



Staff Report to the Zoning Administrator

Application Number: **101014**

Applicant: Matson Britton
Owner: Janet Lustgarten, Trustee
APN: 032-232-07

Agenda Date: January 21, 2010
Agenda Item #: 3
Time: After 10:00 a.m.

Project Description: Proposal to remodel an existing 2,648 square foot two-story single-family dwelling to include adding approximately 240 square feet to the second story and existing guest cottage and reducing the size of the first story and garage by approximately 240 square feet.

Location: The project is located on the south side of Pleasure Point Drive, about 200 west from Rockview Drive.

Supervisory District: 1st District (District Supervisor: John Leopold)

Permits Required: Coastal Development Permit
Technical Reviews: Design Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 101014, based on the attached findings and conditions.

Exhibits

- | | |
|--|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Comments & Correspondence |
| D. Categorical Exemption (CEQA
determination) | |

Parcel Information

Parcel Size:	Approximately 6,452 gross square feet Approximately 5,210 net square feet
Existing Land Use - Parcel:	Single-Family Residence
Existing Land Use - Surrounding:	Single-Family Residence
Project Access:	Pleasure Point Dr.
Planning Area:	Live Oak

Land Use Designation: R-UM (Urban Medium Residential)
Zone District: R-1-5-PP (single family dwelling - 5,000 minimum net site area, Pleasure Point Combining District)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Coastal Bluff
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Public
Sewage Disposal: Public
Fire District: Central Fire Protection District
Drainage District: Zone 5

History

According to County Assessor's records, the existing two-story dwelling, detached garage and guest house were constructed in 1945. Subsequent building permits were issued for remodel of the covered patio to the rear, for the replacement of exterior siding and for the construction of the 3-foot concrete wall at the rear of the parcel. The property owner applied for a consultation in 2010 in order to determine the legality of an enclosed sunroom and to verify the location of the coastal bluff. Based on available Assessor's records and a photogrammetric survey performed by Geologist Eric Zinn (dated 4/7/2010), it was determined that the sunroom has been enclosed since at least 1965. Given the lack of conclusive evidence to the contrary, the sunroom is deemed to have been legally constructed. The discussion of the coastal bluff determination is provided elsewhere in this report.

Project Setting

The project site is located on a coastal bluff in the Pleasure Point area of Live Oak. The lot is about 6,450 square feet in gross site area and deducting the coastal bluff from the lot results in a net site area of about 5,210 square feet. The rear edge of the existing dwelling is adjacent to an old retaining wall that is part of a conglomeration of coastal protection structures. The existing house, garage and guest house are non-conforming with respect to the side yard setbacks, floor

area ratio, lot coverage and the required coastal bluff setback, with the rear wall of the residence approximately 5.5 feet from the top of the bluff. The developed section of the lot is relatively flat, with the rear (southerly) portion sloping to the ocean at a grade of roughly 40%.

Residences in the vicinity of the subject parcel are a mix of one and two-story houses of similar size and configuration. Specifically, the residence immediately west of the subject site is two-story construction and approximately 1,800 square feet in area with a 420 square foot detached accessory structure on a lot that is about 4,800 square feet in (net site) area. The dwelling to the east is single-story; about 1,844 square feet in area with a 525 square foot garage, and occupies a lot of approximately 5,700 square feet in (net site) area.

The proposed residential remodel reduces the building footprint by 300 square feet; thereby reducing the lot coverage from 47% to 41%. The second floor is to be expanded by about 160 square feet, the garage will be reduced by 178 square feet and the guest cottage will be increased by 344 square feet. The project would result in a dwelling that does not increase the degree of non-conformity with respect to floor area ratio and setback encroachment, while making the structure less non-conforming with respect to lot coverage. The amount of structural alteration proposed does not exceed 50% of any of the non-conforming walls and the addition at the second floor does not meet the definition of development as defined in Section 16.10.040 of the Geologic Hazards Ordinance.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 6,450 square feet, located in the R-1-5-PP (single family dwelling - 5,000 minimum net site area, Pleasure Point Combining District) zone district, a designation which allows residential uses. The proposed residential addition is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation. The existing dwelling is non-conforming with respect to side yard setbacks, lot coverage and floor area ratio. The proposal does not increase the degree of non-conformity with the R-1-5 standards and, in the case of lot coverage; the design improves existing condition by reducing coverage from 47% to 41% of the parcel.

A condition of approval requires a comprehensive evaluation of pest and/or mold damage prepared by a qualified inspector to ensure that the scope of work does not exceed that which would require a variance to site standards for the zone district.

The proposal conforms to the site standards contained in the Pleasure Point Plan in that the second story addition is set back a minimum of 10 feet from the site property line and the garage will continue to be set back from the front of the house. Additionally, the existing two-car garage is proposed to be converted to single-car and the resulting garage opening will be significantly less prominent than the existing design.

Local Coastal Program Consistency

The proposed residential addition is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The remodel entails a change from the existing Spanish style to a more modern style that utilizes a combination of curved and linear forms to create visual interest. The proposed colors are neutral and the finishes are a combination of wood, stucco and copper. Developed parcels in the area contain predominantly two-story single family dwellings. Size and architectural styles vary in the neighborhood, and the design submitted is consistent with the existing range of styles. The project site is located between the shoreline and the first public road; however the parcel is not identified as a priority acquisition site in the County's Local Coastal Program. An existing pedestrian easement, located about 175 feet east of the site, provides public access to the ocean. The proposed development will not impact the easement; consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review and the Pleasure Point Plan

The proposed single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as neutral color schemes and natural wood siding to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. Additionally, the proposal includes a "living" roof atop the garage/guest house that further softens the visual and environmental impact of the development. A condition of approval requires the glazing to be non-reflective to minimize any potential impact from glare.

The project is also subject to the provisions of the Pleasure Point Plan and, as stated previously, conforms to the Plan site standards in that the second story addition maintains the proper setbacks. Another component of the Pleasure Point Plan is to reduce the prominence of garages and driveways. The proposed design achieves this goal by modifying the garage from a two-car to a one-car space; thereby reducing the size of the street-facing garage door.

Geologic Hazards – Coastal Bluff

As stated, the project site is located on a coastal bluff. Section 16.10.040 of the County Geologic Hazards Ordinance defines development as any alteration or addition of habitable space that increases existing habitable space by fifty percent or that modifies or replaces more than 50 percent of the total length of the exterior walls. Additionally, Section 16.10.070 of County Code requires all additions to comply with a minimum 25 foot setback from the coastal bluff. In this case, the proposed remodel would alter approximately 37% of the existing walls within the 25-foot coastal bluff setback and all new habitable space is located outside of the bluff setback.

The project has been reviewed by the County Geologist and found to be in compliance with the provisions of the County Geologic Hazards Ordinance. A Geotechnical Report will be required to be submitted for review and approval prior to the issuance of a building permit.

Conditions of project approval require an investigation from a professional engineer detailing the adequacy of the existing foundation and making recommendations for any required upgrades as well as an evaluation of pest/mold damage prepared by a qualified inspector to ensure that the scope of work does not exceed that which would require compliance with the provisions of the Geologic Hazards Ordinance.

