



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

September 28, 2004

AGENDA DATE: October 7, 2004

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

SUBJECT: Agenda **Item 8**
Appeal of Zoning Administrator's Approval
Application #02-0311; Coastal Permit and Time Extension to an Agricultural
Buffer Determination
Assessor's Parcel Number: 045-151-48

Members of the Commission:

BACKGROUND

Application 02-0311, a request to construct an addition to an existing single-family dwelling was heard by the Zoning Administrator on October 17, 2003 and August 6, 2004 and was approved with revised conditions (Exhibit B). An appeal was filed on August 19, 2004 by Andrew L. Delucchi (Exhibit C).

ANALYSIS AND DISCUSSION

The applicant seeks to construct a room addition to an existing single-family dwelling of 480 square feet constructed in 1959. The property owner constructed an addition of 472 square feet without benefit of permits, resulting in a structure of 952 square feet. This proposal seeks to recognize that addition and a further addition of 1,008 square feet to result in a one story, three bedroom, single-family dwelling of 1,960 square feet on a 16,462 square foot parcel.

The proposed project is consistent with the General Plan Residential Urban Low designation (R-UL) and with the implementing zoning, Single-family Residential (R-1-6) in which it is located in that the residential addition is a principal permitted use within the zone district and is consistent with all development regulations with the exception of meeting the 200-foot setback from adjacent Commercial Agricultural (CA) land at the rear (south) of the parcel.

Due to the site location adjacent to CA zoned land, APN 046-021-05, the 163.7-acre Delucchi farm and homesite, the project was required to be reviewed by the County Agricultural Policy Advisory

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Commission. A reduced agricultural buffer was recommended due to the irregular, triangular shape of the lot, topography, and the location of the existing residence that would not allow sufficient building area if the required 200-foot agricultural buffers were maintained. The existing physical barrier of a 6-foot solid wood board fence and existing mature native evergreen landscaping was to be maintained and an Agricultural Statement of Acknowledgment was recorded. The APAC Commissioners conditioned the project subject to a proper analysis by County Public Works of the potential adverse effects of staffs recommendation on upstream drainage from the Delucci property and other parcels onto the applicant's parcel (APN 045-151-48) (Exhibit B, page 35).

The Coastal Zone Permit ~~was~~ approved by the Zoning Administrator subsequent to approval of drainage issues by County Public Works at a noticed public hearing with conditions (Exhibit B) on August 6, 2004. The Appellant proposed a waiver of liability (Exhibit D), but the subject property owner chose not to record such document and the appeal was subsequently filed.

Issues of the Appeal

Drainage considerations: Conflicting data on flood elevation requirements was resolved to the satisfaction of the Public Works Drainage Division as per Discretionary Review comments dated June 22, 2004 (Exhibit B pages 36-37). Freitas & Freitas Engineering determined the 100-year storm flow as 88 cfs. There is to be minimal grading (six inches or less) around the home to provide for adequate drainage. The goal is to accomplish a finish floor elevation of 100 feet asl for this development, as per the Schaaf & Wheeler report submitted by Robert DeWitt Engineering (Exhibit B, page 50), which would be above the 100 year flood elevation. The project was approved, with conditions, by the Zoning Administrator at a noticed public hearing on August 6, 2004 (Exhibit B).

Agricultural Buffer considerations: The subject property is required to maintain a permanent buffer consisting of a 6-foot tall solid wood board fence and to maintain the existing mature, native, evergreen vegetation along the southern property boundary adjacent to the CA land. The applicant has recorded a Statement of Acknowledgment regarding the issuance of a county building permit in an area determined by the county of Santa Cruz to be subject to Agricultural-Residential use conflicts, as Document 2002-0080955. The reduced setback was approved by APAC at a noticed public hearing on November 21, 2002.

SUMMARY AND RECOMMENDATION

The proposed project is consistent with the County General Plan policies and ordinances, and staff recommends that the Zoning Administrator's approval of Application #02-0311 be upheld.

It is therefore, RECOMMENDED, that your Commission:

1. Certify the determination that the project is Categorically Exempt from the California Environmental Quality Act; and
2. Deny the Appeal and uphold the Zoning Administrator's approval of Application #02-0311, subject to the Findings and Conditions as approved by the Zoning Administrator at the August 6, 2004 public hearing.

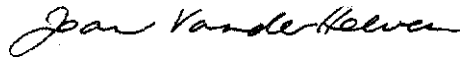
#02-03 11

Applicant: **Mark McKinney**, Architect for John Gates

Appellant: Andrew L. Delucchi

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Sincerely,



Joan Van der Hoeven

Project Planner

Development Review

Reviewed By: _____



Cathy Graves

Principal Planner

Development Review

Exhibits:

- A. Project plans prepared by Mark L. McKinney, Architect, dated July 15, 2004, revised 8/15/04
- B. Staff Report to Zoning Administrator, dated August 6, 2004
- C. Letter of Appeal by Andrew L. Delucchi, received August 19, 2004
- D. Proposed release of liability presented to the Zoning Administrator by Dennis J. Kehoe, Law Corporation on August 6, 2004.



Staff Report to the Zoning Administrator

Application Number: **02-0311**

Applicant: Mark McKinney, Architect
Owner: John Gates
APN: 045-151-48

Date: August 6, 2004
Agenda Item #: 5
Time: After 11:00 a.m.

Project Description: Proposal to construct a one-story addition to an existing one-story single-family dwelling. Requires a Coastal Development Permit and a Time Extension to an approved Agricultural Buffer Determination.

Location: Property located on the east side of Altivo Avenue, approximately 100 yards northeast from San Andreas Road, at 120 Altivo Avenue in La Selva Beach.

Permits Required: Coastal Zone Permit, Time Extension for Agricultural Buffer Determination

Staff Recommendation:

- Approval of Application 02-0311, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | |
|---|--------------------------------|
| A. Project plans | E. APAC staff report & Minutes |
| B. Findings | F. Comments & Correspondence |
| C. Conditions | G. Site photographs |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	16,462 square feet
Existing Land Use - Parcel:	Single-family Residential
Existing Land Use - Surrounding:	Single-family Residential, Commercial Agriculture
Project Access:	San Andreas Road to Altivo Avenue
Planning Area:	La Selva Beach
Land Use Designation:	R-UL (Urban Low Residential)
Zone District:	R-1-6 (Single-family Residential with a 6,000 square foot minimum parcel size)

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

EXHIBIT B

Within Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Elkhorn sandy loam
Fire Hazard: Not a mapped constraint
Slopes: 15-30percent
Env. Sen. Habitat: Mapped/no impact on Monarch butterflies
Grading: Foundation grading proposed <100 cubic yards
Tree Removal: No trees proposed to be removed
Scenic: Mapped resource – not visible from San Andreas Road or beaches
Drainage: Drainage studies accepted by Public Works
Traffic: No significant impact
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archaeology: Not mapped/no physical evidence on site

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No
Water Supply: Soquel Creek Water District
Sewage Disposal: CSA#12, private septic system
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Non-zone

History

The application was received on June 18, 2002 and reviewed and approved by the Santa Cruz County Agricultural Policy Advisory Commission on November 21, 2002. The project was Continued by the Zoning Administrator after hearings on October 17, 2003 pending resolution of drainage issues.

Project Setting

The existing single-family dwelling is located in an urban density development of single-family dwellings adjacent to commercial farmland in the vicinity of Manresa State Beach, La Selva Beach Planning Area. A stand of native vegetation separates the farmland from the residential development.

Zoning & General Plan Consistency

The property is a 16,462 square foot lot, located in the R-1-6 (Single-family Residential/6,000 sq ft min lot) zone district, a designation that allows residential uses. The proposed addition to the existing 952 square foot single-family dwelling, constructed in 1959, is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Density

Residential General Plan designation. The project site is developed with a detached garage of 593 square feet and a detached storage shed of 224 square feet. The project is consistent with the Single-family Residential Development Standards for the R-1-6 zone district, in that it meets all required setbacks, height, floor area ratio and lot coverage standards.

Due to the site location adjacent to Commercial Agriculture (CA) zoned land, the project was required to be reviewed by the County Agricultural Policy Advisory Commission for an agricultural buffer determination. CA zoned land is situated within 200 feet at the south side of the parcel at Assessor's Parcel Number 046-021-05. A reduced agricultural buffer ~~was~~ recommended (Exhibit E) due to the irregular, triangular shape of the lot and the location of the existing residence that would not allow sufficient building area if the required 200-foot agricultural buffers were maintained from the adjacent CA zoned property. The applicant has a solid wood board, six-foot high fence at the south side of the parcel and an existing, mature, evergreen vegetative ~~screen~~ to mitigate the impact of agricultural activities on the existing residential use, and to protect the agricultural interests of the CA zoned property. The applicant has recorded a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts as Document 2002-0080955. This application includes a Time Extension to the approved Agricultural Buffer Determination.

Local **Coastal Program** Consistency

The proposed single-family dwelling is in conformance with the County's certified Local Coastal Program in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The proposed addition would result in a one-story, three bedroom home of 1,960 square feet. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. Public coastal access is available at Manresa State Beach in the project vicinity.

Design Review

The proposed single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as the use of neutral ~~earth~~ tone exterior colors and stucco finish, and landscaping to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Conclusion

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

Staff Recommendation

- APPROVAL of Application Number **02-0311**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

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

Report Prepared By: Joan Van der Hoeven
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5174
E-mail: pln140@co.santa-cruz.ca.us

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-6 (Single-family Residential with a 6,000 square foot minimum parcel size), a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Residential General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site. Public coastal access is available at Manresa State Beach in the vicinity.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single-family Residential with a 6,000 square foot minimum parcel size) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings.

Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The proposed addition will result in a one-story, three bedroom single-family dwelling of 1,960 square feet that meets all development regulations of the R-1-6 zone district.

Development Permit Findings

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

The location of the proposed addition to the existing single-family dwelling and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of *energy*, and will not be materially injurious to properties or improvements in the vicinity in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. The project was reviewed and approved by the County Agricultural Policy Advisory Commission, which determined that a reduced agricultural buffer was appropriate in that mitigations have been incorporated into required project conditions of approval. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single-family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single-family Residential with a 6,000 square foot minimum parcel size) zone district in that the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district.

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

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Low Residential (R-UL) land use designation in the County General Plan.

The proposed single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and

development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single-family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed single-family dwelling will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family dwelling will comply with the site standards for the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed addition to an existing single-family dwelling is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area of La Selva Beach.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single-family dwelling is consistent with the land use intensity and density of the neighborhood in that the proposed structure is one story, in a mixed neighborhood of one and two story homes, and the proposed single family room addition resulting in a single-family dwelling of 1,960 square feet is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed single-family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project plans, 3 sheets by Architect Mark McKinney dated 6/18/02, revised 8/15/02 & 7/15/04.

- I. This permit authorizes the construction of an addition to an existing single-family dwelling to result in a one story, three bedroom single-family dwelling of 1,960 square feet, (this includes all work done without permits in 1986 i.e. sfd addition and storage building). Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - D. A maximum five-foot fence within the front setback is approved by this permit.
 - E. The hot tub shall be removed.
- II. Prior to issuance of a Building Permit the applicant owner shall:
 - A. 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.
 - B. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. Grading, drainage, and erosion control plans.
 3. Details showing compliance with Aptos/La Selva fire department requirements.
 - C. Meet all requirements of the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area. Maximum grades for Gates backyard section to pass 88 cfs discharge in creek to wsel 99-feet at x-section 183 in order to accomplish 300 mm of freeboard for a finish floor elevation of 100.00-feet for this development. (See Exhibit F.)

EXHIBIT C

- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services. Applicant has obtained clearance for **three** bedrooms.
- E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- F. Submit **3** copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- G. Pay the current fees for Parks and Child Care mitigation for two bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- H. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- I. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- J. Comply with all APAC Conditions of Approval (Exhibit E).

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of any required soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of **an** historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

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

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

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
2. COUNTY defends the action in good faith.

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

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

Minor variations to this perm..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 ONE YEAR FROM THE EFFECTIVE DATE OF APPROVAL UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: 08/06/04

Effective Date: 08/20/04

Expiration Date: 08/20/05

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.


Don Bussey
Deputy Zoning Administrator


Joan Van der Hoeven
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 02-0311

Assessor Parcel Number: 045-151-48

Project Location: 120 Altivo Avenue, La Selva Beach

Project Description: Proposal to construct a room addition to an existing single-family dwelling

Person or Agency Proposing Project: Mark McKinney, Architect

Contact Phone Number: (760) 804-1383

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

Specify type:

E. X Categorical Exemption

Specify type: Existing small structure (Section 15301)

F. Reasons why the project is exempt:

Construction of a room addition to an existing single-family dwelling.

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

Joan Van der Hoeven, Project Planner

Date: August 6, 2004

STAFF REPORT TO THE AGRICULTURAL POLICY ADVISORY COMMISSION

APPLICATION NO.: 02-0311 **APN:** 045-151-48

APPLICANT: Mark McKinney, Architect

OWNER: John Gates

PROJECT DESCRIPTION: Proposal to construct a one-story addition to an existing one-story single-family dwelling. Requires a Coastal Development Permit and an Agricultural Buffer Determination to reduce the required 200 foot buffer from Commercial Agricultural land to about 18 feet.

LOCATION: Property located on the east side of Altivo Avenue, approximately 100 yards northeast from San Andreas Road in La Selva Beach.

PERMITS REQUIRED: Agricultural Buffer Setback Reduction, Coastal Zone Permit

ENVIRONMENTAL DETERMINATION: Exempt - Technical review only

COASTAL ZONE: X Yes N o **APPEALABLE TO CCC:** ____ Yes X No

PARCEL INFORMATION

PARCEL SIZE: 16,462 square feet

EXISTING LAND USE:

PARCEL: Single-family residential

SURROUNDING Single-family residential, Agriculture, State beach

PROJECT ACCESS: San Andreas Road to Altivo Avenue

PLANNING AREA: La Selva Beach

LAND USE DESIGNATION: R-UL (Residential - Urban Low)

ZONING DISTRICT: R-1-6 (Single-family Residential with a 6,000 square foot minimum lot)

SUPERVISORIAL DISTRICT: Second (Pine)

ENVIRONMENTAL INFORMATION

- | | |
|----------------------|---|
| a. Geologic Hazards | a. Not mapped/no physical evidence on site |
| b. Soils | b. Elkhorn sandy loam |
| c. Fire Hazard | Not a mapped constraint |
| d. Slopes | d. 15-30 percent |
| e. Env. Sen. Habitat | e. Mapped biotic/no impact on Monarch butterflies |
| f. Grading | f. No grading proposed |
| g. Tree Removal | g. No trees to be removed |
| h. Scenic | h. Mapped resource not visible from San Andreas Rd or Manresa State Beach |
| i. Drainage | i. Existing drainage adequate |
| j. Traffic | j. No significant impact |
| k. Roads | Existing roads adequate |
| l. Parks | l. Existing park facilities adequate |

m. Sewer Availability	m. No
n. Water Availability	n. Yes
o. Archeology	o. Not mapped/no physical evidence on site
p. Agricultural Resource	p. Not a mapped resource

SERVICES INFORMATION

Inside Urban/Rural Services Line: Yes X No
Water Supply: Soquel Creek Water District
Sewage Disposal: CSA#12 Private septic system
Fire District: Aptos/La Selva Fire protection District
Drainage District: Non zone

ANALYSIS AND DISCUSSION

The proposed project is to construct an addition of 1,480 square feet to an existing 480 square foot, one story single-family dwelling, to result in an 1,960 square foot single-family dwelling on a 16,462 square foot parcel. The project is located at 120 Altivo Avenue, off San Andreas Road, in La Selva Beach. The building site is within 200 feet of Commercial Agricultural land to the south, the 156-acre Delucchi farm. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 18 feet from APN 046-021-05.

The subject property is characterized by sloping topography with higher elevation separating the two properties, and a distinct existing, mature vegetative screen (see aerial photograph, Exhibit E). The parcel is located outside of the Urban Services Line and may be characterized as a residential neighborhood, abutting commercial agriculture. The parcel carries a Residential - Urban Low (R-UL) General Plan designation and the implementing zoning is (R-1-6) Single-family Residential with a 6,000 square foot minimum lot. Commercial Agriculture zoned land is situated within 200 feet at the south side of the parcel at Assessor's Parcel Number 046-021-05.

A reduced agricultural buffer is recommended due to the fact that the triangular shape and the location of the existing residence would not allow sufficient building area if 200 foot required setbacks were maintained from the adjacent Commercial Agriculture zoned property. The applicant has a solid six-foot fence at the south side of the parcel with an existing significant evergreen buffer of plantings to reduce the impact of agricultural activities on the existing residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcel. The applicant shall be required to record a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts.

RECOMMENDATION

Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 18 feet to the single-family dwelling from the adjacent CA zoned property known as APN 046-021-05, proposed under Application # 02-0311, based on the attached findings and recommended conditions, and consistent with County Code Section 16.50.095.g. Final action on the Coastal Development Permit shall be taken by the Zoning Administrator at a noticed public hearing


which has not yet been scheduled

EXHIBITS

- A. Project plans, Mark McKinney, Architect, dated 6/18/02
- B. Findings
- C. Conditions
- D. Assessor's parcel map
- E. Zoning map, General Plan Map, Aerial photo
- F. Comments & Correspondence

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By:



Jean Van der Hoeven

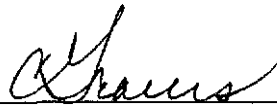
Santa Cruz County Planning Department

701 Ocean Street, 4th Floor

Santa Cruz CA 95060

Phone Number: (831) 454-5174 (or, pln140@co.santa-cruz.ca.us)

Report Reviewed By:



Cathy Graves

Principal Planner

Development Review

Santa Cruz County Planning Department

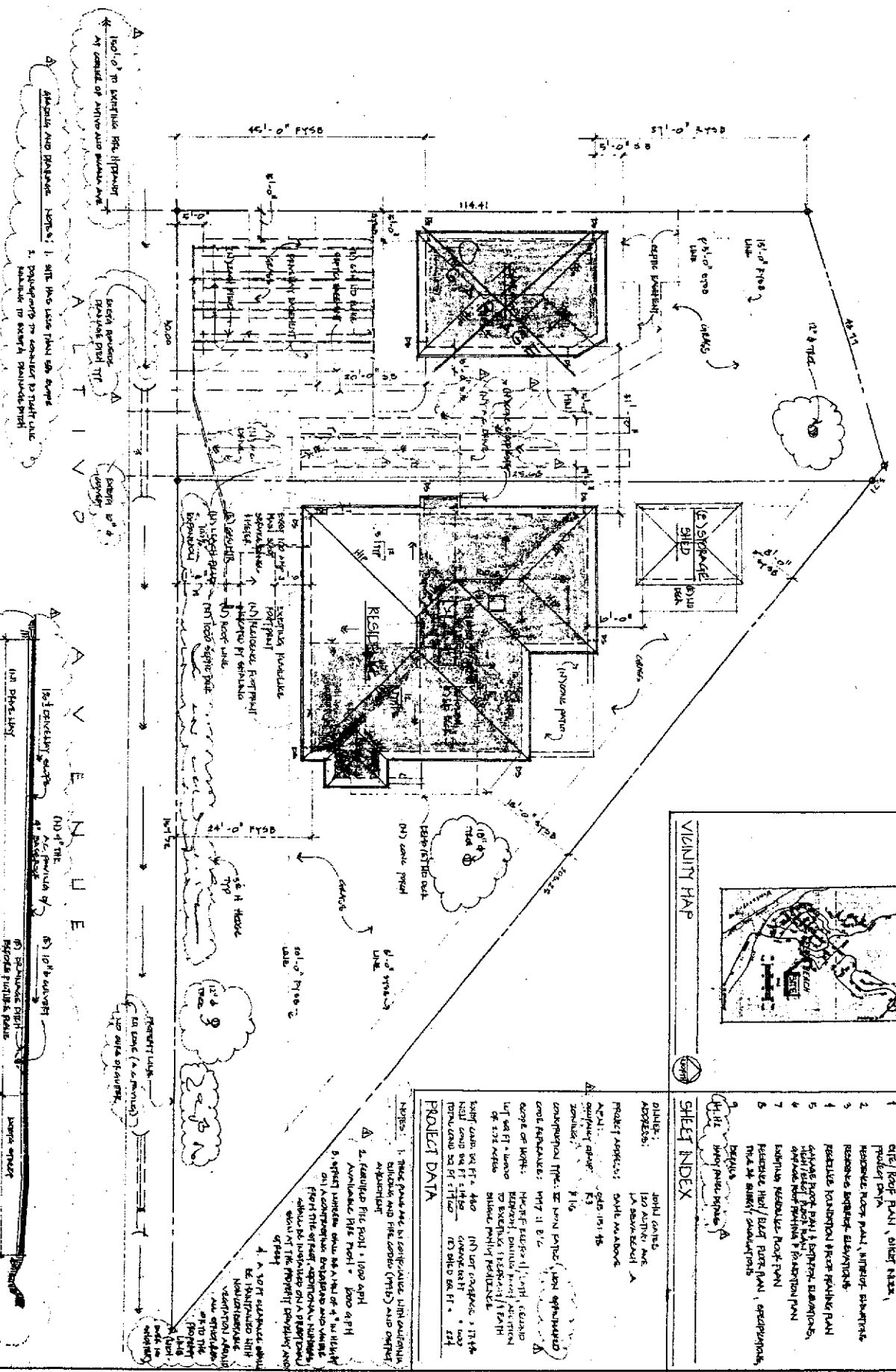


SITE / ROOF PLAN

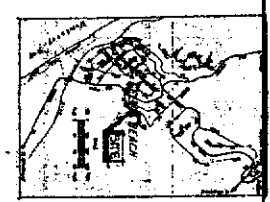
1/8" = 1'-0"

EXCISE PROFILE

1/8" = 1'-0"



VICINITY MAP



SHEET INDEX

Sheet	Description
1	Site / Roof Plan, Other Notes
2	Roof Plan, Other Notes
3	Roof Plan, Other Notes
4	Roof Plan, Other Notes
5	Roof Plan, Other Notes
6	Roof Plan, Other Notes
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100	Roof Plan, Other Notes

PROJECT DATA

Project Name: GATES RESIDENCE
Address: 120 AVENUE A, LA BEACH, CA 90405
Client: MARK L. MCKINNEY ARCHITECT
Date: 10/1/18
Scale: 1/8" = 1'-0"

SITE / ROOF PLAN PROJECT DATA
SHEET INDEX, LOCATION MAP

MARK L. MCKINNEY ARCHITECT
1001 15th STREET
LA BEACH, CA 90405

GATES RESIDENCE
120 AVENUE A
LA BEACH, CA 90405

REQUIRED FINDINGS FOR AGRICULTURAL BUFFER SETBACK REDUCTION
COUNTY CODE SECTION 16.50.095(b)

1. SIGNIFICANT TOPOGRAPHICAL DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT SETBACK; OR
2. PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT BUFFER SETBACK, OR A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL USES, BASED ON THE ESTABLISHMENT OF A PHYSICAL BARRIER, UNLESS IT IS DETERMINED THAT THE INSTALLATION OF A BARRIER WILL HINDER THE AFFECTED AGRICULTURAL USE MORE THAN IT WOULD HELP IT, OR WOULD CREATE A SERIOUS TRAFFIC HAZARD ON A PUBLIC OR PRIVATE RIGHT-OF-WAY; AND/OR SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE 200 FOOT BUFFERING DISTANCE TO THE GREATEST DEGREE POSSIBLE; OR

The room addition to the existing single-family dwelling is proposed to be set back 18 feet from the adjacent Commercial Agriculture zoned land. The effective agricultural setback would be proposed to be 18 feet where 200 feet are required, due to both topography and the existing vegetative barrier (see Exhibit E, aerial photo). An existing, effective buffering barrier consisting of a six foot tall solid wood fence enhanced with evergreen trees and shrubs has been adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 046-021-05, the 156-acre Delucchi farm. This existing barrier, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic.

