



Staff Report to the Zoning Administrator

Application Number: **06-0037**

Applicant: Kim Tschantz

Owner: Richard Andre trustee, etal.

APN: 043-081-11 & 12; 043-082-09 & 48

Agenda Date: 2/2/07

Agenda Item #: 4

Time: After 10:00 a.m.

Project Description: Proposal to repair an existing retaining wall on a coastal bluff,

Location: Property located on the south side of Kingsbury Drive at about 200 feet West of the intersection with Florence Drive (310 Kingsbury Drive).

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

Permits Required: Coastal Development Permit, Geologic Report Review, Geotechnical Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0037, based on the attached findings and conditions.

Exhibits

- | | |
|---|-------------------------------|
| A. Project plans | E. Assessor's parcel map |
| B. Findings | F. Zoning & General Plan maps |
| C. Conditions | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	27,744 square feet (APNs 043-081-11, 12 & 043-082-48)
Existing Land Use - Parcel:	Single family dwelling and associated improvements
Existing Land Use - Surrounding:	Single family residential neighborhood, coastal bluff
Project Access:	Kingsbury Drive
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Density Residential) 0-U (Urban Open Space)
Zone District:	R-1-6 (Single family residential - 6,000square feet minimum)

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

PR (Parks, Recreation, and Open Space)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Coastal Bluff - Geologic report reviewed and accepted
Soils: Soils report reviewed and accepted
Fire Hazard: Not a mapped constraint
Slopes: 15%-50%+
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Construction of replacement wall only
Tree Removal: No trees proposed to be removed
Scenic: Scenic beach viewshed
Drainage: N/A
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

Emergency Coastal Development Permit **06-0535** was issued on **10/2/06** to authorize a repair of the existing retaining wall due to structural failure. Building Permit application **60609M** was made for the emergency repair and was issued (BP **145400**) on **10/11/06** to allow construction. This application (**06-0037**) is for a regular Coastal Development Permit to authorize the emergency repair.

Project Setting

The subject property (310 Kingsbury Drive) is located within a single family residential neighborhood on the south side of Kingsbury Drive in the Rio Del Mar Area of Aptos. A coastal bluff is located at the rear of the property (which is comprised of three separate parcels in common ownership). The property is developed with a single family residence and a detached garage. An existing retaining wall is located at the top of the coastal bluff to provide slope protection. The existing retaining wall is showing signs of failure and is currently being repaired (under Building Permit **145400**). An additional residential property (319 Beach Drive - under separate ownership) is included to allow for the installation of erosion control on the slope below the subject property.

Zoning & General **Plan** Consistency

The subject property is approximately 27,744 square feet (in three separate parcels) located in the R-1-6 (Single family residential - 6,000 square feet minimum) zone district, a designation which allows residential uses. The portion of the project site in which the proposed retaining wall will be constructed, within the PR (Parks, Recreation, and Open Space) zone district, in order to preserve the coastal bluff as open space. The proposed retaining wall repair is accessory to the principal permitted residential **use** within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential and (O-U) Urban Open Space General Plan designations. In order to ensure that the subject property is maintained for use as one residential property, staff recommends combination of the three parcels into one property.

Coastal Bluff

The project site is bordered **to** the south by a coastal bluff. The existing retaining wall below the residence and yard is in danger of failing due to erosion and soil movement. A repair to the retaining wall has been proposed which will provide increased protection **for** the existing residence and properties below. This wall has been designed by a licensed civil engineer to the specifications of the project geologist and geotechnical engineer. The geologic and geotechnical reports have been reviewed and accepted by the County Geologist.

Local Coastal Program Consistency

The proposed retaining wall is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible with the character **of** the surrounding neighborhood. Many other bluff top parcels in the area utilize retaining walls to reduce the potential for erosion and slope failure. The subject property is **not** located between the shoreline and the first public road, with public beach access at Seacliff State Beach, Rio Del Mar Drive, and Beach Drive. The project site is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Scenic Resources & Design Review

The subject property is located within the scenic beach viewshed. Views from the public beach are protected and development along coastal bluffs should be designed to reduce visual impacts to the public beaches below. The proposed retaining wall repair complies with the requirements of the County Design Review Ordinance, in that the appearance of the existing retaining wall will be not be significantly modified will not result in a visual impact on surrounding land uses and the scenic beach viewshed.

Neighbors of the proposed project have submitted a letter (Exhibit G) which describes a number of concerns, mostly related to the visual impact of the existing development on private views from residences across Kingsbury Drive, improvements installed on the existing residence, and signage placed along the frontage of Kingsbury Drive. In response to these concerns, Kingsbury Drive is not listed as a mapped scenic roadway in the County General Plan and views from private residences are not protected by the County Code or General Plan. However, the issues

raised by the neighbors do have some bearing on the use of the existing property. Vegetation has been allowed to grow in excess of three feet in height along the roadway, which is not consistent with County Code for roadside vegetation and hedges. **Staff** recommends that the vegetation be maintained at no higher than 3 feet from the elevation of the Kingsbury Road within the 20 foot front yard setback along the entire frontage of the subject property. Additionally, all structural modifications to the existing residence performed without benefit of the required permits (including the construction of roof top improvements and lighting) must be removed from the existing residential structures. Signage installed along the roadside shall be limited to that allowed by County Code for **signs** within the R-1-6 zone district.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **06-0037**, based on the attached findings and conditions.

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

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

Report Prepared By: Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3218
E-mail: randall.adams@co.santa-cruz.ca.us

Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned R-1-6 (Single family residential - 6,000 square feet minimum) and PR (Parks, Recreation, and Open Space), designations which allow residential uses. The proposed retaining wall repair is a principal permitted use within the zone districts, consistent with the site's (R-UL) Urban Low Density Residential and (O-U) Urban Open Space General Plan designations.

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

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

This finding can be made, in that the appearance of the existing retaining wall will be not be significantly modified will not result in a visual impact on surrounding land uses and the scenic beach viewshed.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road, with public beach access at Seacliff State Beach, Rio Del Mar Drive, and Beach Drive. Consequently, the retaining wall repair will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single family residential - 6,000 square feet minimum) and PR (Parks, Recreation, and Open Space) zone districts, as well as the General Plan and Local Coastal Program land use designation.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed retaining wall repair will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the project will consist of a repair of an existing retaining wall at the rear of the subject property.

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

This finding **can** be made, in that the proposed retaining wall repair will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single family residential - 6,000 **square** feet minimum) and PR (Parks, Recreation, and Open Space) zone district in that the primary use **of** the property will be one single family dwelling.

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

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

The proposed retaining wall will not adversely impact scenic resources as specified in General Plan Policy 5.10.7 (Open Beaches and Blufftops), in that the proposed retaining wall will be adequately screened by vegetation to reduce the visual impact of the proposed development on the scenic beach viewshed.

The vegetation on the subject property will be maintained at no higher than **3** feet in height, as measured from the level of Kingsbury Drive, in order to comply with the requirements of County Code section 13.10.525 et. seq.

The signage located along the frontage of Kingsbury Drive will be removed in order to comply with County Code section 13.10.580 et. seq.

Lighting will be shielded and directed downward onto the subject property to prevent fugitive light from adversely impacting scenic resources.

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

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding **can** be made, in that a retaining wall is not a use that generates traffic and no increase in utilities consumption is anticipated.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the existing single family residential development is consistent with the land use intensity and density of the neighborhood. The three parcels which make up the subject property are required to be combined into one parcel.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the appearance of the existing retaining wall will be not be significantly modified will not result in a visual impact on surrounding land uses and the scenic beach viewshed.

Conditions of Approval

Exhibit A: Project plans, prepared by Ifland Engineers, 2 sheets, dated 9/19/06. Erosion control plans, prepared by John R. David, 1 sheet, dated 7/30/06.

- I. This permit authorizes the construction of a retaining wall repair, and the installation of associated erosion control vegetation, as shown on the approved Exhibit "A" for this permit. Prior to exercising any rights granted by **this** permit including, without limitation, any construction or site disturbance, the applicandowner 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. Record ~~an~~ affidavit to Retain Property as One Parcel, which combines APNs 043-081-11, 043-081-12 & 043-082-48 into one parcel.
 - C. Provide evidence of legal construction or remove all structural alterations and rooftop floodlights that were installed on the existing structures.
 - D. Obtain a Building Permit from the Santa Cruz County Building Official.
 - E. Obtain a Grading Permit from the Santa ~~Cruz~~ County Building Official.
- II. Prior to issuance of a Building Permit the applicandowner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Grading, drainage, and erosion control plans prepared by a licensed civil engineer, which meet the requirements of the project geologist and geotechnical engineer.
 2. Landscape plans that identify the plant materials used to provide erosion control on the coastal bluff.
 - a. Notes which clearly indicate that vegetation will be maintained to not exceed 3 feet in height, **as** measured from the elevation of

Kingsbury Drive, within the required 20 foot front yard setback or within the Kingsbury Drive right of way.

3. Details showing compliance with fire department requirements, including all requirements of the **Urban** Wildland Intermix Code, if applicable.
 - C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, **if** applicable.
 - D. Meet all requirements of and pay applicable fees to the County Department of Public Works, Drainage.
 - E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
 - F. Submit **3** copies of a plan review letter prepared and stamped by a licensed geologist.
 - G. Submit **3** copies of a plan review letter prepared and stamped by a licensed geotechnical engineer.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All vegetation within the required 20 foot front yard setback along the property frontage or within the Kingsbury Drive right of way must be removed, or trimmed to remain **3** feet (or less) in height, within these areas.
 - C. **All** signs must be removed from the Kingsbury Drive right of way and the subject property, other than what is specifically allowed in County Code section 13.10.580 **et. seq.**
 - D. If evidence **of** legal construction has not been provided, all structural alterations and rooftop floodlights installed on the existing structures must be removed.
 - E. All decks must be under 30 inches in height within the required geologic setback (25 feet or 100 year stability, whichever is the greater distance).
 - F. No structures (other than deck hand rails) over **30** inches in height are allowed within the required geologic setback (**25** feet or 100 year stability, whichever is the greater distance)

- G. No decks or other structures are allowed to cantilever beyond the top of the coastal bluff.
- H. All decks must be adequately drained away from the coastal bluff, or the runoff from beneath the decking must be adequately captured into the existing drain which outlets to the base of the slope, to avoid erosion caused by water draining across the bluff face. If these standards can not be met, a patio (or other form of landscape improvements which are acceptable to the County geologist) may be installed instead.
- I. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- J. The project must comply with all recommendations of the approved geologic and geotechnical reports and update letters.
- K. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. No vegetation in excess of 3 feet in height is allowed within the required 20 foot front yard setback or within the Kingsbury Drive right of way. Vegetation must be maintained to remain 3 feet (or less) in height within these areas.
- B. No signage is allowed within the Kingsbury Drive right of way. No signage is allowed on the subject property within public view, other than what is specifically allowed in County Code section 13.10.580 et. seq.
- C. All lighting the subject property must be shielded and directed downward onto the subject property. Lights which are not shielded or that are directed to illuminate areas outside of the subject property are not allowed.
- D. All decks must be under 30 inches in height within the required geologic setback (25 feet or 100 year stability, whichever is the greater distance).
- E. No structures (other than deck hand rails) over 30 inches in height are allowed within the required geologic setback (25 feet or 100 year stability, whichever is the greater distance).
- F. No decks or other structures are allowed to cantilever beyond the top of the

coastal bluff.

- G.** In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, ~~from~~ and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (**60**) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure ~~to~~ notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, ~~or~~ proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Application #: 064037
APN: 043-081-11 & 12; 043-082-09 & 48
Owner: Richard Andre trustee, et al.

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Randall Adams
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 06-0037

Assessor Parcel Number: 043-081-11 & 12; 043-082-09 & 48

Project Location: 310 Kingsbury Drive

Project Description: Proposal to repair and existing retaining wall on a coastal bluff.

Person or Agency Proposing Project: Kim Tschantz

Contact Phone Number: (831) 688-5928

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

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Proposal to construct a retaining wall repair to protect an existing structure.

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

Randall Adams, Project Planner

Date: _____

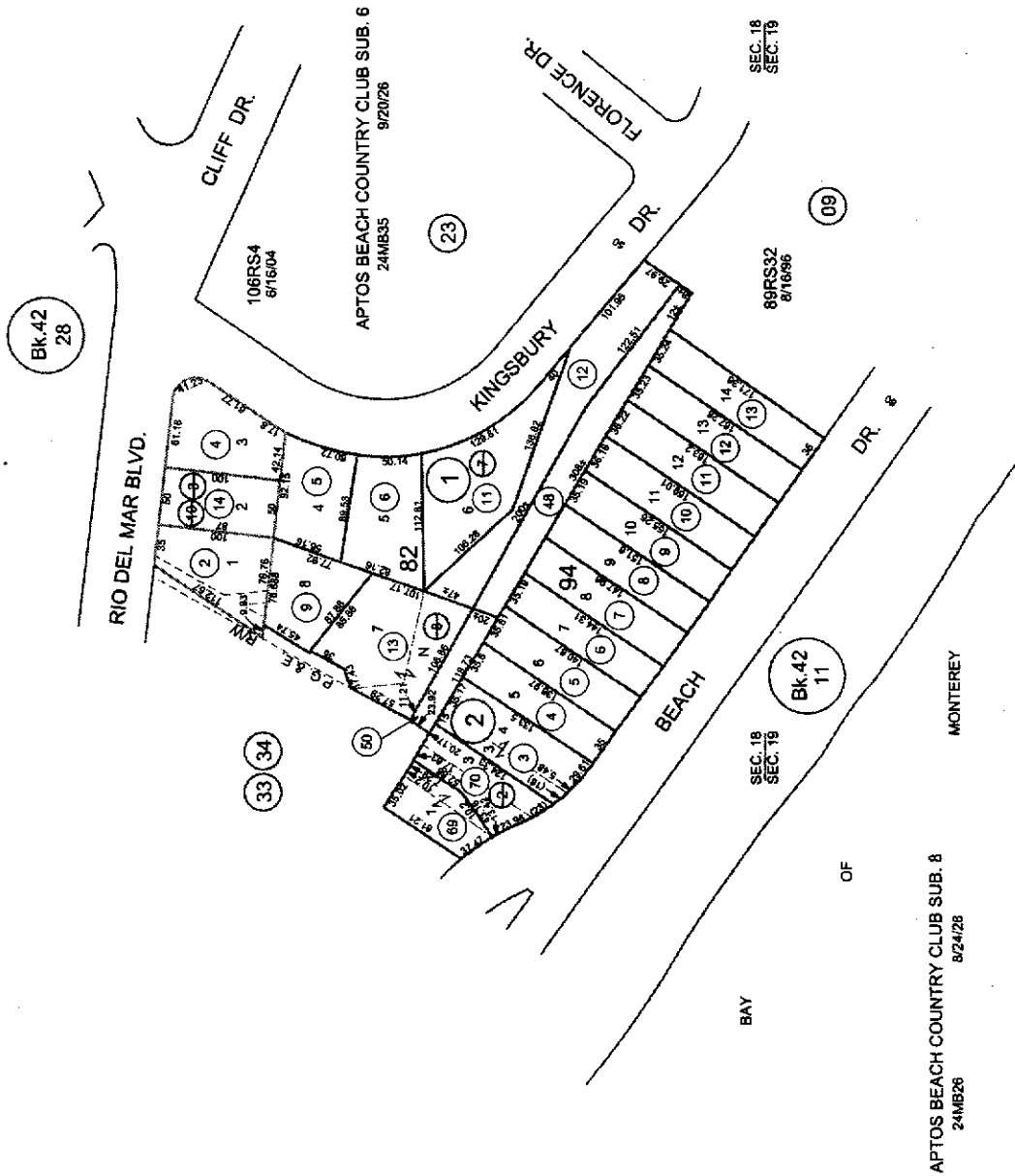
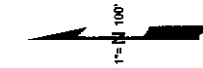
FOR TAX PURPOSES ONLY

