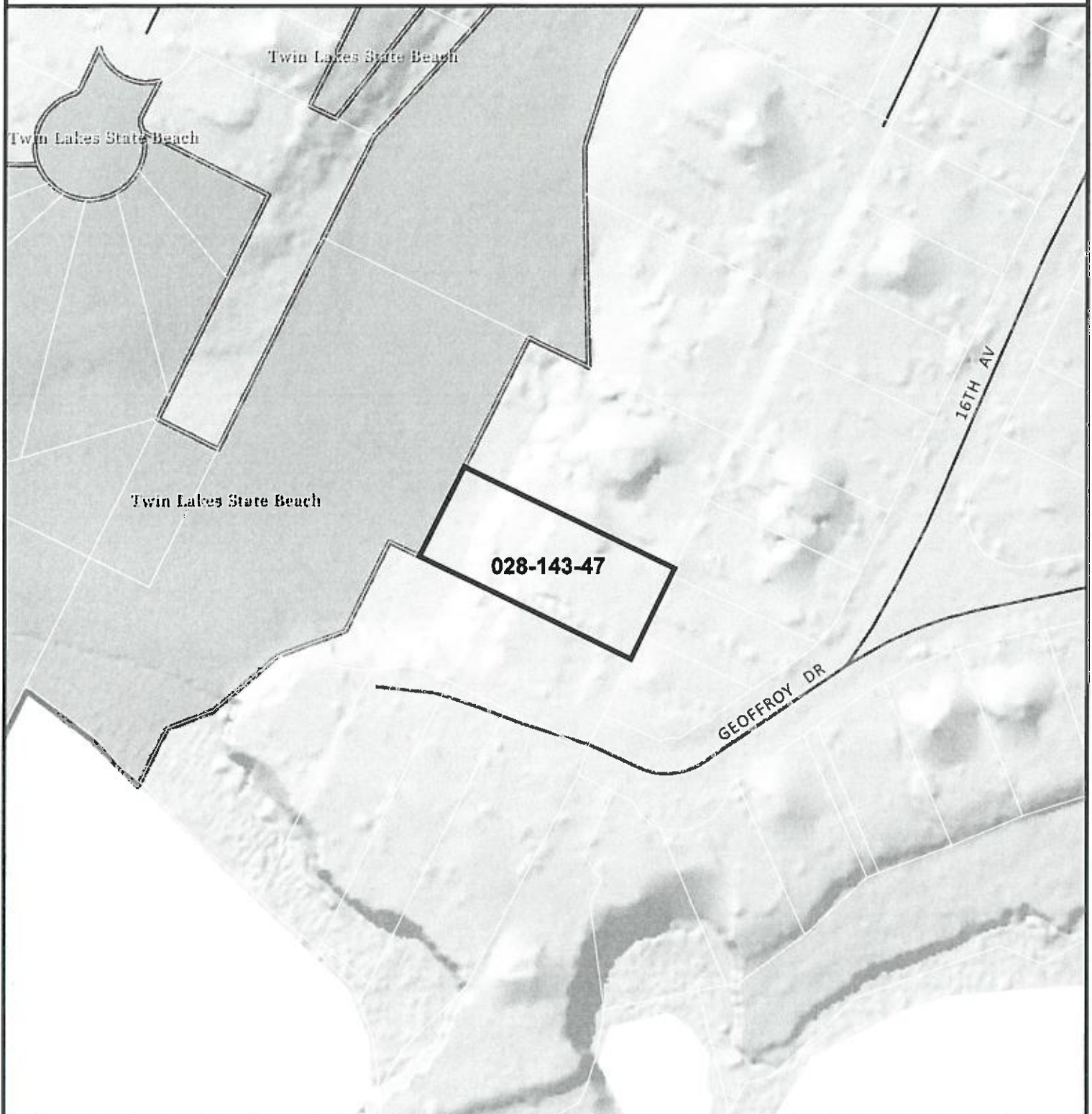
Rev. 4/12/98 GIG (CA consolidation)  
Rev. 10/14/99 CB (Per. from pp. 27, 1B A.3.4.4 & 45)  
Rev. 4/4/01 mnm (changed page no.)  
Rev. 7/31/01 CB (added link to E. 2.38)  
Rev. 5/18/03 CB (1038523)  
Rev. 11/28/05 mnm (5-0052921, 1B A.1-4.8 & 47)  
Rev. 2/24/04 CB (1145814)  
Rev. 3/21/13 CB (Cor. dms for 3.43)



