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

June 30, 2009

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

Agenda Date: July 22, 2009
Agenda Item: 8
Time: After 9:00 a.m.

SUBJECT: APPEAL OF ZONING ADMINISTRATOR APPROVAL OF APPLICATION 08-0237

Members of the Commission:

On June 5, 2008 the Zoning Administrator approved Time Extension and Amendment to 05-0305 (Coastal Development Permit, Residential Development Permit for a fence of 6 feet in height within the required front yard setback, Large Dwelling Review, and a Grading Permit), to make minor exterior modifications to the previous approval, a second floor addition of around 900 square feet over the garage, and add approximately 1,000 square feet of deck to the second floor. On June 16, 2009 the Planning Department accepted the applicant's appeal of the Zoning Administrator's approval (Letter of Appeal, Attachment 1). Per Section 18.10.330 of the County Code, a public hearing has been set before your Planning Commission to consider the appeal.

PROJECT DESCRIPTION AND LOCATION

The project site is a vacant 1.8-acre parcel located in a low-density residential area along the north side of San Andreas Road in the La Selva Beach Planning Area. The property is zoned Residential Agriculture (RA) and has a General Plan designation of Rural Residential (RR). The proposed development is located on the relatively flat lot frontage, away from steeper slopes at the rear of the parcel. The proposed building footprint will be predominantly upslope of the 90-foot contour. The structure was originally approved as a two-story residence of 7,374 square feet, with six bedrooms and an attached four-car garage of 1,416 square feet.

RESPONSE TO APPEAL

The first argument by the appellant is that the approval of the project is not consistent with the surrounding neighborhood and no other homes in the vicinity are as large as the proposed home. Staff inventoried the homes in the vicinity and included the garage in the square footage under Table 1. The size of homes in the neighborhood range from 1,091 square feet to approximately 10,000 square feet, with the larger homes in the immediate vicinity of the proposed home. Therefore, staff believes that the home size as approved is consistent with the surrounding neighborhood where larger homes are commonly found. Furthermore, the home has been positioned at an angle which reduces it's potential impact on San Andreas Road and takes advantage of existing mature trees to provide screening.

Table 1 Size of homes in the vicinity (numbers based on Assessor's records)

Parcel Number	Home and garage (square feet)	Deck (square feet)
046-321-05	4,643	90
046-321-04	2,350	693
046-321-12	3,448	527
046-321-01	3,461	1,066
046-321-08	3,431	146
046-321-09	3,421	347
046-321-10	9,306 + 1,832 (second unit)	320
046-321-11	8,343	0
046-311-02	6,706	1,171
046-311-01 (subject lot)	9,193	2,242
046-311-06	10,760	1,704
046-311-07	8,974	498
046-311-03	1,091	866
046-311-04	3,872	844
046-311-05	1,889	650

The second argument made by the appellant is that the proposed location of the second story addition is in an area of unstable slope. The original approval of Permit 05-0305 included a Geotechnical report (Steven Raas & Associates, Inc. October 1998) that was accepted by County engineering staff. An update to the soils report was a condition of approval for Permit 08-0237, however, the applicant has provided staff with a copy of this report (Exhibit 2F) and the Planning Department's Civil Engineer has reviewed it. The Civil Engineer finds that the recommendations are adequate to address any potential slope stability issues. The report states that a portion of the home will be located below the 90 foot contour and recommends that the residence and garage be constructed on a pier and grade beam foundation system, which was also a recommendation of the 1998 Geotechnical report. Pier and grade beam foundations are a common construction technique in the County.

The appellant ties the slope stability issue in with the third argument regarding the forty- foot front yard setback from San Andreas Road. The project is located in the Residential Agriculture zone district, which requires a 40 foot front yard setback for any development. A variance would be required for approval of any structure closer to the road than forty-feet. The finding of "special circumstance" that is required to grant a variance cannot be made in this case. In addition, San Andreas Road is a designated Scenic Road under General Plan Policy/LCP 5.10.10 which states that "public vistas from these roads shall be afforded the highest level of protection". Therefore, protecting the scenic corridor is an important factor in siting of the home. The original Permit 05-0305 included a condition of approval that two mature pine trees and one oak be maintained on the southeastern portion of the property. These trees coupled with the proposed landscape plan would provide screening from San Andreas Road. The proposed majority of the addition is located above the garage, which is located over 100 feet from San Andreas Road and will be sufficiently screened by existing and proposed landscaping. In addition, a condition of approval requires that the color of the home be changed to a dark, subdued earth tone color to complement the setting of the house and the adjacent home to the west. In summary, although the home can feasibly be moved forward or placed squarely facing San Andreas Road, these options do not result in "the highest level of protection" for the scenic road, and would require a Variance to the forty foot front yard setback. The proposed location allows for the retention of existing mature trees and together with the proposed landscaping, will provide protection to the scenic road.

The forth argument is that the location of the home and addition will impact the appellant's private view. The proposed home is over 7,000 square feet and is therefore considered a Large Dwelling (County Code 13.10.325) that is subject to Design Review (Chapter 13.11). The proposed additions are over 100 feet west of the appellant's home on the adjacent parcel, this setback is larger than any required setback for any zone district. Design Review is very extensive and the Urban Designer has compiled a check list to facilitate all the requirements necessary to analyze a home. In this case the box that was checked off for "minimizes impact on private views" is paraphrased from *Development should minimize the impact on private views from adjacent parcels, wherever practicable* (13.11.072(b)2(ii)). As previously stated, Design Review requires that many items be weighed and it has been the Planning Department's practice that private views are not given as much weight as those of the public. Although it is feasible to move the home closer to the road, that would require the removal of existing mature trees that provide screening from scenic San Andreas Road. Even a smaller home placed closer to San Andreas Road would create a greater visual impact than the proposed design. In this case, the protection of scenic San Andreas Road is weighted more heavily than private view as ordinances and policies must be balanced when reviewing a proposal.

The final appeal issue is that the appellant's solar panels will be shaded. As previously stated, the proposed home is located over 45 feet away from the neighboring property line to the east and the solar panels in question are located in the northeast corner of the neighboring property. A shadow plan demonstrates that the proposed home will not shade the solar panels (Exhibit 2G). The solar panels are distant from the home and the existing trees which are closer to the solar panels are much taller than the proposed home.

In conclusion, the home is of a proportional size to homes found in the immediate vicinity and placing the home closer to designated scenic San Andreas Road results in the removal of existing mature trees that serve to screen any proposed development on site. In addition, it is not in line with the intent of the General Plan/LCP policy that requires staff afford designated scenic roads the highest level of protection when siting development. Lastly, the home is located over 100 feet away from the existing development on the neighboring property immediately to the east and should have minimal to no impact to it's private views or solar access. Staff recommends that the Planning Commission uphold the Zoning Administrator's approval of Application 08-0237 and deny the appellant's appeal.

Sincerely,

Porcila Wilson
Project Planner
Development Review

Reviewed By: _____

Paia Levine
Principal Planner
Development Review

Exhibits:

2A. Letter of appeal, dated June 15, 2009.
2B. Zoning Administrator Minutes from the June 5, 2009 hearing.
2C. Staff report, dated June 5, 2009 from Zoning Administrator hearing.
2D. Staff report, dated May 5, 2006 from Zoning Administrator hearing.
2E. Location Map
2F. Update to Geotechnical Investigation, Pacific Crest Engineering, dated 9/15/08.
2G. Shadow Plan, Minds Eye 2009
2H. Correspondence

To: PLANNING COMMISSION

From: Dr. & Mrs. Joshua and Stella Atiba

2009 JUN 16 AM 9 56

Date: June 15, 2009

Re: **Notice of Appeal of Zoning Administrator's Decision made at the June 5, 2009 Public Hearing Re: APN: 046-311-01 Application Number: 08-0237 (Previous Application Number: 05-0305**

We were disappointed to learn that despite our justifiable opposition to the above application and proposal, the Zoning Administrator proceeded to approve the project without pausing to evaluate our position. We are filing this appeal because we believe that the decision maker failed to consider our genuine concerns and the decision failed to reflect the vital facts that we presented. We feel that the reports and guidelines, upon which the decision was based, were either gravely minimized or ignored or both. The parcel is adjacent to our home at 1380 San Andreas Road in La Selva Beach.

We will reiterate the concerns that were raised in our opposition letters which we hope were presented at the hearing. The issues we raise are easily verifiable, and we urge the commission to endeavor to examine all the circumstances surrounding this project before reaching a decision. This project will have an immeasurable impact on our property, and the decision totally disregards our rights and our quality of life as home owners in favor of the proposed development.

We pointed out that this dwelling has grown from a preliminary conceptual plan for the construction of a 4400 sq ft home to its present size of 8,849 sq ft of conditioned space (total of 15,674 sq ft). Based on the Planning Department's own design guidelines for Neighborhood Compatibility, the home is completely out of balance and out of character with all the homes within the physical boundaries of the 'affected neighborhood' on San Andreas Road. Contrary to the staff reports, the development is **NOT** consistent with the surrounding neighborhood, and **NO** homes in the vicinity are as large as this one, not even close. The structure is incompatible in proportion and size with homes within the surrounding neighborhood. The report grossly misrepresents the facts upon which the large dwelling permit was issued.

The large home itself is not our main concern; it's the decision to allow the huge structure to extend into an unstable slope, ignoring the detailed Soil Engineering report that described the soil at that back half of the parcel as highly permeable and subject to severe erosion. This large home is setback 40 feet, consequently extending the garage into the steep slope. Now, a 900 sq ft addition has been approved to go over the garage; a decision that we regard as negligent and unconscionable. (See highlighted paragraph below).

We expressed our concern about the considerable soil displacement, cutting, and filling that is certain to occur during the grading and construction of the large dwelling. This could trigger accelerated erosion which will in turn exacerbate the soil condition, and increase the likelihood of a landslide that would adversely impact our property. That, coupled with the just approved 900 sq ft addition, an extra weight over the garage that already extends into the slope, will unduly burden and further disturb the unsteady hillside. Due to this problem, we have put in three levels of retaining walls and erosion wires on our property. We have taken all reasonable measures to protect our home from the hazards of erosion and landslide; we intend to hold this owner and the county fully liable for any damages to our home or land.

The main issue that we would like the commission to address and help us to understand is why the house is setback that far, when the various reports and recommendations reflect an understanding that the structure should be constructed "on the approximately one-third, relatively flat upper portion of the lot", due to the erodible of the soil and slope in the rear parcel. There is a complete departure from this original caution. We don't see why the need for a "cosmetic "setback should trump a fundamental issue of fact and safety. If the buildable flat pad cannot securely accommodate the structure, why then, has a "large dwelling "permit been issued to allow the construction of the ever expanding 8,849 sq ft home? We consider this as an abuse of discretion on the part of the Zoning Administrator.

EXHIBIT 2A

Another issue that is indefensibly misrepresented by the Planning staff is the impact of this project on our private views. The structure will completely block the ocean view that we currently enjoy from our kitchen and dining windows. Our home was marketed to us as an 'ocean view home' five years ago. In reliance on that representation, we paid a premium of close to two million dollars to purchase our home. Blocking our ocean view entirely, will no doubt have a significant effect on our enjoyment as well as the value of our property. When Mr. Tut and his wife came to our home recently, we expressed our concern over the project's encroachment on the "land fill" as he called it, and also showed them from our kitchen window how their home will totally obstruct our view, especially the 900 sq ft addition.

Moreover, we don't recall anyone from the planning department coming onto our property and looking from our vantage point to ascertain the impact of the project on our private views. Therefore to check off a box that indicates the project "minimizes impact on private views" is dishonest, deceitful, and an outright lie. If the staff bothers to check this simple fact, they will realize the consequences of their inaccurate reporting, and its adverse impact on our property.

What's more, this project will affect our 36 panel solar energy system by shading off the sun sooner in the late afternoons. We feel that the Planning Staff did not employ due diligence in compiling their report for this project.

We respectfully ask the Commission to revisit this project, and intervene for our health and safety. While we are in no way opposing this construction, we are nevertheless questioning the decision to impose the 40 ft setback, placing the home away from the flat upper portion of the parcel and into the slope, all contrary to expert reports, the USDA soil survey, comments from the Entomological report, and detailed soil reports and recommendations by Steven Raas & Associates dated 10/12/98 with updates by Pacific Crest Engineering dated 12/15/03 and Fall Creek Engineering dated 7/15/05. The reports detail stringent measures that must be implemented to ensure the stability of the structure due to the high permeability and erosion hazards of the soil particularly on the lower half of the lot.

We hope that the commission would re-examine the setback requirement and recommend that the rather large home be located on the more stable upper portion of the lot, away from the slope area. This is not only a safe and feasible alternative, but a responsible and sensible option too.

Finally, we don't assume that this is an unreasonable request, and we thank you all for your time and attention in considering this matter.

Sincerely,

Joshua & Stella Atiba

1380 San Andreas Road
La Selva Beach, CA 95076
Home: 831-761-1100
Cell: 707-631-0924
707-631-0921

snatiba@aol.com

EXHIBIT 2A

County of Santa Cruz
Zoning Minutes

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

Meeting Date : Friday, June 05, 2009 10:00 AM

Location : Board of Supervisors Chambers, Room 525
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

CONTINUED ITEMS

0.1 **08-0367 (**)** **202 BEACH DRIVE, APTOS** **APN(S): 043-072-01**

Proposal to enclose the front and back of the carport with a combination of six foot tall, fixed and portable panels/gates, to place a gate at the base of the stairway and remove unpermitted railing on top of the roof. Requires an Amendment to Coastal Development Permit 88-0599. Property located approximately 125 feet east of the corner of Beach Drive and Rio Del Mar Blvd, at 202 Beach Drive, Aptos.
OWNER: BARBARA NELSON
APPLICANT: BARBARA NELSON C/O POWERS LAND PLANNING
SUPERVISORIAL DIST: 2
PROJECT PLANNER: PORCILA PEREZ WILSON, 454-5321
EMAIL: pln110@co.santa-cruz.ca.us
(Continued from 3/6/09, 3/20/09, 5/1/09; heard by Glenda Hill)
APPROVED WITH REVISED FINDINGS AND REVISED CONDITIONS
AUDIO IS NOT AVAILABLE FOR THIS ITEM.

REGULAR AGENDA ITEMS

1. **08-0237 (*)** **NO SITUS** **APN(S): 046-311-01**

Proposal to extend the expiration date of 05-0305 (Coastal Development Permit, Residential Development Permit for a fence in excess of 6 feet in height within the required front yard setback, Large Dwelling Review, and a Grading Permit) make minor exterior modifications to the previous approval, a second floor addition of around 900 square feet over the garage, and add approximately 1,000 square feet to the second floor. Requires a Time Extension and an Amendment to 05-0305. Property located on the north side of San Andreas Road at the intersection with Oceanview Drive between 1380 and 1400 San Andreas Road, in Aptos.
OWNER / APPLICANT: MONTEREY OAKS ESTATES, LLC
SUPERVISORIAL DIST: 2
PROJECT PLANNER: PORCILA WILSON, 454-5321
EMAIL: pln110@co.santa-cruz.ca.us
APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

2. **08-0227 (**)** **NO SITUS** **APN(S): 043-152-46**

Proposal to construct a three story single family dwelling with a non-habitable first floor (to comply with Federal Emergency Management Agency flood elevation requirements) and to grade approximately 927 cubic yards. Requires a Coastal Development Permit, Variances

to increase the number of stories from two to three within the Urban Services Line, to increase the maximum Floor Area Ratio from 50% to 55%, to reduce the required 20-foot setback to the entrance of the garage to about 10 feet, Design Review to increase the 25 foot height limit to 29 feet and Preliminary Grading approval for approximately 927 cubic yards. Property located on the northeast side of Beach Drive (across the street from 533 Beach Drive), approximately 4,200 feet east of the intersection of Beach Drive and Rio Del Mar Blvd. in Aptos.
OWNER: TIMOTHY AND JENNIFER BUMB
APPLICANT: HAMILTON SWIFT LAND USE
SUPERVISORIAL DIST: 2
PROJECT PLANNER: PORCILA WILSON, 454-5321
EMAIL: pln110@co.santa-cruz.ca.us
APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

3. **07-0138 460 EUREKA CANYON RD., WATSONVILLE APN(S): 107-121-66**

Reconsideration of Conditions II. K. and IV. A. 4. requiring the licensee of the residential care facility to reside on the subject property for Development Permit 07-0138. Property located at the southeast corner of Eureka Canyon Road and Las Colinas Road, in Corralitos. (460 Eureka Canyon Rd.)
OWNER: TRYGVE THOSENSON
APPLICANT: TEALL MESSER
SUPERVISORIAL DIST: 2
PROJECT PLANNER: RANDALL ADAMS, 454-3218
EMAIL: pln515@co.santa-cruz.ca.us
<3>APPROVED PER STAFF FINDINGS AND STAFF CONDITIONS

4. **09-0129 (**) 59 SUNSET DR., WATSONVILLE APN(S): 046-172-12**

Proposal to construct a two-story addition of 499 square feet to an existing two-story residence. Requires an amendment to Coastal Development Permit 01-0282. Property located at the northwest corner of Mesa Drive and Sunset Drive in Sunset Beach. (59 Sunset Drive)
OWNER / APPLICANT: RICHARD VAN TROOD
SUPERVISORIAL DIST: 2
PROJECT PLANNER: RANDALL ADAMS, 454-3218
EMAIL: pln515@co.santa-cruz.ca.us
APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

5. **08-0293 1555 SOQUEL DRIVE, SANTA CRUZ APN(S): 025-481-01**

Proposal to co-locate 8 panel antennas and 6 related equipment cabinets on the roof of an existing hospital. Requires an amendment to Commercial Development Permit 2380-U and Master Development Permits 76-1782 and 80-364-PD. Property located on the northwest corner of the intersection of Soquel Drive and Paul Sweet Road (at 1555 Soquel Drive).
OWNER: DOMINICAN SANTA CRUZ HOSPITAL
APPLICANT: A T & T (C/O JACQUELINE SMART)
SUPERVISORIAL DIST: 1
PROJECT PLANNER: SHEILA MCDANIEL, 454-3439
EMAIL: pln056@co.santa-cruz.ca.us
APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

6. **07-0659 3600 SOQUEL AVE., SANTA CRUZ APN(S): 026-041-31**

EXHIBIT 2B

Proposal to occupy an existing 4,433 square foot two-story building with a motorcycle and motor scooter sales, service, and repair business. The project requires a Commercial Development Permit, Roadway/Roadside exception to required frontage improvements, Design Review Exception to reduce the minimum 5-foot landscape strip to 2 feet or less and minimum 24-foot internal driveway width to 18 to 20 feet, and a Parking Plan. The property is located on the south side of Soquel Avenue, 150 feet west from the intersection of 17th Avenue (3600 Soquel Avenue).
OWNER/APPLICANT: CHARLES PUTRIS
SUPERVISORIAL DIST: 1
PROJECT PLANNER: SHEILA MCDANIEL, 454-3439
EMAIL: pln056@co.santa-cruz.ca.us
APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

7. **07-0606** **25230 QUAIL RIDGE ROAD, LOS GATOS** **APN(S): 098-281-10**

Proposal to recognize the construction of a metal and wood fence up to 7-feet high within the required 40 foot front yard setback on a parcel with one dwelling. Bldg Permit Application 64348m routing concurrently. Requires a Residential Development Permit to exceed the maximum 6-foot height limitation. Property located on the south side of Quail Ridge Road (25230 Quail Ridge Road) about
0.25 miles from Adams Road.
OWNER / APPLICANT: ALBERT DENIE
SUPERVISRIAL DIST: 1
PROJECT PLANNER: LARRY KASPAROWITZ, 454-2676
EMAIL: pln795@co.santa-cruz.ca.us
APPROVED STAFF FINDINGS AND REVISED CONDITIONS

7.1 **07-0606** **25230 QUAIL RIDGE ROAD, LOS GATOS** **APN(S): 098-281-10**

CONTINUED AUDIO FOR ITEM 7

8. **06-0694** **217 GREEN VALLEY ROAD, WATSONVILLE** **APN(S): 048-061-05**

Proposal to use an existing single-family dwelling as the top floor of a new office building and add a new ground floor resulting in a 2-story, 4,296 sq. ft. office building (with 11% over the required parking). Requires a Commercial Development Permit, Preliminary Grading Approval for approximately 500 cu. yds, Design Exception to allow a reduced width of a landscape strip along the north property line from the required five feet to two feet, and to allow internal driveway widths to be twenty four feet wide where twenty six feet is required. Property located on the west side of Green Valley Road, about 200 feet north from Stewart Avenue at 217 Green Valley Road in Watsonville.
OWNER: CENTRO PORTUGUES DE NOSSA SENHORA DE FATIMA
APPLICANT: DEE MURRAY
SUPERVISORIAL DIST: 4
PROJECT PLANNER: LARRY KASPAROWITZ, 454-2676
EMAIL: pln795@co.santa-cruz.ca.us
CONTINUED TO AUGUST 7, 2009; 8:30 AM

9. **08-0483(*)** **355 10TH AVE., SANTA CRUZ** **APN(S): 027-112-03**

Proposal to demolish an existing two unit dwelling group and construct a two-story, single-family dwelling, and an overheight fence and trellis to be located within the front yard setbacks. Requires a Coastal Development Permit and Residential Development Permit. Property is located at 335 Tenth Avenue (about 1/4 mile south of Dolores) in Santa Cruz.

EXHIBIT 2-B

OWNER: THOMAS RICHARD AND KIMBERLY LEMIEUX
APPLICANT: SHERRY HRABKO
SUPERVISORIAL DIST: 1
PROJECT PLANNER: ANNETTE OLSON, 454-3134
EMAIL: pln143@co.santa-cruz.ca.us
APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

10. **09-0099(**)** **927 VIA GAVIOTA, APTOS** **APN(S): 054-192-02**

Proposal to recognize remodel of an existing 2-story single-family dwelling, includes, but not limited to replacement of front porch and existing exterior siding, modification of second floor deck, addition of porch roof, replacement of existing windows in-kind, relocation of front door, replacement of deck railing, and removal of existing exterior stairs of dwelling. Requires a Coastal Development Permit. Located on the northeast side of Via Gaviota, about 100 feet east of the intersection with Clubhouse Drive (927 Via Gaviota).
OWNER: GLEN DAVIS
APPLICANT: SUSAN DEE CUMMINS
SUPVERVISORIAL DIST: 2
PROJECT PLANNER: ROBIN BOLSTER-GRANT, 454-5357
EMAIL: pln111@co.santa-cruz.ca.us
APPROVED PER STAFF FINDINGS AND REVISED CONDITIONS

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

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

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

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

Agenda documents may be reviewed at the Planning Department, Room 420, County Government Center, 701 Ocean Street, Santa Cruz.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by

EXHIBIT 2B

reason of a disability, be denied the benefits of its services, programs, or activities. The Board of Supervisors chambers is located in an accessible facility. If you wish to attend this meeting and you will require special assistance in order to participate, please contact the ADA Coordinator at 454-3137 (TTD number is 454-2123 or 763-8123 from Watsonville area phones) at least 72 hours in advance of the meeting to make arrangements. People with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those persons affected, please attend the meeting smoke and scent free.

EXHIBIT 2B

Staff Report to the Zoning Administrator

Application Number: 08-0237

Applicant: Monterey Oaks Estates, LLC
Owner: Monterey Oaks Estates, LLC
APN: 046-311-01

Agenda Date: June 5, 2009
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to extend the expiration date of 05-0305 (Coastal Development Permit, Residential Development Permit for a fence of 6 feet in height within the required front yard setback, Large Dwelling Review, and a Grading Permit), make minor exterior modifications to the previous approval, a second floor addition of around 900 square feet over the garage, and add approximately 1,000 square feet of deck to the second floor.

Location: Property located on the north side of San Andreas Road at the intersection with Oceanview Drive, between 1380 and 1400 San Andreas Road, in Aptos.

Supervisoral District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Time extension and Amendment to Coastal Development Permit, Grading Permit, Residential Development Permit, Large Dwelling Permit (05-0305).
Technical Reviews: None

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0237, based on the attached findings and conditions.

Exhibits

A.	Project plans	H.	Reduced set of project plans
B.	Findings	I.	Printout, discretionary comments, dated 3/24/09
C.	Conditions	J.	Memo, Urban Designer comments, dated 2/26/09
D.	Categorical Exemption (CEQA determination)	K.	Comments & Correspondence
E.	Assessor's Map		
F.	Location Map		
G.	Zoning and General Plan Maps		

Parcel Information

Parcel Size:	1.8 acres	
Existing Land Use - Parcel:	vacant	
Existing Land Use - Surrounding:	Single-family residences, agriculture, State beach	
Project Access:	San Andreas Road	
Planning Area:	La Selva Beach	
Land Use Designation:	R-R (Rural Residential)	
Zone District:	R-A (Residential Agriculture)	
Coastal Zone:	_X_ Inside	__ Outside
Appealable to Calif. Coastal Comm.	_X_	__ No
	rear portion of parcel	

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Baywood loamy sand, Elkhorn loamy sand
Fire Hazard:	Not a mapped constraint
Slopes:	15 – 50 percent slopes at rear of lot
Env. Sen. Habitat:	Mapped biotic – Monarch butterfly
Grading:	Approx. 657 cu yards grading proposed
Tree Removal:	6" madrone, 16" and 22" pines and 36" eucalyptus to be removed;2 pines and 1 oak in front (south side) required to be retained per Permit 05-0305
Scenic:	Mapped resource
Drainage:	Existing drainage adequate
Archeology:	No significant impact

Services Information

Urban/Rural Services Line:	__ Inside _X_ Outside
Water Supply:	Soquel Creek Water District
Sewage Disposal:	Septic
Fire District:	Aptos/La Selva Fire Protection District
Drainage District:	N/A

History

A previous application to construct a single-family dwelling on the site was approved as Coastal Development Permit # 98-0764, but was not exercised. In 2005, Permit 05-0305 granted a Coastal Development Permit, Residential Development Permit for a fence of 6 feet in height within the required front yard setback, Large Dwelling Review, and a Grading Permit to construct an approximately 7,300 square foot, two-story single family dwelling. This permit was not exercised and the applicant is now requesting a Time Extension and Amendment to Permit 05-0305 to include

EXHIBIT 2C

an approximately 900 square foot addition over the garage and minor exterior modifications.

Project Setting

The project site is a vacant 1.8-acre parcel located in a low-density residential area along the north side of San Andreas Road in the La Selva Beach Planning Area. The proposed development is located on the relatively flat lot frontage, away from steeper slopes at the rear of the parcel. The proposed building footprint will be predominantly upslope of the 90-foot contour. The structure was approved as a two-story residence of 7,374 square feet, with six bedrooms and an attached four-car garage of 1,416 square feet.

Zoning & General Plan Consistency

The subject property is a 78,408 square foot lot, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The proposed addition is a principal permitted use within the zone district and the project is consistent with the site's (R-R) Rural Residential General Plan designation. The proposed addition is consistent with all development regulations of the RA zone district, including height, lot coverage, setbacks and on site parking, and no variances are required. The project is located along a designated scenic road as per General Plan policy 5.10.10 and the landscaping improvement plan is consistent with requirements of General Plan Policy 5.10.13 in that the natural terrain and landscaping attain a smooth transition and natural appearance and that characteristic and indigenous plant species appropriate to the area are to be utilized.

The project is consistent with County Code Section 13.10.325 in that the proposed addition to the residence is landscaped to be adequately screened from public view and does not impact public views along the San Andreas scenic corridor. The addition is proposed at the northeastern end of the residence and will be located the furthest from San Andreas Road, which is more than 100 feet to the south. The minor changes to the exterior from the previously approved home under Permit 05-0305 include the addition of deck areas to the front and rear of the home, balusters, entryway stairs and configuration, and windows shapes. The project is consistent with all required zoning setbacks for the Residential Agriculture zone district and does not adversely impact neighboring property privacy or solar access. The project has been reviewed by the County Urban Designer for consistency with County Code Section 13.11, Design Review, and the project is conditioned to comply with all previous conditions of Permit 05-0305, with the exception of a new condition of approval that requires the color of the structure to be a more subdued earthtone.

Large Dwelling Permit

Coastal Development Permit and Residential Development Permit 05-0305 allowed the construction of an approximately 7,300 square foot , two story single family dwelling with a four car garage. The large dwelling permit requires that findings be made that the proposed home be screened from the public view and will not impact public viewsheds, or neighboring property. The approved home is located along San Andreas Road, a scenic road per General Plan, however, the home has been properly screened from the road by existing trees that will be retained and additional trees that were proposed. The proposed addition is approximately 900 square feet to the second story, with the majority located above the four car garage, which is located over 100 feet from the traveled roadway and is screened by existing and proposed landscaping.

EXHIBIT 2C

Furthermore, the second story addition is broken up by recessing the wall plane and including a open covered patio area. A condition of approval has been added to the permit that requires the color of the home be revised to a darker earth tone color to minimize any impact to the San Andreas Road scenic corridor.

The proposed addition will not impact neighboring property privacy or solar access as it is located above a garage, which meets all zoning site standards for the Residential Agriculture zone district. In addition, the proposed addition is located over 50 feet away from the neighboring property to the east, which is a greater setback than any required setback in any zone district.

Design Review

The proposed addition to the approved single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed changes to the project will incorporate site and architectural design features such as non-reflective ceramic tile roofing and natural darker color materials to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. In addition, no public views to the coastline are impacted by the proposed development. The second story addition has recessed wall plane and an open patio area that help break up the massing.

The minor changes to the exterior from what was previously approved under Permit 05-0305 include the addition of approximately 1,000 square feet of deck areas to the front and rear of the home, balusters, entryway stairs and configuration, and windows shapes. The project has been reviewed by the County Urban Designer for consistency with County Code Section 13.11, Design Review, and the project is conditioned to comply with all previous conditions of Permit 05-0305, with the exception of a new condition of approval that requires the color of the structure to be a more subdued earthtone.

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. Natural materials and earth tone colors are utilized to maintain consistency with existing residential development, which consists largely of two-story stucco exteriors and tile roofs. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design of the proposed addition submitted is not inconsistent with the approved development. 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 access to Manresa State Beach is available at the main entrance on San Andreas Road. Alternate public access is available at Ocean view Drive in the project vicinity.

Time Extension

In addition to the proposed exterior changes and the addition, the applicant is also requesting a

EXHIBIT 2C

time extension to Permit 05-0305. Extensions for a period of up to one year may be granted per County Code Section 18.10.133. The application for a time extension was made prior to Permit 05-0305 expiration date.

The previous findings and conditions for Permit 05-0305 continue to be valid, in that the regulations or site conditions have not changed in a manner that would affect the prior decision and the requested Amendment includes an additional condition of approval to mitigate for any impacts to scenic San Andreas Road. An extension of Coastal Development Permit and Residential Development Permit 05-0305 for a period of two years from the original expiration date is considered as appropriate. The permit would be extended from 5/20/08 to 5/20/10.

Furthermore, findings for Coastal Development Permit and Residential Development Permit05-0305 are on file in the County Planning Department.

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

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0237,** based on the attached findings and conditions.

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

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

Report Prepared By: Porcila Perez
Santa Cruz County Planning Department
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Santa Cruz CA 95060
Phone Number: (831) 454-5321
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EXHIBIT 2C

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 RA (Residential Agriculture), a designation which allows residential uses. The proposed addition is a principal permitted use within the zone district, consistent with the site's (R-R) Rural 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 proposed addition 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.

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 as other homes in the vicinity are also large and consist of stucco exteriors, columns and tile roofs. The site is surrounded by developed property and the colors shall be natural in appearance and complementary to the site and approved single family residence. Furthermore, 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 residence 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 addition is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood and the approved dwelling. Additionally, residential uses are allowed uses in the RA (Residential Agriculture) 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

EXHIBIT 20
EXHIBIT B

architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of two-story, large homes with stucco exteriors and tile roofs.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed residence 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 addition to the residence and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property will be one residence 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 Rural Residential (R-R) land use designation in the County General Plan.

The proposed addition to the residence 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 addition to the residence 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 addition to the residence 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 addition to the residence will comply with the site standards for the RA zone district (including setbacks, lot coverage,

EXHIBIT 2C
EXHIBIT B

floor area ratio, height, and number of stories).

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 the residence is to be constructed on an existing undeveloped lot, which was approved for a large dwelling under Permit 05-0305. The expected level of traffic generated by the proposed project is not anticipated to increase as the addition will be part of the previously approved dwelling.

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 neighborhood containing dwellings ranging in sizes from 1800 to over 7000 square feet. The proposed addition to the home will complement with the homes found along San Andreas Road which are composed of stucco and tile roofs. The addition does not block view of the coastline or any vista points along the scenic San Andreas roadway. Mature trees have been preserved on the site and proposed landscaping serves to soften the visual impact of the proposed development.

The building has been designed with pitched, rather than flat roofs which are surfaces with non-reflective materials. Natural materials and colors which blend with the natural cover of the site are proposed.

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 addition to the residence 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. The home was previously conditioned under Permit 05-0305 to retaining three existing trees and provides a landscape plan that would mitigate any possible visual impacts to San Andreas Road, a scenic road. In addition, a six-foot stucco wall was previously approved adjacent to San Andreas Road will further breakup the visual impact of the addition, which is located approximately 100 feet from the traveled roadway.

