

RECEIVED

MAY - 7 2015

CALIFORNIA
COASTAL COMMISSION

Th236

RE: Application Number is A-3-SCO-15-0022

Item # Th23b

Applicant: Teresa Sabankaya

From: DEBORAH HENCKE- Opposed to permit
160 Pine Flat Rd, Santa Cruz, CA 95060

May 7, 2015

Members of the Comission

I am watching the degradation of my neighborhood which is unique among Redwood forests along the coast because it has been largely unchanged in development over the 40 years I've lived here due to the constraints of the general plan limits to division of property. What this means is that this area has co-existed with mountain lions, bobcats, rabbits, deer, wild boar, coyotes, quail, raccoons, squirrels, possums, and skunks as well as gophers, frogs, lizards, snakes including gopher snakes and rattlers, and a multitude of birds including owls and wood peckers, butterflies, bees (at least 3 varieties), moths, insects, and other endangered wildlife including wild donkeys at one time, for the 40 years I've been here.

The above applicant lives in a watershed with a creek running along the edge of the property and septic that has not been addressed on a parcel with 2 homes, not just one. I am writing to inform you that this is a substantive issue because the county is **slowly eroding the general plan** that protects our rural lands. What is being proposed by the county board of supervisors (Attachment #1) is legitimizing what the county has brazenly ignored so far in upending the home occupation ordinance and residential protections as well as rural limitations by granting commercial weddings and workshops on this rural residential property that has **deforested 1-3 acres of land, built numerous buildings that are or were un-permitted and already holds political fund raisers as well as school art classes and weddings** (attachment #2 septic report), now to increase in activity by holding floral workshops and commercial weddings supposedly limited to 50 people not counting at least a minimum of 12 staff (Attachment #3 sound report. - 15 staff for 60 people) as well as her floral design business. Apparently has also held weddings unpermitted since 2011 (Attachment #4). In addition, after 3 years, the applicant can apply for larger and more frequent weddings per the Zoning administrator summation at the first hearing.

As a person who lives next door to the only "commercial establishment" in this area, Beauregard Winery, I can attest that the county does not enforce it's own permit conditions and has turned a blind eye to environmental review. **There is no one who is going to count the number of people, cars, shuttles, etc. on a weekend or even during the week for that matter.** The granted permit only allows for self monitoring! This is just **the beginning of destroying the co-existence of people, forest and wildlife.** There have been numerous studies that show that noise affects the reproduction of animals as well as light. We are asking for substantive findings to explore the expansion of use for this residential property. It seems the whole county is to become commercialized with more traffic than ever - certainly more this year than prior years, (See attachment #1) taxing our limited public resources as well as water.

An example. I moved here in 1975. My husband and I put an open space easement on our property. In 1985, a winery took over on 1 ½ acres of land zoned Rural Residential and turned the land into a commercial/industrial development. While there was a permit, **there was no environmental review before approval.** Soon the winery was trying to become like the Mountain Winery (on 600 acres) with food, live music, dinners and partying. After complaints, the county planning department did their best to try and make the winery fit the rural residential neighborhood, denying live music, limiting the

number of people to 50 at a time, shielding lighting, denying dinners, and so on. ***There has been NO ongoing enforcement except*** ironically to have the winery ***stop having weddings*** (too many people, cars, noise) and tear down their wedding gazebo. Live music continues, cars parked along the side of the road and not contained on the parcel, sandwich boards on Highway 1, glaring lights and noise, and even making wine for other vintners! (Think increase in industrial noise.) This is the only legitimate commercial establishment in Bonny Doon and the county has turned a blind eye by allowing on-going violations **INCLUDING** a residence built in the winery building illegally for over 3 years now. This property is also bordering a creek.

Another example of slowly changing the zoning: There are now **ordinances allowing bed and breakfast** establishments in residential areas as well as **vacation homes**. Being next to commercial/industrial noise from the winery gave me pause when a neighbor on the other side of me requested his newly built (over height) home be a vacation rental. I went to the county planning to protest and was told that it was **an allowed use of his property** and there was nothing I could do. So once an ordinance is in place, the county allows it's residents to commercialize. The home occupational ordinance was appropriate. In granting this permit, the ordinance is now being ignored by the county. **Even the site plan for this project is incomplete** – the county requires a professional site plan/survey for building a horse or chicken barn – but no legible site plan was required here Attachment #5 was the only site plan and doesn't show gardens where “brides pick their flowers,” or other buildings on the property that exist that are identifiable. The septic improvement is not required on the permit that was required by Environmental Health (Attachment #6).

Here's what I garnered from your site: “The Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and ***activities that change the intensity of use of land...***” ***Please use your regulator power and hear our appeal.***

Here's what I gathered from the purpose of your function from Congress and the State Lands Commission:

16 U.S.C. § 1452. Congressional declaration of policy (Section 303)

The Congress finds and declares that it is the national policy--

(1) **to preserve, protect, develop, and where possible, to restore or enhance**, the resources of the Nation's coastal zone for **this and succeeding generations**;

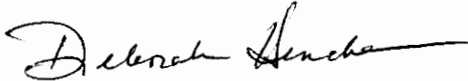
(2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve **wise use** of the land and water resources of the coastal zone, **giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development**, which programs should at least provide for--

(A) the protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone..

I realize this application sounds like “small potatoes” and not substantive, but it is. Not taking this under review will negate all the work that neighbors have done to preserve our unique co-existence with the environment (and keep it rural) and negate your commission's fundamental purpose in protecting the coastal environment and oceans. It sets a precedence for the county to degrade our rural areas (attachment #1) by allowing inappropriate commercialization. Please reconsider and not listen too closely to planning staff that have no idea how this truly impacts this area and the intensity of land use, the noise, the use of water, the traffic. Let people who want commercial activities find appropriate

use, the noise, the use of water, the traffic. Let people who want commercial activities find appropriate zoning, not residential zoning. We, the people, do understand it's impact, we live here. There are numerous letters attached to the county's October 14, 2014 Planning Department report for the Zoning Commission hearing (example - Exhibit #7). This is a small county, small roads, self contained water and limited public resources for us and the wildlife we share our rural lands with. Please hear this.

Thank you for your consideration,



Deborah Hencke

- Attachment 1 Proposal by Ryan Coonerty to expand commercial activities in rural areas
- Attachment 2 Septic report identifying existing land use
- Attachment 3 Sound report identifying number of people required to staff a wedding
- Attachment 4 Letter by neighbor discussing the weddings since 2011
- Attachment 5 Site plan submitted with permit
- Attachment 6 Results of need for additional leach line for wedding with 50 guests and .Environmental health requirement of septic leach line addition needed for "home occupation" and also possibiity of "public drinking water"
- Attachment 7 Example of letters from those in the community, attached to the October 14,2014 Staff Report – names taken off the letters as I did not have time to contact them.



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 • FAX: (831) 454-3262 TDD: (831) 454-2123

Attachment # 1

*3 pages +
0077 2 pgs -
email
attached
to this
proposal*

JOHN LEOPOLD
FIRST DISTRICT

ZACH FRIEND
SECOND DISTRICT

RYAN COONERTY
THIRD DISTRICT

GREG CAPUT
FOURTH DISTRICT

BRUCE MCPHERSON
FIFTH DISTRICT

AGENDA: 1/27/15

January 21, 2015

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

**RE: REGULATION OF COMMERCIAL WEDDING AND EVENT
BUSINESSES AND PROCEDURES FOR SPECIAL EVENTS
ON PRIVATE PROPERTY WITHIN RURAL ZONES**

Dear Members of the Board:

The County's General Plan and Zoning Ordinance provide strong protection for the County's rural lands. Residents of our rural areas are protective of maintaining rural character and value its peace and tranquility.

Recently there have been several inquiries and some applications submitted to the Planning Department requesting use permits to conduct significant commercial wedding and event activities on RR and RA zoned parcels. The applications and inquiries have demonstrated that there is increased interest on the part of some rural homeowners to utilize their property for ongoing commercial activities, such as weddings, conferences, and large events.

One application, to conduct a limited flower and wedding business, is currently making its way through our process. This application for commercial activity on an RA parcel has been analyzed under the County's Home Occupation Ordinance (section 13.10.613). The existing Home Occupation regulations identify the nature of activities that are allowed without a home occupation permit, and allow for case-by-case consideration of proposed home occupations that exceed the identified activities or performance criteria. Therefore, section 13.10.613 is currently the appropriate section under which this application should be considered. With the limited scope of the activities for this one property, the Zoning Administrator believed that the collective

BOARD OF SUPERVISORS
January 21, 2015
Page 2

impacts of this application could be mitigated and approved the application. The Board will soon be asked to decide whether to consider hearing this matter under the appeal provisions of the Code. It seems to me, however, that moving forward, as we consider future applications for commercial activities such as weddings and large events, we should consider adding specific provisions into our code that deal with these uses, rather than considering them case by case as home occupations.

In order to consider these types of applications in rural zone districts, I think specific regulations are needed. Planning staff is currently working on a significant update of our zoning code, which is anticipated to come to the Board in March. I have met with the Planning Director and discussed the idea of initiating a zoning change to create a category and process for ongoing commercial activities, like weddings and large events, in rural residential areas. She agrees that there is a need to better address these types of uses independently in our zoning code. I think it would be helpful for the Board to support this effort. In addition, in order to prevent a rush of applications during the process for developing these regulations, I think the Board should direct staff to put a hold on scheduling any decisions for new applications for ongoing weddings and special events in rural zone districts until these provisions are created.

Related to this issue, I think there is also a need for a process to deal with one-time large events in rural areas which take place on private property. Examples of these events are large fundraisers for local schools and community and non-profit events. Currently, the code is essentially silent on temporary uses on private properties and therefore does not allow for an easy process to permit events that occur only once a year, or less often, on private property. The Planning Director has suggested dealing with one-time events on private property similarly to the processing of applications for one-time events on public property. One-time events on private property should meet similar performance and site standards and should include measures to appropriately address parking, noise, and other potential impacts.

Accordingly, I recommend that the Board take the following actions:

1. Direct the Planning Director to initiate zoning changes to create a category and process to regulate ongoing commercial weddings and events on private property in rural zone districts;
2. Direct the Planning Department to place a hold on scheduling any decisions for new use permit applications for ongoing commercial weddings and events on private property in rural areas until the specific provisions are adopted by the Board; and

BOARD OF SUPERVISORS

January 21, 2015

Page 3

3. Direct the Planning Department to create proposed provisions and a process in the zoning code to address one-time large events in rural areas on private property and model that process after the County's process for one-time events on public property.

Sincerely,


RYAN COONERTY, Supervisor
Third District

RC:ted

cc: Planning Director
County Counsel

1165F3

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Sunday, January 25, 2015 6:50 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date :

1/27/2015

Meeting Type : County
Board of Supervisors

Item Number : 17.00**Name :** John Herr**Email :** jjherr@clinicalpsychologist.com

Address : 27200 Loma
Prieta Way
Los Gatos, CA 95033

Phone : 408-353-5440**Comments :**

Let me pay my respects to Mr. Coonerty and the rest of the Board for their work.

I am one of those rural residents that is supposed to be protective of maintaining rural character and valuing peace and tranquility that rural living brings. The term rural has so many meanings to so many people I don't know how anyone can claim to know what rural character is or how to protect it. As to valuing peace and tranquility, if I wanted that I would move into a condominium where nothing ever changes and the association guards against the slightest slight to the very strict rules.

I find little peace and tranquility living out near the end of the pavement at the edge of the county. I do find satisfaction though in a "rural" life to be filled with self-reliance, hard work and constant vigilance on my elaborate residential infrastructure designed to replace County services. Also, there is always a piece of heavy equipment's diesel engine roaring or a chain saw with a wood chipper making plenty of noise during daylight hours. I am willing to put up with the noise to watch what happens when those diesel engines start. At night, we are warned by the Puma people to only walk in pairs, not let children under 10 out unsupervised, and the same with our pets. If trying not to get eaten by a Mountain Lion sounds like a peaceful and tranquil life to you then you are a calmer man than I am.

As to your letter, let me ask my favorite question when considering any new regulation: "Is this regulation going to make our County more fiscally sustainable?" If it will draw people to our County for events and they will stick around long enough to eat in our restaurants and maybe

stay in our hotels then on their ways home stop at a few wineries to buy wine then I am for any zoning changes you want to make. On the other hand, if the zoning changes result in fewer weddings and less restaurant use and less public lodging so there are fewer people around who might want to buy some wine on their home then I am opposed to what the Planning Department will be proposing. The last thing I would wish to see are zoning ordinances that will force people who live in Santa Cruz County to take their wedding budget and all their friends and family to Santa Clara or Monterey County to get married.

I wish I were more suspenseful about the outcome of what the Planning Department will produce for you but when the new zoning will come out of the Planning Department that has made the County fiscally unsustainable because of our land use patterns, I don't have much hope that that they have any concern for leaving the next generation a sustainable economy than they do to provide them a facility where they can have a beautiful outdoor wedding. In my opinion, zoning has nothing to do with events. It is parcel size that should dictate events that can take place outdoors or indoors.

Attachment #2
4 pages



- Site Evaluation & Mapping
- Soil Analysis & Percolation Testing
- New Development, Upgrades & Repairs
- Residential & Commercial

1315 King Street
Santa Cruz, CA 95060
Tel: (831) 430-9116

Alternative Wastewater System Design

www.biosphere-consulting.com
andrew@biosphere-consulting.com

WASTEWATER DESIGN FLOW, SEPTIC ANALYSIS AND RECCOMENDATIONS FOR THE SABANKAYA PROPERTY

BONNY DOON, CALIFORNIA

Prepared for:

NEZIH AND TERESA SABANKAYA

4286 Bonny Doon Rd.

Bonny Doon, CA 95060

Aug 8, 2013

Addendum Created Nov 20, 2013

BioSphere Consulting, Inc.

ATTACHMENT 5

BACKGROUND

The Sabankaya family is the current owner of a unique property in Bonny Doon that is known to the locals as the Castle House. The house was built in 1938 and was originally a goat and cattle ranch. In more recent history the current owners have hosted private events on the 13 acre property. The property features a very unique house with a beautiful garden area that includes a redwood grove and has been featured in various television programs. This garden area has been host to private events such as political fundraisers, school art classes, garden classes and weddings. BioSphere Consulting has been retained to assess the septic requirements for these events and provide recommendations for upgrading the current septic system to handle the wastewater generated. The wedding events have the largest attendance and the wastewater flow generated by this particular event is the focus of this report.

WEDDING EVENT INFORMATION

The weddings that are hosted on the property will accommodate a maximum of 100 people including the staff. The events begin at 4:00pm so guests begin to arrive around 3:30pm. At 9:30pm, everything shuts down and the all of the guests leave the property by 10:00pm. The event guests will be on site for 6 to 6 ½ hours. The owners host 8 to 12 of these events per year.

The weddings include a dinner that is provided by one of 3 licensed catering companies. The food is prepared off site and all of the dishes, glassware etc. are provided by the catering company and are removed from the property to be cleaned off site. There is no washing of glassware for the drink service and drinking water is provided by the caterers. The attendees will only come in contact with the private well water when using one of the 4 restrooms that are made available to the guests.

WASTEWATER DESIGN FLOW

We have used/reviewed two sources of information to calculate the peak wastewater design flow:

- 1) Santa Cruz County's ordinance 7.38.160 Standards for systems to serve commercial and industrial establishments, institutions and recreational areas
- 2) Environmental Protection Agency 625 Chapter 3.3: Estimating Wastewater Flow

Calculations Based On Santa Cruz County Ordinance:

The weddings that take place on the property are unique in the fact that they are a combination of several designations listed in the Santa Cruz County Ordinance. This makes it very difficult to determine in which category to place them in order to determine the per person wastewater flow generated. Essentially, due to the fact that all of the dishes are cleaned off site and all of the kitchen waste is removed by the caterers the wastewater is generated solely by the use of the restrooms. In the Santa

BioSphere Consulting, Inc.

Cruz County 2007 septic ordinance, the category that most represents this is a church where there are visitors on site for a large portion of the day. Table 7.38.160 indicates that a church generates 5 gallons of wastewater per seat. If kitchen waste were to be included in the calculation, the table reflects a wastewater flow rate of 7 gallons per day but, once again all of the food is prepared off site so there is no kitchen waste component in the wastewater design flow calculation. We feel that based on the Santa Cruz County Ordinance that a flow rate of 5 GPD is reasonable.

Calculations Based on the Environmental Protection Agency Publication:

As a second source we consulted the EPA published typical wastewater flow rate chart. This chart breaks down the wastewater generated by recreational facilities into a few more categories which we can use to better help us determine the design flow. According to Table 3-4 and Table 3-6 (both included in the appendix) a cafeteria generates 2 gallons per day of wastewater per customer and a bar generates 3 gallons per day per customer. The EPA also states that a conventional restaurant with a restroom will generate 3 gallons of wastewater per meal served. While the wedding events are made up of all three of the components mentioned, the average visitor to these facilities will not remain on site for 6 ½ hours like they will in the case of our wedding events. For this reason, we feel that these estimates are relevant but, a somewhat low estimate of the wastewater that will be generated by the weddings. As a result of this information coupled with the fact that the food service will not create any wastewater and all of the wastewater will be generated by the use of the restrooms, it is our opinion that the wastewater flow rate of 5 gallons per day previously calculated is a more accurate figure.

$$5 \text{ GPD} \times 100 \text{ Guests} = 500 \text{ GPD}$$

Septic Design and Wastewater Capacity

The existing septic system that serves the wedding events also serves the 5 bedroom "Castle House" that is on the property. The existing septic system consists of two 1500 gallon tanks for a total of 3000 gallons of storage capacity. There are also three 70 foot long leaching trenches for a total of 210 lineal feet of trench. Each trench is 1 ½ feet wide with a flow depth of 2 ¼ feet which results in 6 ½ sq ft per lineal foot. The total leaching area is as follows:

$$3 \text{ Trenches} \times 70 \text{ ft} \times 6.5 \text{ sq ft/lineal ft} = 1365 \text{ sq ft}$$

According the Santa Cruz County Code a 5 bedroom house with a leach field located in soils that have a percolation rate of 6-30 MPI requires 1200 sq ft of leaching area. The current leaching trenches are somewhat oversized to serve the existing dwelling but, are not adequate to serve the wedding events that generate 500 gallons of wastewater per day.

In order to disperse the 500 gallons of wastewater generated by the weddings we require additional leaching area. Using the percolation rate of 6-30 MPI we have an application rate of .36 gallons/sq ft/day which results in an additional 1390 sq ft of leaching area that will be required. By installing new

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trenches with 2 ½ ft flow and a width of 1 ½ feet we again create 6 ½ sq ft of leaching area per lineal foot. In order to disperse 500 gallons of wastewater we require 214 lineal feet of trench.

$$214 \text{ ft of trench} \times 6 \frac{1}{2} \text{ sq ft} = 1390 \text{ sq ft}$$

The amount of wastewater generated by the existing 5 bedroom house is 430GPD and our flow calculation shows that the weddings generate 500 GPD.

$$430 \text{ GPD (5 Bedroom House)} + 500 \text{ GPD (Wedding)} = 930 \text{ GPD Total Wastewater Flow}$$

The existing septic tank volume is 3000 gallons. This is sufficient to provide a 3 day retention time for a peak wastewater flow rate of 930 GPD.

Conclusions and Recommendations

From our calculations described above we believe that an estimated wastewater flow rate of 5 gallons per person will be generated for the wedding events. The existing septic tanks are adequately sized to provide a 3 day retention time for the peak wastewater flow from both the wedding events (500 Gallons Per Day) and the 5 bedroom house (430 Gallons Per Day). However the leaching trenches only offer enough leaching area to serve the 5 bedroom house. We recommend that an additional 1390 sq ft of leaching trenches are installed to serve the wedding events. The trenches should be designed and installed as shown in Appendix 1. The southeastern portion of the property has an adequate area to install these additional trenches. This location meets the creek and property line setback requirements for a septic leach field. We also recommend that a flow splitter basin be installed to evenly distribute effluent to all of the leaching trenches. A design that reflects the requirement for an additional 1390 sq ft of leaching area will need to be submitted to Santa Cruz County Environmental Health.

BioSphere Consulting, Inc.

ATTACHMENT 5

Attachment #3
2 pages



EDWARD L. PACK ASSOCIATES, INC.

1975 HAMILTON AVENUE
SUITE 26
SAN JOSE, CA 95125

Acoustical Consultants

TEL: 408-371-1195
FAX: 408-371-1196
www.packassociates.com

WEDDING NOISE MONITORING STUDY FOR

CASTLE HOUSE & GARDEN

**4286 BONNY DOON ROAD
SANTA CRUZ COUNTY**

**Prepared for
Castle House & Garden**


**Prepared by
Jeffrey K. Pack**

**October 9, 2013
Project No. 45-055**

ATTACHMENT 6

IV. Site, Event and Noise Measurement Descriptions

The Castel House & Garden is located at 4286 Bonny Doon Road in the Bonny Doon community of Santa Cruz County. The site is a mostly heavily wooded parcel that is bounded by Mill Creek along the easterly border, Bonny Doon Road is adjacent to the west and south and rural residential uses are farther to the north. Single-family residences are across Bonny Doon Road to the west and south. One single-family home is located on the site. The parking area is at the southwest corner of the site.

Wedding events occur on Saturdays with the monitored event commencing at 3:40 PM and ending at 9:00 PM. The wedding ceremonies take place in the garden area at the front of the house. The receptions take place in the rear patio of the home. The receptions use DJ's for music entertainment rather than live bands. The DJ is set up along the rear wall of the home and faces north. The DJ speakers are located in closets behind the DJ to help contain noise emission. The monitored wedding had 60 guests and 15 people on staff. 

To determine the levels of noise from the wedding event for an evaluation against the standards of the Santa Cruz County Noise Element, continuous recordings of the sound levels were made at four locations. Location 1 was along the westerly property line between the reception area and the neighbor immediately adjacent to the west. Location 2 was along the west property line of the site to the northwest of the reception area, between the reception area and the neighbor immediately adjacent to the northwest. A section of Bonny Doon Road is interposed between the Castle House property and the neighbors to the west. Location 3 was along the property line to the northeast approximately 30 ft. from the neighbor's home to the northeast. Location 4 was along the property line of the neighbor directly across Bonny Doon Road to the south. These four measurement locations represent the locations of highest wedding and reception noise levels in the vicinity of the surrounding residential uses.

Samantha Haschert

From: tom zingale [tzingale@hotmail.com]
Sent: Tuesday, October 08, 2013 9:17 AM
To: Samantha Haschert
Cc: Wanda Williams; Marjory Cameron
Subject: Re: Bonny Doon Castle House Revised Project Proposal

Hi Samantha and Wanda,

Thanks for sending me the information about the change in proposal for Castle House and the new Planning Commission public hearing. What are the differences in procedures when using the new Planning Commission public hearing approach? Why are you moving to this new level of hearing? Is this because a large number of neighbors have concerns?

We do have issues with the new proposal:

-I wanted to let you know about the wedding yesterday on October 5, 2013. There is an announcement on the web (see web site and attachment). There were approximately 20 cars at the wedding and I do not know the number of participants. In any case the wedding was a large disturbance for the us as neighbors with noise and commotion.

<http://seanandkrissy.com/view/9584928022639104/33451208>

-For workshops/luncheons or wedding there was no mention of noise level controls in the proposal. The impact of these events has been significant and any steps taken by Castle House have not alleviated the disruption to our weekends.

-The number of events so far this summer has been 10 and we have endured three weddings in the last 4 weeks. Historically the Castle House has operated from June to October on Saturdays. Thus, the 16 annual events in the proposal would produce 3 commercial events of some type each month in our residential area (assuming June to Oct operation). This number of events in the proposal is certainly excessive from our perspective.

