



Staff Report to the Zoning Administrator

Application Number: **121016**

Applicant: Brian Aced
Owner: Philip Mahoney, Trustee
APN: 043-095-27

Agenda Date: May 4, 2012
Agenda Item #: 4
Time: After 9:00 a.m.

Project Description: Proposal to replace windows, garage doors, siding, landscape wall and second story deck railings at an existing significantly nonconforming single-family dwelling. Requires a Coastal Development Permit and a Variance to structurally alter portions of a significantly nonconforming structure.

Location: Project located on the north side of Beach Drive, about ¼ mile east of the intersection with Rio Del Mar Blvd. (351 Beach Drive)

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

Permits Required: Coastal Development Permit, Variance
Technical Reviews: Geologic Hazards Assessment

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121016, based on the attached findings and conditions.

Exhibits

- | | |
|--|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Comments & Correspondence\ |
| D. Categorical Exemption (CEQA
determination) | G. Geologic Hazards Assessment |

Parcel Information

Parcel Size:	7840 square feet.
Existing Land Use - Parcel:	Single-family residential
Existing Land Use - Surrounding:	Single-family residential
Project Access:	Beach Drive (private, gated portion)
Planning Area:	Aptos

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

Land Use Designation: R-UL (Urban Low Residential)
Zone District: R-1-6 (Single-family dwelling, 6,000 square foot minimum parcel size)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: FEMA Flood Zone VE (wave run-up hazard zone) and landslide potential exists as parcel is located at the base of coastal bluff. Existing structure is protected by 8-10 foot tall retaining wall at the base of the bluff.
Soils: Beach sand (soils map index number 109) and Watsonville Loam (coastal bluff)
Fire Hazard: Not a mapped constraint
Slopes: Adjacent to base of coastal bluff with slopes of 50-75%
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: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The existing house was constructed in 1946. A permit was issued in 1980 to construct a retaining wall at the rear of the parcel. Subsequent permits were issued for an electrical upgrade (1980), minor earthquake damage repair (1989), and a new roof (1996). The house has a current building permit (B-112864) authorizing interior remodel work to include enlarging bathrooms, reconfiguring a laundry room, and other minor alterations. The permit does not alter the number of bedrooms or impact the parking requirement.

Project Setting

The project site is located between the base of a coastal bluff and Beach Drive. The developed portion of the property is flat; however the rear portion of the lot extends approximately 85 feet up the face of the bluff, with a substantial (6-8 foot tall) retaining wall constructed at the base of the bluff. The project is located in the Aptos Planning Area and the neighborhood is developed with two and three-story single-family dwellings. Access to the site is via the public (non-gated)

portion of Beach Drive.

The applicant proposes to replace and reframe approximately thirteen first and second story doors and windows, to replace a portion of the existing wood siding with stone facing, to replace a deck railing at the second story, raise the roof eaves one foot, and to replace and relocate a landscape wall at the front of the property. The square footage of the existing dwelling will be unchanged and no grading or additional impervious surface will be added. The existing dwelling is nonconforming with respect to the front and side yard setbacks. At the eastern edge of the lot, the house is significantly nonconforming with a zero side yard setback and no separation between the subject and adjacent dwellings. Because a portion of the proposed structural alteration occurs within the significantly nonconforming portion of the structure, a Variance is required in addition to the Coastal Development Permit.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 7,840 square feet, located in the R-1-6 (Single-family dwelling, 6,000 square foot minimum parcel size) zone district, a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UL) Urban Low Residential General Plan designation.

Local Coastal Program Consistency

The proposed residential remodel complies with the County's certified Local Coastal Program, in that the proposed upgrades to the existing dwelling are designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The proposed modifications to existing window and door openings, siding, deck and landscape features represent improvements over what had been a very dated and weathered exterior.

Developed parcels in the area contain two and three-story single family dwellings. The proposed alterations fit easily within the existing range of architectural styles of surrounding dwellings, as the original configuration, bulk and mass, will remain unchanged.

The project site is located between the shoreline and the first public road; however the site is nestled into the base of the cliff and does not impede beach access or restrict coastal views. The site is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Geologic Hazards

The project site is located within the Federal Emergency Management Agency (FEMA) VE-zone, also known as the Coastal High Hazard Area. A Geologic Hazards Assessment (GHA) was completed in order to assess the property for possible flood hazards due to its location within the VE-zone. Under the National Flood Insurance Program, any structure that is modified so that it is substantially improved must be brought into compliance with current FEMA standards that are specified in the California Building Code.

The determination of substantial improvement is based on the estimated construction cost of all proposed improvements relative to the current market value of the structure. According to the GHA, the work proposed under the subject application, in addition to the work approved under the current building permit (B-112864), does not meet the definition of substantial improvement. Project conditions of approval require verification of construction costs prior to the issuance of any additional building permits, as well as the recordation of a declaration of geologic hazard for the property.

Design Review

The proposed residential remodeling work complies with the requirements of the County Design Review Ordinance, in that the proposed project retains the original configuration and design of the existing structure while providing updates to original features, such as replacement of the weathered wood siding and monolithic deck elements. The proposed changes also include the use of a more contemporary color palette, interesting design features such as exterior crown molding, stone pillar and landscape wall. The modest updates reduce the visual impact of the proposed development on surrounding land uses and natural cliff backdrop.

Variance

The dwelling is significantly nonconforming with respect to the eastern property line. The structure was constructed to the property line, with no setback, as was the immediately adjacent dwelling. Therefore, there is no separation between the structures. The proposed remodel includes re-framing window and garage door openings within the portion of the structure that is significantly nonconforming. According to section 13.10.265(e)(3) of the County Code, any structural alteration to the significantly nonconforming portions of a structure require Variance approval.

In this case, the proposed changes to existing window and door openings do not result in an increase in the nonconforming dimensions of the structure, nor do the changes substantially alter the overall appearance of the dwelling. The modifications to the door and window openings within the nonconforming portions of the structure will help to modernize the look of the structure as well as providing an opportunity to address identified pest infestation that threatens both the subject and adjacent structures.

While a pest report indicates the presents of dry rot and additional repairs of the eastern wall, such repairs will not alter the overall design of the dwelling and will benefit surrounding properties. The modest remodel under consideration would merely allow the 65-year old dwelling to be updated and the design features improved.

Environmental Review

The proposed residential remodel is categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

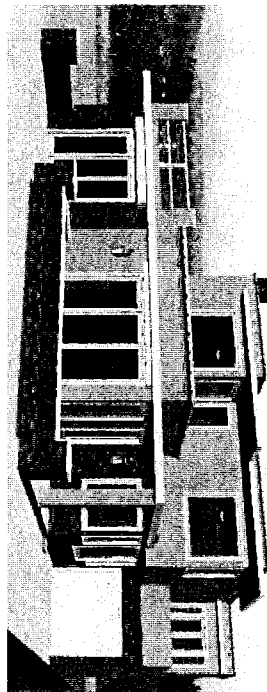
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **121016**, based on the attached findings and conditions.

