



Staff Report to the Zoning Administrator

Application Number: **191222**

Applicant: Young and Borlick Architects

Owner: Sam Winter

APN: 043-095-38

Site Address: 329 Beach Drive, Aptos

Agenda Date: April 2, 2021

Agenda Item #: 4

Time: After 9:00 a.m.

Project Description: Proposal to demolish an existing one-story single family dwelling and construct a new three-story single family dwelling. Requires a Coastal Development Permit and Variances to increase the allowed Floor Area Ratio from 50% to 59%, increase the allowed number of stories from two to three, increase the allowed 28 foot height to 35 feet, reduce the required front yard setback from 20 feet to 10 feet, reduce the garage setback from 20 feet to 16 feet, and reduce the required side yard setbacks from five feet to three feet and zero feet.

Location: Property is located on the north side of Beach Drive (329 Drive).

Permits Required: Coastal Development Permit, Variance to reduce the minimum 20 foot front yard and garage setbacks to 10 feet and 16 feet respectively, Variance to increase the building height from 28 feet to 35 feet, and Variances to reduce the side yard setbacks from five feet to three and zero feet.

Supervisory District: Second District (District Supervisor: Zach Friend)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approve Application 191222 based on the attached findings and conditions.

Project Description & Setting

The project site consists of a 6,024 square-foot residentially zoned (R-1-6) parcel located approximately 1,400 feet east of the intersection of Rio Del Mar Blvd and Beach Drive. The parcel is located amongst a strip of residential parcels situated between Beach Drive and the base of a coastal bluff.

The project site is developed with a one-story single-family dwelling, constructed in 1950. The dwelling is located approximately 12'5" from the (southern) front property line, 3'10" from the (eastern) side property line, and zero feet from the (western) side property line. Thus, as currently constructed the dwelling is non-conforming to front and side yard setbacks.

The proposed replacement dwelling is 3,593 square feet in size, which includes a new four-car garage. The dwelling is proposed to be a maximum of 35 feet in height, with 10 feet, 11 inches of the proposed height resulting from a requirement to raise the habitable floor area associated with the dwelling above the Base Flood Elevation (BFE) in compliance with County and Federal Emergency Management Agency (FEMA) coastal flood hazard zone regulations. As proposed, the structure is designed to feature “break-away” walls at the lower floor.

The increased height required to comply with County and FEMA coastal flood hazard regulations, and the proposed reduction of the front yard and garage setbacks (from 20 feet to 10 feet and 16 feet), as well as the required side yard setbacks (from five feet to zero and three feet) require Variances to site standards. In addition, being that the site is located within the Coastal Zone, a Coastal Development Permit is required.

Geologic and Flood Hazards

The subject property is in an area subject to geologic hazards, which include flood hazards due to wave inundation and tidal surge from the Pacific Ocean, as well as landslide hazards from potential slope instability on the coastal bluff. As documented in the Geologic and Geotechnical Study, prepared by UPP Geotechnology on June 27, 2018, the bluff located behind the existing dwelling has a history of slope failure, and future failures from the bluff face are expected. UPP Geotechnology states landslides affecting coastal bluffs are typically fluid debris flows triggered by storm events that occur within the marine terrace deposits at the top of the bluff.

As stated above, the parcel is also located within a mapped Federal Emergency Management Agency (FEMA) coastal flood hazard zone. FEMA has established an elevation of the “100-year coastal flood” as 21 feet NAVD88. UPP Geotechnology has stated the proposed home will be subject to high velocity wave run-up and impacts from coastal flooding.

The proposed structure, as designed, incorporates mitigations to address potential impacts from shallow slope failures, coastal flooding, and wave run-up via elevation of the habitable portions of the building and incorporation of break-away walls into the design of the first floor (ground level) of the structure. Elevation of the structure will allow material generated by shallow “debris flow” type bluff failures to flow through the rear yard and come to rest beneath the residence; similarly, the break-away walls provide for entry and exit of coastal flood waters beneath the residence while limiting the redirection of waves toward adjacent properties.

