



Staff Report to the Zoning Administrator

Application Number: **111172**

Applicant: Jason and Almita Schaefer
Owner: Jason and Almita Schaefer
APN: 050-041-05

Agenda Date: June 15, 2012
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to recognize an existing 670 s.f. garage/workshop (hereinafter "garage") that is within the required 15-ft. sideyard setback (garage is 5-ft. from property line).

Location: Property located on the west side of Green Valley Road approximately 1/4 mile north of Pinto Lake County Park.

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Requires a Variance to reduce the required 15 foot side yard setback to 5 feet.

Technical Reviews: N/A

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application **111172**, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	24,584 sq. ft.
Existing Land Use - Parcel:	Single Family Residential
Existing Land Use - Surrounding:	Agricultural, Single Family Residential
Project Access:	Green Valley Rd.
Planning Area:	Pajaro Valley

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

Land Use Designation: R-UVL (Urban Very Low Density Residential)
Zone District: R-1-1AC (Single Family Residential – 1 Acre Minimum Parcel Size)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: City of Watsonville
Sewage Disposal: Septic
Fire District: Pajaro Fire Protection District
Drainage District: Zone 7

History

On 11/22/10 a stop work order was issued at the subject property for construction of a garage structure (approximately 20' x 40') without permits or approvals. The owners were told to provide construction plans and obtain a building permit by 3/2/11. However, no building permit was issued as of 3/15/11, resulting in the passing of the case on to Code Compliance.

On 4/6/11 Code Compliance staff met with the property owner Jason Schaefer, who consented to an inspection of the non-habitable garage structure in rear yard, which he admitted he had built. Structure had no plumbing or electricity. Code officer issued a red-tag and an informational flyer about the code enforcement process. A Letter of Intention to Record Notice of Violation was mailed on 4/7/11.

On 7/7/11 the proposed Stipulation & Order was mailed out via certified mail. On 8/8/11 the signed Stipulation was received back from property owner, which was presented to the Hearing Officer at the 9/8/11 scheduled Administrative Hearing date. Stipulation & Order was executed on 9/8/11 by Hearing Officer George Gigarjian, and a final compliance date of 6/29/11 was given.

On 9/6/11, the property owner came into the Planning Department with plans for review prior to

submittal for Building Permit and Variance applications (Variance needed because the garage was built partially in the side yard setback). The owner stated that he planned to submit applications on 9/8/11 for the Building Permit, and on 9/15/11 for the Variance. Given that concurrent Building Permit submittals for Level 5 applications (such as a Variance) are discouraged, the staff planner advised that the owner not apply for the Building Permit until the Variance application had been reviewed. Subsequently, it was determined that the Building Permit submittal could wait until after the Variance application had been reviewed and that the 9/15/11 application submittal date would not trigger the 9/9/11 penalty indicated in the stipulation.

On 9/15/11, the application for the proposed development permit and Variance was submitted to the Planning Department.

On 10/21/11, the applicant was sent an Incomplete Letter. It was determined by County Environmental Health Services (EHS) that an approved alternative sewage disposal (septic) system application from EHS would be required prior to discretionary permit approval. EHS staff indicated that the applicant would receive a letter from them detailing the permit requirements based on a field visit that occurred on 10/4/11.

On 3/14/12 – a letter to EHS was sent by consulting registered environmental health specialist Christopher G. Rummel, R.E.H.S. EHS staff subsequently accepted his findings in the letter, and stated that the applicant needed to submit a Sewage Disposal Application and a EHS Building Clearance Application in order to proceed. On 4/12/12, the required items were submitted and EHS approved a Building Clearance. The septic application is still under review and its approval will be a condition of approval of this application and the building permit.

On 4/30/12, the application was considered complete for further processing and a Complete Letter was sent to the applicant.

Project Setting

The approximately one half acre (0.564 acre) flag-lot parcel is located on the west side of Green Valley Road, approximately 1.4 miles north of the entrance to Pinto Lake County Park and 0.3 miles south of Green Valley Road's intersection with Casserly Road. The R-1-1 acre (Single Family Residential – 1 acre minimum lot size) zoned parcel is surrounded on all sides by parcels in the same zone district, except that those on the opposite side of Green Valley Road are zoned R-1-6 (Single Family Residential – 6,000 sq. ft. minimum lot size).

