



## Staff Report to the Zoning Administrator

Application Number: **04-0514**

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**Applicant:** Doron Fishbin  
**Owner:** James Cox  
**APN:** 071-121-19

**Agenda Date:** June 3, 2005  
**Agenda Item #:** 6  
**Time:** After 1000 a.m.

**Project Description:** Proposal to reconstruct a single-family dwelling destroyed by fire. The project requires a Variance and Riparian Exception to reduce the required 30-foot front yard setback to 10 feet, and to develop within the Riparian Corridor.

**Location:** The property is located on the west side of East Zayante Road approximately one mile north of Graham Hill Road.

**Supervisory District:** 5th District (District Supervisor: Mark Stone)

**Permits Required:** Variance and Riparian Exception

### Staff Recommendation:

- Approval of Application 04-0514, 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                                  | H. | Soils Report Recommendations<br>(report completed by Haro, Kasunich<br>& Assoc., dated January 21, 2005 |
| B. | Findings                                       | I. | Soils Review Letter performed by<br>the County Geologist, dated April<br>15, 2005                       |
| C. | Conditions                                     | J. | Soils Engineer Response to<br>Environmental Planning Comments,<br>dated April 1, 2005                   |
| D. | Categorical Exemption (CEQA<br>determination)  |    |   |
| E. | Assessor's parcel map                          |    |   |
| F. | Zoning, General Plan, and FEMA<br>Floodway map |    |   |
| G. | Comments & Correspondence                      |    |   |

### Parcel Information

Parcel Size: 27,878 square feet  
Existing Land Use - **Parcel:** Single family dwelling  
Existing Land Use - Surrounding: Mixed single-family residential, commercial, and undeveloped parcels.  
Project Access: East Zayante Road  
Planning Area: San Lorenzo Valley  
Land Use Designation: R-R (Rural Residential)  
Coastal Zone:  Inside  Outside

### Environmental Information

Geologic Hazards: Parcel partially located in mapped FEMA Floodway  
Soils: Report submitted, reviewed and accepted by the County Geologist  
Fire Hazard: Not a mapped constraint  
Slopes: 15 – 25%  
Env. Sen. Habitat: Mapped Riparian Comdor and Bonny Doon manzanita  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Drainage system reviewed and accepted by DPW  
Traffic: N/A  
Roads: Existing roads adequate  
Parks: Existing park facilities adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:  Inside  Outside  
Water Supply: San Lorenzo Valley Water District  
Sewage Disposal: septic  
Fire District: Zayante Fire Protection District  
Drainage District: None

### History

The former residence on the parcel had been located within the floodway associated with Zayante Creek, a perennial stream, as well as the within the 60-foot Riparian Comdor. The house was completely destroyed by fire in 2003 and demolished under permit 136780, issued 1/21/04. The foundation and abandoned barn/corral are still present on site, but will be removed as a condition of this development permit.

## Project Setting

The subject property is located on the west side of East Zayante Road adjacent to Zayante Creek in a rural residential neighborhood characterized by a mixture of smaller single-story homes, undeveloped lots, and a small restaurant (Trout Farm). The subject parcel is wide and shallow, with a level area near the road, sloping moderately toward the creek. The existing driveway will remain. A Biotic Pre-site Inspection and Soils Report Review were completed for this project. There are no biotic resources on the parcel other than those associated with Zayante Creek. The soils report has been reviewed and accepted by the County Geologist.

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>
Front Yard Setback	30 feet	10 feet
Side Yard Setbacks	15 & 15 feet	56 feet & 200+ feet
Rear Yard Setbacks	15 feet	38 feet
Maximum Parcel Coverage	20%	4%
Maximum Height	28 feet	23.5 feet
Floor Area Ratio	N/A	N/A

The approval of a variance to the required front yard setback is appropriate in that it will allow the replacement house to be constructed out of the floodway, reducing the exposure of the residents to a flood hazard. Additionally, although the replacement structure will be partially located within the Riparian Corridor, the variance to allow the house to be located closer to the roadway and further away from the corridor will entail a lesser impact to this sensitive habitat.

## Riparian

The approval of a Riparian Exception to construct the replacement house partially within the Riparian Corridor is appropriate in that the irregular, shallow configuration of the parcel makes the construction of a single family dwelling outside this corridor infeasible. Additionally, the former residence was located entirely within the Riparian Corridor and this proposal reduces the potential impact by moving the footprint away from Zayante Creek. The project will be conditioned to include a restoration plan for the former dwelling footprint as well as a detailed erosion control plan that will mitigate potential construction impacts associated with the new dwelling.

## Conclusion

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

## Staff Recommendation

- e **APPROVAL** of Application Number **04-0514**, based on the attached findings and conditions.
- e Certification that the proposal is categorically 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](http://www.co.santa-cruz.ca.us)

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## Variance Findings

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, AND SURROUNDING EXISTING STRUCTURES, THE STRICT APPLIATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

This finding *can* be made, in that the irregularly shaped parcel is shallow and the 30-foot required front yard setback forces the location of a replacement house into an area of flood hazard (floodway) and greater impact to riparian resource, and the variance to reduce the required front yard setback from 30 feet to 10 feet is necessary in order to locate the replacement dwelling out of the floodway and further away from the Riparian Corridor of Zayante Creek. The strict application of the required front yard setback will deprive the property owner of the privilege of a safe dwelling located outside of the 100-year flood level enjoyed by other properties under an identical zoning classification.

2. THAT THE GRANTING OF THE VARIANCE WILL BE IN HARMONY WITH GENERAL INTENT AND PURPOSE OF ZONING OBJECTIVES AND WILL NOT MATERIALLY DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

This finding can be made, in that the variance will reduce the potential negative impact to health and safety posed by the flood hazard associated with Zayante Creek. The replacement house is proposed on a residentially zoned parcel and the structure will be adequately separated from improvements on surrounding properties.

3. THAT THE GRANTING OF SUCH VARIANCES SHALL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGES INCONSISTENT WITH THE LIMITATIONS UPON OTHER PROPERTIES IN THE VICINITY AND ZONE IN WHICH SUCH IS SITUATED.

This finding can be made, in that this parcel is uniquely constrained by the limited distance between the front and rear property lines, the 60-foot Riparian Corridor and the Floodway of Zayante Creek. Other parcels similarly constrained by riparian setbacks, similarly shaped parcels, and geologic hazards would be given equal consideration for reducing the front yard setback in order to reconstruct a single-family dwelling.

## Residential Development Permit Findings

1. THAT THE PROPOSED LOCATION OF 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 MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

As discussed in Variance Finding #2, the location of the single-family dwelling within the required front yard setback will not be detrimental to the health, safety, or welfare of persons in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity, as the 10-foot front yard setback will not affect line of sight for vehicles traveling on Zayante Road and will not affect off-street parking.

**This** proposal will relocate the existing building site from a Floodway to an area outside of the Floodway, thus reducing the potential exposure of residents to a flood hazard area. Downstream development will also benefit from the removal of a structure in the Floodway by reducing potential downstream flooding.

Additionally, County Building Inspectors will inspect and approve the completed construction and will insure that it complies with prevailing building technology, the Uniform Building Code, and County Building ordinances, thereby insuring the optimum in safety and the conservation of energy and resources. The project soils engineer will similarly be present to inspect the site and ensure that all construction is performed in accordance with the recommendations made in the soils report prepared for **this** project.

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.

The project site is located in the R-I-IAC (Single Family Residential – 1 Acre minimum lot size), but is nonconforming with respect to lot size and is governed by R-1-16 residential site standards. The location of the proposed replacement dwelling and the conditions under which it would be operated and maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-16 zone district, with the exception of the front yard setback for which a variance is sought (see Variance Findings). Additionally, while the new development will **continue** to encroach into the Riparian Corridor, a Riparian Exception will be granted to allow the proposed development (see Riparian Corridor Findings).