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

POR. APTOS RANCHO
S.E. 1/4 SEC. 18, & N.E. 1/4
T.11S., R.1E., M.D.B. & M

Tax Area Code
69-273

43-08

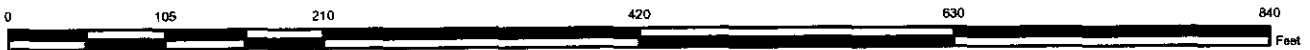
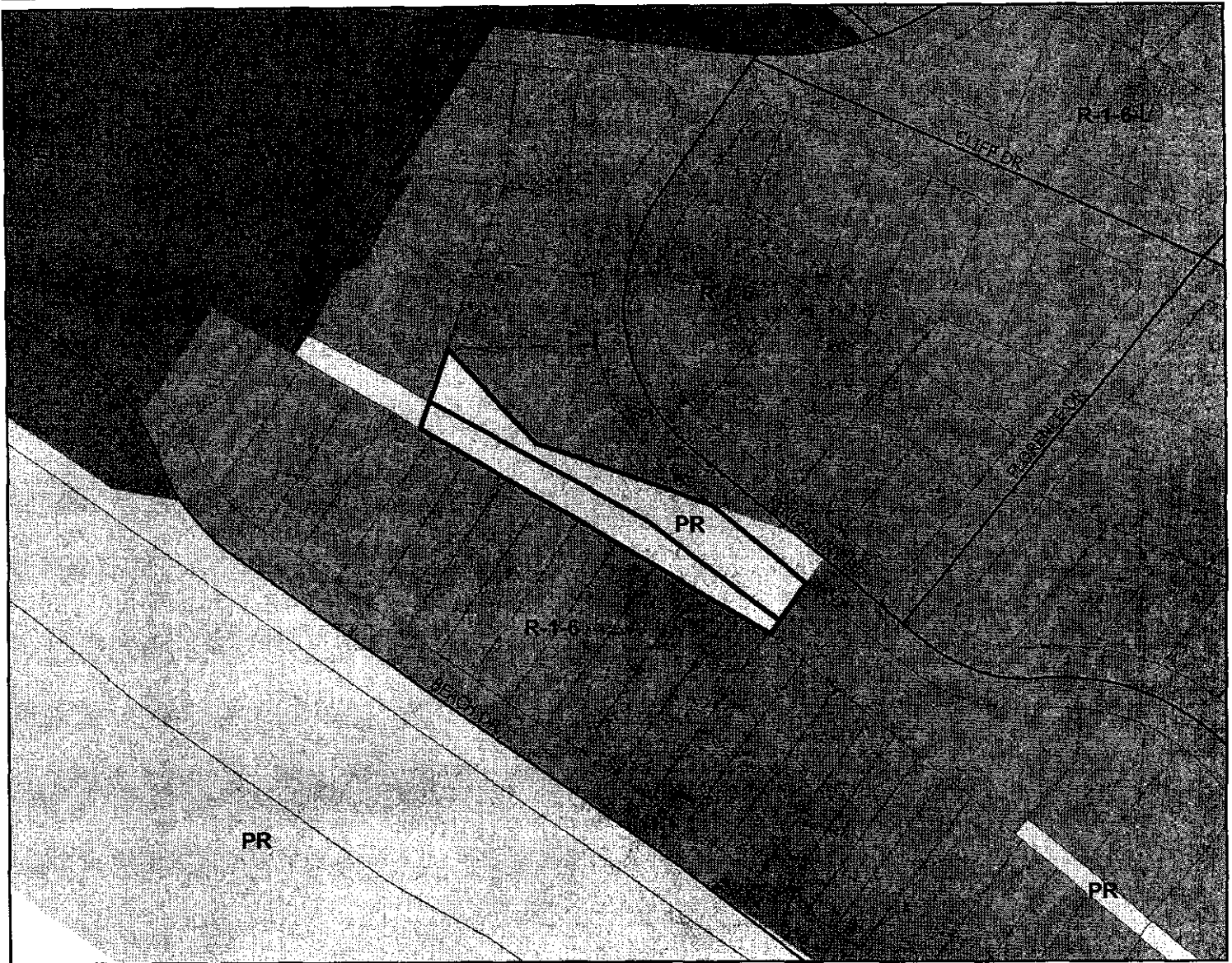


Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Assessor's Map No. 43-08
County of Santa Cruz, Calif.
February, 1999

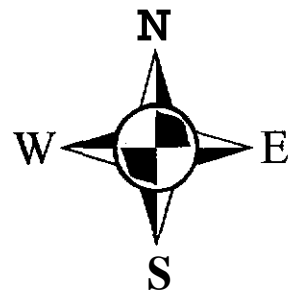


Zoning Map



Legend

- Project Parcels
- Streets
- Assessors Parcels
- PARK (PR)
- RESIDENTIAL-SINGLE FAMILY (R-1)
- RESIDENTIAL-MULTI FAMILY (RM)

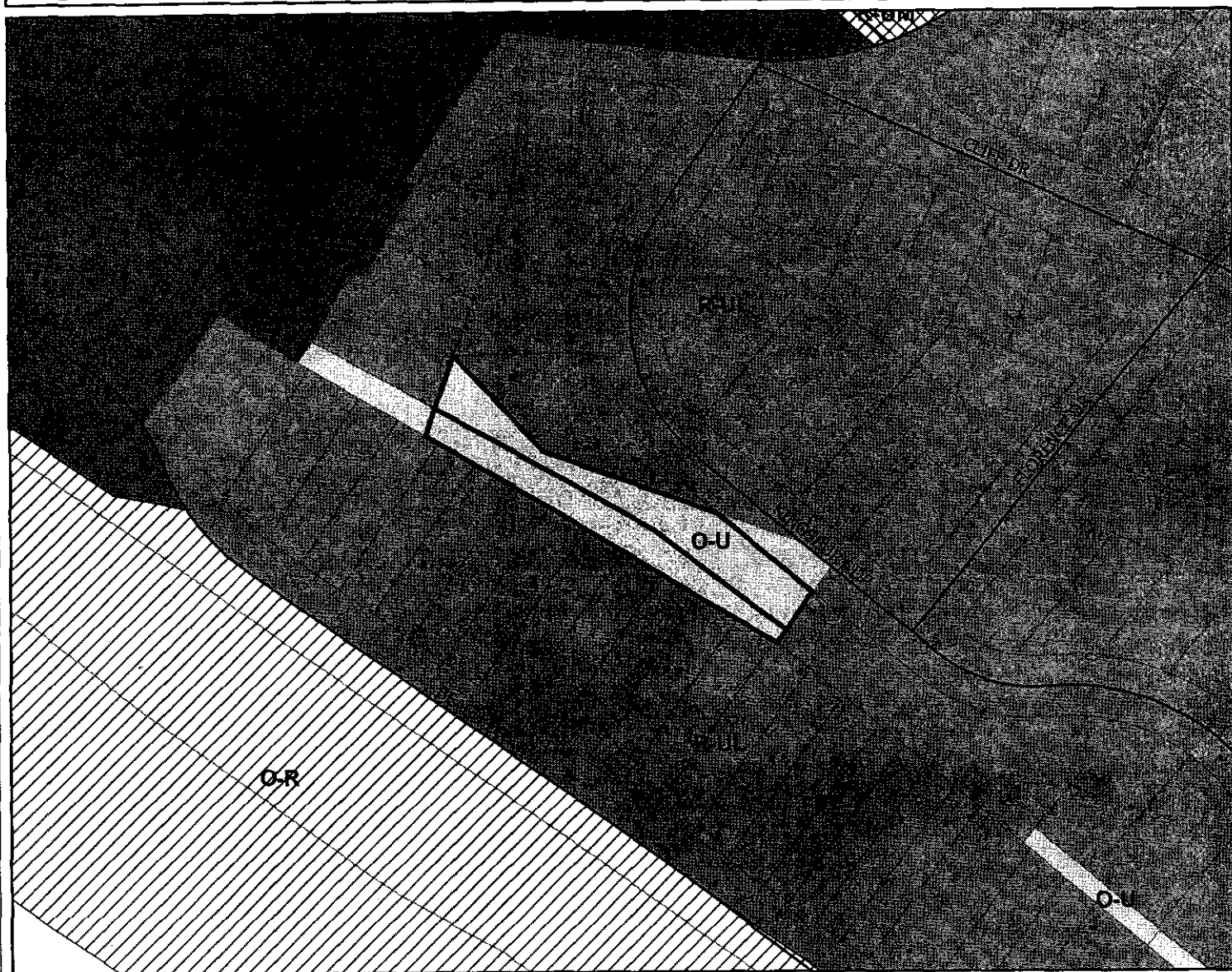


Map Created by
County of Santa Cruz
Planning Department
February 2006









EXHIBIT F

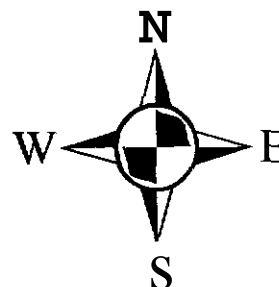


General Plan Designation Map



Legend

-  Project Parcels
-  Streets
-  Assessors Parcels
-  Urban Open Space (O-U)
-  Residential - Urban Low Density (R-UL)
-  Residential - Urban High Density (R-UH)
-  Parks and Recreation (O-R)
-  Residential - Urban Medium Density (R-UM)



Map Created by
County of Santa Cruz
Planning Department
February 2006

EXHIBIT F

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

Project Planner: Randall Adams
Application No.: 06-0037
APN: 043-081-11

Date: December 29, 2006
Time: 14:11:44
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON FEBRUARY 10, 2006 BY ANDREA M KOCH =====

1) Completeness comments pending completion of the Geologic Hazards Assessment, which is currently in process. ===== UPDATED ON FEBRUARY 16, 2006 BY ANDREA M KOCH =====

2) Environmental Planning staff determined that application for a Geologic Hazards Assessment (GHA) is not necessary. The main purpose of a GHA is to determine whether or not an application requires submittal of a full geology report. In this case, staff determined from a simple review of the project plans that a full engineering geology report and a geotechnical (soils) report will be required with this application due to potential slope stability issues on the coastal bluff.

Please submit an engineering geology report prepared by a registered geologist experienced in engineering geology. The purpose of the engineering geology report is to address any existing geologic hazards and to provide recommendations for necessary mitigations.

Please also submit a geotechnical (soils) report prepared by a registered civil engineer experienced in soil engineering. The purpose of the soils report is to provide project design solutions to hazards identified in the engineering geology report.

A list of engineering geologists and geotechnical engineers that often prepare reports for the County is available upon request. Please also note that some firms can prepare both types of reports and combine them into one report

3) The fee for Environmental Planning staff to perform a combined review of an engineering geology report and a geotechnical (soils) report is \$1732. You will be credited toward this fee the amount already paid for the GHA (\$1047).

This means that you will only be charged \$685 for a combined review of the engineering geology and geotechnical reports. ===== UPDATED ON FEBRUARY 16, 2006 BY ANDREA M KOCH =====

4) Additional completeness comments may follow after staff review of the engineering geology and geotechnical reports. ===== UPDATED ON FEBRUARY 16, 2006 BY ANDREA M KOCH =====

===== UPDATED ON JULY 25, 2006 BY ANDREA M KOCH =====

1) A full engineering geology and geotechnical report is still required. Please submit any reports you have.

2) Please pay fees for review of the reports. You will be credited for the amount you paid for the GHA. (See previous comments.)

3) Additional comments may follow review of the engineering geology and geotechnical reports.

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 06-0037
APN: 043-081-11

Date: December 29, 2006
Time: 14:11:44
Page: 2

4) Please remove proposed plantings (on the Erosion Control Plan) from the properties of neighbors who do not want to participate. To plant on neighbors' properties, you must submit an owner-agent form from the involved neighbors.

(Ideally, the neighbors would agree to revegetate the area downslope of the retaining wall for the protection of their properties. However, they cannot be forced to do so at this point.) ===== UPDATED ON AUGUST 4, 2006 BY JOSEPH L HANNA
=====

A Copy of an unsigned engineering geology report, and various portions of geotechnical engineering and other engineering work submitted. The geotechnical report makes general recommendation for a project larger than the current proposal. These studies do not directly apply to the current project. Please comply with the previous comments. ===== UPDATED ON DECEMBER 29, 2006 BY ANDREA M KOCH =====

Joe Hanna accepted the engineering geology and soils reports on 10/02/06

Environmental Planning Miscellaneous Comments

===== REVIEW ON FEBRUARY 10, 2006 BY ANDREA M KOCH =====
===== UPDATED ON FEBRUARY 16, 2006 BY ANDREA M KOCH =====

1) After the engineering geology and geotechnical reports have been reviewed and accepted by Environmental Planning, and after the final plans have been prepared, please submit plan review letters from both the engineering geologist and the geotechnical engineer stating that the final plans are in conformance with the recommendations in the respective reports.

2) More comments may follow after staff review of the engineering geology and geotechnical reports.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

Project Comment Sheet

Date: February 3, 2006

___ Accessibility

___ Code Compliance

1 Environmental Planning Andrea Koch

___ Fire District

___ Housing

___ Long Range Planning

1 Project Review

1 Urban Designer Lawrence Kasparowitz

___ Planning Director

X Maps - Level 5 Elizabeth Hayward

Duplicate Files:

1 Geological Hazards Jessica deGrassi

Dept. of Public Works

___ Drainage District

___ Driveway Encroachment

___ Road Engineering / Transportation

___ Sanitation

___ Surveyor

___ Environmental Health

___ RDA

1 Supervisor

Ellen Pirie

___ Other

To be Mailed:

From: Development Review Division

Project Planner: Randall Adams Tel: 454-3218

Email: pln515@co.santa-cruz.ca.us

Subject APN 043-081-12

Application Number: 06-0037

See Attached for Project Description

The Attached Application for a Development Permit, Land Division Permit or General Plan Amendment ~~has~~ Been Received by the Planning Department

Please Submit Your Comments to the Project Planner Via the Discretionary Application Comments/Review Function in A.L.U.S.

Please Complete by: February 23, 2006

no comments

[Signature]
2/5/06

Randall Adams

From: elders [elders@cruzio.com]
Sent: Thursday, November 16, 2006 2:21 PM
To: Randall Adams; Randall Adams
Subject: Re: APPLICATION 06-0037: APNS 043-081-11 & 12



009-SOUTH SIDE
F WEEDS ON LOT

Thank you for your response.

Could you tell me if will be any meeting or formal process for public input regarding the Coastal Development Permit application? When will the application conditions be considered and recommended? How may I offer additional input prior to that time and to whom should it be directed? Is there any formal notice involved with regard to consideration or issuance of the permit and is it possible to be noticed on events concerning this permit? Will the lot consolidation be a separate public process and when would that occur?

I understand the County is not in the business of protecting private views and I was not advocating for this in my email to you. I was merely commenting as a member of the public for both myself and my client regarding issues of public concern.

Although you must have a much better grasp than I do of the public interests that might be protected in this matter, I did run into a couple provisions that I will offer from the General Plan as follows:

Policy 5.10.3 Protection of Public Vistas

Protect significant public vistas, as described in Policy 5.10.2, from all publicly **used** roads and vista points by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, **INAPPROPRIATE LANDSCAPING, AND STRUCTURE DESIGN**. Provide necessary landscaping to screen development that is unavoidably sited within these vistas.

