



## Staff Report to the Zoning Administrator

Application Number: **171374**

**Applicant:** Bert Lemke  
**Owner:** Olsen  
**APN:** 04422113

**Agenda Date:** September 7, 2018  
**Agenda Item #:** 2  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to demolish an existing attached carport and storage room, to construct an attached, two-story, 1,572 square foot garage with storage below and to construct two retaining walls with 42-inch guardrails, in the R-1-8 zone district. Requires a Variance to reduce the 20' front yard setback standard and minimum 20' setback to a garage to 1 foot; a Parking Variance to allow a parking area and driveway that exceeds 50% of the required front yard; an overheight fence permit for a fence 3.5 feet tall within a sight-distance triangle; a Residential Development Permit for a non-habitable accessory structure greater than 640 square feet; a Minor Exception to increase the allowed floor area ratio from 50% to approximately 53.3%; a Soils Report Review (REV 171156) and a determination that the project is exempt from further review under CEQA.

**Location:** Property located on the southwest side of Santa Marguarita Drive (524 Santa Marguarita Drive), 700 feet southeast of the intersection with Alta Drive in the Aptos Planning Area

**Supervisory District:** Second District (District Supervisor: Zack Friend)

**Permits Required:** Variance, Residential Development Permit, Overheight Fence Permit and Minor Exception

**Technical Reviews:** Soils Report Review

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 171374, based on the attached findings and conditions.

### Exhibits

- |   |   |
|---|---|
| A. Categorical Exemption (CEQA determination) | F. General Plan Maps                      |
| B. Findings                                   | G. Comments & Correspondence              |
| C. Conditions                                 | H. Neighbor's drawings of proposed garage |
| D. Project plans                              |   |
| E. Assessor's, Location, Zoning and           | H. Story Pole Photographs                 |

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

### Parcel Information

Parcel Size: 7,269 sq.ft.  
Existing Land Use - Parcel: Single-Family Residential  
Existing Land Use - Surrounding: Single-Family Residential  
Project Access: Public street  
Planning Area: Aptos  
Land Use Designation: R-UL (Urban Low Density Residential)  
Zone District: R-1-8 (Single Family Residential - 8,000 sq.ft. minimum)  
Coastal Zone: X Inside       Outside

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: 30-50% on north half; 0-15% on south half  
Env. Sen. Habitat: Mapped as potential occurrence of Dudley's lousewort (*Pedicularis dudleyi*)  
Grading: Fill: 169 cubic yards. Cut: 17 cubic yards.  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Engineered drainage plan reviewed by Department of Public Works  
Archeology: Not mapped/no physical evidence observed on site; development area already disturbed

### Services Information

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

### History

There are no discretionary permits on file for the property. The parcel is developed with a single-family dwelling, built under building permit #1213 in 1966. Several minor building permits for deck additions, plumbing and mechanical since construction.

### Project Setting

The parcel is part of the Deer Park Villa Estates residential subdivision, established in 1925. The subdivision consists of single-family lots, 5,000 to 7,000 square feet in size, that span a steep hillside above Club House Drive in Aptos, overlooking the ocean. The dwellings along Santa Margarita

Drive are medium-size, with one- and two-car garages. Many garages are situated down steep driveways below street level, but many are located at street level with reduced setbacks. The dwellings above the street are larger, with steep driveways and facades that loom over the street.

### **Analysis**

The proposed garage is located on a steep slope that provides the special circumstance for consideration of a variance to the front yard setback. The reduced garage setback requires a variance to the County standard that requires parking areas and aisles to occupy no more than 50% of the front yard setback. The storage area under the garage would result in enough additional floor area to trigger a Minor Exception to the 50% floor-area ratio (FAR). The storage area would be located below street level, would not add to the visible bulk and mass of the structure and would be integrated into the tall foundation of the structure on the hillslope. As designed, the project is compatible with other structures in the neighborhood, including the single-family dwellings developed at a higher elevation across the street. The proposed overheight guardrail, necessary to provide a safety barrier along the elevated driveway, utilizes cable railings to minimize interference with sightlines. The guardrail design matches the guardrail on the adjacent parcel to the southeast.

### **Zoning & General Plan Consistency**

The subject property is a parcel of approximately 7,269 square feet, located in the R-1-8 (Single Family Residential - 8,000 square foot minimum) zone district, a designation which allows residential uses. The proposed garage is a principal permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

### **Local Coastal Program Consistency**

The subject parcel is located within the Residential Coastal Exclusion area and will not require a Coastal Development Permit. A Notice of Coastal Exclusion will be filed with the California Coastal Commission. The design of the proposed garage is in conformance with the design criteria provided by the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with and integrated with the character of the surrounding neighborhood.

Developed parcels in the area contain single family dwellings with garages. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Design Review**

The project is required by SCCC 13.20.130 to comply with SCCC 13.11.072(A)(1) and 13.11.073(B)(1).

SCCC 13.11.072(A)(1) requires that the site design is compatible with the surrounding neighborhood in terms of access, building orientation, bulk and scale, parking and relationship to the streetscape. The proposed one-story structure is consistent with other one-story detached garages in the

neighborhood. The proposed garage is set back approximately 18 feet from the edge of the street, and the parking in front of the garage, although considered “on-street,” is compliant with County parking dimensions. Several other sites on the street provide parking in front of garages within the right of way. Although larger in area than other garages in the neighborhood, with a street-level story of 722 square feet, the garage would provide covered parking for three cars, which complies with the County parking standard. The garage would be much smaller than the multi-story dwellings on the uphill side of the street and is sufficiently in scale with the surrounding neighborhood to be considered compatible.

SCCC 13.11.073(B)(1) requires the project to be integrated into the natural features of the site and to mitigate ridgeline impacts. The proposed garage would not be located on a ridgeline, does not propose removal of any significant vegetation and would step down the slope from the street. The 7:12 pitch of the proposed roof of the garage matches the roof pitch of the existing dwelling, providing architectural compatibility within the site.

### **Environmental Review**

The project is considered exempt from further review under the California Environmental Quality Act as Class 1 project under CEQA Section 15301, “Existing Facilities,” because it represents a less-than-significant “modification or addition to an existing structure” and none of the conditions described in Coastal Act Section 15300.2 apply to this project.

### **Public comments**

Staff has received comments from the owners of the property across the street (Exhibit F), expressing concern that the structure will block ocean views of both floors of their two-story dwelling. In response to the owner’s comments, staff requested the applicant to demonstrate the height of the proposed garage using story poles (Exhibit H). The story poles demonstrated that the proposed garage would not block the views from the second floor of the neighbor’s home, a reverse floor plan. The garage would block ocean view from a front-facing bedroom window on the first floor.

The neighbor also commented that the garage was too large for the neighborhood because the other garages in the area were one- and two-vehicle structures of narrower width. However, staff analysis suggests (see Design Review section above) that the one-story elevation and 15’4” height above street level is an appropriate scale, and that a 40’ width adequate to accommodate three vehicles does not represent a special privilege in relation to existing or potential development in this zoning district and neighborhood.

Further, the neighbor commented that the number of exceptions required to approve the structure was excessive, and that the size of the structure should be diminished to reduce the number of exceptions. However, reducing the height or width of the garage story would not eliminate need for a variance application, fence exception or permit to exceed 640 square feet. The floor area could be reduced to eliminate the requirement for a FAR exception, for example by converting the storage area to underfloor, but the visible part of the garage would not necessarily be affected.

In addition, the neighbor commented that the number of parking spaces at the proposed garage (3

interior plus 3 in front) would create a new hazard on the street. However, the existing driveway is an obvious back-up hazard, a steep, curving driveway backing into a narrow street. The new garage improves overall safety. The subject property owner stated that he has three electronic vehicles that he wishes to provide covered parking and solar power.

The neighbor drafted representations of the proposed garage (Exhibit G) based on the plans. However, upon staff's analysis, these exhibits do not appear accurate as to the setback, configuration or height of the proposed garage.

### **Conclusion**

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

### **Staff Recommendation**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **171374**, 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](http://www.co.santa-cruz.ca.us)**

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# 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: 171374

Assessor Parcel Number: 028-431-22

Project Location: 524 Santa Marguarita Dr, Aptos, CA

**Project Description:** demolish an existing attached carport and storage room and construct an attached, two-story, 1,572 square foot garage with storage below

**Person or Agency Proposing Project:** Bert Lemke

**Contact Phone Number:** 831-252-5060

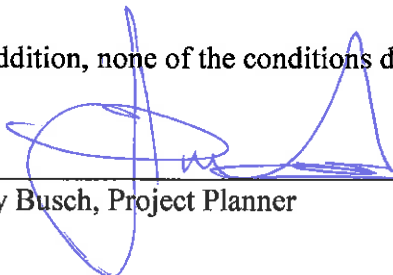
- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal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

Specify type: Class 1 - Existing Facilities (Section 15301)

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

The project, to construct a new attached garage to replace an existing attached carport on a parcel developed with a single-family dwelling in an area designated for residential uses, represents a minor modification or addition to an existing structure.

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

 \_\_\_\_\_ Date: August 16, 2018

Jerry Busch, Project Planner

**EXHIBIT A**

## **Variance / Minor Exception Findings**

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

This finding can be made, in that strict application of the zoning setbacks would preclude construction of a safe, new, street-level garage and driveway, because the parcel drops steeply down from the street. The proposed project requires a Minor Exception to the 50% floor-area-ratio standard for the parcel, due largely to the storage area beneath the garage that is an integral part of the garage foundation and designed to provide stability on the hillslope.

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

This finding can be made, in that the garage still provides an approximately 18-foot setback from the street pavement, analogous to the street setbacks typical of an urban setting. The garage would be a single story, 15'4" above street level, of proportionate scale to other garage heights and setbacks in the neighborhood. The garage would not add excessive bulk and mass to the streetscape, does not reduce the light and air available to adjoining parcels and is much less intrusive and imposing than the structures on the uphill side of the street. The ceiling height of the garage (8'1") is standard; the plate height of the storage below (10') is elevated to raise the floor of the garage above street level for positive drainage away from the garage entrance. The garage would significantly improve the safety of parking and driveway maneuvers on the parcel, as the present driveway slopes and curves steeply away from the street and requires a difficult, hazardous back-up maneuver with poor sightlines down the street, while tandem parking in the existing driveways requires leaving vehicles in a very steep location. The proposed garage would not result in a structure injurious to the improvements in the vicinity. Private views are not protected by the Santa Cruz County Code.

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

This finding can be made, in that a three-car garage with a pitched roof appropriate for solar gain is a standard privilege enjoyed by other property in the vicinity and in the zoning district and does not represent a special privilege. The storage area would require a Minor Exception to the FAR standard, but would be integrated into the foundation designed for the hillslope and does not provide any special privilege with respect to visible bulk or mass.

4. That there is no increase in stormwater leaving the property as a result of additional impermeable area created by a minor increase in lot coverage. The project as approved incorporates measures or conditions that direct runoff to the landscape, use permeable paving material, reduce existing impermeable area, or incorporate other low impact drainage design practices to control any increase in stormwater runoff.

This finding can be made, in that an engineered drainage plan is provided to address the increased area of impermeable surface, including two bioretention basins and two associated overflow runoff dissipaters.



## **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 public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the proposed residential garage and overheight fence will improve site safety, increase the site's energy efficiency through planned installation of solar power and electric vehicle charging stations, and will not damage other properties or improvements in the area.

Although the 42" guardrail along the driveway would encroach into the sight-distance triangles on both sides of the subject driveway and on one side of the adjacent driveway to the southeast, the County Code (13.10.525) provides for exceeding the fence height standard of 36" with a residential development permit and public notice (Level IV). The proposed guardrail height is the minimum height required by the Building Code for public safety at the edge of the parking deck. The guardrail intrudes the minimum distance into the sight-distance triangle required for protection from the natural grade adjacent to the driveway. The guardrails would be constructed of open-cable design that provides sightlines through the rails. Even with the proposed overheight guardrails, the visibility of vehicles backing out of the driveway to other vehicles and the sightlines available to drivers performing back-up maneuvers will significantly improve the safety of the subject site relative to current conditions. The proposed garage will include a vertical window to add visibility and provide sightlines to vehicles exiting the garage.

The garage exceeds the 640 square foot floor area maximum established by SCCC 13.10.611 for nonhabitable accessory structures, requiring a discretionary approval. However, the garage lacks interior access mainly because the slope of the parcel requires the structure to be built at a higher elevation than the dwelling. If interior access were provided, the area of the garage would not be specifically limited. Although the total floor area of the garage and storage is 1,527 square feet, the 805.5 square feet of storage integrated into the foundation does not increase the size of the garage, as viewed from the street. Similarly, reduction of the storage area to eliminate the need for a Minor Exception to FAR (53%) would not necessarily reduce the area of the garage level, and the extra storage area does not affect the bulk and mass visible to the neighborhood.

Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed garage protects light and air and is not injurious to the improvements in the vicinity.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the garage and the conditions under which it would be operated or maintained will be consistent with the County code and the purpose of the R-1-8 (Single Family Residential - 8,000 square foot minimum) zone district, as the primary use of the property will be one single family dwelling with a garage, both of which meet the height and lot coverage limits of the district, meet setbacks other than those excepted, and require a Minor Exception that does not impose excessive bulk and mass on the streetscape or views of neighbors. The overheight fence preserves sightlines with an open design, minimizes the height standard exceedance to 6 inches and minimizes intrusion into sight distance triangles to the extent feasible.



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

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

The proposed garage will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets the requirements of General Plan Policy 8.1.3 (Residential Site and Development Standards Ordinance) in that the garage will not adversely shade adjacent properties and will meet current setbacks for the zone district other than the front yard setback from right-of-way, where, despite the proposed Variance, approximately 18 feet will still separate garage from pavement.

The proposed garage will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes) in that, apart from the front yard Variance and Minor Exception to FAR related to the storage, the proposed garage will comply with the site standards for the R-1-8 zone district (including lot coverage, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made in that the proposed garage would replace an existing attached carport, with no effect on the expected level of traffic generated by the proposed project.

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

This finding can be made in that the proposed structure would be located in a mixed neighborhood containing a variety of architectural styles and the proposed garage is consistent with the land use intensity and density of the neighborhood. Though the proposed three-car garage is in a neighborhood characterized by mostly one- and two-car garages and would be larger than garages in the vicinity, at 15'4" in height above street level, the one-story structure would not be out of scale with other garages and dwellings in the vicinity. The proposed roof pitch matches the existing structure onsite and is harmonious with other pitched-roof structures in the vicinity, and the reduced front setback is also consistent with many other parcels along the hillslope.

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

As discussed in the "Design Review" section of this report, this finding can be made, in that the proposed project is not a special site subject to SCCC Ch. 13.11, but is required to comply with SCCC 13.11.072(A)(1) and 13.11.073(B)(1). The scale of the garage will be consistent with the neighborhood

Application #: 171374  
APN: 028-431-22  
Owner: Olsen

and the design incorporates an articulated façade that adds aesthetic quality to the streetscape, with a compatible roof pitch. The structure will reflect the aesthetic qualities of the surrounding properties. The project and will not reduce or visually impact available open space in the surrounding area.

## Conditions of Approval

Project plans, 15 sheets, prepared by Bert Lemke, dated May 18, 2018.

- I. This permit authorizes the construction of a(n) garage as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way. If pedestrian, bicycle or vehicle traffic will be impacted please include a traffic control plan.
  - F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
    2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been

approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.

Elevations and site plan shall include design modifications to stamp or tint the driveway or include pavers to improve the driveway's aesthetic qualities.

3. Open cable guardrail design on driveway, limited to location and extent shown on Exhibit D.
  4. Max height of garage shall not exceed height provided on plans (15' 4" above street level) but may be reduced as appropriate.
  5. Grading plans, erosion control plans and engineered drainage plans.
  6. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- C. Meet all requirements of the Soquel Creek Water District.
- D. Meet all requirements of the Environmental Planning section of the Planning Department, including, but not limited to:
1. A detailed grading/drainage plan completed by a licensed civil engineer shall be submitted for review and approval.
  2. A detailed erosion/sediment control plan shall be provided for review.
- E. Meet all requirements and pay any applicable plan check fee of the Aptos Fire Protection District.
- F. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
- G. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- H. Complete and record a Declaration of Restriction to construct an attached garage and storage. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.

- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- IV. Operational Conditions
- A. If future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
  - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

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

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Steve Guiney  
Deputy Zoning Administrator

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







**Seascope Design**  
Bert Lemke, Architect  
LIC. # C 24293  
bert@seascope-design.com  
APTOS, CALIFORNIA 95020

Project: 252-5060  
Date: OCTOBER 30, 2011  
Revised: (MARCH 6, 2018)  
Drawn By: (MAY 18, 2018)

**GARAGE ADDITION  
AT THE OLSEN RESIDENCE**

LEVEL 2 FLOOR PLAN  
PROJECT OWNED  
PERMIT & ELLIS OLSEN  
(858) 558-9144

2 of 14  
SHEET

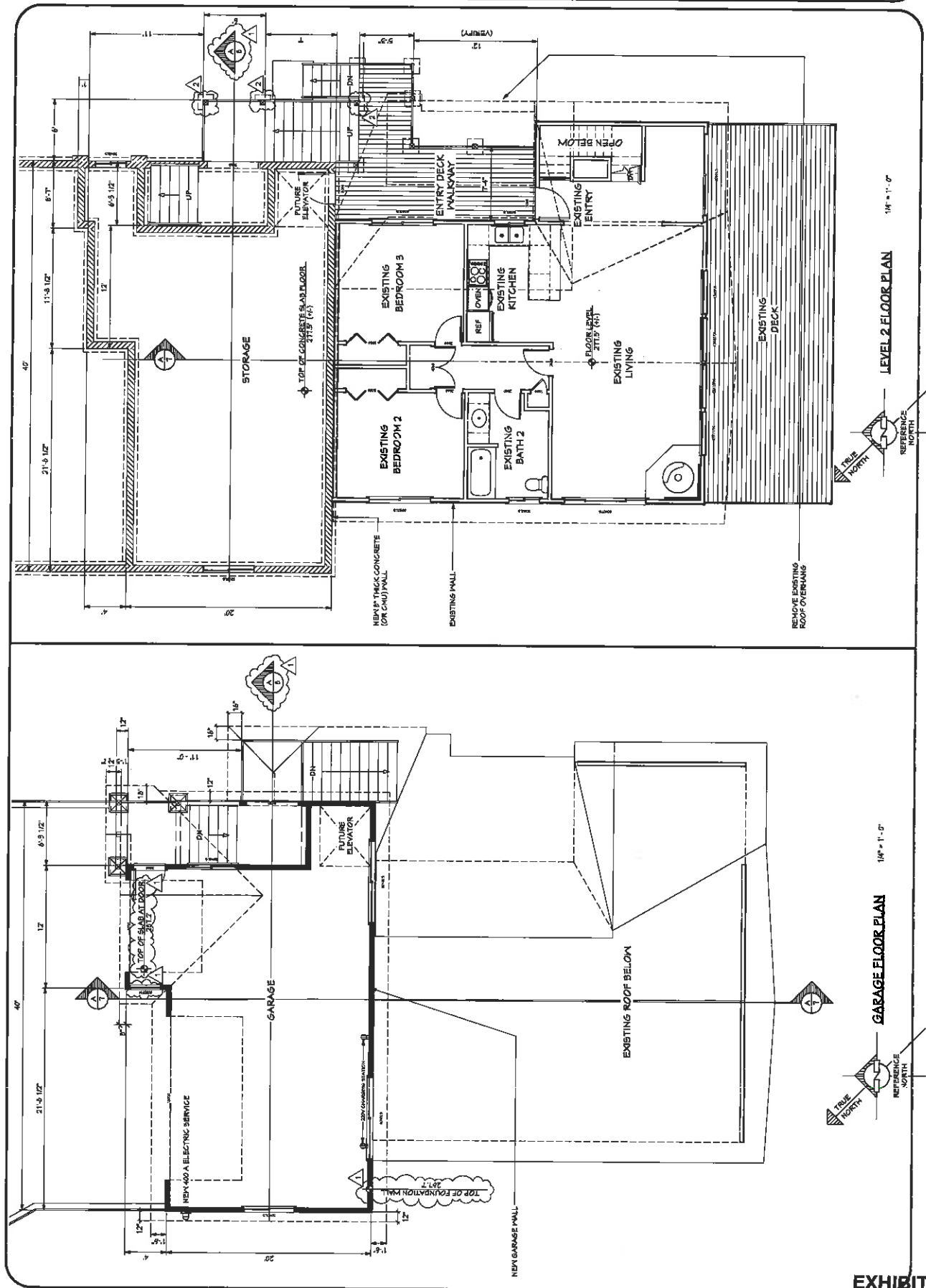
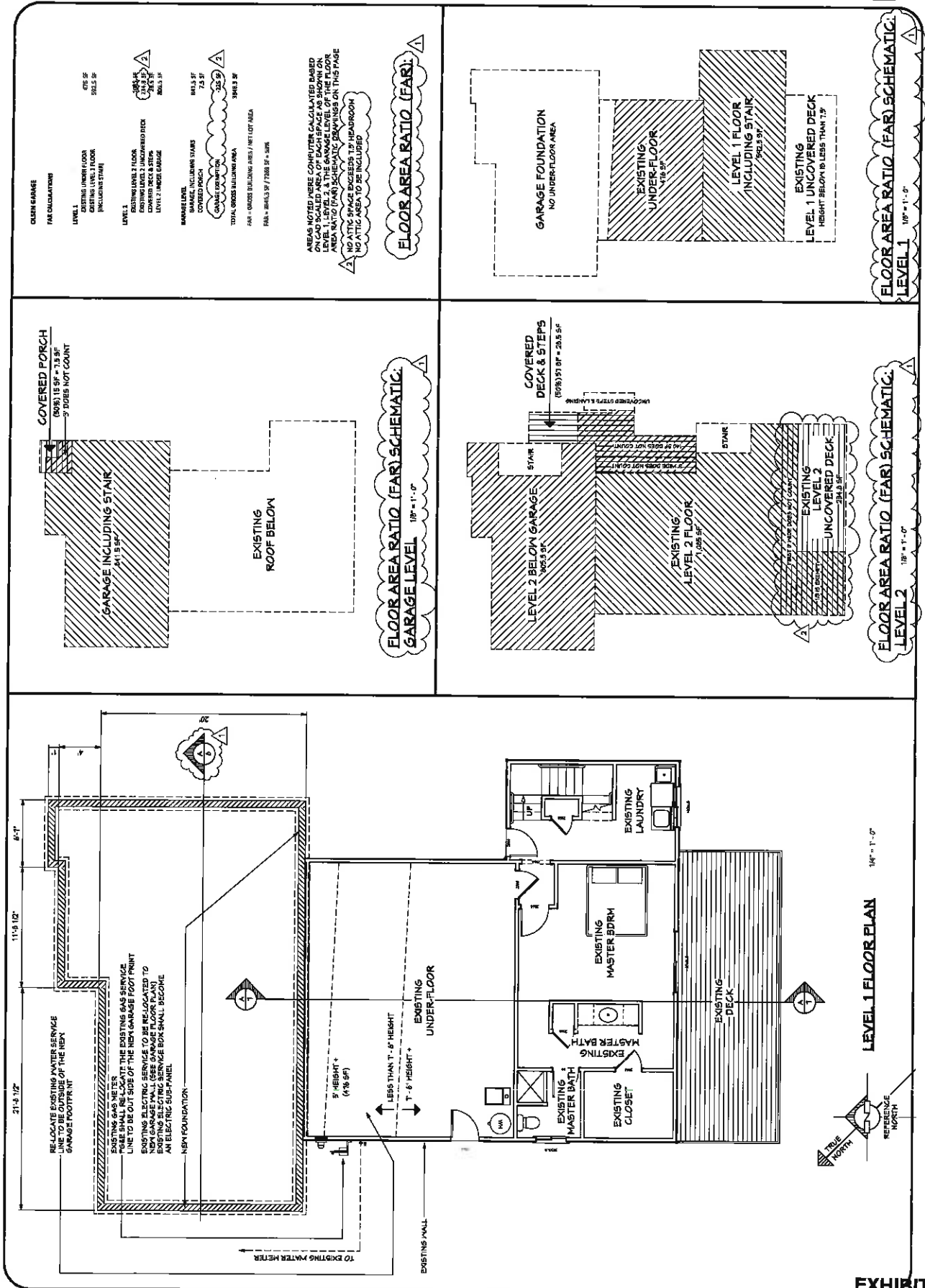


