



Staff Report to the Zoning Administrator

Application Number: **07-0117**

Applicant: Matson-Britton Architects
Owner: Kelley and Cindy Trousdale
APN: 043-161-57 & -58

Agenda Date: 5/2/08
Agenda Item #: 5
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing single-family residence on two lots (043-161-57 & -58), to construct one single-family residence of about 5,000 square feet with an attached garage on parcel 043-161-58, and to remove one 18" diameter tree.

Location: Project located at the southern end of Bayview Drive, on the site of 660 Bayview Drive.

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit, Grading Permit

Technical Reviews: Geologic Report Review & Soils Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0117, based on the attached findings and conditions.

Exhibits

- | | |
|---|--|
| A. Project plans | F. Zoning, General Plan, & Location maps |
| B. Findings | G. Site Photographs |
| C. Conditions | H. Topography Map |
| D. Categorical Exemption (CEQA determination) | I. Photo Simulations |
| E. Assessor's parcel map | J. Comments & Correspondence |

Parcel Information

Parcel Size:	18,419 square feet (043-161-57 & -58 combined) 10,434 square feet (043-161-58)
Existing Land Use - Parcel:	Single-family residence
Existing Land Use - Surrounding:	Single-family residential neighborhood, Coastal bluff
Project Access:	Bayview Drive
Planning Area:	Aptos

Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-6 (Single-family residential, 6,000 square foot minimum)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Coastal bluff at rear of property
Soils: Report reviewed and accepted
Fire Hazard: Not a mapped constraint
Slopes: 3-5% slopes (043-161-57); 10-15% slopes (043-161-58)
& edge of coastal bluff at southwest property line
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Approximately 98 cubic yards of cut, 40 cubic yards of fill
Tree Removal: One 18" diameter tree to be removed
Scenic: Scenic beach viewshed
Drainage: Drainage system at rear of property graded to drain away from bluff
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6

History

Per the County Assessor's records, the existing house was originally constructed in 1938. In 1995, the repair and extension of the bluff protection wall and drainage swale behind the project site was approved through Coastal Development Permit 95-0149. Recent surveys show these improvements (wall and drainage) on the adjacent property to the south. No evidence of a maintenance agreement or right to use the adjacent property for these improvements has been provided and the applicant has requested that the adjacent improvements not be associated with this application.

In 2005, a Parcel Legality Determination (05-0727), determined that the project site includes two separate legal lots of record. Unconditional Certificates of Compliance were recorded for these two parcels.

This application was previously scheduled for the 8/17/07 Zoning Administrator hearing. This item was removed from the agenda and remanded to staff for further review. This application was rescheduled for the 12/7/07 Zoning Administrator hearing. Prior to the 12/7/07 hearing, the owner's attorney requested that the hearing be postponed to resolve issues regarding the coastal bluff behind the subject property and the design of the proposed residence. The application was removed from the agenda in response to the request made by the owner's attorney. Additional

meetings were held with Planning Department staff and the owner's representatives to discuss the above listed issues and to allow for additional review by staff. As a result of these discussions, this revised staff report has been prepared. This revised report replaces any previous report prepared for this application.

Project Setting

The project site is located at the southeast end of Bayview Drive, at 660 Bayview Drive. The project site is located within a single family residential neighborhood with homes to the north and northwest. A coastal bluff is located to the southwest of the subject property, a coastal arroyo is located to the northeast, and adjacent vacant parcels are located along the coastal bluff to the southeast. The project site is located within the scenic viewshed of the public beach to the south and Hidden Beach park to the east.

Project Scope

This application includes a proposal to demolish the existing, one-story, single family dwelling (approximately 3,500 square feet) that straddles parcels 043-161-57 and 043-161-58, and to construct a two-story single family dwelling of about 4,600 square feet on parcel 043-161-58. A separate Coastal Development Permit application (07-0325) is currently in process for the construction of another two-story single family dwelling (approximately 4,250 square feet) on parcel 043-161-57. Another Coastal Development Permit application (07-0474) is currently in process to construct three separate two-story single family dwellings on each of the three vacant parcels to the southeast.

Zoning & General Plan Designation

The subject property is approximately 18,419 square feet (in two parcels), located in the R-1-6 (Single-family residential - 6,000 square feet minimum) zone district, a designation which allows residential uses. A single-family dwelling is a principal permitted use within the zone district and the density proposed is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

The proposed residence complies with the site standards for the zone district, as outlined below:

	R-1-6 Site Standards	Proposed
Front yard setback	20'	About 27'
Rear yard setback	15' (or coastal bluff setback)*	About 27'
Side yard setbacks	5' and 8'	5' and 8'
Maximum height	28'	28'
Maximum % lot coverage	30%	29.9%
Maximum Floor Area Ratio	50%	48%

*Coastal bluff setback also applies - minimum of 25 feet from coastal bluff edge (per technical reports).

Adequate parking will be provided on site for the four-bedroom residence, and the amount of paving for circulation and parking purposes will be limited to no more than 50% of the front yard setback area as a condition of approval.

Design Review & Scenic Resources

The design of the proposed residence was evaluated from both the context of views from the surrounding neighborhood and views from the public beach. As viewed from Bayview Drive, the residence will fit into the surrounding neighborhood. The proposed residence will be located down-slope from other residences in the neighborhood and away from the traveled way of Bayview Drive. Views from the public beach are discussed in detail below.

The subject property is located within the scenic viewshed of the public beach south and public park to the east. An analysis of the beach viewshed was performed by staff, including an evaluation of all of the residences constructed along the bluff side of Bayview Drive. This analysis included a review of previously approved projects and a visual inventory of the existing residences along Bayview Drive. There are both one and two-story structures along the bluff side of Bayview Drive. In the majority of cases, the two-story residences appear to be sufficiently set back from the bluff edge to screen the lower floor from public views on the beach below. In cases where more than one story is clearly visible, the structure is located within an existing pattern of urbanized development along the bluff edge. This proposal will vary from the existing pattern of development, in that it will result in the construction of a two-story residence at the down-coast end of Bayview Drive in a more prominent and visible location.

The project site is located at a point of transition between the up-coast section of Bayview Drive and remaining vacant parcels down-coast. The elevation of the coastal bluff along Bayview Drive is relatively consistent from the arroyo that lies between Seaview Drive and Bayview Drive to the southeastern end of Bayview Drive. At the subject property, the top edge of the coastal bluff begins to drop downward, with the slope increasing downward to the southeast. As the elevation of the coastal bluff is reduced, the angle of view changes and more of the structures constructed on these properties will be visible from the beach below. Additionally, the residential development at the base of the bluff along Beach Drive ends to the northwest of the site. The lack of development below the bluff increases the visibility of development on the subject property and vacant parcels to the southeast. The structures to be constructed in this area will be in greater contrast to the natural landform below and adjacent to the project site than other developed parcels along Bayview Drive.

In summary, staff believes that the visual setting of this property is at a point of transition from an existing residential neighborhood along a higher bluff edge to a lower, undeveloped section of bluff which is highly visible from the public beach and park to the south and east. For these reasons, staff has suggested a range of options for reducing potential visual impacts for the current design to the project applicant. These suggestions included: reducing the apparent bulk and mass of the structure by lowering plate heights, altering the roof pitch, and reconfiguring the floor plan; the use of colors and materials which would cause the structure to appear subordinate to the surrounding natural backdrop; and landscaping in the form of appropriate evergreen trees to screen the proposed residence.

Although staff has suggested design changes to the project applicant, there has been an unwillingness to redesign the project to reduce visibility of the proposed residence. The current design may result in an increased level of visual impact to the public beach viewshed over

alternate designs which incorporate the changes suggested by staff. However, the project site is at a point of transition between the existing residential neighborhood and the more visually prominent vacant sites located down-coast to the south and east. The resulting visual impact of the proposed residence is therefore reduced when compared to these adjacent sites. The Zoning Administrator may choose to incorporate any of the suggested design changes, as appropriate or necessary, to further protect the public viewshed.

Existing Retaining Wall, Coastal Bluff, and Geologic Hazards

The project site is located adjacent to a coastal bluff, and an existing retaining wall is located below the project site. Though this wall was constructed by the prior property owner in 1982 and was later repaired in 1995 to address changing site conditions, it was recently discovered to have been constructed on the adjacent property. Shortly before the 8/17/07 Zoning Administrator hearing, the slope adjacent to the wall experienced a minor failure. This created a concern regarding the long term maintenance and performance of the wall and the potential effect on the proposed development.

The applicant was notified of these concerns and the need to address the cause of the failure. Additional materials were provided, indicating that the failure was due to irrigation being left on in the rear yard of the existing residence and that no further action was needed. However, the questions of long term maintenance of the existing retaining wall and the effects of the possible failure of the wall remained. Performing an independent analysis, the County Geologist has determined that the loss of the wall and backfill would modify the coastal bluff line in one location by up to seven feet. However, the proposed residence is located in a manner which would still meet the minimum 25 feet bluff setback requirement.

Geologic and geotechnical reports have been reviewed and accepted for this application. The proposed residence will comply with the required coastal bluff setback and site drainage will be captured and dispersed away from the coastal bluff edge.

Conclusion

The proposed development will result in the construction of a single family residence on a legal lot of record adjacent to a coastal bluff. The proposed two-story residence will be visible within the protected scenic viewshed and the design could be modified to reduce the visibility of the proposed structure. However, the project site is at a point of transition between the existing residential neighborhood and the more visually prominent vacant sites located down-coast to the south and east. The resulting visual impact of the proposed residence is therefore reduced when compared to these adjacent sites. Additional design changes have been suggested which could further protect the public views from the beach and park (to the south and east) but have not been incorporated into the design by the project applicant.

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 **07-0117**, 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

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Coastal Development Permit Findings

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

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

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions 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 proposed residence is compatible with other residences within the Bayview Drive neighborhood. The project site is located within a scenic resource area at a point of transition between the existing residential neighborhood and the more visually prominent vacant sites located down-coast to the south and east. The subject property is located at the end of the developed parcels along the coastal bluff side of Bayview Drive and the elevation of the bluff in this location is lower than it is along the majority of Bayview Drive. As a result, the project site is more visible than other properties along Bayview Drive and a project of reduced scale would provide for increased protection of scenic resources. Although this project will be visible from the beach in this location, the project site is not as prominent as other adjacent sites down-coast to the south and east and the resulting visual impact is therefore reduced when compared to adjacent properties.

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 located between the shoreline and the first public road, with developed public beach access in the vicinity at Hidden Beach park. Consequently, the proposed project 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 residential uses are allowed uses in the R-1-6 (Single-family residential, 6,000 square foot minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

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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. Construction will comply with prevailing building technology, the Uniform Building Code, the County Building ordinance, and the recommendations of the geologic and geotechnical reports to insure the optimum in safety and the conservation of energy and resources. The proposed single-family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will be consistent with the purpose of the R-1-6 (Single-family residential, 6,000 square foot minimum) 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.

The proposed residence will comply with the County's Geologic Hazards Ordinance, in that the project will comply with the minimum setback from the coastal bluff to ensure 100-year stability of the structure.

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

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

The proposed single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The project will comply with General Plan/LCP Policy 5.10.7 (Development on Open Beaches and Blufftops) in that the proposal will result in the development of a single family residence on an existing lot of record.

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

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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.

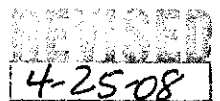
This finding can be made, in that the proposed residence is to replace an existing residence on the project site. The expected level of traffic generated by the proposed project is anticipated to remain constant and will not adversely impact existing roads and intersections in the surrounding area.

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 neighborhood containing both one and two-story homes of a similar size, 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, for the reasons specified in Coastal Development Finding #3, above.



Conditions of Approval

Exhibit A: Project plans, 10 sheets; sheets P1 through P6 drawn by Matson-Britton Architects on 3/6/07; sheets C-1 through C-3 drawn by RI Engineering Inc. and dated 2/07; sheet 1 drawn by Gary Ifland and dated 4/4/06.

- I. This permit authorizes the demolition of an existing single-family dwelling and construction of a two-story single-family dwelling on APN 043-161-58. 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.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official, if more than 100 cubic yards of grading is proposed, if cuts exceed 5 feet, or if fill exceeds 2 feet in height.
 - 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 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 proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
 2. An engineered grading plan prepared, wet stamped, and signed by a licensed civil engineer.
 3. A final engineered drainage plan, prepared, wet stamped, and signed by a

licensed civil engineer, with the following additional information as required by the County Geologist and DPW Drainage:

- a. Provide final review letters from the project geotechnical engineer and project geologist stating that the proposed drainage plan will not cause any erosion or stability problems on this site or downstream from the site.
 - b. Provide a copy of a recorded drainage easement for APN 043-161-57 drainage facilities that will collect upstream runoff and connect to the drainage system on APN 043-161-58.
 - c. Show that the drainage outlets on APN 043-161-57 are in a location outside of the coastal bluff setback as determined by the project geologist.
4. A detailed erosion control plan for review and approval by Environmental Planning staff.
 5. 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. The height must match the approved Exhibit "A" for this permit and may not exceed a maximum of 28 feet.
 6. Revised site plans and engineered plans showing the driveway does not exceed more than 50% of the front yard setback area.
 7. Plans shall include a statement that the project will comply with the accepted geologic and geotechnical reports for this project, and both the building plans and engineering plans must clearly show the accepted geologic building envelope.
 8. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 9. Plans shall show protective fencing around all trees within 20 feet of the area of disturbance, except for the single tree proposed to be removed.
 10. Show the proposed location of on-site sewer lateral(s), clean out(s), and connection(s) to the existing public sewer. Existing sewer laterals must be properly abandoned prior to issuance of the demolition permit.

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- 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. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
 - F. Submit plan review letters from both the project geotechnical engineer and project geologist, confirming the building, grading, drainage, and erosion control plans conform to the recommendations of the geotechnical and geologic reports. A minimum of three (3) copies of each letter shall be submitted for review and approval.
 - G. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - H. 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.
 - I. Sign, date, and record a Declaration of Geologic Hazards (to be prepared by Environmental Planning staff prior to Building Permit submittal). **You shall not alter the wording of this declaration.** Please return a copy of the recorded document to the Planning Department as proof of recordation.
- 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 geologic and geotechnical reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons

shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

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

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

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

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

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

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

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

Minor variations to this 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 on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Randall Adams
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 07-0117

Assessor Parcel Number: 043-161-57 and 043-161-58

Project Location: 660 Bayview Drive

Project Description: Demolish existing single-family dwelling and construct replacement single-family dwelling

Person or Agency Proposing Project: Matson-Britton Architects

Contact Phone Number: (831) 425-0544

- 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 2: Replacement of existing structure

F. Reasons why the project is exempt:

Demolish and construct a replacement single-family dwelling on a property designated for residential uses.

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

Randall Adams, Project Planner

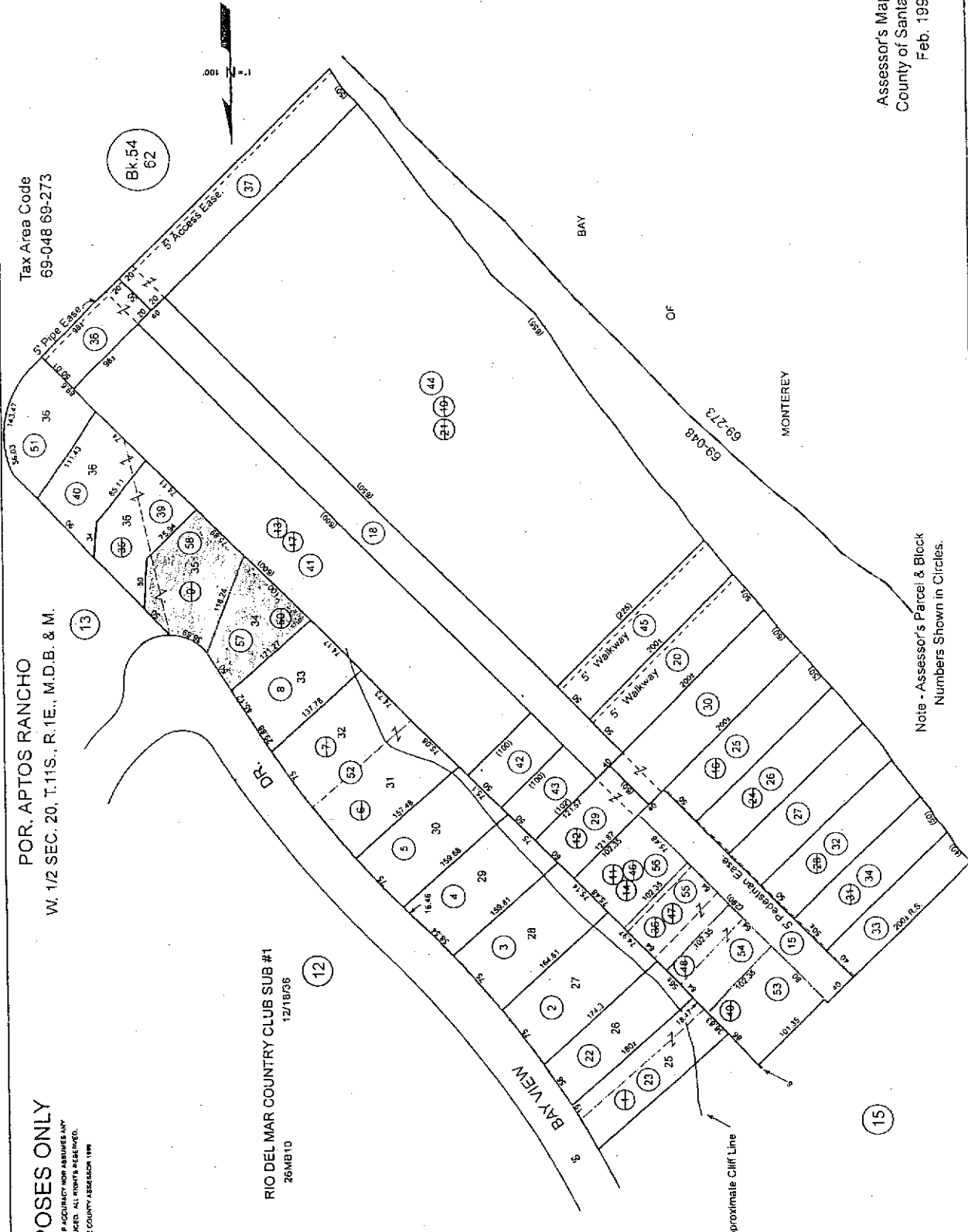
Date: _____

43-16

Tax Area Code
69-048 69-273

FOR TAX PURPOSES ONLY
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

POR, APTOS RANCHO
W. 1/2 SEC. 20, T. 11S., R. 1E., M.D.B. & M.



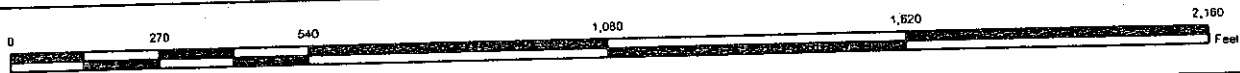
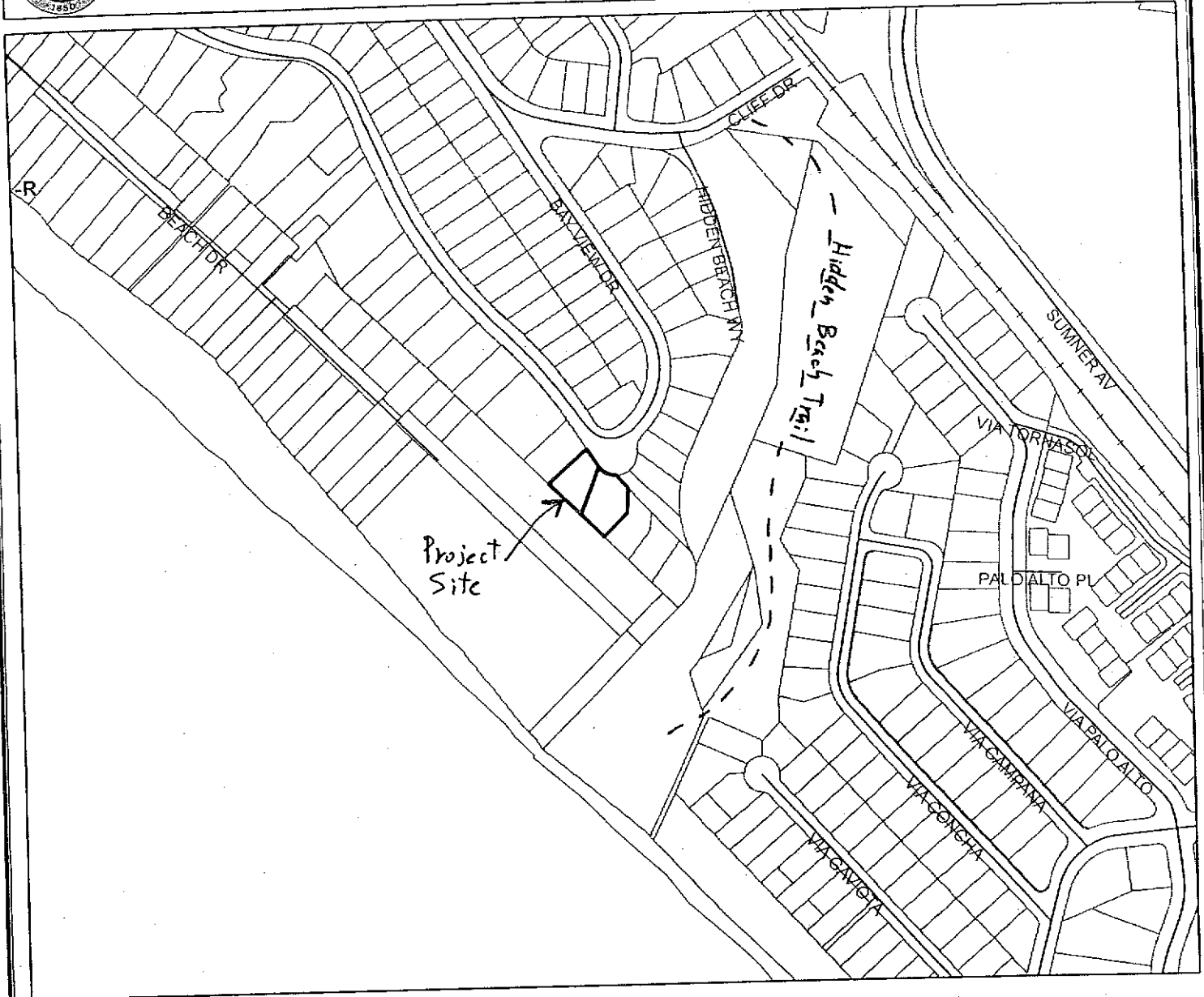
Assessor's Map No. 43-16
County of Santa Cruz, Calif.
Feb. 1999

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


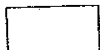



Electronically Redrawn 2/9/99 by
Rev. 12/15/95 GIG (COK wdy, 1-41)
Rev. 12/15/95 GIG (COK wdy, 1-41) as per 26MB10
Rev. 5/25/01 mmw (changed page nr.)
Rev. 2/7/05 DD (+4079927 to 70, LBA 1-53 to 58)
Rev. 10/12/06 CB (6-0021451 & 2, 50 1-57 & 58)

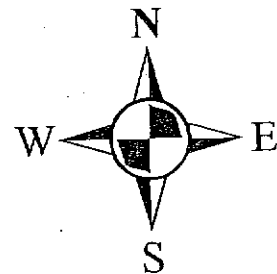


Location Map



Legend

-  APNs 043-161-57, -58
-  Assessors Parcels
-  Streets
-  Railroads
-  County Boundary

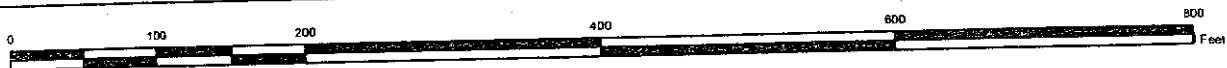
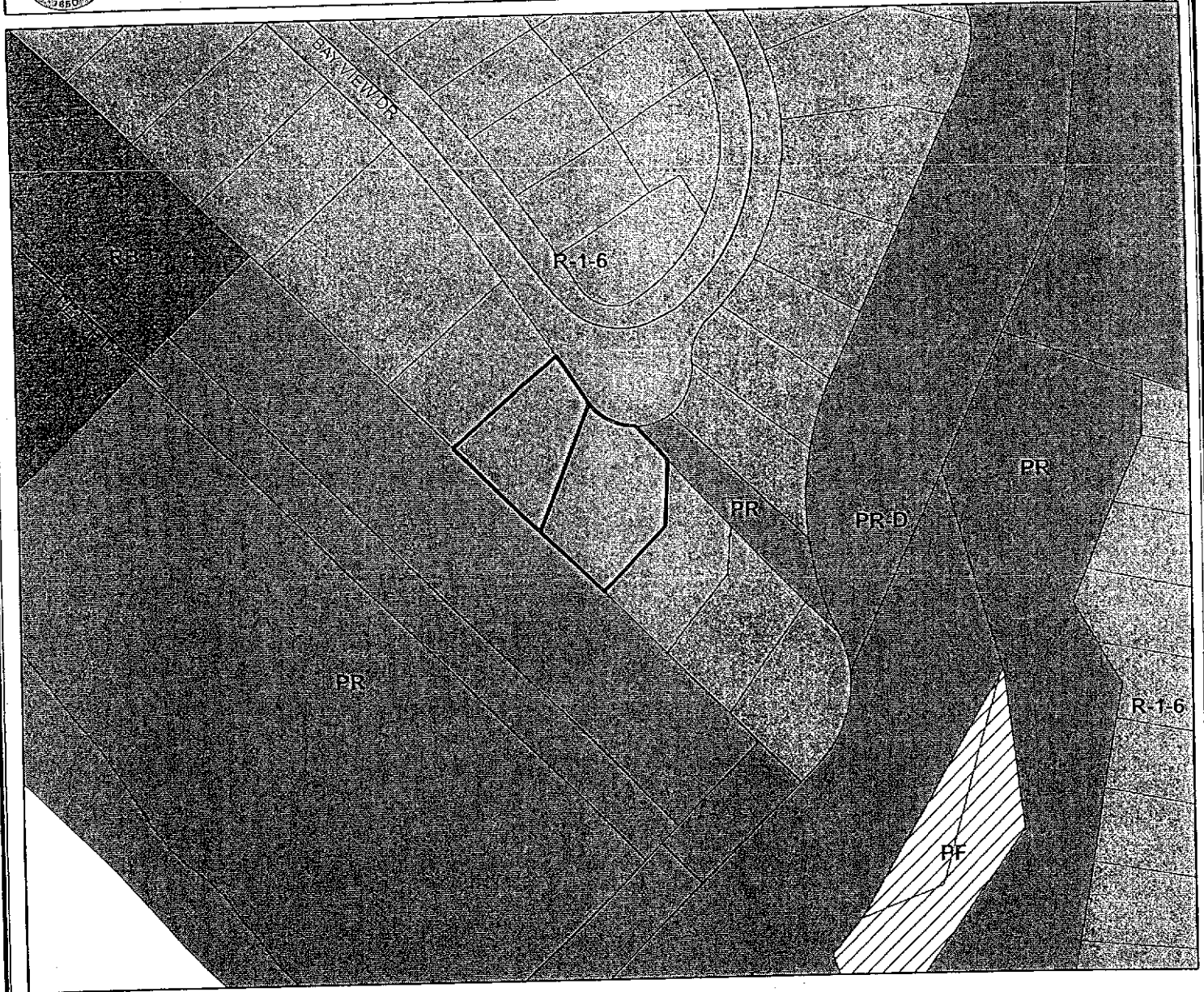


Map Created by
County of Santa Cruz
Planning Department
March 2007








EXHIBIT F

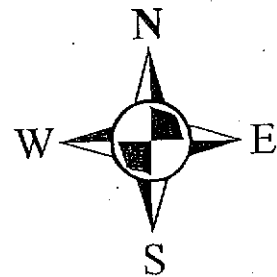


Zoning Map



Legend

-  APNs 043-161-57, -58
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PARK (PR)
-  RESIDENTIAL- OCEAN BEACH (RB)
-  PUBLIC FACILITY (PF)

