



Staff Report to the Zoning Administrator

Application Number: **06-0108**

Applicant: Edward Ramsauer
Owner: Edward Ramsauer
APN: 098-281-13

Agenda Date: November 17, 2006
Agenda Item # 5
Time: After 10:00 a.m.

Project Description: Proposal to recognize the reconstruction of a single-family dwelling and a 4,200 square foot deck and construction of a 500 square foot new deck & carport within the required 20-foot rear yard.

Location: Property located on the southwest corner of the intersection of Adams Road and Skyland Road, in the Summit Planning Area.

Supervisorial District: First District (District Supervisor: Janet K. Beautz)

Permits Required: Variance to reduce the required rear setback from 20 feet to approximately six inches to the deck and 15 feet to the house.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0108, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	2.9 acres
Existing Land Use - Parcel:	Single-family residence & detached garage
Existing Land Use - Surrounding:	Rural Residential
Project Access:	Adams Road
Planning Area:	Summit
Land Use Designation:	R-R (Rural Residential)
Zone District:	RA (Residential Agriculture)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

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

Environmental Information

Geologic Hazards: Within San Andreas Fault Zone, potentially active fault trace on site. Preliminary Geologic Report prepared 12/80, residence replaced on foundation following earthquake.

Soils: N/A

Fire Hazard: Not a mapped constraint

Slopes: Majority of parcel consists of slope > 30%

Env. Sen. Habitat: Not mapped/no physical evidence on site

Grading: No grading proposed

Tree Removal: No trees proposed to be removed

Scenic: Not a mapped resource

Drainage: Existing drainage adequate

Archeology: Within mapped resource – all development within previously disturbed area

Services Information

Urban/Rural Services Line: Inside Outside

Water Supply: Existing spring

Sewage Disposal: Individual septic system

Fire District: County Fire/CDF

Drainage District: None

History

The home on the subject parcel was constructed under building permits 68081 (issued 6/30/81) and 71 136 (issued 7/9/82). The permit description for 68081 indicated that the home was a two-story dome, with decks and no garage. The assessor's records, however, reflect that a garage was constructed at the same time as the home, and it appears on the 1983 index, with the original assessment for the home. The site plan for the building permit indicates that the setback to the western property line was 20 feet, the minimum required, although a Geologic Report prepared prior to the home's construction (December, 1980) indicated that the home would be set back 100 feet from the western parcel boundary. Based on a survey prepared for this application, it appears that the dwelling is actually located approximately 15 feet from the rear property line.

The plot plan included in the assessor's records indicate a significant amount of wood decking around the north, west and south portion of the house. If the assessor's plans approximate what was built at that time, it appears that a significant portion of the deck actually encroached over the property line, onto the neighboring parcel to the west.

During the 1989 Loma Prieta earthquake, the house came off the foundation and slid down the hill to the east. The property owner obtained building permit 2516D to raise the structure, realign it over the foundation and remove the decks. The owner then obtained permit 4670D to reconstruct the foundation and set the structure back on the foundation and reconnect it. That permit was finalized in November, 1990. Notes on the permit indicate that no plot or floor plans were submitted, but reconstructing the decks was not included in the description. According to information submitted by the applicant, the decks were also reconstructed at this time, but no

longer encroached over the property line.

In November, 2003, the County received a complaint regarding the reconstruction of the deck on the property. This reconstruction included replacement of the deck flooring and railings to bring them to into consistency with current building codes. In addition to the deck reconstruction, the applicant now proposes to construct an additional 500 square foot deck that will also serve as a carport adjacent to the downstairs entry for the home.

Project Setting

The project site is a steep corner parcel located at the intersection of Adams and Skyland Roads. The Preliminary Geologic Report prepared prior to the original construction of the home indicates that the majority of the parcel contains slopes of between 30 and 60%, with only a small area of more gentle slopes, adjacent to Adams Road. A suspected fault trace has been identified in that area, running parallel to Adams Road. It was also noted in the report that the “bowl shape” of the property could possibly be attributed to an old landslide. The home is located on the northwestern portion of the parcel away from the possible fault trace, springs to the south and the steepest slopes on the southwestern portion of the site. The garage is located in an area of more gentle slopes near Adams Road, in the vicinity of the suspected fault trace. The distance between the house and garage is approximately 100 feet, and a driveway continues up to the lower level of the house. Because of the steepness of the parcel, there is little usable outdoor space, with the exception of the decks surrounding the house.

Zoning & General Plan Consistency

The subject property is approximately 2.9 acres in area, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The reconstructed deck and proposed deck/carport are accessory to the principal permitted use and the project is consistent with the site’s (R-R) Rural Residential General Plan designation. The single-family dwelling is in the location where it was originally permitted and inspected. With approval of the requested variance, all structures on the parcel will be consistent with the required setbacks and lot coverage maximum for the RA zone district.

Variance Request

A variance to reduce the rear yard setback from 20 feet to approximately 6 inches to the deck and 15 feet to the dwelling is proposed for this project in order to replace non-structural elements of the deck, replace deck railings for consistency with current building codes, recognize the location of the dwelling and construct an additional 500 square feet of deck that will also serve as a carport. In order to approve the requested variance, certain findings are required. Included are findings that there are special circumstances applicable to the parcel itself, that granting the variance would be in harmony with the parcel’s zoning, and that approving the variance would not be a grant of special privileges not enjoyed by other similarly situated property owners.