Zoning & General Plan Consistency

The project site consists of a long and narrow parcel (35 feet wide, 171 feet long). The rear half of the 6,024 square-foot parcel is encumbered by a steep coastal bluff. The property is zoned R-1-6 (Single-Family Residential, 6,000 square foot parcel size), a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Residential Density) General Plan designations.

The proposed lot coverage (24%) complies with the development standards for the R-1-6 zone district. As noted above, Variances are requested for the Floor Area Ratio (FAR), building

height, front yard setback, garage setback, and side yard setbacks (see Variances section below).

Local Coastal Program Consistency

The proposed single-family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The parcels along Beach Drive are developed with either detached or semi-detached single-family dwellings, with the newer dwellings being three-stories and comparable in height (to the proposed replacement dwelling). This is due to the requirement to elevate the habitable floor area above the Base Floor Elevation (BFE), as established by FEMA. The entire stretch of Beach Drive is located in the VE FEMA Flood Zone.

Access to the shoreline and public coastal access is provided across the street from the subject property. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

The proposed design of the project complies with the Design Criteria specified in SCCC 13.20.130, including interesting and attractive design features. The proposed replacement dwelling features modern, clean lines and a combination of board-formed concrete on the ground level, porcelain “wood look” tile and white stucco accent siding on the second and third levels, aluminum fascia panel entry-way and roof overhangs, and glass railings (please note, Sheet A0.1.1 accurately depicts the proposed elevations and materials).

Included in the proposal is new on-site landscaping consisting of two landscape planters on either side of the driveway, which will complement and soften the street frontage.

Design Review

The project is subject to the County Design Review Ordinance, SCCC 13.11, which specifies that Design Review is required for new homes or additions of 500 square feet or more in Coastal special communities or sensitive sites. The project site, and the entirety of the Beach Drive neighborhood, is mapped as a scenic area.

Several constraints on site affect the design of the structure. Most significantly, the subject parcel is in an area subject to coastal flood inundation, therefore it is required to be elevated above the established FEMA 100-year coastal flood base flood elevation (BFE) of 21 feet NAVD88, a requirement which resulted in a request for a height Variance (see Variances section below). The proposed 35-foot maximum height is seven feet above the limit for the zone district.

Another site-related constraint is the location of the proposed dwelling at the base of a coastal bluff, which limits the area available for development on the parcel. Although the parcel is about 6,000 square feet in area, roughly half of the parcel is encumbered by a steep coastal bluff. Thus, a relatively small area of the parcel is suitable for development. The proposed design locates development as far south as is possible.

As designed, the proposed dwelling is designed to reduce the apparent height, bulk and massing to the extent feasible. The structure features clean lines and a modern aesthetic. At nine (9) feet,

six (6) inches on the first floor and eight (8) feet, ten (10) inches on the second floor, the plate heights are reasonable and in-excessive for a single-family dwelling. Further, the bulk and massing are reduced by recessing portions of the structure on the front and side elevations. In addition, first and second story decks are featured on the front elevation, which would be enclosed with glass railings, adding dimension and visual relief of the structure as viewed from Beach Drive and the public beach beyond. The color palette of wood colored wood-like siding, white accent stucco, and natural board-formed concrete are compatible with that of the neighboring homes and will not detract from the natural beauty of the beach community.

Variances

The project proposes Variances to Floor Area Ratio (FAR), front and side setbacks, garage setback, number of stories, and building height. These requests are based on the project site's location at the toe of a coastal bluff and proximity to the ocean, which poses a significant hazard to the home during flood events.

Front Yard and Garage Setback

The project proposes to reduce the front yard setback from the required 20 feet to approximately 10 feet from the front entrance, and approximately 16 feet from the proposed garage. The purpose of the front yard setback Variances is to locate the proposed dwelling on the most level portion of the parcel that is also unencumbered by the coastal bluff, which makes up the rear portion of the parcel. Because all the parcels developed along the north side of Beach Drive are also developed at the toe of the coastal bluff, the existing pattern of development along Beach Drive includes reduced front yard setbacks along much of the street. Thus, the proposed project would be in keeping with the character of the neighborhood and the established pattern of development.