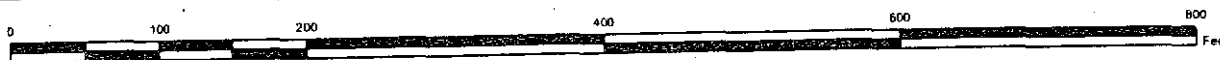
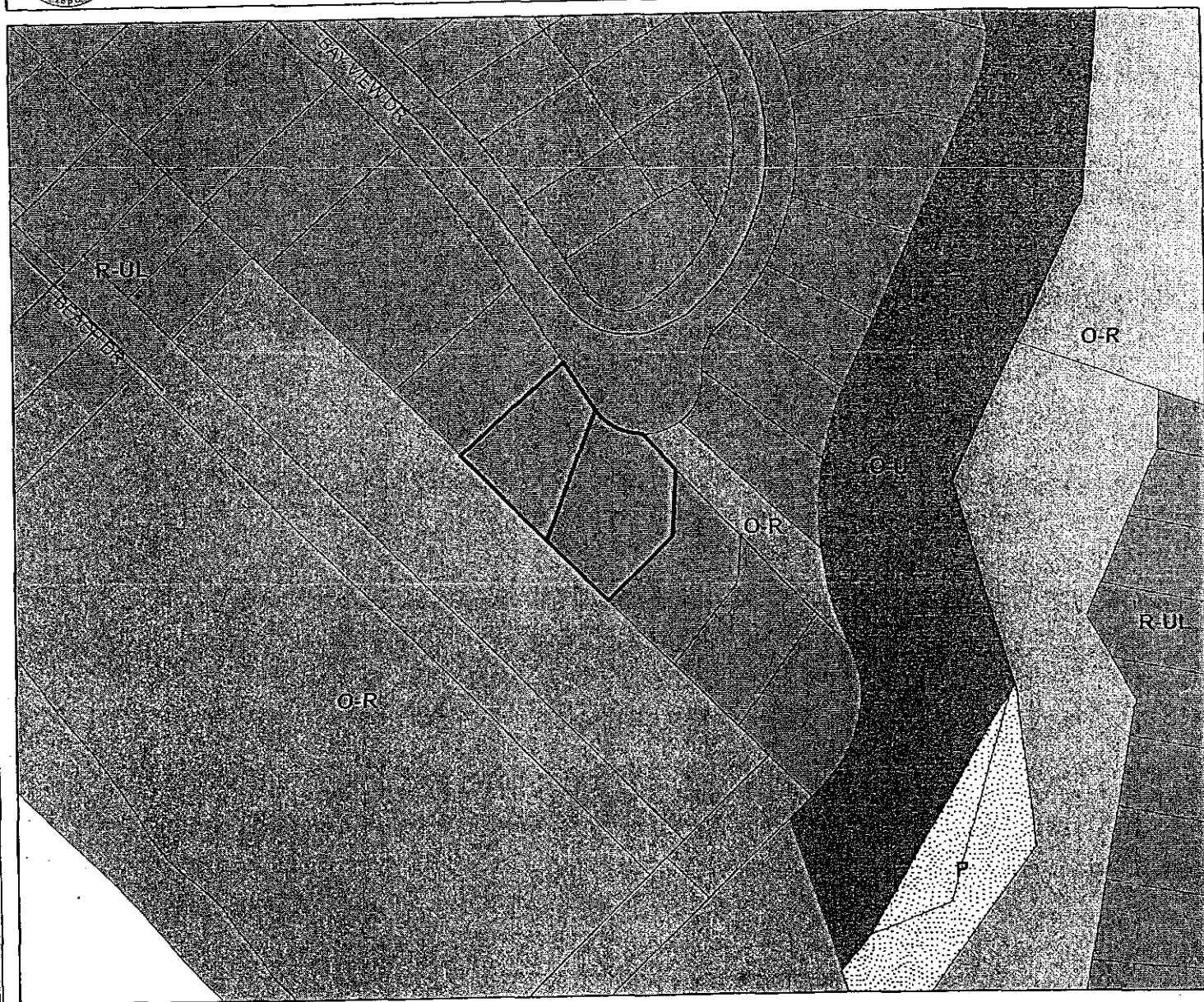


Map Created by
County of Santa Cruz
Planning Department
March 2007








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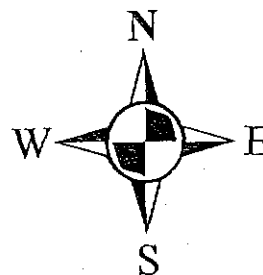


General Plan Designation Map



Legend

-  APNs 043-161-57, -58
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density (R-UL)
-  Parks and Recreation (O-R)
-  Urban Open Space (O-U)
-  Public Facilities (P)



Map Created by
County of Santa Cruz
Planning Department
March 2007

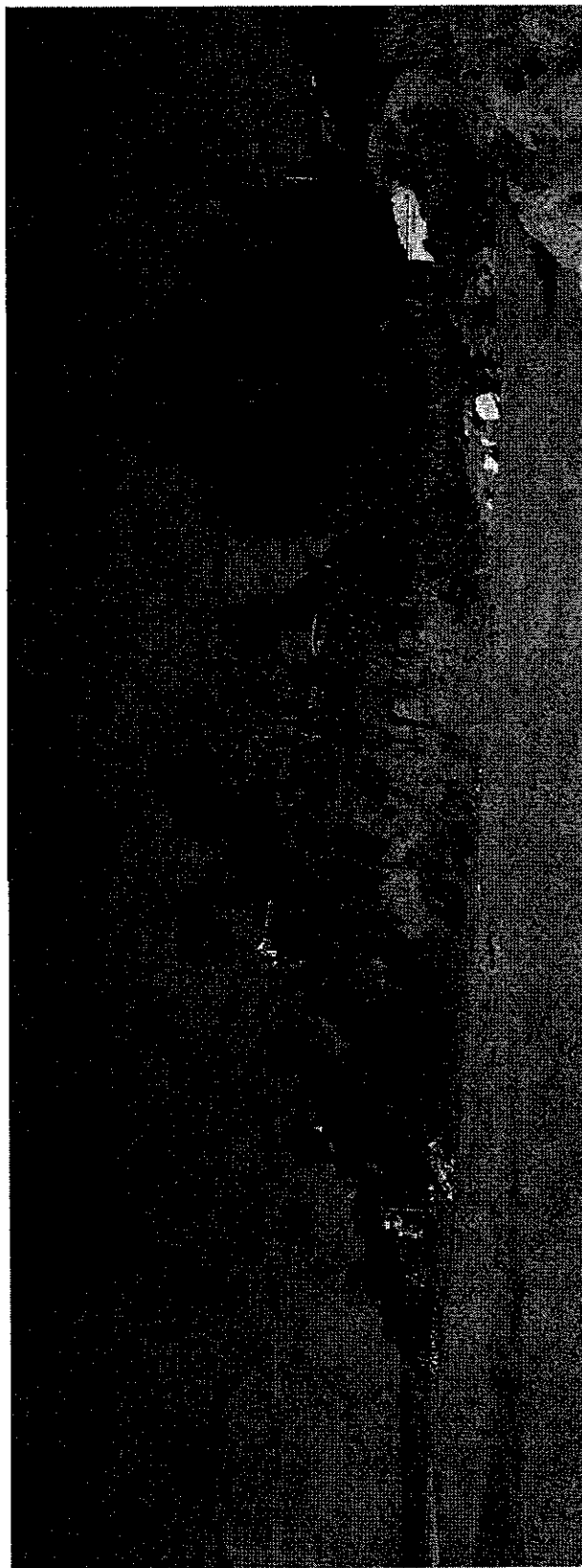
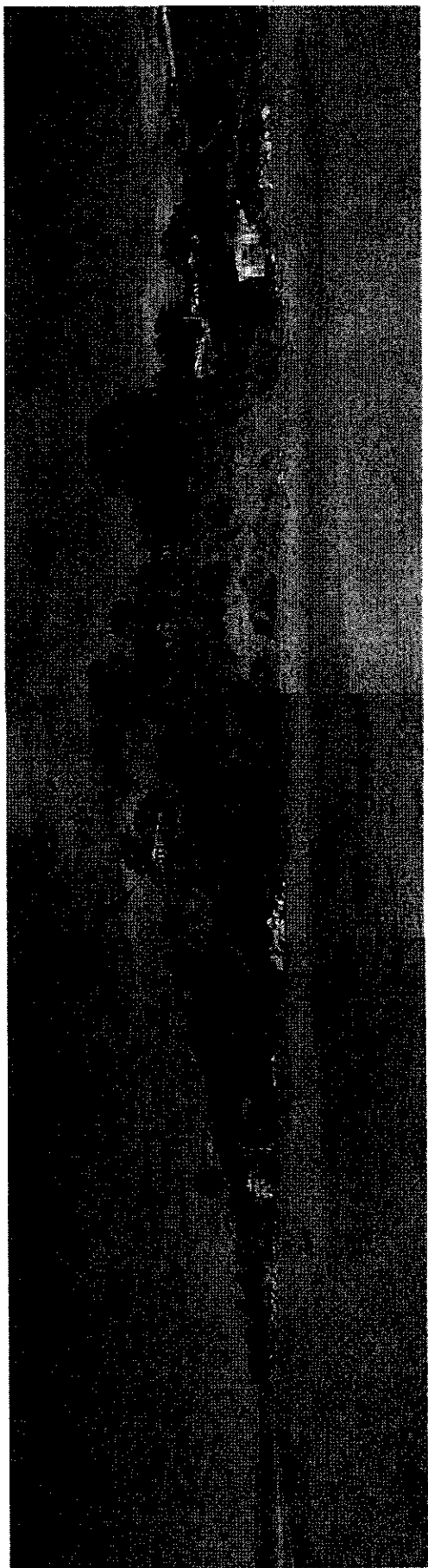


EXISTING RESIDENCE
(TO BE DEMOLISHED)

SUBJECT PROPERTY (VIEW FROM BEACH)



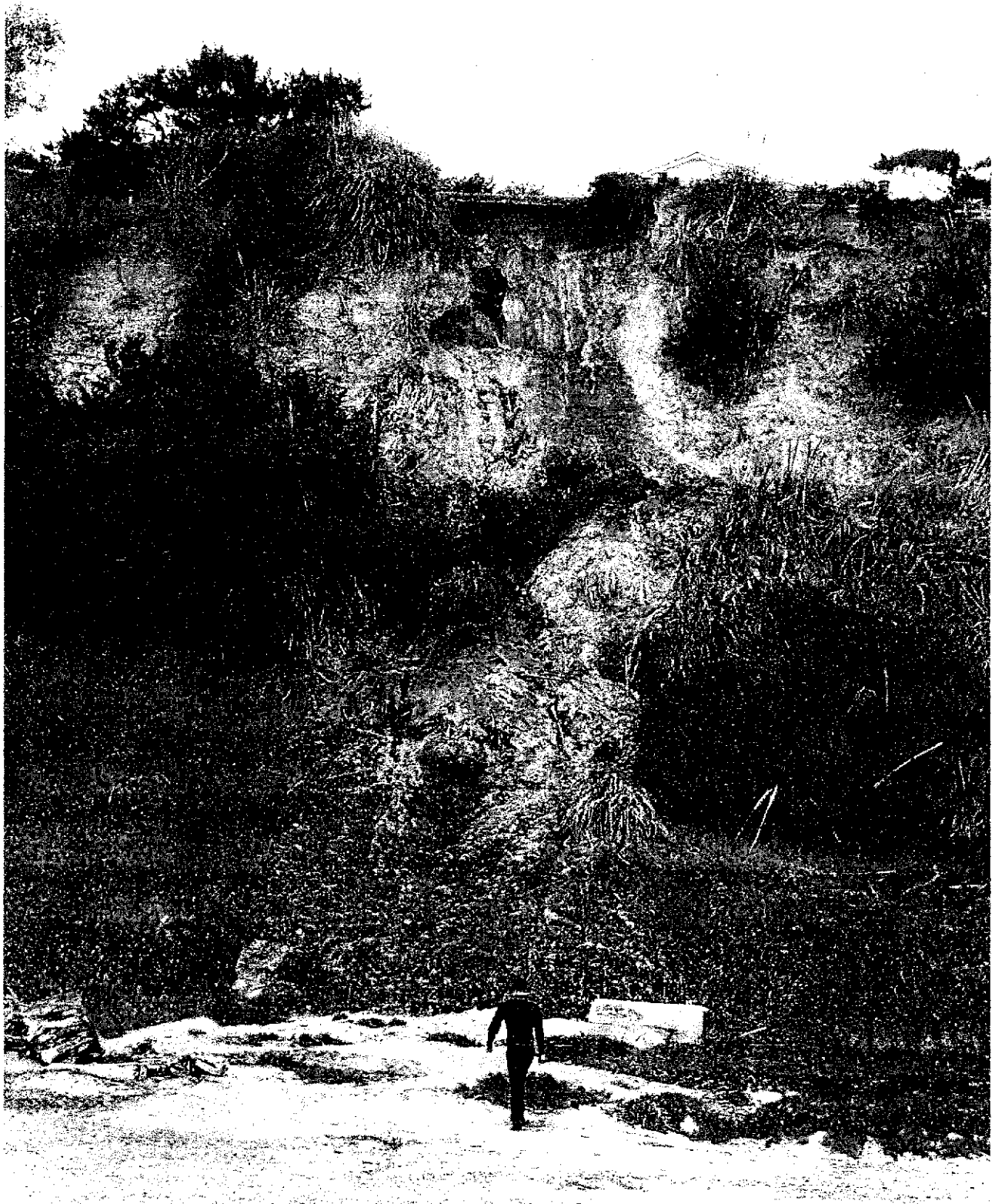
SUBJECT PROPERTY (VIEW FROM BEACH)



SUBJECT PROPERTY (PUBLIC BEACH VIEWSHED)



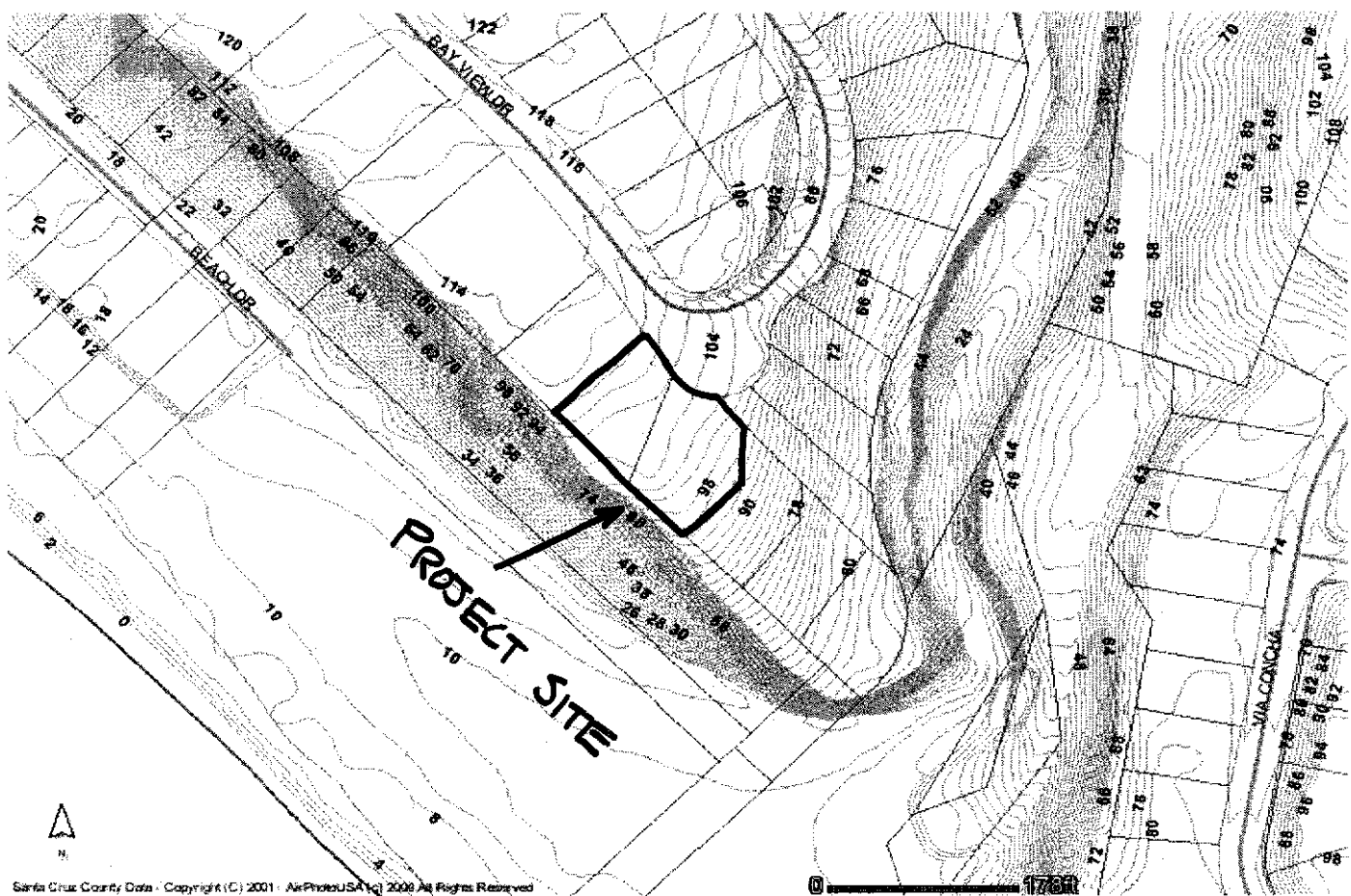
SLOPE BELOW PROJECT SITE

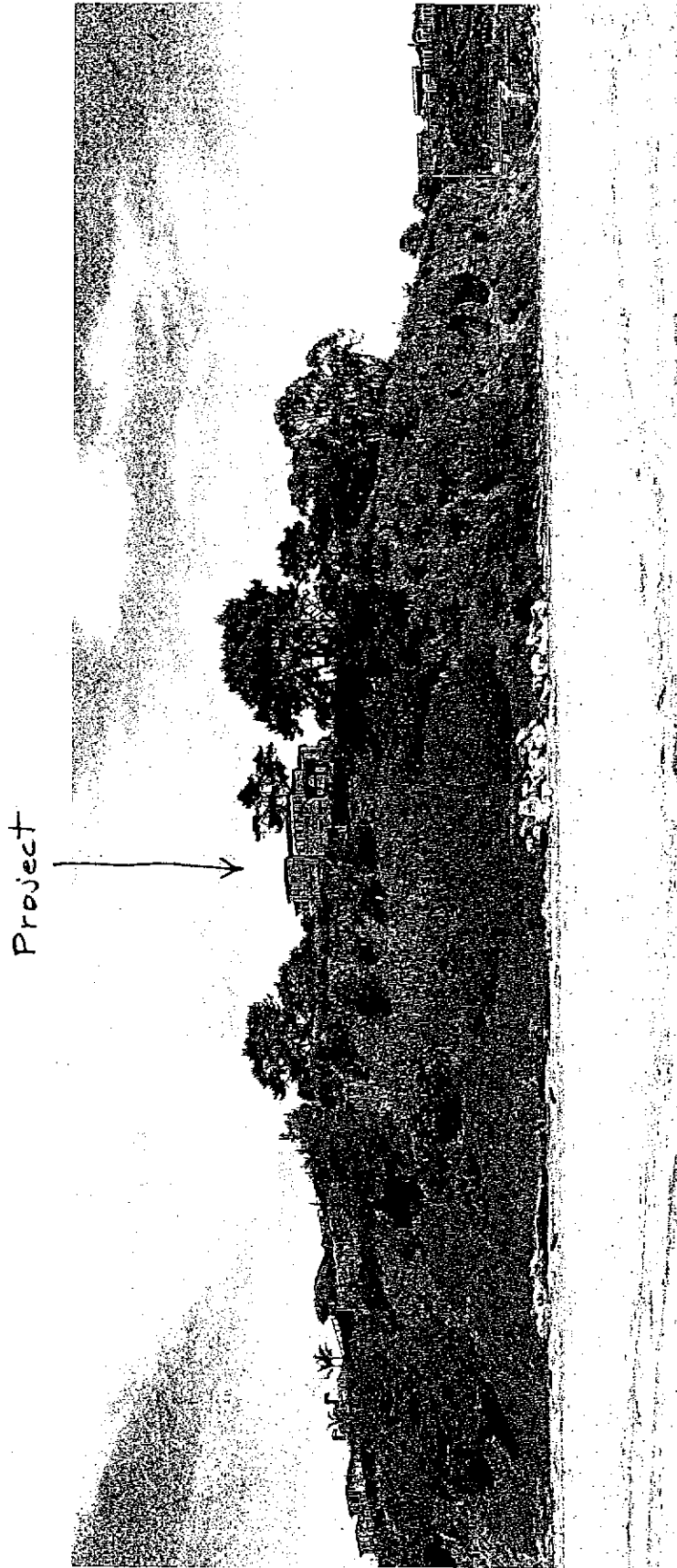


SLOPE BELOW PROJECT SITE
-24-

EXHIBIT 6

Topography Map - Bayview Drive





Trousdale residence

660 Bayview Drive, Lot B, Aptos
View from Via Gaviota seawall
Matson Britton Architects
Rendering: ArchiGraphics



Trousdale residence
660 Bayview Drive, Lot B, Aptos
View looking East from beach
Matson Britton Architects
Rendering: ArchiGraphics

Project



Trousdale residence
660 Bayview Drive, Lot B, Aptos
View from Bayview Drive
Matson Britton Architects
Rendering: ArchiGraphics

INTEROFFICE MEMO

APPLICATION NO: 07-0117

Date: November 5, 2007

To: Randall Adams, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Review of a new residence at 660 Bayview Drive, Aptos

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		✓	<i>For visual resource discussion purposes, ridgelines and bluffs are equivalent.</i>
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			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 repeat or harmonize with those in the cluster			N/A
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 (rural)			
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 that harmonize with the character of the area. Natural materials are preferred			N/A
Beach Viewsheds (urban)			
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)		✓	<i>The building dominates the natural character as seen from the beach.</i>
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed	CONDITIONAL - see comments		<i>Trees which soften the impact of this project are proposed to be removed in adjacent projects.</i>
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.	✓		

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		✓	<i>The design does not relate to the natural site features, i.e. edge of bluff above public beach.</i>
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		✓	<i>General plan policy</i>
Views			
Protection of public viewshed		✓	<i>The view from the beach is highly impacted.</i>
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		✓	<i>The massing and bldg. silhouette should be reduced when viewed from the beach.</i>
Building silhouette		✓	<i>See comments above.</i>
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	✓		
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	✓		
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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: Randall Adams
Application No.: 07-0117
APN: 043-161-57

Date: November 5, 2007
Time: 09:55:00
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON MARCH 15, 2007 BY KEVIN D CRAWFORD =====

03/15/07 - No fee for Preliminary Review of Grading was collected for this application. Planner should notify applicant of necessity to pay that fee. Grading Plan by R.I. Engineering dated 2/07 (C1-C3) appears acceptable for Completeness from a grading standpoint. NOTE: APN indicated on those sheets needs to be updated.

===== UPDATED ON APRIL 2, 2007 BY ANDREA M KOCH =====

1) No further completeness comments from Environmental Planning. ===== UPDATED ON JULY 13, 2007 BY JOSEPH L HANNA =====

The proposed drainage system has not been reviewed by the project engineering geologist and geotechnical engineer. Please have them review the proposal.

The better way of disposing this drainage would be to take either to the base of the slope either within the stream or at the toe of the bluff. Please have the engineer examine determine if they have the right to use the subdivision's drainage easements to conduct the drainage to the base of the slope.

Environmental Planning Miscellaneous Comments

===== REVIEW ON MARCH 15, 2007 BY KEVIN D CRAWFORD =====

NO COMMENT

===== UPDATED ON APRIL 2, 2007 BY ANDREA M KOCH =====

1) During building permit application, please submit a plan review letter from the engineering geologist. The letter must review the final grading, drainage, structural, and erosion control plans. The letter must state that the final plans conform to the recommendations in the engineering geology report.

2) During building permit application, please submit a plan review letter from the geotechnical (soils) engineer. The letter must review the final grading, drainage, structural, and erosion control plans. The letter must state that the final plans conform to the recommendations in the geotechnical (soils) report.

3) Final building permit plans must reference the geology and soils reports and must include a statement that the project shall conform to the reports' recommendations.

4) The application for a building permit shall include an engineered grading and drainage plan (such as the one submitted with this discretionary permit application).

5) Prior to building permit issuance, please sign, notarize, and record at the County Recorder's Office the Declaration of Geologic Hazards sent to you with the report review letter from Joe Hanna.

6) Please show on the final plans protective construction fencing around all retained trees in the vicinity of construction (such as the large trees along

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 07-0117
APN: 043-161-57

Date: November 5, 2007
Time: 09:55:00
Page: 2

Bayview Drive).

Dpw Drainage Completeness Comments

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

===== REVIEW ON MARCH 22, 2007 BY ALYSON B TOM ===== Application with civil plans dated February 2007 has been received. Please address the following:

1) This project is required to hold post development flows to predevelopment rates and mitigate for added impervious areas on site. Credit can be taken the existing permitted impervious areas on the subject parcel. The project should utilize best management practices such as minimizing impervious areas, disconnected impervious areas, etc. as mitigations. As proposed the project has not minimized impervious area.

2) Describe how the existing home and impervious areas drain. Demonstrate existing drainage patterns are maintained.

3) How much upstream area from road and private properties drains to this parcel? How does the existing concrete gutter along the driveway drain?

===== UPDATED ON JUNE 20, 2007 BY ALYSON B TOM ===== Application with plans dated May 2007 and drainage calculations dated 6/4/07 has been received. Please see miscellaneous comments.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON MARCH 22, 2007 BY ALYSON B TOM ===== Please address the following with the building application:

1) The proposed outlet facilities should be located as far away from property boundaries as possible.

2) Who maintains the existing concrete gutter on the downstream property?

3) Provide a final review letter from the project geotechnical engineer stating that the proposed drainage plan will not cause any erosion or stability problems on this site or downstream from the site.

4) Provide a copy of the recorded drainage easement for drainage facilities that will handle upstream offsite runoff.

5) Zone 6 fees will be assessed on the net increase in runoff due to additional permitted impervious areas.

===== UPDATED ON JUNE 20, 2007 BY ALYSON B TOM ===== Please address the following in addition previous miscellaneous comments.

1) Provide information for the existing catch basin at the end of the gutter demonstrating that the project site will not need to be accepting this offsite

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 07-0117
APN: 043-161-57

Date: November 5, 2007
Time: 09:55:00
Page: 3

runoff. Describe where this system leads.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON MARCH 12, 2007 BY RUTH L ZADESKY =====

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON MARCH 12, 2007 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.

Dpw Road Engineering Completeness Comments

===== REVIEW ON MARCH 15, 2007 BY GREG J MARTIN =====

A standard driveway geometry is required with returns. The County Design Criteria shows typical configurations. Contact Greg Martin at 831-454-2811 with questions.

===== UPDATED ON JUNE 20, 2007 BY ANWARBEG MIRZA =====

All comments have been addressed. Plans are complete and approved for discretionary stage review.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON MARCH 15, 2007 BY GREG J MARTIN =====

===== UPDATED ON JUNE 20, 2007 BY ANWARBEG MIRZA =====

Dpw Sanitation Completeness Comments

===== REVIEW ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

===== UPDATED ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

Sewer service is currently available.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

Sewer service is available for the subject development upon completion of the following conditions. Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application

Existing lateral(s) must be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure. An abandonment permit for disconnection work must be obtained from the District.

Show all existing and proposed plumbing fixtures on floor plans of building application.

===== UPDATED ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

===== UPDATED ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

Aptos-La Selva Beach Fire Prot Dist Completeness C

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

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 07-0117
APN: 043-161-57

Date: November 5, 2007
Time: 09:55:00
Page: 4

===== REVIEW ON MARCH 29, 2007 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 MARCH 29, 2007 BY ERIN K STOW =====

NO COMMENT

Randall Adams

From: Jean Getchell [jgetchell@mbuapcd.org]
Sent: Tuesday, December 04, 2007 6:03 PM
To: Randall Adams
Subject: 07-0117: 660 Bayview Drive, Aptos

Importance: High



Rule 439.pdf

**** High Priority ****

Randall:

Demolition / Deconstruction of Residence

Although a single family residence is exempt from District Rule 424, National Emission Standards for Hazardous Air Pollutants (NESHAPS), which specifies requirements to prevent the release of asbestos, it must comply with District Rule 439, Building Removals. Rule 439 attempts to limit particulate emissions from deconstruction or demolition of buildings in the District. The following work practice standards should be added as conditions of project approval:

1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process.
2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building.
3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.

