



Staff Report to the Zoning Administrator

Application Number: **07-0392**

Applicant: Dee Murray
Owner: KMV Properties II LLC
APN: 043-152-32

Agenda Date: March 21, 2008
Agenda Item No.: 2
Time: After 10:00 a.m.

Project Description: Proposal to remodel an existing significantly non-conforming dwelling to include replacing windows, decks, side yard wood fence, minor interior repartitioning, and the addition of a sliding glass door and deck in the rear yard (not to exceed 30" above grade). Requires a Coastal Development Permit and a Residential Development Permit for alterations to a significantly non-conforming structure (located within five feet from a right-of-way).

Location: Located on the south side of Beach Drive at 551 Beach Drive in Aptos.

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

Permits Required: Coastal Development Permit; Residential Development Permit

Technical Reviews: Geologic Hazard Assessment

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0392, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Project plans | H. Coastal Flood Map |
| B. Findings | I. Urban Designer comments |
| C. Conditions | J. Printout of Discretionary application comments, dated 02/14/08 |
| D. Categorical Exemption (CEQA determination) | K. Geologic Hazard Assessment, dated 11/14/07 |
| E. Assessor's parcel map | L. Comments & Correspondence |
| F. Zoning and General Plan map | |
| G. Location Map | |

Parcel Information

Parcel Size: 14,810 square feet
Existing Land Use - Parcel: Residential- Single Family Dwelling
Existing Land Use - Surrounding: Residential- Single Family Dwelling
Project Access: Beach Drive
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: RB (Residential- Ocean Beach)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: FEMA Flood Zone VE (Wave run-up hazard zone)
Soils: 109 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: ☒ 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

The subject parcel contains a one story single family dwelling that was constructed in 1961. In 1990 a building permit was issued to replace a chimney that was damaged by the 1989 Loma Prieta earthquake. In 2001, a reroof permit was issued under building permit 127675 that was later finalized with a special inspection.

Project Setting

The subject property is located on the beach along Beach Drive at 551 Beach Drive. The portion of Beach Drive where the parcel is located contains homes on the beach side of Beach Drive that consist of single and two story homes. Due to the location of the site on the beach across from the coastal bluff, the site is subject to landslide and coastal flood hazards. The lot is essentially level with an approximately 5 foot high seawall separating the site from the open beach. A five foot wide access easement exists immediately downcoast of the project site, intended for use by

other Beach Drive residents.

Zoning & General Plan Consistency

The subject property is a 14,810 square foot lot, located in the RB (Residential-Ocean Beach) zone district, a designation which allows residential uses. The proposed remodel to the existing Single Family Dwelling 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 RB zone district standards are outlined below:

	RB Zone Standard
Front yard setback	10'
Side yard setbacks	0' & 5'
Rear yard setback	10'
Maximum height	17'
Number of stories	one

The existing structure meets all zone district standards except for the front yard setback. The existing structure is within five feet of the right-of-way, therefore, the portion within the front yard setback is significantly non-conforming (County Code 13.10.265(k)).

Analysis

The existing structure is located within five feet of the right-of-way, therefore it is significantly non-conforming. Significantly non-conforming structures are not allowed structural enlargement, extension, reconstruction or alterations without specific findings being made a variance approved (County Code 13.10.265(j)). The proposed work within the required front yard setback is limited to replacing windows in kind where the structural members will not be altered, therefore, no variance is required.

The work portion of the structure that is conforming includes replacement in kind of windows within the front yard setback. Work to the remainder of the structure includes: minor interior repartitioning, new sliding glass door, new bay window, replacement of existing wood decks, replacement of existing side yard wood fence, new entry doors, new windows, new exterior shingles and gutters, and new deck in rear yard (not to exceed 30 inches above grade). The replacement side yard fence shall be a maximum of six feet in height and within the ten foot front yard setback shall not exceed three feet to allow for adequate sight distance to turn onto or off Beach Drive. Because this work will be performed within portions of the structure that meet RB zone district standards, therefore, only a Coastal Development permit is required.

Local Coastal Program Consistency

The subject parcel retains a General Plan/Local Coastal Program land use designation of R-UL (Urban Low Density Residential), implemented by the RB (Residential –Ocean Beach) zone district. The proposed single-family dwelling complies with the purposes of this land use designation, as the primary use of the site will remain residential with no additions proposed.

Design Review

The alterations to the Single Family Dwelling comply with the requirements of the County Design Review Ordinance, in that the project will use materials and finishes such as painted wood shingles (Exhibit A) which are similar to those used on many Beach Drive homes and which will harmonize with the character of the area. 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 beach side of Beach Drive.

Geologic Hazard Assessment

A Geologic Hazard Assessment (GHA) was completed for the initial proposal that included an approximately 90 square foot addition seaward of the dining area onto the existing deck. The GHA determined that habitable area could not be enlarged seaward without a Geologic Report demonstrating that the addition can meet County Code 16.10.070 (h) 5(i). Therefore, the addition to the dining room was removed. The alteration to the existing bay window was also considered, and it was determined that the reduction in size would not require additional information or be restricted for geologic reasons.

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 07-0392, 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 (Residential-Ocean Beach), a designation which allows residential uses. The proposed Single Family Dwelling is 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 parcel is not governed by an open space easement or similar land use contract. Though the existing home is within five feet of the Beach Drive right-of-way, the road will not be blocked and the distance will not be lessened because no additions are proposed. The proposed remodel will not affect public access to the beach, as public access is available just outside of the Beach Drive gate. There is a five foot wide access easement adjacent to the structure on the south side. This access will be maintained for use by Beach Drive residents.

