



Staff Report to the Zoning Administrator

Application Number: **06-0279**

Applicant: Terrence Murphey for The Hayes Group

Owner: Joel Schreck

APN: 043-152-33

Agenda Date: ~~July 21, 2006~~ 8/18/06

Agenda Item #: 4.0.1

Time: After 10:00 a.m.

Project Description: Proposal to construct an addition to an existing deck at the rear of an existing single-family dwelling. Requires a Coastal Development Permit and Design Review.

Location: Property located on the beach side of Beach Drive, about 540 feet past the private gate (at 549 Beach Drive).

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

Permits Required: Coastal Development Permit and Design Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0279, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	11,981 square feet
Existing Land Use - Parcel:	Single-family residence
Existing Land Use - Surrounding:	Single-family residences, beach
Project Access:	Beach Drive (a private road)
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Density Residential)

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

Zone District: RB (Ocean Beach Residential)
Coastal Zone: X Inside ___ Outside
Appealable to Calif. Coastal Comm. X Yes ___ No

Environmental Information

Geologic Hazards: Coastal hazard zone due to wave run up (FEMA flood Zone-V)
Soils: Beach sand
Fire Hazard: Not a mapped constraint
Slopes: flat
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Coastal scenic area
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

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

Project Scope

The property owner proposes to remove an existing deck at the rear of the residence, and to construct a new deck with a 2 ½ foot wide planter on the beach side (about 500 square feet of new decking). A stairway is also proposed off an existing deck and the entryway on the side of the house, which will encroach 3 feet into the required 5-foot side yard setback. The proposed improvements will not exceed 50% of the total value of the existing structure, so FEMA flood elevation requirements will not be required at this time.

Project Setting

The project site is located on the beach side of Beach Drive, at the rear of an existing residence at 549 Beach Drive. The deck faces onto the public beach within a coastal scenic area, requiring a Coastal Development Permit.

Zoning & General Plan Consistency

The subject property is located in the RB (Ocean Beach) residential zone district, a zoning designation that permits single-family residences and related structures (such as decks). The proposed replacement deck will meet all required RB site standards, including side yard setbacks and lot coverage. The site retains a General Plan/Local Coastal Program land use designation of R-UL (Urban Low Density Residential), of which the RB zone district is an implementing zone district.

Local Coastal Program Consistency

The proposed deck is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The deck will incorporate a 2 ½ foot planter and will be designed to complement the existing residence, and will therefore not be visually obtrusive when viewed from the public beach. No public access easements exist across the property, so the proposed deck will not interfere with beach access for residents on the bluff side of Beach Drive. Public access will continue to be maintained from the public parking lot before the entrance to the private portion of Beach Drive, about 540 feet upcoast.

Design Review

The deck will be designed to complement the existing residence, and will incorporate a 2 ½ foot wide planter strip along the edges. Though the deck is located in a highly visible location, the materials and design will not draw attention to the structure and will be compatible with existing development on the beach side of Beach Drive, in which most houses have rear decks facing the beach.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **06-0279**, 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:** David Keyon
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Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned RB (Ocean Beach Residential), a designation which allows residential uses (including decks). The proposed deck is ancillary to the single-family use on site, a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

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

This finding can be made, in that no easements **or** development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

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

This finding can be made, in that the deck will be designed to complement the existing residence, and is compatible with development on the beach side of Beach Drive.

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

This finding can be made, in that no public access easements exist across the property. Public access already exists from the public parking lot 540 feet upcoast from the project site, prior to the beginning of the private portion of Beach **Drive**.

