



Staff Report to the Zoning Administrator

Application Number: **09-0103**

Applicant: Andreas Kahl
Owner: Andreas Kahl
APN: 091-012-66

Agenda Date: December 4, 2009
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to construct a two story, three bedroom, two and a half bathroom single family dwelling with an attached garage. Requires a Variance to reduce the required 40-foot front yard setback to 9-feet and Preliminary Grading Review to grade approximately 764 cubic yards.

Location: Property located at approximately ½ mile north of the Bear Creek Road - Sunset Ridge Road intersection (no situs).

Supervisory District: 5th District (District Supervisor: Mark Stone)

Permits Required: Variance

Technical Reviews: Preliminary Grading Review, Geologic Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 09-0103, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	442,858 square feet (10 ac)
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Vacant, Timber Harvesting, and Residences
Project Access:	Sunset Ridge Road
Planning Area:	Skyline

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

Land Use Designation: R-M (Mountain Residential)
Zone District: SU (Special Use)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Area of high seismic activity; Technical Reports identify seismic cracking and slope stability as the issues of greatest concern. Proposed residence to be located within a designated geologically suitable building envelope. Geologic report reviewed and accepted by County Staff on 6/25/09.

Soils: Butano Formation Bedrock overlain by Colluvium

Fire Hazard: Partially located within a mapped fire hazard area. CalFire requirements to provide minimal improvements to turnouts along Sunset Ridge Road and to provide a turnaround and water storage onsite.

Slopes: Parcel slopes steeply downward to the west; slopes over 50%

Env. Sen. Habitat: Partially located within a mapped Timber Resource area.

Grading: Approximately 764 cubic yards of cut and 55 cubic yards of fill proposed.

Tree Removal: Trees at building site and within grading limits proposed for removal.

Scenic: Not a mapped resource

Drainage: Drainage improvements to include hardpiping runoff behind retaining walls to dispersion system in slope; road runoff to utilize existing drainage ditch.

Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside

Water Supply: Existing private well

Sewage Disposal: Septic

Fire District: CalFire

Drainage District: None

History

The subject parcel was created by deed on January 18, 1972.

Project Setting

The parcel is located on Sunset Ridge Road about $\frac{3}{4}$ of a mile from the intersection with Bear Creek Road. Sunset Ridge Road is a gated, private road that has a 40 foot right of way and a paving width that varies between 10 feet and 13 feet in the location of the subject parcel. Sunset Ridge Road is a steep, winding roadway with blind corners and, with the exception of a few existing substandard turnouts, the road width accommodates only one lane of traffic in that it is

located between a cliff face and a steep drop off; however, there are several existing homes that are accessed by Sunset Ridge Road and the existing conditions are not uncommon for a rural mountain road.

The parcel is approximately 10 acres; however, about 9.7 acres are steep slopes (over 50%) that are unbuildable and fairly inaccessible as well. The proposed building site is located at the top of a ridge crest which is made up primarily of butano formation bedrock and is located on the eastern side of the property



View from the north of the proposed building site located at the east side of the parcel.

The proposed building site is immediately adjacent to a site that was developed with a single family dwelling in 1999.

Detailed Project Description

The property owner is proposing to construct a two story, three bedroom, two and a half bathroom single family dwelling with an attached garage at the subject property and above shown building site. Due to the geologic constraints of the parcel and building site, the property owner is requesting a reduction to the required 40 foot front yard setback to allow for a nine foot front yard setback as measured from the edge of the existing 40 foot right of way.

The submitted grading plans indicate that the project will require 764 cubic yards of cut and 55 cubic yards of fill which will allow the property owner to cut into the existing ridge and create a flat building site with a driveway and fire truck turnaround. In addition, three standard sized parking spaces will be provided on site.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 10 acres, located in the SU (Special Use) zone district, which, for this parcel, most closely resembles the Residential Agriculture (RA) zone district. The proposed single family dwelling is a principal permitted use within the zone district and the project is consistent with the site's Mountain Residential (R-M) General Plan designation.

	Required as per County Code 13.10.323(b) RA District	Proposed Setbacks (approximate)
Front Yard	40'	9' (Variance Required)
Side Yards	20' & 20'	>20' both sides
Rear Yard	20'	>800'
Maximum Height	28'	20'
Lot Coverage	10%	<1%

Variance Analysis

The proposal is to reduce the required front yard setback from 40 feet to 9 feet. There are several reasons to support the proposed variance and staff was able to make all of the findings to allow for the construction of the single family dwelling in the proposed location.

Sunset Ridge Road is a small, winding mountain road with a paving width that varies between 10 feet and 13 feet at the parcel frontage. In contrast, the private right of way for Sunset Ridge Road is 40 feet wide and encompasses unbuildable areas such as steep downhill slopes and cliff faces on either side of the roadway; therefore, it is unlikely that the road will ever be improved to fully utilize the extent of the right of way. The project does not include a request to construct *within* the right of way; therefore, the right of way would remain available for improvements as needed. A 9 foot setback measured from the edge of the right of way is equivalent to an approximately 26 foot setback measured from the edge of the road as traveled and a portion of the existing ridge would remain between the roadway and the residence; therefore, the development will not significantly change existing conditions for motorists.

In addition, although the subject parcel is approximately 10 acres, most of the parcel is made up of heavily wooded, steep slopes over 50% that are not only unbuildable, but are likely inaccessible as well. The proposed building site was chosen based upon its accessibility from the roadway and also upon extensive geologic and geotechnical studies to ensure that the site is feasible for the proposed construction. The subject parcel would likely be unbuildable without a variance approval to reduce the required front yard setback.

