



Staff Report to the Zoning Administrator

Application Number: **06-0513**

Applicant: Menefee Hill Ranch Co.
Owner: Menefee Hill Ranch Co.
APN: 043-152-52

Agenda Date: December 1, 2006
Agenda Item #: 4
Time: After 10:00 a.m.

Project Description: Proposal to replace a flat roof with a peaked roof and replace siding on an existing single-family dwelling. Requires a Coastal Development Permit.

Location: Property located on the beach side of Beach Drive, immediately past the private gate (at 527 Beach Drive).

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

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 06-0513, 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 9,000 sq. ft.
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwellings, public beach
Project Access:	Beach Drive, a private right-of-way
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Density Residential)
Zone District:	RE3 (Ocean Beach Residential)
Coastal Zone:	<u> X </u> Inside <u> </u> Outside

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

Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards:	Site subject to coastal flood and landslide hazards
Soils:	Beach sands
Fire Hazard	Not a mapped constraint
Slopes:	Site is flat (0-2% slopes)
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
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u> X </u> Inside <u> </u> 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 single-family dwelling ~~was~~ constructed in 1959. Subsequently, a number of coastal permits have been issued for repairs to the rip-rap and seawall on the property, as well as upgrades to the electrical system.

Project Setting

The project site is located on the beach side of Beach Drive, on the first property past the entry gate to the private portion of Beach Drive. The site is immediately southeast of one of the public parking lots for Seacliff State Beach.

Zoning & General Plan Consistency

The subject property is located in the RB (Ocean Beach Residential) zone district, a designation which allows single-family residential uses. A single-family residence is a principal permitted **use** within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

The site standards for the RB (Ocean Beach Residential) zone district limit the maximum height of houses on the beach side of Beach Drive to a maximum of 17 feet in height. The replacement of the flat roof with a peaked roof will bring the maximum height of the structure to 15' 3" in the front of the structure and 17 feet in height toward the rear of the structure (facing the beach).

Condition of approval ILB.2 requires a roof plan and a surveyed contour map of the ground surface with the building permit plans to confirm the roof will not exceed 17 feet in height. Variance findings to increase the height of the structure above 17 feet cannot be made unless the structure is being raised to meet FEMA flood elevation requirements, so any **portion** of the roof over 17 feet in height will have to be reduced to meet the height limit. The current project is less than 50% of the current value of the structure, so FEMA flood elevation requirements are not triggered at this time.

The house is non-conforming with regards to the side yard setbacks (0 feet and 5 feet in the RB zone district), with 3 foot setbacks on each side. However, the proposed alterations are not compounding the existing non-conforming situation as the footprint of the structure is not being altered as part of the project.

Local Coastal Program Consistency

The proposed re-roof **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 homes on the beach side of Beach Drive. The house will remain one story and 17 feet in height similar to existing older residences which do not meet FEMA flood elevation requirements. Though located between the first through public road and the beach, the project will not interfere with public access to the beach as adequate public access exists from the public parking lot immediately upcoast of the project site.

Design Review

The proposed remodel complies with the requirements of the County Design Review Ordinance, in that the re-roof to change from a flat roof to a peaked roof will not significantly alter the appearance of the structure, **as** it will not result in a significant increase in the bulk, mass, and scale of the residence compared to surrounding structures.

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 **06-0513**, 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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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 site will remain one single-family residence, 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 development is consistent with the surrounding neighborhood as the height of the house will be required to remain under 17 feet in height absent elevation to meet FEMA flood elevation requirements (condition of approval II.B.2.) and the number of stories will be one, similar to most existing residences on the beach side of Beach Drive.

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

This finding can be made, in that the project will not interfere with existing public access from the parking lot immediately upcoast of the project site.

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 RB (Ocean Beach Residential) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings, and the dwelling will remain a similar size to existing residences on the beach side of Beach Drive.

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 will require a building permit, and will be required to meet all applicable building codes.

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 re-roof will comply with the maximum height limit for the RB (Ocean Beach Residential) zone district (Condition of approval II.B.2), and the project will not exacerbate the existing non-conforming side-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 use of the property will remain one single-family dwelling consistent with the density requirements specified for the Urban Low Density Residential (R-UL) land use designation in the County General Plan.

The proposed re-roof will comply with General Plan Policy 5.10.7 (development on open bluff tops and beaches) in that the bulk, mass, and scale of the residence will not be significantly increased, and will therefore not result in additional visual impacts to the public beach.

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 additional utilities will be required and no additional traffic will be generated.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the remodeled residence will comply with the existing range. No increase in density or land use intensity is proposed.

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Owner Menefee Hill Ranch Co

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.1 1.070 through 13.11.076), and **any** other applicable requirements of this chapter.

This finding can be made, in that the re-roof will not significantly alter the bulk, mass, and scale of the residence compared to existing residences on the beach side of Beach Drive. Furthermore, any replacement siding will be required to match the materials and color of the existing siding (Condition of Approval II.B.1).

Conditions of Approval

Exhibit A: Project plans, three sheets, sheet 1 drawn by Jeremiah Allen and dated April 2006; sheets 2 and 3 drawn by Devlin Jones and dated September 10, 2006.