The County Geologist raised the question about possible Coastal Commission regulatory authority over the seawall located below the dwelling; however Susan Craig, staff planner with the Coastal Commission found no evidence that the Commission had issued any permits for the seawall or seawall repair. Therefore the Commission does not have original jurisdiction over the subject Coastal Permit.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

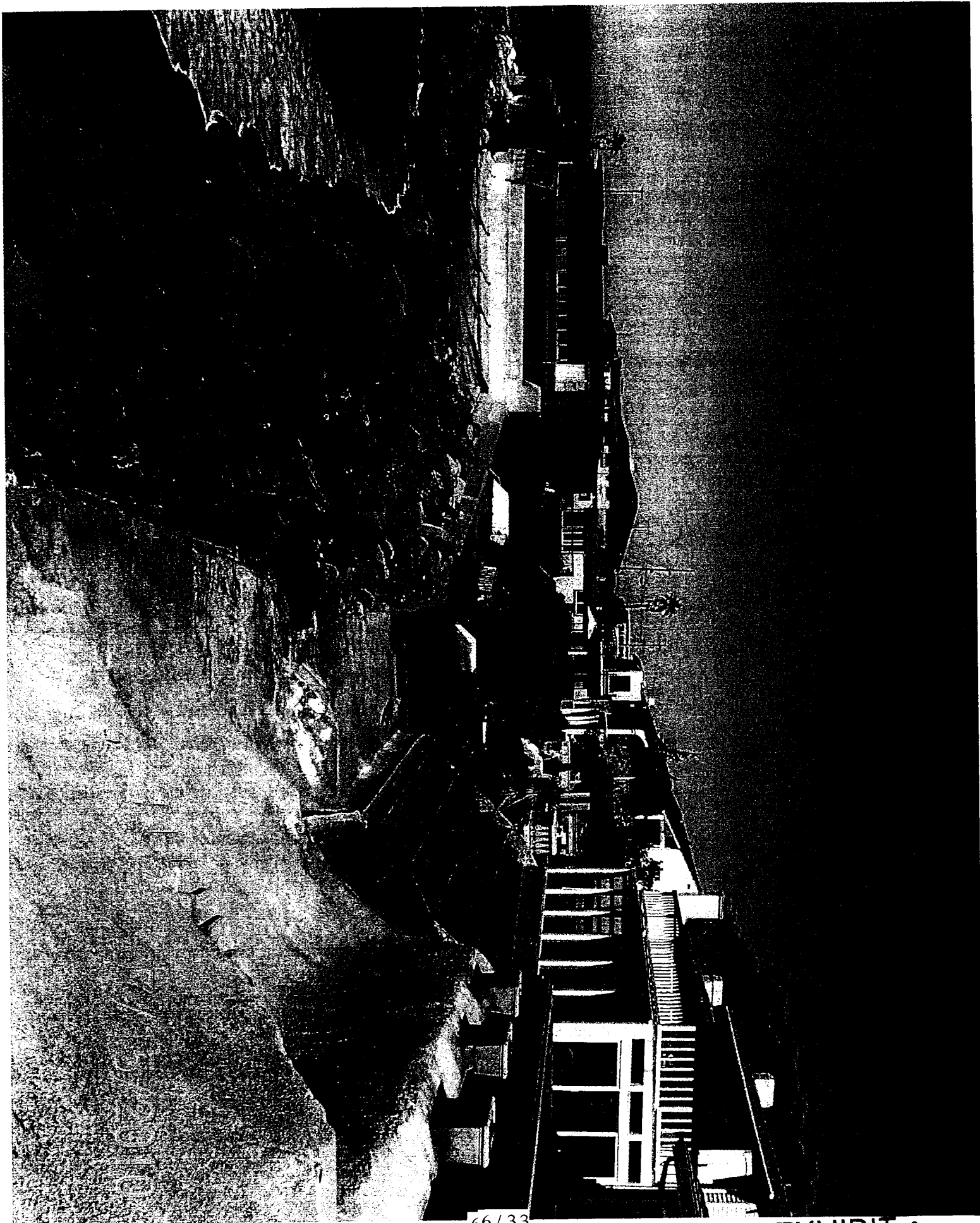
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **101014**, 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.

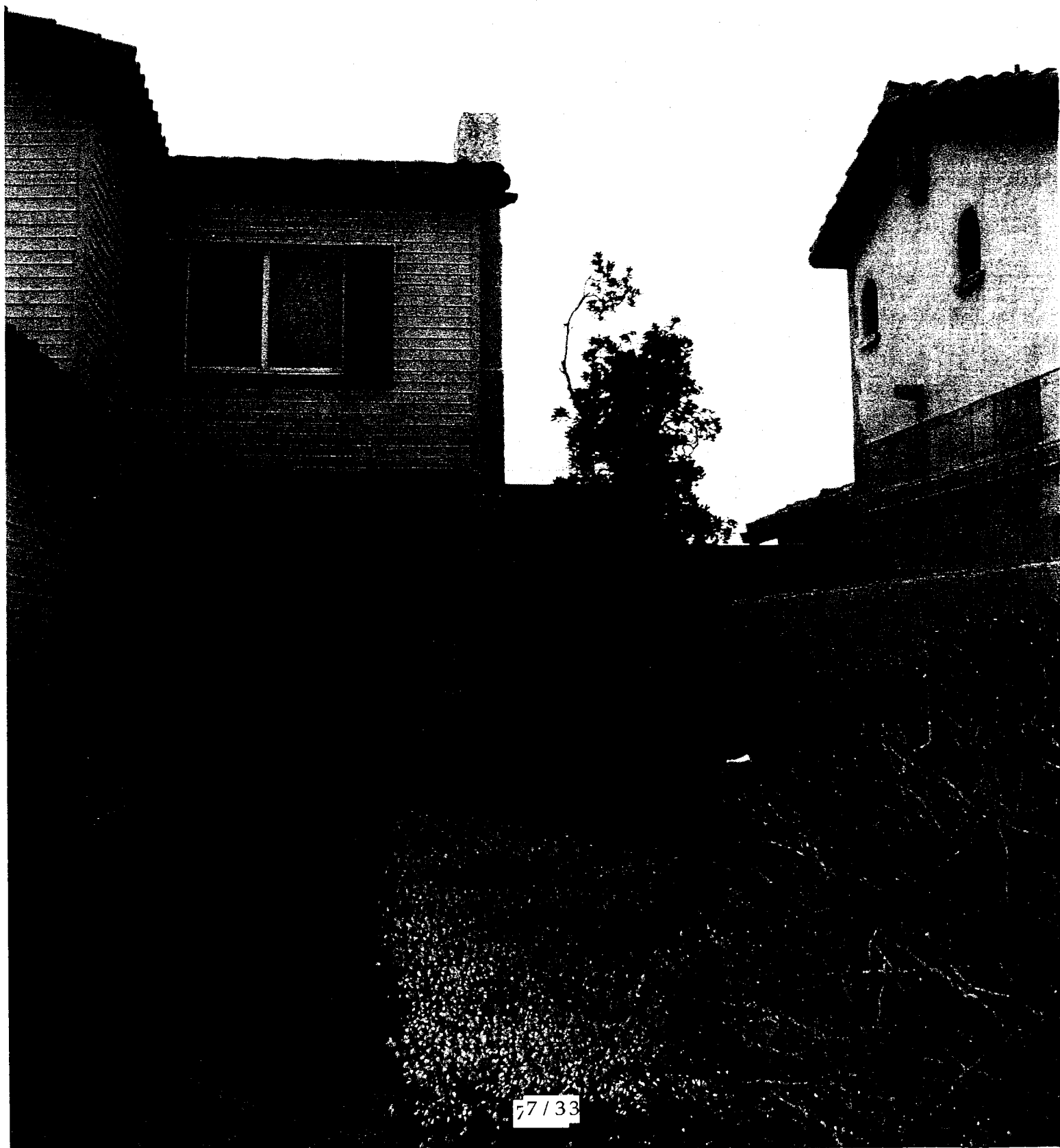
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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EXHIBIT A ◀