Policy 5.10.6 Preserving Ocean Vistas

Where public ocean vistas **exist**, require that these vistas be retained **TO THE MAXIMUM EXTENT POSSIBLE** as a condition of approval for **ANY** development.

I am sure there are other provisions and, if you have the time, I would be interested in your opinion as to what provisions of public law might apply in the context of this permit application. I hope whatever provisions are available will be considered and appropriately applied. Is there anything that I could do to promote preservation of the ocean vistas along Lot 12?

I assume you have been out to the worksite. There is probably 100 yards of the most spectacular Ocean vistas one could imagine at that location in an area frequented by walkers, runners, **cyclers** etc. except for the vegetation that Andre is purposely letting overgrow the vista. You will note from the attached photo that the neighbor who owns the bluffside to the immediate south of Andre keeps her parcel neat and well maintained.

It is significant that the vista along Lot 12 ~~is~~ along a parcel that can never be developed and, as such, it is a vista that will benefit the public in perpetuity if appropriate conditions can be put in place. These places of inspiration and peace should be preserved for public

appreciation to provide a moment of serenity in an all-too-hectic world.

I will appreciate any protection of these public resources you may be able to secure. This permit is probably one of the only chances to secure these valuable public amenities.

Thank you.

BARNEY ELDERS
PO BOX 8544
SANTA CRUZ, CA 95061-8544
TEL 831-459-8857
FAX 831-425-1968
EMAIL: elders@cruzio.com

Randall Adams wrote:

> Hello Mr. Elders,

>

> I have reviewed the materials that you have provided and understand your concerns.

>

> In response to your question regarding the ongoing work, an Emergency Coastal Development Permit **(06-0535)** was issued in order to allow construction prior to the onset of winter weather due to potential for slope failure on the project site. A Building Permit **(60909M - 145400)** was issued to repair/replace the existing retaining wall on the subject property.

>

> In regards to the separate parcels, staff will recommend that the owner combine all adjacent parcels under common ownership as a condition of any approval issued for the Coastal Development Permit application **06-0037**, which is still in process.

>

> It seems as though your client's primary concerns are in regards to the upkeep of vegetation on the subject property, the handmade signs, and the "birdhouse" floodlight device on the existing residence. I can not provide comments on these concerns at this time, with the notable exception that private views towards the ocean are not protected by County ordinances or the Local Coastal Program. However, features which are out of character with the neighborhood, or otherwise inappropriate from a design perspective, may be considered in the review of a Coastal Development Permit application and the development of appropriate conditions. Staff will consider your client's concerns in the preparation of recommended conditions.

>

> Please let me know if you have further questions.

>

> Thank you,

>

> Randall R. H. Adams
> Development Review Planner
> County of Santa Cruz
> Planning Department

>

>

>

> ---Original Message---

> From: elders [mailto:elders@cruzio.com]

> Sent: Wednesday, November 15, 2006 2:37 PM

> To: Randall Adams

> Subject: APPLICATION **064037**; APNS **043-081-11 & 12**

>

>

> **11-14-06**

>

> Randall Adams, Planner

> Planning Department

> 701 Ocean Street

> Santa Cruz, CA 95060

> (831) 454-3218

> randall.adams@co.santa-cruz.ca.us

>

> Dear Mr. Adams:

>

> I am attorney for an LLC named CHILI PEPPER LLC that owns residential property at **317 Kingsbury Drive, Aptos (Rio del Mar) (APN 043-231-10)**.

> I am writing about the pending application for bluffside repairs No. **06-0037** affecting APNs **043-081-11 & 12** (referred to herein as parcels **11** and **12**).

>

> My client's parcel is directly across the street from the bluff as you can see from the attached parcel map (attachment **001**).

>

> I was at the property yesterday and observed work on the project involving crane work (see attachments **002** to **005**) and visited Planning to ask about the status of the Coastal Development permit and geotechnical review referenced on the notice posted on the property.

> The person at Planning who I talked to could not give me details about the permit so I am writing to you to ask some questions.

>

> I am sure that the repair of the retaining wall is a good thing and understand why it would be permitted. At the same time, there are some other problems at the site, particularly affecting Parcel **12**. This is an undeveloped and probably unbuildable lot that is affected by the permit and is owned by the applicants and is contiguous with Parcel **11** where their house is situated.

>

> The area and public viewshed directly across from my client's property was previously well maintained and included a nice patio and sitting area. Recently, however, the applicants for permit No. **06-0037** have let the area become overgrown with weeds: see attachments **006** to **011**. I understand that this happened when applicant Richard Andre became unhappy with some people living in the neighborhood. However, it has had the additional effect of blocking a valuable public viewshed. It has also attracted vermin, may be a fire hazard, affects the stability of the bluff, and contains allergenic plants.

>

> Even more recently, I understand that Mr. Andre became convinced that a bush on Lot **12** was cut down by someone and has apparently blamed the neighbors. In reaction to this he has erected a number of hand made signs on the property (see attachments **006**, **012**, and **013**) and has also placed a pole and "birdhouse" on his roof that apparently contains a surveillance camera and is set up with floodlights: both of which are directed at my client's property and the public right of way (see attachments **014** to **016**). I understand such signage may be a code violation (Ord **13.10.585**); and all these items create an unsightly public view.

>

> I am wondering whether the weeds, viewshed issues, birdhouse floodlights and the other issues raised in this email were considered in the context of the pending permit process; or whether it would be possible to raise and obtain action by the applicants on these issues at this point in the permit and work process. I think it would be in the public interest for the applicants to be required, as a condition to their current permit (and on other grounds) to cut the weeds on Lot **12** and thereafter maintain it: to remove the signs and refrain from posting signs again on Lot **12**; and to remove the pole, birdhouse and floodlights. I am sure you are aware that this entire area is considered a "scenic view corridor" under local law and the Coastal Act; and that the viewshed is accorded a high degree of protection under the General Plan. There are numerous other provisions of public law that entitle the County to address the issues raised in this email and to thereby protect the public. This is an area where many members of the public enjoy walking and the bluffside view which is spoiled by the problems that exist on Parcel **12**.

>

> I hope you and the County can help to address the issues mentioned in

> this letter; and ask that this be done. I realize you are busy and
> appreciate your service to our community and hope you will be able to
> respond to me regarding this matter as soon as conveniently possible and
> suggest what action will be taken.
>
> Thank you.
>
> **BARNEY ELDERS**, Attorney at Law
> **PO Box 8544**
> Santa Cruz, CA 95061-8544
> **831-459-8857**
> **FAX 831-425-1968**
> EMAIL: elders@cruzio.com
>
>
>
>

December 15, 2006

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

DELIVERY BY HAND 12-15-06

ATN: Randall Adams, Planner (PLN515@co.santa-cruz.ca.us, 831-454-3218)

re: APPLICATION 06-0037-Richard & Ramona Andre application for coastal development permit involving retaining wall & erosion/drainage control at 310 Kingsbury Drive, Aptos; APN: 043-081-11 and -12; 043-082-09 and -48

Ladies and Gentlemen, Dear Mr. Adams:

I am writing on behalf of clients Chili Pepper LLC and Ms. Lesa Stock, owners of interests in 317 Kingsbury Drive, Aptos, CA, across the street from the subject properties; and also as a resident of Santa Cruz County and member of the public. I would like to express my concerns about the permit application in this matter; and **urge that the application be denied or expanded to address all issues raised in this letter (which affect both the public interest and nearby landowners). A summary of requested County actions appears starting at the bottom of page 12.**

This permit involves the alteration of 33 feet of a retaining wall' along apx. 308 feet of coastal bluff owned by applicants. While the 33 feet of retaining wall involved in the application is to be reinforced, inadequate attention has been paid in the application process to other slide-prone parts of the applicant's property and to other matters of public interest required by the General Plan, LCP, County Code, and CEQA. The issues can be summarized as follows:

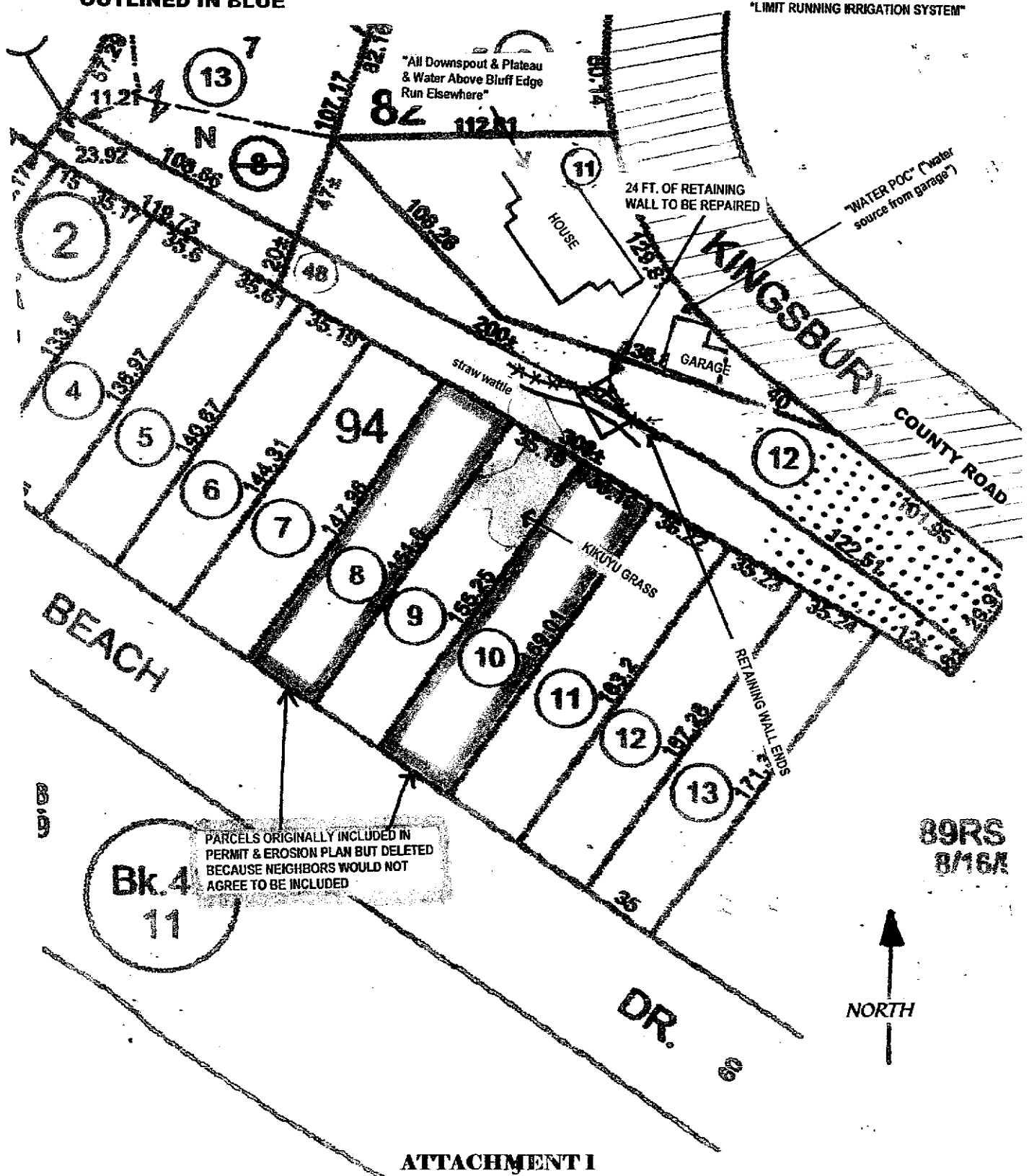
1) Although an erosion control plan has been required in the area of the 33 foot retaining wall requiring a drainage plan, erosion control and landscaping plan, hazards along the other parts of the bluff top have not been addressed and may even be increased by the diversion of water and reinforcement of the 33 foot area: **the erosion control plan should be expanded;** 2) In particular, nothing has been done to even *investigate* the eastern 1/2 of parcels 12 and 48 which also likely pose erosion and slide hazards and which would threaten Kingsbury Drive as well as properties on Beach Drive below, primarily because those parts of parcels 12 and 48 have been allowed by applicants to become overgrown with invasive, non-native plants, preventing evaluation of the site: **the vegetation in this area needs to be cut, the soils issues investigated, and conditions imposed to address soils issues, including replanting that area with erosion-control ground cover; and addressing other General Plan/LCP/Code issues such as landscaping and public views;** 3) **Environmental review must be conducted** under CEQA, and 4) **Numerous policies of the LCP are being ignored** in this permit process; and additional permit conditions addressing LCP policies must be added to the permit to support findings of consistency with the LCP.

Of particular note is the fact that applicants have allowed the eastern half of parcels 12 and 48 to become overgrown with invasive, non-native plants that block the public and neighbors' views in a protected "scenic view corridor" (see **Attachments 5 and 6** that illustrate the problem). More troubling is the fact that this lack of maintenance may be intentional. This violates the strong policies of the Local Coastal Plan (LCP) that public views of ocean vistas be protected and restored as a condition of any development (see **Attachment 7**). This vegetation must be cut flush to the ground to enable an erosion study to be conducted and replaced with low-growing, erosion-control ground cover that is maintained for erosion control, protection of public viewshed, fire control, and other reasons consistent with the LCP and County Code. This issue is further discussed in this letter and is marked with the ⓘ symbol where such discussion occurs; or where view related policies are listed in **Attachment 7**.

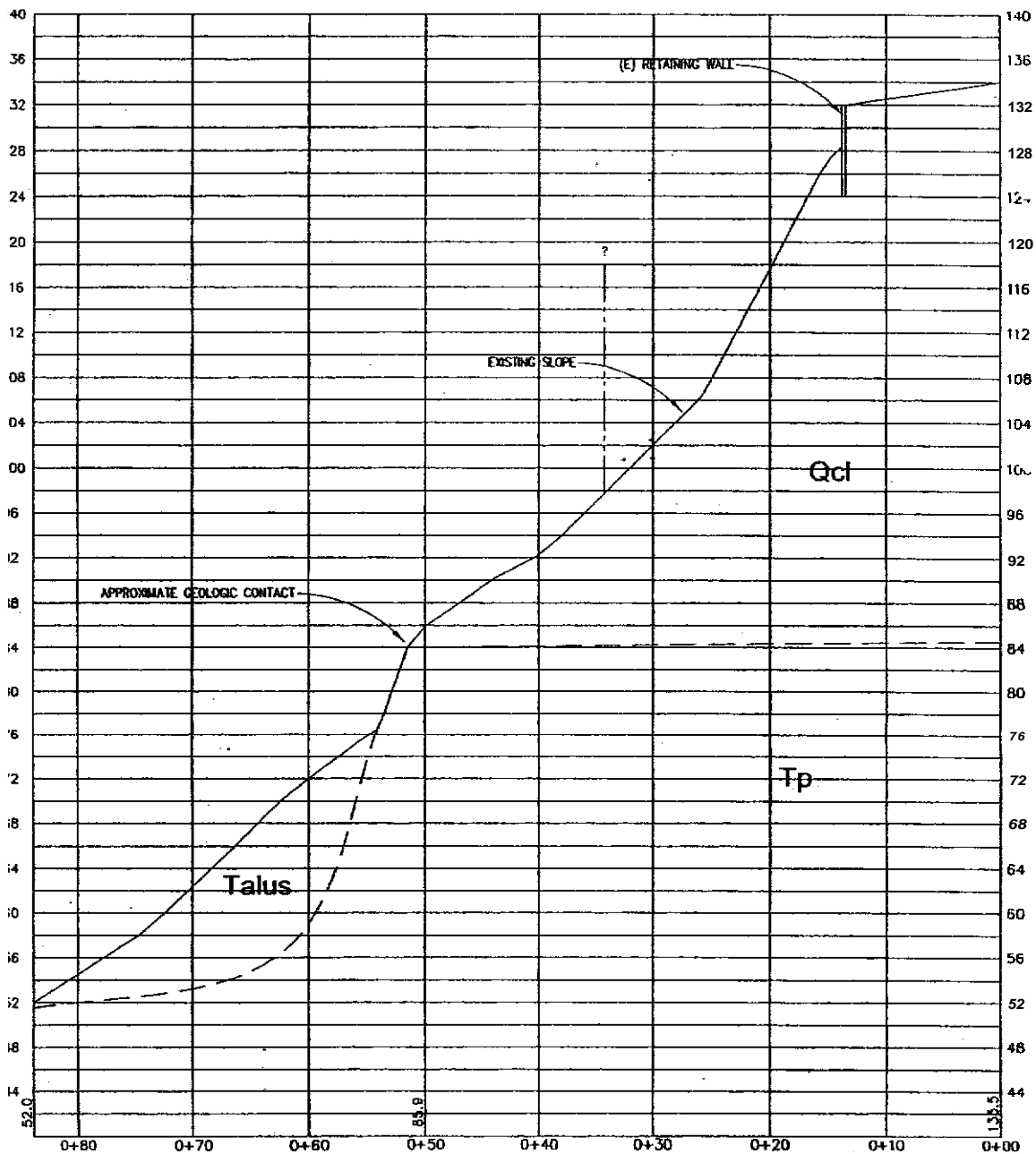
Attachments 1 and 2, on the following two pages, illustrate the project area. **Attachment 1** is a parcel map showing project details **taken** from the plans submitted to the Planning Department. **Attachment 2** is a cross section of the bluff illustrating the extreme soils and slope problem there. These attachments, and the issues concerning this project, are discussed in greater detail starting at page 4.