Large Dwelling Review Findings

1. The proposed structure is compatible with its surroundings given the neighborhood, locational and environmental context and its design is consistent with the large dwelling design guidelines in County Code section 13.10.325(d); or

EXHIBIT 2C
EXHIBIT B

This finding can be made, in that addition to the previously approved large home will be compatible with the design of the home in a neighborhood of homes that range in size from 1800 to over 7,000 square feet. The two immediately neighboring homes are composed of stucco and tile roofs, and the home and addition will maintain the same use of materials. The proposed addition will be setback with a recessed wall plane and an open covered patio area will help break up the mass of the addition. A condition of approval has been included that the color of the home be a more subdued earth tone color. In addition, existing trees and additional trees will help mitigate any visual impact to scenic San Andreas Road.

2. The proposed structure, due to site conditions, or mitigation measures approved as part of this application, will be adequately screened from public view and will not adversely impact public viewsheds, neighboring property privacy or solar access, and its design is consistent with the large dwelling design guidelines set forth in County Code section 13.10.325(d).

This finding can be made, in that proposed addition will be properly screened by the existing and proposed trees and landscaping from scenic San Andreas Road. The home has been sited at an angle and the addition is to the second story over the garage, which is located the furthest at approximately over 100 feet from the traveled roadway. The second story addition is broken up by recessing the wall plane and including a open covered patio area. A condition of approval has been included that the home be painted a subdued earth tone to help mitigate any visual impacts from scenic San Andreas Road.

The proposed addition will not impact neighboring property privacy or solar access as it is located above a garage, which meets all zoning site standards for the Residential Agriculture zone district. In addition, the proposed addition is located over 50 feet away from the neighboring property, which is a greater setback than any required setback in any zone district. Furthermore, the addition does not block view of the coastline or any vista points along the scenic San Andreas roadway. Mature trees have been preserved on the site and proposed landscaping serves to soften the visual impact of the proposed development.

EXHIBIT 2C
EXHIBIT B

Conditions of Approval

Exhibit A: Project plans, five sheets, prepared by Robert Garcia, dated 12/16/08.
Grading & Drainage plans, seven sheets, prepared by Fall Creek Engineering, dated 12/08.
Landscape plan, one sheet, prepared by SSA Landscape Architects, dated 11/06/08.
Project plans, two sheets, prepared by Platinum Engineering Solutions, dated 12/18/08.

I. This permit authorizes the construction of a(n) addition of approximately 900 square feet and approximately 1,100 square feet in decks to a previously approved 7,300 square foot, two-story *six bedroom* residence with a four car garage (*Amended by Zoning Administrator 6/5/09).* This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof. All conditions of permit number 05-0305 are incorporated herein by reference and are also conditions of this approval.

B. Obtain a Building Permit from the Santa Cruz County Building Official.

1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.

C. Obtain a Grading Permit from the Santa Cruz County Building Official.

D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

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).

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. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the

EXHIBIT 2C
EXHIBIT C

proposed development. The final plans shall include the following additional information:

1. One elevation shall indicate materials and colors as approved by the Urban Designer. A 8 ½" by 11" color board shall be submitted for approval by the Urban Designer. Colors shall be subdued dark earth tone to complement the setting of the house and the adjacent house to the west.

2. Grading, drainage, and erosion control plans. Grading plans shall show the area of trees to be preserved with the zone of no disturbance indicated.

3. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 28-feet.

4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.

C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.

D. Submit an update to the Soils Report to conform to the requirements of the 2007 California Building Code.

E. Obtain an arborist report to make recommendations to ensure trees are preserved during construction.

F. Obtain an Environmental Health Clearance for this *six bedroom* project from the County Department of Environmental Health Services. *(Amended by Zoning Administrator 6/5/09)*

G. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Beach Fire Protection District.

H. Plan review letters shall be required from the soils engineer stating that the plans conform to the recommendations in the accepted reports.

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.

EXHIBIT 2C

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 the approved 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, it 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

EXHIBIT 2C
EXHIBIT C

defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and

2. COUNTY defends the action in good faith.

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

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

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires ~~06/05/09~~ *05/20/10* (~~one~~ *two* years from the original expiration date) unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director. (*Amended by Zoning Administrator 6/05/09)*

Approval Date: June 6, 2009

Effective Date: June 20, 2009

Expiration Date: May 20, 2010

Don Bussey
Deputy Zoning Administrator

Porcila Perez Wilson
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.

EXHIBIT 2C

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: 08-0237
Assessor Parcel Number: 046-311-01
Project Location: Monterey Oaks Estates, LLC

Project Description: Proposal to add approximately 900 square foot addition to a single family dwelling.

Person or Agency Proposing Project: Monterey Oaks Estates, LLC

Contact Phone Number: 831-728-4534

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: Class 1 - Existing Facilities (Section 15301)

F. *Reasons why the project is exempt:*

Additions to a single family residence in an area designated for residential development.

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

Porcila Perez Date: 6/5/09

Porcila Perez, Project Planner

EXHIBIT 2C
EXHIBIT D

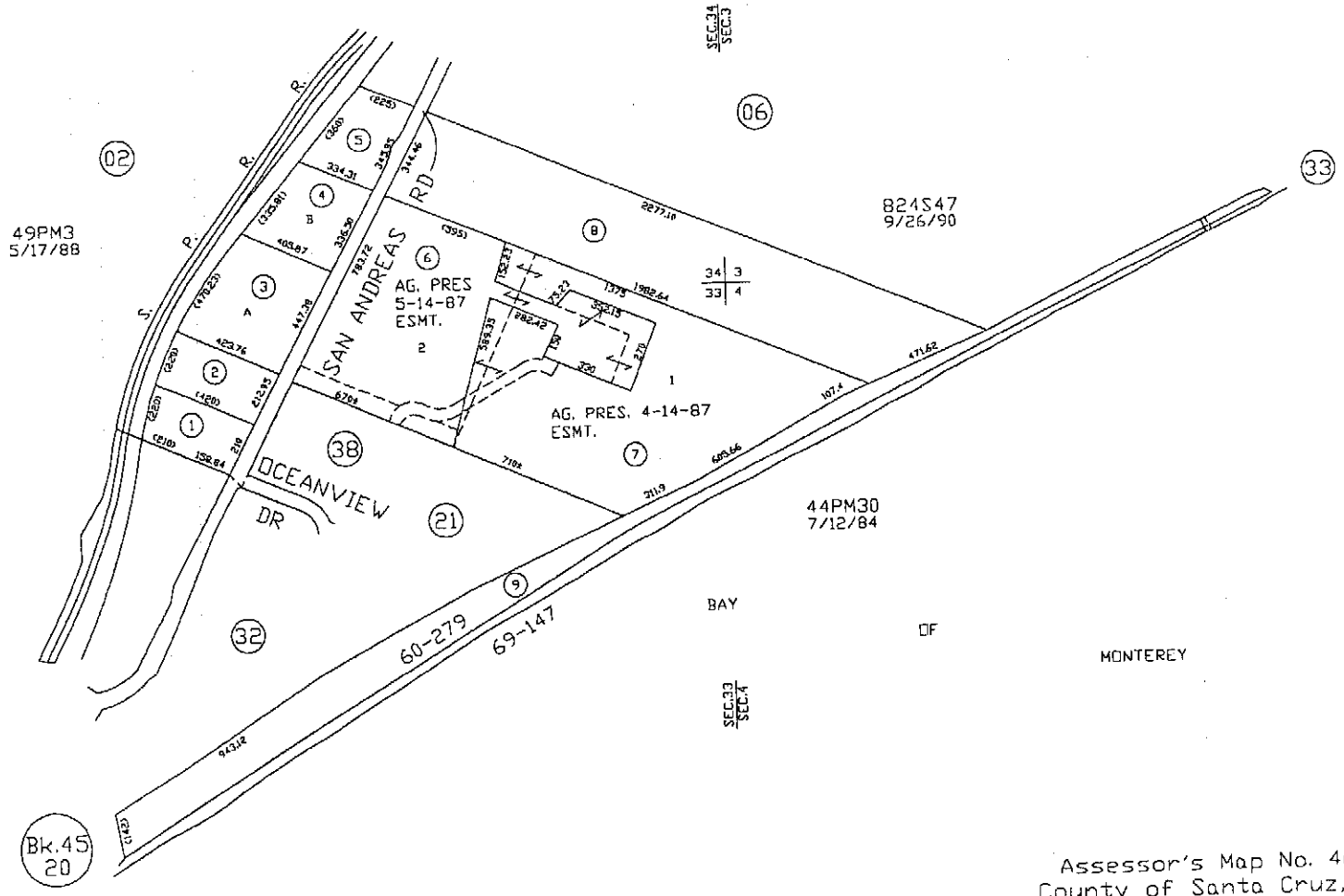
FOR TAX PURPOSES ONLY

POR. SAN ANDREAS RANCHO
SECS. 3,4,33 &34,
T.11S. & T.12S., R.1E., M.D.B.&M.

Tax Area Code
69-147 69-279

46-31

1"= 400'



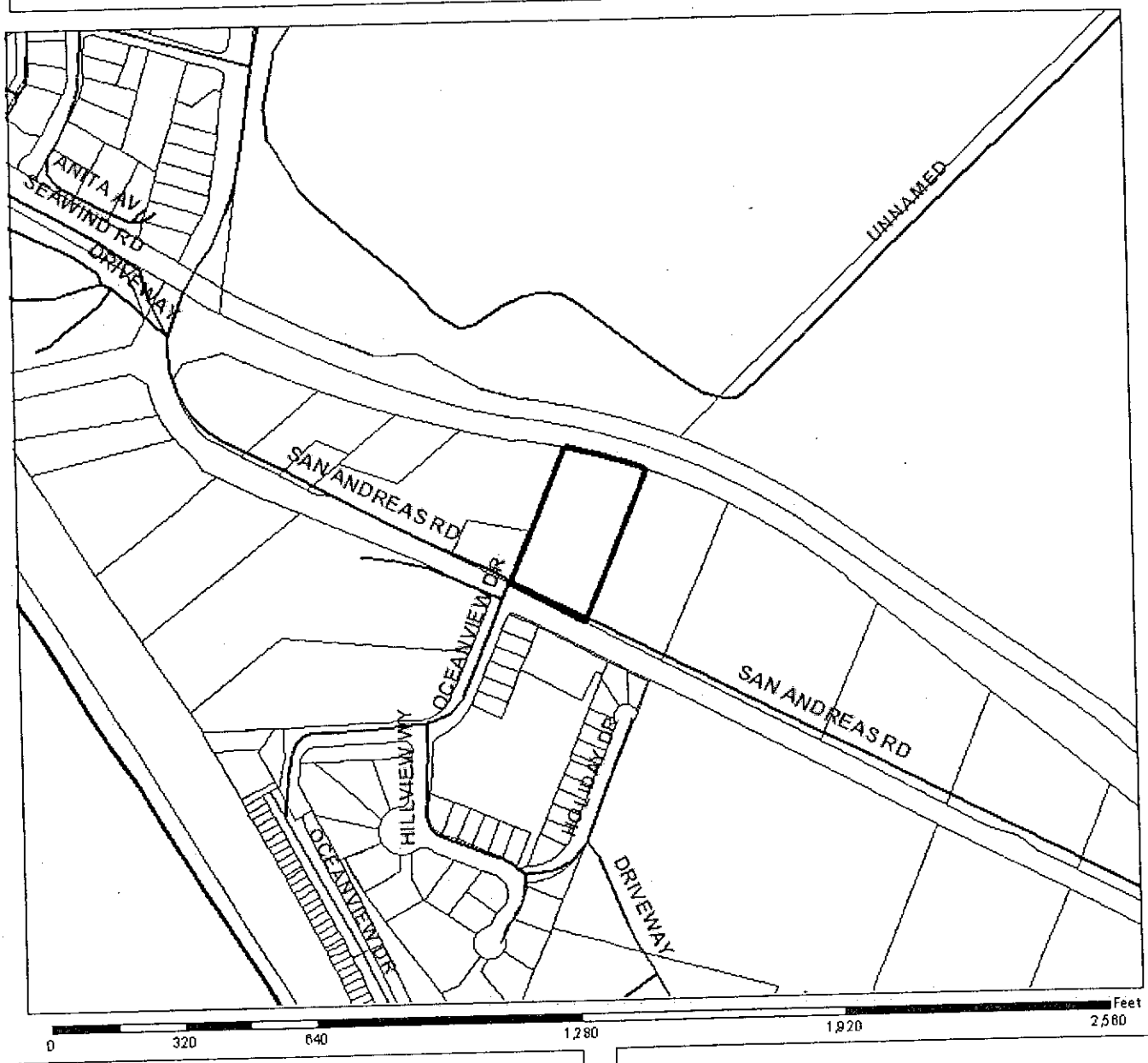
Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 46-31
County of Santa Cruz, Calif.
Sept. 1995

-26-36

EXHIBIT 20
EXHIBIT E

Location Map



LEGEND

- APN: 046-311-01
- Assessors Parcels
- Streets
- County Boundary

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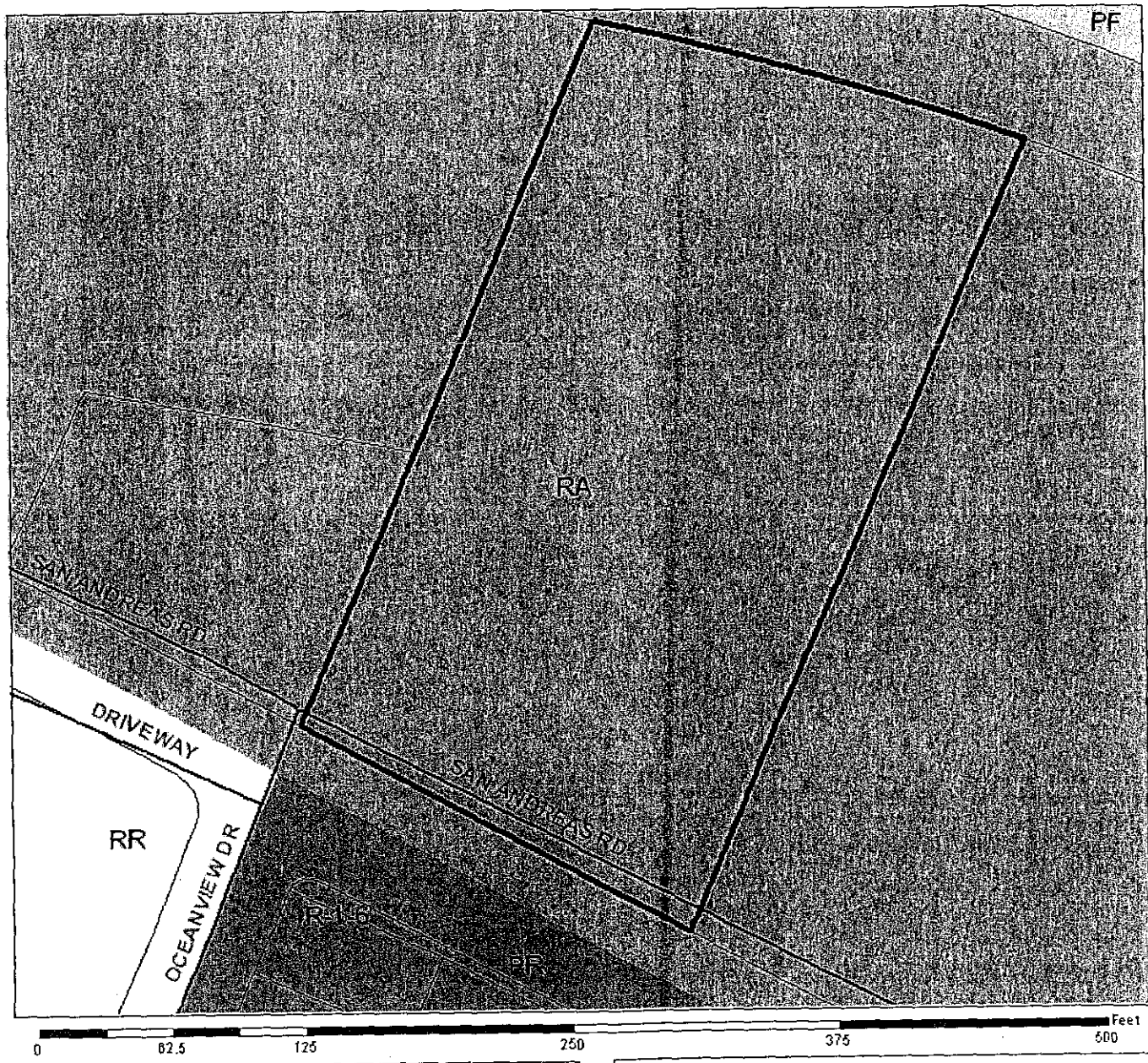
Map Created by
County of Santa Cruz
Planning Department
June 2008

EXHIBIT 2C

EXHIBIT F

Zoning Map



LEGEND

- APN: 046-311-01
- Assessor Parcels
- Streets
- AGRICULTURE RESIDENTIAL
- PUBLIC FACILITY
- RESIDENTIAL-RURAL
- RESIDENTIAL-SINGLE FAMILY
- PARK

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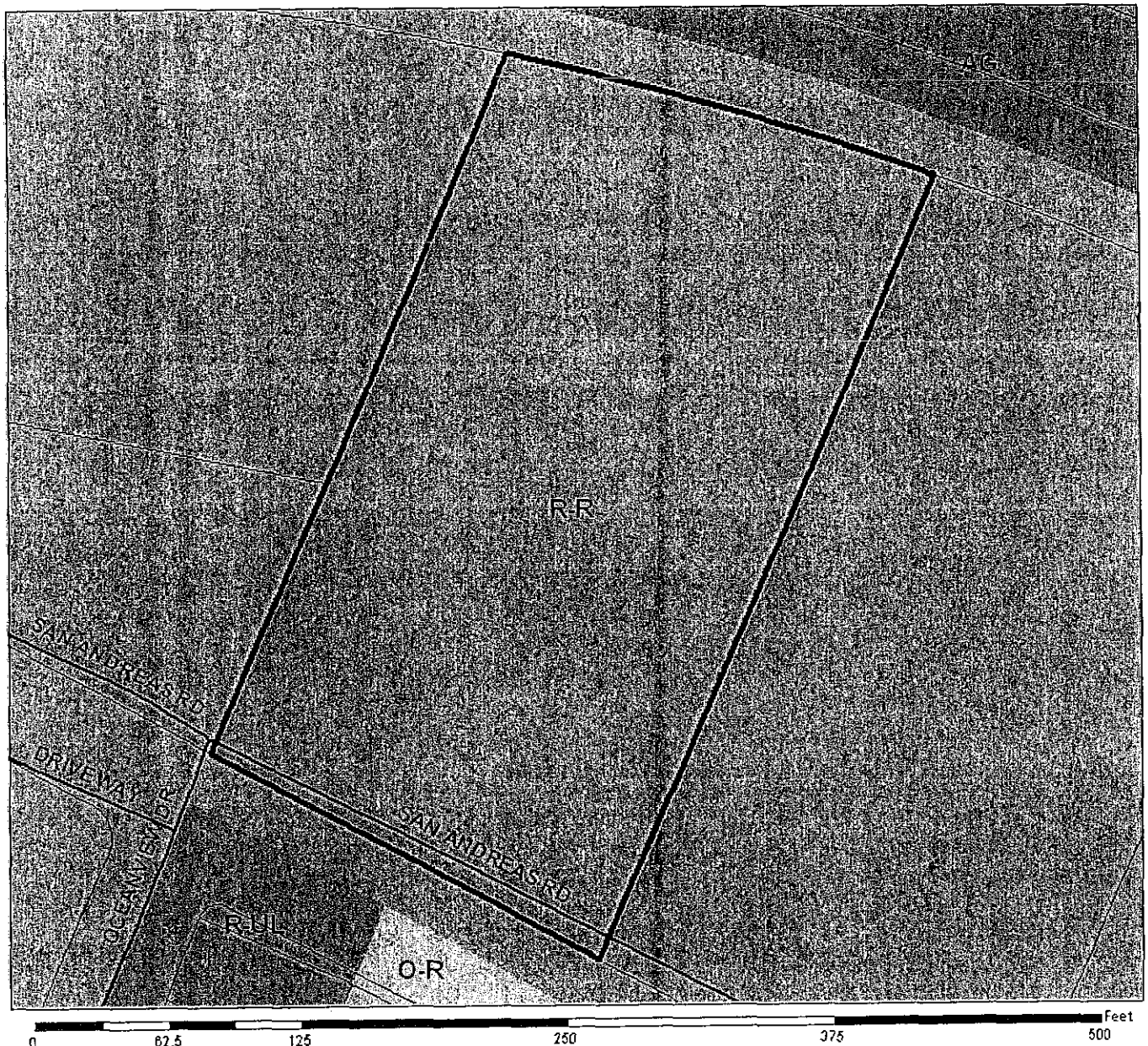
Map Created by
County of Santa Cruz
Planning Department
June 2008

EXHIBIT 2C

EXHIBIT G

General Plan Designation Map



LEGEND

- APN: 048-311-01
- Assessors Parcels
- Streets
- Residential-Rural
- Agriculture
- Parks and Recreation
- Residential- Urban Low Density

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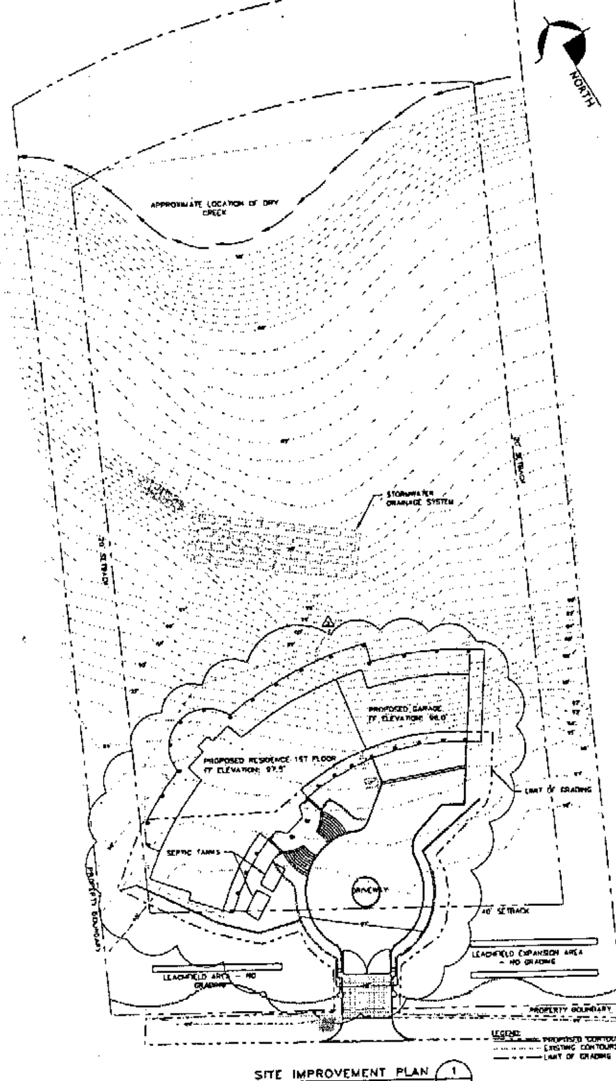
Map Created by
County of Santa Cruz
Planning Department
June 2008

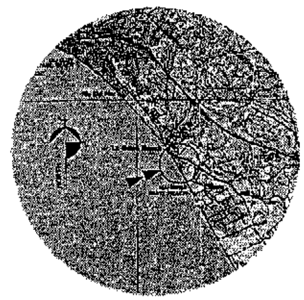
EXHIBIT 2C

EXHIBIT G

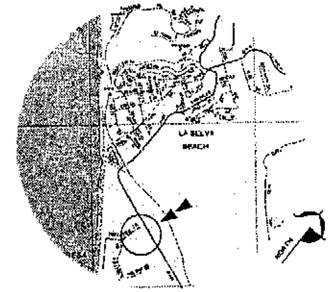
TUT RESIDENCE
GRADING, DRAINAGE, AND EROSION CONTROL PLANS



SITE IMPROVEMENT PLAN (1 / 1.0)



VICINITY MAP (2 / 1.0)



LOCATION MAP (3 / 1.0)

RAW CUT = 163.97 CUBIC YARDS
RAW FILL = 220.11 CUBIC YARDS
NET (FILL) = 56.15 CUBIC YARDS

CUT AND FILL VOLUMES (4 / 1.0)

INTENT OF GRADING

THE PURPOSE OF THIS GRADING, DRAINAGE AND EROSION CONTROL PLAN IS TO DESCRIBE THE REQUIRED GRADING, DRAINAGE, AND EROSION CONTROL MEASURES FOR PARCEL APN# 046-311-01. THE PARCEL WILL HAVE A SINGLE FAMILY RESIDENCE, INCLUDING A SEPTIC SYSTEM.

THE GRADING PLAN SHOWS THE SITE PLAN, FINISHED GRADE ELEVATIONS, PLAN AND PROFILES, AND CROSS SECTIONS. THE GRADING PLANS SHOW THE LOCATIONS OF THE LIMIT OF GRADING, SETBACKS, AND THE SEPTIC SYSTEM.

THE DRAINAGE PLAN SHOWS HOW THE PARCEL WILL DRAIN, INCLUDING DOWNSPOUT LOCATIONS AND ENERGY DISSIPATION STRUCTURES TO PREVENT EROSION.

THE EROSION CONTROL PLAN SHOWS THE LOCATION OF THE EROSION CONTROL MEASURES AND DEVICES. SPECIFICATIONS INCLUDE THE SELECTION AND INSTALLATION OF THE EROSION CONTROL MEASURES AND GENERAL CONSTRUCTION PRACTICES AS OUTLINED BY THE GEOTECHNICAL ENGINEER.

EXCESS SPOILS FROM EXCAVATION AND GRADING SHALL BE HAULED OFFSITE AND DISPOSED AT A FACILITY APPROVED BY THE COUNTY OF SANTA CRUZ.

REFERENCES

THE FOLLOWING GEOTECHNICAL REPORTS WERE REFERENCED AND RELATED SPECIFICATIONS INCORPORATED FOR PARCEL APN# 046-311-01:

PACIFIC CREST ENGINEERING, INC. UPDATE TO EXISTING GEOTECHNICAL INVESTIGATION REPORT, DEC 15, 2003, PROJECT NO. 98116-8275-J61

PACIFIC CREST ENGINEERING, INC. GRADING AND DRAINAGE PLAN REVIEW LETTER, SEPT 23, 2004

LIST OF CONSULTANTS

FALL CREEK ENGINEERING, INC. - CIVIL ENGINEER
PACIFIC CREST ENGINEERING, INC. - GEOTECHNICAL ENGINEER
ROBERTO GARCIA - ARCHITECTURAL DESIGNER
ENVIRONMENTAL CONCEPTS - SEPTIC SYSTEM DESIGNER
SSA LANDSCAPE ARCHITECTS - LANDSCAPE ARCHITECT

SHEET INDEX	
SHEET 1	COVER SHEET AND SITE IMPROVEMENT PLAN
SHEET 2	GRADING PLAN WITH FINISHED GRADE ELEVATIONS
SHEET 3	GRADING - PLAN AND PROFILE
SHEET 4	GRADING - CROSS SECTIONS
SHEET 5	KEYSTONE RETAINING WALL DETAILS
SHEET 6	DRAINAGE PLAN AND DETAILS
SHEET 7	DRAINAGE AND EROSION CONTROL MEASURES
SHEET 8	SPECIFICATIONS
SHEET 9	SPECIFICATIONS CONTINUED

