



## Staff Report to the Zoning Administrator

Application Number: **06-0415**

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**Applicant:** Dee Murray  
**Owner:** John & Elizabeth Troedson  
**APN:** 043-152-22

**Agenda Date:** November 3, 2006  
**Agenda Item #:** 5  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to conduct an exterior remodel of an existing single-family dwelling to include the relocation and addition of windows on the front and side elevations, and the reconstruction of an existing exterior stairway. Requires a Coastal Development Permit and a Variance to conduct alterations in excess of 50% to a non-conforming wall.

**Location:** Property located on the north side of Beach Drive, about 900 feet past the entry gate (621 Beach Drive).

**Supervisory District:** 2<sup>nd</sup> District (District Supervisor: Ellen Pine)

**Permits Required:** Coastal Development Permit

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0415, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	About 5,840 square feet (EMIS estimate)
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwellings, beach
Project Access:	Beach Drive, a private road
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Density Residential)

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County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: RE3 (Ocean Beach Residential)  
Coastal Zone: X Inside     Outside  
Appealable to Calif. Coastal Comm. X Yes     No

### Environmental Information

Geologic Hazards: Area subject to landslide and coastal flooding  
Soils: Beach sand  
Fire Hazard: Not a mapped constraint  
Slopes: 2% to 705 plus  
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

### History

According to assessor's records, the existing dwelling was constructed in 1960, with **minor** repairs to the deck and plumbing constructed with the benefit of permits.

### Project Scope

The owner proposes to conduct an interior remodel including the relocation of **an** interior stairway and a kitchen remodel, to replace and install new windows, and to re-construct an outside stairway. The front of the structure is non-conforming with regards to the 15 foot front yard setback for the RE3 zone district, requiring a Variance for structural alterations in excess of 50% to non-conforming walls.

### Project Setting

The project site is **an** existing single-family dwelling located on the bluff side **of** Beach Drive, within a row of two and three story residences constructed in the 1960's. The house, like all other Beach Drive properties, is subject to coastal flooding and landslide hazards.

### Zoning & General Plan Consistency

The use of the property will remain one single-family dwelling, and will therefore meet the purpose of the RB (Ocean Beach Residential) zone district and the R-UL (Urban Low Density Residential) General Plan designation. With the exception of the front yard setback, the project will result in a remodeled residence that complies with all site standards of the RB zone district.

### Local Coastal Program Consistency

The proposed remodel is in conformance with the County's certified Local Coastal Program, in that the residence 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 single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not identified as a priority acquisition site in the County's Local Coastal Program, and is not located in an area suitable for coastal access. Sufficient public access exists upcoast of the private entry and downcoast at Hidden Beach.

### Design Review

The proposed alterations will not significantly alter the external appearance of the existing dwelling, which is of a similar design to other homes on the bluff side of Beach Drive.

### Variance Issues

Per Section 13.10.265(e)(3) of the County Code, structural alterations in excess of 50% of the length of the non-conforming walls require a variance. The proposal to replace the existing windows, remove windows, and add larger windows on the front elevation together will result in changes more than 50% of the non-conforming wall. Justification for a variance exists in that most homes on the bluff side of Beach Drive are non-conforming with regards to the front yard setback, and that variances have been granted for similar improvements on Beach Drive.

### Flood Elevation Requirements

The proposed improvements are not considered substantial improvement as they will not exceed 50% of the value of the structure, and will therefore not trigger FEMA flood elevation requirements. However, cumulative improvements over a period of five years from project approval will count toward substantial improvement (Condition of Approval IV.B.).

### 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 **06-0415**, **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)

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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. The use of the property will remain one singlefamily dwelling, 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 the proposal does not conflict with any existing easement 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 proposed remodel will result in a single-family dwelling that is consistent with the surrounding neighborhood in terms of architectural style and the colors will be natural in appearance and complementary to the site.

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 no public access currently exists across the site, and public access already exists on either side 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 remodel will not significantly alter the residence, which will continue to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

## 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 and construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The remodel will not increase the size of the existing residence, and will therefore not block access to light and air for neighboring properties. Flood elevation requirements do not apply as improvements will be less than **50%** of the value of the existing structure.

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 RB (Ocean Beach Residential) zone district in that the primary use of the property will remain single-family dwelling that meets all current site standards for the zone district, with the exception of the non-conforming front yard setback.