I have enclosed a copy of District Rule 439 for your reference.

Jean Getchell
Supervising Planner
Monterey Bay Unified APCD
24580 Silver Cloud Court
Monterey, CA 93940
(831) 647-9411 x 227



ZINN GEOLOGY

3085 Carriker Lane, Suite B
Soquel, California 95073
Tel. 831.476.8443 Fax 831.476.1491
enzinn@cruzio.com

11 September 2007

Job #2006017-G-SC

Kelley & Cindy Trousdale
660 Bayview Drive
Aptos, California 95003-5304

Re: May 2007 landslide impacts to proposed development
Bayview Drive
Aptos, California
Lot B
County of Santa Cruz APN 043-161-57
Application Number 07-0117

Dear Mr. And Mrs. Trousdale:

We are responding to your request for supplemental input regarding the impacts to the planning process caused by a recent debris flow landslide in the coastal bluff in front of your existing residence. This letter reassesses the risks to your proposed development with respect to the long-term coastal bluff retreat in the vicinity of the recent landslide, as well as providing a geological basis by which your project geotechnical engineer, Elizabeth Mitchell of Pacific Crest Engineering, Inc. [PCEI], civil engineer, Richard Irish of R.I. Engineering and architect, Martha Matson of Matson-Britton Architects [MBA] can continue with their work and analyses.

We performed the following scope of services for the supplemental work culminating in this letter:

1. A site visit to the property on 22 May 2007 with Martha Matson and Cove Britton of MBA, and Elizabeth Mitchell of PCEI;
2. Field mapping of the landslide scar;
3. Reassessment of the risks posed to the proposed development;
4. A brief meeting with Cove Britton and Martha Matson of MBA to disseminate our preliminary conclusions and recommendations;
5. Multiple telephone conversations with you, Cove Britton and Martha Matson of MBA, and Elizabeth Mitchell of PCEI.;
6. Writing of this letter and attendant drafting.

The primary objective of our supplemental investigation is to assess the impacts to the planning and design of the proposed development caused by the recent landslide, which appears to have been triggered by excess watering of your landscaping along the top of the bluff. Our original bluff-top setback line, which defined the seaward edge of our geologically feasible building envelope, was based upon an assessment of long term coastal bluff retreat driven by natural processes. After assessing the situation, we have issued a new site map with a modified geological building envelope in the vicinity of the recent landslide.

LANDSLIDE CHARACTERISTICS

The landslide occurred in late May 2007. The bulk of the landslide, which should be classified as a debris flow, was apparently triggered by a ruptured landscape irrigation pipe. It is unclear if the initial movement of the landslide debris triggered the pipe rupture, or if the pipe ruptured first and triggered the movement of the landslide.

The debris flow deposit was between about 5 and 10 cubic yards in size and flowed out and upon the beach below the bluff. The subsequent scar is approximately 5 ½ to 6 ½ feet deep and comes to within 35 feet of the southwestern corner of the proposed residence on Lot B. The irrigation pipe and a small concrete V-ditch have been undermined by the evacuation of the landslide debris. The landslide appears to have occurred entirely within the pedogenic soil horizon that has overprinted the Quaternary age Marine Terrace Deposits.

The landslide, as well as the irrigation pipe and v-ditch appear to be entirely on the parcel abutting the two parcels owned by the Trousdales.

ANALYSIS

The coastal bluff fronting the Trousdale's property retreats naturally through the process of erosion and landsliding. The reader should refer to our original report for an exhaustive discussion of bluff retreat processes, as well as the methods utilized in calculating the long-term average bluff retreat rate.

It is important to note that the possibility for the bluff retreat process to include an event such as this one was accounted for in the calculation of our original long-term bluff retreat rate, along with the attendant "100-Year Bluff Retreat Line", which in this case forms the edge of our prescribed building envelope along the coastal bluff. The evidence for these processes can be clearly observed off of the Trousdale property where other abandoned irrigation pipes are hanging in landslide scars that have since been smoothed by erosional modification.

Nonetheless, we understand the concern that appears to have been generated amongst the participants in the planning process, including our client, who have some concerns with respect to the long-term impacts of the resultant scar on the proposed development. Keeping that in

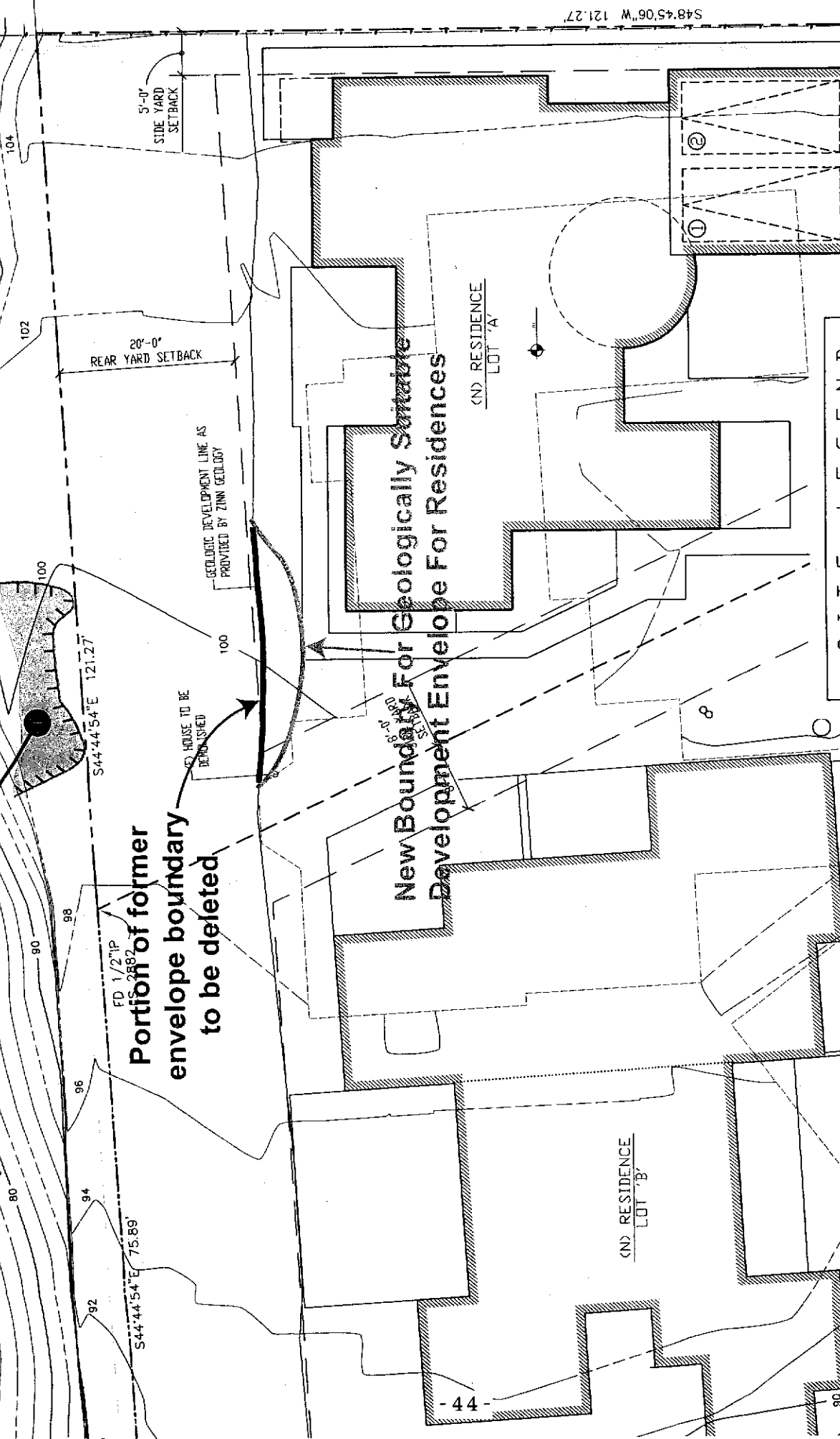
mind, we turn to Plate 1 accompanying this letter, where we have annotated our original geology building envelope based upon this recent event. As may be noted on Plate 1, we have pushed our original building envelope landward from the bluff with a concave polygon that is as much 9 feet inland from our original envelope boundary. *It is important to note that our original envelope, based upon our long-term bluff retreat rate calculations, took this landslide event into account.* Our subsequent modification of the envelope in this instance is a conservative measure taken as a result of our client's request.

As should be noted, the revised building envelope has no impact whatsoever upon the proposed residence for Lot B. Our professional opinion continues to be unchanged from our initial assessment - there is no geological basis for this event to impede the planning process for your project on this parcel.

PROCEDURAL ISSUES

It is puzzling as to why your project has been forestalled by the County of Santa Cruz Planning Department with respect to this event. Because geologic opinions have been issued by non-licensed professionals we can only conclude that this issue has been given more attention than it deserves since no literature signed and stamped by a licensed professional opining otherwise has been issued to date regarding the landslide. We don't normally comment on procedural issues with respect to planning processes and hearings, but we thought it to be appropriate in this instance since there appears to be some controversy over the landslide swirling around the project. To our knowledge the only two participants in this planning process who are licensed and qualified to practice geology on this project are myself and Joseph Hanna, the County of Santa Cruz Geologist. As such, we are the only two individuals who are professionally qualified to comment on the landslide processes that might impact the proposed development. Any future geological opinions for this project, including public comments at hearings, issued by anyone other than a licensed geologist should be disregarded.

Debris-flow landslide scar (shaded tan and bounded by orange hachured line)



New Boundary For Geologically Suitable Development Envelope For Residences

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

September 14, 2007

Project No. 0624-SZ70-D57

Kelley and Cindy Trousdale
660 Bayview Drive
Aptos, CA 95003

Subject: **Bluff Retreat Issue**
Trousdale Residence – Lot B
A.P.N. 043-161-57
660 Bayview Drive
Rio Del Mar, Santa Cruz County, CA

Dear Mr. and Mrs. Trousdale,

As requested, an engineer from our firm visited your property on May 22, 2007 to look at a small slope failure that occurred along the edge of the coastal bluff located to the southwest of your residence. It is our understanding that the failure occurred due to a ruptured irrigation pipe immediately adjacent to the bluff top, resulting in saturated soils which then became unstable.

The purpose of this letter is to provide you with a professional opinion concerning the impacts of this recent event upon the geotechnical aspects of the proposed residential development of Lot B. Our evaluation has included a field evaluation of the slide, review of the prior studies for this project performed by our firm and Zinn Geology, discussions with the project engineering geologist Mr. Erik Zinn, and review of Zinn Geology's letter dated September 11, 2007.

As outlined in the prior studies for this project, the project engineering geologist has noted that landsliding along the coastal bluffs below the project area is generally in the form of episodic events (such as this one) within the marine terrace and fluvial terrace deposits overlying the Purisima Formation bedrock. Past observations over several decades reveal the bluff failures within the surficial deposits to be typically relatively shallow. The recent slope failure can be characterized as a shallow, surficial type failure and is consistent with the geologic conclusions developed by Zinn Geology.

Zinn Geology calculated long-term bluff retreat rates that inherently include all the geological processes (erosion, landsliding, co-seismic failures, etc.) which could conceivably contribute to retreat of the bluff over the next 100 years. Through this analysis they developed worse-case failure surfaces to be analyzed, based upon their understanding and experience with bluff failures along this area of coastline. Our quantitative slope stability analysis demonstrated consistency with the observed slope failures and our geotechnical recommendations were developed accordingly.

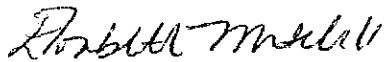
Therefore, provided the building envelope for Lot B remains within the geologically suitable envelope developed by Zinn Geology, the geotechnical recommendations outlined in our 2006 report remain applicable to the proposed project. It is our professional opinion that the recent event has no impact upon the proposed development for Lot B and we have no revisions to our geotechnical recommendations at this time.

All geotechnical recommendations for this project, as well as those provided by Zinn Geology, should be closely followed for this project.

Should you have any questions we can be reached at (831) 722-9446.

Sincerely,

PACIFIC CREST ENGINEERING INC.



Elizabeth M. Mitchell, G.E.
Associate Geotechnical Engineer
GE 2718
Expires 12/31/08

Copies: 2 to Client
 1 to Matson-Britton Architects
 1 to Zinn Geology

MEMORANDUM

Date: 10/16/07

To: Randall Adams, Planner IV

From: Joseph L. Hanna

Re: APN 043-161-57 & 58, APL# 07-0117

The report by Zinn Geology dated September 11, 2007, and Pacific Crest Engineering Inc. dated September 14, 2007 provides a summary of the current site conditions with reference to an erosion rill that has resulted from a failed irrigation system. The reports develop a modified building envelope, but do not engage in an evaluation of the need to control erosion.

My observation of the site include the following:

1. Small bluff failures are occurring on either side of the rill identified within the Zinn Geology report. These failures are a little unusual in that they have occurred during the summer after a dry winter.
2. The retaining wall on the south corner of the property may require maintenance. The erosion control landscaping required by 95-0149 (Conditions II A 3. and IV A.) must be re-established.
3. A small area of erosion and slope creep is occurring at the outlet of the concrete swale.

In combination with the Zinn Geology Report, these three observations indicate that the erosion at the site is similar to the surrounding developed properties and at a higher rate than natural conditions. Urbanization results in higher erosion rates, but appropriate controls can reduce this erosion to a level manageable with modern erosion control techniques.

Small erosion rills / debris flows related to poor site drainage are currently one of the primary modes of bluff retreat along the developed coastline of Santa Cruz County. Typically, these erosion rills continue to expand due to a lack proper erosion control, maintenance, and monitoring. A potential for expansion of the slope instability and erosion exists on this property. The relief map submitted with the new geologic map indicates that at least a portion of the property slopes towards the crest of the rill with the result that some drainage will flow over the

rill. Furthermore, the erosion undermined a concrete drainage swale. If the swale was to fail, additional drainage could flow into the rill transforming an inexpensive problem into a repair that requires a coastal permit and much great expense to fix.

In this specific episode of erosion, the prognosis is better than most similar coastal bluff rills. The property owners have geotechnical and civil engineers that can provide detailed recommendations that will reduce the back stepping of the erosion scare. Please request that the applicants work with their consultants and neighbors and develop a plan of correction. Until that plan is implemented, or a conditioned timeline is developed that requires correction, the Zoning Administrator will be unable to determine that the Coastal Permit complies with the County Code and General Plan.

I would recommend that at the same time the owners discuss the repair of the erosion that they discuss the need to maintain the bluff wall along the southeasterly edge of their property. An erosion control plan that acknowledges all of these problems could be folded into the conditions of this Coastal Permit. Issues that should be resolved with the conditions are as follows:

1. **Erosion Rill:** The applicant's geotechnical engineer must develop an erosion control treatment that will reduce the on going erosion. This could include a retaining wall; stand alone erosion control practices; or a combination of both. Landscaping near the bluff must require little or no irrigation, and a landscaping plan must be submitted that demonstrates these changes.
2. **Existing Retaining Wall:** The project geotechnical engineer and a County building inspector must inspect the retaining wall to determine if maintenance is required at this time. If maintenance is required, the work must be completed before the final inspection of the building permit for the home on that specific lot. Even if maintenance is not required at this time, the owner of the new lot must work with the Resource Planner and develop a maintenance agreement.
3. **Landscaping Maintenance:** The retaining wall was conditioned that landscaping around the retaining wall would be permanently maintained. As part of the erosion control plan please submit a landscaping plan approved by the geotechnical engineer that controls erosion near the retaining wall.
4. **Existing Concrete Swale:** The geotechnical and civil engineers must examine the concrete swale and determine if anything must be done to the swale to help protect against future erosion. All drainage must ultimately be captured in closed conduits and released in a control manner in a location approved by the Public Works Agency and Environmental Planning.

5. **Drainage and Landscaping:** All drainage must be direct drainage away from the bluff, and a landscaping plan must be developed for the 25-foot bluff setback that requires no permanent irrigation. No drainage facilities may be place within 25 of the bluff without the approval of the project civil engineers, and engineering geologist as well as the County Geologist; only the absolute minimum facilities will be approved.

Sept 22. 07

To whom it may Concern:

I write this note unsolicited and as a neighbor of the Trusdale.

In my view it is a fundamental right of every American Citizen to pursue their dreams. Building a home of their dreams one of them. I think I fought a war for that right.

I live within a few hundred yards of the Trusdales and see what they propose to do on "THEIR" property is a fundamental 'RIGHT' and an infringement to our neighborhood. Any objection to prevent that endeavor would be UnAmerican.

I am 83 years old and I pray to see their dreams come true

Sincerely
John Tolson

September 23
2007

20 Santa Cruz County
Planning Department

It has come to my attention that the
Housdales, residing @ 660 Bayview
are experiencing difficulty getting
their two lots split to build their dream
home, rather than the old - out of date
existing house.

I feel it is their right to be able
to develop their lots without resorting
to legal fees to get their rights approved.
As long as they meet zoning criteria,
I feel the county planning should
not obstruct the process.

Thank you for listening

Sincerely,
Barbara Denton
644 Bayview Dr.

Dr. and Mrs. William I. Nowicki
337 Kingsbury Drive
Aptos, CA 95003

September 25, 2007

To: Santa Cruz County Planning Commission
Re: Trousdale Project at 660 Bayview Drive, Aptos CA
Cc: Matson-Britton Architects

Dear Planning Commission,

We live in the neighborhood of the Trousdale's proposed project on Bayview Drive in Aptos, and we support their project.

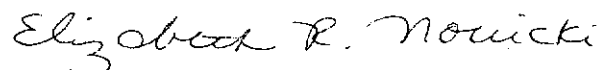
We are greatly concerned that the open hearing for this project was cancelled, and we believe that the Trousdals have a right to an open hearing without delay. When homeowners in this county follow the regulations and guidelines for home design and site use, they should be able to build without undue delays.

The proposed project is a Mediterranean-style house which is totally compatible with the neighborhood. We greatly admire the architectural style of Matson-Britton Architects, and are looking forward to seeing this beautiful house built on the Bayview site.

Sincerely,



Dr. William I. Nowicki



Elizabeth R. Nowicki

10/02/2007

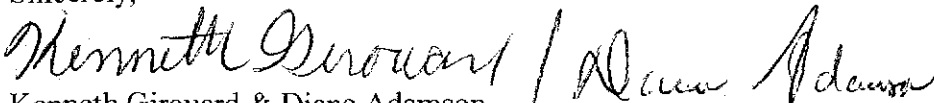
Don Busey and Mark Demming
Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, Ca. 95060

Subject: 660 Bayview Drive
Trousdale Residence

Dear Planning Dept,

We live at 639 Bayview Drive near the proposed construction of a home at 660 Bayview Drive. Secondly we have known the Trousdales for many years. As we have recently completed our own remodel on our own residence a few years ago, we would encourage the County of Santa Cruz to grant the Trousdales the same opportunity. We would encourage the County to review and approve the proposed development in accordance with the County of Santa Cruz planning standards.

Sincerely,


Kenneth Girouard & Diane Adamson
639 Bayview Drive
Aptos, CA, 95003

October 5, 2007

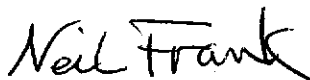
Santa Cruz County Planning and Building Department
701 Ocean Street, 4th Floor
Santa Cruz CA

Subject: 660 Bayview Drive Construction Project

To Who It May Concern,

I am writing to address the construction project of Kelley and Cindy Trousdale located at 660 Bayview Drive in Aptos. I understand the hearing for their home has been delayed. I'm sorry to hear this because I have seen the plans for their home, and it's beautiful. As a neighbor and property owner in Aptos, I welcome this project for the positive changes it makes to the neighborhood. I am hopeful their project will move ahead expeditiously. This is a project that will prove to beautify and enhance our area.

Regards,



Neil Frank
Parcel Nos: 043-161-39; 043-161-40; 043-161-51

Phone: 925.351.5364
bayview@motoful.com

650 Hidden Beach Way
Aptos, Ca. 95003
November 27, 2007

Board of Supervisors,
County of Santa Cruz
Zoning Department, County of
Santa Cruz

Reference: Application 07-0117, Notice of Proposed Development
Hearing December 7, 2007: 660 BayView Drive, Aptos

I am writing to state my objections to the proposed demolition of an existing single-family residence on two lots and proposed construction of one 5000 square foot with attached garage; property location 660 BayView Drive, Aptos.


As proposed, the development of that property with a residence of the proposed size is not in conformance with the surrounding neighborhood areas. The pictures presented in the proposal make the residence appear as a hotel-like structure on a bluff viewed by the public who frequent Hidden Beach. It is directly above a public beach. The construction would compromise the stability of the adjoining cliffs, which in the recent past have failed.

Citing Board of Supervisors and Coastal Commission reports from recent years, the Board of Supervisors struck down such "monster homes" in Santa Cruz on East Cliff Drive, and across from Ano Nuevo State Reserve, when Brian Hinman, about 6 years ago, attempted to have a 14,000 sq. foot home approved within the viewshed of thousands of annual visitors to the Reserve. Likewise, Hidden Beach is frequented by residents and visitors alike and the "monster home" proposed would mar the viewshed.

The area surrounding this property has had many large homes and remodels done in recent years, which have caused neighborhood concern. This particular parcel is one of the last remaining parcels which provides ocean views. The question is: should another monster-type home or two be placed in public view at another pristine public beach?

I urge you to disallow this proposal and seek some alternatives which will be more neighborhood-friendly and of less danger to the cliffs which sustain heavy surf and drainage problems each year. Thank you for considering my ideas. I will be out of State on Dec. 7 and cannot attend the hearing.

Sincerely,


Fay Levinson



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

November 15, 2007

Cove Britton
Matson-Britton Architects
728 N. Branciforte Avenue
Santa Cruz, CA 95062

Subject: Application #: **07-0117**; Assessor's Parcel #: **043-161-57 & -58**
Owner: **Kelley and Cindy Trousdale**

Dear Cove Britton:

This letter is in response to inquiries regarding the scheduling of this application for a public hearing. Also, we are in receipt of your letter of November 2, 2007 providing notice of the action you plan to take pursuant to Government Code 65956. We will set this item for a public hearing with the Zoning Administrator on 12/7/07, per your earlier discussion with Planning Department management. A new staff report will be prepared for the 12/7/07 public hearing.

At this time, your application cannot be supported by Planning Department staff due to the following inconsistencies with the County Code and General Plan/Local Coastal Program:

- County Code section 16.10 (Geologic Hazards Ordinance): The current proposal does not adequately address the slope failure to the rear of the subject property. A plan that addresses the recent failure is required, to include a detailed agreement for the future maintenance of the retaining wall and any other structures associated with stability of the bluff.
- County Code sections 13.11.072(b) (Site Design - Natural Amenities & Features), 13.20.130(b) (Coastal Design Criteria), & 13.20.130(d) (Beach Viewsheds), General Plan policies 5.10.2 (Development within Visual Resource Areas), 5.10.3 (Protection of Public Vistas), 8.6.5 (Designing with the Environment), 8.6.6 (Protecting Ridgetops & Natural Landforms): The proposed structure is not designed in a manner that minimizes visual impacts to the public viewshed and natural landscape. The proposed structure does not step down with the natural landform and it includes a two story mass which will be clearly visible from the public beach below the property. Planning Department staff cannot support the proposed structure design due to the visual impacts to the beach.

In order to reduce visual impacts to an acceptable level, the project design will need to be modified to reduce or eliminate the two story mass and to use colors and materials that blend with the natural landscape.

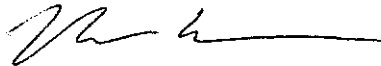
It is recommended that you modify the proposed project to conform to the County Code, General

Plan, and Local Coastal Program. If you would like to postpone the public hearing for this item and prepare plan revisions to address these issues, please let us know as soon as possible. The Planning Department will be glad to work with you on preparing a proposal which will comply with the codes and policies listed above.

A staff report will be available approximately one week prior to the 12/7/07 public hearing.

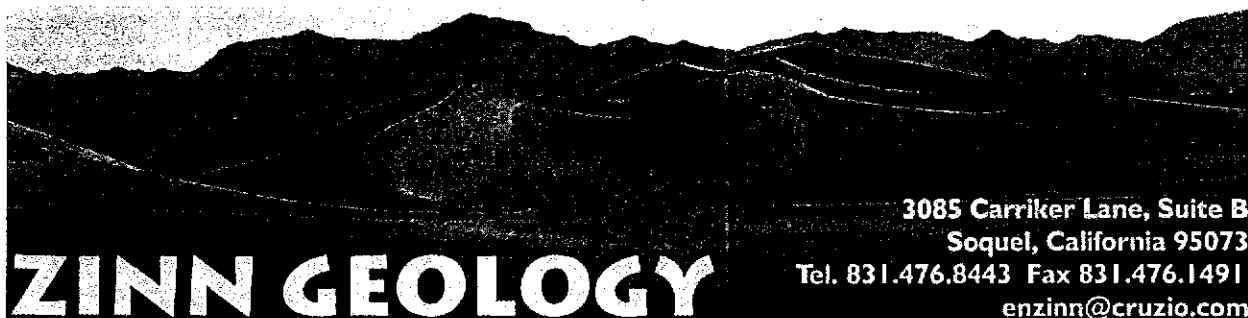
Should you have further questions concerning this application, please contact me at:
(831) 454-3218, or e-mail: randall.adams@co.santa-cruz.ca.us

Sincerely,



Randall Adams
Project Planner
Development Review

cc: Kelley & Cindy Trousdale - 660 Bayview Drive, Aptos, Ca 95003
Mark Deming, Assistant Planning Director
Paia Levine, Principal Planner



20 November 2007

Job #2006017-G-SC

Kelley & Cindy Trousdale
660 Bayview Drive
Aptos, California 95003-5304

Re: Response to Planning Department letter dated 15 November 2007
Bayview Drive
Aptos, California
Lot B
County of Santa Cruz APN 043-161-57
Application Number 07-0117

Dear Mr. And Mrs. Trousdale:

We are responding to your Project Architect's request for supplemental input regarding a letter recently issued by Mr. Randall Adams of the County of Santa Cruz Planning Department. In this letter, Mr. Adams has indicated that the proposed development application for the above-listed property has been scheduled for a public hearing before the Zoning Administrator on 7 December 2007. He also indicated in the letter that "your application cannot be supported by Planning Department staff due to the following inconsistencies with the County Code and General Plan/Local Coastal Program:". Several items are listed to support his statement. The following excerpt from his letter is the only portion of the letter that is germane to the geological issues on the project, in our opinion:

"County Code section 16.10 (Geologic Hazards Ordinance): The current proposal does not adequately address the slope failure to the rear of the subject property. A plan that addressed the recent failure is required, to include a detailed agreement for the future maintenance of the retaining wall and any other structures associated with stability of the bluff."

The following is a distilled chronology of the series of events that have evidently led to Mr. Adams practicing geology in the State of California without a license. The events are as follows:

17 August 2006 - Our geological report is completed and submitted to the County of Santa Cruz Planning Department at a later date.

21 March 2007 - The County of Santa Cruz Geologist, Joseph Hanna, a California Certified Engineering Geologist, issues a letter of acceptance for both our 17 August 2006 report and a geotechnical engineering report by Pacific Crest Engineering, dated 24 August 2006.

May 2007 - A debris flow landslide occurs at the top of the bluff, on Parcel A (APN 043-161-57)

25 May 2007 - We are authorized by the clients, the Trousdales, to investigate the impacts that the landslide might have on the proposed development for Lots A and B.

