



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

TOM BURNS, PLANNING DIRECTOR

May 5, 2008

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

AGENDA DATE: May 14, 2008

ITEM#: 11

Time: After 9 AM

APN: 07-0350

APPLICATION: 043-161-33

SUBJECT: APPEAL OF ZONING ADMINISTRATOR DENIAL OF APPLICATION 07-0350

Members of the Commission:

On March 7, 2008 the Zoning Administrator denied Coastal Development Permit 07-0350 for a variance to construct a second story addition on an existing one story single family dwelling on the beach side of Beach Drive. On March 14, 2008 the Planning Department accepted the applicant's appeal of the Zoning Administrator's denial (Letter of Appeal, Attachment 1). Per Section 18.10.330 of the County Code, a public hearing has been set before your Planning Commission to consider the appeal.

PROJECT DESCRIPTION AND LOCATION

The property is located on the beach side of Beach Drive past the private gate and within the Residential Beach (RB) zone district, which restricts the number of stories to one. The property owner proposes to remodel an existing one story, four bedroom single-family dwelling. The proposed remodel includes the construction of a second floor addition with two bedrooms and a full bathroom. One of the existing bedrooms would be converted to a living room and the other would be converted to a laundry room and storage. This results in a two-story, four bedroom dwelling. The proposal required a Coastal Development Permit and a Variance from the RB zone district one-story limitation.

ZONING ADMINISTRATOR'S ACTION

The Zoning Administrator denied the application based on an inability to make the finding that there were special circumstances associated with the property that deprived the property owner of privileges enjoyed by other property owners in similar situations. It was clear the other two findings necessary to approve a Variance could be made as there are other homes with two story elements in the area and there will be no detrimental impacts of the proposed construction on surrounding properties. However, all three findings must be made to approve the Variance.

RESPONSE TO APPEAL

In the letter of appeal, Mr. Goldspink provides two grounds for his appeal and two other factors for consideration. The grounds for appeal are that the decision was unfair and inappropriate, and that the denial of the Variance was an error. Staff's response to these grounds for appeal follows.

The first argument by the Appellant is that the denial of the project was unfair and inappropriate because the one-story restriction doesn't make sense. He contends that the 17-foot height limit, which the proposed house with addition complies with, should be adequate to address the intent of the RB zone district to limit the height of structures on the seaward side of Beach Drive to minimize visual impact. His discussion includes information from the 1991 Board review of building height limits that there was no discussion of the one story limitation in the RB zone. He concludes that because 17-foot height limit is very restrictive, retention of the one story limitation was an oversight by staff and the Board.

Staff reviewed the history of the RB zone district. The RB district was created in 1975/76 as a part of the recodification of the Zoning Ordinance. The height standards created at that time were 16-feet on the ocean side of the roadways and 40-feet on the inland side. There was no limit on the number of stories (it would have been virtually impossible to construct two stories in 16-feet). The 1991 amendments increased the allowed height to 17-feet to provide additional flexibility in roof designs and added the one story limitation to make it clear that it was the intent of the County to limit development on that side of the road to one story.

As a part of the project analysis, staff inventoried the 31 properties on the beach side of Beach Drive and found that the majority are single story homes (21). There are two vacant properties and a house under construction that was approved to meet the FEMA requirements (see discussion below). The remaining 8 properties are two story homes, as summarized in the following table.

Two Story Structures on the beach side of Beach Drive

APN	Address	Year built	Comments
043-152-48	531 Beach Drive	2005	FEMA elevated with variance approval; one story habitable space
043-152-47	533 Beach Drive	1957	Before RB zone adopted
043-152-59	537 Beach Drive	1951	Before RB zone adopted
043-152-43	539 Beach Drive	1965	Before RB zone adopted
043-152-36	545 Beach Drive	1965*	1996- PC granted variance
043-152-34	547 Beach Drive	1986	Reconstruction of fire damaged 2 story built before RB zone adopted
043-161-27	636 Beach Drive	1967	Before RB zone adopted
043-161-45	646 Beach Drive	1974	Before RB zone adopted

* Original house before RB zone

The second argument made by the property owner is that the denial of the variance is an error and that there is no special privilege granted for the proposed development based on the number of two story homes already existing in the vicinity. While staff agrees that the finding of no special privilege could be made, approval of a variance requires that all three findings be made. The project was denied based on not being able to make the finding that because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing 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 cannot be made because there is no special circumstance applicable to the property based on the size, shape, topography, and surrounding existing structures. The parcel is of similar shape and size as surrounding parcels, and is essentially flat. Surrounding structures do not encroach onto this property or otherwise impede development of this site.

The first of the other factors is that, in 1996, the Planning Commission approved a Variance, on appeal, for a nearby property (545 Beach Drive) under similar circumstances as the proposed development. The Planning Commission based its decision, and revised staff's findings to so state, on the idea that the Variance was appropriate because the property owners would be deprived of a home that was as large as their neighbors. The Commission also didn't think that the two-story limit made sense given the height limit of 17-feet and suggested that the County look at the possibility of revising the ordinance. The house at 545 Beach Drive is the only two-story home on Beach Drive that has been built after 1991.

The second of the other factors concerns the FEMA and County requirements for substantial remodels in the wave run-up (extreme coastal hazard) area. The appellant maintains that the proposed two story house will better meet the intent of the RB zone than the houses that are subject to the FEMA elevation requirements for substantial remodels. Substantial remodels present a difficult challenge on Beach Drive. If the cost of the work proposed exceeds 50% of the appraised value of the structure, then the structure must be elevated to meet the FEMA requirements. This always means that a Variance is required to allow for the construction of a one-story house located on top of a non-habitable area (garage, storage, etc). In effect, the County has had to sacrifice the existing neighborhood character and visual impact protection to allow property owners to replace damaged structures or to do major remodels.

This requirement does not apply to this proposal as the cost of the proposed work does not exceed 50% of the appraised value of the structure, but it has applied to new structures at 531 and 618 Beach Drive. Both of these properties were granted Variances to allow heights of 23-feet for their proposed remodels. The special circumstance affecting these properties is that they are situated in a flood zone and must elevate the one-story habitable areas above the flood level.

CONCLUSION AND RECOMMENDATION

In conclusion, the Zoning Administrator determined that there is no special circumstance applicable to the property to grant a variance to allow a second story addition. The property has a similar shape, width and size as all other properties in the vicinity.

The one story limitation was brought into question during the 1996 appeal of a proposal with similar characteristics but there has been no change to the single story limit in the RB zone district. In that case, the Commission approved the project. That is the only two-story house constructed on the seaward side of Beach Drive since 1975.

Staff believes that the appropriate way to address the issue is by re-visiting the RB zone district standards; especially in light of the FEMA elevation requirements and that every major remodel will require a variance to be constructed. Piecemeal approval of Variances is never a good planning tool.

Staff, therefore, recommends that your Commission uphold the Zoning Administrators denial of Application No. 07-0350.

Sincerely,



Porcila Perez
Development Review Planner

Reviewed and Approved by:



Mark M. Deming, AICP
Assistant Planning Director

Attachments:

1. Letter of appeal, dated March 7, 2008.
2. Zoning Administrator Minutes from the January 18, 2008 and March 7, 2008 hearing.
3. Staff report, dated January 18, 2008 and Memo, dated March 7, 2008 for Zoning Administrator hearings.
4. Location Map
5. Project Plans

ROBERT J GOLDSPIK ARCHITECTS

March 14th 2008

Tom Burns, Planning Director
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

Schrader Residence 630 Beach Drive Aptos Appln # 07-0350

Dear Mr. Burns,

This letter is an appeal of the decision by the Zoning Administrator ["ZA"] on March 7th 2008, denying the above application. Pursuant to County Code section 18.10.310, Appellants, Don and Jean Schrader, owners of the subject property, bring this appeal based on the following grounds.

Background

This application is to remodel and enlarge an older beachfront home. The house is located on Beach Drive in the RB zone. The RB zone, revised in 1991, requires a maximum height of 17ft and one storey. Before 1991 several two-storey homes complying with the height limit were approved without Variances. The existing structure is set back from the beach near the street. At 40ft, the parcel is one of the narrowest lots in the neighborhood. Most of the homes along Beach Drive are larger and many of them exceed two stories; there are eight two-storey homes on the beach side of Beach Drive.

The proposed project is a minor modification to the existing home. The project does not exceed the 17ft height limit and, in fact, will only increase the height of the existing house by approx. 15 inches. It was specifically designed to keep the small scale of the existing house. The proposed two-storey construction is restricted to the street side of the house and avoids visual impact to the public view along the beach. Chapter 16.10 of the County Codes prevent us from building an addition on the beach side of the house and the narrow lot prevents us from expanding the house sideways. Neighbors were consulted during the design and ZA process; the only response from neighbors was letters of support. The ZA denied the request for a Variance for two stories, noting that the project complied with all other requirements.

Grounds for Appeal:

1. The denial of the project was unfair and inappropriate.

Land use regulations and zoning ordinances are valid only if they bear a rational relationship to a legitimate public purpose. While there is a rational basis for having a maximum height limit, there is no rational basis for limiting a structure to only one storey. The only reference to a one-storey limitation appears in the site and structure dimension chart. A review of the Board's hearing on the proposed 1991 code revision including this chart shows there was no discussion regarding the one storey. Further, the limitation did not appear in the prior chart. It appears that the restriction was an oversight on the part of the planning staff and the Board when the ordinance was passed. [Charlene Attack 3.4.96] It may have very well not been considered because it may have been assumed that two stories could not be built within this very restrictive height limit. However, this design not only complies with the height limit, it meets all applicable codes for floor to site area ratio which insures that the structure is scaled to the lot and the neighboring houses.

The stated goal behind the restrictive height limit for the beachfront homes is to minimize the visual impact of the public views from the beach. The proposed design meets the zoning goals and the height limit; the additional requirement that it be limited to one storey is unreasonable and unfair.

Tom Burns, Planning Director
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060
3.14.08
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Grounds for Appeal, continued:

There is a well established pattern of development along the beach side of Beach Drive with eight other two-storey homes built with County approvals over the past 40 years. Please see schedule below:

Areas of 2-Storey houses on beach side of Beach Drive

Address	APN	Floor area	Bedrms	Bathrms	Garage/Carport	Deck	Total
531 Beach Drive	043-152-48	2,385 sf	4	3	1,811 sf	606 sf	4,800 sf
533 Beach Drive	043-152-47	2,152	3	2.5	420	1,547	4,119
537 Beach Drive	043-152-59	2,577	3	3	550	827	3,945
539 Beach Drive	043-152-43	2,346	5	2	342		2,688
545 Beach Drive	043-152-36	2,848	5	4.5		1,373	4,221
547 Beach Drive	043-152-34	2,883	4	4		1,861	4,744
636 Beach Drive	043-161-27	1,344	1	1		504	1,848
646 Beach Drive	043-161-45	2,806	4	4.5	744	704	4,294

The Planning Commission approved an appeal against the ZA's denial of a Variance for the two-storey remodel/addition of the Forsberg residence at 545 Beach Drive. [Appeal of denial of application 95-0513, April 24th 1996]. The approved Forsberg design proposals and this application are very similar in that they both have two-storey additions on the street side of Beach Drive complying with the height limit. Please see enclosed my letter to Maria Perez, dated 1.2.08, with enclosures

2. The denial of the Variance is an error.

As a separate and distinct ground, the determination denying the variance was in error as there are grounds for the Variance. Other lots in the area have been able to enjoy structures of a similar size and many of them have done so with a second storey. Lot size, shape, location and surrounding circumstances may be considered for granting a Variance. This lot is in the flood plain and we are prevented by County codes from extending the habitable space closer to the ocean. This one of the narrowest lots in the neighborhood and the existing house is set back from the beach. No special privileges are created as there are many two-storey houses on the beach side of Beach Drive; the adjacent house to the East is two stories high.

Nearby Property

An almost identical situation occurred in 1996 when the Planning Commission approved an appeal against the ZA's denial of a Variance for the remodel of the Forsberg residence at 545 Beach Drive. [Appeal of denial of application 95-0513, April 24th 1996]. The approved Forsberg design proposals and this application are very similar in that they both have two-storey additions on the street side of Beach Drive complying with the height limit. Please see a copy of the staff report and minutes for the Forsberg appeal, dated April 24th 1996.

FEMA

Variances have been granted for new houses built to comply with FEMA standards on the beach side of Beach Drive. One new such home has been built, and another is under construction. These homes could have been built as one storey with the habitable floor level raised above the 21.00' flood plane, approx. 5ft above existing grade, and comply with the 17ft height limit. However, the County granted Variances for two stories and a height increase to 23ft!

Tom Burns, Planning Director
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060
3.14.08
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FEMA continued

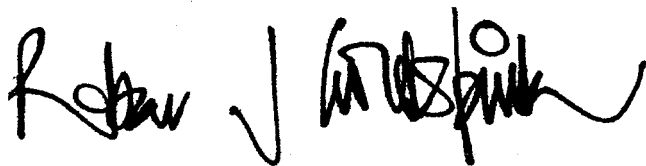
If our client had proposed major improvements they too would have had to comply with FEMA requirements and change the design to an entirely new house. During the design process County staff confirmed a Variance for a new house would be approved. By comparison, this more modest design proposal avoids additional visual impact on views from the beach, complies with the 17ft height limitation and maintains the small-scale character of the older homes on Beach Drive

Conclusion

Ocean views are very important to neighbors and several have written in support of this application. I believe they appreciate that a minor remodel/addition that complies with the 17ft height limit is better than a 23ft high FEMA-compliant replacement house.

It is respectfully requested that you approve the proposed project and find that the limitation on one storey is unnecessary or, in the alternative, that you grant the Variance from the one storey.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Goldspink", with a stylized flourish at the end.

Robert J. Goldspink

cc Don and Jean Schrader

8042 Soquel Drive Aptos CA 95003 tel [831] 688 8950 fax [831] 688 4402
RobertGoldspink@got.net

ROBERT J GOLDSPINK ARCHITECTS

January 2nd 2008

Maria Perez
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

Schrader Residence
630 Beach Drive Aptos
Appln # 07-0350

Dear Maria,

In my letter to you, dated 11.8.07, I refer to a Coastal Development Permit and Variance approval for a 1,029 s.f. two-storey addition at 545 Beach Drive, APN 043-152-36. I now enclose copies of the following documents that give details of that application and approval:

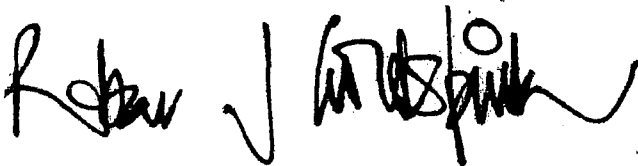
1. Staff Report to Planning Commission, dated 4.10.96, 24 pages
2. Minutes of Planning Commission meeting, dated 4.24.96, 4 pages

I met Darcy Houghton this morning and she confirmed she would have recommended approval of the appeal had County Planning Department policy allowed her to do so. I was surprised to hear that a project planner is required to support the decision of the Zoning Administrator, regardless of the planner's own assessment, when preparing recommendations for appeals to the Planning Commission.

Our application is very similar to that approved at 545 Beach Drive. Not only did the Planning Commission approve the project, they directed the Planning Department to bring an ordinance before the Board of Supervisors to consider eliminating the one-storey limit.

I trust you will agree with me that there is overwhelming evidence to support approval of our application. I sincerely hope you will amend your report and recommend approval. Please call if you have any questions.

Sincerely,



Robert J. Goldspink

cc Don and Jean Schrader w/encl

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

701 OCEAN STREET ROOM 400 SANTA CRUZ, CALIFORNIA 95060
(408) 454-2580 FAX (408) 454-2131 TDD (408) 454-2123

April 10, 1996

Agenda: April 24, 1996

Santa Cruz County Planning Commission
701 Ocean Street
Santa Cruz, Ca. 95062

RE: APPEAL OF THE ZONING ADMINISTRATOR'S DENIAL OF APPLICATION 95-0513, A COASTAL PERMIT AND A VARIANCE TO INCREASE THE MAXIMUM ONE STORY LIMIT TO TWO STORIES IN ORDER TO CONSTRUCT A 1029 SQUARE FOOT TWO STORY ADDITION TO AN EXISTING SINGLE FAMILY DWELLING.