SHEET TITLE: COVER SHEET AND SITE IMPROVEMENT PLAN

CLIENT: MONTEREY OAKS ESTATES LLC
144 WEST LAKE AVENUE
WATSONVILLE, CA
TEL (831) 728-4534

PROJECT TITLE: GRADING, DRAINAGE, EROSION CONTROL PLAN
TUT RESIDENCE
SELVA BEACH CA
APN 046-311-01

SHEET: 1.0

EXHIBIT 2C
EXHIBIT H

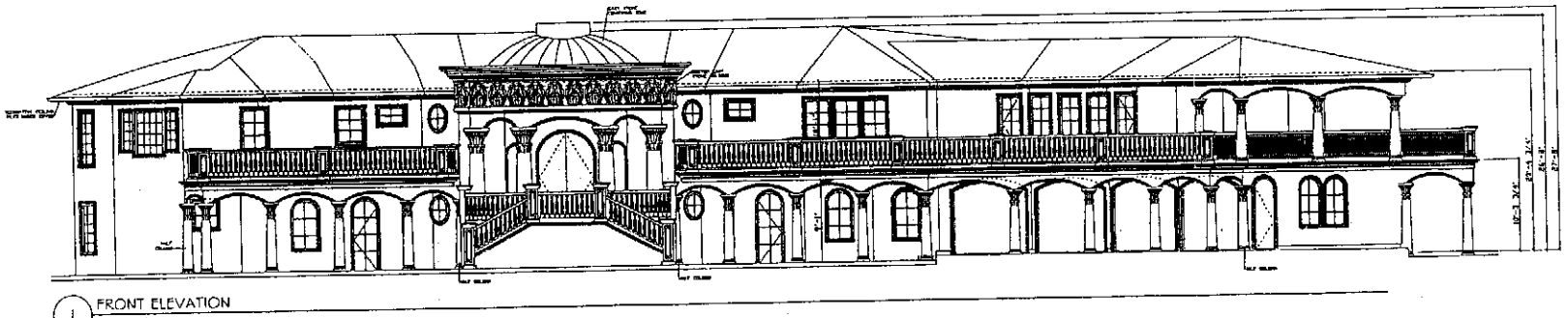
EXHIBIT 2C
EXHIBIT B

EXHIBIT 2C

EXHIBIT H

EXHIBIT 2C

EXHIBIT H



1 FRONT ELEVATION
3/16"=1'-0"

3 RIGHT SIDE ELEVATION
3/16"=1'-0"

REVISIONS
REV. 1
REV. 2
REV. 3
REV. 4
REV. 5

MICHAEL WEIL
Signers
RC RTO GARCIA

MONTERREY OAKS ESTATES LLC

EXTERIOR ELEVATIONS A-4

-34-36

EXHIBIT 2C
EXHIBIT H

MICHAEL WEIL
designers
912 E. Alluvial
Fresno, CA
93728

TUTS RESIDENCE

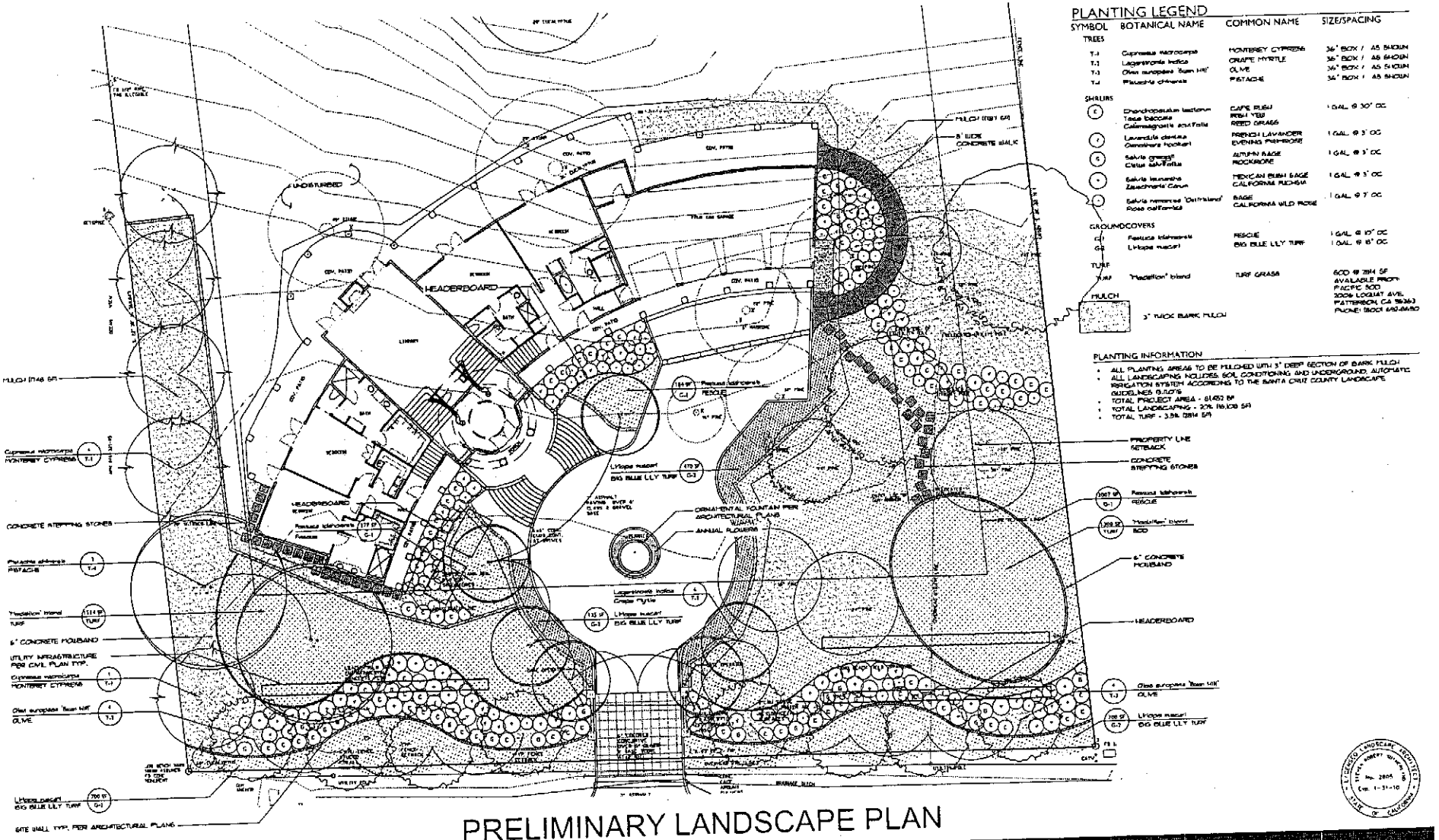
EXTERIOR ELEVATIONS A-5

4 REAR ELEVATION
3/16" = 1'-0"

2 LEFT SIDE ELEVATION
3/16" = 1'-0"

EXHIBIT 2C

EXHIBIT H



PRELIMINARY LANDSCAPE PLAN

MONTERREY OAKS ESTATES, LLC.
144 W. LAKE AVENUE
WATSONVILLE, CA 95076

SSA LANDSCAPE ARCHITECTS

SCALE: 1" = 10'-0"
NOVEMBER 06, 2009
SHEET NO: L-1

EXHIBIT 2C

-36-36

EXHIBIT 20
EXHIBIT H

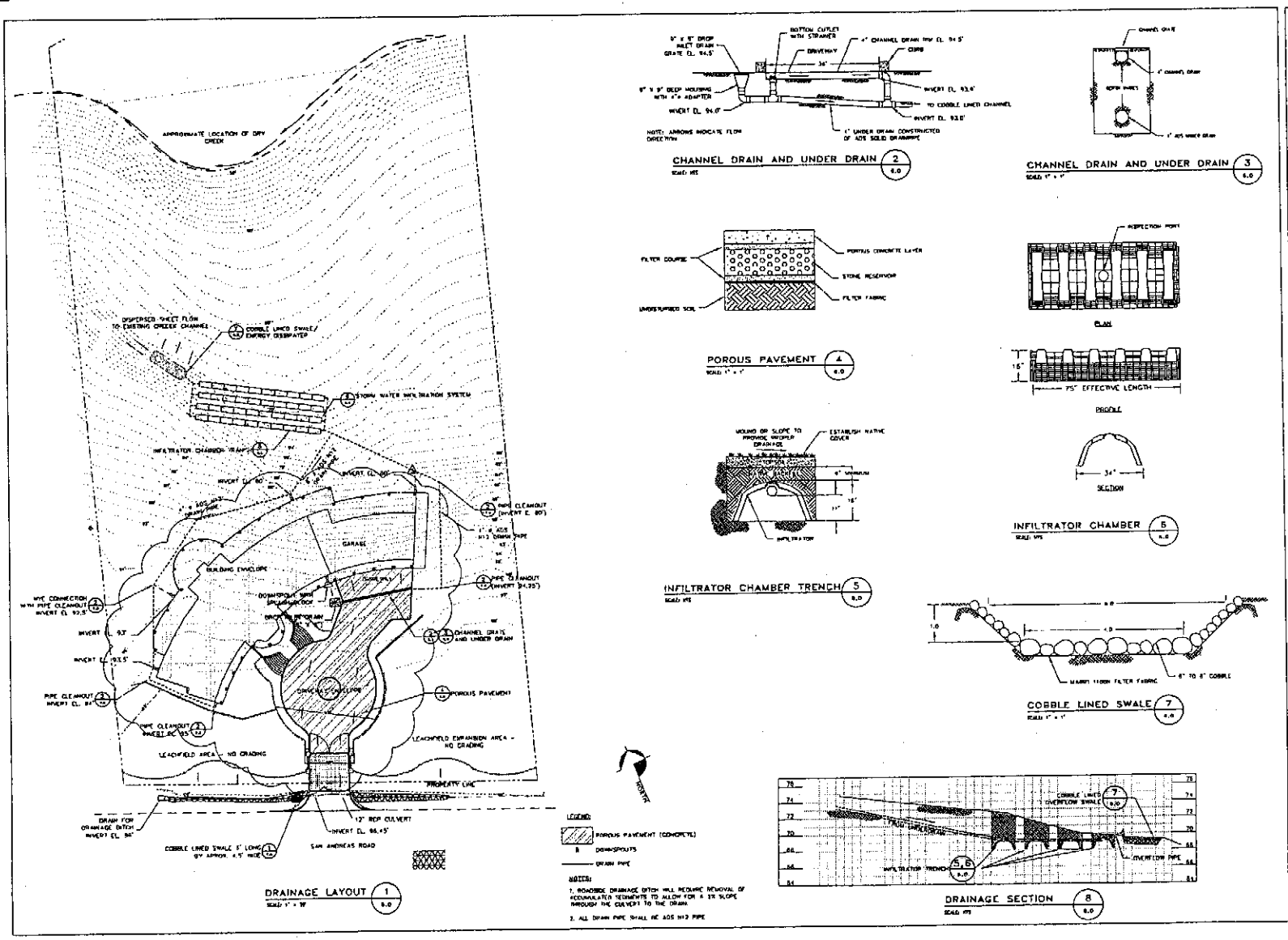


EXHIBIT 2
EXHIBIT 1

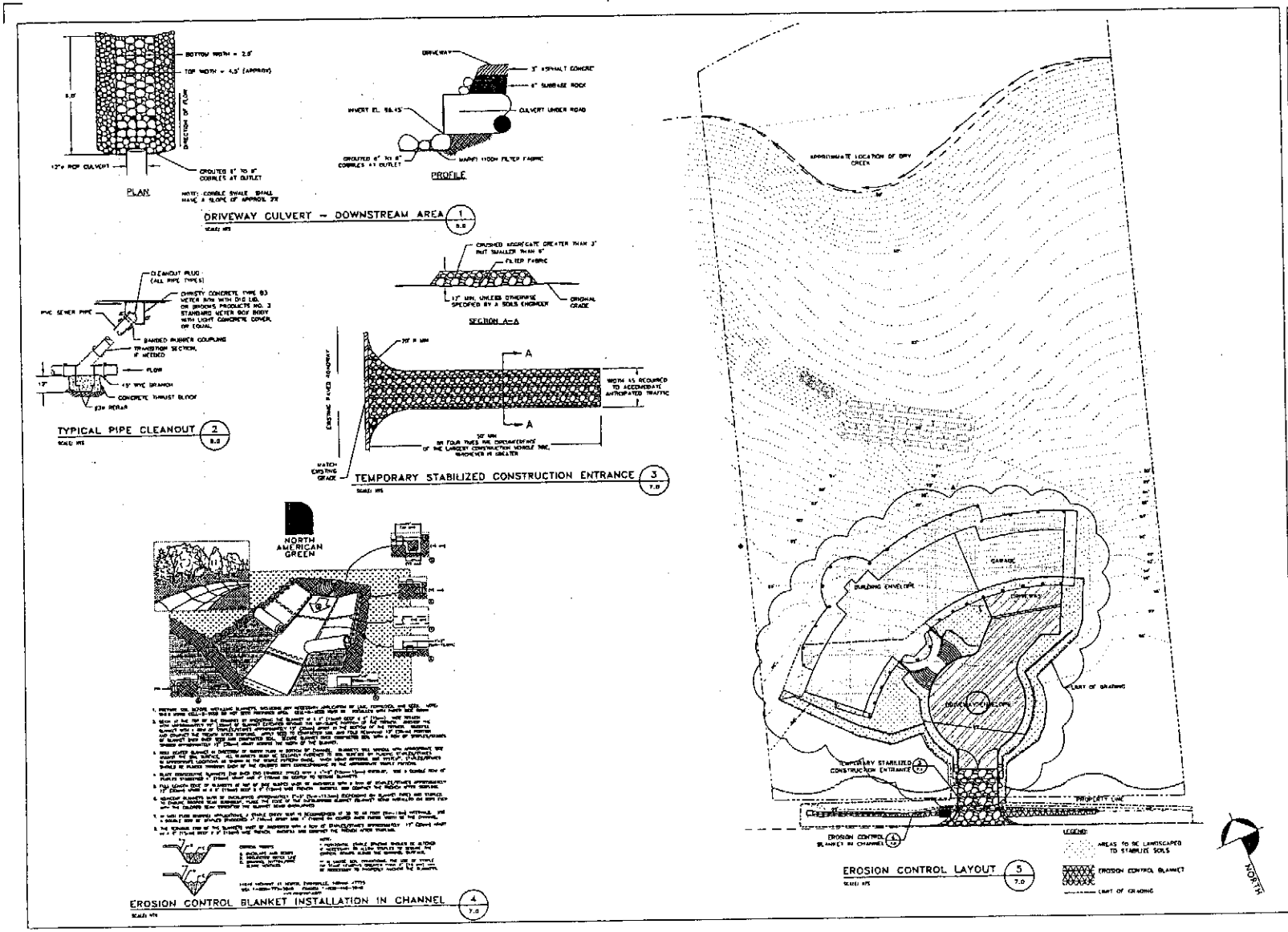


EXHIBIT 2.C
EXHIBIT
PAGE

COUNTY OF SANTA CRUZ
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Maria Perez
Application No.: 08-0237
APN: 046-311-01

Date: March 24, 2009
Time: 15:04:52
Page: 1

Environmental Planning Completeness Comments

========= REVIEW ON OCTOBER 1, 2008 BY ROBERT S LOVELAND =========

Prior comments pertaining to this project are still valid.

Environmental Planning Miscellaneous Comments

========= REVIEW ON OCTOBER 1, 2008 BY ROBERT S LOVELAND =========

1. Prior comments regarding this project are still valid.

Aptos-La Selva Beach Fire Prot Dist Completeness C

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

========= REVIEW ON JULY 3, 2008 BY ERIN K STOW =========
DEPARTMENT NAME:Aptos/La Selva Fire Dept. APPROVED

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

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

========= REVIEW ON JULY 3, 2008 BY ERIN K STOW =========
NO COMMENT

EXHIBIT 2C
EXHIBIT

COUNTY OF SANTA CRUZ | Planning Department

INTEROFFICE MEMO

APPLICATION NO: 08-0237 (second routing)

Date: February 26, 2009

To: Maria Porcila Perez, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: New residence at San Andreas Road, La Selva Beach

COMPLETENESS ITEMS

- *none*

COMPLIANCE ISSUES

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Visual Compatibility			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✔		
Minimum Site Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.	✔		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✔		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✔		

EXHIBIT 2C
EXHIBIT J

Ridgeline Development			
Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			N/A
Land divisions which would create parcels whose only building site would be exposed on a ridge top shall not be permitted			N/A
Landscaping			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			N/A

Rural Scenic Resources			
Location of development			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
Site Planning			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A
Building design			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall			N/A

EXHIBIT 20

EXHIBIT J

repeat or harmonize with those in the cluster			
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A
Beach Viewsheds			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set			N/A

EXHIBIT 20
page 3

EXHIBIT J

back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred.			N/A

Design Review Authority

13.11.040 Projects requiring design review.

(a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

13.11.030 Definitions

(u) 'Sensitive Site" shall mean any property located ***adjacent to a scenic road*** or within the viewshed of a scenic road as recognized in the General Plan; or located on a coastal bluff, or on a ridgeline.

Design Review Standards

13.11.072 Site design.

Evaluation Criteria	Meets criteria In code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✔		
Building siting in terms of its location and orientation	✔		
Building bulk, massing and scale	✔		
Parking location and layout	✔		
Relationship to natural site features and environmental influences	✔		
Landscaping	✔		
Streetscape relationship	✔		
Street design and transit facilities			N/A
Relationship to existing structures	✔		

EXHIBIT 2C
EXHIBIT J

Natural Site Amenities and Features			
Relate to surrounding topography	✔		
Retention of natural amenities	✔		
Siting and orientation which takes advantage of natural amenities	✔		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✔		
Minimize impact on private views	✔		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✔		
Reasonable protection for currently occupied buildings using a solar energy system	✔		
Noise			
Reasonable protection for adjacent properties	✔		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✔		
Building silhouette	✔		
Spacing between buildings	✔		
Street face setbacks	✔		
Character of architecture	✔		
Building scale	✔		
Proportion and composition of projections and recesses, doors and windows, and other features	✔		
Location and treatment of entryways	✔		
Finish material, texture and color		✔	*The color should be a darker earth tone to complement the setting of the house and the adjacent house to the west.*

EXHIBIT 2.C page 3

EXHIBIT J 7

Scale			
Scale is addressed on appropriate levels	✔		
Design elements create a sense of human scale and pedestrian interest	✔		
Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting	✔		
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties	✔		
Building walls and major window areas are oriented for passive solar and natural lighting	✔		

Design Review Authority

13.11.040 (c) New single family residences or remodels of 7,000 square feet or larger as regulated by Section 13.10.325.

Design Review Evaluation

13.10.325 (d)

Evaluation Criteria	Meets criteria In code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Changes in the natural topography of the building site are minimized.	✔		
Grading cuts and fills are minimized, and when allowed are balanced.	✔		
House design and accessory structure horizontal elements follow hillside contours, where applicable.	✔		
Colors and materials are used to reduce the appearance of building bulk. Use of earthtone colors is encouraged.	✔		
Building height appearance is minimized by varying the height of roof elements and setting back higher portions of the structure from prominent viewpoints.	✔		

EXHIBIT 2C

EXHIBIT J

Ridgeline silhouettes remain unbroken by building elements. Building envelopes should be allocated to the lower portions of hillside lots, where feasible.	✔		
The structure(s) is compatible in terms of proportion, size, mass and height with homes within the surrounding neighborhood	✔		
Architectural features break up massing. This can be accomplished by varying rooflines, puncturing large wall expanses with bay windows or recessed wall planes, or using a combination of vertical and horizontal architectural elements.	✔		
Landscaping helps blend the structure(s) with the natural environmental setting of the site.	✔		
Existing vegetation is preserved as much as possible.	✔		
The structure(s) is sited to take advantage of existing trees and land forms.	✔		
Fast-growing, native landscaping is planted to screen elements visible from viewpoints located off the parcel on which the structure is located	✔		
The view to adjacent properties is controlled.	✔		
Second story windows facing close neighboring properties are minimized.	✔		
Upper floor balconies and decks are oriented toward large yard areas.	✔		
The structure is located on the site as far from property lines as possible.	✔		
Landscaping is used to enhance privacy.	✔		
The location of the structure(s) on the site minimizes view blockage within public viewsheds.	✔		

PERMIT CONDITIONS / ADDITIONAL INFORMATION

- *none*

EXHIBIT 2C

From: Dr. & Mrs. Joshua & Stella Atiba Email: snatiba@aol.com
1380 San Andreas Road, La Selva Beach, CA 95076 Home: 831-761-1100; 760-770-7770 Cell: 707-631-0924

To: Don Bussey, Zoning Administrator; Tom Burns, Planning Administrator;
Mark Deming, Asst. Planning Administrator; Porcila Perez Wilson, Project Planner;

Date: Friday, May 29, 2009

Re: Opposition to Proposal for Exterior Modification to Previous Approval for:

1. A Second Floor Addition of Approximately 900 sq ft over garage
2. Addition of Approximately 1000 sq ft of deck to the Second Floor

Agenda for June 5th, 2009 County of Santa Cruz Zoning Administrator Public Hearing; **APN: 046-311-01**

Dear Mr. Bussey et al:

On behalf of my husband and I, we are writing you in relation to the upcoming hearing which was postponed from May 1st, 20009. Unfortunately, we will be in Boston for our son's graduation and could not possibly attend. However, we are sending this letter by e-mail and also by regular mail to ensure that it is received on time for the hearing.

The above referenced parcel is adjacent to our home at number 1380 San Andreas Road in La Selva Beach where we have lived for five years. When we first heard of the project next door, we kept an open mind and were attentive to the periodic notices posted on the property for various permit applications including the Large Dwelling Review. We were never really bothered. Only after we became aware of the current application for an additional 1,900 sq ft on the second floor to a plan that is already 13,774 sq ft which would bring it to a total of 15,674 sq ft (326 sq ft short of 16,000 sq ft), have we decided to voice our grave concerns and strong objection to the proposed addition particularly at the projected building location. As soon as we received the notice, we promptly came to the department to see the project manager. I spoke to Mr. Deming on the phone briefly and also left messages for the planning administrator and for my county supervisor Tony Campos. We even met with the applicant and his wife at our home to express our worry.

Of particular concern is the proposed second floor addition of approximately 900 sq ft above the 1,234 sq ft garage which extends into the slope. Our property and the applicant's are situated on the same San Andreas Ridge with a slope that spans the rear portion of most of the homes on that side of the street. We are questioning the stability of the slope as a result of such huge construction especially with a large displacement of dirt in close proximity to us, and the foreseeable consequences of a major slide. I use the word "major" because we currently have problems with erosion and soil movement after heavy rains, from rain water running off into the creek below. Although our house is built on the flat part of our property and nowhere near the slope, we nevertheless have 3 levels of retaining walls in place due to erosion problems. But that wasn't enough. Just this month, we laid down erosion control wires and mulch over the slope to prevent downhill run-off water from further eroding the soil, and hopefully avert the possibility of a land slide.

We fear that the considerable soil displacement during construction, coupled with the proposed addition, and extra weight over the garage which extends into the slope will unduly burden the underlying soil and significantly increase the instability of the slope that is already compromised. We are deeply concerned about the exacerbation of the vulnerable ridge, and the substantial increase in risk of a destructive land movement that would adversely impact both homes. We assume that the soil types on both properties are substantially similar and thus subject to the same erosion problems.

During our discussions with the applicant and his wife, we asked why the structure could not be erected on the ample flat area in the front portion of the parcel and away from the slope or "land fill" as he referred to it. He replied that he previously requested and was denied that option, and instead was required to comply with a 40 ft setback from either the property line or county right of way, consequently pushing part of the structure into the unstable slope area.

EXHIBIT 2C
EXHIBIT K

In view of the ongoing problem on our property described above, the serious hazards of the proposed structure encroaching on the slope area, and most importantly, in consideration of the applicant's earlier wish to place their home on the flat front portion of the parcel, we respectfully request that you revisit and reconsider the original proposal to do so, not only as a safe and feasible alternative, but as a sensible and appropriate option. We urge you to reassess the current proposal in depth, and to seriously examine the devastating effect that it may have on both homes and the adjoining properties on San Andrea Ridge if approved.

Accordingly, we strongly urge the applicant to apply for a variance to facilitate this situation. The enabling legislation of the state lends you the authority and flexibility to allow an adjustment in a situation such as this. The applicant should not be subjected to the 40 ft minimum setbacks if doing so would compel them to build over the unsteady slope. The variance is extremely necessary for the preservation of our properties, and granting it will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to other property in our immediate neighborhood. Instead, it would safeguard our homes and ensure our health and safety.

Pursuant to California Government Code, Section 65906 states in pertinent part, "Variances from the terms of the zoning ordinances shall be granted only when, 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." This is precisely what variances are meant to address: those situations where the peculiar physical characteristics of a site make it difficult to develop under standard regulations.

As a matter of fact, house 1400 San Andreas Road West of the applicant's property has a setback of no more than 20 ft from the road because the rear portion of that lot is undevelopable. Furthermore, a recently constructed home two houses away at 1420 San Andreas Road has a setback of no more than 10 ft. Similarly, in an instance such as we have here, where the steep rear portion of the lot makes that segment otherwise undevelopable and would considerably increases the risk of a land slide and property damage, a variance should be granted to reduce the front yard setback and thereby create a sturdy and sufficient pad to accommodate this rather large structure.

For the record, we would like to state that we unequivocally support our neighbors without any qualms whatsoever. We respect their right to the full use and enjoyment of their property even though the house is quite expansive with lots of square footage, and will appear out of character with the other homes on San Andreas Road and the rest of the neighborhood. The only other residence that we're aware of in the area of this magnitude was previously owned by the applicant and this new home looks like a replica of that house. The key difference is that the prior residence was located on 12 acres of flat land while this parcel is less than two acres, half of which is unbuildable. We have no problem with the applicant or frankly, with the size of the project; it's the intrusion of the structure over the ridge and into the slope that bothers us. As long as it is somewhat removed and does not disturb the slope, we will, and should all feel safe.

We earnestly hope that the Zoning Administrator would carefully analyze our legitimate concerns and thoroughly scrutinize the applicant's proposal before any action is taken. We also request that you register our opposition when this proposal is discussed and that this letter be included in the record of the hearing of June 5, 2009.

Thank you for your time and attention to this important and urgent matter.

Sincerely,

Joshua & Stella Atiba

EXHIBIT 20

EXHIBIT K

To: Don Bussey; Tom Burns; Mark Deming

From: Joshua & Stella Atiba

Date: June 1, 2009

Re: *Addendum to Letter of Opposition to Proposed Addition : APN: 046-311-01*

INCONSISTENCIES WITH MS. PORCILA PEREZ WILSON'S REPORT

We logged onto your website this morning and read the 36-page document compiled by Ms. Wilson that was previously available on the site. We discovered some inconsistencies that we thought we should bring to your attention. We feel that the real impact of this project is gravely minimized by understating pivotal issues.

1. Page 2 of the report under **Parcel Information** reads in pertinent part:

Coastal Zone:	X	Inside	___	Outside
Appealable to the Coastal Commission:	X	Yes	___	No

Ms. Wilson previously told us that the project was not within the purview of the Coastal Zone and not appealable to the California Coastal Commission. The 'Notice of Public Hearing' mailed to us indicates the same. We believe that the notice was improper and inconsistent with her report.

2. On page 3 under **Project Setting** she writes that:
"The project site is a vacant 1 .8-acre parcel . . . The proposed development is located on the relatively flat lot frontage, away from steeper slopes at the rear of the parcel."

This is exactly contra to the facts, and it is the crux for our strong opposition! In fact, a lone Eucalyptus tree shown on the plan is right at the edge of the slope. This tree is slated to be cut down and the house will extend pass it and further into the downward slope. The recorded slope is 15%, and 50% at the rear of lot.

That paragraph also states that the structure was approved as a two-story residence of 7,374 square feet. The structure is currently at 7,959 sq ft, with a proposed addition another of 900 sq ft, and addition of 1,500 sq ft to the conditioned space, not to mention the mention the request to add another 1000 sq ft of deck.

On the same page, she writes: "The minor changes to the exterior from the previously approved home under Permit 05-0305 includes the addition of deck areas to the front and rear of the home, balusters, entryway stairs and configuration, and windows shapes. . . the proposed addition will not impact neighboring property privacy or solar access as it is located above a garage . . . ."
These changes are not minor in our view. The addition of approximately 900 sq ft of space and 1000 sq ft deck to a house with the current size is not exactly "minor." Also, these are approximations which mean that the final square footage could be more! This is precisely the issue.
Furthermore, the addition above the garage is one our main concerns, because it adversely impacts our property. The second floor addition of a family room with a covered patio above the garage directly faces into our property in an area where there are no trees or landscaping to provide privacy.

3. The Coastal Development Permit Findings are also questionable and we beg to differ on the following:
   a. "...the development is consistent with the surrounding neighborhood in terms of architectural style as other homes in the vicinity are also large. . . ."

   The home size is actually inconsistent with every other house on San Andreas Road and in the vicinity that we know of except for the applicant's former residence on Holiday Lane. It will look out of place on that road.
   b. " ... the proposed use will not overload utilities . ." On the contrary, the project's size is such that it will consume a good amount of utilities, hence we have solar panels installed on our property.

EXHIBIT 12C

c. "...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..."
This is quite the contrary. There are no other semi-circular home styles like this one in the area except for their prior home. This house will look out of place on San Andreas Road.

4. The Planning Department's interoffice memo of February 2, 2009 on Evaluation Criteria checked various criteria as being met even though they are disputable. Here are some criteria under the following headings:
   Design Review Authority/Standard; Design Criteria for Coastal Zone Development.
   a. Ridgeline Development:
   "Structures located near ridges shall be sited and designed not to project above the ridgeline . . . ."
   We are located on the San Andreas Ridge and this structure projects over the ridge. The ridgeline may be minor but the slope beyond is very unstable. The project does not protect the ridge.
   b. Building Design:
   "Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filing for construction." This does not meet the criteria the as the house will project onto the slope with significant filling. Also there will be massive soil disturbance during grading for a house of that size.
   c. "Sensitive Site": This project falls within the definition of a 'sensitive site' because it is adjacent to scenic San Andreas Road and it is also on the San Andreas Ridge.
   d. Site Design/Views: 'Minimize impact on private views.'
   The impact on our private view is not minimal. The structure will completely blocks the minimal ocean view that we currently have from our kitchen window. Of importance is the fact that our home was marketed to us as an 'ocean view home.' In reliance on that fact, we paid a premium of close to two million dollars to purchase our home. Blocking the small view will no doubt have a significant effect on the value of our property. Our safety, however, is the more central issue.
   e. Solar Design and Access: 'Reasonable protection for adjacent properties and currently occupied buildings using a solar system.'
   We invested in, and installed a 36 panel solar energy system that will be affected.

These are just a few of the ways that the project impacts us. We implore you to reexamine these criteria for full compliance before taking any action.

Accordingly, Ms. Wilson's recommendation for:

1. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act and,
2. Approval of Application 08-0237, based on the attached findings and conditions;
   should withheld until the issues are reevaluated, and our safety concerns are properly addressed.

Please include this as part of our official opposition.

Sincerely,

Joshua & Stella Atiba

P.S. We forwarded the first correspondence to Ellen Pirie, my county supervisor since we inadvertently sent it to Tony Campos.

EXHIBIT 2C

To: Don Bussey, Tom Burns, and Mark Deming

From: Joshua & Stella Atiba

Date: June 3, 2009

Re: Addendum #2: Opposition letter to APN: 046-311-01

We reviewed the previous 68 page report with attached findings prepared by Joan Van der Hoeven for Application Number 05-0305; Agenda Date May 5, 2006 regarding the above APN. We would like to bring to your attention and review at the upcoming meeting this Friday June 5, the a few additional issues we learned from the report.

It's worth noting that this project has grown from '. . . a preliminary conceptual plan to design and construct a single family dwelling with a footprint of approximately 4,400 square feet . . .', to its present size of 7,374 sq ft, and the current proposal for an additional 900 sq ft, and over 1,000 sq ft of deck. (See Exhibit K, Pacific Crest Engineering letter of December 15, 2003, last paragraph on page 62 and top of page 63 of the report.)
We again question the idea of enlarging this project such that it extends into, and disturbs the unstable slope.

Alyson Tom wrote in her review on the June 5, 2006: "**From county-wide USDA soils survey the soils at the south end of the parcel are highly permeable.**" Pg.22.

In September 13, 2004, the Entomological report on page 38 stated that "The rear portion of the property descends into a gully with a small grove of Eucalyptus trees and dense brush. **The proposed project is a new single-family residence, which will be built in the front approximately one-third of the site.** There seems to be a substantial departure from this concept.

The erosion problem is recognized and detailed in the soils reports by Steven Raas & Associates dated 10/12/98 with updates by Pacific Crest Engineering dated 12/15/03 and Fall Creek Engineering dated 7/15/05. The reports detail stringent measures that must be implemented to ensure the stability of the structure.

This initial report validates our distress regarding the erosion issue, and the severe impact of moving huge amounts of soil for a structure that large. The report also indicates an early understanding that the recommendations were in relation to a project of approximately 4,400 sq ft, to be located in the upper flat end of the parcel. The doubling of the size of the home has dangerously pushed the project beyond safe limits into the rear portion of the property which descends into an unsafe gully. The overwhelming impact of this unusually expansive project (for this neighborhood) on our property cannot be overemphasized.

Additionally, an October 12, 1998 document titled: DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS (98 118-SZ75-J6 1), declare on page 52, # 24 of the report that **"If the entire building is constructed above the 90 contour (on the relatively flat upper portion of the lot)**, and considering the soil characteristics and site preparation recommendations, it is our opinion that an appropriate foundation system to support the proposed structures will consist of reinforced concrete spread footings bedded into firm native soil or engineered fills of the on-site soils." This recommendation proposing the appropriate foundation to support the structure and other references to the project in the report is based on the assumption that it is a smaller building, and it would be located on the flat portion of the parcel. It does not reflect the current and much larger home plan that extends into the slope.

Moreover, this proposal for a new addition does not grant the project a Categorical Exemption status under section 15301 of the CEQA. A plan for a new structure yet to be constructed on a vacant lot does not qualify as an "existing facility" for purposes of this section. That loophole cannot, and should not be applied in this case, and the request for a Categorical Exemption should be denied.

This 2006 report further confirm that this project is appealable to the Coastal Commission which we plan to pursue.

EXHIBIT 10
EXHIBIT K

Cc: Tony Campos, Santa Cruz County Supervisor

EXHIBIT 2C
EXHIBIT K

Pacific Crest Engineering Inc. www.4pacific-crest.com

444 Airport Blvd, Suite 106
Watsonville, CA 95076
Phone: 831-722-9446
Fax: 831-722-9158

June 4, 2009 Project No. 98118-SZ75-J61

Mr. Sunny Tut
Monterey Oaks Estates
187 Via Soderini
Aptos, CA95003

Subject: **Slope Stability Issues**
New Residence Project
San Andreas Road Parcel – APN 046-311-01
La Selva Beach, California

Dear Mr. Tut,

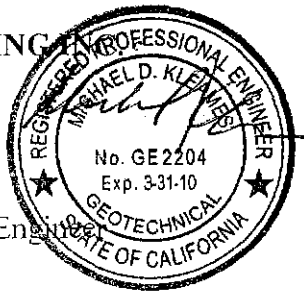
As you requested, Pacific Crest Engineering Inc., is providing geotechnical engineering services on your new residence project located in La Selva Beach, California.

This is to confirm that the issue of slope stability has already been reviewed and addressed in two prior reports, including our *Update Geotechnical Report* dated December 15, 2003, and the original Geotechnical Report prepared by Steven Raas & Associates, Inc. (SRA) dated October 12, 1998. As you may recall, SRA merged with Pacific Crest Engineering Inc. in 2002. We would like to refer you to the slope stability analysis performed for the original geotechnical report in 1998, as reviewed and discussed on page 5 of the report. Please note that the slope stability analysis determined a safety factor of 2.8 for the hillside area, well above the Santa Cruz County minimum value of 1.5 for "static" conditions (and as noted, likely well above the minimum value of 1.2 for "seismic" or "pseudo-static" conditions). If surface water is directed away from the slope area we see no reason while the development should not be approved.

If you have any questions regarding this letter or project, please contact our office at your convenience.

Very truly yours,

PACIFIC CREST ENGINEERING INC.



Michael D. Kleames, G.E.
President\Principal Geotechnical Engineer
G.E. 2204, Exp. 3/31/10

Copies: 2 to Mr. Sunny Tut

EXHIBIT 2C
EXHIBIT K

Exhibit 2D

Staff report
from May 5, 2006
Zoning Administrator Hearing

Staff Report to the Zoning Administrator

Application Number: 05-0305

Applicant: Warren D. Thompson, FAIA
Owner: Monterey Oaks Estates LLC, Sunny Tut
APN: 046-311-01

Agenda Date: May 05, 2006
Agenda Item: # 4

Time: After 10:00 a.m.

Project Description: Proposal to construct a two-story single-family dwelling.

Location: Located on the north side of San Andreas Road at the intersection with Ocean View Drive, between 1380 and 1400 San Andreas Road in La Selva Beach.

Supervisoral District: Second District (District Supervisor: Pirie)

Permits Required: Coastal Development Permit, Grading Permit, Biotic Pre-site Review, Archaeological Site Review, Residential Development Permit, Large Dwelling Permit.

Staff Recommendation:

- Approval of Application 05-0305, 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
B. Findings
C. Conditions
D. Categorical Exemption (CEQA determination)
E. Assessor's parcel map, Location map
F. Zoning map, General Plan map
G. Reviewing Agency Comments
H. Entomological Consulting Services
I. SSA Landscape letter of 9/28/04
J. Review of Raas Soil Report 1/22/99
K. Grading & Drainage Plan Review by Pacific Crest Eng. Inc. 9/23/04, Fall Creek Engineering 7/15/05
L. Soquel Creek Water District 7/27/04
M. Archaeological Survey 7/16/02

EXHIBIT 2D

Parcel Information

Parcel Size:	1.8 acres
Existing Land Use - Parcel:	vacant
Existing Land Use - Surrounding:	Single-family residences, agriculture, state beach
Project Access:	San Andreas Road
Planning Area:	La Selva Beach
Land Use Designation:	R-R (Rural Residential)
Zone District:	R-A (Residential Agriculture)
Coastal Zone:	_X_ Inside __ Outside
Appealable to Calif. Coastal Comm.	_X_ Yes __ No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Baywood loamy sand, Elkhorn loamy sand
Fire Hazard:	Not a mapped constraint
Slopes:	15 – 50 percent slopes at rear of lot
Env. Sen. Habitat:	Mapped biotic – Monarch butterfly
Grading:	Approx. 657 cu yards grading proposed
Tree Removal:	2 pines and 1 oak in front (south side) required to be retained
Scenic:	Mapped resource
Drainage:	Existing drainage adequate
Traffic:	No significant impact
Roads:	Existing roads adequate
Parks:	Existing park facilities adequate
Archeology:	Mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	__ Inside _X_ Outside
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 revised project was submitted to the Planning Department on May 19, 2005 and deemed complete on September 8, 2005.The project was previously submitted to the Planning Department on June 17, 2002 and deemed complete on October 21, 2004 but was withdrawn. A previous application to construct a single-family dwelling on the site was approved as Coastal Development Permit # 98-0764, but was not exercised.