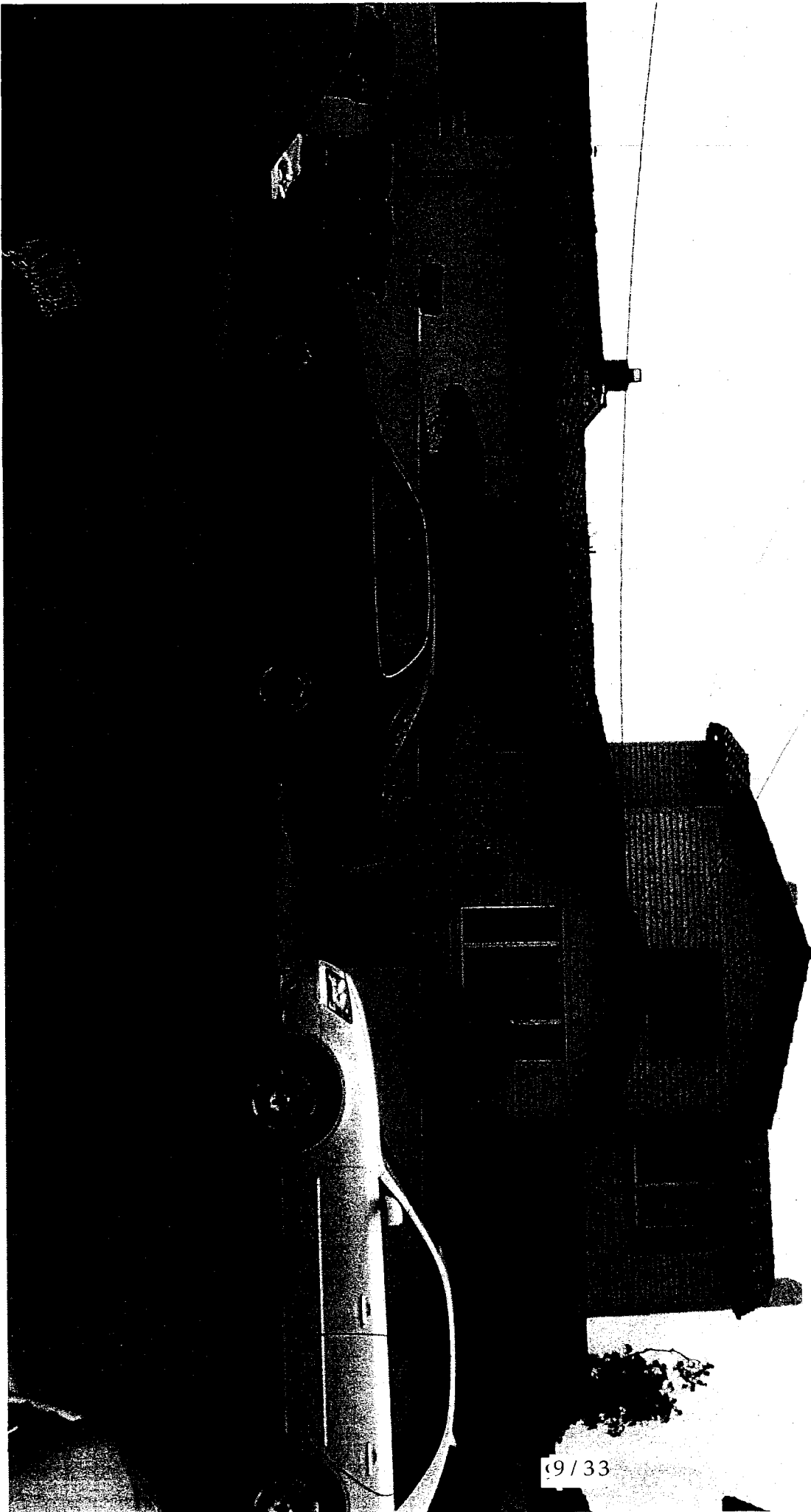


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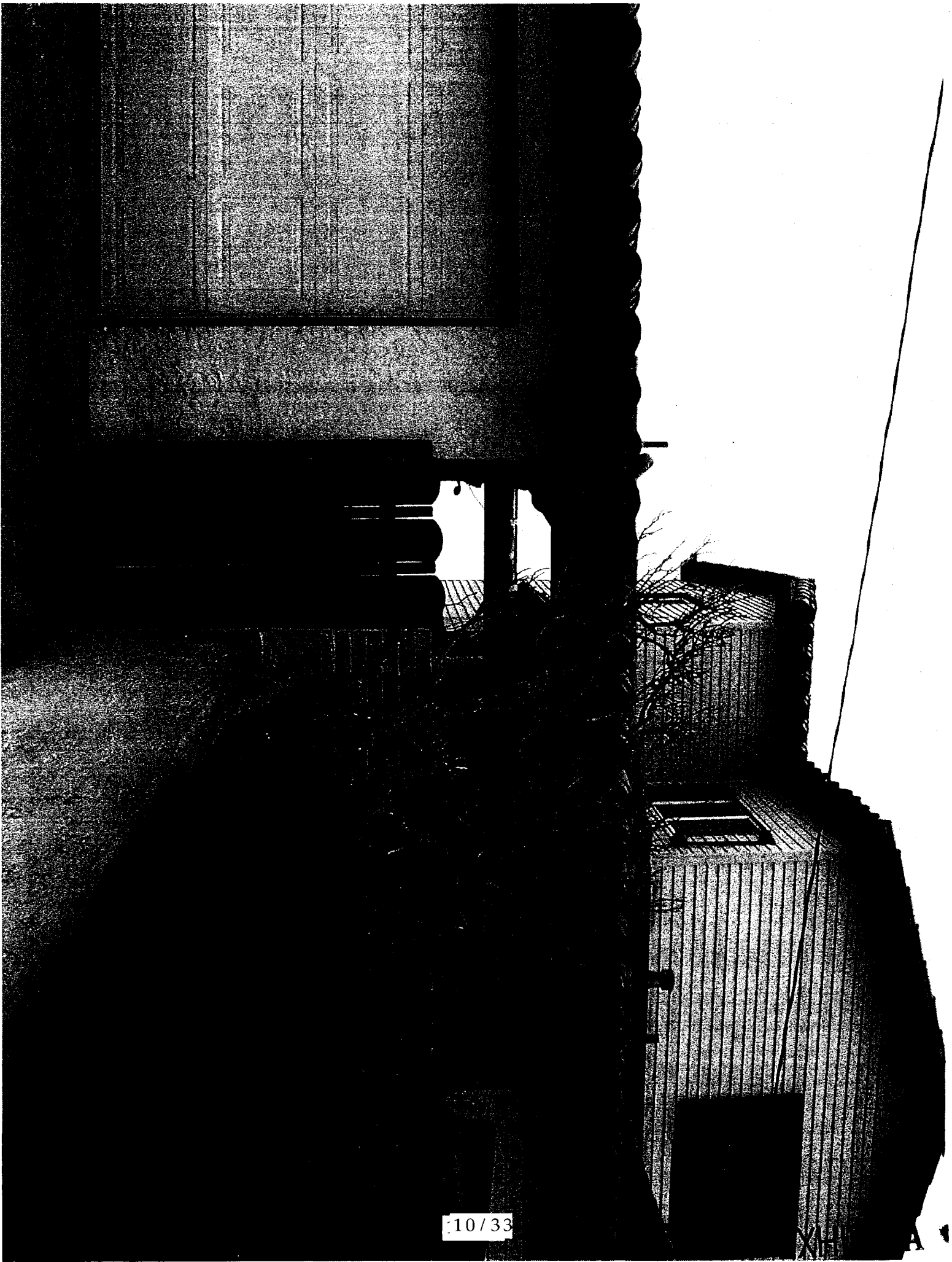
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EXHIBIT A