Emergency Access

The subject parcel is under the jurisdiction of the County Fire District (CalFire) who has determined that the existing roadway (Sunset Ridge Road) is substandard and that it is not environmentally feasible to improve the roadway to meet the full fire district standards for emergency access. There are 13 existing turnouts along Sunset Ridge Road, which are identified on the Road Profile and Turnout Locations Sheet within the Exhibit A plan set. The existing turnouts are also substandard with respect to current requirements; however, the Fire District has determined that minimal improvements can be made to increase the effectiveness of the turnouts, such as resurfacing and/or removing vegetation within the turnout. These minimal improvements will be required by CalFire with their review of the building permit application for the proposed project to fulfill emergency access requirements.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **09-0103**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Variance Findings

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

Sunset Ridge Road is a private, winding, mountain road with a 40 foot right of way and a paving width that varies between 10 feet and 13 feet. The 40 foot right of way encompasses almost no developable area on either side of the road in that there is a hill on one side and a steep downward cliff on the other side for almost the entire length of the roadway from Bear Creek Road to the subject parcel. The 40 foot right of way is considered to be a special circumstance in that 40 feet is unusually and unnecessarily wide for the small rural mountain area and it does not encompass developable area. Further, the property is burdened by the requirement to measure the front yard setback from the edge of the right of way which already extends about 20 feet onto the geologically feasible building site in certain locations.

The parcel is surrounded by steep slopes which are undevelopable from a geologic standpoint. The proposed building site, however, is located on a ridge and has been reviewed by the project engineering geologist and the County Environmental Planning Staff for health and safety impacts associated with the construction of a residence. The relatively small building site has been determined to be geologically feasible for construction and application of the standard 40 foot front yard setback measured from the edge of the Sunset Ridge Road right of way would eliminate a significant portion of the already constrained building area.

Surrounding parcels are also subject to the geologic constraints of the steep mountainous area and, when permits are obtained, surrounding homes are also limited to geologically feasible building envelopes. In this way, the location of the geologically feasible building areas dictate the location of the home rather than the County required setbacks. Consequently, the Variance to the front yard setback for the proposed residence does not constitute a special privilege for this property based on the fact that similar privileges would be considered on other parcels in the vicinity with similar circumstances. The strict application of the front yard setback requirement would deprive the property of privileges enjoyed by other properties in the area, specifically that of a single family dwelling where one would otherwise not occur.

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

The proposed single family dwelling will be located adjacent to an existing single family dwelling on the north adjacent parcel and will not adversely affect access to light, air or privacy for the neighboring residence in that the minimum required 20-foot side yard setbacks will be exceeded. The project will retain a portion of the ridge located along Sunset Ridge Road; therefore the new residence will be partially screened from the viewshed of the private roadway. The structure's proposed location is adjacent to the neighbor's driveway and both driveways will essentially "connect" to create an adequate fire truck turnaround for emergency access. The proposed Variance will not be detrimental to the surrounding neighborhood in that the

appearance and modest size of the proposed dwelling at approximately 2,217 square feet will blend in with the surrounding existing homes and the natural environment and the use is compatible with the area and the purpose of the zone district. The structure will not result in line of sight conflicts in that the road conditions will remain similar to what currently exists and no structures are proposed to be located within the private right of way. The project will not be materially detrimental to public health, safety, or welfare or be injurious to property or improvements in that the structure will be located in a geologically feasible building envelope.

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.

Other properties within the neighborhood are of comparable size and have similar topographic and geologic conditions where there are limited building sites due to steep slopes and inaccessibility. In addition, safe building sites are an arguable necessity for the area due to the close proximity to a County mapped fault zone. The proposed building site is likely the only buildable location on the parcel due to the steep topography and heavily wooded remaining acreage and is ideal due to its accessibility from the existing Sunset Ridge Road. Other properties in the vicinity are also subject to these physical limitations and building sites are confined to limited accessible and buildable locations rather than defined by standard County setbacks for the zone district. Therefore, granting of this Variance will not constitute a grant of special privilege inconsistent with the limitations upon similarly sized properties in the area.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

The construction of a new 2,217 square feet at the designated building site off of Sunset Ridge Road will not be detrimental to the health, safety or welfare of persons residing in the neighborhood or the general public in that Sunset Ridge Road is a private, gated road that is not accessible to the general public and that one new residence will not increase traffic for residents on Sunset Ridge Road to an unsafe level. The project will retain a portion of the existing ridge between the residence and the roadway, therefore the view of the parcel from the roadway will not change significantly from what currently exists. The project will benefit the neighborhood in that it includes the construction of a large driveway with a fire truck turnaround that will accommodate emergency response vehicles as well as provide an additional turnout for private vehicles. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources. The project will not be materially injurious to properties or improvements in the vicinity in that the only setback that is proposed to be reduced is the front yard setback from the roadway rather than from an adjacent residence and no structures will be located within the private road right of way. Additionally, the resulting structure will be located about 26 feet from the edge of the road as traveled which is an adequate separation for safety and a portion of the existing ridge will remain between the road and the structure to provide an additional barrier.

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.

The project is located in the Special Use (SU) zone district. In this case, the subject parcel most closely resembles the Residential Agriculture (RA) zone district, which is commonly used to designate rural, mountain properties. The new single family residence is consistent with the zoning and General Plan designation (Mountain Residential), with the exception of the required 40 foot front yard setback requirement, and with the purpose of the Residential Agriculture zone district in that the primary use of the property will be one single family dwelling; therefore, this finding can be made.

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.

The project is located within the R-M (Mountain Residential) General Plan land use designation, the purpose of which is twofold: to provide for very low density residential development in areas which are unsuited to more intensive development due to the presence of physical hazards and development constraints; and to maintain a large proportion of the County in open space to retain existing rural scenic character and a sustainable environment. The single family dwelling

achieves both objectives of the R-M designation in that one moderately sized (approximately 2,217 square foot) single family dwelling will be located on a 10 acre parcel and the remaining approximately 9.7 acres will remain undisturbed as rural, wooded, open space. The only permitted disturbance on the parcel is that which is shown on Exhibit A or clearly described in the accepted Geotechnical Report and a specific plan has not been adopted for this area; therefore, this finding can be made.