Project Setting

The project site is a vacant 1.8-acre parcel located in a low-density residential area along the north side of San Andreas Road in the La Selva Beach Planning Area. The proposed development is located on the relatively flat lot frontage, away from steeper slopes at the rear of the parcel. The proposed building footprint will be predominantly upslope of the 90-foot contour. The structure is proposed to be a two-story residence of 7,374 square feet, with six bedrooms and an attached four-car garage of 1,416 square feet (Exhibit A).

Zoning & General Plan Consistency

The subject property is a 1.8-acre lot, located in the R-A (Residential Agriculture) zone district, a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-R) Rural Residential General Plan designation. The proposed structure is consistent with all development regulations of the RA zone district, including height, lot coverage, setbacks and on site parking, and no variances are required. The project is located along a designated scenic road as per General Plan policy 5.10.10 and the landscaping improvement plan is consistent with requirements of General Plan Policy 5.10.13 in that the natural terrain and landscaping attain a smooth transition and natural appearance and that characteristic and indigenous plant species appropriate to the area are to be utilized (Exhibit A).

The project is consistent with County Code Section 13.10.325 in that the proposed residence is landscaped to be adequately screened from public view and does not impact public views along the San Andreas scenic corridor. The project is consistent with all required zoning setbacks for the Residential Agriculture zone district and does not adversely impact neighboring property privacy or solar access. The project has been reviewed by the County Urban Designer for consistency with County Code Section 13.11, Design Review, and the project is conditioned to require all glazing to be non-reflective, and the proposed glazed ceramic roofing tile must be of a matt finish with no reflective qualities (Exhibit C).

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. Natural materials and earth tone colors are utilized to maintain consistency with existing residential development. 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 access to Manresa State Beach is available at the main entrance on San Andreas Road. Alternate public access is available at Ocean view Drive 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 non-reflective ceramic tile roofing and natural color materials to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. No public views to the coastline are impacted by the proposed development.

Environmental Review

The project qualifies for an Environmental Exemption for the proposed project per the requirements of the California Environmental Quality Act (CEQA) under Section 15303, New Construction of Small Structures. The environmental review process focused on the potential impacts of the project in the areas of archaeological resources, and it was found that pre-historical cultural resources were not evident at the site (Exhibit M). The project was surveyed for its potential over-wintering habitat for Monarch Butterflies (Exhibit H). It was determined that the site did not support habitat but recommended that existing eucalyptus vegetation in the gully at the rear of the parcel adjacent to the rail tracks be maintained as potential over-wintering habitat.

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 **05-0305,** 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

EXHIBIT 2D

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-A (Residential Agriculture), 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-R) Rural residential General Plan designation. 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. Natural materials and earth tone colors are utilized to maintain consistency with existing residential development. 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 access to Manresa State Beach is available at the main entrance on San Andreas Road. Alternate public access is available at Ocean view Drive in the project vicinity.

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.

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 a rural residential 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, and required landscaping enhancements preserve the natural setting of the scenic corridor. All glazing shall be non-reflective and the proposed ceramic glazed tile roofing shall be of a matt finish with no reflective qualities.

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

Exhibit 2D

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. Public access to Manresa State Beach is available at the main beach entrance on San Andreas Road. Alternate public access is available at Ocean view Drive in the project vicinity.

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-A (Residential Agriculture) 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.

EXHIBIT D
EXHIBIT B

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. 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. The front yard fencing up to six feet in height will not impact traffic flow or sight distance along San Andreas Road.

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-A (Residential Agriculture) 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 Rural residential (R-R) 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-A 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

EXHIBIT D

on any similarly sized lot in the vicinity. The project is located along a designated scenic road as per General Plan policy 5.10.10 and the landscaping improvement plan is consistent with requirements of General Plan Policy 5.10.13 in that the natural terrain and landscaping attain a smooth transition and natural appearance and that characteristic and indigenous plant species appropriate to the area are to be utilized (Exhibit A).

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 single-family dwelling is to be constructed on an existing undeveloped 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.

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.

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 and landscaping 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 or any public views to the ocean in the surrounding area.

Large Dwelling 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 Plan LUP designation.

The proposed single-family dwelling is an allowed use as per Zoning Implementation regulations of County Code Section 13.10.170.d. in that the residence is a principal permitted use in the Residential Agriculture Zone District which is an implementing zone district of the Rural Residential general Plan designation.

EXHIBIT B

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

No existing easements or development restrictions such as public access, utility, or open space easements encumber the project site (Exhibit E). Public coastal access is available at Manresa State Beach and the Oceanview Drive public access point in the project 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.

The project is consistent with Coastal Zone design criteria as per County Code Section 13.20.130 in that the project is visually compatible with the character of the surrounding neighborhood. Development does not block view of the coastline or any vista points along the scenic San Andreas roadway. Mature trees have been preserved on the site and proposed landscaping serves to soften the visual impact of the proposed development (Exhibit A).

The building has been designed with pitched, rather than flat roofs which are surfaces with non-reflective materials. Natural materials and colors which blend with the natural cover of the site are proposed.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Plan Land Use Plan, specifically Chapter 2, Figure 2.5 and Chapter 7.

The proposed project conforms with Chapter 2 and Chapter 7 of the LCP/General Plan in that it does not impede public access to any coastal amenity. Public access to the shoreline is available in the immediate vicinity at the Oceanview Drive access point and at Manresa State Beach.

EXHIBIT D

EXHIBIT B

Conditions of Approval

Exhibit A: Project Plans, 4 sheets by T2 Architects, dated 4/03/06
Septic System Design, 1 sheet by Environmental Concepts, dated 12/22/03 revised 6/01/04
Grading, Drainage, Erosion Control Plans, 11 sheets - Fall Creek Eng. – April 2005.
Landscape Plan, 1 sheet by SSA Landscape Architects dated 4/5/05.

I. This permit authorizes the construction of a two-story single-family dwelling and associated grading and landscaping. 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 a Grading Permit from the Santa Cruz County Building Official.

D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

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).

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 fire department requirements.

4. For any structure proposed to be within 3 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of

EXHIBIT C

the proposed structure.

5. All glazing shall be non-reflective. The "glazed ceramic tile" roofing shall be a matt finish with no reflective qualities.

C. Meet all requirements of and pay any required drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area. Confirm soil permeability prior to installation of infiltration chambers. Provide the background information analyzing the 90th percentile storm event resulting in the intensity used in the chamber calculations. Label the proposed length of the energy dissipation pool at the drainage system outlet. Label layer thickness for the porous pavement detail. Provide specifications for the material and compaction requirements of the stone reservoir.

D. Meet all requirements of Department of Public Works Road Engineering Division. The driveway shall be 2-inches of asphalt concrete over 6-inches of aggregate base within the County right-of-way. Given the driveway width of approximately 18 feet, returns at the intersection of the driveway and San Andreas Road shall be 11 feet. Show the structural section for the driveway with porous pavement. A five foot bump out is recommended to back out from the exterior garage space.

E. Submit final landscape plans for review and approval. Plans shall show the retention of two small pines and one oak in the front yard, and shall demonstrate retention of potential Monarch Butterfly habitat at the rear of the lot. The size, species and spacing of additional vegetative screening required in the front of the wall facing San Andreas Road shall be approved by the Zoning Administrator.

F. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.

G. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.

H. Pay the current fees for La Selva Beach Parks and Child Care mitigation for six bedrooms. Currently, these fees are, respectively, $800 and $109 per bedroom.

I. Provide required off-street parking for 6 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.

J. 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.

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 the approved soils reports by Steven Raas & Associates dated 10/12/98 with updates by Pacific Crest Engineering dated 12/15/03 and Fall Creek Engineering dated 7/15/05.

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.

B. All landscaping shall be maintained. The Eucalyptus grove at the rear of the parcel, down slope from the residence, shall be maintained as potential Monarch Butterfly over-wintering habitat.

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.

Application #: 05-0305
APN: 046-311-01
Owner: Monterey Oaks Estates LLC, Sunny Tut

Approval Date: 5-05-06

Effective Date: 5-19-06

Expiration Date: 5-19-08

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.

13-68-15

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: 05-0305
Assessor Parcel Number: 046-311-01
Project Location: On the north side of San Andreas Road at the intersection with Ocean View Drive, between 1380 & 1400 San Andreas Road, La Selva Beach.

Project Description: Proposal to construct a two-story single-family dwelling

Person or Agency Proposing Project: Warren D. Thompson, FAIA

Contact Phone Number: 559-222-3992

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: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

New construction of small structures - one single family dwelling

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

Joan Van der Hoeven

Date:

Joan Van der Hoeven, AICP Project Planner

EXHIBIT D

ISES ONLY

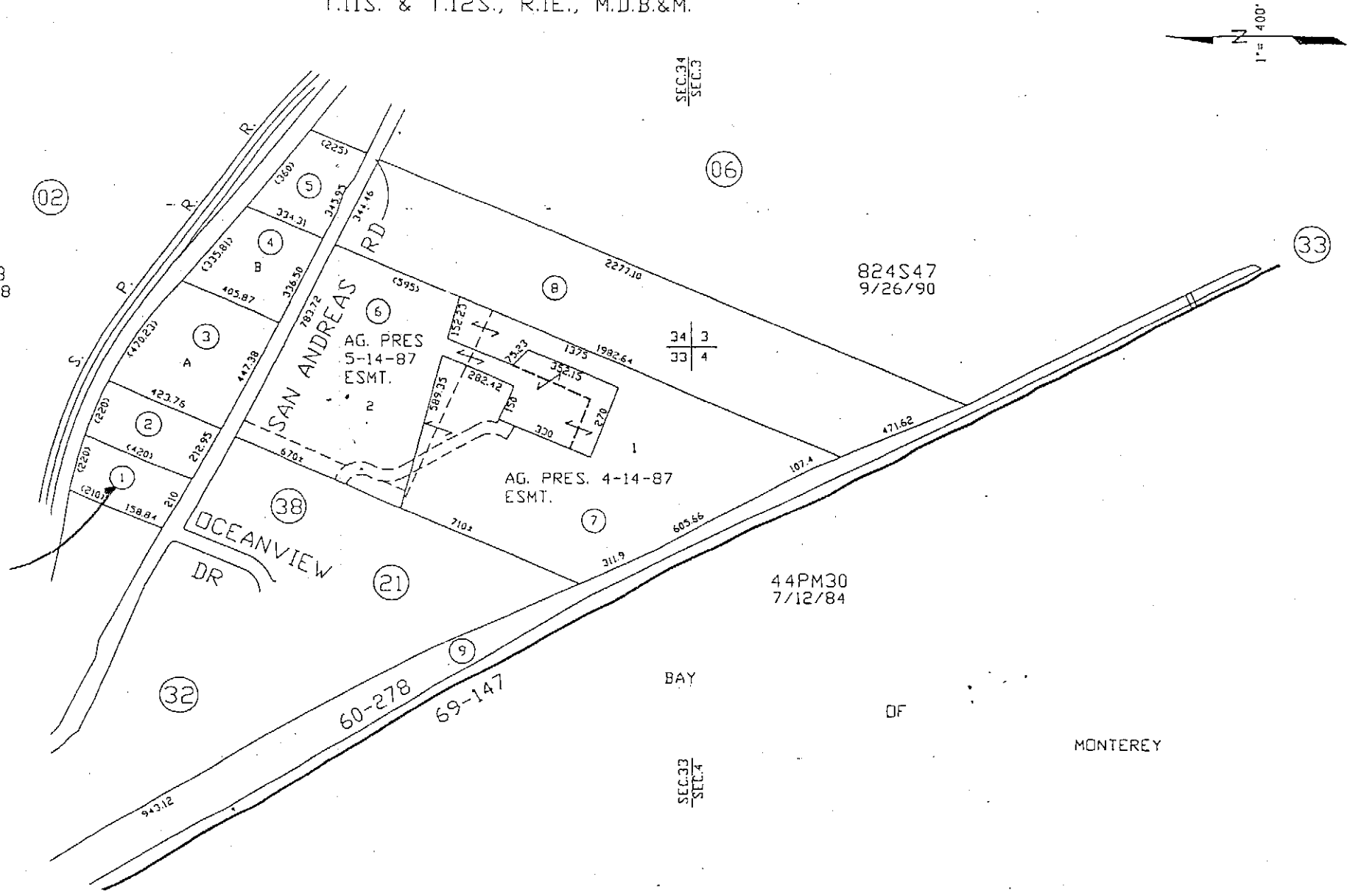
POR. SAN ANDREAS RANCHO
SECS. 3,4,33 &34,
T.11S. & T.12S., R.1E., M.D.B.&M.

Tax Area Code
69-147 69-278

46-31

EXHIBIT E

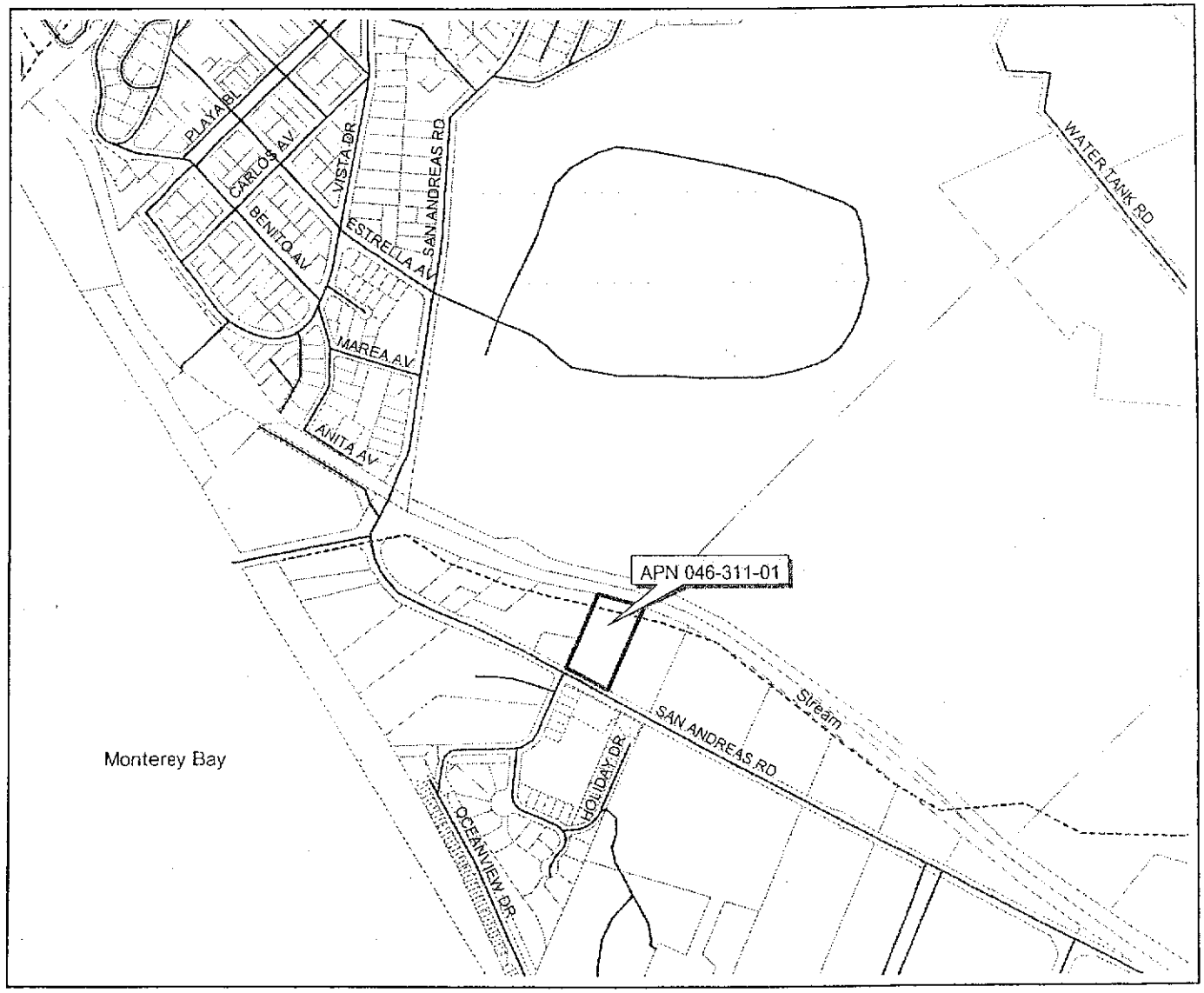
-70-



Assessor's Parcel Block &
Numbers Shown in Circles.

Assessor's Map No. 46-31
County of Santa Cruz, Calif.
Sept. 1995

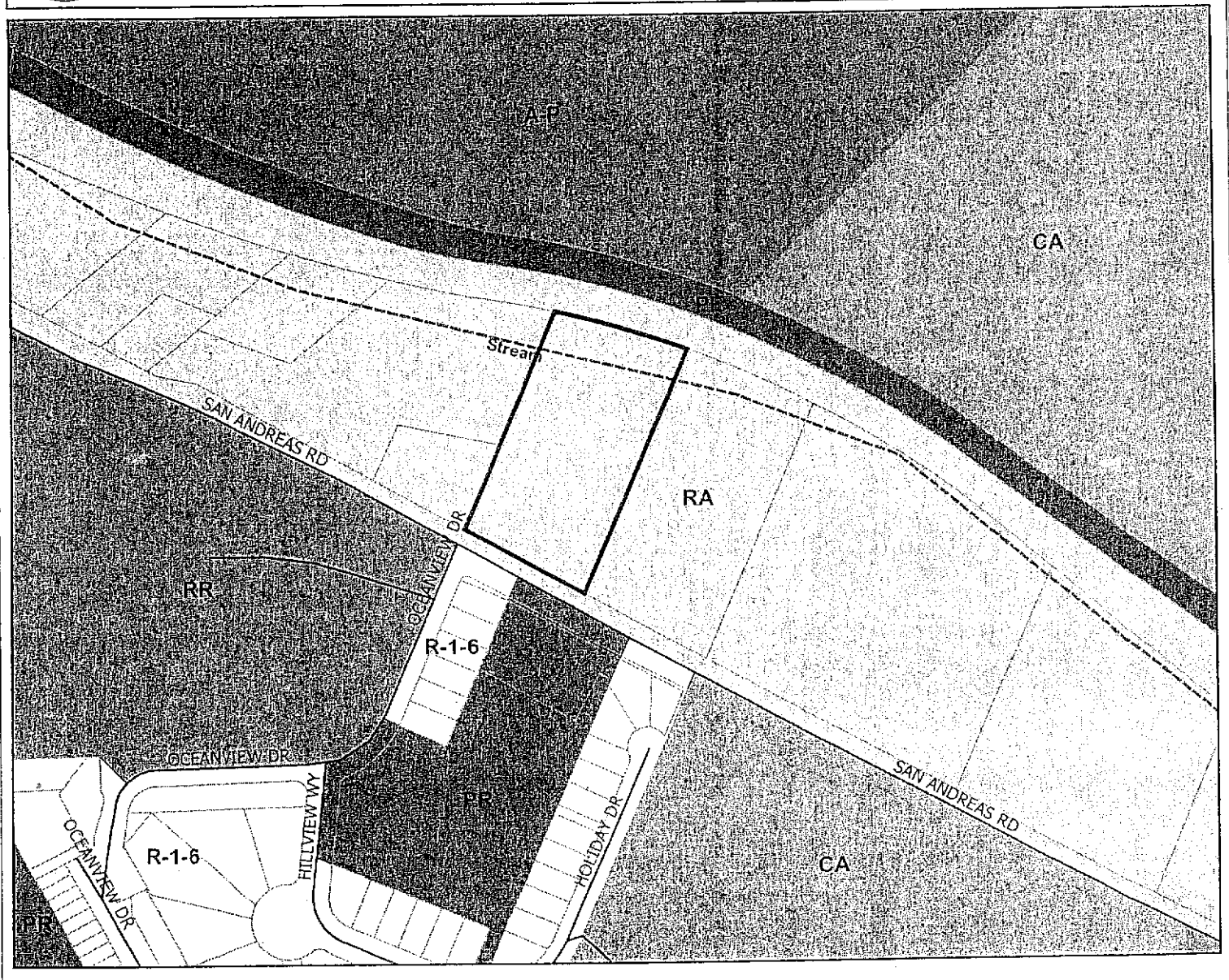
Location Map



Map created by Santa Cruz County Planning Department: February 2004

EXHIBIT E

Zoning Map



Legend

- APN 046-311-01
- Streets
- Assessors Parcels
- AGRICULTURE (A)
- AGRICULTURE COMMERCIAL (CA)
- AGRICULTURE RESIDENTIAL (RA)
- PARK (PR)
- PUBLIC FACILITY (PF)
- RESIDENTIAL-RURAL (RR)
- RESIDENTIAL-SINGLE FAMILY (R-1)

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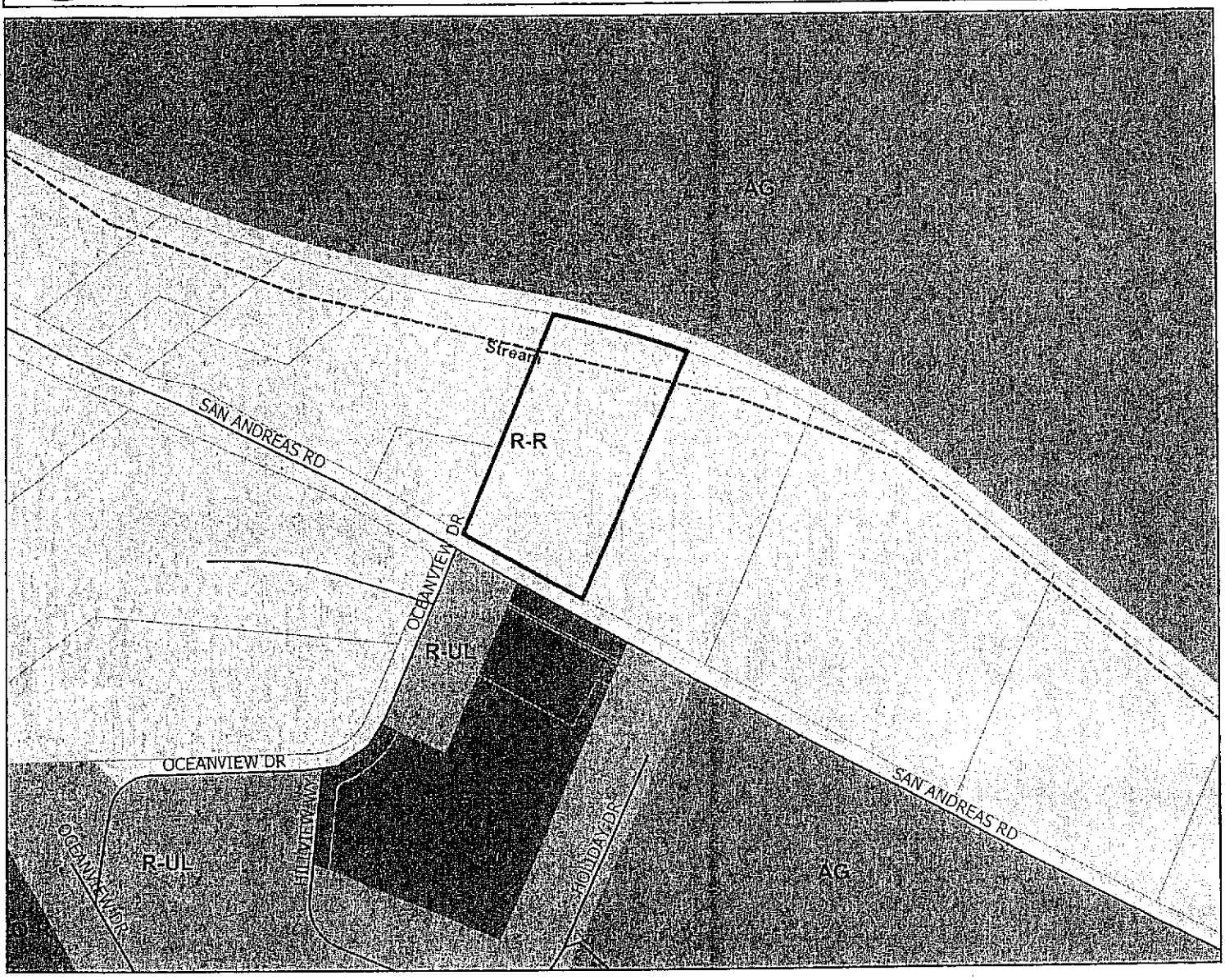
Map Created by
County of Santa Cruz
Planning Department
May 2005

EXHIBIT F

General Plan Designation Map



Legend

- APN 046-311-01
- Streets
- Assessors Parcels
- INTERMITTENT STREAM
- Agriculture (AG)
- Parks and Recreation (O-R)
- Residential-Rural (R-R)
- Residential - Urban Low Density (R-UL)

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W E
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Map Created by
County of Santa Cruz
Planning Department
May 2005

EXHIBIT

Project Planner: Joan Van Der Hoeven
Application No.: 05-0305
APN: 046-311-01

Date: January 13, 2006
Time: 15:32:50
Page: 1

Environmental Planning Completeness Comments

========= UPDATED ON JUNE 9, 2005 BY KENT M EDLER ========= The plans as submitted are complete in regards to grading.
========= UPDATED ON JUNE 17, 2005 BY ROBERT S LOVELAND =========
NO COMMENT
========= UPDATED ON SEPTEMBER 7, 2005 BY KENT M EDLER =========

The grading plan remains complete.

Environmental Planning Miscellaneous Comments

========= REVIEW ON JUNE 9, 2005 BY KENT M EDLER =========

1. At the buidling permit stage an erosion control plan needs to be submitted that shows erosion and sediment control measures to be implemented during construction. This should include the use of silt fencing, stabilized construction entrance, straw wattles, etc.

2. A plan review letter and possibly an update to the soils report (depending on if the building permit is applied for 3 years after the last update) will be required at the building permit stage.
========= UPDATED ON SEPTEMBER 7, 2005 BY KENT M EDLER =========

Project Review Completeness Comments

========= REVIEW ON JUNE 17, 2005 BY JOAN VAN DER HOEVEN =========
Project is substantially consistant with prior application 02-0308 -

interior modifications. Address Public Works Drainage and Environmental Health concerns as noted below in order to meet requirements for the project to move ahead to hearing.

Project Review Miscellaneous Comments

========= REVIEW ON JUNE 17, 2005 BY JOAN VAN DER HOEVEN =========
No fencing shall be allowed within the public right-of-way.Address road engineering concerns for driveway compliance with fire dept regulations.

Dpw Drainage Completeness Comments

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

========= REVIEW ON JUNE 6, 2005 BY ALYSON B TOM ========= Application with civil plans dated April 2005 has been recieved. Please address the following:

1) This project is required to minimize proposed impervious areas. Please describe how this will be accomplished. Consider utilizing alternative surfacing or other measures.

2) Will this site recieve runoff from offsite? Will runoff from San Andreas Road flow down the proposed driveway? If so, how will this runoff be accommodated?

3) This project is required to mitigate for storm water runoff quantity impacts. Will the runoff rate from the project site increase as a result of this project? From county-wide USDA soils survey the soils at the south end of the parcel are highly permeable. Does the proposed location of the drainage system outlet take advantage of these permeable soils? Provide site specific information (soils information, etc.) and analysis that demonstrate that the runoff rate will remain unchanged, orprovide an analysis of the downstream runoff path demonstrating that it is adequate for handling the added runoff (include analysis of downstream road culverts).

For questions regarding this review Public Works stormwater management staff is available from 8-12 Monday through Friday. All submittals for this project should be made through the Planning Department.
========= UPDATED ON AUGUST 22, 2005 BY ALYSON B TOM ========= Application with drainage plans dated July 2005 has been received and is complete with regards to drainage for the discretionary stage. Please see miscellaneous comments for issues to be addressed prior to building permit issuance.

Dpw Drainage Miscellaneous Comments

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

========= REVIEW ON JUNE 6, 2005 BY ALYSON B TOM ========= Additional site specific details may be required at the building permit stage.

Submit a geotechnical review letter approving of the final drainage plan.
========= UPDATED ON AUGUST 22, 2005 BY ALYSON B TOM ========= The following should be addressed prior to building permit issuance:

1) While the proposal to install infiltration chambers is acceptable it seems that a drainage plan that utilizes surface spreading of runoff may be able to limit post development runoff to pre development levels given that the site soils are highly permeable (6-20 in/hr per the USDA soils survey). An alternative design would be acceptable if the soils permeability is confirmed and spreading is sufficient.

2) Please provide the background information analyzing for the 90th percentile storm event resulting in the intensity used in the chamber calculations.

3) Please label the proposed length of the energy dissipation pool at the drainage system outlet.

4) The applicant is responsible for obtaining an encroachment permit for the work in the County road right of way.

5) Please label layer thicknesses for the porous pavement detail. Please also provide specifications for the material and compation requirements of the stone reservoir.

Dpw Driveway/Encroachment Completeness Comments

========= REVIEW ON MAY 31, 2005 BY RUTH L ZADESKY =========

Dpw Driveway/Encroachment Miscellaneous Comments

========= REVIEW ON MAY 31, 2005 BY RUTH L ZADESKY =========
Driveway to conform to County Design Criteria Standards.
Encroachment permit required for all off-site work in the County road right-of-way.
Fencing is not allowed within the County road right-of-way.

Dpw Road Engineering Completeness Comments

========= REVIEW ON JUNE 9, 2005 BY TIM N NYUGEN =========
The driveway needs to meet fire department requirements. Therefore, show on project plans how the driveway will meet access standards required by the General Plan Policy Description of turnarounds and turnouts required. ========= UPDATED ON AUGUST 29, 2005 BY GREG J MARTIN =========
Application is complete. The plans shall need to be modified in order to receive a building permit. The driveway shall be 2 inches of asphalt concrete over six inches of aggregate base within the County right-of-way. Given the driveway width of approximately 18 feet, returns at the intersection of the driveway and San Andreas Road shall be 11 feet. Show the structural section for the driveway with porous pavement. Each required parking space should be numbered and dimensioned including those in the garage. The exterior garage space shall have difficulty backing up. A five foot bumpout is recommended to backout. If you have any questions please call Greg Martin at 831-454-2811.

Dpw Road Engineering Miscellaneous Comments

========= REVIEW ON JUNE 9, 2005 BY TIM N NYUGEN =========
NO COMMENT
========= UPDATED ON AUGUST 29, 2005 BY GREG J MARTIN =========

Environmental Health Completeness Comments

========= REVIEW ON JUNE 9, 2005 BY JIM G SAFRANEK ========= Septic appl. is approved. However, the proposed wall at entry (see site plan) does not appear to meet setback of 5' to expansion field.

Environmental Health Miscellaneous Comments

========= REVIEW ON JUNE 9, 2005 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 JUNE 10, 2005 BY ERIN K STOW =========
DEPARTMENT NAME:Aptos/La Selva Fire Dept. 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

========== REVIEW ON JUNE 10, 2005 BY ERIN K STOW ==========
NO COMMENT

EXHIBIT G

COUNTY OF SANTA CRUZ | Planning Department

INTEROFFICE MEMO

APPLICATION NO: 03-0308 (4th routing)

Date: July 15, 2004

To: Joan Van der Hoeven, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for a Large Dwelling at San Andreas Road, La Selva Beach (Monterey Oaks Estates, LLC/ owner, applicant)

GENERAL PLAN / ZONING CODE ISSUES

Design Review Authority

13.11.040 (c) New single family residences or remodels of 7,000 square feet or larger.

13.10.325 Large dwelling permit requirements and design guidelines.

(i) The proposed structure is compatible with its surroundings given the neighborhood, locational or environmental context and its design is consistent with the Large Dwelling Design Guidelines in subsection (d) below.

Design Review Evaluation

13.11.040 (c)

Evaluation Criteria	Meets criteria In code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✔		
Building siting in terms of its location and orientation	✔		
Building bulk, massing and scale	✔		
Parking location and layout	✔		
Relationship to natural site features and environmental influences	✔		
Landscaping		✔	
Streetscape relationship	✔		
Street design and transit facilities			N/A
Relationship to existing structures	✔		

EXHIBIT G

Natural Site Amenities and Features			
Relate to surrounding topography	✔		
Retention of natural amenities	✔		
Siting and orientation which takes advantage of natural amenities	✔		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✔		
Minimize impact on private views	✔		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✔		
Reasonable protection for currently occupied buildings using a solar energy system			N/A
Noise			
Reasonable protection for adjacent properties	✔		

Design Review Authority

13.11.040 Projects requiring design review.

(a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

13.11.030 Definitions

(u) 'Sensitive Site" shall mean any property located ***adjacent to a scenic road*** or within the viewshed of a scenic road as recognized in the General Plan; or located on a coastal bluff, or on a ridgeline.

