



Staff Report to the Zoning Administrator

Application Number: **181133**

Applicant: Boone/Low Architects - Jacquelyn Low
Owner: Eaton
APN: 058-082-13
Site Address: No Situs

Agenda Date: 5-17-2019
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to construct an approximately 1,741 square-foot, two-story single-family dwelling with an attached one-story, 323 square-foot garage. Requires adoption of a Mitigated Negative Declaration and approval of a Coastal Development Permit, Design Review, archaeological review (REV 181093), and an Archaeological Excavation Permit (181198).

Location: The subject property is located on the southeast side of Center Street approximately 135 feet southwest of the intersection with Marine View Ave.

Permits Required: Coastal Development Permit, Archaeological Excavation Permit

Supervisory District: Third District (District Supervisor: Ryan Coonerty)

Staff Recommendation:

- Approval of the attached "Resolution Adopting a Mitigated Negative Declaration on Application 181133" (Exhibit A).
- Approval of Application 181133, based on the attached findings and conditions.

Project Description & Setting: The proposed single-family dwelling is a two-story structure with a garage and bedroom on the lower floor, stepping down a slope of 15-20 percent. The driveway would run down the south side of the parcel.

The proposed house is located on an urban lot in the community of Davenport. A single-family dwelling with a hosted vacation rental exists on the adjacent parcel to the north. The adjoining lot to the south is vacant. Pacific Elementary School is on the opposite side of Center Street.

Zoning & General Plan Consistency

The subject property is a 5,828 square foot lot, located in the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district, a designation which allows residential uses. The proposed dwelling and garage 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.

General Plan Policies 5.10.2, 5.10.3: The proposed project is within a mapped Visual Resource

Area in the viewshed of Highway 1, a designated scenic road (5.10.10). However, the site is visible only from a few short segments of Highway 1. Since the height and architectural design of the proposed dwelling would be consistent with the surrounding community of Davenport, the dwelling would not noticeably impact the views from Highway 1 or nearby blufftop areas.

General Plan Policy 5.10.12, Development Visible from Urban Scenic Roads: The proposed dwelling would blend in architecturally with the other dwellings in Davenport, as it would be relatively small in area (1,741 sq.ft.) and moderate in height, with an architectural design featuring wood materials and a gabled roof. A proposed landscape plan would soften the visual impact from Center Street and the more distant Highway 1.

Archeological Resources

General Plan Policy 5.19.2, 5.19.3, Site Surveys, Development around Archeological Resources; Santa Cruz County Code Chapter 16.40 – Native American Cultural Sites. An archeological investigation by Albion Environmental, Inc., (Exhibits K, L, M) was conducted under an archeological excavation permit issued by the County. The site evaluation, developed in consultation with tribal representatives, produced evidence that some of the archeological materials on the site were intact and could yield important cultural and scientific information about the past, thus qualifying the deposit as eligible for inclusion in the California Register of Historic Resources. The presence of archeological resources required preparation of an Initial Study pursuant to the California Environmental Quality Act. Based on the Initial Study, a Mitigated Negative Declaration is proposed, discussed below (Exhibit B).

The County General Plan (5.19.3) and County Code 16.40.035(A)(1) require development on significant archeological sites to avoid the cultural resources to the extent feasible and to preserve a data sample for scientific and cultural reference, as per consultation with tribal representatives.

The project architect and project soils engineer modified the proposed structure to avoid the intact cultural resources, including the following measures:

- Modified the foundation plan to reduce the depth of excavation by up to one foot. The intact cultural resources were found primarily toward the front of the proposed dwelling, at a depth of 70 centimeters (2.3 feet). The front excavation would be limited to that necessary to provide a perimeter foundation at the front of the dwelling, a pier foundation for the front deck and part of the crawl space. The proposed conditions of approval would prohibit any perimeter foundation excavation in the front third of the parcel (within 40 feet of the west property line) to be excavated deeper than 27 inches or wider than 15 inches.
- Eliminated a requirement to over-excavate and re-compact soils supporting the perimeter foundation, limiting the excavation to actual footing depth.
- Changed the foundation beneath the front deck of the dwelling from perimeter to pier foundation to minimize disturbance.
- Used a perimeter foundation rather than slab foundation for the crawl space to avoid disturbing soils below the first floor (underfloor area).

- Modified the proposed driveway to allow a 20% slope in the top section, the steepest slope allowable, rather than excavate to reduce the slope of the driveway. Limited the total excavation for the structure and driveway to 65 cubic yards.
- Proposed a relatively small structure of approximately 1,900 square feet, utilizing only 65% of the maximum allowable floor area provided by the Santa Cruz County Code for the zone district. The maximum allowable floor area for the parcel would be 2,917 sq.ft.
- Stepped the structure down the hillside rather than cut and fill a pad into the slope.
- Provided an angle in the structure to turn the rear half of the structure, where the garage would be located more down-slope, to reduce excavation.

As modified, the project avoids the intact archeological resources that qualify the site for listing on the California Register of Historical Resources. The project modifications fulfill the mandate of the CEQA guidelines for archeological mitigation measures, such that excavation for the dwelling and garage will not create a significant impact or materially alter in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources (CRHR). This conclusion is confirmed by the project archeologist (pers. comm). Therefore, the potential impacts to the archeological resource, with mitigation, are less than significant.

Additionally, the project as conditioned would comply with the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, which include provisions for avoidance and preservation of archeological resources (see discussion in proposed Mitigated Negative Declaration, Exhibit B). CEQA Guidelines section 15064.5(b)(3) provides that a project that follows the Secretary of the Interior's standards "shall be considered as mitigated to a level of less than significant impact on the historical resource."

The project archeologist proposed a data recovery and salvage plan (Exhibit M) to be implemented by Albion, to provide mitigation pursuant to State and County regulations. However, a designated tribal representative opposed this mitigation measure, so staff agreed to include a condition of approval requiring data recovery not to be implemented.

The proposed conditions of approval include a requirement that a tribal representative be present to monitor all ground disturbance during construction.

A condition of approval is also proposed that would suspend all construction activity if human remains were discovered, and require culturally appropriate disposition of any human remains.

A soil surface survey shall be conducted promptly following placement of any fill and after distribution of surplus soil on site. Any cultural materials discovered in surface surveys shall be assembled and reburied at a depth of 3-4 feet in a sequestered location on the eastern half of the parcel, provided that they are not human remains. The conditions of approval and mitigation and monitoring plan require a tribal monitor to be present during all earth disturbance for the project.

In summary, the project is in full compliance with the County General Plan, the County Code and State law, implemented through the following project studies and proposed development measures.

- The archeological resource was surveyed and evaluated pursuant to an Archaeological Excavation Approval issued by the County, in consultation with tribal representatives, resulting in four archeological documents (Exhibit M).
- An Initial Study and proposed Mitigated Negative Declaration was prepared and circulated.
- Appropriate mitigation measures were recommended by the project archeologist and incorporated into the proposed conditions of approval and the proposed Mitigation, Monitoring and Reporting Plan (MMRP), in consultation with tribal representatives.
- The proposed project was modified to leave the intact the archeological resources that meet the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852).
- If any human remains are discovered, site excavation shall cease and the procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- As agreed in discussion with a tribal representative, staff recommends that the data recovery plan (Exhibit M, phase III) not be implemented. Following placement of fill and distribution of extra soil onsite, a soil surface survey will be conducted and any cultural artifacts (not human remains) reburied appropriately.

Design Review and Neighborhood Compatibility

SCCC 13.11.072(B)(2)(b) Site Design: *“Development should minimize the impact on private views from adjacent parcels, wherever practicable.”*

The proposed dwelling unit will partially obstruct the ocean and village views seen by occupants of the dwelling / vacation rental at 70 Center Street (Assessor’s parcel 058-082-14) – the adjacent parcel on the north side of the subject site. In public comments, the owner of the neighboring property has expressed concern that the proposed project could have an adverse financial impact on his hosted rental enterprise.

In an effort to address this potential impact, story poles were placed on the subject parcel and photographed from the windows of the hosted rental. The potential impacts on views were discussed by email with representatives of the hosted rental, who supported adjusting the location of the proposed dwelling to reduce its impact.

The project architect responded to neighbor’s concerns by relocating the proposed dwelling three feet closer to the street. The photo-simulations of the proposed structure (Exhibit G) depict the views before and after the modification. The proposed front-yard setback to the porch cover was reduced to 17’9½”. Although the cantilevered porch cover could be allowed by code to be as close as 14 feet to the street, a greater setback reduction would have required deeper foundation excavation of the dwelling and garage, risking an impact on the intact archeological resources towards the front of the parcel. A location closer to the street therefore would not have been consistent with State and County codes and General Plan policies.

As discussed in detail in the next section, the architectural style and scale of the proposed dwelling is compatible with the surrounding neighborhood, meeting the requirements of SCCC Ch. 13.11. Landscaping is proposed to soften the street impact of the proposed dwelling and soften views of the project as seen from the southwest.

Davenport Special Community Design Criteria

Santa Cruz County Code sections 13.20.143(B) establishes the following criteria for residential development:

New residential development shall incorporate architectural design features found in the older houses of the community (e.g., clean and simple lines, steep roof slopes, one- and two-story heights, porches, wood construction, white or light paint, etc.). Setbacks shall conform to that typical of other houses on the street. Rehabilitations of housing shall maintain the architectural and historic character of the structure being rehabilitated, including that all additions shall be compatible.

The proposed dwelling unit initially contained some design features inconsistent with the above criteria, including roof and porch covers with reverse slopes. However, the architect revised the design to establish consistency with the above design criteria. The proposed design now includes clean and simple lines, relatively steep roof slopes consistent with viewshed issues, one- and two-story heights, porches, simulated wood construction of the upper floor and an off-white color for the upper floor. The lower floor would be a light gray color with stucco exterior wall covering.

The relevant design general criteria for coastal developments (13.20.130) require visual compatibility and minimal grading. The proposed project, as discussed above, is visually compatible with the Davenport village. Grading would be minimized, as discussed in the archeological section above.

Local Coastal Program Consistency

The proposed dwelling and garage is in conformance with the County's certified Local Coastal Program, in that the proposed structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The project site is not located between the shoreline and the first public road and not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Public Outreach/Public Comment

Public comments were received from both an architect and an attorney representing the interests of the dwelling / hosted vacation rental at 70 Center Street (Exhibit N). The correspondence reflects the concerns of the neighbor about potential impacts views from his dwelling and vacation rental, and the effort of the architect and owner of the subject parcel to address these to the extent feasible, consistent with 13.11.072(B)(2)(b) Site Design. The neighbor's architectural consultant recommended that relocating the proposed dwelling closer to the street would reduce the viewshed impact. The project architect agreed to relocate the proposed structure as close as feasible to the street. Photo-simulations of the view from the vacation rental windows of the neighboring structure indicate the beneficial effect of modifications to the design of the dwelling, including moving the dwelling three feet to the northwest.

The neighbor also conveyed concerns about maintaining privacy from the rear decks on the first and second floor of the proposed structure. In response, the architect added landscaping and a side screen of horizontal boards to protect the mutual privacy of the two neighbors. The second story deck would be on the southeast side of the dwelling and would not affect privacy.

The neighbor's attorney had numerous questions about CEQA compliance, which are discussed in the next section.

The County received four responses from tribal groups. The first tribal respondent notified the County of other sites in the area – information that had been researched by the project archeologist, and which the County duly noted. The second tribal respondent requested information regarding known sites in the area as received by the County from the Northwest Information Center in Sonoma, which was provided to the inquiring party by email.

The third tribal respondent requested to monitor the project grading and Phase III data recovery excavations. However, this respondent withdrew their monitoring request when informed of the existing monitor contracted by Albion. The third respondent also met with County planners and policy staff to discuss archeological issues, both site-specific and general. As stated above, this representative emphasized his opposition to any kind of scientific data recovery plan. Because the designated tribal representative opposed data recovery per (16.40.035(A)(2)), staff agreed to recommend that the proposed Phase 3 archeological recovery plan not be implemented. Pursuant to an email request by the tribal representative, a soil surface survey shall be conducted of fill or spoils distributed on site, and recovered materials reburied appropriately.

Environmental Review

Environmental review has been required for the proposed project per the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on April 2, 2019 and preliminary determination to issue a Negative Declaration with Mitigations (Exhibit B) was made.

One comment was received from a tribal representative concerned about the potential disposition of any human remains that might be discovered. The tribal representative was provided with the conditions of approval for archeological resources, and subsequently met with planners Jerry Busch and Daisy Allen to discuss County procedures concerning archeological resources. As stated above, a tribal representative requested that a Phase III data recovery plan proposed by the archeologist for additional mitigation not be implemented, and staff agreed not to recommend implementation of a Phase III plan. A proposed condition of approval was added to require that the proposed Phase III data recovery plan not be implemented.

The environmental review process focused on the potential impacts of the project on archeological and noise issues. As discussed above, the potential archeological impact on archeological resources was reduced to a level of less than significant through avoidance of the resource and through a condition of approval requiring that an indigenous monitor be present during all earth movement activities. The avoidance measures are discussed in detail under the Archeology subheading above. To ensure that archeological resources are not disturbed by post-development grading or excavation on the subject site, the proposed MMRP would mandate that future grading or excavations deeper than two feet shall not proceed without an approved Coastal Development Permit amending this permit, with additional archeological review if deemed

necessary by the Planning Director. Potential archeological impacts and required mitigation measures are discussed in the proposed Mitigated Negative Declaration (Exhibit B), in the proposed Mitigation, Monitoring and Reporting Program (MMRP, Exhibit C), and also in the project archeological documents (Exhibit M).

The potential impact to sensitive noise receptors from construction of the dwelling unit was reduced to a level of less than significant through three mitigation measures: a) limiting construction activity to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday, b) requiring all construction equipment to have sound-control devices and muffled exhaust and c) requiring noise-reducing enclosures around stationary noise-generating equipment capable of 6 dB attenuation.

The letter received from the neighbor's legal representative raised questions in the following areas:

- Aesthetic impacts on views from Center Street
- Aesthetic impacts on the archeological resources
- Disturbance impacts on the archeological resources, both short-term and long-term
- Impacts on historic preservation
- Compliance with federal standards for preserving archeological resources
- Impacts on water / groundwater resources
- Biotic impacts
- Substantiation of impact discussion concerning energy, greenhouse gases, hazards and hazardous materials, public services, and cumulative impacts.

All of the legal questions raised by the legal representative were answered by either the existing language of the proposed mitigated negative declaration, or by relatively minor changes, additions and corrections to the MND and Mitigation, Monitoring and Reporting Program. The MND and MMRP were modified to require a tribal representative to be present during any ground disturbance, reflecting a condition already proposed in the Staff Report. These changes did not require recirculating the MND.