3. THE IMPOSITION OF A 200 FOOT AGRICULTURAL BUFFER SETBACK WOULD PRECLUDE BUILDING ON A PARCEL OF RECORD AS OF THE EFFECTIVE DATE OF THIS CHAPTER, IN WHICH CASE A LESSER BUFFER SETBACK DISTANCE MAY BE PERMITTED, PROVIDED THAT THE MAXIMUM POSSIBLE SETBACK DISTANCE IS REQUIRED, COUPLED WITH A REQUIREMENT FOR A PHYSICAL BARRIER, OR VEGETATIVE SCREENING OR OTHER TECHNIQUES TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF PERMITTING BUILDING ON A PARCEL OF RECORD.

**REQUIRED FINDINGS FOR NON-AGRICULTURAL DEVELOPMENT ON OR ADJACENT
TO COMMERCIAL AGRICULTURAL LAND, COUNTY CODE SECTION 16 50.095()**

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2 OR TYPE 3 AGRICULTURAL LAND SHALL BE SITED SO AS TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA AND NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED ON AGRICULTURAL PARCELS, SUCH STRUCTURES SHALL BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION.

The subject parcel is zoned Single-family Residential with a **6,000** square foot minimum parcel size (**R-1-6**) and carries a Residential Urban low (R-UL) General Plan designation. The **16,462** square foot parcel is developed with an existing single-family dwelling and detached garage. The parcel is within 20 feet of CA , Type 3 zoned land, APN **046-021-05**, the **156** acre Delucci farm site. The project proposes a reduced agricultural buffer from these properties based on the continued provision of the existing evergreen vegetative screening and maintenance of a **6** foot solid wood fence.

CONDITIONS OF APPROVAL

- I. This permit authorizes an Agricultural Buffer Setback reduction of 18-feet from the proposed residential use to APN (046-021-05). Prior to exercising any rights granted by this permit, including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with Exhibit A on file with the Planning Department. The final plans shall include the following additional information:
 - 1. A development setback of a minimum of 18 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 046-021-05.
 - 2. Final plans shall show the location of the vegetative buffering barrier and 6 foot solid wood fence used for the purpose of buffering adjacent agricultural land.
 - B. The owner shall record a Statement of Acknowledgement, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. The statement of Acknowledgement acknowledges the adjacent agricultural land use and the agricultural buffer setbacks.
- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
 - B. The required vegetative and physical barrier shall be maintained.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.
- IV. Operational Conditions

- A. The vegetative and physical barrier shall be permanently maintained.
- B. All required Agricultural Buffer Setbacks shall be maintained.
- C. In the event that future County inspections of the subject property disclose non-compliance 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, up to and including permit revocation.

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 TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: 11/21/02

Effective Date: 12/05/02

Expiration Date: 12/05/04

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

69-275

7MB4
6/30/72

SEC. 28
SEC. 29

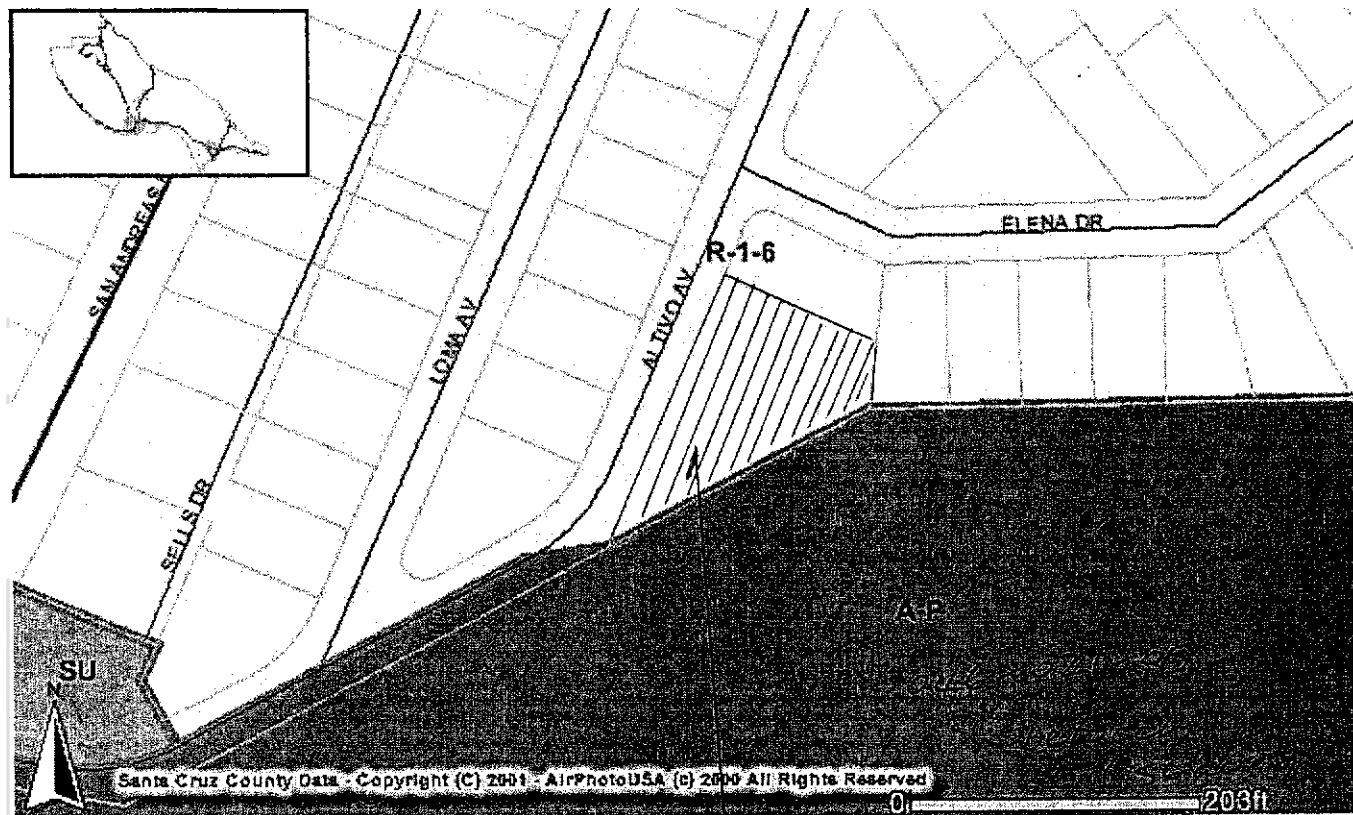
SEC. 27
SEC. 34

PROJECT LOCATION

EXHIBIT

Note - Assessor's Parcel Block &

County of Santa Cruz

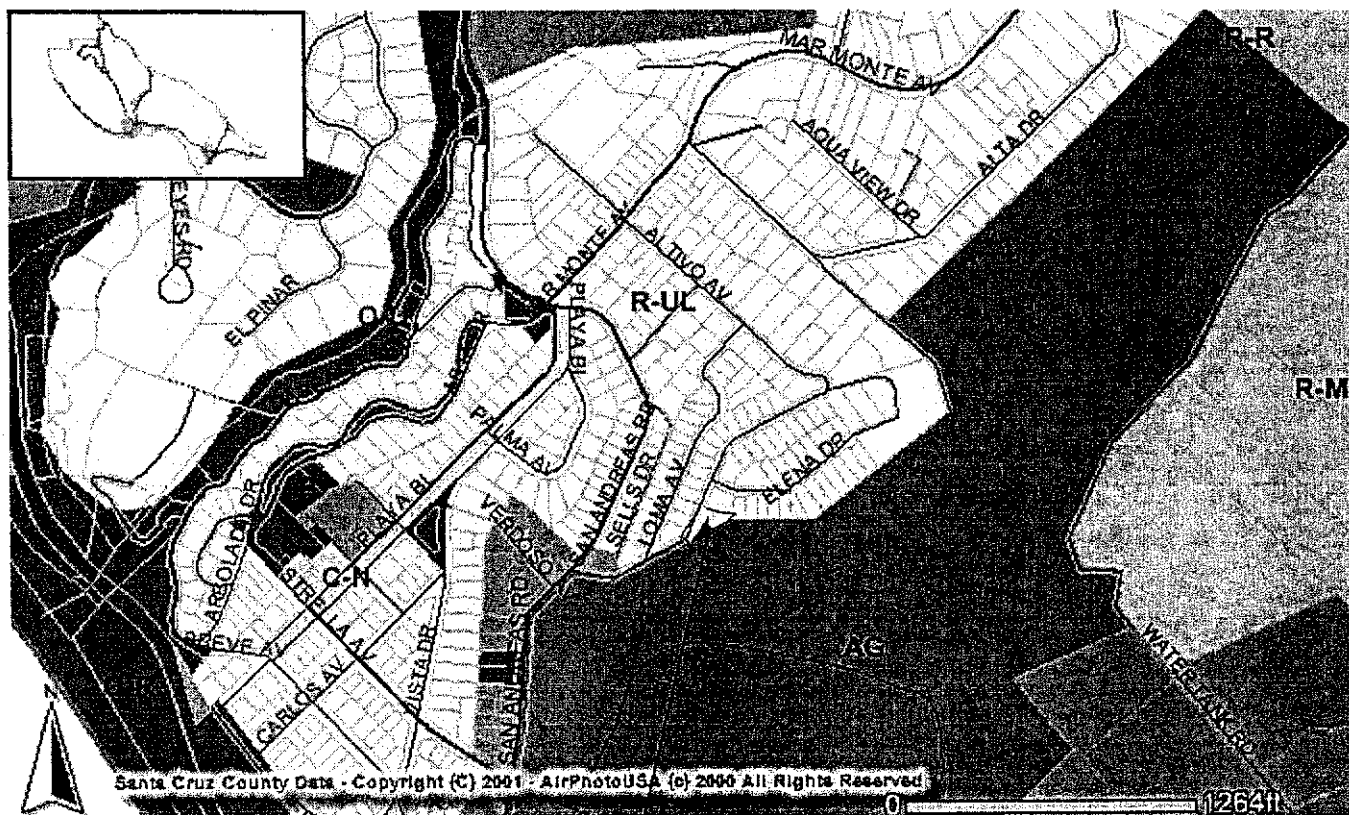


PROJECT LOCATION

EXHIBIT t

ZONING R1-6

APN 045-151-48

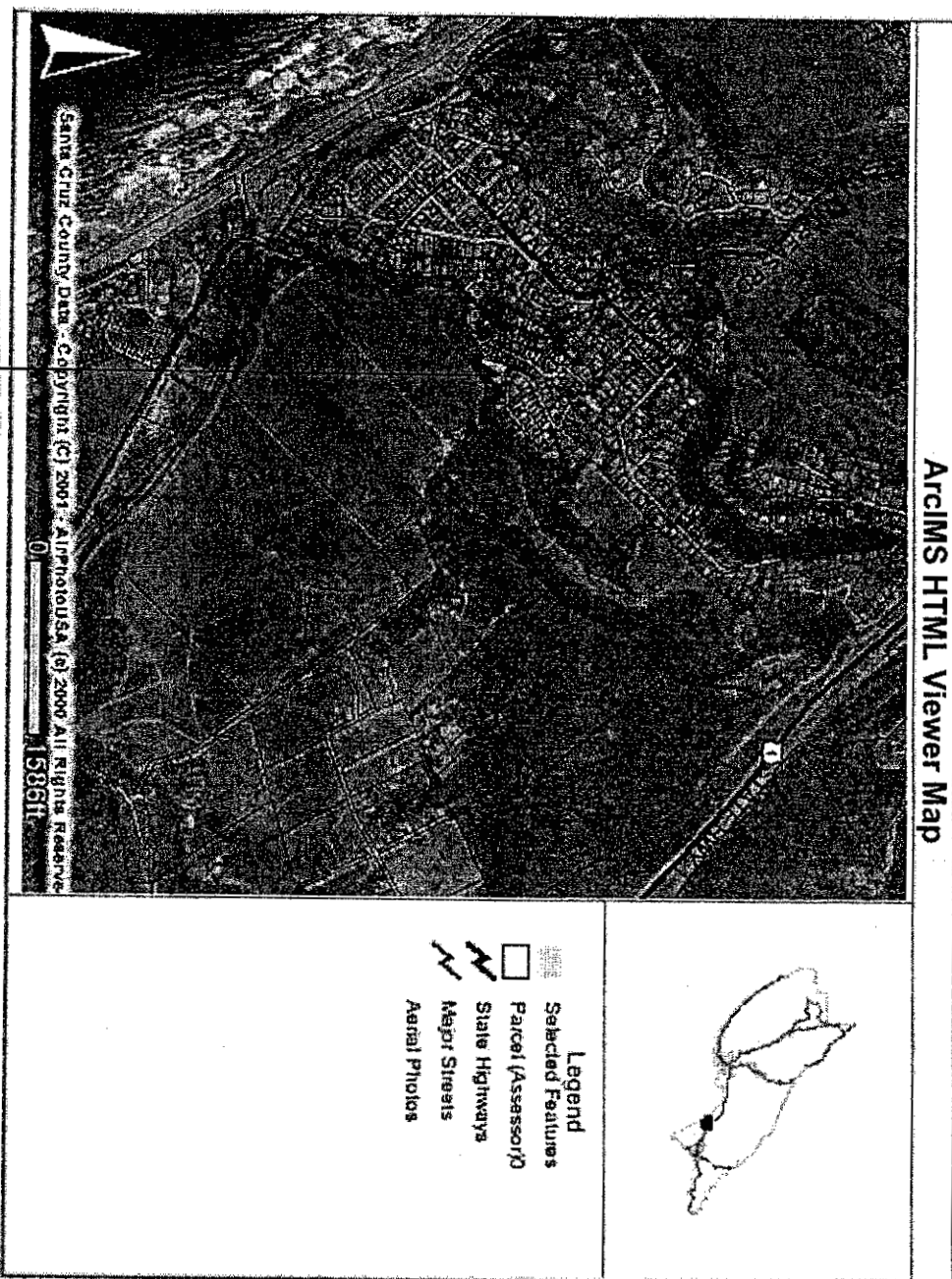


PROJECT LOCATION

GENERAL PLAN
R-UL

EXHIBIT E

ArcIMS HTML Viewer Map



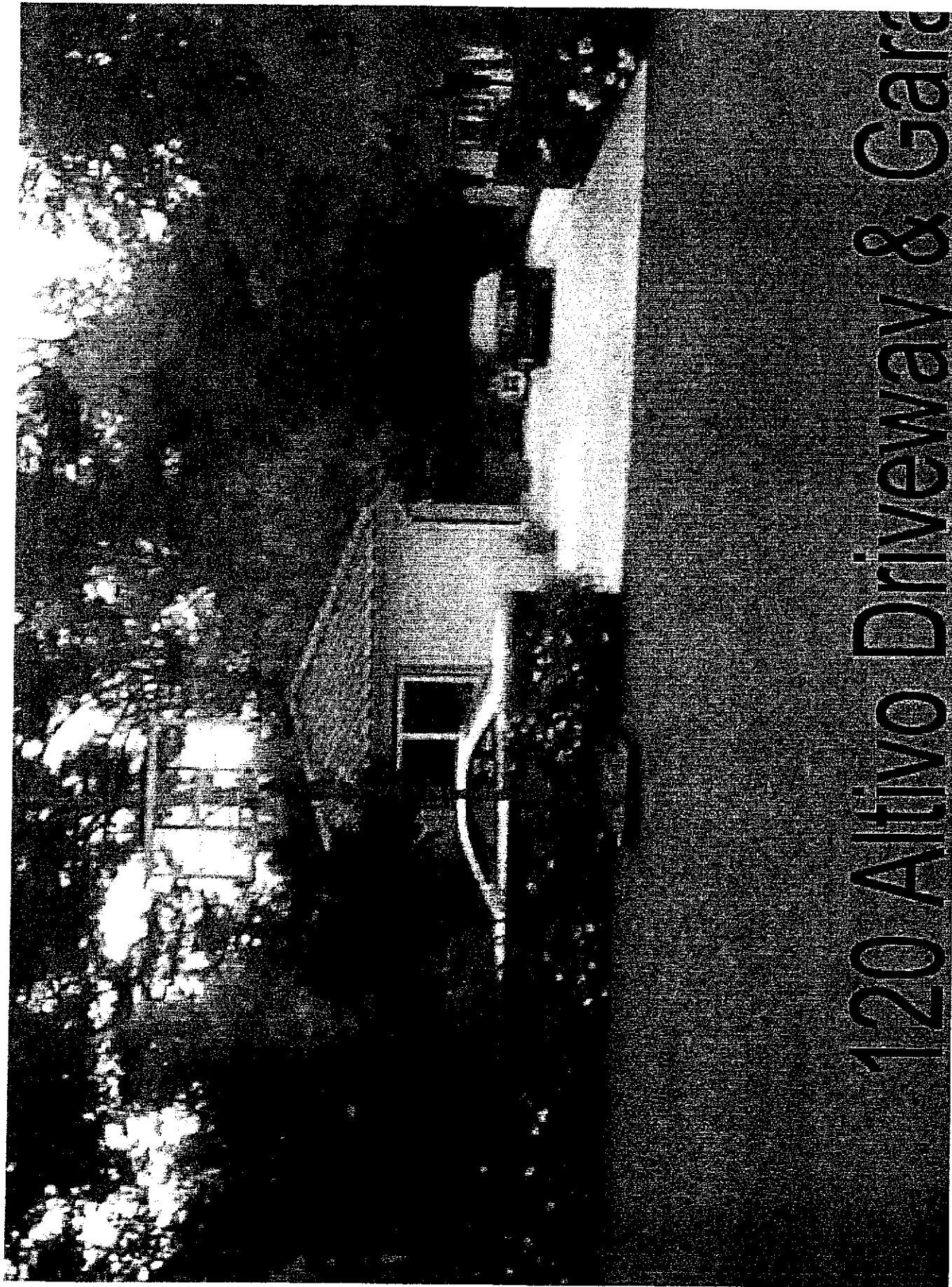
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PROJECT LOCATION

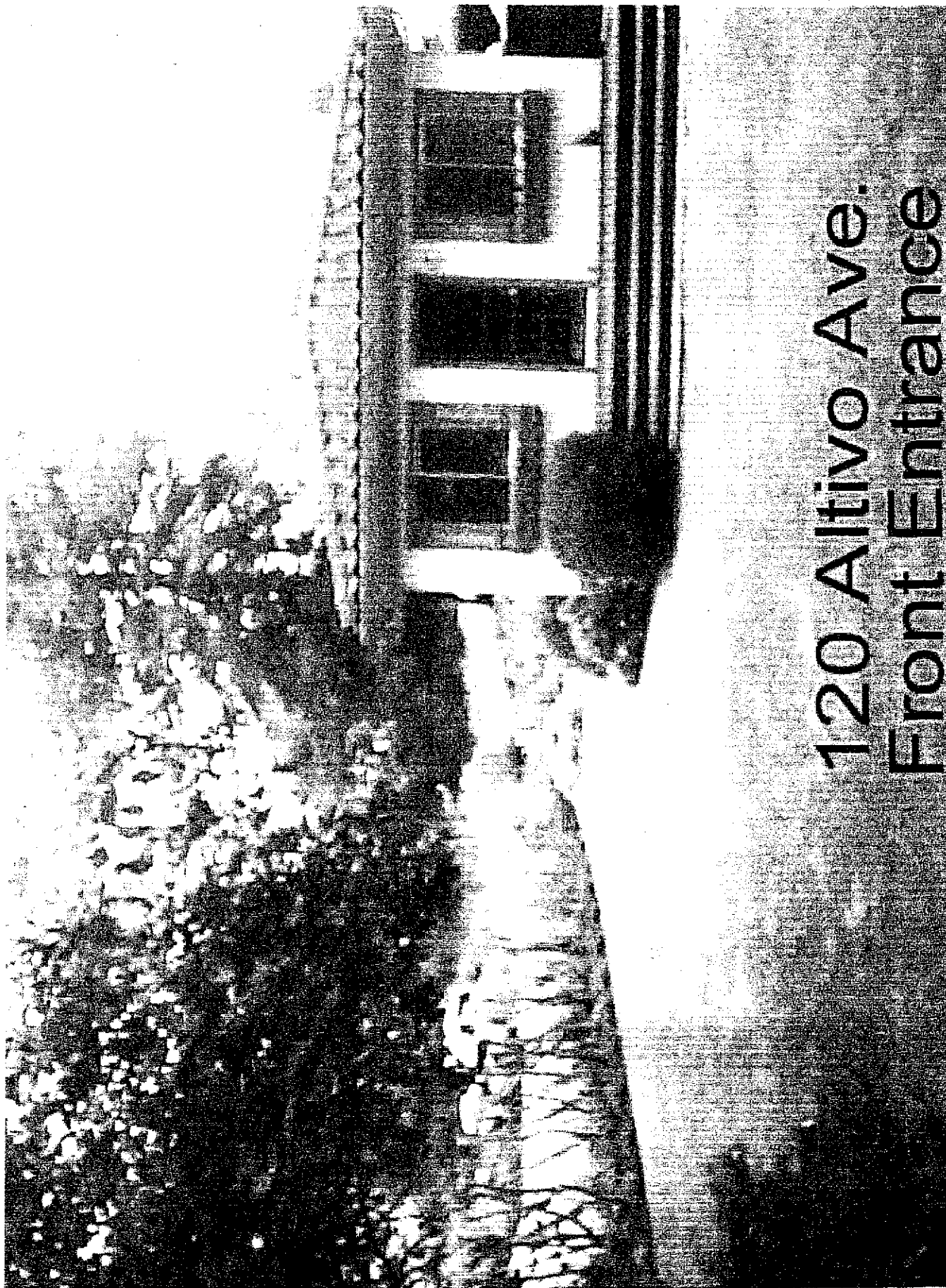
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EXHIBIT E

02-0311



120 Altivo Driveway & Garage



120 Altivo Ave.
Front Entrance



Aptos/La Selva Fire Protection District

6934 Soquel Drive • Aptos, CA 95003
(831)685-6690 • Fax (831)685-6699

October 23,2002 – CORRECTED COPY

Planning Department
County of Santa Cruz
Attention: Joan Van der Hoeven
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 45-151-48 / Appl #02-0311
120 Altivo Avenue

Dear Ms. Van der Hoeven:

Please disregard original denial letter dated July 18,2002.