Castle House has operated without any controls/permit, including the number of participants and number of events, since 2011. I think the number of large unpermitted wedding events has been approximately 26 or more since 2011. Can the county please increase the level of enforcement on this property because the events have been and continue to be a disturbance.

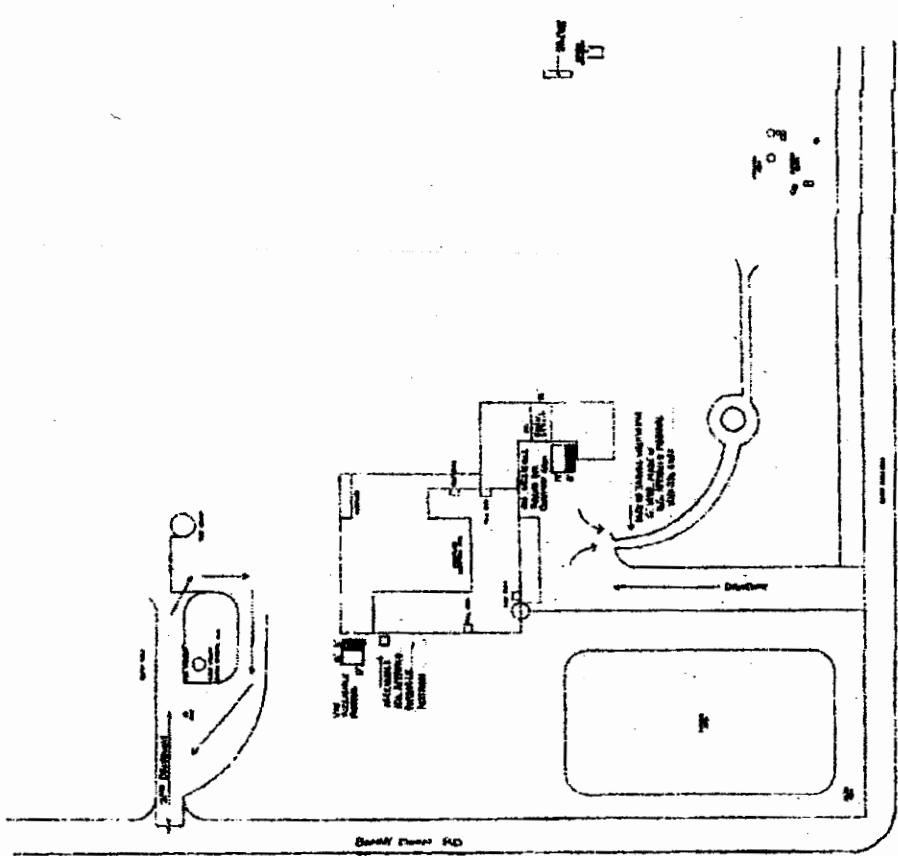
Please consider the level of impact to a residential neighborhood when looking at this proposal and making a recommendation.

Thanks you for your consideration
Tom Zingale

From: Samantha Haschert
Sent: Friday, October 4, 2013 9:07 AM
To: Tom Zingale ; <mailto:Karen.Geisler@coastal.ca.gov> ; 'Debbie Downing' ; 'Meggin Harmon'
Cc: 'Teresa Sabankaya'
Subject: Bonny Doon Castle House Revised Project Proposal

Attachment #5

1 page
Site plan



SCALE 1" = 30' 0"

SABANICAYA
914 Bandy Street RD
Santa Cruz CA 95060
(503) 454-0516

ATTACHMENT 2

Addendum

Nov 20, 2013

This purpose of this addendum is to address the change in number of attendees for the wedding events and clarify the role of the structures on the property in terms of wastewater generation. The assessor's records indicate that there are two dwellings on the property dating back to 1939. As a result, there are limited Environmental Health records available. There are records for the main house showing the septic system but there are not any records showing the septic system for the second dwelling. According to the Sabankaya family, the second residence is served by its own septic system and is therefore not included in any wastewater calculations shown here. In addition, the Sabankaya family has informed us that the other structures on the property are all non-habitable and as a result, also do not affect any wastewater calculations. Our focus is to show the requirements needed in order for the septic system to serve the main 5 bedroom house as well as the wedding events. The wedding events have been scaled down from a maximum of 100 people to a maximum of 50 people. This reduces the calculated wastewater flow to 250 gallons per day for each event. In this case, an additional 694 sq ft of leaching area would be required over the existing 1365 sq ft already installed. This results in 106 lineal feet of trench that will need to be installed to the specifications shown in the previous report to accommodate weddings with 50 people.



County of Santa Cruz, PLANNING DEPARTMENT

Discretionary Application Comments 131127

APN 063-082-13

Accessibility Review

Routing No: 1 | Review Date: 08/09/2013

LAURA BRINSON (LBRINSON) : Complete

Plans are complete for this development permit.

If no new construction is proposed, a building permit is not be required. However all commercial facilities and functions are subject to the Americans With Disabilities Act (ADA). Your revised plans show that ADA compliance will be part of your use permit. The enforcement agency for ADA is the Federal Department of Justice. Any future work that requires a building permit is under the jurisdiction of Santa Cruz County and will require plan review and compliance with accessibility per California Building Code 11B.

For ADA requirements, go

to <http://www.ada.gov/reg2010/2010ADAStandards/2010ADAstandards.htm#401b>. These provisions include detailed requirements to assist you in obtaining complete compliance. For example, the vehicular space at the accessible parking stalls need only be 9' minimum to comply.

For exempted work in Santa Cruz County, go to "frequently asked questions" at <http://www.sccoplanning.com/PlanningHome/BuildingSafety.aspx>.

If you have any questions regarding these comments, please contact Laura Brinson at 831-454-3151 or email laura.brinson@co.santa-cruz.ca.us.

Routing No: 2 | Review Date: 11/08/2013

SAMANTHA HASCHERT (SHASCHERT) : Not Required

Environmental Health Review

Routing No: 1 | Review Date: 05/14/2013

JIM SAFRANEK (JSafrank) : Incomplete

Based on the proposed change in use, a registered sewage disposal consultant must determine if the existing septic system will meet standards, or if it needs to be upgraded under EH permit.

The project may require reclassification to a Public Water System due to the proposed change in use; the applicant should contact Troy Boone of EH for that determination, 454-3069.

As proposed, no food preparation will occur, thus no EH food plan review or permits would be required.

The EH review fee for a Coastal Permit is \$620, not \$312. The remainder is due.

An EH Clearance is required at time of BP.

? never addressed.

Routing No: 2 | Review Date: 08/09/2013

JIM SAFRANEK (JSafrank) : Complete

The applicant's septic consultant confirmed the existing septic system will need to be upgraded under EH sewage disposal permit (prior to issuance of building permit).

Septic upgrade

Attachment #6

Print Date: 02/25/2014

Page: ATTACHMENT 4



County of Santa Cruz, PLANNING DEPARTMENT

Discretionary Application Comments 131127

APN 063-082-13

Environmental Health Review

Routing No: 2 | Review Date: 08/09/2013

JIM SAFRANEK (JSafraneK) : Complete

Temporary portable toilets and handwash stations may be used for up to 10 special events when the number of guests and staff will exceed the sewage disposal design criteria and maximum wastewater flow rates for the existing septic system. Contact C. Wong of EHS (454-2022) for all reqs pertaining to temporary portable toilet use. No permanent portable toilets will be permitted. The project may require reclassification to a Public Water System due to the proposed change in use; applicant's consultant should contact Troy Boone of EHS for that determination, 454-3069. Note that the septic permit application cannot be approved until there is an approved water supply.

As proposed, no onsite food preparation for guests will occur, therefore no EH food plan or permits will be required. Caterers must prepare food brought onsite for events at an EH approved food facility. No onsite dishwashing is approved for tableware used by guests.

Pool is not approved for public use.

An EH Clearance is required at time of BP.

Routing No: 3 | Review Date: 02/03/2014

JIM SAFRANEK (JSafraneK) : Complete

See previous comments/condition. Add to those the following Eh req, due at time of BP: Remodeling/additions on the residential structure built in 1982 will require an assessment of the septic system serving this building. Besides a passing septic pumper's report for this sewage disposal system, an onsite septic system (upgrade) permit application may be required as part of an EH Building Clearance if the existing system does not meet standards, or, if there is no EH permit record of a County inspection of the septic system installation. *septic*

Fire Review

Routing No: 1 | Review Date: 08/01/2013

COLLEEN BAXTER (CBAXTER) : Complete

OFFICE OF THE FIRE MARSHAL

SANTA CRUZ COUNTY FIRE DEPARTMENT / CALFIRE

CAL FIRE SAN MATEO-SANTA CRUZ UNIT

6059 HIGHWAY 9
P.O. DRAWER F-2

SCOTT JALBERT
FIRE CHIEF

Print Date: 02/25/2014

Page: 2

ATTACHMENT 4

Samantha Haschert

From: [REDACTED]
Sent: Friday, September 20, 2013 5:21 PM
To: Samantha Haschert
Cc: Neal Coonerty; Rachel Dann; kathy.previshish@co.santa-cruz.ca.us
Subject: permit request in Rural Bonny Doon

Dear Supervisors and Planning Department,

We want to convey deep concerns about the Beauregard Vineyards Parcel 063-091-15 and Sabankaya Properties 063-082-13.

We feel the requests for increased commercial activity at these Bonny Doon locations are unsound.

Commercial is the antithesis of rural. Mr Ryan Beauregard bought the 1.4 acre parcel knowing the previous applications for dinner and live music had been denied by the county. Approval of a permit for commercial weddings at 4286 Bonny Doon Road is frankly unthinkable. The property is not zoned commercial and neighbors do not want the traffic, trash or noise.

Pods of bikers trek this road, especially on weekends, and Horse trailers lug up to B D Equestrian Park. Increased traffic and inebriated drivers from wedding and wine parties is a recipe for disaster.

Every weekend we have racing, noisy motorcycle groups speeding through the hills. Our neighbors don't want more noise or danger on the winding roads.

Our area is served by volunteer emergency response teams that are understaffed. We are a good long way from medical services.

Fire danger is always on the mind of our residents. Would these event guest be responsible with their smoking materials when celebrating?

There are concerns about septic systems and water quality. Both locations border a riparian corridor.

Now it seems some want to create a circus on the corner of Boony Doon Road and Pine Flat. I notice increasing sandwich style signs on Highway 1 and Boony Doon Road directing cars to commercial sales and events in the area. The serenity we bought our homes for is being degraded.

Our family belongs to The Rural Boony Doon Association and support their stance: "we are opposed to any permits for any site that is not already specifically licensed to host commercial events, and marketed to people who aren't residents of Boony Doon."

Treasuring a way of life close to the natural environment, we are holding strong against the constant pressure of development. We have our unique setting and wild life, please help us protect it. Development up here marches on as lots are split up but we diligently try to keep our community rural, quiet and safe for generations to come.

I appreciate your attention,

[REDACTED]
Thayer Road
Santa Cruz, CA
[REDACTED]

Application Number #131127; APN 063-082-13

Please note that the property owner has submitted a revised project proposal that is attached for your information. The large sign that is posted on the property and the project description on the planning department website will be revised to reflect the new proposal and a copy will also be kept in the project file for the public record. Please also note that in the attached project proposal, the property owner has indicated that she removed the Castle House website and is no longer booking future events.

(The attached document was written by the project applicant and may not accurately reflect the position of the planning department or the recommendation that will be presented by staff to the hearing body.)

Given the amount of neighborhood participation, the Planning Director has bumped up the project review level from a Zoning Administrator public hearing to a Planning Commission public hearing. The proposed use requires a permit to conduct a Home Occupation on the property, as well as a Coastal Permit, and the application is currently incomplete.

Please let me know if you have any questions!

Samantha

Samantha Haschert
Development Review Planner
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
(831) 454-3214

Re: Sabankaya - 4286 Bonny Doon Road APN 063-082-13
September 18, 2014

Dear Supervisor Neal Coonerty and Planner Randall Adams:

Last fall we sent you a letter about the impact that the wedding events at the Sabankaya property, the Castle House, have had on our lives and well-being in this once peaceful, idyllic, rural community that has been our home for over forty years. We are sending that letter again, along with this one.

The situation has improved since last year. The scaled-back events at the Castle House have made some difference. We appreciate the Sabankayas' efforts to reduce the noise level of these events, and four weddings a season is a notable improvement over twelve.

That said, significant problems remain:

[1] The weddings, though fewer in number and smaller, are impossible to ignore. We avoid having lunches or dinners at our place when the weddings are happening. In response to our request, the Sabankayas gave us schedule of events this summer-fall, so we could know what dates to avoid. We will have to request that information every year, and adjust our plans according to the wedding schedule.

[2] The permit: There will apparently be a review of the permit in 12 months. How will it be determined whether its terms are being followed? If, after 3 years, permits can be sought for additional events – meaning more than the 4 events currently permitted – will we be facing the prospect of the numbers of events and guests rising again? Will we be facing again the necessity of appeals, petitions, and hearings? Will this become recurrent process?

[3] Like many others in Bonny Doon, we worry about losing what we cherish here – its rural character, its peaceful environment, its wonderful quiet. We had guests for lunch on a recent Sunday, when we knew there would not be a wedding. As we sat on our deck, one marveled, "How quiet it is here! Is it always like this?" We had to say, no, not always, not anymore.

[4] Furthermore, we too fear, like many of our neighbors, that once a commercial permit is granted to one applicant, others will find it easier to procure one as well. We sympathize with those living near the Beauregard winery who endured the impact of loud music, bright lights and countless cars for a period of time a year ago, and now fear that new efforts for a permit to create an event site there will be approved.

We ask the Zoning Board to maintain the zoning ordinances now in place for Bonny Doon, where most people have chosen to live here precisely because of the rural, residential haven that it is.

Sincerely yours,



September 18, 2013

Dear Supervisor Neal Coonerty:

We write with reference to the application of the Sabankaya family for a permit to rent out their property at 4286 Bonny Doon Road, Parcel Number: 063-082-13, for "outdoor weddings of up to 100 guests, 12 times a year between May and October, and unlimited smaller functions..." We are dismayed by this news. The Sabankayas' application for a permit to hold these events cannot be approved without impinging upon the quality of life of all of us who live within earshot of the Sabankayas' place.

We live at 401 Pine Flat Rd, behind the Sabankayas' property. This has been our home for 40 years. In the past few years the sounds of celebrations at the Sabankaya property have been impossible to ignore, but we assumed, at first, that these events were family gatherings.

This summer, on four consecutive weekends from June to July, the noise from events at the Sabankayas' was such that we could no longer enjoy dinner outdoors with our family. On one occasion, the amplified music, the thump of beating drums, the shouts and whoops and hollers ringing through the woods finally drove us indoors. This past Saturday (Sept 14th) there was another, somewhat quieter, but nonetheless audible and intrusive wedding

The prospect of 12 weddings spanning the months from May to October, every year from now on, is intolerable. What it means is that on any weekend in that period we cannot plan on having meals, entertaining friends or simply reading or conversing in the serenity of the woods around us, without the prospect of being subjected to the noise from the Sabankayas' business venture.

Bonny Doon is a Rural Residential community. It is not the place for commercial enterprises such as those proposed by both the Sabankayas and the Beauregards. Friends of both insist that they are wonderful people. We do not doubt that they are good friends to their good friends. But what they do not seem to recognize is that their efforts to profit financially from their own properties significantly degrade the quality of their neighbors' lives. What they do not seem to realize is how their activities pollute the peace and calm of the rural life that all of us sought out when we decided to make our home in Bonny Doon. Please, help keep Bonny Doon rural.

Sincerely yours,



Randall Adams

From: [REDACTED]
Sent: Wednesday, September 17, 2014 9:15 AM
To: Randall Adams; Neal Coonerty
Subject: opposition to 4286 Bonny Doon Road apn 063-082-13

September 17, 2014

Zoning Administrator,

I am strongly opposed to the recent approval of an events center at 4286 Bonny Doon Road, APN 063-082-13.

The owners of this property have been operating this business without permits for some time. They applied for the proper use permit only after neighbors informed code compliance of their many ongoing violations.

Event venues, with the noise and traffic they bring, are not compatible with Rural Residential neighborhoods. We have all made large investments of money and time in our homes. The sound from these events is heard throughout my neighborhood. When these events are held, I cannot go outdoors and enjoy myself.

I fully expect the Planning Department and the County Code to protect me from this unwanted noise, traffic, and light pollution.

Please reconsider the approval of this use permit.

Sincerely,

[REDACTED]

 Martin Road

Bonny Doon

September 17, 2014

To whom it May Concern,

I am writing to express my extreme opposition of the approval of commercial weddings and luncheons at the "Castle House" 4286 Bonny Doon Road, Bonny Doon, APN: 063-082-13.

I have made the largest investment of my life, my home, in Bonny Doon. I have the expectation that the zoning of my neighborhood remain Rural Residential. I look to the county for protection from commercialization.

My neighborhood is one of 5 and 10-acre parcels. Occasionally, we all have private get-togethers. I believe there is a great difference between a private party and commercial events, profiting the property owner at the expense of neighbors. I live on 10 acres with a spectacular ocean view. I could easily open up for business and hold weddings, however, I respect and care for my neighbors. I would not violate their tranquility for my own monetary gain.

Approval of the Sabankaya's commercial venture, with its restrictions, puts the burden of monitoring the size, number of events and alcohol consumption on the neighbors. We all understand how understaffed the County Planning Department is. I am skeptical of the County's ability to monitor these events. In the past, the Sabankaya's have not respected the zoning laws and county requests.

I hold dear the peace of my residential neighborhood. I am convinced that the approval of this commercial venture opens the door for more of the same. I ask you to please, help us keep the tranquility I cherish.

Sincerely,

[REDACTED]
[REDACTED]

Bonny Doon, Ca
95060

[REDACTED]
[REDACTED] Bonny Doon Rd
Santa Cruz, CA. 95060
8/28/2014



Zoning Administrator
County Government Center
Room 400
701 Ocean St.
Santa Cruz, CA. 95060

Dear Zoning Administrator:

I am **strongly opposed** to Item #1. 131137**, 4286 Bonny Doon Rd. APN: 063-082-13, Owner: Teresa and Nezih Sabankaya, to be discussed at the public hearing on Friday, September 5, 2014. This application seeks permission to run an event center in a residential district.

If approved this would be the first commercial event center approved in Bonny Doon and would represent a significant change in zoning. In the last couple of years there have been applications for 2 other event centers with in 1000 ft of 4286 Bonny Doon Rd. These applications were withdrawn because of overwhelming community opposition.

Here are some quotes from the most recent issue of the Highlander our community news paper. I have also included the articles in their entirety for your convenience.

"The RBDA Board continues to oppose permitting commercial weddings and other commercial events at the site. Whatever the size and number, we are against allowing ongoing **commercial** events in residential areas of Bonny Doon."

"Permitting this event center would set a precedent and make it much harder to justify denying other similar projects if they are proposed. In addition, limits on the number, size, hours and conditions of events realistically will not—and probably cannot—be monitored by the Planning Dept. That forces the neighbors to play spy, counting guests or vehicles or numbers of events to ensure adherence to the conditions of the permit. This is an unfair, unreasonable and uncomfortable burden to force on neighborhood residents."

LATE MAIL for Appl. # 131127
ZA 9/5/2014 - Item #1

Randall Adams

From: [REDACTED]
Sent: Wednesday, September 03, 2014 10:57 PM
To: Randall Adams
Subject: Public Hearing Item #1, 131127 4286 Bonny Doon Road APN 063-082-13 Sabankaya: NOI
Attachments: Sabankaya letter 9-2014.docx

Dear Mr. Adams, or to whom it may concern:

I have lived in Bonny Doon since January of 1970, when, in fact, I lived at 4286 Bonny Doon Road, my very first address in Santa Cruz county.

It is incomprehensible to me that anyone living in that house now, given the residential zoning status of that property, was even offered a chance to imagine that they could rent the place out for weddings and events. The fact that they had already done it despite the zoning—and thereby incurred the resentment of neighbors for the noise and traffic—and were then advised to apply for a variance to the zoning to continue that activity in any form, is dumfounding. They broke the law. What they want to do is unacceptable, any way one looks at it.

Precedents are everything. Give them an inch, and they, and others to follow, will take a mile. It's a residential neighborhood. There is no excuse for commercial events activities of any sort there, scaled back or not.

If their intended activities were absolutely certain to have no impact whatsoever on anyone else, including the entire planning district, but particularly the immediate neighbors, I might feel different. But that's clearly not the case.

I strongly urge a total denial of the application.

Thank you.

[REDACTED]
[REDACTED]
[REDACTED] Smith Grade
Bonny Doon California 95060
[REDACTED]
[REDACTED]

Th23b

RECEIVED

MAY - 4 2015

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: Application Number is A-3-SCO-15-0022

Item # Th23b

Applicant: Teresa Sabankaya

From: Catherine Bayer - Opposed

4727 Bonny Doon Rd, Santa Cruz, CA 95060

To Whom It May Concern,

I am writing to each member of the California Coastal Commission in regard to an ***extremely substantial issue*** in my neighborhood. I live North of Santa Cruz along the coast in an area, near Davenport, called Bonny Doon. It is an unincorporated part of Santa Cruz County and is zoned Rural Residential. I can see the Pacific Ocean from my home, only a few miles up the hill from Hwy. 1.

One of my neighbors, Teresa Sabankaya, has applied to the County to hold weddings on her property and use it as a commercial event center. A concerned group of neighbors has been opposing this application for over a year and have exhausted all administrative remedies with our opposition. The Board of Supervisors voted, in March this year, to approve Ms. Sabankaya's application.

Over 150 Bonny Doon residents have protested to the County regarding the allowance of commercial event centers in our rural residential neighborhoods. We believe that the approval by the County of commercial use of private, residentially zoned property sets a terrible precedent and will open the door for further commercial development.

The proposed event center is located in an area of sensitive resources. This is a redwood forest and a water shed. The Riparian corridor of Mill Creek runs through the Sabankaya's property then a few miles down to the coast.

I am greatly concerned about the impacts of commercial use and development in this area. I have lived in my home here since 1978. Our community is rural, residential. There is no ambient noise or commercial lighting, there is very limited traffic on the very windy, narrow, rural roads. Our sky is black, we can see each star. We breathe clean air and drink clean water. Members of the community live in Bonny Doon because we choose a rural existence.

The permit granted by the Board of Supervisors of Santa Cruz County allows event activity to be outdoors in a pristine ecosystem that supports many species of native plant and wildlife. It invites multiple guests from out of the area to drive, after partying, on our fragile roads.

Even though the Sabankaya's have greatly reduced the original numbers of events requested in their current permit ***the granting of the permit itself presents a substantial issue for the future of this rural and coastal area.***

It will allow others (and there are many whose mortgages inspire dreams of event centers on their property) to procure the same. And, being granted by the Board of Supervisors, ***this permit will apply to all rural residential areas of Santa Cruz County.***

I urge you to take action to prevent permitted, for profit, commercial activity in this and all rurally zoned areas of our beautiful county. Because of my work and the distance involved, I am unable to attend the

upcoming meeting of the California Commission in Santa Barbara on May 14th, 2015. I am writing to bring your attention to this crucial matter. It is crucial to the future of the rural and coastal areas of all of Santa Cruz County. Please, oppose the door opening to commercialism, please do not let commercial profit change the historic zoning of my home.

