

MEMORANDUM

Date: February 27, 2008

To: Don Bussey, Zoning Administrator

From: Maria Perez

Re: Addendum to ZA Staff Report for Application 07-0350 dated January 18, 2008 addressing additional information requested by the Zoning Administrator

On January 18, 2007 a public hearing was held for Application 07-0350, which is requesting a variance for two stories to the one story limit allowed in the Residential-Ocean Beach (RB) zone district. The Zoning Administrator remanded the project back to staff for further analysis.

The additional analysis requested by the Zoning Administrator included: a detailed list of work proposed on the structure to be evaluated for substantial improvement and the delineation of the base flood elevation on plans to determine if the proposed second floor was above flood hazards.

Staff received two sets of plans with a detailed list as requested and the following was determined from the review:

- The projected cost of improvements was estimated by Building Department staff to be at \$103,874.51(Exhibit 1A), which is below the \$158,793 threshold for substantial improvement as determined by the Geologic Hazard Assessment (Exhibit 1B). Therefore, the proposed development is not considered to be substantial improvement. However, should the structure require \$54,918.49 in improvements over the next five years, it will meet the definition of substantial improvement and the entire structure will be required to be elevated above the base flood elevation (BFE), to an elevation of 22 feet above mean sea level.
- The plans show that the proposed addition will be elevated above the BFE of 22 feet above mean sea level (Exhibit A-revised).

RECOMMENDATION:

Based on the revised variance findings (Exhibit 1C), Staff recommends Denial of Application 07-0350.

Exhibits:

- A. Applicant's Revised Project Plans, dated 2/08/08
- 1A. Building Department evaluation of improvement costs
- 1B. Geologic Hazard Assessment, dated October 29, 2007
- 1C. Revised Variance Findings
- 1D. Correspondence from Applicant, dated 2/8/08
- 1E. Staff Report

09:47:08 Fri Feb 22, 2008

02/22/08 MM18
09:41:19

COUNTY OF SANTA CRUZ - ALUS 3.0
BUILDING PERMIT EVALUATION

U-ALPBR510
ALSBR510

MASTER

APPL. NO: 0015062M : APN: NO APN SPEC : PERMIT NO.: ISSUED: :
SEQ. NO: 1 TYPE: TI : TENANT IMPROVEMENT :
PERMIT STATUS : ROUTING : PF9-----PLACE CURSOR-----PF10 -----
PLANS SUBMITTED?: Y : (Y/N) OCCUP GROUP CONSTRUCTION TYPE DEMO UNITS
BUILDING NO. : : 1. : R-3 : : VN SPRINK : : :
FIRE SPRINKLERS?: N : (Y/N) 2. : : : : : :
IR RATING : N/R : 3. : : : : : : D
CENSUS CODE : 101 : 4. : : : : : : E
SQUARE FOOTAGE USES PF5-TO SELECT (UP TO 10) --RATE --SQ FEET -----VALUE L
DWELLING TYPE V WOOD FRAME 107.18 725 77,705.50 N
CARPORT OR COVERED ARENA 19.26 82 1,579.32 N
UNCOVERED DECK 13.94 155 2,160.70 N
REMODEL AT 25% 27.51 253 6,960.03 N
REROOF 10.72 1,443 15,468.96 N

COST OF REMODEL :
TOTAL EVALUATION: 103,874.51 :

PF3-PERMIT DESC PF4-CENSUS PF6-STATUS PF11-TYPE PF9-OCCUP PF10-CONST
RECORD UPDATED PF19-PREV PF20-NEXT
CHANGE SQ FEET AND/OR 'Y' TO DELETE AND PRESS 'ENTER' TO UPDATE

EXHIBIT 1 A



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, DIRECTOR

October 29, 2007

Donald and Jean Schrader
3846 Peninsula Ct
Stockton, CA 95129

Subject: GEOLOGIC HAZARDS ASSESSMENT
APN: 043-161-33
LOCATION: 630 Beach Drive
PERMIT APPLICATION NUMBER: 07-0350
OWNER: Donald and Jean Schrader

Dear Mr. and Mrs. Schrader,

We have recently conducted a site inspection of the parcel referenced above where remodel and construct an addition to the second floor with two bedrooms, move an existing bedroom from downstairs to the new second story, convert the bedroom to living room is proposed. This inspection was completed to assess the property for possible flood hazards due to its proximity to Pacific Ocean. The purpose of this letter is to briefly describe our site observations, outline permit conditions with respect to geologic planning issues and to complete the hazards assessment for this property.

COASTAL FLOOD HAZARDS

This parcel is located on the beach, and published maps on file with the Planning Department indicate that the parcel is within a federally-designated coastal flood hazard area zone VE (figure 2). FEMA has mapped this location as an area of 100-year coastal flood with high velocity (wave action) floodwaters. The subject parcel may be subject to coastal storm waves or tsunami inundation.

Enclosed copies of the federal flood maps (panel 359D) indicate the flood hazard boundaries in this area and the approximate parcel location (see Figures 1a). The flood hazard maps delineate the extent of flooding which is anticipated during a 100-year flood, an event with a one percent chance of occurring in any given year. Flooding to an approximate level of 21 feet above mean sea level is anticipated to occur once every hundred years on the basis of this mapping, also known as the base flood elevation (BFE). However, this does not preclude flooding from occurring due to events smaller in magnitude than the 100-year flood or for the "100-year flood" from occurring two years in a row. For your information, no historic flooding event, including the record events of 1955, 1982 and 1998 has resulted in 100-year flood levels.

EXHIBIT 1B

The flood hazard maps for the County were recently revised by the federal government due to the County's participation in the National Flood Insurance Program. This program enables property owners to obtain insurance coverage for flood damage to residential and commercial structures and their contents. In return for making flood insurance available, the federal government requires that the County's land use regulations be consistent with federal standards for construction activities in areas where potential flood hazards are identified on the maps.

ANALYSIS

An evaluation was completed to determine whether the proposed project, to include an addition of 705 square feet, an 80 square foot carport and remodel of 242 square feet meets the definition of substantial improvement. Substantial improvement is defined as any repair, reconstruction, rehabilitation, addition, alteration or improvement to a structure, or the cumulative total of such activities as defined in Section 16.10.040(r) of the County Code, where the cost of which equals or exceeds 50 percent of the market value of the structure immediately prior to the issuance of the building permit. The structure was calculated to have a depreciated value of \$317,585 (see attached appraisal prepared by Pacific Residential Appraisal Services), thus allowing a total of \$158,793 in construction costs. The projected cost of improvements is \$83,760.12 (see attached evaluation completed by the Building Department).

Based on the discussion above, the proposed development is not considered to be substantial improvement. Future additions to the structure cumulative over a 5-year period, will be carefully analyzed to determine whether the improvements meet the definition of substantial improvement. To clarify, improvements to the structure over the next 5 years which cost more than \$75,033, will meet the definition of substantial improvement and the entire structure must be elevated above the base flood elevation (BFE), to an elevation of 22 feet above mean sea level. Please note that other FEMA regulations such as break-away walls, flood resistant materials, etc. apply to all structures that meet substantial improvement.

SITE CONDITIONS

The county geologic map (Brabb, 1974) shows the parcel underlain by beach sand and the Purisima formation (figure 3). Beach sands are highly susceptible to erosion and liquefaction. The liquefaction map shows the parcel in an area of moderate to high potential for liquefaction to occur during intense shaking associated with a seismic event (figure 4). In order to mitigate for liquefaction hazards, a full geotechnical (soils) report will be required. The report must also address the potential for high groundwater to occur onsite, and include mitigations and design parameters for the basement retaining walls and foundation.