Dear Commissioners:

On February 16, 1996, the above described application was heard at a public hearing before the Zoning Administrator. Testimony was heard from the property owner, his representative, and several members of the public. Some of the neighbors who own homes along Beach Drive were present. These neighbors spoke in opposition to the project due to concerns over impacts on viewsheds, property values, and safety. The Zoning Administrator considered this testimony, as well as the staff report for this project which recommended approval of the coastal permit and variance to exceed the one story height limit in the "Residential Beach" (RB) Zone District (see Exhibit C). The decision by the Zoning Administrator at this hearing was to deny the application, finding that no special circumstances exist to grant the variance for a two story home. In addition, the Zoning Administrator concluded that the variance is not consistent with the objectives of the zoning ordinance, and that it would be a grant of special privileges (see Exhibit B). The property owner appealed this decision on March 4, 1996 (see Exhibit A). The appeal is now before your Commission for consideration.

BACKGROUND

The project site is within the RB (Single Family Residential Ocean Beach) Zone District. The site standards for the RB Zone District allow a maximum building height of 17 feet. In 1991, the site and structural dimensions chart was revised to limit structures in the RB Zone District to one story as well as 17 feet. The purpose of the 17 foot height limit, as opposed to the 28 foot maximum height which is allowed in the other residential districts, is to keep these homes along the beach side of the street low profile, minimize viewshed impacts from the public beach, and to continue a consistent pattern of development along the beach. The property owner proposes to modify and enlarge the existing one story home. The applicant has designed an addition to the existing one story home that meets the 17

Appellant: Robert J. Island
Application No.: 95-0513
Assessor's Parcel No.: 043-152-36

foot height limit, but encloses two stories within the 17 feet. The result is a low profile house that meets the height limitation, while maximizing the usable square footage for the owner. However, the project requires that a variance be approved to increase the maximum one story limitation to two stories.

The variance findings prepared in the staff report state that a special circumstance exists in that the parcel is a long, narrow lot with a five foot pedestrian shoreline access trail along the side property line which further reduces the width. In addition, the variance is consistent with the purpose of the zoning objectives in that the 17 foot height limitation is met. The staff report further states that the variance is not a grant of special privilege in that five other homes exist in the RB Zone District along Beach Drive that are two stories.

However, at the conclusion of the February 16, 1996 public hearing, the Zoning Administrator rendered a decision to deny the project. The revised findings for denial state that no conditions or characteristics which are applicable to the property meet the legal test of special circumstance which is required to grant a variance (see Exhibit B). Other parcels on the ocean side of Beach Drive are similar in size and shape. All are subject to the hazards of flooding as well. In addition, the Zoning Administrator determined that granting of a variance is not consistent with the purpose of the zoning objectives in that the intent is to minimize visual impacts of development from the beach and maintain compatibility in building scale. The Zoning Administrator further concluded that the variance would be a special privilege in that the County has no record of approving variances for two story homes under the current residential development standards for the RB Zone District.

APPELLANT'S ISSUES

The letter of appeal dated March 4, 1996, prepared by the owner's attorney, states two grounds for appeal of the Zoning Administrator's denial (see Exhibit A). The first is that the denial was unfair and inappropriate in that there is no rational basis for limiting a structure to one story. The letter of appeal contends that the addition of the one story limitation to the site and structural dimensions chart was only done because it was assumed that two stories could not be built within the 17 feet, and that it appears that the restriction was an oversight. The appellant concludes that this project has been designed to meet the height limit, and therefore accomplishes the goal behind the one story limitation, which is to insure the structure is in scale with the lot size, is not massive, and minimizes the visual impact from the beach.

Along with the adoption of the revised residential standards chart that limits building height to one story in the RB Zone District, the Board Of Supervisors considered and approved many changes to the regulations on building height. The reports on these ordinance revisions have been re-

Appellant: Robert F. Island
Application No.: 95-0513
Assessor's Parcel No.: 043-152-36

viewed and, although the one story limitation was not specifically discussed, the Board apparently intended to use both maximum roof height and story limitation to regulate the size of buildings. In fact, the similar two story limitation on all residential structures in the urban areas was adopted at that time as well. No evidence exists that would support the argument that the ordinance revision was not intentional. The appellant's argument on this point is to question the reasonableness of the ordinance itself, in which case, the appropriate remedy is to seek an amendment to the ordinance. No basis exists for a site specific variance to this standard.

The second basis for appeal is that the denial of the variance is in error. The letter of appeal states that other homes in the area are of similar size, and most are two story. The parcel has special circumstances in that it is narrow and further reduced in width by the pedestrian easement. If the addition were one story, it would be located closer to the beach which would impact public views to a greater extent and would increase potential flood hazards. The letter of appeal further states that a special circumstance exists in that the design of the project is unusual.

The Zoning Administrator has concluded that the size and shape of the parcel is not unusual, but similar to the others in the vicinity and under the RB Zoning Classification. The width of the parcel cannot be considered a special circumstance. Although the widths of the parcels along this side of Beach Drive range from 40 feet to 75 feet, most of the parcels are the same width as the lot in question, which is 50 feet. In addition, many other parcels along Beach Drive in the RB District have five foot pedestrian easements along their side property lines. This is not a unique characteristic of this lot. Five of the twenty seven existing homes along this side of Beach Drive are two story. However, all of these homes were approved prior to the revised regulation which limits these buildings to one story.

The Zoning Administrator additionally found that the property owner may continue to enjoy the benefits of the existing developed property with no variance approval. Under both state law and the County Code, the granting of a variance must be based on special circumstances affecting the property, not the project being proposed. Therefore, the unusual design of the project is not a special circumstance applicable to the property, which is the required finding for a variance. Therefore, the Zoning Administrator did not error in concluding that there are no grounds for a variance.

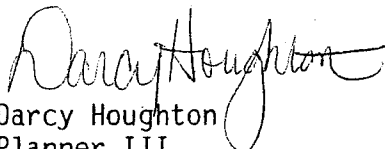
CONCLUSION AND RECOMMENDATION

The site standards listed in the site and structural dimensions chart for the RB Zone District limit buildings to one story regardless of building height. Therefore, a variance is necessary under current regulations for approval of this project. As discussed above, the Zoning Administrator has found that the required findings for approval of such a variance cannot be made.


Appellant: Robert Fossland
Application No.: 95-0513
Assessor's Parcel No.: 043-152-36

It is therefore RECOMMENDED that your Commission uphold the denial by the Zoning Administrator of Application 95-0513 subject to the findings in Attachment 2.

Sincerely,


Darcy Houghton
Planner III

Reviewed by:


Pete Parkinson, Principal Planner

Exhibits:

- A. Letter of Appeal dated March 4, 1996
- B. Findings for denial
- C. Staff Report dated February 16, 1996
- D. Letters received from the neighbors prior to the February 16, 1996 public hearing

LAW OFFICES

BOSSO, WILLIAMS, LEVIN, SACHS & BOOK

A PROFESSIONAL CORPORATION

MAILING ADDRESS:

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PHILIP M. SACHS
DENNIS R. BOOK
CHARLENE B. ATACK
JOHN M. GALLAGHER
CATHERINE A. RODONI

March 4, 1996

Mr. Daniel Shaw, Director
Planning Department of the County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RECEIPT # 12332
DATE 3/4/96
INITIAL my

Re: Appeal to the Planning Commission
Appellant: Robert Forsland
Applicant: Dennis Anderson for Robert Forsland
Application: 95-0513
APN: 043-152-36

Dear Mr. Shaw:

This letter is an appeal of the decision by the Zoning Administrator ("ZA") on February 16, 1996, denying the above application. Pursuant to County Code section 18.10.330, Appellant, Robert Forsland, owner of the subject property, brings this appeal based on the following grounds.

Background:

This application is to remodel and enlarge an older beach front house. The house is located along Beach Drive in the RB zone. The RB zone, revised in 1991, requires a maximum height of 17 feet and one story. The existing structure is set back from the beach near to the street. The parcel is one of the narrowest lots in the neighborhood and has a five foot wide pedestrian easement along the length of the lot which further constricts it. Most of the homes along Beach Drive are larger and many of them exceed

ATTACHMENT

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two stories, including five which are on the beach side, four of which exceed the 17 feet height limitation.

The proposed project is a minor modification to the existing home. The project does not exceed the maximum height limitation. It was specifically designed not only to meet the height limitation but to keep the small scale of the existing house and to avoid building out on the beach side so as to minimize the visual impact to the public view along the beach. Due to the narrow shape of the lot there are no side areas to build upon. By building a second story within the maximum height limitation on the street side it reduces half of the lot coverage, thus preserving more of the open space along the beach. The design also minimally impacts only one neighbor across the street who has a three story home and who will continue to enjoy a full unobstructed view from her upper story.

The staff planner recommended approval of the project, noting that it was under the required 17 feet height limitation, was of a small scale meeting all other requirements, and met the zoning goal of preserving the public view from the beach. It was recommended that a variance be granted from the one story requirement since the lot is narrower than most of the other lots in the zone district, and further constricted by the pathway. The ZA denied the application.

Grounds for Appeal:

1. The denial of the project was unfair and inappropriate.

Land use regulations and zoning ordinances are valid only if they bear a rational relationship to a legitimate public purpose. While there is a rational basis for having a maximum height limitation, there is no rational basis for limiting a structure to only one story. The only reference to a one story limitation appears in the site and structure dimension chart. A review of the Board's hearing on this chart shows that there was no discussion regarding the one story. Further, the limitation did not appear in the prior chart. It appears that the restriction was an oversight on the part of the planning staff and the Board when the ordinance was passed. It may have very well not been considered because it was assumed that two stories could not be built within this restrictive height limitation. However, this design not only meets the height limitation, it meets all

applicable building codes and the floor to area ratio which insures that the structure is scaled to the lot and is not massive.

The stated goal behind the restrictive height limitation for the beach front homes is to minimize the visual impact of the public views from the beach. In this case, the architect and owner creatively designed the home to meet the height limitation, reduce the impact upon the public view from the beach, and to maintain a small lot coverage. Since the proposed project meets the zoning goals and the height limitation, the additional requirement that it be limited to one story is unreasonable and unfair.

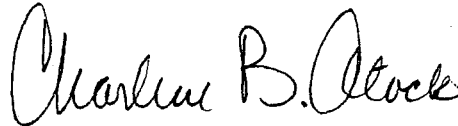
2. The denial of the variance is in error.

As a separate and distinct ground, the determination denying the variance was in error as there are grounds for the variance. Other lots in the area have been able to enjoy structures of a similar size and most of them have done so with a second story or, in a few cases, by exceeding the current height limitation. Lot size, shape, location, and surrounding circumstances may be considered for the granting of a variance. Here the lot size is unusual as it is one of the narrowest lots in the neighborhood and has an easement further restricting the size and shape. The fact that this lot already has an existing structure set back from the beach, and its location among homes with two stories, are additional circumstances which also may be considered. If the existing house were enlarged without the second story, it would be necessary to demolish part of the existing house and expand out toward the beach which would further impinge on the public views. Because of the older construction of the house, it could also be more subject to wave run-up hazards. Another special circumstance in this case is that the unusual design of the proposed project on this lot allows the existing structure to be enlarged to two stories while staying within the height limitation. No special privileges are created since the other homes in the neighborhood have been able to expand to a similar size and many already enjoy a second story.

Mr, Daniel Shaw
March 4, 1996
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It is respectfully requested that you approve the proposed project and find that the limitation to one story is unnecessary or, in the alternative, that you grant the variance from the one story.

Very truly yours,



Charlene B. Attack

cc: Client

VARIANCE FINDINGS:

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, OR SURROUNDINGS, THE STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

No conditions or characteristics which are applicable to the property meet the legal test of special circumstance which is required to grant a variance to increase the maximum one-story height limit to two-stories.

Each parcel on the ocean side of Beach Drive is limited to a one-story structure no greater than 17 feet in height. Each parcel on the ocean side is roughly the same size and are similarly shaped with narrow frontage on Beach Drive. Each parcel is subject to wave run-up hazards which limits ground floor development potential. The owner of the existing three-bedroom residence enjoys parity with the other property owners in the same zone district with the same development standards. Also, denial of the variance would not amount to an unnecessary hardship because the owner will continue to enjoy the benefits of the existing developed property. For these reasons, no disparity is found between the subject parcel and the remaining parcels located on the ocean side of Beach Drive. Nothing special or unique is present in the property's characteristics to result in a contrast between it and the other parcels.

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, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

The granting of the variance will not be in harmony with the general intent and purpose of zoning objectives in that it is the intent of the County to minimize the visual impact of development visible from the beach with structures that display a low profile appearance and by maintaining an appropriate scale that is compatible to the surrounding structures.

3. THAT THE GRANTING OF SUCH VARIANCES 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.

The granting of the variance to increase the maximum one-story height limit to two-stories will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated in that the County has no record of approving second story homes in this neighborhood under umbrella of the current residential development standards.

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.

The proposed addition to a single-family dwelling is a use allowed in the "RB" zone district where the project is located in that the uses chart of the zoning ordinances lists single-family dwellings as principal permitted uses.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

The addition to a single-family dwelling does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such matters are known to encumber the project site. The addition will not affect an existing private easement that crosses the property.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

The proposed addition to a single-family dwelling is inconsistent with the design criteria and special use standards and conditions of this chapter pursuant to Section 13.20.130 et seq., in that the project does not conform to the maximum allowed number of stories. Variance findings cannot be made to grant relief to this development standard.

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.

The project site is located between the shoreline and the first public road. However, the addition to the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water in that public access points are conveniently available before reaching this gated community. 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.

The proposed addition to a single-family dwelling is not in conformity with the County's certified Local Coastal Program in that the project does not conform to the maximum allowed number of stories. Variance findings cannot be made to grant relief to this development standard.

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, OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed addition to a single-family dwelling 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 a 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 improvement in the vicinity in that the project is located in an area designated for residential use. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

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.

The project site is located in the "RB" zone district. The location of the proposed addition to a single-family dwelling and the conditions under which it would be operated or maintained will be inconsistent with all pertinent County ordinances and the purpose of the "RB" zone district in that the project does not conform to the maximum allowed number of stories. Variance findings cannot be made to grant relief to this development standard.

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.

The project is located in the Residential, Urban Low density land use designation. The proposed residential use is inconsistent with all elements of the General Plan in that the addition does not conform to Chapter 8 of the General Plan, Community Design policies.

ATTACHMENT 1

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.

The use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that an insignificant increase in trip ends would be expected.

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.

The proposed addition to a single-family dwelling will not complement and harmonize with the existing and proposed land uses in the vicinity and will not be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in that the project does not conform to the maximum allowed number of stories. Variance findings cannot be made to grant relief to this development standard.

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.

The proposed development is inconsistent with the Design Standards and Guidelines of the County Code in that the project does not conform to the maximum allowed number of stories. Variance findings cannot be made to grant relief to this development standard.

COUNTY OF SANTA CRUZ
ZONING ADMINISTRATOR

Date: 2/16/96
Agenda Item: 2
Time: After
10:00 a.m.

