



Staff Report to the Zoning Administrator

Application Number: **06-0574**

Applicant: Majid Gerami
Owner: Majid and Kim Gerami, Trustees
APN: 043-072-60

Agenda Date: October 17, 2008
Agenda Item #: **1**
Time: After 10:00 a.m.

Project Description: Proposal to recognize a second story addition of about 141 square feet on a pre-existing roof top deck and to remove an existing unpermitted second story deck.

Location: Property located at the beginning of Beach Drive on the beach side, about 830 feet east (down coast) from the Rio del Mar Esplanade, at 270 Beach Drive, Aptos.

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

Permits Required: Coastal Development Permit, Residential Development Permit for modifications to a significantly non-conforming structure and a Variance to increase the floor area ratio from approximately 133% to approximately 140% (where 50% would be allowed), to decrease the east side setback from 5-feet to about 0-feet and to decrease the rear (beach side) setback from 15-feet to about 0-feet.

Technical Reviews: None required

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0574, based on the attached findings and conditions.
-

Exhibits

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

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

Parcel Information

Parcel Size: 960 square feet
Existing Land Use - Parcel: Single-family residential
Existing Land Use - Surrounding: Residential, public pedestrian access & State beach
Project Access: Beach Drive
Planning Area: Aptos
Land Use Designation: R-UH (Urban High Density Residential)
Zone District: RM-2.5 (Multi-family residential - 2,500 square foot minimum site area)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Parcel is located within a coastal hazard area (V-Zone)
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Parcel is flat
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Scenic resource – visible from a public beach
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The subject parcel was created as a part of Subdivision No. 8, of Aptos Beach Country Club Properties, which was filed on August 23, 1928. Per County Assessor's records, the existing residence was constructed in 1935, about the same time as surrounding homes. The construction pre-dates the County requirement for building permits to be obtained, and there were no zoning regulations in effect that would have governed setbacks or the placement of the structure on the parcel. Building permits were issued in 1960, to install a gas line; in 1966, to replace windows; and in 1988, to upgrade the electric service.

In July 2006, a code compliance investigation was initiated regarding the construction of a second-story addition in an area previously used as a rooftop deck, and the construction of a new second story deck within a 37-foot pedestrian walkway adjacent to the rear property boundary. A

notice of Violation was recorded on October 19, 2006. This application is intended to resolve that violation.

Project Setting

The project site is located on the beach side of Beach Drive, immediately down coast from the Rio del Mar Esplanade in an area often referred to as "the Islands." This area is comprised almost entirely of small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. Many of the structures, including the subject residence, also encroach over the rear property line into a public right-of-way easement noted on the plans as a "37-foot walkway." Most of the structures in this area are significantly non-conforming as they are located within five feet of a right-of-way (Beach Drive) and/or encroach over a property line; in most cases the rear property line into the pedestrian easement. This pedestrian easement was part of the original subdivision map for Subdivision No. 8 of the Aptos Beach Country Club Properties approved by the Board of Supervisors on August 23, 1928. The easement offer was not accepted with the map filing, but was later accepted by the Board on May 7, 1929.

The project site is also located within an area subject to coastal wave run-up (the FEMA "V" zone) and new significant construction would be required to comply with flood elevation requirements. No homes in the adjacent area comply with flood elevation requirements since they were constructed prior to that requirement. The area, and the subject parcel, is also subject to potential slope failures of the steep coastal bluff on the north side of Beach Drive. New significant construction would also be required to mitigate for bluff failure and landsliding, using engineered breakaway walls or other measures to allow landslide debris to flow around and through the home.

Zoning & General Plan Consistency

The subject property is a 960 square foot lot, located in the RM-2.5 (Multi-family residential - 2,500 square foot minimum site area) zone district, a designation that allows residential uses. The size of the lot is significantly substandard for the zone district (38% of the lot size that would be required for the creation of a new lot) but the lot is a legal lot of record with existing development. The use is a principal permitted use that is consistent with the site's Urban High Density (R-UH) General Plan designation.

The subject property, like much of the development on the surrounding parcels, does not comply with the RM-2.5 zone district site standards, especially as they relate to setbacks, lot coverage, and floor area ratio. Recognizing the second-story addition as proposed would increase the non-conformity of the existing structure, as shown in the following table:

	RM-2.5 Site Standards	Existing Structure (before additions)	Proposed Structure
Front setback	15'	0'	0'
Rear setback	15'	2nd story deck and lower floor encroaches 10" over rear property line	Lower floor encroaches 10" over property line
Side setbacks	5' on each side	0' on each side	0' on each side
Maximum height	28'	About 21'	About 21'
Maximum lot coverage	40%	100% (including encroachments over property line)	100% (including encroachments over property line)
Maximum floor area ratio	50%	133%	140%

The unpermitted second-story addition covers the entire area previously used as a deck above the first floor, and currently encroaches over the rear property line by approximately 10-inches (flush with the lower floor). The applicant has proposed to remove the portion of the addition that encroaches into the pedestrian easement and to attach a railing to the relocated wall in lieu of deck area in this location. In addition, a second-story deck was constructed within the pedestrian easement that is proposed to be removed. Variances would be still required to allow the minor addition now proposed by the applicant. The proposal would, however, remove a portion of the total encroachment over the property line, and would not exacerbate the existing non-conformities, with the exception of a minor increase in the floor area ratio.

Variance Request

Most of this portion of Beach Drive (commonly referred to as "the Islands") is developed with residences of the same general size and design as the proposed structure. Most of the residences were developed before the existing zoning, General Plan and FEMA regulations became effective, are built to the property lines and are two or three stories in height. Because of this, most of the homes do not comply with current setbacks, lot coverage, and floor area ratio and several do not comply with the limit on the number of stories.





Because the existing development is inconsistent with current zoning and lot sizes are well below those required by the zone district, it could be argued that the subject property and surrounding parcels should be rezoned to a district more consistent with lot sizes and the pattern of existing development. This is further illustrated by the number of variances (and use permits prior to enactment of an ordinance that included the provision for a Variance) that have been granted in the past. Those are summarized in the following table:

Parcel Number	Permit Number	Summary description
043-072-42	81-423-V	Reduce all setbacks and increase lot coverage
043-072-48	3120-U	Reduce all setbacks & increase lot coverage so that second story can be built to property lines
043-072-20	4306-U	Reduce side & rear yards and increase lot coverage
043-072-59	704-V	Reduce all yard requirements and increase lot coverage
043-072-51	2506-U	Reduce side and rear yard setbacks
043-072-28	268-V	Reduce minimum building site width, lot size and setbacks so that 3 lots can be re-divided and structures built to the side & rear property lines.
043-072-57	1149-U	Structural alterations within non-conforming portions of a dwelling
043-072-57	367-V	Reduce all setbacks & increase lot coverage
043-072-01	88-0599	Reduce all setbacks to zero, increase lot coverage, and increase height
043-072-58	00-0521	Allow structural modifications within front & rear yards.

The impact of the zoning regulations, and the number of Variances approved to construct new or modify existing dwellings, could be considered special circumstances when compared to other development within the same RM 2.5 zone district where structures and lot sizes are more consistent with the regulations. Other special circumstances that affect this specific parcel include the shape of the parcel, the size of useable area on the parcel, the lack of developable area on the parcel, the location of the parcel relative to flooding and landslide hazards, and the size and configuration of other houses in the immediate vicinity. Although it could be argued that the constraints of the RM 2.5 zone district apply to every property owner in that designation, the combination of constraints (parcel size as it relates to zoning regulations, FEMA regulations, and landslide hazards) only impact the subject parcel and the few surrounding parcels in the immediate area, constituting a special circumstance as opposed to other properties under identical zoning classification. A complete discussion of the justification for a Variance is contained in the findings.

Local Coastal Program Consistency

The proposed addition to the single-family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain predominately small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. Size and architectural styles vary widely in the area, and the design submitted is similar to that on surrounding parcels. The project site is located between the shoreline and the first public road but is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. Pedestrian access along the coast is provided by the adjacent 37-foot pedestrian walkway.

Design Review

The proposed addition to the single-family dwelling is subject to Design Review (Chapter 13.11 of the County Code) as it is located within the view shed of a public beach, which is considered a sensitive site under that ordinance. The project complies with the requirements of the County Design Review Ordinance, in that the proposed project is a minor addition to an existing structure that is similar to the character of the surrounding neighborhood. The addition has been reviewed by the Urban Designer and found to be consistent with the provisions of Chapter 13.11.

