



# Staff Report to the Zoning Administrator

Application Number: **251091**

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**Applicant:** Dee Murray

**Agenda Date:** February 13, 2025

**Owner:** Jim Caldwell

**Agenda Item #:**

**APN:** 038-231-29

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

**Site Address:** 20 Pot Belly Beach Road, Aptos CA 95003

**Project Description:** Public hearing to consider a proposal to raise an existing single-family dwelling approximately 7.5 feet to comply with Federal Emergency Management Agency (FEMA) requirements, and to construct a 170 square-foot replacement garage. Requires a Coastal Development Permit and a Variance to exceed the maximum 28-foot height limit by five feet to 33 feet.

**Location:** Property is located on the southern side of Pot Belly Beach Road (20 Pot Belly Beach Road), approximately 0.3 miles south of the Pot Belly Beach entrance gate on New Brighton Road in Aptos.

**Permits Required:** Coastal Development Permit; Variance to exceed the maximum 28-foot height limit by five feet to 33 feet.

**Supervisory District:** 2nd District (District Supervisor: Kimberly De Serpa)

## Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 251091, based on the attached findings and conditions.

## Project Description & Setting

The subject property is approximately 11,000 square-feet in size and developed with a two-story single-family dwelling which was originally constructed in 1972 and added onto in 2014 under Coastal Development Permit 141060. The project site is part of a larger property owned by the Pot Belly Beach Club, a development with 16 single-family dwellings located on land held in common ownership. The project site is located off Pot Belly Beach Road, a private road that extends from McGregor Drive along the edge of the New Brighton State Park campground to the beach. All of the dwellings along Pot Belly Beach Road are located on the seaward side of the road and are subject to coastal hazards such as wave inundation and tidal surge during major storm events.

The applicant proposes raising the existing single-family dwelling by approximately 7.5 feet to comply with the Federal Emergency Management Agency (FEMA) flood hazard requirements. A

Coastal Development permit is required because the property is located on the beach and within the appealable area of the coastal zone. The project also requires approval of a variance to exceed the 28-foot height limit by approximately three feet for flood elevation.

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

The subject property is a 10,960 square foot lot, located in the R-1-8; PR (Single-Family Residential - 8,000 square-foot minimum; Parks & Recreation) zone district, a designation which allows residential uses. The existing single-family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UL; O-R (Urban Low Density Residential; Parks, Recreation & Open Space) General Plan designation.

### **Coastal Development Permit Compliance**

The subject property is located within the mapped Coastal Zone Appeal Jurisdiction, and the improvements are proposed to an existing single-family dwelling located on a beach. Santa Cruz County Code 13.20.061(B) requires a Coastal Development Permit for exterior improvements to single-family dwellings located on a beach.

The proposed project includes a foundation replacement to elevate the existing single-family dwelling above the flood hazard zone. The existing dwelling contains a ground-level garage that will no longer be accessible once the structure is raised. As a result, the existing garage will be converted to storage space, and the project includes a replacement 170 square-foot garage in the same location. The replacement garage will utilize the same colors and materials as the dwelling to maintain visual compatibility with both the dwelling and surrounding properties.

### **Geologic Hazards Ordinance Compliance**

Santa Cruz County Code (SCCC) 16.10 sets forth regulations and review procedures for development and construction activities within mapped geologic hazard areas and areas of special flood hazard. The parcel is located within the mapped VE Flood Zone and the project proposes to elevate the existing single-family dwelling above the base flood elevation. A combined Geologic and Geotechnical report prepared by C2Earth Incorporated dated May 1, 2025 was reviewed and accepted by the County's Engineer and Geologist on November 12, 2025 (Exhibit G).

The Federal Emergency Management Agency (FEMA) has established the current base flood elevation of the "100-year coastal flood" as 23.0 feet NAVD88. The existing dwelling's garage slab is 18.50 feet NAVD88 and the elevation of the finished floor is 21.10 feet NAVD88. C2Earth Inc. has stated that the existing home is subject to high velocity wave run-up and impacts from coastal flooding. Based on the recommendations contained in the combined Geologic and Geotechnical report prepared by C2Earth, the project includes raising the existing dwelling so that the lowest horizontal structural members supporting the floors of the home are at or above elevation 26.0 feet NAVD88. This corresponds to raising the home about 7.5 feet from its current elevation.

The proposed deep pile foundation to be constructed under the existing structure has been designed to address potential impacts from coastal flooding, scour, and wave run-up hazards. These measures include elevating the habitable portions of the building and incorporating break-away

walls at the ground-level garage. Elevation of the structure will allow coastal flood waters to flow through the piles supporting the residence, while limiting the redirection of waves toward adjacent properties.

### Local Coastal Program Consistency

The existing 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 Pot Belly Beach Road are developed with single-family dwellings that vary in size and architectural style. Access to the shoreline and public coastal access is provided to the east and west of the subject parcel at New Brighton State Beach and Las Olas Beach, respectively. Consequently, the proposed project will not interfere with public access to the beach, ocean, or nearby body of water.

### **Variance**

The proposed maximum height of the structure is 31 feet, while the zone district maximum is 28 feet. Because the parcel is within a FEMA-designated coastal flood hazard zone, there is a 1% annual chance of flooding, 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 members to be elevated at or above the base flood elevation of 23 feet NAVD88. The base flood elevation at the project site is approximately five feet above the existing grade. The lowest horizontal structural members supporting the first floor will be constructed three feet above the base flood elevation, resulting in a total elevation of eight feet above existing grade.

Variance approvals are discretionary authorizations that allow exceptions to the zoning district's site and development standards for a property. Pursuant to SCCC 13.10.230, a Variance may be approved when, due to 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 identically zoned properties in the vicinity. In this case, a Variance granting an increased height is warranted because the additional height results from the property owner's effort to protect the existing dwelling. Raising the structure above the base flood elevation will not be materially detrimental to public health, safety, or welfare to property or improvements in the vicinity. Additionally, authorizing an increased height is not a grant of special privileges as variances are available to any residentially zoned property.

### **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 **251091**, 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 Division, 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](http://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 letters

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Division 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: 251091  
Assessor Parcel Number: 038-231-29  
Project Location: 20 Potbelly Beach Road, Aptos CA 95003

**Project Description: Public hearing to consider a proposal to raise an existing single-family dwelling approximately 7.5 feet to comply with Federal Emergency Management (FEMA) requirements, and to construct a 170 square-foot replacement garage. Requires a Coastal Development Permit and a Variance to exceed the maximum 28-foot height limit by five feet to 33 feet.**

**Person or Agency Proposing Project: Dee Murray**

**Contact Phone Number: (831) 332-4630**

- 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: Class 1 - Existing Facilities (Section 15301)

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

Modifications to an existing residential accessory structure in an area designated for residential uses.

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

\_\_\_\_\_  
Michael Lam, Project Planner

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

## 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-1-8; PR (Single-Family Residential - 8,000 square-foot minimum; Parks & Recreation), a designation which allows residential uses. The existing single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UL; O-R (Urban Low Density Residential; Parks, Recreation & Open Space) 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 the development is consistent with the surrounding neighborhood in terms of architectural style and 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 project site is located on a beach, the development will remain consistent with the design criteria and special use standards contained in County Code 13.20130 and 13.20.140.

- (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 at New Brighton State Beach, 0.5 miles to the west.

- (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-1-8; PR (Single-Family Residential - 8,000 square-foot minimum; Parks & 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. Size and architectural styles vary in the area, and 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.

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This finding can be made, in that the project will not interfere with public access to the beach, ocean, or any nearby body of water. The proposed project will conform with the public access and public recreation policies of Chapter 3 of the Coastal Act. 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

- (A) 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 parcel is located within the mapped FEMA VE Flood Zone, which requires that any development activities on the parcel be reviewed for compliance with County and FEMA requirements to elevate the structure above the base flood elevation. Due to the parcel's location within the VE Flood Zone, there is a 1% annual chance of flooding with the added hazard of storm-induced, high-velocity wave action. As a result, FEMA regulations require the bottom of the first-floor structural members to be elevated at or above the base flood elevation, which is 23 feet NAVD88. The existing single-family dwelling is approximately 25-feet tall, with the foundation located 5-feet below the base flood elevation. Elevating the existing single-family dwelling above the base flood elevation results in a dwelling that exceeds the 28-foot zone district height limit. Due to the parcel's location within the VE Flood Zone, the requirement to elevate the dwelling above the base flood elevation would not be possible without a variance to the zone district height standard.

- (B) 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 single-family dwellings are a principally permitted use within the R-1-8 zone district. Authorizing exceptions to the site standards to allow a dwelling to make foundation improvements is in harmony with the general intent of the residential zoning objectives. Elevating the dwelling above the base flood elevation would improve safety for the subject property and surrounding parcels because the column foundation design allows wave runup to pass through the foundation instead of being re-directed to adjacent properties. The requirement to elevate the structure above the base flood elevation is intended to improve site safety and not be detrimental to public health, safety, or welfare.