# Parcel Location Map

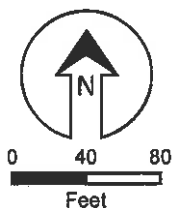
Santa Cruz County Planning Department

Parcel Number  
**028-143-47**  
May. 15, 2018



## Symbol Key

- Street
- Park

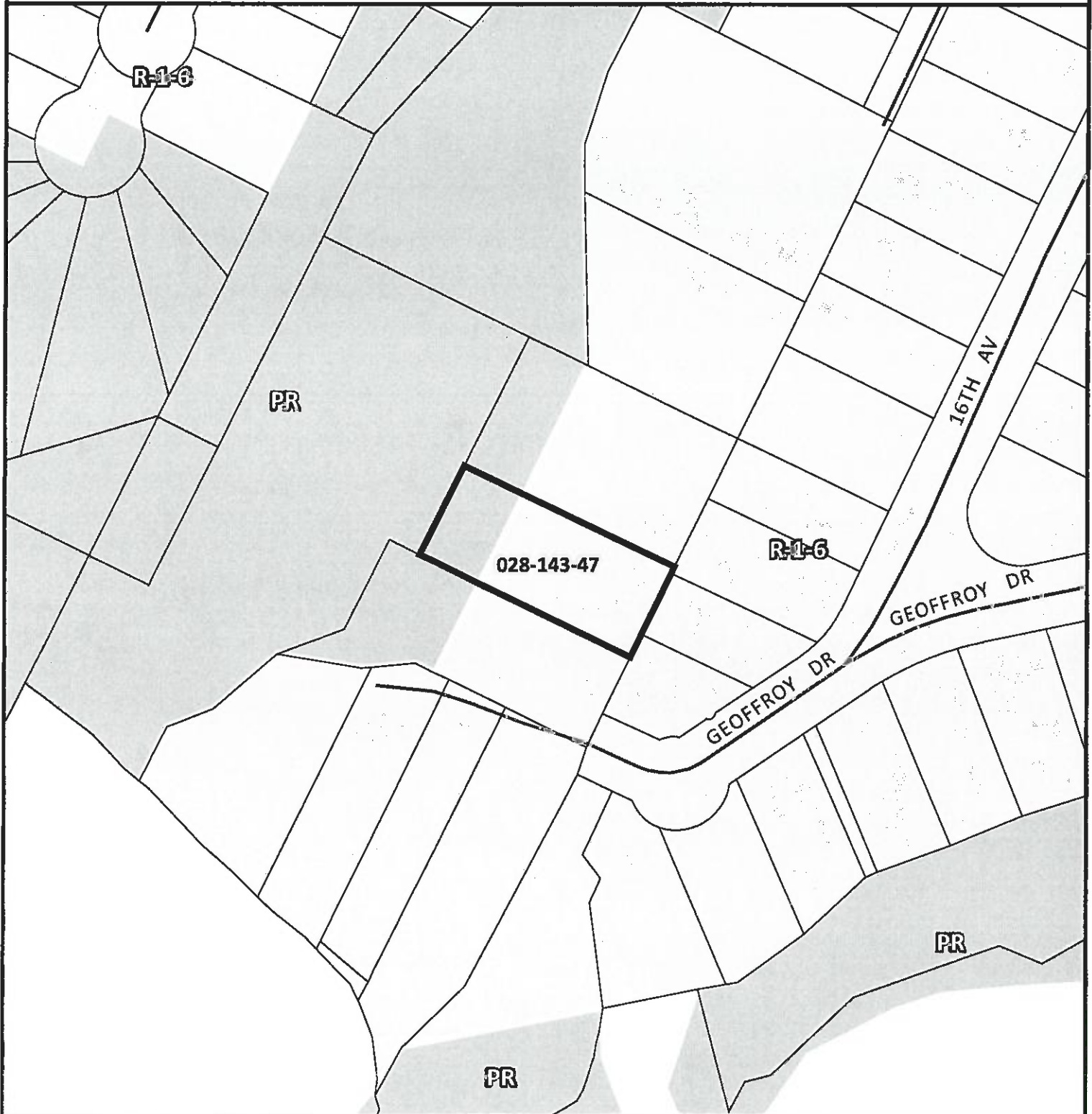




# Parcel Zoning Map

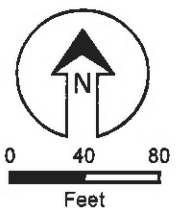
Santa Cruz County Planning Department

Parcel Number  
028-143-47  
May. 15, 2018



## Zoning

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

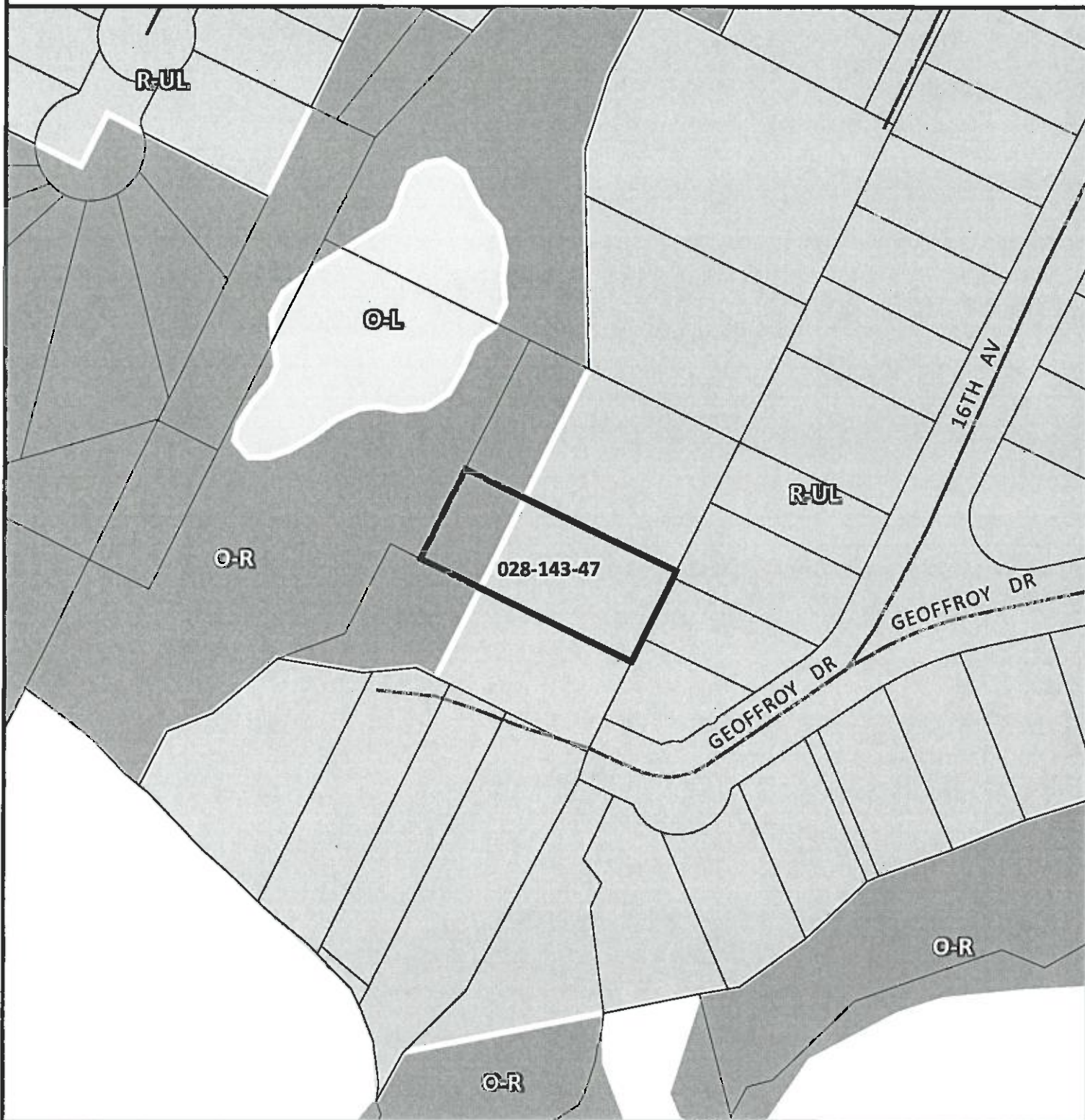




# Parcel General Plan Map

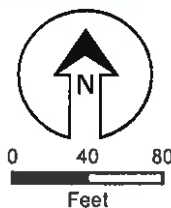
Santa Cruz County Planning Department

Parcel Number  
028-143-47  
May. 15, 2018



## General Plan

- O-L - Lake
- O-R - Parks and Recreation
- R-UL - Residential - Urban Low Density





# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

30 November 2017

Hamilton Land Planning  
Attn: Deidre Hamilton  
911 Center St, Ste. E  
Santa Cruz, CA 95060

Subject: Review of the Geotechnical Investigation for Residential Construction at 65 Geoffroy Drive/ APN 028-143-47 dated 6 July 2017 by Haro, Kasunich and Associates – Project No. SC10968.1

Review of the Coastal Bluff Recession Study and Geological Report for 65 Geoffroy Drive/ APN 028-143-47 dated 6 July 2017 by Haro, Kasunich and Associates – Project No. SC10968.1

Project Site: 65 Geoffroy Drive  
APN 028-143-47  
Application No. B-171091

Dear Applicant:

The purpose of this letter is to inform you that the Planning Department has accepted the subject reports and the following items shall be required:

1. All project design and construction shall comply with the recommendations of the reports.
2. Final plans shall reference the reports by titles, authors, and dates. Final Plans should also include a statement that the project shall conform to the reports' recommendations.
3. After plans are prepared that are acceptable to all reviewing agencies, please submit a completed Soils (Geotechnical) Engineer Plan Review Form and a completed Geologist Plan Review Form to Environmental Planning. The authors of the soils and geology reports shall sign and stamp their respective completed forms. Please note that the plan review forms must reference the final plan set by last revision date.