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 similar to other homes on Beach Drive 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 public access to the beach is located northwest of the parcel on Beach Drive at the State Parks parking lot located before the gate for the private section of Beach Drive. The proposed remodel will not interfere with public access to the beach, ocean, or any nearby body of water, as it will not encroach into any existing coastal access easements, including the 5 foot easement immediately adjacent to the site for use by Beach Drive residents. The project site is not identified as a priority acquisition site in the County Local Coastal Program, and is not designated for public recreation or visitor serving facilities.

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

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APN: 043-095-22

Owner: John L & Mary Sue Albanese

surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the materials and colors proposed are similar to those used on many Beach Drive homes and will be compatible with adjacent development.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The 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 are minimal and 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 (Residential-Ocean Beach) zone district in that the primary use of the property will be one Single Family Dwelling that meets all current site standards for the zone district with the exception of the significantly non-conforming portion within the front yard setbacks, as it is located within five feet of the right-of-way. Findings can be made to allow the structural alteration to a significantly non-conforming structure (see below), as no alterations are proposed to the significantly non-conforming portion of the structure.

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 remodel, 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 will remain unchanged.

Residential Development Permit Findings for Significantly Non-Conforming Structures

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The 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 retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.

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

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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

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

This finding can be made, in that the 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.

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

This finding can be made in that the proposed project does not include any increase in dimensions of the structure.

Conditions of Approval

Exhibit A: Project plans, two sheets, prepared by Thatcher & Thompson, dated January 30, 2008.

- I. This permit authorizes the remodeling of a(n) 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
 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. Label existing five foot pedestrian easement.

- F. Remove all obstructions, including the gate and planter box, that impede the five (5) foot pedestrian easement that is to be used for coastal access.
- 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.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- 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. A variance permit is required for any structural changes to the significantly non-conforming structure beyond the ordinary maintenance and repair allowed under Section 13.10.265(e) of the County Code.
 - C. Two or more instances of repair, reconstruction, alteration, addition or improvements to a structure over a course of five consecutive years may trigger additional fees and requirements. If the value of these activities, when added together, equals or exceed fifty (50) percent of the market value of the structure, the activity as a whole shall be considered to be a "substantial improvement" as defined by County Code 16.10.040 (3m) and will be subject to Federal Emergency Management Agency requirements and Geologic Hazards Ordinance (16.10).
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development

Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Please note: This permit expires two years from the effective date 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: 07-0392

Assessor Parcel Number: 043-152-32

Project Location: 515 Beach Drive

Project Description: Proposal to remodel an existing significantly non-conforming dwelling to include replacing windows, decks, side yard wood fence, repartitioning of the interior and addition of sliding glass door and a deck in the rear yard (not to exceed 30" above grade)

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: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Proposal to do interior and exterior remodeling to an existing significantly non-conforming single family dwelling.