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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REMODELING TO THE MAHONEY RESIDENCE



SCOPE OF WORK

ALTERATIONS TO THE EXTERIOR ONLY
INCLUDING:
NEW STONE FACADE
RAISE FRONT WINDOW HEAD HEIGHT
NEW FRONT WINDOWS AND DOORS
- IN THE SAME LOCATION
NEW FRONT PATIO AREA AND STONE WALL
NEW 2ND FLOOR DECK RAILING
NEW EXTERIOR CROWN MOLDING
RAISE ROOF EAVE SYSTEM -12"

PROJECT DATA

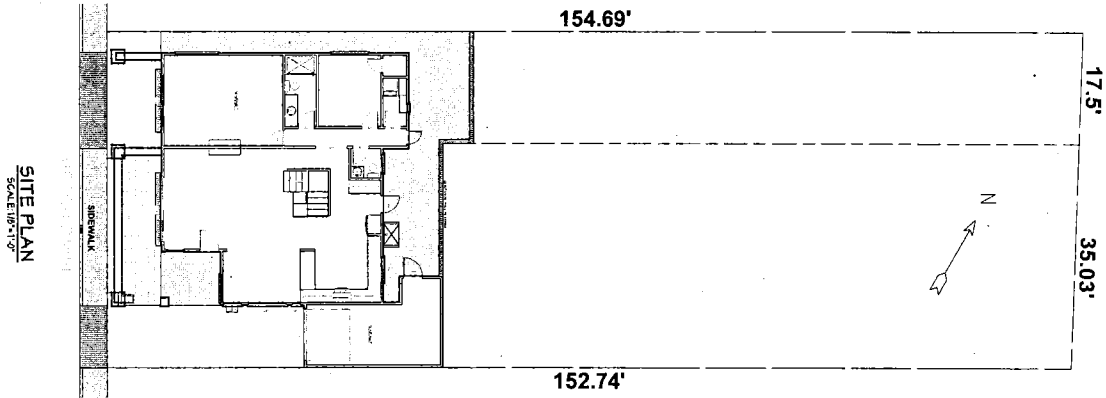
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ZONE: R-1.5
LOT: 1840 SF
(B) HOUSE: 1824 SF

APPLICABLE BUILDING CODES

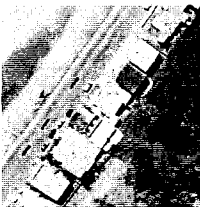
CRC 2010 CMC 2010
CPC 2010 CEC 2010
ENERGY EFFICIENCY STANDARDS 2008
CALIFORNIA BUILDING CODES 2010

SHEET INDEX

CS COVER SHEET
A-1 (B) FLOORING
A-2 PROPOSED FLOORING
A-3 EXTERIOR WALLS
A-4 SECTIONS AND WALL & CALC



AERIAL PHOTO



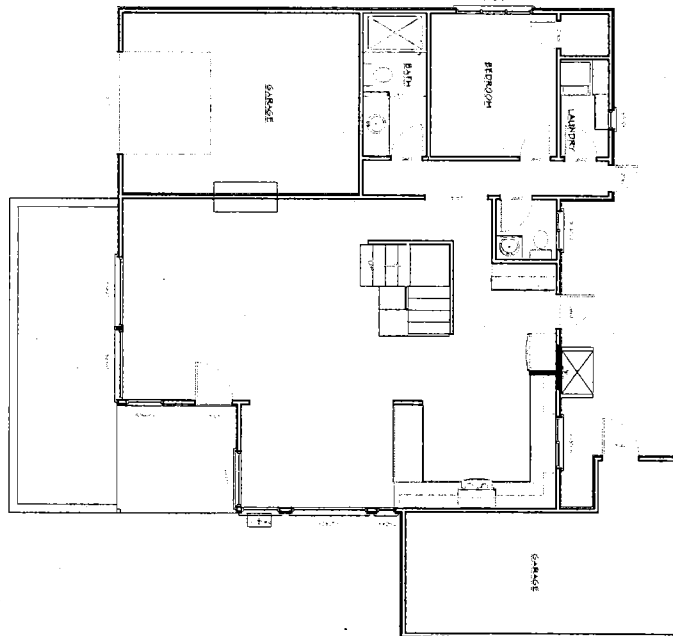
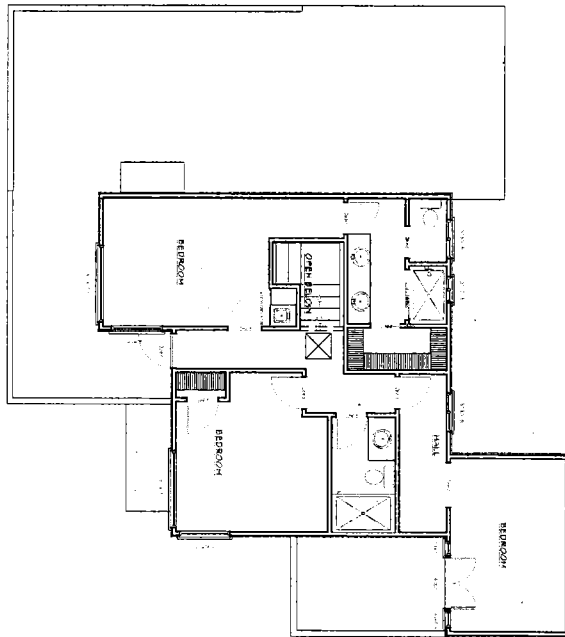
VICINITY MAP



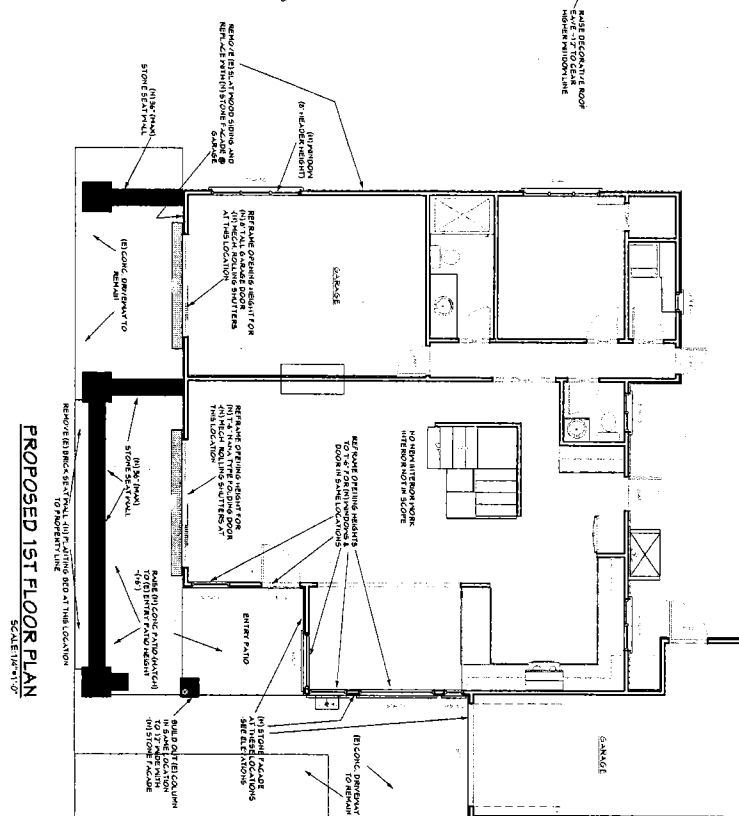
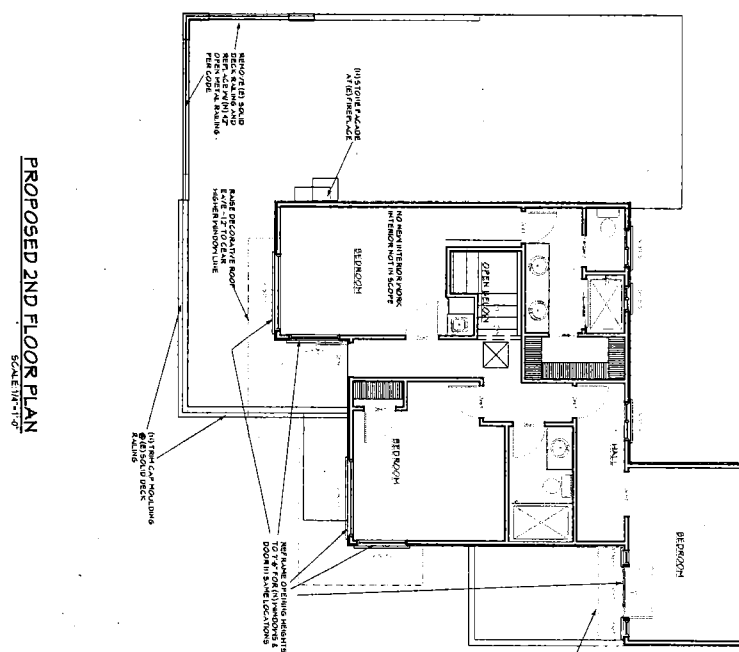
PARCEL MAP