Sincerely and Respectfully,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Catherine Bayer

Th23b

RECEIVED THE RURAL BONNY DOON ASSOCIATION
KEEPING BONNY DOON RURAL AND NATURAL • SINCE 1957
P.O. BOX 551 FELTON, CA 95018

MAY - 8 2015

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda Item Number: **Th23b**
Application Number: **A-3-SCO-15-0022**
Applicant: **Teresa Sabankaya**
Substantial issue exists, take jurisdiction

May 8, 2015
via hand delivery

Dear Coastal Commissioners,

The Board of the Rural Bonny Doon Association urges the Commission to take jurisdiction over this permit. The importance of this appeal lies in the need to defend the Coastal Development Permit process. While the permit application that is the subject of this appeal does not directly affect coastal resources, the granting of this permit substantially abused the discretionary permit requirements of the Santa Cruz County Local Coastal Program, and creates a precedent that is detrimental to the protection of coastal resources.

This permit application was made in response to violations of County Code brought to the attention of the County by neighboring residents who were repeatedly annoyed by the impacts of large and ongoing wedding events being staged in their rural residential neighborhood. During the permit process, County staff recognized that operation of an event venue in a residential area can have an adverse effect on the neighboring residents and scaled back the size and number of events from what was requested, in an attempt to mitigate impacts. But unlike mitigations that might be applied, for example, to a construction project that can, upon completion, be inspected for conformance, compliance with the event mitigation conditions could only be assured by having an ongoing program whereby County staff would have to be notified and be present at the applicant's wedding/luncheon homesite to determine that the permit conditions are adhered to, but there is no such monitoring requirement included in the permit. Thus, with each event, it will become the burden of surrounding property owners to attempt to guess how many cars and people are on the site and exceeding permit conditions, and call a permit required "disturbance coordinator" who needs only to investigate and take remedial action within 24 hours, in other words, long after the offending event is over.

The discretion allowed to staff has led, here, to a complete distortion of the County's Home Occupation ordinance by saying that caterers, entertainment and substantial crowds of guests are somehow subordinate to a flower arranging home occupation. County staff then goes on to mock the required Coastal Development Permit findings (Santa Cruz County staff report to the Zoning Administrator, Exhibit B, #5) by asserting "that the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity".

Since its founding, the Rural Bonny Doon Association's goal has been to advocate for sound planning, appropriate land use and environmental protection in our area of the County. We depend on proper implementation of the County Code permit process to advance those goals. That process will be seriously undermined if the determinations made by County staff are allowed to stand, and establish a county-wide precedent.
Thank you for your attention to this matter.

Sincerely yours,



Marty Demare
Corresponding Secretary

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Th23b

Appeal Filed: 4/6/2015
49th Day: 5/25/2015
Staff: Kevin Kahn - SC
Staff Report: 4/23/2015
Hearing Date: 5/14/2015

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-SCO-15-0022

Applicant: Teresa Sabankaya

Appellants: Unincorporated Association of Multiple Bonny Doon Residents and Neighbors

Local Government: County of Santa Cruz

Local Decision: Approved by the Santa Cruz County Zoning Administrator on September 4, 2014; upheld by the Planning Commission on December 10, 2014; and upheld by the Santa Cruz County Board of Supervisors on March 17, 2015 (County application number 131127).

Location: 11.24 acre residential lot located at 4286 Bonny Doon Road within the unincorporated Bonny Doon area of Santa Cruz County (APN 063-082-13).

Project Description: Coastal development permit (CDP) to allow for 1) a floral design studio to operate out of Applicant's existing attached garage; 2) up to ten floral design workshops per calendar year; 3) up to four wedding ceremonies/receptions per calendar year.

Staff Recommendation: No Substantial Issue

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

Santa Cruz County approved a coastal development permit (CDP) to allow for a home occupation business to operate out of an existing single-family residence on an 11.24 acre lot located at 4286 Bonny Doon Road in the unincorporated Bonny Doon area of Santa Cruz County, roughly four miles from the coast.

The Appellants contend that the approved project is inconsistent with the Santa Cruz County certified Local Coastal Program (LCP)'s standards related to home occupations. After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the certified Santa Cruz County LCP.

The Appellants contend that the County-approved CDP is inconsistent with the IP's home occupations ordinance primarily because its allowance for weddings is inconsistent with the ordinance's primary intention of only allowing home occupations of a "limited" extent. In this case, the County found that allowing for weddings and luncheons was an appropriate extension of the Applicant's floral design business. In addition, in order to both address neighborhood concerns pertaining to traffic and noise, as well as to make the requisite findings that the wedding and luncheon events are subordinate to the Applicant's business and therefore are of a limited nature and extent, the County conditioned the CDP to strictly limit the number and impact of such events. The CDP's conditions include limiting the number of luncheons to ten per calendar year during the hours of 2 to 4pm only. For weddings, the CDP allows no more than four per calendar year, requires each wedding event to end by 7pm, limits the number of vehicles allowed on site during a wedding to ten (thereby requiring shuttles for any additional guests), and limits the number of allowed guests to 50. Furthermore, the CDP requires noise abatement measures, including requiring a designated disturbance coordinator and a 24-hour contact number for residents to report any complaints and allow for abatement of any potential noise impacts or other disturbances. Finally, the CDP was conditioned to require the Applicant to report back to the Planning Commission one year after permit issuance with information on how the use is operating and identification of any problems.

Thus, the County adequately ensured that the allowed on-site events are of a limited nature and extent and will not have any significant adverse effects on the neighborhood. Furthermore, because of the parcel's large size (11.24 acres), the project area's dearth of sensitive coastal resources (e.g., no agriculture, ESHA, scenic coastal views, or public coastal accessways are located within the area of the home occupation), and its distance from the shoreline (roughly four

miles away), the approved project will not result in significant impacts to other Coastal Act and LCP-protected resources. In short, the County-approved project adequately addresses LCP coastal resource protection issues in this case. If the facts were different, for example, if the wedding were proposed on rural agricultural lands or in areas near significant public recreation and/or significant view areas, then there might be different conclusions. However, in this case and for this approved project at this location, staff recommends a finding of no substantial issue.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Location and Site Map
- Exhibit 2 – Approved CDP Conditions
- Exhibit 3 – County’s Final Local Action Notice
- Exhibit 4 – Appeal of Santa Cruz County’s CDP Decision
- Exhibit 5 – Applicable LCP Standards

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-SCO-15-0022 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a yes vote.*

***Resolution to Find No Substantial Issue.** The Commission finds that Appeal Number A-3-SCO-15-0022 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The County-approved project is located at 4286 Bonny Doon Road in Santa Cruz County. The project site is located on an 11.24 acre residential lot with an existing residence within unincorporated Bonny Doon, a rural area located in the forested, mountainous northwest corner of Santa Cruz County's coastal zone and roughly four miles from the coast. The parcel is zoned Rural Residential (RR), which is intended to allow for very low-density residential uses. Adjacent parcels are zoned Residential Agricultural (RA), Agriculture (A), and Timber Production (TP), reflecting the area's rural character of low-density residential, agricultural, and resource-related land uses.

The County-approved project allows for: 1) a floral design studio to operate out of the Applicant's existing attached garage; 2) up to ten floral design workshops per calendar year, and; 3) up to four wedding ceremonies/receptions per calendar year. The County conditioned the CDP to allow for the design workshops to operate solely between the hours of 2-4pm and consist of no more than ten guests, and to require the weddings to consist of no more than 50 guests and end by 7pm. Finally, the CDP approval allows for septic system upgrades, including 106 lineal feet of additional trench, to accommodate the home occupation use.

See Exhibit 1 for location and site maps and see Exhibit 2 for the approved CDP's terms and conditions.

B. COUNTY OF SANTA CRUZ CDP APPROVAL

On September 4, 2014 the Santa Cruz County Zoning Administrator approved a CDP for the proposed project. The Zoning Administrator's decision was appealed by the current Appellant to

the Planning Commission, which, after deliberation, upheld the approval and denied the appeal on December 10, 2014. The same Appellant appealed the Planning Commission's decision to the Board of Supervisors, which also denied the appeal and upheld the Planning Commission's decision on March 17, 2015. See Exhibit 3 for the County's Final Local Action Notice.

The County's Final Local Action Notice was received in the Coastal Commission's Central Coast District Office on March 20, 2015. The Coastal Commission's ten-working day appeal period for this action began on March 20, 2015 and concluded at 5pm on April 6, 2015. One valid appeal (see below) was received during the appeal period.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is not designated as the principal permitted use for the LCP's Rural Residential zoning district.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts the de novo portion of an appeals hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea and thus this additional finding would not need to be made if the Commission were to approve the project following the de novo portion of the hearing.

¹ The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the County-approved project raises consistency questions relating to the LCP's home occupation ordinance because it allows weddings, luncheons, and workshops that the ordinance neither envisions nor allows. Specifically, the Appellants contend that the approved project would violate applicable LCP standards because its allowance for large gatherings of people for wedding events is not consistent with the ordinance's primary stated intention of allowing only home occupations of a "limited" extent. The CDP's consideration of workers conducting wedding events (e.g. caterers, bartenders, musicians) as "contractors" and not the Applicant's full-time employees (thereby circumventing the ordinance's requirement that a home occupation business have no more than five employees), its failure to confine all noise generated from the permitted events on site (inconsistent with IP requirements to do so), and its allowance for septic system upgrades, are examples of the approved project's non-limited extent. Please see Exhibit 4 for the appeal contentions.

E. SUBSTANTIAL ISSUE DETERMINATION

Section 13.10.700 of the Santa Cruz County certified Implementation Plan 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." IP Section 13.10.613 describes the provisions for home occupations, with the ordinance's overall purposes to both "allow persons to carry on limited, income-producing activities on their residential property" and do so in a manner that "protect(s) 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" (see Exhibit 5 for applicable LCP standards). To implement these two home occupation policy goals, the IP lists ten restrictions, including that the home occupation shall be carried out primarily by a full-time inhabitant of the dwelling, that not more than five additional employees may be used for the business unless a Level V² use approval is obtained, and that no outdoor activity shall be allowed without Level V approval. In its approval, the County found that Level V approval was necessary, including because the occupation would be located partially outside the Applicant's dwelling and that the occupation would have more than one employee (two in total).

As previously discussed, the Appellant contends that the County-approved CDP is inconsistent with the home occupations ordinance primarily because its allowance for weddings is inconsistent with the ordinance's primary intention of only allowing home occupations of a

² The Santa Cruz County LCP includes seven permit processing and review levels, each with progressively stricter noticing and hearing requirements. Approval Level V requires a public hearing by the Zoning Administrator, and is appealable to the Coastal Commission.

“limited” extent. The IP does not define the term “limited,” and instead allows for a case-by-case analysis of the proposals at-hand in order to make the determination that, based upon the proposed occupation’s particular activities, the site’s location, and other factors, the occupation is indeed limited. In this case, the County found that allowing for weddings and luncheons was an appropriate extension of the Applicant’s floral design business. However, in order to both address neighborhood concerns pertaining to traffic and noise, as well as to make the requisite findings that the wedding and luncheon events are subordinate to the Applicant’s business and therefore are of a limited nature and extent, the County conditioned the CDP to strictly limit the number and impact of such events.

The CDP’s conditions include limiting the number of luncheons to ten per calendar year during the hours of 2 to 4pm only. For weddings, the CDP allows no more than four per calendar year, requires each wedding event to end by 7pm, limits the number of vehicles allowed on the site during a wedding to ten (thereby requiring shuttles for any additional guests), and limits the number of allowed guests to 50. Furthermore, the CDP requires noise abatement measures, including requiring a designated disturbance coordinator and a 24-hour contact number for residents to report any complaints and allow for abatement of any potential noise impacts or other disturbances. Finally, the CDP was conditioned to require the Applicant to report back to the Planning Commission one year after permit issuance with information on how the use is operating and identification of any problems.

Therefore, the Commission finds that the County adequately ensured that the allowed on-site events are of a limited nature and extent, consistent with IP requirements to do so. The events will allow the Applicant to carry on income-producing activities on her property, and the County’s CDP conditions ensure that these events will not have any significant adverse effects on the neighborhood. Furthermore, because of the parcel’s large size (11.24 acres), the project area’s dearth of sensitive coastal resources (e.g., no agriculture, ESHA, scenic coastal views, or public coastal accessways are located within the area of the home occupation), and its distance from the shoreline (roughly four miles away), the approved project will not result in significant impacts to other Coastal Act and LCP-protected resources. For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance.

F. CONCLUSION

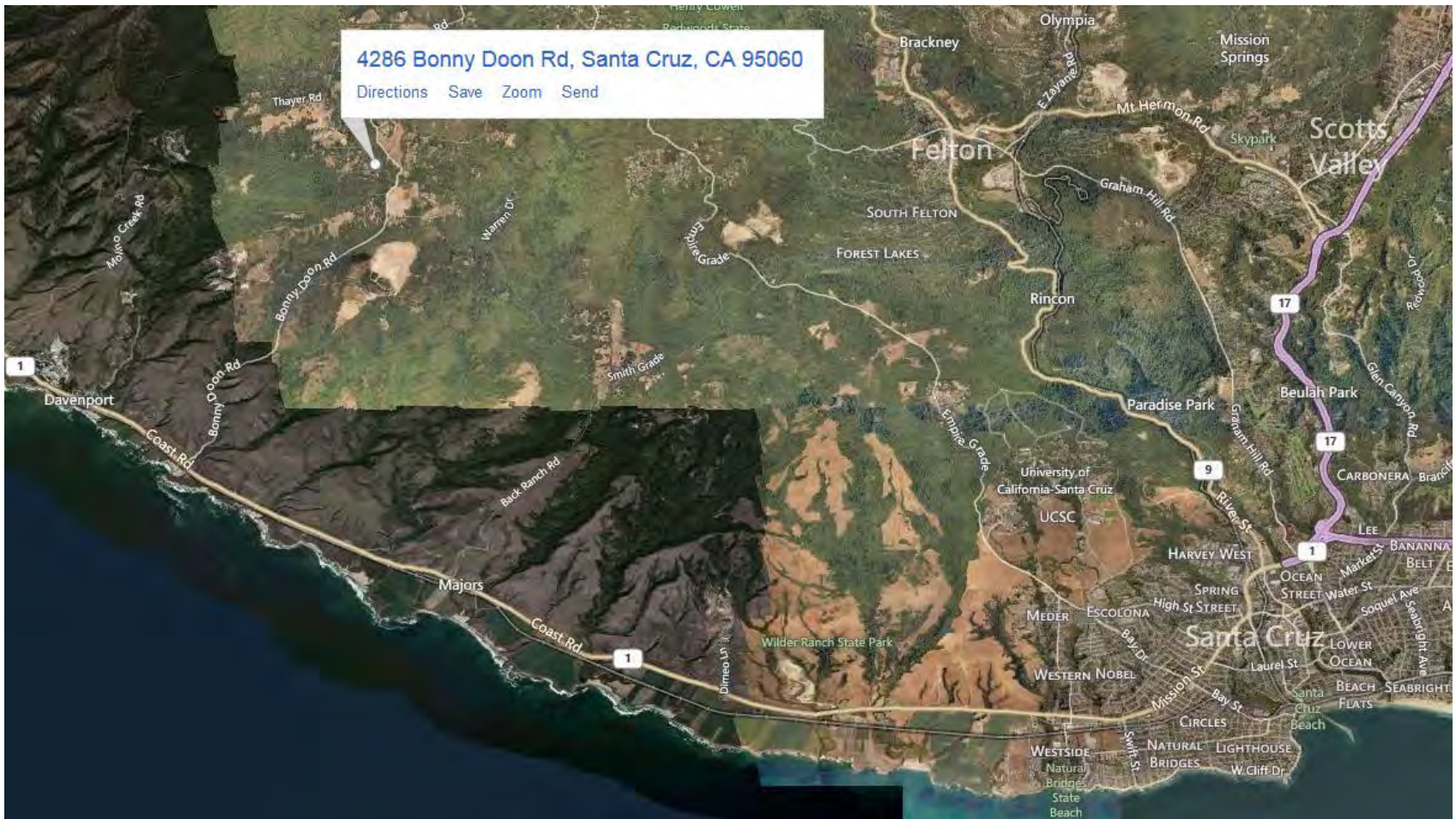
When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission is guided in its decision of whether the issues raised in a given case are “substantial” by the following five factors: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In this case, these five factors, considered together, support a conclusion that this project does

not raise a substantial issue of LCP conformance. First, the home occupation is an allowable use in the RR zoning district. The County conditioned the CDP to ensure that the allowed events on the Applicant's property are of a limited nature and extent, including by limiting the number of events and attendees/guests. Thus, the County has provided adequate factual and legal support for its decision to allow this home occupation in this case. The proposed project is located on a residentially-zoned property, and it will not adversely impact coastal resources such as agriculture, ESHA, scenic coastal views, or public coastal access. Because the project doesn't raise such coastal resource protection concerns, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP. Finally, the project does not raise issues of regional or statewide significance because this parcel is located well inland from the coast and does not lead to coastal resource issues. In short, the County-approved project adequately addresses LCP coastal resource protection issues in this case. If the facts were different, for example, if the wedding were proposed on rural agricultural lands or in areas near significant public recreation and/or significant view areas, then there might be different conclusions. However, in this case and for this approved project at this location, the five factors support a finding of no substantial issue.

For the reasons stated above, the Commission finds that Appeal Number A-3-SCO-15-0022 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act and can be found consistent with the certified LCP.

Project Location



Project Location



Project Site





COUNTY OF SANTA CRUZ

Planning Department

COASTAL DEVELOPMENT PERMIT;
RESIDENTIAL DEVELOPMENT PERMIT;
HOME OCCUPATION

Owner: Teresa and Nezih Sabankaya
Address: 4286 Bonny Doon Road
Santa Cruz, CA 95060

Permit Number: 131127
Parcel Number(s): 063-082-13

PROJECT DESCRIPTION AND LOCATION

Proposal to allow for a floral design studio to operate and to hold private functions at a property zoned Rural Residential, including ten luncheons annually with ten guests maximum between the hours of 2:00 and 4:00 p.m. and four weddings annually with a maximum of 50 guests to end at 7:00 p.m. Requires a Residential Development Permit to allow for a Home Occupation and Coastal Development Permit.

Property located on the north side of Bonny Doon Road about 1100 feet from the junction with Pine Flat Road (4286 Bonny Doon Road).

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 3/17/15

Effective Date: 3/17/2015

Exp. Date (if not exercised): see conditions

Coastal Appeal Exp. Date: Call Coastal Commission

Denial Date: _____

Denial Date: _____

☐ This project requires a Coastal Zone Permit, which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. The appeal must be filed within 14 calendar days of action by the decision body.

☒ This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

Signature of Owner/Agent

Staff Planner

Date

3/17/15

Date

Distribution: Applicant, File, Clerical, Coastal Commission

Return recorded form to:

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

Attention: Randall Adams
Application #: 131127

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department
Attn: Randall Adams
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 131127

Property Owner: Sabankaya

Assessor's Parcel No.: 063-082-13

Exhibit D: Project Plans, "Sabankaya", 1 sheet, undated.

- I. This permit authorizes a home occupation to include a floral design studio and wedding ceremonies and receptions, as specified in these conditions of approval. 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 Building Permits from the Santa Cruz County Building Official, for any existing improvements (additions/structures) constructed on the property without benefit of a permit.
 - 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. Operational Conditions (Home Occupation)
 - A. Floral Design Workshops/Classes
 1. This permit authorizes no more than 10 floral design workshops or classes per each calendar year.

2. No more than 10 guests are allowed at any floral design workshop or class.
3. No more than 5 guest vehicles may be present on the subject property
4. Parking for event guests in the public right of way of Bonny Doon Road is prohibited.
5. Food for events shall be provided by catering services, or shall be otherwise prepared off-site. No on-site food preparation is authorized by this permit.

B. Wedding Ceremonies and Receptions

1. This permit authorizes no more than 4 wedding ceremonies and receptions per each calendar year.
 - a. Wedding ceremonies and receptions must be held on the same day or the wedding ceremony and reception will each be counted as separate events towards the 4 event maximum per each calendar year.
2. No more than 50 guests are allowed at any wedding ceremony or reception.
3. No more than 10 guest vehicles may be present on the subject property during wedding ceremonies or receptions.
 - a. Shuttle vans (or small buses) shall be used to bring wedding guests to and from the subject property.
4. Parking for event guests in the public right of way of Bonny Doon Road is prohibited.
5. Food for events shall be provided by catering services, or shall be otherwise prepared off-site. No on-site food preparation is authorized by this permit.

C. Noise/Disturbance & Compliance

1. All events shall be subject to the noise requirements specified in the County General Plan (Policies 6.9.1 & 6.9.4) and to the requirements of the Mitigation Monitoring and Reporting Program (MMRP) that are also conditions of this permit.
2. The applicant/owner shall designate a disturbance coordinator and a 24-hour contact number shall be posted on a sign at the front of the property during events. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the event. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

3. The applicant/owner shall create and maintain a website that clearly shows the dates for each event in compliance with these conditions of approval.
 - a. The applicant/owner shall provide a one-time mailed notice to neighbors within 300 feet of the subject property that provides a web-address reference to the website and describes how upcoming events can be viewed on the website.
4. One year from the effective date of this permit *the applicant shall provide a letter to staff*, including information about how the use is operating and to identify any problems or concerns regarding the permitted use, *and the matter shall be scheduled before the Planning Commission on consent as an informational item. (Amended at PC 12/10/14)*

D. Amendments

1. Any modifications to this permit to increase the number or frequency of events or to increase the number of participants in any event is not allowed. This is a limited income producing use as a home occupation and any expansion or intensification of this use will require a Commercial Development Permit and compliance with Conference Center requirements (including the user day density requirements as specified County Code section 13.10.353(B)(1)).

- E. 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.

III. 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.

IV. Mitigation Monitoring & Reporting Program

The mitigation measures listed under this heading have been incorporated in 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 above mitigation is hereby adopted as a condition of approval for this project. This 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 18.10.136 of the Santa Cruz County Code.

- A. Mitigation Measures (see attached document)
-

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 the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: 3/17/15

Effective Date: 3/17/15

Expiration Date: 3/17/18

By signing below, the owner agrees to accept the terms and conditions of approval of Application 131127 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 131127 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

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

Date of Notice: 3/17/15

Notice Sent (via certified mail) to:

California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060

RECEIVED

MAR 20 2015

CALIFORNIA
COASTAL COMMISSION

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SCO-15-0229
APPEAL PERIOD 3/23/15 - 4/6/15

Please note the following **Final Santa Cruz County Action** on a coastal permit, coastal permit amendment or coastal permit extension application (all local appeals have been exhausted for this matter):

Project Information

Application No.: 131127

Project Applicant: Teresa Sabankaya

Address: 4286 Bonny Doon Road, Santa Cruz, Ca 95060

Applicant's Representative: Hamilton-Swift Land Use

Address: 500 Chestnut Street, Suite 100, Santa Cruz, Ca 95062

Phone/E-mail: 831-459-9992

Project Location: 4286 Bonny Doon Road, Santa Cruz, Ca 95060

Project Description: Proposal to recognize an existing floral design studio, and to allow floral design classes and weddings as a home occupation.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body:

- ☐ Zoning Administrator
☒ Planning Commission
☐ Board of Supervisors

Required Materials Supporting the Final Action	Enclosed	Previously sent (date)
Staff Report	XXX	
Adopted Findings	XXX	
Adopted Conditions	XXX	
Site Plans	XXX	
Elevations	N/A	

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
CEQA Document	XXX	
Geotechnical Reports	N/A	
Biotic Reports	N/A	
Other:		
Other:		

Coastal Commission Appeal Information

- ☐ This Final Action is Not Appealable to the California Coastal Commission, the Final County of Santa Cruz Action is now effective.
- ☒ This Final Action is appealable to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast Area Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast Area Office at the address listed above, or by phone at (831) 427-4863.