EXHIBIT D



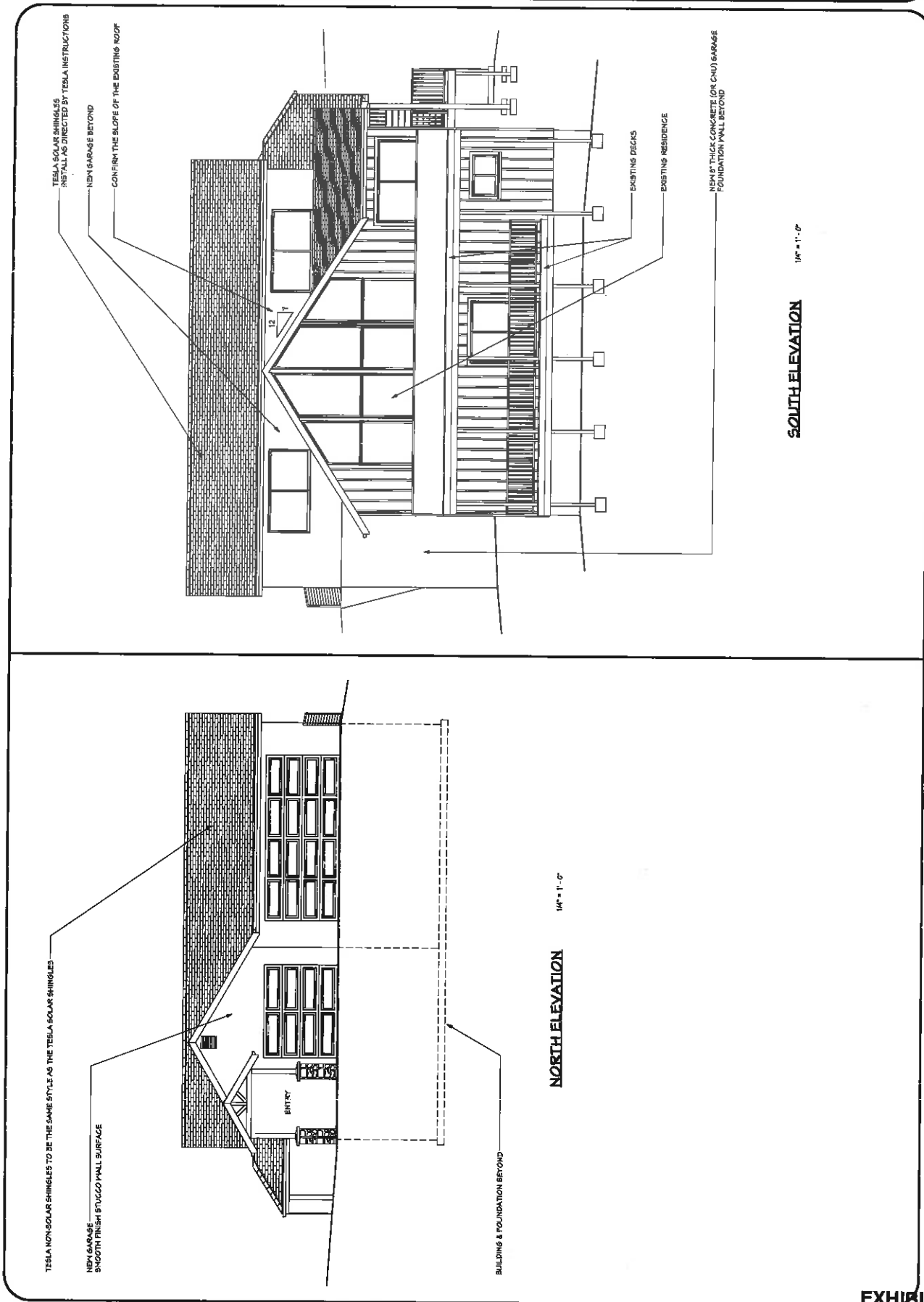


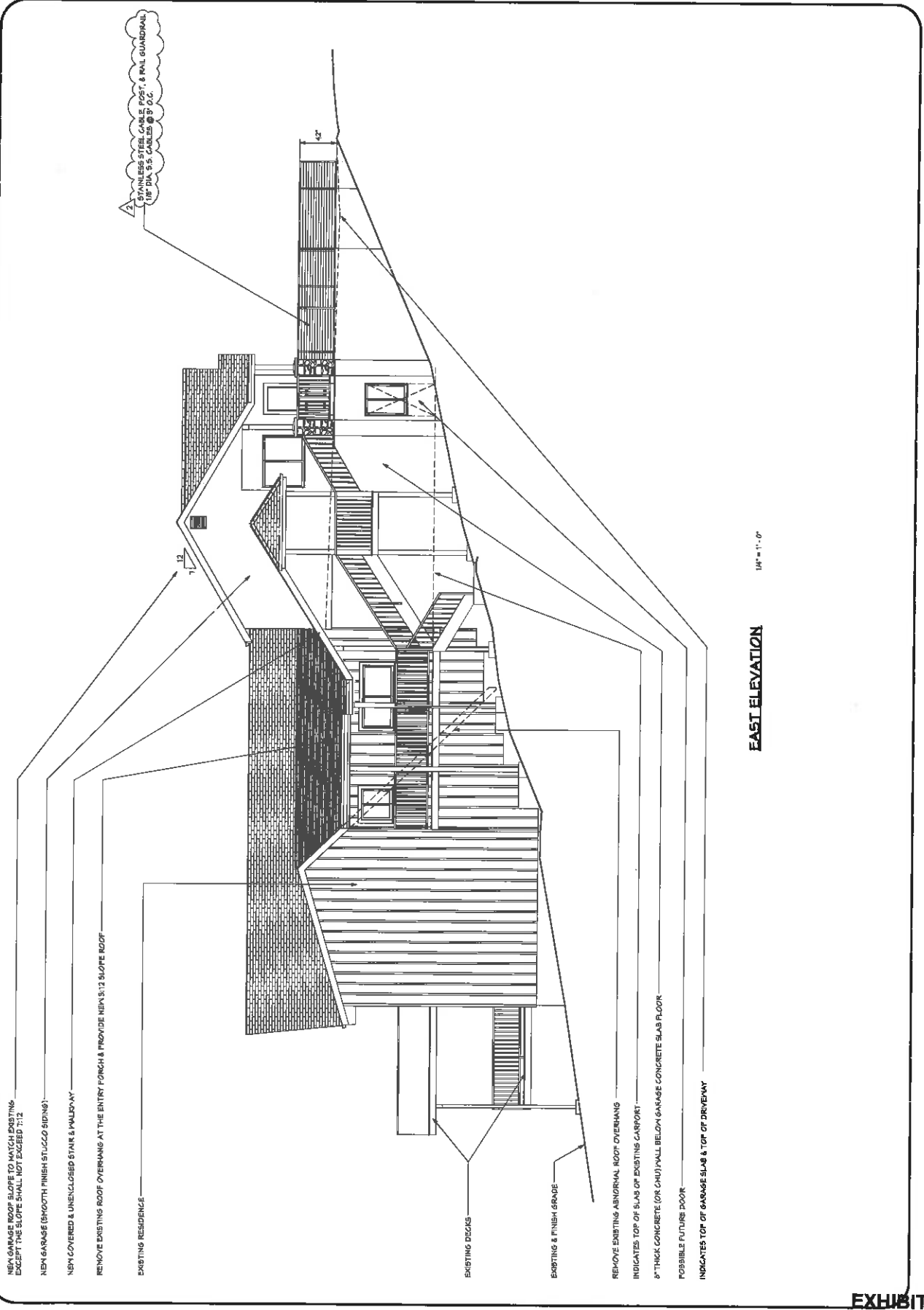
**Seascape Design**  
Bert Lemke, Architect  
LIC. # 24288  
b@seascape-design.com  
250 PARALAN COURT  
APTOS, CALIFORNIA 95009

DATE: OCTOBER 30, 2017  
REVISED: MARCH 6, 2018  
DRAWN BY: JULY 31, 2017

**GARAGE ADDITION  
AT THE OLSEN RESIDENCE**  
324 SANTA MARINA DRIVE  
APTOS, CALIFORNIA  
APN: 04-04-22-15

PROJECT OWNER:  
PERRY & ELLEN OLSEN  
(831) 552-3144  
NORTH ELEVATION  
SOUTH ELEVATION  
SHEET 4 of 14





**Garage Addition  
At The Olsen Residence**

324 SANTA MARGARITA DRIVE  
APTOS, CALIFORNIA  
APN: 044-221-13

PROJECT OWNER:  
ROBERT A. OLSEN  
(831) 252-5060

DESIGNER:  
Seascope Design  
Bert Lemke, Architect  
LIC. # C 24259  
bert@seascope-design.com  
350 PAVILLON COURT  
APTOS, CALIFORNIA 95025

DATE: OCTOBER 30, 2017  
REVISIONS:  
MAY 12, 2018  
MAY 12, 2018  
JULY 31, 2018

6 of 14  
SHEET

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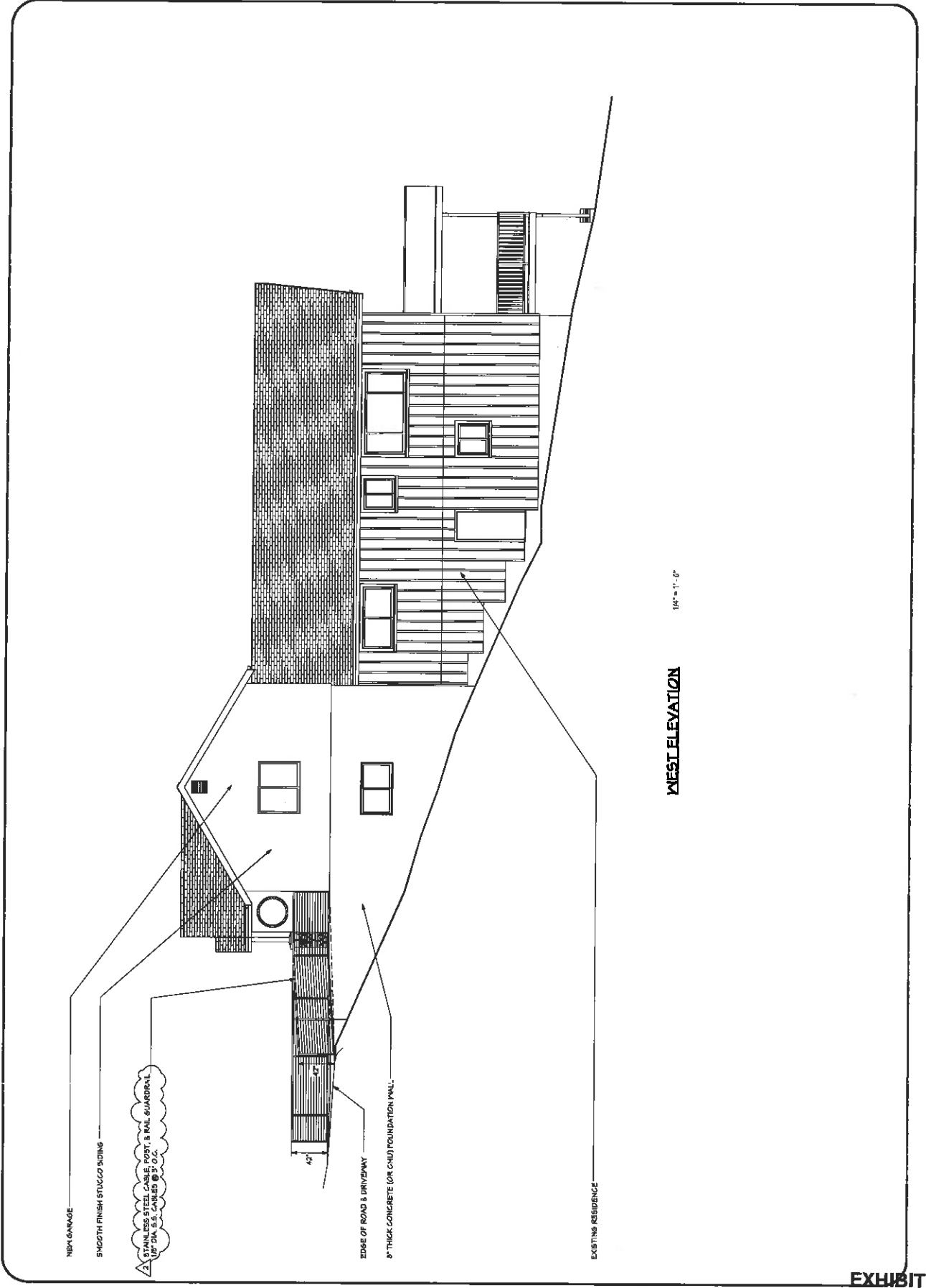