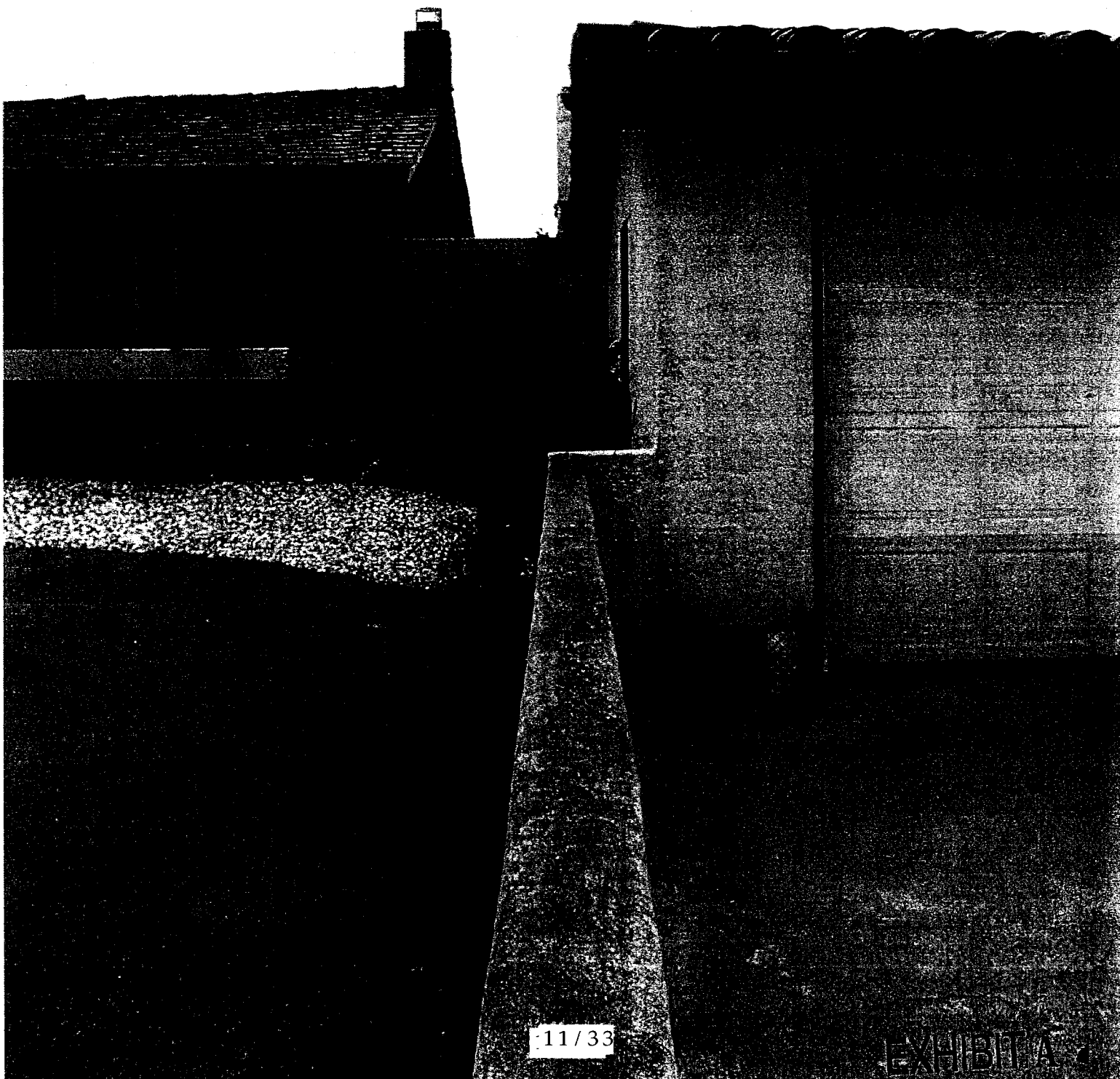


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EXHIBIT A

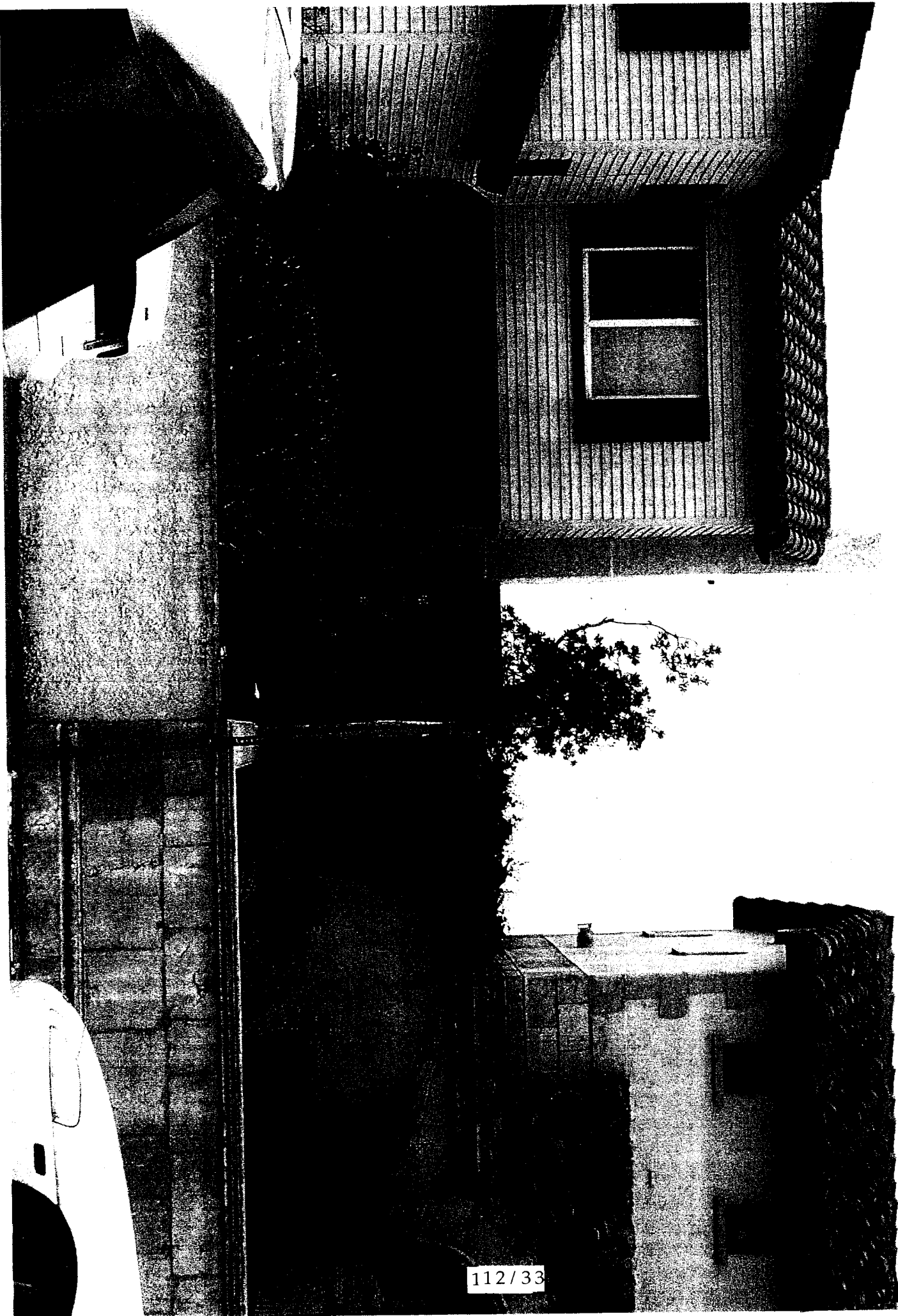


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EXHIBIT



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LA

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-1-5-PP (single family dwelling - 5,000 minimum net site area, Pleasure Point Combining District), a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's (R-UM) Urban Medium 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.

