



## Staff Report to the Zoning Administrator

Application Number: **08-0223**

**Applicant:** Matson-Britton Architects  
**Owner:** Donald Frank  
**APN:** 043-131-15 & -34; 043-161-39, -40 & -51;  
054-621-04

**Agenda Date:** 12/5/08  
**Agenda Item #:** 5  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a two story single family residence (about 3,721 square feet) with associated site improvements (including a shared roadway, with retaining walls up to 4.5 feet above and 8 feet below the roadway) and to remove three significant trees on a vacant property.

Requires a Coastal Development Permit, an Exception to the Geologic Hazards Ordinance for the installation of drainage improvements on a coastal bluff, a Residential Development Permit for a wall in excess of 3 feet in height within the right of way, and Preliminary Grading Review for approximately 266 cubic yards (cut) and 291 cubic yards (fill), which includes grading for shared access improvements on Lot 1.

**Location:** Property located off a proposed right of way to the southeast of 660 Bayview Drive.

**Supervisory District:** 2nd District (District Supervisor: Ellen Pirie)

**Permits Required:** Coastal Development Permit, Exception to the Geologic Hazards Ordinance, Residential Development Permit

**Technical Reviews:** Preliminary Grading Review

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0223, based on the attached findings and conditions.

### Exhibits

- |   |                                   |
|---|-----------------------------------|
| A. Project plans                              | E. Location, Assessor's, Zoning & |
| B. Findings                                   | General Plan maps                 |
| C. Conditions                                 | F. Photo-simulations              |
| D. Categorical Exemption (CEQA determination) | G. Site photographs               |
|   | H. Comments & Correspondence      |

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

### Parcel Information

Parcel Size: 7,354 square feet  
Existing Land Use - Parcel: Vacant  
Existing Land Use - Surrounding: Coastal Bluff, Beach, Single family residential neighborhood  
Project Access: Private right of way (off Bayview Drive)  
Planning Area: Aptos  
Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: R-1-6 (Single family residential - 6,000 square feet per unit)  
Coastal Zone:   X   Inside      Outside  
Appealable to Calif. Coastal Comm.   X   Yes      No

### Environmental Information

Geologic Hazards: Coastal bluff at rear of property  
Soils: Report reviewed and accepted (Geologic/Soils Report Review 06-0495)  
Fire Hazard: Not a mapped constraint  
Slopes: 20-25% slopes & edge of coastal bluff at rear of property  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: Approximately 266 cubic yards of cut, 291 cubic yards of fill  
(including work within shared right of way on Lot 1)  
Tree Removal: Three trees to be removed: 51", 40" (dead), and 27" (off-site) diameter  
Scenic: Mapped scenic resource - public beach & access path viewshed  
Drainage: Drainage system on Coastal Bluff (APNs 043-131-34 & 054-621-04)  
requires Exception to Geologic Hazards Ordinance  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### History

The subject property is one of three parcels resulting from Lot Line Adjustment 07-0049. The three parcels were adjusted from four existing parcels that were legally created by deeds between 1936 (the date of the original subdivision) and 1971. The Coastal Exclusion for the local approval has been challenged by the California Coastal Commission and the boundary adjustment deeds have not been recorded as of the time of preparation of this report. The parcel configuration and boundaries referenced in this report are dependent on the recordation of the boundary adjustment as approved under Lot Line Adjustment 07-0049 with a minor correction that has been proposed by the project applicant. The correction is in keeping with the original approval for Lot Line Adjustment 07-0049. The applicant will be required to record the boundary adjustment prior to making a building permit application.

This application for a Coastal Development Permit is for Lot 2 from the prior Coastal Development Permit application 07-0474 (for three single family residences). Two additional applications are currently in process for the remaining two residences (08-0223 & 08-0224). Per discussions with the applicant, the application was split into three separate applications. The first resubmittal of the materials for the three residences did not include all of the information requested to process the application. The letter requesting additional materials (in response to the first resubmittal) was not mailed within the timeline specified by the Permit Streamlining Act. As a result, the applicant requested that the application be considered as complete and a public hearing scheduled without delay. Based on the lack of adequate information to evaluate potential project impacts, staff had intended to bring the project forward with a recommendation for denial. However, after a number of meetings with the project applicant, limited additional information has recently been provided. With this information, Planning Department staff have been able to complete the reviews for the three residences.

### **Project Setting**

The subject property includes three vacant parcels located to the southeast of 660 Bayview Drive on a section of coastal bluff in the shape of a peninsula. An existing single family residential neighborhood is located to the north and northwest. The coastal bluff edge surrounds the vacant parcels to the west, south, and east, becoming an arroyo to the east. The elevation of the coastal bluff begins to drop on the adjacent parcels to the northwest and the elevation of the subject property is substantially lower (50 to 90 feet above sea level) than other bluff top properties along the extent of Bayview Drive (where the elevation is 110 to 130 feet above sea level). A total of nine trees, two of which are dead, are located on the three vacant parcels.

The project site is Lot 2 of three parcels reconfigured by Lot Line Adjustment 07-0049. Lot 2 is located adjacent to 660 Bayview Drive at the highest elevation of the three parcels (60 to 90 feet above sea level) and slopes down towards Lot 3 to the east with the coastal bluff to the rear (south) of the parcel. The project site is located within the viewshed of the public beach to the south and the public beach access path (from Hidden Beach park) to the east.

### **Project Scope**

This application includes a proposal to construct a 3 bedroom, two story, single family dwelling of about 3,721 square feet and associated improvements. The associated improvements include site grading and preparation for the single family dwelling and for the shared access driveway within the right of way on Lot 1. Retaining walls to support the shared driveway are proposed (up to 4.5 feet above and 8 feet below the driveway) which will exceed 3 feet height limitation within the right of way. Shared drainage improvements are also proposed, with a drainage line to be bored through the coastal bluff (or attached to the surface) to outlet on the sand in the arroyo to the east of the subject property. Three trees, one of which is dead, are proposed for removal to accommodate the proposed development on Lot 2.

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

The subject property is approximately 7,354 square feet, located in the R-1-6 (Single-family

residential - 6,000 square feet minimum) zone district. A single family dwelling is a allowed use within the zone district. The zoning is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

The proposed residence complies with the site standards for the zone district, as outlined in the chart below.

	<b>R-1-6 Site Standards</b>	<b>Proposed</b>
<b>Front yard setback</b>	20'	20'
<b>Rear yard setback</b>	15' (or coastal bluff setback)*	17'*
<b>Side yard setbacks</b>	5' and 8'	5' and 22'
<b>Maximum height</b>	28'	28'
<b>Maximum % lot coverage</b>	30%	30%
<b>Maximum Floor Area Ratio</b>	50%	48%
<b>Maximum Number of Stories</b>	2	2
<b>Parking</b> (3 Bedrooms)	3 spaces required	4 spaces provided

\*Building envelope complies with minimum required setback from coastal bluff edge (per technical reports).

### Design Review

The proposed residence is similar in total floor area and number of bedrooms to other residences in the Bayview Drive neighborhood. However, the proposed residence design for Lot 2 includes a long wall mass on both the front and rear elevations. This is due to the orientation of the building envelope on this parcel which is much wider than it is deep. However, the design of the structure steps down the slope and is articulated with varied materials and wall planes which break up the wall mass and provide visual relief. The body finish is proposed to be stucco, board & batt, and stone with a clay tile roof. The variety of these materials will also help to reduce the apparent bulk and mass of the proposed residence. The current color proposed for Lot 2 is a reddish brown, which may be too bold to allow the structure to recede into the background. The proposed color has been modified from the original proposal to create variety between the proposed residences, which had previously all used the same color scheme. However, further color and materials modifications (towards grey, tan, or light brown) are recommended to reduce the visual bulk of the structure. With an appropriate mix of colors and materials for each residence, the apparent bulk and mass of all three residences could be further reduced.

At this time, no landscape plan has been provided. A landscape plan, which provides a foundation for the proposed residence and a softening of the building elevation, is an essential component in reducing the apparent bulk and mass of the project. Fencing design and outdoor improvements will also be specifically controlled in the rear yard of the proposed residence due to the visibility of the project site. The need to address visibility of the proposed residence from the rear is important due to the orientation of the structure and the location of the project on a highly visible site on the coastal bluff.

### Scenic Resources

The subject property is located on a coastal bluff within a mapped scenic resource area as

designated by the County General Plan and Local Coastal Plan. The property is within the viewshed of the beach to the south and the beach access path from Hidden Beach park to the east. Views from beaches and parks (including the public beach access path) are considered as protected visual resources per the County General Plan and Local Coastal Plan. The impact on visual resources has been considered in evaluating the proposed development against the context of the unique environment in which the project site is located.

The analysis of the existing pattern of development along the coastal bluff included an evaluation of the residences that have been constructed along the coast side of Bayview Drive and the visual character of the bluff in the project vicinity. Photo-simulations and architectural elevations, provided by the project applicant, as well as photographs, topographic information, and site visits performed by Planning Department staff are taken into consideration as components of this review. Photo-simulations of the proposed residence are required to assist in determining visual compatibility and context within the surrounding landscape. Although the photo-simulations originally submitted were not adequate for this purpose, the applicant has recently provided sufficient visual information to evaluate the proposed project in the context of the surrounding built and natural environment.

The proposed residence steps down the bluff and includes a one story section at the lower end of the project site, which aids in reducing the visual bulk of the proposed development within the viewshed. However, the proposed residence will be highly visible from the mean high tide line on the public beach to the south. Views of the residence from the public access pathway to the east will likely be screened from most perspectives by the residences proposed on Lots 1 & 3 (applications 08-0221 & 08-0224). The structure is proposed at the maximum 28 feet height limit for the zone district. It is anticipated that the structure will stand out against the natural backdrop and be highly visible within the public viewshed.

For the above listed reasons, it is necessary to modify the proposed colors and materials, and to require a specific landscape plan to ensure protection of scenic resources as designated by the County General Plan and Local Coastal Plan. In order to adequately protect scenic resources, it will be necessary to use colors and materials that will cause the structure to appear subordinate to the surrounding natural backdrop and to require landscaping which will soften the proposed development while restricting fencing and outdoor improvements along the coastal bluff. Tree removals will be mitigated through the planting of replacement trees to provide a backdrop for the proposed development. With the inclusion of these modifications, the visual impact of the proposed residence to scenic resources can be adequately mitigated.

### **Coastal Bluff and Geologic Hazards**

The project site is one of three vacant parcels located on a section of coastal bluff in the shape of a peninsula. The coastal bluff edge surrounds the vacant parcels to the west, south, and east, becoming an arroyo to the east. Geologic and geotechnical reports have been reviewed and accepted for the proposed building envelopes (under Geologic and Soils Report Review 06-0495). The proposed residence will comply with the required geologic setbacks. Site drainage will be captured and channeled to a shared drainage line and released at the base of the coastal bluff.

### Drainage Improvements - Exception to Geologic Hazards Ordinance

The shared drainage improvements will collect storm water runoff from the three proposed building sites and the shared driveway. The storm water will be channeled into a pipe which is proposed to run down the coastal bluff to the arroyo below the subject properties. The shared drainage feature is proposed to be bored into the slope of the coastal bluff and will include a rock dissipater in the arroyo at the pipe outlet. These improvements are proposed on adjacent property (APNs 043-131-34 & 054-621-04) and the applicant has provided information indicating that the owner of these adjacent parcels is willing to negotiate a drainage easement. The installation of the proposed drainage improvements on a coastal bluff requires an exception to the geologic hazards ordinance.

Findings for an exception to the geologic hazards ordinance can be made, in that the only logical drainage route is down from the lowest point in the proposed development. It would be exceptionally challenging to reliably capture all of the runoff from the project site and to redirect it up onto Bayview Drive and to a point of release. However, the boring of a drainage line through the slope of the coastal bluff could potentially result in increased slope instability, in which case a drainage line attached to the surface will be substituted. It is also unclear if the installation of the rock dissipater in the arroyo at the base of the bluff will interfere with the operation and maintenance of an existing sanitary sewer line that is located in the vicinity. These issues will be addressed during the post approval stage of this project, before any building permits are issued.

Prior to making an application for a building permit, the applicant will need to provide proof of a drainage easement for the improvements proposed on the adjacent property (APNs 043-131-34 & 054-621-04). Through the review of the building permit application, the applicant will be required to demonstrate that the location of the proposed dissipater will not interfere with the operation and maintenance of an existing sanitary sewer line, and that the design of the proposed drainage system will not result in increased slope instability. Alternative drainage designs may include placing the drainage line on the bluff face to reduce potential for slope failure and provide access for maintenance. A plan to camouflage the drainage improvements will be required for screening the improvements on the coastal bluff and within the arroyo area. A maintenance plan and agreement for the shared drainage improvements will be required to ensure long term maintenance by the future property owners.

### **Tree Removals**

The natural backdrop of mature trees serves to reduce visibility of the project from the public beach to the south and the public access path to the east. Arborists reports have been provided evaluating the health and structure of the trees on the project site. It is understood that two trees will need to be removed on Lot 2 due to death, disease, or poor structure, and to accommodate the proposed development. Regardless of the apparent need for tree removals, the preservation of mature trees is required by County Code wherever possible. Existing mature trees provide multiple benefits, including providing screening and a backdrop for proposed development. The civil sheets of the project plans also indicate removal of a healthy 27 inch diameter tree that is not located on the subject property. Although it is not clear if the owner of the adjacent property is willing to authorize the removal of this tree, it is recommended that the tree be retained to

screen the proposed development. A replacement tree shall be planted and maintained to compensate for the one live tree that is proposed for removal. Replacement trees shall be an appropriate species for the project site and be located in a manner to provide a natural backdrop for the proposed development.

### **Retaining Walls**

The shared driveway and access turnaround will result in walls in excess of 3 feet in height within the right of way. The wall on the south side of the shared driveway will be up to 4.5 feet in height above the grade of the road. The wall supporting the driveway and turn around on the north side will be up to 8 feet in height below the grade of the road. The grade on the project site requires retaining walls to achieve a workable road grade. Although these two walls will not be visible from the public beach to the south or the public access pathway from Hidden Beach to the east, these walls will be required to be constructed of split face material, or be otherwise textured and colored to break up the wall mass. Vegetation will be required to screen the wall below the road grade of the proposed shared driveway.

### **Conclusion**

The proposed development will result in the construction of a single family residence on a legal lot of record adjacent to a coastal bluff. The proposed residence will be visible within a designated scenic resource area and is located in an area away from existing development on Bayview Drive. To reduce visibility of the proposed structure it will be necessary to modify the colors and materials, to require a landscape plan, and to limit the design and location of fencing and outdoor improvements along the coastal bluff. As proposed and conditioned, the project is consistent with all applicable codes and policies of the County Code and General Plan/Local Coastal Program. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 08-0223, based on the attached findings and conditions.

**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Randall Adams  
Santa Cruz County Planning Department

Application #: 08-0223

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Owner: Donald Frank

701 Ocean Street, 4th Floor

Santa Cruz CA 95060

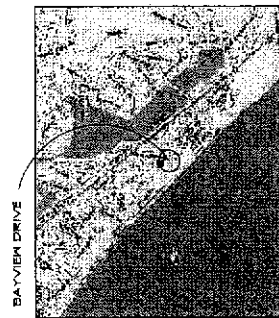
Phone Number: (831) 454-3218

E-mail: [randall.adams@co.santa-cruz.ca.us](mailto:randall.adams@co.santa-cruz.ca.us)



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P1	TITLE SHEET
P2	SITE PLAN - ALL LOTS
P3	TRSE LOCATION PLAN - ALL LOTS
P4	TRSE PLAN
P5	MAIN FLOOR PLAN
P6	ROOF PLAN
P7	SOUTH + WEST ELEVATIONS
P8	NORTH + EAST ELEVATIONS
C1	GRADING + DRAINAGE PLAN
C2	UTILITY PLAN
C3	PROFILES
C4	SECTIONS + DETAILS
C5	EROSION CONTROL PLAN
	SURVEY



