



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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TOM BURNS, DIRECTOR

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Cove Britton  
728 North Branciforte  
Santa Cruz, CA  
95062

August 5, 2008

**SUBJECT:** Building Permit Application #65060H  
Appellant: Cove Britton  
Owner: Mary Jane Vidovich  
APN: 042-211-28  
Situs: 233 Rio Del Mar Blvd., Aptos, CA

Dear Mr. Britton,

The purpose of this letter is to inform you of my determination regarding your appeal of the action on the noted Building Permit application. Tom Burns, the Planning Director, has directed me to act on his behalf for this appeal. My determination is based upon the testimony presented, a review of all correspondence, a review of any applicable ordinances, discussions with staff and a review of the application and associated file.

This project involves a building permit application for the placement of a single family dwelling on the noted parcel. This building permit implements Coastal Development Permit 06-0242.

### APPEAL ISSUES

From my review of the record, you are appealing the determination of the Building Official dated June 5, 2008, denying your appeal dated May 27, 2008 to the Building and Fire Codes Appeals Board. Your appeal dated May 27, 2008 was denied because it was determined to have been not properly filed. Specifically, the Building Official found that the appeal was not submitted in a timely manner as stipulated by County Code Section 12.12.020 (a), did not include the required appeal fee as required by County Code Section 12.12.020 (c) and did not provide sufficient detail to clearly outline what the appeal is concerning as required by County Code Section 12.12.040.

Your letter of Appeal dated June 8, 2008 of the June 5, 2008 action by the Building Official, focuses on three points as the grounds for the appeal. The appeal raised no other issues.

The key points contained in your appeal are as follows:

- “We responded in a timely manner once all comments were received for the county departments. County policy requires us not to respond until we have received all comments. We have been timely, you are parsing out of convenience to support the denial of a basic civil right.”
- “The fee supposedly required for the appeal was only required after the appeal was submitted... it will be paid, but *staff* should of required the payment at the time of the submittal.”
- “You are interpreting the applicable ordnances, codes, and laws, we are appealing. The point isn’t whether you agree, it is whether the Appeal Board does. Under all applicable Ordinances, code, and law, our discussion is at an end, we are not seeking your opinion, we are seeking the opinion of the Building Appeals Board. Please review the county code below:

**12.12.060 Action on appeals by Building Appeals Board.**

*At the time set for the hearing, the Building Appeals Board shall review the relevant documents to determine whether the appellant has properly presented a matter for consideration by the Board. If the board determines that the request for hearing is proper, the Board shall proceed with the hearing and take such action on the appeal as it determines appropriate.”*

It must be clearly understood that this appeal is limited to only these issues. No determination is being made on any of the specific issues you brought up in your letter of May 27, 2008 to the Building Official.

**BACKGROUND/ ANALYSIS**

For background, a Coastal Development Permit that included variances from site standards was approved for this site on May 4, 2007 with an effective date of May 18, 2007. This permit must be exercised within two years of the effective date (see County Code Section 18.10.132 (b) 4.).

Subsequent to that approval, an application for the implementing building permit was submitted to the County on December 21, 2007. This application was denied by four agencies during their initial review and you were informed of this in the “deficiency” letter from the County dated February 12, 2008. As you know, all subsequent communication regarding the deficiencies is left to the applicant and applicable agency, with no updated deficiency letter being sent out being generated by the Planning Department.

Attachment 4 illustrates the written description of the appeals process that has been available for several years (via handouts and on our web site). It provides information on the appeal period (County Code Section 12.12.020), information on the required fee (see County Code Section 12.12.020) and outlines the information necessary to be included in the letter of appeal (see section 12.12.040). Given your long history with the County and your experience with the County Code, I find it unlikely that you had no knowledge of the appeal process. Furthermore, even if you were not aware of these standards, you have shown your ability to inquire with staff on such issues on a regular basis.