- I. This permit authorizes the replacement of a flat roof with a peaked roof not to exceed 17 feet in height and replacement of wood siding. 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. Any replacement siding must match the existing siding in terms of colors and materials. Any color boards must be in 8.5" x 11" format.
 2. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above, to prove the height of the structure is less than 17 feet in height. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.

3. 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.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official..
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the

defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

David Keyon
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 06-0513

Assessor Parcel Number: 043-152-52

Project Location: 527 Beach Drive

Project Description: Replace flat roof with a peaked roof and replace exterior siding

Person or Agency Proposing Project: Menefee Hill Ranch Co.

Contact Phone Number: (209)826-3212

- 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: 15301(a): Interior and exterior alterations

F. Reasons why the project is exempt:

Replacement of existing roof and siding with no increase in habitable area

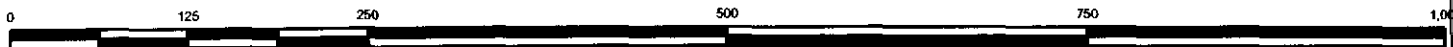
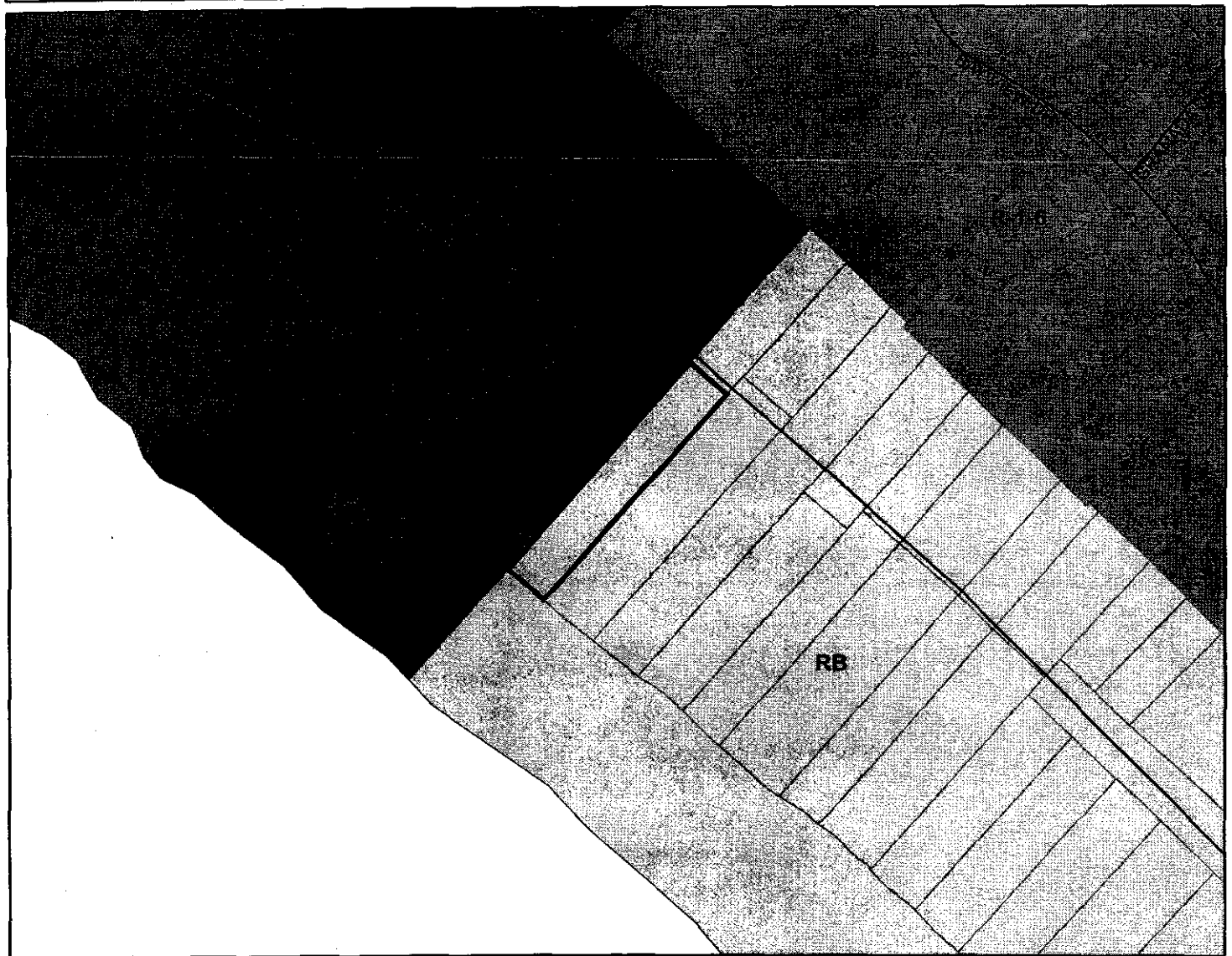
In addition, none of the conditions described in Section 15300.2 apply to this project.

