



Staff Report to the Zoning Administrator

Application Number: **06-0641**

Applicant: Wayne Miller
Owner: Robert and Sandra Kuerzel
APN: 067-191-18

Agenda Date: 10/02/09
Agenda Item #: 4
Time: After 10:00 a.m.

Project Description: Proposal to recognize the expansion of an existing home occupation into a grading and paving services business to include a 320 square foot home office and storage of eight business vehicles and equipment. The project requires an Amendment to Residential Development Permit 78-1201-U (to park a flat bed truck and a tractor on property as a home occupation) and 80-704-U (Amendment to 78-1201-U to allow a 1 ½ ton truck and brush grinder to be parked on the property).

Location: Property located on the east side of El Rancho Drive at its intersection with Highway 17 (1770 El Rancho Road).

Supervisory District: 1st District (District Supervisor: John Leopold)

Permits Required: Amendment to Residential Development Permit 80-704-U and 78-1201-U
Technical Reviews: None

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Denial of Application 06-0641, based on the attached findings.

Exhibits

- | | |
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| A. Project plans | I. Home Occupation Regulations |
| B. Findings | I. County Code Section 13.10.556 |
| C. Assessor's, Location, Zoning and General Plan Maps | Outdoor Storage of Personal Property and Materials |
| D. CEQA Determination | J. County Code Section 13.10.554 (d) |
| E. Comments & Correspondence | Standards for Off-Street Parking Facilities |
| F. Use Permit/Code Compliance History | K. Site Photos |
| G. General Plan Home Occupation Policies | |
| H. County Code Section 13.10.613 | |

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

Parcel Information

Parcel Size: 3.1 Acres
Existing Land Use - Parcel: Residential, storage of personal and commercial equipment, machinery, materials and vehicles
Existing Land Use - Surrounding: Residential
Project Access: El Rancho Drive, 50 foot right-of-way
Planning Area: Carbonera
Land Use Designation: Rural Residential (2 1/2 Acres Per Unit)
Zone District: RA, R-1-2 Acres (Residential Agriculture, Residential - 2 Acre per Unit)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Soils types typical of areas adjacent to drainage ways such as Carbonera Creek and includes Ben Lomond-Catelli Complex (30-75 percent slope) and Ben Lomond Felton complex (50-75 percent slope), and well drained soils on hills and terraces including Pfeiffer gravelly sandy loam (15-30 percent slope)
Fire Hazard: Not a mapped constraint
Slopes: The site is almost flat in the building and development area, but generally slopes from the northwest to the southeast toward an unnamed tributary of Carbonera Creek. Beyond the development area the site slopes steeply down to the southeast toward the tributary.
Env. Sen. Habitat: The development area is adjacent to the riparian corridor of a tributary to Carbonera Creek, a salmonid stream.
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Natural drainage, the site drains to the south and southeast toward Carbonera Creek
Archeology: Mapped, though Archaeological Reconnaissance Survey completed in 2002 (02-0214) did not identify any physical evidence on site. No additional requirements have been required for this project.

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Well
Sewage Disposal: Septic System
Fire District: Scotts Valley Fire District
Drainage District: Natural

History

The attached use permit and code compliance history (Exhibit F) provides a full list of all use permits and compliance history on this site. It includes Use Permit 80-704-U, which allowed an amendment to 78-1201-U (Use Permit to park a flat-bed truck and tractor on property as a home occupation) to substitute a 1/1/2 ton truck and a brush grinder for the truck and tractor to be parked on the property as a home occupation.

On June 17, 2005, the property was cited with a code violation of Zoning Regulations, Violation of the Home Occupation Permit 80-704-U and Construction without permits. The site houses E & S Trucking, a paving and grading services business, which includes numerous business vehicles and equipment and outdoor storage of business materials. Through code compliance violation protest meetings, the code violations were clarified to include "violation of zoning regulations and Permit 80-704-U, equipment and vehicles in excess of those allowed." The property owner was required to amend Use Permit 80-704-U to recognize the grading and paving services business to include storage of business vehicles and equipment related to the property owner's E & S Trucking business.

Photo documentation of the code violation conditions and current site conditions is attached as Exhibit K.

Project Setting

The subject property is approximately 3 acres in size and located on the east side of El Rancho Drive at the intersection of El Rancho Drive and the northbound entrance to and exit from Highway 17. The subject property is surrounded by residentially zoned property on all other sides. Residences are located immediately to the north, south and east of the subject property. An un-named tributary to Carbonera Creek follows the eastern and southeastern property lines.

Adjacent to El Rancho Drive the property is generally flat with a slight slope to the southeast at the edge of a steep slope above the riparian corridor and creek. Site runoff generally drains to the south and southeast toward the top of the slope above the creek. The tributary drains into Carbonera Creek, which is a Salmonid stream.

The property contains an existing 3,200 square foot single family dwelling, located in the north central portion of the site, with the lower 320 square feet of floor area of the dwelling dedicated to the home occupation. The south central portion of the site contains three existing storage buildings, approximately 240 square feet, 448 square feet (320 square foot shed and 128 square foot attached open sided storage area), and 200 square feet. The 240 square foot shed is located within the required 40-foot front yard setback area and was not constructed with a building permit. The 448 square foot building is located along the top of the slope above the riparian corridor. This structure was issued a building permit, 142454, in 2005, though the permit was never finalized. The 200 square foot shed was not constructed with a building permit. The plans identify a carport, which was issued a building permit, but never constructed. The site also contains two diesel fuel tanks in the front central and central portion of the property. An approximately 72 square foot pump house is also located in the front central portion of the property, adjacent to one of the fuel tanks.

The property is surrounded by a fence, approximately 9 feet in height and runs along the front property line area adjacent to the property entrance and northern property. This screens the site from the street and adjoining property to the north.

Project Description

The applicant is proposing to amend Commercial Development Permit 80-704-U and 78-1201-U to recognize expansion of the home occupation business into a grading and paving services business, which includes a 320 square foot home office, and storage of eight business vehicles and equipment related to the property owner's E&S Trucking business.

The program statement contained on the site plan describes the project scope as follows:

1. Home office within 20 percent of floor area of residence. No employees or clients on site.
2. On site storage buildings for private use only. No manufacturing or fabricating on premises. No business materials stored on site.
3. Parking for eight (8) business vehicles and pieces of equipment, and parking for six (6) private personal vehicles and equipment not used for the business. The business vehicles and equipment include a Cat grader, Cat excavator, Case skip loader, Gilcrest paver, Dynapac roller, International dump truck, Peterbuilt dump truck, and a water truck. The personal vehicles or equipment include a Ford Truck, 8 x 28 foot moving trailer, 580 Case tractor, towable air compressor, and two utility trailers.
4. All commercial vehicles to be used off site only
5. No employee or client parking proposed. All employees park at job sites.
6. Facility screened by trees, landscaping, natural topography, and an existing wood fence up to 9 feet tall. Existing landscape screening to be maintained.
7. Hours of operation for moving equipment are between 7 a.m. and 7 p.m. weekdays, with exception of emergency circumstances.
8. Trips in and out of the site vary. The average number of trips is less than one per day. Equipment repaired and serviced in the field.
9. No business traffic will use El Rancho Drive except to Highway 17 north and south entry points.

Zoning & General Plan Consistency

The subject property is located in a split residential zoning, Residential Agriculture and R-1-2 Acres (Residential Agriculture, Residential - 2 Acre per Unit) zone district, and designated RR (Rural Residential) by the General Plan. The Residential Use Chart contained in County Code Section 13.10.323 allows home occupations provided that the home occupation is consistent with the Home Occupation Regulations contained in County Code Section 13.10.613 and consistent with the purposes of the residential zone district.

Home Occupation Regulations

The General Plan encourages "appropriate small businesses conducted as home occupations, provided that they are compatible with surrounding residential land uses." The General Plan and Zoning Ordinance Section 13.10.700-H define home occupation to mean "an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and services performed by the full-time inhabitant of the unit." Accessory is further defined by the General Plan to mean "any use which is secondary or subordinate to the principal or main use of a property and which clearly does not change the character of the main use. The general plan directs the regulation of home occupation by means of the home occupation ordinance.

Pursuant to County Code Section 13.10.613 (a) and (b), the purposes of the home occupation ordinance are to allow residential properties to "carry on limited, income-producing activities on their residential property" while also "protecting nearby residential properties from potential adverse effects of the allowed activity by not allowing home occupations that would create excessive noise, traffic, public expense or any nuisance." In addition, the proposed scale of the home occupation must not affect the character of the surrounding residential neighborhood. "Limited" has been interpreted to refer to the scale of the use rather than the income producing potential of the use. This is supported by the objective 2.20 of the General Plan to encourage "appropriate small businesses" as home occupations where they are compatible with surrounding residential uses. The emphasis of County Code Section 13.10.613 and 13.10.700-H (home occupation definition) is on small scale, low intensity use to be conducted in the dwelling, or an accessory structure, and conducted by the resident of the dwelling. However, provision is made in the home occupation regulations for uses of greater intensity if approved by the Zoning Administrator at a public hearing. This is a discretionary approval. However, the General Plan Policy 2.20.2 also requires relocation of home occupations to a commercial or industrial area, as appropriate, when the use expands to the extent that they significantly impact adjacent residential uses.

Identification of Personal Materials versus Business Materials

There is a question about whether all six of the vehicles identified as personal, non business vehicles are correctly placed in that category. The tractor, moving trailer, towable air compressor, and two storage trailers and all material storage, considered together, are more typically associated with business use. If these pieces of equipment are associated with the business, County Code section 13.10.613 applies (Exhibit H). If the vehicles are considered to be personal and unrelated to the business, then County Code section 13.10.556(a) 2 applies (Exhibit A and I). Discussion of the importance of this distinction follows.

In addition, various building materials are stored in the yard, taking up more than 8000 – 10,000 sq. ft of space (as shown on the plans and in site photos dated 2009, attached as Exhibit K), which are also characterized by the applicant as personal materials. These materials, which include a Porta Potty, stored rocks, I beams, gravel supplies, etc., are items typically associated with a contracting business and are not typically stockpiled for personal use.

Need for Additional Information Regarding Operations

The project statement indicates that the only use proposed is vehicle storage. No detailed information is provided regarding business operation. This presents questions regarding the functional needs and operation of the business, given that the scope of the business currently operating on the site is larger than the one that is proposed. An understanding about how the use operates can only be inferred; a more detailed program statement is necessary. This would include the type and size of grading and paving jobs that are served by the business with more information regarding the size/capacity of the vehicles and equipment. What types of materials are required for the grading and paving activities? The site currently stores rocks, gravel, a steel drum, wheel barrows, wood, wood stakes, porta potty, etc. Where will materials that are required for the on-going maintenance of the vehicles and equipment be stored? And, how are the vehicles and equipment maintained on the job site if the tools and lubricants are not stored on site? Where do employees park the vehicles they leave behind when moving equipment to job sites? A more complete explanation of the business operation is necessary beyond the program statement provided on the plans.

Another consideration that has not been thoroughly addressed is the amount and type of hazardous materials used in the paving business and where these types of materials are stored, if not on the property. Such materials typically include lubricants and oil, oil screening materials, vehicle fuel, and vehicle and equipment maintenance tools. There are also two fuel tanks on site, which the plans identify as back up home heating oil for the residence. One had a fuel nozzle and extension hose. Planning Department Building Plan Check staff state that the California Building Code requires a direct connection between the fuel tank and the heating unit in the dwelling, which would not require a fuel nozzle for dispensing fuel. The issue of fuel storage on site requires additional clarification.

Scale of the Business Activity

Currently the site contains more vehicles and material storage than the program statement indicates will be needed for the business, as it would operate in the future under this permit. Staff estimates there are between 15 and 20 vehicles/pieces of equipment in total, depending upon whether some attached equipment is counted separately or together. (This number includes five of the six identified as personal vehicles or equipment.) In addition, the site contains a large area, upwards of 8,000 to 10,000 square feet, dedicated to material storage.

This number and type of vehicles and equipment on the site, and the storage of material suggests a scale of operation that is larger than the "limited, incoming producing activity" described by the Home Occupation regulations, which is an accessory and subordinate use, described in General Plan Glossary. Coupled with the lack of information that would clarify the scope of the activity, the scale of the occupation cannot be described as fitting within the General Plan concept of Home Occupation.

Outdoor Storage of Personal Materials

County Code Section 13.10.556 (a) (2) (outdoor storage of personal vehicles and materials) regulates the storage of personal materials and vehicles. This section allows the outdoor storage of construction or commercial equipment, machinery, chemicals, or materials on the property. This code section is clarified by Glenda Hill in her letter of September 8, 2005, attached as Exhibit E (comments and correspondence), following the code violation protest meeting with the applicant's attorney, Jonathan Wittwer. She concluded that this code section was not intended to supersede the Home Occupation regulations enumerated under County Code Section 13.10.613(b)(2), which regulate the outdoor storage, operations or activity associated with a home occupation unless a Level V Use Approval is obtained, and that the storage of commercial construction equipment and materials only applies to equipment for use on residential property.

Thus, there is no storage of identified personal property noted in the program statement related to the residential use, with possible exception of the Ford truck. As enumerated in the County Code Section 13.10.554, the storage of personal operable vehicles, such as the Ford truck, may be parked within no more than 50 percent of the front yard setback area or allowed within the side or rear yards provided that they are screened from view. The Ford truck is parked beyond the side yard setback and is not visible from the adjacent residential use and thus meets the regulations.

Employee Parking/Vehicle/Equipment Parking

Employee parking is not proposed on the site plan or in the program statement. However, the applicant has indicated that employees do park on site so that stored vehicles can be moved to their respective construction sites. Current site photos during a recent site visit show three vehicles parked adjacent to the residence. The owner confirmed that these vehicles were employee vehicles. It is not clear why the plans do not call out employee parking if it is needed for the business. The project plans previously showed employee parking and have since been revised to eliminate parking. The current plan is unrealistic to the operation of the proposed use if the business does indeed rely on employees. A detailed parking plan was requested on December 8, 2006 and has not been provided. Spaces are required to be identified, numbered, and dimensioned on the plans. Individual turnaround requirements must be provided. These can vary depending upon the size of the vehicle or equipment.

Hours of Operation/Noise

The General Plan Noise Environment Objective 6.9 is to "promote land uses which are compatible with each other and with the existing and future noise environment" and to "prevent new noise sources from increasing the existing noise levels above acceptable standards and eliminate or reduce noise from existing objectionable noise sources."

Staff has received considerable, but varied neighborhood input regarding noise concerns. Please see attached correspondence. Proposed hours of operation are between 7 a.m. and 7 p.m. daily, with unspecified emergency hours of operation. The location of the site adjacent to Highway 17

creates a certain amount of background noise that may mask the proposed use. Nonetheless, engines idling, the movement of vehicles and equipment and back-up beepers, including the loading and unloading of equipment from hauling equipment and the "emergency" hours of operation may have noise impacts. However, this is not fully evident and has not been quantified thus far.

The project does not include a noise study, which would evaluate the true extent of the noise issue in this location. A noise study should include an evaluation of the proposed use as well as the emergency hours, which could occur anytime between 7 p.m. and 7 a.m. Absent such data it is not possible to conclude that the project will be in compliance with the noise standards in the General Plan.

Traffic

The program statement identifies that no business traffic will use El Rancho Drive in either direction and that all business traffic will exit Highway 17 north and enter Highway 17 south. What the applicant probably meant to say is that business traffic will exit Highway 17 north to El Rancho Drive and enter Highway 17 northbound from El Rancho Drive. Entrance to Highway 17 south requires southbound travel on El Rancho to Pasatiempo Drive and on to the southbound Highway 17 on-ramp because it is impossible to go southbound on Highway 17 immediately from the property frontage.

The program statement indicates that the average trip rate is less than one trip in and one out per day, separate from noise associated with the use. It is not anticipated that the project will generate significant traffic or affect the public streets in the vicinity because of the proximity of the highway.

Resource Protection

The site is situated at the top of the slope above a tributary to Carbonera Creek and the site drains toward the creek. Due to this site location, the applicant was required to provide a Storm Water Pollution Prevention Plan, including Best Management Practices, for drainage and operations on site. This material has not been submitted to date. A plan would provide the site topography, identification of pollutants, describe the methods of reducing pollutants, and address all the potential impacts of operating a contractor's storage yard.

Existing Structures

Of the three existing accessory structures located on the subject parcel, two sheds do not have the benefit of a building permit. The applicant has not been able to demonstrate that a building permit was issued for these structures. One of these un-permitted sheds is located within the front yard setback area. This shed is required to be relocated beyond the front yard setback area and both are required to obtain a building permit. The third existing shed located adjacent to the top of slope has been issued a building permit and finalized. However, the carport and open sided shed storage area was issued a building permit, though the carport was never constructed and the open sided storage area never finalized. Fence plans have also not been provided. The project plans do not clearly label each parking vehicle/equipment parking space for the

business or identify the required dimensions. As one can see from the site photos, the vehicles/equipment dimensions vary widely. The lack of specific information makes it difficult to nail down the scope of the storage yard activity

Environmental Review

Projects subject to denial are exempt per the California Environmental Quality Act (CEQA), Statutory Exemption 15270. In order for the project to be approved, the decision maker must redirect the project to Environmental Review, which would consider environmental impacts under CEQA.

Conclusion

It has been established that there is no prohibition against a contractor storage yard being permitted as a home occupation. The question is whether the findings for approval can be made for any particular contractor yard in any particular location. The analysis must consider whether the type of business that E and S Trucking is, a grading and paving contractor operation, is a good fit in this particular neighborhood, and then further whether the specific characteristics of E and S Trucking, such as the number and type of vehicles and the time and manner in which they are used, are a good fit. In addition, we must consider whether the use is limited enough in scope to meet the primary intent of the General Plan and Zoning Ordinance to allow "accessory use of a dwelling unit for gainful employment". The question is one of balance: there are aspects of the property that make it a suitable site, such as the close access to Highway 17, which minimizes the length of local road traveled by heavy equipment, and the good visual screening of the equipment, as well as aspects that make it a poor fit, such as the prevailing quiet, rural feel and the location of the Carbonera Creek tributary immediately below the equipment storage area.

The setting is rural residential. There is a quiet, country feel even with the proximity of Highway 17. The issue of noise is related to equipment and use. Large engines, truck brakes, back up beepers, work associated with towing and trailoring, all create noise impact. Proposed business hours include early morning hours and uncontrolled hours during emergencies. Even though the average number of trips in/out per day is projected to be very small, this type of noise is generally incompatible with a quiet residential area. There are also complaints of noise on file. In the absence of a noise study that documents the type and timing of noise and any mitigating effect of background noise from Highway 17, this type of commercial noise is considered to be incompatible with the residential surroundings.

The equipment, building/grading materials and oil drums are stored on a flat terrace, immediately upslope from a tributary to Carbonera Creek. The surface of the terrace slopes to the creek. There is an informal system of drainage control, but no formal means to contain drainage that could become contaminated with oil, gasoline, or other fluid that could be accidentally released from stored vehicles and equipment. Absent a formal plan that includes some type of filtering, the storage of heavy mechanical equipment that has historically been kept on site is not compatible with the riparian resource at the edge of the terrace.

Lastly, we return to the question of balance. It is possible that a contractor yard storage business that was small enough and had adequate environmental safeguard would be a compatible use that

fits into the standards for home occupation on this property. For example, a flatbed truck and brush grinder is currently permitted. However, experience has shown that limits on type and number of equipment, hours of use and type of noise generated are very difficult to enforce. At this time, the scope of the storage yard is beyond that for which positive findings can be made.

Staff Recommendation

- **DENIAL** of Application Number **06-0641**, 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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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.

County Code Section 16.30 (Riparian Corridor and Wetland Protection) and General Plan Policies 5.7.1 (Impacts from New Development on Water Quality), 5.7.4 (Control of Surface Runoff), 5.7.5 (Protecting Riparian Corridors and Coastal Lagoons) require that environmental protection be provided to riparian corridors and to maintain water quality. Equipment, building/grading materials and oil drums are currently stored on a flat terrace, immediately upslope from a tributary to Carbonera Creek, which is a salmonid stream. The surface of the terrace slopes to the creek. There is an informal system of drainage control, but no formal means to contain drainage that could become contaminated with oil, gasoline, or other fluid that could be accidentally released from stored equipment. On April 4, 2007, the applicant was required to provide a Storm Water Pollution Prevention Plan (SWPPP) by the Planning Department to address drainage requirements. In correspondence dated October 22, 2007, the applicant's attorney refused to provide this information. Absent a formal plan that includes some type of filtering, a finding that the storage of heavy mechanical equipment and materials on site is compatible with the riparian resource at the edge of the terrace and that will not be detrimental to health, safety or welfare or injurious to property cannot be made; and

The application lacks specific information about the type and scale of jobs that will be serviced by the storage yard. Without a clear picture of the operational needs of the business any potential health and safety impacts cannot be adequately assessed; and

A number of vehicles and equipment, identified as personal vehicles and equipment, as well as contractor materials are subject to the home occupation regulations, which have not been addressed in the program statement properly. Specifically, what are identified as personal vehicles are not associated with an on-going residential or residential agricultural use on the property. And, while the program statement identifies that material storage will not be provided for the business the site contains an approximately 8,000 to 10,000 square foot area dedicated to contractor materials. Also, the program statement does not provide detail regarding what emergency hours of operation entails. Significantly more information, including but not limited to the business operation, necessary storage of materials and location of storage for the business operation, required maintenance and fueling needs of the business and how these issues will be addressed, is necessary to determine whether the project may be detrimental to the health, safety, or welfare of persons or injurious to property.