Any updates to report recommendations necessary to address conflicts between the reports and plans must be provided via a separate addendum to the soils report and/or geology report.

Electronic copies of all forms required to be completed by the Geotechnical Engineer may be found on our website: [www.sccoplanning.com](http://www.sccoplanning.com), under "Environmental", "Geology & Soils", and "Assistance & Forms".

After building permit issuance the soils engineer and engineering geologist *must remain involved with the project* during construction. Please review the Notice to Permits Holders (attached).

Review of the Geotechnical Investigation for Residential Construction at 65 Geoffroy Drive/ APN 028-143-47 dated 6 July 2017 by Haro, Kasunich and Associates – Project No. SC10968.1  
Review of the Coastal Bluff Recession Study and Geological Report for 65 Geoffroy Drive/ APN 028-143-47 dated 6 July 2017 by Haro, Kasunich and Associates – Project No. SC10968.1  
APN 028-143-47  
30 November 2017  
Page 2 of 3

Our acceptance of the reports is limited to its technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

Please note that this determination may be appealed within 14 calendar days of the date of service. Additional information regarding the appeals process may be found online at: [http://www.sccoplanning.com/html/devrev/plnappeal\\_bldg.htm](http://www.sccoplanning.com/html/devrev/plnappeal_bldg.htm)

Please contact Rick Parks at (831) 454-3168/email: [Rick.Parks@santacruzcounty.us](mailto:Rick.Parks@santacruzcounty.us) or Joe Hanna at (831) 454-3175/email: [Joseph.Hanna@santacruzcounty.us](mailto:Joseph.Hanna@santacruzcounty.us) if we can be of any further assistance.

Sincerely,



Rick Parks, GE 2603  
Civil Engineer – Environmental Planning  
County of Santa Cruz Planning Department



Joseph Hanna, CEG 1313  
County Geologist– Environmental Planning  
County of Santa Cruz Planning Department

Cc: Haro, Kasunich and Associates, Attn: Moses Cuprill, PE  
Haro, Kasunich and Associates, Attn: Mark Foxx, CEG  
Owner: Gordon Stitt

Attachments: Notice to Permit Holders

Review of the Geotechnical Investigation for Residential Construction at 65 Geoffroy Drive/ APN 028-143-47 dated 6 July 2017 by Haro, Kasunich and Associates – Project No. SC10968.1  
Review of the Coastal Bluff Recession Study and Geological Report for 65 Geoffroy Drive/ APN 028-143-47 dated 6 July 2017 by Haro, Kasunich and Associates – Project No. SC10968.1  
APN 028-143-47  
30 November 2017  
Page 3 of 3

**NOTICE TO PERMIT HOLDERS WHEN SOILS AND GEOLOGY REPORTS HAVE BEEN PREPARED, REVIEWED AND ACCEPTED FOR THE PROJECT**

After issuance of the building permit, the County requires your soils engineer and engineering geologist to be involved during construction.

1. **At the completion of construction**, a *Soils (Geotechnical) Engineer Final Inspection Form* and a *Geologist Final Inspection Form* are required to be submitted to Environmental Planning that includes copies of all observations made during construction and is stamped and signed, certifying that the project was constructed in conformance with the recommendations of the soils and geology reports.

If the *Final Inspection Form* identifies any portions of the project that were not observed by the soils engineer and/or geologist, you may be required to perform destructive testing in order for your permit to obtain a final inspection. The soils engineer and/or geologist then must complete and initial an *Exceptions Addendum Form* that certifies that the features not observed will not pose a life safety risk to occupants.

#### 18.10.134 Permit amendment (project and plan changes).Share

(A) **Grounds for Amendment.** Amendment to a planning approval may be made on the following grounds: change of circumstances, new information, correction of errors, or public health, safety, and welfare considerations.

(B) **Types of Amendment.** The following types of amendment apply to all planning approvals, including (without limitation) development permits and land division approvals.

(1) **Minor Variations.** A minor variation is an amendment to a planning approval, including (without limitation) project design, improvements, or conditions of approval, if the amendment does not affect the overall concept, density, or intensity of use of the approved project, and if it does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

(2) **Corrections.** A correction is a change which corrects an error or omission in a planning approval which is not at variance with the decision of the approving body or not at variance with County ordinances or regulations, and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

(3) **Modifications.** A modification is a change to a final map or parcel map based on a finding that changed circumstances or new information makes one or more aspects of such planning approval no longer appropriate or necessary, which change does not impose any additional burden on the present fee owner of the property and does not alter any right, title, or interest in the real property reflected in any recorded map (see Government Code Section 66472.1 and any successor provisions), and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

(4) **Major Amendments.** Any change to a planning approval which does not qualify as a minor variation, correction, or modification shall be deemed a major amendment.

(C) **Procedures for Amendments.**

(1) Initiation. Except as otherwise provided herein, any amendment (including a minor variation, correction, modification, or major amendment) may be initiated by the current holder of the planning approval, the Planning Director, the Planning Commission, or the Board of Supervisors.

(2) Processing Level.

(a) Except as otherwise provided herein, including SCCC 13.20.100(A), the processing level and applicable application, notice, hearing and other requirements shall be as follows:

(i) Level III for minor variations and corrections;

(ii) The processing level for major amendments and modifications initiated by the current holder of the planning approval shall be the processing level applicable to the planning approval sought, and the processing level for major amendments or modifications initiated by the Planning Commission or the Board of Supervisors shall be Level VI or the processing level applicable to the planning approval to be amended, whichever is the higher level.

(b) If the Board of Supervisors or the Planning Commission initiates any type of amendment, such Board or Commission may order that the processing level be at Level VI or VII rather than at the level established by subsection (C)(2)(a) of this section. Furthermore, all types of amendment decisions are subject to the appeal and special consideration provisions set forth in SCCC 18.10.310 through 18.10.360.

(c) The provisions of SCCC 18.10.124 authorizing referral to the next higher level are applicable to all types of amendments, and any amendment which was a matter of substantial controversy at the public hearing at which the original planning approval was given shall be immediately referred to such approving official or body.

(D) Limitation of Authority.

(1) Required Findings. No amendment of any type may be approved unless the approving official or body is able to make the findings required by SCCC 18.10.230 in the event of a development permit, and SCCC 14.01.401 through 14.01.407, inclusive, in the event of a land division approval.

(2) **Limitation to Amendment Initiated.** The hearing on an application for amendment filed by the current holder of the planning approval shall be limited to that part of the planning approval affected by the application, unless the approving official or body finds that the amendment proposed should not be considered in isolation from all or any part of the effective planning approval.

(3) **Limitation as to Amendment of Final Land Division Maps.** Corrections and modifications of final maps or parcel maps recorded following land division approvals shall be limited as provided in Government Code Sections 66469 through 66472.2, inclusive, and SCCC 14.01.340 through 14.01.343, inclusive.

(4) **Limitation on Major Amendment Applications by Current Holder of Planning Approval.** No current holder of a planning approval may apply for a major amendment within one year from the date such approval or a major amendment thereto became final without the approval of the decision maker authorized to make decisions at the level at which the original planning approval was granted.