11 September 2007 - We issue a letter for Lot B, wherein we conclude that the landslide and our *"revised building envelope has no impact whatsoever upon the proposed residence for Lot B. Our opinion continues to be unchanged from our initial assessment - there is no geological basis for this event to impede the planning process for your project on this parcel."* We also concluded that *"The only licensed professionals participating in this project thus far that are qualified to offer geologic opinions on this issue are myself and Joseph Hanna. Non-licensed professionals should refrain from delivering geological opinions in regard to the risks that geological processes might pose to the proposed development. Geological opinions issued by non-licensed professionals unqualified to practice geology have no legal, credible basis and therefore should be disregarded by County of Santa Cruz staff."*

The last quote is particularly germane to the current status of the project and makes Mr. Adams' most recent letter all the more stunning, because he has issued an opinion on the adequacy of our work on the project without being either a California Professional Geologist or a California Certified Engineering Geologist. We might also add that Mr. Adams' comment regarding the adequacy of work performed on the slope failure appears to indicate that he is also practicing Geotechnical Engineering without a license, since he implicitly has opined on the adequacy of the work done Pacific Crest Engineering on the impacts that the May 2007 landslide might have on the proposed developments for Lot B. We are certain that both Pacific Crest Engineering and the California Board For Professional Engineers And Land Surveyors will be very interested in Mr. Adams actions on this project.

In our opinion, this situation can be summarized as follows: thus far, the only two professional geologists that have issued written opinions for this project are myself and the County of Santa Cruz Geologist, Joseph Hanna. The only Professional Geologist that has issued a written opinion on the impacts that the May 2007 landslide has had on the proposed development for Lot B is myself. To our knowledge, no letters or reports addressing the May landslide or commenting on our 11 September 2007 letter, signed by Joseph Hanna, or any other Professional Geologist representing the County of Santa Cruz, have ever been issued by the County of Santa Cruz. Our 11 September 2007 clearly states that the landslide has no impact on the proposed development for Lot B. Additionally, it is our opinion that the existing retaining wall that fronts the coastal bluff on an adjacent property to Lot B will have no impact on the proposed residence for its' 100-year design life, whether it remains or fails in the future.

Response to 15 November 2007 letter by Randall Adams

Trousdale - Bayview Drive - Lot B

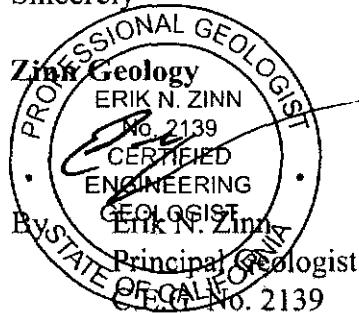
Job #2006017-G-SC

20 November 2007

Page 3

If we continue to receive geological opinions, particularly written opinions, on our work and the risks posed to proposed developments by geological hazards by non-licensed professionals, we will file a complaint with The California Board For Geologists And Geophysicists and request that disciplinary action be taken by the board.

Sincerely



cc: Martha Matson and Cove Britton - Matson - Britton Architects
Elizabeth Mitchell - Pacific Crest Engineering
Richard Irish - RI Engineering

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

November 26, 2007

Project No. 0624-SZ70-D57

Kelley and Cindy Trousdale
660 Bayview Drive
Aptos, CA 95003

Subject: Response To Santa Cruz County Planning Department Comments
Trousdale Residence
A.P.N. 043-161-57
660 Bayview Drive
Rio Del Mar, Santa Cruz County, CA

Dear Mr. and Mrs. Trousdale,

As requested, we have reviewed the letter issued by Mr. Randall Adams of the Santa Cruz County Planning Department, dated November 15, 2007.

We refer you to our letters dated September 13, 2007 and September 14, 2007 in which we, in our professional opinion, adequately addressed the recent slope failure. In our opinion the subject slope failure did not, and does not, substantiate revisions to our geotechnical recommendations concerning the proposed development of Lot A or Lot B.

We are not currently recommending that the bluff be stabilized with any structures. The existing retaining wall was considered irrelevant in our 2006 study because it is not expected to cause the long term bluff retreat rate to be exceeded. Additionally, the wall is not on your property and to our knowledge you do not have vested rights to it. Our study was reviewed by the County Geologist and accepted by the Planning Department. Therefore, there appears to be no basis for a detailed agreement for future maintenance of the retaining wall or other future structures as they are not necessary for, or relevant to, the proposed development of Lot A or Lot B.

Referring to our response to the bluff issue as "inadequate" is, in our view, tantamount to providing professional engineering opinion without being licensed to do so. Such opinions by unlicensed individuals have no legal or credible basis in our profession, and represent a disregard for the standard of care that we as Geotechnical Engineers strive to maintain in Santa Cruz County.

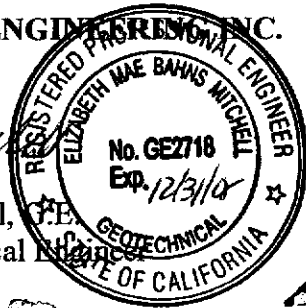
We appreciate the opportunity to be of service. If you have any questions, please contact our office. We can be reached at (831) 722-9446.

Sincerely,

PACIFIC CREST ENGINEERING, INC.

Elizabeth M. Mitchell

Elizabeth M. Mitchell, P.E.
Associate Geotechnical Engineer
GE 2718
Expires 12/31/08



Copies: 2 to Client
 2 to Matson-Britton Architects
 1 to Zinn Geology
 1 to Dr. Gerald Weber

TODD A. WILLIAMS
(925) 979-3352
twilliams@mmblaw.com

November 28, 2007

VIA FEDERAL EXPRESS AND EMAILRandall Adams
Project Planner
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060Re: Kelley and Cindy Trousdale, Application No. 07-0117
(Coastal Development Permit)
Our File No. 10684-001

Dear Mr. Adams:

My firm represents Kelley and Cindy Trousdale who have applied for a coastal development permit (Application 07-0117) to demolish an existing residence and rebuild a new home on Assessor's Parcel #043-161-58 (the "Project"). This letter responds to your November 15, 2007 letter which states that the Project "cannot be supported" by Planning Department staff due to "inconsistencies" with specified provisions of the County Code and the General Plan/Local Coastal Program, including visual impacts to the beach.

A point-by-point response is included below. Initially, however, it must be pointed out that staff's conclusion regarding inconsistency is wholly contradictory to the staff report published just three months ago which stated that **"the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP"** and included three pages of findings to this effect. (See Staff Report at p. 5, and Exhibit B thereto. A copy of the staff report, and exhibits thereto, is attached to this letter as Exhibit 1.) Note that the Project has not changed, nor have the applicable County rules and regulations changed, since the release of the August staff report.

The Project Is Consistent With Applicable Codes and Policies

- **County Code section 16.10 (Geologic Hazards Ordinance).** Your letter states that the Project does not adequately address the "slope failure" to the rear of the subject property, and requires a plan to address this alleged failure and to include

a "detailed agreement for the future maintenance of the retaining wall and any other structures associated with the stability of the bluff."

Letters from Geologist Erik Zinn and Geotechnical Engineer Elizabeth Mitchell of Pacific Crest Engineering have been submitted directly responding to the geologic issues raised in your letter. These letters, along with those they submitted in September 2007, conclude that the "slope failure" (which occurred on APN 043-161-57) has no impact whatsoever upon the proposed Project. These same licensed professionals also concluded that the retaining wall, located on the DeMattei property to the west of the subject property, has no impact on the proposed residence since it is not expected to cause the long-term bluff retreat rate to be exceeded whether it remains or fails in the future.¹ We, along with Mr. Zinn and Ms. Mitchell, are not aware of any opinion issued by a professional geologist representing the County disputing these opinions. As such, a maintenance agreement regarding the retaining wall is not necessary.

Your letter does not specify what portion of the Geologic Hazards Ordinance, you believe the Project fails to comply with. As the August staff report (at p. 4) noted, an engineering geologic report by Zinn Geology and a geotechnical report by Pacific Crest "have been reviewed and accepted by the County Geologist." The letter from the County Geologist (dated March 21, 2007) is attached as Exhibit I to the August staff report. That letter accepted the reports and set out five conditions of approval for the Coastal Development Permit. The staff report also pointed out that the geologic reports established a coastal bluff setback of 25-20 feet from the edge of the bluff along the rear of the property and the Project includes setbacks *in excess of* these requirements.

- **County Code section 13.11.072(b) (Site Design - Natural Amenities & Features); 13.20.130(b) (Coastal Design Criteria), & 13.20.130(d)(Beach Viewsheds), General Plan policies 5.10.2 (Development within Visual Resource Areas), 5.10.3 (Protection of Public Vistas), 8.6.5 (Designing with the Environment), 8.6.6 (Protecting Ridgetops & Natural Landforms).** With respect these sections and policies, your letter collectively concludes that Planning Department staff cannot support the proposed structure design due to the "visual impacts to the beach." Specifically, the letter states that "the proposed structure is not designed in a manner that minimizes visual impacts to the public viewshed and natural landscape. The proposed structure does not step down with the natural landform and it includes a two story mass which will be clearly visible

¹ It should be noted, that the DeMattei property includes land at the top of the bluff above the retaining wall.

from the public beach below the property." The letter does not state how the "viewshed" is being adversely impacted by the replacement of the existing structure with the proposed structure. The letter recommends that in order to reduce visual impacts to an "acceptable level," the project design will need to be modified "to reduce or eliminate the two story mass and to use colors and materials that blend with the natural landscape."² Your letter does not explain what such an undefined "acceptable level" would be, nor does it explain what modifications staff believes are necessary in order to eliminate the alleged inconsistencies with the County Code and General Plan.

- **County Code section 13.11.072(b)** relates to site design (as opposed to building design) and states that it shall be an "objective" to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, "to a reasonable extent," into the site design. As for views, the section states that development shall protect the "public viewshed, where possible" and that development should minimize the impact on private views from adjacent parcels, wherever practicable." The proposed site design accomplishes these objectives. As the August staff report correctly concluded:

The proposed replacement single-family dwelling complies with the County's Design Review ordinance (Chapter 13.11 of the County Code), in that the bulk, mass, and scale of the proposed residence is compatible with existing homes at the southern end of Bayview Drive. The increased bulk and mass of the proposed residence compared to the existing residence will not present a significant visual impact from the street due to the downslope location of the project site and the existing pine trees. (Staff Report at p. 4)

The proposed building mass of the structure literally "step" down the site. There are a number of one story sections, and the house only approaches maximum height in a few areas. There is minimal grading (under the 50 cubic yards) thus the natural site amenities are being reasonably preserved. The proposed color is beige with a clay tile roof, complimenting the surrounding environment.

² Pursuant to Section 13.11.050(a) of the County Code, an initial evaluation to determine consistency of a proposed development project with this Chapter "shall occur during the first 30 day completeness review." To our knowledge, no such inconsistency determination was made by staff within 30 days, and in fact, the opposite determination was made as evidenced by the staff report.

The beach below the Project site, is privately owned, not public, therefore, it does not appear that any "public viewshed" is impacted. In any event, the bluff in this area is highly developed, consisting of a number of two-story homes in the area (not to mention nearby homes at the toe of the bluff of two or more stories). Of the 24 homes located on Bayview Drive and visible from the tide line, approximately 13 are two-story homes.

Like the existing house, any structure on these lots will be visible from the beach. Nothing in the County Code or General Plan/LCP prohibits this. The proposed structure is within the applicable height limits, and requiring it to be approximately 8 feet shorter (the height difference between a one and two-story residence) will not lessen the "impact" on the alleged "viewshed."

- **Section 13.20.130(b)** relates to certain design criteria for development within the Coastal Zone. It is not clear from your letter how staff believes the Project does not comply with this section. The Project has been designed to incorporate the visual compatibility guidelines set forth in Section 13.20.130(b)(1). Presumably, staff is now asserting that the proposed structure is not visually compatible. As noted above, this assertion is without merit and contradicts the August staff report's supported conclusion that the Project complied with this section. See Staff Report at p. 6 (Coastal Development Permit Findings). Similarly, **Section 13.20.130(d)** concerns beach viewsheds and, for development in urban areas, like the Project, references 13.20.130(c)(2-3). Those sections are similar to the ones discussed above and with which the Project complies.
- **General Plan Policy 5.10.2** involves development within a visual resource area. It is not clear that the Project is located in a "Visual Resource Area" as identified on the General Plan/Local Coastal Plan Visual Resources Map, therefore this policy may not apply. Even if it does, the Project is consistent with this policy since it complies with the guidelines set out in Chapter 13 of the County Code, including Section 13.20.130. Similarly, **Policy 5.10.3** pertains to protecting "significant public vistas (as described in policy 5.10.2) from all publicly used roads and vista points...." This policy does not appear relevant to the Project since there is no "significant public vista" at issue.

Notably, **Policy 5.10.7** specifically pertains to the placement of new permanent structures visible from a *public* beach. It expressly allows such structures on – as here – "existing parcels of record." Policy 5.10.7 specifies the criteria that shall be used for such structures, including "allow[ing] infill structures (typically residences on existing lots of record) where compatible with the pattern of existing development." As established above, the Project is compatible with the

pattern of existing development and therefore satisfies the relevant and applicable General Plan Visual Resource Policies.

- **General Plan Policies 8.6.5 and 8.6.6** fall under the objective for building design which seeks to "encourage" design that addresses the neighborhood and community context and utilizes a scale appropriate to adjacent development." The Project achieves this objective. Your letter does not explain how the Project allegedly is inconsistent with the cited policies. Policy 8.6.5 concerns "designing with the environment" and states that development maintain a complementary relationship with the natural environment and be low-profile and stepped-down on hillsides. The Project is not located on a hillside, was designed to be complementary with the natural environment, and is of a similar bulk to neighboring properties. As noted above, the Project meets all design and building criteria (e.g., FAR, setbacks, height) as set out in the County Code implementing this policy. Policy 8.6.6 relates to the protection of ridgetops and bluffs and other natural landforms. While the Project is not on a ridgetop, it complies with all regulations pertaining to bluffs. Significantly, the General Plan sets out the "programs" by which the objectives and policies of building design may be implemented. These include Residential Development Standards and Site, Architectural and Landscape Design Review. As noted above, the Project complies with all such standards.

Once again, the August staff report answers the question of General Plan and Local Coastal Program compatibility. It found the Project consistent with both and stated as follows:

The structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood and natural environment. Homes of a similar size, bulk, mass, and scale exist in the vicinity along the southeastern end of Bayview Drive. The house will be more visible from the beach than the existing residence, as it is two stories in height. However, two-story homes are common along the bluff side of Bayview Drive at this location, so the increase in bulk and mass will not be out of character with surrounding development. Furthermore, the house will incorporate earth-tone colors to complement the surrounding natural environment. (Staff report at p. 4; see also p. 3, 5,-8)

Conclusion

Staff's contradictory conclusions with respect to the Project's consistency with County codes and policies are of great concern to the applicant. They appear to represent either an arbitrary shift in policy and/or an attempt to discriminate against this applicant as compared to similarly situated applicants and property owners.

This application has been on file since early this year and should be processed in a timely manner. That staff has waited over six months, and in direct violation of the County Code, to identify alleged inconsistencies (contradicting itself in the process), is particularly troubling, and significantly prejudicial to an applicant who has been processing its application in good faith.

We respectfully ask that Planning Department staff reconsider its conclusions and determinations in light of this letter and those from the Project's geologic consultants prior to the issuance of a new staff report. The applicant is willing to delay the hearing in front of the Zoning Administrator for one month in order to hold a substantive meeting with Planning Department staff regarding these issues. Please let me know as soon as possible regarding the scheduling of such a meeting.

Very truly yours,

MORGAN MILLER BLAIR



TODD A. WILLIAMS

TAW:taw

cc: Mark Deming, Assistant Planning Director (via email)
Paia Levine, Principal Planner (via email)
Cove Britton, Architect (via email)
Kelley and Cindy Trousdale (via email)
Patricia Curtin, Esq.

Rec'd 2/1/08

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January 13, 2008

VIA FACSIMILE AND U.S. REGULAR MAIL

Ms. Paia Levine
Principal Planner
Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Meeting on January 8, 2008 in Planning Department

Reference: APN 043-162-58

Application (for Residential Coastal Development Permit) No. 07-0117

Dear Ms. Levine:

This follows the meeting on January 8, 2008, at the Planning Department concerning the application ("Application") of my clients, Kelley and Cindy Trousdale ("Mr. and Mrs. Trousdale"), for a Residential Coastal Development Permit ("Permit").

As was mentioned to you before and during the meeting, I will be representing Mr. and Mrs. Trousdale in this matter instead of the law firm of Morgan Miller Blair. In order to aid you and any other appropriately involved County of Santa Cruz employees in understanding my comments, questions and concerns, I have taken the liberty of organizing this letter by topics.

GENERAL BACKGROUND COMMENTS

Before attending the January 8, 2008 meeting, I had reviewed and analyzed all the available and pertinent documents and County of Santa Cruz Codes and Ordinances. I also had interviewed my clients and discussed their Application with their consulting architect, engineering geologist, geotechnical engineer and civil engineer.

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It was clear before the meeting that the County of Santa Cruz (and its Planning Department in particular) had not treated Mr. and Mrs. Trousdale and their Application appropriately. Specifically, the Planning Department had failed to act timely in processing the Application and in responding to certain requests made by or on behalf of Mr. and Mrs. Trousdale. In addition, the Planning Department had failed to follow certain procedures contained in the County's own codes, ordinances, rules and policies. Further, the Planning Department had failed to follow and apply the substantive rules contained in the County's own General Plan, codes, ordinances, rules and policies that limit the basis on which the Planning Department (and ultimately the County) may decide whether and how to approve my clients' Application. Finally, and even more disturbing, the Planning Department had violated, and appeared to have set a course to further violate, my clients' federal (U.S. Constitutional) rights to procedural due process, substantive due process and equal protection of the laws and, perhaps, their First Amendment rights to petition, to associate and to speak freely. This is not the time or place to set forth in detail all the circumstances and evidence proving the violations by the Planning Department and certain of its employees, but you should already be well aware of those circumstances and evidence from multiple sources and your personal involvement.

Notwithstanding these past violations, my clients, their architect and consulting engineers and I decided to go forward and attend the January 8th meeting with the hope that at least their Application would not continue to be opposed because of any technical geological, geotechnical or civil engineering issues or concerns that apparently had been recently raised by the County's technical expert, Joe Hanna, C.E.G.

SPECIFIC BACKGROUND PERTINENT TO THE JANUARY 8, 2008 MEETING

On March 6, 2007, Mr. And Mrs. Trousdale submitted their Application for a Residential Development Permit and included house location and design plans, drainage calculations from their Project Civil Engineer Richard Irish, a geology report from Erik Zinn, C.E.G., and a geotechnical report from Elizabeth Mitchell, G.E. Essentially, the Application with its supporting plans and reports clearly have the house location with its drainage located where for at least 100 years they will not be in jeopardy as the result of being on coastal bluff top property, even without the presence of the current retaining wall and an old and now purposeless cement gutter that are located on adjacent coastal bluff property owned by a neighbor (Mr. DeMattei).

On March 21, 2007, the Planning Department notified the Trousdale's architect (Mr. Cove Britton of Matson-Britton) by a letter signed by the County's Geologist, Joseph Hanna, that the Department had accepted the geology and geotechnical reports.

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In May 2007, a relatively minor soil slip occurred on the bluff near the border of the Trousdale's adjacent lot A, for which there is no pending application for a Residential Development permit, and property owned by their adjacent neighbor (Mr. DeMattei). This soil slip occurred as a result of an inadvertent release of too much water from Lot A's backyard watering system. It was not a result of a natural process affecting the bluff over time. The chance of even another inadvertent release of too much water from the watering system would be reduced, in fact, by the redesign of the landscaping and the design of the irrigation system that is part of the Application.

On May 25, 2007, that minor soil slip was investigated by the Trousdale's consulting engineering geologist Erik Zinn and determined not to be significant to the Trousdale Application for their Lot B.

On August 14, 2007, the Planner assigned to this Application (David Keyon) notified architect Britton that the Department's Zoning Administrator (Mr. Don Bussey) had "determined that the [Application for Lot B] should be removed from the agenda" for the Public Hearing that had been scheduled for August 17th. Essentially, the reason given was that there had been a "slope failure" on the bluff of the adjacent lot owned by Mr. and Mrs. Trousdale or owned by the adjacent neighbor (Mr. DeMattei). Mr. Keyon also stated that: "Joe Hanna will need to confirm that the slope failure will not affect the setback line [of the Trousdale house as planned and applied for]".

The response of the Trousdale's, among other things, was to submit the additional analyses and opinions of their consulting engineers. So, by September 11, 2007, their engineering geologist Erik Zinn was able to confirm in a letter that was provided to the Planning Department that "[o]ur professional opinion continues to be unchanged from our initial assessment-there is no geological basis for this event to impede the planning process for your project on this parcel.". By September 14, 2007, Mr. and Mrs. Trousdale's geotechnical engineer Elizabeth Mitchell was able to confirm in a letter that was provided to the Planning Department that "[i]t is our professional opinion that the recent event has no impact upon the proposed development for Lot B [the lot for which the Application is made] and we have no revisions to our geotechnical recommendations at this time." In summary, both reports reiterated that these engineers had determined the safety of the planned house location for a 100 year bluff retreat without the presence of any retaining wall and in anticipation of the type and degree of minor soil slip that had recently occurred.

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On October 16, 2007 (unbeknownst to Mr. And Mrs. Trousdale or their architect, engineers or attorneys) the County's Geologist Joe Hanna submitted a Memorandum addressed to only Randall Adams, Planner IV, of the County's Planning Department, in which he analyzes engineering geologist Erik Zinn's letter of September 11th and geotechnical engineer Elizabeth Mitchell's letter of September 14th.

On October 17, 2007, the Trousdale's architect Cove Britton and attorney Patricia Curtin met with the Department's Assistant Planning Director Mark Deming to discuss, among other things, whether and how the Trousdale Application for Lot B could be approved. No mention was made of County Geologist Hanna's memorandum of October 16th.

By October 19, 2007, Mr. Deming had agreed to another meeting to take place on October 25th. Architect Britton requested that the County's Geologist Joe Hanna, as well as the Trousdale's geological, geotechnical and civil engineers be present. However, Mr. Britton was told twice by Assistant Planning Director Mark Deming that these engineers should not attend. No mention was made of County Geologist Hanna's memorandum of October 16th.

On October 25, 2007, the meeting with Assistant Planning Director Mark Deming took place but did not resolve the geological and geotechnical concern the Department had first raised on August 14th. No mention was made of County Geologist Hanna's memorandum of October 16th.

On November 2, 2007, a Government Code section 65956 notice and demand for a hearing was provided to you, Ms. Paia, on behalf of Mr. and Mrs. Trousdale.

On November 15, 2007, Planner Randall Adams notified the Trousdale's architect Cove Britton by letter that:

"[a]t this time [the Trousdale] application cannot be supported by Planning Department staff due to the following inconsistencies with the County Code and General Plan/Local Coastal Program:

County Code Section 16.10 (Geologic Hazards Ordinance): The Current proposal does not adequately address the slope failure to the rear of the subject property. A plan that addresses the recent failure is required, to include a detailed agreement for the future maintenance of the retaining wall and any other structures associated with stability of the bluff."

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However, no mention was made by Planner Adams in his letter, a copy of which was sent to you, of County Geologist Hanna's memorandum of October 16th.

On November 20, 2007, the Trousdale's engineering geologist Erik Zinn confirmed again by a letter provided to the Planning Department that "the landslide has no impact on the proposed development for Lot B." He went on specifically to state that:

"...it is our opinion that the existing retaining wall that fronts the coastal bluff on an adjacent property to Lot B [I.e. Lot A or the DeMattei property] will have no impact on the proposed residence for its 100-year design life, whether it remains or fails in the future."

On November 26, 2007, the Trousdale's geotechnical engineer Elizabeth Mitchell confirmed again by a letter that was provided to the Planning Department that "the subject slope failure did not, and does not, substantiate revisions to our geotechnical recommendation concerning...Lot B." Engineer Mitchell's letter provides detailed support for her conclusion.

On November 28, 2007, the Trousdale's attorney (Todd Williams) wrote to Planner Randall Adams, with a copy to you, and stated, among other things, that "[w]e, along with Mr. Zinn and Ms. Mitchell, are not aware of any opinion issued by a professional geologist representing the County disputing these opinions." Neither you nor anyone on behalf of the Planning Department thereafter informed attorney Williams of the existence of County Geologist Hanna's memorandum of October 16th although you and Planner Adams obviously had it and were making decisions and developing demands on the Trousdals based in part on it (e.g. see Planner Adam's letter, dated November 15th, as discussed above).

Instead, Planning Director Tom Burn, Assistant Planning Director Mark Deming, Planner Randall Adams and you met with the Trousdale's attorneys Todd Williams and Patricia Curtin with the ostensible purpose of attempting to resolve issues that included the minor soil slip on Lot A and the Trousdale's Application for a Permit for Lot B. Again, no mention was made of County Geologist Hanna's memorandum of October 16th. However, another meeting was scheduled (for January 8th) for Trousdale's Application for Lot B, and it was agreed that County Geologist Hanna would attend. It was agreed that the primary purpose of the January 8th meeting which was an attempt "to resolve any perceived geology issues on the Trousdale project...."

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Between November 28, 2007 and our meeting on January 8, 2008, County Geologist Hanna's memorandum of October 16th was never provided to Mr. and Mrs. Trousdale or to anyone acting on their behalf nor was the existence of it ever mentioned.

Before the meeting of January 8, 2008, Mr. And Mrs. Trousdale spent a significant amount of time and incurred major expense for their architect's, engineer's and attorney's time in preparing for the meeting.

THE MEETING OF JANUARY 8, 2008

On January 8, 2008, a meeting took place in the Planning Department as scheduled. Present were:

1. Planner Randall Adams
2. County Principal Planner Paia Levine (you)
3. County Geologist Joe Hanna
4. County Associate Engineer Carolyn Banti (I am not sure of her spelling, since we were not notified in advance of the meeting that she would be present, since her name had never surfaced during the permit application process and since she did not offer a business card nor spelled her name for us)
5. Richard Irish, the Trousdale's Project Civil Engineer
6. Gerald Weber, C.E.G., the Trousdale's consultant
7. Erik Zinn, C.E.G., the Trousdale's consultant
8. Elizabeth Mitchell, G.E., the Trousdale's consultant
9. Cove Britton, the Trousdale's architect and
10. Gerald V. Barron, the Trousdale's attorney.

Frankly, the meeting was about as strange as such a meeting could be. Had it been planned by you and other members of the Planning Department as a comedy, it would have been as funny as one of the better Saturday Night Live skits. However, it was not done in such a setting but rather in one in which Mr. And Mrs. Trousdale had so much at stake. Therefore, it was more like the nightmarish episode with the "Mad Hatter" in Alice and Wonderland.

The meeting was opened with Planner Adams saying that County Geologist Hanna had reviewed and approved his, Planner Adams' written comments about the letters from engineers Zinn and Mitchell and that those letters were not accepted. Mr. Hanna then rebuked him by saying "no" he in fact had accepted the letters but wanted some erosion control measures and maintenance provisions included as outlined in "his memo." That

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precipitated an immediate question from me as to what "memo" he was referring, since I had not seen such nor had any of the Trousdale's consultants. At this point Mr. Hanna turned first to Mr. Adams then to you, Ms. Levine, and then back and forth and said the following in a very forceful tone:

"No memo has been submitted? I'm not going to participate in a meeting then. I'm **shocked!** How do I know that the property owners are resistant? Why wasn't this memo provided long ago? I wrote it on October 16th."

Then, Planner Adams tried to respond to Mr. Hanna's displeasure and separate himself from it by stating:

It was **not** my decision not to make public the memo...I've said a couple of times that I wanted a memo sent to them!

Then, Mr. Hanna asked why the memo had not been made available. Planner Adams said that he could "clarify that," and went on to say something like it was not because "they" didn't agree with the conclusions of the memo that it hadn't been sent out but rather because they didn't agree with "the wording" and that it was only a "draft." At this point you, Ms. Levine interrupted him with some comment about the fact that we didn't need to spend time on such procedural matters but should try to deal with the technical issues. Then, when I said that I was interested in having Planner Adams "clarify" why the memo had not been provided, you stated that you would not allow me to "cross examine" Planner Adams. I replied that it was Mr. Hanna that was as concerned (as all of us there for the Trousdale's were) and that it was Planner Adams that volunteered that he could "clarify that." Although Planner Adams took the instruction from you and did not immediately attempt to "clarify that" further, he eventually stated that it had been decided by others that the memo would not be released unless and until it was attached to a final staff report that, in turn, had been released.