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



Maria Perez, Project Planner

Date: _____

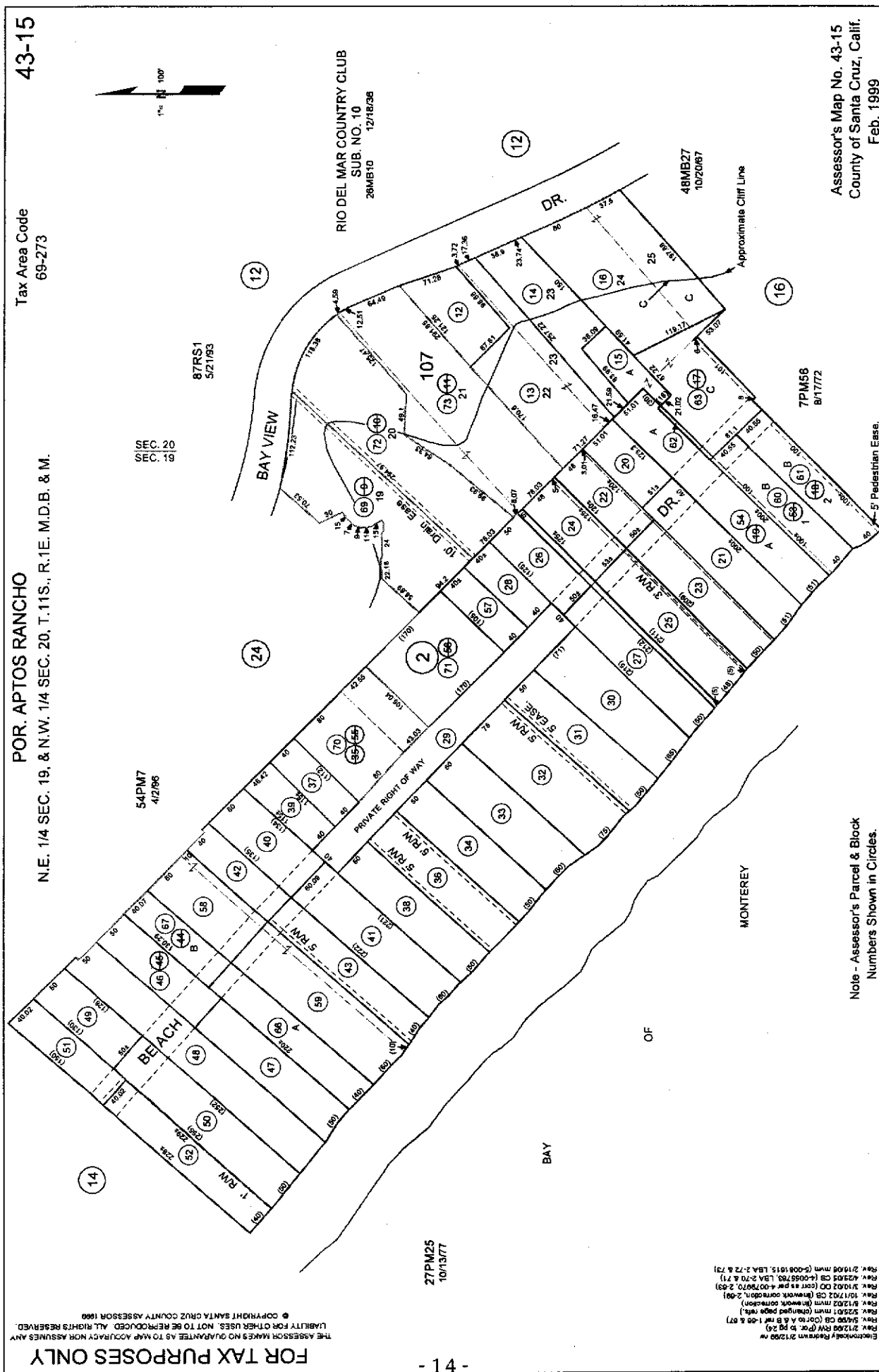
2/25/08

POR. APTOS RANCHO
N.E. 1/4 SEC. 19, & N.W. 1/4 SEC. 20, T.11S., R.1E. M.D.B. & M.

FOR TAX PURPOSES ONLY

- 14 -

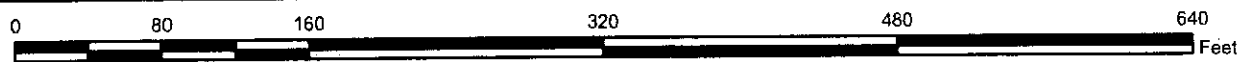
EXHIBIT E