(5) **Limitation on Major Amendments Initiated by County.** Any major amendment initiated by the County shall be processed in accordance with the procedures and standards set forth in SCCC 18.10.136 as to resolution of intention and notification to affected property owners. [Ord. 5018 § 17, 2008; amended during 9/07 supplement; Ord. 4818 § 3, 2006; Ord. 4496-C § 104, 1998; Ord. 4044 § 2, 1990].

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Tuesday, February 6, 2018 4:13 PM  
**To:** Sheila McDaniel  
**Subject:** Gordon Stitt Project; APN; 028-143-47

Dear Ms. McDaniel:

I represent Robert Rittenhouse, who lives with his family at 151 Blackpoint Lane in Santa Cruz. The Rittenhouse property is adjacent to and north of the property owned by Gordon Stitt at 65 Geoffroy Drive, APN: 028-143-47. In Application #171228, Mr. Stitt is seeking County approval of a coastal development permit for a project to totally demolish the existing one-story house and construct a much larger, two-story replacement dwelling with an attached, two-story garage.

Mr. Rittenhouse is very concerned that the much larger, two-story replacement house will result in a significant invasion of his family's privacy. We reviewed the plans that Mr. Stitt submitted a couple weeks ago. These plans indicate that there will be a large, first story "roof" along the north side of the house. In the prior version of the project plans, this same area was shown as a second story deck. While Mr. Rittenhouse appreciates Mr. Stitt changing this area from a deck to a roof, Mr. Rittenhouse is concerned that Mr. Stitt or future owners of the property will convert that area to a deck. It appears to us that this conversion could easily be accomplished with the addition of deck floorboards and railings. Also, this area could be easily accessed from the second floor deck on the west side of the proposed house and/or with the addition of a door on the second floor, north side bedroom.

Because Mr. Stitt's proposed house is so close to the Rittenhouses' boundary line, it would be a significant invasion of the Rittenhouses' privacy if the neighbors were ever permitted to occupy that north side roof area, because that area directly overlooks the Rittenhouses' backyard patio area. Therefore, the Rittenhouses are requesting that the County impose a condition of approval of the CDP stating that the north side roof along the boundary with 151 Blackpoint Lane shall not be converted to a deck or used for any purpose other than a roof over the first floor without obtaining a new coastal development permit. We believe such a condition would help implement one of the purposes of residential zoning district, which is to protect neighbors' privacy. (SCCC section 13.10.321(5).) Furthermore, we cannot think of any reason why such a condition would restrict Mr. Stitt's project as proposed or otherwise prejudice him.

Finally, please add me to your mailing list to receive notices about this project on behalf of the Rittenhouses.

Thank you for your consideration of this request.

-Miles Dolinger

## MILES J. DOLINGER

ATTORNEY AT LAW  
914 Capitola Avenue, Capitola, CA 95010  
PHONE (831) 477-9193  
FAX (831) 477-9196  
miles@dolingerlaw.com

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Please consider the environment before printing this document.

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Thursday, February 15, 2018 12:47 PM  
**To:** Sheila McDaniel  
**Cc:** Deidre Hamilton  
**Subject:** RE: Gordon Stitt Project; APN; 028-143-47

Hi, Sheila. Yes, we would like for you to draft a proposed condition of approval to be reviewed by both my client and Mr. Stitt. Thanks.

Miles Dolinger

## MILES J. DOLINGER

ATTORNEY AT LAW  
314 Capitola Avenue, Capitola, CA 95010  
OFFICE (831) 477-9193  
CELL (831) 477-9196  
miles@dolingerlaw.com

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---

**From:** Sheila McDaniel [mailto:Sheila.McDaniel@santacruzcounty.us]  
**Sent:** Wednesday, February 14, 2018 9:33 AM  
**To:** Miles Dolinger <miles@dolingerlaw.com>  
**Cc:** Deidre Hamilton <deidre@hamiltonlandplanning.com>  
**Subject:** RE: Gordon Stitt Project; APN; 028-143-47

Miles,

I am inclined to agree to a condition of approval requiring an amendment to the permit before the zoning administrator should alterations to the west side of the dwelling be submitted that affect the privacy of the dwelling and/or light and open space on the west side roofline. Although unlikely given that decking is already provided facing the beach, in an effort to resolve issues prior to the hearing, should both parties desire to review a draft of the condition of approval I am amenable. This would allow both parties to agree to condition language for incorporation into the recommended staff report conditions of approval. However, should review of the condition (s) of approval result in a protracted disagreement between parties resulting in non-agreement, it is my intent to submit a recommended conditions of approval to the decision maker for consideration during the hearing, whatever that means to the outcome of this issue and duration of the hearing. It is in everyone's interest to address this prior to the hearing.

Please consider my input and both let me know if you agree to consider condition language and I will prepare conditions for your consideration.

Thank you,

Sheila McDaniel

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Friday, February 16, 2018 8:22 AM  
**To:** Sheila McDaniel  
**Cc:** Deidre Hamilton  
**Subject:** Re: Document4 [Compatibility Mode]

Sheila: does an amendment to the coastal permit necessarily require a public hearing?

Thanks. Miles

Sent from my iPhone

On Feb 16, 2018, at 8:08 AM, Sheila McDaniel <[Sheila.McDaniel@santacruzcounty.us](mailto:Sheila.McDaniel@santacruzcounty.us)> wrote:

Miles/Deidre,

Attached is a draft of operational condition of approval proposed to ensure that modifications to the north side of the first story roof are not authorized by a building permit without an amendment to the Coastal Permit with approval by the Zoning Administrator. Please note that standard conditions of approval require that the building plans be in "substantial conformance" with the approved exhibit. The proposed operational condition ensures that building permit plans do not allow modifications in this area in the future without an amendment to the permit. Also, I will go a step further following approval of the permit and include a note in the computer log on the subject property so this condition will be readily accessible information to future zoning counter staff.

Once you have agreed to the language, please send it back to me and I will include it in the recommended conditions of approval.

Thank you,

Sheila

<Document4 [Compatibility Mode].doc>

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Friday, February 16, 2018 8:59 AM  
**To:** Sheila McDaniel  
**Subject:** RE: Document4 [Compatibility Mode]

Can you point me to the sections in the code that address amendments?  
I'll get back to you on the language soon.

Thanks.

## MILES J. DOLINGER

ATTORNEY AT LAW  
314 Capitola Avenue, Capitola, CA 95010  
Office (831) 477-9193  
Fax (831) 477-9196  
miles@dolingerlaw.com

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---

**From:** Sheila McDaniel [mailto:Sheila.McDaniel@santacruzcounty.us]  
**Sent:** Friday, February 16, 2018 8:36 AM  
**To:** Miles Dolinger <miles@dolingerlaw.com>  
**Subject:** FW: Document4 [Compatibility Mode]

Miles,

I should add that if the amendment is a notice only review and the department approved conversion of the roof your client would have to pay for an appeal for consideration of the issues. I do not see that as an appropriate process given that the impacts have already been identified now.

Thank you,

Sheila McDaniel  
Senior Planner  
Santa Cruz County Planning Department  
(831) 454-2255

---

**From:** Sheila McDaniel  
**Sent:** Friday, February 16, 2018 8:30 AM  
**To:** 'Miles Dolinger' <miles@dolingerlaw.com>  
**Subject:** RE: Document4 [Compatibility Mode]

Miles,

No, an amendment could be an administrative action with noticing only if that were called out in the condition language. I called it out as requiring Zoning Administrator approval as a means to provide the greatest protection to your client. However, you could agree to an amendment with a public notice only.