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 cannot be made, in that the proposed location of the use and the conditions under

which it would be operated or maintained will not be consistent with all pertinent County ordinances and the purpose of the RA, R-1-2 Acres (Residential Agriculture, Residential - 2 Acre per Unit) zone district as follows:

Pursuant to County Code Section 13.10.613 (a) and (b), the purposes of the home occupation ordinance are to allow residential properties to "carry on limited, income-producing activities on their residential property" while also "protecting nearby residential properties from potential adverse effects of the allowed activity by not allowing home occupations that would create excessive noise, traffic, public expense or any nuisance." This code section goes on to say that the proposed scale of the home occupation must not affect the character of the surrounding residential neighborhood. "Limited" has been interpreted to refer to the scale of the use rather than the income producing potential of the use. The emphasis of County Code Section 13.10.613 and 13.10.700-H (home occupation definition) is on small scale, low intensity use to be conducted in the dwelling, or an accessory structure, and conducted by the resident of the dwelling. Based on the information provided in the plans and evaluation of the current business operation, the intensity of the proposed use exceeds the intent of the ordinance to limit home occupations to small-scale businesses within the residential zone district in that storage of fifteen to twenty contractor vehicles and an 8,000 to 10,000 square foot material storage yard are clearly not limited in scope; and

The vehicles and equipment, including oil screening equipment, building/grading materials and 50-gallon drums are currently stored on a flat terrace, immediately upslope from a tributary to Carbonera Creek, a salmonid stream. The surface of the terrace slopes to the creek. There is an informal system of drainage control, but no formal means to contain drainage that could become contaminated with oil, gasoline, or other fluid that could be accidentally released from stored equipment. On April 4, 2007, the applicant was required to provide a Storm Water Pollution Prevention Plan (SWPPP) by the Planning Department to address drainage requirements. In correspondence dated October 22, 2007, the applicant's attorney declined to provide this information. Absent a formal plan that includes some type of filtering, the storage of heavy mechanical equipment on site cannot be found to be compatible with riparian resource protection requirements of Chapter 16.30 of the County Code; and,

The unpermitted shed is located approximately 20 feet from the property line where 40 feet is required.

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 cannot be made, in that the General Plan encourages "appropriate small businesses conducted as home occupations, provided that they are compatible with surrounding residential land uses." The General Plan and Zoning Ordinance Section 13.10.700-H define home occupation to mean "an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and services performed by the full-time inhabitant of the unit." Accessory is further defined by the General Plan to mean "any use which is secondary or subordinate to the principal or main use of a property and which clearly does not change the character of the main use.

The available plan, including the program statement, provides incomplete and inadequate information regarding the proposed operation and therefore a clear understanding of the proposed scope of use cannot be fully determined. For example, it is not clear how the business can be operated without employees and employee parking when employees are necessary to move the proposed equipment from the site. Based on the information provided in the plans and evaluation of the current business operation, the intensity of the proposed use exceeds the intent of the general plan to allow appropriate small business in that the proposed storage of fifteen to twenty contractor vehicles and an 8,000 to 10,000 square foot contractor material storage yard are clearly not limited in scope; and

General Plan Policies 5.7.1 (*Impacts from New Development on Water Quality*), 5.7.4 (*Control of Surface Runoff*), and 5.7.5 (*Protecting Riparian Corridors and Coastal Lagoons*) require that environmental protection be provided to riparian corridors and to maintain water quality. Equipment, building/grading materials and oil drums are currently stored on a flat terrace, immediately upslope from a tributary to Carbonera Creek, which is a salmonid stream. The surface of the terrace slopes to the creek. There is an informal system of drainage control, but no formal means to contain drainage that could become contaminated with oil, gasoline, or other fluid that could be accidentally released from stored equipment. On April 4, 2007, the applicant was required to provide a Storm Water Pollution Prevention Plan (SWPPP) by the Planning Department to address drainage requirements. In correspondence dated October 22, 2007, the applicant's attorney declined to provide this information. Absent a formal plan that includes some type of filtering, a finding that the storage of heavy mechanical equipment and materials on site is compatible with General Plan policies to protect water quality and riparian corridors cannot be made.

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.

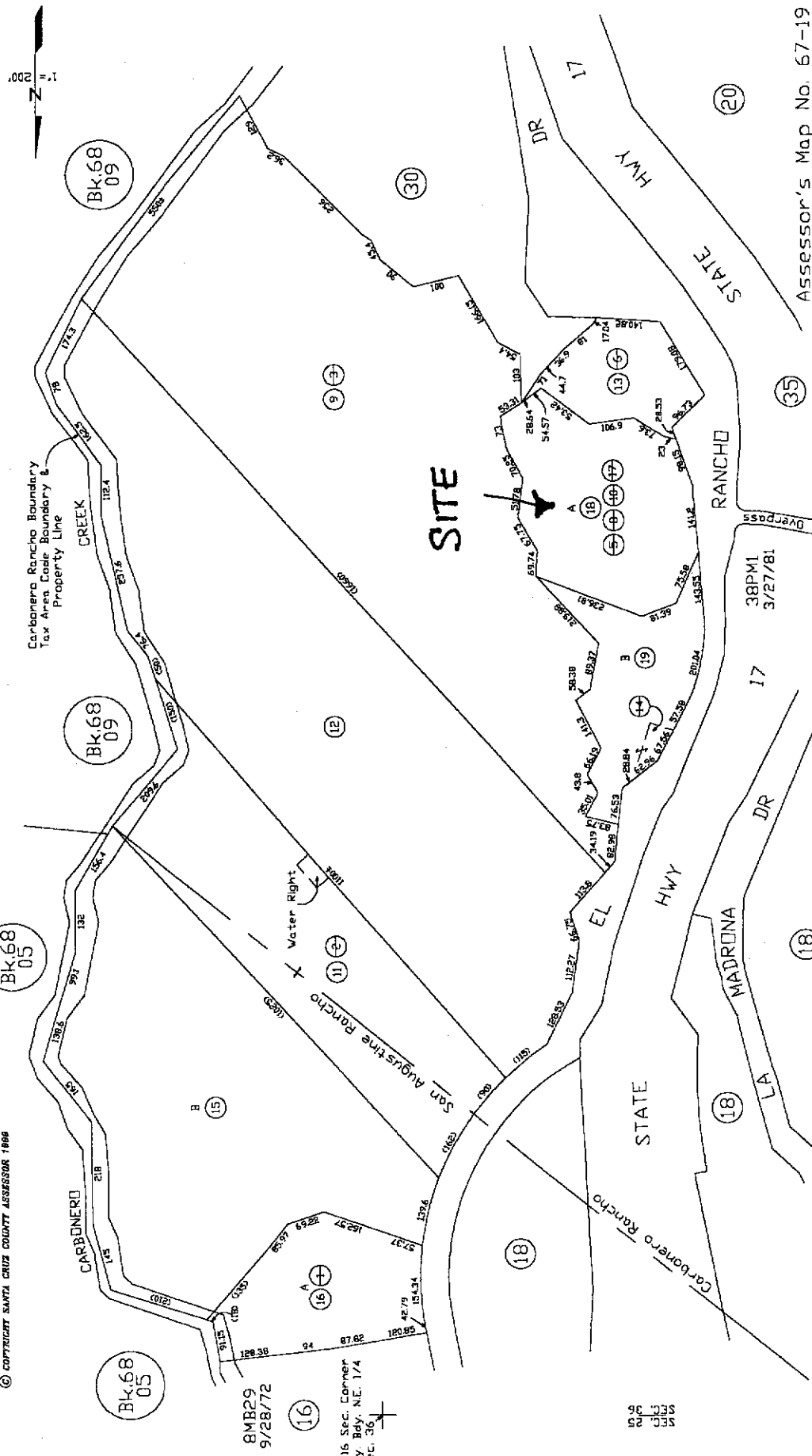
One of the intents of the residential zone district is "to protect the natural environment in compliance with the California Environmental Quality Act". The proposed use may result in impacts to the riparian corridor or water resources in a salmonid stream as a result of potential leakage of fuel, oil, and gasoline from stored equipment. On April 4, 2007, the applicant was required to provide a Storm Water Pollution Prevention Plan (SWPPP) by the Planning Department to address drainage requirements. In correspondence dated October 22, 2007, the applicant's attorney declined to provide this information. Absent a formal drainage plan that includes filtering it is not clear that riparian and water resources are being protected.

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N.E. 1/4 SEC. 36, T.10S., R.2W., M.D.B. & M.

Tax Area Code 67-19
94-066

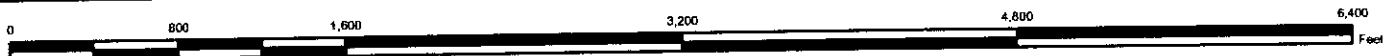
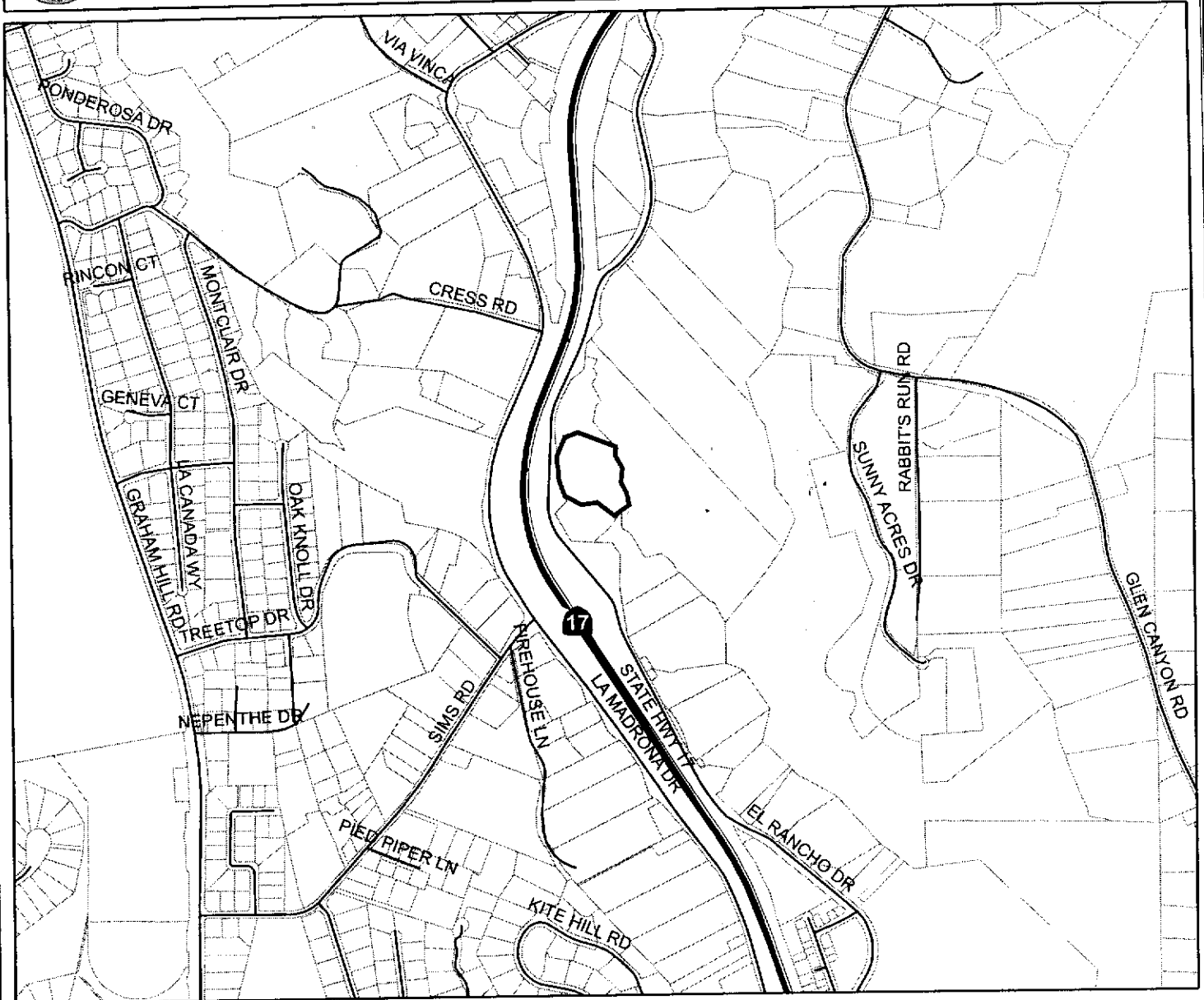


Assessor's Map No. 67-19
County of Santa Cruz, Calif.
July 1999





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

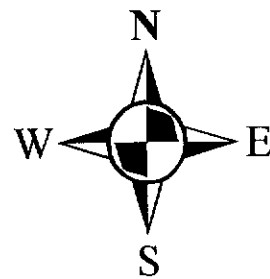


Location Map



Legend

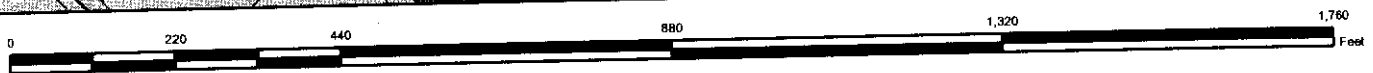
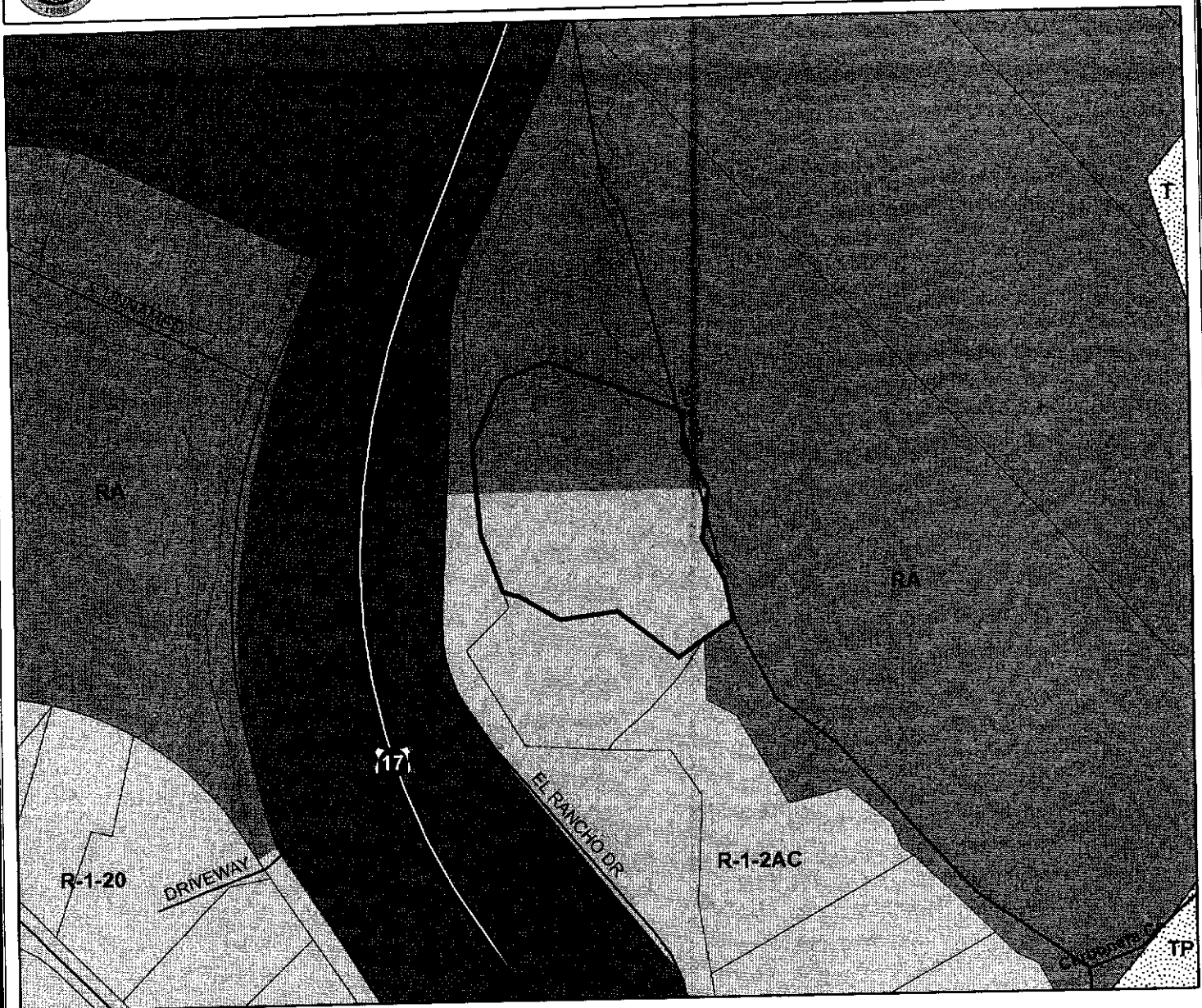
-  APN 067-191-18
-  Streets
-  Assessors Parcels
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
November 2006

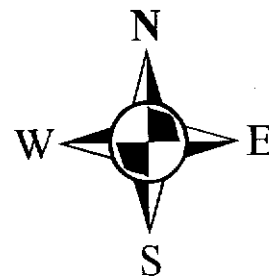


Zoning Map



Legend

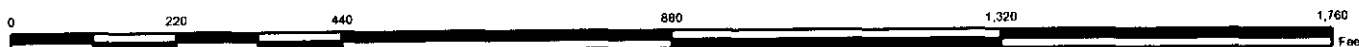
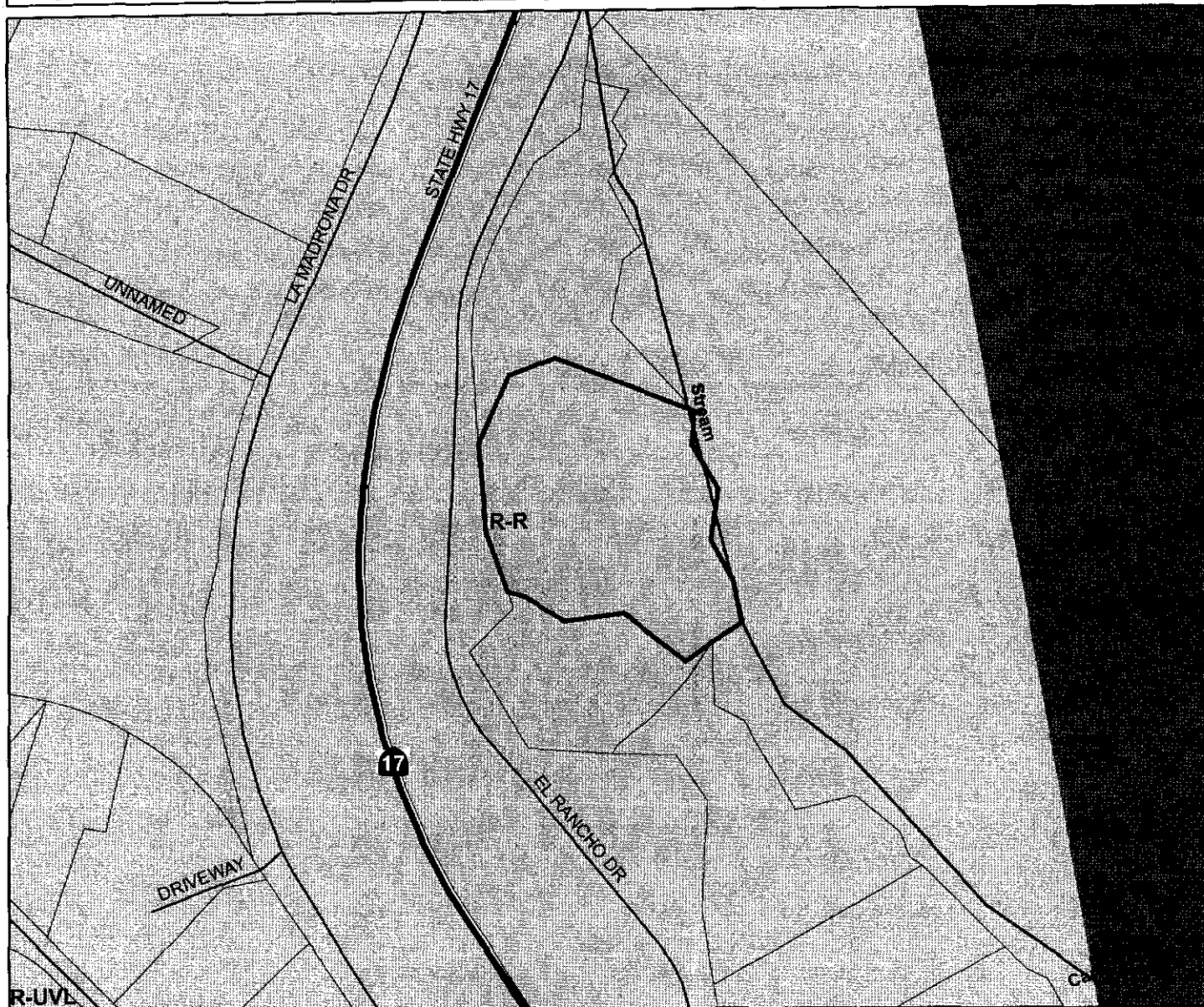
- APN 067-191-18
- Assessors Parcels
- INTERMITTENT STREAM
- PERENNIAL STREAM
- Streets
- State Highways
- RESIDENTIAL-SINGLE FAMILY (R-1)
- AGRICULTURE RESIDENTIAL (RA)
- SPECIAL USE (SU)
- TIMBER PRODUCTION (TP)










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November 2006

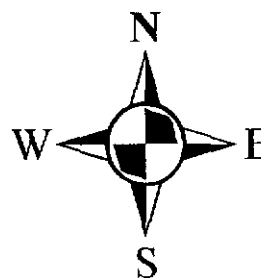


General Plan Designation Map



Legend

-  APN 067-191-18
-  Assessors Parcels
-  Streets
-  State Highways
-  PERENNIAL STREAM
-  Residential-Rural (R-R)
-  Residential-Mountain (R-M)



Map Created by
County of Santa Cruz
Planning Department
November 2006

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: 06-0641

Assessor Parcel Number: 067-191-18

Project Location: 1770 El Rancho Drive, Santa Cruz, CA 95060

Project Description: Proposal to recognize the expansion of an existing home occupation into a grading and paving services business to include a 320 square foot home office and storage of eight business vehicles and equipment. The project requires an Amendment to Residential Development Permit 78-1201-U (to park a flat bed truck and a tractor on property as a home occupation) and 80-704-U (Amendment to 78-1201-U to allow a 1 ½ ton truck and brush grinder to be parked on the property).