EXHIBIT D





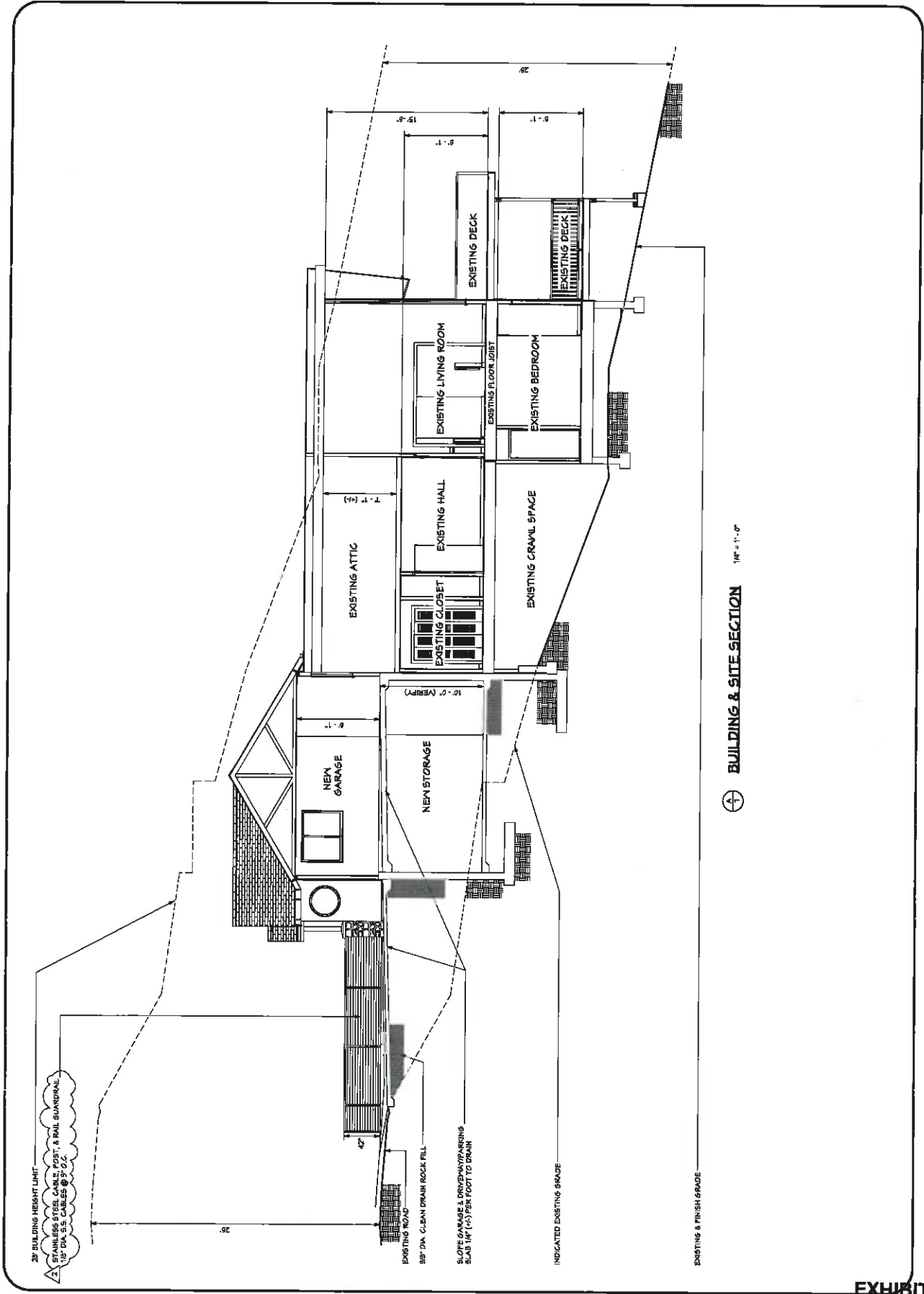
**Seascope Design**  
Brett Lemke, Architect  
LIC. # C 24223  
bret@seascope-design.com  
250 FARALLON COURT  
APTOS, CALIFORNIA 95025

Project No: (231) 252-5060  
Date: OCTOBER 30, 2017  
Reviewed: MARCH 8, 2018  
Drawn By: JULY 31, 2018

**GARAGE ADDITION  
AT THE OLSEN RESIDENCE**  
324 SANTA MARINA DRIVE  
APTOS, CALIFORNIA  
APN: 044-221-13

A-7 BUILDING & SITE SECTION  
PROPERTY OWNER:  
(231) 252-5060  
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**7 of 14  
SHEET**





**Seascope Design**  
Bert Lemke, Architect  
LIC. # C 24293  
bert@seascope-design.com  
250 PARALLON COURT  
APTOS, CALIFORNIA 95023

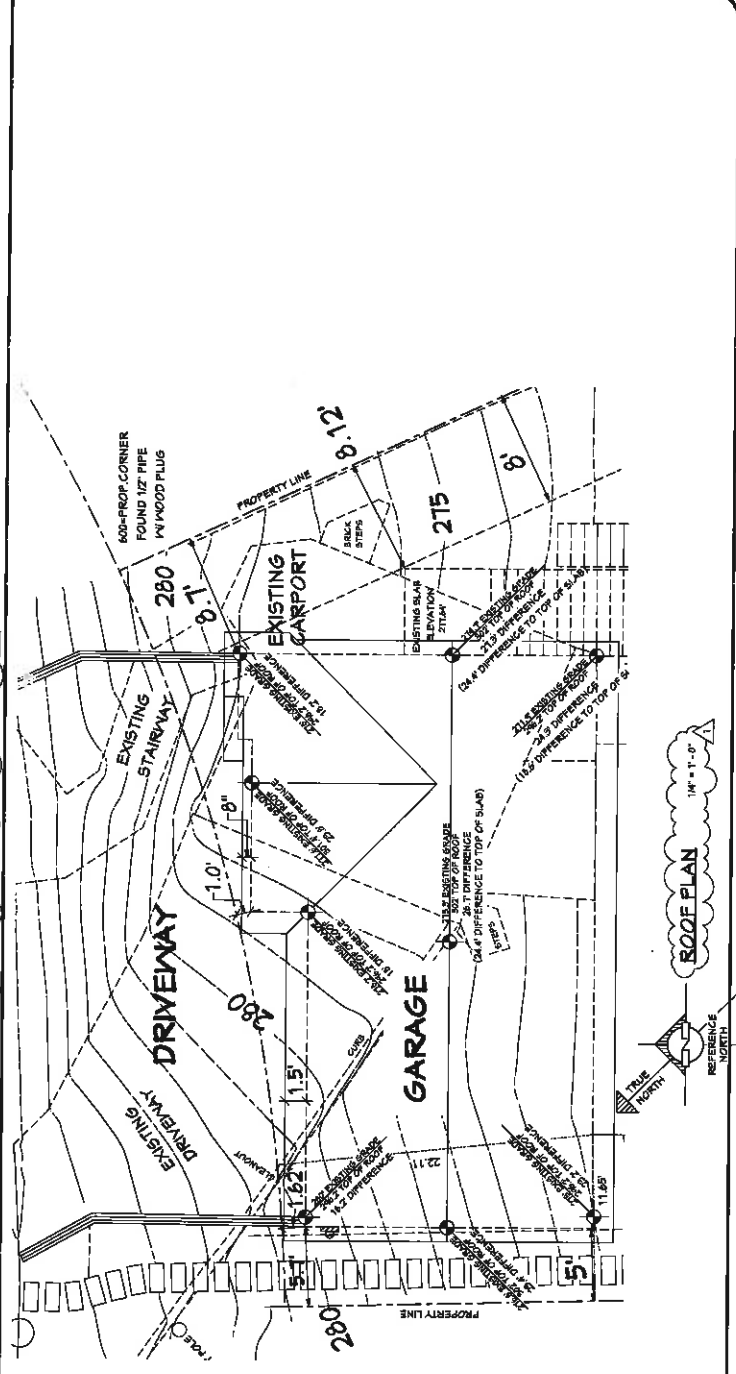
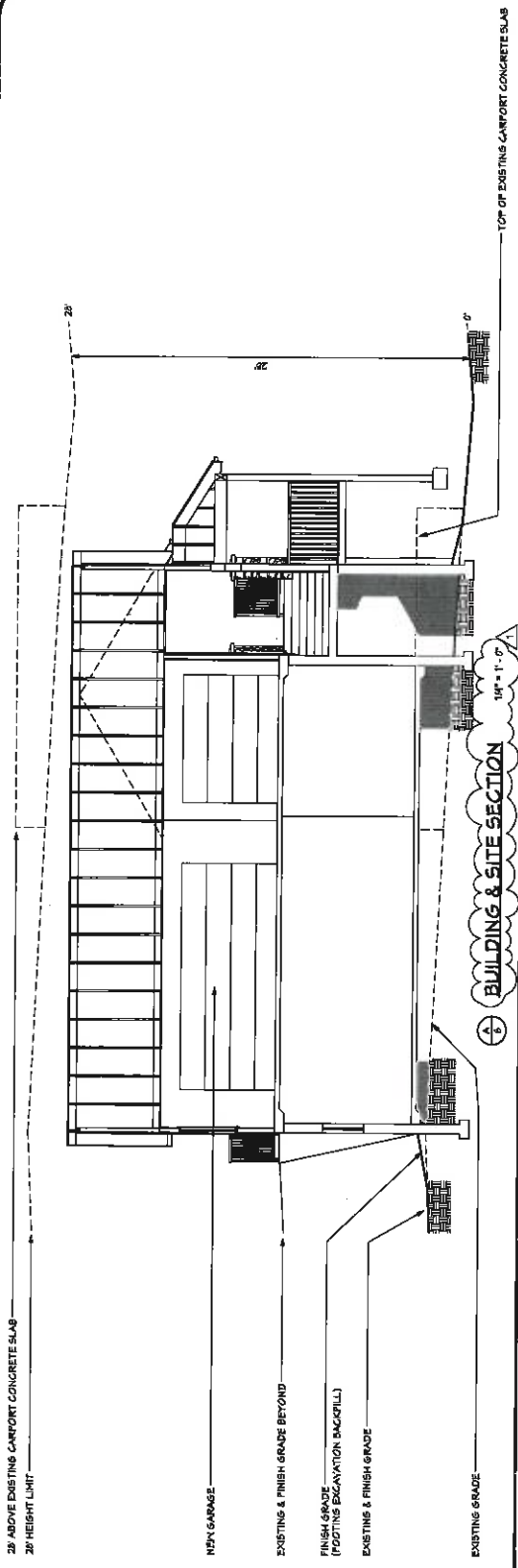
DATE: OCTOBER 30, 2017  
REVISION: MAY 15, 2018  
DRAWN BY: JULY 31, 2018

**GARAGE ADDITION  
AT THE OLSEN RESIDENCE**  
554 SANTA MARQUITA DRIVE  
APTOS, CALIFORNIA  
APN: 044-221-15

PROPERTY OWNER:  
TERRY & ELLEN OLSEN  
(831) 252-5114

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**8 of 14  
SHEET**



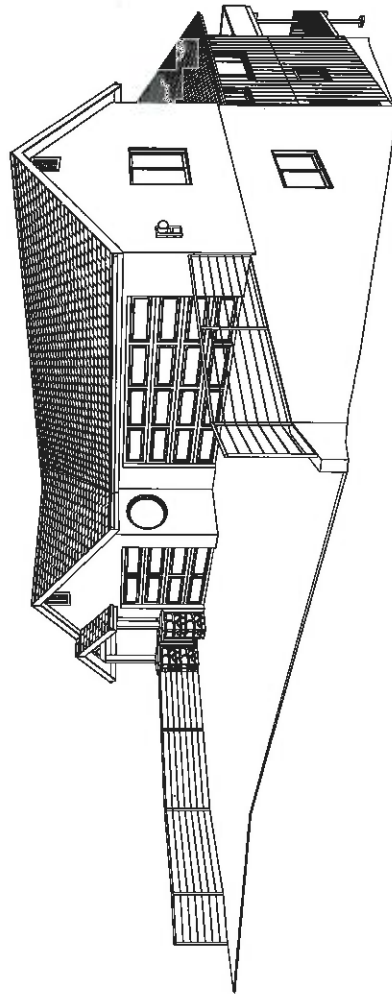
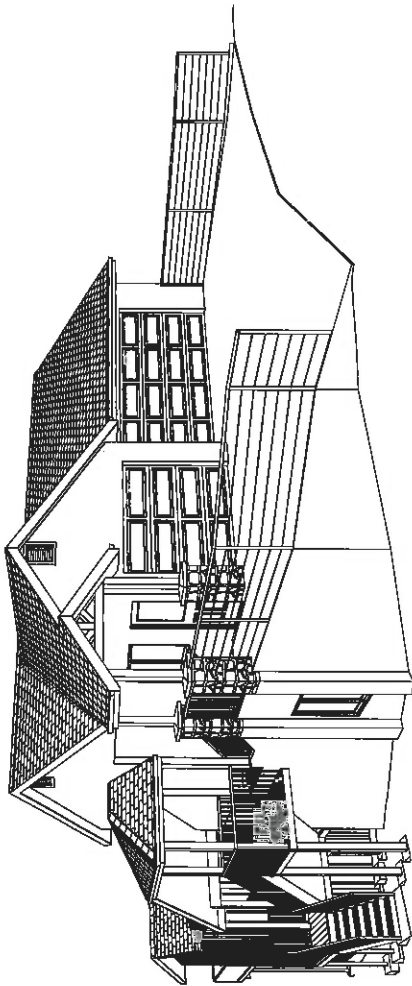