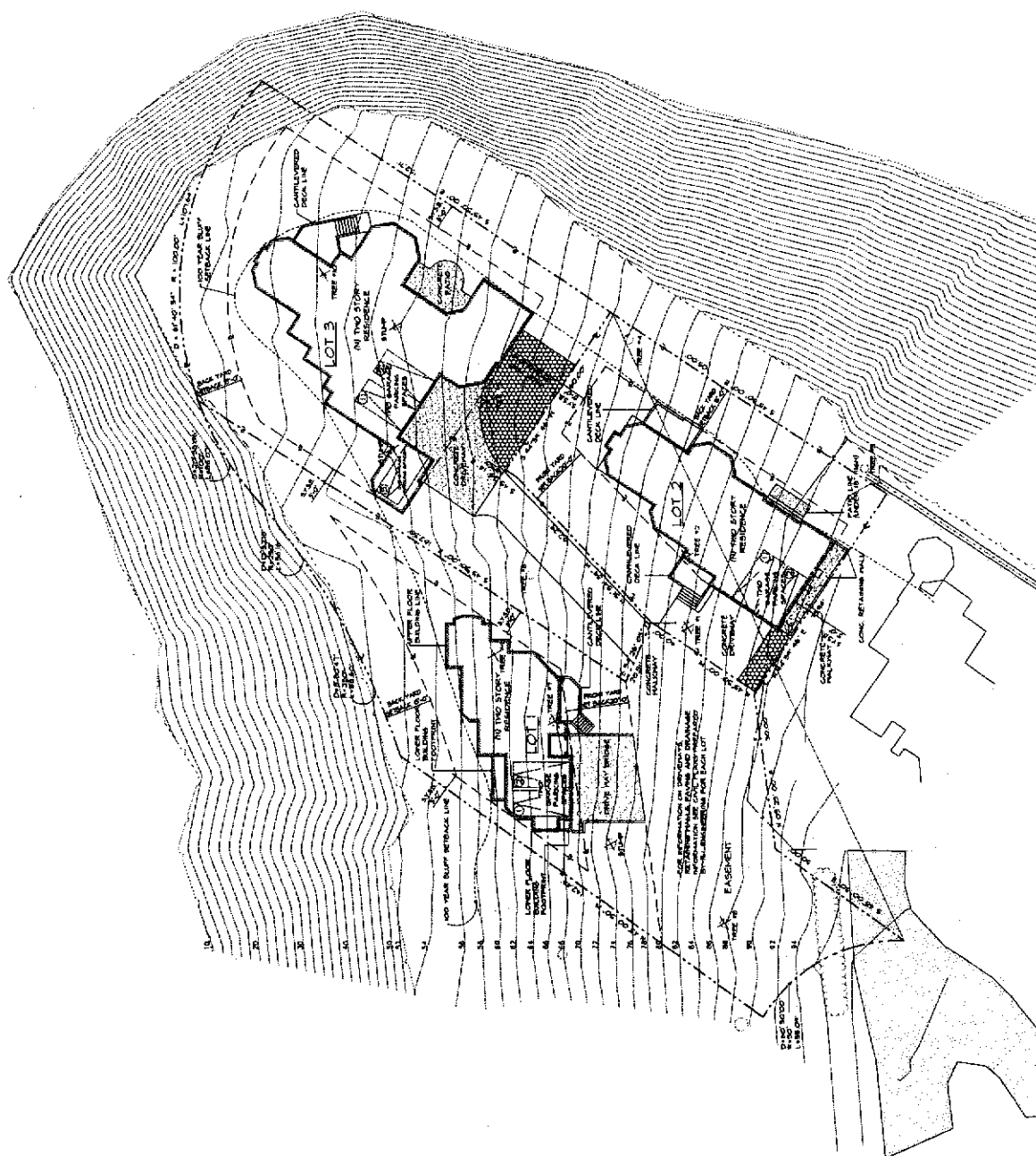
Y  
C  
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Y  
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P

**SOIL ENGINEER:**  
PACIFIC CREST ENGINEERING  
444 AIRPORT BLVD., STE 106  
WATSONVILLE, CA 95076  
PHONE: 931-722-9446  
FAX: 931-722-9158  
EMAIL: elizabeth@pacengr.com  
CONTACT: ELIZABETH MITCHELL

## SITE LEGEND

- PROPERTY LINE  
SETBACK LINE  
(N) BUILDING FOOTPRINT  
(N) CONCRETE DRIVEWAY  
OR MALMAY  
(N) SAND FAYERS  
EXISTING TREE TO BE  
REMOVED (SEE SURVEYOR'S  
REPORTS DATED JULY 11  
2007 & NOV. 7, 2007 FOR  
DETAILS) TREE  
NUMBERS INDICATED  
REFERENCE THOSE REPORTS  
(N) RESIDENCE

NOTES:  
THE PLAN IS PREPARED WITH INFORMATION  
GAINED BY THE SURVEY PREPARED BY  
SARBY IFLAND & ASSOC SEE ORIGINAL SURVEY  
LOCATED AS THE LAST SHEET OF THIS SET



**SITE PLAN**  
**SCALE: 1" = 16'**

# SITE LEGEND

---TP--- PROPERTY LINE

---S--- SETBACK LINE

EXISTING TREE TO BE  
REMOVED SEE ARBORISTS  
REPORT DATED 2/20/17 FOR  
MORE INFORMATION TREE  
NUMBERS INDICATED  
REFERENCE THOSE REPORTS.



TREE

## NOTES

THE PLAN IS PREPARED WITH INFORMATION  
PROVIDED BY THE CLIENT. THE CLIENT  
WARRANTS THAT THE INFORMATION IS  
TRUE AND CORRECT. THE ORIGINAL SURVEY  
LOCATED AS THE LAST SHEET OF THIS SET.



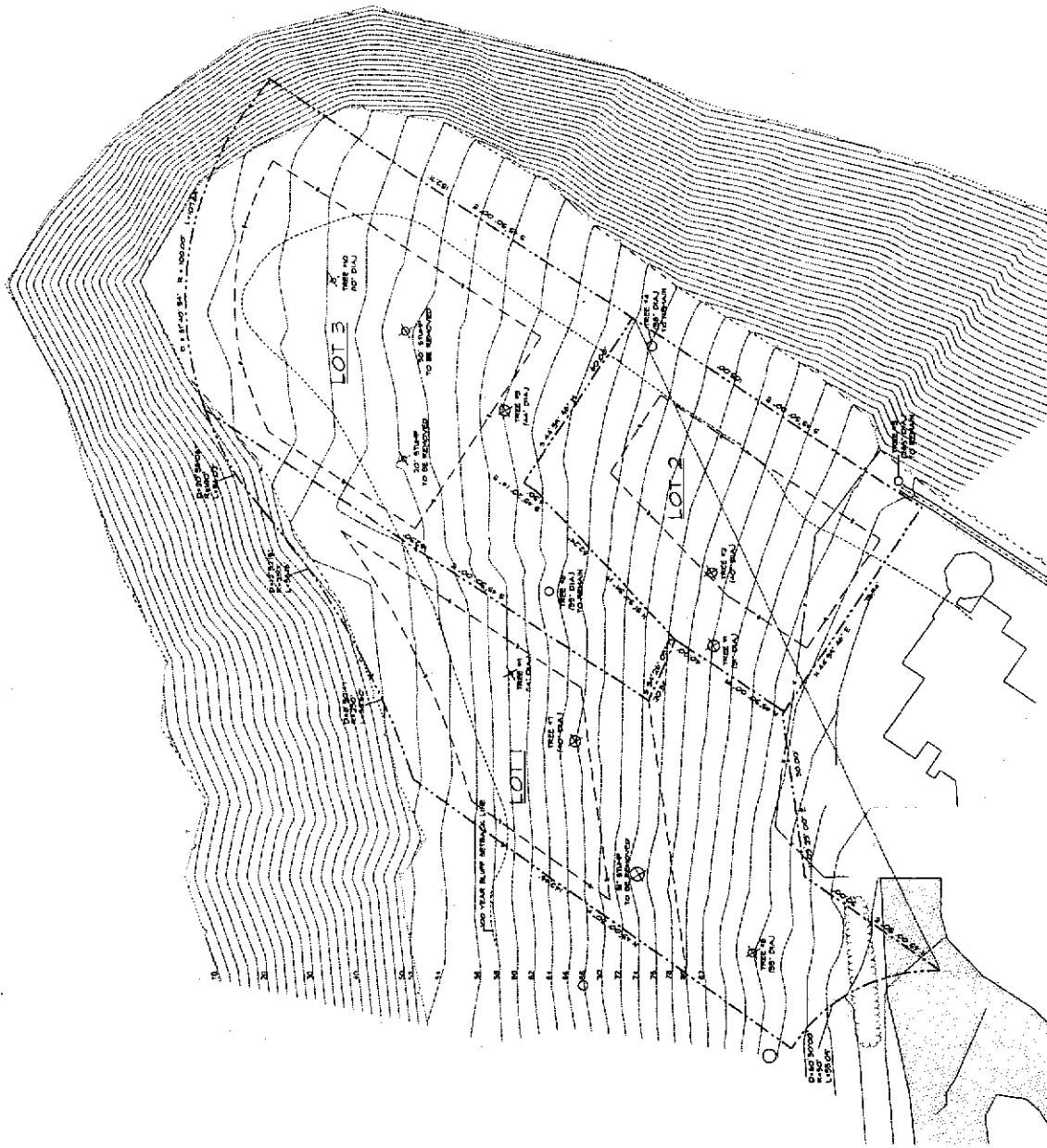
10/24/17  
DELAND  
FRANK  
BAYVIEW

10/24/17

FRANK RESIDENCE  
BAYVIEW DRIVE  
APRIL 2015-2016, 40 & 50

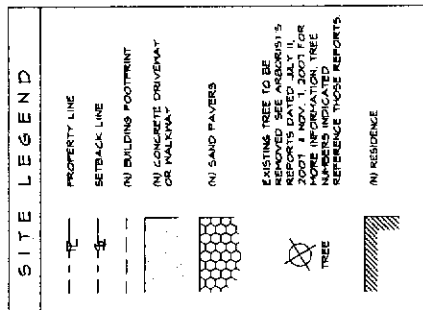
TREE LOCATION PLAN  
LOTS 1, 2 & 3

POG



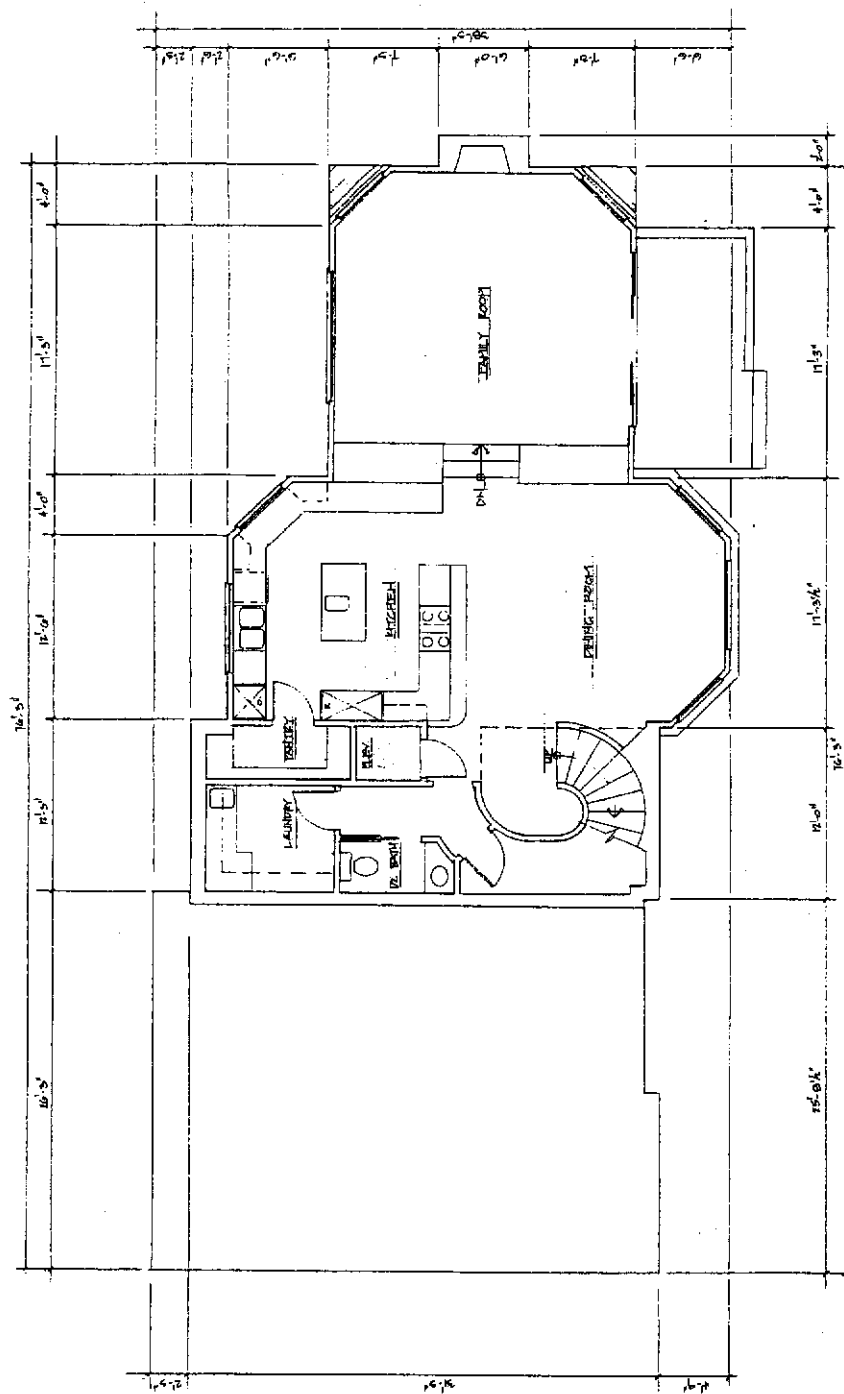
TREE LOCATION PLAN  
SCALE: 1" = 16'





TOTAL LOT AREA: 7354 SQ. FT.

**SITE PLAN**  
**SCALE: 1/8" = 1'-0"**



⊗ 1

LOWER LEVEL PLAN



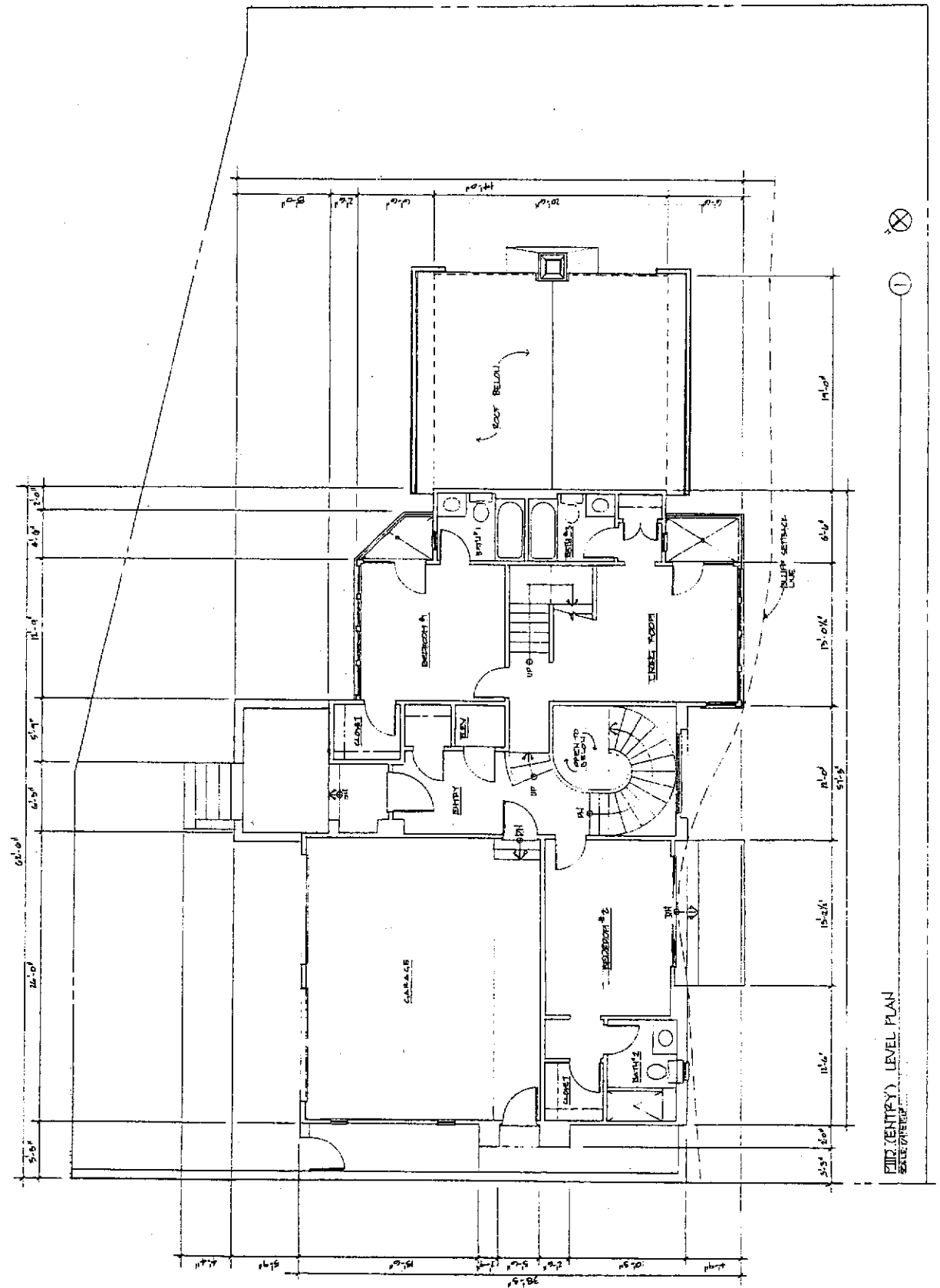
THE ARCHITECTS  
MAYSON  
10000 MAYSON DRIVE, SUITE 100  
SAN JOSE, CA 95131  
TEL: (415) 951-1000  
FAX: (415) 951-1001  
WWW.MAYSONARCH.COM

