

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 00-0143 **APN:** 040-081-06,07, and 09
APPLICANT: S and P Carmichael Enterprises, Inc. et al
OWNER: S and P Carmichael Enterprises, Inc. et al

PROJECT DESCRIPTION: Preliminary Grading Review of:

1. Proposal to construct a single-family dwelling, driveway and garage(s), which requires a grading permit to grade approximately 2,050 cubic yards of cut and 2,300 cubic yards of fill;
2. To recognize the grading of approximately 310 cubic yards of cut and fill that has already occurred, and;
3. To recognize remedial grading performed to mitigate erosion and improve drainage.

The project will ultimately result in the development of a driveway beginning at the terminus of Jennifer Drive and continuing 2,000 linear feet to a mid-slope, graded building site for the, houses and garage.

LOCATION: Project is located on the vacant parcel at the dead-end of Jennifer Drive, approx. 200 feet west of the intersection of Jennifer Drive and Danube Drive, and the adjacent parcel to the north, approximately 2000 feet north of Soquel Drive in the Vienna Woods neighborhood of the Aptos Planning Area.

PERMITS REQUIRED: Grading

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

COASTAL ZONE: —Yes ☒ No

APPEALABLE TO CCC: ___Yes___ No

PARCEL INFORMATION

| | | |
|---------------------|----------------|----------|
| PARCEL SIZE: | APN 040-081-09 | 74 acres |
| | APN 040-081-06 | 54 acres |
| | APN 040-081-07 | 15 acres |

EXISTING LAND USE:

PARCEL: Vacant

SURROUNDING: Residential and Park

PROJECT ACCESS: Project access is from off Jennifer Drive.

PLANNING AREA: Aptos

LAND USE DESIGNATION: R-M, R-R, and PP (Mountain Residential, Rural Residential, and Proposed Park -Recreational)

ZONING DISTRICT: Residential Agriculture and Special Use (Single family Residential)

SUPERVISORIAL DISTRICT: 2nd District



ENVIRONMENTAL INFORMATION

- | | | |
|----------------------|----|---|
| a. Geologic Hazards | a. | The proposed single family dwelling will be located on a hillside that has been studied by geotechnical engineer and an engineering geologist who have determined that the slope to be stable, but potentially subject to erosion. |
| b. Soils | b. | The subject site is underlain by soils composed of Sandy Clay and Sandy Silt. |
| c. Fire Hazard | c. | Critical Fire |
| d. Slopes | d. | The properties have a significant variation in slope gradient. The majority of the roadway will be located on a flat portion of southerly lot (040-081-06). The roadway traverse a portion of a steeper slope on (040-081-09) the northerly property. The home will be located on this northerly property at the terminus of the driveway. The roadway and septic system will be located on slopes less than 30%. |
| e. Env. Sen. Habitat | e. | The project is located within an area of coastal prairie. |
| f. Grading | f. | The site has undergone approximately 310 cubic yards of previous grading. Development of the site will now require an additional 2,050 cubic yards of grading and the placing of approximately 1,000 cubic yards of road base and pavement. |
| g. Tree Removal | g. | Two oak trees are proposed to be removed from the proposed building area. |
| h. Scenic | h. | Not a mapped resource (see staff report for details.) |
| i. Drainage | i. | The proposed home could alter local drainage patterns. Under current Code requirements all of the drainage must be retained on the site and/or dispersed into the same drainage areas at the same intensity as occurred prior to development. |
| j. Traffic | j. | NIA |
| k. Roads | k. | Existing roads are adequate. |
| l. Parks | l. | Parcel 040-081-06 is indicated to be a |

- potential future park site. State Parks has indicated that it is not interested in acquiring this property at this time.
- | | | |
|-----------------------|----|--|
| m. Sewer Availability | m. | N/A |
| n. Water Availability | n. | N/A |
| o. Archeology | o. | Archeological resources have been identified on a small area of the site. These resources are not in the vicinity of the unauthorized grading, proposed grading or building. |

SERVICES INFORMATION

Inside Urban/Rural Services Line: ___Yes XNo

Water Supply: private well

Sewage Disposal: Individual Sewage Disposal System

Fire District: Central Fire District

PROJECT REFERRAL

The proposed preliminary grading application for the Carmichael Residence was referred to the Zoning Administrator by the Planning Director based upon the level of public interest, project's history of unauthorized grading along a ridgeline, and because of the project's potential to affect important resources. Consequently, the project requires a more extensive review based upon the relationship between the correction of the unauthorized grading, site resources and the related General Plan Policies. The allowance for this referral is found in Santa Cruz County Code Section 18.10.124 (b), which states in part:

“Referral to Next Level: At the discretion of the approving body, any permit approval or appeal of any approval may be referred to the next higher level if, in the opinion of the approving body, the project merits more extensive review. ..”

The project will therefore require a public hearing and approval of the Mitigated Negative Declaration by the Zoning Administrator

DETAILED PROJECT DESCRIPTION AND HISTORY:

Application 00-0143 proposes the grading of an access roadway to a building site (see Initial Study Attachment 2) and grading to accommodate a proposed single-family dwelling, garage/accessory building, and Fire Department turnarounds. The total volume of earthwork will be approximately 2,360 cubic yards of cut and 2,610 cubic yards of fill. Previously, there was approximately 225 yards of grading completed in 1998, and 85 cubic yards of grading completed in 1999. All proposed grading will occur on slopes of less than 30%. Two retaining walls, both of which are less than 10 feet in height, will be constructed north of the home.

Approximate break down of excavation is as follows in cubic yards of earth moved:

| | |
|---------------------------|-----|
| Stripings | 550 |
| Excavation Lower Driveway | 480 |
| Excavation Upper Driveway | 440 |
| Residence and Turnaround | 580 |
| December 1998 grading | 225 |
| October 13, 1999 grading | 85 |

Total Excavation of 2360

The break down of fill is as follows:

| | |
|----------------------------------|------|
| Lower Driveway | 920 |
| Upper Driveway | 300 |
| Residence | 80 |
| Previous Fill | 310 |
| Asphaltic Concrete and Base Rock | 1000 |

Total Fill 2610

Note: Approximately 550 yards of strippings and 110 yards of earth material will be either accommodated through shrinkage or trucked from the site.

The proposed driveway starts at the end of Jennifer Drive (see Initial Study Attachment 2) and traverses north on the relatively flat portion of the property for about 2,200 feet, before traversing a hill. An alternative alignment has also been proposed for the first half of the driveway and is shown as a dashed line "B" on Exhibit A. This alternative alignment follows an existing disturbed access pathway, and will require less disturbance. It will connect with the proposed access roadway near the halfway point to the proposed building site. Beyond this juncture an accessory building is proposed to be located immediately west of the access roadway at the base of the hill. The access roadway would ascend climbs up the slope with one switchback, to access a building pad which is approximately two thirds of the way up the slope. A Fire Department turn around is proposed just above the home, and would require the construction of retaining walls and a excavation. Views of both the walls and the cut will be obscured by the home. Therefore these portions of the project will not be visible from a public view. From the residence and turnaround, the driveway would continue to ascend the ridge to the knoll top, where a water tank site is proposed. This final stretch of the proposed grading would correct previous grading. The access road to the tank site will be required to be maintained as an unpaved access pathway.

PROJECT SETTING / HISTORY:

The subject property consists of three adjacent parcels (040-081-06, 07 and 09) that

are located between a developed subdivision on the east, undeveloped land on the west, and Niscene Marks State Park on the north. A grading permit application was initially submitted which applied for the recognition of the grading that occurred in 1998, and related emergency erosion control of approximately 310 cubic yards of grading. However, during the County review process it was determined that a single-family dwelling was also part of the proposed project. Therefore, the project description was revised to include the proposed single-family dwelling and accessory buildings. That revised project is the subject of this document.

The grading initially proposed in Application 00-0143 has been refined through the review process to comply with General Plan policies for the protection of ridge-tops and minimizing grading. To reduce the potential for disturbance of the ridge top, the home site was relocated below the ridge top to the proposed location. Furthermore, the Fire Department turnaround originally proposed at the base of the slope has now been eliminated to avoid Coastal Terrace Prairie. Additionally, the upper end of the access roadway will be an unpaved access pathway to the water tank, rather than a fully paved access road. Finally, locating the water tank amongst the trees will significantly reduce the water tanks visibility from the adjacent residential neighborhood.

The Zoning Administrator heard this project on May 2, 2003. In his review of the project he noted that the home shown on the project plans would require a Height Exception and he requested that the applicant apply for the Exception and continued the hearing until an Exception could be processed. The applicant applied for an Exception, but later reconsidered and instead decided to reduce the height of the building. As a result of the application has reverted to only a grading permit.

The Zoning Administrator also continued the hearing for staff clarification concerning the projects compliance with Sensitive Habitat Provision, GP 5.1.6 and 5.1.7, Erosion Control GP 6.3.1 and 6.3.9, Fire Access GP 6.5.1 and Project Design 5.2.21 and 8.6.6. The Zoning Administrator also asked for an analysis of County Code Section 16.20.080 (c) (Approval Limitations), which include provisions for denial of an application for a grading approval if any one of a number of specific findings is made. These findings have been evaluated and are attached as Exhibit H. The Grading Findings indicate that the project can be approved as proposed.

ANALYSIS AND DISCUSSION:

Planning Constraints:

The project is affected by three major constraints: 1) sensitive habitat including Coastal Terrace Prairie/Mixed Grassland, 2) slopes near the proposed development greater than 30% and 3) ridge-top protection development policies,

Sensitive Habitat: During the initial review of this project two primary biotic issues were identified. First, Eco Systems' West (see Initial Study Attachment 3) identified the need



to determine whether a special status species, the Ohlone Tiger Beetle, is present on the property, and secondly, the site has been identified by Biotic Resources Group (see Initial Study Attachment 4) as containing Coastal Terrace Prairie / Mixed Grasslands.

Protocol Surveys for the Ohlone Tiger Beetle were performed. (See Initial Study Attachment 5) The beetle was not identified during these surveys and Dr. Arnold concluded that the beetle was unlikely to occur on the property based upon these surveys and upon his personnel experience with similar environments.

Coastal Terrace Prairie / Mixed Grasslands are present on the property. The proposed building pads are located away from these mapped habitats (see Initial Study Attachment 6). However, a previously proposed Fire Department turn around along the toe of the slope below the proposed home would have crossed into this habitat. The applicant has contacted the Fire Department and has received assurance that the residential turn around at the rear of the proposed home site is adequate to meet Fire Department turn around regulations and the lower turn around has therefore been eliminated from the plan. With the elimination of the lower turn around, mitigation proposed by the Biotic Resources Group's April 18, 2001 letter (see Initial Study Attachment 6) adequately addresses the biotic issues. In this letter, the Biologist recommends removal of the invasive plant species and a land management practice that will promote the re-establishment of the Coastal Terrace Prairie and other native grasses.

Review of Public Comments:

The public has expressed interest and concern about this project from the time of the initial unauthorized grading and throughout of the application process. During the Initial Study phase of this project many letters were received expressing similar concerns (EXHIBIT F (1)). Primary concerns raised in the letters include the project description (amount of grading and future land use), slope gradients, the visibility of the project, and APN 040-081-06's partial designation as a potential future park. The potential impacts of the project to surface water and groundwater, and the possible alternatives to the proposed project were also cited in these letters.

Project Description-Grading: The two major concerns expressed about the project description centered on the amount of grading proposed and also on the possibility of a future land use such as a subdivision or other intensified land use Carmichael property.

Several comments have indicated the belief that the proposed grading will significantly exceed estimated 2,360 cubic yards of cut and 2,610 cubic yards of fill indicated by the grading plans. County staff has reviewed these plans and has performed rough calculations for the proposed amount of grading that have confirmed the general scale of the engineer's estimates. Even though they are estimates, staff believes that they correctly represent the quantity of the proposed grading.

Furthermore, the proposed quantity of cut and fill are commensurate with similarly sized and sited single-family dwellings. The project has been conditioned so that the excess fill must be disposed of by hauling it to an approved disposal site.

Project Description – Subdivisions: Many of the responses that the County received to the Initial Study indicated a concern this project will precede a future, more intense land use.

County staff is not aware of any proposed subdivision for this property. Any proposed subdivision would require a subsequent application and CEQA review. A subdivision was proposed in the mid-1980's, but was abandoned by a previous property owner when initial contacts with the County indicated that a subdivision wouldn't be approved. Current zoning and General Plan requirements severely restrict the land use on the Carmichael property. Consequently, this property's most feasible and probable land uses is for a single-family home and related accessory buildings. By accepting the conditions to this permit, site development will be limited to the immediate area of the building, accessory building and the septic system.

Slope Gradients: Over the last four years the public has expressed a concern about development on slope gradients exceeding 30%. Several provisions within the General Plan and County Code restrict various land use on slopes steeper than 30% including both septic system disposal lines and roadways if an alternative location exists. Both Larry Palm PE, Bowman and Williams Engineering, Inc. and Roper Engineering have examined this site and have determined that the proposed roadway and septic system will be located on slopes less than 30%. County staff has reviewed the plans and visited the site and has confirmed the engineers' conclusions.

Scenic Impacts: A local community organization, Nisene2Sea, has indicated that the project will be visible from Highway 1, a scenic highway. Staff has been unable to verify the home's visibility after having made several attempts to view it from different locations along the Highway. Even if the project is visible from the Highway, its visibility will be minimized by avoiding building along the ridge top and by requiring landscaping, use of dark earth-tone building colors and non-reflective roofs and windows that reduce the buildings' contrast with the surrounding terrain. These proposed conditions are intended to assure compliance with the County's General Plan's Objective 8.4 and 8.6.

Impact on the Adjacent Nisene Park: Many public comments expressed a concern that the proposed project will negatively the adjacent Nisene Park, and will restrict the current casual use of the property as access to the adjacent park. One letter expressed a concern that the applicant desired to fence the property to prevent public access.

Development of this property could eliminate the opportunity for it to be incorporated into Nisene Park. These concerns reflect the intent of General Plan Section Policy Section 7.8.4, which states

“ Recommend, encourage and support each of the following State park

acquisitions;

(h) Nisene marks: Support proposed state park plans for the expansion of Nisene Marks State Park.”

County staff has contacted State Parks and has requested and received the help from Advanced Planning section to determine if the State Parks has any interest in acquiring the property or has plans to expand Nisene Marks State Park in this location. State Parks has indicated that it does not plan on acquiring this property at this time and has made no comment on this particular project.

Finally, County staff is not aware of a plan to restrict public access to this property. Even so, County Code and the General Plan allow the owners to fence their property and to take measures to restrict public use of their property. The owners may also voluntarily develop agreements with individuals, groups or the State and/or County to allow access to their property either formally or informally.

Biotic Issues: County staff has dealt with the issues surrounding sensitive species (see the Sensitive Habitat Section above.) Staff agrees that there is Coastal Prairie habitat on the property . The project has been redesigned to reduce the project’s impact to this resource to a less-than-significant level. Staff has also required the avoidance of the Live Oak Woodland and the replacement of trees that will be removed for building the home.

Ground and Surface Water Impacts: Several written comments have indicated concern that developing this property could modify the infiltration of drainage into the subsurface or redirect the surface drainage to different drainage basins. Urbanization does affect ground water and surface water, and a program has been developed in the County to require thorough review of grading projects in area of groundwater recharge and runoff. Specifically, the General Plan and County Code require that projects be designed to avoid decreases in the amount of infiltration of rainfall, or increased to the amount or intensity of runoff. Further, they require that projects be designed to avoid any re-direction of runoff from one drainage areas area to another. This project is conditioned to produce an engineered drainage plan that will be reviewed for these specific factors by both the Planning Department and the Drainage Section of the Public Works Department.

Alternatives Analysis: Several of the most recent letters have expressed a desire for a of alternative roadway alignments and building locations. The current plan is a result of several years of County review and analysis. The County has required that the home site be moved from the ridge-top, and has required that the proposed access roadway be relocated so that the roadway has less impact on coastal prairie and oak woodland habitats. During the previous Zoning Administrator hearing several speakers indicated that they desire that the roadway near Jennifer Drive follow the existing disturbed

pathway further away from the existing homes. Staff discussed this possibility with the Environmental Coordinator to determine if this was feasible. It was determined that this alternative would have similar impacts as the access roadway as shown by the engineer on Exhibit A. Consequently, this alternative also maybe be used. Staff has also worked with the applicant to determine if another shorter access road is possible. The applicant continues to explore these options but indicates that they have been unable to obtain appropriate permission to use this alternative access point.

RECOMMENDATION

As conditioned, the proposed project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan.

Staff recommends that the Zoning Administrator take the following actions:

1. Approve Application Number 00-0143, based on the attached conditions; and,
2. Approval of the attached Mitigated Negative Declaration.

EXHIBITS

- A. Project plans
- B. Conditions
- C. CEQA determination Mitigated Negative Declaration/Initial Study
- D. Assessor's parcel map
- E. Zoning map
- F. Representative Comments & Correspondence
- G. Letter from Sanitarian indicating the limits of potential sewage disposal
- H. Grading Permit Findings
- I. Letter of Review of the project by Randal Adams

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.

Report Prepared By: Joe Hanna

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor

Santa Cruz CA 95060

Phone Number: (831) 454-3175 (or, joseph.hanna@co.santa-

cruz.ca.us)

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.

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Exhibit A



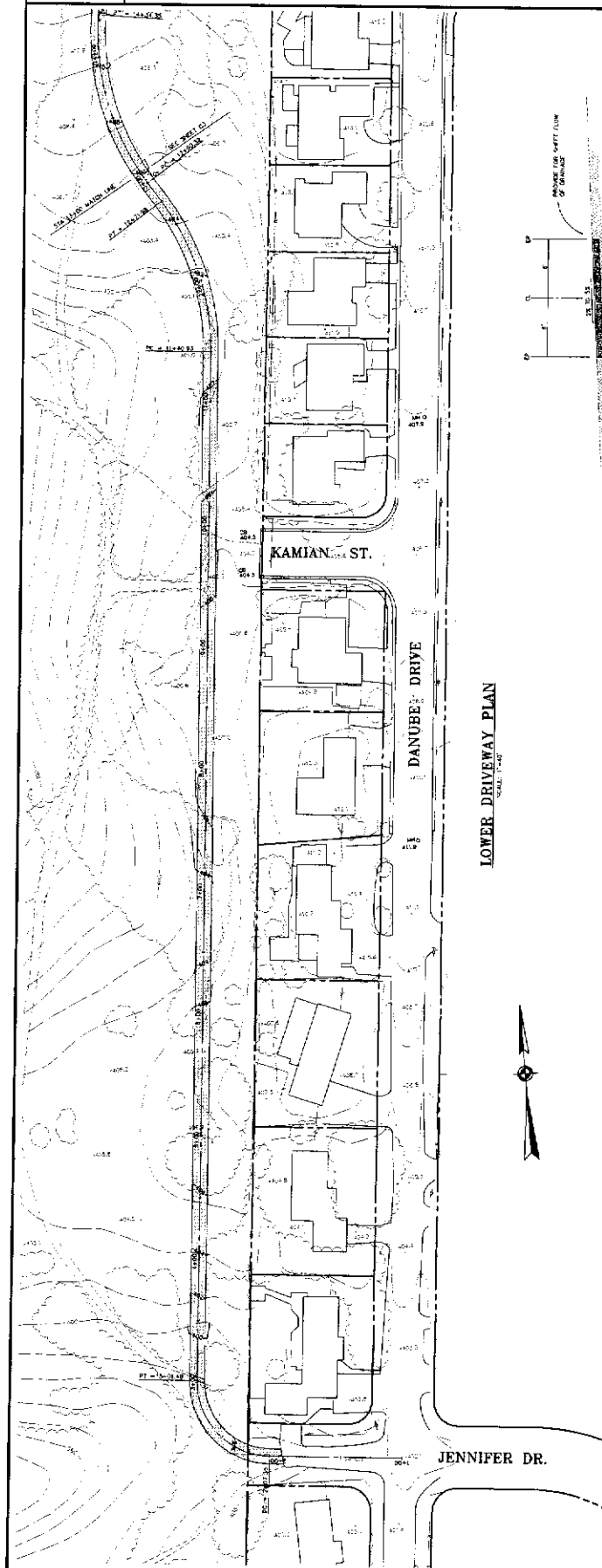
ROPER ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING
444 AIRPORT BLVD., SUITE 206 WATSONVILLE, CA 95076
(831) 724-5500 PHONE (831) 724-5505 FAX info@roperengineering.com



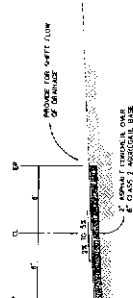
**NEW RESIDENCE FOR
STEPHEN & PHYLLIS CARMICHAEL**
APN 040-081-06 & 09
LOWER DRIVEWAY PLAN & PROFILE

DATE: AUG. 27, 2003
REVISION: DEC. 15, 2003
SHEET: 000002
SHEET

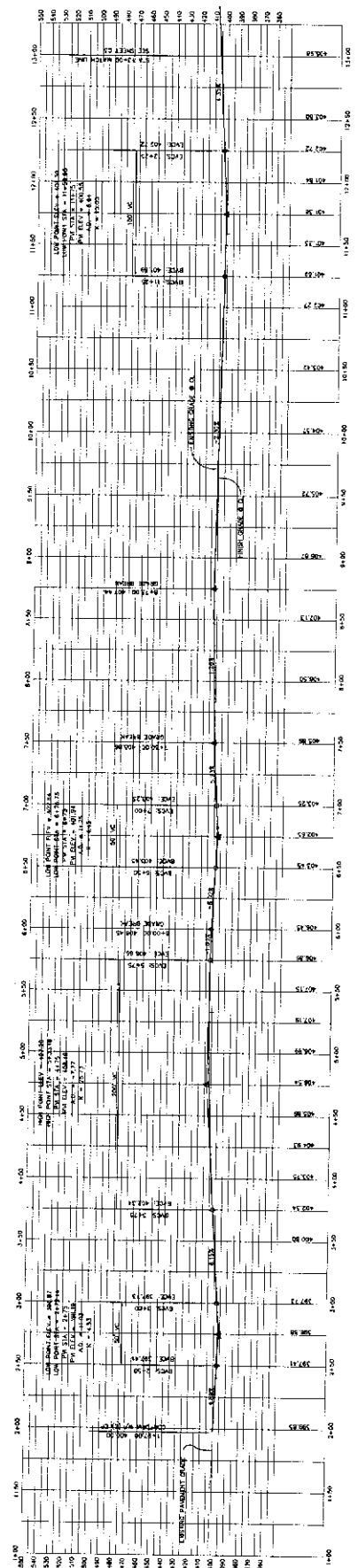
C2



LOWER DRIVEWAY PLAN
SCALE: 1"=40'



TYPICAL DRIVEWAY SECTION A
C2
1"=4' HORIZ. 1"=1' VERT.



LOWER DRIVEWAY PROFILE



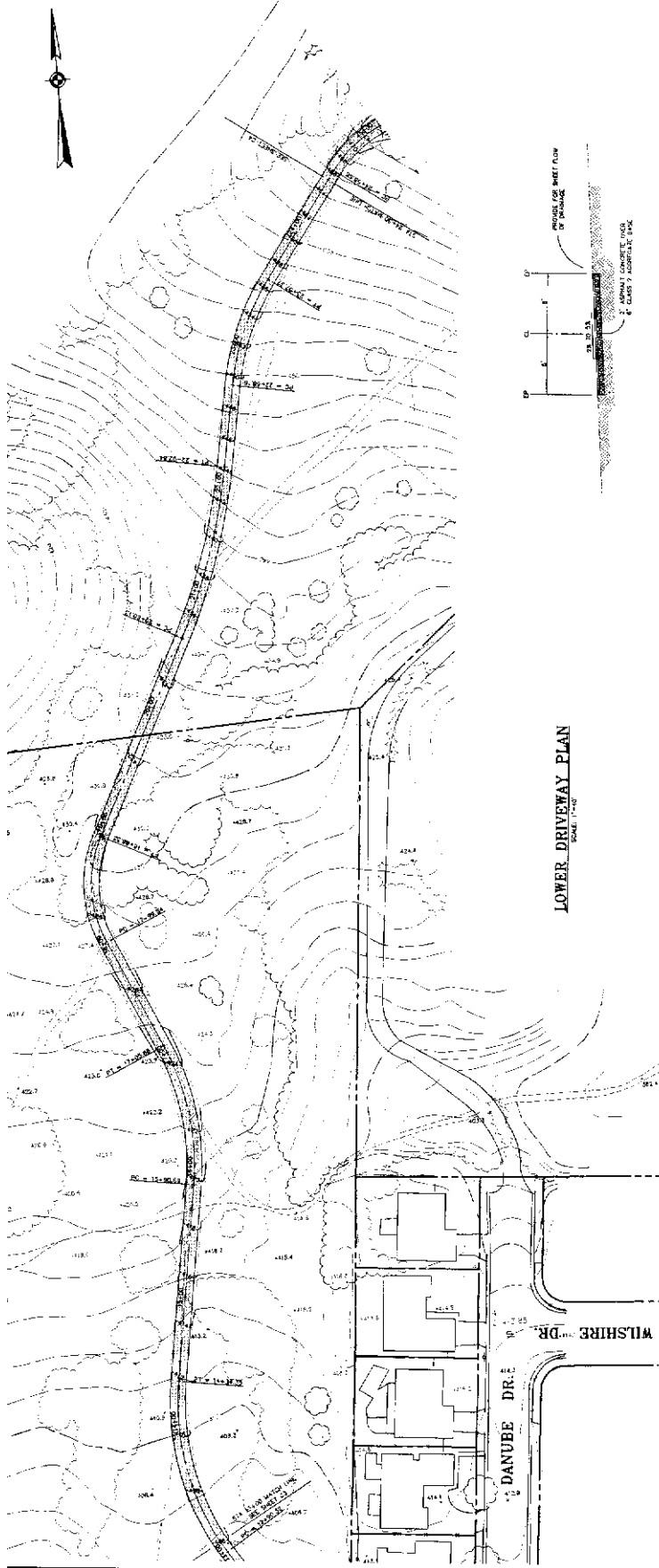
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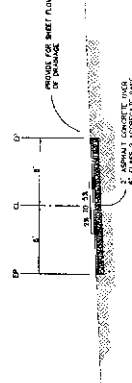
**NEW RESIDENCE FOR
STEPHEN & PHYLLIS CARMICHAEL**
APN 040-081-06 & 09
LOWER DRIVEWAY PLAN & PROFILE

SCALE: AS NOTED
DESIGNED BY: JC
DRAWN BY: DUNNOC
DATE: AUG. 27, 2003
PROJECT: OCT. 15, 2003
JOB NO.: 020002
SHEET

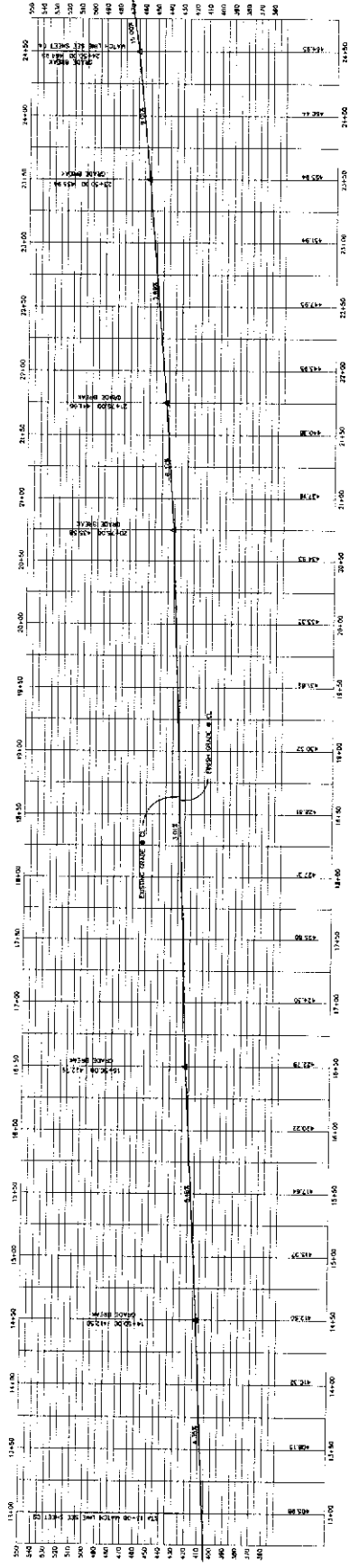
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LOWER DRIVEWAY PLAN
SCALE: 1" = 40'



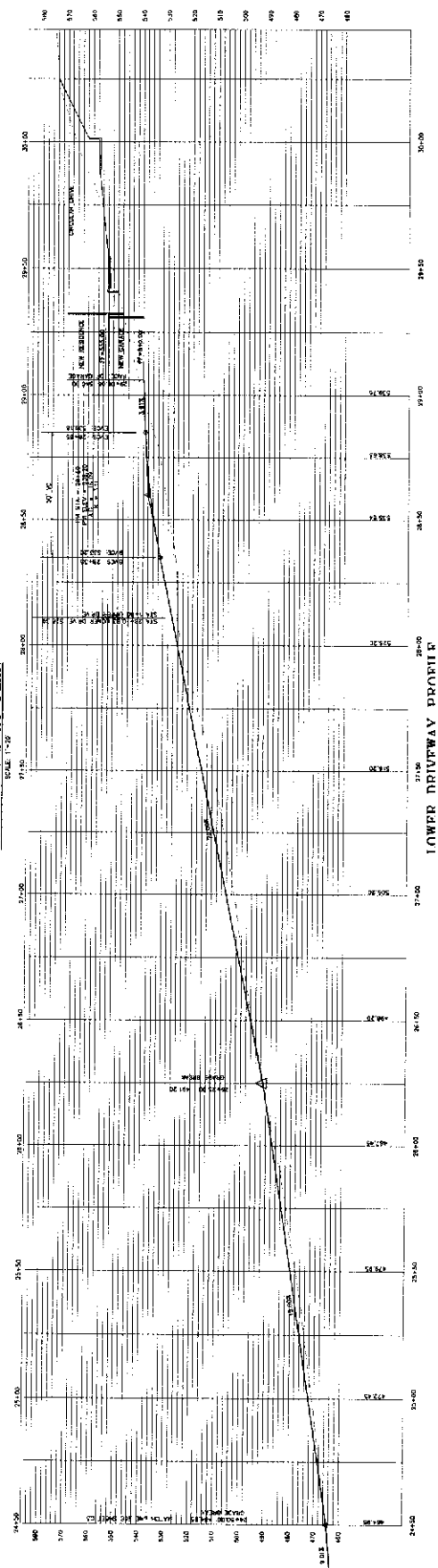
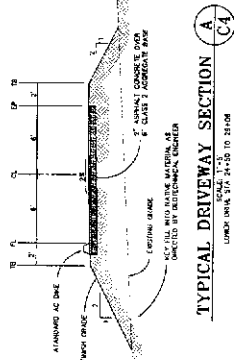
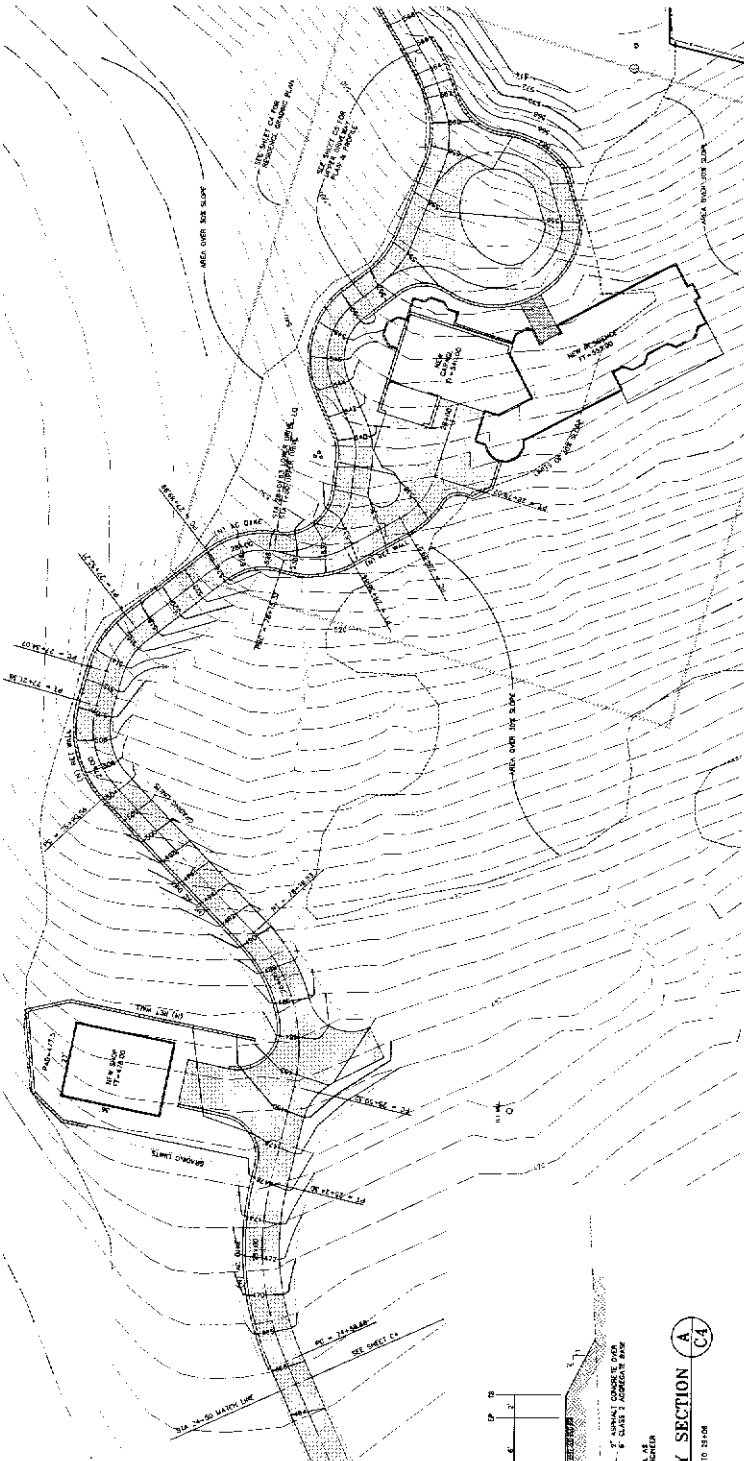
TYPICAL DRIVEWAY SECTION A
C3
LENGTH: DRIVEWAY 110.00 TO 214.00



LOWER DRIVEWAY PROFILE



| | |
|--------------|---------------|
| SCALE: | AS NOTED |
| DESIGNED BY: | JR |
| DRAWN BY: | DJ1050C |
| DATE: | AUG. 26, 2003 |
| REVISION: | DC1, 15, 2003 |
| SUB NO. | 02052 |
| PAGE 1 | |





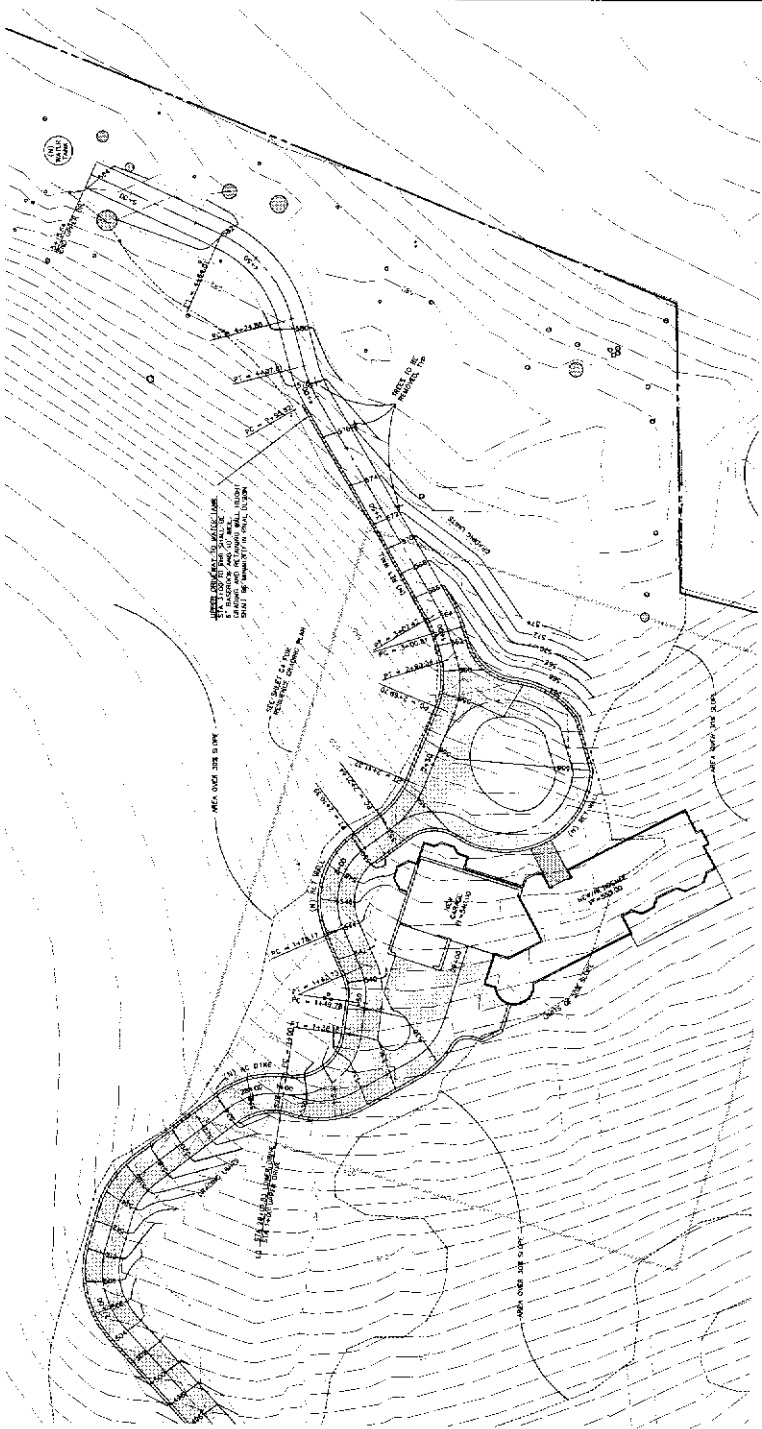
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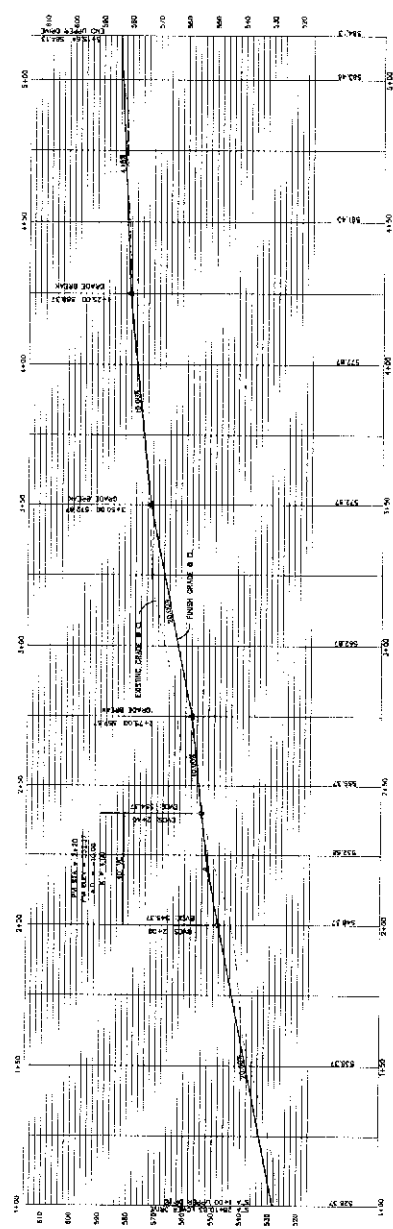
NEW RESIDENCE FOR
STEPHEN & PHYLLIS CARMICHAEL
 APN 040-081-06 & 09
UPPER DRIVEWAY PLAN & PROFILE