- (C) 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 the approval of a variance is a discretionary process available to all residentially zoned parcels, provided the findings can be made. Every dwelling along Pot Belly Beach Road is subject to the Geologic Hazards Ordinance of County Code. Any improvements to structures within the VE flood zone are evaluated under the same regulations. Granting a variance to the zone district height standard for the purpose of elevating a structure above the base flood elevation does not constitute a grant of special privileges. The existing dwelling was constructed in conformance with the regulations applicable at the time of construction, and no additional modifications are proposed that would increase the structure's height, aside from the foundation work.

## 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 location of the single-family 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-1-8; PR (Single-Family Residential - 8,000 square-foot minimum; Parks & Recreation) zone district as the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district, with exception for height for which a variance can be supported. Exceeding the 28-foot height limit by 5 feet can be supported because the increased height is a result of the requirement to elevate the dwelling above the base flood elevation for the VE flood zone.

- (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; O-R (Urban Low Density Residential; Parks, Recreation & Open Space) land use designation in the County General Plan.

- (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 foundation work to an existing single-family

dwelling will add not add any additional residential units on the existing developed lot. The expected level of traffic generated by the proposed project is not anticipated to increase beyond the existing 1 peak trip per day (1 peak trip per dwelling unit). The proposed project will not adversely impact existing roads or intersections in the surrounding area. In addition, all construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project will not overload utilities or otherwise result in an inefficient or wasteful use of energy.

- (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 existing 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 foundation improvements to the existing single-family 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. Although the structure will exceed the height limit as a result of the foundation work, several dwellings along Pot Belly Beach Road are two story structures that are similar in size and scale.

- (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 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 foundation improvements to the existing single-family dwelling is in substantial conformance with the requirements of the County Design Review

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Ordinance. The proposed project will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the subject property and reduce the visual impact of the proposed development on surrounding land uses.

## Conditions of Approval

Exhibit D: Project plans, prepared by Jim Caldwell, dated 06/17/2025.

- I. This permit authorizes the construction of foundation improvements to an existing single-family dwelling 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 Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to Santa Cruz County Planning 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.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by Santa Cruz County Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with Santa Cruz County Planning. 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 Santa Cruz County Planning review and approval.
    3. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in

accordance with accepted standards of practice for meeting the provisions of County Code Sections 16.10.070(H)(5)(c) and (d).

4. The space below the lowest floor shall either be free of obstruction or constructed with non-supporting breakaway walls, open wood latticework or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. A breakaway wall shall be of non-masonry construction and have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot [SCCC 16.10.070(H)(5)(f)].
  5. Submit a recorded copy of a Declaration of Geologic Hazards prior to issuance of the building permit. The declaration form will be prepared and provided upon submittal of the building permit. [SCCC 16.10.070].
  6. 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 28 feet.
  7. Details showing compliance with fire department requirements.
- B. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
1. The discretionary application has not been reviewed for compliance with Part 3 of the County Design Criteria. Prior to issuance of a building, grading, or other permit, final Stormwater Management documents shall be submitted for review and approval by Stormwater Management Section that adhere to the County Design Criteria and County Code 7.79.
  2. Pre-development runoff patterns and rates shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
  3. New and/or replaced impervious and/or semi-impervious surface area shall not exceed 5,000 square feet.
- C. Meet all requirements of the Santa Cruz County Sanitation District.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Submit copies of plan review letters prepared and stamped by the project

Geotechnical Engineer.

- F. Pay the current fees for Parks mitigation. Currently, these fees are \$7.20 per square foot for single family dwellings.
  - G. Pay the current fees Child Care mitigation. Currently, these fees are \$0.88 per square foot for single family dwellings.
- 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. Compliance with the provisions of subsections SCCC 16.10.070(H)(5)(c) and (d) shall be certified by a registered professional engineer or architect in the form of an Elevation Certificate (V-Zone Cert) and submitted to the Environmental Planning Division when the foundation work has been completed.
  - D. The project must comply with all recommendations of the approved combined Geologic and Geotechnical report prepared by C2Earth Incorporated, dated May 1, 2025.
  - E. 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.

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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,**

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**will void the development permit, unless there are special circumstances as determined by the Planning Director.**

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

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

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

\_\_\_\_\_  
Deputy Zoning Administrator

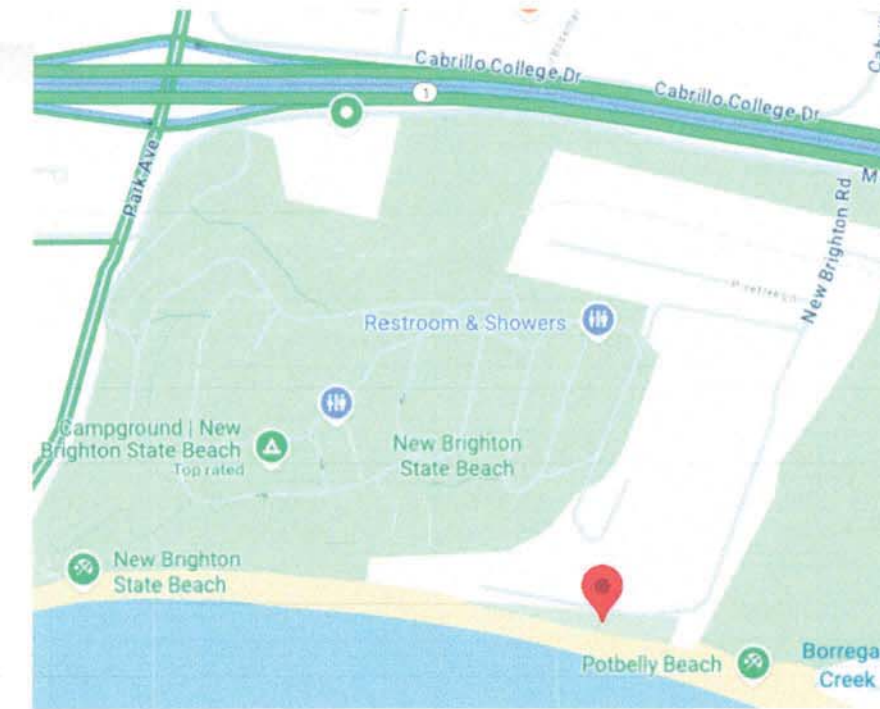
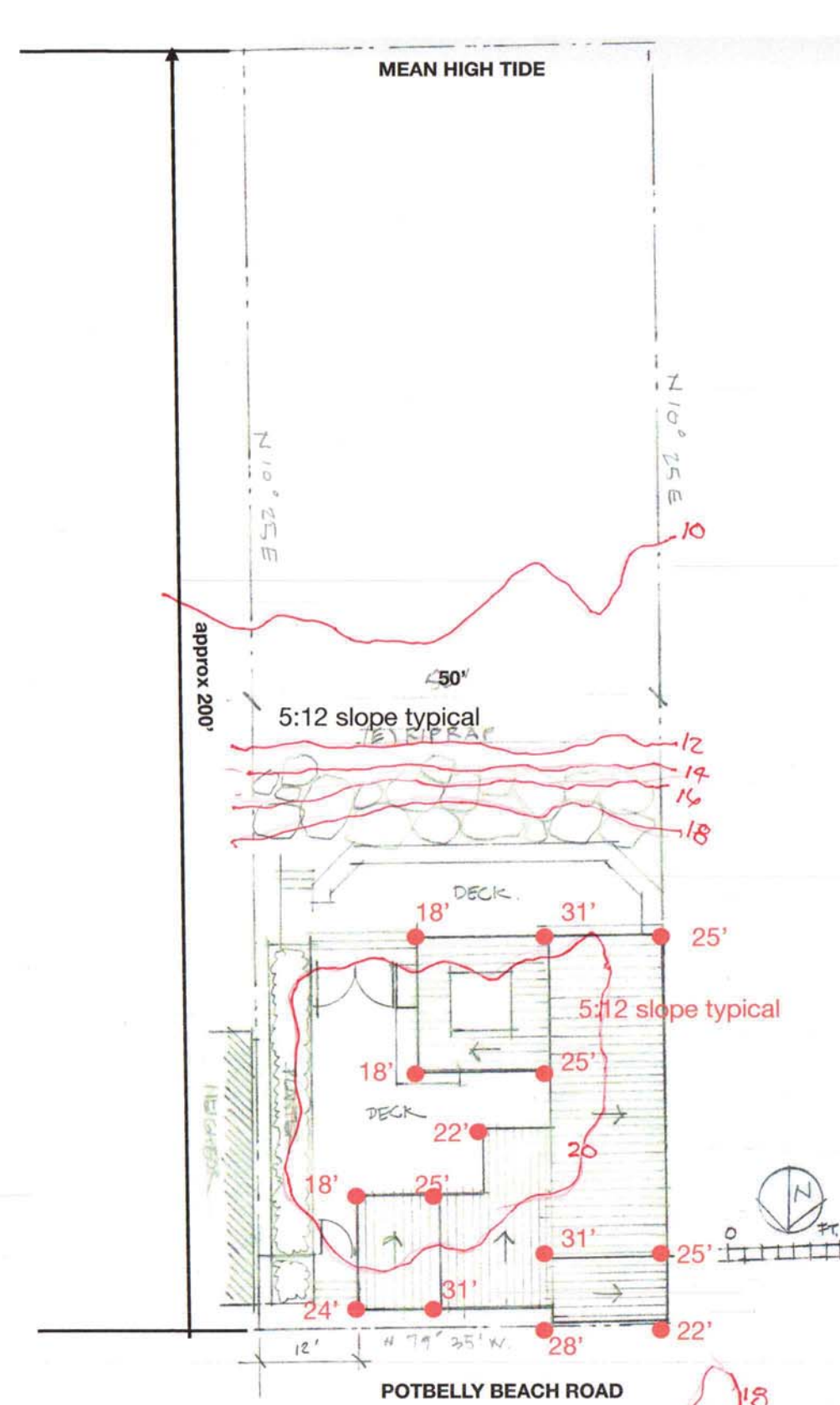
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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