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

The project is located in the R-R (Rural Residential) land use designation. The proposed use is consistent with all elements of the General Plan in that the use is a principal permitted use and is being relocated outside of a hazardous area and away from an environmentally sensitive area. 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

The use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that this dwelling is a replacement for an existing dwelling, and no new bedrooms are proposed.

## Riparian Exception Findings

1. THAT THERE ARE SPECIAL CIRCUMSTANCE OR CONDITIONS AFFECTING THE PROPERTY.

**This** finding **can** be made, in that the developable area of the parcel is constrained by the shallow depth of the lot and the fact that nearly the entire lot is located within the Riparian Corridor. The lot has been historically developed with a single-family dwelling located entirely within the Riparian Corridor. The proposed replacement house will be moved away from the corridor toward the roadway.

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY.

**This** finding can be made, in that Exception is necessary for the proper design and function for the permitted single family dwelling in a residentially zoned district. The constraints associated with the zoning and riparian setbacks unduly limit the area of development.

3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSTREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED.

**This** finding can be made, in that the proposed replacement single family dwelling will be located **further** from Zayante Creek **than** the original structure. The project will be conditioned to include remediation of the riparian area by removing existing concrete and planting riparian plant species.

4. THAT THE GRANTING OF THE EXCEPTION, IN THE COASTAL ZONE, WILL NOT REDUCE OR ADVERSELY IMPACT THE RIPARIAN CORRIDOR AND THERE IS NO FEASIBLE LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE.

**This** finding can be made, in that the project is not located within the Coastal Zone.

5. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF THIS CHAPTER, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELEMENTS THEREOF, AND OF THE LOCAL COASTAL PROGRAM LAND USE PLAN.

This finding can be made, in that the portion of the existing concrete foundation will be removed from the Riparian Corridor and will be restored with riparian plant species. The proposed replacement dwelling will be located **further** away from the creek allowing room for the establishment of riparian vegetation.

## Conditions of Approval

Exhibit A: Project Plans (preparer unnamed), 11 sheets dated 8/30/04, 11/05/04, 1/04/05, 2/21/05 and 3/31/05

- I. **This** permit authorizes a reduction in the required 30-foot front yard setback to 10 feet and allows development within the Riparian Corridor. 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 Demolition Permit from the Santa Cruz County Building Official, for the existing shed/barn, if required.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
  - D. Obtain a Grading Permit to improve the existing driveway and parking area, if required.
  - E. 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 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. Engineered grading and drainage plans (if grading approval is required). Drainage plans must show the location and configuration of the overflow pipe to be provided for the retention/detention facilities and show all existing and proposed surfacing of parking/driveway areas.
    - 2. Driveway profiles and information required, demonstrating that the driveway meets the Santa Cruz County Design Criteria.
    - 3. An Erosion Control Plan prepared by a Certified Professional in Erosion and Sediment Control.

4. Restoration/revegetation plans for the Riparian Corridor.
  5. Details showing compliance with fire department requirements.
  6. Location of the 60-foot Riparian Corridor on the site plan.
- C. Obtain an Environmental **Health** Clearance for **this** project from the County Department of Environmental Health Services.
- D. Meet all requirements and pay any applicable plan check fee of the Zayante Fire Protection District.
- E. Submit 2 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- F. A Declaration of Geologic Hazards form must be executed, recorded, and a copy submitted to Environmental Planning staff.
- 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 and a final observation letter submitted to Environmental Planning.
  - 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 future encroachments into the 60-foot Riparian Corridor are prohibited, including but not limited to the construction of any structures, patios, decks, or any other disturbance.
- 

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

**Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Robin Bolster-Grant  
Project Planner

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

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

Application Number: 04-0514  
Assessor Parcel Number: 071-121-19  
Project Location: 7665 E. Zayante Road

**Project Description: Proposal to reconstruct a single family dwelling destroyed by fire.**

**Person or Agency Proposing Project: Doron Fishbin**

**Contact Phone Number: (831) 684-2520**

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

Specify type:

E.  **Categorical Exemption**

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

**F. Reasons why the project is exempt:**

Construction of a single family dwelling within an area designated for residential development.

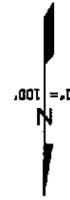
In addition, none of the conditions described in Section 15300.2 apply to **this** project.

\_\_\_\_\_  
Robin Bolster-Grant, Project Planner

Date: \_\_\_\_\_

**FOR TAX PURPOSES ONLY**  
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY FOR ANY OTHER PURPOSES AND  
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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ZAYANTE DRAINAGE



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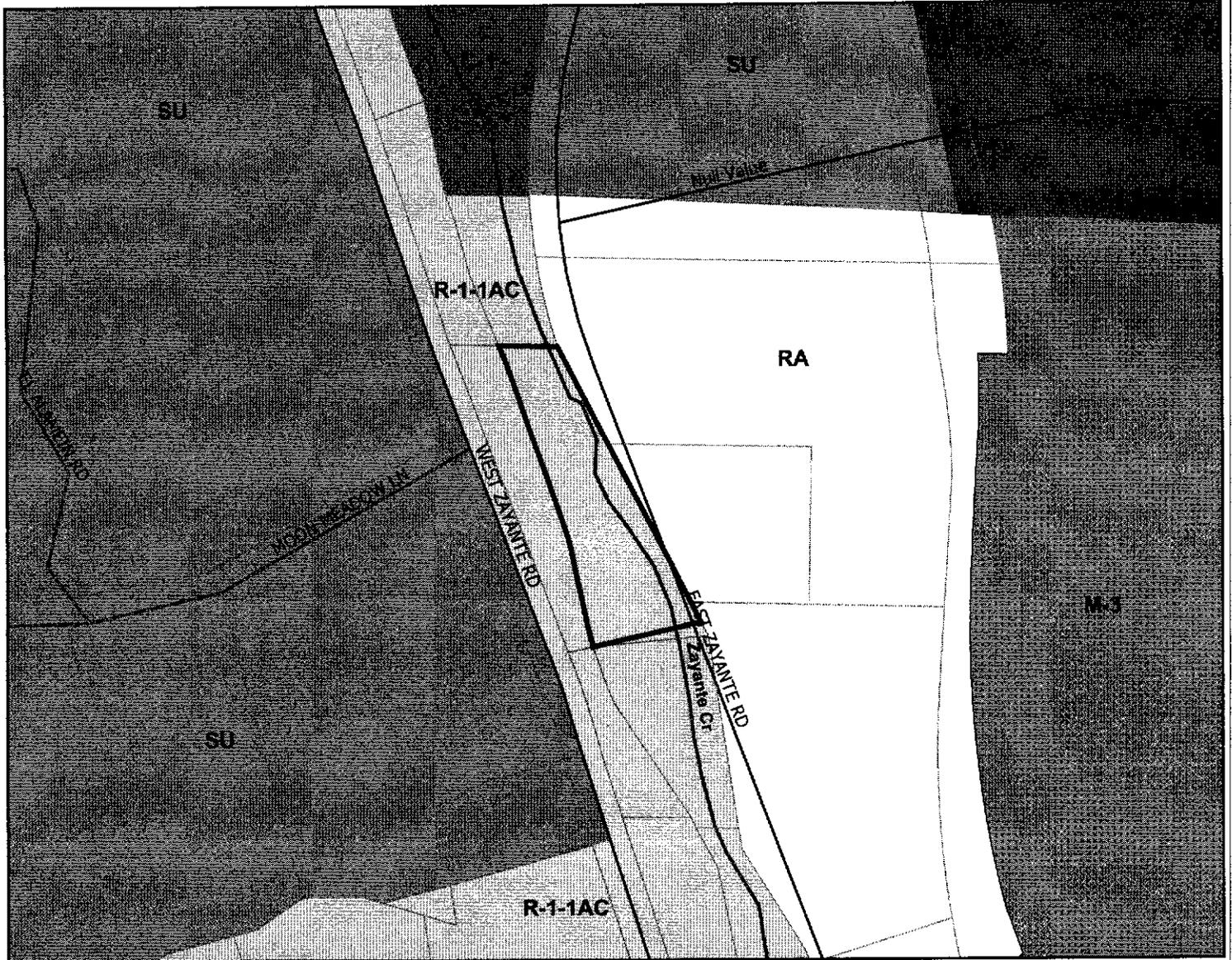
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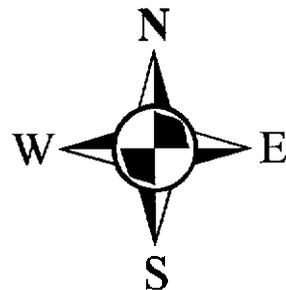