CONCLUSIONS

Therefore, to comply with federal floodplain management requirements as well as section 16.10 of the County Code (Geologic Hazards Ordinance) and to receive approval for the proposed project with respect to geologic planning issues, the following conditions must be met:

1. The placement of fill shall be allowed only when necessary. The amount allowed shall not exceed 50 cubic yards and only as part of a permitted development and only if it can be demonstrated through environmental review that the fill will not have cumulative adverse impacts.
2. No development shall be allowed which extends the structure in a seaward direction (see County Code section 16.10.040(s)4).
3. The enclosed Declaration form acknowledging a possible flood hazard to the parcel must be completed prior to issuance of a building permit.
4. Submit 3 copies of a Geotechnical Report completed by a licensed civil engineer for review, and pay the associated review fee of approximately \$990.
5. A licensed civil engineer must prepare the site grading and drainage plans.

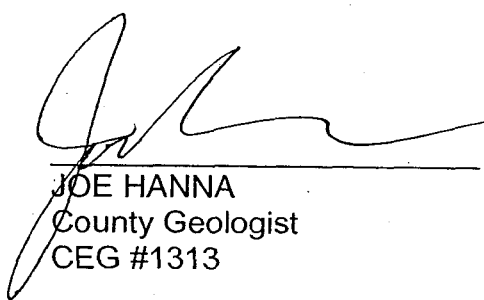
If you have any questions concerning the assessment of this property for flood hazards or the permit conditions described above, please call me at 454-3162. Questions regarding insurance coverage under the National Flood Insurance Program should be directed to an insurance agent.

Sincerely,


JESSICA DEGRASSI
Resource Planner
Environmental Planning

Date

10/30/07

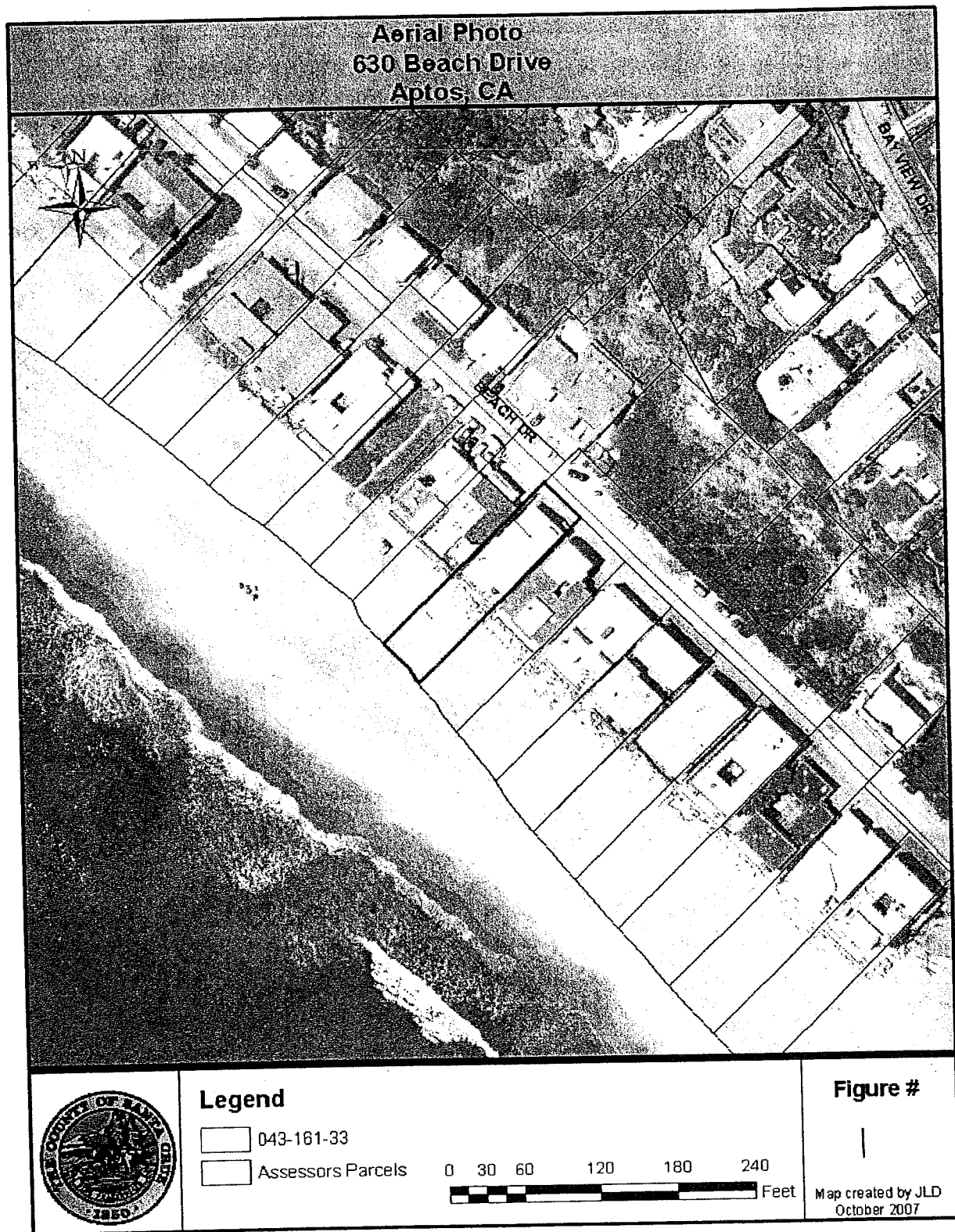

JOE HANNA
County Geologist
CEG #1313

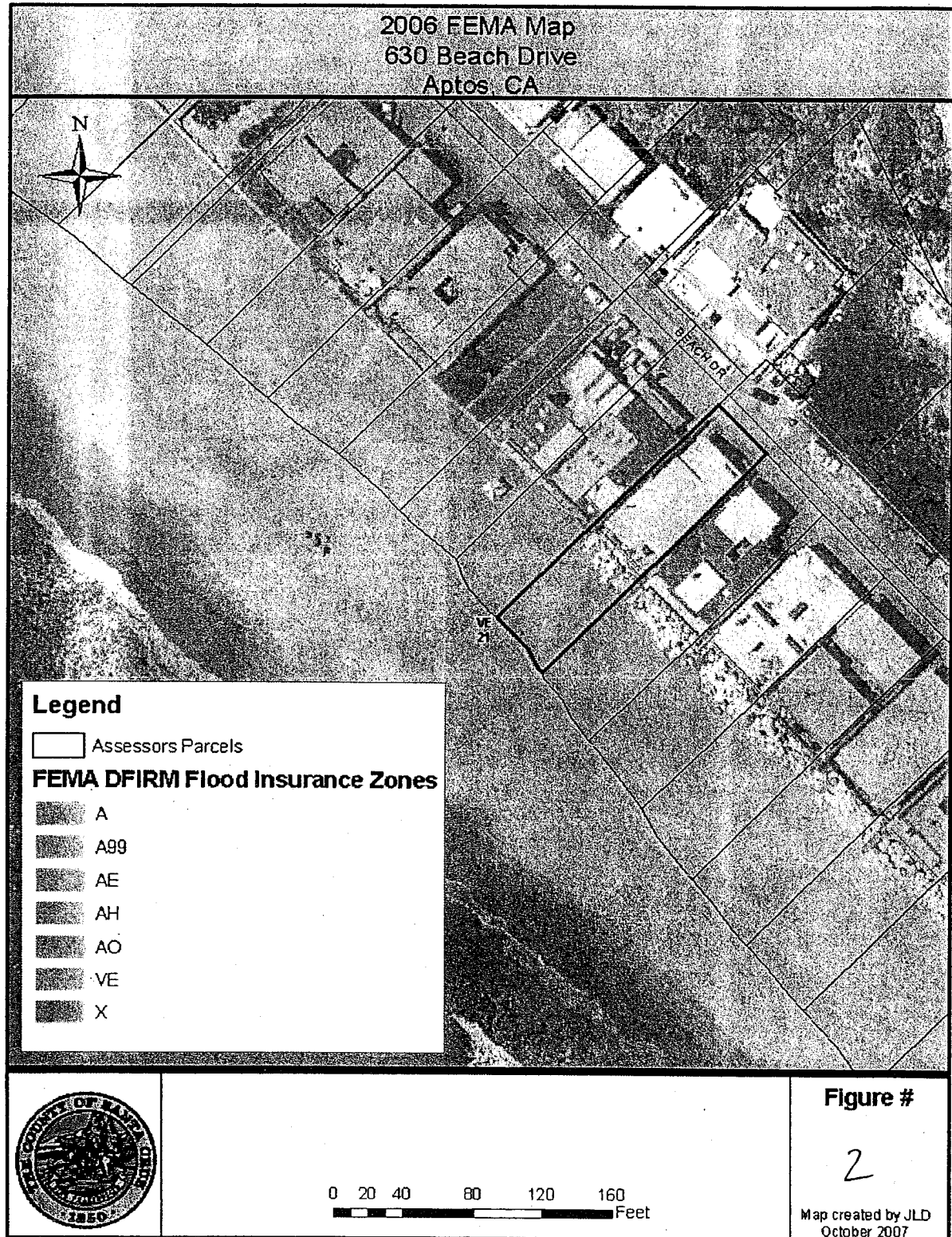
FOR: CLAUDIA SLATER
Principal Planner
Environmental Planning