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



Zoning Map



LEGEND



APN: 043-152-32



Streets



Assessors Parcels

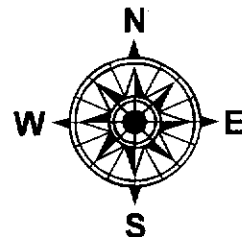


State Highways

RESIDENTIAL-OCEAN BEACH



RESIDENTIAL-SINGLE FAMILY

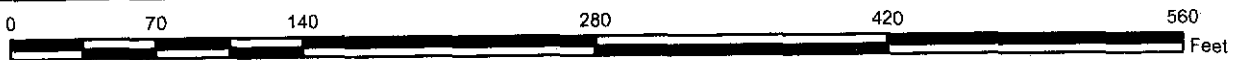
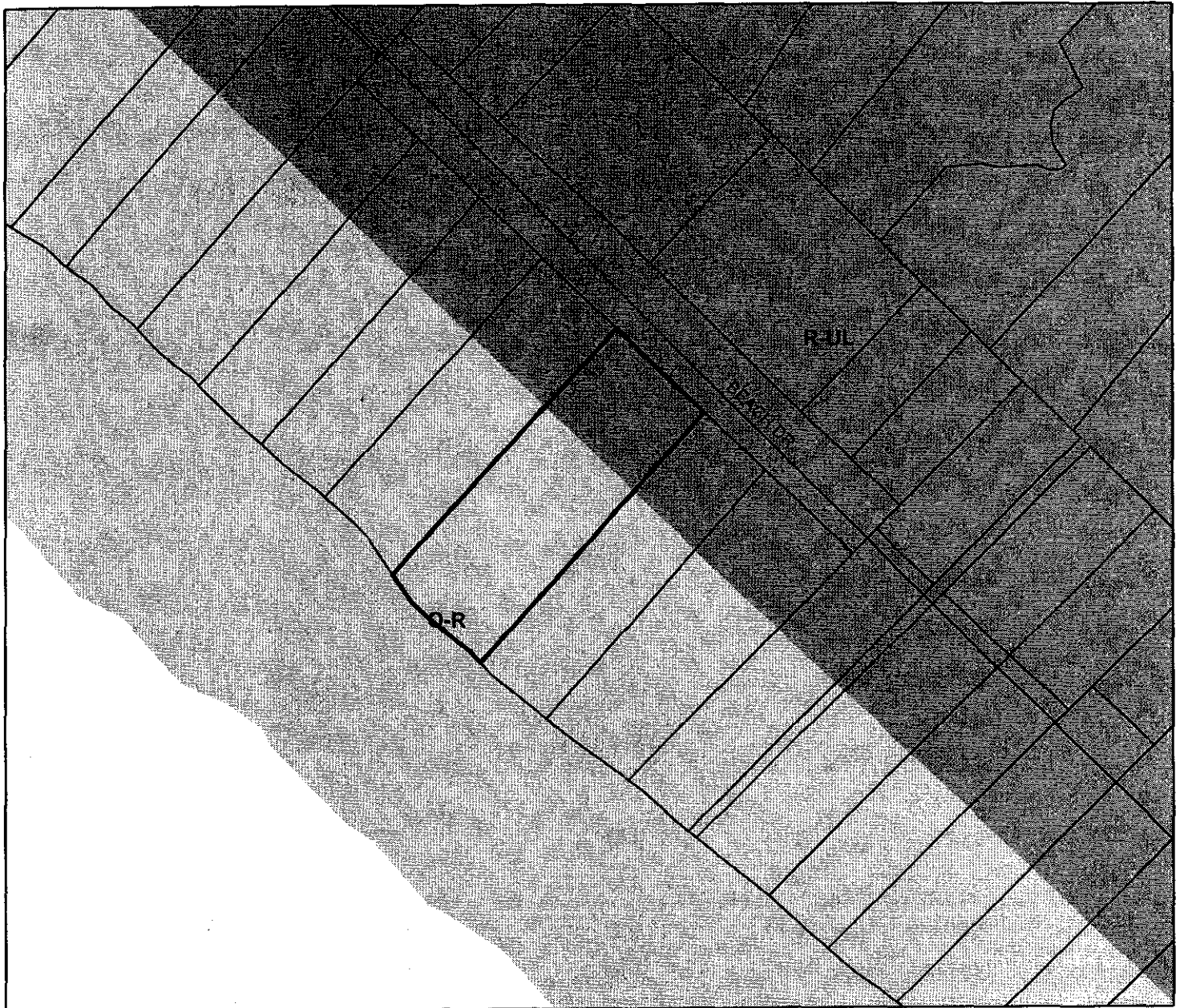