The special circumstances applicable to the parcel include topography, with slopes in excess of 30%, and geologic hazards including a potential fault trace and unstable slopes. Given the topography of the parcel, the location of the existing home and deck is the most appropriate location to avoid potential geologic hazards and conform to General Plan requirements to

minimize grading. The house was approved and inspected by the County in its current location. Usable outdoor space is traditionally associated with single-family dwellings, but without the decks, most of the outdoor space is not usable due to the steep slopes. While grading a flat pad for outdoor use is an option, that would require significant volumes of grading in an area that has been identified as a potential landslide. The existing decks provide outdoor space, are located away from potential **geologic** hazards and required the least amount of site disruption for construction. The requested new 500 square foot deck will also serve as a carport adjacent to the bottom floor of the structure. The current garage is located approximately 100 feet from the dwelling, at the base of a very steep slope, and there is currently no covered parking near the dwelling for loading and unloading during inclement weather.



Slopes in excess of 30% surround the existing home

Granting the requested variance would be consistent with intent of the parcel's zoning. Side and rear setbacks ensure open space and light between structures and allow adequate separation for fire safety. In **rural** areas, increased setbacks also enhance low-density land use patterns. Development on the adjacent parcel is located on a relatively flat portion of the site over 150 feet from the edge of the deck on the subject property. Steep **slopes** exist between the home and stable on the adjacent property and the applicant's home and deck, making additional development near the **shared** property line unlikely.



Steep slopes are found between the deck and the structures on the adjacent parcel (upslope)



The home and decks (dome in center of photo) are located over 150' from structures on the adjacent parcel (on left of photo)

Approving a variance for the proposed project would not be a grant of special privileges, as property owners with similar site circumstances would also be considered for a variance to avoid geologic and/or geotechnical hazards on the parcel, and to recognize the location of a permitted structure.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **06-0108**, 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

Application #: 06-0108
APN: 098-281-13
Owner: Edward Ramsauer

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Report Prepared By: Cathy Graves
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Variance Findings

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

This finding can be made, in that the parcel is steep, with slopes in excess of 30%, and geologic hazards including a potential fault trace and unstable slopes also exist on site. Given the topography of the parcel, the location of the existing home and deck is the most appropriate location to avoid potential geologic hazards and conform to General Plan requirements to minimize grading. Usable outdoor space is traditionally associated with single-family dwellings, but most of the outdoor space is not usable due to the steep slopes. While grading a flat pad for outdoor use is an option, that would require significant volumes of grading in an area that has been identified as a potential landslide. The existing decks provide outdoor space, are located away from potential geologic hazards and required the least amount of site disruption for construction. The single-family dwelling is in the location originally permitted and inspected by the County. The requested new 500 square foot deck will also serve as a ~~carport~~ adjacent to the bottom floor of the structure. The current garage is located approximately 100 feet from the dwelling, at the base of a very steep slope, and there is currently no covered parking near the dwelling for loading and unloading during inclement weather.

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

This finding can be made, in that side and rear setbacks are intended to ensure open space and light between structures and to allow adequate separation for fire safety. In rural areas, increased setbacks also enhance low-density land use patterns. Development on the adjacent parcel is located on a flat portion of the site, over 150 feet from the edge of the deck on the subject property. Steep slopes exist between the home and stable on the adjacent property and the applicant's home and deck, making additional development near the shared property line unlikely and maintaining adequate setbacks between structures to address both health and safety concerns and maintain rural land use patterns.

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

This finding can be made, in that property owners with similar site circumstances would also be considered for a variance to avoid geologic and/or geotechnical hazards on their parcel, and to recognize an existing permitted structure.

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 the requested variance addresses physical constraints to development and the location of a permitted structure. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The structures will not deprive adjacent properties or the neighborhood of light, air, or open space, in that development on the adjacent parcel is located on a flat portion of the site, over 150 feet from the edge of the deck on the subject property. Steep slopes exist between the home and stable on the adjacent property and the applicant's home and deck, making additional development near the **property** line unlikely and maintaining adequate setbacks between structures.

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, with the approved variance, the location of the home and deck and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district. The primary use of the property will be one single-family dwelling and appurtenant structures that meet all current site standards for the zone district with the exception of the rear setback, for which a variance is requested.

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 Rural Residential (R-R) land use designation in the County General Plan.

The home and reconstructed deck will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and with approval of the requested variance, meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). Development on the adjacent parcel is located on a flat portion of the site, over 150 feet from the edge of the deck on the subject property. Steep slopes exist between the home and stable on the adjacent property and the applicant's home and deck, making additional development near the property line unlikely and maintaining adequate setbacks between structures.

The existing home and reconstructed deck will not be improperly 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 deck is a minor structure appurtenant to an existing single-family dwelling and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity, and the home is an existing permitted structure that has been in its current location since the 1980's.

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 a structure appurtenant to a single-family dwelling is not considered to generate traffic or utilize additional utilities.

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 structures are located in a mixed neighborhood containing a variety of architectural styles, and the proposed deck is consistent with the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit A: Project plans prepared by Luis Morgan, dated 2/22/2006, and survey prepared by Curt Dunbar, dated 5/10/2006.