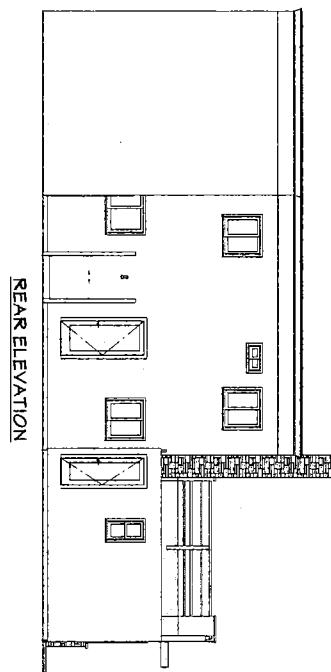
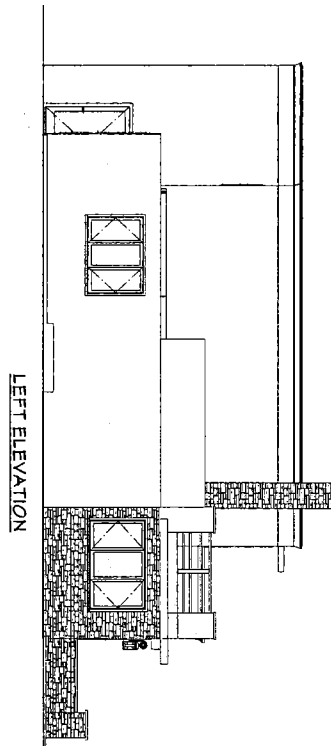
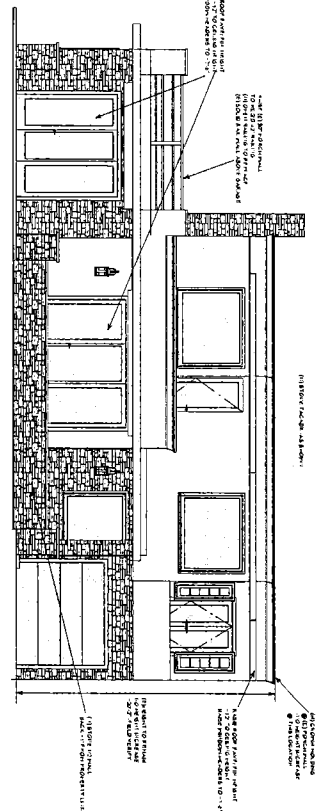
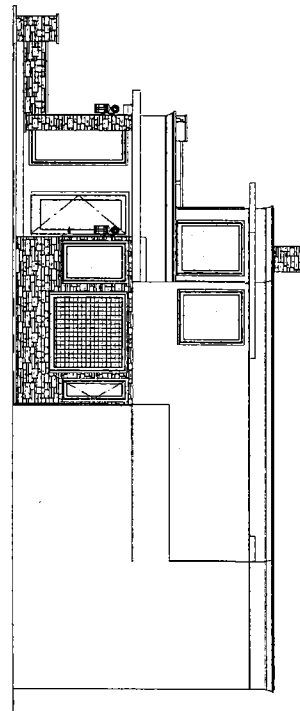


DeMattei Construction Inc. 17144 The Alameda San Jose, California 95126 Office: 408.245.7516 Fax: 408.286.6504 Lic. #476455	MAHONEY RESIDENCE 551 BT-CH-DR. ATTOS 18003 APH 043-045-27	COVER SHEET	CS
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A-1		MAHONEY RESIDENCE 351 BE-LA DR. APT. 101 APT. 101-102			DeMattei Construction Inc. 1714 The Alameda, San Jose, California 95126 Office: 408.266.7516 Fax: 408.266.6504 Lic. #478455	Date: 10/10/12 Drawn: S. M. J. Check: S. M. J. Title: A-1
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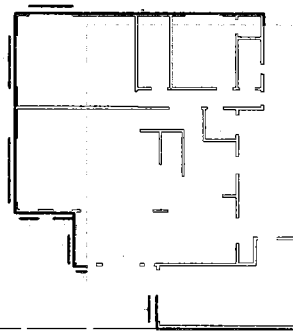
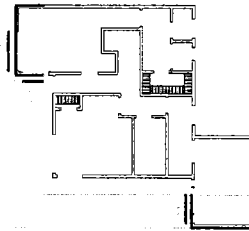
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PROPOSED ELEVATIONS
SCALE: 1/4"=1'-0"

SCALE: 1/4"=1'-0"

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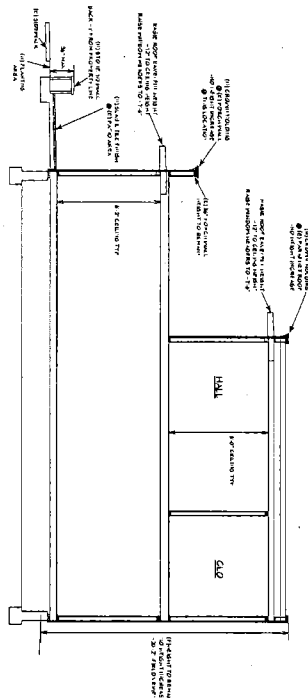
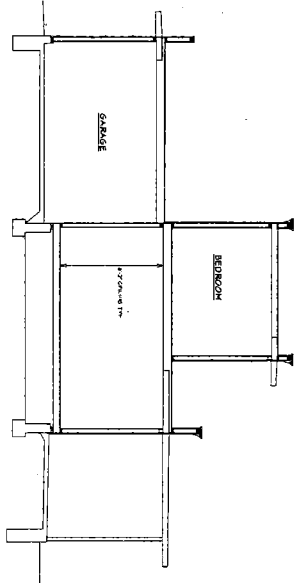


RATIO CALCULATION OF EXISTING/ALTERED WALLS OUTSIDE OF SETBACKS

FIRST FLOOR EXISTING	102'-8"
FRONT AND LEFT ELEVATIONS	102'-8"
GARAGE SIDE ELEVATIONS	102'-8"
FIRST FLOOR ALTERED	102'-8"
FRONT AND LEFT ELEVATIONS	102'-8"
GARAGE SIDE ELEVATIONS	102'-8"
SECOND FLOOR EXISTING	19'-6"
FRONT BEDROOM	19'-6"
SIDE BEDROOM	19'-6"
SECOND FLOOR ALTERED	19'-6"
FRONT BEDROOM	19'-6"
SIDE BEDROOM	19'-6"

$$54' / 164.6' = 32\%$$

PERCENTAGE OF ALTERATION OF NON-CONFORMING WALLS OUTSIDE OF SETBACKS



SECTION A-A SCALE 1/8"=1'-0"

DATE: 10/01/13	MAHONEY RESIDENCE	DeMattei Construction Inc.
DRAWN: B. KALL	351 BEACH DR APTOS 95005	1704 The Alameda San Jose, California 95126
	APH 0403-046-21	Office: 408.245.7516
		Fax: 408.286.6569
		Lic: 84754555

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 R-1-6 (Single-Family Residential, 6,000 square foot minimum parcel size), a designation which allows residential uses. The existing single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's (R-UL) Urban Low Residential General Plan designation.

- 2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.**

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements as no such easements or restrictions are known to encumber the project site. No increase in building footprint is proposed.

- 3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.**

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; and the colors will be required to be natural in appearance and complementary to the site. The development is located adjacent to a beach, but represents a small, but positive change in the overall appearance of the existing dwelling. The proposed remodel is a modest effort to update the 65-year old dwelling, while maintaining the existing character and style elements of the structure.

- 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, while the project site is located between the shoreline and the first public road, the dwelling is located at the base of a coastal bluff, which does not provide any coastal access. There are no pedestrian or vehicular easements that will be impacted by the residential remodel. Consequently, the improvements to the existing dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single-Family Dwelling, 6,000 square foot minimum parcel size) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The proposed changes will enhance the aesthetic value of the 65-year old dwelling without altering the configuration or adding to the mass and bulk of the structure

Residential 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, while the site is constrained by its location within a mapped flood hazard area and adjacent coastal bluff, the project entails no site disturbance and no change to the existing building footprint. Making minor changes to the existing dwelling will have no negative impact on the health, safety or welfare of anyone residing, visiting, or working in the neighborhood.