Garages are required to be set back 20 feet from the right-of-way to preserve adequate line of sight for drivers backing into traffic. The proposed garage setback is 16 feet from the edge of right-of-way, yet significantly further from the developed street (Beach Drive). Thus, there is no issue regarding reduced line of sight, as the developed street is more than 20 feet back from the proposed garage. Because of the reduced developable area associated with the parcel's location and as explained above, locating the garage at the parcel's most level area, set back from the bluff to the north, will minimize the potential loss of property.

Side Yard Setback Variances

The subject parcel, 35 feet in width, is narrow. The existing dwelling is built up to the western side property line. To design a replacement dwelling in conformation with the required side yard setback, which is five feet, the dwelling would be required to be no wider than 25 feet at any given point. In addition, the parcel is further constrained in that the rear half of the parcel is encumbered by a steep coastal bluff. These two site characteristics combined warrant support for the requested side yard Variances of three feet and zero feet. Approval of the reduced side yard setbacks would be in keeping with the character of the neighborhood and the established pattern of development in that several of the neighboring dwellings are developed with non-conforming side yard setbacks and side yard setback variances have been approved on neighboring parcels that feature similar site constraints (narrow lots and bluff encumbrances are prevalent along the north side of Beach Drive).

Height Variance

The proposed maximum height of the structure is 35 feet; the zone district maximum is 28 feet. Because the parcel is within a FEMA designated coastal flood hazard zone, there is a 1% chance of a flooding each year with the added hazard of storm-induced, high velocity wave action. As a result, the parcel is subject to both County and FEMA flood hazard regulations which require the bottom of the first-floor structural member to be elevated at or above the base flood elevation (BFE), which is 21 feet NAVD. The Base flood elevation at the project site is approximately five feet above existing grade. The new first-floor subfloor will be constructed three feet above BFE, for a total of eight feet above existing grade. The proposed height of the habitable floors of the structure, above the base flood elevation, is 26 feet.

The proposed dwelling, at 35 feet in height, is comparable to the height of many of the dwellings located along the north side of Beach Drive, especially the more recently built homes, which are constructed to comply with the base flood elevation regulations, as established by the County and FEMA. Beach Drive is one of only a few unique areas in the County where height variances are routinely approved (for flood hazard reasons).

Story Variance (Two to Three)

The subject parcel is located inside the Urban Services Line (USL); therefore, pursuant to SCCC 13.10.323 and General Plan policy 8.6.3, a maximum of two stories is permitted. Due to the location of the parcel, a mapped FEMA flood zone (VE), the applicant has requested a Variance to allow for the construction of a three-story structure. The north side of Beach Drive, where the project site is located, is developed with two and three-story dwellings. Three-story dwellings are frequently approved to allow for construction of a dwelling that complies with the County and FEMA coastal flood hazard regulations. As designed, the first story of the proposed dwelling would consist of non-habitable garage and storage areas in compliance with the FEMA regulations, which prohibits construction of habitable floor area below the BFE.

Pursuant to State law and SCCC 13.10.230, a Variance may be approved where, because of special circumstances associated with a property, the strict application of the development standards contained in the Zoning Ordinance effectively deprives the property owner of privileges enjoyed by owners of property in the vicinity (with identical zoning). In this case, a Variance granting three-stories is warranted in that the strict application of the development standards pertaining to stories in the USL would deprive the property owner of a privilege enjoyed by neighboring property owners, as several nearby dwellings are three-stories.