Conclusion

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

Staff Recommendation

- Adoption of the Mitigated Negative Declaration pursuant to the California Environmental Quality Act.
- **APPROVAL** of Application Number 181133, 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: Jerry Busch
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3234
E-mail: jerry.busch@santacruzcounty.us

Exhibits

- A. Resolution to Adopt Mitigated Negative Declaration
- B. Mitigated Negative Declaration
- C. Mitigation, Monitoring and Reporting Program (Original and Revised)
- D. Findings
- E. Conditions
- F. Project Plans
- G. Photo-simulations of View Impacts
- H. Assessor's, Location, Zoning and General Plan Maps
- I. Parcel Information
- J. Will-Serve Letter – Water and Sewer
- K. Archeological Review Acceptance Letter
- L. Archeological Excavation Permit
- M. Archeological Documentation (*Confidential*)
 - Cultural Resources Assessment
 - Results and Recommendations of the Phase II Archaeological Study, 9/6/2018
 - Proposal for a Phase III Archaeological Study, 9/11/2018
 - Justification for a Phase III Archaeological Study, 12/10/2018
 - Minutes of meeting with designated tribal representative
- N. Comments & Correspondence (*Tribal correspondence confidential*)

**BEFORE THE ZONING ADMINISTRATOR
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA**

RESOLUTION NO. _____

**By decision of the Zoning Administrator at a noticed public hearing,
the following Resolution is adopted:**

**ZONING ADMINSTATOR RESOLUTION ADOPTING
A MITIGATED NEGATIVE DECLARATION
ON APPLICATION 181133**

WHEREAS, at its meeting on May 17, 2019, the Zoning Administrator convened a duly noticed public hearing to consider the proposed project and proposed adoption of a Mitigated Negative Declaration, and considered public testimony prior to taking action;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Zoning Administrator hereby makes the following findings and hereby adopts the attached CEQA Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) related to the proposed project.

1. The Project that was the subject of environmental review includes but is not limited to the following components:

The project is to construct an approximately 1,741 square foot, two-story single-family dwelling with an attached 1-story, 323 square foot garage. The project includes adoption of a Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program per the California Quality Act. The project requires the following permits / authorizations: a Coastal Development Permit, Design Review, archaeological review (REV 181093) and an Archaeological Excavation Permit (181198).

2. Environmental review completed for the proposed ordinance determined that the proposed project, as mitigated with identified mitigation measures, will not have a significant impact on the environment, and therefore a Mitigated Negative Declaration (MND) has been prepared in accordance with the California Environmental Quality Act (CEQA), which was circulated for public comment and review for 21 days, ending on April 26, 2019, as required. Furthermore, all public comments received regarding the environmental review have been considered and do not change the determination that no significant impacts will result from this project.
3. The proposed final Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program includes revisions to the mitigation measures provided by the MND and MMRP originally circulated for public comment, and the new measures are equivalent or more effective in mitigating or avoiding potential significant effects and will not in themselves cause any potentially significant effect on the environment.
4. The Zoning Administrator in adopting the Mitigated Negative Declaration and MMRP is requiring that the following mitigation measures be incorporated into the Project, and the Board of Supervisors finds that implementation of these mitigation measures will reduce any potentially significant effects of the proposed ordinance to a less than significant level.

Mitigation ARCH-1 - The following mitigation measures shall be implemented at the project site: the approved project plans shall incorporate archeological avoidance measures, and the grading and

EXHIBIT A

foundation plans, driveway plan and landscaping shall be implemented as proposed and conditioned to insure minimal disturbance of intact archeological resources. No excavations within 40 feet of west property line shall exceed 27 inches in depth or 15 inches in width. A tribal monitor approved by the Planning Director shall be present during any ground disturbing activities, such as site preparation, grading, foundation excavation and stormwater control facilities.

Mitigation ARCH-2 - To accommodate tribal preference, the Phase III data recovery plan (Attachment 3) shall not be implemented. A soil surface survey shall be conducted promptly following placement of any fill and after distribution of surplus soil on site. Any cultural materials discovered in surface surveys shall be assembled by the project archeologist and reburied at a depth of 3-4 feet in a sequestered location on the eastern half of the parcel, provided that they are not human remains. To ensure that archeological resources are not disturbed by post-development grading or excavation on the subject site, proposed future grading or excavations deeper than 2 feet shall not proceed without an approved Coastal Development Permit amending this permit, with additional archeological review if deemed necessary by the Planning Director.

Mitigation ARCH-3 – Pursuant to Section 16.40.040 of the Santa Cruz County Code, and consistent with State Health and Safety Code §7050.5 and Public Resources Code Section 5097.98, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.

Mitigation NOI-1, NOI-2 NOI-3 NOI-4 – Avoid exposing persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Through limiting construction activity to between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday in order to avoid noise during more sensitive nighttime hours, requiring that all construction and maintenance equipment powered by gasoline or diesel engines have sound-control devices that are at least as effective as those originally provided by the manufacturer, requiring that all equipment be operated and maintained to minimize noise generation, prohibiting gasoline or diesel engines from having unmuffled exhaust, and using noise-reducing enclosures around stationary noise-generating equipment capable of 6 dB attenuation, potential impacts shall be reduced to a level of less than significant.

5. In adopting the Mitigated Negative Declaration, the Zoning Administrator finds, on the basis of the whole record before it, that there is no substantial evidence that the project, as revised, will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.

The material which constitutes the record of proceedings upon which the Zoning Administrator's decision is based shall be located in the offices of the Santa Cruz County Planning Department, located at 701 Ocean Street, Santa Cruz, California.

PASSED AND ADOPTED by the Zoning Administrator of the County of Santa Cruz, State of California, this 17th day of May 2019.

Zoning Administrator, Jocelyn Drake

EXHIBIT A



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
KATHLEEN MOLLOY, PLANNING DIRECTOR

MITIGATION MONITORING AND REPORTING PROGRAM (Revised) Davenport House Application No. 181133 March 7, 2019

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Cultural Resources					
ARCH-1	The project could potentially cause a substantial adverse change in the significance of an archaeological resource, pursuant to CEQA Guidelines Section 15064.5. Impact less than significant with mitigation.	The following mitigation measures shall be implemented at the project site: the approved project plans shall incorporate archaeological avoidance measures, and the grading and foundation plans, driveway plan and landscaping shall be implemented as proposed and conditioned to insure minimal disturbance of intact archaeological resources. No excavations within 40 feet of west property line shall exceed 27 inches in depth or approximately 15 inches in width. A tribal monitor approved by the Planning Director shall be present during any ground disturbing activities, such as site preparation, grading, foundation excavation and stormwater control facilities.	Applicant	Compliance monitored by the County Planning Department, soils engineer, project architect, qualified archeologist and tribal monitor.	To be implemented prior to and during project construction.
ARCH-2		To accommodate tribal preference, the Phase III data recovery plan (Attachment 3) shall not be implemented. A soil surface survey shall be conducted promptly following placement of any fill and after distribution of surplus soil on site. Any cultural materials discovered in surface surveys shall be assembled by the project archeologist and reburied at a depth of 3-4 feet in a sequestered location on the eastern half of the parcel, provided that they are not human remains. To ensure that archeological resources are not disturbed by post-development grading or excavation on the subject site, proposed future grading or excavations deeper than two feet shall not proceed without an approved Coastal Development Permit amending this permit, with additional archeological review if deemed necessary by the Planning Director.	Archeologist	Compliance monitored by the County Planning Department, property owner, qualified archeologist and tribal monitor.	To be implemented prior to and during project construction.
ARCH-3	Could the project disturb any human remains, including those interred outside of dedicated cemeteries? Impact less than significant with mitigation.	Pursuant to Section 16.40.040 of the Santa Cruz County Code, and consistent with State Health and Safety Code §7050.5 and Public Resources Code Section 5097.98, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined	Applicant	Compliance monitored by the County Planning Department, tribal monitor and qualified archeologist.	To be implemented prior to and during project construction.

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		and appropriate mitigations to preserve the resource on the site are established.			
Noise					
NOI-1	The project potentially could expose persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impact less than significant with mitigation.	Limit construction activity to between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday in order to avoid noise during more sensitive nighttime hours. Prohibit construction activity on Sundays.	Applicant	Compliance monitored by the County Planning Department.	To be implemented prior to and during project construction.
NOI-2		Require that all construction and maintenance equipment powered by gasoline or diesel engines have sound-control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.	Applicant	Compliance monitored by the County Planning Department.	To be implemented prior to and during project construction.
NOI-3		Prohibit gasoline or diesel engines from having unmuffled exhaust.	Applicant	Compliance monitored by the County Planning Department.	To be implemented prior to and during project construction.
NOI-4		Use noise-reducing enclosures around stationary noise-generating equipment capable of 6 dB attenuation.	Applicant	Compliance monitored by the County Planning Department.	To be implemented prior to and during project construction.



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
KATHLEEN MOLLOY, PLANNING DIRECTOR

MITIGATION MONITORING AND REPORTING PROGRAM

for

Davenport House
Application No. 181133
March 7, 2019

ORIGINAL

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Cultural Resources					
ARCH-1	The project could potentially cause a substantial adverse change in the significance of an archaeological resource, pursuant to CEQA Guidelines Section 15064.5. Impact less than significant with mitigation.	The following mitigation measures shall be implemented at the project site: the approved project plans shall incorporate archaeological avoidance measures, and the grading and foundation plans, driveway plan and landscaping shall be implemented as proposed to insure minimal disturbance of intact archaeological resources.	Applicant	Compliance monitored by the County Planning Department, qualified archeologist and tribal monitor.	To be implemented prior to and during project construction.
ARCH-2		The Phase III data recovery plan (Attachment 3) shall be fully implemented. A mounted display of selected representative archaeological materials with mounted explanatory notes shall be offered to Pacific School.	Archeologist	Compliance monitored by the County Planning Department and tribal monitor.	To be implemented prior to and during project construction.
ARCH-3	Could the project disturb any human remains, including those interred outside of dedicated cemeteries? Impact less than significant with mitigation.	Pursuant to Section 16.40.040 of the Santa Cruz County Code, and consistent with State Health and Safety Code §7050.5 and Public Resources Code Section 5097.98, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.	Applicant	Compliance monitored by the County Planning Department, qualified archeologist.	To be implemented prior to and during project construction.
Noise					
NOI-1	The project potentially could expose persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other	Limit construction activity to between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday in order to avoid noise during more sensitive nighttime hours. Prohibit construction activity on Sundays.	Applicant	Compliance monitored by the County Planning Department.	To be implemented prior to and during project construction.
NOI-2		Require that all construction and maintenance equipment powered by gasoline or diesel engines have sound-control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and	Applicant	Compliance monitored by the County Planning Department.	To be implemented prior to and during project construction.

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<i>agencies. Impact less than significant with mitigation.</i>	maintained to minimize noise generation.			
NOI-3		Prohibit gasoline or diesel engines from having unmuffled exhaust.	Applicant	Compliance monitored by the County Planning Department.	To be implemented prior to and during project construction.
NOI-4		Use noise-reducing enclosures around stationary noise-generating equipment capable of 6 dB attenuation.	Applicant	Compliance monitored by the County Planning Department.	To be implemented prior to and during project construction.

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

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 dwelling and garage is a principal permitted use within the zone district, and the zoning is 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 no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the development would be consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; and the development site is not on a prominent ridge, beach, or bluff top. The project conforms to the Davenport Special Community Design Criteria in that the dwelling would incorporate wood-style materials, light colors, clean and simple lines, one- and two-story heights, porches and setbacks consistent with the neighboring developed property. It would conform with the general design criteria in that visually compatible with the village and grading would be minimized.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and public shoreline access is available at Highway 1.

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure would be sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. The design submitted would be consistent with the pattern of development within the surrounding neighborhood, would blend in with the surrounding neighborhood and maintain the scenic quality of the Highway 1 viewshed. Potential archeological impacts are reduced to a level of less than significant by avoidance, compliance with federal guidelines for archeological resources, and compliance with General Plan policies 5.19.2 and 5.19.3, and Santa Cruz County Code Chapter 16.40 – Native American Cultural Sites, as described in the project's mitigated negative declaration.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the dwelling and garage 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.

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 would be located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources. The project will not be materially injurious to properties or improvements in the vicinity in that the minimum feasible setback to the street was proposed in order to minimize impact on the views of the adjoining dwelling unit / hosted vacation rental.

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 dwelling and garage 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 as the primary use of the property will be one dwelling and garage that meets all current site standards for the zone district. The project meets the requirements of Chapter 16.40 – Native American Cultural Sites in that an archeological review and Mitigated Negative Declaration were prepared, the project modified and mitigation measures incorporated to avoid the intact archeological resources that qualify the site for listing by the California Register of Historic Resources. Avoidance measures include:

- Modified the foundation plan to reduce the depth of excavation by up to one foot. The intact cultural resources were found primarily toward the front of the proposed dwelling, at a depth of 70 centimeters (2.3 feet). The front excavation would be limited to that necessary to provide a perimeter foundation at the front of the dwelling, a pier foundation for the front deck and part of the crawl space. The proposed conditions of approval would prohibit any perimeter foundation excavation in the front third of the parcel (within 40 feet of the west property line) to be excavated deeper than 27 inches or wider than 15 inches.
- Eliminated a requirement to over-excavate and re-compact soils supporting the perimeter foundation, limiting the excavation to actual footing depth.
- Changed the foundation beneath the front deck of the dwelling from perimeter to pier foundation to minimize disturbance.
- Used a perimeter foundation rather than slab foundation for the crawl space to avoid disturbing soils below the first floor (underfloor area).
- Modified the proposed driveway to allow a 20% slope in the top section, the steepest slope allowable, rather than excavate to reduce the slope of the driveway. Limited the total excavation for the structure and driveway to 65 cubic yards.
- Proposed a relatively small structure of approximately 1,900 square feet, utilizing only 65% of the maximum allowable floor area provided by the Santa Cruz County Code for the zone district. The maximum allowable floor area for the parcel would be 2,917 sq.ft.
- Stepped the structure down the hillside rather than cut and fill a pad into the slope.
- Provided an angle in the structure to turn the rear half of the structure, where the garage would be located more down-slope, to reduce excavation.

The project design and mitigation measures avoid the site's archeological resources, therefore the resources would not be "materially impaired" and the potential impacts would be less than significant. Additionally, the project as conditioned would comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, which include provisions for avoidance and preservation of archeological resources (see discussion in proposed Mitigated Negative Declaration, Exhibit B). CEQA Guidelines section 15064.5(b)(3) provides that a project that follows the Secretary of the Interior's standards "shall be considered as mitigated to a level of less than significant impact on the historical resource."

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 R-UL (Urban Low Density Residential) land use designation in the County General Plan.

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

The proposed dwelling and garage will be properly proportioned to the parcel size and 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 dwelling and garage 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 would result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The project complies with General Plan Policies 5.10.2, 5.10.3 in that the site would be visible only from a few short segments of Highway 1, and the height and architectural design of the proposed dwelling would be consistent with the surrounding community of Davenport, and landscape mitigation is incorporated into the project design, so that the dwelling would not adversely impact the views from Highway 1 or nearby blufftop areas.

The project complies with General Plan Policies 5.19.1 through 5.19.5 in that the site's archeological resources were surveyed, evaluated and reported by a professional archeologist pursuant to an Archeological Excavation Permit and Archeological Report Review, and disturbance of the significant archeological resources will be avoided through project modifications and mitigation measures, in consultation with designated tribal representatives.

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 dwelling and garage would be to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is

anticipated to be only one peak trip per day, such an increase will not adversely impact existing roads or 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.

The proposed single-family dwelling and garage is consistent with the land use intensity and density of the neighborhood, and the structure is a small dwelling with design, colors and materials consistent with the surrounding 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 dwelling and garage will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The site plan and structural design would minimize impacts on the views of the neighboring dwelling / hosted rental to the extent practicable. The architectural design is consistent with the Davenport community. The site plan incorporates drought-tolerant and native landscaping to visually screen the structure from the street and soften the views from Highway 1.