Although we asked that a copy of the memorandum be provided, none were provided at first. So, for a significant time the meeting continued with only Mr. Hanna (and I suspect Planner Adams and/or you) having access to his memorandum of October 16th. First, Mr. Hanna tried to summarize some points from his memorandum. For example, he said that he was concerned about the retaining wall and asked for a plan to deal with the concrete drain in the swale and some other little pieces, not because of bluff retreat but because of

things they (Mr. and Mrs. Trousdale) are doing or will do to the property. As another example, he said that he really didn't want to "post" (also later referred to "red tag") the DeMattei property, since they close to completion and occupation of their residence. Later, it seemed upon questioning as if he stated that he really couldn't "red tag" the residence, since the wall did not create a health or safety issue for the residence.

Thereafter followed a protracted, poorly constructed, confusing and difficult meeting. Mr. Hanna kept reiterating that his concern was that the wall was going to need some maintenance and that it would eventually fail without such. However the consultants for the Trusdales repeated responded by saying that the house was safely located from a geological perspective to withstand expected bluff erosion and sloughing **assuming no retaining wall was present** for at least 100 years (the "100 year setback line").

Yet, Mr. Hanna kept replying that he "didn't like failing walls" when Engineering Geologist Jerry Weber (who worked as the County Geologist from 1974 to 1990 and who has been a professor at U.C. Santa Cruz) asked whether Mr. Hanna was concerned that if the retaining wall failed it would fail onto the beach or fail onto the slope (the latter of which all the engineers present seemed to believe was the most likely). So, I then asked Mr. Hanna whether his concern was that a failing wall was a significant risk to people on the beach, or Mr. DeMattei's house or the house that Mr. and Mrs. Trousdale planned to build or what? You, Ms. Levine, attempted to interfere with my questions on the basis that this was a meeting about technical issues and such questions from a lawyer were inappropriate. However, both Mr. Weber and Mr. Hanna disagreed with you. In fact, Mr. Hanna, said that the questions were technical and appropriate and that he had no problem being asked them. He then went ahead and answered, indicating that his concern was for the affect that a failing wall might have on the bluff and, therefore, on the safety of the Trousdale house as planned for Lot B. So, I then asked whether he believed it would be safer to have the retaining wall or safer not to have it at all, in other words, would he rather have the retaining wall or not. I pointed out (as Mr. Zinn had earlier during the meeting) that the 100 year setback for the Trousdale house on Lot B had been calculated and determined for safety purposes assuming no retaining wall was present and I mentioned that the wall could always simply be dismantled and removed. You, Ms. Levine, also attempted to interfere with him answering this question, but Mr. Hanna forthrightly admitted that he would rather have the retaining wall than not have it.

Mr. Hanna went on to concede the following. First, the retaining wall does not constitute any present hazard. Second, the retaining wall does not need maintenance immediately, although it may in 10 to 12 years. Third, he was asked by County Zoning Administrator Don Bussey to prepare the October 16th memorandum. Fourth, it "was his [Mr. Bussey's] decision to tie it together with whether to approve the Trousdale Application for Lot B. Fifth, he reiterated that he, Mr. Hanna, "accepted" the letters from Erik Zinn and

Elizabeth Mitchell. Sixth, he was asked point blank several times whether he was contending that the retaining wall and its potential effect (either in present state, in any state of disrepair over time or if it failed) would make the presently calculated 100 year setback line incorrect, and he never suggested that he was so contending.

Mr. Hanna did repeatedly mention a concern he had that as the retaining wall failed it might cause accelerated erosion to the bluff greater than one would expect were no retaining wall present. However, he never identified a specific geologic process when requested to do so by the four Trousdale engineers and was not able to reference any scientific literature to support his hypothesis. He spoke anecdotally about what he had observed with coastal bluff retaining walls that had deteriorated over time, the fact that he assumed the retaining wall had been constructed by previous owners of the Trousdale property to stop an erosion process, and the fact that problems had purportedly occurred with the retaining wall or associated portions of the bluff in 1994, 1998 and 2007. He was vague when questioned about what the purported problems were in 1994 and 1998 and whether these were documented in writing anywhere. He even suggested that perhaps a contractor named George Drew (who apparently has constructed one or more retaining walls that have failed) should be consulted about what affect the failure of the retaining wall might have on the Trousdale property.

It was pointed out that all of this discussion, of course, was about a retaining wall and an old and now purposeless concrete gutter that are both located on property that does not belong to Mr. and Mrs. Trousdale. In fact a wall and gutter over which they have no right control and, as a technical legal matter, no right to reach without either trespassing on the land of another or securing permission from that landowner. At one point, Mr. Hanna referred to the wall as the "orphaned" retaining wall, since he had seen an unsigned maintenance agreement document that had a place for Mr. DeMattei and some former owner(s) of the Trousdale property to sign.

Since Mr. Hanna also kept saying what he was asking for in his October 16th memorandum was "not that much" and at one point tried to read it all, I again asked you, Ms. Levine, whether a copies couldn't be provided. Finally, you left the room, had copies made and returned to the room to disseminate them. You refused, however, to provide a copy of the current staff report on the basis that this was "not yet part of the file." You said that I would have to try to speak to Deputy County Counsel Christopher Cheleden about my request that it be provided.

Although Mr. Hanna more than once said that he wasn't asking for much in his October 16th memorandum, he stated that the process for designing and securing approval for the maintenance and other measures he was suggesting would like take a year or more.

GENERAL COMMENTS

Mr. And Mrs. Trousdale prefer to have the retaining wall continue to exist than have it be dismantled and removed. They, like Mr. Hanna, do not believe that its presence poses a risk to Mr. DeMattei's residence, the beach or the bluff for Lot A or B. They like and get along with Mr. DeMattei and believe that he might be amenable to allowing them to maintain the retaining wall. However, they believe that it is inappropriate to condition the approval of their Application 07-0117 for Lot B on the resolution of any maintenance agreement relating to the retaining wall or the old and now purposeless cement gutter, since both are located on Mr. DeMattei's property and neither adversely affect the 100 year setback location for Lot B (or Lot A, for that matter).

It is clear, as mentioned above, the County's treatment of Mr. And Mrs. Trousdale's Application has been and continues to be wrong. The County's treatment has been wrong in approach and wrong in result. I am concerned that certain County persons appear to have undertaken or approved this treatment knowing it is wrong.

Mr. And Mrs. Trousdale, as mentioned, have been unnecessarily delayed in their attempt to secure their Residential Coastal Development Permit, have incurred significant unnecessary expenses and have been forced to go through an emotional wringer. For example, what possible justification is there for encouraging the Trousdales to hold up on their demand for a hearing so that a meeting could take place and then allow their consultants and attorney to prepare for and attend a meeting under the circumstances present on January 8th? Were this an isolated episode it might be forgivable, but it apparently is not.

There has been a tendency lately for Planning Department persons to believe that since they are given "discretion" for certain matters that there exist no limits to what they may do when deciding to support or accept an application for a permit or not. They apparently believe that they may also may require expensive, time consuming and clearly unnecessary tests, studies, reports and purported protective measures without limit. They believe that they may ignore the needs of applicants to be treated in conformity with the County's own codes, ordinances and policies and may treat certain applicants differently that they have treated others in like or similar circumstances. In short, they believe that their authoritative position allows them to behave without limits, apparently thinking there is no adequate legal remedy available to applicants in such situations.

Fortunately, those like you who have developed such beliefs are wrong. You and others County persons who have treated Mr. and Mrs. Trousdale wrongfully, not just the County, may be sued for both compensatory and punitive damages pursuant to 42 U.S.C. 1983 (the federal Civil Rights Act). Neither they nor I are anxious to file and pursue such

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an action, but are certainly willing to do so. I suggest that you and any other involved persons in this pattern of mistreatment remind yourselves of your obligation to public service and notions of fairness and reverse your pattern of mistreatment immediately.

REQUEST FOR DOCUMENTS

In light of the circumstances mentioned above, I respectfully ask for production of the following documents from the County of Santa Cruz:

1. The complete Planning Department files relating to the Trousdale Application No. 07-0117.
2. All documents reviewed or considered by County Geologist Joe Hanna in evaluating any issues relating to the property owned by Mr. And Mrs. Trousdale at 660 Bay View Drive, including but not limited to any reports of retaining wall or bluff failures on or near that property or at any other location, any geological, geotechnical, soils or civil engineering reports relating to any other property and any scientific (including geological, geotechnical or civil engineering) texts, journal, articles, PhD or Masters theses or other literature.
3. All draft and/or final version of any memorandum or memoranda or reports prepared by County Geologist Joe Hanna concerning any matters relating to the Trousdale Application No. 07-0117.
4. All draft and final version of any staff report prepared for the Trousdale Application No. 07-0117, including any attachments or references contained in such report.
5. All emails from or to County of Santa Cruz person relating to the Trousdale Application No. 07-0117.
6. All memoranda, notes or letters from or to any County of Santa Cruz person relating to the Trousdale Application No. 07-0117.
7. All calendars, daily planners, schedules, diaries or other references referencing any meetings or other events relating to the Trousdale Application No. 07-0117 (with any unrelated matter redacted or otherwise "sanitized")
8. All Planning Department files of any person(s) owning property located on the ocean side of Bay View Drive which any Planning Department person reviewed or considered as part of investigating, evaluating, developing opinions about or making decisions concerning the Trousdale Application No. 07-0117.

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PLEASE TAKE NOTE: This is a matter likely to involve litigation and, therefore, all appropriate action should immediately be undertaken to attempt to ensure that none of these requested documents (or others known to exist relating to Application No. 07-0117 and not yet requested) are lost, mutilated, destroyed or thrown away as part of any standard "document retention program" or otherwise.

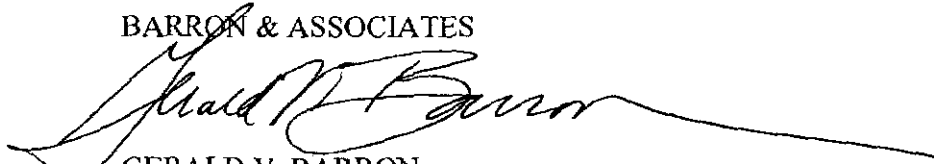
REQUEST FOR A HEARING

It has been and will remain Mr. And Mrs. Trousdale's position that their Application has been approved as the result of the failure of the County of Santa Cruz to provide a timely hearing to them. Nevertheless, without waiving that position, they hereby request such a hearing.

Please feel free to respond promptly to anything that you believe has been misstated or omitted or if you have any questions.

Sincerely yours,

BARRON & ASSOCIATES



GERALD V. BARRON

cc: Randall Adams, County Project Planner
Joseph Hanna, County Geologist
Carolyn Banti, County Associate Civil Engineer
Christopher Cheleden, Deputy County Counsel
Tom Burn, County Planning Director
Mark Deming, County Assistant Planning Director
Ellen Pirie, County Supervisor, District 2
Susan A. Auriello, Chief Administrative Officer



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

February 6, 2008

Gerald V. Barron
P.O. Box 5476
Carmel, Ca 93921

Subject: Application # 07-0117; Assessor's Parcel #: 043-161-57 & 58
Owner: Kelley & Cindy Trousdale

Dear Mr. Barron:

This letter is in response to a draft letter that was prepared by you on January 13, 2008. Although it appears that that letter was not mailed to its intended recipients, copies of this letter have been distributed by you to others and have indirectly been forwarded to Planning Department staff. Given the widespread distribution and the tone of the letter, I feel compelled to provide you a formal response.

Your letter provides substantial background information leading up to the meeting that was held on January 8, 2008 regarding a retaining wall and associated improvements on property adjacent to the rear of your client's property located at 660 Bay View Drive, in Aptos. From your lengthy letter it is clear that you have concerns regarding the processing of your client's development permit application.

While it is tempting to engage in a detailed response to your draft letter and how you characterize the past history of the application process, the purpose of this letter is to focus on the substantive issue of your letter – how staff is addressing the geologic constraints that exist on the property. In discussing this issue with the staff, it is clear that they were not able to clearly communicate the key issues in your meeting. Hopefully this letter will accomplish that goal.

By way of background, it is important to establish the factual basis for our concerns with regard to coastal bluff stability. From our perspective, the relevant facts are as follows:

- Firstly, I believe all parties involved can agree that the existing retaining wall on the adjacent property was established to reduce erosion and enhance the stability of the coastal bluff. As such, from our perspective its current condition of the wall is relevant to the stability of the proposed development project.
- Secondly, while there may be some difference of opinion on the contributing factors, it is clear that the slope adjacent to the retaining wall has experienced a recent failure and the location of the bluff edge has been modified as a result.
- Thirdly, given that the retaining wall does not exist on your client's property and is currently in a state of disrepair, without an agreement that provides your clients the authority to maintain the structure, we will need to evaluate the stability of the project site without the wall and the fill material that it currently supports.

Therefore, from our perspective, the relevant question is whether the location of the bluff setback established by your client's consultants depends in any way on the existence of the retaining wall and the supported fill material. If it does not, the condition of the wall should not be an issue for your client's permit, and instead becomes a condition that we will need to address with the owner of the site on which it is located. On the other hand, if the removal of the wall and supported fill material results in changing the assumptions underlying the bluff setback determination, then it is quite relevant to your client's permit. In that event, there would be two options: either reestablish a revised bluff setback and relocate/modify the house design to comply with the minimum setback required by County Code, or enter into an agreement with the adjacent landowner allowing your client ongoing rights to maintain the wall. From what I understand, it does not matter to our staff how this issue is resolved, but it will have to be resolved prior to approving the project.

Regardless of the above discussion, it is important to note that the primary concerns of staff regarding the proposed development are not the geologic issues or the existing retaining wall, but are related to the visual impact that the proposed two story structure, in that location, will have on scenic resources.

In summary, let me extend my regret for any lack of clarity on our part with regard to the geologic concerns on your client's property. Sometimes it is challenging, when such complex issues arise, to communicate clearly and focus discussions on resolving issues in a constructive manner. It goes without saying that such interactions require a commitment from both our team and the applicant's team to create successful interactions. Given your concerns about the interactions at the recent meeting, I would be glad to meet with you to discuss your client's concerns prior to the public hearing for this development proposal, as I did with your client's prior attorneys on December 14, 2007.

While this hearing has been postponed in the past in response to requests from your client's prior attorney, you should be aware that staff is currently intending to re-schedule the public hearing for sometime in March. If this does not provide adequate time for us to meet and discuss your client's concerns, please let me know and we can select a later hearing date.

You can contact me by phone at (831) 454-3136 or e-mail at tom.burns@co.santa-cruz.ca.us to schedule a meeting.

Sincerely,



Tom Burns
Planning Director

cc: Kelley & Cindy Trousdale - 660 Bayview Drive, Aptos, Ca 95003
Cove Britton - 728 N. Branciforte Avenue, Santa Cruz, Ca 95062
Christopher Cheleden, County Counsel
Paia Levine, Principal Planner
Joe Hanna, County Geologist
Randall Adams, Project Planner

Barron & Associates
GERALD V. BARRON
Attorneys at Law

Lincoln & Seventh Streets, Suite 5
P.O. Box 5476, Carmel, California 93921

Telephone (831) 624-1044

Facsimile (831) 624-1053

March 7, 2008

VIA PDF EMAIL ATTACHMENT AND U.S. REGULAR MAIL

Mr. Tom Burns
Planning Director
Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Follow up to meeting on February 22, 2008 in Planning Department and
Mr. Burns' letter, dated February 6, 2008

Reference: APN 043-162-58
Application (for Residential Coastal Development Permit) No. 07-0117

Dear Mr. Burns:

This follows the meeting on February 22, 2008, at the Planning Department concerning the application ("Application") of my clients, Kelley and Cindy Trousdale ("Mr. and Mrs. Trousdale"), for a Residential Coastal Development Permit ("Permit"). The meeting did not resolve any of the issues, but I am not writing to try to summarize the meeting or to highlight any aspects of it. This is also follows up on to your letter to me, dated February 6, 2008.

The purpose of the letter is to make clear that my clients' rights continue to be violated and to ask that such conduct cease. I will be more specific, and say the following.

First, my clients request and deserve a thoughtful and complete response to my letter addressed to Principal Planner Paia Levine, dated January 13, 2008. That letter was provided to Supervisor Pirie, Chief Administrative Officer Aauriello, County Counsel Dana McRae, and you on January 18, 2008 by an attachment to my email. It was my plan that County Counsel or you would provide a copy of the letter all others who were listed as to be copied, and I have been informed by Assistant County Counsel Chris Cheleden that this was in fact done. Another copy is provided now for your convenience.

Letter to Mr. Tom Burns
March 7, 2008
Page 2

My clients and I were expecting a thoughtful and complete response to that letter from everyone, but have never received such. You were the only one who responded; but, your letter to me, dated February 6, 2008, was not a complete response and did not appear to be thoughtful of all the issues and concerns raised. You stated in your letter that it was "...tempting to engage in a **detailed response** to..." that letter. There is no longer any reason to feel merely tempted; my clients and I encourage and request such.

A complete and thoughtful response to my January 13th letter should include a separate response from **all** those who participated in the meeting of January 8, 2008 as to whether my summary of that meeting was inaccurate or incomplete in any pertinent respect and, if so, in what specific way(s). That summary can be found under the heading "The Meeting of January 8, 2008" on pages 6-9.

In addition, the response from all those who participated in the meeting (as well as those who did not) should state whether the summary of events leading up to the January 8th meeting (See "Specific Background Pertinent to the January 8, 2008 Meeting" at pages 2-6 is inaccurate or incomplete in any respect and, if in what specific way(s).

Also, the response from all those who participated in the meeting (as well as those who did not) should specifically state why to this date Mr. and Mrs. Trousdale have not been provided the timely hearing which they have requested. (See "Request For A Hearing" a page 12) Those responses should provide specific citation of authority (e.g. County Code or State law) purportedly justifying the cancellation, without my clients' consent, of the original hearing date of August 17, 2007.

Second, the purpose of this letter is note certain things about response we have received to our "Request For Documents" (see page 11). Mr. Cheleden arranged for us to review and have copies made of some documents. He also was courteous in attempting to locate, in locating and in copying some additional documents. However, we have not been provided any draft or final version(s) of any staff report other than the one my clients were provided in anticipation of the planned August 17, 2007 hearing. We request any other versions of such staff report or the citation of legal authority supporting withholding them from us. In addition, we note that County Geologist Joe Hanna's file did not contain any calculations that showed that the 100 year set back line as analyzed and calculated by my clients' engineers was inadequate or in error. We assume, therefore, that no such calculations exist.

Letter to Mr. Tom Burns
March 7, 2008
Page 2

Finally, I am going to be sending separate letters requesting various Planning Department people, (such as Assigned Project Planner Randall Adams, Principal Planner Paia Levine and you) to provide a clear statement of what factual findings or assumptions you are making, specifically how and why you believe these justify the positions each of you and the Planning Department have taken and the specific State or County laws, statutes, regulations, codes, ordinances, rules or policies upon which you rely to support your positions.

I hope that you and others, from whom we seek a response as public servants, can appreciate the reasons for this letter and the requests made. In addition, I suspect that you and the others know how the previous adverse positions taken by the Planning Department and the failure to provide a timely hearing on those positions has caused my clients to suffer financially and emotionally. We hope for a prompt reply.

Sincerely yours,

BARRON & ASSOCIATES



GERALD V. BARRON

Barron & Associates
GERALD V. BARRON
Attorneys at Law

Lincoln & Seventh Streets, Suite 5
P.O. Box 5476, Carmel, California 93921

Telephone (831) 624-1044

Facsimile (831) 624-1053

March 7, 2008

VIA PDF EMAIL ATTACHMENT AND U.S. REGULAR MAIL

Mr. Tom Burns
Planning Director
Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Meeting on February 22, 2008 in Planning Department

Reference: APN 043-162-58

Application (for Residential Coastal Development Permit) No. 07-0117

Dear Mr. Burns:

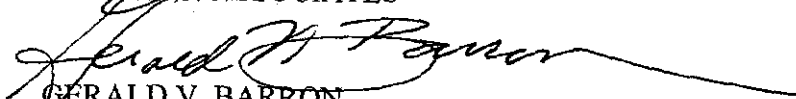
This follows the meeting on February 22, 2008, at the Planning Department concerning the application ("Application") of my clients, Kelley and Cindy Trousdale ("Mr. and Mrs. Trousdale"), for a Residential Coastal Development Permit ("Permit"). The meeting did not resolve any of the issues.

I am not writing to try to summarize the meeting or to highlight any aspects of it. The purpose of the letter is to make clear that further communications between employees of the County of Santa Cruz and me or other agents of Mr. and Mrs. Trousdale will not be covered by the protections of California Evidence Code section 1152, unless expressly agreed to in writing.

Another letter to you and others will follow.

Sincerely yours,

BARRON & ASSOCIATES


GERALD V. BARRON



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

Sent Email and US Mail

March 11, 2008

Mr. Cove Britton
Matson-Britton Architects
728 N. Branciforte Avenue
Santa Cruz, CA 95062

Subject: **Application #: 07-0117; Assessor's Parcel #: 043-161-57 & -58**
Owner: Kelley and Cindy Trousdale

Dear Mr. Britton:

This letter has been prepared in response to the request made by your client's attorney at the close of our meeting on 2/22/08 that I re-examine the Planning Department's analysis of the proposed residence on Bayview Drive. I have completed that review, and this letter provides you with a summary of my findings with regard to the remaining issues related to the project. As we discussed, there are two key issues that have been the focus of past discussions and are highlighted in this letter – the coastal bluff setback and potential visual impacts. Hopefully, this letter will serve to inform the applicant of how best to proceed with the project with regard to these two areas of concern.

Existing Retaining Wall & Geologic Setbacks

As you know, the retaining wall at the coastal bluff, built by the previous property owner with valid permits, was discovered by a survey to be two feet beyond the property line. Appropriately, the question was raised with regard to maintenance of the wall and the reliance on the wall's integrity for the coastal setback determination. You have indicated that the proposed project does not depend on this wall in any fashion and that your client will not include long-term maintenance of the wall in the project. As a result, as we discussed at the February 22 meeting, it is critical to understand whether the loss of the wall and backfill material would impact the coastal bluff, setback and home location. While your technical consultants involved have verbally indicated that the wall was not required to support the current setback, no technical basis for that conclusion had been provided to staff.

As a result, since the February 22 meeting, our technical staff conducted its own analysis of the issue so we could better understand the possible impact on the project. The County Geologist, Joe Hanna, has determined that, while the loss of wall and backfill would modify the coastal bluff line in one location by up to seven feet, the house is proposed in a location that would still meet the modified 25 foot bluff setback requirement. Because enough distance is being provided in your plans to

accommodate the additional seven feet, there is no longer concern with regard to meeting the required bluff setback. Mr. Hanna's memo is attached to this letter.

Staff Concerns with Regard to Potential Visual Impacts

The issue of visual concerns has been discussed in detail, but it's worth taking a moment to more fully explain the context for our concerns with regard to this particular project. A key element of the analysis is that staff believes that there are certain physical characteristics of this property that make it distinct from the other properties to the west along Bayview Drive. These characteristics are:

1. Location at Edge of Existing Development: The top of the coastal bluff between the arroyo that lies between Seaview Drive and Bayview Drive, on the up coast end, and the arroyo at the Hidden Beach public access on the down coast end, is developed with a row of single family residences of various designs. The subject property is located at the down coast end of this row of structures, adjacent to vacant property on either side. There are only open, undeveloped lots down coast of the parcel to the end of the bluff where the arroyo at Hidden Beach meets the sand. For this reason, a structure on this parcel will be visually set apart from the nearby homes.
2. Topography: The elevation of the coastal bluff along Bayview Drive is relatively consistent from the arroyo that lies between Seaview Drive and Bayview Drive to the southeastern end of Bayview Drive. At the subject property the top edge of the coastal bluff drops downward, with the slope increasing downward to the southeast. Because of this elevation change, a structure constructed on the property will be more visible from the public beach than a structure of similar height and design that is located within the row of homes further up coast on Bayview Drive.

In addition, the end of this section of bluff is a rounded form that allows wrap around views of the property from the beach down coast and from the arroyo at the Hidden Beach access. This visual prominence is not a characteristic of other lots up coast on Bayview Drive.

3. Lack of Development Below Project Site: There is no residential development at the base of the coastal bluff below the project site. The prominent features in the visual environment are the coastal bluff and the open beach below. As a result, a proposed residence will be a strong contrast to the natural landform below and adjacent to the project site.

In summary, staff believes that the visual setting of this parcel is unique and distinct from the majority of properties along Bayview Drive. This distinction has led to a heightened concern about visual impacts in this area. Staff has suggested a range of options for reducing visual impacts for the current design, including:

- o Bulk & Mass: The current proposal includes a two-story wall mass that is distinctly visible from the beach. The use of a shallow pitched roof and high top plates in the lower floor add to the apparent bulk and mass of the structure. Methods to reduce the two-story mass might include: incorporating the upper floor into a pitched roof, reducing the lower floor plate height, and/or reducing the overall structure height. Additionally, a large open area exists on the second

story above the great room that does not provide usable floor area. The design of the second story could be reconfigured to reduce or eliminate the unused open area above the great room, thereby allowing a reduction in building mass. The foundation of the structure steps down the slope, but the finished floor and roof line do not follow the slope to the same degree. Greater efforts to bring the roofline down at the lower end of the property and to set the second floor back towards the front of the property could further reduce visibility.

- o Colors and Materials: Light colored stucco and terracotta roof tiles increase the visibility of the structure from the public beach. Alternate colors and materials can reduce visual prominence. The reddish color of the roof will be highly visible, and especially if more of the roof is included in future designs to conceal the upper floor, a darker roof color with grey or green tones could be considered. The colors and materials overall could be more neutral, with grey tones that would help the structure recede into the background. Wood shingles, which weather over time to a blended grey tone, are one possible option as a siding material. Ideally, the colors and materials would cause the structure to appear subordinate to the surrounding natural backdrop.
- o Landscaping: It is important to recognize that the large trees that exist on the adjacent APN 043-161-57 help soften the visual impacts of a proposed new home are proposed to be removed by another pending development project. As such, landscape screening, in the form of large native trees (possibly Monterey Pine or Cypress), could help to reduce the visual impact of the proposed development on the scenic beach viewshed.

Our Conclusion with Regard to Visual Impacts

In addition to reviewing the file since our February meeting, I recently visited the site to better understand firsthand the visual significance of this site. I agree with staff's concerns about the visual sensitivity of this general site area, with our level of concern increasing as the sites progress down to the point. This particular parcel, from my perspective is a borderline call with respect to its conformance with General Plan and ordinance requirements. As such, I strongly recommend that you take some combination of the measures noted above to reduce the scale of the proposed building and visual intrusiveness. However, given the particular configuration of this particular parcel, I do not believe that the issues raised by staff are of great enough concern to warrant a recommendation for denial. Obviously, the ultimate decision on this issue will rest with the decision-making body.

Conclusion

As a result of additional staff evaluation, the issue of the coastal bluff setback has been resolved. Based on my review of the visual sensitivity of this particular site, I believe that, while this project should be revised to be more visually sensitive, if your client refuses to make design changes, we would take the position that the visual issues do not rise to the level of requiring a recommendation for denial by staff. Therefore, before proceeding, we need to understand your client's intentions. If they are willing to take one more look at the design in terms of revising it to minimize visual impacts, we would be quite interested in participating in that process. If on the other hand, you indicate

that your client is not interested in that process, we will then schedule the project for formal consideration at a public hearing.

Finally, Mr. Barron has recently forwarded additional correspondence with regard to a meeting that occurred on January 8 and insisting on a response to his account of how the meeting proceeded. Let me assure you that I have spoken with the staff that was present for that meeting and their version of the event differs from Mr. Barron's. That said, it seems counterproductive to focus on that meeting, particularly in light of the progress that has been made since that time. As well, you are certainly aware that the August 17 hearing didn't occur due to the slippage that occurred and the need to continue to evaluate the visual issues. Finally, I believe that you are aware that the next hearing in December was continued at the request of Trousdale's then-attorney.

We look forward to your response in terms of the option you intend to pursue with regard to design issue so that we can proceed in either direction in the near future.