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| DATE: | AUG. 27, 2003 |
| REVISION: | OCT. 15, 2003 |
| APP. NO.: | 02002 |
| SHEET: | |

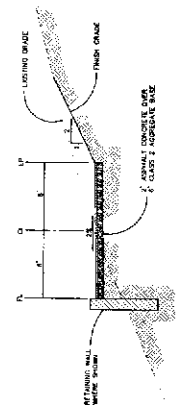
C5



UPPER DRIVEWAY PLAN
 SCALE: 1"=20'



UPPER DRIVEWAY PROFILE



TYPICAL DRIVEWAY SECTION A
 SCALE: 1"=20'



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**NEW RESIDENCE FOR
STEPHEN & PHYLLIS CARMICHAEL**
APN 040-081-06 & 09
RESIDENCE GRADING PLAN

| | |
|-------------|---------------|
| SHEET | AS NOTED |
| DESIGNED BY | JM |
| DRAWN BY | CH/ROPER |
| DATE | AUG. 27, 2003 |
| REVISION | DEC. 15, 2003 |
| APP. NO. | 020042 |
| SHEET | |

C6

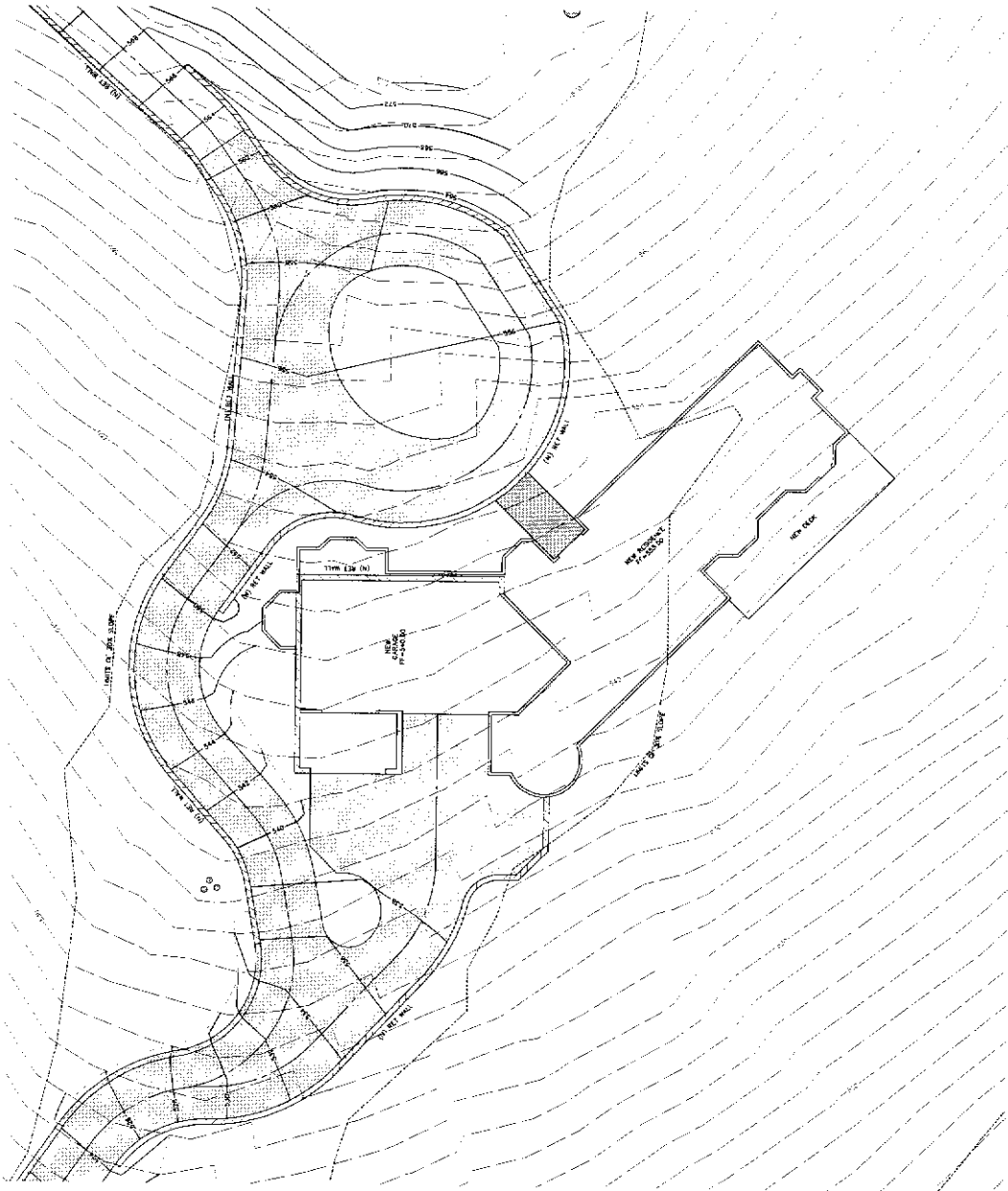


Exhibit B

CONDITIONS OF APPROVAL

Exhibit B:

- I. This permit authorizes grading associated with the construction of a Single Family Dwelling and related non habitable building. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant 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 an approved Building Permit with grading authorization from the Santa Cruz County Building Official.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - D. Comply with the Negative Declaration Mitigations:
 1. In order for the project to comply with policies regarding minimizing of grading and to minimize impacts to biotic resources and to views, prior to any permit being issued the applicant shall revise the grading plan as follows:
 - a. Eliminate the spur road that leaves the main driveway and leads south to a graded turnaround;
 - b. Eliminate the turnaround at that location;
 - c. Indicate that there will be minimal or no grading between the turnaround behind the home and the water tank on the hill above the home. The access way to the tank shall be maintained as unpaved track, no wider than ten feet, used only for the purpose of reaching the tank for maintenance;
 - d. Clearly indicate a disturbance envelope that corresponds with the above revisions.
 2. In order to reduce impacts on biotic resources to a less than significant level, prior to issuance of the grading permit the applicant shall do the following:
 - a. Submit a coastal terrace prairie habitat management and enhancement plan prepared by the project biologist for review and approval of County staff. The plan shall provide for the management of the native and mixed grasslands such that the native species are favored, and shall include non native removal, mowing or grazing regime and schedule, goals, monitoring proposal, and a map showing the areas to be managed;
 - b. The alignment of the proposed road from Wilshire Drive north shall be revised on the grading plan such that Oak Woodland is avoided. The proposed alignment shall be staked in the field, reviewed and accepted by the project planner;
 - c. Revise the grading plan to clearly indicate where excess fill will be placed. The fill may not be placed within sensitive habitat or within the

- dripline of any oak tree;
 - d. Show, on the building and/or grading plans, the location of replacement oak trees for the two that will be removed due to the construction of the residence. Replacements shall be the same species, minimum 15 gallons, and shall be planted at a ratio of 2:1.
 - e. Prior to the start of disturbance, the applicant shall place temporary fencing at the boundary of the disturbance envelope everywhere the proposed driveway crosses through or within 20 feet of sensitive habitat.
 - f. Prior to the start of any disturbance the applicant's engineering will be required to develop dust management plan that will apply adequate control practices to reduce and eliminate dust.
 - g. An engineered drainage plan must be submitted for County review prior to the issuance of the grading permit. This plan must show that all drainage continues to flow into the same drainage basins as it has in the past; that all drainage is disposed into appropriate dissipators to allow re-charge similar to that current pattern of re-charge and that the driveway doesn't impede existing runoff from the adjacent properties.
3. In order to reduce potential erosion to a less than significant level the applicant, prior to issuance of the grading permit, shall submit a detailed erosion control plan for review and approval by Planning staff. The plan shall include: A clearing and grading schedule that indicates no grading will occur between October 15 and April 15, clearly marked disturbance envelope, temporary driveway surfacing and construction entry stabilization, specifications for revegetation of bare areas, both temporary cover during construction and permanent planting details, and temporary and permanent drainage control including lined swales and erosion protection at the outlets of pipes.
- E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days of the approval date on this permit.
- F. Submit a Combination Request form to the County Assessor requesting the combining of APN's 040-081-06, -07, and -09 into one tax number. This will reflect the most recent deed instrument.
- G. Comply with the applicable zoning district requirements including maximum building height of 28 feet and all accessory building must be 1000 square feet or less (single or two story.) Any modification to these requirements will require an application for a separate permit.
- H. Pay Code compliance costs to date.**
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit Final Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit A on file with the Planning Department. The final plans shall

include the following additional information:

1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Colors must be and dark earth-tone building colors and non-reflective roofs and windows that reduces the buildings' contrast with the surrounding terrain
 2. Submit for review and approval a landscaping plan that indicates the location of the two new Oak Trees and provide landscaping that reduces the visual impact of the home.
 3. Grading, drainage, and erosion control plans.
 4. Details showing compliance with fire department requirements.
- B. Pay drainage fees to the County Department of Public Works. Drainage fees will be assessed on the net increase in impervious area.
- C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- D. Meet all requirements and pay any applicable plan check fee of the Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer along with the Geotechnical Plan review letter of the proposed building site
- F. 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.
- G. Complete and record a Declaration of Restriction to maintain the biotic habitat as indicated in the approved Coastal Terrace Habitat Management Plan on the subject property. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** This declaration will be prepared by the Planning Department; an exhibit that reflects the approved Exhibit A for this project shall be attached to the Declaration to delineate the development envelope. This development envelope will be reviewed by County staff and must encompass all proposed development including accessory units, the home, and the septic system all of which must be located entirely within this envelope. The declaration must indicate that domestic animals are prohibited excepted as allowed in the habitat plan and must also indicate that landscaping shall use characteristic native species with no invasive non-native species. Submit proof that this Declaration has

- been recorded in the Official Records of the County of Santa Cruz (Office of the County Recorder) within 30 days of the effective date of this permit.
- H. Pay all applicable improvement fees based on the one unit, the # of bedrooms**
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements including landscaping and the finishes of the home shown on the final approved Building Permit plans shall be installed and maintained.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports and approved biotic report. No further encroachment is allowed into the Coastal Prairie Habitat or Oak Woodland without written County approval.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. MITIGATION MONITORING PROGRAM

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

- A. Mitigation Measure: Conditions I E I a, b, c, and d, and .2 c, b, and e

Monitoring Program: Planning staff will review the Grading Plan prior to the issuance of a grading or building permit for the parcel. In this review, the plans shall show the elimination of the spur road and turnaround, indicate that there will be little or no grading between the turnaround behind the home and water tank, and clearly indicate the disturbance envelope for all of the grading. Prior to the start of grading, the disturbance envelope must be fenced immediately adjacent to building envelope, and everywhere the proposed driveway crosses through or within 20 feet of sensitive habitat. Further, the remaining disturbed areas must all be flagged. This fencing and flagging must be inspected and approved by County Staff prior to the start of any site disturbance and must be maintained until the final grading permit inspection.

B. Mitigation Measure: Conditions 2.a

Monitoring Program: A copy of the proposed Coastal Terrace Habitat Management and Enhancement Plan must be submitted to the County for review and approval by the County's Biotic Consultant to assure compliance with this condition. This plan shall be recorded with the County's Records Office in a form approved by the County prior to grading or building permit issuance. Furthermore, the Coastal Terrace Habitat Management and Enhancement Plan must be implemented before final grading and building inspection. To confirm the implementation of the approved plan the project biologist shall submit a confirmation letter to County Planning and County staff prior to start of grading and prior to the final Building Permit inspection. The applicant and successor owners must maintain these habitats in perpetuity unless modified by amendment by the approving body.

C. Mitigation Measure: Conditions 2d

Monitoring Program: The location of the proposed replacement oak trees must be shown on the building and grading plans and must be planted and inspected by County Planning Department staff before final grading inspection.

D. Mitigation Measure: Condition 2 f

Monitoring Program: Planning staff must review and approve the applicants dust control plan prior to the start of grading. During the grading operation contractor shall be responsible for implementing the plan, and County staff shall inspect the grading activities to assure that dust control is occurring.

E. Mitigation Measure: Condition 2 g

Monitoring Program: Planning and the Public Works Agency staff must review and approve the applicants' drainage plan prior to the issuances of the grading or building permits. Prior to final inspection the project registered civil engineer must submit a final review letter that indicates that all of the drainage and other improvements have been installed, and County Planning staff must inspect these improvements prior to final grading and building permit inspection.

F Mitigation Measure: Condition 3

Monitoring Program: Planning staff must review and approve the applicant's erosion control plan prior to the issuance of the grading permit. During the grading operation contractor shall be responsible for implementing the plan, and all erosion control measures must be installed before October 15th of any year and maintained until April 15th of any year. The project engineering must inspect the property by October 1st of every year until the final Building Permit inspection and write a letter confirming the implementation of the erosion control measures. County staff shall inspect the grading before October 15th of every year until the Grading and Building Permits are finalized to assure that the erosion control plan has been implemented.

V. Operational Conditions

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

VI 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.
- E. Within 30 days of the issuance of this development approval, **the** Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

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

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Joe Hanna
County Geologist

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

Exhibit C

CEQA Determination

Initial Study

NAME : Steven Graves and Associates for
S and P Carrichael Enterprises, Inc. et al
APPLICATION: 00-0143 and 40137S
A.P.N: 040-081-09,06

NEGATIVE DECLARATION MITIGATIONS

1. In order for the project to comply with policies regarding minimizing of grading and to minimize impacts to biotic resources and to views, prior to any permit being issued the applicant shall revise the grading plan as follows:
 - a. Eliminate the spur road that leaves the main driveway and leads south to a graded turnaround;
 - b. Eliminate the turnaround at that location;
 - c. Indicate that there will be ~~minimal or~~ no grading between the turnaround behind the home and the water tank on the hill above the home. The access way to the tank shall be maintained as an unpaved track, no wider than ten feet, ~~used only for the purpose of that~~ ~~than the minimum width necessary for a small vehicle to reaching the tank for~~ maintenance;
 - d. Clearly indicate a disturbance envelope that corresponds with the above revisions.
2. In order to reduce impacts on biotic resources to a **less** than significant level, prior to issuance of the grading permit the applicant shall do the following:
 - a. Submit a coastal terrace prairie habitat management and enhancement plan prepared by the project biologist for review and approval of County staff. The plan shall provide for the management of the native and mixed grasslands such that the native species are favored, and shall include non native removal, mowing or grazing regime and schedule, goals, monitoring proposal, and a map showing the areas to be managed;
 - b. The alignment of the proposed road from Wilshire Drive north shall be revised on the grading plan such that Oak Woodland is avoided to a greater degree than currently shown. The proposed alignment shall be staked in the field, reviewed and accepted by the project planner;
 - c. Revise the grading plan to clearly indicate where excess fill will be placed. The fill may not be placed within sensitive habitat or within the dripline of any oak tree;
 - d. Show, on the building and/or grading plans, the location of replacement oak trees for the two that will be removed. Replacements shall be the same species, minimum 15 gallons, and shall be planted at a ratio of 2:1.

Prior to the start of disturbance the applicant shall place temporary fencing at the boundary of the disturbance envelope everywhere the proposed driveway crosses through or within 20 feet of sensitive habitat.

3. In order to reduce potential erosion to a less than significant level the applicant, prior to issuance of the grading permit, shall submit a detailed erosion control plan for review and approval by Planning staff. The plan shall include: A clearing and grading schedule that indicates no grading will occur between October 15 and April 15, clearly marked disturbance envelope, temporary driveway surfacing and construction entry stabilization, specifications for revegetation of bare areas, both temporary cover during construction and permanent planting details, and temporary and permanent drainage control including lined swales and erosion protection at the outlets of pipes.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060
(831) 454-2580 FAX (831) 454-2131 TDD: (831) 454-2123

ALVIN JAMES, DIRECTOR

NOTICE OF ENVIRONMENTAL REVIEW PERIOD

SANTA CRUZ COUNTY

APPLICANT: Stephen Graves & Assoc., for S & P Carmichael Enterprises Inc. et al

APPLICATION NO.: 00-0143 and 40237S

APN: 040-081-09 and 040-081-06

The Environmental Coordinator has reviewed the Initial Study for your application and made the following preliminary determination:

XX Negative Declaration
(Your project will not have a significant impact on the environment.)

XX Mitigations will be attached to the Negative Declaration.

 No mitigations will be attached

 Environmental Impact Report
(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Paia Levine, Environmental Coordinator at (831) 454-3178, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: February 12, 2003

Joe Hanna
Staff Planner

Phone: (831) 454-3175

Date: January 17, 2003

ENVIRONMENTAL REVIEW INITIAL STUDY

APPLICANT: Stephen Graves and Associates

APN: 040-081-09,06

OWNER: **S&P** Carmichael Enterprises Inc. et al

Application No: 00-0143 and 40237S

Supervisory District: Second

Site Address: No situs

Location: Project is on the vacant parcel at the dead-end of Jennifer Drive, approx. 200 feet west of the intersection of Jennifer Drive and Danube Drive, and the adjacent parcel to the north, approx. 2000 feet north of Soquel Drive in the Vienna Woods neighborhood of the Aptos Planning Area.

EXISTING SITE CONDITIONS

Parcel(s) Size: 74 acres, 52 acres

Existing Land **Use**: vacant

Vegetation: Oak Woodland / Grassland

Approximate Slope:

APN 040-081-09: 0-15% (30.) 16-30% (30.) 31-50% (10.) 51+%(4.) acres.

APN 040-081-06: 0-15% (15.) 16-30% (15.) 31-50% (10.) 51+%(12) acres

Nearby Watercourse: Tannery Gulch, Aptos Creek, Porters Gulch, Borregas Gulch

Distance To: $\frac{1}{4}$ mile (or less)

Rock/Soil Type: Marine Terrace deposits, Purisima Fm. sandstone bedrock

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: yes

Liquefaction: N/A

Water Supply Watershed: N/A

Fault Zone: N/A

Groundwater Resource: mapped

Scenic Corridor: N/A

Timber or Mineral: Timber

Historic: N/A

Agricultural Resource: N/A

Archaeology: mapped resource

Biologically Sensitive Habitat: resource present

Noise Constraint: N/A

Fire Hazard: Critical Fire

Electric Power Lines: N/A

Floodplain: N/A

Solar Access: N/A

Erosion: High Erosion Hazard

Solar Orientation: N/A

Landslide: N/A

Hazardous Materials: N/A

SERVICES

Fire Protection: Central Fire Protection District

Drainage District: N/A

School District: PVUSD

Project Access: Jennifer Drive

Water Supply: well

Sewage Disposal: Individual Sewage Disposal System

PLANNING POLICIES

Zone District: SU

Within USL: **No**

General Plan: Rural-Residential, Rural-Mountain, PP proposed park on Parcel 06

Special Designation: N/A

Coastal Zone: **N/A**

PROJECT SUMMARY DESCRIPTION:

Project is divided into three parts:

1. Proposal to construct a single-family dwelling, driveway and garage(s), which requires a grading permit to grade approximately 3500 cubic yards of material;
2. Proposal to recognize the grading of approximately 310 yards of earth that has already occurred, which was done in order to provide access to the building site for geotechnical exploration, and;
3. Proposal to recognize remedial grading that was done to mitigate erosion and improve drainage.

APPLICANT: Stephen Graves and Associates
OWNER: S&P Carmichael Enterprises Inc. et al
Application No: 00-0143 and 40237S

APN: 040-081-09,06

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DETAILED PROJECT DESCRIPTION and HISTORY:

Applications 00-0143 and 40237S propose the grading of an access roadway to a building site (see Attachment 2) and grading to accommodate a proposed single-family dwelling, garage/ accessory building, and turnarounds. The total volume of earthwork will be approximately 3,550 cubic yards. All grading will occur on slopes less than 30%. Two retaining walls, both of which are less than 6 feet in height, will be constructed north of the home.

Approximate break down of excavation **is** as follows in cubic yards of earth moved:

| | |
|---------------------------------|------|
| Upper, Lower and Fire Base Rock | 675 |
| Pavement | 80 |
| House /Circular Driveway | 1550 |
| Accessory Building Foundation | 520 |
| Leach Field Trenches | 90 |
| December 1998 grading | 225 |
| October 13, 1999 grading | 85 |

Total Excavation of 3550

The break down of fill **is** as follows:

| | |
|---------------------------|------------------------------|
| Engineered Fill | 120 |
| <u>Building Pad Fill'</u> | 250 |
| Spread Fill | <u>3180(minus shrinkage)</u> |

{Note: Spread Fill will either be spread at less than 1.8in a flat area that is not sensitive habitat, or removed from site to the dump and/or permitted site.)

Total Fill 3550 (approximate)

The driveway starts at the intersection of Jennifer and Danube Roads (see Attachment 2) and traverses north on the relatively flat portion of the property for about 2200 feet, before traversing a hill. An accessory building is proposed to be located immediately west of the access roadway at the base of the hill. The access climbs up the slope with one switch back, to access a building pad which is approximately two thirds of the way up the slope. A turn around is proposed up slope of the home, which will require the construction of retaining walls and a small excavation. Views of both the walls and the cut will be obscured by the home, and consequently these portions of the project will not be visible from a public view. From the residence and turnaround the driveway continues to traverse the ridge up to the knoll top, where a water tank site is proposed. This final stretch of the proposed grading corrects previous unpermitted grading. The access road to the tank site will be required to be maintained as an unpaved access pathway.

APPLICANT: Stephen Graves and Associates
OWNER: S&P Carmich :l Enterpri: In :t al
Application No: 00-0143 and 40237S

APN: 040-081-09,06

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PROJECT SETTING / HISTORY:

The subject property consists of two adjacent parcels that are located between a developed subdivision on the east, undeveloped land on the west, and Nisene Marks State Park on the North. A grading permit application was initially submitted which applied for the recognition of the unauthorized grading that occurred in 1996, and related emergency erosion control of approximately 350 cubic yards of grading. However, during the County review process it was determined that a single-family dwelling was part of the proposed project. Therefore, the project description was revised to include the proposed single-family dwelling and accessory buildings and that revised project is the subject of this document.

The grading initially proposed in application 00-0143 has been refined through the review process to comply with General Plan policies on the protection of ridge-tops and minimizing grading. To reduce the potential for disruption of the ridge top the home was moved below the ridge top to a point approximately two thirds of the height of the slope. Further, the Fire Department turn-around proposed at the base of the slope has now been eliminated to avoid Coastal Terrace Prairie. Additionally, the upper end of the access roadway will be an unpaved access pathway to the water tank rather than a fully paved access road. Finally, the water tank visibility from the adjacent residential neighborhood will be significantly reduced by placing the tank amongst the trees.

ANALYSIS AND DISCUSSION:

Planning Constraints:

The project is affected by three major constraints: sensitive habitat including Coastal Terrace Prairie and Mixed Grassland, slopes near the proposed development greater than 30% and ridge-top protection development policies.

Sensitive **Habitat**: During the initial review of this project two primary biotic issues were identified. First, Eco Systems' West (see Attachment 3) identified the need to determine whether a special status species, the Ohlone Tiger Beetle, is present on the property, and, second, the site has been identified by Biotic Resources Group (see Attachment 4) as containing Coastal Terrace Prairie / Mixed Grasslands.

Protocol Surveys for the Ohlone Tiger Beetle were performed. (See Attachment 5) The beetle was not identified during these surveys and Dr. Arnold concluded that the beetle was unlikely to occur on the property based upon these surveys and his personnel experience with similar properties.

APPLICANT: Stephen Graves and Associates
OWNER: S&P Carmichael Enterprises Inc. et al
Application No: 00-0143 and 402578

APN: 040-081-09,06

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Coastal Terrace Prairie / Mixed Grasslands are present on the property. The proposed building pads are located away from these mapped habitats (see Attachment 6) but a previously proposed Fire Department turn around along the toe of the slope below the proposed home would have crossed into this habitat. The applicant has contacted the Fire Department and has received assurance that the residential turn around at the rear of the proposed home site is adequate to meet Fire Department turn regulations and the lower turn around has therefore been eliminated from the plan. With the elimination of the lower most turn around, mitigation proposed by the Biotic Resources Group's April 18, 2001 (see Attachment 6) letter adequately addresses the biotic issues. In this letter, the Biologist recommends removal of the invasive species and land management practice that will promote the re-establishment of the Coastal Terrace Prairie and other native grasses.

Two oak trees will be removed as part of this project.

Thirty-Percent Slopes: There has been controversy about whether or not the proposed driveway, home and the unauthorized grading are on slopes over 30% gradient. This controversy is centered on a 1997 topographic map prepared by Bowman and Williams engineers and land surveyors that indicated several areas represented to be over thirty percent. To clarify this issue, Bowman and Williams (see Attachment 7) has written to the applicant to explain that the map was preliminary in nature and was not intended to represent actual slope gradients. Bowman and William's conclusions that the subject slopes do not exceed 30% have been confirmed by the project Civil Engineer, by County Planning staff and by the County's Environmental Health Services Officer who determined that the proposed septic system will be located in an area that is less than 30%. The current plans indicate that the proposed driveway will not cross slopes greater than 30%.

Building Design: General Plan Sections 8.6.5 and 8.6.6 apply to hillside developments. These policies are intended designed to "encourage design that addresses the neighborhood and community context" and to assure incorporation of "design elements that is appropriate to the surrounding uses and the type of land use planned for the area." The County and the applicant have worked together to resolve the concern that the home was proposed on a ridge. The current proposal shows the home constructed below the ridge-top and designed to comply with the General Plan. By relocating the home lower on the slope and placing the home at the front of the building pad the visual impact of the cut for the building pad is greatly reduced because the view is shielded by the home. Further, by moving the house down the slope, the length of the proposed driveway has been reduced, and the plan to pave the upper portion of the driveway was eliminated. Consequently, this upper portion of the drive way will be an unpaved pathway that, when landscaped, will have little visual impact.

APPLICANT: Stephen Graves and Associates
OWNER: S&P Carmichael Enterprises Inc. et al
Application No: 00-0143 and 40237S

APN: 040681-09.06

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| | | | |
|---|---|------------------------------------|--------------|
| Significant Or Potentially Significant impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---|------------------------------------|--------------|

ENVIRONMENTAL CRITERIA

A. Geology and Soils

Does the project have the potential to:

1. Expose people or structures to potential adverse effects, including the risk of material loss, injury, or death involving:

- A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or as identified by other substantial evidence? ___ ___ ___ X ___

The property is located away from known active faults. The closest potential fault rupture hazard is associated with the Zayante fault approximately 3 miles to the north.

- B. Seismic ground shaking? ___ ___ X ___

Steven Raas, project Geotechnical Engineer, has investigated the site and has determined that the property is subject to strong seismic shaking. The current Uniform Building Code has requirements for reducing the potential damage to a structure from strong seismic shaking to a less than significant level.

- C. Seismic-related ground failure, including liquefaction? ___ ___ X ___

The geotechnical report concluded there is a low potential for impact seismically induced ground failure such as landsliding and ridge-top cracking to impact the development.

- D. Landslides? ___ X ___

Rogers E. Johnson has investigated the site and has determined that the closest landsliding is over 100 feet away from the proposed grading and building sites.

| | Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | NO impact |
|---|---|---|------------------------------------|--------------|
| 2. Subject people or improvements to damage from soil instability because of on- or off-site landslide, lateral spreading, to subsidence, liquefaction, or structural collapse? | ___ | ___ | ___ | <u>X</u> |
| 3. Develop land with a slope exceeding 30%? | ___ | ___ | <u>X</u> | ___ |

In 1999 unauthorized grading occurred within the proposed roadway alignment On the northern slope, and within the proposed septic system area. County Code 16.22.050 and General Plan Policy 6.3.9 prohibit the construction of new roads on slopes exceeding 30% and septic systems are prohibited on slopes 30% or greater. The project was reviewed to determine whether the 1999 grading occurred on slopes over 30%. Initial measurements with an inclinometer indicated that the slope was greater than 30% in one short stretch transversed by the access road. These measurements did not use accurate land surveying equipment, which can measure the slope gradient more accurately than an inclinometer. A topographic map prepared by Bowman and Williams Engineers in 1997 showed that several small areas did exceed 30% and this, along with the initial approximate slope measurements, contributed to confusion about the actual gradient. Bowman and Williams later clarified that their map was "only intended to show that a more detailed survey was needed in areas of proposed driveway construction" (see attachment 7).

Essentially, the Bowman and Williams map is preliminary in nature should not have been used to determine the slope of the hill. The slope should have been determined by accurate, on site survey performed for the specific purpose. Therefore, a new survey was completed by the project engineer Larry Palm, RCE. for the grading plan, which shows through surveyed cross-sections that the roadway can be constructed on the slope leading up to the building site without crossing a slope greater than 30%. Larry Palm confirmed in writing (see attachment 10) that the project will not be located on slopes greater than 30%

| | | | | |
|---|-----|-----|----------|-----|
| 4. Result in soil erosion or the substantial loss of topsoil? | ___ | ___ | <u>X</u> | ___ |
|---|-----|-----|----------|-----|

The proposed grading will occur on a hillside and if incorrectly preformed could result in substantial erosion. The County Coda 16.22 requires an erosion control plan for this development. A properly implemented plan will reduce the potential erosion to less than significant level. Erosion control procedures will include: containing drainage in enclosed conduits, metering drainage discharge so that the discharge does not cause

| Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | NO impact |
|---|---|------------------------------------|--------------|
|---|---|------------------------------------|--------------|

erosion, avoiding concentrated flow over graded surfaces, and the covering of bare soils with vegetation and appropriate erosion control blankets.

5. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to property?

| | | | |
|-----|-----|----------|-----|
| ___ | ___ | <u>X</u> | ___ |
|-----|-----|----------|-----|

The nearest surface soils have some potential for expansion. The soils engineer requires that these soils be removed from the building area or alternatively that a pier and grade beam foundation be used if the expansive soils are not removed.

6. Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems?

| | | | |
|-----|-----|-----|----------|
| ___ | ___ | ___ | <u>X</u> |
|-----|-----|-----|----------|

The Environmental Health Department has approved a individual Sewage Disposal System on this property.

7. Result in Coastal cliff erosion?

| | | | |
|-----|-----|-----|----------|
| ___ | ___ | ___ | <u>X</u> |
|-----|-----|-----|----------|

B. Hydrology, Water Supply and Water Quality

Does the project have the potential to:

1. Place development within a 100-year flood hazard area?

| | | | |
|-----|-----|-----|----------|
| ___ | ___ | ___ | <u>X</u> |
|-----|-----|-----|----------|

A small part of the parcel extends into Tannery Gulch. This portion of the property is well away from the area that will be developed.

2. Place development within the floodway resulting in impedance or redirection of flood flows?

| | | | |
|-----|-----|-----|----------|
| ___ | ___ | ___ | <u>X</u> |
|-----|-----|-----|----------|

| | Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---|---|------------------------------------|--------------|
| 3. Be inundated by a seiche or tsunami? | ___ | ___ | ___ | <u>X</u> |
| 4. Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, <i>or</i> a significant lowering of the local groundwater table? | ___ | ___ | ___ | <u>X</u> |

The proposed project is located on a slope where little drainage infiltrates due to rapid run-off. All runoff from new impermeable surfaces will be required to be retained and therefore there will be no loss of recharge.

| | | | | |
|--|-----|-----|-----|----------|
| 5. Degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichinents, or other agricultural chemicals or seawater intrusion). | ___ | ___ | ___ | <u>X</u> |
|--|-----|-----|-----|----------|

Drainage will be required to be filtered on site. There is ample space in which to accomplish this filtration.

| | | | | |
|--|-----|-----|----------|----------|
| 6. Degrade septic system functioning? | ___ | ___ | ___ | <u>X</u> |
| 7. Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site? | ___ | ___ | <u>X</u> | ___ |

The project will create impermeable surface along the driveway and at the building sites. However, the physical characteristics of the site (size, shape and soil material) are such that retention of drainage on site is possible, and full review of drainage will be required by County Public Works.

| | | | | |
|--|--|--|--|--|
| 8. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems, or create | | | | |
|--|--|--|--|--|

| | Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|---|---|------------------------------------|--------------|
| additional source(s) of polluted runoff? | ___ | ___ | ___ | <u> X </u> |

There is no evidence indicating that any existing facility will receive added runoff from this project.

- | | | | | | |
|-----|---|-----|-----|-----|--------------|
| 9. | Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff? | ___ | ___ | ___ | <u> X </u> |
| 10. | Otherwise substantially degrade water supply or quality? | ___ | ___ | ___ | <u> X </u> |

C. Biological Resources

Does the project have the potential to:

- | | | | | | |
|----|---|-----|-----|-----|--------------|
| 1. | Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service? | ___ | ___ | ___ | <u> X </u> |
|----|---|-----|-----|-----|--------------|

Eco Systems' West identified the need for surveys to determine the presence/absence of a special status species, the Ohlone Tiger Beetle. Surveys were performed and the outcome was negative. (Attachments 4 and 5)

- | | | | | | |
|----|--|-----|--------------|-----|-----|
| 2. | Have an adverse effect on a sensitive biotic community (riparian corridor, wetland, native grassland, special forests, intertidal zone, etc.)? | ___ | <u> X </u> | ___ | ___ |
|----|--|-----|--------------|-----|-----|

The portion of the access road that transverses the flatter portion of the property between Jennifer Drive and Wilshire Drive was originally planned such that it followed the existing roadway and dirt trail. However, that alignment caused the loss of approximately 6000 square feet of Coastal Terrace Prairie, and therefore the road alignment was modified to avoid most of the sensitive habitat. The

| | | | |
|---|---|------------------------------------|--------------|
| Significant Or Potentially Significant Impact | Less Than Significant With Mitigation incorporation | Less Than Significant Impact | NO impact |
|---|---|------------------------------------|--------------|

current alignment, overlaid on the vegetation map, is shown on Figure 1 of Attachment 6.

In the current alignment, two areas intersect Coastal Terrace Prairie north of Wilshire Avenue. As long as the new roadway follows the existing roadway's disturbance in this area as much as possible, there will be minimal loss of habitat. The roadway will follow the proposed driveway shown on attachment 6 except in two places. The changes will include starting from access at Jennifer Drive: the proposed driveway must be relocated to the east to miss the Coastal Live Oak Woodland, and as the roadway then follows to the north along the existing alignment the roadway must stay on this rather than deviate to the west from the alignment as shown on the plan.

Further, the plan for the turn-around at the base of the slope below the home has been eliminated.

In addition, a prairie management plan will be implemented that will benefit the prairie by controlling competing non-native plants.

- | | | | | | |
|---|---|-----|-----|----------|----------|
| 3. | Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites? | ___ | ___ | ___ | <u>X</u> |
| 4. | Produce nighttime lighting that will illuminate animal habitats? | ___ | ___ | <u>X</u> | ___ |
| The permit will include the a condition that lights be directed <u>away from</u> natural areas to the north and west in order to minimize illumination of forested areas that provide habitat for wildlife. | | | | | |
| 5. | Make a significant contribution to the reduction of the number of species of plants or animals? | ___ | ___ | ___ | <u>X</u> |
| 6. | Conflict with any local policies or ordinances protecting biological | | | | |

| | | | |
|---|---|------------------------------------|--------------|
| Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---|------------------------------------|--------------|

resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of 6 inch diameter or greater)?

___ _ _ X

Two oak trees will be removed for the construction of the home. As a condition of the project these trees will be replaced with young oaks of the same species at a 2:1 ratio.

The current proposed driveway alignment is shown on Figure 1 of Attachment 6 as crossing through Coast Live Oak Woodland. However, site visits indicate that there is ample room for realigning such that no oak woodland will be disturbed. Further, by eliminating the lower turnaround and the instituting of an ongoing program to manage invasive non-native vegetation, the project will have an overall neutral or beneficial impact on native and mixed grassland.

7. Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan?

___ _ _ X

D. Energy and Natural Resources

Does the project have the potential to:

1. Affect or be affected by land designated as "Timber Resources" by the General Plan?

___ _ _ X

The parcel, 09, is mapped as Timber Reserve. The proposed home and related grading is located on the non-timber portion of the property, consistent with General Plan Policy 5.12.7, and is proposed to have only one single family dwelling with related accessory structures as required in General Plan Policy 5.12.2.

2. Affect or be affected by lands currently

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| | Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | NO Impact |
|---|---|---|------------------------------------|--------------|
| utilized for agriculture, or designated in the General Plan for agricultural use? | — | — | — | <u>X</u> |
| 3. Encourage activities which result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner? | — | — | — | <u>X</u> |
| 4. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (i.e., minerals or energy resources)? | — | — | — | <u>X</u> |
| A well exists on the property and will be used to serve only the proposed single-family dwelling. | | | | |

E. Visual Resources and Aesthetics

Does the project have the potential to:

- | | | | | |
|--|---|---|----------|---|
| 1. Have an adverse effect on a scenic resource, including visual obstruction of that resource? | — | — | <u>X</u> | — |
|--|---|---|----------|---|

The only designated scenic corridor that could be impacted by the proposed grading is the Highway 1 corridor. Site visits to Highway 1 indicate that the site including the proposed home and tank site will not be visible from this corridor.

Overall, the current visual setting is an open terrace and oak studded hillside that is interrupted by single-family dwellings. The proposed new home will interrupt this view. However, the perspectives of the proposed home and the layout of the site has been designed to comply with the General Plan policies 8.6.5 and 8.6.6 to "encourage design that addresses the neighborhood and community context" and to assure incorporation of "design elements that is appropriate to the surrounding uses and the type of land use planned for the area." Specifically, the ridge top will be avoided in the development, the trees on the ridge will remain, the tank will be located so that it is screened by the trees, the access roadway above the home will not be paved, and the site will be landscaped. Further, the color of the buildings and the retaining walls will be

| Significant Or Potentially Significant Impact | Less Than Significant With Mitigation incorporation | Less Than Significant Impact | NO Impact |
|---|---|------------------------------------|--------------|
|---|---|------------------------------------|--------------|

required to blend with those of the hillside, and non-reflective materials will be required to be used in the glazing and roofing.

2. Substantially damage scenic resources, within a designated scenic corridor or public viewshed area including, but not limited to, trees, rock outcroppings, and historic buildings?

| | | | |
|-----|-----|----------|-----|
| ___ | ___ | <u>X</u> | ___ |
|-----|-----|----------|-----|

Tree removal will be limited to two mature oak trees, The home is not visible from Highway 1 and is not on the ridge top.

3. Degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline?

| | | | |
|-----|-----|----------|-----|
| ___ | ___ | <u>X</u> | ___ |
|-----|-----|----------|-----|

The home has been moved below the ridgeline.