Conditions of Approval

Exhibit F: Project plans, prepared by Jacquelyn Low, dated 2-20-2019.

- I. This permit authorizes the construction of a dwelling and garage as indicated on the approved Exhibit F for this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain 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 final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit F on file with the Planning Department. Any changes from the approved Exhibit F 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. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. The dwelling shall incorporate wood or wood-simulating materials and white or light paint. In addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department final review and approval.
 3. Archeological avoidance measures, as shown in the plans and referenced in the Mitigated Negative Declaration and MMRP, including, but not necessarily limited to:

- Foundation plan shall minimize the depth of proposed excavation.
 - The front excavation shall be limited to that necessary to provide a perimeter foundation at the front of the dwelling and a pier foundation for the front deck and part of the crawl space.
 - Excavation for foundation footings within 40 feet of the west property line (front) shall not exceed the minimum depth necessary to comply requirements of the soils engineer, shall be limited to actual footing depth with no overexcavation, and in no case shall exceed 27 inches in depth and approximately 15 inches in width. Pier foundation beneath the front deck of the dwelling shall minimize soil disturbance.
 - Soils in the underfloor area within the foundation shall maximize retention of natural grade and minimize disturbance to the greatest extent feasible.
 - Driveway includes a 20% slope in the top section, the steepest slope allowable, rather than excavate to reduce the slope of the driveway. Limit the total excavation for the structure and driveway to 65 cubic yards.
 - Include an angle in the structure to turn the rear half of the dwelling more down the slope, to reduce excavation.
4. The grading and foundation plans, driveway plan, drainage, erosion control landscape plans (Exhibit F) shall be implemented as proposed to insure minimal disturbance of intact archeological resources.
5. Plans shall clearly represent all proposed grading, including any over-excavation and recompaction as recommended by the geotechnical engineer. Plans shall reference the soils report and update(s), include contact information for the geotechnical engineer, and include a statement that the project shall conform to the recommendations of the geotechnical engineer.
6. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
7. A signed Water Efficient Landscape Checklist; or, a compliant Landscape Plan and signed Water Efficient Landscape Plan Submittal Compliance Statement prepared in accordance with the requirements of the Water Efficient Landscape Ordinance (County Code Chapter 13.13) by a licensed landscape architect, landscape contractor, certified irrigation designer or landscape irrigation auditor, or civil engineer.
- B. Meet all requirements of and pay drainage fees to the County Department of Public Works, Stormwater Management, including the following:

1. Provide an updated tabulation table to address all new and/or replaced impervious and semi-pervious surfaces, including the proposed semi-pervious decomposed granite pathways.
2. Please provide construction cross-section details for all permanent stormwater mitigation features, including the bio-swales and retention system. The details must include all necessary information for the accurate construction of the proposed mitigation features.
3. Sheet A2.2, Stormwater Management Plan, shows the proposed driveway sloping toward a French drain. Detail 5 on Sheet A2.2 shows an approximately 12-inch impermeable cap on top of the French drain. Please clarify how runoff from the driveway will reach the French drain.
4. Bioretention materials shall conform with the structural components outlined in Part 3, Section I.8 of the CDC. The retention system shall be designed so that the facility completely drains within 48 hours from the cessation of stormwater runoff. Safe stormwater overflow shall be incorporated into the project design.
5. Per Part 3, Section I.13 of the CDC, please provide a maintenance schedule establishing the ongoing requirements for maintenance and monitoring of all permanent stormwater drainage facilities. The maintenance schedule must be shown on the project plans and included in the maintenance agreement as a packet when the applicant records and notarizes their SWM-25A form. Please submit the form after the project has been approved and reference the approved drainage plans. It will be the responsibility of the property owner to inspect and maintain all drainage features. a. A recorded maintenance agreement will be required for the drainage system. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedures. The maintenance agreement form can be picked up from the Public Works office or can be found online at:
<http://dpw.santacruzcounty.us/Portals/19/pdfs/FigureSWM25A.pdf>. Please ensure that the most current version of the SWM-25A form (REV 02/17) is utilized.
6. This site receives runoff from upstream/adjacent areas. Please provide the Stormwater Section with an applicable/acceptable recorded document that is recorded on the parcel deed. (This acknowledgement can be recorded with the requested maintenance agreement, as part of the requested exhibit).
 - a. Per Part 3 Section G.3 pg. 78 of the CDC, "The recorded document shall acknowledge that the parcel does and will continue to receive upstream runoff, that the property owner is responsible for maintenance of the drainage pathway (natural and/or man-made) through the parcel, and that the County & Flood Control District(s) are not responsible for the upstream runoff or for the maintenance of the drainage pathway."
7. Upon approval of the project, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: In order to clear the Hold, one of these options has to be exercised:

- a. The designer must inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The designer's letter shall be specific as to what was inspected (such as invert elevations, pipe sizing, the size of the mitigation features and all relevant design features). Notes of "general conformance to plans" are not sufficient.
 - b. As-built plans stamped by the designer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements are shown.
 - c. The designer may review as-built plans completed by the contractor and provide the County with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the designer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with a stamp (or label affixed to the plan) stating the contractor's name, address, license and phone number. The designer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the designer that the as-built plans meet the design intent and are adequate in detail, the designer shall submit the as-built plans and a review letter, stamped by the designer to the County Public Works Department for review to process the clearance of the drainage Hold, if the submittal is satisfactory. Drainage fees assessed on the net increase in impervious area
- C. Meet all requirements of the County Department of Public Works, Driveways, including the following:
1. Please note on the plans that the proposed new driveways shall meet Figure DW-5 of the County of Santa Cruz Design Criteria (See Part 6 Driveways and Encroachments). Please include Figure DW-5 on the plans to facilitate proper construction by the contractor. The design criteria can be found on the internet at:
<http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DCDriveways.pdf>.
 2. Please indicate if there will be any trenching required in the right of way. An encroachment permit will be required for all work proposed in the county right-of-way. Before your building application can be approved please submit an encroachment permit application with 2 sets of the plans (only the sheets showing work in R-O-W) directly to the Department of Public Works, 701 Ocean Street, Room 410. If pedestrian, bicycle or vehicle traffic will be impacted please include a traffic control plan. The encroachment permit application form can be found on the internet at: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/EncroachmentEditable.pdf>

- D. Meet all requirements of the Davenport County Sanitation District.
1. Proof of sanitary sewer service availability is required prior to application for a Building Permit.
 2. Site plan shall show location of any proposed on-site sewer lateral, clean out and connection to the existing public sewer.
 3. Floor plan shall show all plumbing fixtures, and completely describe all plumbing fixtures according to table T-702.1 of the California Plumbing Code.
 4. Project sewer design and connection of the project to the Davenport Sanitation District system will be required to conform to the County of Santa Cruz Design Criteria, Sanitary Sewer Design. See website for current edition.
- E. Meet all requirements of the Environmental Planning section of the Planning Department, including, but not necessarily limited to, the following:
- The applicant shall submit a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual, available here:
<http://www.sccoplanning.com/Portals/2/County/Planning/env/ConstructionStormwaterBMPManual-Oct%20312011version.pdf>.
 - The applicant shall submit a drainage plan prepared by a registered Civil Engineer. The plan shall comply with the requirements set forth in 2016 California Building Code (CBC) Section 1804.4 and the recommendations of the soils engineer.
 - 2016 California Building Code (CBC) Section 1804.4 requires that grades adjacent to buildings be sloped away at 5-percent for 10 feet. Where property lines or physical obstructions prohibit 10 feet of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet of the building foundation. The 5-percent slope may be reduced to 2-percent for impervious surfaces or where climatic or soil conditions warrant (this requires submission of a written analysis by the geotechnical engineer of record that clearly supports the exception).
- F. Meet all requirements and pay any applicable plan check fee of the California Department of Forestry and Fire Protection (Cal-fire), including but not limited to:
- Note on the plans "the job copies of the building and fire systems plans and permits must be on-site during inspections."
 - Note that the fire sprinklers system required is a 13-d system (residential) not a 13 as noted on plans.
 - A permit for the fire sprinkler system is required through Cal-fire office prior to installation.
- G. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer. Any updates to the soils report recommendations necessary to address conflicts between the report and plans must be provided via a

separate addendum to the soils report.

- H. Pay the current fees for Parks and Child Care mitigation for 2 bedroom(s).
 - I. Pay the current fees for Roadside and Transportation improvements for 2 bedroom(s).
 - J. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a dwelling up to 2,000 square feet is \$2 per square foot.
 - K. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking spaces must be clearly designated on the plot plan.
 - L. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. A tribal representative approved by the County Planning Department shall be present during any soil disturbance activities for the project, including, but not necessarily limited to, site preparation, grading, foundation excavation, archeological consultant activity, installation of stormwater runoff facilities and any reburial of cultural artifacts.
 - B. The Phase III data recovery plan (Exhibit M) shall not be implemented.
 - C. A soil surface survey shall be conducted promptly following placement of any fill. A soil surface survey shall also be conducted promptly after the remaining soil is spread on site. Any cultural materials discovered in surface surveys shall be assembled and reburied at a depth of 3-4 feet in a sequestered location on the eastern half of the parcel, provided that they are not human remains. A burial hole shall be established using an auger of the minimum diameter necessary to accommodate the materials.
 - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
 - E. At the completion of project construction and following any subsequent archeological analysis a brief report of findings is to be prepared by the project archaeologist and provided to the project planner.

- F. Provide a Landscape Checklist Installation Certificate signed by a Certified Landscape Irrigation Auditor, Certified Irrigation Designer, Licensed Landscape Architect or Licensed Civil Engineer.
- G. To minimize noise associated with construction, the following measures shall be implemented, as provided by the MND / MMRP:
 - Construction activity is limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday.
 - All construction equipment shall include sound-control devices and muffled exhaust.
 - A noise-reducing enclosure shall be placed around any stationary noise-generating equipment capable of 6 dB attenuation.
- H. All site improvements shown on the final approved Building Permit plans shall be installed.
- I. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- J. The project must comply with all recommendations of the approved soils reports as determined by the soils engineer.
- K. Obtain sewer connection permit.

IV. Operational Conditions

- A. Any proposed future grading or excavations deeper than 2 feet shall not proceed without an approved Coastal Development Permit amending this permit, with additional archeological review if deemed necessary by the Planning Director.
 - B. 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 three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Application #: 181133
APN: 058-082-13
Owner: Eaton

Jocelyn Drake
Deputy Zoning Administrator

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.

Parcel Information

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Davenport County Water District
Sewage Disposal: Davenport Sanitation District
Fire District: Cal-fire
Drainage District: NA

Parcel Information

Parcel Size: 5,828 sq.ft.
Existing Land Use - Parcel: Vacant
Existing Land Use - Surrounding: Residential and
Project Access: County road
Planning Area: North Coast
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

Technical Reviews: Archeological Report Review

Environmental Information

A Mitigated Negative Declaration has been prepared (Exhibit B) that addresses the environmental concerns associated with this application.

Geologic Hazards: Not mapped; no physical evidence on site
Fire Hazard: Not a mapped constraint
Slopes: Less than 17%
Env. Sen. Habitat: Not mapped; no evidence on site
Grading: 65 cubic yards of cut, 20 cubic yards fill
Tree Removal: No trees proposed to be removed
Scenic: Mapped scenic
Archeology: Not mapped/no physical evidence on site

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____
TO: Support Staff
FROM: Jerry Busch
RE: Application # 181133

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

Return all original documents to the planner, unless checked ⇒ ☐ Use original documents for distribution

☐ Make _____ copies of the attached documents; distribute as follows:

☐ Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ Send a copy to District Supervisor _____ (via Inter-office mail)

☐ Send copies to: ☐ DPW Surveyor (Plans & Conditions – all land divisions)
☐ Housing (Conditions – projects with affordable housing reqts.)
☐ _____

☐ Extra copy to planner

☐ Mail a copy to the California Coastal Commission: ☐ Certified Mail ☐ Send attached plans

☐ Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits.

☐ Mail copy of permit conditions to: _____ (Local Fire District)

☐ Place copy of final staff report/conditions in the Project Listing by APN folder on the shared drive

☐ Send copy of CEQA notice to the Clerk of the Board:

☐ Notice of Exemption (include copy of application form indicating COB fee payment)

☐ Notice of Determination/Negative Declaration

☐ Certificate of Fee Exemption

☐ Special instructions:

☐ Send attached exhibit(s) to:

☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ Send attached recordable documents to:

☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ _____

☐ _____

Completed by: _____

(support staff)

(date)

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 R-UL (Urban Low Density Residential) land use designation in the County General Plan.

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

The proposed dwelling and garage will be properly proportioned to the parcel size and 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 dwelling and garage 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 would result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The project complies with General Plan Policies 5.10.2, 5.10.3 in that the site would be visible only from a few short segments of Highway 1, and the height and architectural design of the proposed dwelling would be consistent with the surrounding community of Davenport, and landscape mitigation is incorporated into the project design, so that the dwelling would not adversely impact the views from Highway 1 or nearby blufftop areas.

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 dwelling and garage would be to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day, such an increase will not adversely impact existing roads or 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.

The proposed single-family dwelling and garage is consistent with the land use intensity and density of the neighborhood, and the structure is a small dwelling with design, colors and materials consistent with the surrounding 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 dwelling and garage will be of an appropriate

Application #: 181133
APN: 058-082-13
Owner: Eaton

scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The site plan and structural design would minimize impacts on the views of the neighboring dwelling / hosted rental to the extent practicable. The architectural design is consistent with the Davenport community. The site plan incorporates drought-tolerant and native landscaping to visually screen the structure from the street and soften the views from Highway 1.

Conditions of Approval

Exhibit F: Project plans, prepared by Jacquelyn Low, dated 2-20-2019.

- I. This permit authorizes the construction of a dwelling and garage as indicated on the approved Exhibit "F" for this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain 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 final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "F" on file with the Planning Department. Any changes from the approved Exhibit "F" 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. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. The dwelling shall incorporate wood or wood-simulating materials and white or light paint. In addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department final review and approval.
 3. Archeological avoidance measures, as shown in the plans and referenced in the Mitigated Negative Declaration and MMRP, including, but not necessarily limited to:

- Foundation plan minimize the depth of proposed excavation.
 - The front excavation limited to that necessary to provide a perimeter foundation at the front of the dwelling and a pier foundation for the front deck and part of the crawl space.
 - Excavation for foundation footings within 45 feet of the west property line (front) shall not exceed the minimum depth necessary to comply requirements of the soils engineer, and in no case shall exceed 27 inches in depth and 15 inches in width.
 - Pier foundation beneath the front deck of the dwelling shall minimize soil disturbance.
 - Soils in the underfloor area within the foundation shall retain natural grade and minimize disturbance.
 - Driveway includes a 20% slope in the top section, the steepest slope allowable, rather than excavate to reduce the slope of the driveway. Limited the total excavation for the structure and driveway to 65 cubic yards.
 - Include an angle in the structure to turn the rear half of the dwelling more down the slope, to reduce excavation.
4. The grading and foundation plans, driveway plan, drainage, erosion control landscape plans (Exhibit F) shall be implemented as proposed to insure minimal disturbance of intact archeological resources.
5. Plans shall clearly represent all proposed grading, including any over-excavation and recompaction as recommended by the geotechnical engineer. Plans shall reference the soils report and update(s), include contact information for the geotechnical engineer, and include a statement that the project shall conform to the recommendations of the geotechnical engineer.
6. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
7. A signed Water Efficient Landscape Checklist; or, a compliant Landscape Plan and signed Water Efficient Landscape Plan Submittal Compliance Statement prepared in accordance with the requirements of the Water Efficient Landscape Ordinance (County Code Chapter 13.13) by a licensed landscape architect, landscape contractor, certified irrigation designer or landscape irrigation auditor, or civil engineer.
- B. Meet all requirements of and pay drainage fees to the County Department of Public Works, Stormwater Management, including the following:
1. Provide an updated tabulation table to address all new and/or replaced impervious and semi-pervious surfaces, including the proposed semi-pervious decomposed granite pathways.