Building Code Consistency

Separation requirements for consistency with the 2007 California Building Code are generally 10-feet between buildings and 5-feet from property lines, unless fire resistive construction is utilized. An exception to the separation from property lines exists, however, for those structures located adjacent to a public way. The proposed addition is located adjacent to the 37-foot public pedestrian easement and the fire separation distance would be measured to the centerline of the public way. The southern elevation of the addition would be located at the property line, but 18½ feet from the centerline of the right-of-way, thus meeting separation requirements. The eastern elevation, however, is located on the property line and would be required to incorporate fire resistive construction that would include elimination of the window on that elevation. That requirement has been included in the Conditions of Approval for the project.

Environmental Review

Environmental review has not been required for the proposed project since the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project is eligible for an exemption because the proposed project does not involve construction of new structures (only a minor change to an existing structure) and has no potential to cause an environmental impact due to its limited size and scale.

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 **06-0574**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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E-mail: cathy.graves@co.santa-cruz.ca.us

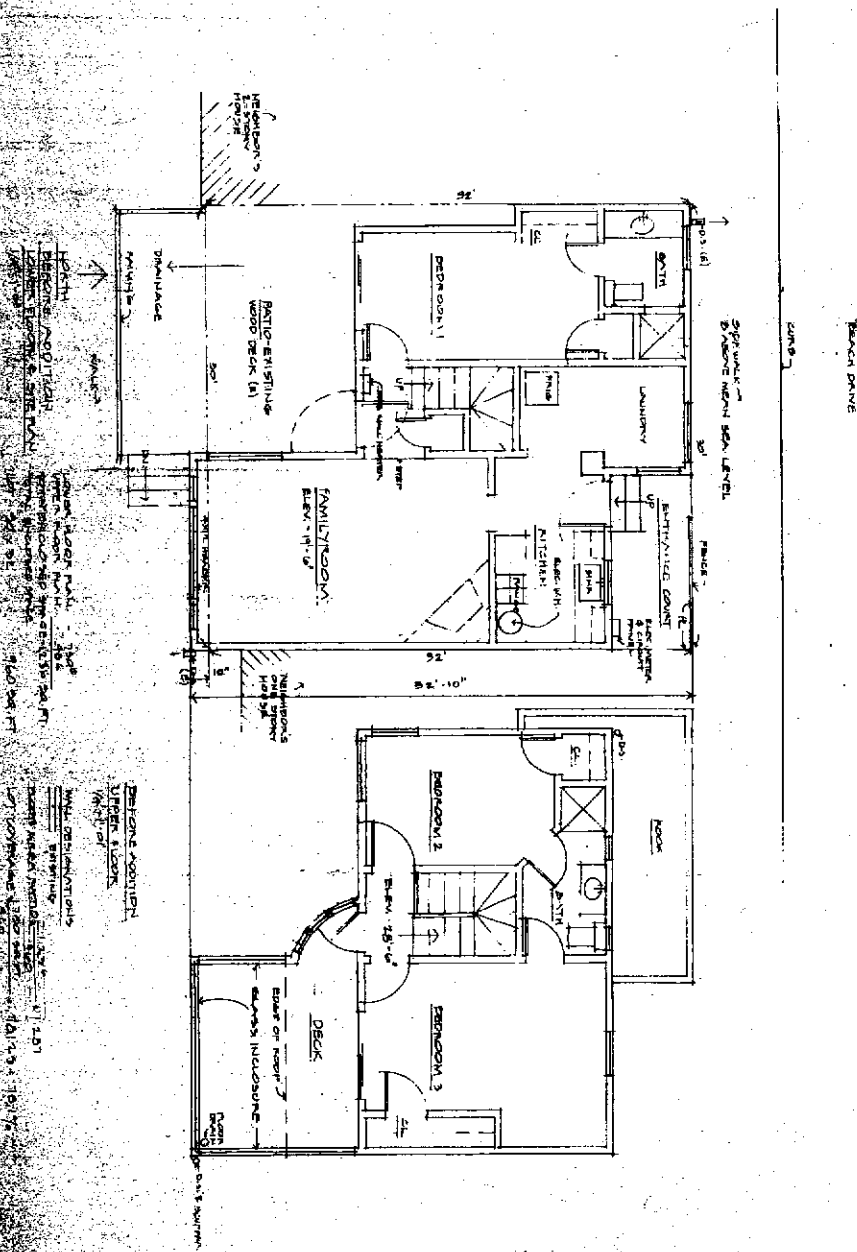
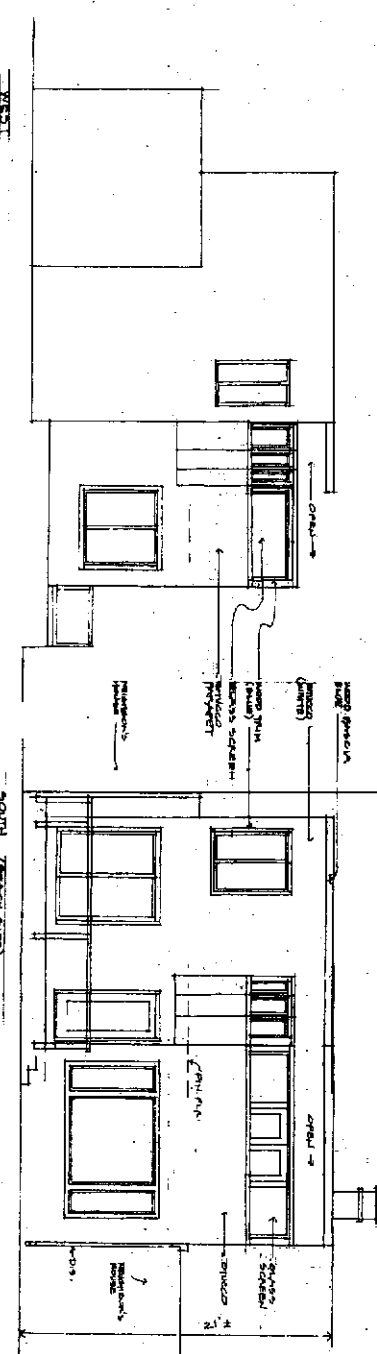
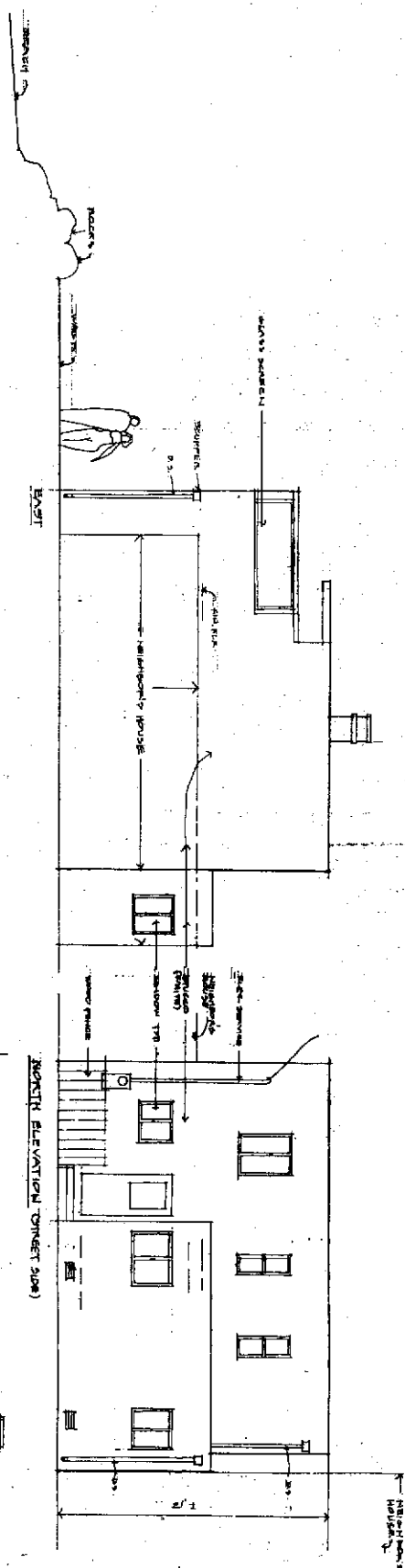