- I. This permit recognizes the reconstruction of a single-family dwelling and a 4,200 square foot deck and construction of a 500 square foot new deck & carport within the required **20** foot rear yard. 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.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Identify finish **and** color of deck materials for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. Grading, drainage, and erosion control plans.
 3. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 4. Indication that the septic tank is located at least 5 feet from all deck post and piers. If less than a five-foot setback exists, submit confirmation from **an** engineer that no structural issues exist due to the location of the post and piers.
 - 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.

- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services. Access risers for the septic tank shall be installed prior to clearance by Environmental Health Services.
 - E. Meet all requirements and pay any applicable plan check fee of the County Fire Protection District (CDF).
 - F. 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. 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 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

Cathy Graves
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 06-0108

Assessor Parcel Number: 098-281-13

Project Location: 25050 Adams Road, Los Gatos, CA 95033

Project Description: Proposal to recognize the reconstruction of a single-family dwelling, a 4,200 square foot deck and construction of a 500 square foot new deck.

Person or Agency Proposing Project: Edward Ramsauer

Contact Phone Number: (408) 353-1311

- 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 2 - Replacement or Reconstruction (Section 15302) and Class 3-New Construction of Small Structure (Section 15303)

F. Reasons why the project is exempt:

Proposal to reconstruct and expand an attached deck and recognize the location of an existing single family residence in an **area** designated for residential uses.

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

Cathy Graves, Project Planner

Date: _____

February 21, 2006

Planning Department
County of Santa Cruz
701 Ocean St.
Santa Cruz, CA 95060-4068

Re: APN 098-281-13 Variance for decking within the set back but not over property line. (i.e. Statement of Proposal; Variance)

To whom it may concern,

This is my statement of why this variance should be allowed. Let's start with a little history on the property in question (APN 098-281-13). In 1982 my father, Larry R. Ramsauer, & his friend, Judy Ryan, purchased the property from a Mr. Hoff & proceeded to build a geodesic dome house on the property (permit #71136, I believe). This permit included all aspects of the house being built including all the decking & I believe was given final approval some time in 1983. At that time, it was believed that the west side property line (the one in question here) was approximately 100 feet from the house. This is also what the county file shows. The deck extended about **40** feet from the home in that direction. Then a land survey was done in 1985 by the owners of the adjacent property (APN 098-281-17), the Pederson's at that time, & it showed that the property line was, in fact, about 80 feet closer to my father's house than was first believed. That put the decking about 20 feet over the property line. I am not sure what transpired between Pederson & my father, as my father is now deceased (in Jan. 2002) & I have no way of contacting Pederson. What I do know is that the decking remained in place until the 1989 Loma Prieta quake. During the quake, my father's house came off its foundation & slid down the hill about **15** feet, but stayed intact. This happened due to some sub-standard work on the foundation & caused total destruction to the deck.

During late 1989 & early 1990, my father went through all the processes that were required by the county to get the house put back in place & rebuilt as needed. It was discovered that due to geological issues, the only place the house could be located was back in its original position. He acquired the permits to rebuild his house, redo the foundation, & put the house back in its original location. He also got a permit to demolish the current decking but apparently there was no permit to rebuild the deck in-kind. I realize that the quake put a lot of strain on the County & its residents. I also understand that permits & inspections were flying all over the place, so I am sure that this deck permit was an oversight on both my Father's & the County's part. My father was one to do things by the book & I am sure he did not intend to rebuild his deck without permission. In fact, I have found in his notes that he spoke with a Pat Doyle about rebuilding the deck on March 28, 1990. He was told that he could build the deck up to the property line if it was done as a rebuild-in-kind. That is exactly what he did. However, instead of rebuilding the original deck plan, one that encroached the property line, he only rebuilt it up to the property line. Also, the house was again given final approval after the quake damage was repaired. However, the home is not usable without the decking due to the slope the home is located on. Therefore, the decking was in place when the house went through final inspection by the County in 1990, yet nothing was said about the decking. Again, I am sure it was an oversight due to the overburden of work put upon the County Inspectors during that trying time.

Time went along with no other changes until my father put the house into his living trust in May of 2000. I was named Successor Trustee in his trust & will. In January of 2002 my father passed away very unexpectedly. My brother, Joseph R. Ramsauer, & I moved from Southern California to take over our father's business (Triple O Systems, Inc.). We moved into the house at 25050 Adams Rd. after our father's untimely death.

In November of 2003, I started to have the deck boards replaced because there were holes in the deck and it was not safe. At the same time I decided to update the railings to bring them up to the current code. Neither the contractor nor I realized we needed a permit to replace non-structural components that we were replacing in-kind. It was then brought to my attention that we did need a permit & that the deck was within the 20-foot setback. I continued work on the deck to get it to a safe state. It was not an option to have an unsafe deck. When it was in a safe state, I put up construction barriers to deny access to the parts of the deck that were still not safe. I then went to the County to try to resolve the two stop work orders I had received. I spent a few hours with Jerry in Zoning to find out that there was never a permit to rebuild the deck after the quake. I then asked him what my next course of action should be. He said I needed to get a permit to recognize the deck. The problem was that part of the deck was within the 20-foot setback, but not over the property line. When Jerry & I discussed this, he stated that I had 2 options: one was to try and have my neighbor agree to do a lot line adjustment & the other, more expensive & risky option, was to attempt to get a variance. Well, for the past 2 years I have tried to get my neighbor to do a lot line adjustment with an equal exchange of land. I had a surveyor draw up plans, I offered her money, offered her more street access to her land, I went so far as to have some of her colleagues talk to her about doing the adjustment, I even had the County (Don Bussey & Dave Laughlin) suggest that I try to explain to her that the land in question is not an area that she can develop according to County records. All this was to no avail. I was only looking for a 20-foot by 100-foot section to allow my deck to remain as is, but she has been completely uncooperative regarding the situation. That left me with the only other option, the variance that you are reviewing here.