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 95-0513 APN: 043-152-36
APPLICANT: Dennis Anderson
OWNER: Robert Forsland
PROJECT DESCRIPTION: Proposal to construct a 1029 square foot two story addition to an existing single family dwelling.
LOCATION: On the south side of Beach Drive, (545 Beach Drive), about 1/2 mile from Rio Del Mar Blvd.
FINAL ACTION DATE: 03/21/96 (per the Permit Streamlining Act)
PERMITS REQUIRED: Coastal Permit and Variance to increase the maximum one story limit to two stories.
ENV. DETERMINATION: Categorically exempt from CEQA per Class 1e of the CEQA Guidelines.
COASTAL ZONE: XX yes no APPEALABLE TO CCC: XX yes no

PARCEL INFORMATION

PARCEL SIZE: 9888 square feet
EXISTING LAND USE: PARCEL: Residential
SURROUNDING: Residential and recreational
PROJECT ACCESS: Beach Drive
PLANNING AREA: Aptos
LAND USE DESIGNATION: Urban Low Density Residential and Parks And Recreation
ZONING DISTRICT: Single Family Residential Ocean Beach
SUPERVISORIAL DIST.: 2nd

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geo. Hazards	a. Property within v-zone for floods.
b. Soils*	b. Geotech rpt submitted and accepted.
c. Fire Hazard	c. Aptos/La Selva Fire Dist. approved.
d. Scenic	d. Within scenic corridor.
e. Drainage	e. Drainage plans w/bldg. permit.

** Report was required.

SERVICES INFORMATION

W/in Urban Services Line: XX yes no
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation
Fire District: Aptos/La Selva District
Drainage District: Zone 6 Drainage District

ATTACHMENT 1

EXHIBIT C

Applicant: Dennis Anderson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

DISCUSSION

The property owner has proposed to modify and enlarge the existing building by expanding a dining area, removing the carport and replacing it with a living room, bedroom, and bath; and constructing a second story to consist of a master bedroom. The site is within the flood plan for wave run-up and subject to hazards from potentially unstable slopes across Beach Drive. The applicant has submitted calculations showing the value of the proposed work and has demonstrated that the improvements are valued at less than 50% of the existing structure. These calculations have been reviewed and accepted by the Building Official. Since the project is valued at less than 50%, the building is not required to meet the Geologic Hazards Ordinance for elevating the building. The applicant has been required to submit a geotechnical report. The report addresses soil conditions, liquefaction potential, and adequacy of the existing foundation to support the improvements.

The Residential Site Standards require a maximum of 17 feet in building height within the RB Zone District. It further limits residential structures to one story. The applicant has designed the building to meet the 17 foot height limit but has proposed to enclosed two stories within the building. It is proposed that a variance to the one story limit be considered.

Please see Exhibit A ("findings") for complete listing of findings and evidence related to the above discussion.

RECOMMENDATION

Staff recommends approval of Application No. 95-0513, based on the attached findings and conditions.

EXHIBITS

- A. Findings
- B. Conditions
- C. Environmental Determination
- D. Letter from Dennis Anderson, Applicant, dated December 20, 1995
- E. Letter from Aptos/La Selva Fire District dated August 31, 1995
- F. Letter of acceptance of the soil report
- G. Location Map
- H. Assessor's Map
- I. Zoning Map
- J. Project plans (on file)

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.

Report Prepared By: Darcy Houghton
Phone Number: (408) 454-3174
Santa Cruz County Planning Dept.
701 Ocean St., 4th Floor
Santa Cruz, CA 95060

Applicant: Dennis A. Lerson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

COASTAL ZONE 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 LUP DESIGNATION.

The residential addition is a use allowed in the RB zone district where the project is located and consistent with the Urban Low Density Residential Land Use 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 five foot easement exists along the northwest side property line for the purposes of pedestrian access to the beach. The proposed addition does not conflict with this five foot easement in that it does not obstruct the easement. The proposed addition lines up with the existing walls of the structure. Another five foot right-of-way is indicated on the parcel map along the northeast side property line. The existing building already blocks this five foot area. The applicant has submitted evidence that this easement has been quitclaimed.

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 ET SEQ.

The residential addition is consistent with the design criteria and special use standards and conditions of this chapter pursuant to Section 13.20.130 et seq., in that the project does not involve excessive grading, is not located on a prominent ridge, and is visually compatible with the character of the surrounding residential neighborhood. The design and scale of the building will be similar to others along Beach Drive.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE 1994 GENERAL PLAN AND LOCAL COASTAL PLAN, SPECIFICALLY SECTIONS 2 and 7, 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.

The project site is located between the shoreline and the first public road. However, access to the beach currently exists along the northwest side of the house and the proposed addition will not interfere with this. The project site is not identified as a priority acquisition site in the County Local Coastal Program.

Applicant: Dennis Anderson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

5. THAT THE PROPOSED DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.

The proposed residential addition is in conformity with the County's certified Local Coastal Program in that the viewshed from the public beach will not be impacted. It is consistent with the policies for residential development such as service availability and compatibility with the neighborhood.

Applicant: Dennis A. Jerson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

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, OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed addition and remodel of the residence 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 improvement in the vicinity in that the project is located in an area designated for residential use and is not encumbered by physical constraints to development.

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.

The project site is located in the RB zone district. The proposed location of the residential addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RB zone district in that coverage, setbacks, and height limitations are all met. Parking is provided on site and the residence has access. Although the proposed three parking spaces use more than 50% of the front yard, this is pre-existing use that the decision maker may allow to remain.

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.

The project is located in the Urban Low Density Residential land use designation. The proposed addition is consistent with all elements of the General Plan in that the proposed use of a single family dwelling is appropriate. A specific plan has not been adopted for this portion of the County. The project is consistent with the General Plan in that the full range of urban services is available to the site including municipal water, sewer service, and nearby recreational opportunities. The proposal protects natural resources by expanding in an area designated for this type of development.

Applicant: Dennis A. Larson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

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.

The use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that all service districts are available. Beach Drive does not currently support a significant amount of year-round vehicular trips.

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.

The proposed residential addition 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 in that the scale and architectural design conforms with the neighborhood.

Applicant: Dennis A. Larson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

VARIANCE FINDINGS:

Required Findings

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, OR SURROUNDINGS, THE STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

The parcel consists of a long, narrow lot with five feet of the width taken by a pedestrian shoreline access trail. The residence cannot be expanded on the first floor toward the ocean due to the wave run-up hazards. The two stories will still meet the required 17 foot height limitation in the RB Zone District. The strict application of the ordinance will prevent the property owner from having a home of similar size as others in this neighborhood.

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, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

The proposed residential addition will not be detrimental to the surrounding properties in that it will not impact the light, air, or open space, or privacy of the adjacent homes. It will be the same height as the other units on this side of Beach Drive and meet the required 17 foot height limitation. In addition, by locating the habitable space to a second story, the safety of the occupants is increased in cases of wave run-up.

3. THAT THE GRANTING OF SUCH VARIANCES 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.

Most of the homes along Beach Drive are two story and five homes are two story on the beach side of Beach Drive. Four of these homes exceed the maximum 17 feet in height as well. In addition, other variances to the site standards have been approved in this area. The project will not be a special privilege.

ATTACHMENT

1

Applicant: Dennis Anderson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

CONDITIONS OF APPROVAL

Coastal Development Permit No. 95-0513

Applicant and Property Owner: Robert Forsland
Assessor's Parcel No. 043-152-36
Property location and address: 545 Beach Drive
Aptos Planning Area

EXHIBITS:

A. Architectural Plans prepared by Dennis Anderson dated 4/7/95.

I. This permit authorizes the construction of a two story addition to an existing single family dwelling. 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 and building permit from the Santa Cruz County Building Official.
- C. Obtain an inspection and report by a licensed engineer that verifies that the work shown on the plans will not be exceeded due to the failing structural condition of the existing building.
- D. Submit proof of the quitclaim of the five foot right-of-way along the southwest property line to the Assessor's Office.

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. The final plans shall include, but not be limited to, the following:
 - 1. Exterior elevations identifying finish materials and colors.
 - 2. Floor plans identifying each room and its dimensions.
 - 3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and accessory structures.

Applicant: Dennis A. Jerson for Robert Forsland
Assessor's Parcel No.: 043-152-36
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4. A Landscape Plan that includes landscaping in the front yard area with planters along the walls of the building. Use native, drought tolerant species of vegetation.
 5. Meet all requirements and pay the appropriate plan check fee of the Aptos/La Selva Fire Protection District as stated in their letter/memorandum dated August 31, 1995..
 6. Follow all recommendations of the geotechnical report prepared for this project, regarding the construction and other improvements on the site. All pertinent geotechnical report recommendations shall be included in the construction drawings submitted to the County for a Building Permit. All recommendations contained in the County acceptance letter(s) dated _____, shall be incorporated into the final design. A plan review letter from the geotechnical engineer shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the geotechnical.
- D. Pay the Santa Cruz County Park Dedication fee in effect at the time of Building Permit issuance for one additional bedroom. On 1/25/96, this fee would total \$930.
 - E. Pay the Santa Cruz County Transportation Improvement fee in effect at the time of Building Permit issuance for one additional bedroom. On 1/25/96 this fee would total \$667.
 - F. Pay the Santa Cruz County Roadside Improvement fee in effect at the time of Building Permit issuance for one additional bedroom. On 1/26/96 this fee would total \$667.
 - G. Pay the Santa Cruz County Child Care fee in effect at the time of Building Permit issuance for one additional bedroom. On 1/25/96 the fee would total \$109.00.
 - H. Meet all requirements of the Department of Public Works and pay all fees for Zone 6 Santa Cruz County Flood Control and Water Conservation District including plan check and permit processing fees.
 - I. Submit proof of payment of the school impact fee to the appropriate school district.
 - J. Record a declaration of restriction for the existing habitable accessory structure.
- III. All construction shall be performed in accordance with the approved plans. Prior to reconstruction and following the demolition, the consultant engineer shall inspect the building to determine if work beyond the scope of the permit is necessary and shall submit a letter with inspection results to the Planning Department. Prior to final inspection, the following shall be completed.

Applicant: Dennis A. Larson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

- 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 soils engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geotechnical report. A copy of the letter shall be kept in the project file for future reference.
- D. Dust suppression techniques shall be included as part of the construction plans and implemented during construction.
- E. 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. All landscaping shall be permanently maintained.
- B. 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.

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

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION.

Applicant: Dennis Anderson for Robert Forsland
Assessor's Parcel No.: 043-152-36
APN: 043-152-36

NOTICE OF EXEMPTION
FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. 95-0513
Assessor Parcel No. 043-152-36
Project Location: 545 Beach Drive, Aptos

Project Description: Two story addition to an existing single family dwelling.

Person or Agency Proposing Project: Dennis Anderson
Phone Number: 476-4026

- A. _____ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.
- C. _____ Statutory Exemption other than a Ministerial Project.
Specify type:
- D. Categorical Exemption
- | | |
|---|--|
| <input checked="" type="checkbox"/> 1. Existing Facility | _____ 17. Open Space Contracts or Easements |
| _____ 2. Replacement or Reconstruction | _____ 18. Designation of Wilderness Areas |
| _____ 3. New Construction of Small Structure | _____ 19. Annexation of Existing Facilities/Lots for Exempt Facilities |
| _____ 4. Minor Alterations to Land | _____ 20. Changes in Organization of Local Agencies |
| _____ 5. Alterations in Land Use Limitation | _____ 21. Enforcement Actions by Regulatory Agencies |
| _____ 6. Information Collection | _____ 22. Educational Programs |
| _____ 7. Actions by Regulatory Agencies for Protection of the Environment | _____ 23. Normal Operations of Facilities for Public Gatherings |
| _____ 8. Actions by Regulatory Agencies for Protection of Nat. Resources | _____ 24. Regulation of Working Conditions |
| _____ 9. Inspection | _____ 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| _____ 10. Loans | _____ 26. Acquisition of Housing for Housing Assistance Programs |
| _____ 11. Accessory Structures | _____ 27. Leasing New Facilities |
| _____ 12. Surplus Govt. Property Sales | _____ 28. Small Hydroelectric Projects at Existing Facilities |
| _____ 13. Acquisition of Land for Wildlife Conservation Purposes | _____ 29. Cogeneration Projects at Existing Facilities |
| _____ 14. Minor Additions to Schools | |
| _____ 15. Functional Equivalent to EIR | |
| _____ 16. Transfer of Ownership of Land to Create Parks | |

E. _____ Lead Agency Other Than County: _____

Staff Planner _____ - 31 -

Date: _____ **ATTACHMENT 1**
EXHIBIT C

Dennis Anderson
433 Palisades Avenue
Santa Cruz, CA 95062

December 20, 1995

Darcy Houghton
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Application No. : 95-0513
Owner: Robert and Mitzy Forsland

Dear Darcy:


My clients, Rob and Mitzy Forsland, and I spent a good deal of time exploring possibilities for expanding the Forsland's house located at 545 Beach Drive in Aptos. We eliminated the possibility of adding to the ocean side of the house because this would have a large visual impact from the beach and for neighbors on both sides. Obviously, there is no room in the side yards which leaves only the front as a possibility.

After much discussion, we decided that the best way to add the desired square footage would be to construct a two story section adjacent to the street. By adding to the street side of the building, we will basically be replacing a carport structure, which is already 15 feet tall, with the new two story living space. We can understand and fully appreciate the height limit of 17 feet and are willing to work within that, but we also feel that it is possible to fit two stories into this space even though the ordinance restricts a building to one story. Another consideration for going two story versus one is that it results in half of the lot coverage, thus preserving more open space.

There are already a number of houses on the same side of the street that have two stories including (on the east side) the house next door. In fact, this house gave us the idea of how to accomplish the two story addition within the proper guidelines. I have prepared a building section showing how it will be possible to meet the requirements for room heights in the two story addition. I have also verified the feasibility of this design with a structural engineer. The design of the new addition will be in keeping with the existing building duplicating features such as shallow roof pitches, siding materials and fascia details. The goal is to make the addition look like it is part of the original structure. Also, whether the addition is one story or two, as long as it is 17 feet tall, it will have the same visual impact from the exterior.

Thank you for your consideration in reviewing our request for a variance. We feel that the proposed plan would not have a negative impact on the neighborhood but would greatly improve the Forsland's use of the house, and help keep it's value consistent with surrounding properties.

Sincerely,


Dennis Anderson

F. CONSENT ITEMS:

ITEM C-1

APPROVE MINUTES OF THE APRIL 24, 1996 PLANNING COMMISSION HEARING AS SUBMITTED BY THE PLANNING DEPARTMENT.

MOTION

~~COMMISSIONER HOLBERT MOVED TO APPROVE AS RECOMMENDED. SECONDED BY COMMISSIONER SKILLICORN.~~

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 5-0.

G. CONTINUED ITEMS:

ITEM T-1

PROPOSAL TO CREATE SEVEN (7) LOT SUBDIVISION.

APPLICANT:	Josephine & Leo Bedard	OWNER:	Mildred G. Morelli TR
APPLICATION #:	95-0564	APN:	026-201-05 & 026-201-28
PLAN AREA:	Live Oak	ZONING:	Single-Family Residential
GENERAL PLAN:	Urban Low Residential		
PROJECT PLANNER:	Kim Tschantz	SUPERVISORIAL DISTRICT:	1

MOTION

COMMISSIONER SKILLICORN MOVED TO CONTINUE TO THE MAY 8, 1996 HEARING AT APPLICANT'S REQUEST. SECONDED BY COMMISSIONER HAMLIN.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 5-0.

~~H. SCHEDULED ITEMS:~~

ITEM 1

PUBLIC HEARING TO CONSIDER PROPOSAL TO APPEAL THE ZONING ADMINISTRATOR'S DENIAL OF A PROPOSAL TO CONSTRUCT A 1,029 SQUARE FOOT TWO STORY ADDITION TO AN EXISTING SINGLE FAMILY DWELLING. REQUIRES A COASTAL ZONE PERMIT AND A VARIANCE TO INCREASE THE MAXIMUM ONE STORY LIMIT TO TWO STORIES.

APPLICANT:	Dennis Anderson	OWNER:	Robert B. Forsland, Trustees ETAL
APPLICATION #:	95-0513	APN:	043-152-36
PLAN AREA:	Aptos	ZONING:	Single-Family Residential
GENERAL PLAN:	Urban Low Residential		
PROJECT PLANNER:	Darcy Houghton	SUPERVISORIAL DISTRICT:	2

DARCY HOUGHTON reviewed staff report and showed slides.