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented; however, compliance must be met on the following.

A 30 foot clearance will be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

EXCEPTION Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure.

- Any other requirements will be addressed in the Building Permit phase.
- Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

RECOMMEND you have the DESIGNER add the following appropriate NOTES and DETAILS showing this information on the plans that are submitted for BUILDING PERMIT.

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (1998) and District Amendment.

NOTE on the plans the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE / FIRE RATING , and SPRINKLERED or NON-SPRINKLERED as determined by building official and outlined in Part IV of the California Building Code.

(e.g. R-3, Type V-N, Sprinklered)

SHOW on the plans a public fire hydrant within 250 feet of any portion of the building meeting the minimum required fire flow for the building. This information can be obtained from the water company.

FIRE FLOW requirements for the subject property are 1000 gallons. NOTE on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company,

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

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

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

SHOW on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement.

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc.)
- One detector in each sleeping room.
- One at the top of each stairway of 2 4 rise or greater and in an accessible location by a ladder.
- There must be at least one smoke detector on each floor level regardless of area usage.
- There must be a minimum of one smoke detector in every basement area.

NOTE on the plans, building numbers shall be provided. Numbers shall be a minimum of four(4) inch in height on a contrasting background and visible from the street. Where numbers are not visible from the street, additional numbers shall be installed on a directional sign at the property driveway and the street.

NOTE on the plans the installation of an approved spark arrester on the top of the chimney. The wire mesh not to exceed 1/2 inch.

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

NOTE on the plans that a 30 foot clearance will be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure.

NOTE on the plans the job copies of the building and fire systems plans and permits must be on-site during inspections.

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

Sincerely,



Jim Dias, Fire Marshal
Fire Prevention Division
Aptos/La Selva Fire Protection District

Cc: John Gates
120 Altivo Avenue
La Selva Beach, CA 95076

Cc: Mark McKinney, Architect
6564 Coneflower Drive
Carlsbad, CA 92009

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Joan Van Der Hoeven
Application No.: 02-0311
APN: 045-151-48

Date: October 28, 2002
Time: 10:57:09
Page: 1

Environmental Planning Completeness Comments

----- REVIEW ON JULY 10, 2002 BY ROBERT S LDVELAND =====

1. The biotic concern for this parcel is Monarch Butterfly. This project has no negative impact on the resource.

Environmental Planning Miscellaneous Comments

===== REVIEW ON JULY 10, 2002 BY ROBERT S LOVELAND =====

1. Please include a detailed erosion control plan for review. Identify what type of erosion control practice(s) (e.g. silt fencing, etc.) will be utilized on site, where it will be installed and provide construction details for the practice(s).

Project Review Completeness Comments

===== REVIEW ON JULY 18, 2002 BY JOAN VAN DER HOEVEN =====

Site visit 7/16. No ag buffer issues - existing 6 ft wood fence, physical barrier of topography and existing native evergreen trees and shrubseffectively protect CA operations.

Project Review Miscellaneous Comments

===== REVIEW ON JULY 18, 2002 BY JOAN VAN DER HOEVEN =====
NO COMMENT

Dpw Drainage Completeness Comments

===== REVIEW ON JULY 22, 2002 BY JOHN G LUMICAO =====

Dpw Drainage Miscellaneous Comments

===== REVIEW ON JULY 22, 2002 BY JOHN G LUMICAO ===== 1. Show on plans existing tightline connection to existing drainage ditch. Include in plans dimensions or sizesof pipes.

2. The new dimension of impervious improvement is more than twice the existing area. A result is an increase in storm runoff. Demonstrate that the existing tight line connection is capable of handling this increase. Hydrologic calcs should be approved by a civil engineer.

3. Show on plans a cross section of the typical drainage ditch. Is this channel protected from the expected increase of storm runoff?

For questions regarding this review the Public Works Drainage staff is available 8:00am to 12:00noon Monday to Friday.

More information regarding drainage requirements is now available Online at this address

Discretionary Comments - Continued

Project Planner: Joan Van Der Hoeven
Application No.: 02-0311
APN: 045-151-48

Date: October 28, 2002
Time: 10:57:09
Page: 2

<http://sccounty01.co.santa-cruz.ca.us/planning/drain.htm>

Environmental Health Completeness Comments

***** REVIEW ON JULY 9, 2002 BY JIM G SAFRANEK ***** Applicant received EHS clearance for 3 bedrooms.

Environmental Health Miscellaneous Comments

***** REVIEW ON JULY 9, 2002 BY JIM G SAFRANEK *****
NO COMMENT

Aptos-La Selva Beach Fire Prot Dist Completeness C

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

***** REVIEW ON JULY 18, 2002 BY ERIN K STOW *****
DEPARTMENT NAME:Aptos/La Selva Fire Dept.

Have the DESIGNER add the appropriate NOTES and DETAILS showing this information on the plans and RESUBMIT, with an annotated copy of this letter:

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

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

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

SHOW on the plans where the smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement. -One detector adjacent to each sleeping area (hall, foyer, balcony etc.) -One detector in each sleeping room. -One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder. -There must be at least one smoke detector on each floor level regardless of area usage. -There must be a minimum of one smoke detector in every basement area.

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

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

***** UPDATED ON OCTOBER 23, 2002 BY ERIN K STOW *****

DEPARTMENT NAME:Aptos/La Selva Fire Dept, PLANS APPROVED

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

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

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

Discretionary Comments - Continued

Project Planner: Joan Van Der Hoeven
Application No.: 02-0311
APN: 045-151-48

Date: October 28, 2002
Time: 10:57:09
Page: 3

===== REVIEW ON JULY 18, 2002 BY ERIN K STOW =====

NO COMMENT

===== UPDATED ON OCTOBER 23, 2002 BY ERIN K STOW =====

NO COMMENT



County of Santa Cruz

BRUCE DAU, Chairperson
DAVE MOELLER, Secretary

SANTA CRUZ COUNTY AGRICULTURAL POLICY
ADVISORY COMMISSION
REGULAR MEETING

MINUTES - November 21, 2002

Members Present

Bruce Dau, Chairperson
Frank "Lud" McCrary
Sam Earnshaw
Ken Kimes
Mike Manfre

Staff Present

Joan Van Der Hoeven.
Dave Moeller
Pat Tabula

Others Present

Karen Pursell
Darlene Dinn
Dennis Kehoe
Andrew Delucchi
Mark McKinney

1. The meeting was called to order by Chairperson Ran at 1:35 p.m.

2. (a) Approval of October 17, 2002 Minutes

Motion by Commissioner McCrary, seconded by Commissioner Kimes to approve October 17, 2002 Minutes. Motion passed unanimously.

(b) Additions/corrections to consent agenda:

Chairperson Dau requested Item #6b. (Application Number 02-0311) be moved to Regular Agenda Item #8 and item #4b. (Farm Worker Housing) as Item #9.

3. Review of APAC Correspondence and Staff Reports:

- (a) Calendar for 2003 meetings
- (b) Letter from Dennis Kehoe regarding Item #6.b (application number 92-0311)
- (c) Introduction of new Planning Staff member: Karen Pursell

4. Commissioner's Presentations:

(a) Agricultural Viability Determinations:

Joan Van der Hoeven gave a brief presentation on information she received from Ron Tyler, regarding the designation of agricultural land types and viability. Information has remained the same as 30 years ago. Suggested the Commission may want to consider updating the criteria at a future date. The Commissioner expressed several concerns about the criteria. Joan will put this item on the January APAC Agenda for further discussion.

- (b) Farm Worker Housing: Moved to Regular Agenda Item #9
- (c) Commissioner Earnshaw will coordinate with Jim Marshall to return on February 20, 2003 to give a presentation to APAC Commissioners on the use of native plant species for purposes of ag buffering.

5. Oral Communications: None

CONSENT AGENDA

6. Notice of Pending Actions pursuant to County Code Section 16.50.095(g)

- (a) Proposal to extend Permit #99-0724 for a habitable accessory structure with bathroom, and a workshop/storage building. Requires an amendment to extend above permit. Project located on the west side of Ocean Street Extension, less than one mile from the intersection with Graham Hill Road, at 2115 Ocean Street Extension, Santa Cruz.
Applicant: Mark Primack for John Bonita
Application Number 02-0222
APN: 060-151-01
Planner: David Keyon

Motion by Commissioner Kimes, seconded by Commissioner McCrary to approve consent agenda.

Motion passed unanimously.

REGULAR AGENDA

- 7. Proposal to construct an addition to a single-family dwelling. Requires a Residential Development Permit to exceed the maximum 800 square foot addition to an existing nonconforming dwelling, and Agricultural Buffer Determination, and Archaeological Site Review. Property located on the north side of Pleasant Valley Drive, about 650 feet from Apple Way, at 2170 Pleasant Valley Road in Aptos.
Applicant: Franks, Brenkwitz & Associates for Alvie Hurray
Application Number: 02-0300
APN: 107-511-22
Planner: Joan Van der Hoeven

Joan Van der Hoeven gave staff report and presented photo board furnished by the Architect showing the project and surrounding area. Staff recommended approval of this proposal.

Motion by Commissioner Kimes, seconded by Commissioner McCrary to approve this proposal.

Motion passed unanimously.

8. Proposal to construct a one-story addition to an existing one-story single-family dwelling. Requires a Coastal Zone Development Permit and an Agricultural Buffer Determination to reduce the required 200-foot buffer from Commercial Agriculture land to about 18 feet. Property located on the east side of Altivo Lane, approximately 100 yards northeast from San Andreas Road, at 120 Altivo Lane in La Selva Beach.

Applicant: Mark McKinney for John Gates

APN: 045-151-48

Planner: Joan Van der Hoeven

Joan Van der Hoeven gave staff report and read correspondence received from Dennis Kehoe regarding the project. Staff recommended approval of applicant's proposal.

Dennis Kehoe, Attorney for neighboring property owner Andy Delucchi, expressed his concerns about this project because of drainage problem from the Delucchi property toward the proposed site and asked the Commission to deny the proposal.

Andy Delucchi, neighboring property owner, answered questions for the Commission and expressed his disapproval.

Dennis Kehoe asked that an additional condition be attached requiring an analysis of the potential impact on the subject property from upstream flows if this proposal is approved.

Motion by Commissioner Rimes, seconded by Commissioner Earnshaw to accept the staff's recommendation with the following additional condition:

"Approval of staff recommendation subject to a proper analysis by County Public Works of the potential adverse effects of staff's recommendation on upstream drainage from the Delucchi property and other parcels onto the applicant's parcel (APN 045-151-48)."

Motion passed with Commissioners McCrary and Manfre abstaining.


9. Joan Van der Hoeven gave a brief report on Farm Worker Housing issue which will be on APAC'S January Agenda.

Commissioner Moeller attended a meeting at the Farm Bureau to discuss this issue. It will be further discussed at a future Farm Bureau Board meeting.

10. Commissioner Dau welcomed new Commissioner Mike Manfre representing the 4th District and introductions to other Commissioners and staff were made.

There being no further business, the meeting was adjourned at 3:45 p.m.

Respectfully submitted,


David W. Moeller
Executive Secretary

DWM:pt

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Joan Van Der Hoeven
Application No. : 02-0311
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Environmental Planning Completeness Comments

===== REVIEW ON JULY 10, 2002 BY ROBERT S LOVELAND =====

1. The biotic concern for this parcel is Monarch Butterfly. This project has no negative impact on the resource.

Environmental Planning Miscellaneous Comments

===== REVIEW ON JULY 10, 2002 BY ROBERT S LOVELAND =====

1. Please include a detailed erosion control plan for review. Identify what type of erosion control practice(s) (e.g. silt fencing, etc.) will be utilized on site, where it will be installed and provide construction details for the practice(s).

Project Review Completeness Comments

===== REVIEW ON JULY 18, 2002 BY JOAN VAN DER HOEVEN =====

Site visit 7/16. No ag buffer issues - existing 6 ft wood fence, physical barrier of topography and existing native evergreen trees and shrub effectively protect CA operations.

===== UPDATED ON JUNE 23, 2004 BY JOAN VAN DER HOEVEN =====

NO COMMENT

===== UPDATED ON JUNE 23, 2004 BY JOAN VAN DER HOEVEN =====

NO COMMENT

Project Review Miscellaneous Comments

===== REVIEW ON JULY 18, 2002 BY JOAN VAN DER HOEVEN =====

NO COMMENT

===== UPDATED ON JUNE 23, 2004 BY JOAN VAN DER HOEVEN =====

Agricultural buffer permit is due to expire 12-05-04 so a Time Extension will be required as the Building Permit must be picked up and first inspection passed prior to the permit expiration as per County Code Section 18.10.133. This is an administrative permit (Level IV) and is valid for a one-year extension past 12-04.

===== UPDATED ON JUNE 23, 2004 BY JOAN VAN DER HOEVEN =====

NO COMMENT

Dpw Drainage Completeness Comments

===== UPDATED ON JULY 22, 2002 BY JOHN G LUMICAO =====

NO COMMENT

===== UPDATED ON APRIL 21, 2003 BY JOHN G LUMICAO =====

See misc. comments

===== UPDATED ON JUNE 22, 2004 BY CARISA REGALADO =====

Information addressing the County Design Criteria for flood overflow protection of 300 mm freeboard from the finish floor elevation was received in a report dated April 30, 2004 from Schaaf & Wheeler Consulting Civil Engineers: "John Gates Residence Floodplain Delineation, APN 45-151-48 Santa Cruz County, CA". Along with

Project Planner: Joan Van Der Hoeven
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the submittal dated May 27, 2004 from Robert L. DeWitt and Associates, Inc. With further clarification on meeting this requirement as discussed in a telephone conversation and in Schaaf & Wheeler's memo dated June 21, 2004: "June 18, 2004 Discussion Regarding Gates Property Flood Map". As noted in the above report; the 100-year storm flow is 88 cfs as determined by Freitas & Freitas Engineering and Planning Consultants, Inc. in a report dated March 30, 2004: "Schaaf & Wheeler Consulting Engineers Report Delucchi Drainage System 100 Year Flows".

As indicated by Schaaf & Wheeler, the surrounding property will be lowered to meet elevations outlined in their table: "Maximum Grades for Gates Backyard Section to Pass 88 cfs Discharge in Creek to WSEL 99- ft at X-Section 183" in order to accomplish 300 mm of freeboard for a finish floor elevation of 100.00 for this development. The discretionary stage application review is complete for this division.

Dpw Drainage Miscellaneous Comments

===== REVIEW ON JULY 22, 2002 BY JOHN G LUMICAO ===== 1. Show on plans existing tightline connection to existing drainage ditch. Include in plans dimensions or sizes of pipes.

2. The new dimension of impervious improvement is more than twice the existing area. A result is an increase in storm runoff. Demonstrate that the existing tight line connection is capable of handling this increase. Hydrologic calcs should be approved by a civil engineer.

3. Show on plans a cross section of the typical drainage ditch. Is this channel protected from the expected increase in storm runoff?

For questions regarding this review the Public Works Drainage staff is available 8:00am to 12:00noon Monday to Friday.

More information regarding drainage requirements is now available Online at this address

<http://sccounty01.co.santa-cruz.ca.us/planning/drain.htm>

===== UPDATED ON APRIL 21, 2003 BY JOHN G LUMICAO =====

Additional review comments, these comments can be address in the building application phase.

1. The building plans should include information on the minimum floor elevations. (Finish floor line elevations). The floor elevations must provide 300mm freeboard from the Q100 or flood of record flow To demonstrate this submit a data/statistics on the highest flood elevation for the area based on Q100.

2. Submit drainage calculations (hydrologic and hydraulic) for the watercourse between the property and the Ag area and other drainage structures being introduced.

Discretionary Comments - Continued

Project Planner: Joan Van Der Hoeven
Application No. : 02-0311
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3. Detailed drawing such as cross sections with dimensions of all drainage structures (existing and proposed) should be shown on the plans.

===== UPDATED ON APRIL 21, 2003 BY JOHN G LUMICAO =====

===== UPDATED ON JUNE 22, 2004 BY CARISA REGALADO =====

No comment.

Environmental Health Completeness Comments

===== REVIEW ON JULY 9, 2002 BY JIM G SAFRANEK ===== Applicant received EHS clearance for 3 bedrooms.

Environmental Health Miscellaneous Comments

===== REVIEW ON JULY 9, 2002 BY JIM G SAFRANEK =====
NO COMMENT

Aptos-La Selva Beach Fire Prot Dist Completeness C

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

===== REVIEW ON JULY 18, 2002 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept.

Have the DESIGNER add the appropriate NOTES and DETAILS showing this information on the plans and RESUBMIT, with an annotated copy of this letter:

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

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

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

SHOW on the plans where the smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement. -One detector adjacent to each sleeping area (hall, foyer, balcony etc.) -One detector in each sleeping room. -One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder. -There must be at least one smoke detector on each floor level regardless of area usage. -There must be a minimum of one smoke detector in every basement area.

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

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

===== UPDATED ON OCTOBER 23, 2002 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept. PLANS APPROVED

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

Plan check is based upon plans submitted to this office. Any changes or alterations

Discretionary Comments - Continued

Project Planner: Joan Van Der Hoeven
Application No. : 02-0311
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Date: July 13, 2004
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shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

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

===== REVIEW ON JULY 18, 2002 BY ERIN K STOW =====
NO COMMENT

===== UPDATED ON OCTOBER 23, 2002 BY ERIN K STOW =====
NO COMMENT

Schaaf & Wheeler
CONSULTING CML ENGINEERS

FAX TRANSMITTAL

TO: CARISA DURAN, FAX #: 454-2985
SCC DPW-DRAINAGE
DATE: JUNE 21, 2004 FROM: MIKE WILSON
PROJECT: John Gates Property JOB #: GATES 01.04

We are transmitting 2 pages (including this cover sheet). If you do not receive all of the pages, please contact us as soon as possible. The contents of this transmission are confidential and if you received this fax in error, please discard it and contact us immediately. Thank you.

REMARKS:

CARISA - REGARDING LATE FRIDAYS PHONE DISCUSSION

cc: Bob Delwitt - please copy to John Gates
425-0224

☐ 100 N. Winchester Blvd., Suite 20
Santa Clara, CA 95050-6566
(408) 246-4848
(408) 246-5624 FAX
E-mail: s&w@swsv.com

☐ 100 12th Street, Bldg. 2900
Marina, CA 93933-6000
(831) 883-1848
(831) 883-2424 FAX
E-mail: swmb@swsv.com

☐ 870 Market Street, Suite 1278
San Francisco, CA 94102-2906
(415) 433-4848
(415) 433-1029 FAX
E-mail: swsf@swsv.com

☐ 1001 4th Avenue Plaza, Suite 3200
Seattle, WA 98154-1003
(206) 624-9932
(206) 624-9983 FAX
E-mail: swps@swsv.com

02-0311

Schaaf & Wheeler
CONSULTING CML ENGINEERS100 12th Street, Bldg. 2900
Marina, CA 93931
(831) 8834848
FAX (831) 883-2424
swmb@swsv.com**MEMO**TO: Carisa Duran, Santa Cruz County
Department of Public Works, Drainage

DATE: June 21, 2004

FROM: Michael J. Wilson, P.E. *MJW*
Senior Engineer

JOB #: GATE.01.04

SUBJECT: June 18, 2004 Discussion regarding Gates Property Flood Map

Cc: Robert DeWitt, Robert DeWitt and Associates, Inc.
John Gates, c/o Robert DeWitt

This memorandum is to summarize our telephone discussion regarding the estimated 100-year water surface elevation on John Gates property in La Selva Beach June 18, 2004.

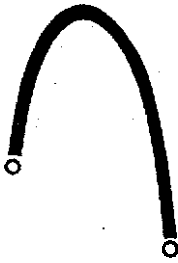
Mr. John Gates authorized Schaaf & Wheeler to delineate the 100-year water surface elevation for John Gates property, which I did per the report "John Gates Residence Floodplain Delineation APN 45-151-48 Santa Cruz County, CA" dated April 30, 2004. I was not informed the property improvements were to utilize the finished floor elevation of the existing house. The following is how the findings in that report may have been written had I learned the existing finished floor was to be used.

"Minimum Finished Floor Elevation for Discharge of 88 cfs

The analysis indicates ponded water will occur to elevations greater than 99.27 feet within the vicinity of the proposed structure and over 100 feet at the east corner of the lot, as shown in the floodplain map accompanying this report. The Santa Cruz County requirement to provide minimum freeboard of 0.98 feet (300 mm) from the 100-year flood level to the finished floor elevation cannot be met given the existing finished floor elevation of 100-feet under existing site conditions. Therefore, the property owner must raise the finished floor elevation of the house to 100.25-feet, or lower the surrounding property to lower the estimated water surface level to less than 99.02-feet."

Mr. Gates selected to meet the County's requirement using the latter recommendation. The table provided to your office from Robert DeWitt dated June 9, 2004 indicates the minimum grading cuts required to lower the estimated 100-year water surface to 99-feet.

**Robert L. DeWitt
and Associates, Inc.**
Civil Engineers & Land Surveyors



1607 Ocean Street - Suite 1
Santa Cruz, CA 95060
Telephone 831 425-1617
Fax Number 831 425-0224
email rlidewitt@aol.com



June 9, 2004
Job No. R03070

County of Santa Cruz
Department of Public Works
701 Ocean Street
Santa Cruz, CA 95060

Attn: Carissa Duran, Drainage Engineering

Re: Application of John Gates
120 Altivo Avenue, La Selva Beach
APN 045-151-48

Dear Carissa,

I enclose herewith a revised Table 1 to accompany my letter to you dated May 27. This Table was corrected after a review with Michael Wilson of the firm of Schaaf & Wheeler.

The recommendation for minor regrading to accommodate the 100-year flood with the required free board of 300 mm remains unchanged.

Please discard the previous version of Table 1 and use this table in its place.

Thank you for your attention to this matter.