FRANK RESIDENCE  
34700 AVENUE DRIVE, LOT 1  
APN: 045-161-40

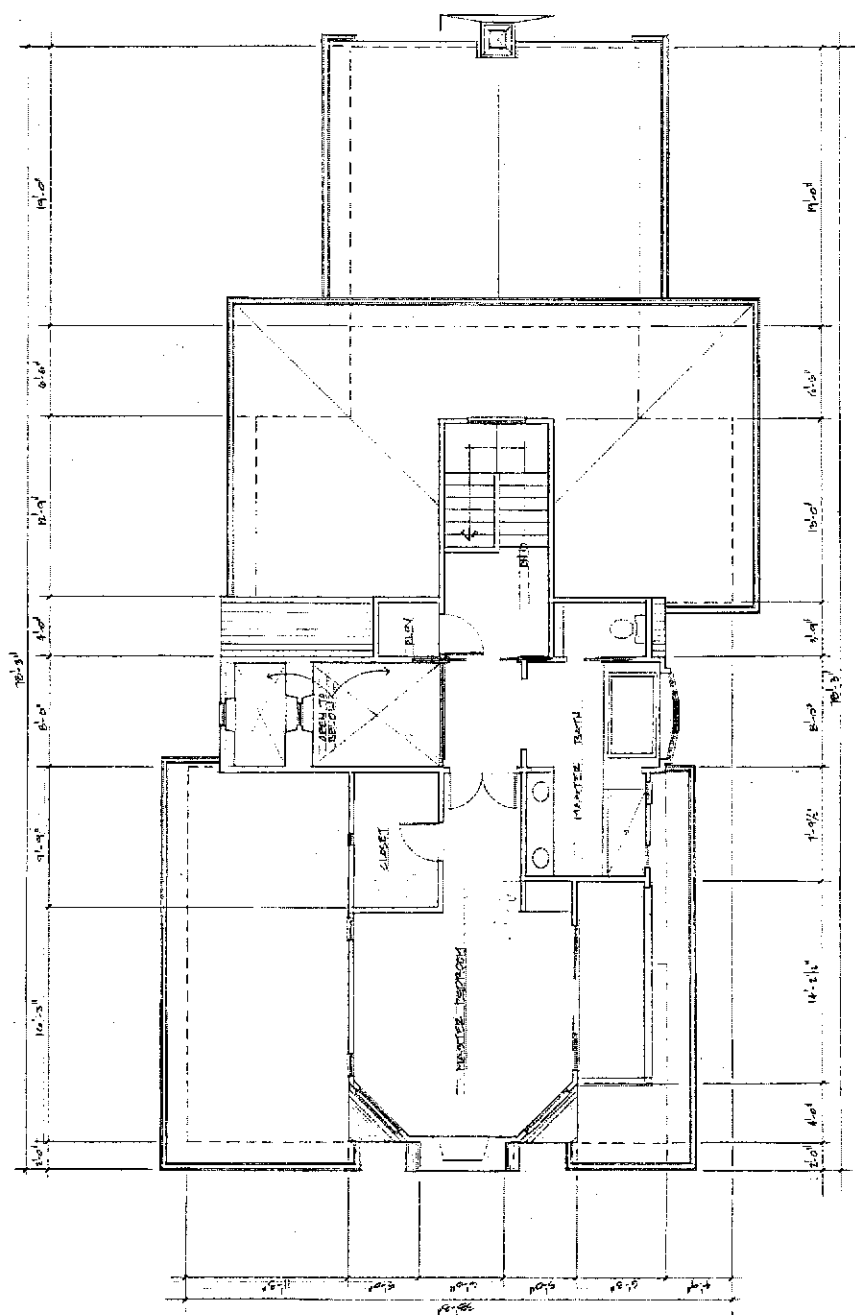
MID LEVEL FLOOR PLAN

DATE: 01/11/11  
DRAWN BY: [signature]  
CHECKED BY: [signature]  
SCALE: 1/8" = 1'-0"

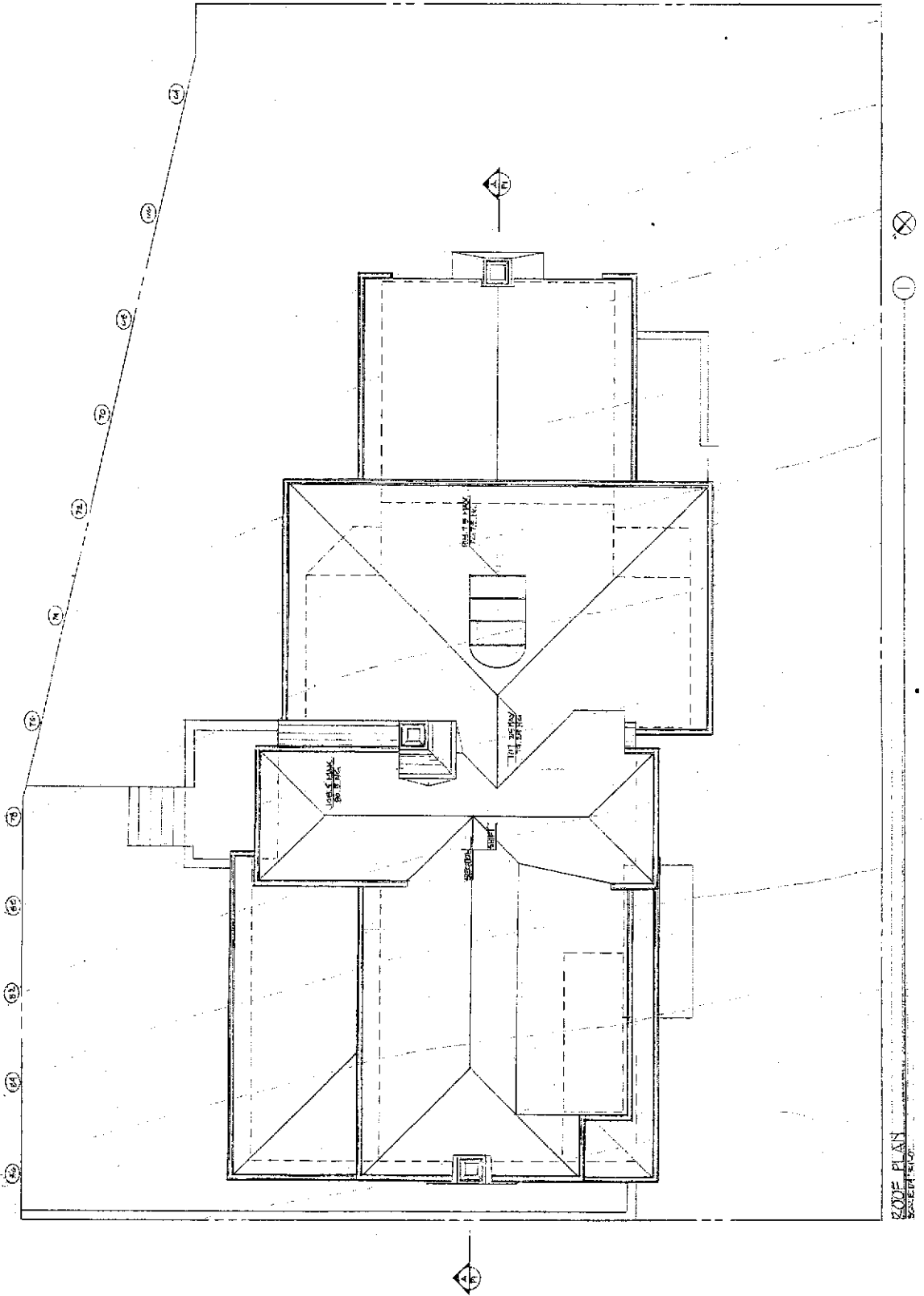
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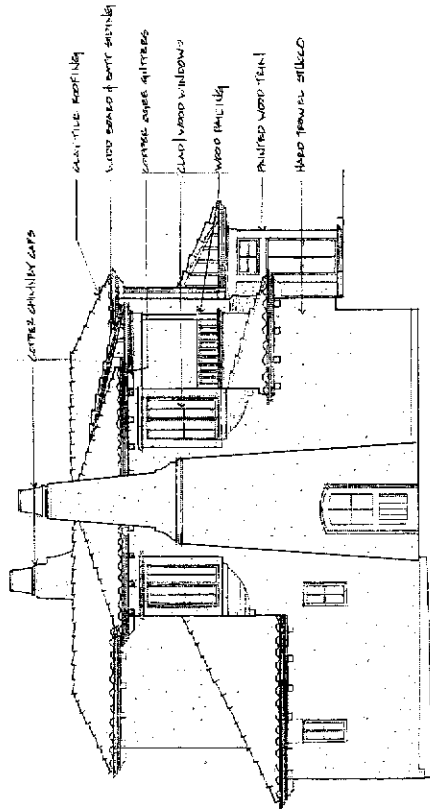
MID (ENTRY) LEVEL PLAN  
SCALE: 1/8" = 1'-0"

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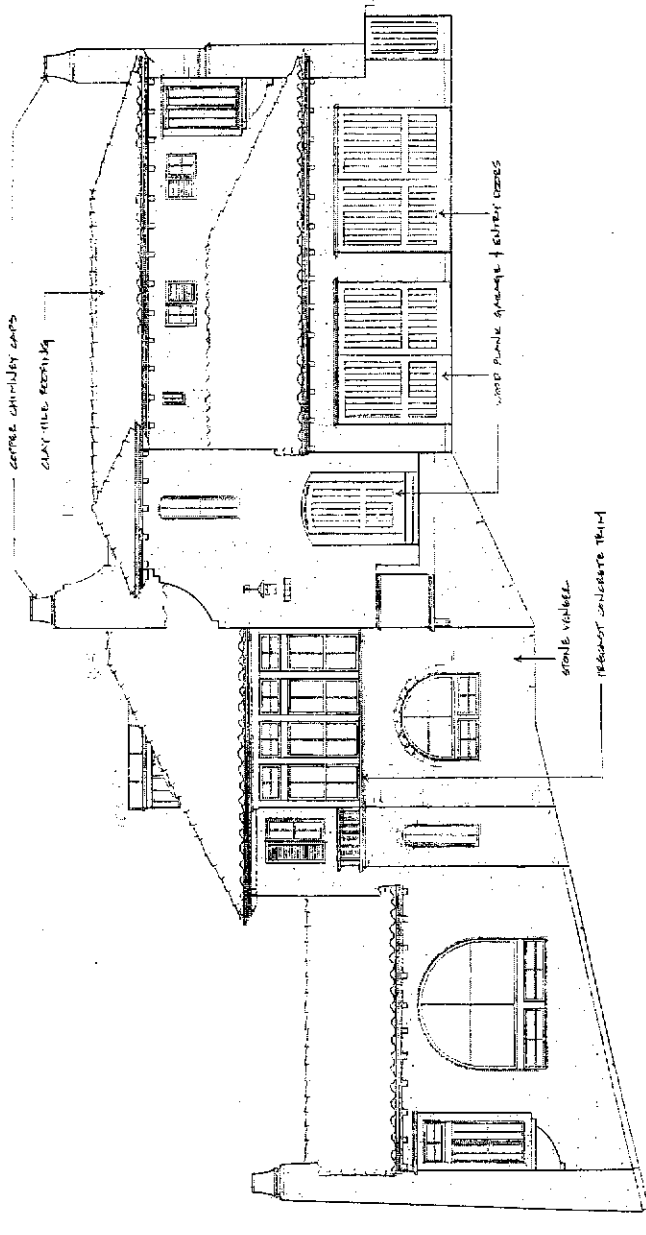
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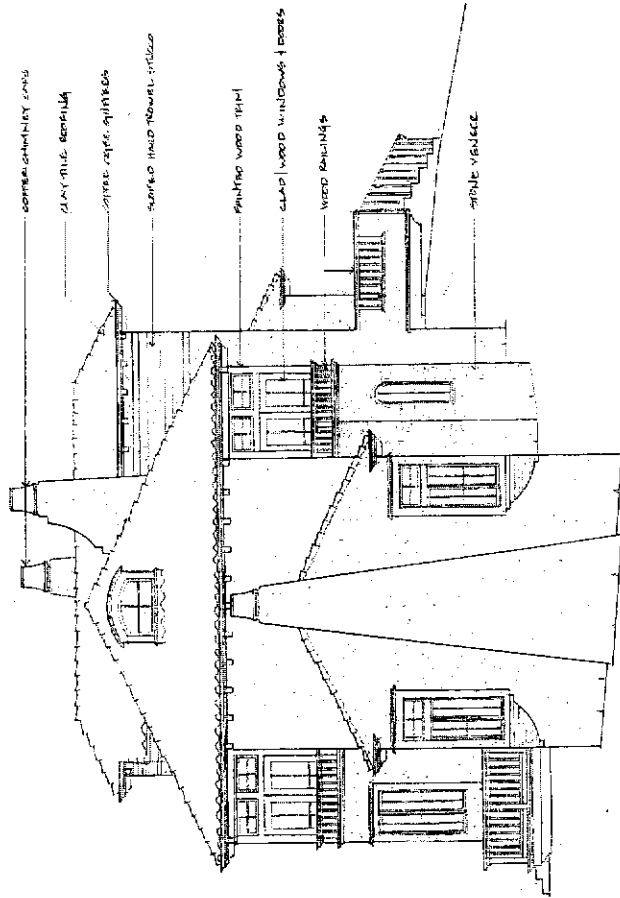
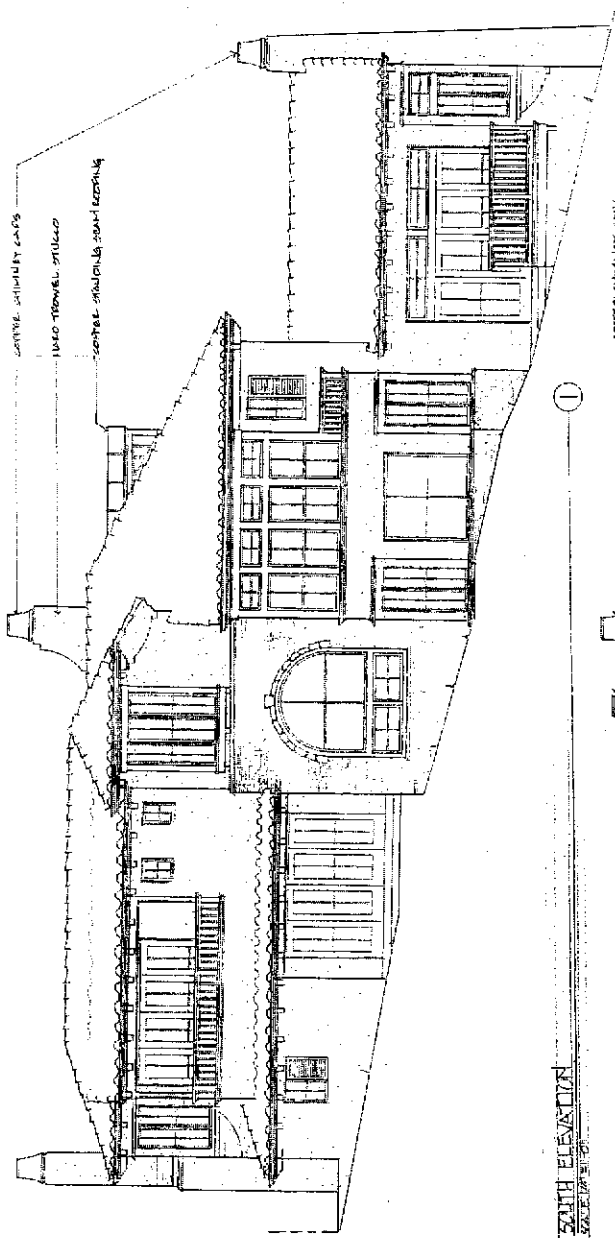




WEST ELEVATION  
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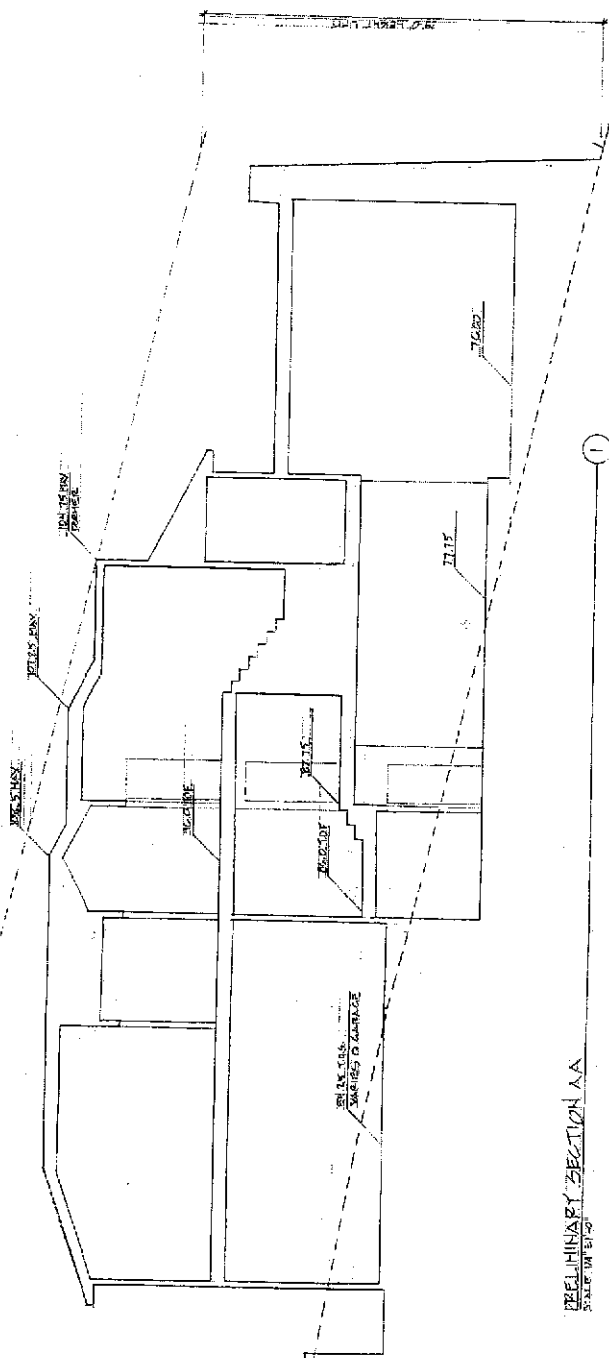


NORTH ELEVATION  
SCALE 1/8" = 1'-0"