**6.17.25  
Caldwell Beach House**  
 20 Potbelly Beach Road  
 Aptos, CA 95003  
**APN :** 038-231-29  
**Owner:** Jim Caldwell 650-906-1150  
 121 Fox Hollow Rd. Woodside, CA 94062  
**Architect:** Jim Caldwell 650-906-1150  
**Surveyor:** Bowman & Williams #18614  
**Geotech:** C2Earth

**Project Description**  
 Raise the existing house 7' to comply with FEMA Recommendations  
 Build new concrete pier foundations to support the house  
 Build new break-away garage at ground level  
 Build new stairs to existing deck  
**Please note that the existing materials and colors remain the same.**

**Project Data**  
**Lot Area** 10,960 s.f.  
**Existing building area:** 3,060 s.f. including decks  
**Proposed building area:** unchanged  
**Proposed lot coverage:** unchanged  
**Grading Calculations:** no grading proposed  
**Minimum Setbacks:** unchanged  
**Existing Parking:** one car in garage 10x20  
**Proposed Parking:** one car in garage 10x17  
**Minimum Setbacks:** unchanged  
**Maximum Height:** 33'  
**HOA:** Potbelly Beach Club LLC



Vicinity Map

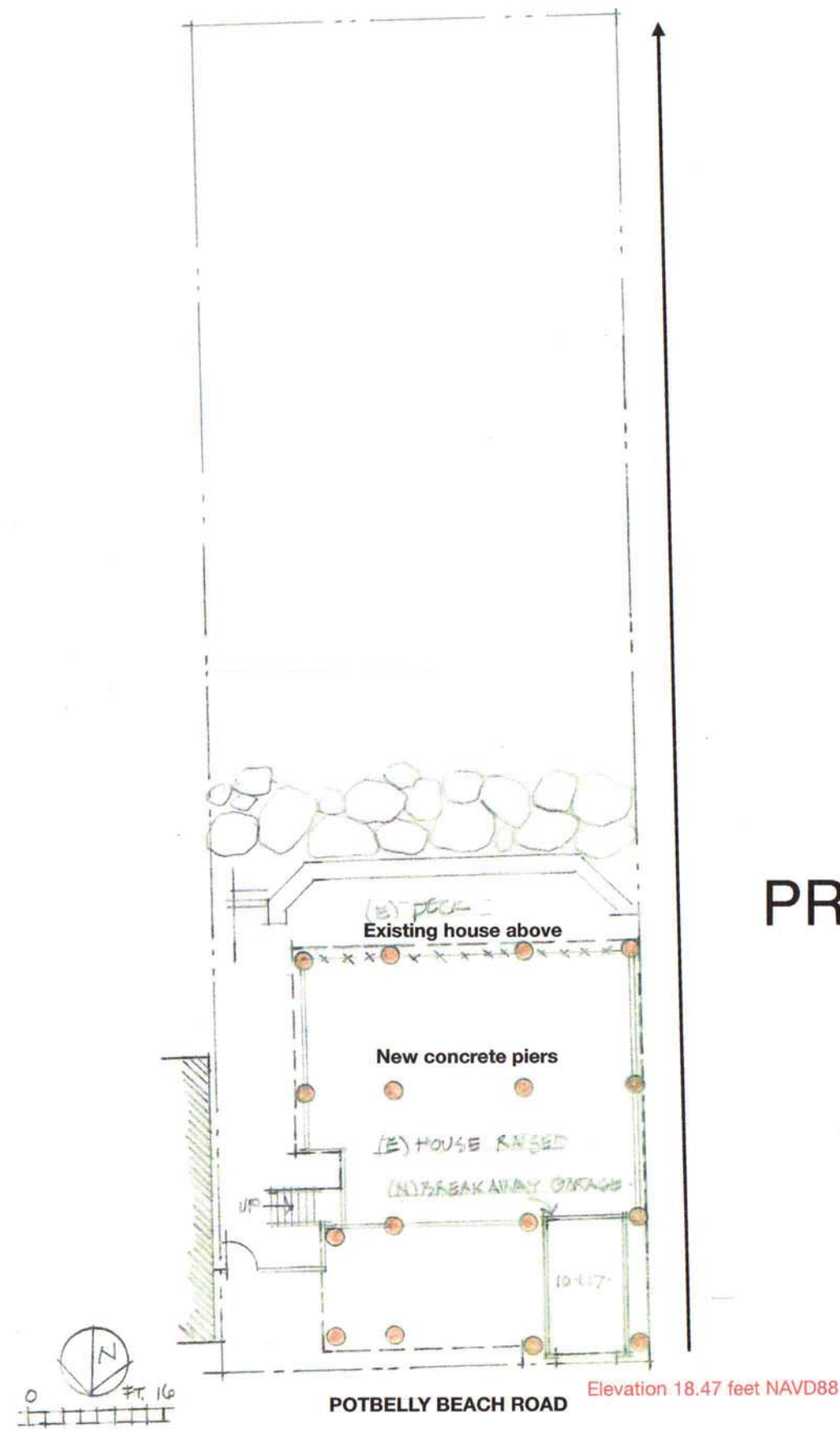
## EXISTING SITE PLAN Proposed Roof Plan

Measurements are feet above ground level.

Sheet 1  
OF 10

6.17..25  
**Caldwell Beach House**  
20 Potbelly Beach Road  
Aptos, CA 95003  
**APN** : 038-231-29  
**Owner**: Jim Caldwell 650-906-1150  
121 Fox Hollow Rd. Woodside, CA 94062  
**Architect**: Jim Caldwell 650-906-1150  
**Surveyor**: Bowman & Williams #18614  
**Geotech**: C2Earth