Floor Area Ratio Variance

To comply with County and FEMA coastal flood hazard requirements, the first floor of the replacement dwelling is proposed to consist of non-habitable floor area. While the floor area is non-habitable, the area is included in the floor area ratio (FAR) calculation because the first floor features a plate height of eight feet. As required by SCCC 13.10.323, in areas that feature a ceiling height of seven (7) feet, six (6) inches or greater, all areas that contain a ceiling height of five feet or greater area shall be counted. If the non-habitable area were not counted toward the FAR calculation, the resulting FAR would be less than 50% and thus comply with the FAR development standard for the district. Being that the dwelling must be raised by eight feet in height in order to comply with the BFE requirement, it is reasonable to allow the basement area to be enclosed and the resulting building area to be utilized as garage and storage area. In

addition, like other neighboring dwellings along Beach Drive, it is common to include a non-habitable first floor in dwellings that feature three stories (to comply with the FEMA BFE requirement).

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 **191222** 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.sccoplanning.com

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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Report review letter

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: 191222
Assessor Parcel Number: 043-09-538
Project Location: 329 Beach Drive, Aptos, CA 95003

Project Description: Proposal to demolish an existing single-family dwelling and construct a new single-family dwelling.

Person or Agency Proposing Project: Matson Britton Architects

Contact Phone Number: (831) 425-0544

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

Specify type: Class 2 – Replacement or Reconstruction (Section 15302)

F. Reasons why the project is exempt:

The proposed replacement home will be constructed on the same site as an existing dwelling and will operate in substantially the same capacity as the one it will replace.

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

Jocelyn Drake, Project Planner

Date:_____

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned R-1-6 (Single Family Residential, 6,000 square foot parcel size), a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UL General Plan designations.

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

This finding can be made, in that no such 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 SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site. The project site is visible from the beach across Beach Drive; however, the proposed design, bulk and massing is comparable to, and aesthetically compatible with, the existing pattern of development along Beach Drive and the design meets the criteria described in SCCC 13.20.130.

The project is sited and designed to be visually compatible and integrated with the character of the built environment. Beach Drive's northern side is lined with two and three-story dwellings. Many of the homes are greater than 28 feet in height and are either non-conforming with respect to the setbacks or have been granted front and/or side setback variances due to the limited developable area of the parcels. There is no alternative location for the proposed development given the coastal hazards and the coastal bluff constraints.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access is available across Beach Drive (Rio Del Mar Beach).

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single Family Residential, 6,000 square foot parcel size) zone district, as well as the General Plan and Local Coastal Program land use designations. Developed parcels in the area contain single-family dwellings which vary in size and architectural and the design

Application #: 19222
APN: 043-09-538
Owner: Sam Winter

submitted is consistent with the pattern of new development within the surrounding neighborhood.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the VE FEMA flood mapping, the narrow width of the lot, and the fact that the rear half of the lot is encumbered by a steep coastal bluff all constitute special circumstances which deprive the subject property the privileges enjoyed by other properties with identical zoning classifications. Variances are requested to increase the allowed Floor Area Ratio (FAR) from 50% to 59%, to increase the allowed number of stories from two to three, to increase the allowed 28 foot height to 35 feet, to reduce the required front yard setback from 20 feet to 10 feet, reduce the garage setback from 20 feet to 16 feet, and to reduce the required side yard setbacks from five feet to three feet and zero feet.

The proposed maximum height of the structure is 35 feet and three-stories; the zone district maximum is 28 feet and two-stories. Because of the parcel's location within FEMA's VE flood zone, there is a 1% chance of a flooding each year with the added hazard of storm-induced, high velocity, wave action. As a result, the parcel is subject to FEMA regulations which require the bottom of the first-floor structural members to be elevated at or above the base flood elevation (BFE), which is 21 feet NAVD 88. Base flood elevation at the project site is approximately five feet above existing grade. The new first-floor (ground floor) will be constructed three feet above BFE, for a total of eight feet above existing grade. The proposed height of the habitable floors of the structure, above the base flood elevation, is 26 feet. The additional height and third story are supportable in that the strict application of the development standards pertaining to height and stories would deprive the property owner of a privilege enjoyed by neighboring property owners, as several nearby dwellings are greater than 28 feet in height and three-stories tall.