EAST ELEVATION

FRANK RESIDENCE  
NEW RESIDENCE  
BAYVIEW DRIVE LOT 2  
APTOS, CA 95009  
A.P.N. 043-161-40



LIBRARY - NEW

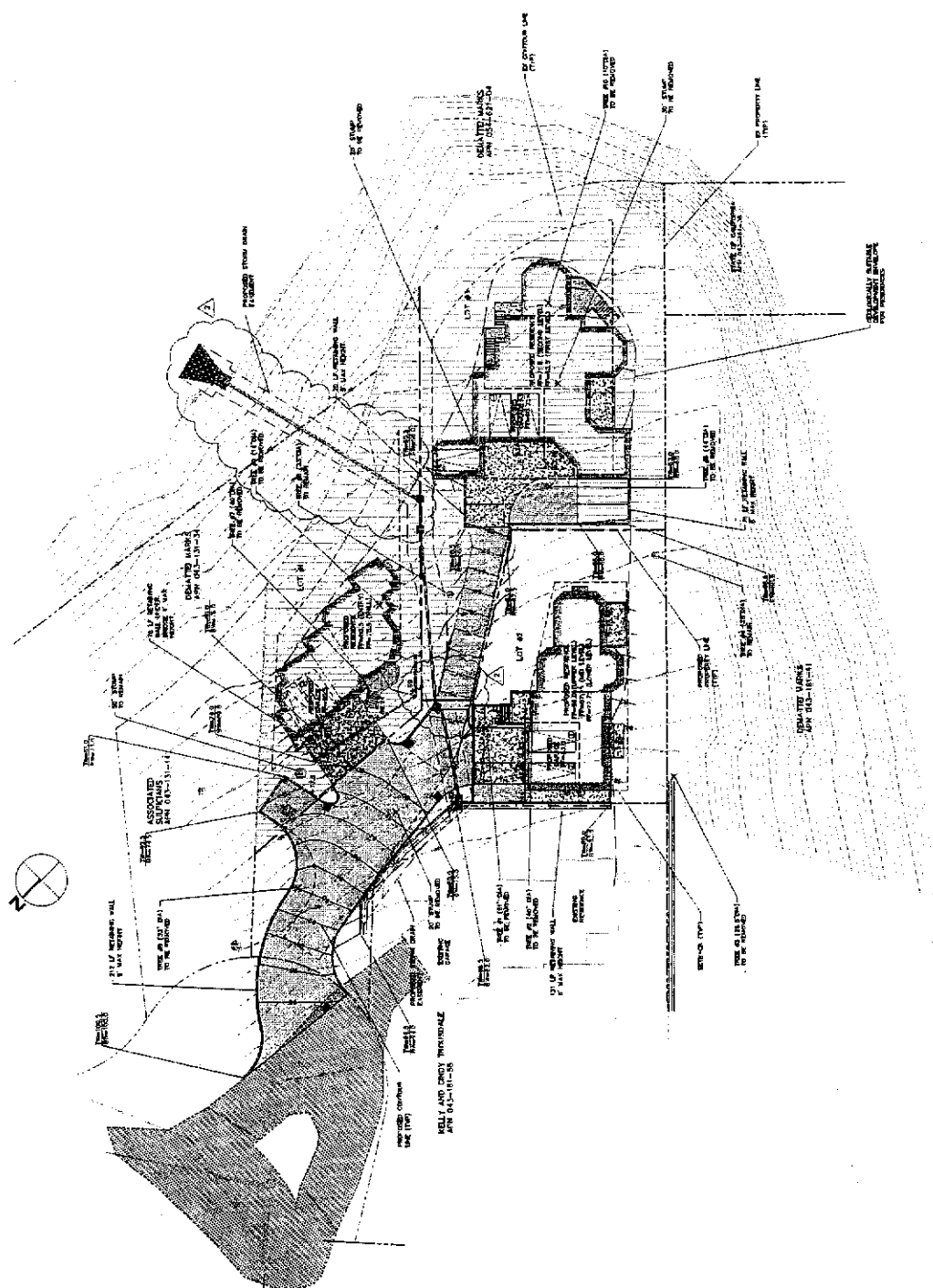
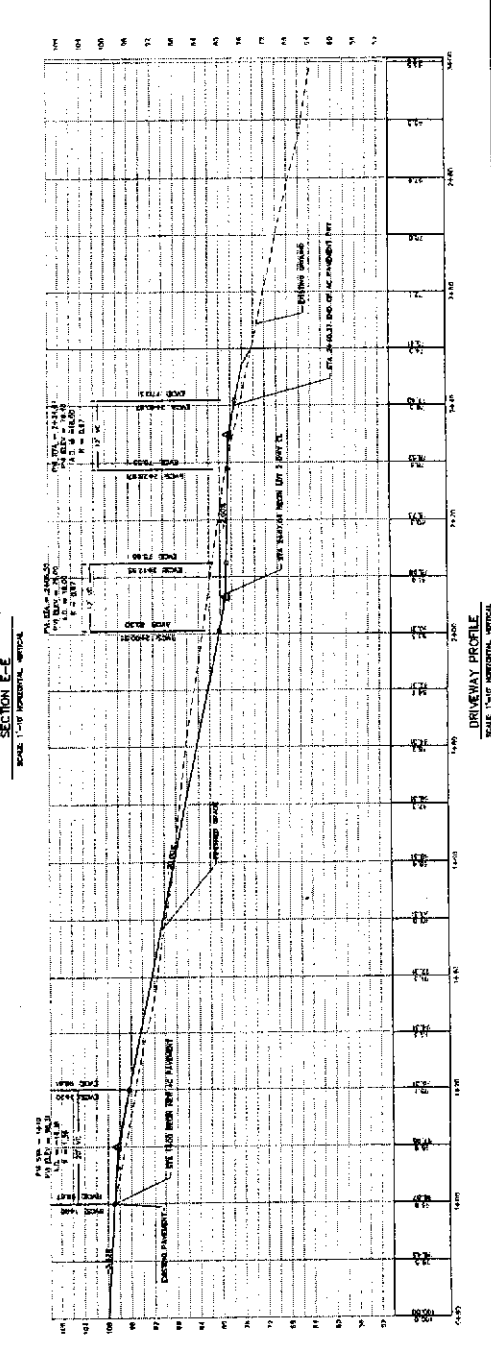


EXHIBIT A





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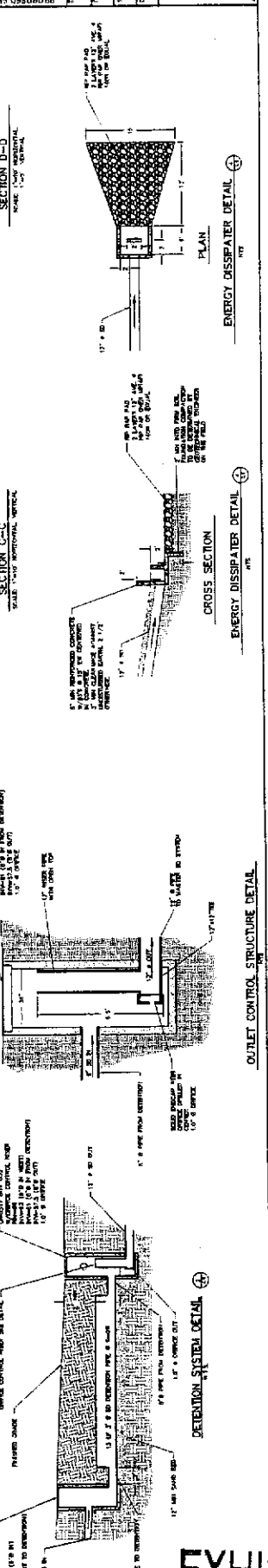
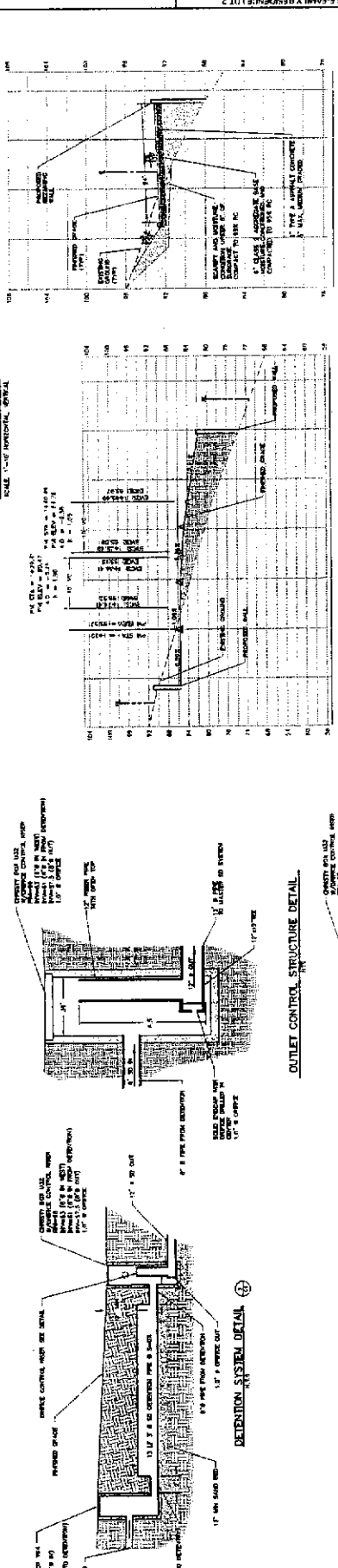
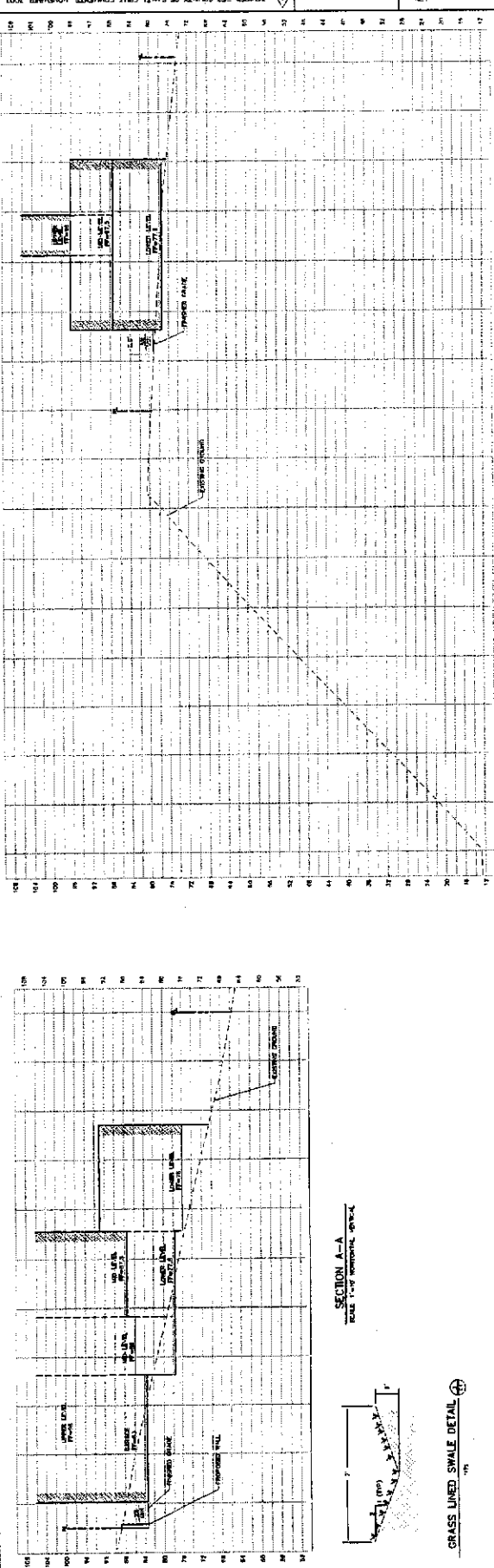
C4

DATE: MAY 2007  
 DRAWN BY: J. S. S. S.  
 CHECKED BY: J. S. S. S.  
 PROJECT: PROPOSED SINGLE-FAMILY RESIDENCE LOT 2

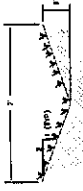
SECTIONS AND DETAILS  
 M.L. NEEL, PLANNING  
 4770 S. CALIFORNIA  
 APT. 103, LOS ANGELES, CA 90008  
 310-425-3901 www.mneelplanning.com



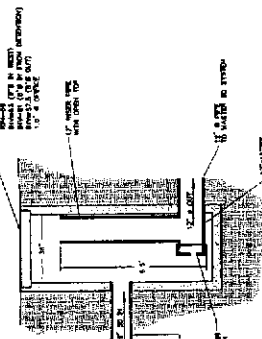
RI Engineering, Inc.  
 303 Portero St., Suite 42-002, Santa Cruz, CA 95060  
 310-425-3901 www.riengineering.com



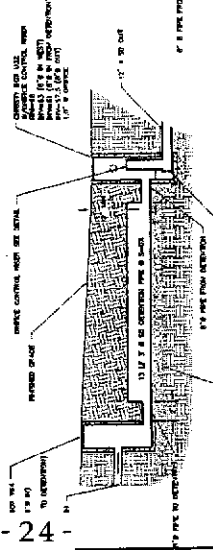
GRASS LINED SWALE DETAIL



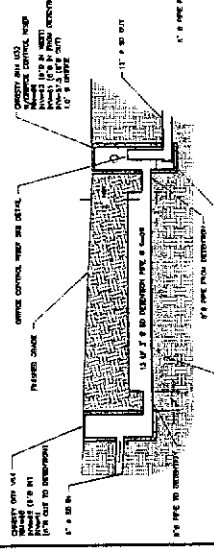
OUTLET CONTROL STRUCTURE DETAIL



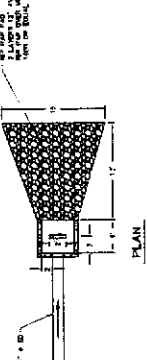
DETENTION SYSTEM DETAIL



DETENTION SYSTEM DETAIL



ENERGY DISSIPATER DETAIL



CROSS SECTION

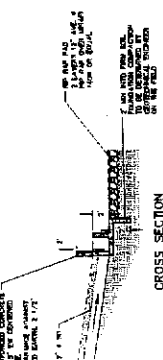


EXHIBIT A





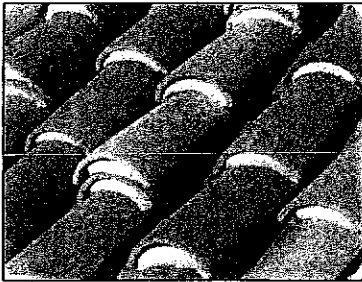


# FRANK - BAYVIEW RESIDENCE

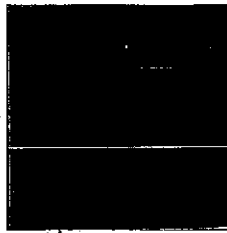
BAYVIEW DRIVE LOT "2"  
APTOS, CA 95003  
A.P.N.: 043 - 161 - 40

## COLOR & MATERIALS

ROOF TO  
BE DELEO  
CLAY  
ROOF  
TILES,  
ENCANTO  
COLOR  
BLEND



WOOD  
TRIM &  
SIDING TO  
MATCH  
WINDOW  
& DOOR  
TRIM



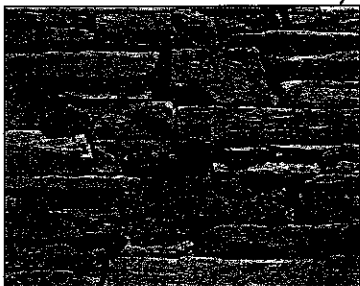
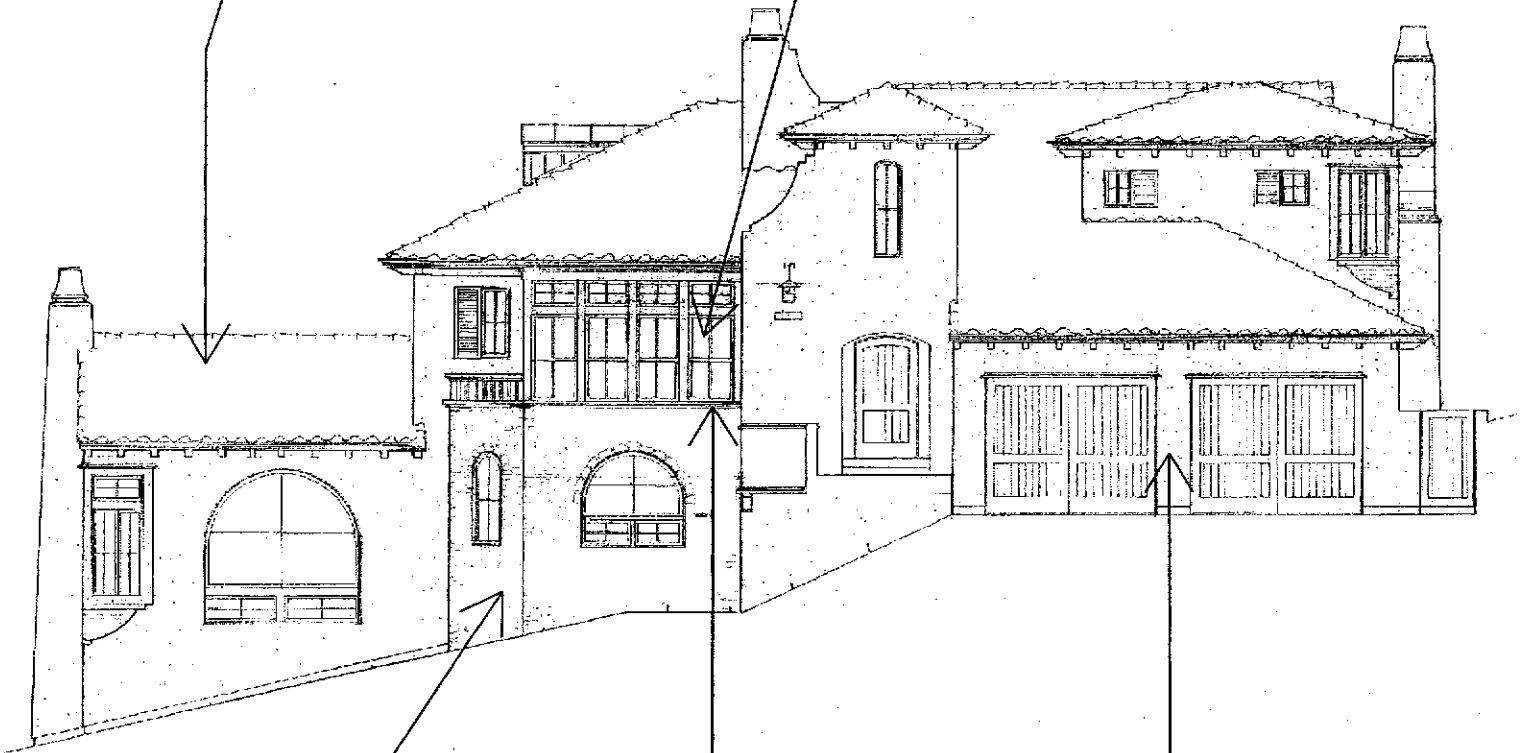
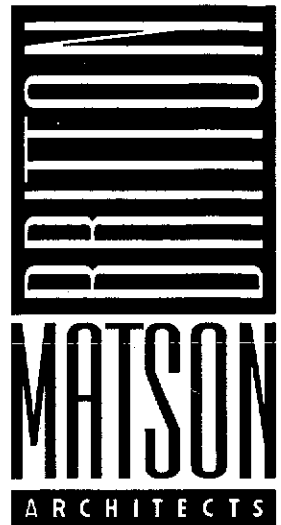
CLAD /  
WOOD  
WINDOW &  
DOOR &  
TRIM COLOR  
TO BE  
CHESTNUT  
BRONZE

728 N BRANCIFORTE

SANTA CRUZ

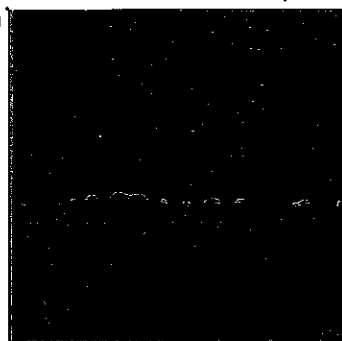
CA 95062

831-425-0544



STONE  
VENEER TO  
BE  
EL DORADO  
STONE,  
"SEQUOIA  
RUSTIC  
LEDGE".