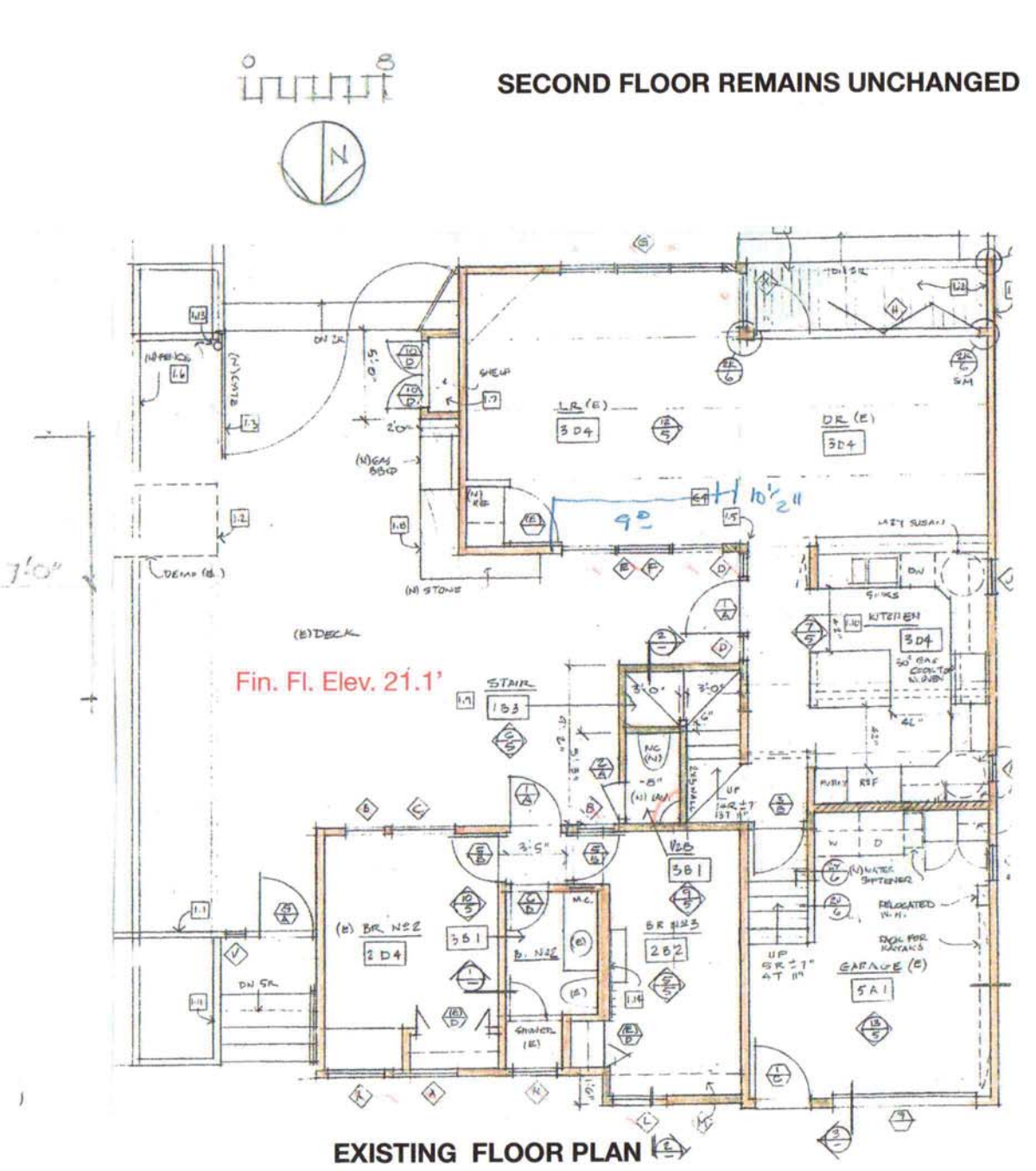
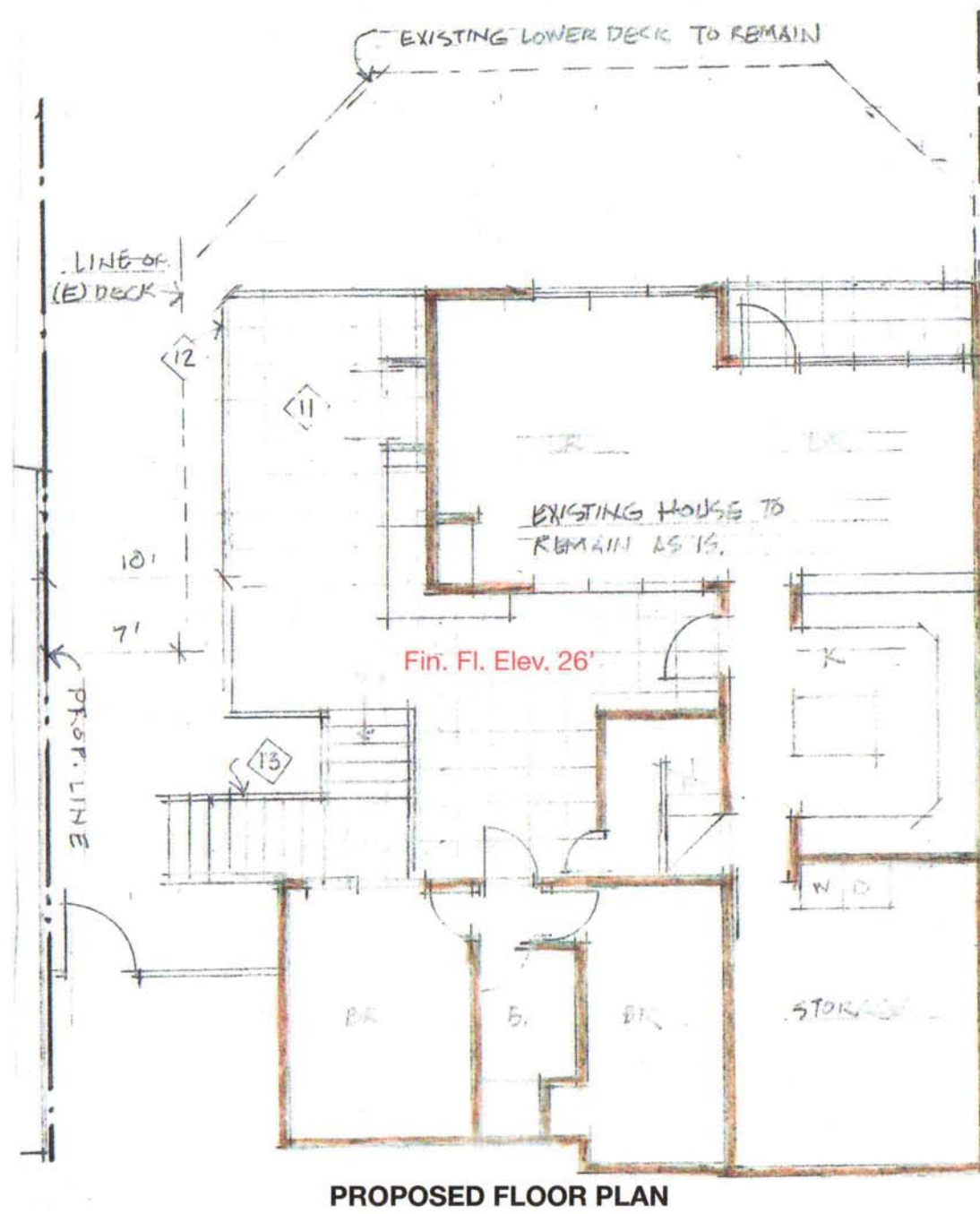
**Project Description**  
Raise the existing house 7' to comply with  
FEMA Recommendations  
Build new concrete pier foundations to  
support the house  
Build new break-away garage at ground level  
Build new stairs to existing deck  
**Please note that the existing materials and  
colors remain the same.**



## PROPOSED SITE PLAN

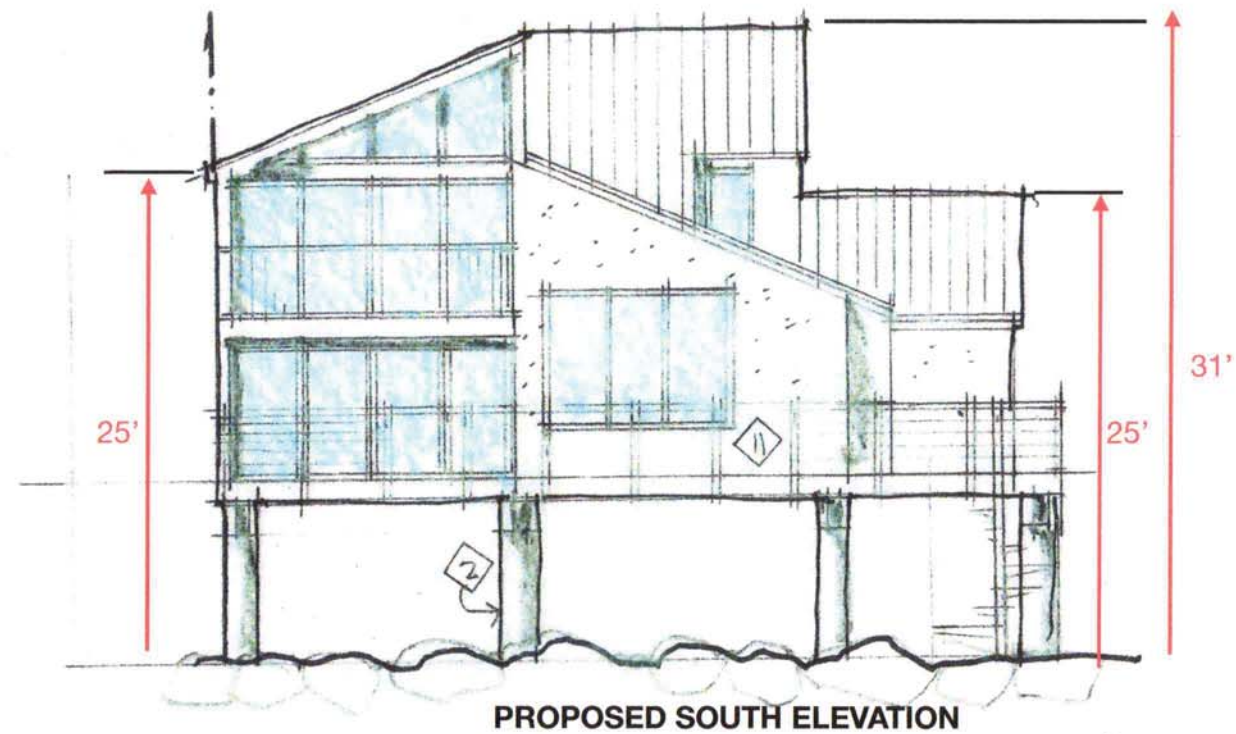
Sheet 2  
OF 10

**6.17..25**  
**Caldwell Beach House**  
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 Aptos, CA 95003  
 APN : 038-231-29  
 Owner: Jim Caldwell 650-906-1150  
 121 Fox Hollow Rd. Woodside, CA 94062  
 Architect: Jim Caldwell 650-906-1150