¹ Rogers E, Johnson & Associates describes the alteration as "33 feet" whereas the plans for the work identify a "24 foot" area

**LOTS INVOLVED IN PROJECT
OUTLINED IN BLUE**



ATTACHMENT I



NOTES:

Qcl Terrace Deposits
Tp Purisma Formation

CROSS SECTION PREPARED BY IFLAND ENGINEERS

GEOLOGIC CONTACTS APPROXIMATED FROM COASTAL BLUFF OBSERVATIONS AND GEOMETRY

Richard and
Ramona Andre
310 Kingsbury Dr.
Aptos, CA 95003

APN 43-081-11, 12 & 082-48

Ph: 831-688-5928

Cell: 831-918-5685

e: randre@csuzio.com

CROSS SECTION A 310 KINGSBURY DRIVE RIO DEL MAR, SANTA CRUZ COUNTY, CALIFORNIA	
DATE JUNE 2008	HARO, KASUNICH & ASSOCIATES, INC. GEOTECHNICAL AND COASTAL ENGINEERS 118 E. LAKE AVENUE, WARMSPRING, CA 95074 (408) 722-4175
SCALE AS SHOWN	
FIGURE NO. 1	

ATTACHMENT 2

1. SETTING AND BACKGROUND:

This project is located on and below Kingsbury Drive in Aptos as shown by Attachment **1**. Attachment **1** illustrates the following facts:

*On 1-24-06 a coastal development permit application was submitted for this project. On 7-31-06 the application was amended to include parcels 11, 12, and 48. Later parcel 9 was added (the Planning Department file notes that "on 7-11-06 parcel 9 added to project for 'biotic restoration'). Completion of the application was delayed until late fall when on 8-16-06 an application for an emergency permit was submitted. Although it is questionable whether the project qualified for an emergency permit, one was issued 10-2-06 on conditions that "the applicant shall submit a completed application...for a regular permit"; and "erosion control must be implement[ed] immediately".

*Application 06-0037 is described in a 9-19-06 letter in the Planning Department file from Rogers E. Johnson & Associates as a "**renovation** of a **33** foot long segment of bluff top retaining wall" that "will **improve** the stability of **this segment** of the bluff top...but...not prevent future bluff failures. The wall is designed to protect the upper 10 feet or so of the approximately 90 foot high bluff." **An** erosion control plan, along with a landscaping plan, is a proposed condition of permit issuance ; as is combining parcels 11, 12, and 48 (see 8-30-06 letter from R. Adams).

*The erosion control plan required for this project combines landscaping and biotic restoration (recommending planting of kikuyu grass, straw wattles, and other erosion control measures involving landscaping)

*The parcels currently involved in this application are 11, 12, 48 and 9. Parcels 11, 12 and 48 are located at the top of a steep coastal bluff over 100 feet high. The bluff is equally high and unstable along the entire apx. 308 foot length of parcels 12 and 48. At the southern edge of parcel 12 the bluff falls off precipitously to the beach front below where Beach Drive homes are located on the flats. Attachment **2** illustrates the extreme slope and slide potential in front of the applicant's property. Besides the steep slope, the soil toward the top of the bluff is unstable and is subject to erosion and slides as a result of ponding, water runoff, loads on the soil from man-made improvements, seismic events etc. This situation over time potentially affects the safety of neighbors below on Beach Drive, the structural integrity of the public road at the top of the bluff (Kingsbury Drive), and the residents along Kingsbury Drive across from parcel **12** **who** will be affected by any undermining of Kingsbury Drive that results from any failure of applicants **to** mitigate erosion, particularly in the eastern 1/2 of parcels **12 and 48** (the "dotted" area on Attachment **1**);

*Parcel 12 is where the 33' of retaining wall is located that is the subject of this application. The wall appears to protect only a small portion of applicants' bluff top even though the entire bluff that is part of parcels 12 and 48 suffers from the same instability. Part of the retaining wall may be on Parcel 48. Parcels 12 and 48 are undeveloped.

@*Landscaping on the western 1/2 of parcel 12, next to applicants' house, is maintained to preserve the views of applicants: but applicants have allowed the eastern 1/2 (see dotted portion on Attachment 1), formerly maintained, to become overgrown with ivy and other invasive, non-native plants, possibly out of hostility toward neighbors on that part of Kingsbury. Applicants have posted numerous hand made signs in the eastern 1/2 of parcel 12 with expressions of their discontent about various issues. This part of Kingsbury Drive was previously a magnificent public ocean vista that is now blocked to the public viewing by the overgrowth.

*Parcel 12 is zoned PR (**park**). The General Plan designation is 0-U (urban open space).

i *This entire area of Kingsbury Drive is in a "scenic view corridor" providing spectacular views of Monterey Bay and much enjoyed by walkers, bikers, and sightseers, prior to applicants allowing parcel 12 to become overgrown (*the application states "general plan constraints: scenic"?*)

*The property is in the Coastal Zone and therefore requires a Coastal Development Permit.

*According to a January, **1986** report in the Planning Department file, Rogers E Johnson & Assos, Engineering Geologists, inspected the property for slope stability problems. The report notes some issues that are a continuing theme for this property:

***SLOPE HAZARDS AT THE SUBJECT PROPERTY AFFECT THE ENTIRE BLUFF AND REQUIRE A FULL SYSTEMS SOLUTION:** the report notes that the retaining wall that supports "a **portion** of the cliff directly behind the house". The report notes that landslides occurred all along the bluff top in the 1982 storms "causing **damage** to properties at both the top and bottom of the cliffs." The 9-20-06 letter from Haro Kasunich in the Planning Department file describes the project in part as "repair existing bluff top" (not a PORTION of the bluff top) which suggests that the entire bluff should be remediated.

***IMPROPER LANDSCAPING IS A FACTOR IN SLOPE INSTABILITY:** The report states that a contributing factor in the 1982 landslides was a presence of "shallow rooted plants" on the bluffs. The 5-25-06 letter from Haro, Kasunich in the Planning Department files states "The neighbors which own much of the slope below the referenced property should re-establish a rigorous ground cover this Spring/Summer in preparation for next winter's rain season. We recommend that an erosion control matting in addition to seeding be appropriately stapled to the surface of the slope where it has become exposed this winter due to surficial erosion."

***EROSION CONTROL ALONG THE ENTIRE BLUFF TOP IS ESSENTIAL TO PROTECTION OF PERSONS AND PROPERTY:** The Rogers E. Johnson & Associates report cites other factors that affect slope stability including runoff (water running down the face of the bluff) and ponding (water soaking into the top of the bluff) and development (that tends to concentrate wafer flow...i.e., partial measures, like the existing retaining wall, can actually divert water more forcefully to unprotected areas²). With regard to the ponding the Rogers E. Johnson & Assos. report states

"To reduce upslope infiltration, water should not be allowed to form temporary ponds on the property following rainstorms. **Other low points which permit ponding should be identified during wet periods and regraded or filled.**"

Because of the overgrowth on the eastern 1/2 of parcels 12 and 48, there is no way to know if ponding is occurring there; and no attempt has been made to evaluate the eastern 1/2 of parcels 12 or 48 in this permit process, despite the fact that the pending application affords the County an opportunity to address wider threats to the safety of persons and property by the imposition of conditions. The County should welcome this opportunity to protect the public by imposing conditions, rather than resist it. The County originally required that parcels 8 and 10 along Beach Drive (see **Attachment 1**) join in the landscaping part of the erosion control plan: but on 9-21-06 revised the project plans to change the permit conditions to include parcel 9 only due to the inconvenience of including parcels 8 and 9. This illustrates at least an awareness that an expansion of the erosion control plan is a good idea.

***THE SOILS ISSUES ON PARCEL 12 THREATEN NOT ONLY HOMES BELOW BUT ALSO THREATEN KINGSBURY DRIVE:** The October 1986 Rogers E. Johnson report states "Controlling runoff

² A 5-1-95 report from Rogers E. Johnson Assos in the Planning Department file states "Development, of course, can exacerbate an already unstable slope by concentrating runoff and super saturating a specific area" and then goes on to recommend directing drainage into pipes to the bottom of the bluff.

from rainfall is extremely important on hillside homesites. This is especially true on the subject property where runoff erosion can accelerate **CLIFF RETREAT**." This issue was again mentioned in a 1996 letter from Rogers E. Johnson Assos. in the Planning Department file that states a threat exists that "the **bluff** top will ultimately recede an additional **20 to 30** feet before the bluff stabilizes at its natural angle of repose." Erosion to the extent predicted by Rogers E. Johnson (30 feet or more) could potentially undermine Kingsbury Drive, particularly in the **eastern** ½ of lot 12 where lot 12 is narrower and closer to Kingsbury Drive (see the dotted areas on Attachment **1**). Presumably proper erosion and drainage measures can retard or prevent this process; whereas doing nothing invites problems sooner.

***THIS PROJECT IS MORE THAN A SIMPLE REPAIR.** The Rogers E. Johnson Assos. letter in the Planning Department file describes the work on the 33 feet of retaining wall as a **renovation**. It would not qualify as a "repair" under the UBC. A 9-20-06 letter in the Planning Department file from Haro Kasunich engineers describes the project as "repair existing bluff top, soldier pile, tieback retaining wall" and states that the project includes adding whaler beams, new tieback anchors, and wood lagging. As such, the scope of the project is actually new construction which supports the need to impose more comprehensive conditions. Clearly, even the limited scope of work on the 33 feet of retaining wall has potential to cause significant environmental impacts.

2. ONLY STRONG PERMIT CONDITIONS CAN EFFECTIVELY ADDRESS THE ISSUES IN THIS MATTER:

Applicants have a history of code compliance issues with the County according to the permit histories for parcels 11 and 12, attached to this letter as Attachments **3** and **4**.

There is a letter in the Planning Department file from Harrett W. Mannina Jr., another interested party, that states "my question to you [applicants Richard and Ramona Andre] is why you have not yet commenced and completed the recommendations that were made by your Consulting Geotechnical & Coastal Engineers over five years ago".

In 1986 Rogers E. Johnson visited applicants' property and noted in a report that "there are some existing drainage control measures on the property.... However, these drainage measures have not been maintained".

Apparently applicants were also ordered in May, 1985 to combine parcels 11 and 12 as condition of a permit and did not do so.

Given this history, applicants may not voluntarily come forward to help their neighbors and the public by addressing the soils, drainage, erosion, landscaping, viewshed and other issues raised in this letter: so it is particularly incumbent on the County to address such issues by imposing permit conditions to the extent that it can lawfully be done.

3. THE EROSION CONTROL PLAN MUST BE EXPANDED TO INCLUDE THE ENTIRE PARCEL 043-081-12 UP TO KINGSBURY DRIVE (& PARCEL 48) AND CONDITIONS MUST BE IMPOSED TO PREVENT HAZARDS TO THE BEACH DRIVE NEIGHBORS AT THE BOTTOM OF THE BLUFF AND TO KINGSBURY DRIVE

An erosion control plan is necessarily required for approval of this permit, see County Code 16.22.060 (at page 2 of Attachment 8 to this letter). See also General Plan/LCP 6.3.4.

The letter from Mr. Mannina states "your proposed erosion plan...appears to be a band aid to your property without seriously addressing the dangers and possible catastrophic losses your [the Andres'] eroding bluff poses to downhill properties".

The 9-19-06 letter from engineers Rogers E. Johnson & Associates in the Planning Department file echoes these concerns and describes the work proposed in this application as a "renovation of a 33 foot long segment of bluff top

retaining wall will improve the stability of *this segment* [i.e. 33 feet] of the bluff top. *The subject retaining wall will help retain* the upper section of the bluff but it will not prevent future bluff failures at the site."

Initially the County apparently did propose a broader erosion control plan by including parcels 8 and 10 at the bottom of the bluff: but later removed them from the plan. The fact that the project was originally larger illustrates that the project affects a broader area than that covered under the current application.

The permit and related conditions should address the entire 308 feet of bluff to protect against drainage problems and erosion along the entire length of parcels 12 and **48**; and to address other public interest issues. Otherwise there will continue to be substantial threats to the downhill neighbors from the applicants' property. Any erosion or slides could also impair access by emergency vehicles on Beach Drive in the event of a significant bluff failure. There is no possibility that the erosion and drainage controls recommended to-date can address the extent of the geologic hazards associated with this application.

In order to expand the erosion control plan the County must expand the scope of the geologic and geotechnical studies to address the entire 308 feet of bluff top owned by applicants.

The County should also impose comprehensive drainage, erosion and **landscaping** conditions to protect Kingsbury Drive. As mentioned in section 1., above, the east end of parcels 12 and 48 (the "dotted area" on Attachment 1) are the closest parts of applicants' property to Kingsbury Drive and thus pose the most immediate threat to the roadway: yet nothing in the application addresses that part of those parcels. The studies in the Planning Department file confirm that drainage and ponding pose serious erosion threats. Yet the applicants have allowed the "dotted area" in Attachment 1 to become overgrown with invasive, non-native and downy plants whereas it was previously maintained and groomed. To even ASSESS the drainage, ponding or erosion issues, this vegetation in this area must be cut flush to the ground and the soils conditions studied. In its current condition, proper assessment of this part of parcels 12 and **48** is impossible and any problems are hidden. Once cut this area must be maintained to permit implementation of erosion control measures; to allow continued monitoring of the efficacy and status of those measures; **and** to allow maintenance. One approach might be to replant the area with kikuyu (note that kikuyu is considered invasive but has been recommended for erosion control of this project. Where kikuyu is referenced in this letter possibly some less invasive native erosion control plant should be considered).