2. That the granting of the Variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made in that, the proposed dwelling, at 35 feet in height, is comparable to the height of many of the dwellings located along the north side of Beach Drive, especially the more recently built homes, which are constructed to comply with the base flood elevation regulations, as established by the County and FEMA. Beach Drive is one of only a few unique areas in the County where three-story structures in excess of the 28-foot height limit are routinely approved (for flood hazard reasons).

The proposed front yard and garage setback Variances, 20 feet and 16 feet respectively, will result in the dwelling and garage being sited comparably with the neighboring parcels along the north side of Beach Drive. As sited and designed, the dwelling and garage will be closer than the required setback, as measured from the property line, yet significantly further from the developed street (Beach Drive). Thus, there is no issue regarding reduced line of sight, as the developed street is more than 20 feet back from the proposed dwelling and garage. Because of the reduced developable area associated with the parcel's location, locating the garage at the parcel's most level area, set back from the bluff to the north, will minimize the potential loss of

property.

With respect to the floor area ratio Variance, if the first-floor non-habitable area were not counted toward the FAR calculation, the resulting FAR would be less than 50% and thus comply with the FAR development standard for the district. Being that the dwelling must be raised by eight feet above natural grade in order to comply with the FEMA base flood elevation requirement, it is reasonable to allow the proposed ground floor to be enclosed and the resulting building area to be utilized as garage and storage area. In addition, like other neighboring dwellings along Beach Drive, it is common to include a non-habitable first floor in dwellings that feature three stories (to comply with the FEMA BFE requirement).

If approved, the parcel continues to remain a residential parcel with one single-family dwelling constructed to prevailing standards. The Variances to height, setbacks, floor area ratio, and stories, will result in a moderately sized single-family dwelling comparable to the neighboring dwellings with respect to siting, bulk, massing, and height.

3. That the granting of such Variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that several homes in the vicinity, subject to similar site constraints, are either legal non-conforming structures with respect to floor area ratio, setbacks and/or stories, or have had Variances approved. Most of the dwelling developed along the north side of Beach Drive are sited less than 20 feet from the front property line and closer than five feet on one or more side property lines. Further, many of the dwellings are three stories, especially the dwellings constructed in the past decade or so. As properties are redeveloped and become subject to the flood elevation requirement, it is anticipated that those dwellings will also require a height Variance, and possibly a story Variance as well. Therefore, the approval of the project would not constitute the granting of a special privilege for this property.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with the recommendations of the submitted geology and geotechnical reports, the prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources.

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

This finding can be made, in that the proposed location of the single family residence 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 (Single Family Residential, 6,000 square foot parcel size) zone district as the primary use of the property will be one single-family residence that, with the exception of the requested Variances, meets all current site standards for the zone district.

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 (Urban Low Residential Density) land use designation in the County General Plan.

Other than the requested Variances, the proposed dwelling meets current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), including the requirements for lot coverage, rear setback, and required parking. The proposed dwelling 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 dwelling is to be constructed on an existing developed lot. The expected level of traffic is anticipated to stay at the same level generated by the existing dwelling, i.e., one peak trip. As such, the project 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single-family residence is consistent with the land use intensity and density of the neighborhood. Beach Drive is lined on its northern side with single-family dwellings in a range of architectural styles, many of which are two or three stories and maximize the developable area. The proposed dwelling, when viewed from the beach, will visually read as integrated into this existing built environment. As other Beach Drive homes are redeveloped, they will also be required to comply with FEMA regulations, resulting in bulkier, taller homes.

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

This finding can be made, in that the proposed single-family residence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The proposed home incorporates features to minimize the mass and bulk of the home, including recessing portions of the structure on the front and side elevations. In addition, first and second story decks are featured on the front elevation, which would be enclosed with glass railings, adding dimension and visual relief of the structure as viewed from Beach Drive and the public beach beyond. The color palette of wood colored wood-like siding, white accent stucco, and natural board-formed concrete are compatible with that of the neighboring homes and will not detract from the natural beauty of the beach community.