Sincerely,

Robert L. DeWitt, PE

RLD:klm

enclosure

cc: John Gates
Joan Van der Hoeven,
Michael Wilson, Schaaf & Wheeler
Mark McKinney, Architect

R03070.6-9-04

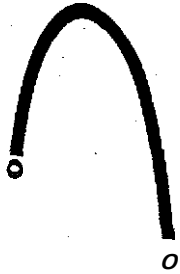
Rev. 6/7/04

TABLE 1: SUMMARY OF FINDINGS

FROM SCHAAF & WHEELER REPORT

<u>X-STATION</u>	<u>ASSIGNED DATA PT.</u>	<u>NORTHING</u>	<u>EASTING</u>	<u>MAX. GR. ELEV.</u>	<u>(E) GR ELEV.</u>	<u>(FROM TOPO SURVEY MAP)</u>	<u>Req'd Grading</u>	<u>(MINOR GRADING, IF REQUIRED)</u>
RIVER STA 210	1001	4,997.91	5,188.12	99.01	99.10		0.09 Cut	
	1002	5,003.25	5,186.36	99.25	99.35		0.10 Cut	
RIVER STA 183	2001	4,984.97	5,164.29	98.15	98.16		none	
	2002	5,001.42	5,157.61	98.31	98.80		0.49 Cut	
RIVER STA 160	3001	4,969.68	5,146.20	97.66	97.50		none	
	3002	4,987.70	5,138.82	98.16	98.20		0.04 Cut	
	3003	5,024.01	5,125.37	99.44			N/A (under new addition)	
RIVER STA 130	4001	4,959.45	5,117.29	97.10	97.10		none	
	4002	4,963.91	5,115.76	98.00	98.00		none	
	4003	4,978.85	5,111.13	98.00	98.00		none	

**Robert L. DeWitt
and Associates, Inc.**
Civil Engineers & Land Surveyors



1607 Ocean Street - Suite 1
Santa Cruz, CA 95060

Telephone 831 425-1617

Fax Number 831 425-0224

email rldewitt@aol.com

May 27, 2004
Job No. R03070

County of Santa Cruz
Department of Public Works
701 Ocean Street
Santa Cruz, CA 95060

Attn: Carissa Duran, Drainage Review

Re: Application by John Gates
APN 045-151-48

Dear Carissa,

We have received the final report and recommendations from Schaaf & Wheeler. The report and calculations were performed using the 100-year flow rate as re-calculated by Mr. Freitas at 88 cubic feet per second. Schaaf & Wheeler have computed the water surface elevation at each of the identified cross sections (designated as River Stations in the report). To provide the necessary waterway area to achieve a minimum freeboard of 300 mm from the water surface to the finish floor level, Schaaf & Wheeler have specified the maximum ground surface elevation at key locations corresponding to the plotted cross sections.

We have plotted the information on the topographic site map and have labeled each of the data points beginning with point number 1001 and greater.

We enclose a table showing the existing ground surface elevation compared to the maximum ground elevation specified by Schaaf & Wheeler.

In conclusion, it is evident that very minor re-grading of the landscaped area between the new addition and the channel will allow for the required freeboard for a 100-year design storm.

Please review, and if acceptable, notify Joan Van der Hoeven so she may proceed with the continued hearing before the Planning Commission.

Please call myself or Schaaf & Wheeler with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert L. DeWitt', written over the word 'Sincerely,'.

Robert L. DeWitt, PE

RLD:klm
enclosures, 1

cc: John Gates, Owner
Mark McKinney, Architect
Michael Wilson, Schaaf & Wheeler
✓ Joan Van der Hoeven, Planning

R03070.5-27-04

Y7

EXHIBIT

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

James R. Schaaf, PE
Kirk R. Wheeler, PE
David A. Foote, PE
Peder C. Jorgensen, PE
Charles D. Anderson, PE

100 Twelfth Street, Building 2900
Marina, CA 98933-8000
(831) 883-4848
FAX (831) 883-2424
swmb@swws.com

Offices in
Silicon Valley
Puget Sound Area
San Francisco

May 19, 2004

Mr. John Gates,
C/o Mr. Robert DeWitt, P.E.
Robert L. DeWitt and Associates, Inc.
1607 Ocean Street, Suite 1
Santa Cruz, California 95060

RE: Preliminary Grading Elevations for Grading Plan for 88-cfs Delucchi Ditch Discharge across APN 45-151-48

Dear **Mr.** Gates:

We are submitting spot elevations that correspond to elevations in cross sections to be used to delineate the floodplain water surface elevation on your property in the event of an 88-cfs discharge in the ditch adjacent to your property, which is being used to represent the 100-year peak discharge in that ditch.

These spot elevations are the maximum elevations we recommend, and may be used as the basis-of-design to develop a new grading plan within the sections provided. We have attempted to minimize the change in grades based on the topography provided by Robert L. DeWitt & Associates, Inc. November 14, 2003. All grading would be performed on lot APN 45-151-48. Grades will allow your backyard to continue to drain towards the ditch. The minimum cross-slope of these spot elevations is 1%.

Unfortunately, the existing topography does not provide enough detail within the region we have given the elevations. A new survey will probably be required. We cannot guarantee the amount of grading that will be required.

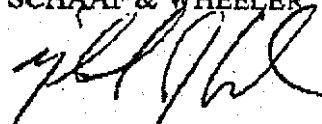
The new grading plan will need to incorporate our spot elevations or reduce the elevations to provide the most appropriate plan for your backyard. These elevations cannot be raised without affecting our calculated WSEL on your property.

May 19, 2004

Please have your engineer provide us with an Auto-CAD version of the new grading plan. We will then generate our report. We look forward to providing our assistance to you in these matters.

Very truly yours,

SCHAAF & WHEELER



Michael J. Wilson, P.E.
Senior Engineer

Enclosure: Maximum Grades for Gates Backyard Section to Pass 88 cfs in Creek to WYEL 99-ft. at X-Section 183; preliminary tables for Floodplain Delineation to be used in report; preliminary plots of relevant x-sections, site map to be used for floodplain delineation showing locations of x-sections.

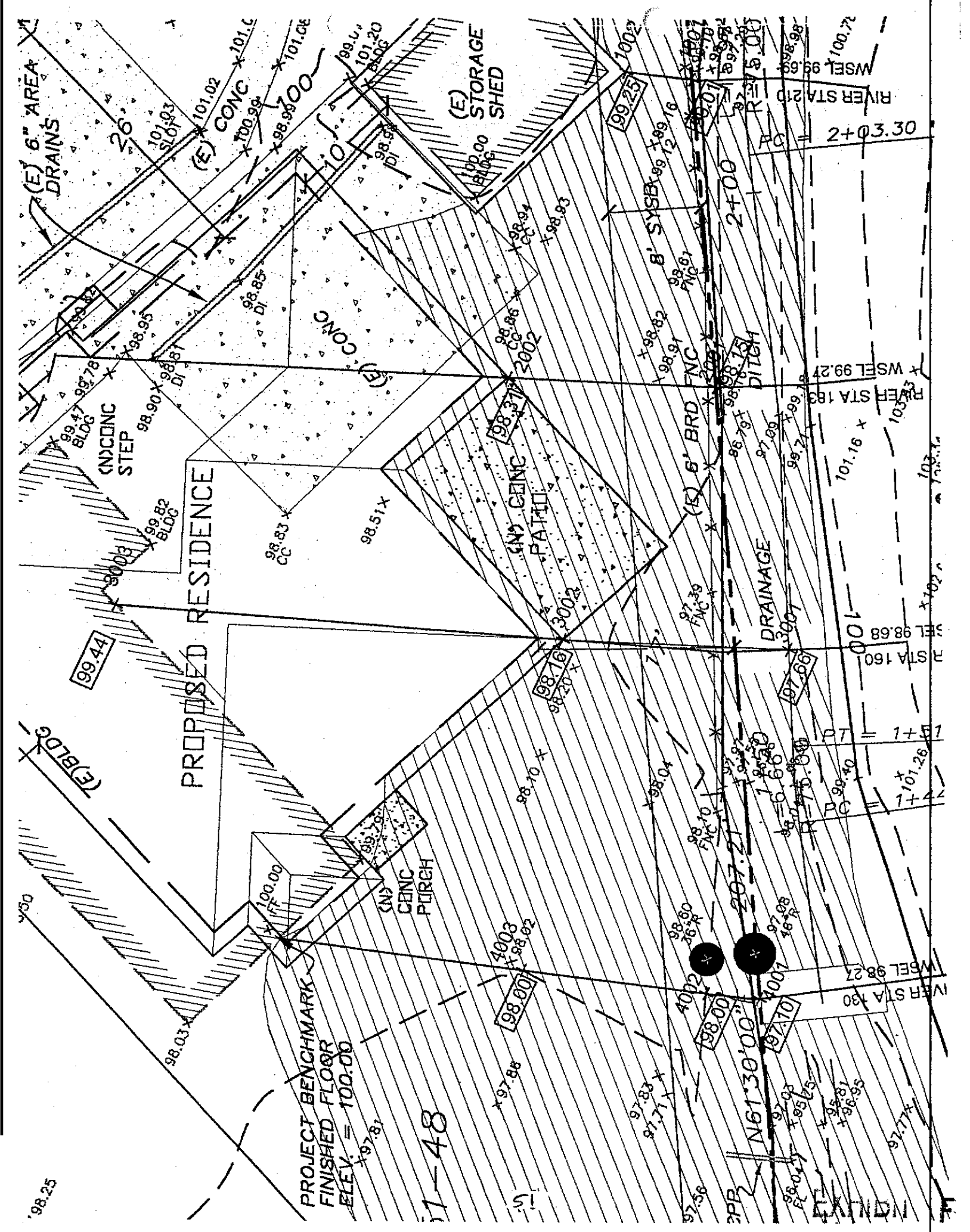
Cc: Jim Schaaf, Schaaf & Wheeler

**MAXIMUM GRADES FOR GATES BACKYARD SECTION TO PASS 88 CFS DISCHARGE IN CREEK
TO WSEL 99-FT AT X-SECTION 183**

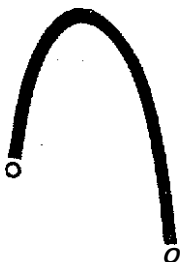
X-SECTION	RIVER STATION	RIGHT (FT)	ELEV. (FT)	RIVER STATION	RIGHT (FT)	ELEV. (FT)	RIVER STATION	RIGHT (FT)	ELEV. (FT)
DESCRIPTION	GATES PROPERTY LINE								
RIVER STA 210	2+10.13	4.69	99.01	2+10.74	10.27	99.25			
RIVER STA 183	1+83.36	5.33	98.15	2+43.88-1	22.88	98.31			
RIVER STA 160	1+60.00	4.81	97.66	1+61.52	19.41	98.16	1+62.59	57.98	99.44
RIVER STA 130	1+30.1	5.52	97.1	1+31.06	10.11	98	1+35.01	25.25	98

X-SECTION	NORTHING*	EASTING*	ELEV. (FT)	NORTHING*	EASTING*	ELEV. (FT)	NORTHING*	EASTING*	ELEV. (FT)
DESCRIPTION	GATES PROPERTY LINE								
RIVER STA 210	4997.91	5188.12	99.01	5186.36	5003.25	99.25			
RIVER STA 183	4984.97	5164.29	98.15	5001.42	5157.61	98.31			
RIVER STA 160	4969.68	5146.2	97.66	4987.7	5138.82	98.16	5024.01	5125.37	99.44
RIVER STA 130	4958.45	5117.29	97.1	4963.91	5115.76	98	4978.85	5111.13	98

*Northing and Eastings based on site map provided electronically by Robert L. DeWitt & Associates, Inc. Nov. 14, 2003



Robert L. DeWitt
and Associates, Inc.
Civil Engineers & Land Surveyors



1607 Ocean Street - Suite 1
Santa Cruz, CA 95060

Telephone 831 425-1617

Fax Number 831 425-0224

email ridewitt@aol.com

April 19, 2004
Job No. R03037

Schaaf & Wheeler
100 Twelfth Street
Building 2900
Marina, CA 93933

Attn: Michael J. Wilson, PE

Re: John Gates Property at 120 Altivo Avenue
Application No. 02-0311 APN 045-151-48

Dear Michael,

We have requested that the County Department of Public Works review your report and approve your calculation that the flow in the channel resulting from a 100-year storm would be 82 cfs. As you know, Mr. Freitas has recalculated the flow at this location to be 88 cfs. rather than the 420 cfs shown in his earlier report. By requesting County approval of your report, we are attempting to minimize additional expense to the owner, for the next step of calculation of the flood elevation.

However, I received a call from Carrisa Duran in the Department of Public Works. Following review within the Department, Ms. Duran informed me that the Department would like to have the water surface elevation calculated for both 82 cfs as well as 88 cfs. I subsequently spoke with her supervisor, Ms. Rachel Fatoohi, and explained that running the water surface calculations for two separate flows was extra expense for the owner. In reviewing the situation, Rachel agreed that if we were to calculate water surface on just one scenario, and we should use 88 cfs for the calculation, that would be acceptable to the Department of Public Works. We would have the option of running the additional calculation at 82 cfs, if deemed necessary.

We enclose herewith a copy of the report rerun by Mr. Freitas, as well as an electronic copy of our topographic mapping.

With Mr. Gates' authorization, please calculate the water surface elevation for the 100-year flow of 88 cfs at the location in the channel adjacent to the new addition to the Gates residence. The County is looking for a difference of a minimum of 300 mm (0.91 feet) from the finish floor elevation to the 100-year flood level. Please provide me with a letter stating your findings and conclusions for submittal to the County.

Thank you for your attention to this matter.

Sincerely,

Robert L. DeWitt, PE

RLD:klm
enclosure

cc: John Gates
Mark McKinney
Joan Vander Hoeven, Planning
Rachel Fatoohi, DPW
Carissa Duran, DPW

FREITAS + FREITAS

ENGINEERING AND PLANNING CONSULTANTS, INC.

March 30, 2004

received

3-31-04

R03070

03002

Mr. Robert DeWitt
Robert L. DeWitt and Associates, Inc.
1607 Ocean Street - Suite 1
Santa Cruz, California 95060

Subject:, Schaaf & Wheeler Consulting Engineers Report
Delucchi Drainage System 100 Year Flows

Dear Bob:

As requested, I have reviewed the hydrology report prepared by Schaaf & Wheeler Consulting Engineers for John Gates property adjacent to the property of Andrew Delucchi in La Selva Beach. The Schaaf and Wheeler Report indicates a peak 100 year flow along the drainage ditch adjacent to Mr. Gates property of 82 cfs and the peak flow of the roadside ditch along Altivo of about 30 cfs.

The Schaaf and Wheeler Report utilizes the USGS quadrangle map at scale 1" = 2,000 feet and simplifies the drainage basin into 3 subcatchments above the Gates property. My report using the available 1" = 400 feet scale map divides the basin into 12 subcatchment areas above the Gates property. I believe using a smaller number of subcatchment reduces the peak flows in small watershed areas such as this one.

I noted in the Schaaf and Wheeler report that the total 24 hour rainfall used was 7.33 inches. This is less than the amount I used in my March 2003 study. I now believe that I overestimated the 100 year 24 hour rainfall for this area. I now agree with the 7.33 inches total 24 hour rainfall used by the Schaaf and Wheeler report. I have revised my March 4, 2003 hydrology report to accommodate my overestimation I now calculate a peak 100 year flow along the drainage ditch adjacent to Mr. Gates property of 88 cfs (Reach 18). The detailed results of the computer run are attached.

If you have any questions, please call me.

Sincerely,



Michael J. Freitas
Freitas + Freitas

CC Andrew Delucchi, 105 Alta Street, La Selva Beach, CA 95076
Dennis J. Kehoe, 311 Bonita Drive, Aptos, CA 95003
Carisa Duran, SCC DPW Stormwater Management, 701 Ocean St, Santa Cruz, CA 95060
Enclosures

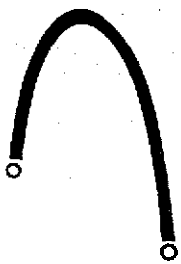
D:\03002-Delucchi\Schaaf & Wheeler 100 Year Hydrology3-29-04.doc

311 LAURENT STREET, SANTA CRUZ, CALIFORNIA 95060

54
TELEPHONE 831.429.5018 FACSIMILE 831.429.1264

EXHIBIT F

**Robert L. DeWitt
and Associates, Inc.**
Civil Engineers & Land Surveyors



1607 Ocean Street - Suite 1
Santa Cruz, CA 95060
Telephone 831 425-1617
Fax Number 831 4250224
email ridewitt@aol.com

COPY

March 5, 2004
Job No. R03070

County of Santa Cruz
Department of Public Works
701 Ocean Street
Santa Cruz, CA 95060

Attn: Carrisa Duran

Re: Application Number 02-0311 APN: 045-151-48
John Gates, Owner

Dear Carrisa,

We enclose herewith the hydrology report prepared for the owner by Schaaf & Wheeler, Consulting Civil Engineers. The report was commissioned by Mr. Gates to respond to the County's requirement that the finish floor elevation of the new construction be above the flood level for a 100-year, 24 hour storm. In the review of the Freitas + Freitas report, Schaaf & Wheeler have employed methodology appropriate to the area and have factored in soil type and rainfall data. The estimated peak flow, according to the report, is 82 cubic feet per second. The Freitas report had concluded the peak flow at the same location to be 430 cubic feet per second.

Prior to proceeding with the calculation of the flood elevations, we request a review and acceptance of this report on behalf of the owner. By copy of this letter, we are providing Mr. Freitas a copy of this report for his information.

Please review and notify my office of your determination in this matter. We have been informed by the planner, Joan Vanderhoeven, that the other deadlines apply to this application and she will need to schedule the continued hearing before the Planning Commission at the earliest opportunity.

Please call any of the principals if you have questions concerning this matter. We look forward to your response and attention to this matter.

Sincerely,

Robert L. DeWitt, PE

RLD:klm

enclosure

cc: John Gates (w/enclosure)
Mark McKinney
Michael Wilson
Joan Vanderhoeven
Mike Freitas (w/enclosure)

R03070.3-5-04

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EXHIBIT F

The peak discharge for the design conditions that are the least likely identified in this

Where:
 Lag = time (hr) from midpoint of rainfall excess to peak of the unit hydrograph
 N = Manning's n-value for watershed roughness
 L = length (mi) of the main water course
 L_{CA} = length

Subbasin	n-value	L (mi)	L _{CA} (mi)	S (ft/mi)	Lag (hr)
UP-1AB	0.07	0.606	0.303	704	0.18
UP-1CD	0.07	0.606	0.303	704	0.18
LO-2AB	0.07	0.81	0.41	98	0.36
LO-3AB	0.03	0.45	0.28	375	0.05

The hydrographs for subbasins UP-1AB and UP-1CD were combined in the HEC-1 model at catchpoint CP1. Then the resulting hydrograph, UP-1(AB&CD), was routed to catchpoint CP2, which is the confluence of the drainage ditch behind Mr. Gates property and the roadside ditch located at the culvert along Altivo Avenue. Routing information was provided by Freitas & Freitas simulating a circular channel 10-ft wide by 5-ft deep.

Modeling Results

Copies of the HEC-1 model runs are provided in the appendices. The following table summarizes the results found in those runs.

Model Run	Catchpoint	Subbasin Hydrographs Combined at Catchpoint	Peak Discharge	Time of Peak
1	CP1	UP-1AB & UP-1CD	39 cfs	9.83-hrs
1	CP2	UP-1(AB & CD) & LO-2AB	82 cfs	10.00-hrs
2	CP2	LO-3AB	30 cfs	10.00-hrs

- A 100-year, 24-hour design storm in the La Selva Beach area will produce a peak discharge in the drainage ditch behind Mr. Gates property of about 82 cfs.
- When combined with Subbasin 3, the peak discharge at the culvert crossing the old county road on Altivo Avenue will be about 112 cfs.

Conclusion of this report

FREITAS - FREITAS

ENGINEERING AND PLANNING CONSULTANTS

March 4, 2003

03002

Mr. Andrew Delucchi
105 Alta Street
La Selva beach, California 95076

Subject: Drainage Boundary **Plan** and Hydrology Report

Dear Mr. Delucchi:

Enclosed with this letter for your review and comments are three copies of our Drainage Boundary Plan and Hydrology Report in accordance with our engineering services agreement.

The report shows the tributary drainage area of the drainage basin within your property.

Using a 10 year **storm** of 7.71 inches of rainfall over a **24** hour period and the **Soil** Conservation Service SCS **TR-20** method results in peak flows **as** follows:

Reach 26 Railroad Trestle - **435** cfs

Reach **24** - **278** cfs

Reach 18 - 155 cfs

Reach 18 is the channel along Altivo Drive which we walked. The existing channel appears to be adequate for the flows generated by this moderate 10 year event storm.

The detailed results of the computer runs are shown in the report.

If you have any questions, please call me.

Sincerely,

Michael J. Freitas

Michael J. Freitas
Freitas + Freitas



Enclosure

**DRAINAGE BOUNDARY PLAN
AND
HYDROLOGY REPORT
FOR
DELUCCHI DRAINAGE AREA
LA SELVA BEACH, CALIFORNIA**

MARCH 2003

FREITAS + FREITAS
Engineering and Planning Consultants
311 Laurent Street
Santa Cruz, California 95060
(831) 429-5018
FAX (831) 429-1264

Drainage Boundary Plan And Hydrology Report

1. Purpose of This Report

The purpose of this report **is** to prepare a tributary area drainage map and 10 year return **storm** water hydrology calculation for a **small** drainage basin **just** south of La Selva Beach, Santa Cruz **County**, California. A large portion of this drainage basin is owned by Andrew Delucchi.

2. Description of Existing Drainage Area

The existing drainage area is shown on Figure 1 - Hydrology Plan Map included with this report. The drainage area consists of a **portion** of the residentially developed area of La Selva Beach, bench farmlands and undeveloped coastal scrub hillsides facing Monterey Bay.

The drainage courses run in steep canyons and gullies with the developed and farmland on bench lands above the channels.

Soils of the area are divided about equally **from** Elder sandy loam, Elkhorn Sandy Loam, and Baywood Loamy Sand. These soils **have** moderate **runoff** potential and are a Category B classified soil by the **USDA Soil** Conservation Service.

3. Hydrology and Hydraulic Analysis

The **storm** water drainage areas were modeled with the use of Hydrocad **Storm** Water Monitoring System Version **6** prepared by Applied Microcomputer Systems of Chocoruna, New Hampshire. The United States **Soil** Conservation Service Curve Number Unit Hydrograph Method was utilized for a **24** hour 10 year **storm** from the Standards of Santa Cruz **County** Public Works Department. A 10year **24** hour **storm** will produce 7.70 inches of rain.

The drainage areas were subdivided into sub catchment areas **and** reaches consisting of the existing channels shown on the topographic map. A drainage schematic **plan** and **result printout** for both areas follows in this report.

The results of the analysis **are** shown in the computer printouts included in this report. Generally **all** channels have sufficient capacity for **the** 10 year event storm.

The results of this modeling **are** shown below:

Reach **26** Railroad Trestle - **435** cfs
Reach **24** - **278** cfs
Reach **18** - **155** cfs

Reach 18 is the channel along Altivo Drive which we walked. The existing channel appears to be adequate for the **flows** generated by **this** moderate 10 year event storm.