4. Create a new source of light or glare which would adversely affect day or nighttime views in the area?

| | | | |
|-----|-----|----------|-----|
| ___ | ___ | <u>X</u> | ___ |
|-----|-----|----------|-----|

The permit will include the a condition that lights be directed away from natural areas

5. Destroy, cover, or modify any unique geologic or physical feature?

| | | | |
|-----|-----|-----|----------|
| ___ | ___ | ___ | <u>X</u> |
|-----|-----|-----|----------|

F. Cultural Resources

Does the project have the potential to:

1. Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5?

| | | | |
|-----|-----|-----|----------|
| ___ | ___ | ___ | <u>X</u> |
|-----|-----|-----|----------|

2. Cause an adverse change in the

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| | | | |
|---|---|------------------------------------|--------------|
| Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | NO Impact |
|---|---|------------------------------------|--------------|

significance of an archaeological
resource pursuant to CEQA Guidelines
15064.5?

X

The site was surveyed by an archeologist in the 1980's as part of a previous
proposed project and an area of archeological resources was identified. The
current proposal does not disturb this area. See Attachment 10.

3. Disturb any human remains, including
those interred outside of formal
cemeteries?

X

Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time
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 Sections 16.40.040
and 16.42.100 shall be observed.

4. Directly or indirectly destroy a unique
paleontological resource or site?

X

G. Hazards and Hazardous Materials

Does the project have the potential to:

1. Create a significant hazard to the public
or the environment as a result of the
routine transport, storage, use, or
disposal of hazardous materials, not
including gasoline or other motor fuels?

X

2. Be located on a site which is included
on a list of hazardous materials sites
compiled pursuant to Government Code
Section 65962.5 and, as a result, would
it create a significant hazard to the
public or the environment?

X

| | Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---|---|------------------------------------|--------------|
| 3. Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft using a public or private airport located within two miles of the project site? | — | — | — | <u>X</u> |
| 4. Expose people to electro-magnetic fields associated with electrical transmission lines? | — | — | — | <u>X</u> |
| 5. Create a potential fire hazard? | — | — | — | <u>X</u> |
| 6. Release bioengineered organisms or chemicals into the air outside of project buildings? | — | — | — | <u>X</u> |

H. Transportation/Traffic

Does the project have the potential to:

| | | | | |
|--|---|---|---|----------|
| 1. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | — | — | — | <u>X</u> |
| The proposed project is one single-family dwelling, which will have minimal additional trips or affects on local traffic. | | | | |
| 2. Cause an increase in parking demand which cannot be accommodated by existing parking facilities? | — | — | — | <u>X</u> |
| 3. Increase hazards to motorists, bicyclists, or pedestrians? | — | — | — | <u>X</u> |

| Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---|------------------------------------|--------------|
|---|---|------------------------------------|--------------|

- | | | | | |
|---|---|---|---|--------------|
| 4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways? | — | — | — | <u> X </u> |
|---|---|---|---|--------------|

I. Noise

Does the project have the potential to:

- | | | | | |
|---|---|---|--------------|---------------|
| 1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | — | — | — | <u> -X </u> |
| 2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies? | — | — | — | <u> X </u> |
| 3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | — | — | <u> X </u> | — |

The project will produce short-term increase in noise during construction, however this will be temporary, and will be limited to workdays between 8 am and 6 pm.

J. Air Quality

Does the project have the potential to:
(Where available, the significance criteria established by the MBUAPCD may be relied upon to make the following determinations).

- | |
|--|
| 1. Violate any air quality standard or |
|--|

| | Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | NO Impact |
|---|---|---|------------------------------------|--------------|
| contribute substantially to an existing or projected air quality violation? | ___ | ___ | <u>X</u> | ___ |
| During grading and construction dust will develop along the access roadway especially before the base rock is place on the roadway's surface. To control the dust the applicant's engineering will be required to develop dust management plan that will apply adequate control practices to reduce and eliminate dust. | | | | |
| 2. Conflict with or obstruct implementation of an adopted air quality plan? | ___ | ___ | ___ | <u>X</u> |
| 3. Expose sensitive receptors to substantial pollutant concentrations? | ___ | ___ | ___ | <u>X</u> |
| 4. Create objectionable odors affecting a substantial number of people? | ___ | ___ | ___ | <u>X</u> |

K.- Public Services and Utilities

Does *the* project have the potential to:

- | | | | | |
|---|-----|-----|-----|----------|
| 1. Result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: | ___ | ___ | ___ | <u>X</u> |
| A. Fire protection? | ___ | ___ | ___ | <u>X</u> |
| B. Police protection? | ___ | ___ | ___ | <u>X</u> |
| C. Schools? | ___ | ___ | ___ | <u>X</u> |
| D. Parks or other recreational facilities? | ___ | ___ | ___ | <u>X</u> |

Parcel 06 has a designation of park site "D". Barry C. Samuel, Director of Parks, Open Space and Cultural Services has reviewed the proposed project and has determined that the "project does not trigger the park site review process"

| | Significant Or Potentially Significant impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|---|---|------------------------------------|--------------|
| E. Other public facilities; including the maintenance of roads? | --- | | | |
| 2. Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | --- | --- | --- | <u>X</u> |
| 3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | --- | --- | --- | <u>X</u> |
| 4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board? | --- | --- | --- | <u>X</u> |
| 5. Create a situation in which water supplies are inadequate to serve the project or provide fire protection? | --- | --- | --- | <u>X</u> |
| 6. Result in inadequate access for fire protection? | --- | --- | --- | <u>X</u> |
| 7. Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse? | --- | --- | --- | <u>X</u> |
| 8. Result in a breach of federal, state, and local statutes and regulations related to solid waste management? | --- | --- | --- | <u>X</u> |

Land Use, Population, and Housing

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OWNER: S&P Carmichael Enterprises Inc. et al
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| | | | |
|---|---|------------------------------------|--------------|
| Significant Or Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---|------------------------------------|--------------|

Does the project have the potential to:

- | | | | | | |
|----|--|-----|-----|-----|---------|
| 1. | Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect? | ___ | ___ | ___ | ___ |
| 2. | Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect? | ___ | ___ | ___ | ___X___ |
| 3. | Physically divide an established community? | ___ | ___ | ___ | ___X___ |
| 4. | Have a potentially significant growth inducing effect, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ___ | ___ | ___ | ___X___ |
| 5. | Displace substantial numbers of people, or amount of existing housing, necessitating the construction of replacement housing elsewhere? | | | | |

M. Non-Local Approvals

Does the project require approval of federal, state, or regional agencies?

Yes___ No_X_

Which agencies?

Significant
Or
Potentially
Significant
Impact

Less Than
Significant
With
Mitigation
Incorporation

Less Than
Significant
Impact

NO
Impact

N. Mandatory Findings of Significance

- 1 Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)?

Yes —

No X

2. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Yes —

No X

TECHNICAL REVIEW CHECKLIST

| | <u>REQUIRED</u> <u>N/A</u> | <u>COMPLETED*</u> |
|----------------------------|---|--------------------------|
| APAC REVIEW | _____ | _____ |
| ARCHAEOLOGIC REVIEW | _____ | <u> X </u> |
| BIOTIC ASSESSMENT | _____ | <u> X </u> |
| GEOLOGIC HAZARD ASSESSMENT | _____ | _____ |
| GEOLOGIC REPORT | _____ | _____ |
| RIPARIAN PRE-SITE | _____ | _____ |
| SEPTIC LOT CHECK | _____ | _____ |
| SOILS REPORT | _____ | <u> X </u> |
| OTHER: | | |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

*Attach summary and recommendation from completed reviews

List any other technical reports or information sources used in preparation of this initial study;

APPLICANT: Stephen Graves and Associates
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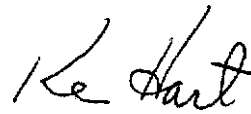
APN: 040-081-09,06

ENVIRONMENTAL REVIEW ACTION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described below have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date 1/17/03

Signature 

For:
Environmental Coordinator

Attachments:

1. Location Map
2. Project Plans
3. Eco Systems West, August 28, 2001
4. Biotic Resources Group, August 28, 2000
5. Entomological Consulting Services, Ltd. April 24, 2001
6. Biotic Resources Group, April 18, 2001
7. Letter, Bowman and Williams, June 13, 2001
8. Geology / Geotechnical Review Letter and Report Summary
9. Letter, Larry Palm PE, June 15, 2001
10. Memorandum for Matt Baldzikowski to Joel Schwartz, re: archeological resources

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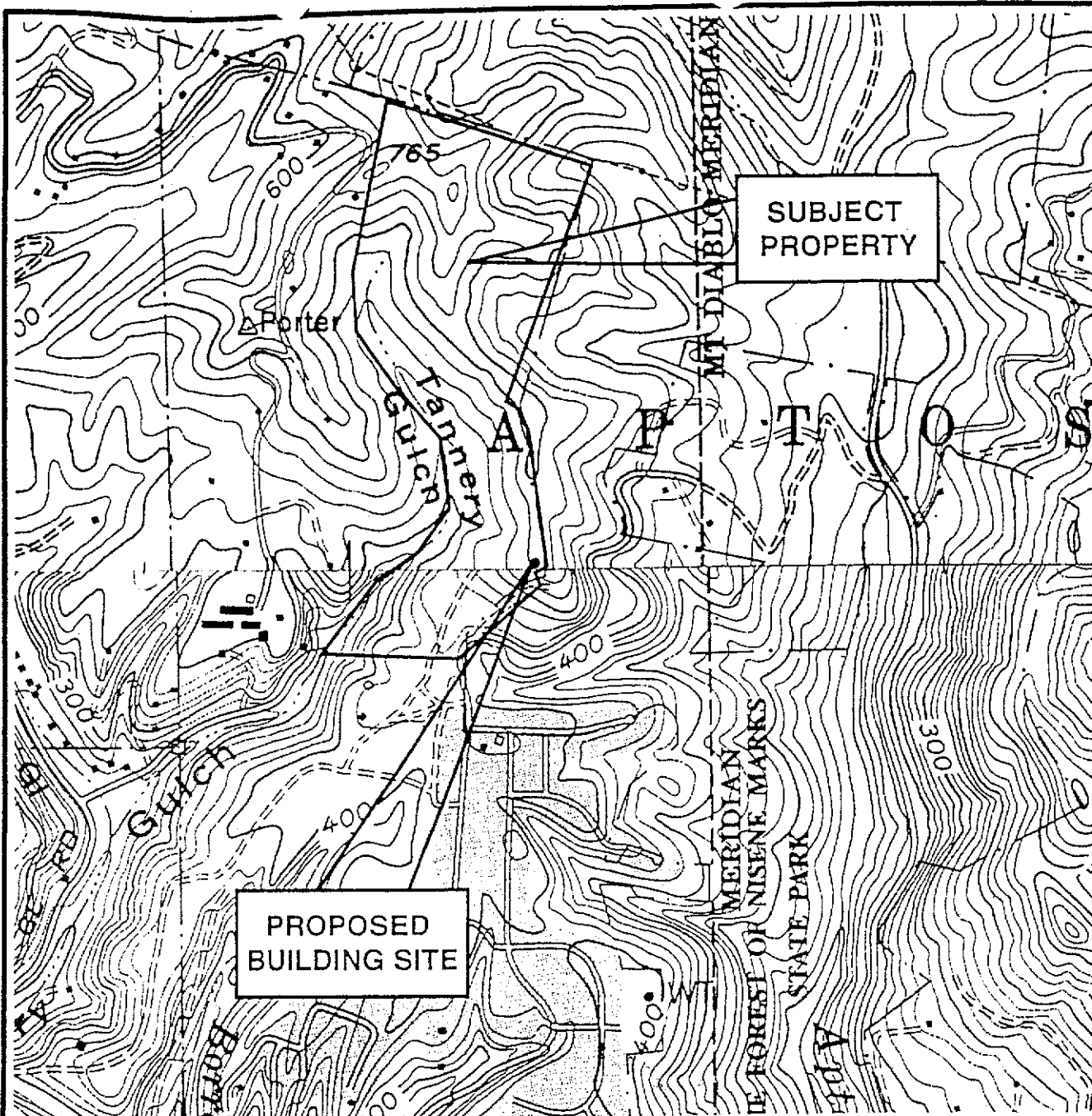
APPLICANT: **Stephen Graves and Associates**
OWNER: **S&P Cannichael Enterprises Inc. et al**
Application No: 00-0143 and 40237S

APN: 040-081-09,06

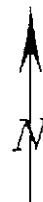
24/24

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Initial Study Attachment 1



Environmental Review Initial Study
 ATTACHMENT
 APPLICATION 00-0143 &
402375



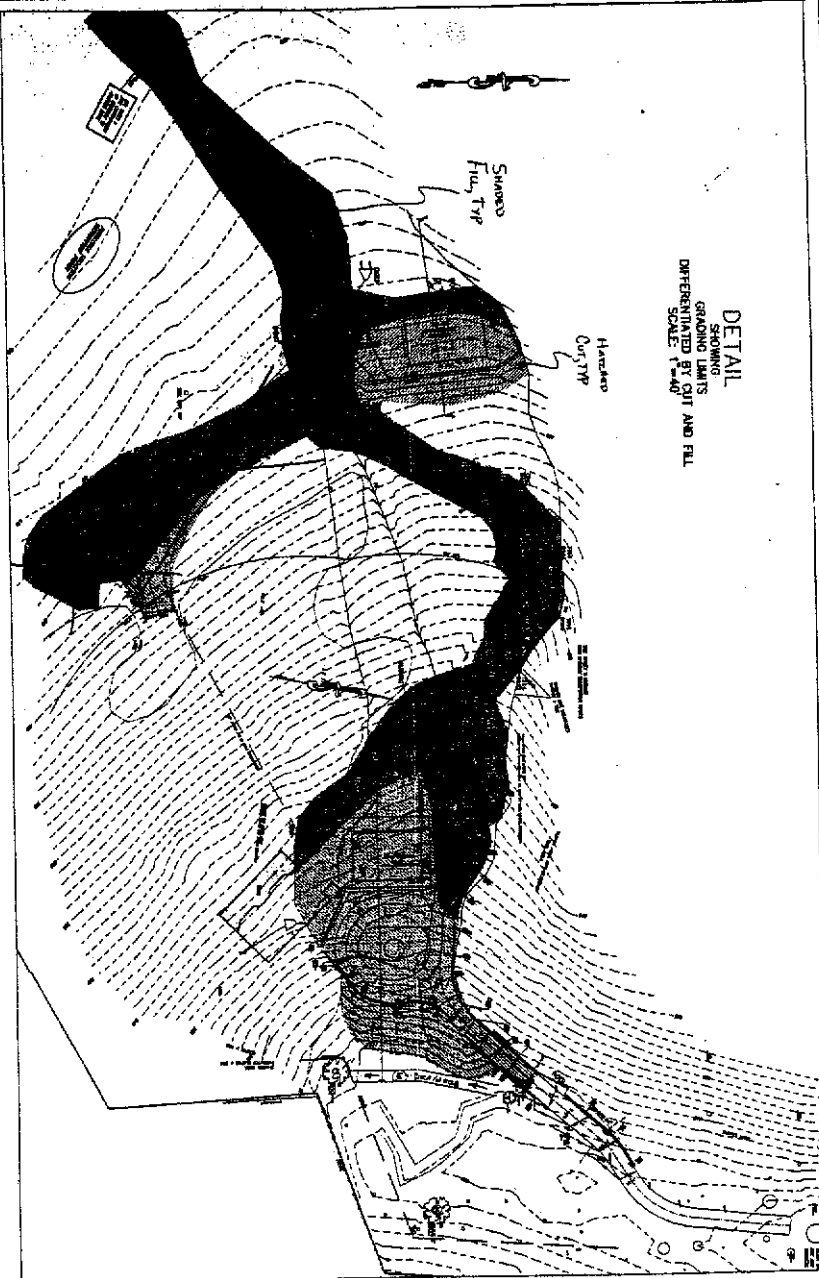
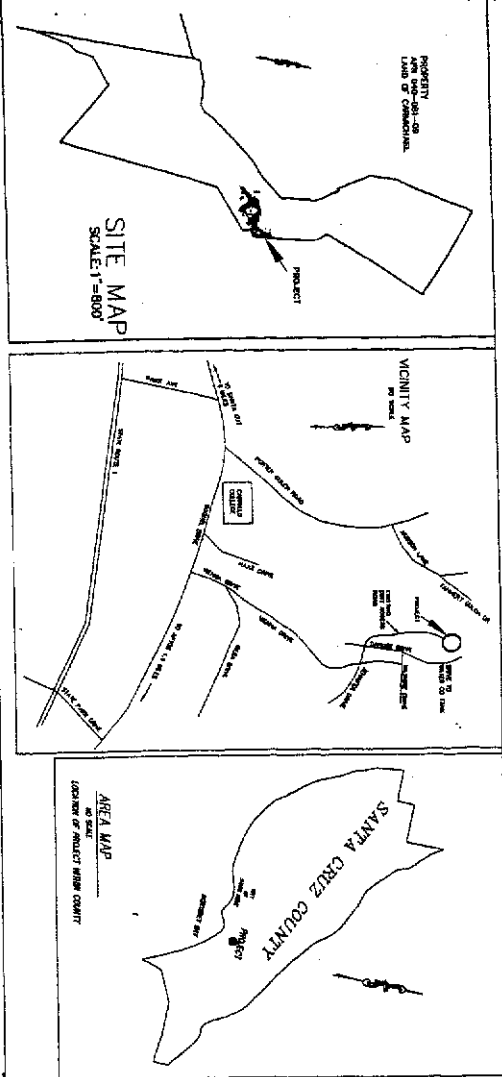
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BASE MAP: SOQUEL & LAUREL 7.5' Quadrangle, United States
 Geological Survey, 1954 (Photorevised 1994) Scale: 1" = 2,000'

ROGERS E. JOHNSON & ASSOCIATES
 Consulting Engineering Geologists
 1729 Seabright Avenue
 Santa Cruz, California 95062
 (631)425-1266 FAX (831)425-1136

SITE LOCATION MAP
 Carmichael Property
 Cook Ranch
 Aptos, California

FIGURE #
1
 JOB#
 G98076 - 61



EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD TO PREVENT EROSION OF EXPOSED SOILS AND TO PREVENT SEDIMENTATION OF ADJACENT AREAS.

2. EROSION CONTROL MEASURES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT EROSION OF EXPOSED SOILS AND TO PREVENT SEDIMENTATION OF ADJACENT AREAS.

3. EROSION CONTROL MEASURES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT EROSION OF EXPOSED SOILS AND TO PREVENT SEDIMENTATION OF ADJACENT AREAS.

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10. EROSION CONTROL MEASURES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT EROSION OF EXPOSED SOILS AND TO PREVENT SEDIMENTATION OF ADJACENT AREAS.

Environmental Review Initial Study
ATTACHMENT 2
APPLICATION
 100-0143
 # 402375

GRADING VOLUMES

1. GRADING VOLUMES SHALL BE DETERMINED BY THE GRADING ENGINEER AND SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.

2. GRADING VOLUMES SHALL BE DETERMINED BY THE GRADING ENGINEER AND SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.

3. GRADING VOLUMES SHALL BE DETERMINED BY THE GRADING ENGINEER AND SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.

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10. GRADING VOLUMES SHALL BE DETERMINED BY THE GRADING ENGINEER AND SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.

PURPOSE OF PROJECT

1. THE PURPOSE OF THIS PROJECT IS TO PROVIDE A GRADING, DRAINAGE, AND EROSION CONTROL PLAN FOR THE PROJECT AREA.

2. THE PURPOSE OF THIS PROJECT IS TO PROVIDE A GRADING, DRAINAGE, AND EROSION CONTROL PLAN FOR THE PROJECT AREA.

3. THE PURPOSE OF THIS PROJECT IS TO PROVIDE A GRADING, DRAINAGE, AND EROSION CONTROL PLAN FOR THE PROJECT AREA.

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GRADING, DRAINAGE AND EROSION CONTROL PLAN

APR 040-081-08
 LAND OF STEVE CARROLL
 4120 BLACKWOOD DRIVE, SUITE 250
 SAN JOSE, CA 95117

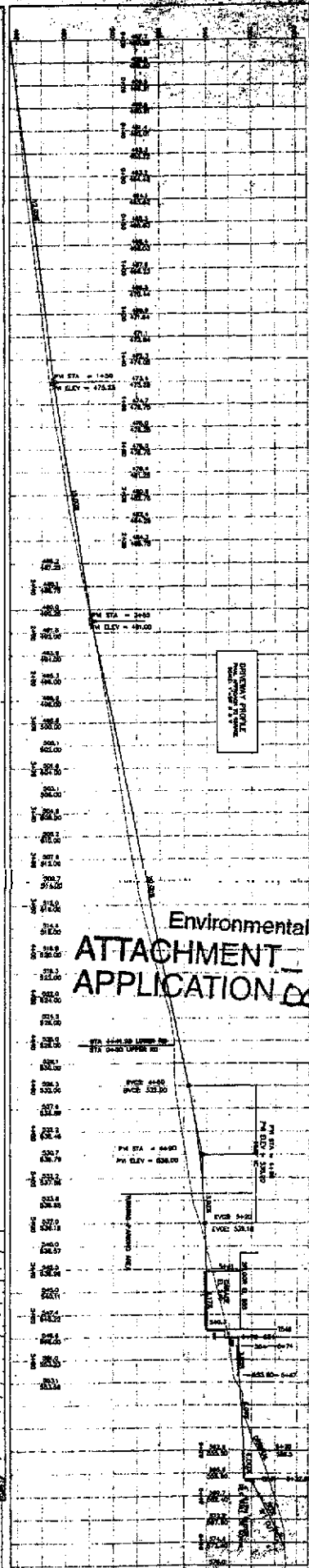
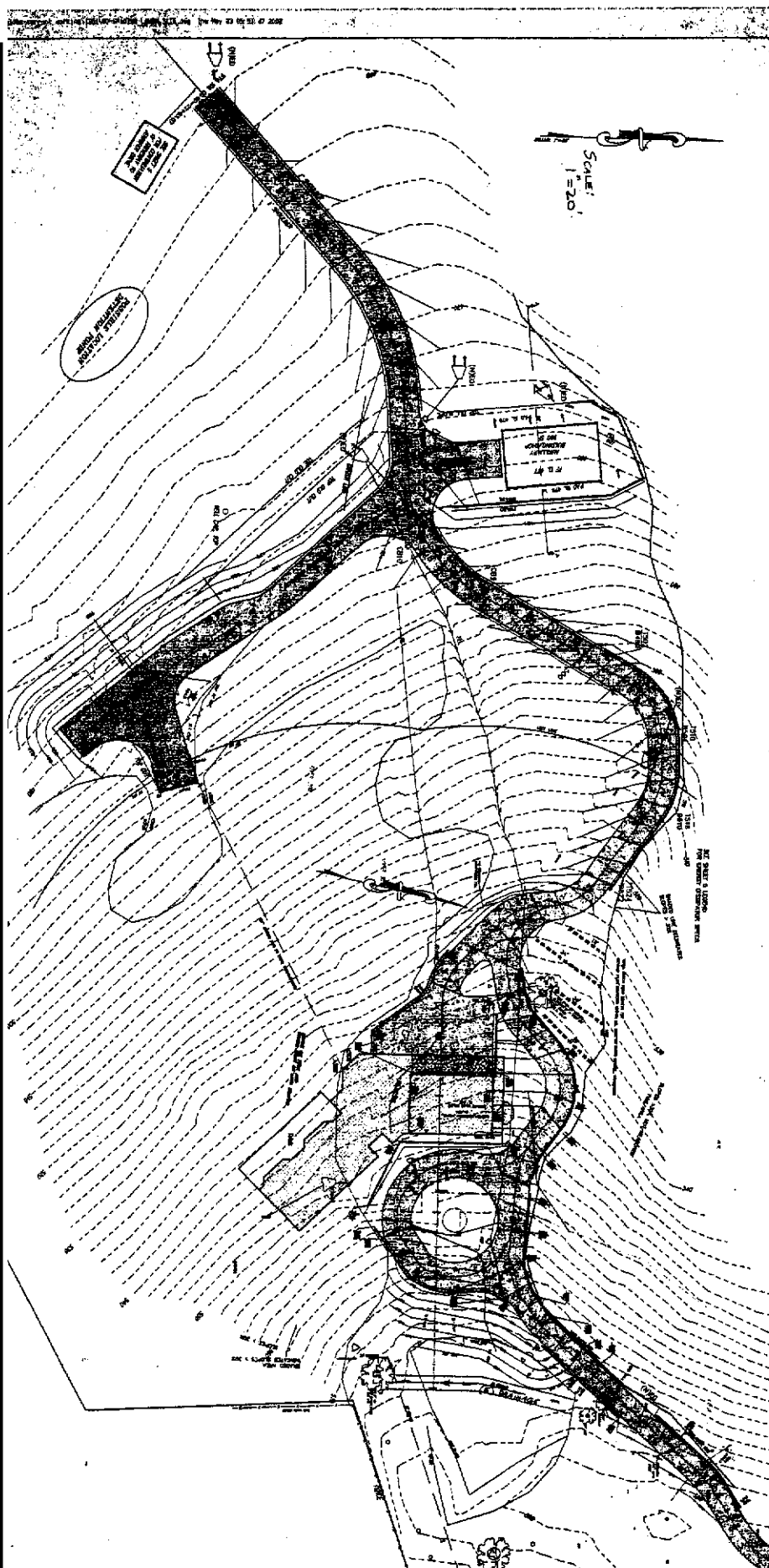
SINGLE FAMILY RESIDENCE
 SANTA CRUZ COUNTY, CALIFORNIA



LARRY PALM
 LAND SURVEYOR-REGISTERED ENGINEER
 7080 SUPREMACY BLVD.
 BERRY AVE., CA 95008
 (408) 451-1541
 JOB 1231
 GRADING/DRG
 MAY 14, 2002

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Initial Study Attachment 2



Environmental Review Initial Study
 ATTACHMENT 2
 APPLICATION 00-0143 &
 402375

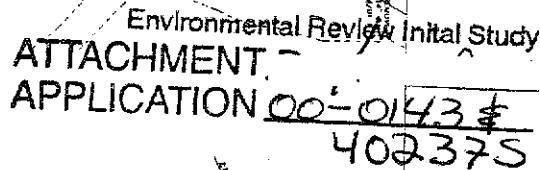
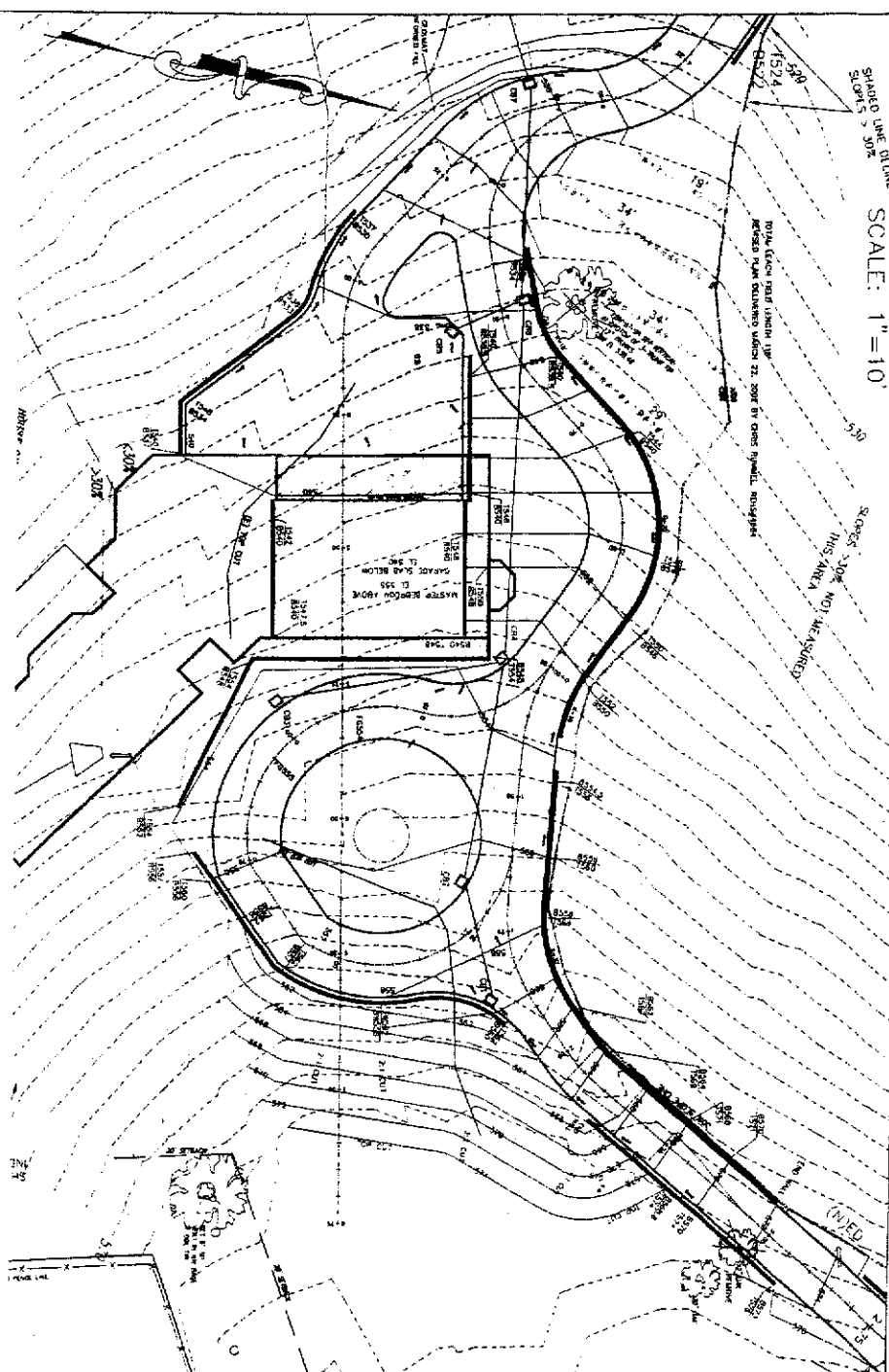
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GRADING, DRAINAGE AND EROSION CONTROL PLAN

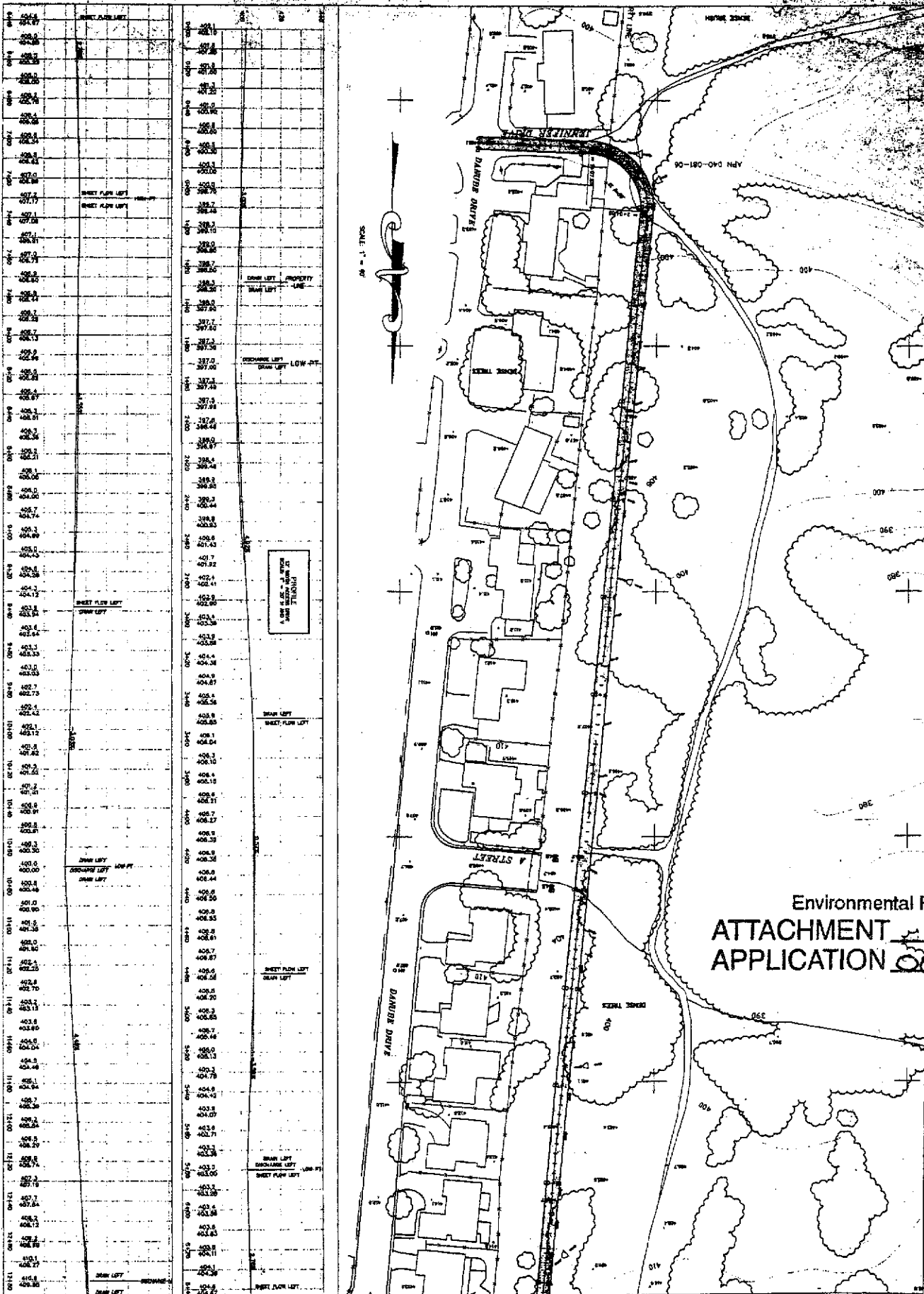
APR 04-01-08
 LAND OF STEVE CHIRAGAL
 4125 BLANDFORD, SUITE 200
 SAN JOSE, CA 95117



LARRY PALM
 LAND SURVEYOR-CIVIL ENGINEER
 7580 EUPHINE GRADE
 BOUNTY, CALIF. 95029
 925-423-0841
 JOB 1284
 GRADING/DRG



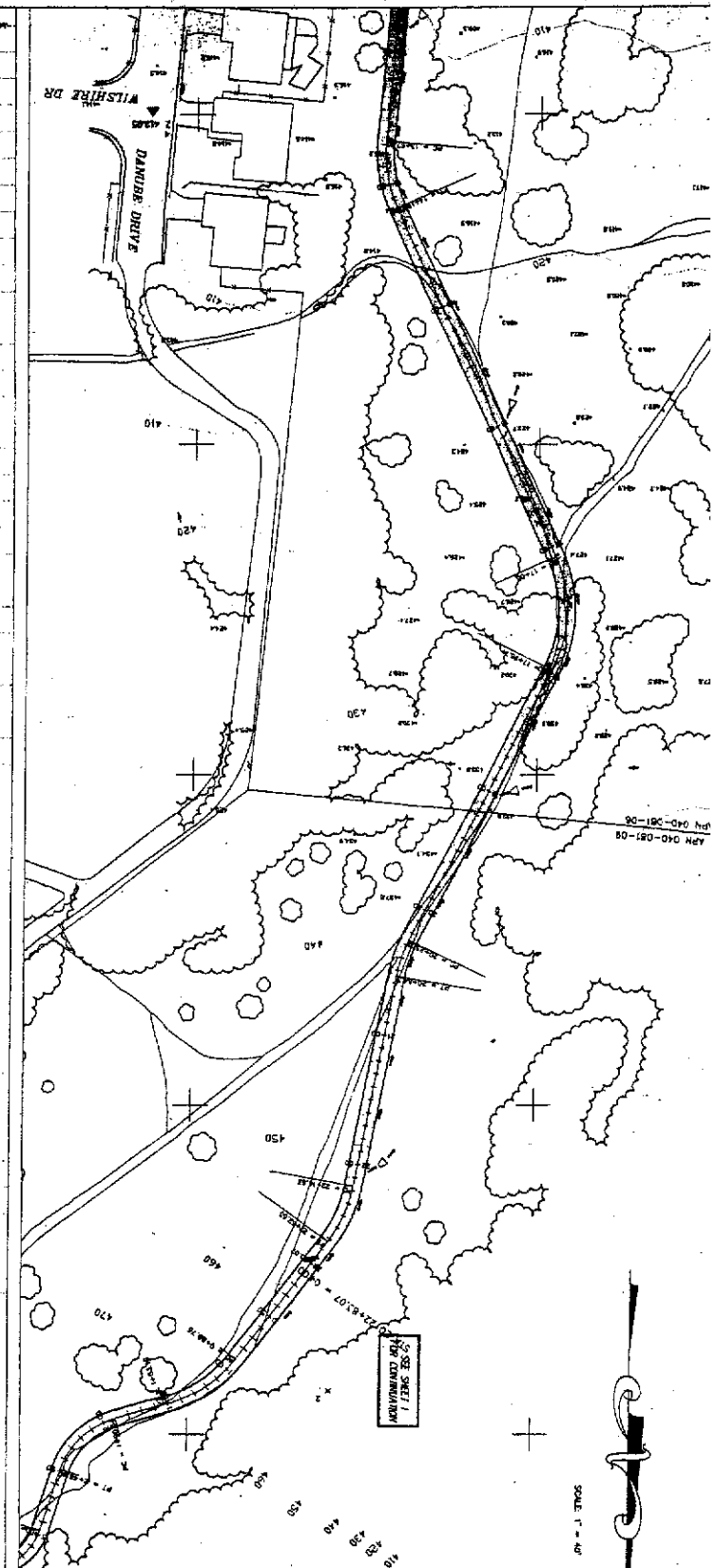
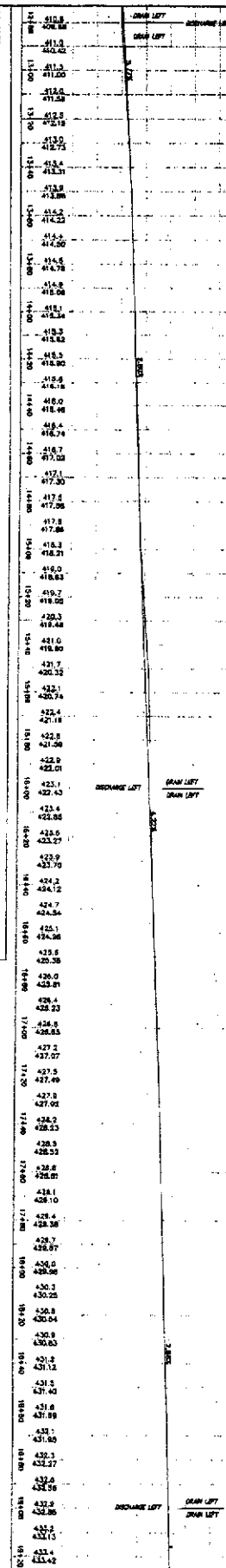
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Environmental Review Initial Study
ATTACHMENT 2
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Environmental Review Initial Study
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SITE PLAN

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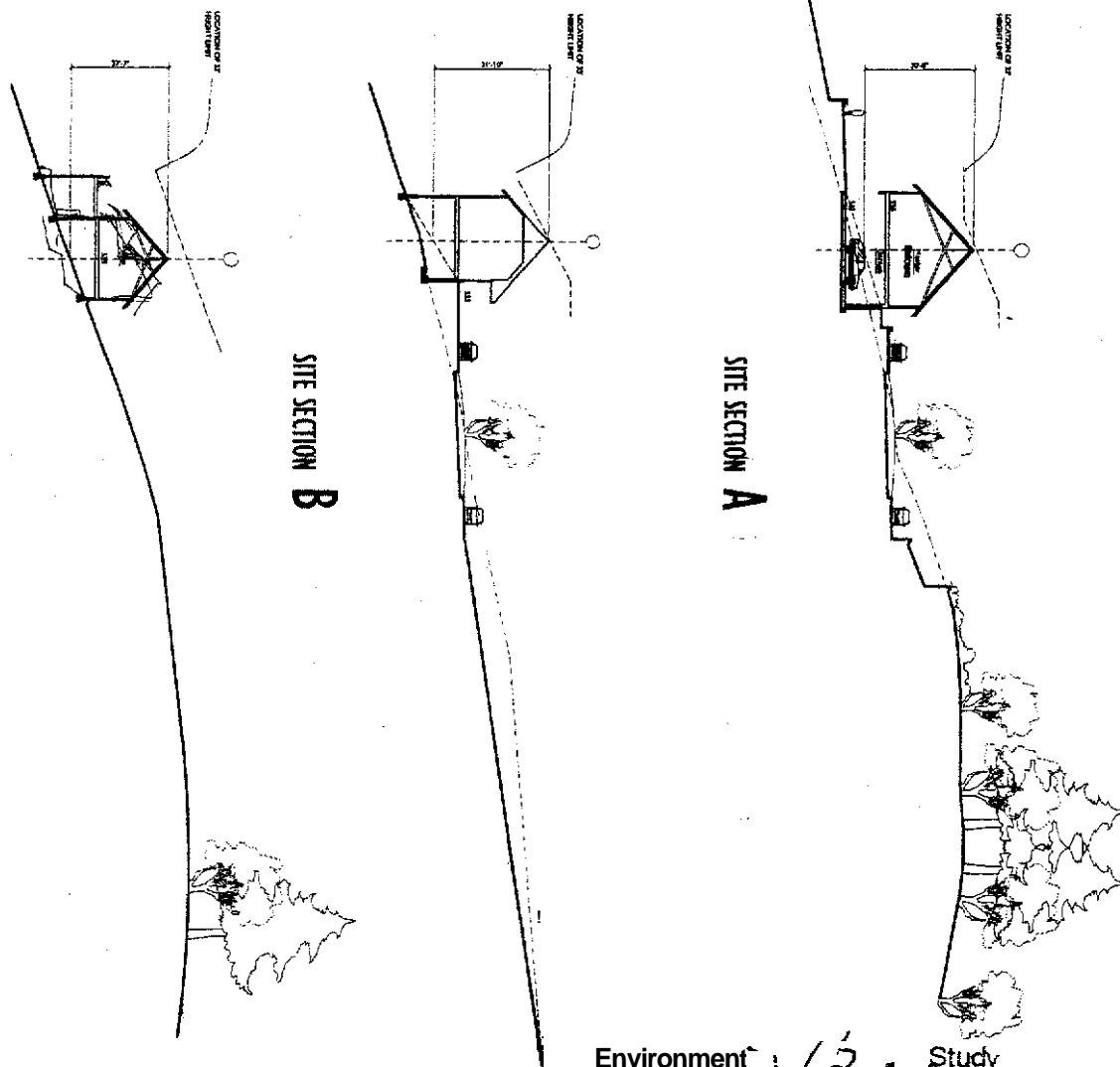
CARMICHAEL RESIDENCE
VERMONT, CALIFORNIA

SITE PLAN

THOMAS &
THOMPSON
ARCHITECTS
1000 10TH AVENUE
SUITE 100
BERKELEY, CA 94704
(415) 841-1000



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Initial Study Attachment 3



August 28, 2001

Paia Levine
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Biological Review of Supplemental Botanical and Entomological Surveys Conducted for the Carmichael Property (APN 040-081-09)

Dear Paia:

This letter provides my biological review of the botanical assessment prepared by Kathleen Lyons of the Biotic Resource Group dated April 18, 2001 and the presence absence surveys for Ohlone tiger beetle prepared by Dr. Richard Arnold of Entomological Consulting Services, Ltd. dated 24 April 2001. Both letter reports assessed those portions of the parcel with either the potential to support special-status species and habitats or that may be impacted by the current home development proposed by Mr. Carmichael.