If Kingsbury Drive is undermined by a failure to control drainage and erosion on parcels 12 and **48**, what will the County do? In addition to a major expenditure of public funds for repair of the road, the County would have to PAY APPLICANTS to acquire enough of their property to build reinforcements for the road (or take property from the neighbors on the other side of the road). This would be an ironic outcome if the road could be protected NOW by requiring applicants to guard against erosion at their expense (vs. that of the public) as a condition of this application and permit. An expanded erosion control plan addressing the entire length of parcels 12 and 48 will help to stabilize the edge of Kingsbury Drive. It is important to note that the Kingsbury Drive public right-of-way does not include the coastal bluff and therefore, private erosion control maintenance of the bluff is critical to the long-term stability of the public street. Because the amount of projected recession has the potential to undermine Kingsbury Drive, this makes erosion control on this site even more critical to the general public. Even if the County and Coastal Commission cannot require a property owner to extend the retaining wall for the PURPOSE of stabilizing Kingsbury Drive, a complete erosion control plan for the affected property is well within the typical requirements of the County and Coastal Commission when issuing a repair for a coastal bluff revetment/retaining wall structure.

If the overgrown "dotted area" shown on **Attachment 1** is cut flush and studied it will be an opportunity for the County to implement five other issues by the imposition of conditions that are in the public interest and encouraged by the General Plan, LCP and County ordinances:

- 1) The County should require removal of non-native invasive plants on the overgrown area of parcels **12** and **48**;
- 2) The County should require replacement of these non-native, invasive plants with erosion control plants like kikuyu, already recommended for parts of this project, to help with drainage and erosion. The County and Coastal

Commission routinely require removal of invasive species as part of mitigation measures for projects and the partial erosion control plan from Prime Landscaping already addresses invasive species removal: it just needs to be expanded. The complete erosion control plan will eliminate invasive species, such as the English ivy that currently exists on the site;

3) Removal of the overgrown weeds would also **protect against a possible fire hazard** that could spread to nearby trees, brush and homes;

i 4) Replacement of the overgrown plants should be done with low-growing ground-cover erosion-control plants that would also **restore the public viewshed** that has been ruined by applicants **poor** maintenance. Parcel 12 is in an area designated by the County as a "scenic view corridor" and is located at a corner of Kingsbury Drive that offers spectacular panoramic views of Monterey Bay frequented by walkers, bicyclists and sightseers that have been blocked at street level by the applicants failure to maintain their property (see **Attachments 5 and 6**). An expanded erosion control plan, will provide visual access to the ocean to the general public. Note that landscaping is already required as a condition of the erosion control plan: so further landscaping conditions including for erosion control, are clearly lawful and appropriate; and

5) Since applicants have allowed the vegetation on parcel 12 and 48 to grow uncontrolled **it has become infested with rats and other vermin** that are a problem for nearby neighbors when they migrate to the homes across Kingsbury Drive. Replacement and maintenance of the vegetation on this site as requested in this letter will also address this problem.

4. THIS PROJECT REQUIRES ADDITIONAL CONDITIONS AND REQUIREMENTS IN ORDER TO COMPLY WITH THE LOCAL COASTAL PROGRAM AND COASTAL ACT:

Applicants' project requires the issuance of a coastal permit under the standards in the California Coastal Act. These standards are reflected, as required by law, in the County of Santa Cruz Local Coastal Program. Immediate, as well as cumulative, effects on coastal resources must be considered, (Pub. Res. Code § 30250(a) "New...development...shall be located...where it will not have significant adverse effects, either individually or cumulatively, on coastal resources"). The CCA definition of "cumulative" is broader than under CEQA (Pub. Res. Code § 30105.5).

A complete erosion control plan, as discussed in section 3., above, will also assist in making findings of consistency with the development policies of the Coastal Act. The Coastal Permit 06-0037 must be consistent with such policies to be approved.

Currently such findings could not be made due to inconsistency and the failure to implement the LCP policies listed at **Attachment 7** (Coastal Act Requirements) which are part of the County of Santa Cruz General Plan and LCP.

In addition to satisfying LCP requirements, all land use regulations must be consistent with the General Plan and therefore must be interpreted in that context, see County Code 13.01.130.

The development/project as framed by the current application, and without the additional conditions, mitigations and compliances requested in this letter and attachments, does not conform to the standards set forth in the certified County of Santa Cruz LCP or to the public access policies of the Coastal Act.

The applicable policies are grouped in Attachment 7 by subject **as follows**³; and their applicability to this permit application are self-explanatory given the background furnished in this letter. The County Code also echoes some of these policies as noted at Attachment 8 (County Code Requirements) which also need to be incorporated into the conditions of this permit. The following additional comments are made (references using § symbols are to the General Plan/LCP unless designated as Code requirements or Coastal Act [Public Resources Code] provisions):

³ Numbers accompanying references to "LCP" are to parts of the Santa Cruz County General Plan and certified Local Coastal Plan and the numbers refer to the General Plan element (2-LAND USE; 5-CONSERVATION AND OPEN SPACE; 6-PUBLIC SAFETY **AND** NOISE; 7-PARKS AND RECREATION, AND PUBLIC FACILITIES; with the numbers after the decimal point referring to specific policies

i a. View Protection/Landscaping: The work to be done under this application, even in its current limited scope, is subject to each and every one of the LCP policies in Attachment 7 and also require the permit to be expanded in scope with the permit conditions added as requested in this letter. Expanding the erosion control plan as requested would address many of these LCP policies. Under LCP§5.10.2 a project must be DESIGNED to protect public views. "Design" is a broad term that includes every phase of a project. The LCP protections extend to vistas as well as to signs and inappropriate landscaping (e.g. invasive, non-native plants), see LCP §5.10.3. This requires removal **of** the invasive, non-native species **on** the eastern ½ **of** parcel **12** and **48**, as **well** as removal **of** the signs put up **by** applicants. (see also LCP§§5.10.12 and 5.10.13 applicable to the landscaping required under the Erosion Control Plan, and LCP§5.10.18 addressing signs). LCP§5.10.6 mandates preserving ocean vistas **TO THE MAXIMUM EXTENT POSSIBLE**. See also County LCP provisions at LUP 13.20.130(b)(1). The introduction to LCP-Chapter 7 makes it clear that access requirements include VISUAL access.

This is consistent with Coastal Act provision 30251 that provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Removing invasive species and allowing visual access to the coast to be restored where it is currently obscured is also clearly consistent with this policy. The degraded condition of parcels 12 and 48 currently blocks important public views and the maintenance of the landscaping on that parcel, as requested in this letter, will address not only view issues but also biotic, scenic, and erosion control issues.

b. Invasive/Non-Native Plants: The removal of the invasive, non-native plants on parcels 12 and 48, particularly on the eastern ½ is also mandated by the LCP: see LCP§§5.1.14, 5.1.11 and 6.3.7. Because a landscaping plan is already PART of the Erosion Control Plan, it can also require consistency with the invasive plant policies.

This is consistent with Coastal Act 30240 which provides that for the protection of biotic Resources since proliferation of invasive or non-native plant species can, in turn, affect the animal species in the environment. The fact that applicants are allowing the proliferation of invasive and non-native vegetation on parcels 12 and 48 crowds out native species and impairs animal species that depend on the native plants for survival.

In addition, County Code 13.20.130 requires that when a landscaping plan is required (as with the current erosion control plan) new or replacement vegetation must be compatible with the ecological characteristics of the area which requires the removal of invasive and non-native plants.

In addition, under County Code 13.20.130 the project must be designed to be consistent with the General Plan and LCP view policies and with the surrounding neighborhood and area. It should be noted that applicants, near their house where *their* views are involved, keep the bluff tops adjacent to their manicured and in a park-like condition. This is a common practice in the neighborhood. Yet applicants block the public views and those of their neighbors near the eastern half of lots 12 and 48 with overgrown, non-native and invasive plants.

c. Water Quality: Proper drainage on the entire extent of the apx. 308 feet of bluff top owned by applicants is mandated by LCP water quality policies in Attachment 7 designed to prevent sediment from the cliffs fouling the beach and entering the ocean. Coastal Act 30231 requires development to "maintain the biological productivity and the quality of coastal waters" (see corresponding LCP§5.4.14). Without adequate drainage and erosion controls on the

entire length of parcels 12 and 48, and the expansion of drainage and erosion control on surrounding lots, runoff of dirt and silt will unnecessarily threaten the water quality of local coastal waters.

d. Protection of Urban Open Space: It is important to consider that parcel 12 is in an O-U General Plan designation: a fact not considered in the application process so far. This designation requires *ANY* development plan to be consistent with ALL resource protection, resource restoration, and hazard mitigation policies, LCP§5.113, which would require addressing all issues raised in this letter AND the mitigation of all POTENTIAL adverse impacts which means that future impacts whether natural or man-made must be mitigated for the ENTIRE parcel.

e. Soils: The soils policies at pages 3 and 4 of **Attachment 7**, including LCP§6.2.10, each apply to this project and are largely unaddressed. Note in particular that owners of property are required to control landslide conditions on their property that threaten public roads under LCPS6.2.9; and that LCPS6.3.3 requires abatement of *ANY* drainage condition ON THE PROPERTY which gives *rise* to existing or POTENTIAL erosion problems. Again, the entire extent of parcels 12 and 48 must be addressed. This is consistent with Coastal Act 30253 that provides "New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area".

Under the SOILS part of Attachment 8, the County Code requirements should be reviewed to make sure all required information has been submitted. It appears that not all information required by Code sections 16.10.050 and 16.10.070 is included in the Planning Department file.

f. Parks, Recreation & Open Space: Parcel 12 is zoned "Park" which is what it was to some extent before applicants decided to let their vegetation grow wild on the eastern half. §7.1.3 specifically requires that open space lands that are not developable must be made compatible with SCENIC VALUES. §7.7.4 requires that blufftops be protected against INCOMPATIBLE uses that would include impairment of views and invasive, non-native plants.

i g. Public Access (Pub. Res. Code § 30252): If the bluff erodes physical access to both the coast and coastal view would be blocked either by undermining Kingsbury Drive or impairing Beach Drive below. Since "access" should include access to views, the proliferation of weeds and non-native plants on parcel 12 should be controlled and maintained; and low-growing plants that mitigate erosion, such as kikuyu should be required.

h. Fire Hazards: To the extent there is uncontrolled vegetation on the parcel 12, particularly downy plants, there is a threat of fire danger to the parcel and possibly to nearby homes which requires the vegetation to be cut and controlled and preferably replaced with an erosion control species such as kikuyu.

If these policies cannot be satisfied the application must be denied because the development does not conform to the standards set forth in the County's certified LCP and the public access policies of the Coastal Act. The scope of the permit should be expanded and conditions imposed to assure consistency.

The contents of the Planning Department files concerning the parcels subject to this application are incorporated herein by reference in support of the contentions regarding the LCP and public access issues.

5. AN INITIAL STUDY IS REQUIRED UNDER CEQA:

County Code 18.10.150 provides "All permits and approvals issued pursuant to this chapter shall be processed in accordance with County Environmental Review Guidelines and Rules and Regulations and with the California Environmental Quality Act and Guidelines."

CEQA (Pub. Res. Code 521000 et seq.) applies to discretionary "projects" proposed to be undertaken or requiring approval by State or local government agencies. "Projects" are activities which have the potential to have a physical impact on the environment (Pub. Res. Code § 21065). Retaining walls and erosion control plans, by definition, have the potential for a physical impact on the environment; and discretionary review is mandated by County Code at Level V.

After determining that the activity is a "project" subject to CEQA, the County must determine if the "project" is exempt from CEQA.

Even though the emergency permit issued in 2006 was issued without any environmental review under CEQA and under an exception to the normal requirements of the LCP, the emergency permit was conditioned on obtaining a regular permit. The regular permit, now under consideration, is not exempted from CEQA or the LCP; and a final decision on the applicability of CEQA has been postponed until the final approval of the permit application.

No exemption under CEQA applies in this case. Even if an exemption did apply, exceptions would apply that require an Initial Study to be conducted (e.g. the project site is environmentally sensitive; there are likely to be successive projects that result in cumulative impacts; there are "unusual circumstances" [on a coastal bluff, note the observation by Rogers E. Johnson *Assos.* that the a structure on a property has the potential to divert or concentrate drainage, etc.]; and the project has a potential to damage scenic resources (again because of its unique location), see CEQA Guidelines 15300, 15300.2. These exceptions should also be considered in the context of what may apply under the CEQA Initial Study checklist.

An Initial Study must **be** conducted to identify the environmental impacts of the project and determine whether the identified impacts are "significant".

Based on the County's findings of "significance" it must decide whether to issue a negative Declaration if it finds no potential "significant" impacts; require a Mitigated Negative Declaration if it finds "significant" impacts but revises the project to avoid or mitigate those significant impacts; and otherwise must require an Environmental Impact Report (EIR) if it finds "significant" impacts.

In conducting the Initial Study it should be considered that this "project" involves cumulative impacts for three reasons, First, because the scope of this renovation is much more than a simple repair as explained, above. Second, because under LCP policies and County Code, the scope of this project, including the erosion control plan, must be expanded due to the fact that it should address the entire 308 feet of bluff of parcels 12 and 48; and because of the scope of potential impacts on public health and safety including the effects on the Beach Drive homes; on Kingsbury Drive; and because other issues important to the public are implicated by the issues raised in this letter. Third, because the consensus of all geologic and engineering experts is that the drainage and erosion issues affect the entire bluff top, not just 33 feet of it; and that there will be future problems with the bluff that will have to be addressed.

Applicants may not segment, **or** "piecemeal", a project in a way that avoids environmental review by "chopping a large project into many little ones--each with a minimal potential impact on the environment--which cumulatively may have disastrous consequences." (Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal. App. 3d 151, 165).

Potential "cumulative impacts" constitute a "mandatory finding of significance" which requires **an** EIR to be prepared. "Cumulative impacts" include:

- * two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts
- * "changes resulting from a single project or a number of separate projects"
- * "change[s] in the environment which result from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result **from** individually minor but collectively significant projects taking place over a period **of** time."
- * Also, if the project, when considered with PROBABLE future projects, involves potentially significant environmental impacts, including degradation of the environment or threats to humans, a mandatory finding of significance is required,

See CEQA Guidelines § 15165.

Because this project as currently framed and conditioned, fails to include work that will clearly have to be done in the near future such as additional bluff drainage and erosion control, control and repair of slides, control of runoff and sedimentation, consideration of Beach Drive parcels other than parcel 9, landscaping, elimination of invasive and non-native plants and viewshed issues (if the LCP is properly applied), risks to persons and property, and impacts on transportation from the effects on Kingsbury Drive (damage to which would affect traffic patterns, street design/hazards, and parking capacity) and Beach Drive (which could affect emergency vehicle access); and because even the limited scope of this project involves significant environmental impacts under the Initial Study Checklist on aesthetics (substantial adverse effect on scenic resources at the site and increase the use of adjacent recreational areas for enjoying the coastal views), water quality (alteration of drainage patterns resulting in erosion, degradation of *ocean* water quality from siltation), and conflicts with applicable land use plans including the general plan, CEQA and the County LCP, it is clear that there are sufficient present impacts to require both an Initial Study and appropriate mitigations; and that there will be projects required in the future that constitute cumulative impacts.

It may be that in developing an expanded erosion control plan and properly applying LCP Guidelines, sufficient mitigations may be developed to reduce necessity of conducting full environmental review. Prime Landscaping (John David) has an excellent reputation as a coastal bluff erosion control specialist and augmenting an expanded erosion control plan to include the entire parcels 12 and 48, and implementing all applicable LCP policies, may well address many issues raised in this letter.

6. CONCLUSION

In *summary*, requiring an expanded erosion control plan and complying with LCP policies and CEQA is in the public interest; and are reasonable and appropriate requirements for a coastal bluff project. Including an expanded erosion control plan and appropriate permit conditions *to* conform the project to the LCP at the County stage will save additional time and expense to the applicant and Coastal Commission staff by avoiding an appeal to the Coastal Commission.

Applicant owes the neighbors and public a duty of care; and the County owes the neighbors and public an effort to impose lawful conditions on any development of applicants' property that will maximize the protection and interests of the public, including the neighbors, with regard to the issues raised in this letter.