Thank you,

Sheila McDaniel  
Senior Planner  
Santa Cruz County Planning Department  
(831) 454-2255

---

**From:** Miles Dolinger [mailto:miles@dolingerlaw.com]  
**Sent:** Friday, February 16, 2018 8:22 AM  
**To:** Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us>  
**Cc:** Deidre Hamilton <deidre@hamiltonlandplanning.com>  
**Subject:** Re: Document4 [Compatibility Mode]

Sheila: does an amendment to the coastal permit necessarily require a public hearing?

Thanks. Miles

Sent from my iPhone

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Once you have agreed to the language, please send it back to me and I will include it in the recommended conditions of approval.

Thank you,

Sheila

<Document4 [Compatibility Mode].doc>

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Friday, February 16, 2018 11:14 AM  
**To:** Sheila McDaniel  
**Subject:** RE: Document4 [Compatibility Mode]

Sheila: There are a couple of things I am misunderstanding. I just tried to call you but got voicemail. Is there a good time for me to call you today? I will be available until 12 and after 2 today. Thanks.

## MILES J. DOLINGER

ATTORNEY AT LAW  
314 Capitola Avenue, Capitola, CA 95010  
OFFICE (831) 477-9193  
FAX (831) 477-9196  
miles@dolingerlaw.com

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**From:** Sheila McDaniel [mailto:Sheila.McDaniel@santacruzcounty.us]  
**Sent:** Friday, February 16, 2018 10:03 AM  
**To:** Miles Dolinger <miles@dolingerlaw.com>  
**Subject:** RE: Document4 [Compatibility Mode]

Miles,

18.10.134 establishes process unless otherwise called out in the coastal approval.

Thank you,

Sheila McDaniel  
Senior Planner  
Santa Cruz County Planning Department  
(831) 454-2255

---

**From:** Miles Dolinger [mailto:miles@dolingerlaw.com]  
**Sent:** Friday, February 16, 2018 8:59 AM  
**To:** Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us>  
**Subject:** RE: Document4 [Compatibility Mode]

Can you point me to the sections in the code that address amendments?  
I'll get back to you on the language soon.

Thanks.

# MILES J. DOLINGER

ATTORNEY AT LAW

314 Capitola Avenue, Capitola, CA 95010

Office (831) 477-9193

Fax (831) 477-9196

[miles@dolingerlaw.com](mailto:miles@dolingerlaw.com)

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---

**From:** Sheila McDaniel [<mailto:Sheila.McDaniel@santacruzcounty.us>]

**Sent:** Friday, February 16, 2018 8:36 AM

**To:** Miles Dolinger <[miles@dolingerlaw.com](mailto:miles@dolingerlaw.com)>

**Subject:** FW: Document4 [Compatibility Mode]

Miles,

I should add that if the amendment is a notice only review and the department approved conversion of the roof your client would have to pay for an appeal for consideration of the issues. I do not see that as an appropriate process given that the impacts have already been identified now.

Thank you,

Sheila McDaniel

Senior Planner

Santa Cruz County Planning Department

(831) 454-2255

---

**From:** Sheila McDaniel

**Sent:** Friday, February 16, 2018 8:30 AM

**To:** 'Miles Dolinger' <[miles@dolingerlaw.com](mailto:miles@dolingerlaw.com)>

**Subject:** RE: Document4 [Compatibility Mode]

Miles,

No, an amendment could be an administrative action with noticing only if that were called out in the condition language. I called it out as requiring Zoning Administrator approval as a means to provide the greatest protection to your client. However, you could agree to an amendment with a public notice only.

Thank you,

Sheila McDaniel

Senior Planner

Santa Cruz County Planning Department

(831) 454-2255

---

**From:** Miles Dolinger [<mailto:miles@dolingerlaw.com>]

**Sent:** Friday, February 16, 2018 8:22 AM

**To:** Sheila McDaniel <[Sheila.McDaniel@santacruzcounty.us](mailto:Sheila.McDaniel@santacruzcounty.us)>

**Cc:** Deidre Hamilton <[deidre@hamiltonlandplanning.com](mailto:deidre@hamiltonlandplanning.com)>

**Subject:** Re: Document4 [Compatibility Mode]

Sheila: does an amendment to the coastal permit necessarily require a public hearing?

Thanks. Miles

Sent from my iPhone

On Feb 16, 2018, at 8:08 AM, Sheila McDaniel <[Sheila.McDaniel@santacruzcounty.us](mailto:Sheila.McDaniel@santacruzcounty.us)> wrote:

Miles/Deidre,

Attached is a draft of operational condition of approval proposed to ensure that modifications to the north side of the first story roof are not authorized by a building permit without an amendment to the Coastal Permit with approval by the Zoning Administrator. Please note that standard conditions of approval require that the building plans be in "substantial conformance" with the approved exhibit. The proposed operational condition ensures that building permit plans do not allow modifications in this area in the future without an amendment to the permit. Also, I will go a step further following approval of the permit and include a note in the computer log on the subject property so this condition will be readily accessible information to future zoning counter staff.

Once you have agreed to the language, please send it back to me and I will include it in the recommended conditions of approval.

Thank you,

Sheila

<Document4 [Compatibility Mode].doc>

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Friday, February 16, 2018 5:39 PM  
**To:** Deidre Hamilton  
**Cc:** Sheila McDaniel  
**Subject:** Stitt Project

Hi Deidre. I told Sheila that her language is acceptable to me (although I still need to confirm with my client). Also, I asked Sheila if she would clarify the approval level/process by inserting "(Level V)" after "approval by the Zoning Administrator". Please let us know if you are not agreeable to that.

Have a nice weekend.

Miles

## MILES J. DOLINGER

ATTORNEY AT LAW  
314 Capitola Avenue, Capitola, CA 95010  
office (831) 477-9193  
fax (831) 477-9196  
miles@dolingerlaw.com

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---

**From:** Sheila McDaniel [mailto:Sheila.McDaniel@santacruzcounty.us]  
**Sent:** Friday, February 16, 2018 8:08 AM  
**To:** Miles Dolinger <miles@dolingerlaw.com>; Deidre Hamilton <deidre@hamiltonlandplanning.com>  
**Subject:** Document4 [Compatibility Mode]

Miles/Deidre,

Attached is a draft of operational condition of approval proposed to ensure that modifications to the north side of the first story roof are not authorized by a building permit without an amendment to the Coastal Permit with approval by the Zoning Administrator. Please note that standard conditions of approval require that the building plans be in "substantial conformance" with the approved exhibit. The proposed operational condition ensures that building permit plans do not allow modifications in this area in the future without an amendment to the permit. Also, I will go a step further following approval of the permit and include a note in the computer log on the subject property so this condition will be readily accessible information to future zoning counter staff.

Once you have agreed to the language, please send it back to me and I will include it in the recommended conditions of approval.