2. Please provide construction cross-section details for all permanent stormwater mitigation features, including the bio-swales and retention system. The details must include all necessary information for the accurate construction of the proposed mitigation features.
3. Sheet A2.2, Stormwater Management Plan, shows the proposed driveway sloping toward a French drain. Detail 5 on Sheet A2.2 shows an approximately 12-inch impermeable cap on top of the French drain. Please clarify how runoff from the driveway will reach the French drain.
4. Bioretention materials shall conform with the structural components outlined in Part 3, Section I.8 of the CDC. The retention system shall be designed so that the facility completely drains within 48 hours from the cessation of stormwater runoff. Safe stormwater overflow shall be incorporated into the project design.
5. Per Part 3, Section I.13 of the CDC, please provide a maintenance schedule establishing the ongoing requirements for maintenance and monitoring of all permanent stormwater drainage facilities. The maintenance schedule must be shown on the project plans and included in the maintenance agreement as a packet when the applicant records and notarizes their SWM-25A form. Please submit the form after the project has been approved and reference the approved drainage plans. It will be the responsibility of the property owner to inspect and maintain all drainage features. a. A recorded maintenance agreement will be required for the drainage system. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedures. The maintenance agreement form can be picked up from the Public Works office or can be found online at:
<http://dpw.santacruzcounty.us/Portals/19/pdfs/FigureSWM25A.pdf>. Please ensure that the most current version of the SWM-25A form (REV 02/17) is utilized.
6. This site receives runoff from upstream/adjacent areas. Please provide the Stormwater Section with an applicable/acceptable recorded document that is recorded on the parcel deed. (This acknowledgement can be recorded with the requested maintenance agreement, as part of the requested exhibit).
 - a. Per Part 3 Section G.3 pg. 78 of the CDC, "The recorded document shall acknowledge that the parcel does and will continue to receive upstream runoff, that the property owner is responsible for maintenance of the drainage pathway (natural and/or man-made) through the parcel, and that the County & Flood Control District(s) are not responsible for the upstream runoff or for the maintenance of the drainage pathway."
7. Upon approval of the project, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: In order to clear the Hold, one of these options has to be exercised:
 - a. The designer must inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was

completed per the plans. The designer's letter shall be specific as to what was inspected (such as invert elevations, pipe sizing, the size of the mitigation features and all relevant design features). Notes of "general conformance to plans" are not sufficient.

- b. As-built plans stamped by the designer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements are shown.
 - c. The designer may review as-built plans completed by the contractor and provide the County with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the designer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with a stamp (or label affixed to the plan) stating the contractor's name, address, license and phone number. The designer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the designer that the as-built plans meet the design intent and are adequate in detail, the designer shall submit the as-built plans and a review letter, stamped by the designer to the County Public Works Department for review to process the clearance of the drainage Hold, if the submittal is satisfactory. Drainage fees assessed on the net increase in impervious area
- C. Meet all requirements of the County Department of Public Works, Driveways, including the following:
- 1. Please note on the plans that the proposed new driveways shall meet Figure DW-5 of the County of Santa Cruz Design Criteria (See Part 6 Driveways and Encroachments). Please include Figure DW-5 on the plans to facilitate proper construction by the contractor. The design criteria can be found on the internet at:
<http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DCDriveways.pdf>.
 - 2. Please indicate if there will be any trenching required in the right of way. An encroachment permit will be required for all work proposed in the county right-of-way. Before your building application can be approved please submit an encroachment permit application with 2 sets of the plans (only the sheets showing work in R-O-W) directly to the Department of Public Works, 701 Ocean Street, Room 410. If pedestrian, bicycle or vehicle traffic will be impacted please include a traffic control plan. The encroachment permit application form can be found on the internet at: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/EncroachmentEditable.pdf>
- D. Meet all requirements of the Davenport County Sanitation District.
- 1. Proof of sanitary sewer service availability is required prior to application for a Building Permit.

2. Site plan shall show location of any proposed on-site sewer lateral, clean out and connection to the existing public sewer.
 3. Floor plan shall show all plumbing fixtures, and completely describe all plumbing fixtures according to table T-702.1 of the California Plumbing Code.
 4. Project sewer design and connection of the project to the Davenport Sanitation District system will be required to conform to the County of Santa Cruz Design Criteria, Sanitary Sewer Design. See website for current edition.
- E. Meet all requirements of the Environmental Planning section of the Planning Department, including, but not necessarily limited to, the following:
- The applicant shall submit a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual, available here:
<http://www.sccoplanning.com/Portals/2/County/Planning/env/ConstructionStormwaterBMPManual-Oct%2012011version.pdf>.
 - The applicant shall submit a drainage plan prepared by a registered Civil Engineer. The plan shall comply with the requirements set forth in 2016 California Building Code (CBC) Section 1804.4 and the recommendations of the soils engineer.
 - 2016 California Building Code (CBC) Section 1804.4 requires that grades adjacent to buildings be sloped away at 5-percent for 10 feet. Where property lines or physical obstructions prohibit 10 feet of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet of the building foundation. The 5-percent slope may be reduced to 2-percent for impervious surfaces or where climatic or soil conditions warrant (this requires submission of a written analysis by the geotechnical engineer of record that clearly supports the exception).
- F. Meet all requirements and pay any applicable plan check fee of the California Department of Forestry and Fire Protection (Cal-fire), including but not limited to:
- Note on the plans "the job copies of the building and fire systems plans and permits must be on-site during inspections."
 - Note that the fire sprinklers system required is a 13-d system (residential) not a 13 as noted on plans.
 - A permit for the fire sprinkler system is required through Cal-fire office prior to installation.
- G. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer. Any updates to the soils report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report.
- H. Pay the current fees for Parks and Child Care mitigation for 2 bedroom(s).

- I. Pay the current fees for Roadside and Transportation improvements for 2 bedroom(s).
 - J. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a dwelling up to 2,000 square feet is \$2 per square foot.
 - K. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking spaces must be clearly designated on the plot plan.
 - L. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. A tribal representative approved by the County Planning Department shall be present during any soil disturbance activities for the project, including, but not necessarily limited to, site preparation, grading, foundation excavation, archeological consultant activity and installation of stormwater runoff facilities.
 - B. The Phase III data recovery plan (Exhibit M) shall not be implemented.
 - C. A soil surface survey shall be conducted promptly following placement of any fill.
 - D. A soil surface survey shall be conducted promptly after the remaining soil is spread on site.
 - E. Any cultural materials discovered in surface surveys shall be assembled and reburied at a depth of 3-4 feet in a sequestered location on the eastern half of the parcel, provided that they are not human remains. A burial hole shall be established using an auger of the minimum diameter necessary to accommodate the materials.
 - F. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
 - G. At the completion of project construction and following any subsequent archeological analysis a brief report of findings is to be prepared by the project archaeologist and provided to the project planner.

- H. Provide a Landscape Checklist Installation Certificate signed by a Certified Landscape Irrigation Auditor, Certified Irrigation Designer, Licensed Landscape Architect or Licensed Civil Engineer.
- I. To minimize noise associated with construction, the following measures shall be implemented, as provided by the MND / MMRP:
 - Construction activity is limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday.
 - All construction equipment shall include sound-control devices and muffled exhaust.
 - A noise-reducing enclosure shall be placed around any stationary noise-generating equipment capable of 6 dB attenuation.
- J. All site improvements shown on the final approved Building Permit plans shall be installed.
- K. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- L. The project must comply with all recommendations of the approved soils reports as determined by the soils engineer.
- M. Obtain sewer connection permit.

IV. Operational Conditions

- A. Any proposed future grading or excavations deeper than 2 feet shall not proceed without an approved Coastal Development Permit amending this permit, with additional archeological review if deemed necessary by the Planning Director.
- B. 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 three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Application #: 181133
APN: 058-082-13
Owner: Eaton

Jocelyn Drake
Deputy Zoning Administrator

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.


**8000
CENTRAL
EXPRESS**

157 VAN NE, 3 AVE 3P
-AVENUE, CA
90089
415 423-1715


82AL

THIS PROJECT HAS BEEN REVIEWED BY THE CITY OF LOS ANGELES FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CALIFORNIA PUBLIC RESOURCES ACT (CPR). THE PROJECT HAS BEEN DETERMINED TO BE A MINOR PROJECT AND DOES NOT REQUIRE A CEQA OR CPR STUDY. THE PROJECT HAS BEEN DETERMINED TO BE A MINOR PROJECT AND DOES NOT REQUIRE A CEQA OR CPR STUDY. THE PROJECT HAS BEEN DETERMINED TO BE A MINOR PROJECT AND DOES NOT REQUIRE A CEQA OR CPR STUDY.

VIEW FROM CENTER STREET




SITE FROM CENTER STREET




VIEW BETWEEN TWO HOUSES & NEIGHBORING AIRBORNE HOUSE




VIEW FROM SOUTH CENTER STREET



SITE FROM ALLEY LOWER REAR CORNER OF SITE




VIEW FROM NORTH CENTER STREET




VIEW FROM ALLEY




VIEW FROM CENTER STREET




VIEW ALONG CENTER STREET APPROACH



VIEW ACROSS SITE TO SOUTH EAST




SITE VIEW FROM HIGHWAY 1




**PROPOSED COLOR OF FIRST FLOOR
MODIFIED TO LIGHT GRAY. SEE
NEXT PAGE FOR PROPOSED COLORS.**

VIEW FROM CENTER STREET



VIEW FROM CENTER STREET



Color and Materials



Trim – “Red Rock”

**Hardy Plank Siding,
top floor,
“Roycroft Vellum”**

Body – Stucco, “Leaf”

**Deck surfaces,
Multicolor Slate**

APN 058-082-13

157 VAN NESS AVE #3
SANTA CRUZ, CA
95060
831 423-1315

Room:
Low
Rat/W

PRELIMINARY NOT FOR CONSTRUCTION

THE ARCHITECT MUST BE NOTIFIED OF ANY DISCREPANCY IN DIMENSIONAL FIELD CONDITIONS OR OTHER INFORMATION THAT IS CONTAINED IN AND/OR DIFFERS FROM THESE DOCUMENTS.

THESE DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN CONSENT. THE ARCHITECT ASSUMES ANY LIABILITY RESULTING FROM UNAUTHORIZED USE.

CONTRACT STARTS FROM THE DATE OF THE BAILLET CONTRACT THROUGH CONSTRUCTION DOCUMENTS.

DATE	REVISIONS	DATE	REVISIONS
11/15/88	1. DEVELOPMENT PERMIT SUB- MITTAL SET	11/15/88	1. DEVELOPMENT PERMIT COMPLETION
		11/15/88	1. DEVELOPMENT PERMIT AND COMPLETION

Date:	5/23/18
Scale:	AS NOTED
Drawn:	
Job:	
Sheet:	

A3

FLOOR PLAN NOTATION

1	DASHED LINE INDICATES EXTENT OF ROOF ABOVE
2	ISOLATION

FLOOR PLAN KEY NOTES

1	DASHED LINE INDICATES ON FIRST FLOOR ABOVE
2	ISOLATIVE
3	POUR-OUT

FIRST FLOOR PLAN

2 BASEMENT FLOOR PLAN

EXHIBIT F

PRELIMINARY NOT FOR CONSTRUCTION

1559
Low
Rising

167 VAN NIES AVE. #3
SANTA CRUZ, CA
95060
831 423-1318

BUILDING SECTIONS

A5

PROJECT: EATON KENYON HOUSE
60 CENTER ST.
DAVENPORT, CA 95017
APN 058-082-13

DESIGNED BY: MICHAEL EATON & CHARITY KENYON

DATE: 08/14/13

BY: [Signature]

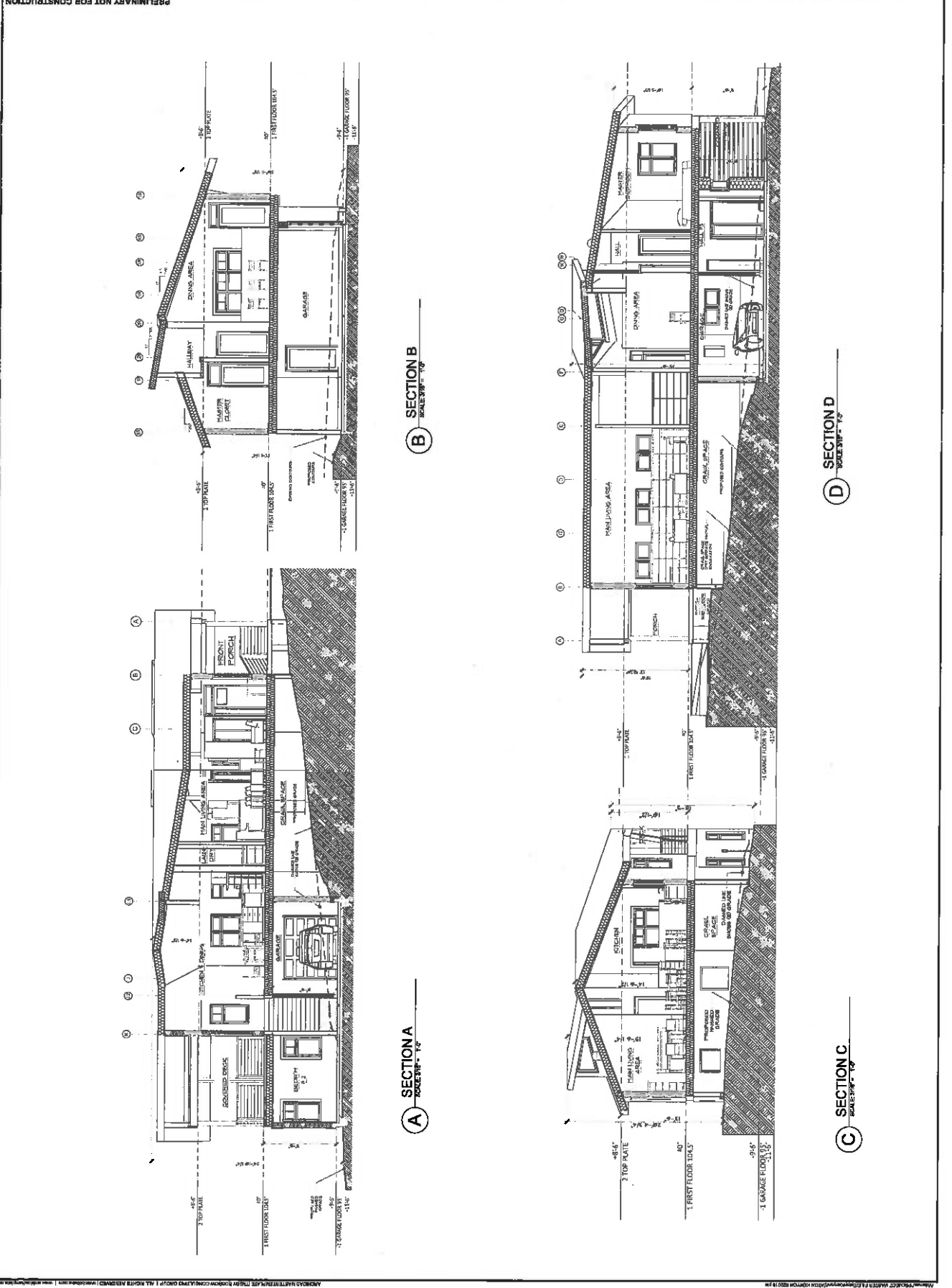
REVISIONS:

NO.	DATE	DESCRIPTION
1	08/14/13	ISSUED FOR PERMIT

THIS ARCHITECTURAL DRAWING IS THE PROPERTY OF MICHAEL EATON & CHARITY KENYON. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF MICHAEL EATON & CHARITY KENYON.

