



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

May 31, 2011

Steve Guiney, AICP
Zoning Administrator
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Date: July 15, 2011

Agenda Item #: 1

Time: After 10:00 AM

Subject: Application 06-0641, APN 067-191-18: Proposal to recognize the expansion of an existing home occupation (general engineering contractor business), to include a 320 square foot home office, potential storage for 28 different vehicles and equipment with a maximum of 15 vehicles or equipment parked on site at any one time, on-site parking for 5 of 7 business employees, an overheight fence with portions up to 10' within the front yard setback, and an eight-foot tall fence within the side yard setback. The project requires an Amendment to Residential Development Permit 78-1201-U (to park a flat bed truck and a tractor on property as a home occupation) and 80-704-U (Amendment to 78-1201-U to allow a 1 ½ ton truck and brush grinder to be parked on the property) and a Residential Development Permit to increase the height of a fence from the allowed three feet to 10' in the front yard setback and from the allowed six feet to eight feet in the side yard setback.

Dear Mr. Guiney:

This application was first presented to the Zoning Administrator on October 2, 2009. At the time, staff recommended denial of the project based largely upon the need for additional information relating to potential impacts to a nearby riparian corridor and the project's compatibility with the surrounding neighborhood and the Home Occupation Ordinance. Following public testimony, the Zoning Administrator indicated that a decision could not be rendered due to insufficient information and directed staff and the applicant to address eight items which are discussed below.

Since this item was heard by the Zoning Administrator in 2009, the project went through Environmental Review in accordance with the California Environmental Quality Act (CEQA) and a preliminary determination was made on May 2, 2011 to issue a Negative Declaration with Mitigations. The new information submitted by the applicant and the Environmental Review process addressed staff concerns about the project's compatibility with the surrounding neighborhood, relating traffic, noise and air quality. Mitigations were recommended to address potential impacts to the riparian corridor, groundwater and air quality. With these issues evaluated and mitigated, staff is now able to recommend approval of the project. A discussion of the current and prior recommendations is provided below.

Additional Information Requested by the Zoning Administrator

The following eight items were requested by the Zoning Administrator at the conclusion of the October 2, 2009 hearing.

1. Applicant to submit a narrative program statement describing the use in more detail, including each vehicle or piece of equipment proposed

The property owner has submitted a narrative program statement, including a list vehicles and equipment, as well as the operational details of the home occupation (see Exhibit E, Attachments 4 & 5). Some of the key points of the program statement are as follows:

- a. The home occupation will be carried out within the home office, which occupies 320 square feet or 10%¹ of the home, as well as the parking area for vehicles and equipment shown on Exhibit A. No employees or clients come to the home office.
- b. Business operations will occur only on weekdays between the hours of 7 AM and 7 PM.
- c. The business has seven full-time employees. Typically, these employees drive to the job site, but occasionally they meet on the subject parcel. Five parking spaces have been dedicated to employee parking (Exhibit A). Since the Home Occupation Ordinance limits the number of employees to a maximum of five, a condition of approval is included that restricts the number of employees allowed to be on-site at any one time to five.
- d. The business-related vehicles and equipment are used off-site and are parked on the subject parcel only when they are not in use elsewhere.
- e. No more than 15 of the vehicles/equipment listed on the equipment list (Exhibit E, Attachment 5) will be on-site at one time without written prior consent from the County Planning Department.
- f. No fueling, repair or washing of vehicles or equipment shall occur on-site.
- g. The existing fencing and vegetative screening will be permanently maintained.
- h. No materials used for the business will be stored or stockpiled on-site.
- i. No business-related vehicles or equipment will use El Rancho Rd. except to access the Highway 17 on/off ramps which are located directly across El Rancho Rd. from the subject property.

2. Applicant to submit a parking plan detailing where each vehicle or piece of equipment is to be located on the site

Exhibit A now includes a parking plan showing where each vehicle or piece of equipment will be parked when not in use off-site.

3. Applicant to complete a noise study.

The applicant submitted a noise study completed by Jeffrey K. Pack of Edward L. Pack Associated, Inc (Exhibit E, Attachment 7). The noise study documented that the noise generated by the home occupation is masked by the ambient noise of Highway 17. The General Plan (page 6-33) allows levels to "be raised to the ambient noise levels where the ambient levels exceed the

¹ Note that the program statement indicates that 320 square feet is 7.5% of the structure, but the project plans show that the house is 3200 square feet in size, so the correct figure is 10%. In either case, the home office is well below the Home Occupation Ordinance's limit of 20%.

allowable levels.” In this case, the ambient noise environment DNL (day/night average) of 67dB. At the northern property line, which is the boundary closest to a neighbor, the DNL of the home occupation is 46 dB, which is well below the ambient noise environment, and even below the 50 dB average hourly noise level allowed by the County’s General Plan. The report’s author concludes, “Sound emission levels from the facility are below the normal ambient sound levels at the property boundaries and are barely detectable, if at all, given the high noise levels generated by Highway 17 traffic sources” (page 14 of Exhibit E, Attachment 7).

4. Applicant to submit a stormwater plan to be reviewed by Public Works Department Drainage section and Environmental Planning.

Richard Wadsworth, a registered civil engineer, of Mid Coast Engineers developed a stormwater plan for the subject parcel. Flow lines indicate that runoff will be directed to a water quality treatment unit which is to be located in an inlet on the subject property. Once treated, the runoff will leave the property in a new pipe and then enter an existing drain which ultimately outlets in the unnamed tributary of Carbonera Creek located directly south of the property. The Department of Public Works has accepted this stormwater plan with the conditions that the property owner record a maintenance agreement for the water quality treatment unit and the project engineer sign-off on the construction work (see conditions of approval II. A. 2 and 3 and DPW comments in Exhibit G). An encroachment permit will be required for work located within the El Rancho Road right-of-way.

5. Applicant to provide plans detailing the proposed fences to be recognized by this application.

A fence plan for the overheight side yard fences is provided on Exhibit A. A photo exhibit of the overheight masonry fence and iron gates, which are located within the front yard setback, is also included. The front yard fence is dimensioned on the photo, showing a maximum height of 10 feet. A residential development permit is required for fences greater than three feet in height which are located within the front yard setback and for fences greater than six feet located within the side or rear yard setback (County Code 13.10.525). The required findings for the overheight front yard fence and gates are included as Exhibit B. Because this is a masonry fence over six feet in height, a building permit is also required; this requirement has been added as condition of approval I.B. In addition, the fire district must review and approve the gate, fence and the water tank’s location behind the masonry wall (condition of approval II.C.4)

6. Staff to complete Environmental Review of project.

The project was reviewed by the County’s Environmental Coordinator on March 28, 2011. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit D) was made on April 5, 2011. The mandatory public comment period expired on April 25, 2011, with no comments received except minor corrections from the property owner’s attorney. The Environmental Coordinator issued the final determination for the project on May 2, 2011.

7. Staff to prepare a public notice for the revised project.

This public hearing was noticed in accordance with County Code 18.10.223 which requires that a notice be published in the local newspaper, a notice be posted on the property, and notice be mailed to neighbors within 300 feet of the subject parcel.

8. Staff to determine the legality of existing structures on the site by property assessor records.

The Zoning Administrator recommended that the applicant provide full Assessor's records to establish the legality of the existing structures. As directed, the applicant provided these records to staff, although they are not included as an exhibit because the applicant requested that they remain confidential.

The subject property is developed with an existing 3,200 square foot single family dwelling, located in the north central portion of the site, with the lower 320 square feet of floor area of the dwelling dedicated to the home occupation. These records show that the dwelling was constructed with a building permit in 1980.

The project plans also show five accessory structures. The first is approximately 240 square feet and is located within the front yard setback. Because it was constructed before 1950, no building permit was required for its construction. The second structure is the pump house which is about 70 square feet in area. Because this structure is less than the 120 square feet size which triggers the requirement to obtain a building permit, a building permit is not required for the structure. However, a condition is included requiring the property owner to acquire any required electrical or plumbing permits. On the south side of the property is the third structure, an approximately 448 square foot storage structure. The property owner applied for a building permit for this structure, which was finalized in 2001. Adjacent to this structure, the plans identify a carport and open storage area. Building permit 142454 was issued for these structures in 2005, and was recently issued a permit extension that will expire on October 21, 2011. A condition of approval is included requiring the property owner to finalize the building permit by October 21, 2011, or demolish the structure.

The fifth structure is a 200 square foot shed located on the eastern edge of the property, near the dwelling. Staff has found no evidence of a building permit for this structure and it does not appear in the Assessor's records. Given this, a condition of approval is included requiring that the property owner do one of the following: submit evidence that it was constructed prior to 1985, obtain a finalized building permit, or demolish it. Evidence that it was constructed prior to 1985 could be aerial photos showing the structure, documentation of old building techniques, or dated photos.

Recommendation of Approval with Conditions

As noted above, the original staff recommendation was for denial of this project. This recommendation was primarily based upon the need for additional information, including concerns about the project's compatibility with the surrounding neighborhood, its consistency with the Home Occupation Ordinance, environmental concerns related to the adjacent riparian corridor, and the storage of construction materials. These issues are addressed below.

Compatibility with Neighborhood & Home Occupation Ordinance (13.10.613)

Prior to the submittal of additional information by the applicant and the vetting of this project through the Environmental Review process, it was unclear whether the project would be compatible with the surrounding rural neighborhood, as is required by the Home Occupation

Ordinance. The potential impacts to the neighborhood that staff evaluated were: noise, traffic, air pollution, aesthetics and water quality. These were evaluated based upon the submitted acoustical study, program statement, project plans, stormwater management plan, and reviewer comments. Each is addressed below.

Noise As noted above, an acoustical study was submitted which concluded that the noise generated by the home occupation is masked by the ambient noise (Exhibit E, Attachment 7). Therefore, no negative acoustical impacts to neighbors are anticipated. (See discussion above under Section One, Item 3).

Traffic Traffic impacts to El Rancho Road have been virtually eliminated by prohibiting business-related vehicles from driving on El Rancho Road except to access Highway 17 via the entrance/exit located directly across El Rancho Road from the subject parcel. The proximity of the property to Highway 17 will reduce the travel distance of vehicles entering and exiting the highway. None of the home occupation vehicles will pass in front of neighbors' properties. The property owner voluntarily included this restriction in his program statement and a condition of approval is included to this effect. It is worth noting that the program statement identifies, on average, just 1.6 trips per day resulting from the home occupation.

Air Quality On March 22, 2010, Jean Getchell, Supervising Planner of the Monterey Bay Unified Air Pollution Control District (MBUAPCD), submitted a letter based upon a project description of eight vehicles. She recommended that an anti-idling condition be added for diesel vehicles with a gross vehicular weight rating of greater than 10,000 pounds. Subsequently, the initial study, with a project description including 15 vehicles and equipment, was circulated to the MBUAPCD. No comments were received, but the anti-idling condition was added to the project as a mitigation (see Exhibit D). Given this mitigation, the subject parcel's distance from nearby residences, the mature trees located between the residences, and the existing air quality impacts from the highway; air pollution from the home occupation is not anticipated to be a significant issue for surrounding properties.

Aesthetics The Home Occupation Ordinance requires that there be no visible or external evidence of the home occupation other than one unlighted sign no larger than one square foot. In this case, the area where vehicles and equipments are parked is entirely screened by topography, fencing and mature vegetation. A condition of approval is included to maintain the fencing and mature vegetation as long as the home occupation is in operation. The stone entry, gates and fence-- which are proposed to be recognized as a part of this application—appear residential, not commercial, in character and create the impression of a well-maintained and cared for home (see Exhibit A). Although the fence is large—the gate pillars are up to ten feet in height—the surrounding mature trees establish a scale that makes the fence appear shorter than its ten feet. In addition to the aesthetic benefits of the fence and gates, they secure the property. There is at least one documented case of vandalism to the subject property (see Exhibit E of Exhibit F for sheriff's report). The applicant has not requested a sign.

Water Quality The subject parcel is located adjacent to an unnamed tributary of Carbonera Creek. The initial 2009 staff report questioned the suitability of locating the proposed home occupation adjacent to a riparian corridor. That the subject parcel is located within a groundwater recharge area amplified this concern. Richard Wadsworth of Mid Coast Engineering prepared a stormwater management plan which includes a water quality treatment unit. This plan was

reviewed and accepted by the Department of Public Works Stormwater Management section. In addition, this issue was evaluated in the initial study prepared for Environmental Review and no comments were received. Mitigations intended to reduce the potential impact of the home occupation to less than significant were issued, including a requirement that all business vehicles and equipment must have a drip pan placed beneath them when on-site. Given this, staff does not anticipate that the home occupation will result in any significant impacts to water quality.

In addition to the specific impacts addressed above, staff raised concerns in the original staff report about the project's compliance with the two stated purposes of the Home Occupation Ordinance (13.10.613). Those purposes are:

1. To allow persons to carry on limited² income-producing activities on their residential property; and
2. To protect nearby residential properties from potential adverse effects of the allowed activity by not allowing home occupations that would create excessive noise, traffic, public expense or any nuisance.

The original staff report questioned whether the proposed home occupation was consistent with the intent of the first purpose, as supported by the County Code definition of "Home Occupation". The 2009 staff report noted that the intent is to allow small scale, low intensity uses to be conducted within the dwelling, or an accessory structure. Based upon the program statement submitted since the original hearing, it is now clear that the home occupation will occur entirely within the home with the only outdoor activity being the parking of business-related vehicles and equipment. Business-related materials will not be stored on-site, and there will be no other outdoor activity involving fueling, repair, maintenance or washing of vehicles or equipment. Although the business vehicles and equipment are capable of large scale, high intensity work such as grading roadbeds, this potential should not be confused with how they will be used on the subject parcel. Parked vehicles are an accessory use to the primary use of the property as a residence, and given that the primary activity of the home occupation will occur within the existing dwelling, the proposed home occupation is consistent with the first purpose of the Home Occupation Ordinance.

Staff also previously raised concerns about the project's consistency with the second purpose of the Home Occupation Ordinance which is to protect residential properties from any adverse effects of the home occupation. As discussed above, these issues have been addressed by the additional information provided by the applicant.

Very few parcels in the County have the combination of characteristics that make the subject parcel suitable for the proposed home occupation. Not only is the parcel sufficiently large to provide a buffer to neighbors, but its proximity to Highway 17 masks noise that could be associated with the home occupation, and virtually eliminates the need to drive on the local street network. In addition, the home occupation will have no visual impact to the surrounding

²"Limited" has been interpreted to refer to the scale of the use rather than the income producing potential of the use (Policy Interpretation RES-HO-02).

³ County Code 13.10.700-H defines "Home Occupation" as, "An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods or services performed by a full-time inhabitant of the unit."

neighborhood as it is screened by topography, fencing and the existing mature vegetation. These characteristics, together with the operational limitations included in the program statement and the attached conditions of approval, will ensure that neighbors are not affected by added air pollution, traffic, noise or visual impacts.

As long as the property owner complies with the limitations of the conditions of approval, staff does not anticipate any associated public expense resulting from this proposal. Should the home occupation exceed the parameters of this permit and require intervention by Code Compliance staff, then those costs will be recovered through the code enforcement process. A condition of approval is also included requiring the property owner to repair to County Department of Public Works' standards any damage which occurs to El Rancho Road as a result of the home occupation (condition IV.A.15).

In addition to the two purposes discussed above, the Home Occupation Ordinance also lists the ten limitations placed upon home occupations and the requirements for exceeding those limitations. The proposed home occupation is in conformance with all of the limitations except for the limitations prohibiting outdoor storage, operations, or activity; the number of employees; and the number and size of vehicles (13.10.612(b) 2, 3 & 7). In these three cases, exceeding the stated limit is allowed⁴ if the proposal is in conformance with the purposes of the Home Occupation ordinance and with approval by the decision-maker at a public hearing. Based upon staff's evaluation of noise, traffic, air quality, aesthetics and water quality impacts, the project was found to be in conformance with the two purposes of the Home Occupation Ordinance and, therefore, staff can support the proposed home occupation and recommend approval of the proposal at a public hearing.

Riparian Corridor and Groundwater Recharge

The original staff report identified risk associated with storing numerous vehicles adjacent to a riparian corridor, citing concerns about potential negative impacts to water quality from oil, gasoline and hydraulic fluid. This concern is particularly salient since the subject parcel is mapped as being within a groundwater recharge area. The project engineer, Richard Wadsworth, prepared a stormwater management plan which includes a water quality treatment unit. Department of Public Works Stormwater Management staff reviewed and accepted the plan with two conditions of approval. The first is the requirement that the property owner record a maintenance agreement for the water quality treatment unit, and the second is for the project engineer to sign off on construction of the drainage improvements.

As noted above, this issue was reviewed as a part of the Environmental Review process and mitigations were issued. The mitigations (see Exhibit D), include: a requirement to use drip pans under vehicles, the elimination of the fuel nozzle on the above-ground fuel tanks, the prohibition of operating business-related hydraulic equipment on-site, the prohibition of the on-site servicing of the vehicles and equipment, and a requirement that a maintenance agreement be entered into for the ongoing maintenance of the water quality unit. Together, these mitigations will insure that there is no negative impact to water quality.

⁴ Note that 13.10.612(b) 3 states that the home occupation may have a maximum of five employees in addition to the resident of the dwelling. Given this, staff can only support five, not seven, employees.

Storage of Construction Materials

In the original staff report, Planning staff described an area of between 8,000 to 10,000 square feet as being used to store construction-related materials. Since then, the property owner has clarified in the program statement that, “No materials used for business are stored or stockpiled on site” and that, “Storage buildings on property are for personal use only...” (page 1). Given this, and the applicant’s understanding that storing business-related construction materials on-site would be grounds for a Notice of Violation, this issue has been addressed. A condition of approval is included prohibiting the on-site storage of business-related construction materials and requiring that all personal items be stored in accordance with the County’s Outdoor Storage Ordinance (County Code 13.10.556).

Overheight Fences

The proposed overheight fences, an eight-foot high wooden fence located within the northern side yard setback and the masonry wall and iron gates located within the front yard setback, are compatible with the surrounding neighborhood. The eight-foot tall side yard fence is a typical residential fence design with the eastern portion of it constructed of six feet of redwood boards topped with two feet of lattice and the western portion constructed of approximately eight foot high vertical redwood boards. This fence provides a buffer between the subject parcel and adjacent property to the north, provides security to the property, and poses no line of sight issue for either the subject or neighboring property.

The stone wall and the gates, which are located within the front yard setback, create the impression of a well-maintained and cared for home, as they are constructed of quality materials. The pillars and fence are made of granite bluestone with flagstone caps and the gates are made of iron. From the pillars, which are the highest part of the wall at ten feet, the wall swoops down to a height ranging between five and one-half and six feet for the length of the property’s frontage. Given that there is 20 feet between the gate and the edge of the pavement, there are no line of sight issues created by the wall, pillars or gates. Although the fence is large—the gate pillars are up to ten feet in height—the surrounding mature trees establish a scale that makes the fence appear shorter than its ten feet. In addition to the aesthetic benefits of the fence and gates, they secure the property. There is at least one documented case of vandalism to the subject property (see Exhibit E of Exhibit F for sheriff’s report).

Conclusion

The County’s Home Occupation Ordinance limits the business-related activity that may be conducted on a residential parcel. Many home occupations are allowed by right and a provision is made to allow more intense uses, such as the proposed home occupation, subject to a public hearing. To be approved, a property owner must demonstrate that the home occupation will be compatible with the surrounding neighborhood and is in conformance with the County’s policies and regulations.

In this case, the subject parcel is ideally situated for the proposed home occupation given its large size, proximity to the highway, and effective screening of the home occupation. Impacts to the neighborhood will be minimal given these characteristics and the attached conditions of approval which limit the business operations and limit the home occupation’s environmental

impacts. Given this, staff is now able to recommend approval of this proposal as it conforms to both the Home Occupation Ordinance and the other applicable County policies and ordinances.

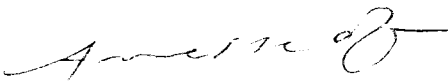
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **06-0641** based on adoption of the attached findings and incorporation of conditions of approval into the project.

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.

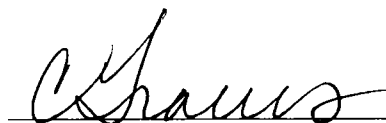
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Sincerely,



Annette Olson
Project Planner
Development Review

Reviewed By:



Cathy Graves
Principal Planner
Development Review

Exhibits

- A. Revised Project plans (See Exhibit E, Attachment 3)
- B. Findings
- C. Conditions
- D. Mitigated Negative Declaration
(CEQA determination)
- E. Initial Study with attachments;
including:

Attachments 1: Vicinity Map, Map of Zoning Districts; Map of General Plan Designations; and Assessors Parcel Map.

Attachment 2: The Zoning Administrator's Staff Report excerpt dated October 2, 2009.

Attachment 3: Project Plans: 2 sheets prepared by Wayne Miller, "Site Plan-One" (showing parking plan) dated January 21, 2010, and "Site Plan-One-D" dated October 16, 2007; 1 sheet, "Stormwater Management Plan" by Richard A. Wadsworth of Mid Coast Engineers, dated 1/26/10, and one sheet of drainage calculations.

Attachment 4: Program Statement, undated

Attachment 5: Equipment List, dated February 1, 2010

Attachment 6: Discretionary Application Comments, dated May 12, 2010

Attachment 7: Noise Study, prepared by Edward L. Pack Associates, Inc., dated February 1, 2010

- F. Zoning Administrator Staff Report for the 10/2/09 hearing with Exhibits; including:
- a. *Project plans*
 - b. *Findings*
 - c. *Assessor's, Location, Zoning and General Plan Maps*
 - d. *CEQA Determination*
 - e. *Comments & Correspondence*
 - f. *Use Permit/Code Compliance History*
 - g. *General Plan Home Occupation Policies*
 - h. *County Code Section 13.10.613 Home Occupation Regulations*
 - i. *County Code Section 13.10.556 Outdoor Storage of Personal Property and Materials*
 - j. *County Code Section 13.10.554 (d) Standards for Off-Street Parking Facilities*
 - k. *Site Photos*
- G. Comments and correspondence since October 2, 2009: (On file with the Planning Department)

Development Permit Findings—Home Occupation

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

This finding can be made, in that the primary use of the property will continue to be one single-family residence. The home occupation will primarily occur as an ancillary use in a 320 square foot area of the 3,200 square foot residence. It is not anticipated to have any impact to health, safety or welfare of persons residing or working in the neighborhood in that no clients or employees will enter the office (i.e. it will be used only by the property owners). In addition to the office, up to 15 vehicles and equipment will be parked on-site. No home-occupation related activity will occur out of doors, including no maintenance, fueling, washing or repair, except for the parking of the 15 business-related vehicles/equipment and the parking of up to five employees. Given this, and the attached conditions of approval prohibiting travel on El Rancho Road except to enter/exit Highway 1, no impacts to health, safety or welfare of persons in the neighborhood are anticipated. In addition, air quality, water quality and noise, the potential project health impacts, were each evaluated and found to be less than significant as described in Finding 5 below.

The home office is ancillary to the primary use of the single-family dwelling as a residence and, thus, the anticipated energy use of it is not anticipated to be significant. The vehicles and equipment would be operated regardless of where they are parked, so no change in energy use is anticipated to result from the proposed home occupation.

No material injury to properties or improvements in the vicinity are anticipated to result from the project in that impacts to water and air quality, noise and traffic were evaluated and found to be insignificant. A condition of approval is included requiring the repair of El Rancho Road should it become damaged as a result of traffic from the home occupation.

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 home occupation and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) R-1-2AC (Single-family

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zone district, two acre minimum) zone district in that the primary use of the property will continue to be one single-family dwelling that meets all current site standards for the zone district.

The proposed home occupation is also consistent with the County's Home Occupation Ordinance (13.10.613). The Home Occupation Ordinance identifies two purposes as well as specific limitations which govern Home Occupations. The two purposes are:

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

The proposed home occupation will be limited in scale in that it consists of a small home office (320 s.f.), parking for employees who meet to carpool to job sites, and the parking of up to 15 vehicles and equipment. These vehicles and equipment will not be fueled, maintained, repaired or washed on-site. No business-related construction materials will be stored on-site, and all personal property will be stored in accordance with County Code 13.10.566 (Outdoor storage of personal property and materials). No vehicles or equipment will be operated or moved except on weekdays between 7 AM and 7 PM.

Residential properties will be protected from any potential adverse effects both by the program statement which has been incorporated into the attached conditions of approval, the mitigations resulting from Environmental Review, and by the characteristics of the subject parcel, including its large size, mature vegetation and proximity to Highway 17. The anticipated potentially adverse impacts of the home occupation on the residential neighborhood are: noise, traffic, air quality, aesthetics and water quality. These are addressed in Finding 5 below.

The second purpose of the home occupation also prohibits excessive public expense. If the home occupation-operator exceeds the limits of the permit, then Code Enforcement may become necessary. However, code enforcement costs are typically recovered in the process of rectifying a notice of violation. In addition, a condition of approval is included requiring the property owner to fix any damage to El Rancho Road which occurs as a result of operating the Home Occupation. Given this, no excessive public expense is anticipated to result from this home occupation.

In addition to the two purposes, the Home Occupation Ordinance also lists the ten limitations placed on home occupations and the requirements for exceeding those limitations (County Code

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13.10.613(b) 1-10). The proposed home occupation is in conformance with all of the limitations except for the limitation prohibiting outdoor storage, operations or activity; the number of employees; and the number and size of vehicles. Exceeding the stated limit is allowed with the approval of the project by the decision-maker at a public hearing.

The outdoor storage of 15 large vehicles and equipment and the five employees who will park on-site is considered reasonable given the subject parcel's location adjacent to a highway; the parcel's large size which provides a buffer to adjacent residences; the mature vegetation which screens the outdoor use; the submitted acoustical study which found no significant noise impacts from the project; the accepted stormwater management plan which will treat runoff leaving the property; and conditions limiting idling of vehicles/equipment, and the use of El Rancho Road.

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 General Plan designation is R-R (Rural Residential), which allows low density residential development, and the primary use of the subject property will continue to be one single-family dwelling. In addition, the project conforms to General Plan Policies on home occupations. General Plan Policy 2.20.1 (Home Occupation as Accessory Uses), allows home occupations in residential zone districts as accessory uses to the primary residential use of the property.

In this case, the primary use of the property will continue to be one single-family residence. Although the vehicles and equipment which are proposed to be parked and stored on-site are large and capable of intense work, they will only be operated on-site to be parked. No fueling, maintenance, repair or washing of the vehicles or equipment will be allowed on-site. This means that the only on-site use will be the small home office to which no clients or employees come, the parking of employee vehicles for carpooling, and the parking of the vehicles and equipment enumerated in the vehicle list (Exhibit E, Attachment 5). Given this and the fact that the home occupation will only operate on weekdays between 7 AM and 7 PM, the proposed home occupation is clearly accessory to the primary use of the property as a residence. No evidence of the home occupation is visible from El Rancho Rd as it is screened by fencing, topography and mature vegetation.

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 expected level of traffic generated by the proposed project is anticipated to be a maximum of 20 peak trips per day (5 employee trips and 15 vehicle trips).

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Owner: Kuerzel

The program statement submitted by the applicant, however, anticipates an average of just 1.6 trips per day. Given that these vehicles are prohibited by a condition of approval from driving on El Rancho Road except to cross it to access Highway 17, these trips will not adversely impact existing roads and intersections in the surrounding area.

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 an acoustical study, the program statement which has been incorporated into the conditions of approval, and the Environmental Review process, have all demonstrated that the home occupation will not have a significant negative impact on the neighborhood. Noise, traffic, air quality, aesthetics and water quality were all evaluated and each potential impact is described below. No structures or increase in density are proposed as a part of this project.

Noise The Home Occupation Ordinance requires that all noise resulting from the home occupation be contained on-site (13.10.613(b)9). As noted above, an acoustical study was submitted which concluded that the noise generated by the home occupation is masked by the ambient noise (Exhibit E, Attachment 7). Therefore, no negative acoustical impacts to neighbors are anticipated. (See discussion above under Section One, Item 3).

Traffic Traffic impacts to El Rancho Road have been virtually eliminated by prohibiting business-related vehicles from driving on El Rancho Road except to access Highway 17 via the entrance/exit located directly across El Rancho Road from the subject parcel. The property owner voluntarily included this restriction in his program statement and a condition of approval is included to this effect. It is worth noting that the program statement identifies, on average, just 1.6 trips per day resulting from the home occupation.

Air Quality On March 22, 2010, Jean Getchell, Supervising Planner of the Monterey Bay Unified Air Pollution Control District (MBUAPCD), submitted a letter based upon a project description of eight vehicles. She recommended that an anti-idling condition be added for diesel vehicles with a gross vehicular weight rating of greater than 10,000 pounds. Subsequently, the initial study, with a project description including 15 vehicles, was circulated to the MBUAPCD. No comments were received, but the anti-idling condition was added to the project as a mitigation (see Exhibit D). Given this mitigation, the subject parcel's distance from nearby residences, the mature trees located between the residences, and the existing air quality impacts from the highway; air pollution from the home occupation is not anticipated to be a significant issue for surrounding properties.

EXHIBIT B

Application #: 06-0641
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Owner: Kuerzel

Aesthetics The Home Occupation Ordinance requires that there be no visible or external evidence of the home occupation other than one unlighted sign no larger than one square foot. In this case, the area where vehicles and equipments are parked is entirely screened by topography, fencing and mature vegetation. A condition of approval is included to maintain the fencing and mature vegetation as long as the home occupation is in operation. The stone entry, gates and fence—which are proposed to be recognized as a part of this application—appear residential, not commercial, in character and create the impression of a well-maintained home.

Water Quality The subject parcel is located adjacent to an unnamed tributary of Carbonera Creek. The initial staff report questioned the suitability of locating the proposed home occupation adjacent to a riparian corridor. The subject parcel's location within a groundwater recharge area amplified this concern. Richard Wadsworth of Mid Coast Engineering submitted a stormwater management plan which includes a water quality treatment unit. This plan was reviewed and accepted by the Department of Public Works Stormwater Management section. In addition, this issue was evaluated in the initial study prepared for Environmental Review and no comments were received. Mitigations intended to reduce the potential impact of the home occupation to less than significant were issued, including a requirement that all business vehicles and equipment must have a drip pan placed beneath them when on-site. Given this, staff does not anticipate that the home occupation will result in any significant impacts to water quality.

Given this, the proposed home occupation will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects.