EXHIBIT A

<p>PERMITS ADDITION KIM & MICHAEL SE - 8 - TION CONSTRUCTION AT 270 BEACH DRIVE, APTD, CA, 95003 APN 043-012-22</p>		<p>Allen De Grange - Architect 710 Redwood Avenue Orange, CA 92668</p>
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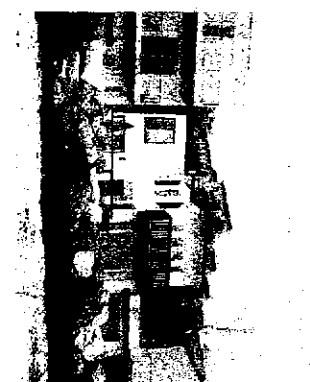
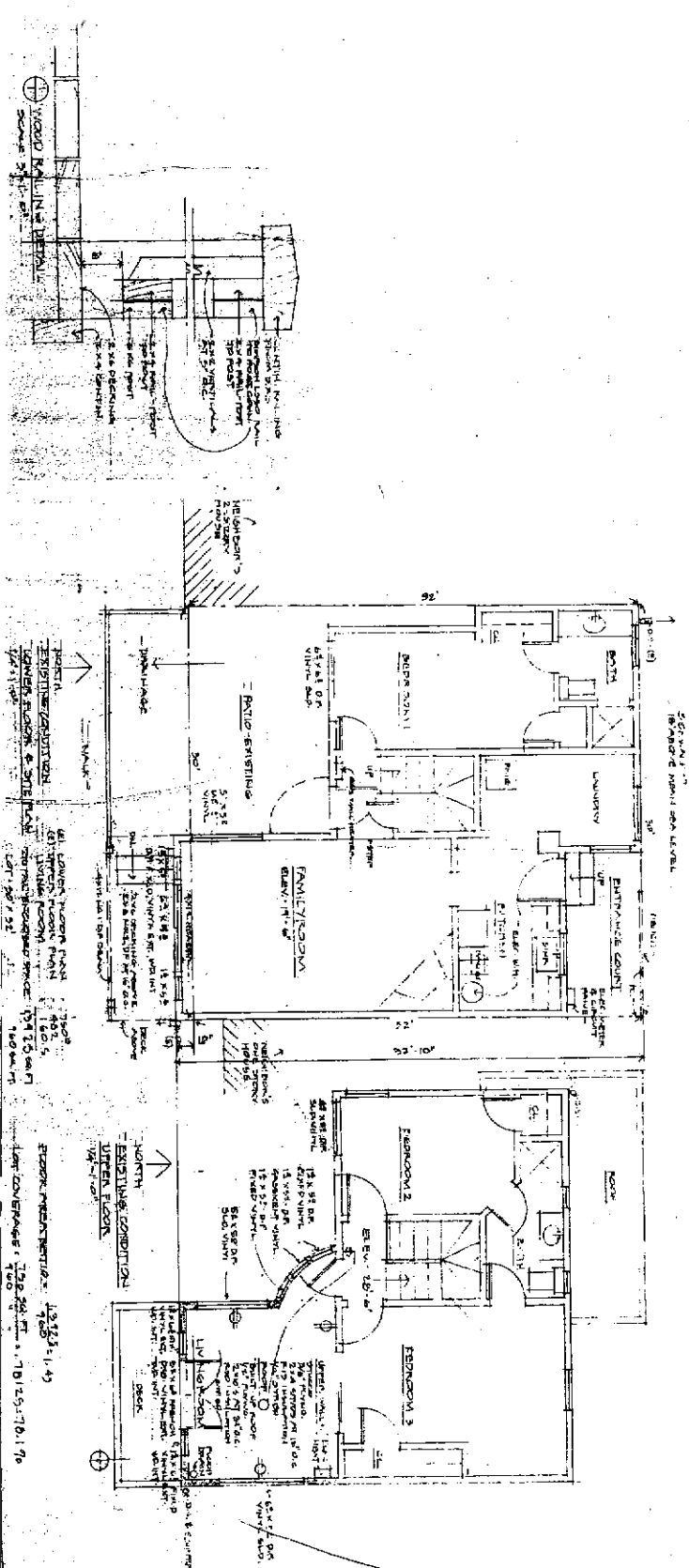


SOUTH (REAR SIDE)
 EXTERIOR ELEVATIONS - BEFORE ADDITION
 1/2" = 1' - 0"

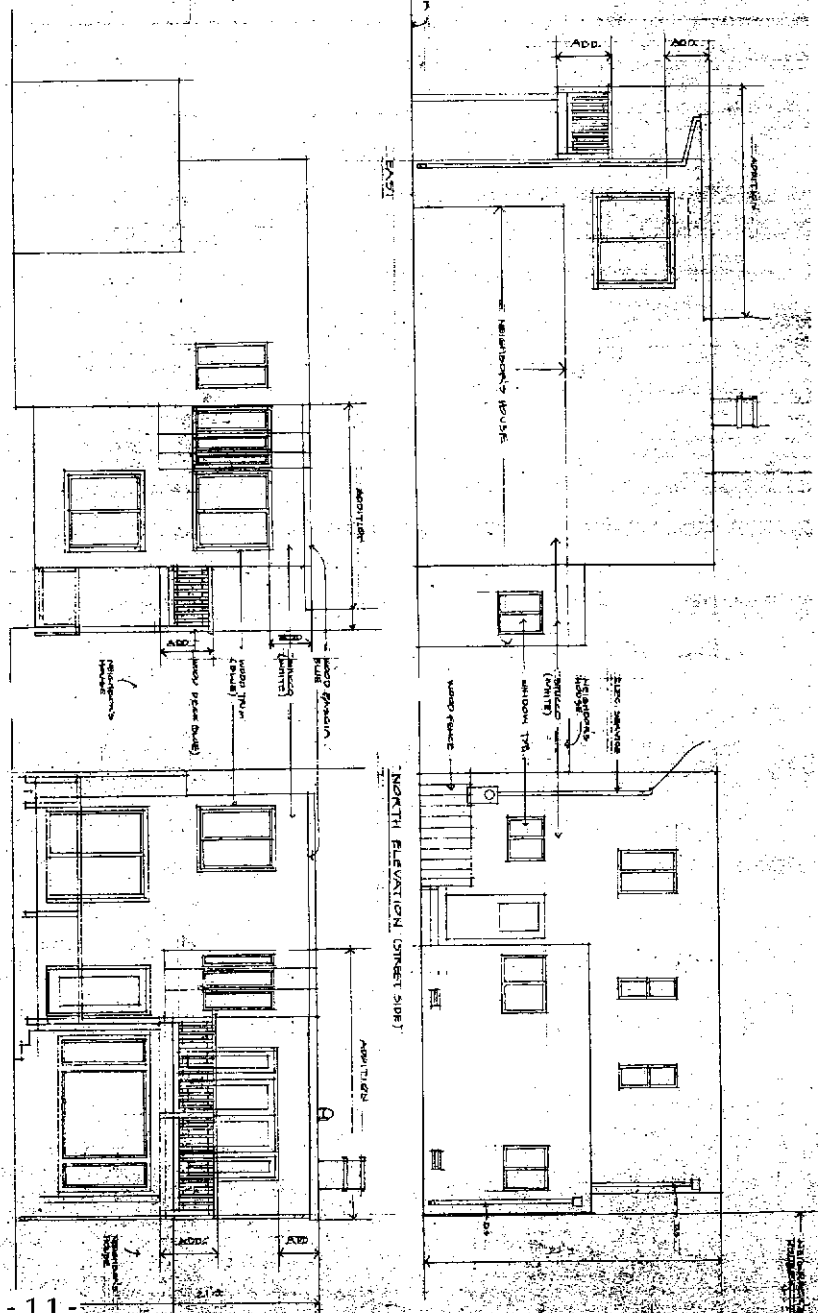
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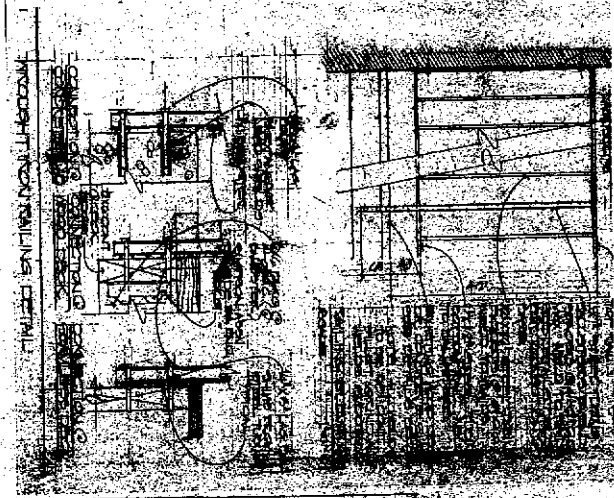
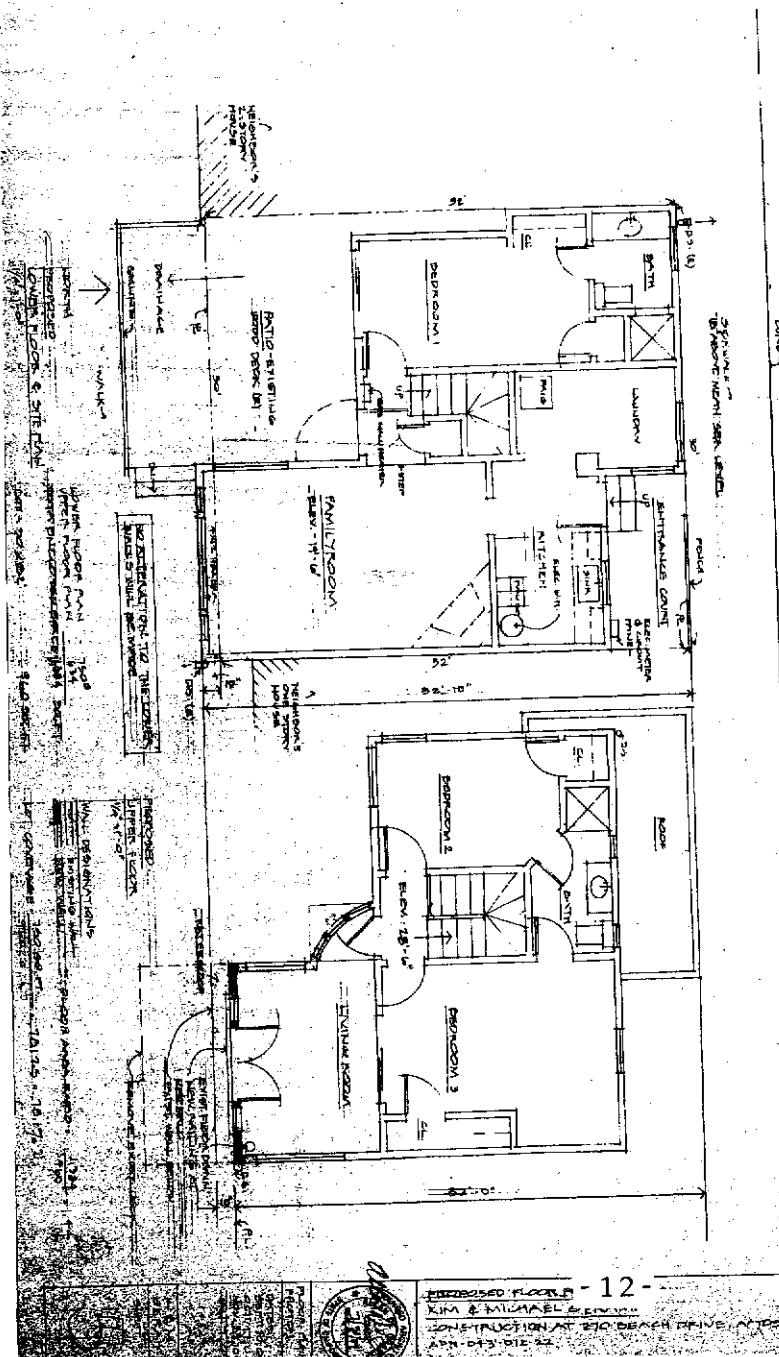
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State of California
 Professional Engineer
 No. 12345
 Date 1/1/10 to 12/31/11



