



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

February 11, 2008

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

Agenda Date: March 12, 2008

APN: 093-401-04

Application: 07-0505

Item #: 34

Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone one parcel from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On September 11, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone 17.3 acres from the Special Use (SU) zone district to the Timber Production (TP) zone district. The uses on the property consist of a residence.

Background

This project qualifies for a rezoning under California Government Code Section 51113. This section allows a property owner to petition the County to rezone land to the TP zone. The requirements for this type of rezoning are listed in Government Code section 51113(c)¹. The County may not place any additional requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) – “Zoning to the TP District” implements Government Code section 51113 and specifies the six criteria which must be met in order to rezone to TP.

¹ c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section.

The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester.

The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.

Notwithstanding the provisions of Article 4 (commencing with Section

51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

(2) The land shall be a certain site quality class or higher under

Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

In accordance with County Code Section 13.10.375(c), the project meets the following six criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned.
2. A Timber Management Plan, undated, prepared by a registered professional forester has been submitted for the property (Exhibit E).
3. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located (see Exhibit E).
4. The parcel is timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and is almost entirely located within a mapped Timber Resource area.
5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

This project qualifies for a statutory exemption (Exhibit D) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Conclusion

All of the criteria have been met for rezoning the parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.

Recommendation

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0505 based on the attached findings (Exhibit B).

EXHIBITS

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Cassady Bill Vaughn, RPF #2685, dated September 10, 2007.

Maria Porcila Perez
Project Planner
Development Review

Reviewed By: 
Mark Deming
Assistant Planning Director

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 07-0505, involving property located on the west side of Vine Hill Road, approximately 400 feet from the intersection with Highway 17, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from the Special Use (SU) zone district to the Timber Production (TP) zone district.

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

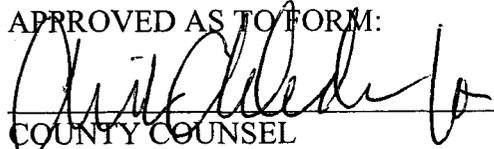
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2007, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource property located on the west side of Vine Hill Road, approximately 400 feet from the intersection with Highway 17; finds that the zoning to be established herein is consistent with all elements of the Santa Cruz County General Plan and the Santa Cruz County Code, as modified by the *Big Creek* decision; and finds and certifies that the project is subject to a statutory exemption under the California Environmental Quality Act.

SECTION II

The Board of Supervisors hereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
1. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
2. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district; and
3. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

SECTION III

Chapter 13.10 - Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210 - Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
093-401-04	Special Use (SU)	TP

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED THIS _____ day of _____ 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