DATE: 08/14/13

BY: [Signature]



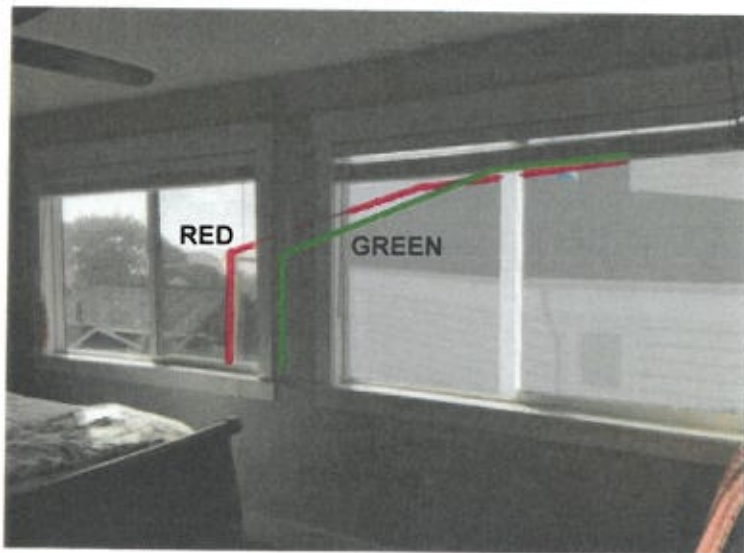


VIEW FROM HOSTED RENTAL BEDROOM SHOWING STORY POLES. STORY POLES REFLECT INITIALLY PROPOSED DWELLING LOCATION. NOTE STRINGS AND YELLOW FLAGGING DEPICTING EAVE LINES AND ROOF RIDGE.

**VIEWS SHOWING ORIGINAL LOCATION OF BUILDING
AND BUILDING WITH 3' MOVE TOWARDS CENTER STREET & 1' UP**

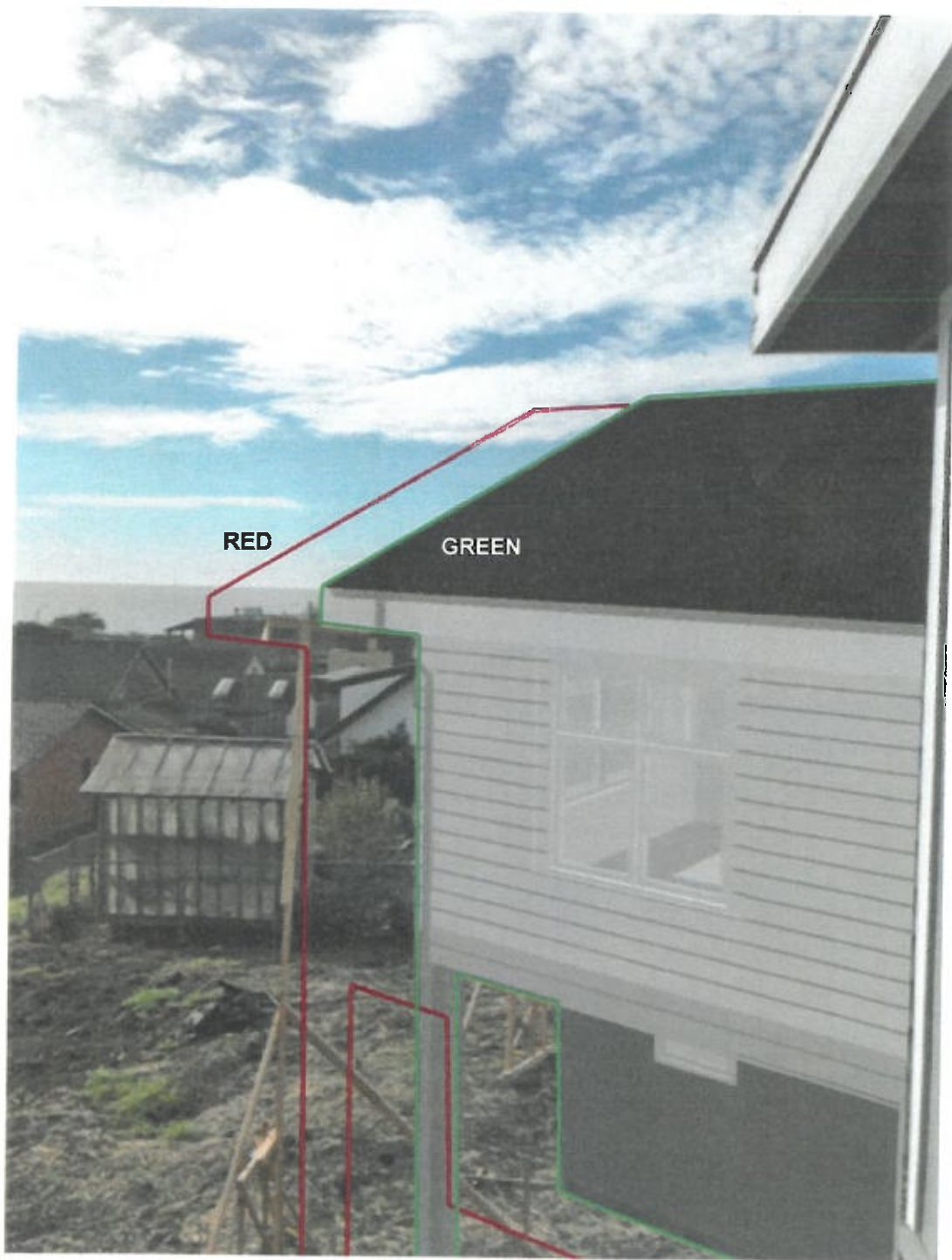


**VIEWS FROM AIRBNB BEDROOM SHOWING LOCATION OF ORIGINAL SUBMITTAL
(IN RED LINE) AND PROPOSED SUBMITTAL (GREEN LINE).**



**RED LINE SHOWS EDGE OF ORIGINAL
BUILDING SUBMITTAL 03/19/18**

**GREEN LINE SHOWS EDGE OF NEW
BUILDING SUBMITTAL 02/20/19**



VIEW FROM AIRBNB REAR DECK SHOWING ORIGINAL EDGE OF BUILDING FROM 09/19/18 (SHOWN IN RED LINE) AND THE REVISED EDGE OF BUILDING (GREEN LINE).



VIEW OF STORY POLES FROM HOSTED RENTAL DECK. FLAGGED STRINGS DEPICT EAVE LINES IN INITIALLY PROPOSED LOCATIONS.

EXHIBIT G

**PHOTO-RENDERING OF REAR VIEW FROM LOWER SITE
AT SOUTH CORNER**

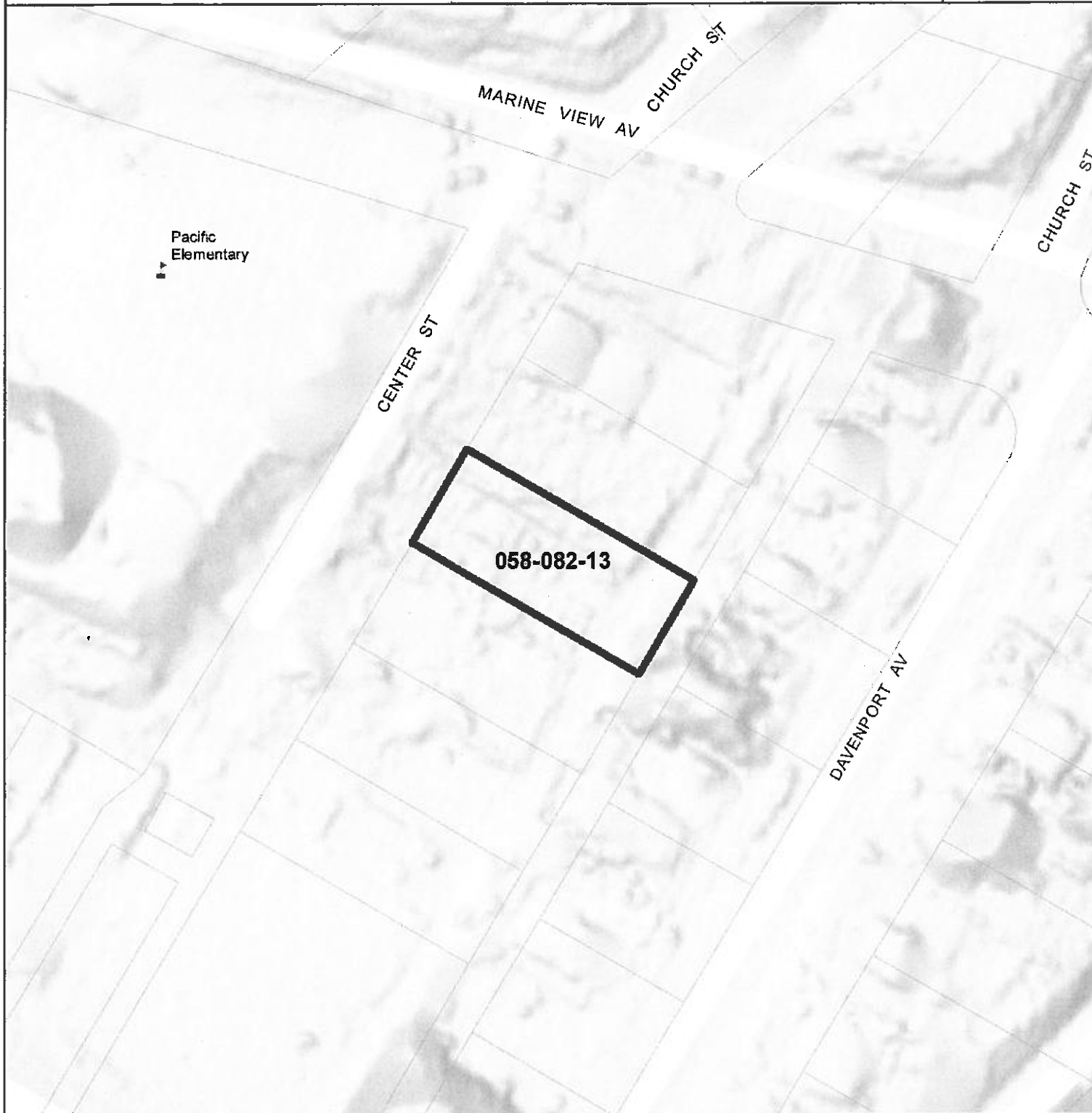







SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map

Mapped
Area



Parcel: 05808213

-  Study Parcel
-  Assessor Parcel Boundary
-  School

Map printed: 16 Apr. 2019



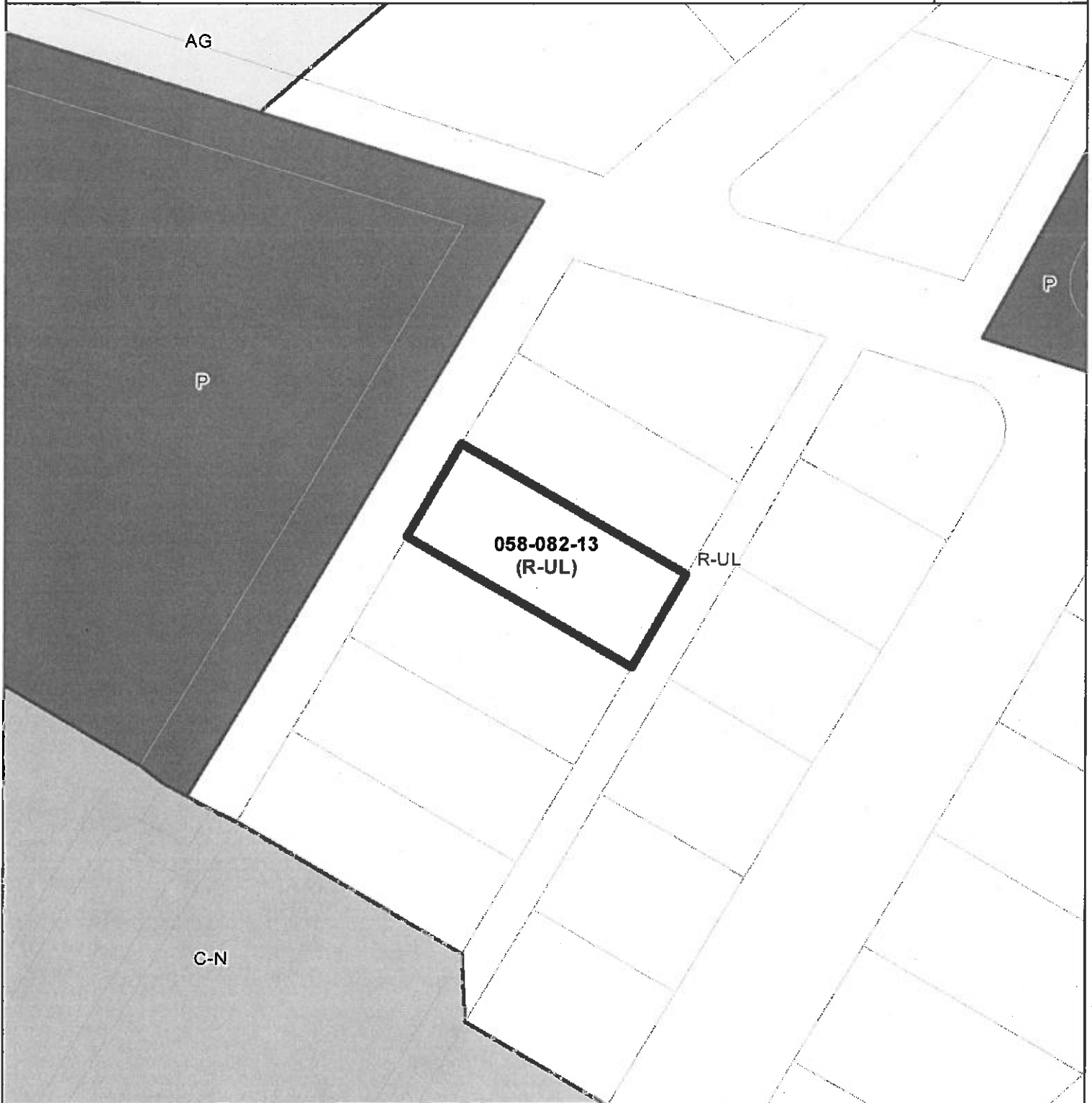
0 20 40





EXHIBIT

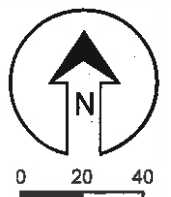
Feet



SANTA CRUZ COUNTY PLANNING DEPARTMENT
Parcel General Plan Map



-  AG *Agricultural*
-  C-N *Commercial Neighborhood*
-  P *Public Facilities*
-  R-UL *Res. Urban Low Density*



