



Staff Report to the Zoning Administrator

Application Number: **111215**

Applicant: Joe Nootbaar
Owner: Joe and Pam Nootbaar
APN: 043-105-07

Agenda Date: August 3, 2012
Agenda Item #: 4
Time: After 9:00 a.m.

Project Description: Proposal to construct an approximately 3,100 square foot three story single-family dwelling and attached garage as well as a 14-foot tall retaining wall at the rear of the property.

Location: Property located on the northeast side of Beach Drive, approximately ½ mile southeast of the intersection with Rio Del Mar Blvd (413 Beach Drive)

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

Permits Required: Coastal Development Permit, Variance, Residential Development Permit
Technical Reviews: Soils Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111215, 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:	5779 square feet
Existing Land Use - Parcel:	Single-family residential
Existing Land Use - Surrounding:	Single-family residential
Project Access:	Beach Drive (County-maintained road)
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Residential)

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Zone District: R-1-8 (Single-family residential - 8,000 square foot minimum net site area)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Zone VE (coastal flood zone with wave action)
Soils: Type 109 – Beaches; report submitted
Fire Hazard: Not a mapped constraint
Slopes: Steep slopes at the rear of the lot (base of coastal bluff)
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Approximately 215 cubic yards of grading is proposed
Tree Removal: No trees proposed to be removed
Scenic: Mapped coastal scenic resource
Drainage: Existing drainage adequate
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 Flood Control/Water Conservation District

Project Setting and History

The subject site is a 5,779 square foot lot situated between the base of a coastal bluff and Beach Drive in Aptos. The lot has a 35-foot wide frontage; the rear of the lot rises to about 110 feet above sea level with an 80 percent gradient behind the proposed home site, and the property is located within the Coastal High Hazard Area, as designated on Federal Emergency Management Agency (FEMA) insurance maps.

On August 29, 1997 Coastal Development application 97-0622 was submitted to the County for demolition of an existing garage and the construction of a single-family dwelling on the subject parcel. The structure proposed under application 97-0622 constituted a three-story residence and relied on several variances, including a variance to reduce the minimum required 20-foot front yards setback, to increase the maximum 28 foot height limitation to 32 feet, to allow three stories, to allow the parking area to exceed the maximum 50% of the required front yard and to increase the floor area ratio from 50% to 50.53 %.

The Zoning Administrator approved Coastal Development Permit 97-0622 on May 1, 1998. The approval was subsequently appealed to the Planning Commission. The basis for the appeal was the assertion that the property's location within a Federal Emergency Management Agency (FEMA)-designated coastal wave run-up zone did not constitute a "special circumstance" and could not, therefore, provide support for approving a variance to the two-story limitation.

The Planning Commission upheld the Zoning Administrator's decision and approved the proposal on June 24, 1998. The decision was appealed to the Board of Supervisors, and on December 8, 1998, the Board declined to take jurisdiction. Following the Board's decision, the County approval was then appealed to the Coastal Commission. On March 11, 1999 the Coastal Commission found that no substantial issue existed with respect to the project's conformance with the certified Santa Cruz County Local Coastal Program.

The Coastal Development Permit approval was ultimately litigated and on May 3, 2000 the California Court of Appeals rejected the appellant's claim and upheld the permit approval. In their ruling, the court held that a physical disparity between a property and other properties in the zone is not required in order to approve a variance and that the County could consider the application of FEMA and County regulations as the "special circumstances" required by the Government Code.

Following the Court of Appeals decision to uphold the County's approval, Coastal Development Permit 97-0622 expired before the property owner was able to obtain a building permit and the approved development was never exercised.

The subject application was made on October 6, 2011 and the current development proposal conforms closely to the footprint of the structure that was approved under Coastal Development Application 97-0622.

Project Description

The applicant proposes to construct a 3,100 square foot three-story dwelling and attached garage and a 14-foot tall retaining wall at the rear of the property. The lowest level of the structure would consist of a non-habitable garage, storage space and stairway. Federal Emergency Management Administration regulations and Chapter 16.10 of the County Code prohibit any habitable features on this lower level.

The proposal includes a 180 square foot second story deck, and a 93 square foot street-facing and a 40 square foot rear-facing decks at the third story. Approximately 215 cubic yards of grading is required and pervious pavers are proposed for the uncovered parking area, 5-foot walkway at the east, and covered patio at the rear.

A 14-foot tall concrete retaining wall is to be constructed at the rear of the property to protect against debris flows from the coastal bluff. The wall includes steel tie-backs into the hillside and concrete wing walls that extend along the west and east property lines, approximately 15 and 25 feet, respectively. The portions of the retaining wall that extend above the 8-foot height limit within the 5-foot side yard setback require a Residential Development Permit.

Zoning & General Plan Consistency

The project site is within the appealable area of the Coastal Zone. The property is designated as Urban Low Residential (R-UL) in the General Plan and is consistent with the low density residential development within the Urban Services Line, having access to a full range of urban services. The implementing zoning is R-1-8 (single-family residential with an 8,000 square foot

minimum net parcel size). The proposed single family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UL General Plan designation. The lot is less than 80 percent of the minimum site area required for the R-1-8 zone district and therefore required setbacks reflect the zone district having a minimum site area that more closely corresponds to the size of the subject lot: R-1-6. Due to the narrow frontage of the lot, 35 feet, side setbacks are 5 feet from the property line on either side. The project complies with the lot coverage requirements, but exceeds the 50% floor area ratio (FAR) threshold, with a proposed FAR of approximately 58%. This situation is typical of newer structures built along the bluff side of Beach Drive that are similarly constrained by substandard lot sizes and FEMA elevation requirements.