Design Review Standards

13.11.072 Site design.

Evaluation Criteria	Meets criteria In code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✔		
Building siting in terms of its location and orientation	✔		
Building bulk, massing and scale	✔		
Parking location and layout	✔		
Relationship to natural site features and environmental influences	✔		
Landscaping	✔		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures	✔		
Natural Site Amenities and Features			
Relate to surrounding topography	✔		
Retention of natural amenities	✔		
Siting and orientation which takes advantage of natural amenities	✔		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✔		
Minimize impact on private views	✔		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A

Solar Design and Access			
Reasonable protection for adjacent properties	✔		
Reasonable protection for currently occupied buildings using a solar energy system			N/A
Noise			
Reasonable protection for adjacent properties	✔		

13.11.073 Building design.

Evaluation Criteria	Meets criteria in code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✔		
Building silhouette	✔		
Spacing between buildings			N/A
Street face setbacks	✔		
Character of architecture	✔		
Building scale	✔		
Proportion and composition of projections and recesses, doors and windows, and other features	✔		
Location and treatment of entryways	✔		
Finish material, texture and color	✔		
Scale			
Scale is addressed on appropriate levels	✔		
Design elements create a sense of human scale and pedestrian interest	✔		
Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting	✔		
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties			N/A
Building walls and major window areas are oriented for passive solar and natural lighting	✔		

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Visual Compatibility			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✔		
Minimum Site Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.	✔		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✔		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✔		
Ridgeline Development			
Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline	✔		
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
Landscaping			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			*See comments.*

Rural Scenic Resources			
Location of development			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
Site Planning			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)	✔		
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed		✔	*See comments.*
Building design			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction	✔		
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged	✔		
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster	✔		
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A

The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A
Beach Viewsheds			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A

The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred			N/A

Aptos/La Selva Fire Protection District
6934 Soquel Drive • Aptos, CA 95003
Phone # 831-685-6690 • Fax # 831-685-6699

June 8, 2005

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

Subject: APN: 46-311-01/ Appl #05-0305
San Andreas Road

Dear Ms. Van der Hoeven:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

- 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.

****

In order to obtain building application approval, recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following 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 (**2001**) 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.

EXHIBIT G

FIRE FLOW requirements for the subject property are 2,200 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 Aptos/La Selva Fire Protection District.

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.

NOTE on the plans, building numbers shall be provided. Numbers shall be a minimum of four(4) inches 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 that the roof covering shall be no less than Class "B" rated roof.

SHOW on the plans, **DETAILS** of compliance with the driveway requirements. The driveway shall be 12 feet minimum width and maximum twenty percent slope.

The driveway shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The driveway surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent, certified by a licensed engineer to 95% compaction and shall be maintained.
- ALL WEATHER SURFACE: shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and 2" asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%
- The maximum grade of the road shall not exceed 20%, with grades of 15% not permitted for distances of more than 200 feet at a time.
- The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width.
- A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length.
- Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
- All private access roads, driveways, turn-a-rounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.

EXHIBIT G

The driveway shall be thereafter maintained to these standards at all times.

GATE REQUIREMENTS: NOTE THE FOLLOWING ON THE BUILDING PLANS:

- ELECTRONIC CONTROL: Security Gates equipped with electronic control devices shall have an approved fire department override key switch installed. PROVIDE a "Knox" Key Switch. Authorization forms for ordering the Knox Key Switch can be obtained directly at the Fire Department at 6934 Soquel Drive in Aptos.

- FAIL SAFE OPERATION PROVISION: All electronically controlled security gates shall be provided with manual override to allow operation of the gate during power outage.

- GENERAL REQUIREMENTS:

  1. Access gates shall be a minimum of 2 feet wider than the access road **(14 feet minimum).** When open, gates shall not obstruct any portion of the required access roadway or driveway width.

  2. Gates shall be adequately supported to prevent dragging.

  3. Gates shall be operable by one person.

  4. Gates may swing in either direction and shall be open a full 90 degrees. Sliding gates shall slide parallel to the security fence.

  5. All gates shall remain in the open position when not attended or locked, or when electronic fire department key switches has activated.

  6. Overhead gate structures shall have a minimum of 15 feet vertical clearance.

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

EXHIBIT G

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: Monterey Oaks Estates LLC
187 Via Soderini
Aptos, CA 95003

EXHIBIT G

COUNTY OF SANTA CRUZ | Planning Department

MEMORANDUM

Application No: 05-0305 (third routing)

Date: April 4, 2006

To: Joan Vanderhoeven, Project Planner

From: Lawrence Kasparowitz, Urban Designer

Re: Design Review for a new residence at San Andreas Road, La Selva Beach

GENERAL PLAN / ZONING CODE ISSUES

Design Review Authority

13.11.040 Projects requiring design review.

(a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

13.11.030 Definitions

(u) 'Sensitive Site" shall mean any property located ***adjacent to a scenic road*** or within the viewshed of a scenic road as recognized in the General Plan; or located on a coastal bluff, or on a ridgeline.

Add as Conditions of Approval:

1. *The "glazed ceramic tile" roofing shall be a matt finish with no reflective qualities.*
2. *All glazing shall be non-reflective.*

EXHIBIT G

Richard A. Arnold, Ph.D.
President

Entomological Consulting Services, Ltd.

104 Mountain View Court, Pleasant Hill, CA 94523 • (925) 825-3784 • FAX 827-1809
bugdctr@home.com • www.ecsltd.com
New email address: bugdctr@comcast.net

13 September 2004

Mr. Warren Douglas Thompson, FAIA
T^2 Architects
5151 North Palm, Suite 500
Fresno, CA 93704

RE: APN 046-311-01 at La Selva Beach, Tut Residence
Review of Landscaping Plan

Dear Mr. Thompson:

This letter responds to your recent solicitation for my review of the proposed landscaping plan for the planned Tut residence located on San Andreas Road in the La Selva Beach area of Santa Cruz County. The plan that I reviewed was prepared by SSA Landscape Architects, Inc. and T^2 Architects, is dated July 6, 2004, and consisted of two pages of oversize plan sheets.

Please recall that in my report, dated December 22, 2003, I determined that potential overwintering habitat for the Monarch butterfly occurred at the rear of the subject property and on neighboring properties. However, during my two site visits to the property, no overwintering Monarchs were actually observed. Nonetheless, Monarchs may utilize the potential overwintering habitat at a later date. For this reason, I previously recommended the use of pine, eucalyptus, or other non-deciduous trees to provide wind screening along San Andreas Road.

Although the olive trees on the landscape plan are evergreen, it is my understanding that this species typically grows to a maximum height of only 30 feet. As noted in my earlier report, Monarchs cluster on trees at heights of 6 to 75 feet above ground, but most commonly at heights between 15 to 50 feet. Thus the trees planted along San Andreas Road need to be at least 50 feet tall at maturity, preferably taller to provide effective windscreening for the potential overwintering habitat at the rear of the property. Although the new residence will provide some wind screening, I suggest that the olive trees in the front yard be replaced by appropriate species of pine, eucalyptus, or redwood that are not only evergreen but would also be expected to achieve these target heights. With this minor change, I approve the landscaping plan.

Sincerely,

Richard A. Arnold

Richard A. Arnold, Ph.D.
President

EXHIBIT H

Richard A. Arnold, Ph.D.
President

Entomological Consulting Services, Ltd.

104 Mountain View Court, Pleasant Hill, CA 94523 • (925) 825-3784 • FAX 827-1809
bugdctr@home.com • www.ecsltd.com
New email address: bugdctr@comcast. net

22 December 2003

Mr. Mark Treuge
DDM Land Use Consultants
4637 Scotts Valley Drive, Suite #B1
Scotts Valley, CA 95066

RE: APN 046-311-01 at La Selva Beach.in Santa Cruz County, CA
Proposed Single-family Residence by Sonny Tut
Habitat Assessment for Overwintering Monarch Butterflies

Dear Mr. Treuge:

This letter reports the findings of my recent habitat assessment survey at the above-referenced property as a winter roosting site of the Monarch butterfly (*Danaus plexippus*). Briefly I can summarize the findings of habitat assessment by stating that the aforementioned property along with neighboring properties support trees that the overwintering Monarch butterfly roosts on or that provide essential wind protection for potential roost trees. I did not observe overwintering Monarchs at the property during two site visits during the fall of this year. Siting of the proposed new single-family residence has been done in a manner to avoid and minimize impacts to the potential overwintering habitat. For these reasons, I conclude that the proposed single-family residence by the Tut family will not adversely impact the Monarch butterfly or its potential overwintering habitat at this property.

The remainder of my report describes the property and my survey methods and findings in more detail. In addition, background information on the Monarch butterfly and characteristics of its winter roosting habitat are presented.

Project Site Description.

The project site is an undeveloped, 1.87-acre parcel located in a residential neighborhood in the La Selva Beach community of Santa Cruz County. It is situated on the north side of San Andreas Road, near its intersection with Ocean View Drive. The portion of the property along San Andreas Road is generally flat and characterized by ruderal grassland and ornamental pine trees. The rear portion of the property descends into a gully with a small grove of Eucalyptus trees and dense brush. Adjacent properties include a rail road track, plus agricultural and residential uses. The proposed project is a new single-family residence, which will be built in the front approximately one-third of the site. Existing vegetation in the rear of the property will be maintained.

Background Information on the Monarch Butterfly and its Winter Roosting Habitat.

Monarchs cannot survive the colder winter months of most parts of North America. For this reason, Monarch butterflies travel to their wintering areas during the fall months of each year. Monarchs that live west of the Rocky Mountains migrate to coastal areas of California, while those that live east of the Rockies travel to a few sites in the mountains of Central Mexico. In coastal California, winter roosting sites range from northern Baja California to southern Mendocino County. Although most winter roosting sites in California are usually located within 0.5 to 1 mile of the coast (Weiss et al. 1991, Nagano and Lane 1985), roosts have occasionally been found farther inland.

Along the Santa Cruz coastline, there are several locations of Monarch winter roosts between Moore Creek just north of the City of Santa Cruz and Watsonville (Nagano and Lane 1985; California Natural Diversity Data Base 2003). A known overwintering location occurs at nearby Manresa State Beach (California Natural Diversity Data Base 2003). During my inspection of the neighborhood surrounding the project site, I noted several small groves of Eucalyptus trees on the north side of San Andreas Road and generally located along the railroad tracks. Although I am not aware whether any of these small Eucalyptus stands near the project site are known roosting locations, one or more records in the California Natural Diversity Data Base (2003) may refer to them.

In California, clustering behavior begins once migrating Monarchs reach their overwintering sites in the fall. Two types of clustering occur:

a) temporary aggregations that are transient clusters of short duration; and
b) permanent roosts that are long term (past the winter solstice) hibernal clusters which also possess the environmental conditions that allow the butterflies to mate in January and February before their spring dispersal (Urquhart 1960).

In the fall months, typically in September and October, numerous, generally small temporary aggregations are formed, especially in areas where nectar plants are plentiful near the coast. Monarchs at many of these sites disperse to permanent roosting sites as nectar sources, air temperature, and day length decrease. Some sites may serve as permanent roosts one year and temporary aggregations another year, or a mixture of the two. Also, some locations may occasionally not be used for either purpose.

Overwintering sites are characterized by groves of trees of mixed height and diameter, with an understory of brush. Often there is a small clearing within a stand of trees, or formed by a combination of the trees and surrounding topography, to provide shelter for the butterfly. These overwintering sites protect the butterfly from prevailing on-shore winds and freezing temperatures, plus exposure to the sun. The vegetation serves as a thermal "blanket" which moderates extreme weather conditions (Calvert and Brower 1982). At some locations, nearby buildings may provide some protection as well.

Recent research has demonstrated that forest canopy structure is a primary determinant of microclimatic conditions in forest stands, and is undoubtedly an important factor in the Monarch's selection of particular locations as overwintering roosts (Bell 1997; Leong 1990; Sakai et al. 1989; Weiss et al. 1991). Many of the best overwintering sites provide a

heterogeneous mixture of habitat conditions and resultant microclimatic conditions that assist the Monarchs to survive seasonal changes in climatic conditions during the winter. For example, overwintering habitats must provide wind protected roost locations (usually tree branches that are 15-50 feet above ground), with buffered temperatures, relatively high humidity, and filtered sunlight throughout the fall and winter months. As weather conditions and exposure to sunlight vary over the winter months, high habitat heterogeneity at an overwintering site permits the Monarch roosts to satisfy their thermoregulatory needs by moving from tree to tree in response to changes in weather conditions. Thus during the early part of the overwintering period (October – November), when daily temperature maxima are relatively high, Monarchs tend to cluster in locations that provide brief morning insolation, with mid-day and afternoon shade. Later in the season (December – February), when temperature maxima are lower, they tend to roost in trees that receive afternoon sunlight. Trees surrounding roost locations, known as windbreak or buffer trees, provide both wind protection and ameliorate microclimatic conditions near the roost trees.

A number of cluster sites in coastal California are located in groves of introduced trees. Favored trees for Monarch roosts include, Blue Gum *(Eucalyptus globulus),* River Gum *(E. camaldulensis),* Monterey Pine *(Pinus radiata),* and Monterey Cypress *(Cupressus macrocarpa),* although a number of other native and introduced species of trees are also utilized (Lane 1993). Clusters typically form between about 15 and 50 feet above ground, but have been observed as low as 6 feet and as high as 75 feet.

Cluster sites are protected from winds by a combination of tree cover (i.e., spatial configuration and density) and topography. Gullies, canyons, creek drainages, and the lee sides of hills are areas where Monarchs will roost, if the appropriate tree cover is present. Although the butterflies are inactive on colder, rainy, or foggy days, they will fly from the cluster on warmer, sunny days to obtain the water and nectar that are needed to sustain the butterflies through the winter. Thus, a nearby source of water and an abundance of fall and winter-blooming nectar plants are also important factors in determining where the butterflies will roost. Monarchs can obtain water from natural or man-made bodies of water, runoff from sprinklers, and dew on vegetation (Nagano and Lane 1985). Important nectar plants at many winter roosting sites include, *Eucalyptus* trees, Coyote Bush *(Baccharis),* wild mustard *(Brassica),* and Bottlebrush *(Callistemon),* although other native and introduced species will be used if available.

In concluding this discussion, I would like to emphasize that although a number of basic features are important determinants in the suitability of a particular location to serve as an overwinter roosting site by the Monarch butterfly, there is also an interaction of these and other factors that is only beginning to be understood by researchers. Also, because features of a site can change due to the growth of trees and understory vegetation, thinning or removal of trees, removal of brush, changes in nectar plant abundance, etc., Monarch usage of a particular site may vary from year-to-year and for longer durations. Indeed, new roosting sites continue to be discovered in California as conditions become favorable, even in areas where roosts were not previously observed. Similarly, when habitat quality deteriorates at locations that previously supported winter roosts, Monarchs will cease to roost at these sites. Clearing of brush and thinning of trees are common vegetation management practices that have adversely impacted Monarch roosting sites, even on public lands (Nagano and Lane 1985; Weiss et al. 1991).

Survey Methods.

I visited the project site on November 6th and December 10th, 2003, and surveyed the entire project site by hiking. During my survey of the project site and the surrounding residential neighborhood, I noted the presence of various plants and features that are known to be important to the Monarch butterfly at known overwinter roosting sites (see Background Information). In particular, I searched for the favored trees that are used as roosts, examined the spatial configuration and density of favored trees, sheltered areas within the groves of roosting trees, nectar plants, water sources, and areas with an understory of brush. Since the timing of my site visits coincided with the fall portion of the Monarch's overwintering period, I also searched all trees at the subject property for roosting Monarchs.

Results and Discussion.

As described earlier, overwintering habitat for the Monarch butterfly generally consists of the following components:

a) roost trees;
b) trees peripheral to the roost that provide primary and secondary wind protection;
c) fall and winter-blooming nectar sources; and
d) sources of water, such as dew, lawn irrigation, stream, etc.

No overwintering Monarch butterflies were observed at the subject property during either of my site visits during the fall of 2003. However, an overwintering roost is known from the nearby Manresa State Beach (California Natural Diversity Data Base 2003). Even though no Monarchs were observed at the subject property, the rear of this site supports trees that could potentially be utilized as roost trees by the Monarch. The surrounding Eucalyptus trees, the gully, and the pine trees in the front of the property provide wind protection to these potential roost trees at the rear. I should also note that several of the Eucalyptus trees grow on neighboring properties. Nectar plants, namely ivy and *Baccharis* were also noted on-site. Water would likely be obtained from dew and fog drip on the vegetation.

Conclusions and Recommendations.

Although no Monarchs were observed at the subject property during my two site visits, I recommend that the existing vegetation at the rear of the site be protected and maintained in its current condition. The architectural site plan prepared by T^2 Architects (dated June 14, 2003), illustrates the proposed home sited in the front portion of the site, which will minimize impacts to the existing vegetation in the rear of the property. A few trees will be trimmed or removed to accommodate the new residence. Although the new residence will provide some wind protection to the trees at the rear of the property, I suggest that additional trees be planted as part of the landscaping in the front portion of the site (especially along San Andreas Road) to provide supplemental wind protection. Pines or eucalyptus, as already occur on the property, may be used or other non-deciduous tree species. Fire breaks or other fire maintenance activities should be coordinated with the local fire district to avoid impacts to the vegetation at the rear of the property. Any fire places in the home or elsewhere on the property should be gas operated rather than wood-burning.

If these recommendations are followed, the potential overwintering habitat of the

Monarch should be protected and no adverse impacts to the butterfly or its potential overwintering habitat at the subject property are anticipated.

References Cited.

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If you have any questions about my report, please contact me.

Sincerely,

Richard A. Arnold

Richard A. Arnold, Ph.D.
President

September 28, 2004

LANDSCAPE ARCHITECTS INCORPORATED

Mr. Warren Thompson
5151 N. Palm Ave.
Suite 500
Fresno, CA 93704

RE: Entomological Consulting Services, Ltd. Plan review Letter dated September 13, 2004

Dear Warren,

In response to the plan review letter prepared by Entomological Consulting Services, Ltd date September 13, 2004 regarding APN # 046-311-01 and County project # 02-0308 we offer the following alternative.

We believe that the design developed in concert with you and the client best reflects the goals and desires of our client by providing a landscape design which establishes a pedestrian scale planting along the road protecting the view corridor while providing desired privacy. We also responded to concerns regarding butterfly habitat by planting Monterey Cypress trees along the western edge which also provides buffer from prevailing winds on this site.

However, if more plant material is required to increase habitat for potential Monarch nesting then we propose adding eucalyptus or pines to the North / Northwest corner of the property and not along San Andreas Road where these types of trees will create a situation where ornamental landscapes will suffer.

If we can be of further assistance with this matter please do not hesitate to call.

Regards,

Mark S. Baginski, ASLA
Associate

MSB/msb

[illegible] Street, Suite [illegible]
Santa Cruz, California [illegible]
Phone [illegible] – Fax [illegible]

EXHIBIT I

PLANNING DEPARTMENT

COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAX (408) 454-2131 (408) 454-2580

ENV. PLANNING

January 22, 1999

Greg Nickel
424 Santa Monica
La Selva Beach, CA 95076

SUBJECT: Review of soil report by Steven Raas & Associates dated 10-12-98, PROJECT NUMBER: 98118-SZ75-J61 APN: 046-311-01, APPLICATION NUMBER: 98-0011

Dear Applicant:

Thank you for submitting the soil report for the parcel referenced above. The report was reviewed for conformance with County Guidelines for Soils/Geotechnical Reports and also for completeness regarding site specific hazards and accompanying technical reports (e.g. geologic, hydrologic, etc.). The purpose of this letter is to inform you that the Planning Department has accepted the report and the following recommendations become permit conditions:

1. All report recommendations must be followed.

2. Final plans shall indicate the foundation design as detailed in the report including engineered foundations for construction on steeper slopes.

3. Final plans shall show the drainage system as detailed in the soils engineering report including outlet locations and appropriate energy dissipation devices.

4. Final plans shall reference the approved soils engineering report and state that all development shall conform to the report recommendations.

5. Prior to building permit issuance, the soil engineer must submit a brief building, grading and drainage plan review letter to Environmental Planning stating that the plans and foundation design are in general compliance with the report recommendations. If, upon plan review, the engineer requires revisions or additions, the applicant shall

EXHIBIT J

submit to Environmental Planning two copies of revised plans and a final plan review letter stating that the plans, as revised, conform to the report recommendations.

6. The soil engineer must inspect all foundation excavations and a letter of inspection must be submitted to Environmental Planning and your building inspection prior to pour of concrete.

7. For all projects, the soil engineer must submit a final letter report to Environmental Planning and your building inspector regarding the compliance with all technical recommendations of the soil report prior to final inspection. For all projects with engineered fills, the soil engineer must submit a final grading report (reference August 1997 County Guidelines for Soils/Geotechnical Reports) to Environmental Planning and your building inspector regarding eh compliance with all technical recommendations of the soil report prior to final inspection.

The soil report acceptance is only limited to the technical adequacy of the report. Other issues, like planning, building design, septic or sewer approval, etc, may still require resolution.

The Planning Department will check final development plans to verify project consistency with report recommendations and permit conditions prior to building permit issuance. If not already done, please submit two copies of the approved soil report at the time of building permit application for attachment to your building plans.

Please call 454-3164 if we can be of any assistance.

Sincerely,

JOEL SCHWARTZ
Geotechnical Associate

FOR: JOE HANNA
County Geologist CEG 1313

cc: Bob Stakem, Project Planner
Soils engineering firm
Building plan check

98-0011s/056

EXHIBIT J

FINAL SOILS-GRADING REPORTS

Prior to final inspection clearance a final soils report must be prepared and submitted for review for all projects with engineered fills. These reports, at a minimum, must include:

1. Climatic Conditions

   Indicate the climatic conditions during the grading processes and indicate any weather related delays to the operations.

2. Variations of Soil Conditions and/or Recommendations

   Indicate the accomplished ground preparation including removal of inappropriate soils or organic materials, blending or unsuitable materials with suitable soils, and the keying and benching of the site in preparation for the fills.

3. Ground Preparation

   The extent of ground preparation and the removal of inappropriate materials, blending of soils, and keying and benching of fills.

4. Optimum Moisture/Maximum Density Curves

   Indicate in a table the optimum moisture maximum density curves. Append the actual curves at the end of the report.

5. Compaction Test Data

   The compaction test locations must be shown on same topographic map as the grading plan and the test values must be tabulated with indications of depth of test from the surface of final grade, moisture content of test, relative compaction, failure of tests (i.e. those less than 90% of relative compaction), and re-testing of failed tests.

6. Adequacy of the Site for the Intended Use

   The soils engineer must re-conform her/his determination that the site is safe for the intended use.

EXHIBIT J

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

GENERAL

1. The results of our investigation indicate that from a geotechnical engineering standpoint the property may be developed as proposed provided these recommendations are included in the design and construction.

2. Our laboratory testing indicates that the near surface soils possess low expansive properties.

3. Grading and foundation plans should be reviewed by Steven Raas & Associates, Inc. during their preparation and prior to contract bidding.

4. Steven Raas & Associates, Inc. should be notified **at least four (4) working days** prior to any site clearing and grading operations on the property in order to observe the stripping and disposal of unsuitable materials, and to coordinate this work with the grading contractor. During this period, a pre-construction conference should be held on the site, with at least the owner's representative, the grading contractor, a county representative and one of our engineers present. At this time, the project specifications and the testing and inspection responsibilities will be outlined and discussed.

5. Field observation and testing must be provided by a representative of Steven Raas & Associates, Inc., to enable them to form an opinion as to the degree of conformance of the exposed site conditions to those foreseen in this report, regarding the adequacy of the site preparation, the acceptability of fill materials, and the extent to which the earthwork construction and the degree of compaction comply with the specification requirements. Any work related to grading performed without the full knowledge of, and not under the direct

EXHIBIT J

observation of Steven Raas & Associates, Inc., the Geotechnical Engineer, will render the recommendations of this report invalid.

SITE PREPARATION

6. The initial preparation of the site will consist of the removal of trees as required and the debris. Septic tanks and leaching lines, if found, must be completely removed. The extent of this soil removal will be designated by a representative of Steven Raas & Associates, Inc. in the field. This material must be removed from the site.

7. Any wells encountered shall be capped in accordance with the requirements of the County Health Department. The strength of the cap shall be equal to the adjacent soil and shall not be located within 5 feet of a structural footing.

8. Any voids created by tree removal, septic tank, and leach line removal must be backfilled with properly compacted native soils that are free of organic and other deleterious materials or with approved import fill.

9. Surface vegetation and organically contaminated topsoil should then be removed from the area to be graded. These soils may be stockpiled for future landscaping. The required depth of stripping will vary with the time of year and must be based upon visual observations of a representative of Steven Raas & Associates, Inc. It is anticipated that the depth of stripping may be 2 to 4 inches.

10. Following the stripping, the area should be excavated to the design grades. The exposed soils in the building and paving areas should be scarified, moisture conditioned, and compacted as an engineered fill except for any contaminated material noted by a representative of Steven Raas & Associates, Inc. in the field. The moisture conditioning

EXHIBIT J

procedure will depend on the time of year that the work is done, but it should result in the soils being 1 to 3 percent over their optimum moisture content at the time of compaction.

Note: **If this work is done during or soon after the rainy season, the on-site soils may be too wet to be used as engineered fill.**

11. With the exception of the upper 8 inches of subgrade in paved areas and driveways, the soil on the project should be compacted to a minimum of 90% of its maximum dry density. The upper 8 inches of subgrade in the pavement areas and all aggregate subbase and aggregate base should be compacted to a minimum of 95% of its maximum dry density.

12. The maximum dry density will be obtained from a laboratory compaction curve run in accordance with ASTM Procedure #D1557-91. This test will also establish the optimum moisture content of the material. Field density testing will be in accordance with ASTM Test #D2922.

13. Should the use of imported fill be necessary on this project, the fill material should be:

a. free of organics, debris, and other deleterious materials
b. granular in nature, well graded, and contain sufficient binder to allow utility trenches to stand open
c. free of rocks in excess of 2 inches in size
d. have a Plasticity Index between 4 and 12
e. have a minimum Sand Equivalent of 20, and
f. have a minimum Resistance "R" Value of 30, and be non-expansive

14. Samples of any proposed imported fill planned for use on this project should be submitted to Steven Raas & Associates, Inc. for appropriate testing and approval not less than 4 working days before the anticipated jobsite delivery.

EXHIBIT J

CUT AND FILL SLOPES

15. All fill slopes should be constructed with engineered fill meeting the minimum density requirements of this report and have a gradient no steeper than 2:1 (horizontal to vertical). Fill slopes should not exceed 15 feet in vertical height unless specifically reviewed by Steven Raas & Associates, Inc. Where the vertical height exceeds 15 feet, intermediate benches must be provided. These benches should be at least 6 feet wide and sloped to control surface drainage. A lined ditch should be used on the bench.

16. Fill slopes should be keyed into the native slopes by providing a 10 foot wide base keyway sloped negatively at least 2% into the bank. The depth of the keyways will vary, depending on the materials encountered. It is anticipated that the depth of the keyways may be 3 to 6 feet, but at all locations shall be at least 2 feet into firm material.

Subsequent keys may be required as the fill section progress upslope. Keys will be designated in the field by a representative of Steven Raas & Associates, Inc. See Figure No. 9 for general details.

17. Cut slopes shall not exceed a 2:1 (horizontal to vertical) gradient and a 15 foot vertical height unless specifically reviewed by a representative of Steven Raas & Associates, Inc. Where the vertical height exceeds 15 feet, intermediate benches must be provided. These benches should be at least 6 feet wide and sloped to control surface drainage. A lined ditch should be used on the bench.

18. The above slope gradients are based on the strength characteristics of the materials under conditions of normal moisture content that would result from rainfall falling directly on the slope, and do not take into account the additional activating forces applied by seepage from spring areas. Therefore, in order to maintain stable slopes at the recommended gradients, it is important that any seepage forces and accompanying hydrostatic pressure encountered be relieved by adequate drainage. Drainage facilities may include subdrains, gravel blankets,

EXHIBIT J

rockfill surface trenches or horizontally drilled drains. Configurations and type of drainage will be determined by a representative of Steven Raas & Associates, Inc. during the grading operations.

19. The surfaces of all cut and fill slopes should be prepared and maintained to reduce erosion. This work, at a minimum, should include track rolling of the slope and effective planting. The protection of the slopes should be installed as soon as practicable so that a sufficient growth will be established prior to inclement weather conditions. It is vital that no slope be left standing through a winter season without the erosion control measures having been provided.

20. The above recommended gradients do not preclude periodic maintenance of the slopes, as minor sloughing and erosion may take place.

21. If a fill slope is to be placed above a cut slope, the toe of the fill slope should be set back at least 8 feet horizontally from the top of the cut slope. A lateral surface drain should be placed in the area between the cut and fill slopes.

SLOPE EROSION CONTROL

22. The surface soils are classified as moderately to highly erodable. Therefore, the finished ground surface should be planted with ground cover and continually maintained to minimize surface erosion.

FOUNDATIONS - SPREAD FOOTINGS

23. At the time we prepared this report, the grading plans had not been completed and the structure location and foundation details had not been finalized. We request an opportunity

EXHIBIT J

to review these items during the design stages to determine if supplemental recommendations will be required.

24. If the entire building is constructed above the 90 contour (on the relatively flat upper portion of the lot), and considering the soil characteristics and site preparation recommendations, it is our opinion that an appropriate foundation system to support the proposed structures will consist of reinforced concrete spread footings bedded into firm native soil or engineered fills of the on-site soils. This system could consist of continuous exterior footings, in conjunction with interior isolated spread footings or additional continuous footings or concrete slabs.

25. Footing widths should be based on the allowable bearing value but not less than 12 inches for 1 story and 15 inches for 2 story structures. Footings should be embedded below the lowest adjacent grade not less than 12 inches for 1 story structures and 18 inches for 2 story structures. Footing excavations must be observed by a representative of Steven Raas & Associates, Inc. before steel is placed and concrete is poured to insure bedding into proper material. The footing excavations should be thoroughly saturated prior to placing concrete.

26. Footings constructed to the given criteria may be designed for the following allowable bearing capacities:

a. 1,800 psf for Dead plus Live Load
b. a 1/3rd increase for Seismic or Wind Load

In computing the pressures transmitted to the soil by the footings, the embedded weight of the footing may be neglected.

27. No footing should be placed closer than 8 feet to the top of a fill slope nor 6 feet from the base of a cut slope.

EXHIBIT J

28. The footings should contain steel reinforcement as determined by the Project Structural Engineer in accordance with applicable UBC or ACI Standards.

FOUNDATION - PIER AND GRADE BEAM

30. If a portion of the home is to be constructed below the 90 contour on the face of the slope, it is our opinion that the home should be founded ~~and~~ on end bearing cast-in-place reinforced concrete piers in conjunction with reinforced concrete grade beams. A mixed foundation system, consisting of piers and grade beams on the slopes and spread footings on the flatter areas is not recommended due to the potential for differential settlement between the two foundation types.

31. The end bearing piers should be designed for the following criteria:

a. Minimum pier embedment should be 10 feet below the ground surface. Actual depths could depend upon a lateral force analysis performed by your structural engineer.

b. Minimum pier size should be 18 inches in diameter and all pier holes must be free of loose material on the bottom.

c. Active pressures from the upper 5 feet of soil below the 90 contour against the piers is 35 psf/ft of depth and acts on a plane which is 1½ times the pier diameter.

d. Passive pressures of 300 psf/ft of depth can be developed, acting over a plane 1½ times the pier diameter. Neglect passive pressure in the top 2 feet of soil.

e. The allowable end bearing capacity is 4,000 psf, with a 1/3rd increase for wind or seismic loading.

f. All pier construction must be observed by a Steven Raas & Associates, Inc. Any piers constructed without the full knowledge and continuous

observation of Steven Raas & Associates, Inc., will render the recommendations of this report invalid.

32. The piers and grade beams should contain steel reinforcement as determined by the Project Structural Engineer.

SLAB-ON-GRADE CONSTRUCTION

33. Concrete slab-on-grade floors may be used for ground level construction on native soil or engineered fill on the portion of the structure founded above the 90 contour. Slabs may be structurally integrated with the footings. If the slabs are constructed as "free floating" slabs, they should be provided with a minimum ¼ inch felt separation between the slab and footing. The slabs should be separated into approximately 15' x 15' square sections with dummy joints or similar type crack control devices.

34. All concrete slabs-on-grade should be underlain by a minimum 4 inch thick capillary break of ¾ inch clean crushed rock. It is recommended that neither Class II baserock nor sand be employed as the capillary break material.

35. Where floor coverings are anticipated or vapor transmission may be a problem, a waterproof membrane should be placed between the granular layer and the floor slab in order to reduce moisture condensation under the floor coverings. A 2 inch layer of moist sand on top of the membrane will help protect the membrane and will assist in equalizing the curing rate of the concrete.

36. Requirements for pre-wetting of the subgrade soils prior to the pouring of the slabs will depend on the specific soils and seasonal moisture conditions and will be determined by a representative of Steven Raas & Associates, Inc. at the time of construction. It is important that the subgrade soils be thoroughly saturated at the time the concrete is poured.

EXHIBIT J

37. Slab thickness, reinforcement, and doweling should be determined by the Project Structural Engineer.

UTILITY TRENCHES

38. Utility trenches that are parallel to the sides of the building should be placed so that they do not extend below a line sloping down and away at a 2:1 (horizontal to vertical) slope from the bottom outside edge of all footings.

39. Trenches may be backfilled with the native materials or approved import granular material with the soil compacted in thin lifts to a minimum of 95% of its maximum dry density in paved areas and 90% in other areas.

40. Jetting of the trench backfill should be carefully considered as it may result in an unsatisfactory degree of compaction.

41. Trenches must be shored as required by the local agency and the State of California Division of Industrial Safety construction safety orders.

LATERAL PRESSURES

42. Retaining walls with a horizontal backfill and full drainage should be designed using the following criteria:

a. When walls are free to yield an amount sufficient to develop the active earth pressure condition (about ½% of height), design for an active earth pressure of 35 psf/ft of depth.

b. When walls are restrained at the top design for the following at-rest earth pressure of 50 psf/ft of depth.

c. For resisting passive earth pressure use 300 psf/ft of depth.