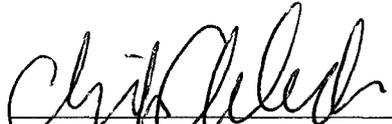

Assistant County Counsel

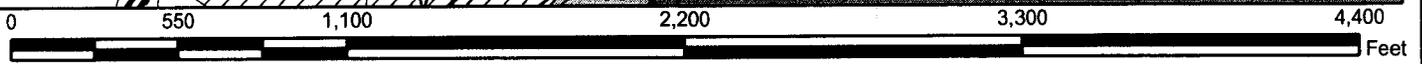
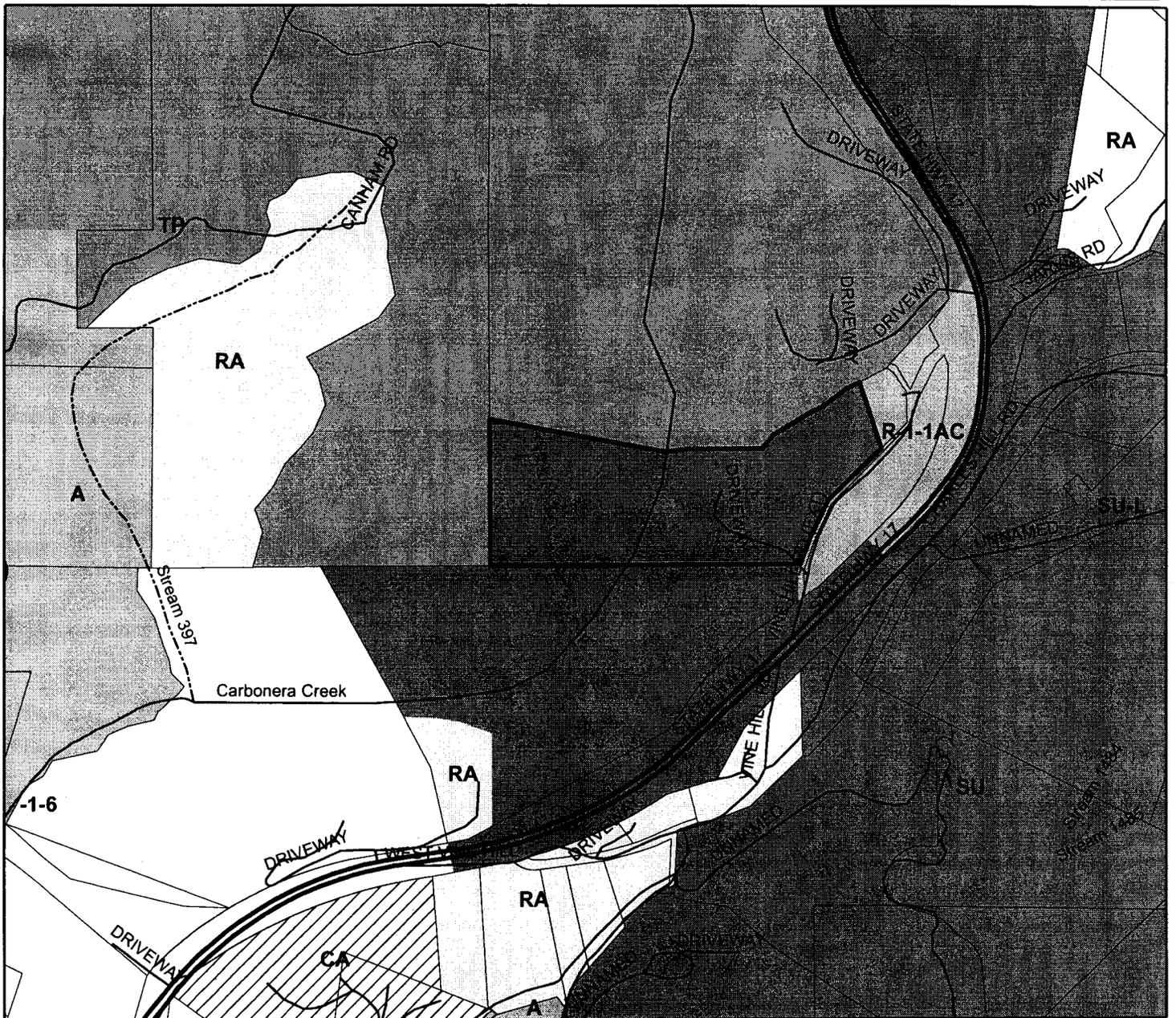
Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning
Assessor
County

GIS

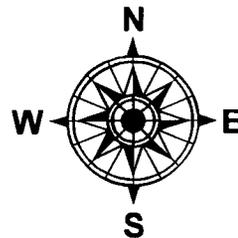


Zoning Map



LEGEND

- APN: 093-401-04
- Assessors Parcels
- Streets
- State Highways
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- RESIDENTIAL-SINGLE FAMILY
- SPECIAL USE
- TIMBER PRODUCTION