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. As the subject dwelling was constructed in 1946 and the adjacent significantly nonconforming dwelling in 1962, the lack of separation between the two structures has existed for the past fifty years. The proposed residential remodel will not further deprive adjacent properties or the neighborhood of light, air, or open space, in that the structural alteration to windows and doors will not expand or intensify the existing nonconforming setting.

- 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 residential remodel and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single-family dwelling, 6,000 square foot minimum parcel size) zone district as the primary use of the property will be one single-family dwelling. While the existing structure does not meet the front or side yard setback requirements, the current proposal does not intensify or otherwise impact the nonconforming portions of the dwelling. Aside from the front and side yard setbacks, the dwelling meets all other current site standards for the zone district.

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

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

The proposed residential remodel will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. With the exception of the front and side yard setbacks, the existing structure meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

As stated previously, the existing dwelling was constructed in 1946 and the configuration has remained unchanged since that time. The minor remodel work proposed under this application would similarly retain the original configuration, while upgrading the appearance and ensuring greater compatibility with the surrounding neighborhood.

The proposed residential remodel will be properly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed remodel will not alter the building footprint and will result in a structure consistent with a updated, contemporary design that could be approved on any similarly sized lot in the vicinity.

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

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed remodel is to be constructed on an existing developed lot. The proposal is not expected to change the level of traffic on existing roads and intersections in the surrounding area as no square footage is being added, nor are any new bedrooms proposed.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single-family dwelling is consistent with the land use intensity and density of the neighborhood. Further, the proposed design elements represent an updated, enhanced street view, with the addition of natural-looking stone façade and landscape wall and more contemporary fenestration.

Other proposed design features that will further complement and harmonize with the existing land uses in the area are discussed in greater detail under finding #6 below.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed residential remodel will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

The addition of natural design elements such as the stone façade and landscape wall will soften the visual impact of the dwelling with respect to the natural bluff to the rear of the structure. The proposal includes replacing one of the two garage doors with mechanical rolling shutters and surrounding the other garage door with stone, which will reduce the visual impact of automobile-oriented features. Replacing a portion of the solid 3-4 foot wall at the second story deck, with

Application #: 121016
APN: 043-095-27
Owner: Philip Mahoney

open horizontal railing will further reduce the monolithic appearance of the front of the house and create a more inviting, visually interesting street presence.

Overall the proposed updates will result in a more compatible, harmonious and attractive design, while retaining the majority of the original configuration and architectural design concept.

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.**

The parcel is constrained by its location within a wave inundation hazard area, by the substandard lot width, by the presence of the coastal bluff to the rear of the parcel, and by the location of the existing single-family dwelling on the site. The existing structure was built in 1946 in its present configuration, which encroaches 10 feet into the front 20-foot setback, 2 feet into the west 8-foot side yard and 5 feet to the property line at the western side yard. The lot width of 52.5 feet is considered substandard and, in combination with the coastal bluff to the rear, severely constrains the available building footprint on the parcel. The strict application of the structural setbacks for the R-1-6 zone district would likely require the house to be completely demolished, as the construction would constitute "substantial improvement" under FEMA guidelines and would therefore require elevation and other major structural modifications.

Other significantly nonconforming structures located along the base of the bluff have been permitted to make repairs and minor structural modifications without the necessity of FEMA elevation requirements or other major construction.

2. **That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.**

The granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity in that the proposed remodel will not increase the degree of non-conformity or otherwise result in changes to the configuration of the dwelling that has occupied the site for 65 years. The addition has been designed to maintain the profile of the existing house and to update and improve the appearance of the structure in relation to the surrounding dwellings.

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

The structures located immediately to the west and east of the subject parcel received variances to allow either new construction or additions. The property to the west received three variances to front and side yard setbacks, including being allowed to build a new structure to the property line. The structure immediately to the east was granted a variance in 1965 to allow a residential addition to an existing nonconforming structure. Additionally, many other variances to setback, lot coverage, minimum width and other site standards, have been allowed over the years. In this case, the proposed development is minor and results in little or no change to the existing appearance and impact of the house that has occupied the site since 1946.

Conditions of Approval

Exhibit A: Project plans, 5 sheets, prepared by DeMattei Construction Inc., dated 1/30/12.

- I. This permit authorizes the replacement of existing exterior siding, modifications to second story deck railing, re-framing of approximately thirteen doors and windows, replacement of front patio and landscape wall, and raising roof eave approximately one foot.. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
 - E. Record a Declaration of Geologic Hazard, epr the requirements of the Geologic Hazards Assessment completed by Environmental Planning staff.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. 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 proposed materials and colors as well as a color and material board in 8 1/2" x 11" format for Planning Department review and approval.

2. Details showing compliance with fire department requirements.
- B. 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.
 - C. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection District.
 - D. Provide required off-street parking for three (3) cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - E. Submit a new construction cost estimate to Environmental Planning staff, based on the plans submitted with the building application. The cost estimate shall include the following elements:
 1. A list of all plan sheets submitted, including title, last revision date, and plan preparer.
 2. The following statement: "This estimate represents all costs (including overhead and profit, labor, materials, and work by sub-contractors) to complete the work as depicted on the referenced plans. I understand that the cost estimate is used to determine compliance with FEMA and County regulations for development within the flood zone. I also understand that if the structure is damaged by flooding, FEMA may audit my records related to the cost of construction of the project."
 3. The signature and license number of the licensed contractor.
 4. Provide a statement, signed by the property owner, which states that the contractor's estimate includes all project costs to complete the work shown on the plans.
 - F. If the project cost estimate exceeds 50% of the structure's value, either portions of the project shall be removed from the project plans prior to building permit issuance to reduce project costs below 50%, or the applicant shall modify the application to bring the structure into compliance with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.
 - G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. 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. Any future work (including siding, roofing, damage repairs, etc.) proposed within 5 years of the issuance date of the building permit shall be evaluated for cumulative improvement. If the total value of the proposed work, when added to the costs of this project, exceeds 50% of the structure's value, the structure will be required to comply with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.
- B. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days

of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
-

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

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Robin Bolster-Grant
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: 121016

Assessor Parcel Number: 043-095-27

Project Location: 351 Beach Drive

Project Description: Proposal to replace windows, garage doors, siding, landscape wall and second story deck railing at an existing significantly nonconforming single-family dwelling.

Person or Agency Proposing Project: Brian Aced

Contact Phone Number: (408) 640-0663

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

Specify type:

E. X **Categorical Exemption**

Specify type: 15301-Existing Facilities

F. Reasons why the project is exempt:

Project is a residential remodel, which is a minor alteration to an existing structure with no expansion of the current residential use. No square footage is proposed to be added to the structure and no additional bedrooms are included in the project.

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

Robin Bolster-Grant, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

POR, APTOS RANCHO
S.E. 1/4 SEC. 18 &
SEC. 19, T.11S., R.1E., M.D.B. & M.