EXHIBIT B

Development Permit Findings—Overheight Fences

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

This finding can be made, in that the location of the six foot high fence along El Rancho Road will allow adequate sight distance for vehicles to turn on to and off of El Rancho Road in a safe manner, in that the design of the fence meets County design criteria related to street intersection sight distance.

The location of the fence on the property and the design of the fence does not contain any corners or pockets that would conceal persons with criminal intent.

The design of the fence will not utilize an excessive quantity of materials or energy in its construction or maintenance, in that the fence is a relatively insignificant structure that is accessory to the residential use allowed on the property.

The design and location of the fence will not adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that, it is located along the property's frontage and not perpendicular to any neighboring property. Therefore, no impact is anticipated to the light or air to properties or 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 location of the proposed fence and the conditions under which it would be operated or maintained will be consistent with the purpose of the RA and R-1-2 (Residential Agriculture and Single-family Residential, 2 acre minimum) zone district as the primary use of the property will be residential, and a fence is a normal ancillary use in the zone district. Specific regulations for fencing and walls are contained in section 13.10.525. This proposal complies with the requirements and intents of that section, in that:

- The fence will be situated on the property in a manner that allows adequate sight distance for vehicles traveling along the roadway as well as entering and exiting the property, in that the fence is set back from the traveled roadway and the applicant has designed the fence to meet County design criteria related to street

EXHIBIT B

intersection sight distance.

- The fence will be set back from the street and allow adequate light and air to pass through to the street area.
 - The location of the fence on the property and the design of the fence does not contain any corners or pockets that would conceal persons with criminal intent.
 - The location and design of the fence will be compatible with the visual neighborhood character of the surrounding neighborhood in which other fences greater than three feet in height front along the roadside.
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 fence is set back from the road and allows adequate sight distance consistent with road standards specified in the General Plan. The project is located in the Rural Residential land use designation.

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 fence will not utilize a significant amount of electricity or utilities and will not generate any additional traffic on the streets in the vicinity, in that any associated electrical lights or gate motors do not create a significant draw on electrical utilities, and a fence is not a use that generates or intensifies traffic.

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 fence will be compatible with the visual character of the neighborhood due to its height, design, and location. The colors will be natural or muted tones that are typically used on fences. The proposed fence does not alter or increase the density or intensity of residential use within the surrounding neighborhood.

Conditions of Approval

- Exhibit A: Project Plans: 2 sheets prepared by Wayne Miller, "Site Plan-One" (showing parking plan) dated January 21, 2010, and "Site Plan-One-D" dated October 16, 2007; 1 sheet, "Stormwater Management Plan" by Richard A. Wadsworth of Mid Coast Engineers, dated 1/26/10, and one sheet of drainage calculations; Photo exhibit of fence and gates within front yard setback by Wayne Miller.
- I. This permit authorizes the operation of a home occupation, which includes a home office located within the existing dwelling, parking for five employees and parking for 15 vehicles and equipment; and recognizes a fence and gates located within the front yard setback with a maximum height of ten feet and an eight foot-tall fence located within the side yard setback. 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 to install the required piping and water quality treatment unit; to recognize the fence and gates located within the front yard setback; to recognize the electric gate opener, and to recognize electrical and plumbing systems associated with the pump house. All improvements, business vehicles and equipment, and personal belongings must be located entirely on the subject parcel.
 - 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 special inspection to determine whether or not the fuel tanks serve the dwelling. If they do serve the dwelling, then the fuel nozzle must be removed. If the tanks are not connected and serviceable for home heating, they must be either connected or removed from the subject parcel.
 - D. Permit 142454 for the carport and open-sided storage area shall be finalled by October 21, 2011, or the structure shall be removed.
 - E. The property owner shall submit evidence that the 200 square foot shed located on the eastern edge of the home occupation parking area was constructed before 1985, or obtain and have finalled a building permit for the structure, or demolish the structure.
 - F. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

- G. 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. Meet all requirements of the County Department of Public Works, Stormwater Management.

1. Submit drainage and erosion control plans.
2. Submit a recorded maintenance agreement for the proposed water quality treatment unit.
3. Upon approval of the project, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans. In order to clear the Hold, one of these options has to be exercised:
 - a. 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. 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.
 - b. As-built plans stamped by the civil engineer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements were shown.
 - c. The civil engineer may review as-built plans completed by the contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the civil engineer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor's name, address, license and phone #. The civil engineer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the civil engineer that the as-built plans meet the design intent and are adequate in detail, the civil engineer shall submit the as-built plans and a review letter, stamped by the civil engineer to the County Public Works Department for review to process the clearance of the drainage Hold if the submittal is

satisfactory.

- 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.**
 - C. Meet all requirements and pay any applicable plan check fee of the Scotts Valley Fire Protection District.
 - D. Provide required off-street parking for five employee vehicles, and for the 15 vehicles and equipment listed in "Equipment List", Exhibit E, Attachment 5. Parking spaces for the employee parking must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. **The home occupation shall conform to the following:**
 - 1. Except for work within the home office, no business operations shall occur except on weekdays between the hours of 7 AM and 7 PM unless it is in response to a government request for services during an emergency.
 - 2. The home office shall be located within the existing dwelling and shall not exceed 20% of the total area of the dwelling.
 - 3. No employees or clients shall enter the home office.
 - 4. No business materials shall be stored or stockpiled on-site. All personal

items shall be stored in accordance with the County's Outdoor Storage regulations, County Code 13.10.556.

5. Five employees may be on-site at any one-time only for the purposes of carpooling or for driving a vehicle to/from a job site.
6. No more than 15 business vehicles or equipment may be on-site at any one time.
7. No business-related vehicle or equipment shall be operated on-site except vehicles may be operated to be driven on and off the subject parcel.
8. No on-site fueling, repairing, maintenance or washing of vehicles or equipment shall occur on-site.
9. 15 standard drip pans shall be available on-site and shall be placed under all home occupation-related vehicles and equipment temporarily or permanently parked on the subject parcel. Waste collected in the pans must be deposited in a container to be collected and properly disposed of by a licensed waste hauler. Receipts from the licensed waste hauler must be kept for three years. Drip pan waste must be handled in accordance with all applicable local and state regulations. Contact Environmental Health Services for additional information.
10. No business-related hydraulic equipment shall be operated on-site.
11. No diesel vehicles over 10,000 pounds may idle for longer than 5 minutes on the subject parcel.
12. No business-related vehicle shall drive on El Rancho Road except to access the Highway 17 on/off ramps located directly across El Rancho Road from the subject parcel.
13. All evidence of the home occupation shall be screened from view. The fencing and screening vegetation must be maintained as long as the home occupation is in operation.
14. The home occupation shall comply with the requirement of the General Plan Noise Element.
15. The property owner shall repair any damage that occurs to El Rancho Road as a result of the home occupation. The repairs must be completed in accordance with the Department of Public Works design criteria.
16. No business-related outdoor activity may occur on the subject parcel except for the driving of vehicles as is necessary to park them.

17. All improvements, business vehicles and equipment, and personal belongings must be located entirely on the subject parcel.
- B. In the event that a new vehicle or equipment is acquired or an old vehicle or piece of equipment is sold or disposed of, the property owner shall submit an updated list to be placed in the project file and update Exhibit A to show the revised parking plan. New vehicles and equipment are allowed as long as the vehicle or equipment creates no additional negative impacts to the surrounding neighborhood and adequate parking is provided. At no time shall the total number of business-related vehicles and equipment on the subject parcel exceed 15.
- C. 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.

VI. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval including the terms of the adopted monitoring program may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

Mitigation Measure A. Conditions IV.A.9, I.C., IV.A.10, IV.A.8, II.A.2)

- A. Monitoring Program: In order to ensure hydrocarbons do not reach the groundwater aquifer in this groundwater recharge area, prior to issuance of the final approval of the amendments to Permits 78-1201-U and 80-704-U, a special inspection must take place to confirm the following measures are in place:

1. At least 15 standard drip pans are available on-site to be placed under all vehicles temporarily or permanently parked on the subject parcel (Condition IV.A.9);
2. Both fuel tanks are connected and serviceable to the residential unit on the subject parcel for use in home heating;
 - i. If the tanks are not connected and serviceable for home heating, they must be either connected or removed from the subject parcel prior to final approval of the amended permits (Condition I.C.).
3. If the tanks are connected to the residential unit, the fuel nozzle shall be removed from the fuel tanks (Condition I.C.);
4. The conditions of the permits listed above shall include a restriction that no business-related hydraulic equipment shall be operated on-site (Condition IV.A.10);
5. The conditions of the permits listed above shall include a restriction that no vehicles shall be serviced on site (Condition IV.A.8);
6. The applicant shall confirm an agreement to maintain the proposed silt and grease trap has been recorded on the parcel deed (Condition II.A.2).

Mitigation Measure B. Condition IV.A.11

- B. Monitoring Program: In order to ensure residential neighbors are not impacted from the exhaust of large machinery, it shall be made a condition of the permits to be amended

Application #: 06-0641
APN: 067-191-18
Owner: Kuerzel

that no diesel vehicles over 10,000 pounds may idle for longer than 5 minutes on the subject parcel.

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 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: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Annette Olson
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.



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
 KATHY MOLLOY PREVISICH, PLANNING DIRECTOR

NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

1. 06-0641 1770 EL RANCHO ROAD, SANTA CRUZ APN(S): 067-191-18

Proposal to recognize the expansion of an existing home occupation into a trucking services business, to include a 320 square foot home office, potential storage for 28 different vehicles and equipment with a maximum of 15 vehicles or equipment parked on site at any one time, on-site parking for 5 of 7 business employees, a six-foot tall fence within the front yard setback, and an eight-foot tall fence within the side yard setback. The project requires an Amendment to Residential Development Permit 78-1201-U (to park a flat-bed truck and tractor on property as a home occupation) and 80-704-U (amendment to 78-1201-U to allow a 1 1/2 ton truck and brush grinder to be parked on the property) and a Residential Development Permit to increase the height of a fence from three to six feet tall in the front yard and six to eight feet tall in the side yard. The property is located on the east side of El Rancho Drive, at its intersection with Highway 17 (1770 El Rancho Road).

ZONE DISTRICT: RA, R-1-2 Acres (Residential Special Designation: Agriculture,
 Residential – 2 acre per unit)

APPLICANT: Wayne Miller

OWNER: Robert and Sandra Kuerzel

STAFF PLANNER: Annette Olson, 454-3134

EMAIL: pln143@co.santa-cruz.ca.us

ACTION: NEGATIVE DECLARATION WITH MITIGATIONS

REVIEW PERIOD: APRIL 5, 2011 – APRIL 25, 2011

This project will be administratively considered by Environmental Planning Principal Planner.

Findings:

This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have significant effect on the environment. The expected environmental impacts of the project are documented in the Initial Study on this project, attached to the original of this notice on file with the Planning Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, California.

Required Mitigation Measures or Conditions:

☐ None
☒ XX Are Attached

Review Period Ends: April 25, 2011

Date Approved By Environmental Coordinator: 5/2/2011

MATT JOHNSTON
 Environmental Coordinator
 (831) 454-3201

If this project is approved, complete and file this notice with the Clerk of the Board:

NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by _____

on _____ No EIR was prepared under CEQA.
 (Date)

THE PROJECT WAS DETERMINED TO NOT HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Date completed notice filed with Clerk of the Board: _____

Exhibit E



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
KATHY MOLLOY PREVISICH, PLANNING DIRECTOR

ENVIRONMENTAL COORDINATOR

NOTICE OF INTENT TO ADOPT A PROPOSED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act, the following projects have been reviewed by the County Environmental Coordinator to determine if they have a potential to create significant impacts to the environment and, if so, how such impacts could be solved. A negative declaration has been prepared in cases where the project is determined not to have any significant environmental impacts. An environmental impact report (EIR) will be prepared for projects, which could have a significant impact.

Public review periods are provided for these environmental documents according to the requirements of the County Environmental Review Guidelines, depending upon whether State agency review is required or whether an EIR is required. The environmental documents are available for review at the County Planning Department at 701 Ocean Street, Santa Cruz. You may also view environmental documents on the web at www.sccoplanning.com under the Planning Department menu, Agendas link. If you have questions or comments about these determinations please contact Matt Johnston of the Environmental Review staff at (831) 454-3201

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. If you require special assistance in order to review this information, please contact Bernice Romero at (831) 454-3137 (TDD number (831) 454-2123 or (831) 763-8123) to make arrangements.

1. 06-0641 1770 EL RANCHO ROAD, SANTA CRUZ APN(S): 067-191-18

Proposal to recognize the expansion of an existing home occupation into a trucking services business, to include a 320 square foot home office, potential storage for 28 different vehicles and equipment with a maximum of 15 vehicles or equipment parked on site at any one time, on-site parking for 5 of 7 business employees, a six-foot tall fence within the front yard setback, and an eight-foot tall fence within the side yard setback. The project requires an Amendment to Residential Development Permit 78-1201-U (to park a flat-bed truck and tractor on property as a home occupation) and 80-704-U (amendment to 78-1201-U to allow a 1 1/2 ton truck and brush grinder to be parked on the property) and a Residential Development Permit to increase the height of a fence from three to six feet tall in the front yard and six to eight feet tall in the side yard. The property is located on the east side of El Rancho Drive, at its intersection with Highway 17 (1770 El Rancho Road).

**ZONE DISTRICT: RA, R-1-2 Acres (Residential Special Designation: Agriculture,
Residential – 2 acre per unit)**

APPLICANT: Wayne Miller

OWNER: Robert and Sandra Kuerzel

STAFF PLANNER: Annette Olson, 454-3134

EMAIL: pln143@co.santa-cruz.ca.us

ACTION: NEGATIVE DECLARATION WITH MITIGATIONS

REVIEW PERIOD: APRIL 5, 2011 – APRIL 25, 2011

This project will be administratively considered by Environmental Planning Principal Planner.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
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KATHY MOLLOY PREVISICH, PLANNING DIRECTOR

NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

1. 06-0641 1770 EL RANCHO ROAD, SANTA CRUZ APN(S): 067-191-18

Proposal to recognize the expansion of an existing home occupation into a trucking services business, to include a 320 square foot home office, potential storage for 28 different vehicles and equipment with a maximum of 15 vehicles or equipment parked on site at any one time, on-site parking for 5 of 7 business employees, a six-foot tall fence within the front yard setback, and an eight-foot tall fence within the side yard setback. The project requires an Amendment to Residential Development Permit 78-1201-U (to park a flat-bed truck and tractor on property as a home occupation) and 80-704-U (amendment to 78-1201-U to allow a 1 1/2 ton truck and brush grinder to be parked on the property) and a Residential Development Permit to increase the height of a fence from three to six feet tall in the front yard and six to eight feet tall in the side yard. The property is located on the east side of El Rancho Drive, at its intersection with Highway 17 (1770 El Rancho Road).

ZONE DISTRICT: RA, R-1-2 Acres (Residential Special Designation: Agriculture,
Residential – 2 acre per unit)

APPLICANT: Wayne Miller

OWNER: Robert and Sandra Kuerzel

STAFF PLANNER: Annette Olson, 454-3134

EMAIL: pln143@co.santa-cruz.ca.us

ACTION: NEGATIVE DECLARATION WITH MITIGATIONS

REVIEW PERIOD: APRIL 5, 2011 – APRIL 25, 2011

This project will be administratively considered by Environmental Planning Principal Planner.

Findings:

This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have significant effect on the environment. The expected environmental impacts of the project are documented in the Initial Study on this project, attached to the original of this notice on file with the Planning Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, California.

Required Mitigation Measures or Conditions:

☐ None
☒ Are Attached

Review Period Ends: _____

Date Approved By Environmental Coordinator: _____

MATT JOHNSTON
Environmental Coordinator
(831) 454-3201

If this project is approved, complete and file this notice with the Clerk of the Board.

NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by _____

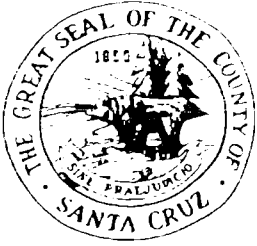
on _____ No EIR was prepared under CEQA.
(Date)

THE PROJECT WAS DETERMINED TO NOT HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT

NAME: Kuerzel
APPLICATION: 06-0641
A.P.N.: 067-191-18

NEGATIVE DECLARATION MITIGATIONS

- A. In order to ensure hydrocarbons do not reach the groundwater aquifer in this groundwater recharge area, prior to issuance of the final approval of the amendments to Permits 78-1201-U and 80-704-U, a special inspection must take place to confirm the following measures are in place:
1. At least 15 standard drip pans are available on-site to be placed under all vehicles temporarily or permanently parked on the subject parcel;
 2. Both fuel tanks are connected and serviceable to the residential unit on the subject parcel for use in home heating;
 - i. If the tanks are not connected and serviceable for home heating, they must be either connected or removed from the subject parcel prior to final approval of the amended permits.
 3. If the tanks are connected to the residential unit, the fuel nozzle shall be removed from the fuel tanks;
 4. The conditions of the permits listed above shall include a restriction that no business-related hydraulic equipment shall be operated on-site;
 5. The conditions of the permits listed above shall include a restriction that no vehicles shall be serviced on site;
 6. The applicant shall confirm an agreement to maintain the proposed silt and grease trap has been recorded on the parcel deed.
- B. In order to ensure residential neighbors are not impacted from the exhaust of large machinery, it shall be made a condition of the permits to be amended that no diesel vehicles over 10,000 pounds may idle for longer than 5 minutes on the subject parcel.



County of Santa Cruz

PLANNING DEPARTMENT
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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Environmental Review Initial Study

Date: 3/16/11

Application Number: 06-0641

Staff Planner: Annette Olson

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: Wayne Miller

APN(s): 06719118

OWNER: Robert and Sandra Kuerzel

SUPERVISORAL DISTRICT: 1

PROJECT LOCATION: The property is located on the east side of El Rancho Drive at its intersection with Highway 17 (1770 El Rancho Road).

SUMMARY PROJECT DESCRIPTION: Proposal to recognize the expansion of an existing home occupation (general engineering contractor business), to include a 320 square foot home office, potential storage for 28 different vehicles and equipment with a maximum of 15 vehicles or equipment parked on site at any one time, on-site parking for 5 of 7 business employees, a six-foot tall fence within the front yard setback, and an eight-foot tall fence within the side yard setback. The project requires an Amendment to Residential Development Permit 78-1201-U (to park a flat bed truck and a tractor on property as a home occupation) and 80-704-U (Amendment to 78-1201-U to allow a 1 ½ ton truck and brush grinder to be parked on the property) and a Residential Development Permit to increase the height of a fence from three to six feet tall in the front yard and six to eight feet tall in the side yard.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: All of the following potential environmental impacts are evaluated in this Initial Study. Categories that are marked have been analyzed in greater detail based on project specific information.

- | | |
|--|---|
| <input type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Hydrology/Water Supply/Water Quality | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Visual Resources & Aesthetics | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Land Use and Planning |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Mandatory Findings of Significance |

DISCRETIONARY APPROVAL(S) BEING CONSIDERED:

- | | |
|--|---|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Coastal Development Permit |
| <input type="checkbox"/> Land Division | <input type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Riparian Exception |
| <input checked="" type="checkbox"/> Development Permit | <input type="checkbox"/> Other: |

NON-LOCAL APPROVALS

Other agencies that must issue permits or authorizations:

DETERMINATION: (To be completed by the lead agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Mathew Johnston
Environmental Coordinator

4/1/2011

Date

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS

Parcel Size: 3.1 Acres

Existing Land Use: Residential, storage of personal and commercial equipment, machinery, materials and vehicles

Vegetation: Mixed evergreen forest throughout the site and along Highway 17

Slope in area affected by project: ☒ 0 - 30% ☐ 31 - 100%

Nearby Watercourse: The development area is adjacent to the riparian corridor of an un-named tributary to Carbonera Creek, identified as a salmonid stream.

Distance To: Tributary roughly follows the eastern edge of property line, or approximately 130 feet east of the top of slope.

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Water Supply Watershed: No

Groundwater Recharge: Yes

Timber or Mineral: No

Agricultural Resource: No

Fault Zone: No

Scenic Corridor: Not a mapped resource

Historic: No

Archaeology: Mapped, though Archaeological Reconnaissance Survey completed in 2002 (02-0214) did not identify any physical evidence on site. No additional requirements have been required for this project.

Biologically Sensitive Habitat: Yes, site mapped as containing White-rayed Pentachaeta and Zayante band-winged grasshopper. Also, site is within proximity of a tributary to Carbonera Creek, which is known to provide habitat for Steelhead salmon

Noise Constraint: Project subject to General Plan Noise Element due to location adjacent to residential property

Fire Hazard: No

Electric Power Lines: Yes, Along El Rancho Road

Floodplain: No

Solar Access: N/A

Erosion: No

Solar Orientation: N/A

Landslide: No

Hazardous Materials: The site contains two diesel gas tanks on site, on record with Environmental Health for home heating oil, though one of the tanks has a fuel nozzle attached to the exterior of the tank.

Liquefaction: No

Other:

SERVICES

Fire Protection: Scotts Valley Fire District
School District: Scotts Valley

Drainage District: No Zone District
Project Access: El Rancho Drive, 50
foot right-of-way
Water Supply: Well

Sewage Disposal: Septic

PLANNING POLICIES

Zone District: RA, R-1-2 Acres (Residential
Agriculture, Residential - 2 Acre per Unit)
General Plan: Carbonera Planning Area,
Rural Residential (2 1/2 Acres Per Unit)
Urban Services Line: ☐ Inside ☒ Outside
Coastal Zone: ☐ Inside ☒ Outside

ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

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

From the eastern edge of El Rancho Drive, the property is generally flat, where existing residential and the home occupation development is located, with a gentle slope toward the south and southeast of the development area. Beyond this area, there is a steep slope in the direction of the un-named tributary to Carbonera Creek. Site runoff generally drains to the south and southeast toward the top of the slope above the creek, where an existing inlet to the tributary is located.

The development area contains an existing 3,200 square foot single family dwelling, located in the north central portion of the site. The south central portion of the site contains three existing storage buildings, approximately 240 square feet, 448 square feet (320 square foot shed and 128 square foot attached open sided storage area), and 200 square feet. The 240 square foot shed is located within the required 40-foot front yard setback area. The 448 square foot building is located along the top of the slope above the riparian corridor. The plans identify a carport, which was issued a building permit, but never constructed. The site also contains two diesel fuel tanks in the front central and central portion of the property. An approximately 72 square foot pump house is also located in the front central portion of the property, adjacent to one of the fuel tanks.

The property is surrounded by a six-foot tall fence located within the front yard setback area, and an eight-foot tall fence within the side yard setback area, located on the northern property line. This fence screens the site from the street and adjoining

property to the north.

Soil types on this site include Ben Lomond-Catelli Complex (30-75 percent slope) and Ben Lomond Felton complex (50-75 percent slope), Pfeiffer gravelly sandy loam (15-30 percent slope), which are typical of areas adjacent to drainage ways such as Carbonera Creek and well drained soils on hills and terraces, respectively.

The vegetation is comprised of mixed evergreen forest throughout the site, along Highway 17, and the riparian corridor area.

This site is mapped as a groundwater recharge area and mapped as an archaeological resource area, though an Archaeological Reconnaissance Survey completed in 2002 (02-0214) did not identify any physical evidence on site.

PROJECT BACKGROUND:

The owner originally proposed to recognize the expansion of an existing home occupation (general engineering contractor business) to include a 320 square foot home office and storage of eight business vehicles and equipment. The project was scheduled before the Zoning Administrator in a duly noticed public hearing on October 2, 2009. The Zoning Administrator's Report is attached as Attachment 2 for your review. Staff recommended denial of the project and certification that the project is exempt from the California Environmental Quality Act (CEQA), Statutory Exemption 15270, for projects subject to denial.

Following the public testimony, the Zoning Administrator indicated that a decision could not be rendered because he could not determine what was proposed by the applicant. The Zoning Administrator recommended the following:

1. Applicant to submit a narrative program statement describing the use in more detail, including each vehicle or piece of equipment proposed.
2. Applicant to submit a parking plan detailing where each vehicle or piece of equipment to be located on the site.
3. Applicant to complete a noise study.
4. Applicant to submit a storm water plan to be reviewed by Public Works Department Drainage section and Environmental Planning.
5. Applicant to provide plans detailing proposed fences to be recognized by this application.
6. Staff to complete Environmental Review of project.
7. Staff to prepare a public notice for the revised project.
8. Staff to determine the legality of existing structures on the site by property assessor records.

DETAILED PROJECT DESCRIPTION:

The owner has revised the proposal and now proposes to recognize the expansion of an existing home occupation into a trucking services business, to include a 320 square foot home office, potential storage for 28 different vehicles and equipment with a maximum of 15 vehicles or equipment parked on site at any one time, on-site employee parking for 5 of 7 business employees, a six-foot tall fence within the front yard setback area, and an eight-foot tall fence within the side yard setback area. Please see the complete program statement and equipment list (attached as Attachment 4 and 5, respectively) for more detail regarding the proposed use.

A revised site plan and equipment list identifies the number, type, general length, location of the potential 28 vehicles and equipment proposed by the use, and dimensions of the parking spaces proposed on the site. Of the 28 potential vehicles and equipment, 15 vehicles or equipment are proposed on site at any one time. The owner proposes to provide storage for a varying combination of these 28 vehicles or equipment. Thus, on any given day there could be a potentially different complement of 15 vehicles or equipment on site depending upon the particular service vehicles required by a particular client job. The applicant is proposing that the storage of any vehicles or equipment beyond the maximum 15 on site at any one time are to be located at off-site job locations; they are not proposed to be parked on the subject property. The applicant submitted a more expanded program statement and equipment list detailing the percentage of time each vehicle is expected to spend on the subject property. The program statement also notes that the hours of operation are proposed between 7 a.m. to 7 p.m. in general, with the exception that the hours will exceed standard hours of operation when emergency services are needed by the Government.

The plans also include a noise study that evaluates the impacts of the existing use on surrounding residential uses. The plans also include a drainage plan prepared by a licensed civil engineer. This plan shows that the site generally drains to an existing drainage outfall located at the southwest corner of the site. A silt and grease trap is proposed at this existing inlet.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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III. ENVIRONMENTAL REVIEW CHECKLIST

A. GEOLOGY AND SOILS

Would the project:

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - B. Strong seismic ground shaking?
 - C. Seismic-related ground failure, including liquefaction?
 - D. Landslides?
2. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: Following a review of mapped information and a field visit to the site, there is no indication that the development site is subject to a significant potential for damage caused by any of these hazards.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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3. Develop land with a slope exceeding 30%?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There are slopes that exceed 30% on the property. However, no improvements are proposed on slopes in excess of 30%.

4. Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: This project does not involve the grading, drainage improvements, excavation or construction of additional buildings that involve disturbance to the top soil. The site contains existing base rock in the area of the storage yard area, but would be subject to limited erosion given this surface protection.

5. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There is no indication that the development site is subject to substantial risk caused by expansive soils.

6. Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems where sewers are not available?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: No new septic systems are proposed. The project has an existing septic system already and is not proposing to provide additional septic services for the proposed use. Environmental Health reviewed this proposal and found that the existing onsite sewage disposal system appears adequate to serve the expected infrequent use by 6 or less employees who work off-site. The program statement (item #1) indicates that employees only park on-site to carpool to a job site and do not work on-site. Therefore, the existing septic system is adequate for the proposed dwelling and home occupation.

7. Result in coastal cliff erosion?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project is not located in the vicinity of a coastal cliff or bluff; and therefore, would not contribute to coastal cliff erosion.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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B. HYDROLOGY, WATER SUPPLY, AND WATER QUALITY

Would the project:

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Place development within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map, dated March 2, 2006, no portion of the project site lies within a 100-year flood hazard area.

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map, dated March 2, 2006, no portion of the project site lies within a 100-year flood hazard area.

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|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. | Be inundated by a seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: The project is located within in a mapped groundwater recharge area. The project currently relies on a private well for water supply. The project does not involve the use of water for the proposed storage of vehicles and, thus, will not deplete groundwater supplies. Also, the project does not involve the construction of additional buildings or imperious area and will not reduce the potential recharge of the aquifer.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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5. Substantially degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion: The property is located in a rural area where properties obtain their water from wells. This property is also mapped as a primary groundwater recharge area. Areas designated as groundwater recharge areas provide unique soil conditions and underlying geologic formations for the percolation of rainfall and runoff into the groundwater basin. The site is currently in a natural condition, with exception that the parking area contains base rock throughout the parking area where the vehicles and equipment are stored. This material is a pervious material that allows the percolation of water. These site conditions and groundwater area facilitate runoff discharged from the site to travel either directly or indirectly into the soil via percolation into the groundwater basin to the private water supply or via site drainage into the tributary to Carbonera Creek.

Runoff from this project could contain petrochemical-based contaminants that could be leaked or spilled from vehicles and equipment stored on-site. This could occur from vehicles and heavy equipment that leak fuel, oil, antifreeze or other petrochemical pollutants. The site also includes two fuel tanks, identified as home heating fuel tanks, one of which provides a vehicle-style fuel nozzle located on the exterior of the tank, which poses a potential threat.

To mitigate against the potential for petrochemicals to infiltrate the soil, drip pans shall be required under every business-related vehicle and no on-site maintenance shall be allowed. In addition, no business-related hydraulic equipment shall be operated on-site since hydraulic systems rely on large quantities of petrochemical fluids to facilitate machinery operation and if a hydraulic system were to rupture, a large amount of petrochemicals would be released. The vehicle-style fuel nozzle would be required to be removed to preclude the possibility of fuel spilling from the nozzle or entirely remove the tank if it is not connected to the house for heating as the property owner has stated.

Finally, the project contains a drainage plan by Richard A. Wadsworth of Mid Coast Engineers that would provide for a water quality treatment unit to clean the runoff before it leaves the property. No change in the existing topography is proposed, so the existing runoff pattern would remain with the addition of the treatment facility. A maintenance agreement is required as a condition of approval to insure that the facility is properly maintained and operating as designed.

This approach to mitigating the potential for pollutants to percolate into the groundwater, balances the requirements of the County's General Plan to facilitate on-site percolation of stormwater (Policy 5.8.4) with the protection of groundwater recharge areas from pollutants (Policy 5.8.3).

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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6. Degrade septic system functioning? ☐ ☐ ☐ ☒

Discussion: There is no indication that existing septic systems in the vicinity would be affected by the project.

7. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site? ☐ ☐ ☒ ☐

Discussion: The proposed project is located adjacent to a tributary to Carbonera Creek. From the eastern edge of El Rancho Drive, the property is generally flat, where the development is located, with a gentle slope toward the south and southeast of the development area. Beyond this area, there is a steep slope in the direction of the unnamed tributary to Carbonera Creek.

Site runoff generally drains to the south and southeast toward the top of the slope above the creek, where an existing inlet is located. The project is not proposing to alter the existing overall drainage pattern of the site or increase impervious surface area, though a silt and grease trap is proposed in the inlet. Therefore, the project is unlikely to result in an increase in runoff as a result of the project since there is no proposed impervious surface area.

The Public Works Department (DPW) has required that the project demonstrate how runoff will be controlled and directed to the proposed water quality treatment unit and to demonstrate that the sump area below the outlet pipe is adequately sized for the tributary watershed. The plans have not been approved. The project must meet the Public Works' requirements prior to final approval to insure that these issues are adequately addressed so that overflow does not occur and/or damage to the tributary channel does not occur.

8. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff? ☐ ☐ ☒ ☐

Discussion: The project proposes storage of heavy contractor's vehicles and equipment and has the potential to create a substantial additional source of polluted runoff from spills, leakage, lubricants, etc.

The plans provide a drainage plan prepared by the civil engineer. DPW has reviewed

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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and approved the proposed drainage plan. This includes a water quality treatment unit. As required by DPW, a cross section detail has been provided of the treatment unit in compliance with design criteria and the sump area below the outlet has been determined to be adequately sized for the tributary watershed. Also, DPW requires a recorded maintenance agreement for the proposed water quality treatment unit.

These improvements included in the plans reduce this impact to less than significant.

9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? ☐ ☐ ☐ ☒

10. Otherwise substantially degrade water quality? ☐ ☒ ☐ ☐

Discussion: As discussed in B.5 above, the business-related vehicles and the fuel tanks with a vehicle-style handle have the potential to leak petrochemicals which, because the parcel is mapped as being within a groundwater recharge area, has the potential to impact water quality. To mitigate this, the property shall be required to place drip pans under every business-related vehicle; no business-related hydraulic equipment shall be operated on-site; no maintenance of business-related vehicles shall be allowed; a silt and grease trap, and a plan for its maintenance, shall be required; the vehicle-style handle shall be removed from the fuel tanks; and, by special inspection, the fuel tanks shall either be confirmed to serve the dwelling or they shall be removed from the property.

C. BIOLOGICAL RESOURCES

Would the project:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service? ☐ ☐ ☒ ☐

Discussion: According to the California Natural Diversity Data Base (CNDDB), maintained by the California Department of Fish and Game, there are two known special status plants or animal species in the site vicinity. The site is mapped as containing White-rayed Pentachaeta and Zayante band-winged grasshopper. However, there were no special status species observed in the project area.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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The site is already disturbed and does not provide suitable habitat for these species, so it is unlikely that any special status plant or animal species occur in the area.

2. Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- ☐ ☒ ☐ ☐

Discussion: The site is within proximity of a tributary to Carbonera Creek, which is known to provide habitat for Steelhead salmon. The project provides a proposed silt and grease trap at the existing inlet to this tributary. Provided that a mitigation measure is included for maintenance of this silt and grease unit, this project should not result in significant impacts to Carbonera Creek or to steelhead habitat.

3. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?
- ☐ ☐ ☐ ☒

Discussion: The proposed project does not involve any activities that would interfere with the movements or migrations of fish or wildlife, or impede use of a known wildlife nursery site.

4. Produce nighttime lighting that would substantially illuminate wildlife habitats?
- ☐ ☐ ☐ ☒

Discussion: The development area is adjacent to a riparian corridor, which could be adversely affected by a new or additional source of light that is not adequately deflected or minimized. The project does not propose any site lighting and should not result in impacts to wildlife habitat.

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Significant
Impact | Less than
Significant
with
Mitigation
Incorporated | Less than
Significant
Impact | No Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| 5. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Conflict with any local policies or ordinances protecting biological resources (such as the Sensitive Habitat Ordinance, Riparian and Wetland Protection Ordinance, and the Significant Tree Protection Ordinance)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion: The project complies with required setbacks for riparian areas and will not conflict with any local policies or ordinances.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would not conflict with the provisions of any adopted Habitat Conservation Plan Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.

D. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. In addition, the project does not contain Farmland of Local Importance. Therefore, no Prime Farmland, Unique Farmland, Farmland of Statewide or Farmland of Local Importance would be converted to a non-agricultural use. No impact would occur from project implementation.

2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is zoned Residential, which is not considered to be an agricultural zone. Additionally, the project site's land is not under a Williamson Act Contract. Therefore, the project does not conflict with existing zoning for agricultural use, or a Williamson Act Contract. No impact is anticipated.

3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project is not adjacent to land designated as Timber Resource.

4. Result in the loss of forest land or conversion of forest land to non-forest use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: No forest land occurs on the project site or in the immediate vicinity. No impact is anticipated.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site and surrounding area within a radius of 2 miles does not contain any lands designated as Prime Farmland, Unique Farmland, Farmland of Statewide Importance or Farmland of Local Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Therefore, no Prime Farmland, Unique Farmland, Farmland of Statewide, or Farmland of Local Importance would be converted to a non-agricultural use. In addition, the project site does contain mixed evergreen forest. However, no alterations to this area are proposed by this project. Therefore, no impacts are anticipated.

E. MINERAL RESOURCES

Would the project:

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The site does not contain any known mineral resources that would be of value to the region and the residents of the state. Therefore, no impact is anticipated from project implementation.

2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is zoned R-1-2 and Residential Agriculture, which is not considered to be an Extractive Use Zone (M-3) nor does it have a Land Use Designation with a Quarry Designation Overlay (Q) (County of Santa Cruz 1994). Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan would occur as a result of this project.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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F. VISUAL RESOURCES AND AESTHETICS

Would the project:

1. Have an adverse effect on a scenic vista? ☐ ☐ ☐ ☒

Discussion: The project will not directly impact any public scenic resources, as designated in the County's General Plan (1994), or obstruct any public views of these visual resources.

2. Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☒ ☐

Discussion: The project site is located alongside El Rancho Road, which is located adjacent to Highway 17, a County designated scenic road. However, the project proposes to recognize an existing 6 foot rock wall located across the property frontage. This wall screens the existing use from views of the roadway and is an attractive improvement to the corridor. Therefore, the impacts of this wall will be less than significant to the view shed.

3. Substantially degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline? ☐ ☐ ☒ ☐

Discussion: The existing visual setting is rural residential in character. The subject property is approximately 3 acres in size and surrounded by three large residential properties to the north, east, and south. The project proposes fencing/walls to ensure that the use is not visible from surrounding neighbors so that it will fit into this setting.

4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☐ ☒

Discussion: The project does not propose site lighting and therefore will not create an incremental increase in night lighting.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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G. CULTURAL RESOURCES

Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The existing structure(s) on the property is/are not designated as a historic resource on any federal, state or local inventory.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: An Archaeological Reconnaissance Survey completed in 2002 (02-0214) did not identify any physical evidence on site. Thus, no archeological resources have been identified in the project area. However, pursuant to County Code Section 16.40.040, if at any time in the preparation for or process of excavating or otherwise disturbing the ground, any human remains of any age, or any artifact or other evidence of a Native American cultural site which reasonably appears to exceed 100 years of age are discovered, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and the Native American Heritage Commission shall be notified. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: No paleontological resource or site or unique geologic feature are

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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identified in the area.

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: The site contains two fuel tanks that are identified as home heating tanks and the owner has indicated that these tanks are not used by the proposed business. However, at least one of these tanks contains a vehicle fuel nozzle attached to the exterior of the tank, presumably used for fueling vehicles and equipment. This may cause a potentially significant hazard to the environment as a result of potential spills and site contamination as a result of the use. The project should include a mitigation measure requiring removal of this nozzle to ensure that vehicle fueling does not occur as a result of this project, and, by special inspection, the fuel tanks shall either be confirmed to serve the dwelling for heating or they shall be removed from the property.

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|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: The project provides storage for vehicles and equipment as well as two fuel tanks on the site. As discussed in B.5 above, the vehicles have the potential to leak petrochemicals. Since the subject parcel is mapped as being primary groundwater recharge, there is the potential that these petrochemicals could negatively affect the groundwater. To mitigate this, the property owner shall be required to place drip pans under every business-related vehicle; no business-related hydraulic equipment shall be operated on-site; no maintenance of business-related vehicles shall be allowed; a silt and grease trap, and a plan for its maintenance, shall be required; and the vehicle-style handle shall be removed from the fuel tanks.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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result, would it create a significant hazard to the public or the environment?

Discussion: The project site is not included on the 4/19/2010 list of hazardous sites in Santa Cruz County compiled pursuant to the specified code.

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| 5. | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. | Expose people to electro-magnetic fields associated with electrical transmission lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: The project does not involve any proposed buildings that would require fire safety protection devices or fire safety code requirements.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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I. TRANSPORTATION/TRAFFIC

Would the project:

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|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. | Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project will create a small incremental increase in traffic on nearby roads and intersections. However, given the small number of new trips created by the project (20 trips daily), this increase is considered less than significant. Further, the increase will not cause the Level of Service at any nearby intersection to drop below Level of Service D. Business-related vehicles will not be allowed to drive on El Rancho Road and will, instead, be required to use Highway 17, the entrance and exit to which is located directly across El Rancho Road from the subject property.

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|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See I.1 above.

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See I.1 above.

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. | Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project's existing road access meets County standards and has previously been approved by the local fire agency or California Department of Forestry, as appropriate.

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| 5. Cause an increase in parking demand which cannot be accommodated by existing parking facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: The project can meet the required number of parking spaces on site and therefore can be accommodated by the site.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would comply with current road requirements to prevent potential hazards to motorists, bicyclists, and/or pedestrians.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 7. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the County General Plan for designated intersections, roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See response H-1 above.

J. NOISE

Would the project result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: A noise study (Attachment 7) was submitted for the proposed project. The conclusions of the report indicate that the project will not result in an increase in the existing noise environment because the surrounding ambient levels exceed those proposed by the project. As a result, the project complies with the noise element of the General Plan.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See J.1

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3. Exposure of persons to or generation of noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: See J.1.

4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: See J.1

5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

K. AIR QUALITY

Where available, the significance criteria established by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) may be relied upon to make the following determinations. Would the project:

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion: The North Central Coast Air Basin does not meet state standards for ozone and particulate matter (PM₁₀). Therefore, the regional pollutants of concern that would be emitted by the project are ozone precursors (Volatile Organic Compounds [VOCs] and nitrogen oxides [NO_x]), and dust.

Given the modest amount of new traffic that will be generated by the project there is no indication that new emissions of VOCs or NO_x will exceed MBUAPCD thresholds for these pollutants and therefore there will not be a significant contribution to an existing

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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air quality violation.

However, comments, attached as Attachment 6, from the Monterey Bay Unified Pollution Control District have identified a potential impact, given the proximity of the property to established residences, and recommend that the project should include State Anti-Idling Regulations to ensure that diesel exhaust does not become a nuisance for nearby residences. This recommendation applies to any diesel powered vehicle or equipment over 10,000 pounds and prohibits idling for longer than five minutes.

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|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. | Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project will not conflict with or obstruct implementation of the regional air quality plan. See K-1 above.

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. | Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See K-1 above.

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|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. | Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See K-1 above.

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|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. | Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See K-1 above.

L. GREENHOUSE GAS EMISSIONS

Would the project:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. | Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project, like all development, is responsible for an incremental increase in green house gas emissions by usage of fossil fuels during the on-going operation of the vehicles and equipment.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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At this time, Santa Cruz County is in the process of developing a Climate Action Plan (CAP) intended to establish specific emission reduction goals and necessary actions to reduce greenhouse gas levels to pre-1990 levels as required under SB 375 legislation. Until the CAP is completed, there are no specific standards or criteria to apply to this project. However, the project is proposed adjacent to Highway 17, which will reduce emissions. Also, the project will be required to comply with the Regional Air Quality Control Board emissions requirements for vehicles and equipment involved in the project. No idling for longer than five minutes shall be allowed (see K-1 above).

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See Item L.1 above.

M. PUBLIC SERVICES

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: | | | | |
| a. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Parks or other recreational activities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Other public facilities, including the maintenance of roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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N. RECREATION

Would the project:

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There is no proposed increase in habitable space.

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|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See N.1. above.

O. UTILITIES AND SERVICE SYSTEMS

Would the project:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project includes a proposed drainage plan. DPW has reviewed the drainage information and have not determined that downstream storm facilities are adequate to handle the drainage associated with the project (Attachment 6). Notwithstanding these comments, the project is not proposing any increase in impervious surface area and should not result in the need to construct new or expanded facilities. However, it is possible that the existing inlet may require work to handle existing conditions nonetheless. The owner would be required to comply with the drainage requirements of Public Works to ensure that significant impacts do not occur.

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| 2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: The project will rely on an individual well for water supply. Public water delivery facilities will not have to be expanded.

The project is also served by an existing on-site sewage disposal system. Environmental Health has required that a septic approval be obtained to ensure that the system can adequately accommodate the proposed employees. This has not been obtained at this point, though environmental health staff has indicated that occasional use of the existing facilities will only create a light demand on the system and that the existing system should probably be adequate to accommodate the project.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project's wastewater flows will not violate any wastewater treatment standards.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project does not propose to use water for the project and therefore this is not an issue for this project.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
7. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

P. LAND USE AND PLANNING

Would the project:

1. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion: General Plan Objectives 5.8a and b provide policies to protect groundwater. In order to comply with General Plan Policies regarding primary groundwater recharge areas, the property owner shall be required to place drip pans under every business-related vehicle; no business-related hydraulic equipment shall be operated on-site; no maintenance of business-related vehicles shall be allowed; a silt and grease trap, and a plan for its maintenance, shall be required; and the existing vehicle-style handle shall be removed from the fuel tanks or, if a special inspection indicates that the fuel tanks are not connected to the house, they shall be required to be removed from the property. With these mitigations, the project will be in compliance with the County's policies to protect groundwater recharge areas.

2. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

3. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will not include any element that would physically divide an established community.

Q. POPULATION AND HOUSING

Would the project:

1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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infrastructure)?

Discussion: The proposed project would not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area including, but limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water annexations; or LAFCO annexation actions.

The proposed project would not extend the road or increase its capacity.

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|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would not displace any existing housing since the site of proposed work does not involve the demolition of existing housing.

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would not displace a substantial number of people since the proposed project does not involve the demolition of existing housing.

R. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion: The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in Section III of this Initial Study. Resources that have been evaluated as significant would be potentially impacted by the project, particularly groundwater resources. However, mitigations have been included that clearly reduce these effects to a level below significance. These mitigations include a requirement to place drip pans under every business-related vehicle; to prohibit operation of business-related hydraulic equipment on-site; to prohibit the maintenance of business-related vehicles on-site; the requirement to provide a silt and grease trap, and a plan for its maintenance; and the removal of the existing vehicle-style handle from the fuel tanks. As a result of this evaluation, there is no substantial evidence that, after mitigation, significant effects associated with this project would result. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- | | Potentially Significant Impact | Less than Significant with Mitigation | Less than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|--------------------------|
| 2. Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion: In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there were determined to be potentially significant cumulative effects related to groundwater pollution. However, mitigation has been included that clearly reduces these cumulative effects to a level below significance. These mitigations include a requirement to place drip pans under every business-related vehicle; to prohibit operation of business-related hydraulic equipment on-site; to prohibit the maintenance of business-related vehicles on-site; the requirement to provide a silt and grease trap, and a plan for its maintenance; and the removal of the existing vehicle-style handle from the fuel tanks. As a result of this evaluation, there is no substantial evidence that, after mitigation, there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- | | Potentially Significant Impact | Less than Significant with Mitigation | Less than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|--------------------------|
| 3. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion: In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to specific questions in Section III. Hazards and Hazardous Materials, Hydrology and Water Quality. As a result of this evaluation, there were determined to be potentially significant effects to human beings related to the following: the potential of pollutants entering the groundwater. However, mitigation has been included that clearly reduces these effects to a level below significance. These mitigations include a requirement to place drip pans under every business-related vehicle; to prohibit operation of business-related hydraulic equipment on-site; to prohibit the maintenance of business-related vehicles on-site; the requirement to provide a silt and grease trap, and a plan for its maintenance; and the removal of the existing vehicle-style handle from the fuel tanks. As a result of this evaluation, there is no substantial evidence that, after mitigation, there are adverse effects to human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

IV. TECHNICAL REVIEW CHECKLIST

	<u>REQUIRED</u>	<u>DATE COMPLETED</u>
Agricultural Policy Advisory Commission (APAC) Review	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Archaeological Review	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2002 _____
Biotic Report/Assessment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geologic Hazards Assessment (GHA)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geologic Report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Geotechnical (Soils) Report	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Riparian Pre-Site	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Septic Lot Check	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	_____
Other: Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2010 _____

V. REFERENCES USED IN THE COMPLETION OF THIS ENVIRONMENTAL REVIEW INITIAL STUDY

County of Santa Cruz 1994.

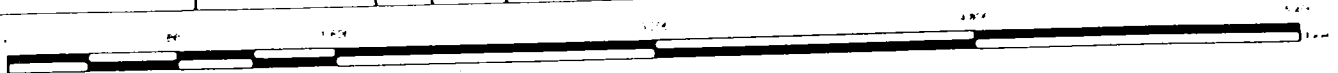
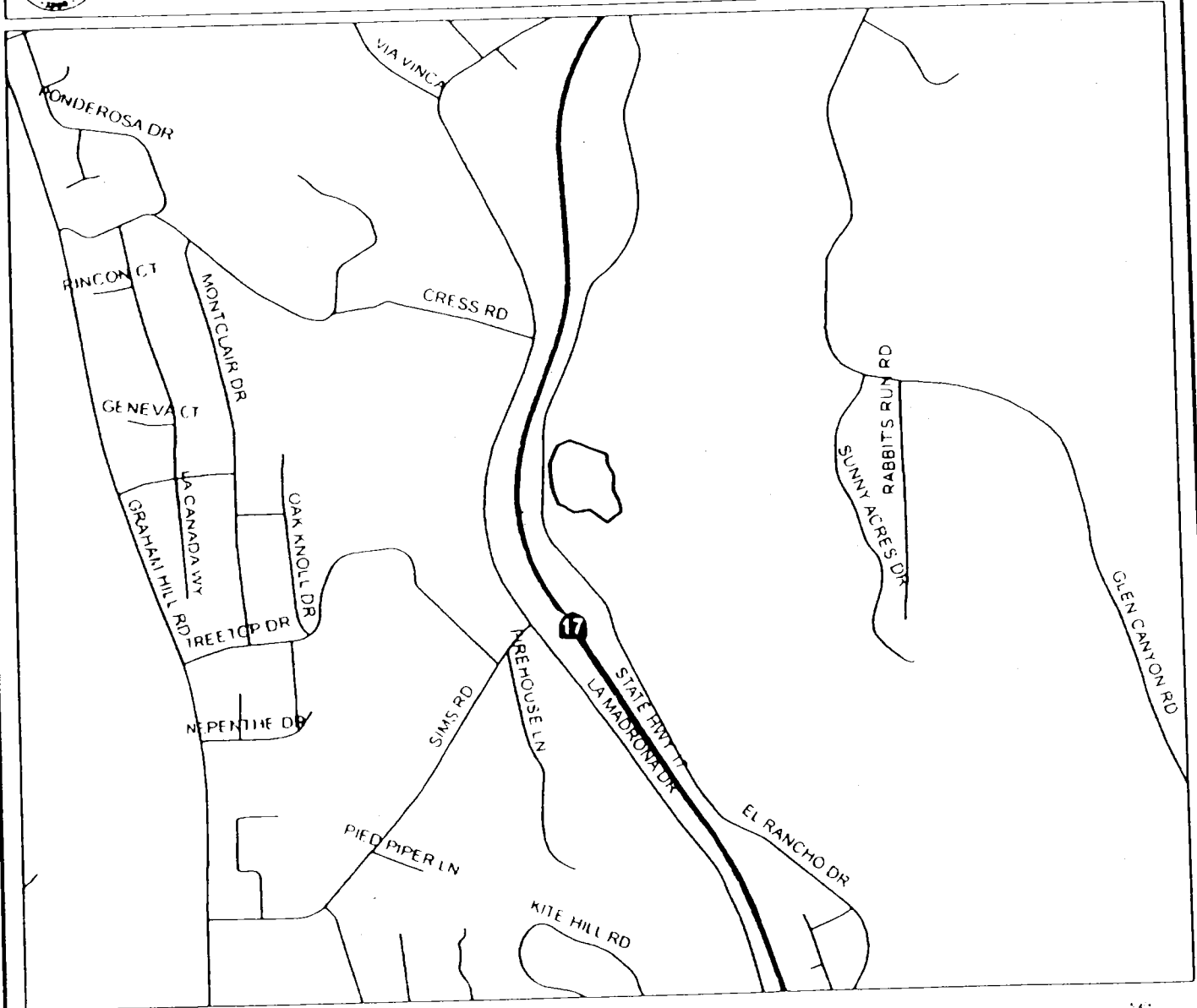
1994 General Plan for the County of Santa Cruz, California. Adopted by the Board of Supervisors on May 24, 1994, and certified by the California Coastal Commission on December 15, 1994.

VI. ATTACHMENTS

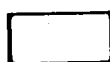



1. Vicinity Map, Map of Zoning Districts; Map of General Plan Designations; and Assessors Parcel Map.
2. The Zoning Administrator's Staff Report excerpt dated October 2, 2009.
3. Project Plans: 2 sheets prepared by Wayne Miller, "Site Plan-One" (showing parking plan) dated January 21, 2010, and "Site Plan-One-D" dated October 16, 2007; 1 sheet, "Stormwater Management Plan" by Richard A. Wadsworth of Mid Coast Engineers, dated 1/26/10, and one sheet of drainage calculations.
4. Program Statement, undated
5. Equipment List, dated February 1, 2010
6. Discretionary Application Comments, dated May 12, 2010
7. Noise Study, prepared by Edward L. Pack Associates, Inc., dated February 1, 2010

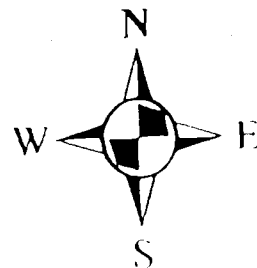


Location Map



Legend

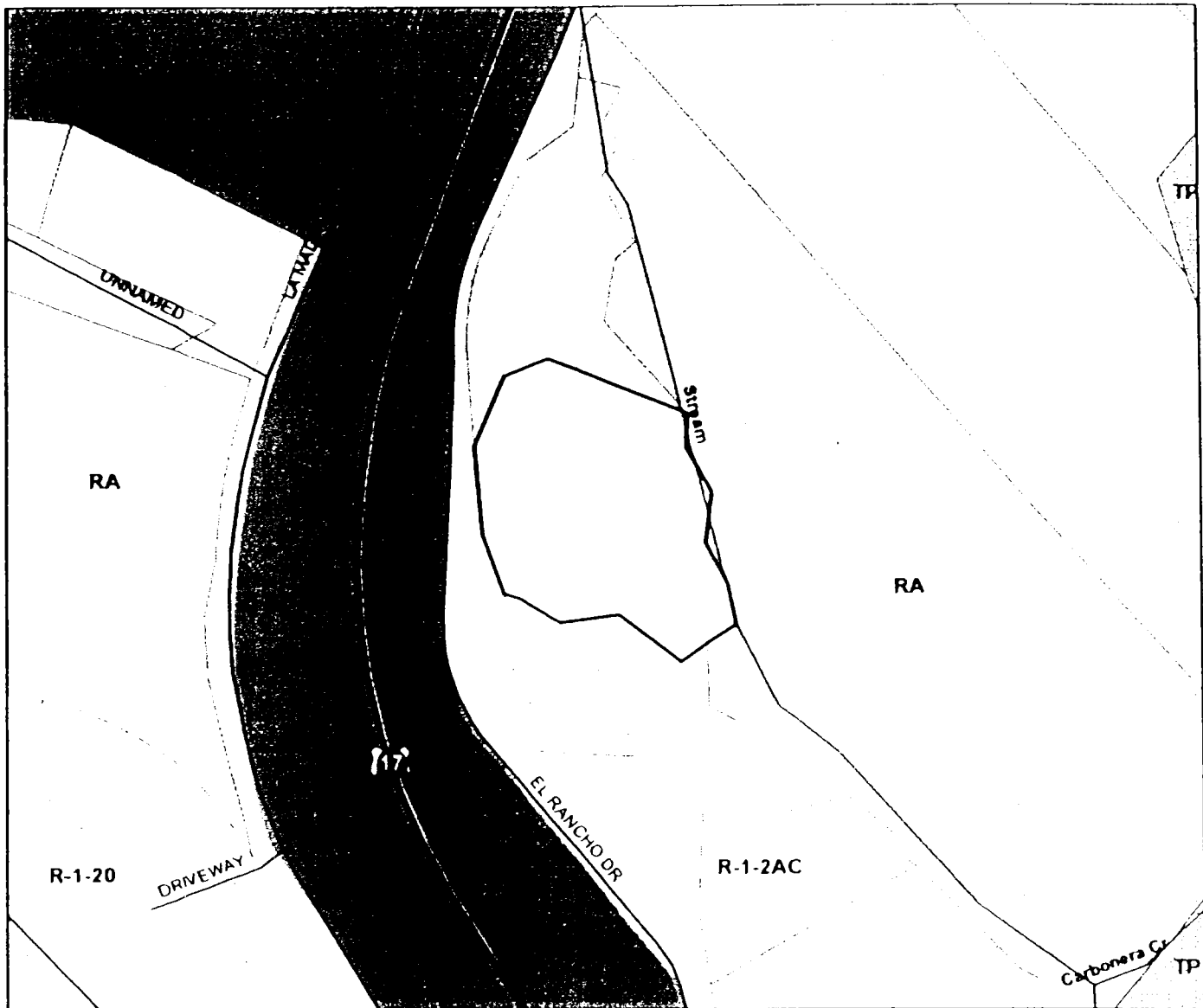
-  APN 067-191-18
-  Streets
-  Assessors Parcels
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
November 2006

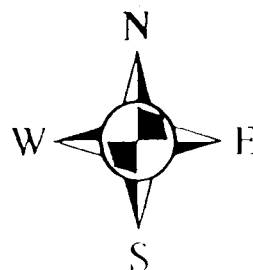


Zoning Map



Legend

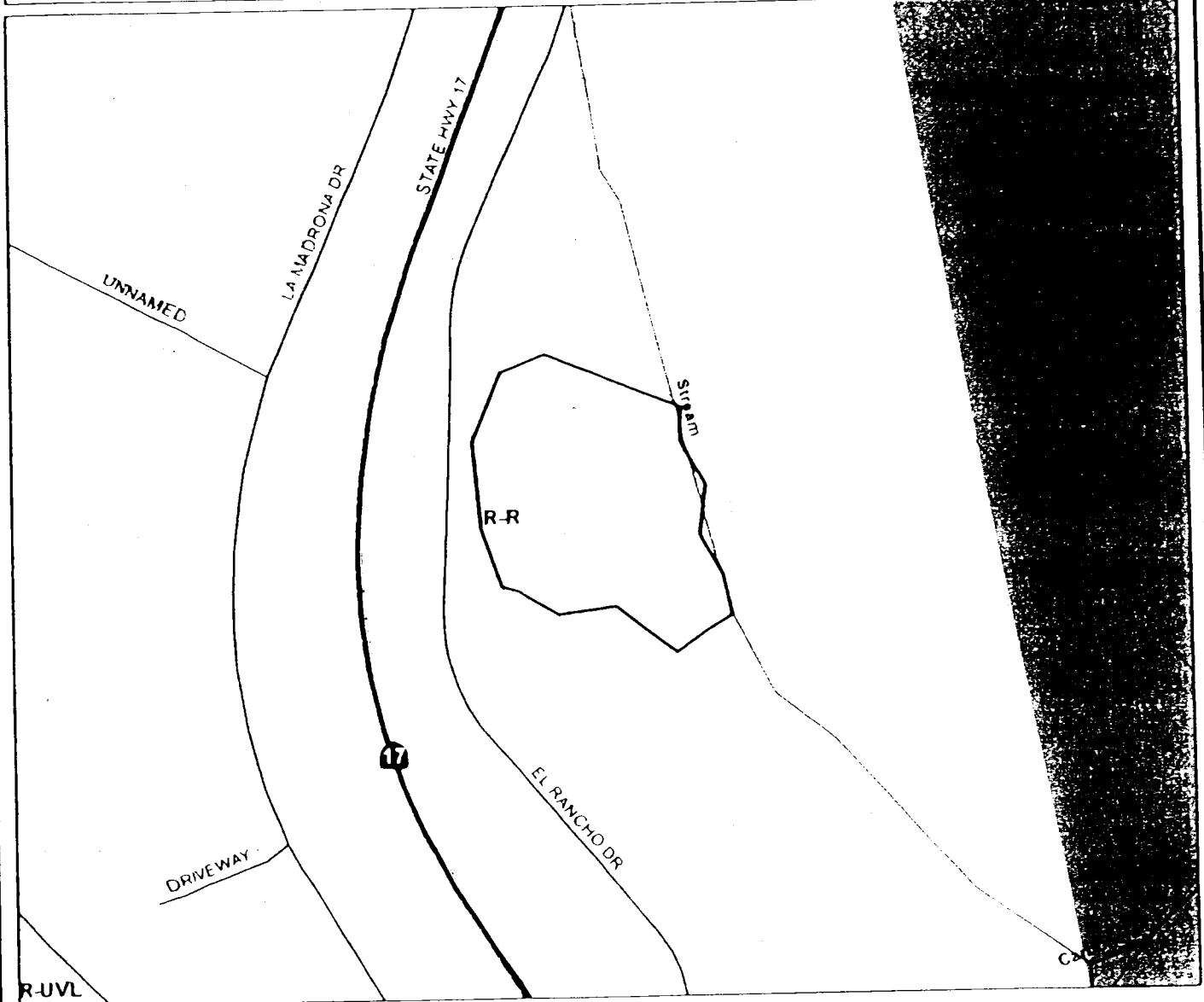
- APN 067-191-18
- Assessors Parcels
- INTERMITTENT STREAM
- PERENNIAL STREAM
- Streets
- State Highways
- RESIDENTIAL SINGLE FAMILY (R-1)
- AGRICULTURE RESIDENTIAL (RA)
- SPECIAL USE (SU)
- TIMBER PRODUCTION (TP)










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Planning Department
November 2006

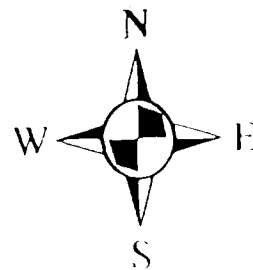


General Plan Designation Map



Legend

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



Map Created by
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Planning Department
November 2006

[illegible]



Staff Report to the Zoning Administrator

Application Number: **06-0641**

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

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

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

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

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

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

Staff Recommendation:

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

Exhibits

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

Parcel Information

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

Environmental Information

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

Services Information

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

History

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

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

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

Project Setting

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

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

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

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

Project Description

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

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

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

Zoning & General Plan Consistency

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

Home Occupation Regulations

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

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

Identification of Personal Materials versus Business Materials

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

In addition, various building materials are stored in the yard, taking up more than 8000 - 10,000 sq. ft of space (as shown on the plans and in site photos dated 2009, attached as Exhibit K), which are also characterized by the applicant as personal materials. These materials, which include a Porta Potty, stored rocks, 1 beams, gravel supplies, etc., are items typically associated with a contracting business and are not typically stockpiled for personal use.