Thank you,

Sheila

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Tuesday, February 20, 2018 11:18 AM  
**To:** Sheila McDaniel; Deidre Hamilton  
**Subject:** RE: Document4 [Compatibility Mode]

Hi, Sheila. My client, Robert Rittenhouse, is agreeable to the language you proposed for a condition of approval with the clarification that any amendment will be reviewed by the ZA under "Level V", as we discussed.

Thank you.

Miles Dolinger

## MILES J. DOLINGER

ATTORNEY AT LAW  
314 Capitola Avenue, Capitola, CA 95010  
OFFICE (831) 477-9193  
FAX (831) 477-9196  
miles@dolingerlaw.com

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---

**From:** Sheila McDaniel [mailto:Sheila.McDaniel@santacruzcounty.us]  
**Sent:** Friday, February 16, 2018 8:08 AM  
**To:** Miles Dolinger <miles@dolingerlaw.com>; Deidre Hamilton <deidre@hamiltonlandplanning.com>  
**Subject:** Document4 [Compatibility Mode]

Miles/Deidre,

Attached is a draft of operational condition of approval proposed to ensure that modifications to the north side of the first story roof are not authorized by a building permit without an amendment to the Coastal Permit with approval by the Zoning Administrator. Please note that standard conditions of approval require that the building plans be in "substantial conformance" with the approved exhibit. The proposed operational condition ensures that building permit plans do not allow modifications in this area in the future without an amendment to the permit. Also, I will go a step further following approval of the permit and include a note in the computer log on the subject property so this condition will be readily accessible information to future zoning counter staff.

Once you have agreed to the language, please send it back to me and I will include it in the recommended conditions of approval.

Thank you,

Sheila

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Tuesday, February 20, 2018 3:35 PM  
**To:** Sheila McDaniel  
**Cc:** B. Sussman  
**Subject:** RE: Document4 [Compatibility Mode]

Sheila:

Do you agree? What is your response to this? Thanks.

Miles

## MILES J. DOLINGER

ATTORNEY AT LAW  
314 Capitola Avenue, Capitola, CA 95010  
Office (831) 477-9193  
Fax (831) 477-9196  
miles@dolingerlaw.com

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---

**From:** Deidre Hamilton [mailto:deidre@hamiltonlandplanning.com]  
**Sent:** Tuesday, February 20, 2018 3:33 PM  
**To:** Miles Dolinger <miles@dolingerlaw.com>; 'Sheila McDaniel' <Sheila.McDaniel@santacruzcounty.us>  
**Cc:** 'Gordon Stitt' <gordon@estitt.com>  
**Subject:** RE: Document4 [Compatibility Mode]

Sheila/Miles,

I just spoke with Gordon regarding this proposed condition. He feels that since the County Code already required an amendment to the Coastal Permit if he were to change the exterior of the building, there is no need for the proposed condition. Also, if the intent of the proposed condition is to restrict him beyond what the code already requires, he feels that would be unfair and not something he would be interested in doing. He has revised the plans to address the Rittenhouse's privacy concerns by removal of the deck amongst other changes. Any privacy issues that arise from some change to the roof or house in the future should be addressed at that time taking into consideration any changes the Rittenhouse's might make to their house and the regulations in affect at that time. Thanks for understanding and considering our perspective.

Deidre

Deidre Hamilton  
[deidre@hamiltonlandplanning.com](mailto:deidre@hamiltonlandplanning.com)

**Hamilton**  
Land Planning

## Sheila McDaniel

---

**From:** Miles Dolinger <miles@dolingerlaw.com>  
**Sent:** Monday, March 5, 2018 2:56 PM  
**To:** Sheila McDaniel  
**Subject:** RE: Application 171228- Condition of Approval

Got it.

## MILES J. DOLINGER

ATTORNEY AT LAW  
314 Capitola Avenue, Capitola, CA 95010  
Office (831) 477-9193  
Fax (831) 477-9196  
miles@dolingerlaw.com

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---

**From:** Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us>  
**Sent:** Monday, March 05, 2018 2:46 PM  
**To:** Miles Dolinger <miles@dolingerlaw.com>; Deidre Hamilton <deidre@hamiltonlandplanning.com>  
**Subject:** Application 171228- Condition of Approval

Miles/Deidre,

At this time the proposed condition of approval requiring a public hearing for modifications to the first story roof top of the north side has not been agreed to by both parties. As a result, this issue will be addressed during the public hearing. I will give additional consideration to this issue prior to preparation of the staff report and both parties may review the staff report when it is available for public review. At this time I am completing other work.

Thank you,

Sheila McDaniel  
Senior Planner  
Santa Cruz County Planning Department  
(831) 454-2255

## Sheila McDaniel

---

**From:** Deidre Hamilton <deidre@hamiltonlandplanning.com>  
**Sent:** Tuesday, February 13, 2018 10:55 AM  
**To:** 'Graeven, Rainey@Coastal'; Sheila McDaniel  
**Cc:** 'Veesart, Pat@Coastal'  
**Subject:** RE: Comments on Application No. 171228  
**Attachments:** Letter of Approval and conditions 1 23 16.pdf; bpxscan03535.pdf  
  
**Importance:** High

Rainey,  
Thanks for clarifying this. The location you show is where a gate was installed for the private part of Geoffroy Dr. Mr. Stitt's property was not part of this application. We actually got the permit for this gate from the County. I've attached it here for your reference along with the site plan which shows the names of the owners and properties involved. So this gate isn't illegal and Mr. Stitt is not part of the owners which got the permit nor is his access behind the gate. Let me know if you have any further questions about this.  
Thanks,  
Deidre

Deidre Hamilton  
[deidre@hamiltonlandplanning.com](mailto:deidre@hamiltonlandplanning.com)



911 Center Street, Ste. E  
Santa Cruz, CA 95060  
(831) 423-9992  
[www.hamiltonlandplanning.com](http://www.hamiltonlandplanning.com)

---

**From:** Graeven, Rainey@Coastal [mailto:Rainey.Graeven@coastal.ca.gov]  
**Sent:** Tuesday, February 13, 2018 8:45 AM  
**To:** Sheila McDaniel  
**Cc:** Deidre Hamilton; Veesart, Pat@Coastal  
**Subject:** RE: Comments on Application No. 171228

Hi Sheila,

The enforcement case is related to a gate that has been constructed on Geoffroy Drive that prevents through public access from Geoffroy Drive to Blacks Beach and from Sunny Cove to Blacks Beach. As identified above, the gate is located on Geoffroy Drive and the Applicant must pass through the gate in order to get to/from their property. In addition, if I recall correctly, the Applicant has an easement from the gate to their property (for the purposes of ingress/egress to their property). If you have more specific questions please direct them to Pat Veesart (copied here), the Enforcement Supervisor for this region.

The gate is positioned approximately at the red line identified below.