CAST MOULD  
CONCRETE  
TRIM,  
SMOOTH  
FINISH



WALLS TO BE  
3 COAT HARD  
TROWEL  
STUCCO W/  
CUSTOM  
COLOR TO  
MATCH  
#KM4064-5  
WARRIOR KING

### **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-6 (Single-family residential, 6,000 square foot minimum), a designation which allows residential uses. The proposed single family dwelling is a principal permitted use in the zone district, consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

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

This finding can be made, in that the applicant/owner is required (as a condition of approval) to provide evidence that the drainage outlet will not conflict with the existing 10 feet wide easement for sanitary sewer lines in the arroyo below the subject property prior to application for a building permit. No other easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

The project site is located within a mapped scenic resource area as designated in the County General Plan and Local Coastal Program. The protected visual resources in this case are from the public beach (at mean high tide line) to the south and from the beach access path from Hidden Beach park to the east of the project site. The subject property is located at the end of the developed parcels along the coastal bluff side of Bayview Drive and the elevation of the bluff in this location is lower than it is along the majority of Bayview Drive. As a result, the project site is more visible than other properties along Bayview Drive.

This finding can be made, in that the structure steps down the hillside and the visual bulk and mass of the proposed residence has been reduced through varied wall planes and materials. Additional modifications to colors and materials, as well as landscaping and restrictions on the installation of fencing and outdoor improvements, required as conditions of approval, will further reduce the visual impact of the proposed residence on coastal scenic resources.

In order to adequately protect scenic resources, it will be necessary to use colors and materials that will cause the structure to appear subordinate to the surrounding natural backdrop and to require landscaping which will soften the proposed development while restricting fencing and outdoor improvements along the coastal bluff. Tree removals will be mitigated through the planting of replacement trees to provide a backdrop and screening for the proposed development. With the inclusion of these and other modifications, required as conditions of approval, the visual impact of the proposed residence to coastal scenic resources will be adequately mitigated.

The project is consistent with County Code sections 13.11.072(b)(1)(iv) (Site Design - Natural Amenities & Features), 13.11.072(b)(2)(i) (Site Design - Views), 13.20.130(d)1 (Coastal Design Criteria - Beach Viewsheds - Blufftop Development), 13.20.130(c)2 (Coastal Design Criteria -

Scenic Resources - Site Planning) & 13.20.130(c)3 (Coastal Design Criteria - Scenic Resources - Building Design), in that the structure steps down the hillside and the visual bulk and mass of the proposed residence has been reduced through varied wall planes and materials. Additional modifications to colors and materials, as well as landscaping and restrictions on the installation of fencing and outdoor improvements, required as conditions of approval, will further reduce the visual impact of the proposed residence on coastal scenic resources.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is located between the shoreline and the first public road, with developed public beach access in the vicinity at Hidden Beach park. Additionally, the property owner is required (as a condition of approval) to address any legitimate claim of beach access in this location and, if necessary, provide access equivalent to that currently provided by the trail lot on the subject property. Consequently, the proposed project will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that residential uses are allowed uses in the R-1-6 (Single-family residential, 6,000 square foot minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

## 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 prevailing building technology, the California Building Code, the County Building Ordinance, and the recommendations of the geologic and geotechnical reports to insure the optimum in safety and the conservation of energy and resources. The minimum required setback from the coastal bluff (as specified in the geologic and geotechnical reports) shall be maintained and the drainage shall be directed in a manner to prevent slope instability.

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 dwelling and the conditions under which it would be operated or maintained will be consistent with the purpose of the R-1-6 (Single-family residential, 6,000 square foot minimum) zone district in that the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district.

The project is consistent with County Code sections 13.11.072(b)(1)(iv) (Site Design - Natural Amenities & Features), 13.11.072(b)(2)(i) (Site Design - Views), 13.20.130(d)1 (Coastal Design Criteria - Beach Viewsheds - Blufftop Development), 13.20.130(c)2 (Coastal Design Criteria - Scenic Resources - Site Planning) & 13.20.130(c)3 (Coastal Design Criteria - Scenic Resources - Building Design), in that the structure steps down the hillside and the visual bulk and mass of the proposed residence has been reduced through varied wall planes and materials. Additional modifications to colors and materials, as well as landscaping and restrictions on the installation of fencing and outdoor improvements, required as conditions of approval, will further reduce the visual impact of the proposed residence on coastal scenic resources.

The proposed residence will comply with the County's Geologic Hazards Ordinance, in that the project will comply with the minimum setback from the coastal bluff to ensure 100-year stability of the structure. An exception to the Geologic Hazards Ordinance is required for the drainage facilities down the coastal bluff and the findings regarding the required exception are included in this report.

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 a principal permitted use in the R-1-6 zone district. The zoning is consistent with the Urban Low Density Residential (R-UL) land use designation in the County General Plan.

The proposed single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The subject property is located on a coastal bluff within a mapped scenic resource area as designated by the County General Plan and Local Coastal Plan. The property is within the viewshed of the beach to the south and the beach access path from Hidden Beach park to the east. Views from beaches and parks (including the public beach access path) are considered as protected visual resources per the County General Plan and Local Coastal Plan. The project is consistent with General Plan/Local Coastal Plan policies 5.10.2 (Development within Visual Resource Areas), 5.10.3 (Protection of Public Vistas), 5.10.7 (Open Beaches and Blufftops), & 8.6.5 (Designing with the Environment), in that the proposed residence is located on an existing lot of record, the structure is stepped down the hillside, and the design includes varied wall planes and materials to reduce the visual bulk and mass of the structure. Additional modifications to colors and materials, as well as landscaping and restrictions on the installation of fencing and outdoor improvements, required as conditions of approval, will further reduce the visual impact of the proposed residence on coastal scenic resources.

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 residence is to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and 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 adjacent to a neighborhood of existing single family homes, and the construction of a single family dwelling on an existing lot of record is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the structure steps down the hillside and the visual bulk and mass of the proposed residence has been reduced through varied wall planes and materials. Additional modifications to colors and materials, as well as landscaping and restrictions on the installation of fencing and outdoor improvements, required as conditions of approval, will further reduce the apparent bulk and mass of the proposed residence.

### **Exception to the Geologic Hazards Ordinance - Required Findings**

1. That hardship, as defined in section 16.10.040(2j) exists; and

This finding can be made, in that it would be exceptionally challenging to create an alternate drainage design for the proposed development which would capture storm water drainage and reroute it to a location that would not drain back down to the coastal bluff due to the slope and location of the project site. A drainage system that would require active pumping of storm water runoff is not considered as appropriate or reliable for the long term in this setting.

2. The project is necessary to mitigate a threat to the public health, safety, or welfare.

This finding can be made, in that the drainage of storm water across the face of the coastal bluff in an uncontrolled manner would result in accelerated erosion and slope instability. The construction of a drainage system to collect and conduct the storm water drainage down the coastal bluff would mitigate the potential threat to the public health, safety, or welfare.

3. That the request for an exception is for the smallest amount of variance from the provisions of the geologic hazards ordinance as possible; and

This finding can be made, in that the drainage facilities will be designed to minimize disturbance and any potential for slope instability. The design of the drainage facilities will be required, as a condition of approval, to be of the smallest degree of disturbance to the coastal bluff.

4. That adequate measures will be taken to ensure consistency with the purposes of this chapter and the county general plan.

This finding can be made, in that the design of the drainage facilities will be required, as a condition of approval, to be of the smallest degree of disturbance to the coastal bluff. All requirements of the project geologist, geotechnical engineer, and civil engineer will be required to be met and a shared maintenance agreement will be required, as conditions of approval, in order to ensure that the proposed drainage improvements are designed to minimize the potential geologic hazards, as required by General Plan Policy 6.2.10 (Site Development to Minimize Hazards).



## Conditions of Approval

Exhibit A: Project plans "Frank Residence - Lot 2", prepared by Matson-Britton Architects, revised 10/27/08.

- I. This permit authorizes the construction of a three bedroom, two story, single family dwelling and associated improvements, as depicted on the approved Exhibit "A" for this permit and including all modifications specified by these conditions.

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 final water service approval from the Soquel Creek Water District.
  - C. Obtain final sanitary sewer service approval from the Santa Cruz County Sanitation District.
  - D. 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.
    - 2. The Building Permit application shall include the appropriate Grading Permit fee.
  - E. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - F. 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 making an application for a Building Permit (and associated Grading Permit) for this application, the applicant/owner shall:
- A. Obtain a drainage easement from the adjacent property owner for the installation of drainage improvements on APNs 043-131-34 & 054-621-04.
  - B. Record the boundary adjustment approved under Lot Line Adjustment 07-0049, incorporating the corrections noted in the Exhibit "A" for this permit. The boundary adjustment shall be recorded and new parcel numbers shall be issued prior to making an application for a Building Permit for this project.

- C. Provide 3 copies of a landscape and outdoor improvement plan for review and approval by the Zoning Administrator, on the consent agenda of a noticed public hearing, to determine consistency with these Conditions of Approval.
- D. Provide 3 copies of a revised colors and materials sheet (8.5" x 11" format) for review and approval by the Zoning Administrator, on the consent agenda of a noticed public hearing, to determine consistency with these Conditions of Approval.

III. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- B. 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 "A" on file with the Planning Department. Any changes from the approved Exhibit "A" 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. The applicant shall supply color and material sheets (in 8 1/2" x 11" format) with each building plan set for Planning Department review and approval.
    - a. The body color for the residence on Lot 2 shall be modified to be a light brown or tan color. The color selection shall be balanced with the colors of the other residences to provide variety and to allow the structure to recede into the background.
    - b. The roofing tile shall be selected to compliment the body color and shall be in brown, tan, or grey tones.
    - c. The stone veneer shall be selected to compliment the body color and shall be in brown, tan, or grey tones.
  - 2. Grading, drainage, and erosion control plans shall be prepared and wet stamped by a licensed civil engineer with the following information.
    - a. All requirements of the Environmental Planning section of the Planning Department shall be met in the grading, drainage, and erosion control plans.

- b. All requirements of the Department of Public Works, Drainage section shall be met in the grading, drainage, and erosion control plans.
  - c. The drainage system shall be designed to have the least degree of disturbance to the coastal bluff, as determined by the project geologist, geotechnical engineer, civil engineer, and subject to review and approval by the County geologist and Planning Department civil engineer. This could mean that the drainage pipe will be trenched into the slope, bored through the slope, or placed on top of the slope with appropriate vegetative screening and erosion control.
    - i. The outlet and dissipater for the shared drainage system shall be designed and located in a manner to not have an adverse effect on the operation and/or maintenance of the existing sanitary sewer line in the project vicinity. The outlet and dissipater shall not be located within any designated sanitary sewer easement.
    - ii. The drainage pipe, outlet, and dissipater shall be of a type and size to minimize visibility of the drainage system and shall be further screened with camouflage materials and colors that mimic the appearance of the coastal bluff to minimize visual impacts to coastal scenic resources.
  - d. The grading, drainage, and erosion control plans shall be prepared in conformance with all the recommendations in the approved geologic and geotechnical reports.
  - e. Separate grading volumes for the shared improvements within the right of way and for the building site shall be provided.
  - f. The retaining walls adjacent to the shared driveway shall be constructed of split face material, or be otherwise textured and colored to break up the wall mass. Vegetation will be required to screen the retaining wall below the road grade of the proposed shared driveway.
  - g. All details, calculations, and easements required by the Department of Public Works, Drainage section shall be provided.
3. A landscape plan prepared by a licensed landscape architect shall be provided and shall include the following additional information:
- a. All proposed landscaping and outdoor improvements in the coastal

bluff setback areas shall be shown.

- b. All plant species shall be non-invasive, drought tolerant, and suited to the soil and moisture conditions on the project site.
- c. The landscape plan shall include sufficient vegetation to provide a foundation for the proposed residence and to soften the east and south elevations of the structure. A mix of large shrubs and/or small trees shall be used to achieve this effect.
  - i. The required vegetation shall be maintained and shall not be removed, unless diseased or dead. If removed, due to disease or death, equivalent replacement vegetation shall be installed and maintained in place of the removed vegetation.
- d. The landscape plan shall include sufficient vegetation to screen the retaining wall below the road grade of the proposed shared driveway.
- e. One replacement tree shall be required to be installed to mitigate the removal of one existing live tree on the project site. The tree species shall be non-invasive and shall be appropriate to the soil and moisture conditions on the project site. Tree placement locations shall be selected that provide additional screening and a backdrop for the proposed development.
  - i. The 27" (26.5") diameter tree located off the project site (on APN 043-161-41) shall be retained. If it is not possible to preserve this tree, authorization for removal of the tree from the property owner shall be provided.
  - ii. The required replacement tree shall be maintained and shall not be removed, unless diseased or dead. If removed, due to disease or death, an equivalent replacement tree shall be installed and maintained in place of the removed tree.
- f. Irrigation on the project site shall be limited to low volume, drip irrigation and all irrigation within the coastal bluff setback shall be removed as soon as plant material has been established. Permanent irrigation or pressurized water lines are not allowed within the coastal bluff setback.
- g. Elevations and locations of all proposed fencing (including any free-standing landscape walls) shall be provided.
  - i. Fencing (including free-standing landscape walls) within

the rear yard (and coastal bluff setback area) are limited to low height, low visibility, open fencing. Fencing shall not exceed 4 feet in height and shall be constructed of open pickets, metal, wire mesh, or cable materials. Free standing landscape walls are not allowed within the rear yard (and coastal bluff setback area). Fence colors shall be selected to reduce visibility of the fence materials.

- ii. The design, location, height, colors, and materials of the proposed fencing shall be subject to Planning Department review and approval.
- h. Elevations and locations of all proposed outdoor improvements (including but not limited to: decks, walkways, patios, hardscape, pools, hot tubs, arbors, trellises, shade structures, barbecues, planters, and retaining walls.) shall be provided.
  - i. The design, location, height, colors, and materials of the proposed outdoor improvements shall be subject to Planning Department review and approval.
  - ii. All decks shall be under 30 inches in height within the required geologic setback (25 feet or 100 year stability, whichever is the greater distance), shall comply with the requirements of the Geologic Hazards ordinance, and any deck in excess of 18 inches in height shall meet the required yard setbacks.
  - iii. No structures are allowed within the required geologic setback (25 feet or 100 year stability, whichever is the greater distance).
- i. The landscape plan is subject to review and approval by the County geologist and urban designer.
- 4. Plans shall be prepared in compliance with all recommendations set forth in the letter from Joe Hanna, County Geologist, dated 7/26/07.
- 5. 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 as shown on the approved Exhibit "A" for this permit, but shall not exceed 28 feet.

6. Details showing compliance with fire department requirements.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached.
- D. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Meet all requirements of and pay all applicable fees to the Santa Cruz County Sanitation District.
  1. The outlet and dissipater for the shared drainage system shall be designed and located in a manner to not have an adverse effect on the operation and/or maintenance of the existing sanitary sewer line in the project vicinity. The outlet and dissipater shall not be located within any designated sanitary sewer easement.
- F. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- G. Submit 3 copies of a plan review letter prepared and wet stamped by the project geotechnical engineer which reference the final revised set of building plans and state that the plans conform to the recommendations in the approved geotechnical report. The letter shall also specifically address the slope stability related to the drainage system on the coastal bluff.
- H. Submit 3 copies of a plan review letter prepared and wet stamped by the project geologist which reference the final revised set of building plans and state that the plans conform to the recommendations in the approved geologic report.
- I. Submit 3 copies of a recorded maintenance agreement which specifically address shared maintenance of the roadway and drainage improvements. All shared improvements shall be the responsibility of all three property owners to maintain in perpetuity. This maintenance agreement shall include all on site roads, retaining walls, and landscaping within the right of way on Lot 1, the interconnected drainage system on site, and the drainage pipe, dissipater, and associated landscaping off site (on APNs 043-131-34 & 054-621-04), and any shared sanitation pump stations or other such necessary facilities.
  1. An additional maintenance agreement shall be required for shared improvements and drainage interconnection with APN 043-161-58.
- J. Provide 3 copies of a letter from the project arborist with recommendations for the protection of all existing trees (that are to be retained) during construction.