Sincerely,



Tom Burns
Planning Director

Attachments:

1. Memo from Joe Hanna dated February 26, 2008

CC: Kelley & Cindy Trousdale, 660 Bayview Drive, Aptos, Ca 95003
Paia Levine, Principal Planner
Randall Adams, Project Planner
Joseph Hanna, County Geologist
Chris Cheleden, Assistant County Counsel
Gerald Barron, Applicant's attorney

MEMORANDUM

Date: February 26, 2008

To: Randall Adams, Project Planner; and Paia Levine, Principal Planner

From: Joe Hanna, County Geologist, CEG 1313 

Re: Trousdale, APN 043-161-57 & 58; APPL. 07-0117

On the attached copy of a portion of the improvement plans prepared by R.I. Engineering dated May 2007 (Exhibit A), I have delineated the approximate location of the edge of the coastal bluff taking into account the past failure of the slope as well as the backfill that was required to construct the retaining wall.

Currently, as delineated on the improvement plans prepared by R.I. Engineering dated May 2007, the coastal bluff edge is identified as the top of the wall where the wall has been constructed along the southwestern edge of the property. As shown on Exhibit A, the most significant back fill is the widest is along the forty-foot section of the first wall that was built in 1982. As documented in the plans by Soils Engineering Construction approved by the County on July 1, 1982 (Exhibit B), backfill was placed behind the wall in an effort to replace the escarpment from a landslide that occurred in early 1982. Based upon this information, and my site reviews, the escarpment extends approximately 7 feet behind the wall and corresponds to the area where the concrete ditch is either buried or absent. Along the 1990's section of the wall (Exhibit C), a bench was used for the construction of the wall and the wall was constructed at the rear of the bench. Therefore there was only a few feet of back fill placed behind this section of the retaining wall.

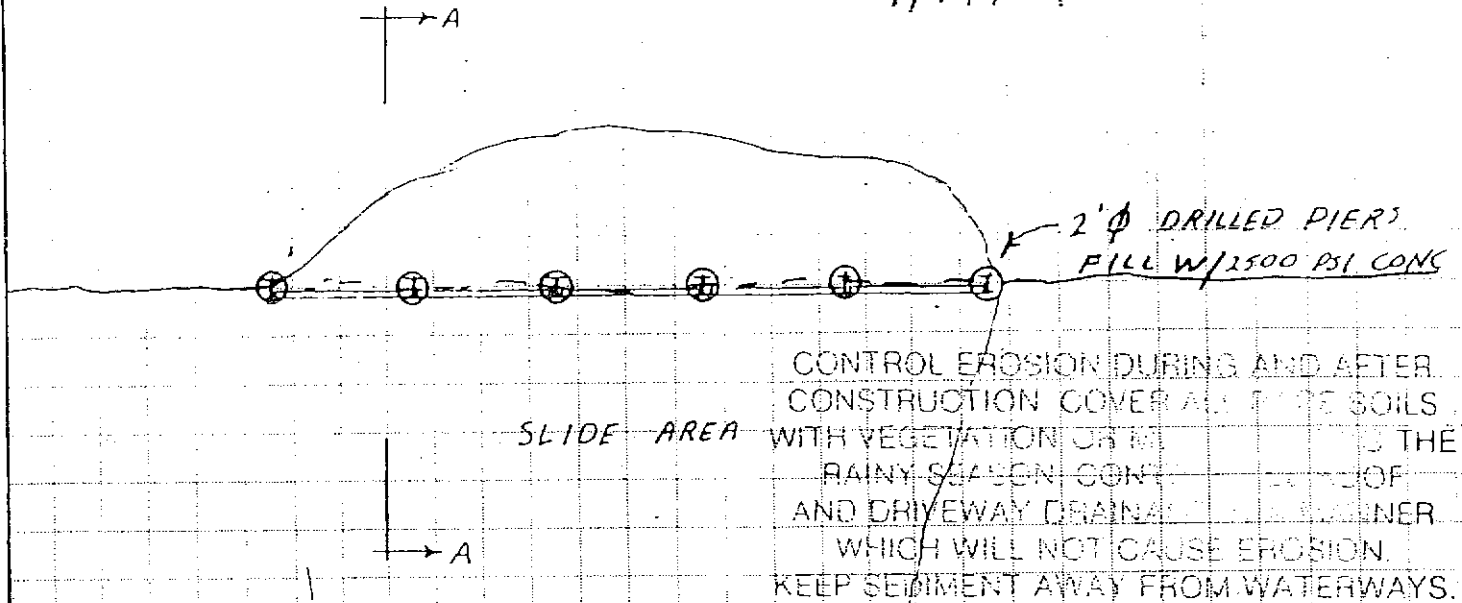
Zinn Geology report's map shows the retaining wall along the southwestern bluff as the edge of the coastal bluff. The loss of the wall and backfill would modify the coastal bluff line by up to seven feet. Even with the failure of the wall, the proposed house is located more than 25 feet from the edge of the back fill, and therefore the home will meet the required coastal bluff setback.



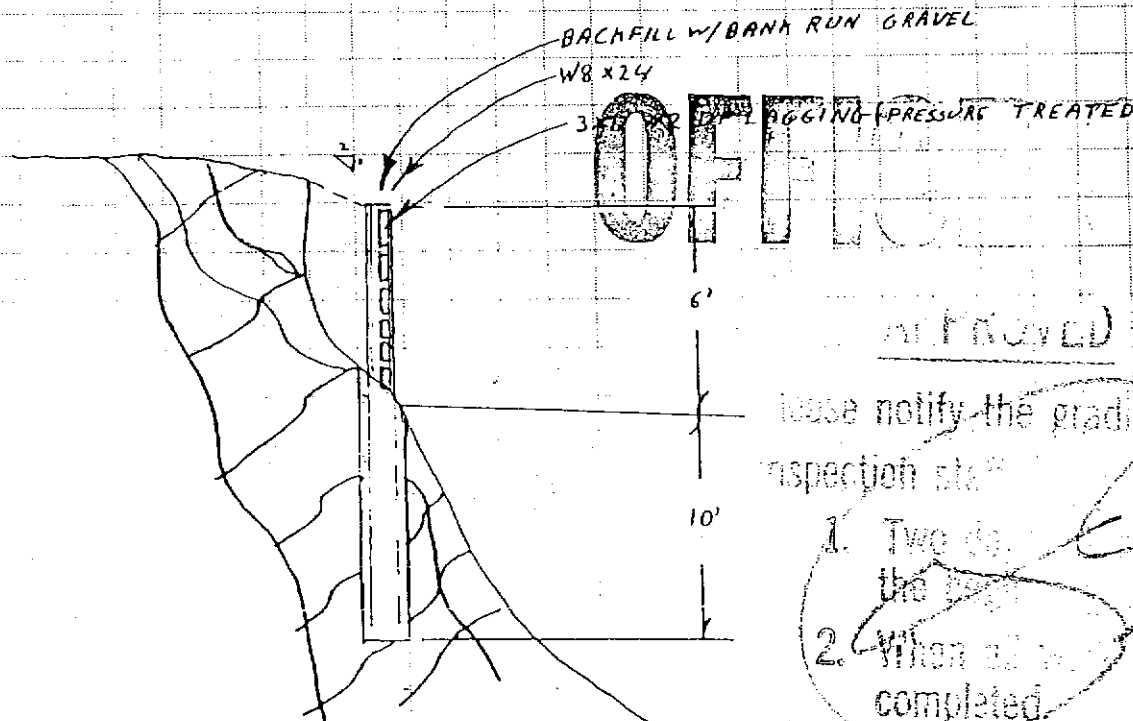
SOIL ENGINEERING CONSTR IN, INC.
927 Arguello Street.
REDWOOD CITY, CALIFORNIA 94063
(415) 367-9595

JOB KENDAL # 43186
SHEET NO. 1 OF 3
CALCULATED BY gld DATE _____
CHECKED BY _____ DATE _____
SCALE N.T.S.

APN 43-161-50



DETAIL @ SLIDE



OFFICE COPY

APPROVED
Please notify the grading inspection staff

1. Two days after the project is completed.
2. When all work is completed.

Telephone: 425-2200

1/1/82

SECTION A-A

SOIL ENGINEERING CONSTRUCTION, INC.
927 Arguello Street
REDWOOD CITY, CALIFORNIA 94063
(415) 367-9595

JOB 12141764
SHEET NO. _____ OF 3
CALCULATED BY gao DATE _____
CHECKED BY _____ DATE _____
SCALE N.T.S.

BAYVIEW DRIVE

GARAGE

SINGLE STORY RESIDENCE

66.0 BAYVIEW DRIVE

40'±
to R

40'±
to R

40'
AREA OF BANK
STABILIZATION

NATURAL BLUFF LINE

MUDSLIDE

Exhibit B 2/L

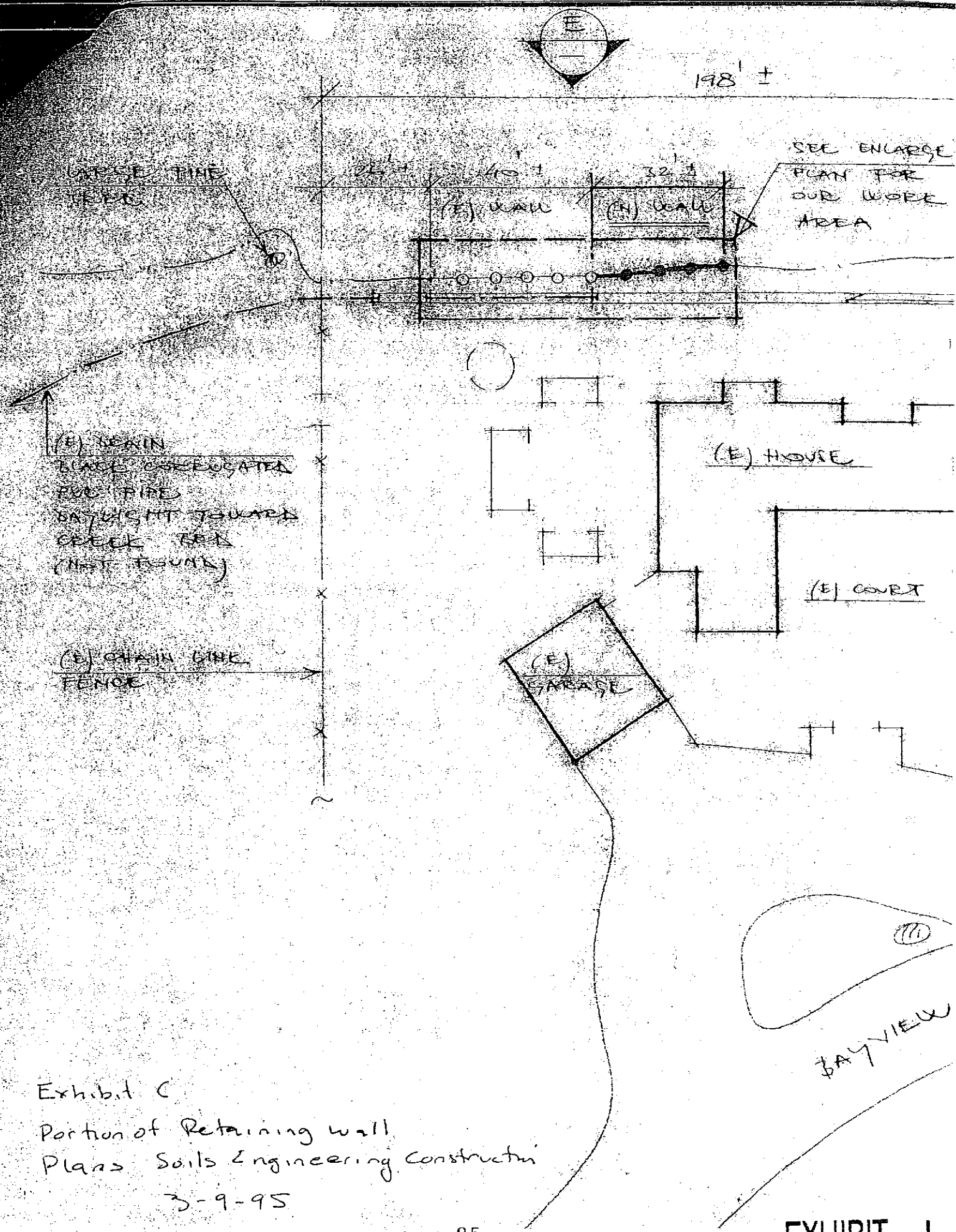


Exhibit C

Portion of Retaining wall
Plans Soils Engineering Construction

3-9-95



March 24, 2008

Mr. Tom Burns
Planning Director
Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Reply to Mr. Burns' letter, dated March 11, 2008

Reference: APN 043-162-58
Application (for Residential Coastal Development Permit) No. 07-0117

Dear Mr. Burns:

This is a reply to your letter, dated March 11, 2008. It follows a review and analysis by not only my clients but also their consultants, including me.

It currently appears unnecessary to respond in detail to your presentation of "Existing Retaining Wall & Geologic Setbacks" and Mr. Hanna's new analysis. I am informed and believe that the analysis is flawed and the timing of it suspect. However, there is no reason to say more about it at this time in light of the ultimate staff conclusion that "there is no longer concern with regard to meeting the required bluff setback."

It also appears currently unnecessary to respond in detail to your discussion of "Staff Concerns with Regard to Potential Visual Impacts." It is sufficient to state merely that my clients and their consultants are informed and believe that these analyses are also flawed and the timing of them suspect. In addition, we do not believe that the Planning Department staff has jurisdiction under the County codes and ordinances to be attempting to raise such issues in these circumstances. While my clients are always willing to keep an open mind on whether their design plans may be modestly modified in a voluntary way that is more pleasing to their neighbors and yet does not significantly displace their desires or add significant cost, they believe they have waited far too long for their approval from the County following the original staff report that supported their application. My

clients, therefore, do not want to agree to a process controlled in both timing and substance by these new "concerns" that the Planning Department staff purportedly has.

My clients do request, as they continually have, that their application be scheduled for what you describe as "formal consideration at a public hearing." They do so without waiving the position they have maintained for the last many months that they have been denied their rights to such a timely hearing and that, therefore, their project legally is already deemed approved. Thus, I need to mention that my clients and their consultants disagree with the last part of your next to last paragraph of your letter in which you address the history of why my clients were not provided their public hearing before now.

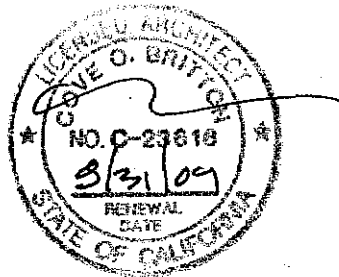
It is our understanding that the first available dates for a public hearing on this matter would be April 4, then April 18, and then May 2. My clients and their consultants are available on any of these dates. Their lawyer will be attending, and he is unavailable from May 5th through May 25th.

Finally, you mention that you have "spoken with the staff that was present for that meeting [of January 8] and their version of the event differs from Mr. Barron's." Although the accuracy of any different "versions" of that meeting may never have to be resolved, I feel compelled to make you aware that Mr. Barron's version was based on the sound recollection of all my clients' consultants who were present at the meeting. All these consultants were provided with Mr. Barron's draft letter and agreed with the accuracy of it before it was sent to you.

I look forward to hearing from the Planning Department as soon as possible concerning the scheduling of a public hearing on my clients' application.

Sincerely yours,

Cove Britton
Architect



CC: Cindy Trousdale
Kelley Trousdale
Gerald V. Barron, Esq.



County of Santa Cruz Planning Department

General Information Desk

Santa Cruz: 454-3252 ♦ Aptos: 454-7576 ♦ Felton: 461-7450

Tracking Dropped Off Materials

Date Stamp:

Staff Initials:

PLW

NOV 16 11 4 31

Screening at the Building and Zoning Counter is needed for the following materials:

- Applications for all new projects
- Revisions of projects that alter the permit description
- Applications for revisions of projects / change orders for issued permits
- Any submittal which requires a fee to be paid

Please ask the general information desk for assistance.

To track material that does not need to be screened at the zoning counter, please complete this form and have it reviewed at the general information desk. A copy will be attached to the material and a receipt will be given to you once completed.

Today's Date: NOV. 16/07

Parcel Number (APN): 043-161-58

Building Application #: _____

Discretionary Application #: 07-0117

(if Discretionary) Project Planner: RANDALL ADAMS

Other: _____

Chose One

Person Dropping off Material: Name: SAMANTHA NEISEN

Person Dropping off Material: Phone #: 831-425-0544

Contact Name (if different from above): DENISE FORBES

Contact Phone #: 831-425-0544 EXT. 3

Contact E-mail: denise@matsonbritton.com

Description of Material: 1 COPY ORIGINAL STAFF REPORT TO BE INCLUDED
(Reminder: Any plans submitted need to be **folded** to 8 1/2" x 12" format)

Indicate number of copies/sets submitted W/NEW STAFF REPORT.

Is Code Compliance Involved: No ☒ Yes ☐ Investigator: _____

Destination of Material: Person: RANDALL ADAMS

(Note: All discretionary project material will be reviewed by the project planner first, then will be passed on to the final destination)

FOR OFFICE USE ONLY

Application #:

07-0117

Parcel #:

043-161-58

Project Planner Initials:

Original: Receipt

Canary: - 98 -

Pink: GID file



Date: November 16, 2007

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

Job: Frank-Bayview
Aptos, CA 95003
A.P.N. 043-161-39, 043-161-40 & 043-161-51

Dear Mr. Adams,

Attached is a copy of the original staff report that was issue for this project. We are submitting this to be attached as reference with the new staff report. Please ensure that this information is included.

If you have any questions regarding the attached information please call me at 425-0544.

Thank you,

Cove Britton
Architect



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 28, 2007

Matson-Britton Architects
Attn: Cove Britton
728 N. Branciforte
Santa Cruz, CA 95062

Subject: **Complete Application Submittal**
Application #: **07-0117**; Assessor's Parcel #: **043-161-57, 043-161-58**
Owner: **Kelley and Cindy Trousdale**

Dear Cove Britton:

On March 6, 2007, you submitted an application for a development permit with the County of Santa Cruz. The first phase in the processing of your application is the determination of the "completeness" of the application. The determination of "completeness" is made based on the preliminary review of the materials that you have submitted, by all of the reviewing agencies, and site visits by Planning Department staff. As of this time, the reviewing agencies and Planning Department staff have made comments on the materials that you have submitted. This letter is to inform you of the status of your application.

As of June 27, 2007, this application has been considered **complete** for further processing. The next phase in the processing of your application will be the preparation of a staff report with recommendations to the Zoning Administrator. If additional materials or information are necessary to prepare the staff report, Planning Department staff will contact you. You will receive notice of the public hearing and a copy of the staff report prior to the hearing date. At the public hearing you will have the opportunity to discuss your project with the decision-making body, and a decision will be made. Possible outcomes of the public hearing include: approval (with conditions), denial, or continuance (with specific reasons for continuance; or requests for additional information) of your proposed project. Decisions of the Zoning Administrator can be appealed to the Planning Commission, and decisions of the Planning Commission and the Agricultural Policy Advisory Commission can be appealed to the Board of Supervisors. Decisions of some projects in the coastal zone may be appealable to the California Coastal Commission.

It is important to understand that although your application has been found to be complete for further processing, the Planning Department may, in the course of processing the application, request that you clarify, amplify, correct, or otherwise supplement the information required for this application, or to submit additional information to comply with the provisions of Division 13 (California Environmental Quality Act) of the Public Resources Code. Please note that the environmental determination for this project has not been made at this time and the environmental determination for this project, required by the California Environmental Quality Act, shall be made at the time the final action is taken on this project by the appropriate decision-making body.

Should you have further questions concerning this application, please contact me at:
(831) 454-3561 or e-mail: david.keyon@co.santa-cruz.ca.us

Sincerely,

David Keyon
Project Planner
Development Review

CC: Cindy and Kelley Trousdale, property owners



Staff Report to the Zoning Administrator

Application Number: **07-0117**

Applicant: Matson-Britton Architects
Owner: Kelley and Cindy Trousdale
APN: 043-161-57 and 043-161-58

Agenda Date: August 17, 2007
Agenda Item #: 3.
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing single-family residence on two lots (043-161-57 and -58) and construct one single-family residence of about 5,000 square feet with an attached garage on parcel 043-161-58. Requires a Coastal Development Permit and an Engineering Geologic and Soils Report review.

Location: Project located at the southern end of Bayview Drive, on the site of 660 Bayview Drive.

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit, Engineering Geologic & Soils Report Review, Design Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0117, based on the attached findings and conditions.

Exhibits

- | | |
|---|--|
| A. Project plans | H. Excerpt of conclusions and recommendations from the project Engineering Geologic report by Zinn Geology, dated August 2006. |
| B. Findings | I. Geotechnical and Engineering Geologic report acceptance letter from Joe Hanna, County Geologist, dated 3/21/07. |
| C. Conditions | J. Urban Designer's comments, dated 4/5/07. |
| D. Categorical Exemption (CEQA determination) | K. Photo-simulations of site |
| E. Assessor's parcel map | L. Printout of Discretionary Comments, dated 7/17/07. |
| F. Zoning, General Plan, & Location maps | |
| G. Excerpt of conclusions and recommendations from the project Geotechnical report, prepared by Pacific Crest Engineering, dated August 2006. | |

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

Parcel Information

Parcel Size: About 10,400 square feet (-58)
Existing Land Use - Parcel: One single-family dwelling
Existing Land Use - Surrounding: Single-family dwellings, beach
Project Access: Bayview Drive (a County road)
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-6 (Single-family residential, 6,000 square foot minimum)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Coastal bluff setbacks apply
Soils: Elkhorn Sandy Loam
Fire Hazard: Not a mapped constraint
Slopes: About 10% to 15%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: 98 cubic yards of cut, 40 cubic yards of fill
Tree Removal: One 18" dbh tree to be removed
Scenic: Coastal scenic
Drainage: Existing and proposed drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6

History

According to Assessor's records, the existing house was originally constructed in 1938. In 1995, the repair and extension of the bluff protection wall and drainage swale below the project site was approved under Coastal Permit 95-0149. Recent surveys show this wall on the adjacent property to the south of the project site, so a condition of approval requires the property owner to obtain an easement for the continued maintenance and repair of the wall and drainage swale (condition of approval II.J.).

A lot legality study was applied for in 2005 (application 05-0727), which eventually determined that the project site is composed of two separate legal lots of record. Unconditional Certificates of Compliance were recorded, and parcel 043-161-50 became 043-161-57 and -58 (the current parcels). The outcome of this lot legality determination allows the existing dwelling to be

demolished and two new homes to be constructed on the lots without a land division.

Project Setting

The project site is located at the southeast end of Bayview Drive, at 660 Bayview Drive. The new dwelling will be constructed on the portion of the site furthest away from Bayview Drive, on parcel 043-161-58. The project site is bounded by single-family homes to the north, coastal bluff and beach to the west and south, and three vacant parcels to the east. The site is located within the coastal scenic area as it is visible from Hidden Beach, to the west and south of the project site.

Project Scope

The owner proposes to demolish the existing 3,500 square foot single-family dwelling that straddles parcels 043-161-57 and 043-161-58, and to construct one single-family dwelling of about 4,600 square feet on parcel 043-161-58. A separate coastal permit application, 07-0325, is currently in process for the construction of a new single-family dwelling on parcel 043-161-57 (the portion of the project site closest to Bayview Drive).

The existing residence has six bedrooms, and the proposed residence will have only four bedrooms. Therefore, childcare, parks, roadside, and transportation improvement fees will not be required for the proposed project. Any future construction on parcel 043-161-58 (the adjacent upcoast parcel) will have a two-bedroom credit.

Zoning & General Plan Consistency

The subject property is a 10,539 square foot lot (lot -58), located in the R-1-6 (Single-family residential, 6,000 square foot minimum) 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-UL) Urban Low Density Residential General Plan designation.

Site standards

The R-16 site standards apply to the site, as outlined in the table below:

	R-1-6 Site Standards	Proposed
Front yard setback	20'	About 27'
Rear yard setback	15'	About 27'*
Side yard setbacks	5' and 8'	5' and 8'
Maximum height	28'	28'
Maximum % lot coverage	30%	29.9%
Maximum Floor Area Ratio	50%	48%

*Coastal bluff setbacks apply, determined to be 25 feet from the top of bluff at the location of the proposed residence.

Adequate parking will be provided on site for the four-bedroom residence, and the amount of paving in the front yard setback will be conditioned to be less than 50% of the frontage (condition of approval II.B.10).

Geologic Hazards

The project site is located adjacent to a coastal bluff, and is subject to the County's Geologic Hazards Ordinance (Section 16.10.070(h) of the County Code). An engineering geologic report by Zinn Geology (dated 8/06) and a Geotechnical report by Pacific Crest Engineering (dated 8/06) have been reviewed and accepted by the County Geologist (Exhibit I). These reports established a coastal bluff setback of 25-30 feet from the edge of the bluff along the rear of the property (see Geologic Site Map by Zinn Geology, dated 8/17/06, Exhibit H). As mentioned, the proposed project exceeds these setback requirements.

Local Coastal Program Consistency

The proposed single-family dwelling conforms to 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 and natural environment. Homes of a similar size, bulk, mass, and scale exist in the vicinity along the southeastern end of Bayview Drive. The house will be more visible from the beach than the existing residence, as it is two stories in height. However, two-story homes are common along the bluff side of Bayview Drive at this location, so the increase in bulk and mass will not be out of character with surrounding development. Furthermore, the house will incorporate earth-tone colors to complement the surrounding natural environment.

One 18" tree is proposed to be removed, with other trees on site proposed to be retained. The tree to be removed is not considered a significant tree as it has a diameter breast height of less than 20 inches and is located within the area of the proposed driveway, so the project cannot be redesigned to avoid removal. Protective measures will be required for other trees on site during demolition and construction (condition of approval II.B.8.).

The project will not interfere with coastal access as no coastal access easements encumber the subject property and access is available nearby (via Cliff Drive to Hidden Beach Way, see Vicinity Map, Exhibit F).

Design Review

The proposed replacement single-family dwelling complies with the County's Design Review ordinance (Chapter 13.11 of the County Code), in that the bulk, mass, and scale of the proposed residence is compatible with existing homes at the southern end of Bayview Drive. The increased bulk and mass of the proposed residence compared to the existing residence will not present a significant visual impact from the street due to the downslope location of the project site and the existing pine trees.

Drainage

Conceptual drainage plans have been submitted and reviewed by the County Geologist and DPW Engineering (sheet C-1 of the engineered plans). The plans show a portion of the new drainage system within the 25 foot coastal bluff setback, which cannot be approved. As a condition of approval, the drainage system will be required to be moved to a location outside of this setback, possibly requiring the system to run beneath the proposed patio (condition of approval ~~XX~~).

In addition, the final drainage plans must indicate that drainage will be routed to the base of either the coastal bluff, the arroyo to the east of the project site, or conveyed to Bayview Drive in order to avoid potential slope instability. The County geologist, project Geotechnical Engineer, and the Department of Public Works, Drainage Section must approve the revised final drainage plan prior to building permit issuance.

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 07-0117, 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: David Keyon
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3561
E-mail: david.keyon@co.santa-cruz.ca.us

Coastal Development Permit Findings

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

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

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions 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 compatible with the surrounding neighborhood at the southeastern end of Bayview Drive in terms of bulk, mass, and scale; the site is surrounded by lots developed to an urban density; and the colors will be earth-tone in appearance and complementary to the site. The house will be visible from the beach, but will have a visual impact similar to that of adjacent homes on adjacent upcoast properties on Bayview Drive, where many second story homes of a similar height exist.

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 no public access easements exist on site. Public access is provided in the vicinity from Cliff Drive to Hidden Beach.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single-family residential, 6,000 square foot minimum) 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 consistent with the existing range.

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. Construction will comply with prevailing building technology, the Uniform Building Code, the County Building ordinance, and the recommendations of the project's Engineering Geologic and Geotechnical reports to insure the optimum in safety and the conservation of energy and resources. The proposed single-family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single-family residential, 6,000 square foot minimum) 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.

The proposed residence will comply with the County's Geologic Hazards Ordinance, in that the project will comply with the minimum setback from the coastal bluff to ensure 100-year stability of the structure (25-30 feet at this location).

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

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

The proposed single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

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

and scale as other two-story homes immediately upcoast of the project site on Bayview Drive.

The project will comply with General Plan/LCP Policy 5.10.7 (Development on Open Beaches and Blufftops) in that the project site is an existing lot of record and the proposal is compatible with the pattern of existing development in that many houses along the top of the bluff at the southern end of Bayview Drive have two-stories with similar visual impacts. Furthermore, existing vegetation surrounding the project site reduces the visual impacts from the public beach.

