

COMMENTS REGARDING REQUIRED FINDINGS

Application No. 251501

625 Beach Drive, Aptos (APN 043-152-54)

Submitted by:

Richard Tallman
633 Beach Drive. Aptos, California
Date: July 15, 2026

INTRODUCTION

Dear Zoning Administrator:

I respectfully submit these comments regarding Application No. 251501 and request that the application be denied or, alternatively, continued for additional legal and factual review.

These comments are not intended to oppose reasonable development of the property. Rather, they are intended to assist the County in ensuring that each required finding is supported by substantial evidence in the administrative record.

I recognize that the property lies within a FEMA Coastal High Hazard Area and that flood protection requirements require the proposed residence to be elevated. However, compliance with FEMA regulations does not automatically establish compliance with the Santa Cruz County Code, the County's certified Local Coastal Program (LCP), or the findings required to approve multiple variances.

For the reasons discussed below, I do not believe the current administrative record adequately supports several of the findings necessary for approval.

PROJECT HISTORY

The history of this property is directly relevant to the current application.

The applicant previously sought approval to construct a new single-family residence on the beachfront portion of the property together with a 364-square-foot attached ADU. That proposal required a discretionary Coastal Development Permit and was ultimately denied, after which the applicant appealed the denial.

The current application adopts a materially different approach.

Rather than constructing a small attached ADU as previously proposed, the applicant

now proposes to redesignate the existing 2,568-square-foot principal residence as an ADU while constructing a new approximately 2,909-square-foot principal residence on the beachfront portion of the property.

The practical result remains that the property will contain two substantial residential dwellings. The principal difference is that the current proposal relies upon interpreting the County's ADU ordinance to permit redesignation of the property's existing principal residence as an ADU.

Because this revised proposal depends upon that interpretation, the legal authority supporting the County's interpretation of the ADU ordinance becomes a central issue in this proceeding.

FINDING 1

The County has not demonstrated that the proposed ADU conversion is authorized by County Code.

The existing residence has historically functioned as the property's principal dwelling.

The proposal would redesignate that principal residence as an Accessory Dwelling Unit (ADU) while constructing a new principal residence on the beachfront portion of the property.

The staff report acknowledges that Santa Cruz County Code §13.10.681 authorizes conversion of "any portion" of a single-family dwelling into an ADU but also acknowledges that the ordinance does not define the word "portion" or clarify whether conversion of an entire dwelling is permitted.

When an ordinance does not define a term, it should ordinarily be interpreted according to its common meaning. The ordinary meaning of "portion" is a part of something—not the entirety of it.

Had the Board of Supervisors intended to authorize conversion of an entire principal residence into an ADU, it could easily have said so. Instead, the ordinance uses the narrower term "portion."

The staff report cites no ordinance amendment, published HCD interpretation, or judicial authority supporting the conclusion that "portion" includes an entire dwelling. Respectfully, the absence of an express prohibition is not the same as an affirmative grant of authority.

FINDING 2

The requested variances extend beyond what FEMA regulations require.

FEMA regulations require the occupied floor to be elevated above the Base Flood Elevation. They do not require construction of an approximately 2,909-square-foot residence, retention of the existing 2,568-square-foot residence as an ADU, increased Floor Area Ratio, increased lot coverage, increased building mass, or the overall development intensity proposed.

Government Code section 65906 requires each variance to be supported by special physical circumstances. The staff report does not clearly distinguish between variances required by the property's physical constraints and those requested to accommodate the applicant's chosen development program.

FINDING 3

The Local Coastal Program compatibility finding is not adequately supported.

The staff report compares the proposal to residences at 531, 533, and 539 Beach Drive.

Those homes range from approximately 2,152 to 2,385 square feet.

The completed project would contain an existing 2,568-square-foot ADU together with a new approximately 2,909-square-foot principal residence.

The staff report primarily compares only the new residence. It does not meaningfully evaluate the compatibility of the completed development.

Compared with the applicant's earlier proposal, which included a 2,128-square-foot residence and a 364-square-foot attached ADU, the current application substantially increases the total residential floor area. The staff report does not explain why this increase remains compatible with neighborhood character.

FINDING 4

The project's visual impacts have not been fully evaluated.

Although the proposed zoning height measures approximately 22 feet under the County's height calculation, the structure will appear substantially taller because the occupied floor must be elevated above the floodplain.

The staff report acknowledges an approximately 22-foot wall extending roughly 75 feet

in length with limited façade articulation, roofline variation, and building modulation.

The project will also materially reduce existing coastal and ocean views from residences on the inland side of Beach Drive. While California law does not guarantee preservation of private views, these impacts remain relevant to neighborhood compatibility and Local Coastal Program consistency.

FINDING 5

The Design Review findings are not adequately supported.

The staff report acknowledges that the proposed building lacks several architectural features intended to reduce visual bulk. Despite acknowledging these deficiencies, the report concludes that the project satisfies the Design Review Ordinance without adequately explaining how those conclusions are reconciled.

FINDING 6

The County should explain why its interpretation is consistent with the purposes of California's ADU legislation.

California broadly encourages ADUs as a means of expanding housing opportunities.

This proposal redesignates the property's longstanding principal residence as an ADU while constructing an entirely new principal residence on the beachfront portion of the property. A vacation compound is not expanding housing opportunities.

The current application follows an earlier proposal that attempted to achieve substantially the same objective through a different project design. The County should clearly explain why this interpretation of its ADU ordinance is consistent with both the ordinance itself and the purposes underlying California's ADU legislation.

CONCLUSION

For the reasons stated above, I respectfully submit that the current administrative record does not contain substantial evidence supporting all of the findings required for approval.

Accordingly, I respectfully request that the Zoning Administrator either deny the application or continue the hearing until these legal and factual issues have been fully addressed.

Respectfully submitted,
Richard Tallman

APPENDIX A

Questions for the Zoning Administrator

1. What legal authority supports interpreting 'portion' to include conversion of an entire principal residence?
2. If HCD has not provided guidance, what legal authority supports the County's interpretation?
3. Has Santa Cruz County previously approved redesignation of an entire principal residence as an ADU to facilitate construction of a new principal residence? If so, what application and findings?
4. Which requested variances are required solely because of FEMA regulations?
5. Which requested variances result from the applicant's chosen building program rather than the property's physical constraints?
6. What evidence demonstrates that each requested variance independently satisfies Government Code section 65906?
7. Why does the compatibility analysis compare only the new residence rather than the completed development?
8. How were impacts on existing coastal and ocean views evaluated?
9. What objective criteria support the conclusion that the approximately 75-foot-long elevated wall is compatible with neighborhood character?
10. How are the acknowledged design deficiencies reconciled with the Design Review findings?
11. If approved, will this interpretation be relied upon in future applications involving conversion of an entire principal residence into an ADU? If not, why not?