EXHIBIT

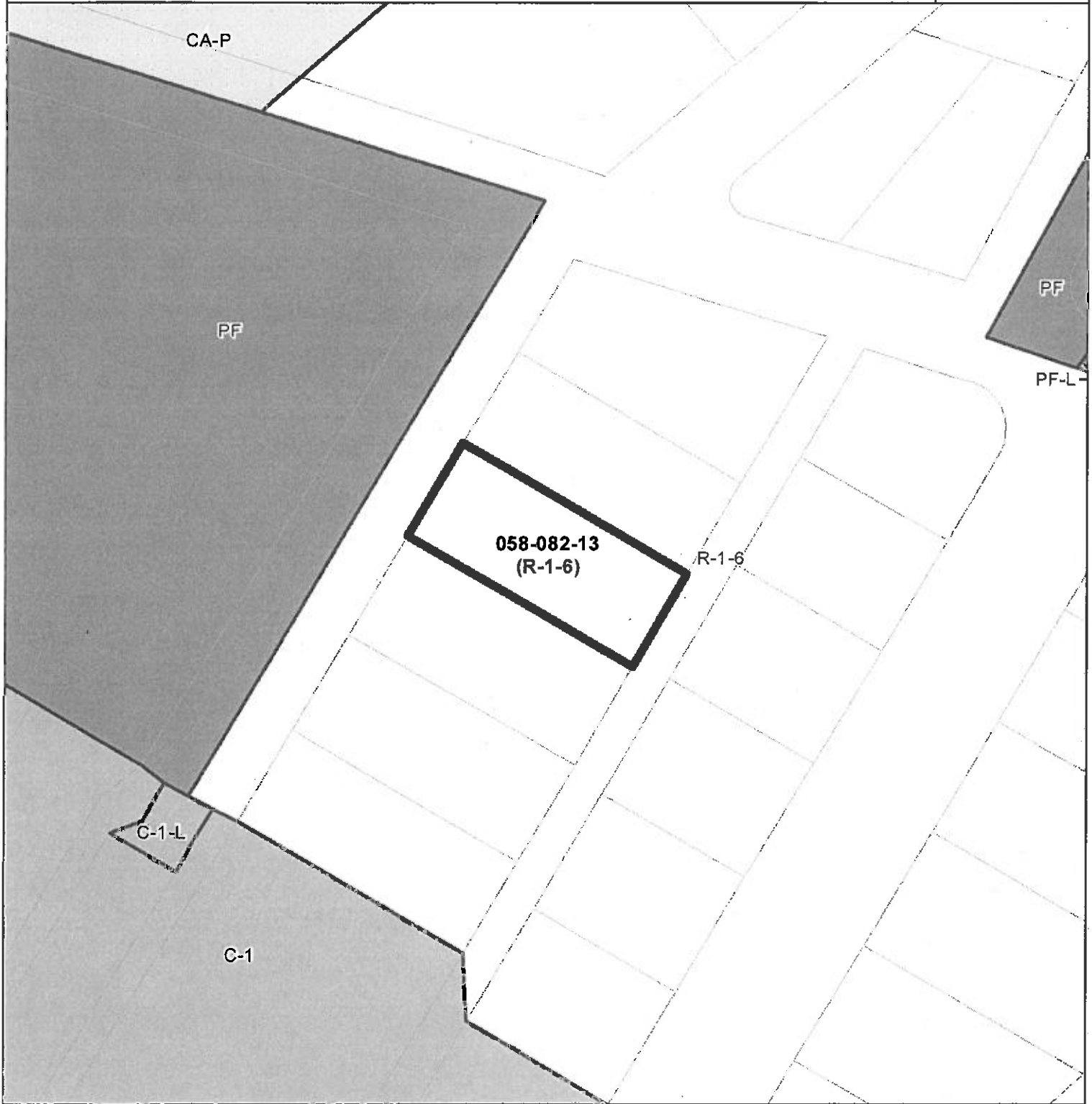


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Zoning Map



Mapped
Area



- CA Commercial Agriculture
- C-1 Neighborhood Commercial
- PF Public/Community Facilities
- R-1 Single-Family Residential



EXHIBIT

Parcel Information

Services Information

Urban/Rural Services Line: X Inside Outside
Water Supply: Davenport County Water District
Sewage Disposal: Davenport Sanitation District
Fire District: Cal-fire
Drainage District: NA

Parcel Information

Parcel Size: 5,828 sq.ft.
Existing Land Use - Parcel: Vacant
Existing Land Use - Surrounding: Residential and
Project Access: County road
Planning Area: North Coast
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-6 (Single Family Residential - 6,000 square foot
minimum)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Yes X No
Comm.

Technical Reviews: Archeological Report Review

Environmental Information

A Mitigated Negative Declaration has been prepared (Exhibit B) that addresses the environmental concerns associated with this application.

Geologic Hazards: Not mapped; no physical evidence on site
Fire Hazard: Not a mapped constraint
Slopes: Less than 17%
Env. Sen. Habitat: Not mapped; no evidence on site
Grading: 65 cubic yards of cut, 20 cubic yards fill
Tree Removal: No trees proposed to be removed
Scenic: Mapped scenic
Archeology: Not mapped/no physical evidence on site



County of Santa Cruz

DAVENPORT COUNTY SANITATION DISTRICT

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

JOHN J. PRESLEIGH
DISTRICT ENGINEER

April 3, 2018

MICHAEL R. EATON
P.O. Box 336
Galt, CA 95632

SUBJECT: SEWER AND WATER SERVICE AVAILABILITY AND DISTRICT'S
CONDITIONS OF SERVICE FOR THE FOLLOWING PROPOSED
DEVELOPMENT
APN: 058-082-13
60 CENTER STREET, DAVENPORT
CONSTRUCTION OF ONE SINGLE FAMILY DWELLING.

Dear Mr. Eaton:

We've received your inquiry regarding utility service availability for the subject parcel. Sewer service is available in the alley behind your parcel. Water service is available in Center Street.

No downstream sewer capacity problem or other issue is known at this time. However, downstream sewer requirements will again be studied at time of Planning Permit review, at which time the District reserves the right to add or modify downstream sewer requirements.

This notice is valid for one year from the date of this letter. If, after this time frame, this project has not yet received approval from the Planning Department, then this determination of availability will be considered to have expired and will no longer be valid.

Thank you for your inquiry. If you have any questions, please call Robert Hambelton at (831) 454-2160.

Yours truly,

JOHN J. PRESLEIGH
District Engineer

By:


Kent Edler
Sanitation Engineer

BH:jv

Attachment

Sewer and Water Service Availability Eaton.doc

EXHIBIT J

Common Items Required During the Review of Sanitation Projects

What to show on the drawings: When you begin the design process, please show:

On the plot/site/utility plan:

1. Location of any **proposed** on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer on the site (plot) plan.

Place a note, "*Existing*" or "*(E)*", on each existing item.

Place a note, "*To be removed*", on each existing item that is to be removed.

Place a note, "*New*" or "*(N)*", on each item that is to be new.

On a floor plan:

1. All plumbing fixtures on a floor plan of the entire building. Completely describe all plumbing fixtures according to table T-702.1 of the California Plumbing Code.

(Sanitation District Code sections 7.04.040 and 7.04.430)

Design and Construction Standards

The project sewer design and connection of the project to the Santa Cruz County Sanitation District system will be required to conform to the County of Santa Cruz Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition.

Reference for County Design Criteria:

<http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

New Connection

If the proposed plans will involve one or more new sewer connections, we must issue a new sewer connection permit for each new connection. The final connection charges can be determined only after the District and, as needed, other Department of Public Works divisions have reviewed and approved the final engineered sewer improvement plans. (Sanitation District Code section 7.04.410)

Backflow prevention device

A backflow preventive device may be required. While this determination is often made "in the field" at the time of installation, if you are engaging a surveyor, civil engineer, or knowledgeable contractor, there is nothing to prevent you from making that determination while in the design process. (Sanitation District Code section 7.04.100 and 7.04.375.A.4)



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
KATHLEEN MOLLOY, PLANNING DIRECTOR

March 20, 2019

Boone/Low Architects and Planning
157 Van Ness Ave.
Santa Cruz, CA 95060

RE: Application REV181093, Archaeological Report Review

Dear Ms. Jacquelyn S. Low,

This letter is to inform you that we have reviewed and *accepted* the archaeology report's for the proposed construction of a 1,737 square foot, two-story single family dwelling at 60 Center Street in Davenport, CA. Three report's prepared by Albion Environmental were submitted to the County for review. The reports included the following:

- Cultural Resource Assessment dated August 2017,
- Results and Recommendations of the Phase II Archaeological Study at 60 Center Street, Davenport dated September 6, 2018,
- Proposal for Phase III Archaeological Study at 60 Center Street dated September 11, 2018.

The Cultural Resource Assessment suggested that the project site may contain historic-era and precolonial materials. An archaeological excavation permit (181198) was issued July 9, 2018, to conduct additional excavations at the site. The Phase II report found intact precolonial deposits, and determined the site is eligible for listing in the California Register of Historic Resources (CRHR).

Santa Cruz County Code Section 16.40.035 requires that when a Native American Cultural site is discovered, the project shall incorporate all appropriate preservation or mitigation measures. The Proposal for Phase III Archaeological Study outlined necessary mitigation measure to reduce the impacts from the proposed development to a less than significant impact. Due to the potential presence of archaeological resources the following measures shall be included as conditions of approval in Coastal Permit 181133.

A. A qualified archaeologist shall perform data recovery at the site following the guidelines outlined in the Proposal for Phase III Archaeological Study. Including excavating one control unit measuring 1 meter x 1 meter and a column sample measuring 20 cm x 20 cm. Any artifacts observed shall be collected, photographed and cataloged to the satisfaction of the project Archaeologist.

B. At the completion of project construction and following any subsequent archaeological

analysis a brief report of findings is to be prepared by the project Archaeologist. A copy of this report is to be returned to the project Planner for inclusion into the file for this application.

- C. 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.

Please contact me at (831) 454-3164 or Leah.MacCarter@santacruzcounty.us with any questions you may have regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Leah MacCarter". The signature is written in a cursive, flowing style.

Leah MacCarter
Resource Planner
Environmental Planning

Archeological Excavation Permit Approval

Infor Public Sector v6.4.0

pr730 (Leah MacCarter)

Building Permits ▾ Planning ▾ Code Enforcement ▾ Use Permits ▾ Customer Service ▾ Resources ▾ System ▾

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Form Code:

Action

INFORMATION - APPLICATION# 181198

Application Type	DISC	Level 5	Application is Approved.
Primary Applicant*	BOONE LOW ARCHITECTS AND		Current milestone is Approved.
Parcel ID	05808213		Current unpaid amount of \$0.00.

Proposal to construct a 1,737 square foot, two-story single family dwelling with an attached 1-story, 323 square foot garage. Requires a Coastal Development Permit, an archaeological review (REV 181093) and an archaeological excavation permit (181198). Property located on the southeast side of Center Street (80 Center St.) approximately 155 feet southwest of the intersection with Maine View Ave.

Job Description Application Details Reviews Inspections Hearings Conditions Fees Bonds Applicants Sites Employees Related Records Logs More

Status and Dates

Intake	7/8/2016	14:39	by Leah MacCarter
Fees Paid	11		
Final Status	7/9/2018	09:14	Result Approved
Expires	7/9/2019		
Post Approval Action	11		Result

Completeness Determination

Result	Date	Comments
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Jerry Busch

From: Noel Bock <ngbock@att.net>
Sent: Monday, April 22, 2019 10:53 AM
To: Jerry Busch
Subject: Re: 60 Center Street, Davenport

Jerry Busch
Planning Department
Santa Cruz County
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
jerry.busch@co.santa-cruz.ca.us

Re: 60 Center Street, Davenport

Dear Jerry,

I have reviewed the plans for the proposed projects at intervals during the process because the applicants, Mike Eaton and Charity Kenyon, have solicited input from me and others in the community over the course of the design process.

I am satisfied that this project in Davenport will be an asset to the community. In particular, I am impressed at the significant, good faith efforts made by Mike and Charity and their architect to address impacts on view and on Native American cultural resources.

Sincerely,

Noel Garin Bock
195 Marine View
Davenport, CA 95017
ngbock@att.net
831-423-3033 Home
831-332-0646 Cell

Jerry Busch

From: Jerry Busch
Sent: Tuesday, November 13, 2018 5:57 PM
To: 'olson829@comcast.net'
Cc: 'Jacquelyn Low'
Subject: RE: 60 Center Street - APN 058-082-13

Hi, Olson family –

Thank you for your inquiry.

We were not going to add netting, only the string lines. However, if you would like to provide the photographs and photopoints relative to your window (i.e., indicate, was the photo taken close to the window, next to the center, facing straight out? Or facing at a 45 degree angle?) then the applicant could potentially create photo-simulations as if the house were built, for decision-maker review.

The project is still incomplete. Once we have a complete application we will prepare a staff report and schedule a public hearing. Meanwhile, concurrently with this process, we are preparing and circulating an Initial Study and possible mitigated negative declaration. That also has a public review process, and is ultimately approved at the same hearing as the project. The whole parallel process could take approx. 2-3 months. The building permit would be after that.

I do not yet have digital plans for the project. Typically, these are not available from planning until the Environmental Review is circulated or shortly before the public hearing.

The architect / applicant is Jacquelyn Low.

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: olson829@comcast.net <olson829@comcast.net>
Sent: Tuesday, November 13, 2018 5:33 PM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Cc: mvierhus@comcast.net
Subject: 60 Center Street - APN 058-082-13

Hi Jerry,

We hope all is well with you.

We see they added more story poles but no netting (only thin string) so visualizing any view impact is difficult. Will netting be added? We can then better take the meaningful photographs as you requested.

It would also be helpful if we could receive a current digital copy of both floor and site plans to help us understand the overall view and privacy impact of any decks, windows and planned vegetation.

Also, what are the County's next steps and are you able to give us a sense of the timeline for the County's review of this project?

We sincerely appreciate your help and understanding of our concerns.

Sincerely,

The Olson Family

Jerry Busch

From: Jacquelyn Low <jl@santacruzgreenarchitects.com>
Sent: Monday, March 11, 2019 12:13 PM
To: Jerry Busch
Cc: Mike Eaton; Charity Kenyon
Subject: 60 Center ST , Davenport

Hi Jerry : Sorry I missed your call on Friday. I'm usually there in the morning till noonish. You can also email me the question if its easier. I do want to check in and see how its progressing. I went back into my old emails to verify the Olsens Architect's response and enthusiasm to our team moving the building forward towards front st. I found two emails that moving the building forward would be a win win solution.
Thanks, Jacquie

This email was from Mike Vierhus on Dec 12, 2018

"**From:** Mike Vierhus <mvierhus@comcast.net>
Sent: Wednesday, December 12, 2018 2:18 PM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Subject: Davenport project photo request
Oct 24, 2018

Jerry,

Attached is view from the deck as you requested and an inside picture showing both windows. It's hard to make out the outline of the proposed building with the almost invisible wire and thin flags. The netting would really help. You can, however, see the severe impact of the proposed building on the neighbors' ocean views. I hope you'll allow them to shift their home forward on the lot, to reduce the view impact and give them more rear garden area....a great win-win solution !"