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 four-bedroom single-family dwelling will replace an existing six-bedroom single-family dwelling, resulting in a net decrease in the number of bedrooms. The expected level of traffic generated by the proposed project is anticipated to be similar to that generated by the existing residence.

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 both one and two-story homes of a similar size, 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 will be of an appropriate bulk, mass, and scale for the surrounding neighborhood, and the use of earth-tone colors combined with existing vegetation will soften the visual impact of the residence from the beach.

Conditions of Approval

Exhibit A: Project plans, 10 sheets; sheets P1 through P6 drawn by Matson-Britton Architects on 3/6/07; sheets C-1 through C-3 drawn by RI Engineering Inc. and dated 2/07; sheet 1 drawn by Gary Iland and dated 4/4/06.

- I. This permit authorizes the demolition of an existing single-family dwelling and construction of a two-story single-family dwelling on parcel 043-161-58. 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.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official, if more than 100 cubic yards of grading is proposed, if cuts exceed 5 feet, or if fill exceeds 2 feet in height.
 - 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 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 proposed development. The final plans shall include the following additional information:
 1. Identify finish and color of exterior materials and roof covering for Planning Department approval if any change is proposed from the color and materials on file for application 07-0117. Any color boards must be in an 8.5" x 11" format.
 2. An engineered grading plan.

3. A final engineered drainage plan, with the following additional information as required by the County Geologist and DPW Drainage:
 - a. Modify the drainage system to convey drainage to the base of the coastal bluff, a safe outlet location in the arroyo to the east of the project site, or to Bayview Drive. The plan shall be reviewed and approved by the County Geologist, the project Geotechnical Engineer, and the Department of Public Works, Drainage Division.
 - b. Provide a final review letter from the project geotechnical engineer stating that the proposed drainage plan will not cause any erosion or stability problems on this site or downstream from the site.
 - c. Provide a copy of the recorded drainage easement for parcel 043-161-57 drainage facilities that will handle upstream runoff on the subject property.
 - d. Show the drainage system is in a location outside of the coastal bluff setback as determined by the Engineering Geologist.
 - e. Details of the person and/or entity responsible for the maintenance of the existing concrete gutter on the downstream property.
4. A detailed erosion control plan for review and approval by Environmental Planning staff.
5. Show on the plans how the existing retaining wall and associated drainage improvements on the property to the south of the subject property will be maintained by the owner of the subject parcel, either through approval of a lot line adjustment or the recordation of a maintenance easement:
 - a. If a lot line adjustment is pursued to cure this encroachment, the adjustment must be approved by the County Planning Department prior to issuance of the building permit for the subject parcel.
 - b. If an easement is sought for continued maintenance, proof of recordation must be submitted prior to building permit issuance.
6. 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.

7. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 8. Plans shall include a statement that the project will comply with the accepted Engineering Geologic and Geotechnical reports for this project, and both the building plans and engineering plans must clearly show the accepted geologic building envelope.
 9. Plans shall show protective fencing around all trees within 20 feet of the area of disturbance, except for the single tree proposed to be removed.
 10. Show the proposed location of on-site sewer lateral(s), clean out(s), and connection(s) to the existing public sewer. Existing sewer laterals must be properly abandoned prior to issuance of the demolition permit.
 10. Revised site plans and engineered plans showing the driveway does not exceed more than 50% of the front yard frontage.
- 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. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- F. Submit plan review letters from both the project Geotechnical Engineer and the project Geologist, confirming the building, grading, drainage, and erosion control plans conform to the recommendations of the Geotechnical and Engineering Geologic report, respectively. At least three (3) copies of each letter shall be submitted for review and approval.
- G. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- H. 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.
- I. Sign, date, and record a Declaration of Geologic Hazards. **You cannot alter the wording of this declaration.** Please return a copy of the recorded document to the Planning Department as proof this declaration has been recorded.

- 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 and engineering geology reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this 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 on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

David Keyon
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 07-0117

Assessor Parcel Number: 043-161-57 and 043-161-58

Project Location: 660 Bayview Drive

Project Description: Demolish existing single-family dwelling and construct new single-family dwelling

Person or Agency Proposing Project: Matson-Britton Architects

Contact Phone Number: (831) 425-0544

- 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 2: Replacement of existing structure

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

Demolish and re-construct single-family dwelling on existing lot

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

David Keyon, Project Planner

Date: _____

43-16

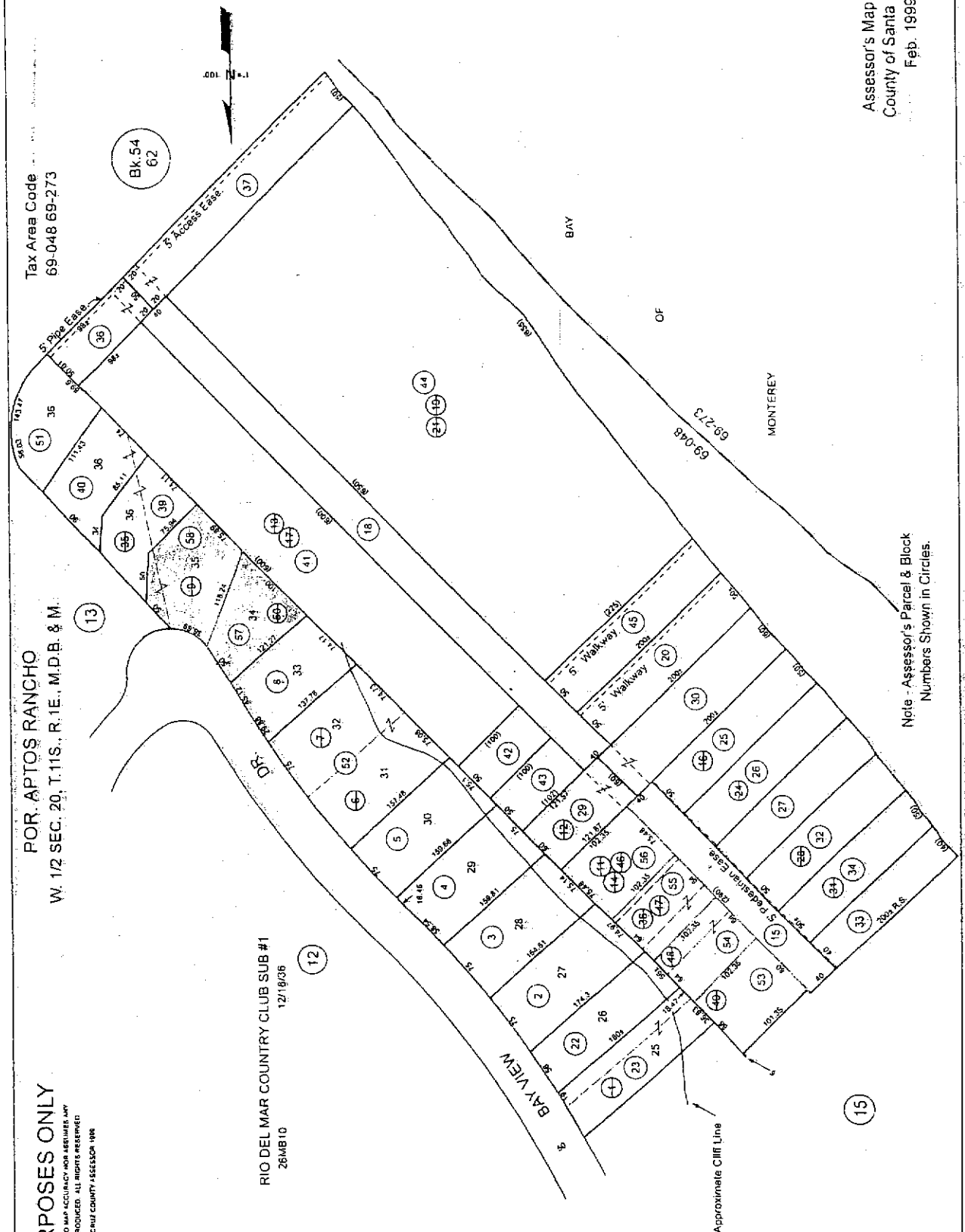
Tax Area Code
69-048 69-273

POR. APTOS RANCHO
W. 1/2 SEC. 20, T.11S., R.1E., M.D.B. & M.

FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY AND ASSUMES NO LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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RIO DEL MAR COUNTRY CLUB SUB #1
26MB10
12/18/06



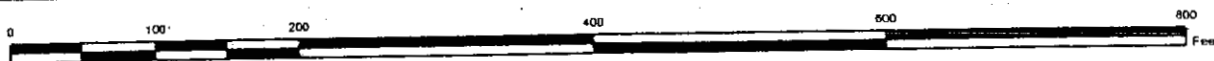
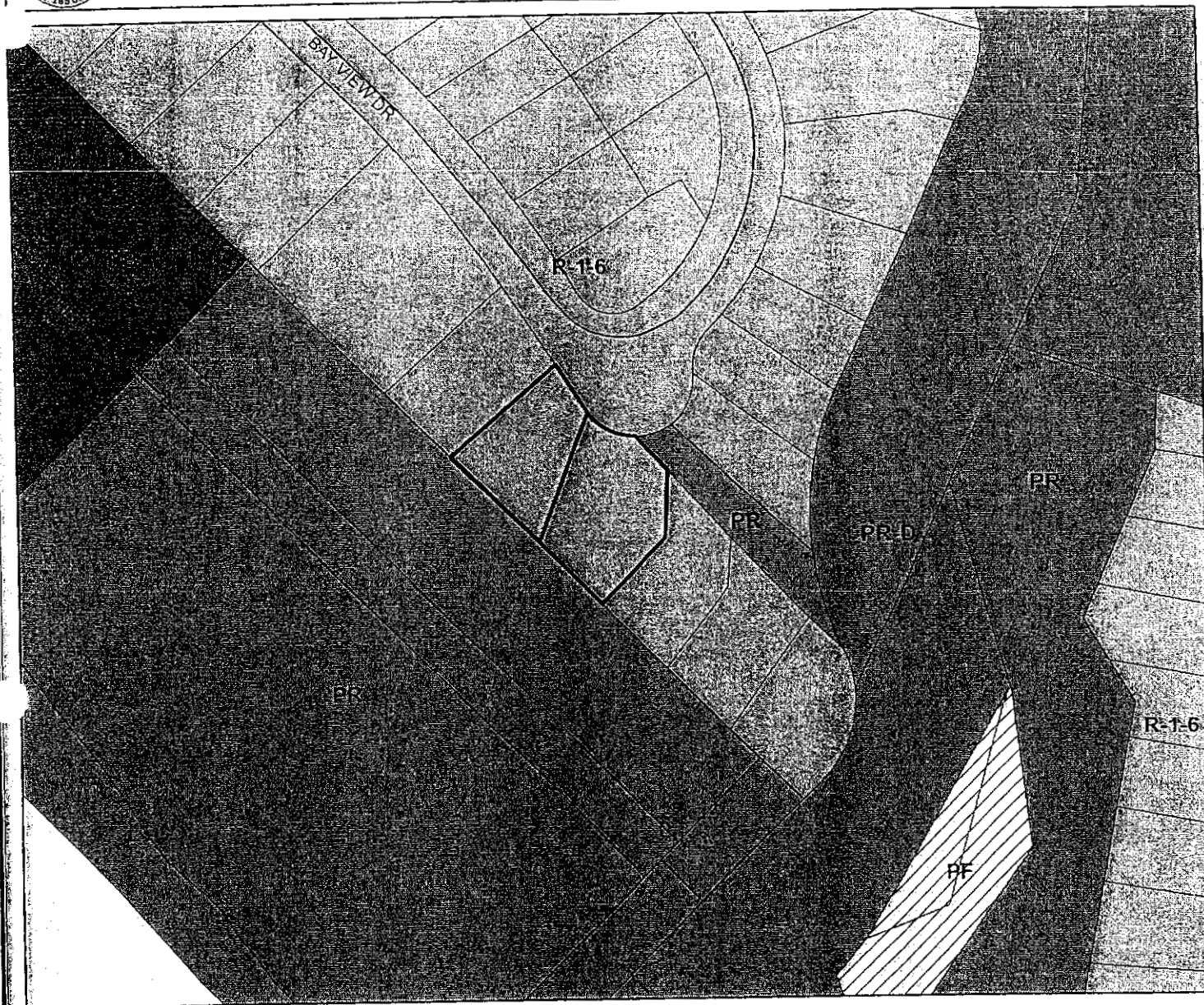
Assessor's Map No. 43-16
County of Santa Cruz, Calif.
Feb. 1989

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








Electronically Redrawn 2/9/95 by
Rev. 12/15/89 DD (Cor. 150, 1-51)
Rev. 12/4/88 CB (Cor. block 1-51 at per 26MB10)
Rev. 5/25/81 DD (changed page refs.)
Rev. 2/7/75 DD (4-07/967 to 70 LBA 1-53 to 56)
Rev. 10/12/06 CB (4-07/967 & 2-50 1-57 & 50)

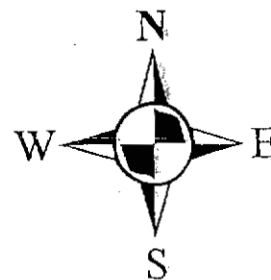


Zoning Map



Legend

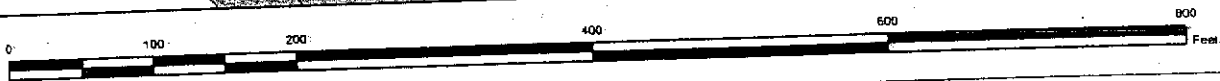
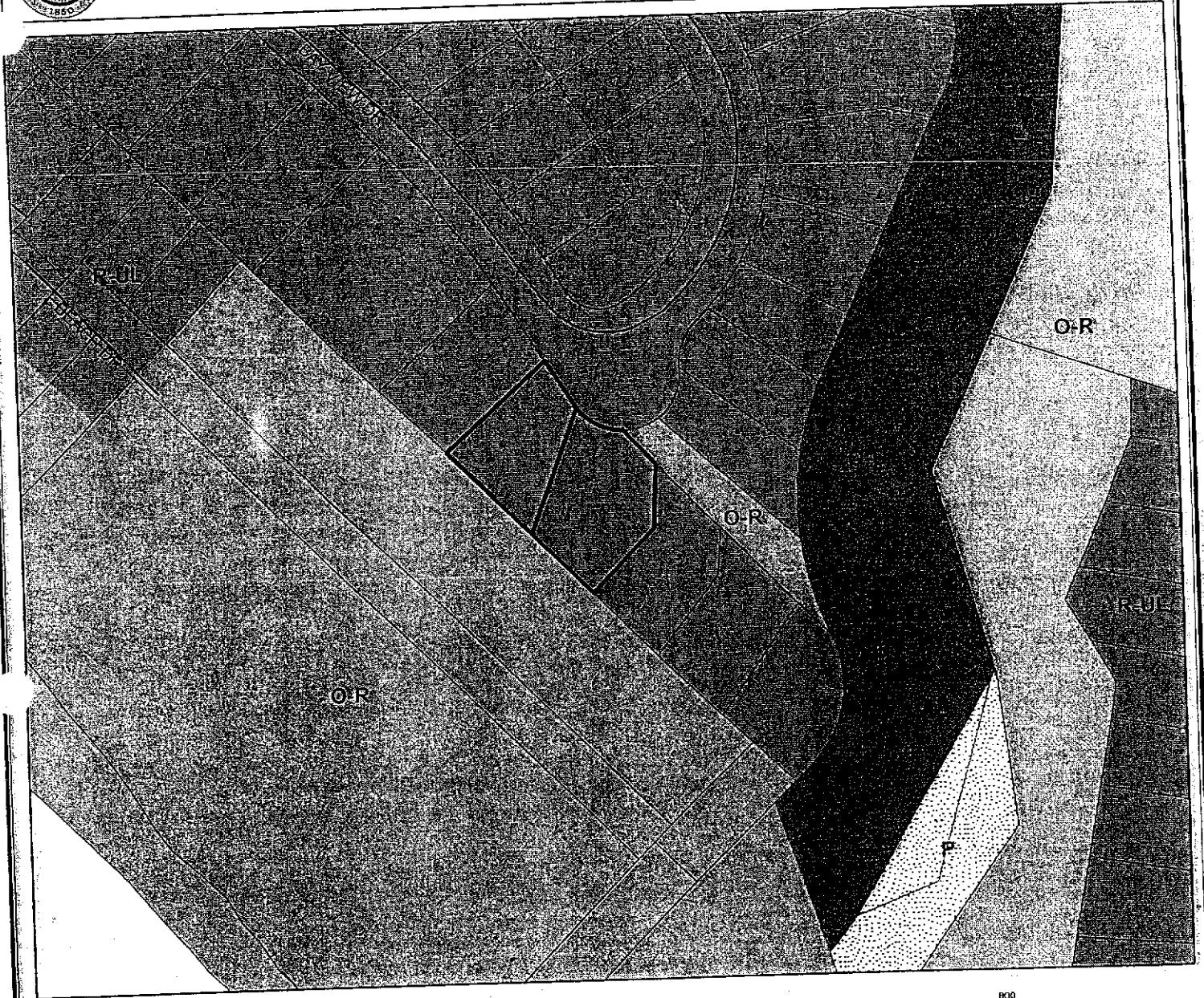
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-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PARK (PR)
-  RESIDENTIAL- OCEAN BEACH (RB)
-  PUBLIC FACILITY (PF)










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March 2007

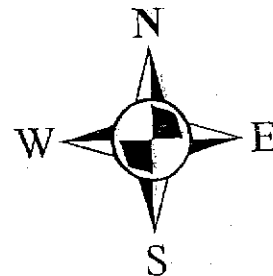


General Plan Designation Map



Legend

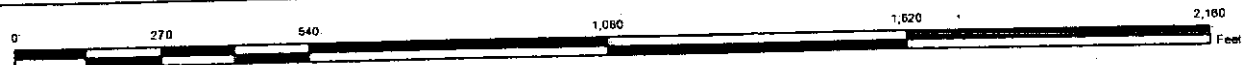
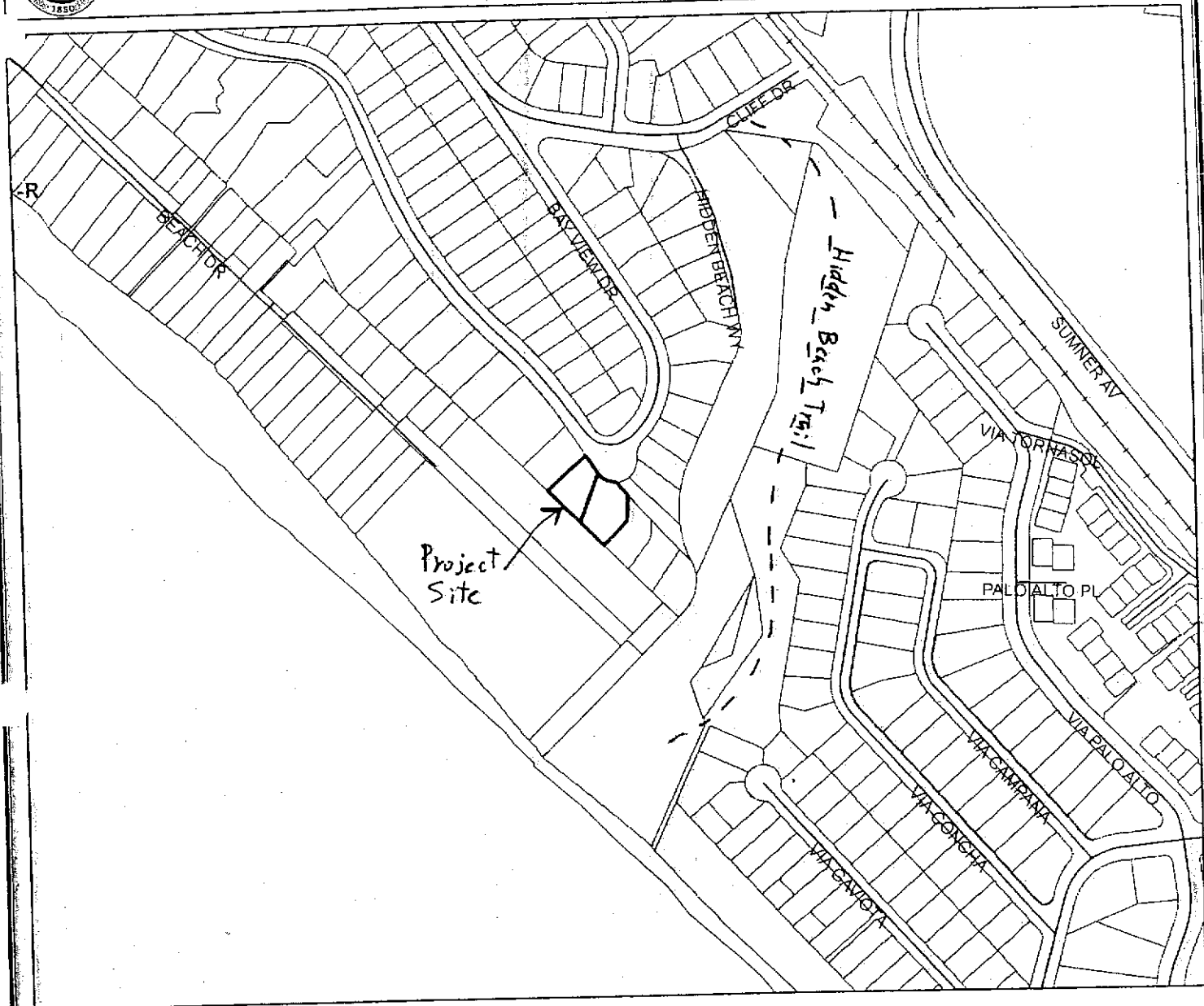
-  APNs 043-161-57, -58
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density (R-UL)
-  Parks and Recreation (O-R)
-  Urban Open Space (O-U)
-  Public Facilities (P)








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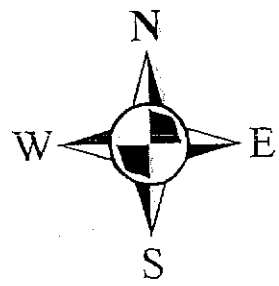


Location Map



Legend

-  APNs 043-161-57, -58
-  Assessors Parcels
-  Streets
-  Railroads
-  County Boundary



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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 our recommendations and those of the project geologist are included in the design and construction.
2. Grading and foundation plans should be reviewed by Pacific Crest Engineering Inc. during their preparation and prior to contract bidding.
3. Pacific Crest Engineering 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 you or your representative, the grading contractor, a county representative and one of our engineers present. At this meeting, the project specifications and the testing and inspection responsibilities will be outlined and discussed.
4. Field observation and testing must be provided by a representative of Pacific Crest Engineering 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 or foundation excavation or drilling performed without the full knowledge and direct observation of Pacific Crest Engineering Inc., the Geotechnical Engineer, will render the recommendations of this report invalid.

SITE PREPARATION

5. The initial preparation of the site will consist of the removal of trees as required, and any accumulated debris as a result of demolition activities. Tree removal should include the entire stump and root ball. Any existing foundation elements to be abandoned should be completely removed. Septic tanks and leaching lines, if found, must also be completely removed. The extent of this removal will be designated in the field by a representative of Pacific Crest Engineering Inc. These materials must be removed from the site.
6. Any voids created by the removal of trees, root balls, septic tank, leach lines, foundations, or any other unsuitable materials must be backfilled with properly compacted native soils that are free of organic and other deleterious materials or with approved imported fill.
7. Any wells encountered shall be capped in accordance with the requirements and approval of the Santa Cruz 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. Surface vegetation, tree roots and organically contaminated topsoil should then be removed ("stripped") from the area to be graded. This material may be stockpiled for future landscaping. In addition, any remaining debris or large rocks must also be removed (this includes asphalt or rocks greater than 2 inches in greatest dimension). 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 field observations of a representative of Pacific Crest Engineering Inc. 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.

9. 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 in the field by a representative of Pacific Crest Engineering Inc. 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.

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 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 within about 1 to 3 percent of 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.

11. 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 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.

12. 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.

13. 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.

14. Although not anticipated, should the use of imported fill be necessary on this project it should meet the following specifications:

- free of organics, debris, and other deleterious materials,
- free of "recycled" materials such as asphaltic concrete, concrete, brick, etc.,

- granular in nature, well graded, and contain sufficient binder to allow utility trenches to stand open,
- free of rocks in excess of 2 inches in size,
- have a Plasticity Index between 4 and 12, and
- have a minimum Resistance "R" Value of 30, and be non-expansive.

15. 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.

CUT AND FILL SLOPES

16. The following recommendations for cut and fill slopes are provided for general planning purposes only. Any fill slopes, or cut slopes greater than 4 feet in height, should be specifically reviewed by the geotechnical engineer during grading plan preparation so that additional recommendations can be made.

17. Excavations should be properly shored and braced during construction to prevent sloughing and caving. The contractor should be aware of all CAL OSHA and local safety requirements and codes dealing with excavations and trenches.

18. All fill slopes should be constructed with engineered fill meeting the minimum density requirements of this report and have a gradient no steeper than 3:1 (horizontal to vertical).

19. 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.

20. Cut slopes shall not exceed a 3:1 (horizontal to vertical) gradient and a 4-foot vertical height unless specifically reviewed by the Geotechnical Engineer.

21. 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, rock fill surface trenches or horizontally drilled drains. Configurations and type of drainage will be determined by Pacific Crest Engineering Inc. during grading plan preparation.

22. 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.

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

24. Fill slopes should not be placed above cut slopes for this project.

EROSION CONTROL

25. The surface soils are classified as having a high potential for erosion. Therefore, the finished ground surface should be planted with ground cover and continually maintained to minimize surface erosion. For specific and detailed recommendations regarding erosion control on and surrounding the project site, you should consult your civil engineer or an erosion control specialist.

TEMPORARY SHORING

26. If basements are planned, temporary construction shoring may be necessary for this project. The design, construction and installation of the shoring system is the sole responsibility of the Contractor.

27. Excavations should be properly shored and braced during construction to prevent sloughing and caving. The contractor should be aware of all CAL OSHA and local safety requirements and codes dealing with excavations and trenches.

28. Basement or trench excavations should have temporary sidewall slopes which do not exceed a 2:1 (horizontal to vertical) gradient. The "top" of any temporary cut slope should be set-back at least ten feet (measured horizontally) from any nearby structure or property line. Any basement or trench excavation planned which cannot meet these side slope gradients will need to have a shoring system designed to support steeper sidewall gradients.

29. The recommended temporary cut slopes of 2:1 (h:v) are considered acceptable for short-term construction periods if performed during periods of fair weather. It should be understood that on-site safety is the sole responsibility of the Contractor, and that the Contractor shall designate a competent person to monitor the slope excavation prior to the start of each work day, and throughout the work day as conditions change. The competent person designated by the Contractor shall determine if flatter slope gradients are more appropriate, or if shoring should be installed to protect workers in the vicinity of the slope excavation. Refer to Title 8, California Code of Regulations, Sections 1539-1543.

30. The temporary shoring may consist of either a soldier pier wall with wood lagging or a soil nail wall with a shotcrete facing. Irrespective of the type of shoring, the chosen wall should be fully drained and should not obstruct nor significantly change the normal flow of moisture or groundwater through the project soils. Wall drainage should discharge to an approved location.

31. If a soldier pier wall with wood lagging is utilized, the wood lagging, and any gravel backfill (or other drainage material) behind the wall, must be completely removed as the excavation is backfilled, and prior to the completion of the project. Soldier piles should be cut off a minimum of 5 feet below finished grade.
32. All shoring backfill to be placed in maximum 8 inch lifts, at a water content which is 1 to 3 percent above the laboratory optimum value. The material should be compacted to at least 90 percent relative compaction. If a clean gravel backfill is utilized as shoring backfill, it should be compacted in maximum 1 to 2 foot lifts using a vibra-plate or similar equipment. **It is recommended that all voids behind the shoring system be completely filled with soil or gravel backfill while the shoring work is in progress.**
33. The temporary shoring wall system chosen by the designer should be designed using the geotechnical design criteria presented in the "Lateral Pressures" section of this report.
34. Shoring should be reviewed by the Geotechnical Engineer for conformance with our recommendations at least two weeks prior to the start of any shoring work.