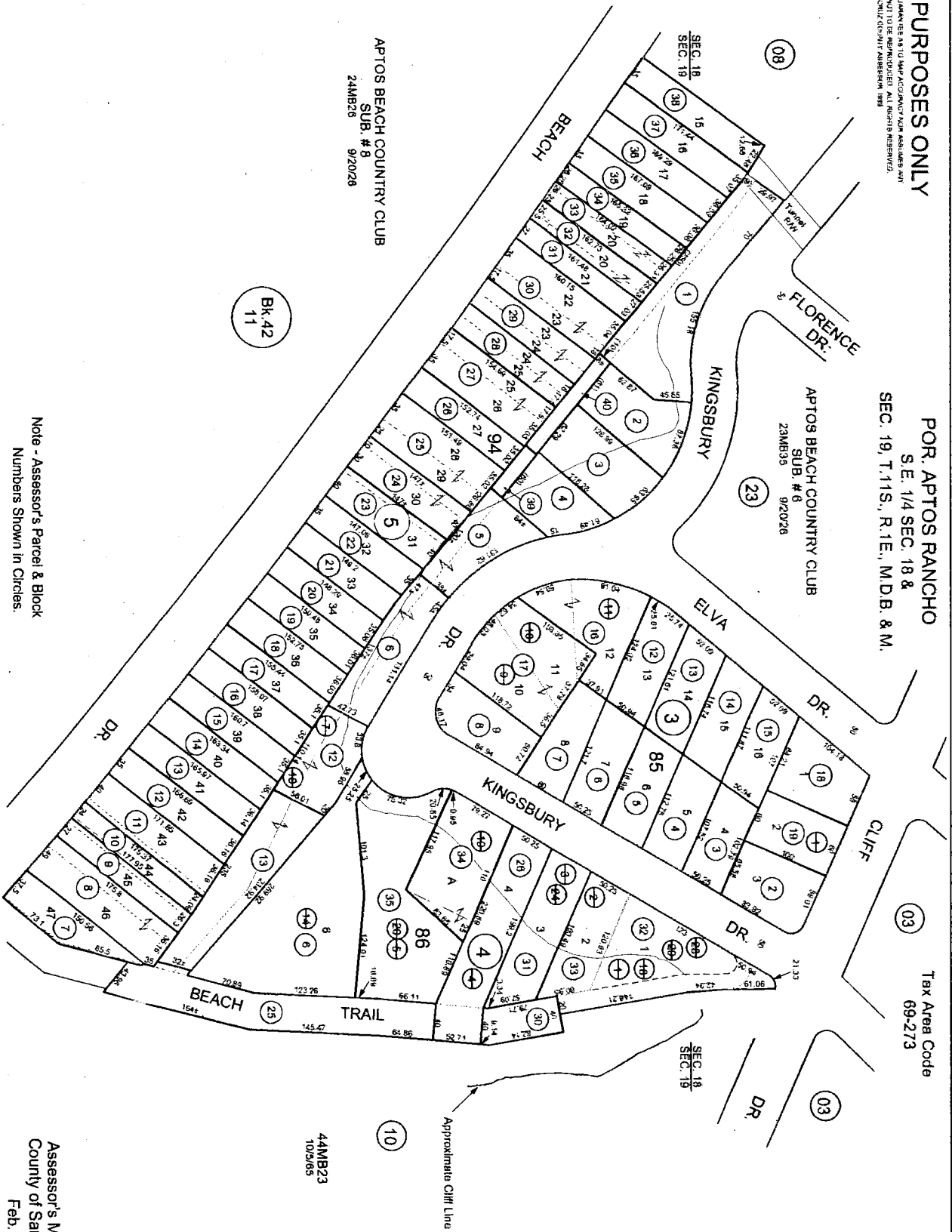
THE ASSASSIN (NAME) IS GUARANTEED AS TO MAP ACCURACY FROM ASSASSIN AND
UNDERLYING FOR OTHER USES. NOT TO BE REPRODUCED AT ASSASSIN'S RISK.
© COPYRIGHT SANTA CRUZ COUNTY ASSASSIN 1999

POR, APTOS RANCHO
S.E. 1/4 SEC. 18 &
SEC. 19, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-273

43-09

Electronically Redrawn 2/10/99 rw
Rev. 2/10/99 (Por. to pg. 23) rw
Rev. 5/4/99 CB (Added MB refs)
Rev. 5/9/00 CB (Added BK line)
Rev. 5/25/01 mvm (changed page refs.)
Rev. 12/10/02 CB (2-0066226, Sp 4-32 & 33)
Rev. 3/31/05 DD (4-0089640, lba 4-34 & 35)

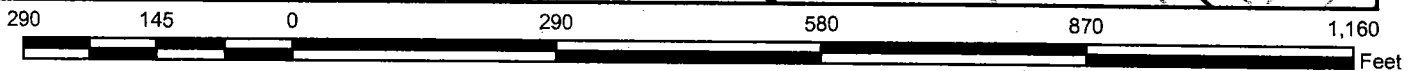
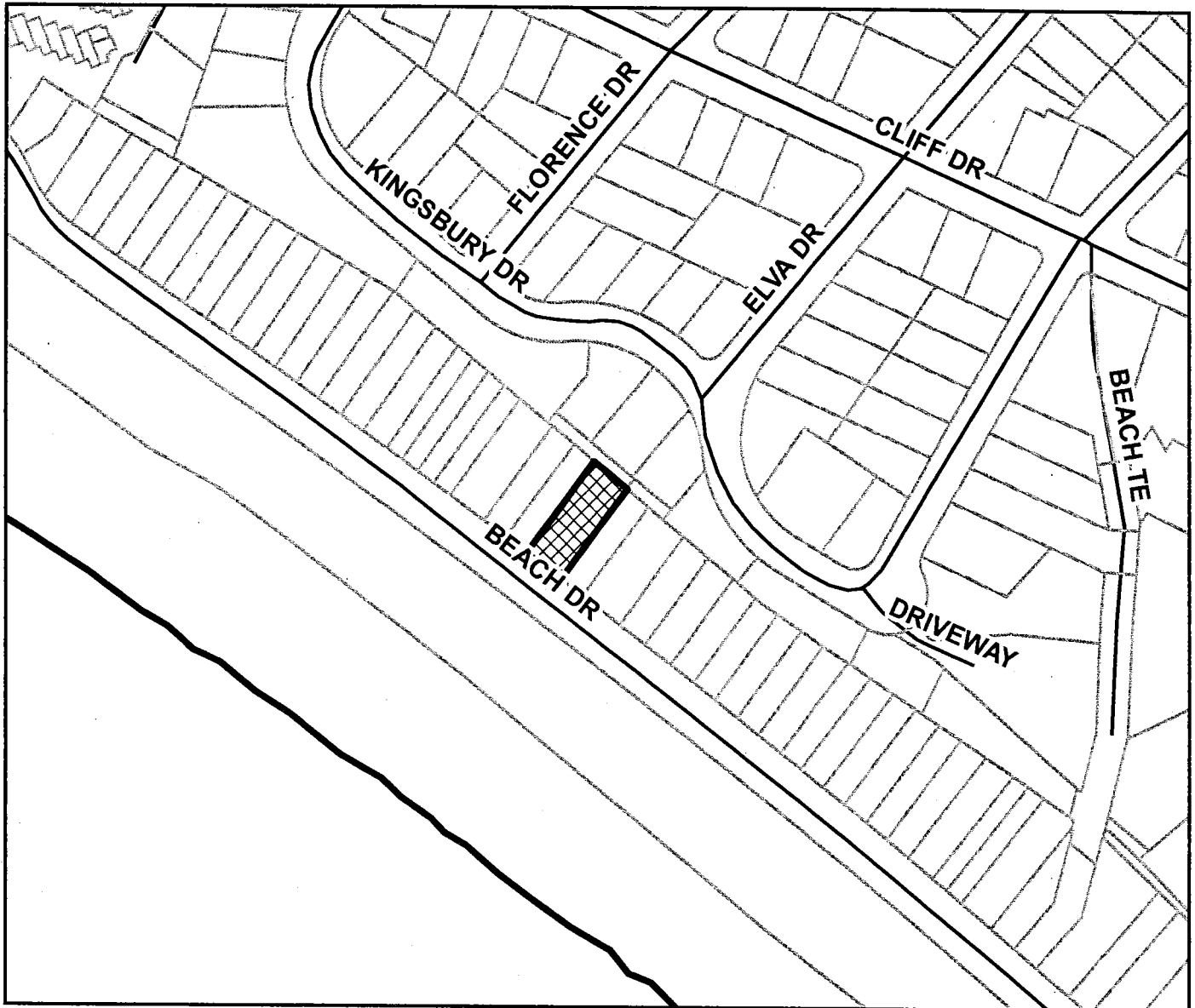


Note - Assessor's Parcel & Block
Numbers Shown in Circles.