COMMISSIONER HOLBERT stated that she doesn't believe the story limit is important with 17' height limit and asked if staff has any objections to the design for project, aside from the variance issue.

DARCY HOUGHTON answered that no, the project meets the 17' height requirement.

PUBLIC HEARING OPENED

RICH BEALE, applicant's representative, emphasized that the project meets the 17' height requirement. He reviewed photos of the neighborhood, showing other 2-story homes. He discussed the minimal impacts on views from other properties. He reviewed the variance findings, pointing out an error in the printed finding.

ROB FORSLAND, owner, reviewed how he acquired the property and stated his surprise by the Zoning Administrator's denial of the project.

ELIZABETH MEANS, neighbor across Beach Drive, distributed photos of the view from her home, maps and letters. She stated that she opposes any two-story additions on Beach Drive and that she believes it will lower the value of her home. She then reviewed the points in her letter.

LAURIE PIMENTEL, home owner on cliff side, opposes the precedent setting nature of the project, feeling that other property owners will also want two-stories.

COMMISSIONER HOLBERT asked her why she was opposed to two-stories if it can meet the 17' requirement.

LAURIE PIMENTEL responded that it opens the door for other variances, e.g. increases in height.

JOE PHELPS, cliff side property owner, stated that he opposes two-story additions.

JIM GERVAIS, Beach Drive home owner, stated that he believes a 1-story limit is a good idea and he opposes the project.

LELA ASLUND asked what the difference is if it's all 17'.

DENNIS ANDERSON, project designer, stated that no excavation is necessary for the project and the roof pitch is 2:12.

RICH BEALE showed letter of support from Kashian, a cliff side property owner. He said that the project will not block 57 square feet of view from Means home.

CHARLENE ATTACK, applicant's attorney, addressed the variance findings.

JIM GERVAIS, stated that Jenkins (who now supports the project) has his home up for sale.

E. MEANS stated that the Jenkins home was a fire rebuild.

PUBLIC HEARING CLOSED

COMMISSIONER SKILLICORN stated that he thinks the number of stories within the 17' height limit is immaterial and will support the project.

COMMISSIONER LEONARD asked what the current height is.

D. ANDERSON answered that the current height of the carport is 15.5'.

COMMISSIONER SKILLICORN stated that he believes the photos provided by Means supports the applicant's argument that the view impact will be minimal.

COMMISSIONER HAMLIN stated the the people who are objecting live on the other side of the street in three-story homes and he believes the one-story limit is inappropriate.

MOTION

COMMISSIONER HAMLIN MOVED TO APPROVE THE PROJECT BASED ON THE STAFF REPORT TO THE ZONING ADMINISTRATOR. SECONDED BY COMMISSIONER SKILLICORN.

COMMISSIONER LEONARD stated that she will support the project.

COMMISSIONER BREMNER stated that he will support the 17' height limit and floor area ratio adequately limits the bulk.

ROLL CALL

AYES: COMMISSIONERS BREMNER, HAMLIN, HOLBERT, LEONARD, SKILLICORN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED AND SO ORDERED. PASSED 5-0.

It was the consensus of the Commission that the Planning staff should bring the ordinance issue before the Board of Supervisors to consider eliminating the one-story limit.

ITEM 2

~~PUBLIC HEARING TO CONSIDER PROPOSAL TO APPEAL THE ZONING ADMINISTRATOR'S DENIAL OF A PROPOSAL TO MAKE STRUCTURAL ALTERATIONS TO A SIGNIFICANTLY NONCONFORMING STRUCTURE AND A NONCONFORMING RESIDENTIAL USE (DUPLEX) IN A COMMERCIAL ZONE DISTRICT, TO INCLUDE UPGRADE FOUNDATION, NEW SIDING, FRAME IN WINDOW AND INSTALL NEW WINDOW, REROOF TO CHANGE FROM FLAT TO 6:12 PITCH ROOF, AND TO CONSTRUCT A NEW ENTRY PORCH. REQUIRES A DEVELOPMENT PERMIT.~~

APPLICANT: Ron Ragsdale
APPLICATION #: 95-0677
PLAN AREA: Soquel
GENERAL PLAN: Urban Open Space
PROJECT PLANNER: Joan Brady

OWNER: Alison McEwen &
Lynn Roddick U/W S/S
APN: 030-081-22
ZONING: Community Commercial -
Geologic Hazard
SUPERVISORIAL DISTRICT: 1

JOAN BRADY reviewed staff report and showed slides.

THE COMMISSIONERS asked questions about the improvements to a non-conforming use.

PUBLIC HEARING OPENED

ALLISON MC EWEN, owner, stated that she bought the property five years ago and did the interior improvements. She stated that now she is ready to complete the upgrade with exterior improvements.

RON RAGSDALE, project designer and applicant, distributed letters of support of the project and stated that the building is in good shape structurally. He said it could last another fifty years and that the foundation only needs an upgrade due to UBC requirements triggered by proposed new roof.

COMMISSIONER HAMLIN questioned Mr. Ragsdale about the siding on the adjacent buildings.

~~RON RAGSDALE answered that it is wood and the project will have to provide a one hour fire wall on that side.~~

BREAK

PUBLIC HEARING CLOSED

**COUNTY OF SANTA CRUZ
ZONING ADMINISTRATOR
ACTION AGENDA**



Planning Department – 701 Ocean Street – Santa Cruz, CA – Phone (831) 454-2580
www.co.santa-cruz.ca.us

MEETING DATE: FRIDAY, JANUARY 18, 2008 10:00 A.M.

LOCATION: BOARD OF SUPERVISORS CHAMBERS
COUNTY GOVERNMENT CENTER
701 OCEAN STREET, ROOM 525
SANTA CRUZ, CA 95060

The last sentence under each item description reports the action that was taken by the Zoning Administrator on the above meeting date. Please contact the project planner for further information about specific applications.

THE FOLLOWING ITEMS WILL BE HEARD AFTER 10:00 AM

- 1. 07-0127 (**)** **350 LAKE AVE., SANTA CRUZ** **APN(S): 027-091-05**
Proposal to remodel an existing significantly nonconforming dwelling; including foundation replacement, reconstruction of front deck and stairs and reconstruction of chimney. Requires a Coastal Development Permit, Residential Development Permit and Variance (to reduce the required front setback from 15 ft. to approximately 4 ft. for structural alterations to a significantly non-conforming structure). Project is located at 350 Lake Avenue (Harbor Area), Santa Cruz.
OWNER/APPLICANT: PATRICIA NURNEY
SUPERVISORIAL DIST: 3
PROJECT PLANNER: LARRY KASPAROWITZ, 454-2676
EMAIL: pln795@co.santa-cruz.ca.us
APPROVED PER REVISED FINDINGS AND REVISED CONDITIONS
- 2. 07-0074** **221 COLDBROOK LANE, SOQUEL** **APN(S): 103-181-35**
Proposal to recognize the conversion of an existing garage to a second unit, construct new additions to extend the existing dwelling, construct a new garage and demolish two existing carports and existing horse stalls. Requires a Variance to reduce the required 20 foot side yard to around 14 feet and a Residential Development Permit for a greater than 800 square foot addition to a nonconforming structure. Property located on the South side of Coldbrook Lane (221 Coldbrook Lane) about 1,000 feet East of the intersection with Soquel San Jose Road.
OWNER: RICHARD FREEMAN
APPLICANT: CHUCK BURKET, THE FINAL DRAFT
SUPERVISORIAL DIST: 1
PROJECT PLANNER: CATHY GRAVES, 454-3141
EMAIL: pln810@co.santa-cruz.ca.us
APPROVED PER REVISED FINDINGS AND REVISED CONDITIONS
- 3. 07-0350(**)** **630 BEACH DRIVE, APTOS** **APN(S): 043-161-33**
Proposal to remodel an existing one-story, four-bedroom single family dwelling to construct a second floor addition with two bedrooms, move an existing bedroom from the downstairs to the new second story addition, and convert an existing bedroom to a living room. Results in a two story, four-bedroom

dwelling with a living room. Requires a Coastal Development Permit, a Variance to increase the one-story height limitation on the beach side of Beach Drive to two stories, and Design Review. Property located on the south side of Beach Drive approximately 1500 feet east of the gated entry, at 630 Beach Drive, Aptos. GHA application submitted 8/15/07.

OWNER: DONALD & JEAN SCHRADER

APPLICANT: ROBERT GOLDSPINK, ARCHITECT

SUPERVISORIAL DIST: 2

PROJECT PLANNER: MARIA PEREZ, 454-5321

EMAIL: pln110@co.santa-cruz.ca.us

CONTINUED TO MARCH 7, 2008; 8:30 AM

4. 07-0602() 700 HIGHWAY 1, DAVENPORT APN(S): 058-071-04**

Proposal to construct a 600 square foot addition to an existing Davenport Sanitation District water treatment facility building, a 265,000-gallon water tank, and a 1,500-gallon settling basin. This project will install a new surface water treatment facility consisting of pre-treatment filter system and membrane filter system for final filtration and needed site improvements to meet State Water Quality Requirements. The project requires a Coastal Development Permit. Property located at the Cement Plant on Highway 1, just north of the town of Davenport at 700 Highway 1.

OWNER: CEMEX, INC

APPLICANT: RACHEL LATHER, DAVENPORT SANITATION DISTRICT

SUPERVISORIAL DIST: 3

PROJECT PLANNER: SHEILA MCDANIEL, 454-3439

EMAIL: pln056@co.santa-cruz.ca.us

APPROVED PER REVISED STAFF FINDINGS AND REVISED CONDITIONS

5. 07-0133() 61 AVOCET CIRCLE, WATSONVILLE APN(S): 052-301-02**

Proposal to construct a new 4883 square foot, two story (with basement) single family dwelling. Requires a Coastal Development Permit, Soils Report Review, Biotic Presite, Geologic Hazards Assessment, and Preliminary Grading Review. Property located on the northwest side of Avocet Circle, at the intersection with Rio Boca Road (61 Avocet Circle), Watsonville.

OWNER: THE MEN'S WEARHOUSE, INC.

APPLICANT: THOMAS J. WILSON

SUPERVISORIAL DIST: 2

PROJECT PLANNER: STEVEN GUINEY, 454-3172

EMAIL: pln950@co.santa-cruz.ca.us

APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

APPEAL INFORMATION

Denial or approval of any permit by the Zoning Administrator is appealable to the Planning Commission. The appeal must be filed with the required appeal fee within 14 calendar days of action by the Zoning Administrator. To file an appeal you must write a letter to the Planning Commission and include the appeal fee. For more information on appeals, please see the "Planning Appeals" brochure located in the Planning Department lobby, or contact the project planner.

APPEALS OF COASTAL PROJECTS

- (*) This project requires a Coastal Development Permit, which is not appealable to the California Coastal commission. It may be appealed to the Planning Commission; the appeal must be filed within 14 calendar days of action by the Zoning Administrator.
- (**) This project requires a Coastal Development Permit. Denial or approval of the Coastal Development Permit is appealable to the Planning Commission; the appeal must be filed within 14 calendar days of action by the Zoning Administrator. Decisions by the Planning Commission are appealable to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission. After all local appeal periods have ended (grounds for appeal are listed in the County Code Section 13.20.110), approval of a Coastal Development Permit is appealable to the California Coastal Commission. The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of final local action.

Note regarding Public Hearing items: If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues raised at the public hearing described in this notice or in written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing. Agenda documents may be reviewed at the Planning Department, Room 420, County Government Center, 701 Ocean Street, Santa Cruz.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Board of Supervisors chambers is located in an accessible facility. If you require special assistance in order to participate, please contact the ADA Coordinator at 454-3055 (TTD number is 454-2123) at least 72 hours in advance of the meeting to make arrangements. People with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those persons affected, please attend the meeting smoke and scent free.

**COUNTY OF SANTA CRUZ
ZONING ADMINISTRATOR
ACTION AGENDA**



Planning Department – 701 Ocean Street – Santa Cruz, CA – Phone (831) 454-2580
www.co.santa-cruz.ca.us

MEETING DATE: FRIDAY, MARCH 7, 2008 10:00 A.M.

**LOCATION: BOARD OF SUPERVISORS CHAMBERS
COUNTY GOVERNMENT CENTER
701 OCEAN STREET, ROOM 525
SANTA CRUZ, CA 95060**

The last sentence under each item description reports the action that was taken by the Zoning Administrator on the above meeting date. Please contact the project planner for further information about specific applications.

THE FOLLOWING ITEMS WILL BE HEARD STARTING AT 8:30 AM

- 0.1. 07-0350(**) 630 BEACH DRIVE, APTOS APN(S): 043-161-33**
Proposal to remodel an existing one-story, four-bedroom single family dwelling to construct a second floor addition with two bedrooms, move an existing bedroom from the downstairs to the new second story addition, and convert an existing bedroom to a living room. Results in a two story, four-bedroom dwelling with a living room. Requires a Coastal Development Permit, a Variance to increase the one-story height limitation on the beach side of Beach Drive to two stories, and Design Review. Property located on the south side of Beach Drive approximately 1500 feet east of the gated entry, at 630 Beach Drive, Aptos. GHA application submitted 8/15/07.
OWNER: DONALD & JEAN SCHRADER
APPLICANT: ROBERT GOLDSPIK, ARCHITECT
SUPERVISORIAL DIST: 2
PROJECT PLANNER: MARIA PEREZ, 454-5321
EMAIL: pln110@co.santa-cruz.ca.us
(Continued from January 18, 2008, item 8)
DENIED WITHOUT PREJUDICE

THE FOLLOWING ITEMS WILL BE HEARD AFTER 10:00 AM

- 1. 07-0028 4035 CORY STREET, SOQUEL APN(S): 030-181-06**
Proposal to recognize the construction of a second-story addition to an existing dwelling, demolish a portion of the dwelling, and convert the dwelling to a mixed-use commercial building with a 728 square foot commercial frame shop on the first floor and a 620 square foot, one bedroom dwelling on the second floor. Requires a Commercial Development Permit and an exception to the County Design Review Ordinance to reduce the required 5-foot landscape strip on the east property line to approximately 3-feet and to eliminate the requirement for a landscape strip or tree wells adjacent to the parking spaces. Project located on the north side of Cory Street, approximately 300 feet west from 41st Avenue, at 4035 Cory Street, Soquel.
OWNER: STEVE AND CAROL ANN MOORE
APPLICANT: KIM TSCHANTZ, CYPRESS ENVIRONMENTAL

SUPERVISORIAL DIST: 1

PROJECT PLANNER: CATHY GRAVES, 454-3141

EMAIL: pln810@co.santa-cruz.ca.us

APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

2. 07-0750 () 713 VISTA DEL MAR DRIVE, APTOS APN(S): 044-152-12**

Proposal to enclose an existing carport to a garage. Requires a Variance to reduce the required front yard setback (from the 20 feet required to approximately 6 feet). Property located at 713 Vista Del Mar Drive, Aptos.

OWNER: MARY TODD

APPLICANT: DAVID DENT

SUPERVISORIAL DIST: 4

PROJECT PLANNER: LARRY KASPAROWITZ, 454-2676

EMAIL: pln795@co.santa-cruz.ca.us

APPROVED PER REVISED FINDINGS AND STAFF CONDITIONS

3. 07-0622 () 363 BEACH DRIVE, APTOS APN(S): 043-095-22**

Proposal to remodel an existing significantly non-conforming dwelling to include minor repartitioning, removal of the exterior spiral staircase on the second floor deck and replacing the railings on the second and third floor deck, relocating and replacing the first floor entry door, and replacing windows in kind. Requires a Coastal Development Permit and a Residential Development Permit for structural alterations to a significantly non-conforming structure (located within five feet of a structure on an adjacent parcel). Property located on the north side of Beach Drive, approximately 1918 feet southeast of the intersection with Rio Del Mar Blvd. (363 Beach Drive).