Person or Agency Proposing Project: Wayne Miller

Contact Phone Number: (831) 724-1332

- 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. x _____ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: Statutory Exemption - 15270 - Projects which are disapproved

E. _____ Categorical Exemption

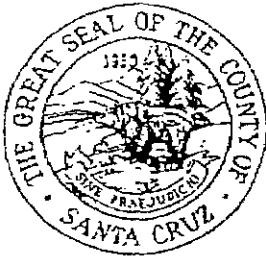
F. **Reasons why the project is exempt:**

Recommendation for project denial

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

Sheila McDaniel, Project Planner

Date: _____



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

ALVIN D. JAMES, DIRECTOR

May 30, 2002

Wayne Miller
PO Box 1929
Freedom CA 95019

Subject: Application # 02-0214; Assessor's Parcel #: 067-191-18
Owner: Robert and Sandra Kuerzel

Dear Wayne Miller:

I have completed a review of this project to recognize a contractor's storage yard as a home occupation. As a proposed home occupation, the project is subject to County Code Section 13.10.613. Since the proposed use does not comply with the stated purposes of this section of the ordinance, I strongly suggest the project be withdrawn.

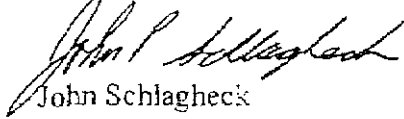
Specifically, Section 13.10.613(a)(1) states that the purpose of the home occupation is: "To allow persons to carry on limited income-producing activities on their residential property." It seems clear from the submitted program statement that the actual income-producing activity is the employment of this equipment at off-site locations and not on the subject property.

Further, Section 13.10.613(a)(2) also states that the purpose of the home occupation is: "To protect nearby residential properties from potential adverse effects of the allowed activity by not allowing home occupations that would create excessive noise, traffic, or any nuisance." Please note that the Planning Department is in receipt of complaints regarding actual adverse effects on nearby residential properties.

Following withdrawal the project, I will initiate a refund of the project fees in accordance with departmental policy. Please inform me in writing of your intent to withdraw or your intent to proceed notwithstanding the above circumstances. For administrative purposes, your application is considered complete, but no further processing of your application is possible until a written response to this letter is received by the Planning Department.

Should you have further questions concerning this application, please contact me at:
(831) 454-3012, or e-mail: pln761@co.santa-cruz.ca.us

Sincerely,



John Schlagheck
Project Planner
Development Review

Cc David Kendig
Cathy Graves
Alvin James

Jonathan Wittwer
William P. Parkin
Shandra Dobrovolsky

WITTWER & PARKIN, LLP

147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4055
FACSIMILE: (831) 429-4057
E-MAIL: office@wittwerparkin.com

PARALEGAL
Miriam Celia Gordon

July 6, 2005
DELIVERED BY HAND
July 6, 2005

Glenda Hill, Principal Planner
County Planning Department
County of Santa Cruz
701 Ocean Street, Room 400
Santa Cruz, CA 95060

RE: Appeal of Notice of Violation
Date of Issuance: 6-17-05
Property Owners: Ed and Sandy Kuerzel
Property Address: 1770 El Rancho Drive, Santa Cruz
APN: 067-191-18

Dear Ms. Hill:

Please accept this as an appeal of the above-described Notice of Violation issued on June 17, 2005. Kevin Fitzpatrick issued the above-described Notice of Violation of County Code Sections 13.10.140(a) [non-compliance with zoning regulations], 13.10.275(b) [violation of uses allowed in a RA zone; E&S Trucking - 8,000 sq. foot contractor's storage yard], and 13.10.276 [Violation of conditions of Permit #80-704-U Equipment and vehicles in excess of allowed (1½ ton truck and a brush grinder)]. This appeal letter addresses the Notice of Violation. It is our belief that such Notice of Violation is based on a misunderstanding of the facts and/or a misinterpretation of County regulations. We also submit that the Notice is too vague because it does not inform the Kuerzels what specific actions they could take to cure the alleged violation (i.e. move a tractor? move a loader? put a piece of equipment in a garage?). It is requested that a meeting be set up to discuss this matter.

**County Code Allows Storage of Commercial Equipment, Machinery and Vehicles
on the Kuerzel's Residential Agricultural-Zoned Property**

The Notice of Violation first asserts that there is an 8,000 square foot contractor's storage

yard on the property and states that this use is not allowed in the RA zone. The RA (Residential Agricultural) zone is a residential zoning district. County Code Section 13.10.321(b). The Kuerzel parcel is zoned RA, is developed with a residence occupied by the Kuerzels, and as such qualifies as a "developed residential parcel." A "developed residential parcel" is allowed to store "construction or commercial equipment, machinery ... and materials," as well as "vehicles" (both "operative" and "inoperative") (subject to specified conditions and limitations) by virtue of County Code Section 13.10.556, which is part of the "General Site Standards" Article of the County Zoning Ordinance. As set forth below, after initially establishing a general prohibition on outdoor storage of personal property and materials, Section 13.10.556 expressly allows the storage of the modest amount and screened location of equipment, machinery, materials and vehicles contained on the Kuerzel property. Indeed, the area referenced in the Notice of Violation as being 8,000 square feet in size is largely vacant and in any event is screened from public view.

13.10.556 Outdoor storage of personal property and materials.

(a) No portion of any undeveloped or vacant site and, for any developed residential parcel, no portion of any front yard or any required side yard set back, or any required rear yard of corner or double frontage lots shall be used for the storage of any of the following:

- (1) Building or construction materials, except those materials, bins, and dumpsters reasonably required for work under construction on the premises pursuant to a valid and effective building permit.
- (2) Storage of construction or commercial equipment, machinery, chemicals, or materials.
- (3) Inoperative vehicles or parts thereof.
- (4) Household appliances, equipment, machinery, furniture, salvage materials, or boxes.

(b) Items and materials identified in 13.10.556(a) may be stored in rear yards provided such is screened from public view or stored within an approved storage structure constructed in accordance with applicable building and zoning regulations.

(c) Operative vehicles in excess of those allowed in the front yard pursuant to Section 13.10.554(d) must be parked in side or rear yards provided that the vehicle is screened from public view or stored within an approved structure constructed with the required building and zoning permits. [Section 13.10.554(d) provides that 'Parking areas, aisles and access drives together shall not occupy more than 50 percent of any required front yard setback area for

any residential use.'](emphasis added)

The Kuerzels' use of their property complies with the above quoted language. There is no requirement for a permit to qualify under this County Code Section. Furthermore, it is noteworthy that Section 13.10.556 expressly allows storage of construction or commercial equipment, machinery or materials. Some of the items stored on the Kuerzel property are for personal use on the property and a very small number of items stored are for construction or commercial (nonsales) purposes. These types of stored items comply with Section 13.10.556. Operative vehicles may occupy 50 percent of the front yard and unlimited portions of side and rear yards where, as here, not in public view. The trailers containing personal property qualify as operative vehicles. The truck shown in one of the photos, although not usually not present on the property, is an operable vehicle. Other vehicles on the property also qualify as operable (asphalt roller, asphalt layer and tractor with loader).

Notably, the Notice of Violation does not mention any violation of County Code Section 13.10.556 as to the type, number, or screened location of the items on the Kuerzel property. The Kuerzel's position is that there is no violation of Section 13.10.556. If the County believes otherwise, it has issued a Notice of Violation which is too vague for the Kuerzel's to know what the violation is and how they could go about curing any such violation

The Notice of Violation instead asserts that there is an 8,000 square foot contractor's storage yard on the property. As will be explained in this paragraph, the use which the Kuerzel's are making of their property cannot by any stretch of the imagination constitute a "contractor's storage yard." First of all, the County Code nowhere contains a definition of "contractor's storage yard." As a result the Notice of Violation is vague in that it fails to inform the Kuerzels as to what "use" they are making of their property is not allowed in the RA zone. Clearly, however, if the Kuerzel's are using their property in compliance with Section 13.10.556, they are not in violation of the County Code.

It is a fundamental principle of the interpretation of ordinances that where they address the same overall topic, here zoning regulations, they are to be harmonized with one another and where they cannot be harmonized, then the general controls the specific. With that in mind, we turn to the only possible reference to what might describe a "contractor's storage yard" that is contained in the zoning regulations. Section 13.10.332 includes in the list of "commercial uses," the following:

"Contractors' and heavy equipment storage and rental yards, including storage yards for commercial vehicles; bus or transit service yards for the storage, servicing and repair of transit vehicles."

While, this language does not define a contractor's storage yard, it certainly indicates that what is contemplated is a very major storage facility for a significant number of commercial heavy duty vehicles with possible service facilities and/or rental facilities. This intent is further supported by the fact that "contractors' and heavy equipment storage and rental yards" are only allowed in the "C-4" zone, which is the most heavy duty commercial zoning district established for the purpose of uses which are "primarily non-retail in nature, such as building material suppliers, auto repair, or freight terminals," "need[ing] large sites," "The Commercial Services [C-4] districts are intended to be located in areas where the impacts of noise, traffic, and other nuisances and hazards associated with such uses will not adversely affect other land uses.... drive-in theaters or indoor arenas, are also included in this district."

Clearly, an 8,000 square foot area is not a "large site" and nothing like a freight terminal, rental yard, or heavy equipment storage yard is being operated from the Kuerzel property. There are no impacts similar to those types of facilities emanating from the Kuerzel property in terms of noise, traffic, nuisances or hazards. The Kuerzels do not have employees coming to their property in the regular course of their work for the Kuerzel family business. That is because the equipment the employees use is stored at the job site where it is being used. No construction material is kept for sale or sold from the Kuerzel property. No equipment is rented from the Kuerzel property. There is no service or repair facility on the Kuerzel property. Occasionally, a piece of equipment is not needed on any job for a short period of time. It is then stored on the Kuerzel property in compliance with County Code Section 13.10.556. Construction equipment is not actually operated on the Kuerzel property unless it is for the purpose of actual work on the Kuerzel property. Two pieces of equipment (the tractor with loader and the red and white tool storage container) of the six photographed by the County Inspector are pieces of personal equipment used only for personal purposes on the Kuerzel property. One vehicle (the dump truck) is used by Ed Kuerzel to travel to job sites where it is usually left until it is moved to the next job. It had not been on site for the three weeks preceding the inspection. Ed could have moved it so it wouldn't have been seen by the inspector; however, the Kuerzel's purpose in agreeing to the inspection was to obtain a determination as to what would be considered a violation by the County based on whatever happened to be on site at the time (subject to their ability to explain how often the vehicle or equipment is actually on site). Three other pieces of equipment (the asphalt layer, oiler and asphalt roller) are also rarely on site but were on the day of inspection.

None of the equipment, machinery, materials or vehicles on the Kuerzel property are in public view. This can be seen from the photographs submitted herewith taken all along El Rancho Drive less than an hour after the County inspection. This is also confirmed by the fact that the County requested the inspection only because it could not view or photograph the site from outside the Kuerzel property (either from El Rancho Road or the neighboring Coley property).

Thus, when harmonizing the County zoning regulations, the provisions of Section 13.10.556 must be given effect and applied to the Kuerzel property. When Section 13.10.556 is applied, it allows the use made by the Kuerzels of their property. Indeed, the Notice of Violation does not identify any violation of Section 13.10.556. If, for some unfathomable reason, the County believes that Sections 13.10.556 and 13.10.332 cannot be harmonized, then Section 13.10.556 must prevail as the more specific Section.

Use Permit Authorizes Parking Construction Equipment

In addition to the use allowed by County Code Section 13.10.556 as described above, the Notice of Violation acknowledges the applicability of a Use Permit Number 80-704-U which authorizes a Home Occupation use located on the Kuerzel property, but states that the site contains equipment and vehicles in excess of those allowed by that Use Permit. Use Permit Number 80-704-U was obtained by Archie and Faye Coley in 1981. It allows permanent parking on the property of one 1½ ton truck and a brush grinder. A predecessor Use Permit Number 78-1201-U also obtained by the Coleys in 1979 authorized a flat-bed truck and one tractor on the property as a home occupation. The Ordinance which added the language currently contained in Section 13.10.556 was adopted in 1994. This Ordinance allows storage of equipment, machinery, materials and vehicles supplemental to that allowed under the Use Permits and does not require a home occupation in conjunction with the storage.

The Coleys were the prior owners of the Kuerzel property and sold it to them after obtaining a land division. Mr. Coley continues to live on the adjoining property known as 1862 El Rancho Drive. Prior to purchasing the property in question, the Kuerzels were informed by Mr. Coley that there was a Use Permit on the property they were acquiring which would allow them to park some of their construction vehicles on the property. The Kuerzels also confirmed the existence of this Use Permit with the County Planning Department prior to acquiring the property. The Use Permit does not require the use to be in any particular location. It simply states that the equipment may be "parked on the property" and describes the property as 1770 El Rancho Drive (the Kuerzel property).

It is also noteworthy that the prior owner (Mr. Cooley) conducted a similar use (parking construction vehicles for his Crestline Construction and Coley Tree and Demolition Company businesses) for approximately 18 years prior to his sale of the property to the Kuerzels. Mr. Coley conducted his business at 1770 El Rancho Drive (now the Kuerzels' property) as can be seen from the Haines Directory, Contractor's License Board documentation, and the Telephone Book Yellow Pages (copies provided in 2003). Mr. Coley has previously made similar complaints to this one against the Kuerzels. This is really a personal vendetta rather than a concern about compliance with land use regulations and may originate with Mr. Coley's unhappiness with conditions placed by the County on his Use Permits. He may not realize that in 1994 the County adopted Section 13.10.556 which allows equipment storage uses beyond those associated with a home occupation under which

his Use Permits were issued. It is time to bring this long saga to an end by dismissing this complaint.

Violation of Sections 13.10.140(a) and 13.10.275(b)

The Notice of Violation also alleges violation of County Code Sections 13.10.140(a) and 13.10.275(b). These are the general sections of the County Code governing violations. Section 13.10.140(a) for example provides that all uses of buildings and land shall comply with all provisions of this [Chapter 13]. Section 13.10.275(b) states that it would be a violation to use the RA land in a manner not listed in Section 13.10.322. As is set forth above, the Kuerzels are using their RA land as a developed residential parcel, with a single family dwelling (listed in Section 13.10.322) and storage of equipment, machinery, materials and vehicles as allowed for a developed residential parcel under Section 13.10.556. For these reasons the Notice of Violation should be dismissed.

Thank you for your consideration of this matter.

Sincerely,

Jonathan Wittwer

Encls. Photographs showing no public view of stored equipment
cc: clients



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

TOM BURNS, PLANNING DIRECTOR

PROTEST MEETING DETERMINATION

September 8, 2005

Jonathan Wittwer
Wittwer & Parkin, LLP
147 South River Street, Suite 221
Santa Cruz, CA 95060

RE: Assessor's Parcel No. 067-191-18
Notice of Violation Protest Meeting

Dear Jonathan:

Your Protest Meeting Request was filed on a timely basis for a Notice of Violation issued on June 17, 2005. The meeting was held on August 31, 2005 to discuss the request. Attending for the County was Code Compliance Investigator Kevin Fitzpatrick and myself. Robert Kuerzel, one of the property owners, also attended.

The Notice of Violation was for the following Sections of the County Code:

- 13.10.140(a) Violation of Zoning Regulations
- 13.10.275 (b) Violation of uses allowed in a RA zone, Commercial uses E&S Trucking and an approximately 8,000 square foot contractor's storage yard
- 13.10.276(a) Violation of conditions of Permit # 80-704-U, equipment and vehicles in excess of allowed (1½ ton truck and a brush grinder)

Your Protest was originally heard on April 20, 2005 and continued to allow staff to make a site inspection to more specifically identify any alleged violations. This inspection took place and resulted in a Notice of Santa Cruz County Code Violation and Intention to Record Notice of Violation being issued with the above listed alleged violations. You submitted a letter, dated July 6, 2005, protesting these alleged violations.

Staff, the property owner, and you all agree that a home occupation – E&S Trucking – exists at this property. Mr. Kuerzel stated that he has a General Engineering Contractor "A" license and E&S Trucking provides paving and grading services. He also said that he generally has a core of five employees but often has more in the summer months depending on the scope of work. He said that the employees do not report for work at his property but rather to the job site.

At the Meeting, we reviewed a number of photos of the site taken by Fitzpatrick and Mr. Kuerzel identified which items shown were for business use and personal use:

Business use: 10-wheel truck, paver, roller, oil pot, water tank

Personal use: flat bed trailer and dump bed, small tractor, air compressor, red/white storage trailer, brush grinder, two licensed storage trailers used for storage of personal property.

Based on your letter and comments you made at the Protest Meeting, you contend that County Code Section 13.10.556 -- Outdoor storage of personal property and materials -- permits the storage of the business items listed above that are used in the home occupation without discretionary permit approval, as long as the items comply with the location and screening criteria of the Section.

I do not agree for two reasons. First, the Home Occupation regulations -- Section 13.10.613 -- specifically state: "No outdoor storage, operations or activity is allowed unless a Level V Use Approval is obtained, in which case the allowed outdoor use shall be completely screened from the street and adjoining properties." I reviewed the Board of Supervisors materials for the adoption of Section 13.10.566 in 1994. There was no discussion of the proposed ordinance superceding the provisions of the home occupation regulations regarding outdoor storage and the home occupation regulations were not amended to delete the Level V Use Approval requirement. Second, I believe the Board's intent on allowing "storage of construction or commercial equipment, machinery, chemicals, or materials" (Section 13.10.556a2) refers to personal items for use on residential property, such as Mr. Kuerzel's air compressor and brush grinder.

There is an existing Home Occupation Permit for this property (80-704-U). It allows a 1½-ton truck and a brush grinder only, in conjunction with the home occupation, to be parked on the property. The current home occupation is not in compliance with this Permit, as evidenced by the above listed business use-related items existing on the property. An amendment to the Permit is needed to legalize these items. The amendment will also determine if the scope of this business meets the criteria of a "limited income producing activity", as stated in the Purposes for home occupations, or exceeds it and is a more intense commercial use similar to a contractor's storage yard. This determination must be made at public hearing and is beyond my authority.

In summary, I find that the Notice of Violation for Sections 13.10.140(a) and 13.10.276(a) are valid. The Zoning Administrator must determine if a violation of 13.10.275(b) is valid as part of the required amendment request.

In accordance with County Code Section 19.01.080, this decision is final and not subject to further appeal.

Sincerely,

Glenda Hill
Glenda Hill, AICP
Principal Planner

Cc: Robert and Sandra Kuerzel
Kevin Fitzpatrick, Code Compliance Investigator



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

TOM BURNS, PLANNING DIRECTOR

November 6, 2006

Ed and Sandy Kuerzel
1770 El Rancho Drive
Santa Cruz, CA 95060

SUBJECT: HOME OCCUPATION APPLICATION FOR APN 067-191-18

Dear Mr. and Mrs. Kuerzel:

I am writing this letter at the request of your attorney, Jonathan Wittwer, to clarify the Planning Department's current position on home occupation applications. I am aware that the Planning Department is requiring that you apply for an amendment to your existing Home Occupation Permit to recognize additional storage and activities. I am also aware that the Planning Department sent a letter, dated May 30, 2002, advising your consultant that a then pending application for a contractor's storage yard as a home occupation could not be approved and should be withdrawn.

Since 2002, the Planning Department has reviewed the home occupation regulations from a policy standpoint to determine if, indeed, there are categories of uses that are inappropriate in all situations. The Department did discuss contractor's storage yards and while it was agreed that they may not be an appropriate use in certain circumstances—such as in urban areas, on small lots with close neighbors, with inadequate screening for noise and visual impacts—the use was not determined to be inappropriate in all situations.

Based on my involvement in the Department's policy review of the home occupation regulations, I believe that the May 30, 2002 letter is no longer valid. You may apply for an amendment to your Home Occupation Permit. The application will be reviewed for its consistency with the Home Occupation regulations in conjunction with the specifics of the use, the site, and the neighborhood. As this is a discretionary permit application, there is never a guarantee of approval but you have the opportunity to apply.

Please do not hesitate to contact me at 454-3216 if you have any questions. You may want to submit a copy of this letter with your application materials.

Sincerely,

Glenda Hill, AICP
Principal Planner

cc: Jonathan Wittwer
Tamyra Rice, County Counsel
Kevin Fitzpatrick, Code Compliance ✓

To Whom It May Concern:

We, the undersigned, are residents of El Rancho Dr. in Santa Cruz County. We have signed this petition to show our strong opposition to Application #06-0641, the proposed development at 1770 El Rancho Dr. (APN# 067-191-18); "Proposal to recognize a contractor's office, including storage of commercial equipment, materials and vehicles, and the parking of up to three employee vehicles requires an amendment to residential development permits 78-1201-U and 80-704-U."

