



## Staff Report to the Zoning Administrator

Application Number: **07-0350**

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

**Agenda Date:** January 18, 2008  
**Agenda Item #:** 3  
**Time:** After 10:00 a.m.

**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

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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.

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	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%

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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](http://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](mailto: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 all of ~~the~~ lots along the beach side of Beach Drive are similar in shape and the location of the homes are all subject to wave run up hazards. No special circumstance exists that deprives the property of privileges enjoyed by others. There are a total of nine two-story homes, one of which is currently 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. The home rebuilt in 2005 at 531 Beach Drive (Apn 043-152-48) and the one currently under construction at 618 Beach Drive (Apn 043-152-27) are flood elevated to meet Federal Emergency Management Agency (FEMA) requirements for a non-habitable first floor with breakaway walls and a habitable second floor. None of these homes enjoys a privilege that is not available to the applicants.

Although the home is on one of the smaller lots, the existing home ~~is~~ approximately 1,720 square feet of habitable space and could be increased to approximately 2,000 square feet of habitable space if it was reconstructed ~~to~~ meet FEMA regulations and ~~the~~ County Code Section 16.10 (Geologic Hazards Ordinance). This is within the range of sizes of existing homes in the immediate area.

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; the addition of a second habitable floor would be a special privilege that is not enjoyed by other properties. On lots 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 and built prior to ~~the~~ 1991 RB zone district restriction of one story.

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 and FEMA requirements). The proposed addition is not flood elevated to meet FEMA requirements and therefore would constitute a special privilege that is not enjoyed by lots where only one habitable floor has been allowed to meet FEMA requirements.

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: 043-161-11

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: Class 1 - Existing Facilities (Section 15301)

**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: \_\_\_\_\_



# FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

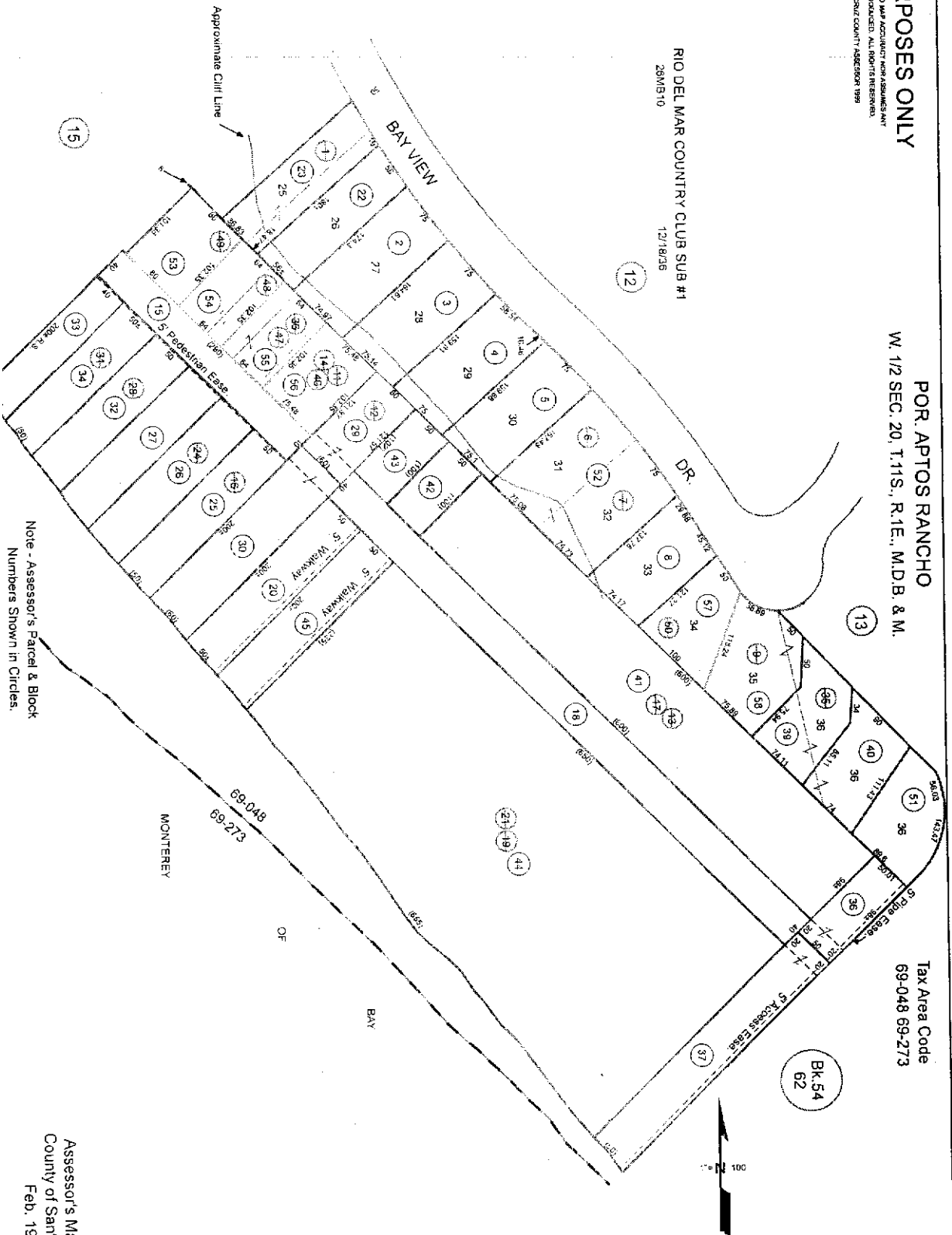
Copyright Santa Cruz County Assessor 1999