OWNER: JOHN & MARY SUE ALBANESE

APPLICANT: DEE MURRAY

SUPERVISORIAL DIST: 2

PROJECT PLANNER: MARIA PEREZ

EMAIL: pln110@co.santa-cruz.ca.us

APPROVED PER REVISED FINDINGS AND REVISED CONDITIONS

4. 07-0618 2115 7TH AVENUE, SANTA CRUZ APN(S): 026-091-09, -32

Proposal to demolish an existing commercial building containing an unoccupied market and occupied residential unit and to construct a 3-story commercial building (approximately 5135 square feet) with a 1-bedroom residential unit with study, and reconfigure and reconstruct the parking and circulation area and landscaping. The building will be used as a market with off-site sales of beer and wine, a deli, and grocery. The project requires a Commercial Development Permit, Design Review Exception to reduce the required 5-foot landscaping strip to 2-feet on the south property line and 1-foot on the west property line, a Variance to locate a loading space within the front yard of Rodriguez Street, and a Variance to reduce the front yard from 20 feet to approximately 15 feet. The property is located at the southwest corner of 7th Avenue and Rodriguez Street, at 2115 7th Avenue.

OWNER: ANN BUTLER

APPLICANT: NANCY HUYCK

SUPERVISORIAL DIST: 3

PROJECT PLANNER: SHEILA MCDANIEL

EMAIL: pln056@co.santa-cruz.ca.us

REMOVED - WITHDRAWN

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Memo, dated February 27, 2008 to the Zoning Administrator
(from March 7, 2008 Public Hearing)
and
Staff Report to the Zoning Administrator
(from January 18, 2008 Public Hearing)

Application Number 07-0350
Planning Commission Hearing
05/14/08

MEMORANDUM

Date: February 27, 2008

To: Don Bussey, Zoning Administrator

From: Maria Perez

Re: Addendum to ZA Staff Report for Application 07-0350 dated January 18, 2008 addressing additional information requested by the Zoning Administrator

On January 18, 2007 a public hearing was held for Application 07-0350, which is requesting a variance for two stories to the one story limit allowed in the Residential-Ocean Beach (RB) zone district. The Zoning Administrator remanded the project back to staff for further analysis.

The additional analysis requested by the Zoning Administrator included: a detailed list of work proposed on the structure to be evaluated for substantial improvement and the delineation of the base flood elevation on plans to determine if the proposed second floor was above flood hazards.

Staff received two sets of plans with a detailed list as requested and the following was determined from the review:

- The projected cost of improvements was estimated by Building Department staff to be at \$103,874.51(Exhibit 1A), which is below the \$158,793 threshold for substantial improvement as determined by the Geologic Hazard Assessment (Exhibit 1B). Therefore, the proposed development is not considered to be substantial improvement. However, should the structure require \$54,918.49 in improvements over the next five years, it will meet the definition of substantial improvement and the entire structure will be required to be elevated above the base flood elevation (BFE), to an elevation of 22 feet above mean sea level.
- The plans show that the proposed addition will be elevated above the BFE of 22 feet above mean sea level (Exhibit A-revised).

RECOMMENDATION:

Based on the revised variance findings (Exhibit 1C), Staff recommends Denial of Application 07-0350.

Exhibits:

- A. Applicant's Revised Project Plans, dated 2/08/08
- 1A. Building Department evaluation of improvement costs
- 1B. Geologic Hazard Assessment, dated October 29, 2007
- 1C. Revised Variance Findings
- 1D. Correspondence from Applicant, dated 2/8/08
- 1E. Staff Report

09:47:08 Fri Feb 22, 2008

02/22/08 MM18
09:41:19

COUNTY OF SANTA CRUZ - ALUS 3.0
BUILDING PERMIT EVALUATION

U-ALPBR510
ALSBR510

MASTER

APPL. NO: 0015062M : APN: NO APN SPEC : PERMIT NO.: ISSUED: :
SEQ. NO: 1 TYPE: TI : TENANT IMPROVEMENT :
PERMIT STATUS : ROUTING : PF9-----PLACE CURSOR-----PF10
PLANS SUBMITTED?: Y : (Y/N) OCCUP GROUP CONSTRUCTION TYPE DEMO UNITS
BUILDING NO. : : 1. : R-3 : : VN SPRINK : : :
FIRE SPRINKLERS?: N : (Y/N) 2. : : : : : :
IR RATING : N/R : 3. : : : : : : D
CENSUS CODE : 101 : 4. : : : : : : E
SQUARE FOOTAGE USES PF5-TO SELECT (UP TO 10) --RATE --SQ FEET -----VALUE L
DWELLING TYPE V WOOD FRAME 107.18 725 77,705.50 N
CARPORT OR COVERED ARENA 19.26 82 1,579.32 N
UNCOVERED DECK 13.94 155 2,160.70 N
REMODEL AT 25% 27.51 253 6,960.03 N
REROOF 10.72 1,443 15,468.96 N
COST OF REMODEL : :
TOTAL EVALUATION: 103,874.51 :
PF3-PERMIT DESC PF4-CENSUS PF6-STATUS PF11-TYPE PF9-OCCUP PF10-CONST
RECORD UPDATED PF19-PREV PF20-NEXT
CHANGE SQ FEET AND/OR 'Y' TO DELETE AND PRESS 'ENTER' TO UPDATE



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, DIRECTOR

October 29, 2007

Donald and Jean Schrader
3846 Peninsula Ct
Stockton, CA 95129

Subject: GEOLOGIC HAZARDS ASSESSMENT
APN: 043-161-33
LOCATION: 630 Beach Drive
PERMIT APPLICATION NUMBER: 07-0350
OWNER: Donald and Jean Schrader

Dear Mr. and Mrs. Schrader,

We have recently conducted a site inspection of the parcel referenced above where remodel and construct an addition to the second floor with two bedrooms, move an existing bedroom from downstairs to the new second story, convert the bedroom to living room is proposed. This inspection was completed to assess the property for possible flood hazards due to its proximity to Pacific Ocean. The purpose of this letter is to briefly describe our site observations, outline permit conditions with respect to geologic planning issues and to complete the hazards assessment for this property.

COASTAL FLOOD HAZARDS

This parcel is located on the beach, and published maps on file with the Planning Department indicate that the parcel is within a federally-designated coastal flood hazard area zone VE (figure 2). FEMA has mapped this location as an area of 100-year coastal flood with high velocity (wave action) floodwaters. The subject parcel may be subject to coastal storm waves or tsunami inundation.

Enclosed copies of the federal flood maps (panel 359D) indicate the flood hazard boundaries in this area and the approximate parcel location (see Figures 1a). The flood hazard maps delineate the extent of flooding which is anticipated during a 100-year flood, an event with a one percent chance of occurring in any given year. Flooding to an approximate level of 21 feet above mean sea level is anticipated to occur once every hundred years on the basis of this mapping, also known as the base flood elevation (BFE). However, this does not preclude flooding from occurring due to events smaller in magnitude than the 100-year flood or for the "100-year flood" from occurring two years in a row. For your information, no historic flooding event, including the record events of 1955, 1982 and 1998 has resulted in 100-year flood levels.

The flood hazard maps for the County were recently revised by the federal government due to the County's participation in the National Flood Insurance Program. This program enables property owners to obtain insurance coverage for flood damage to residential and commercial structures and their contents. In return for making flood insurance available, the federal government requires that the County's land use regulations be consistent with federal standards for construction activities in areas where potential flood hazards are identified on the maps.

ANALYSIS

An evaluation was completed to determine whether the proposed project, to include an addition of 705 square feet, an 80 square foot carport and remodel of 242 square feet meets the definition of substantial improvement. Substantial improvement is defined as any repair, reconstruction, rehabilitation, addition, alteration or improvement to a structure, or the cumulative total of such activities as defined in Section 16.10.040(r) of the County Code, where the cost of which equals or exceeds 50 percent of the market value of the structure immediately prior to the issuance of the building permit. The structure was calculated to have a depreciated value of \$317,585 (see attached appraisal prepared by Pacific Residential Appraisal Services), thus allowing a total of \$158,793 in construction costs. The projected cost of improvements is \$83,760.12 (see attached evaluation completed by the Building Department).

Based on the discussion above, the proposed development is not considered to be substantial improvement. Future additions to the structure cumulative over a 5-year period, will be carefully analyzed to determine whether the improvements meet the definition of substantial improvement. To clarify, improvements to the structure over the next 5 years which cost more than \$75,033, will meet the definition of substantial improvement and the entire structure must be elevated above the base flood elevation (BFE), to an elevation of 22 feet above mean sea level. Please note that other FEMA regulations such as break-away walls, flood resistant materials, etc. apply to all structures that meet substantial improvement.

SITE CONDITIONS

The county geologic map (Brabb, 1974) shows the parcel underlain by beach sand and the Purisima formation (figure 3). Beach sands are highly susceptible to erosion and liquefaction. The liquefaction map shows the parcel in an area of moderate to high potential for liquefaction to occur during intense shaking associated with a seismic event (figure 4). In order to mitigate for liquefaction hazards, a full geotechnical (soils) report will be required. The report must also address the potential for high groundwater to occur onsite, and include mitigations and design parameters for the basement retaining walls and foundation.

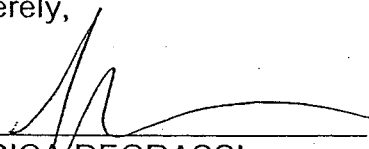
CONCLUSIONS

Therefore, to comply with federal floodplain management requirements as well as section 16.10 of the County Code (Geologic Hazards Ordinance) and to receive approval for the proposed project with respect to geologic planning issues, the following conditions must be met:

1. The placement of fill shall be allowed only when necessary. The amount allowed shall not exceed 50 cubic yards and only as part of a permitted development and only if it can be demonstrated through environmental review that the fill will not have cumulative adverse impacts.
2. No development shall be allowed which extends the structure in a seaward direction (see County Code section 16.10.040(s)4).
3. The enclosed Declaration form acknowledging a possible flood hazard to the parcel must be completed prior to issuance of a building permit.
4. Submit 3 copies of a Geotechnical Report completed by a licensed civil engineer for review, and pay the associated review fee of approximately \$990.
5. A licensed civil engineer must prepare the site grading and drainage plans.

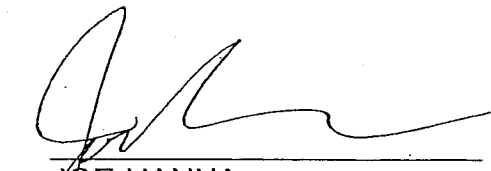
If you have any questions concerning the assessment of this property for flood hazards or the permit conditions described above, please call me at 454-3162. Questions regarding insurance coverage under the National Flood Insurance Program should be directed to an insurance agent.