The proposed dwelling exceeds the 28 foot height limitation by approximately 4 feet and also has three stories which exceed the two story limit inside the Urban Services Line. The project additionally relies on a variance to reduce the second story front yard setback from 10 feet to 8 feet and to reduce the northwest side yard setback from 5 feet to 2.5 feet. The 10-foot front yard setback is allowed under County Code Section 13.10.323(e)(7), which allows front yard averaging.

Scenic Resources and Design Review

The project lies within the scenic area of the coastal zone and is subject to Design Criteria under County Code Section 13.20.130. 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 board formed cast-in-place concrete and copper shingles to create visual interest and reduce the impact of the design on surrounding land uses and the natural landscape. The wood casting process leaves the natural wood grain impression on the concrete and the proposed natural color scheme blends in well with the coastal bluff to the rear of the property, representing minimal intrusion into the natural environment. The retaining wall to the rear of the property will be required to be tinted in order to closely match the color of the dwelling and/or bluff.

The structure is designed to fit the topography of the site with minimal cutting, grading or filling for construction and no significant changes to the existing drainage patterns.

Local Coastal Program Consistency

The proposed single family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain a mixture of one, two and three-story single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles. Beach Drive is a County-maintained road; therefore the project site is not located between the shoreline and the first public road. The lot is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Geologic Hazards

Geologic and geotechnical investigations were performed for the subject property in conjunction with Coastal Development and Variance application 97-0622. The studies concluded that the potential for hillside instability on the slopes above the property was high, and that landslide debris could impact development along the hillside and lowermost flat portion of the property. As previously stated, the property is also located within the Coastal High Hazard Area, with wave-run up posing an additional geologic hazard to the site. Mitigation of the slope instability and wave run required that the house be raised on piers that extend to bedrock and that the lowest floor incorporate breakaway walls, intended to collapse under wind and water loads. Additionally, a retaining wall was proposed to deflect slide material from a potential debris flow.

A new Preliminary Geotechnical Investigation and Update to the Preliminary Investigation were submitted for the current proposal. The recommendations continue to call for a pier foundation embedded into sandstone bedrock and a retaining wall to mitigate impacts from wave run-up and coastal bluff instability. These elements are included in the current proposal.

In addition to the potential hazards posed by wave run-up and slope instability, the project geotechnical engineer analyzed issues related to climate change and sea level rise, assuming a worst case condition for the next 100 years. In this scenario, Beach Drive would be eroded and the building site scoured to an elevation of -4 feet National Geodetic Vertical Datum (NGVD). The design load criteria for the structure to withstand the predicted wave impact loads under these conditions were evaluated.

The 100 year FEMA Base Flood Elevation (BFE) of +21.0 feet NGVD is approximately 4 to 5 feet above existing grade at the building site. The residential structure is proposed to be elevated above the FEMA Base Flood Elevation to a minimum of 22 feet NGVD, with wall and slabs below this level designed to be breakaway, as required by FEMA regulations and Chapter 16.10 of the County Code.

According to the project engineering geologist and geotechnical engineer, the proposed project site can be developed as proposed provided that the geotechnical design recommendations are followed. The report was reviewed and approved by the County Geologist. Conditions of project approval include compliance with all recommendations made by the project geologist and geotechnical engineer and the recordation of a Declaration of Geologic Hazards on the site.

Variances and Residential Development Permit

The project requires variances to the minimum required front and side yard setbacks, maximum building height, maximum number of allowed stories in the Urban Services Line, and maximum floor area ratio. Application 97-0622, similarly relied on several variances, and was approved as proposed. The current project differs slightly from the previously-approved application in that it includes a variance to a side yard setback (from 5 feet to 2 ½ feet) and increases the floor area ratio to 58%. Unlike the 1997 application, this proposal does *not* include a variance to the 50% front yard parking area, nor does it include a second story rooftop deck.

The proposed reduction to front and side yard setbacks is not unusual in this part of Santa Cruz County. Approximately 84% of the houses along Beach Drive have a zero lot line setback on one

or more sides. The average width of lot along Beach Drive is 35 feet, which precludes the privacy normally afforded to wider lots throughout Santa Cruz County. Over 80% of the homes along Beach Drive are setback 8 feet or less from the front property line, with many located at the front property line. The houses on either side of the subject lot are built to within eight feet of the front property line (when including the bay window at 415 Beach). The proposed home will maintain the required 10 foot setback at the first floor, while encroaching to within eight feet at the second floor. The 10-foot front setback is allowed under County Code Section 13.10.323(e) (7), which authorizes front yard averaging.

With respect to the proposed reduction of the northwestern side yard setback to 2 ½ feet, it should be noted that the subject property owner also owns the adjacent lot to the west that would be impacted by the side yard reduction. Additionally, as was previously stated, many Beach Drive homes have zero lot lines at one or both side yards. Specifically, variances were approved in 2008 for the property at 409 Beach Drive (APN 043-105-05) to allow a reduction of the front yard setback to 8 feet and the side yard setback to 0.5 feet, in addition to allowing three stories and a height of 32.5 feet. The property at 405 Beach Drive obtained a variance in 1999 to reduce a side yard setback from 5 to 3 feet.

Because of the proximity of the unstable coastal bluff the rear portion of the lot, this site provides minimal access to private patios or decks. The granting of the requested variances will help to compensate the lack of use of a more extensive rear living space that several other homes along Beach Drive enjoy.

FEMA requirements prohibit living on the ground floor due to the potential for flooding. Of the 63 houses located along Beach Drive, nearly half of the newly constructed homes have 2 living floors above the garage. The majority of the remaining homes were constructed prior to the current FEMA regulations.