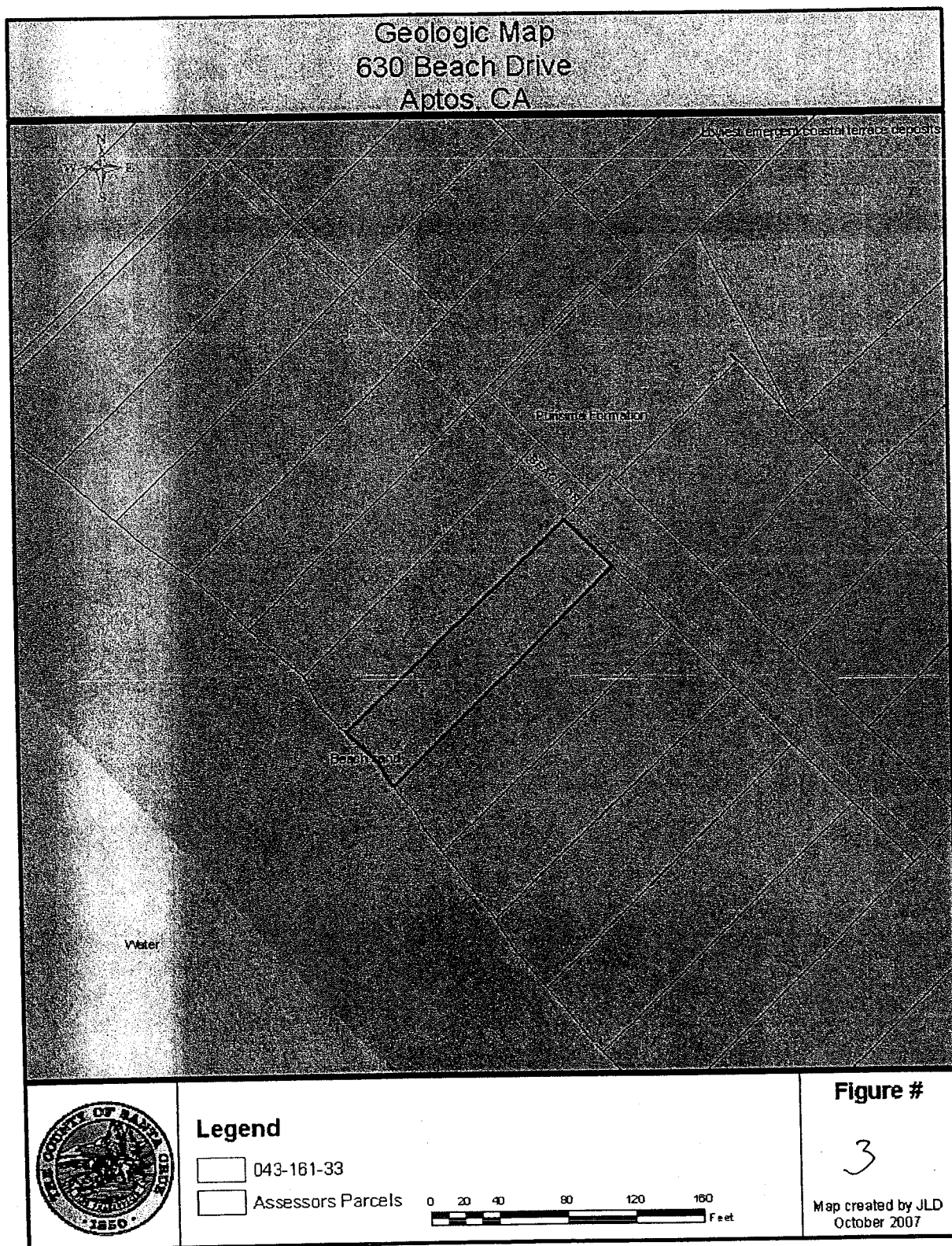
Enclosure(s)