Sincerely,


JESSICA DEGRASSI
Resource Planner
Environmental Planning

Date

10/30/07

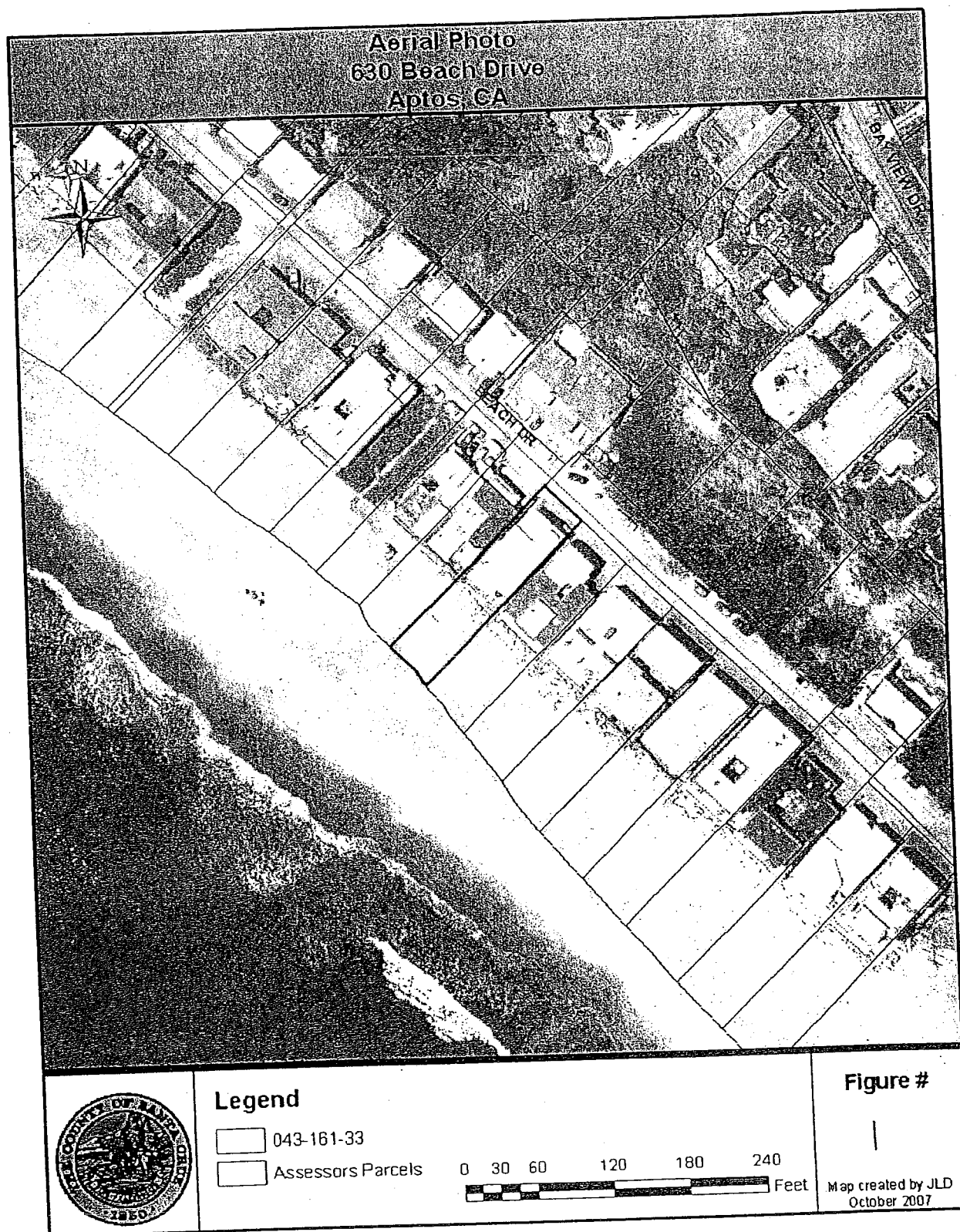

JOE HANNA
County Geologist
CEG #1313

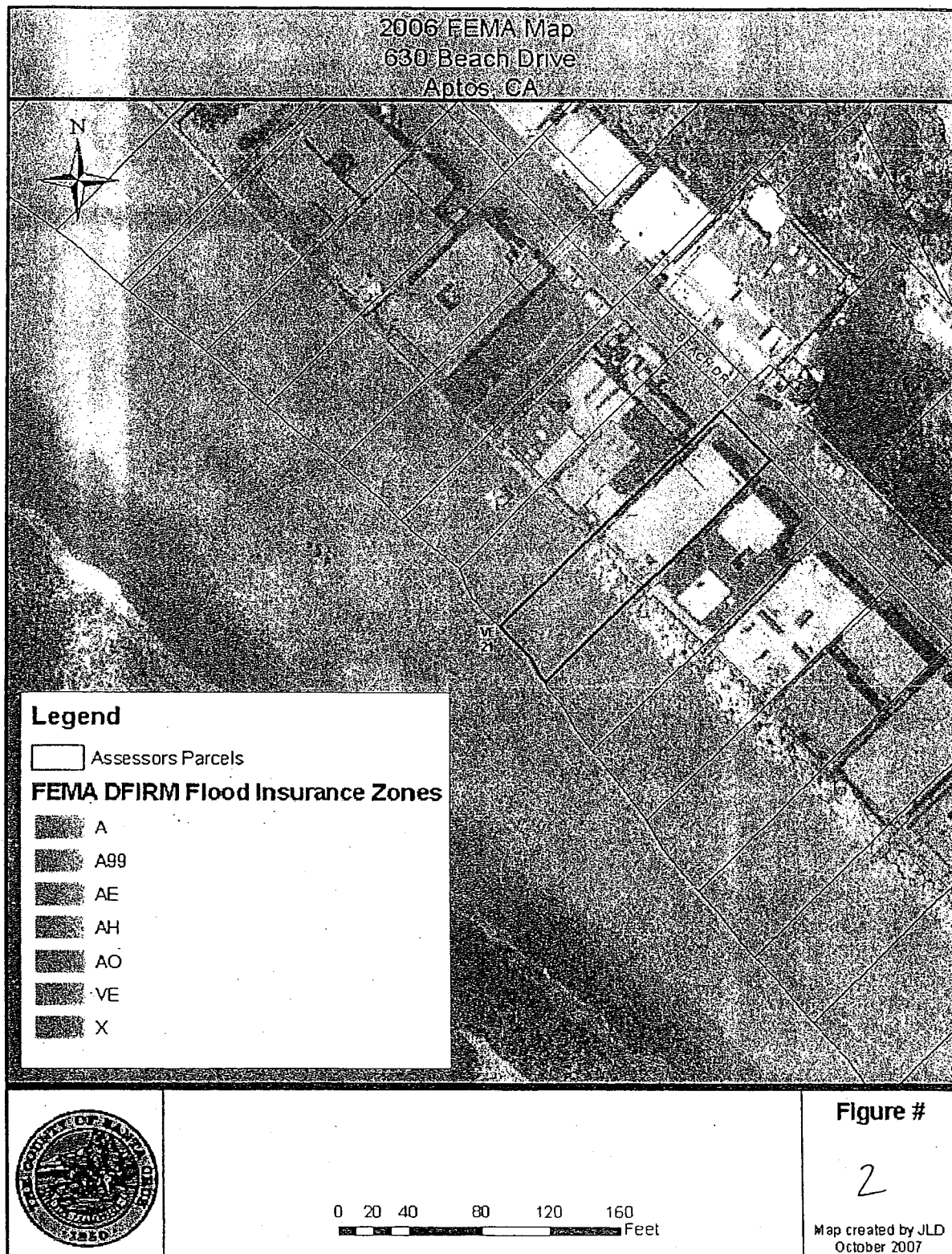
FOR: CLAUDIA SLATER
Principal Planner
Environmental Planning

Enclosure(s)

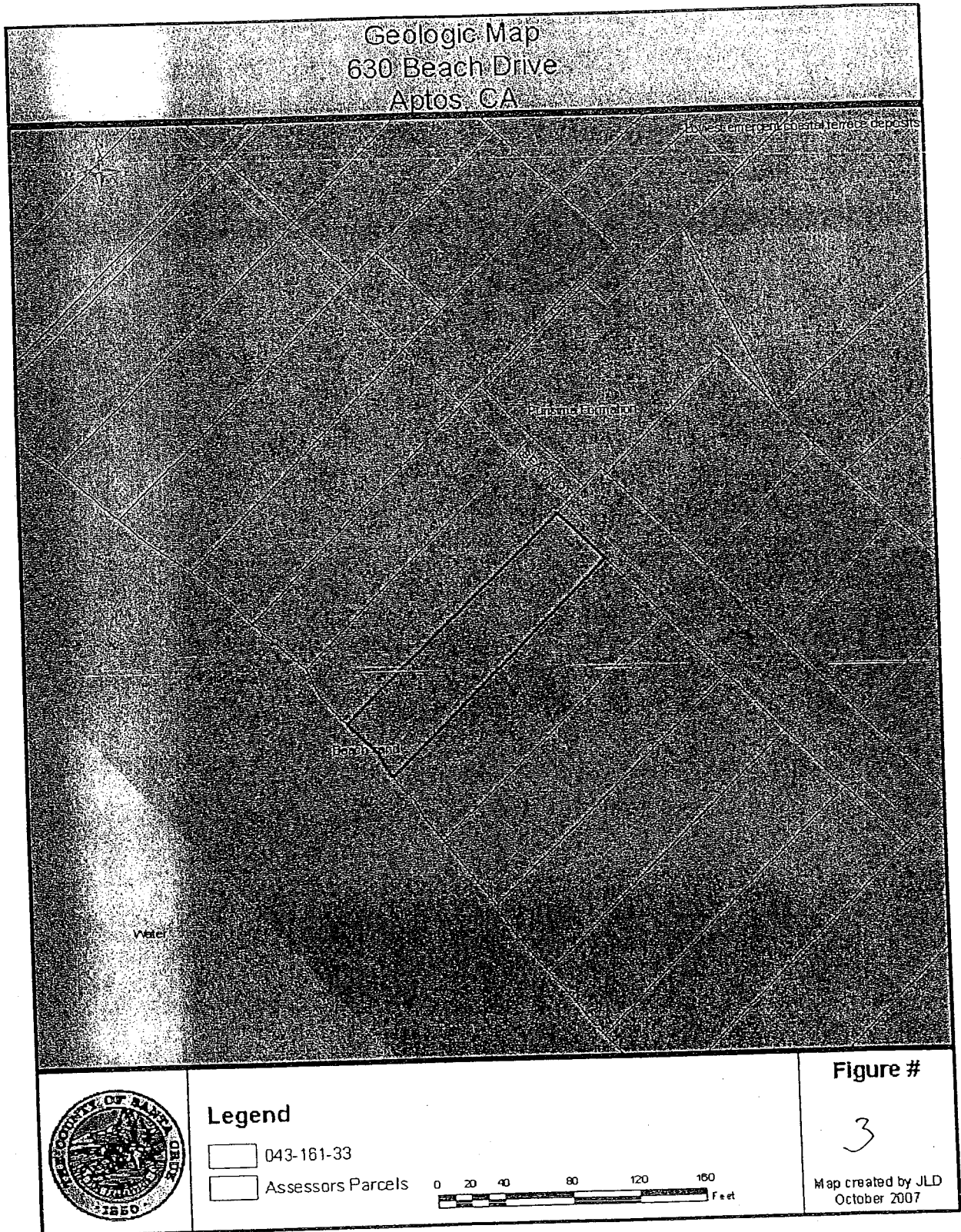
cc: GHA File
Porcila Perez, Planner

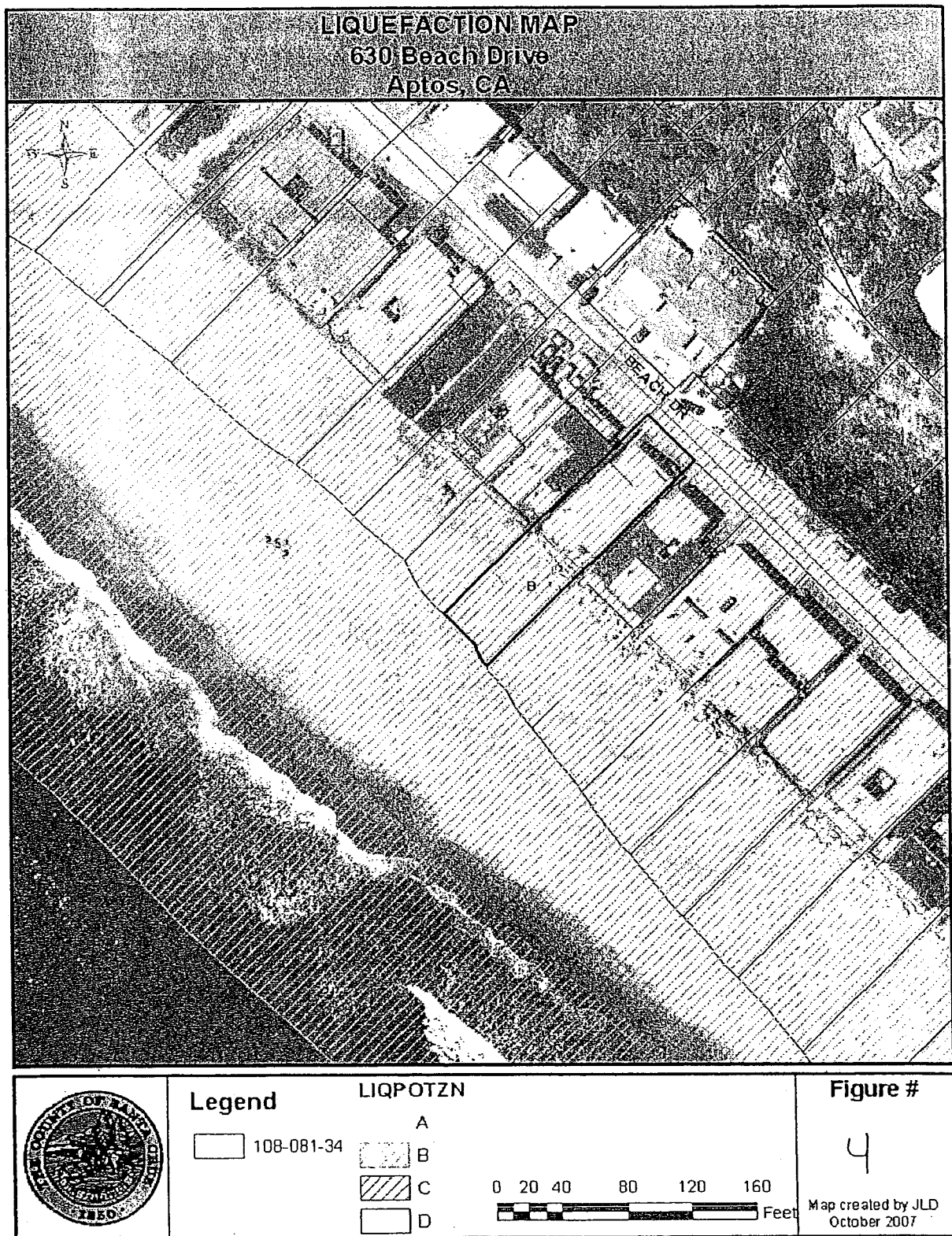
Donald and Jean Schrader
October 29, 2007





Donald and Jean Schrader
October 29, 2007





Cost Approach Addendum

File No. beach630

CALCULATIONS					
Cost Source <u>Marshall & Swift handbook, local builders, appraiser files, and appraiser's knowledge of area.</u>					
Component	No.	Size	Unit Cost		Cost
Above grade living area	1	1,716	\$ 230		\$ 394,680
Decking	1		\$ 25,000		\$ 15,000
Garage	1	451	\$ 35.00		\$ 15,785
Reproduction <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Cost New of Improvements					\$ 425,465
Plus: Indirect (Soft) Costs					\$
Plus: Entrepreneurial Profit					\$
Total Cost New					\$ 425,465
Less: Physical Deterioration			17 %	72,329	
Less: Functional Obsolescence					
Less: External Obsolescence					
Total Accrued Depreciation (Deterioration & Obsolescence)					(\$ 72,329)
Depreciated Value of Building(s)					\$ 353,136
Plus: Contributing Value of Site Improvements					\$ Not included
Depreciated Value of Improvements					\$ 353,136

Analysis/Comments: This cost analysis is intended for the residential structure, deck, garage, and does not include estimated contributory value of site improvements or the subject site. The subject property is a one story beach front home inside a gated community. It is considered to be above average in quality and condition. The appraiser has been instructed to provide a hypothetical, depreciated cost analysis for the residential structure located on the subject site. Also, the appraiser has been instructed to give no value or consideration for site specific constraints or locational conditions which would likely increase the costs of construction of a replacement building of similar utility to the subject on the subject site. This cost approach value is based on a replacement analysis for a building similar to the subject in a "typical" building environment with no extraordinary conditions or building constraints exist. The land and site improvements have not been included in this analysis.

Reconciliation: The intended user of this appraisal is the Santa Cruz Planning Dept. This portion of the appraisal assignment is hypothetical and does not alter any of the prior opinions or conclusions in this appraisal. This portion of the appraisal is a departure require by the client for uses specific to the client. The date of this cost approach is 10/18/2007.

Erick Mould
AR035784

SUMMARY OF COST APPROACH VALUE INDICATIONS	
Site Value (Utilized Land Value)	\$ Not included
Improvements Value	\$ 353,136
Total Value Indication by the Cost Approach	\$ 353,136
Market Rent Equivalency Adjustment	\$
Value Estimate	\$ 353,136
Plus: Excess Land	\$
Total Value - Cost Approach - Real Estate	\$ 353,136
Rounded	\$ 353,140

11:05:17 Mon Oct 29, 2007

10/29/07 MM18
10:56:54

COUNTY OF SANTA CRUZ - ALUS 3.0
BUILDING PERMIT EVALUATION

U-ALPBR510
ALSBR510

MASTER

APPL. NO: 0015062M : APN: NO APN SPEC : PERMIT NO.: ISSUED: :
SEQ. NO: 1 TYPE: REM : REMODEL :
PERMIT STATUS : ROUTING : PF9-----PLACE CURSOR-----PF10 -----
PLANS SUBMITTED?: Y : (Y/N) OCCUP GROUP CONSTRUCTION TYPE DEMO UNITS
BUILDING NO. : : 1. : R-3 : : VN SPRINK : : :
FIRE SPRINKLERS?: N : (Y/N) 2. : : : : : :
IR RATING : N/R : 3. : : : : : :
CENSUS CODE : 101 : 4. : : : : : :
SQUARE FOOTAGE USES PF5-TO SELECT (UP TO 10) --RATE --SQ FEET -----VALUE L
DWELLING TYPE V WOOD FRAME 107.18 705 75,561.90 N
CARPORT 19.26 80 1,540.80 N
REMODEL AT 25% 27.51 242 6,657.42 N

COST OF REMODEL : :
TOTAL EVALUATION: 83,760.12 :

PF3-PERMIT DESC PF4-CENSUS PF6-STATUS PF11-TYPE PF9-OCCUP PF10-CONST
PF7/PF8-SCROLL SQ FTG PF19-PREV PF20-NEXT
CHANGE SQ FEET AND/OR 'Y' TO DELETE AND PRESS 'ENTER' TO UPDATE

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing 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 cannot be made, in that there no special circumstance applicable to the property based on the size, shape, topography and surrounding existing structures. The parcel is of similar shape and size as surrounding parcels, and is essentially flat. Surrounding structures do not encroach onto this property or otherwise impede development of this site. In addition, the denial of the variance would not amount to an unnecessary hardship because the owner will continue to enjoy the benefits of the existing developed property.

The location of the property is subject to wave run up and flood hazards, however, this is a circumstance that is shared by other lots along Beach Drive. Several variances have been granted to other properties for height, number of stories, floor area ratio, etc. to elevate to meet FEMA regulations and County Code Section 16.10 (Geologic Hazards Ordinance). This proposal is not flood elevating to meet FEMA regulations and is maintaining a significant habitable portion of the structure to remain within the flood hazard zone. Therefore, the request for a Variance without flood elevating would be a privilege not granted to other properties under identical zoning classification, as the Variance has not been requested to address the flood hazard that affects the subject parcel (requirements of FEMA regulations and the County's Geologic Hazard Ordinance). *deleted per Zoning Administrator 3/7/08*

ROBERT J GOLDSPIK ARCHITECTS

February 8th 2008

Maria Perez
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

by hand

Schrader Residence
630 Beach Drive Aptos
Appln # 07-0350

Dear Maria,

Thank you for your letter, dated 2.6.08. I have pleasure in enclosing 3 copies of the following drawings:

Drawings 2, 3 and 4, all Revision 1, dated 2.8.08
Dunbar & Craig's topographic survey drawing, dated MST. 2007

As requested, Drawings 2, 3 and 4 have been amended to show floor and flood plain levels.