Rainey



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

**KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR**

RECEIVED JAN 25 2016

January 22, 2016

Dierdre Hamilton / Hamilton Swift and Associates  
500 Chestnut Street, suite 100  
Santa Cruz, Ca 95060

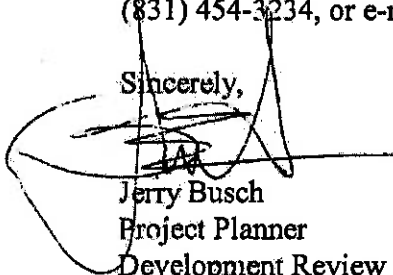
Subject: Application # 151297; Assessor's Parcel #: 02814329  
Owner: Dawna Sutton, Trustee

Dear Dierdre Hamilton / Hamilton Swift and Associates:

Your development permit has been approved. The conditions of approval require that the permit be signed by you, dated and returned to our office prior to exercising any rights granted by the approval. This means that no Building Permit will be issued, nor can the use authorized be this approval commence unless and until the permit is signed and returned. Two copies of the Permit Form, including the Conditions of Approval, are enclosed for this purpose. Please return one signed copy of the Permit Form to me and retain one for your records. By signing the permit you are agreeing to accept the terms and conditions of this permit, so please carefully review the attached Permit Form and Conditions of Approval. If you are the agent for the property owner, you may sign the permit only if you provide proof of service by mail to the owner of a copy of the executed acceptance of permit conditions.

Should you have further questions concerning this application, please contact me at:  
(831) 454-3234, or e-mail: [jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

Sincerely,

  
Jerry Busch  
Project Planner  
Development Review



County of Santa Cruz, PLANNING DEPARTMENT  
**OVER HEIGHT FENCE CERTIFICATION**

**151297**

701 Ocean Street, Santa Cruz, CA 95060 | TDD (831) 454-2123 | Fax (831) 454-2131 | Tel (831) 454-2130

**Approval Date** January 22, 2016  
**Address** PO BOX 41038  
SACRAMENTO, CA 95841  
**Owner** SUTTON DAWNA F TRUSTEE

**PROJECT DESCRIPTION**

Proposed 6-ft. driveway gate to serve 5 parcels at end of Geoffroy Dr. (near 16th), where it meets the coast. Requires an Over-Height Fence Certification.

**Overheight Fence Conditions of Approval:**

- The fence location shall match the approved Over Height Certification plan exhibit.
- The gate, landscaping, mechanical equipment and knox box shall match the approved Exhibit A.
- An Electrical Permit is required for fencing that includes an electric gate.

**Contact Person** Jennifer Gogan Hamilton Swift and Associates  
500 Chestnut Street, suite 100  
Santa Cruz, CA 95060

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.

Applicant Signature

Date

**EXHIBIT H**



## Sheila McDaniel

---

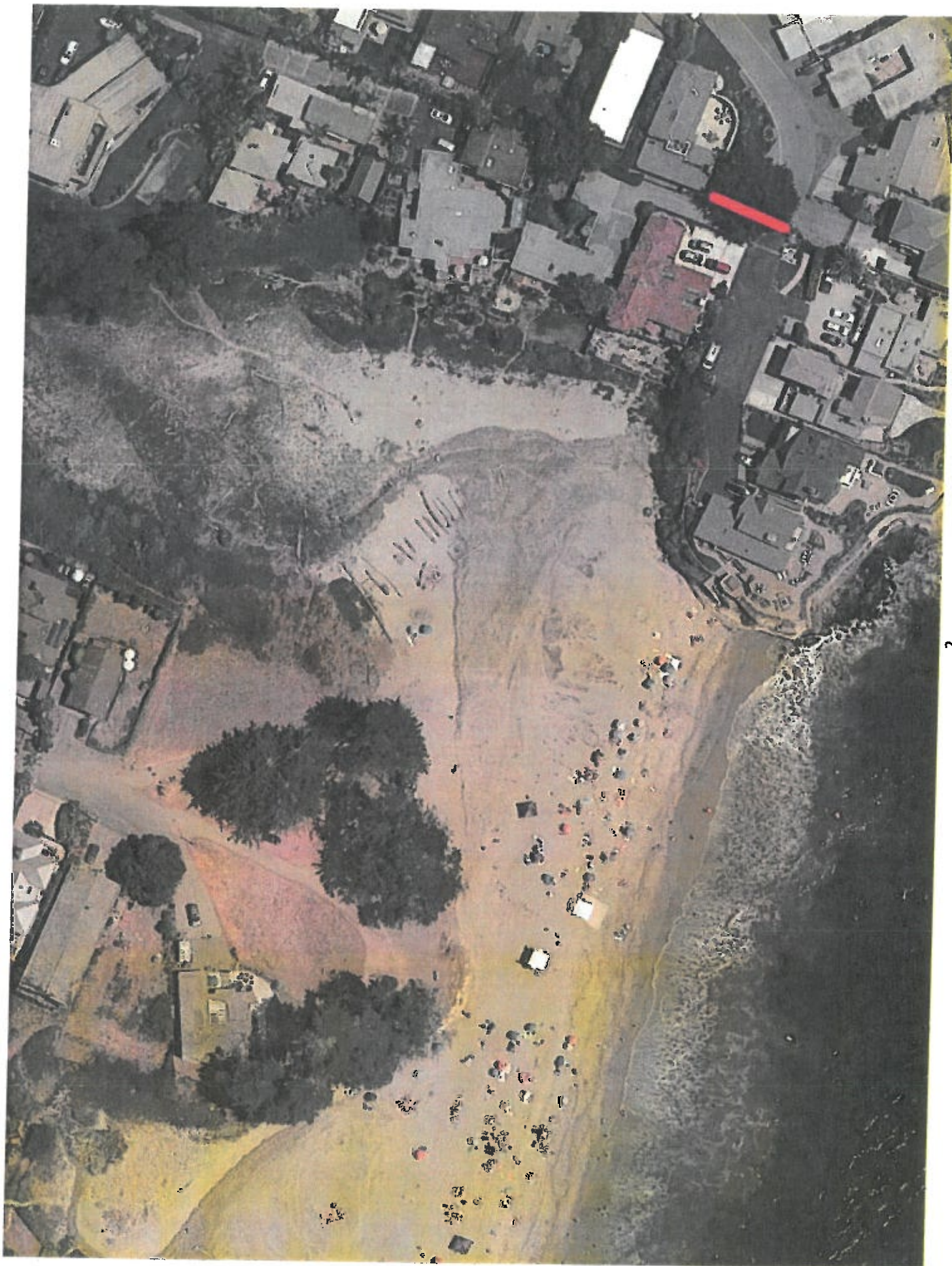
**From:** Graeven, Rainey@Coastal <Rainey.Graeven@coastal.ca.gov>  
**Sent:** Tuesday, February 13, 2018 8:45 AM  
**To:** Sheila McDaniel  
**Cc:** Deidre Hamilton; Veasart, Pat@Coastal  
**Subject:** RE: Comments on Application No. 171228

Hi Sheila,

The enforcement case is related to a gate that has been constructed on Geoffroy Drive that prevents through public access from Geoffroy Drive to Blacks Beach and from Sunny Cove to Blacks Beach. As identified above, the gate is located on Geoffroy Drive and the Applicant must pass through the gate in order to get to/from their property. In addition, if I recall correctly, the Applicant has an easement from the gate to their property (for the purposes of ingress/egress to their property). If you have more specific questions please direct them to Pat Veasart (copied here), the Enforcement Supervisor for this region.

The gate is positioned approximately at the red line identified below.