A pedestrian easement is located approximately 175 feet west of the project site and provides access to the ocean. The proposed residential remodel does not expand the existing footprint and there is another dwelling located between the project site and the easement. Therefore, this finding can be made.

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.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density and the colors are neutral tones and complementary to the site. While the project is located adjacent to a coastal bluff, the resulting dwelling will occupy exactly the same floor area as the existing house, with a reduction in the lot coverage from 46% to 41%. The added square footage at the second story is set back from the first story and will not significantly impact the viewshed from the ocean. Although the site standards allow a structure of up to 28 feet in height, the proposed remodel results in a house of 23'-6" in height. There is no beach at the base of the coastal bluff; therefore the residential remodel will not impact any beach goers in the vicinity. A "living roof" has been proposed above the garage/guest house to further soften the view of the structure from the ocean. The street view is improved by the reduction of the prominent garage and size of the garage door, which will be modified from two-car capacity to one-car.

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, while the project site is located between the shoreline and the first public road, the proposed remodel will not occur in the vicinity of any public access to the ocean. There is no public beach at the base of the coastal bluff. Consequently, the residential

remodel 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 the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-5-PP (single family dwelling - 5,000 minimum net site area, Pleasure Point Combining District) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. The majority of houses in the neighborhood are of two-story design and similar square footage and architectural styles vary widely in the area. The design submitted is consistent with the existing range of styles.

Conditions of Approval

Exhibit A: Project Plans (12 Sheets) prepared by Matson Britton Architects, dated 8/6/10, revised 11/18/10, Surveyed Site Plan, prepared by Ward Surveying, dated 1/18/10

- I. This permit authorizes the remodel of an existing single-family dwelling, which includes adding about 240 square feet to the second story and existing guest cottage and reducing the size of the first story and garage by about 240 square feet. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official, if required.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "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.
 2. Grading, drainage, and erosion control plans, as necessary.
 3. 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. The maximum approved height is 24 feet.
 4. Details showing compliance with fire department requirements.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer. The report shall include an inspection of the upper coastal bluff retaining wall and shall include an evaluation of the existing foundation and make recommendations for any required upgrades.
- F. Submit a comprehensive evaluation of pest/mold damage prepared by a qualified contractor/inspector. All pest damage must be outlined and the repairs must be considered in determining compliance with County Code Sections 16.10.040(s) (2,3, & 6) as well as other building code provisions.
- G. 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.
- H. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. 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.

IV. Operational Conditions

- A. Construction activities at the site are limited to the hours of 8 am to 6 pm weekdays (excluding holidays) unless approved in advance by the Planning Department.
- B. Construction vehicles are prohibited from blocking any roads, driveways, or pedestrian easements.
- C. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site.
- D. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. 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.

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

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney
Deputy Zoning Administrator

Robin Bolster-Grant
Project Planner

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: 101014
Assessor Parcel Number: 032-232-07
Project Location: 2950 Pleasure Point Drive

Project Description: Proposal to remodel an existing non-conforming, single-family dwelling.

Person or Agency Proposing Project: Matson Britton

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 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

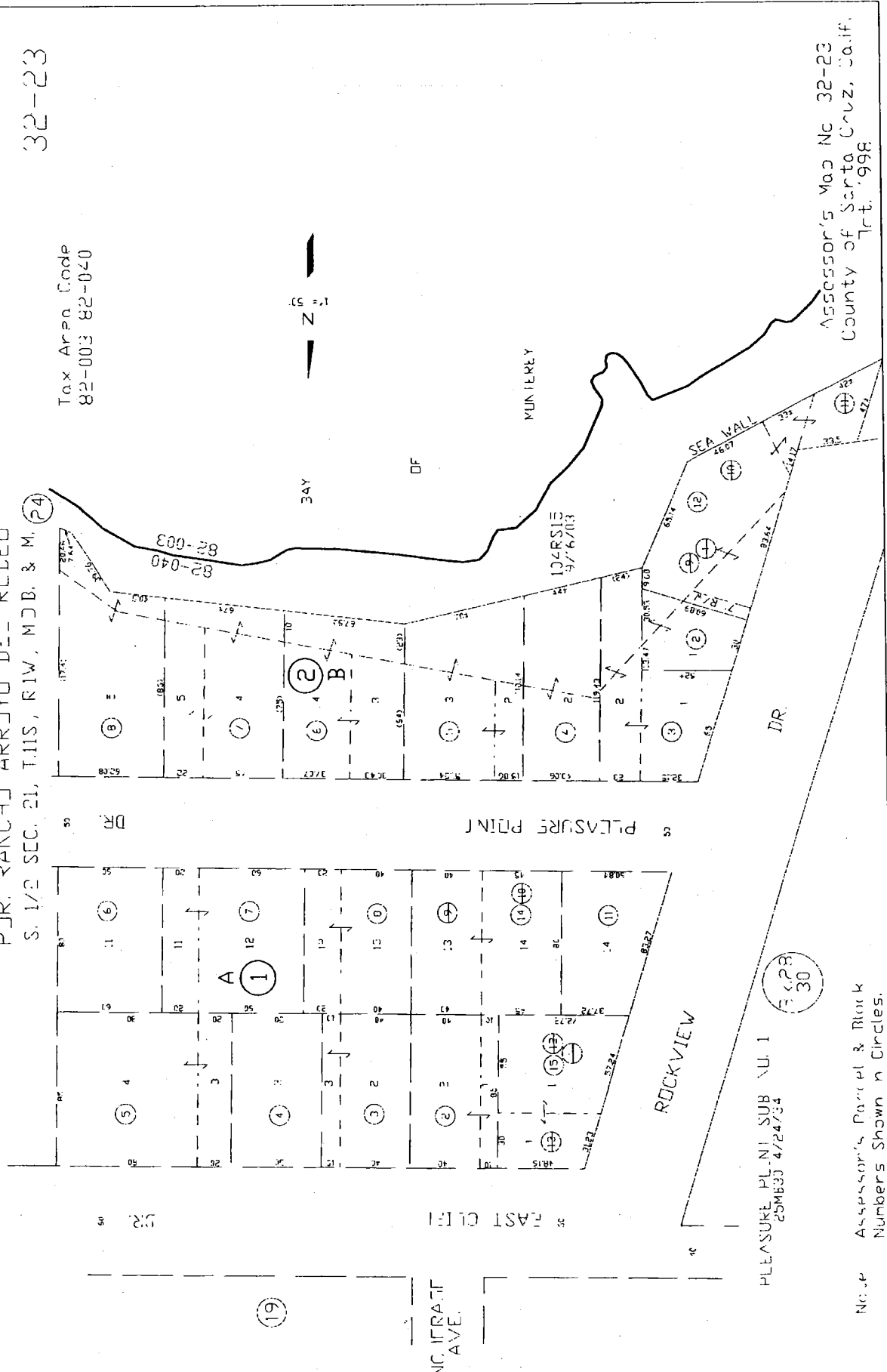
Residential remodel to an existing single family dwelling in an area designated for residential uses.