# Zoning Map



## Legend

- APN 071-121-19
- Assessors Parcels
- PERENNIAL STREAM
- Streets
- AGRICULTURE RESIDENTIAL(RA)
- COMMERCIAL-NEIGHBORHOOD(C-1)
- MINERAL EXTRACTION (M)
- PARK (PR)
- RESIDENTIAL-SINGLE FAMILY (R-1)
- SPECIAL USE (SU)

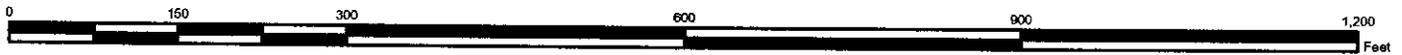
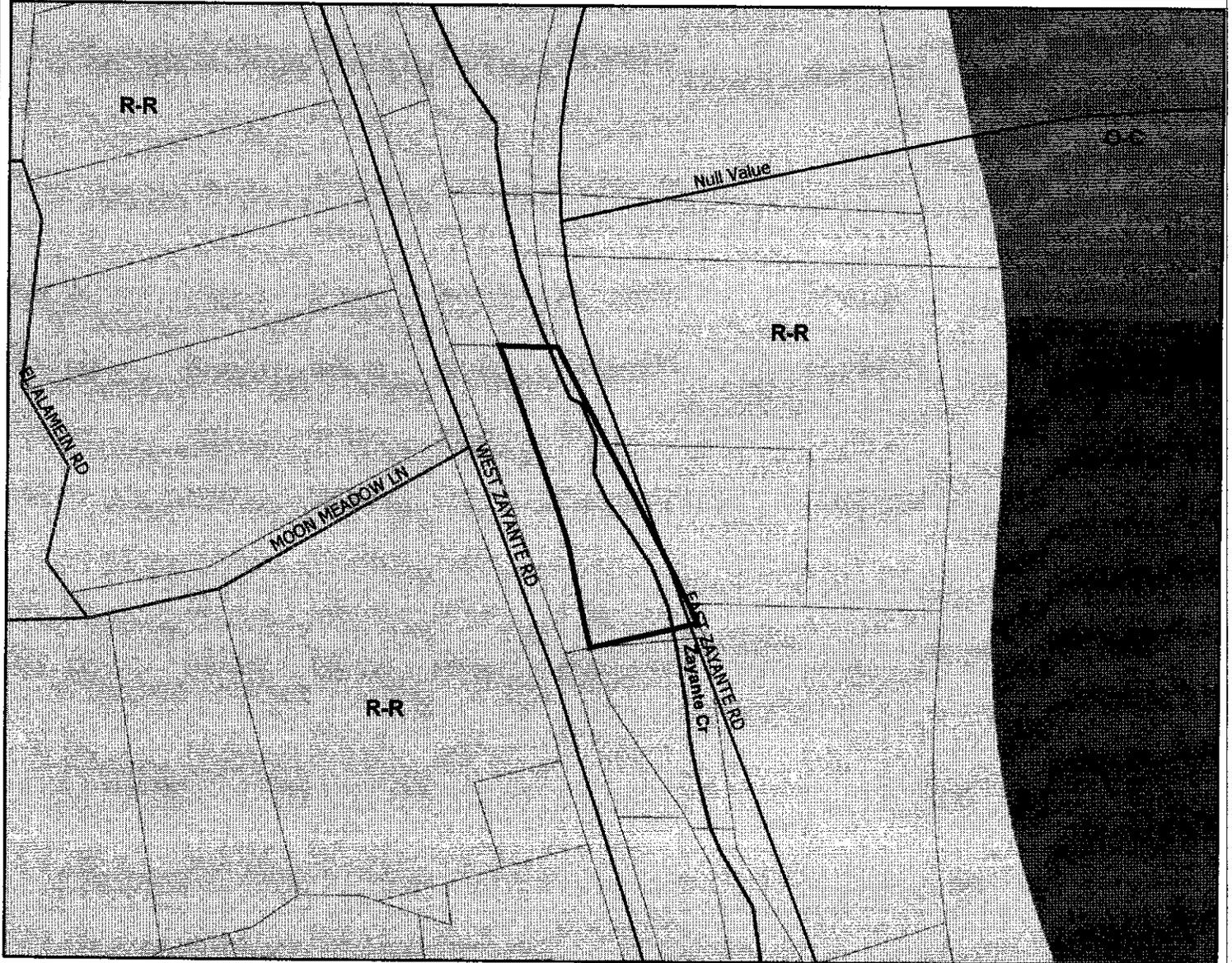


Map Created by  
County of Santa Cruz  
Planning Department  
May 2005

**EXHIBIT. F**

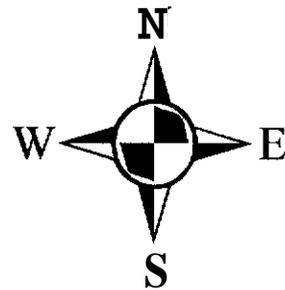


# General Plan Designation Map



## Legend

-  APN 071-121-19
-  Assessors Parcels
-  PERENNIAL STREAM
-  Streets
-  Residential-Mountain (R-M)
-  Residential-Rural (R-R)
-  Resource Conservation (0-C)

