



## **Supplemental Staff Report to the Zoning Administrator**

**Application Number: 171374**

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

**Agenda Date:** November 16, 2018  
**Agenda Item #:** 2  
**Time:** After 9:00 a.m.

**Project Description:** This is a continuation of the public hearing of September 7, 2018, where the Zoning Administrator requested the applicant explore opportunities to reduce the bulk or mass of the proposed garage, and also to place story poles to demonstrate the dimensions of the proposed project to the neighborhood. The proposal is 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% 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                                 | G. | Comments and correspondence,<br>initial public hearing            |
| B. | Findings  | H. | Story pole photographs  |
| C. | Conditions  | I. | Applicant response to ZA action,<br>photo sims of proposed garage |
| D. | Project plans   | J. | Photo simulations of garage<br>modified per proposed conditions   |
| E. | Assessor's, Location, Zoning and<br>General Plan Maps |    |   |
| F. | Staff Report, ZA Agenda of<br>9/7/18                  |    |   |

## 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.<br>minimum) |
| Coastal Zone:                    | <u>  X  </u> Inside <u>    </u> Outside                     |
| Urban/Rural Services Line:       | <u>  X  </u> Inside <u>    </u> Outside                     |

## Environmental Information

|               |   |
|---------------|---|
| 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                    |

## Project Setting

The parcel is currently developed with a 3-bedroom, 2-bathroom single-family dwelling and detached carport. The parcel is within the Deer Park Villa Estates subdivision, which 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. The dwellings on the downhill side of Santa Marguarita Drive are medium-sized with one- and two-car garages; some of the garages are situated down steep driveways and some are at street level with reduced setbacks. The dwellings above the street are larger, with steep driveways and facades that loom over the street.

## Supplemental Staff Analysis

The proposed garage was considered by the Zoning Administrator at a public hearing on September 7, 2018. The staff recommendation, presented in the distributed staff report, was

to approve application 171374. However, staff verbally offered a second option: to continue the public hearing and direct the applicant to improve the neighborhood compatibility of the garage design.

At the hearing, the architect stated that the owner was opposed to further modification of the garage design, noting that the exhibits included photos of a story pole that was erected by the architect to demonstrate the height of the garage ridge as viewed from the second story of 523 Marguarita Dr, the home across the street. The owner of 523 Marguarita Drive requested that more complete story poles and netting, along with a more detailed site sign, be required to provide neighbors a clearer idea of the magnitude of the proposed project. The Zoning Administrator concurred that a more comprehensive story pole plan should be developed and installed.

The ZA acted to continue the public hearing to November 16, 2018, to allow for the architect and staff to “meet and see if there is any way to modify” the proposed structure to improve neighborhood compatibility or to reduce the size, height or mass of the structure. The ZA stated that a major design overhaul or reduction to a 2-car garage was not expected. The ZA also requested that story poles be installed at the site to provide neighbors with a sense what the proposed structure would look like.

Staff met with the applicant, architect Bert Lemke, on October 10th. Mr. Lemke stated that the garage roof could not be hipped because a primary objective of the project is to establish south-facing roof surface area to support photovoltaic panels for hybrid electric vehicles and hipping the roof would reduce the area enough to render the solar project infeasible. Mr. Lemke also stated that the owner was unwilling to change the pitch of the proposed garage roof, due to a desire to maintain the same pitch as the roofs of the existing dwelling as an aesthetic preference. Further, Mr. Lemke indicated that the owner was not willing to finance any further design modifications to shorten the ridge line. He was also not amendable to installation of story poles and netting, noting the story pole previously erected. Mr. Lemke followed up with a letter and attachments supporting his client’s position (Exhibit I) that the proposed structure is compatible with the neighborhood, comparable to other structures on the street, appropriately scaled and designed and designed. Mr. Lemke’s letter also stated that the proposed three-car garage does not comprise a special privilege and would improve the neighborhood.

Mr. Lemke indicated that the owner was willing to construct a low, narrow planter in front of the property to break-up the massing of the proposed paved driveway as seen from the elevated home across the street. Mr. Lemke also provided photo-simulations that depicted the proposed garage as seen from the second-story deck of the home across the street (Exhibit I). The photo-simulations indicate that the majority of the existing views of trees, homes and the ocean from the neighbor’s second-story deck would be maintained.

To address the ZA’s concerns, staff has proposed additional conditions of approval that would require the ridgeline height of the garage to be reduced one foot, to approximately 13.9 feet above finished grade (13.6-14.6 feet above nearest street pavement) and to install a

landscape well with groundcover and a tree no higher than 12 feet in front of the garage. Photo-simulations provided in Exhibit J depict a structure approximately one foot lower than the proposed structure. These conditions would further mitigate the visual effect of the garage.

| Height of Garage, Proposed vs. Conditioned |                             |                        |                                  |                                    |                                    |
|--|-----------------------------|------------------------|----------------------------------|------------------------------------|------------------------------------|
|  | Ridge elevation (Sea level) | Finished floor, 287.5' | Finished grade at garage, 287.1' | Nearest street, north side, 286.4' | Nearest street, south side, 287.4' |
| <b>Proposed</b>                            | 302'                        |                        |                                  |                                    |                                    |
| Ht. above finished floor                   |                             | 14.5'                  |                                  |                                    |                                    |
| Ht. above finished grade at garage         |                             |                        | 14.9'                            |                                    |                                    |
| Ht. above nearest street, north            |                             |                        |                                  | 15.6'                              |                                    |
| Ht. above nearest street, south            |                             |                        |                                  |                                    | 14.6'                              |
| <b>Conditioned</b>                         | 301'                        |                        |                                  |                                    |                                    |
| Ht. above finished floor                   |                             | 13.5'                  |                                  |                                    |                                    |
| Ht. above finished grade at garage         |                             |                        | 13.9'                            |                                    |                                    |
| Ht. above nearest street, north            |                             |                        |                                  | 14.6'                              |                                    |
| Ht. above nearest street, south            |                             |                        |                                  |                                    | 13.6'                              |

### Design Review and Permit Findings

The project is required by SCCC 13.20.130 to comply with the Design Review ordinance (S13.11.072(A)(1) and 13.11.073(B)(1). Approval by the ZA also requires making the findings in SCCC 18.10.230.

SCCC 13.11.072(A)(1) and finding 18.10.230(A)(5) require that the site design be compatible with the surrounding neighborhood. The proposed garage is one-story above street level, and from this perspective is consistent with other one-story detached garages along the street. As conditioned, the garage roof would be 13.5 feet to 14.5 feet in height above the lowest level of the street, which is much lower than the 28' above street level that is typically allowed in residential zoning districts. As indicated by the photo-simulations shown in Exhibit J, the garage as conditioned would result in a structure what would be compatible with the massing and height of structures in the surrounding neighborhood. The proposed garage is set back approximately 18 feet from the edge of the street. Several other sites on the street provide parking in front of garages within the right of way. The proposed planting well in the parking deck would help to mitigate the impact on the streetscape view and the neighbor's view of the large concrete parking apron. Although larger in area than other garages in the neighborhood (the street floor area is 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 in scale with the surrounding neighborhood. The modifications to height and

additional landscaping, as conditioned, would render the garage compatible with the neighborhood.

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. Although the roof pitch might be slightly modified to comply with the conditions of approval, this would not significantly affect the overall design quality, as the rest of the roof structures on site are below street grade or mostly hidden behind the proposed structure.

### **Summary of Staff Analysis from Public Hearing, September 7, 2018**

The garage is located on a steep slope that provides the special circumstance for consideration of a variance to the front yard setback. The garage and parking apron would occupy most of the front yard and require a variance to the County standard that requires parking areas and aisles to occupy no more than 50% of the front yard setback. Further, the added storage area under the garage would trigger a Minor Exception to the 50% floor-area ratio (FAR). The proposed storage area would be located below street level and would not add to the visible bulk and mass of the structure. The proposed overheight guardrail, necessary to provide a safety barrier along the elevated driveway, utilizes cable railings to maintain sightlines.

Owners of the property across the street submitted comments (Exhibit G), expressing concern that the structure will block ocean views of both floors of their two-story dwelling. 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 applicant provide photo simulations (Exhibits I and J) to supplement the visual representation of the proposed project. The garage would block ocean view from one front-facing bedroom window on the first floor of the neighboring dwelling; however, it is important to note that private views are not protected under the County Code.

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 that the 13.6'-14.6' height above street level is appropriate, and that a width to accommodate three vehicles does not represent a special privilege in relation to existing or potential development in this zoning district and neighborhood.

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 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 by doing so.

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 would improve the safety of the street and of 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.

### **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.  X  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.

\_\_\_\_\_  
Jerry Busch, Project Planner

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

**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 street-level garage and driveway because the parcel slopes steeply down from the street. The proposed project requires a Minor Exception to the 50% floor-area-ratio standard for the parcel, largely due to the storage area proposed beneath the garage. As designed, the proposed storage area would be 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 proposed garage would maintain an approximately 18-foot setback from the street pavement, analogous to the street setbacks typical of an urban setting. As conditioned, the garage would be 13.58-14.58' in height above street level, of proportionate scale to other structure 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 slightly higher than the minimum parking clearance required by the County code of 7.5'; 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. 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 designed for solar gain is a standard privilege enjoyed by other property in the vicinity and zoning district and does not represent a special privilege. The proposed 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 would improve site safety, increase the site's energy efficiency through planned installation of solar power and electric vehicle charging stations, and would 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, as well as 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 would significantly improve the safety of the subject site relative to current conditions. The proposed garage would include a vertical window to add visibility and provide sightlines to vehicles exiting the garage. The tree well would be planted in such a way as to offer minimal interference with vehicle sightlines.

The garage exceeds the 640 square foot floor area maximum established by SCCC 13.10.611 for nonhabitable accessory structures, requiring a discretionary approval. Although the total floor area of the proposed garage and storage 1,527 square feet, the 805.5 square feet of storage integrated into the foundation would 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 below does not affect the visible bulk and mass.

Construction would 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 would 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 would 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 use is consistent with the use and density requirements of the R-UL (Urban Low Density Residential) land use designation in the County General Plan.

The proposed garage would 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 would not adversely shade adjacent properties and would meet current setbacks for the zone district, with the exception of the front yard setback as measured from the right-of-way, requiring a Variance. Due to the existing site conditions, approximately 18 feet would still separate the garage from the pavement.

The proposed garage would 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 would comply with the site standards for the R-1-8 zone district (including lot coverage, height, and number of stories) and would 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 13.6-14.6' 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 would be consistent with the neighborhood and the design incorporates an articulated façade that adds aesthetic quality to the streetscape, with a compatible roof pitch. The structure would reflect the aesthetic qualities of the surrounding properties. The project and would 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

**EXHIBIT C**

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.

3. Elevations and site plan shall include design modifications to stamp or tint the driveway or include pavers to improve the driveway's aesthetic qualities, and shall also include a low, narrow planter and curb supporting ground cover and low plants not interfering with vehicle sight lines. The maximum height of plants shall not exceed three feet.
  4. Open cable guardrail design on driveway, limited to location and extent shown on Exhibit D.
  5. The maximum height of the garage shall be one foot lower than height provided on plans for a finished height approximately 13.58 to 14.58 feet above street level and approximately 13.5 feet above finished floor.
  6. Grading plans, erosion control plans and engineered drainage plans.
  7. 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.

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. Trunk of landscape tree in driveway landscape well shall be maintained and limbed so as to maintain sightlines of vehicles backing out of driveway.
- B. 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.

---

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

---

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.



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. Vegetation in driveway landscape well shall be maintained not to exceed three feet maximum height.
- B. 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





**Seascape Design**  
(831) 252-5060  
Bert Lemke, Architect  
255 KOSCIUSKO CORNER  
ARROYO, CALIFORNIA 94005  
bldg@seascape-design.com