The two parcels to the north and south and a smaller parcel to the east (lying in between the subject parcel and Green Valley Road) contain single family dwellings. The two parcels to the west, abutting the rear of the subject parcel, are currently being used for agriculture, one exclusively, and the other containing a single family dwelling in addition to a field that is being used for agriculture. It should be noted that the adjoining parcel to the south contains numerous accessory structures, at least one of which that is located within the required setback area of that lot.

Justification for the Granting of a Variance

The granting of the proposed variance is justified because it would not constitute a granting of any special privileges to the subject property that are not enjoyed by neighboring parcels. The neighboring parcel to the south (on the same side as subject garage) has several accessory structures including a two story accessory dwelling unit, that are within that parcel's side yard setback area.

Because of special circumstances applicable to the property, namely the existence of the property's alternative septic system leach field mound in close proximity to the subject garage, the strict application of the 15-foot side yard setback standard would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification, namely the ability to have a garage. Moving the garage 10 feet over towards the interior of the lot, to comply with the standard 15-foot side setback requirement, would cause it to encroach on the leach field/mound for the parcel's alternative septic system, rendering the septic system vulnerable to failure.

In addition, the granting of the proposed variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity. Since the garage was built upon a pre-existing slab foundation, requiring the applicant to dismantle the existing garage and slab, and to rebuild the garage 10-feet towards the interior of the lot, would result in additional and unnecessary ground disturbance, which would potentially be detrimental to public health, safety, or welfare.

Moreover, it should be noted that the adjacent neighbors both to the north and south of the subject property have submitted letters in support of the proposed granting of a variance to legalize the garage structure.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 24,584 square feet, located in the R-1-1 AC (Single Family Residential – 1 Acre Minimum Parcel Size) zone district, a designation which allows single family residential uses. The subject detached garage is a permitted use within the zone district and the zoning is consistent with the site's R-UVL (Urban Very Low Density Residential) General Plan designation. Upon the granting of the proposed variance, the uses on the subject property would be fully consistent with the County Zoning Code and General Plan.

Environmental Review

The proposed recognition of, and granting of a Variance for, an already constructed garage is categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section 15301, Existing Facilities.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 111172, 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: Frank Barron
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-«Phone_Extension»
E-mail: frank.barron@co.santa-cruz.ca.us

Variance Findings

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

This finding can be made, in that because of special circumstances applicable to the property, namely the location of the property's alternative septic system leach field mound that covers approximately one half of the rear yard setback and is in close proximity to the subject garage, the strict application of the 15-foot side yard setback standard would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification, namely the ability to have a garage. Moving the garage 10 feet over towards the interior of the lot, to comply with the standard 15-foot side setback requirement, would cause it to encroach on the leach field/mound for the parcel's alternative septic system, rendering the septic system vulnerable to failure.

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

This finding can be made, in that requiring the applicant to dismantle the existing garage, and to rebuild the garage 10-feet towards the interior of the lot, would result in additional and unnecessary ground disturbance, which would potentially be environmentally detrimental. If granted, the proposed variance would not be detrimental to the health, safety, or welfare of the public or those utilizing the subject property so long as it can be ensured that the structure was built to the standards of the California Building Code.

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

This finding can be made, in that the granting of the proposed variance would not constitute a granting of any special privileges, to the subject property that are not enjoyed by neighboring parcels. This is because other properties in the vicinity, particularly the adjacent property to the south, contain accessory structures that are similar to the subject garage in height, area and location, and therefore the subject garage will not interfere with use of those properties.

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.

This finding can be made, in that the project is located in an area designated for single-family dwellings and appurtenant uses, such as the subject garage, and the property is not encumbered by physical constraints to development. Construction has complied with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The existing garage does not deprive adjacent properties or the neighborhood of light, air, or open space, despite the fact that the structure does not meet all current setbacks.

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 garage, and the conditions under which it would be maintained, are consistent with all pertinent County ordinances and the purpose of the R-1-1AC (Single Family Residential – 1 acre minimum lot size) zone district as the primary use of the property will be one single family residence with a detached garage that meets all current site standards for the zone district, except for the side yard setback in which the garage has been built the required distance of which is being reduced by 10-feet pursuant to the proposed variance.

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 detached garage use is consistent with the use and density requirements specified for the Urban Very Low Density Residential (R-UVL) land use designation in the County General Plan.

The existing detached garage does not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the detached garage will not adversely shade adjacent properties.