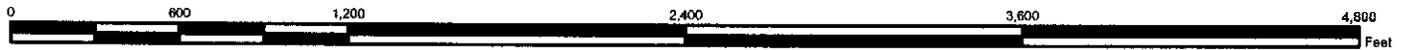
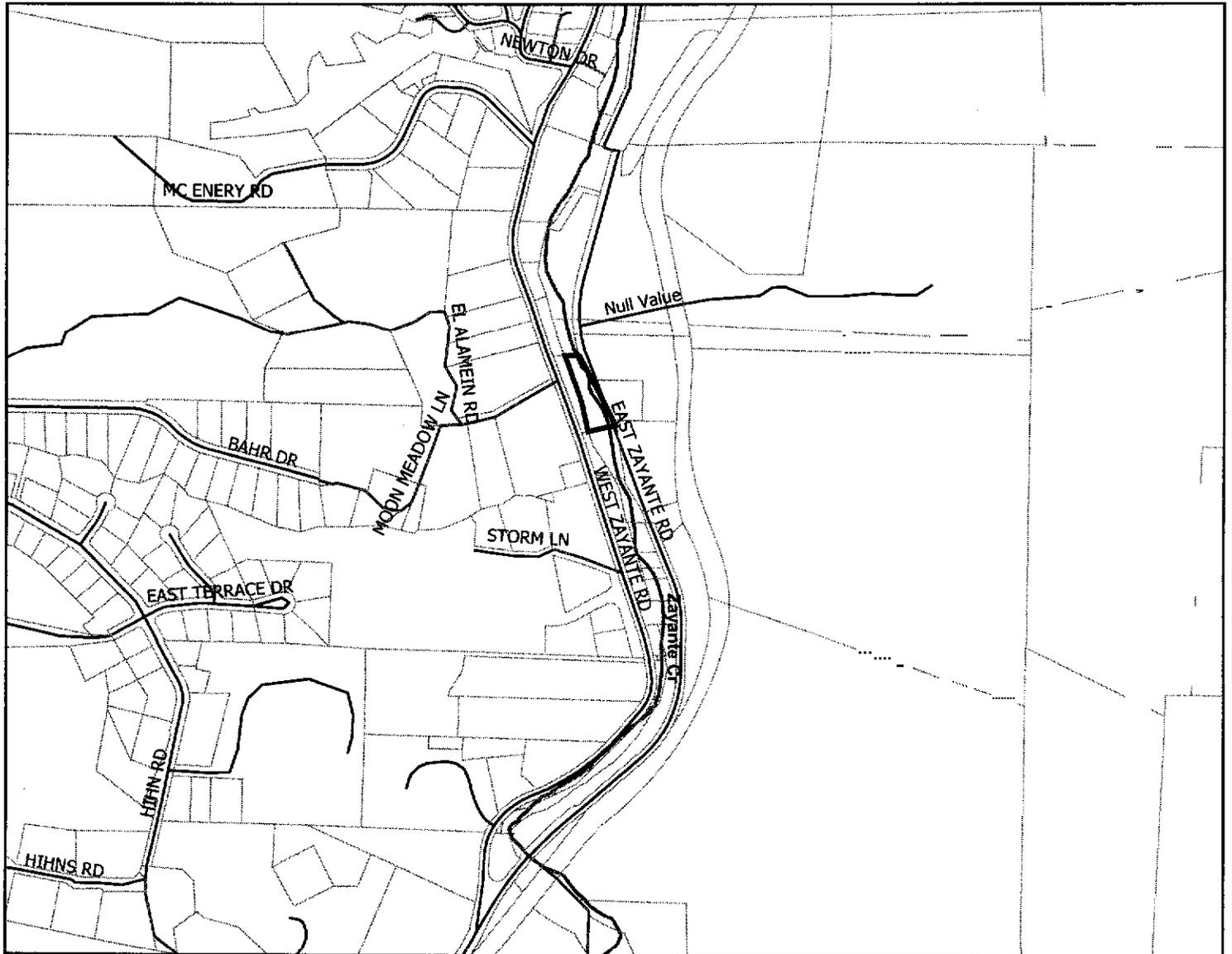