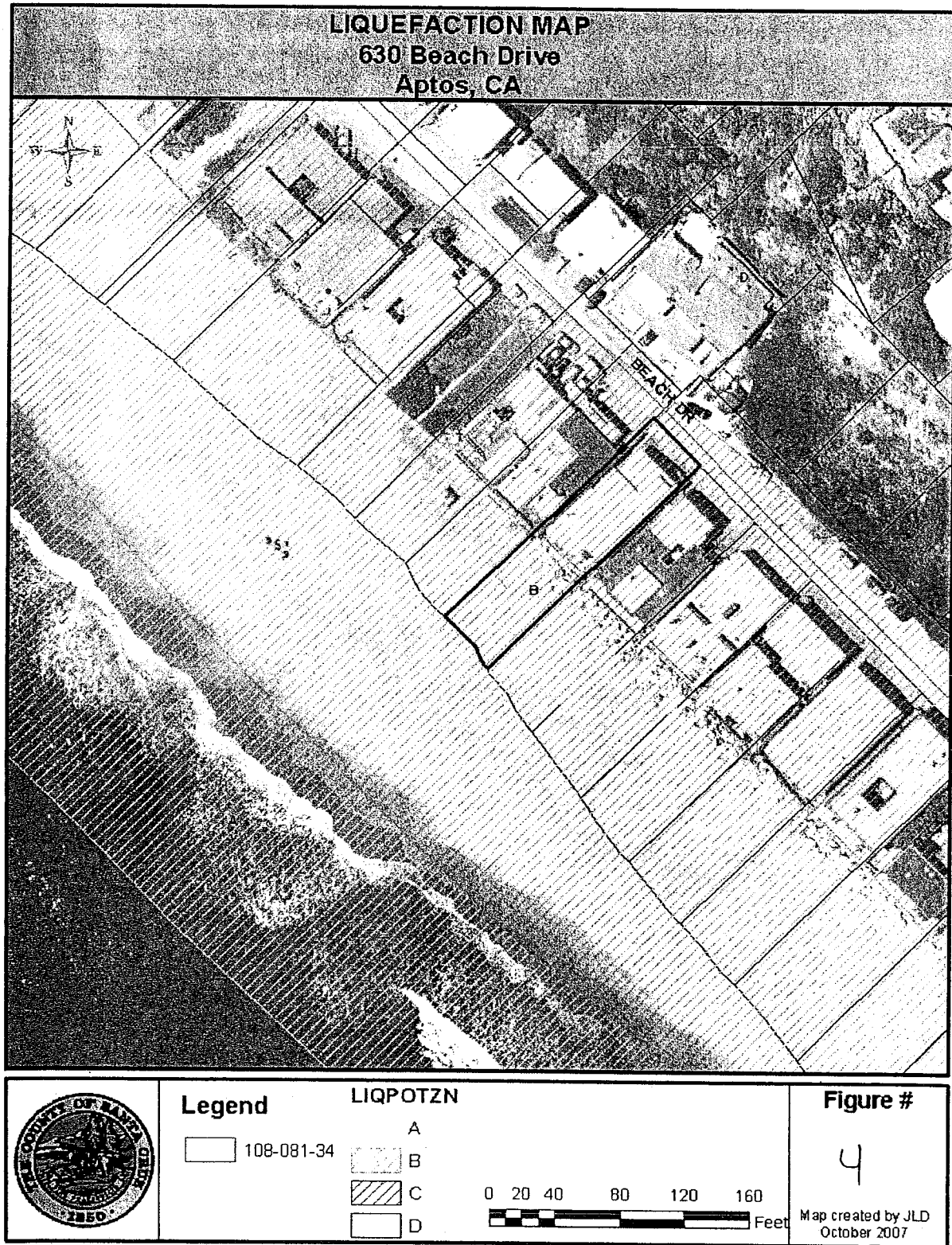
cc: GHA File
Porcila Perez, Planner

Donald and Jean Schrader
October 29, 2007









Cost Approach Addendum

File No. beach630

CALCULATIONS

Cost Source Marshall & Swift handbook, local builders, appraiser files, and appraiser's knowledge of area.

Component	No.	Size	Unit Cost	Cost
Above grade living area	1	1,716	\$ 230	\$ 394,680
Decking	1		\$ 25,000	\$ 25,000
Garage	1	451	\$ 35.00	\$ 15,785
Reproduction <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Cost New of Improvements				\$ 425,465
Plus: Indirect (Soft) Costs				\$
Plus: Entrepreneurial Profit			%	\$
Total Cost New				\$ 425,465
Less: Physical Deterioration			17 %	72,329
Less: Functional Obsolescence			%	
Less: External Obsolescence			%	
Total Accrued Depreciation (Deterioration & Obsolescence)				(\$ 72,329)
Depreciated Value of Building(s)				\$ 353,136
Plus: Contributing Value of Site Improvements				\$ Not included
Depreciated Value of Improvements				\$ 353,136

Analysis/Comments: This cost analysis is intended for the residential structure, deck, garage, and does not include estimated contributory value of site improvements or the subject site. The subject property is a one story beach front home inside a gated community. It is considered to be above average in quality and condition. The appraiser has been instructed to provide a hypothetical, depreciated cost analysis for the residential structure located on the subject site. Also, the appraiser has been instructed to give no value or consideration for site specific constraints or locational conditions which would likely increase the costs of construction of a replacement building of similar utility to the subject on the subject site. This cost approach value is based on a replacement analysis for a building similar to the subject in a "typical" building environment with no extraordinary conditions or building constraints exist. The land and site improvements have not been included in this analysis.

Reconciliation: The intended user of this appraisal is the Santa Cruz Planning Dept. This portion of the appraisal assignment is hypothetical and does not alter any of the prior opinions or conclusions in this appraisal. This portion of the appraisal is a departure require by the client for uses specific to the client. The date of this cost approach is 10/18/2007.

Erick Mould
AR035784

SUMMARY OF COST APPROACH VALUE INDICATIONS

Site Value (Utilized Land Value)	\$ Not included
Improvements Value	\$ 353,136
Total Value Indication by the Cost Approach	\$ 353,136
Market Rent Equivalency Adjustment	\$
Value Estimate	\$ 353,136
Plus: Excess Land	\$
Total Value - Cost Approach - Real Estate	\$ 353,136
Rounded	\$ 353,140

EXHIBIT 1 B

11:05:17 Mon Oct 29, 2007

10/29/07 MM18

COUNTY OF SANTA CRUZ - ALUS 3.0

U-ALPBR510

10:56:54

BUILDING PERMIT EVALUATION

ALSR510

MASTER

APPL. NO: 0015062M : APN: NO APN SPEC : PERMIT NO.: ISSUED: :

SEQ. NO: 1 TYPE: REM : REMODEL :

PERMIT STATUS : ROUTING : PF9-----PLACE CURSOR-----PF10 -----

PLANS SUBMITTED?: Y : (Y/N) OCCUP GROUP CONSTRUCTION TYPE DEMO UNITS

BUILDING NO. : : 1. : R-3 : : VN SPRINK : : :

FIRE SPRINKLERS?: N : (Y/N) 2. : : : : : :

IR RATING : N/R : 3. : : : : : :

CENSUS CODE : 101 : 4. : : : : : :

SQUARE FOOTAGE USES PF5-TO SELECT (UP TO 10) --RATE --SQ FEET -----VALUE L

DWELLING TYPE V WOOD FRAME 107.18 705 75,561.90 N

CARPORT 19.26 80 1,540.80 N

REMODEL AT 25% 27.51 242 6,657.42 N

COST OF REMODEL : - :

TOTAL EVALUATION: 83,760.12 :

PF3-PERMIT DESC PF4-CENSUS PF6-STATUS PF11-TYPE PF9-OCCUP PF10-CONST

PF7/PF8-SCROLL SQ FTG PF19-PREV PF20-NEXT

CHANGE SQ FEET AND/OR 'Y' TO DELETE AND PRESS 'ENTER' TO UPDATE

A EXHIBIT 1 B C

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding cannot be made, in that there no special circumstance applicable to the property based on the size, shape, topography and surrounding existing structures. The parcel is of similar shape and size as surrounding parcels, and is essentially flat. Surrounding structures do not encroach onto this property or otherwise impede development of this site. In addition, the denial of the variance would not amount to an unnecessary hardship because the owner will continue to enjoy the benefits of the existing developed property.

The location of the property is subject to wave run up and flood hazards, however, this is a circumstance that is shared by other lots along Beach Drive. Several variances have been granted to other properties for height, number of stories, floor area ratio, etc. to elevate to meet FEMA regulations and County Code Section 16.10 (Geologic Hazards Ordinance). This proposal is not flood elevating to meet FEMA regulations and is maintaining a significant habitable portion of the structure to remain within the flood hazard zone. Therefore, the request for a Variance without flood elevating would be a privilege not granted to other properties under identical zoning classification, as the Variance has not been requested to address the flood hazard that affects the subject parcel (requirements of FEMA regulations and the County's Geologic Hazard Ordinance).

ROBERT J GOLDSPINK ARCHITECTS

February 8th 2008

Maria Perez
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

by hand

Schrader Residence
630 Beach Drive Aptos
Appln # 07-0350

Dear Maria,

Thank you for your letter, dated 2.6.08. I have pleasure in enclosing 3 copies of the following drawings:

Drawings 2, 3 and 4, all Revision 1, dated 2.8.08
Dunbar & Craig's topographic survey drawing, dated MST. 2007

As requested, Drawings 2, 3 and 4 have been amended to show floor and flood plain levels.