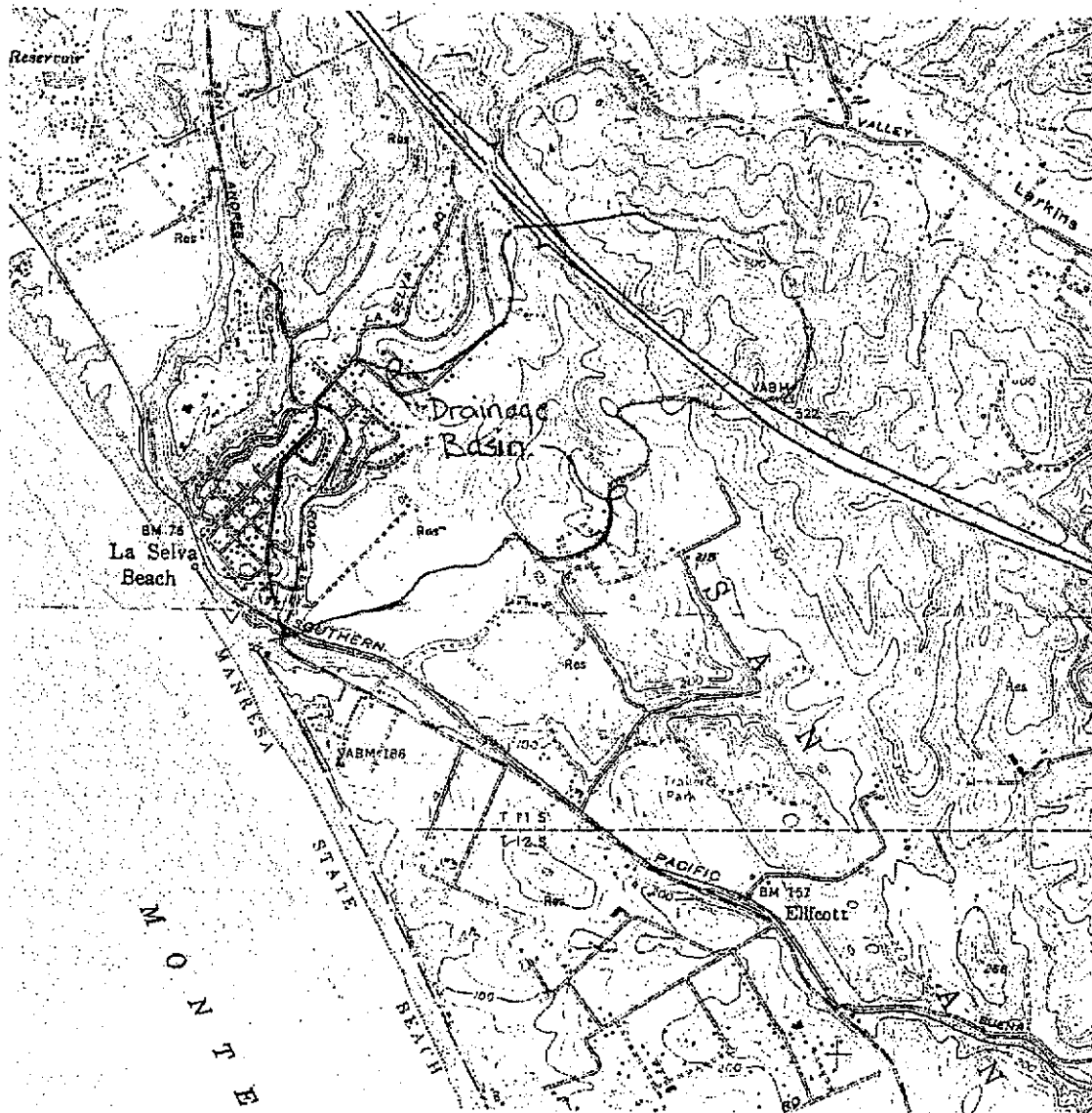


Figure 1
Location Map
Delucchi Drainage Area
La Selva Beach, California



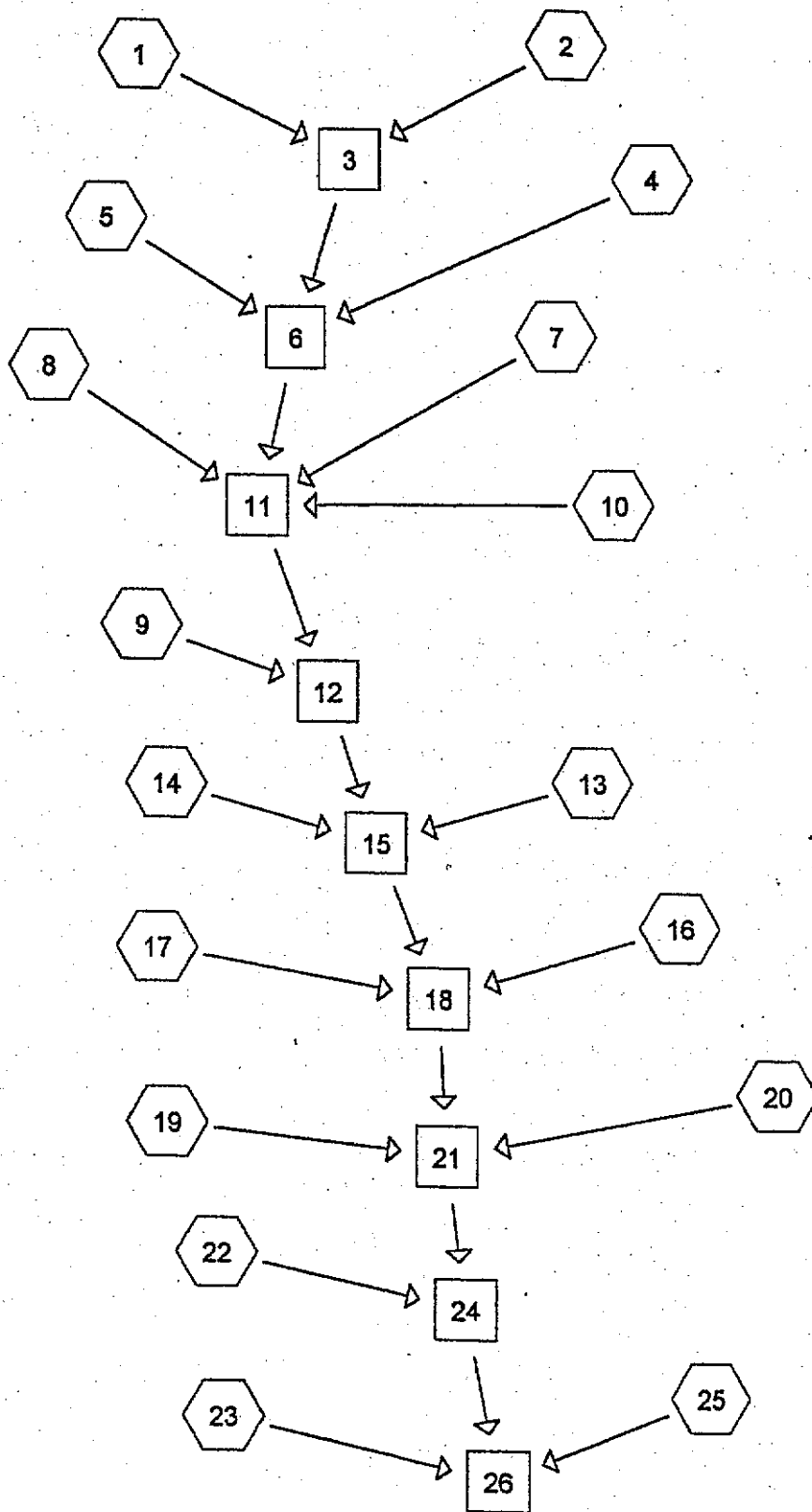
Drainage Basin Boundary

Drainage Basin Sub Boundary

~~Drainage Course~~

Drainage Course Number

① Drainage Catchment Area



Drainage Diagram for Delucchi System
 Prepared by Freitas + Freitas 3/4/03
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Time span=0.00-24.00 hrs, dt=0.10 hrs, 241 points

Runoff by SCS TR-20 method, UH=SCS, Type I 24-hr Rainfall=7.70"

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1:

Tc=33.5 min CN=48 Area=37.800 ac Runoff= 20.13 cfs 5.806 af

Subcatchment 2

Tc=32.4 min CN=48 Area=36.000 ac Runoff= 19.69 cfs 5.533 af

Subcatchment 4:

Tc=42.1 min CN=48 Area=35.600 ac Runoff= 16.70 cfs 5.444 af

Subcatchment 5:

Tc=15.1 min CN=70 Area=10.600 ac Runoff= 27.37 cfs 3.703 af

Subcatchment 7:

Tc=12.0 min CN=48 Area=3.200 ac Runoff= 2.75 cfs 0.497 af

Subcatchment 8

Tc=43.0 min CN=48 Area=22.300 ac Runoff= 10.34 cfs 3.409 af

Subcatchment 9

Tc=33.3 min CN=48 Area=14.600 ac Runoff= 7.80 cfs 2.243 af

Subcatchment 10:

Tc=43.3 min CN=48 Area=20.900 ac Runoff= 9.66 cfs 3.194 af

Subcatchment 13:

Tc=45.4 min CN=48 Area=24.200 ac Runoff= 10.89 cfs 3.694 af

Subcatchment 14:

Tc=36.0 min CN=48 Area=36.400 ac Runoff= 18.69 cfs 5.584 af

Subcatchment 16:

Tc=20.4 min CN=81 Area=27.800 ac Runoff= 85.49 cfs 12.589 af

Subcatchment 17:

Tc=58.0 min CN=48 Area=31.800 ac Runoff= 12.42 cfs 4.822 af

Subcatchment 19:

Tc=27.0 min CN=81 Area=7.100 ac Runoff= 19.07 cfs 3.209 af

Subcatchment 20:

Tc=27.9 min CN=75 Area=33.300 ac Runoff= 76.87 cfs 13.143 af

Subcatchment 22:

Tc=28.5 min CN=75 Area=30.100 ac Runoff= 67.78 cfs 11.878 af

Subcatchment 23:

Tc=38.4 min CN=75 Area=24.200 ac Runoff= 46.02 cfs 9.520 af

Subcatchment 2 5

Tc=40.3 min CN=81 Area=51.700 ac Runoff= 111.19 cfs 23.277 af

Reach 3:

Inflow= 39.63 cfs 11.339 af
Length= 500.0' Max Vel= 84 fps Capacity= 567.66 cfs Outflow= 39.32 cfs 11.322 af

Reach 6:

Inflow 66.40 cfs 20.469 af
Length= 550.0' Max Vel= 73 fps Capacity= 382.72 cfs Outflow= 64.96 cfs 20.431 af

Reach 11:

Inflow= 86.34 cfs 27.530 af
Length= 350.0' Max Vel= 9.2 fps Capacity= 479.76 cfs Outflow 84.97 cfs 27.505 af

Reach 1 2

Inflow 92.47 cfs 29.748 af
Length= 1,900.0' Max Vel= 7.0 fps Capacity= 325.58 cfs Outflow= 90.62 cfs 29.549 af

Reach 15:

Inflow= 118.23 cfs 38.827 af
Length= 1,200.0' Max Vel= 10.1 fps Capacity= 484.74 cfs Outflow= 117.04 cfs 38.711 af

Reach 18:

Inflow= 156.36 cfs 56.121 af
Length= 850.0' Max Vel= 7.8 fps Capacity= 307.86 cfs Outflow= 155.45 cfs 55.981 af

Reach 21:

Inflow= 220.62 cfs 72.334 af
Length= 400.0' Max Vel= 87 fps Capacity= 317.33 cfs Outflow= 220.39 cfs 72.261 af

Reach 24:

Inflow= 289.86 cfs 84.139 af
Length= 1,900.0' Max Vel= 10.1 fps Capacity= 356.65 cfs Outflow= 278.72 cfs 83.797 af

Reach 26: SPRR Trestle

Inflow= 435.13 cfs 116.594 af
Length= 100.0' Max Vel= 93 fps Capacity= 283.83 cfs Outflow 434.77 cfs 116.569 af

Runoff Area = 447.600 ac Volume = 117.545 af Average Depth = 3.15"

Subcatchment 1:

Runoff = 20.13 cfs @ 10.36 hrs, Volume= 5.806 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
37.800	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (Wsec)	Capacity (cfs)	Description
33.5	2,000	0.1500	1.0		Lag/CN Method,

Subcatchment 2:

Runoff = 19.69 cfs @ 10.34 hrs, Volume= 5.533 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
36.000	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
32.4	2,150	0.1800	1.1		Lag/CN Method,

Subcatchment 4:

Runoff = 16.70 cfs @ 10.50 hrs, Volume= 5.444 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
35.600	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
42.1	2,550	0.1400	1.0		Lag/CN Method,

Subcatchment 5:

Runoff = 27.37 cfs @ 10.08 hrs, Volume= 3.703 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.0524.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Delucchi System**Type I 24-hr Rainfall=7.70"**

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Area (ac)	CN	Description
10.600	70	1/2 acre lots, 25% imp, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.1	1,300	0.1200	1.4		LagI/CN Method,

Subcatchment 7:

Runoff = 2.75 cfs @ 10.07 hrs, Volume= 0.497 af

Runoff by **SCS** TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
3.200	48	Brush, Good , HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12.0	600	0.1700	0.8		LagI/CN Method,

Subcatchment 8:

Runoff = 10.34 cfs @ 10.51 hrs, Volume= 3.409 af

Runoff by **SCS** TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
22.300	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
43.0	2,000	0.0910	0.8		LagI/CN Method,

Subcatchment 9:

Runoff = 7.80 cfs @ 10.36 hrs, Volume= 2.243 af

Runoff by **SCS** TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
14.600	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
33.3	1,350	0.0810	0.7		LagI/CN Method,

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EXHIBIT F

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Type I 24-hr Rainfall=7.70"

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Subcatchment 10:

Runoff = 9.66 cfs @ 10.52 hrs, Volume= 3.194 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
20.900	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (Wsec)	Capacity (cfs)	Description
43.3	1,600	0.0630	0.6		Lag/CN Method,

Subcatchment 13:

Runoff = 10.89 cfs @ 10.55 hrs, Volume= 3.694 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
24.200	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
45.4	2,050	0.0850	0.8		Lag/CN Method,

Subcatchment 14:

Runoff = 18.69 cfs @ 10.40 hrs, Volume= 5.584 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
36.400	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (Wsec)	Capacity (cfs)	Description
36.0	1,800	0.1100	0.8		Lag/CN Method,

Subcatchment 16:

Runoff = 85.49 cfs @ 10.13 hrs, Volume= 12.589 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Type I 24-hr Rainfall=7.70"

Delucchi System

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Type I 24-hr Rainfall=7.70"

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Area (ac)	CN	Description
27.800	81	Row crops, straight row, Poor, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
20.4	1,700	0.0530	1.4		Lag/CN Method,

Subcatchment 17:

Runoff = 12.42 cfs @ 10.75 hrs, Volume= 4.822 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
31.800	48	Brush, Good, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
58.0	2,400	0.0670	0.7		Lag/CN Method,

Subcatchment 19:

Runoff = 19.07 cfs @ 10.21 hrs, Volume= 3.209 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
7.100	81	Row crops, straight row, Poor. HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (Wsec)	Capacity (cfs)	Description
27.0	900	0.0110	0.6		Lag/CN Method,

Subcatchment 20

Runoff = 75.87 cfs @ 10.23 hrs, Volume= 13.143 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
33.300	75	1/4 acre lots, 38% imp, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
27.9	2,400	0.0710	1.4		Lag/CN Method,

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Subcatchment 22:

Runoff = 67.78 cfs @ 10.23 hrs, Volume= 11.878 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
30.100	75	114 acre lots, 38% imp, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
28.5	2,350	0.0660	1.4		LagICN Method,

Subcatchment 23:

Runoff = 46.02 cfs @ 10.36 hrs, Volume= 9.520 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
24.200	75	114 acre lots, 38% imp, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
38.4	2,300	0.0350	1.0		LagICN Method,

Subcatchment 25

Runoff = 111.19 cfs @ 10.38 hrs, Volume= 23.277 af

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type I 24-hr Rainfall=7.70"

Area (ac)	CN	Description
51.700	81	Row crops, straight row, Poor, HSG B

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
40.3	2,950	0.0330	12		LagICN Method,

Reach 3:

Inflow = 39.63 cfs @ 10.35 hrs, Volume= 11.339 af
Outflow = 39.32 cfs @ 10.39 hrs, Volume= 11.322 af, Atten= 1%, Lag= 2.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Max. Velocity= 8.4 fps, Min. Travel Time= 1.0 min
Avg. Velocity= 5.3 fps, Avg. Travel Time= 1.6 min

Peak Depth= 1.36'

Capacity at bank full= 567.66 cfs

Inlet Invert= 190.00', Outlet Invert= 170.00'

10.00' x 5.00' deep Parabolic Channel, $n= 0.030$ Length= 500.0' Slope= 0.0400 'f'

Reach 6

Inflow = 65.40 cfs @ 10.37 hrs, Volume= 20.469 af

Outflow = 64.96 cfs @ 10.41 hrs, Volume= 20.431 af, Atten= 1%, Lag= 2.2 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Max. Velocity= 7.3 fps, Min. Travel Time= 1.3 min

Avg. Velocity= 4.2 fps, Avg. Travel Time= 2.2 min

Peak Depth= 2.09'

Capacity at bank full= 382.72 cfs

Inlet Invert= 170.00', Outlet Invert= 160.00'

10.00' x 5.00' deep Parabolic Channel, $n= 0.030$ Length= 550.0' Slope= 0.0182 'f'

Reach 11:

Inflow = 85.34 cfs @ 10.43 hrs, Volume= 27.530 af

Outflow = 84.97 cfs @ 10.45 hrs, Volume= 27.505 af, Atten= 0%, Lag= 1.1 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Max. Velocity= 9.2 fps, Min. Travel Time= 0.6 min

Avg. Velocity= 5.3 fps, Avg. Travel Time= 1.1 min

Peak Depth= 2.13'

Capacity at bank full= 479.76 cfs

Inlet Invert= 160.00', Outlet Invert= 150.00'

10.00' x 5.00' deep Parabolic Channel, $n= 0.030$ Length= 350.0' Slope= 0.0286 'f'

Reach 12

Inflow = 92.47 cfs @ 10.44 hrs, Volume= 29.748 af

Outflow = 90.62 cfs @ 10.58 hrs, Volume= 29.549 af, Atten= 2%, Lag= 8.5 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Max. Velocity= 7.0 fps, Min. Travel Time= 4.5 min

Avg. Velocity= 4.1 fps, Avg. Travel Time= 7.8 min

Peak Depth= 2.66'

Capacity at bank full= 325.58 cfs

Inlet Invert= 150.00', Outlet Invert= 125.00'

10.00' x 5.00' deep Parabolic Channel, $n= 0.030$ Length= 1,900.0' Slope= 0.0132 'f'

Delucchi System

Type I 24-hr Rainfall=7.70"

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Reach 15:

Inflow = 118.23 cfs @ 10.55 hrs, Volume= 38.827 af
Outflow = 117.04 cfs @ 10.61 hrs, Volume= 38.711 af, Atten= 1%, Lag= 3.9 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10hrs
Max. Velocity= 10.1 fps, Min. Travel Time= 2.0 min
Avg. Velocity= 5.9 fps, Avg. Travel Time= 3.4 min

Peak Depth= 2.48'

Capacity at bank full= 484.74 cfs

Inlet Invert= 125.00', Outlet Invert= 90.00'

10.00' x 5.00' deep Parabolic Channel, n= 0.030 Length= 1,200.0' Slope= 0.0292 'f'

Reach 18:

Inflow = 156.36 cfs @ 10.55 hrs, Volume= 56.121 af
Outflow = 155.45 cfs @ 10.61 hrs, Volume= 55.981 af, Atten= 1%, Lag= 3.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Max. Velocity= 7.8 fps, Min. Travel Time= 1.8 min
Avg. Velocity= 4.5 fps, Avg. Travel Time= 3.1 min

Peak Depth= 3.57'

Capacity at bank full= 307.86 cfs

Inlet Invert= 90.00', Outlet Invert= 80.00'

10.00' x 5.00' deep Parabolic Channel, n= 0.030 Length= 850.0' Slope= 0.0118 'f'

Reach 21 :

Inflow = 220.62 cfs @ 10.31 hrs, Volume= 72.334 af
Outflow = 220.39 cfs @ 10.33 hrs, Volume= 72.261 af, Atten= 0%, Lag= 1.3 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Max. Velocity= 8.7 fps, Min. Travel Time= 0.8 min
Avg. Velocity= 5.0 fps, Avg. Travel Time= 1.3 min

Peak Depth= 4.17'

Capacity at bank full= 317.33 cfs

Inlet Invert= 80.00', Outlet Invert= 75.00'

10.00' x 5.00' deep Parabolic Channel, n= 0.030 Length= 400.0' Slope= 0.0125 'f'

Reach 24:

Inflow = 283.86 cfs @ 10.30 hrs, Volume= 84.139 af
Outflow = 278.72 cfs @ 10.41 hrs, Volume= 83.797 af, Atten= 2%, Lag= 6.7 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Max. Velocity= 10.1 fps, Min. Travel Time= 3.1 min
Avg. Velocity= 5.6 fps, Avg. Travel Time= 5.6 min

EXHIBIT F

Peak Depth= 4.46'

Capacity at bank full= 356.65 cfs

Inlet Invert= 75.00', Outlet Invert= 45.00'

10.00' x 5.00' deep Parabolic Channel, $n = 0.030$ Length= 1,900.0' Slope= 0.0158 1'

Reach 2 6 SPRR Trestle

inflow = 435.13 cfs @ 10.40 hrs, Volume= 116.594 af

Outflow = 434.77 cfs @ 10.40 hrs, Volume= 116.569 af, Atten= 0%, Lag= 0.4 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, $dt = 0.10$ hrs

Max. Velocity= 9.3 fps, Min. Travel Time= 0.2 min

Avg. Velocity= 52 fps, Avg. Travel Time= 0.3 min

Peak Depth= 6.34'

Capacity at bank full= 283.83 cfs

Inlet Invert= 45.00', Outlet Invert= 44.00'

10.00' x 5.00' deep Parabolic Channel, $n = 0.030$ Length= 100.0' Slope= 0.0199 1'

REC-
10/17/03
DFB

October 13, 2003

03002

Mr. Andrew Delucchi
105 Alta Street
La Selva Beach, California 95076

Subject: Comments on SCC Planning Department Application No. 02-0311

Dear Mr. Delucchi:

As requested, this letter contains our comments on the 9/19/03 letter to Mr. John Lumicao, of Santa ~~Cruz~~ County Department of Public Works from Robert L. DeWitt, PE concerning drainage issues of Santa Cruz County Planning Department Application No. 02-0311 (APN 045-151-48). This application is for the expansion of an existing 480 square foot house built in 1959 to a 1,960 square foot house adjacent to your property along Altivo Drive in La Selva Beach

As you know, we prepared a **Drainage Boundary Plan and Hydrology Report** (copy attached) for your property in March 2003. Our report includes the property included in the application which also lies along the unnamed drainage system along Altivo Drive in La Selva Beach.