EXHIBIT J

d. A "coefficient of friction" between base of foundation and soil of 0.35.

e. Any live or dead loads which will transmit a force to the wall. Refer to Figure No. 10.

f. The resultant seismic force on the wall is $20H^2$ and acts at a point 0.6H up from the base of the wall. This force has been estimated using the Mononobe-Okabe method of analysis.

Should the slope behind the retaining walls be other than horizontal, supplemental design criteria will be provided for the active earth or at rest pressures for the particular slope angle.

43. The above criteria are based on fully drained conditions. Therefore, we recommend that permeable material meeting the State of California Standard Specification Section 68-1.025, Class 1, Type A, be placed behind the wall, with a minimum width of 12 inches and extending for the full height of the wall to within 1 foot of the ground surface. The rock should be covered with Mirafi 140 filter fabric or equivalent and then compacted native soil placed to the ground surface. A 4 inch diameter perforated rigid plastic or metal drain pipe should be installed within 3 inches of the bottom of the granular backfill and be discharged to a suitable, approved location.

44. The area behind the wall and permeable material should be compacted with approved soil to a minimum relative dry density of 90%.

SURFACE DRAINAGE

45. Surface water must not be allowed to pond or be trapped adjacent to the building foundations nor on the building pad nor in the parking areas.

46. All roof eaves should be guttered, with the outlets from the downspouts provided with adequate capacity to carry the storm water from the structures to reduce the possibility of soil

EXHIBIT J

saturation and erosion. The connection should be in a closed conduit which discharges at an approved location away from the structures and the graded area.

47. Final grades should be provided with a positive gradient away from all foundations in order to provide for rapid removal of the surface water from the foundations to an adequate discharge point. Concentrations of surface water runoff should be handled by providing necessary structures, such as paved ditches, catch basins, etc.

48. Cut and fill slopes shall be constructed so that surface water will not be allowed to drain over the top of the slope face. This may require berms along the top of fill slopes and surface drainage ditches above cut slopes.

49. Irrigation activities at the site should not be done in an uncontrolled or unreasonable manner.

50. The building and surface drainage facilities must not be altered nor any filling or excavation work performed in the area without first consulting Steven Raas & Associates, Inc.

PAVEMENT DESIGN

51. The design of the pavement section was beyond our scope of services for this project. To have the selected pavement sections perform to their greatest efficiency, it is very important that the following items be considered:

a. Properly moisture condition the subgrade and compact it to a minimum of 95% of its maximum dry density, at a moisture content 1-3% over the optimum moisture content.

b. Provide sufficient gradient to prevent ponding of water.

EXHIBIT

c. Use only quality materials of the type and thickness (minimum) specified. All baserock must meet CALTRANS Standard Specifications for Class 2 Aggregate Base, and be angular in shape.

d. Compact the base and subbase uniformly to a minimum of 95% of its maximum dry density.

e. Place the asphaltic concrete only during periods of fair weather when the free air temperature is within prescribed limits.

f. Maintenance should be undertaken on a routine basis.

PLAN REVIEW

52. We respectfully request an opportunity to review the plans during preparation and before bidding to insure that the recommendations of this report have been included and to provide additional recommendations, if needed.

EXHIBIT J

FALL CREEK ENGINEERING, INC.
Civil • Environmental • Water Resource Engineering and Sciences
Tel. (831) 426-9054 P.O. Box 7894, Santa Cruz, CA 95061 Fax. (831) 426-4932

July 15, 2005

Joan Van der Hoeven, AICP
County of Santa Cruz
701 Ocean Street 4th Floor
Santa Cruz, CA 95060

Subject: **Response to Comments for Application # 05-0305, APN # 046-311-01, Monterey Oaks Estates, LLC.**

Dear Joan:

Fall Creek Engineering, Inc. (FCE) has prepared this letter to respond to comments received from County of Santa Cruz staff on the above referenced project in a letter dated June 17, 2005. FCE has revised the accompanying drawings in response to the comments and prepared the following responses:

1. The erosion control plan has been modified to include both a temporary stabilized construction entrance and straw wattles. The temporary stabilized construction entrance will prevent soil tracking onto San Andreas Road from vehicles exiting the site during construction. The straw wattles will capture and prevent sediments from exiting the site during construction activities and until the hillslope on the northern portion of the property is adequately vegetated. (Sheet 8 and 9).

2. In order to minimize impervious area, the driveway surfacing has been changed to include the use of porous pavement. Porous pavement will intercept and infiltrate rainfall therefore decreasing the amount of stormwater runoff. Additionally porous pavement increases the roughness of the surface thus decreasing runoff velocities (Sheet 2 and 7).

3. The site will not receive runoff from offsite. A small drainage channel on the northern side of San Andreas Road will collect and convey stormwater away from the driveway and entrance to the property. A culvert will be installed under the driveway entrance to allow stormwater runoff to prevent the runoff from backwatering and entering the property via the driveway (Sheet 7 and 8).

4. Stormwater runoff quantities will be mitigated through the use of infiltration chambers. The stormwater runoff from the roof and driveway will be collected in a series of drain pipes and discharge into the chambers allowing the water to infiltrate into the soils. The chambers have been sized to capture and detain the 90th percentile storm event. Overflow from the chambers will be directed to an energy dissipation pool located on the downward slope on the northern portion of the property (Sheet 7, 8, and 11).

EXHIBIT K

Thank you for the opportunity to respond to these comments and FCE appreciates the County's staff thorough and complete review of the subject plans. If you have any additional questions or comments, please do not hesitate to contact me at (831) 426-9054.

Sincerely,

Robyn Cooper
Associate Engineer

Enclosures

Cc: Kent Edler, Environmental Planning, Santa Cruz
Alyson Tom, Department of Public Works, Santa Cruz
Tim Nyugen, Department of Public Works, Santa Cruz
Sonny Tut, Santa Cruz
Warren Thompson, Fresno

EXHIBIT K

Pacific Crest Engineering Inc. www.4pacific-crest.com

Geotechnical Group
444 Airport Blvd, Suite 106
Watsonville, CA 95076
Phone: 831-722-9446
Fax: 831-722-9158

Chemical Process Group
195 Aviation Way, Suite 203
Watsonville, CA 95076
Phone: 831-763-6191
Fax: 831-763-6195

December 15, 2003 Project No. 98118-SZ75-J61

Mr. Sunny Tut
Monterey Oaks Estates
187 Via Soderini
Aptos, CA95003

Subject: **Update to the Existing Geotechnical Investigation Report**
New Residence
San Andreas Road Parcel – APN 046-311-01
La Selva Beach, California

Dear Mr. Tut,

As you requested, Pacific Crest Engineering Inc., is providing geotechnical engineering services on your new residence project located on San Andreas Road, Parcel No. APN 046-311-01, in La Selva Beach, California.

The original Geotechnical Investigation Report for this project was prepared by Steven Raas & Associates, Inc., in October 1998. In January of 2002, Steven Raas & Associates, Inc., and Pacific Crest Engineering Inc., merged to become one company under the name Pacific Crest Engineering Inc. The new company, Pacific Crest Engineering Inc., will provide continuing geotechnical engineering services to projects such as your new residence project.

The original Geotechnical Investigation Report for this project was completed in October 1998. Since some time has passed since this original report was prepared and since some building codes have changed since then, we are preparing this letter report to update that original Geotechnical Investigation Report.

On December 5, 2003, a representative of Pacific Crest Engineering Inc., visited the project site to observe the current conditions on the site. The project site appears to be essentially unchanged from the conditions noted in the original Geotechnical Investigation Report. The parcel is still undeveloped with limited vegetation other than several large trees around the perimeter of the parcel. Some of the larger trees have been felled though the stumps remain. A new house has been constructed on the property directly west of this parcel. There does not appear to be any significant changes nor modifications to the site since the original Geotechnical Investigation Report was prepared.

From our discussions and our review of the preliminary conceptual plans you provided, we understand that you propose to design and construct a predominately two-story single family

EXHIBIT K

dwelling with a footprint of approximately 4,400 square feet. A basement is proposed for below the dining room and kitchen area of the new residence and consequently this portion of the house will be three stories.

The specific location and general details of your proposed residence is very comparable to the proposed residence investigated in the original Geotechnical Investigation Report for this parcel. From a comparison of the proposed location of your residence with the locations the test borings advanced as part of the original investigation, we note that two of the test borings are located within the new residence footprint and the third is located in the driveway area. The number and location of these existing test borings is sufficient to characterize the project site adequately for the design and construction of your new residence project, subject to the limitations section of the original Geotechnical Investigation Report.

From our recent site visit, the preliminary conceptual plans you provided, discussions with you, and review of the existing Geotechnical Investigation Report, we recommend that your new residence project should be designed and constructed in accordance with the recommendations included in the existing Geotechnical Investigation Report dated October 12, 1998, with the following additions and comments:

1. **Seismic Design and Ground Shaking**

Ground shaking will be felt on the project site. Structures founded on thick soft soil deposits are more likely to experience more destructive shaking, with higher amplitude and lower frequency, than structures founded on bedrock. Generally, shaking will be more intense closer to earthquake epicenters. Thick soft soil deposits large distances from earthquake epicenters, however, may result in seismic accelerations significantly greater than expected in bedrock. Structures built in accordance with the latest edition of the Uniform Building Code for Seismic Zone 4 have an increased potential for experiencing relatively minor damage which should be repairable. The seismic design of the project should be based on the 1997 Uniform Building Code as it has incorporated the most recent seismic design parameters. The following values for the seismic design of the project site were derived or taken from the 1997 UBC.

TABLE No. 1, The 1997 UBC Seismic Design Parameters

Seismic Zone	Zone 4
Seismic Zone Factor	Z = 0.4
Soil Profile Type	Stiff Soil (S_D)
Near Source Factor N_a	N_a = 1.0
Seismic coefficient C_a	C_a = 0.44
Near Source Factor N_v	N_v = 1.14
Seismic coefficient C_v	C_v = 0.73

2. **Main Residence - Pier and Grade Beam Foundation**

Since a portion of the proposed residence will be located below the 90 foot contour and in accordance with the recommendations of the original Geotechnical Investigation Report, we recommend that the residence should be designed and constructed with a pier and grade beam foundation.

EXHIBIT K

3. **Retaining Walls**

Retaining walls integral with the main residence should be designed and constructed with a pier and grade beam foundation. For recommendations for the design and construction of these retaining walls and foundations, please refer to the original Geotechnical Investigation Report for this project.

Retaining walls not directly integrated with the main residence may be designed with either a spread footing foundation or a pier and grade beam foundation. If a spread footing foundation is utilized, the footings should be embedded a minimum of 24 inches below the lowest adjacent grade. For other recommendations regarding a retaining walls and spread footing foundations, please refer to the original Geotechnical Investigation Report for this project. If a pier and grade beam foundation is utilized, the pier and grade beam foundation should be designed and constructed in accordance with the recommendations included in the original Geotechnical Investigation Report for this project.

If you have any questions regarding this letter or project, please contact our office at your convenience.

Very truly yours,

GEOTECHNICAL EAST ENGINEERING INC.

CERTIFIED ENGINEERING GEOLOGIST
DUNCAN S. GEDDES
No. 2176
STATE OF CALIFORNIA

Duncan S. Geddes
Senior Geologist
C.E.G. 2176
Exp. 2/28/04

REGISTERED PROFESSIONAL ENGINEER
MICHAEL D. KLEAMES
No. GE 2204
Exp. 3-31-04
GEOTECHNICAL
STATE OF CALIFORNIA

Michael D. Kleames, G.E.
President\Principal Geotechnical Engineer
G.E. 2204
Exp. 3/31/04

H:\PF\1989-99 SRA\98118 Tut Res San Andreas Rd\Update to gi.doc
Copies: 2 to Mr. Sunny Tut
1 to DDM, Attention: Mark Treuge
1 to T-Squared Architects, Attention: Warren D. Thompson

EXHIBIT K

SOQUEL CREEK WATER DISTRICT

P.O. Box 158
Mail to: 5180 Soquel Drive
Soquel, CA 95073-0158
PHONE (831) 475-8500 FAX (831) 475-4291

PROJECT COMMENT SHEET

Date of Review: 07/27/04
Reviewed By: Carol Carr

Returned Project Comments to:	Joan Van der Hoeven County of Santa Cruz Planning Department 701 Ocean St., Ste. 400 Santa Cruz, CA 95060-4073

Owner: Monterey Oaks Estates, LLC
187 Via Soderini
Aptos, CA 95003

Applicant: Monterey Oaks Estates, LLC
187 Via Soderini
Aptos, CA 95003

Type of Permit: Development Permit
County Application #: 02-0308

Subject APN: **046-311-01**
Location: Property is located on the north side of San Andreas Road, at it's intersection with Oceanview Drive, between 1400 and 1380 San Andreas Road, La Selva Beach.

Project Description: **Proposal to grade about 657 cubic yards of material and construct a two story single family dwelling.**

Notice

Notice is hereby given that the Board of Directors of the Soquel Creek Water District is considering adopting policies to mitigate the impact of development on the local groundwater basins. The proposed project would be subject to these and any other conditions of service that the District may adopt prior to granting water service.

It should not be taken as a guarantee that service will be available to the project in the future or that additional conditions will not be imposed by the District prior to granting water service.

Requirements

The developer/applicant, without cost to the District, shall:

1) Destroy any wells on the property in accordance with State Bulletin No. 74;
2) Satisfy all conditions imposed by the District to assure necessary water pressure, flow and quality;
3) Satisfy all conditions for water conservation required by the District at the time of application for service, including the following:
    a) **All applicants for new water service from Soquel Creek Water District shall be required to offset expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area so that any new development has a "zero impact" on the District's groundwater supply. Applicants for new service shall bear those costs associated with the retrofit as deemed appropriate by the District up to a maximum set by the District and pay any associated fees set by the District to reimburse administrative and inspection costs in accordance with District procedures for implementing this program.**
    b) **Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval;**

EXHIBIT L

SOQUEL CREEK WATER DISTRICT

P.O. Box 158
Mail to: 5180 Soquel Drive
Soquel, CA 95073-0158
PHONE (831) 475-8500 FAX (831) 475-4291

PROJECT COMMENT SHEET

c) All interior plumbing fixtures shall be low-flow and have the EPA Energy Star label;

District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing water service;

4) Complete LAFCO annexation requirements, if applicable;
5) All units shall be individually metered with a minimum size of 5/8-inch by ¾-inch standard domestic water meters;

A memorandum of the terms of this letter shall be recorded with the County Recorder of the County of Santa Cruz to insure that any future property owners are notified of the conditions set forth herein.

Soquel Creek Water District Project Review Comments:

1. SCWD has reviewed plans prepared by T-Squared Architects, Fall Creek Engineering Inc., and SSA Landscape Architects and has made comments. 1) This parcel is currently not within the Soquel Creek Water District's boundaries. Applicant should verify conditions of service with the Local Agency Formation Commission (LAFCO). LAFCO is located in the County Government Center at: 701 Ocean Street Rm. 318-D, Santa Cruz, CA 95060, Phone (831) 454-2055, Fax (831) 454-2058. 2) Once the parcel has been included in the SCWD service area a New Water Service Application Request will need to be completed and submitted to the SCWD Board of Directors; however, please be advised that additional conditions may be imposed as per the above Notice. 3) The applicant shall be required to offset the expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area. Applicants for new service shall bear those costs associated with the retrofit. Calculations for the expected water demand of this project have been provided. These calculations are based on the preliminary plans, and are subject to change. Final calculations are pending finalization of the project plans. 4) All interior plumbing fixtures shall be low flow and have the EPA Energy Star label. 5) The landscape-planting plans have been reviewed and approved by District Conservation Staff. However, total turf area reductions have been suggested (please see the attached comment sheet). 6) A Fire Protection Requirements Form will need to be completed and reviewed by the appropriate Fire District. 7) Water pressure in this area may be high. A *Water Waiver for Pressure and/or Flow* may need to be recorded.

Attachments:

- ☐ Soquel Creek Water District Procedures for Processing Minor Land Divisions (MLD) dated November 9,1992
- ☐ Soquel Creek Water District Procedures for Processing Water Service Requests for Subdivisions and Multiple Unit Developments
- ☐ Resolution 79-7, Resolution of the Board of Directors of the Soquel Creek County Water District Establishing Landscape Design and Irrigation Water Use Policy
- ☒ Water Demand Offset Policy Fact Sheet
- ☒ Soquel Creek Water District New Water Service Application Request.
- ☐ Soquel Creek Water District Variance Application
- ☒ Soquel Creek Water District Water Waiver For Pressure and/or Flow
- ☒ Fire Protection Requirements Form

EXHIBIT L

Joan

The turf area for the Tut residence (APN 046-311-01) was calculated based on the total lot square footage. The calculation should be based on the total developed landscape area, 15,100 s.f. This yields about 21% total turf area for the landscape, as noted on the landscape plan. Still, the turf area is under 25%, as required by the Santa Cruz County Landscape Ordinance. However I would recommend reducing the turf area by about 50% so that the total turf area does not exceed 1,600 s.f.

I recommend this because the planned turf area would require about 90 units of water each irrigation season to live. (1 unit=748 gallons). By cutting the turf area down, we would hope to lessen the water consumption that landscapes of this size require during the dry months. The District would like to see a decrease in summertime pumping to help mitigate the groundwater depletion that is currently occurring, especially in the service area in which this project is located.

If the user requires a large play area, perhaps the project could incorporate synthetic turf or some mix of both synthetic and natural turf.

The project complies with the current landscape ordinance, so it is approved as designed. The above recommendations will, however, create a landscape that is better designed to meet future water supply costs and possible limitations.

Best regards,

Roy Sikes
Water Conservation Specialist
Soquel Creek Water District
831.475.8501 ext. 146

EXHIBIT L

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN JAMES, DIRECTOR

July 16, 2002

Monterey Oaks Estates
187 Via Soderini
Aptos, CA 95003

SUBJECT: Archaeological Reconnaissance Survey for Application 02-0308 , APN 046-311-01

To Whom It May Concern,

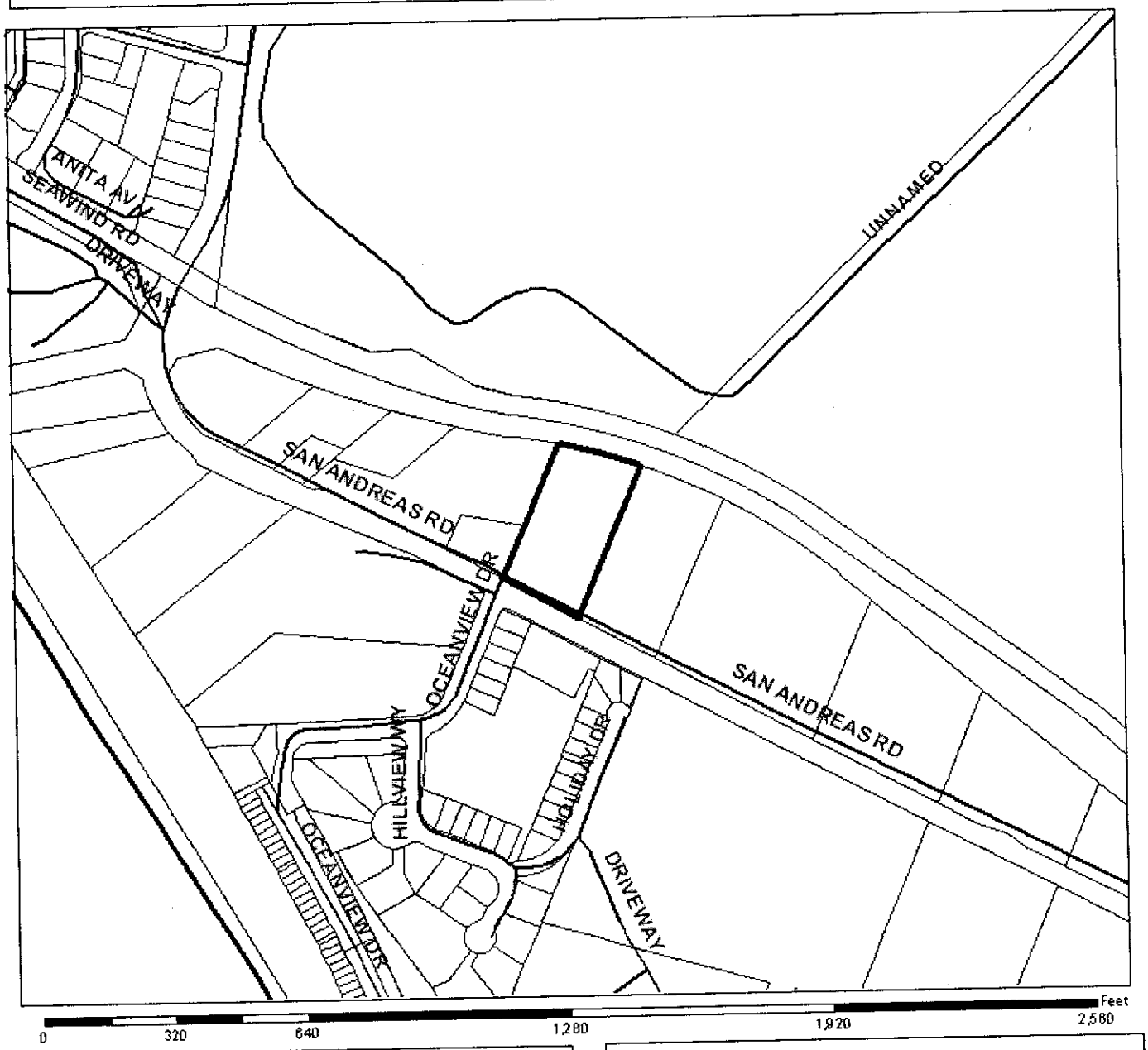
The County's archaeological survey team has completed the Phase 1 archaeological reconnaissance for the parcel named above. The research has concluded that pre-historical cultural resources were not evident at the site. A copy of the review documentation is attached for your records. No further archaeological review will be required for the proposed development. Please contact me at (831) 454-3372 if you have any questions regarding this review.

Sincerely,

Dan Monroe
Planning Technician

EXHIBIT M

Location Map



LEGEND

- APN: 046-311-01
- Assessors Parcels
- Streets
- County Boundary

N
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S

Map Created by
County of Santa Cruz
Planning Department
June 2008

EXHIBIT 2E

Pacific Crest Engineering Inc. www.4pacific-crest.com

444 Airport Blvd, Suite 106
Watsonville, CA 95076
Phone: 831-722-9446
Fax: 831-722-9158

September 15, 2008 Project No. 98118-SZ75-J61

Mr. Sunny Tut
Monterey Oaks Estates
187 Via Soderini
Aptos, CA95003

Subject: **Update to the Existing Geotechnical Investigation Report**
New Residence
San Andreas Road Parcel – APN 046-311-01
La Selva Beach, California

Dear Mr. Tut,

As you requested, Pacific Crest Engineering Inc. (PCEI) is providing geotechnical engineering services on your new residence project located on San Andreas Road, Parcel No. APN 046-311-01, in La Selva Beach, California.

The original Geotechnical Investigation Report for this project was prepared by Steven Raas & Associates, Inc., in October 1998. In January of 2002, Steven Raas & Associates, Inc., and Pacific Crest Engineering Inc., merged to become one company under the name Pacific Crest Engineering Inc. The new company, Pacific Crest Engineering Inc., will provide continuing geotechnical engineering services to projects such as your new residence project.

The original Geotechnical Investigation Report for this project was completed in October 1998. Since some time has passed since this original report was prepared and since some building codes have changed since then, we are preparing this letter report to update that original Geotechnical Investigation Report.

On September 15, 2008, a representative of Pacific Crest Engineering Inc., visited the project site to observe the current conditions on the site. The project site appears to be essentially unchanged from the conditions noted in the original Geotechnical Investigation Report. The parcel is still undeveloped with limited vegetation other than several large trees around the perimeter of the parcel. Some of the larger trees have been felled though the stumps remain. A new house has been constructed on the property directly west of this parcel. There does not appear to be any significant changes nor modifications to the site since the original Geotechnical Investigation Report was prepared.

From our discussions and our review of the preliminary conceptual plans you provided, we understand that you propose to design and construct a predominately two-story single family dwelling with a footprint of approximately 3,630 square feet (7,960 square feet total).

EXHIBIT 2F

The specific location and general details of your proposed residence is very comparable to the proposed residence investigated in the original Geotechnical Investigation Report for this parcel. From a comparison of the proposed location of your residence with the locations the test borings advanced as part of the original investigation, we note that two of the test borings are located within the new residence footprint and the third is located in the driveway area. The number and location of these existing test borings is sufficient to characterize the project site adequately for the design and construction of your new residence project, subject to the limitations section of the original Geotechnical Investigation Report.

From our recent site visit, the preliminary conceptual plans you provided, discussions with you, and review of the existing Geotechnical Investigation Report, we recommend that your new residence project should be designed and constructed in accordance with the recommendations included in the existing Geotechnical Investigation Report dated October 12, 1998, with the following additions and comments:

SEISMIC HAZARDS (UDATED)

A detailed investigation of seismic hazards is beyond our scope of services for this project. In general however, seismic hazards which may affect project sites in the Monterey Bay area include ground shaking, ground surface fault rupture, liquefaction and lateral spreading, and seismically induced slope instabilities. Geotechnical aspects of these issues are discussed below:

Ground Shaking

Ground shaking will be felt on the site. Structures founded on thick soft soil deposits are more likely to experience more destructive shaking, with higher amplitude and lower frequency, than structures founded on bedrock. Generally, shaking will be more intense closer to earthquake epicenters. Thick soft soil deposits large distances from earthquake epicenters, however, may result in seismic accelerations significantly greater than expected in bedrock. Structures built in accordance with the latest edition of the California Building Code will have an increased potential for experiencing relatively minor damage which should be repairable. The seismic design of the project should be based on the 2007 California Building Code (CBC) as it has incorporated the most recent seismic design parameters. The following values for the seismic design of the project site were derived or taken from the 2007 CBC:

TABLE No. 2, The 2007 CBC Seismic Design Parameters

Design Parameter		Specific to Site	Reference (See Note 1)
Site Class		D, Stiff Soil	Table 1613.5.2
Mapped Spectral Acceleration for Short Periods	✓	S_S = 1.500 g	Fig. 22-3, ASCE 7-05
Mapped Spectral Acceleration for 1-second Period	✓	S_1 = 0.625 g	Fig. 22-4, ASCE 7-05
Short Period Site Coefficient	✓	Fa = 1.0	Table 1613.5.3(1)
1-Second Period Site Coefficient	✓	Fv = 1.5	Table 1613.5.3(2)
MCE Spectral Response Acceleration for Short Period	✓	S_{MS} = 1.500 g	Section 1613.5.3
MCE Spectral Response Acceleration for 1-Second Period	.940	S_{M1} = 1.938 g	Section 1613.5.3
5% Damped Spectral Response Acceleration for Short Period	✓	S_{DS} = 1.000 g	Section 1613.5.4
5% Damped Spectral Response Acceleration for 1-Second Period	✓	S_{D1} = 0.625 g	Section 1613.5.4
Seismic Design Category (See Note 2)		D	Section 1613.5.6

Note 1: Design values may also have been obtained by using the Ground Motion Parameter Calculator available on the USGS website at http://earthquake.usgs.gov/research/hazmaps/design/index.php.
Refer to the "Liquefaction" section for further information on how the Site Class may have been derived.

EXHIBIT 2F

Note 2: Seismic Design Category assumes a Class II occupancy per 2007 CBC Table 1604.5. Pacific Crest Engineering Inc. should be contacted for revised Table 2 seismic design parameters if the building has a different occupancy rating from the one assumed

Ground Surface Fault Rupture

Ground surface fault rupture occurs along the surficial trace(s) of active faults during significant seismic events. Pacific Crest Engineering Inc., has not performed a specific investigation for the presence of active faults on the project site. The nearest known active or potentially active fault is mapped approximately 4 miles (approximately 8.8 km) from the site (Greene et al., 1973, Hall et al. 1974, and CDMG, 1998), therefore the potential for ground surface fault rupture at this site is considered low.

Liquefaction

Liquefaction tends to occur in loose, saturated fine grained sands or coarse silts. Based upon our review of the regional liquefaction maps (Dupre', 1975; Dupre' and Tinsley, 1980) the site is located in an area classified as having a low potential for liquefaction. The soils conditions encountered in the three test borings from 1998 indicate that in at least two of the borings (B-1 and B-2), dense to very dense sands were encountered at relatively shallow depths of 9 to 10 feet, with the third test boring encountering dense sands at a depth of 15 feet (B-3). In addition, shallow groundwater was not encountered within any of the test borings.

Generally, we would not expect a significant amount of liquefaction to occur at this site, given the presence of dense soils at shallow depths, significant fines contents and the lack of a shallow water table. Therefore, our site specific investigation of this project site, including the nature of the subsurface soil, the location of the ground water table, and the estimated ground accelerations, leads to the conclusion that the liquefaction potential is low.

Liquefaction Induced Lateral Spreading

Liquefaction induced lateral spreading occurs when a liquefied soil mass fails toward an open slope face, or fails on an inclined topographic slope. Our analysis of the project site indicates that the potential for liquefaction to occur is low, and consequently the potential for lateral spreading is also low

Landsliding

Seismically induced landsliding is considered a relatively low hazard for the property based on the prior slope stability analysis performed for the 1998 study. Please refer to pages 5 and 6 of the 1998 Geotechnical Report regarding a discussion of this issue.

EXHIBIT 2F

SITE PREPARATION (UPDATED)

1. This section supersedes and replaces Items 6 through 14 of the 1998 Geotechnical Report.

2. The initial preparation of the site will consist of the removal of trees as required and any debris. Tree removal should include the entire stump and root ball. Septic tanks and leaching lines, if found, must be completely removed. The extent of this soil removal will be designated by a representative of Pacific Crest Engineering Inc. in the field. This material must be removed from the site.

3. Any voids created by removal of tree and root balls, septic tanks, and leach lines must be backfilled with properly compacted native soils that are free of organic and other deleterious materials or with approved imported fill.

4. Any wells encountered shall be capped in accordance with the requirements and approval of the County Health Department. The strength of the cap shall be equal to the adjacent soil and shall not be located within 5 feet of a structural footing.

5. Surface vegetation, tree roots and organically contaminated topsoil should then be removed ("stripped") from the area to be graded. In addition, any remaining debris or large rocks must also be removed (this includes asphalt or rocks greater than 2 inches in greatest dimension). This material may be stockpiled for future landscaping. It is anticipated that the depth of stripping may be 2 to 4 inches, however the required depth of stripping must be based upon visual observations of a representative of Pacific Crest Engineering Inc., in the field. The depth of stripping will vary upon the type and density of vegetation across the project site and with the time of year. Areas with dense vegetation or groves of trees may require an increased depth of stripping.

6. It is possible that there are areas of man-made fill on the project site that our field investigation did not detect. Areas of man-made fill, if encountered on the project site will need to be completely excavated to undisturbed native material. The excavation process should be observed and the extent designated by a representative of Pacific Crest Engineering Inc., in the field. Any voids created by fill removal must be backfilled with properly compacted approved native soils that are free of organic and other deleterious materials, or with approved imported fill.

7. Following the stripping, the area should be excavated to the design grades. The exposed soils in the building and paving areas should be scarified, moisture conditioned, and compacted as an engineered fill except for any contaminated material noted by a representative of Pacific Crest Engineering Inc. in the field. The moisture conditioning procedure will depend on the time of year that the work is done, but it should result in the soils being 1 to 3 percent over their optimum moisture content at the time of compaction. Compaction of the exposed subgrade soils should extend 5 feet beyond all building and pavement areas.

Note: If this work is done during or soon after the rainy season, the on-site soils and other materials may be too wet in their existing condition to be used as engineered fill. These materials may require a diligent and active drying and/or mixing operation to reduce the

EXHIBIT 2F

moisture content to the levels required to obtain adequate compaction as an engineered fill. If the on-site soils or other materials are too dry, water may need to be added.

8. With the exception of the upper 8 inches of subgrade in paved areas and driveways, the soil on the project should be compacted to a minimum of 90% of its maximum dry density. The upper 8 inches of subgrade in the pavement areas and all aggregate subbase and aggregate base should be compacted to a minimum of 95% of its maximum dry density.

9. The maximum dry density will be obtained from a laboratory compaction curve run in accordance with ASTM Procedure #D1557. This test will also establish the optimum moisture content of the material. Field density testing will be in accordance with ASTM Test #D2922.

10. Should the use of imported fill be necessary on this project, the fill material should be:

a. free of organics, debris, and other deleterious materials,
b. free of "recycled" materials such as asphaltic concrete, concrete, brick, etc.,
c. granular in nature, well graded, and contain sufficient binder to allow utility trenches to stand open,
d. free of rocks in excess of 2 inches in size,
e. have a Plasticity Index between 4 and 12,
f. have low corrosion potential,
g. have a minimum Resistance "R" Value of 30, and be non-expansive.

11. Samples of any proposed imported fill planned for use on this project should be submitted to Pacific Crest Engineering Inc. for appropriate testing and approval not less than 4 working days before the anticipated jobsite delivery. Imported fill material delivered to the project site without prior submittal of samples for appropriate testing and approval must be removed from the project site.

FOUNDATION - PIER AND GRADE BEAM (UPDATED)

12. This section supersedes and replaces Items 23 through 32 of the 1998 Geotechnical Report.

13. Since a portion of the home will be located below the 90 foot contour, we recommend the residence and garage be constructed upon a pier and grade beam foundation system, as discussed in Item 30 of the 1998 Geotechnical Report.