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EXHIBIT F

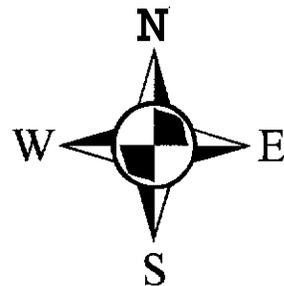


# Location Map



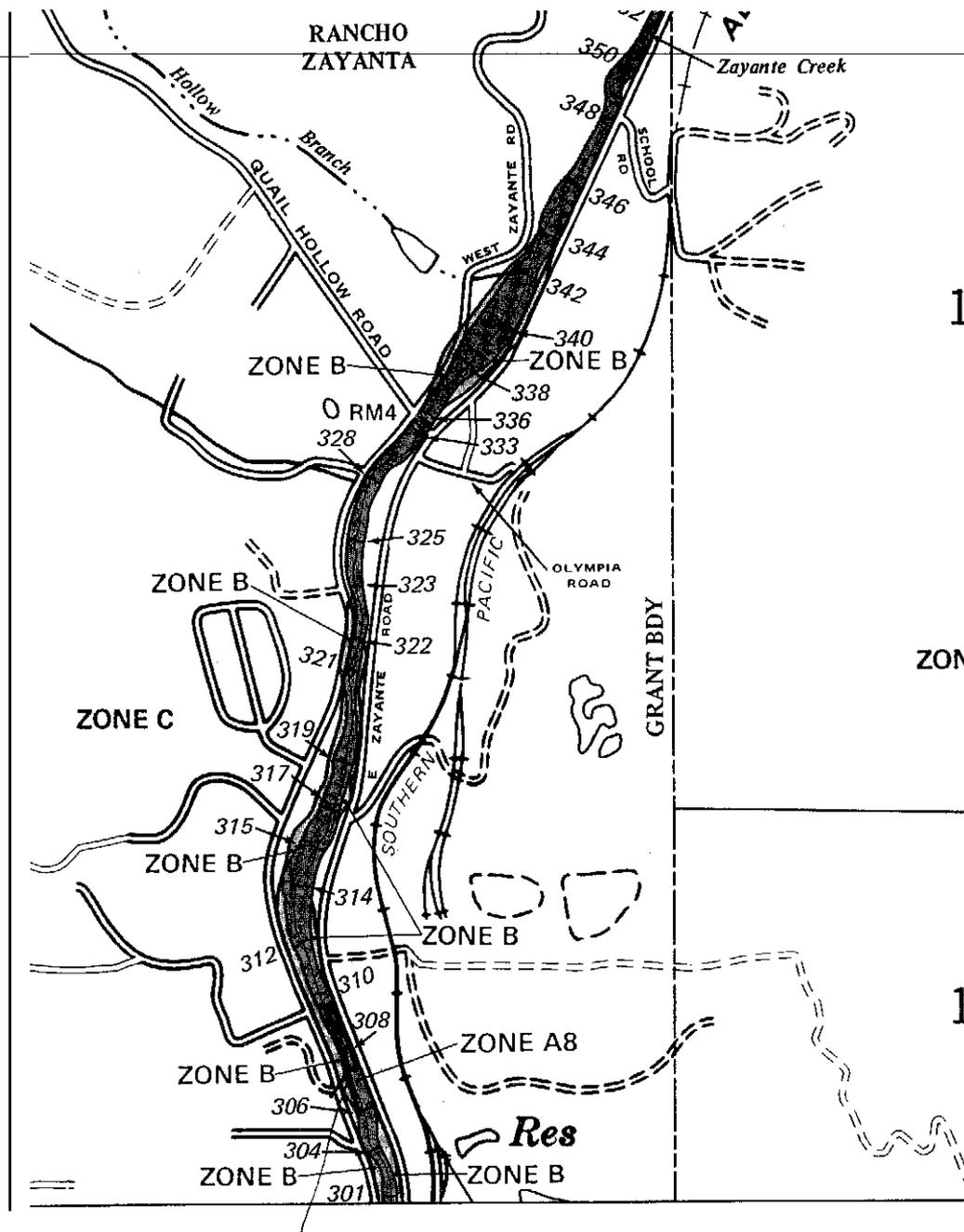
## Legend

-  APN 071-121-19
-  Assessors Parcels
-  PERENNIAL STREAM
-  Streets



Map Created by  
 County of Santa Cruz  
 Planning Department  
 May 2005

**EXHIBIT F**



APPROXIMATE PARCEL LOCATION

**FIRM**  
FLOOD INSURANCE RATE MAP

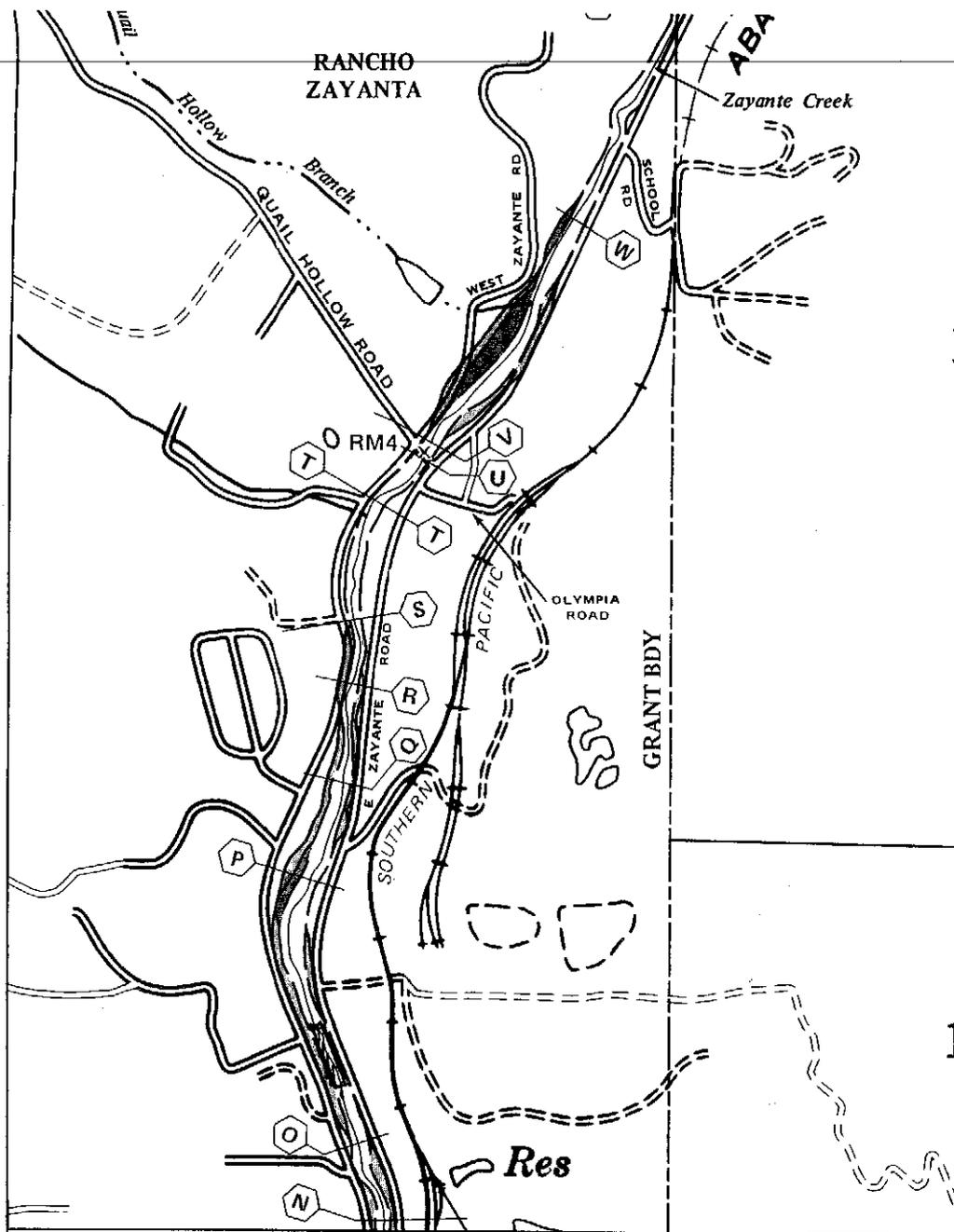
SANTA CRUZ COUNTY,  
CALIFORNIA  
(UNINCORPORATED AREAS)

PANEL 210 OF 450  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
060353 0210 B

EFFECTIVE DATE:  
APRIL 15, 1986





- APPROXIMATE PARCEL LOCATION

NATIONAL FLOOD INSURANCE PROGRAM

# FLOODWAY FLOOD BOUNDARY AND FLOODWAY MAP

SANTA CRUZ COUNTY  
CALIFORNIA  
(UNINCORPORATED AREAS)

PANEL 210 OF 450

(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
060353 0210

EFFECTIVE DATE:  
APRIL 15, 1986



Federal Emergency Management Agency

EXHIBIT F

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

Project Planner: Robin Bolster  
Application No. : 04-0514  
APN: 071-121-19

Date: May 5, 2005  
Time: 15:39:04  
Page: 1

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Environmental Planning Completeness Comments

===== REVIEW ON NOVEMBER 8, 2004 BY ELIZABETH A HAYWARD =====

This project will require a soils report. Please submit two copies of the report to be reviewed.

Base Flood Elevation in this area is at 309 feet, all development below this elevation must meet FEMA requirements. See attached information regarding flood venting, materials which are water proof and proper installation of electrical systems.

Please show the Base Flood Elevation on all elevations of structure. ===== UP-  
DATED ON FEBRUARY 2, 2005 BY JESSICA L DEGRASSI =====

Please submit a soils report as stated above.

Please note that the proposed deck and retaining below the house will not be allowed or approved. Please revise plans. Also please remove the old foundation and show on the plans restoration of this area. This area is considered floodway and riparian habitat, all plantings must be of riparian species. Please revise plans. These requirements may become conditions of the discretionary permit and will have to be reflected on the submitted building plans. ===== UPDATED ON FEBRUARY 22, 2005 BY KEVIN D CRAWFORD =====

02/22/05 - Despite note on plan (Sht 1 of 8 dated 10/15/04) this project will involve grading. The driveway construction alone involves grading activity. Removal of the old foundation would also involve grading. Suggest a special inspection for the existing shed to determine structural integrity. It seems very dilapidated and may require removal. The driveway configuration, as shown, does not appear adequate. Curve radii is sub-standard and the existing trees impair sight distance. Project will require an Encroachment Permit from DPW. and despite Note H. design details are to be coordinated with this plan, not later at the site. Site topography shown is also inadequate. Provide full site topography, including full site contours, edge of pavement elevations and all existing & proposed improvement elevations. There appears to be a large underground utility bunker at the north end of this property that is not shown. Strongly suggest a civil engineer be retained to prepare the site plan. A full and adequate erosion control plan will also be required for work on this sensitive site. Project planner can determine whether the comments above qualify as "completeness" or "miscellaneous" comments for the purpose of this discretionary application. Applicant should be aware that all above information will be required prior to any permit issuance. Soil Report to be reviewed by Joe Hanna

===== UPDATED ON FEBRUARY 23, 2005 BY JOSEPH L HANNA =====

Soils report review and review letter sent out 2-22-05. Flood information not shown on plans. ===== UPDATED ON APRIL 29, 2005 BY JOSEPH L HANNA =====

The geotechnical report for the subject parcel has been approved. Joe Hanna  
04-23-2005

Environmental Planning Miscellaneous Comments

===== REVIEW ON NOVEMBER 8, 2004 BY ELIZABETH A HAYWARD =====

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EXHIBIT G

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No. : 04-0514  
APN: 071-121-19

Date: May 5, 2005  
Time: 15:39:04  
Page: 2

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Based on the survey prepared by McGregor Land Surveys dated 8/30/04 portions of the property lie above the base flood elevation and significant portions of the existing building site are within the floodway. Reconstruction on the existing foundation would result in a dwelling within the flood hazard area and is inconsistent with County General Plan policies and Chapter 16.10. The proposed dwelling must be relocated outside or above the flood hazard area.

Dpw Drainage Completeness Comments

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

===== REVIEW ON NOVEMBER 4, 2004 BY ALYSON B TOM ===== Application with plans dated 10/5/04 has been received. Please address the following:

- 1) Describe how the old permitted structure drained
- 2) Runoff should follow existing topography and should not be directed to the road.
- 3) The installation of any new hard-piping that outlets to the creek will require review and approval by a geotechnical/soils engineer.
- 4) The generic drainage note provided on sheet 1 is not adequate. Please describe the exact plan for draining all impervious areas (roof and driveway).
- 5) If possible outslope driveway and parking area to sheet flow to stable, non-erosive areas. Depending on the drainage plan for the driveway and parking area. approval from a geotechnical/soils engineer may be required.

Zone 8 fees will be assessed on the net increase in impervious area due to this project.

For questions regarding this review Public Works storm water management staff is available from 8-12 Monday through Friday.