**Seascape Design**  
Bert Lemke, Architect  
Lic. # 24228  
bert@seascape-design.com  
256 PARADISE COURT  
ARTOS, CALIFORNIA 95008

Drawn By: JULY 31, 2018  
Reviewed: MARCH 9, 2018  
Date: OCTOBER 30, 2017  
(831) 252-5060

**GARAGE ADDITION  
AT THE OLSEN RESIDENCE**  
804 SANTA MARGUERITA DRIVE  
ARTOS, CALIFORNIA  
APN: 044-221-13

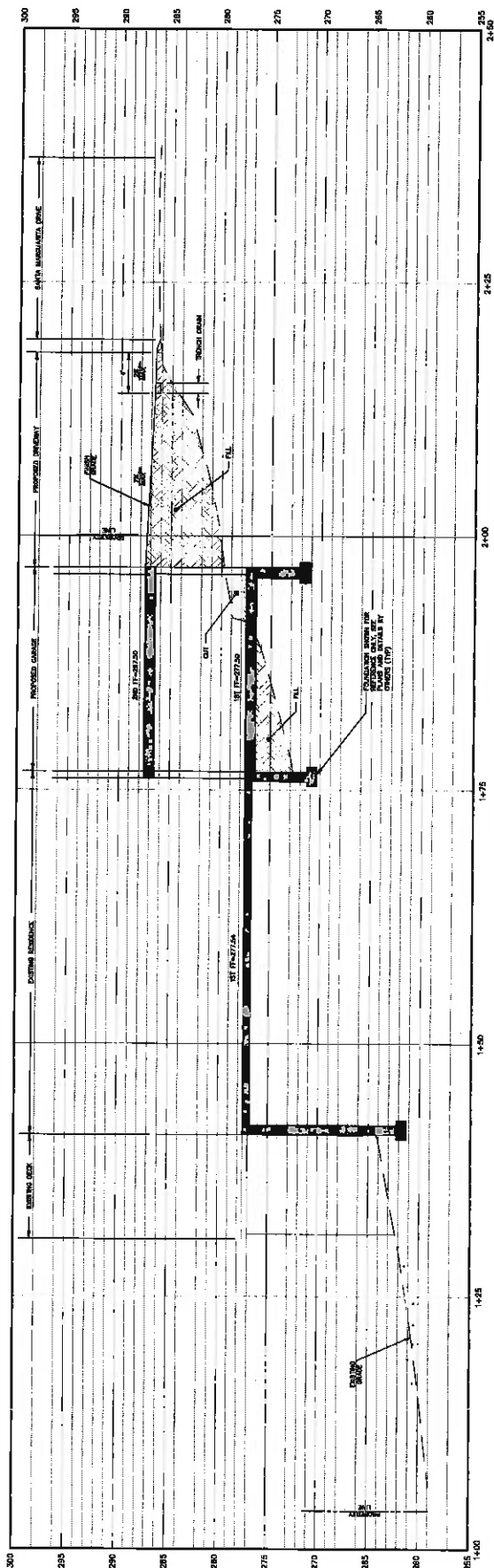
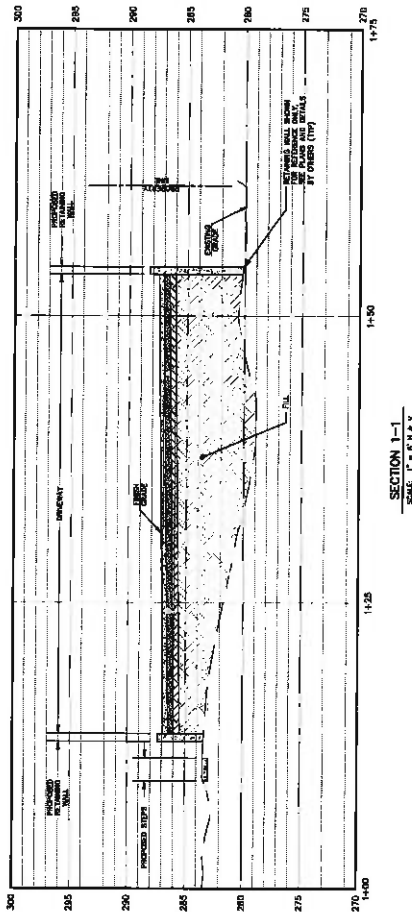
VIEW FROM NORTH EAST  
VIEW FROM NORTH  
PROPERTY OWNER:  
PETER & ELLEN OLSEN  
(831) 252-3114  
SHEET 9 of 14  
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VIEW FROM NORTH  
(NOT FOR CONSTRUCTION)  
NO SCALE

VIEW FROM NORTH EAST  
(NOT FOR CONSTRUCTION)  
NO SCALE





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DATE: 04-14-2011



**BOWMAN & WILLIAMS**

CONSULTING ENGINEERS  
3840 RICHMOND PARK COURT, SUITE 100  
SAN JOSE, CALIFORNIA 95134  
(408) 435-3300

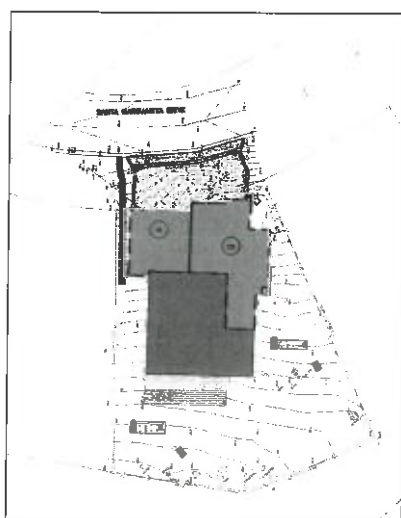
**SITE SECTIONS**

3840 RICHMOND PARK COURT, SUITE 100  
SAN JOSE, CALIFORNIA 95134  
(408) 435-3300

SCALE: AS SHOWN	DATE: APRIL 14, 2011	DESIGN: JAH	CHECKED: JAH	DATE: 04-14-2011	FILE NO: 77937	SHEET: C1.1
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PRE-DEVELOPMENT DRAINAGE MAP  
SCALE 1" = 20'



POST-DEVELOPMENT DRAINAGE MAP  
SCALE 1" = 20'



**UNDERGROUND NOTES**

1. ALL EXISTING UTILITY LINES AND STRUCTURES FOR INFORMATION ONLY. THE PROJECTOR HAS NOT BEEN ADVISED OF ANY CHANGES TO EXISTING UTILITY LINES. THE PROJECTOR HAS NOT BEEN ADVISED OF ANY CHANGES TO EXISTING UTILITY LINES. THE PROJECTOR HAS NOT BEEN ADVISED OF ANY CHANGES TO EXISTING UTILITY LINES.
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**STORM DRAIN INSPECTION & MAINTENANCE**

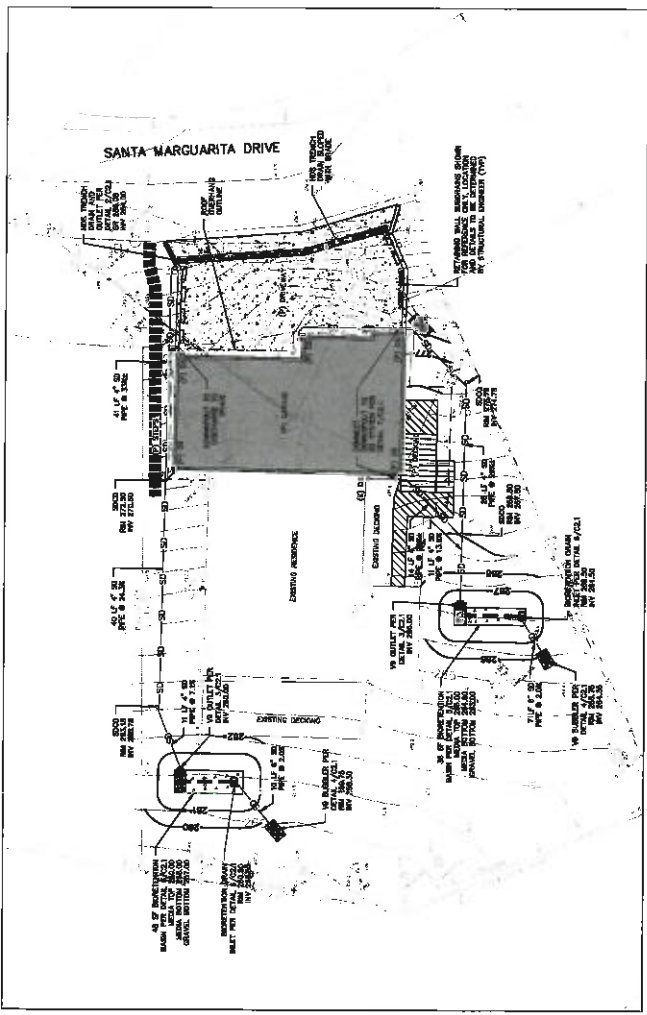
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**QUALITY AND ENGINEERING**

1. THE PROJECTOR HAS NOT BEEN ADVISED OF ANY CHANGES TO EXISTING UTILITY LINES. THE PROJECTOR HAS NOT BEEN ADVISED OF ANY CHANGES TO EXISTING UTILITY LINES. THE PROJECTOR HAS NOT BEEN ADVISED OF ANY CHANGES TO EXISTING UTILITY LINES.
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**NOTES**

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DRAINAGE PLAN  
SCALE 1" = 20'

**Flow Rate Calculations for 10 Year Event**

Area	Flow Rate (cfs)
Impervious	1.50
Permeable	0.50
Total	2.00

**Flow Rate Calculations for 10 Year Event**

Area	Flow Rate (cfs)
Impervious	1.50
Permeable	0.50
Total	2.00

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Impervious	1.50
Permeable	0.50
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Impervious	1.50
Permeable	0.50
Total	2.00

Area	Flow Rate (cfs)
Impervious	1.50
Permeable	0.50
Total	2.00

**Flow Rate Calculations**

Flow Rate Calculations for 10 Year Event  
Flow Rate Calculations for 10 Year Event  
Flow Rate Calculations for 10 Year Event

Flow Rate Calculations for 10 Year Event  
Flow Rate Calculations for 10 Year Event  
Flow Rate Calculations for 10 Year Event

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Call before you dig

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Call before you dig

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Call before you dig



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CIVIL ENGINEERS  
3048 REDWOOD PARK DRIVE, SUITE 100  
SAN JOSE, CA 95128  
(408) 434-5500

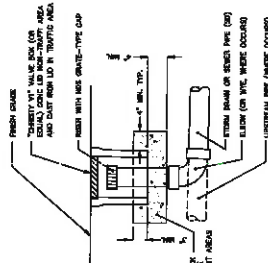
**DRAINAGE PLAN**  
SHEET NO. 2227  
DATE: APRIL 15, 2015  
PROJECT: 2227-000  
SCALE: 1" = 20'

**GRAPHIC SCALE**



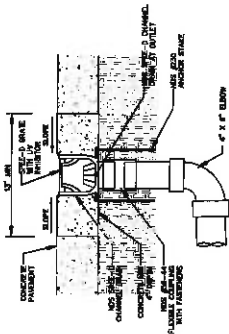
1 inch = 20 feet  
1 foot = 12 inches





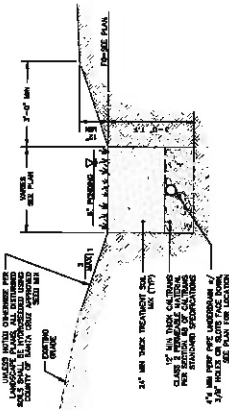
1 STORM DRAIN CLEANOUT DETAIL

SCALE: NTS



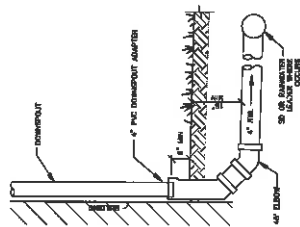
2 NDS TRENCH DRAIN DETAIL

SCALE: NTS



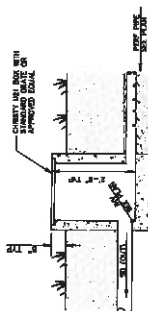
3 STORM DRAIN X-SECTION

SCALE: 1/2" = 1'-0"



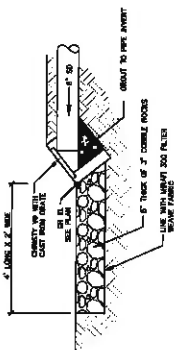
4 DOWNSPOUT

SCALE: N.T.S.