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

This finding can be made, in that the deck will be visually compatible, in scale with, and integrated with the character of the existing residence and the surrounding neighborhood. Most houses on the coast side of Beach Drive have decks facing the beach.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the proposed deck is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety. The proposed deck will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current site standards for the RB zone district.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the deck 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 (Ocean Beach Residential) zone district in that the primary use of the property will remain one single-family dwelling, of which the deck is an ancillary use commonly associated with single-family dwellings.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed deck will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

A specific plan has not been adopted for this portion of Aptos.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed deck will be an addition to an existing single-family dwelling. The deck not result in an increase in utility usage, and will not generate additional traffic as the number of bedrooms will remain the same.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood

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Owner: Joel Schreck

containing a variety of architectural styles, and the proposed deck is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed deck will be compatible with and will enhance the aesthetic qualities of the existing residence. Neighboring properties on **the** coast side of Beach **Drive** have decks facing onto the beach, so the proposed deck will not be out of character with existing development.

Conditions of Approval

Exhibit A: Project plans, five sheets, drawn by The Hayes Group, dated May 23, 2006.

- I. This permit authorizes the removal and re-construction of a deck attached to an existing single-family dwelling, and construction of a stairway in the side yard setback up to two feet from the side property line. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Identify finish of exterior materials and color for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. Details showing compliance with fire department requirements.
 - C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - D. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.

- E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- III. All construction shall be performed according to the approved plans for the Building Permit. **Prior** to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval **or** any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (**60**) days of any such claim, action, or proceeding, **or** fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney’s fees and costs; and
 - 2. COUNTY defends the action in good faith.

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the **prior** written consent of the County.

- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

Please note: This **permit** expires **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

David Keyon
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: 06-0279
Assessor Parcel Number: 043-152-33
Project Location: 549 Beach Drive

Project Description: Replace and construct an addition to an existing deck

Person or Agency Proposing Project: Terrence Murphey for The Hayes Group

Contact Phone Number: (650) 365-0600

- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. _____ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. _____ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. X **Categorical Exemption**

Specify type: 15302: Replacement or reconstruction of existing facilities

F. Reasons why the project is exempt:

Replacement and additions to an existing deck

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

David Keyon, Project Planner

Date: _____

Tax Area Code
69-273

POR. APTOS RANCHO
N.E. 1/4 SEC. 19, & N.W. 1/4 SEC. 20, T. 11S., R. 1E. M.D.B. & M.