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 Low Density Residential (R-UL) land use designation in the County General Plan.

The project complies with General Plan/LCP Policy 5.10.2 and **5.10.3** (development in scenic resource areas) in that it is only a minor exterior remodel to an existing structure, which will not substantially change the visual appearance of the residence.

The project complies with General Plan/LCP Policy **6.2.10** (development in areas subject to geologic hazards), in that no increase in habitable area is proposed with the remodel.

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 no new habitable area will result from the addition, resulting in no increase in utility usage nor an increase in traffic.

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 remodel will not result in substantial exterior changes, and the bulk, mass, and scale of the residence will remain the same. No increase in land use intensity or density is proposed as no new habitable area is proposed.

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 remodel will not substantially change the character of the existing residence, as no additions are proposed. Therefore, the bulk, mass, and scale of the residence (which is already less than surrounding residences) will remain unchanged.

## 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 can be made, in that special circumstances exist due to the presence of a coastal bluff, with slopes in excess of 50% slopes for most (more than 2/3) of the parcel. Due to the bluff, the residence was constructed close to the edge of the Beach Drive right-of-way, similar to other homes on the bluff side of Beach Drive. Strict application of the ordinance would prohibit improvements to the aging structure, and the structure cannot be re-constructed to meet current site standards.

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 remodel work along the non-conforming elevation will not block visibility of vehicles and pedestrians on Beach Drive (one of the reasons for front yard setbacks), as the road as traveled is more than 11 feet from the covered decks, and about 19 feet from the front elevation.

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 granting the variance will not constitute a privilege as the majority of homes on the bluff side of Beach Drive are non-conforming with regards to the front yard setback. Recently approved homes on the bluff side of Beach Drive maintain a similar setback to the existing residences due to the steep coastal bluff.



## Conditions of Approval

Exhibit **A** Project plans, five sheets; sheet 1 drawn by Michael Beautz, CE, and dated April 2006; sheets 2 through 5 drawn by Elsbeth Newfield, AIA, and dated September 12, 2006.

- I. This permit authorizes the remodel of a single-family dwelling. Prior to exercising any rights granted by **this** permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. **Sign**, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. 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 and color of exterior materials and roof covering for Planning Department approval if different from that on file with the County. Any color boards must be in an 8.5" x 11" format.
    2. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, 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. Complete and record a Declaration of Geologic Hazards. **You may not alter the wording of this** declaration. Follow the instructions to record and return the form to the Planning Department.
- 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.
  - B. Additional improvements and or alterations within five years of the approval date of this permit will count cumulatively toward substantial improvement for the purpose of FEMA flood elevation requirements. Improvements in excess of 50% of the value of the structure will require implementation of FEMA flood elevation requirements.
- 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.

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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: \_\_\_\_\_

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Don Bussey  
Deputy Zoning Administrator

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David Keyon  
~~Project~~ Planner

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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: 06-0415

Assessor Parcel Number: 043-152-22

Project Location: 621 Beach Drive

**Project Description: Exterior remodel and stairway addition to an existing single-family dwelling**

**Person or Agency Proposing Project: Dee Murray**

**Contact Phone Number: (831) 475-5334**

- 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: Section 15301(e): Small additions to existing structures

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

Remodel and construction of a minor addition (stairway)