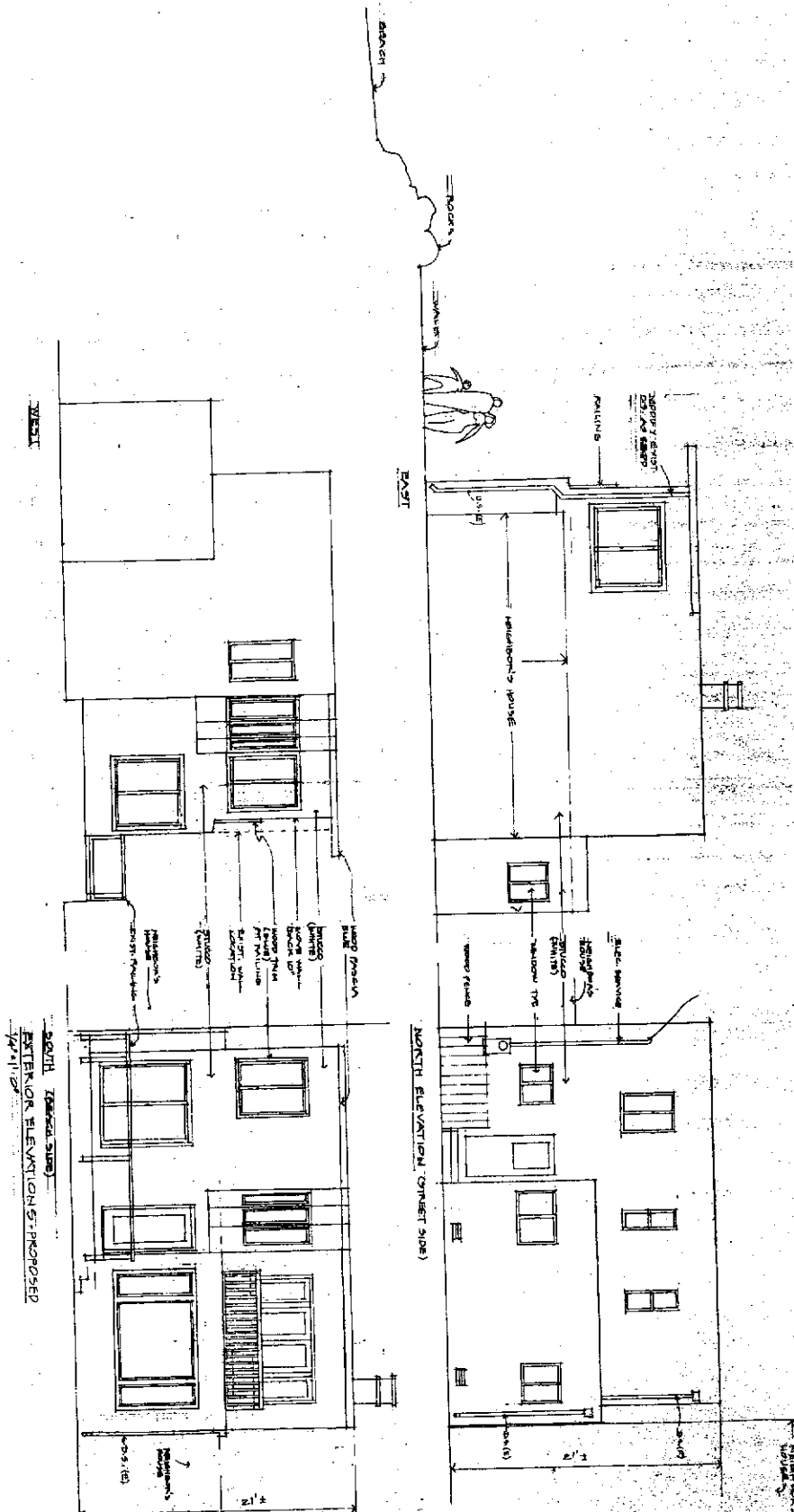
WEST
EAST
NORTH ELEVATION (CORNER SIDE)
SOUTH (6600 SIDE)
SOUTH ELEVATION (CORNER SIDE)
1/4" = 1'-0"





PROPOSED FLOOR PLAN - 12 -
 KHA & MICHAEL
 CONSTRUCTION AT 210 BEACH DRIVE, APO, 96303
 APR 015-DIE-21

Allen De Grange - Architect
 716 S. 1st Street, Suite 100
 Ocala, FL 32668
 352-344-1111
EXHIBIT A



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1. NAME OF SENDING AGENCY/INSTITUTION No. _____
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LEE ENGINEERS, INC.
1211 PARK AVENUE, SUITE 112
SAN JOSE, CA 95126
(408) 293-3833 BUS/FAX