Therefore the proposed variances do not represent grants of special privilege, but reflect the circumstances unique to homes located on narrow lots, within Coastal High Hazard Areas and encumbered by the proximity of unstable coastal bluff formations. Variance findings are included in Exhibit B of this report.

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 **111215**, 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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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-1-8 (Single-family residential - 8,000 square foot minimum net site area), a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's (R-UL) Urban Low 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 proposal does not conflict with any known existing easement or development restriction such as public access, utility, or open space easements.

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, subject to the concurrent approval of the proposed variances, the proposed project is consistent with all applicable regulations under County Code Section 13.20.130 for development within the coastal zone. While the proposed structure is located on a prominent beach, the use of natural materials and colors will help to ensure that dwelling will be compatible with the surrounding neighborhood in terms of architectural style. The use of copper shingles, and board formed concrete will provide depth and visual interest while maintaining a complementary relationship with the natural environment.

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 not located between the shoreline and the first public road and there are no public easements located within or adjacent to the lot. Consequently, the single family dwelling 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-1-8 (Single-family residential - 8,000 square foot minimum net site area) zone district of the area, as well as the General Plan and Local Coastal

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Owner: Joe and Pam Nootbaar

Program land use designation. Developed parcels in the area contain single family dwellings of one, two and three stories. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles.

Residential 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, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. Additionally, the project is required to comply with all recommendations made by the project geotechnical engineer and engineering geologist.

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 retaining wall is an allowed use within the R-1-8 zone district. The retaining wall, which exceeds the eight foot height limit within the side yard setback, is required to stabilize the coastal bluff above the property and will not obstruct coastal views or block light or air to the adjacent properties based on shadow studies performed for the site.

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 consistent with the use and density requirements specified for the Urban Low Residential (R-UL) land use designation in the County General Plan.

Compliance with recommendations made in the Geotechnical and Geologic Site Assessment, prepared for the site, ensure that the project demonstrates a 100-year lifetime of the structure as required by General Plan Policy 6.2.15.

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 retaining wall is to be constructed on an existing undeveloped lot. The retaining wall construction will not generate any additional traffic.

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 nearly all of the residences constructed along the base of the bluff are protected by retaining walls in different configurations and sizes. The proposed wall would be minimally visible from the street.

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 proposed retaining wall would be located at the rear of the property and minimally visible from the street front. The design of the wall will be consistent with the design of other retaining walls along the base of the coastal bluff and a condition of approval requires a visual link between the wall and the adjacent residence.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, or existing surrounding structures, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made in that the property is characterized by a 35-foot wide frontage, which provides limited area for development as the required 5-foot side yard setbacks leave a 25-foot wide building envelope.

The project site is further constrained by existing topography, located below an eroding coastal bluff at the rear of the lot, and a coastal Special Flood Hazard Area, which requires elevations of any structure above 23 feet mean sea level at the front of the lot. The proposed structure would exceed the two story height limit, so that the first level would provide the necessary flood elevation required by the geologic report completed for the property and by General Plan Policies 6.4.2 and 6.4.3, which regulate development in flood hazard areas. Due to the steep coastal bluff at the rear of the property, proposed to be retained by a 14-foot tall engineered retaining wall to deflect potential debris flows, the entire back yard is unsuitable for a patio or recreational area.

Required on-site parking takes up more than 50 percent of the 35 foot wide front yard, but provides a total of three spaces on-site so that this property does not compete with coastal visitors for access to public on-street parking along Beach Drive. The proposed deck encroaches to within 8 feet of the front property line, provides needed open space area for the single-family dwelling. The vast majority of existing surrounding structures enjoy reduced front and/or side yard setbacks and the strict application of the zoning ordinance would prevent the property owners from utilizing their property to the same extent as other properties in the vicinity and under identical R-1-8 zoning.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, welfare, or injurious to property or improvements in the vicinity.

This finding can be made in that project conditions of approval require compliance with all recommendations included in the engineering geology and geotechnical studies completed for the project and accepted by the County Geologist. These recommendations will ensure that the granting of a variance to construct the proposed single-family dwelling will not be injurious to property or improvements in the vicinity. The residence is required to be elevated above 23 feet mean sea level with no habitable features on the ground floor and constructed with breakaway walls and a collapsible garage door. No mechanical, electrical or plumbing equipment shall be installed below the base flood elevation. The engineered retaining wall proposed to be constructed behind the house will stabilize the base of the coastal bluff above the dwelling.

Shadow studies submitted for the project demonstrate that the impact of the proposed second story deck and reduction in side yard setback will be minimal with respect to interfering with access to sunlight. The home to the northwest, which would be the most impacted by the encroachment, is

owned by the subject applicant and any future owner would be fully aware of the impacts, if any, of the encroachment prior to purchasing the property.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made in that the granting of the variances to front and side yard setbacks (front yard at the second story only and northwest side yard), increasing the maximum height, allowing three stories, and exceeding the floor area ratio will not constitute a grant of special privilege to this parcel as similar variances have been granted in the zone and immediate vicinity. The variances would provide a remedy for the proposed infill development of a single-family residence consistent with the existing surrounding development.

The County has considered and approved similar variance requests, on the subject parcel and surrounding properties. Virtually the same variances that are being sought under this application, were approved by the Zoning Administrator, and upheld by the Planning Commission in 1997. The only differences represented by the current proposal are a greater increase in the floor area ratio (58% instead of the 50.8% previously approved), a reduction in the side yard setback from 5 feet to 2 ½ feet, and the elimination of the previously approved increase in the 50% parking and drive aisle area in the front yard. On balance, the subject proposal is nearly identical, in terms of scale and impact, to the proposal approved on the site in 1997.