Copies of this notice have also been sent via first-class mail to:

- Applicant
- Interested parties who requested mailing of notice



COUNTY OF SANTA CRUZ

Planning Department

COASTAL DEVELOPMENT PERMIT;
RESIDENTIAL DEVELOPMENT PERMIT;
HOME OCCUPATION

Owner: Teresa and Nezih Sabankaya
Address: 4286 Bonny Doon Road
Santa Cruz, CA 95060

Permit Number: 131127
Parcel Number(s): 063-082-13

PROJECT DESCRIPTION AND LOCATION

Proposal to allow for a floral design studio to operate and to hold private functions at a property zoned Rural Residential, including ten luncheons annually with ten guests maximum between the hours of 2:00 and 4:00 p.m. and four weddings annually with a maximum of 50 guests to end at 7:00 p.m. Requires a Residential Development Permit to allow for a Home Occupation and Coastal Development Permit.

Property located on the north side of Bonny Doon Road about 1100 feet from the junction with Pine Flat Road (4286 Bonny Doon Road).

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 3/17/15

Effective Date: 3/17/2015

Exp. Date (if not exercised): see conditions

Coastal Appeal Exp. Date: Call Coastal Commission

Denial Date: _____

Denial Date: _____

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Signature of Owner/Agent

Staff Planner

Date

3/17/15

Date

Distribution: Applicant, File, Clerical, Coastal Commission

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County of Santa Cruz
701 Ocean Street, 4th Floor

Attention: Randall Adams
Application #: 131127

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County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 131127

Property Owner: Sabankaya

Assessor's Parcel No.: 063-082-13

Exhibit D: Project Plans, "Sabankaya", 1 sheet, undated.

- I. This permit authorizes a home occupation to include a floral design studio and wedding ceremonies and receptions, as specified in these conditions of approval. 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 Building Permits from the Santa Cruz County Building Official, for any existing improvements (additions/structures) constructed on the property without benefit of a permit.
 - 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. Operational Conditions (Home Occupation)
 - A. Floral Design Workshops/Classes
 - 1. This permit authorizes no more than 10 floral design workshops or classes per each calendar year.

2. No more than 10 guests are allowed at any floral design workshop or class.
3. No more than 5 guest vehicles may be present on the subject property
4. Parking for event guests in the public right of way of Bonny Doon Road is prohibited.
5. Food for events shall be provided by catering services, or shall be otherwise prepared off-site. No on-site food preparation is authorized by this permit.

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1. This permit authorizes no more than 4 wedding ceremonies and receptions per each calendar year.
 - a. Wedding ceremonies and receptions must be held on the same day or the wedding ceremony and reception will each be counted as separate events towards the 4 event maximum per each calendar year.
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1. All events shall be subject to the noise requirements specified in the County General Plan (Policies 6.9.1 & 6.9.4) and to the requirements of the Mitigation Monitoring and Reporting Program (MMRP) that are also conditions of this permit.
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3. The applicant/owner shall create and maintain a website that clearly shows the dates for each event in compliance with these conditions of approval.
 - a. The applicant/owner shall provide a one-time mailed notice to neighbors within 300 feet of the subject property that provides a web-address reference to the website and describes how upcoming events can be viewed on the website.
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D. Amendments

1. Any modifications to this permit to increase the number or frequency of events or to increase the number of participants in any event is not allowed. This is a limited income producing use as a home occupation and any expansion or intensification of this use will require a Commercial Development Permit and compliance with Conference Center requirements (including the user day density requirements as specified County Code section 13.10.353(B)(1)).

- E. 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.

III. 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.

IV. Mitigation Monitoring & Reporting Program

The mitigation measures listed under this heading have been incorporated in 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 above mitigation is hereby adopted as a condition of approval for this project. This 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 18.10.136 of the Santa Cruz County Code.

- A. Mitigation Measures (see attached document)
-

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 the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: 3/17/15

Effective Date: 3/17/15

Expiration Date: 3/17/18

By signing below, the owner agrees to accept the terms and conditions of approval of Application 131127 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 131127 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

0369

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

January 29, 2015

AGENDA DATE: March 17, 2015

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: Jurisdictional Hearing to Consider an Appeal of Application Number 131127, to Allow Floral Design Classes and Weddings as a Home Occupation.

Members of the Board:

This item is an appeal of the Planning Commission's December 10, 2014 decision to uphold the Zoning Administrator's approval of Application Number 131127, which allows floral design classes and weddings as a home occupation on an 11.2 acre residential property in Bonny Doon.

On December 23, 2014, the Planning Commission's action was appealed to your Board by a group of neighbors (Attachment 1). The appeal of the Planning Commission's action requires a jurisdictional hearing. Per County Code Section 18.10.340, your Board is asked to determine whether to accept jurisdiction and hear this item or to decline jurisdiction and allow the Planning Commission's decision to stand as the final decision on this matter.

Per County Code section 18.10.340(C), in deciding whether to take jurisdiction of an appeal and grant further review, your Board must evaluate the information provided by the appellant and be convinced that:

1. There was an error or abuse of discretion on the part of the Planning Commission, Zoning Administrator, or other officer; and/or
2. There was a lack of a fair and impartial hearing; and/or
3. The decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made; and/or
4. There is significant new evidence relevant to the decision which could not have been presented at the time the decision appealed from was made; and/or

5. There is either error, abuse of discretion, or some other factor which renders the act done or determination made unjustified or inappropriate to the extent that a further hearing before the Board is necessary.

At the conclusion of this hearing, if your Board finds that the appellant has established sufficient grounds for the Board to take jurisdiction, your Board may grant a hearing limited to the record of the entire proceedings or decide to conduct the proceedings as if no other hearing had been held (as a 'de novo' hearing). If your Board does not find sufficient grounds to take jurisdiction (based on the above listed findings), your Board should decline to schedule a hearing and the Planning Commission decision will become final.

Background

At a public hearing on September 4, 2014, the Zoning Administrator approved Application Number 131127 after reviewing a large volume of correspondence and testimony from surrounding residents and concerned citizens in the Bonny Doon area. This approval was appealed by a neighborhood group to the Planning Commission on September 18, 2014. On December 10, 2014, the Planning Commission considered the appeal of the Zoning Administrator's decision to approve application 131127 (Attachment 5) and, after reviewing additional correspondence and testimony, decided to uphold the Zoning Administrator's decision to approve Application Number 131127. On December 23, 2014, the appellants appealed the approval of Application Number 131127 to your Board.

Project Description

Application Number 131127 is a proposal to recognize an existing floral design studio and to authorize the use of the property for limited commercial events, including luncheons, floral design workshops, wedding ceremonies and receptions as a home occupation on an 11.2 acre, RA zoned, residential property in Bonny Doon.

The proposal includes a limited number of events with limited hours of operation and a limited number of attendees. Specifically, the proposal includes ten luncheons annually with ten guests maximum between the hours of 2:00 and 4:00 PM and four weddings annually with a maximum of 50 guests to end no later than 7:00 PM. Shuttle buses are proposed to transport guests for the wedding events and on-site parking would be limited to no more than 10 guest vehicles for wedding events.

Discussion of Appeal Issues

The appeal letter, prepared by Michael Tunink of Tunink Law Firm, December 23, 2014 (Attachment 1), includes elements from the prior appeal letter that was provided to the Planning Commission (Exhibit 1A of Attachment 5). A response to each of the issues raised in the appellant's September 18, 2014 letter was provided in the Planning Commission staff report (Attachment 5).

The reasons for the appeal of the home occupation approval are listed below, as stated in the December 23, 2014 appeal letter:

1. Wedding ceremonies and receptions - not an allowed home occupation use

The appellant states that wedding ceremonies and receptions are not an allowed home occupation use on a residential property.

County Code section 13.10.613 (Attachment 3) regulates home occupations and allows limited, income producing activities on a residential property without a development permit. The activities allowed without a development permit typically include use by a single occupant of a residence with no more than one client on the project site at a time.

When the income producing activities exceed the limits allowed without a development permit, a use permit is required for the home occupation. In this case, the primary home occupation is flower arranging and sales, with a floral design studio that offers classes to teach floral arranging and design. From this flower arranging and sales use, the property owner began to offer weddings on the property, including flowers that are arranged for the ceremony. The wedding component was designed to be a logical extension of this particular home occupation use.

The home occupation ordinance specifies that limited, income producing activities can be allowed on residential properties. In order to keep the home occupation within a reasonable limit, staff requested that the number of weddings not exceed four per year, and the number of guests not exceed fifty persons. Additional requirements, such as a 7:00 PM end time, shuttle vans for guests, and no food preparation on site, restrict the income producing activities for the home occupation. These limitations result in a very low traffic volume, with a small number of guests, during a limited time period, similar to a private party or special event that could be conducted on other adjacent residential properties, in compliance with County Code section 13.10.613(A)(2). For these reasons, the Zoning Administrator (and Planning Commission) considered it reasonable to allow a limited number of weddings as income producing activities for a home occupation with a use permit, in conjunction with the flower arranging use.

The appellant also states that wedding ceremonies and receptions are not an allowed use under the home occupation ordinance as these activities do not consist of the sale of goods or provision of services.

This issue was raised at the Planning Commission on December 10, 2014, and the Commission determined that the floral design studios and weddings included services that were provided to clients and could be allowed as a home

occupation with a use permit, as required by County Code section 13.10.613(B)(5).

2. Outdoor activities are not screened from view

The appellant states that the outdoor area for wedding events and receptions is not adequately screened from view.

The subject property is fenced and additional vegetation surrounds the property. The area where the weddings and receptions are proposed is adequately screened from view by the existing fencing and vegetation as required by the home occupation ordinance, in compliance with County Code section 13.10.613(B)(2). Visual screening is intended to provide a visual interruption and foreground presence, not to make views of an activity or use completely blocked or not visible. In any case, a visual screen is not intended to be an opaque surface that completely encloses an entire outdoor space (such as within an enclosed building).

3. Noise not contained on property

The appellant states that the outdoor noise and disturbance to the neighborhood is not in compliance with the home occupation ordinance and that a noise study prepared for the application does not consider the level of ambient noise in the neighborhood.

A noise study prepared by a qualified acoustic engineer evaluated the use of amplified music on the project site and the potential noise exposure at the property boundary. Although it is not possible to contain all noise from a given use to a specific location, the noise study determined that the general noise environment is related to vehicle traffic on Bonny Doon Road. The amplified music related to a wedding event that was monitored on the site did not exceed the background roadway noise levels, in compliance with County Code section 13.10.613(B)(9).

In addition to the findings and recommendations of the noise study, the Commission determined that the limitations on the frequency of weddings (no more than four per year) and duration (ending no later than 7:00 PM) would result in a situation similar to a private party or event throughout the year.

4. Use includes more than five employees

The appellant states that the use includes more than five employees and is prohibited under the home occupation ordinance.

The Planning Commission considered this issue and determined that contractors and others who are not permanent ongoing employees of the home occupation

should not be counted among the five employee limitation for this application. In this case the permanent employees include the property owner (who is not counted) and one assistant, in compliance with County Code section 13.10.613(B)(3). All other service providers would be contractors (officiant, food service, drivers, setup/takedown, maintenance, etc.) who may not all necessarily be on the site at any one time.

5. Number of vehicles

The appellant states that only one vehicle is allowed for a home occupation use under the home occupation ordinance.

The home occupation ordinance allows the use of more than one vehicle if a home occupation permit is obtained, as required by County Code section 13.10.613(B)(7).

6. Wedding uses are not consistent with residential uses

The appellant re-states concerns regarding the compatibility of the wedding events with surrounding residential uses.

The home occupation ordinance specifies that limited, income producing activities can be allowed on residential properties. In order to maintain limits on the home occupation use, staff requested that the number of weddings not exceed four per year, and the number of guests not exceed fifty persons. Additional requirements, such as a 7:00 PM end time, shuttle vans for guests, and no food preparation on site, restrict the income producing activities for the home occupation. These limitations result in a very low traffic volume, with a small number of guests, during a limited time period, similar to a private party or special event.

7. Single person operations

The appellant states that the home occupation ordinance is intended for single person operations and not for commercial events.

As noted above, the home occupation ordinance allows additional employees and clients for service providers with a use permit, as specified in County Code sections 13.10.613(B)(3) & (5).

8. Prior Complaints

The appellant states that the use of the property has been subject to voluminous prior complaints.

In review of Application Number 131127, staff and decision makers considered what had occurred in the past in order to develop appropriate conditions and restrictions for future use. The limited number of weddings, restriction on the number of guests, and limited hours of operation for weddings were drafted in direct response to the concerns of neighbors and the complaints regarding prior activities on the property. These limitations are intended to reduce the frequency, scale, and duration of the wedding events to prevent unreasonable future impacts to the surrounding neighborhood as required by County Code section 13.10.613(A)(2).

9. Noise/disturbance & compliance

The appellant re-states concerns regarding noise and disturbance from the home occupation use.

As noted above, a noise study prepared by a qualified acoustic engineer addresses the level of background noise in the surrounding neighborhood, in compliance with County Code section 13.10.613(B)(9).

10. Shuttle Vehicles

The appellant states that shuttle vehicles will create excessive noise from downhill braking.

The shuttle vehicles that are proposed to be used are vans that would create noise similar to any other passenger vehicle. Large buses, which sometimes use compression braking, will not be used. As a result, downhill braking noise from shuttle vehicles is not anticipated to be excessive.

The appeal issues are not substantially different than what was presented (in writing and verbal testimony) to the Planning Commission on December 10, 2014.

In upholding the decision of the Zoning Administrator to approve Application Number 131127, the Planning Commission disagreed with the appellant's claims that these issues justified denial of Application Number 131127.

Discussion of Basis for Your Board Taking Jurisdiction

In deciding whether to take jurisdiction of an appeal and grant further review, your Board must consider whether any of the criteria set forth in County Code section 18.10.340(C) have been met. Staff does not believe that there is adequate cause to accept jurisdiction of the appeal for the following reasons:

- 1) There is no evidence that error or abuse of discretion on the part of the Planning Commission, Zoning Administrator, or other officer occurred. The representatives of the County, including the Zoning Administrator, the Planning Commission and

staff did not make errors, or abuse their discretion, in any way that warrants a reconsideration of this approval by your Board.

- 2) There is no evidence that the noticing of (and hearings for) this application was unfair and/or not impartial. The Zoning Administrator and Planning Commission hearings were duly noticed to owners and residents located within 300 feet of the property, and all interested members of the public were given adequate time to comment on the applications, either in writing or orally. Given the large volume of correspondence received, and the presence of a large number of speakers at both hearings, it is clear that adequate notice was provided for this application. The applicants and appellants were both given adequate time to make their case and to provide rebuttals before the Zoning Administrator and Planning Commission, and their arguments were heard and considered impartially.
- 3) There is evidence that the approval of this application was fully supported by the facts and findings presented and considered at the time the decision to approve this application was made at both the Zoning Administrator and Planning Commission public hearings.
- 4) There is no significant new evidence relevant to the decision that has been presented by the appellants that was not already considered by the Zoning Administrator and Planning Commission. All arguments and evidence presented by the appellants was fully evaluated and considered through the Zoning Administrator and Planning Commission public hearing processes and the Zoning Administrator's decision to approve the application was upheld by the Planning Commission.
- 5) There is no evidence that error, abuse of discretion, or any other factor which renders the approval unjustified or inappropriate occurred either before or during the Zoning Administrator or Planning Commission public hearings to the extent that a further hearing before your Board is necessary.

Conclusion and Recommendation

Based on the appellants' letters and testimony received at the hearings to date, staff does not believe there is new, relevant information or facts to support the need for another appeal hearing before your Board.

The Zoning Administrator and Planning Commission gave proper consideration to the evidentiary testimony and documentation to the approval of a limited wedding use as Home Occupation. During both hearings there was considerable discussion regarding the wedding events and the concerns of surrounding neighbors. A thorough discussion and review was provided by both decision-making bodies and all land use issues were fully evaluated. In conclusion, based on a review of the administrative record and the stated reasons for appeal, there is not adequate cause or justification for your Board to take jurisdiction, as enumerated in Chapter 18.10.340(C) of the County Code.

It is, therefore, RECOMMENDED that your Board not take jurisdiction in the appeal of Application Number 131127,

Sincerely,


Kathy M. Previsich
Planning Director

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Appeal Letter, prepared by Michael J. Tunink - Tunink Law Firm, dated 12/23/14
 2. Applicant response, prepared by Charles Eadie - Hamilton Swift Land Use, dated 2/3/15
 3. Home Occupation Ordinance - County Code section 13.10.613
 4. Planning Commission Minutes, 12/10/14 public hearing
 5. Planning Commission Staff Report, 12/10/14 agenda date (on file with the Clerk of the Board)
- cc: Teresa Sabankaya - 4286 Bonny Doon Road, Bonny Doon, Ca 95060
Hamilton-Swift (attn: Charlie Eadie) - 500 Chestnut Street, Suite 100, Santa Cruz, Ca 95060
Annette Whelan - PO Box 282, Ben Lomond, Ca 95005



TUNINK
LAW • FIRM

0377

December 23, 2014

HAND DELIVERED

Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Re: Application: Coastal Development Permit Application No. 131127
Applicants: Teresa and Nezh Sabankaya
Appellants: Unincorporated Association of Multiple Bonny Doon Residents
and Neighbors, including Debbie Hencke
Property: APN 063-082-13 (Site Address: 4286 Bonny Doon Road, Santa
Cruz)
Subject: Appeal of Zoning Administrator Decision arising from Zoning
Administrator Meeting Conducted on September 5, 2014, and
Appeal of Planning Commission Decision arising from Planning
Commission Meeting Conducted on December 10, 2014

Dear Santa Cruz County Board of Supervisors:

My firm represents the above-referenced Appellants. The purpose of this letter is to appeal the following: (1) the decisions of the Zoning Administrator regarding the above-referenced Application that arose out of a Zoning Administrator proceeding conducted on September 5, 2014; and (2) the decisions of the Planning Commission regarding the above-referenced Application that arose out of the Planning Commission appeal proceeding conducted on December 23, 2014. An \$1800 check for the appeal fee is enclosed.

The items being appealed and the grounds for appeal are set forth below and relate to a Coastal Development Permit having wrongfully been issued for Applicants to conduct wedding ceremonies and receptions in a Rural Residential zoning district pursuant to the County Code's "Home Occupation" ordinance. All the appeal issues set forth herein were raised at the prior Zoning Administrator and/or Planning Commission proceedings. Appellants reserve the right to submit further briefing and details regarding the items being appealed and the bases supporting the appealed items.

Though the clients I represent do not object to Applicants' request for ten floral design workshops per year under the five specific limitations set forth in Condition of Approval II.A to Permit No. 131127, other Bonny Doon constituents and residents oppose the floral

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design workshop component of the permit. That said the items appealed include the following:

1. **CONDITION OF APPROVAL II.B - WEDDING CEREMONIES AND RECEPTIONS.**

Appellants appeal the granting of the Application in its entirety as to the allowance of wedding ceremonies and receptions. The appeal issues and bases for Appellants' appeal of Condition of Approval II.B are as follows:

A. **CONDUCTING WEDDING CEREMONIES AND RECEPTIONS IN RESIDENTIAL ZONING DISTRICTS IS NOT AN ALLOWABLE "HOME OCCUPATION" UNDER COUNTY CODE ORDINANCE NOS. 13.10.700-H or 13.10.613.**

Ordinance No. 13.10.322(A) allows for Rural Residential zoning as a "Principal Permitted Use" in the Coastal Zone – Ordinance No. 13.10.322(A) specifically identifies Rural Residential zoning as "RR single-family residential (rural)". Applicants' real property is located in a "Rural Residential" zoning district. Ordinance No. 13.10.321(C) provides that the purposes for the Rural Residential zoning district are as follows:

13.10.321(C). Specific RR Rural Residential District Purposes. To provide areas of residential use where development is limited to a range of non-urban densities of single-family dwellings in areas having services similar to RA areas, but which are residential in character rather than agricultural due to the pattern of development and use in the area and/or the presence of constraints which would preclude the use of the property for agriculture.

Ordinance No. 13.10.322(B) provides that "[a] discretionary approval for an allowed use is known as a "use approval" and is given as part of a "development permit" for a particular use", and that the "processing procedures for development permits and for the various approval levels are detailed in Chapter 18.10" of the County Code.

Applicants' Application for Permit No. 131127 is a Coastal Development Permit application for various uses (including wedding ceremonies and receptions) under the auspices of the "Home Occupation" use set forth in Ordinance Nos. 13.10.700-H and 13.10.613. Ordinance No. 13.10.700-H defines a "Home Occupation" as follows:

"Home occupation" means 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."

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Applicants' wedding ceremony and wedding reception uses are not an allowed home occupation because such uses primarily involve the rental of real property and not the sale or provision of goods and services as required under Ordinance No. 13.10.700-H. The real property rental nature of Applicants' wedding uses is evidenced by the contract Applicants require wedding parties to sign.

Applicants' prior wedding contract made it clear the rental of Applicants' real property was the primary focus of the contract. After Applicants became aware of Appellants' position that wedding uses are not an allowable home occupation use due to not constituting goods or services, Applicants revised their wedding event contract and entitled it a "Floral Services Agreement" in an attempt to masquerade the real property rental as goods or services.

Applicants presented their revised Floral Services Agreement at the Planning Commission appeal hearing, and a copy of that contract is attached hereto as "Exhibit A". Though the Floral Services Agreement states Applicants are providing flowers and decorating services for the wedding (see Exhibit A, p. 1), the real nature of the contract as an agreement for rental of real property is evident due to the contract requiring the wedding party provide liability insurance coverage in the amount of "2,000,000 General Aggregate with \$2,000,000 per occurrence including property damage", which insurance coverage must also name Applicants as additional insureds. (Exhibit A, p. 2.) Appellants implore the Board of Supervisors to see Applicants' wedding event contract for what it really is – namely, the rental of real property as a primary purpose and generator of income and the provision of flowers and design services as a collateral purpose and income source. One does not insure wedding flower bouquets and centerpieces for \$2 Million – Applicants' \$2 Million insurance requirement is related to insuring their real property against liabilities inherent in weddings, such as accidents caused by inebriated wedding revelers. In sum, the wedding events sought in Applicants' Coastal Development Permit application should be rejected because they primarily involve the rental of real property, which does not constitute a home occupation under the definition set forth in Ordinance No. 13.10.700-H.

B. APPLICANTS' WEDDING EVENTS AND ACTIVITIES ARE NOT COMPLETELY SCREENED FROM THE STREET AND ADJOINING PROPERTIES AS REQUIRED UNDER ORDINANCE NO. 13.10.613(B)(2).

Ordinance No. 13.10.613(B)(2) provides that even if Level V planning approval for a home occupation in a residential district is granted allowing an outdoor use, all outdoor uses must be "completely screened from the street and adjoining properties." Specifically Ordinance No. 13.10.613(B)(2) provides:

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(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.

Bonny Doon residents and property owners (including owners of property adjacent to Applicants' property) provided evidence at the Planning Commission appeal hearing that Applicants' outdoor uses are not completely screened from the street and adjoining properties. Accordingly Applicants' permit must be denied as non-compliant with Ordinance No. 13.10.613(B)(2).

C. APPLICANTS' WEDDING EVENTS DO NOT CONTAIN ALL NOISE WITHIN APPLICANTS' REAL PROPERTY AS REQUIRED UNDER ORDINANCE NO. 13.10.613(B)(9).