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 single family dwelling is to be constructed on an existing undeveloped lot and the expected level of traffic generated by the proposed project is anticipated to be only 1 peak trip per day (1 peak trip per dwelling unit). Such an increase will not adversely impact existing roads and intersections in the surrounding area. In contrast, the project will improve existing roadway access by improving turnouts on Sunset Ridge Road as per CalFire standards and will include the construction of a fire district compliant turnaround to more effectively serve emergency vehicles as well as private vehicular traffic on the narrow roadway.

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.

The proposed single family dwelling will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the land use intensities of the rural mountain area in that the proposed structure will be consistent with the purpose of the residential zone district and over nine acres of land will remain as undisturbed open space. Additionally, the project will retain a portion of the existing ridge between the residence and the roadway so the view of the parcel from the roadway will not change significantly from what currently exists. The project will improve existing roadway access by improving turnouts on Sunset Ridge Road as per CalFire standards and a fire district compliant turnaround will be constructed as a part of the project to more effectively serve emergency vehicles.

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

This finding can be made, in that the proposed single family dwelling is consistent with the scale and mass of existing residences on surrounding properties and the residence has been designed to maximize the effectiveness of solar panels which are proposed as a part of the project. The single family dwelling will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project Plans, 11 sheets. Site Plan undated, prepared by Terra Firma (base map by Dunbar and Craig 9/30/06); Road Profile and Turnout Locations, dated 8/27/09, prepared by Rumen Deyanov and Andreas Kahl; Grading and Drainage Plan, revised 9/8/09, prepared by Terra Firma; Sheets 1 - 7, dated 7/08 & Sheet 8, revised 6/4/09, prepared by Designs to a "T", Inc.

- I. This permit authorizes the construction of a two story, three bedroom, two and a half bathroom single family dwelling of approximately 2,217 square feet with an attached garage. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors. Materials shall be the same as those approved by this Discretionary Application.
 2. Grading, drainage, and erosion control plans.

- a. Drainage plans shall be signed and stamped by a licensed geotechnical engineer and shall include the following:
 - i. Clarify how the existing 8" pvc pipe will intercept runoff from the existing ditch on Sunset Ridge Road and demonstrate that the existing pipe is adequate to handle the amount of runoff being directed to it. Please Note: This interception and channeling on-site shall in no way be construed to permit illegal diversion of surface runoff.
 - ii. Calculations showing how the slope infiltrators were sized.
 - iii. The limits of the proposed trench along the driveway and how it will tie into the dispersal system.
 - iv. Demonstrate conclusively that runoff will not adversely impact roads or downslope properties.
 - b. All graded slopes must be a maximum of 2:1 per Section J106. Please Note: two different exceptions can be made to these 2:1 slopes as per the geotechnical and geologic report acceptance letter.
 - c. The geotechnical engineer and the engineering geologist shall review and approve all plans before they are submitted to the County of Santa Cruz. Their review shall specifically include approval of the septic system location with regards slope stability. Plan review letters from the geotechnical engineers and engineering geologist shall confirm that the potential for unclassified fill to impact the proposed development has been adequately mitigated.
3. Details showing compliance with fire department requirements. The proposed structure(s) are located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
 4. Final plans shall reference the accepted soils and geology reports and include a statement that the project shall conform to the reports' recommendations.
 5. The Building Envelope for the home and the Leach Field Envelope the septic system drain field shall be shown on all site plans for Building, Development or Septic System Permits.
 6. Details showing radii in compliance with the County Design Criteria at intersection of Sunset Ridge Road and Bear Creek Road. Details shall include any grading associated with the improvement.

- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - C. Complete and record a Declaration of Geologic Hazards. A copy of the recorded Declaration shall be submitted with the building permit application.
 - D. Submit an electronic copy of the soils and geology reports and addendum in .pdf format. This document may be submitted on compact disk or emailed to pln829@co.santa-cruz.ca.us.
 - E. Meet all requirements of the County Department of Public Works, Stormwater Management.
 - F. Submit a copy of a recorded maintenance agreement for the approved drainage system. Please contact the Santa Cruz County Recorder's office for appropriate recording procedure. The maintenance agreement can be picked up at the Department of Public Works office or found online at: <http://www.dpw.co.santa-cruz.ca.us/Storm%20water/FigureSWM25.pdf>
 - G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - H. Meet all requirements and pay any applicable plan check fee of the Santa Cruz County Fire Protection District.
 - I. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
 - J. Pay the current fees for Parks and Child Care mitigation for 3 bedroom(s). Currently, these fees are, respectively, \$578 and \$109 per bedroom.
 - K. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - L. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.

- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The civil engineer shall inspect the drainage improvements on the parcel and provide the County Public Works Department with a letter confirming that the work was completed per the plans. The letter shall be specific as to what features were inspected. Notes of general conformance to plans are not sufficient. An as-built plan may be submitted in lieu of the letter.
- D. The project must comply with all recommendations of the approved soils and geology reports.
- E. Submit verification that the radii at the intersection of Sunset Ridge Road and Bear Creek Road were improved to meet County Design Criteria.
- F. No structures are permitted within the private road right of way.
- G. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

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

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

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

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

Application #: 09-0103
APN: 091-012-66
Owner: Andreas Kahl

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Samantha Haschert
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 09-0103

Assessor Parcel Number: 091-012-66

Project Location: No Situs

Project Description: Proposal to construct a single family dwelling with a Variance to reduce the required 40-foot front yard setback to 9-feet.

Person or Agency Proposing Project: Andreas Kahl

Contact Phone Number: (408) 590-5604

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

Specify type:

E. ☒ Categorical Exemption

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Construction of a single family dwelling in an area designated for residential development.