Drawn By: JLT  
May 31, 2015  
Revised: MAY 16, 2015  
Date: OCTOBER 30, 2011

**GARAGE ADDITION  
AT THE OLSEN RESIDENCE**  
324 SANTA MARINA DRIVE  
ARROYO, CALIFORNIA  
APN: 044-221-15

LEVEL 2 FLOOR PLAN  
PROPERTY OWNER:  
PERRY & ELLEN OLSEN  
(805) 332-5914

2 of 14  
SHEET

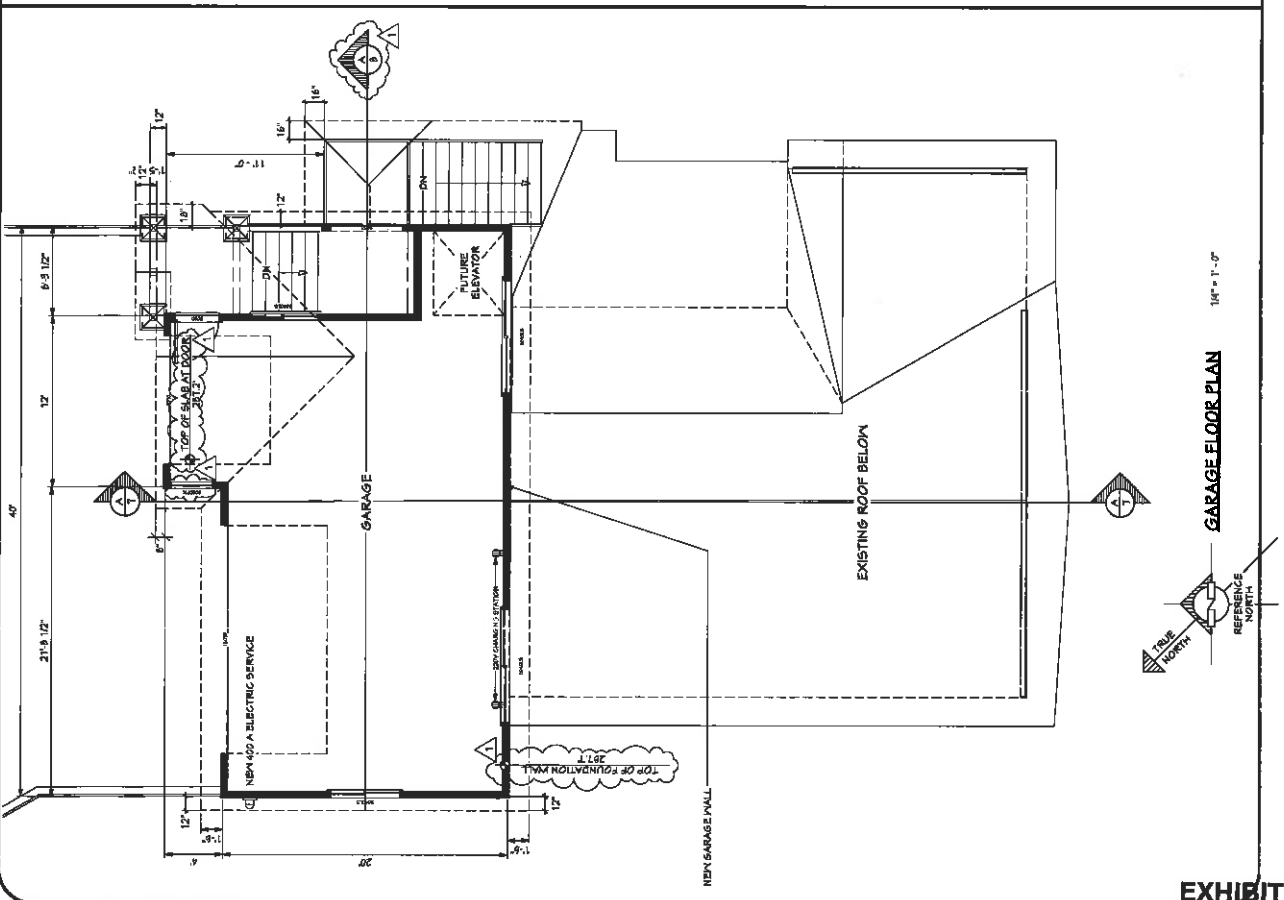
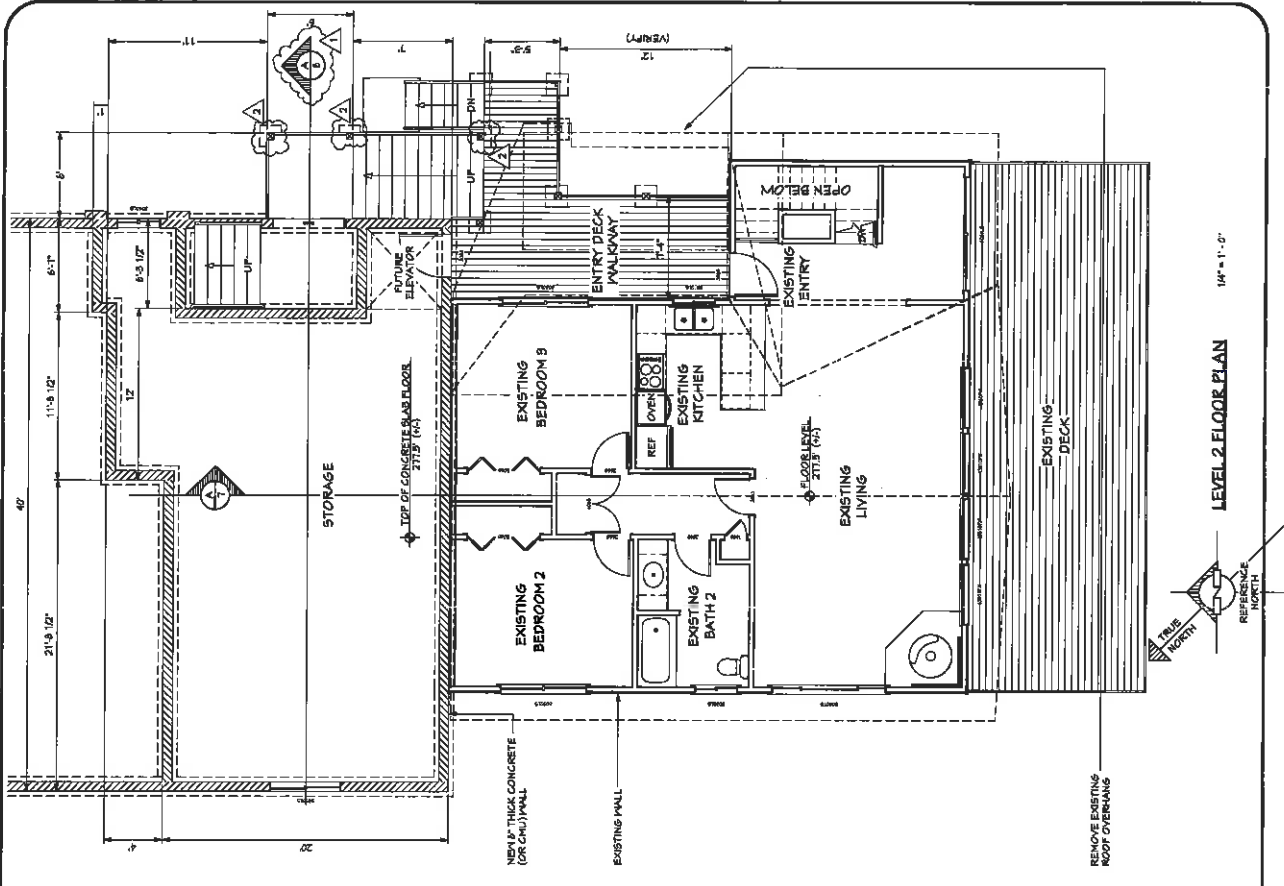


EXHIBIT D





**Seascope Design**  
 Bert Lemke, Architect  
 Lic. # C 24293  
 256 MARALTON COURT  
 APTOS, CALIFORNIA 95023  
 bert@seascope-design.com

DATE: OCTOBER 30, 2017  
 REVISIONS:  
 MAY 13, 2015  
 JULY 31, 2015

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

PROPERTY OWNER:  
 JERRY & ELLEN OLSEN  
 (831) 352-3514  
 NORTH ELEVATION  
 SOUTH ELEVATION  
 THESE DRAWINGS ARE PROTECTED BY COPYRIGHT LAW. THEY MAY NOT BE COPIED WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT. THESE DRAWINGS ARE FOR THIS PROJECT ONLY.

4 of 14  
 SHEET

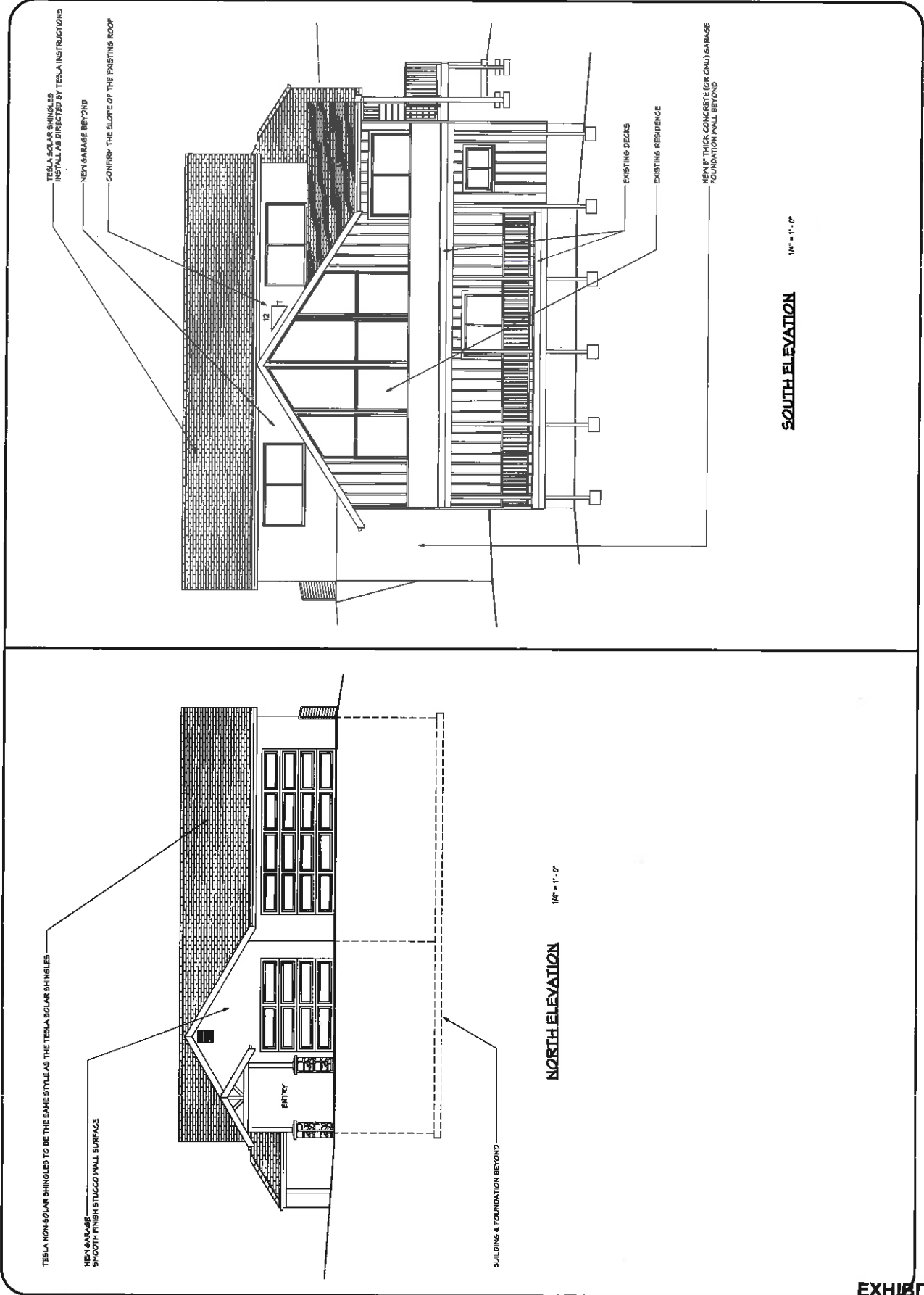


EXHIBIT D



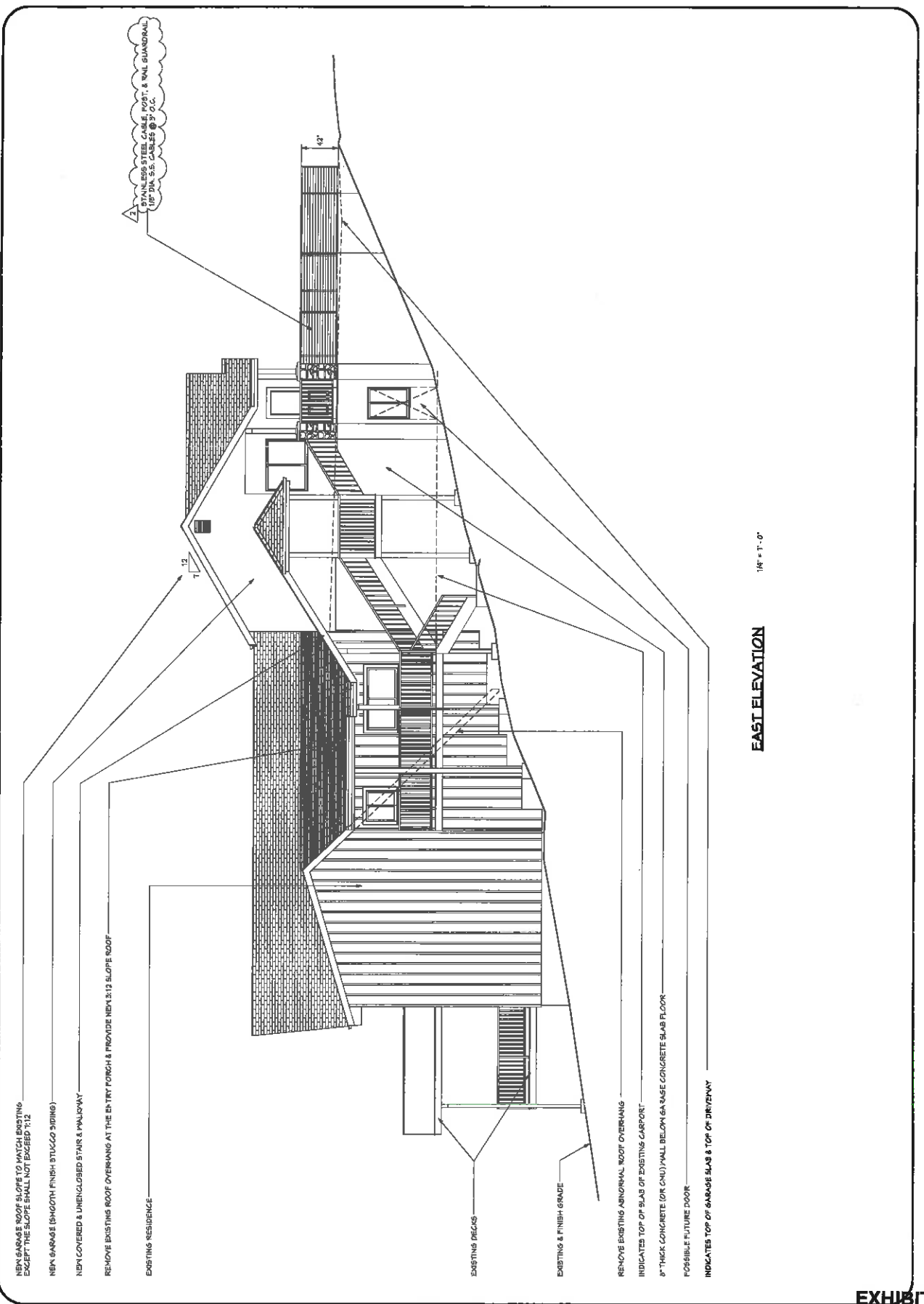
**Seascope Design**  
Bert Lemke, Architect  
Lic. # C 24233  
255 PARADISE COURT  
APT. 208, CALIFORNIA 95005  
bert@seascope-design.com

Drawn By: JULY 31 31, 2013  
Revised: MARCH 11, 2015  
Dated: OCTOBER 30, 2017  
Project: (631) 252-5060