Need for Additional Information Regarding Operations

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

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

Scale of the Business Activity

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

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

Outdoor Storage of Personal Materials

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

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

Employee Parking/Vehicle/Equipment Parking

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

Hours of Operation/Noise

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

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

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

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

Traffic

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

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

Resource Protection

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

Existing Structures

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

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

Environmental Review

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

Conclusion

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

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

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

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

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

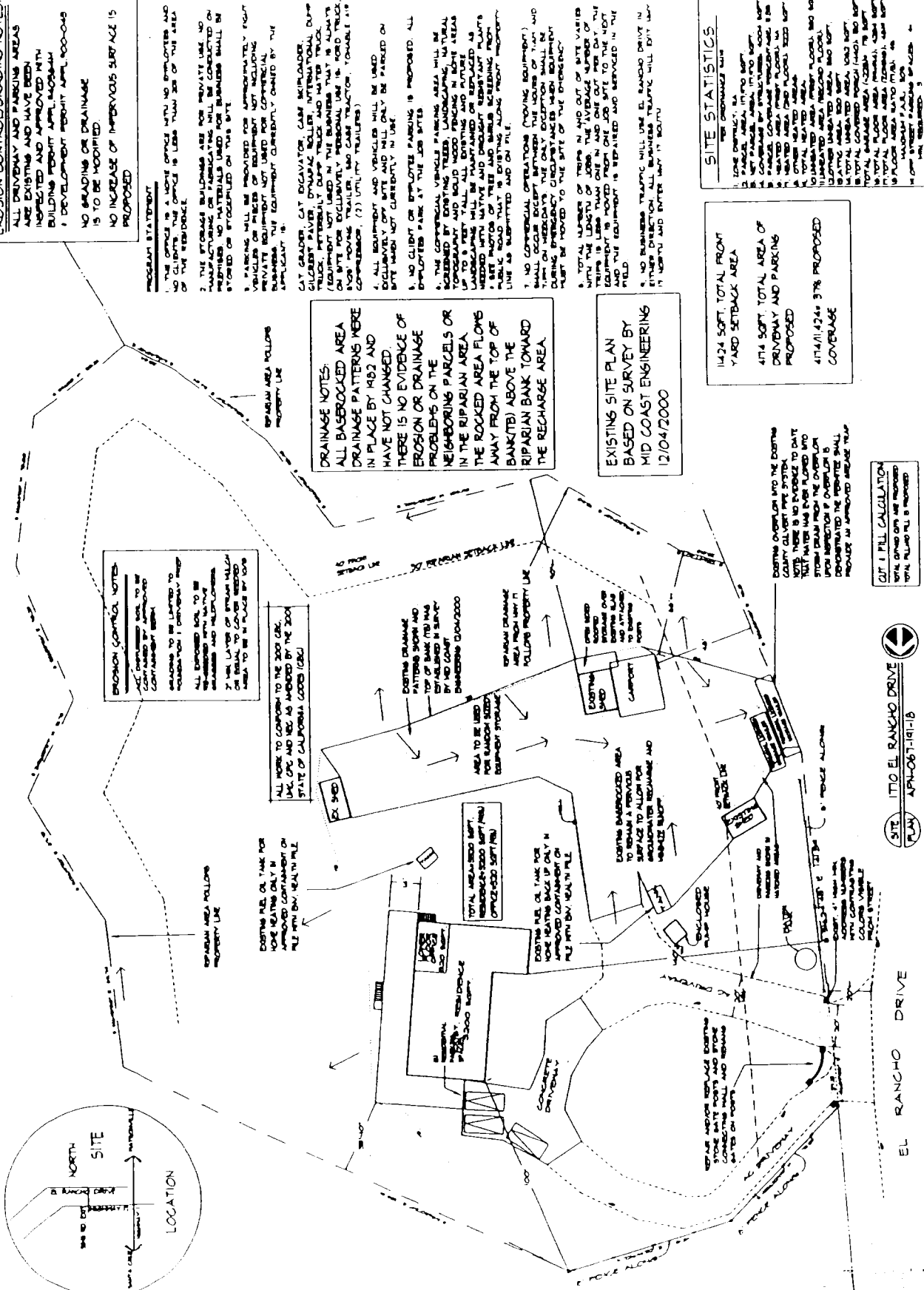
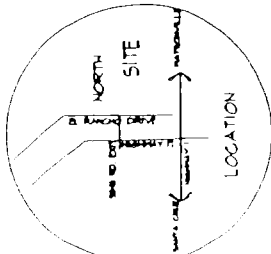
Staff Recommendation

- **DENIAL** of Application Number **06-0641**, based on the attached findings and conditions.

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

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

Report Prepared By: Sheila McDaniel
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3439
E-mail: sheila.mcdaniel@co.santa-cruz.ca.us



EROSION CONTROL/GRADING NOTES:
 ALL DRIVEWAY AND PARKING AREAS ARE EXISTING AND HAVE BEEN INSPECTED AND APPROVED WITH BUILDING DEPARTMENT APPROVAL. DEVELOPMENT PERMIT AND NOODS NO GRADING OR DRAINAGE IS TO BE MODIFIED NO INCREASE OF IMPERVIOUS SURFACE IS PROPOSED

MODERN STATEMENT
 1. THE OFFICE IS A WORK OFFICE WITH NO EMPLOYEES AND NO CLIENTS. THE OFFICE IS LESS THAN 200' OF THE AREA OF THE RESIDENCE.
 2. THE STORAGE BUILDINGS ARE NOT PRIVATE USE. NO MANUFACTURING OR FABRICATING WILL BE CONDUCTED ON THE SITE. NO MATERIALS USED FOR BUSINESS SHALL BE STORED OR STOCKPILED ON THIS SITE.
 3. PARKING WILL BE PROVIDED FOR APPROPRIATELY PLACED VEHICLES OF RESIDENTS. NO COMMERCIAL VEHICLES, BUSES, OR EQUIPMENT CURRENTLY OWNED BY THE APPLICANT IS.

CUT GRADERS, CUT EXCAVATOR, CASE BACKLOADER, CEMENT PAVING, DYNAMIC ROLLER, INTERNATIONAL DUMP TRUCK, PETERBILT DUMP TRUCK AND WATER TRUCK (EQUIPMENT NOT USED IN THE BUSINESS THAT IS ALREADY ON SITE FOR EXCLUSIVE PERSONAL USE IS NOT TO BE USED FOR BUSINESS PURPOSES. (2) TRAILERS.
 4. ALL EQUIPMENT AND VEHICLES WILL BE USED ON EXISTING PAVED AREAS AND WILL NOT BE PARKED ON SITE UNLESS NOT CURRENTLY IN USE.
 5. NO CLIENT OR EMPLOYEE PARKING IS PROPOSED. ALL EMPLOYEES PARK AT THE JOB SITES.
 6. THE COMMERCIAL VEHICLE PARKING AREA WILL BE SCREENED BY EXISTING TREES, LANDSCAPING, NATURAL VEGETATION, AND A 6' TALL WALL. EXISTING TREES UP TO 8" DBH WILL BE MAINTAINED OR REPLACED AS NECESSARY WITH NATIVE AND DECIDUOUS RESISTANT PLANTS. LANDSCAPING WILL BE MAINTAINED ALONG THE EXISTING DRIVEWAY AND ON THE LOT.

1. NO COMMERCIAL OPERATIONS (MOVING EQUIPMENT) WILL BE CONDUCTED BETWEEN THE HOURS OF 7 AM AND 5 PM ON WEEKDAYS. THE ONLY EXCEPTION SHALL BE DURING EMERGENCY CIRCUMSTANCES WHEN EQUIPMENT MUST BE MOVED TO THE SITE OF THE EMERGENCY.
 2. TOTAL NUMBER OF TRIPS IN AND OUT OF SITE VARIES WITH THE LENGTH OF JOBS. THE AVERAGE NUMBER OF TRIPS WILL BE MOVED FROM ONE JOB SITE TO THE NEXT AND THE EQUIPMENT IS REPAIRED AND SERVICED IN THE FIELD.
 3. NO BUSINESS TRAFFIC WILL USE EL RANCHO DRIVE IN EITHER DIRECTION. ALL BUSINESS TRAFFIC WILL EXIT THE SITE NORTH AND ENTER WAY 11 SOUTH.

EXISTING SITE PLAN BASED ON SURVEY BY MID COAST ENGINEERING 12/04/2000

SITE STATISTICS

ITEM	DESCRIPTION	AMOUNT
1	LOT AREA	1.00 AC
2	LOT AREA	1.00 AC
3	LOT AREA	1.00 AC
4	LOT AREA	1.00 AC
5	LOT AREA	1.00 AC
6	LOT AREA	1.00 AC
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99	LOT AREA	1.00 AC
100	LOT AREA	1.00 AC

DRAINAGE NOTES:
 ALL DRAINAGE PATTERNS WERE IN PLACE BY 1982 AND HAVE NOT CHANGED. THERE IS NO EVIDENCE OF EROSION OR DRAINAGE PROBLEMS ON THE NEIGHBORING PARCELS OR IN THE RIPARIAN AREA. THE ROCKED AREA FLOWS AWAY FROM THE TOP OF BANK(TB) ABOVE THE RIPARIAN BANK TOWARD THE RECHARGE AREA.

EXISTING SITE PLAN BASED ON SURVEY BY MID COAST ENGINEERING 12/04/2000

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Development Permit Findings

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

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

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

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

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

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

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

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

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

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

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

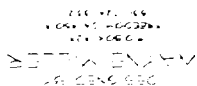
This finding cannot be made, in that the General Plan encourages "appropriate small businesses conducted as home occupations, provided that they are compatible with surrounding residential land uses." The General Plan and Zoning Ordinance Section 13.10.700-H define home occupation to mean "an accessory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

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

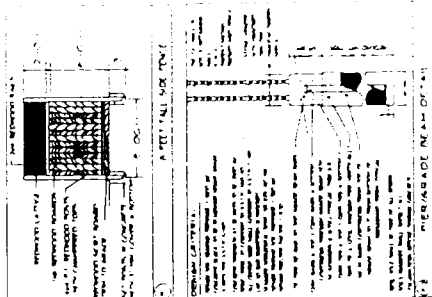
General Plan Policies 5.7.1 (Impacts from New Development on Water Quality), 5.7.4 (Control of Surface Runoff), and 5.7.5 (Protecting Riparian Corridors and Coastal Lagoons) require that environmental protection be provided to riparian corridors and to maintain water quality. Equipment, building/grading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

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

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



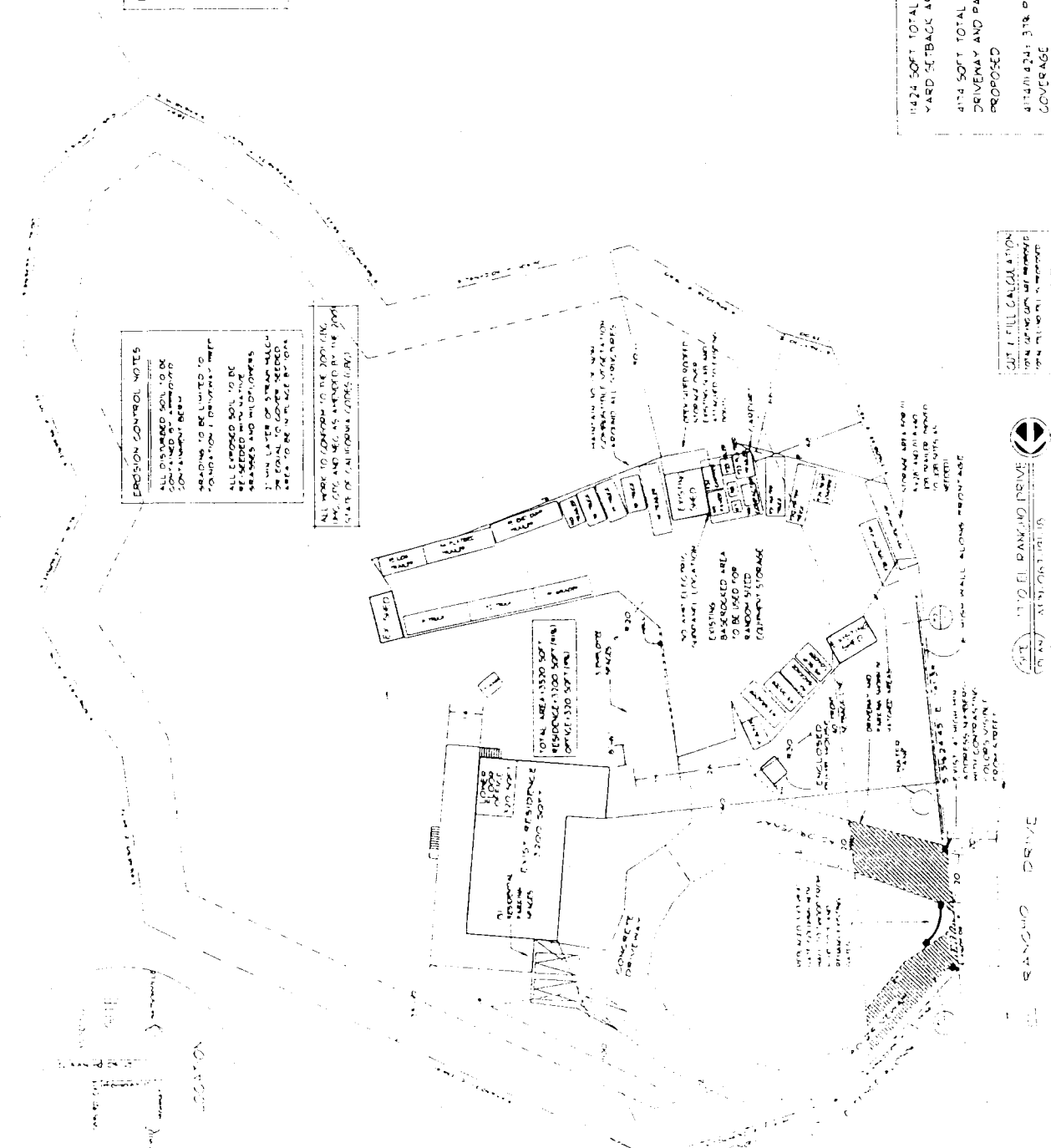
NO GRADING OR DRAINAGE
S.D.C.O.
DEVELOPMENT BEING APPLIED
TO ALL DRIVEWAYS AND PARKING AREAS
ARE EXISTING AND HAVE BEEN
INSPECTED AND APPROVED WITH
BUILDING PERMIT AND VOUCHER

[illegible]

11424 SQ. FT. TOTAL FRONT
YARD BACK AREA

4174 SQ. FT. TOTAL AREA OF
DRIVEWAY AND PARKING
PROPOSED

4174/11424 = 37% PROPOSED
COVERAGE



EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES SHOULD BE INSTALLED BEFORE ANY CONSTRUCTION ACTIVITIES BEGIN.

2. EROSION CONTROL MEASURES SHOULD BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

3. EROSION CONTROL MEASURES SHOULD BE REMOVED AFTER CONSTRUCTION IS COMPLETE.

4. EROSION CONTROL MEASURES SHOULD BE REINSTALLED IF EROSION OCCURS DURING CONSTRUCTION.

5. EROSION CONTROL MEASURES SHOULD BE DESIGNED TO PREVENT EROSION OF THE SOIL SURFACE.

6. EROSION CONTROL MEASURES SHOULD BE DESIGNED TO PREVENT EROSION OF THE SOIL SURFACE.

7. EROSION CONTROL MEASURES SHOULD BE DESIGNED TO PREVENT EROSION OF THE SOIL SURFACE.

8. EROSION CONTROL MEASURES SHOULD BE DESIGNED TO PREVENT EROSION OF THE SOIL SURFACE.

9. EROSION CONTROL MEASURES SHOULD BE DESIGNED TO PREVENT EROSION OF THE SOIL SURFACE.

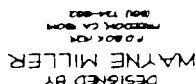
10. EROSION CONTROL MEASURES SHOULD BE DESIGNED TO PREVENT EROSION OF THE SOIL SURFACE.

[illegible]

2001 年 12 月 1 日

THE EL PASO DRIVE
MONTGOMERY, ALA.

[illegible]



SITE PLAN
KODJAL RESIDENCE
1710 EL RANCHO DRIVE
SANTA CRUZ, CA

ONE-D
0.20-0
0.20-0

EROSION CONTROL/GRADING NOTES:
ALL DRIVEWAYS AND PARKING AREAS
ARE EXISTING AND HAVE BEEN
INSPECTED AND APPROVED BY
BUILDING PERMIT APT. WORKMAN
A DEVELOPMENT PERMIT APT. WORKMAN
NO GRADING OR DRAINAGE
IS TO BE MODIFIED.
NO INCREASE OF INTERVENOUS SURFACE IS
PROPOSED

PROGRAM STATEMENT

- [illegible]

SITE STATISTICS

- [illegible]

11434 SQFT, TOTAL FRONT YARD SETBACK AREA	4174 SQFT, TOTAL AREA OF DRIVEWAY AND PARKING PROPOSED	4174/11434= 36% PROPOSED COVERAGE
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EXISTING SITE PLAN
BASED ON SURVEY BY
MID COAST ENGINEERING
12/04/2000

DRAINAGE NOTES:
ALL BASEROCKED AREA
DRAINAGE PATTERNS WERE
IN PLACE BY 1952 AND
HAVE NOT CHANGED.
THERE IS NO EVIDENCE OF
EROSION OR DRAINAGE
PROBLEMS ON THE
NEIGHBORING PARCELS OR
IN THE RIPARIAN AREA.
THE ROCKED AREA FLOWS
AWAY FROM THE TOP OF
BANK(S) ABOVE THE
RIPARIAN BANK TOWARD
THE RECHARGE AREA.

STATION TOWN/COUNTY NOTES

ALL DISPOSED SOL TO BE
RE-DESIGNED WITH 10%
EXCESS AND RE-DESIGNED

7' OR LAYER OF SPREAD W/CHOK
ON BEHALF TO COVER SPREAD
W/CHOK TO BE IN PLACE BY 10/1

ALL DISPOSED SOL TO BE
RE-DESIGNED WITH 10%
EXCESS AND RE-DESIGNED

7' OR LAYER OF SPREAD W/CHOK
ON BEHALF TO COVER SPREAD
W/CHOK TO BE IN PLACE BY 10/1

WILL WORK TO CONFORM TO THE 2003 CIRC.
MAG. CIRC AND WILL AS AMENDED BY THE 2004
STATE OF CALIFORNIA CODES (KBC)

REASON ARE FOLLOW

EXISTING FUEL OIL TANK FOR
HOME HEATING ONLY IN
APPROVED CONTAINER ON
FIRE WITH BAY SEAL IN PLACE

[illegible]

TOTAL AREA=1000 SQFT
RESERVED=1000 SQFT/MSU
OFFICE=1000 SQFT/MSU

GETTING FUEL OIL TANK FOR
ME HEATING BACK UP ONLY IN
IMPROVED COMFORT ON
A BIRTHDAY MEAL IN MEXICO

EXISTING SHED

CARPORT

OPEN SOIL
ROOFED
STORAGE OVER
EXISTING BLAS
AND ATTACHED
TO EXISTING
ROOF

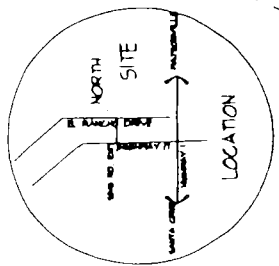
THE ABOVE SUMMARY OF FACTS
THAT BEARING ON CIRCUMSTANCES
IS NOTED AS FOLLOWS: THAT
THE ABOVE IS NOT THE ONLY
THAT IS BEING DONE BY THE
THE ABOVE IS NOT THE ONLY
THE ABOVE IS NOT THE ONLY

CUT & FILL CALCULATION
TOTAL CUTTING CUBIC YARDS REQUIRED
TOTAL FILLING CUBIC YARDS REQUIRED



SITE 1770 EL RANCHO DRIVE
PLAN APN-067-191-18

EL RANCHO DRIVE



CIRCULAR CHANNEL ANALYSIS NORMAL DEPTH COMPUTATION

December 8, 2009
KUEBEL SITE, EL RANCHO DRIVE
CITY PE (N-12) DOWNDRAIN

PROGRAM INPUT DATA:

DESCRIPTION	VALUE
Flow Rate (cubic feet per second).....	1.0
Channel Bottom Slope (feet per foot).....	0.0001
Manning's Roughness Coefficient (n-value).....	0.012
Channel Diameter (feet).....	0.40

PROGRAM RESULTS:

DESCRIPTION	VALUE
Normal Depth (feet).....	0.25
Flow Velocity (feet per second).....	3.94
Froude Number (Flow is Subcritical).....	0.84
Velocity Head (feet).....	1.80
Energy Head (feet).....	1.75
Cross-Sectional Area of Flow (square feet).....	0.10
Top Width of Flow (feet).....	0.40

CIRCULAR CHANNEL ANALYSIS COMPUTER PROGRAM, Version 1.0, (c) 1998
Ingram & Associates, Inc., 7015 W. Tidwell, #107, Houston, TX 77041
(713) 835-2322. A complete program manual is available.

Richard
Wootworth

E & S Trucking

Edward Kuerzel dba

General Engineering Contractor License No. 713788

1770 El Rancho Dr. Santa Cruz, CA 95060 TEL:831-438-7940 FAX:831-438-8000

Program Statement:

1. The Office for managing E & S Trucking is located in the approved basement area of house. It is approx. 320 SF and represents 7.5% of the total SF of the home. There are no employees or clients that come to office.
2. Storage buildings on property are for personal use only and will remain so. No manufacturing or fabricating is or will be conducted on site. No materials used for business are stored or stockpiled on site. Nor will they be in the future.
3. Even though the business is not operated so as to require the parking of more than a few business related vehicles on site, the Site Plan included with this submittal clearly shows property will accommodate all business vehicles, equipment and trailers as well as personal vehicles, equipment and trailers. It will also accommodate five employee vehicles. There has never been more than five employee vehicles on site and that is even rare. This plan was done at the behest of County Planning. The business hires only full time employees and currently has 7 full time employees. Employees regularly either drive to job sites or are picked up at a predetermined spot for car pooling. Employees only park on site when they would be passing by Home on their way to a job and car pooling from here makes the most sense.
4. All vehicles, equipment and trailers are used exclusively off site and only on site when parked and currently not in use. All vehicles, equipment and trailers as listed on the attached **Exhibit A (Equipment List)** have never all been on site at any one time. In fact, it would be very rare for more than eight business vehicles to be parked on site at any one time and never have more than fifteen business vehicles been parked on site at any one time. The operation of the business will not result in more than fifteen business vehicles on site at any one time without prior written consent from the County Planning Department to temporarily exceed fifteen vehicles due to unusual circumstances.

5. The commercial vehicle parking area is and will remain screened by existing trees, landscaping, fencing and natural topography. All existing and future landscaping will be maintained or replaced as needed with native drought resistant plants. The pictures attached as **Exhibit B** show trees and shrubs screening view of Property from existing public roads and neighboring properties.

6. No commercial operations i.e. moving vehicles or equipment shall occur except between the hours of 7 AM and 7 PM weekdays. The only exception to this is when called by a governmental agency for emergency services such as fire, floods, earthquakes or other disasters.

7. The number of trips in and out of site varies with the length of jobs and current work load. This will not increase in the future. On average it is no more than 1.6 per day and this will not increase in the future. The equipment is generally moved from job site to the next job site. The Monterey Bay Unified Air Pollution Control District Supervising Planner Jean Getchell has reviewed information sent to her via email. See, attached **Exhibit C** stating that given circumstances of level of traffic and fact that closest Neighbor is two to three hundred feet away there should not be any health hazard.

8. There is NO ON SITE FUELING, REPAIRING, WASHING OR CLEANING OF VEHICLES OR EQUIPMENT. All fueling and repairs are performed in the field or at off-site repair facilities. (see sample receipts previously provided for the latter) This will remain the case in the future.

9. Per an agreement between the KUERZEL's and some of the surrounding properties it has been agreed that business related vehicles will not use El Rancho Dr. for business related ingress or egress from the north or south. We simply exit property to North bound on ramp of Highway 17 directly across from driveway. When returning we enter property by exiting North bound Highway 17 and crossing El Rancho Dr. to property. Therefore we do not pass by any one else's property. This will remain the case in the future.

COMPLIANCE WITH THIS PROGRAM STATEMENT MAY BE MADE A CONDITION OF APPROVAL OF OUR HOME OCCUPANCY PERMIT, IF APPROVED.

E & S Trucking

Edward Kuerzel dba

General Engineering Contractor License No. 713788

1770 El Rancho Dr. Santa Cruz, CA 95060 TEL:831-438-7940 FAX:831-438-8000

February 1, 2010

Equipment List:

Categorized as follows:

- 4- Vehicles 20' and larger all diesel and 3 axle. 1 of which is the water truck that was damaged by arson, we have not decided whether we will be replacing or not.
- 4- Vehicles 20' and smaller consisting of more pick-up sized all diesel and 2 axles 1 of which was recently sold and undecided if it will be replaced.
- 3- Trailers currently stored on site usage do be determined.
- 3- Trailers from 10' in length to 30' in length used for moving various pieces of equipment.
- 1- Paver Moved to specific job and returned to storage
- 3- Smaller pieces 2 rollers and oiler moved to specific job and returned to storage.
- 6- Tractors moved from job to job and rarely in yard.
- 4- Personal trailers, tractor and chipper always here for use on property.

1. International 3 Axle Rated HP 350 10 yd. Dump truck for hauling materials from quarries to job sites and towing equipment Trailers to move equipment from site to site. Approx. 28' in length and turning radius of 20' Here Approx. 41%

2. Peterbilt 3 axle Rated HP 350 log/tractor truck for hauling logs from job sites to mill and for back up to tow equipment trailer, end dump trailer, low bed trailer and log trailer. Approx. 28' in length and turning radius of 20' Here approx. 94%

3. Log trailer here 100% 20' stored at this time.

4. Low bed trailer here 100% 30' Stored at this time.

5. End Dump trailer here 100% 30' Stored at this time

E & S Trucking

Edward Kuerzel dba

General Engineering Contractor License No. 713788

1770 El Rancho Dr. Santa Cruz, CA 95060 TEL:408-438-7940 FAX:408-438-8000

6. Chevy 3500 1 Ton Rated HP 185 service truck used for doing necessary service and maintenance work in the field. Approx. 15' in length and turning radius of 12'. here 95%
7. Chevy 4500 1 ton Rated HP 210 crew truck for transporting crew and materials from suppliers to job sites. Crew mostly picked up from parking area on Ocean St. Approx. 17' in length and turning radius of 12'. Here approx. 39% per week and taken to jobs.
8. Mack 2 Axle Rated HP 190 6 yd dump truck for hauling small quantities of materials from quarries to job sites. Approx. 15' in length and turning radius of 12'. here 10%
9. Dynaweld 2 axle Equipment trailer used to haul all equipment from job to job. Approx. 30' in length. here 10%
10. Walton 2 axle equipment trailer used to haul rollers to job. Approx. 12' in length. Here 90% of the time.
11. Cat 130G Grader Rated HP 135 Used to grade roads and building pads. Approx. 25' in length. here 1%
12. Cat 315L Excavator Rated HP 99. Used for excavation of building pads and drilling caissons. Approx. 20' in length here 5%
13. Cat D4H Bulldozer Rated HP 105 Used for grading of building pads and roads. Approx. 16' in length. here 5%
14. Cat 430D Backhoe Rated HP 97 Used for underground, septic, utility work and drilling caissons. Approx. 15' in length here 10%
15. Case 570MXT Skip loader Rated HP 75 Used for pad, driveway and finish grading. Approx. 15' in length. here 5%
16. Bomag 172PDB Soil compactor Rated HP 66 used for compacting soil and roadways on job sites. Approx. 9' in length. here 5%

E & S Trucking

Edward Kuerzel dba

General Engineering Contractor License No. 713788

1770 El Rancho Dr. Santa Cruz, CA 95060 TEL:408-438-7940 FAX:408-438-8000

17. Bomag Asphalt roller Rated HP 18 Gas 1 ton 5' X 2.5' here 90%
18. Dynapac CC102 Asphalt roller Rated HP 26 3 ton 6'X4' here 92%
19. Gilcrest 831 Self propelled paver Rated HP 87 Approx. 10' in length here 96%
20. Kenworth Water truck 3 axle Rated HP 335 Used for hauling water to job sites and fire fighting. here 70%
21. International Water truck 3 axle Rated HP 250 damaged by arson awaiting crime reports from Santa Cruz Sheriffs department investigators to determine evidence for possible prosecution. Approx. 25' in length. Turning radius of 20' Currently stored here 100%
22. Flatbed utility trailer Approx 10' in length. here 94%
23. Road oiler trailer here 97% 7' X 4'
24. Vermeer Brush Chipper Personal used on property for cleanup and landscape maintenance. Also used occasionally on job site when brush chipping is necessary. Approx. 10' in length here 98%
25. Case 580ck Skip Loader Personal for clean up. Approx. 12'in length. always here
26. 28' Utility van used to move children to college etc. and grand children to events etc. when necessary. Personal always here
27. 45' Utility Van used to move children to college etc. and grand children events etc. when necessary. Personal always here

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

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

Date: May 12, 2010
Time: 08:42:46
Page: 1

Environmental Planning Completeness Comments

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

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

1) Project complete per Environmental Planning requirements.