I have prepared a more detailed description of the proposed work than shown on Drawing 1, as follows:

A. Addition

1. Rear of Carport Construct new stairs and closets with 2x4 wood framing and finishes to match existing house. This a conditioned space approx. 3'.6" x 19'.0" = 67 sf
2. Front of Carport Extend carport towards street. This is an open covered area with an existing paved surface approx. 4'.0" x 19'.0" = 76 sf
3. Second Floor Construct wood-framed addition for 2 bedrooms and bathroom with painted sheetrock interior finish and painted horizontal lap siding exterior finish. Addition will have flat roof sloping to perimeter gutters
4. Replacement Deck Construct entry deck approx. 2'.3" above grade with pressure-treated lumber framing and Trex finish. Approx. 23'.0" x 4'.0" = 92 sf

B. Remodel

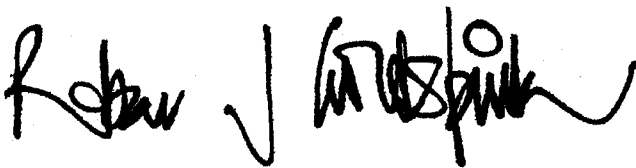
1. Bathroom 2 Remodel part of existing Bathroom 2 to relocate vanity and enlarge shower and toilet area. Area approx. 7'.0" x 9'.0" = 63 sf
2. Hall Remodel Hall linen and clothes closet into desk alcove, approx. 6'.3" x 2'.4" = 15 sf
Remodel Hall outside Bathroom 2, lowering part of floor and adding steps, approx. 5'.9" x 3'.6" = 20 sf. Total remodel area 35 sf
3. Laundry Remodel existing Bedroom 3 into Laundry Room and Storage, approx. 11'.6" x 11'.0" = 127 sf. Remodel to include removing existing raised wood floor and adding concrete floor at grade
4. Existing roof Remove existing roof finish. Install rigid foam insulation between 2 x 4 furring strips and cover with 5/8" CDX plywood and composition shingle roof finish. Replace existing gutters. [Excludes roofing included in Item A.3 Second Floor bedroom addition]. Approx. 1,443 sf

EXHIBIT 1 D

Maria Perez
County Planning
Schrader Residence
2.8.08
p2

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Goldspink". The signature is stylized with a large "R" and a prominent "J".

Robert J. Goldspink

email cc Don and Jean Schrader

8042 Soquel Drive Aptos CA 95003 tel [831] 688 8950 fax [831] 688 4402
RobertGoldspink@got.net

EXHIBIT 1 D 1

Staff Report to the Zoning Administrator
(from 1/18/08 Public Hearing)

Application Number 07-0350
Zoning Administrator Hearing
3/07/08



Staff Report to the Zoning Administrator

Application Number: **07-0350**

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

Agenda Date: 1/18/08
Item #: 3
Time: After 9 AM
APN: 10

Project Description: Proposal to remodel an existing one story, four bedroom single family dwelling of 1716 square feet to construct a second floor addition with two bedrooms, move an existing bedroom from the downstairs to the new second story addition, and convert an existing bedroom to a living room. Results in a two story, four bedroom dwelling of 2,340 square feet.

Requires a Coastal Development Permit, a Variance to increase the one-story height limitation on the beach side of Beach Drive to two stories and Design Review.

Location: Property located on the south side of Beach Drive approximately 1,500 feet east of the gated entry, at 630 Beach Drive, Aptos.

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

Permits Required: Coastal Development Permit and Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- DENIAL of Application 07-0350, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	7,318 Square Feet
Existing Land Use - Parcel:	Single Family Dwelling
Existing Land Use - Surrounding:	Single Family Dwellings

Project Access: Beach Drive
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Residential)
Zone District: RB (Residential Ocean Beach)
Coastal Zone: X Inside ___ Outside
Appealable to Calif. Coastal Comm. X Yes ___ No

Environmental Information

Geologic Hazards: FEMA Flood Zone V (Wave run-up hazard zone), landslide potential at the base of coastal bluff
Soils: Beach sand (soils map index number 109)
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Designated Coastal Scenic Resource Area
Drainage: Drainage to beach
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The project site is currently developed with a one-story single family dwelling that was constructed in 1968. A coastal exclusion was granted in 1986 for placement of 100 tons rip rap. In 1991, the County Code Section 13.10.323 was revised to limit structures in the RB (Residential Beach) zone district to one story with 17 foot maximum height. The purpose of these limits was to minimize the view shed impacts from the public beach by keeping the homes on the beach side of the street low profile.

On July 6, 2007, the County Planning Department accepted this application for a Coastal Development Permit and a Variance to construct a second story addition to a single story family dwelling on the beach side of the RB (Residential Beach) zone district. The project has not been deemed complete.

Project Setting

The property is developed with a single-family dwelling. It is located on the beach side of Beach Drive within a neighborhood of one and two story single-family residences on both sides of the street.

Zoning & General Plan Consistency

The subject property is a 7,318 square foot lot, located in the RB (Residential Ocean Beach) zone district, a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the project is consistent with the site's Urban Low Residential General Plan designation.

Site Standards

	RB Standards	Proposed
Front Yard Setback	10'	10'
Side Yard Setback	0' & 5'	0' & 5'
Rear Yard Setback	10'	Over 10'
Maximum Height	17	17
Maximum Stories	One	Two*
Maximum % Lot Coverage	40%	36%

* variance is being requested to the number of stories as discussed below.

Request for a variance

The project as proposed requires a variance to allow a two story home on the beach side of the RB zone district where the limit, pursuant to County Code 13.10.323 is one story.

First required variance finding:

To approve a variance, three specific findings must be made as required by State law. The first variance finding states:

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 not be made in that all of the lots are similar in shape and size and no special circumstance exists that deprives the property of privileges enjoyed by others. Table 1, a listing of permit activity for existing two story homes, documents that approval of two stories is not a privilege enjoyed by others. There are eight two story homes and one under construction on the beach side of Beach Drive, all but three were built prior to the 1991 RB zone district requirements of one story and the 17 foot height limit, and none has been significantly remodeled since 1991. The home rebuilt in 2005 at 531 Beach Drive (Apn 043-152-48) and the one currently under construction at 618 Beach Drive (Apn 043-152-27) are flood elevated to meet

Federal Emergency Management Agency (FEMA) requirements for a non-habitable first floor and a habitable second floor. Given the flood hazard and lack of alternative to a second story habitable area, findings were made for variances to comply with flood elevation requirements. In contrast, the proposed home is not being flood elevated and therefore similar logic for variance findings does not exist. There is one exception to the one story limit since 1991, which is a variance that was granted by the Planning Commission in 1996 for 545 Beach Drive. A variance to add a second story to a one-story house on the beach side of Beach Drive was denied by the Zoning Administrator. The Planning Commission approved the project on appeal.

The applicant asserts that the dimensions and size of the lot constrain development and represent special circumstances. He asserts that the property owners are prevented from constructing a house similar in size to surrounding residences. The parcel is 40 feet by approximately 200 feet, for a total of approximately 7,308 square feet. However, the home may not be extended seaward, as this would increase exposure to coastal hazards. The lots on the beach side of Beach Drive range in size from 40 to 75 feet in width, with most house sizes in the 1,167 square feet to 3,200 square foot range. Though this lot is one of the smallest on the beach side of Beach Drive, it has approximately 1,720 square feet of habitable space and it could be expanded to approximately 2,000 square feet of habitable space if the habitable floor was elevated to meet FEMA requirements. It does not appear that the small size of the lot rises to the point of being a special circumstance.