Thanks,

Mike Vierhus
Architect

Again Oct 24, 2018 comment from Mike vierhus

Hi Jerry,

This morning I reviewed the story poles with the Olsen family, neighbors to the east of this project. The (5) poles erected appear to be accurate and helpful however incomplete. The (2) poles along the eastern side of

the new building are absent. These poles are critical to depict the relevant building envelope. These would be very easy to add and the netting between them will help accurately represent the impact of the eastern wall.

I do not have a copy of the floor plans but believe there is a covered deck proposed directly adjacent to the Olsen's master bedroom. This is not shown on the virtual provided by the applicant. See attached.

Once the virtual image is updated and additional story poles and netting are added, everyone will have a much better understanding of the impact of this project.

The Olsen family and I were both very encourage to hear from the builder that the applicant has requested a front setback variance to allow the home to be shifted north. This would not only provide additional garden area for the applicant but also significantly reduce the negative impact on the Olsen's remaining precious ocean view.

A good win-win solution!

Sincerely,

*Mike Vierhus
Architect*

Jacquelyn Low AIA LEED AP BD+C
Certified Passive House Designer
Boone Low Ratliff Architects, Inc.
157 Van Ness Ave #3
Santa Cruz, Ca 95060
831423-1316
jl@santacruzgreenarchitects.com

Jerry Busch

From: Mike Vierhus Architect <mvierhus@comcast.net>
Sent: Saturday, November 3, 2018 8:26 AM
To: Jerry Busch; olson829@comcast.net
Subject: RE: story poles, etc.

Jerry,

I only had the roof plan for reference (no floor plans) so could not tell the deck on the east was at the first floor level and the second floor deck is on the west. That makes more sense and agree landscaping can help screen the first floor deck.

Shifting the house would still really help.

Thanks,

Mike Vierhus
Architect

On November 2, 2018 at 6:51 PM Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:

Hi, Mike –

We will carefully assess the potential impact of the rear, 2nd story deck cover. The cover is on the opposite side of the main ridge from the Olson's windows.

I am not sure I understand the concern expressed in #3. The 2nd story deck is on the opposite side of the house from the Olson residence and so is shielded by the ridge line. The 1st floor deck is on the side facing your clients, and we are looking at design modifications (landscaping and a side screen of horizontal boards) to improve privacy.

We are examining the archeological issues in the environmental review for the project.

Thank you,

Jerry Busch

Planner IV, Development Review

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Mike Vierhus Architect <mvierhus@comcast.net>
Sent: Friday, November 2, 2018 5:11 PM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>; olson829@comcast.net
Subject: story poles

Hi Jerry,

I received your voice mail this morning.

1. I agree the additional netting will help define the impact better.
2. If the applicant updated their virtuals showing the proposed deck with and without a roof, it would clearly show how the view impact could be significantly reduced to the neighbor.
3. It is difficult to imagine any landscape solution that would be tall enough and survive in such a limited space to provide any realistic screening between their second floor deck and the neighbors second floor master bedroom windows. Adding siding would basically be increasing their home size.
4. I don't believe moving the home forward would have a much effect on the excavation but would have a significant effect on the neighbors view.

Thanks,

Mike Vierhus
Architect

Jerry Busch

From: Jacquelyn Low <jl@santacruzgreenarchitects.com>
Sent: Thursday, December 13, 2018 10:56 AM
To: Jerry Busch
Cc: Mike Eaton; paul@myerengineering.com; Charity Kenyon
Subject: Re: plans
Attachments: 3 GRADING PLAN AND PROFILE_rev121218.pdf

Hi Jerry :

Our civil engineer has looked at the 3' forward shift towards center street and 1' of elevation.

Attached is a draft plan from the civil engineer, before we have him finalize the plans and finish the proposed re-grading plan we would like

to get buy off from you and the Olsens please. We want to make sure this change is positive and sufficient by confirmation in writing.

It's time and materials for the design team to keep revising the project fyi.

In general, the shift works for the project. Here is what our civil says I shifted the house 3' towards the street and raised the FF up 1 foot to 104.5' on 1st floor, and 95.5' at the garage. The driveway works nicely with the 1' gain in elevation, and it also reduced the cut significantly original locations site plan 9/9/18 had 95 Cut and 7.5 fill, new locations 3' horiz. shift and 1' elevations yields (60 CY Cut, 15 CY Fill) this should keep us out of a grading permit!! The accessible walkway from the street to the porch is less than 5%. The only downside I see from a grading/cost perspective is the increase in engineered fill necessary at the southeast end of the home. "We will wait to hear from you and the Olsens before revising the arch. plans and civils plans for the completion of the development permit submittal.

Thanks, Jacquie

On Dec 11, 2018, at 2:04 PM, Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:

Hi, Jacquelyn –

Thank you for addressing my concerns.

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Jacquelyn Low <jl@santacruzgreenarchitects.com>
Sent: Monday, December 10, 2018 9:51 AM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Cc: Mike Eaton <michaelreaton@fastmail.com>; paul@myerengineering.com
Subject: Re: plans

Hi Jerry :

Last week, after we spoke about moving the house towards center St. ±3'

I called all my consultants:

- 1) I did speak to George Reynolds structural engineer at the porch columns we can do pad footings and tie them together with pressure treated wood. These can be replaced over time. This would then keep critters out.
 - 2) I spoke with Joel Baldwin soil engineer to double check that the over excavation and recompaction is limited to the slab on grade. He said some of the over ex could just be maybe as little 8" he said normally 5', because I was concerned about the area adjacent to the up hill mini retaining on the side of the garage.
 - 3) The min. clearance for a crawl space is 18". Yes the crawl space can be left dirt. Sometime people like to pour a rat slab or put visqueen on top.
 - 4) Paul Meyers our civil engineer is looking at moving the building 3' forward with its impact on the driveway slopes this week. Once, I see the impact of this then we can look at lifting the house a little. It means more stairs for sure, but It could also help with the driveway steepness. Paul will try to minimize excavation.
 - 5) yes I will show again original dashed on the sections and heavier line for finished grade.
- Thanks Jerry I will be in touch after Paul Meyers looks at the driveway,
Jacquie
When is your last day in the county before your vacation ?

On Dec 10, 2018, at 8:44 AM, Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:

Hi, Jacquelyn –

We have talked about moving the house 3 feet forward from the original submittal. Can you also lift the house a foot vertically as it comes up the slope? We should continue to try to minimize excavation. It appears that there is at least 18 inches of excavation for the crawl space towards the front of the house closest to Center St. Is there over-excavation in this crawlspace area, also? If so, how many inches or feet would you need to over-ex beneath the crawl space?

What is the minimum clearance for the crawl space? Could we leave as a dirt surface rather than concrete? If so, would that require over-ex?

With the second submittal, the original grade should be shown and labeled as a dotted line, and the final grade shown and labeled as a heavy line, throughout the x-sect.

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

Jacquelyn Low AIA, LEED AP BD+C
Certified Passive House Designer
Boone Low Ratliff Architects, Inc.
157 Van Ness Ave #3
Santa Cruz, Ca 95060

831423-1316

jl@santacruzgreenarchitects.com

Jacquelyn Low AIA, LEED AP BD+C

Certified Passive House Designer

Boone Low Ratliff Architects, Inc.

157 Van Ness Ave #3

Santa Cruz, Ca 95060

831423-1316

jl@santacruzgreenarchitects.com

Jerry Busch

From: Jerry Busch
Sent: Thursday, April 4, 2019 8:21 AM
To: 'Nicholas Whipps'
Subject: RE: APN 058-082-13 Application Update

Hi, Nicholas –

The archeological report (181198) was accepted. The project (181133) is in review. The proposed Mitigated Neg Dec is going into circulation, for which you should receive a notification today or tomorrow, if you haven't already.

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Nicholas Whipps <nwhipps@wittwerparkin.com>
Sent: Wednesday, April 3, 2019 5:20 PM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Subject: RE: APN 058-082-13 Application Update

Hi Jerry,

I just checked online and found that Application No. 181198 is now listed as approved, and now only Application No. 181133 is listed as pending. Can you please provide more information on this? When was this portion of this project approved, and what did this approval entail? I was assured approval of any portion of this project would wait until after you received a revised submittal from the applicant and you circulated an Initial Study and Mitigated Negative Declaration. Also, I received no notice that you would be considering approval of Application No. 181198, which is listed online as a discretionary approval. To the best of my knowledge, no notice was ever posted on the property explaining the County planned to approve this application.

I understand it is possible I am spinning out over nothing, but I want to make sure I am timely receiving all notices and other information regarding this project. As always, I would greatly appreciate any information you can give me on this.

Regards,

NICHOLAS WHIPPS

wittwer / parkin

WITTWER PARKIN LLP

335 SPECKLE DR., STE. H

APTOS, CA 95003

831.429.4055

WWW.WITTWERPARKIN.COM

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From: Jerry Busch <Jerry.Busch@santacruzcounty.us>

Sent: Tuesday, February 19, 2019 10:38 AM

To: Nicholas Whipps <nwhipps@wittwerparkin.com>

Subject: RE: APN 058-082-13 Application Update

Hi, Nicholas –

We are expecting a revised submittal from the applicant, after which time we expect to circulate the Initial Study.

Thank you,

Jerry Busch

Planner IV, Development Review

County of Santa Cruz Planning Department

701 Ocean Street, 4th Floor

Santa Cruz, CA 95060

831-454-3234

jerry.busch@co.santa-cruz.ca.us

From: Nicholas Whipps <nwhipps@wittwerparkin.com>

Sent: Thursday, February 14, 2019 11:25 AM

To: Jerry Busch <Jerry.Busch@santacruzcounty.us>

Subject: RE: APN 058-082-13 Application Update

Hi Jerry,

I'm just checking in to see if there is anything new to report on your end regarding the above application. I don't see any updates online. Any information you can share will be much appreciated.

Thanks,

NICHOLAS WHIPPS

wittwer / parkin

WITTWER PARKIN LLP

147 S. RIVER ST., STE. 221

SANTA CRUZ, CA 95060

831-429-4055

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From: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Sent: Friday, November 2, 2018 11:23 AM
To: Nicholas Whipps <nwhipps@wittwerparkin.com>
Subject: RE: APN 058-082-13 Application Update

Hi, Nicholas –

The applicant has not applied for a variance.

The initial study and associated documents will be available to the public. There will be an opportunity for public comment on these documents. I will notify you when the documents are available and where they may be viewed.

The application has been elevated to a Level 5 and there will be a public hearing before the Zoning Administrator.

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Nicholas Whipps <nwhipps@wittwerparkin.com>
Sent: Tuesday, October 30, 2018 10:44 AM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Subject: Re: APN 058-082-13 Application Update

Hello Jerry,

I heard that the project applicant may have requested a variance for this project, but I do not see the variance listed online. Has the applicant requested a variance? If so, could you let me know what the variance is for?

I also wanted to follow up in regards to your voicemail left earlier this month. In the voicemail, you mentioned the County will be conducting an initial study due to the potential for the project site to contain cultural/archaeological resources. I am encouraged by this response and am requesting a copy of any report or initial study the County makes public. I have read the Davenport area has a high concentration of archaeological and cultural resources, and I would expect the project site to be no different.

Finally, I want to make sure we are on the same page regarding my right to request a hearing for the project. Per the Santa Cruz County Code sections I cited in my email requesting a hearing, a hearing is required if one is requested. If that is not your understanding of the County Code, I would appreciate it if you could provide me citations to code sections that would help better explain your position to me.

As always, thank you for all of your help with all of this.

Very truly yours,

NICHOLAS WHIPPS

wittwer / parkin

WITTWER PARKIN LLP
147 S. RIVER ST., STE. 221
SANTA CRUZ, CA 95060
831.429.4055
WWW.WITTWERPARKIN.COM

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Jerry Busch

From: Nicholas Whipps <nwhipps@wittwerparkin.com>
Sent: Tuesday, August 28, 2018 4:57 PM
To: Jerry Busch
Subject: RE: APN 058-082-13 Applications - REQUEST FOR PUBLIC HEARING

Hi Jerry,

Thank you for your response. Yes, I would like to be added to the list of recipients for public notification.

Regards,

NICHOLAS WHIPPS

wittwer / parkin

WITTWER PARKIN LLP
147 S. RIVER ST., STE. 221
SANTA CRUZ, CA 95060
831.429.4055
WWW.WITTWERPARKIN.COM

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From: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Sent: Tuesday, August 28, 2018 4:56 PM
To: Nicholas Whipps <nwhipps@wittwerparkin.com>
Subject: RE: APN 058-082-13 Applications - REQUEST FOR PUBLIC HEARING

Hi, Nicholas –

The project requires a Coastal Development Permit. The level of review, which will be either a 4 or a 5 (public hearing), is still under review.

Would you like to be added to the list of recipients for public notification?

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Nicholas Whipps <nwhipps@wittwerparkin.com>
Sent: Tuesday, August 28, 2018 4:43 PM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Subject: RE: APN 058-082-13 Applications - REQUEST FOR PUBLIC HEARING

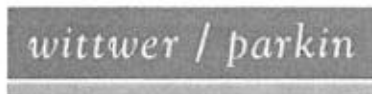
Hi Jerry,

Thank you for your confirmation email.

So I am clear on this, is the County processing this application as a minor development under section 13.20.100(A)(2)?

Regards,

NICHOLAS WHIPPS



WITTWER PARKIN LLP
147 S. RIVER ST., STE. 221
SANTA CRUZ, CA 95060
831.429.4055
WWW.WITTWERPARKIN.COM

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From: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Sent: Tuesday, August 28, 2018 9:40 AM
To: Nicholas Whipps <nwhipps@wittwerparkin.com>
Subject: RE: APN 058-082-13 Applications - REQUEST FOR PUBLIC HEARING

Hi, Nicholas –

Thank you for your comment, which the County will carefully consider in preparing the completeness review and determining the level of review.

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Nicholas Whipps <nwhipps@wittwerparkin.com>
Sent: Monday, August 27, 2018 12:59 PM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Subject: RE: APN 058-082-13 Applications - REQUEST FOR PUBLIC HEARING

Hi Jerry,

It has come to my attention the County may consider approving development proposed on APN 058-082-13 without conducting a public hearing. Pursuant to County Code Section 13.20.100 and all other applicable provisions of local and state law, I hereby request that the County hold a hearing on all relevant County approvals relating to the County's review of development proposed on APN 058-082-13, if a hearing has not been requested already. I make this request on behalf of concerned neighbors and by my own right as a person known to be interested in receiving notice regarding this project.

I further request that the County require the permit applicant(s) for the above-referenced approvals put up story poles on their property, so that concerned neighbors can better visualize the construction being proposed.

Very truly yours,

NICHOLAS WHIPPS

wittwer / parkin

WITTWER PARKIN LLP
147 S. RIVER ST., STE. 221
SANTA CRUZ, CA 95060
831-429-4055
WWW.WITTWERPARKIN.COM

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From: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Sent: Tuesday, July 03, 2018 10:27 AM
To: Nicholas Whipps <nwhipps@wittwerparkin.com>
Subject: RE: APN 058-082-13 Applications

Hi, Nicholas –

We will add you to the notification list.