Conditions of Approval

Exhibit D: Project plans, prepared by Young and Borlick Architects, dated 3/6/19.

- I. This permit authorizes the demolition of an existing dwelling and construction of a new single-family residence 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.
 - 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.
- 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. Maximum height is 35 feet.
 5. Details showing compliance with fire department requirements.
- B. Meet all requirements of the County Department of Public Works, Stormwater Management, including the following conditions of approval provided in the completeness letter dated December 7, 2020:
1. The application submittal shall adhere to Part 3 Section C of the CDC and County Code 7.79. Pre-development runoff patterns and rates shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
 2. Construction cross-section details shall be provided for all permanent mitigation features and any proposed flatwork (including the semi-pervious paver driveway and bioswales). The details must include all necessary information for the accurate construction of the proposed features.
 3. Plans shall show how all site drainage is conveyed and controlled (including any retaining wall back drain systems). Sheet A0.5 (Proposed Site Plan) shows a drainpipe beneath the proposed residence. Please consider rerouting the pipe along the outside of the residence for easier maintenance.
 4. The plans shall include a maintenance schedule for permanent stormwater runoff mitigation features, including inspection frequency, signs of failure, and maintenance requirements for each of the stormwater mitigation features proposed.
 5. Appendix A of the County Design Criteria (CDC), Project Information and Threshold Determination Form, shall be submitted with the building permit application. All new and/or replaced impervious and semi-impervious surfaces as part of the permit application shall be accounted

for on Appendix A which can be found on the internet by navigating to County of Santa Cruz Public Works Department, Flood Control & Stormwater, Permit Requirements, Project Information and Threshold Determination Form.

6. Zone 6 fees will be assessed on the net increase in permitted impervious area following the Unified Fee Schedule in place at building permit issuance. Reduced fees (50%) are assessed for semi-impervious surfacing without liners (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials. For credit for existing impervious area, provide documentation that demonstrates the impervious area was installed with a previously approved permit or were in place prior to establishment of Zone 6 in 1986.
- C. Meet all requirements of the Soquel Creek Water District.
 - D. Meet all requirements of the Santa Cruz County Sanitation District.
 - E. Meet all requirements of the Environmental Planning section of the Planning Department including the following:
 1. A shoring plan shall be submitted with the building permit application which shows support of the bluff toe during excavation for the proposed retaining wall. The contract or subcontractor shall be responsible for the design of the temporary shoring in accordance with applicable regulatory requirements. A registered civil or structural engineer in the State of California shall design and stamp the shoring plan.
 2. A compliance security agreement between the applicant and the County of Santa Cruz shall be submitted prior to issuance of the building permit. At the time of execution of said agreement the applicant shall furnish to the County security in the form of cash deposits, timed certificates of deposit or passbooks.
 3. Submit a maintenance and monitoring plan for the retaining wall (shoreline protection structure) prepared by the project geotechnical engineer. A maintenance and monitoring agreement shall be recorded prior to final inspection of the building permit for the retaining wall.
 4. Submit plan review forms (PLG300) prepared by the project geologist and

geotechnical engineer prior to building permit issuance and after all reviewing agencies have approved the building plans.

5. A 'Notice of Geologic Hazards, Acceptance of Risk, Liability Release and Indemnification' form shall be signed, notarized and recorded prior to final inspection of the dwelling.
 6. A 'Declaration of Restriction' shall be recorded which states the use of the rook, side yards and rear yard (between the slope and second retaining wall) is prohibited except for the maintenance and repair as a result of potential geologic hazards associated with the development.
 7. A FEMA V-Zone certificate shall be submitted at rough frame showing elevation of the 1st floor above the base flood elevation of 21 feet.
 8. Final building plans shall remove the note on sheet A0.5 stating "the retaining wall is not a shoreline protection structure".
- F. Pay any applicable plan check fee of the Aptos/La Selva Fire Protection District and meet any requirements of the District, including the following conditions of approval provided in the incomplete letter sent dated December 7, 2020.
1. As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and this agency.
- G. Pay the current fees for Parks and Child Care mitigation for 4 bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- H. Pay the current fees for Roadside and Transportation improvements for 4 bedrooms. Currently, these fees are, respectively, \$3,000 and \$3,000 per bedroom.
- I. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a dwelling up to 4,000 square feet is \$10 per square foot.
- J. Provide required off-street parking for 4 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.