Ordinance No. 13.10.613(B)(9) specifically provides that - in connection with any home occupation - "All noise shall be contained within the boundaries of the site." The ordinance does not provide any exception to this requirement, even in connection with a Level V or other planning approval, and this noise restriction requirement must be strictly construed. Bonny Doon residents and adjacent property owners provided evidence at the Zoning Administrator and Planning Commission hearings that Applicants' wedding event uses generate noise outside the boundaries of Applicants' property, regardless of whether the noise or music is amplified or not. Because Applicants have not complied and cannot comply with this noise restriction, Applicants' permit must be denied as non-compliant with Ordinance No. 13.10.613(B)(9).

The noise report issued by Jeffrey K. Peck does not adequately address the noise problem in the subject rural residential neighborhood which has virtually no ambient noise. Appellants' independent survey of nearby Bonny Doon residents establishes that sounds travel up the neighborhood topography further than one would anticipate. Appellants request that the noise issue be re-examined due to residents' experience that noise cannot be contained on the subject property to a degree that does not unreasonably disturb neighbors.

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D. APPLICANTS' USE DOES NOT COMPLY WITH THE LIMITATION
 ON EMPLOYEES REQUIRED UNDER ORDINANCE NO.
 13.10.613(B)(3).

Ordinance No. 13.10.613(B)(3) provides that, even if a Level V use approval is granted, "[n]ot more than five additional employees may also be used for a home occupation." Applicants' wedding event uses require significantly more than five employees in addition to Applicant Teresa Sabankaya. At the Planning Commission appeal hearing, a Planning Commissioner sought clarification from the Planning Department regarding the limit on five employees, and the Planning Department representative observed that a reasonable interpretation of Ordinance No. 13.10.613(B)(3)'s limit of five additional persons— as applied to Applicants' wedding events - likely means that only five full time persons performing services during the wedding would be allowable (not including delivery persons only temporarily appearing at the site). Applicants cannot possibly keep the number of wedding service providers down to five persons total (not including the Applicant Teresa Sabankaya herself). Wedding events require caterers, servers, musicians, and a wedding ceremony officiant. At least one employee of the five allowable is already used up due to the permit condition of having a shuttle with a driver. Because Applicants cannot limit the number of employees to five total as required under Ordinance No. 13.10.613(B)(3), the permit should be denied.

E. THE CONDITIONS OF APPROVAL FAIL TO TAKE INTO
 ACCOUNT THE RESTRICTIONS SET FORTH IN ORDINANCE NO.
 13.10.613(B)(7).

Ordinance No. 13.10.613(B)(7) addresses allowed vehicles in connection with a home occupation and provides as follows:

(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.

Ordinance No. 13.10.613(B)(7) allows only one vehicle in connection with Applicants' wedding events. That one vehicle allowance is already used up with the shuttle vehicle called for in Condition of Approval II.B(3). No other vehicles are allowed and Applicants' use of other vehicles for deliveries constitutes grounds for denial of the permit application.

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F. WEDDING USES ARE NOT CONSISTENT WITH THE COUNTY CODE'S RESTRICTIONS ON HOME OCCUPATIONS IN RESIDENTIAL AREAS.

Ordinance 13.10.613(A) calls for restrictions on a "home occupation" conducted on residential property. Specifically Ordinance 13.10.613(A) states a home occupation is allowed only for "limited, income-producing activities", and that core purposes of the restrictions are to "protect nearby residential properties from potential adverse effects . . . by not allowing home occupations that would create excessive noise, traffic, public expense or any nuisance."

The subject property is zoned Rural Residential, and wedding ceremonies and receptions are not compatible with residential use. Wedding ceremonies and receptions are large, loud events and held on weekends or after normal business hours where residents would otherwise be enjoying the residential uses of their properties without interruptions and loss of enjoyment that occur in connection with noisy wedding ceremonies and receptions. The conduct of a commercial operation like wedding ceremonies and receptions is totally inconsistent with the restricted home occupation allowance purposes expressed in Ordinance 13.10.613(A).

G. THE HOME OCCUPATION ORDINANCE ANTICIPATES SINGLE PERSON OPERATIONS, NOT COMMERCIAL EVENTS.

Ordinance No. 13.10.613(B)(5) provides examples of allowable home occupations, such as single-person music lessons, a single person massage studio, or single person swimming lessons. Wedding ceremonies and receptions are large gatherings and a major divergence from the home occupation purposes expressed in Ordinance 13.10.613(A).

H. APPLICANTS' ACTIVITIES ARE THE SUBJECT OF VOLUMINOUS PRIOR COMPLAINTS.

Many prior complaints of noise disturbances on the subject property have been filed with the County. Complaining parties include individual neighbors, groups of neighbors, and neighborhood unincorporated associations including: Keep Peace and Quiet in Bonny Doon and their attorneys, the Rural Bonny Doon Association, and Keep Bonny Doon Rural. Based on past events, Appellants do not trust Applicants or the property owners to self-regulate large gatherings such as wedding receptions. Though weddings are currently not permitted on the property, Applicants and/or the property owners have held non-permitted weddings and receptions at the property throughout the application process, including on Labor Day weekend – only a few days before the Zoning Administrator hearing that occurred on September 5, 2014! Letters from the

Board of Supervisors – Santa Cruz County
 Re: Appeal of Zoning Administrator and Planning Commission Decisions on Coastal
 Development Permit Application No. 131127
 December 23, 2014
 Page 7

0383

Wittwer & Parkin, LLP law firm have put the County and Applicants on notice to stop illegal events. No consequences have been imposed in connection with Applicants' non-permitted activities. Appellants are quite concerned the County has no ability to enforce the subject permit's Conditions of Approval related to wedding events.

2. CONDITION OF APPROVAL II.C (NOISE/DISTURBANCE & COMPLIANCE).

Appellants' contentions regarding noise and disturbance issues are set forth above in Section 1 regarding appeal issues related to Condition of Approval II.B. Appellants repeat such contentions here in connection with Appellants opposition to and appeal of Condition of Approval II.C regarding noise and disturbance.

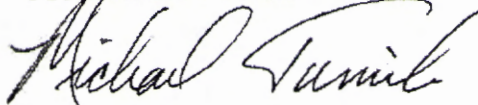
3. CONDITION OF APPROVAL II.B.(3) – SHUTTLE VEHICLES.

Though the major parking concern has been somewhat alleviated by the requirement of shuttle vehicles for transportation of guests who attend and are not transported to the property in one of the maximum 10 guest vehicles allowed, the shuttle vehicles will create an entirely new problem in generating noise driving up Bonny Doon Grade and braking downhill. Thus Appellants ask that the issue of noise generated by shuttle vehicles be examined in conjunction with further examination of the noise disturbance and compliance matters appealed directly above.

If further clarification or additional information is sought, I would be pleased to provide it upon request. As indicated above, Appellants reserve the right to submit further briefing and details regarding the items being appealed and the bases supporting the appealed items. Thank you.

Sincerely,

TUNINK LAW FIRM



Michael J. Tunink

cc: Clients

35

0384



Floral Service Agreement

For services offered at Castle House- 4286 Bonny Doon Road - Santa Cruz Ca 95060

Introduction & Service Description

To provide complete floral and décor services including materials, labor, in-situ design service, and floral assistance on the day of your wedding.

Service Outline

- Bride's Bouquet- sustainable grown, prepped and designed boutique cut flowers selected from our garden by the bride
- Groom's Boutonniere- composite design to complement the Bride's bouquet
- 4 Bride's Maids- complementary European hand-tied style similar to Bride's bouquet
- 4 Groomsmen- composite designs to complement the Maid's bouquets
- Nuptial Décor- instruction provided to client's floral assistance on aisle décor and alter décor
- 6 Family Personal Flower enhancements
- Up to 10 Centerpieces- sustainable grown and arranged boutique cut flowers and herbs to complement the desired palate
- Cake and side tables decorated and styled as desired

EXHIBIT

A

Page

1 of 2

Service Agreement

Requirements

0385

Proof of Event Insurance is required and due four (4) weeks prior to your wedding. Insurance coverage requirements are; \$2,000,000 General Aggregate with \$2,000,000 per occurrence including property damage, with \$1,000 Property Damage Deductible. A separate endorsement for Sabankaya Trust/ Mustafa Sabankaya must be named as additional Insured.

(Additional requirements will be provided as a separate endorsement and will serve as the primary regulations for your wedding as hosted at the Castle House)

Fees, payments, and service terms

A \$500 non-refundable deposit is required to reserve and submitted to the address above along with this signed Service Agreement, where at that point it becomes our Service Contract. The balance and proof of insurance will be due 45 days prior to your wedding.

Privacy statement

This Service Agreement is the creative property of the client and Tessa's Garden at Castle House, and is not intended to be used as a comparison tool for vendors.

Name Date

Name Date

EXHIBIT APage 2 of 2



0386

February 3, 2015
 Honorable Board of Supervisors
 Santa Cruz County
 701 Ocean St., Santa Cruz 95060

RE: Consideration of Jurisdiction for Appeal of Sabankaya Approved Home Occupation Permit

Dear Board Members:

On behalf of my client, Teresa Sabankaya, we ask that you let stand the decisions and judgments previously made by the Planning Commission and the Zoning Administrator for the approval of the application. The appeal should be rejected because it does not meet the standard required for the Board to take jurisdiction.

The County Code establishes a high standard as to the grounds for appeal. Section 18.10.340 (C) states that the Board "will **not** take jurisdiction **unless they are convinced that there was an error or abuse of discretion....**" or some other serious failure. The full text of the grounds for taking jurisdiction is noted below, with emphasis added:

(C) *Grounds for the Board of Supervisors to Take Jurisdiction. The Board of Supervisors will not take jurisdiction of an appeal and grant further review of a matter unless the Board is convinced that there was an error or abuse of discretion on the part of the Commission, Zoning Administrator, or other officer; or that there was a lack of a fair and impartial hearing; or that the decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made; or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision appealed from was made; or that there is either error, abuse of discretion, or some other factor which renders the act done or determination made unjustified or inappropriate to the extent that a further hearing before the Board is necessary.*

The appellant's letter basically rehashes and re-states various assertions that have been made, and which were deliberated upon and ultimately rejected as grounds for denial of the home occupation permit during the previous consideration of the application by the Planning Department staff, the Zoning Administrator, and the Planning Commission.

While each of the assertions can and has been rebutted, the issue now before the Board is simply to determine if the judgments made by the staff, the ZA and the Planning Commission in approving the application convincingly constitute an error or abuse of discretion or similarly egregious failure.



0387

Analysis demonstrates that none of the grounds for taking jurisdiction have been established. Specifically:

- a. The approval of the home occupation permit was **not an error or an abuse of discretion**. This was the proper exercise of judgment that was made at each level of review in the course of a deliberative consideration of a conditional use permit.
- b. The **approval is supported by facts**. The reviewing bodies heard and considered all the arguments and testimony, the facts, analyses, rules in place and circumstances. The record demonstrates this. The Planning Commission and Zoning Administrator based their judgment on those facts.
- c. The **hearings were fair and impartial**. The Zoning Administrator and the Planning Commission chair were exemplar in their conduct of the hearings, giving all parties and the public ample time to state their position. The deliberations were careful and thoughtful.
- d. There is **no significant new information**. All the issues raised by the appellant have been part of the decision process. The appellant's letter essentially re-purposes and recycles previous arguments. The appellants letter itself states in paragraph 2 that "all the appeal issues set forth herein were raised at the prior Zoning Administrator and/or Planning Commission proceedings."
- e. There is **no other factor rendering the decision unjustified**. The appellant's letter simply represents their point of view. The decision-makers did not find the appellant's points of objection sufficient to justify denial of the application.

That the appellants disagree with the decisions made is obviously clear from their letter. That said, their disagreement with the approval falls far short of meeting the Board's standard for taking jurisdiction. In fact none of the requirements of 18.10.340 (C) for taking jurisdiction are even close to being met.

Please save everyone the time, effort, and expense of yet another hearing on this application. This process has been long and drawn out, with hours of hearings, extensive testimony, and careful and thoughtful deliberation by the Planning Commission, the Zoning Administrator, and the Planning Department staff.

It is time to end the ordeal that the applicant, Teresa Sabankaya, has had to endure. The record amply demonstrates that this application is consistent with the rules that exist, and that the conditional use permit was properly approved.



0388

The Planning Commission and Zoning Administrator acted with care and thoughtfulness in their deliberations. Please respect their actions and judgments by not taking jurisdiction on the appeal. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charlie Eadie", followed by a horizontal line.

Charlie Eadie
Principal Associate

13.10.613 Home occupations.

(A) Purposes. The purposes of regulations for home occupations are:

0389

- (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 SCCC 7.100.020, 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 SCCC.

**County of Santa Cruz
Planning Commission Minutes**

Planning Department, 701 Ocean Street Suite 400, Santa Cruz, CA 95060 0390

Meeting Date : Wednesday, December 10, 2014 9:00 AM**Location :** Board of Supervisors Chambers, Room 525
County Government Center
701 Ocean Street
Santa Cruz, CA 95060**VOTING KEY****Commissioners:** Chair: Shepherd, ViceChair: Hemard, Guth, Garcia, Dann**Alternate Commissioners:** Holbert, Lazenby, Aramburu, Jones**REGULAR AGENDA ITEMS****1. Roll Call***Commissioners present: Chair Renee Shepherd, Vice-Chair Casey Hemard, Commissioner Rachel Dann, Commissioner Martin Garcia and Commissioner Michael Guth.***2. Additions and Corrections to Agenda****3. Declaration of Ex Parte Communications****4. Oral Communications****CONSENT ITEMS****5. Approval of Minutes**

To approve the minutes of the November 12, 2014 Planning Commission meeting as submitted by the Planning Department.

ACTION: Approve the minutes of the November 12, 2014 Planning Commission meeting as submitted by the Planning Department.

MOTION/SECOND: Dann/ Hemard

AYES: Guth, Hemard, Shepherd, Garcia and Dann

NOES: None

ABSTAIN: None

ABSENT: None

SCHEDULED ITEMS**6. 131127** 4286 Bonny Doon Road, Santa Cruz APN: 063-082-13**

A public hearing to consider an appeal of the Zoning Administrator's decision to approve application 131127; for a Home Occupation to allow a floral design studio with private events, including ten luncheons annually with ten guests maximum between the hours of 2:00 PM and 4:00 PM and to conduct four weddings annually with a maximum of 50 guests ending no later than 7:00 PM.

Property located on the north side of Bonny Doon Road about 1100 feet from the junction with Pine Flat Road (4286 Bonny Doon Road).

SUPERVISORIAL DIST: 3

PROJECT PLANNER: Randall Adams, 454-3218

EMAIL: Randall.Adams@santacruzcounty.us

ACTION: Uphold the Zoning Administrator approval of application # 131127 with an amendment to the Conditions of Approval to provide that the applicant submit an informational only status update letter in one year to be reviewed by the Planning Commission.

MOTION/SECOND: Hemard/ Garcia
 AYES: Hemard, Shepherd and Garcia
 NOES: Guth and Dann
 ABSTAIN: None
 ABSENT: None

0391

7. Discussion to interpret the County Code to determine if a drive-through component of a proposed pharmacy could be allowed as an ancillary element of a retail sales use.

SUPERVISORIAL DISTRICT: Countywide
 PROJECT PLANNER: Randall Adams, 454-3218
 EMAIL: Randall.Adams@santacruzcounty.us

ACTION: Interpret County Code to allow for drive-through uses that are ancillary to the main commercial use. Direct Planning Department staff to include an amendment to the County Code specifying that ancillary drive-through uses may be allowed.

MOTION/SECOND: Hemard/ Dann
 AYES: Hemard, Shepherd, Garcia and Dann
 NOES: None
 ABSTAIN: Guth
 ABSENT: None

REGULAR AGENDA ITEMS

- 8. Planning Director's Report**
- 9. Report on Upcoming Meeting Dates and Agendas**
- 10. County Counsel's Report**

APPEAL INFORMATION

Denial or approval of any permit by the Planning Commission is appealable to the Board of Supervisors. The appeal must be filed with the required appeal fee within 14 calendar days of action by the Planning Commission. To file an appeal you must write a letter to the Board of Supervisors and include the appeal fee. For more info., please see the "Planning Appeals" brochure located in the Planning Department lobby, or contact the project planner.

APPEALS OF COASTAL PROJECTS

(*) This project requires a Coastal Zone Permit which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission.

(**) This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Denial or approval of the Coastal Zone Permit is appealable to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission.

Note regarding Public hearing items: If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

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. The Board of Supervisors chambers is located in an accessible facility. If you wish to attend this meeting and you will require special assistance in order to participate, please contact the ADA Coordinator at 454-3137 (TTD number is 454-2123 or 763-8123 from Watsonville area phones) at least 72 hours in advance of the meeting to make arrangements. As a courtesy to those persons affected, please attend the meeting smoke and scent free

March 9, 2015

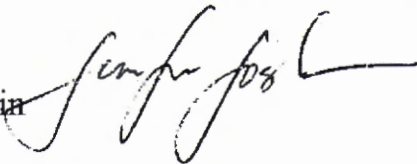
Dear Supervisor Caput,

We beg of you to please vote to hear the appeal of concerned Bonny Doon residents at the Jurisdictional Hearing on Tuesday 3/17 about the Planning Commission's decision and findings of 12/10/14 regarding application number 131127, for a Home Occupation located at 4286 Bonny Doon Road. We did not get a fair hearing last time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were not given an opportunity to challenge or comment on it. This application has wide ramifications not just for Bonny Doon but all of Santa Cruz county.

Thank you for your consideration!

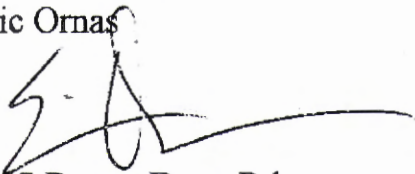
Sincerely,

Jennifer Joslin



4847 Bonny Doon Rd
Santa Cruz, CA 95060
joslinjenn@gmail.com

Eric Ornas



4847 Bonny Doon Rd
Santa Cruz, CA 95060
eoras@gmail.com

Thurs 3/12/15 50 signatures

Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

Demand a Fair Hearing for the Castle House Event Center Permit Appeal!

The Santa Cruz Planning Commission has approved a permit for the Castle House at 4286 Bonny Doon Road, parcel number 063-082-13, to host up to 4 weddings or other receptions a year.

THIS EFFECTIVELY ALLOWS A COMMERCIAL ESTABLISHMENT IN THE MIDDLE OF A QUIET, RESIDENTIALLY ZONED NEIGHBORHOOD AND SETS A TERRIBLE PRECEDENT!

The Planning Commission didn't allow the RBDA and neighbors to answer points made by the Castle House consultants and supporters, or to point out the obvious contradiction in the new Castle House facility rental agreement presented at the last minute at the end of the Dec. 10, 2014 hearing.

It is only fair that the neighbors, who only want to enjoy their own properties in peace and quiet, should have every chance to explain why this permit violates the rules for Home Occupations.

**PLEASE SIGN THIS PETITION TO ASK THE BOARD OF SUPERVISORS
TO ALLOW A FAIR HEARING OF THIS PERMIT!**

Print Name, address, email:

Signature:

Nancy E. Goldie 1774 Pine Flat Rd. Bonny Doon, CA 95060 goldie20gold@yahoo.com	Nancy E Goldie
---	----------------

Print Name, address, email:

Signature:

Thomas Goldie 1774 Pine Flat Rd. SC, CA 95060	Thomas Goldie
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Lan Yssekstein
11400 Empire Grant
SC. 95060

Bonny Doon
630 Thayer Rd

J. Yssek

Bonny Doon

35

Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

Print Name, address, email:

Signature:

Sherril McQuaide 860 Quail Drive	Sherril McQuaide
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Print Name, address, email:

Signature:

Robert McQuaide 860 Quail Dr.	Robert McQuaide
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Print Name, address, email:

Signature:

Patricia A. Morrison 505 Mountain Road Bonny Doon, CA PatMorrison505@gmail.com	Patricia Morrison
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Print Name, address, email:

Signature:

Marcella Mole 43 Summit Hill Santa Cruz CA 95060	Marcella Mole
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Print Name, address, email:

Signature:

MARCIA LIPSENTHAL 2850 SMITH GRADE SANTA CRUZ CA 95060 mlips@crvdo.com	Marcia Lipsenthal
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Print Name, address, email:

Signature:

Peggy Pauda 21 Pinedale Dr. Santa Cruz, CA 95060	Peggy Pauda
--	-------------

Print Name, address, email:

Signature:

CLAY PETERS 2375 BACKRANCH ROAD SANTA CRUZ, CA 95060 SURFSONGER@AOL.COM	Clay E. Peters
--	----------------

Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

Print Name, address, email:


Signature:

Melanie Mosley 40 Granger Lane SC 95060 mosleymw@gmail.com	M Mosley
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Print Name, address, email:

Signature:

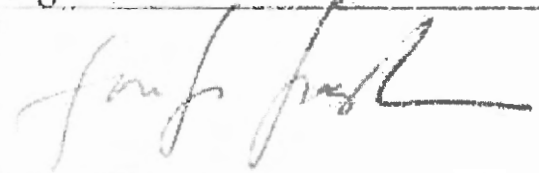
Sydney Reinecke 205 MOLINA DR SANTA CRUZ CA 95060	S. Reinecke
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Betsy Firebaugh 2155 Pine Flat Rd Santa Cruz, Calif 95060	
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Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

Print Name, address, email:

Signature:

Jennifer Jostin	
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Print Name, address, email:

Signature:

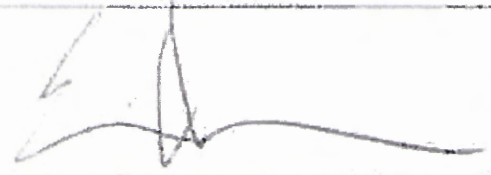
4847 Bonny Door Rd S Cruz CA	
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jostinjenn@gmail.com

Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

Print Name, address, email:

Signature:

Eric Ornas 4847 Benny Drive Rd eornas@gmail.com	
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Print Name, address, email:

Signature:

Sherril McQuaide 860 Quail Dr	Sherril McQuaide
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Print Name, address, email:

Signature:

Robert McQuaide 8100 Quail Dr	Robert McQuaide
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Print Name, address, email:

Signature:

Barbara D. Toshukian	Barbara D. Toshukian
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Print Name, address, email:

Signature:

MARGARET KLIEGEL	Margaret Kliegel
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Print Name, address, email:

Signature:

DALE SMITH 290 SUMMIT	Dale Smith
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Print Name, address, email:

Signature:

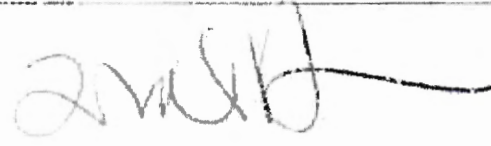
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Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

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Print Name, address, email:

Signature:

TOM HEARN 176 STALLIT MT ROAD	
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Print Name, address, email:

Signature:

Phil Hubbell kconahub@comcast.net	
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Print Name, address, email:

Signature:

Sharon Hubbell 807 Quail Drive	
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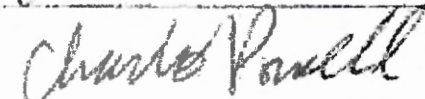
Print Name, address, email:

Signature:

KATHRYN KELLER 630 THAYER RD	
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Print Name, address, email:

Signature:

CHARLIE POWELL 1228 MARTIN RD	
----------------------------------	--

Print Name, address, email:

Signature:

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**Demand a Fair Hearing for the
Castle House Event Center Permit Appeal!**

The Santa Cruz Planning Commission has approved a permit for the Castle House at 4286 Bonny Doon Road, parcel number 063-082-13, to host up to 4 weddings or other receptions a year.