Map created by
County of Santa Cruz
Planning Department
August 2007




EXHIBIT F

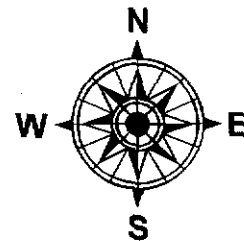


General Plan Designation Map



LEGEND

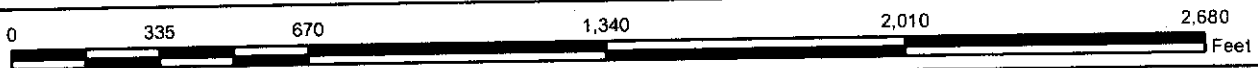
-  APN: 043-152-32
-  Streets
-  Assessors Parcels
-  State Highways
-  Parks and Recreation
-  Residential - Urban Low Density







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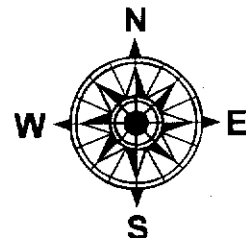


Location Map



LEGEND

-  APN: 043-152-32
-  Streets
-  Assessors Parcels
-  State Highways

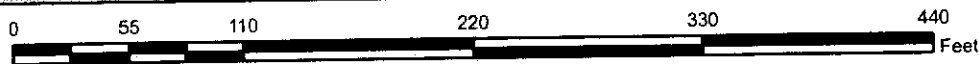
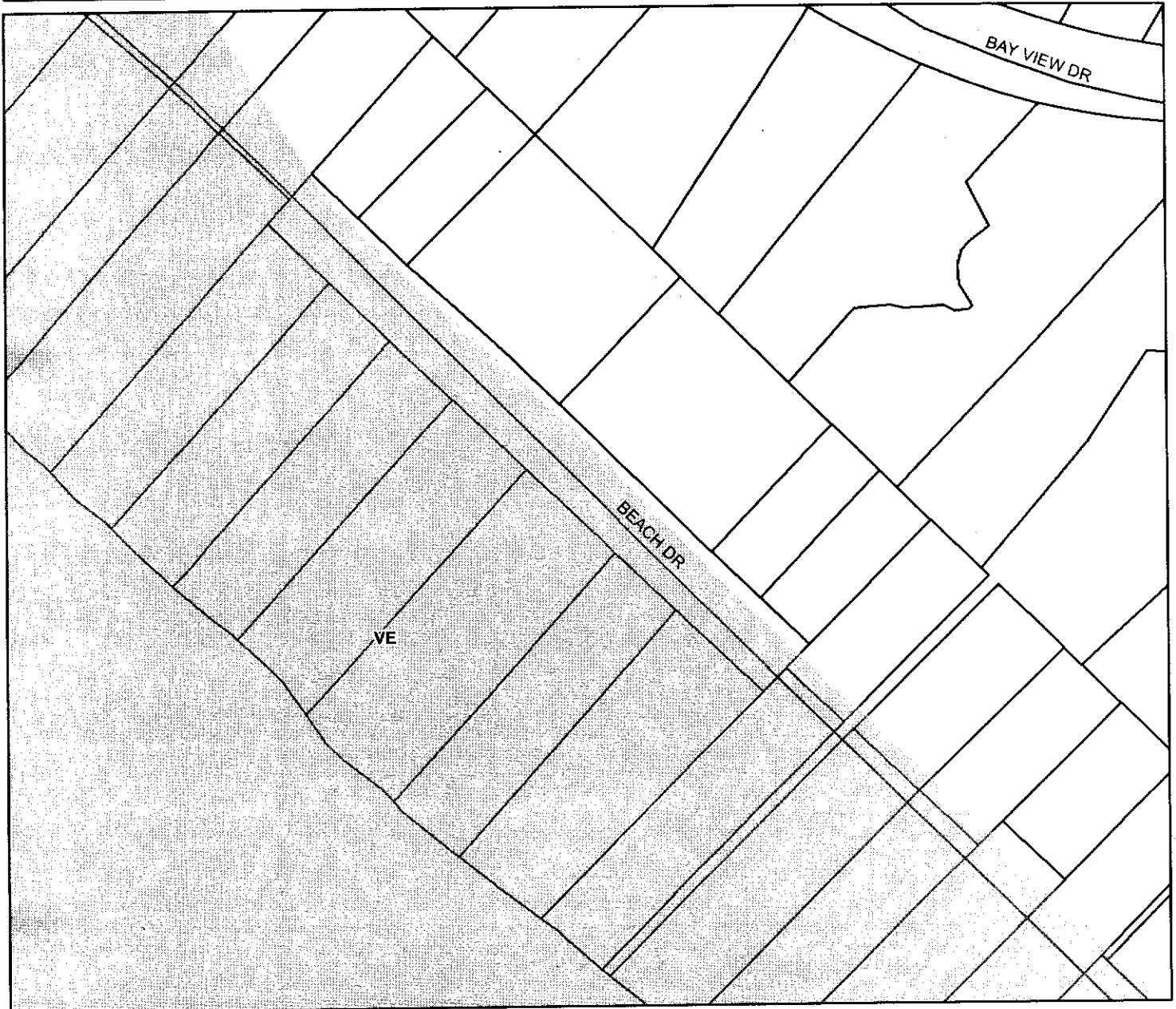