I have prepared a more detailed description of the proposed work than shown on Drawing 1, as follows:

A. Addition

1. Rear of Carport Construct new stairs and closets with 2x4 wood framing and finishes to match existing house. This a conditioned space approx. 3'.6" x 19'.0" = 67 sf
2. Front of Carport Extend carport towards street. This is an open covered area with an existing paved surface approx. 4'.0" x 19'.0" = 76 sf
3. Second Floor Construct wood-framed addition for 2 bedrooms and bathroom with painted sheetrock interior finish and painted horizontal lap siding exterior finish. Addition will have flat roof sloping to perimeter gutters
4. Replacement Deck Construct entry deck approx. 2'.3" above grade with pressure-treated lumber framing and Trex finish. Approx. 23'.0" x 4'.0" = 92 sf

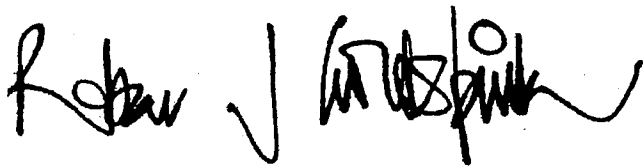
B. Remodel

1. Bathroom 2 Remodel part of existing Bathroom 2 to relocate vanity and enlarge shower and toilet area. Area approx. 7'.0" x 9'.0" = 63 sf
2. Hall Remodel Hall linen and clothes closet into desk alcove, approx. 6'.3" x 2'.4" = 15 sf
Remodel Hall outside Bathroom 2, lowering part of floor and adding steps, approx. 5'.9" x 3'.6" = 20 sf. Total remodel area 35 sf
3. Laundry Remodel existing Bedroom 3 into Laundry Room and Storage, approx. 11'.6" x 11'.0" = 127 sf. Remodel to include removing existing raised wood floor and adding concrete floor at grade
4. Existing roof Remove existing roof finish. Install rigid foam insulation between 2 x 4 furring strips and cover with 5/8" CDX plywood and composition shingle roof finish. Replace existing gutters. [Excludes roofing included in Item A.3 Second Floor bedroom addition]. Approx. 1,443 sf

Maria Perez
County Planning
Schrader Residence
2.8.08
p2

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Goldspink". The signature is stylized with a large, sweeping "R" and a long, horizontal flourish at the end.

Robert J. Goldspink

email cc Don and Jean Schrader

8042 Soquel Drive Aptos CA 95003 tel [831] 688 8950 fax [831] 688 4402
RobertGoldspink@got.net

Staff Report to the Zoning Administrator
(from 1/18/08 Public Hearing)

Application Number 07-0350
Zoning Administrator Hearing
3/07/08



Staff Report to the Zoning Administrator

Application Number: **07-0350**

Applicant: Robert Goldspink
Owner: Donald & Jean Schrader
APN: 043-161-33

Agenda Date: 1/18/08
Item #: 3
Time: After 9 AM
APN: 10

Project Description: Proposal to remodel an existing one story, four bedroom single family dwelling of 1716 square feet to construct a second floor addition with two bedrooms, move an existing bedroom from the downstairs to the new second story addition, and convert an existing bedroom to a living room. Results in a two story, four bedroom dwelling of 2,340 square feet.

Requires a Coastal Development Permit, a Variance to increase the one-story height limitation on the beach side of Beach Drive to two stories and Design Review.

Location: Property located on the south side of Beach Drive approximately 1,500 feet east of the gated entry, at 630 Beach Drive, Aptos.

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit and Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- DENIAL of Application 07-0350, based on the attached findings and conditions.

Exhibits

- | | |
|---|------------------------------|
| A. Project plans | E. Assessor's parcel map |
| B. Findings | F. Zoning map |
| C. Conditions | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	7,318 Square Feet
Existing Land Use - Parcel:	Single Family Dwelling
Existing Land Use - Surrounding:	Single Family Dwellings

Project Access: Beach Drive
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Residential)
Zone District: RB (Residential Ocean Beach)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: FEMA Flood Zone V (Wave run-up hazard zone), landslide potential at the base of coastal bluff
Soils: Beach sand (soils map index number 109)
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: Designated Coastal Scenic Resource Area
Drainage: Drainage to beach
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 Sanitation District
Fire District: Aptos/La Selva Protection District
Drainage District: Zone 6

History

The project site is currently developed with a one-story single family dwelling that was constructed in 1968. A coastal exclusion was granted in 1986 for placement of 100 tons rip rap. In 1991, the County Code Section 13.10.323 was revised to limit structures in the RB (Residential Beach) zone district to one story with 17 foot maximum height. The purpose of these limits was to minimize the view shed impacts from the public beach by keeping the homes on the beach side of the street low profile.

On July 6, 2007, the County Planning Department accepted this application for a Coastal Development Permit and a Variance to construct a second story addition to a single story family dwelling on the beach side of the RB (Residential Beach) zone district. The project has not been deemed complete.

Project Setting

The property is developed with a single-family dwelling. It is located on the beach side of Beach Drive within a neighborhood of one and two story single-family residences on both sides of the street.

Zoning & General Plan Consistency

The subject property is a 7,318 square foot lot, located in the RB (Residential Ocean Beach) zone district, a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the project is consistent with the site's Urban Low Residential General Plan designation.

Site Standards

	RB Standards	Proposed
Front Yard Setback	10'	10'
Side Yard Setback	0' & 5'	0' & 5'
Rear Yard Setback	10'	Over 10'
Maximum Height	17	17
Maximum Stories	One	Two*
Maximum % Lot Coverage	40%	36%

* variance is being requested to the number of stories as discussed below.

Request for a variance

The project as proposed requires a variance to allow a two story home on the beach side of the RB zone district where the limit, pursuant to County Code 13.10.323 is one story.

First required variance finding:

To approve a variance, three specific findings must be made as required by State law. The first variance finding states:

That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing 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 not be made in that all of the lots are similar in shape and size and no special circumstance exists that deprives the property of privileges enjoyed by others. Table 1, a listing of permit activity for existing two story homes, documents that approval of two stories is not a privilege enjoyed by others. There are eight two story homes and one under construction on the beach side of Beach Drive, all but three were built prior to the 1991 RB zone district requirements of one story and the 17 foot height limit, and none has been significantly remodeled since 1991. The home rebuilt in 2005 at 531 Beach Drive (Apn 043-152-48) and the one currently under construction at 618 Beach E - 61 - Apn 043-152-27) are flood elevated to meet

Federal Emergency Management Agency (FEMA) requirements for a non-habitable first floor and a habitable second floor. Given the flood hazard and lack of alternative to a second story habitable area, findings were made for variances to comply with flood elevation requirements. In contrast, the proposed home is not being flood elevated and therefore similar logic for variance findings does not exist. There is one exception to the one story limit since 1991, which is a variance that was granted by the Planning Commission in 1996 for 545 Beach Drive. A variance to add a second story to a one-story house on the beach side of Beach Drive was denied by the Zoning Administrator. The Planning Commission approved the project on appeal.

The applicant asserts that the dimensions and size of the lot constrain development and represent special circumstances. He asserts that the property owners are prevented from constructing a house similar in size to surrounding residences. The parcel is 40 feet by approximately 200 feet, for a total of approximately 7,308 square feet. However, the home may not be extended seaward, as this would increase exposure to coastal hazards. The lots on the beach side of Beach Drive range in size from 40 to 75 feet in width, with most house sizes in the 1,167 square feet to 3,200 square foot range. Though this lot is one of the smallest on the beach side of Beach Drive, it has approximately 1,720 square feet of habitable space and it could be expanded to approximately 2,000 square feet of habitable space if the habitable floor was elevated to meet FEMA requirements. It does not appear that the small size of the lot rises to the point of being a special circumstance.

The applicant makes a second argument in support of the variance, which is that other homes enjoy two stories. Staff inventoried each of these homes, and has found the following: The majority of the two story homes on the beach side of Beach Drive were built prior to 1991, the year that new site standards were revised for the RB zone district to limit the height to 17 feet and number of stories to one. Two story homes proposed after 1991 have been granted a variance to be elevated to two stories only to comply with FEMA regulations. These homes have non-habitable first floors and habitable second floors.

Table 1 - Two Story Structures on the beach side of Beach Drive

Apn	Address	Year built	Comments
043-152-48	531 Beach Drive	2005	FEMA elevated
043-152-47	533 Beach Drive	1957	Prior to 1991
043-152-59	537 Beach Drive	1951	One story w/loft
043-152-43	539 Beach Drive	1965	Prior to 1991
043-152-36	545 Beach Drive	1965	1996 granted variance
043-152-34	547 Beach Drive	1986	Prior to 1991
043-161-27	636 Beach Drive	1967	Prior to 1991
043-161-45	646 Beach Drive	1974	Prior to 1991
043-152-27	618 Beach Drive	(under construction)	FEMA elevated

Second required variance finding:

The second finding that must be made states:

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

The addition of a second habitable floor would be a special privilege that is not enjoyed by other properties. Where a second story has been allowed, it has been to mitigate flood hazard and results in only one habitable floor. The majority of two-story homes with two habitable floors on the beach side of Beach Drive are non-conforming. Any additions to those homes would be on the ground story, unless the structure was designed to comply with County Code section 16.10 (Geologic Hazards Ordinance).

Conclusion

The site standards and structural dimensions chart per County Code 13.10.323 for the RB zone district limit buildings on the beach side of Beach Drive to one story in addition to a 17 foot height limit. Therefore, a variance is necessary under current regulations, and findings for such a variance (County Code 13.10.230) cannot be made. As discussed above, a special circumstance does not exist on the parcel that deprives it of privileges enjoyed by other property in the vicinity and under identical zoning classification. In addition, granting a variance would constitute a special privilege.

As proposed, the project is not consistent with applicable codes and policies of the Zoning Ordinance. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **DENIAL** of Application Number **07-0350**, 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

Report Prepared By: Maria Perez
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5321
E-mail: maria.perez@co.santa-cruz.ca.us

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing 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 cannot be made, in that there no special circumstance applicable to the property based on the size, shape, topography and surrounding existing structures. The parcel is of similar shape and size as surrounding parcels, and is essentially flat. Surrounding structures do not encroach onto this property or otherwise impede development of this site.

The location of the property is subject to wave run up and flood hazards, however, this is a circumstance that is shared by other lots along Beach Drive. Several variances have been granted to other properties for height, number of stories, floor area ratio, etc. to elevate to meet FEMA regulations and County Code Section 16.10 (Geologic Hazards Ordinance). This proposal is not flood elevating to meet FEMA regulations and is maintaining a significant habitable portion of the structure to remain within the flood hazard zone. Therefore, the request for a Variance without flood elevating would be a privilege not granted to other properties under identical zoning classification, as the Variance has not been requested to address the flood hazard that affects the subject parcel (requirements of FEMA regulations and the County's Geologic Hazard Ordinance).

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 cannot be made, in that the granting of a variance to increase the maximum one-story height limit to two-stories would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone classification. The property is located within the flood hazard zone and is under identical zoning as neighboring lots. Several Variances have been granted to neighboring lots under identical zoning and flood hazard zone that address the flood hazard, meet FEMA regulations and County Code. The applicant is not proposing to flood elevate and will maintain a significant portion of the habitable floor within the flood hazard zone. Therefore, the request for a Variance without flood elevating would be a special privilege not granted to other properties under identical zoning classification, as the Variance has not been requested to address the flood hazard that affects the subject parcel (requirements of FEMA regulations and the County's Geologic Hazard Ordinance).

Application #: 07-0350
APN: 043-161-33
Owner: Donald & Jean Schrader

Please note: This permit expires two years from the effective date on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Maria Perez
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: 07-0350

Assessor Parcel Number: 043-161-33

Project Location: 630 Beach Drive

Project Description: Proposal to remodel an existing one-story, four bedroom single family dwelling to result in a two story single family dwelling.

Person or Agency Proposing Project: Robert Goldspink

Contact Phone Number: 831-688-8950

- 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: Projects which are disapproved (Section 15270)

F. Reasons why the project is exempt:

Proposal to construct an addition an existing residential development in an area designated for residential uses.

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



Maria Perez (Project Planner)

Date: 1/18/08

FOR TAX PURPOSES ONLY

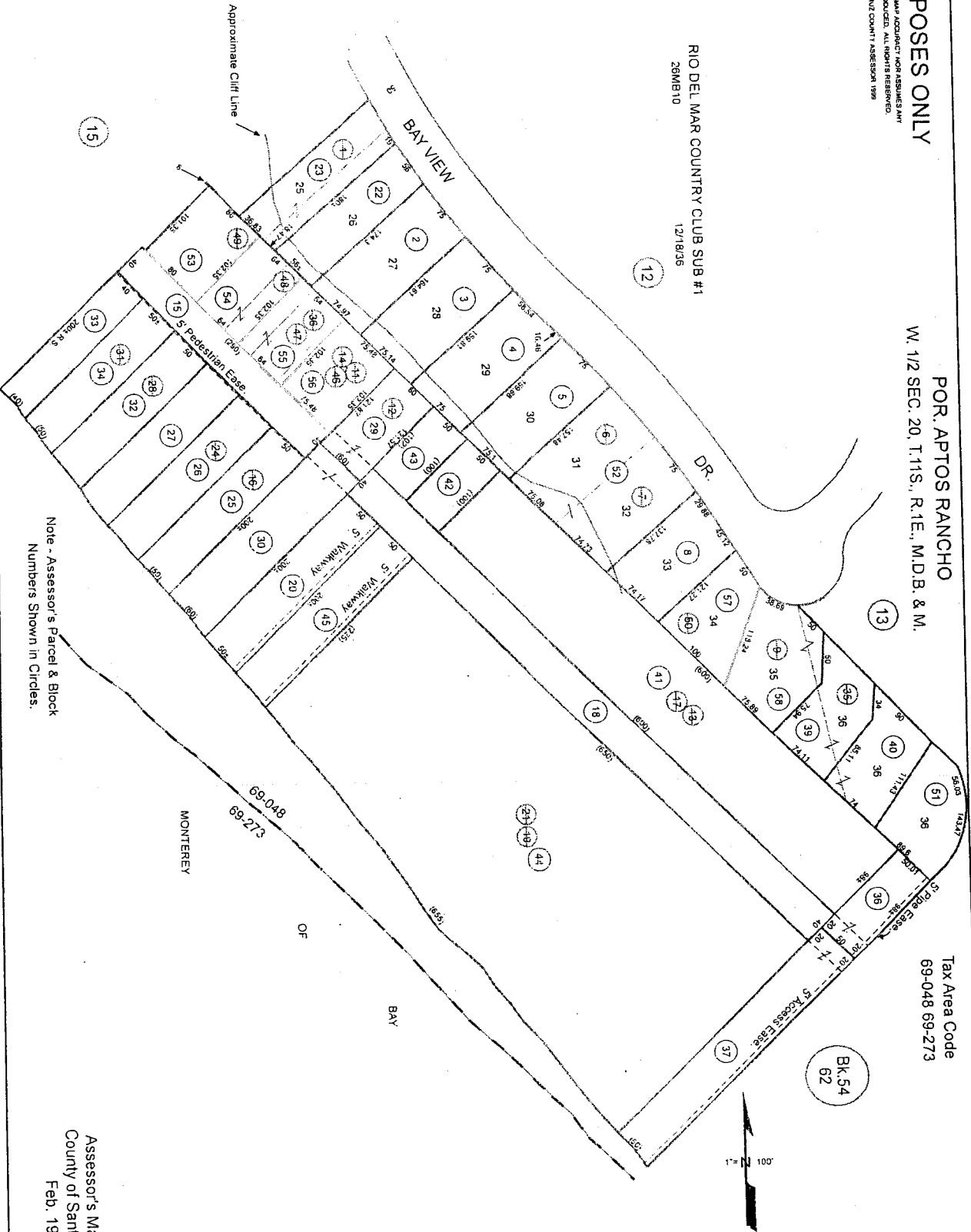
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY. NOT ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