The applicant makes a second argument in support of the variance, which is that other homes enjoy two stories. Staff inventoried each of these homes, and has found the following: The majority of the two story homes on the beach side of Beach Drive were built prior to 1991, the year that new site standards were revised for the RB zone district to limit the height to 17 feet and number of stories to one. Two story homes proposed after 1991 have been granted a variance to be elevated to two stories only to comply with FEMA regulations. These homes have non-habitable first floors and habitable second floors.

Table 1 - Two Story Structures on the beach side of Beach Drive

Apn	Address	Year built	Comments
043-152-48	531 Beach Drive	2005	FEMA elevated
043-152-47	533 Beach Drive	1957	Prior to 1991
043-152-59	537 Beach Drive	1951	One story w/loft
043-152-43	539 Beach Drive	1965	Prior to 1991
043-152-36	545 Beach Drive	1965	1996 granted variance
043-152-34	547 Beach Drive	1986	Prior to 1991
043-161-27	636 Beach Drive	1967	Prior to 1991
043-161-45	646 Beach Drive	1974	Prior to 1991
043-152-27	618 Beach Drive	(under construction)	FEMA elevated

Second required variance finding:

The second finding that must be made states:

That the granting of such variance shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

The addition of a second habitable floor would be a special privilege that is not enjoyed by other properties. Where a second story has been allowed, it has been to mitigate flood hazard and results in only one habitable floor. The majority of two-story homes with two habitable floors on the beach side of Beach Drive are non-conforming. Any additions to those homes would be on the ground story, unless the structure was designed to comply with County Code section 16.10 (Geologic Hazards Ordinance).

Conclusion

The site standards and structural dimensions chart per County Code 13.10.323 for the RB zone district limit buildings on the beach side of Beach Drive to one story in addition to a 17 foot height limit. Therefore, a variance is necessary under current regulations, and findings for such a variance (County Code 13.10.230) cannot be made. As discussed above, a special circumstance does not exist on the parcel that deprives it of privileges enjoyed by other property in the vicinity and under identical zoning classification. In addition, granting a variance would constitute a special privilege.

As proposed, the project is not consistent with applicable codes and policies of the Zoning Ordinance. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **DENIAL** of Application Number 07-0350, based on the attached findings and conditions.

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

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

Report Prepared By: Maria Perez
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5321
E-mail: maria.perez@co.santa-cruz.ca.us

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding cannot be made, in that there no special circumstance applicable to the property based on the size, shape, topography and surrounding existing structures. The parcel is of similar shape and size as surrounding parcels, and is essentially flat. Surrounding structures do not encroach onto this property or otherwise impede development of this site.

The location of the property is subject to wave run up and flood hazards, however, this is a circumstance that is shared by other lots along Beach Drive. Several variances have been granted to other properties for height, number of stories, floor area ratio, etc. to elevate to meet FEMA regulations and County Code Section 16.10 (Geologic Hazards Ordinance). This proposal is not flood elevating to meet FEMA regulations and is maintaining a significant habitable portion of the structure to remain within the flood hazard zone. Therefore, the request for a Variance without flood elevating would be a privilege not granted to other properties under identical zoning classification, as the Variance has not been requested to address the flood hazard that affects the subject parcel (requirements of FEMA regulations and the County's Geologic Hazard Ordinance).

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding cannot be made, in that the granting of a variance to increase the maximum one-story height limit to two-stories would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone classification. The property is located within the flood hazard zone and is under identical zoning as neighboring lots. Several Variances have been granted to neighboring lots under identical zoning and flood hazard zone that address the flood hazard, meet FEMA regulations and County Code. The applicant is not proposing to flood elevate and will maintain a significant portion of the habitable floor within the flood hazard zone. Therefore, the request for a Variance without flood elevating would be a special privilege not granted to other properties under identical zoning classification, as the Variance has not been requested to address the flood hazard that affects the subject parcel (requirements of FEMA regulations and the County's Geologic Hazard Ordinance).

Application #: 07-0350
APN: 043-161-33
Owner: Donald & Jean Schrader

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Maria Perez
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 07-0350
Assessor Parcel Number: 043-161-33
Project Location: 630 Beach Drive

Project Description: Proposal to remodel an existing one-story, four bedroom single family dwelling to result in a two story single family dwelling.

Person or Agency Proposing Project: Robert Goldspink

Contact Phone Number: 831-688-8950

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

Specify type:

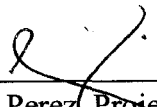
- E. ☐ **Categorical Exemption**

Specify type: Projects which are disapproved (Section 15270)

F. Reasons why the project is exempt:

Proposal to construct an addition an existing residential development in an area designated for residential uses.

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



Maria Perez, Project Planner

Date: 1/18/08

FOR TAX PURPOSES ONLY

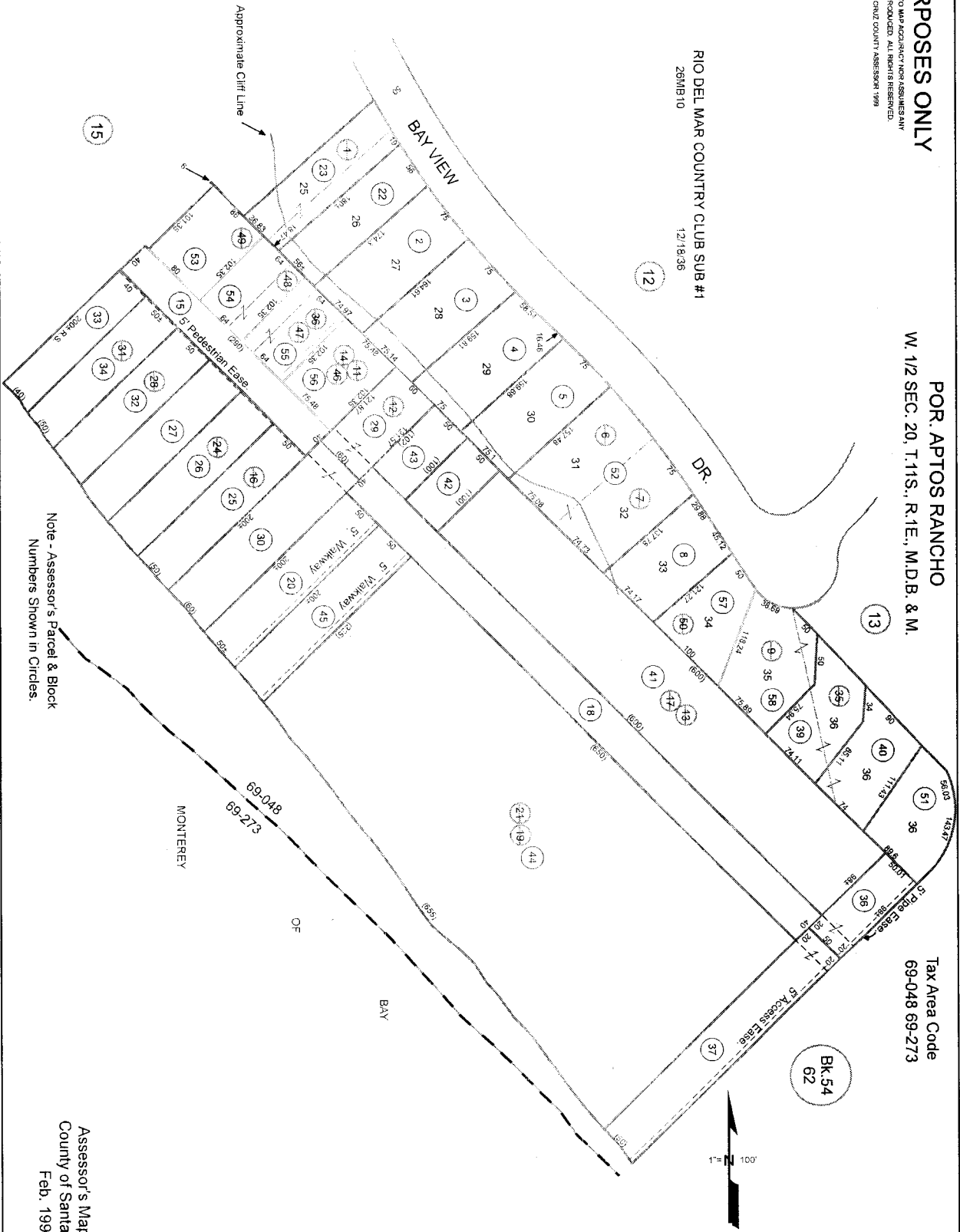
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