EXISTING BUILDING LOCATION OUTSIDE WALL
270 BEACH STREET, APTOS, CA 95003
OWNERS: MR. AND MRS. GERAMI
LOT 30 AND NW 1/2 LOT 31, BLOCK 93, BOOK 24 MAPS, PAGE 26
SANTA CRUZ COUNTY

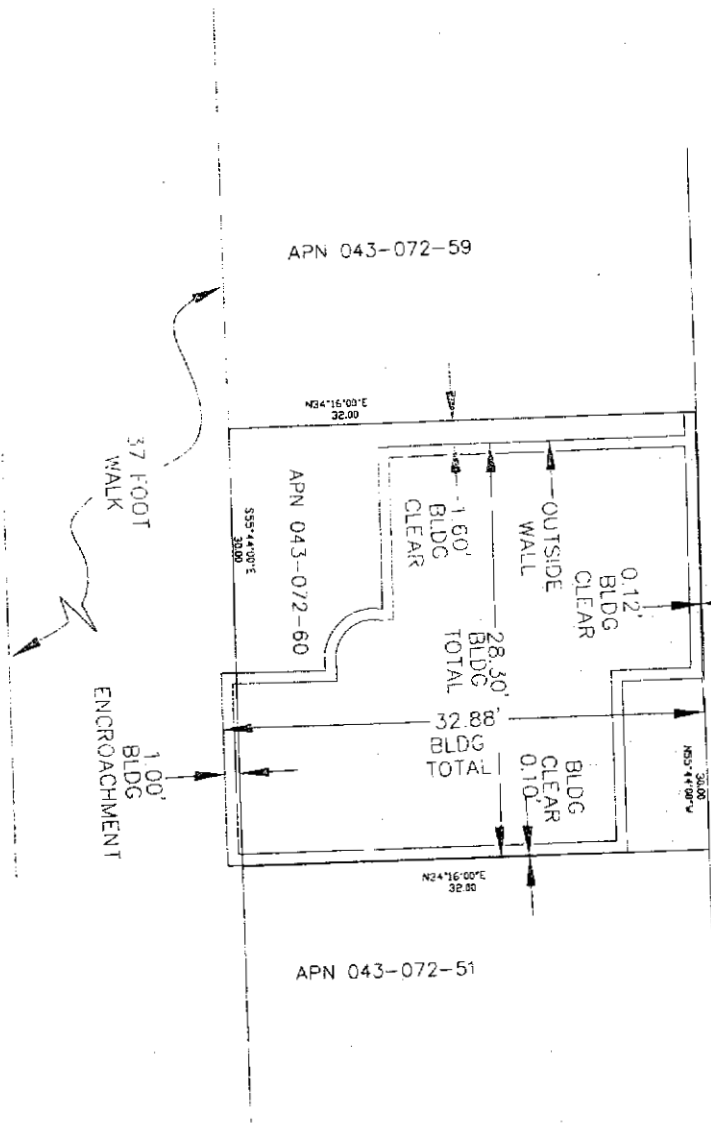
APN 043-072-60

REVISIONS

DATE	BY	DESCRIPTION

SCALE: 1" = 4'
DATE: 04/01/03
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

MONTEREY
BAY



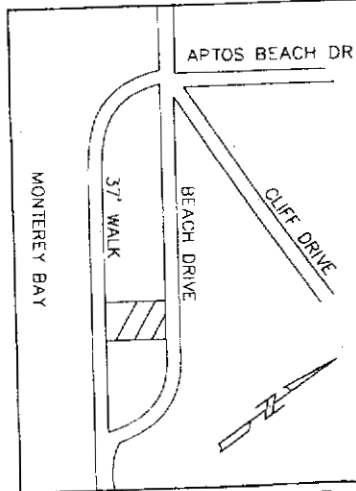
APN 043-072-59

APN 043-072-60

APN 043-072-51

BEACH DRIVE
41' WIDE

Scale 1" = 4'



VICINITY MAP

NOTES

1. CONTINUATION SHALL CONTACT U.S.A. AT 1101 16 1000 FROM TO EXAMINING IN ANY AREA WHERE UNDERGROUND FACILITIES ARE LOCATED. PHONE (800) 422-2114.
2. THE EXISTENCE, LOCATION AND ELEVATION OF ANY UNDERGROUND UTILITIES ARE SHOWN IN A GENERAL WAY ONLY. IT WILL BE THE RESPONSIBILITY AND DUTY OF THE CONTRACTOR TO MAKE FINAL DETERMINATIONS AS TO THE EXISTENCE, LOCATION AND ELEVATION OF ALL UTILITIES.
3. DATE OF SURVEY: JANUARY, 2002

BASIS OF BEARINGS
MONUMENT FOUND PER
TRACT NO. 565 VOL. 58 M. 1
SANTA CRUZ COUNTY RECORDS



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 RM-2.5 (Multi-family residential - 2,500 square foot minimum site area), a designation that allows residential uses. The proposed addition to the single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UH) Urban High 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 the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements. The existing encroachment of the unpermitted second-story deck into the 37-foot pedestrian easement is proposed to be removed and the existing encroachment of the first floor is a historic encroachment that will not be expanded.

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 development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; and the area is comprised almost entirely of small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. The proposed addition will be consistent with this existing development.

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 the project site is located between the shoreline and the first public road, but will not interfere with public access to the beach, ocean, or any nearby body of water. There is no existing public access through the site and the proposed project will remove an unpermitted encroachment into the 37-foot pedestrian easement on the southern parcel boundary, improving public beach access in that area.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the RM-2.5 (Multi-family residential - 2,500 square foot

Application #: 06-0574

APN: 043-072-60

Owner: Majid and Kim Gerami, Trustees

minimum site area) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. The neighboring area is comprised almost entirely of small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. The proposed addition will be consistent with this existing development.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses but is encumbered by physical constraints to development, including wave run-up and landsliding hazards. The small proposed addition will not exacerbate public exposure to these hazards, however. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed addition to the single-family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the addition does not significantly alter the existing non-conformity to current setbacks that ensure access to light, air, and open space in the neighborhood.

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 single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RM-2.5 (Multi-family residential - 2,500 square foot minimum site area) zone district in that the primary use of the property will be one single-family dwelling that, with approval of the associated Variance will meet current site standards for the zone district.

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

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban High Density Residential (R-UH) land use designation in the County General Plan.

The proposed addition to the single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties and, with approval of the associated Variance, will meet current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). The single-family dwelling will not adversely shade adjacent properties.

The proposed addition to the single-family dwelling will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed addition to the single-family dwelling is designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain

predominately small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. Size and architectural styles vary widely in the area, and the design submitted is similar to that on surrounding parcels.

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

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 project is an addition to a single-family dwelling on an existing developed lot. Because the proposal does not include additional bedrooms, no increase in the traffic generation is anticipated.

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 addition to the single-family dwelling has been designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain predominately small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. Size and architectural styles vary widely in the area, and the design submitted is similar to that on surrounding parcels.

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 addition to the single-family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Additional Findings for Significantly Non-Conforming Structures

7. That the existing structure and the conditions under which it would be operated and maintained is not detrimental to the health, safety or welfare of persons residing or working in the vicinity or the general public, or be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses but is encumbered by physical constraints to development, including wave run-up and landsliding hazards. The small proposed addition will not exacerbate public exposure to these hazards, however. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed addition to the single-family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the

addition does not significantly alter the existing non-conformity to current setbacks that ensure access to light, air, and open space in the neighborhood.

8. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban High Density Residential (R-UH) land use designation in the County General Plan.

The proposed addition to the single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties and, with approval of the associated Variance, will meet current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). The single-family dwelling will not adversely shade adjacent properties.

The proposed addition to the single-family dwelling will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed addition to the single-family dwelling designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain predominately small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. Size and architectural styles vary widely in the area, and the design submitted is similar to that on surrounding parcels.

No specific plan has been adopted for this area.

9. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.

This finding can be made, in that the proposed addition to the single-family dwelling has been designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain predominately small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. Size and architectural styles vary widely in the area, and the design submitted is similar to that on surrounding parcels.

10. That the proposed project will not increase the nonconforming dimensions of the structure unless a Variance Approval is obtained.

This finding can be made, in that the proposed project does increase the nonconforming dimensions of the structure, but a Variance has been requested and the findings can be made. The small addition to the single-family dwelling does encroach into the side and rear setback, but does not encroach further than the existing development on site.

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.