Rainey



2

**From:** Sheila McDaniel [mailto:Sheila.McDaniel@santacruzcounty.us]  
**Sent:** Tuesday, February 13, 2018 8:29 AM  
**To:** Graeven, Rainey@Coastal  
**Cc:** Deidre Hamilton  
**Subject:** RE: Comments on Application No. 171228

Rainey,

Could you provide the enforcement case information you reference? I need to see where the alleged access is located relative to the subject property. No reference is made as to the location of this alleged closed access. It would be helpful if you could pinpoint the exact access location that has been blocked. There is a public access location from Geoffroy Drive to beach that is located south of the property that is part of a recorded map. Also, I have requested a deed from the property owner to clarify if there is a deeded public access easement to the beach.

Thank you,

Sheila McDaniel  
Senior Planner  
Santa Cruz County Planning Department  
(831) 454-2255

**From:** Graeven, Rainey@Coastal [mailto:Rainey.Graeven@coastal.ca.gov]  
**Sent:** Saturday, February 10, 2018 3:02 PM  
**To:** Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us>  
**Cc:** Deidre Hamilton <deidre@hamiltonlandplanning.com>  
**Subject:** Comments on Application No. 171228

Hi Sheila,

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

***Project Description/ Location:***

The project proposes to demolish an single-story existing single-family residence and replace it with a new 4,565 square foot two-story residence with a basement level. The proposed residence is located at 65 Geoffroy Street immediately adjacent to Blacks Beach.

**Compliance:**

1. **Visual Resource Protection.** IP Section 13.20.130 *Design criteria for Coastal Zone developments* requires that all development within the Coastal Zone be "sited, designed, and landscaped to be visually compatible with the character of surrounding neighborhoods or area;" and should "emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment." The proposed project does not appear to be compatible with the surrounding neighborhood, and represents a "maximum-sized and bulkier/boxy design," contrary to the LCP's directive for developments within the Coastal Zone. Therefore, please revise the project to ensure consistency with IP Section 13.20.130 and well as the LUP's visual resource protection policies including 5.10a, 5.10b, and 5.10.7.
2. **Existing CDP Violation (Closure of Geoffroy Drive Public Accessway).** Per the submitted materials, it appears someone determined that the subject parcel is not a part of any open violations, but this is incorrect. Several of the Geoffroy properties (including the subject property) have an open enforcement case (V-3-18-0018) regarding the closure and elimination of a public accessway that had historically provided unencumbered public

access from Geoffroy Drive down the bluff and to the beach at Twin Lakes. Pursuant to IP Section 13.20.170 *Violations of Coastal Zone regulations*, "Development that is proposed for property on which there are existing unresolved coastal development permit violations shall only be approved and allowed if: (1) the approval resolves all such violations through its terms and conditions and (2) such resolution protects and enhances coastal resources, including that it results in a coastal resource condition that is as good or better than existed prior to the violations; or (3) the proposed development is necessary to ensure health and safety, in which case the approval for the development shall specify that an application to resolve the unresolved coastal development permit violation(s) shall be made within 90 days of the approval." Per IP section 13.20.170, it would appear that the Applicant would need to resolve all existing CDP violations at the site prior to obtaining any new CDPs for new development at the site.

#### Questions:

1. **Dual Land Use Designation/ Zoning Designation.** The subject parcel has a dual general plan designation (R-UL, O-R) and a dual zoning designation (R-1-6, PR). The intent of a "PR" zoning designation/ O-R general plan designation is to protect and preserve parks, recreation, and open space. Please provide a history of the dual general plan designation/ zoning code designation for this property including when and an explanation of why the property gained the dual designations.

#### Permit Conditions:

1. **Sample Geologic Hazards Permit Conditions.** Please see below for sample Geologic Hazards Conditions for the subject property.
  - a. **No Future Shoreline Armoring.** (See sample condition below). IP Section 16.10.070 sets forth applicable conditions for development on bluffs. Please also ensure that the project is conditioned such that any new development may not rely on shoreline protective structures. A sample Coastal Hazards condition is provided below (see, especially highlighted provisions).
  - b. **Coastal Hazards Risk.** By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, to the following:
    - (1) **Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;
    - (2) **Assume Risks.** To assume the risks to the Applicant and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted development;
    - (3) **Waive Liability.** To unconditionally waive any claim of damage or liability against the [County], its officers, agents, and employees for injury or damage from such coastal hazards;
    - (4) **Indemnification.** To indemnify and hold harmless the [County], its officers, agents, and employees with respect to the [County's] approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
    - (5) **Property Owner Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner.
  - c. **Coastal Hazards Response.** By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, that:

- (1) **Intent of CDP.** The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of the CDP for only as long as the approved development remains safe for occupancy and use without additional measures beyond ordinary repair and/or maintenance to protect it from coastal hazards. The intent is also to ensure that development is removed and the affected area restored under certain circumstances (including as further described and required in this condition), including that endangered development is required to be removed as described in this condition.
  - (2) **Shoreline Protective Structures Prohibited.** Shoreline protective structures that protect the approved development (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.) shall be prohibited.
  - (3) **Section 30235 and LCP Waiver.** Any rights to construct such shoreline protective structures, including rights that may exist under Public Resources Code Section 30235, the Santa Cruz County Local Coastal Program, or any other applicable law are waived.
  - (4) **Reporting Requirement/Ten-foot Trigger.** In the event the blufftop edge recedes to within ten feet of residential development, but no government agency has yet ordered that the residence not be occupied, the Applicant shall retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation that addresses whether any portions of the residence and related development are threatened by coastal hazards. The report shall identify all those immediate or potential future ordinary repair and/or maintenance measures that could be applied to address the threat without shoreline protective structures, including but not limited to removal or relocation of threatened development. The investigation shall be submitted to the Executive Director and appropriate local government officials for review and approval. If the approved geotechnical investigation concludes that the residence or any portion of the residence is unsafe for occupancy, the Applicant shall submit a Removal and Restoration Plan (see subsection (e) below).
- d. Removal and Restoration.** If an appropriate government agency or the above-referenced approved geotechnical investigation determines that any portion of the approved development is not to be occupied or used due to any coastal hazards, and such safety concerns cannot be abated by ordinary repair and/or maintenance, the Applicant shall remove such development or portions of such development. Prior to removal, the Applicant shall submit two copies of a Removal and Restoration Plan to the [Planning] Director for review and approval. If the Director determines that an amendment to the CDP or a separate CDP is legally required, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon Director approval, or County approval of the CDP or CDP amendment application, if necessary.

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

Sincerely,

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

## Sheila McDaniel

---

**From:** Sheila McDaniel  
**Sent:** Tuesday, May 22, 2018 6:35 AM  
**To:** 'Marshal Compton'  
**Subject:** RE: 65 Geoffroy Dr\_APN 028-143-47

Marshal,

Plans will be online by Friday. Any comments will be forwarded to the Zoning Administrator.

Thank you,

Sheila

---

**From:** Marshal Compton <marshalc57@gmail.com>  
**Sent:** Tuesday, May 22, 2018 5:48 AM  
**To:** Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us>  
**Subject:** 65 Geoffroy Dr\_APN 028-143-47

Dear Ms. McDaniel,

I received a notice of Public Hearing about the project above, but will be unable to attend. Are the plans available online for review?

Thank you.

Marshal Compton  
103 16<sup>th</sup> Ave  
Santa Cruz CA