The existing illegal detached garage is properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the garage complies with the site standards for the R-1-1AC zone district (including lot coverage, floor area ratio, height, and number of stories, but not setbacks, for which the proposed variance was applied) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the detached garage was constructed on an existing developed lot and will serve the residents of the existing single family dwelling on the parcel. The expected level of traffic generated by the proposed project is not anticipated to increase from what would have occurred without the project, and as such it does not adversely impact existing roads or 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 the proposed accessory structure is located in a mixed neighborhood containing a variety of architectural styles, and the location and use of the existing detached garage is consistent with the neighborhood land uses.

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

This finding can be made, in that the existing garage is of an appropriate scale and type of design that does not detract from the aesthetic qualities of the surrounding properties and does not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project plans for Proposed Garage Legalization, 3 sheets, prepared by Designs to a "T", Inc., dated May 2011

- I. This permit authorizes the construction of a garage/workshop structure. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application, as applicable. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Grading, drainage, and erosion control plans (as applicable).

3. The building plans must include a roof plan. Maximum height is 28 feet.
 4. Details showing compliance with any fire department requirements (as applicable).
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - C. Meet all requirements of and pay any applicable Zone 7 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - E. Meet all requirements and pay any applicable plan check fee of the Pajaro Valley Fire Protection District.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of any approved soils or septic reports, as applicable.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections,

including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Application #: 111172
APN: 050-041-05
Owner: Jason and Almita Schaefer

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

Frank Barron, AICP
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 111172

Assessor Parcel Number: 050-041-05

Project Location: 839 Green Valley Rd., Watsonville, CA

Project Description: Proposal to recognize an existing 670 s.f. garage that is within the required 15-ft. sideyard setback (garage is only 5-ft. from property line).

Person or Agency Proposing Project: Jason and Almita Schaefer

Contact Phone Number: (831) 722-2077

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

Specify type:

E. ☒ **Categorical Exemption**

Specify type: CEQA Guidelines Section 15301, Existing Facilities

F. Reasons why the project is exempt:

New Construction or Conversion of Small Structures

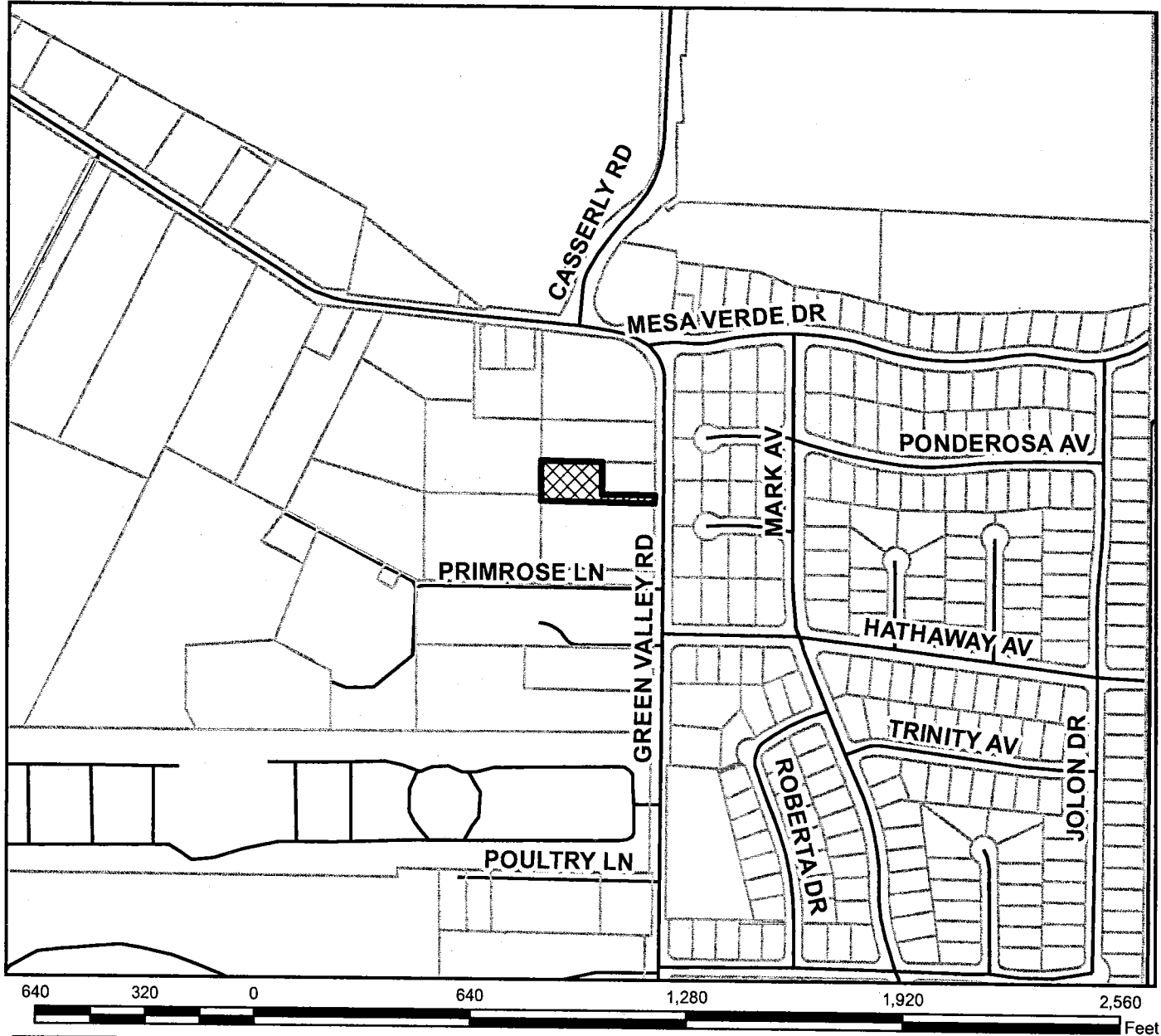
In addition, none of the conditions described in Section 15300.2 apply to this project.