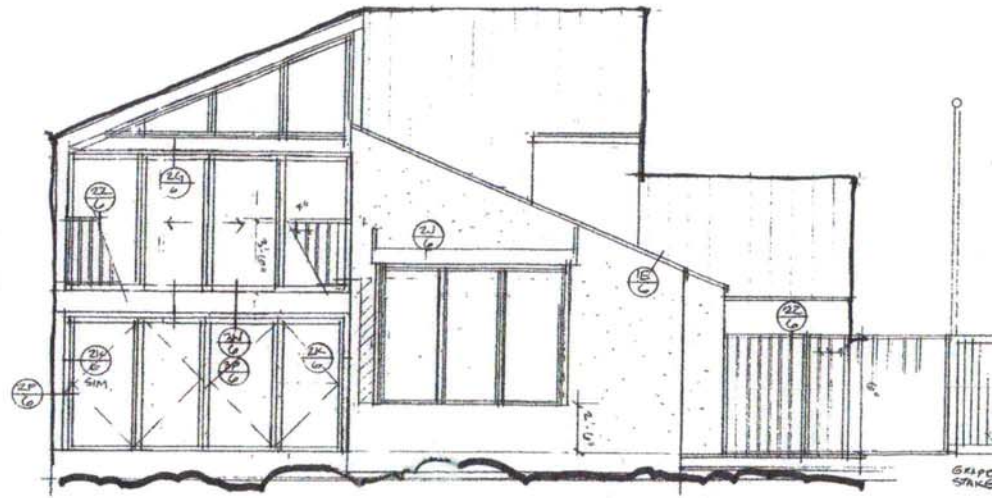


**Floor Plans**  
**Sheet 3**  
 OF 10

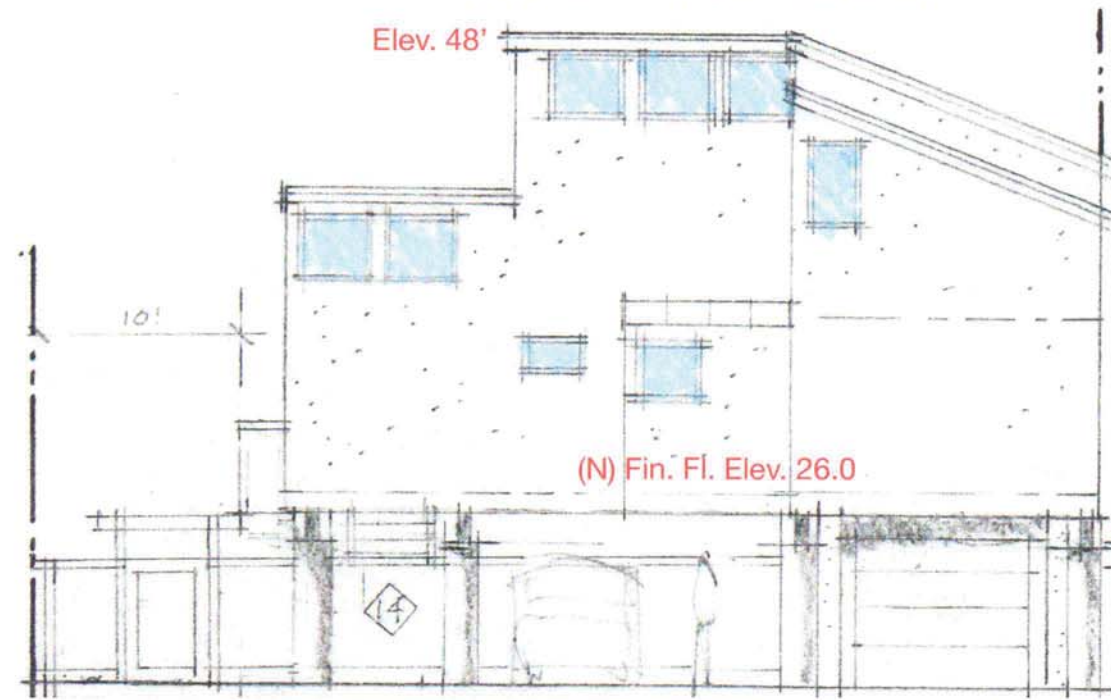
**6.17..25**  
**Caldwell Beach House**  
 20 Potbelly Beach Road  
 Aptos, CA 95003  
**APN** : 038-231-29  
**Owner**: Caldwell 2021 Irrevocable Trust  
 121 Fox Hollow Rd. Woodside, CA 94062  
**Architect**: Jim Caldwell 650-906-1150