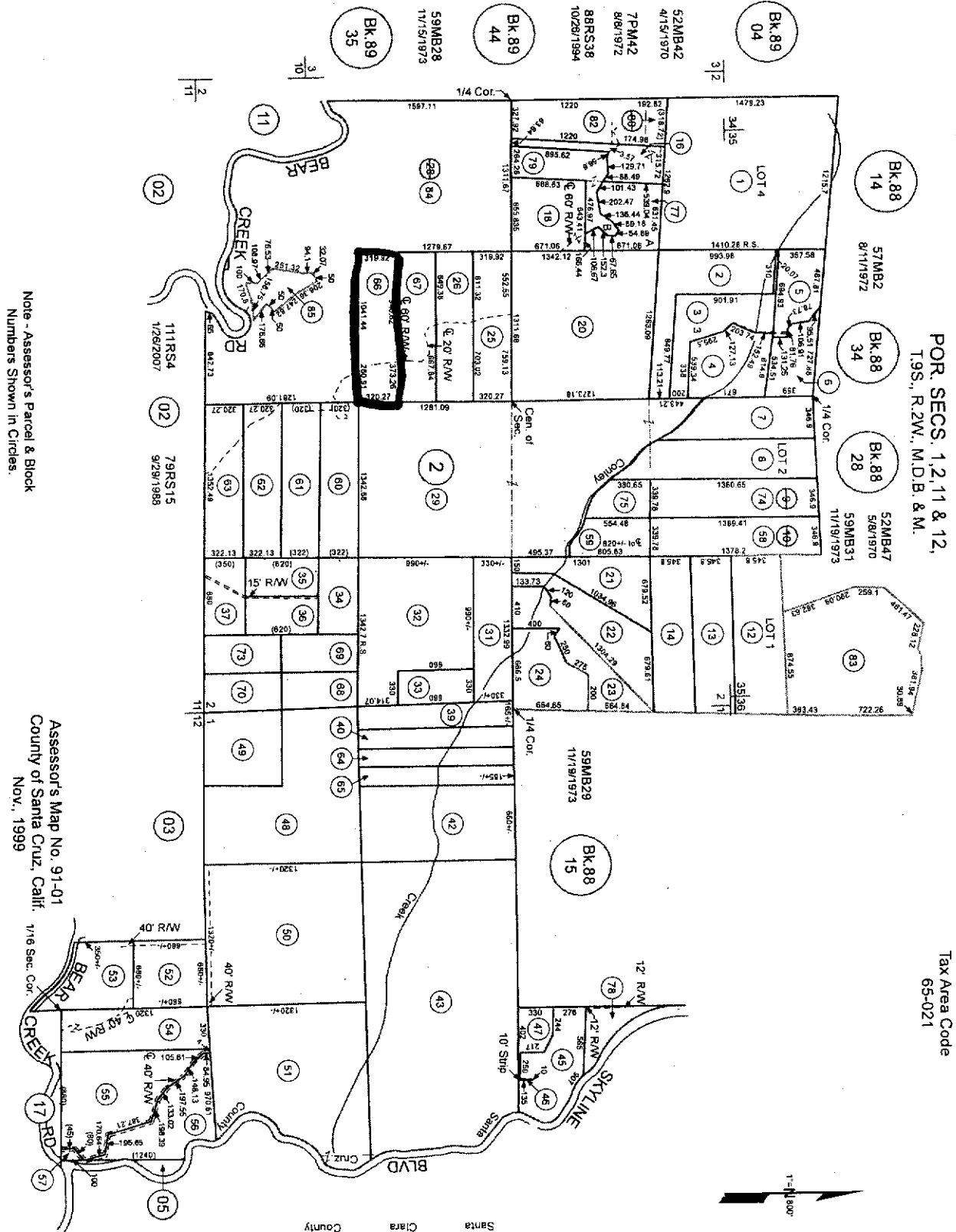
In addition, none of the conditions described in Section 15300.2 apply to this project.