Properties in close proximity have been granted similar variance approval. For example application 97-0387, approved at APN 043-105-03 in 1998, granted a variance to reduce the side yard setback from five feet to three feet. Application. 07-0014, approved at APN 043-105-05 in 2007, granted variances to allow an increase from two to three stories, increased height from 28 feet to 32.6 feet, a reduction in the front yard setback from 20 feet to 8 feet, a reduction in the side yard setback from five feet to one-half foot, and an increase in the parking area in the front yard from 50% to 71%.

Additional properties along Beach Drive, similarly constrained by the presence of the steep, unstable coastal bluff and Special Flood Hazard considerations, have also received variance approval. For instance, application 05-0200, approved at APN 043-161-42 in 2006, granted a variance to increase the maximum floor area ratio from 50% to 56%, and to exceed the two-story limitation.

Overall, the vast majority of the homes along the bluff side of Beach Drive, which are located within the Flood Hazard area are either older homes, which were constructed prior to Federal Emergency Management Agency (FEMA) flood elevation requirements or are of newer construction and have received variances in order to accommodate flood elevation requirements.

Conditions of Approval

Exhibit A: Architectural Plans (Sheets A1-A6, G1, L1 and Shadow Plan) prepared by Pfau Long Architecture, last revised 2/24/12, Site and Grading Plans (Sheets C1 and C2) prepared by Roper Engineering, dated 2/24/12

- I. This permit authorizes the construction of a three story, 3,080 square foot single family dwelling and attached garage, and 14-foot tall retaining wall. 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 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.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
 - 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, but not be limited to, the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.

2. All exterior glazing shall be designed to minimize glare.
3. The retaining wall shall be tinted, as necessary, to match the color scheme of the dwelling or otherwise designed to provide a visual link with the house and to blend in with the surrounding bluff face to the greatest extent practicable.
4. Grading, drainage, and erosion control plans.
5. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and the location and dimensions of all proposed walls and fences.
6. A final landscape plan. The plan shall include the location, size and species of all existing and proposed trees, plants and turf areas, including any proposed irrigation system.
7. Final plans shall note that Soquel Creek Water District will provide water service and shall meet all requirements of the District, including payment of any connection and inspection fees. Final engineered plans for water connection shall be reviewed and accepted by the District.
8. Final plans shall note that Santa Cruz County Sanitation District will provide sewer service and shall meet all requirements of the District including payment of any connection and inspection fees.
9. Meet all requirements and pay all review fees of the Aptos/La Selva Fire Protection District.
10. Follow all recommendations of the engineering geology and geotechnical reports prepared for the site. All report recommendations shall be included in the construction drawings submitted to the County for Building Permit application. All recommendations contained in the County acceptance letter, shall be incorporated into the final project plans..
11. The project shall comply with all requirements of the 3/15/12 memo from Resource Planner Antonella Gentile, including, but not limited to the following:
 - a. The use of shear walls is prohibited per Santa Cruz County §16.10.070(h)5(iii).
 - b. All structures shall be elevated on pilings and columns so that the bottom of the lowest portion of the lowest structural member of the lower floor (excluding the pilings and columns) and elements that function as part of the structure are elevated to or above the base flood level.

- 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 6 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Submit 3 copies of a soils report and engineering geology report prepared and stamped by a licensed Geotechnical Engineer and Engineering Geologist.
 - E. Pay the fees for Parks and Child Care mitigation for three bedrooms. Currently, these fees are, respectively, \$1000 and \$109 per bedroom; however fees are subject to change.
 - F. Pay the current fees for Roadside and Transportation improvements for three bedrooms. Currently, these fees are, respectively, \$3,000 and \$3,000 per bedroom; however fees are subject to change.
 - G. Provide required off-street parking for three 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.
 - I. Complete and record a Notice of Geologic Hazards. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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 and geology 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: _____

Wanda Williams
Assistant Planning Director

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: 111215

Assessor Parcel Number: 043-105-07

Project Location: 413 Beach Drive

Project Description: New single-family dwelling and retaining wall

Person or Agency Proposing Project: Joe Nootbaar

Contact Phone Number: (415) 602-2238

- 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. X Categorical Exemption

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

F. Reasons why the project is exempt:

Proposal is one single-family residence in a residential zone district.

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

Robin Bolster-Grant, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO WARRANTY AS TO ANY MAPPING, LOCATION, OR BOUNDARIES ANY LIABILITY FOR THE USES, NOT BEING PROVIDED, ALL RIGHTS RESERVED.
*COURT'S GIFT SOUTH COAST COUNTY, ASSessor, 1999