FOUNDATIONS - PIER AND GRADE BEAM

35. At the time we prepared this report, the grading plans had not been completed and the structure locations and foundation details had not been finalized. We request an opportunity to review these items during the design stages to determine if supplemental recommendations will be required.
36. An appropriate foundation system to support the proposed structures will consist of end bearing cast-in-place reinforced concrete piers in conjunction with reinforced concrete grade beams.
37. The end bearing piers should be designed for the following criteria:
- Minimum pier embedment should be 5 feet into the Purisima bedrock. This will necessitate pier depths of approximately 30 to 35 feet. Actual depths could depend upon a lateral force analysis performed by your structural engineer.
 - Minimum pier size should be 18 inches in diameter and all pier holes must be free of loose material on the bottom.
 - Passive pressures of 400 psf/ft of depth can be developed, acting over a plane $1\frac{1}{2}$ times the pier diameter. Passive resistance due to the Purisima bedrock may be increased to 600 psf/ft of depth. Neglect passive pressure over the upper five feet of pier.
 - The allowable end bearing capacity is 3,000 psf, with a $\frac{1}{3}$ rd increase for wind or seismic loading.

- e. All grade beams should be embedded at least 12 inches below lowest adjacent grade.
 - f. All piers must be constructed within ½ percent of a vertically plumb condition.
 - g. All pier excavation spoils must be removed from slope areas which are steeper than 5:1 (horizontal to vertical).
 - h. It is possible that the piers will need to be cased during drilling and that the water will have to either be pumped before steel and concrete placement or the concrete placed through a tremie.
 - i. 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.
 - j. 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.
 - k. The Contractor should expect very dense drilling conditions beginning at an approximate depth of 25 feet, based on the findings outlined in our test borings. Therefore appropriately sized drilling equipment should be selected for these drilling conditions so that the piers may extend to the full depth outlined in the geotechnical report and the project plans and specifications.
 - l. 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.
38. The piers and grade beams should contain steel reinforcement as determined by the Project Civil or Structural Engineer.

SLAB-ON-GRADE CONSTRUCTION

39. Concrete slab-on-grade floors should be limited to garages or basement floors. The upper 12 inches of subgrade below slabs should be scarified, moisture conditioned and compacted to a minimum of 90% relative compactive effort.
40. 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.
41. All concrete slabs-on-grade should be underlain by a minimum 4 inch thick capillary break of ¾ inch clean crushed rock (no fines). It is recommended that neither Class II baserock nor sand be employed as the capillary break material.

42. 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.

43. We recommend basement slab and retaining walls be sealed using Xypex C-1000 mixed into the concrete in addition to any water proofing compound on the exterior of the basement walls. Refer to www.xypex.com for additional information.

Please Note: Recommendations given above for the reduction of moisture transmission through the slab are general in nature and present good construction practice. Pacific Crest Engineering Inc. are not waterproofing experts. For a more complete and specific discussion of slab moisture protection, a waterproofing expert should be consulted.

44. Slab thickness, reinforcement, and doweling should be determined by the Project Civil or Structural Engineer.

UTILITY TRENCHES

45. 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.

46. Utility pipes should be designed and constructed so that the top of pipe is a minimum of 24 inches below the finish subgrade elevation of any road or pavement areas. Any pipes within the top 12 inches of finish subgrade should be concrete encased, per design by the Project Civil Engineer.

47. For the purpose of this section of the report, backfill is defined as material placed in a trench starting one foot above the pipe, and bedding is all material placed in a trench below the backfill.

48. Unless concrete bedding is required around utility pipes, free-draining clean sand should be used as bedding. Sand bedding should be compacted to at least 95 percent relative compaction.

49. Approved imported clean sand or native soil may be used as utility trench backfill. Backfill in trenches located under and adjacent to structural fill, foundations, concrete slabs and pavements should be placed in horizontal layers no more than 8 inches thick. Each layer of trench backfill should be water conditioned and compacted to at least 95 percent relative compaction. Clean sand is defined as 100 percent passing the #4 sieve, and less than 5 percent passing the #200 sieve.

50. Utility trenches should be backfilled with controlled density fill (such as 2-sack sand/cement slurry) below perimeter footing areas to help minimize potential moisture intrusion

below slabs. The width of the plug should be at least the width of the footing or grade beam at the building perimeter, but no less than 18 inches.

LATERAL EARTH PRESSURES

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

- a. Active earth pressure values may be used when walls are free to yield an amount sufficient to develop the active earth pressure condition (about $\frac{1}{2}\%$ of height). The effect of wall rotation should be considered for areas behind the planned retaining wall (pavements, foundations, slabs, etc.). Use an equivalent fluid weight of 45 pcf for a level backslope gradient; and 60 pcf for a maximum 2:1 (horizontal to vertical) backslope gradient. **This assumes a fully drained condition.**
- b. Where walls are restrained from moving at the top, or where minimal wall rotation is desired, design for a uniform pressure acting along the full wall height equivalent to 25H psf for a level backslope, and 38H psf for a 2:1 maximum backslope (where H is the height of the wall). **This assumes a fully drained condition.**
- c. For resisting passive earth pressure use 200 psf/ft of depth. 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.
- d. A "coefficient of friction" between base of foundation and soil of 0.35 may be used.
- e. Retaining walls to be integrated with the proposed residences should be supported by drilled pier foundations designed in accordance with the criteria outlined under the Foundations – Pier and Grade Beam section of this report. Site retaining walls may be designed for allowable bearing capacities of 1,800 psf for Dead plus Live Load, with a $\frac{1}{3}$ rd increase for short term loads.
- f. Any live or dead loads which will transmit a force to the wall, refer to Figure No. 9 of Appendix A.
- g. The resultant seismic force on retaining walls $20H^2$ 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 as modified by Whitman (1990).

Please note: Should the slope behind the retaining walls be steeper than 2:1 horizontal to vertical, supplemental design criteria will be provided for lateral earth pressures for the particular slope angle.

52. 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 permeable material 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 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. 10 of Appendix A, Typical Retaining Wall Drain Detail.

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

SURFACE DRAINAGE

54. 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.

55. 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 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. The discharge location should not be located at the top of, or on the face of, any topographic slopes. *Surface runoff be directed away from all bluff edges.*

56. 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. Grades should slope away from foundation areas at least 2 percent for the first 5 feet. Concentrations of surface water runoff should be handled by providing necessary structures, such as paved ditches, catch basins, etc.

57. 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. All cut, fill and disturbed native slope areas should be hydro-seeded or other means of erosion control provided, as determined by the Project Civil Engineer.

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

59. The building and surface drainage facilities must not be altered nor any filling or excavation work performed in the area without first consulting Pacific Crest Engineering Inc.

PAVEMENT DESIGN

60. 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 scarify and moisture condition the upper 8 inches of the subgrade soil and compact it to a minimum of 95% of its maximum dry density, at a moisture content about 1 to 3% over the optimum moisture content for the soil.
- b. Provide sufficient gradient to prevent ponding of water.
- c. Use only quality materials of the type and thickness (minimum) specified. All aggregate base and subbase must meet Caltrans Standard Specifications for Class 2 materials, and be angular in shape. All Class 2 aggregate base should be ¾ inch maximum in aggregate size.
- d. The use of "recycled" materials, such as asphaltic concrete for aggregate base or subbase is not recommended.
- e. Compact the base and subbase uniformly to a minimum of 95% of its maximum dry density.
- f. Use ½ maximum, Type "A" medium graded asphaltic concrete. Place the asphaltic concrete only during periods of fair weather when the free air temperature is within prescribed limits by Cal Trans Specifications.
- g. Place ¼ gallon per square yard of SG-70 prime coat over the aggregate base section, prior to placement of the asphaltic concrete.
- h. Maintenance should be undertaken on a routine basis.

PLAN REVIEW

61. We respectfully request an opportunity to review the plans during preparation and before bidding to ensure that the recommendations of this report have been included and to provide additional recommendations, if needed. If we are not afforded the opportunity to review the plans, we cannot be responsible for misinterpretation of our recommendations. In addition, project plans which have not been reviewed by the Geotechnical Engineer may result in changes to the project design during the construction phase, with potential additional costs and delays to bring the project into conformance with the requirements outlined in this report.

On a final note, another factor not mentioned thus far is the intensity and magnitude of future large coastal storms. If for some reason the intensity and magnitude of coastal storms increase in the future, there is some possibility that the bluff retreat rates will also increase. As with the other factors mentioned above, we know of no way to accurately estimate this prediction, and even if we could, we wouldn't know how to insert it into our bluff retreat calculations.

In summary, we felt it prudent to mention that there are some unknown future variables which might increase the bluff retreat rates from the values presented in this report, and that there is no reliable way that we are aware of to quantify these transient processes. The variables that might adversely impact our calculations are rising sea levels, intensity and magnitude of coastal storms, and fluctuations in the size of the large beach fronting the bluff. In the end, however, we have to form a competent opinion with the data available to us, and we feel we have done this while adhering to the standard of care for coastal geology investigations.

CONCLUSIONS

Based on the information gathered and analyzed in the steps outlined above, it is our opinion that the subject property is geologically suitable for the future proposed residential development, and will be subject to "ordinary" risks as defined in Appendix B, provided our recommendations are followed. Appendix B should be reviewed in detail by the developer and all property owners to determine whether an "ordinary" risk as defined in the appendix is acceptable. If this level of risk is unacceptable to the developer and the property owners, then the geologic hazards in question should be mitigated to reduce the corresponding risks to an acceptable level.

The subject property is located in an area of high seismic activity and will be subject to strong seismic shaking in the future. Modified Mercalli Intensities of IX are possible. Depending upon the type of engineering analysis, the controlling seismogenic sources for the subject properties are the Zayante fault, 6.8 kilometers to the northeast and the San Andrea fault, 12.6 kilometers to the northeast. The design earthquake on the Zayante fault should be a M_w 7.0, while that of the San Andreas fault should be M_w 7.9. Expected duration of strong shaking for the Zayante fault event is about 16 seconds. Although it yields lower seismic shaking values, the expected duration of strong shaking for a M_w 7.9 earthquake on the San Andreas fault is about 38 seconds. Deterministic analysis for the site yields a mean peak ground acceleration of 0.55 g with an associated effective peak acceleration of 0.41, and a mean peak ground acceleration plus one dispersion of 0.83 g for the Zayante fault and for the San Andreas fault a mean peak ground acceleration of 0.43 g with an effective peak acceleration of 0.32 g, and mean peak ground acceleration plus one dispersion of 0.63 g.

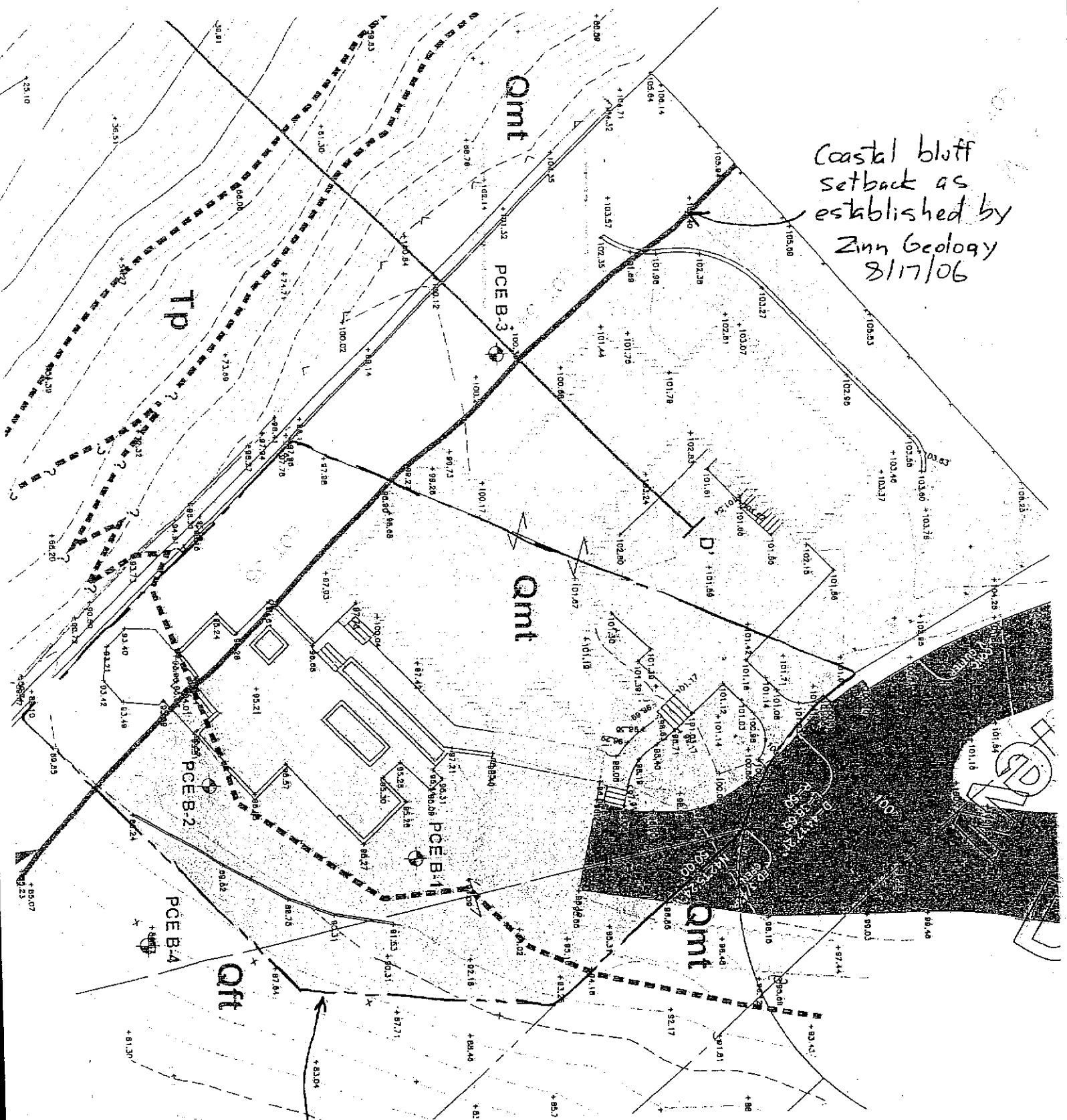
Our historical bluff retreat analysis indicates that the top of the coastal bluff is retreating on average between 0.09 and 0.30 feet per year since 1928. We have drawn a bluff setback line on Plate 1 that is setback between 25 and 30 feet from the top of today's bluff, with the setback value being driven by the average historical retreat rate unless it results in a setback that is less

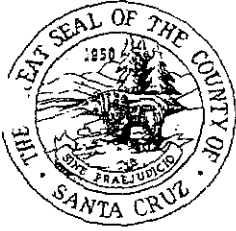
then 25 feet (in which case the default setback is 25 feet as dictated by County of Santa Cruz ordinances).

RECOMMENDATIONS

1. All habitable structures, access roads and utilities should be located within our "Geologically Suitable Development Envelope For Residences", landward of the coastal bluff retreat line, as portrayed graphically on Plate 1.
2. For structural design, the project designers and engineers should consider our deterministic seismic analysis for the site, yielding an effective peak acceleration (EPA) of 0.41 g, a mean peak ground acceleration of 0.55 g, and a mean peak ground acceleration plus one dispersion of 0.83 g.
3. We recommend that the project geotechnical engineer perform a quantitative slope stability analysis of our geological cross section utilizing the parameters outlined in this report, including: our predicted future bluff geometry, a ground water table of several feet perched atop the contact between the marine terrace and fluvial terrace deposits and the bedrock, and an appropriately derived seismic site coefficient using the simplified method developed by Ashford and Sitar (2002). When deriving the seismic site coefficient, we recommend that the deterministically-derived mean peak ground acceleration value of 0.43 g for the San Andreas be used.
4. We recommend that all drainage from improved surfaces such as walkways, patios, roofs, and driveways be collected and dispersed on site in such a way as to avoid ponding on the ground adjacent to a building site or spilling directly onto the steep coastal bluff. Gutters should be utilized on rooftops, channeling drainage up to Bayview Drive or down into the existing arroyo to the east, or dispersed on the property in such a way as to avoid ponding or concentrated discharge on steep slopes.
5. We recommend that our firm be provided the opportunity for a review of any forthcoming reports, designs and specifications by the project geotechnical engineer, structural engineer, architect and landscaper, in order that our recommendations may be properly interpreted and implemented in the design and specification. If our firm is not accorded the privilege of making the recommended review we can assume no responsibility for misinterpretation of our recommendations.
6. For further information about what you can do to protect yourself from earthquakes and their associated hazards, read *Peace of Mind in Earthquake Country*, by P. Yanev (1991).

Coastal bluff
setback as
established by
Zinn Geology
8/17/06





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

March 21, 2007

Matson-Britton Architects
728 N. Branciforte Ave
Santa Cruz, CA 95062

Subject: Review of Engineering Geology Report by Zinn Geology, Dated August 17, 2006,
Project No. 2006017-G-SC; and Geotechnical Report by Pacific Crest
Engineering, Inc., Dated August 24, 2006, Project No. 0624-SZ70-D57,

Reference: APN: 043-162-58
Application No.: 07-0117

Dear Applicant,

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

1. All construction shall comply with the recommendations of the reports.
2. Final plans shall reference the reports and include a statement that the project shall conform to the reports' recommendations.
3. Before building permit issuance, *plan-review letters* shall be submitted to Environmental Planning from both the geotechnical engineer and engineering geologist. The authors of the reports shall write the *plan review letters*. Each letter shall state that the project plans conform to the report's recommendations.
4. The application for a building permit shall include an engineered grading and drainage plan.
5. A notice of geologic hazards shall be executed and recorded with County Records Office that indicates that home is located in an area of flooding, wave attack, and landsliding. The blank notice is attached for your use.

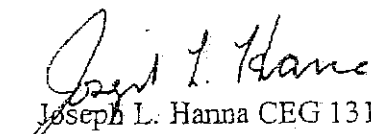
All of these conditions become conditions of approval of the Coastal Permit.

After building permit issuance the soils engineer and engineering geologist *must remain involved with the project* during construction. Please review the *Notice to Permits Holders* (attached).

Our acceptance of the reports is limited to its 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 (831) 454-3175, email pln829@co.santa-cruz.ca.us if we can be of any further assistance.

Sincerely,


Joseph L. Hanna CEG 1313
County Geologist

Cc: Owner: Kelley & Cindy Trousdale, 660 Bay View Dr., Aptos, CA 95003
Pacific Crest Engineering, Inc, 444 Airport Blvd., Ste. 106, Watsonville, CA 95076
Zinn Geology, 3085 Carriker Ln., Ste. B, Soquel, CA 95073
Andrea Koch, Resource Planner
David Keyon, Project Planner

INTEROFFICE MEMO

APPLICATION NO: 07-0117

Date: April 5, 2007

To: David Keyon, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Review of a new residence at 660 Bayview Drive, Aptos

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			N/A
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			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			N/A

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

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	✓		
Noise			
Reasonable protection for adjacent properties	✓		

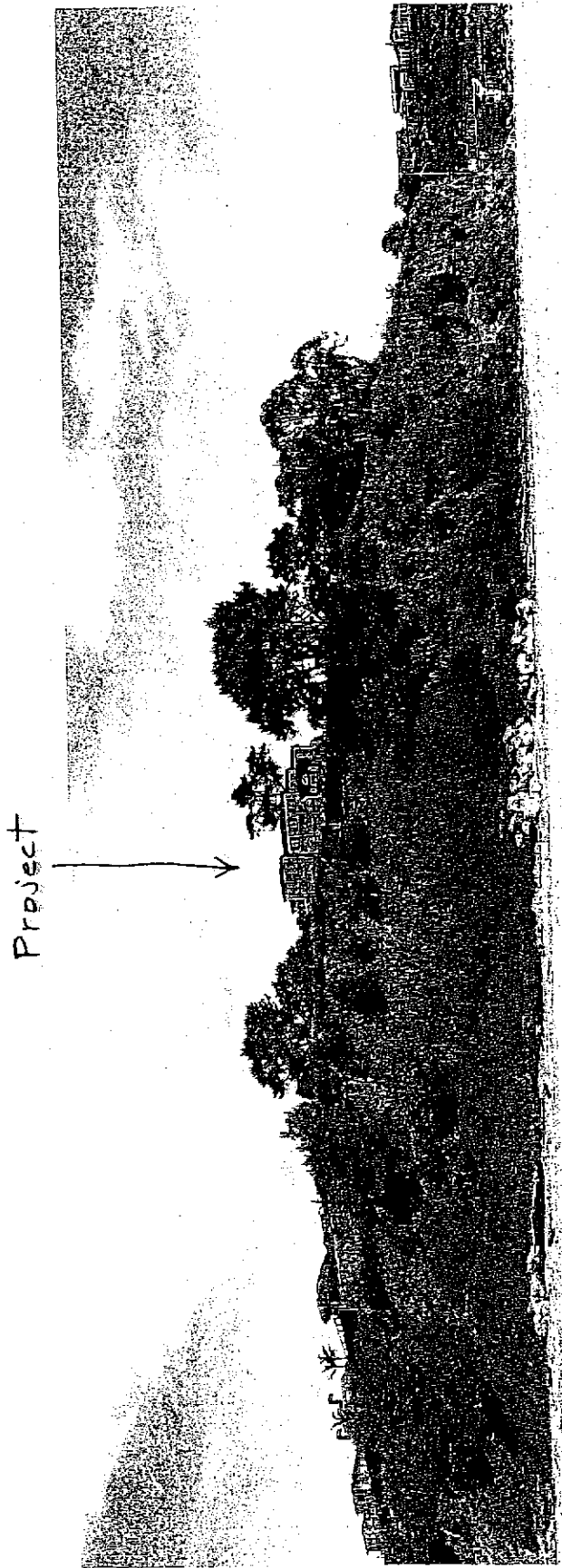
13.11.073 Building design.

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	✓		
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	✓		

Urban Designer's Comments:

- *This is an unusual site, given the turn around and island in the right-of-way and the downslope of the grade from Bayview Drive. If this residence were proposed for a lot in the middle of Bayview on the bluff side, it would seem too large for the same size lot.*
- *The designer should be aware that a design for the remaining lot to the West, it may not be compatible with neighborhood to build to the full 50% FAR (it is far more visible than the current proposal).*



Trousdale residence

660 Bayview Drive, Lot B, Aptos
View from Via Gaviota seawall
Matson Britton Architects
Rendering: ArchiGraphics



Trousdale residence
660 Bayview Drive, Lot B, Aptos
View looking East from beach
Matson Britton Architects
Rendering: ArchiGraphics

Project



Trousdale residence
660 Bayview Drive, Lot B, Aptos
View from Bayview Drive
Matson Britton Architects
Rendering: ArchiGraphics

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: David Keyon
Application No.: 07-0117
APN: 043-161-57

Date: July 17, 2007
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Environmental Planning Completeness Comments

===== REVIEW ON MARCH 15, 2007 BY KEVIN D CRAWFORD =====

03/15/07 - No fee for Preliminary Review of Grading was collected for this application. Planner should notify applicant of necessity to pay that fee. Grading Plan by R.I. Engineering dated 2/07 (C1-C3) appears acceptable for Completeness from a grading standpoint. NOTE: APN indicated on those sheets needs to be updated.

===== UPDATED ON APRIL 2, 2007 BY ANDREA M KOCH =====

1) No further completeness comments from Environmental Planning. ===== UPDATED ON JULY 13, 2007 BY JOSEPH L HANNA =====

The proposed drainage system has not been reviewed by the project engineering geologist and geotechnical engineer. Please have them review the proposal.

The better way of disposing this drainage would be to take either to the base of the slope either within the stream or at the toe of the bluff. Please have the engineer examine determine if they have the right to use the subdivision's drainage easements to conduct the drainage to the base of the slope.

Environmental Planning Miscellaneous Comments

===== REVIEW ON MARCH 15, 2007 BY KEVIN D CRAWFORD =====

NO COMMENT

===== UPDATED ON APRIL 2, 2007 BY ANDREA M KOCH =====

1) During building permit application, please submit a plan review letter from the engineering geologist. The letter must review the final grading, drainage, structural, and erosion control plans. The letter must state that the final plans conform to the recommendations in the engineering geology report.

2) During building permit application, please submit a plan review letter from the geotechnical (soils) engineer. The letter must review the final grading, drainage, structural, and erosion control plans. The letter must state that the final plans conform to the recommendations in the geotechnical (soils) report.

3) Final building permit plans must reference the geology and soils reports and must include a statement that the project shall conform to the reports' recommendations.

4) The application for a building permit shall include an engineered grading and drainage plan (such as the one submitted with this discretionary permit application).

5) Prior to building permit issuance, please sign, notarize, and record at the County Recorder's Office the Declaration of Geologic Hazards sent to you with the report review letter from Joe Hanna.

6) Please show on the final plans protective construction fencing around all retained trees in the vicinity of construction (such as the large trees along

Discretionary Comments - Continued

Project Planner: David Keyon
Application No.: 07-0117
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Bayview Drive).

Dpw Drainage Completeness Comments

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

===== REVIEW ON MARCH 22, 2007 BY ALYSON B TOM ===== Application with civil plans dated February 2007 has been received. Please address the following:

1) This project is required to hold post development flows to predevelopment rates and mitigate for added impervious areas on site. Credit can be taken the existing permitted impervious areas on the subject parcel. The project should utilize best management practices such as minimizing impervious areas, disconnected impervious areas, etc. as mitigations. As proposed the project has not minimized impervious area.

2) Describe how the existing home and impervious areas drain. Demonstrate existing drainage patterns are maintained.

3) How much upstream area from road and private properties drains to this parcel? How does the existing concrete gutter along the driveway drain?

===== UPDATED ON JUNE 20, 2007 BY ALYSON B TOM ===== Application with plans dated May 2007 and drainage calculations dated 6/4/07 has been received. Please see miscellaneous comments.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON MARCH 22, 2007 BY ALYSON B TOM ===== Please address the following with the building application:

1) The proposed outlet facilities should be located as far away from property boundaries as possible.

2) Who maintains the existing concrete gutter on the downstream property?

3) Provide a final review letter from the project geotechnical engineer stating that the proposed drainage plan will not cause any erosion or stability problems on this site or downstream from the site.

4) Provide a copy of the recorded drainage easement for drainage facilities that will handle upstream offsite runoff.

5) Zone 6 fees will be assessed on the net increase in runoff due to additional permitted impervious areas.

===== UPDATED ON JUNE 20, 2007 BY ALYSON B TOM ===== Please address the following in addition previous miscellaneous comments.

1) Provide information for the existing catch basin at the end of the gutter demonstrating that the project site will not need to be accepting this offsite

Discretionary Comments - Continued

Project Planner: David Keyon
Application No.: 07-0117
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Date: July 17, 2007
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runoff. Describe where this system leads.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON MARCH 12, 2007 BY RUTH L ZADESKY =====

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON MARCH 12, 2007 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.

Dpw Road Engineering Completeness Comments

===== REVIEW ON MARCH 15, 2007 BY GREG J MARTIN =====

A standard driveway geometry is required with returns. The County Design Criteria shows typical configurations. Contact Greg Martin at 831-454-2811 with questions.

===== UPDATED ON JUNE 20, 2007 BY ANWARBEG MIRZA =====

All comments have been addressed. Plans are complete and approved for discretionary stage review.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON MARCH 15, 2007 BY GREG J MARTIN =====

===== UPDATED ON JUNE 20, 2007 BY ANWARBEG MIRZA =====

Dpw Sanitation Completeness Comments

===== REVIEW ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

===== UPDATED ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

Sewer service is currently available.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

Sewer service is available for the subject development upon completion of the following conditions. Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.

Existing lateral(s) must be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure.

An abandonment permit for disconnection work must be obtained from the District.

Show all existing and proposed plumbing fixtures on floor plans of building application.

===== UPDATED ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

===== UPDATED ON MARCH 12, 2007 BY CARMEN M LOCATELLI =====

Aptos-La Selva Beach Fire Prot Dist Completeness C

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

Discretionary Comments - Continued

Project Planner: David Keyon
Application No.: 07-0117
APN: 043-161-57

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===== REVIEW ON MARCH 29, 2007 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 MARCH 29, 2007 BY ERIN K STOW =====

NO COMMENT