Samantha Haschert, Project Planner

Date: _____

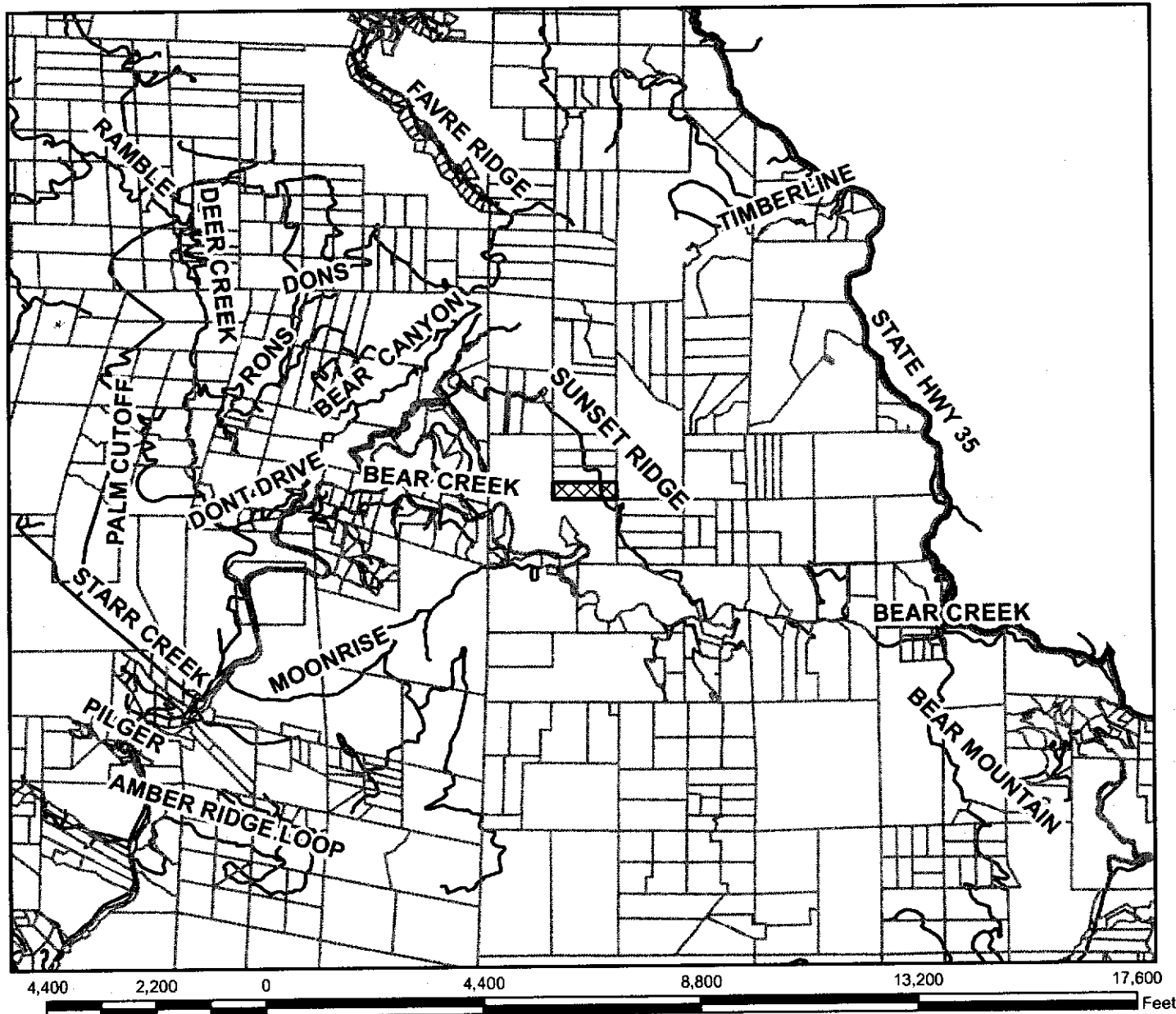
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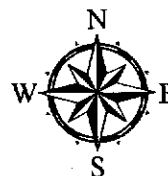


Location Map



LEGEND

-  APN: 091-012-66
-  Assessors Parcels
-  Streets
-  State Highways
-  County Boundary