Map created by
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Planning Department
August 2007

EXHIBIT G



Coastal Flood Map



LEGEND

APN: 043-152-32

Streets

Assessors Parcels

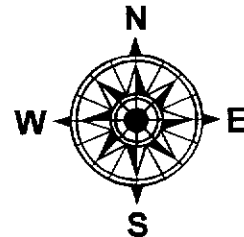
State Highways

FEMA DFIRM Floodways

FEMA DFIRM Flood Insurance Zones

FLD_ZONE

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Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT H

INTEROFFICE MEMO

APPLICATION NO: 07-0392

Date: August 1, 2007

To: Porcila Perez, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Review of a remodel to an existing single family dwelling at 551 Beach Drive, Aptos

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Visual Compatibility			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✓		
Minimum Site Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.	✓		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✓		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✓		

Ridgeline Development			
Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			N/A
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
Landscaping			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			N/A

Rural Scenic Resources			
Location of development			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
Site Planning			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A
Building design			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A

Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			N/A
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A

Beach Viewsheds			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred			N/A

Design Review Authority

13.11.040 Projects requiring design review.

(a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

13.11.030 Definitions

(u) "Sensitive Site" shall mean any property located adjacent to a scenic road or within the viewshed of a scenic road as recognized in the General Plan; or located on a coastal bluff, or on a ridgeline.

Design Review Standards**13.11.072 Site design.**

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site			N/A
Building siting in terms of its location and orientation			N/A
Building bulk, massing and scale	✓		
Parking location and layout			N/A
Relationship to natural site features and environmental influences			N/A
Landscaping			N/A
Streetscape relationship			N/A
Street design and transit facilities			N/A

Relationship to existing structures	✓		
Natural Site Amenities and Features			
Relate to surrounding topography			N/A
Retention of natural amenities			N/A
Siting and orientation which takes advantage of natural amenities			N/A
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks			N/A
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		

Scale			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting	✓		
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Maria Perez
Application No.: 07-0392
APN: 043-152-32

Date: February 14, 2008
Time: 11:48:20
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON AUGUST 17, 2007 BY ANTONELLA GENTILE =====
Environmental Planning completeness comments:

1. Because this project is located in a Coastal Flood Hazard Area, a Flood Geologic Hazard Assessment is required. Please apply for the Flood GHA at the Zoning Counter. Please note that further technical reports may be required after the GHA has been completed.

Environmental Planning Miscellaneous Comments

===== REVIEW ON AUGUST 17, 2007 BY ANTONELLA GENTILE =====
Environmental Planning compliance comments:

County Code section 16.10.050 requires a Geologic Hazards Assessment for all development activities in the coastal hazard area.



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

November 14, 2007

Dee Murray
2272 Kinsley Street
Santa Cruz, CA 95062

Subject: GEOLOGIC HAZARDS ASSESSMENT
APN: **043-152-32**
LOCATION: **551 Beach Drive**
PERMIT APPLICATION NUMBER: **07-0392**
OWNER: KMV Properties

Dear Dee,

We have recently conducted a site inspection of the parcel referenced above where an addition to an existing rear deck (less than 30-inches above grade), a small addition to the dining room and replacement of an existing bay window is proposed. This inspection was completed to assess the property for possible flood hazards due to its proximity to the 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.

Copies of the federal flood maps (panel 359D) indicate the flood hazard boundaries in this area and the approximate parcel location (figure 2). 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.

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.

LOCAL GEOLOGY

The county geologic map (Brabb, 1974) shows the parcel underlain by beach sand and the Purisima formation (figure 4). 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 3).

ANALYSIS

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. It has been determined that 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.

However, one aspect of the proposed project (dining room extension) does not conform to County Code Section 16.10.070(h)(5), Coastal High Hazard Area Development Criteria. This code section states that for all proposed development (which is defined as anything which extends the structure in a seaward direction), the applicant must demonstrate that the potential hazards on the site can be mitigated over the 100-year lifetime of the structure, as determined by a full geologic report. In addition to the setback determined through the geologic report, development must also be located landward of the reach of mean high tide and outside the area of storm wave inundation where a buildable portion of the property is outside of the storm wave inundation area. Therefore, The proposed dining room addition (in a seaward direction) must be omitted.