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

Tax Area Code  
69-048 69-273

43-16

RIO DEL MAR COUNTRY CLUB SUB #1  
28MB10 12/18/38



electronically Redrawn 2/9/99 rw  
v 12/15/96 GG (Cor. bdy. 1-5)  
v 12/4/00 CB (Cor. bdy. 1-5) as per 28MB10  
v 5/25/01 mm (changed page refs.)  
v 2/17/05 DC (4-0079667 to 70, LBA 1-52 to 56)  
v 10/12/06 CE (6-0021451 & 2, So 1-57 & 58)

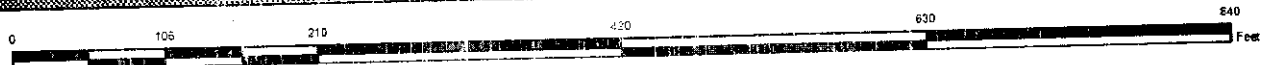
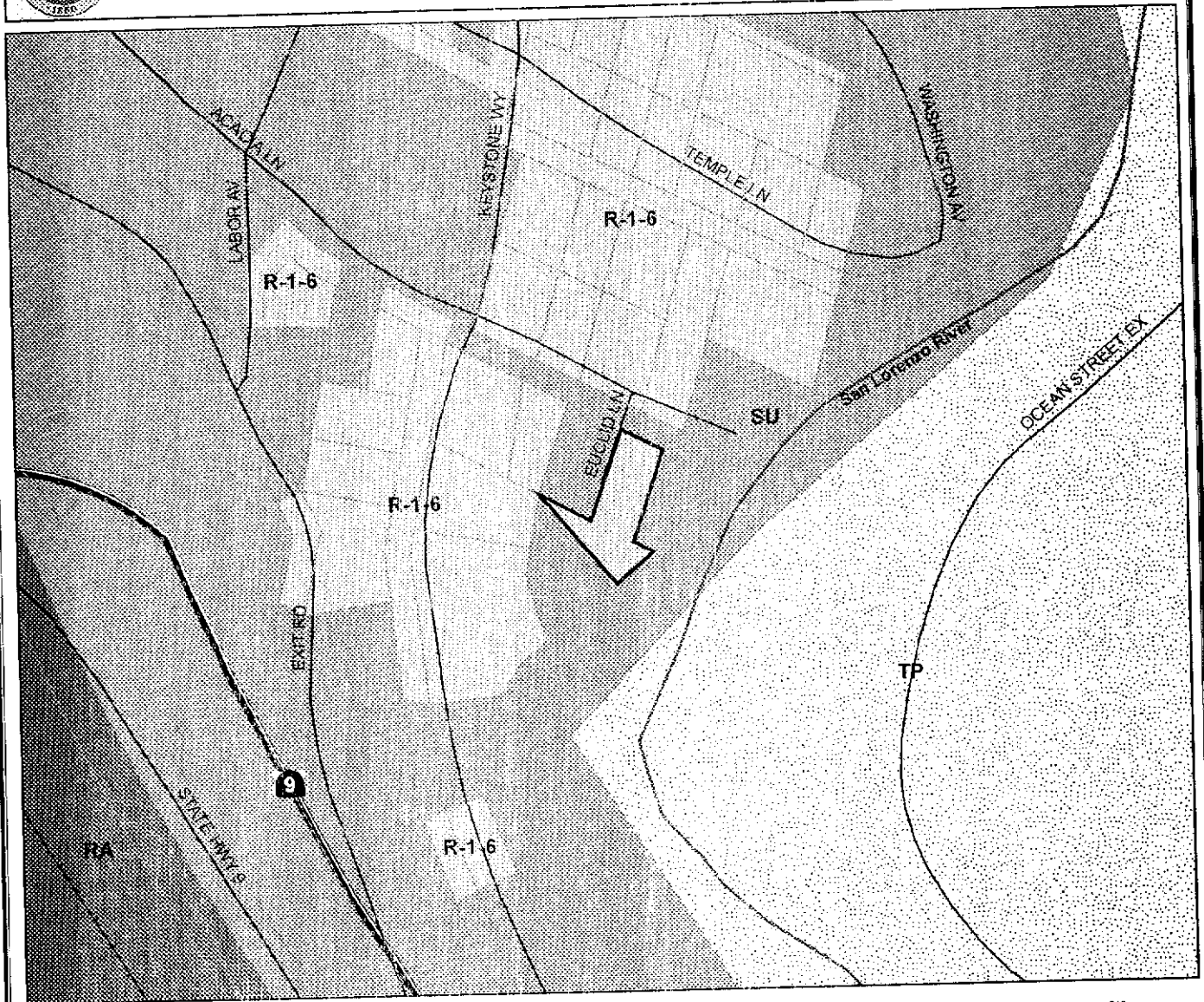
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 43-16  
County of Santa Cruz, Calif.  
Feb. 1999

EXHIBIT

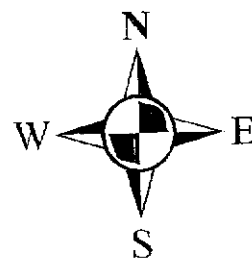


# Zoning Map



## Legend

- APN 061-203-02
- Assessors Parcels
- Streets
- PERENNIAL STREAM
- State Highways
- Railroad?
- RESIDENTIAL-SINGLE FAMILY (R-1)
- SPECIAL USE (SU)
- AGRICULTURE RESIDENTIAL (RA)
- TIMBER PRODUCTION (TP)



Map Created by  
County of Santa Cruz  
Planning Department  
January 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 Ayman  
(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

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Sincerely,

*Merrell J. Foren*  
547 Beach Dr -  
Aptos, Ca -12-

EXHIBIT G 1

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

Schrader Residence  
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Coastal Development Permit Appin # 07-0350

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

Sincerely,

*Euell 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

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

Sincerely,

*Robert W. Nankin*  
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

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549 Beach Drive, Aptos, CA

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%Maria Perez, Project Planner  
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Sincerely,

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



PATRICIA B CRUDEN  
642 Beach  
Aptos, CA

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

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Sincerely,

Patricia B Cruden