**PROPOSED SOUTH ELEVATION**



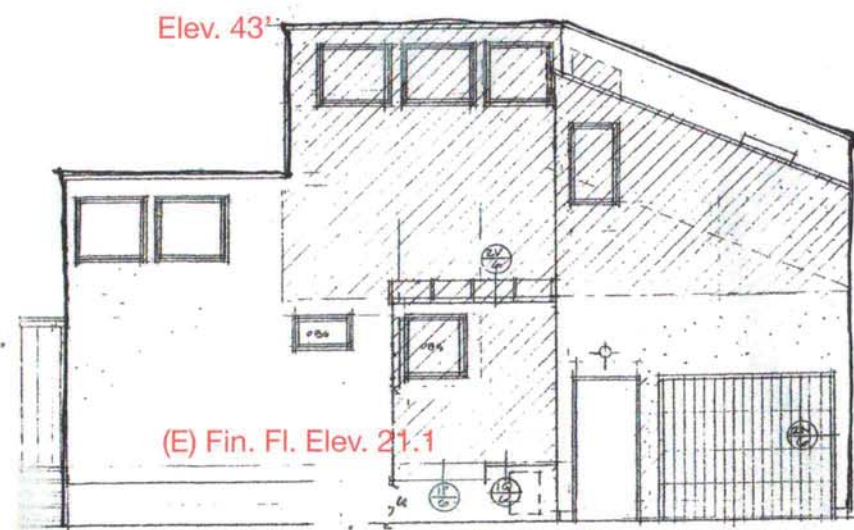
**EXISTING SOUTH ELEVATION**



**PROPOSED NORTH ELEVATION**

LOWEST STAG. C.  
 ELEV 24'  
 ELEV 23'  
 BASE FLOOD

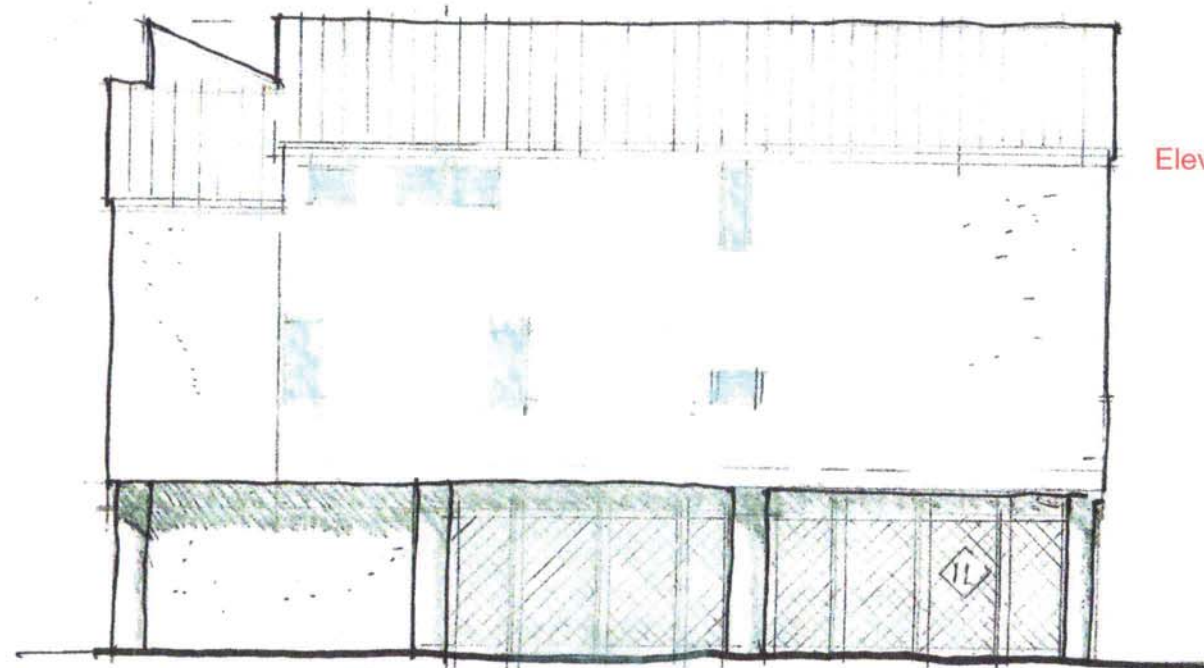
○ Elevation 18.47 feet NAVD88



**EXISTING NORTH ELEVATION**

**Elevations**  
**Sheet 4**  
 OF 10

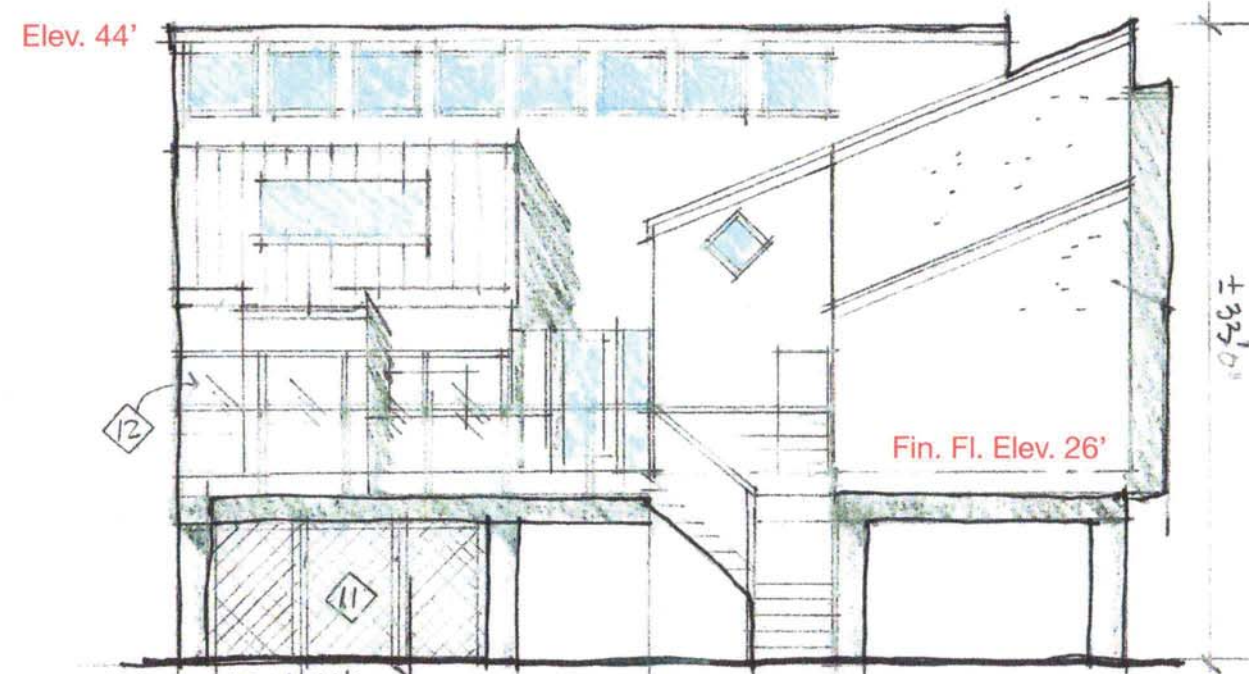
**6.17..25**  
**Caldwell Beach House**  
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**APN :** 038-231-29  
**Owner:** Caldwell 2021 Irrevocable Trust  
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**Architect:** Jim Caldwell 650-906-1150



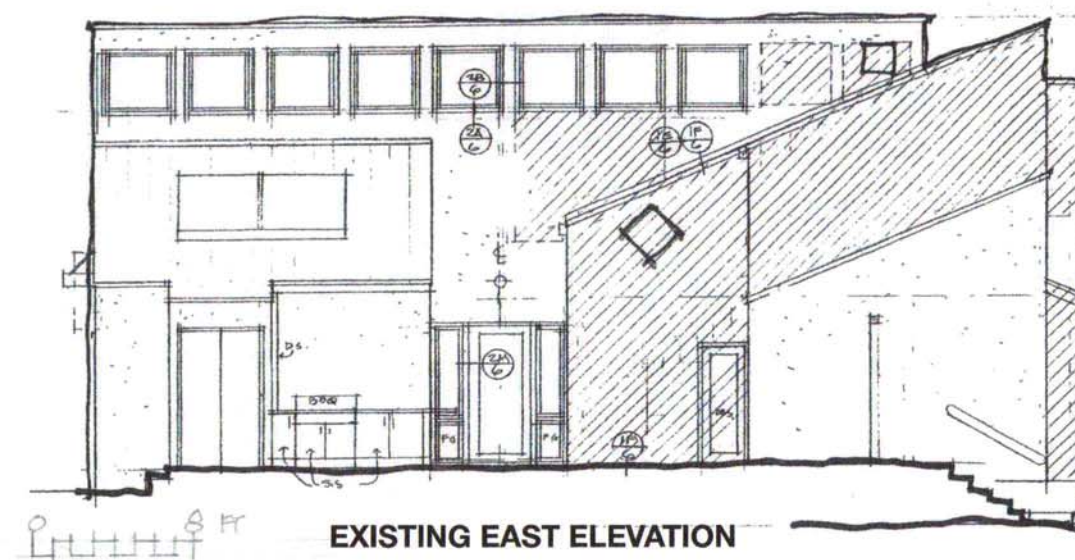
**PROPOSED WEST ELEVATION**



**EXISTING WEST ELEVATION**



**PROPOSED EAST ELEVATION**



**EXISTING EAST ELEVATION**

**Elevations**  
**Sheet 5**

OF 10



Street View



Ocean View

(Steps on the riprap are in question, front deck has been removed).

6.17..25  
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**Architect**: Jim Caldwell 650-906-1150

Computer Renderings  
Sheet 6

OF 10

6.17..25  
**Caldwell Beach House**  
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 Aptos, CA 95003  
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 121 Fox Hollow Rd. Woodside, CA 94062  
 Architect: Jim Caldwell 650-906-1150