THIS EFFECTIVELY ALLOWS A COMMERCIAL ESTABLISHMENT IN THE MIDDLE OF A QUIET, RESIDENTIALLY ZONED NEIGHBORHOOD AND SETS A TERRIBLE PRECEDENT!

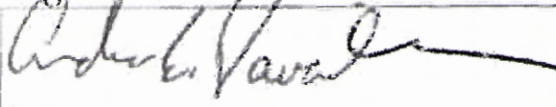
The Planning Commission didn't allow the RBDA and neighbors to answer points made by the Castle House consultants and supporters, or to point out the obvious contradiction in the new Castle House facility rental agreement presented at the last minute at the end of the Dec. 10, 2014 hearing.

It is only fair that the neighbors, who only want to enjoy their own properties in peace and quiet, should have every chance to explain why this permit violates the rules for Home Occupations.

**PLEASE SIGN THIS PETITION TO ASK THE BOARD OF SUPERVISORS
TO ALLOW A FAIR HEARING OF THIS PERMIT!**


Print Name, address, email:

Signature:

Andrew Davidson 4399 Bonny Doon Rd Santa Cruz bang-zipp@yahoo.com	
---	--

Print Name, address, email:


Signature:

Donita Springmeyer 98 Summit Drive Santa Cruz CA 95060	
--	--

Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal


Print Name, address, email:

Signature:

Bob + Victoria Goldenberg L Slone 1025 Martin Rd SC	
---	--

Print Name, address, email:

Signature:

Victoria Slone 1025 Martin Rd Santa Cruz, CA	
--	--

Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

Print Name, address, email:

Signature:

Arthur J. Weybright 400 Towhee Dr Santa Cruz, Ca. 95060 Jeeva@Art.Com	Arthur Weybright
--	------------------

Print Name, address, email:

Signature:

Dee Weybright 400 Towhee Dr Santa Cruz 95060	Dee Weybright
--	---------------

Print Name, address, email:

Signature:

Fuck you	Go home
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Print Name, address, email:

Signature:

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Print Name, address, email:

Signature:

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Print Name, address, email:

Signature:

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Print Name, address, email:

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**PLEASE SIGN THIS PETITION TO ASK THE BOARD OF SUPERVISORS
TO ALLOW A FAIR HEARING OF THIS PERMIT!**

Print Name, address, email:

Signature:

<i>Duke Alper</i>	<i>[Signature]</i>
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Print Name, address, email:

Signature:

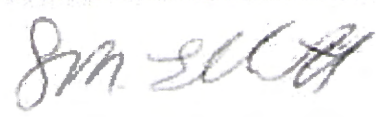
<i>Lynne Alper</i>	<i>[Signature]</i>
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Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

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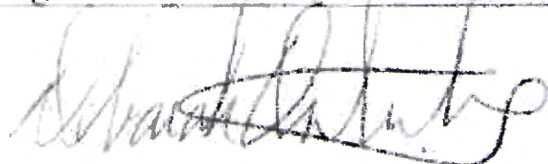
Print Name, address, email:

Signature:

S Elliott 189 McGIVERN Way Santa Cruz, CA 95060	
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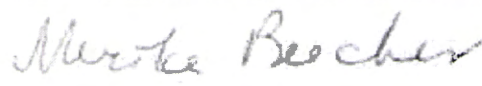
Print Name, address, email:

Signature:

Deborah Osterberg P.O. Box 992 Santa Cruz, CA 95061	
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Print Name, address, email:

Signature:

Merika Beecher 401 Pine Flat Santa Cruz CA 95060	
--	--


Print Name, address, email:

Signature:

Andy Fox 88, Pacific Road Santa Cruz CA 95060 andy@cruzio.com	
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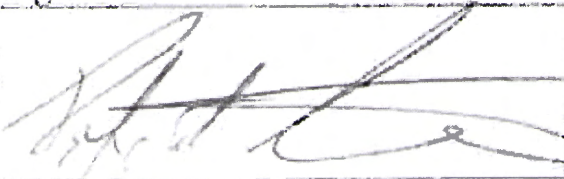
Print Name, address, email:

Signature:

LORRIE EMMERY 9005 LINDEN GLEN LORRIE@CRUZIO.COM	
--	--

Print Name, address, email:

Signature:

Robert Strickland 123 McGivern Way 95060 RLS@CRUZIO.COM	
--	--

Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

Print Name, address, email:

Signature:

David Rubin 200 Thayer Rd dmkrubin@gmail.com	
--	--

Print Name, address, email:

Signature:

JONATHAN BEECHER 401 PINE FLAT RD. jbeecher@vsc.edu	
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Print Name, address, email:

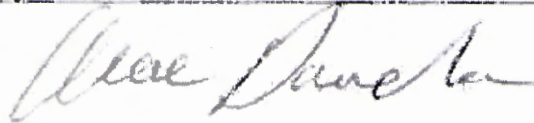
Signature:

Michelle Rubin 200 Thayer Rd. dmkrubin@gmail.com	
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Petition to the Santa Cruz Board of Supervisors to Hear the Castle House Permit Appeal

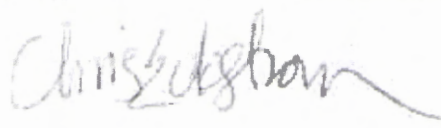
Print Name, address, email:

Signature:

Albie Davidson 4247 Bonny Dean Rd alied4249@gmail.com	
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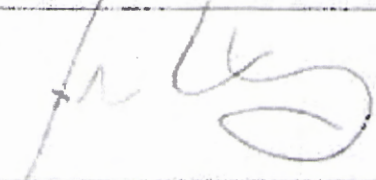
Print Name, address, email:

Signature:

Chris Ekstrom 1800 Back Ranch Road Santa Cruz, CA 95060 chrisx2enters@gmail.com	
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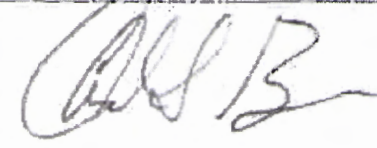
Print Name, address, email:

Signature:

Flora Loring 1800 Back Ranch Road Santa Cruz, CA 95060 chrisx2enters@gmail.com	
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Print Name, address, email:

Signature:

Chet Buehn 363 ICCORAN GRANDE Bonny Dean	
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Print Name, address, email:

Signature:

TERRY SUTTON 10 SOUTHWEST DR PTERANES, TION@SERRAVAL Bonny Dean (NET)	
--	--

Print Name, address, email:

Signature:

STEPHEN D HOMAN 215 Mt. Springs Dr Santa Cruz, CA 95060	
---	--

Print Name, address, email:

Signature:

--	--

For the Public Record
Board of Supervisors
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Fred McPherson
Supervisor Ryan Coonerty
And their Assistants

March 12, 2015

re. Castle house application number 131127
Jurisdictional Hearing planned for March 17, 2015

Dear Members of the Supervisors and staff,

I am writing to further back up the appeal submitted on behalf of myself and several unincorporated neighbors. There is a reason we paid the \$2000 fee to come before you to be heard. At each of the prior hearings, the Zoning Administrator and the Planning Commission, we were not allowed to present a rebuttle to often contentious topics. It felt as if we were railroaded. Let me share a couple of examples.

First, we were told by the planner Randall Adams that he preferred to have a petition rather than individual letters. It was not presented to either hearing that it was **his** preference. In fact the petition signed by over 70 community members was ignored and belittled with comments being heard that "anyone can sign a petition." Along the same lines, several letters were included for the Commission that had nothing to do with the Castle House. It was never acknowledged that there was broad support across Bonny Doon and in the immediate neighborhood for denying the commercial events in our single family, residential homes. This is an activity that would only benefit the applicant, and cause untold grief to the immediate community including myself.

Second, we were not allowed a rebuttle at the hearing before the Planning Commission. Several issues were talked about by the members of the Commission at the end of the open mike, and were misleading in their conversation. This includes what constitutes an "employee." The home occupation ordinance 13.10.613 item B 3 makes very clear "Not more than 5 additional employees may also be used for a home occupation if a Level V use approval is obtained." In the supporting documents for the hearing, the noise consultant clearly indicates during their "testing" of sound that for 60 attendees to the wedding, there were 15 staff. That would make 12 or 13 for 50 people. That far exceeds the home occupation. In addition in the Home Occupation ordinance, item B 9 states "All noise shall be contained within the boundaries of the site," making the sound report obsolete, but our attorney was not allowed a rebuttle.

I am appalled that we were not allowed nor did the Commission consider, a continuance because of a new contract that was submitted by the applicant near the end of the hearing. We should have been able to view that contract to understand the relationship between the applicant and the wedding parties.

Please allow us the opportunity for you to hear our appeal. We paid for it.

Thank you for your consideration.

Sincerely,



Deborah Hencke
160 Pine Flat Rd.
Santa Cruz, Ca. 95060

AKA: Debbie Hencke

#35

Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date: 3/11/15

Dear Sir:

I implore you to please vote to hear the appeal of concerned Bonny Doon residents at the Jurisdictional Hearing on Tuesday 3/17 about the Planning Commission's decision and findings of 12/10/14 regarding application number 131127, for a home Occupation located at 4286 Bonny Doon Road. We did not get a fair hearing last time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were not given an opportunity to challenge or comment on it. This application has wide ramifications not just for Bonny Doon but all of Santa Cruz county.

Thank you for your time.

Sincerely,

Phil Hubbard

Address and phone:

807 Quail Dr.
Santa Cruz, Ca. 95060
Bonny Doon
423-1608

#35

Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date: 3.11.15

Dear Sir:

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Thank you for your time.

Sincerely,

Lorrie Emery

Address and phone:

*9845 Empire Grade
Bonny Doon
4288309*

#35

Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date: *March 11, 2015*

Dear Sir:

I implore you to please vote to hear the appeal of concerned Bonny Doon residents at the Jurisdictional Hearing on Tuesday 3/17 about the Planning Commission's decision and findings of 12/10/14 regarding application number 131127, for a home Occupation located at 4286 Bonny Doon Road. We did not get a fair hearing last time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were not given an opportunity to challenge or comment on it. This application has wide ramifications not just for Bonny Doon but all of Santa Cruz county.

Thank you for your time.

Sincerely,

Margaret Ysseter

Address and phone:

*11400 Empire Grade
Santa Cruz Ca 95060*

#35

Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date:

Dear Sir:

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Thank you for your time.

Sincerely,



Address and phone:

2155 Pine Flat Rd
Santa Cruz, Calif
95060

#35

Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date: *March 11, 2015*

Dear Sir:

I implore you to please vote to hear the appeal of concerned Bonny Doon residents at the Jurisdictional Hearing on Tuesday 3/17 about the Planning Commission's decision and findings of 12/10/14 regarding application number 131127, for a home Occupation located at 4286 Bonny Doon Road. We did not get a fair hearing last time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were not given an opportunity to challenge or comment on it. This application has wide ramifications not just for Bonny Doon but all of Santa Cruz county.

Thank you for your time.

Sincerely,

Donita E. Sprengnether

Address and phone:

*98 Summit Drive
Santa Cruz, CA 95060
831 426-7933*

#35

Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date: 3/11/15

Dear Sir:

I implore you to please vote to hear the appeal of concerned Bonny Doon residents at the Jurisdictional Hearing on Tuesday 3/17 about the Planning Commission's decision and findings of 12/10/14 regarding application number 131127, for a home Occupation located at 4286 Bonny Doon Road. We did not get a fair hearing last time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were not given an opportunity to challenge or comment on it. This application has wide ramifications not just for Bonny Doon but all of Santa Cruz county.

Thank you for your time.

Sincerely,



Address and phone:

160 Pine Flat Rd.

#35

THE RURAL BONNY DOON ASSOCIATION
KEEPING BONNY DOON RURAL AND NATURAL • SINCE 1957
P.O. BOX 551 FELTON, CA 95018

March 9, 2015

Supervisor Greg Caput
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Re: Mar. 17 Jurisdictional Hearing re Appeal of approval of Application #13112

Dear Supervisor Caput,

The Executive Board of the Rural Bonny Doon Association urges you to hear an appeal of the Planning Commission's approval of Application #131127 to permit Teresa Sabankaya to rent out her home at 4286 Bonny Doon Road for 4 weddings a year.

We believe this application, made under the home Occupation Ordinance, Section 13.10.613 of the County Code, was not appropriately processed by Planning Dept. staff and that significant issues that we raised in a letter to the Zoning Administrator were not addressed. To let the Zoning Administrator's and Planning Commission's approval stand would establish a county-wide precedent that distorts the definition of the Home Occupation ordinance and deprives rural county homeowners of the peaceful enjoyment of their property that they expected when they chose to reside in an area zoned Rural Residential. We believe the Zoning Administrator and Planning Commission overlooked key parts of the Home Occupation ordinance and so we ask that your Board hear this appeal so that the interests of constituents in your district will be better represented.

We are also disappointed by the conduct of the Planning Commission hearing at which key materials were allowed to be introduced for the Commission's consideration that were not included in the Commission's packet. This action denied the appellants an opportunity to examine or rebut these materials. We feel this is unfair to the appellants who invested time and money with an expectation of getting a full and fair hearing.

The Planning Commission's decision has far reaching implications for residentially zoned properties county-wide. By agreeing to hear an appeal of the Planning Commission decision, we trust you and the Board will apply oversight and careful consideration that this application has not received in the permit process.

Sincerely,

Marty Demare

Marty Demare
Corresponding Secretary

copy of our letter to the Z A enclosed.

#35

THE RURAL BONNY DOON ASSOCIATION
KEEPING BONNY DOON RURAL AND NATURAL • SINCE 1957
P.O. BOX 551 FELTON, CA 95018

August 29, 2014

Zoning Administrator
County of Santa Cruz Planning Department
701 Ocean St. 4th Floor
Santa Cruz, 95060

RE: Application #131127

Dear Sir,

The Board of the Rural Bonny Doon Association opposes the granting of a permit allowing commercial functions to be held at the Sabankaya property. We cannot accept the assertion in the Coastal Development Permit findings (Exhibit B, #5) "That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity". This finding cannot be made where you are inserting an ongoing commercial event operation into a rural residential environment and given that the permit application before you was required in response to complaints to the County from neighbors disturbed by the unpermitted commercial activities at the site.

The frequency of events and number of guests was scaled back during the process that preceded submission of this permit application. This fact recognizes that the proposed use does have impacts on the nearby rural residents. If a reduction in scale of the operation is deemed to make the operation acceptable then a monitoring program would have to be designed and implemented. Limiting size and frequency of events is not an effective mitigation of impacts if there is no mechanism or process to insure that the conditions contained in a permit are adhered to. The staff report does not provide any information on how compliance with the restrictions on number and frequency of events will be monitored, and how violations would be identified. In fact, we do not believe such a monitoring program would be practical and enforceable without burdensome attention from neighboring residents or costly ongoing site visits from County staff, and in fact a business model such as this inherently favors expansion of the scale.

Our Board feels that approval of this permit would set a very bad precedent by allowing inappropriate commercialization of Rural Residential zoned property.

Sincerely,

Marty Demare

Corresponding Secretary

Cut out this form and mail it to:

Randall Adams, Santa Cruz County Planning Dept., 701 Ocean St., Santa Cruz, CA 95060

Say NO to the Castle House Event Center!

I am opposed to granting a permit for the Castle House, at 4286 Bonny Doon Road, parcel number 063-082-13, to be used as a commercial venue for weddings or other receptions. This kind of commercial establishment doesn't belong in the middle of a residentially zoned neighborhood. Neighbors trying to enjoy their own properties shouldn't be subjected to noise, traffic and intrusions by partiers. Allowing this commercial use reduces the value of neighbors' properties, and sets a precedent for allowing commercial event centers in Bonny Doon's quiet neighborhoods.

Name(s)

Signature(s)

Margaret M. Kliegel

MARGARET M. KLIEGEL

*These folks know full well
the property was zoned
for residential use
commercial when they bought
it. Most of the rest of
us bought out here for
"rural" and quiet.*

3/17 Bard

Item #
35

March 15, 2015

RECEIVED
CLERK OF THE BOARD

MAR 16 2015

BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ

VIA EMAIL

Board of Supervisors
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: Jurisdictional Hearing to Consider Appeal of Application Number 131127 to
Allow Floral Design Classes and Weddings as a Home Occupation;
March 17, 2015 Agenda; Agenda Item # 35

Dear Members of the Board:

This law firm represents appellant Unincorporated Association of Multiple Bonny Doon Residents and Neighbors with respect to the above referenced agenda item. For the reasons stated below, we respectfully request that the Board take jurisdiction of this appeal so that the citizens of Bonny Doon may be heard on this matter. The approval allows workshops, luncheons and weddings. This is not solely about four weddings per year. The approval of this application breaks new ground and stretches the definition of a "home occupation" beyond recognition. Indeed, the approval is precedential. While the appellant has already detailed the basis for its appeal, we offer these additional comments in response to the Staff Report for this item.

First and foremost, we would also like to note for the record that the County Staff many times dates Staff Reports far in advance of when they are actually released for public review. This case is no exception. The Staff Report for this appeal is dated January 29, 2015, one and one-half months in advance of its actual release for public review. Indeed, the Staff Report notes that Annette Whelan, a consultant to the appellant, is copied on the report. However, as of the writing of this letter, she still did not receive the Staff Report from the County. Many times there are complaints that letters in response to Staff Reports are filed within hours or days of the Board's meeting. These complaints are misdirected if Staff Reports are not released well in advance so that citizens and appellants may respond. If this Staff Report was indeed ready on January 29, 2015, the appellant would have had more time to respond earlier than the filing of this letter.

A) The Appellant Did Not Receive a Fair Hearing Before the Planning Commission

Contrary to the assertions in the Staff Report, the Appellant did not receive a fair hearing before the Planning Commission. The Planning Commission took testimony from the applicant and the applicant submitted new information to the Planning Commission. Normally, appellants are given time to rebut the assertions of the applicant. Indeed, the appellant paid the requisite appeal fees and is entitled to be heard on the new information and to rebut any claims made by the applicant or supporters of the applicant. The Board of Supervisors should take jurisdiction so the appellant may be fully heard.

B) The Approval of this Home Occupation Does Not Comply with the Spirit or the Literal Language of the Home Occupation Ordinance

The logical extension of the approval of this particular home occupation is at odds with the spirit, purpose and explicit terms of the home occupation ordinance. This ordinance was clearly aimed at allowing residents to operate small, solo businesses out of their home for the direct services and goods they provide (i.e., a home office). The ordinance was not intended to allow someone to rent their homes for uses that are in some tenuous way related to the main service or goods they provide. Santa Cruz County Code § 13.10.613(A)(1) explains the purpose of the home occupation ordinance is “[t]o allow persons to carry on *limited*, income-producing activities on their residential property...” (Emphasis added).

In this case, the main business is a floral design studio. The Staff Report states that “[i]n this case, the primary home occupation is flower gardening and sales... . The wedding component was designed to be a *logical extension* of this particular home occupation use.” (Staff Report, p. 3 (emphasis added)). The Negative Declaration prepared pursuant the California Environmental Quality Act (CEQA) states that “[t]he [floral design] studio is proposed to be located within the existing garage that is attached to the main residence and would not be open to the public. The applicant is the only employee associated the (sic) studio....” (Initial Study/Negative Declaration, p. 32). The Noise section of the Negative Declaration also separates the floral design studio from the noise impacts associated with the wedding events. “The floral design studio use would not result in a substantial permanent increase in ambient noise levels in that the use would take place indoors within an existing garage, the property owner is the only employee of the business, ... and the studio would not be open to the public.” (Initial Study/Negative Declaration, p. 49). Thus, it is clear that the actual

home occupation is not inextricably linked to luncheons and wedding events. Under the approved application, home occupations are only limited by the imagination.

Santa Cruz County Code § 13.10.613(B)(3) states that “[t]he home occupation *shall be carried out primarily by a full-time inhabitant* of the dwelling.” (Emphasis added). The resident of the home is a floral designer. Nothing more. She does not run weddings or luncheons. She provides a service to weddings and luncheons. She does not *primarily* carry out the activities associated with weddings or luncheons. She provides the flowers and arrangements. However, this approval allows her to rent her home for others to conduct activities, including wedding planners, caterers, bartenders, DJ’s, and musicians. The ordinance does not contemplate that others may piggyback onto the actual, true home occupation to do things that otherwise would not be permitted. Indeed, the ordinance limits the home occupation to “limited, income-producing activities,” and to the person that inhabits the home.

Santa Cruz County Code § 13.10.613 provides that “[n]ot more than five additional employees may also be used for a home occupation if a Level V use approval is obtained.” Oddly, the Planning Commission debated whether “contractors” are “employees” for purposes of the ordinance. The Staff concurs with this reasoning, which is that contractors “are not permanent ongoing employees of the home occupation should not be counted among the five employee limitation for this application.” The Staff Report then boldly states a new standard not found in the County Code which is that “All other service providers would be contractors (officiant, food service, divers, setup/takedown, maintenance, etc.) who may not necessarily be on the site at any one time.” Under such logic, any home occupation could qualify for more than five employees by simply staggering their hours. Such hairsplitting is proof that the approval is attempting to fit a square peg into a round hole.

The logic of the Planning Commission that contractors are not employees was flawed. Aside from not being consistent with the County Code, if the so-called contractors onsite are not “employees,” then they are not entitled to ride the coattails of the home occupation. The home occupation is a floral design business. The contract for the service includes the renting of the home for the events that are sponsored and held by others. The attempt to circumvent the home occupation ordinance by calling those hosting the event “contractors” is fatal to the application. They are either employees of the business of the “full-time inhabitant,” who is limited to having five employees, or the contractors are conducting business at the residence unrelated to the home occupation making it an illegal use.

Finally, the ordinance clearly only applies to small, unobtrusive home businesses since it

limits personal services. Section 13.10.613 states that personal services “may involve no more than one person at a time, unless a Level V use approval is obtained.” It was clearly not envisioned that there could be 50 people, plus all the “contractors,” on the property at one time. It was intended to keep the home occupation “limited” as the ordinance’s purpose states.

If a floral arranger can have a wedding business on his or her property, than a tailor can do the same. After all, he or she makes or rents the tuxes for the wedding party. A hairdresser or beautician can also make the same claim because they provide a service to the wedding party. An accountant or consultant working out of his or her home can also rent their home out to clients for any activities associated with their clients’ businesses. The examples are endless. For this reason alone, the Board should accept jurisdiction. It strains credulity to argue that anything associated with someone’s occupation entitles a property owner to rent their property out to others to also conduct business activities. Indeed, approving the home occupation at issue in this matter threatens the integrity of the County Code and its implementation and application, and makes a mockery of residential zoning because all types of activities causing a nuisance to the community and neighbors will now be considered. Home occupations were clearly intended to allow people to operate a home office, not hold events. The magnitude of this proposal is highlighted by the recommendation that “106 lineal feet of leaching trench (694 sq.ft. Of volume) to accommodate the increase in wastewater resulting from the proposed home occupation use.” (Initial Study/Negative Declaration, p. 55). Furthermore, “[c]onditions of approval of the use permit would require the applicant to notify Greenwaste at least 72 hours prior to each event to schedule a special trash pick-up on the day following the event to ensure that trash does not accumulate on the property.” (Initial Study/Negative Declaration, p. 57).

C) The Home Occupation Ordinance Requires that Noise be Contained on the Property

Santa Cruz County Code § 13.10.613(B)(9) provides that “[a]ll noise shall be contained within the boundaries of the site.” The Negative Declaration and the noise study for the project assume that some noise will go beyond the boundary of the site. The Staff Report states that

Although it is not possible to contain all noise from a given use to a specific location, the noise study determined that the general noise environment is related to vehicle traffic on Bonny Doon Road. The amplified music related to a wedding event that was monitored on the site did not exceed the background roadway noise levels, in compliance with County Code section 13.10613(B)(9).