Special circumstances applicable to this property to justify the granting of a Variance to development regulations concerning a reduced east side and rear setback and an increased floor area ratio include the shape of the parcel, the size of useable area on the parcel, the lack of developable area on the parcel, and the size and configuration of other houses in the vicinity. A narrow 30-foot property width provides limited area for development as required 5-foot setbacks leave only a 20-foot wide building envelope. The proposed location of the minor addition is the only remaining area on site where an addition could be placed that is not subject to wave inundation.

The majority of existing surrounding structures enjoy reduced front, side and rear setbacks and exceed permitted floor area ratio and the strict application of the zoning ordinance would prevent this property owner from utilizing this site to the same extent as other properties in the area under identical RM 2.5 zoning. The majority of the properties in the area, including the subject parcel, were developed more than 50 years ago, predating the zoning ordinance.

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.

This finding can be made, in that the proposed addition to the single-family dwelling is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain predominately small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. The design submitted results in a home that is similar to surrounding development which will not deprive adjacent properties or the neighborhood of light, air, or open space, which is the intent and purpose of the zoning objectives.

The proposed development will not be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the vicinity as construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources

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.

This finding can be made, in that the granting of a Variance to reduce the east side setback from 5-feet to about 0-feet; to reduce the rear setback from 15-feet to about 0-feet; and to increase the floor area ratio from about 133% to about 140% will not constitute a grant of special privilege to

this parcel as similar Variances have been granted in the immediate vicinity. The requested Variance would provide a remedy for the proposed addition to the single-family dwelling consistent with the existing surrounding development.

The County has considered and approved similar variance requests to surrounding development as follows:

Parcel Number	Permit Number	Summary description
043-072-42	81-423-V	Reduce all setbacks and increase lot coverage
043-072-48	3120-U	Reduce all setbacks & increase lot coverage so that second story can be built to property lines
043-072-20	4306-U	Reduce side & rear yards and increase lot coverage
043-072-59	704-V	Reduce all yard requirements and increase lot coverage
043-072-51	2506-U	Reduce side and rear yard setbacks
043-072-28	268-V	Reduce minimum building site width, lot size and setbacks so that 3 lots can be re-divided and structures built to the side & rear property lines.
043-072-57	1149-U	Structural alterations within non-conforming portions of a dwelling
043-072-57	367-V	Reduce all setbacks & increase lot coverage
043-072-01	88-0599	Reduce all setbacks to zero, increase lot coverage, and increase height
043-072-58	00-0521	Allow structural modifications within front & rear yards.

Aerial photographs indicate that the majority of existing homes in the development referred to as "the Islands" are small, single-family residences of two to three stories in height with no front, rear or side yard setbacks. Many of the structures, including the subject residence, also encroach over the rear property line into a public right-of-way easement noted on the plans as a "37-foot walkway." Most of the structures in this area are significantly non-conforming as they are located within five feet of a right-of-way (Beach Drive) and/or encroach over a property line; in most cases the rear property line into the pedestrian easement. As such, the proposed development would not constitute a grant of special privilege inconsistent with existing surrounding development.

Although it could be argued that the constraints of the RM 2.5 zone district apply to every property owner in that zoning designation, the combination of constraints (parcel size as it relates to zoning regulations, FEMA regulations, and landslide hazards) only impact the subject parcel and the few surrounding parcels in the immediate area, constituting an additional special circumstance as opposed to other properties under identical zoning classification.

Conditions of Approval

Exhibit A: Project plans prepared by Allen De Grange, Architect, dated January 9, 2007; survey prepared by Kenneth M. Anderson, Licensed Surveyor, undated.

- I. This permit authorizes an addition to a single-family dwelling. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 2. The application for a building permit shall be submitted to the County of Santa Cruz within six months of the effective date of this permit.
- 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
 2. Details showing compliance with fire department requirements.
 3. Details showing compliance with fire separation requirements of the 2007 California Building Code, including removal of the living room window on the east elevation and fire resistive construction, if applicable.

- 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 and pay any applicable plan check fee of the Aptos La Selva Fire Protection District.
 - E. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- 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 two years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Cathy Graves
Project Planner

Application #: 06-0574
APN: 043-072-60
Owner: Majid and Kim Gerami, Trustees

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: 06-0574
Assessor Parcel Number: 043-072-60
Project Location: 300 Cress Road

Project Description: Proposal to recognize a second story addition of about 141 square feet on a pre-existing roof-top deck and to remove an existing unpermitted second-story deck.

Person or Agency Proposing Project: Majid Gerami

Contact Phone Number: (408) 371-6505

- 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: Class 1 - Existing Facilities (Section 15301)

F. **Reasons why the project is exempt:**

Proposal to construct a minor addition to an existing structure.

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

Cathy Graves, Project Planner

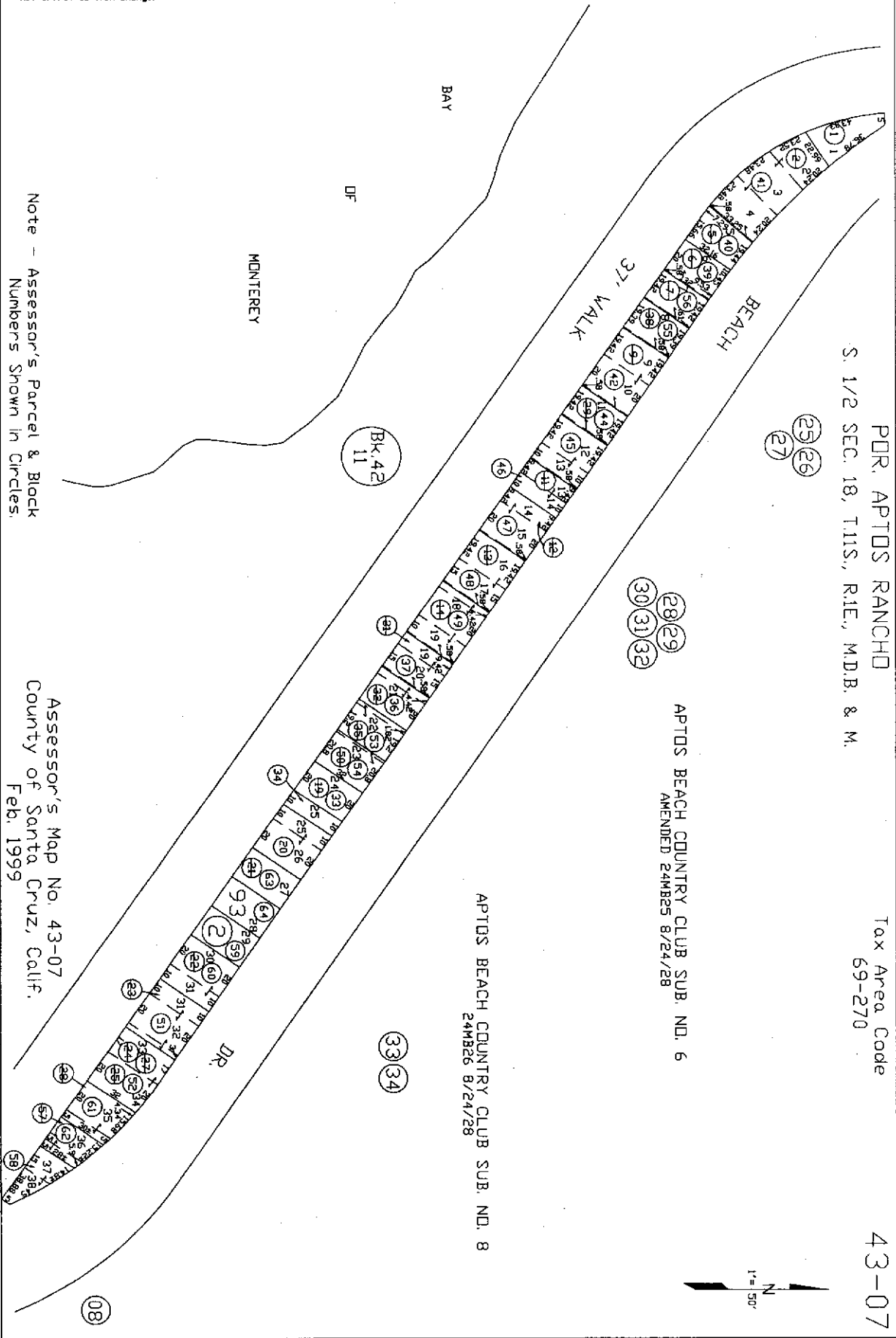
Date: _____

Electronically Redrawn 2/5/99 re
 Rev. 9/24/99 CB (Tax Consolidation)
 Rev. 5/25/01 m/n (changed page refs.)
 Rev. 1/4/02 m/n (TCA)
 Rev. 2/14/02 m/n (changed blk number)
 Rev. 2/19/03 DB (corr. tax code line 69-270)
 Rev. 6/7/04 CB (TCA change)