- K. 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 and geology reports.
 - D. A Final V-Zone Certificate shall be completed by a licensed surveyor or civil engineer.
 - E. Final inspection forms PLG305 shall be prepared by the project soils engineer and geologist.
 - F. 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. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers,

employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor'(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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

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

Approval Date: _____

Effective Date: _____

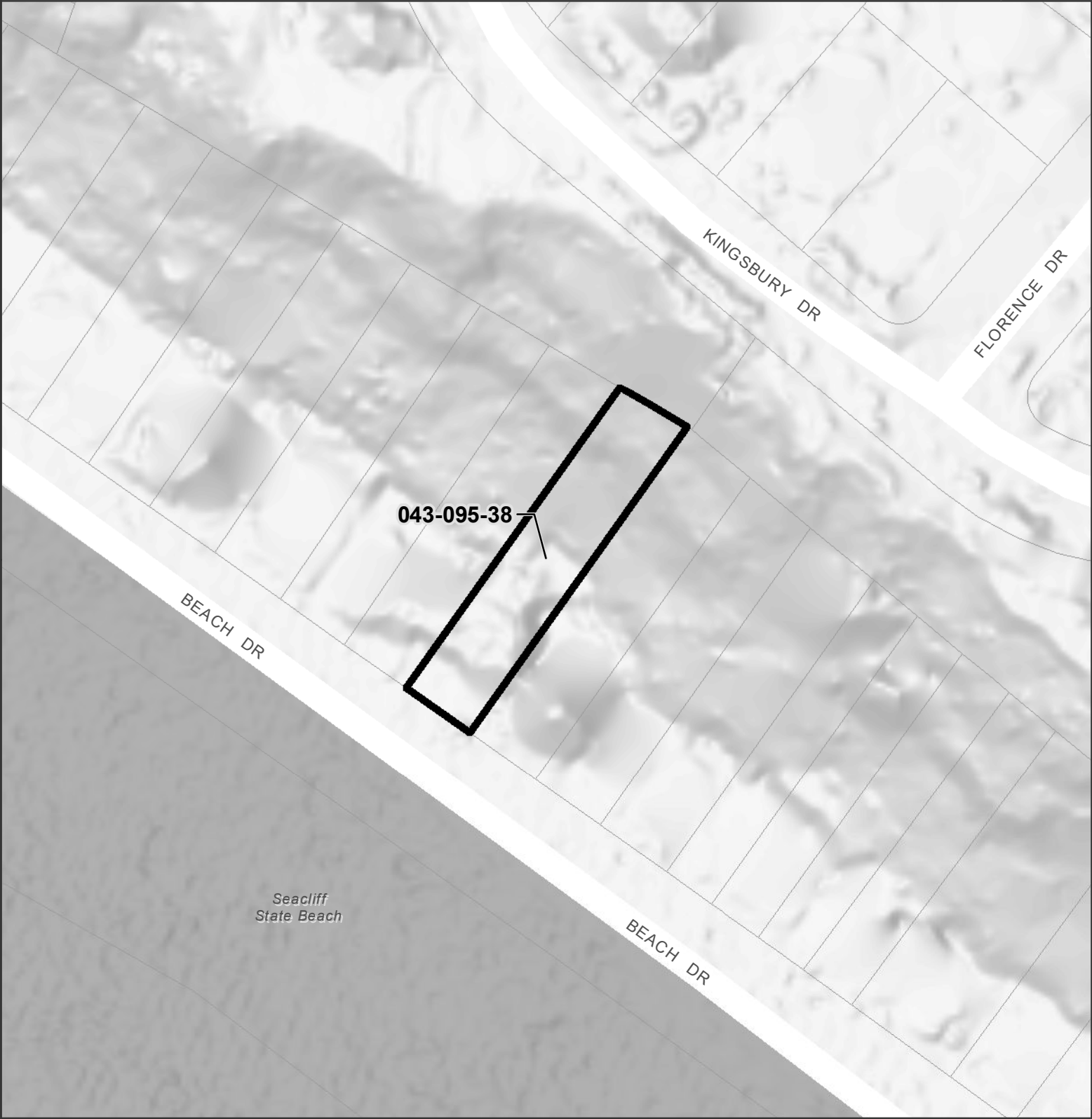
Expiration Date: _____

Annette Olson
Deputy Zoning Administrator




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.



Parcel Location Map



Parcel: 04309538

-  Study Parcel
-  Assessor Parcel Boundary
-  Existing Park

Map printed: 25 Mar. 2021

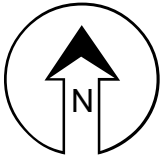


EXHIBIT E 0 20 40
Feet



Parcel General Plan Map



Mapped
Area



- O-R *Parks, Recreation & Open Space*
- O-U *Urban Open Space*
- R-UL *Res. Urban Low Density*

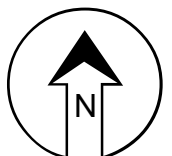


EXHIBIT E 0 20 40
Feet



Parcel Zoning Map



- PR Parks, Recreation, & Open Space
- R-1 Single-Family Residential

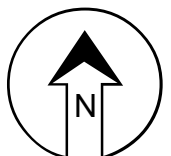


EXHIBIT E 0 20 40
Feet

Parcel Information

Services Information

Urban/Rural Services Line: X Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz Sanitation District
Fire District: Aptos Fire
Drainage District: 6

Parcel Information

Parcel Size: 6,024 square feet
Existing Land Use - Parcel: Single Family Residential
Existing Land Use - Surrounding: Single Family Residential
Project Access: Beach Drive – Street Access
Planning Area: Aptos
Land Use Designation: R-UL (Residential Urban Low Density)