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

Robin Bolster-Grant, Project Planner

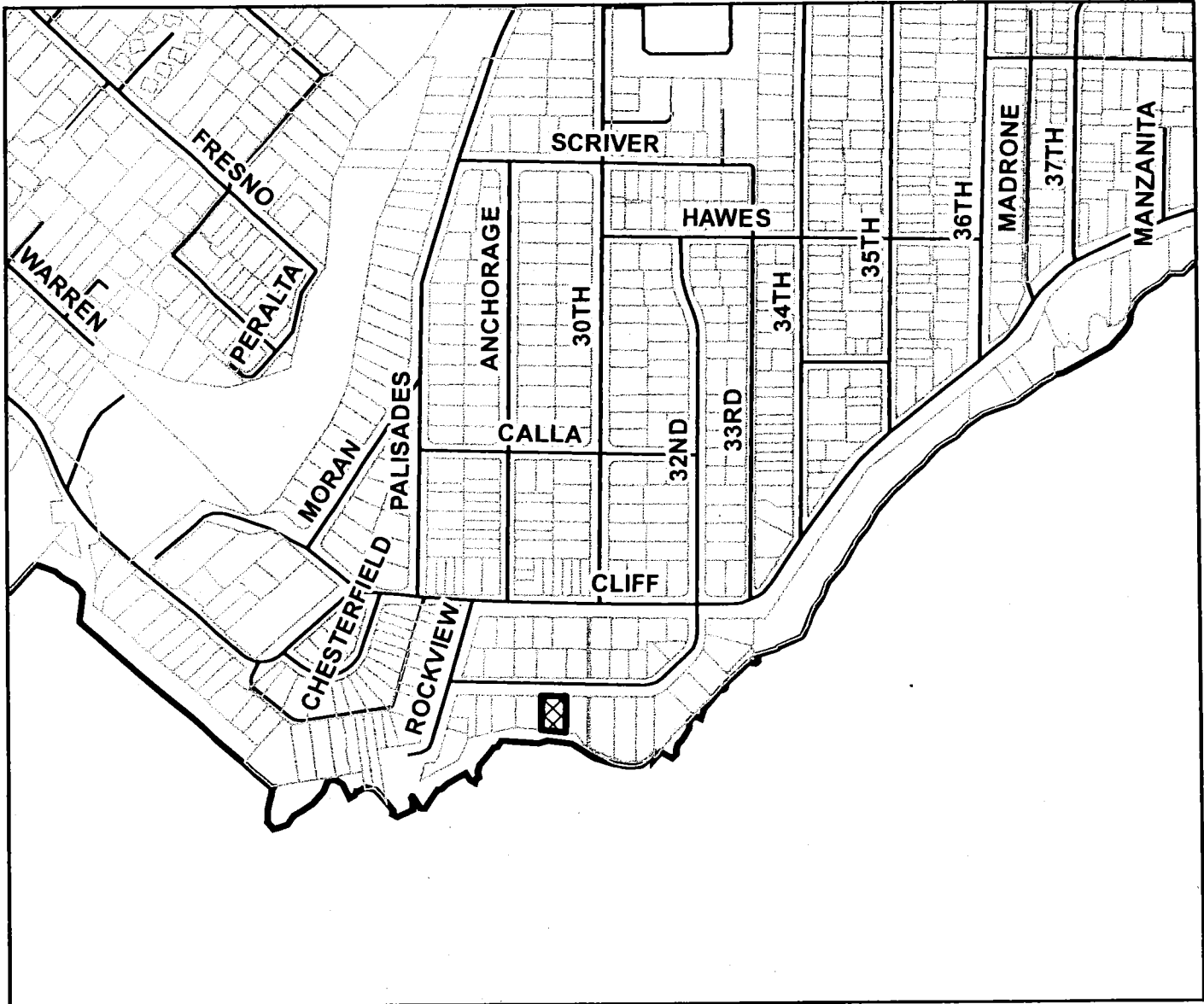
Date: _____

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED, ALL RIGHTS RESERVED. © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998







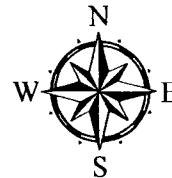


Location Map



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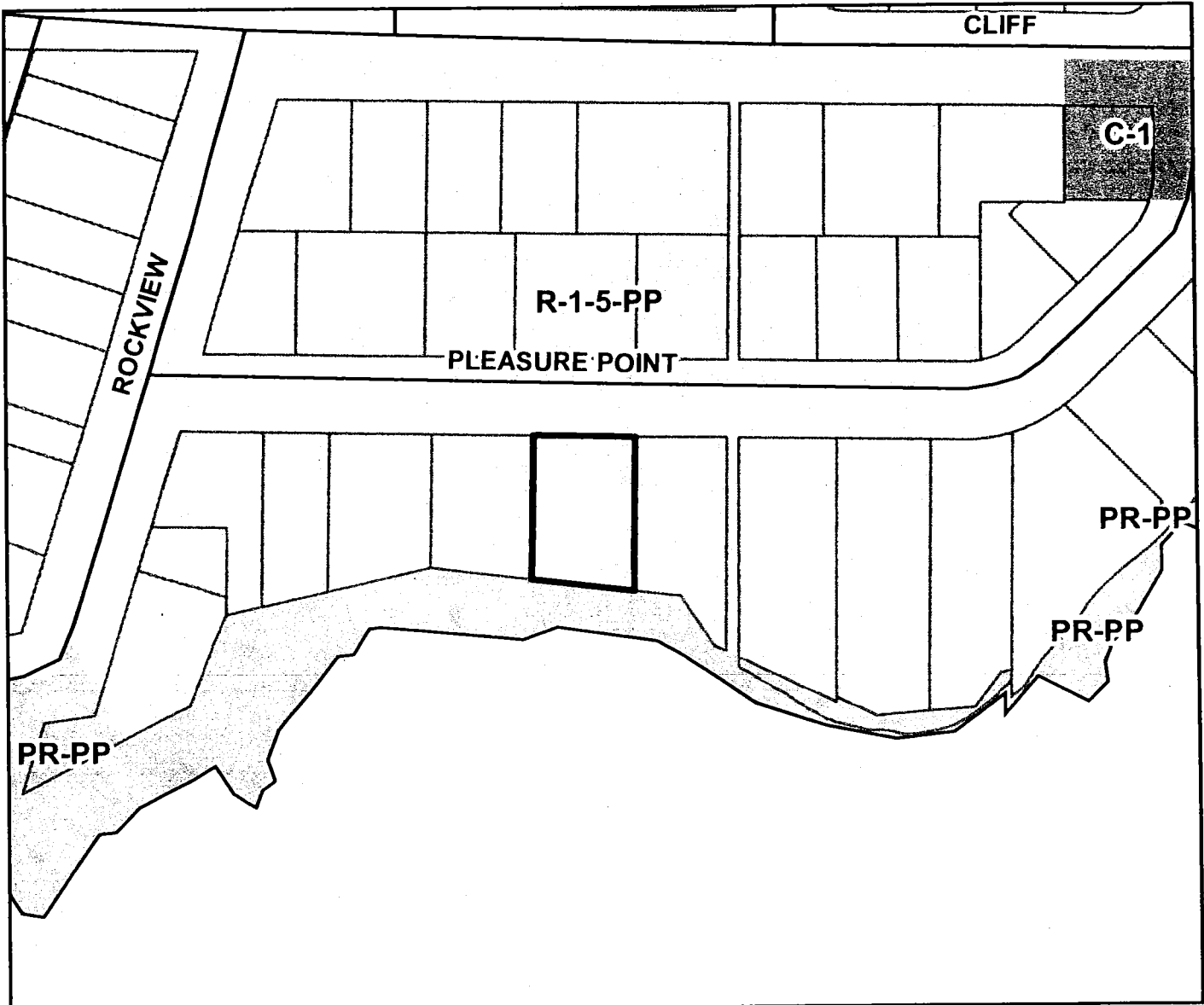
-  APN: 032-232-07
-  Assessors Parcels
-  Streets
-  County Boundary