We object to any amendments to the current residential development permits and request that the County deny approval of this development.

- 1 Lucy Bullock 4-2-07
1504 El Rancho Dr #D
- 2 [Signature]
1324 El Rancho Dr. (B)
- 3 46 Beulah Dr 4-2-07
- 4 50 Beulah Dr. [Signature] 4-2-07
- 5 50 Beulah Dr. [Signature] 4-2-07
- 6 1324 El Rancho Dr. [Signature]
- 7 John Deir 1326 El Rancho Dr. S.C.
- 8 Jessie Hunt 18 Beulah Dr S.C.
- 9 Felicia Bogrow 18 Beulah Dr Santa Cruz
- 10 [Signature] 18 Beulah Dr. S.C. 4/6/07
- 11 Bob Taylor 27 Beulah Pl S.C. 4/3/07
- 12 Mary Noel 17 Beulah Pl Dr. 4/3/07
- 13 Unrecorded & Unsub 17 Beulah Pl Dr. 4-3-07
- 14 Archie Casey 1831/94 El Rancho Dr. 4-3-07

EXHIBIT E 1

To Whom It May Concern:

We, the undersigned, are residents of El Rancho Dr. in Santa Cruz County. We have signed this petition to show our strong opposition to Application #06-0641, the proposed development at 1770 El Rancho Dr. (APN# 067-191-18); "Proposal to recognize a contractor's office, including storage of commercial equipment, materials and vehicles, and the parking of up to three employee vehicles requires an amendment to residential development permits 78-1201-U and 80-704-U."

We object to any amendments to the current residential development permits and request that the County deny approval of this development.

- 1 ERIC GRAVES 1324 EL RANCHO Elm Grove 421 916
- 2 Harold C. Buehler 62 Beverly Pk Dr.
- 3 Kathleen W. Donnan 2099 El Rancho Dr. Santa Cruz CA 95061
- 4 Paul P. Bonorran 2099 El Rancho Dr. Santa Cruz CA 95061
- 5 Tim Roca 2130 El Rancho Santa Cruz
- 6 EUGENE CASALE 2624 EL RANCHO DR SC 95066
- 7 Oliver Schweigh 2800 El Rancho Drive, Santa Cruz 95061
- 8 Ann Schwab 2800 El Rancho Dr Santa Cruz 95061
- 9 [Signature] 2474 EL RANCHO DR. SC. CA 95060
- 10 Ernie Cuelan 2470 El Rancho Dr.
11. [Signature] 2470 EL. RANCHO. DR.
12. [Signature] 2470 Chardal Oaks SV EIRANCHO DR
13. Arlene Walsh 2470 El Rancho Dr.
14. Jessica L. Mager 1862 El Rancho Dr.
15. [Signature] 1862 EL Rancho Dr SC 95060
16. [Signature] 321949 El Rancho Dr SC 95060

EXHIBIT E

To Whom It May Concern:

We, the undersigned, are residents of El Rancho Dr. in Santa Cruz County. We have signed this petition to show our strong opposition to Application #06-0641, the proposed development at 1770 El Rancho Dr. (APN# 067-191-18); "Proposal to recognize a contractor's office, including storage of commercial equipment, materials and vehicles, and the parking of up to three employee vehicles requires an amendment to residential development permits 78-1201-U and 80-704-U."

We object to any amendments to the current residential development permits and request that the County deny approval of this development.

<u>Linette Flowers</u>	<u>2101 EL RANCHO DR. S.C.</u>
<u>Jeff Flowers</u>	<u>2101 El Rancho Dr Sc.</u>
<u>Naele Parkins</u>	<u>2474 El Rancho Dr.</u>
<u>Paul Zachary</u>	<u>2474 EL Rancho Dr. SC 95061</u>
<u>Max Weber</u>	<u>2474 EL Rancho Dr SC CA 95068</u>
<u>Emma Abdulle</u>	<u>2474 EL Rancho Dr Santa Cruz CA 95</u>
<u>Sophia Abdulle</u>	<u>2474 EL Rancho Dr. Santa Cruz CA</u>

Thursday, April 05, 2007

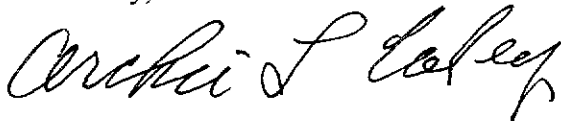
Annette Olson
Santa Cruz County Planning Department
701 Ocean St., 4th Floor
Santa Cruz, CA 95060

Re: Application #06-0641
APN# 067-191-18

To Whom It May Concern:

I am writing regarding the application for proposed development at 1770 El Rancho Dr. When I previously owned the property, I was told I could not have a commercial yard at that location because the area is zoned R1, which I was told is residential only, and this zoning would not be changed by the county. So I sold the property to Mr. Kuerzel. Immediately following the sale, Mr. Kuerzel began using the property for his commercial yard, without any Use permit or variance from the county on the Master plan. Many residents on the road, including myself, have complained to the county about the illegal use at 1770 El Rancho. The county continued saying for years that Mr. Kuerzel was in process of applying for his yard permit, and when he did, we would be notified by certified mail of his application and would have an opportunity to object to the application. I am writing to you to strongly object to this proposed development. We have already had to live with the excessive noise, and constant traffic from commercial vehicles for almost 10 years now, while the county stood by and let Mr. Kuerzel illegally use his property for his commercial business. We demand that the county deny his application and require all commercial activity be ceased immediately at 1770 El Rancho Dr. I can be reached at (831) 588-7065 if you have any further questions. Thank you for your attention to this matter.

Sincerely,



Archie L. Coley
1862 El Rancho Dr.
Santa Cruz, CA 95060

April 8th, 2007

To Whom It May Concern:

I strongly oppose the proposed development at 1770 El Rancho Dr., Application # 06-0641, APN# 067-191-18. I have lived on El Rancho Dr. all my life and do not want a construction yard and office near my home. I'm tired of the constant noise and debris in the road from the trucks operating out of that property already. I don't understand why the county has let them operate their business from 1770 without any permits or variance on the master plan. They have been illegally using their property since 1998 and I don't understand why the county would even consider allowing them a permit now after all these years, especially when so many residents on this road have been complaining the whole time about the noise and heavy trucks and equipment. I would appreciate it if the county would deny this development and finally get this commercial business out of our residential neighborhood.

Sincerely,



Annie Clarke

1888 El Rancho Dr.
Santa Cruz, CA 95060

Arthur M. Mintz

Attorney at Law

April 23, 2007

Mr. David Keyon
Santa Cruz County Planning Department
701 Ocean Street 4th Floor
Santa Cruz, CA. 95060

*610 Whiskey Hill Rd.
Woodside, California 94062*

(650) 851-1909
(650) 851-3166 FAX

Re: Parcel # 067-191-18
1770 El Rancho Drive

Dear Mr. Keyon:

Please be advised that I represent Mr. Archie Coley, a long time resident of Santa Cruz, residing at 1862 El Rancho Drive. He, and a number of nearby and adjoining property owners have asked me to write this letter complaining of the above property owners, Robert and Sandra Kuerzel and their use of their property.

I have enclosed a copy of a letter from your Department on May 30, 2002, written by John Schlagheck indicating that the proposed use of the property did not comply with County Code Section 13.10.613(a)(2) which was designed to protect nearby residential properties from activity that could adversely affect them, and create excessive noise, traffic and similar nuisance. This report and decision was in response to many adverse complaints describing adverse effects actually occurring to their properties.

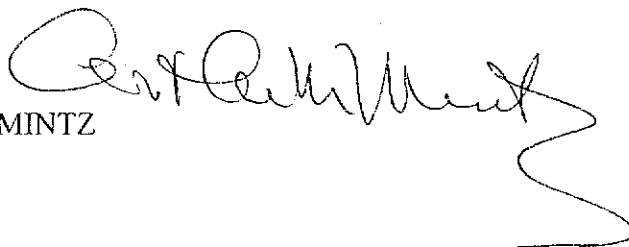
Notwithstanding the above, the Kuerzels have continued to operate their property as a storage area for large equipment, as well as a staging area, causing noise, dust, air contamination and increased traffic. This has been done with no county permission, no use permit, no variance and no master plan approval.

With this conduct continuing, the County has seemingly allowed this activity. Many letters have been sent to your department, and my client, Mr. Coley has suffered with this cavalier behavior for well over seven years, and must now take action to have this matter reviewed and sanctions levied for his neighbor's disregard of all proper conduct.

We now understand that Robert Kuerzel has recently requested a permit to construct an office type building in furtherance of his already illegal activities. I must respectfully request that you look into this matter and communicate with me as soon as possible.

Sincerely,

ARTHUR M. MINTZ



Jonathan Wittwer
William P. Parkin
Brett W. Bennett

WITTWER & PARKIN, LLP

147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4055
FACSIMILE: (831) 429-4057
E-MAIL: office@wittwerparkin.com

PARALEGAL
Miriam Celia Gordon

October 22, 2007

DELIVERED BY PERSONAL DELIVERY TO PLANNING DEPARTMENT

Cathy Graves, Project Planner
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

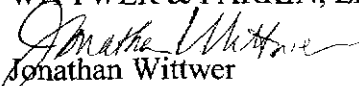
Re: **Application No. 06-0641,**
Property Owner: Robert and Sandra Kuerzel

Dear Ms. Graves:

Enclosed please find requested supplemental information regarding Application No. 06-0641. We believe that with this submittal (or previous submittals) we have provided all information previously requested (e.g. Assessor's records, Survey, clarification of no refueling on site, no maintenance or repair on site, no washing or servicing of business vehicles on site).

The only exception to providing requested information is that the information related to stormwater pollution prevention has been prepared by Wayne Miller rather than a Certified Stormwater Professional. We did not prepare a certified SWPP because the Kuerzels have not changed the grading or base rock in the parking area since they purchased the property in 1998 from Mr. Coley. Indeed, we believe the evidence shows that such grading and drainage has not changed in any significant manner since 1982. There is no proposed increase in impervious surface and the drainage and slopes related to the existing operation have not resulted in any overflow or offsite runoff. Furthermore, we believe that the elimination of refueling, maintenance and repair, and no washing on site further prevents any potential pollution even if overflow or offsite runoff were to somehow unforeseeably occur. However, if an inspection were to demonstrate otherwise, a grease trap or similar protective mechanism is proposed.

Thank you for considering these matters and please call if you have questions.

Very truly yours,
WITTWER & PARKIN, LLP

Jonathan Wittwer

cc: Tamyra Rice, County Counsel
clients

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney

WITTWER & PARKIN, LLP

147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4055
FACSIMILE: (831) 429-4057
E-MAIL: office@wittwerparkin.com

OF COUNSEL
Gary A. Patton

July 17, 2009

Sheila McDaniel, Project Planner
County Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: Application No. 06-0641
Property Owner, Ed & Sandy Kuerzel
Property Address, 1770 El Rancho Drive, Santa Cruz, CA
APN: 067-191-18

Dear Ms. McDaniel:

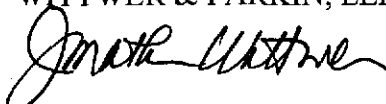
This letter is pursuant to your conversation with me on July 8, 2009. As promised, I am sending a copy of the October 4, 2007 letter from August Blasquez, supporting the Kuerzel's application and disputing the signature on a document dated April 8, 2007 stating to the contrary, allegedly signed by him. A copy of that latter document is also enclosed.

Please also note the observation by Mr. Blasquez in his October 4, 2007 letter that the large equipment traffic then being experienced on El Rancho was not from Kuerzel, but from a County slide repair.

In addition, in order to illustrate the extent to which the opposition is driven by the adjoining property owner who sold the Kuerzels their property, I have also enclosed a copy of the sentencing order in that adjoining property owners' conviction for vandalism of the Kuerzel's mailbox with a blowtorch and the supporting Sheriff's Report detailing the history. (Note that the Sheriff's Report erroneously uses "Robert," rather than "Ed" as Mr. Kuerzel's first name.)

Thank you for your consideration in this matter. If you have any questions, please feel free to contact me.

Very truly yours,
WITTWER & PARKIN, LLP



Jonathan Wittwer

Encls.

August Blasquez
1616 El Rancho Drive
Santa Cruz, CA 95060

October 4, 2007

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

RE: **Application No. 06-0641**
 Owners: Kuerzel
 Address: 1770 El Rancho Drive

Dear Planners,

I have been shown a copy of the attached letter dated April 8th 2007 purporting to be signed by me and in opposition to the Kuerzel's Application. I did not write this letter, I did not sign this letter, and I did not submit this letter to the County. To the contrary, I have no objection to manner in which the Kuerzel's use their property at 1 770 El Rancho Drive, next door to mine.

If a permit is necessary for the Kuerzels to continue to use their property in the current manner, I support their obtaining the permit. I have lived at 1616 El Rancho Drive, just north of the Kuerzel property, for 25+ years. I am the only neighbor who has any view into the Kuerzel property. My view looks on to a small portion of the Kuerzel property. I think the County should approve the Kuerzel permit and need not worry about aesthetic impacts. I am the only property owner who can catch a glimpse of the equipment on the Kuerzel's property and the use and enjoyment of my own property is not impacted by the equipment on the Kuerzel's property.

Our neighborhood experiences large equipment moving in and out of the area because of the County slide repair project on El Rancho Dr. for its access. That is the source of the heavy equipment traffic on El Rancho Drive, not the Kuerzel's equipment which is usually kept at job sites.

Sincerely,

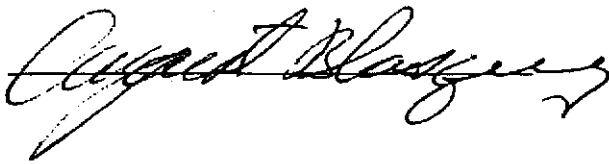

August Blasquez

April 8th, 2007

To Whom It May Concern:

I live next door to 1770 El Rancho Dr. For years I have had to deal with constant noise all times of day from the equipment and trucks operating out of their yard. Now I see they are finally attempting to get permits to make all this disturbance legal. I do not want a construction yard and office next door. I oppose the application #06-0641, Proposal for development for a commercial yard and office. I ask that the county immediately deny this development. This is a residential neighborhood and I stand with my neighbors in opposing this commercial permit.

Sincerely,



161 1/2 El Rancho Dr.

EXHIBIT E

COUNTY OF SANTA CRUZ
PROBATION/CONDITIONAL SENTENCE ORDER

FILE VS.

ARCHIE LOUI COLEY

By

Deputy Clerk

Case No. M14674 Convicted of 594(A) PC

Defendant sentenced to

Execution of sentence suspended ☒ Imposition of sentence suspended.

Conditional Sentence granted for 12 months under the terms and conditions checked below.

Formal ☐ Unsupervised Probation granted for months under the terms and conditions checked below.

Probation modified. ☐ Conditional Sentence modified. Original terms remain in effect except as amended herein.

Comply with general terms listed on back of form.

Obey all laws. ☐ Maintain gainful employment and/or school.

Serve days in the County Jail.

30 days to be suspended upon defendant submitting proof of completion of the PVPSA program and proof of no disciplinary actions resulting in loss of good/work time credit.

days suspended. ☐ Credit for days.

Have no measurable amount of alcohol or drugs in system at the time of reporting for or during confinement.

Stay of execution granted to

To be served consecutive/concurrent

Appear at the County Jail, 259 Water Street, Santa Cruz, CA for processing today/ Work Furlough/Release recommended.

Advised of jail fees ☐ Court finds no ability to pay jail fees.

May serve days of sentence in live-in therapeutic/alcohol treatment program ☐ As approved by probation officer.

Pay a fine of \$ (incl. P.A.).

plus penalty assessment of \$

In default of payment, serve 1 day in County Jail for each \$40 not paid.

Pay \$25 O.R. screening fee.

Pay \$ AIDS fine per 1463.23 PC.

Pay \$50 lab analysis fee pursuant to 11372.2 H.S.

Pay \$ Domestic Violence fund per 1205.077 PC.

Pay \$ to

Pay \$100 Restitution Fine pursuant to 1202.4 PC

Plus a 10% collection fee as directed by Probation.

Credit \$ for days served.

Total Fines/Fees Due \$

Pay fines/fees at the rate of \$ per month beginning

Pay fines/fees in full by

Pay to the Clerk's Office Rm 120 Pay as directed by Probation.

Perform volunteer service in lieu of fine.

Enroll with Volunteer Service within 14 days ☐ Enroll by and complete hrs ☐ by as directed by Probation.

Participate in an educational/vocational/therapeutic program.

At the direction of the probation officer.

Enter and complete program.

Do not discontinue without consent of probation officer and program directors. ☐ Sign waiver of confidentiality.

Pay Proposition 36 fees as directed by probation.

Do not drink alcoholic beverages, or frequent place where alcohol is the chief item of sale. ☐ Until age 21.

☐ Separate and apart from the conditions of probation, the Court finds that the defendant has waived notice and right to a hearing and has the ability to pay, and orders payment of \$ per month for the duration of probation toward the cost of probation supervision through County Collections pursuant to 1203.1bPC. Execution on this order may be issued in the same manner as judgment in a civil action. The dollar basis for execution will be accrued and determined by County Collections evidenced at commencement of execution by affidavit. Said payments to be stayed while serving above jail sentence, if any. ☐ Stayed until defendant is gainfully employed.

☐ The Court finds defendant does not have the present ability to pay
☐ Probation Services Fee ☐ Attorney Recoupment

SUPCR 626 (10-01 REV)

Page 1

SEE REVERSE

41/94

EXHIBIT E

701 Ocean Street, Room 340

SANTA CRUZ COUNTY
SHERIFF - CORONER

Santa Cruz, California 95060

CASE NO.
02-9476

PORT

☐ INCIDENT RPT☐ SUPPLEMENTAL RPT☐ CONTINUATION

WARRANT REQUESTED

FOLLOW UP
REQUIRED
YES ☐ NO ☐(J) Arrest ☒☒ CRIMES AGAINST PROPERTY
☐ CRIMES AGAINST THE PERSON

Trademark of Suspect(s)

PAGE 1 OF 4

SECTION-SUBSECTION-CODE CRIME CLASSIFICATION

594 (b)(1) PC Vandalism (Felony)

OCT -3 A 7:34

REPORT
AREA
2-2

DATE & TIME OCCURRED - DAY

10/02/02 2245 hours Wed.

DATE & TIME REPORTED

10/02/02 2250 hours

LOCATION OF OCCURRENCE

1770 El Rancho Dr., Santa Cruz

CHECK IF MOV
NAME IN
CONFIRMATION
☐

V CODE 001	NAME—LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS			RES. PHONE		
	Kuerzel, Robert Edward			1770 El Rancho Dr., Santa Cruz			438-7940		
CODE	OCCUPATION	RACE	SEX	AGE	DOB	BUSINESS ADDRESS			BUS. PHONE
	Engineering Contractor	W	M F	48	7/23/54	1770 El Rancho Dr., Santa Cruz			438-7940
CODE	NAME—LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS			RES. PHONE		
CODE	OCCUPATION	RACE	SEX	AGE	DOB	BUSINESS ADDRESS			BUS. PHONE
			M F						
CODE	NAME—LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS			RES. PHONE		
CODE	OCCUPATION	RACE	SEX	AGE	DOB	BUSINESS ADDRESS			BUS. PHONE
			M F						
CODE	NAME—LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS			RES. PHONE		
CODE	OCCUPATION	RACE	SEX	AGE	DOB	BUSINESS ADDRESS			BUS. PHONE
			M F						

VEHICLE CODE	VIN or LICENSE NO.	STATE	YEAR	MAKE	MODEL	COLOR	(OTHER IDENTIFYING CHARACTERISTICS)			TOWED YES <input type="checkbox"/> NO <input type="checkbox"/>
	REGISTERED OWNERS NAME									VEH. HELD YES <input type="checkbox"/> NO <input type="checkbox"/>
VEHICLE CODE	VIN or LICENSE NO.	STATE	YEAR	MAKE	MODEL	COLOR	(OTHER IDENTIFYING CHARACTERISTICS)			TOWED YES <input type="checkbox"/> NO <input type="checkbox"/>
	REGISTERED OWNERS NAME									VEH. HELD YES <input type="checkbox"/> NO <input type="checkbox"/>

SUSPECT NO. 01	SUSPECT - NAME (LAST, FIRST, MIDDLE)			RACE	SEX	AGE	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
	Coley Sr., Archie Lou			W	M F	73	5/20/29	511	205	GRY	BLU
	ADDRESS			DRIVERS LICENSE NO.			ARRESTED	ADV OF RIGHTS	CITIZEN		
	1862 El Rancho Dr., Santa Cruz						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	ARREST <input type="checkbox"/>		
SUSPECT NO.	OCCUPATION	BUSINESS ADDRESS			BUS. PHONE			RES. PHONE			CITATION NO.
	Retired							438-0890			5-139674

HAIR LENGTH/TYPE <input type="checkbox"/> UNK.		HAIR STYLE <input type="checkbox"/> UNK.		FACIAL HAIR <input type="checkbox"/> UNK.		WEAPON USED <input type="checkbox"/> UNK.		OTHER	
A <input type="checkbox"/> Bald	H <input type="checkbox"/> Receding	A <input type="checkbox"/> Afro/Mat	G <input type="checkbox"/> Military	A <input type="checkbox"/> Clean Shaven	F <input type="checkbox"/> Mustache	A <input type="checkbox"/> Bomb	H <input type="checkbox"/> Knife		
B <input type="checkbox"/> Butch	I <input type="checkbox"/> Shaved	B <input type="checkbox"/> Braided	H <input type="checkbox"/> Ponytail	B <input type="checkbox"/> Full Beard	G <input type="checkbox"/> Scruffy Beard	B <input type="checkbox"/> Cutting Instrument	I <input type="checkbox"/> Motor Vehicle		
C <input type="checkbox"/> Coarse	J <input type="checkbox"/> Short	C <input type="checkbox"/> Bushy	I <input type="checkbox"/> Processed	C <input type="checkbox"/> Fu Manchu	H <input type="checkbox"/> Sideburns	C <input type="checkbox"/> Chemical	J <input type="checkbox"/> Razor		
D <input type="checkbox"/> Collar	K <input type="checkbox"/> Shoulder	D <input type="checkbox"/> Colored dyed	J <input type="checkbox"/> Straight	D <input type="checkbox"/> Goatee	I <input type="checkbox"/> Unshaven	D <input type="checkbox"/> Club	K <input type="checkbox"/> Rifle		
E <input type="checkbox"/> Fine	L <input type="checkbox"/> Thick	E <input type="checkbox"/> Crew cut	K <input type="checkbox"/> Wavy/Curly	E <input type="checkbox"/> Lower Lip	J <input type="checkbox"/> Van Dyke	E <input type="checkbox"/> Handgun	L <input type="checkbox"/> Shotgun		
F <input type="checkbox"/> Long	M <input type="checkbox"/> Thinning	F <input type="checkbox"/> Greasy	L <input type="checkbox"/> Wig			F <input type="checkbox"/> Hands/Feet	M <input type="checkbox"/> Simulated		
G <input type="checkbox"/> Neck Length	N <input type="checkbox"/> Wavy					G <input type="checkbox"/> Ice pick	N <input type="checkbox"/> Toy Gun		
							O <input type="checkbox"/> Other		

SUSPECT NO.	SUSPECT - NAME (LAST, FIRST, MIDDLE)			RACE	SEX	AGE	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
				M F							
	ADDRESS			DRIVERS LICENSE NO.			ARRESTED	ADV OF RIGHTS	CITIZEN		
							YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	ARREST <input type="checkbox"/>		
SUSPECT NO.	OCCUPATION	BUSINESS ADDRESS			BUS. PHONE			RES. PHONE			CITATION NO.