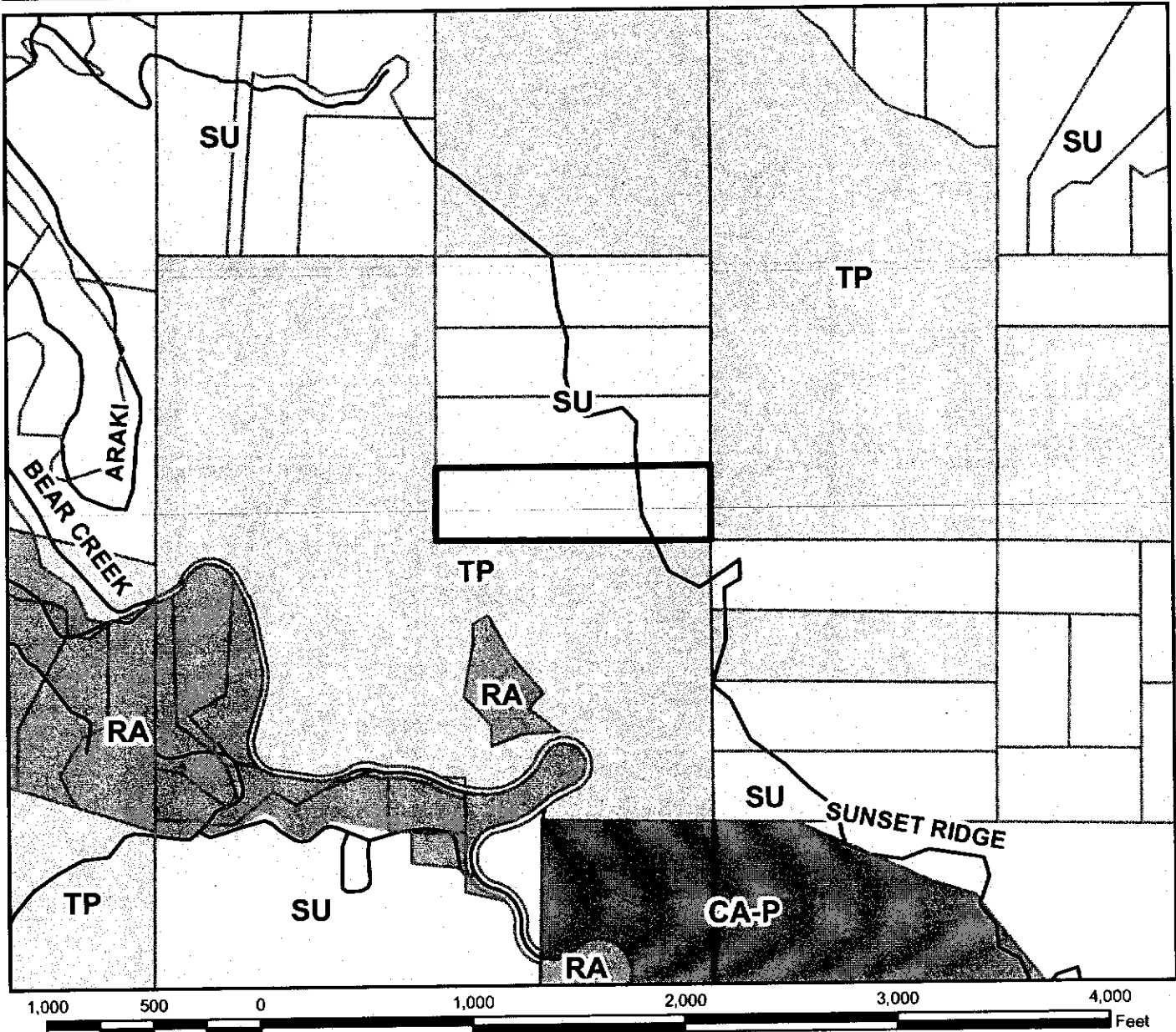


Map Created by
County of Santa Cruz
Planning Department
November 2009

EXHIBIT E

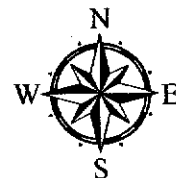


Zoning Map



LEGEND

- APN: 091-012-66
- Assessors Parcels
- Streets
- SPECIAL USE**
- TIMBER PRODUCTION
- AGRICULTURE RESIDENTIAL
- AGRICULTURE COMMERCIAL

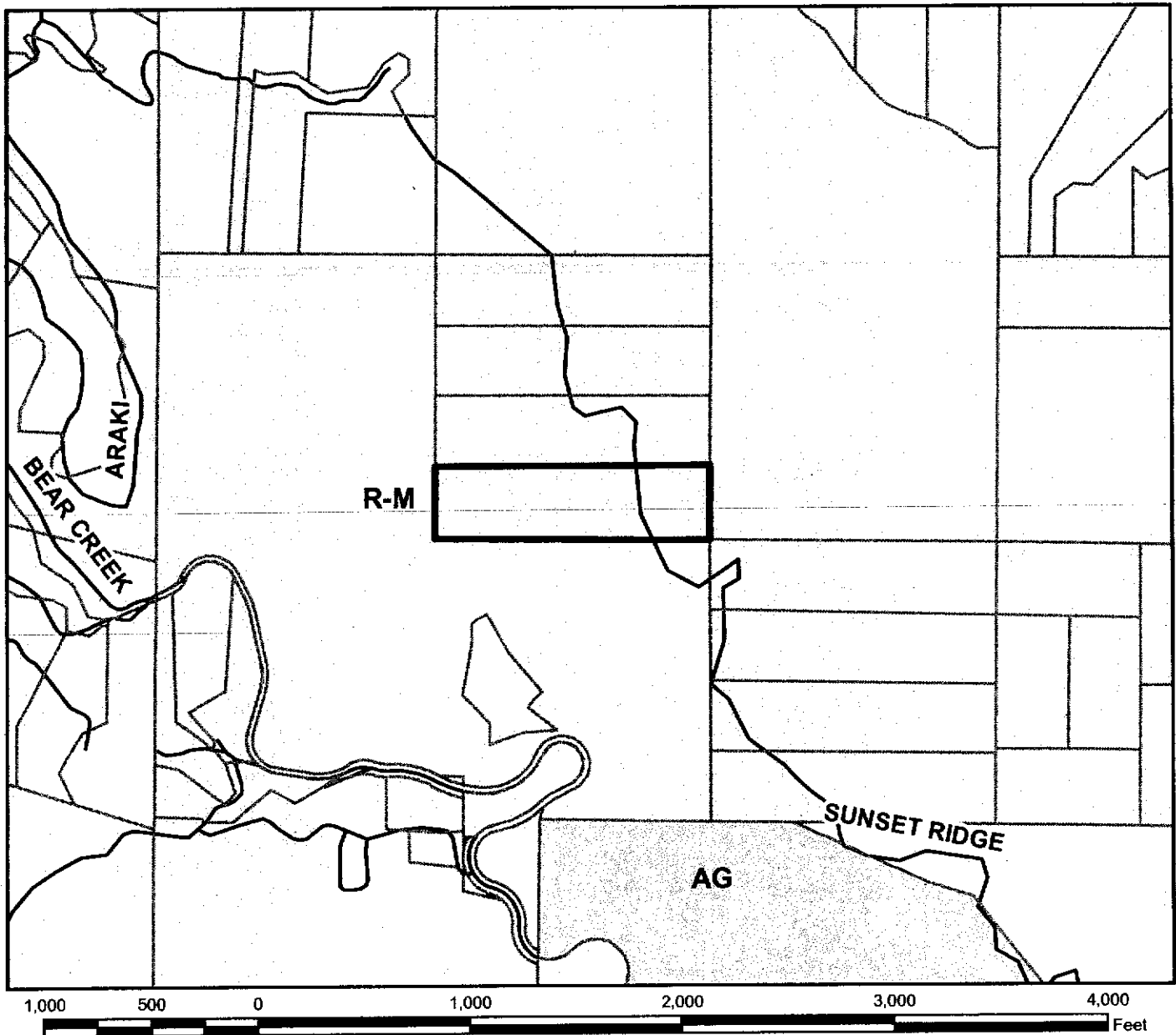


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County of Santa Cruz
Planning Department
November 2009






EXHIBIT E

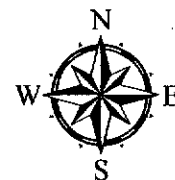


General Plan Designation Map



LEGEND

-  APN: 091-012-66
-  Assessors Parcels
-  Streets
-  Residential-Mountain
-  Agriculture



Map Created by
County of Santa Cruz
Planning Department
November 2009

EXHIBIT E

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

Project Planner: Samantha Haschert
Application No.: 09-0103
APN: 091-012-66

Date: November 4, 2009
Time: 13:58:17
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Environmental Planning Completeness Comments

===== REVIEW ON MAY 8, 2009 BY CAROLYN I BANTI =====

++ First Review Completeness ++ Soils and Grading ++

1. Two grading cross sections, both labeled A-A-, are shown on the grading plans. Please revise the plan to include the section in the north-south direction.
2. Please provide grading calculations for the quantities reported on the grading plans, Sheet G1.
3. Due to excavation volumes greater than 1000 cubic yards, this project is subject to environmental review. Please apply for this review and pay the required at-cost deposit.