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

\_\_\_\_\_  
David Keyon, Project Planner

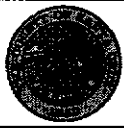
Date: \_\_\_\_\_

Assessor's Map No. 43-15  
County of Santa Cruz, Calif.  
Feb. 1999

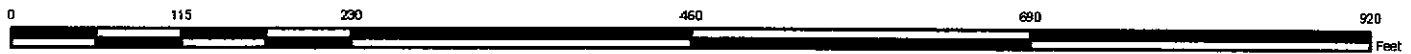
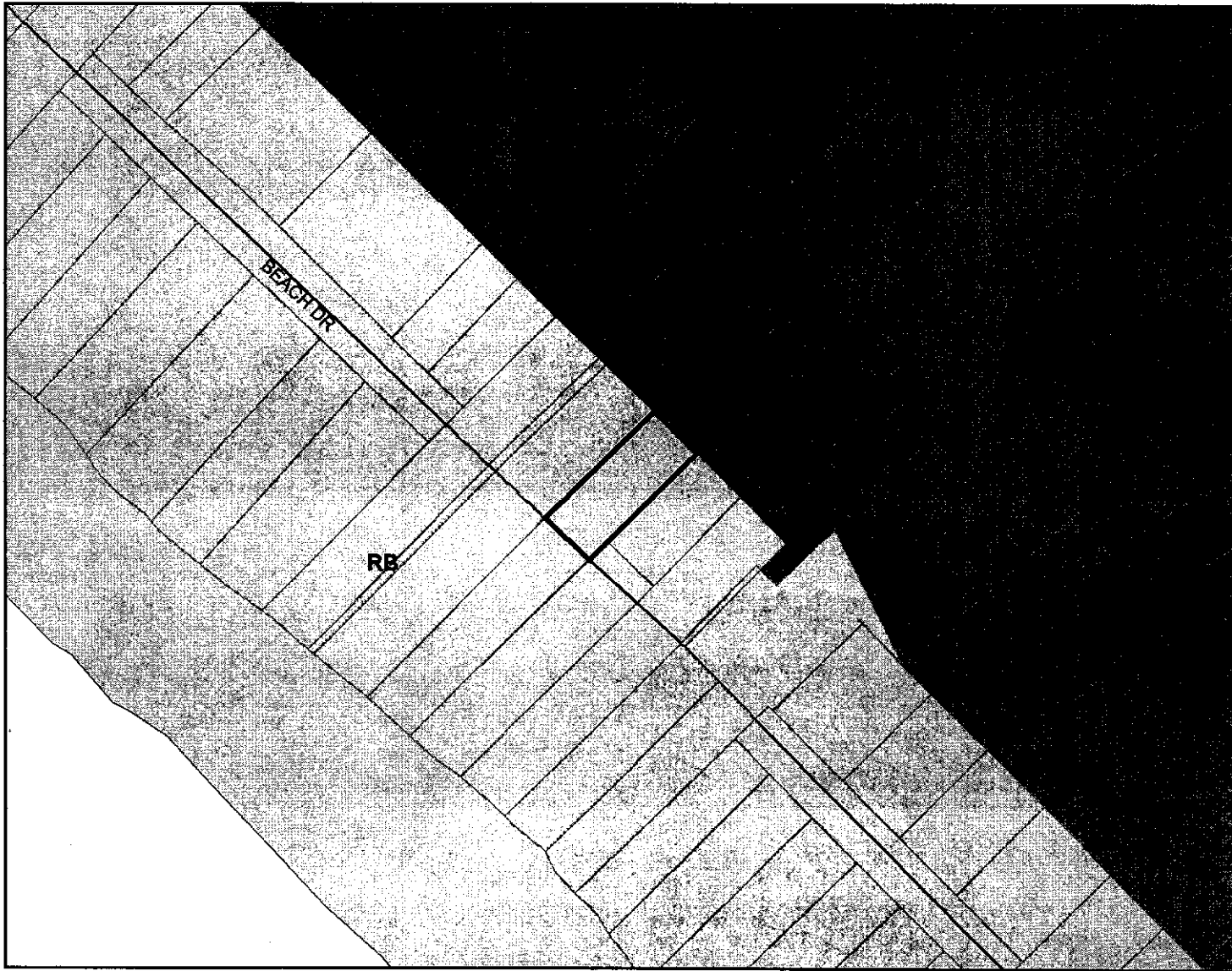
43-15









EXHIBIT 2

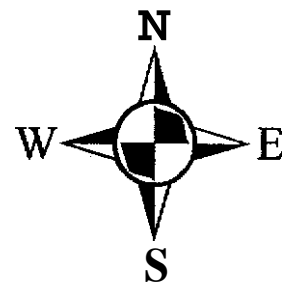


# Zoning Map



## Legend

-  APN 043-152-22
-  Assessors Parcels
-  Streets
-  RESIDENTIAL- OCEAN BEACH (RB)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  County Boundary