Frank Barron, Project Planner




Date: _____

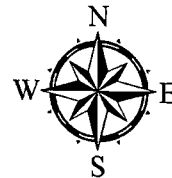


Location Map



LEGEND

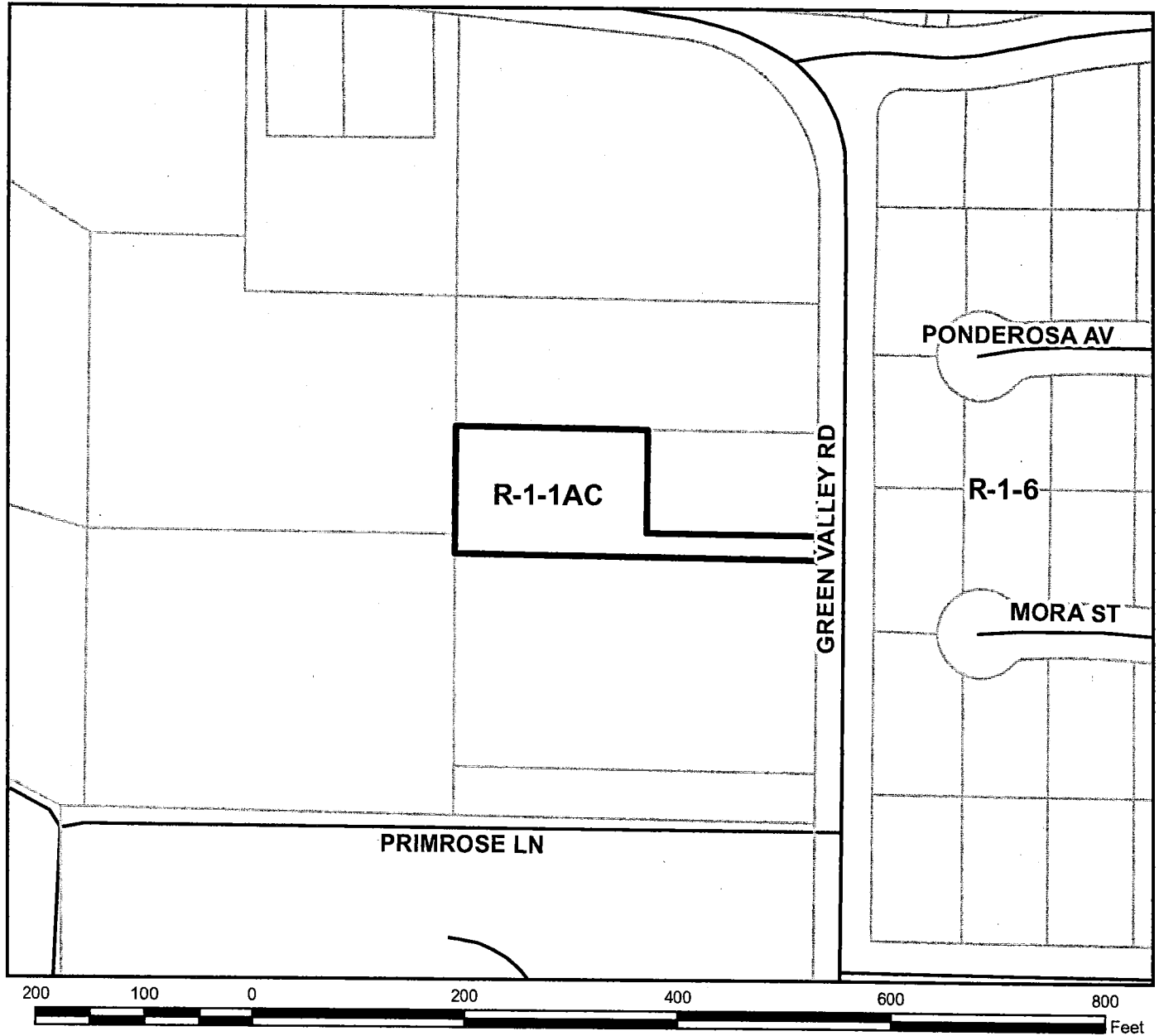
-  APN: 050-041-05
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
October 2011