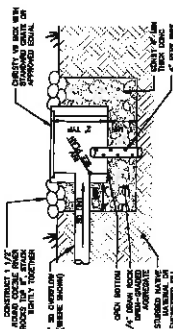
5 BIORETENTION DRAIN INLET

SCALE: NTS



6 V9 OUTLET

SCALE: 3/4" = 1'-0"



7 V9 BUBBLER

SCALE: 3/4" = 1'-0"



Keep what's below.  
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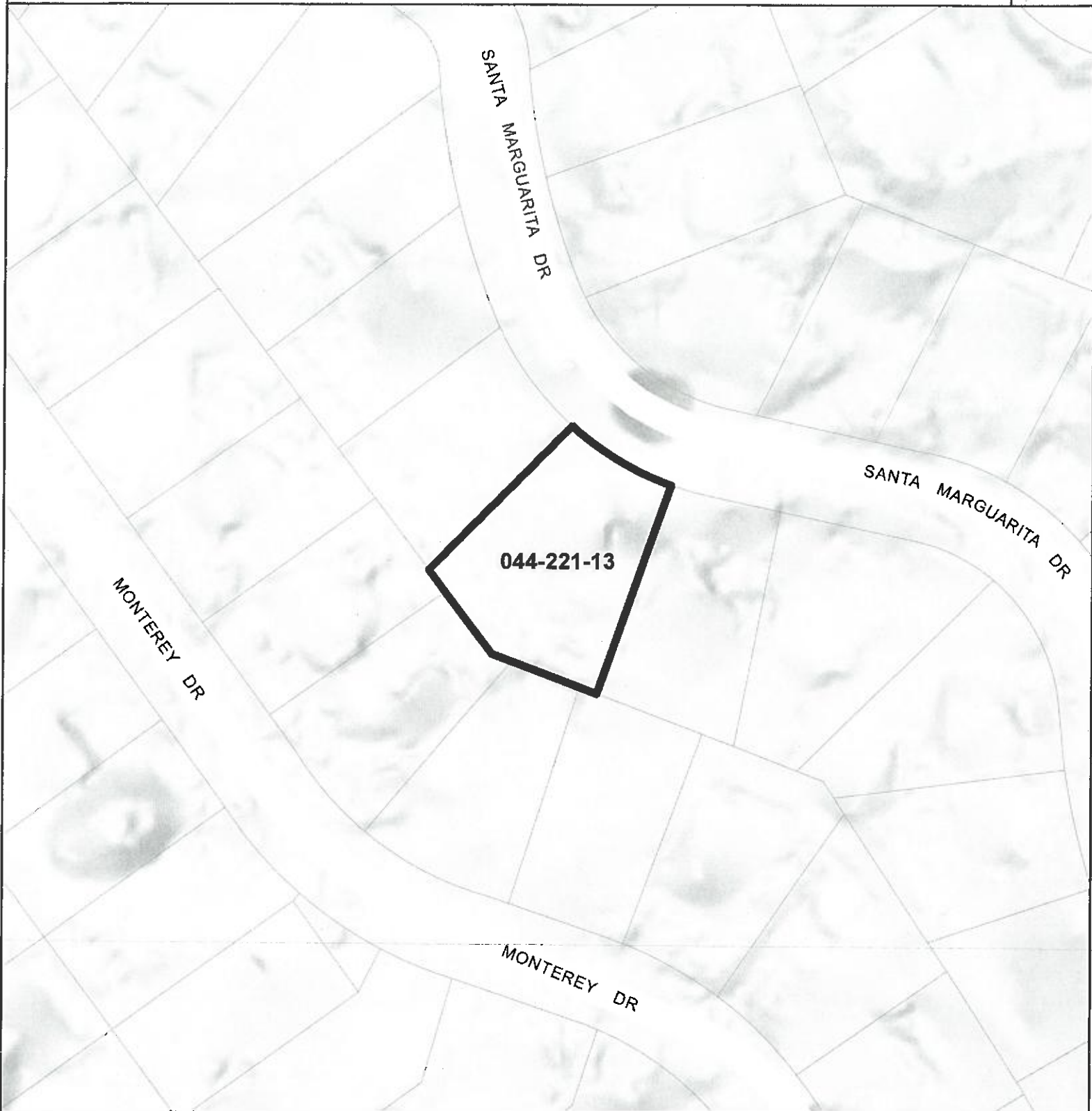
APP. 2007-2013

BOWMAN & WILLIAMS CONSULTING ENGINEERS AND LAND SURVEYORS 3844 REDWOOD PARK DRIVE FACED PARK DRIVE SUITE 100 FACED PARK DRIVE SUITE 100 (857) 485-3300		DRAINAGE PLAN	
DATE: 06/16/2011	DESIGN: JN	DATE: 06/16/2011	DESIGN: JN
SCALE: 1/2" = 1'-0"	SCALE: 1/2" = 1'-0"	SCALE: 1/2" = 1'-0"	SCALE: 1/2" = 1'-0"
SHEET: 2237-051	SHEET: 2237-051	SHEET: 2237-051	SHEET: 2237-051
1 OF 1	1 OF 1	1 OF 1	1 OF 1





## Parcel Location Map



**Parcel: 04422113**



Study Parcel



Assessor Parcel Boundary

Map printed: 1 Aug. 2018



**EXHIBIT E 20** 40

Feet



# Parcel General Plan Map



R-UM

R-UL

044-221-13  
(R-UL)

- ☐ R-UM *Res. Urban Medium Density*
- ☐ R-UL *Res. Urban Low Density*



EXHIBIT E 20 40  
Feet



# Parcel Zoning Map



Mapped  
Area

R-1-10-SP

R-1-8

044-221-13  
(R-1-8)

R-1-5

☐ R-1 *Single-Family Residential*



EXHIBIT E 20 40  
Feet

# **PUBLIC COMMENTS**



## Jerry Busch

---

**From:** Todd Zazelenchuk <tzazelenchuk@gmail.com>  
**Sent:** Tuesday, July 3, 2018 10:00 PM  
**To:** Jerry Busch  
**Subject:** Re: Following up

Jerry

Just an FYI that I felt the need to share with you, and expect to share with my neighbor at 524 as well.

My wife is now determined to move from our property that we have owned for the past 3 years and labored over to improve into a respectable home and property over that time. The reason being the sheer size and scale of the construction being proposed.

I don't want to find myself in a position where we make such a rash decision without a full understanding. The story poles should have been a requirement, I think you would now agree. I cannot imagine making such a significant decision about selling our property due to this proposal without having a clear idea of what the true impact is.

Yesterday, you said it was 4" above the current roofline. Today you said it was almost 7'. Im sure you can appreciate that we need to know for certain and everyone needs to be able to see firsthand, not just a mental model based on paper drawings.

I truly hope you can make this happen. You clearly seemed to agree today that it was an oversight that they weren't installed initially. For such a large, oversized structure, with multiple variances requested, we are shocked that it was not a standard part of the assessment process prior to marking the proposal as complete.

If the architect pushes back on this request, we need to know that there is an alternative mechanism for making this happen. It is quickly becoming a potential life-changing event for my household and I can't let that happen without having all the facts. The blueprint is simply insufficient to fully understand the impact given the multiple angles involved, and the varying answers we have received so far leave us lacking confidence in what the true impact is going to be. The fact that story poles are a minor effort in the grand scheme of things, makes us believe this should be a simple activity to complete.

Thanks again for making sure we are properly represented going forward as tax paying citizens of Santa cruz county. So far, we do not feel this to be the case.

Sincerely,  
Todd Zazelenchuk  
831.332.5982

On Jul 3, 2018, at 3:07 PM, Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)> wrote:

Hi, Todd –

Thank you for the comment.

Thank you,  
***Jerry Busch***  
Planner III, Development Review

County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

**From:** Todd Zazelenchuk <[todd@zazelenchuk.com](mailto:todd@zazelenchuk.com)>  
**Sent:** Tuesday, July 3, 2018 2:21 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** Following up

Hi Jerry,

Thanks for taking the time to meet with me today on the matter of the proposed construction at 524 Santa Margarita Dr. in Aptos.

Based on our discussion today, it is my understanding that you are going to request that story poles be installed so that you and the residents of the neighborhood are able to properly evaluate what the proposed height of the new construction is going to be. You explained that you assumed it was not going to impact our view and therefore did not request them prior to completing their application. Now that you have seen pictures taken from all levels of our residence, however, I am confident that you understand our grave concern over the probable impact of their design, and that you will work to ensure the poles are installed so that the proper assessment can be made. I would hate for this matter to be swept under the rug due to an procedural oversight.

The other aspect of this project that I would like to re-emphasize is their requested size of structure. As I mentioned in our chat today, the notion of a 3-car garage with 3 additional spaces parked on county property is overly excessive for our neighborhood. Nobody has that much parking on the hillside streets of Santa Margarita Drive. You mentioned yourself that our particular curve on the street makes it particularly dangerous as passersby will need to navigate the owners' entry/exit (for 3-6 vehicles!). Furthermore, while there do exist a few examples of properties with 3 parking spaces, no one has a single covered structured housing that many spaces on the hills of Santa Margarita. For the owners of 524 Santa Margarita to plan for and execute such a design is in direct conflict with the bolded wording on the Santa Cruz County Planning Dept website...see below:

**For the Zoning Administrator to approve a variance, he must make all of these findings:**

1. Special circumstances apply to the property. These can be it's size, shape, topography, location, or surrounding structures. **You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;**
2. The variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, **and not be detrimental to other property in the neighborhood; and,**
3. The variance **will not be** a grant of special privilege in the neighborhood, and will not allow you to build in a way that would not be allowed for someone else.

If special circumstances exist on your property, **if the construction will not be harmful to anyone else's property**, and if it will not give you an advantage over other owners in the neighborhood, you may be able to obtain a variance.

**Source:** <http://www.sccoplanning.com/PlanningHome/ZoningDevelopment/DevelopmentPermits/Level5ZoningAdministratorPermits/Variances.aspx>

I will still submit a formal letter to your department this week in time for your department's consideration well before any approval decisions are to be made on this matter. Unfortunately, it will likely be without the benefit of having the visual evidence confirming the footprint and height of the planned structure, as I'm guessing that may need to extend into next week. Hopefully, the story poles can be arranged within the week to allow all parties involved to view them prior to further discussions.

Thanks again for listening to our concerns. I believe you have a better understanding now of the impact this proposed construction will have on our property as well as others in the neighborhood.

Please contact me as soon as you have details on the story pole installation. This is critical IMO for things to proceed in the proper manner.

Sincerely,  
Todd Zazelenchuk  
831.332.5982

----

## Jerry Busch

---

**From:** Jerry Busch  
**Sent:** Thursday, July 26, 2018 6:00 PM  
**To:** Todd Zazelenchuk  
**Subject:** RE: checking in

Hi, Todd -

See answers below.

Thank you,

***Jerry Busch***

Planner IV, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

**From:** Todd Zazelenchuk <todd@zazelenchuk.com>  
**Sent:** Thursday, July 26, 2018 5:11 PM  
**To:** Jerry Busch <Jerry.Busch@santacruzcounty.us>  
**Subject:** Re: checking in

Hi Jerry,

Thx for the update. We will look for the story pole to be erected this weekend to demonstrate the proposed height of the ridgeline.

Based on your details provided above, my understanding is as follows:

- the proposed height of the new structure is 24.36' above the current carport slab? *Correct.*
- the proposed ridgeline height is 15' 4" above the current carport (I'm not sure how many feet above the current ridgeline that is, as I don't see the current ridgeline height anywhere, but it seems like it could easily be 6 feet or more above the current peak and extending a full 40 feet in length broadside to the street:)

Once we see the pole in place, I will take some photos and sketch some lines based on that height to help us all evaluate the impact on our property.