The following is a summary of my reasons for needing this variance:

1. The location of the home is the only place it can be according to geological reports and the intense slope of my entire property.
2. There are doorways toward the section of deck in question that have always been there since the home was first constructed. Eliminating this section of deck renders the home virtually useless.
3. Most of the deck in question is less than 18 inches off the ground along the property line. Due to slope, however, it becomes more than 18 inches as one approaches the house or approaches Skyland Rd. to the North.
4. The area of land is not usable for my neighbor as her home can only be located some 100+/- yards away on the other side of the ridge and the slope is too great for her to use without improvements.
5. The decking, in no way, obstructs nor harms the neighbor's abilities to use her land as she sees fit. It also does not harm anything or anyone else, as the deck has been pretty much the same for over 20 years with no implications for anyone.
6. To move the decking and/or house would require extensive grading that I was told is not desirable in my location.

7. The deck was approved in the early 1980s and is now no longer over the property line.
8. I have been in constant contact with the County regarding this matter & only desire to get the situation rectified.

Due to the reasons stated above, I am sure you would agree that I have some special circumstances and a serious need for this variance. If you wish, I can meet with you at the site, so you can see the problems first hand. However, if you wish to review the site without me, please let me know so I can make arrangements for the dog to be locked in the house.

Please let me know if there is anything additional that you need from me to expedite a resolution to this problem. Thank you for your time & careful consideration on this matter.

Sincerely,



Edward G. Ramsauer
25050 Adams Rd.
Los Gatos, CA 95033
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44MB49
1/13/66

53MB38
10/14/70

54MB5
12/29/70

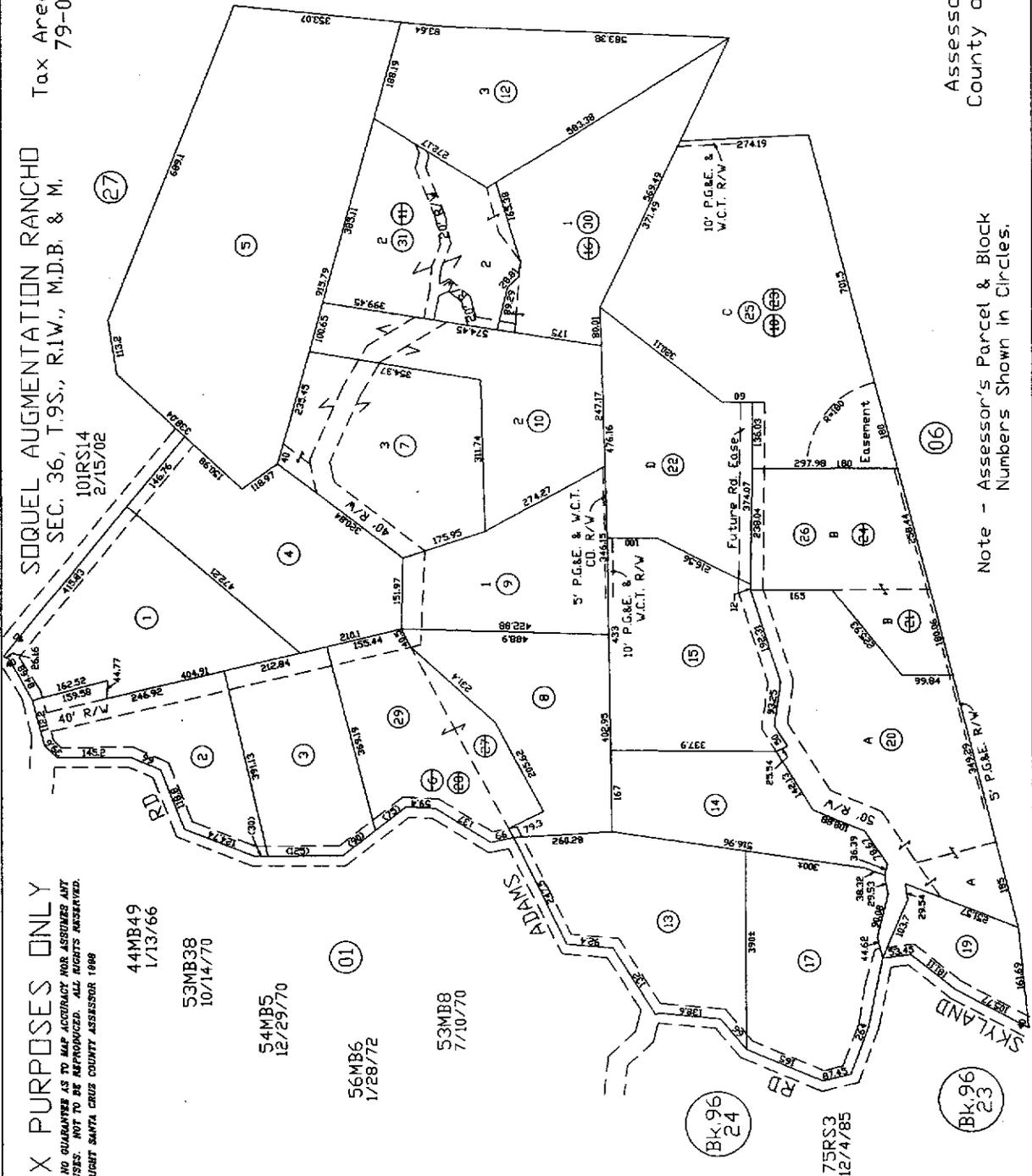
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7/10/70