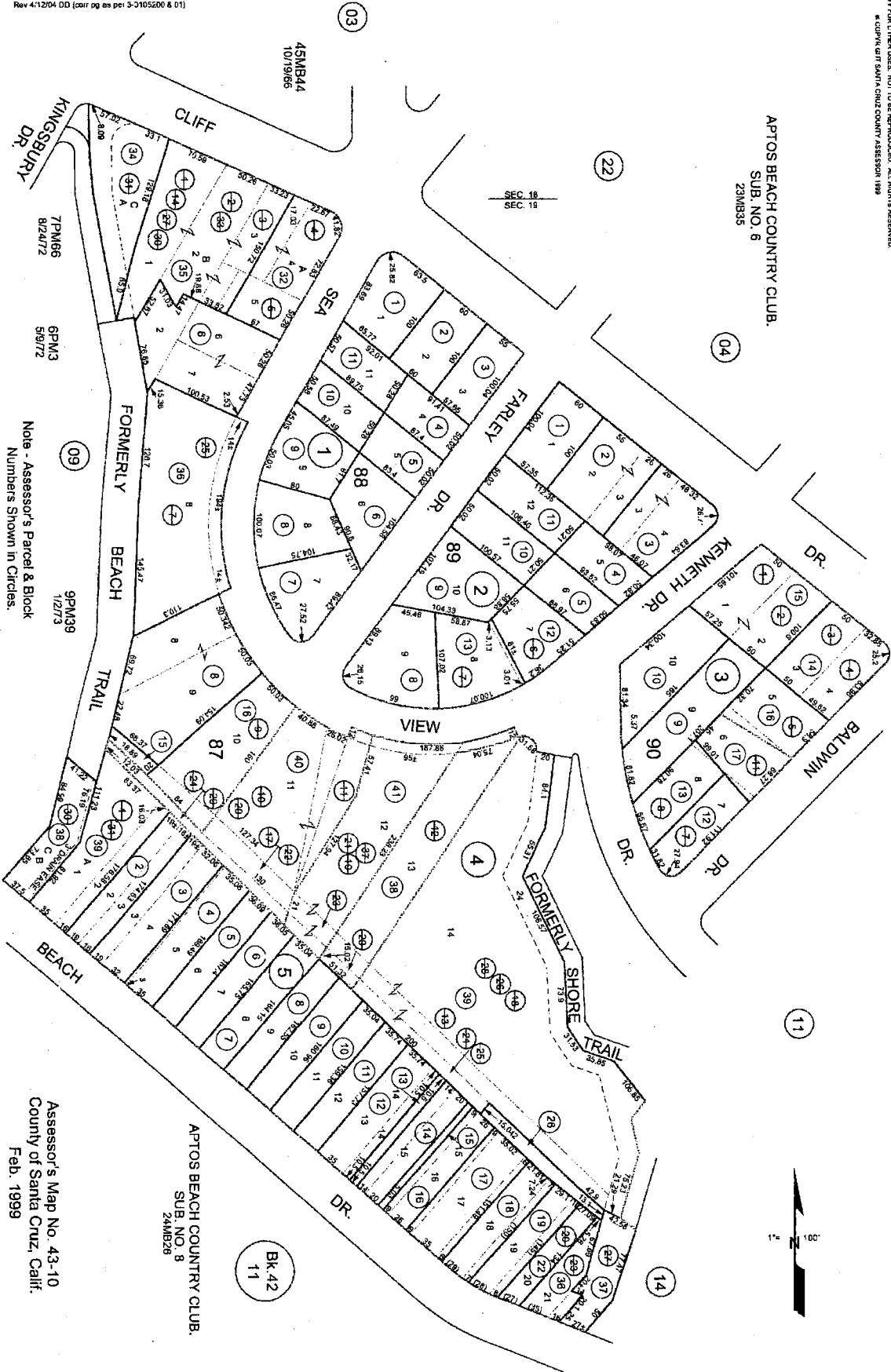
S.E. 1/4 SEC. 18, & N.E. 1/4 SEC. 19, T. 11S., R. 1E., M.D.B. & M.

POR. APTOS RANCHO

Tax Area Code
69-273

43-10

Electronically Redrawn 2/8/99 by
Rev. 5/25/01 (mms changed page info.)
Rev. 3/26/03 CB (3-0027621 & 23, LBA 4-40 & 41)
Rev. 10/6/03 CB (Cor to line work)
Rev. 4/12/04 DD (3-0165200 & 1, so into 4-42 to 4-2)
Rev. 4/12/04 DD (corr pg as per 3-0105200 & 01)