As noted in my earlier assessment letter the subject development is located in the northern portion of Parcel 09 within the Carmichael property (APN 040-081-09) located northwest of the Vienna Woods Subdivision in the Aptos Planning Area of Southern Santa Cruz County, California. In addition, the proposed access driveway will traverse south through parcel 09 and then through Parcel 06 to Jennifer Drive. The objective of Ms. Lyon's review was to primarily determine and map the distribution of habitats adjacent to the proposed driveway and residence. She conducted this assessment during the months of February and March 2001. During the course of her assessment she identified five habitat types with grassland being subdivided into three types, mixed grassland, non-native grassland, and coastal terrace prairie. The distributions of these habitats are mapped on Figure 1 attached to her letter report. Surveys were not phenologically timed for clearance of special-status plant species noted by Randy Morgan in his 3 June 2000 letter to the Nisene to the Sea Open Space Alliance. This reviewer has not seen the parcels at a time when the grassland habitats were at peak flowering phenology in April and May, so I cannot confirm the accuracy of the mapping of grassland types. As I recollect, they appear to be relatively close to here characterization and mapping locations with a possible minor adjustment in the southern end of the property behind the existing homes of Vienna Woods. Therefore, I reiterate my earlier request that a habitat management and enhancement plan be developed that not only refines mapping of the prairie grassland but that also identifies the location of compensation and enhancement areas for coastal terrace prairie habitat that would be displaced on the parcel by development activities. This plan should be completed prior to the initiation of grading activities for the access driveway and other appurtenant facilities.

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Dr. Arnold's surveys for Ohlone tiger beetle did not locate any adult individuals or larval burrows on the Carmichael Property. All surveys were conducted during the phonological window when the adult beetles were active above ground. He confirmed daily activity at known sites on the same day surveys were conducted on the Carmichael Property. Although, the Carmichael property coast terrace prairie habitat provides the same or similar attributes to those found at known sites for the beetle, it appears that the beetle does not occupy **this** area at **this** time.

Since the current proposal only consists of the ~~single~~-family dwelling at the top of the hill and **an** access driveway to the home; then other ~~than~~ the development of a prairie management ~~plan~~, no other surveys are required. If however, other land **uses** such as the boarding of horses or other livestock or further subdivision of the parcels for development, then a comprehensive biological survey and characterization should be completed for the whole property.

Should you require further clarification of these suggestions, please don't hesitate **to** contact me.

Sincerely,



Bill Davilla
Principal/Senior Botanist

Environmental Review/Initial Study

ATTACHMENT 001-0143 #
402375

Initial Study Attachment 4

Biotic Resources Group

Biotic Assessments • Resource Management • Permitting

August 28, 2000

Stephen Graves
Stephen Graves and Associates
4630 Soquel Drive, Suite 8
Soquel, CA 95073

RE: Carmichael Property, Aptos (APN 040-081-09): Results of Botanical Review of Residential Area and Driveway

Dear Steve,

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The Biotic Resources Group conducted a review of a portion of the Carmichael property in the County of Santa Cruz. These reviews were conducted between April and June 1998. The review was focused on the occurrence of special status plants in the vicinity of the proposed driveway and residential area in the northeastern portion of the property (as depicted on the Preliminary Grading, Drainage and Erosion Control Plan prepared by Larry Palm, dated November 29, 1999). The results of this botanical review are described herein.

ASSESSMENT METHODOLOGY

A site visit of the project area was conducted on April 24 and June 11, 1998. The subject property is currently uninhabited, however several dirt roads traverse the site. The proposed development area was viewed on foot by traversing the Southeastern portion of the site.

The major plant communities on the site, based on the general classification system developed in Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland, 1986), were identified during the field reconnaissance visit. To assess the potential occurrence of special status biotic resources, two electronic databases were accessed to determine recorded occurrences of sensitive plant communities and sensitive species. Information was obtained from the California Native Plant Society's (CNPS) inventory (Skinner & Pavlik, 1994), CNPS Electronic Inventory (1997), and California Department of Fish & Game's (CDFG) Rare Find database (CDFG, 1997) for the Soquel and Laurel U.S.G.S. quadrangles. Based on these database searches, the following plant species were searched for on the site: Santa Cruz tarplant (*Holocarpha macradenia*), Gairdner's yampah (*Perideridia gairdneri* spp. *gairdneri*), robust spineflower (*Chorizanthe robusta* var. *robusta*), Santa Cruz clover (*Trifolium buckwestiorum*), and San Francisco popcorn flower (*Plagiobothrys diffusus*).

The purpose of the site assessment was to document the occurrence of habitats within the proposed development area and the known or potential for special status plant species.

Environmental Review Initial Study

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ASSESSMENT RESULTS

Grassland, non-native planted tree groves, patches of coastal scrub and fingers of coast live oak woodland dominate the proposed development area. The proposed development area abuts a larger coast live oak woodland that occurs along the intermittent drainage.

Grassland

The grassland inhabits the relatively level and gently sloping portions of the parcel. The grassland has been subject to human disturbances *along* the border (i.e., along the existing residential areas), as evidenced by the large number of non-native plant species. *An* existing dirt road traverses through the grassland. It is presumed that most of the property was farmed or grazed at one time. Much of what remains of the historical (i.e., pre-European era) grassland are fragment stands of native bunchgrasses, *intmixed* with native and non-native forbs (i.e., non-grass herbaceous species, such as spring wildflowers).

The grassland within the proposed development area is dominated by non-native plant species, however, some native plants were also observed. Common non-native species include rattlesnake grass (*Briza major*) and ripgut brome (*Bromus diandrus*). Soft chess (*Bromus mollis*), wild oat (*Avena fatua*), Mediterranean clover (*Trifolium angustifolium*) and yellow clover (*T. dubium*) are also common. Native grass, purple needlegrass (*Nassella pulchra*) was also observed within these areas.

Native herbaceous plant species, such as wildflowers, were also observed in the grassland.

Sensitive Habitats

Sensitive habitats are defined by local, State, or Federal *agencies* as those habitats that support special status species, provide important habitat values for wildlife, represent **areas** of unusual or regionally restricted habitat types, and/or provide **high** biological diversity. Native grass **stands**, particularly when adjacent to larger open space **areas**, are considered a sensitive habitat according to CDFG due to the prevalence of native plant species, potential for rare, threatened or endangered species and its limited distribution within the region.

Special Status Plant Species

Plant species of concern include those listed **by** either the Federal or State resource agencies as well as those identified **as** rare **by** CNPS (Skinner & Pavlik, 1994). The search of the CNPS and CNDDB inventories resulted in five special **status** species of concern with potential to occur in the project area. These are Santa Cruz tarplant, Gairdner's yampah, robust spineflower, Santa Cruz clover, and San Francisco popcorn flower. Special status species have not been recorded on the property **as per** CNDDB records, nor were *any* observed during the **April** and June 1998 field Visits.

ASSESSMENT CONCLUSIONS

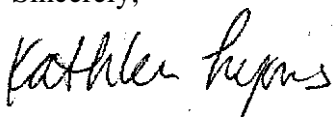
Development of the residential unit on the parcel would result in the loss of ~~non-native~~ and native grass stands on the site. Since ~~most~~ of the native ~~grasses~~ were observed south of the existing road, they are not expected to be impacted by the construction of the new driveway. Based on the field surveys conducted on the site and review of the proposed plan, no special status plant species ~~will~~ be impacted ~~by~~ the proposed project.

Intended Use of this Report

The findings presented in this biological review are intended for the sole use of Stephen Graves and Associates and his client in evaluating land uses for the subject parcel. The findings presented by the Biotic Resources Group in this report are for information purposes only; they are not intended to represent the interpretation of any State, Federal or City laws, policies or ordinances pertaining to permitting actions within sensitive habitat ~~or~~ endangered species. The interpretation of such laws and/or ordinances is the responsibility of the applicable governing body.

Thank you for the opportunity to assist you in your project **planning**. Please give me a call if you have any questions on this report.

Sincerely,



Kathleen Lyons
Principal/Plant Ecologist

Environmental Review Initial Study
ATTACHMENT 4
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Initial Study Attachment 5

Entomological Consulting Services, Ltd.

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

24 April 2001

Mr. Stephen Graves
Stephen Graves & Associates
4630 Soquel Drive, Suite 8
Soquel, CA 95073

RE: APNs 040-081-06, 040-081-07, & 040-081-09
Carmichael Property in Aptos, CA
Presence-Absence Survey Report for the Ohlone Tiger Beetle

Dear Steve:

At your request, I conducted a presence-absence survey for the Ohlone Tiger beetle (*Cicindela ohlone*) at the above-referenced property owned by Mr. Steve Carmichael. This letter reports the findings of my survey and presents a brief description of the project site.

PROJECT SITE DESCRIPTION

The 142-acre property is generally located east of Cabrillo College 2nd west of Danube Drive in Aptos. Slopes at the property range from less than 5% on the old marine terrace to greater than 50% in Tannery Gulch. Elevations range from a low of 260 feet in the southwestern corner of the property, to a high of 760 feet at the top of the ridge near the northern property boundary. The attached series of four photographs (Figures 1 - 4) illustrate conditions at the site.

The primary vegetation types observed at the site included oak woodland, coastal sage scrub, and grassland. Introduced broom (*Cytisus* sp.) has colonized much of the lower portion of the property along Danube Drive. The grassland includes a nice remnant of coastal terrace prairie, located between the slopes below the house site and the southern border. The house site, located at approximately 550 feet elevation, and the south and southwestern-facing slopes immediately below the house site exhibit considerable erosion.

Bowman et al. (1980) identified four soil types at the property. These soil types include Elkhorn-Pfeiffer and Lompico-Felton complexes in the area around Borregas Creek, Lompico-Felton complex on the steep northwest-facing slope in Tannery Gulch, Los Osos Loam along the ridge and steep slopes on the northern section of the property, and Watsonville Loam on the terrace surface and vicinity of the house site.

Environmental Review/Initial Study
ATTACHMENT 5

APPLICATION 00-0143

Carmichael Property: Ohlone Tiger Beetle Survey Report

402375 Page 1

BACKGROUND INFORMATION

This section summarizes available information about the taxonomy, identification, distribution, habitat, biology, and conservation of the Ohlone Tiger beetle (OTB). Information from related species of tiger beetles is often discussed, particularly when specific information for this species of concern is lacking.

Taxonomy.

Tiger beetles are generally treated as a family, the Cicindelidae, in the insect order Coleoptera; however, some entomologists prefer to recognize tiger beetles as a subfamily (Cicindelinae) or tribe (Cicindelini) of the ground beetle family, Carabidae. Thus, all of these names are encountered in the entomological literature.

The Ohlone Tiger beetle was described in 1993 by Freitag, Kavanaugh, and Morgan (1993). Dr. Richard Freitag is a coleopterist (i.e., an entomologist who studies beetles) who specializes in tiger beetles. Dr. David Kavanaugh is a coleopterist who specializes in ground beetles. Mr. Randall Morgan is a local naturalist who specializes in the flora and fauna of Santa Cruz County, and is the person who discovered the Ohlone Tiger beetle and first recognized that it might represent a new species.

Their description of this new species was based on specimens collected from three sites in west central Santa Cruz County between 1987 and 1992. Subsequent to the authors' submission of their paper, a fourth site supporting the beetle was discovered above the Vine Hill Elementary School in Scotts Valley, and a fifth site was discovered at Pogonip Park next to the UC Santa Cruz campus. In the spring of 2000, I discovered a sixth population at the Kinzli property, located at the end of Meder Street in Santa Cruz.

Species Description

Adult tiger beetles possess elongate, cylindrical bodies. They are usually brightly colored, often with a metallic or iridescent sheen. Their eyes and sickle-shaped mandibles (i.e., jaws) are very prominent. Together, their eyes and head are wider than the thorax. They possess long, cursorial legs that are characterized by numerous spines. Adults are typically about 15-25 mm. in length.

Cicindela ohlone is most closely related to *C. purpurea*, but can be distinguished from this and related species by its overall size, the color and maculation patterns on its thorax and elytra, and its genitalic features. The OTB's body color is a brilliant green, with gold maculations. Freitag, Kavanaugh, and Morgan (1993) illustrate the maculation pattern characteristic of *C. ohlone* and the diagnostic features of its genitalia. In addition, the winter-spring activity period of the OTB is distinctive, as most tiger beetles in coastal California are active in the spring and summer months (Nagano 1980).

Larvae of tiger beetles are much more uniform in appearance than adults. They have an eruciform (i.e., grub-like) appearance. The head and pronotum are strongly chitinized, and the

fifth abdominal segment possesses a pair of medial hooks that are used as anchors to secure the larvae as they reach out from the tunnel to ambush prey. The larvae of *C. ohlone* have not been described.

Distribution

Of the approximately 110 species of tiger beetles that have been described in North America (Boyd and Associates 1982), *Cicindela ohlone* exhibits one of the most restricted geographic ranges. It has been reported at only five locations in central and western Santa Cruz county.

Although the potential exists for it to occur in other locations in the county supporting similar habitat, to date the beetle has not been found in other similar areas checked. This species appears to be restricted to coastal terrace situations, at low to mid-elevations (less than 1,200 feet), located between the crest of the Santa Cruz Mountains and the Pacific Ocean.

Habitat.

Cicindela ohlone inhabits areas characterized by remnant stands of native grassland. California oatgrass (*Danthonia californica*) and Purple needlegrass (*Stipa pulchra*) are two native grasses known to occur at all five sites. Within these grasslands, the beetle has been observed primarily on level ground, where the vegetation is sparse or bare ground is prevalent. The substrate at each known beetle location consists of shallow, poorly drained clay or sandy clay soils that have accumulated over a layer of bedrock known as Santa Cruz Mudstone (Freitag, Kavanaugh, and Morgan 1993). The soils at all known OTB sites, as mapped by Bowman et al. (1980), are Watsonville Loams.

Biology.

Specific biological and life history information for *C. ohlone* is not known. Similarly, the egg, larval, and pupal stages of *C. ohlone* have not been described. However, all tiger beetles share some general biological characteristics, which are summarized in this section.

The diurnally active adults and larvae of *C. ohlone* are associated with sunny areas of bare or sparsely vegetated ground. Adults run rapidly in and near the larval habitat. They are strong flyers for short distances. Because they are cold-blooded, are active during the winter and spring months, and favor microhabitats that are sparsely vegetated and can become quite warm during their activity period, adults and larvae typically spend a considerable portion of their daily activity thermoregulating.

Collection records indicate that most adult *C. ohlone* are active from late January through early May. Specific dates when beetles have been observed range from January 29th through May 3rd (Freitag, Kavanaugh, and Morgan 1993; Morgan, personal communication; Arnold, personal observation).

Both adults and larvae of tiger beetles are opportunistic, preying on smaller, soft-bodied insects and invertebrates. Adults possess good visual acuity and are found on sunny glades of bare or sparsely vegetated soil, where they actively search for potential prey. In contrast, larvae

remain in their tunnels, and ambush prey that wander within their striking distance. Specific prey-items of *C. ohlone* are not known, but prey for other species of tiger beetles have been identified as ants, adult and larval flies (Diptera), tiny insects, small beetles, and worms (Larochelle 1974). These and other small, soft-bodied insects and invertebrates are likely prey items of *C. ohlone*.

The larvae of most tiger beetles occur in a narrower range of microhabitats than their adult stages, probably because they tolerate less variation in many physical factors, especially soil moisture, soil composition, and temperature (Pearson 1988; Shelford 1907 and 1909). All known larvae construct a tunnel-like burrow at sites where eggs were laid by the mother beetle. Larvae of other tiger beetle species that live in grasslands typically build their tunnels at the edges of the bare or sparsely vegetated portions of the grassland where adult beetles are most commonly observed (R. Freitag, personal communication). Tunnel length varies depending on the larval developmental stage, species, season, and substrate, but ranges from 15 to 200 centimeters (Pearson 1988; Willis 1967). Larvae of some tiger beetles require two years to complete their development (Lindroth 1974).

Richard Freitag (personal communication) states that tiger beetle species related to *C. ohlone* construct larval tunnels that average about 50 centimeters (ca. 20 inches) in length. Although the tunnels of most closely related species are usually constructed perpendicular to the surface of the ground, a few are known to construct tunnels at an acute angle.

Pupation takes place in the larval burrows. The upper portion of the larval burrow is usually sealed off by the larva when it moults or prepares to pupate.

Conservation

The three describers of this new beetle species noted that because of the beetle's apparent restriction to clay-based, marine terraces, which support native grassland remnants in the coastal mid-Santa Cruz County area, much of its former habitat within this portion of the Santa Cruz County and similar areas in neighboring San Mateo and Monterey counties, had already been converted for development or other land uses before the new beetle was recognized as a new species. For this reason, Freitag, Kavanaugh, and Morgan (1993) suggested that it was unlikely that the OTB would be found in many other places, which has turned out to be the case despite numerous searches.

Because developments or other land uses have been proposed for at least two of the six known OTB locations, the describers have advised the U.S. Fish & Wildlife Service that it should evaluate the possibility of recognizing the OTB as an endangered or threatened species. The U.S. Fish & Wildlife Service (2000) has recently proposed to recognize the OTB as an endangered species.

Nationally, two eastern taxa of tiger beetles are recognized as endangered species. Five of the 17 taxa of tiger beetles that are candidates or species of concern for federal protection under the Endangered Species Act (U.S. Fish & Wildlife Service 1994) occur in California.

SURVEY METHODS

I visited the Carmichael property six times, at approximately weekly intervals, between February 28th and April 22nd, 2001. All visits occurred on sunny days when ambient air temperatures were at least 60° E (the temperature when OTBs become active). Also, on the day of each survey visit I also stopped by the Santa Cruz Gardens site in Soquel to confirm that OTB adults were active. During my initial site visits, I surveyed the entire project site by hiking throughout it to identify areas of potentially suitable habitat for the OTB. During subsequent site visits, I focused my surveys only in those areas that I determined to represent potential habitat for the beetle, namely the portion of the property that supports coastal terrace prairie. This grassland habitat is patchily distributed on the property from the proposed house site to the southern boundary of the property.

Although my survey period occurred during the adult activity period, I also searched in appropriate portions of the property, namely areas of bare or sparsely-vegetated ground in the coastal terrace prairie, for larval burrows of the OTB. Both life stages of the beetle prefer the coastal terrace prairie habitat and the larval burrows are quite characteristic in appearance.

RESULTS AND DISCUSSION

No life stages of the Ohlone Tiger beetle nor larval burrows were observed during my six visits to the Carmichael property. My surveys at the Carmichael property began on the first day (February 28th) that I observed OTB adults in 2001 at the nearby Santa Cruz Gardens site. The last OTB adults observed at this control site were seen on April 14th, however my surveys at the Carmichael property continued through April 22nd.

The Ohlone Tiger beetle prefers barren or sparsely vegetated areas in grassland habitats dominated by bunchgrasses growing on Watsonville Loams. Other than the horse/foot trails that traverse portions of the site, the only portion of potentially suitable habitat is in the vicinity of the house site southward to the southern property line. On the south and southwestern-facing slopes below the house site, coastal terrace prairie grows on Watsonville loam in a few acres. As you continue south to the southern property line, the patches of coastal terrace prairie become fewer in number and smaller in size as they are replaced by dense brush, trees, and introduced broom.

Soils at the house site and the slopes immediately below it exhibit considerable erosion, so even though they are mapped as Watsonville loam, the erosion has probably altered the soils here in a manner that is not favorable for OTB habitation. Similarly, at the toe of the slope immediately below the house site, the soils of coastal terrace prairie habitat remained saturated until the end of March. Such wet soil conditions are not favorable to the OTB, which spends most of its life in an earthen burrow.

South of this largest patch of coastal terrace prairie, brush, trees, and broom become more prevalent. A few, smaller patches of coastal terrace prairie habitat are interspersed among the brush and trees, however these taller types of vegetation cast shadows on the prairie remnants

during the warmest part of the day when adult OTBs would be active. The OTB cold-blooded and dependent upon the ambient air temperature and sunlight to warm up and be active. It's preferred habitat is ~~barren~~ or sparsely-vegetated areas of sunlit ground in grassland, rather than areas characterized by dense brush, trees, or herbaceous vegetation as characterize this portion of the site.

For these reasons, I conclude that the OTB does not occur at your property. Construction of your proposed single-family residence, driveway, and other improvements will not adversely impact the beetle or its habitat and no mitigation is necessary to alleviate impacts.

REFERENCES

Bowman, R.H., et al. 1980. Soil survey of Santa Cruz County, California. U.S. Dept. of Agriculture and Soil Conservation Service in cooperation with the University of California, Agricultural Experiment Station Publication.

Boyd, H.P. and Associates. 1982. Annotated checklist of Cicindelidae (Coleoptera), the Tiger beetles, of North and Central America and the West Indies. Plexus Publishing, Inc. Marlton, NJ. 31 pp.

Freitag, R., D.H. Kavanaugh, and R. Morgan. 1993. A new species of *Cicindela* (*Cicindela*)(Coleoptera: Carabidae: Cicindelini) from remnant native grassland in Santa Cruz County, California, The Coleopterists Bulletin 47:113-120.

Larochelle, A. 1974. The food of Cicindelidae of the world. *Cicindela* 6(2):21-43.

Lindroth, C. 1974. Handbooks for the identification of British insects: Coleoptera, Carabidae. Vol. IV, Part 2. Royal Entomological Society. London, U.K. 148 pp.

Nagano, C.D. 1980. Population status of the tiger beetles of the genus *Cicindela* (Coleoptera: Cicindelidae) inhabiting the marine shoreline of Southern California. *Atala* 8:33-42.

Pearson, D.L. 1988. Biology of Tiger beetles. *Annual Review of Entomology* 33:123-147.

Shelford, V. 1907. Preliminary note on the distribution of the tiger beetles (*Cicindela*) and its relation to plant succession. *Biological Bulletin* 14:9-14.

Shelford, V. 1909. Life histories and larval habits of the tiger beetles (Cicindelidae). *Journal of the Linnean Society of London (Zoology)* 30:157-184.

U.S. Fish & Wildlife Service. 1994. Endangered and threatened wildlife and plants; animal candidate review for listing as endangered or threatened species, proposed rule. *Federal Register* 59:58982-59028.

Carmichael Property: Ohlone Tiger Beetle Survey Report

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ATTACHMENT
APPLICATION

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U.S. Fish & Wildlife Service. 2000. Endangered and threatened wildlife **and** plants; proposed endangered status for the Ohlone Tiger beetle (*Cicindela ohlone*). Federal Register 65: 6952-6960.

Willis, H.L. 1967. Bionomics and zoogeography **of** tiger beetles of saline habitats in the central United States (Coleoptera: Cicindelidae). University of Kansas Science Bulletin **47**:145-313.

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

Sincerely,



Richard A. Arnold, Ph.D.
President

Environmental Review Initial Study
ATTACHMENT 5
APPLICATION 0040143 \$
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Fig. 1 (left)
Home site at top of hill with
coastal terrace prairie on
slopes and in foreground

Fig. 2 (below)
Area below home site with
coastal terrace prairie



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ATTACHMENT at S
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Fig. 3
Lower portion of property where brush and trees become dominant



Fig. 4
Trail through lower portion of property where brush is dominant

Environmental Review Initial Study
ATTACHMENT S
APPLICATION 20-01437
40237S

Initial Study Attachment 6

Biotic Resources Group

Biotic Assessments • Resource Management • Permitting

April 18, 2001

Stephen Graves
Stephen Graves and Associates
4630 Soquel Drive, Suite 8
Soquel, CA 95073

RE: Carmichael Property, Aptos (APN040-081-09): Results of Additional Botanical Review of Residential Area and Driveway

Dear Steve,

The Biotic Resources Group conducted an additional review of a portion of the Carmichael property in the County of Santa Cruz. These reviews were conducted in February and March 2001 to demarcate the distribution of habitat types in the vicinity of the proposed driveway and residence, as per a request from the County. The results of this botanical review are described herein.

ASSESSMENT METHODOLOGY

Three site visits of the project area was conducted in February and March 2001. The subject property is currently uninhabited, however several dirt roads traverse the site. The proposed driveway and residential development area was viewed on foot. The location of the area surveyed is depicted on the attached Figure 1.

The major plant communities on the site, based on the general classification system developed in Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland, 1986), were identified during the field visits. The purpose of the site assessment was to document the occurrence of habitats within and adjacent to the proposed driveway and residential development area.

ASSESSMENT RESULTS

The following plant communities types were distinguished in the study area: coyote brush scrub, French broom scrub, coast live oak woodland, mixed evergreen forest and three grassland types (mixed grassland, non-native grassland and coastal terrace prairie). The distribution of these plant communities is depicted on Figure 1.

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Coyote Brush Scrub

This scrub community is prevalent in the project area. The co-dominant plant species are coyote brush (*Baccharis pilularis*), poison oak (*Toxicodendron diversilobum*) and California blackberry (*Rubus ursinus*). The scrub also supports young coast live oak (*Quercus agrifolia*) and acacia (*Acacia* sp.). In one location where the road crosses a small drainage swale, the scrub supports dense patches of non-native periwinkle (*Vincamajor*), poison hemlock (*Conium maculatum*) and spreading rush (*Juncus effusus*).

French Broom Scrub

This scrub type is characterized by a dense growth of French broom (*Genista monspessulana*). The broom, an invasive, non-native plant species, has invaded areas previously observed to support mixed grassland or coastal terrace prairie.

Coast Live Oak Woodland

The project area supports patches of coast live oak woodland. Coast live oak is intermixed with non-native trees of acacia and Monterey pine (*Pinus radiata*). The understory includes coyote brush, coffee berry (*Rhamnus californica*), French broom, California blackberry and poison oak.

Mixed Evergreen Forest

The proposed residence area abuts a forested area with Douglas fir (*Pseudotsuga menziesii*) intermixed with coast live oak, madrone (*Arbutus menziesii*) and California bay (*Umbellularia californica*).

Grassland Types

Three grassland types were distinguished in the study area; the types were based on plant composition. Figure 1 demarcates their distribution.

Non-Native Grassland. This grassland type was observed along the property line, where the grassland abuts the adjacent residential lots and in previously disturbed areas on the hillside leading to the proposed residence. The grassland along the property line has been repeatedly disturbed, as evidenced by mowing, deposition of organic and inorganic debris and pig-rooting activity. The majority of the proposed driveway is proposed to be located in this plant community type, as depicted on Figure 1.

Small patches of non-native grassland were also observed along the margins of coyote brush scrub, as depicted on Figure 1. The dominant plant species within this grassland type are annual, non-native species, such as rattlesnake grass (*Briza* sp.), soft chess (*Bromus hordeaceus*), and wild oat (*Avena* sp.) and English plantain (*Plantago lanceolata*). The hillside areas had been seeded and straw mulched for erosion control. Non-native clovers (*Trifolium* sp.) were observed in these erosion control-treated areas.

Mixed Grassland. Portions of the relatively level and sloping portions of the parcel support a mixture of native and non-native grasses. On the slope below the proposed residence, the native grass, purple needlegrass (*Nassella pulchra*) was observed. The needlegrass intermixes with lesser amounts of another native, California oatgrass (*Danthonia californica*) and non-natives, such as rattlesnake grass, wild oat, soft chess and foxtail (*Hordeum leporinum*). The grassland has been subject to human disturbances as evidenced by the various trails/old roads. Native and non-native forbs were also observed, including English plantain, lupine (*Lupinus* sp.), sun cups (*Camissonia ovata*) and blue-eyed grass (*Sisyrinchium bellum*). Invasive, non-native plant species also occur within the grassland, including scattered occurrences of cotoneaster (*Cotoneaster* sp.), pampas grass (*Cortaderia jubata*) and French broom.

Coastal Terrace Prairie. Several of the relatively level portions of the project area, including portions of the existing roadways are vegetated with California oatgrass and slender rush (*Juncus tenuis*). The oatgrass, a perennial grass, typically inhabits thin soil areas on top of marine terraces, hence the name of coastal terrace prairie. The abundance of both the oatgrass and slender rush suggest a perched water table, which is typical of terrace areas. Other native plant species observed in these areas include gumplant (*Grindelia* sp.), blue-eyed grass, sun cups and small amounts of purple needlegrass. Non-native grasses and forbs were also observed, including rattlesnake grass, cat's ear (*Hypochaeris* sp.), English plantain, filaree (*Erodium* sp.), fiddle dock (*Rumex acetosella*), soft chess and lupine. Pigs had recently rooted several areas within the prairie, such that plants were dislodged and bare soil was evident.

ASSESSMENT CONCLUSIONS

Improvements to the existing roadway and construction of a new driveway to the residential unit on the parcel would result in the removal of grassland, scrub and woodland plant communities. The majority of the proposed driveway traverses through non-native grassland that abuts the existing residences.

Some roadway improvements will result in the removal of coastal terrace prairie and mixed grassland. Assuming a 12-foot wide driveway, approximately 580 linear feet will traverse through coastal terrace prairie. The impact to the prairie is estimated to be a total of 6,200 square feet (which occurs in a linear pattern in and adjacent to the existing road). Due to the prevalence of native grasses within this community, their limited distribution within the County, and their importance as recognized by the California Department of Fish and Game, this removal is considered to be a significant impact to local botanical resources. These grassland resources on the project site, however, are becoming significantly degraded by the spread of coyote brush scrub and French broom scrub. With no human intervention and/or with the lack of grazing or fire, the grasslands on the site are expected to continue to be encroached upon by scrub. Pig rooting activity may retain some open areas; however, an overall loss of site biodiversity is expected without site management.

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If the residential project is approved, a possible compensation for the removal of the small amount of coastal terrace prairie is for the landowner (or other land management entity) to implement a program to remove/control the spread of coyote brush and French broom scrub from the driveway project area. Areas recommended for treatment **are** the cotoye brush and French broom scrub areas that abut the coastal terrace prairie, **as** depicted on Figure 1. French broom should be hand-pulled from the site during the late winter/early spring. French broom plants should not be weed-whacked or mowed. Once the majority of the scrub is removed/controlled from these areas, a grazing or mowing program should be implemented to provide long-term management of these grassland resources. Sucessful implementation of these management would reduce impacts to sensitive botanical resources to a less than significant level.

Intended Use of this Report

The findings presented in this botanical review are intended for the sole use of Stephen Graves and Associates and his client in evaluating land uses for the subject parcel. The findings presented by the Biotic Resources Group in this report are for information purposes only; they are not intended to represent the interpretation of any State, Federal or local laws, polices or ordinances pertaining to permitting actions within sensitive habitat or endangered species. The interpretation of such laws and/or ordinances is the responsibility of the applicable governing body.

Thank you for the opportunity to assist you in your project planning. Please give me a call if you have any questions on this report.

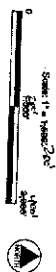
Sincerely,



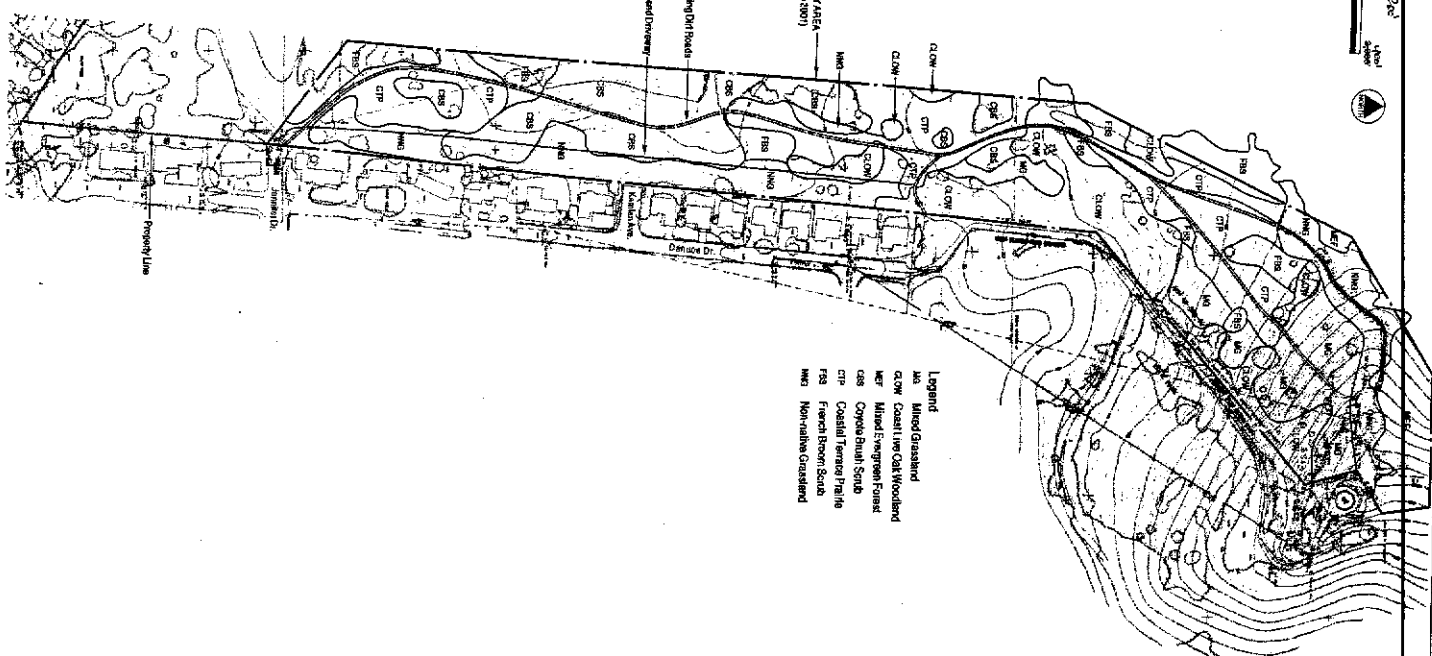
Kathleen Lyons
Principal/Plant Ecologist

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Attachment: Figure 1. Plant Community map



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- Legend
- ms Mixed Grassland
 - clow Coastal Live Oak Woodland
 - mer Mixed Evergreen Forest
 - css Coastal Scrub
 - ctf Coastal Tamarix Prairie
 - frs French River Scrub
 - ms Non-riparian Grassland

Biotic Reston Group
 Post Office Box 14 • Santa Cruz, California 95063
 (408) 475-4083 • Fax (408) 475-4088

**Carmichael Property
 Residential Development Area
 Plant Community Map**

Figure 1
 4/91
 141-01

Initial Study Attachment 7



BOWMAN & WILLIAMS
CONSULTING CIVIL ENGINEERS
A CALIFORNIA CORPORATION

1011 CEDAR • PO BOX 1621 • SANTA CRUZ, CA 95061-1621
PHONE (831) 426-3560 FAX (831) 426-9182 www.bowmanandwilliams.com

13 June, 2001

Joe Hanna, County Geologist, County of Santa Cruz Planning Department
701 Ocean Street
Santa Cruz, CA 95080

Subject: APN 040-081-09, Carmichael Property, Driveway Access Analysis, Our file no. 21221-3

Dear Mr. Hanna,

At the request of Steven Graves & Associates we have reviewed the copies of maps sent by them by facsimile on 30 May, 2001. Copies are attached. We understand that these maps are being used in review of a proposed residential project on the above-noted property.