Map Created by
County of Santa Cruz
Planning Department
July 2010

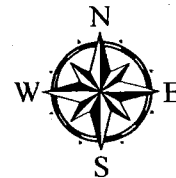


Zoning Map



LEGEND

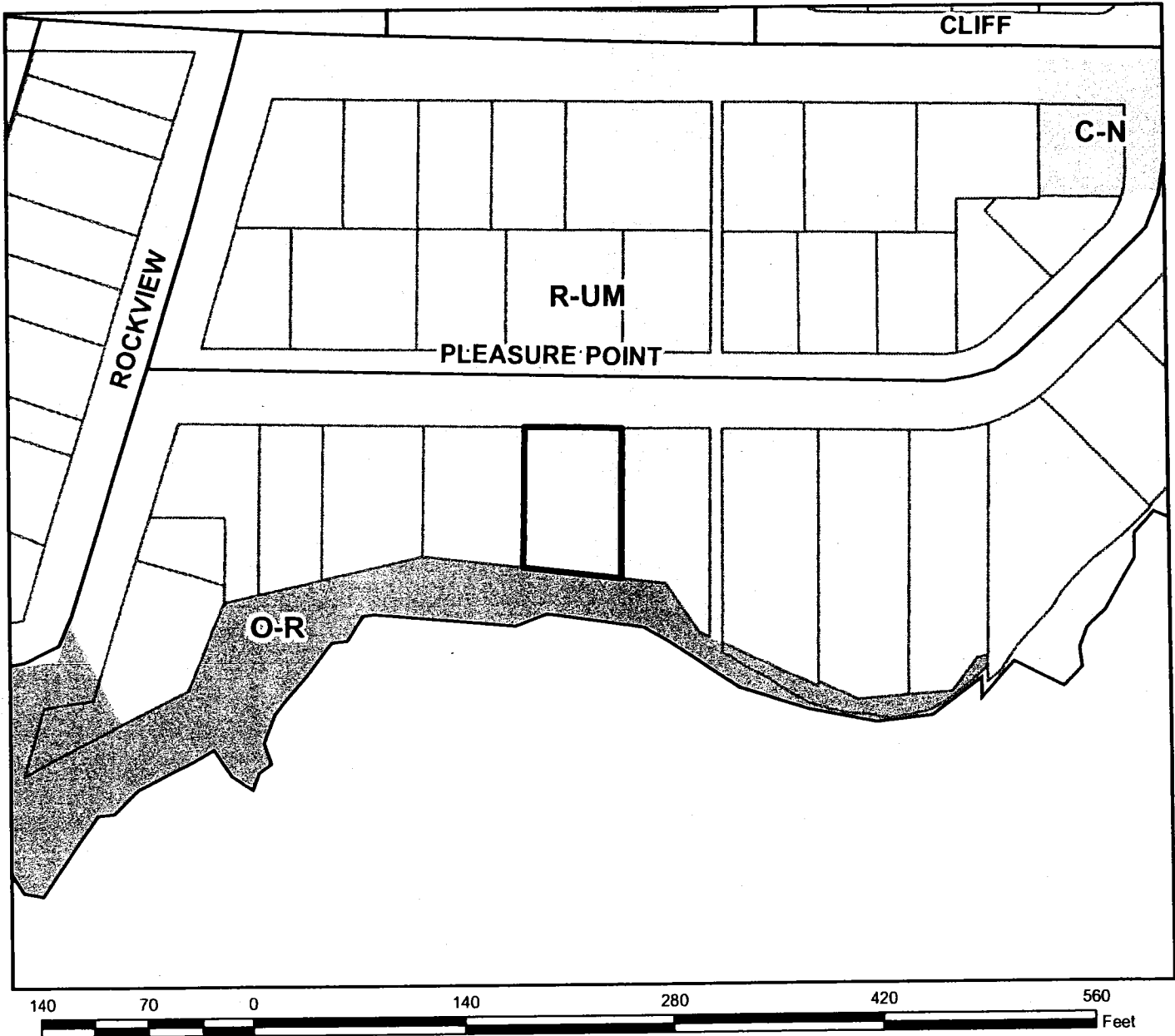
-  APN: 032-232-07
-  Assessors Parcels
-  Streets
-  County Boundary
-  RESIDENTIAL-SINGLE FAMILY
-  PARK
-  COMMERCIAL-NEIGHBORHOOD



Map Created by
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Planning Department
July 2010

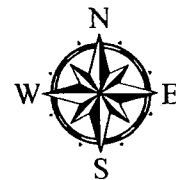


General Plan Designation Map



LEGEND

-  APN: 032-232-07
-  Assessors Parcels
-  Streets
-  County Boundary
-  Residential - Urban Medium Density
-  Commercial-Neighborhood
-  Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
July 2010

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE

DATE: July 12th, 2010
TO: Robin Bolster, Project Planner
FROM: Sheila McDaniel, RDA Planning Liaison
SUBJECT: Application #10-1014, South side of Pleasure Point Drive about 200 feet east of the intersection with Rockview, APN 032-232-07, Live Oak Planning area

Thank you for routing the plans to the Agency for review and comment.

It appears that the existing garage, guest house, second story addition, and roofline modifications are proposed by this application. One bay of the garage is shown to be eliminated by this proposal and the existing guest bedroom redesigned to occupy the garage bay. Additional parking is shown in the front yard. The second story appears to include a second story addition for changes to the stairwell access. Also, it appears that a pitched roofline located along the east side of the dwelling will be altered along the non-confirming setback property line to create additional decking. However, a complete understanding of the proposed project cannot be determined because the applicant's plans do not provide complete plans or proposed materials, i.e. whether windows are wood or metal frame, missing information regarding the roof or material over covered porch at entry, or just what is the existing "raised area" along the west elevation.

It would be helpful if the applicant were requested to provide more information and provide complete existing elevations and existing rooflines in addition to the proposed plans so that it can easily be determined how the second story elevation and roofline will be altered by the project proposal. More information regarding proposed materials and finish detailing is also necessary to determine how the structure will appear upon completion. This would be helpful to determine if the proposed changes will comply with the design standards and the recently adopted Pleasure Point Community Plan. The Agency encourages compliance with this plan including the use of pervious paving materials on site and addition of appropriate street tree and landscape planting.

In addition, please request that the plans include more information regarding right-of-way frontage improvement details showing the proposed driveway cut required for the additional parking in the front yard. The project should be conditioned to require an encroachment permit for all off-site work within the right-of-way necessary to accomplish this improvement. Since this is one of the few areas in Pleasure Point with existing sidewalks it is appropriate that the new driveway meet current County Design Criteria and that any damaged sidewalks be repaired or replaced as may be required by the Department of Public works. It should be noted that widening the curb cut along the frontage may also affect availability of on-street parking, which is extremely limited in this area.