Assessor's Map No. 43-10
County of Santa Cruz, Calif.
Feb. 1999

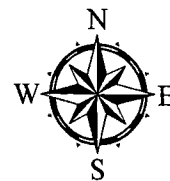


Location Map



LEGEND

-  APN: 043-105-07
-  Assessors Parcels
-  Streets
-  County Boundary

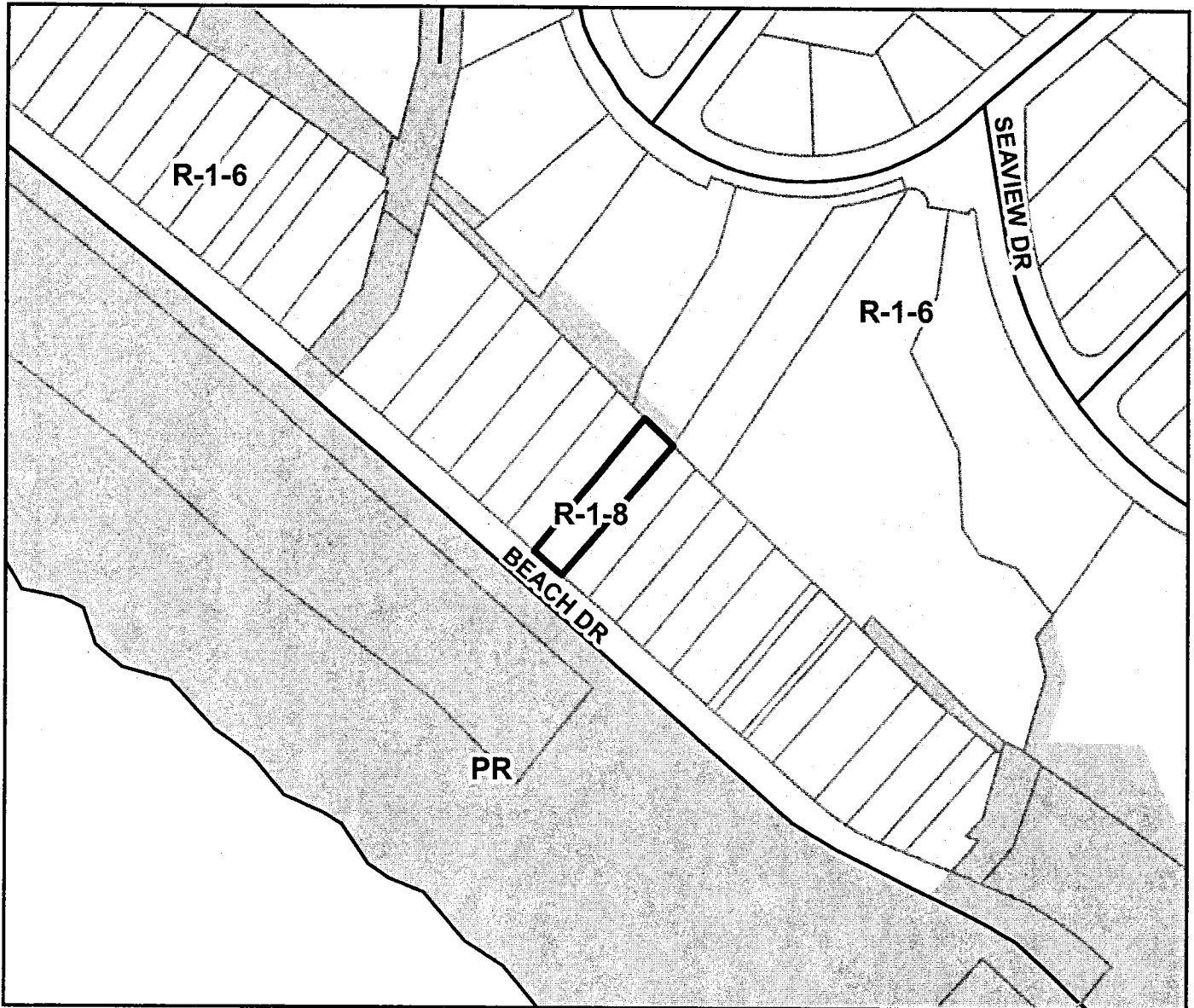


Map Created by
County of Santa Cruz
Planning Department
October 2011






EXHIBIT E

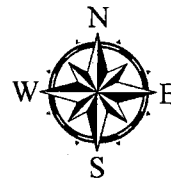


Zoning Map



LEGEND

-  APN: 043-105-07
-  Assessors Parcels
-  Streets
-  County Boundary
- RESIDENTIAL-SINGLE FAMILY
-  PARK

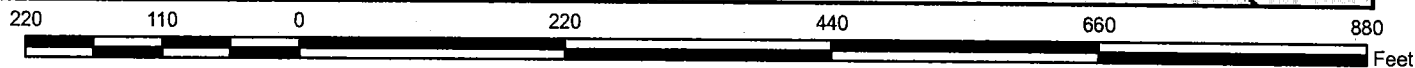
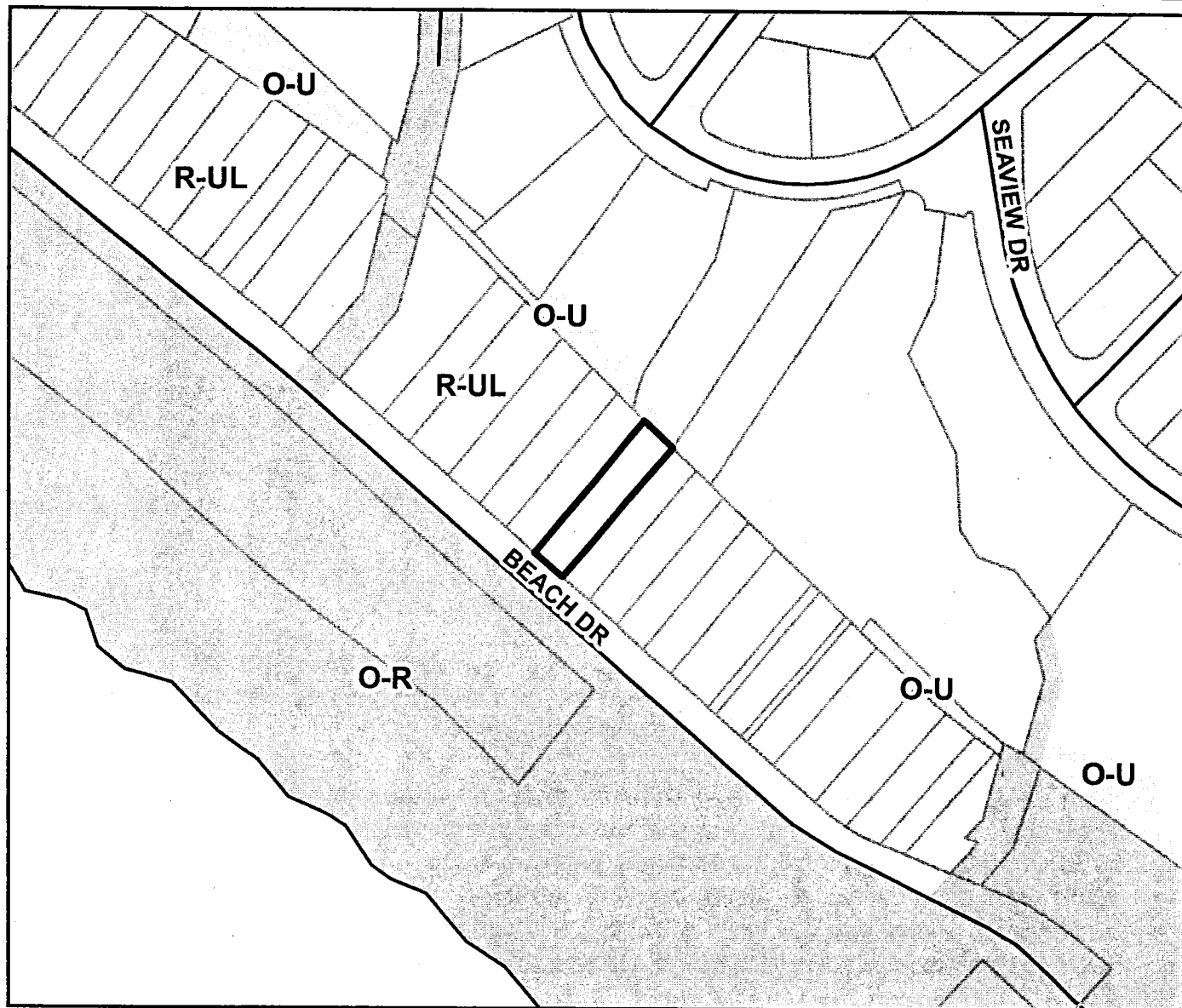