The first one appears to be a reduced copy of one of our plans. The plan copied and reduced appears to be the one entitled "Driveway Access Analysis" prepared by this office in November, 1997. The plan was prepared to explore the feasibility of two proposed driveway alignments to a future building site. Due to the client's budget constraints, the collection of field data points for the topography shown on that plan was on a very broad grid. The data was only intended to show that a more detailed survey was needed in the areas of proposed driveway construction. It was not intended for use by anyone but the owner and only for feasibility analyses. Nor was it intended for as a final site specific slope analysis. More specific site topography was required. In April, 1998, we prepared an aerial topographic map of the property, at the request of the owner, which more clearly depicted the area in question.

The source of the next three sketches transmitted and what they depict is unclear. The second one in this set is entitled "1997 Bowman and Williams Slope Map, PRE-GRADING". This sketch was not produced at this office.

In February of this year, this same issue came up with regards to Environmental Health approval and the November, 1997, plan's conflict with the current plans. At that time we prepared a slope analysis based on the April, 1998, survey showing the proposed leach field provided by Mr. Palm and its relation to the area sleeper than 30% slope. A copy of that analysis is also attached. This plan shows that the leach field could be placed on slopes less than 30% slope.

We understand that another Registered Civil Engineer, Larry Palm, has done a complete topographic survey and engineered plans for the construction of the driveway for the purpose of obtaining approval for the development. That was not the intended use of the November, 1997, plan nor any copies thereof.

We hope that this clears up the issues with regards to the use of the November, 1997 survey. Please call if you have any questions.

Very truly yours,

Bowman & Williams



Joel F. Ricca, R.C.E. 53588

5 attachments

Cc: Steven Graves & Associates
4630 Soquel Drive, Suite 8
Soquel, CA 95073
Attn: Steven Graves
VIA Fax 831-465-0678

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Initial Study Attachment 8



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060-4000
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN D. JAMES, DIRECTOR

October 25, 2002

Steve graves and Associates
4630 Soquel Drive
Soquel, CA 95073

SUBJECT: Review of soil report by Steve Rass
Dated August, PROJECT NUMBER: 9963-SZ61-J31
Review of Engineering Geology Report by Rogers E. Johnson
Date August 23, 1999, C98076-61
APN: 040-081-09., APPLICATION NUMBER: 40237S

Dear Mr. Rich Beale:

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

1. All report recommendations must be followed.
2. An engineered foundation plan is required. This plan must incorporate the design recommendations of both the geotechnical engineer and the engineering geologist.
3. Final plans shall include an engineered drainage system including appropriate sub-drains around the structure, outlet locations and appropriate energy dissipation devices for both the home and roadway. Drainage shall not be designed in a manner that will adversely affect the adjacent parcels. Crawlspace or basement excavations shall not be included in the proposed development.
4. Final plans shall reference the approved reports and state that all development shall conform to the report recommendations.
5. Prior to building permit issuance, the geotechnical engineer and engineering geologist must submit a brief building, grading and drainage plan review letter to Environmental Planning stating that the plans and foundation design are in general compliance with the report recommendations. If, upon plan review, the engineer or geologist requires revisions or additions, the applicant shall submit to Environmental Planning two copies of revised plans and a final plan review letter stating that the plans, as revised, conform to the report recommendations.

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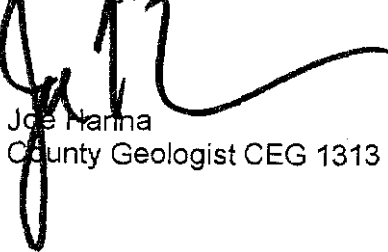
6. The soil engineer must inspect all foundation excavations and a letter of inspection must be submitted to Environmental Planning and your building inspector prior to pour of concrete.
7. For all projects, the soil engineer must submit a final letter report to Environmental Planning and your building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

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

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

Please call 454-3175 if we can be of any assistance.

Sincerely,


Joe Hanna
County Geologist CEG 1313

Kevin Crawford
Senior Civil Engineer

Cc: Jessica De Grassi, Resource Planner
Building Plan Check

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FINAL SOILS -GRADING REPORTS

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

1. Climate Conditions

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

2. Variations of Soil Conditions and/or Recommendations

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

3. Ground Preparation

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

4. Optimum Moisture/Maximum Density Curves

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

5. Compaction Test Data

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

6. Adequacy of the Site for the Intended Use

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

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DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

GENERAL

1. The results of our investigation indicate that from a geotechnical engineering standpoint the property may be developed as proposed provided these recommendations are included in the design and construction of the project.
2. Our laboratory testing indicates that the clays on the south side of the building site possess high expansive properties. Special site preparation recommendations and foundation recommendations are presented in this report to mitigate the potential problems due to expansive soils.
3. Grading and foundation plans should be reviewed by Steven Raas & Associates, Inc. during their preparation and prior to contract bidding.
4. Steven Raas & Associates, Inc. should be notified **at least four (4) working-days** prior to any site clearing and grading operations on the property in order to observe the stripping and disposal of unsuitable materials, and to coordinate this work with the grading contractor. During this period, a pre-construction conference should be held on the site, with at least the owner's representative, the grading contractor, a county representative and one of our engineers present. At this time, the project specifications and the testing and inspection responsibilities will be outlined and discussed.
5. Field observation and testing must be provided by a representative of Steven Raas & Associates, Inc., to enable them to form an opinion regarding the degree of conformance of the exposed site conditions to those foreseen in this report; the adequacy of the site preparation, the acceptability of fill materials, and the extent to which the earthwork construction and the degree of compaction comply with the specification requirements. Any work related to grading performed without the full knowledge of, and not under the direct observation of Steven Raas & Associates, Inc., the Geotechnical Engineer, will render the recommendations of this report invalid.

SITE PREPARATION

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

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7. Any voids created by removal of trees, septic tanks, and leach lines must be backfilled with properly compacted native soils that are free of organic and other deleterious materials or with approved import fill.

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

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

10. Following the stripping, the area should be excavated to the design grades. If the building is to be founded on spread footings (see FOUNDATION section), all clays within 5 feet of the building footprint should be removed and the removed soil replaced with compacted non expansive soil. The exposed non expansive soils in the building and paving areas should be scarified, moisture conditioned, and compacted as an engineered fill except for any contaminated material noted by a representative of Steven Raas & Associates, Inc. in the field. The moisture conditioning procedure will depend on the time of year that the work is done, but it should result in the soils being 1 to 3 percent over their optimum moisture content at the time of compaction.

Note: If this work is done during or soon after the rainy season, the on-site soils **may** be too wet to be used as engineered **fill** without significant and effective moisture conditioning. Moisture conditioning may require effective soil processing such **that** drying occurs as evenly **as** possible throughout the **soil mass**. Note that moisture conditioning may include drying as well as wetting the **soil**.

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

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

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

- a. free of organics, debris, and other deleterious materials
- b. granular in nature, well graded, and contain sufficient binder to allow utility trenches to stand open

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and
value of 30, and be non-expansive

Imported fill planned for use on this project should be
Associates, Inc. for appropriate testing and approval not less
the anticipated jobsite delivery.

FILL SLOPES

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

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

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

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

18. The above slope gradients are based on the strength characteristics of the materials under
conditions of normal moisture content that would result from rainfall falling directly on the
slope, and do not take into account the additional activating forces applied by seepage from
spring areas. Therefore, in order to maintain stable slopes at the recommended gradients, it is
important that any seepage forces and accompanying hydrostatic pressure encountered be
relieved by adequate drainage. Drainage facilities may include subdrains, gravel blankets,
rockfill surface trenches or horizontally drilled drains. Configurations and type of drainage
will be determined by a representative of Steven Raas & Associates, Inc. during the grading
operations.

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

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

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

EROSION CONTROL

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

FOUNDATIONS - SPREAD FOOTINGS

23. At the time we prepared this report, the grading plans had not been completed and the structure location and foundation details had not been finalized. We request an opportunity to review these items during the design stages to determine if supplemental recommendations will be required.

24. Considering the soil characteristics and site preparation recommendations, it is our opinion that an appropriate foundation system to support the proposed structures will consist of reinforced concrete spread footings bedded into ~~firm~~ non expansive native soil or engineered fills of the non expansive on-site soils. This system could consist of continuous exterior footings, in conjunction with interior isolated spread footings or additional continuous footings or concrete slabs.

25. Footing widths should be based on allowable bearing values with minimum requirements as indicated in the table below. Footing excavations must be observed by a representative of Steven Raas & Associates, Inc. before steel is placed and concrete is poured to insure bedding into proper material. The footing excavations should be thoroughly saturated prior to placing concrete.

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Minimum Footing Dimensions

| Structure Type | Footing Width | Footing Depth |
|-------------------|---------------|---------------|
| 1 Story Structure | 12 inches | 12 inches |
| 2 Story Structure | 15 inches | 18 inches |

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

- a. **2,100** psf for Dead plus Live Load
- b. a $1/3^{\text{rd}}$ increase for Seismic or Wind Load

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

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

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

FOUNDATIONS – PIER AND GRADE BEAM

29. If the expansive soil is left beneath the structure and within 5 feet of the foundations, it is our recommendation that the structure be founded on a reinforced concrete pier and grade beam foundation system in conjunction with a raised wood floor. Slab on grade floors are not recommended on expansive soil.

30. Reinforced concrete piers should be designed and constructed as follows:

- a. Minimum pier embedment should be 5 feet into the yellowish brown silty sands. This may necessitate pier depths of approximately 9 feet in the clay areas. Actual depths could depend upon a lateral force analysis performed by your structural engineer.
- b. Minimum pier size should be 18 inches in diameter and all pier holes must be free of loose material on the bottom.
- c. Passive pressures of **275** psf/ft of depth can be developed, acting over a plane $1\frac{1}{2}$ times the pier diameter. Neglect passive pressure in the top 3 feet of soil.
- d. The allowable end bearing capacity is 4,000 psf, with a $1/3^{\text{rd}}$ increase for wind or seismic loading.

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- e. All pier construction must be observed by a Steven Raas & Associates, Inc. Any piers constructed without the full knowledge and continuous observation of Steven Raas & Associates, Inc., will render the recommendations of this report invalid.

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

SLAB-ON-GRADE CONSTRUCTION

32. Concrete slab-on-grade floors may be used for ground level construction on non expansive native soil or engineered fill. Slabs may be structurally integrated with the footings. Concrete slab-on-grade floors should only be used for garage areas in **areas** where the clays have not been removed. for garage slabs in clay areas, the slabs should be constructed as a "free floating slab" with the concrete labs structurally independent of the grade beams. **A** minimum of $\frac{1}{4}$ inch of felt or some other positive friction break must be inserted between the slab floors and the grade beams to reduce the cracking potential.

33. **All** concrete slabs-on-grade should be underlain by a minimum **4** inch thick capillary break of $\frac{3}{4}$ inch clean crushed rock. It is recommended that neither Class II baserock nor sand be employed as the capillary break material.

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

35. Requirements for pre-wetting of the subgrade soils prior to the pouring of the slabs will depend on the specific soils and seasonal moisture conditions and will be determined by a representative of Steven Raas & Associates, Inc. at the time of construction. It is important that the subgrade soils be thoroughly saturated at the time the concrete is poured. For **slabs** constructed on **the** clays, the clays **must be** continuously saturated **a minimum** of **72 hours prior** to the placement **of** the concrete.

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

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402375

Steve Carmichael
August 23, 1999

Job No. G98076 - 61
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General Recommendations:

1. The peak horizontal acceleration that should be used at the subject site for specific evaluation or structural design is 0.6 g. Project engineers may use a repeatable high ground acceleration of 0.4 g for site-specific evaluation or structural design if they consider it a more appropriate design parameter. Predicted accelerations correspond to Modified Mercalli Intensities of VII to VIII+ (Table I). The ridge top setting of the proposed building site and possible amplification of ground accelerations during seismic events should be considered by the project engineer.
2. If pseudo-static slope stability analysis is performed at the site, a seismic coefficient of 0.15 should be utilized.
3. Detailed drainage and erosion-control plans should be developed by the project civil engineer, and approved by the project geologist and geotechnical engineer, and submitted along with the building plans.

We recommend that all drainage from improved surfaces such as walkways, patios, roofs and driveways be collected in impermeable gutters or pipes and carried to storm drains or delivered to Tannery Gulch via an energy dissipater. At no time should any concentrated discharge be allowed to spill directly onto the ground adjacent to the proposed developments. Any water issuing onto paved areas should not be allowed to flow towards the proposed developments. The control of runoff is essential for control of erosion and prevention of ponded water against foundation elements,

4. We request the opportunity to review all forthcoming engineering reports and development plans for consistency with our geological findings and recommendations.
5. We recommend the homeowners implement the siting procedures outlined in *Pence of Mind in Earthquake Country* by Peter Yanev (1974) for improving the homes' strength and safety in a large earthquake. This book contains a wealth of information regarding seismic design and precautions homeowners can take to reduce the potential for injury, property damage, and loss of life.

Injury and loss of life during large earthquakes result, mainly from falling objects, overturned furniture and appliances, and fires caused by severed utility lines. The majority of damage in the City of San Francisco in the 1906 earthquake resulted from the fires that burned out of control for weeks after the quake. Securing furniture and large appliances to the floor or structural components of the building will help to reduce this risk.

INVESTIGATION LIMITATIONS

1. The conclusions and recommendations noted in this report are based on probability and in no way imply that the homesites and adjacent slope below will not possibly be subjected to ground failure, seismic shaking or erosion causing significant damage. The report does suggest that using the site for residential purposes in compliance with the recommendations contained herein is an acceptable risk.

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Rogers E. Johnson & Associates

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Initial Study Attachment 9

Larry Palm
Civil Engineer - Land Surveyor
7680 Empire Grade
Santa Cruz, CA 95060
831426-0541

Page 2 of 3
June 15.2001 Carmichael

This next step was completed after an aerial survey the following spring, 1998, which was a much more extensive topographic study.

I was requested to prepare a more comprehensive, detailed analysis of the available slope information prior to the first grading/erosion repair work in 1998. I have prepared a slope study map showing:

1. The location of the head of the "wash" and the B&W profile lines surveyed in the fall 1997
2. The 2' interval aerial photo contour lines from the photo of spring 1998.
3. Three profiles I have developed from said aerial photo contour map showing surface as it existed in the spring of 1998 and my calculation of the surface as it existed prior to the recent erosion.

Slope calculation by Joel Schwartz

Joel Schwartz indicated that he found cross slopes in excess of 30% in the vicinity of the proposed driveway.

Mr. Schwartz's calculations differ from ~~my~~ calculations. In order to determine why our calculations differed, I visited the site with Joel on July 27, 2000 and asked him to show the location and method used. He stood at a point which he estimated as being near the original ground, about 10' east of the proposed drive at station 6+80, as shown on the enclosed slope study plan, and with a clinometer took a downslope reading of 35% at approximately 80' distant. This reading was valid as a straight-line reading from near the top of the vertical curve of the ridge to a point 80' distant. However, the reading was a straight line average across a curve with a constantly increasing slope, with grades increasing from less than 30% to greater than 30%, and this method did not determine the point at which the slope became greater than 30%. This area was not addressed on the Bowman & Williams slope analysis map.

Since portions of this area had been graded for an access road in Dec 1998, Joel indicated that he would like to know the depth of the disturbance in the area that had been graded. A determination of depths from present surfaces to undisturbed Surfaces in the graded area was made by John Scott, Soils Engineer. He drilled through the fill at selected points to determine present depth to undisturbed soil and submitted a log of his data.

Environmental Review/Initial Study
ATTACHMENT 2
Specializing in mountain development, grading and surveying.
APPLICATION 00-0143-40237 S
Boundary retracement - Drainage plans
100

Larry Palm
Civil Engineer - Land Surveyor
7680 Empire G a d e
Santa Cruz, CA 96060
831-426-0541

Page 3 of 3
June 15,2001 Carmichael

From the John Scott data and my survey of the undisturbed surrounding area I prepared a 2 sheet study as a supplement to the 5 sheet Grading plan dated Sept 14, 2000, which supplemental study was titled "**Cross** sections showing estimated original slope", same date. The purpose of this study was to locate the 30% slope line along the graded and natural slopes in the vicinity of proposed driveway stations 6+50 to 7+50. This study shows that the proposed driveway will not be on natural slopes greater than 30%.

Larry Palm

Prepared by Larry Palm LS 4234, RCE 37007
June 15,2001
Job 1251

Environmental
ATTACHMENT
APPLICATION

Environmental Review / Initial Study
ATTACHMENT 9
APPLICATION 00 143 \$
402375

*Specializing in mountain development engineering and surveying.
Boundary retracement - Drainage plans*

Initial Study Attachment 10

COUNTY OF SANTA CRUZ

INTER-OFFICE CORRESPONDENCE

DATE: 05/07/00
TO: Joel Schwartz, Environmental Planning
FROM: Matt Baldzikowski, Resource Planner
SUBJECT: Archaeological review comments for 00-0143, APN: 040-081-09

On March 28, 2000 I made a site inspection to review the grading/erosion control work on the subject property. The purpose of the inspection was to review the site for potential impacts to archaeological resources. My site inspection included a ground survey of the recently disturbed areas, as well as adjacent, undisturbed areas. I also reviewed a previous archaeological survey report which is associated with a previous subdivision proposal. This report is by Meade and dated February, 1980.

Ground visibility was good, given the recent grading activity and adjacent areas of thin vegetative cover. I saw no archaeological materials within the areas of recent earthwork or the adjacent surrounding areas..

I inspected the site noted as Lots 61 and 62 of the Meade report. This site is not located near the area recently disturbed by grading activities that is the subject of this application. There is a silt fence placed in proximity to Meade's noted site, however, given the very sparse nature of the site - only one flake of Monterey chert was observed, and the minimal soil disturbance, it does not appear that the placement of the silt fence has significantly affected this area.

The existing grading on the knoll top and associated erosion control measures have not impacted archaeological resources.

It is possible that future development on the property which may occur on the flat terrace below the existing graded knoll top, could impact the known archaeological site. Any further development proposals which may impact this site must be evaluated by an archaeologist prior to any development-related approvals.

Environmental Review / Initial Study
ATTACHMENT 10
APPLICATION 00-0143 &
402375



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

December 2, 2002

Paia Levine
Santa Cruz County
701 Ocean Street Room 400
Santa Cruz, CA 95060

Subject: Carmichael Grading Project
SCH#: 2002102136

Dear Paia Levine:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on November 21, 2002, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts

Director, State Clearinghouse

*IS should discuss original
alignment of driveway. Would
existing dirt rd. (thru some coastal
prairie) need to be widened? Kathy began
orig. rpt. recs. abandoning rd. & letting prairie
come back in. This doesn't really reduce
project impacts because badine = a
disturbed condition. Would this reduce
concern of neighbors re: new access behind their house?*

104

**Document Details Report
State Clearinghouse Data Base**

SCH# 2002102136
Project Title Carmichael Grading Project
Lead Agency Santa Cruz County

Type Neg Negative Declaration

Description Proposal to construct a single-family dwelling, driveway, and garage(s). Requires a grading permit to excavate approximately 3,500 cubic yards of material and fill 3,500 cubic yards of material; to recognize the grading of approximately 310 yards of earth that has already occurred, which was done in order to provide access to the building site for geotechnical exploration; and to recognize remedial grading to mitigate erosion and improve drainage, which has also already occurred. Project is on the vacant parcel at the dead-end of Jennifer Drive, approximately 200 feet west of the intersection of Jennifer Drive and Danube Drive, and the adjacent parcel to the north, approximately 2,000 feet north of Soquei Drive in the Vienna Woods neighborhood of the Aptos Planning Area.

Lead Agency Contact

Name Paia Levine
Agency Santa Cruz County
Phone (831) 454-3178
Fax
email
Address 701 Ocean Street Room 400
City Santa Cruz **State** CA **Zip** 95060

Project Location

County Santa Cruz
City
Region
Cross Streets Veinna Drive & Soquel Drive
Parcel No. 040-081-06, -09
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways SPRR
Waterways Soquel, Aptos, Valencia Creek, Tizut & Porter Gulches, Pacific Ocean
Schools Cabrillo College, Soquel H.S., Soquel Elem., Alar Vista,
Land Use vacant/special use/rural-res, mountain-residential, proposed pack

Project Issues Aesthetic/Visual; Archaeologic-Historic; Drainage/Absorption; Geologic/Seismic; Soil Erosion/Compaction/Grading; Vegetation; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Department of Health Services; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 10/29/2002 **Start of Review** 10/29/2002 **End of Review** 11/27/2002

105

Note: Blanks in data fields result from insufficient information provided by lead agency.

Exhibit D

Assessor's Parcel Map

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

POR. APTOS RANCHO
 SECS. 1 & 12, T.11S, R.1W, M.D.B. & M.

tax Area Code
 69-050

40-08

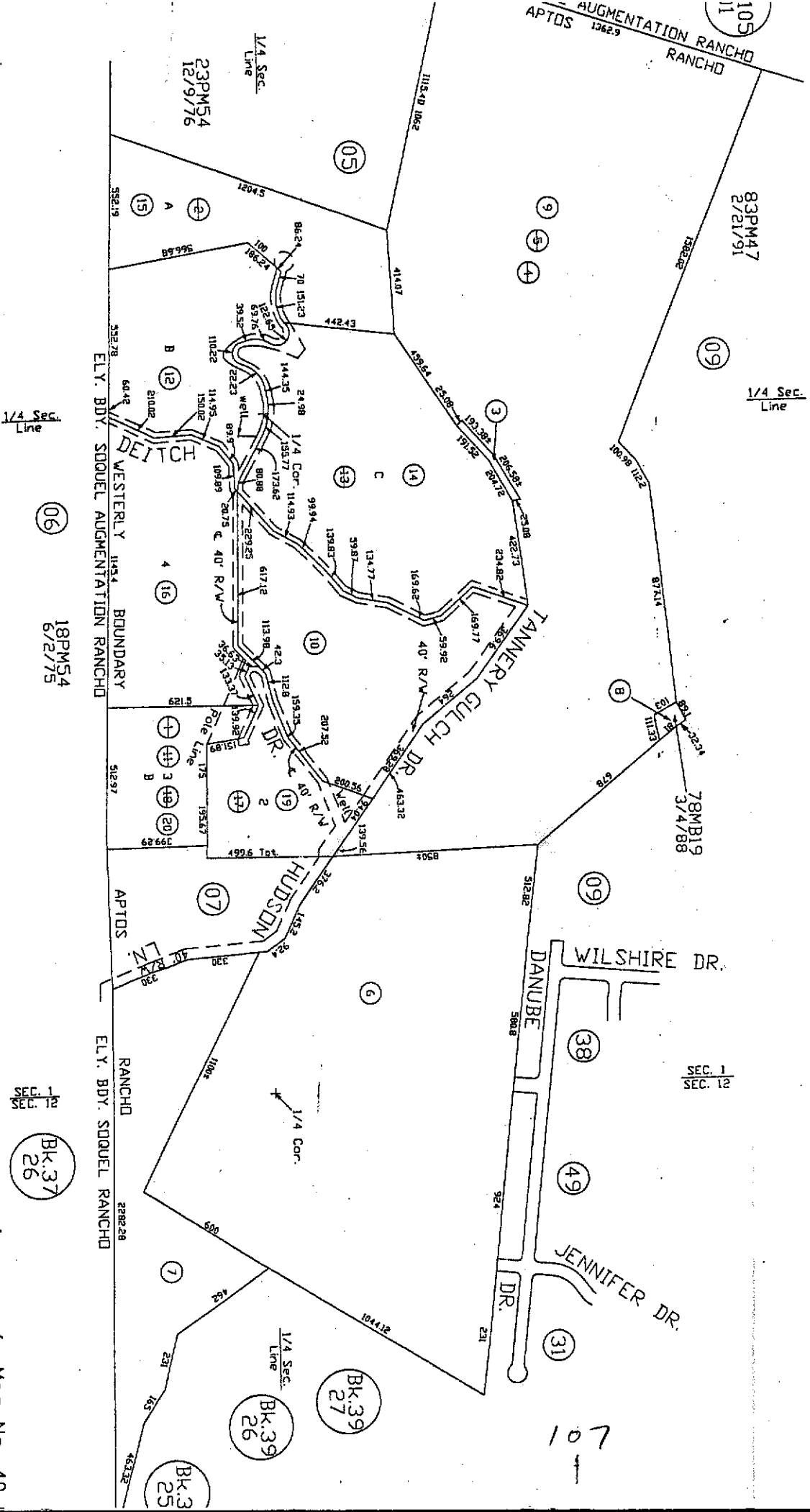
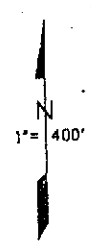


Exhibit E

Zoning Map

SCALE (FT/INCH) = 777
WIDTH IN FEET = 4,213.42
DEPTH IN FEET = 6,875.44
REQUEST ID: Zoning Map



ASSESSOR PARCELS
PLANNING ZONES

N ↑

109

SCALE (FT/INCH) = 777
WIDTH IN FEET = 4,213.42
DEPTH IN FEET = 6,875.44
REQUEST ID: G P Map

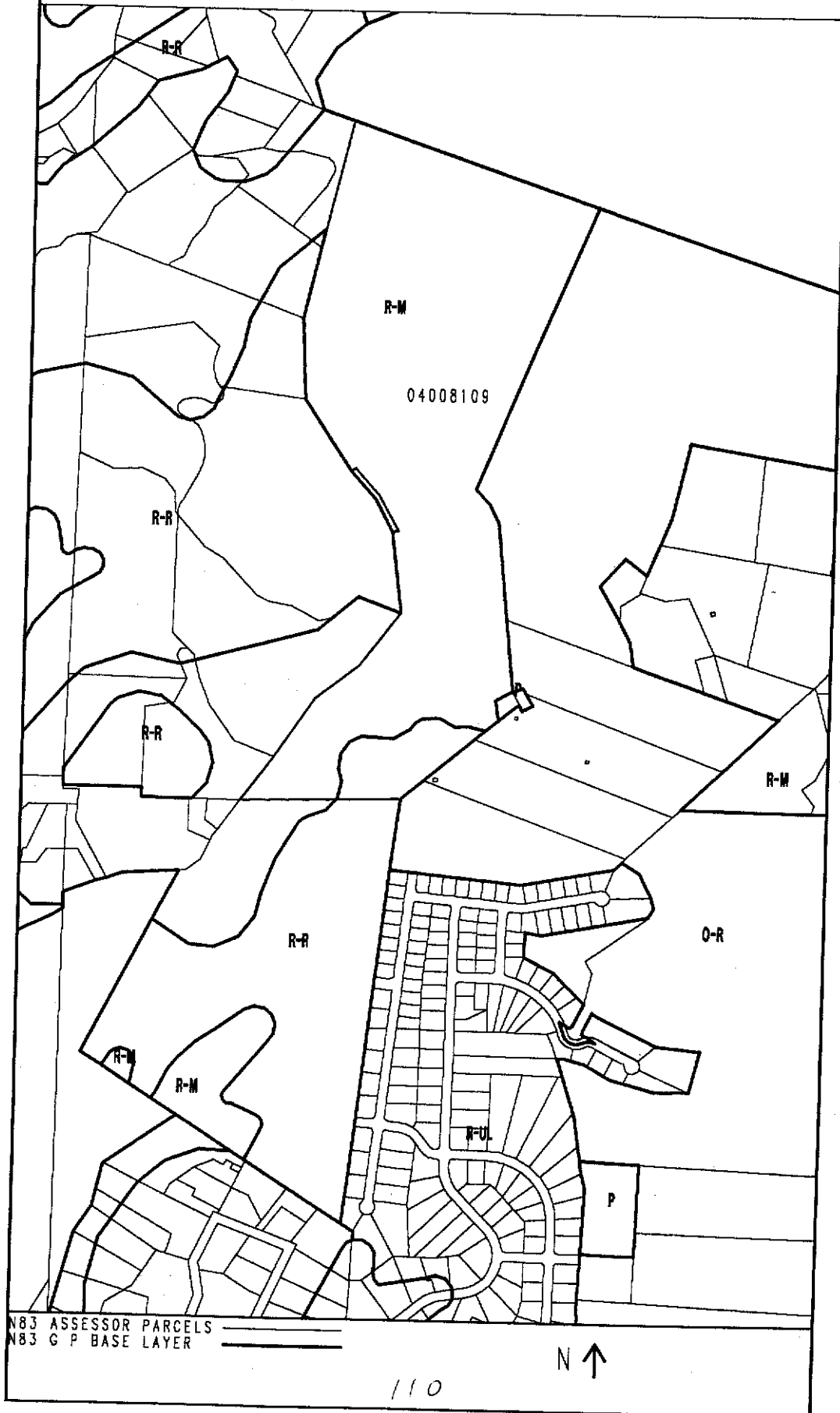


Exhibit F

Initial Study Comments



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

ACKNOWLEDGEMENT OF RECEIPT

DATE: November 19, 2002

TO: Paia Levine
Santa Cruz County
701 Ocean Street Room 400
Santa Cruz, CA 95060

RE: Carmichael Grading Project
SCH#: 2002102136

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: October 29, 2002
Review End Date: November 27, 2002

We have distributed your document to the following agencies and departments:

California Highway Patrol
Caltrans, District 5
Department of Conservation
Department of Fish and Game, Region 3
Department of Health Services
Department of Parks and Recreation
Department of Toxic Substances Control
Department of Water Resources
Native American Heritage Commission
Office of Historic Preservation
Public Utilities Commission
Regional Water Quality Control Board, Region 3
Resources Agency
State Lands Commission

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

112

**J. KENNETH GORMAN
MICHELE M. GORMAN**
365 Danube Drive
Aptos, CA 95003
831/685-3945

November 18, 2002

Paia Levine
Santa Cruz County Planning Dept.
701 Ocean St., ste. 400
Santa Cruz, CA 95060

HAND DELIVERED

Re: Project Application no.s 00-0143 and 40237S
APN: 040-081-09 and 040-081-06
Applicants: S&P Carmichael Enterprises, Inc., and Men-Chy Properties

Dear Ms. Levine:

We have lived at the above address for over ten years. We use the subject property nearly every day for recreation such as hiking, nature observing and biking. It is our access to the entrance to the trail into Nisene Marks at the top of the hill. We have always appreciated the use of the land and respected the rights of the owners. We have protected it by removing trash, evicting vandals and hunters, and notifying the sheriff about squatters.

We are not members of any organized group concerning this project.

We have the following concerns and disagreements with the plan as we understand it.

The proposed driveway is unnecessarily long. It will cover a large amount of grass and will block access to the open space from Jennifer, Kamian and Mesa Grande, essentially cutting off the property entirely. It also runs right behind the homes of our neighbors. The driveway should start at Mesa Grande. There would be no disadvantage to the owners, in fact, it would be cheaper. It would avoid destruction of the environment, traffic and attendant noise behind the adjacent homes, and blocked access.

Second, the project would eliminate access to the trail from Cabrillo to Nisene Marks, as well as the Nisene Marks trail itself, by blocking entry at Haas, Jennifer, Kamian Way, Mesa Grande and the water tank driveway. A number of alternatives could be implemented.

Third, we understand that the owners bulldozed the hillside and cut down a number of native trees without permits. The erosion from that was considerable. Our information is that there were minimal if any penalties imposed. The subsequent efforts at remediation to the hillside have not been maintained and were not very effective. This has not inspired confidence that the steps necessary to protect the grassland will be observed, or that their violation will be effectively policed and remedied. This is particularly troubling in light of the recommendation to proceed without an environmental impact report.

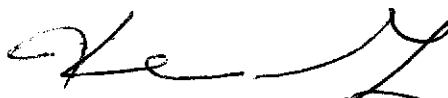
Fourth, we are advised that the owners are willing to sell the property for \$5,000,000, and that the purchase price 3-4 years ago was \$1,500,000. That is unreasonable. There is no guarantee that any investor will make a profit. A \$3,509,000 profit for speculative purchase of

property that historically had not been developed is excessive. The taxpayers should not have to support such a profit. An appraisal should be considered and the project halted until that has occurred.

Fifth, we have been informed that the owners have submitted documents indicating prospects for a development of 10-20 homes on the property. The owners' representative has personally informed me that that is not true the only plans are for the one house at issue. If in fact there are plans in the work for a subsequent development and this is only the first step, the project should be evaluated in that light, and the public should be so informed.

Based on the foregoing we request that the project not be approved as presented, that a public hearing be scheduled to obtain community input and ensure that environmental and neighborhood concerns are adequately addressed, that an environmental impact report be required, that enforcement mechanisms be ensured, and that alternative accesses and purchase proposals be investigated before construction permits are issued.

Sincerely



J. Kenneth Gorman

cc: Alvin James
Ellen Pirie

Fax

Name: Paia Levine
Organization: County of Santa Cruz Planning Dept
Fax: 831 454-2131
Phone: 831 454-3178
From: Bud, ~~Linda~~, and Jordan Gerstman
Date: 11/19/02
Subject: Koch Property Development
Pages: 1

Please do ~~all~~ you can to squelch the current development plans concerning the Koch / Carmichael Property near Nisene Marks Park ~~at the~~ end of Vienna Woods. The neighborhood can not withstand any ~~more~~ traffic (esp. on Vienna Drive) without a serious threat to safety. Also, this particular developer is not an honest person, as he has misrepresented his intentions on several occasions to several people, including me (e.g., he has told different parties that he plans on building anywhere between I and 50 homes on the property.) I am sure you have heard the first hand report, and I am aware of the conflict between property and community rights. Let me say that I am generally a private property advocate. But, at the same time, I ask would we allow a 7/11 or McDonald's in our residential neighborhood? I suggest that this particular developer is planning a large 50 to 100 home or condo developer on this unsuitable land. We have a right and responsibility to prevent this misuse. The developer and his son have been threatening, dismissive, verbally abusive, and downright dishonest. The current plans will blocking the main access to an important Nisene Marks trail. I have no doubt why. The contractor and his foreign investors have no intention of using the 3 parcels as the land as currently intended. As civil and public servants, you have a right and responsibility to represent the will of the people, and to protect the public's safety. We should not confuse private property rights with the type of nonsense we are currently confronted with. I therefore urge you to do the right thing--the sane thing, the common sense thing, and the responsible thing--do not allow this greedy person to run over our right to self-governance and local control.

Sincerely yours,

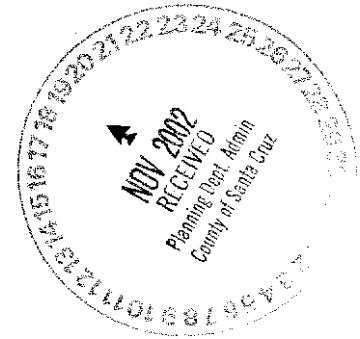
B. Gerstman, D.V.M., M.P.H. Ph.D.

copies to:

Alvin James, Director, County of Santa Cruz Planning Dept (FAX 454-2131)
Ellen Pirie, Supervisor 2nd District, Santa Cruz County (FAX 454-3262)

115

Laurel Nakanishi
432 Danube Drive
Aptos, CA 95003
November 15, 2002



Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
701 Ocean Street, Suite 400
Santa Cruz, CA 95060

Dear Ms. Levine:

I have several strong concerns about the pending County approval for the house that Stephen Carmichael wants to build on the Koch Property in Aptos. If the County approves development of this property, the public will lose access to a popular recreational area, and will lose an access to Nisene Marks and Cabrillo College, both important issues in these times of growing population and traffic congestion.

One piece of the developer's plans that seems to be totally unnecessary is the road that he wants to build 30 feet behind the houses on Danube Drive, where my family and I live. Not only does this seem unnecessarily close to my neighbors' and my homes and backyards, but it also is a poor decision from an environmental standpoint. With the Coastal Prairie Grassland habitat on the property, it seems incredible that the developer will be allowed to build a 2,200 foot through the property parallel to an existing public street. It would make more sense to have his house accessed by Danube Drive to Mesa Grande Road, rather than make a new road, paving over unique habitat.

I assume that you are already informed of other issues concerning development of the Koch Property, including increased traffic on an already marginal Vienna Drive, parking issues, and more. I hope that you are highly aware of how pivotal the Koch Property is, that Cabrillo College is in favor of its preservation, that it is in the Nisene Marks General Plan, and how it provides a link between the two public lands. This is an important piece of property for future public use. Please act with vision for the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laurel Nakanishi".

(Ms.) Laurel Nakanishi

cc: Alvin James, Ellen Pirie

Alvin James, Paia Levine, Ellen Pirie,

I am writing this letter to strongly request that ynu do not **proceed** with **final approval** of the projects (app.#00-0143 and #402375) to **construct** a single-family dwelling and access road on the "Koch property" in Aptos. I believe that the negative impacts that would occur with this development far outweigh any need for additional housing in this area.

As a resident of the adjacent "Vienna Woods" neighborhood my first concern is the safety of the residents. The "Koch property" is heavily used as an access to Nisene Marks State Park, and I believe Once this access is eliminated that the entrance of choice will be the trailheads in Vienna Woods. While I appreciate everyone's right to access the public park, I see a problem concerning this increase of traffic on Vienna Drive (a windy road bordered by a ravine on one side and a hill with housing on the other), and the lack of parking space and restrooms at the trailheads. This neighborhood was not designed to handle a public thoroughfare. One of the reasons my husband and I purchased our home in this neighborhood was to avoid the dangers of heavy traffic, for the safety of our young children, as well as the quiet. I know this desire for safe, low traffic streets is shared by many of my neighbors. As me of the largest cul-de-sacs in Santa Cruz County, I believe we already have maximum traffic the neighborhood was designed to safely handle. Another safety concern is that of emergency access. If development is to take place, the emergency access through the "Thousand Oaks" neighborhood is eliminated, making emergency rescue/evacuation of the neighborhood quite limited

My home is on Danube Drive, with my backyard bordering the Koch property. When we were looking at our property we inquired on the status of the Koch property. We were informed that the County of Santa Cruz, Planning Department had limited development of the entire Koch property to five homes. This designation is what we relied on for affirmation that my backyard would not be overlooking a big housing development. I respect a property owners right to do what they will with their own property - as long as they respect the designation stated by the Planning Department. The owner of the property, S&P Carmichael Enterprises, Inc., has stated publicly that they intend to develop many more than the five homes the Planning Department has allocated for the property. This kind of development provides for the potential of a drastic increase in traffic on a road that is already very busy, as well as diminishes my assessed value of my home.

The plan of placing the "driveway" 30 feet behind the existing homes shows a blatant disregard by the developer for the current residents along Danube Drive. Not only will there be an increase in noise and dust due to the road, but our neighborhoods drainage systems will be disrupted as it discharges to the property along where the proposed road would be located.

There is an opportunity to use this land in a way that benefits people far beyond just the residents of Vienna Woods, or any future home development. The plans outlined by the group "Nisene 2 Sea", shows vision in creating a community that is less reliant on

motorized vehicles for accessing areas of Aptos, while providing public use of this land. The Koch property lies between Nisene Marks State park and New Brighton State beach. This property is the only link from the Santa Cruz Mountains to our coastline. Once this property is developed the opportunity of this unique corridor disappears for this generation as well as all those who follow. I think the plans and ideas of this group should be fully realized in a public forum before any decision about development moves forward.

I believe that the building of this first home is just the beginning of a plan for the development of the entire property, with no consideration for the designation by the Planning Department, the sensitive Coastal Prairie Grassland areas, or for the prescriptive easement that has been enjoyed by the area residents for decades. I purchased my home with the idea that this Aptos area is unique because of the wonderful open spaces that greatly improve the quality of life here, as well as the security that comes with living in a neighborhood at the end of the mad cul-de-sac. I implore you to take this opportunity as the current stewards of the planning department to ensure that this property is utilized in the best fashion for all the residents of Aptos, the surrounding areas, and future generations. At the very least this issue should be brought to a public forum, and all plans should be the result of careful study of environmental and social concerns.