(Staff Report, p. 4 (emphasis added)). This statement ignores the explicit language of the ordinance that "**All noise** shall be contained within the boundaries of the site." An argument that the noise is equivalent to other types of noise in the area is not an exception to this ordinance. Indeed, the Negative Declaration states that "[t]here would be a slight increase in ambient noise levels during outdoor wedding events." The Negative Declaration imposes a mitigation that events "shall not exceed 75 decibels at any time during commercial events." (Initial Study/Negative Declaration, p. 49). The Negative Declaration also notes that "[t]emporary and periodic increases in ambient noise levels are expected to occur as part of the proposed wedding events..." (Initial Study/Negative Declaration, p. 51). As noted in the noise study, any noise between 50 to 70 decibels is considered "intrusive." (Wedding Noise Monitoring Study, p. 3). Nevertheless, despite the Staff Report's assertions that noise cannot be contained on the property, the ordinance requires this to be the case. The ordinance envisions home occupations to be unnoticeable in residential zone districts. That is why the ordinance requires that "[t]he 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." Santa Cruz County Code § 13.10.613(B)(1). The County cannot simply undue the ordinance by simply ignoring the directive that "all noise shall be contained within the boundaries of the site." The Staff Report tacitly admits that this standard is not met by arguing that it is not possible to contain the noise. If the noise cannot be contained, then the home occupation cannot be approved.

D) The Negative Declaration Violates CEQA Because it Employs the Wrong Noise Standard

The Negative Declaration analyses the home occupation under the wrong noise standard. As indicated in the Initial Study/Negative Declaration at p. 50, the County was required to analyze "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." The County begins the analysis by correctly stating the standard in Santa Cruz County Code § 13.10.613 "which requires that all noise be contained within the boundaries of the site." (Initial Study/Negative Declaration, p. 50). But, then the Negative Declaration asserts that "[t]here is no definition of the term 'noise' in the County Code and the personal threshold for noise tolerance varies among individuals..." (Initial Study/Negative Declaration, p. 50). The Staff Report fundamentally ignores the fact that noise is something that can be heard. It does not need to be defined. But, the Negative Declaration simply defers to the noise standard set forth in the County General Plan. Instead of following the standard in section 13.10.613(B)(9), the Negative

Declaration abandons the code requirement in favor of following thresholds of allowable noise under the General Plan. This fundamentally violates CEQA.

Any conflict of a project with an ordinance must be analyzed in the environmental review. Since the County has not prepared an EIR for this project, the appellant need only make a "fair argument" that the Project is inconsistent with the ordinance. *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 929-931 ("[I]f substantial evidence supports a fair argument that the proposed project conflicts with the policies of the PUD, this constitutes grounds for requiring an EIR. Whether a fair argument can be made on this point is a legal question on which we do not defer to the City Council's determination."). Courts have repeatedly affirmed that the fair argument standard is a "low threshold test." *The Pocket Protectors v. City of Sacramento, supra*, 124 Cal.App.4th at 928; *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123-1126.

Whether the administrative record contains "substantial evidence" in support of a "fair argument" sufficient to trigger a mandatory EIR is a question of law, not a question of fact *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 905; *Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1122. Therefore under the fair argument standard, "deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." *Sierra Club v. County of Sonoma* (1992) 6 Cal App 4th 1307, 1318; *see also, Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597 (rejecting an approval of a Negative Declaration prepared for a golf course holding that "[a]pplication of [the fair argument] standard is a question of law and deference to the agency's determination is not appropriate.") Evidence supporting a fair argument need not be overwhelming, overpowering or uncontradicted. *Friends of the Old Trees v. Department of Forestry and Fire Protection* (1997) 52 Cal.App.4th 1383, 1402. Instead, substantial evidence to support a fair argument simply means "information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." 14 Cal. Code Regs. § 15384; *Pocket Protectors, supra* 124 Cal.App.4th at 927-928; *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland, supra*, 52 Cal.App.4th at 905.

Pursuant to Public Resources Code § 21167(f), I am requesting that the County forward a Notice of Determination to me if and when the Project is finally approved. That section

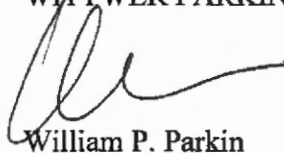
Board of Supervisors
Application Number 131127
March 15, 2015
Page 7

provides:

If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

Thank you for your consideration of these comments.

Very truly yours,
WITTWER PARKIN LLP



William P. Parkin

cc: Kathy Previsich
Client

Alicia Murillo

From: cdbbosmail@co.santa-cruz.ca.us
Sent: Monday, March 16, 2015 12:39 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 3/17/2015

Meeting Type : County
Board of Supervisors

Item Number : 35.00

Name : Russ Mackey

Email : Rmackey411@comcast.net

Address : Bonny Doon

Phone : Not Supplied

Comments :

RE: Appeal of the Planning Commission's approval of Application Number 131127, item number 35 on your Board's agenda for March 17, 2015.

Dear Supervisors,

Please vote to take jurisdiction of the appeal and grant further review of the Planning Commission's decision in this matter.

I believe that your review will result in a clear finding of abuse of discretion by the Planning Commission.

Background:

The Staff Report for the Zoning hearing on September 5, 2014 repeatedly states the number of employees of the Floral Design Studio to be ONE: the owner of the property. (Staff report, Pages 3, 13, 28, 29 & 30)

The Staff Report NEVER discusses the number of persons to be employed to for the Wedding and Reception activities.

County Code 13.10.613(3) sets a hard limit of six (6) employees for a home occupation WITH a level V approval.

"13.10.613(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."

Abuse of Discretion

On December 10, 2014 the Planning Commission upheld the ruling of the

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Zoning Administrator. When it was pointed out that more than six employees are required to service weddings, the Planning Commission found those employees to be 'contractors' who are not to be included in the count of employees.

If a home occupation can exceed the number of allowed employees simply by designating employed individuals as [somehow exempt] contractors, then the business is no longer a 'home occupation' - it becomes, in fact, a VENUE for events, just as are many lawfully operating facilities that provide space for weddings (such as County facilities at Highland Park, Quail Hollow Ranch and Valencia Hall).

The effective creation of an Event Venue in a residential district, without clear authority to do so, and by means of redefining the word 'employee' is beyond the scope of authority of the Planning Commission and is an abuse of discretion.

Please take jurisdiction of the appeal.

Thank you,

Russ Mackey
45 year resident
Bonny Doon

Subject: Please support the Sabankaya Application No. 131127
From: Gail McNulty (gail.mculty@gmail.com)
To: ryan.coonerty@santacruzcounty.us;
Date: Saturday, March 7, 2015 2:18 PM

Dear Mr. Coonerty,

My husband Bill and I purchased 4415 Bonny Doon Road (formerly Tom Zingale's home) and moved in on August 17, 2014. We have enjoyed getting to know our neighbors Teresa and Nezhi Sabankaya. We are the Sabankaya's nearest neighbors—I see their home when I look out of my kitchen window.

I have spoken on Teresa's behalf at two fair and impartial hearings and I was happy that her permit was approved based on the facts presented. The approval of the home occupation permit was not an error or an abuse of discretion and the appellants will not be submitting any significant new information. Bill and I continue to support Teresa's permit application and we ask you now to please uphold the planning commission's decision.

Teresa and Nezhi have been completely open about their application to host four small weddings a year at their beautiful home and have explained that there will be no amplified music in the garden, noise will be kept to 65 decibels, and guests will leave at 9 pm. Most guests will take shuttles so traffic should not be an issue. These intimate, exclusive gatherings in the midst of the Sabankaya's lovely, expansive gardens and private courtyard will not be intrusive to the neighborhood.

Sincerely,

Gail and William McNulty

--

Gail McNulty
831-425-3580
571-283-9567 (cell)

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Subject: Sabankaya Application No. 131127
From: Nancy Lambing (nancyinbonnydoon@sbcglobal.net)
To: bruce.mcpherson@co.santa-cruz.ca.us;
Date: Saturday, March 7, 2015 3:35 PM

Dear Supervisor McPherson:

We have had the pleasure of meeting you at Bart and Priscilla Codiga's wedding reception as well as at events for Valley Churches United Missions. I am a long-time volunteer at Valley Churches, and both of us served on the foundation board of Bonny Doon School. I give you this background information so that you know we are sincere and concerned community citizens.

We are 15 year residents of Bonny Doon; we live very close to and pass by the Sabankaya's property every day. We have never been disturbed or inconvenienced by any events they may have had; we have never noticed any unusual noise or traffic. Their social events seem to be no different from many other of our friends' events that are held here in Bonny Doon on a semi-regular basis.

We are aware that the RBDA is becoming more and more intrusive as far as private property owners' rights; they have declared that the opinions of a few should cause the majority of people to live a certain way.

The RBDA seems to quite often make statements without backup research or documentation; often building a straw man scenario. Because statements are written in the RBDA publication does not make them credible or represent the overwhelming majority of the Bonny Doon community!

We attended the meeting in December where the Planning Commission decided in favor of the Sabankaya's permit and we believed that was a fair decision and one that should stand unless the restrictions were violated. We were totally taken aback when the RBDA announced they were going to continue to fight on this issue; and we don't believe any of the facts of the case have changed. Why should the decision be changed? Seems it's not a fair decision unless the RBDA wins!

The Sabankayas have bent over backwards to scale back the number of events they had hoped to have; they should be given the opportunity to hold these events on their property. If there are some people here who have nothing else to do but to take notes and complain, then you can take their complaints into consideration, but take into consideration also the merit (or lack of merit) of their complaints.

Thanks for any help you can give to enforce the fact that we still have individual property rights; especially if we're not truly infringing on other peoples' rights or causing undue damage. Please uphold the Planning Commission's decision.

We look forward to seeing you at the March 17 meeting.

Sincere regards,

Nancy & Ed Lambing
340 Country Estates Drive
Bonny Doon, CA 95060
831-460-0688

Subject: Fwd: Sabankaya Application # 131127
From: KurtA913@aol.com (KurtA913@aol.com)
To: hs-charlie@pacbell.net;
Date: Sunday, March 8, 2015 11:02 AM

For your info
Regards
Kurt Andreassen

From: KurtA913@aol.com
To: ryan.coonerty@santacruzcounty.us, bruce.mcpherson@santacruzcounty.us,
zack.friend@santacruzcounty.us, john.leopold@santacruzcounty.us, greg.caput@santacruzcounty.us
Sent: 3/8/2015 11:00:20 A.M. Pacific Daylight Time
Subj: Sabankaya Application # 131127

Dear Board of Supervisors,

My name is Kurt Andreassen and I reside at 4685 Bonny Doon Road which is a few houses away from the Sabankaya residence.

I am in support of the recently issued Sabankaya permit and feel the planning commission's earlier decision to grant the permit should be upheld. The approval of the permit was made through fair and impartial hearings. I believe there are no grounds for an appeal of the granted permit.

Again I believe the approved weddings etc that were granted in the permit do not adversely affect me and my family as neighbors to the Sabankayas.

Feel free to contact me if you would like to discuss this matter in more detail.

Sincerely
Kurt Andreassen

Subject: Please support the Sabankaya Application No. 131127
From: Gail McNulty (gail.mculty@gmail.com)
To: ryan.coonerty@santacruzcounty.us;
Date: Saturday, March 7, 2015 2:18 PM

Dear Mr. Coonerty,

My husband Bill and I purchased 4415 Bonny Doon Road (formerly Tom Zingale's home) and moved in on August 17, 2014. We have enjoyed getting to know our neighbors Teresa and Nezhi Sabankaya. We are the Sabankaya's nearest neighbors—I see their home when I look out of my kitchen window.

I have spoken on Teresa's behalf at two fair and impartial hearings and I was happy that her permit was approved based on the facts presented. The approval of the home occupation permit was not an error or an abuse of discretion and the appellants will not be submitting any significant new information. Bill and I continue to support Teresa's permit application and we ask you now to please uphold the planning commission's decision.

Teresa and Nezhi have been completely open about their application to host four small weddings a year at their beautiful home and have explained that there will be no amplified music in the garden, noise will be kept to 65 decibels, and guests will leave at 9 pm. Most guests will take shuttles so traffic should not be an issue. These intimate, exclusive gatherings in the midst of the Sabankaya's lovely, expansive gardens and private courtyard will not be intrusive to the neighborhood.

Sincerely,

Gail and William McNulty

--

Gail McNulty
831-425-3580
571-283-9567 (cell)

March 9, 2015

Santa Cruz County Board of Supervisors
701 Ocean Street, Santa Cruz, CA 95060

Re: Support for Sabankaya approved permit #131127

Dear Members of the Board:

I see from a position paper being distributed by the Rural Bonny Doon Association that there is now a third effort to deny the Sabankayas the legal use of their property to conduct four small, and highly restricted, weddings per year.

Those filing this appeal claim this permit sets a "dangerous precedent" for commercialization and, through innuendo, question the character and intentions of the Sabankayas themselves. Both assertions are totally without merit. There have been previous use permits in Bonny Doon, at the Hoogner property for example, where many large weddings and events took place utilizing the private residence and personal grounds as the venue. That usage did not result in either community disruption or commercial expansion. As for the Sabankayas, they are the only party involved in this situation to display reason, flexibility, good faith and cooperation.

In our opinion, both the original grant of the permit by the Planning Commission and rejection of the subsequent appeal by the Zoning Administrator were fairly delivered and justified by the facts. There are no new facts or conditions to change that reality. It is clear these endless appeals are being driven beyond the bounds of common sense and the issue is being pursued for reasons outside the implied good of the community. Therefore, based on the history and facts, we stand with the Sabankayas in requesting that this latest appeal be rejected.

Sincerely and with regards,

Bill and Vallorie Reisig
10795 Empire Grade
Bonny Doon, CA 95060

CC: Ryan Coonerty
Bruce McPherson
Zach Friend
John Leold
Greg Caput
File

Subject: We support the Sabankaya Home Occupation Permit that was approved by the Zoning Administrator

From: Jean Williams (jwmsfamily@yahoo.com)

To: ryan.coonerty@santacruzcounty.us; bruce.mcpherson@santacruzcounty.us;
john.leopold@santacruzcounty.us; greg.caput@santacruzcounty.us; zach.friend@santacruzcounty.us;

Date: Wednesday, March 11, 2015 4:24 PM

We support the Sabankaya Home Occupation Permit that was approved by the Zoning Administrator on September 5th--Application #131127

We live across the street from the Sabankayas and have no problem with having small weddings and floral design workshops there. We feel that the planning commission's decision should be upheld. Nothing has changed since the original hearings which were fair and impartial.

We wish Teresa well and hope that she will be able to continue her business.

Jean and John Williams
4411 Bonny Doon Road
Santa Cruz, CA 95060

Subject: Application #131127
From: Sharon Meyers (s-meyers9891@sbcglobal.net)
To: hs-charlie@pacbell.net;
Cc: tessasgarden@gmail.com;
Date: Thursday, March 12, 2015 11:41 AM

To: Ryan.coonerty@santacruzcounty.us

March 10, 2015

Re: Application #131127

I am in support of the Sabankaya Home Occupation Permit that was approved by the Zoning Administrator on September 5, 2014 and again on December 10, 2014 .

I attended the previous meetings regarding this application and am shocked and surprised that the previous rulings by the Zoning Administrator and County Staff are being challenged. In my opinion, the previous rulings were supported and based on facts, and the hearings were fair and impartial. There was no significant new information submitted by the appellants at the last appeal meeting and I find it difficult to understand why further appeals are being considered.

It appears that the appellants have nothing better to do with their time and have excess funds to continue with this lengthy process causing the Sabankaya's to spend time and money defending an issue that has been ruled upon twice. As a taxpayer, I disapprove of the wasteful use of public officials' time on an issue already settled at the first two hearings.

Sharon Meyers, 1510 Smith Grade, Bonny Doon, Ca. 95060

Cc: bruce.mcpherson@santacruzcounty.us

Zach.friend@santacruzcounty.us

John.leopold@santacruzcounty.us

Greg.caput@santacruzcounty.us

Subject: Permit Review: Teresa Sabankaya/Castle House
From: Chelsea LeBrun Gustafson (chelsea.gustafson@gmail.com)
To: zach.friend@santacruzcounty.us;
Date: Friday, March 13, 2015 12:51 PM

Chelsea L Gustafson
105 Country Estates Terrace
Santa Cruz, CA 95060

March 13, 2015

Zach Friend
County of Santa Cruz
Santa Cruz, CA 95060

Dear Mr. Friend,

This letter is in support of the home occupation permit held by Teresa Sabankaya regarding the use of her property, 4286 Bonny Doon Road, also known as *the Castle House*, as a venue for weddings. This permit is currently under review with your board due to an appeal made by the *Unincorporated Associate of Multiple Bonny Doon Residents*.

As a resident of Bonny Doon and near neighbor of the property in question (1.1 miles away), I whole-heartily disagree with the appeal and offer my opinion that the decision by the planning commission to approve the permit should be upheld. The approval of the permit was not an error nor was there any new information submitted by the appellants. The appellants in fact, have no data supporting their appeal, as the original hearings were fair and impartial and the approval was supported by facts. The appellants speak on behalf of *multiple* Bonny Doon Residents, but not all. Both my husband and I are in support of the permit and I am acquainted with other neighbors share my opinion.

I would be delighted to see this beautiful property used as a venue for such positive and happy events. The opponents to this permit suggest that "it is unfair for one property owner to benefit financially at the expense of his/her neighbors," and while I agree with their generalized statement, the presumption that these events would be held at the expense of the neighbors is absolutely false. The parameters of the *Castle House Proposal* are well within general good-neighborly conduct with ending times of 7 pm and a small number of guests so that noise or parking will not be a concern. In fact, the previous proposal consisting of 10 weddings, 100 guests and a 10 pm end time are also wholly acceptable.

My household and many of my neighbors have hosted private gatherings, which last much later than 7 pm and with nearly, and sometimes surpassing the 50 guests that the current proposal in question is requesting. In every instance to which I have been privy, my neighbors have been courteous of other residents' privacy and respectful of the collective desire to maintain a peaceful environment in Bonny Doon. As not only a business owner, but also a resident of Bonny Doon, Teresa Sabankaya would have both a personal and a professional desire to carry on with the tradition of courtesy and respect. In addition, she will be legally bound to these parameters, making the events held at the Castle House more placid than the majority of the ubiquitous private gatherings.

I hope that you will rule in favor of the *Castle House Proposal* and Teresa Sabankaya's attempts to bring a wholesome small business to our lovely community.

Sincerely,

Chelsea Gustafson

Chelsea LeBrun Gustafson

Graduate Researcher and Ph.D. Student

Department of Chemistry and Biochemistry

University of California, Santa Cruz

chlgusta@ucsc.edu


Chelsea.gustafson@gmail.com

*The attached PDF is a copy of the contents of this email.

Subject: Sabankaya permit
From: Pat Pfremmer (forpat@gmail.com)
To: charlie@hamiltonswift.com;
Cc: tizzasgarden@gmail.com;
Date: Friday, March 13, 2015 10:50 AM

My name is Pat Pfremmer, I regret that I cannot attend today's hearing. I live close to the Sabankayas. **I support Teresa Sabankaya's home occupation permit**, and I urge you to not take jurisdiction.

LinkedIn/PatPfremmer



Pat Pfremmer
COMPLEX RESEARCH PROJECTS
PERSON LOCATOR
HEIR SEARCHES - BACKGROUND CHECKS
SPECIALIZING IN ADOPTION RELATIONS
forpat@gmail.com
225 Chestnut St. #200
Cambridge, CA 93823
(916) 459-0800

Subject: Sabankaya Permit
From: dherd@baymoon.com (dherd@baymoon.com)
To: ryan.coonerty@santacruzcounty.us;
Cc: zach.friend@santacruzcounty.us;
Date: Friday, March 13, 2015 6:37 AM

Enough Already! The group that is anti-Sabankaya is wasting our tax dollars. Your organization should move on to new and real problems. I am writing in support that you uphold the planning commissions' decision.

The approval was not an error or abuse of discretion.

The approval is supported by the facts. There is no proof that approval of this miniature event would give anyone else the idea to apply for a permit to do the same. That logic is faulty.

The hearings were fair and impartial.

No new information is forthcoming.

Sincerely,

Diane Herd

Subject: Support Teresa
From: Deanna Ddm (ddmdidi@yahoo.fr)
To: charlie@hamiltonswift.com;
Date: Friday, March 13, 2015 12:21 PM

My name is Deanna de Marigny and I own property on Cathedral Park Drive, very near the Sabankaya residence. I support Teresa's home occupation permit and ask that your board not take jurisdiction.

Envoyé de mon iPhone

Dick Tiffin and Pat Pfremmer
101 Cathedral Park Drive
Bonny Doon, Ca 95060

March 8, 2015

Santa Cruz County Board of Supervisors
701 Ocean Street, Santa Cruz, CA 95060

RE: Consideration of Jurisdiction for Appeal of Sabankaya Permit / Mar. 17

Dear Honorable Supervisors:

We are sadden to learn that Teresa Sabankaya's home occupation permit has -yet again - been appealed. We respectfully ask that your Board **NOT** take jurisdiction.

Under the County Code, the grounds for taking jurisdiction are very specific. In our opinion, the only plausible ground for appeal is that there is significant new evidence [emphasis added] ...which could not have been presented at the earlier hearings, or words to that effect.

From what we have read and heard, the appellants' position is merely a rehash of the same arguments. There is nothing new that could not have been presented earlier. Their other arguments are non-starters.

The applicant has been through the ringer in this process. At the urging of the appellants, the original application has been gutted. The primary concerns of noise and traffic have been resolved, but they are still not satisfied. We are talking about FOUR small weddings. A person with a large extended family could have four (larger) weddings a year without a permit, and maybe host a family reunion and a Fourth of July picnic ...what is the difference? Yes, Teresa will be able to promote her flower business and she will earn some money.

Come to Bonny Doon on any beautiful spring/summer/fall weekend and you will see and hear a lot going on. And it is not regulated. There are numerous unpermitted 'home occupations', too. When people see what Mrs. Sabankaya has been going through, no one in his or her right mind would voluntarily go through the permit process. And we want to stress that it is not the application process itself, nor the staff, and it is not the time and the cost. It is the stress of groundless appeals.

We regret that we are unable to attend the March 17 hearing due to earlier commitments. Thank you for considering our opinions.

Sincerely, Dick Tiffin and Pat Pfremmer

Dick Tiffin Pat Pfremmer

Supervisor Greg Caput
701 Ocean Street , Room 500
Santa Cruz, CA 95060
Re: Application 131127

March 11, 2015

Dear Supervisor Caput,

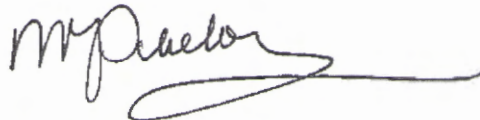
As a resident of Bonny Doon who lives close to the property in question, I urge you to hear the appeal of concerned Bonny Doon residents at the jurisdictional hearing on Tuesday, March 17, regarding the Planning Commission's decision and findings of December 10, 2014 about application # 131127, for a home located at 4286 Bonny Doon Road.

We did not get a fair hearing at that time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were denied an opportunity to challenge or comment on it.

This application has wide ramifications not just for Bonny Doon but for all of Santa Cruz County.

Please allow us the opportunity to appeal.

Sincerely,



Monique J. Ockeloen

Monique Ockeloen
70 Pine Flat Road
Bonny Doon, CA 95060

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Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date:

Dear Sir:

I implore you to please vote to hear the appeal of concerned Bonny Doon residents at the Jurisdictional Hearing on Tuesday 3/17 about the Planning Commission's decision and findings of 12/10/14 regarding application number 131127, for a home Occupation located at 4286 Bonny Doon Road. We did not get a fair hearing last time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were not given an opportunity to challenge or comment on it. This application has wide ramifications not just for Bonny Doon but all of Santa Cruz county.

