

## **Coastal Development Permit Findings**

- (A) 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 dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

- (B) 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.

- (C) 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 developed parcels in the area contain single family dwellings ranging in size and architectural styles and the design submitted is consistent with the existing range of styles. The structure is acknowledged in growing in height at the frontage, but design elements of the façade, including the abundance of windows and wide spectrum of building materials provides visual interest at the site. The parcel is located in a significant public viewshed (adjacent to a shoreline fronting road) but the additional height and reduced setbacks would not result in looming over public areas, would not result in shading of public walkways, and would not result in detracting from the public viewshed.

The proposed design was evaluated to meet the majority of the elements for building design described in the Santa Cruz County Design Guidelines. The development constraints at the site limit the ability to design a more substantial step back from the street; and, while the design is not wholly compatible with the attached dwelling to the north, the design is consistent with the aesthetic of other homes along Beach Drive.

- (D) 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 along the length of Beach Drive.

- (E) 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 designation. Developed parcels

Application #: 231502  
APN: 043-082-70  
Owner: MShine LLC

in the area contain single family dwellings varying in size and architectural style. The design submitted is consistent with the pattern of development within the surrounding neighborhood.

- (F) 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 located between the shoreline and the first public road, but public and vehicular access to the beach, ocean, or any nearby body of water would not be affected by the proposed development. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

- (G) In the event of any conflicts between or among the required findings, required findings in subsections (E) and (F) of this section shall prevail.

This finding can be made, in that there are no conflicts among the required Coastal Development Permit findings.

## **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;

The proposed variance to develop within the front and side yard setbacks are justified due to the property's limited area for development. The existing home is positioned between a large bluff at the rear and Beach Drive at the front, leaving a buildable area of slightly over 2,000 square feet. Strict adherence to the prescribed setbacks would significantly restrict second-story development, creating limitations not faced by homes developed under identical zoning classification.

2. That the granting of such 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; and

This finding can be made, in that development facilitated by granting of the variance would be constructed above existing development and no closer to developed properties or improvements in the vicinity. The proposal is in harmony with the general intent and purpose of the zoning objectives in that the proposed structure would, with the exception of the adjacent attached dwelling at 301 Beach Drive, continue to maintain separation and privacy from adjacent structures.

3. That the granting of such variance 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 similar approvals have been granted to other properties in the vicinity which are subject to the same constraints as the subject property. The predominant trend of development along Beach Drive is represented by homes which are developed close to the right of way and away from the bluff hazard at the rear of the property.

## **Discretionary Permit Findings**

- (a) **Health and Safety.** The proposed location of the project and the conditions under which it would be developed, 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 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 prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project 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 be materially injurious to properties or improvements in the vicinity.

- (b) **Zoning Conformance.** The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of 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 in substantial conformance 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 dwelling and accessory dwelling unit.

- (c) **General Plan Conformance.** The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is in substantial conformance with the use and density requirements specified for the R-UL (Urban Low Density Residential) land use designation in the County General Plan, as prescribed by General Plan Policy BE-2.1.1.

General Plan Goal BE-3 encourages enhanced community character with high-quality building and site design that responds to neighborhood context, respects the environment, and foster attractive and vibrant places.” The proposed design provides an aesthetic benefit to the neighborhood though a high-quality and modernized building design when compared to the existing development. Where existing development has a minimal visual presence at the frontage, the proposed design will add character and interest to the site.

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

- (d) **CEQA Conformance.** The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding can be made, in that the project has been determined to be exempt from further review under the California Environmental Quality Act, as indicated in the Notice of Exemption for this project.

- (e) Utilities and Traffic Impacts. The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed project represents the remodel of an existing single-family dwelling without adding additional bedrooms. Therefore, the project is not anticipated to generate any additional traffic beyond existing conditions and will not adversely impact existing roads or intersections in the surrounding area, and the project will not overload utilities or otherwise result in an inefficient or wasteful use of energy.

Construction-phase traffic impacts are mitigated through conditions of approval which requires County approval of construction staging areas and prohibits parking or construction activities beyond the perimeter of the property lines.

- (f) Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed single family dwelling is consistent with the land use intensity and density of the neighborhood as designated by the General Plan and implementing ordinances.

- (g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

This finding can be made, in that the required Coastal Development Permit findings have been made for this project and the project is consistent with the provisions of the certified Local Coastal Program.

### **Site Development Permit Findings**

- (a) Siting and Neighborhood Context. The proposed development is designed and located on the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed dwelling is designed and located on the site in a manner that will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood.

- (b) Design. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also

Application #: 231502  
APN: 043-082-70  
Owner: MShine LLC

in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC 13.20.

This finding can be made, in that the proposed dwelling is in substantial conformance with the policies of the Local Coastal Program and coastal regulations of Chapter 13.20 SCCC.