All submittals for this application should be made through the planning department  
===== UPDATED ON FEBRUARY 3, 2005 BY ALYSON B TOM ===== Application with plans revised on 1/4/05 has been received. Please address the following:

- 1) The updated plans show a new house location as well as maintaining the existing home foundation. This proposal will result in a net increase of greater than 500 square feet. Any proposal that results in greater than 500 square feet of additional impervious area will be required to comply with Groundwater Recharge and Water Supply Watershed requirements of retaining additional runoff on site so that the post project runoff rate is maintained at pre project levels. Retention and infiltration of this added runoff should be utilized prior to detention methods. The project geotechnical engineer will need to approve of the retention design and location. Retention facilities should not be located in the floodplain. Retention requirements will be waived only if the project geotechnical engineer finds that retention is not feasible on this site and submits information describing reason(s) of infeasibility.

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No.: 04-0514  
APN: 071-121-19

Date: May 5, 2005  
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Page: 3

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None of the previous comments were addressed. Please address all previous comments.  
===== UPDATED ON MARCH 15, 2005 BY ALYSON B TOM ===== Application with drainage plan dated 2/21/05 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 NOVEMBER 4, 2004 BY ALYSON B TOM ===== See completeness comments.

===== UPDATED ON MARCH 15, 2005 BY ALYSON B TOM ===== The following should be addressed prior to building permit issuance:

- 1) Show on the plans the location and configuration of the overflow pipe to be provided for the retention/detention facilities.
- 2) Provide a final letter from the project geotechnical engineer approving and referring to dated drainage plan.
- 3) Zone 8 fees will be assessed on the net increase in impervious area coverage due to the project. Show any existing parking/driveway areas for fee credit, baserock is considered semi-impervious. There are conflicting notes regarding the proposed surfacing for the parking/driveway areas. Please clarify. Please note that if the net increase in impervious area is less than 500 sq.ft the retention/ detention system is not required.

**Dpw Driveway/Encroachment Completeness Comments**

===== REVIEW ON OCTOBER 25, 2004 BY DEBBIE F LOCATELLI =====

At the time of building permit application please provide driveway profile and have driveway meet the Santa Cruz County Design Criteria.

**Dpw Driveway/Encroachment Miscellaneous Comments**

===== REVIEW ON OCTOBER 25, 2004 BY DEBBIE F LOCATELLI =====

Encroachment permit required for all off-site work in the County road right-of-way.

**Dpw Road Engineering Completeness Comments**

===== REVIEW ON NOVEMBER 1, 2004 BY TIM N NYUGEN =====  
NO COMMENT

**Dpw Road Engineering Miscellaneous Comments**

===== REVIEW ON NOVEMBER 1, 2004 BY TIM N NYUGEN =====  
NO COMMENT

**Environmental Health Completeness Comments**

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No. : 04-0514  
APN: 071-121-19

Date: May 5, 2005  
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===== REVIEW ON NOVEMBER 1, 2004 BY JIM G SAFRANEK =====

Unless applicant's septic consultant can demonstrate that the soils used for the current septic system are not in the fast percolation category, onsite sewage treatment will be required via sewage disposal permit approval. Contact Rafael Sanchez of EHS at 454-2735. ===== UPDATED ON FEBRUARY 3, 2005 BY JIM G SAFRANEK =====  
See previous comment.

===== UPDATED ON MARCH 17, 2005 BY JIM G SAFRANEK ===== Project is approved for 1 bedroom rebuild.

**Environmental Health Miscellaneous Comments**

===== REVIEW ON NOVEMBER 1, 2004 BY JIM G SAFRANEK =====

NO COMMENT

===== UPDATED ON FEBRUARY 3, 2005 BY JIM G SAFRANEK ===== No comment.

**Zayante Fire Department Completeness Comments**

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

===== REVIEW ON NOVEMBER 2, 2004 BY COLLEEN L BAXTER ===== DEPARTMENT NAME: CDF/COUNTY FIRE Note on the plans that these plans are in compliance with California Building and Fire Codes (2001) as amended by the authority having jurisdiction.

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 asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%. - The maximum grade of the driveway 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-arounds 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. - The driveway shall be thereafter maintained to these standards at all times. 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. 72 hour minimum notice is required prior to any inspection and/or test. Note: As a condition of submittal of these plans. the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review,

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No.: 04-0514  
APN: 071-121-19

Date: May 5, 2005  
Time: 15:39:04  
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subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency. ===== UPDATED ON JANUARY 21, 2005 BY COLLEEN L BAXTER =====

DEPARTMENT NAME:

Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT, with an annotated copy of this letter:

Note on the plans that these plans are in compliance with California Building and Fire Codes (1997) as amended by the authority having jurisdiction.

Each APN (lot) shall have separate submittals for building and sprinkler system plans.

top of the chimney. The wire mesh shall be 1/2 inch.

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

NOTE on the plans that a 100 foot clearance will be maintained with non-combustible vegetation around all structures or to the property line (whichever is a shorter distance). 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 Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency.

YOUR NEW CONSTRUCTION REQUIRES A "FIRE DEPARTMENT CLEARANCE REVIEW" OR AN URBAN WILDLAND INTERMIX CODE REVIEW. THIS PACKET MAY BE OBTAINED FROM YOUR LOCAL FIRE DEPARTMENT. CALL YOUR DEPARTMENT TO MAKE AN APPOINTMENT. A BUILDING PERMIT MAY NOT BE OBTAINED UNTIL THIS REVIEW IS COMPLETE.

**Zayante Fire Department Miscellaneous Comments**

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

===== REVIEW ON NOVEMBER 2, 2004 BY COLLEEN L BAXTER =====  
===== UPDATED ON JANUARY 21, 2005 BY COLLEEN L BAXTER =====

## RECOMMENDATIONS

The following recommendations should be used as guidelines for preparing project plans and specifications:

### Site Grading

1. We request the opportunity to review project grading and foundation plans during the design phase of the project. We can then provide our opinion regarding geotechnical considerations.
2. Observation and testing services for earthwork performed at the project site should be provided by Haro, Kasunich and Associates. The observation and testing of earthwork allows for contractors compliance evaluation to project plans and specifications and our geotechnical recommendations. It also allows us the opportunity to confirm that actual soil conditions encountered during construction are essentially the same as those anticipated based on the subsurface exploration.
3. The geotechnical engineer should be notified at least four (4) working days prior to any site clearing or grading so that the work in the field can be coordinated with the grading contractor and arrangements for testing and observation can be made. The recommendations of this report are based on the assumption that the geotechnical

engineer will perform the required testing and observation during grading and construction.

It is the owner's responsibility to make the necessary arrangements for these required services.

4. Where referenced in this report, Percent Relative Compaction and Optimum Moisture Content shall be based on ASTM Test Designation D1557-91.

5. Areas to be graded or to receive building foundations should be cleared of obstructions including loose fill, debris, foundations, trees not designated to remain and their principal roots, or other unsuitable material. Existing depressions or voids created during site clearing should be backfilled with engineered fill.

6. Engineered fill should be placed in thin lifts not exceeding 8 inches in loose thickness, moisture conditioned, and compacted to a minimum of 90 percent relative compaction. The upper 8 inches should be compacted to a minimum of 95 percent relative compaction.

7. Areas to receive engineered fill should be scarified to a depth of 6 inches, moisture conditioned, and compacted to a relative density of 90 percent.

8. The on-site native soil may be reused as engineered fill once the majority of

organics and other deleterious material is removed

9. Any imported fill should meet the following criteria:
  - a. Be free of wood, brush, roots, grass, debris and other deleterious materials.
  - b. Not contain rocks or clods greater than 2.5 inches in diameter.
  - c. Not more than 20 percent passing the #200 sieve.
  - d. Have a plasticity index less than 15.
  - e. Be approved by the geotechnical engineer. Submit to the geotechnical engineer samples of import material or utility trench backfill for compliance testing a minimum of 4 days before it is delivered to the job site.
  