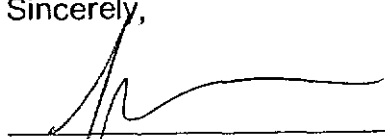
CONCLUSIONS

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 definition of development in County Code section 16.10.070(h)(5)).
3. The enclosed Declaration form acknowledging a possible flood hazard to the parcel must be completed prior to issuance of a building permit.

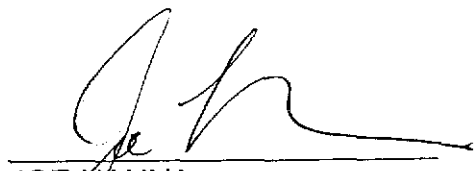
If you have any questions concerning the assessment of this property for flood hazards or the permit conditions described above, please call me at 454-3162. Questions regarding insurance coverage under the National Flood Insurance Program should be directed to an insurance agent.

Sincerely,


JESSICA DEGRASSI
Resource Planner
Environmental Planning

Date

11/14/07

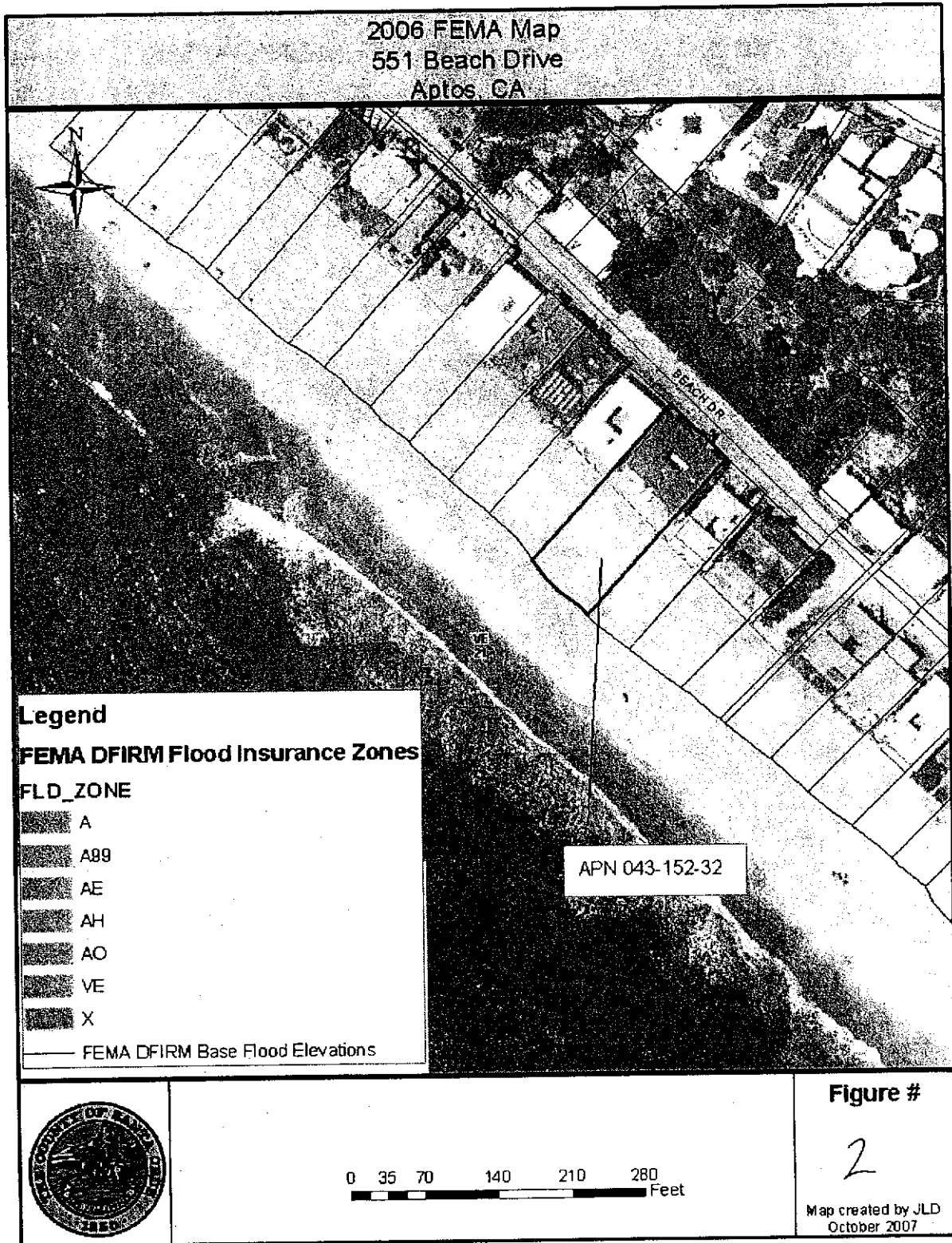

JOE HANNA
County Geologist
CEG #1313

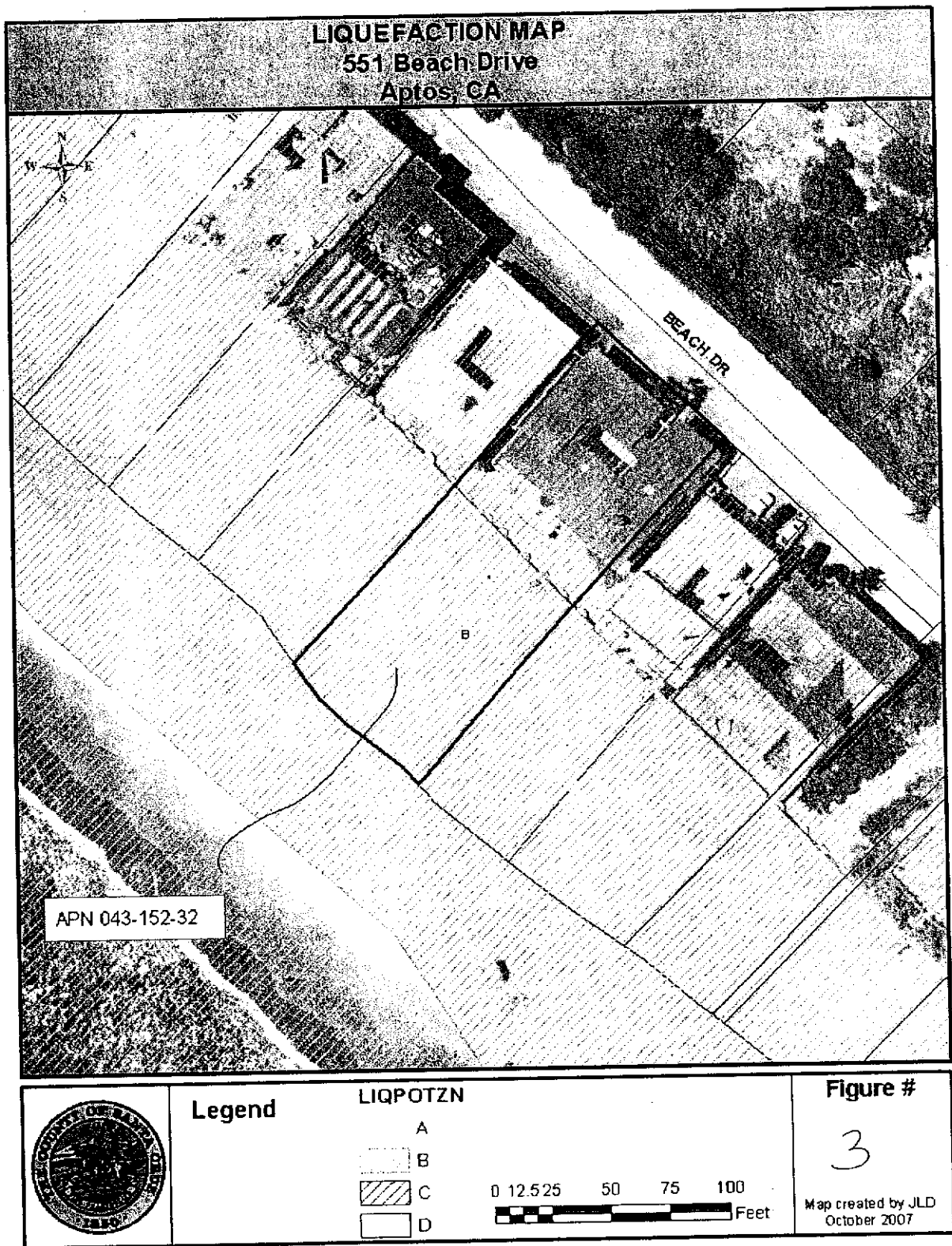
FOR: CLAUDIA SLATER
Principal Planner
Environmental Planning