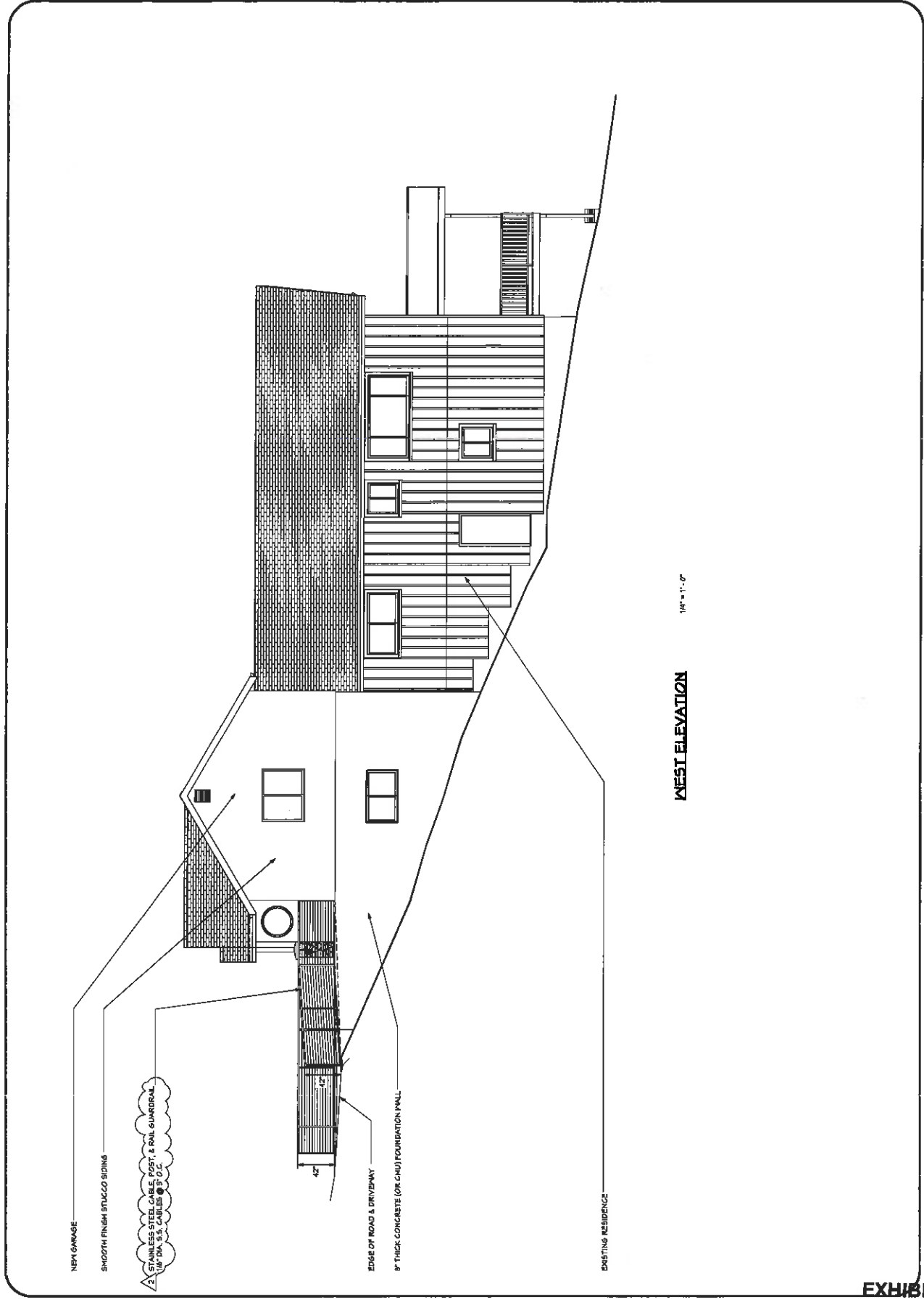
**GARAGE ADDITION  
AT THE OLSEN RESIDENCE**  
524 SANTA MARQUITA DRIVE  
APTOS, CALIFORNIA  
APN: 044-221-19

**EAST ELEVATION**  
PROPERTY OWNER:  
PERRY & ALAN OLSEN  
(631) 252-5060

**SHEET**  
5 of 14







**Garage Addition**  
**At The Olsen Residence**

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

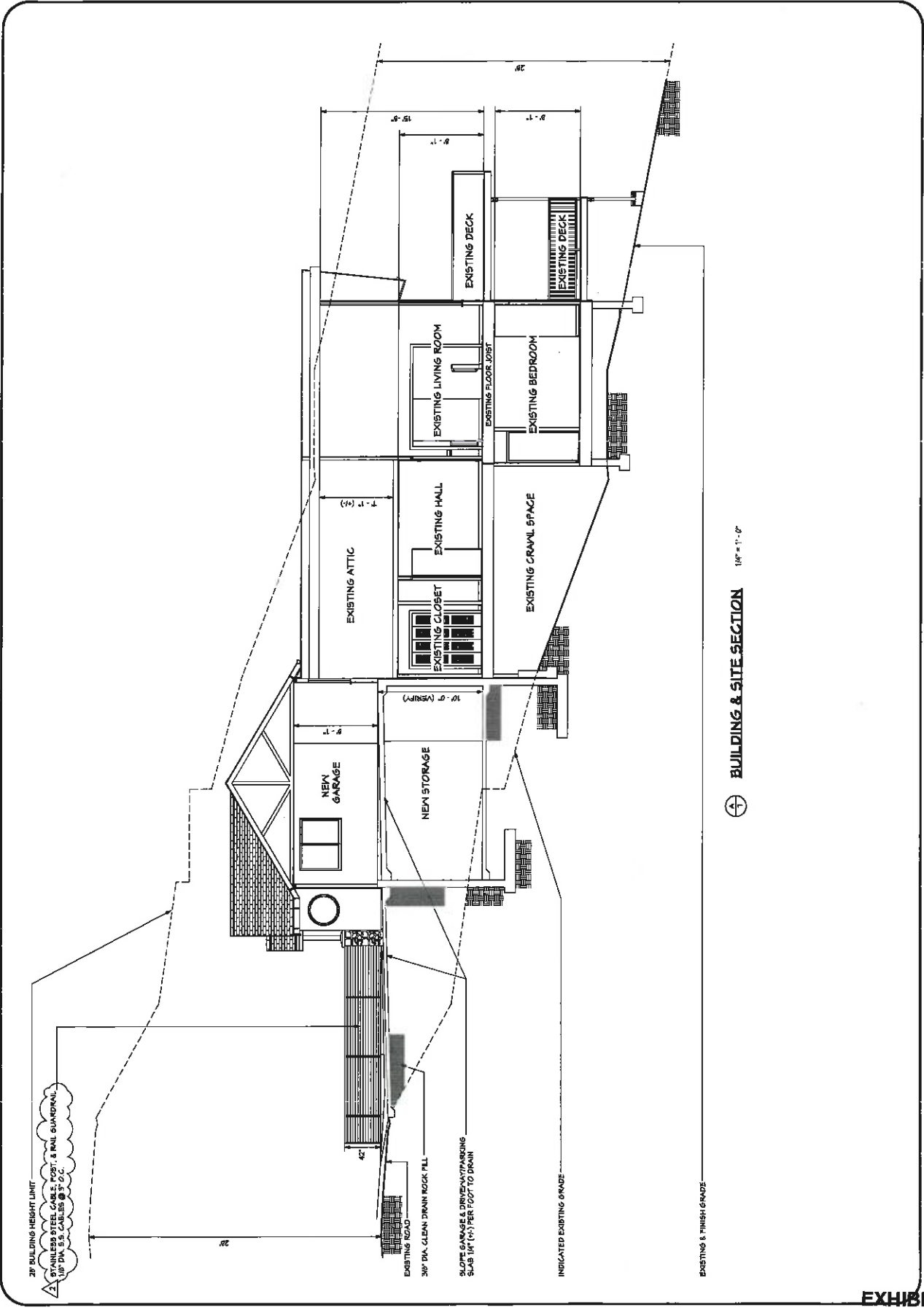
DATE: OCTOBER 30, 2011  
 REVISION: MAY 18, 2011  
 DESIGN: MAY 18, 2011

**Seascope Design**  
 Bert Lemke, Architect  
 LLC # C 24093  
 258 PARALAN COURT  
 APTOS, CALIFORNIA 95009  
 blem@seascope-design.com

**PROJECT OWNER:**  
 JOHN & ELLEN OLSEN  
 (831) 252-5060

**PROPERTY OWNER:**  
 JOHN & ELLEN OLSEN  
 (831) 252-5060

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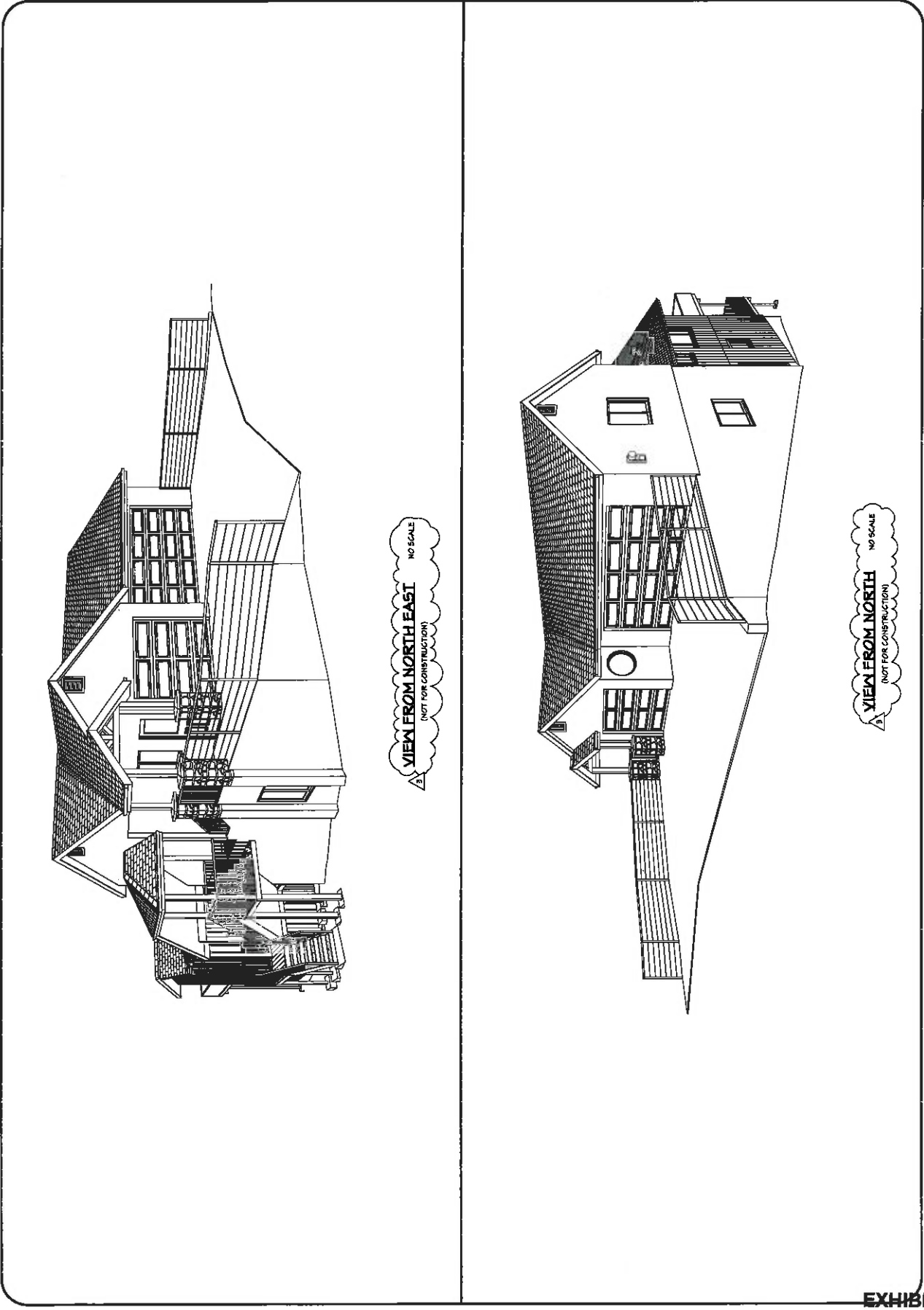
**Seascape Design**  
 Bert Lemke, Architect  
 Lic. # C 24293  
 556 PARALAN COURT  
 APTOS, CALIFORNIA 95026  
 bert@seascape-design.com

Drawn By: JULY 31, 2015  
 Revised: MAY 18, 2015  
 Date: OCTOBER 30, 2017  
 (931) 252-5060

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

PROPERTY OWNER:  
 PERRY & ELLEN OLSEN  
 (931) 288-3144

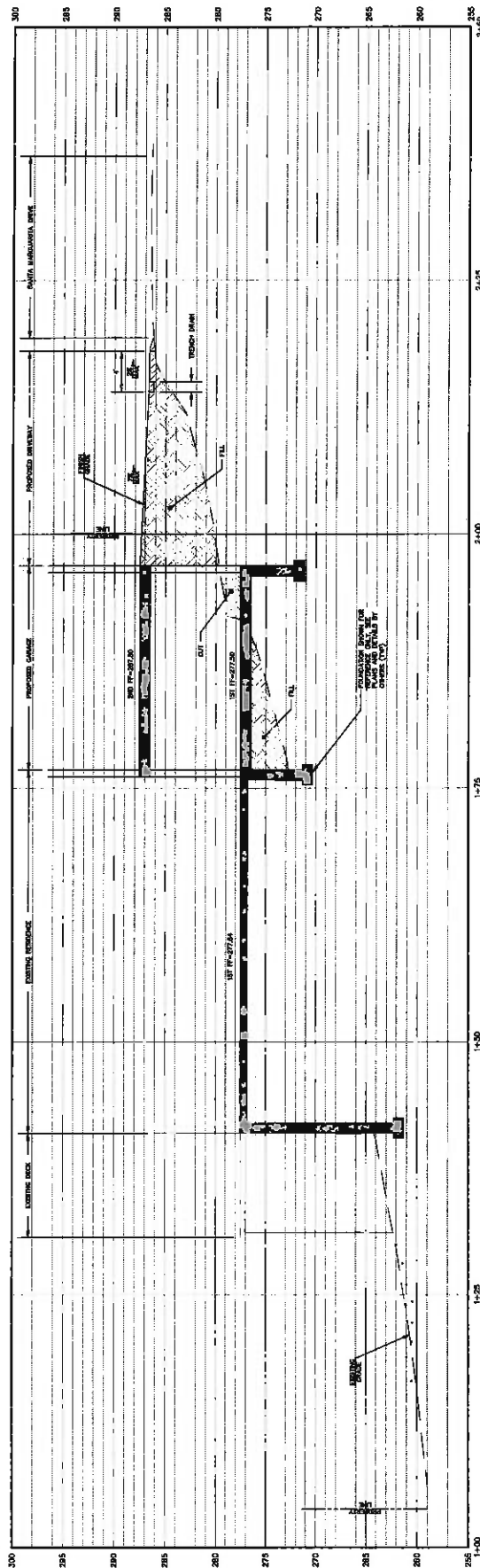
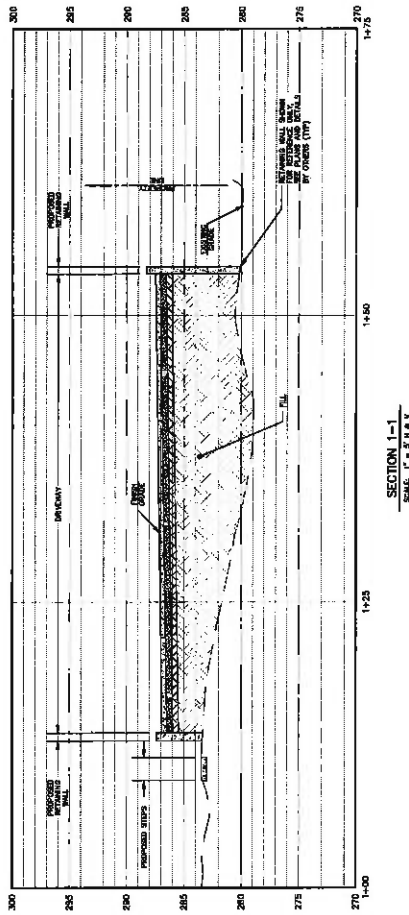
9 of 14  
 SHEET



**VIEW FROM NORTH**  
 NO SCALE  
 (NOT FOR CONSTRUCTION)

**VIEW FROM NORTH EAST**  
 NO SCALE  
 (NOT FOR CONSTRUCTION)





DISCLAIMER

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF BOWMAN & WILLIAMS CONSULTING ENGINEERS, INC. AND ARE NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF BOWMAN & WILLIAMS CONSULTING ENGINEERS, INC. THE USER OF THESE PLANS AND SPECIFICATIONS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

DATE: 04-25-13

811

Very difficult to call before  
Call before you dig.