Therefore, is it requested that the County take the following actions in this matter:

A. Conduct environmental review under CEQA as required by law and develop mitigation measures to address the issues raised in this letter (including the following), LCP compliance, and Code compliance;

- B. Expand the scope of the permit and impose additional permit conditions to require an expanded erosion control plan, expanded geologic and geotechnical review, and LCP consistency to address the issues raised in this letter including the following;
- C. All studies, reports, plans, conditions, mitigation measure, and consistency measures must address parcels **11, 12, and 48** as ONE ENTIRE SYSTEM. It makes no sense to assess and address a **33** foot portion of parcel 12 while related problems are happening or ready to happen on the applicants' football field size parcel on either side;
- D. Require that the expanded erosion control plan address issues of drainage, erosion, sedimentation, landslide, and landscaping (groundcover) on the entire area of parcels 11, 12 and **48, as** well as the effects of that plan on all affected Beach Drive properties at the bottom of the bluff;
- E. Require that the geologic review/reports and geotechnical review/reports be expanded to address soils, drainage, erosion, and landslide issues for the entire parcel 12 and entire parcel 48, as well as parcel 11;
- F. Require that the studies and reports, and expanded erosion control plan, specifically address drainage and erosion issues, including ponding and runoff, in the eastern 1/2 of parcels 12 and 48. To evaluate this area, *that has been allowed to become completely overgrown by applicants*, it must be made visible.
- i** In order to do this, the currently overgrown non-native and invasive plants should be cut flush to the ground to allow inspection for, and installation of, erosion and drainage control measures; and the current vegetation should then be replaced with a suitable erosion-control fire safe ground cover that must be required to be maintained so that the terrain remains easily visible to allow future erosion control monitoring and maintenance; and also to restore and maintain the public viewshed, address current biotic issues (non-native, invasive species, vermin/vector eradication & other ecological issues) and prevent the re-growth of invasive/non-native species in the future, address weed abatement and fire control, and require the permanent removal of inappropriate signage and require a Level V sign and coastal permit for any future signage;
- G. Require that the studies and reports should specifically ADDRESS SOILS AND EROSION **HAZARDS** TO KINGSBURY DRIVE both near and long term; and require applicants to monitor any related conditions; and to make and pay for any improvements on parcels 12 and **48**, particularly the eastern 1/2, that will protect or prevent any current or future threats to the stability of Kingsbury Drive arising from conditions on parcels 12 or **48** including the installation of comprehensive drainage, erosion and landscaping measures;
- H. Impose further conditions as necessary and appropriate to implement each and every LCP policy and Code requirement listed in Attachments 7 and **8**;
- I. Require **CC&Rs** to be recorded against parcels **11, 12, and 48** requiring the actions listed above; and
- J. To the extent that the foregoing actions and conditions are frustrated by applicants, to DENY the application; AND follow up to take further action under the County Code to require compliance to address the issues raised in this letter including recording appropriate notices of violation against these parcels.

The Planning Department should also note that on January 23, 2007, the Board of Supervisors will consider the issue of the adequacy of General Plan policies related to development in areas subject to geologic hazards and the protection of public health and safety for such developments. This may be an opportunity consider other issues that may affect this application and consideration should be given to continuing any hearing on this application until after the Board of Supervisors acts on this matter if the continuance can be done without losing jurisdiction to deny this application or impose additional conditions for issuance of any permit.

Thank you for consideration of the information in this letter and attachments; and your anticipated action to address the issues raised in this letter.

Very Truly Yours,


BARNEY ELDERS

BE:sh

cc: Chili Pepper, LLC

California Coastal Commission, Atn Daniel Carl, Coastal Planner (California State Coastal Commission, Central Coast District Office, 725 Front Street, Suite 300, Santa Cruz, CA 95060)

Supervisor Ellen Pine, 701 Ocean Street, Room 500 Santa Cruz, CA 95060

Kingsbury Drive neighbors

APN: 043-081-11 COUNTY OF SANTA CRUZ Date: 11/14/06
Code Enforcement Investigation Comments Time: 14:08:59
Contact Date: 09/13/88 Code: Z20

06/10/91 The Status Code was I1.
RESOLUTION DATE CHANGED, THE OLD DATE WAS () STATUS CODE CHANGED, THE
OLD CODE WAS (I1)

04/19/99 The Status Code was Resolved. Added by MIB
ARCHIVE DATE CHANGED. OLD=().

12/17/99 The Status Code was Resolved. Added by BMW
ARCHIVE DATE CHANGED, OLD=(19990419).

12/17/99 The Status Code was Resolved. Added by BMW
NOTED ON ALLEGED VIOLATION/INVESTIGATIONS SCREEN" Owner ordered tenants
to discontinue using garage for sleeping purposes. Resolved.

ATTACHMENT 3 (Parcel 11)

COUNTY OF SANTA CRUZ
Code Enforcement Investigation Comments
APN: 043-081-11 Contact Date: 03/14/89

Date: 11/14/06
Time: 14:08:59
Code: Z80

01/30/91 The Status Code was C1.
OWNER WAS ASKED TO CALL PUPBLIC WORKS.

06/15/92 The Status Code was 16.

Telephone call received from complaintant on 6/15/92. The primary concern is 8' ht. fence, illegal dwelling unit.

12/22/92 The Status Code was C7
FOLLOW UP CODE CHANGED. THE OLD CODE WAS (I1). FOLLOW UP DATE CHANGED,
THE OLD DATE WAS (920629). RESOLUTION DATE CHANGED, THE OLD DATE WAS ()
. STATUS CODE CHANGED, THE OLD CODE WAS (I6).

12/22/92 The Status Code was C7.
On 12/22/92, a site visit was completed by Code Officer, Ruth Owen. At
that time, it was verified the fence height on the deck has been
reduced to 5' 9". This case, therefore, is resolved.

04/19/99 The Status Code was Resolved. Added by MIB
FOLLOW-UP CODE CHANGED, OLD=(I2). FOLLOW-UP DATE CHANGED,
OLD=(19921222). AR HIVE DATE CHANGED, OLD=().

12/17/99 The Status Code was Resolved. Added by EMW
ARCHIVE DATE CHANGED, OLD=(19990419).

ATTACHMENT 3 (Parcel 11)

APN: 043-081-11

COUNTY OF SANTA CRUZ
Code Enforcement Investigation Comments
Contact Date: 05/28/92

Date: 11/14/06
Time: 14:08:59
Code: 822

06/16/92 The Status Code was I2.
FOLLOW UP CODE CHANGED. THE OLD CODE WAS (I1). FOLLOW UP DATE CHANGED
THE OLD DATE WAS (920616). STATUS CODE CHANGED. THE OLD CODE WAS (C1).

06/29/92 The Status Code was I2.
FOLLOW UP CODE CHANGED. THE OLD CODE WAS (I1). FOLLOW UP DATE CHANGED,
THE OLD DATE WAS (920629). STATUS CODE CHANGED. THE OLD CODE WAS (I6).

06/29/92 The Status Code was I2.
On 6/29/92 a site visit was completed at the subject property. A
privacy wall has been constructed on both sides of an existing second
story deck. The 8' ht. wall has blocked an ocean view at the neighbor's
property. The deck/wall range from approximately two - four feet from
the property line.

At the time of the site visit Mr. and Mrs. Andre said that they have a
legal non-conforming duplex on the property. They showed me the Asses-
sors' records which notes two kitchens. A previous investigation notes
two non-conforming kitchens in a single family dwelling. To date, the
appraiser is assessing the property for SFD use. To check further with
the Assessor records.

06/29/92 The Status Code was I2.
On 6/29/92 a search of information determined that the sideyard setback
is 5' and 8'. Therefore, the 8' wall is within the sideyard setback.

07/09/92 The Status Code was I2.
FOLLOW UP CODE CHANGED. THE OLD CODE WAS (F6). FOLLOW UP DATE CHANGED,
THE OLD DATE WAS (920630).

07/09/92 The Status Code was I2.
On 7/21/92 a second inspection will be completed to determine the side-
yard setback and coastal bluff setback.

08/11/92 The Status Code was I2.
FOLLOW UP DATE CHANGED, THE OLD DATE WAS (920721).

08/11/92 The Status Code was I2.
Ruth Owen telephoned Mr. Andre on 8/11/92. He had requested a change of
appointment in writing. However, he is refusing to make an appointment
time. I explained to him that I will issue a Notice of Building Viola-
tion because the walls on the deck are over 6' in height and a building
permit is required.

09/01/92 The Status Code was I2.

ATTACHMENT 3 (Parcel 11)

FOLLOW UP DATE CHANGED, THE OLD DATE WAS (920820)

09/01/92 The Status Code was I2.
FOLLOW UP DATE CHANGED. THE OLD DATE WAS (920930)

09/01/92 The Status Code was 12.
notice of intent sent 9/1/92

10/01/92 The Status Code was 12.
On 10/1/92, a telephone call was made to the subject residence. Ruth Owen explained to Mrs. Andre that this is the date that a site inspection is to be completed to determine if the building violation of a 6' wall was constructed without a building permit. If-so, the violation will be recorded. She requested that I discuss this with her husband. He has received a copy of 12.10.125 (a) and wants to review it with his son, who is a lawyer.

I explained that a second complaint has been received in this office for conversion of a SFD to a duplex. I related that a previous property owner has declared the Use of the property is a single family dwelling and that there was an alcove used as a wash area but not a second kitchen and separate rental. I explained that I will write a letter to Mr. Andre to respond to his letters. Also, that I will put a date and time on the letter to inspect the second dwelling unit. If a denial of inspection is made, a search warrant will be obtained.

10/01/92 The Status Code was I2.
A telephone call was received from Mr. Andre. He said he plans to apply for a zoning variance and building permit in the near future to rectify the 'construction' of wall violation. He is disputing the issue of the separate unit because he says the assessor records show two kitchens.

10/08/92 The Status Code was 17.
STATUS CODE CHANGED. THE OLD CODE WAS (I2)

10/08/92 The Status Code was 17.

New informational letter sent to owner telling about violations and how to resolve them and asking for assessor's records.

11/03/92 The Status Code was I?.
FOLLOW UP DATE CHANGED, THE OLD DATE WAS (921001)

11/03/92 The Status Code was 17.

ATTACHMENT 3 (Parcel 11)

11/03/92 The Status Code was 17.
Staff consultation with Mr. and Mrs. Andre as well as their land consultant, Francis Padilla, was held with Dave Laughlin and Ruth Owen on 11/3/92. A review of 84-1342 CZ#2, BP BP 85625 and 91084 was completed. BP 91084 was issued to remodel one kitchen. The building plans state that one kitchen is to be removed. However, it was not removed at the time the building permit was finalized. Therefore, per Dave Laughlin, second kitchen to remain. But, a Declaration of Restriction is to be signed and recorded for single family dwelling use. Mr. and Mrs. Andre set up an appointment on December 1, 1992 for staff to verify there is no physical barrier to separate a second unit from the main dwelling.

At the same time, a verification will be completed that the partition on the deck will be reduced to 5' 9" height.

11/03/92 The Status Code was 17
FOLLOW UP CODE CHANGED, THE OLD CODE WAS (I1). FOLLOW UP DATE CHANGED. THE OLD DATE WAS (921201). RESOLUTION DATE CHANGED. THE OLD DATE WAS (). STATUS CODE CHANGED, THE OLD CODE WAS (I7).

12/09/92 The Status Code was 17.

Letter sent to owner telling about decisions made in meeting and need compliance by 12/22/92.

12/09/92 The Status Code was 17.
FOLLOW UP DATE CHANGED, THE OLD DATE WAS (921201)

12/22/92 The Status Code was 17.
FOLLOW UP CODE CHANGED, THE OLD CODE WAS (I4). FOLLOW UP DATE CHANGED, THE OLD DATE WAS (921222).

02/02/93 The Status Code was Issued Red Tag.
FOLLOW UP CODE CHANGED, THE OLD CODE WAS (Staff Checked Compliance)
FOLLOW UP D

On 12/22/92. Code Compliance Officer, Ruth Owen, verified that there is an interior door access one portion of the house to another. Also, on December 30, 1992 the owner recorded a declaration of restriction to maintain the structure as a single family dwelling. Therefore, this zoning violation is resolved.

03/11/93 The Status Code was Resolved.

04/19/99 The Status Code was Resolved. Added by MIB
FOLLOWUP CODE CHANGED, OLD=(I4). FOLLOWUP DATE CHANGED, OLD=(19930202). AR HIVE DATE CHANGED. OLD=().

ATTACHMENT 3 (Parcel 11)

12/17/99 The Status Code was Resolved. Added by BW
ARCHIVE DATE CHANGED. OLD=(19990419).

12/17/99 The Status Code was Resolved. Added by BW
NOTED ON ALLEGED VIOLATION/INVESTIGATIONS SCREEN: 1st contact letter
sent to owner 6/16/92

12/22/92 The Status Code was C7.
FOLLOW UP CODE CHANGED, THE OLD CODE WAS (). FOLLOW UP DATE CHANGED.
THE OLD DATE WAS (). RESOLUTION DATE CHANGED, THE OLD DATE WAS ().
STATUS CODE CHANGED, THE OLD CODE WAS (C1).

12/22/92 The Status Code was C7.
A site visit was completed on 12/22/92. At that time, it was determined
that the fence height has been reduced to 5' 9" on the deck. A photo
was taken of the door to interior of other side of house. The detached
garage is not used for living quarters. Mr. Andre said that he will
record the declaraton of restriction for single family dwelling use
after the holidays.

04/19/99 The Status Code was Resolved. Added by MIB
FOLLOWUP CODE CHANGED, OLD=(I2). FOLLOWUP DATE CHANGED,
OLD=(19921222). AR HIVE DATE CHANGED, OLD=().

12/17/99 The Status Code was Resolved. Added by BWV
ARCHIVE DATE CHANGED, OLD=(19990419).

ATTACHMENT 3 (Parcel 11)

02/02/93 The Status Code was Conducted Site Inspection.
Letter received on 1/19/93 regarding four signs at the subject property.

The property is located in a scenic corridor

Driveby 1/28/93 verified signs become illuminated when a vehicle passes by the property.

Per Dave Laughlin, this case is a priority C.

02/09/93 The Status Code was Conducted Site Inspection.
FOLLOW UP DATE CHANGED, THE OLD DATE WAS (930202).

02/09/93 The Status Code was Conducted Site Inspection.
Prof message sent to Marie Costa on 2/8/93. The message requested an opinion as to whether these posted notices which are not advertising a business should be enforced by County Code. Also. that this case will be handled as a priority "C" per Dave Laughlin.

03/19/93 The Status Code was Conducted Site Inspection.

Letter sent to owner with copy of recorded declaration of restriction as well as copies of the computer printouts about status of complaint...ma

08/18/98 BILLING HOURS .2 FOR Complaint Investigation. Added by RWN

approved appl'n 29034-M for "underground electric" w/hold to verify signs are < 12 sq in

09/16/98 The Status Code was Resolved. Added by RWN
FOLLOW-UP CODE CHANGED, THE OLD CODE WAS (I5). FOLLOW-UP DATE CHANGED. THE OLD DATE WAS (930208). RESOLUTION DATE CHANGED, THE OLD DATE WAS (). STATUS CODE CHANGED. THE OLD CODE WAS (Conducted Site Inspection).

09/24/98 BILLING HOURS .75 FOR On-Site Inspection. Added by RWN

bldg insp FL verified signs have been removed. Owner says he "took them down last year". ...RESOLVED

04/19/99 The Status Code was Resolved. Added by MIB
ARCHIVE DATE CHANGED, OLD=(!