Map created by
 County of Santa Cruz
 Planning Department
 August 2007

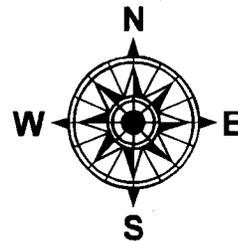


Location Map



LEGEND

-  APN: 093-401-04
-  Assessor's Parcels
-  Streets
-  State Highways

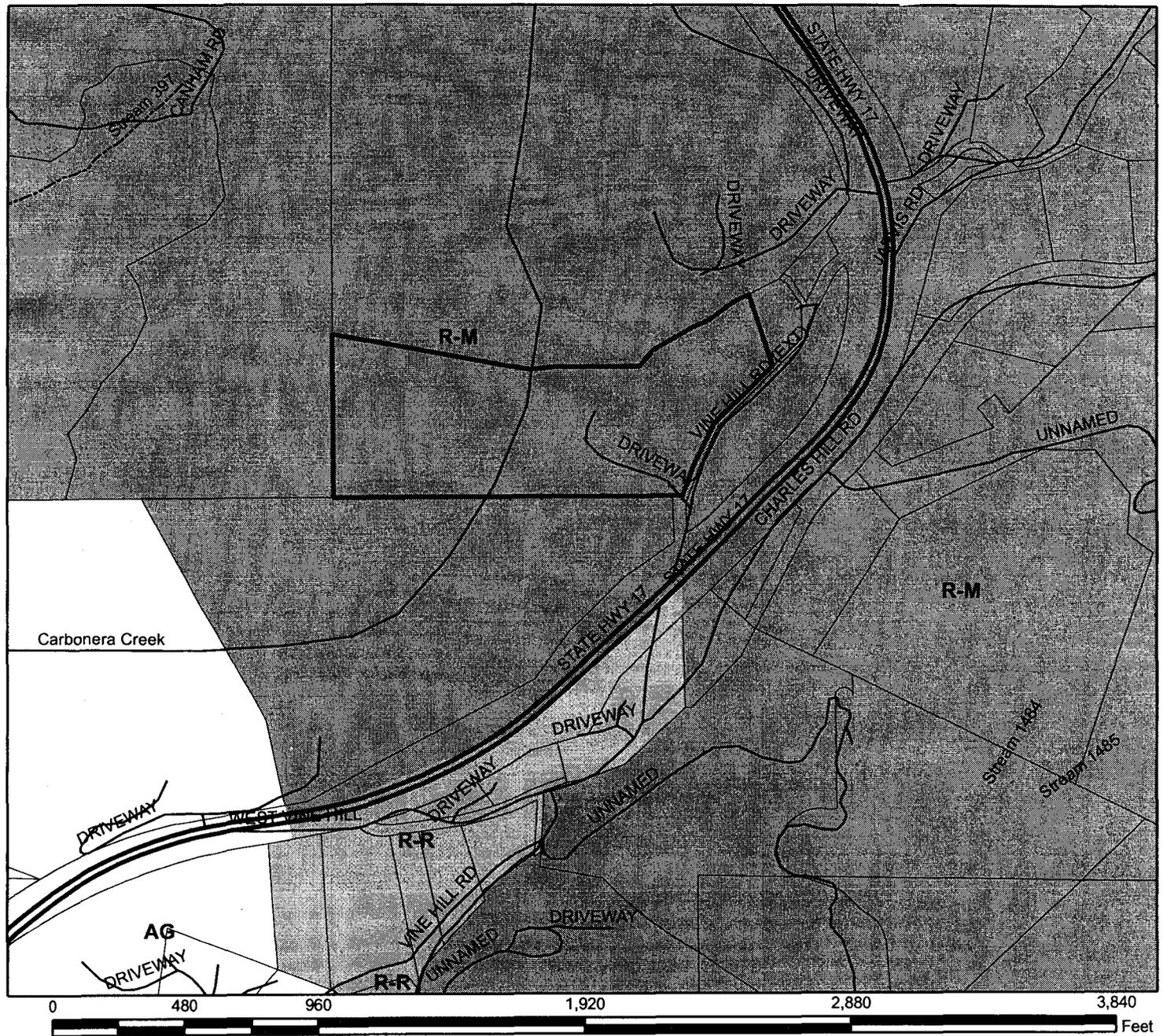


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C

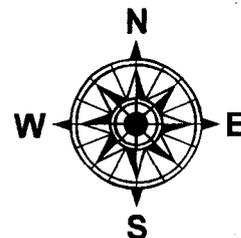


General Plan Designation Man



LEGEND

- APN: 093-401-04
- Assessors Parcels
- Streets
- State Highways
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- Agriculture
- Residential-Mountain
- Residential-Rural



Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

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: 07-0505

Assessor Parcel Number: 093-401-04

Project Location: Property located on the west side of Vine Hill Road, approximately 400 feet from the intersection with Highway 17.