Zoning Map



LEGEND



APN: 050-041-05

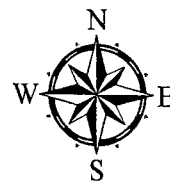


Assessors Parcels



Streets

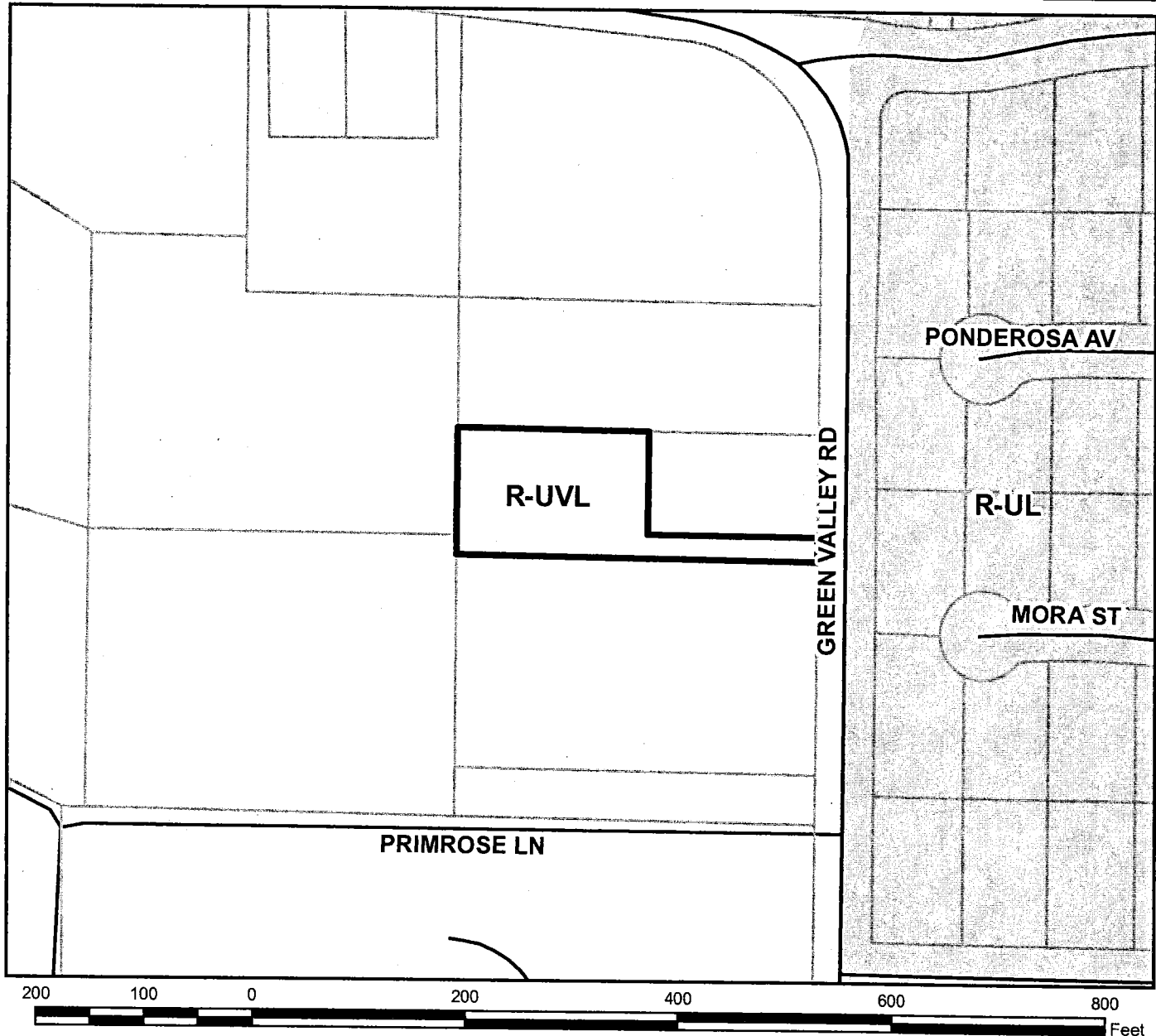
RESIDENTIAL-SINGLE FAMILY



Map Created by
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October 2011



General Plan Designation Map



LEGEND



APN: 050-041-05



Assessors Parcels

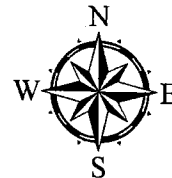


Streets

Residential - Urban Very Low Density



Residential - Urban Low Density



Map Created by
County of Santa Cruz
Planning Department
October 2011

Frank Barron

From: Cheryl Wong
Sent: Thursday, April 12, 2012 11:55 AM
To: Frank Barron
Subject: FW: 050-041-05

Frank,

This week, the items below were submitted. We approved a Building Clearance and the septic application is under review.

Thanks,

Cheryl

From: Cheryl Wong
Sent: Tuesday, March 27, 2012 11:11 AM
To: Frank Barron
Subject: FW: 050-041-05

Frank,

On March 14, Chris Rummel, consultant, provide the email and attachment regarding APN 50-041-05. Last week, I've spoke with the consultant and accept his findings in the letter. The following items are needed to proceed on their building permit:

1. Submit Sewage Disposal Application, two plot plans and fees for repair.
2. EHS Building Clearance Application with fees.

Once the above is provided and approved, EHS will sign off on the building plans. We will Hold the Final on the Building Permit until the repair to the sewage disposal system is completed with the Consultant's final letter.