87RS1
5/2/183

54PM7
4/2/86

27PM25
10/13/77

48MB27
10/20/67

7PM55
8/17/72

SEC. 20
SEC. 19

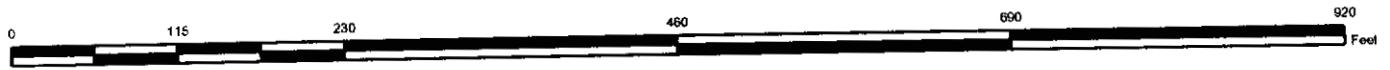
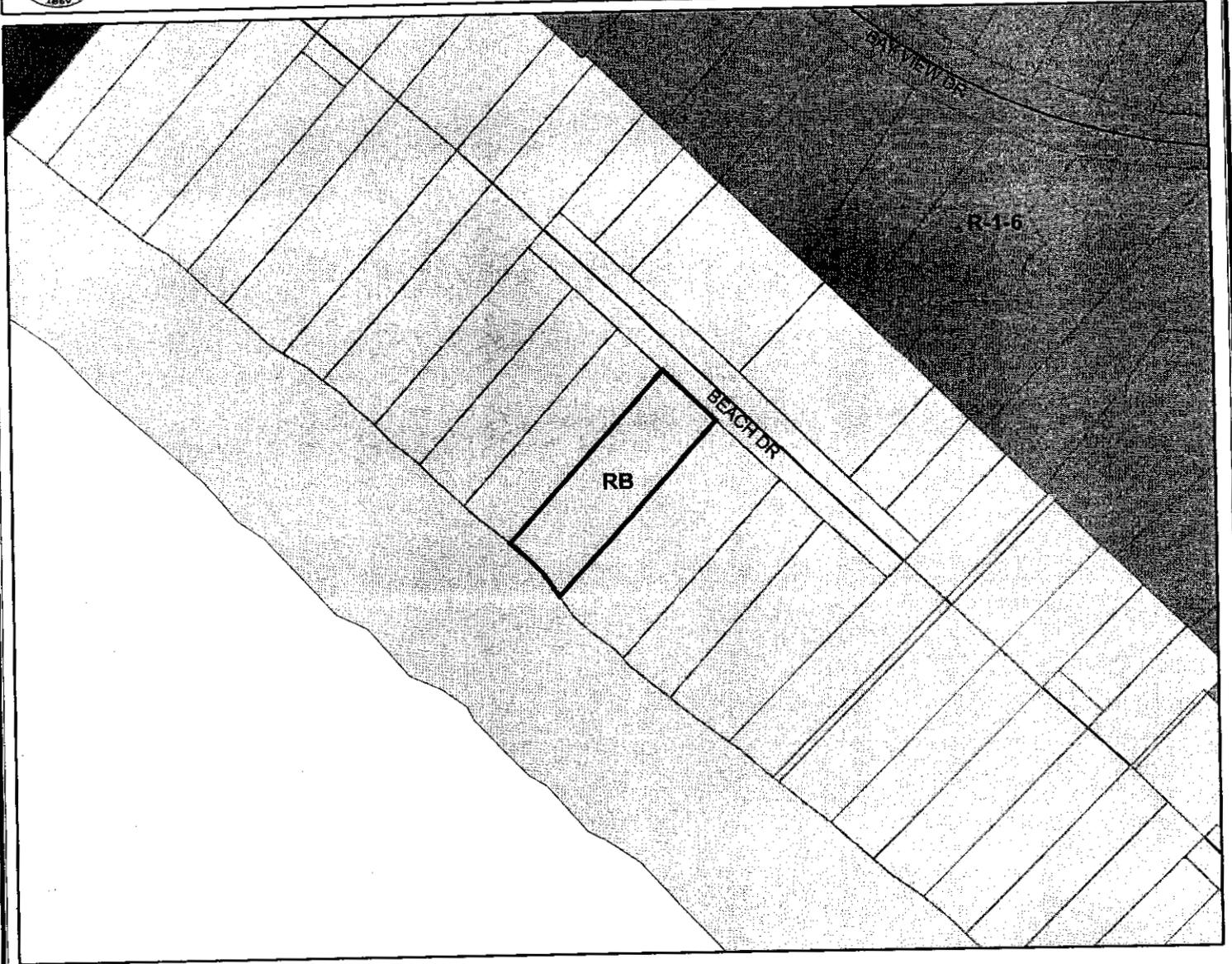
10' Drive Easement