Project Description: Rezone a parcel from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Juan Martinez

Contact Phone Number: (510) 677-8400

- 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). [Section 1703]

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

Maria Porcila Perez, Project Planner

Date: _____

Stephen R. Staub
Forester & Environmental Consultant



County of Santa Cruz Planning Department
Attn: Maria Perez
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

September 10, 2007

Re: TPZ Rezoning of Assessor's Parcel # 093-401-04

Maria,

This letter requests re-zoning Santa Cruz County Assessor's Parcel #093-401-04 from its current Special Use (SU) designation to the Timber Production Zone (TPZ). The property is currently owned by Juan Martinez and meets the following criteria:

- 1) The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the Southern Subdistrict of the Coast Forest District (See attached Stocking Analysis).
- 2) The parcel meets the definition of "Timberland" per Section 51104 (f) of the Government Code (See attached Wood Fiber Analysis).
- 3) The parcel meets the permitted use requirements per County Code Section 23.20.372 (See attached Compatible Use Analysis).
- 4) The parcel was selectively harvested approximately 12 years ago under approved Timber Harvest Plan (THP # 1-95-229 SCR).
- 5) The parcel meets the minimum 5-acre size requirement.

Also attached:

- 1) Assessor's Parcel Map.
- 2) Timber Harvest Plan # 1-95-229 SCR Cover Page and THP Operations Map.
- 3) A check payable to the County of Santa Cruz in the amount of \$1,691.

Sincerely,


Cassidy Bill Vaughan, RPF #2685

STOCKING ANALYSIS

Background: Government Code Section 51113(c)(3)(A) requires that parcels meet the timber stocking standards set forth in Section 4561 of the Public Resources Code and Section 913.8(a)(1) of the California Code of Regulations (CCR). The timber stocking standards pertaining to CCR Section 913.8(a) are met if the timberland contains an average, minimum post-harvest basal area of at least 75 square feet/acre for Site III land. The requirements of PRC 4561 are less stringent.

Analysis: Field review of the property suggests that the average dominant redwood and Douglas-fir trees on the property exhibit Site III characteristics. Site III characteristics are defined under CCR 1060 as lands capable of growing redwood trees of 135-154 feet in 100 years, and Douglas-fir trees of 134-163 feet. As mentioned above, the parcel was selectively harvested approximately 12 years ago, which demonstrates the parcel's ability to sustain periodic harvests while maintaining the minimum basal area requirements cited above. Field review of the harvest features and plan layout confirms that the parcel is harvestable under the current regulatory environment.

WOOD FIBER ANALYSIS

Background: Government Code Section 51113(c)(4) requires that parcels zoned timber production meet the definition of "Timberland" which is defined in Government Code Section 51104(f) as: "Privately owned land, or land acquired for state purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre".

Analysis: Field review of the property suggests that the parcel is capable of producing wood fiber in excess of 15 cubic feet/acre/year. Soil productivity analysis confirms this observation. The soil type is the Nisene-Aptos complex, which is listed in the USDA Soil Survey (1980) as "well-suited to the production of redwood and Douglas-fir", and based on field review, is currently producing approximately 50 cubic feet of wood fiber/acre/year.

COMPATIBLE USE ANALYSIS

The subject parcel is a good demonstration of compatibility between single family residential use and timber production. Development has been limited to those areas which will not affect future harvesting, and the stand has been managed in a manner which highlights and maintains the natural beauty of the surrounding forest. The subject parcel is bordered on the north by a 75-acre property zoned for timber production, on the east by a 56-acre parcel zoned for timber production, on the south by a 28-acre forested parcel with a split zoning (Ra, SU), and on the east by Vine Hill Road and a few small residential parcels. Only the County's reinterpretation of what constitutes an "allowable use" on SU parcels has brought into question the compatibility of timber production.

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.