12/17/99 The Status Code was Resolved. Added by EMW
ARCHIVE DATE CHANGED, OLD=(19990419).

ATTACHMENT 3 (Parcel 11)

APN: 043-081-11	COUNTY OF SANTA CRUZ Code Enforcement Investigation Comments Contact Date: 08/09/99	Date: 11/14/06 Time: 14:09:00 Code: E40
-----------------	---	---

12/20/99 The Status Code was Complaint Received.
FOLLOW-UP CODE CHANGED, OLD=(). FOLLOW-UP DATE CHANGED. OLD=().

01/13/00 BILL HOURS .75/RWN FOR Conference with Parties. Added by RWN

01/13/00 The Status Code was Complaint Received. Added by RWN

spoke with owner of property after failing to see ANY Eucalyptus trees on this coastal bluff property. Gardner has never seen any Eucayptus on this property either. Owner said actually he was the one who complained. The cut trees are down the street at corner of Kingsbury and Rio del Mar (apn 043-081-04)...RESOLVED

01/13/00 The Status Code was Complaint Not Valid. Added by RWN
FOLLOW-UP CODE CHANGED, OLD=(F1). FOLLOW-UP DATE CHANGED.
OLD=(19991224). RE OLUTION DATE CHANGED. OLD=(). STATUS CODE CHANGED,
OLD=(Complaint Received).

ATTACHMENT 3 (Parcel II)

ASSESSOR INFORMATION for APN 043-081-11

Parcel Status:	A=Active	
Parcel Notebook?:	YES	
Situs Address:	KINGSBURY DR	310 APTOS
Assessee Name:	ANDRE RICHARD J TRUSTEE ETAL	
Mailing Street:	310 KINGSBURY DR	
City/State/Zip:	APTOS	CA 95003

PARCEL ETALS

Name	Vesting Code	% of INTEREST
ANDRE RICHARD J TRUSTEE ETAL	TR	
ANDRE RAMONA E TRUSTEE ETAL	TR	
ANDRE RICHARD J & RAMONA E BENEFICIARIES		

I. ALUS INVESTIGATION INFORMATION

Contact Date:	09/13/88	Redtag?:	NO
Investigation Code:	220 ADD DWELLING UNIT W/OUT PERMIT		
Status:	Resolved		
Last Action:	C7 Resolved		
Follow-Up Code:			
Follow-Up Date:			
Resolved Date:	09/14/88	Permit No.:	
Archived Date:		Priority:	A
Alleged Violation:	PEOPLE LIVING IN GARAGE.		
History Available?:	YES		

Contact Date:	03/14/89	Redtag?:	NO
Investigation Code:	280 FENCE HEIGHT/LOCATION VIOLATN		
Status:	Resolved		
Last Action:	C7 Resolved		
Follow-Up Code:			
Follow-Up Date:			
Resolved Date:	12/22/92	Permit No.:	
Archived Date:		Priority:	C
Alleged Violation:	3.5 FOOT FENCE BUILT AT THE EDGE OF PAVEMENT IN RIM-OF-WAY.		
History Available?:	YES		

Contact Date:	05/28/92	Redtag?:	NO
Investigation Code:	B22 DUPLEX CONVERSION W/OUT PERMIT		
Status:	Resolved		
Last Action:	C7 Resolved		
Follow-Up Code:			
Follow-up Date:			
Resolved Date:	02/02/93	Permit No.:	
Archived Date:		Priority:	A
Alleged Violation:	GARAGE CONVERTED TO HABITABLE AREA AND CONVERTED SFD TO A DUPLEX A FEW YEARS AGO, NOW CONSTRUCTING AN 8' HIGH FENCE ON REAR DECK FOR REAR TENANT.		
History Available?:	YES		

ATTACHMENT 3 (Parcel 11)

Contact Date: 10/26/92 Redtag?: NO
Investigation Code: 270 SITE DEVELOP STANDARDS VIOLATN
Status: Resolved
Last Action: C7 Resolved
Follow-Up Code:
Follow-Up Date:
Resolved Date: 12/22/92 Permit No.:
Archived Date: Priority: B
Alleged Violation: SIGNS IN VIOLATION OF 13.10.580, POSTED IN
RESIDENTIAL DISTRICT.
History Available?: YES

Contact Date: 01/19/93 Redtag?: NO
Investigation Code: Z90 OTHER ZONING VIOLATION
Status: Resolved
Last Action: C7 Resolved
Follow-Up Code:
Follow-Up Date:
Resolved Date: 09/16/98 Permit No.:
Archived Date: Priority: C
Alleged Violation: FOUR SIGNS THAT HAVE BEEN INSTALLED ON OCEAN SIDE
OF KINSBURY DRIVE (R.I.P. NO TRESPASSING, DANGER
TOXIC, AND A 10' HIGH CROSS ERECTED).
History Available?: YES

Contact Date: 08/09/99 Redtag?: NO
Investigation Code: E40 SIGN TREE REMOVAL W/OUT PERMIT
Status: Resolved
Last Action: C4 Complaint Not Valid
Follow-Up Code:
Follow-Up Date:
Resolved Date: 01/12/00 Permit No.:
Archived Date: Priority: B
Alleged Violation: CUT DOWN THREE EUCALYPTUS TREES.
History Available?: YES

3 ETALS
6 INVESTIGATIONS

BUILDING APPLICATION SNAPSHOT

Application No. :	0000930C	Appl. Date:	11/13/87	Status:	READY2ISSU
Contact Name:	UNKNOWN	Expire Date:	11/13/89	Type:	REM
----- Project Description -----					
TO REPAIR & REPLACE IN KIND DUE TO TERMITE DAMAGES					
FOR EXIST DUPLEX.					

Permit No. :	00085625	Issued Date:	11/13/87	Perm.Status:	FINALED
Perm. Type:	REM	Expire Date:		Application:	0000930C
--Date--	Disp	Type-	Description-----	Init	Review Agency-----
12/09/87	21	S13	OTHER	IW	INSPECTIONS
TERMITE DAM. WOOD			SIDING		
REMOVED-					
02/22/88	21	E5	FINAL ELECTRICAL	JRD	INSPECTIONS
02/22/88	21	S15	STRUCTURAL FINAL	JRD	INSPECTIONS
11/14/88	21	FINAL	PROJECT COMPLETE AND CLEAR	JRD	INSPECTIONS
FINALED 880222					
----- Permit Description -----					
TO REPAIR & REPLACE IN KIND DUE TO TERMITE DAMAGES					
FOR EXIST DUPLEX.					

Application No. :	0003352E	Appl. Date:	11/13/89	Status:	READY2ISSU
		Expire Date:	11/13/91	Type:	EDR
Contact Name:	UNKNOWN				
----- Project Description -----					
REPLACE CHIMNEY WITH ZERO CLEARANCE INSERT. DUE TO					
EARTHQUAKE DAMAGE					

Permit No. : 0003352E	Issued Date: 11/13/89	Perm.Status: FINALED			
Perm. Type: EDR	Expire Date:	Application: 0003352E			
--Date--	Disp	Type-	Description-----	Init	Review Agency-----
12/22/89	20	M4	FLUE INSTALLATION	MJP	INSPECTIONS
12/22/89	20	M5	PREFAB FIREPLACE	MJP	INSPECTIONS
12/22/89	20	M6	FIREPLACE FLUE	MJP	INSPECTIONS
01/11/90	21	M4	FLUE INSTALLATION	MJP	INSPECTIONS
01/11/90	20	M5	PREFAB FIREPLACE	MJP	INSPECTIONS
01/11/90	21	M6	FIREPLACE FLUE	MJP	INSPECTIONS
01/11/90	20	S7	SHEAR	MJP	INSPECTIONS
03/23/90	21	FINAL	PROJECT COMPLETE AND CLEAR	MJP	INSPECTIONS

- 49 -

----- Permit Description -----
 REPLACE CHIMNEY WITH ZERO CLEARANCE INSERT. DUE TO
 EARTHQUAKE DAMAGE.

Application No. :	0003412C	Appl. Date:	08/17/89	Status:	READY2ISSU
		Expire Date:	08/17/91	Type:	REM
Contact Name:	UNKNOWN				
..... Project Description					
REMODEL EXIST KITCH TO INCL NEW DOORS, RELOCATE EXI					
ST LAUNDRY. NEW CABINETS, INFILL EXIST DOOR					

Permit No. :	00091084	Issued Date:	08/31/89	Perm.Status:	FINALED
Perm. Type:	REM	Expire Date:		Application:	0003412C
--Date--	Disp	Type	Description	Init	Review Agency
11/08/89	21	P3	DWV (DRAIN,WASTE & VENT)	MJP	INSPECTIONS
04/13/90	21	E5	FINAL ELECTRICAL	MJP	INSPECTIONS
04/13/90	21	FINAL	PROJECT COMPLETE AND CLEAR	BMV	INSPECTIONS
04/13/90	21	M7	FINAL MECHANICAL	MP	INSPECTIONS
04/13/90	21	P10	FINAL PLUMBING INSPECTION	MJP	INSPECTIONS
04/13/90	21	S15	STRUCTURAL FINAL	MJP	INSPECTIONS

----- Permit Description -----
 REMODEL EXIST KITCH TO INCL NEW DOORS,RELOCATE EXI
 ST LAUNDRY. NEW CABINETS. INFILL EXIST DOOR

Application No. :	00091379	Appl. Date:	10/06/89	Status:	READY2ISSU
Contact Name:	UNKNOWN	Expire Date:	10/06/91	Type:	EL
----- Project Description -----					
UPGRADE EXST ELEC SERV FROM 100A TO 200A ON EXST 1					
STRY SFD ONSITE W DET GAR & GREENHOUSE					

Permit No. : 00091379		Issued Date: 10/06/89		Perm.Status: FINALED	
Perm. Type: EL		Expire Date:		Application: 00091379	
--Date--	Disp	Type.	Description-----	Init	Review Agency-----
10/30/89	21	E1	ROUGH ELECTRICAL	MJP	INSPECTIONS
10/30/89	21	E3	MAIN METER	MJP	INSPECTIONS
10/30/89	21	FINAL	PROJECT COMPLETE AND CLEAR	SP.	INSPECTIONS
891030					
----- Permit Description -----					
UPGRADE EXST ELEC SERV FROM 100A TO 200A ON EXST 1					

- 50 -

BUILDING APPLICATION SNAPSHOT

```

Application No. : 00091444      Appl. Date: 10/13/89      Status: READY2 BSU
                               Expire Date: 10/13/91      Type: COR
      Contact Name: UNKNOWN
----- Project Description -----
CORRECT 91378 TO INCL RELOCATE SERV TO DET GAR & U
NDERGROUND TO SUBPANEL AT SFD

```

Permit No. : 00091444	Issued Date: 10/13/89	Perm.Status: FINALED
Perm. Type: COR	Expire Date:	Application: 00091444
--Date--	Disp	Type-
04/13/90	21	E5
04/13/90	21	FINAL
04/13/90	21	S15
Description-----		
INITIALS		
REVIEW AGENCY-----		
04/13/90		
04/13/90		
04/13/90		
Description-----		
CORRECT 91378 TO INCL RELOCATE SERV TO DET GAR & U		
NDERGROUND TO SUBPANEL AT SFD		

Application No. :	0029034M	Appl. Date:	08/18/98	Status:	READY2ISSU
		Expire Date:	08/18/00	Type:	RES
Contact Name:	ANDRE RICHARD J TRUSTEE ETAL				
	310 KINGSBURY DR	APTOS	CA 95003		
----- Project Description -----					
Remove overhead wiring and install underground wiring for an existing SFD.					

Permit No. :	00119036	Issued Date:	08/18/98	Perm.Status:	FINALED
Perm. Type:	EL	Expire Date:		Application:	0029034M
--Date--	Disp	Type-	Description-----	Init	Review Agency-----
08/18/98	21	CEN1	CODE ENFORCEMENT	RWN	CODE ENFORCEMENT
		VERIFY SIGNS < 1 SQ FT			CLEAR 10/15/99 RWN
09/10/98	21	E3	MAIN METER	FDL	INSPECTIONS
09/10/98	21	E5	FINAL ELECTRICAL	FDL	INSPECTIONS
		PG&E ELEC. CLEARED 10-18-99			
09/10/98	21	F1	INSPECTION FINAL	FDL	INSPECTIONS
09/16/98	21	E3	MAIN METER	FDL	INSPECTIONS
09/16/98	21	E5	FINAL ELECTRICAL	FDL	INSPECTIONS
		PG&E ELEC. CLEARED 10-18-99			
09/16/98	21	M5	OTHER (COMMENTS)	FDL	INSPECTIONS
		SITS VISIT TO CONFIRM SIGNS HAVE BEEN REMOVED.			

- 51 -

10/04/99 31 VL1 VOID WARNING LETTER MAR INSPECTIONS
VOID WARNING LETTER SENT
10/18/99 21 FINAL PROJECT COMPLETE AND CLEAR FDL INSPECTIONS

----- Permit Description -----
Remove overhead wiring and install underground wiring for an
existing SFD.

DISCRETIONARY APPLICATION SNAPSHOT

Application No.: 06-0037 Appl. Date: 02/01/06 Review Level: 5
Project Planner: RANDALL ADAMS Proj. Status: IN PROCESS
Applicant Name: KIM TSCHANTZ - CYPRESS ENVIRONMENTAL
Special Program: None App1. to Rectify a Violation?: N
NEW Residential Units: NEW Commercial Square Footage:
----- Project Description -----

Proposal to repair an existing retaining wall on a coastal bluff.
Requires a Coastal Development Permit, and Geologic and
Geotechnical Report Reviews. Property located on the
South side of Kingsbury Drive at about 200 feet West of the
intersection with Florence Drive (adjacent to 310 Kingsbury Drive).

DISCRETIONARY APPLICATION SNAPSHOT

Application No.: 06-0535 Appl. Date: 09/21/06 Review Level: 5
Project Planner: JOSEPH HANNA Proj. Status: APPROVED
Applicant Name: KIM TSCHANTZ
Special Program: None App1. to Rectify a Violation?: N
NEW Residential Units: NEW Commercial Square Footage:
----- Project Description -----

Proposal to repair an existing retaining wall on a coastal bluff.
Requires an Emergency Coastal Development Permit (see Coastal
Development Permit 06 -0037). Property located on the south side
of Kingsbury Drive at about 200 feet West of the intersection
with Florence Avenue (adjacent to 310 Kingsbury drive).
Emergency Permit issued 10/2/06.