I will stress again for the committee whose responsibility it is to uphold county regulations, that the maximum ridgeline height is **only one aspect** of this proposal that we are concerned about. The **breadth of the structure** and the **multiple variances** requested to accommodate that breadth are of equal concern. Our hope is that the County will see fit to consider the excessive nature of the structure's breadth and require the appropriate adjustments to ensure that the outcome is appropriate for the neighborhood.

Sincerely,

Todd Zazelenchuk

----

On Thu, Jul 26, 2018 at 4:44 PM Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)> wrote:

Hi Todd –

The architect indicated that the owner intends to demonstrate the pole to you this weekend.

I confirmed with the architect that the land survey shows the existing top of carport slab at 277.64' elevation. The top of the carport the architect measured 9' - 1" above the slab. Add the carport height to the top of slab elevation to get the elevation of the top of the carport ( $277.64' + 9.08' = 286.72'$ ). The proposed ridge elevation less the carport elevation should equal the story pole length ( $302' - 286.72' = 15.28'$ ).

The owner will cut a pole at 15' – 4" to be used.

I also confirmed from the plans that the pole should be placed on top of the carport at 10 feet from the gable wall of the existing dwelling, to match the location of the ridge of the carport.

Thank you,

*Jerry Busch*

Planner IV, Development Review

County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

**From:** Todd Zazelenchuk <[todd@zazelenchuk.com](mailto:todd@zazelenchuk.com)>  
**Sent:** Wednesday, July 25, 2018 3:26 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** checking in

Hi Jerry,

I wanted to follow up on your message from last Friday and my recent attempts to call you in regards to the story poles that were supposed to be erected at 524 Santa Marguarita Dr in Aptos.

Upon our return from travel on Saturday evening this past weekend, we found that no poles had been erected as you indicated and nothing has changed since.

Can you please update us on the status of things?

Thanks in advance.

Sincerely,  
Todd

831.332.5982

----

# CORRESPONDENCE



## **Jerry Busch**

---

**From:** Bert Lemke <bert@seascape-design.com>  
**Sent:** Thursday, July 26, 2018 11:07 AM  
**To:** Jerry Busch  
**Subject:** RE: story poles

Hi Jerry:

I do not understand what pole location you want however it should be possible. The owner knows that the pole location must be 10' away from the existing house gable end wall to be at the ridge location.

I will send an email to owner & you to schedule a time for you to observe the pole.

Best regards, Bert

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**From:** Jerry Busch [mailto:Jerry.Busch@santacruzcounty.us]  
**Sent:** Thursday, July 26, 2018 9:39 AM  
**To:** Bert Lemke <bert@seascape-design.com>  
**Subject:** RE: story poles

Hi, Bert –

Thanks for the info. Yes, I would like to receive the owner's email, thanks.

I wanted to check with you to make sure that the pole was marked at a point on the roof of the existing garage that would be directly (perpendicular) beneath where the ridge crosses the structure. It would require measurements from the side and from the front. Have you worked with the owner to measure that exactly?

Thank you,

***Jerry Busch***

Planner IV, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

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**From:** Bert Lemke <bert@seascape-design.com>  
**Sent:** Thursday, July 26, 2018 9:34 AM  
**To:** Jerry Busch <Jerry.Busch@santacruzcounty.us>  
**Subject:** RE: story poles

Hi Jerry:

The owner reported that his neighbor across the street has returned from vacation but there is no access to their front door. There is deck & concrete construction work at the neighbor's home.

The owner expects that he will see his neighbor this weekend and be able to show the story pole to them then.

If you want to observe this pole, I think the best option will be to schedule an appointment with the owners. Would you like the owner's email address to request an appointment?

Best regards, Bert

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**From:** Bert Lemke [<mailto:bert@seascape-design.com>]

**Sent:** Wednesday, July 25, 2018 7:21 PM

**To:** 'Jerry Busch' <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>

**Subject:** RE: story poles

Hi Jerry:

I will check with the owner. At my last contact with the owner, he said that his neighbor was still on vacation.

The plan was that when the neighbor was available, the owner's son would hold the pole up on the carport at the ridge line for the neighbor to observe from their main upper level. The owner never planned to permanently install the pole.

The owner said that the neighbor informed him that if the garage ridge (top of pole) was near the same height as the other neighbor's next door garage viewed from their upper level, they would have no objection.

Best regards, Bert

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**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]

**Sent:** Wednesday, July 25, 2018 4:14 PM

**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>

**Subject:** story poles

Hi, Bert –

Did you put up the revised story pole, yet? If so – thanks again. Unfortunately, it was not reviewed.

Could you put it up again, please, and notify me?

Thank you,

***Jerry Busch***

Planner IV, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

## **Jerry Busch**

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**From:** Bert Lemke <bert@seascape-design.com>  
**Sent:** Thursday, July 19, 2018 9:41 AM  
**To:** Jerry Busch  
**Subject:** RE: 524 Santa Marguarita Drive, Aptos Application 171374

Hi Jerry:

I went to the project site today to confirm elevation conditions.

The land survey shows the existing top of carport slab at 277.64' elevation. The top of the carport measured 9' - 1" above the slab.

Add the carport height to the top of slab elevation to get the elevation of the top of the carport ( $277.64' + 9.08' = 286.72'$ ).

The proposed ridge elevation less the carport elevation should equal the story pole length ( $302' - 286.72' = 15.28'$ ). Your estimate was correct.

The owner will cut another pole at 15' - 4" to be used.

Also the owner reports, that he still has not seen his neighbor across the street. We assume that they are still on a vacation.

Best regards, Bert

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**From:** Jerry Busch [mailto:Jerry.Busch@santacruzcounty.us]  
**Sent:** Wednesday, July 18, 2018 4:54 PM  
**To:** Bert Lemke <bert@seascape-design.com>  
**Subject:** RE: 524 Santa Marguarita Drive, Aptos Application 171374

Ok, thanks. Remember that the proposed grade at the base of the garage front is a foot or so higher than the center of the street, based on your drawings.

Thank you,

***Jerry Busch***

Planner III, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

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**From:** Bert Lemke <bert@seascape-design.com>  
**Sent:** Wednesday, July 18, 2018 4:50 PM

**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: 524 Santa Marguarita Drive, Aptos Application 171374

Hi Jerry:

I checked the drawings, including the surveyed topographical data too. If the carport top is level with the street at the approximate center of the garage, I believe that 14.5' is correct. But I will take a level over to confirm and report back to you.

Best regards, Bert

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**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Wednesday, July 18, 2018 2:55 PM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Subject:** RE: 524 Santa Marguarita Drive, Aptos Application 171374

Hi, Bert –

Your roof plan shows the ridge of the garage at 302' and the street at 286.5 max. The garage roof appears to be a few inches below street level, so the pole on top of the garage should be about 15.5' (at least 15'3") high, I believe.

Thank you,

***Jerry Busch***

Planner III, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

---

**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Tuesday, July 17, 2018 12:45 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: 524 Santa Marguarita Drive, Aptos Application 171374

Hi Jerry:

The top of the existing carport is about level with the street at about the center of the garage. The garage ridge scales 14.5' higher. The owner said that he cut a pole 14.5' to be set on top of the existing carport roof.

Good day, Bert

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**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Tuesday, July 17, 2018 11:32 AM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Subject:** RE: 524 Santa Marguarita Drive, Aptos Application 171374

Hi, Bert –

Thanks for the info. How high above the roof of the garage is the pole?

Tx, Jer

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**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Tuesday, July 17, 2018 11:29 AM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Hi Jerry:

The property owner stated existing conditions and how he determined the garage ridge height which seemed to be correct and agrees with the architectural drawings & Site Section. I trust that he will explain this to the neighbors across the street to their satisfaction.

Good day, Bert

---

**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Tuesday, July 17, 2018 10:23 AM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Hi, Bert –

In terms of vetting the story pole, did the owner confirm the height with you?

Thank you,

***Jerry Busch***

Planner III, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

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**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Monday, July 16, 2018 1:05 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Cc:** Perry Olsen <[peolsen@att.net](mailto:peolsen@att.net)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Hi Jerry:

I am just emailing to keep you posted.

The property owner has determined the garage ridge height above his existing carport & cut a pole at that length. He plans to show this to the neighbors across the street. Hopefully this will be acceptable.

Best regards, Bert

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**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Tuesday, July 10, 2018 11:32 AM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Hi, Bert –

I am not convinced yet that the garage will not affect the adjacent property or support the findings for a variance. Therefore, I am not at the present time prepared to recommend approval.

If the owner and neighbor have worked out an approach to establishing story poles, that could provide valuable information. Alternatively, I would like to meet with you and the owner.

Thank you,

***Jerry Busch***

Planner III, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

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**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Tuesday, July 10, 2018 11:20 AM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Hi Jerry:

I originally sent you that sketch in response to your first request about if the garage could be lowered or made smaller.

Thanks for the photo. I believe that the photo agrees with & supports the sketch. I do not think the proposed garage will block this view of the ocean from this individual property.

I am happy that the proposed garage does not block a view from a private property. It is best when conditions are satisfactory to all. The effort to have acceptance is worthwhile. However a view from an individual property is not an issue of neighbor compatibility and therefore the staff report should recommend approval.

Best regards, Bert Lemke

**From:** Jerry Busch [mailto:Jerry.Busch@santacruzcounty.us]  
**Sent:** Tuesday, July 10, 2018 10:15 AM  
**To:** Bert Lemke <bert@seascape-design.com>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Hi, Bert –

Thank you for the diagram, that is helpful. It does not depict the angle of the view to the sea, however. When I look at photos taken from the neighbor's 2-story window, and add the requisite height to the existing roof, it seems to affect the neighbor's property. If the neighbor is willing to have them put up with the help of a surveyor, and the owner has agreed to that, that seems like a reasonable discussion.



Thank you,

***Jerry Busch***

Planner III, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor



Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

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**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Tuesday, July 10, 2018 9:45 AM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Thanks Jerry.

Just sent another email noting an important factor. I think it should settle the story pole issue.

Good day, Bert

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**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Tuesday, July 10, 2018 9:23 AM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Received .

Thank you,

***Jerry Busch***

Planner III, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

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**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Monday, July 9, 2018 9:13 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Cc:** 'Perry Olsen' <[peolsen@att.net](mailto:peolsen@att.net)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Sorry Jerry: I did not complete my email. It has been a long day.

I intended to note that the attached letter was the response from my discussion with the property owner. Will you please see the attached letter? Thank you.

Best regards, Bert

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**From:** Bert Lemke [mailto:[bert@seascape-design.com](mailto:bert@seascape-design.com)]  
**Sent:** Monday, July 9, 2018 9:08 PM  
**To:** 'Jerry Busch' <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Cc:** 'Perry Olsen' <[peolsen@att.net](mailto:peolsen@att.net)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Hi Jerry:

I am getting back to you about story poles. I had more discussion with the property owner today.

In addition to the story poles we also discussed and considered options to lower the garage roof. However no options were acceptable.

Best regards, Bert

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**From:** Bert Lemke [mailto:[bert@seascape-design.com](mailto:bert@seascape-design.com)]  
**Sent:** Sunday, July 8, 2018 10:40 AM  
**To:** 'Jerry Busch' <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Cc:** 'Perry Olsen' <[peolsen@att.net](mailto:peolsen@att.net)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Hello Jerry:

I called the property owner after your call of Tuesday, July 3 to discuss your request to install story poles. He does not understand the need for story poles or want to pay for the additional expense. The property owner was out of town too so he said that he would follow up with me after he returns on Monday, July 9.

I must not understand your concern either. I may need to meet with you to get a better understanding. Based on your discussion about lowering the garage, or making the garage smaller, it seems that your concern is that the garage may be too large to be compatible with the neighborhood. However, the garage as proposed is about ½ the size or less than all up-hill properties as viewed from the road and therefore it is not too large. Also the horizon is not visible for all up-hill properties. Any one story building between a person and the horizon will block the view of the horizon.

Can you please explain your concern and how story poles will resolve it? Thank you. If necessary, Wednesday is the soonest that I can meet with you.

Best regards, Bert Lemke

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**From:** Jerry Busch [mailto:[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)]  
**Sent:** Monday, June 18, 2018 3:00 PM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Cc:** Perry Olsen <[peolsen@att.net](mailto:peolsen@att.net)>  
**Subject:** RE: 524 Santa Margarita Drive, Aptos Application 171374

Received – thank you for the additional information. Will review with preparation of SR.