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

Tax Area Code
 69-048 69-273

43-16

RIO DEL MAR COUNTRY CLUB SUB #1
 26MB10
 12,18,36



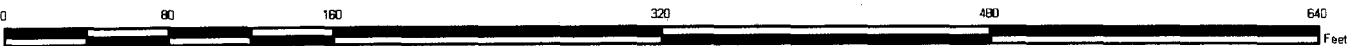
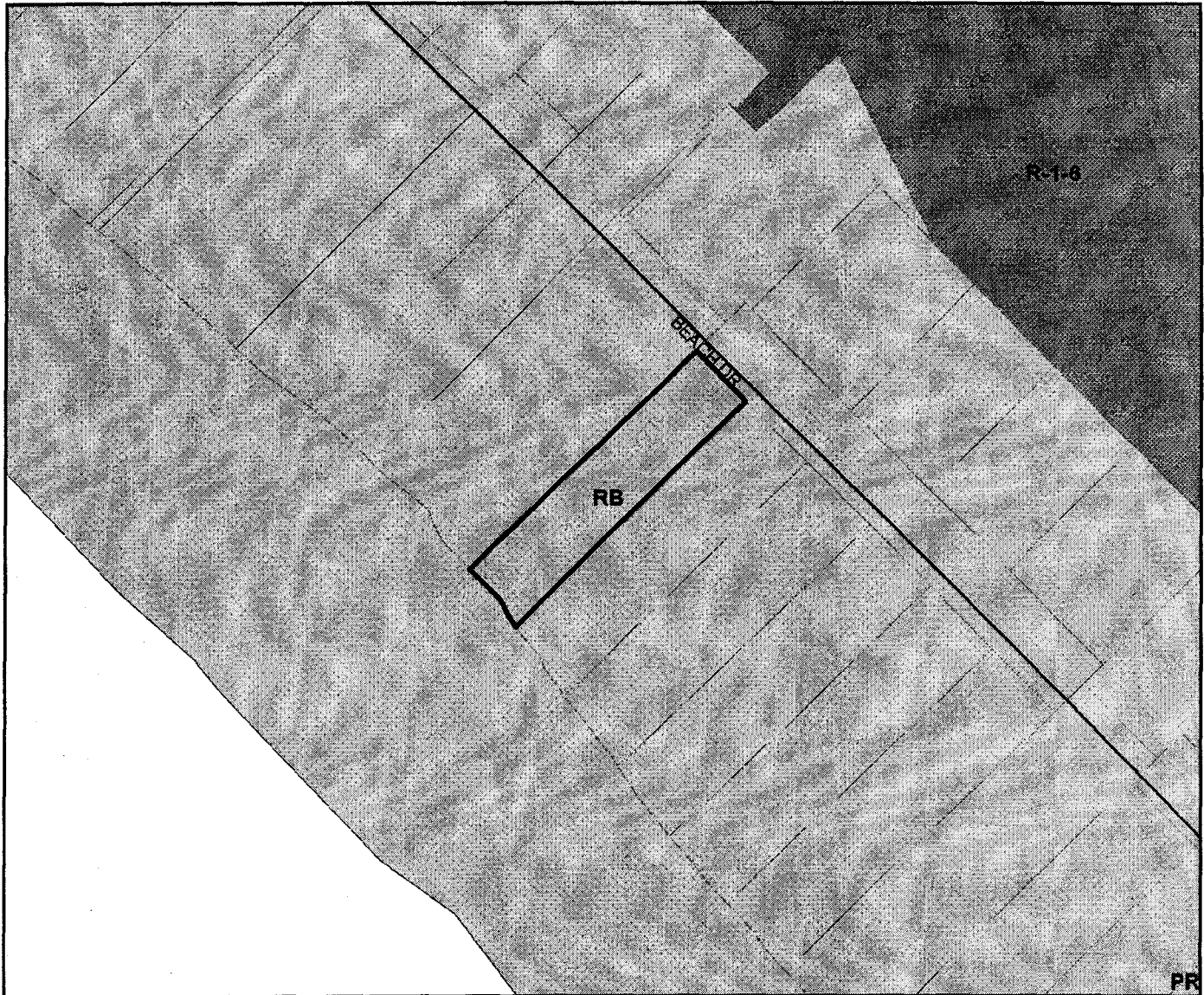
Electronically Redrawn 2/9/99 rw
 Rev. 12/15/99 GG (Cor. bdy 1-51)
 Rev. 1/24/00 CB (Cor bdy 1-51 as per 26MB10)
 Rev. 5/25/01 mm (changed page refs.)
 Rev. 2/17/05 DD (4-0079987 to 70, LBA 1-53 to 56)
 Rev. 10/12/06 CB (6-0021451 & 2, Sp 1-57 & 58)

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







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

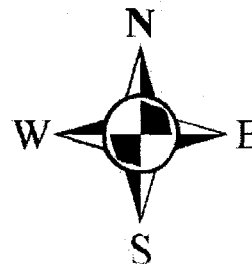


Zoning Map



Legend

-  APN: 043-161-33
-  Assessors Parcels
-  Streets
-  County Boundary
-  RESIDENTIAL- OCEAN BEACH (RB)
-  RESIDENTIAL-SINGLE FAMILY (R-1)



Map Created by
County of Santa Cruz
Planning Department
July 2007

December 3, 2007
644 Beach Dr
Aptos, CA 95003

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

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

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

Sincerely,

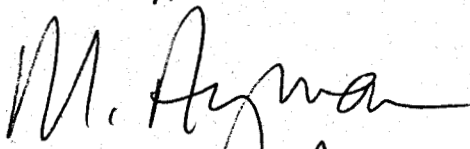

Michael Aymar
(408) 202-8791
MIKEAYMAR@AOL.COM

EXHIBIT G 1

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

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

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

Sincerely,

Meredith J. Foren
547 Beach Dr -
Aptos, Ca

EXHIBIT G 1

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

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

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

Sincerely,

Ellen Malone
634 Beach Drive
Aptos, CA. 95003

EXHIBIT 61

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

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

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

Sincerely,

Robert A. Nankin
636 BEACH DRIVE

Albert R. Schreck
549 Beach Drive
Aptos, CA

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

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

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

Sincerely,



549 Beach Drive, Aptos, CA

EXHIBIT G 1

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

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

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

Sincerely,

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

PATRICIA B. CRUDEN
642 Beach Dr.
Aptos, CA

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

Schrader Residence
630 Beach Drive Aptos
Coastal Development Permit Appin # 07-0350

Dear Mr. Bussey,

We are neighbors of the Schraders and have reviewed their design proposals to remodel their home.

We understand the proposals will result in a home with a street frontage similar to many other homes on the beach side of Beach Drive, namely two-stories, not exceeding 17 ft high.