Assessor's Map No. 43-09
County of Santa Cruz, Calif.
Feb. 1999

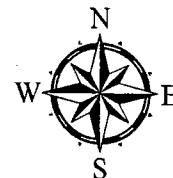


Location Map



LEGEND

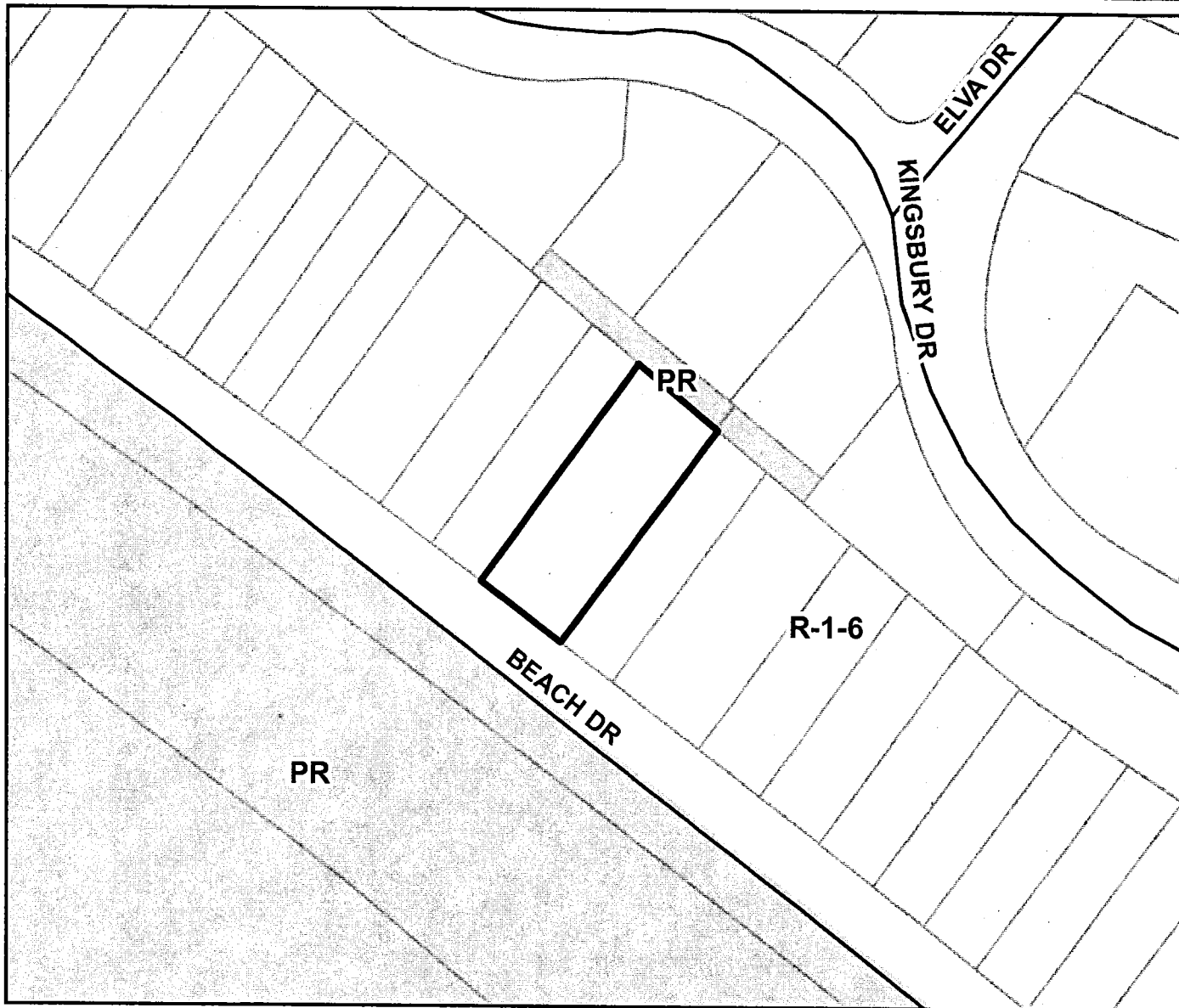
-  APN: 043-095-27
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
February 2012



Zoning Map



LEGEND



APN: 043-095-27



Assessors Parcels

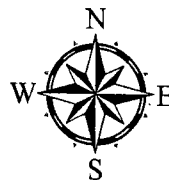


Streets

RESIDENTIAL-SINGLE FAMILY



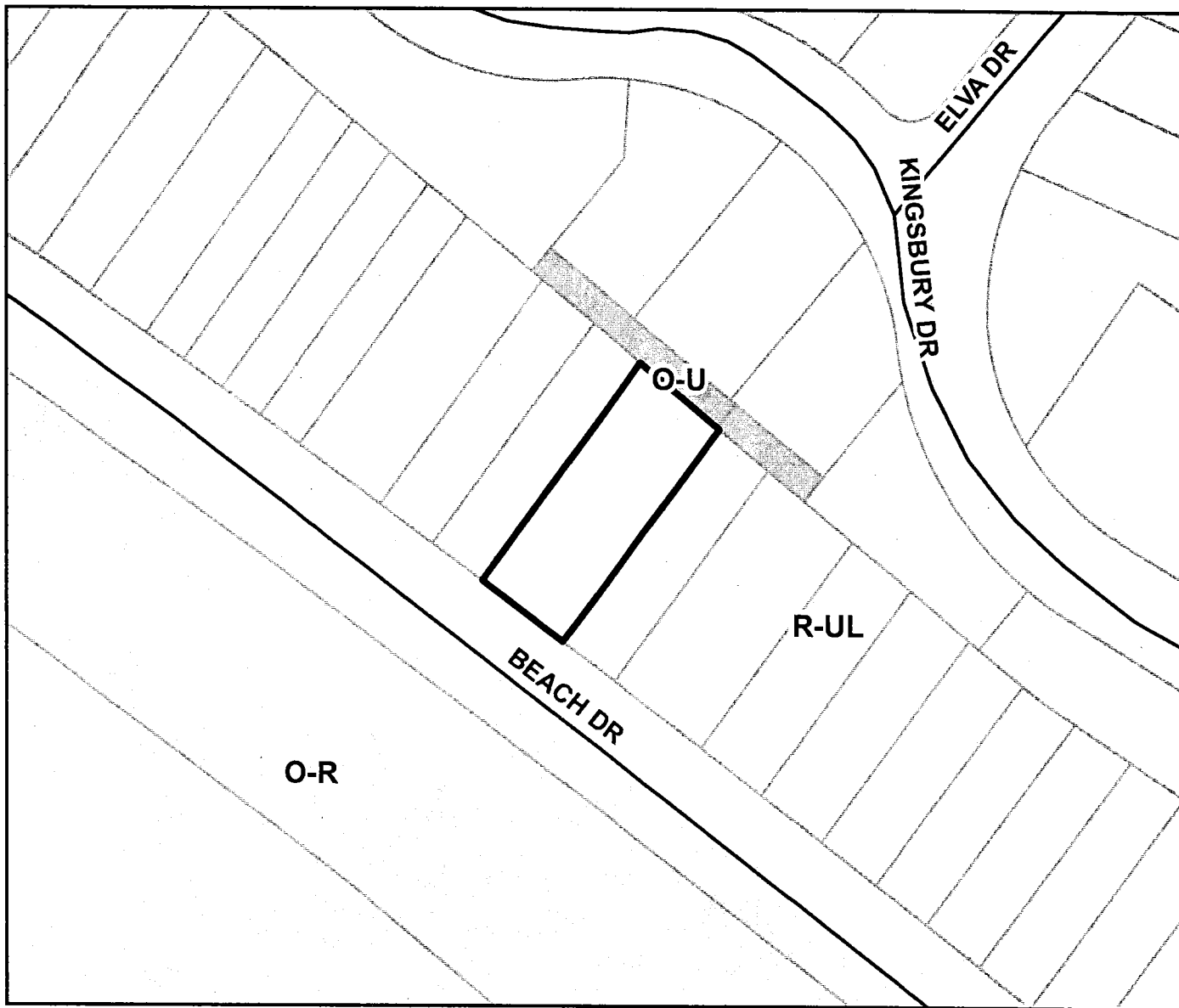
PARK



Map Created by
County of Santa Cruz
Planning Department
February 2012



General Plan Designation Map



LEGEND



APN: 043-095-27



Assessors Parcels



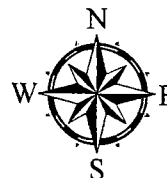
Streets

Residential - Urban Low Density

Parks and Recreation



Urban Open Space



Map Created by
County of Santa Cruz
Planning Department
February 2012



Coastal Commission Review

Routing No: 1 | Review Date: 02/27/2012

ROBIN BOLSTER (RBOLSTER) : No Response

Environmental Planning

Routing No: 1 | Review Date: 02/24/2012

ANTONELLA GENTILE (AGENTILE) : Complete

Completeness Comments

Project is considered complete per Environmental Planning requirements.