10. After the earthwork operations have been completed and the geotechnical engineer has finished his observation of the work, no further earthwork operations shall be performed except with the approval of and under the observation of the geotechnical engineer.
  
11. Disturbed slopes should be planted with erosion resistant material.

Pier and Grade Beam Foundation

The residence should be supported by a pier and grade beam foundation.

12. Drilled piers along the western edge of the residence should be a minimum of 24 inches in diameter and spaced no more than 4 feet on center. These piers should be designed for an active loading of 30 pcf over  $1\frac{1}{2}$  pier diameters to a depth of 7 feet below existing grade. This depth may be reduced in the field depending on where bedrock is encountered. All other piers should be a minimum of 16 inches in diameter and embedded into the underlying bedrock (varying between 5 and 10 feet deep). Piers embedded into the bedrock may be designed for an allowable end bearing of 7,000 psf.

13. For passive lateral resistance, an equivalent fluid pressure of 200 pcf may be assumed against  $1\frac{1}{2}$  pier diameters within the soil. An equivalent fluid pressure of 400 pcf may be assumed against 2 pier diameters within the underlying siltstone bedrock. For design purposes, the passive resistance should not begin until after the active zone on the western edge piers and not until a depth of 3 feet for all other piers.

14. Prior to placing concrete, all foundation excavations should be thoroughly cleaned. The foundation excavations must be observed by the geotechnical engineer or his representative prior to placing concrete. There is a potential for the upper sand to cave during pier drilling operations. This portion of the pier hole may require casing.

**1997 UBC Seismic Design Considerations**

For purposes of design of structural features for the proposed project seismic coefficients may be used based on a soil profile Sc as described in Table 16-J of the 1997 UBC. The coefficients should be based on the 1997 UBC and the San Andreas Fault (Type A at a distance of 13 kilometers) and/or the Zayante-Vergales Fault (Type B at a distance of 8 kilometers).

**Slabs-on-Grade**

15. Concrete slabs-on-grade planned for the site should be constructed on a minimum of 24 inches of engineered fill as outlined in the grading section of this report. Concrete slab-on-grades should be physically separated from the foundation of the residence. Prior to construction of the slab, the subgrade surface should be proof-rolled to provide a smooth, firm, uniform surface for slab support. Slab reinforcement should be provided in accordance with the anticipated use and loading of the slab. **As** a minimum, we recommend the use of number **4** bars placed within the slab at 18 inches on center. Slab joints should be spaced no more than 15 feet on center to minimize random cracking. While some movement of slabs is likely, a well-prepared subgrade including pre-moistening prior to pouring concrete, adequately spaced expansion joints, and good workmanship should minimize cracking and movement.

**1997 UBC Seismic Design Considerations**

For purposes of design of structural features for the proposed project seismic coefficients may be used based on a soil profile Sc as described in Table 16-J of the 1997 UBC. The coefficients should be based on the 1997 UBC and the San Andreas Fault (Type A at a distance of 13 kilometers) and/or the Zayante-Vergales Fault (Type B at a distance of 8 kilometers).

**Slabs-on-Grade**

15. Concrete slabs-on-grade planned for the site should be constructed on a minimum of 24 inches of engineered fill as outlined in the grading section of this report. Concrete slab-on-grades should be **physically separated** from the foundation of the residence. Prior to construction of the slab, the subgrade surface should be proof-rolled to provide a smooth, firm, uniform surface for slab support. Slab reinforcement should be provided in accordance with the anticipated use and loading of the slab. As a minimum, we recommend the use of number 4 bars placed within the slab at 18 inches on center. Slab joints should be spaced no more than 15 feet on center to minimize random cracking. While some movement of slabs is likely, a well-prepared subgrade including pre-moistening prior to pouring concrete, adequately spaced expansion joints, and good workmanship should minimize cracking and movement.

16. in areas where floor wetness would be undesirable, a blanket of 4 inches of free-draining gravel should be placed beneath the floor slab to act as a capillary break. In order to minimize vapor transmission, an impermeable membrane should be placed over the gravel. The membrane should be covered with 2 inches of sand or rounded gravel to protect it during construction. The sand or gravel should be lightly moistened just prior to placing the concrete to aid in curing the concrete. If moisture is expected a surface treatment or moisture retardant should be added to the concrete.

#### Site Drainage

17. Proper control of drainage will be essential to the project.

18. Runoff must not be allowed to sheet over the western slope. Where uncontrolled runoff flows over the slopes or concentrated runoff is directed onto slopes, the potential for erosion or shallow debris flows is greatly increased. Asphalt or earthen berms, or lined V-ditches should be planned, as determined by the project Civil Engineer, to adequately control surface runoff.

19. Surface drainage should include positive gradients so that surface runoff is not permitted to pond adjacent to foundations, slabs or retaining walls. Surface drainage should be directed away from building foundations. The slope from the foundation

elements should be 2 percent. Overall runoff must be intercepted and diverted away from planned structures with lined V-ditches or other means.

20. Full roof gutters and downspouts should be placed around eaves. Discharge from the roof gutters should be conveyed away from the building site by closed plastic conduit and dispersed into energy dissipators at an appropriate location. No collected roof water should be allowed to flow over the western slope.

21. The migration of water or spread of extensive root systems below foundations, slabs, or pavements may cause undesirable differential movements and subsequent damage to these structures. Landscaping should be planned accordingly.

**Plan Review, Construction Observation, and Testing**

22. Our firm must be provided the opportunity for a general review of the final project plans prior to construction so that our geotechnical recommendations may be properly interpreted and implemented. If our firm is not accorded the opportunity of making the recommended review, we can assume no responsibility for misinterpretation of our recommendations. We recommend that our office review the project plans prior to submittal to public agencies, to expedite project review. The recommendations presented in this report require our review of final plans and specifications prior to construction and upon our observation and, where necessary, testing of the earthwork and foundation

Project No. SC8752  
21 January 2005

excavations. Observation of grading and foundation excavations allows anticipated soil conditions to be correlated to those actually encountered in the field during construction.



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX:(831) 454-2131 Too: (831) 454-2123

**TOM BURNS, PLANNING DIRECTOR**

April 15, 2005

Mr. Doron Fishbin  
515 Middlefield Drive  
Aptos, CA 95003

**Subject:** Review of Geotechnical Investigation and Addendum by Haro, Kasunich, and Associates, Dated: January 1, 2005 & April 1, 2005, Proj. No. SC8752  
APN: 071-121-19, Application No: 04-0514

Dear Mr. Doron Fishbin:

The purpose of this letter is to inform you that the Planning Department has accepted the subject report and the following items shall be required:

1. All construction shall comply with the recommendations of the report.
2. Final plans shall reference the report and include a statement that the project shall conform to the report's recommendations.
3. Before building permit issuance plan review letter shall be submitted to Environmental Planning. The author of the report shall write this letter and shall state that the project plans conform to the report's recommendations.

After building permit issuance, the soils engineer *must* remain involved with the project during construction. Please review the Notice to Permits Holders (attached). All improvements must comply the FEMA requirements.

Our acceptance of the report is limited to the technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

Please call the undersigned at 454-3175 if we can be of any further assistance.

Sincerely,

Kevin Crawford  
Sr. Civil Engineer

Joe Hanna  
County Geologist

Cc: Haro, Kasunich and Associates, 116 East Lake Avenue, Watsonville, CA 95076  
James Cox, 324 Sunnont Drive, Lafayette, CA 94549

**EXHIBIT. 1**

Project No. SC8752  
28 March 2005  
Revised: 1 April 2005

MR. DORON FISHBIN  
515 Middlefield Drive  
Aptos, California 95003

Subject: Response to Santa Cruz County Comments

Reference: Residential Construction  
7665 East Zayante Road (APN 071-121-19)  
Santa Cruz County, California

Dear Mr. Fishbin:

At your request, we have performed additional work to respond to concerns of the Santa Cruz County Planning Department contained in a letter dated 22 February 2005. The responses contained in this letter should be considered an addendum to the 21 January 2005 Geotechnical Investigation Report by our firm.