**BOWMAN & WILLIAMS**  
CONSULTING CIVIL ENGINEERS  
3840 REDWOOD AVENUE, SUITE 100  
REDWOOD CITY, CA 94063  
(650) 425-3800

**SITE SECTIONS**  
SAY SANTA MARQUITA DRIVE  
APRIL, CALIFORNIA

|                      |               |                     |       |
|----------------------|---------------|---------------------|-------|
| DATE: 04-25-13       | BY: JWB       | NO. 2737            | SHEET |
| DATE: APRIL 10, 2013 | DESIGNED: JWB | REVISION: 2737-01.1 | C1.1  |
| DESIGN: JWB          | BY: JWB       | FILE NO. 2737       | OF 1  |



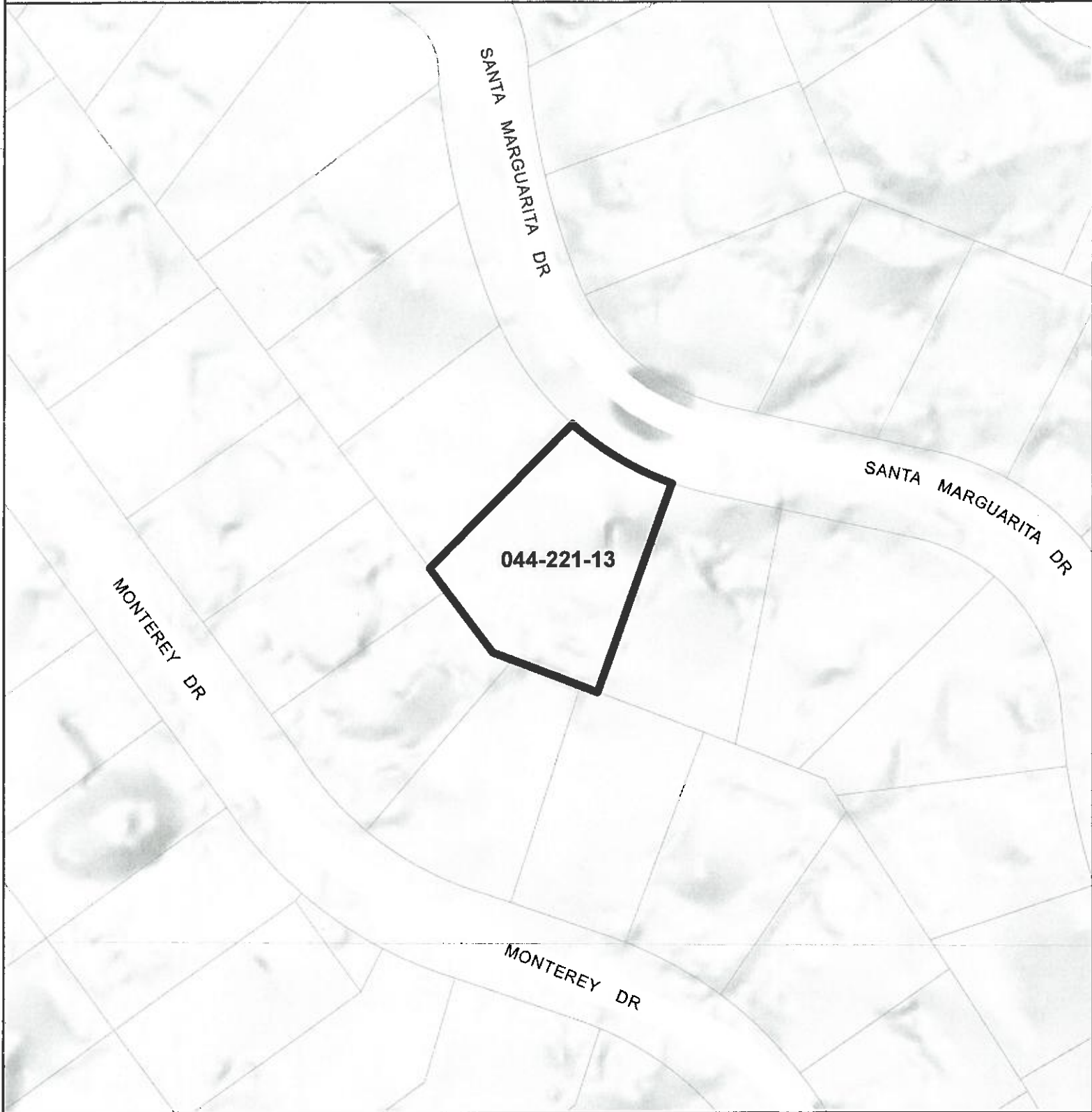








# Parcel Location Map



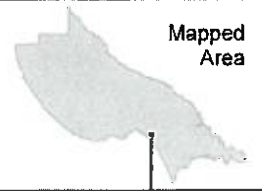
**Parcel: 04422113**

-  Study Parcel
-  Assessor Parcel Boundary

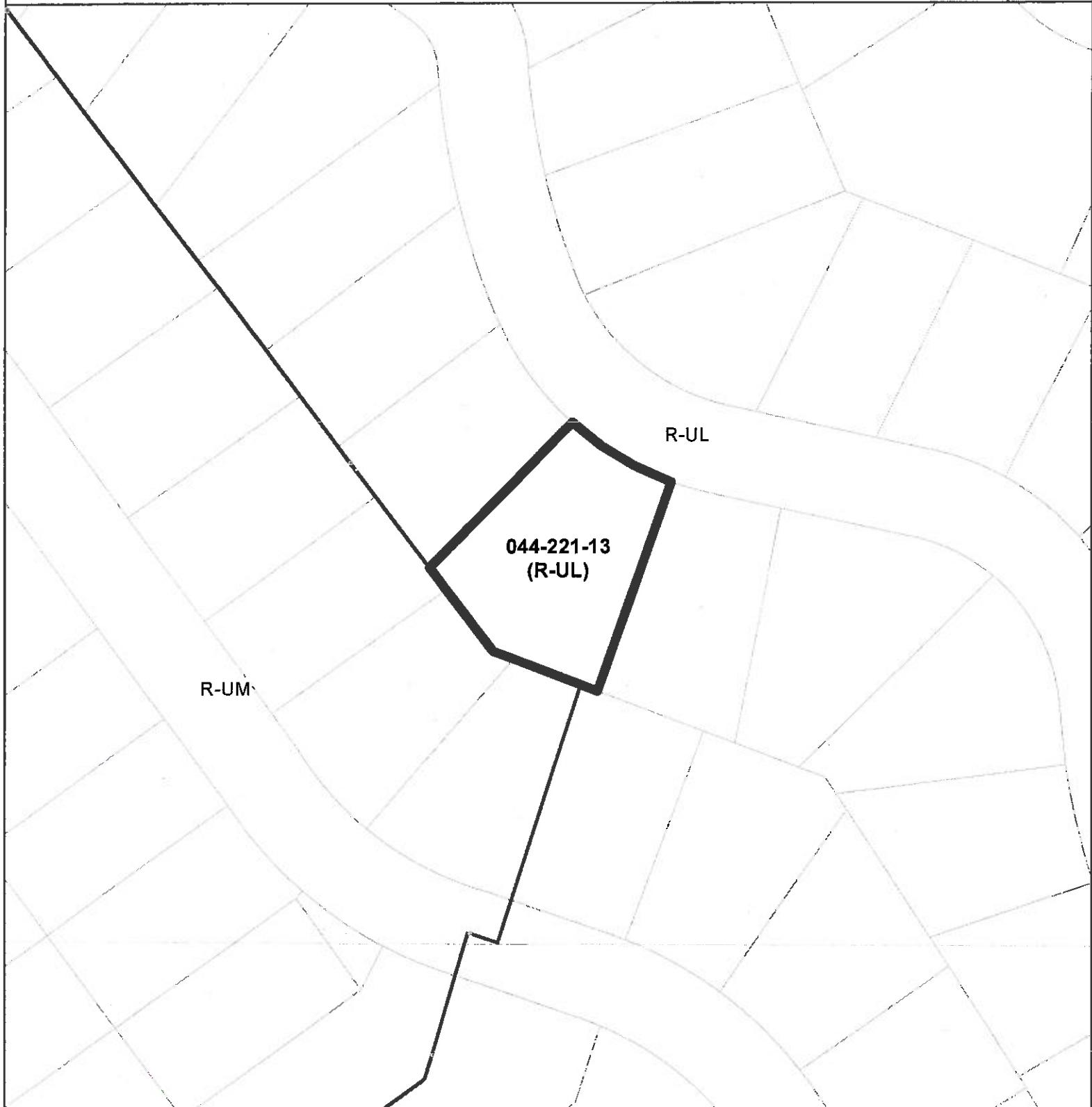


**EXHIBIT E 20** 40  
Feet





# Parcel General Plan Map



- ☐ 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-1-5

R-1-8

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

☐ R-1 Single-Family Residential



EXHIBIT E 20 40  
Feet





## 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           |   |

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

EXHIBIT F

### 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)

Report Prepared By: Jerry Busch  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3234  
E-mail: [jerry.busch@santacruzcounty.us](mailto:jerry.busch@santacruzcounty.us)

# 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 Margarita 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.

  
Jerry Busch, Project Planner

Date: August 16, 2018

**EXHIBIT A**

**EXHIBIT F**



## **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.

**EXHIBIT B**

**EXHIBIT F**



## **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.

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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

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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.

**EXHIBIT B**

**EXHIBIT F**

## 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

**EXHIBIT C**

**EXHIBIT F**

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.

**EXHIBIT C**

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**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:**

**EXHIBIT C**

**EXHIBIT F**



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.



## Jerry Busch

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**From:** Todd Zazelenchuk <todd@zazelenchuk.com>  
**Sent:** Monday, October 22, 2018 5:27 PM  
**To:** Jerry Busch; Steven Guiney  
**Subject:** Inquiry re: Status of Application #171374 - 524 Santa Marguarita Dr, Aptos  
**Attachments:** storyPoleExample.jpg; front-stair landing perspective.jpg; upper driveway perspective.jpg; street view perspective 3.jpg; upper yard perspective.jpg

Dear Jerry,

I am writing to follow up on the topic of the garage construction at 524 Santa Marguarita Dr. in Aptos and the outcome of the public hearing that was held on September 7 at the Santa Cruz County Building:

At the time of the public hearing, we outlined our perspective on the project and shared our concerns, the primary one being that our neighborhood has been inadequately informed of the large structure that is being proposed. Multiple other neighbors either attended in person or submitted correspondence sharing a similar viewpoint at that time.

Given that the proposed structure is maxed to its limits and requesting further variances to exceed those limits, we felt that it was appropriate that the owner and the County ensure that the neighborhood clearly understands the impact of the proposal. We suggested that a standard "low-cost" story pole procedure (see attached sample photo taken recently from a Los Gatos neighborhood) be implemented to meet this goal. When requested by the Zoning Administrator to suggest how the visual impact of the proposed design might be reduced, both you and I shared several options, including lowering the ridge line the street and even reducing the scope of the garage to still provide off street parking for 6 vehicles with covered parking for 2 vehicles (a clear advantage over the majority of residents on our street, ourselves included).

At the conclusion of the meeting, the Zoning Administrator agreed that the community needed to be better informed, and instructed the property owner to erect rigorous story poles and to have them in place prior the end of the September for a minimum of one week.

Since that time, the property owner at 524 Santa Marguarita Dr has communicated to us (and to your office) that he has no intent of complying with the County's directive, nor does he intend to make any changes to his original plans despite the multiple options being proposed to him.

We assume that the County will require compliance of its story pole request to communicate the mass and bulk of the proposed structure to our neighborhood (at 1572 sq ft, it is almost three times what the County permits for a non-habitable structure). Of the 48 houses on our street this structure will be equivalent to or even larger than many of the neighborhood homes.

Our focus has and will continue to be on the impact to our neighborhood street. The larger the property and the higher its ridge line, the more confined our narrow street becomes. In his recent correspondence, the property owner shared a marked up photo representing one perspective of the proposed ridge-line height from the highest possible vantage point on our property, suggesting that there is minimal impact on our property. To help ensure a comprehensive understanding, we have included similar marked up images from additional locations to show that the impact will be significant from all other viewpoints, including the street views experienced by the rest of the neighborhood. Without story poles, however, all of these marked up images are speculative and reserved for the few people that have the chance to view them. For this reason, we trust that the original ruling by the County to erect story poles will continue to be the criteria for this project to proceed.

Please confirm that you have received this letter and its attachments and included them for the Zoning Administrator to review prior to the next public hearing.

Thank you.

Sincerely,

Todd Zazelenchuk & Helen Wight

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EXHIBIT G





EXHIBIT G

## **Jerry Busch**

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**To:** Steven Guiney; Michael Lam  
**Subject:** Letters omitted from the agenda packet  
**Attachments:** Public comment - 1- and 2- car garages, one 3-car.msg; Public Comment - email bearing Letter of Concern re 524 Santa Marguarita Dr Aptos.msg; Public comment - Zazelenchuk - Wright Letter of Concern.pdf; Re: Variance for 524 santa margarita dr.; Notice of Public Hearing/ Item#2. 171374; RE: Next steps; Re: Story pole

Hi, Steve and Michael –

I inadvertently omitted from the posted agenda packet for Item 2 on Sept. 9<sup>th</sup> several public comment letters sent by the neighbor opposed to the project, and late-breaking letters from two neighbors who are neutral and for the project, respectively.

These letters are attached to be made available to the public at the meeting as needed, including this letter.