FOR TAX PURPOSES ONLY

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PUR. APTOS RANCHO

S. 1/2 SEC. 18, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-270

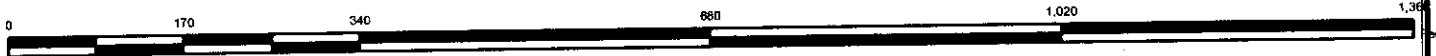
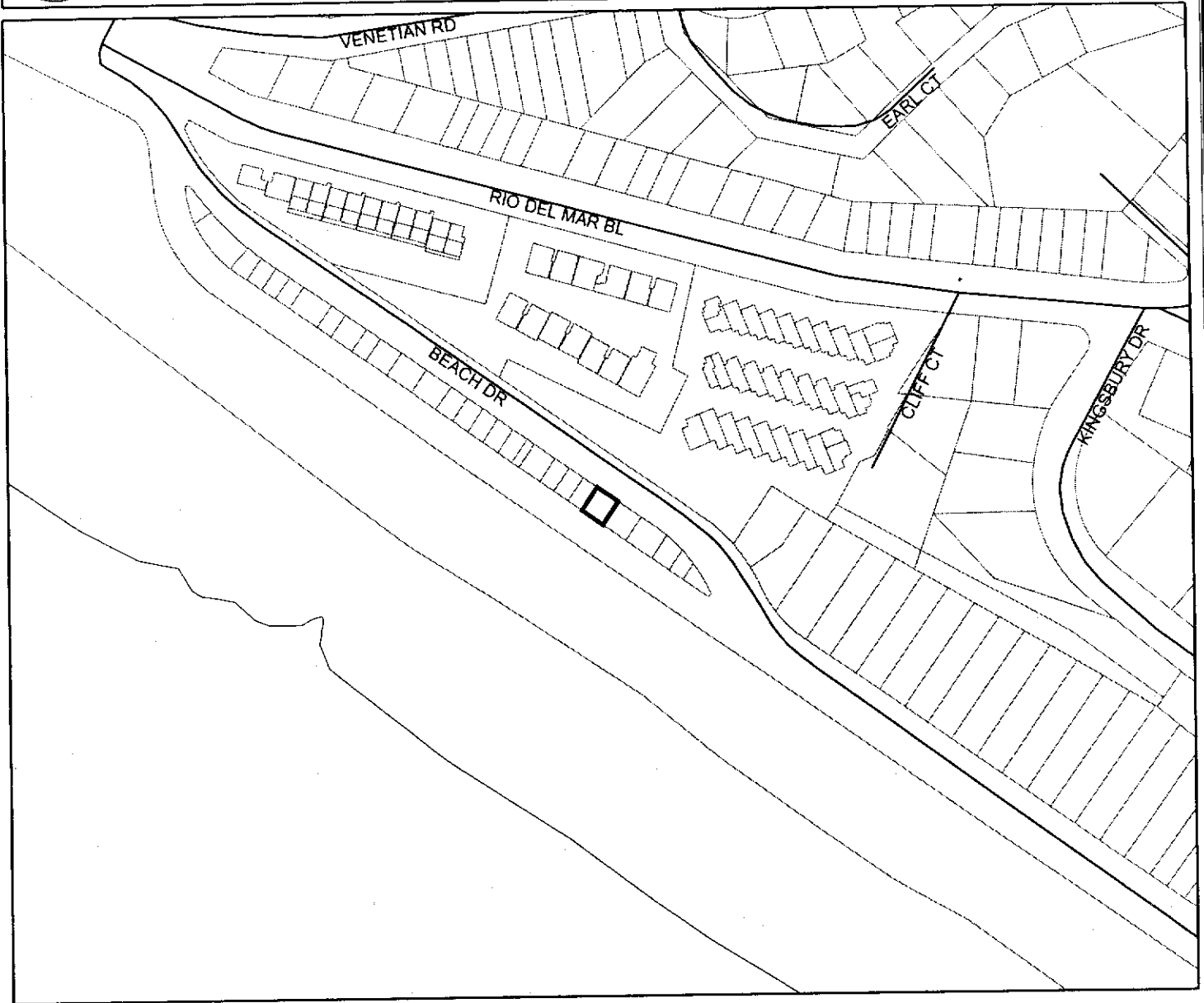
43-07

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


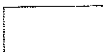


Assessor's Map No. 43-07
 County of Santa Cruz, Calif.
 Feb. 1999

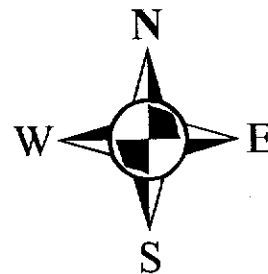


Location Map



Legend

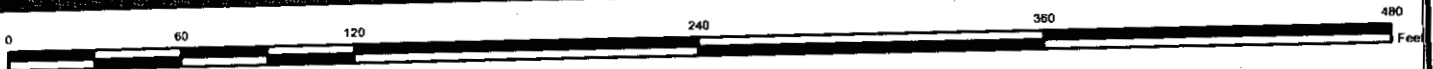
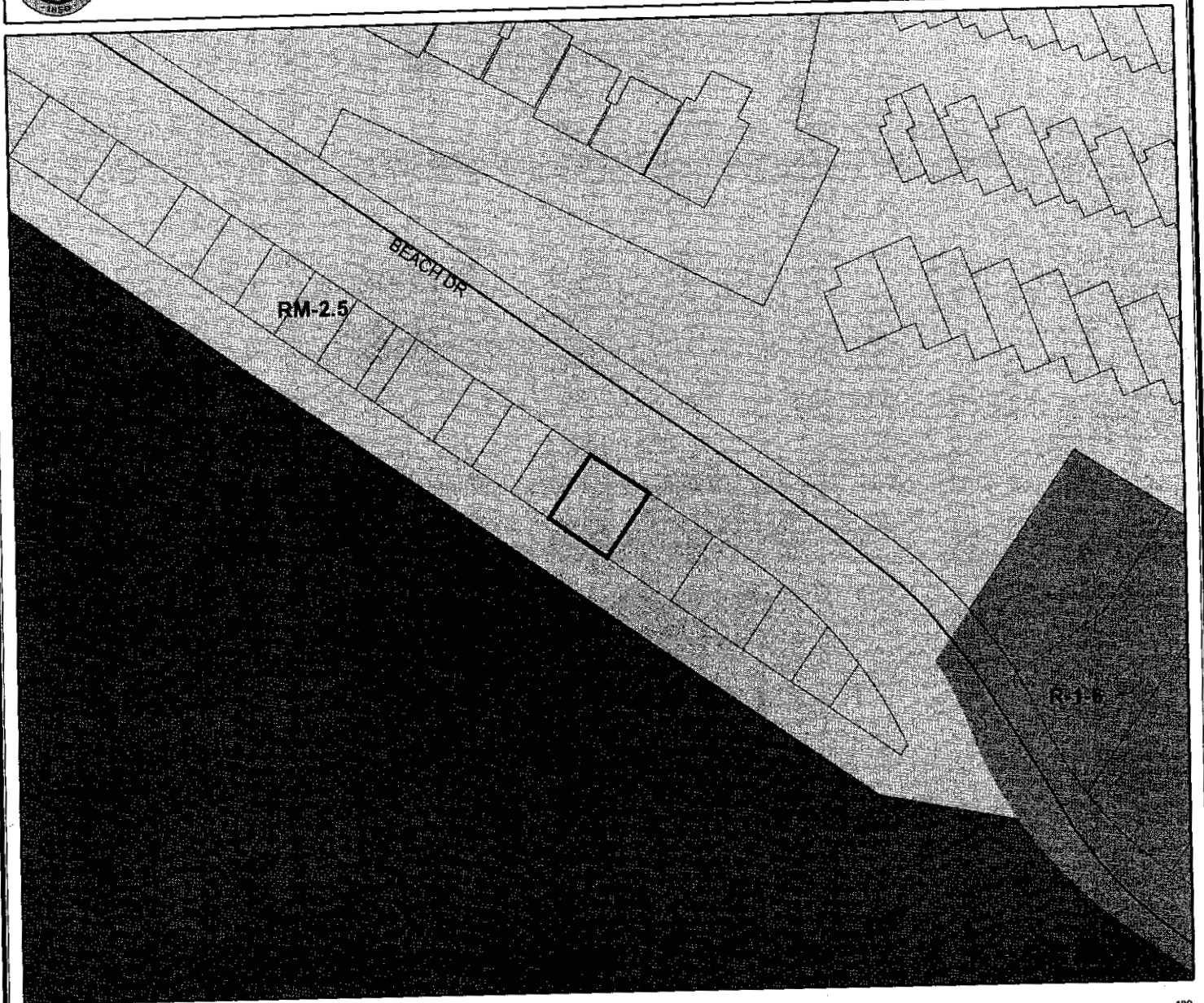
-  APN 043-072-60
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
October 2006