**Comment #1**

Please indicate a minimum depth of pier penetration into bedrock

**Response**

All piers should penetrate a minimum of 2 feet into the underlying Monterey Formation Siltstone bedrock

**Comment #2**

Provide a cross-section that shows the depth to bedrock, the depth of the proposed piers, the location of the house, the existing retaining walls, and the stream

**Response**

Cross-section A-A is attached. The depth of the piers on the stream side are based on preliminary calculations by the project structural engineer.

**Comment #3**

Establish and indicate on the plans a setback line from the Creek for proposed improvements such as the Fire department turn-around and the underground utilities. The intent of this setback is to qualitatively compensate for stream erosion and other potential stream embankment instability.

**EXHIBIT J**

Mr. Doron Fishbin  
Project No. SC8752  
7665 East Zayante Road  
28 March 2005  
Revised: 1 April 2005  
Page 2

**Response**

Cross-section B-B' was shot through the proposed parking area to aid in our assessment. In addition one additional hand augered boring was advanced to verify soil conditions in this area. It is our understanding that a Fire Department turn around is not required because the residence is so proximate to East Zayante Road.

But, it is recommended that utility lines be setback from the creek. This is shown on the cross-section. The proposed parking area is setback an appropriate distance from the creek based on the 31 March 2005 plot plan by Larry Rothfuss, project designer.

**Comment #4**

Provide recommendations for pavement and AB placement for driveway and turnaround area.

**Response**

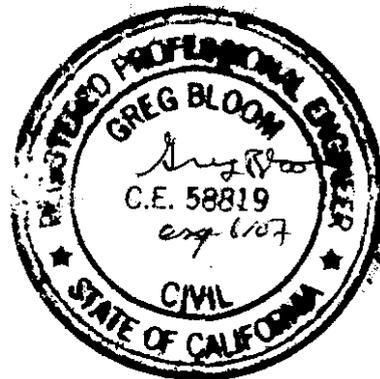
Areas to receive pavement and/or Aggregate Baserock should be scarified to a depth of 6 inches, moisture conditioned and compacted to a minimum relative compaction of 95 percent. A minimum section of 2 inches of Asphaltic Concrete over 6 inches of Aggregate Baserock (compacted to 95 percent) is appropriate for this project given the sandy soil conditions.

We appreciate the opportunity to provide you with professional services for this project. If you have any questions regarding the contents of this report, please call our office.

Very truly yours,

**HARO, KASUNICH AND ASSOCIATES, INC.**

Greg Bloom  
C.E. 58819



GB/sq  
Attachments  
Copies: 2 to Addressee  
4 to Larry Rothfuss

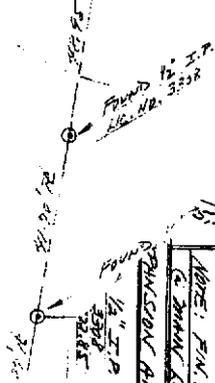
COMPACTED TO 95%  
AND CERTIFIED  
BY LIC. T  
EQUIPMENT

AND ...

121.57

THE REMAINING  
OF THE ...  
IS ...

EXISTING REMAINING WALL  
TO REMAIN WITH NO CHANGES



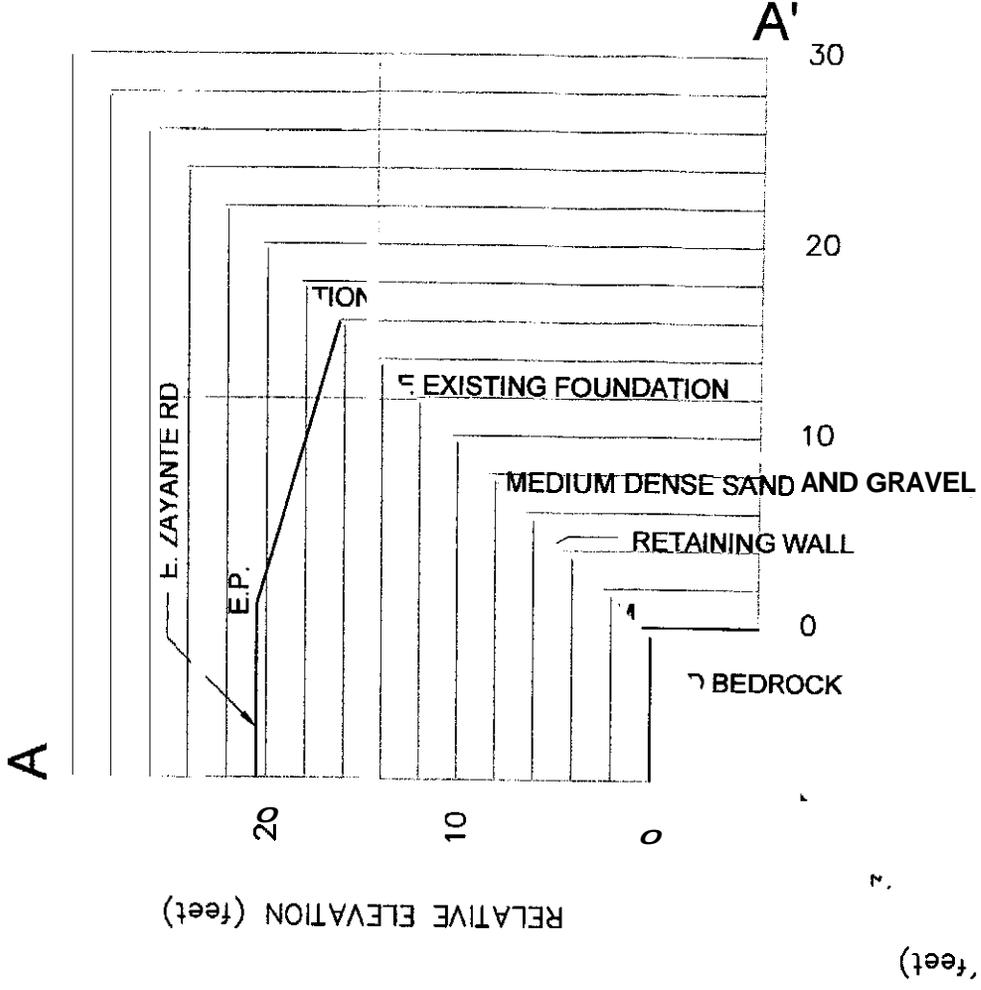
PROVISION AREA  
ABOVE FIN. EL. 32.91  
6.00' MAX. LEVEL

DAKE FLOOD ELEVATION  
THE PROVISION TO BE  
509.00' SEE PAGES 6,

EXISTING FIRE ...  
2'-6\"/>

EXISTING  
PILE  
12' ...  
TO MARK

1 N/A  
7/4





# East Zayante

PROJECT NO. SC8752

LOGGED BY GB

DATE DRILLED March 24, 2005

BORING DIAMETER 4" H.A.

BORING NO. B-3

SuperLog CivilTech Software, USA www.civiltech.com File: C:\Superlog4\HKALOGS\SC8752.log Date: 3/25/05

Depth, ft.	Sample No. and type Symbol	SOIL DESCRIPTION	Unified Soil Classification	Blows/foot 350 ft - lbs.	Qu - t.s.f. Penetrometer	Dry Density p.c.f.	Moisture % dry wt.	MISC. LAB RESULTS
0		Gray Silty SAND, loose, damp (fill?)	SM					
5		Gray Silty SAND with Gravel, medium dense, subrounded gravel	SM					
7.0		Boring terminated at 7.0 feet						

HARO, KASUNICH AND ASSOCIATES, INC.

BY ag

FIGURE NO. 3