If you have any questions, please feel free to contact me.

Thanks,

Cheryl
X3219

From: Rummel Design Criteria [mailto:chris.rummel@comcast.net]
Sent: Wednesday, March 14, 2012 11:06 PM
To: Cheryl Wong
Subject: APN: 050-041-05

Hi Cheryl, Last month I discussed this site with you. I studied the situation and here is my report. I will look over the infiltrator chart tomorrow night.

Rummel Design Criteria
Chris Rummel, R.E.H.S. #4684
115 Vista Dr., La Selva Beach, CA 95076
office & fax: (831) 684-1446

CHRISTOPHER G. RUMMEL, R.E.H.S.
CONSULTING REGISTERED ENVIRONMENTAL HEALTH SPECIALIST
115 VISTA DRIVE
LA SELVA BEACH, CA 95076 (831) 684-1446

March 14, 2012

Cheryl Wong, Land Use Manager
Santa Cruz County Environmental Health Service
701 Ocean St., Rm. 312
Santa Cruz, CA 96060

RE: 839 Green Valley Rd., Watsonville, CA APN: 050-041-05

Dear Cheryl,

A sewage disposal system study was conducted for the existing Mounded Bed alternative sewage disposal system. Some minor defects were discovered that will be addressed by the new owner, who has expressed willingness to do these things, and also employ a service provider to meet the requirements of the enhanced system operation. The purpose of this study is to provide the recommendations to render the system in proper operating condition, so that a minor building addition of a garage can be approved. After you read the following defect corrections, it will be clear that a major repair is not necessary, and these corrections do not qualify as a major repair.