Environmental Planning Miscellaneous Comments

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

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

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

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

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

No biotic assessments are required.

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

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

Code Compliance Completeness Comments

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

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

NO COMMENT

This addresses the violation. (KMF)

Code Compliance Miscellaneous Comments

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

Discretionary Comments - Continued

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

Date: May 12, 2016
Time: 08:47:46
Page: 2

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

Dpw Drainage Completeness Comments

===== REVIEW ON APRIL 19, 2010 BY TRAVIS RIEBER =====
Please see miscellaneous comments

Dpw Drainage Miscellaneous Comments

===== REVIEW ON APRIL 19, 2010 BY TRAVIS RIEBER =====

1. Provide details demonstrating how runoff will be controlled and directed to the proposed water quality treatment unit. Propose any improvements needed to control and direct runoff to the proposed water quality treatment unit prior to runoff leaving the site.

2. Provide across section construction detail of the proposed water quality treatment unit. Demonstrate that the sump area below the outlet pipe is adequately sized for the tributary watershed.

3. A recorded maintenance agreement will be required for the proposed water quality treatment unit. 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>

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

Dpw Driveway/Encroachment Completeness Comments

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

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

Dpw Driveway/Encroachment Miscellaneous Comments

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

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

Dpw Road Engineering Completeness Comments

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

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

Discretionary Comments - Continued

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

Date: May 12, 2010
Time: 08:42:46
Page: 3

around requirements may vary for each vehicle and must be provided. Commercial access driveways are required to be 24 feet wide and paved.

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

Dpw Road Engineering Miscellaneous Comments

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

Environmental Health Completeness Comments

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

Environmental Health Miscellaneous Comments

===== UPDATED ON NOVEMBER 29, 2006 BY JIM G SAFRANEK ===== The applicant will need to apply for an EHS building clearance. The existing onsite sewage disposal system appears adequate to servethe expected infrequent use by 6 or less employees who work mainly offsite.
===== UPDATED ON MARCH 20, 2007 BY JIM G SAFRANEK =====
If hazardous materials or hazardous waste are to be used, stored or generated on site, contact the appropriate Hazardous Material Inspector in Environmental Health at 454-2022 to determine if a permit is required.
===== UPDATED ON MAY 8, 2007 BY JIM G SAFRANEK ===== This application will be considered incomplete by EHS until the applicant receives a HazMat permit final from Rolando Charles.

Scotts Valley Fire District Completeness Comments

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

Scotts Valley Fire District Miscellaneous Comments

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



MONTEREY BAY

Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

Air Pollution Control Officer
Richard A. Stedman

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

March 22, 2010

Sent by Facsimile to: (831) 454-2131.

Original Sent by First Class Mail.

Ms. Paia Levine, Principal Planner
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

SUBJECT: PROPOSED STORAGE OF GRADING AND PAVING VEHICLES AND
EQUIPMENT AT 1770 EL RANCHO DRIVE, SANTA CRUZ

Dear Ms. Levine:

The Air District submits the following comments for your consideration:

Storage of Eight Vehicles and Equipment

During previous review of this proposed project, the Project Applicant stated that the nearest residence was 200-300 feet from his property. The proposed level of vehicular activity should not pose a health risk to neighbors. However, certain vehicles would be subject to the State's Anti-Idling Regulation, which is specified, herein. The County should make the regulation a condition of project approval, to ensure that there are no violations of the law and no significant health impacts.

State Anti-Idling Regulation

Given the proximity of the project to established residences, the Air District suggests that the County include the State Anti-Idling Regulation as a condition of project approval, to ensure that diesel exhaust does not become a nuisance for nearby residents. Please see Title 13, California Code of Regulations, Section 2485 (c) (1) regarding idling of commercial vehicles, which follows:

California Code of Regulations

Title 13, § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles. (b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This

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specifically includes: (1) California-based vehicles; and (2) Non-California-based vehicles. (c) Requirements. On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

Thank you for the opportunity to review the document.

Sincerely,

A handwritten signature in black ink, appearing to be 'JG' followed by a stylized flourish.

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division



EDWARD L. PACK ASSOCIATES, INC.

1975 HAMILTON AVENUE
SUITE 26
SAN JOSE, CA 95128

Acoustical Consultants

TEL 408-371-1196
FAX 408-371-1196
www.packassociates.com

February 1, 2010
Project No. 42-002

Jonathan Wittwer, Esq.
The Law Offices of Wittwer & Parkin, LLP
147 South River Street
Suite 221
Santa Cruz, CA 95060

Subject: Noise Assessment Study of Equipment Operations, E&S Trucking, 1770
El Rancho Drive, Santa Cruz County

Dear Mr. Wittwer:

This report presents the results of a noise assessment study of equipment operations at the E&S Trucking facility at 1770 El Rancho Drive in Santa Cruz County. The noise exposures and noise levels presented herein were evaluated against the standards of the County of Santa Cruz Noise Element, Ref. (a), and County of Santa Cruz County Code, Ref. (b). The purpose of the analysis was to determine the noise exposures and noise level impacts from the facility operations to the adjacent residential land uses. The results of the analysis reveal that the trucking and equipment moving operational noise exposures (24-hour average), the short-term average (L_{eq}) and maximum (L_{max}) noise are in compliance with the Noise Element standards and are below the existing ambient noise levels. Sounds generated by the facility, therefore, would not be considered noisy and are in compliance with the Home Occupation limits of the Santa Cruz County Code Zoning Ordinance.

Section I of this report contains a summary of our findings. Subsequent sections contain site and operational descriptions, analyses and evaluations. Appendices A and B, attached, contain the list of references, descriptions of the standards, definitions of the terminology and descriptions of the acoustical instrumentation used for the field survey.

I. Summary of Findings

The findings presented below were evaluated against the standards of the County of Santa Cruz Noise Element, which utilizes the Day-Night Level (DNL) noise descriptor to define acceptable noise exposures for noise sensitive land uses. The DNL is a 24-hour time-weighted average descriptor commonly used to describe community noise environments. The standards specify a limit of 60 decibels (dB) DNL at residential land uses.

The Noise Element also restricts noise from stationary sources (in contrast to transportation sources) at commercial facilities. The Noise Element limits short-term noise levels from operations and activity at the facility to 70 dBA maximum (L_{max}) and 50 dBA hourly average (L_{eq}). However, if the existing ambient level exceeds the allowable level, the allowable level shall be raised to the ambient level. As the ambient sound levels at the three surrounding property lines vary due to the varying distances to Highway 17, the noise limits applied to the L&S Trucking operations vary accordingly. The ambient noise levels at the north property line during the morning and afternoon operational hours of the facility are as low as 65 dBA L_{eq} and 78 dBA L_{max} . The ambient noise levels at the east property line are as low as 50 dBA L_{eq} and 58 dBA L_{max} . The ambient noise levels at the south property line are as low as 56 dBA L_{eq} and 66 dBA L_{max} . The imposed sound limits are:

<u>North PL</u>	<u>East PL</u>	<u>South PL</u>
78 dBA L_{max}	68 dBA L_{max}	70 dBA L_{max}
65 dBA L_{eq}	50 dBA L_{eq}	56 dBA L_{eq}

Note that the County of Santa Cruz Noise Ordinance (not to be confused with the Noise Element) is a curfew ordinance which limits noise annoyance between 10:00 p.m. and 8:00 a.m. for sources within 100 ft. of a sleeping space, but does not quantify noise limits. Because the adjacent property sleeping spaces are more than 100 ft. away, the Noise Ordinance standards do not apply.

The Home Occupation limits of the Santa Cruz County Zoning Code state that noise shall be contained within the site boundary. The Zoning Code does not quantify noise limits nor does it define "noise" with regard to uses associated with home occupation. The term "noise", by definition, is subjective and is defined as unwanted sound. The difficulty with using this type of limit is that one must determine if a sound source is noisy. Noisiness is characterized by the level of the sound, the type of sound and the natural or background environment in which the sound occurs.

If the sound at issue is out of character with the environment, quantitative limit applied is usually on the order of 10 dB below the "average ambient" (L_{eq}) conditions. If the sound is out of character and contains distinct frequency components that are especially irritating, a quantifiable limit of 10 dB below the "quiet ambient" (L_{90}) is applied. If the sound at issue is typical of the environment and is distinguishable by careful listening or sensitive acoustical equipment, the quantifiable limit is usually at or up to 5 dB above the "average ambient" level at the time of occurrence. If the sound at issue is typical of the environment but is easily noticeable, the quantifiable limit is usually at or 5 dB below the "average ambient" level at the time of occurrence.

Because the only sounds generally audible at the property boundaries of the facility site are those of the trucks entering and exiting the site at the driveway to the site off of El Rancho Drive, the sound source(s) at issue are similar in nature to trucks traveling on Highway 17 and a limit of at the ambient level would be applicable. The property line to the north is the only property boundary where these sounds are audible.

The aerial photo below depicts the approximate property line (plane) locations and the locations of the 24-hour noise measurements

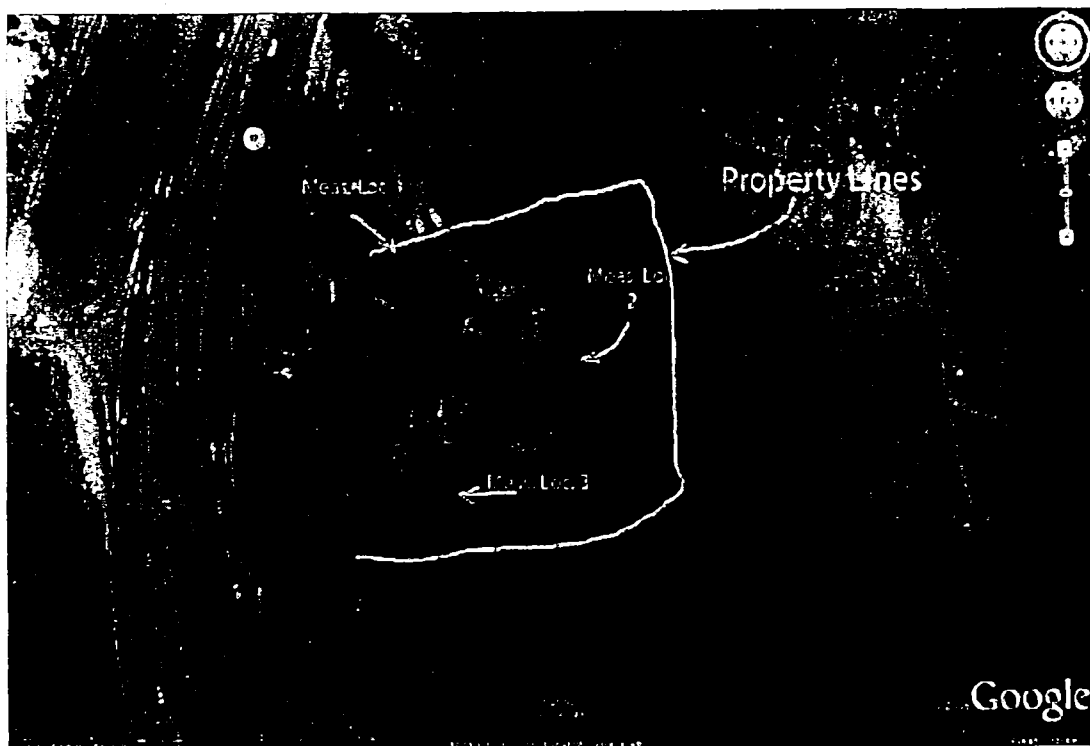


Table 1, below, provides the existing noise exposures (dB DNL) and noise levels (average ambient in dBA L_{eq} during the 7:00 a.m. and 4:00 p.m. hours) at the measurement locations and extrapolated to the nearest property plane (property line) locations, the E&S Trucking facility generated noise levels and noise exposures, and the effect of the trucking facility on the existing noise environment.

TABLE I					
Noise Exposure and Noise Level Analysis					
Location	Dist. To Hwy 17	DNL and L _{eq} 's	Effect of topography	Measured or Calculated	
(1) North Pl	225 ft.	67 82.3 7:00 a.m. 78.5 4:00 p.m.	0	Measured	
(2) East Side of House	430 ft.	54 52.5 7:00 a.m. 52.2 4:00 p.m.	-9 dB	Measured	
(3) South Side of Yard	325 ft.	58 73.5 7:00 a.m. 65.1 4:00 p.m.	-7 dB	Measured	
Prop. Plane to East	540 ft.	52 50.5 7:00 a.m. 50.2 4:00 p.m.	-9 dB	Calculated	
Prop. Plane to South	275 ft.	59 74.3 7:00 a.m. 66.1 4:00 p.m.	-8 dB	Calculated	
Project-Generated Noise Levels @ N Pl.		Duration	Source L _{max}	Source L _{eq}	Hourly L _{eq}
Truck w Trailer	Entering Site	26 seconds	67.2 dBA	64.7 dBA	43.5 dBA
Truck w Trailer	Exiting Site	20 seconds	68.4 dBA	66.8 dBA	44.5 dBA
Yard Activity	L _{eq} @ North Pl	L _{eq} @ East Pl	L _{eq} @ South Pl		
Constant 30 min.	60	51	59		
Hourly L _{eq}	57	48	56		
Truck Passby	44	49	49		
Proj. Gen DNL	46	37	45		
Ambient	67	52	59		
Total	67	52	59		
A dB	0	0	0		

As shown above, the sound levels generated by E&S Trucking are within the limits of the Santa Cruz County Noise Element standards. In addition, the operational noise exposures at the property lines are below the existing ambient noise exposures by more than 10 decibels and are barely audible. Therefore, sound emitted by trucking operations on the site would not be considered noise. The E&S Trucking operations do not add to the existing noise environments in the area. Per CEQA guidelines, the facility does not add substantially to the ambient noise environment, thus, the facility creates no noise impacts to the adjacent residence.

Noise mitigation measures will not be required.

II. Site and Operational Descriptions

The E&S Trucking facility is located at 1770 El Rancho Drive in Santa Cruz County. The area is just south of the City of Scotts Valley and is immediately adjacent to Highway (State Route) 17. El Rancho Drive is a frontage road to the freeway. On and off ramps to and from Highway 17 northbound lanes are directly across El Rancho Drive from the facility driveway.

Surrounding land uses are residential to the north, east and south. El Rancho Drive and Highway 17 are adjacent to the west. The property lines to the east (Clarke residence) and south (Velasquez residence) are located along the creek beds between the properties. The property line to the north (Coley residence) contains a good neighbor fence where the two properties are approximately at-grade with each other. The driveway to the residence on the site runs along the north property boundary while the driveway used for the E&S Trucking facility veers off to the south immediately upon entering the site. The driveway is approximately 55 ft. from the property line.

The equipment yard is located approximately 225 ft. from the north property line and approximately 6 ft. below the property line grade, approximately 310-370 ft. from the east property line and 140 ft. from the south property line.

The facility is primarily a storage site for grading, paving and timber equipment. Most of the heavy equipment stays on the various job sites and are not stored on the facility site. Below is a list of equipment with the approximate amount of time the items are at the facility, as provided by E&S Trucking, Ref. (c).

TABLE II			
E&S Trucking Equipment List			
Item	Time on Site	Item	Time on Site
10 yd Dump Truck	41%	Cat 430D Backhoe	10%
Log Truck	94%	Case 570 Skiploader	5%
Log Trailer	Stored on Site	Bomag Soil Compactor	5%
Low Bed Trailer	Stored on Site	Bomag Asphalt Roller	90%
End Dump Trailer	Stored on Site	Dynapac Asphalt Roller	92%
Chevy 3500 Truck	95%	Gilcrest paver	96%
Chevy 4500 Truck	39%	Kenworth Water Truck	70%
6 yd Dump Truck	10%	Intl Water Truck	Stored on Site
Dynaweld Trailer	10%	Utility Trailer	94%
Walton Trailer	90%	Road Oiler Trailer	97%
Cat 130G Grader	1%	Brush Chipper	98%
Cat 313L Excavator	5%	Case 580 Skip Loader	100% Personal
Cat D4H Bulldozer	5%		

The primary sound source is the diesel truck and low bed trailer that brings a backhoe or bulldozer onto or out of the site up to once per day. Operations in the yard are limited to loading of equipment onto or off of the trailers, which requires driving the heavy equipment onto or off of the trailers. The sound sources, therefore, are the engines of these items of equipment.

III. Analysis of the Noise Levels

A. Existing Noise Levels

To determine the existing noise exposure at the site, continuous recordings of the sound levels were made at three locations. Location 1 was along the north property line near the entrance driveway that is most noise impacted by E&S Trucking operations. Location 2 was at the rear of the home on the site, at-grade and approximately 140 ft. from the center of the yard. Location 3 was at the southerly edge of the yard area, approximately at-grade and approximately 75 ft. from the center of the yard. The noise level data measurements were made on January 14-15, 2010 and were recorded and processed using Larson-Davis LDI 812 Precision Integrating Sound Level Meters. The meters yield, by direct readout, a series of descriptors of the sound levels versus time, as described in Appendix B, and included the L_2 , L_k , L_{25} , and L_{50} , i.e., those levels exceeded for 2%, 8%, 25%, and 50% of the time. Also measured were the maximum and minimum levels and the continuous equivalent-energy levels (L_{eq}), which are used to calculate the DNL. The measured L_{eq} 's are shown in the data table in Appendix C.

As shown in the data tables, the L_{eq} 's at measurement Location 1, the north property line, ranged from 60.9 to 65.9 dBA during the daytime and from 52.9 to 64.5 dBA at night. During the daytime hours of 7:00 a.m. to 5:00 p.m., the L_{eq} 's ranged from 64.7 to 65.9 dBA.

At measurement Location 2, east side of the Kuerzel home, the L_{eq} 's ranged from 48.3 to 55.7 dBA during the daytime and from 42.5 to 50.8 dBA at night. During the daytime hours of 7:00 a.m. to 5:00 p.m., the L_{eq} 's ranged from 51.6 to 55.7 dBA.

At measurement Location 3, the south side of the equipment yard, the L_{eq} 's ranged from 51.6 to 57.1 dBA during the daytime and from 46.5 to 54.1 dBA at night. During the daytime hours of 7:00 a.m. to 5:00 p.m., the L_{eq} 's ranged from 55.0 to 57.1 dBA.

B. Project-Generated Noise Levels

To determine the noise levels of equipment operations at the E&S Trucking facility, noise level measurements of individual major noise generating operations were made on Friday January 15, 2010, using a Larson Davis LDL 812 Precision Integrating Sound Level Meter and a Larson Davis 2900 Real Time Analyzer. Noise level measurements of the diesel truck and trailer with the bulldozer entering and exiting the site were made at measurement Location 1 contemporaneously with the 24 hour measurements.

Attempts were made to measure yard activity at measurement Location 1, however, the noise level were too low in comparison to Highway 17 traffic noise to record. Thus, the noise measurements of loading and unloading the bulldozer, operating the power roller, operating the backhoe, and operating the 1-ton truck were made close to the equipment where freeway noise did not influence the data. The measured noise levels were then extrapolated to the three property plane locations to the north, east and south, respectively. The results of this analysis are shown in Table III, below.

During the unloading of the bulldozer and likewise, other heavy equipment from the trailer, a single "clank" sound can be heard at the property line to the south. This sound is due to a "pop" of the bulldozer track and occurs for less than 1 second. The track pop is not audible to the north property line and may be slightly audible to the east. Although this sound is slightly higher than the average ambient sound level at the south property line, the duration of the sound is extremely short and would go unnoticed unless one was listening carefully. Other very short duration sounds (L_{max}) that are part of the normal background environment range from 65.3 to 77.7 dBA at this location. This singular sound, which was the only sound measured to be higher than the average ambient at any given property boundary location, does not significantly affect the noise environment.

TABLE III

Noise Levels of Individual Equipment Operations, dBA L_{max}											
Operation	Sound Level	Dist. (ft.)	Dist. To North Pl.	Sound Level at North Pl.	Ambient	Dist. To East Pl.	Sound Level at East Pl.	Ambient	Dist. To South Pl.	Sound Level at South Pl.	Ambient
Bulldozer Unload											
Engine on trailer	63	81	225	54	65-66	350	50	53-55	140	58	56-58
Trailer truck pop	64	81	225	55		365	51		140	59	
Engine off trailer	50	81	225	50		370	46		140	54	
Other Equipment											
Power roller	67	25	175	50		310	45		130	53	
Backhoe	67	30	190	51		310	47		120	55	
Tram truck	57	40	190	43		310	39		120	47	
Truck exit at South Pl.	68	30	30	68							

IV. Evaluations of the Noise Exposures and Noise Levels

A. Existing Noise Exposures

To determine the existing noise exposures at the property boundaries, the DNL's for the survey locations were calculated by decibel averaging of the L_{eq} 's as they apply to the daily time periods of the DNL index. The DNL is a 24-hour noise descriptor that uses the measured L_{eq} values to calculate a 24-hour time-weighted average noise exposure. The formula used to calculate the DNL's is described in Appendix B. The results of the calculations are shown in Appendix C.

The noise exposure at measurement Location 1, the Coley residence property line to the north and 225 ft. from the centerline of Highway 17 was calculated to be 67 dB DNL.

The noise exposure at measurement Location 2, behind the Kuerzel residence to the east of the equipment yard and 430 ft. from the centerline of Highway 17, was calculated to be 54 dB DNL. At the property plane of the Clarke residence to the east and 540 ft. from the centerline of Highway 17, the noise exposure was calculated to be 52 dB DNL.

The noise exposure at measurement Location 3, the south side of the equipment yard and 525 ft. from the centerline of Highway 17, was calculated to be 58 dB DNL. At the property plane of the Velasquez residence to the south of the site and 275 ft. from the centerline of Highway 17, the noise exposure was calculated to be 59 dB DNL.

These noise exposures include normal operations and activity at the E&S Trucking facility.

B. Project-Generated Noise Exposures

The project-generated noise exposures were calculated by using the yard activity noise level data shown in Table III, totaling the various sound sources and extrapolating these activities over a 30 minute period twice per day: from 7:30 to 8:00 a.m. and from 4:30 – 5:00 p.m. This represents a worst-case scenario as not all of the listed equipment is typically utilized and the preparation and leaving the site often takes less than 30 minutes. The sound levels of the truck and trailer at the north property line exiting the site in the morning and entering the site in the afternoon were then added to the yard activity sound levels.

- The 30-minute L_{eq} at the north property line of yard activity was calculated to be 60 dBA. The hourly L_{eq} was calculated to be 57 dBA. The hourly L_{eq} 's of the truck/trailer exiting and entering site were calculated to be 45 and 44 dBA, respectively. The combined $L_{eq(h)}$ at the north property line was 57 dBA. The DNL was then calculated to be 46 dB. The ambient DNL was measured to be 67 dB at this location. Thus, the E&S Trucking operations do not affect the ambient noise environment.
- The 30-minute L_{eq} at the east property line of yard activity was calculated to be 51 dBA. The hourly L_{eq} was calculated to be 48 dBA. The truck/trailer exiting and entering site were not included at this location as this source is not audible. The DNL was then calculated to be 37 dB. The ambient DNL was calculated (from the Location 2 data) to be 54 dB at this location. Thus, the E&S Trucking operations do not affect the ambient noise environment.

- The 30-minute L_{eq} at the south property line of yard activity was calculated to be 59 dBA. The hourly L_{eq} was calculated to be 56 dBA. The truck/trailer exiting and entering site were not included at this location as this source is not audible. The DNL was then calculated to be 45 dB. The ambient DNL was calculated (from the Location 3 data) to be 58 dB at this location. Thus, the E&S Trucking operations do not affect the ambient noise environment.

As shown above, the project-generated noise exposures are within the 60 dB DNL limit of the Santa Cruz County Noise Element, and do not significantly add to the background noise environment. Mitigation measures will not be required.

C. Noise Levels

The project-generated noise levels at the residential property lines to the north, east and south were calculated using the data shown in Table III. As described in the previous section, the total operational L_{eq} at the north property line was calculated to be 57 dBA $L_{eq(h)}$. The maximum sound level was measured to be 68 dBA L_{max} . Thus, the noise levels at the most impacted north property line location are within the 65 dBA L_{eq} and 78 dBA L_{max} limits of the Santa Cruz County Noise Element standards.

The total operational L_{eq} at the east property line was calculated to be 48 dBA $L_{eq(h)}$. The maximum sound level was calculated to be 51 dBA L_{max} . Thus, the operational noise levels are within the 50 dBA L_{eq} and 70 dBA L_{max} limits of the Santa Cruz County Noise Element standards.

The total operational L_{eq} at the south property line was calculated to be 56 dBA $L_{eq(h)}$. The maximum sound level was calculated to be 61 dBA L_{max} . Thus, the operational noise levels are within the 56 dBA L_{eq} and 70 dBA L_{max} limits of the Santa Cruz County Noise Element standards.

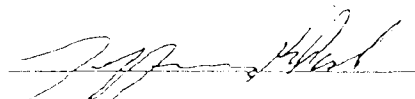
Sound emission levels from the facility are below the normal ambient sound levels at the property boundaries and are barely detectable, if at all, given the high noise levels generated by Highway 17 traffic sources. Sound associated with the facility operations that are audible at the property boundaries are similar in nature (truck engine sound), but lower in level, than truck noise from Highway 17 sources. Since operations of the facility's trucks are not distinctly distinguishable from trucks on Highway 17 (other than the difference in sound because of the truck speed differential), the E&S Trucking operations would not be considered noisy or a nuisance to the neighbor to the north. Therefore, it is our professional opinion that the E&S Trucking facility operations are within the limits of the Santa Cruz County Zoning Ordinance Home Occupation limits.

As shown by the above evaluations, noise or sound from the E&S Trucking facility is within the limits of the standards. Noise mitigation measures will not be required.

This report presents the results of a noise assessment study of operations and activities at the E&S Trucking facility at 1770 El Rancho Drive in Santa Cruz County. The study findings are based on field measurements and other data and are correct to the best of our knowledge. However, changes in the operational scenarios, operational hours, noise regulations or other changes beyond our control may result in future noise levels different than those reported herein. If you have any questions or would like an elaboration on this report, please call me.

Sincerely,

EDWARD L. PACK ASSOC., INC.



Jeffrey K. Pack
President

Attachment Appendices A, B and C

Appendix A

References:

- (a) Santa Cruz County General Plan. Santa Cruz County, Department of County Planning and Building, December 19, 1994
- (b) Santa Cruz County Code, Title 13 "Planning and Zoning Regulations", Chapter 13.10 Zoning Regulations, Part VI, Article I, Section 13.10.613 "Home Occupations", Current Through August 4, 2009
- (c) Information on E&S Trucking Equipment and Operations Provided Mr. Ed Kuerzel, E&S Trucking, by email to Edward L. Pack Associates, Inc., January 12, 2010

APPENDIX B

Noise Standards, Terminology, Instrumentation,

1. Noise Standards

A. Santa Cruz County "Noise Element" Standards

The noise section of the Santa Cruz County General Plan, adopted December 19, 1994, identifies an exterior limit of 60 dB Day-Night Level (DNL) at outdoor living or recreation areas of residential developments, as shown in Figure 6-1 under Policy 6.9.1. This standard applies at the property line of residential areas impacted by transportation related noise sources.

Figure 6-2 identifies limits on maximum allowable noise exposure for stationary noise sources under Policy 9.6.4 "Commercial and Industrial Development".

	Daytime* <u>7 AM to 10 PM</u>	Nighttime* <u>10 PM to 7 AM</u>
Hourly L_{eq} - average hourly noise level, dB	50	45
Maximum Level, dB	70	65
Maximum Level dB - Impulsive Noise	65	60

* Allowable levels shall be raised to the ambient levels where the existing ambient levels exceed the allowable levels. Allowable levels shall be reduced 5 dB if the ambient hourly L_{eq} is at least 10 dB lower than the allowable level.

At interior living spaces of residential area, the standards established an interior limit of 45 dB DNL for noise levels due to exterior sources.

2. Terminology

A. Day-Night Level (DNL)

Noise levels utilized in the standards are described in terms of the Day-Night Level (DNL). The DNL rating is determined by the cumulative noise exposures occurring over a 24-hour day in terms of A-Weighted sound energy. The 24-hour day is divided into two subperiods for the DNL index, i.e., the daytime period from 7:00 a.m. to 10:00 p.m., and the nighttime period from 10:00 p.m. to 7:00 a.m. A 10 dBA weighting factor is applied (added) to the noise levels occurring during the nighttime period to account for the greater sensitivity of people to noise during these hours. The DNL is calculated from the measured L_{eq} in accordance with the following mathematical formula:

$$DNL = [(L_d + 10 \log_{10} 15) \& (L_n + 10 + 10 \log_{10} 9)] + 10 \log_{10} 24$$

Where:

L_d = L_{eq} for the daytime (7:00 a.m. to 10:00 p.m.)

L_n = L_{eq} for the nighttime (10:00 p.m. to 7:00 a.m.)

24 indicates the 24-hour period

& denotes decibel addition.

B. A-Weighted Sound Level

The decibel measure of the sound level utilizing the "A" weighted network of a sound level meter is referred to as "dBA". The "A" weighting is the accepted standard weighting system used when noise is measured and recorded for the purpose of determining total noise levels and conducting statistical analyses of the environment so that the output correlates well with the response of the human ear.

3. Instrumentation

The on-site field measurement data were acquired by the use of one or more of the sound analyzer listed below. The instrumentation provides a direct readout of the L exceedance statistical levels including the equivalent-energy level (L_{eq}). Input to the meters was provided by microphones extended to a height of 5 ft. above the ground. The "A" weighting network and the "Fast" response setting of the meters were used in conformance with the applicable standards. The Larson-Davis meters were factory modified to conform with the Type 1 performance standards of ANSI S1.4. All instrumentation was acoustically calibrated before and after field tests to assure accuracy.