Map Created by
County of Santa Cruz
Planning Department
October 2011








EXHIBIT E

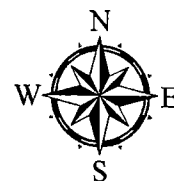


General Plan Designation Map



LEGEND

-  APN: 043-105-07
-  Assessors Parcels
-  Streets
-  County Boundary
-  Residential - Urban Low Density
-  Urban Open Space
-  Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
October 2011

EXHIBIT E



Discretionary Application Comments 111215

APN 043-105-07

Coastal Commission Review

Routing No: 1 Review Date: 10/31/2011

ROBIN BOLSTER (RBOLSTER) : No Response

Drainage Review

Routing No: 2 Review Date: 03/15/2012

TRAVIS RIEBER (TRIEBER) : Complete

Completeness Comments:

Application Complete? ☒ Yes ☐ No

The civil plans and drainage calculations dated 2/24/2012 have been received and are approved for the planning application stage. Please see the permit conditions below for information to be provided at the building application stage.

Policy Considerations and Compliance Issues:

Permit Conditions and Additional Information:

1. Please provide a cross section construction detail of the proposed paver driveway, patio and walkway to facilitate proper construction by the contractor.

Note: The designer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The designer's letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of "general conformance to plans" are not sufficient. An as-built plan may be submitted in lieu of the letter. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions.

Driveway/Encroachment Review

Routing No: 1 Review Date: 11/01/2011

DAVID GARIBOTTI (DGARIBOTTI) : Complete

Completeness Comments:

Application Complete? ☒ Yes ☐ No

Policy Considerations and Compliance Issues:

1. Pavers may not extend into the right-of-way.



Driveway/Encroachment Review

Routing No: 1 Review Date: 11/01/2011

DAVID GARIBOTTI (DGARIBOTTI) : Complete

Permit Conditions and Additional Information:

1. Driveway and approach to conform to County of Santa Cruz Design Criteria.
2. Area within the right-of-way may not be reserved for any person's parking.
3. An encroachment permit will be required for work in the right-of-way.
4. Show all work in the right of way including utility trenching.
5. Replace damaged sidewalk and driveway to conform to existing.

Environmental Planning

Routing No: 2 Review Date: 03/15/2012

ANTONELLA GENTILE (AGENTILE) : Complete

Completeness Comments:

1. This project is considered complete per the requirements of Environmental Planning.

Compliance/Miscellaneous Comments:

1. The use of shear walls is prohibited per Santa Cruz County Code Section 16.10.070(h)5.(iii). This code section states that all structures shall be elevated "on pilings and columns so that the bottom of the lowest portion of the lowest structural member of the lower floor (excluding the pilings and columns) and elements that function as part of the structure...are elevated to or above the base flood level." Furthermore, FEMA Technical Bulletin 5 states that:

"Shear walls beneath low-rise V zone structures, regardless of orientation, are obstructions that are contrary to the NFIP free-of-obstruction requirements. They should not be permitted unless special justification exists, such as the need for a public, military, or functionally dependent, low-rise structure in a V zone, which cannot be supported on piles and columns alone. Even in these cases, they should be allowed only if detailed engineering calculations demonstrate that the foundation and building are designed to resist all base flood conditions (including erosion, which will increase the height of waves and wave forces striking the foundation), all design loads, and all appropriate load combinations."

2. The soils report is still under review by Joe Hanna, County Geologist. The results of this review will be sent under separate cover.

Fire Review

Routing No: 1 Review Date: 10/25/2011

ERIN COLLINS (ECOLLINS) : Complete

October 25, 2011



Fire Review

Routing No: 1 Review Date: 10/25/2011

ERIN COLLINS (ECOLLINS) : Complete

Planning Department
County of Santa Cruz
Attention: Robin Bolster-Grant
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 043-105-07 / Appl #111215
413 Beach Drive

Dear Ms. Bolster-Grant:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

A plan review fee of **\$50.00** is due and payable to the Aptos/La Selva Fire Department **PRIOR TO APPROVAL** of building application. **Reminder:** the enclosed Permit/Service Fees form must be submitted to the Aptos/La Selva Fire Department at time of payment.

- Any other requirements will be addressed in the Building Permit phase.
- Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

In order to obtain building application approval, recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following information **on the plans that are submitted for BUILDING PERMIT**.

NOTE on the plans "these plans are in compliance with California Building and Fire Codes (**2010 edition**) and Aptos/La Selva Fire District Amendments".