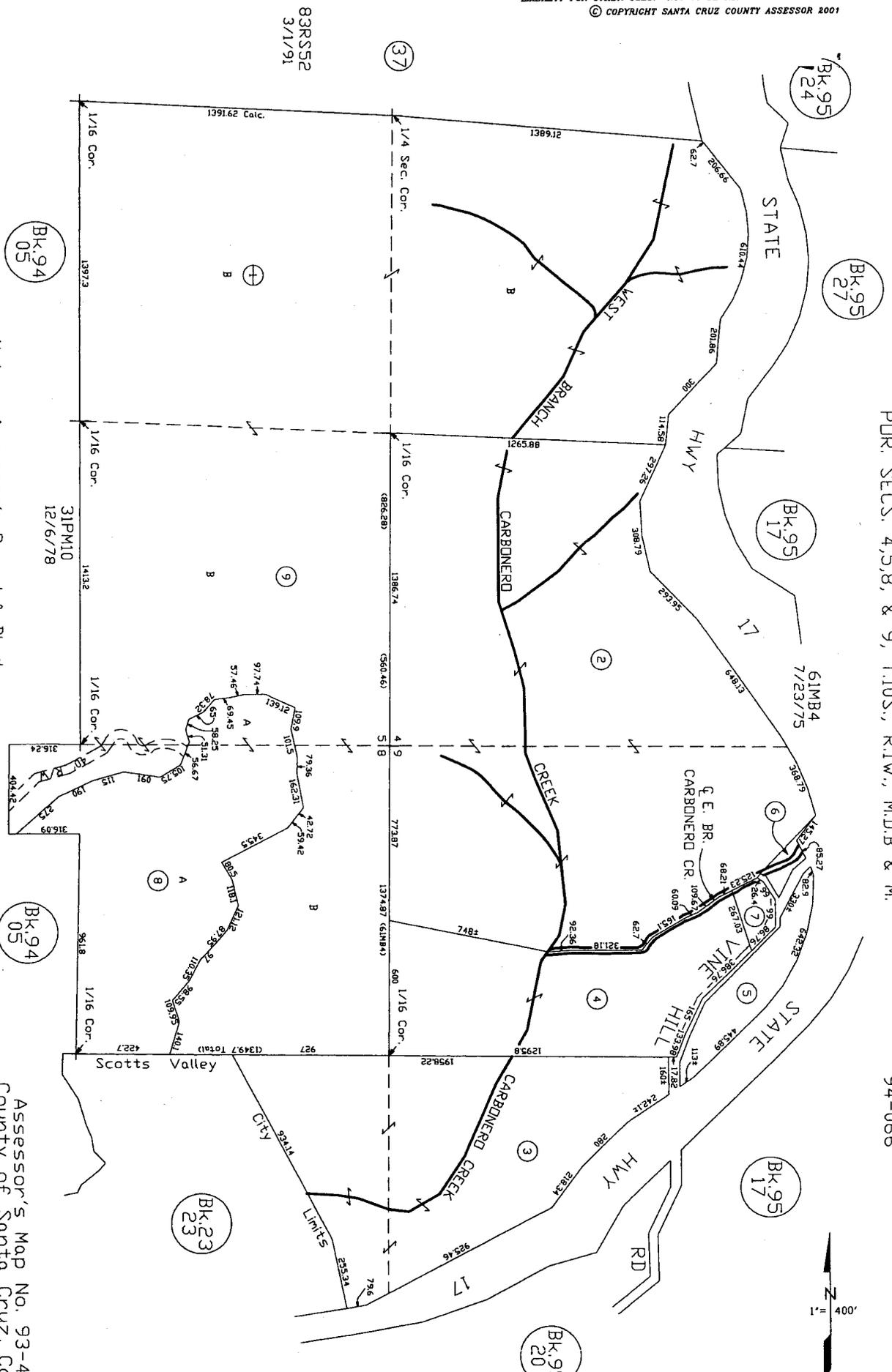
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2001

PDR. SAN AUGUSTINE RANCHO
PDR. SECS. 4,5,8, & 9, T.10S., R.1W., M.D.B & M.

Tax Area Code
94-066

93-40

Electronically Redrawn 5/11/99 KSA



83RS52
3/1/91

Bk. 94
05

Bk. 94
05

Bk. 23
23

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

31PM10
12/6/78

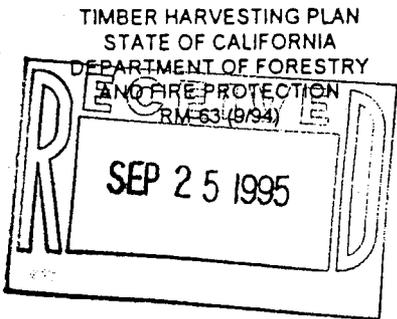
Assessor's Map No. 93-40
County of Santa Cruz, Calif.
May, 1999