Bruel & Kjaer 2231 Precision Integrating Sound Level Meter

Larson Davis LDL 812 Precision Integrating Sound Level Meter

Larson Davis 2900 Real Time Analyzer

APPENDIX C

Noise Measurement Data and Calculation Tables

DNL CALCULATIONS

CLIENT WITTWER PARKIN
 FILE 42-002
 PROJECT E & S TRUCKING
 DATE 1/14-15/2010
 SOURCE EXISTING TOTAL

LOCATION 1 COLEY PROPERTY LINE			
Dist To Source 225 ft to Hwy 17			
TIME	Leq	10 ^{Leq} /10	
7:00 AM	65.9	3890451.4	
8:00 AM	65.7	3715352.3	
9:00 AM	65.3	3388441.6	
10:00 AM	65.2	3311311.2	
11:00 AM	64.7	2951209.2	
12:00 PM	64.8	3019951.7	
1:00 PM	64.8	3019951.7	
2:00 PM	64.9	3090295.4	
3:00 PM	65.5	3548133.9	
4:00 PM	65.2	3311311.2	
5:00 PM	64.8	3019951.7	
6:00 PM	64.0	2511886.4	
7:00 PM	62.7	1862087.1	
8:00 PM	61.2	1318256.7	
9:00 PM	60.9	1230268.8	SUM= 4318886.1
10:00 PM	58.9	776247.1	Ld= 64.6
11:00 PM	58.1	645654.2	
12:00 AM	55.4	346736.9	
1:00 AM	54.6	288403.2	
2:00 AM	52.9	194984.5	
3:00 AM	54.5	281838.3	
4:00 AM	58.1	645654.2	
5:00 AM	61.5	1412537.5	
6:00 AM	64.5	2818382.9	SUM= 7410439
		1.0	Ld= 59.2
		1.0	
	Daytime Level=	76.4	
	Nighttime Level=	78.7	
	DNL=	67	
	24-Hour Leq=	63.2	

DNL CALCULATIONS

CLIENT WITTWER PARKIN
 FILE 42-002
 PROJECT E & S TRUCKING
 DATE 1/14/15/2010
 SOURCE EXISTING TOTAL

LOCATION 2		BEHIND HOME TO EAST	
Dist To Source		430 ft to Hwy 17	
TIME	Leq	$10^{Leq/10}$	
7:00 AM	52.5	177827.9	
8:00 AM	52.6	181970.1	
9:00 AM	51.9	154881.7	
10:00 AM	51.8	151356.1	
11:00 AM	52.2	165958.7	
12:00 PM	51.6	144544.0	
1:00 PM	52.0	158489.3	
2:00 PM	52.0	158489.3	
3:00 PM	55.7	371535.2	
4:00 PM	52.6	181134.0	
5:00 PM	51.9	154881.7	
6:00 PM	51.4	138038.4	
7:00 PM	50.1	102329.3	
8:00 PM	48.6	72443.6	
9:00 PM	48.3	67608.3	SUM= 2381488
10:00 PM	46.7	46773.5	Ld= 52.0
11:00 PM	46.6	45708.8	
12:00 AM	44.1	25704.0	
1:00 AM	43.6	22908.7	
2:00 AM	42.5	17782.8	
3:00 AM	43.0	19952.6	
4:00 AM	45.5	35481.3	
5:00 AM	48.3	67608.3	
6:00 AM	50.8	120226.4	SUM= 402146
		1.0	Ld= 46.5
		1.0	
	Daytime Level=	63.8	
	Nighttime Level=	66.0	
	DNL=	54	
	24-Hour Leq=	50.6	

DNL CALCULATIONS

CLIENT WITTWER PARKIN
 FILE 42-002
 PROJECT E & S TRUCKING
 DATE 1/14-15/2010
 SOURCE EXISTING TOTAL

LOCATION 3 YARD BOUNDARY TO SOUTH		
Dist To Source 325 ft to Hwy 17		
TIME	Leq	10 ⁶ Leq/10
7:00 AM	55.7	371535.2
8:00 AM	55.6	363078.1
9:00 AM	55.0	316227.8
10:00 AM	55.1	323593.7
11:00 AM	55.8	380189.4
12:00 PM	55.1	323593.7
1:00 PM	55.5	354813.4
2:00 PM	55.7	371535.2
3:00 PM	57.1	512861.4
4:00 PM	56.0	398107.2
5:00 PM	55.4	346736.9
6:00 PM	54.4	275422.9
7:00 PM	53.3	213796.2
8:00 PM	52.0	158489.3
9:00 PM	51.6	144544.0 SUM=
10:00 PM	50.2	104712.9 Ld=
11:00 PM	49.5	89125.1
12:00 AM	47.8	60256.0
1:00 AM	47.6	57544.0
2:00 AM	46.5	44668.4
3:00 AM	47.1	51286.1
4:00 AM	49.0	79432.8
5:00 AM	51.5	141253.8
6:00 AM	54.1	257039.6 SUM=
		10 Ld=
		10
	Daytime Level=	66.9
	Nighttime Level=	69.4
	DNL=	58
	24-Hour Leq=	53.8

4854524
55.1

885319
49.9

Exhibit F



Staff Report to the Zoning Administrator

Application Number: **06-0641**

Applicant: Wayne Miller

Owner: Robert and Sandra Kuerzel

APN: 067-191-18

Agenda Date: 10/02/09

Agenda Item #: 4

Time: After 10:00 a.m.

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

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

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

Permits Required: Amendment to Residential Development Permit 80-704-U and 78-1201-U.

Technical Reviews: None

Staff Recommendation:

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

Exhibits

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

Parcel Information

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

Environmental Information

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

Services Information

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

History

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

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

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

Project Setting

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

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

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

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

Project Description

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

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

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

Zoning & General Plan Consistency

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

Home Occupation Regulations

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

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

Identification of Personal Materials versus Business Materials

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

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

Need for Additional Information Regarding Operations

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

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

Scale of the Business Activity

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

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

Outdoor Storage of Personal Materials

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

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

Employee Parking/Vehicle/Equipment Parking

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

Hours of Operation/Noise

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

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

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

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

Traffic

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

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

Resource Protection

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

Existing Structures

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

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

Environmental Review

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

Conclusion

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

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

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

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

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

Staff Recommendation

- **DENIAL** of Application Number **06-0641**, based on the attached findings and conditions.

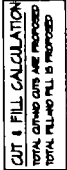
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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

Report Prepared By: Sheila McDaniel
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3439
E-mail: sheila.mcdaniel@co.santa-cruz.ca.us

4. CAT GRADER, CAT EXCAVATOR, CASE INTERNATIONAL DUMP GLIBERT PAYER, DYNAMIC ROLLER, CASE INTERNATIONAL DUMP TRUCK, PETERBILT TRUCK, CASE TRACTOR, CASE TRACTOR ON SITE FOR EXCLUSIVELY PERSONAL USE IS, FORD TRUCK, BUS, MOVING TRAILER, EAO CASE TRACTOR, TOWABLE AIR COMPRESSOR, (2) UTILITY TRAILERS
5. ALL EQUIPMENT AND VEHICLES WILL BE USED EXCLUSIVELY OFF SITE AND WILL ONLY BE PARKED ON SITE WHEN NOT CURRENTLY IN USE.
6. NO CLIENT OR EMPLOYEE PARKING IS PROPOSED ALL EMPLOYEES PARK AT THE JOB SITES.
7. THE COMMERCIAL VEHICLE PARKING AREA WILL BE CONSIDERED AS A TRAILER PARKING AREA. THE TRAILER TOPOGRAPHY AND SOLID WOOD FENCING IN SOME AREAS UP TO 8 FEET TALL ALL EXISTING AND FUTURE LANDSCAPING WILL BE MAINTAINED OR REPLACED AS NECESSARY.
8. A TREE MOTION OF TREE AND SHRUBS SCREENING FRONT PROPERTY LINE THAT IS EXISTING ALONG FRONT PROPERTY LINE AS SUBMITTED AND ON FILE.
9. NO COMMERCIAL OPERATIONS (MOVING EQUIPMENT) SHALL OCCUR EXCEPT BETWEEN THE HOURS OF 7AM AND 7PM ON WEEKDAYS. THE ONLY EXCEPTION SHALL BE DURING EMERGENCY CIRCUMSTANCES WHEN EQUIPMENT MUST BE MOVED TO THE SITE OF THE EMERGENCY.
10. TOTAL NUMBER OF TRIPS IN AND OUT OF SITE VARIES WITH THE LENGTH OF JOB. THE AVERAGE NUMBER OF TRIPS WILL BE 10 PER DAY. THE AVERAGE NUMBER OF THE EQUIPMENT IS MOVED FROM ONE JOB SITE TO THE NEXT AND THE EQUIPMENT IS REPAIRED AND SERVICED IN THE FIELD.
11. NO BUSINESS TRAFFIC WILL USE EL RANCHO DRIVE IN EITHER DIRECTION. ALL BUSINESS TRAFFIC WILL EXIT HWY 17 NORTH AND ENTER HWY 17 SOUTH.

11424 SQFT. TOTAL FRONT YARD SETBACK AREA	4174 SQFT. TOTAL AREA OF DRIVEWAY AND PARKING PROPOSED	4174/11424= 37% PROPOSED COVERAGE
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Development Permit Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

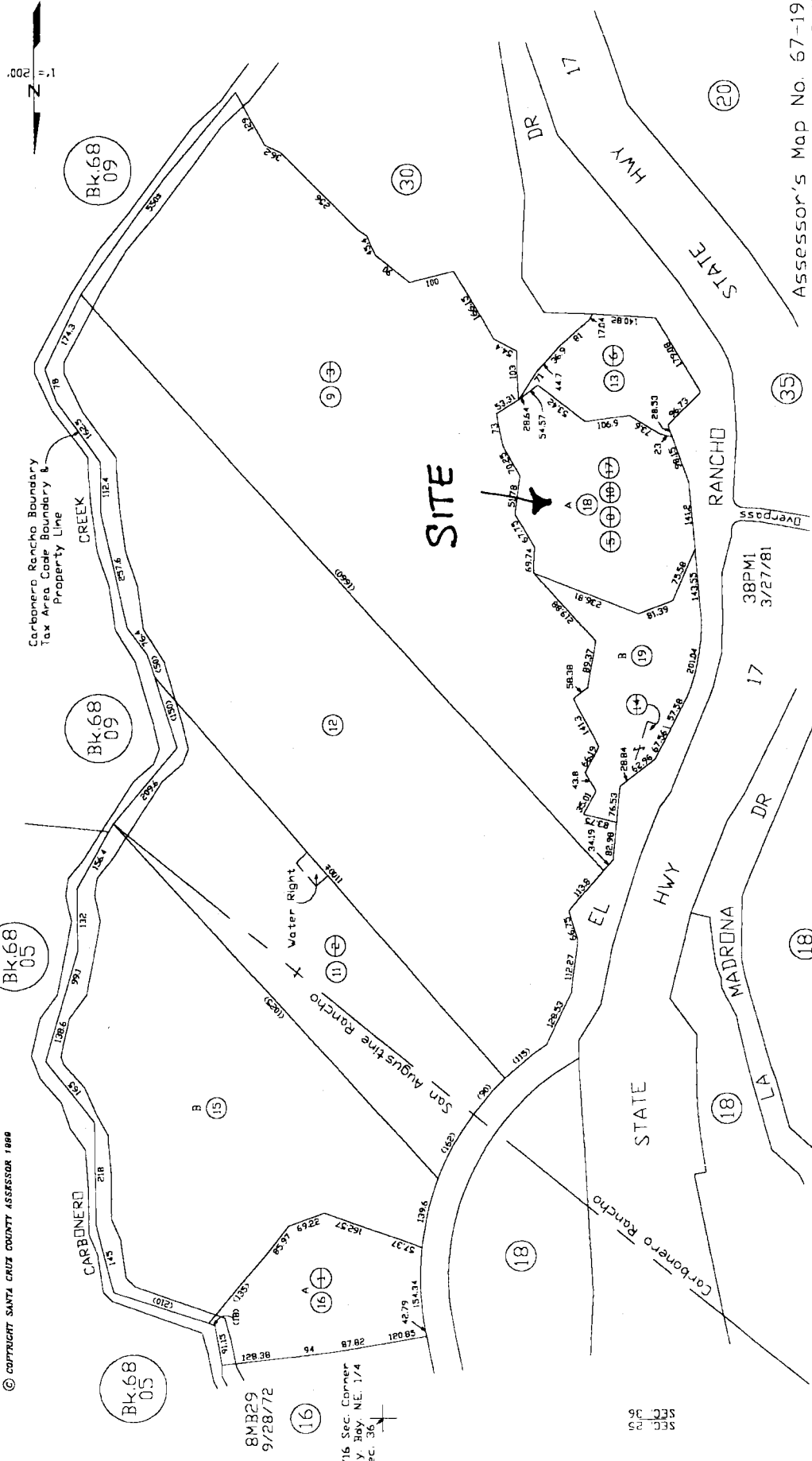
5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

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

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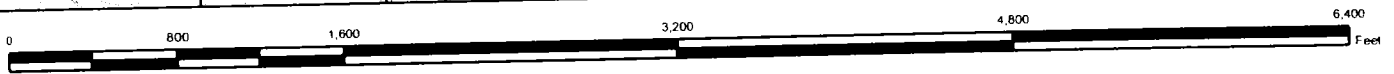
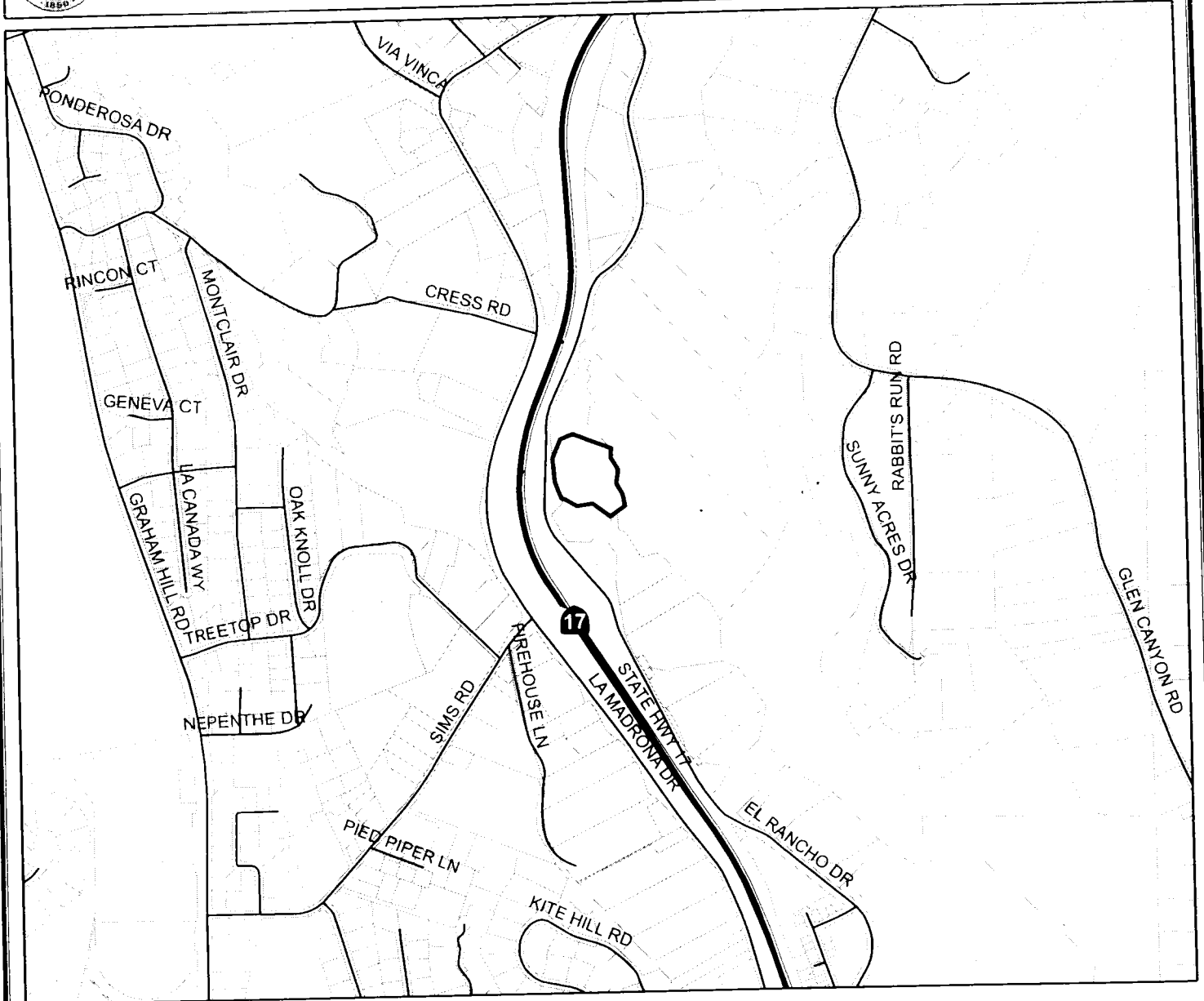


Assessor's Map No. 67-19
 County of Santa Cruz, Calif.
 July 1999





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

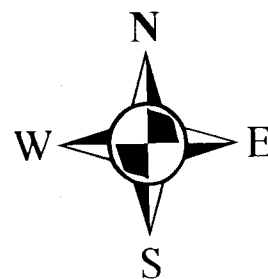


Location Map



Legend

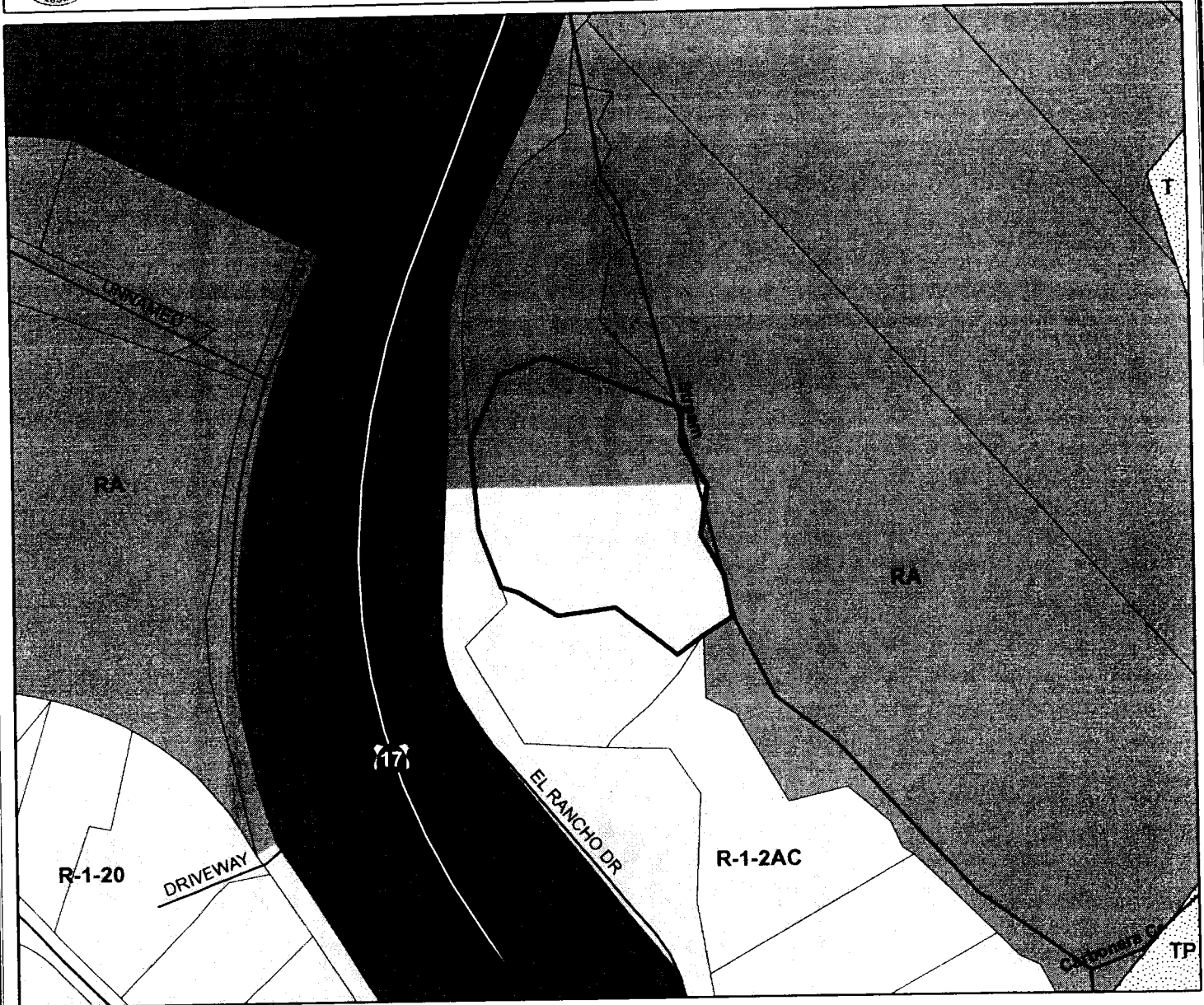
-  APN 067-191-18
-  Streets
-  Assessors Parcels
-  State Highways



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Planning Department
November 2006

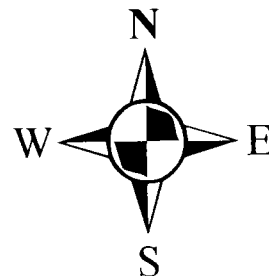


Zoning Map



Legend

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










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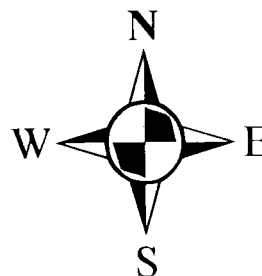


General Plan Designation Map



Legend

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



Map Created by
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Planning Department
November 2006

EXHIBIT F

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 06-0641

Assessor Parcel Number: 067-191-18

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

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

Person or Agency Proposing Project: Wayne Miller

Contact Phone Number: (831) 724-1332

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

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

E. _____ **Categorical Exemption**

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

Recommendation for project denial

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

Sheila McDaniel, Project Planner

Date: _____



County of Santa Cruz

PLANNING DEPARTMENT

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

ALVIN D. JAMES, DIRECTOR

May 30, 2002

Wayne Miller
PO Box 1929
Freedom CA 95019

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

Dear Wayne Miller:

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

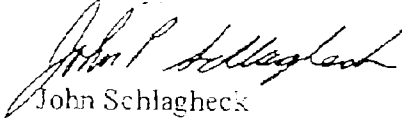
Specifically, Section 13.10.613(a)(1) states that the purpose of the home occupation is: "To allow persons to carry on limited income -producing activities on their residential property." It seems clear from the submitted program statement that the actual income-producing activity is the employment of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

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

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

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

Sincerely,



John Schlagheck
Project Planner
Development Review

Cc David Kendig
Cathy Graves
Alvin James

Jonathan Wittwer
William P. Parkin
Shandra Dobrovolsky

WITTWER & PARKIN, LLP

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

PARALEGAL
Miriam Celia Gordon

July 6, 2005
DELIVERED BY HAND
July 6, 2005

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

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

Dear Ms. Hill:

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

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

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

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

13.10.556 Outdoor storage of personal property and materials.

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

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

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

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

any residential use.'] (emphasis added)

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

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

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

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

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

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

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

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

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

Use Permit Authorizes Parking Construction Equipment

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

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

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

Glenda Hill, Planner
Appeal of Notice of Violation
July 6, 2005
Page 6

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

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

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

Thank you for your consideration of this matter.

Sincerely,

Jonathan Wittwer

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



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

PROTEST MEETING DETERMINATION

September 8, 2005

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

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

Dear Jonathan:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Glenda Hill, AICP
Principal Planner

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



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

November 6, 2006

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

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

Dear Mr. and Mrs. Kuerzel:

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

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

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

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

Sincerely,

Glenda Hill

Glenda Hill, AICP
Principal Planner

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

To Whom It May Concern:

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

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

- 1 [Signature] 4-2-07
1504 El Rancho Dr # D
- 2 [Signature]
1324 El Rancho Dr. (B)
- 3 [Signature] 4-2-07
440 Beulah Dr
- 4 [Signature] 4-2-07
50 Beulah Dr
- 5 [Signature] 4-2-07
50 Beulah Dr
- 6 [Signature]
1324 El Rancho Dr
- 7 [Signature]
Palm Pk 1326 El Rancho Dr. S.C.
- 8 [Signature] 18 Beulah Dr S.C.
- 9 Felicia Bogrows 18 Beulah Dr Santa Cruz
- 10 [Signature] 18 Beulah Dr S.C. 4/6/07
- 11 [Signature] 27 Beulah Pk S.C. 4/3/07
- 12 [Signature] 17 Beulah Pk Dr. 4/13/07
- 13 [Signature] 17 Beulah Pk Dr. 4-3-07
- 14 [Signature] 156-149-2 Rancho Dr. 4-3-07

EXHIBIT C

To Whom It May Concern:

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

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

- 1 ERIC GRAVES 1324 EL RANCHO Glen Browne 421 911
- 2 Harold C. Blais 62 Berlitz Pl Dr.
- 3 Kathleen W. Donovan 2099 El Rancho Dr. Santa Cruz CA 9506
- 4 Paul D. Donovan 2099 El Rancho Dr. Santa Cruz CA 9506
- 5 Tom Roca 2730 El Rancho Santa Cruz
- 6 Eugene Casale 2624 EL RANCHO DR SC 95060
- 7 Alice Schmeig 2800 El Rancho Drive, Santa Cruz 95061
- 8 Ann Schwitz 2800 El Rancho Dr Santa Cruz 95061
- 9 [Signature] 2474 EL RANCHO DR. SC. CA 95060
- 10 Ernie Cuelan 2470 El Rancho Dr.
11. [Signature] 2470 EL. Rancho, DR.
12. [Signature] 2470 Chantal Oaks SV EL RANCHO DR
13. Arlene Walsh 2470 El Rancho Dr.
14. Jessica Mager 1862 El Rancho Dr.
15. [Signature] 1862 EL Rancho Dr SC 95060
16. [Signature] 150-? El Rancho Dr SC 95060

EXHIBIT E

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

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

Linette Flowers	2101 EL RANCHO DR. S.C.
Jeff Flowers	2101 El Rancho Dr. Sc.
Udell Tankers	2474 El Rancho Dr.
Paul Zachary	2474 El Rancho Dr. SC 95000
Max Weber	2474 EL RANCHO DR SC CA 95000
Emma Abdulle	2474 EL Rancho Dr Santa Cruz CA 95000
Sophia Abdulle	2474 El Rancho Dr. Santa Cruz CA

Thursday, April 05, 2007

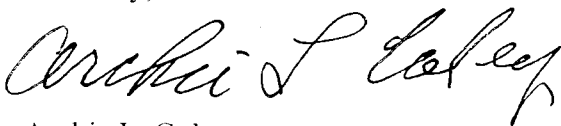
Annette Olson
Santa Cruz County Planning Department
701 Ocean St., 4th Floor
Santa Cruz, CA 95060

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

To Whom It May Concern:

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

Sincerely,



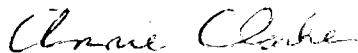
Archie L. Coley
1862 El Rancho Dr.
Santa Cruz, CA 95060

April 8th, 2007

To Whom It May Concern:

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

Sincerely,



Annie Clarke

1888 El Rancho Dr.
Santa Cruz, CA 95060

Arthur M. Mintz

Attorney at Law

*610 Whiskey Hill Rd.
Woodside, California 94062*

April 23, 2007

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

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

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

Dear Mr. Keyon:

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

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

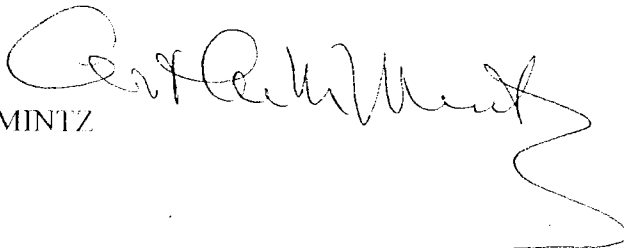
Notwithstanding the above, the Kuerzels have continued to operate their property as a storage area for large equipment, as well as a staging area, causing noise, dust, air contamination and increased traffic. This has been done with no county permission, no use permit, no variance and no master plan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

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

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

Sincerely,

ARTHUR M. MINTZ



Jonathan Wittwer
William P. Parkin
Brett W. Bennett

WITTWER & PARKIN, LLP

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

PARALEGAL
Miriam Celia Gordon

October 22, 2007

DELIVERED BY PERSONAL DELIVERY TO PLANNING DEPARTMENT

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

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

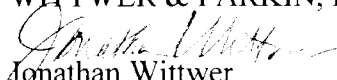
Dear Ms. Graves:

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

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

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

Very truly yours,
WITTWER & PARKIN, LLP


Jonathan Wittwer

cc: Tamyra Rice, County Counsel
clients

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney

WITTWER & PARKIN, LLP

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

OF COUNSEL
Gary A. Patton

July 17, 2009

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

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

Dear Ms. McDaniel:

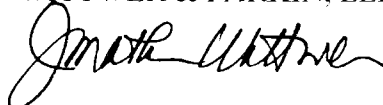
This letter is pursuant to your conversation with me on July 8, 2009. As promised, I am sending a copy of the October 4, 2007 letter from August Blasquez, supporting the Kuerzel's application and disputing the signature on a document dated April 8, 2007 stating to the contrary, allegedly signed by him.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

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

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

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

Very truly yours,
WITTWER & PARKIN, LLP



Jonathan Wittwer

Encls.

August Blasquez
1616 El Rancho Drive
Santa Cruz, CA 95060

October 4, 2007

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

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


Dear Planners,

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

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

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

Sincerely,

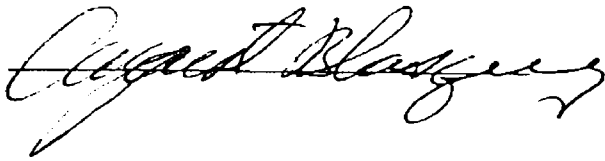

August Blasquez

April 8th, 2007

To Whom It May Concern:

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

Sincerely,



1611-158- Rancho Dr.

EXHIBIT E

COUNTY OF SANTA CRUZ
PROBATION/CONDITIONAL SENTENCE ORDER

PLE VS. ARCHIE LOU COLEY

By 5-14-03
[Signature]
Deputy Clerk

Case No. M14674 Convicted of 594(A) PC

Defendant sentenced to 12 months under the terms and conditions checked below.
Execution of sentence suspended. ☒ Imposition of sentence suspended.
Conditional Sentence granted for 12 months under the terms and conditions checked below.
Formal ☐ (Unsupervised) Probation granted for 12 months under the terms and conditions checked below.
Probation modified. ☐ Conditional Sentence modified. Original terms remain in effect except as amended herein.

☐ Comply with general terms listed on back of form.
☐ Obey all laws. ☐ Maintain gainful employment and/or school.
☐ Serve days in the County Jail.