NOTE on the plans "the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE / FIRE RATING and SPRINKLERED or NON-SPRINKLERED as determined by the building official and outlined in the California Building Code. (e.g. R-3, Type V-B, Sprinklered)"



Fire Review

Routing No: 1 Review Date: 10/25/2011

ERIN COLLINS (ECOLLINS) : Complete

NOTE on the plans "the **REQUIRED** and **AVAILABLE FIRE FLOW**. FIRE FLOW requirements for this project is **1,000 gallons per minute**. The AVAILABLE FIRE FLOW information can be obtained from the water company. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m²) shall be 1,000 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having

a fire-flow calculation area in excess of 3,600 square feet (344.5m²) shall not be less than that specified in Appendix Table B105.1 of the California Fire Code".

SHOW on the plans a public fire hydrant within 600 feet of any portion of the building meeting the minimum required fire flow for the building. Hydrant shall be on a fire apparatus access road, as measured by an approved drivable route around the exterior of the facility or building.

NOTE on the plans "All buildings shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13-D, and adopted standards of the Aptos/La Selva Fire Protection District."

NOTE on the plans "the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval."

NOTE on the plans "an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT. Underground plan submittal and permit, will be issued to a Class B, Class C-16, Class C-36 or owner/builder. No exceptions."

SHOW on the plans where the smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement.

One detector adjacent to each sleeping area (hall, foyer, balcony, or etc.)

One detector in each sleeping room.

One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.

There must be at least one smoke detector on each floor level regardless of area usage.

There must be a minimum of one smoke detector in every basement area.

When a fire alarm system is proposed in lieu of 110V/battery backup smoke detectors,



Fire Review

Routing No: 1 Review Date: 10/25/2011

ERIN COLLINS (ECOLLINS) : Complete

a separate fire alarm permit and fee is required by the Aptos/La Selva Fire District.

NOTE on the plans, "three sets of fire alarm plans shall be submitted and approved prior to commencing work."

NOTE on the plans "building numbers shall be provided. Numbers shall be a minimum of four (4) inches in height on a contrasting background and visible from the street. Where numbers are not visible from the street, additional numbers shall be installed on a directional sign at the property driveway and the street."

NOTE on the plans "the installation of an approved spark arrester on the top of the chimney. The wire mesh not to exceed 1/2 inch."

NOTE on the plans "the roof covering shall be no less than Class "B" rated roof."

NOTE on the plans "a 30-foot clearance shall be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure."

NOTE on the plans, A MINIMUM OF 48 HOURS NOTICE to the fire department is required prior to inspection.

NOTE on the plans "the job copies of the building and fire systems plans and permits must be on-site during inspections."

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewer and reviewing agency.

Sincerely,

Jim Dias, Fire Marshal
Fire Prevention Division



Fire Review

Routing No: 1 Review Date: 10/25/2011

ERIN COLLINS (ECOLLINS) : Complete

Aptos/La Selva Fire Protection District

Cc: 413 Beach LLC
8400 Glen Haven Road
Soquel, CA 95073

Cc: Tracy Johnson
1198 B Amesti Road
Watsonville, CA 95076

Project Review

Routing No: 2 Review Date: 03/15/2012

ROBIN BOLSTER (RBOLSTER) : Complete

Road Engineering Review

Routing No: 1 Review Date: 10/31/2011

ANWARBEG MIRZA (AMIRZA) : Complete

Completeness Comments: Application Complete? X Yes No

Policy Considerations and Compliance Issues:

Permit Conditions and Additional Information:

No overhang of deck or pavers is allowed in the right-of-way.

Sidewalk and driveway must build per County of Santa Cruz standards described in Design Criteria.

Please refer to the SC Design Criteria for references. Click for the link below
<http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.pdf>

For questions, call Anwar Mirza at 831 454 2160.

Sanitation Review

Routing No: 1 Review Date: 10/27/2011

DIANE ROMEO (DROMEO) : Not Required

District sewer main is in paved right of way. No District facilities located on buildable portion of property.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

March 13, 2011

Joe Nootbar
1485 Bay Laurel
Menlo Park, CA 94025

**Subject: Review of Coastal Study, Geotechnical Engineer and Engineering Geologic Reports by Haro, Kasunich, and Associates; Dated March 2, 2012 and February 2011; Project: SC9986
APN 045-105-07, Application #: REV111077**

Dear Joe Nootbar,

The purpose of this letter is to inform you that the Planning Department has accepted the subject report and the following items shall be required:

1. All construction shall comply with the recommendations of the report.
2. Final plans shall reference the report and include a statement that the project shall conform to the report's recommendations.
3. Prior to building permit issuance a *plan review letter* shall be submitted to Environmental Planning. After plans are prepared that are acceptable to all reviewing agencies, please submit a geotechnical plan review letter that states the project plans conform to the recommendations of the geotechnical report. *Please note that the plan review letter must reference the final plan set by last revision date.* The author of the report shall write the *plan review letter*.
4. The proposed home must comply with the FEMA provision outlined in the reports, and as required by County Code and State Law.
5. The attached Notice of Geologic Hazards must be recorded prior to the completion of the Building Department Permit Inspections for the project.
6. Please submit an electronic copy of the soils report in .pdf format via compact disk or email to: pln829@co.santa-cruz.ca.us. Please note that the report must be generated and/or sent directly from the soils engineer of record.

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

Our acceptance of the report is limited to its technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

(over)

Please note that this determination may be appealed within 14 calendar days of the date of service. Additional information regarding the appeals process may be found online at: http://www.sccoplanning.com/html/devrev/plnappeal_bldg.htm

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

Sincerely,



Joe Hanna
County Geologist CEG1313

Cc: Antonella Gentile CFM, Environmental Planning
Haro, Kasunich, and Associates.
owner (if different from applicant)