Miscellaneous Comments

The GHA is still in process. Results will be sent under separate cover.

Conditions of Approval

The following are required conditions of approval for this project:

1. Prior to issuance of the building permit, a new cost estimate shall be submitted, based on the plans submitted with the building application. The cost estimate shall include:

A. A list of all plan sheets submitted, including title, last revision date, and plan preparer,

B. The following statement: "This estimate represents all costs (including overhead and profit, labor, materials, and work by sub-contractors) to complete the work as depicted on the referenced plans. I understand that the cost estimate is used to determine compliance with FEMA and County regulations for development within the flood zone. I also understand that if the structure is damaged by flooding, FEMA may audit my records related to the cost of construction of the project," and

C. The signature and license number of the licensed contractor.

2. Prior to issuance of the building permit, the owner shall sign a statement that the contractor's estimate includes all project costs to complete the work shown on the plans. This statement shall be provided with the building permit application.

3. If the project cost estimate exceeds 50% of the structure's value, either portions of the project shall be removed from the project plans prior to building permit issuance to reduce project costs below 50%, or the applicant shall modify the application to bring the structure into compliance with



Environmental Planning

Routing No: 1 | Review Date: 02/24/2012

ANTONELLA GENTILE (AGENTILE) : Complete

all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.

4. Any additional work (including siding, roofing, damage repairs, etc.) proposed within 5 years of the issue date of the building permit shall be evaluated for cumulative improvement. If the total value of the proposed work, when added to the costs of this project, exceeds 50% of the structure's value, the structure will be required to comply with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.

Fire Review

Routing No: 1 | Review Date: 02/15/2012

ERIN COLLINS (ECOLLINS) : Complete

In order to obtain building application approval, recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following information **on the plans that are submitted for BUILDING PERMIT**.

NOTE on the plans "these plans are in compliance with California Building and Fire Codes (**2010 edition**) and Aptos/La Selva Fire District Amendments".

NOTE on the plans "the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE / FIRE RATING and SPRINKLERED or NON-SPRINKLERED as determined by the building official and outlined in the California Building Code. (e.g. R-3, Type V-B, Sprinklered)"

NOTE on the plans "the **REQUIRED** and **AVAILABLE FIRE FLOW**. FIRE FLOW requirements for this project is **1,000 gallons per minute**. The AVAILABLE FIRE FLOW information can be obtained from the water company. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m²) shall be 1,000 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5m²) shall not be less than that specified in Appendix Table B105.1 of the California Fire Code".

SHOW on the plans a public fire hydrant within 600 feet of any portion of the building meeting the minimum required fire flow for the building. Hydrant shall be on a fire apparatus access road, as measured by an approved drivable route around the exterior of the facility or building.

SHOW on the plans where the smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement.



Fire Review

Routing No: 1 | Review Date: 02/15/2012

ERIN COLLINS (ECOLLINS) : Complete

One detector adjacent to each sleeping area (hall, foyer, balcony, or etc.)

One detector in each sleeping room.

One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.

There must be at least one smoke detector on each floor level regardless of area usage.

There must be a minimum of one smoke detector in every basement area.

NOTE on the plans "building numbers shall be provided. Numbers shall be a minimum of four (4) inches in height on a contrasting background and visible from the street.

Where numbers are not visible from the street, additional numbers shall be installed on a directional sign at the property driveway and the street."

NOTE on the plans "the installation of an approved spark arrester on the top of the chimney. The wire mesh not to exceed 1/2 inch."

NOTE on the plans "the roof covering shall be no less than Class "B" rated roof."

NOTE on the plans "a 30-foot clearance shall be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure."

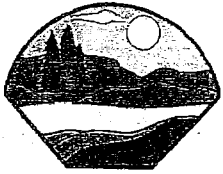
NOTE on the plans, A MINIMUM OF 48 HOURS NOTICE to the fire department is required prior to inspection.

NOTE on the plans "the job copies of the building and fire systems plans and permits must be on-site during inspections."

Project Review

Routing No: 1 | Review Date: 02/27/2012

ROBIN BOLSTER (RBOLSTER) : Complete



Aptos/La Selva Fire Protection District

6934 Soquel Drive • Aptos, CA 95003
Phone # 831-685-6690 • Fax # 831-685-6699

February 10, 2012

Planning Department
County of Santa Cruz
Attention: Robin Bolster-Grant
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 043-095-27 / Appl #121016
351 Beach Drive

Dear Robin:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

A plan review fee of \$50.00 is due and payable to the Aptos/La Selva Fire Department **PRIOR TO APPROVAL** of building application. **Reminder:** the enclosed Permit/Service Fees form must be submitted to the Aptos/La Selva Fire Department at time of payment.

- Any other requirements will be addressed in the Building Permit phase.
- Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

In order to obtain building application approval, recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following information **on the plans that are submitted for BUILDING PERMIT**.

NOTE on the plans "these plans are in compliance with California Building and Fire Codes (2010 edition) and Aptos/La Selva Fire District Amendments".

NOTE on the plans "the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE / FIRE RATING and SPRINKLERED or NON-SPRINKLERED as determined by the building official and outlined in the California Building Code. (e.g. R-3, Type V-B, Sprinklered)"

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a fire-flow calculation area in excess of 3,600 square feet (344.5m²) shall not be less than that specified in Appendix Table B105.1 of the California Fire Code".

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SHOW on the plans where the smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement.

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc.)
- One detector in each sleeping room.
- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.
- There must be at least one smoke detector on each floor level regardless of area usage.
- There must be a minimum of one smoke detector in every basement area.

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NOTE on the plans "a 30-foot clearance shall be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure."

NOTE on the plans, A MINIMUM OF 48 HOURS NOTICE to the fire department is required prior to inspection.

NOTE on the plans "the job copies of the building and fire systems plans and permits must be on-site during inspections."

Sincerely,

Carol Wallace for Jim Dias

Jim Dias, Fire Marshal
Fire Prevention Division
Aptos/La Selva Fire Protection District

Cc: Brian Aced
1794 The Alameda
San Jose, CA 95126



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

March 7, 2012

Brian Aced
1794 The Alameda
San Jose, CA 95126

Subject: GEOLOGIC HAZARDS ASSESSMENT
APN: 043-095-27
LOCATION: 351 Beach Drive
APPLICATION NUMBER: REV121006
OWNER: Gerald and Barbara Hansen

Dear Brian Aced,

We have recently conducted a site inspection of the parcel referenced above where remodel of an existing single family dwelling is proposed. This inspection was completed to assess the property for possible flood hazards due to its location within the Federal Emergency Management Agency (FEMA)-designated V-Zone, also known as the Coastal High Hazard Area. 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.

The FEMA-designated V-Zone is characterized by a combination of flooding, erosion, and high velocity wind and waves that can damage an unprotected home. This particular structure was built prior to the establishment of regulations designed to protect the home from these hazards.

The enclosed copy of the flood map created using the County's GIS application indicates the flood hazard boundaries in this area and the approximate parcel location (Figure 1). The flood hazard map delineates the extent of flooding which is anticipated during a one-percent-annual-chance flood, also known as a 100-year flood. Flooding to an approximate level of 21 feet above mean sea level or higher has a one percent chance of occurring in any given year. This does not preclude flooding from occurring due to events smaller in magnitude than the one-percent-annual-chance flood or preclude the one-percent-annual-chance flood from occurring two years in a row.

The flood hazard maps for Santa Cruz County were generated by the federal government due to the County's potential for flooding hazards. Santa Cruz County participates in the National Flood Insurance Program, which 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.