EXHIBIT E

05 sheets

FOR ADMIN. USE ONLY
Amendments-date & S or M

1. _____ 7. _____
2. _____ 8. _____
3. _____ 9. _____
4. _____ 10. _____
5. _____ 11. _____
6. _____ 12. _____



FOR ADMIN. USE ONLY

THP No. 1-95-229 SCR

Dates Rec'd JUN 02 1995
JUN 19 1995 JUN 28 1995

Date Filed JUL 10 1995

Date Approved SEP 19 1995

Date Expires 9/18/98

Extensions 1) [] 2) []

This Timber Harvesting Plan (THP) form, when properly completed, is designed to comply with the Forest Practice Act (FPA) and Board of Forestry rules. See separate instructions for information on completing this form. NOTE: The form must be printed legibly in ink or typewritten. The THP is divided into six sections. If more space is necessary to answer a question, continue the answer at the end of the appropriate section of your THP. If writing an electronic version, insert additional space for your answer.

SECTION I - GENERAL INFORMATION

This THP conforms to my/our plan and upon approval, we agree to conduct harvesting in accordance therewith. Consent is hereby given to the Director of Forestry and Fire Protection, and his or her agents and employees, to enter the premises to inspect timber operations for compliance with the Forest Practice Act and Forest Practice Rules.

1. TIMBER OWNER(S) OF RECORD: Name Otto & Diane Biscovic

Address 2505 Miramar Avenue

City Castro Valley State CA Zip 94546 Phone (510) 317-6753

Signature [Handwritten Signature] Date 5-23-95

NOTE: The timber owner is responsible for payment of a yield tax. Timber Yield Tax information may be obtained at the Timber Tax Division, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0001.

2. TIMBERLAND OWNER(S) OF RECORD: Name same as #1

Address _____

City _____ State _____ Zip _____ Phone _____

Signature _____ Date _____

3. LICENSED TIMBER OPERATOR(S): Name unknown Lic. No. _____

Address _____

City _____ State _____ Zip _____ Phone _____

Signature _____ Date _____

4. PLAN SUBMITTER(S): Name same as #1

Address _____

City _____ State _____ Zip _____ Phone _____

If submitter is not 1, 2, or 3 above he/she must sign below and provide explanation of authority.

Signature _____ Date _____

Received CDF
REGION 1

JUN 28 1995

Received CDF
REGION 1

JUN 19 1995

Received CDF
REGION 1

JUN 02 1995

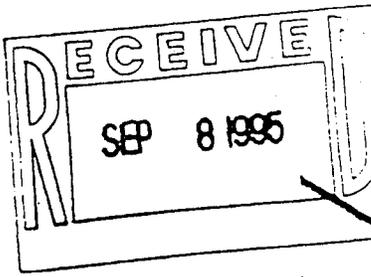
EXHIBIT E

Instructions for
the day of
or other slide
log hauling.