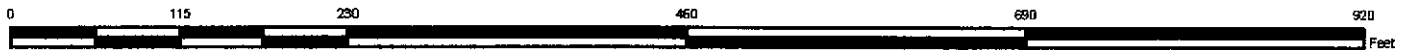
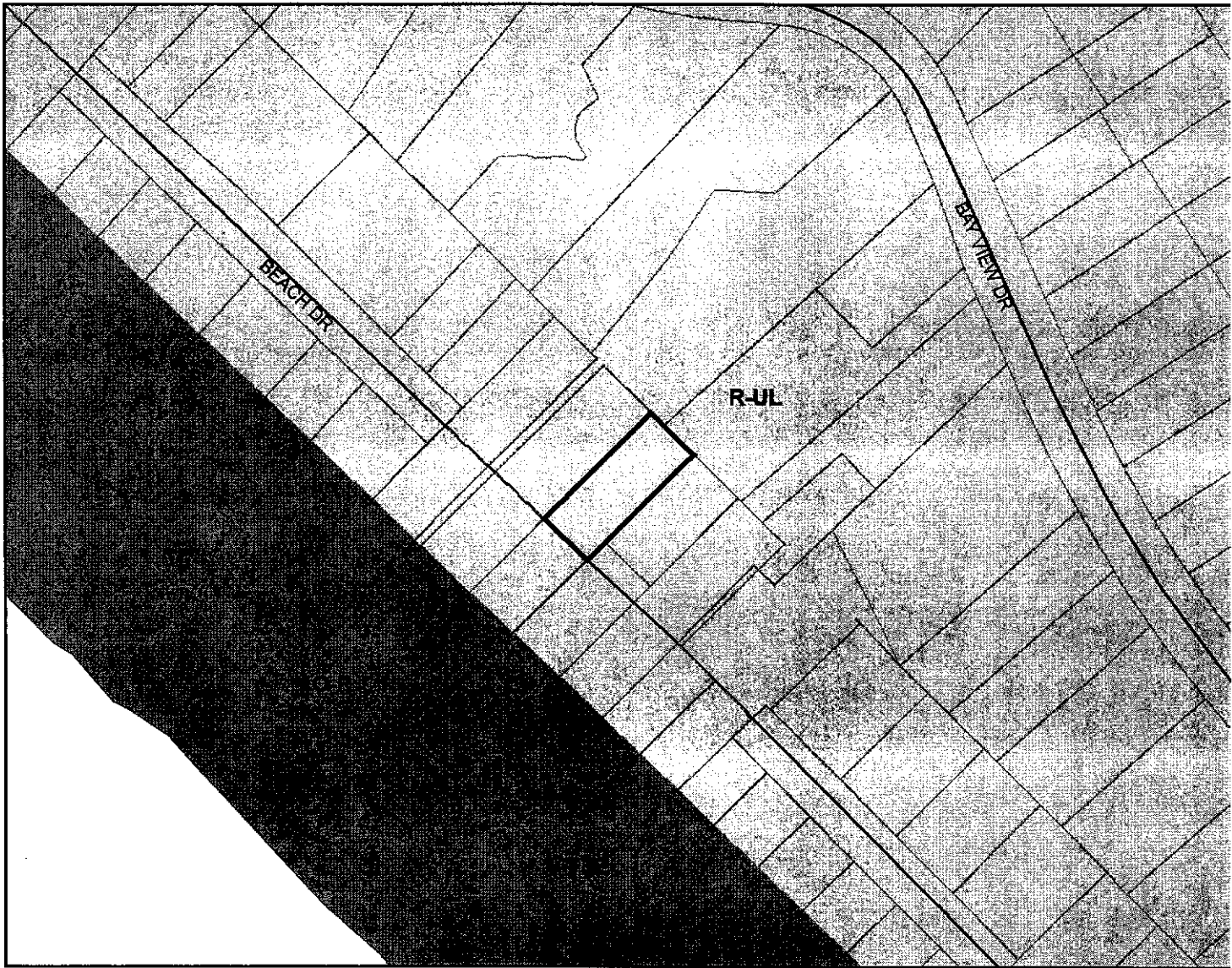


Map Created by  
County of Santa Cruz  
Planning Department  
August 2006







**EXHIBIT F**

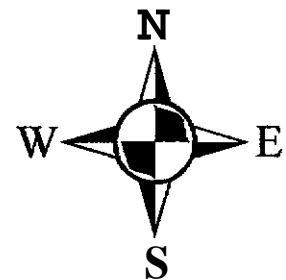


# General Plan Designation Map



## Legend

-  APN 043-152-22
-  Assessors Parcels
-  Streets
-  Residential- Urban Low Density (R-UL)
-  Parks and Recreation (O-R)
-  County Boundary



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August 2006