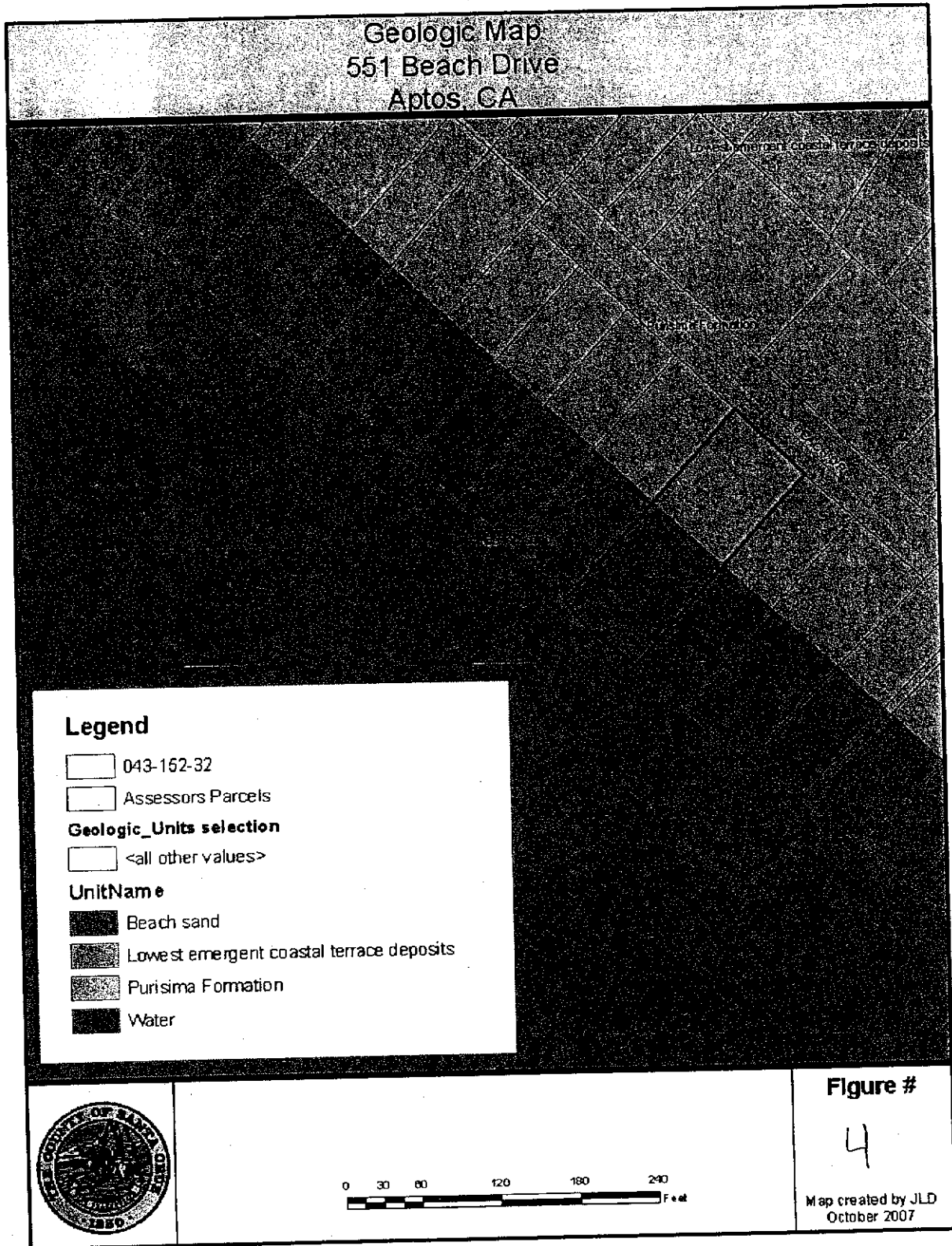
Enclosure(s)

cc: GHA File
Porcila Perez, Planner











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
ALVIN JAMES, DIRECTOR

STEPS FOR COMPLETING THE ENCLOSED DECLARATION OF GEOLOGIC HAZARDS

Read the following instructions and carry out all steps. Do not make any alterations to the form, except as allowed by #2 below. FAILURE TO FOLLOW THE INSTRUCTIONS OR ALTERATIONS TO THE FORM WILL RESULT IN A DELAY IN THE FINAL OF YOUR PERMIT.

1. Read the entire Declaration.
2. Check the information filled in by County staff (ownership, Assessor's Parcel Number, recordation dates, volume and page number and address). IF THERE ARE OMISSIONS, FILL IN THE BLANKS. The information can be found on the recorded deed or in the County Recorder's Office. If you feel there are any other errors, contact Environmental Planning staff for instructions. The form is a formal document and shall not be altered as above. Any unauthorized change(s) will result in an additional delay in processing your permit.
3. Have all owner(s) signatures acknowledged by a notary public. An acknowledgement is a form obtained from the notary verifying that the signatory is the person stated on the Declaration.
4. Take, do not mail, the form and recording fee to:

Office of the County Recorder
County Government Center
701 Ocean Street, Room 230
(831) 454-2800

5. Bring or send a copy of the recorded document to:

Jessica de Grassi
County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, Ca. 95060

YOUR PERMIT CANNOT BE APPROVED UNTIL THE ABOVE STEPS ARE COMPLETED. Please call me at 454-3162 if you have any questions regarding this form.

EXHIBIT E
RECORDED AT REQUEST OF:
County of Santa Cruz

WHEN RECORDED MAIL TO:

Santa Cruz County Planning
701 Ocean St.
Santa Cruz, CA 95060

(Space above this line for Recorder's use only)

Note to County Recorder:

Please return to the staff geologist in the Planning Department when completed.

**DECLARATION REGARDING THE ISSUANCE OF A DEVELOPMENT PERMIT
IN AN AREA SUBJECT TO GEOLOGIC HAZARDS**

The undersigned _____ (names of property owners) (does) (do) hereby certify to be the owner(s) of the real property located in the County of Santa Cruz, State of California, commonly known as _____ (street address); legally described in that certain deed recorded in Book _____ of the official records of the Santa Cruz County Recorder on _____ (deed recordation date); Assessor's Parcel Number: _____.

And, acknowledge that records and reports, filed with the Santa Cruz County Planning Department, indicates that the above described property is located within an area that is subject to geologic hazards, to wit:

The subject property is located on the beach and within FEMA designated wave run-up zone associated with the 100-year storm. Development on this parcel may be subject to damage from storm waves during the 100-year event. The parcel may also be subject to liquefaction hazards during a large seismic event.

And, having full understanding of said hazards, (I) (We) elect to pursue development activities in an area subject to geologic hazards and do hereby agree to release the County from any liability and consequences arising from the issuance of the development permit.

This Declaration shall run with the land and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. This document should be disclosed to the foregoing individuals. This Declaration may not be altered or removed from the records of the County Recorder without the prior consent of the Planning Director of the County of Santa Cruz.

OWNER: _____ OWNER: _____
Signature Signature

ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGEMENT SHALL BE USED.

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ ss

On _____ before me _____, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public in and for said County and State