1. **Site layout and mound orientation.** The mound has been properly oriented in relation to the existing slope above the site. The original drawing showed exaggerated contours diagonally. The expansion mound, if ever a replacement is needed, has been located where the patio has been built. The patio would have to come out at that time to install a new mound. The owner recognizes this fact. No correction is needed to redo the mound at a different orientation than currently done.
2. **Drainage affecting the mound.** Typically I design mounds with a structural barrier to surface water flows upstream of the mound. At the fence line, a simple ditch and berm would be appropriate. A larger berm has been installed at the fence line, which causes, winter season ponding above the mound. This water collects on the other property. However, this ponded water continues to soak thru under the western side of the mound. It should be relieved and drainage should be established to eliminate this surface water ponding. The ideal solution will be to direct this water with a new conveyance toward the recently installed gravel filled trench and sump pump behind the garage.
3. **Upslope surface water drain installed by previous owner.** There is a drain system that was installed by the previous owner that encircles the mound. The upslope portion is fine, because it helps to remove surface water coming from above the mound. Even though it is close to the upslope toe of the mound, it is still 10 feet above the distribution bed where the sewage is discharged and has no chance of collecting effluent because it cannot move uphill to this drain. I would have even recommended the installation of an actual curtain drain about 18" deep here, but instead, there is simply a 4" perforated pipe installed above the mound about 8 to 12 inches deep. It conducts some of the surface and shallow subsurface water away from the mound to the new sump pump. Leave it as is.

4. **Right side and toe drain.** This part of the repair by the previous owner is ill advised and needs to be removed. Since it conveys toe drainage to the sump pump, effluent could be pumped to the drain. My recommendation is to remove this pipe entirely along the side of the mound and replace it with a small ditch and berm to direct surface flows to the patio. The pile below the toe of the mound can remain in place as long as it is properly disconnected, capped and a clay earthen dam is installed for at least 3 feet at the southwestern corner of the mound. If it is found that this line slopes considerably, the whole thing should be dug out and sandy loam added to the trench. But still, an earthen clay dam is needed at the corner to assure no further flow to the sump pump occurs. This will also prevent flow toward the toe of the mound if the sump pump fails.
5. **Mound surface cover soil renovation.** The mound topsoil 12" of cover has been compromised by erosion, gophers and dogs, as well as the digging of the drain along the toe. My recommendation is to bring in about 20 yards of new loamy topsoil to re-contour the downhill slope all the way to the edge of the patio and eliminate the trough now existing between the toe and the patio. Also, since this has become gopher-city, we should first use fumitoxin pellets properly applied to kill the rodents in their holes. Then follow this with the addition of a gopher barrier screen laid over the top of the entire mound. This can then be covered with a new layer of topsoil and water loving grasses all the way to the edge of the patio. There is no need to do a perimeter gopher fence since this screen overlay will work better. The owner wishes to circle the mound with a dog fence to keep out his dogs. But even if they get in, without gophers, there will be nothing to dig for and their claws will hit the tough plastic ½" screen if they just want to dig.
6. **Septic tank and pump tank risers.** All mound systems are supposed to come with watertight risers to grade. This system does not have this feature correctly installed. The risers have seams half way up that leak and also other leak points were found. The new owner wants to eventually pave this area between the fence gate and the garage, where the tanks are set. The plan is to replace these risers with new traffic grade risers to finish at the grade alignment for future concrete poured flatwork. The likelihood is clear that excess water from the leaking risers may have also been adding to the wastewater load pumped to the mound. Furthermore, the previous owners may have had up to 8 residents living in the house. Now there is currently just two working adults.

It is clear that these corrections are typical maintenance commonly needed for mounds and do not raise to the level of needing a full repair permit. I would be willing to inspect these actions and submit a letter of certification, so that no further staff time is needed to be spent. It is obvious that a lot of time was spent by staff trying to get compliance from the previous owner. However, these failures should not be assessed on the new person who is willing to do the right thing by getting a service provider and fixing the forgoing defects. Please feel free to contact me about this matter and conduct a site review for this proposal.

Sincerely,

Chris Rummel

Chris Rummel, R.E.H.S.

Consulting Registered Environmental Health Specialist #4684

Office: (831) 684-1446, cell: 345-0367

May 15, 2012


Dear County of Santa Cruz,

This letter is to show our support for the unattached structure built at 839 Green Valley Rd.

We understand that a detached shop was initially built without permits, and that it was red tagged. I am the neighbor adjacent to the property and have no issues with the building. Nor do I oppose the location or proximity, as it relates to my property line. The owners have spoken with us and we are aware that they are seeking a permit to legalize the building. We were made aware as to the requirement of a variance, and have no issues with its location.

We think that the shop was built in good taste, and that it adds value to the neighborhood. It is our opinion that a permit be granted to keep the as built structure at 839 Green Valley Rd.