Thank you for your time and your consideration.

LeAnn and Thomas Copriviza
260 Danube Drive
Aptos
(831)684-2738

November 19, 2002

Paia Levine
Santa Cruz County Planning Department
Environmental Review Staff
701 Ocean Street, Suite 400
Santa Cruz, CA 95060
FAX (831) 454-2131

Vickie and Gary Anderson are strongly opposed to the development on the Koch property - Assessor Parcel #040-081-09 and 040-081-06.

We purchased our house at 404 Banube Drive in 1975, and have always been concerned with evacuation, (i.e., fire, earthquake, mudslide). We have only one (1) exit/entrance road, which is Vienna Drive. The increase in traffic just with construction **and** heavy equipment alone will **be** dangerous.


For years we have requested the option to purchase (1/4-1/2) acre behind our houses. We know this new road not only will **it** be too close to our homes, **it** will **create** a danger to sensitive habitat, cause drainage problems and will be an **eye-sore**. On top of that **it** will also be a "back door" opportunity to open up development of the Koch property. This is an outrage given our traffic, the life threatening danger **of** no access to Soquel, and lack of water and sewer **sources**.

How can **this** development even **be** considered without an Environmental Impact Report or Public Hearing? What is happening **io** Santa Cruz? We almost have to have an Environmental Impact Report to put on awning.

We have many other concerns regarding this proposal to our neighborhood such as: Impact on all homes on Danube Drive, loss of safe alternate access to Cabrillo, Soquel Drive and bus lines, parking issues, and loss of the Nisene 2 Sea Corridor.

Please reconsider a public hearing and Environmental Impact Report before doing anything!! These people are not local and do not care what this proposal could do to our environment or our welfare.

Sincerely,



Vickie and Gary Anderson
404 Danube Drive
Aptos, CA 95003

c: Alvin James, Director
County of Santa Cruz Planning Department
Ellen Pirie, Supervisor 2nd District
Santa Cruz County Board of Supervisors

November 17, 2002

Santa Cruz County Planning Department
Attention: Paia Levine,

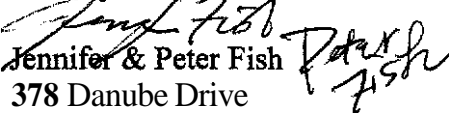
We are writing to you to express our concerns regarding the planned development of the Koch Property adjacent to the Vienna Woods area of Aptos. We live on Danube Drive which backs up to the property in question. We understand that Mr. Carmichael, the current owner of the property, has applied for permits to build a single large residence and an access road which would run directly behind ~~our~~ house. We also understand that his desire is to develop the property ~~further~~ with as many as 20 large homes despite the fact that the property was not zoned for a large development, is outside the Urban Services Line.

This property is also the only direct link between Nisene Marks State Park and the Cabrillo College property and has been used for over 35 years by the public for hiking access. Though it would seem that there ~~are~~ prescriptive rights of access – Mr. Carmichael has previously threatened people walking on the property and has said he will close off all access once his project begins.

~~Our~~ greatest personal concern at this time is regarding the planned access road which we have been told would run just 30 feet behind our home. This makes little sense, as there is an existing dirt road further back that Mr. Carmichael ~~has~~ previously utilized and which emergency vehicles have also historically utilized. Furthermore, there is a substantial drainage channel directly behind ~~our~~ home which draws run-off from a large portion of Danube Drive and would be impacted by the planned roadway. This is a very large property and to build a long road directly behind 14 homes that have stood unencumbered for 35 years, seems ill conceived and unnecessary.

We ask that these issues be taken into consideration and at the very least some kind of public forum be held, before any permits are finalized.

Thank you for your attention to this matter,


Jennifer & Peter Fish
378 Danube Drive
Aptos, CA 95003

cc: Supervisor, Ellen Pirie

Parcel #
040-081-09
+ 040-081-06

11/14/02 -

RE: APN 040-081-09-7 Mid County -
040-081-06 } above Cabrillo College

project number: 00-0143 + 402375

S + P Carmichael Est + man. chg. Prop.

I live on Danube Dr -

George Kamian + family

300 Danube Dr. Aptos 95003

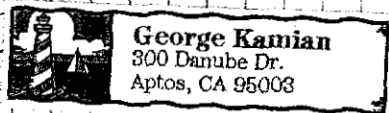
831-688-2367 -

I main concern is the proposed
2200 foot access Road to be built
30 feet behind my home -

There is a rough Road about a
100 feet behind my home - why
can't the builder use that - they have in the past
also - does the O.R. on the 30 feet
Road mean that a future subdivision
map has already been approved?

Respectfully -

George Kamian



688-2367

John Campbell
3396 Haas Drive
Aptos, CA 95003
Phone: 662-2691

November 8, 2002

Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
701 Ocean Street, Suite 400
Santa Cruz, CA 95060

Re: Project Application Numbers: 00-0143 & 402978 - Public Review

Dear Ms. Levine:

I am a local resident and property owner. My residence borders the property for the above referenced project. Many local residents and myself access Nisene Marks State Park via the trailhead connecting to Mr. Carmichael's property. I would estimate that twenty-five to fifty park visitors enter the park through this entrance on an average day. This entrance is the primary walk-in access from Cabrillo College lands and Haas Drive.

If the above referenced project is constructed, as proposed, this trailhead will be blocked from further usage. This will eliminate access to an important section of trail and require these park users to drive to other park entrances. Access to Nisene Marks state Park is a key issue, as there are so few access points to this large and important land resource. These trail systems have been in use by the general public for many years and provide the only entry to this northwestern boundary of the park.

I would like to request that this permit only be approved on the condition that the owner provides an alternate access to this park entrance. The trailhead of which I am speaking is on the ridge-top behind the Soquel Creek Water District water tank. This would require the owner to provide an alternate trail around his proposed drive and house, up to the ridge-top and to the trailhead at the park boundary.

Sincerely,



John Campbell

Cc:

Alvin James, Director
County of Santa Cruz, Planning Department
701 Ocean Street, Suite 400
Santa Cruz, CA 95060

Ellen Pine, Supervisor 2nd District
Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

11-13-02

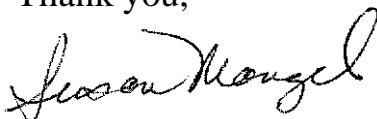
Susan Mangel
204 Danube Dr.
Aptos, CA 95616-2809

Paia Levine
County of Santa Cruz, Planning Dept.
701 Ocean St, Suite 400
Santa Cruz, CA 95060

Dear Ms. Levine,

I am enclosing a letter that I sent to Steve Carmichael in April just to be certain that it is included in the material that you will consider when you review his permit. He spoke with me after the letter and assured me that he was taking my concerns into consideration. I would like to avoid problems before they start.

Thank you,

A handwritten signature in cursive script that reads "Susan Mangel".

Susan Mangel

2
4-10-02

Susan Mangel
204 Danube Dr.
Aptos, CA 95003-2809

Stephen R. Carmichael
4125 Blackford Ave, Suite 250
San Jose, CA 95117-1793

Dear Steve,

I was told that plans are moving forward to build a road from Jennifer Drive to access your property. I am writing to remind you of two matters about which we spoke some time ago so that they can be taken into consideration before construction begins. I am, also, forwarding this letter to Alvin James at the County Planning Office. My hope is that the road will be built with forethought avoiding headaches for all of us.

First, I understand that the plan is to build the road 40 feet from the property line. I assume that line is where our fence is standing. There is an oak tree on your property whose drip line is about 45 feet from our fence. I would like to insure that the tree's health is not compromised by the new road. It is a beautiful asset to your property which should be preserved.

Second, much of Danube Drive and some of your property drains directly to the area that the new road will begin at the extension of Jennifer Drive. This causes large puddles in the winter. In really wet winters, your property drains into our backyard and out again. I am hoping you will consider this in your plans. If the road is improperly constructed, it will either be submerged during heavy rains or act as a levee backing up water into our yard.

I am willing to work with you, if necessary, to trouble-shoot problems before construction begins. Please keep me informed.

Thank you,

Susan Mangel

cc: Alvin James, Planning Director of Santa Cruz County

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November 13, 2002

Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
701 Ocean Street, Ste. 400
Santa Cruz, CA 95060

Dear Ms. Levine:

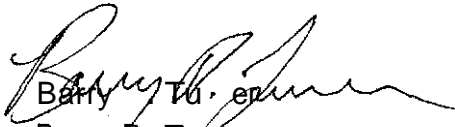
I am writing in regard to S&P Carmichael Enterprises et al (developers, Project Application numbers 00-0143 and 40237S) who are seeking to begin development on Aptos parcels #040-081-06 and 040-081-09.

The buyers are asking to grade a new access road directly behind the residences on Danube Drive. There is an existing road connecting Jennifer Drive with the proposed house site that has been used historically for public right-of-way and fire access. That road does not encroach as much on the existing homes. The original road has better drainage slopes than the proposed route. It has eroded little despite long use and no special drainage features other than sensible original placement. The proposed new road would need extensive new grading to drain well at all.

The proposed new road would expose the existing homes and yards to noise and dust, while the existing road is naturally screened by vegetation along most of its route. Many of the homes along Danube Drive have minimum setbacks at the rear, meaning that the new road would be only 50 feet from the bedrooms.

I would much prefer that this land eventually become part of Nisene Marks State Park. The property has been used extensively by the public for hiking, biking and equestrian access between Cabrillo College, Thousand Oaks and Vienna Woods to the adjacent Nisene Marks park. However I respectfully request that, if we can't get this land into Nisene Marks, we at least see that it is developed with as much sensitivity to the local environment and ambiance as possible.

Sincerely,


Barry R. Turner
390 Danube Drive
Aptos, CA 95003
(831) 662-1774

cc: Alvin James, Director SC Planning Dept.
Ellen Pirie, 2nd Dist. Supervisor

13 November 2002

Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Dept.
701 Ocean St, Ste. 400
Santa Cruz, CA 95060

Dear Ms. Levine:

Regarding project applications #00-0143 and 40237S filed by S&P Carmichael Enterprises and Men-Chy Properties for development on the Koch property in Aptos:

My husband and I purchased our Danube Dr. home in 1994, specifically because of the open space behind it. We remodeled the house to take full advantage of the view west across the Koch property. Since then we have enjoyed watching hikers, bicyclists, dog-walkers, deer, coyotes, quail, hawks, joggers, Cabrillo College classes, mushroom gatherers, horses and their riders, raccoons, possums, birds, bird watchers – and yes, even wild pigs - outside our windows. I have photographed many sunsets over this gorgeous piece of property and pulled French broom that was encroaching on hiking paths; my husband has carefully planted and tended redwood trees in the "field".

I am horrified to learn that approval for a driveway immediately behind our home is already pending. Mr. Carmichael, angered that his plans to subdivide and develop this property were being fought by neighbors, threatened several years ago to run his driveway right behind our fences in retaliation. I cannot believe that the county is considering allowing him to do just that, without even an Environmental Impact study. I do not begrudge Mr. Carmichael his "dream home" on top of the hill but I object to the impact that "the proposed placement of his driveway will make on our own dream home. The houses on this side of Danube Dr. have very narrow backyards and the proposed driveway would run directly behind our back fence. Aside from the fact that that area is quite swampy in winter, we (and our neighbors) will lose the privacy we purchased when we bought our homes. I am also quite sure that the value of our property will suffer should the proposed driveway be installed: how many other homes in the county have roads both in front of **and** behind them?

There is already a good, historic road running from Jennifer Drive through the field and up to Mr. Carmichael's hill. Improving that road would cause considerably less damage to the field than creating a brand new road: it has better drainage and is already well compacted. I would hope that the county would take a careful look at this other option rather than simply approving Mr. Carmichael's request without question.

In addition, I strongly object to Mr. Carmichael's plan to block all public access to the Koch property "when work begins". I sincerely hope that the county will not allow this. The Koch property has been used by the public, freely and without interruption, for countless years and it is my belief that the public now has a prescriptive easement across that property. Since he purchased the property, Mr. Carmichael has been attempting to block access to it and I fear that if the county allows him to do so "when work begins", it will jeopardize our access in the future. Please allow the courts to make the decision as to whether the public has the right to enjoy the Koch property. For safety's sake, the public would only need to be barred from the actual home site.

Thank you for your attention to this important matter

Sincerely,

A handwritten signature in cursive script, appearing to read "Carole B. Turner", followed by a horizontal line.

Carole B. Turner
390 Danube Dr.
Aptos, CA 95003
(831) 662-1774

cc: Alvin James
Ellen Pirie

November 18, 2002

Applicants: S P Carmichael Enterprises, Inc. and Mcn-Chy Properties
(Developers/Joint Owners)

Assessor Parcel Numbers: 040-081-09 and 040-081-06

Project Application Numbers: 00--143 and 40237S

To: Alvin James, Director, County of Santa Cruz, Planning Department

My husband and I are homeowners in the Vienna Woods neighborhood. We have lived here since 1990 and in Aptos since 1975. We are writing this letter to state our opposition to the ~~project~~ slated for the property, (formerly known as the Koch Property) listed at the top of this letter. We are opposed to the construction of the home and the 2,200 foot road that will give the developer access to the property on the west side of Danube Drive, exiting at Jennifer Drive.

We believe that if this project is allowed to be built, it will negatively impact our neighborhood in several ways.

1. **Loss of recreational use of the Koch Property.** The developer has stated that he will block all public access to this property via Jennifer Dr., Kamian Way, Mesa Grande, Haas and the water tank trail into the Forest of Nisene Marks State Park once work begins. There is a very long standing use of this area by hikers, bicyclists, bird watchers, and folks enjoying the open space.

2. This property provides an important non-motorized access link between Nisene Mark State Park and adjoining neighborhoods, Aptos Village, Cabrillo College (and Saturday Farmer's Market!) and New Brighton State Beach. This would be lost, if the project moves forward.

3. Truck and heavy machinery traffic from project construction, would impact Vienna Drive, the only road in and out of the neighborhood. In addition, there would be increased traffic related to loss of public access into Nisene Marks from Cabrillo College. Approximately 100 people per day enter Nisene Marks from the Cabrillo property.

4. **Loss of privacy to all homes on Danube** which back up to the proposed driveway.

Despite good faith efforts to purchase the property as parkland, the developer has set an unrealistically high sale price and has developed an increasingly antagonistic relationship with the neighborhood.

We strongly urge you to take this information seriously and to vote against approval of this proposed project.

Sincerely,

Julie Lorraine Barry Marks
Julie Lorraine and Barry Marks
3848 Vienna Drive
Aptos, California 95003

Date: Nov 18, 02
To: Celia Scott
From: Pam Levine Phone: 454 3178
Subject: Carmichael Inquiry

Number of pages including this page: 2

Comments: Proposed mitigation measures are attached. Note that the footprint of the house appears on sheets 2, 3, + 6 of Attachment 2. Road grading for all roads = 675 yds³, per project description. (that category includes the driveway). I do not ^{know} ~~have~~ the proposed area of the home. Please check w/ the planner Joe Hanna, 454-3175, for that info.

SHOULD YOU HAVE ANY TECHNICAL PROBLEMS RELATIVE TO THIS FACSIMILE TRANSMISSION, PLEASE CALL THE STAFF PERSON SENDING THIS AT THE NUMBER LISTED ABOVE.

* * * * *

WARNING! This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail at our expense. Thank you.

fax/811

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P.1

** Transmit Conf. Report **

Fax: 831-454-2131

SC CNTY/PLANNING

pg 1 of 2

Barb Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
900 Ocean Street Suite 400
Santa Cruz, CA 95060

Re: Project Application Numbers: 00-0143 & 402378 - Public Review

We local residents at 3400 Haas Dr. in Aptos, my husband and I have walked the trails on the Koch property for more than 20 years; including the trail head going into Nisene Marks State Park on top of hill where applicant proposes to build. We also access the Park entrance at the end of Danube Dr. via the Koch property.

We have a immediate concern about the developer's plans to block all public access to the Koch property via Haas Dr.; Jennifer, Kamian and Mesa Grande when work begins; thus also cutting our access to Nisene Marks Park.

We strongly urge you to initiate an Environmental Impact Report for this project for the following reasons:

1. There is the sensitive Coastal Prairie Grassland.

The 2,200 ft. access road proposed on the middle 52 acre parcel will destroy too much native vegetation. It will also cover too much aquifer receding ground (Aquifers of water are receding before the tide of luxury homes.)

You and your staff must know we are now, and have been for some years overdrawing our Aquifers in Sequel Creek Water District (SCWD) by an estimated 600-15,000 acre feet per year. To their credit SCWD denied applicants a water hook up, then a County Dept gave a well permit. It is all the same water we are overdrawing!

2. Applicants are proposing a 2 story home and driveway (on very steep terrain) with 2 garages on top of the hill next to a SCWD water tank.

There should be some concerns about allowing building/development near a public drinking water supply in a time of terrorism, and recent warnings about terrorist threats regarding water supplies.

What does your department know about S & P Car-michael Enterprises and Men-Chy Properties who are the Developers/Joint Owners? I understand Men-Chy is a foreign Co.; and should that be a concern?

3. The 2,200 ft. road as proposed on the middle parcel will mean loss of the Nisene & the Sea Corridor; which will be a great potential recreational loss for all County residents.

Remnants of wild, biologically intact areas such as thidland are precious few. We are losing ground as I write this

We urge you to study this project further with above concerns in mind and not approve this project as presented.

Sincerely,

Henry van Dy

[Signature]

cc:

Allen Pirie, Supervisor and District
Santa Cruz County Board of Supervisors
FAX 831-454-3262

Alvin James, Director
County of Santa Cruz, Planning Department
FAX 831-454-7111

132

3460 Hagg Dr.
Cupertino CA 95063
P/FAX 831-888-5105



3757 Vienna Drive, Aptos, CA 95003
Telephone: (831) 688-7724
Fax: (831) 688-1316

November 19, 2002

Ms. Paia Levine, Environmental Coordinator
Planning Department
County of Santa Cruz
701 Ocean Street, Suite 400
Santa Cruz, CA 95060-4023

RE: Environmental Review, Initial Study
Proposed Environmental Review with Mitigations
Application Nos. 00-0143 and 40237S
APN 040-081-09 and APN 040-081-06
Deadline for comments: November 20, 2002 5PM

Dear Ms. Levine,

First, we request that the review period for the above referenced Initial Study and Proposed Environmental Review for the Grading Applications referenced above (hereafter, the "Environmental Review") be extended because the copy of the Environmental Review Initial Study that were provided by the County on October 30, 2002 does not include: (a) Attachment 6 referred to in the Environmental Review in section C. Biological Resources 2 as "The current [road] alignment, overlaid on the vegetation map, is shown on Figure 1, Attachment 6."; (b) the list of Mitigation Measures that will be required by the County; (c) the Mitigation Monitoring Plan; and (d) the Erosion Control Plan. Therefore, a complete review of the Environmental Review was not possible within the stated deadlines and, these deficits alone require a revised and re-circulated Environmental Review, Initial Study.

Despite the foregoing material deficits, please consider the following comments submitted on behalf of The Nisene 2 Sea Open Space Alliance with regard the components of the above referenced Environmental Review that was provided on October 30, 2002.

This letter along with the letter and related documents provided by Grey Hayes (an expert on the biotic resources and coastal prairie grasslands) are submitted as a part of our organization's comments on the Environmental Review for the above referenced grading permit applications sought by S&P Carmichael Enterprises, Inc. and Men-Chy Ma Enterprises, (hereafter, the 'Developers').

Furthermore, all prior correspondence from our attorney, Jonathan Wittwer, and from our organization, The Nisene 2 Sea Open Space Alliance, regarding the activities of Developers on the subject property are hereby requested to be considered as further evidence in support of our organization's comments. These documents include, without limitation, Jonathan's Wittwer's October 20, 1999 and June 5, 2000 letters and the Exhibits attached to all this correspondence (hereafter, the "1999 Letter" and the "2000 Letter" respectively).

■- **ENVIRONMENTAL ISSUES NOT ADDRESSED IN ENVIRONMENTAL REVIEW**

A. Non- Local Approval from California State Parks, Sacramento is Required:

The Environmental Review fails to consider the need to obtain approvals from State Parks in Sacramento for the Project. This easement is not shown on the site plan for the project and has not been considered in the County's analysis. The project impacts the Porter-Fallon Easement owned by State Parks that travels from The Forest of Nisene Marks State Park onto the Parcels, crosses project areas, and travels southward down the western side of Borregas Gulch, through Cabrillo College lands, to Soquel Drive. The Porter Fallon easement, which can be established to be up to sixty (60) feet wide, permits public use of the Parcels for access to The Forest of Nisene Marks State Park from Cabrillo College lands. The Developers have consistently represented that they intend to fence the Parcels and block all public access to the 06 Parcel and the 09 Parcel when work on the project begins. Any fencing and blocking of public access will materially interfere with State Park's easement and the public's right to continue to use the Parcels. The County needs to obtain the appropriate State approvals along with feedback on State required Mitigations measures to include as part of a revised and re-circulated Environmental Review-Initial Study.

B. Alternative Access/Road Location Not Considered

(1) The Environmental Review fails to consider alternate access to public roads that would prevent grading on sensitive grasslands and large oak tree removal.

The Environmental Review states that the Project access is from Jennifer Drive and implies that this road, which is 2,500+ feet from the home site, is the only way to get to the 09 parcel and the proposed home. There are, in fact, two paved roads to the 06 Parcel that provide access to public roads from the home site on the 09 Parcel. Kamian Way is the closer access point and it is at least 850 feet closer to the home site. The proposed project road passes within 30 feet of this street exit. Grading of approximately 850 feet of sensitive grasslands could be completely avoided if the road to the home site was accessed from Kamian Way rather than from Jennifer Drive. Grading volumes and the amount of impervious surfaces could be reduced as well. This alternative exit was not considered by the County. Mandated use of the Kamian Way exit should be required as one of the Mitigation measures required to protect the sensitive biotic habitats on the Parcels.

(2) The Environmental Review also fails to consider re-location of road to the existing roadway on 06 Parcel that would prevent grading of sensitive grasslands.

The Environmental Review fails to consider re-location of the roadway location proposed by the Developers. A nearby roadway on the Parcels that is bare ground that is devoid of most vegetation is the most appropriate location for the road to the home site. The road route proposed by the Developers is about 30 feet behind the homes on Danube Drive and would require extensive grading through an additional 750 feet of sensitive grasslands. The Environment Review fails to consider relocation the proposed roadway to the existing road. Mandated use of this existing road should be included as a required Mitigation measure to protect the sensitive biotic habitats on the Parcels.

In conclusion, a Mitigation requirement should be added to the Environmental Review that requires that the Developers use the Kamian Way entrance to the 06 Parcel and

have the new road follow the existing road's path to the proposed home site. This requirement would result in maximum protection for the sensitive grasslands, reduce the number of the oaks removed along with significantly reducing grading volumes and the amount of impervious surfaces created as well.

The lack of Attachment 6 (Project Overlay) and no clear description definition of the "Project" area and related project impact areas prevent an accurate meaningful analysis of the project, including that with regard to important sensitive biotic habitats and prevent the creation of effective, detailed mitigation measures. See Section 3D of this letter for the detailed discussion on the impact of this deficit.

supported by Larry Palm, the Developer's surveyor, in the Developer's map created by this surveyor that is dated October 18, 1999 (Job 1251) that notes that previous grading and recent erosion control [read grading] covered an area of 30,000 square feet (greater than 3300 square yards). The Developer's estimate of 310 cubic yards for previous unauthorized grading suggests that the average depth of cut and fill is less than 4" ($36 \text{ "/yard} \times 3300 \text{ cubic yards} / 310 \text{ square yards}$). Note also that there is survey data in the record that was taken before and after the second unauthorized grading which could provide grading volumes for the second unauthorized grading. Although this calculation would not include the grading volumes for the first unauthorized grading, this calculation would provide at least a minimum grading volume for the unauthorized grading. This underestimation is a material error that requires, at a minimum revision and recirculation of the Environmental Review.

(2) Calculation of Additional Grading Volumes: The calculations provided by the County concerning additional grading volumes are incorrect. The breakdown of volumes for grading for the entire project do not include grading for certain components of the project including the 3550 cubic feet of spread fill and in appear to exclude the grading volumes for the 2500 foot long, 12' wide road to the home site from Jennifer Drive and related the service road up the hill to the water tank. Further, in the event that the County can show that the grading for the 2,500 foot road was included, analysis will support at least an additional 1,000 cubic feet of graded material should be included. Note also that the total grading volume noted on a November 29, 1999 map by the Developer's surveyor, Larry Palm, for a substantially different house at a different location with different driveway configurations (one with a circular driveway), retaining walls, and one additional 1,000 ft² building is exactly the same total graded volume as the current estimates provided in the Environmental Review. It is not possible to have two totally different plans with exactly the same volume of grading. This information from the County files further supports the finding that the grading volumes are incorrect and underestimated.

(3) Conclusion: Since, since grading volume determinations are a key factor in determining the level of review required by the County, the lack of information, documentation and analysis in the Environmental review concerning the County's basis for the determination of the grading volumes is a material error that requires, at a minimum, revision and re-circulation of the Environmental Review and perhaps a higher level of review. The County's own records support grading volumes in excess of 8,000 cubic feet for this project.

D. Undocumented Visual Impact Conclusions: Initially the County found that the project is visible from the Highway 1 Scenic Corridor and now state, without substantiation, in the Environmental Review that there is no visual impact. The County failed to provide any facts to support its new conclusion. The house site itself is visible from areas of Highway 1, from Capitola, and from New Brighton State Beach lands. The proposed home is quite large and tall and is to be situated near the top of the hill. **We** therefore request that the County revise the Environmental Review and require that the proposed home, water tank, and outbuildings be staked out in a way that will permit actual confirmation of the County's assertion concerning the visual impact or the gathering of useful information that would form the basis for any necessary Mitigation measures.

E. Slope Issues:

(1) Slopes in Excess of 30%. The County again is agreeing to permit the Developers to grade in some areas that are or were, prior to the unauthorized grading, in excess of 30 percent slopes in violation of its own ordinances. The references to the map by Bowman and Williams dated November 20, 1997 stating that... "the map preliminary in nature [and] should not have been used to determine the slope of the hill. The slope should have been determined by accurate, on site survey performed for the specific purpose" is not factually correct. The purpose of the Bowman and Williams survey was to determine slopes for the location of a driveway. The method was accurate (sub-centimeter accuracy using State of the art equipment) and on site. The title of the map is "Driveway Access Analysis". The scale of the map, 1"=40', is large indicating that there was considerable survey information, including information on slopes. Areas of greater than 30% grade are delineated on the map as irregular shapes, indicating that there was data to support grades greater than 30%. The County should have asked for the original data that was used to make this map to accurately and also assessed what Bowman and Williams used the basis of the determination of >30% grade areas. In addition, the County should have evaluated this pre-grading information and determined whether the Bowman and Williams information is more representative of natural slopes than other information provided. The Developer has provided and the County cited a letter by Joel Ricca of Bowman and Williams that was requested by the Developers as concluding, "subject slopes do not exceed 30%". The "subject slopes" refer to an area in a proposed septic field (since moved) and is not referring to the path of the driveway. This letter was written on June 13, 2001. The plans for current location of the driveway are dated May 14, 2002, nearly one year after the letter was written. It is not possible for Joel Ricca, or anyone, to comment on slopes along a path of a driveway a year before the plans for the driveway were available.

(2) Evidence Documenting Grade of Slopes in County Records. Maps are available to the County show slopes greater than 30%. Maps other than the Bowman and Williams 1997 map show greater than 30% grade on most of the hill with the proposed driveway. These maps include a Bowman and Williams map of a survey completed in 1998 before the initial grading by the Developers in 1999. Several maps based on surveys completed after the initial grading in 1999 were submitted by the Developers to Environmental Health. These maps, although made with data collected after initial grading, show most of the hill where the home site, driveway, and service road is proposed with slopes greater than 30%. A good example of this is the May 15, 2000 map submitted by Chris Rummel to Environmental Health on a base map prepared by Larry Palm, the Developers' surveyor, show slopes greater than 30% as shaded. Has the County compared areas shown in previous maps submitted by Developers to the position of the road in the current plans to ensure that the area has not been reported as greater than 30% in any maps submitted by the Developers? Information concerning the County's resolution of these contradictions and the basis for such decision should be documented in the Environmental Review.

(3) Comments and questions on accuracy of Larry Palm cross-sections used to determine natural (pre-grading) slope. Reconstruction of natural grade slope by the Developer's surveyor, Larry Palm, was estimated by using post-grading surveys and sediment cores. Determination of undisturbed sediment is equivocal. It is not possible to determine accurately if an area where cores are taken has been graded beneath natural grade and

then filled. A map by Larry Palm dated September 14, 2001 (Sheet 2 of 2, 1"=2') shows cross-sections reconstructing original grade in the home site area with grades greater than 30% within 5 feet of the position of the proposed road. Estimates of grade at the proposed driveway were 28.57% on two cross-sections. What is the County's estimate of the accuracy of the Developer's slope reconstructions? Has the County determined what affect this accuracy has on its determinations related to the slopes? Has the County determined whether the position of the driveway on the current plans is in an area with greater than 30% on the Larry Palm September 14, 2001 map? The County's failure to provide the factual basis for its determinations, at a minimum, should require revision and recirculation of the Environmental Review.

III. DETAILED ANALYSIS OF ENVIRONMENTAL REVIEW:

The following analysis sets out, in detail, the material errors and omissions in the current Environmental Review, the factual basis related thereto, and the supporting documentary evidence from County records and otherwise, concerning the Environmental Review.

A. Existing Site Conditions:

(1) Slope: The Environmental Review states that APN 040-081-09 and APN 040-081-06 (126 acres total) is comprised of 30 acres of 0-15% slope, 30 acres of 16-30% slope, 10 acres of 31-50% slope and 4 acres in excess of a 50% slope. The preceding allocation significantly misrepresents the topography of the Parcels (hereafter, the '09 Parcel", and the "06 Parcel" respectively). Please see Exhibit A in the June 2000 Letter (Slope Map). The 09 Parcel is substantially steeper than represented in the Environmental Review. A very small percentage of the 09 Parcel is less than 15 % slope with the majority of the remainder of the Parcel in excess of a 30% slope. The topography of the 52 acre 06 Parcel that is will contain the 2500 foot road to the proposed home site is not included in the Slope Description.

(2) Nearby Watercourses: The Environmental Review states that the only nearby watercourse is in Tannery Gulch which is $\frac{3}{4}$ of a mile from the Parcels. This is incorrect. Please see Exhibit B to the June 2000 Letter (Aquifer Recharge Area and Drainage Area Maps). The following accurately describes the nearby watercourses.

Tannery Gulch: The bottom of Tannery Gulch is the western boundary of both the 06 Parcel and the 09 Parcel and the slope into this gulch begins at the edge of the home site area described for the project with the bottom of Tannery Gulch no more than 500 feet from this proposed home site. A substantial portion of both the 09 Parcel and the 06 Parcel drains into Tannery Gulch.

Aptos Creek: The Aptos Creek Drainage Basin covers about one-half of the 09 Parcels and Aptos Creek is no more than one half mile away from both the 06 and 09 Parcels. The proposed home site will primarily drain into The Forest of Nisene Marks State Park and Aptos Creek. Furthermore, half of the perimeter boundary of the 09 Parcel and 500 feet of the 06 Parcel boundary adjoin lands comprising The Forest of Nisene Marks State Park.

Ms. Paia Levine
Environmental Coordinator
Santa Cruz County Planning Department
701 Ocean Street, Santa Cruz, CA 95060
Comments Concerning Application No. 00-0143
Page 7 of 10

Borregas Gulch: Borregas Gulch begins on the middle of the 06 Parcel and will be crossed by the proposed 2,500 foot road proposed for the project... This watercourse drains a substantial portion of the 06 Parcel.

Porter Gulch: Tannery Gulch joins Porter Gulch approximately 1/4 mile from the Parcels.

B. Environmental Concerns

(1) Water Supply, Watershed, and Groundwater Recharge: The Environmental Review states that there are no environmental concerns related to Water Supply, Watershed, and Groundwater Recharge and makes no reference to Riparian Corridors. This is incorrect. Please refer to Exhibit B of the 2000 Letter which show that: (a) Aquifer Recharge Areas cover significant portions of the 09 Parcel including areas adjoining the proposed building site and septic system location; (b) the 09 Parcel drains into Aptos Creek, Tannery Gulch, and Borregas Gulch; (c) the Tannery Gulch Riparian Corridor comprises significant portions of both the 06 and 09 Parcels; and (d) the 06 Parcel is transected by the Borregas Gulch Riparian Corridor/Watercourse which, along with Tannery Gulch, drains the 06 Parcel. All of these watercourses drain into State Parks (The Forest of Nisene Marks and New Brighton State Beach) and ultimately into the Monterey Bay Marine Sanctuary.

(2) State Park Boundary. The Environmental Review fails to mention that the 09 Parcel is bounded on two sides by The Forest of Nisene Marks State Park and that the Aptos Creek Drainage Basin on this Parcel drains including a considerable portion of the home site area drains directly into this State Park. The Environmental Review fails to mention the planned home site, out-building sites, service road and water tank all are to be located less than 500 feet (sometimes within 50 feet) of The Forest of Nisene Marks State Park boundary.

(3) Sensitive Biotic Habitat. The Environmental Review does confirm that there is Sensitive Biotic Habitat on both the 06 Parcel and the 09 Parcel but does not properly define the habitat areas nor provide appropriate and necessary protections. Both Parcels are covered with sensitive coastal grasslands, oak woodlands predominated by the very rare Shreve oak (*Quercus parvula* var. *shreveii*), redwoods, and also include potential Ohlone Tiger Beetle habitat (a federally protected Endangered Species). Please refer to: (i) Exhibit C of the June 2000 Letter which contains the reports submitted by the biologist, Randy Morgan; and (ii) the analysis of the County's approach and critique of the adequacy of the Developer's biological resource consultant's reports submitted with this letter by Grey Hayes, an expert concerning the habitat found on the Parcels. The lack of a clear description of the project area and project impact area also seriously compromises the validity of any reports provided by the Developer's consultant and the findings made by the County concerning the project and activities related thereto. Please see Section 3D of this Letter for further elaboration of the impact of the County's failure to clearly define the Project boundaries and impact areas on the validity of any findings or decisions made by the County concerning the project concerning the Sensitive Biotic Habitats on the Parcels and the submissions of Grey Hayes provided herewith.

Ms. Paia Levine
Environmental Coordinator
Santa Cruz County Planning Department
701 Ocean Street, Santa Cruz, CA 95060
Comments Concerning Application No. 00-0143
Page 8 of 10

C. _____

(1) School District: The Environmental Review states that the School District is Pajaro Valley Unified. This is incorrect. The Parcels are in the Soquel Union School District.

(2) Access: The Environment Review states that the access to the project is from Jennifer Drive. Please *see* Section IB of this letter for a detailed discussion of the access and road location issues.

(3) Fire: The Environmental Review states that the project is in the Central Fire Protection District and also states that there is critical fire danger on the 09 Parcel. The Environmental Review fails completely to address the admitted fire danger. The 06 and 09 Parcels are covered with oak woodlands, redwoods, brush and grassland habitat; the 09 Parcel is extremely steep and is bordered on 2 sides by forested, inaccessible areas of The Forest of Nisene Marks State Park. Prior County actions have required annexation of the Koch Property into the Aptos Fire Protection District as a Mitigation measure. The Aptos-La Selva Fire District has station on Soquel Drive that is within ½ mile of the Parcels. The Central Fire District station is located at least five miles away in Soquel Village. Given the County's acknowledgement of the extreme fire danger on the 09 Parcel, the County's failure to address this issue in the Environmental Review is a material error that requires remediation and re-circulation of the Initial Study.

D. Project Summary Description

(1) Lack of Project Description. The County's Environmental Review and supporting documentation lacks of a viable description of "the Project". This is a significant material error that undermines all grading volume calculations, the sensitive biotic habitat analysis, and the effectiveness of any mitigations that may be proposed by the County. Lack of this information precludes the possibility analysis of the shortcomings of the County actions

(2) Referenced Overlay Missing: The documentation provided by the County in support of their Environmental Review includes reference to an Exhibit 6 "Project Overlay") that apparently overlays the Developer's Biotic Review information over the other mapped information concerning proposed grading activities proposed on the Parcels. This Exhibit 6 was not provided by the County. The lack of this information severely interferes with a careful analysis of the impact of the grading on the sensitive biotic resources on the property and in any event, this defect **ultimately** will require a revised and re-circulated Environmental Review-Initial Study.

(3) Confusion from Expanded Project Description: Some documentation used in support of the County's findings was provided by the Developers or gathered by the County at the time when the "unauthorized grading on the hillside" was the only "project" under consideration by the County. Later the County required that the "project" be expanded to include the home site, driveway, and the 2,500 foot access road. Supporting information used by Developers and the County to carry out the Environmental Review do not distinguish the difference. Further, all additional documentation that was provided by the Developers or obtained by the County after the requirement of an expanded project description, was collected without reference to any defined project boundaries and impact

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areas. Provision of a definite project description should be a prerequisite to any analysis carried out by the County related to this Environmental Review.

(4) Inconsistent County References to Project. Throughout the Environmental Review - the references "the project" are inconsistent and confusing. For instance, at times, the description of the project appears to exclude the 2500 foot long road across the 06 Parcel and sometimes it does not. The project description uniformly excludes the grading, fill, and tree cutting that will be required to permit a service road to the proposed water tank located on the ridge line. In any event, these issues require clarification and a revised and a revised and re-circulated Initial Study.

(5) Conclusion. Notwithstanding the other deficits in the Environmental Review, the problems with the project description are significant and material errors that affect the validity of the facts, the County's conclusions based on these facts, the County's assessment of the impact of the project on the environment, and ultimately these deficits will affect any mitigation measures required by the County. The primary reason that the Environmental Review was required in the first place was because the project was situated in the middle of a very sensitive biotic resource and will impact/destroy sensitive biotic habitats. Therefore, these facts alone create a substantial material error in the Environmental Review that require, at the very minimum, a revised and re-circulated Environmental Review-Initial Study with appropriate, detailed mitigation measures designed to protect the sensitive biotic habitat that the Developer's have selected as a site for their development.

E. Project Description and History

(1) Grading

(a) Initial Unauthorized Grading: The Environmental Review again restates the Developers' assertion that they only graded 310 cubic yards initially solely to provide access for geo-technical exploratory equipment and to complete remedial earthwork and to mitigate an erosion condition and improve drainage. These statements are made without documentation and from the County's own records are incorrect. Please refer to Section IRC of this Letter for discussion of the errors in this determination.

(b) Grading Volume Errors: Please see Section IRC of this Letter for a discussion of the errors in the grading volumes.

(c) Spread Fill. The County failed to address any issues concerning the "3430 cubic feet of spread fill" proposed by the Developers. This is a material deficit in the County's Environmental Review in that improper spreading of excavated fill can destroy the sensitive biotic habitats that are part of and surround the project area. Appropriate mitigation measures that address this issue must be included and should be included in a revised and re-circulated Environmental Review.