HAIR LENGTH/TYPE <input type="checkbox"/> UNK.		HAIR STYLE <input type="checkbox"/> UNK.		FACIAL HAIR <input type="checkbox"/> UNK.		WEAPON USED <input type="checkbox"/> UNK.		OTHER	
A <input type="checkbox"/> Bald	H <input type="checkbox"/> Receding	A <input type="checkbox"/> Afro/Mat	G <input type="checkbox"/> Military	A <input type="checkbox"/> Clean Shaven	F <input type="checkbox"/> Mustache	A <input type="checkbox"/> Bomb	H <input type="checkbox"/> Knife		
B <input type="checkbox"/> Butch	I <input type="checkbox"/> Shaved	B <input type="checkbox"/> Braided	H <input type="checkbox"/> Ponytail	B <input type="checkbox"/> Full Beard	G <input type="checkbox"/> Scruffy Beard	B <input type="checkbox"/> Cutting Instrument	I <input type="checkbox"/> Motor Vehicle		
C <input type="checkbox"/> Coarse	J <input type="checkbox"/> Short	C <input type="checkbox"/> Bushy	I <input type="checkbox"/> Processed	C <input type="checkbox"/> Fu Manchu	H <input type="checkbox"/> Sideburns	C <input type="checkbox"/> Chemical	J <input type="checkbox"/> Razor		
D <input type="checkbox"/> Collar	K <input type="checkbox"/> Shoulder	D <input type="checkbox"/> Colored dyed	J <input type="checkbox"/> Straight	D <input type="checkbox"/> Goatee	I <input type="checkbox"/> Unshaven	D <input type="checkbox"/> Club	K <input type="checkbox"/> Rifle		
E <input type="checkbox"/> Fine	L <input type="checkbox"/> Thick	E <input type="checkbox"/> Crew cut	K <input type="checkbox"/> Wavy/Curly	E <input type="checkbox"/> Lower Lip	J <input type="checkbox"/> Van Dyke	E <input type="checkbox"/> Handgun	L <input type="checkbox"/> Shotgun		
F <input type="checkbox"/> Long	M <input type="checkbox"/> Thinning	F <input type="checkbox"/> Greasy	L <input type="checkbox"/> Wig			F <input type="checkbox"/> Hands/Feet	M <input type="checkbox"/> Simulated		
G <input type="checkbox"/> Neck Length	N <input type="checkbox"/> Wavy					G <input type="checkbox"/> Ice pick	N <input type="checkbox"/> Toy Gun		
							O <input type="checkbox"/> Other		

WAS THERE A RAPE? IF YES, PLACE AN X IN BOX
☐ Force ☐ No Force ☐ Attempt OnlyGang Related ☐ CONFIDENTIALITY
Domestic Violence ☐ REQUESTED BY VICTIM
Children in Home ☐ 285 PC 7 8234 DC

OFFICER REPORTING: R. Durant 129/5224

REVIEWED BY: S. Mann 5-3 10-3-02

SHF-0424 05/02/00

COURT
2
D.A./SC
DET BUR.
DIRECT FILE ☐PROB.
PRESS
INDEXEDCASE NO.
02-9476

MEDICAL TREATMENT		NAME- LAST FIRST MIDDLE	REFUSED <input type="checkbox"/>	CODE	Nature of Injury	Where Hospitalized or Examined		
STRUCTURE TYPE <input type="checkbox"/> N/A		POINT OF ENTRY <input type="checkbox"/> UNK		METHOD OF ENTRY <input type="checkbox"/> UNK <input type="checkbox"/> N/A		TOOLS USED <input type="checkbox"/> N/A <input type="checkbox"/> UNK		
Commercial A <input type="checkbox"/> Agriculture/Shed B <input type="checkbox"/> Auto Repair/Parts C <input type="checkbox"/> Bar D <input type="checkbox"/> Coin Laundry E <input type="checkbox"/> Construction F <input type="checkbox"/> Convenience Store G <input type="checkbox"/> Fast Food H <input type="checkbox"/> Financial I <input type="checkbox"/> Gas Station J <input type="checkbox"/> Grocery/Supermarket K <input type="checkbox"/> Hotel/Motel L <input type="checkbox"/> Industrial/MFG M <input type="checkbox"/> Jewelry N <input type="checkbox"/> Liquor Store O <input type="checkbox"/> Medical/Dental/Hospital P <input type="checkbox"/> Office Building Q <input type="checkbox"/> Pharmacy R <input type="checkbox"/> Recreation/Sports S <input type="checkbox"/> Restaurant T <input type="checkbox"/> Storage U <input type="checkbox"/> TV/Appliance V <input type="checkbox"/> Video W <input type="checkbox"/> Warehouse		Residential X <input type="checkbox"/> Apartment/Condo Y <input type="checkbox"/> Campsite Z <input type="checkbox"/> Garage AA <input type="checkbox"/> Mobile home BB <input type="checkbox"/> Shed CC <input type="checkbox"/> Single Family Dwelling DD <input type="checkbox"/> Miscellaneous EE <input type="checkbox"/> Airport/Hanger FF <input type="checkbox"/> Beach GG <input type="checkbox"/> Church HH <input type="checkbox"/> Government Bldg. II <input type="checkbox"/> Park JJ <input type="checkbox"/> School KK <input type="checkbox"/> Vehicle LL <input type="checkbox"/> Airplane MM <input type="checkbox"/> Auto NN <input type="checkbox"/> Boat OO <input type="checkbox"/> Bus PP <input type="checkbox"/> Motorcycle QQ <input type="checkbox"/> RV/Camper RR <input type="checkbox"/> Trailer SS <input type="checkbox"/> Truck/Pickup/Van		A <input type="checkbox"/> Adjacent Premises B <input type="checkbox"/> Basement C <input type="checkbox"/> Door D <input type="checkbox"/> Duct Vent E <input type="checkbox"/> Floor F <input type="checkbox"/> Front G <input type="checkbox"/> Garage H <input type="checkbox"/> Ground Level I <input type="checkbox"/> Louvre J <input type="checkbox"/> Pat Door K <input type="checkbox"/> Rear L <input type="checkbox"/> Roof M <input type="checkbox"/> Side N <input type="checkbox"/> Skylight O <input type="checkbox"/> Sliding Glass Door P <input type="checkbox"/> Upper Level Q <input type="checkbox"/> Wall R <input type="checkbox"/> Window S <input type="checkbox"/> Vehicle Only T <input type="checkbox"/> Convertible Top U <input type="checkbox"/> Door V <input type="checkbox"/> Hood W <input type="checkbox"/> Sunroof X <input type="checkbox"/> Trunk/Hatchback Y <input type="checkbox"/> Wind Wing Window Z <input type="checkbox"/> Window		A <input type="checkbox"/> Attempt B <input type="checkbox"/> Break/Smash C <input type="checkbox"/> Burn D <input type="checkbox"/> Cut E <input type="checkbox"/> Hid in Occupied F <input type="checkbox"/> Kick G <input type="checkbox"/> Knob twist H <input type="checkbox"/> Lock Box I <input type="checkbox"/> Lock Break J <input type="checkbox"/> Lock Cut K <input type="checkbox"/> Lock Pick L <input type="checkbox"/> Lock Punch M <input type="checkbox"/> Lock Ship N <input type="checkbox"/> No Force O <input type="checkbox"/> Pry P <input type="checkbox"/> Removed Q <input type="checkbox"/> Taped/broke R <input type="checkbox"/> Tunneled S <input type="checkbox"/> Unlocked		A <input type="checkbox"/> Axe B <input type="checkbox"/> Bolt Cutter C <input type="checkbox"/> Brick/Block D <input type="checkbox"/> Channel Lock/Pliers E <input type="checkbox"/> Drill F <input type="checkbox"/> Garage Door Opener G <input type="checkbox"/> Glass Cutter H <input type="checkbox"/> Hammer I <input type="checkbox"/> Key J <input type="checkbox"/> Pipe K <input type="checkbox"/> Pry Tool L <input type="checkbox"/> Saw M <input type="checkbox"/> Screw Driver N <input type="checkbox"/> Shim Jim O <input type="checkbox"/> Six Jaw Wrench P <input type="checkbox"/> Tire Iron Q <input type="checkbox"/> Torch/Explosive R <input type="checkbox"/> Other (Specify)
PHYSICAL EVIDENCE		VICTIM PROFILE		WEATHER CONDITIONS				
A <input type="checkbox"/> Blood/Saliva B <input type="checkbox"/> Clothing C <input type="checkbox"/> Documents D <input type="checkbox"/> Fingerprints E <input type="checkbox"/> Glass/Fragments F <input type="checkbox"/> Hair G <input type="checkbox"/> Mud/Soil H <input type="checkbox"/> Narcotics I <input type="checkbox"/> Paint Samples J <input type="checkbox"/> Photo K <input type="checkbox"/> Projectile L <input type="checkbox"/> Rape Kit M <input type="checkbox"/> Semen N <input type="checkbox"/> Tire Tracks/Footprints O <input type="checkbox"/> Tool Marks P <input type="checkbox"/> Vehicle Q <input type="checkbox"/> Weapons R <input type="checkbox"/> Other S <input type="checkbox"/> None Located		A <input type="checkbox"/> Blindfolded B <input type="checkbox"/> Bound C <input type="checkbox"/> Choked D <input type="checkbox"/> Clothes Ripped E <input type="checkbox"/> Cuts/Stabbed F <input type="checkbox"/> Disrobed G <input type="checkbox"/> Gagged H <input type="checkbox"/> Imprisoned I <input type="checkbox"/> Kidnapped J <input type="checkbox"/> Molested K <input type="checkbox"/> Photographed L <input type="checkbox"/> Raped M <input type="checkbox"/> Raped with Object N <input type="checkbox"/> Sexually Assaulted O <input type="checkbox"/> Sodomitized P <input type="checkbox"/> Strangled Q <input type="checkbox"/> Struck R <input type="checkbox"/> Tortured S <input type="checkbox"/> Other		Relation to Suspect A <input type="checkbox"/> Acquaintance B <input type="checkbox"/> Boyfriend C <input type="checkbox"/> Brother D <input type="checkbox"/> Business Associate E <input type="checkbox"/> Daughter F <input type="checkbox"/> Father G <input type="checkbox"/> Friend H <input type="checkbox"/> Girlfriend I <input type="checkbox"/> Husband J <input type="checkbox"/> Mother K <input type="checkbox"/> Neighbor L <input type="checkbox"/> Seducer M <input type="checkbox"/> Son N <input type="checkbox"/> Stranger O <input type="checkbox"/> Wife				
				LIGHT CONDITIONS				
				A <input type="checkbox"/> Clear/Dry B <input type="checkbox"/> Foggy C <input type="checkbox"/> Rainy D <input type="checkbox"/> Wet E <input type="checkbox"/> Ice F <input type="checkbox"/> UNK				
				SUSPECT ACTIONS				
				A <input type="checkbox"/> Alarm Disabled B <input type="checkbox"/> Alarm on Premises C <input type="checkbox"/> Attempt to Purchase D <input type="checkbox"/> Cashed Location E <input type="checkbox"/> Cash Demanded F <input type="checkbox"/> Car Burglar G <input type="checkbox"/> Defecated H <input type="checkbox"/> Demand Note Used I <input type="checkbox"/> Exit Prepared J <input type="checkbox"/> Forged Documents K <input type="checkbox"/> Gloves Worn L <input type="checkbox"/> Hid in Building M <input type="checkbox"/> Inflicted Injury N <input type="checkbox"/> Knew Location of Property O <input type="checkbox"/> Lockout Used P <input type="checkbox"/> Mask Worn/Face Hidden Q <input type="checkbox"/> Matches Used R <input type="checkbox"/> Multiple Suspects S <input type="checkbox"/> Phone Disabled T <input type="checkbox"/> Pickpocket U <input type="checkbox"/> Pitomcase used V <input type="checkbox"/> Power Disabled W <input type="checkbox"/> Pretended to be				
				Y <input type="checkbox"/> Purse Snatch Z <input type="checkbox"/> Ransacked AA <input type="checkbox"/> Safe Attached BB <input type="checkbox"/> Stashed Lock CC <input type="checkbox"/> Threatened to Kill DD <input type="checkbox"/> Threaten Retaliation EE <input type="checkbox"/> Threaten Victim's Family FF <input type="checkbox"/> Toilet Used GG <input type="checkbox"/> Took Only TV/Stereo HH <input type="checkbox"/> Took Only Money II <input type="checkbox"/> Took Only Concealable JJ <input type="checkbox"/> Took only Jewelry KK <input type="checkbox"/> Under Influence LL <input type="checkbox"/> Unusual Odor MM <input type="checkbox"/> Urinated NN <input type="checkbox"/> Vandalized OO <input type="checkbox"/> Vehicle Required PP <input type="checkbox"/> Victim's Name Used QQ <input type="checkbox"/> Victim's Tools Used RR <input type="checkbox"/> Weapon Fired SS <input type="checkbox"/> Other (Specify)				

SYNOPSIS:

See attached report.

CONCLUSIONS/RECOMMENDATIONS

- ☐ 1) Warrant requested. ☐ 3) Prosecution not recommended. ☐ 5) Investigation continuing (by Patrol). ☐ 8) Report for insurance purposes only
☒ 2) Prosecution recommended. ☐ 4) Investigation Bureau follow-up requested. ☐ 6) Insufficient evidence for prosecution. ☐ 7) Insufficient information for further investigation at this time. ☐ 9) Refer to outside agency
☐ 10) Report for information only ☐ 11) Other

REFERENCES/EXPLANATIONS:

SANTA CRUZ SHERIFF'S OFFICE

02-9476
October 3, 2002

SYNOPSIS:

Archie Coley vandalized his neighbor's mailbox with a blow torch. Archie was issued a citation for vandalism and released on his own recognizance.

NARRATIVE:

On 10/02/02 at approximately 2255 hours, Deputy Pintabona and I were dispatched to 1770 El Rancho Dr. for a vandalism in progress. Robert Kuerzel told dispatchers his neighbor was cutting down his mailbox with a blow torch. As we arrived on scene I observed a man walk away from a mailbox post and get into a large pickup truck. I immediately contacted the man, identified as Archie Lou Coley Sr., and asked him to step out of the vehicle. I then asked him what was going on. Archie told me the following.

Archie owned two adjoining lots, 1770 and 1862 El Rancho Dr., for 20 years. Three years ago he sold one lot, 1770, to Robert Kuerzel. Since then they have had recurring problems regarding the property line and the location of Robert's mailbox. Archie complained that Robert's mailbox blocked one of his driveways so that he was not able to drive through (however there is an extremely large boulder approximately 4' x 8' that completely blocks the driveway). Archie said that the mailbox is actually located on county property, however his lawyer told him he could remove it in order to pass through. He said he originally put the mailbox there when he purchased the property 20 years ago, and he still considered it "his mailbox." He said he was taking the mailbox down so that he would be able to use the driveway.

I then contacted Robert. Robert told me that he bought the property over 3 years ago. His mailbox has been in the same location for those 3 years and was in that same location when he bought the property. Archie has removed/vandalized Robert's mailbox 5 times during the last 3 years. Robert has contacted county officials and the postal service about the location of the mailbox. The postal service requested the mailbox remain in that location so the mail delivery person would be out of the street and flow of traffic while delivering the mail. County officials agreed that the mailbox would remain on their property at that specific location. Archie repeatedly complains to Robert about the location of the mailbox. Archie has told Robert that since he originally put the mailbox there he is entitled to remove it. Robert has already filed one police report against Archie for vandalizing the mail box.

Tonight around 2245 hours, Robert found Archie cutting through the steel that supports the mailbox with a blow torch. He tried to get Archie to stop but when he didn't, Robert called the Sheriff's Office. Due to the mailbox posts being in over 4 square feet of cement foundation, Robert estimated the cost of repair at \$1,000.00.

I contacted Sgt. Christey and discussed the severity of the crime, taking Archie's age into

SANTA CRUZ SHERIFF'S OFFICE

02-9476

October 3, 2002

Consideration. We agreed that issuing a citation for felony vandalism to Archie would be the most appropriate course of action. I issued him citation #S-139674.

I took one photo of the damaged mailbox posts and booked it into Sheriff Property as evidence (refer to attached E&PR).

OPINIONS/CONCLUSIONS/RECOMMENDATIONS:

Prosecution recommended.

EXHIBIT E

FILED
SUPERIOR COURT
OF CALIFORNIA
CO. OF SANTA CRUZ
J. Chaney
03 MAR 10 AM 8:54

BOB LEE, DISTRICT ATTORNEY
COUNTY GOVERNMENT CENTER
701 OCEAN STREET, ROOM 200
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 454-2400

ATTORNEYS FOR THE PEOPLE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
Plaintiff,)	Case No. M14674
vs.)	
)	COMPLAINT -- CRIMINAL
ARCHIE LOU COLEY)	FIRST AMENDED
)	
)	Date: 3/14/08.
)	Time: 08:30 A.M.
)	Dept: 2
Defendant(s),)	Event: AFR

Bob Lee, District Attorney of the County of Santa Cruz, State of California, accuses ARCHIE LOU COLEY of the following crime(s) committed in the County of Santa Cruz, State of California:

COUNT 01 A Violation of section 594(a) of the Penal Code of the State of California, a misdemeanor committed on or about July 23, 2002 in that at said time and place the above named defendant(s) did unlawfully, and maliciously deface with grafitti and other inscribed material and otherwise damage and destroy real and personal property, to wit, A MAILBOX not his or her own, belonging to ROBERT KUERZEL.

COUNT 02 A Violation of section 594(a) of the Penal Code of the State of California, a misdemeanor committed on or about July 23, 2002 in that at said time and place the above named defendant(s)

EXHIBIT E

1 did unlawfully, and maliciously deface with grafitti and other
2 inscribed material and otherwise damage and destroy real and per-
3 sonal property, to wit, A MAILBOX not his or her own, belonging
4 to ROBERT KUERZEL.

5 COUNT 03 A Violation of section 594(a) of the Penal Code of the
6 State of California, a misdemeanor committed on or about August
7 9, 2002 in that at said time and place the above named
8 defendant(s) did unlawfully, and maliciously deface with grafitti
9 and other inscribed material and otherwise damage and destroy
10 real and personal property, to wit, A MAILBOX not his or her own,
11 belonging to ROBERT KUERZEL.

12 COUNT 04 A Violation of section 594(a) of the Penal Code of the
13 State of California, a misdemeanor committed on or about October
14 2, 2002 in that at said time and place the above named
15 defendant(s) did unlawfully, and maliciously deface with grafitti
16 and other inscribed material and otherwise damage and destroy
17 real and personal property, to wit, A MAILBOX not his or her own,
18 belonging to ROBERT KUERZEL.

19 Therefore, complainant declares under penalty of perjury that
20 the foregoing is true and correct.

21 Executed on February 11, 2003 at Santa Cruz, California.

22
23 BOB LEE
24 DISTRICT ATTORNEY

25 
26 ROSS N. TAYLOR
27 ASSISTANT DISTRICT ATTORNEY

28 SCSO
LMG

Planning Dept.
Attn. Sheila McDaniel
701 Ocean St. 4th Floor
Santa Cruz, CA 95060

July 27, 2009

RE: Application No. 06-0641
Owners: Kuerzel
Address: 1770 El Rancho Drive

Dear Sheila:

I am writing this letter because at a neighborhood party the subject of the Kuerzel's upcoming hearing came up in conversation. There seemed to be a lot of different information distributed to people in the neighborhood what this permit is about. On July 27 I contacted Rita in the board of Supervisors office and found that exactly what Ed had said his permit was about is completely accurate. People in the neighborhood were told that he was trying to change zoning for the area to allow what he wants to do. Rita explained that he is only trying to modify his existing permit to clearly allow what he is doing now. The modification if granted would only affect his property and was just a hearing before the zoning administrator.