SOQUEL AUGMENTATION RANCH
 SEC. 36, T.9S., R.1W., M.D.B. & M.

10IRS14
2/15/02

Tax Area Code **98-28**
79-032



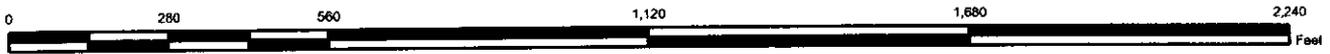
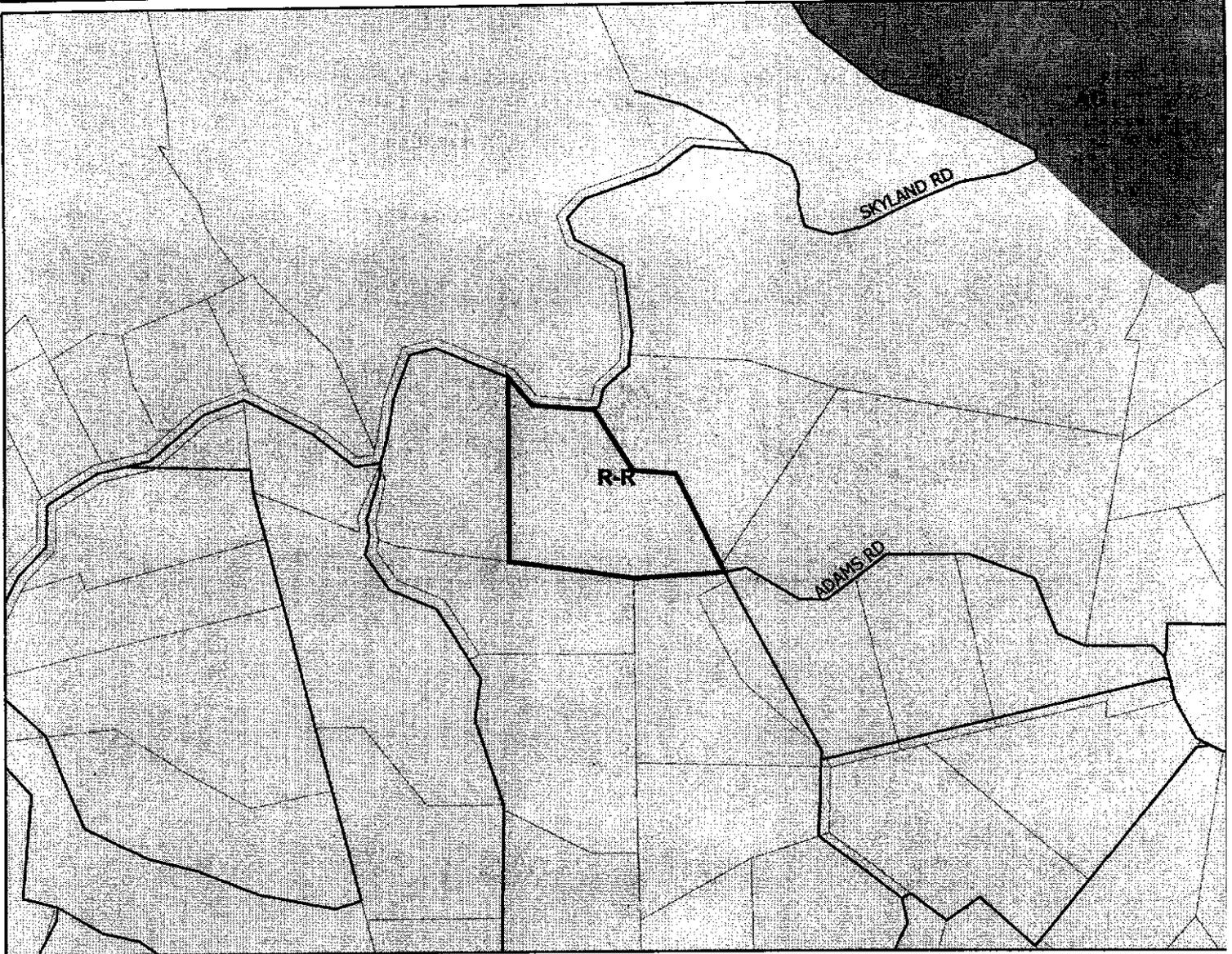
Assessor's Map No. 98-28
 County of Santa Cruz, Calif.
 Dec. 1998