Environmental Planning Miscellaneous Comments

===== REVIEW ON MAY 8, 2009 BY CAROLYN I BANTI =====

++ First Review Compliance ++ Soils and Grading ++

1. It appears that grading for the residence may be minimized by utilizing alternate site design approaches, such as retaining walls, that would not require major grading, as required by Code Section 16.22.050(a) and General Plan Policies and GP Code Section 6.3.9(c). Please revise.

Dpw Drainage Completeness Comments

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

===== REVIEW ON APRIL 20, 2009 BY GERARDO VARGAS =====

1. The stormwater management plan is insufficiently developed, and complete review cannot be made as a result. The applicant remains subject to additional review comments.
2. Applicant should provide drainage information to a level addressed in the -Drainage Guidelines for Single Family Residences- provided by the Planning Department. This may be obtained online: <http://www.sccoplanning.com/brochures/drain.htm>
3. Indicate on the plans the manner in which building downspouts will be discharged. Proposing downspouts as discharged directly to the storm drain system is generally inconsistent with efforts to hold runoff to pre-development rates.
3. Please provide a detail describing how the driveway will conform to existing roadside facilities. Road drainage should not be blocked by the proposed driveway. Provide a typical cross section of the existing road swale and details describing how drainage will be accommodated across/under the proposed driveway.

The applicant is encouraged to discuss the above comments with the reviewer to avoid

Discretionary Comments - Continued

Project Planner: Samantha Haschert
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unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON OCTOBER 6, 2009 BY GERARDO VARGAS ===== Application 09-0103 has been approved for the discretionary stage in regards to drainage. Please see miscellaneous comments to be addressed at the building application stage.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON APRIL 20, 2009 BY GERARDO VARGAS =====

No Comment ===== UPDATED ON OCTOBER 6, 2009 BY GERARDO VARGAS ===== 1. It is unclear how the (E) 8- PVC pipe will intercept runoff from the (E) ditch on Sunset Ridge. Please clarify.

Note: This interception and channeling on-site shall in no way be construed to permit illegal diversion of surface runoff.

2. Demonstrate that the (E) 8- pipe is adequate to handle the amount runoff being directed to it.

3. Please include calculations showing how the slope infiltrators were sized.

4. Please show the limits of the proposed trench along the driveway and show how it will tie into the dispersal structure.

5. Any design for a concentrated runoff recharge structure located on or just above slopes greater than 25% will require the review and stamped, signed approval by a licensed geotechnical engineer.

Revision should demonstrate conclusively that runoff will not adversely impact roads or downslope properties.

The civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received. This applies to new SFD applications or projects under review. The civil engineer's letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of general conformance to plans are not sufficient. An as-built plan may be submitted in lieu of the letter

A recorded maintenance agreement will be required for the proposed drainage system. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedure. The maintenance agreement form can be picked up from the Public Works office or can be found online at: <http://www.dpw.co.santa-cruz.ca.us/Storm%20Water/FigureSWM25.pdf>

Discretionary Comments - Continued

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The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON APRIL 2, 2009 BY DAVID GARIBOTTI =====
No Comment, project adjacent to a non-County maintained road.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON APRIL 2, 2009 BY DAVID GARIBOTTI =====
No comment.

Dpw Road Engineering Completeness Comments

===== REVIEW ON APRIL 16, 2009 BY ANWARBEG MIRZA =====
1. In order to evaluate access to the single-family dwelling, show how property obtains access road to the county road system and provide details (such as pavement conditions, sight distance issue etc.) of intersection of Sunset Ridge Rd and County Road in plan view.

(Photos/digital pictures of the intersection are preferable) ===== UPDATED ON
SEPTEMBER 23, 2009 BY ANWARBEG MIRZA =====
Complete. See Misc. comments.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON APRIL 16, 2009 BY ANWARBEG MIRZA =====
===== UPDATED ON SEPTEMBER 23, 2009 BY ANWARBEG MIRZA =====
A hold will be placed on the building permit to verify that the radii had been repaired per the County of Santa Cruz Design Criteria. Building permit will not be finalized until the requirement is met. (No EP required)

Environmental Health Completeness Comments

===== REVIEW ON APRIL 15, 2009 BY JIM G SAFRANEK ===== Applicant received an approved Septic Site Evaluation and well permit application. Permit is approved by EHS.

Environmental Health Miscellaneous Comments

===== REVIEW ON APRIL 15, 2009 BY JIM G SAFRANEK =====
NO COMMENT

Cal Dept of Forestry/County Fire Completeness Comm

===== REVIEW ON APRIL 6, 2009 BY COLLEEN L BAXTER =====

Discretionary Comments - Continued

Project Planner: Samantha Haschert
Application No.: 09-0103
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DEPARTMENT NAME: SANTA CRUZ COUNTY FIRE

Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT, with an annotated copy of this letter:

Note on the plans that these plans are in compliance with California Building and Fire Codes (2007) as amended by the authority having jurisdiction.

Each APN (lot) shall have separate submittals for building and sprinkler system plans.

The job copies of the building and fire systems plans and permits must be onsite during inspections.

Fire hydrant shall be painted in accordance with the state of California Health and Safety Code. See authority having jurisdiction.

NOTE that the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval. Installation shall follow our guide sheet.

NOTE on the plans that an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT.

Building numbers shall be provided. Numbers shall be a minimum of 4 inches in height on a contrasting background and visible from the street, additional numbers shall be installed on a directional sign at the property driveway and street.

NOTE on the plans the installation of an approved spark arrester on the top of the chimney. The wire mesh shall be 1/2 inch.

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

The access road shall be 20 feet minimum width and maximum twenty percent slope.

All bridges, culverts and crossings shall be certified by a registered engineer.