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:** Steven Guiney  
**Sent:** Friday, August 31, 2018 2:55 PM  
**To:** Jerry Busch  
**Cc:** Todd Zazelenchuk  
**Subject:** RE: Public comments

I have received the omitted emails and will read them before the hearing date.

**From:** Jerry Busch  
**Sent:** Friday, August 31, 2018 2:23 PM  
**To:** Steven Guiney <Steven.Guiney@santacruzcounty.us>  
**Cc:** Todd Zazelenchuk <todd@zazelenchuk.com>  
**Subject:** FW: Public comments

Hi, Steve –

As we discussed, I carefully reviewed the public comment history and notified both yourself and a commenting neighbor, Todd Zazelenchuk, who owns and resides in the dwelling across the street from the proposed garage, of all the emails inadvertently omitted from the published agenda, and provided you with printed and electronic copies of same. Could you respond to Todd and myself to confirm that you have received these omitted emails, please?

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:** Friday, August 31, 2018 2:10 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Cc:** Steven Guiney <[Steven.Guiney@santacruzcounty.us](mailto:Steven.Guiney@santacruzcounty.us)>  
**Subject:** Re: Public comments

Hi Jerry,  
That seems like quite the oversight indeed!

It should be pretty clear to Steve I hope that we have spent a great deal of time thinking, stressing, discussing, and pondering the impact of this construction proposal. The anxiety over it has been felt for the past 3 months by my wife and I and our main reassurance was that we met our requirement of following your department's request to submit the necessary documentation to the right people at the right time.

To hear now that the ball was fumbled makes us really question the way this whole process works.

I would like to request that Steve reply to this email to confirm in fact that he has reviewed our letters and concerns that we submitted.

Sincerely,

Todd Zazelenchuk  
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On Fri, Aug 31, 2018 at 1:53 PM Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)> wrote:

Hi, Todd –

I need to let you know that I inadvertently omitted four of your submitted comments from the initial staff report and online posting regarding application 04422113: specifically, the letters of July 5, July 20, August 6 and August 15. The August 15 letter was received after the deadline for submittal of the staff report, but I neglected to provide it to clerical staff for insertion prior to posting.

I sincerely apologize for these oversights.

Also not posted were comment letters received from two other neighborhood residents, that I also received after the deadline, but also neglected to add to the posting. For your convenience, I have attached copies of the letters received from other neighbors.

Today I forwarded and handed all of the omitted letters to the Zoning Administrator who will decide the variance application, Steve Guiney. He will have ample time to review and consider all of your comments prior to the public hearing. All of these letters will be made available as needed at the public hearing.

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:** Todd Zazelenchuk <todd@zazelenchuk.com>  
**Sent:** Thursday, July 5, 2018 2:30 PM  
**To:** Jerry Busch  
**Cc:** Wight Helen Ph.D.  
**Subject:** Letter of Concern re: 524 Santa Marguarita Dr, Aptos  
**Attachments:** Letter of Concern.pdf

Hi Jerry,

Please confirm your receipt of our attached formal letter of concern re: the proposal for construction at 524 Santa Marguarita Drive in Aptos, CA, 95003 (Application #171374).

We look forward to hearing from your department regarding the installation of the story pole and netting markers. Please us know if you have any questions.

Thanks in advance for your time and effort.

Sincerely,

Todd Zazelenchuk & Helen Wight  
831.332.5982

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July 5, 2018

Jerry Busch, Planner  
Santa Cruz County Planning Dept.  
701 Ocean St., Room 400  
Santa Cruz, CA 95060

Dear Mr. Busch,

Please accept this letter in response to the recent posting of the public notice (#171374) regarding the planned construction at 524 Santa Marguarita Drive, Aptos, CA, 95003. My wife and I have both paid visits to your office in the past two weeks and we wanted to submit this letter to ensure that your office has it on file for review and evaluation prior to any acceptance of the proposed construction plan.

We live at 523 Santa Marguarita Drive, directly across the street from the proposed construction and we want to formally state our concern that the proposed construction will have a significant and negative impact on the current view from our property as well as a potential negative impact on the health and safety associated with what is a dangerous curve directly across from our own restricted parking situation on the same street.

In the remainder of this document, we identify the issues that we perceive with the proposed design. We are happy to meet and discuss them with any or all parties as needed to ensure that the facts are communicated clearly and that goals on all sides are met.

### **Issue #1**

#### **Inappropriate Scale, Bulk and Mass of Proposed Structure for the Neighborhood.**

According to the public posting, the planned square footage of the new construction is 1572 square feet for a "non-habitable, accessory structure". This new construction will be in addition to their existing 1700 square foot building on the same lot, thereby representing almost 3300 square feet of total building area. The proposed two-story garage will be capable of containing 3 full-size vehicles with additional off-street parking for 3 more vehicles in front of the structure. The building is designed to rise 18' above street level (possibly 10 feet higher than their current structure and any neighboring structures). Not only does this design propose a structure that maximizes the allowable limits afforded by Santa Cruz County code, but it requires multiple exceptions to county code to allow the property to be even larger at the expense of our property and others in the neighborhood. The variances requested include:

- reducing the minimum allowable setback from the street from 20' to 1'
- exceeding the 50% limit of front yard space that is permissible for garage and driveway construction
- exceeding the 50% limit of floor-space ratio that is allowable by county code
- exceeding the maximum height of fence line

The resulting visual impact of the proposed design from the street and from our property across the street is extreme in our opinion when a more appropriately sized structure for our neighborhood would easily allow them to park 4 vehicles (2 inside, 2 outside) with much less impact and no need for multiple variances. Even with such a modest reduction in size, the owners would still end up with a structure and parking solution that was superior to most people in the neighborhood, still eliminating our views from multiple levels, but to a lesser degree than the current proposal. Important to note is that the potential negative impact of the current proposal extends beyond aesthetics and visibility, however, as it raises concerns for both increased parking congestion and increased safety risks from passing traffic for families like ours with young children.

## Issue #2

### Adherence and Attention to Santa Cruz County Code.

On the Santa Cruz County's Planning Department website, the definition of variance clearly states that a variance **"will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood."** It goes on to state that for any new construction, "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." In the case of the proposed design for 524 Santa Margarita Dr., we feel that these principles are being explicitly challenged and that everyone involved is currently forced to imagine the true impact of the design on the neighborhood.

To fully understand the implications of the design on the neighborhood and to allow residents, including ourselves, to evaluate the impact, story poles and netting should have been erected to effectively communicate the visual footprint and maximum height of the proposed structure. Without such markers, everyone involved (owner, neighborhood residents, architect, planning department) is resigned to guess at the true impact of the proposed, oversized structure and to properly assess the true need for variances.

During the past two weeks, my wife and I have received conflicting information that has us seriously concerned over the true impact we can expect from this construction. On three different occasions, we received answers regarding the height of the proposed ridgeline that vary between 4" above the current ridgeline of their existing structure to 10' above the current ridgeline. I'm sure you can understand that such variability leaves us perplexed and extremely anxious about what is being proposed across the street.

We can think of no reason why the planning department did not require that markers be erected a part of the design proposal phase. Thankfully, there is still time to do so as the public meeting and final stage for approval of the plan are not scheduled until mid-August. **We respectfully request that story poles and netting now be installed for a sufficient period of time when all immediate parties are available for viewing to ensure that the impact of this plan are clear and deemed acceptable based on Santa Cruz County code.**

## Issue #3

### Lack of Visible Effort In the Design to Minimize Negative Impact on the Neighborhood

In meeting with you at the Santa Cruz Planning Department, you raised the notion of what constitutes **'considerate design'** for the context of a neighborhood. After much review and consideration, we struggle to see any efforts made in this design to minimize the impact on the neighborhood. Rather, we feel that it is aimed at maximizing, and even exceeding the limits wherever possible. Evidence of this can be seen in both the proposed size of the structure in comparison with other similar structures in the neighborhood, and in the multiple variances being requested.

As we understand the proposal for 524 Santa Margarita Drive, it aims to construct the following structure:

- A two-story, almost **1600 square foot garage** plus roof that utilizes the maximum allowable height of 28' from grade level to peak of ridgeline.
- Inside the structure, both the lower "storage room" and upper garage floor are planned to have 10' high ceilings, covered by an additional 8' high roof. Despite being on a lower point in the street, this combination of measurements is going to rise higher than its surrounding neighbors on their side of the street.
- A combination of driveway and garage to result in parking for 6-7 vehicles on a street where the majority of homes have minimal accessible parking for 2-3 vehicles at most. This combination is going to require an exemption from County Code to develop even more than what is permissible by the code for percentage use of front yard space.

- No planned descent from the street level to the structure despite the permissible limit of 10% decline by Santa Cruz County Code.

A more **considerate design** can be seen in at 528 Santa Margarita Drive, the property immediately adjacent to 524 Santa Margarita Drive. At this property, the owners achieved a very similar result with much less impact to the neighborhood. Interestingly, when we first heard of the design intent at 524 Santa Margarita Drive, we were told by the owner that the intent was to model their design after the solution at 528 Santa Margarita Drive. Based on that comment, our initial reaction was a positive one. Unfortunately, the submitted design proposal does not reflect the considerations demonstrated by their neighboring property.

The design at 528 Santa Margarita Drive includes:

- A two-story, roughly 800 square foot garage with living space in the lower level. Despite being on a higher point on the street, the total height of this design is likely to be 6 feet lower than the proposed height of the structure at 524 Santa Margarita Dr.
- The available parking created by the design resulted in 2 indoor and 3 outdoor locations for a total of 5 off-street locations; but with minimal obstruction to the neighborhood.
- The lower profile roofline, combined with an orientation that points toward the street, rather than parallels the street, represents a further consideration made the owners to minimize the impact on the neighborhood.
- An aesthetically pleasing, highly-functional, low profile structure that complements the neighborhood and has minimal impact on surrounding neighbors.

#### **Issue #4**

**Extended zone of parking activity and potential congestion directly across from our driveway and on a dangerous curve.**

While this concern is unavoidable to some degree due to the geographic orientation of the two properties, the currently proposed design and its oversized footprint exaggerates the potential for congestion and safety risks posed by vehicles backing out directly into each other's driveways and into oncoming traffic in a neighborhood where families like ours with young children are placed at risk. A smaller footprint and one that is less directly lined up with our property would help tremendously to moderate this risk.

#### **Summary of Requested Recommendations**

1. **Adopt the best practice demonstrated by 528 Santa Margarita Drive**, including a more modest, two-car garage structure with all the same advantages of lower level 'storage' and multiple parking spots inside and outside, but with a low-profile roof that is sized appropriately and oriented to minimize the visual impact on neighborhood. An uncovered 3rd parking space off street would still allow for a distinct advantage over others in our neighborhood by supporting parking for a total of five vehicles, but would do so in such a way as to minimize the negative impact on the neighborhood.
2. **Lower the height of the proposed construction** to match that of their neighbor's garage, allowing the owners to enjoy the benefits of a 2-story garage with less impact to our property and the neighborhood. This could be achieved by reducing the height of a planned storage area, adopting a lower pitched roof, and taking advantage of the allowable 10% drop from street level to garage entrance. Although such a reduction in height will continue to eliminate our views from all lower levels and adversely affect our property value; we accept this reality living in a community and supporting the owners in improving their property and parking solution. We simply want to avoid any solution that exceeds permissible code at our expense.
3. **Erect story poles and netting markers** (flagging and staking) to outline the proposed maximum height and area footprint dimensions of the design proposal to ensure that everyone, including

neighborhood residents, the property owner, architect, and planning department can fully understand and assess the impact of the proposed construction.

In closing, we want to emphasize that as residents of our neighborhood, we welcome improvements that others make to their properties, including our neighbors at 524 Santa Margarita Drive. This is assuming that the improvements truly result in a more attractive and pleasant community for us all to live in and enjoy and do not come at the expense of detracting from the property of others or introducing safety concerns. We believe these goals to be consistent with the goals of the Santa Cruz County Planning Department per the information posted on its website (see footnote).

In light of our concerns, we trust that the Santa Cruz County Planning Department will carefully review the proposal for construction at 524 Santa Margarita Drive, and make the necessary recommendations to achieve a successful result for both the property owner and the neighborhood.

Thank you for your careful consideration of this matter.

Sincerely,



Todd Zazelenchuk  
[todd@zazelenchuk.com](mailto:todd@zazelenchuk.com)  
831.332.5982



Helen Wight  
[helen\\_wight@yahoo.com](mailto:helen_wight@yahoo.com)  
831.999.0610

**Santa Cruz County Website (Variance description)**

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

## Jerry Busch

---

**From:** Todd Zazelenchuk <tzazelenchuk@gmail.com>  
**Sent:** Friday, July 20, 2018 2:50 PM  
**To:** Jerry Busch  
**Subject:** Re: Story pole

Jerry  
Thank you for the update. We are out of town at the moment, returning Saturday evening (July 21). We will take photos on Sunday this weekend and will be in touch with our feedback first thing next week.

Thank you for making this step happen.

To be clear, our concerns are not limited to the maximum height of the proposed structure; they also include the proposed breadth. It is our understanding that the owners at 524 are requesting a variance to the existing county law that permits a maximum of 50% of their street front area to be dedicated to garage and driveway.

Our neighbors at 528 Santa Marguarita adhered to county guidelines in their design for a similar 2-story garage that resulted in 5 off-street parking spaces. Meanwhile, the 524 owner is requesting a variance that will result in 100% of their street front converted into covered garage plus driveway. Meanwhile, his adjacently owned lot already consumes 100% of its street front area, including an on-street parking spot. If permitted, the 524 owners will have a minimum of 7 parking spaces directly across from our home (3 inside the garage, 3 on the driveway, and one adjacent on-street parking space), all contributing to congestion and safety concerns on this narrow, curving portion of our street.

We would like to ensure that the County take this proposed end result into careful consideration for what is deemed fair and reasonable for our hillside neighborhood. We feel strongly that 528 Santa Marguarita has set a worthy precedent and appropriate model for subsequent properties to follow and provides the County with the perfect example to cite in response to the proposal at 524 Santa Marguarita Dr.

Thank you again for listening to our concerns on this matter. We are confident that you recognize the gravity of the matter to us as property owners in Santa Cruz County who will be significantly impacted by this proposed development.

Sincerely,

Todd Zazelenchuk

On Jul 20, 2018, at 10:57 AM, Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)> wrote:

Hi, Todd –

A story pole has been placed at 15' 4" above the existing garage, which agrees with the plans and is consistent with field conditions as confirmed by Bert Lemke.

Will you be able to take photos from your windows?