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

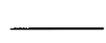
Electronically drawn 12/28/98 KSA
 Rev 3/29/98 CB (Comb Form, 1-29)
 Rev 5/8/02 NMM (DIRS14)
 Rev 3/31/04 DD (C-1003762 & 3, LBA 1-30 1 31)

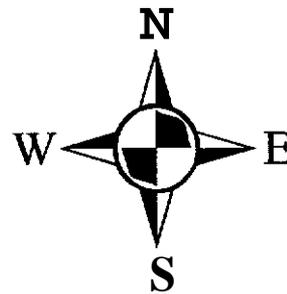


General Plan Designation Map



Legend

-  APN 098-281-13
-  Assessors Parcels
-  Streets
-  Residential-Rural (R-R)
-  Agriculture (AG)

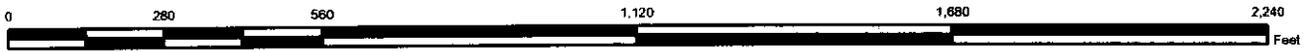
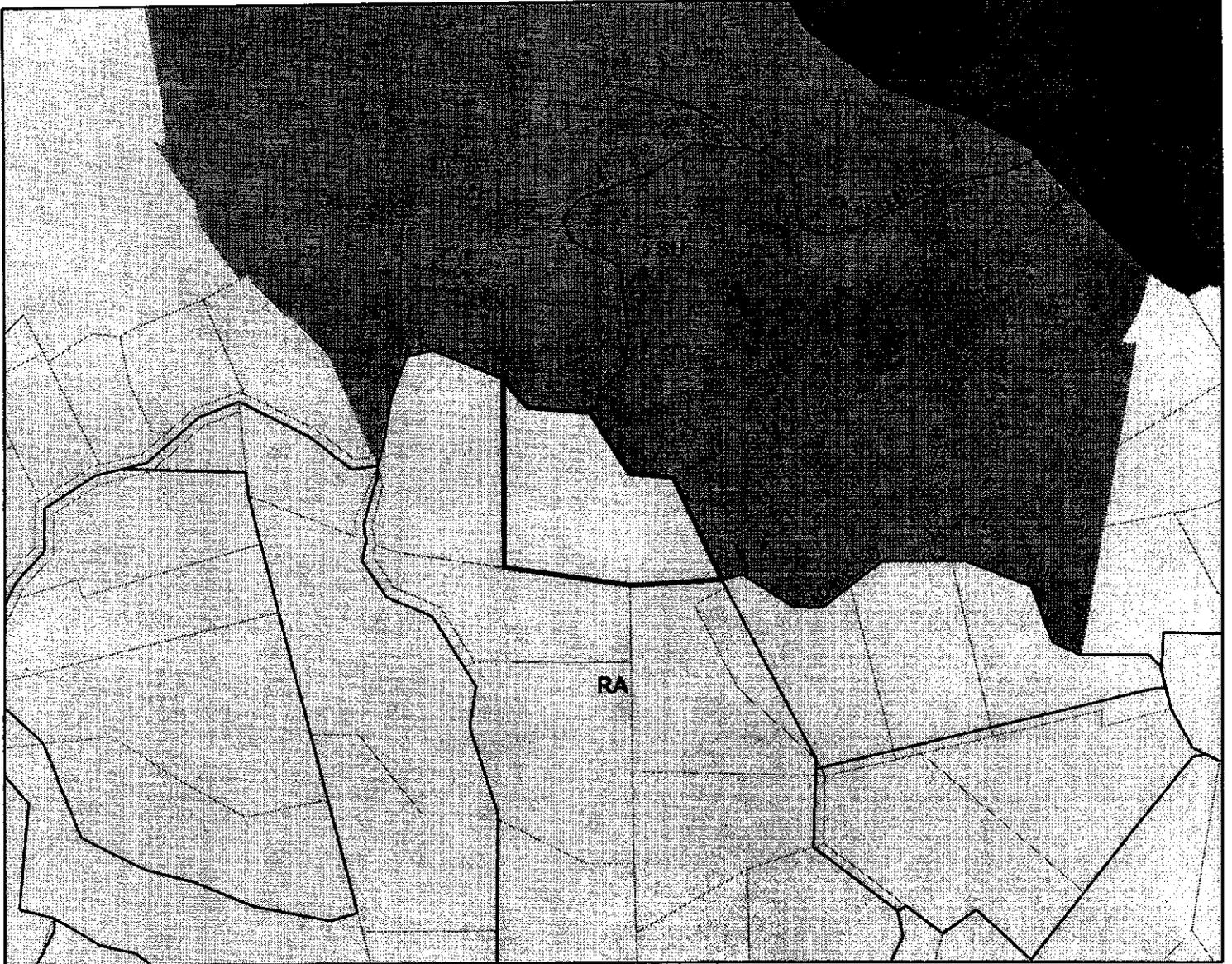