Minimum capacity of 25 tons. Cal-Trans H-20 loading standard.

SHOW on the plans, DETAILS of compliance with the driveway requirements. The driveway shall be 18 feet minimum width and maximum twenty percent slope.

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

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

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

Driveways that serve three or more homes are required to be widened to 18 feet.

The turnaround as shown on your plans must have 16 foot wide entrances with a 20 foot turning radius from each side. Your proposed turnaround does not meet the requirements of CALFIRE a handout of the dimensions for an approved turnaround has been attached to your notes for review. ===== UPDATED ON APRIL 7, 2009 BY COLLEEN L BAXTER =====

===== UPDATED ON APRIL 7, 2009 BY COLLEEN L BAXTER =====

===== UPDATED ON OCTOBER 14, 2009 BY COLLEEN L BAXTER =====

===== UPDATED ON OCTOBER 14, 2009 BY COLLEEN L BAXTER =====

===== UPDATED ON OCTOBER 14, 2009 BY COLLEEN L BAXTER =====

DEPARTMENT NAME:

Discretionary Comments - Continued

Project Planner: Samantha Haschert
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SHOW on the plans a 10,000 gallon water tank for fire protection with a "fire hydrant" as located and approved by the Fire Department if your building is not serviced by a public water supply meeting fire flow requirements. For information regarding where the water tank and fire department connection should be located, contact the fire department in your jurisdiction.

NOTE that the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval. Installation shall follow our guide sheet.

===== UPDATED ON OCTOBER 14, 2009 BY COLLEEN L BAXTER =====

NOTE on the plans that the building shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13D and Chapter 35 of California Building Code and adopted standards of the authority having jurisdiction.

All sprinkler notes shown above still need to be added to your plans. Show on the plans the turnouts along the access road. If your driveway is 500 feet in length or more, turnouts are required. Dimensions for these requirements are available on our website www.santacruzcountyfire.com.

Cal Dept of Forestry/County Fire Miscellaneous Com

===== REVIEW ON APRIL 6, 2009 BY COLLEEN L BAXTER =====

===== UPDATED ON OCTOBER 14, 2009 BY COLLEEN L BAXTER =====

Samantha Haschert

From: Debra Locatelli
Sent: Wednesday, August 19, 2009 3:52 PM
To: Samantha Haschert
Cc: Anwarbeg Mirza
Subject: 09-0103/ 091-012-66

Hello Samantha, I tried to add an additional comment to the above referenced project, but I was unable to. After speaking with road engineering, it was determined that an Encroachment Permit would not be required to fix the radii; however, a hold will be placed on the building permit to verify that the radii had been repaired per the County of Santa Cruz Design Criteria. Building permit will not be finalized until the requirement is met. Please do not hesitate to contact me with any questions you may have. Thank you, Debra



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

June 25, 2009

Andreas Kahl
2365 Alberta Court
Santa Clara, CA 95050

**Subject: Review of Geotechnical Investigation by Terra Frima
Dated September 28, 2008, and
Review of Engineering Geology Report by Zinn Geology
Dated November 19, 2008; Project #: SCr-2005023-G-SC
APN 091-012-66, Application #: 09-0103**

Dear Applicant:

The purpose of this letter is to inform you that the Planning Department has accepted the subject reports and the following items shall be required:

- 1) All construction shall comply with the recommendations of the reports.
- 2) Final plans shall reference the report and include a statement that the project shall conform to the reports' recommendations.
- 3) The Building Envelope for the home and the Leach Field Envelope the septic system drain field shall be shown on all site plans for Building, Development or Septic System Permits.
- 4) All graded slopes must be a maximum of 2:1 per Section J106. Two different exceptions can be made to these 2:1 slopes.
 - a) Section J106 allows a 1 ½: 1 slope can be approved to 8 feet if the geotechnical engineer demonstrates that the slope is stable at this configuration. The current stability analysis treats the slope as a soil and is adequate to demonstrate that the slope will be stable to 8 feet at 1 ½: 1.
 - b) Section J106 allows a 1:1 slope in bedrock if approved by the County of Santa Cruz. Our understanding of the site is that the slope above the roadway is fractured. This fracturing could pose a potential for slope failures related to fracture orientation in addition to factors already considered in the stability analysis completed by the geotechnical engineer. To grant a variance to this section of the Code the engineering geologist would have to work with the geotechnical engineer and demonstrate that the rock exposed in the proposed cut is oriented favorably for stability. Our understanding is that the project will be redesigned to reduce the amount of grading and therefore this evaluation may be unnecessary.
- 5) The geotechnical engineer and the engineering geologist **must review and approve** all plans before they are submitted to the County of Santa Cruz. Their review must specifically include approval of including the septic system location with regards slope stability. Plan review letters from the geotechnical engineers and engineering geologist must confirm that the potential for unclassified fill to impact the proposed development has been adequately mitigated.

- 6) The attached declaration of geologic hazards must be recorded with the County of Santa Cruz Recorders Office before the issuance of the Building Permit.
- 7) Please provide an electronic copy of the reports and addendum in .pdf format. This document may be submitted on compact disk or emailed to pln829@co.santa-cruz.ca.us.

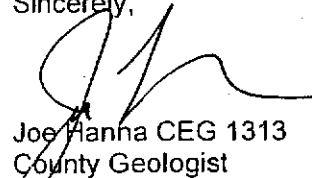
After building permit issuance the consultants *must remain involved with the project* during construction. Please review the *Notice to Permits Holders* (attached).

Our acceptance of the report is limited to its technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

Please submit two copies of the report at the time of building permit application.

Please call the undersigned at (831) 454-3175 if we can be of any further assistance.

Sincerely,



Joe Hanna CEG 1313
County Geologist

Cc: Terra Firma
Zinn Geology



Carolyn Banti PE
Associate Civil Engineer