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

---

**From:** Michelle Bell <mbell1@me.com>  
**Sent:** Thursday, September 6, 2018 6:30 PM  
**To:** Jerry Busch  
**Subject:** Garage Project at 524 Santa Marguarita Dr. Public hearing 9/7

Jerry

I am the owner of 528 Santa Marguarita Dr and I am writing you with a concern about the project at 524 Santa Marguarita Dr. Although I hate to cause problems for my neighbors, It is a horrific process to get a building permit to build a new garage having been through it first hand. Something you can't understand without having gone through it. It took us 3 years and \$22,000. For the permits.

That being said, I have read the report sent to me by other concerned neighbors.

I would like to note that we too could of asked to build a 3 car garage, and the idea was explored. However, we consulted with our architect and felt that it was to intrusive for the neighborhood and would be out of place on Santa Marguarita Dr. There are no 3 car garages on either side of Santa Marguarita.

It is not just the height of this project that is concerning, it is also the width running parallel with the road. So the street view is nothing but concrete and and garage.

Thanks for your time.

Michelle Bell  
831-332-8404  
mbell1@me.com

Sent from my iPhone

## **Jerry Busch**

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**From:** Alex Bell <ralexbell@gmail.com>  
**Sent:** Thursday, September 6, 2018 6:53 PM  
**To:** Jerry Busch  
**Subject:** 524 Santa Marguarita Dr Proposal

Hi Jerry,

I have 3 concerns with the proposed project at 524 Santa Marguarita Dr.

1. The proposed garage at 524 Santa Marguarita Dr presents a facade to the street that is uncharacteristic of our neighborhood. The facade will be 46 feet wide (including the vestibule over the stairs) and 15 feet above the street. I am not aware of any other 3 car garages on our street or other structures on the down hill side of the street which are so massive and close to the street.
2. The grading numbers in the design do not look correct to me. The existing grade of the carport should not be used as the existing grade of the lot. The "existing grade" is significantly lower than the existing carport. Taking this into consideration the new structure may be 30' above grade at the peak. This feels excessive to me. If the estimate for the peak is 15 feet higher than the existing carport then I think the peak will be about 3 feet taller than the highest peak of our garage, which you can see next door in some of the photos attached to the proposal.
3. I am also opposed to the width of the driveway. It looks like a lot of barren concrete.

The concept drawings in the package are unusable and the elevations do not give any idea of how the new structure will fit with the neighborhood.

The photos of someone standing on the carport with a stick to show the height of the garage are useful but grossly inadequate to show how it will affect the street.

It would nice to see better concept drawings and a roof line that accurately depicts what the finished structure.

I appreciate you considering these issues.

Thank you,

Alex Bell  
528 Santa Marguarita Drive  
831-239-8674

## Jerry Busch

---

**From:** Todd Zazelenchuk <todd@zazelenchuk.com>  
**Sent:** Wednesday, August 15, 2018 2:39 PM  
**To:** Jerry Busch  
**Subject:** checking in

Hi Jerry,

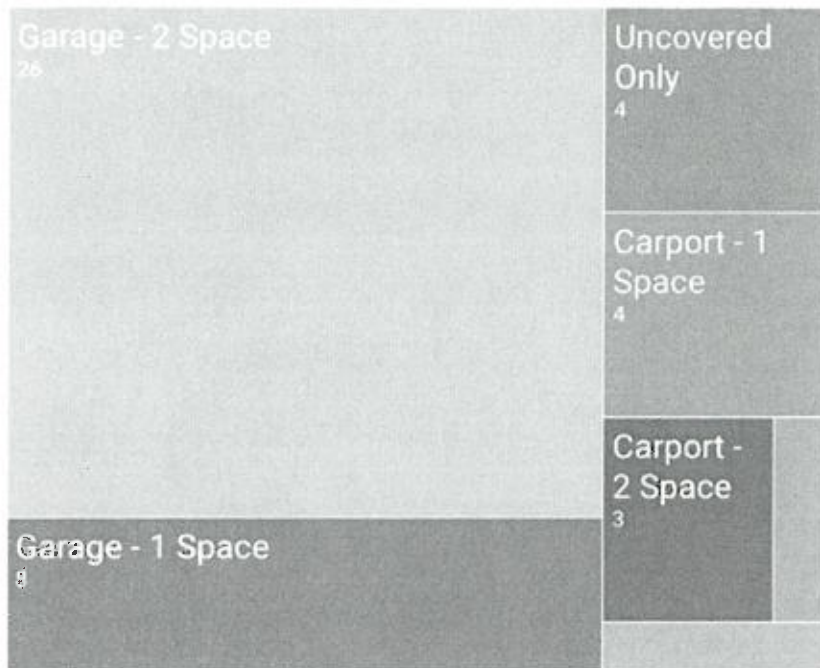
I wanted to confirm with you the date, time and location of the public hearing for the proposed development at 524 Santa Marguarita Dr. The original information we had (from you I think) was that it was Aug 17, but since then I believe you informed Helen that it was in early September.

Can you please confirm the details re: the public hearing for us?

Also attached is a simple data sheet showing the distribution of homes on Santa Marguarita Dr that I compiled following an evening walk the other day. You can see that there is 'technically' one 3-car garage on the street at 533 SM Drive, although anyone would be hard pressed to park more than 2 vehicles in the space, the house is on the upper side of the street (not the lower), and the owners use it only for storage, with their cars parked outside. Just one more bit of data supporting our position that future developments on the street should consider the context with which they are being developed. A covered 2-car structure with carport would be a much more reasonable fit given the hillside community in which we live.

# Santa Marguarita Dr. Parking

N=47 homes in total.



BLUE = no available parking. GREEN = Garage - 3 Space.

cheers,

Todd Zazelenchuk  
831.332.5982

## Jerry Busch

---

**From:** Lori Patterson <cruzjewel@aol.com>  
**Sent:** Monday, August 27, 2018 10:06 AM  
**To:** Jerry Busch  
**Subject:** Re: Variance for 524 santa margarita dr.

Thank you Jerry  
Very informative and I shall  
Not proceed w/ this.  
I appreciate your timely return of info.

Lori

> On Aug 27, 2018, at 9:47 AM, Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:  
>  
> Hi, Lori -  
>  
> Thank you for your comment.  
>  
> The proposed garage will be set back 18.2 feet from the road. The 1-foot setback is to the edge of the right-of-way, which is the parcel of land in which the road is constructed. The edge of the right of way parcel line in this location is 17.2 feet from the edge of the street pavement.  
>  
> The proposed garage and parking apron will be safer than the current, "blind" backing-up movement out of the existing, steep, curved driveway.  
>  
> The proposed plans are available to view here at the Planning Department and will be posted online about 10 days prior to the public hearing. The public hearing, at which any person with affected interests may testify, will be held at 9:00 a.m. on September 7th at the Board of Supervisor's chambers.  
>  
> Please let me know if you would like a copy of the findings required for a variance.  
>  
> 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  
>  
>  
>  
> -----Original Message-----  
> From: Lori Patterson <cruzjewel@aol.com>  
> Sent: Sunday, August 26, 2018 11:29 AM  
> To: Jerry Busch <Jerry.Busch@santacruzcounty.us>  
> Subject: Variance for 524 santa margarita dr.



>  
> May I please have more info on reducing garage setback from 20' to 1'. ?  
> This is a dangerous precedent to start on narrow lanes in Aptos .  
> I certainly object to the variance and believe it should NOT be one foot in from the road.  
> Please advise.  
> Thank you,  
> A neighbor.  
> Cruzjewel@aol.com  
>  
>  
>  
> Lori

## **Jerry Busch**

---

**From:** micheal saint <solarevsaint@gmail.com>  
**Sent:** Tuesday, August 28, 2018 7:51 PM  
**To:** Jerry Busch  
**Subject:** Notice of Public Hearing/ Item#2. 171374

Zoning Administrator  
Attn: Jerry Busch, Project Planner  
Ref: Item #2. 171374  
APN:044-221-13

My name is Micheal Saint a property owner at 516 Santa Marguarita Dr. Aptos Ca. After receiving the Public Notice, I decided to meet with the owner of 524 Santa Marguarita Dr., Mr. Perry Olsen to get more information about the project so I could make a informed opinion about the required Variance plus other exceptions. Mr. Olsen was very forthcoming about the project and even showed me the plans and suggested I go across the street to see the effect if any of his neighbor losing an Ocean view.

After doing all of the above I came to the conclusion that this project would be an improvement to the street we live on and would improve Mr. Olsen's property, and would only slightly block some of his neighbors view of trees not the Ocean.

There is also some precedent set for allowing this variance since his neighbor east of Mr. Olsen's property was granted a Variance a few years ago. Mr. Olsen's Variance request seems to be very similar to his neighbors thus keeping a consistency of look for aesthetic reasons.

I see no reason to not grant Mr. Olsen's Variance and exceptions that the project requires.

Sincerely, Micheal Saint

## **Jerry Busch**

---

**From:** Jerry Busch  
**Sent:** Thursday, August 9, 2018 10:37 AM  
**To:** 'Helen Wight'  
**Subject:** RE: Next steps

Hi, Helen and Todd –

The hearing is scheduled for Friday, 9/7.

The staff report for the hearing is mailed by 8/30. Staff review is not yet complete.

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:** Helen Wight <[helen\\_wight@yahoo.com](mailto:helen_wight@yahoo.com)>  
**Sent:** Monday, August 6, 2018 2:59 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>; Todd Zazelenchuk <[todd@zazelenchuk.com](mailto:todd@zazelenchuk.com)>  
**Subject:** Next steps

Hi Jerry,

Thank you for taking the time to visit the proposed development site directly across from our house (523 Santa Margarita Dr). We were glad to have you personally see the hillside, character of the neighborhood and position on the narrow roads.

Please let us know what changes you anticipate coming from the meeting that occurred. Also, please can you tell us what the date and time details are regarding the public meeting? Thank you.

We appreciate your guidance.

Best regards, Helen and Todd

Helen Wight and Todd Zazelenchuk.

## **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

EXHIBIT G

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

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## 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  
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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 Margarita 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

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## **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

---

**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)

---

**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

---

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

---

**From:** Jerry Busch [mailto:[Jerry.Busch@santacruzcounty.us](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 Margarita 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

---

**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 Margarita 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)

---

**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 Margarita 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

---

**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 Margarita 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)

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**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 Margarita 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

---

**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 Margarita Drive, Aptos Application 171374

Hi, Bert –

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

Tx, Jer

---

**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

---

**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 Marguarita 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)

---

**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 Marguarita 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](mailto: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)

---

**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

---

**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)

---

**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

---

**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

---

**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

---

**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)

---

**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 Margarita 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

## Jerry Busch

---

**From:** Todd Zazelenchuk <todd@zazelenchuk.com>  
**Sent:** Monday, July 2, 2018 12:41 PM  
**To:** Jerry Busch  
**Subject:** Re: pics

cheers,  
tz  
-----

On Mon, Jul 2, 2018 at 12:39 PM Todd Zazelenchuk <todd@zazelenchuk.com> wrote:  
<https://www.dropbox.com/sh/7r4dxb6rxnfg4ur/AACBOcl8lqCy8sWJNHvD09cGa?dl=0>

cheers,  
tz  
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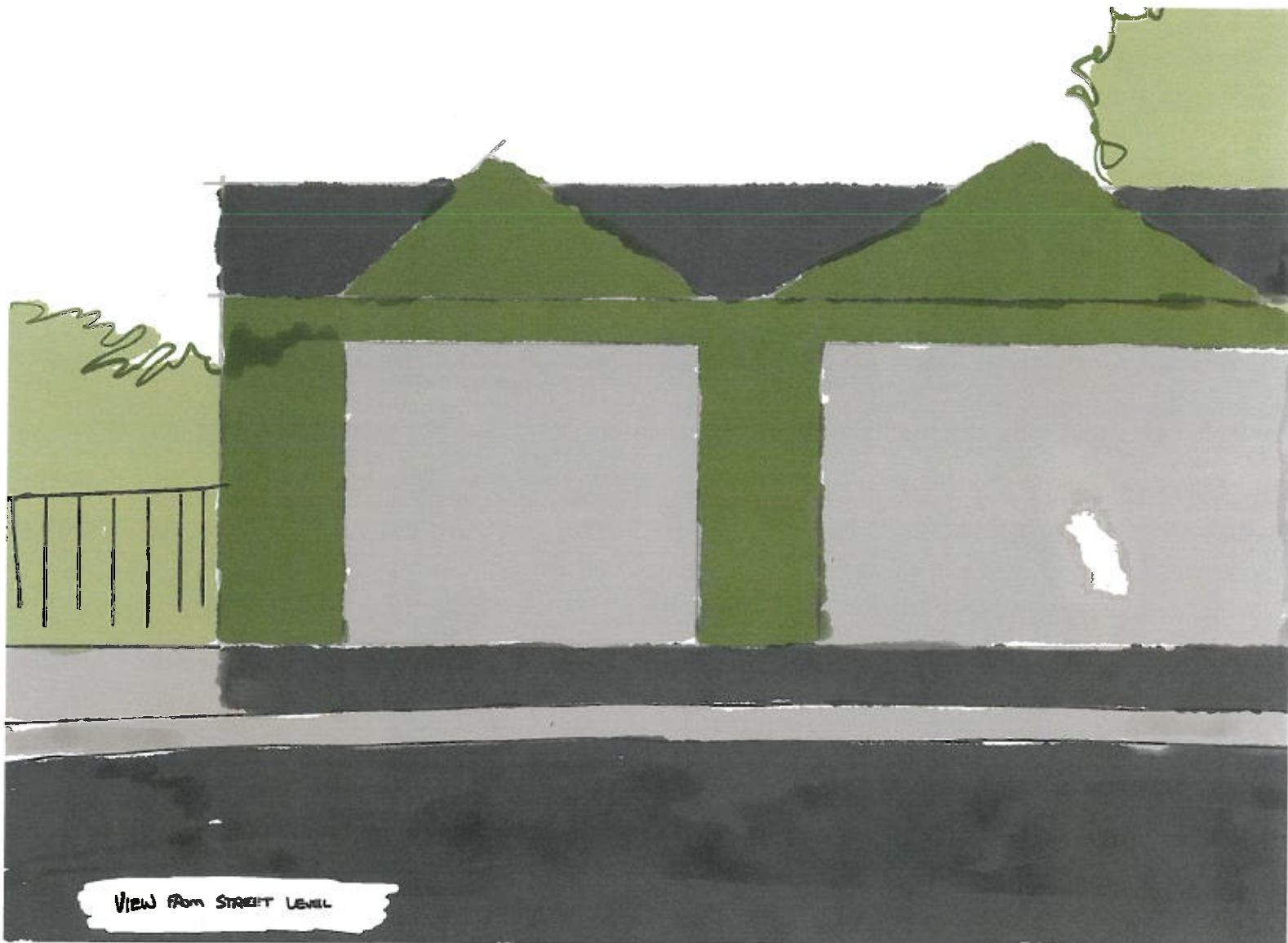






