Our review of the letter reveals the following comments:

1. We believe the 100 year flood discharge of the drainage system at this location is much greater than the 117 cfs calculated by Mr. DeWitt. Our report determined the flow at this location at more than 278 cfs. We modeled the drainage basin with the use of **Hydrocad Storm Water Monitoring System Version 6** prepared by Applied Microcomputer Systems of Chocoruna, New Hampshire. This computer program uses the United States Soil Conservation Service Curve Number Unit Hydrograph Method of calculation for a 24 hour 10 year ~~storm~~ from the Standards of Santa Cruz County Public Works Department. This method is a common method of analysis for rural farming areas and accepted by Santa Cruz County for large drainage basins such as this one.
2. We believe the water surface profile calculated for this parcel did not include the flow throttling effects of the existing silted 24" pipe culvert at the downstream end of the subject property. This silted 24" culvert will cause flows to be at a much greater depth along the channel, possibly extending onto both the Gates and your property if the addition as proposed is built.

EXHIBIT F

Therefore, we believe the 9/19/03 letter report is inadequate to show what the affects of **this** project are upon your property. We suggest the flood flows and water surface profiles be recalculated using more current hydrologic principles for flood flow and water surface profile calculation.

In addition, we find no approval or concurrence by County Public Works with Mr. DeWitt's analysis as required by Item #8 of the November 21, 2002 Minutes of the **Santa Cruz County** Agricultural Policy Advisory Commission which states:

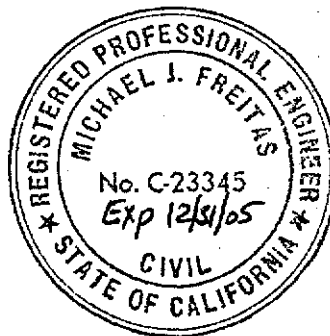
"Approval of staff recommendation subject to a proper analysis by County Public Works of the potential adverse effects of staff's recommendation on upstream drainage from Delucchi property and other parcels onto the applicants parcel (APN 045-151-48)".

Also included with this letter for your information and use is a **Statement of Qualifications** for my firm including my resume. If you have any questions, please call me.

Sincerely;

Michael J. Freitas

Michael J. Freitas
Registered Civil Engineer No. C23345
Freitas + Freitas



Cc Dennis J. Kehoe, Attorney

Law Offices

DENNIS J. KEHOE
Law Corporation

311 Bonita Drive
Aptos, California 95003
(831) 662-8444 FAX (831) 662-0227

November 12, 2003

ZONING ADMINISTRATOR
COUNTY OF SANTA CRUZ
ATTENTION: DON BUSSEY
701 Ocean Street, 4TH Floor
Santa Cruz, CA 95060

Re: Gates Application #02-0311, APN 045-151-48,
Initial Hearing on October 17, 2003-Hearing Continued

Dear Mr. Bussey:

As indicated in my earlier correspondence and at the public hearing of this matter on October 17, 2003, the undersigned represents Andrew Delucchi in connection with his agricultural property, APN 045-021-05. A brief presentation was made to you by the undersigned on behalf of Mr. Delucchi on October 17, 2003. Also, my correspondence was delivered to your office on this matter on October 14, 2003. By this letter, I incorporated my previous comments to you. The following is additional pertinent information for your consideration.

1. INADEQUATE PROVISION FOR SANITATION

The undersigned has reviewed the various files in the County of Santa Cruz Planning Department concerning the Gates property. The following was discovered from the County files. Jeanne W. Gregory was the owner of APN 045-151-37 and 38 in 1977 and 1978. Ms. Gregory applied for a minor land division and a variance with the Santa Cruz County Planning Department on August 8, 1977. In the application under the title "Description of Proposed Project" Ms. Gregory stated as follows:

"Two houses are on 1 parcel (#37) fronting Elena. Vacant parcel (#38), at the rear of two houses is unbuildable? due (to) septic leach lines running across this level parcel. Vacant parcel #38 makes a natural

ZONING ADMINISTRATOR
COUNTY OF SANTA CRUZ
ATTENTION: DON BUSSEY
November 12, 2003
Page Two

backyard for each house. Change is to put boundary line between two houses, instead of behind them." (See attached Environmental Assessment Application)(Parenthesis in original)

With her application, Ms. Gregory included a footprint of the two Assessor's parcels (#37 and #38) and the location of the homes. (Attached) Also included with the application was the then current Assessor's Parcel Map which was marked "77-1369MLD." (attached) As you can observe, APN #37 and #38 were owned by Ms. Gregory at that time. She wished to realign the common boundary between #37 and #38 in a perpendicular fashion so that each home would have its own separate parcel and Assessor's Parcel Number. As you can observe on that Assessor's Parcel Map, the 500 square foot home that was constructed in 1959 (now owned by Gates) was located on the then designated APN 045-151-39. As quoted above, Ms. Gregory believed that the then designated APN #38 was "unbuildable" due to septic leach lines running across the #38 parcel. The undersigned is informed that the leach lines on #38 still exist and continue to serve the two (2) homes on #37.

On September 12, 1978, the Zoning Administrator granted the variance and MLD 77-1369 (attached). One of the conditions for the minor land division was that "a Use Permit for the 20' R/W shall be obtained." As you can see from the enclosed map, there was a right-of-way required across a portion of #38 to what appears to be a structure such as a garage. (See attached Tentative Parcel Map Gregory)

On May 16, 1984, Mr. Gates purchased what was then known as APN 034-151-39. Number 39 was a small triangular parcel with a 500 (-) square foot home. On February 23, 1998, Mr. Gates purchased what was then known as APN 045-151-38. Number 38 is the parcel encumbered with the leach lines from the two (2) houses located on #37. The Assessor's records indicate that "owner requested on 5-12-99, combination (of) 045-151-38 + 39." The two (2) parcels were combined by the Assessor's Office on October 14, 1999, pursuant to the request of Mr. Gates. Notwithstanding the combination of these two (2) parcels by the Assessor at the request of Mr. Gates, the leach lines may still exist on #38 and there may be a leach line easement encumbering #38 for the benefit of the two (2) homes on #37.

ZONING ADMINISTRATOR
COUNTY OF SANTA CRUZ
ATTENTION: DON BUSSEY
November 12, 2003
Page Three

The current applications of Mr. and Ms. Gates seek to expand the legal building on their property which contains less than 500 square feet into a home of approximately 2,000 square feet with further leach field lines and a septic tank. The proposed Gates leach fields may not only be located at a higher elevation than the home itself as proposed but also further encumber property historically encumbered with a leach fields from two (2) existing homes. This creates at least four (4) problems. Initially, the property the subject of the proposed, increased leach fields may potentially be over burdened. Second, the proposed leach fields are at a higher elevation than the proposed expansion of the Gates house from 500 square feet (-) to 2000 square feet (±). Sludge does not ooze up hill. Third, supersaturated earth will percolate effluent, especially during wet weather. This will potentially create a health hazard not only to the occupants of the Gates property but to others including the public. An analysis of the sanitation aspects of this project **must** be prepared. Fourth, former APN 045-151-38, now a part of APN 045-151-49, may be encumbered by an already existing leach field easement for the benefit of APN 045-151-37.

2. UNPERMITTED ADDITIONS AND STRUCTURES.

As indicated in my October 14, 2003, letter, the APAC staff report specifically states:

"The proposed project is to construct an addition of 1,480 square feet to an existing **480 square foot, 1 story, single-family dwelling** to result in a **1,960 square foot single-family dwelling**." (Emphasis added)

Nevertheless, the Planning staff report to you for the October 17, 2003, agenda indicates under ANALYSIS AND DECISION that this application is the "proposed addition to the existing **952 square foot single-family dwelling constructed in 1959**." (Emphasis added) There may have been illegal additions to the existing Gates structure and outbuildings constructed without procurement of the necessary development permits and building permits. Enclosed is a document entitled "COUNTY OF SANTA CRUZ. CHARACTERISTICS INQUIRE SCREEN specifically stating that the main building contains **"480 square feet"** built in 1959. Either your Planning staff is in error by reporting that the existing home is "952" square feet or Mr. Gates has added over 400 square feet to the existing 480 square foot home illegally. This needs clarification. Further, there appears

ZONING ADMINISTRATOR
COUNTY OF SANTA CRUZ
ATTENTION: DON BUSSEY
November 12, 2003
Page Four

to be an unpermitted shed and another unpermitted structure on the Gates property. If so, such structures must be removed.

3. NOVEMBER 3, 2003, MEETING WITH PUBLIC WORKS.

There was a meeting **with** Public Works engineers Ms. Rachel Fatoohi and Ms. Carisa Duran. Andy Delucchi and Michael Freitas were in attendance as well as Bob DeWitt, the civil engineer for Mr. Gates. In order to proceed **with this** application, Mr. Gates must authorize Bob DeWitt to provide additional pertinent data including, but not limited to, the utilization of the "100" year storm datum rather than the "10" year datum. Additionally, Mr. DeWitt must locate the foot print of **all** existing structures and the proposed addition on a topographic map of the Gates and surrounding properties.

4. CONCLUSION.

The above issues must be adequately addressed and analyzed before any further consideration of this matter.

Very truly yours,

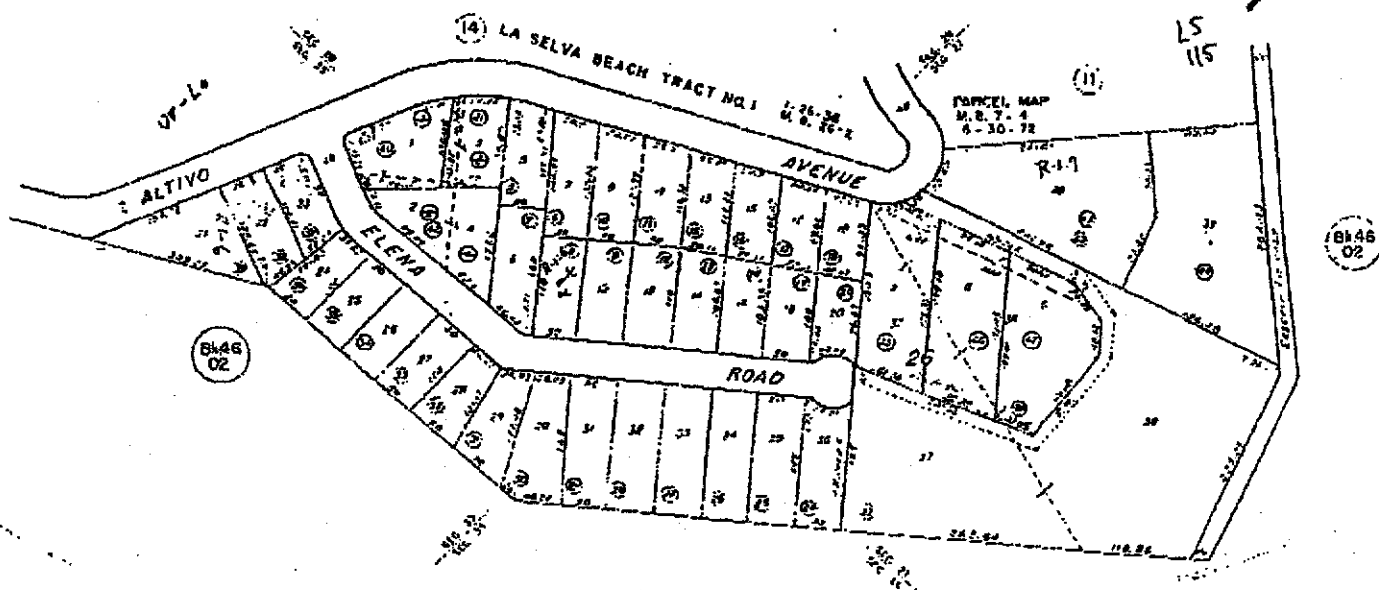
~~DENNIS J. KEHOE~~

DENNIS J. KEHOE

DJK:jlc

c: Andy Delucchi
Freitas + Freitas, Attention: Michael Freitas
County of Santa Cruz, Planning Department
Attention: Joan Van Der Hoeven
County Counsel, County of Santa Cruz
Mark McKinney, Agent of Owner John Gates

Tca Area Code 45-15
69-053



EXHIBIT

79

Note - Assessor's Parcel Block &
: : 46-64-2 Spawen Cir

San Joaquin, Cal.
May 1955

PARCEL #45-151-39

JOB RECORD

OFFICE OF THE BUILDING INSPECTOR

Permit Number

6716

Date

Oct. 15, 1959

SANTA CRUZ COUNTY

VALUATION \$ 3,840.00

Type

OWNER ANGELO LO MAGRO

LOCATION Altivo Avenue, La Selva Beach

(const. cottage/no garage)

C

CONTRACTOR

OWNER

B

ELECTRIC P. 20.

FORMS BUILDING

PLUMBING P. No.

5139

10-50-58

11-24-57 Rough

4183

11-24-57

Rough Wiring

Foundation

11-24-57 Rough

OK 1-19-60

Finish Wiring

OK 5-9-60

Frame

Finish

OK 5-9-60

Flues

Septic Tank

Fixtures

OK 5-9-60

Finish Complete

Sewer

Service

OK 5-9-60

Gas

OK 5-9-60

Motors

OK 5-9-60

REMARKS ON OTHER SIDE

BLD-3

10/28/97 XRS
13:04:50

COUNTY OF SANTA CRUZ - ALUS 3.0
CROSS REFERENCE BY APN
APPLICATIONS AND PERMITS BY APN

I-ALPSA110
ALSSA110

APN: 04515139
AGE: 1

INVESTIGATIONS? : NO :
PARCEL NOTEBOOK?: NO :
SPLIT/COMBO? : NO :

-----APPLICATION----- PEWIT-----
EL APPL NO STATUS PERM NO. CO ISSUED STATUS TYPE(S)

ABLE TO FIND APPLICATIONS/PERMITS FOR 'MIS APN

PA2-EXIT

EXHIBIT

28/97 , . C O U N T Y O F S A N T A C R U Z VIAPNP014LI
16:27 CHARACTERISTIC INQUIRY SCREEN VIAPNS014LI

EL NO.... : 045 151 39
SSEE NAME... : GATES JOHN P U/M
S : 120 ALTIVO AV LA SELVA BCH
ING ADDRESS: 155 CAMINO ALMAR
LA SELVA BEACH . CA 95076
CODE : SINGLE RESIDENCE

BUILDING., .SQFT: 480	STRUCTURE DATA	
BUILT(EST).....: 1959	NO. UNITS.....: 1	POOL.....: NO
ROOM COUNT.. ...: 3	HEAT.....: WALL	SPA.....: NO
BEDROOMS.....: 1	CONCRETE..SQFT:	DECKS.....SQFT:
BATHROOMS(F/H)...: 1 / 0	GARAGE...SQFT:	NO. FIREPLACES:
OTHER BUILDINGS: NO	CARPORT..SQFT:	ROOF.: TILE

LAND OATA
R.....: PUBLIC
TATION.....: SEPTIC PARCEL SIZE (COMPUTER EST.)SQFT: 10062.400
EL NO..: 045 151 39

NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THIS DATA.
NEW PARCEL NUMBER AND HIT ENTER, OR PA2 TO EXIT. PFI-BASE INFO PF7=VALUE

RECORDING REQUESTED BY
STEWART TITLE OF CALIFORNIA

BOOK 3712 PAGE 294

22640

TRACON NO. 9154-GJ
AND WHEN RECORDED MAIL TO

Mr. John P. Gates
120 Altivo Avenue
La Selva Beach, CA 95076

RECORDED AT THE REQUEST OF
STEWART TITLE CO.

MAY 18 1984

RICHARD W. RYAN, Recorder
SANTA CRUZ CO., Official Record

RE	MI	SM	OP
31			

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

MAIL TAX STATEMENTS TO
HOME SAVINGS OF AMERICA
P. O. Box 3991
H. Hollywood, CA 91609
Loan No. 514937-2

A.P. No. 45-131-39

Grant Deed

Furnished by STEWART TITLE OF CALIFORNIA

The undersigned grantor(s) declare(s)

Documentary transfer tax is \$20.20

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

(X) Unincorporated area: () City of _____ and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

NANCY H. RARIG, a single woman,

hereby GRANTS to

JOHN P. GATES, a married man, as his sole and separate property,

the following described real property in the
County of Santa Cruz

State of California:

LOT 21, in Block Number 26, as shown on that certain map entitled, "TRACT NUMBER 1,
LA SELVA BEACH", filed for record on January 27, 1936, in Map Book 26, Page 2, Santa
Cruz County Records.

516-81-57-0010

009020

Dated: May 3, 1984

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ
ON _____ DAY OF _____ 1984

Before me, the undersigned, a Notary Public in and for said State, personally appeared

NANCY H. RARIG

personally known to me for proved to me on the basis of satisfactory evidence, to be the person(s) whose name is subscribed to the within instrument and acknowledged that

WITNESS my hand and official seal

Signature

THOMAS A. COVE

Name (Printed or Printed)



RICHARD A. ROVE
NOTARY PUBLIC
SANTA CRUZ COUNTY
CALIFORNIA

My Commission Expires on August 28, 1990

(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

COUNTY OF SANTA CRUZ
INTER.OFFICE CORRESPONDENCE.

Date : _____

To : Assessor's Drafting
From: Record Property Owner
Subject: Combination of Tax Parcels

Please combine the following Assessor's
parcels into one tax parcel.

PORTION OF

45-151-38

WITH

45-151-37

AND

PORTION OF

45-151-37

WITH

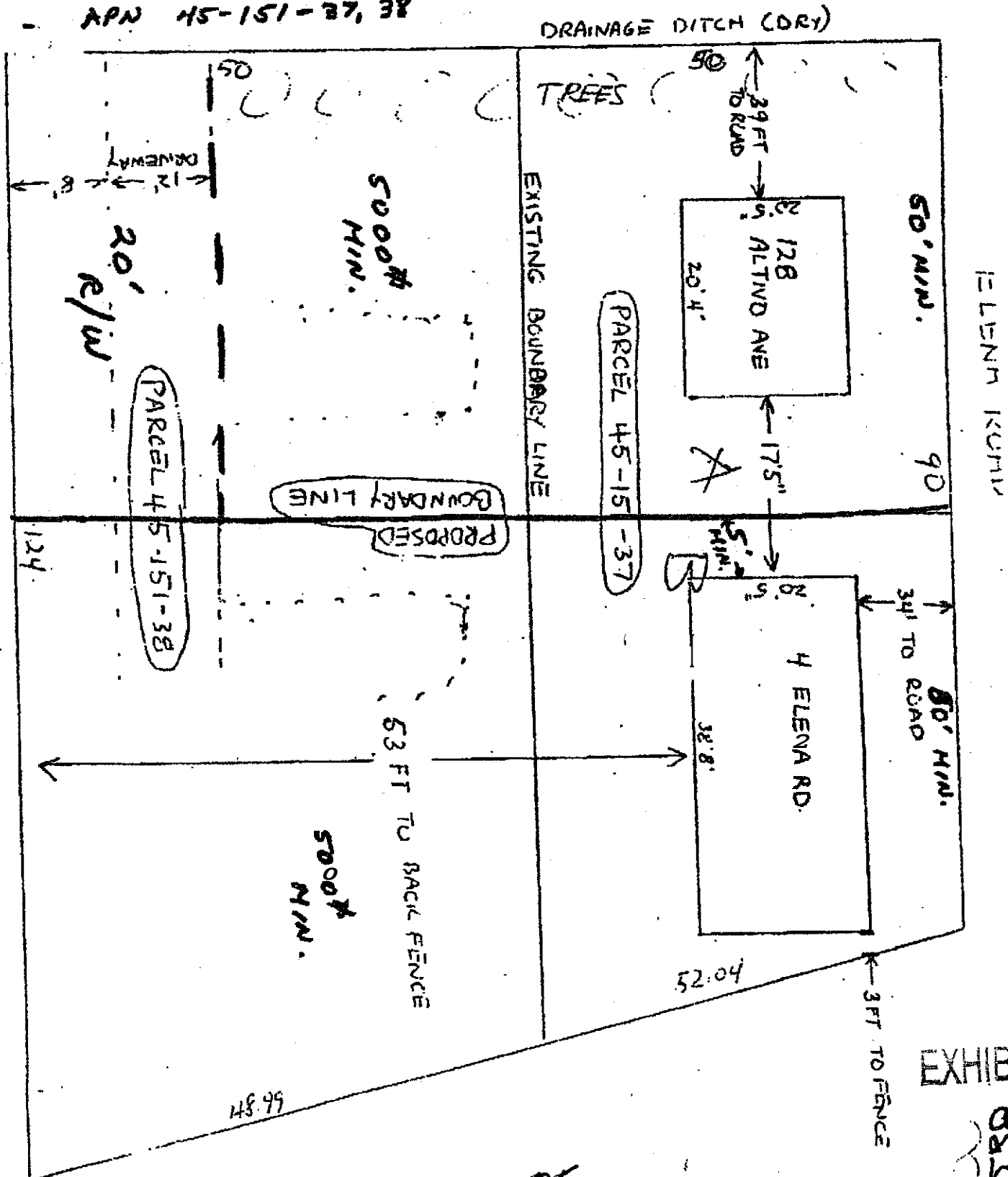
45-151-38

Owner(s) Signature

TENTATIVE PARCEL MAP
GREGORY

77-1369-M10 ALTIVO AVE.

APN 45-151-37, 38



EXHIBIT

609

SANTA CRUZ COUNTY PLANNING COMMISSION
400 Governmental Center
701 Ocean Street
Santa Cruz, California 95060
Phone (408) 425-2191

TENTATIVE PARCEL MAP FOR MINOR LAND DIVISION NO. 77-1369-MHD

APPLICANT JEANNE N. GREGORY

ADDRESS 329 COATES DR., APTOS, CA. 95003

ASSESSOR'S PARCEL NO. 45-151-37, 38 ZONE DISTRICT R-1-G

GENERAL LOCATION LA SELVA BEACH

All correspondence and maps relating to this land division shall carry the above noted "MHD" number.