Thank you for your time.

Sincerely,

Margaret M. Klingel

Address and phone:

*4175 Smith Grade
Santa Cruz CA
95040*

831-423-9092

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Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date: 3/14/2015

Dear Sir:

I implore you to please vote to hear the appeal of concerned Bonny Doon residents at the Jurisdictional Hearing on Tuesday 3/17 about the Planning Commission's decision and findings of 12/10/14 regarding application number 131127, for a home Occupation located at 4286 Bonny Doon Road. We did not get a fair hearing last time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were not given an opportunity to challenge or comment on it. This application has wide ramifications not just for Bonny Doon but all of Santa Cruz county.

Thank you for your time.

3/14/2015

Sincerely,

Mike W. Hume
Nancy Hume

Address and phone:

4141 Smith Grade
Santa Cruz, CA 95060

It is outrageous to permit this type of commercial development here in Bonny Doon. We moved here 40 years ago for the tranquility and environmental beauty. Now you have it in your hands to begin a process of destroying that. Please do not allow exceptions.

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Copy To Each Supervisor

Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Date: March 13, 2015

Dear Sir:

I implore you to please vote to hear the appeal of concerned Bonny Doon residents at the Jurisdictional Hearing on Tuesday 3/17 about the Planning Commission's decision and findings of 12/10/14 regarding application number 131127, for a home Occupation located at 4286 Bonny Doon Road. We did not get a fair hearing last time. Appellants normally get a rebuttal argument at a hearing and we were denied that opportunity. The applicants introduced a new contract during the hearing and we were not given an opportunity to challenge or comment on it. This application has wide ramifications not just for Bonny Doon but all of Santa Cruz county.

Thank you for your time.

Sincerely,

Victoria S. Slama

Address and phone:

Victoria S. Slama
1025 Martin Rd
Bonny Doon, CA 95060
831-459-8834

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Board of Supervisors:
Supervisor Greg Caput
Supervisor John Leopold
Supervisor Zach Friend
Supervisor Ryan Coonerty
Supervisor Fred McPherson
701 Ocean Street Rm 500
Santa Cruz, Ca. 95060

Copy To Each Supervisor

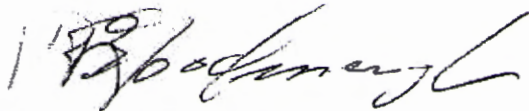
Date: March 13, 2015

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Thank you for your time.

Sincerely,



Address and phone:

Bob Goodenough
1025 Martin Rd
Bonny Doon, CA 95060

831-459-8834

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From: Ryan Beauregard [mailto:ryan@beauregardvineyards.com]

Sent: Monday, March 16, 2015 12:04 PM

To: Ryan Coonerty; Bruce McPherson; Zach Friend; John Leopold; Greg Caput

Subject: Support of Teresa Sabankaya's "Castle House"

Greetings Board of Supervisors!

Tomorrow you will be hearing arguments for and against the Sabankaya's wedding venue.

I am writing to you today to let you know that as a life long Bonny Doon resident of 40 years and fourth generation in the community, that I support the Sabankaya's project 100%.

The wedding venue: 50 people per event, four times per year is unnoticeable in the neighborhood and I am one one of the closest neighbors.

There is abundant parking (I have been to a private party there when there are 50 guests). The noise levels are respectful and I have never heard any event of theirs. Their events cause no traffic issues.

The Sabankaya's are stand up members in our community, I have known the family since childhood. They are generous, respectful, and excellent stewards of the land which can be seen buy their beautiful gardens.

Opposition: The fact of the matter is that the Sabankaya's are in a stand off with a vindictive group(s) of people who are against pretty much everything in Bonny Doon. This is a group(s) that has no history of supporting anything, at all. These adversaries do not want compromise, and will not accept any form of collaboration. It personally sickens me to think of what this family has been through for such a non threatening proposal.

Precedence: Another fact to consider is there is a large amount of existing commerce in Bonny Doon, permitted and non-permitted. There are large establishments such as Lockheed Martin and Bosh Bahai School to smaller business such as my winery and Christmas Tree farms. The adversaries in this situation are concerned that the approval of the Sabankaya's will set a precedence for other similar venues. I see this the opposite way; I see a possible precedence set for more unapproved and unregulated business. This is currently the case for many home occupied business because of the difficulties associate with becoming legalized and having to face opposition. Non legalized businesses in Bonny Doon are uncountable. Non legalized businesses are not regulated and therefore are not subject to county environmental planning, environmental health inspection, etc which has larger reproductions to the community and the environment in the big picture.

I urge you to stand in favor of the Sabankaya family as they are a treasure to my community.

Thank you for your considerations.

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—
Ryan Beauregard
Winemaker
Beauregard Vineyards
10 Pine Flat Road
Bonny Doon California 95060

831-425-7777 ext 3

"Be who you are and say what you feel because those who mind don't matter and those who matter don't mind."
Dr. Seuss

"The only man who makes no mistakes is the man who never does anything." Teddy
Roosevelt

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From: Stacey Meyers [<mailto:staceymeyers@sbcglobal.net>]
Sent: Sunday, March 15, 2015 2:11 PM
To: Bruce McPherson; Zach Friend; John Leopold; Greg Caput
Subject: Fw: Sabankaya application #131127

Re: Application #131127

I am in support of the Sabankaya Home Occupation Permit, which was approved by the Zoning Administrator on September 5, 2014. The application was appealed and again it was approved. Now the RBDA is AGAIN dragging this issue up and challenging the decision that has been approved twice.

I attended the previous meetings and am surprised with the fact that this matter keeps getting resolved and then brought up again. Many of us feel that all concerns were addressed and approved previously and that the rulings by the County staff and the Zoning Administrator should be upheld. This has become a personal vendetta by a few Bonny Doon residents and is by no means the opinion of the majority of us. They are wasting our time and your time but pursuing an issue that has been resolved and agreed upon.

Sincerely,

Stacey Meyers
Bonny Doon, CA 95060

On Sunday, March 15, 2015 1:55 PM, Stacey Meyers <staceymeyers@sbcglobal.net> wrote:

Re: Application #131127

I am in support of the Sabankaya Home Occupation Permit, which was approved by the Zoning Administrator on September 5, 2014. The application was appealed and again it was approved. Now the RBDA is AGAIN dragging this issue up and challenging the decision that has been approved twice.

I attended the previous meetings and am surprised with the fact that this matter keeps getting resolved and then brought up again. Many of us feel that all concerns were addressed and approved previously and that the rulings by the County staff and the Zoning Administrator should be upheld. This has become a personal vendetta by a few Bonny Doon residents and is by no means the opinion of the majority of us. They are wasting our time and your time but pursuing an issue that has been resolved and agreed upon.

Sincerely,

Stacey Meyers

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From: Cheri Bianchini [mailto:cheri@baymoon.com]

Sent: Sunday, March 15, 2015 9:15 AM

To: Ryan Coonerty; Bruce McPherson; Zach Friend; John Leopold; Greg Caput

Subject: Permit #131127 Sabankaya Home Occupancy Permit

Hello...

I am in favor of the Board of Supervisors **UPHOLDING** the planning commission's decision in regards to the Sabankaya Home Occupancy Permit #131127.

I have been a resident of Bonny Doon for 33 years, living on the same road as the Sabankaya's and have no problem with their permit.

- The approval of the home occupation permit was not an error or an abuse of discretion.
- The approval is supported by facts.
- The hearings were fair and impartial.
- There is no significant new information submitted by appellants.

The Sabankaya's went along with the legal procedure to obtain a permit, were granted that permit and have continually had to fight a small faction in opposition. By rejecting this permit, I believe it will **discourage** others to follow the legal path. There are other people in Bonny Doon having weddings and gatherings, more frequently, with more people and without the restrictions imposed by the permit process.

Isn't that what a planning department does...strategic planning when all the elements of a project comply with set guidelines. To constantly say NO to every endeavor, especially those that have been well thought out and offers something to the community, I feel is NOT in our long term best interest as a community. In addition, jobs are created by those brave enough to be entrepreneurs and I believe this is something that needs to be considered.

Please support the permit as it stands and discourage any further actions to stop it. The Sabankaya's have been through enough time, energy and money on this small, well regulated project.

Thank you,

Cheri Bianchini
6020 Bonny Doon Rd.
Santa Cruz, Ca 95060

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From: Sharon Meyers [<mailto:s-meyers9891@sbcglobal.net>]
Sent: Sunday, March 15, 2015 12:04 PM
To: Ryan Coonerty
Cc: Bruce McPherson; Zach Friend; John Leopold; Greg Caput
Subject: Re: Application #131127

March 15, 2015

I support the Sabankaya Home Occupation Permit that was approved by the Zoning Administrator on September 5, 2014 – Application #131127.

I attended the previous meetings and am not impressed with the fact that this matter keeps getting resolved and then brought up for review again. I felt that all concerns were addressed and approved previously and that the rulings by the County staff and the Zoning Administrator should be upheld.

Sincerely

John DeJesus
1510 Smith Grade
Bonny Doon, Ca. 95060

Cc: bruce.mcpherson@santacruzcounty.us
Zach.friend@santacruzcounty.us
John.leopold@santacruzcounty.us
Greg.caput@santacruzcounty.us

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-----Original Message-----

From: dherd@baymoon.com [mailto:dherd@baymoon.com]

Sent: Friday, March 13, 2015 6:41 AM

To: John Leopold

Cc: Greg Caput

Subject: Sabankaya Permit

Enough Already! The group that is anti-Sabankaya is wasting our tax dollars and your time. Your organization should move on to new and real problems. I am writing in support that you uphold the Planning Commission's decision.

The approval was not an error or abuse of discretion.

The approval is supported by the facts. There is no proof that approval of this miniature event would give anyone else the idea to apply for a permit to do the same. That logic is faulty.

The hearings were fair and impartial.

No new information is forthcoming.

Sincerely,

Diane Herd

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From: Sharon Meyers [<mailto:s-meyers9891@sbcglobal.net>]
Sent: Thursday, March 12, 2015 11:39 AM
To: Bruce McPherson
Cc: Zach Friend; John Leopold; Greg Caput
Subject: Application 131127

To: Ryan.coonerty@santacruzcounty.us

March 10, 2015

Re: Application #131127

I am in support of the Sabankaya Home Occupation Permit that was approved by the Zoning Administrator on September 5, 2014 and again on December 10, 2014.

I attended the previous meetings regarding this application and am shocked and surprised that the previous rulings by the Zoning Administrator and County Staff are being challenged. In my opinion, the previous rulings were supported and based on facts, and the hearings were fair and impartial. There was no significant new information submitted by the appellants at the last appeal meeting and I find it difficult to understand why further appeals are being considered.

It appears that the appellants have nothing better to do with their time and have excess funds to continue with this lengthy process causing the Sabankaya's to spend time and money defending an issue that has been ruled upon twice. As a taxpayer, I disapprove of the wasteful use of public officials' time on an issue already settled at the first two hearings.

Sharon Meyers, 1510 Smith Grade, Bonny Doon, Ca. 95060

Cc: bruce.mcpherson@santacruzcounty.us

Zach.friend@santacruzcounty.us

John.leopold@santacruzcounty.us

Greg.caput@santacruzcounty.us

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From: Jean Williams [mailto:jwmsfamily@yahoo.com]

Sent: Wednesday, March 11, 2015 4:24 PM

To: Ryan Coonerty; Bruce McPherson; John Leopold; Greg Caput; Zach Friend

Subject: We support the Sabankaya Home Occupation Permit that was approved by the Zoning Administrator

We support the Sabankaya Home Occupation Permit that was approved by the Zoning Administrator on September 5th--Application #131127

We live across the street from the Sabankayas and have no problem with having small weddings and floral design workshops there. We feel that the planning commission's decision should be upheld. Nothing has changed since the original hearings which were fair and impartial.

We wish Teresa well and hope that she will be able to continue her business.

Jean and John Williams
4411 Bonny Doon Road
Santa Cruz, CA 95060

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From: KurtA913@aol.com [mailto:KurtA913@aol.com]
Sent: Sunday, March 08, 2015 11:00 AM
To: Ryan Coonerty; Bruce McPherson; zack.friend@santacruzcounty.us; John Leopold; Greg Caput
Subject: Sabankaya Application # 131127

Dear Board of Supervisors,

My name is Kurt Andreassen and I reside at 4685 Bonny Doon Road which is a few houses away from the Sabankaya residence.

I am in support of the recently issued Sabankaya permit and feel the planning commission's earlier decision to grant the permit should be upheld. The approval of the permit was made through fair and impartial hearings. I believe there are no grounds for an appeal of the granted permit.

Again I believe the approved weddings etc that were granted in the permit do not adversely affect me and my family as neighbors to the Sabankayas.

Feel free to contact me if you would like to discuss this matter in more detail.

Sincerely

Kurt Andreassen

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From: Tamara Atton [mailto:tdatton@comcast.net]

Sent: Monday, March 09, 2015 10:40 AM

To: Ryan Coonerty; Zach Friend; Bruce McPherson; Greg Caput; John Leopold

Subject: Please vote to hear the appeal of "Castle House" permit for wedding events.

Supervisors:

As a resident and property owner in Bonny Doon, I urge you to vote in favor of hearing the appeal of the Planning Commission approval of the "Castle House" weddings permit. Granting a permit to any homeowner of rural residential property for commercial events sets a very detrimental precedent. Once one homeowner is granted a permit to hold weddings or other commercial events, it is possible, if not probable, that additional applications for similar permits will be submitted. I am holding out hope that those of you with the power to do so will prevent such use of rural residential property. There are several commercial ventures in Bonny Doon which are not event venues, and are within the rules of the governing County Code. To my knowledge, those businesses are not opposed by neighbors or any groups, as they do not change the nature of the area.

From what I understand, permissible business uses of homes in our area are limited by regulations of such "home occupations". The purposes of these regulations are to give official "permission" for 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. (taken from County Code 13.10.613 A) It also seems that in that same section of the County Code under B, numbers 1, 2, and 9 of the restrictions are an issue for the proposed type of business (events).

Please vote to hear the appeal of the Planning Commission Approval of the Castle House" weddings permit. In my view, hearing the case made by the neighbors of the "Castle House" and of the advocacy group (Rural Bonny Doon Association) made up of concerned Bonny Doon residents, should be the next step.

Respectfully,

Tamara Atton

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

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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 SCCC 7.100.020, 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 SCCC. [Ord. 4836 § 102, 2006; Ord. 4100 § 1, 1990; Ord. 3432 § 1, 1983].

Of course there are property owners that have home businesses that are within the acceptable guidelines

vote March 17 in favor of hearing the appeal of the Planning Commission approval (by a 3-2 vote) of the Castle House weddings permit. At that hearing those opposing the permit, which seems to violate the wording of the Home Occupancy regulations, were not given the opportunity to rebut several misleading statements by the Castle House's land use consultant, and to point out the paradoxical flaw in a new Castle House facility rental agreement which was produced near the end of the hearing.

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From: Pat Pfremmer [mailto:forpat@gmail.com]

Sent: Sunday, March 08, 2015 5:00 PM

To: Ryan Coonerty; Bruce McPherson; zack.friend@santacruzcounty.us; John Leopold; Greg Caput

Subject: Letter SUPPORTING Sabankaya home occupation permit

Dear County Supervisors, I am respectfully requesting that you **NOT** take jurisdiction of the appeal that will be on your March 17th agenda. Please refer to the attached letter.

My husband and I live very close to the Sabankayas, we have known the family since they moved to Bonny Doon in 1980. Their property is ideally suited for Teresa's beautiful gardens and weddings. The issues that were of concern to the close neighbors have been resolved. And it is **NOT** going to be an **event center**, as many claim. Much of the information that has been circulated in our community (by the RBDA) has been very misleading and outright false.

[LinkedIn/PatPfremmer](#)



Pat Pfremmer

COMPLEX RESEARCH PROJECTS

PERSON LOCATOR

HEIR SEARCHES - BACKGROUND CHECKS
SPECIALIZING IN ADOPTION REUNIONS -

forpat@gmail.com

225 Crossroads Blvd., #200
Carmel, CA 93923
831-459-0860

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4863 FAX (831) 427-4877

APR - 6 2015

CALIFORNIA

**FINAL LOCAL
ACTION NOTICE**

EDMUND G. BROWN JR., Governor



REFERENCE # _____

APPEAL PERIOD _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Unincorporated Association of Multiple Bonny Doon Residents and Neighbors

Mailing Address: 147 S. River Street, Suite 221

City: Santa Cruz

Zip Code: 95062

Phone: 831-429-4055

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Santa Cruz

2. Brief description of development being appealed:

Application No. 131127: Proposal to recognize an existing floral design studio, and to allow floral design classes, workshops, ten (10) luncheons and four (4) weddings with up to fifty (50) guests as a home occupation.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

4286 Bonny Doon Road, Santa Cruz, CA 95060, APN 063-082-13.

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: March 17, 2015

7. Local government's file number (if any): Application No. 131127

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Teresa Sabankaya
4286 Bonny Doon Road
Santa Cruz, CA 95060

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Andrew & Allie Davidson, 4299 Bonny Doon Road, Santa Cruz, CA 95060

(2) Sherri & Robert McQuaide, 860 Quail Drive, Santa Cruz, CA 95060

(3) Nancy E. Goldie & Thomas Goldie, 1774 Pine Flat Road, Santa Cruz, CA 95060

(4) Please see attachment for additional names and addresses.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The approval of this Home Occupation does not comply with the spirit or the literal language of the home occupation ordinance of the Santa Cruz County Code. Santa Cruz County Code Section 13.10.613(A)(1) explains that the purpose of the home occupation ordinance is "[t]o allow persons to carry on limited, income-producing activities on their residential property." Section 13.10.613(B)(3) of the Santa Cruz County Code states that "[t]he home occupation shall be carried out primarily by a full-time inhabitant of the dwelling." The Code further states that "[n]ot more than five additional employees may also be used for a home occupation."

The proposed development calls for a floral arrangement business, as well as workshops, luncheons and weddings with up to fifty (50) guests. The approval of this application breaks new ground and stretches the definition of a "home occupation" far beyond recognition. While the Code mandates that a home occupation "shall be carried out primarily by a full-time inhabitant," this project actually allows the homeowner to rent her home for others to conduct activities, including wedding planners, caterers, bartenders, DJ's, and musicians. Furthermore, the decision makers determined that those renting her home for such purposes are "contractors" who are not permanent ongoing employees of the home occupation. The home occupation is the floral design business. The contract for the service includes the renting of the home for events that are sponsored and held by others. The attempt to circumvent the home occupation ordinance by calling those hosting the event "contractors" is fatal to the application. They are either employees of the business of the "full time inhabitant," which limited to having five employees, or the contractors are conducting business at the residence unrelated to the home occupation, thus engaging in an illegal use. It was clearly not envisioned by the Code that there could be fifty (50) people, plus all the "contractors," on the property at one time. The Code was intended to keep the home occupation "limited" as the ordinance's purpose states. The magnitude of this proposal is highlighted by the need to add "106 lineal feet of leaching trench (694 sq.ft of volume) to accommodate the increase in wastewater resulting from the proposed home occupation use." Therefore, expanding beyond the floral design business is in clear violation of the Santa Cruz County Code. Approving the home occupation at issue in this matter threatens the integrity of the County Code and its implementation and application, and makes a mockery of residential zoning because all types of activities causing a nuisance to the community and neighbors will now be considered.

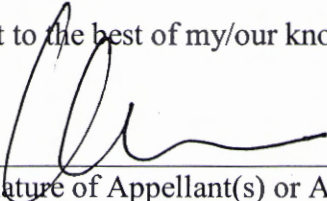
Also, Santa Cruz County Code Section 13.10.613(B)(9) provides that "[a]ll noise shall be contained within the boundaries of the site." The Mitigated Negative Declaration and Staff Report relied upon by the Planning Commission in making its decision concedes that it is not possible to contain the noise of the proposed project within the boundaries of the site. The Report then goes on to erroneously compare the foreseeable noise from the wedding to that of traffic noise. This is an improper evaluation of the

noise emating from the site. "All noise shall be contained within the boundaries of the site." It is impossible to confine the noise of this project within the boundaries of the site and therefore the Santa Cruz County Code will be violated.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



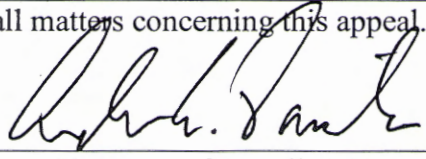
Signature of Appellant(s) or Authorized Agent

Date: April 6, 2015

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize William P. Parkin
to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s)

Date: April 6, 2015

SECTION III (b)(4) CONTINUED:

Jennifer Joslin & Eric Ornas, 4847 Bonny Doon Road, Santa Cruz, CA 95060

Margaret & J. Yssebtein, 11400 Empire Grade, Santa Cruz, CA 95060

Beny Dunlop, 630 Thayer Road, Santa Cruz, CA 95060

Patricia A. Morrison, 505 Martin Road, Bonny Doon, CA 95060

Marcella Moline, 93 Summit Road, Santa Cruz, CA 95060

Marcia Lipsenthal, 2850 Smith Grade, Santa Cruz, CA 95060

Peggy Panda, 20 Braemoor, Santa Cruz, CA 95060

Clay Peters, 2285 Back Ranch Road, Santa Cruz, CA 95060

Melanie Mosley, 40 Granger Lane, Santa Cruz, CA 95060

Syndy Reinecke, 205 Molina Dr., Santa Cruz, CA 95060

Betsy Firebaugh, 2155 Pine Flat Road, Santa Cruz, CA 95060

Dale Smith, 290 Sunlit Lane, Santa Cruz, CA 95060

Tom Hearn, 176 Starlit Mountain Road, Santa Cruz, CA 95060

Phil and Sharon Hubbell, 807 Quail Drive, Santa Cruz, CA 95060

Kathryn Keller, 630 Thayer Road, Santa Cruz, CA 95060

Charlie Powell, 1228 Martin Road, Santa Cruz, CA 95060

Donito Springmeyer, 98 Summit Drive, Santa Cruz, CA 95060

Bob G. & Victoria S., 1025 Martin Road, Santa Cruz, CA 95060

Arthur & Dee Weybright, 400 Towhee Drive, Santa Cruz, CA 95060

S. Elliott, 189 McGivern Way, Santa Cruz, CA 95060

Deborah Osterberg, P.O. Box 992, Santa Cruz, CA 95061

Manka & Jonathan Beecher, 401 Pine Flat Road, Santa Cruz, CA 95060

Andy Fox, 89 Patrick Road, Santa Cruz, CA 95060

Lorrie Emery, 9865 Empire Grade Road, Santa Cruz, CA 95060

Robert Strickland, 123 McGivern Way, Santa Cruz, CA 95060

David & Michelle Rubin, 200 Thayer Road, Santa Cruz, CA 95060

Chris Ecskstrom, 1800 Back Ranch Road, Santa Cruz, CA 95060

Chet Barum, 363 Ice Cream Grade, Santa Cruz, CA 95060

Terry Sutton, 10 South West Drive, Santa Cruz, CA 95060

Stephen Ottoman, 215 Mountain Springs Drive, Santa Cruz, CA 95060

Deborah Henke, 160 Pine Flat Road, Santa Cruz, CA 95060

Marty Demare, Rural Bonny Doon Association, P.O. Box 551, Felton, CA 95018

Spike & Lynne Alper, no address provided

Barbara Toshikian, no address provided

Margaret K., no address provided

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.
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- (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.
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