Houses to the East, street view

#10 Caldwell House



Houses to the West, street view

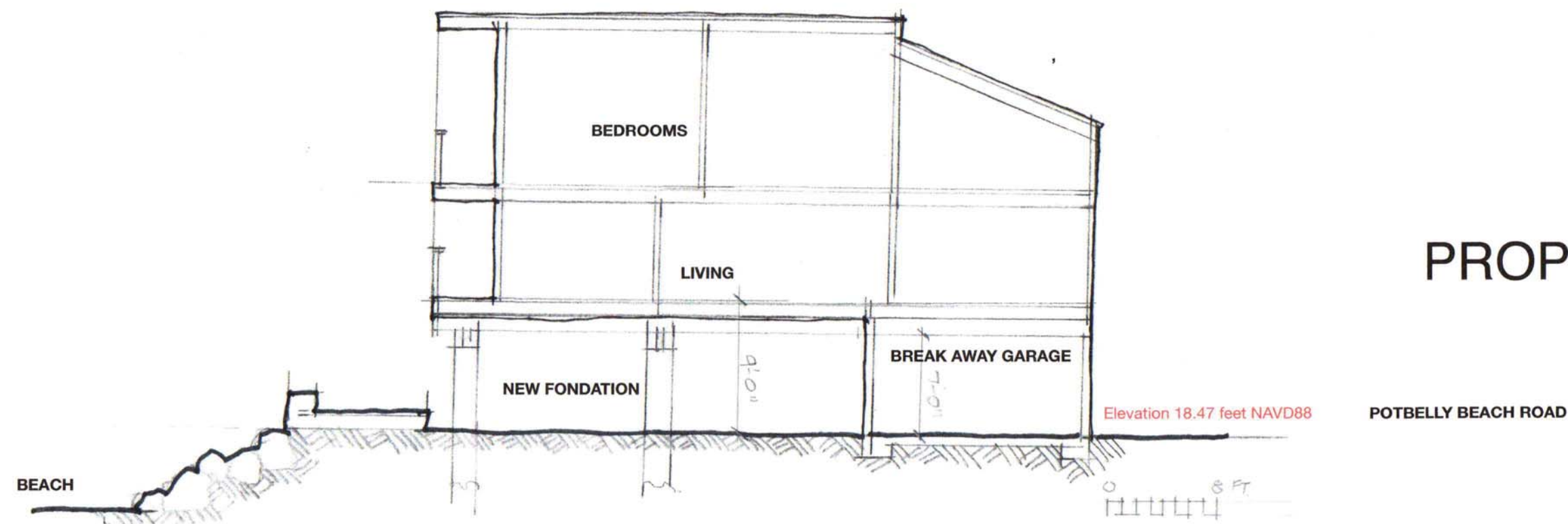


From the beach

#10 Caldwell House

Sheet 6a of 9 Neighborhood context

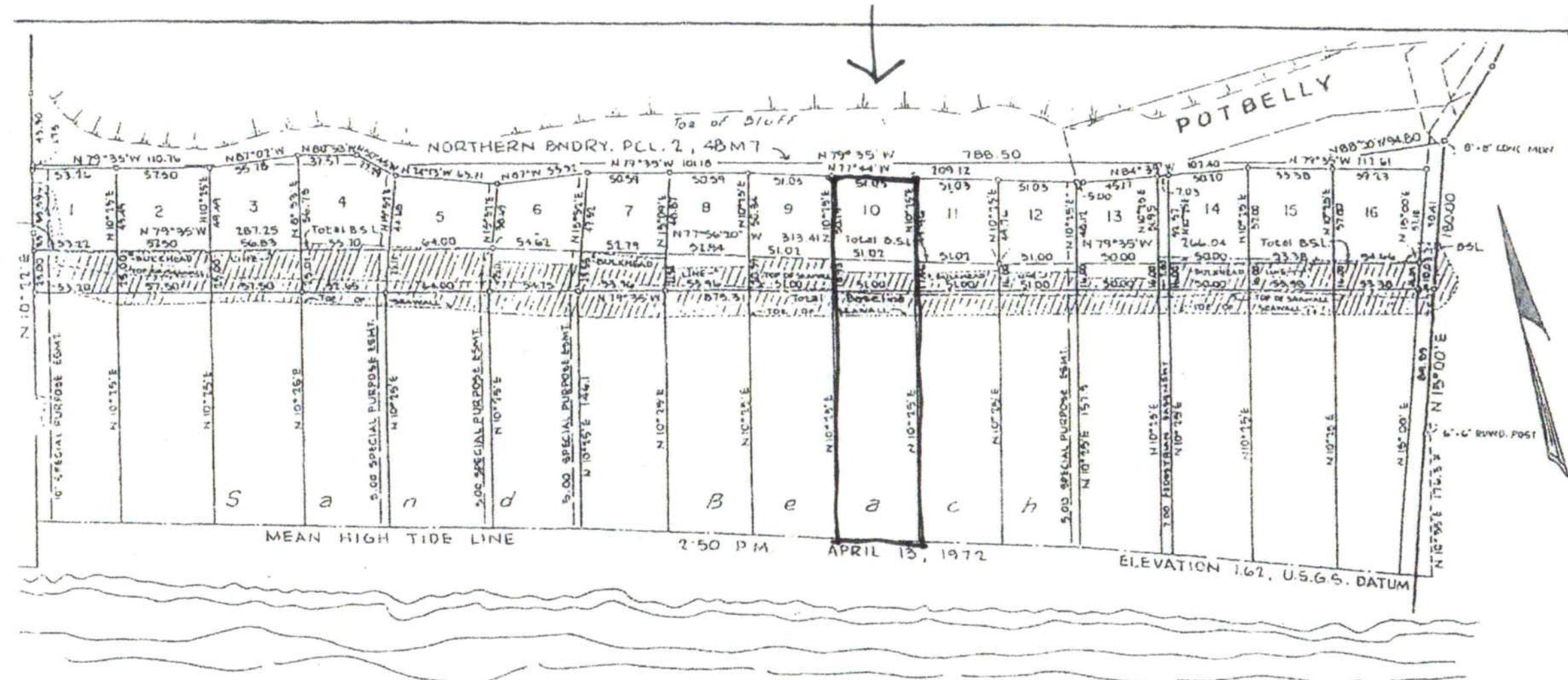
6.17..25  
Caldwell Beach House  
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APN : 038-231-29  
Owner: Jim Caldwell 650-906-1150  
121 Fox Hollow Rd. Woodside, CA 94062  
Architect: Jim Caldwell 650-906-1150  
Surveyor: Bowman & Williams #18614  
Geotech: C2Earth



## PROPOSED SECTION

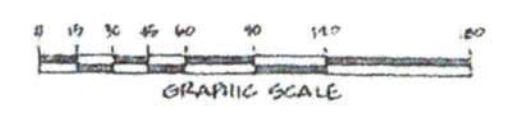
Sheet 7  
OF 9

6.17..25  
**Caldwell Beach House**  
 20 Potbelly Beach Road  
 Aptos, CA 95003  
 APN : 038-231-29  
 Owner: Jim Caldwell 650-906-1150  
 121 Fox Hollow Rd. Woodside, CA 940  
 Architect: Jim Caldwell 650-906-1150  
 Surveyor: Bowman & Williams #1861  
 Geotech: C2Earth



Monterey Bay

**REFERENCE MATERIALS**  
 \*MAP SHOWING THE LANDS OF POTBELLY BEACH CLUB\*  
 DATED JANUARY 1, 1971.  
 \*SURVEYOR'S MAP SHOWING THE BEACH LOTS OF THE  
 POTBELLY BEACH CLUB\* PREPARED BY R.R. BALDWIN,  
 L.S. 267B, APRIL, 1972.  
 \*PARTNERS USE MAP OF PRIVATE BEACH AREA OF  
 POTBELLY BEACH CLUB\* DATED FEBRUARY 10, 1971  
 AS BUILT DRAWINGS OF THE APTOS TRANSMISSION FACILITY,  
 SANTA CRUZ COUNTY SANITATION DISTRICT, DATED MAY 19, 1960  
 AS BUILT DRAWINGS OF THE POTBELLY BEACH SEAWALL,  
 BOWMAN AND WILLIAMS, CIVIL ENGINEERS, JONAS 70015,  
 NOVEMBER, 1970.



B.S.L. INDICATES 'BUILDING SETBACK LINE'  
 THE INFORMATION SHOWN HEREON IS COMPILED  
 FROM DATA SUPPLIED BY TANNER G. WILSON AND  
 THAT OF RECORD AND DOES NOT REPRESENT A  
 SURVEY.

EXHIBIT A-2  
 MAP OF BEACH LOTS OF  
**POTBELLY BEACH CLUB**

APTOS, CALIFORNIA  
 PREPARED AT THE REQUEST OF TANNER G. WILSON BY  
 BOWMAN AND WILLIAMS CIVIL ENGINEERS, SANTA CRUZ  
 SCALE: 1" = 60'  
 OCTOBER, 1981  
 JCC # 18614 Revised Dec. 1988-1976B