Map Created by
 County of Santa Cruz
 Planning Department
 March 2006

EXHIBIT G

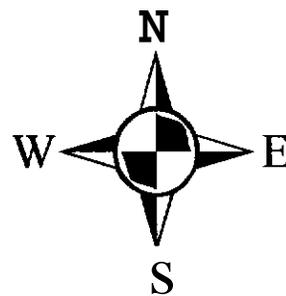


Zoning Map



Legend

-  APN 098-281-13
- Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL (RA)
-  SPECIAL USE (SU)
-  AGRICULTURE COMMERCIAL (CA)



Map Created by
 County of Santa Cruz
 Planning Department
 March 2006

EXHIBIT G

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

Project Planner: Cathy Graves
Application No.: 06-0108
APN: 098-281-13

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Environmental Planning Completeness Comments

===== REVIEW ON MARCH 20, 2006 BY ANDREA M KOCH =====

1) A Damage Assessment for this property was completed by Planning Department staff after the 1989 earthquake. The Damage Assessment recommended that a geologic review be submitted prior to repairs. in part to address ground cracks found throughout the property. Please submit this review and/or any other materials pertaining to the geology of the property.

2) More comments may follow after submittal of the geologic review. Depending on the content of the review, more information may be required. ===== UPDATED ON JUNE 13, 2006 BY ANDREA M KOCH =====

3) No additional comments. Previous comments addressed. ===== UPDATED ON JUNE 13, 2006 BY ANDREA M KOCH =====

Environmental Planning Miscellaneous Comments

===== REVIEW ON MARCH 20, 2006 BY ANDREA M KOCH =====

1) No comments at this time. ===== UPDATED ON JUNE 13, 2006 BY ANDREA M KOCH =====

Code Compliance Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MARCH 8, 2006 BY RUTH C OWEN =====

The description and building plans reflect the scope of the deck construction project that the owner completed before he applied for a building permit. Refer to BP 136549 that was issued December 11, 2003 to replace deck board, pickets, rails, and treads. This permit was issued with conditions as follows: (a) For only portions of the deck that are not within the twenty-foot setback: across the property line, or over twelve-foot high. (b) Repair damaged section of the door and replace siding. BP 136549 is void. ===== UPDATED ON MARCH 9, 2006 BY RUTH C OWEN =====

===== UPDATED ON MARCH 9, 2006 BY RUTH C OWEN =====

Code Compliance Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MARCH 9, 2006 BY RUTH C OWEN =====

===== UPDATED ON MARCH 9, 2006 BY RUTH C OWEN =====

The property owner signed a Stipulation. By January 28, 2007 he must obtain the building permit and inspection or obtain a demolition permit and inspection to demolish the as-built construction. ===== UPDATED ON MARCH 9, 2006 BY RUTH C OWEN =====

Dpw Drainage Completeness Comments

===== REVIEW ON MARCH 20, 2006 BY DAVID W SIMS =====

Project Planner: Cathy Graves
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Changes to wood deck do not impact drainage. Review complete. See Misc

Dpw Drainage Miscellaneous Comments

----- REVIEW ON MARCH 20, 2006 BY DAVID W SIMS =====

On the building plans: Applicant should indicate any new impervious surfacing, and the routing of any sub-drains associated with the retaining wall and new covered parking area.

Environmental Health Completeness Comments

===== REVIEW ON MARCH 16, 2006 BY JIM G SAFRANEK ===== It appears the deck was built over the septic system. Post and pier must be setback 5' or more from septic tank and leachfields. If that code req can't be met, the applicant must obtain approval from County Planning. Call that dept for their protocol when setback is less than 5'. Plan must be revised to show location/detail of septic system once Planning reqs have been satisfied.

===== UPDATED ON JUNE 6, 2006 BY JIM G SAFRANEK ===== Other than for a site plan which confirms that the septic tank is under the proposed deck, no material has been submitted to EHS to suggest that setbacks to post and pier from the septic system meet code (5' or more to septic tank).

===== UPDATED ON JUNE 6, 2006 BY JIM G SAFRANEK =====

===== UPDATED ON JUNE 7, 2006 BY JIM G SAFRANEK =====

Environmental Health Miscellaneous Comments

===== REVIEW ON MARCH 16, 2006 BY JIM G SAFRANEK =====

NO COMMENT

===== UPDATED ON JUNE 7, 2006 BY JIM G SAFRANEK ===== Access risers to septic tank will be a condition of EHS building permit clearance.

Cal Dept of Forestry/County Fire Completeness Comm

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

----- REVIEW ON MARCH 27, 2006 BY COLLEEN L BAXTER ----- DEPARTMENT NAME: CDF/COUNTY FIRE Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT. with an annotated copy of this letter: Note on the plans that these plans are in compliance with California Building and Fire Codes (2001) as amended by the authority having jurisdiction. Each APN (lot) shall have separate submittals for building and sprinkler system plans. The job copies of the building and fire systems plans and permits must be onsite during inspections. FIRE FLOW requirements for the subject property are 200 GPM. Note on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

A minimum fire flow _____ GPM is required from 1 hydrant located within _____ feet.