14. As defined in Section 1808.1 of the 2007 CBC, piers are defined as having lengths which are less than 12 times the least horizontal dimension (diameter) of the pier, and should be designed according to the 2007 CBC Section 1812 and the applicable provisions of Section 1808.2.

15. The end bearing piers should be designed for the following criteria:

EXHIBIT 2F

a. An appropriate foundation system to support the proposed residence and garage will consist of end bearing cast-in-place reinforced concrete piers in conjunction with reinforced concrete grade beams (2007 CBC Section 1808.2.2-1).

b. Minimum pier embedment should be 10 feet below the ground surface, into the silty or clayey sands which underlie the site. **Piers located in planned areas of engineered fill must penetrate at least 5 feet below the depth of the fill zone.** Actual depths could depend upon a lateral force analysis performed by your structural engineer. (2007 CBC Section 1808.2.2-8).

c. The allowable end bearing capacity is 6,000 psf, with a 1/3rd increase for wind or seismic loading. This value may be increased 500 psf for each additional foot of embedment, to a maximum value of 10,000 psf (2007 CBC Section 1808.2.2-1).

d. Expected total and differential settlement due to applied dead and live loads is expected to be negligible if the piers are constructed to the minimum depths as outlined within this section (2007 CBC Section 1808.2.12).

e. Piers spacing should be based on floor, wall or roof loads determined by the Project Structural Engineer. We would recommend a minimum center-to-center spacing of four pier diameters (2007 CBC Section 1808.2.2-2).

f. Minimum pier size should be 18 inches in diameter and all pier holes must be free of loose material on the bottom (2007 CBC Section 1808.2.2-4).

g. A reduction for group action is not considered necessary for drilled piers unless the piers are spaced less than 3 pier diameters apart (2007 CBC Section 1808.2.2-9).

h. The reinforced concrete piers are considered to have sufficient durability for the proposed project, assuming they are placed according to the requirements of the Geotechnical and Structural Engineer (2007 CBC Section 1808.2.2-7).

i. Active pressures from the upper 5 feet of soil below the 90 foot contour against the piers is 35 psf/ft of depth and acts on a plane which is 1½ times the pier diameter.

j. Passive pressures of 300 psf/ft of depth can be developed, acting over a plane 1½ times the pier diameter. Neglect passive pressure in the top 2 feet of soil (neglect top 5 feet below the 90 foot contour).

k. All grade beams should be embedded at least 12 inches below lowest adjacent grade.

l. All piers must be constructed within ½ percent of a vertically plumb condition (2007 CBC Section 1808.2.2-4).

m. All pier excavation spoils must be removed from slope areas which are steeper than 5:1 (horizontal to vertical).

EXHIBIT 2F

n. Although considered unlikely, it is possible that the piers will need to be cased during drilling if the sidewalls of the piers are relatively non-cohesive and unstable. (2007 CBC Section 1808.2.2-4).

o. If the casing is pulled during the concrete pour, it must be pulled slowly with a minimum of 4 feet of casing remaining embedded within the concrete at all times. (2007 CBC Section 1808.2.2-4).

p. If concrete is placed via a tremie, the end of the tube must remain embedded a minimum of 4 feet into the concrete at all times. (2007 CBC Section 1808.2.2-4).]]

q. To avoid the requirement for load testing of piers, the allowable compressive stresses should not exceed those specified in 2007 CBC Sections 1808.2.8.3 and 1810.3.1 (2007 CBC Section 1808.2.2-6).

16. **Drilled Pier Field Observation and Reporting (2007 CBC Section 1808.2.2-5):**

a. All pier construction must be observed by a Pacific Crest Engineering Inc. Any piers constructed without the full knowledge and continuous observation of a representative from Pacific Crest Engineering Inc., will render the recommendations of this report invalid.

b. **Continuous** observation of pier drilling operations is required by 2007 CBC Chapter 17, Section 1704.9. You should notify your Contractor and drilling Subcontractor regarding this requirement. A representative from our firm should be on-site **at all times** while pier drilling operations are in progress.

c. Reporting will include a Daily Field Report (DFR) maintained by an on-site representative from Pacific Crest Engineering Inc. The DFR will maintain a record of each pier drilled, and note pier diameters, depths, plumbness, and embedment into suitable soil or bedrock bearing strata, as required by the Geotechnical Report.

17. The piers and grade beams should contain steel reinforcement as determined by the Project Civil or Structural Engineer.

LATERAL PRESSURES

18. This section supersedes and replaces Items 42 through 44 of the 1998 Geotechnical Report.

19. Retaining walls with full drainage should be designed using the following criteria:

a. The following lateral earth pressure values should be used for design:

EXHIBIT 2F

TABLE No. 3, Active and At-Rest Earth Pressure Values

Backfill Slope (H:V)	Active Earth Pressure (psf/ft of depth)	At-rest Earth Pressure (psf/ft of depth)
Level	35	50
3:1	45	60
2:1	60	75

20. Active earth pressure values may be used when walls are free to yield an amount sufficient to develop the active earth pressure condition (about ½% of height). The effect of wall rotation should be considered for areas behind the planned retaining wall (pavements, foundations, slabs, etc.). **When walls are restrained at the top or to design for minimal wall rotation, use the at-rest earth pressure values.**

a. For resisting passive earth pressure use 300 psf/ft of depth.

b. A "coefficient of friction" between base of foundation and soil of 0.35.

c. Wall footings may be designed for an allowable bearing capacity of 2,000 psf for Dead plus Live Load, with a 1/3rd increase for short term loads.

d. To develop the resisting passive earth pressure, the retaining wall footings should be embedded a minimum of 18 inches below the lowest adjacent grade. There should be a minimum of 5 feet of horizontal cover as measured from the outside edge of the footing.

e. Any live or dead loads which will transmit a force to the wall, refer to Figure No. 10 from the 1998 Geotechnical Report.

f. For flexible (yielding) retaining walls, the resultant seismic force on the wall is $10H^2$ and acts at a point 0.6H up from the base of the wall. This force has been estimated using the Mononobe-Okabe method of analysis as modified by Whitman (1990), and assumes a yielding wall condition.

g. For rigid (non-yielding) retaining walls, the resultant seismic force on the wall is $14H^2$ and acts at a point 0.6H up from the base of the wall.

Please note: Should the slope behind the retaining walls be other than shown in Table No.4, supplemental design criteria will be provided for the active earth or at rest pressures for the particular slope angle.

21. Pool retaining walls within 7 feet of the top of a slope should be capable of supporting the water within the pool without soil support. Refer to 2007 CBC Section 1805A.3.3 for additional information.

22. The above criteria are based on **fully drained conditions**. Therefore, we recommend that permeable material meeting the State of California Standard Specification Section 68-1.025,

EXHIBIT 2F

Class 1, Type A, be placed behind the wall, with a minimum width of 12 inches and extending for the full height of the wall to within 1 foot of the ground surface. The permeable material should be covered with Mirafi 140N filter fabric or equivalent and then compacted native soil placed to the ground surface. A 4 inch diameter perforated rigid plastic drain pipe should be installed within 3 inches of the bottom of the permeable material and be discharged to a suitable, approved location such as the project storm drain system. The perforations should be located and oriented on the lower half of the pipe. Neither the pipe nor the permeable material should be wrapped in filter fabric. Please refer to Figure No. 11, Typical Retaining Wall Drain Detail.

23. The area behind the wall and beyond the permeable material should be compacted with approved material to a minimum relative dry density of 90%.

24. Retaining walls integral with the main residence should be designed and constructed with a pier and grade beam foundation.

25. Retaining walls not directly integrated with the main residence may be designed with either a spread footing foundation or a pier and grade beam foundation. If a spread footing foundation is utilized, the footings should be embedded a minimum of 24 inches below the lowest adjacent soil grade.

26. We have noted that the preliminary cross-sections indicate the residence will be located immediately adjacent to a Keystone retaining wall along the east and north sides of the residence. The following issues should be considered in the project design:

a. Foundation piers transferring lateral wind or seismic loads to the face of the retaining wall.

b. Residence surcharge loads on the face of the retaining wall (refer to Figure 10 of the 1998 Geotechnical Report).

c. How drilling of the piers through the layered geotextile fabric may create issues in the overall stability of the Keystone retaining wall.

d. How drilling of the piers may encounter the gravel drain system shown in Figure 11 (attached), resulting in collapsing sidewalls (and requiring casing to be installed).

e. To reduce the overall effects of Items a, b, c and d above, we would recommend a minimum foundation set-back of at least 10 feet from the back side of the Keystone retaining wall.

SUBSURFACE DRAIN SYSTEM (NEW SECTION)

27. Due to the cut\fill nature of the building pad planned for the project site, we recommend consideration to a subsurface drain system which is located on the south, west, and northwest sides of the residence. This drain system should be located within 5 feet of the residence foundation, where possible. A representative of Pacific Crest Engineering Inc. will observe and

EXHIBIT 2F

designate the linear extent, depth, and outlet locations of the drains in the field. Figure No. 12 shows the general details of these drains.

a. The drain line should be a minimum of 4 feet deep and should have a gradient that will ensure gravity flow (we suggest a minimum gradient of 2%). Subdrain construction should originate and progress from the point of discharge.

b. Prior to backfilling, the entire down slope side (adjacent to the residence) and trench bottom should be lined with a high quality, waterproof membrane (MoistStop or equivalent) at least 10-mil in thickness. All seams should be overlapped at least 3 feet and sealed with 3-inch tape continuous at the laps.

c. The drain construction should consist of the placement of a 4-inch diameter perforated (on lower half) smooth interior plastic pipe approximately 3 inches above the bottom of an 12 inch wide subdrain trench. The perforated pipe should be placed on a minimum of 3 inches of bedding material with the perforations in the downward position. Cleanouts should be placed at the high points of the pipe, connected via a 45° elbow and extended to the ground surface.

d. An unobstructed outlet should be provided at the lower end of the subdrain, consisting of a solid pipe of the same diameter, connected to the perforated pipe and extended on a continuous gradient of at least two percent (2%) to an approved outlet.

e. The subdrain trench shall be backfilled with approved permeable material to within 12 inches of the finished ground surface. A geotextile filter fabric equivalent to Mirafi 140N should then be placed over the subdrain materials prior to the placement of compacted fill soils. The pipe and the permeable material should not be wrapped in filter fabric.

f. The permeable backfill materials for the subdrains should meet the California Standard Specifications, Section 68-1.025, Class 1, Type A. The permeable backfill will not require compaction testing; however, the backfilling operations should be done in a good workmanlike manner.

g. Surface drains must not be connected to the subsurface drain system.

h. Shoring for the protection of the workman in the trench must be constructed in accordance with the State of California Department of Industrial Relations, Construction Safety Order and the Local Agency regulations.

PLAN REVIEW (UPDATED)

28. This section supersedes and replaces Item 52 of the 1998 Geotechnical Report.

29. We respectfully request an opportunity to review the project plans and specifications during preparation and before bidding to ensure that the recommendations of this report have been included and to provide additional recommendations, if needed. These plan review services

EXHIBIT 2F

are also typically required by the reviewing agency. Misinterpretation of our recommendations or omission of our requirements from the project plans and specifications may result in changes to the project design during the construction phase, with the potential for additional costs and delays in order to bring the project into conformance with the requirements outlined within this report. Services performed for review of the project plans and specifications are considered "post-report" services and billed on a "time and materials" fee basis in accordance with our latest Standard Fee Schedule.

SUMMARY

This report is intended to supplement and update the existing Geotechnical Report prepared by Steven Raas & Associates, Inc. (SRA) dated October 12, 1998. As you know, SRA merged with PCEI in 2002. All recommendations of the October 12, 1998 Geotechnical Report should be closely followed for design and construction, unless specifically superseded or supplemented herein.

If you have any questions regarding this letter or project, please contact our office at your convenience.

Very truly yours,

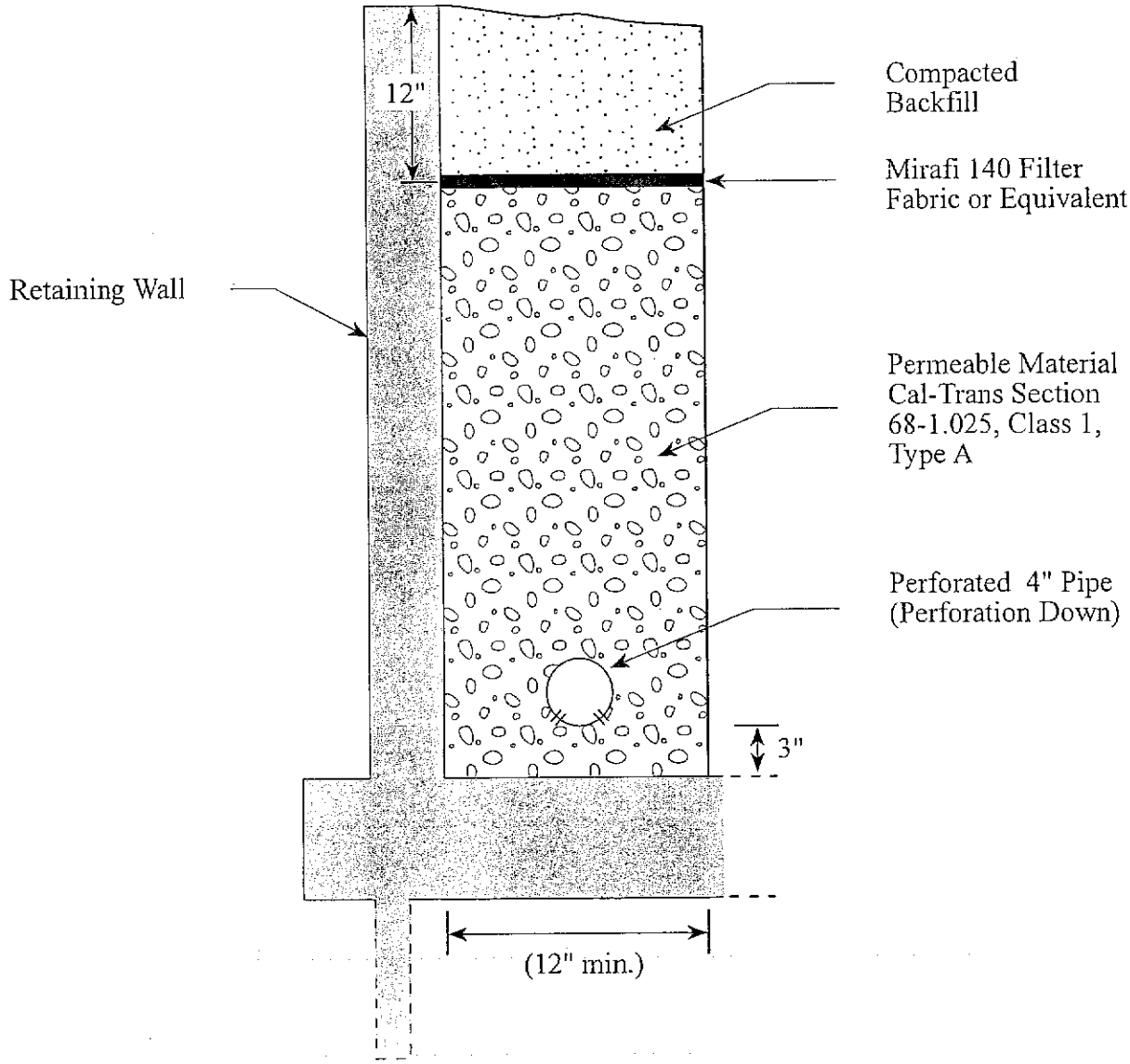
PACIFIC CREST ENGINEERING IN

Michael D. Kleames, G.E.
President\Principal Geotechnical Engineer
G.E. 2204
Exp. 3/31/10

Enclosure (Figures 11 and 12)

Copies: 2 to Mr. Sunny Tut
2 to Mr. Roberto Garcia, RG Drafting

EXHIBIT 2F

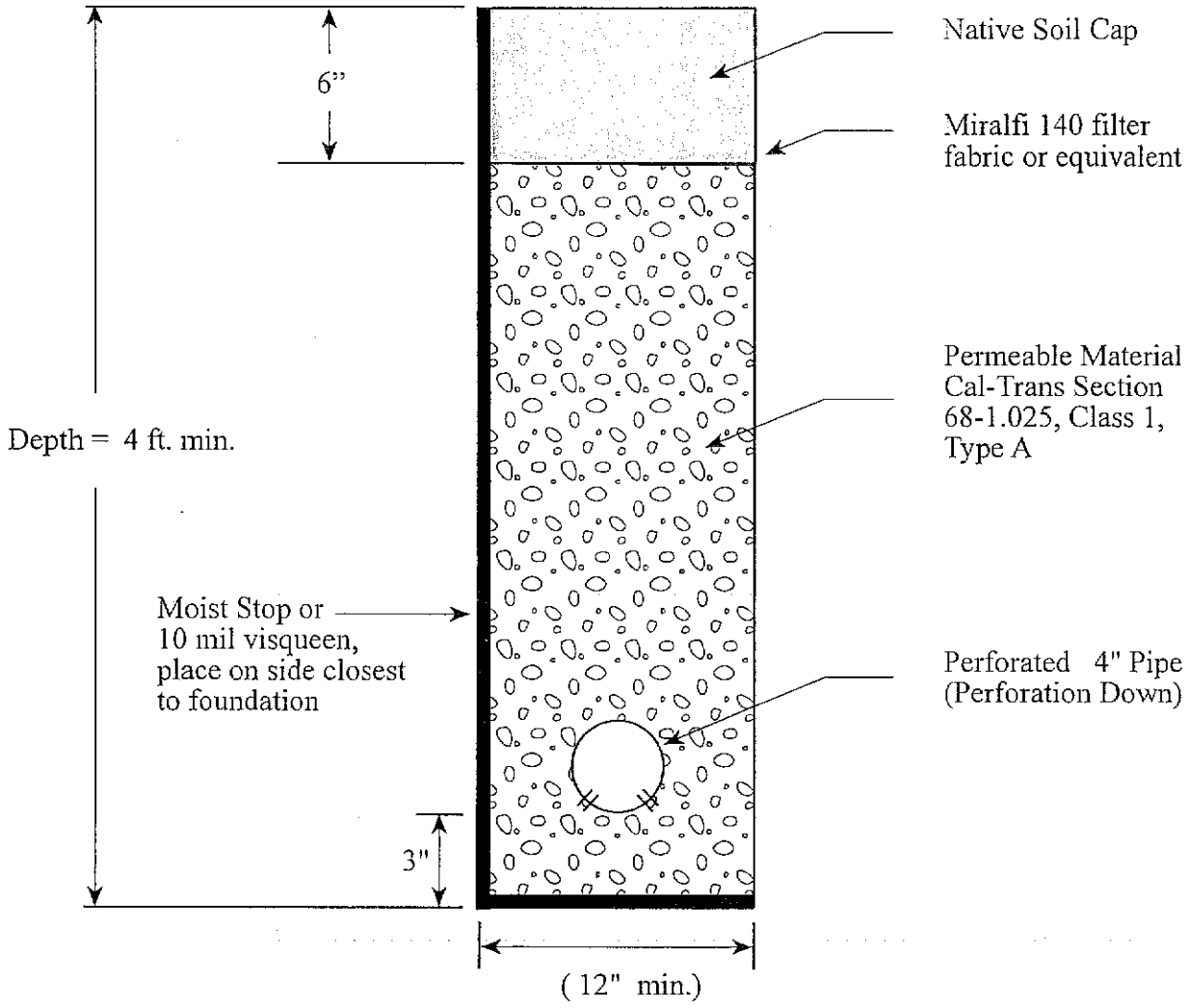


Not to Scale

Pacific Crest Engineering Inc. 444 Airport Blvd., Suite 106 Watsonville, CA 95076	**Typical Retaining Wall Drain Detail** Tut Residence La Selva Beach, California	Figure No. 11 Project No. 98118 Date: 09/15/08

EXHIBIT 2F

Foundation - This Side of Trench



Notes:

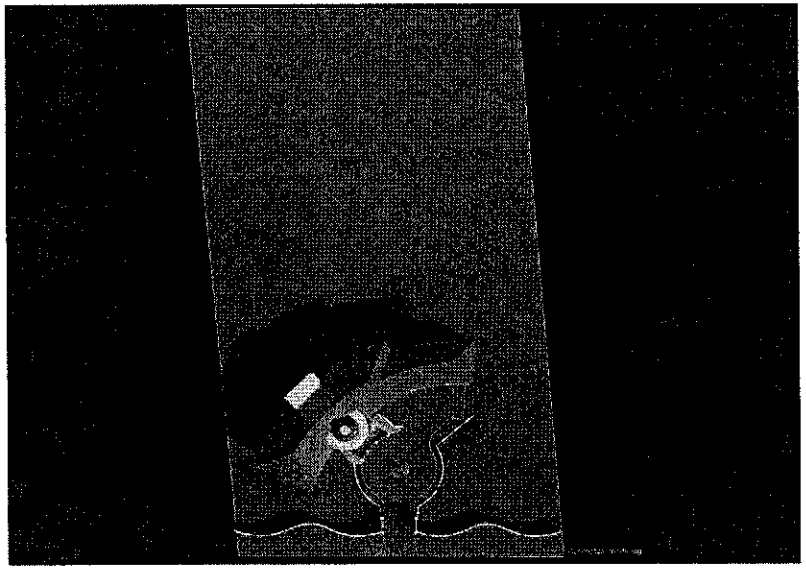
1. Slope bottom of trench 1-2% towards day light point or sump pump location.
2. Place trench within 5 feet of structure foundation, if possible.

Not to Scale

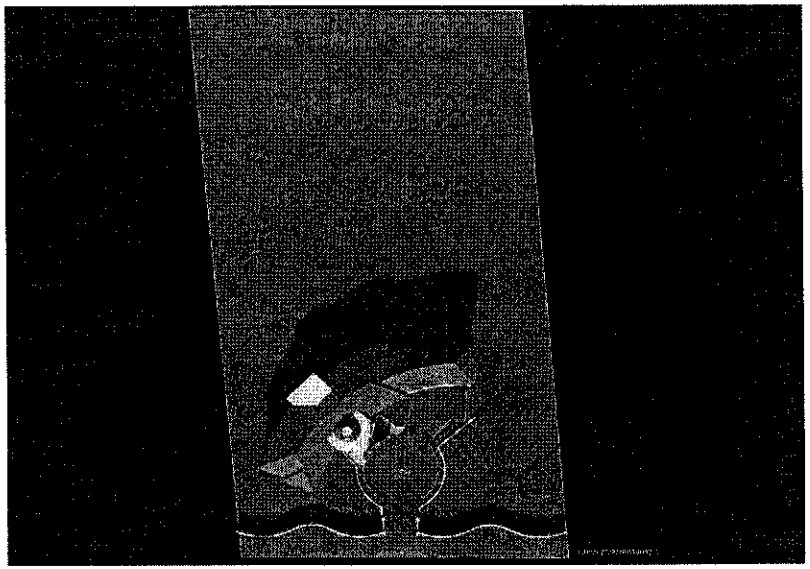
Pacific Crest Engineering, Inc.	FIGURE NO. 12	Typical Subdrain Detail

EXHIBIT 2F

Shadow Plan



- December 21st 10 am



- December 21st 2pm

To: Planning Commission (cc. Porcila Perez Wilson)

From: Joshua & Stella Atiba

Re: Slope Stability Issue: Inadequate Report from Pacific Crest Eng. dated June 4, 2009

Date: June 19, 2009

We received this package from the planning department which contained a Pacific Crest Eng. letter dated June 4, 2009, and Staff Report for the June 5, 2009 hearing on APN: 046-311-01. The Pacific Crest letter made references to page 5 of the original Raas Geotechnical Report from 11 years ago on October 12, 1998, and an updated report from 6 years on December 15, 2003 which simply states that nothing has changed since the original soil report. We would like a copy of the original report for us to see what Pacific Crest made reference to on page 5.

A lot has certainly changed since the reports particularly in the size of the home that has doubled from 4400 sq ft (per Pacific Crest update) to the current 8800 sq ft. As we pointed out repeatedly in our previous memos, the original report as well as the December 15, 2003 update that are mentioned above were based on two premises; that the home was smaller and approximately 4400 sq ft, and would be constructed on the flat upper lot away from the slope.

Here is the letter and parts of the staff report with notes and highlights to reiterate our issues.

PS. The current building plans that we reviewed at the planning department has the total conditioned space for the house as 7959 sq ft, however, all your reports list it as 7374 sq ft. There is a significant discrepancy of 585 sq ft that we don't understand.

EXHIBIT ZH 1

Please direct all correspondence to:

1380 San Andreas Road

La Selva Beach, CA 95076

UNLESS OTHERWISE REQUESTED

We asked Porcila to send us only **one** notice for the June 5, 2009 hearing to our alternate address in Southern California while we were down there, and you now direct our mail to that address including this recent one.

Use the address above except we ask you to use another. Please do not send mail to 15 Spyglass Circle, Rancho Mirage, CA 92270 unless we direct you to do so. It was a one time thing Porcila.

Joshua & Stella Atiba

EXHIBIT 2H

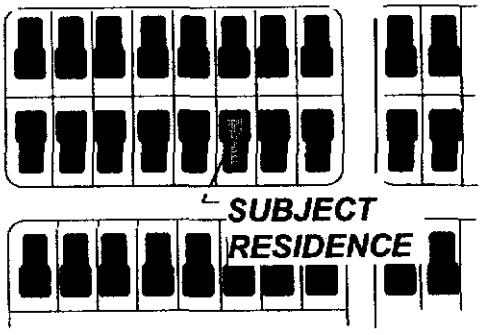
EXHIBIT A to ATTACHMENT 1

AFFECTED NEIGHBORHOOD

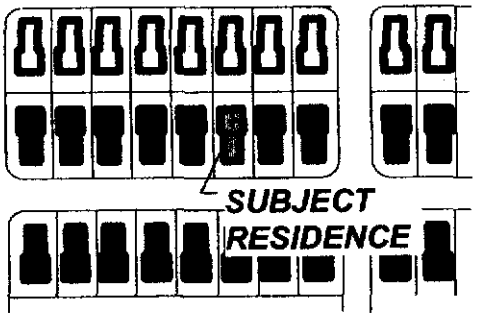
0959

Neighborhoods are geographic areas that are often defined by physical boundaries.

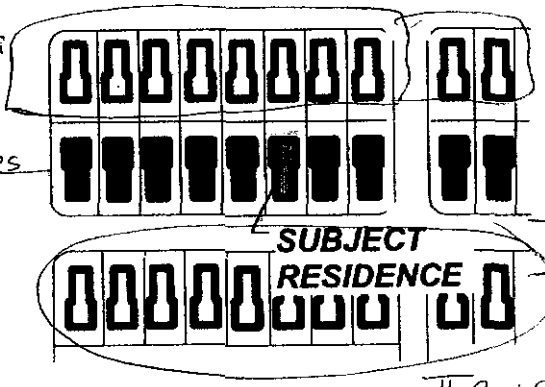
The "*affected neighbohood*" consists of the lots **most influenced** by the residence being considered.



FOR SOME COMPATIBILITY FACTORS:
the adjacent houses
(6 lots in each direction)
*on **both** sides of the street,*
***and** to the rear of the*
subject residence



FOR MOST COMPATILITY FACTORS:
the adjacent houses
(6 lots in each direction)
*on **both** sides of the street*
of the subject residence



FOR EVERY COMPATIBILITY FACTOR:
the adjacent houses
(6 lots in each direction)
*on the **same** side of the street*
of the subject residence

open area - no houses.

only 4 houses

Beach

San Andreas Rd

There are no visible houses on either side of San Andreas Rd of this magnitude

County of Santa Cruz

The report on this project is very questionable.

You can't really make these things up if they are easily verifiable.

Your reports repeatedly state that the house is similar in size to others in the neighborhood. This is not true!

-139-

DESIGN BROCHURE N0.2 (revised)

74

EXHIBIT 2 H

Parcel Information

Parcel Size:	1.8 acres
Existing Land Use - Parcel:	vacant
Existing Land Use - Surrounding:	Single-family residences, agriculture, state beach
Project Access:	San Andreas Road
Planning Area:	La Selva Beach
Land Use Designation:	R-R (Rural Residential)
Zone District:	R-A (Residential Agriculture)
Coastal Zone:	X Inside ___ Outside
Appealable to Calif. Coastal Comm.	X Yes ___ No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Baywood loamy sand, Elkhom loamy sand
Fire Hazard:	Not a mapped constraint
Slopes:	15 – 50 percent slopes at rear of lot — even the flattest portion of the lot has a 15% slope
Env. Sen. Habitat:	Mapped biotic – Monarch butterfly
Grading:	Approx. 657 cu yards grading proposed
Tree Removal:	2 pines and 1 *oak* in front (south side) required to be retained
Scenic:	Mapped resource
Drainage:	Existing drainage adequate
Traffic:	No significant impact
Roads:	Existing roads adequate
Parks:	Existing park facilities adequate
Archeology:	Mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	___ Inside X Outside
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 revised project was submitted to the Planning Department on May 19, 2005 and deemed complete on September 8, 2005. The project was previously submitted to the Planning Department on June 17, 2002 and deemed complete on October 21, 2004 but was withdrawn. A previous application to construct a single-family dwelling on the site was approved as Coastal Development Permit # 98-0764, but was not exercised.

This has allowed the project to keep growing subtly. - Each time it got larger!

Staff Report to the Zoning Administrator

Application Number: 05-0305

Applicant: Warren D. Thompson, FAIA
Owner: Monterey Oaks Estates LLC, Sunny Tut
APN: 046-311-01

Agenda Date: May 05,2006
Agenda Item: # 4
Time: After 10:00 a.m.

Project Description: Proposal to construct a two-story single-family dwelling.

Location: Located on the north side of San Andreas Road at the intersection with Ocean View Drive, between 1380 and 1400 San Andreas Road in La Selva Beach.

Supervisoral District: Second District (District Supervisor: Pine)

Permits Required: Coastal Development Permit, Grading Permit, Biotic Pre-site Review, Archaeological Site Review, Residential Development Permit, Large Dwelling Permit.

Staff Recommendation:

- Approval of Application 05-0305, 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
B.	Findings
C.	Conditions
D.	Categorical Exemption (CEQA determination)
E.	Assessor's parcel map, Location map
F.	Zoning map, General Plan map
G.	Reviewing Agency Comments
H.	Entomological Consulting Services
	Inc. dated 12/22/03 & 9/13/04
I.	SSA Landscape letter of 9/28/04
J.	Review of Raas Soil Report 1/22/99 — we want to see the original report
K.	Grading & Drainage Plan Review by Pacific Crest Eng. Inc. 9/23/04, Fall Creek Engineering 7/15/05
L.	Soquel Creek Water District 7/27/04
M.	Archaeological Survey 7/16/02

Project Setting

not so

The project site is a vacant 1.8-acre parcel located in a low-density residential area along the north side of San Andreas Road in the La Selva Beach Planning Area. The proposed development is located on the relatively flat lot frontage, away from steeper slopes at the rear of the parcel. The proposed building footprint will be predominantly upslope of the 90-foot contour. The structure is proposed to be a two-story residence of 7,374 square feet, with six bedrooms and an attached four-car garage of 1,4 16 square feet (Exhibit A). See next sheet, 7959 sq ft difference of 585 sq ft.

Zoning & General Plan Consistency

The subject property is a 1.8-acre lot, located in the R-A (Residential Agriculture) zone district, a designation which allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-R) Rural Residential General Plan designation. The proposed structure is consistent with all development regulations of the RA zone district, including height, lot coverage, setbacks and on site parking, and no variances are required. The project is located along a designated scenic road as per General Plan policy 5.10.10 and the landscaping improvement plan is consistent with requirements of General Plan Policy 5.10.13 in that the natural terrain and landscaping attain a smooth transition and natural appearance and that characteristic and indigenous plant species appropriate to the area are to be utilized (Exhibit A).

The project is consistent with County Code Section 13.10.325 in that the proposed residence is landscaped to be adequately screened from public view and does not impact public views along the San Andreas scenic corridor. The project is consistent with all required zoning setbacks for the Residential Agriculture zone district and does not adversely impact neighboring property privacy or solar access. The project has been reviewed by the County Urban Designer for consistency with County Code Section 13.11, Design Review, and the project is conditioned to require all glazing to be non-reflective, and the proposed glazed ceramic rooting tile must be of a matt finish with no reflective qualities (Exhibit C).

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. Natural materials and earth tone colors are utilized to maintain consistency with existing residential development. 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 access to Manresa State Beach is available at the main entrance on San Andreas Road. Alternate public access is available at Ocean view Drive in the project vicinity.

EXHIBIT 2H

SITE DATA

PROJECT SITE:	SAN ANDREAS ROAD LA SELVA CA.
A.P.N. #:	046-311-01
BUILDING USE:	SINGLE FAMILY RESIDENCE
CONSTRUCTION TYPE:	V-N
NUMBER OF STORIES:	TWO
GOVERNING AGENCY:	COUNTY OF SANTA CRUZ
ZONE DISTRICT:	RA
PARCEL AREA:	81,452 S.F. (1.87 ACS.)