**6.17.25**  
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**Geotech**: C2Earth

## FEMA FLOOD ZONE



Sheet 9  
OF 9

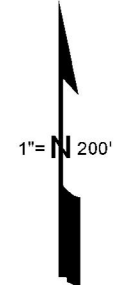
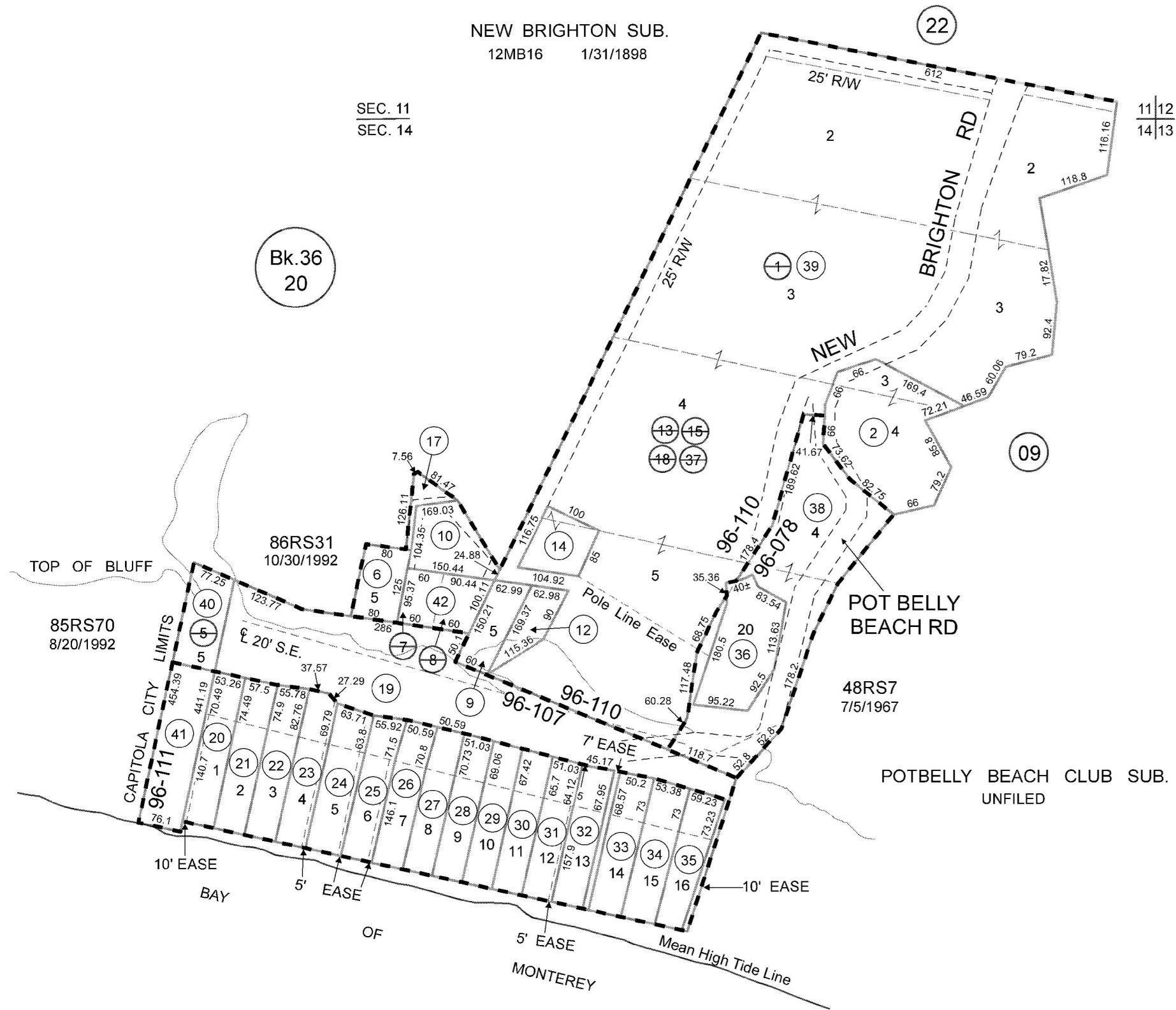
# FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1997

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

Tax Area Code  
96-078 96-107  
96-110 96-111

# 38-23



SEC. 11  
SEC. 14

Bk. 36  
20

11|12  
14|13

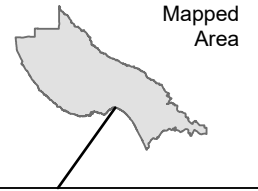
Electronically Redrawn 11/19/97 wrjp  
Rev 5/4/98 KSA (CA)  
Rev 8/19/98 GG (Cor. CA)  
Rev 3/3/06 md (spatial adjustment)  
Rev 11/4/13 CB (Cor TCA Adding 96-111 & creating 1-40 & 41)  
Rev 7/24/14 CB (Cor linework on 1-17)  
Rev 9/8/15 CB (15-0032978, Combo 1-42)

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

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

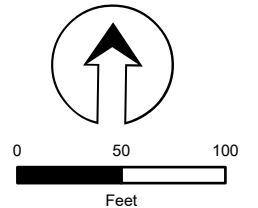


# Parcel Location Map



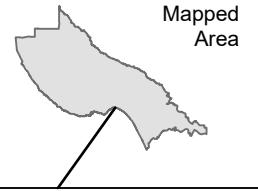
**Parcel: 03823129**

 Subject Parcel

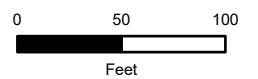
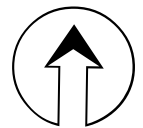




# Parcel General Plan Map

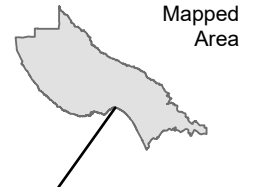


 Subject Parcel

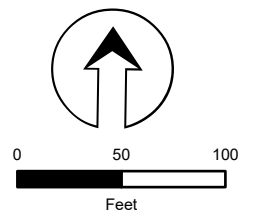




# Parcel Zoning Map



 Subject Parcel



## Parcel Information

### Services Information

Urban/Rural Services Line:  Inside  Outside  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Santa Cruz Sanitation District  
Fire District: Central Fire Protection District  
Drainage District: Zone 5

### Parcel Information

Parcel Size: 10,960 sq.ft.  
Existing Land Use - Parcel: Residential  
Existing Land Use - Surrounding: Residential  
Project Access: Pot Belly Beach Road  
Planning Area: Aptos  
Land Use Designation: R-UL; O-R (Urban Low Density Residential; Parks, Recreation & Open Space)  
Zone District: R-1-8; PR (Single-Family Residential - 8,000 square-foot minimum; Parks & Recreation)  
Coastal Zone:  Inside  Outside  
Appealable to Calif. Coastal Comm.  Yes  No

Technical Reviews: REV251051

### Environmental Information

Geologic Hazards: VE Flood Zone  
Fire Hazard: Not a mapped constraint  
Slopes: 0-10%  
Env. Sen. Habitat: Not mapped  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Yes  
Archeology: Not a mapped constraint



# County of Santa Cruz

## Department of Community Development and Infrastructure

701 Ocean Street, Fourth Floor, Santa Cruz, CA 95060  
Planning (831) 454-2580 Public Works (831) 454-2160  
[cdi.santacruzcountyca.gov](http://cdi.santacruzcountyca.gov)

12 November 2025

Jim Caldwell <[jim@jimcaldwellart.com](mailto:jim@jimcaldwellart.com)>  
121 Fox Hollow Road  
Woodside CA 94062

Subject: Review of the Geologic and Geotechnical Study dated 1 May 2025 by C2Earth, Inc. Document Id. 23014A-01R1REV

Project Site: 20 Potbelly Beach Road  
APN 038-231-29  
Application No. REV251051 (related to 251091)

Dear Applicant(s):

The purpose of this letter is to inform you that the Planning Division 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 report. [SCCC 16.10.070]
2. Final plans shall reference the subject report by titles, authors, and dates. Final Plans should also include a statement that the project shall conform to the report's recommendations. [SCCC 16.10.070]
3. After plans are prepared that are acceptable to all reviewing agencies, please request that both your project geologist and project geotechnical engineer submit a completed Consultant Plan Review Form (PLG-300) to Environmental Planning. The authors of the geology and geotechnical report shall sign and stamp their completed forms. Please note that the plan review forms must reference the final plan set by the last revision date. [SCCC 16.10.070]
4. A Declaration of Geologic Hazards shall be recorded prior to issuance of building permit(s) for the proposed project. The declaration form will be prepared and provided upon submittal of the building permit. [SCCC 16.10.070]

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

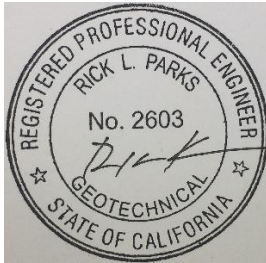
Electronic copies of all forms required to be completed by the Engineering Geologist and/or Geotechnical Engineer may be found on our website:  
<https://cdi.santacruzcountyca.gov/UPC/EnvironmentalPermitsTechnicalReviews/GeologyandSoils/AssistanceandForms.aspx>

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

Our acceptance of the report is limited to its technical content only. Compliance with other resource protection requirements set forth in Chapter 16 of the Santa Cruz County Code, as well as other planning related regulations governing zoning, fire safety, septic or sewer are subject to approval by other agencies.

Please contact Rick Parks at (831) 454-3168/email: [Rick.Parks@santacruzcountyca.gov](mailto:Rick.Parks@santacruzcountyca.gov) or Craig Stewart at (831) 454-3175/email: [Craig.Stewart@santacruzcountyca.gov](mailto:Craig.Stewart@santacruzcountyca.gov) if we can be of any further assistance.

Sincerely,



Rick Parks GE 2603  
Civil Engineer  
County of Santa Cruz  
CDI - Planning Division

A handwritten signature in black ink, appearing to read "Craig Stewart".



Craig Stewart CEG 2779  
County Geologist  
County of Santa Cruz  
CDI - Planning Division

Cc: Environmental Planning, Attn: Jessica deGrassi  
C2Earth, Inc., Attn: Chris Hundemer, PE CEG  
Dee Murray

Attachments: Notice to Permit Holders

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

After issuance of the building permit, the County requires your engineering geologist and geotechnical engineer 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 geologic and geotechnical reports.

If the *Final Inspection Form(s) (PLG-305)* identifies any portions of the project that were not observed by the geotechnical engineer and/or engineering geologist, you may be required to perform destructive testing in order for your permit to obtain a final inspection. The geotechnical engineer and/or engineering 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.