Thank you,

***Jerry Busch***

Planner III, Development Review  
County of Santa Cruz Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
831-454-3234  
[jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

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**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Monday, June 18, 2018 2:08 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Cc:** Perry Olsen <[peolsen@att.net](mailto:peolsen@att.net)>  
**Subject:** 524 Santa Marguarita Drive, Aptos Application 171374

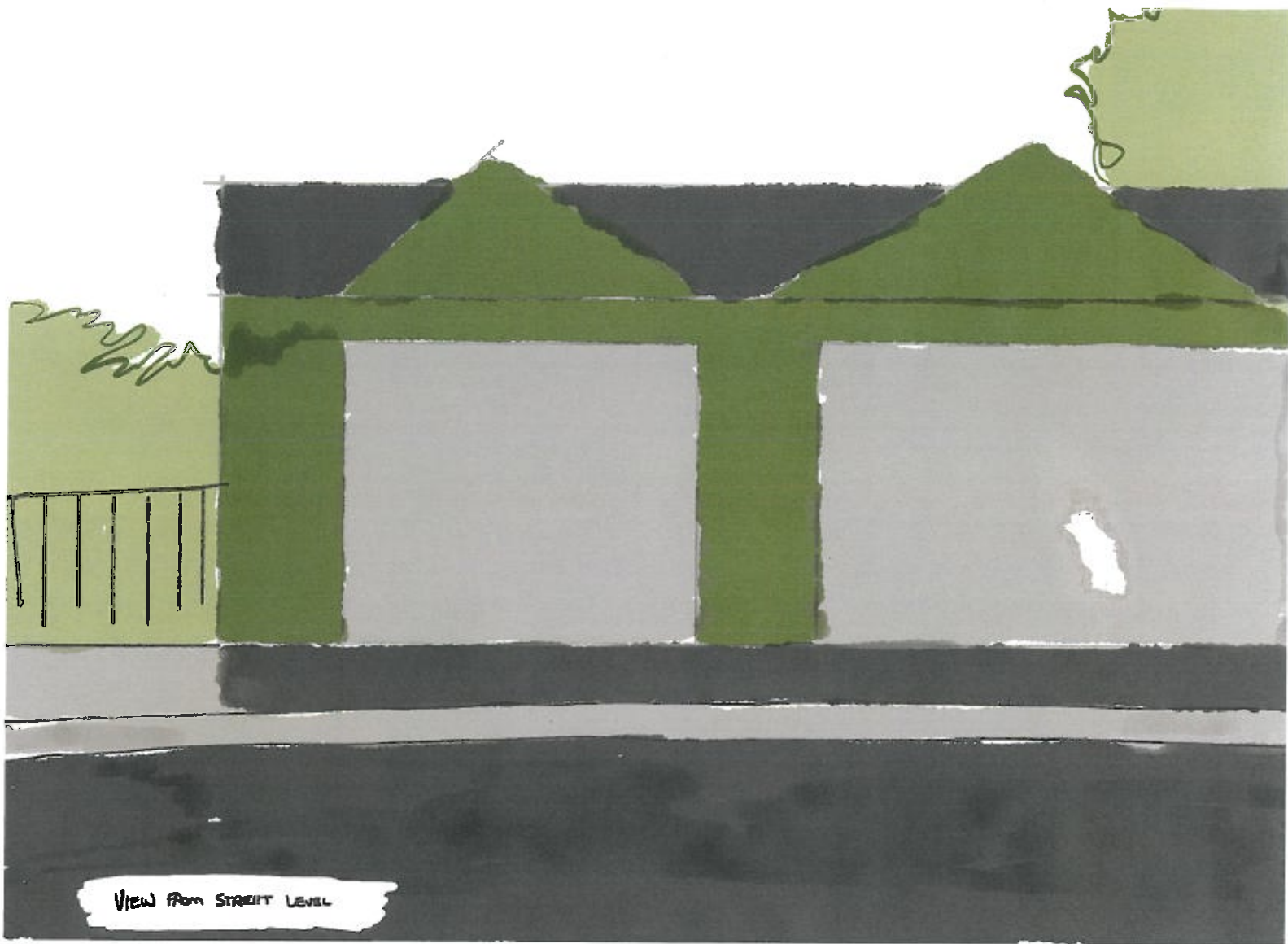
Hello Jerry:

In response to your inquiries last Thursday, I discussed the items with the property owner. His response is attached with documents supporting the condition that the proposed garage is compatible with the neighborhood.

Did you receive this email and the attached documents? Thank you.

Best regards, Bert Lemke











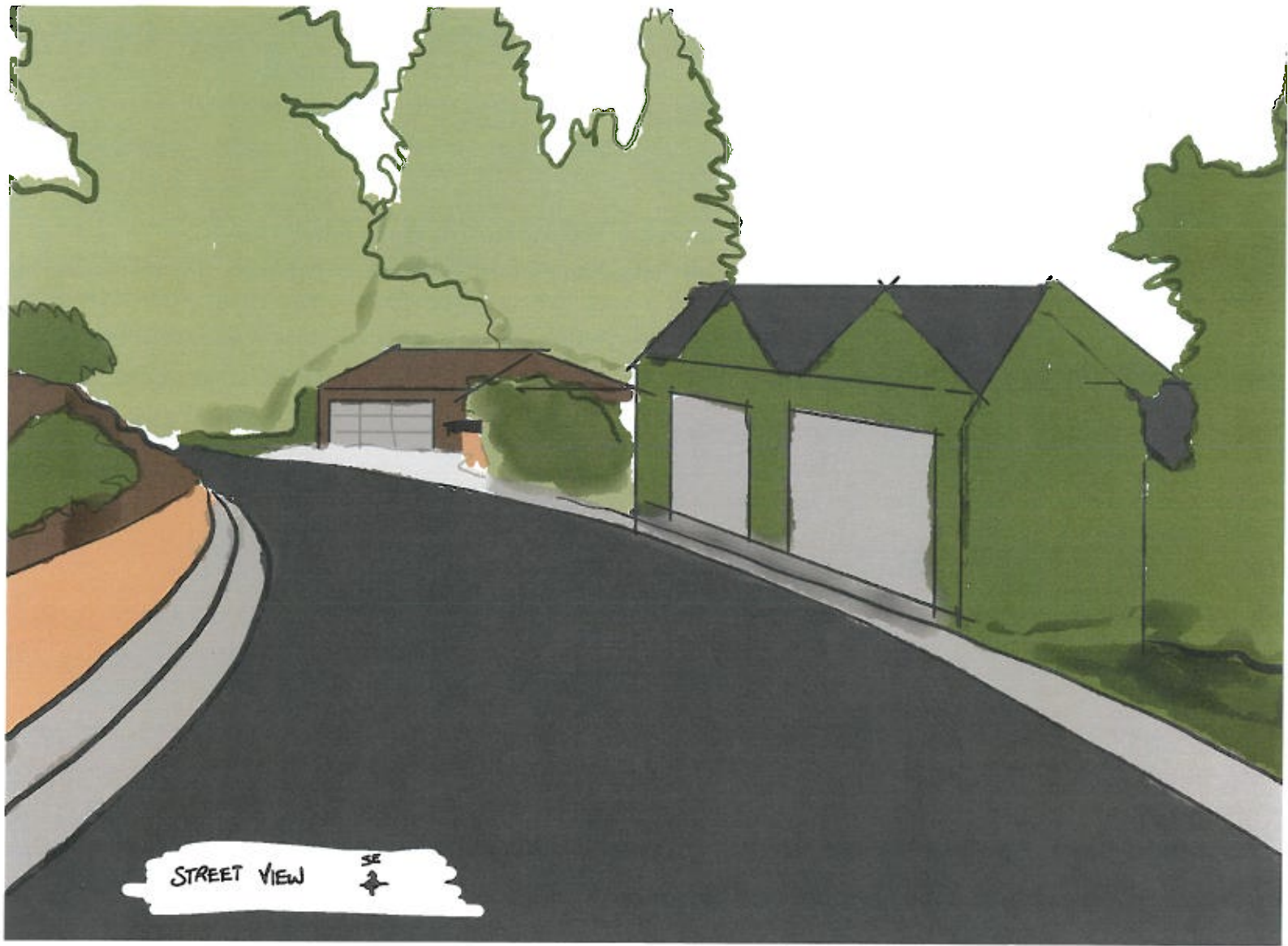














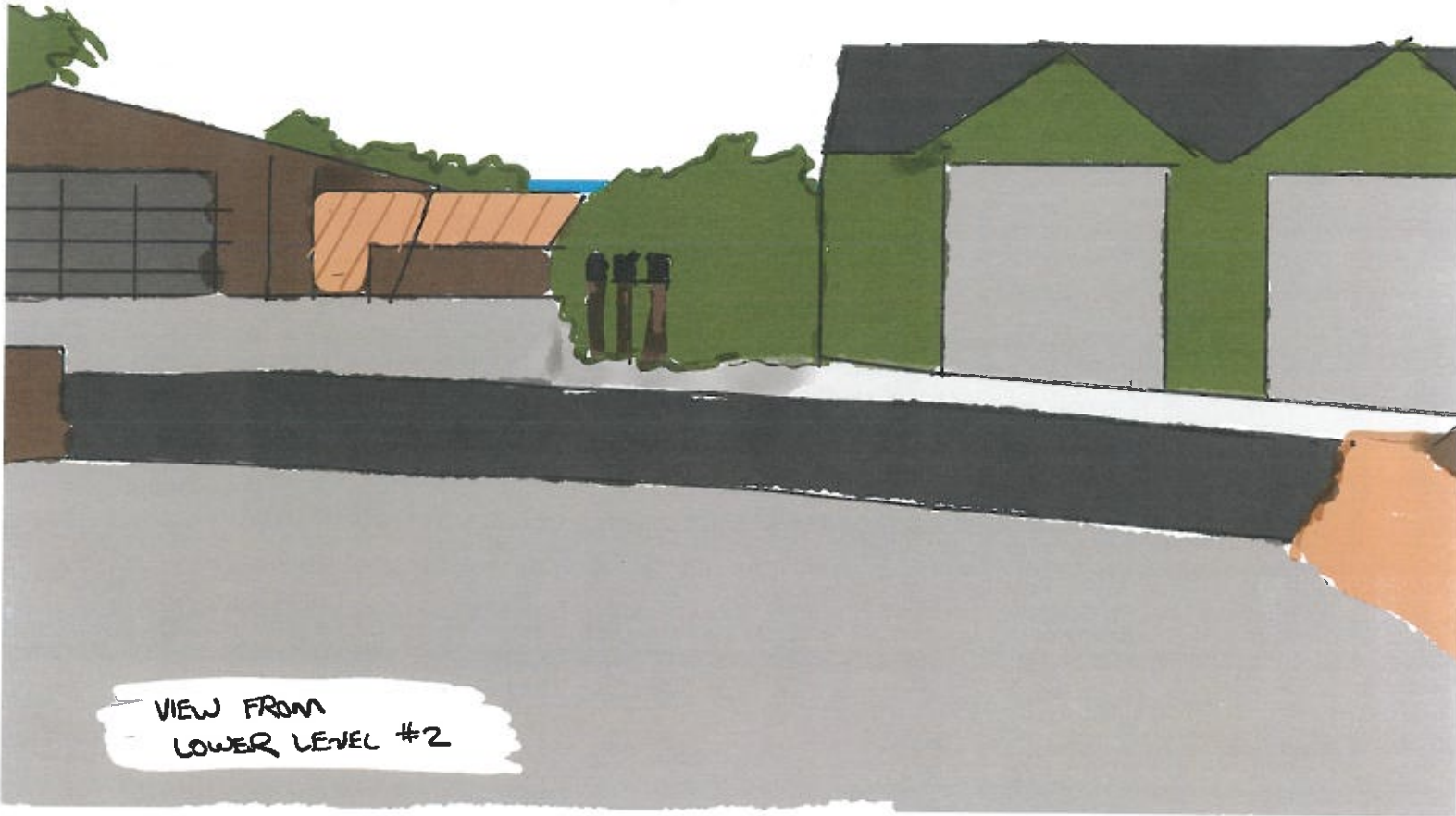












A hand-drawn sketch of a building complex. On the left is a brown building with a grey grid-patterned section. In the center is a smaller building with an orange roof. On the right is a larger green building with a dark grey roof and two large grey rectangular openings. A dark grey road runs horizontally across the middle. The foreground is a light grey area. A white label with black text is in the bottom left of the sketch.

VIEW FROM  
LOWER LEVEL #2



EXHIBIT H