Thank you


Barbara J. Igoe
849 Green Valley Rd.
Watsonville, CA 95076

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QUIRINO VAZQUEZ R Quirino Vazquez

835 Green valley Rd.
Watsonville CA 95076

Tel. # 831-359 9582

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____
TO: Support Staff
FROM: «Planning_Staff»
RE: Application # «Application_Number»

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

Return all original documents to the planner, unless checked ⇒ ☐ Use original documents for distribution

- ☐ Make ____ copies of the attached documents; distribute as follows:
 - ☐ Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ Send a copy to District Supervisor _____ (via Inter-office mail)
 - ☐ Send copies to: ☐ DPW Surveyor (Plans & Conditions – all land divisions)
 - ☐ Housing (Conditions – projects with affordable housing reqts.)
 - ☐ _____
 - ☐ Extra copy to planner
 - ☐ Mail a copy to the California Coastal Commission: ☐ Certified Mail ☐ Send attached plans
 - ☐ Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits.
 - ☐ Mail copy of permit conditions to: _____ (Local Fire District)
 - ☐ Attach permit conditions to application (Hansen only)
 - ☐ Send copy of CEQA notice to the Clerk of the Board:
 - ☐ Notice of Exemption (include copy of application form indicating COB fee payment)
 - ☐ Notice of Determination/Negative Declaration
 - ☐ Certificate of Fee Exemption
 - ☐ Special instructions:
 - ☐ Send attached exhibit(s) to:
☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ Send attached recordable documents to:
☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ _____
 - ☐ _____

Completed by: _____
(support staff) (date)

Return recorded form to:

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

Attention: Frank Barron
Application #: 111172

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department
Attn: Frank Barron
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 111172
Property Owner: Jason and Almita Schaefer
Assessor's Parcel No.: 050-041-05

Exhibit A: Project plans for Proposed Garage Legalization, 3 sheets, prepared by Designs to a "T", Inc., dated May 2011

- I. This permit authorizes the construction of a garage/workshop structure. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning

Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application, as applicable. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Grading, drainage, and erosion control plans (as applicable).
 3. The building plans must include a roof plan. Maximum height is 28 feet.
 4. Details showing compliance with any fire department requirements (as applicable).
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of and pay any applicable Zone 7 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- E. Meet all requirements and pay any applicable plan check fee of the Pajaro Valley Fire Protection District.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of any approved soils or septic reports, as applicable.

- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

By signing below, the owner agrees to accept the terms and conditions of approval of Application 111172 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application 111172 is null and void in the absence of the owner's signature below.

Executed on _____,
(date)

Property Owner(s) signatures:

(Signature) (Print Name)

(Signature) (Print Name)

(Signature) (Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT
SHALL BE ATTACHED.**

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

On _____, before me, _____, Notary Public,
personally appeared _____, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and
that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____
(Signature of Notary Public)

This form must be reviewed and approved by a County Planning Department staff person after
notarization and prior to recordation.

Dated: _____

COUNTY OF SANTA CRUZ

By: _____
Planning Department Staff



County of Santa Cruz Planning Department

Steps for Completing and Recording the Conditions of Approval for this Permit

1. Review all of the information on the document to be recorded. The property owner is responsible for reviewing **all** of the entered information, including the Assessor's Parcel Number (APN), site address, owner's name(s), previous owner(s), document number(s), and recording dates. If any of this information is found to be incorrect, notify the Planning Department of the inaccuracy **prior** to recording the document. If necessary, a corrected version of the document will be prepared at the owner's request.
2. Obtain the signature(s) of **all** property owners. A notary public must verify all signatures. The Planning Department has a notary public and/or the phone book lists several other notaries public.
3. Bring the notarized form into the Planning Department for review and signature by a Planning Department staff person prior to recording. Please ask the receptionist for assistance in obtaining a signature, please do not sign on to the waiting list for this purpose.
4. In order to save the photocopy costs, you may bring along your own copy or copies (as well as the original) to the Recorder's Office, which they will stamp for you for a fee.
5. Have the form recorded in the County Recorder's Office, Room 230, and have a photocopy made with the recorder's stamp on it, or have your copy conformed. Please contact the Recorder's Office regarding their fees & hours of operation at: (831) 454-2800. **Note: Do not record this instruction form with your recordable documents.**
6. The copy may be mailed directly to the Planner or routed to the planner through the Planning reception desk as you step off the elevator on the 4th floor.
7. The original stamped declaration will be sent to the Planning Department in 3-5 weeks and placed in permanent records.

Your building application will not be approved by the planning department, and your use may not begin until steps 1-6 have been completed.