(d) Project Description. The Environmental Review refers the Developer's intention to build only a single-family home on the 09 Parcel. Both the 09 and 06 Parcels are owned by two San Jose based real estate development corporations, S&P Carmichael Enterprises, Inc., and Men Chy Properties, Inc. The one house proposed on the 09 Parcel been characterized

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frequently by the Developers as part of a larger development that the Developers intend for the 06 Parcel and the 07 Parcel that will include 10 to 20 expensive homes. Documentation for this assertion is contained in the June 2000 letter.

In conclusion, the Environmental Review should be revised **by** the County taking into consideration all the before discussed points and the Mandatory Finding of Significance and Technical Review Checklist should be revised accordingly. In light of the revisions, appropriate and details Mitigation requirements should developed and provided as part of the revised and re-circulated Environmental Review.

Sincerely



Kathryn H. Britton
Executive Committee Member
The Nisene to the Sea Open Space Alliance

cc: Ellen Pirie, Supervisor 2nd District

November 19, 2000

Paia Levine, Environmental Coordinator
Planning Department
County of Santa Cruz
701 Ocean Street, Suite 400
Santa Cruz, CA 95060-4023

RE: Environmental Review, Initial Study
Proposed Negative Declaration with Mitigations
Application No. 00-0143, APN 040-081-09 and APN 040-081-06

Dear Ms. Levine:

I write in order to elucidate what I perceive as ecological values of the Koch Property and the need to protect its sensitive habitats, including the coastal prairie terrace grassland and Shreve oak woodlands impacted by the above referenced project. I include with this letter, my critique of the proposed Negative Declaration with Mitigations referenced above.

As a biologist I have performed years of research, management, and restoration of California coastal prairie habitat not only in Santa Cruz County but also throughout the extent of the habitat from San Luis Obispo through Mendocino counties. I have included my Curriculum vitae for your reference. For a published account of the importance of this habitat type, see Stromberg, et al. 2001¹, which among other things, notes that coastal prairie is the most diverse grassland ecosystem known from North America.

I have extensively toured the Koch Property and the two parcels that are the subject of the above reference "Application" during the spring of 2002 to assess habitat values and potentials of coastal prairie and to review prior ecological inventories and analyses.

In summary, my assessment is that the property has coastal prairie areas of the quality and extent that place it within the top 20 parcels in California remaining in private ownership. Three native grass species- *Danthonia californica*, *Nassella pulchra*, *Nassella lepida*- grow densely and extensively over most of the portions of grassland on the property. Native wildflowers co-occur in these areas, including the unusual *Dichelostemma multiflora* (many flowered santas), *D. capitatum* (blue dicks), *Brodiaea terrestris* (dwarf Brodiaea) and *Calochortus luteus* (yellow mariposa). Although not known from the property, the habitat appears to be appropriate for rare, coastal prairie species such as *Holocarpha macradenia* (Santa Cruz tarplant), *Perideridia gairdneri* (Gairdner's yampah), and *Plagiobothrys diffusus* (San Francisco popcornflower). These species have the potential to be extant in the soil seed bank.

¹ Stromberg, M. R., P. Kephart, and V. Yadon. 2002. Composition, invasibility, and diversity in coastal grasslands. *Madroño* 48:236-252.

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The coastal prairie areas at the Koch property ~~form~~ an important link for prairie dependent species. There are extensive areas of coastal prairie on the north coast of Santa Cruz County and in the hills above Watsonville, but little ~~remains~~ in the mid-county area. The tenets of conservation biology stress the importance of maintaining patches of habitat throughout the historic geographic range of any such habitat, in order to conserve the range of genetics of species. Moreover, many animals may use habitat islands such as the prairie at the Koch property to disperse through time. Given the fact that the Koch Property is appropriate habitat, it is certainly possible that the endangered *Cicindela ohlone* (Ohlone tiger beetle) could again disperse onto the Koch Property given the correct management regime of the property in the future.

In summary, I urge that the substantial grassland areas of this important property be carefully conserved in order to protect its many valuable ecological resources including all grassland and Shreve oak woodland areas that may be impacted by any proposed development on this property. Therefore, at the absolute minimum, the Initial Study — be revised and recirculated with the addition of detailed Mitigations proposed to be included in any Negative Declaration that appropriately address the impact of the proposed project on this important property.

Please feel free to contact me if you have further questions about the biology of the property or my submissions herewith

Sincerely,


Grey Hayes

Encls.

cc: Supervisor Ellen Pirie (by hand)

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Environmental Review: Initial Study
by Joe Hanna, County of Santa Cruz Planning Department

General Critiques

The Initial Study and checklist contain a few confusing issues. I take this opportunity to ask the following questions:

- The Environmental Checklist is missing the required column headings. What do the various checked lines stand for? Without the headings, does this document meet the legal requirements of CEQA?
- Does not include referenced footnotes (#'s 1 – 5, p.4). To what do these footnotes refer?
- The term “Mixed Grasslands” is not a standard term for plant communities in California. This undefined and vague term does not adequately inform the public. What is the definition of “mixed grasslands?”

B. Hydrology

5. This section notes “there is ample space in which to accomplish this filtration.”

- a. Where will detention basins for runoff filtration be situated?
- b. How much space and what conditions are required to filter pollutants from the site?

7. Driveway passes through soils with low-permeability, adjacent to ephemeral drainages. The document states that discharge will not leave site, but provides no data. There is an unclear sentence, “and full of drainage will be required by County Public Works.”

- a. How will driveway runoff be maintained on site, especially in the wet meadow areas through which the driveway passes?

10. Notes that there are no impacts that degrade water quality

- a. How will driveway runoff be filtered before entering the “drainage swale” or sensitive wet meadows, mentioned in the biotic reports.

C. Biological Resources

1. This area neglects to mention that *Danthonia californica* is listed on the County's sensitive plants species list.
 - a. Why is California oatgrass not recognized as being included on the County's sensitive plant species list in this section?
 - b. How does the County know that there are not regulated animals that might be impacted the proposed development?
2. There is no mention of wetlands and seasonal drainage areas in this section, nor is there recognition of impacts on purple needlegrass grassland or special forests. The text in this section also states, without cited reference material, that proposed mitigation measures will benefit prairie by controlling non-native plants and preventing further loss of habitat due to succession.
 - a. Are there wetland or seasonal drainage areas that will be impacted by the project?
 - b. Why are potential impacts to purple needlegrass and Shreve oak woodlands not included in this analysis?
 - c. What evidence is there on the long-term efficacy of mitigation such as that proposed?
 - d. What evidence is there to suggest that habitat will be lost due to succession?

N. Mandatory Findings of Significance

1. This box is checked "no" though the project studies note a loss of >6,000 square feet of coastal prairie.
 - a. How does one reconcile the fact that >6,000 square feet of coastal prairie is being lost with the answer "no" in this section, especially with the lack of evidence of successful mitigation measures?
2. This box is checked "no" though there is no evidence of analysis of cumulative impacts in the reports. For instance, because Shreve oak was recently described, and its range known to be very restricted, an analysis on its distribution and currently proposed projects' impacts is necessary. Also, current projects at the University of California, Santa Cruz, Nisene Marks, and Coast Lands and Dairies have the potential to impact the same sensitive habitats as occur on this property.

Furthermore, there is no analysis given on cumulative impacts on water use and hydrological resources.

- a. What other past and proposed projects will impact Shreve *oak* woodland and native grasslands containing California oatgrass and purple needlegrass?
- b. What are the cumulative impacts of the aforementioned projects on the aforementioned sensitive habitats?
- c. What other projects are proposed or ongoing in the watershed and what are the cumulative impacts of these projects on the hydrological integrity of the system?
- d. What other projects are proposed and ongoing that will impact the water use of the proposed project, and what are cumulative impacts of these projects?

Biotic Reviews by Kathy Lyons, April 2001, etc.

Use of Holland, 1986 citation

In all of her reports, Ms. Lyons purports to use the Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland, 1986) as a basis for classifying the vegetation of the property. Although this is the only reference cited in any of her reports, there is no bibliographical citation included with details of this reference. Moreover, this citation is an unpublished report that is unavailable to the public, making it difficult to interpret the results of the analysis.

Although Ms. Lyons' methodology proposes use of the unpublished Holland system, the classification actually used in the reports does not coincide with that of the Holland classification system. For instance, neither the Holland (1986) system nor any other published scientific reference on California plant community types includes the terms "non-native grassland," "mixed grassland," "French broom scrub," or "mixed evergreen forest." The use of these terms makes it difficult to interpret the analysis.

Furthermore, Ms. Lyons appears to wrongly apply the term "coastal terrace prairie," which has recently been allied with stands of Pacific reed grass and tufted hairgrass rather than California oatgrass, which dominates the community termed "coastal prairie" in the Holland, 1986 reference (see Sawyer and Keeler-Wolf 1995).

Ms. Lyons' use of plant community nomenclature from either unpublished documents that are unavailable to the general public or from coined terminology circumscribes the purpose of CEQA review, which is to provide the public with adequate information to assess the impacts of a project. This leads to a number of questions:

- 1) Using Ms. Lyons documents, how can the public reference scientific publications to assess the impacts of the proposed projects?
- 2) Using Ms. Lyons documents, how can either the regulatory agencies or the public assess the *cumulative impacts* (defined by CEQA) of the project on the plant communities involved, when other regional planning document terminology differs from that used in this report?
- 3) When there is an established and widely accepted text on plant community nomenclature, why does Ms. Lyons use arcane and/or invented terminology?
- 4) What **are** the exact definitions of the plant community types included in the reports?

Delineation of habitat types

Ms. Lyons' methodology for delineating plant community types is not detailed in any of the documents. Generally, the methodology quoted areas being "viewed on foot." This is curious because there are published methodologies for completing biological inventories for this kind of biological analysis, and the methodology indicated is not adequate according to these methodologies. The latest publication, widely accepted by regulatory agencies, includes a rapid assessment methodology that would include little more work than that accomplished by Ms. Lyons (Sawyer and Keeler-Wolf 1995).

Use of established methodology may have prevented mis-identification of a major vegetation type on the property. Ms. Lyons incorrectly identified areas of a rare oak forest type dominated by Shreve oak (*Quercus parvula shrevii*). Much of what is mapped in the biotic reports and labeled "coast live oak woodland" is this, much rarer, forest type.

The demarcation of grassland types is similarly problematic. In other reports, Ms. Lyons has variously defined grassland types by percent cover or, more vaguely, dominance of native vs. non-native grasses. Here, Ms. Lyons relies on this latter, vague definition. In fact, non-native grasses dominate even the best quality coastal prairie areas and other grasslands commonly recognized as "native" grasslands. Ms. Lyons appears to rely on a yet to be undefined abundance of California oatgrass or purple needlegrass to distinguish between three grassland types on the property. **As** a suggested improvement, I append a policy statement that is currently in circulation with experts in the field, who have generally concurred with the present draft (Appendix 1). What is needed is more precise standards and methodologies so that credible boundaries between grassland types can be presented. Coastal prairie and grasslands with stands of purple needlegrass are considered **rare** in California (Keeley 1990), and, as such, are required to be inventoried during the CEQA process. The current level of analysis includes insufficient scientific data to provide the level of detail presented in maps (see Fig. 1, from Lyons 401 report).

Finally, I have surveyed numerous coastal grasslands in California, and it is my professional opinion that there are much more extensive areas of grassland that deserve delineation as either California oatgrass and purple needlegrass series (coinciding with valley grassland and coastal prairie grassland in the Holland classification system). The grasslands at the site deserve more protection that suggested in the planning documents.

These comments lead to a series of questions:

- 1) What is the extent of Shreve *oak* forest on the property, and how significant are the impacts to this rare community type?
- 2) What are the specific criteria for delineation of the three grassland types?

Analysis of impact

I note that the biotic reports only analyze impacts to plants and plant habitats. Other than one survey for Ohlone tiger beetle, there is apparently no analysis of impacts to wildlife. The proposed project may impact corridors for a number of species, upland habitat for red-legged frogs, foraging and nesting habitat for a number of rare raptors and other birds, and habitat for a number of bats. None of these species appear to have been inventoried, and there is no analysis of impacts to these species.

The analysis of impacts to grasslands and Shreve oak woodlands, as partially stated above, is inadequate. The analysis includes only direct impacts to habitats, neglecting to analyze indirect impacts. Mitigation measures do not address the need for construction staging areas, impacts of changed hydrology, drainage structures, leach fields, night lighting, pollution and storm water runoff, or impacts of introduced species.

I note that *Danthonia californica* is listed as a wetland species by the US Fish and Wildlife Service in the list used to delineate wetlands. There is no analysis of impacts to wetlands in the biotic report, although there is allusion to wetland areas in at least one passage (p. 2 Lyons, 4/18/01). Because of soils and plant species, many areas delineated as "coastal terrace prairie" may indeed qualify as jurisdictional wetlands under the Clean Water Act, as these areas are dominated by California oatgrass and other wetland species. Moreover, coastal prairie, as a wet meadow habitat, is dependent upon saturated soil conditions that may be impacted by uphill development, as with the proposed driveway. And, encroachment on these wetland areas, or within buffer areas for ephemeral drainages, is in violation of the County's environmental ordinances.

- 1) Have wildlife impacts been assessed?
- 2) How might the project impact raptors who use grasslands as foraging areas?
- 3) How might the project impact red-legged frogs?

- 4) How much additional grassland and *oak* woodland will be affected by indirect impacts as listed above?
- 5) What measures will be used to avoid further indirect impacts from the project?
- 6) How will the project affect hydrology of the coastal prairie, and what will be done to mitigate for these impacts?
- 7) How will the project manage storm water runoff and water polluted by sediment during construction or leachates from construction materials flowing off site?
- 8) What biological impacts are possible from increased night lighting from the proposed development?
- 9) Why has there not been a wetland delineation of the property, particularly when the proposed driveway crosses a "drainage swale" and **through** areas dominated by wetland plant species, in a wetland soil type?
- 10) Will the project require County and/or Corps of Engineers permits because of impacts to sensitive wetlands and riparian areas?

Suggested mitigation measures

Ms. Lyons suggests a few measures in order to mitigate loss of sensitive habitat, but these measures are inadequate, inappropriate and untested. There is no time line for this work, no delineation of areas where this work is to be performed, no delineation of the amount of area to be mitigated, no funding mechanism (i.e., bond) for the mitigation, no reference site cited, no success criteria, and no baseline data on the mitigation sites. Moreover, the mitigation is suggested to take place in areas that are currently set aside from development: it would seem that mitigation should take place in **areas** currently threatened by development that would otherwise be lost. Suggested mitigation **areas** hinge on predicted loss and ecological degradation of existing habitat by exotic species and lack of management, though there is no data presented to substantiate this claim.

These subjects are worrisome because the County and other regulatory agencies have permitted a number of such projects, but not one grassland restoration/mitigation project has succeeded. Further permitting increasingly threatens sensitive habitats such **as** coastal prairie and purple needlegrass grassland.

- 1) How will the mitigation areas be protected into perpetuity?
- 2) How will the mitigation funding be guaranteed?
- 3) What will be the time line for mitigation measures?

- 4) Will the County permit the project, **as** it has in the past, without clear mitigation measures and mechanisms for mitigation?
- 5) How much area will the mitigation areas contain?
- 6) What are the success criteria for the mitigation?
- 7) Where is the reference site for the mitigation?
- 8) What successful coastal prairie and purple needlegrass restoration projects will this mitigation project be modeled upon?
- 9) What data supports the restoration need for the proposed (but undesignated) mitigation areas?
- 10) Why doesn't the required mitigation include permanent protection of sensitive habitats that are currently threatened by development?

Bibliography

- Keeley, J. E. 1990. The California valley grassland. Pages **1-23** in A. A. Schoenherr, editor. Endangered plant communities of southern California. Southern California Botanists, Los Angeles, CA, **USA**.
- Sawyer, J. O., and T. Keeler-Wolf, 1995. A Manual of California Vegetation. California Native Plant Society, Sacramento, CA, USA.

Conservation Strategy for Coastal Prairie Conservation

Issue Identification

Humans have severely directly and indirectly impacted grasslands in California during the last 300 years such that conservation of this ecosystem should now be a priority. The vast majority of California's original grasslands have been converted to agriculture or urban development (Huenneke and Mooney 1989). Remaining undeveloped grasslands face continued development pressure and are severely impacted by exotic, invasive organisms (Bartolome 1989). These remaining grasslands are recognized as one of the most endangered ecosystems in the United States (Noss et al. 1995).

The most intact remaining grasslands lie in the fog belt along the coast and have variously been referred to as "coastal prairie" "northern coastal prairie" "coastal terrace prairie (Heady et al. 1988a)." These grasslands are thought to contain the most plant diversity of any grasslands in North America (Stromberg et al. 2002). The core habitat of many species of plants and animals is contained the habitat matrix including coastal prairie (Appendix 1). Coastal prairie is home to most populations of at least 30 species of endangered plant and animal species (Appendix 2).

Conservation of remaining coastal prairie requires recognition and protection of remaining prairie areas as well as an understanding of the threats to the system from invasion, changes of disturbance regimes, and fragmentation. Much is already known about grassland ecology, but there has been little published research focused specifically on California coastal prairie (Foin and Hektner 1986, Heady et al. 1988b, Marvier 1998, Hatch et al. 1999, Maron and Jefferies 2001). The following section should serve as a basic methodology for recognizing coastal prairie areas so that conservation measures can be put in place to protect their remaining habitat.

California Coastal Prairie Composition

Grasslands in coastal California vary depending on slope, aspect (Harrison 1999), and hydrology, but there appear to be community composition divisions between "xeric" and "mesic" types (Appendix 3). As with many plant community types in California, there is a great deal of community composition variation at local and landscape scales.

In describing the community composition of California grasslands, there has been much focus on the density of perennial grasses (particularly "bunchgrasses") (Barry 1972, Burcham 1975). The emphasis on perennial grasses is probably a mistake rooted in the presupposition that California grasslands, in their pristine state, would have been similar to Midwestern grasslands (Blumler 1992, Holstein 2001). However, the Mediterranean climate of California has driven the evolution of a diverse assemblage of annual grassland plants, particularly forbs, many of which are endemic to these grasslands. These annual species respond to a variety of germination cues so that they are not present in all years or under all management regimes (Talbot et al. 1939, Duncan 1975, Pitt and Heady 1978). The variation in abundance of this species has created the popularly

recognized “wildflower years” that make California so famous. However, it is this variation that also makes it difficult to recognize the conservation value of what are, in many years, fields devoid of wildflowers. Therefore, it is present policy to assess grassland habitat value based on perennial grasses. In this respect, coastal prairie is widely recognized as containing two species of perennial grass: *Danthonia californica* (California oatgrass) and *Nassella pulchra* (purple needlegrass). However, a few other perennial grass species may be equally important in various coastal prairie sites (Appendix 3).

Assessing Conservation Value of California Coastal Prairie

It has been common practice to assess the conservation value of a given grassland site by recording a visual estimate of the percent cover of California oatgrass and purple needlegrass. Usually, this estimate is derived by walking a site and mapping variously sized patches as containing these species. Then, the percent cover within those patches is enumerated with an on-plot based ocular estimate or, more rarely, by recording visual estimates from quadrats placed within the patch.

For conservation purposes, scientists and agency personnel do not recognize a threshold value for percent cover of native grasses (Todd Keeler-Wolf, pers. comm). Data collected in the spring from numerous locations throughout the geographic extent of remaining coastal prairie areas suggest that few areas contain more than 15% relative cover of all native perennial grasses (Grey Hayes, unpublished data). Most of the cover in coastal prairie, as with all California grasslands, is exotic species. There is no data on the cover or extent of native grasses prior to the advent of these species, so it is difficult to assess potential cover for native perennial grasses at any site. There is, however, sufficient literature on the perennial native grasses to state a few important conclusions:

- 1) Even in relatively intact areas, there have been historic factors such as overgrazing, disease, drought, and competition with exotic, invasive species (in combination or alone) that has caused native perennial grasses to decline;
- 2) Perennial grasses experience extreme competition with exotic species, especially exotic annual grasses;
- 3) Otherwise, reestablishment and growth is limited primarily by edaphic factors in xeric areas and by seed dispersal and in mesic areas;
- 4) Perennial grasses, like most grassland species, are patchily distributed through any given patch of grassland;

Given these conclusions, it is evident that the conservation value of a given grassland site is well indicated by the presence, even in low numbers and in diffuse patches, of perennial bunchgrasses. It should be remembered that, even in the absence of native perennial grasses (and in the presence of abundant weeds) a diverse flora of native grasses and forbs may exist in the seedbank- but, this it is beyond the presently accepted regulatory framework to assess this possibility. At present, the following assessment criteria are suggested.

Assessment Criteria

There are two types of grasslands that will have little potential to contain much native plant diversity. First, there are areas degraded by prior agriculture ("old fields"): if an area has been intensely cultivated, irrigated, or fertilized, the chance that it maintains much, if any, native plant diversity is slight. In such cases, there will be no native grasses in the center of the field as dispersal will be very slow and only along the fields' border (Stromberg and Griffin 1996). Historic photographs are a primary source of this information, but old hay fields appear as cultivated in photographs, but may have only been marginally disturbed may still maintain stands of native species.

The second type of grassland with little potential for native plant diversity is an area that has been type converted from other community types. It was historically common for ranchers to convert oak and scrub habitat to rangeland, and these areas may have recovered little plant species diversity typical of more intact grassland (Huenneke and Mooney 1989). In this case, historic photographs will be the only means of assessment.

If an area does not meet the previous two criteria, then it is necessary for a more intensive survey. The **first** stage of assessment should be a thorough mapping of the density and distribution of native perennial **grasses**. Coastal grassland areas that are of conservation value will, most likely, have individual native grass plants distributed in varying densities throughout the extent of the site. Because of varying topography, soils, hydrology, and so forth, there may be very few to very many individual bunchgrasses per acre. Mapping the distribution and densities of perennial grasses may help identify historic management boundaries that impacted the system (eg., old fields and type conversion). There is no known correlation between biotic values of dense vs. diffuse stands of native perennial grasses. The purpose for mapping perennial grass distribution and density is to assess site history. The presence of native perennial grasses may serve as an indicator for the potential for the site to contain other, more diverse species in the soil seed bank and for the site to offer the habitat for **an** array of animals which depend on this ecosystem.

Bibliography

- Barry, W. J. 1972. The Central Valley Prairie. report California Department of Parks and Recreation, Sacramento, California.
- Bartolome, J. W. 1989. Ecological history of the California Mediterranean-type landscape. Pages 2-15 *in* J. W. Clawson, editor. Landscape Ecology: Study of Mediterranean Grazed Ecosystems. Proceedings of the Man and the Biosphere Symposium XVI International Grasslands Congress, Nice, France.
- Blumler, M. A. 1992. Some myths about California grasslands and grazers. *Fremonia* 20:22-27.
- Burcham, L. T. 1975. Climate, structure, and history of California's annual grassland ecosystem. Pages 16-31 *in* R. M. Love, editor. The California Annual Grassland Ecosystem. The Institute of Ecology, University of California at Davis, Anaheim, California.

- Duncan, D. A. 1975. The San Joaquin site of the grassland biome: its relation to annual grassland ecosystem synthesis. Pages 9-13 *in* R. M. Love, editor. The California Annual Grassland Ecosystem. Institute of Ecology, University of California at Davis, Anaheim, California
- Foin, T. C., and M. M. Hektner. 1986. Secondary succession and the fate of native species in a California coastal prairie community. *Madroño* **33**:189-206.
- Harrison, S. 1999. Native and alien species diversity at the local and regional scales in a grazed California grassland. *Oecologia* **121**:99-106.
- Hatch, D. A., J. W. Bartolome, J. S. Fehmi, and D. S. Hillyard. 1999. Effects of burning and grazing on a coastal California grassland. *Restoration Ecology* **7**:376-381.
- Heady, H. F., J. W. Bartolome, M. D. Pitt, G. D. Saville, and M. C. Stroud. 1988a. The California prairie. Pages 313-335 *in* R. T. Coupland, editor. Natural Grasslands: introduction and western hemisphere. Elsevier, New York, New York.
- Heady, H. F., T. C. Foin, M. M. Hektner, D. W. Taylor, M. G. Barbour, and W. J. Barry. 1988b. Coastal prairie and northern coastal scrub. Pages 733-762 *in* M. G. Barbour and J. Major, editors. Terrestrial vegetation of California. California Native Plant Society.
- Holstein, G. 2001. Pre-agricultural grassland in central California. *Madroño* **48**:253-264.
- Huenneke, L. F., and H. A. Mooney. 1989. The California annual grassland: an overview. Pages 213-218 *in* L. F. a. H. M. Huenneke, editor. Grassland Structure and Function: California Annual Grassland. Kluwer Academic Publishers, Dordrecht, Netherlands.
- Maron, J. L., and R. Jefferies. 2001. Restoring enriched grasslands: effects of mowing on species richness, productivity, and nitrogen retention. *Ecological Applications* **11**:1088-1100.
- Marvier, M. A. 1998. Parasite impacts on host communities: plant parasitism in a California coastal prairie. *Ecology* **79**:2616-2623
- Noss, R. F., E. T. LaRoe, and J. M. Scott. 1995. Endangered Ecosystems of the United States: A Preliminary Assessment of Loss and Degradation. Biological Report 28, National Biological Service, Moscow, Idaho.
- Pitt, M. D., and H. F. Heady. 1978. Responses of annual vegetation to temperature and rainfall patterns in northern California. *Ecology* **59**:336-350.
- Stromberg, M. R., and J. R. Griffin. 1996. Long-term patterns in coastal California grasslands in relation to cultivation, gophers, and grazing. *Ecological Applications* **6**:1189-1211.
- Stromberg, M. R., P. Kephart, and V. Yadon. 2002. Composition, invasability, and diversity in coastal California grasslands. *Madroño* **48**:236-252.
- Talbot, M. W., H. H. Biswell, and A. L. Hormany. 1939. Fluctuations in the annual vegetation of California. *Ecology* **20**:394-402.



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

ACKNOWLEDGEMENT OF RECEIPT

DATE: November 19, 2002

TO: Paia Levine
Santa Cruz County
701 Ocean Street Room 400
Santa Cruz, CA 95060

RE: Carmichael Grading Project
SCH#: 2002102136

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: October 29, 2002
Review End Date: November 27, 2002

We have distributed your document to the following agencies and departments:

California Highway Patrol
Caltrans, District 5
Department of Conservation
Department of Fish and Game, Region 3
Department of Health Services
Department of Parks and Recreation
Department of Toxic Substances Control
Department of Water Resources
Native American Heritage Commission
Office of Historic Preservation
Public Utilities Commission
Regional Water Quality Control Board, Region 3
Resources Agency
State Lands Commission

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process

158

J. KENNETH GORMAN
MICHELE M. GORMAN
365 Danube Drive
Aptos, CA 95003
831/685-3945

November 18, 2002

Paia Levine
Santa Cruz County Planning Dept.
701 Ocean St., ste. 400
Santa Cruz, CA 95060

HAND DELIVERED

Re: Project Application no.s 00-0143 and 40237S
APN: 040-081-09 and 040-081-06
Applicants: S&P Carmichael Enterprises, Inc., and Men-Chy Properties

Dear Ms. Levine:

We have lived ~~at the~~ above address for over ten years. We use ~~the~~ subject property nearly every day for recreation such as hiking, nature observing and biking. It is our access to the entrance to the trail into Nisene **Marks** at the top of the hill. We have always appreciated the use of the land and respected the rights of the owners. We have protected it by removing **trash**, evicting vandals and hunters, and notifying the sheriff about squatters.

We are not members of any organized group concerning this project.

We have the following concerns and disagreements with the plan as we understand it.

The proposed driveway is unnecessarily long. **It will cover** a large amount of grass ~~and~~ and will block access to the open space from Jennifer, Kamian and Mesa Grande, essentially **cutting off** the property entirely. It also runs right behind the homes of our neighbors. The driveway should **start** at Mesa Grande. There would be no disadvantage to the owners, in fact, it would be cheaper. It would avoid destruction of the environment, **traffic** and attendant noise behind the adjacent homes, and blocked access.

Second, the project would eliminate access to the trail from Cabrillo to Nisene Marks, as well ~~as~~ the Nisene **Marks** trail itself, by blocking **entry** at Haas, Jennifer, Kamian Way, Mesa Grande and the water tank driveway. A number of alternatives could be implemented.

Third, ~~we understand~~ that the owners bulldozed the hillside ~~and~~ cut down a number of native trees without permits. The erosion from that ~~was~~ considerable. Our information is ~~that~~ there were minimal if any penalties imposed. The subsequent efforts at remediation to the hillside have not been maintained and were not very effective. This has not inspired confidence that the steps necessary to protect the grassland will be observed, or that their violation will be effectively policed and remedied. This is particularly troubling in light of the recommendation to proceed without an environmental impact ~~report~~.

Fourth, ~~we are~~ advised that the owners are willing to sell the property for \$5,000,000, and that the purchase price 3-4 years ago was \$1,500,000. That is unreasonable. There is no guarantee that any investor will make a profit. A \$3,500,000 profit for speculative purchase of

~~property~~ that historically had not been developed is excessive. The taxpayers should not have to support such a profit. An appraisal should be considered and the project halted until that has occurred.

Fifth, we have been informed that the owners have submitted documents indicating prospects for a development of 10-20 homes on the property. The owners' representative has personally informed me that that is not true the only plans are for the one house at issue. If in fact there are plans in the work for a subsequent development and this is only the first step, the project should be evaluated in that light, and the public should be so informed.

Based on the foregoing we request that the project not be approved as presented, that a public hearing be scheduled to obtain community input and ensure that environmental and neighborhood concerns are adequately addressed, that an environmental impact report be required, that enforcement mechanisms be ensured, and that alternative accesses and purchase proposals be investigated before construction permits are issued.

Sincerely



J. Kenneth Gorman

cc: Alvin James
Elie Pirie

Fax

Name: Paia Levine
Organization: County of Santa Cruz Planning Dept
Fax: 831 454-2131
Phone: 831 454-3178
From: Bud, Linda, and Jordan Gerstman
Date: 11/19/02
Subject: Koch Property Development
Pages: 1

Please do all you can to **squelch** the current development plans concerning the Koch / Carmichael Property near Nisene Marks Park at the end of Vienna Woods. The neighborhood can not withstand any more traffic (esp. on Vienna Drive) without a serious **threat** to safety. Also, this particular developer is not an honest person, as he has misrepresented his intentions on several occasions to several people, including me (e.g., he has told different parties that he plans on building anywhere between 1 and 50 homes on the property.) I am sure you have heard the first hand report, and I am aware of the conflict between property and community rights. Let me say that I am generally a private property advocate. But, at the same time, I ask would we allow a 7/11 or McDonald's in our residential neighborhood? I suggest that this particular developer is planning a large 50 to 100 home or condo developer on this unsuitable land. We have a right and responsibility to prevent this misuse. The developer and his son have been threatening, dismissive, verbally abusive, and downright dishonest. The current plan will be blocking the main access to an important Nisene Marks trail. I have no doubt why. The contractor and his foreign investors have no intention of using the 3 parcels as the land as currently intended. As civil and public servants, you have a right and responsibility to represent the will of the people, and to protect the public's safety. We should not confuse private property rights with the type of nonsense we are currently confronted with. I therefore urge you to do the right thing--the moral thing, the common sense thing, and the responsible thing--do not allow this greedy person to run over our right to self-governance and local control.

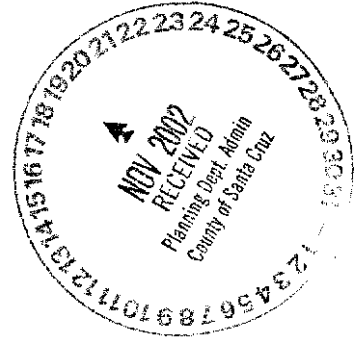
Sincerely yours,

B. Gerstman, D.V.M.M.P.H. Ph.D.

copies to:

Alvin James, Director, County of Santa Cruz Planning Dept (FAX 454-2131)
Ellen Pirie, Supervisor 2nd District, Santa Cruz County (FAX 454-3262)

Laurel Nakanishi
432 Danube Drive
Aptos, CA 95003
November 15, 2002



Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
701 Ocean Street, Suite 400
Santa Cruz, CA 95060

Dear Ms. Levine:

I have several strong concerns about the pending County approval for the house that Stephen Carmichael wants to build on the Koch Property in Aptos. If the County approves development of this property, the public will lose access to a popular recreational area, and will lose an access to Nisene Marks and Cabrillo College, both important issues in these times of growing population and traffic congestion.

One piece of the developer's plans that seems to be totally unnecessary is the road that he wants to build 30 feet behind the houses on Danube Drive, where my Family and I live. Not only does this seem unnecessarily close to my neighbors' and my homes and backyards, but it also is a poor decision from an environmental standpoint. With the Coastal Prairie Grassland habitat on the property, it seems incredible that the developer will be allowed to build a 2,200 foot through the property parallel to an existing public street. It would make more sense to have his house accessed by Danube Drive to Mesa Grande Road, rather than make a new road, paving over unique habitat.

I assume that you are already informed of other issues concerning development of the Koch Property, including increased traffic on an already marginal Vienna Drive, parking issues, and more. I hope that you are highly aware of how pivotal the Koch Property is, that Cabrillo College is in favor of its preservation, that it is in the Nisene Marks General Plan, and how it provides a link between the two public lands. This is an important piece of property for future public use. Please act with vision for the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laurel Nakanishi".

(Ms.) Laurel Nakanishi

cc: Alvin James, Elien Pirie

Alvin James, Paia Levine, Ellen Pirie,

I am writing this letter to strongly request that you do not proceed with final approval of the projects (app.#00-0143 and #402378) to construct a single-family dwelling and access road on the "Koch property" in Aptos. I believe that the negative impacts that would occur with this development far outweigh any need for additional housing in this area

As a resident of the adjacent "Vienna Woods" neighborhood my first concern is the safety of the residents. The "Koch property" is heavily used as an access to Nisene Marks State Park and I believe once this access is eliminated that the entrance of choice will be the trailheads in Vienna Woods. While I appreciate everyone's right to access the public park, I see a problem concerning this increase of traffic on Vienna Drive (a windy road bordered by a ravine on one side and a hill with housing on the other), and the lack of parking space and restrooms at the trailheads. This neighborhood was not designed to handle a public thoroughfare. One of the reasons my husband and I purchased our home in this neighborhood was to avoid the dangers of heavy traffic, for the safety of our young children, as well as the quiet. I know this desire for safe, low traffic streets is shared by many of my neighbors. As one of the largest cul-de-sacs in Santa Cruz County, I believe we already have maximum traffic the neighborhood was designed to safely handle. Another safety concern is that of emergency access. If development is to take place, the emergency access through the "Thousand Oaks" neighborhood is eliminated, making emergency rescue/evacuation of the neighborhood quite limited

My home is on Danube Drive, with my backyard bordering the Koch property. When we were looking at our property we inquired on the status of the Koch property. We were informed that the County of Santa Cruz Planning Department had limited development of the entire Koch property to five homes. This designation is what we relied on for affirmation that my backyard would not be overlooking a big housing development. I respect a property owner's right to do what they will with their own property - as long as they respect the designation stated by the Planning Department. The owner of the property, S&P Carmichael Enterprises, Inc., has stated publicly that they intend to develop many more than the five homes the Planning Department has allocated for the property. This kind of development provides for the potential of a drastic increase in traffic on a road that is already very busy, as well as diminishes my assessed value of my home.

The plan of placing the "driveway" 30 feet behind the existing homes shows a blatant disregard by the developer for the current residents along Danube Drive. Not only will there be an increase in noise and dust due to the road, but our neighborhoods drainage systems will be disrupted as it discharges to the property along where the proposed road would be located.

There is an opportunity to use this land in a way that benefits people far beyond just the residents of Vienna Woods, or any future home development. The plans outlined by the group "Nisene 2 Sea", shows vision in creating a community that is less reliant on

motorized vehicles for accessing areas of Aptos, while providing public use of this land. The Koch property lies between Nisene ~~Marks~~ State park and New Brighton ~~State~~ beach. This property is the only link from the Santa Cruz Mountains to our coastline. Once this property is developed the opportunity of this unique corridor disappears for this generation as well as all those who follow. I *think* the plans and ideas of this group should be fully realized in a public forum before any decision about development moves forward.

I believe that the building of this first home is just the beginning of a plan for the development of the ~~entire property~~, with no consideration for the designation by the Planning Department, the sensitive Coastal Prairie Grassland areas, or for the prescriptive easement that has been enjoyed by the area residents for decades. I purchased my home with the idea that this Aptos area is unique because of the wonderful open spaces that greatly improve the quality of life here, as well as the security that comes with living in a neighborhood at the end of the road cul-de-sac. I implore you to take this opportunity as the current stewards of the planning department to ensure that this property is utilized in the best fashion for all the residents of Aptos, the surrounding areas, and future generations. At the very least this issue should be brought to a public forum, and all plans should be the result of careful study of environmental and social concerns.

Thank you for your time and your consideration.

LeAnn and Thomas Copriviza
260 Danube Drive
Aptos
(831)684-2738

November 19, 2002

Paia Levine
Santa Cruz County Planning Department
Environmental **Review** Staff
701 Ocean Street, Suite 400
Santa Cruz, CA 95060
FAX (831) 454-2131

Vickie and Gary Anderson are strongly opposed to the development on the **Koch** property - Assessor Parcel #040-081-09 and 040-081-06.

We purchased our house at 404 **Danube** Drive in 1975, and have **always** been concerned with evacuation, (i.e., fire, earthquake, mudslide). We have only one (1) **exit/entrance** road, which is Vienna **Drive**. The increase in traffic just with construction and heavy equipment alone will be dangerous.

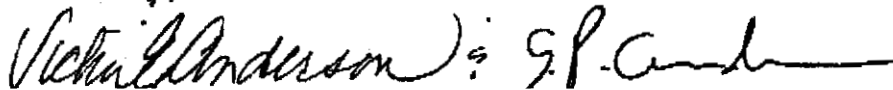
For years we have requested the option to purchase (1/4-1/21 acre behind our houses. We **know** this new road not only will **it** be too close to our homes, **it** will create a danger to sensitive habitat, cause drainage problems and will be an eye-sore. On top **of** that **it** will also be a "back door" opportunity to open up development of the Koch property. This is an outrage given our traffic, the life threatening danger **of** no access to **Soquel**, and lack of water and sewer sources.

How can this development even **be** considered without an Environmental Impact Report or Public Hearing? What is happening to Santa **Cruz**? We almost have to have an Environmental Impact Report to put up an awning.

We have many other concerns regarding this proposal to our neighborhood such as: Impact on **all** homes on Danube Drive, **loss** of **safe** alternate **access** to Cabrillo, Soquel Drive and bus lines, parking issues, and **loss** of the Nisene 2 **Sea** Corridor.

Please reconsider a public hearing and Environmental Impact Report before doing anything!! These people are not local and do not care what this proposal could do to our environment or our welfare.

Sincerely,



Vickie and Gary Anderson
404 Danube Drive
Aptos, CA 99003

c: Alvin James, Director
County of Santa Cruz Planning Department
Ellen Pirie, Supervisor 2nd District
Santa Cruz County Board of Supervisors

November 17, 2002

Santa Cruz County Planning Department
Attention: Paia Levine,

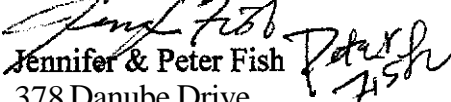
We are writing to you to express our concerns regarding the planned development of the Koch Property adjacent to the Vienna Woods area of Aptos. We live **on** Danube Drive which backs up to the property in question. We understand that Mr. Carmichael, the current owner of the property, has applied for permits to build a single large residence and an access road which would run directly behind our house. We also understand that his desire is to develop the property further with as many as 20 large homes despite the fact that the property was not zoned for a large development, is outside the Urban Services Lie.