I have known Edward and Sandi Kuerzel for almost 10 years and have known their property at 1770 El Rancho for a much longer time. Since Ed bought the place in 1998 the changes have been almost unbelievable. The junk from the prior ownership has been cleaned up by Ed and Sandi. No longer can you see junk on the property. The landscaping and walls make the property a credit to the area. Ed continues to make improvements even thru his troubles with the County. I live just north of Beulah Park and I have never heard E & S Trucking vehicles. Nor do they even use El Rancho Dive for their ingress or egress to their property. So without noise traffic or unsightliness I see no reason why you should not issue them the permit they seek.

Now Coleys property on the other hand is always a mess and can be seen easily by driving past. When I first heard about all the trouble I assumed that it was over Coleys at 1862.

I have enclosed some pictures taken of the two residences to show the differences.

Sincerely,



Marc Kaplan
1288 El Rancho Dr.
Santa Cruz, CA 95060
CC: John Leopold,
Paia Levine,
Edward Kuerzel

No pictures
enclosed

75M

8/20/09

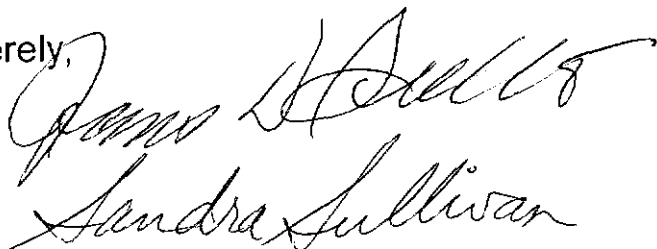
July 27, 2009

To Whom it may concern:

When Ed Kuerzel bought the property from Archie Coley in 1998 he came by to let me know that he was a grading contractor and was going to keep his equipment at his property as Coley had before him. Ed also asked if there was anything he could do to minimize any disturbance to me at my property. I explained to him that the only thing is I didn't want to see a lot more truck traffic on the road. Ed said that he planned not to use El Rancho except in an emergency or for working on the road.

Since then I am pleased that Ed has kept his word. I can hardly remember ever seeing him on the road and certainly can not hear him ever making noise. He has been a good neighbor. Also his property is quite well maintained and always looks nice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Sullivan".

Jim & Sandra Sullivan
Property Owner
2241 El Rancho Dr.
Santa Cruz, CA 95060

Marc Kaplan
1288 El Rancho Drive
Santa Cruz, CA 95060

October 10, 2007

To: Kathy Graves
Santa Cruz Environmental Planning

RE: Application #6-0641

This letter is to support Ed Kuerzel's ability to live and park at his home at 1770 El Rancho Drive.

I have lived on El Rancho since 1998, (before the Kuerzels bought their property) and watched, as I drove by, while they undertook a massive clean-up and beautification of their property. It is a major improvement to the neighborhood over the messy condition it was in previously.

I became aware of the conflict with the neighbors (Coley) when Mr. Coley's grandson brought a petition to my home objecting to Ed's use of the property and claiming he was going to increase traffic on El Rancho. I could not understand the objection because he wasn't changing the use of the property. In fact, the Kuerzels had only cleaned up the property and made it nicer for the neighbors. In addition, traffic to and from the Kuerzel's property has not had any effect on our road since they enter and exit at the El Rancho exit directly across from their driveway.

I hope this helps to clarify the issue from a neighbor's point of view. If you have any questions, please do not hesitate to contact me at 1.831.423.7646.

Sincerely,



Marc Kaplan

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Sheila McDaniel
Application No.: 06-0641
APN: 067-191-18

Date: September 1, 2009
Time: 11:34:59
Page: 1

Environmental Planning Completeness Comments

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

===== REVIEW ON NOVEMBER 30, 2006 BY ANDREA M KOCH =====

- 1) Project complete per Environmental Planning requirements.

Environmental Planning Miscellaneous Comments

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

===== REVIEW ON NOVEMBER 30, 2006 BY ANDREA M KOCH =====

- 1) This parcel is mapped as archaeologically sensitive. However, an archaeological survey will **NOT** be required because there is no proposed expansion of existing buildings or pavement.

- 2) This parcel is mapped as Zayante band-winged grasshopper habitat. However, the soil types at this parcel are not associated with the grasshopper's presence, and the habitat at the parcel is not suitable for the grasshopper.

This parcel is also mapped as northern maritime chaparral and maritime coast range ponderosa pine forest habitat. However, regardless of whether these exist on the parcel, a biotic assessment will **NOT** be required because there is no proposed expansion of existing buildings or pavement.

No biotic assessments are required.

- 3) This project should be conditioned so that no chemicals or other hazardous materials may be stored outside. (They could pollute the stream.) ===== UPDATED ON DECEMBER 8, 2006 BY ANDREA M KOCH =====

- 4) No maintenance or minor repairs of the vehicles may be performed on the property. (Chemicals and vehicle fluids from maintenance and repairs may be spilled or leak out onto the driveway, where they may eventually be washed into the creek. According to Section 16.30.030 of the County Code, no toxic chemical substances may be used in riparian corridors and buffer areas.)

Code Compliance Completeness Comments

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

===== REVIEW ON NOVEMBER 15, 2006 BY KEVIN M FITZPATRICK =====

NO COMMENT

This addresses the violation. (KMF)

Code Compliance Miscellaneous Comments

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

Discretionary Comments - Continued

Project Planner: Sheila Mcdaniel
Application No.: 06-0641
APN: 067-191-18

Date: September 1, 2009
Time: 11:34:59
Page: 2

===== REVIEW ON NOVEMBER 15, 2006 BY KEVIN M FITZPATRICK =====

Dpw Driveway/Encroachment Completeness Comments

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

===== REVIEW ON NOVEMBER 22, 2006 BY DEBBIE F LOCATELLI =====
Existing driveways - no comments

Dpw Driveway/Encroachment Miscellaneous Comments

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

===== REVIEW ON NOVEMBER 22, 2006 BY DEBBIE F LOCATELLI =====
No comment.

Dpw Road Engineering Completeness Comments

===== REVIEW ON NOVEMBER 27, 2006 BY GREG J MARTIN =====

The plans state that 20 parking spaces are required for the contractor's operations on-site. A numbered list of the required parking spaces shall be provided on the plan view sheet. The numbered list shall include the required parking for existing residence. Since some of the vehicles are in greater in size than a normal vehicle each parking space shall be sized appropriately. Each parking space is required to be identified, numbered, and dimensioned on the plans. Individual turn-around requirements may vary for each vehicle and must be provided. Commercial access driveways are required to be 24 feet wide and paved.

Call Greg Martin at 831-454-2811 with questions. ===== UPDATED ON MARCH 15, 2007
BY GREG J MARTIN =====
NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON NOVEMBER 27, 2006 BY GREG J MARTIN =====
===== UPDATED ON MARCH 15, 2007 BY GREG J MARTIN =====

Environmental Health Completeness Comments

===== REVIEW ON NOVEMBER 27, 2006 BY JIM G SAFRANEK =====
NO COMMENT
===== UPDATED ON NOVEMBER 29, 2006 BY JIM G SAFRANEK =====
===== UPDATED ON MAY 8, 2007 BY JIM G SAFRANEK =====

Environmental Health Miscellaneous Comments

===== UPDATED ON NOVEMBER 29, 2006 BY JIM G SAFRANEK ===== The applicant will need to apply for an EHS building clearance. The existing onsite sewage disposal system appears adequate to serve the expected infrequent use by 6 or less employees who work mainly offsite.
===== UPDATED ON MARCH 20, 2007 BY JIM G SAFRANEK =====

Discretionary Comments - Continued

Project Planner: Sheila Mcdaniel
Application No.: 06-0641
APN: 067-191-18

Date: September 1, 2009
Time: 11:34:59
Page: 3

If hazardous materials or hazardous waste are to be used, stored or generated on site, contact the appropriate Hazardous Material Inspector in Environmental Health at 454-2022 to determine if a permit is required.

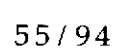
===== UPDATED ON MAY 8, 2007 BY JIM G SAFRANEK ===== This application will be considered incomplete by EHS until the applicant receives a HazMat permit final from Rolando Charles.

Scotts Valley Fire District Completeness Comments

===== REVIEW ON NOVEMBER 30, 2006 BY MARIANNE E MARSANO =====
NO COMMENT

Scotts Valley Fire District Miscellaneous Comments

===== REVIEW ON NOVEMBER 30, 2006 BY MARIANNE E MARSANO =====
NO COMMENT



1288 El Rancho Dr., Marc Kaplan - SUPPORTER w/ letter

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Ed Kuerzel
1770 El Rancho Drive

17 Beulah Drive, Santa Cruz

18 Beulah Drive, Santa Cruz

27 Beulah Drive, SUPPORTER w/petition

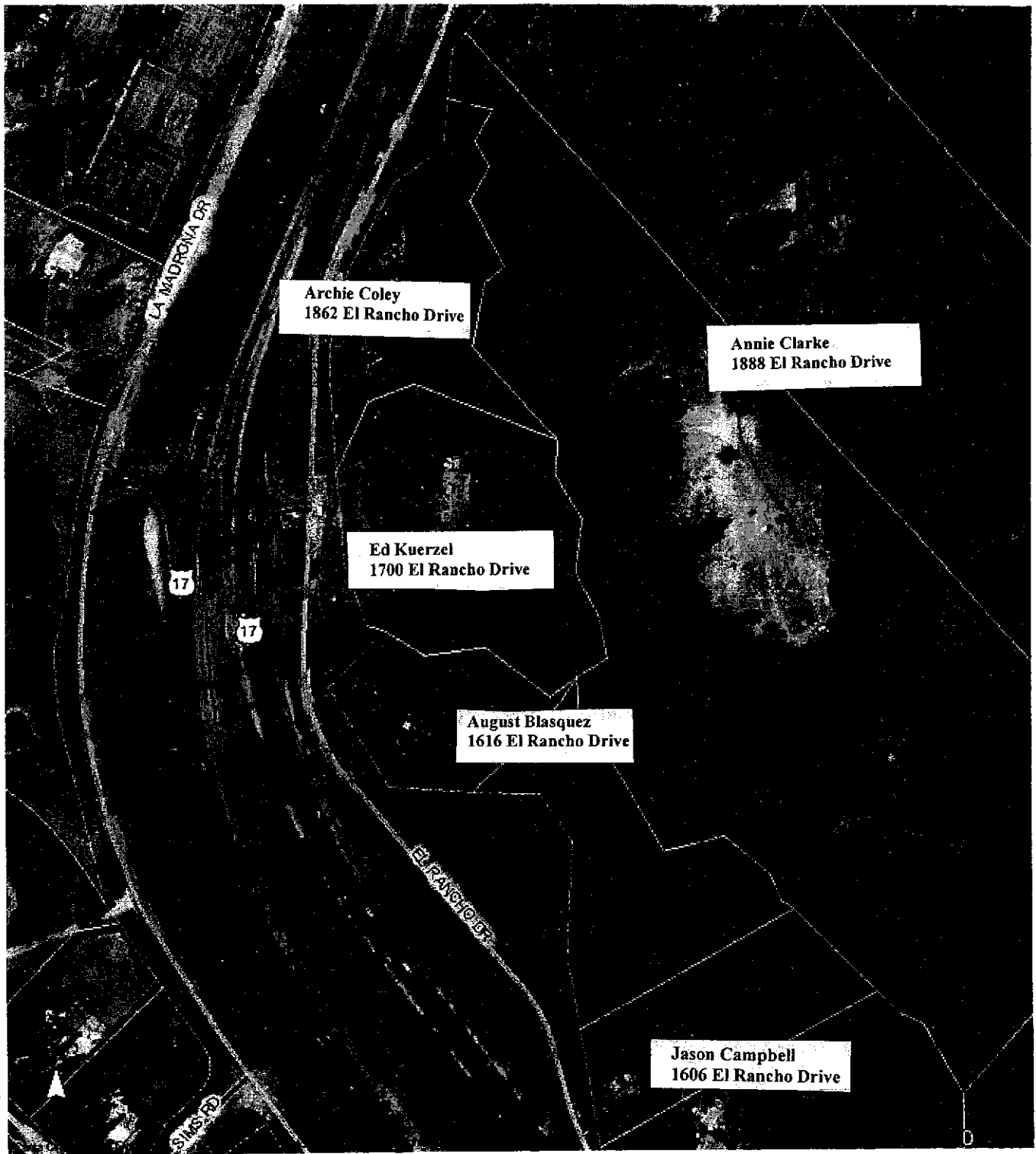
46 Beulah Drive, Santa Cruz

50 Beulah Drive, Santa Cruz

62 Beulah Drive, Santa Cruz

114 Beulah Drive., SUPPORTER w/petition

EXHIBIT E



Red indicates in support of the Kuerzels.

MAP #1

Ltr	Street #	Street Name	Name
A	1261	El Rancho Drive	Maryann Hurttgam
~	1288	El Rancho Drive	Marc Kaplan - SUPPORTER w/letter
B	1324	El Rancho Drive	Eric Graves, George Olgle? Hurle Hianu?
~	1325	El Rancho Drive	Chris Smith - SUPPORTER w/letter
C	1326	El Rancho Drive	Pedan Peir?
D	1504	El Rancho Drive #D	Tim Goulart
E	1606	El Rancho Drive	Jason Campbell
F	1616	El Rancho Drive	August Blasquez - SUPPORTER
*	1770	El Rancho Drive	ED KUERZEL
G	1862	El Rancho Drive	Archie Coley
H	1888	El Rancho Drive	Annie Clarke*
I	2099	El Rancho Drive	Paul/Katherine Donovan
J	2101	El Rancho Drive	Joseph/Linette Flowers
K	2130	El Rancho Drive	Tim Rose - SUPPORTER w/petition**
~	2241	El Rancho Drive	Jim Sullivan - SUPPORTER w/letter
~	2261	El Rancho Drive	Garrett Smith - SUPPORTER w/petition
L	2470	El Rancho Drive	Moose Lodge - SUPPORTERw/letter
M	2474	El Rancho Drive	Multiple Names - VACANT PROPERTY
N	2624	El Rancho Drive	Eugene Casale
O	2800	El Rancho Drive	Alice Schweizer/Alfred***

* House is set inland over a stream that separates the properties.

** Signed Petition which reverses his original view - is now in support of Kuerzel.

***Address in directory shows 2752 El Rancho Drive, not 2800. Also, there is one mailbox with both numbers on it.

MAP #2

Ltr	Street #	Street Name	Name
A	17	Beulah Drive	Mark/Anna Ward
B	18	Beulah Drive	Iris Hunt/Felicia Bogrow
C	27	Beulah Drive	Robert Boyles - now SUPPORTER w/petition**
D	46	Beulah Drive	John Gillette
E	50	Beulah Drive	Rajani Kirkman (not name on petition)?
F	62	Beulah Drive	Crescent Smith (not name on petition)?
~	114	Beulah Drive	Fred Betz - SUPPORTER w/petition

Planning Dept.
Attn. Sheila McDaniel
701 Ocean St. 4th Floor
Santa Cruz, CA 95060

July 27, 2009

RE: Application No. 06-0641
Owners: Kuerzel
Address: 1770 El Rancho Drive

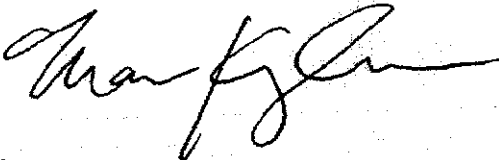
Dear Sheila:

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I have known Edward and Sandi Kuerzel for almost 10 years and have known their property at 1770 El Rancho for a much longer time. Since Ed bought the place in 1998 the changes have been almost unbelievable. The junk from the prior ownership has been cleaned up by Ed and Sandi. No longer can you see junk on the property. The landscaping and walls make the property a credit to the area. Ed continues to make improvements even thru his troubles with the County. I live just north of Beulah Park and I have never heard E & S Trucking vehicles. Nor do they even use El Rancho Dive for their ingress or egress to their property. So without noise traffic or unsightliness I see no reason why you should not issue them the permit they seek.

Now Coleys property on the other hand is always a mess and can be seen easily by driving past. When I first heard about all the trouble I assumed that it was over Coleys at 1862.

I have enclosed some pictures taken of the two residences to show the differences.

Sincerely, 

Marc Kaplan
1288 El Rancho Dr.
Santa Cruz, CA 95060
CC: John Leopold,
Paia Levine,
Edward Kuerzel

EXHIBIT E •

August 21, 2009

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

Re: Application #067-0641, Ed Kuerzel
1770 El Rancho Drive, Santa Cruz, CA 95060

Dear Ms. McDaniel:

This letter is in connection to the above mentioned permit application. I am a long time resident of the El Rancho Drive neighborhood and am familiar with the property in question. I would like to express my support of Mr. Kuerzel's permit. It is my understanding that Mr. Kuerzel does not use El Rancho Drive to enter or exit their property, as the location of their driveway is directly across El Rancho from Highway 17 exit. I have not personally seen them on El Rancho Drive and have no knowledge of any noise problems from the Kuerzels. They have made many improvements to the property since they purchased it from Mr. Coley. In addition, the view of their property from El Rancho Drive is now obscured by vegetation and fencing.

Sincerely,



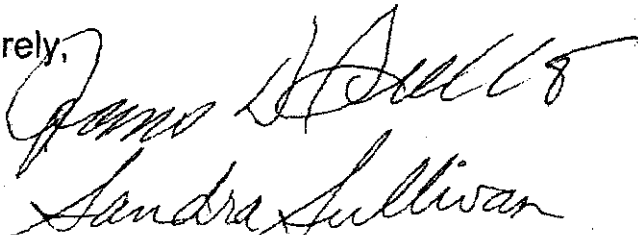
Chris Smith
1325 El Rancho Road

July 27, 2009

To Whom it may concern:

When Ed Kuerzel bought the property from Archie Coley in 1998 he came by to let me know that he was a grading contractor and was going to keep his equipment at his property as Coley had before him. Ed also asked if there was anything he could do to minimize any disturbance to me at my property. I explained to him that the only thing is I didn't want to see a lot more truck traffic on the road. Ed said that he planned not to use El Rancho except in an emergency or for working on the road. Since then I am pleased that Ed has kept his word. I can hardly remember ever seeing him on the road and certainly can not hear him ever making noise. He has been a good neighbor. Also his property is quite well maintained and always looks nice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Sullivan".

Jim & Sandra Sullivan
Property Owner
2241 El Rancho Dr.
Santa Cruz, CA 95060

SANTA CRUZ MOOSE LODGE #545

P.O.Box 66292 Scotts Valley, CA 95067

Lodge Phone 831.438.1817

Located at 2470 El Rancho Drive

Vince Martinez, Governor

Perry James, Administrator

August 21, 2009

Sheila McDaniel
Santa Cruz Planning Department
701 Ocean St. 4th Floor
Santa Cruz, CA. 95060

Re: Application #06: 0641, Ed Kuersel
1770 El Rancho Dr. Santa Cruz, CA. 95060

Dear Ms. McDaniel,

This letter is to show the support of the Moose Lodge #545 for Ed Kuersel's permit application referenced above. The Lodge is located at 2470 El Rancho Drive, Santa Cruz, CA. We have not seen an increase in traffic or noise on El Rancho Drive due to Ed Kuersel. It is our understanding that Mr. Kuersel does not use the Mt. Hermon exit to access his property. The next exit south is directly in line with his driveway. Even when coming from the north, he uses the Pasatiempo exit to enable him to approach from the south on Highway 17 and avoid the use of El Rancho Drive.

The Kuersels have greatly improved the looks of their property and are an asset to the neighborhood. Their property is blocked from view by fences and plants. Since the Kuersels project will not cause any traffic, noise or other impairments, we do not see why the Kuersels project shouldn't be granted the permit they are requesting.

Sincerely,

Perry Lee James Administrator

Vince Martinez Governor

Santa Cruz Moose Lodge #545

Board of Officers

Scott Miller Private

Sam Mandy Treasurer

**PETITION SUPPORTING KUERZEL APPLICATION
FOR PERMIT AMENDMENT FOR 1770 EL RANCHO DRIVE
IN THE COUNTY OF SANTA CRUZ**

To the County of Santa Cruz Planning Department:

We, the undersigned, support the Kuerzels' Application No. 06-0641 for a Permit Amendment for their property at 1770 El Rancho Drive in the unincorporated area of the County of Santa Cruz. Approval of this Application will make their ongoing use more clearly consistent with County regulations while establishing conditions of approval for the benefit of all. We have observed the Kuerzels' use of their property over time and have witnessed no traffic impacts to El Rancho Drive and have not experienced any noise impacts. Instead, we have noticed and appreciated the fact that since acquiring their property the Kuerzels have improved its looks to the point that it is now visually attractive from El Rancho Road and Highway 17.