- K. Pay the current fees for Parks and Child Care mitigation for 3 bedroom(s). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
  - L. Pay the current fees for Roadside and Transportation improvements for 1 unit. Currently, these fees are, respectively, \$2,540 and \$2,540 per unit.
  - M. Provide required off-street parking for 3 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.
  - N. 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.
  - O. Complete and record a Declaration Regarding the Issuance of a Development Permit in an area Subject to Geologic Hazards. **You may not alter the wording of this declaration.** This form will be prepared and provided to you by the Environmental Planning section of the Planning Department after the boundary adjustment has been recorded and a revised APN has been issued. Record and return the form to the Planning Department.
- IV. Prior to any site disturbance, grading, or construction on the project site, the applicant/owner shall hold a pre-construction meeting on site prior to the start of construction. The applicant, contractor, geologist, soils engineer, arborist, and Environmental Planning staff shall attend this meeting.
- V. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner shall 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 geologic and geotechnical reports.
  - D. The geotechnical engineer, or a similar qualified testing laboratory, shall be employed to inspect and test all fill material placed on site. The relative compaction test locations shall be noted on a copy of the approved grading plans, and all related test data shall be included in a table with a reference number that correlates the data to the test location indicated on the grading plan. This testing includes backfill to any retaining wall.
  - E. Prior to final inspection, final letters are required from the project geologist,

geotechnical engineer, and civil engineer which clearly state that all work was performed according to the approved geologic and geotechnical reports and the approved building plans for the project.

- F. Pursuant to Sections 16.40.040 and 16.42.100 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 16.42.100, shall be observed.

VI. 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.
- B. All required shared improvements (located on and off site) shall be maintained in perpetuity.
- C. All future development of this parcel shall be subject to the geologic/coastal setback.
1. All decks shall be under 30 inches in height within the required geologic setback (25 feet or 100 year stability, whichever is the greater distance) and any deck in excess of 18 inches in height shall meet the required yard setbacks.
  2. No structures are allowed within the required geologic setback (25 feet or 100 year stability, whichever is the greater distance).
- D. Any modifications to the approved colors or materials shall be subject to review and approval by the Planning Department. Modifications which have a potential to increase the visual impact of the development shall not be approved without amendment to this permit.
- E. Any modifications to landscaping, outdoor improvements, or fencing in the rear yard (and coastal bluff setback area) shall be subject to review and approval by the Planning Department. Features which have a potential to increase the visual impact of the development shall not be approved without amendment to this permit.

VII. As a condition of this development approval, the holder of this development approval



("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

**Please note: This permit expires two 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.**

Application #: 08-0223  
APN: 043-131-15 & -34; 043-161-39, -40 & -51; 054-621-04  
Owner: Donald Frank

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

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

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

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Randall Adams  
Project Planner

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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.

# 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: 08-0223

Assessor Parcel Number: 043-131-15 & -34; 043-161-39, -40 & -51; 054-621-04

Project Location: No situs

**Project Description: Proposal to construct a single family dwelling and associated improvements.**

**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).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

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

Proposal to construct a single family dwelling in an area designated for residential uses.

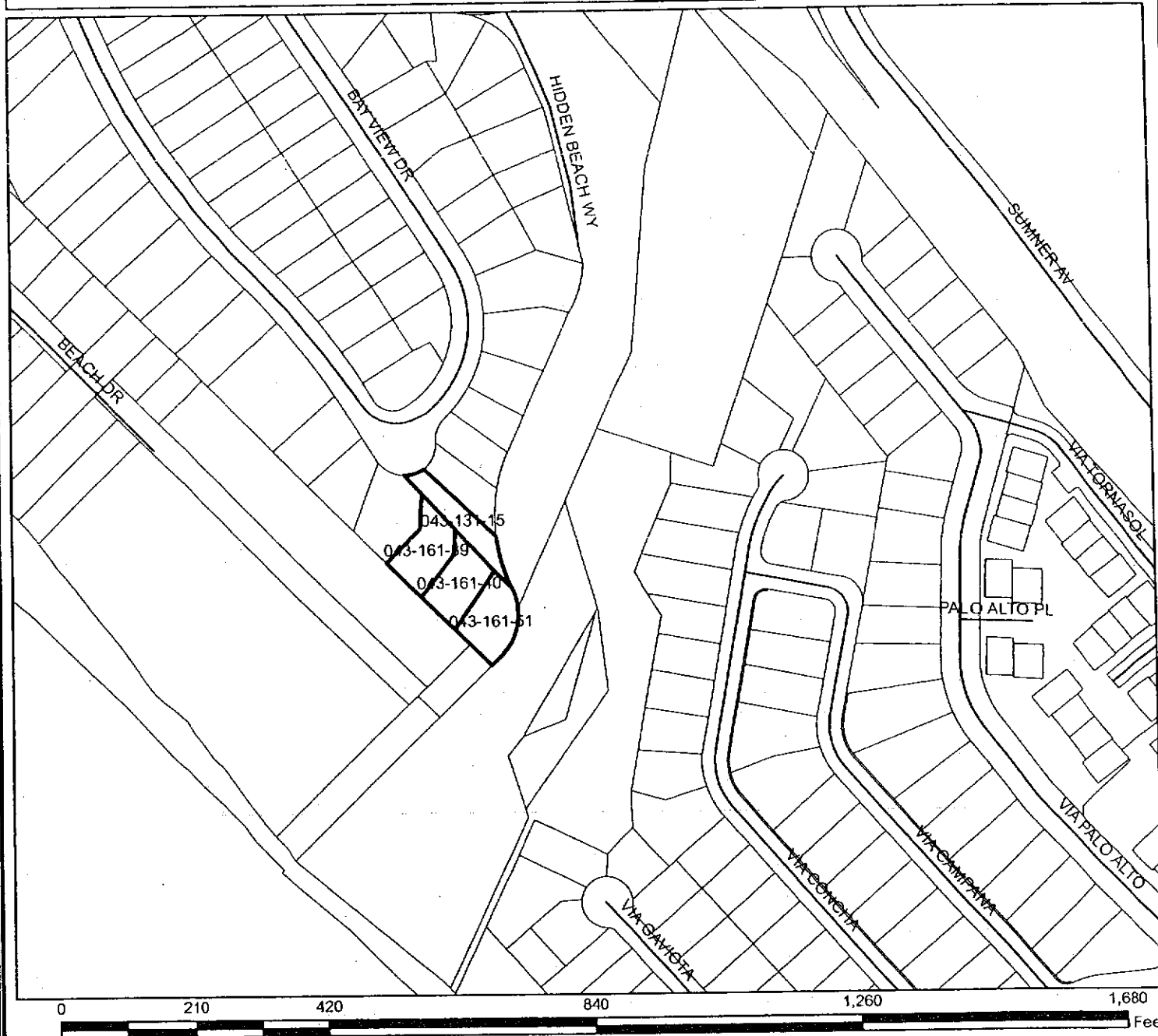
In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Randall Adams, Project Planner








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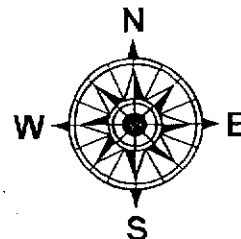


# Location Map



## LEGEND

-  APN: 043-161-39
-  APN: 043-161-51
-  APN: 043-161-40
-  APN: 043-131-15
-  Assessors Parcels
-  Streets
-  County Boundary



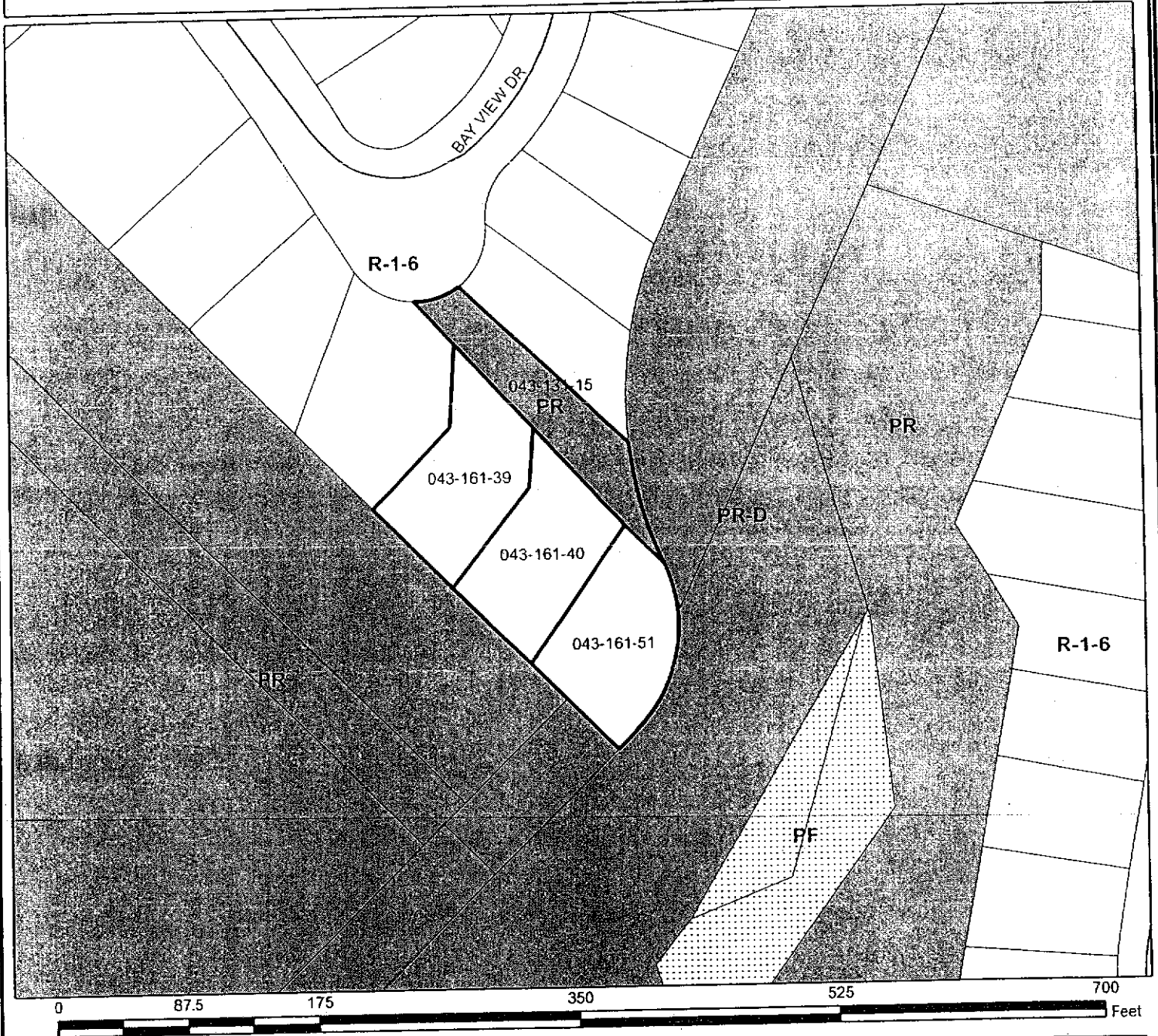
Map created by  
County of Santa Cruz  
Planning Department  
August 2007

**EXHIBIT E**

- 45 -

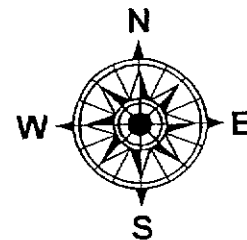


# Zoning Map



## LEGEND

- APN: 043-161-39
- APN: 043-161-51
- APN: 043-161-40
- APN: 043-131-15
- Assessors Parcels
- Streets
- RESIDENTIAL-SINGLE FAMILY
- PARK
- PUBLIC FACILITY

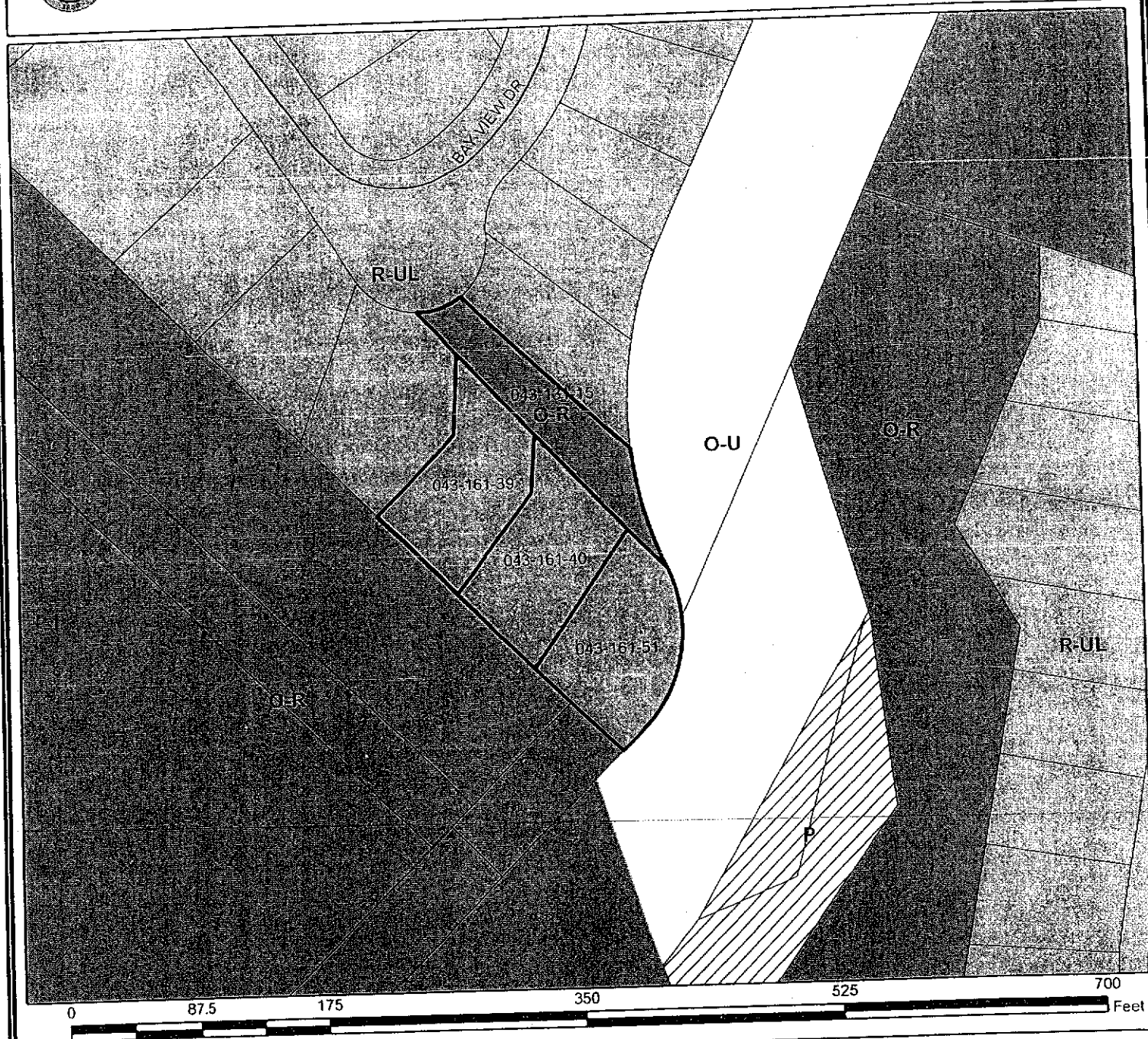


Map created by  
County of Santa Cruz  
Planning Department  
August 2007

**EXHIBIT E**

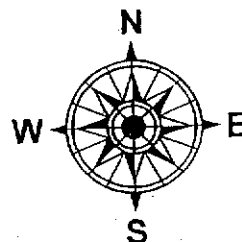


# General Plan Designation Map



## LEGEND

- APN: 043-161-39
- APN: 043-161-51
- APN: 043-161-40
- APN: 043-131-15
- Assessors Parcels
- Streets
- Residential - Urban Low Density
- Urban Open Space
- Parks and Recreation