This Tentative Parcel Map is approved subject to the following conditions:

1. THE COUNTY OF SANTA CRUZ RESERVES THE RIGHT TO REZONE PROPERTY, EVEN THOUGH THE TENTATIVE MAP HAS BEEN FILED AND APPROVED. A PARCEL MAP CANNOT BE FILED IF THE ZONING, IN EFFECT AT THE TIME OF FILING, WOULD NOT ALLOW THE DIVISIONS AS PROPOSED IN THE TENTATIVE MAPS. ANY WORK OR EXPENDITURES BY AN OWNER OF THE PROPERTY PRIOR TO FILING OF THE PARCEL MAP SHALL BE AT THE OWNER'S RISK AND WOULD NOT AFFECT THE COUNTY'S RIGHT TO REZONE THE PROPERTY.
2. The attached Tentative Parcel Map denotes the manner in which the land shall be divided: all other State and County laws relating to improvement of the property, or affecting the public health and safety shall remain fully applicable.
3. The division of the above noted Assessor's Parcel No. shall result in no more than 2 total lots, in the approximate size and shape shown on the attached Tentative Parcel Map.
4. The minimum lot size shall be 5000 (square feet, GROSS) as required for ~~(septic tank regulations)~~ (septic tank and well regulation) (zoning) (General Plan).
5. A Parcel Map of this land division is required to be filed in the office of the County Surveyor and shall be recorded before the expiration date of the Tentative Parcel Map and prior to sale, lease or financing of these lots. The following checked items shall be shown on the map:

- ☒ Lots containing less than 0.50 acre shall show net area to nearest square foot. Lots containing 0.50 acre or more shall show net acreage to nearest hundredth. Gross acreage in lieu of net may be shown on lots containing 2.50 gross acres or more.
- ☒ A right-of-way (R/W) as indicated on the attached Tentative Parcel Map.
- ☒ A right-of-way (R/W) not less than 20 feet in width as indicated on the attached Tentative Parcel Map. Where the alignment changes course, it shall be curved with a center line radius of at least 45 feet but preferably 75 feet. Intersections shall have a 20-foot radius return at property lines. A 40-foot radius is required at a cul-de-sac.
- ☐ The owner's certificate shall include an offer of dedication of the land noted on the approved Tentative Parcel Map.

(The following checked general notes shall be noted on the Parcel Map to reflect items to be completed prior to obtaining a building permit):

- ☐ Deeds of conveyance shall include a statement of common ownership of water system
- ☒ Lots shall be connected to APPROPRIATE WATER DISTRICT
- ☐ Lots shall be connected to _____

6. Prior to or concurrent with filing of the Parcel Map, the following checked items shall be complied with:

- Sign and submit the attached form to combine Assessor's Parcels.
- Sign and submit attached agreement witnessed by a Notary Public.
- Submit legal evidence (grant deed) that the legal owner(s) of the whole parcel before division is (are) other than _____
- A grant deed shall be submitted to grant to the County a right-of-way as indicated on the attached Tentative Parcel Map.
- Submit proof of legal access from public road to this property (40-foot right-of-way if access was recorded after December 28, 1962).
- Submit and secure approval of engineered improvement plans to the Department of Public Works to reflect grading, base and paving of roads, curbs and gutters, sidewalks, storm drains, sanitary sewers, erosion control or other improvements required by the Subdivision Ordinance to the extent noted on the attached map. An agreement backed by financial securities, per Sections 13.08.310 and 512 of the Subdivision Ordinance, shall be executed to guarantee completion of this work.
- A grading permit shall be obtained from the Building Official prior to construction of driveway or access road. Submit evidence of compliance with submittal of Parcel Map.
- Construct an access road between the limits shown on the attached Tentative Parcel Map to the following standards, or better: Width of road base or paving shall be at least _____ feet. The minimum centerline radius should be at least 75 feet. Maximum grade shall not exceed 20%. A cul-de-sac shall be constructed to a radius of 32 feet. Asphalt berms are required where necessary to control drainage. Other drainage details shall conform to current engineering practice. All road construction materials shall conform to the State of California Standard Specifications.
- The road shall be constructed with an oil and screenings seal coat, medium type, on at least 5-inches of aggregate base, class 2. One and one-half inches of asphalt concrete pavement, type B, shall be provided in-lieu of a seal coat on portions of road where grade exceeds 15%.
- The road shall be constructed with one and one-half inches of asphalt concrete pavement, type B, on at least five inches of aggregate base, class 2.
- Repair existing access road. Fill and compact pot-holes with asphalt concrete pavement, type B.
- Road surface shall be over-laid with one and one-half inches of asphaltic concrete pavement, type B.
- Road surface shall be over-laid with an oil and screenings seal coat, medium type.
- Submit proof to satisfy the Health Department that the depth of usable ground water is greater than 100 feet below ground surface.
- Each well shall be developed to the requirements of the Health Department.
- Submit proof of adequate water supply to satisfy requirements of the Health Department.
- Submit certification by a Registered Sanitarian to ascertain suitability of soils for installation of individual septic tank system to satisfy requirements of the Health Department.
- A lot check is required on these parcels. Contact the Environmental Health Department to perform the lot check. A fee will be required.
- Submit proof of payment of fee in-lieu of park dedication. Receipt from the Planning Department will meet this requirement.
- Submit proof that there are no outstanding tax liabilities against the affected parcels. A certification from the Tax Collector's Office will satisfy this requirement.

✓ A USA PERMIT FOR THE 20' R/W SHALL BE OBTAINED.

This Tentative Parcel Map is approved on _____ subject to the above conditions and the attached map, and expires 14 months from the date stamped hereon.

Sincerely yours,

KAY BOWDEN
PLANNING DIRECTOR

Attachment: Tentative Parcel Map

BY

cc: County Surveyor
Applicant

NOTE :-

NOTE: Santa Cruz County Code, Section 13.08.312 states: "A subdivider, or any person adversely affected by the decision of the Planning Director, for subdivisions for which a parcel map is required, may file an appeal with the Secretary of the Planning Commission within 15 days after the decision rendered by the Planning Director." If no appeal is submitted, this approval will become effective on _____.

PLN-31
4/76

352

ZONING ADMINISTRATOR
STAFF REPORT

Meeting Date: Sept. 2, 1977

Agenda Item No.: 8a & b

APPLICANT: JEANNE W GREGORY

Assessor's Parcel No.: 45-151-37

OWNER: Same

45-151-38

Application No.: 77-1369-MLD

Supervisory District: Second

77-1370-V

Location: On the south corner of Altivo Avenue (128 Altivo Avenue)
and Blna Road (4 Elna Road). La Selva Beach Area.

EXISTING SITE CONDITIONS

Parcel Size: 11,000 square feet total

Land Use: Two existing single-family dwellings

Topography: Gentle slope

Vegetation: Landscaped

Surface Water: None

Soil Type: N/A

Score Rating: out of 100; Class:

SPECIAL ENVIRONMENTAL CONCERNS

Fault Zone: N/A

Slope Stability: N/A

Liquefaction: N/A

Flood Plain: N/A

Erosion: N/A

Other: --

SERVICES

Fire Protection: La Selva Beach

Sewage Disposal: Septic (existing) systems

Water Supply: Public

School District: Pajaro Valley

Drainage: Zone 4

Access: Proposed 20' R/W off Altivo Ave.

PLANNING POLICIES

Zone District: R-1-6

Adopted:

Area:

General Plan: Residential: 2-63du/ac

Adopted: 1974

Area: La Selva

PROS Element: Existing Urban

Adopted: 1973

Coastal Zone: In permit area. Does not conflict with policies.

ENVIRONMENTAL REVIEW COMMITTEE ACTION: Negative Declaration issued 8/22/77.

PROPOSAL

Minor Land Division Application to redivide two existing parcels to result in two new parcels: 5,000 and 6,100 square feet, also a Site Area Variance Application to reduce the required 60-foot minimum building site frontage to 50 feet, and required 6,000 square foot minimum building site area to 5,000 square feet, to facilitate a minor land division.

COPY

VARIANCE FINDINGS:Required Findings:

(a) That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

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

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

(d) That the proposed use is consistent with the General Plan. (Section 13.04.106)

Remarks:

(a) Two existing lots are being redivided to allow the two existing houses (on one lot) to have a lot apiece.

(b) The proposal will not be detrimental to the area in any way.

(c) This will not be a grant of special privilege. A nonconforming use situation will be changed to a conforming one.

(a) The proposal is consistent with the General Plan.

8a
8b

SUBDIVISION FINDINGS:Required Findings:

- (a) That the proposed subdivision meets all requirements or conditions of the subdivision ordinance and the State Subdivision Map Act.
- (b) That the proposed subdivision, its design, and its improvements, are consistent with the general plan, and the area general plan or specific plan, if any.
- (c) That the proposed subdivision complies with zoning ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.
- (d) That the site of the proposed subdivision is physically suitable for the type and density of development.
- (e) That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the proposed subdivision or type of improvements will not cause serious public health problems.
- (g) That the design of the proposed subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.

Recommendation:

Approval, subject to the attached conditions:

BWC:km

8.26.77

Remarks:

- (a) The proposed Minor Land Division meets all requirements of the county Subdivision Ordinance and the State Subdivision Map Act.
- (b) The proposal is consistent with the General Plan.
- (c) The proposal complies with all provisions of the Zoning Ordinance. Site Area Variance findings can be made.
- (d) The site is physically suitable for the existing residential development.
- (e) The proposal will not be detrimental to the environment.
- (f) The proposal will not cause public health problems.
- (g) The proposed Minor Land Division will not conflict with any public easements.

9-20-77

COUNTY OF SANTA CRUZ

PERMIT NO.

-PERMIT-

NUMBER 77-1374-V

ISSUED TO

THOMAS H. GREGORY

329 Costas Drive

Aptos, CA. 95003

PARCEL NO.(S)

45-151-37, -38

LOCATION OF USE

On the south corner of Altivo (128 Altivo Avenue) and Elma Road (4 Elma Road). La Salva Beach Area.

PERMITTED USE

Variance to reduce the required 60-foot minimum building site frontage to 50 feet, and required 5,000 square foot minimum building site area to 3,000 square feet, to facilitate a minor land division, subject to 77-1369-MPD conditions.

BWC/AB

*original sent
9-29-77 Y.M.*

THIS PERMIT WILL EXPIRE ON September 12, 1978 IF IT HAS NOT BEEN EXERCISED.

NOTE: APPLICANT MUST SIGN, ACCEPTING CONDITIONS, OR PERMIT BECOMES NULL & VOID.

SANTA CRUZ COUNTY ZONING ADMINISTRATOR

BY

Richard Ferguson
RICHARD FERGUSON, ZONING ADMINISTRATOR

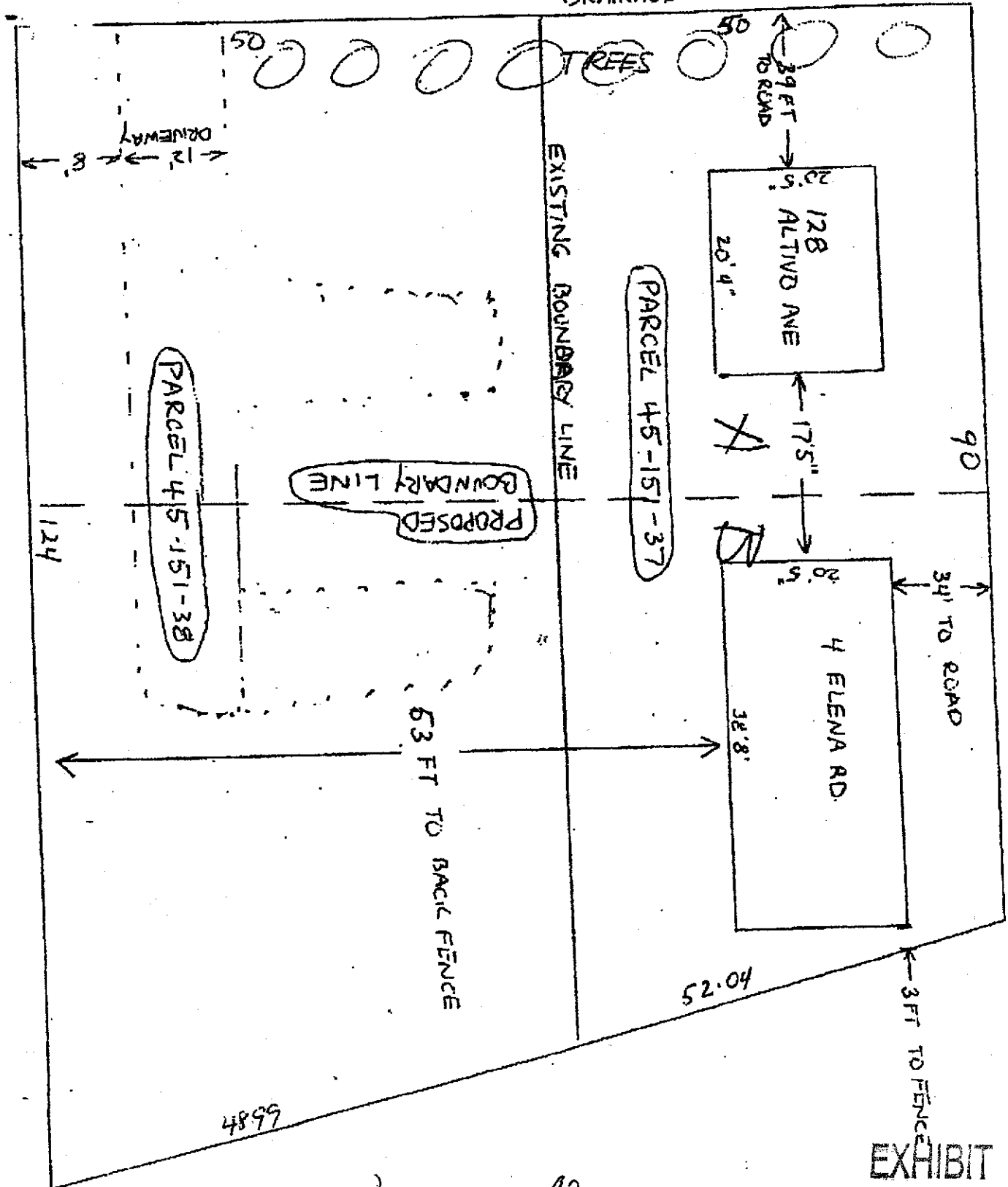
DATE

9-22-77

SIGNATURE OF APPLICANT

ALTIVO AVE.

DRAINAGE DITCH (DRY)



EXHIBIT

SANTA CRUZ COUNTY PLANNING DEPARTMENT
ENVIRONMENTAL ASSESSMENT

Please print:

For use with: MLD No. _____
(type of permit)
Received by: LP

BACKGROUND INFORMATION

Project location 128 ALTIVO AND 4 ELENA, LA SELVA BEACH, CALIF.
(Address)

Nearest major intersection/landmark: MAR MONTE & SAN ANDREAS ROAD, LSB

Assessor's Parcel Number 45-151-37 & 38 Current Zoning R-1-6000

LAND OWNER:

APPLICANT:

JEANNE W. GREGORY
(name)

XXXXXXXXXX SAME AS ABOVE
(name)

329 COATES DRIVE
(address)

(address)

APTOS, CALIF. 95003

408-688-6170

(phone)

(phone)

Present land use/activity: RESIDENTIAL — TWO HOMES.

Description of proposed project (include plot plan and relevant maps): TWO HOUSES ARE ON 1 PARCEL (#37), FRONTING ELENA. VACANT PARCEL (#38), AT REAR OF TWO HOUSES IS UNBUILDABLE? DUE SEPTIC LEACH LINES RUNNING ACROSS THIS LEVEL PARCEL. VACANT PARCEL #38 MAKES A NATURAL BACK YARD FOR EACH HOUSE. CHANGE IS TO PUT BOUNDARY LINE BETWEEN TWO HOUSES, INSTEAD OF SERIES THEM.

Description of project area, including distinguishing natural & man-made characteristics: AT SE INTERSECTION OF ELENA RD. & ALTIVO AVE. IRRIGATION DITCH RUNS ALONG EAST SIDE OF ALTIVO. TWO HOUSES ON PARCEL #37. PARCEL #38, ALSO OWNED BY THE APPLICANT, IS VACANT. GAS METER AND PGE ELECTRIC METER ARE CONNECTED TO HOUSE ON CORNER, #128 ALTIVO AVE. AFTER BOUNDARY LINE ADJUSTMENT, OWNER WILL HAVE SEPARATE SERVICE CONNECTED TO #4 ELENA ROAD.

General Plan designation: DEVELOP RES 2-6-U/A

PROS Plan designation: EXISTING OCEAN

Does the proposed project require a permit from another county, state or regional agency? YES X NO _____

If yes, list agencies: COASTAL COMMISSION

Has any form of environmental statement been prepared for the project?
YES _____ NO X

I certify that the above answers are true and current to the best of my knowledge and belief, and I understand that subsequent action to rescind any permit based upon this questionnaire may be possible if evidence is uncovered to the contrary.

Jeanne W. Gregory
Signature of Applicant

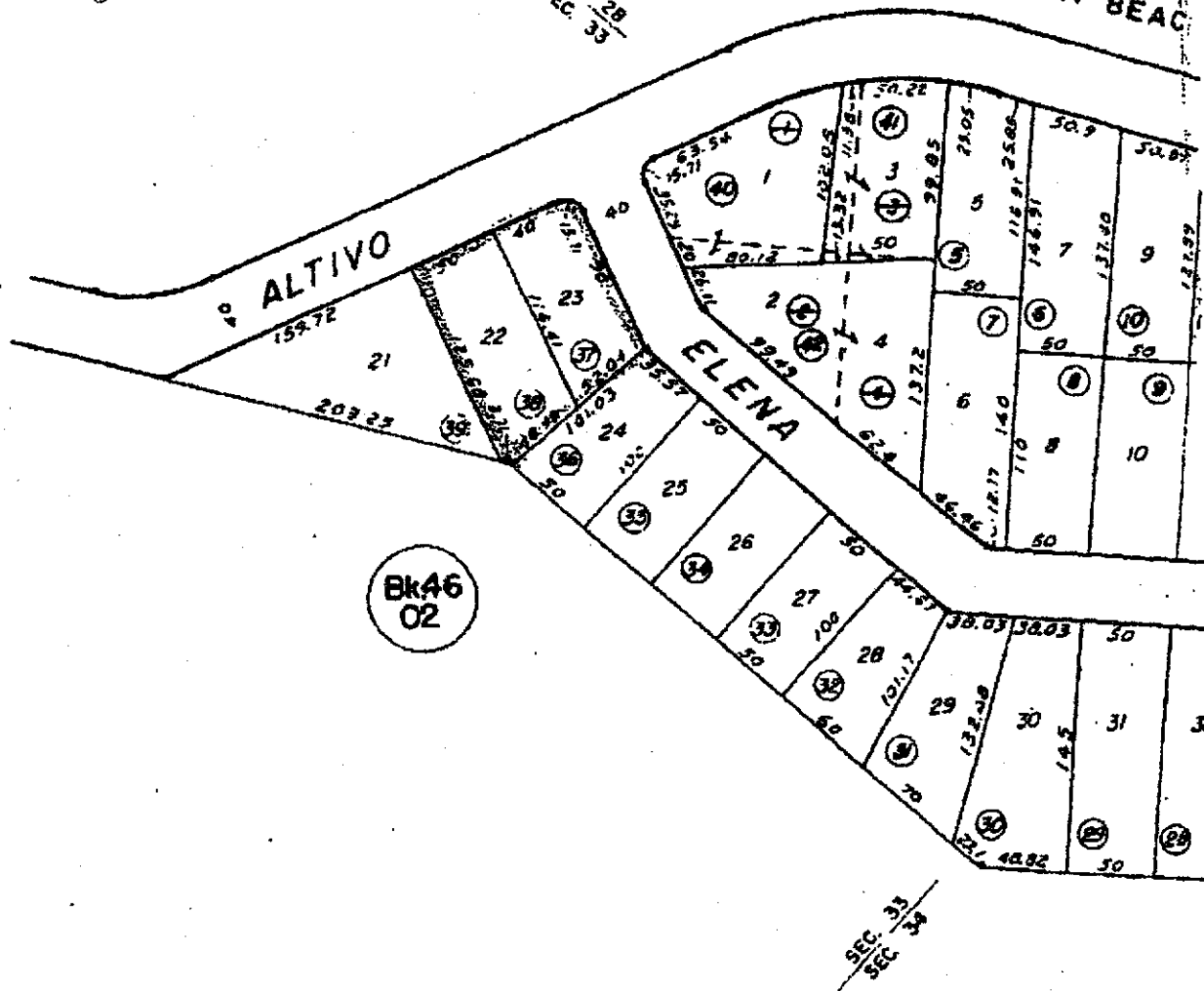
Aug 2, 1977
Date

1 A 11 ***025.00
9-77-0717-000230 TOTAL CH ***025.00

POR. SAN ANDR
SECS. 27, 28, 33, & 34, T. 11 S., R. 11 E.

77-1369 NLD
SEC. 28
SEC.