NAME		ADDRESS
Print Name: <u>BOB BOYLES</u>		<u>27 Beulah Pl Dr.</u>
1. <u><i>Bob Boyles</i></u> (Signature)		<u>SANTA CRUZ, CA. 95060</u> (Residence Address)
Print Name: <u>FRED BETZ</u>		<u>114 BOWMAN CT</u>
2. <u><i>Fred Betz</i></u> (Signature)		<u>30 95060</u> (Residence Address)
Print Name: <u>Tim Rose</u>		<u>2130 El Rancho DR</u>
3. <u><i>Tim Rose</i></u> (Signature as Registered)		<u></u> (Residence Address)
Print Name: <u>GARRETT L SMITH</u>		<u>2241 EL RANCHO DR</u>
4. <u><i>Garrett L Smith</i></u> (Signature)		<u>SANTA CRUZ, CA. 95060</u> (Residence Address)
Print Name: _____		
5. _____ (Signature)		_____ (Residence Address)
Print Name: _____		
6. _____ (Signature)		_____ (Residence Address)
Print Name: _____		
7. _____ (Signature)		_____ (Residence Address)
Print Name: _____		

COUNTY OF SANTA CRUZ

USE

-PERMIT-

NUMBER 80-704-U

ISSUED TO Archie & Faye Coley
1770 El Rancho Drive
Santa Cruz, CA 95060

PARCEL NO.(S) 67-191-10, 14

LOCATION OF USE

East side of El Rancho Drive (1770 El Rancho Drive), north of the intersection of Sims Road.

PERMITTED USE

Application to amend Use Permit No. 78-1201-U (to park a flat-bed truck and tractor on property as a home occupation) by allowing a 1½-ton truck and a brush grinder to be parked on property, and to delete the condition requiring dense landscape screening, subject to Exhibit "A" and the following conditions which shall replace the prior conditions of 78-1201-U:

1. Prior to exercising any rights granted by this permit the applicant shall trim and maintain the existing vegetation at the driveway entrance such that there is a minimum sight distance of 250 feet on El Rancho Road.
2. The flat bed truck and tractor use shall cease, and shall not be stored, kept or repaired on the property.
3. No other trucks larger than 3/4 ton shall be kept or repaired on the property except one 1½ ton dump truck.
4. There shall be no employees on the property for the operation or repair of the permittee's commercial equipment, except the operation of equipment used for the sole purpose of construction and maintenance pertaining to the property.
5. If 77-1092-MLD (amend) is not granted, the kitchen facilities in the older single family dwelling shall be removed.
6. The applicant shall submit evidence to substantiate that the cabin and small buildings shall not be used for residential purpose unless a use permit is obtained for one guest house. If such information is not submitted within 15 days of the date of approval, the buildings shall not be used for residential purpose unless a use permit is obtained for a guest house.
7. This permit shall be subject to review and revocation if any permit condition is violated.

Minor variations to this permit which do not affect the concept or density may be permitted upon approval of the Planning Director at the request of the applicant or Planning staff.

DM:km

THIS PERMIT WILL EXPIRE ON October 13, 1981 IF IT HAS NOT BEEN EXERCISED.

NOTE: APPLICANT MUST SIGN,
ACCEPTING CONDITIONS, OR PERMIT
BECOMES NULL & VOID.

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY Susan Blum DATE 10/13/80

SUSAN BLUM, DEPUTY DIRECTOR/ZONING AND BUILDING
63/94

SIGNATURE OF APPLICANT

EXHIBIT F

COUNTY OF SANTA CRUZ

USE

- PERMIT -

NUMBER 78-1201-U

ISSUED TO FAYE & ARCHIE COLEY

1862 El Rancho Drive

Santa Cruz, CA 95060

PARCEL NO.(S) 67-191-10, -14

LOCATION OF USE East side of El Rancho Drive (1862 El Rancho Drive), north of the intersection of Sims Road and Highway 17. Scotts Valley Area.

PERMITTED USE Use permit to park a flat-bed truck and tractor on property as a home occupation. Approval according to "Exhibit A", and subject to the following conditions:

1. At no time shall there be more than one flat-bed truck and one tractor parked on the parcel.
2. There shall be no outside employees involved in the business use of the truck and tractor.
3. Landscape screening shall be provided at the roadside. It shall be a dense hedge of California native shrubs with a 6-foot height at maturity. This shall be subject to prior staff approval. Adequate site distance shall be maintained at the driveway.
4. All home occupation ordinances shall apply. (See attached sheet.)
5. This permit shall be reviewed by the Zoning Administrator 6 months from its approval.

RL/clc

THIS PERMIT WILL EXPIRE ON 10.9.79 IF IT HAS NOT BEEN EXERCISED.

NOTE: APPLICANT MUST SIGN,
ACCEPTING CONDITIONS, OR PERMIT
BECOMES NULL & VOID.

Archie Coley

SIGNATURE OF APPLICANT

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY

Richard Pearson
RICHARD PEARSON, CHIEF
DEVELOPMENT PROCESSING

DATE 10.9.78

64/94

EXHIBIT F

(b) Restrictions on Home Occupations.

1. The home occupation shall be carried on entirely within the dwelling, or in an accessory structure normally allowed in the zone district in which the site is located.
2. There shall be no visible or external evidence of the home occupation other than one unlighted sign not exceeding one square foot in area, which shall be affixed to the dwelling or building in which the home occupation is conducted. If both the dwelling and the building are set back more than 40 feet from the front property line, the sign may be affixed to the mail box. No outdoor storage, operations or activity is allowed unless a use permit is obtained in which case the allowed outdoor use shall be completely screened from the street and adjoining properties.
3. ~~The home occupation shall be carried on primarily by a full-time inhabitant of the dwelling. Additional employees may also be used for a home occupation if a use permit is obtained.~~
4. The home occupation shall not involve the use of more than one room, or floor area equal to 20% of the total floor area of the dwelling, whichever is less, unless a use permit is obtained.
5. Home occupations involving personal services (beauty shop, barber shop, massage studio, etc.) or training (swimming lessons, musical instrument lessons, band practice, yoga or philosophy, etc.) may involve no more than one other person at a time, unless a use permit is obtained.
6. Sales of goods are allowed only if the goods to be sold are produced or assembled entirely on the premises, or if sales are by mail order, unless a use permit is obtained.
7. Only one vehicle, no larger than a three-quarter-ton pickup, may be used for the home occupation unless a use permit is obtained. All deliveries and shipments of equipment, supplies, and products shall be made only with this one vehicle. An off-street parking space shall be provided for this vehicle. Additional off-street parking shall be provided for employees or customers, as allowed by use permit.
8. No equipment with a motor of more than one-half horsepower may be used unless a use permit is obtained.
9. All noise shall be contained within the boundaries of the site.
10. Home occupations involving the use of any hazardous, flammable or noxious substance (car repair or painting, furniture stripping, etc.) shall be allowed only by use permit unless the Zoning Administrator determines in writing that no more than a significant quantity of the substance would be used.

Permit History

Use Permit 86-0362	Grading permit to replace fill
Use Permit 80-740-U	Application to amend 78-1201-U by allowing a 1/1/2 ton truck and a brush grinder to be parked on the property as a home occupation.
80-1109-U	Use Permit application to convert an existing 575-square foot building to a guest house as per condition of Use Permit No.80-704-U and 77-1092-MLD.
78-1201-U	Use Permit to park a flat-bed truck and tractor on property as a home occupation.
77-1092-MLD	Minor Land Division approval

Code Compliance Action

10/18/02	Violation of County Code Section 13.10.525 (c) (2) for construction of a 9 foot fence within the side yard where a 6 foot fence is only allowed
----------	---

6/08/05	<p>Violation of County Code Section</p> <p>13.10.140(a)-Violation of Zoning Regulations</p> <p>13.10.275 (b)- Violation of uses allowed in a RA Zone (commercial uses E&S Trucking and an approximately 8,000 square foot contractor's storage yard)</p> <p>13.10.276 (a) Violation of conditions of permit #80-704-U, equipment and vehicles in excess of allowed (1/1/2 ton truck and a brush grinder)</p>
---------	--

The current home occupation is not in conformance with Permit 80-704-U given the numerous contractor business vehicles, contractor business equipment, and contractor business materials located on the site. A Planning Department Code Compliance code violation determination is provided by Glenda Hill, dated September 8, 2005 and attached as Exhibit E. It clarifies that Violations 13.10.140 (a) and 13.10.276 (a) are valid violations and recommended that the Zoning Administrator determine if a violation of 13.10.275 (b) is valid as part of permit amendment.

Objective 2.20 Home Occupations

To encourage appropriate small businesses conducted as Home Occupations [See Glossary], provided that they are compatible with surrounding residential land uses.

Policies

2.20.1 Home Occupations as Accessory Uses

Permit small businesses as Home Occupations in residential areas and residential zone districts as accessory uses to the primary residential use of the property

2.20.2 Siting and Administration of Home Occupations

Maintain regulations for Home Occupations in Volume II of the County Code to control the allowable Home Occupation activities and prevent adverse impacts on surrounding properties. When Home Occupations expand to the extent that they significantly impact adjacent residential uses, require relocation to a Commercial or Industrial area as appropriate.

Program

- a. Administer performance standards to minimize adverse impacts on surrounding land uses and to govern the review and approval of permits for Home Occupations. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)

13.10.613 Home occupations.

(a) Purposes. The purposes of regulations for home occupations are:

1. To allow persons to carry on limited, income-producing activities on their residential property.
2. To protect nearby residential properties from potential adverse effects of the allowed activity by not allowing home occupations that would create excessive noise, traffic, public expense or any nuisance.

(b) Restrictions on Home Occupations.

1. The home occupation shall be carried on entirely within the dwelling, or in an accessory structure normally allowed in the zone district in which the site is located.
2. There shall be no visible or external evidence of the home occupation other than one unlighted sign not exceeding one square foot in area, which shall be affixed to the dwelling or building in which the home occupation is conducted. If both the dwelling and the building are set back more than 40 feet from the front property line, the sign may be affixed to the mailbox. No outdoor storage, operations or activity is allowed unless a Level V Use Approval is obtained, in which case the allowed outdoor use shall be completely screened from the street and adjoining properties.
3. The home occupation shall be carried out primarily by a full-time inhabitant of the dwelling. Not more than five additional employees may also be used for a home occupation if a Level V Use Approval is obtained.
4. The home occupation shall not involve the use of more than one room, or floor area equal to 20 percent of the total floor area of the dwelling, whichever is less, unless a Level V Use Approval is obtained.
5. Home occupations involving personal services (beauty shop, barber shop, massage studio, etc.) or training (swimming lessons, musical instrument lessons, band practice, yoga, or philosophy, etc.) may involve no more than one person at a time, unless a Level V Use Approval is obtained.
6. Sales of goods are allowed only if the goods to be sold are produced or assembled entirely on the premises, or if sales are by mail order, unless a Level V Use Approval is obtained.
7. Only one vehicle, no larger than a three-quarter ton pickup, may be used for the home occupation unless a Level V Use Approval is obtained. All deliveries and shipments of equipment, supplies, and products shall be made only with this one vehicle. An off-street parking space shall be provided for this vehicle. Additional off-street parking shall be provided for employees or customers.
8. No equipment with a motor of more than one-half horsepower may be used unless a Level V Use Approval is obtained.
9. All noise shall be contained within the boundaries of the site.
10. Home occupations involving the handling of hazardous materials, as defined by Section 7.100.030 of this Code, or of any amount of an acutely hazardous substance, as defined by State or federal law, shall require a Level V use approval. Hazardous materials refer to materials defined in Chapter 7.100 of this Code. (Ord. 1191, 8/9/66; 2336, 8/31/76; 2804, 11/6/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 4100, 12/11/90; Ord. 4836 § 102, 10/3/06)

Title 13 PLANNING AND ZONING REGULATIONSChapter 13.10 ZONING REGULATIONS**13.10.556 Outdoor storage of personal property and materials.**

(a) No portion of any undeveloped or vacant site and, for any developed residential parcel, no portion of any front yard or any required side yard set back, or any required rear yard of corner or double frontage lots shall be used for the storage of any of the following:

(1) Building or construction materials, except those materials, bins, and dumpsters reasonably required for work under construction on the premises pursuant to a valid and effective building permit.

(2) Storage of construction or commercial equipment, machinery, chemicals, or materials.

(3) Inoperative vehicles or parts thereof.

(4) Household appliances, equipment, machinery, furniture, salvage materials, or boxes.

(b) Items and materials identified in Section 13.10.556(a) may be stored in rear yards provided such is screened from public view or stored within an approved storage structure constructed in accordance with applicable building and zoning regulations.

(c) Operative vehicles in excess of those allowed in the front yard pursuant to Section 13.10.554

(d) must be parked in side or rear yards provided that the vehicle is screened from public view or stored within an approved structure constructed with the required building and zoning permits.

(Ord. 4338, 11/29/94; 4496-C, 8/4/98)

[<< previous](#) | [next >>](#)

EXHIBIT 14

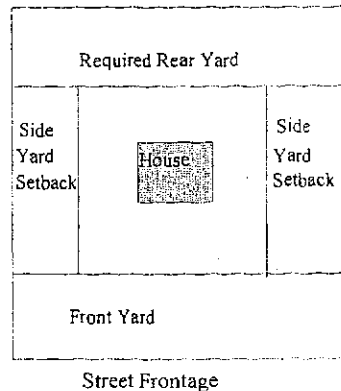
Neglected Property ordinance (County Code section 13.10.556)

Compliance can be achieved by completely removing personal property and materials constituting a Neglected Property pursuant to County Code section 13. 10.556.

County Code section 7.20.080 requires for any premises, other than an approved disposal site, **no volume of refuse, rubbish or trash in excess of two cubic yards shall be allowed to accumulate between intervals of collection or disposal**, unless it is stored in a rear yard or side yard in an accessory building or enclosed storage structure constructed in accordance with provisions of the building code, and such storage is not allowed to become a rodent harborage or nuisance.

1) For a vacant or undeveloped parcel - Personal property and materials are to be removed from the entire parcel.

2) For a developed parcel - Personal property and materials are to be removed from the front yard, required side yard setback, and any required rear yard of corner or double frontage lots as specified within development standards associated with the parcel's zoning district. (See County Code section 13.10.323, **Development standards for residential districts for setback distances.**)



Personal property and/or materials consists of any and/or all of the following:

- X Garbage, Refuse, Rubbish, Trash and Solid Waste, in excess of two cubic yards not stored enclosed storage containers;
- X Discarded household appliances (ie. Refrigerators, Washers, Dryers, etc.);
- X Construction and/or Commercial Equipment;
- X Miscellaneous Tools and Machinery;
- X Furniture (ie. Couches, chairs, tables, mattresses, etc); Salvage materials (ie. Scrap metal, lumber, paper, concrete, rubber, cans, glass, etc);
- X Abandoned, wrecked, dismantled, vehicles, trailers, boats and/or vehicle parts including batteries, axles, tires, etc.;
- X Building or construction materials in excess of those reasonably required for work under construction on the premises pursuant to a valid and effective building permit;
- X Miscellaneous chemicals (ie. Paint, household cleaning solvents, etc.);
- X Hazardous Materials and Waste as defined under County Code 7.100 and/or Medical Waste as defined under 7.22. Be advised, sites may be former unauthorized drug labs and/or may have been abandoned and accessible to vagrants and/or immoral persons.

If Hazardous Materials and/or Medical Wastes are found, the property owner should immediately contact Environmental Health Department at 454-2022 to determine and arrange for appropriate disposal.

If personal property is stored within a Riparian corridor (area of land next to natural watercourses) and/or other designated Environmentally sensitive area, removal must be conducted in a manner so as not to cause more environmental damage. Handwork is usually necessary and erosion control measures are required. The riparian corridor is measured from the bank full flow line. For perennial streams (year round), the riparian corridor extends 50 feet. For intermittent streams, it extends 30 feet. See Erosion Control standards handout from Environmental Planning Section.

The property owner is responsible for the removal of all waste materials to an approved disposal site. The Recycling Coordinator in the Public Works Department can provide information regarding where to dispose of waste and recyclable materials at 454-2160.

For information regarding parking of vehicles on residential property, see Motor Vehicle Storage within Residential districts.

13.10.554 Standards of off-street parking facilities.

(d) The parking area, aisles and access drives shall be paved with two inches of asphalt concrete over five inches of Class II base rock or equivalent permeable or nonpermeable surface so as to provide a durable, dust-less surface, and shall be graded and drained so as to prevent erosion and disperse surface water. Parking areas, aisles and access drives together shall not occupy more than fifty (50) percent of any required front yard setback area for any residential use, except for parking spaces located on an individual mobile home lot, which does not front on an exterior street, in a mobile home park.

Variances to this rule can only be granted, pursuant to Section 13.10.554(l), if locating parking areas, aisles or access drives in front yard setbacks result in less environmental damage than at all alternative locations.



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

TOM BURNS, PLANNING DIRECTOR

MOTOR VEHICLE STORAGE WITHIN RESIDENTIAL DISTRICTS

Operable Vehicles

Operable Vehicles may be stored within the front yard pursuant to S.C.C. section 13.10.554(d). The parking area, aisles and access drives shall be paved with two inches of asphalt concrete over five inches of Class II base rock or equivalent permeable or nonpermeable surface so as to provide a durable, dust-less surface, and shall be graded and drained so as to prevent erosion and disperse surface water. Parking areas, aisles and access drives together shall not occupy more than fifty (50) percent of any required front yard setback area for any residentially zoned parcel. Operative vehicles in excess of those allowed in the front yard must be parked in the side or rear yards and screened from public view or parking within an approved structure with the required building permit and zoning approval.

Standard parking spaces shall be not less 18 feet in length and 8½ feet in width. To determine the setback requirements for your property, contact the Planning Department Zoning Information phone line at (831) 454-2130 between the hours of 1:00 p.m. and 4 p.m., Monday through Friday.

Parking or Use of Mobile Homes Without a Permit is Prohibited. It shall be unlawful to park or use a mobile home, travel trailer, or recreational vehicle on any parcel of land or building site for living or sleeping purposes, or to connect the same to any utility except:

1. When legally parked within a mobile home park, recreational vehicle park or travel trailer park.
2. When authorized for temporary use by a permit granted pursuant to Section 13.10.683 of the Santa Cruz County Code et seq.
3. When authorized for occupancy as a single-family dwelling by a permit granted pursuant to Section 13.10.682 of the Santa Cruz County Code.

A recreational, vehicle or travel trailer, maintained for the property owner's or occupant's recreational use, may be stored on the property. No utility connection is allowed, nor is any occupancy allowed. Such storage may not occur on any vacant parcel.

Inoperable Vehicles

"Inoperable vehicle" means any motor vehicle designed to be operated on a public roadway that cannot be moved under its own power or which is not currently registered for operation. (S.C.C. section 9.56)

Inoperative vehicles may be stored in the rear yard provided that they are screened from public view or stored within an approved and permitted structure. The presence of three or more inoperative vehicles constitutes a motor vehicle wrecking yard. Pursuant to 13.10.322, motor vehicle wrecking yards are not allowed in any residential districts.