It is noted that there is no information in the plans regarding the condition or disposition of the existing seawall along the ocean front of this parcel. If any changes or alterations to this structure are proposed it would be of value for the applicant to consider the nearly complete coastal armoring structure being

constructed by the Agency in partnership with the Department of Public Works as an example of the finish and character, which should be encouraged for coastal armoring in the area.

RDA appreciates this opportunity to comment. Thank you.

INTEROFFICE MEMO**APPLICATION NO: 101014**

Date: July 14, 2010

To: Robin Bolster -Grant, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Remodel to a single family residence at 2950 Pleasure Point Drive, Santa Cruz

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Visual Compatibility			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✓		
Minimum Site Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.	✓		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✓		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✓		

Rural Scenic Resources			
Location of development			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
Site Planning			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A
Building design			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			N/A
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A

Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A
Beach Viewsheds			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred			N/A

Design Review Authority**13.11.040** Projects requiring design review.

(a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

13.11.030 Definitions

(u) "Sensitive Site" shall mean any property located adjacent to a scenic road or within the viewshed of a scenic road as recognized in the General Plan; or located on a **coastal bluff**, or on a ridgeline.

Design Review Standards**13.11.072** Site design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures	✓		
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A

Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
Scale			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting	✓		
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		

As you have requested, I have reviewed the subject property with regards to the coastal permit aspects of Application 10-0017, which includes the remodeling of a home on a coastal bluff. I have been requested to address the applicability of the definition of development in Geologic Hazards Code 16.10, and also review the work by Zinn Geology dated April 7, 2010 with intent of confirming his observations about the age of a possibly problematic sunroom.

As you will see within my conclusions I have confirmed Zinn Geology's work back to 1965 based upon information developed from our files. In 1965 an enclosed sunroom existed at 2950 Pleasure Point Drive. This room has been modified over the years and had reached the sunroom's current configuration by the 1980's or 1990's. If we accept the use of the sunroom as an enclosed residential use established by 1965, my practice has been to allow these structures to be remodeled as long as the remodel falls below the criteria of Code sections 16.10.040 s (2, 3 and 6).

Geologic Setting

The Lustgarten's home is located on a coastal bluff in the wave run-up zone. The outer edge of the sunroom sits on an old retaining wall that is part of a conglomeration of coastal protection structures intended to resist coastal erosion. Coastal Erosion has damaged the site repeatedly at least in the years 1968, 1971, 1982-83, and 1998. The current coastal protection wall appears to function adequately, but Haro, Kasunich, and Associates indicated in their July 24, 2001 report for the neighboring Artanna property that wave run-up could reach height of 35 feet, NGVD. Historically, wave run-up has induced significant erosion of the coastal bluff on this property, and observed wave run-up has splashed into nearby homes. The reoccurrence of a 1969, 1983, or 1998 storm could damage the windows and walls of the Lustgarten's home, and undermine the retaining wall on which the sunroom's western wall rests. Opening the wall between home and sunroom could potentially allow the flooding of the entire first floor of the home during a similar storm.

If the wave run-up was to reach the 35 feet calculated by Haro, Kasunich, and Associates significant additional damage could occur to the home.

The affects of global warming add uncertainty to the intensity of coastal erosion and wave run-up, but almost all models suggest a rise in sea level.

Applicability of the definition of Development in 16.10 to the project's development:

The definition of "development" in County Code Section 16.10 considers life safety related to geotechnical and geologic hazards and constraints. The Lustgarten "sunroom" is a "habitable structure" based upon 16.10 definitions, and heating of the sunroom and opening the sunroom to the rest of the home is not a significant change or increase in the intensity of use. If the sunroom is a legal structure then the entire home and sunroom can be remodel as long as the extent of the remodel falls below sections 16.10.040 s (2, 3 and 6), and retaining wall on which the sunrooms westerly wall is not modified. If the sunroom were not a permitted structure then 16.10.040 s (4) would prohibit the approval of the sunroom, because Code does not allow extension of home into the 25-foot setback from the coastal bluff.

Zinn Geology report dated April 7, 2010

County staff relies on official County records of the Assessor 's Office and the County's Building Department to determine modifications are made to home. By comparing the County's Building Permit records to the Assessor's Office records, staff typically can evaluate the legality of new construction. The applicant has contested the assessor records and has

requested the assistance of Zinn Geology in an effort to determine the date of the construction of the sunroom and related deck.

I have reviewed the Zinn Geology report along with several aerial photographs to attempt to confirm Zinn Geology's analysis. Zinn Geology provides a complicated analysis of the 1965 aerial photographs to demonstrate that a roof was present over the patio in 1965. I don't see all of the features that Zinn Geology has indicated in their analysis, but clearly there are six dark features along that outer edge of the feature that should be visible in subsequent aerial photographs. An oblique photograph from the California Coastal Records Project from 1972 shows these six dark figures on the roof of a sunroom confirming Zinn Geology's analysis.

By comparing a time progression of oblique photographs the room has "evolved" over time. Clearly, the western wall is enclosed in 1972, and then removed later in the 1970's. The eastern wall is open in the late 1970's, and enclosed by 1987 and a deck with a railing has been added. Plans prepared by Frank Pisano PE, and Associates dated August 12, 1982 (and updated July 25, 1983) and counter signed by Eric Flavell on August 13, 1982 show the home with a width of 22 feet along the western edge of the main home suggesting that in 1982 the sunroom is not treated as part of the foot print of the home. Possibly sometime after 1983 the sunroom's east side was enclosed. Since the mid-1980's high altitude and oblique aerial photographs along with County file photos document that the sunroom is essentially the same as it exist today.

A weakness of the Zinn Geology report is the documentation of the sunroom before 1965. I do not have access to photograph from the 1950's so I cannot verify Zinn Geology's work before 1965.

Conclusion

Based upon several lines of evidence, the sunroom at 2950 Pleasure Point was constructed by the early 1960's. Although initially, the aerial photographic work appears to contradict the County assessor and Building information, I doubt if the sunroom would have been required to have a permit by the Building Department in the early 1960's, and the assessor's notation of glass and a patio could refer to an enclosed covered patio. If my speculation about these last two points is correct, the information from all sources match.

If we accept the use of the sunroom as an enclosed residential use established by 1965 my practice has been to allow these structures to be remodeled as long as the remodel falls below the criteria of Code Sections 16.10.040 s (2, 3 and 6). The addition of an upper story deck in the 1980's would have required a building permit, but the current plan is to eliminate this deck and establish a new curved roof instead. This would "cure" the violation of installing a deck.

Recommendations and requirements:

1. The proposed combination of the upper coastal bluff retaining wall should be examined by a geotechnical engineer, and structural engineer (See 16.10.075).
2. A geotechnical engineer investigation should be performed for the entire project (with the Building Permit), as the foundation system is an assemblage of previous foundations.
3. An engineered drainage plan is required for the project.
4. A competent contractor inspector must complete a comprehensive evaluation of pest damage. All pest damage must be outlined and the repairs must be considered in determining compliance with Code Sections 16.10.040 s (2, 3 and 6) and other building provisions.
5. I believe California Coastal Commission issued the coastal permit for the seawall repair in 1983, and since the wall of the sunroom touches a coastal bluff wall the Commission may have some original jurisdiction. A copy of the Coastal Commission Permit must be submitted to staff before the preparation of the staff report for the new coastal permit.

Incorporating the sunroom into the home and opening the entire house could result in damage, and could increase the cost of insurance if insurance is available. Even so, my interpretation is they can consider the sunroom as part of the house given its history.

J. HANNA,
COUNTY GEOLOG