14 LA SELVA BEACH



94

EXHIBIT F

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

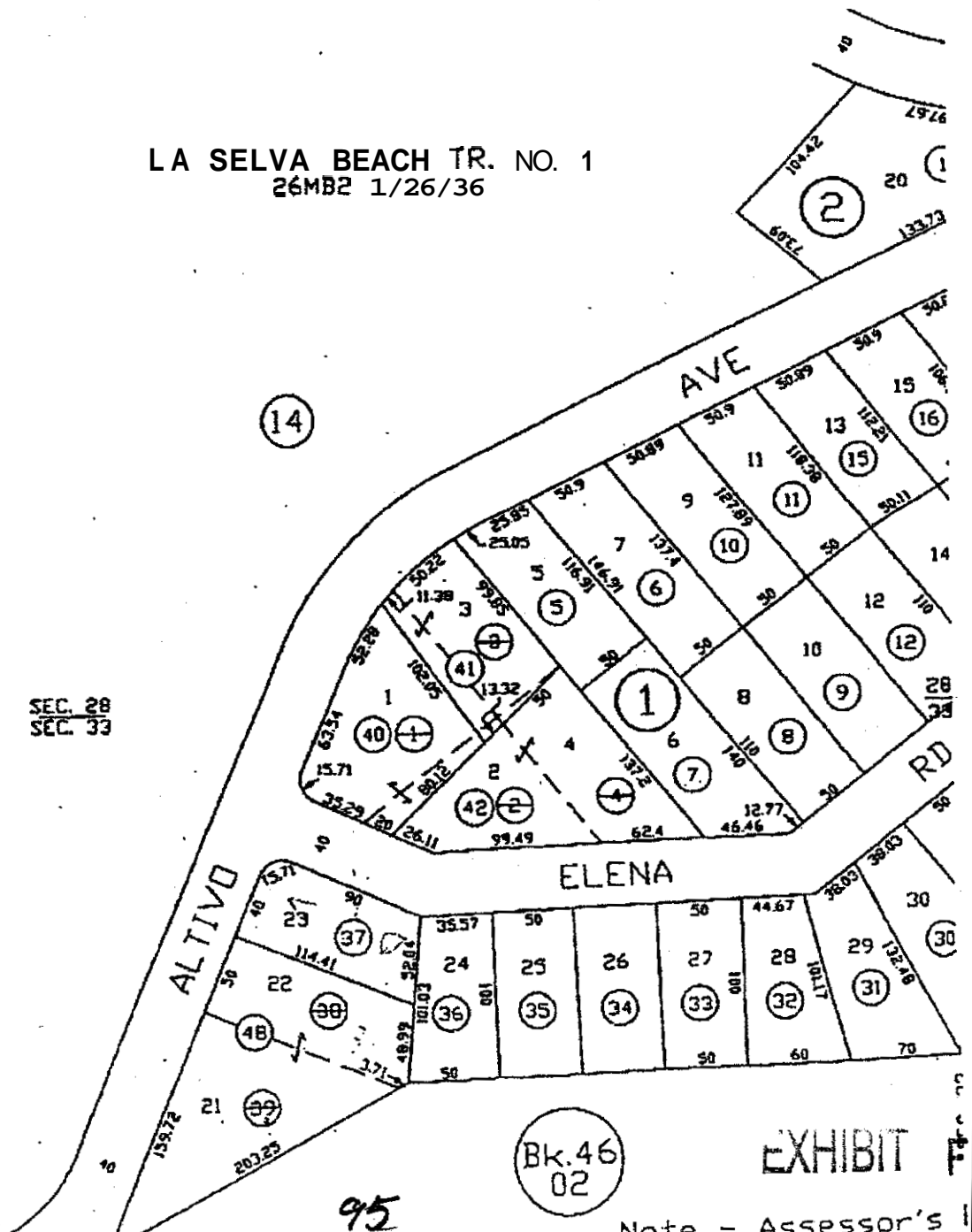
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. SAN AND
SECS. 27, 28, 33 & 34,

FOR REFERENCE ONLY, THIS IS NOT A SURVEY
THIS PLAT IS PROVIDED SOLELY FOR YOUR AID IN
LOCATING THE LAND IN GENERAL RESPECT TO STREETS
AND OTHER PARCELS. NO LIABILITY IS ASSUMED FOR
ANY LOSS OCCURRING BY REASON OF RELIANCE THEREON

LA SELVA BEACH TR. NO. 1
26MB2 1/26/36

SEC. 28
SEC. 33



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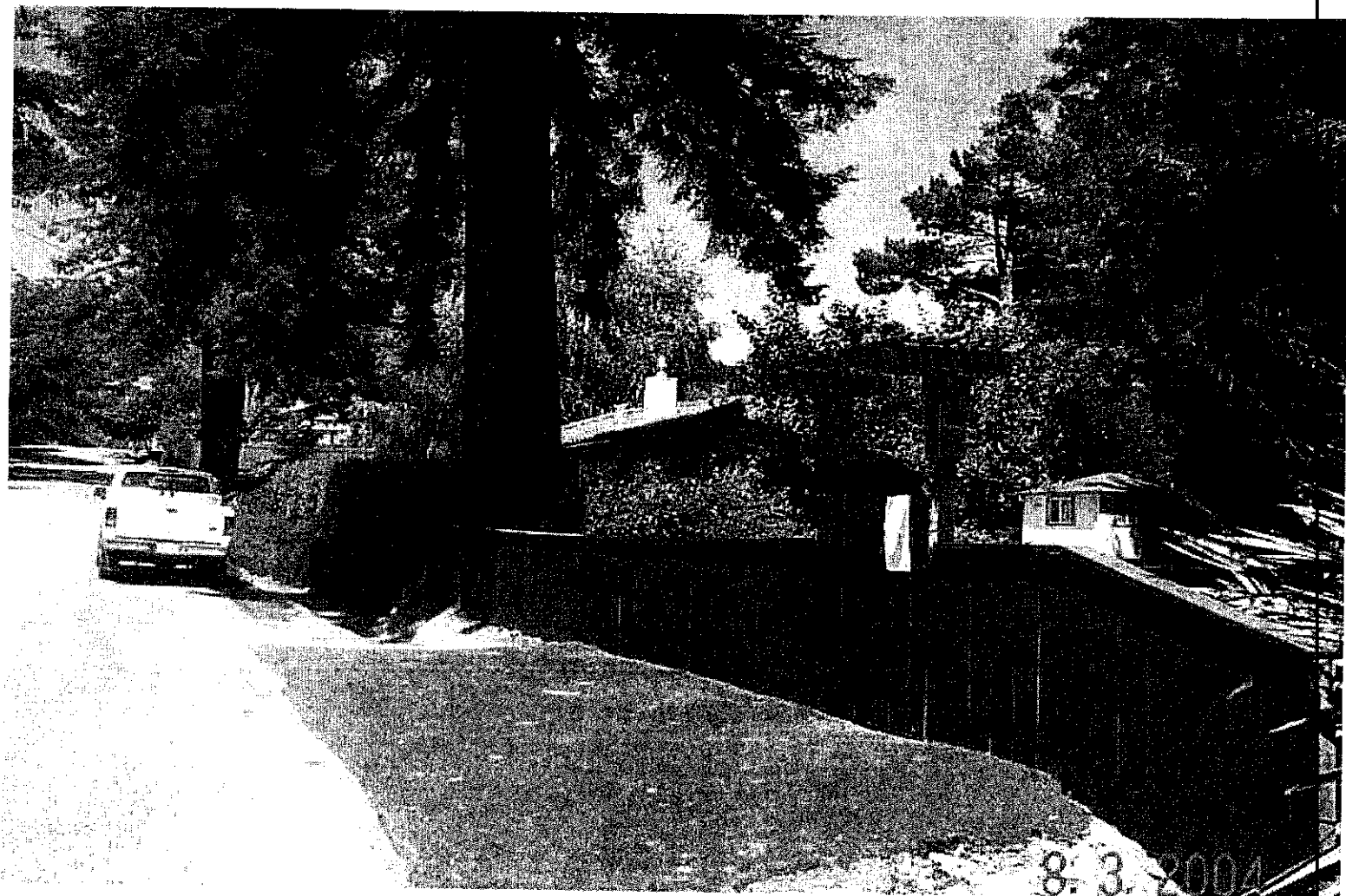
EXHIBIT

Note - Assessor's

95



8. 3. 2004







I.

APPEAL TO BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ
and the SANTA CRUZ COUNTY PLANNING COMMISSION, and each of
them.

1. TO: BOARD OF SUPERVISORS OF THE COUNTY OF
SANTA CRUZ and the SANTA CRUZ COUNTY
PLANNING COMMISSION, and each of them.
2. FROM: APPELLANTS: ANDREW DELUCCHI, Individually
and as Trustee of the Delucchi
Trust, and each of them, owners of
APN No. 046-021-05

3. Send all legal notices and staff reports to:

- A. DENNIS J. KEHOE, Law Corporation
The attorney for Appellant
311 Bonita Drive
Aptos, CA 95003
Telephone: (831)662-8444
FAX: (831)662-0227
E-mail: kehoelaw@hotmail.com

- B. Andrew Delucchi
105 Alta Drive
La Selva Beach, CA 95076



4. DECISIONS APPEALED.

On August 6, 2004, Agenda Item No. 5, 02-0311, the Santa Cruz County Zoning Administrator approved various items with respect to applications as they relate to APN No. 045-151-048, owner John Gates, applicant Mark McKinney. (See attached 8/6/04, agenda item 5) The initial hearing of the matter was noticed for October 17, 2003, but continued to August 6, 2004. (See attached

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10/ 17/03, agenda item 2.) Appeal is taken from each one of the decisions and approvals made by the Zoning Administrator on that date in connection with that item including, but not necessarily limited to, the approval of an extension of time to an Agricultural Buffer Determination; a reduction of the Agricultural Buffer from the required 200-feet from Commercial Agricultural land (Delucchi property) to about 18-feet; and the approval of a Coastal Development Permit, and each of them. This appeal is also taken from not only all of the foregoing decisions of the Zoning Administrator but also the action of APAC and its recommendation, and each of them. The appeal is made to the Board of Supervisors of the County of Santa Cruz and the Santa Cruz County Planning Commission, and each of them.

5. SOME PERTINENT FACTS.

The following are some of the pertinent facts.

A. Illegal Expansions and Structures.

The Delucchi property (APN No. 046-021-05) has been in agricultural use since the late 1800s. It has been zoned as an Agricultural Preserve (AP) for over 30-years. The Delucchi property is under Williamson Act Contract between the owner and the County of Santa Cruz whereby the County of Santa Cruz has contracted, among other items, to protect the historic agricultural use of the Delucchi property.

The Gates property (APN No. 045-151-48) also known as 120 Altivo Avenue,

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La Selva Beach, California, is, for the most part, within the 200-foot required Agricultural Buffer and is adjacent to the Delucchi farmland. Moreover, a substantial portion of the Gates property is within the 100-foot 100-year flood plain zone. Originally, the Gates property had but one (1) small dwelling near the upper end of the Gates property consisting of 480 sq.ft. Over the years, it has been expanded significantly and appellant believes the expansion of the original 480 sq.ft house was done without the necessary building and/or planning discretionary permits. Other buildings have been placed on the property (without any permits). Now, they are proposing to expand onto the original 480 sq.ft. home an additional 1,500 sq.ft., which addition is well within the 200-foot required agricultural buffer and, also, the 100-year flood plain area.

“The proposed project is to construct an addition of 1,480 sq.ft. to an existing 480 sq.ft., 1-story, single-family dwelling to result in a 1,960 sq.ft. single-family dwelling.” (Staff report to APAC, pg.2)

The proposals will jeopardize the continued utilization of the Delucchi agricultural property for agricultural purposes. Moreover, it could potentially expose the County, among other parties, to litigation due to flooding of the expanded house on the Gates property.

This very significant expansion is directed, for the most part, towards and potentially within the natural drainage system over the Gates property.

Appeal To: Board of Supervisors of the County of Santa Cruz and the
Santa Cruz County Planning Department

Additionally, the plans for the expansion indicated that there will be a 1,000 gallon septic tank in front of the home with a 100% expansion of the leach field.

B. There Is Inadequate Information Upon Which To Make Any Approvals With Respect To The Applications Of Gates/McKinney.

The applicant hired Schaaf & Wheeler, consulting civil engineers. Responding to the client and to other consultant engineers, Schaaf & Wheeler indicated that there is inadequate information and that a new survey would be required in order to provide an accurate adequate determination. For example, the attached May 19, 2004, letter of Schaaf & Wheeler states, in part:

“Unfortunately, the existing topography does not provide enough detail within the region we have given the elevations. **A new survey will probably be required.** We cannot guarantee the amount of gradient that will be required.” (Emphasis added)

A new survey was never done. Furthermore, a map prepared by Schaaf & Wheeler attached to an April 30, 2004, report indicates that the 100-foot elevation is the approximate area for the 100-year peak year flow, which elevation is above not only the existing 480 sq.ft. home but also the proposed 1,500sq.ft. addition. See map attached to the April 30, 2004, report of Schaaf & Wheeler, which map was lodged with the Zoning Administrator on August 6, 2004, and also contained within the County files on this matter.

C. There Is No Substantial Evidence Supporting The Findings For

Appeal To: Board of Supervisors of the County of Santa Cruz and the
Santa Cruz County Planning Department

**The Reduction Of The Agricultural Required Buffer From 200-feet To 18-feet
And The Coastal Development Permit.**

There is no Substantial evidence supporting the required findings for the approval of Coastal Development permit. There is no substantial evidence supporting the required findings for the reduction of the agricultural required buffer from 200-feet to 18-feet. Moreover, all the Substantial findings indicated that the 200-foot agricultural buffer should **not** be reduced. Further, the only Substantial evidence indicates that this will be a detriment to the general health, safety, and welfare and adverse to prime agricultural lands and, therefore, the required findings for a Coastal Development permit cannot be made.

D. Failure To Meet APAC Conditions.

APAC conditioned its approval of staff recommendation as follows:

“Approval of staff recommendation subject to a **proper** analysis by the County Public Works of the potential adverse effects of staffs recommendation **on upstream drainage from the Delucchi Property and other parcels onto the applicant’s parcel (APN 045-151-48)**”
(Emphasis added)

There is **no** substantial evidence and there has been **no** analysis, much less a “proper” analysis, of the potential adverse effect “onup stream drainage from the Delucchi property.” Also, APAC required a 6 ft. fence and Gates, who had a fence, has since removed the fence.

////

Appeal To: Board of Supervisors of the County of Santa Cruz and the
Santa Cruz County Planning Department

E. Grounds For Appeal.

The grounds for this appeal to the Board of Supervisors of the County of Santa Cruz and the County of Santa Cruz Planning Commission, and each of them, from the decisions of the Zoning Administrator including those on August 6, 2004, as hereinabove set forth include, but are not necessarily limited to, the following, and each of them:

1. Error.
2. Error as a matter of law.
3. Abuse of discretion.
4. Lack of a fair and impartial hearing.
5. Each decision is **not** supported by any substantial evidence.
6. Each decision is **not** supported by findings.
7. Any so-called findings for each decision are **not** supported by any substantial evidence.
8. Each decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made.
9. There was error, abuse of discretion, and other factors which renders each determination unjustified and inappropriate, and each of them, to the extent that a further review is necessary.

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Santa Cruz County Planning Department

10. The Zoning Administrator, APAC, and their staff, and each of them, acted unreasonably, arbitrarily, inappropriately, abused its discretion, made error, decided contrary to law, and each of the foregoing.

11. The Zoning Administrator, APAC, and their determinations, decisions, findings and denials of the application violated, the following:

The federal and state constitutional rights of appellants including, but not limited to, the right to just compensation for the taking and damaging, and each of them, of private property; the denial of equal protection; denied the appellants' rights to procedural due process; denied the substantive due process rights of the appellants; impaired the contractual rights and obligations of the appellants; and violated other constitutional rights guaranteed to the appellants by the federal and state constitutions, and each of them. Moreover, the rights guaranteed to the appellants under the federal Civil Rights Act, 42 U.S.C. §§1983, et seq., have been violated thereby.

12. The decisions create legal impossibilities unenforceable in law and in equity, and each of them.

13. The conduct and decisions deprive, unreasonably and unlawfully, the appellants of viable economic use of their property.

14. The decisions from which this appeal is taken do not

Appeal To: Board of Supervisors of the County of Santa Cruz and the
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substantially advance any legitimate public interest.

15. The Zoning Administrator, APAC, and each of them, prejudicially abused their discretion. The decisions are not supported by findings. Any purported findings are not supported by substantial evidence.
16. The Zoning Administrator and APAC, and each of them, proceeded without and in excess, and each of them, of its jurisdiction.
17. There was not a fair hearing.
18. The Zoning Administrator and APAC, and each of them, proceed in accordance with law applicable to this matter.
19. Any purported findings or determinations are merely makeshift attempts by staff to shore up its unreasonable, illegal, and abusive recommendation and, in turn, decision of the decisions. These “makeshift” findings are illegal and **not** supported by substantial evidence or the law. See also Lucas v. South Carolina Coastal Council (U.S.S.C., June 29, 1992)
20. Don Bussey is a County employee and a member of the County Planning Department. He also was the hearing officer on this


Appeal To: Board of Supervisors of the County of Santa Cruz and the
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matter, the Zoning Administrator. The staff person recommending this matter is also a County employee and a member of the County Planning Department. Appellants did ~~not~~ get a fair hearing and was denied both substantive and procedural due process because of an inherent conflict of interest, an internal self-interest from one County planner to another and subject to a kangaroo court.

21. The decisions violated the state planning law protecting prime agricultural land such as that of appellants and also violated the General Plan, the Coastal Act, and the LCP, and each of the foregoing.

Appellant, Andrew Delucchi, Individually
and as Trustee of the Delucchi Trust

Dated: August 19, 2004

By 
ANDREW DELUCCHI and as authorized
Agent to sign for all appellants.

Appeal To: Board of Supervisors of the County of Santa Cruz and the
Santa Cruz County Planning Department

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

James R. Schaaf, PE
Kirk R. Wheeler, PE
David A. Foote, PE
Peder C. Jorgensen, PE
Charles D. Anderson, PE

100 Twelfth Street, Building 2900
Marina, CA 93933-6000
(831) 883-4848
FAX (831) 883-2424
swmb@swra.com

Offices in
Silicon Valley
Puget Sound Area
San Francisco

May 19, 2004

Mr. John Gates,
C/o Mr. Robert DeWitt, P.E.
Robert L. DeWitt and Associates, Inc.
1607 Ocean Street, Suite 1
Santa Cruz, California 95060

RE: Preliminary Grading Elevations for Grading Plan for 88-cfs Delucchi Ditch Discharge across APN 45-151-48

Dear Mr. Gates:

We are submitting spot elevations that correspond to elevations in cross sections to ~~btuscd~~ to delineate the floodplain water surface elevation on your property in the event of an 88-cfs discharge in the ditch adjacent to your property, which is being used to represent the 100-year peak discharge in that ditch.

These spot elevations are the maximum elevations we recommend, and may be used as the basis-of-design to develop a new grading plan Within the sections provided. We have attempted to minimize the change in grades based on the topography provided by Robert L. DeWitt & Associates, Inc. November 14, 2003. All grading would be performed on lot APN 45-151-48. Grades will allow your backyard to continue to drain towards the ditch. The minimum cross-slope of these spot elevations is 1%.

Unfortunately, the existing topography does not provide enough detail within the region we have given the elevations. A new survey will probably be required. We cannot guarantee the amount of grading that will be required.

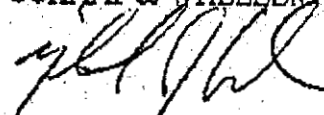
The new grading plan will need to incorporate our spat elevations or reduce the elevations to provide the most appropriate plan for your backyard. These elevations cannot be raised without affecting ow calculated WSEL on your property.

May 19, 2004

Please have your engineer provide us with an Auto-CAD version of the new grading plan. We will then generate our report. We look forward to providing our assistance to you in these matters.

Very truly yours,

SCHAAF & WHEELER



Michael J. Wilson, P.E.
Senior Engineer

Enclosure: **Maximum Grades for Gates Backyard Section to ~~185~~ 88 cfs in Creek to WSEL 99-ft. at X-Section 183; preliminary tables for Floodplain Delineation to be used in report; preliminary plots of relevant x-sections, site map to be used for floodplain delineation showing locations of x-sections.**

Cc: Jim Schaaf, Schaaf & Wheeler

4. 03-0415 NO SITUS APN(S): NO-APN-SPEC

Proposal to install a wireless communication facility consisting of two flat panel antennas mounted on an existing wood utility pole within the public right-of-way, Requires a Commercial Development Permit. Property located on the south side of Moon Valley Ranch Road at about 500 feet west of the intersection with Larkin Valley Road.

OWNER: DEPT. OF PUBLIC WORKS

APPLICANT: AT&T WIRELESS - ROGER HASS

SUPERVISORIAL DIST: 2

PROJECT PLANNER: RANDALL ADAMS, 454-3218

5. 02-0311 () 120 ALTIVO AVENUE, LA SELVA BEACH APN(S): 045-151-48**

Proposal to construct a one-story addition to an existing one-story single family dwelling. Requires a Coastal Development Permit and a time extension to an Agricultural Buffer Determination to reduce the required 200 foot buffer from Commercial Agricultural land to about 18 feet. Property located on the east side of Altivo Avenue (120 Altivo Avenue) at approximately 100 yards northeast from San Andreas Road, La Selva Beach.

OWNER: JOHN GATES

APPLICANT: MARK MCKINNEY

SUPERVISORIAL DIST: 2

PROJECT PLANNER: JOAN VAN DER HOEVEN, 454-5174

6. 03-0258 () NO SITUS APN(S): 063-081-18**

Proposal to construct a two-story single family dwelling with attached garage, decks, and spa, of approximately 8,083 square feet; construct a two-story second unit of 1,200 square feet with an attached 440 square foot garage (with no interior access); and construct an access driveway, lap pool, and three 4,000 gallon water tanks. Includes grading of approximately 900 cubic yards cut and 570 cubic yards fill. Requires a Coastal Development Permit, Preliminary Grading Review, a Residential Development Permit for a Large Dwelling exceeding the 7,000 square foot maximum; a Residential Development Permit to increase the maximum 28 foot height limit to 37 feet by increasing the required 40 foot front yard to 435 feet, the required 20 foot side yard to 70 feet and 115 feet respectively, and the required 20 foot rear yard to 300 feet; and a Soils Report Review. Property located on the south side of Blessing Lane at approximately 1/10 mile west from Bonny Doon Road.

OWNER- MARTIN RIST, ET AL.

APPLICANT: JIM STROUPE

SUPERVISORIAL DIST: 3

PROJECT PLANNER: JACK NELSON, 454-3259

7. 03-0272 (*) 2309 EMPIRE GRADE ROAD, SANTA CRUZ APN(S): 062-071-18

Proposal to construct a 1000 square foot horse stable and maintain existing paddocks (horse pasture and arena) located in the front portion of the property, fenced to within about 5 feet of the south property line and to within about 17 feet of the north property line, and maintain an existing paddock fence of about 4.5 feet high with 5 foot high fence posts in the front yard setback. Includes 25 cubic yards or less of grading. Existing 12 foot by 40 foot horse shade structure to be demolished. Requires a Coastal Development Permit, and a Residential Development Permit for the location of an existing paddock outside the rear half of the property, to reduce the minimum 20 foot paddock distance from property lines to about 5 feet,



NOTICE OF PUBLIC HEARING

Notice is hereby given that the County of Santa Cruz
Zoning Administrator will hold a public hearing on the following item:

2. 02-0311 (**) 120 ALTIVO AVE., LA SELVA BEACH APN(S): 045-151-48

Proposal to construct a one-story addition to an existing one-story single family dwelling. Requires a Coastal Development Permit and an Agricultural Buffer Determination to reduce the required 200 foot buffer from Commercial Agricultural land to about 18 feet. Property located on the east side of Altivo Avenue (120 Altivo Avenue) at approximately 100 yards northeast from San Andreas Road.

OWNER: JOHN GATES

APPLICANT: MARK MCKINNEY

SUPERVISORIAL DIST: 2

PROJECT PLANNER: JOAN VAN DER HOEVEN, 454-5174

DATE: Friday, October 17, 2003

TIME: The morning Agenda beginning at 10:00 a.m.

PLACE: Board of Supervisors Chamber

County Government Center

701 Ocean Street, Room 525

Santa Cruz CA 95060

1. As a condition of this development permit approval 02-03 11, the development approval holder and the owner(s) of the subject property (045-151-48) including John Gates, and each of them, shall defend, indemnify and hold harmless the owner(s) and their predecessors and successors in interest of the nearby property 046-021-05, known as the Andrew Delucchi property, (indemnities) from and against any and all claims, liabilities including indemnities' active negligence, and judgments including attorneys' fees in any way related to this development approval including, but not limited, to flooding and water damage to the Gates property (045-151-48), whether the same are asserted by the owners or occupants of the Gates property (045-151-48) and/or by third parties against indemnities.
2. This condition of approval shall run with the land of the Gates property (045-151-48) and shall be enforceable by the owner(s) of the Delucchi property (046-021-05).
3. This development permit approval shall be signed by the development approval holder and owner(s) of APN 045-151-48 and acknowledged before a notary public, and then recorded in the Santa Cruz County Recorder's Office.