Print date: 3-14-08



APN: 067-191-18
DATE PICTURE TAKEN: 1-20-00
WHO TOOK PICTURE: S. KEDSNA
WHY PICTURE TAKEN: Add 4th Busway Vehicles - Exceeds Time Occupat
Use Permit

APN: _____
DATE PICTURE TAKEN: _____
WHO TOOK PICTURE: _____
WHY PICTURE TAKEN: _____



APN: 067-191-18 photo 2
 DATE PICTURE TAKEN: 1-20-00
 WHO TOOK PICTURE: S. LEDERER
 WHY PICTURE TAKEN: Home Occupations, materials, vehicles + sand
 AT Creek Bridge



APN: 067-191-18
 DATE PICTURE TAKEN: 1-20-00
 WHO TOOK PICTURE: S. LEDERER
 WHY PICTURE TAKEN: MORE Trucks + 174194iv Bucket visible photo 3
 2000

EXHIBIT K



photo 4



EXHIBIT K
photo 5
2000



photo 6



76194

EXHIBIT K
photo 7
2006



062-191-18 Photos taken 11/29/01 by C Allegretti
 UPPER PHOTO: VEHICLES AND HEAVY EQUIPMENT photo 8

LOWER PHOTO: CLOSER VIEW OF HEAVY EQUIPMENT





067-191-18 Photos taken 11/29/01 by C. Allegretto
Debris in yard photo

"E+S" Truck & tractor sign at the front of the residence





APN: 067-191-18 view of equipment, vehicles and trailers (KMF)

photo 12

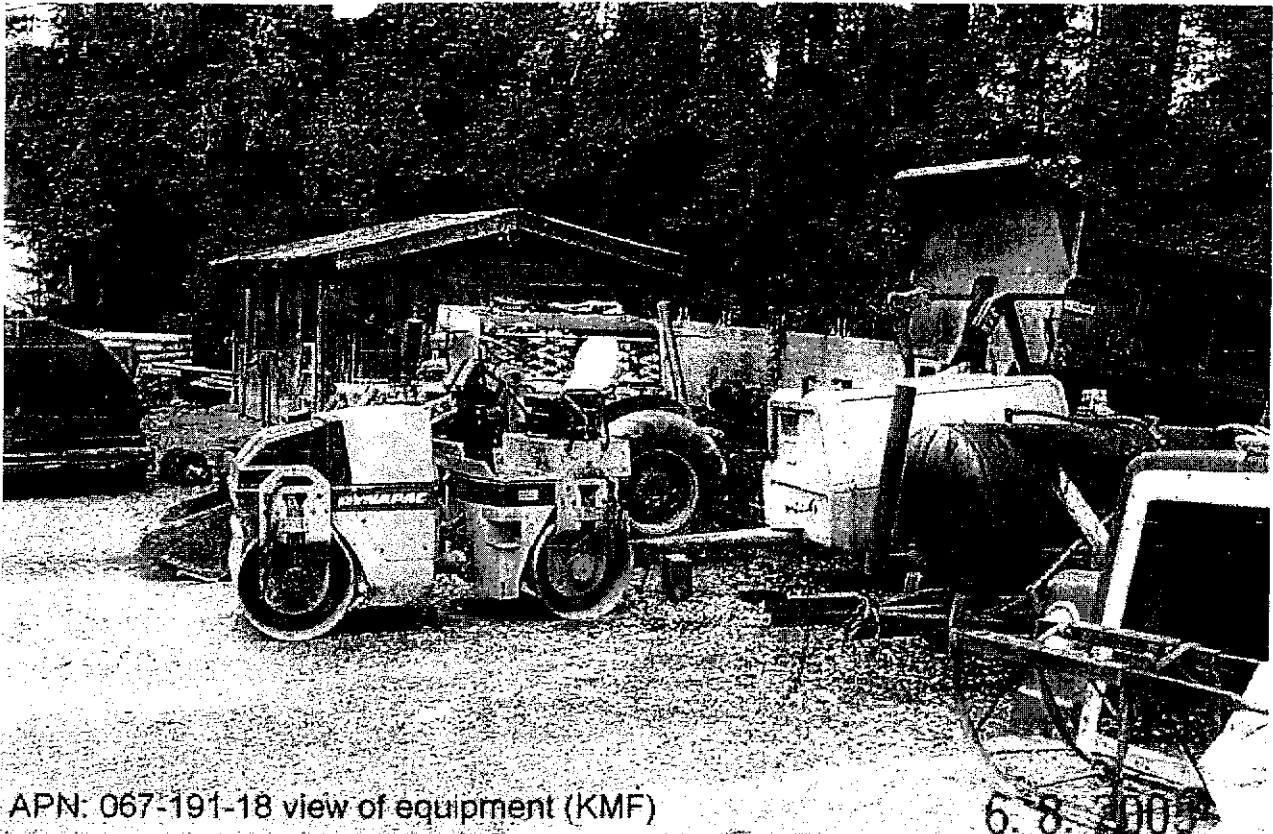


APN: 067-191-18 view of equipment (KMF)

EXHIBIT K

6.8.2005

photo 13
2005



APN: 067-191-18 view of equipment (KMF)

6. 8. 2005

photo 14



APN: 067-191-18 view of truck and equipment (KMF)

6. 8. 2005

EXHIBIT K

photo 15
2005



photo 16
Equipment +
VEHICLES

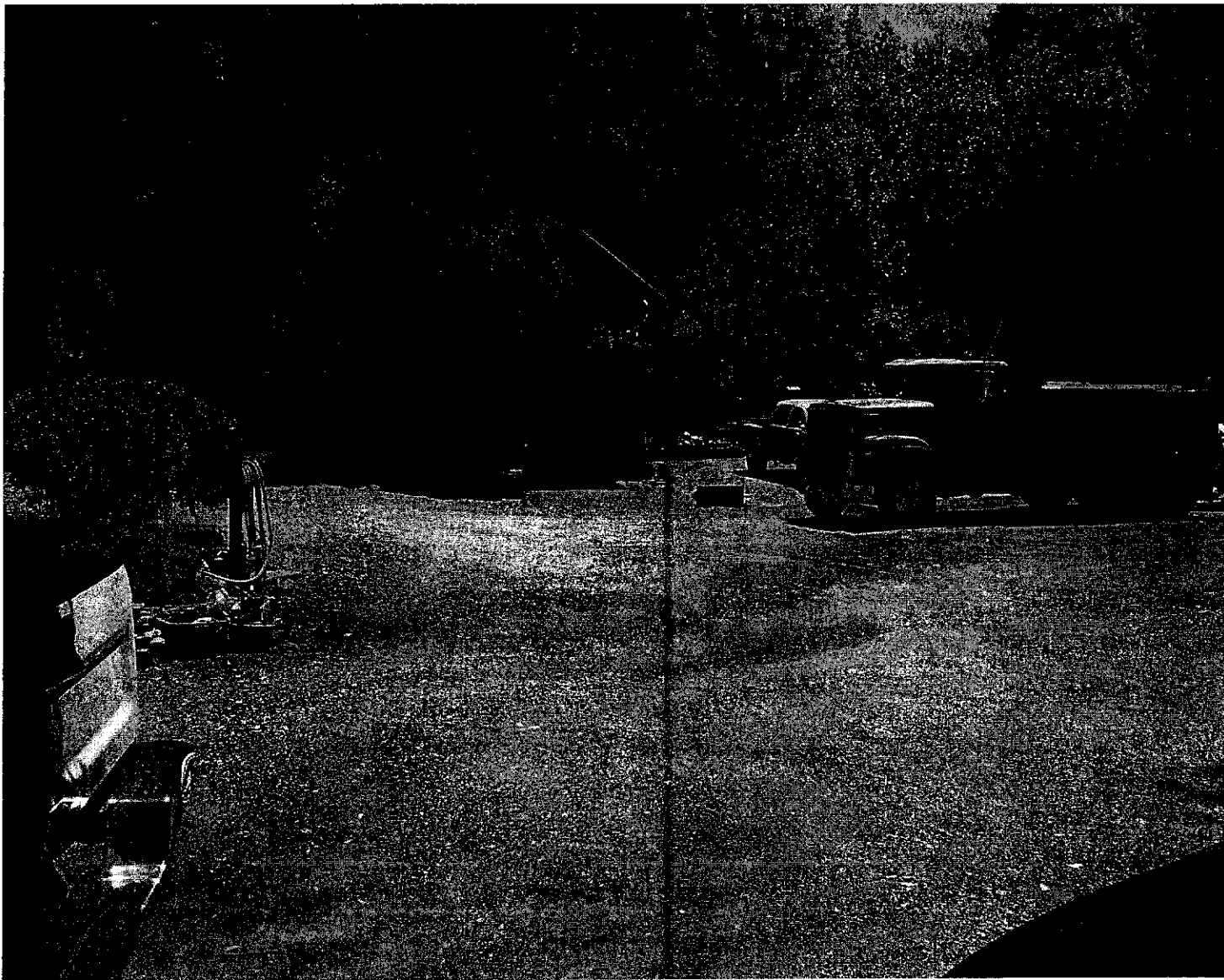


photo 17

SITE AREA

- Bldg. adj. to top of slope
- Dump Truck
- Washing area/hose bib



photo 18
- site area toward
El Rancho Road
- vehicles, equipment
and materials



photo 19
· Employee parking
· adj. to Hose bib



photo 20
- employee
parking adj.
to hose bib



photo 21
-View toward
top of Riparian
slope above
tributary to Carbon
Creek



photo 22
- materials along
top of slope
above creek



photo 23
- materials along
top of slope
above creek

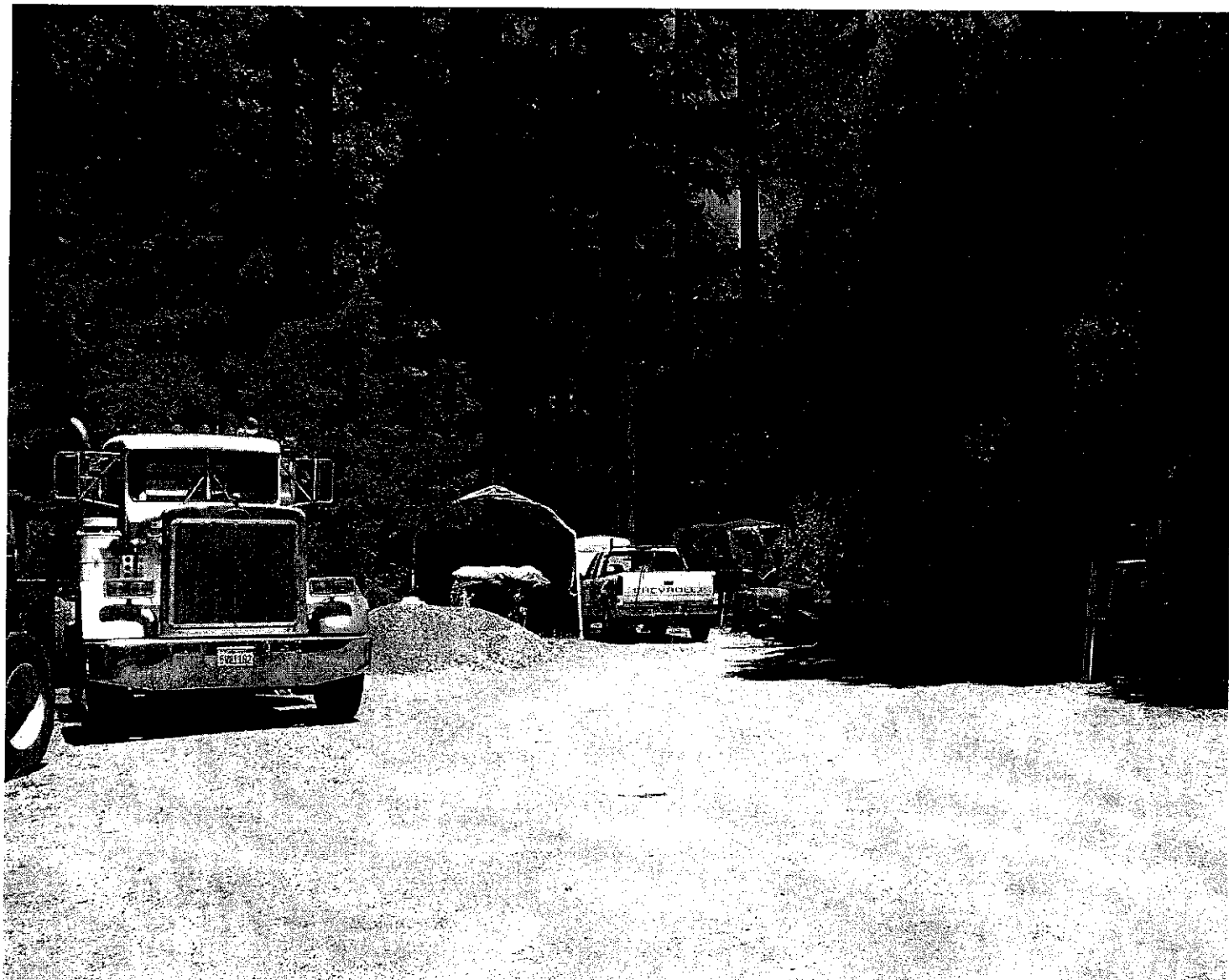
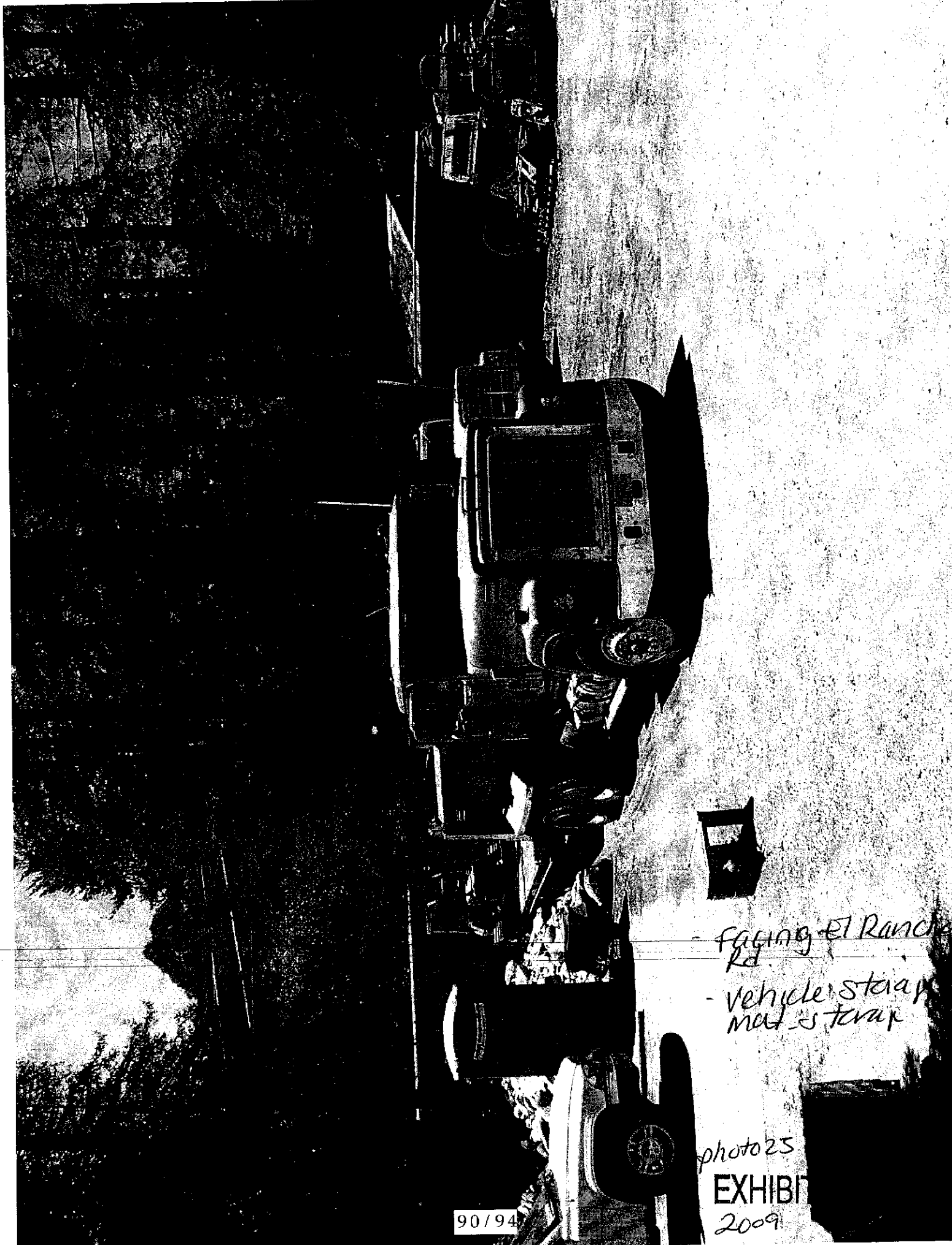


photo 24

- photo to east
and top of
Riparian slope

- vehicles, materials
and equipment



- facing El Rancho
Rd.

- vehicle straps
mat & tarp

photo 25

EXHIBIT

2009

90/94



photo 26
-Facing top of
slope
-material



photo 27
-facing top of slope
-materials

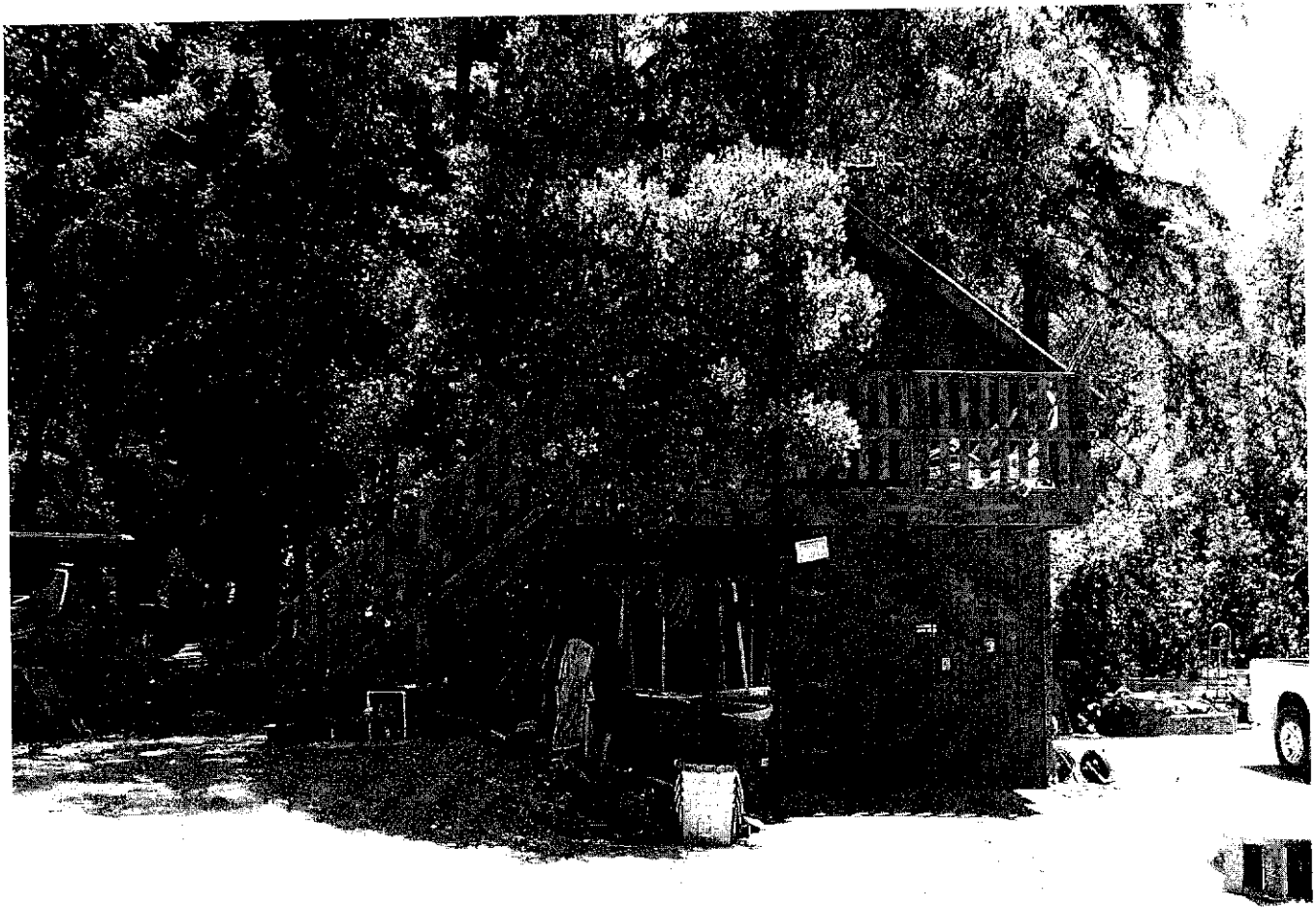


photo 28
-facing top of
slope
-out building
-materials

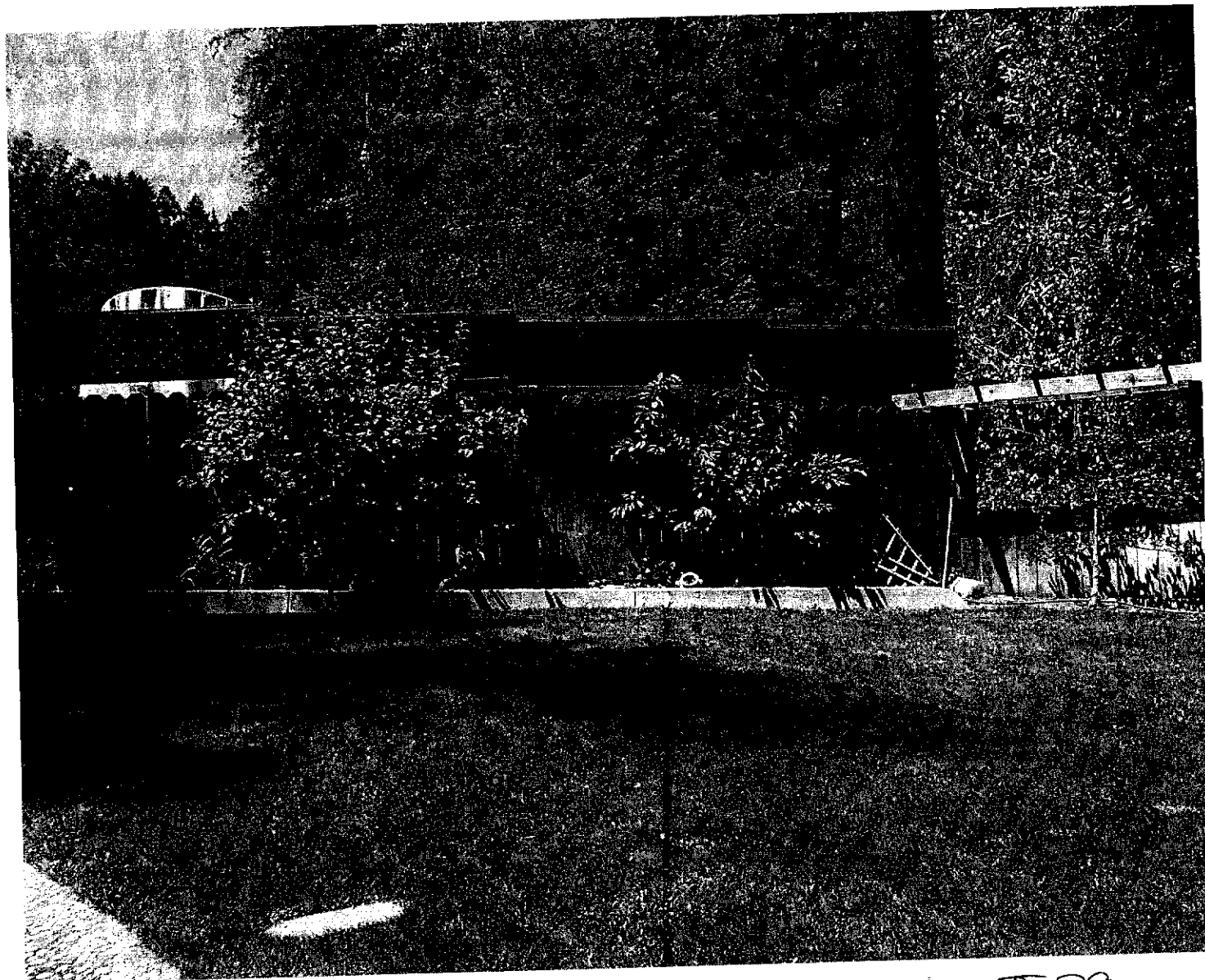


photo 29
* 8' fence along
front property line