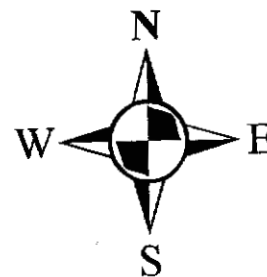


Zoning Map



Legend

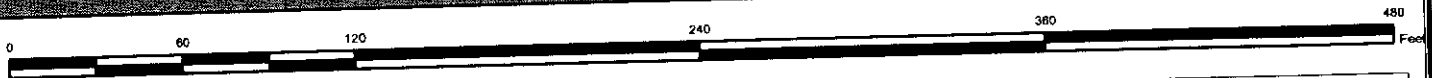
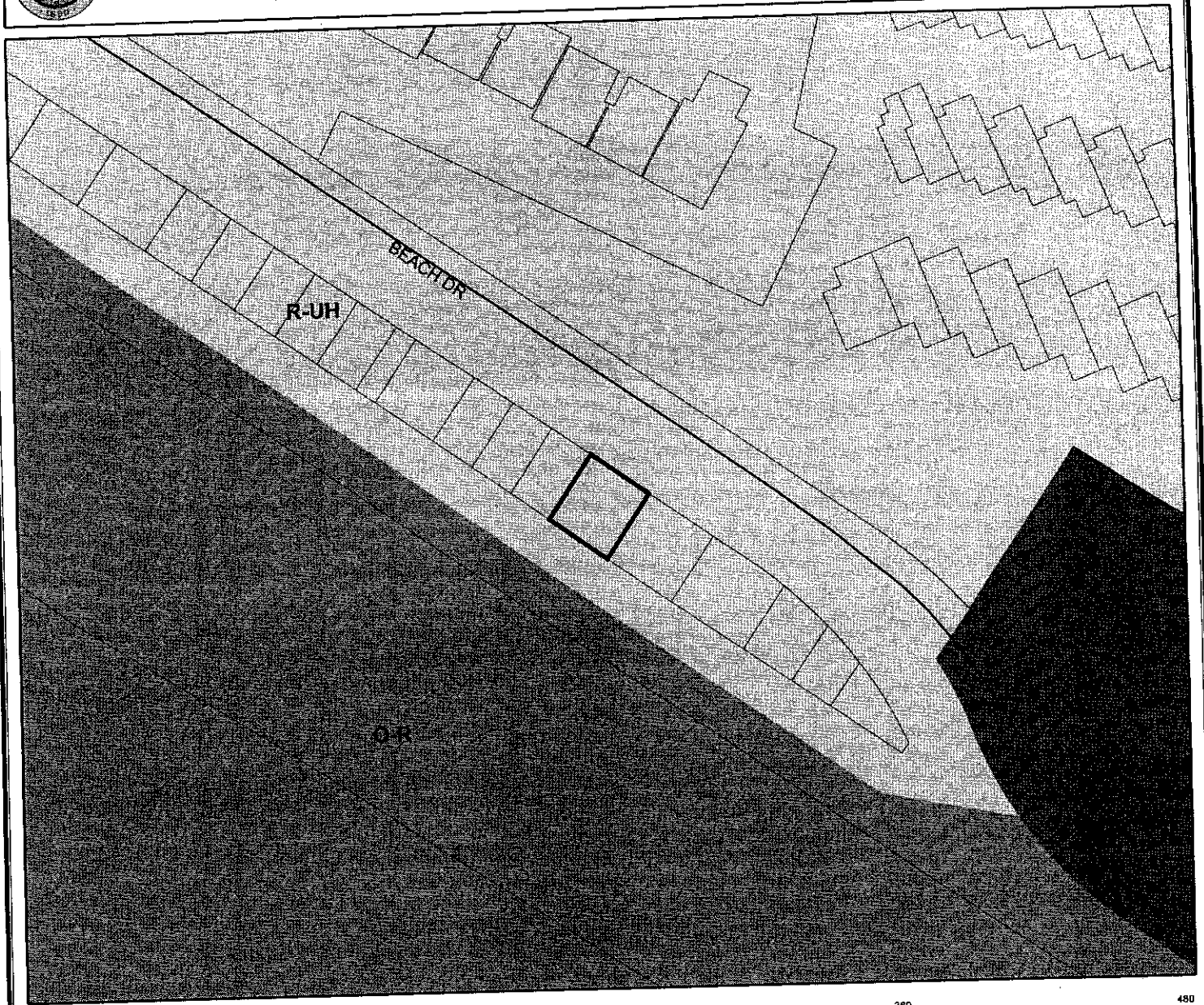
- APN 043-072-60
- Assessors Parcels
- Streets
- RESIDENTIAL-MULTI FAMILY (RM)
- RESIDENTIAL-SINGLE FAMILY (R-1)
- PARK (PR)









Map Created by
County of Santa Cruz
Planning Department
October 2006

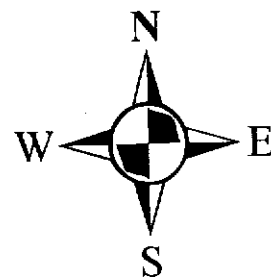


General Plan Designation Map



Legend

-  APN 043-072-60
-  Assessors Parcels
-  Streets
-  Residential - Urban High Density (R-UH)
-  Parks and Recreation (O-R)
-  Residential - Urban Low Density (R-UL)



Map Created by
County of Santa Cruz
Planning Department
October 2006

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Cathy Graves
Application No.: 06-0574
APN: 043-072-60

Date: September 19, 2008
Time: 14:51:18
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON NOVEMBER 3, 2006 BY ANDREA M KOCH =====

- 1) Indicate the elevation (in feet above sea level) of the lowest part of the addition's floor.

Environmental Planning Miscellaneous Comments

===== REVIEW ON NOVEMBER 3, 2006 BY ANDREA M KOCH =====

- 1) No comments.

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 24, 2006 BY ALYSON B TOM ===== Application with plans dated October 30, 2006 has been received. Please address the following:

- 1) Does this project result in an increase in impervious area? The project description states a room was added over an existing deck. Was the footprint of the area of the addition previously pervious or impervious?
- 2) Does this project result in a change in drainage patterns. Sheet 1 indicates a downspout at the northwest corner of the building. Is this new? If so it should be changed so that runoff will not flow across the sidewalk. Where will runoff from the downspout at the southeast corner flow? Who owns/maintains the walk to the south of the parcel? Runoff should be directed so as not to impact adjacent properties or to impede safe pedestrian paths.
- 3) Was the rear patio area recently paved? Is it permitted? If this area is new or not permitted please provide information on how this area safely drains without impacting adjacent pedestrian access.

Please correctly date the project plans. Plans received were dated in the future. All submittals for this project should be made through the Planning Department. For questions regarding this review Public Works stormwater management staff is available from 8-12 M-F.

===== UPDATED ON JANUARY 30, 2007 BY ALYSON B TOM ===== Application with plans dated 1/9/07 has been received and is complete with regards to stormwater management review.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 24, 2006 BY ALYSON B TOM ===== Zone 6 fees will be assessed on the net increase in permitted impervious area due to this project.

Discretionary Comments - Continued

Project Planner: Cathy Graves
Application No.: 06-0574
APN: 043-072-60

Date: September 19, 2008
Time: 14:51:18
Page: 2

===== UPDATED ON JANUARY 30, 2007 BY ALYSON B TOM ===== Discretionary application deemed complete since the project will not result in an increase in permitted impervious area and all proposed drainage patterns were existing prior to the addition.