Private Right of Way

5' RM

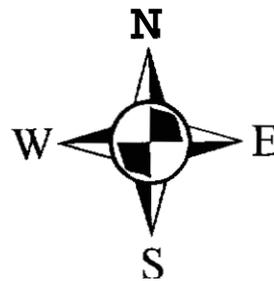


Zoning Map



Legend

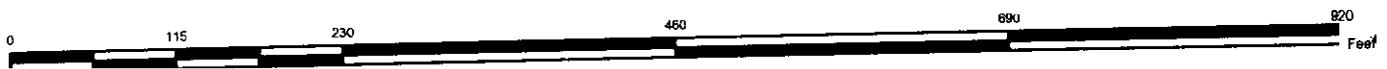
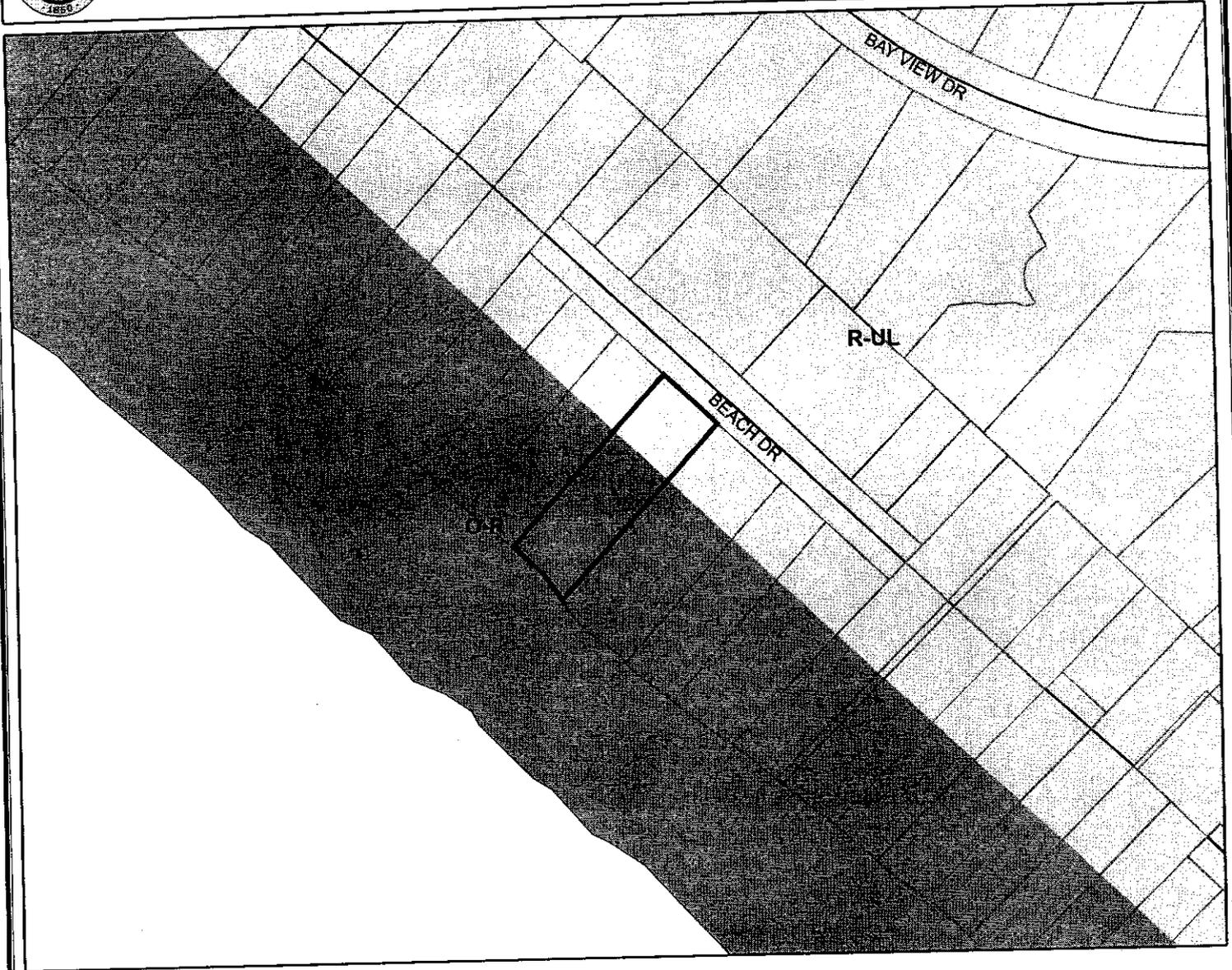
-  APN 043-152-33
-  Assessors Parcels
-  Streets
-  RESIDENTIAL- OCEAN BEACH (RB)
-  RESIDENTIAL-SINGLEFAMILY (R-1)
-  PARK (PR)



Map Created by
 County of Santa Cruz
 Planning Department
 May 2006

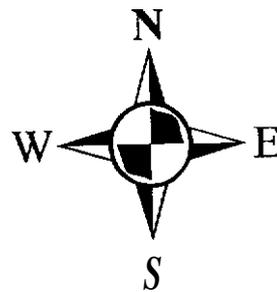


General Plan Designation Map



Legend

-  APN 043-152-33
-  Assessors Parcels
-  Streets
-  Parks and Recreation (O-R)
-  Residential - Urban Low Density (R-UL)



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May 2006