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

Sincerely,

Patricia B. Cruden

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

Re: Schrader Residence
630 Beach Drive, Aptos
Coastal Development Permit Appln. # 07-0350

Dear Mr. Bussey,

We own a home on Beach Drive and thus are neighbors of the Schraders, who have submitted a design proposal for a remodel to their home at #630. Unlike proposed developments at 546 and 548 Beach Drive, which we strongly oppose (because they represent a threat to public safety, are in contravention of the California Coastal Act, and are grossly over-sized and out of character in relation to nearby homes), we support the Schrader's plans. We understand that for the proposed project at 630 Beach Drive:

- The resulting structural profile and volume will be in keeping with beachside homes nearby, i.e., with similar length of street frontage, no more than 2 stories, and with an acceptable height of 17 feet;
- The structure will not endanger the property and/or lives of surrounding residents;
- The Schraders have taken into consideration the privacy and concerns of their abutting neighbors in their design.

We encourage you to approve their project.

Sincerely,

Rob and Mitzie Forsland

1-18-08
#3

Maria Perez

From: Troedson, Jack [jackt@ccarey.com]
Sent: Monday, January 14, 2008 6:09 PM
To: Maria Perez
Cc: Troedson@aol.com
Subject: RE: Beach Dr projects, Aptos

Maria, I would appreciate it if you submitted this email correspondence to the "decision maker" and also attached it to the project file. Unfortunately, I don't believe either my wife or I can attend the public hearing this Friday re:630 Beach.

Thanks

From: Maria Perez [mailto:PLN110@co.santa-cruz.ca.us]
Sent: Monday, January 14, 2008 3:09 PM
To: Troedson, Jack
Subject: RE: Beach Dr projects, Aptos

Mr. Troedson,

Thank you for your input. We do take in to consideration impact on the neighbors by restricting work hours and setting conditions of approval. Please let me know if you have any suggestions that we could consider adding to the conditions of approval. We do welcome any input you may have on any of the projects and you are welcome to submit a letter that will be read by the decision maker and attached to the project file or you may attend any of the hearings to state your concerns.

Thank you,

Maria Perez
 Project Planner, Development Review
 County of Santa Cruz

-----Original Message-----

From: Troedson, Jack [mailto:jackt@ccarey.com]
Sent: Monday, January 14, 2008 1:54 PM
To: Maria Perez
Cc: Paia Levine; Troedson@aol.com
Subject: RE: Beach Dr projects, Aptos

Thank you for your response. It is much appreciated. I think we understand the justification for the changes to engineering/design and the efforts to mitigate damage, but what has been seemingly ignored during the process is the incompatibility, particularly during construction, with the existing residents. These fortresses would be similar to building several 2-3 story steel frame office buildings, with underground parking and large curtain walls, in a single family residential neighborhood. It simply doesn't work. We will contact Ellen Pirie with our concerns and hope that she will empathize with us.

From: Maria Perez [mailto:PLN110@co.santa-cruz.ca.us]
Sent: Monday, January 14, 2008 1:47 PM
To: Troedson, Jack
Cc: Paia Levine
Subject: RE: Beach Dr projects, Aptos

Mr. & Mrs. Troedson,

1/15/2008

Mr. Keyon has left his job with the County. It is my understanding that the engineering has changed over the years in such a way that building of the lots on the bluff side of Beach Drive now mitigates for the hazards of landslides by constructing homes into the bluff with covered decks made out of reinforced concrete to withstand the impact should the bluff fail and by elevating them to mitigate for wave run up by meeting FEMA requirements and County code. The ordinance allows the construction of these homes with the mitigation for such hazards. The homes on the beach side have been allowed up to two stories with one habitable floor, while the homes on the bluff side have been allowed to be 3-stories below 25 feet in height with two habitable floors. The designs of the homes along Beach Drive are driven by special circumstances found in this area due to landslide and wave run up hazards. The following is a summary of Beach Drive projects that are currently assigned to myself.

07-0059 (apn 043-152-58) is an application for a 3-story "bunker" (home that is built into the bluff) home that is currently under review for completeness.

06-0688 (apn 043-161-53) is an application for a 3-story "bunker" home that is currently under review for completeness.

07-0350 (apn 043-161-33) is an application for 2 story beach side addition, this project will be heard on Friday, January the 18th. This is the project you mentioned as asking for your support. County staff is recommending denial as the addition is not for flood elevation and simply for two habitable floors.

07-0392 (apn 043-152-32) is an application for minor remodeling to an existing one story beach side home. This project is almost complete for hearing.

07-0449 (apn 043-152-25) is an application for a new 2-story beach side home that is to be elevated to meet FEMA requirements and will have only one habitable floor. This property is next door to the home currently under construction across the street from your residence.

06-0156 (apn 043-152-70) is for a 3 story "bunker" home that was recently approved by the Planning Commission but was appealed to the Coastal Commission by a group of neighbors.

04-0255 (apn 043-152-71) this is a 3 story "bunker" home that is owned by the same group for application 06-0156, this was appealed to the Coastal Commission and was approved, it is currently being reviewed for a building permit and has been appealed to the Courts by the same group of neighbors as application 06-0156.

From our inventory it appears that there are still about 4 vacant lots on the bluff side of Beach Drive where no applications have been filed but most likely will be in the future. All homes on the beach side of Beach Drive have the potential to be rebuilt to two stories to meet FEMA elevations.

The supervisor for this area of the County is Ellen Pirie, you can reach her at 831-454-2200 or ellen.pirie@co.santa-cruz.ca.us.

I hope I have answered your questions and you are welcome to submit a letter or attend any hearing for the construction of any of these projects.

Maria Perez
Project Planner, Development Review
County of Santa Cruz

-----Original Message-----

From: Troedson, Jack [mailto:jackt@ccarey.com]
Sent: Monday, January 14, 2008 10:34 AM
To: David Keyon; Maria Perez
Cc: Troedson@aol.com
Subject: Beach Dr projects, Aptos

David and Maria, we continue to be concerned about the continuing developments behind the gate on Beach Dr. There truly appears to be no end in sight to the excessive residential developments going on in our neighborhood.

Does anyone at the County support modest construction with sensitivity to the existing homes and their views? Does anyone realize that, by conforming to FEMA or County guidelines (or whatever they are), these "homes" that are being approved are really more like 2-3 story office bldgs---massive excavation and pile driving, concrete/steel curtain walls, steel beams..... just plain HUGE and very disruptive during construction!! I can't imagine that any Santa Cruz neighborhood would allow similar construction! Why is it happening here?

We recently completed an interior remodel of our home @ 621 Beach Dr, without expanding the footprint or size of the home. 1600 sq ft two story and perfect for the neighborhood. The day we moved back in, new construction of a two story beach front home across the street started. Our house literally shook for the next 3-4 weeks as the piles were driven---we even had cracks in our new kitchen tile due to the shaking. Within days, a nice layer of dirt covered our deck, our awnings and basically the fresh exterior of our home. The constant heavy construction certainly ruined our weekdays at the beach. Now that the second level is being built, we no longer have any view of Pleasure Point. This is all in addition to the construction down the street, which dwarfs the site across from our house. The other day, I couldn't drive down the street as one of many cement trucks backed down the entire street (beeping in reverse the whole time!!!) ---had to wait almost ten minutes as they figured out how to maneuver from the gate all the way to the end of the street. It seems that the County has basically granted development rights on every parcel behind the gate. We see more signs seeking approval of bluff side developments. We were asked to support a second floor variance at 630 Beach. After many yrs of little or no development, it seems as if the floodgates have opened. Is there any end in sight?

Could you pls provide me with a summary of current submittals behind the gate? Who is the County Supervisor responsible for our area? We need to decide what to do, since living in a construction zone for the next several yrs is not what we had in mind when we bought our home in 1989.

Thanks for reply,

Jack and Lisa Troedson
650-400-0401