POR. APTOS RANCHO
W. 1/2 SEC. 20, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-048 69-273

4.3-16

Electronically Redrawn 2/6/96 rw
Rev. 12/15/99 GG (Cor. bdy. 1-51)
Rev. 1/24/00 CB (Cor. bdy. 1-51 as per 26/46/10)
Rev. 5/25/01 mm (changed page refs.)
Rev. 2/17/05 DD (4-0079567 to 70, LBA 1-53 to 56)
Rev. 10/12/06 CE (6-0021451 & 2, Sp 1-57 & 58)

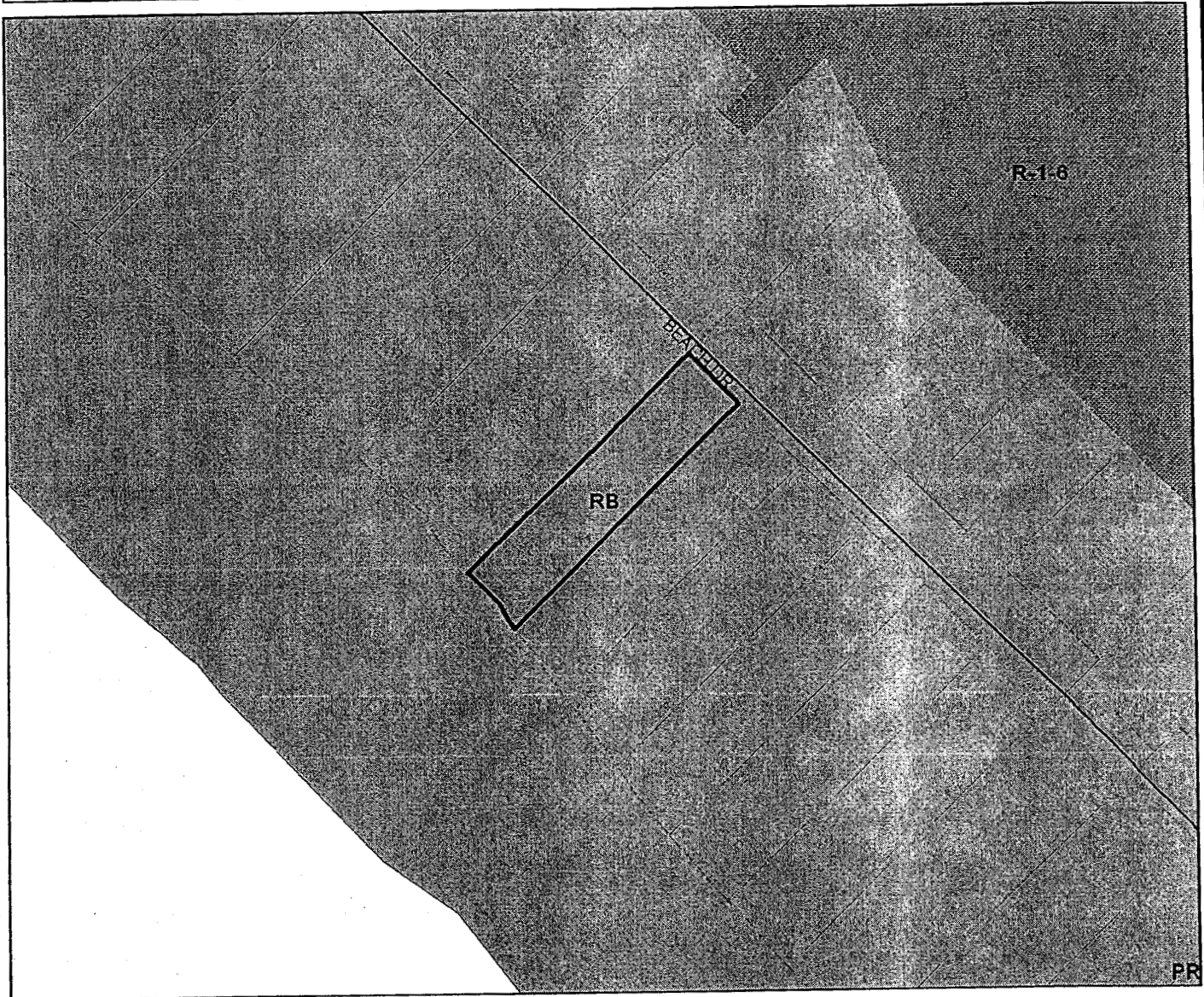


Note - Assessor's Parcel & Block Numbers Shown in Circles.







Assessor's Map No. 4.3-16
County of Santa Cruz, Calif.
Feb. 1999

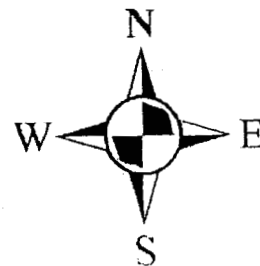


Zoning Map



Legend

-  APN: 043-161-33
-  Assessors Parcels
-  Streets
-  County Boundary
-  RESIDENTIAL- OCEAN BEACH (RB)
-  RESIDENTIAL-SINGLE FAMILY (R-1)



Map Created by
County of Santa Cruz
Planning Department
July 2007

December 3, 2007
644 Beach Dr
Aptos, CA 95003

Don Bussey, Zoning Administrator
%Maria Perez, Project Planner
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA. 95060

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

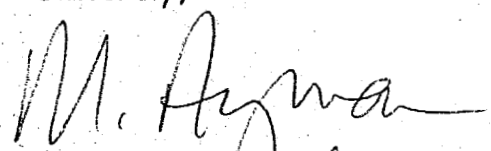
Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

We write in support of the project and encourage you to approve it.

Sincerely,


Michael Aymar
(408) 202-8791
MIKEAYMAR@AOL.COM

Don Bussey, Zoning Administrator
%Maria Perez, Project Planner
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA. 95060

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

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We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

We write in support of the project and encourage you to approve it.

Sincerely,

Marilyn J. Foren
547 Beach Dr -
Aptos, Ca - 95060 -

EXHIBIT G

Don Bussey, Zoning Administrator
%Maria Perez, Project Planner
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA. 95060

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

We write in support of the project and encourage you to approve it.

Sincerely,

Evelyn Malone
634 Beach Drive
Aptos, CA. 95003

Don Bussey, Zoning Administrator
%Maria Perez, Project Planner
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA. 95060

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

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Sincerely,

Robert A. Nankie
636 BEACH DRIVE

Albert R. Schreck
549 Beach Drive
Aptos, CA

Don Bussey, Zoning Administrator
%Maria Perez, Project Planner
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA. 95060

Schrader Residence
630 Beach Drive Aptos
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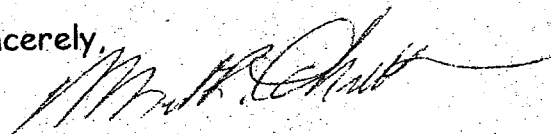
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549 Beach Drive, Aptos, CA

Don Bussey, Zoning Administrator
%Maria Perez, Project Planner
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701 Ocean Street
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We write in support of the project and encourage you to approve it!

Sincerely,

Robert E. Sykes Patricia A. Sykes
638 Beach Dr., Aptos, Ca 95003
Dec. 3, 2007

PATRICIA B. CRUDEN
642 Beach Dr
Aptos, CA

Don Bussey, Zoning Administrator
%Maria Perez, Project Planner
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA. 95060

Schrader Residence
630 Beach Drive Aptos
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We write in support of the project and encourage you to approve it.

Sincerely,

Patricia B. Cruden

Don Bussey, Zoning Administrator
c/o Maria Perez, Project Planner
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Re: Schrader Residence
630 Beach Drive, Aptos
Coastal Development Permit Appln. # 07-0350

Dear Mr. Bussey,

We own a home on Beach Drive and thus are neighbors of the Schraders, who have submitted a design proposal for a remodel to their home at #630. Unlike proposed developments at 546 and 548 Beach Drive, which we strongly oppose (because they represent a threat to public safety, are in contravention of the California Coastal Act, and are grossly over-sized and out of character in relation to nearby homes), we support the Schrader's plans. We understand that for the proposed project at 630 Beach Drive:

- The resulting structural profile and volume will be in keeping with beachside homes nearby, i.e., with similar length of street frontage, no more than 2 stories, and with an acceptable height of 17 feet;
- The structure will not endanger the property and/or lives of surrounding residents;
- The Schraders have taken into consideration the privacy and concerns of their abutting neighbors in their design.

We encourage you to approve their project.

Sincerely,

Rob and Mitzie Forsland

Maria Perez

From: Troedson, Jack [jackt@ccarey.com]
Sent: Monday, January 14, 2008 6:09 PM
To: Maria Perez
Cc: Troedson@aol.com
Subject: RE: Beach Dr projects, Aptos

Maria, I would appreciate it if you submitted this email correspondence to the "decision maker" and also attached it to the project file. Unfortunately, I don't believe either my wife or I can attend the public hearing this Friday re:630 Beach.

Thanks

From: Maria Perez [mailto:PLN110@co.santa-cruz.ca.us]
Sent: Monday, January 14, 2008 3:09 PM
To: Troedson, Jack
Subject: RE: Beach Dr projects, Aptos

Mr. Troedson,

Thank you for your input. We do take in to consideration impact on the neighbors by restricting work hours and setting condition of approval. Please let me know if you have any suggestions that we could consider adding to the conditions of approval. We welcome any input you may have on any of the projects and you are welcome to submit a letter that will be read by the decision maker and attached to the project file or you may attend any of the hearings to state your concerns.

Thank you,

Maria Perez
Project Planner, Development Review
County of Santa Cruz

-----Original Message-----

From: Troedson, Jack [mailto:jackt@ccarey.com]
Sent: Monday, January 14, 2008 1:54 PM
To: Maria Perez
Cc: Paia Levine; Troedson@aol.com
Subject: RE: Beach Dr projects, Aptos

Thank you for your response. It is much appreciated. I think we understand the justification for the changes to engineering/design and the efforts to mitigate damage, but what has been seemingly ignored during the process is the incompatibility, particularly during construction, with the existing residents. These fortresses would be similar to building several 2-3 story steel frame office buildings, with underground parking and large curtain walls, in a single family residential neighborhood. It simply doesn't work. We will contact Ellen Pirie with our concerns and hope that she will empathize with us.

From: Maria Perez [mailto:PLN110@co.santa-cruz.ca.us]
Sent: Monday, January 14, 2008 1:47 PM
To: Troedson, Jack
Cc: Paia Levine
Subject: RE: Beach Dr projects, Aptos

Mr. & Mrs. Troedson,

Mr. Keyon has left his job with the County. It is my understanding that the engineering has changed over the years in such a way that building of the lots on the bluff side of Beach Drive now mitigates for the hazards of landslides by constructing homes into the bluff with covered decks made out of reinforced concrete to withstand the impact should the bluff fail and by elevating them to mitigate for wave run up by meeting FEMA requirements and County code. The ordinance allows the construction of these homes with the mitigation for such hazards. The homes on the beach side have been allowed up to two stories with one habitable floor, while the homes on the bluff side have been allowed to be 3-stories below 25 feet in height with two habitable floors. The designs of the homes along Beach Drive are driven by special circumstances found in this area due to landslide and wave run up hazards. The following is a summary of Beach Drive projects that are currently assigned to myself.

07-0059 (apn 043-152-58) is an application for a 3-story "bunker" (home that is built into the bluff) home that is currently under review for completeness.

06-0688 (apn 043-161-53) is an application for a 3-story "bunker" home that is currently under review for completeness.

07-0350 (apn 043-161-33) is an application for 2 story beach side addition, this project will be heard on Friday, January 18th. This is the project you mentioned as asking for your support. County staff is recommending denial as the addition is not for flood elevation and simply for two habitable floors.

07-0392 (apn 043-152-32) is an application for minor remodeling to an existing one story beach side home. This project is almost complete for hearing.

07-0449 (apn 043-152-25) is an application for a new 2-story beach side home that is to be elevated to meet FEMA requirements and will have only one habitable floor. This property is next door to the home currently under construction across the street from your residence.

06-0156 (apn 043-152-70) is for a 3 story "bunker" home that was recently approved by the Planning Commission but was appealed to the Coastal Commission by a group of neighbors.

04-0255 (apn 043-152-71) this is a 3 story "bunker" home that is owned by the same group for application 06-0156, this was appealed to the Coastal Commission and was approved, it is currently being reviewed for a building permit and has been appealed to the Courts by the same group of neighbors as application 06-0156.

From our inventory it appears that there are still about 4 vacant lots on the bluff side of Beach Drive where no applications have been filed but most likely will be in the future. All homes on the beach side of Beach Drive have the potential to be rebuilt to two stories to meet FEMA elevations.

The supervisor for this area of the County is Ellen Pirie, you can reach her at 831-454-2200 or ellen.pirie@co.santa-cruz.ca.us.

I hope I have answered your questions and you are welcome to submit a letter or attend any hearing for the construction of any of these projects.

Maria Perez

Project Planner, Development Review
County of Santa Cruz

-----Original Message-----

From: Troedson, Jack [mailto:jackt@ccarey.com]

Sent: Monday, January 14, 2008 10:34 AM

To: David Keyon; Maria Perez

Cc: Troedson@aol.com

Subject: Beach Dr projects, Aptos

David and Maria, we continue to be concerned about the continuing developments behind the gate on Beach Dr. There truly appears to be no end in sight to the excessive residential developments going on in our neighborhood.

Does anyone at the County support modest construction with sensitivity to the existing homes and their views? Does anyone realize that, by conforming to FEMA or County guidelines (or whatever they are), these "homes" that are being approved are really more like 2-3 story office bldgs---massive excavation and pile driving, concrete/steel curtain walls, steel beams..... just plain HUGE and very disruptive during construction!! I can't imagine that any Santa Cruz neighborhood would allow similar construction! Why is it happening here?

We recently completed an interior remodel of our home @ 621 Beach Dr, without expanding the footprint or size of the home. 1600 sq ft two story and perfect for the neighborhood. The day we moved back in, new construction of a two story beach front home across the street started. Our house literally shook for the next 3-4 weeks as the piles were driven-we even had cracks in our new kitchen tile due to the shaking. Within days, a nice layer of dirt covered our deck, our awnings and basically the fresh exterior of our home. The constant heavy construction certainly ruined our weekdays at the beach. Now that the second level is being built, we no longer have any view of Pleasure Point. This is all in addition to the construction down the street, which dwarfs the site across from our house. The other day, I couldn't drive down the street as one of many cement trucks backed down the entire street (beeping in reverse the whole time!!!) ---had to wait almost ten minutes as they figured out how to maneuver from the gate all the way to the end of the street. It seems that the County has basically granted development rights on every parcel behind the gate. We see more signs seeking approval of bluff side developments. We were asked to support a second floor variance at 630 Beach. After many yrs of little or no development, it seems as if the floodgates have opened. Is there any end in sight?

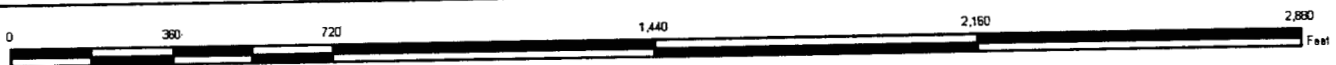
Could you pls provide me with a summary of current submittals behind the gate? Who is the County Supervisor responsible for our area? We need to decide what to do, since living in a construction zone for the next several yrs is not what we had in mind when we bought our home in 1989.

Thanks for reply,






Jack and Lisa Troedson
650-400-0401

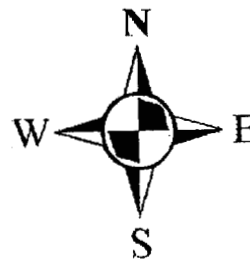


Location Map



Legend

-  APN: 043-161-33
-  Assessors Parcels
-  Streets
-  Railroads
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
July 2007