This property is also the only direct ~~link~~ between Nisene Marks State Park and the Cabrillo College property and has been used for over 35 years by the public for **hiking** access. Though it would seem that there are prescriptive rights of access – Mr. Carmichael has previously threatened people walking **on** the property and has said he will close off all access once his project begins.

Our greatest personal concern at this time is regarding the planned access road which we have been told would run just 30 feet behind our home. This makes little sense, as there is an existing dirt road further back that Mr. Carmichael has previously utilized and which emergency vehicles have **also** historically utilized. Furthermore, there is a substantial drainage channel directly behind our home which draws run-off **from** a large portion of Danube Drive and would be impacted by the planned roadway. This is a very large property and to build a long road directly behind **14** homes that have stood unencumbered for 35 years, seems ill conceived and unnecessary.

We ask that these issues be taken into consideration and at the very least some kind of public forum be held, before any permits are finalized.

Thank you for your attention to this matter,


Jennifer & Peter Fish
378 Danube Drive
Aptos, CA 95003

cc: Supervisor, Ellen Pirie

Parcel #
040-081-09
+ 040-081-06

11/14/02

RC! APN 040-081-09-7 Mid County -
040-081-06 } above Cabrillo College

project number = 00-0143 + 402375

S + P Carmichael Est + minor chg. Prop.

I live on Danube Dr.

George Kamian + family

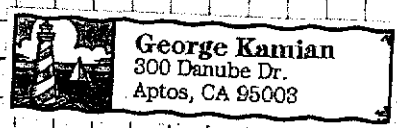
300 Danube Dr. Aptos 95003

831-688-2367

I main concern is the proposed
2200 foot access Road to be built
30 feet Behind on Home.

There is a rough Road about a
100 feet Behind my Home - why
cant the builder use that - they have
also - does the O.R. on the 30 feet
Road mean that a future subdivision
map has already been approved?

Respectfully
George Kamian



688-2367

John Campbell
3396 Haas Drive
Aptos, CA 95003
Phone: 662-2691

November 8, 2002

Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
701 Ocean Street Suite 400
Santa Cruz, CA 95060

Re: Project Application Numbers: 00-0143 & 402378 – Public Review

Dear Ms. Levine:

I am a local resident and property owner. My residence borders the property for the above referenced project. Many local residents and myself access Nisene Marks State Park via the trailhead connecting to Mr. Carmichael's property. I would estimate that twenty-five to fifty park visitors enter the park through this entrance on an average day. This entrance is the primary walk-in access from Cabrillo College lands and Haas Drive.

If the above referenced project is constructed, as proposed, this trailhead will be blocked from further usage. This will eliminate access to an important section of trail and require these park users to drive to other park entrances. Access to Nisene Marks State Park is a key issue, as there are so few access points to this large and important land resource. These trail systems have been in use by the general public for many years and provide the only entry to this northwestern boundary of the park.

I would like to request that this permit only be approved on the condition that the Owner provides an alternate access to this park entrance. The trailhead of which I am speaking is on the ridge-top behind the Soquel Creek Water District water tank. This would require the owner to provide an alternate trail around his proposed drive and house, up to the ridge-top and to the trailhead at the park boundary.

Sincerely,



John Campbell

Cc:

Alvin James, Director
County of Santa Cruz, Planning Department
701 Ocean Street Suite 400
Santa Cruz, CA 95060

Ellen Pirie, Supervisor 2nd District
Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Robert M. Weissberg
102 Las Lomas Drive
Aptos, CA 95003

November 9, 2002

Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
701 Ocean Street, Suite 400
Santa Cruz, CA 95060

Re: Project Application Numbers: 00-0143 & 402378 - Public Review

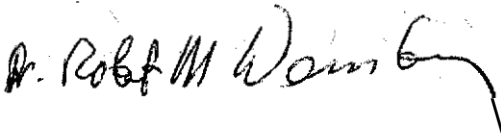
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Sincerely,



Robert M. Weissberg

cc

Alvin James, Director
County of Santa Cruz, Planning Department
701 Ocean Street, Suite 4W
Santa Cruz, CA 95060

Ellen Pine, Supervisor 2nd District
Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

11-13-02

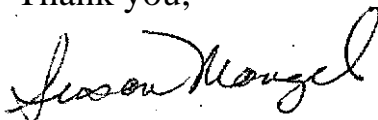
Susan Mangel
204 Danube Dr.
Aptos, CA 95616-2809

Paia Levine
County of Santa Cruz, Planning Dept.
701 Ocean St, Suite 400
Santa Cruz, CA 95060

Dear Ms. Levine,

I am enclosing a letter that I sent to Steve Carmichael in April just to be certain that it is included in the material that you will consider when you review his permit. He spoke with me after the letter and assured me that he was taking my concerns into consideration. I would like to avoid problems before they start.

Thank you,

A handwritten signature in cursive script that reads "Susan Mangel".

Susan Mangel

2
4-10-02

Susan Mangel
204 Danube Dr.
Aptos, CA 95003-2809

Stephen R. Carmichael
4125 Blackford Ave, Suite 250
San Jose, CA 95117-1793

Dear Steve,

I was told that plans are moving forward to build a road from Jennifer Drive to access your property. I am writing to remind you of two matters about which we spoke some time ago so that they can be taken into consideration before construction begins. I am, also, forwarding this letter to Alvin James at the County Planning Office. My hope is that the road will be built with forethought avoiding headaches for all of us.

First, I understand that the plan is to build the road 40 feet from the property line. I assume that line is where our fence is standing. There is an **oak** tree on your property whose drip line is about 45 feet from our fence. I would like to insure that the tree's health is not compromised by ~~the~~ new road. It is a beautiful asset to your property which should be preserved.

Second, much of Danube Drive and some of your property drains directly to the area that the new road will begin at the extension of Jennifer Drive. This causes large puddles in the winter. In really wet winters, your property drains into our backyard and out again. I am hoping you will consider this in your plans. If the road is improperly constructed, it will either be submerged during heavy rains or act as a levee backing up water into our yard.

I am willing to work with you, if necessary, to trouble-shoot problems before construction begins. Please keep me informed.

Thank you,

Susan Mangel

cc: Alvin James, Planning Director of Santa Cruz County

November 13, 2002

Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
701 Ocean Street, Ste. 400
Santa Cruz. CA 95060

Dear Ms. Levine:

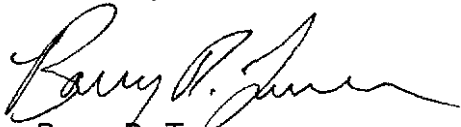
I am writing in regard to S&P Carmichael Enterprises et al (developers, Project Application numbers 00-0143 and 40237S) who are seeking to begin development on Aptos parcels #040-081-06 and 040-081-09.

The buyers are asking to grade a new access road directly behind the residences on Danube Drive. There is an existing road connecting Jennifer Drive with the proposed house site that has been used historically for public right-of-way and fire access. That road does not encroach as much on the existing homes. The original road has better drainage slopes than the proposed route. It has eroded little despite long use and no special drainage features other than sensible original placement. The proposed new road would need extensive new grading to drain well at all.

The proposed new road would expose the existing homes and yards to noise and dust, while the existing road is naturally screened by vegetation along most of its route. Many of the homes along Danube Drive have minimum setbacks at the rear, meaning that the new road would be only 50 feet from the bedrooms.

I would much prefer that this land eventually become part of Nisene Marks State Park. The property has been used extensively by the public for hiking, biking and equestrian access between Cabrillo College, Thousand Oaks and Vienna Woods to the adjacent Nisene Marks park. However I respectfully request that, if we can't get this land into Nisene Marks, we at least see that it is developed with as much sensitivity to the local environment and ambiance as possible.

Sincerely,



Barry R. Turner
390 Danube Drive
Aptos, CA 95003
(831) 662-1774

cc: Alvin James, Director SC Planning Dept.
Ellen Pirie, 2nd Dist. Supervisor

13 November 2002

Paia Levine, Environmental Review Staff
County of Santa Cruz, Planning Dept.
701 Ocean St, Ste. 400
Santa Cruz, CA 95060

Dear Ms. Levine:

Regarding project applications #00-0143 and 40237S filed by S&P Carmichael Enterprises and Men-Chy Properties for development on the Koch property in Aptos:

My husband and I purchased our Danube Dr. home in 1994, specifically because of the open space behind it. We remodeled the house to take full advantage of the view west across the Koch property. Since then we have enjoyed watching hikers, bicyclists, dog-walkers, deer, coyotes, quail, hawks, joggers, Cabrillo College classes, mushroom gatherers, horses and their riders, raccoons, possums, birds, bird watchers - and yes, even wild pigs - outside our windows. I have photographed many sunsets over this gorgeous piece of property and pulled French broom that was encroaching on hiking paths; my husband has carefully planted and tended redwood trees in the "field".

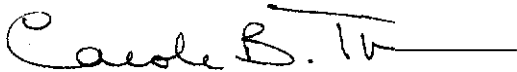
I am horrified to learn that approval for a driveway immediately behind our home is already pending. Mr. Carmichael, angered that his plans to subdivide and develop this property were being fought by neighbors, threatened several years ago to run his driveway right behind our fences in retaliation. I cannot believe that the county is considering allowing him to do just that, without even an Environmental Impact study. I do not begrudge Mr. Carmichael his "dream home" on top of the hill but I object to the impact that the proposed placement of his driveway will make on our own dream home. The houses on this side of Danube Dr. have very narrow backyards and the proposed driveway would run directly behind our back fence. Aside from the fact that that area is quite swampy in winter, we (and our neighbors) will lose the privacy we purchased when we bought our homes. I am also quite sure that the value of our property will suffer should the proposed driveway be installed: how many other homes in the county have roads both in front of **and** behind them?

There is already a good, historic road running from Jennifer Drive through the field and up to Mr. Carmichael's hill. Improving that road would cause considerably less damage to the field than creating a brand new road: it has better drainage and is already well compacted. I would hope that the county would take a careful look at this other option rather than simply approving Mr. Carmichael's request without question.

In addition, I strongly object to Mr. Carmichael's plan to block all public access to the Koch property "when work begins". I sincerely hope that the county will not allow this. The Koch property has been used by the public, freely and without interruption, for countless years and it is my belief that the public now has a prescriptive easement across that property. Since he purchased the property, Mr. Carmichael has been attempting to block access to it and I fear that if the county allows him to do so "when work begins", it will jeopardize our access in the future. Please allow the courts to make the decision as to whether the public has the right to enjoy the Koch property. For safety's sake, the public would only need to be barred from the actual home site.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Carole B. Turner", followed by a horizontal line.

Carole B. Turner
390 Danube Dr.
Aptos, CA 95003
(831) 662-1774

cc: Alvin James
Ellen Pirie

November 18, 2002

Applicants: S P Carmichael Enterprises, Inc. and Mcn-Chy Properties
(Developers/Joint Owners)

Assessor Parcel Numbers: ~~040-081-09~~ and ~~040-081-06~~

Project Application Numbers: (XI-143 and 40237S

To: Alvin James, Director, County of Santa Cruz, **Planning** Department

My husband and I are homeowners in the Vienna Woods neighborhood. We have lived here since 1990 and in Aptos since 1975. We are writing this letter **to state our** opposition to the project slated for the property, (formerly known as the Koch Property) listed at the top of this letter. We **are** opposed to the construction of the home and the 2,200 foot **road** that will give the developer access to the property on the west side of Danube Drive, exiting at Jennifer Drive.

We believe that if this project is **allowed to be built**, it will negatively impact our neighborhood in several ways.

1. Loss of recreational **use of the Koch Property**. The developer has stated that **he** will block all public access to this property via Jennifer Dr., Kamian Way, Mesa Grande, Haas and the water **tank** trail into the **Forest of Nisene Marks State Park** once **work** begins. There is a very long standing use of this **area** by hikers, bicyclists, bird watchers, and folks enjoying the open space.

2. This property provides an **important non-motorized access Link** between Nisene Marks State Park and adjoining neighborhoods, Aptos Village, Cabrillo College (and Saturday Farmer's Market!) and **New Brighton State Beach**. **This** would be **lost**, if the **project moves forward**.

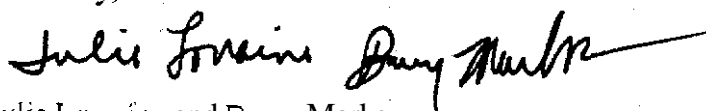
3. Truck and heavy machinery **traffic from project construction**, would **impact** Vienna Drive, the only road in **and** out of the neighborhood. In addition, there would be increased traffic related **to loss of public access into Nisene Marks from Cabrillo College**. Approximately 100 people **per day** enter Nisene **Marks** from the Cabrillo property.

4. Loss of privacy to all homes **on Danube** which **back up to the proposed driveway**.

Despite good faith effort!! to purchase the property as parkland, the developer has set an unrealistically high **sale price** and has developed an **increasingly antagonistic** relationship with the neighborhood.

We strongly urge you to take this information seriously and to vote against approval of this proposed project.

Sincerely,



Julie Lorraine and Barry Marks
3848 Vienna Drive
Aptos, California 95003

Date: Nov 18, 02
To: Celia Scott
From: Paul Levine Phone: 454 3178
Subject: Carmichael Inquiry

Number of pages including this page: 2

Comments: Proposed mitigation measures are attached. Note that the footprint of the house appears on sheets 2, 3, + 6 of Attachment 2. Road grading for all roads = 675 yds³, per project description. (that category includes the driveway). I do not ^{know} have the proposed area of the home. Please check w/ the planner Joe Hanna, 454-3175, for that info.

SHOULD YOU HAVE ANY TECHNICAL PROBLEMS RELATIVE TO THIS FACSIMILE TRANSMISSION, PLEASE CALL THE STAFF PERSON SENDING THIS AT THE NUMBER LISTED ABOVE.

* * * * *

WARNING! This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail at our expense. Thank you.

fax/811

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P.1

** Transmit Conf. Report **

Fax: 831-454-2131

SC CNTY/PLANNING

pg 1 of 2

Pam Levine, Environmental Review Staff
County of Santa Cruz, Planning Department
701 Dean Street Suite 400
Santa Cruz, CA 95060

Re: Project Application Numbers: 00-01434402378 - Public Review

As local residents at 2400 Haas Dr. in Aptos, my husband and I have walked the trails on the Koch property for more than 20 years; including the trail head going into Nisene Marks State Park on top of hill where applicant proposes to build. We also access the Park entrance at the end of Danube Dr. via the Koch property.

We have a immediate concern about the developer's plans to block all public access to the Koch property via Haas Dr.; Jennifer, Kianian and Mera Grande when work begins; thus also cutting our access to Nisene Marks Park.

We strongly urge you to initiate an Environmental Impact Report for this project for the following reasons:

1. There is the sensitive Coastal Prairie Grassland.

The 2,200 ft. access road proposed on the middle 52 acre parcel will destroy too much native vegetation. It will also cover too much aquifer receding ground (Aquifers of water are receding before the tide of luxury homes.)

You and your staff must know we are now, and have been for some years overdrawing our Aquifers in Sequel Creek Water District (SCWD) by an estimated 600-15,000 acre feet per year. To their credit SCWD denied applicants a water hook up, then a County Dept gave a well permit. It is all the same water we are overdrawing!

2. Applicants are proposing a 2 story home and driveway (on very steep terrain) with 2 garages on top of the hill next to a SCWD water tank.

Exhibit G

Re-circulated

Initial Study Comments

Fax cover sheet

5 pages to follow

Attention:

Faia Levine

Ken Hart

County Of Santa Cruz Planning Department

Application No: 00-0143 and 40237S

APN: 040-081-09 and 040-081-06

Owner: S&P Carmichael Enterprises Inc. et al

Thank you for sending me a copy of the Environmental Review Checklist concerning the above noted property. When reviewing the E.R.C. I found several items that seem in contradiction, are unclear, or wrong. As residents of Danube Drive our backyard overlooks the property and I believe that we have valid concerns with the accuracy of the E.R.C. At this time I ask that further review be required before the proposed development proceed.

My first concern is with the proposed area 10 feet from the back of my property, and its preference as a road, over the already existing dirt road. In 1999 Carmichael Enterprises began the illegal grading of the hillside, along with drilling a well, and surveying the property. There was extensive vehicular travel associated with these developments. Heavy equipment and passenger vehicles utilized the existing roads (pictures to follow) to the building site. In one instance a S.U.V. attempted to utilize the area of the property behind the homes on Danube Dr. and become stuck, requiring a tow truck. Due to the fact that the area behind the homes is not a natural roadway and there is an existing roadway on the property that has been used by Carmichael Enterprises, I believe the intent of the roadway behind Danube Dr. is to ring fence the property and close off all access to the public along with making it much easier for future building on the property. The E.R.C. (in section L, #4) ask the question concerning potential "growth inducing effect", and contends there will be none. Mr. Carmichael has publicly stated his intentions in developing the property far beyond the current designation, and the design of the access road is conducive to the type of large development Mr. Carmichael desires. This ring fence access road will eliminate any potential of a park that Parcel 04 has been designated, will block the public access that has been enjoyed for many years, and also eliminate a path for the Nisene 2 Sea Corridor, which has the potential to be a jewel of Santa Cruz County tying the forest of Nisene Marks to the Pacific Ocean. If the true concern of the developer were to minimize impact on the environment and to provide continuity within the community context, the house would be planned in a place with closer access to existing paved roads. In the E.R.C., section C, #2 it is stated, "the road alignment was modified to avoid most of the sensitive habitat." Which refers to a small area of Coastal Terrace Prairie on the Southern border of the property. In referencing the much larger Coastal Terrace Prairie north of Wilshire Ave. the E.R.C. (same section and #) states "As long as the new roadway follows the existing roadways disturbance in this area as much as possible, there will be minimal loss of habitat." To contend that in one area building a roadway will cause the loss of "approximately 6000 square feet of Coastal Terrace Prairie", and in another larger area there will be "minimal loss" is a blatant contradiction.

If the house were to stay at its current proposed place at the least the obvious choice for the access road would be to enter the property from "Karnian Way" ("A Street", "Karnian Ave."). This access point would not only bypass some of the sensitive Coastal Terrace Prairie, but also avoid natural habitat of the many small animals (quail, rabbit...) that live in the Coyote Brush Scrub and avoid the Coastal Live Oak Woodland, as well as negating the impact of placing a road directly behind the residence of Danube Drive.

The noise created by being in the middle of two thoroughfares would drastically alter the current ambiance of the Danube Drive homes. The E.R.C. contends that there will be no change in ambient noise levels, which is ridiculous. On a personal note, the noise and dust created by this road would be intolerable to me as I work at home during the day and have a young child with asthma. The area of the proposed access road between Jennifer Dr. and Wilshire Dr. is a green belt between the homes in the area and Carmichael Enterprises property. To say there is an existing roadway along this site a complete fallacy. By using the existing dirt roadway of the property the future development would be impacted. I believe that Santa Cruz County has an unique opportunity to have a corridor from Nisene Marks to the Sea, but a road ring fencing Carmichael Enterprises property will eliminate this from being a possibility, as well as cut off the access to the park that the public has enjoyed for years. The residents would suffer from the loss of this access and the loss of the ambiance in which they currently live
Thank you for your time.

Sincerely,

LeAnn and Tom Copriviza R.E.
260 Danube Dr. Aptos Ca.

cc: Ellen Pirie
John Laird
Ken Hart
Paia Levine



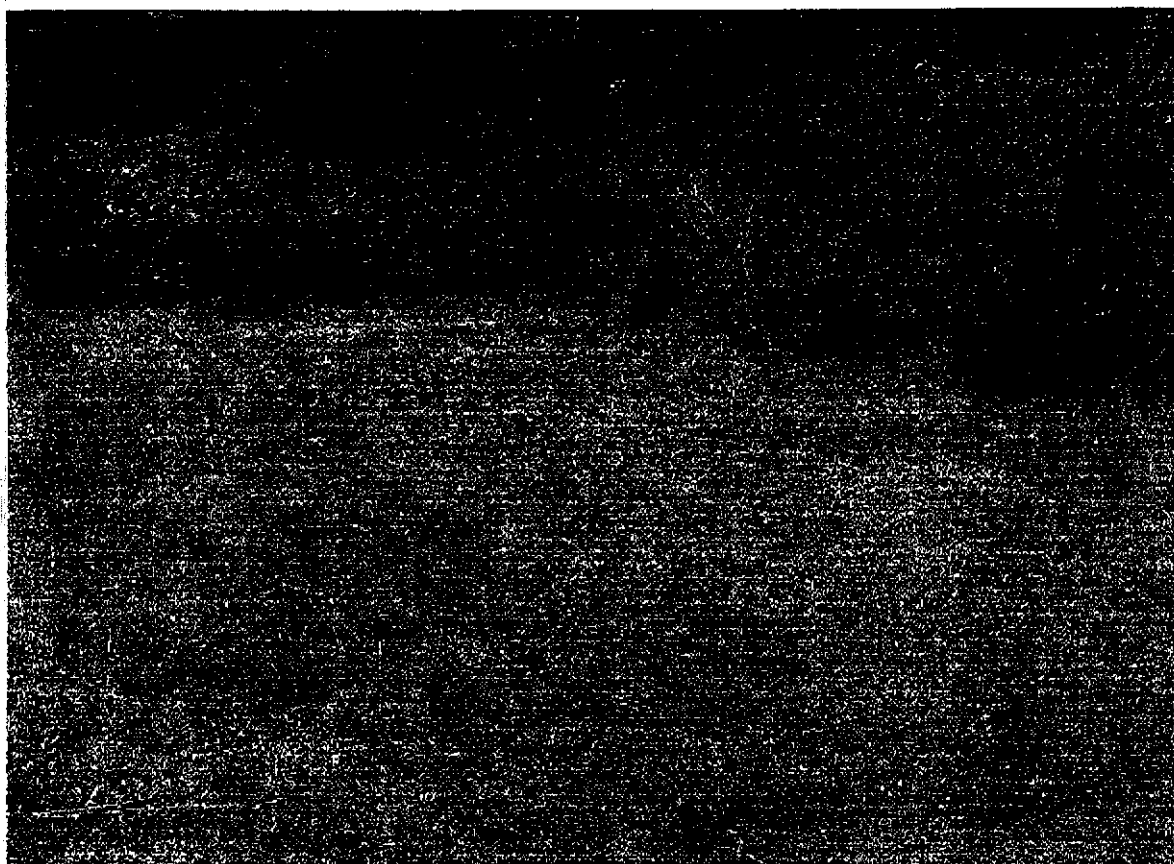
Picture of Cannichael Enterprises proposed road looking from Jennifer Dr toward Wilshire No evidence of a existing road,



Picture of Carmichael Enterprises future proposed road looking from Wilshire toward Jennifer. As you can tell there is no existing road, just an undisturbed green belt.



This road has been in existence for many years, and used by Carmichael Enterprises to perform work on the property. Using this existing road could limit the future development potential (beyond the one proposed home) of the property.



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Access to a existing road off of Jennifer Dr. This would have less impact on the neighborhood and environment



Existing road off of Kamian Wily. This road was utilized by Carmichael Enterprises to illegally grade the hill in 1999 along with well, septic, and survey work.

November 18,2002

Applicants: S P Carmichael Enterprises, Inc. and Men-Chy Properties
(Developers/Joint Owners)

Assessor Parcel Numbers: 040-081-09 and 040-081-06

Project Application Numbers: 00-- 143 and 40237S

To: Ellen Pirie, Supervisor 2nd District

My husband and I are homeowners in the Vienna Woods neighborhood. We have lived here since 1990 and in Aptos since 1975. We are writing this letter to state our opposition to the project slated for the property, (formerly known as the Koch Property) listed at the top of this letter. We are opposed to the construction of the home and the 2,200 foot road that will give the developer access to the property on the west side of Danube Drive, exiting at Jennifer Drive.

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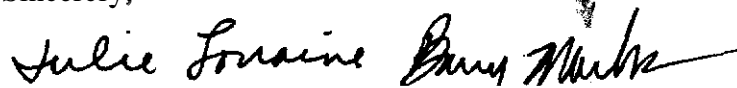
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Sincerely,



Julie Lorraine and Barry Marks
3848 Vienna Drive Aptos, California 95003

Exhibit G

CHRISTOPHER G. RUMMEL, REHS #4684

**CONSULTING REGISTERED ENVIRONMENTAL HEALTH SPECIALIST
115 VISTA DRIVE
LA SELVA BEACH, CA 95076 (831) 684-1446**

Oct. 21, 2003

RE: APN: 40-081-09; Stephen Carmichael property

To Whom It May Concern:

The following statements are prepared in response to a request for information regarding the permitted sewage disposal site for the proposed residence on this 142 acre parcel. The County approval of this site was based upon the thorough study and testing work that I conducted to verify that the proposed sewage disposal system is located in at the best possible location for the proposed residence site and in full compliance with the Santa Cruz County sewage disposal ordinance for new construction. The following brief will describe how I determined that this is the most suitable site for a leaching system, in order to consider whether any another site should be utilized for sewage leaching on this property.

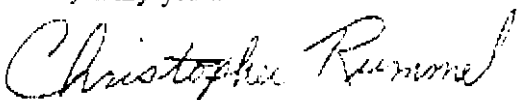
- Based on an aerial topographic map by Bowman and Williams, a 1978 soils investigation by Earth Systems Consultants of Palo Alto, and a full search of the property on foot, I reviewed all of the potential sites where sewage disposal leaching systems could be located.
- Most of the early test borings by others at sites throughout the property reported the type of soils information that indicated unsuitable soils for standard sewage disposal systems. In particular, there were very dense structured soils or high clay content. However, these tests were conducted for engineering purposes, so additional sewage disposal related testing was necessary to confirm suitability. I selected for testing any site which the engineering study reported some possibility of soils which may be suitable. All but one of these sites was found to be very poor for leaching systems. Some site areas were not even tested because the engineering study reported even worse conditions of clay and density.
- I conducted the soil testing of these possible sites and several other potential sewage leaching sites. The testing was done by using a backhoe as required by the County's testing procedures for obtaining deep soil profiles at potential leaching sites. Later that day, after Mr. Bob Lorey, from the County Environmental Health Services inspected and witnessed the test excavations and agreed that all of the sites looked very poor, with one exception, the present site. The only suitable soils of the entire parcel for standard sewage leaching trenches were found at the proposed leaching site.
- This site appeared to be an ideal sandy soil series of the Purissima formation. Soil percolation tests were conducted on the parcel within the leaching area at the prescribed depths and repeated again at several other depths and sites to define the chosen area. The percolation results and soil logs were reported to the County. The findings were unusual in that the percolation rates were slower than expected

considering how ideally sandy the soils at this site were. I attributed this to the percentages of fine-grained sand and the natural cementation of this native material. The findings resulted in the necessity for a dual leaching system due to slow, but generally passing perc. rates. Nonetheless, since no other site even remotely looked as good as this site, it is inconceivable that percolation rates at other sites downs slope would pass for any type of standard leaching trenches.

- The County will not approve pump-up systems for moving septic effluent to sites upslope if gravity fed locations can be found to be suitable. This is one very good reason for keeping the proposed house where it is or even higher upslope. Nothing was suitable for septic down slope. The building site and driveway were required to be moved (off of the higher original building site) and thus the suitable leaching system site was still barely below the house and able to be gravity fed. However, now the original adequately sized area had been so reduced in size that only by the use of enhanced treatment could the system fit. Enhanced treatment, which allows a deeper and smaller sized standard leaching system because the effluent is rendered much more "clean" of contaminants, still must be located as currently approved.
- AS a final option to enhanced treatment at the one suitable leaching site, a pump system was considered and areas behind the house site and up into all of the ridges along the trail were explored. Again, all sites with suitable slopes and size were tested and nothing was found suitable except for the site next to the house. Even sites that looked remotely suitable were tested and the percolation tests quickly failed.

The principal statement that I can conclude with is that no other section of this large parcel could support conventional septic tanks systems with any long term success, other than where it is currently positioned. Even with the enhanced treatment technologies now available, there still must be a good leaching trench area, as I have found. I have been involved in such studies locally for over 30 years and have developed a very good sense of what soils and sites will or will not meet the County requirements for standard leaching systems. There is no other reason for locating this septic system where it is other than the determination that it is the only place we discovered where it will actually work for a long time. To move the house down the hill is contrary to the intent of the County Ordinance and policy which disallow pumping sewage if gravity-fed locations are available. Since no septic locations are available down slope, the building site should remain where it is, and where pumping would not be necessary. If you have any questions about this report, please contact me at (831) 684-1446.

Very truly yours:



Christopher G. Rummel
Registered Environmental Health Specialist #4684

Exhibit H

GRADING PERMIT FINDINGS

Exhibit H

The Grading Ordinance under section 16.20.080 (c) Approval Limitations And Conditions includes provisions for denial of an application for a grading approval if any one of a number of specified "Findings" are made. To confirm that this project can be approved the following section will examine these findings and indicate why the finding for denial cannot be made. In some cases extra conditions are proposed to assure compliance with the General Plan and Code.

16.20.080 (c) Denial of Approval

- 1) *An application for a grading, dredging, or diking approval shall be denied **if** the Planning Director or Planning Commission makes any of the following findings:*
- i. *That the design of the proposed site **is** not consistent with the applicable general and specific plans adopted pursuant to Chapters 13.01 and 13.03 of the Santa Cruz County Code.*

The applicant has complied with the Neighborhood Character Inventory, 8.4.5, and the proposed home is similar to the surrounding homes. **The** home will be located below the peak of the hill in compliance with GP 8.6.6 Protecting Ridge-tops and Natural Landforms, and the home and accessory structures height and size comply with the zoning district standards

Several other sections of the General Plan require additional analysis to confirm that the proposed project complies with that specific General Plan Policy. These policies include: (A) 5.1.6 (Development within Sensitive Habitat) and 5.1.7 (Site Design and Use Regulations), (B) 6.3.1 (Slope Restrictions), (C) 6.3.9 (Site Design to Minimize Grading), and (D) (General Plan Policy 6.5.1 (Access Standards). These sections are discussed in the following sections A through D.

- A. General Plan Policy 5.1.6 and 5.1.7: Both of these policies apply to the proposed Carmichael Grading Plan. These policies state:

*"General Plan Policy 5.1.6: Sensitive Habitat shall be protected against any significant disruption of habitat value; any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, **if** no alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive*

GRADING PERMIT FINDINGS

Exhibit H

habitats unless approval if a project is legally necessary to allow a reasonable use of the property. ”

And,

“General Plan Policy 5.1.7 Protect sensitive habitats against any significant disruption or degradation of habitats values in accordance with the Sensitive Habitat Ordinance. Utilize the following site design and regulations on parcels containing these resources, excluding existing agricultural operations:

- (a) Structures shall be placed as far from the habitat as feasible.*
- (b) Delineate development envelopes to specify location of development in minor and land divisions and subdivisions.*
- (c) Require easements, deed restrictions, or equivalent to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity or to protect sensitive habitat on adjacent parcels.*
- (d) Prohibit domestic animals where they threaten habitats.*
- (e) Limit removal of native vegetation to the minimum amount necessary for structures, landscaping, driveways, septic systems and gardens;*
- (f) Prohibit landscaping with invasive or exotic species and encourage the use of characteristic native species.*

The Negative Declaration mitigations include a Costal Prairie Habitat Management and Enhancement Plan, a revised alignment of the proposed roadway to avoid Oak Woodland, a revised grading plan to reduce the impact on Oak Woodland, and an Oak replacement plan. As designed the project's impact on biotic resources and sensitive habitat have been reduced to a **less** than significant level. The proposed home and accessory building is located away from sensitive habitat and the removal of native vegetation has been reduced to only small areas along the proposed driveway.

Sections b, c, d and f of General Plan Policy 5.1.7 will require specific conditions to assure compliance including the following.

For compliance with General Plan Policy 5.1.7 b and c the following conditions have been applied.

- a. As a Condition of Approval a Development Envelope shall be designated on the approved building plans and shall be recorded with the County Records Office prior to the issuance on a building permit; And,
- b. As a Condition of Approval a Declaration of Restriction shall be recorded with the County Records Office prior to the issuance of any permit that requires the protection and enhancement of sensitive habitat. The declaration must include the language contained in the Mitigated Negative Declaration for the proposed project.

GRADING PERMIT FINDINGS
Exhibit H

For compliance with General Plan Policy 5.1.7 d the following condition is applied.

- c. Domestic Animals shall be prohibited from the property except as allowed in the Costal Prairie Habitat Management And Enhancement Plan.

For compliance with General Plan Policy 5.1.7 f the following condition is applied.

- d. The landscaping shall use characteristic native species and must not include invasive non-native species.

With these added conditions **the** project will be in compliance with both General Plan Policy 5.1.6 and 5.1.7.

- B. General Plan Policy **6.3.1 Slope Restrictions** apply to hillside development similar to this project. This Policy, that states:

“Prohibit structures in discretionary projects on slopes in excess of 30 percent. A single family dwelling on an existing lot of record may be excepted from the prohibition where siting on greater slopes would result in less disturbance, or siting on a lesser slope is infeasible.”

The applicant proposes to locate about 800 square feet of the proposed home on a slope greater than 30%. Staff has concluded that locating a portion of the home on slopes over 30% is supported, based upon the exception in this section, which allows the home to be located slopes steeper than 30% if the resulting construction would result in less disturbance.

We believe that this conclusion is reasonable considering the constraints that limit development on this property and also the minimal amount of disturbance that will occur where the home will be constructed on slopes over 30%. In addition to the restriction in the General Plan Policy 6.3.1, the following constraints affect the parcel.

- The home must be located away from sensitive habitat located on flatter portion of the property (See General Plan Policies 5.6.6 and 5.1.7, discussed above.)
- The home must be located relatively near and above the proposed septic system.
- The home must be located in a manner that allows driveway access to the home.
- The home cannot be located so that it will project above the ridge-top.

In combination, these factors, and the prohibition against constructing on slopes over 30%, restricts home construction to a small area on **the** property's northern slope. A

GRADING PERMIT FINDINGS

Exhibit H

home similar in size to the proposed home could be contained within this very restricted area by extended the home up the face of the slope, but would require a significant amount of site disturbance. This site disturbance can be significantly reduced if a portion of the home is extended horizontally into the 30% area.

General Plan 6.3.1 foresees a situation similar to this projects and allows an exception to the prohibition against construction on slopes over 30% if the encroachment will result in less site disturbance. By extending the home onto slopes over 30% site disturbance will **be** reduced significantly, and therefore, with this exception considered, the proposed grading and home complies with this General Plan Policy 6.3.1.

C. General Plan Policy 6.3.9 Site Design to Minimize Grading.

Require site design in all areas to minimize grading activities and reduce vegetation removal based on the following guidelines:

a. Structures should be clustered;

The proposed locations of structures is an appropriate compromise between the retention of habitat, the reduction in *the* amount of grading and the placement of the home and accessory unit in close proximity to another structure.

b. Access roadways and driveways shall not cross slopes greater than 30 percent; cuts and fills should not exceed 10 feet, unless they are wholly underneath the footprint and adequately retained;

The access roadway has been located on slopes that are less than 30%. Staff recognizes that the public has expresses concerns that the unauthorized grading may have modified these slopes and that the original engineer's topographic map may have represented slopes as greater than 30%. Planning staff, along with all of the Civil Engineers that have worked on the project, have re-examined this question and have determined that the roadway is located on natural slopes less than 30 %.

c. Foundations design should minimize excavation or fill;

The proposed home has been designed with a foundation system that will be placed on grade to minimize foundation excavation. This will result in a home that is stepped down the slope.

GRADING PERMIT FINDINGS

Exhibit H

- d. Building and access envelopes should be designated on a basis of site inspection to avoid particularly erodable areas;*

The project site has been examined numerous times. In order to prevent erosion on this site the County has required an engineered grading and drainage plan, along with an erosion control plan that requires re-vegetation.

- e. Require that all fill and side cast material to be re-compacted to engineering standards, reseed, and mulched and/or burlap covered.*

All fills will be re-compacted and all slopes will be covered with appropriate erosion control blankets and re-planted with appropriate native species. .

D. General Plan Policy 6.5.1 Fire Access Standards: As with all Single Family Dwellings, this proposed home must comply with the requirements of the Objectives of General Plan Policy 6.5 Fire Hazards. To assure compliance with this Policy the Central Fire Protection District reviewed and approved the plans with a letter dated September 23, 2003. This letter is attached as Exhibit G and a Condition of approval of this project requires conformance with the standards enumerated by the Central Fire District.

- ii. The proposed grading plan for the development contemplated does not comply with the requirements of the Santa Cruz County Code.*

The proposed project complies with the County Code Sections concerning grading and geologic hazards.

- iii. If the project is for the creation of a building site, that adequate sewage disposal and water supplies cannot be provided.*

Environmental Health has approved the septic system location, and a permitted on-site well has been developed that will supply an adequate source of water.

GRADING PERMIT FINDINGS
Exhibit H

- iv. *If the project as proposed will cause excessive and unnecessary disturbance of the site particular & as defined in Section 16.10.050.*

The project's disturbance will not be significant as documented within the Negative Declaration. To further reduce the impact of the proposed access roadway grading an alternative access roadway has been considered that follows the existing disturbed areas as shown on Attachment 1. The Environmental Coordinator has reviewed this proposal and has determined that this alternative meets the conditions of the Negative Declaration and can be considered as **an** alternative to the current proposal. In either proposal, the required engineered drainage plan must include a review of the drainage along the real alignment.

- 2) *An application for a grading permit shall be denied if the work proposed would be hazardous for any reason offlooding, geologic hazard, or unstable soils; be liable to endanger other properties or result in the deposition of debris on any public way, property, or drainage course; or otherwise create a hazard*

The proposed grading plan will not be hazardous for any reason including flooding, geologic hazards, or unstable soils nor will it endanger other properties. To confirm this conclusion the applicant has submitted Civil Engineered Plans, the Geotechnical Engineering Report, and the Engineering Geology.

- 3) *An application for a grading approval which would create an unavoidable adverse environmental impact shall be denied.*

The Negative Declaration documents that there are not unavoidable adverse environmental impacts.

- 4) *An application for grading in a riparian corridor shall be denied if it is not in conformance with other chapters of the County Code, which regulate development activity in riparian corridors.*

The application does not include any work within a riparian corridor.

- 5) *An approval for a grading approval to place fill within a 100-year floodplain shall be denied.*

The project will not be located within a 100 flood plan.


Exhibit I

Vickie And Gary Anderson
404 Danube Drive
Aptos, CA 95003

John Campbell
3396 Haas Drive
Aptos, CA 95003
831-662-2691

LeAnn and Thomas Copriviza
260 Danube Drive
Aptos, CA 95003
831-684-8738

Jennifer and Peter Fish
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Aptos, CA 95003

 Bud, Linda & Jordan Gerstman
831-685-2958 fax

J. Kenneth Gorman
Michele M. Gorman
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Grey Hayes
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George Kamian
300 Danube Drive
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Julie Lorraine and ~~Barry~~ Marks
3848 Vienna Drive
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Terry Roberts
Director, State Clearinghouse
Governor's Office of Planning and Research
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Aptos, CA 95003
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Henry Van Doy
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Robert M. Weissberg
102 Las Lomas Drive
Aptos, CA 95003