David Keyon, Project Planner







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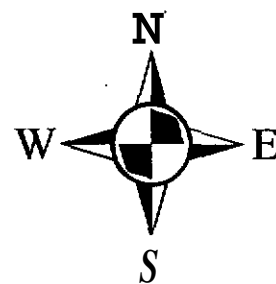


Zoning Map



Legend

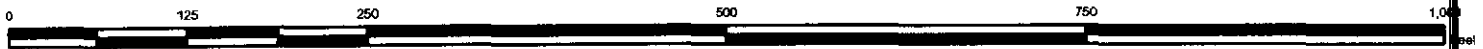
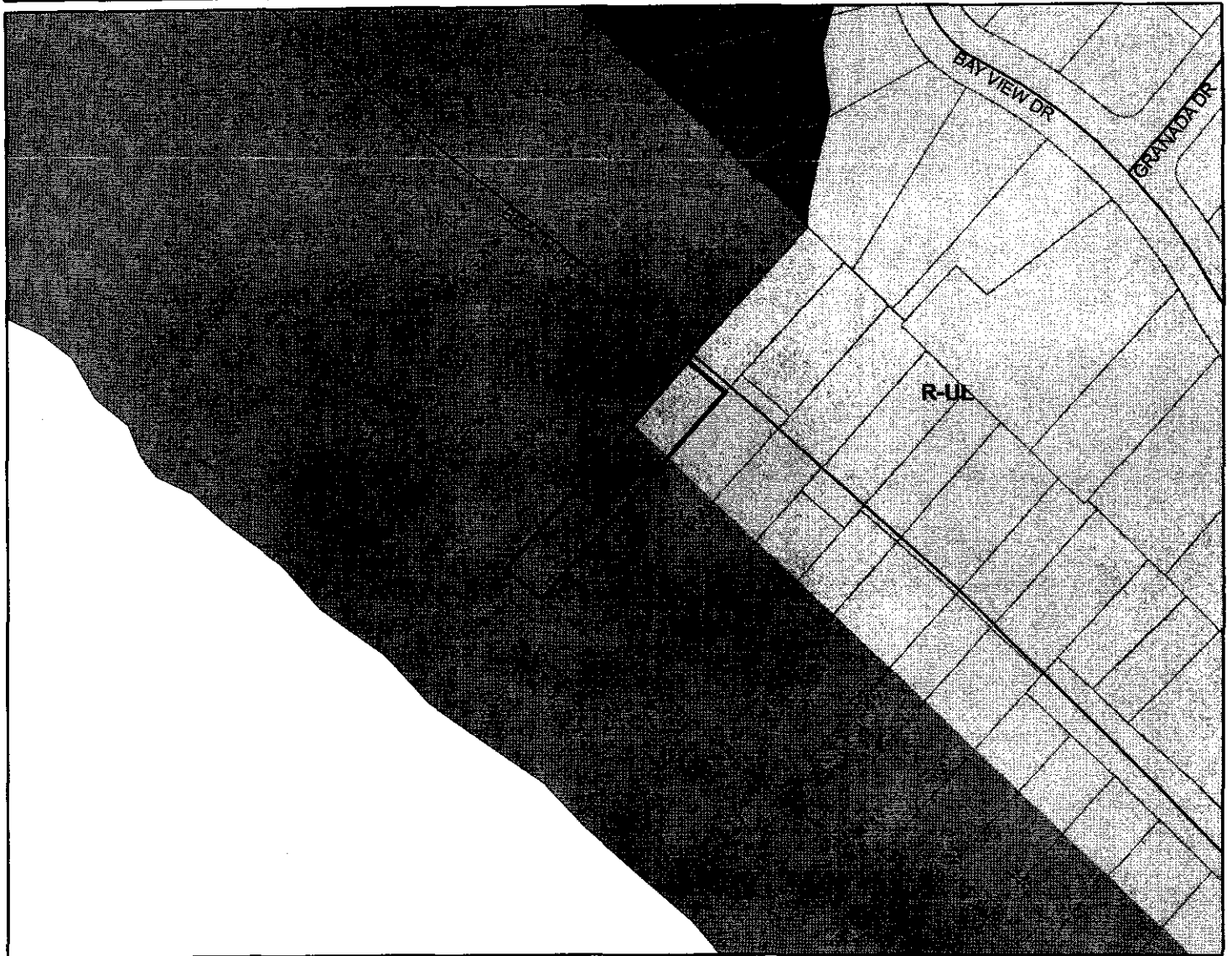
-  APN 043-152-52
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-OCEAN BEACH (RB)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PARK (PR)









Map Created by
County of Santa Cruz
Planning Department
September 2006

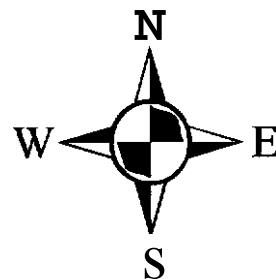


General Plan Designation Map



Legend

-  APN 043-152-52
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density (R-UL)
-  Parks and Recreation (O-R)
-  Urban Open Space (O-U)



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Planning Department
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