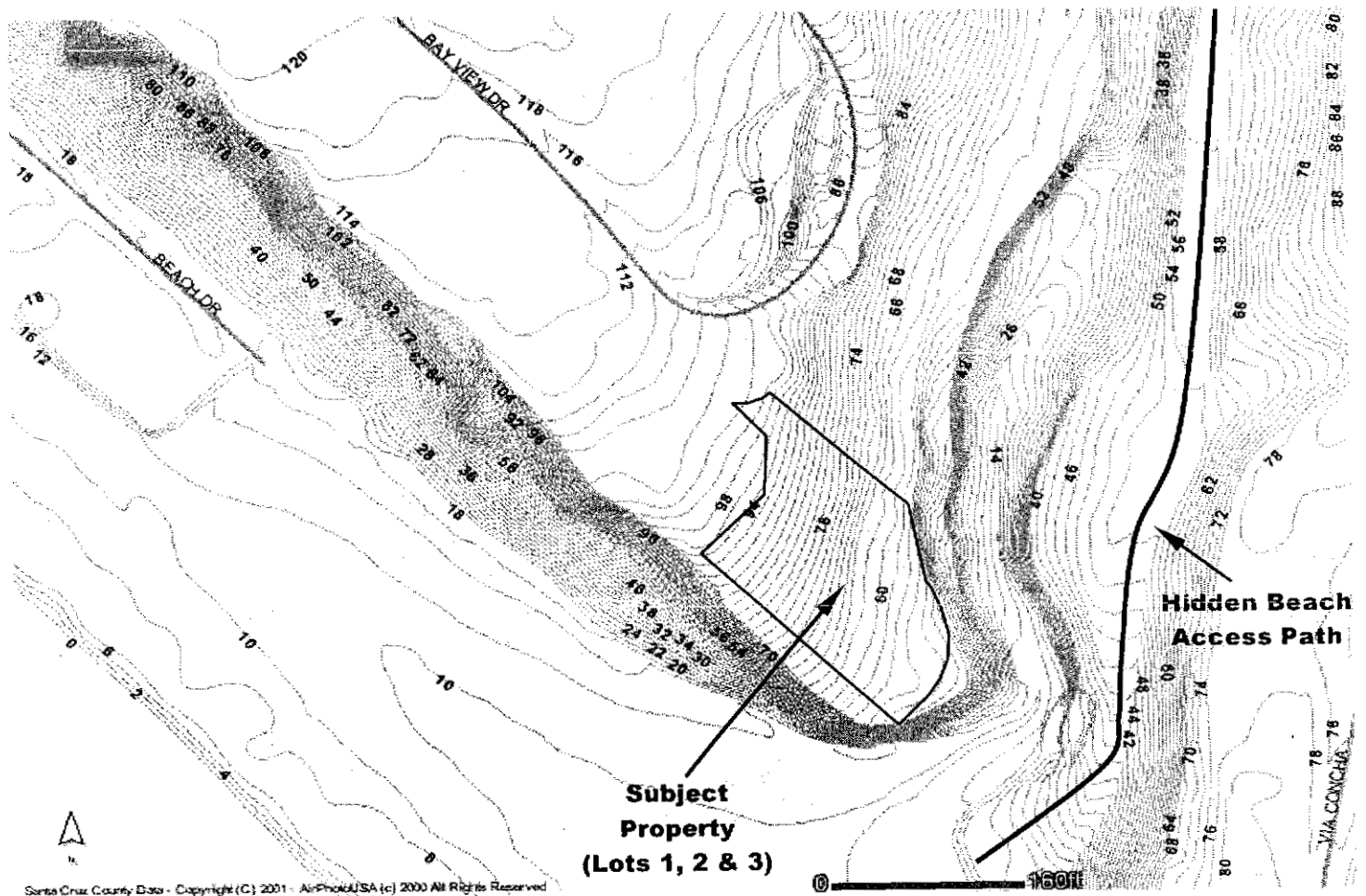


Map created by  
County of Santa Cruz  
Planning Department  
August 2007

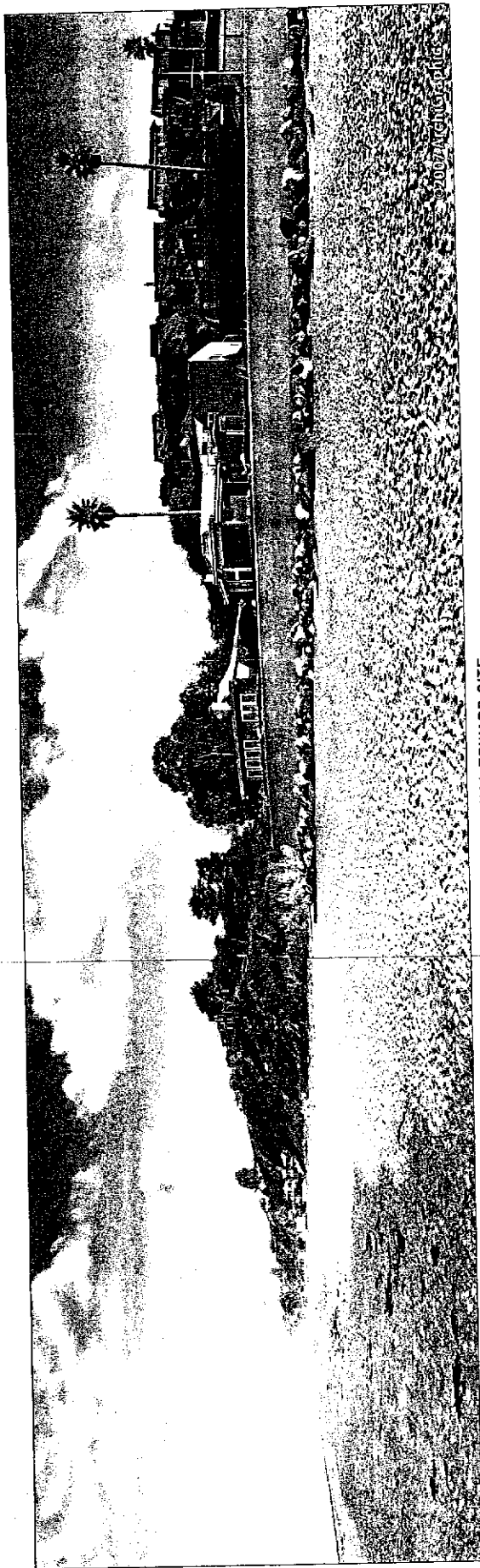
**EXHIBIT E**



# Topography Map - Bayview Drive







VIEW FROM SEAWALL TOWARD SITE

**FRANK RESIDENCES**  
 Bayview Lots 1-3, Aptos / Seawall View / November 2007  
**Matson Britton Architects**  
 Rendering: ArchiGraphics



VIEW FROM BENCH TOWARD SITE



VIEW FROM SITE

# FRANK RESIDENCES

Bayview Lots 1-3, Aptos / Bench View / November 2007

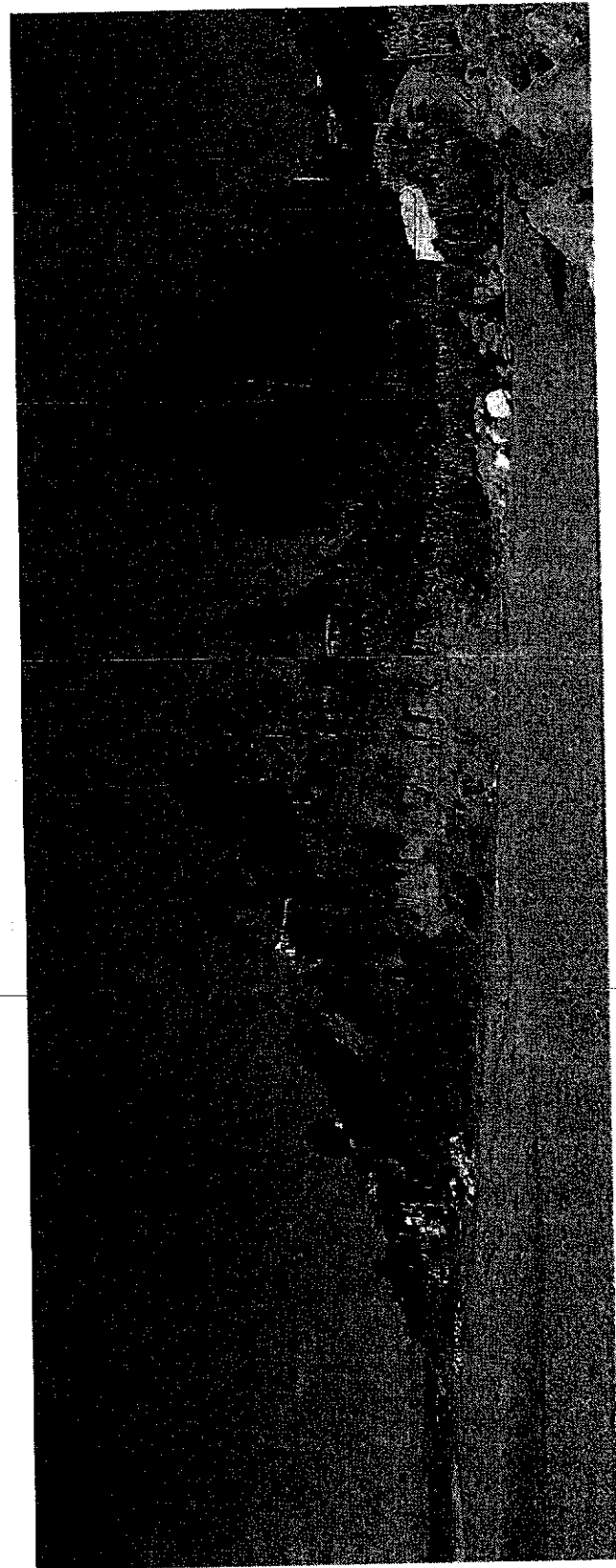
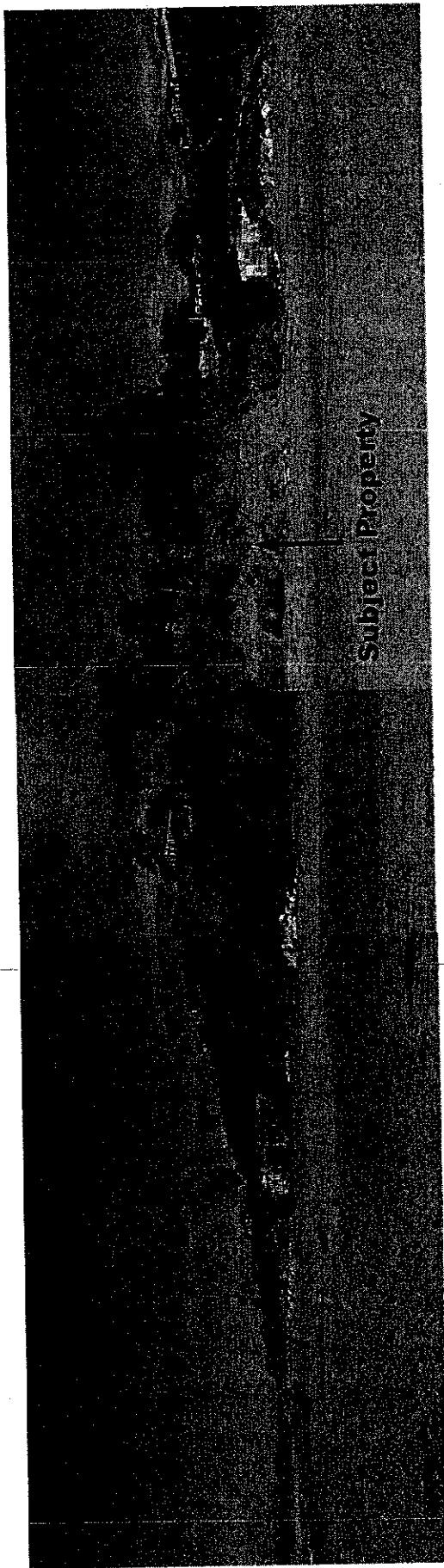
Matson Britton Architects

Rendering: ArchiGraphics

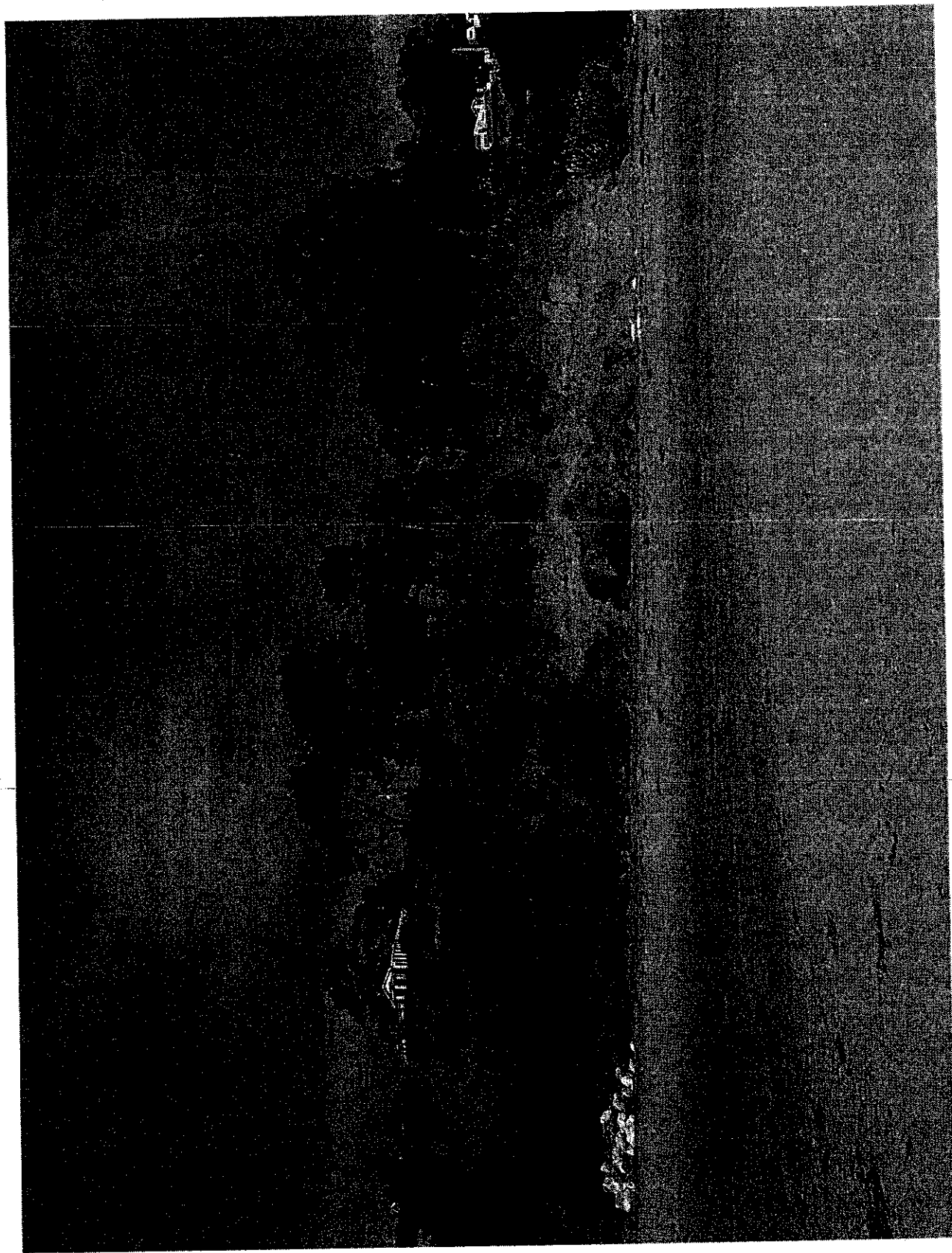


ARCHITON ARCHITECTS

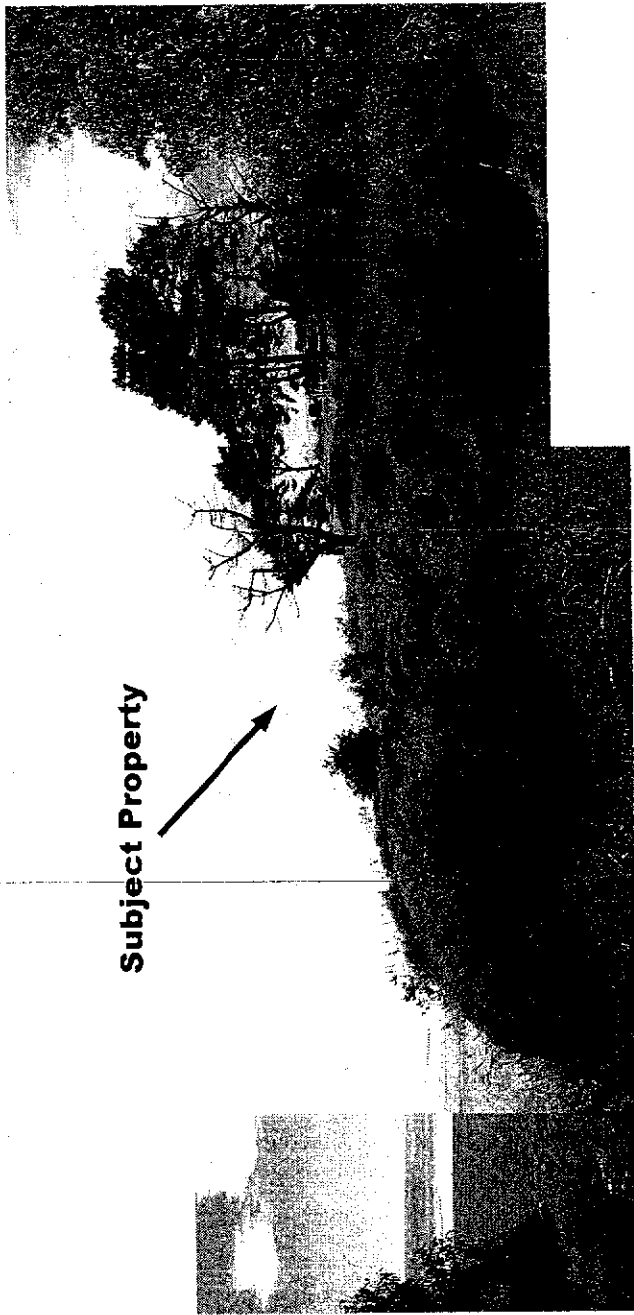
FRANK SINGLE-FAMILY RESIDENCES • Bayview Drive, Aptos • MATSON BRITTON ARCHITECTS • Stitched photographic view from beach / Photomontage: ArchiGraphics



**SUBJECT PROPERTY (BEACH VIEWSHED)**



**SUBJECT PROPERTY (VIEW FROM MEAN HIGH TIDE LINE)**



**SUBJECT PROPERTY (VIEWS FROM ACCESS PATHWAY)**



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

July 26, 2007

Denise Forbes  
Mattson Britton Architects  
728 N. Branciforte Ave  
Santa Cruz, CA 95062

**Subject:** Review of Engineering Geology Report by Zinn Geology Dated August 16, 2006, March 10, 2007, and July 23, 2007 Job Number 2006009-G-SC; and Geotechnical Engineering Report by Pacific Crest Engineering Inc. Dated August 18, 2006; Job Number 0630-SZ70-D63

*APN: 043-161-39, -40, -51,  
Application #: 06-0495*

Dear Applicant:

The purpose of this letter is to inform you that the Planning Department *has accepted* the subject reports. With that understanding, the following items shall be required:

1. All construction shall comply with the recommendations of the reports.
2. Final plans shall reference the reports and include a statement that the project shall conform to the reports' recommendations.
3. The authors of the reports shall write the *plan review letters*. The letters shall state that the project plans conform to the report's recommendations, and specifically approve the drainage plan including the drainage near the coastal bluffs.
4. The project geotechnical engineer, or a similar qualified testing laboratory, must be employed to inspect and test all the fill material placed on the site. The relative compaction tests' location must be noted on a copy of the approved grading plans, and all related test data must be included in a table with a reference number that correlates the table data to the test location indicated on the grading plan. This testing includes the backfill to the retaining walls. Failure to complete the required documentations will require destructive testing after the completion of the project.