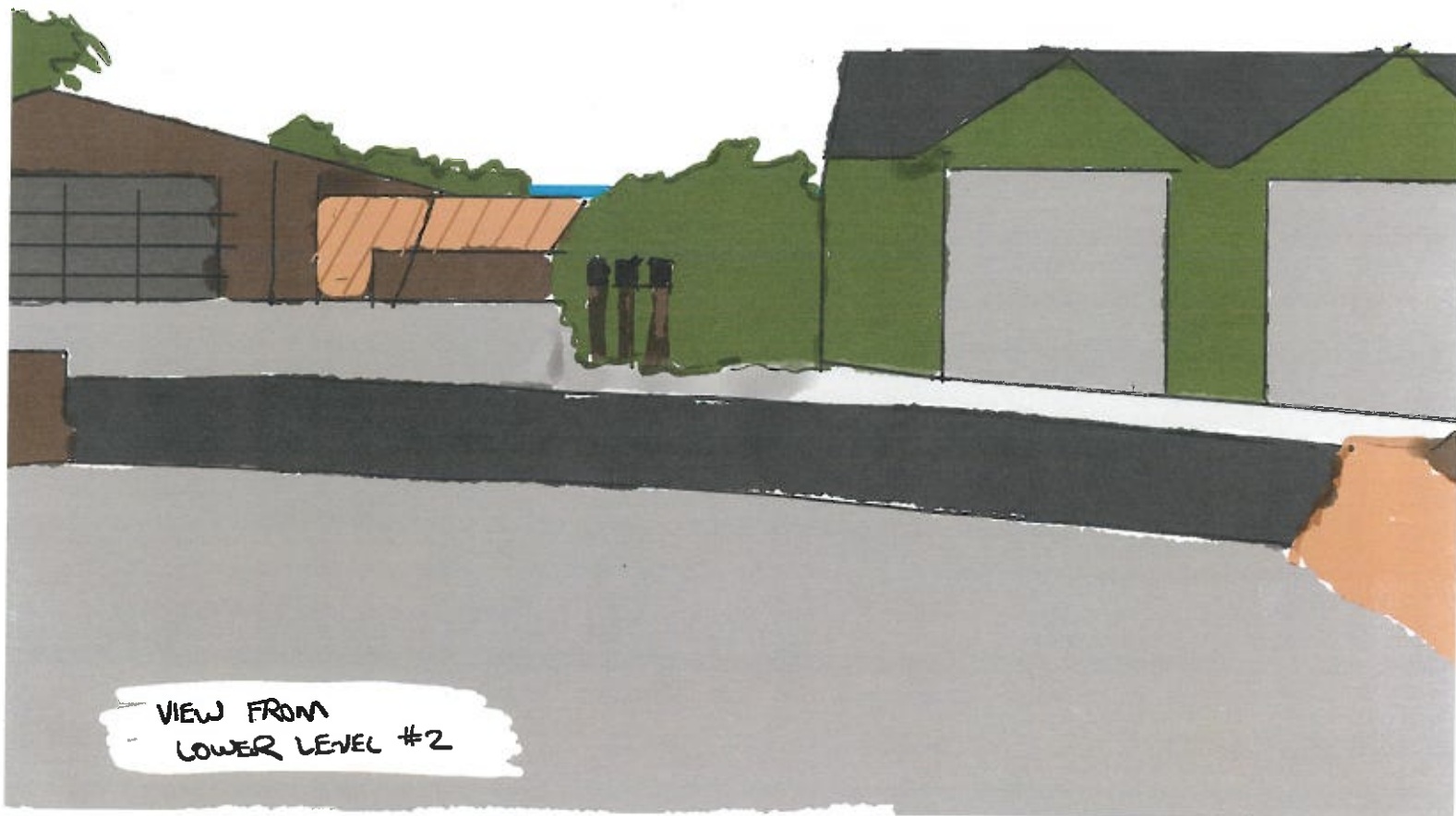








EXHIBIT G



VIEW FROM  
LOWER LEVEL #2











**Bert Lamke, Architect**  
258 Farallon Court  
Aptos, CA. 95003  
[bert@seascape-design.com](mailto:bert@seascape-design.com)  
(831) 252-5060

October 11, 2018

Steven Guiney, Zoning Administrator  
C/o Jerry Busch, Project Planner  
County of Santa Cruz, Planning Department  
701 Ocean Street  
Santa Cruz, CA. 95060

Regarding: Garage Addition at 524 Santa Margarita Drive, Aptos, CA.  
APN: 044-221-13  
Application 171374

Dear Mr. Guiney:

As you know, the public hearing for this project was on September 7, 2018. It was continued to November 16, 2018 so that additional story poles could be installed and so that I could work with the planning staff to look at possible design changes. This letter is in response to these items and to other concerns.

The expenses as of September 7<sup>th</sup> for this application are approximately \$32,350. These expenses are for County fees and County required service of consultants. Installing additional story poles would exceed an additional \$4,000 in expenses. The applicant and property owner, Mr. Olsen does not want to increase expenses for this stage of the project. Therefore, Mr. Olsen does not want to install additional story poles.

Although additional story poles may be better than the one story pole used, the story pole used demonstrates that the proposed garage does not block the view of the ocean from the neighbor across the street (see Exhibit 1 & 2). For the most part, the only view blocked from the neighbor across the street, is a view of Mr. Olsen's existing house (see Exhibit 2).

Exhibit 1 and 2 and the Site Section drawing, dated June 17, 2018 (see Exhibit 3) illustrates that the proposed garage is not too large and is compatible with the neighborhood. Exhibit 4 shows the house across the street. The proposed one story garage will be all that is visible from the street and it is much smaller than the existing house across the street.

In addition to several discussions with the planning staff, I have met with staff to discuss and consider alternate designs to reduce the size. I have had considerable discussion with Mr. Olsen and I have shared all alternate design options with him.

The plate height of the proposed garage walls are the lowest standard height, 8 feet. The garage floor level has been lowered as much as possible. Making the roof smaller was considered. However, every option to make the roof smaller also makes the area suitable for solar panels smaller.

**EXHIBIT I**

During the meeting with the planning staff, the idea to minimize the roof by changing the ends from gable to hip roofs was considered. However this would eliminate 1/2 of the suitable solar panel area. Eliminating 1/2 of the solar panel area is not acceptable to Mr. Olsen because adding solar power is a primary reason Mr. Olsen wants to do this project. Mr. Olsen's other primary reason to do this project is to have all electric cars & indoor protected charging stations for them.

The width of the proposed driveway is almost the same as the County approved driveway next door and is necessary to access the garage (see exhibit 6). For easy vehicle access, Mr. Olsen does not want a planter in the driveway. However if required, Mr. Olsen will install a planter similar to the driveway planter next door. Also Mr. Olsen will add a texture and/or a color to the driveway. A low and narrow planter between the driveway to the one-car garage door and the driveway to the two-car garage door would break up the mass of the driveway.

This variance application is not a request for something special. It is a request for a garage which is allowed on all residential properties and exists on most residential properties. Due to the slope of the property it is not possible to have a garage without a variance approval. This subject property has the same slope conditions as the property next door, which the County approved a variance to install a similar garage.

Although two-car garages are normal, three car garages are not uncommon. There is at least one three-car garage in the neighborhood (see exhibit 5). Also County Code requires three off street parking places. The proposed garage complies with this requirement.

This proposed project will not only be an improvement to Mr. Olsen's property, but it will be an improvement to the neighborhood and therefore benefit all property owners in the neighborhood.

Thank you for your consideration.

Best regards,



Bert Lemke, project architect

**Exhibit 1**  
View from neighbor's home across the street



**EXHIBIT I**



## **Exhibit 2**

**View from neighbor's home across the street**

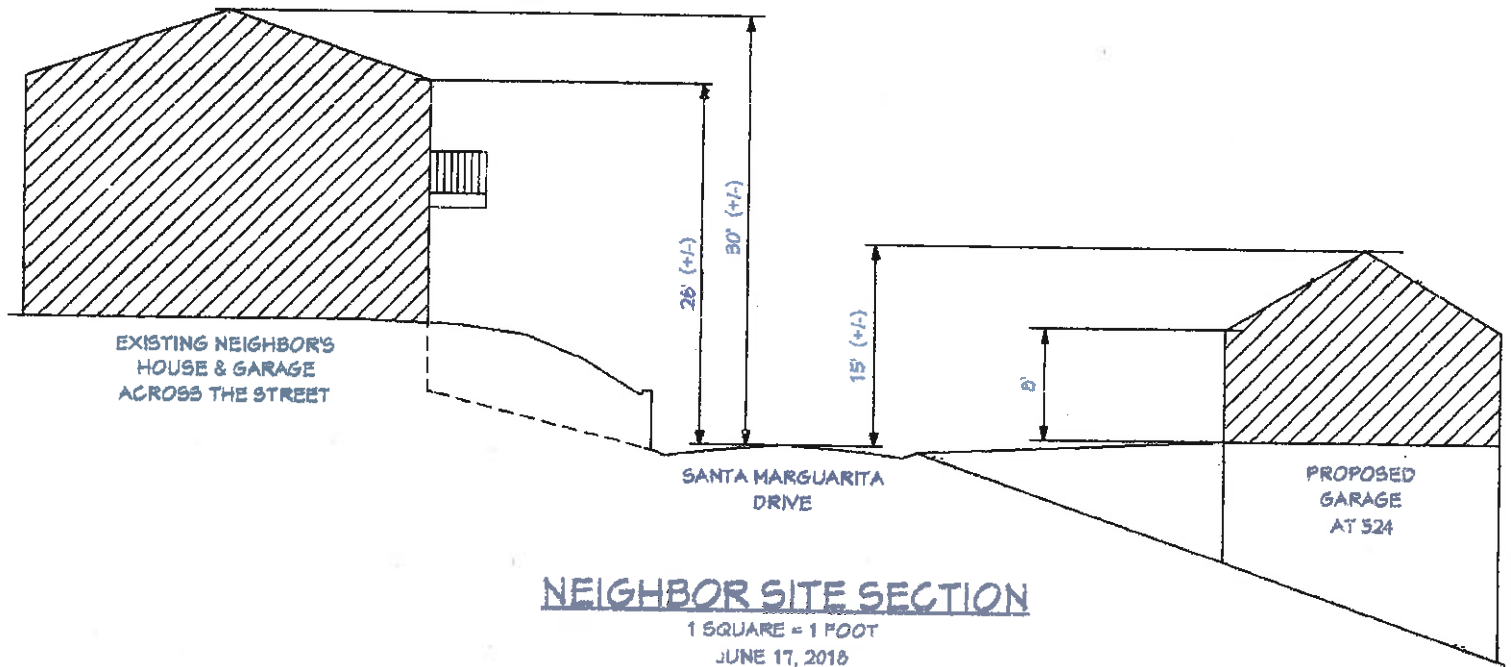
**Showing the proposed garage as see through outline**

**This exhibit shows that most of the view that the proposed garage will block  
is of Mr. Olsen's existing home**



**EXHIBIT I**

**Exhibit 3**  
**Site Section**

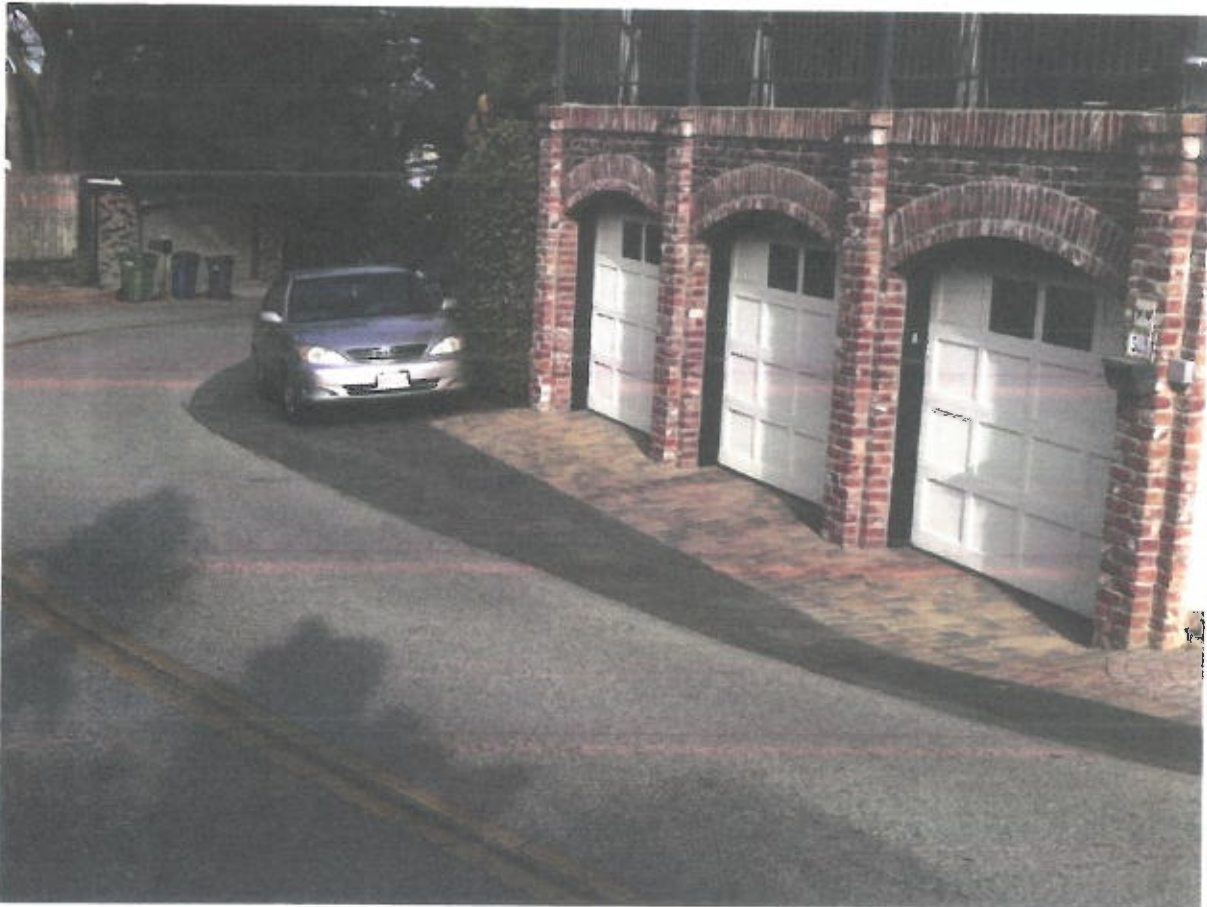


**Exhibit 4**  
Photo of house across the street



**EXHIBIT I**

**Exhibit 5**  
Existing three-car garage in the neighborhood



**EXHIBIT I**



[illegible][illegible]

107

## **Jerry Busch**

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**From:** Jerry Busch  
**Sent:** Tuesday, October 16, 2018 11:59 AM  
**To:** Steven Guiney  
**Subject:** FW: Olsen Garage  
**Attachments:** LETTER ONLY RESPONSE TO ZONING ADMINISTRATOR.pdf

---

**From:** Bert Lemke <bert@seascape-design.com>  
**Sent:** Tuesday, October 16, 2018 11:43 AM  
**To:** Jerry Busch <Jerry.Busch@santacruzcounty.us>  
**Cc:** Steven Guiney <Steven.Guiney@santacruzcounty.us>  
**Subject:** RE: Olsen Garage

Hello Jerry:

Attached is a PDF copy of my response for the continued hearing.