Zone District: R-1-6 (Residential, 6,000 SF lot minimum)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Technical Reviews: Soils/Geotechnical Report Review

Environmental Information

Geologic Hazards: FEMA VE Flood Zone, landslides
Fire Hazard: Not a mapped constraint
Slopes: >50% slopes rear half of the parcel
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Minimal grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Mapped Scenic
Archeology: Not mapped/no physical evidence on site



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY, PLANNING DIRECTOR

31 August 2020

Calvin Smith
4962 El Camino Real, Ste. 218
Los Altos, CA 94022

Subject: Preliminary Review of the Geologic and Geotechnical Study, Proposed Residential Redevelopment and Bluff Failure Hazard Mitigation, Winter Property, 329 Beach Drive, Santa Cruz County, California dated 27 June 2018 and the Supplemental Slope Stability and Debris Evaluations dated 20 July 2020 by Upp Geotechnology Serial No.19395

Project Site: 329 Beach Drive
APN 043-095-38
Application No. REV191113

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 subject 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, 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).

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

EXHIBIT G

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

Please contact Rick Parks at: Rick.Parks@santacruzcounty.us or Jeff Nolan at (831) 454-3175 Jeffrey.Nolan@santacruzcounty.us if we can be of any further assistance.

Respectfully,



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



Jeffrey Nolan, CEG 2247
County Geologist– Environmental Planning
County of Santa Cruz Planning Department

Cc: Environmental Planning, Attn: Jessica deGrassi
Owner: Mr. Sam Winter
Upp Geotechnology, Attn: Chris Hundemer, CE/CEG

Attachments: Notice to Permit Holders

**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.