Application Number 06-0495

APN 043-161-39, 40, and 41

5. Before final inspection, the geotechnical engineer and engineering geologist must confirm in writing that all of the construction complies with the recommendations of the approved reports. Before building permit issuance *plan review letters* shall be submitted to Environmental Planning.
6. All construction plans shall show the approved building envelope.
7. A declaration of geologic hazard shall be recorded for the each parcel. This declaration will be prepared for each lot at the time of submittal of the building permit.

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 its technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

Please call the undersigned at (831) 454-3175 if we can be of any further assistance.

Sincerely,



Joe Hanna

County Geologist

Cc: Zinn Geology  
Pacific Crest



**NOTICE TO PERMIT HOLDERS WHEN A SOILS REPORT AND ENGINEERING  
GEOLOGY REPORT 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. Several letters or reports are required to be submitted to the County at various times during construction. They are as follows:

1. **When a project has engineered fills and / or grading,** a letter from your soils engineer must be submitted to the Environmental Planning section of the Planning Department prior to foundations being excavated. This letter must state that the grading has been completed in conformance with the recommendations of the soils report. Compaction reports or a summary thereof must be submitted.
2. **Prior to placing concrete for foundations,** letters from the soils engineer and engineering geologist must be submitted to the building inspector and to Environmental Planning stating that the soils engineer and engineering geology have observed the foundation excavation and that it meets the recommendations of the soils engineering report and engineering geology reports.
3. **At the completion of construction,** *final letters* from your soils engineer and engineering geologist are required to be submitted to Environmental Planning that summarizes the observations and the tests the soils engineer and engineering geology have made during construction. The final letter must also state the following: "Based upon our observations and tests, the project has been completed in conformance with our geotechnical and engineering geologist recommendations."

If the *final soils letters* identifies any items of work remaining to be completed or that any portions of the project were not observed by the soils engineer or engineering geologist, you will be required to complete the remaining items of work and may be required to perform destructive testing in order for your permit to obtain a final inspection.

C O U N T Y   O F   S A N T A   C R U Z  
Discretionary Application Comments

Project Planner: Randall Adams  
Application No.: 08-0223  
APN: 043-131-15

Date: August 12, 2008  
Time: 14:17:43  
Page: 1

**Environmental Planning Completeness Comments**

===== REVIEW ON JUNE 11, 2008 BY ANTONELLA GENTILE =====

1. Please submit plan review letters from the geotechnical engineer and engineering geologist referencing the final set of revised plans and stating that the preliminary plans conform to the recommendations in the respective reports.
2. Please submit letters from the soils engineer and engineering geologist that include an explanation of why and how drainage will be released at the bottom of the slope as well as an analysis of all possible drainage alternatives.
3. Provide an owner-agent agreement for the inclusion of parcel 054-621-04 in this development application. Alternatively, you may provide a recorded drainage easement.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON JUNE 11, 2008 BY ANTONELLA GENTILE =====

Compliance comments

1. Removal of all significant trees as defined in 16.34.030 of the County Code shall require 3 to 1 replacement with an appropriate species. Two significant trees are proposed for removal on lot 2. Therefore, 6 Monterey pines are required to be planted.
2. Further analysis of the proposed dissipator has revealed that a riparian exception is not required per County Code section 16.30.050(d). Pending acceptance of the letters requested under completeness from the soils engineer and engineering geologist, the dissipator shall be exempt from the riparian ordinance. However, all other drainage improvements shall be located outside of the 100-year geologic setback.

Conditions of approval

Prior to building permit issuance:

1. Provide plans that comply with all recommendations in the geotechnical engineering and engineering geology reports.
2. The building permit application shall include the appropriate grading permit fee.
3. Provide a plan review letter from the geotechnical engineer referencing the final revised set of building plans and stating that the plans conform to the recommendations in the geotechnical report. The letter shall specifically address the stability of the drainage system.
4. Provide a plan review letter from the geologist referencing the final revised set of building plans and stating that the plans conform to the recommendations in the geology report.

Discretionary Comments - Continued

Project Planner: Randall Adams  
Application No.: 08-0223  
APN: 043-131-15

Date: August 12, 2008  
Time: 14:17:43  
Page: 2

5. Provide recommendations from the project arborist for protection of any existing trees during construction.
6. Removal of trees 1 and 2 will require replacement with six Monterey pines. Show replacement trees on the plans.
7. Provide a landscape plan for review by the County Geologist.
8. Provide an erosion control plan for review by the County Geologist.
9. Plans shall be prepared in compliance with all recommendations set forth in the letter from Joe Hanna, County Geologist, dated 7/26/07.

Prior to building permit final:

10. The applicant shall hold a meeting on site prior to the start of construction. The applicant, contractor, soils engineer, and Environmental Planning staff shall attend this meeting.
11. The geotechnical engineer, or a similar qualified testing laboratory, shall be employed to inspect and test all fill material placed on site. The relative compaction tests' locations shall be noted on a copy of the approved grading plans, and all related test data shall be included in a table with a reference number that correlates the data to the test location indicated on the grading plan. This testing includes backfill to any retaining wall.
12. Record a declaration of geologic hazards for the newly assigned parcel number.
13. Meet all conditions set forth in the review letter from Joe Hanna, County Geologist, dated 7/26/07.

Future conditions:

14. All future development of this parcel which requires a building permit shall be subject to the geologic/coastal setback.
15. All drainage improvements must meet the 100-year bluff setback line.

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JUNE 10, 2008 BY ALYSON B TOM ===== Application with civil plans revised in November 2007 has been received. Please address the following:

- 1) It is not clear what work is being proposed under this application. The common storm drain improvements should be shown as being part of each application (08-0221, 08-0223, 08-0224) as it is not clear what construction sequence will occur and as they will need to be built prior to any building construction.
- 2) Please show what measures are proposed on site to duplicate existing conditions

Project Planner: Randall Adams  
Application No.: 08-0223  
APN: 043-131-15

Date: August 12, 2008  
Time: 14:17:43  
Page: 3

and minimize the impact of the development and treat a range of storms as required by the County Design Criteria. Because of this project's location and its proximity to the Monterey Bay, the proposed design using detention may be acceptable with technical justifications by the project's geologist and/or geotechnical engineers for not using other Best Management Practices. None has been provided. Submit all applicable reports and studies for our review.

3) The GIS mapping suggests that there is an upstream drainage area from Bayview Avenue and from adjoining uphill properties that drains to the subject site. Please show this drainage area, using a USGS or equivalent map, and show what measures are taken on the site to accept the offsite runoff. There are possibly existing flow paths and easements within the property or along the property lines to convey the flow. Please identify them. On the Assessor Parcel Map there is a 5-foot pipe easement along the adjoining downstream property, APN 043-161-36). Please show any upstream easement and/or flow path within this project property that drains to this easement.

4) A drain line and an outfall structure, grass lined swale, and road improvements are proposed outside the project's property line. Please provide tentative approval by the adjoining property owner(s) allowing future permanent easement for the construction and maintenance of the proposed improvements. The permanent easements have to be recorded prior to approving the building permits.

5) The project proposes to install a common driveway and drainage improvements on an independent parcel where there is no residence proposed. Please identify who will be responsible to maintain these improvements as well as all the common drainage improvements on all the parcels associated with this project.

**Dpw Drainage Miscellaneous Comments**

~~LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY~~

===== REVIEW ON JUNE 10, 2008 BY ALYSON B TOM ===== COMPLIANCE ITEMS: Note that the project as proposed in civil plans revised in November 2007 has not been shown to be in compliance with County Design Criteria and is not approved by Storm Water Mangement.

1) Detailed review of the detention will be done once the justifications are accepted and full analysis has been submitted by the applicant. Please note that as proposed it does not appear that the detention system meets County Design Criteria in terms of by passing predevelopment flow rates from the underground detention facility. How have the detention facilities been designed to minimize clogging and future maintenance?

2) Detailed review of the drainage system sizing and pipes routing on the site and to the drainage system outfall will be done once the extent of the offsite drainage area is known. Provide a complete analysis demonstrating system compliance with the County Design Criteria.

3) All runoff from parking and driveway areas should be treated for water quality prior to discharge from the site. If structural treatment is used recorded main-

Discretionary Comments - Continued

Project Planner: Randall Adams  
Application No.: 08-0223  
APN: 043-131-15

Date: August 12, 2008  
Time: 14:17:43  
Page: 4

tenance agreements are required.

4) While several of the civil sheets show a revision date of November 2007 it is not clear what revisions were made to these sheets. All revisions should be marked with the revision legend.

5) Clarify what the line with question marks indicates on the civil plans. This does not show up on the legend.

INFORMATIONAL ITEMS: 1) Since this project is not a land division nor commercial development Public Works staff will not inspect the drainage construction. The construction of the drainage related items shall be inspected by the project civil engineer. A hold will be placed on the building permit for the submittal of a signed letter from the civil engineer stating that everything was constructed in accordance with the approved project plans.

2) Provide a review letter from the project geotechnical engineer/geologist approving of the final drainage plan and stating that the project should not cause any erosion or stability problems on the project site or downstream of the project. The letter should refer to dated civil plans and should be signed and stamped.

3) All drainage easements and maintenance agreements have to be in Place prior to approving the building permits for the proposed residences.

4) Zone 6 fees shall be assessed on the net increase in impervious areas. Semi-impervious areas, if suitable for this site, are charged half the fees per square foot compared to impervious areas.

The \$1,335 deposit has been converted to an at- cost account. Public Works Fiscal Section will bill the applicant for additional cost or pay the unused funds as applicable. If you have any question, Storm Water Management staff are available 8 AM-12 PM weekdays. Afternoon appointments have to be pre-arranged by calling staff @ 454-2160.

Dpw Road Engineering Completeness Comments

===== REVIEW ON JUNE 9, 2008 BY GREG J MARTIN =====

1) Lot line adjustment 07-0049 was completed to facilitate three proposed houses at this location. The three proposed houses have been submitted separately as separate project applications 08-0221, 08-0223, and 08-0224. However, the plans submitted for each project are sufficiently indistinguishable and incomplete that the comments below apply to all the applications.

----- Completeness

----- 2) Show a survey of the county road in plan view for 100 feet in either direction from the project including all features, such as trees, drainage facilities, etc.. Detailed topographic information for the existing encroachment will be required to show the existing driveways, drainage swale/bump, posts, boards, etc.

Project Planner: Randall Adams  
Application No.: 08-0223  
APN: 043-131-15

Date: August 12, 2008  
Time: 14:17:43  
Page: 5

-----  
3) Each project application must stand on its own. The note referencing driveway improvements being completed as part of Lot 2 is required to be removed. Each set of plans must reflect the work necessary to provide access to the house independent of any other plans. Only the work expected to be completed as part of each project application should be shown on the plans. It is anticipated this will result in some of the same improvements being a condition of approval for separate project proposals.

----- 4) Please show the  
Assessors Parcel Number on adjacent parcels.

----- 5) A profile of  
the driveways to the center of the County road is required. Since the alignment splits, two separate profiles will be required for this portion. Individual profiles for each garage are required. Proposed spot elevations should be shown at the corner of each concrete pad and for each drainage inlet.

----- 6) A portion of  
the fire turnaround is located on Lot 1. An easement is required. In addition detailed elevation information is required along the edge of the drop-off to allow an understanding of drainage.

----- 7) Show the struc-  
tural section of the new driveway/road on the plan view.

----- Compliance

----- 8) A vehicle bar-  
rier and drainage barrier is required along the edge of the drop-off.

----- 9) The new  
driveway interferes with the operation of the adjacent driveway on APN 043-161-58.

----- 10) The boundaries  
shown on each set of these plans do not match the approved lot line adjustment 07-0049.

----- 11) It appears  
that the corner of the turnaround on Lot 1 could become submerged if the grate clogs. Provisions for overflow if the drain is clogged should be provided or an alternative design used.

----- 12) The minimum  
required structural section for a road serving 3 or more parcels is 3 inches of asphalt concrete over 9 inches of aggregate base.

----- 13) The new  
drainage grate in the middle of the road/driveway is not acceptable.

----- 14) Parking space  
number 3 for Lot 3 is unacceptable. Vehicles can not maneuver into or out of this

Discretionary Comments - Continued

Project Planner: Randall Adams  
Application No.: 08-0223  
APN: 043-131-15

Date: August 12, 2008  
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parking space. Any atypical parking space may be proposed provided the vehicle movements (turning templates) are shown on the plans.

----- 15) Vehicles for  
Lot 3 are required to be able to turnaround adjacent to the parking to avoid backing up the steep hill for over 100 feet.

----- 16) Utility boxes  
should be located outside of the right-of-way, travel areas, and the existing driveway for the adjacent parcel.

----- 17) The existing  
encroachment is in poor condition and is required to be reconstructed. Sixteen foot wide driveways on either side of the tree along the existing driveways are recommended. A new AC dike is recommended around the tree to replace the boards that currently exist. Where the edges of the AC dikes along the two driveways intersect, a radii of 10 feet is suggested. Posts on either side of the driveway could be a potential safety concern. The boards and posts are recommended to be removed. The area over the roots of the tree may be paved instead of reconstructed. The drainage across the two driveways is required to be evaluated in terms of standardizing the profile of the driveways. The existing driveways have a swale/bump which controls drainage. Alternatives which meet County standards should be evaluated. Detailed topographic information in these areas shall be necessary.

----- Miscellaneous

----- 18) A homeowner-s  
association is recommended for maintenance of shared road/driveway improvements.

----- Greg Martin  
831-454-2811

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JUNE 9, 2008 BY GREG J MARTIN =====

**INTEROFFICE MEMO**

Date: June 11, 2008  
To: Randall Adams, Project Planner  
From: Larry Kasparowitz, Urban Designer  
Re: New residences at the end of Bayview Drive, Rio Del Mar

**General comments –**

*The unified color scheme does not help in reducing the impact of the three structures on the ridgeline. I suggest :*

- 1. Use slightly different colors for each residence in the same "family" of colors.*
- 2. Consider using color to increase "atmospheric perspective" (i.e. softer tones used further away from the bluff which would help the volumes appear to recede more than they do) .*

*Maintain as many existing trees as possible. Strategically place new planting to allow views, but give "softening " to the building silhouette on the top of the bluff.*

**Lot 1 -**

- 1. The east elevation appears to be a three story building. If possible a portion of the upper story should be deleted or reduced.*
- 2. Another alternative could be to move the upper level (or portions of it) inward to create an additional shed roof element, which would break up the tall walls (as was done on the right side of the east elevation).*
- 3. Additional wood siding may also soften the impact of the east elevation.*

**Lot 2 -**

- 1. A hipped roof at the end of the family room would bring the massing downward.*
- 2. Moving the location of the chimney or eliminating it would also lessen the impact of this wing.*

**Lot 3 –**

- 1. The mass facing the ocean on the second floor should be reduced. A potential solution would be to move the Master Bedroom, Bath and Closet away from the bluff.*
- 2. See comments 1 and 2 above.*



## Randall Adams

---

**From:** Susan Craig [scraig@coastal.ca.gov]  
**Sent:** Tuesday, October 30, 2007 12:25 PM  
**To:** Randall Adams  
**Subject:** Comments re: Application Number 07-0474

Hello Randall,

Just a few comments on this application:

The proposed projects (construction of 3 single family dwellings on 3 separate parcels) are reliant on a lot line adjustment (application 07-0049) for the configuration of the parcels. We do not have any information regarding the proposed lot line adjustment. The proposed lot line adjustment should not be done in a way that creates the potential for increased impacts to coastal resources (e.g., visual resources, grading and landform alteration, setbacks, etc.);

The legality status of the parcels should be determined, given the history of parcels in this area that were not created in conformance with the requirements of the California Subdivision Map Act or the subdivision regulations of the County;

Although the beach viewshed is already significantly impacted by residential development along this part of the coast, it is still important that new development not contribute to the cumulative degradation of the public viewshed at this location. The mass, size, and scale of the proposed residences are substantial. The County should appropriately mitigate the project's visual impacts, such as ensuring that the structures step back away from the bluff so as to reduce their massing in the beach viewshed, requiring the use of vegetative screening, etc.

The plans show the 100-year bluff-top setback. The applicant's geotechnical reports should clearly state how the location of the bluff edge was identified and how the 100-year setback lines were determined.

All runoff should be collected and directed inland to the County's storm drain system.

Thank you for considering our comments.

---

Susan Craig  
Coastal Planner  
California Coastal Commission  
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