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

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

☐ Stay of execution granted to
☐ To be served consecutive/concurrent
☐ Appear at the County Jail, 259 Water Street, Santa Cruz, CA for processing today/ ☐ Work Furlough/Release recommended.

☐ Advised of jail fees ☐ Court finds no ability to pay jail fees.
☐ May serve days of sentence in live-in therapeutic/alcohol treatment program ☐ As approved by probation officer.

☐ Pay a fine of \$ (incl. P.A.).
☐ plus penalty assessment of \$
☐ In default of payment, serve 1 day in County Jail for each \$40 not paid.

☐ Pay \$25 O.R. screening fee.
☐ Pay \$ AIDS fine per 1463.23 PC.
☐ Pay \$50 lab analysis fee pursuant to 11372.2 H.S.
☐ Pay \$ Domestic Violence fund per 1205.077 PC.

☐ Pay \$ to Restitution Fine pursuant to 1202.4 PC
☒ Pay \$ 100

☐ Plus a 10% collection fee as directed by Probation.

☐ Credit \$ for days served.

☐ Total Fines/Fees Due \$

☐ Pay fines/fees at the rate of \$ per month beginning 6-13-03

☒ Pay fines/fees in full by 7-20

☒ Pay to the Clerk's Office Rm 170 ☐ Pay as directed by Probation.

☐ Perform volunteer service in lieu of fine.

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

☐ Participate in an educational/vocational/therapeutic program.

☐ At the direction of the probation officer.

☐ Enter and complete program.

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

☐ Pay Proposition 36 fees as directed by probation.

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

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

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

☐ Totally abstain from use of alcohol/controlled substances. ☐ Until age 21.
☐ Do not possess paraphernalia for the use of ingestion or injection of drugs.
☐ Submit to testing for the use of controlled substances/alcohol at any time by any peace officer.

☐ Submit your person, residence, vehicle, and areas under your dominion and control to search and seizure at any time of the day or night with or without a warrant. ☐

☐ Do not drive a motor vehicle unless properly licensed and insured.

☐ Obey

☐ Driving privileges suspended for a period of

☐ Obey any restrictions, suspension, or revocation placed on your license by DMV.

☐ Register with local law enforcement pursuant to the provisions of

☐ 290 PC ☐ 457.1 PC ☐ 11590 HS ☐ 186.30 PC

☐ Complete AIDS Education Program through County Health Services Agency

☐ Do not threaten, molest or have any written, telephone, personal or third party contact with

☐ Do not strike annoy or harass

☐ Have no non-consensual contact with

☐ Stay away from

☐ Do not possess

☐ Do not possess any firearm or any other dangerous or deadly weapon

☐ Pursuant to 12028 PC, surrender weapon to

☒ Make restitution to the victim ☐ jointly and severally

☒ In the amount of \$ 302.50 @ \$50 MI

☐ In an amount and manner to be determined plus 10% collection fee

through ☐ the Probation Department ☐ County Collections

☐ If deported, contact the Probation Department within 5 days of re-entry into United States.

☐ Comply with Order for Reimbursement of Fees pursuant to 29550.1

☐ Comply with Protective Order

☒ Review date 12/19/03 @ 8:30 AM - CTS

☐ Re: proof

☐ Resist.

Date 5/14/03 Judge [Signature]

I understand and agree to fulfill the terms and conditions as set forth above

Date 5/14/03 Defendant Archie Coley

Address 1862 E. Knickerbocker Dr

Date of Birth 5-20-29

SEE REVERSE

701 Ocean Street, Room 340

SANTA CRUZ COUNTY SHERIFF - CORONER

Santa Cruz, California 95060

PORT

☐ INCIDENT RPT☐ SUPPLEMENTAL RPT☐ CONTINUATION

CASE NO.

02-9476

FOLLOW UP
REQUIRED
YES ☐ NO ☒

(1) Arrest

☒ CRIMES AGAINST PROPERTY
☐ CRIMES AGAINST THE PERSON

Trademark of Suspect(s)

PAGE 1 OF 4

SECTION-SUBSECTION-CODE		CRIME		CLASSIFICATION		REPORT AREA					
594 (b)(1) PC Vandalism (Felony)						2-2					
DATE & TIME OCCURRED - DAY		DATE & TIME REPORTED		LOCATION OF OCCURRENCE		CHECK IF MOV NAMES IN CONTINUATION					
10/02/02 2245 hours Wed.		10/02/02 2250 hours		1770 El Rancho Dr., Santa Cruz		<input type="checkbox"/>					
V CODE 001	NAME—LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS		RES. PHONE					
	Kuerzel, Robert Edward			1770 El Rancho Dr., Santa Cruz		438-7940					
CODE	OCCUPATION	RACE	SEX	AGE	DOB	BUSINESS ADDRESS	BUS. PHONE				
	Engineering Contractor	W	M	F	48	7/23/54	1770 El Rancho Dr., Santa Cruz 438-7940				
CODE	NAME—LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS		RES. PHONE					
CODE	OCCUPATION	RACE	SEX	AGE	DOB	BUSINESS ADDRESS	BUS. PHONE				
			M	F							
CODE	NAME—LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS		RES. PHONE					
CODE	OCCUPATION	RACE	SEX	AGE	DOB	BUSINESS ADDRESS	BUS. PHONE				
			M	F							
CODE	NAME—LAST, FIRST, MIDDLE (FIRM IF BUSINESS)			RESIDENCE ADDRESS		RES. PHONE					
CODE	OCCUPATION	RACE	SEX	AGE	DOB	BUSINESS ADDRESS	BUS. PHONE				
			M	F							
VEHICLE CODE	VIN or LICENSE NO. STATE YEAR MAKE MODEL COLOR (OTHER IDENTIFYING CHARACTERISTICS)						TOWED				
	REGISTERED OWNERS NAME						YES <input type="checkbox"/> NO <input type="checkbox"/>				
VEHICLE CODE	REGISTERED OWNERS RESIDENCE ADDRESS						VEH. HELD				
							YES <input type="checkbox"/> NO <input type="checkbox"/>				
VEHICLE CODE	VIN or LICENSE NO. STATE YEAR MAKE MODEL COLOR (OTHER IDENTIFYING CHARACTERISTICS)						TOWED				
	REGISTERED OWNERS NAME						YES <input type="checkbox"/> NO <input type="checkbox"/>				
VEHICLE CODE	REGISTERED OWNERS RESIDENCE ADDRESS						VEH. HELD				
							YES <input type="checkbox"/> NO <input type="checkbox"/>				
01 SUSPECT NO.	SUSPECT - NAME (LAST, FIRST, MIDDLE)			RACE	SEX	AGE	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
	Coley Sr., Archie Lou			W	M	F	73	5/20/29	511	205	GRY
01 SUSPECT NO.	ADDRESS			DRIVERS LICENSE NO.		ARRESTED		ADV OF RIGHTS		CITIZEN	
	1862 El Rancho Dr., Santa Cruz					YES <input type="checkbox"/> NO <input type="checkbox"/>		YES <input type="checkbox"/> NO <input type="checkbox"/>		ARREST <input type="checkbox"/>	
01 SUSPECT NO.	OCCUPATION	BUSINESS ADDRESS			BUS. PHONE		RES. PHONE		CITATION NO.		
	Retired						438-0890		S-139674		
01 SUSPECT NO.	HAIR LENGTH/TYPE <input type="checkbox"/> UNK.		HAIR STYLE <input type="checkbox"/> UNK.		FACIAL HAIR <input type="checkbox"/> UNK.		WEAPON USED <input type="checkbox"/> UNK. <input type="checkbox"/> N/A				
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01 SUSPECT NO.	ADDRESS			DRIVERS LICENSE NO.		ARRESTED		ADV OF RIGHTS		CITIZEN	
						YES <input type="checkbox"/> NO <input type="checkbox"/>		YES <input type="checkbox"/> NO <input type="checkbox"/>		ARREST <input type="checkbox"/>	
01 SUSPECT NO.	OCCUPATION	BUSINESS ADDRESS			BUS. PHONE		RES. PHONE		CITATION NO.		
01 SUSPECT NO.	HAIR LENGTH/TYPE <input type="checkbox"/> UNK.		HAIR STYLE <input type="checkbox"/> UNK.		FACIAL HAIR <input type="checkbox"/> UNK.		WEAPON USED <input type="checkbox"/> UNK. <input type="checkbox"/> N/A				
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WAS THERE A RAPE? IF YES, PLACE AN X IN BOX <input type="checkbox"/> Force <input type="checkbox"/> No Force <input type="checkbox"/> Attempt Only											
OFFICER REPORTING: K Durant 129/5224 REVIEWED BY: [Signature] 3HF-0424 06/06/06											
Gang Related <input type="checkbox"/> CONFIDENTIALITY REQUESTED BY VICTIM <input type="checkbox"/> Domestic Violence <input type="checkbox"/> 283 PC / 8254 OC Children in Home <input type="checkbox"/>											
COURT: D.A./SC DET. BUR.: [Signature] DIRECT FILE <input type="checkbox"/> INDEXED <input type="checkbox"/>											
PROB. PRESS CASE NO. 02-9476											

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

SYNOPSIS:

See attached report.

CONCLUSIONS/RECOMMENDATIONS

- ☐ 1) Warrant requested. ☐ 3) Prosecution not recommended.
☒ 2) Prosecution recommended. ☐ 4) Investigation Bureau follow-up requested.

- ☐ 5) Investigation continuing (by Patrol). ☐ 8) Report for insurance purposes only
☐ 6) Insufficient evidence for prosecution. ☐ 10) Refer to outside agency
☐ 7) Insufficient information for further investigation at this time. ☐ 11) Other
☐ 9) Report for information only

REFERENCES/EXPLANATIONS:

SANTA CRUZ SHERIFF'S OFFICE

02-9476
October 3, 2002

SYNOPSIS:

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

NARRATIVE:

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

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

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

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

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

SANTA CRUZ SHERIFF'S OFFICE

02-9476

October 3, 2002

On 10/2/02, we agreed that issuing a citation for felony vandalism to Archie would be the most appropriate course of action. I issued him citation #S-139674.

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

OPINIONS/CONCLUSIONS/RECOMMENDATIONS:

Prosecution recommended.

SANTA CRUZ COUNTY SHERIFF - CORONER
EVIDENCE AND PHOTOGRAPHIC REPORT

THIS IS REPORT

REPORT AREA
2-2

Page 1 of 1

Day	Date	T/Arrived	T/Completed	Weather	Offense	Scene No.	Case No.
WED	10/2/02	2300	2330	CLEAR	594(b)(1)	KAD-1	02-9476

CSI Officer	Deputies	Suspect	
	KOURANT	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Place of Seizure
1770 EL RANCHO DR.
SANTA CRUZ

☐ R/P ☐ Victim ☒ Suspect DOB: 5/20/29

NAME & ADDRESS: Phone No. 438-0890

COLEY SR., ARCHIE LOU

1862 EL RANCHO DR.

SANTA CRUZ

Work Requested		
F = Develop	H = Hold	P = Property
A = Analyze	L = Latents	C = CSI
D = Destroy	R = Return to Owner	
Y = Coroner	Z = Other _____	

E	P	Evidence (Numerical)	To	Photographs (Alphabetical)	A To B	↓	Loc.
---	---	----------------------	----	----------------------------	--------	---	------

[illegible]

HARD COPY - PROPERTY / SOFT COPY - RECORDS
SHF - 0316 (REV. 8-93)

REPORTING DEPUTIES

(SIDE ONE)

KIDURAIT 129/5220

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

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

ATTORNEYS FOR THE PEOPLE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
Plaintiff,)	Case No. M14674
vs.)	
)	COMPLAINT -- CRIMINAL
ARCHIE LOU COLEY)	FIRST AMENDED
)	
)	Date: 3/14/03
)	Time: 08:30 A.M.
)	Dept: 2
Defendant(s),)	Event: AFR

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

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

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

EXHIBIT E

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


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

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

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

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

22
23 BOB LEE
24 DISTRICT ATTORNEY

25 
26 ROSS N. TAYLOR
27 ASSISTANT DISTRICT ATTORNEY

28 SCSO
LMG

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

July 27, 2009

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

Dear Sheila:

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

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

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

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

Sincerely,



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

No pictures
enclosed

7SM

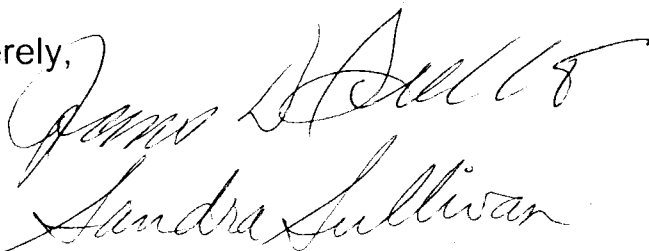
8/20/09

July 27, 2009

To Whom it may concern:

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

Sincerely,

Handwritten signatures of Jim and Sandra Sullivan. The signature for Jim is written above the signature for Sandra.

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

Marc Kaplan
1288 El Rancho Drive
Santa Cruz, CA 95060

October 10, 2007

To: Kathy Graves
Santa Cruz Environmental Planning

RE: Application #6-0641

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

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

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

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

Sincerely,



Marc Kaplan

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

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

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

Environmental Planning Completeness Comments

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

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

- 1) Project complete per Environmental Planning requirements.

Environmental Planning Miscellaneous Comments

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

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

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

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

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

No biotic assessments are required.

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

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

Code Compliance Completeness Comments

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

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

NO COMMENT

This addresses the violation. (KMF)

Code Compliance Miscellaneous Comments

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

Discretionary Comments - Continued

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

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

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

Dpw Driveway/Encroachment Completeness Comments

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

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

Dpw Driveway/Encroachment Miscellaneous Comments

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

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

Dpw Road Engineering Completeness Comments

===== REVIEW ON NOVEMBER 27, 2006 BY GREG J MARTIN =====
The plans state that 20 parking spaces are required for the contractor's operations on-site. A numbered list of the required parking spaces shall be provided on the plan view sheet. The numbered list shall include the required parking for existing residence. Since some of the vehicles are in greater in size than a normal vehicle each parking space shall be sized appropriately. Each parking space is required to be identified, numbered, and dimensioned on the plans. Individual turn-around requirements may vary for each vehicle and must be provided. Commercial access driveways are required to be 24 feet wide and paved.

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

Dpw Road Engineering Miscellaneous Comments

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

Environmental Health Completeness Comments

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

Environmental Health Miscellaneous Comments

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

Discretionary Comments - Continued

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

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

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

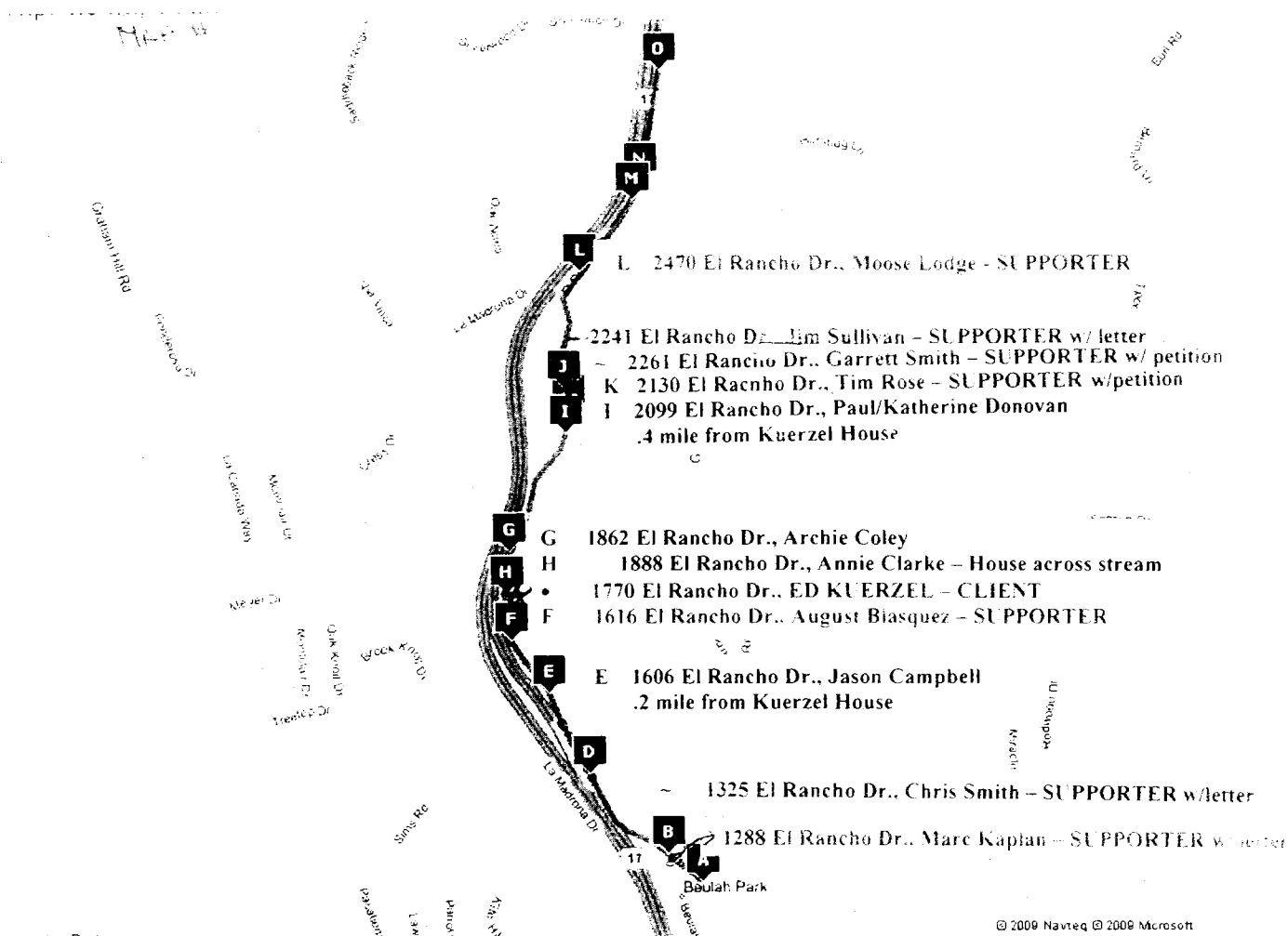
===== UPDATED ON MAY 8, 2007 BY JIM G SAFRANEK ===== This application will be considered incomplete by EHS until the applicant receives a HazMat permit final from Rolando Charles.

Scotts Valley Fire District Completeness Comments

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

Scotts Valley Fire District Miscellaneous Comments

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



Trip: 0.7 mi, 1 min

MAA # 2

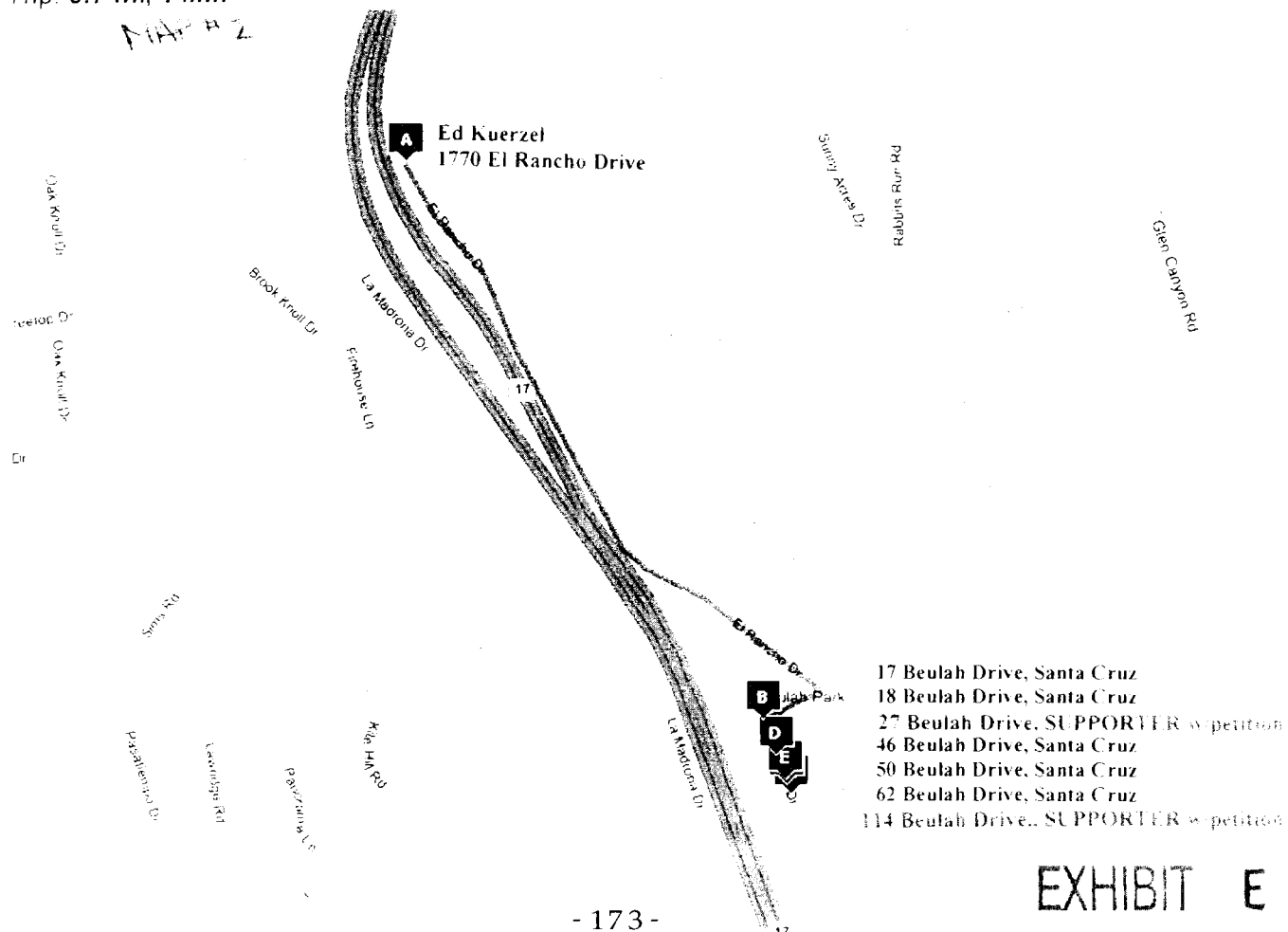
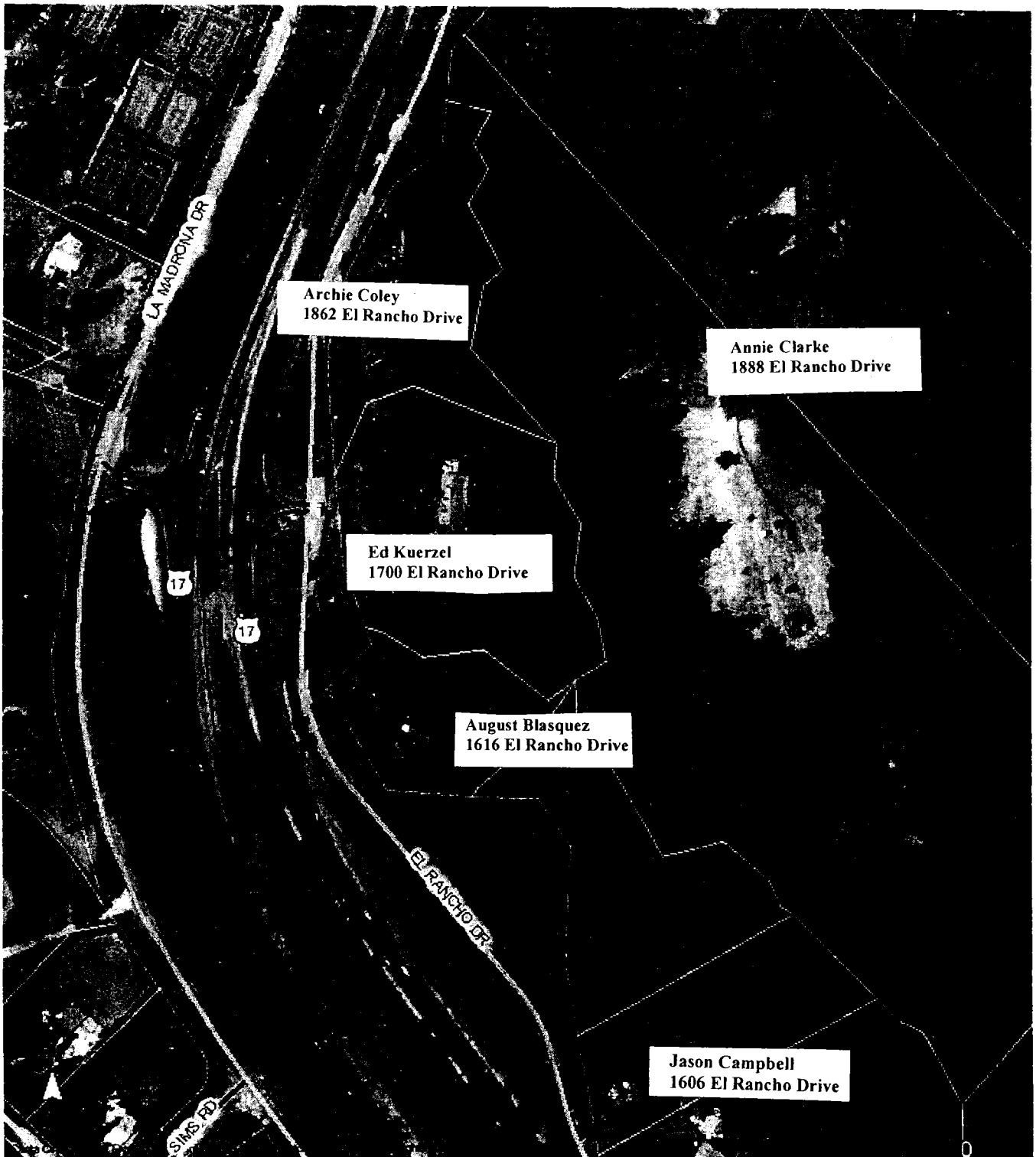


EXHIBIT E



Red indicates in support of the Kuerzels.

MAP #1

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

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

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

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

MAP #2

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

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

July 27, 2009

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

Dear Sheila:

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

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

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

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

Sincerely,



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

August 21, 2009

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

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

Dear Ms. McDaniel:

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

Sincerely,



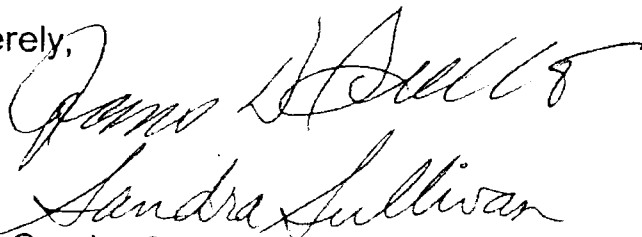
Chris Smith
1325 El Rancho Road

July 27, 2009

To Whom it may concern:

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

Sincerely,

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

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

SANTA CRUZ MOOSE LODGE #545

P.O.Box 66292 Scotts Valley, CA 95067

Lodge Phone 831.438.1817

Located at 2470 El Rancho Drive

Vince Martinez, Governor

Perry James, Administrator

August 21, 2009

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

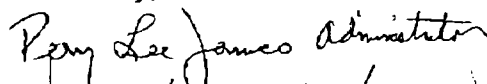
Re: Application #06: 0641, Ed Kuersel
1770 El Rancho Dr. Santa Cruz, CA. 95060

Dear Ms. McDaniel,

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Perry Lee James".A handwritten signature in cursive script, appearing to read "Vincent J. Martinez".

Santa Cruz Moose Lodge #545
Board of Officers

A handwritten signature in cursive script, appearing to read "Joe Miller".A handwritten signature in cursive script, appearing to read "Sam Mendez".

TREASURER

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

To the County of Santa Cruz Planning Department:

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

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

COUNTY OF SANTA CRUZ

USE

-PERMIT-

NUMBER 80-704-U

ISSUED TO Archie & Faye Coley

1770 El Rancho Drive

Santa Cruz, CA 95060

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

LOCATION OF USE

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

PERMITTED USE

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

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

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

DM:km

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

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

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY Susan Blum DATE 10/13/80

SUCAN BLAIR, DEPUTY DIRECTOR/ZONING AND BUILDING

SIGNATURE OF APPLICANT

EXHIBIT F

COUNTY OF SANTA CRUZ

USE

- PERMIT -

NUMBER 78-1201-U

ISSUED TO FAYE & ARCHIE COLEY

1862 El Rancho Drive

Santa Cruz, CA 95060

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

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

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

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

RL/clc

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

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

SIGNATURE OF APPLICANT

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY

RICHARD PEARSON, CHIEF /
DEVELOPMENT PROCESSING

DATE 10.9.78

EXHIBIT F

-182-

(b) Restrictions on Home Occupations.

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

Permit History

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

Code Compliance Action

10/18/02	Violation of County Code Section 13.10.525 (c) (2) for construction of a 9 foot fence within the side yard where a 6 foot fence is only allowed
6/08/05	<p>Violation of County Code Section</p> <p>13.10.140(a)-Violation of Zoning Regulations</p> <p>13.10.275 (b)- Violation of uses allowed in a RA Zone (commercial uses E&S Trucking and an approximately 8,000 square foot contractor's storage yard)</p> <p>13.10.276 (a) Violation of conditions of permit #80-704-U, equipment and vehicles in excess of allowed (1/1/2 ton truck and a brush grinder)</p> <p>The current home occupation is not in conformance with Permit 80-704-U given the numerous contractor business vehicles, contractor business equipment, and contractor business materials located on the site. A Planning Department Code Compliance code violation determination is provided by Glenda Hill, dated September 8, 2005 and attached as Exhibit E. It clarifies that Violations 13.10.140 (a) and 13.10.276 (a) are valid violations and recommended that the Zoning Administrator determine if a violation of 13.10.275 (b) is valid as part of permit amendment.</p>

Objective 2.20 Home Occupations

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

Policies

2.20.1 Home Occupations as Accessory Uses

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

2.20.2 Siting and Administration of Home Occupations

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

Program

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

13.10.613 Home occupations.

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

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

(b) Restrictions on Home Occupations.

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

Title 13 PLANNING AND ZONING REGULATIONS

Chapter 13.10 ZONING REGULATIONS

13.10.556 Outdoor storage of personal property and materials.

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

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

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

(3) Inoperative vehicles or parts thereof.