SHOW on the plans a 4,000 gallon water tank for fire protection with a "fire hydrant" as located and approved by the Fire Department if your building is not serviced by a public water supply meeting fire flow requirements. For information

Discretionary Comments - Continued

Project Planner: Cathy Graves
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regarding where the water tank and fire department connection should be located. contact the fire department in your jurisdiction. NOTE that the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval. Installation shall follow our guide sheet. NOTE on the plans that an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT. Building numbers shall be provided. Numbers shall be a minimum of 4 inches in height on a contrasting background and visible from the street, additional numbers shall be installed on a directional sign at the property driveway and street. NOTE on the plans that a _____ foot clearance will be maintained with non-combustible vegetation around all structures or to the property line (whichever is a shorter distance).. 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 are exempt.

The access road shall be 12 feet minimum width and maximum twenty percent slope. The access road shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The access road surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent. certified by a licensed engineer to 95% compaction and shall be maintained. - ALL WEATHER SURFACE: shall be minimum of 6" of compacted Class II base rock for grades up to and including 5%. oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%. but in no case exceeding 20%. The maximum grade of the access road shall not exceed 20%. with grades greater than 15% not permitted for distances of more than 200 feet at a time. The access road shall have a vertical clearance of 14 feet for its entire width and length, including turnouts. A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. Drainage details for the road or driveway shall conform to current engineering practices. including erosion control measures. All private access roads, driveways, turn-around and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.

SHOW on the plans, DETAILS of compliance with the driveway requirements. The driveway shall be 12 feet minimum width and maximum twenty percent slope.

The driveway shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The driveway surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent certified by a licensed engineer to 95% compaction and shall be maintained. - ALL WEATHER SURFACE: shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%. but in no case exceeding 20%. - The maximum grade of the driveway shall not exceed 20%. with grades of 15% not permitted for distances of more than 200 feet at a time. -

The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width. - A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. - Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures. - All private access roads, driveways, turn-arounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at

Disc tinary Comments - Continued

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all times. - The driveway shall be thereafter maintained to these standards at all times.

All Fire Department building requirements and fees 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.

72hour minimum notice is required prior to any inspection and/or test.

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency.

Cal Dept of Forestry/County Fire Miscellaneous Com

LATEST COMMENTS HAVE **NOT** YET BEEN SENT TO **PLANNER** FOR THIS AGENCY

===== REVIEW ON MARCH 27. 2006 BY COLLEEN L BAXTER =====

Cathy Graves

From: Cathy Graves
Sent: Thursday, August 24, 2006 11:56 AM
To: Jim Safranek
Subject: RE: Application 06-0108

Thanks,

We will include those as conditions of approval, and require that the building permit be reviewed and approved by your department.

Cathy

Cathy Graves
Principal Planner

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

From: Jim Safranek
Sent: Thursday, August 24, 2006 11:23 AM
To: Cathy Graves
Subject: RE: Application 06-0108

The owner is aware of the need to install access risers based on his letter to Planning and attached to appl. sent down to EH. Yes, that should be an **EHS** Building clearance condition.

Where the existing **post** and piers are relative to the tank location is unknown. As you suggest, if the p/p's can be relocated for the 5' separation to tank, that is one solution and EH would want to clear that (at Building phase) based on a site plan check.

Or, if the owner wants to hire an engineer and get Planning approval for p/p's closer than 5' to the tank, then that can be a Planning dept building condition... reviewed, of course, by Laura B.

Jim

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

From: Cathy Graves
Sent: Thursday, August 24, 2006 10:43 AM
To: Jim Safranek
Subject: RE Application 06-0108

Jim:

Thanks for the response. That makes more sense. Are these items that can be addressed at the building permit stage, since the location of the deck posts and piers can be adjusted somewhat to accommodate the required separation? I can include a condition that an engineer certify that there are no structural issues prior to building permit issuance. I'm not sure about the risers. I have attached a comment regarding the last time the tank was pumped, but I am not sure what it means. Do we need to include a condition on the building permit that improved access be provided? Please let me know.

Cathy

Cathy Graves
Principal Planner

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

From: Jim Safranek
Sent: Thursday, August 24, 2006 9:44 AM
To: Cathy Graves
Subject: RE: Application 06-0108

Hi Cathy:

2 different EH issues going on here.

Yes, the access to both tank risers should be confirmed for routine pumping. Risers, if they exist, are large

poly or concrete cylinder risers that are placed (w/ water-tight seals at the seam) directly on top of the 2 lids of a deeply set septic tank so soil does not have to excavated each time a pumping occurs. Sometimes they are at grade or slightly below grade. In driveways we want commercial grade manhole lids on top of the risers so they are not crushed.

In addition, the tank itself must be 5' or more from ALL deck post and piers. If less than 5' setback, I believe Laura Brinsom must have confirmation from an engineer that there are no structural issues.

Jim

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

From: Cathy Graves
Sent: Wednesday, August 23, 2006 3:52 PM
To: Jim Safranek
Subject: Application 06-0108

Jim,

I have taken over this application from Cathleen, who has left the County (and the state for that matter). I have a question about your comments dated June 7, regarding the setback from the post and pier to the septic tank. I think that Cathleen considered your comments that access risers to the septic tank would be a condition for the building permit clearance to address the setback issue. I'm not so sure, however, since I have no idea what access risers to the septic tank are? What are they, and would they address the separation issue or do you still need more information from the applicant. Please let me know so I can relay that information to the applicant if necessary. Thanks.

Cathy

Cathy Graves
Principal Planner