The complete file with the perspective views is too large to attach to one email. The file with all exhibits is too large also. I will try to send the exhibits in 2 separate emails.

Thanks, Bert

---

**From:** Jerry Busch [mailto:Jerry.Busch@santacruzcounty.us]  
**Sent:** Tuesday, October 9, 2018 4:39 PM  
**To:** Bert Lemke <bert@seascape-design.com>  
**Cc:** Steven Guiney <Steven.Guiney@santacruzcounty.us>  
**Subject:** FW: Olsen Garage

I received your email, thank you.

Jerry

---

**From:** Bert Lemke <bert@seascape-design.com>  
**Sent:** Tuesday, October 9, 2018 2:49 PM  
**To:** Jerry Busch <Jerry.Busch@santacruzcounty.us>  
**Subject:** RE: Olsen Garage

Hi Jerry:

Will you please reply to confirm that you received this email? Thank you.

I contacted the owner, Perry Olsen after our meeting this morning.

I made it clear to Perry that if he would compromise to minimize the roof, it seemed likely that his project would receive approval. Perry acknowledged that he understood.

## **Jerry Busch**

---

**From:** Bert Lemke <bert@seascape-design.com>  
**Sent:** Tuesday, October 9, 2018 2:49 PM  
**To:** Jerry Busch  
**Subject:** RE: Olsen Garage

Hi Jerry:

Will you please reply to confirm that you received this email? Thank you.

I contacted the owner, Perry Olsen after our meeting this morning.

I made it clear to Perry that if he would compromise to minimize the roof, it seemed likely that his project would receive approval. Perry acknowledged that he understood.

Also I tried to get Perry's acceptance to minimize the roof but he will not agree to it. Again I suggested hipped roof ends as you suggested. I suggested other options too. Perry said that installing solar panels is a primary reason why he wants to do this project. To Perry less solar panel area wrecks the project. If there are hip roof at the ends, that will eliminate about ½ of the area for solar panels, which is not acceptable to Perry.

Although Perry does not want a planter in the driveway, this and driveway texture and/or color are the compromises that he is agreeable to.

For the record, I will draft a response letter to Steve, care of you. Also I plan to attend the November hearing.

Best regards, Bert

---

**From:** Bert Lemke [mailto:bert@seascape-design.com]  
**Sent:** Monday, October 8, 2018 1:55 PM  
**To:** 'Jerry Busch' <Jerry.Busch@santacruzcounty.us>  
**Subject:** RE: Olsen Garage

Hi Jerry:

I was not able to call last Friday. I am going to call you now but thought that it may be helpful to send the two attached perspective drawings first.

See you tomorrow at 10 AM.

Good day, Bert

---

**From:** Jerry Busch [mailto:Jerry.Busch@santacruzcounty.us]  
**Sent:** Friday, September 28, 2018 6:13 PM  
**To:** Bert Lemke <bert@seascape-design.com>  
**Subject:** RE: Olsen Garage

See you then.



---

**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Friday, September 28, 2018 5:19 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: Olsen Garage

Hi Jerry:

I think Perry will prefer for me to represent him at the meeting. But I will let him know that he is welcome to attend. Thanks.

I will call before our meeting, but I will not be available until Friday, October 5.

Best regards, Bert

---

**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Friday, September 28, 2018 4:32 PM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Cc:** Steven Guiney <[Steven.Guiney@santacruzcounty.us](mailto:Steven.Guiney@santacruzcounty.us)>  
**Subject:** RE: Olsen Garage

Hi, Bert –

It is up to you. If you think it would be more productive than carrying back to him the results of our discussion, then he is invited.

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:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Friday, September 28, 2018 3:09 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: Olsen Garage

Hi Jerry:

OK, I will plan to meet you at 10 AM on Tuesday, October 9 in the County Planning large conference room. I will call you when I arrive.

Should I ask the property owner, Perry Olsen attend? I have keep him posted about our pending meeting. Thanks.

Best regards, Bert

---

**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Friday, September 28, 2018 2:15 PM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Subject:** RE: Olsen Garage

Hi, Bert –

Is 10:00 a.m. OK? I have reserved the Large Conference room, so, if that works, just call me when you get here, 454-3234.

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:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Friday, September 28, 2018 1:35 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: Olsen Garage

Hi Jerry:

Yes, I can meet you on October 9. What time and where would you like to meet?

The property owner intended to submit a letter to the zoning administrator. Did you receive it? If not, he will probably get it submitted on Monday.

Best regards, Bert

---

**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Friday, September 28, 2018 12:41 PM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Subject:** RE: Olsen Garage

Hi, Bert –

Would you be available Oct. 9?

Jerry

---

**From:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Sent:** Tuesday, September 25, 2018 11:28 AM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** RE: Olsen Garage

Hi Jerry:

Thank you for the letters. I will review them as soon as possible.

Yes, I would be very happy to meet with you to discuss potential solutions. The property owner has invested a lot & I do not care for him to lose it. Is there a time that we can meet this week? I have some appointments but open time too. Friday is a good day if you are available then. I am not available next week. Thanks.

Best regards, Bert

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**From:** Jerry Busch [<mailto:Jerry.Busch@santacruzcounty.us>]  
**Sent:** Tuesday, September 25, 2018 10:33 AM  
**To:** Bert Lemke <[bert@seascape-design.com](mailto:bert@seascape-design.com)>  
**Subject:** RE: Olsen Garage

Hi, Bert –

Please find attached.

Would you like to meet to discuss potential solutions?

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](mailto:bert@seascape-design.com)>  
**Sent:** Wednesday, September 19, 2018 4:03 PM  
**To:** Jerry Busch <[Jerry.Busch@santacruzcounty.us](mailto:Jerry.Busch@santacruzcounty.us)>  
**Subject:** Olsen Garage

Hi Jerry:

I believe that you stated at the hearing that you received correspondence from 4 persons. I know of one from Todd Zazelenchuk and one from Micheal Saint. Will you please email copies of the other letters that you received? Thank you.

Best regards, Bert

September 27, 2018

Zoning Administrator

County of Santa Cruz Planning Department

701 Ocean Street

Fourth floor

Santa Cruz, CA 95060

Reference: 524 Santa Margarita Dr., Aptos, CA

Application Number 171374

Dear Zoning Administrator:

This matter was set for hearing before you on September 7, 2018 at which time you continued it until November with the request that we put up poles on the premises to show where the garage would be and consider reducing the garage's size.

We do not have the money to pay for the poles which would cost several thousand dollars to build, remove and repair damage so we will not be able to comply with your request that we do. We have already paid \$32,347.10 in county fees, professional services, studies, reports and plans. Also we have already considered reducing the size of the garage and the architect has lowered it as far as we can. We do not have more money for this phase of the garage and ask you to base your decision on what you have and this letter and materials submitted with it. We will not be paying our architect to appear at the hearing.

Mrs. Zazelenchuk told me that poles would be meaningless to her unless they supported netting that covered all the outside surfaces of the garage. When we took photographs of the pole I cut, Mr. Zazelenchuk said that he could take photographs of them and the flower pots marking the corners, draw lines on the photographs, and see where the garage would be. I took one photograph from inside their living room on which I have marked where the top of the roof would be and the eastern side. The western side is three feet from the eve of the house so

EXHIBIT I

it shows almost all of that side. As you can see the garage would not block any of their view of the ocean. They can still see two blocks behind our house to Club House Road. This is a distance of three houses and two streets behind us. They can even still see the golf course, its parking lot and clubhouse. The bucket on the carport roof closest to the street marks the street side wall.

The Zazelenchuk's house that we look at across the street is two stories high from street level. The neighbor adjacent to us has a street level garage. I have enclosed photographs that show both.

The Zazelenchuk's property has either driveway or a retaining wall which is about one foot from the gutter on 100% of the front of their property. The Bell's property next door has driveway on 100% of its border with the street. I understand that both Mr. and Mrs. Bell submitted letters. I think that from the photographs I submit that you can get a good idea of what things are here.

One of our neighbors, on his own submitted a letter to you in support of the garage. I did not see it in the report so I am enclosing a copy which he gave me.

The main reason for this garage is that we would like to install solar panels or tiles and convert to electric cars. We need a roof of the size proposed to provide sufficient space to generate enough electricity. Our present roof does not have a good solar orientation for solar panels or tiles. We have three bedrooms in our house and three cars. The staff report is mistaken where it says we have three electric cars. We do not. We have three hybrid cars, one of which is a plug in which makes it electric, but it only has a range of about 28 miles on electricity. We would like to have three electric cars, but need the garage to do it. Our present carport will not work because the electric cars would be damaged. My plug in hybrid hits the bottom front of it whenever it goes in or out of the carport where the floor ends and the driveway begins. My wife's car hits the bottom in the middle at the curb side of the driveway almost every time she backs into the driveway when I am in the car. We have to back in because otherwise we could not see cars or people on the road when leaving the driveway. My wife has broken both of her side mirrors in the driveway hitting the power pole and carport. We also need a secure place for the charging stations for the cars. Another problem with the driveway shown on the survey we had done for this garage, shows that sixteen feet of it is actually not on this lot, but is on the lot next door. The driveway measured where the asphalt meets the street is 26 feet. The boundary marker stick shows sixteen feet of that is on the adjacent lot.

The percentage of driveway on the street is high again because of the shape of our lot. It is kind of a triangle in shape with the narrow side being on the street. The drawings show our



back boundary is 95.58 feet. In front only about 47 feet is on the street curb. If the property was more rectangular, the percentage would be smaller.

The planner feels that the garage meets the criteria for a variance as does the architect. If you do not feel it should be approved, we will not have a place for solar panels or for electric cars.

After the prior hearing, I told our architect that we will not pay him to attend the continued hearing and did not have money to incur further expenses for obtaining a variance. I did not expect to have a representative at the hearing, and expected to submit it on what is before you. About two weeks later the architect contacted me and said that he planned to attend the hearing at no charge to me so he will be there.

Sincerely,

Perry Olsen

cc with enclosures)

Mr. Jerry Busch

Mr. and Mrs. Zazelenchuk

Mr. Bert Lemke

**Zoning Administrator  
Attn: Jerry Busch, Project Planner  
Ref: Item #2. 171374  
APN:044-221-13**

**My name is Micheal Saint a property owner at 516 Santa Marguarita Dr. Aptos Ca. After receiving the Public Notice, I decided to meet with the owner of 524 Santa Marguarita Dr. Mr. Perry Olsen to get more information about the project so I could make a informed opinion about the required Variance plus other exceptions.**

**Mr. Olsen was very forthcoming about the project and even showed me the plans and suggested I go across the street to see the effect if any of his neighbor losing an Ocean view.**

**After doing all of the above I came to the conclusion that this project would be an improvement to the street we live on and would improve Mr. Olsen's property, and would only slightly block some of his neighbors view of trees not the Ocean.**

**There is also some precedent set for allowing this variance since his neighbor east of Mr. Olsen's property was granted a Variance a few years ago. Mr. Olsen's Variance request seems to be very similar to his neighbors thus keeping a consistency of look for aesthetic reasons.**

**I see no reason to not grant Mr. Olsen's Variance and exceptions that the project requires.**

**Sincerely, Micheal Saint**

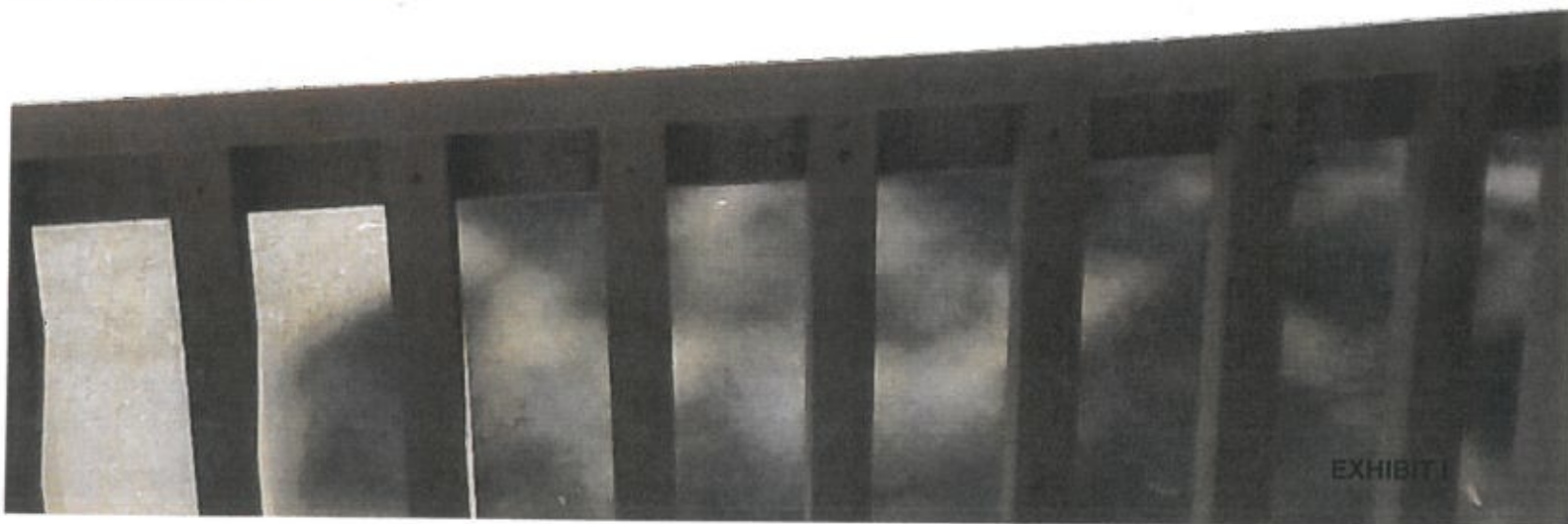






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Garage as Conditioned, One Foot Lower than Proposed Garage





Garage Outline as Conditioned, One Foot Lower than Proposed Garage