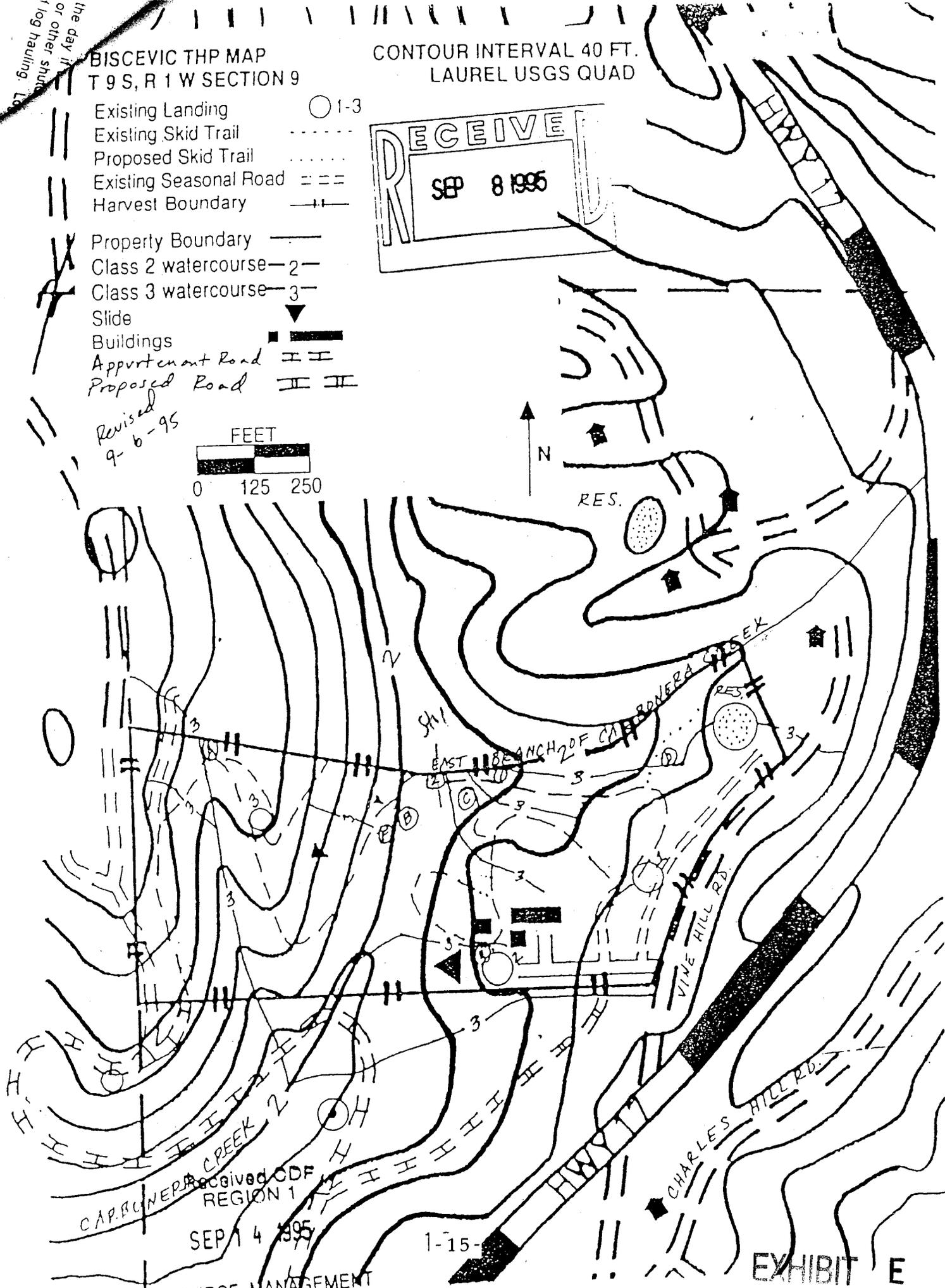
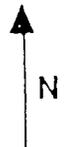
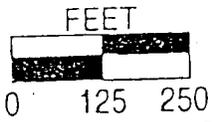
BISCEVIC THP MAP
T 9 S, R 1 W SECTION 9

CONTOUR INTERVAL 40 FT.
LAUREL USGS QUAD

- Existing Landing ○ 1-3
- Existing Skid Trail - - - - -
- Proposed Skid Trail - · - · - ·
- Existing Seasonal Road = = =
- Harvest Boundary - + -
- Property Boundary ———
- Class 2 watercourse — 2 —
- Class 3 watercourse — 3 —
- Slide ▼
- Buildings ■
- Appurtenant Road || ||
- Proposed Road || ||



Revised
9-6-95



Received CDF
REGION 1
SEP 14 1995
MANAGEMENT

EXHIBIT E

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMP.
RECORDING REQUESTED BY
Cornerstone Title Company

2006-0053988

Recorded | REC FEE 10.00
Official Records | SURVEY MONUMENT 10.00
County of Santa Cruz
BARY E. HAZELTON
Recorder

AND WHEN RECORDED MAIL TO:
Juan Martinez
2511 Vine Hill Road
Scotts Valley, CA 95066

DLA
08:00AM 15-Sep-2006 | Page 1 of 2



Space Above This Line for Recorder's Use Only

A.P.N.: 093-401-04

File No.: 7118-2405913 (TD)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$0; CITY TRANSFER TAX \$0.00;
SURVEY MONUMENT FEE \$

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of **Scotts Valley**, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Maria I. Martinez, Wife of the Grantee herein**

hereby GRANTS to **Juan Martinez, a married man as his sole and separate property**

the following described property in the City of **Scotts Valley**, County of **Santa Cruz**, State of **California**:

A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 9, T. 10 S., R 1 W., AND

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF NORTHWEST 1/4 OF SAID SECTION 9; THENCE ALONG THE NORTHERLY BOUNDARY THEREOF, IN AN EASTERLY DIRECTION, TO THE CENTERLINE OF VINE HILL COUNTY ROAD; THENCE ALONG THE CENTERLINE OF VINE HILL COUNTY ROAD, NORTH 15° EAST 133.98 FEET TO STATION 4 THEREIN; THENCE NORTH 26-1/2 DEGREES EAST 165 FEET TO STATION NO. 1; THENCE NORTH 4-3/4° EAST 99.0 FEET TO STATION NO. 8; THENCE NORTH 30-3/4° EAST, 99.0 FEET TO STATION NO. 9; THENCE NORTH 74-1/2 DEGREES WEST 26.40 FEET TO THE MIDDLE OF A GULCH AND THE INTERSECTION OF SAID CENTERLINE WITH A SMALL CREEK FLOWING IN A SOUTHWESTERLY DIRECTION; SAID POINT OF INTERSECTION BEING SOUTH 74-1/2° EAST 59.40 FEET MARKED "10" ON THE MAP ACCOMPANYING THE VIEWERS REPORT ON VINE HILL ROAD, NORTHWESTERLY TO THE WEST BOUNDARY OF SAID SECTION 9 AT A STATION FROM WHICH THE POINT OF BEGINNING BEARS SOUTH 600 FEET DISTANT; THENCE SOUTHERLY, 600 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND:

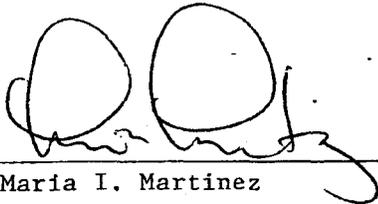
A PORTION OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 9, T. 10 S., R. 1 W., M.D.B. & M., LOCATED IN SANTA CRUZ COUNTY, CALIFORNIA AND A PART OF THE LANDS CONVEYED BY KOMATHEFT TO WILLIAM R. SORIA, IN VOLUME 1469, PAGE 109, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 1/2 INCH PIPE SET AT THE NORTHERNMOST CORNER OF SAID LANDS OF SORIA AT THE INTERSECTION OF THE OLD VINE HILL ROAD AND THE SMALL CREEK THAT IS PART OF THE NORTHERN BOUNDARY OF SAID LANDS; THENCE LEAVING SAID CREEK AND ALONG SAID ROAD CENTERLINE, SOUTH 74° 30' EAST 26.40 FEET TO A 1/2 INCH PIPE; THENCE SOUTH 30° 45' EAST 99.00 FEET TO A 1/2 INCH PIPE;

Mail Tax Statements To: SAME AS ABOVE

EXHIBIT E

THENCE SOUTH 4° 45' WEST 99.00 FEET TO A 1/2 INCH PIPE; THENCE SOUTH 33° 45' WEST 59.40 FEET TO A 1/2 INCH PIPE; THENCE SOUTH 45° 00' WEST 86.76 FEET TO A STATION; THENCE LEAVING SAID CENTERLINE, NORTH 19° 21' 20" WEST 267.03 FEET TO A 1/2 INCH PIPE SET IN THE MIDDLE OF SAID CREEK ;THENCE ALONG SAID CREEK, NORTH 66° 40' EAST 125.23 FEET TO THE POINT OF BEGINNING.

Dated: 09/08/2006



Maria I. Martinez

STATE OF California)SS
COUNTY OF Santa Clara)

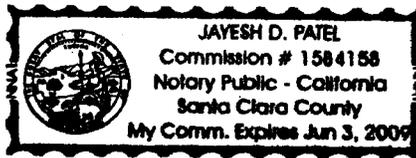
On September 11 06, before me, JAYESH D. PATEL
Notary Public, personally appeared

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

WITNESS my hand and official seal.

Signature





My Commission Expires: June 3 2009 This area for official notarial seal

Notary Name: JAYESH D. PATEL Notary Phone: 408-393-6452
Notary Registration Number: 1584158 County of Principal Place of Business: San Jose

EXHIBIT E