SQUARE FOOTAGE

1st. FLOOR	=	3,630 S.F.
2nd. FLOOR	=	4,329 S.F.
TOTAL COND. SPACE	=	7,959 S.F.
PORCH	=	72 S.F.
GARAGE AND STORAGE	=	1,234 S.F.
REAR PATIO	=	1,807 S.F.
LEFT FRONT PATIO	=	144 S.F.
RIGHT FRONT PATIO	=	316 S.F.
REAR BALCONY	=	1,843 S.F.
FRONT BALCONY	=	181 S.F.
2nd. FLR. COV. PATIO	=	218 S.F.
TOTAL	=	13,774 S.F.
LOT COVERAGE	=	8% FROM BUILDING AND COVERED AREAS 14% WITH 4,012 S.F. OF PAVING AND MAIN ENTRY STAIRS

Plus another 1900 sq ft

EXHIBIT 2H

Pacific Crest Engineering Inc. www.4pacific-crest.com

Geotechnical Group
444 Airport Blvd, Suite 106
Watsonville, CA 95076
Phone: 831-722-9446
Fax: 831-722-9155

Chemical Process Group
195 Aviation Way, Suite 203
Watsonville, CA 95076
Phone: 831-763-6191
Fax: 831-763-6195

December 15,2003

Project No. 98118-SZ75-J61

Mr. Sunny Tut
Monterey Oaks Estates
187 Via Soderini
Aptos, CA95003

Subject: **Update to the** Existing Geotechnical Investigation Report
New Residence
San Andreas Road Parcel – APN 046-31 1-01
La Selva Beach, California

Dear Mr. Tut,

As you requested, Pacific Crest Engineering Inc., is providing geotechnical engineering services on your new residence project located on San Andreas Road, Parcel No. APN 046-31 1-01, in La Selva Beach, California.

The original Geotechnical Investigation Report for this project was prepared by Steven Raas & Associates, Inc., in October 1998. In January of 2002, Steven Raas & Associates, Inc., and Pacific Crest Engineering Inc., merged to become one company under the name Pacific Crest Engineering Inc. The new company, Pacific Crest Engineering Inc., will provide continuing geotechnical engineering services to projects such as your new residence project.

The original Geotechnical Investigation Report for this project was completed in October 1998. Since some time has passed since this original report was prepared and since some building codes have changed since then, we are preparing this letter report to update that original Geotechnical Investigation Report.

On December 5, 2003, a representative of Pacific Crest Engineering Inc., visited the project site to observe the current conditions on the site, The project site appears to be essentially unchanged from the conditions noted in the original Geotechnical Investigation Report. The parcel is still undeveloped with limited vegetation other than several large trees around the perimeter of the parcel. Some of the larger trees have been felled though the stumps remain. A new house has been constructed on the property directly west of this parcel. There does not appear to be any significant changes nor modifications to the site since the original Geotechnical Investigation Report was prepared.

The site hasn't change but the plan has. The size of the house has

From our discussions and our review of the preliminary conceptual plans you provided, we understand that you propose to design and construct a predominately two-story single family

62

EXHIBIT K
EXHIBIT 2H

dwelling with a footprint of approximately 4,400 square feet. A basement is proposed for below the dining room and kitchen area of the new residence and consequently this portion of the house will be three stories.

The specific location and general details of your proposed residence is very comparable to the proposed residence investigated in the original Geotechnical Investigation Report for this parcel. From a comparison of the proposed location of your residence with the locations the test borings advanced as part of the original investigation, we note that two of the test borings are located within the new residence footprint and the third is located in the driveway area. The number and location of these existing test borings is sufficient to characterize the project site adequately for the design and construction of your new residence project, subject to the limitations section of the original Geotechnical Investigation Report.

From our recent site visit, the preliminary conceptual plans you provided, discussions with you, and review of the existing Geotechnical Investigation Report, we recommend that your new residence project should be designed and constructed in accordance with the recommendations included in the existing Geotechnical Investigation Report dated October 12, 1998, with the following additions and comments:

1. **Seismic Design and Ground Shaking**

Ground shaking will be felt on the project site. Structures founded on thick soft soil deposits are more likely to experience more destructive shaking, with higher amplitude and lower frequency, than structures founded on bedrock. Generally, shaking will be more intense closer to earthquake epicenters. Thick soft soil deposits large distances from earthquake epicenters, however, may result in seismic accelerations significantly greater than expected in bedrock. Structures built in accordance with the latest edition of the Uniform Building Code for Seismic Zone 4 have an increased potential for experiencing relatively minor damage which should be repairable. The seismic design of the project should be based on the 1997 Uniform Building Code as it has incorporated the most recent seismic design parameters. The following values for the seismic design of the project site were derived or taken from the 1997 UBC.

TABLE No. 1, The 1997 UBC Seismic Design Parameters

Seismic Zone	Zone 4
Seismic Zone Factor	$Z = 0.4$
Soil Profile Type	Stiff Soil (S_D)
Near Source Factor N_a	$N_a = 1.0$
Seismic coefficient C_a	$C_a = 0.44$
Near Source Factor N_v	$N_v = 1.14$
Seismic coefficient C_v	$C_v = 0.73$

2. **Main Residence - Pier and Grade Beam Foundation**

Since a portion of the proposed residence will be located below the 90 foot contour and in accordance with the recommendations of the original Geotechnical Investigation Report, we recommend that the residence should be designed and constructed with a pier and grade beam foundation.

Richard A. Arnold, Ph.D.
President

Entomological Consulting Services, Ltd.

104 Mountain View Court, Pleasant Hill, CA 94523 • (925) 821-3784 • FAX 827-1809
bugdctr@home.com • www.ecsltd.com
New email address: bugdctr@comcast. net

22 December 2003

Mr. Mark Treuge
DDM Land Use Consultants
4637 Scotts Valley Drive, Suite #B1
Scotts Valley, CA 95066

RE: APN 046-31 1-01 at La Selva Beach.in Santa CNZ County, CA
Proposed Single-family Residence by Sonny Tut
Habitat Assessment for Overwintering Monarch Butterflies

Dear Mr. Treuge:

This letter reports the findings of my recent habitat assessment survey at the above-referenced property as a winter roosting site of the Monarch butterfly (*Danaus plexippus*). Briefly I can summarize the findings of habitat assessment by stating that the aforementioned property along with neighboring properties support trees that the overwintering Monarch butterfly roosts on or that provide essential wind protection for potential roost trees. I did not observe overwintering Monarchs at the property during two site visits during the fall of this year. Siting of the proposed new single-family residence has been done in a manner to avoid and minimize impacts to the potential overwintering habitat. For these reasons, I conclude that the proposed single-family residence by the Tut family will not adversely impact the Monarch butterfly or its potential overwintering habitat at this property.

The remainder of my report describes the property and my survey methods and findings in more detail. In addition, background information on the Monarch butterfly and characteristics of its winter roosting habitat are presented.

Project Site Description.

The project site is an undeveloped, 1.87-acre parcel located in a residential neighborhood in the La Selva Beach community of Santa Cruz County. It is situated on the north side of San Andreas Road, near its intersection with Ocean View Drive. The portion of the property along San Andreas Road is generally flat and characterized by ruderal grassland and ornamental pine trees. The rear portion of the property descends into a gully with a small grove of Eucalyptus trees and dense brush. Adjacent properties include a rail road track, plus agricultural and residential uses. The proposed project is a new single-family residence, which will be built in the front approximately one-third of the site. Existing vegetation in the rear of the property will be maintained.

this relates to the smaller plan. There's no way the almost 9000 sq ft home can fit in the front 1/3. If extends into the slope.

39

EXHIBIT H
EXHIBIT 2H

Pacific Crest Engineering Inc. www.4pacific-crest.com

444 Airport Blvd, Suite 106
Watsonville, CA 95076
Phone: 831-722-9446
Fax: 831-722-9158

June 4, 2009 Project No. 98118-SZ75-J61

Mr. Sunny Tut
Monterey Oaks Estates
187 Via Soderini
Aptos, CA95003

Subject: **Slope Stability Issues**
New Residence Project
San Andreas Road Parcel – *APN 046-311-01*
La Selva Beach, California

Dear Mr. Tut,

As you requested, Pacific Crest Engineering Inc., is providing geotechnical engineering services on your new residence project located in La Selva Beach, California.

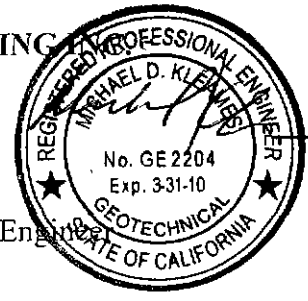
This is to confirm that the issue of slope stability has already been reviewed and addressed in two prior reports, including our Update Geotechnical Report dated December 15, 2003, and the original Geotechnical Report prepared by Steven Raas & Associates, Inc. (SRA) dated October 12, 1998. As you may recall, SRA merged with Pacific Crest Engineering Inc. in 2002. We would like to refer you to the slope stability analysis performed for the original geotechnical report in 1998, as reviewed and discussed on page 5 of the report. Please note that the slope stability analysis determined a safety factor of 2.8 for the hillside area, well above the Santa Cruz County minimum value of 1.5 for "static" conditions (and as noted, likely well above the minimum value of 1.2 for "seismic" or "pseudo-static" conditions). If surface water is directed away from the slope area we see no reason while the development should not be approved.

* We want the original of the report to refer to.

If you have any questions regarding this letter or project, please contact our office at your convenience.

Very truly yours,

PACIFIC CREST ENGINEERING INC.



Michael D. Kleames, G.E.
President\Principal Geotechnical Engineer
G.E. 2204, Exp. 3/31/10

Copies: 2 to Mr. Sunny Tut

EXHIBIT ZH

EXHIBIT K

PLANNING DEPARTMENT

COUNTY OF SANTACRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FIX (408) 454-2131 (408) 454-2560

ENV. PLANNING

January 22, 1999

we would like to see the original report. Please

Greg Nickel
424 Santa Monica
La Selva Beach, CA 95076

SUBJECT: Review of soil report by Steven Raas & Associates dated 10-12-98, PROJECT NUMBER: 98118-SZ75-J61
APN: 046-311-01, APPLICATION NUMBER: 98-0011

Dear Applicant:

Thank you for submitting the soil report for the parcel referenced above. The report was reviewed for conformance with County Guidelines for Soils/Geotechnical Reports and also for completeness regarding site specific hazards and accompanying technical reports (e.g. geologic, hydrologic, etc.). The purpose of this letter is to inform you that the Planning Department has accepted the report and the following recommendations become permit conditions:

1. All report recommendations must be followed.

2. Final plans shall indicate the foundation design as detailed in the report including engineered foundations for construction on steeper slopes.

3. Final plans shall show the drainage system as detailed in the soils engineering report including outlet locations and appropriate energy dissipation devices.

4. Final plans shall reference the approved soils engineering report and state that all development shall conform to the report recommendations.

5. Prior to building permit issuance, the soil engineer must submit a brief building, grading and drainage plan review letter to Environmental Planning stating that the plans and foundation design are in general compliance with the report recommendations. If, upon plan review, the engineer requires revisions or additions, the applicant shall

45

EXHIBIT
EXHIBIT H

submit to Environmental Planning two copies of revised plans and a final plan review letter stating that the plans, as revised, conform to the report recommendations.

6. The soil engineer must inspect all foundation excavations and a letter of inspection must be submitted to Environmental Planning and your building inspection prior to pour of concrete.

7. For all projects, the soil engineer must submit a final letter report to Environmental Planning and your building inspector regarding the compliance with all technical recommendations of the soil report prior to final inspection. For all projects with engineered fills, the soil engineer must submit a final grading report (reference August 1997 County Guidelines for Soils/Geotechnical Reports) to Environmental Planning and your building inspector regarding eh compliance-with all technical recommendations of the soil report prior to final inspection.

The soil report acceptance is only limited to the technical adequacy of the report. Other issues, like planning, building design, septic or sewer approval, etc, may still require resolution.

The Planning Department will check final development plans to verify project consistency with report recommendations and permit conditions prior to building permit issuance. If not already done, please submit two copies of the approved soil report at the time of building permit application for attachment to your building plans.

Please call 454-3164 if we can be of any assistance

Sincerely,

JOEL SCHWARTZ
Geotechnical Associate

FOR: JOE HANNA
County Geologist CEG 1313

cc: Bob Stakem, Project Planner
Soils engineering firm
Building plan check

98-0011s/056

46

EXHIBIT 2H

Natural Site Amenities and Features			
Relate to surrounding topography	✔		
Retention of natural amenities	✔		
Siting and orientation which takes advantage of natural amenities	✔		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✔		
Minimize impact on private views	✔ Not met		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✔		
Reasonable protection for currently occupied buildings using a solar energy system	✔ not met		
Noise			
Reasonable protection for adjacent properties	✔		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✔)	Does not meet criteria (✔)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✔		
Building silhouette	✔		
Spacing between buildings	✔		
Street face setbacks	✔		
Character of architecture	✔		
Building scale	✔		
Proportion and composition of projections and recesses, doors and windows, and other features	✔		
Location and treatment of entryways	✔		
Finish material, texture and color		✔	*The color should be a darker earth tone to complement the setting of the house and the adjacent house to the west.*

EXHIBIT H Page 5
EXHIBIT J

To: Don Bussey; Tom Burns; Mark Deming

From: Joshua & Stella Atiba

Date: June 1, 2009

Re: Addendum to Letter of Opposition to Proposed Addition : APN: 046-311-01

INCONSISTENCIES WITH MS. PORCILA PEREZ WILSON'S REPORT

We logged onto your website this morning and read the 36-page document compiled by Ms. Wilson that was previously available on the site. We discovered some inconsistencies that we thought we should bring to your attention. We feel that the real impact of this project is gravely minimized by understating pivotal issues.

1. Page 2 of the report under **Parcel Information** reads in pertinent part:

Coastal Zone:	X	Inside	___	Outside
Appealable to the Coastal Commission:	X	Yes	___	No

Ms. Wilson previously told us that the project was not within the purview of the Coastal Zone and not appealable to the California Coastal Commission. The 'Notice of Public Hearing' mailed to us indicates the same. We believe that the notice was improper and inconsistent with her report.

2. On page 3 under **Project Setting** she writes that:
"The project site is a vacant 1 .8-acre parcel . . . The proposed development is located on the relatively flat lot frontage, away from steeper slopes at the rear of the parcel."

This is exactly contra to the facts, and it is the crux for our strong opposition! In fact, a lone Eucalyptus tree shown on the plan is right at the edge of the slope. This tree is slated to be cut down and the house will extend pass it and further into the downward slope. The recorded slope is 15%, and 50% at the rear of lot.

That paragraph also states that the structure was approved as a two-story residence of 7,374 square feet. The structure is currently at 7,959 sq ft, with a proposed addition another of 900 sq ft, and addition of 1,500 sq ft to the conditioned space, not to mention the mention the request to add another 1000 sq ft of deck.

On the same page, she writes: "The minor changes to the exterior from the previously approved home under Permit 05-0305 includes the addition of deck areas to the front and rear of the home, balusters, entryway stairs and configuration, and windows shapes. . . the proposed addition will not impact neighboring property privacy or solar access as it is located above a garage . . . ."
These changes are not minor in our view. The addition of approximately 900 sq ft of space and 1000 sq ft deck to a house with the current size is not exactly "minor." Also, these are approximations which mean that the final square footage could be more! This is precisely the issue.
Furthermore, the addition above the garage is one our main concerns, because it adversely impacts our property. The second floor addition of a family room with a covered patio above the garage directly faces into our property in an area where there are no trees or landscaping to provide privacy.

3. The Coastal Development Permit Findings are also questionable and we beg to differ on the following:
   a. "...the development is consistent with the surrounding neighborhood in terms of architectural style as other homes in the vicinity are also large. . . ."

   The home size is actually inconsistent with every other house on San Andreas Road and in the vicinity that we know of except for the applicant's former residence on Holiday Lane. It will look out of place on that road.
   b. " ... the proposed use will not overload utilities . ." On the contrary, the project's size is such that it will consume a good amount of utilities, hence we have solar panels installed on our property.

EXHIBIT 2H

From: Dr. & Mrs. Joshua & Stella Atiba Email: snatiba@aol.com
1380 San Andreas Road, La Selva Beach, CA 95076 Home: 831-761-1100; 760-770-7770 Cell: 707-631-0924

To: Don Bussey, Zoning Administrator; Tom Burns, Planning Administrator;
Mark Deming, Asst. Planning Administrator; Porcila Perez Wilson, Project Planner;

Date: Friday, May 29, 2009

Re: Opposition to Proposal for Exterior Modification to Previous Approval for:
1. A Second Floor Addition of Approximately 900 sq ft over garage
2. ~~Addition of Approximately 1000 sq ft of deck to the Second Floor~~

Agenda for June 5th, 2009 County of Santa Cruz Zoning Administrator Public Hearing; **APN: 046-311-01**

Dear Mr. Bussey et al:

On behalf of my husband and I, we are writing you in relation to the upcoming hearing which was postponed from May 1st, 20009. Unfortunately, we will be in Boston for our son's graduation and could not possibly attend. However, we are sending this letter by e-mail and also by regular mail to ensure that it is received on time for the hearing.

The above referenced parcel is adjacent to our home at number 1380 San Andreas Road in La Selva Beach where we have lived for five years. When we first heard of the project next door, we kept an open mind and were attentive to the periodic notices posted on the property for various permit applications including the Large Dwelling Review. We were never really bothered. Only after we became aware of the current application for an additional 1,900 sq ft on the second floor to a plan that is already 13,774 sq ft which would bring it to a total of 15,674 sq ft (326 sq ft short of 16,000 sq ft), have we decided to voice our grave concerns and strong objection to the proposed addition particularly at the projected building location. As soon as we received the notice, we promptly came to the department to see the project manager. I spoke to Mr. Deming on the phone briefly and also left messages for the planning administrator and for my county supervisor Tony Campos. We even met with the applicant and his wife at our home to express our worry.

Of particular concern is the proposed second floor addition of approximately 900 sq ft above the 1,234 sq ft garage which extends into the slope. Our property and the applicant's are situated on the same San Andreas Ridge with a slope that spans the rear portion of most of the homes on that side of the street. We are questioning the stability of the slope as a result of such huge construction especially with a large displacement of dirt in close proximity to us, and the foreseeable consequences of a major slide. I use the word "major" because we currently have problems with erosion and soil movement after heavy rains, from rain water running off into the creek below. Although our house is built on the flat part of our property and nowhere near the slope, we nevertheless have 3 levels of retaining walls in place due to erosion problems. But that wasn't enough. Just this month, we laid down erosion control wires and mulch over the slope to prevent downhill run-off water from further eroding the soil, and hopefully avert the possibility of a land slide.

We fear that the considerable soil displacement during construction, coupled with the proposed addition, and extra weight over the garage which extends into the slope will unduly burden the underlying soil and significantly increase the instability of the slope that is already compromised. We are deeply concerned about the exacerbation of the vulnerable ridge, and the substantial increase in risk of a destructive land movement that would adversely impact both homes. We assume that the soil types on both properties are substantially similar and thus subject to the same erosion problems.

During our discussions with the applicant and his wife, we asked why the structure could not be erected on the ample flat area in the front portion of the parcel and away from the slope or "land fill" as he referred to it. He replied that he previously requested and was denied that option, and instead was required to comply with a 40 ft setback from either the property line or county right of way, consequently pushing part of the structure into the unstable slope area.

EXHIBIT K
EXHIBIT 2

In view of the ongoing problem on our property described above, the serious hazards of the proposed structure encroaching on the slope area, and most importantly, in consideration of the applicant's earlier wish to place their home on the flat front portion of the parcel, we respectfully request that you revisit and reconsider the original proposal to do so, not only as a safe and feasible alternative, but as a sensible and appropriate option. We urge you to reassess the current proposal in depth, and to seriously examine the devastating effect that it may have on both homes and the adjoining properties on San Andrea Ridge if approved.

Accordingly, we strongly urge the applicant to apply for a variance to facilitate this situation. The enabling legislation of the state lends you the authority and flexibility to allow an adjustment in a situation such as this. The applicant should not be subjected to the 40 ft minimum setbacks if doing so would compel them to build over the unsteady slope. The variance is extremely necessary for the preservation of our properties, and granting it will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to other property in our immediate neighborhood. Instead, it would safeguard our homes and ensure our health and safety.

Pursuant to California Government Code, Section 65906 states in pertinent part, "Variances from the terms of the zoning ordinances shall be granted only when, 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." This is precisely what variances are meant to address: those situations where the peculiar physical characteristics of a site make it difficult to develop under standard regulations.

As a matter of fact, house 1400 San Andreas Road West of the applicant's property has a setback of no more than 20 ft from the road because the rear portion of that lot is undevelopable. Furthermore, a recently constructed home two houses away at 1420 San Andreas Road has a setback of no more than 10 ft. Similarly, in an instance such as we have here, where the steep rear portion of the lot makes that segment otherwise undevelopable and would considerably increases the risk of a land slide and property damage, a variance should be granted to reduce the front yard setback and thereby create a sturdy and sufficient pad to accommodate this rather large structure.

For the record, we would like to state that we unequivocally support our neighbors without any qualms whatsoever. We respect their right to the full use and enjoyment of their property even though the house is quite expansive with lots of square footage, and will appear out of character with the other homes on San Andreas Road and the rest of the neighborhood. The only other residence that we're aware of in the area of this magnitude was previously owned by the applicant and this new home looks like a replica of that house. The key difference is that the prior residence was located on 12 acres of flat land while this parcel is less than two acres, half of which is unbuildable. We have no problem with the applicant or frankly, with the size of the project; it's the intrusion of the structure over the ridge and into the slope that bothers us. As long as it is somewhat removed and does not disturb the slope, we will, and should all feel safe.

We earnestly hope that the Zoning Administrator would carefully analyze our legitimate concerns and thoroughly scrutinize the applicant's proposal before any action is taken. We also request that you register our opposition when this proposal is discussed and that this letter be included in the record of the hearing of June 5, 2009.

Thank you for your time and attention to this important and urgent matter.

Sincerely,

Joshua & Stella Atiba

EXHIBIT 2H

EXHIBIT K

To: Don Bussey, Tom Burns, and Mark Deming

From: Joshua & Stella Atiba

Date: June 3, 2009

Re: Addendum #2: Opposition letter to APN: 046-311-01

We reviewed the previous 68 page report with attached findings prepared by Joan Van der Hoeven for Application Number 05-0305; Agenda Date May 5, 2006 regarding the above APN. We would like to bring to your attention and review at the upcoming meeting this Friday June 5, the a few additional issues we learned from the report.

It's worth noting that this project has grown from '. . . a preliminary conceptual plan to design and construct a single family dwelling with a footprint of approximately 4,400 square feet . . .', to its present size of 7,374 sq ft, and the current proposal for an additional 900 sq ft, and over 1,000 sq ft of deck. (See Exhibit K, Pacific Crest Engineering letter of December 15, 2003, last paragraph on page 62 and top of page 63 of the report.)
We again question the idea of enlarging this project such that it extends into, and disturbs the unstable slope.

Alyson Tom wrote in her review on the June 5, 2006: **"From county-wide USDA soils survey the soils at the south end of the parcel are highly permeable."** Pg.22.

In September 13, 2004, the Entomological report on page 38 stated that "The rear portion of the property descends into a gully with a small grove of Eucalyptus trees and dense brush. **The proposed project is a new single-family residence, which will be built in the front approximately one-third of the site.** There seems to be a substantial departure from this concept.

The erosion problem is recognized and detailed in the soils reports by Steven Raas & Associates dated 10/12/98 with updates by Pacific Crest Engineering dated 12/15/03 and Fall Creek Engineering dated 7/15/05. The reports detail stringent measures that must be implemented to ensure the stability of the structure.

This initial report validates our distress regarding the erosion issue, and the severe impact of moving huge amounts of soil for a structure that large. The report also indicates an early understanding that the recommendations were in relation to a project of approximately 4,400 sq ft, to be located in the upper flat end of the parcel. The doubling of the size of the home has dangerously pushed the project beyond safe limits into the rear portion of the property which descends into an unsafe gully. The overwhelming impact of this unusually expansive project (for this neighborhood) on our property cannot be overemphasized.

Additionally, an October 12, 1998 document titled: DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS (98 118-SZ75-J6 1), declare on page 52, # 24 of the report that **"If the entire building is constructed above the 90 contour (on the relatively flat upper portion of the lot)**, and considering the soil characteristics and site preparation recommendations, it is our opinion that an appropriate foundation system to support the proposed structures will consist of reinforced concrete spread footings bedded into firm native soil or engineered fills of the on-site soils." *This recommendation proposing the appropriate foundation to support the structure and other references to the* project in the report is based on the assumption that it is a smaller building, and it would be located on the flat portion of the parcel. It does not reflect the current and much larger home plan that extends into the slope.

Moreover, this proposal for a new addition does not grant the project a Categorical Exemption status under section 15301 of the CEQA. A plan for a new structure yet to be constructed on a vacant lot does not qualify as an "existing facility" for purposes of this section. That loophole cannot, and should not be applied in this case, and the request for a Categorical Exemption should be denied.

This 2006 report further confirm that this project is appealable to the Coastal Commission which we plan to pursue.

Joshua / Stella

EXHIBIT 2H

EXHIBIT K

c. "...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..."
This is quite the contrary. There are no other semi-circular home styles like this one in the area except for their prior home. This house will look out of place on San Andreas Road.

4. The Planning Department's interoffice memo of February 2, 2009 on Evaluation Criteria checked various criteria as being met even though they are disputable. Here are some criteria under the following headings:
   Design Review Authority/Standard; Design Criteria for Coastal Zone Development.
   a. Ridgeline Development:
   "Structures located near ridges shall be sited and designed not to project above the ridgeline . . . ."
   We are located on the San Andreas Ridge and this structure projects over the ridge. The ridgeline may be minor but the slope beyond is very unstable. The project does not protect the ridge.
   b. Building Design:
   "Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filing for construction." This does not meet the criteria the as the house will project onto the slope with significant filling. Also there will be massive soil disturbance during grading for a house of that size.
   c. "Sensitive Site": This project falls within the definition of a 'sensitive site' because it is adjacent to scenic San Andreas Road and it is also on the San Andreas Ridge.
   d. Site Design/Views: 'Minimize impact on private views.'
   The impact on our private view is not minimal. The structure will completely blocks the minimal ocean view that we currently have from our kitchen window. Of importance is the fact that our home was marketed to us as an 'ocean view home.' In reliance on that fact, we paid a premium of close to two million dollars to purchase our home. Blocking the small view will no doubt have a significant effect on the value of our property. Our safety, however, is the more central issue.
   e. Solar Design and Access: 'Reasonable protection for adjacent properties and currently occupied buildings using a solar system.'
   We invested in, and installed a 36 panel solar energy system that will be affected.

These are just a few of the ways that the project impacts us. We implore you to reexamine these criteria for full compliance before taking any action.

Accordingly, Ms. Wilson's recommendation for:

1. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act and,
2. Approval of Application 08-0237, based on the attached findings and conditions;
   should withheld until the issues are reevaluated, and our safety concerns are properly addressed.

Please include this as part of our official opposition.

Sincerely,

Joshua & Stella Atiba

P.S. We forwarded the first correspondence to Ellen Pirie, my county supervisor since we inadvertently sent it to Tony Campos.

EXHIBIT 2 H

Cc: Tony Campos, Santa Cruz County Supervisor

EXHIBIT 2H

EXHIBIT K

This was based on a smaller home 4400 sq ft not a 9000 sq ft home

to review these items during the design stages to determine if supplemental recommendations will be required.

24. If the entire building is constructed above the 90 contour (on the relatively flat upper portion of the lot), and considering the soil characteristics and site preparation recommendations, it is our opinion that an appropriate foundation system to support the proposed structures will consist of reinforced concrete spread footings bedded into firm native soil or engineered fills of the on-site soils. This system could consist of continuous exterior footings, in conjunction with interior isolated spread footings or additional continuous footings or concrete slabs.

Cannot fit on the flat upper portion with the 40ft setbac

25. Footing widths should be based on the allowable bearing value but not less than **12** inches for 1 story and 15 inches for 2 story structures. Footings should be embedded below the lowest adjacent grade not less than 12 inches for 1 story structures and 18 inches for 2 story structures. Footing excavations must be observed by a representative of Steven Raas & Associates, Inc. before steel is placed and concrete is poured to insure bedding into proper material. The footing excavations should be thoroughly saturated prior to placing concrete.

26. Footings constructed to the given criteria may be designed for the following allowable bearing capacities:

a. 1,800 psf for Dead **plus** Live Load
b. a 1/3rd increase for Seismic or Wind Load

In computing the pressures transmitted to the soil by the footings, the embedded weight of the footing may be neglected.

27. No footing should be placed closer than 8 feet to the top of a fill slope nor 6 feet from the base of a cut slope.

EXHIBIT ZH
EXHIBIT J

EXHIBIT A + p ATTACHMENT 1

COMPATIBILITY FACTORS

0958

The process of **integrating** a design for a new residence with the significant characteristics of a neighborhood occurs at the beginning of the design process. Designers and owners should use the following list to evaluate the **characteristics** of nearby residences.

(NOTE: These are listed in order of importance, however the "art" of designing compatible new buildings is in using all categories skillfully)

At almost 9000 sqft overwhelms existing residences!

1 - what are the **sizes** of the surrounding houses?

While the County establishes floor area ratio standards, those are the upper limits that govern house sizes. The design of a structure and the perception of its size should not overwhelm existing residences in terms of basic volume.

2 - how many **stories** are present?

While the County's maximum height limit allows up to two-story structures, in some cases two-story structures in a predominantly one-story area may be out of character.

3 - how is the **massing** of the house arranged?

In addition to site and stories, the massing and careful articulation of a structure can dramatically impact the percieved size of a building.

4 - where are **parking and garages** located? how much of the front setbacks are covered with paving for driveways? how big are the garages? do the garages have double or single doors?

In some neighborhoods, a critical element to a compatible design is the location and design of off-street parking and garages.

5 - what are the front **setbacks?**

New structures which are significantly out of alignment may not fit into the existing street pattern.

6 - what **materials and colors** are common in the area?

In some cases, the materials and colors of even a well designed residence may be so incongruous with the existing neighborhood that it will result in an incompatible design.

County of Santa Cruz

DESIGN BROCHURE NO. 2 (revised)

74

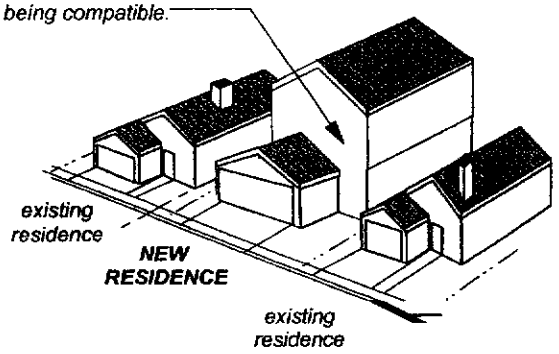
EXHIBIT 2H

SIZE 1

0960

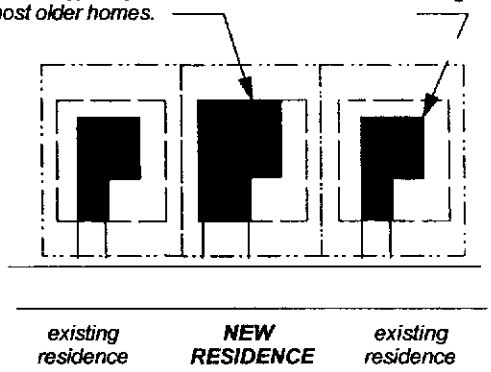
If a residence is far larger in size than the houses in the affected neighborhood, it may appear to **overwhelm** them. There is a range beyond which the new residence can appear **noticeably out of character.**

"Stacking" floors to align upper and lower floors exaggerates the appearance of volume and often contributes to a new residence not being compatible.



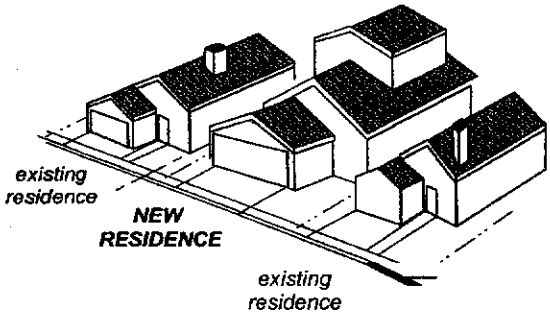
Newer homes in a neighborhood when designed to the current zoning ordinance maximums are typically much larger than most older homes.

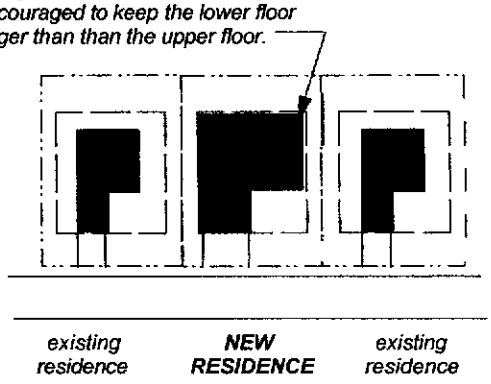
Older homes in a neighborhood are typically smaller and predate the current zoning ordinance.



DISCOURAGED

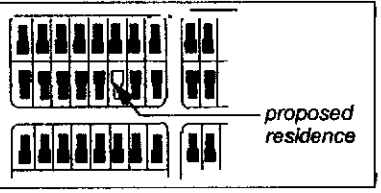
Using the maximum lot coverage is encouraged to keep the lower floor larger than than the upper floor.





ENCOURAGED

CONTEXT *for this Compatibility Factor -*



County of Santa Cruz

DESIGN BROCHURE NO. 2 (revised)

7A

EXHIBIT 2H