SUBSTANTIAL IMPROVEMENT EVALUATION

Under the National Flood Insurance Program, any structure that is modified so that it is substantially improved must be brought into compliance with current FEMA standards that are specified in the California Building Codes. Substantial improvement is defined as:

Any repair, reconstruction, rehabilitation, addition, alteration or improvement to a structure, or the cumulative total of such activities over a five year period, 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. This term includes structures that have incurred "substantial damage" regardless of the actual repair work proposed or performed. This term does not, however, include:

1. Any project or portion of a project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as an historic structure.

Floodplain management requirements for new construction apply to substantial improvements. Increased Cost of Compliance (ICC) coverage does not apply to substantial improvements unless the structure is substantially damaged due to flooding.

Building Permit B-112864 was issued on October 26, 2011 for an interior remodel of the subject structure. At that time, an appraisal for the existing structure and a cost estimate for the proposed improvements were submitted. The appraisal for the existing structure listed the depreciated market value at \$741,910. The cost estimate submitted with the application listed the value of improvements at \$189,353, or 25.5% of the structure's value.

The project has now been modified to include some exterior improvements, such as window replacement, garage door replacement, deck railing replacement and roof eave modification. These improvements are proposed for Coastal Permit approval under application 121016. A revised cost estimate, signed by the contractor and dated 1/30/12, has been submitted. The revised cost estimates lists the value of improvements at \$196,212.

Based upon the market value of the structure, the substantial improvement calculation is **\$196,212/\$741,910 or 26.4%**. Therefore the project, including work previously permitted under Building Permit B-112864, does not meet the definition of substantial improvement.

OTHER GEOLOGIC HAZARDS

The home will be subject to coastal erosion and flooding within the next 100 years, and will possibly be affected by strong seismic shaking and liquefaction. Expected sea level rise could have serious effects on the use of the home.

Please note that the home is located at the base of an urbanized coastal bluff. Natural erosion processes and urbanized drainage may cause instability on the slope above the home. Soil and debris from this erosion may cause damage to the home.

Less likely hazards such as tsunami can also affect the home.

CONDITIONS

The following are required conditions of approval for this project:

1. Prior to issuance of the building permit, an updated, detailed cost estimate shall be submitted, based on the plans submitted with the building application. The cost estimate shall include:
 - A. A list of all plan sheets submitted, including title, last revision date, and plan preparer,
 - B. The following statement: "This estimate represents all costs (including overhead and profit, labor, materials, and work by sub-contractors) to complete the work as depicted on the referenced plans. I understand that the cost estimate is used to determine compliance with FEMA and County regulations for development within the flood zone. I also understand that if the structure is damaged by flooding, FEMA may audit my records related to the cost of construction of the project," and
 - C. The signature and license number of the licensed contractor.
2. Prior to issuance of the building permit, the owner shall sign a statement that the contractor's estimate includes all project costs to complete the project associated with the submitted plans. This statement shall be provided with the building permit application.
3. If the project cost estimate exceeds 50% of the structure's value, either portions of the project shall be removed from the project plans prior to building permit issuance to reduce project costs below 50%, or the applicant shall modify the application to bring the structure into compliance with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.
4. Any additional work (including siding, roofing, damage repairs, etc.) proposed within 5 years of the issue date of the building permit shall be evaluated for cumulative improvement. If the total value of the proposed work, when added to the costs of this project, exceeds 50% of the

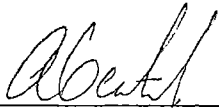
Brian Aced
March 7, 2012
Page 4

structure's value, the structure will be required to comply with all FEMA and County regulations for new construction within the FEMA-designated VE-Zone.

5. A geotechnical engineering report is recommended, but not required for the addition.
6. A notice of geologic hazard shall be recorded on the parcel. The language for this declaration will be prepared when the building permit application is submitted.

If you have any questions concerning the assessment of this property for flood hazards or the permit conditions described above, please call me at 454-3164. Questions regarding insurance coverage under the National Flood Insurance Program should be directed to an insurance agent.


Sincerely,



Antonella Gentile, CFM
Resource Planner
Environmental Planning

3-7-12

Date



Joe Hanna, CFM
County Geologist
CEG #1313

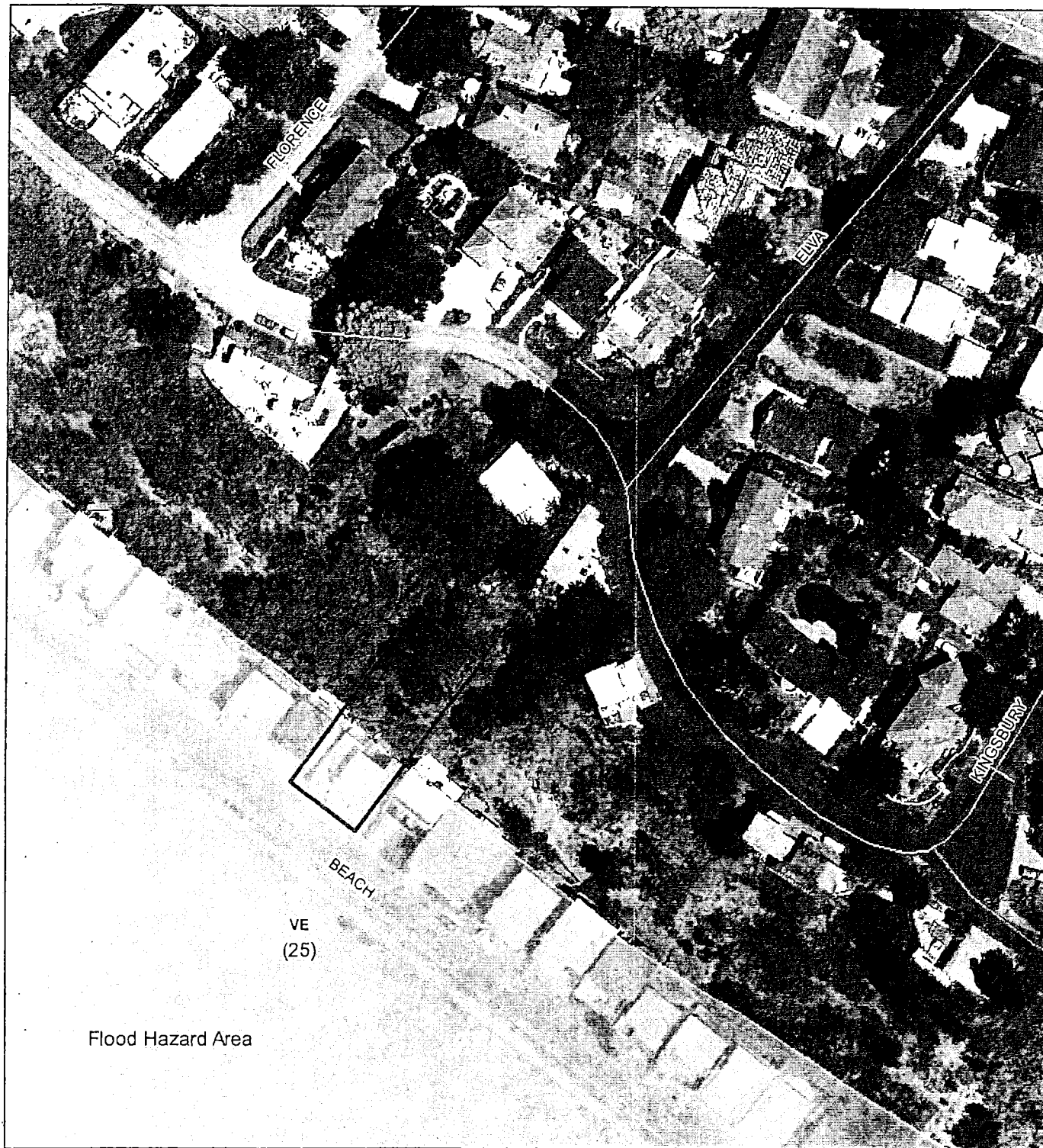
FOR: Kent Edler
Senior Civil Engineer
Environmental Planning

Enclosure(s)


cc: GHA File
Property Owner




FIGURE 1 : 351 Beach Drive Geologic Hazard Assessment REV121006



Legend

 043-095-27

0 25 50 100 150 200
 Feet

Map created by the Santa Cruz County
Planning Department February 2012