This is not required in order to be notified, but may I ask what is your concern?

Thank you,

Jerry Busch

Planner III, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Nicholas Whipps <nwhipps@wittwerparkin.com>
Sent: Tuesday, July 3, 2018 8:55 AM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Subject: APN 058-082-13 Applications

Mr. Busch:

Would it be possible to forward all future notices regarding the pending applications for the above-referenced property to this email address?

Thanks, and I hope you have a happy Fourth.

NICHOLAS WHIPPS

wittwer / parkin

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Jerry Busch
Planning Department
Santa Cruz County
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
jerry.busch@co.santa-cruz.ca.us

Re: 60 Center Street, Davenport

Dear Jerry,

I have reviewed the plans for the proposed projects at intervals during the process because the applicants, Mike Eaton and Charity Kenyon, have solicited input from me and others in the community over the course of the design process.

I am satisfied that this project in Davenport will be an asset to the community. In particular, I am impressed at the significant, good faith efforts made by Mike and Charity and their architect to address impacts on view and on Native American cultural resources.

Sincerely,

Noel Garin Bock
195 Marine View
Davenport, CA 95017
ngbock@att.net
831-423-3033 Home
831-332-0646 Cell

EXHIBIT N

April 26, 2019

VIA EMAIL

Jerry Busch, Planner
County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
jerry.busch@santacruzcounty.us

Re: Davenport House Mitigated Negative Declaration

Dear Mr. Busch:

These comments are submitted in relation to the County's consideration of the Davenport House Project (APN 058-082-13, Application No. 181133) ("Project"). The Project includes the construction of a 1,741-square-foot, two-story, single-family dwelling and a 323-square-foot attached one-story garage. To be approved, the Project requires a Coastal Development Permit ("CDP") and County Archaeological Review. The County of Santa Cruz ("County") determined the Project would have significant impacts to noise and tribal cultural resources and required preparation of a Mitigated Negative Declaration ("MND").

After reviewing the MND, it is clear the County failed to adequately disclose, evaluate, and mitigate the impacts of the Project. The County should ensure Project impacts are adequately and fully disclosed and mitigated prior to approving the Project. Comments to the MND are presented, below.

1. Aesthetics

The County determined the Project would have a less than significant impact to the aesthetic qualities of the Project site. (MND, p. 12.) However, the County did not rely on evidence in the record to reach this conclusion. For instance, it is unclear how the County could conclude "the only views that would be affected by the project are those from private property." (MND, p. 12.) The County does not disclose or evaluate whether the Project will affect views from Center Street, a public right-of-way. Center Street is relatively steeply sloped and has views of the Pacific Ocean throughout its length. Google Maps Street View imagery shows views through the currently vacant Project site lead down to Highway 1 and the Pacific Ocean. The County does not discuss impacts to these views. The County should provide evidence, potentially in the form of models reflecting impacts to these views, to disclose and evaluate impacts to these scenic visual resources.

Mr. Jerry Busch
Re: Davenport House MND
April 26, 2019
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Further, the County does not evaluate whether changes to the Project site would affect the aesthetic qualities of the Project site as they relate to the cultural and historic qualities of the Project site. (*See Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129 (lead agency must consider aesthetic impacts to historic resource).) As the historic quality of the Project site is based on its containing Native American tribal resources, construction of a house over and adjacent to these historic resources will significantly impact the aesthetic qualities of the Project site, as these qualities relate to the cultural significance of the Project site. Specifically, construction will irreparably alter the vacant, relatively undisturbed nature of the Project site that has existed in this form since pre-European times.

Please revise the Aesthetics and Visual Resources section of the MND to accurately describe and effectively mitigate the impacts of the Project to aesthetics and visual resources.

2. Cultural, Historic, and Tribal Resources

A. The Project Will Significantly Affect the Significance of the Project Site as a Historical Resource

Under Cultural Resources Threshold 1, the County determined the Project would not cause a substantial adverse change in the significance of a historical resources, as defined in CEQA Guidelines section 15064.5. (MND, p. 18.) However, the County concluded the entire Project “site should be considered an historic resource eligible under CEQA Guidelines § 15064.5(a)(3)(D) for inclusion in the California Register of Historic Resources.” (MND, p. 18.) Given this determination, the County does not, and cannot, explain how the Project would not adversely change the significance of a historical resource. The County appears to narrowly define “historical resources” as only including post-European resources. (MND, p. 18.) Neither the law relating to historical resources nor the evidence supports this conclusion.

The Project will permanently and irreparably impact on-site historic resources by conducting excavation as part of the Project. (MND, p. 21-22.) As noted in the Cultural Resources Assessment of Proposed Construction at 60 Center Street Davenport, California (“Cultural Resources Assessment”), all three boring samples yielded pre-colonial artifacts and debris. As further noted in the Cultural Resources Assessment, excavation and fill impacts the significance of historic and cultural resources found on-site by disturbing and mixing soils, resulting in the disassociation of intact archaeological deposits. (*See* MND, p. 21.)

Although the County has determined the entire project site is eligible for inclusion in the California Register of Historic Resources, the County does not assess whether the Project will affect the eligibility of the Project site for listing. (14 Cal. Code Regs. § 15064.5(b).) Presumably, construction of a house and accessory structures and uses will permanently alter the significance of this site in a manner that may render it ineligible for listing as a historic resource, as the significance of the Project site is based on finding intact archaeological deposits. The Project does not propose preservation of most archaeologically significant deposits, and will

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Mr. Jerry Busch
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Page 3

permit the loss of these deposits, in exchange for excavation of one additional deposit. (*See* MND, pp. 109-110.) Please evaluate whether the construction of the Project would alter the historic significance of the Project site. Further, please disclose whether the Project will cause the Project site to lose its eligibility for listing as a historic resource. A permanent loss of eligibility for the Project site to be listed as a historic resource should be considered a significant and unavoidable impact of the Project.

B. The County Should Evaluate All Feasible Mitigation Measures

CEQA Guidelines section 15064.5(b)(3) provides:

Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

The MND does not discuss whether the Project complies with the above standards. Please disclose whether, and how, the Project complies with these standards, or, otherwise, why these standards do not apply.

In addition, the County Code and General Plan *prioritize* in-tact preservation of significant cultural and historic resources, including tribal cultural resources. (*See generally*, Santa Cruz County Code ("County Code"), Chapter 16.40; Santa Cruz County General Plan ("General Plan"), Ch. 5: Conservation and Open Space, Objective 5.19.) These laws and policies set preservation and avoidance of all significant cultural and historic resources as the highest priority, only permitting disturbance or destruction of these resources upon a finding of financial hardship or other infeasibility. (*See* County Code § 16.40.050(B); General Plan Policy 5.19.3.) Yet, the MND never evaluates whether preservation is feasible, nor does it consider other feasible mitigation measures to further reduce significant impacts to historically and archaeologically significant resources, such as reducing the footprint of the Project. Please provide a discussion regarding the feasibility of preservation or other mitigation measures the County has determined should take precedence over the disturbance and loss of these resources.

Finally, the MND does not place any limitations on the use of the Project site, other than during the construction of the Project. If Project approval is not conditioned on limiting or prohibiting future excavation of any previously unexcavated portion of the Project site, the County cannot guarantee that such excavation will not take place. As the County has determined much of the Project site contains significant archaeological deposits, the County should explicitly limit any excavation on the Project site that may occur, at least beyond a depth the County has determined these resources may be found (*i.e.*, 40 centimeters).

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C. The County Must Ensure All Identified Mitigation Measures Are Enforceable

The County must ensure all mitigation measures are fully binding and enforceable. (14 Cal. Code Regs. § 15126.4.)

The County stated all grading of the Project “will be monitored by a tribal representative working in coordination with Albion Environmental.” (MND, p. 24.) However, the County does not require this monitoring as binding mitigation. (MND, p. 55.) The MND, itself, only suggests the archaeological consultant will be present during the excavation of one final boring at the Project site. (MND, p. 24.) The Phase III Proposal that the County has put forth as binding mitigation does not require on-site monitoring during excavation or other grading activities. (MND, pp. 109-113.)

The absence of archaeological and tribal monitoring is especially concerning, given that one requirement contained in the Phase III Proposal is to cease all work and to conduct additional testing whenever “human remains, human bone or bone of unknown origin is found.” (MND, p. 112.) Construction workers are not professionally trained in the identification of bones and cannot be relied on or expected to properly locate or identify bone fragments. This is all the more concerning because all reported test borings identified bone fragments in these deposits. (See MND, pp. 88-89.) Proper identification cannot occur, and thus this mitigation is unenforceable, unless there is a professionally trained archaeological monitor present during all grading and excavation. Please require this monitoring as a binding mitigation measure.

D. The County Should Require More Studies and Mitigation to Address the Significant Impacts of the Project

The Cultural Resources Assessment only dug three test borings and drew broad conclusions based on these borings. Considering all of these test borings yielded pre-European cultural resources, and one of these three borings was found to contain a significant deposit, additional sampling should be conducted to learn the true extent and boundaries of the significant on-site deposits. Absent this additional information, it is unclear how the County could conclude the Project serves to avoid, as opposed to significantly impact, other on-site deposits. Please conduct further on-site sampling.

The County should require more mitigation to ensure Project impacts to cultural and historic resources are adequately protected. The centerpiece of the County’s mitigation to address the permanent loss of on-site cultural resources is for the archaeological consultant to dig one more hole and study the deposits found within. (MND, p. 109.) This mitigation seems insufficient to adequately address the impacts the Project will have to cultural resources found on the rest of the Project site. Please explain the County’s rationale in determining that excavating one final deposit serves to adequately address impacts to the remainder of the Project site.

EXHIBIT N

3. Groundwater Resources

The County's discussion of impacts to utilities and groundwater resources is contradicted by evidence in the record. The County relies almost entirely on groundwater resources to provide water to residential uses, such as those proposed by the Project. Santa Cruz County contains three of only a handful of groundwater basins statewide that are in such critical overdraft that special provisions apply to them. (See Cal. Dep't of Water Resources, Groundwater Basins Subject to Critical Conditions of Overdraft, *available at* http://www.water.ca.gov/groundwater/sgm/pdfs/COD-basins_2016_Dec19.pdf.)

The County does not disclose the severity of this problem in its MND, nor does it address any of the special provisions that apply to these critically overdrafted aquifers. The County opted, instead, to simply state these aquifers are "overdrafted." (MND, p. 46.) And, in spite of this reality, the County determined the Project will have "no impact" on scarce water resources, because "The Davenport County Sanitation District has indicated that adequate water supplies are available to serve the project and has issued a will-serve letter for the proposed project." (MND, p. 46.) A conclusory "will serve" letter from an agency that currently supplies water from critically overdrafted aquifers does not grant the County the luxury to ignore the substantial evidence that the County does not even have enough water supplies to provide for current uses, let alone provide for new ones, such as the Project.

As there is substantial evidence in the record that clearly indicates the groundwater sources from which the Project will draw are critically overdrafted, and additional uses, such as the Project, can only serve to worsen this water shortage crisis, the Project will result in significant direct, indirect, and cumulative impacts to these water supplies. This compels a determination that impacts to groundwater resources and water utilities will be significant and, thus, require mitigation. Please revise the findings in the MND accordingly.

4. Failure to Support Conclusions in the MND with Evidence or Reasoning

The County is required to support its conclusions with substantial evidence the record, and it must explain the analytical pathway between this evidence and its conclusions. CEQA Guidelines define "substantial evidence" as, "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion." (14 Cal. Code Regs. § 15384.) Importantly, "Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."

The MND contains a conclusory discussion of potential Project impacts, unsupported by evidence or analysis, across almost all aspects of the County's environmental review. To be a legally sufficient document, all of the County's conclusions must be supported by evidence in the record, and the County must adequately trace the analytical path between this evidence and

Mr. Jerry Busch
Re: Davenport House MND
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the County's conclusions. The County failed to provide a reasoned analysis supported by evidence, including in the areas of impacts to biological resources, energy, greenhouse gases, hazards and hazardous materials, public services, and cumulative impacts.

5. Conclusion

Thank you for considering these comments. Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, please notify me of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Laws. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the County or any other public entity in connection with this Project and add me to the list of interested parties in connection with this Project. All notices should be directed to my attention. Please send all notices by email, or if email is unavailable, by U.S. Mail to:

Nicholas Whipps
Ashley McCarroll
Wittwer Parkin LLP
335 Spreckels Dr., Ste. H
Aptos, CA 95003
nwhipps@wittwerparkin.com
amccarroll@wittwerparkin.com

Very truly yours,
WITTWER PARKIN LLP



Nicholas Whipps

EXHIBIT N

Jerry Busch

From: Jerry Busch
Sent: Monday, May 6, 2019 3:05 PM
To: Jacquelyn Low
Cc: earthinvestigations@comcast.net
Subject: RE: Foundation spec .pdf

Hi, Jacque –

Thanks for your response.

I think that 24" more or less works, as the intact archeological material is described as about 70 cm (27.5 inches). We wouldn't want to go lower than 27 inches, if possible; perhaps they could compact in small areas if still a little loose soil found at 24 inches in a location. Joel indicated to me that they only really needed about 18 inches, and could compact as determined necessary on site.

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Jacquelyn Low <jl@santacruzgreenarchitects.com>
Sent: Monday, May 6, 2019 2:48 PM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Cc: earthinvestigations@comcast.net
Subject: Re: Foundation spec .pdf

Hi Jerry :

I spoke with Joel Baldwin last year probably before the first application was submitted for the Design Permit. I was concerned with the 5' min. over excavation required at the entire building foundation footprint under " Site Prep., Grading and Compaction ". In my telephone conversation with him, he said he could get rid of this requirement and the only area where the over excavation need occur is at the lower level where we have a slab on grade. In this lower level slab, he said he could determine the width of the over excavation at the time of his plan review. Plan review would be when the foundation has been designed ready for building permit application.

Jerry in your discussion with him on regular perimeter T- foundation footing, this agrees with what we talked about that the foundation excavation is pretty much the width of what the Structural engineer designs with no over excavation at perimeter footings.

Jerry in your understanding of the depth of the perimeter T- foundation footing, it is my understanding $\pm 24"$ top of existing ground surface down to undisturbed firm soil in the soils report.
This will be determined by the soil engineer on a site visit prior to pouring the foundation.

If this looks good to you and Joel Baldwin that we are all on the same page I will write it a little more generic , and then put on our future plans.

Thanks, Jacquie

On May 6, 2019, at 11:16 AM, Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:

Hi, Jacque –

Here are my notes regarding discussions on foundation excavation.

Thank you,

Jerry Busch

Planner IV, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
[831-454-3234](tel:831-454-3234)
jerry.busch@co.santa-cruz.ca.us

Jacquelyn Low AIA LEED AP BD+C
Certified Passive House Designer
Boone Low Ratliff Architects, Inc.
157 Van Ness Ave #3
Santa Cruz, Ca 95060
831 423-1316
jl@santacruzgreenarchitects.com

Foundation Specifications, per discussion with geotech

Soil favorable, non-plastic, non-expansive, slope moderate

Foundation

3-4 inches of top soil removed

Footing is 18" deep below that

(4+18 = 22 inches)

Foundation hole = no wider than actual foundation

Foundation follows slope

No compaction unless find loose soil, which is not expecting

Intact arch material 70 cm. = 27.5 inches