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

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

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

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

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

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

EXHIBIT 11

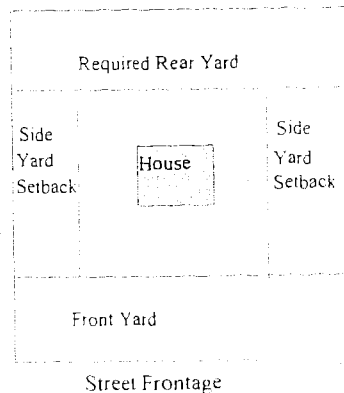
Neglected Property ordinance (County Code section 13.10.556)

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

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

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

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



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

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

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

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

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

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

13.10.554 Standards of off-street parking facilities.

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

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



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

MOTOR VEHICLE STORAGE WITHIN RESIDENTIAL DISTRICTS

Operable Vehicles

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

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

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

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

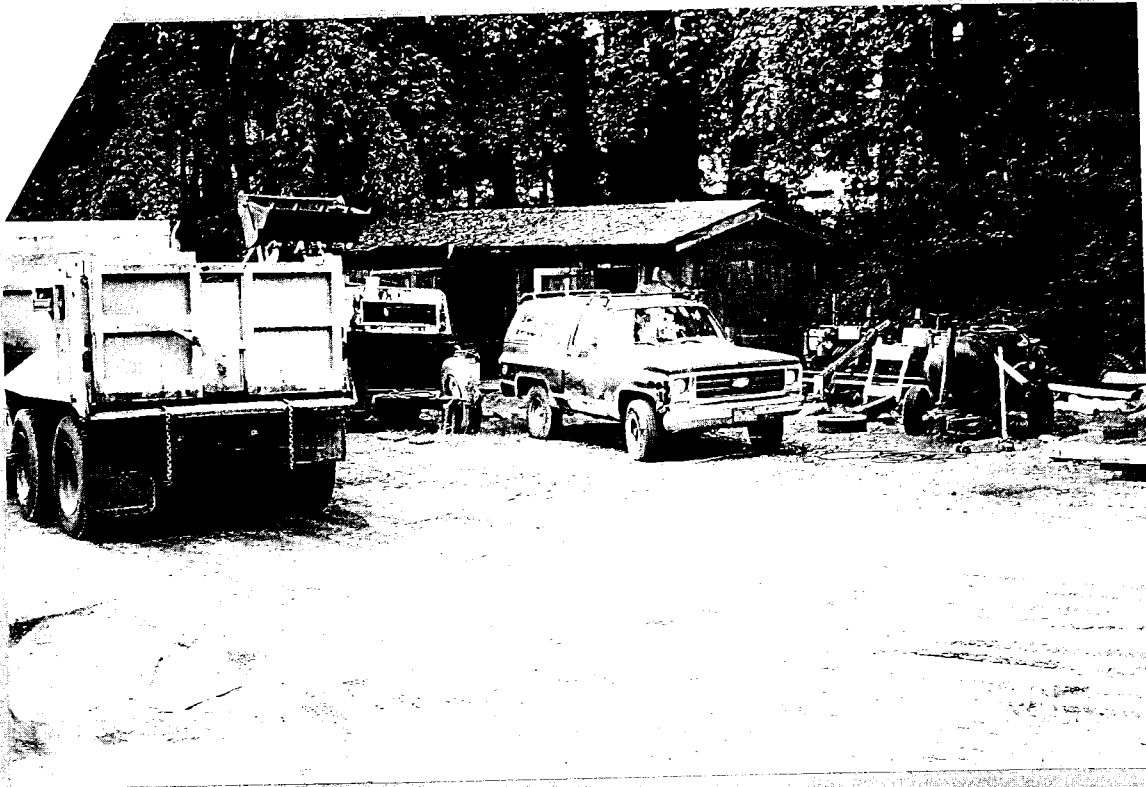
A recreational, vehicle or travel trailer, maintained for the property owner's or occupant's recreational use, may be stored on the property. No utility connection is allowed, nor is any occupancy allowed. Such storage may not occur on any vacant parcel.

Inoperable Vehicles

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

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

Print date: 3-14-08



APN: 067-191-18
DATE PICTURE TAKEN: 1-20-00
WHO TOOK PICTURE: S. KESSEL
WHY PICTURE TAKEN: ADD. Food Business Vehicles - Exceeds Home Occupat
Use Permit

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



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

067-191-18

1-20-00

S. LEDERER

Home Occupation Materials, vehicles + SAND
AT CREEK BANK

photo 2



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

067-191-18

1-20-00

S. LEDERER

MORE Trucks + 1-192 or Bucket visible

EXHIBIT K

photo 3
2000



photo 4



EXHIBIT K
photo 5
2000



photo 6



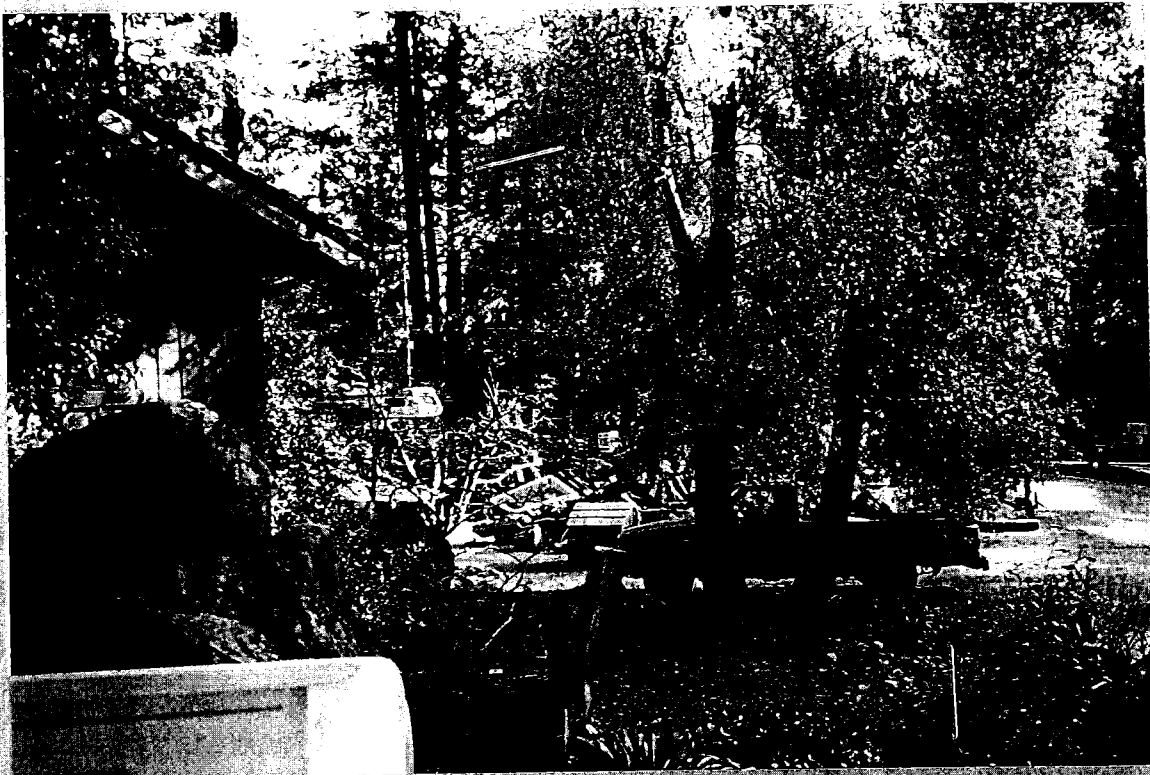
EXHIBIT K
photo 7
2004



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

LOWER PHOTO: CLOSER VIEW OF HEAVY EQUIPMENT.





067-191-18 Photos taken 11/29/01 by E. Allegretti
Debn3 in yard. photo 10

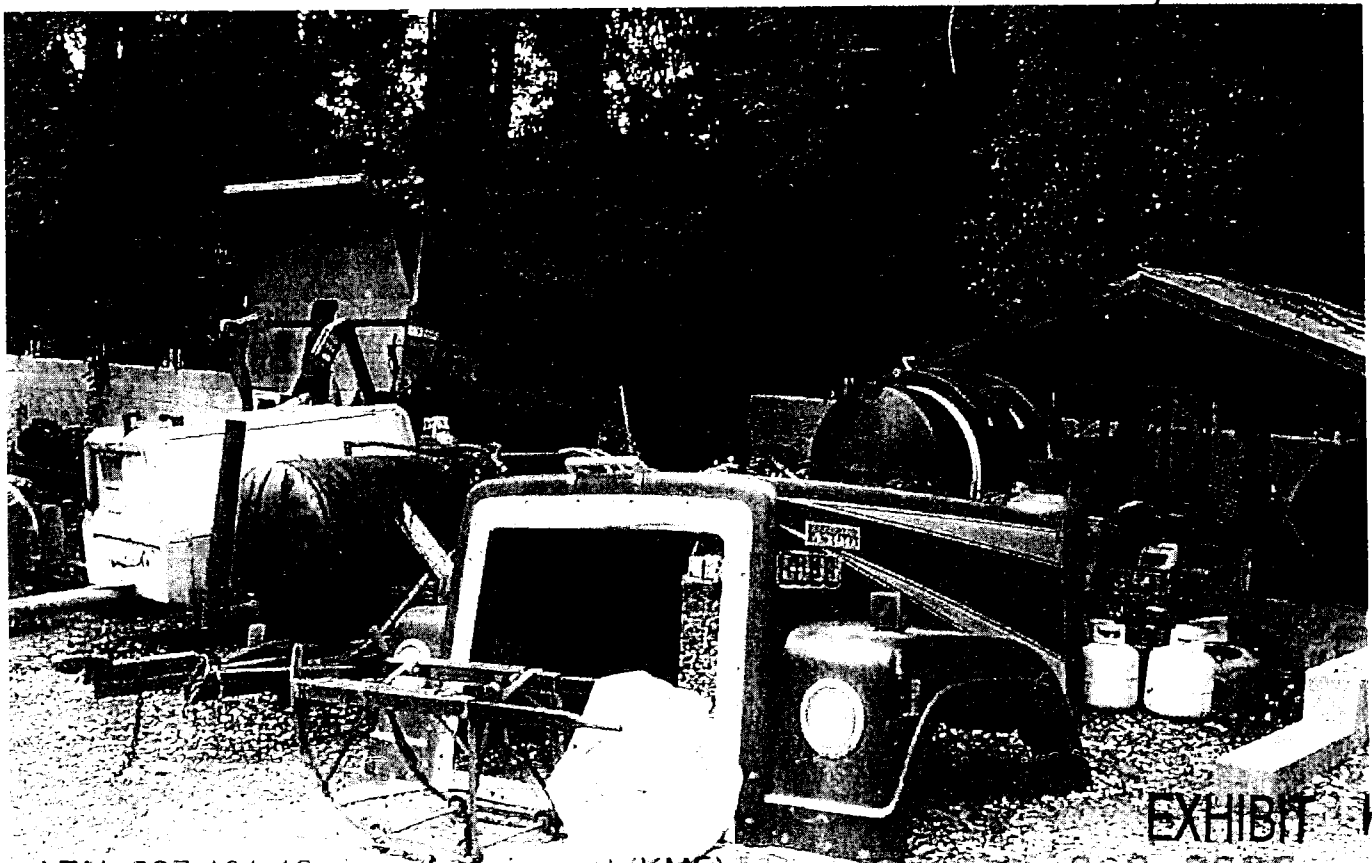
"E+S" Truck & tractor sign at the front of the residence,





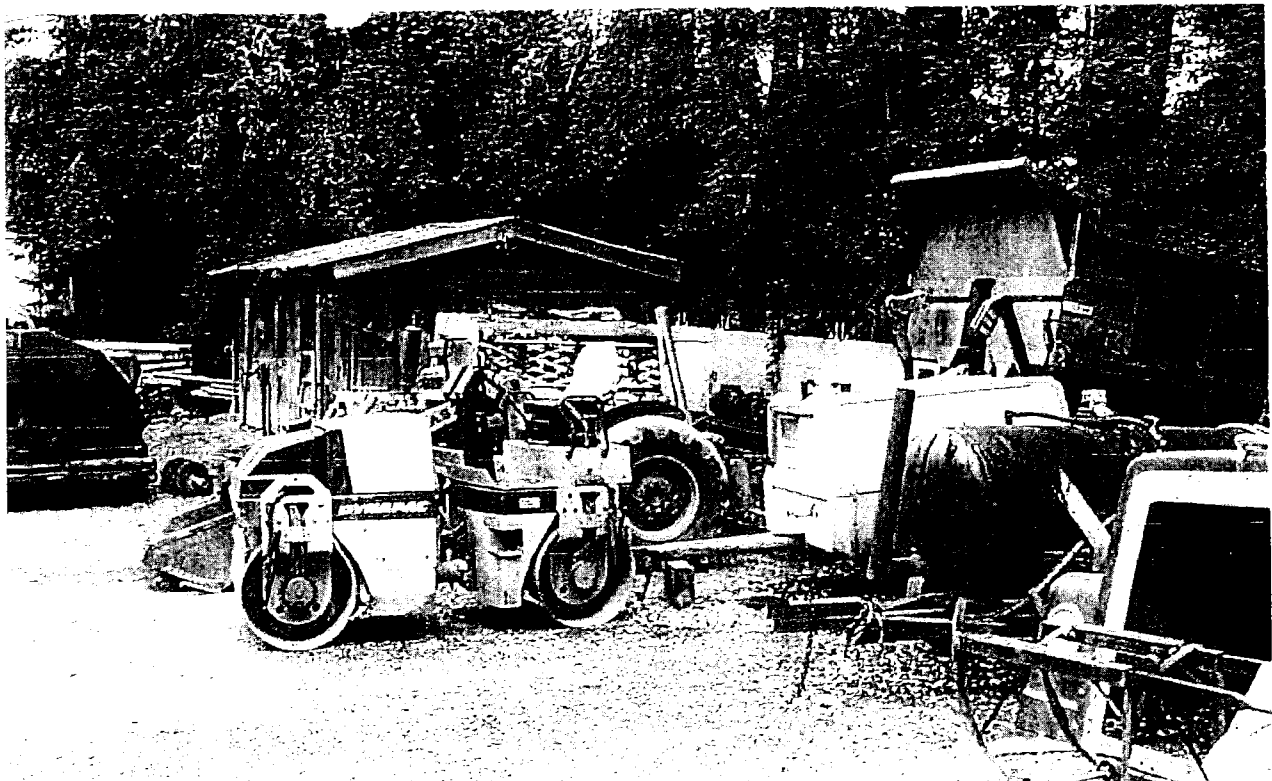
APN: 067-191-18 view of equipment, vehicles and trailers (KMF) 6.8.2005

photo 12



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

EXHIBIT K
6.8.2005
photo 13



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

6. 8. 2005
photo 14

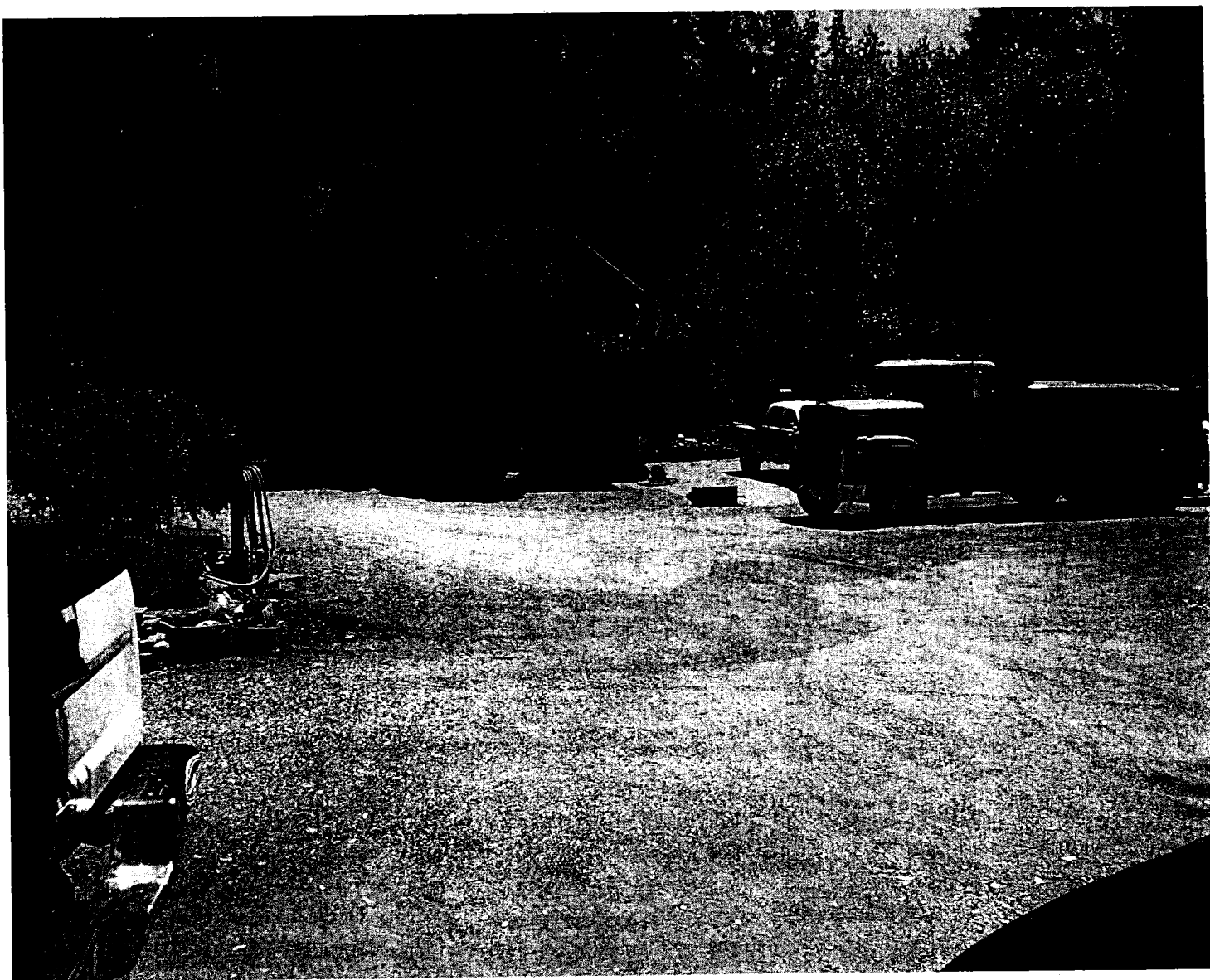


APN: 067-191-18 view of truck and equipment (KMF)

6. 8. 2005 EXHIBIT K
photo 15
2005



photo 16
Equipment +
VEHICLES



- photo 17
SITE AREA
- Bldg. adj. to top of slope
 - Dump Truck
 - Washing area/Hose bib



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



photo 19
· Employee parking
· adj. to Hose bib



photo 20
employee
parking area
to have bib

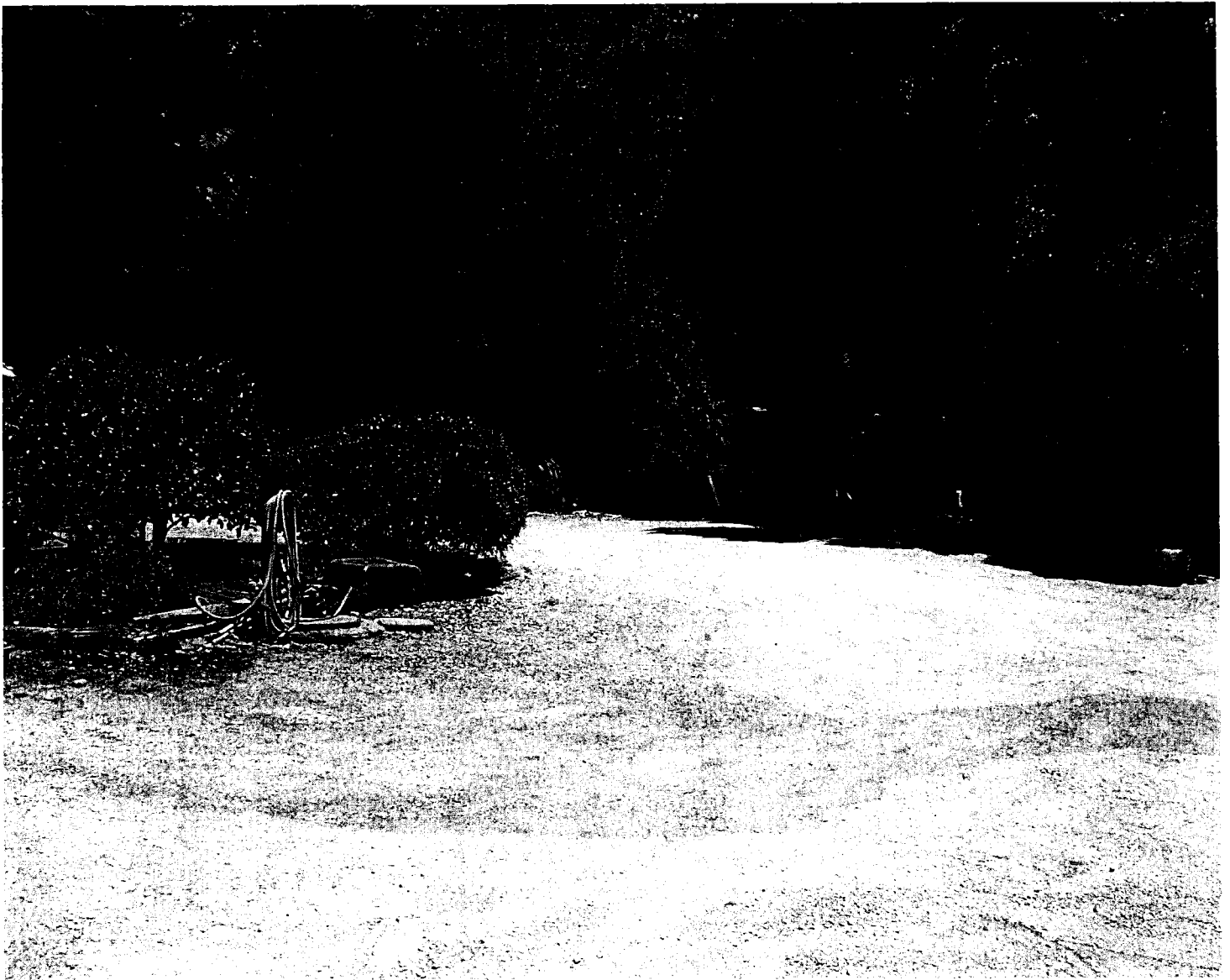


photo 21
-View toward
top of Riparian
Slope above
tributary to Carbona
Creek



photo 22
- materials along
top of slope
above creek

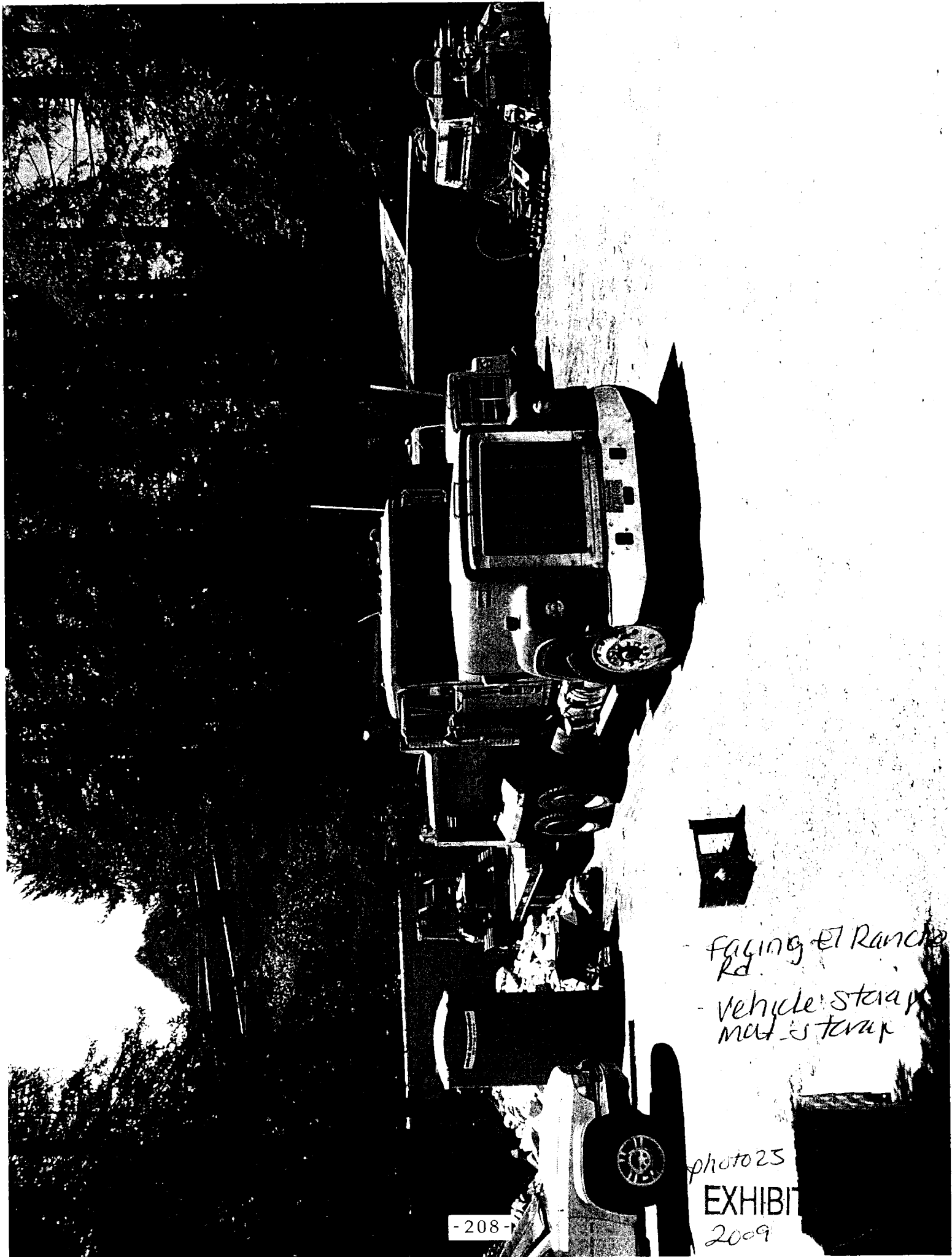


photo 23
- materials along
top of slope
above creek



photo 24

- photo to east
and top of
Riparian slope
- vehicles, materials
and equipment



- Facing El Rancho
Rd.
- Vehicle strap
mat strap

photo 25
EXHIBIT
2009



photo 26
- Facing top of
slope
- materials



photo 27
-Ailing top of slope
-materials



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

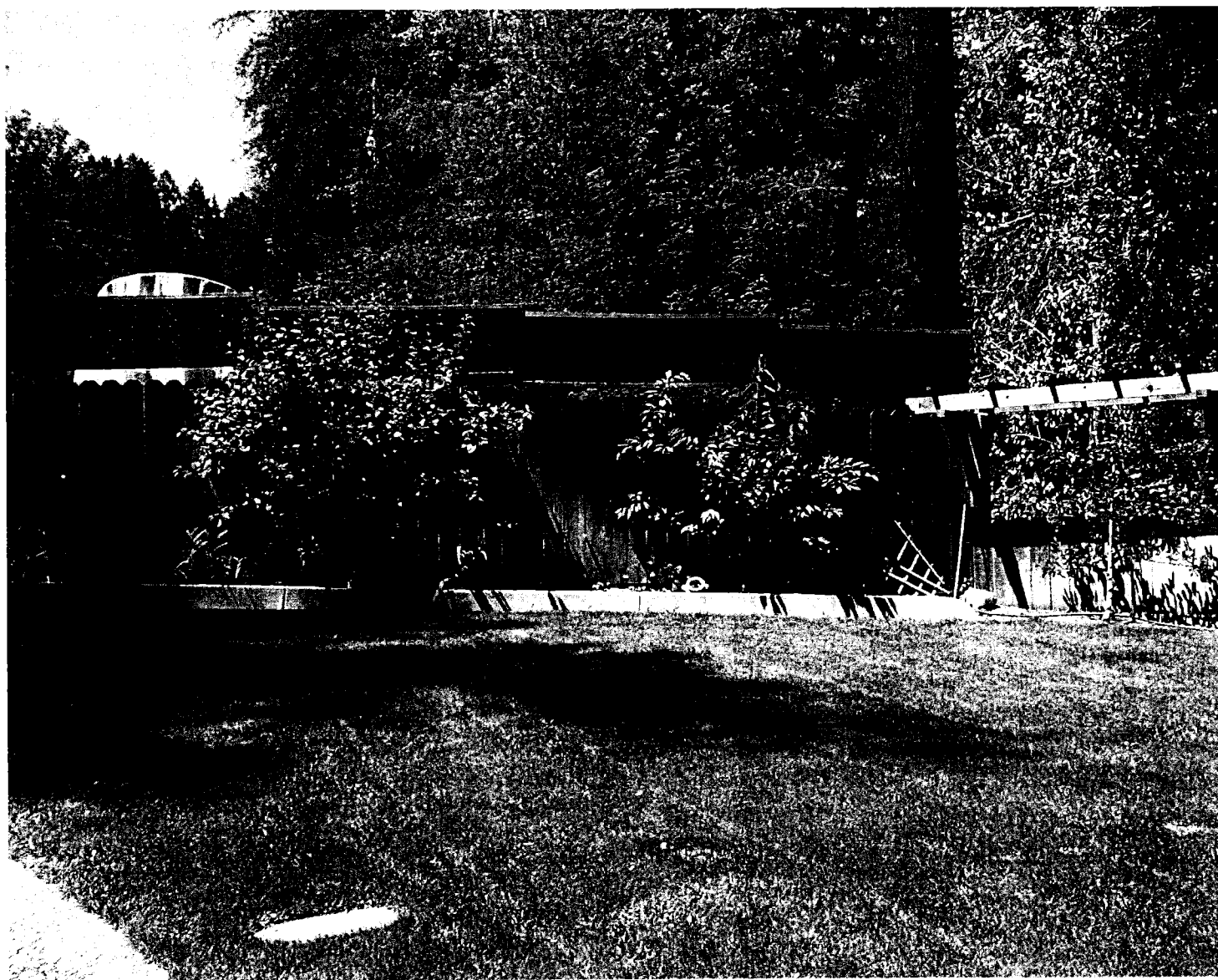


photo 3029
* 8' Fence along
front property line

Exhibit G

(On file with the Planning Department)