6 BUILDING APPLICATIONS
6 BUILDING PERMITS
2 DISCRETIONARY APPLICATIONS

III. PARCEL PROFILE, CHARACTERISTICS, TRANSFERS AND SPLIT/COMBOS

PARCEL PROFILE INFORMATION

.....Sq FootageAcreage
 EMIS est: 9,888.1 .227
 Assessor:
 Assessor Land Use Code: 020 SINGLE RESIDENCE
 Layer Description.....Attribute.....Description.....
 05 N83 PLANNING ZONES R-1-6 SINGLE-FAMILY RESIDENTIAL - 6.000 SQU
 06 N83 PLANNING AREAS AT APTOS
 07 N83 URBAN SERVICES L USL WITHIN USL
 09 N83 SUPERVISORIAL D I SUPER-2 Ellen Pirie Second District
 14 NB3 COASTAL ZONE CZ WITHIN COASTAL ZONE
 19 N83 G P BASE LAYER R-UL URBAN LOW RESIDENTIAL

PARCEL CHARACTERISTICS

.....Structure Data.....
 Main Building..SqFt: 2,007 No. Units..... 1 Pool.....: NO
 Year Built (est).: 1941 Heat.....: CENTRAL Spa.....: NO
 Total Room Count.: 7 Concrete. SqFt: 168 Decks.....SqFt: 829
 No. Bedrooms..: 3 Garage..SqFt: 540 No. Fireplaces: 2
 No. Bathrooms (F/H): 3 / 0 Carport..SqFt: Roof.....: WOOD
 Misc Other Buildings: YES
Land Data.....
 Water..: PUBLIC Sanitation.. ..: PUBLIC

PARCEL TRANSFERS

Vol. -Page/ Serial No.	Rec. Date	Index Sell Price	No. Par.	D/TP	PCOR	F.V/ Vest.	Reap. Code/ % Interest
5263-034	05/18/93		003	01		N/A	NO
	ANDRE R J & RAMONA E H/W JT					JT	
5251-552	04/30/93		003	01		N/A	NO
	ANDRE R J & RAMONA E TRUSTEES					TR	
5093-289	08/24/92		003	01		N/A	NO
	ANDRE RICHARD J & RAMONA E H/W CP					CP	
5093-285	08/24/92		003	01		N/A	NO
	ANDRE RICHARD J & RAMONA E H/W JT					JT	
4226-116	09/24/87	375,000	003	01	N	N/A	YES-COMPLETED
	SUMMIT BANK						
4172-939	06/09/87		003	09	N	N/A	YES-COMPLETED
	MATHEWS MAX S/W						
3633-220	09/30/83	285,000	003	01		NO	YES-COMPLETED
	LEONARD KATHLEEN GRACE						
3621-460	09/07/83		002	06		N/A	NO
	LEONARD LETITIA E						
3013-172	01/22/79		000			N/A	N/A

SPLIT/COMBO INFORMATION

Investigations.....

ATTACHMENT 3 (Parcel 11)

CODE COMPLIANCE PARCEL RESEARCH REPORT
APN: 043-081-11

Run Date: 11/14/06
Run Time: 14.09.07

Parcel	Action	Other APN	Date	for Other APN?
04308111	NO HISTORY			NO

006 EMIS LAYERS	009 TRANSFERS	001 SPLIT/COMBO
-----------------	---------------	-----------------

ATTACHMENT 3 (Parcel 11)

ASSESSOR INFORMATION for APN 043-081-12

Parcel Status:	A=Active
Parcel Notebook?:	NO
Situs Address:	No Situs Address
Assessee-Name:	ANDRE RICHARD J TRUSTEE ETAL
Mailing Street:	310 KINGSBURY DR
City/State/Zip:	APTOS CA 95003

PARCEL ETALS

Name	Vesting Code	% of INTEREST
ANDRE RICHARD J TRUSTEE ETAL	TR	
ANDRE RAMONA E TRUSTEE ETAL	TR	
ANDRE RICHARD J & RAMONA E BENEFICIARIES		

■ . ALUS INVESTIGATION INFORMATION

NO INVESTIGATION RECORDS FOUND

3 ETALS
INVESTIGATIONS

.....

RPR:
Repair an existing wood retaining wall on site with an existing SFD.
See 06-0037 & 06-0535.

.....

RPR:
Repair an existing wood retaining wall on site with an existing SFD.
See 06-0037 & 06-0535.

.....

.....

ATTACHMENT 4 (Parcel 12)

Applicant Name: KIM TSCHANTZ

Special Program: None

App1 to Rectify a Violation?: N

NEW Residential Units:

NEW Commercial Square Footage:

..... Project Description

Proposal to repair an existing retaining wall on a coastal bluff,
Requires an Emergency Coastal Development Permit (see Coastal
Development Permit 06 -0037). Property located on the south side
of Kingsbury Drive at about 200 feet West of the intersection
with Florence Avenue (adjacent to 310 Kingsbury drive).
Emergency Permit issued 10/2/06.

- 1 BUILDING APPLICATIONS
- 1 BUILDING PERMITS
- 2 DISCRETIONARY APPLICATIONS

III. PARCEL PROFILE, CHARACTERISTICS, TRANSFERS AND SPLIT/COMBOS

PARCEL PROFILE INFORMATION

-----Sq Footage -----Acreage
EMIS est: 10,149.5 .233
Assessor:
Assessor Land Use Code: 010 LOT/RESIDENTIAL ZONE
Layer Description..... Attribute..... Description.....
05 N83 PLANNING ZONES PR PARKS, RECREATION AND OPEN SPACE DIST
06 N83 PLANNING AREAS AT APTOS
07 N83 URBAN SERVICES L USL WITHIN USL
09 N83 SUPERVISORIAL D I SUPER-2 Ellen Pirie Second District
14 N83 COASTAL ZONE CZ WITHIN COASTAL ZONE
19 N83 G P BASE LAYER O-u URBAN OPEN SPACE

PARCEL CHARACTERISTICS

----- Structure Data -----
Main Building.. SqFt: No. Units.. ..: Pool.. ..: ..:
Year Built (est).. ..: 0000 Heat.. ..: Spa.. ..: ..:
Total Room Count.. ..: Concrete. SqFt: Decks.. ..SqFt:
No. Bedrooms.. ..: Garage.. ..SqFt: No. Fireplaces: 0
No. Bathrooms (F/H).. 0 / 0 Carport. .SqFt: Roof.. ..: ..:
Misc Other Buildings: ..:
----- Land Data -----
Water.. ..: Sanitation.. ..:

PARCEL TRANSFERS

Vol .-Page/ Serial No.	Rec.Date	Index Sell Price	No. Par.	D/TP	PCOR	F.V/ Vest.	Reap.Code/ % Interest
5263-034	05/18/93		003	01		N/A	NO
	ANDRE R J & RAMONA E H/W JT						
5251-552	04/30/93		003	01		N/A	NO
	ANDRE R J & RAMONA E TRUSTEES						
5093-289	08/24/92		003	01		N/A	NO
	ANDRE RICHARD J & RAMONA E H/W CP						
5093-285	08/24/92		003	01		N/A	NO
	ANDRE RICHARD J & RAMONA E H/W JT						
4226-116	09/24/87	375,000	003	01	N	N/A	YES-COMPLETED
	SUMMIT BANK						
4172-939	06/09/87		003	09	N	N/A	YES-COMPLETED
	MATHEWS MAX S/W						
3633-220	09/30/83	285,000	003	01		NO	YES-COMPLETED
	LEONARD KATHLEEN GRACE						
3459-463	07/02/82		001			N/A	NO
3459-462	07/02/82		001			N/A	YES-COMPLETED
	LEONARD LETITIA E ETAL						
3013-172	01/22/79		003			N/A	N/A

SPLIT/COMBO INFORMATION

ATTACHMENT 4 (Parcel 12)

Parcel	Action	Other APN	Date	Investigations---- for Other APN?
04308112	NO HISTORY			NO

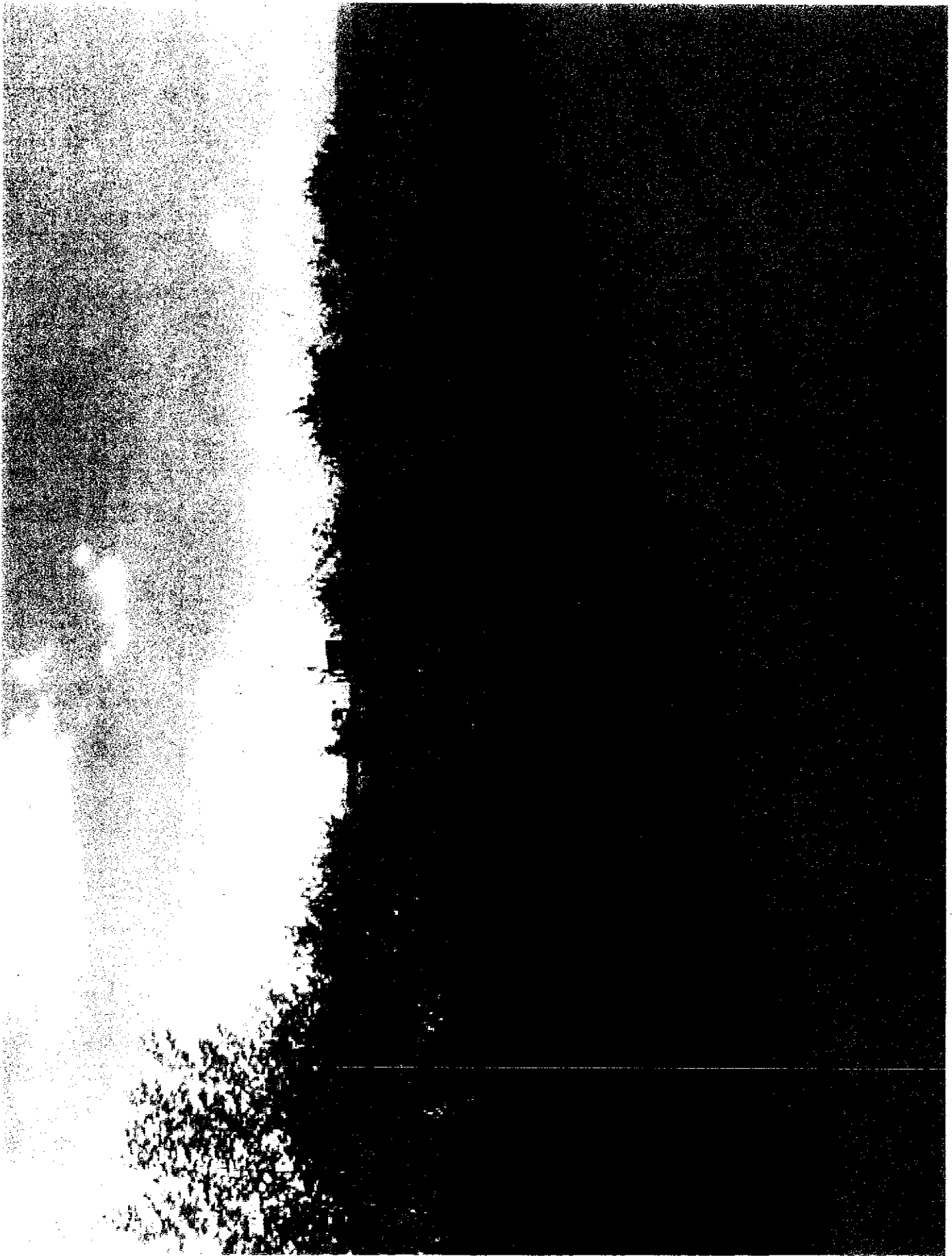
006 EMIS LAYERS

010 TRANSFERS

001 SPLIT/COMBO



ATTACHMENT 5 (view ⁻⁶⁰⁻₁₅ feet above street level)



ATTACHMENT 61 (view public gets)

COASTAL ACT (LOCAL COASTAL PLAN/GENERAL PLAN) REQUIREMENTS

The numbers under the headings, herein, are to parts of the Santa Cruz County General Plan and certified Local Coastal Plan and the numbers refer to the General Plan element (2-LAND USE; 5-CONSERVATION AND OPEN SPACE; 6-PUBLIC SAFETY AND NOISE; 7-PARKS AND RECREATION, AND PUBLIC FACILITIES; with the numbers after the decimal point referring to specific policies

(entire section) *VIEW PROTECTION/LANDSCAPING

*5.10.2 (LCP) Development Within Visual Resource Areas

*Recognize that visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of protection may include, but are not limited to, ocean views...Require projects to be evaluated against the context of their unique environment and regulate...design to protect these resources consistent with the objectives and policies of this section.

*5.10.3 (LCP) Protection of Public Vistas:

*Protect significant public vistas as described in policy 5.10.2 from all publicly used roads and vista points by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design. Provide necessary landscaping to screen development which is unavoidably sited within these vistas. (See policy 5.10.11.)

*5.10.6 (LCP) Preserving Ocean Vistas

*Where public ocean vistas exist, require that these vistas **be** retained to the maximum extent possible as a condition of approval for any new development.

*5.10.9 (LCP) Restoration of Scenic Areas

"Require on-site restoration of visually blighted conditions as a mitigating condition of permit approval for new development. The type and amount of restoration shall be commensurate with the size of the project for which the permit is issued. Provide technical assistance for restoration of blighted areas.

*5.10.12 (LCP) Development Visible from Urban Scenic Roads

*In the viewsheds of urban scenic roads, require new discretionary development to improve the visual quality through siting, architectural design, landscaping and appropriate signage. (See policies 5.10.18, 5.10.19 and 5.10.20.)

*5.10.13 (LCP) Landscaping Requirements

*All grading and land disturbance projects visible from scenic roads shall conform to the following visual mitigation conditions:

- (a) Blend contours of the finished surface with the adjacent natural terrain and landscape to achieve a smooth transition and natural appearance; and
- (b) Incorporate only characteristic or indigenous plant species appropriate for the area.

*5.10.18 (LCP) Signs Visible from Scenic Roads

*Actively discourage the placement of signs which will **be** visible from scenic roads; where allowed, require strict compliance with the County Sign ordinance to minimize disruption of the natural scenic qualities of the viewshed. Give priority to sign abatement programs for scenic roads.

*PARKS AND RECREATION, AND PUBLIC FACILITIES Objective 7.7c:

*(LCP) To maintain or provide access, INCLUDING VISUAL ACCESS, to every beach

***7.7.1 (LCP) Coastal Vistas**

***Encourage pedestrian enjoyment of ocean areas and beaches by the development of vista points** and overlooks with benches and railings, and facilities for pedestrian access to the beaches, subject to policy 7.6.2.

***INVASIVE, NON-NATIVE PLANTS**

***5.1.14 (LCP) Removal of Invasive Plant Species**

***Encourage the removal of invasive species** and their replacement with characteristic native plants, except where such invasive species provide significant habitat value and where removal of such species would severely degrade the existing habitat. In such cases, develop long-term plans for gradual conversion to native species providing equal or better habitat values.

***5.1.11 (LCP) Wildlife Resources Beyond Sensitive Habitats**

***For areas which may not meet the definition of sensitive habitat contained in policy 5.1.2, yet contain valuable wildlife resources (such as migration corridors or exceptional species diversity), protect these wildlife habitat values and species using the techniques outlined in policies 5.13 and 5.1.7 [LCP; includes " (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]** and use other mitigation measures identified through the environmental review process.

***6.3.7 Reuse of Topsoil and Native Vegetation Upon Grading Completion**

***Require topsoil to be stockpiled and reapplied upon completion of grading to promote regrowth of vegetation; native vegetation should be used in replanting disturbed areas to enhance long-term stability.**

***WATER QUALITY**

***5.4.14 (LCP) Water Pollution from Urban Runoff**

***Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Utilize erosion control measures, on-site detention and other appropriate storm water best management practices to reduce pollution from urban runoff.**

***6.3.8 (LOP) On-Site Sediment Containment**

***Require containment of all sediment on the site during construction and require drainage improvements for the completed development that will provide runoff control, including onsite retention or detention where downstream drainage facilities have limited capacity. Runoff control systems or Best Management Practices shall be adequate to prevent any significant increase in site runoff over pre-existing volumes and velocities and to maximize on-site collection of non-point source pollutants.**

***PART 6.3 PROGRAMS**

***b. Enforce the comprehensive Erosion Control ordinance requiring control of existing erosion problems as well as the installation of erosion, sediment, and runoff control measures in new developments.**

***PROTECTION OF URBAN OPEN SPACE**

***5.11.1 (LCP) Designation of Urban Open Space Lands (0-U)**

***Designate Urban Open Space (0-U) areas [including]**

(a) Coastal bluffs and beaches



***5.113 (LCP) Development Within Urban Open Space Areas**

"Consider development within areas identified as Urban Open Space only when consistent with all applicable resource protection and hazard mitigation policies, and only in the following circumstances...(b) For...activities when the use is consistent with the maintenance of the area as open space, such as recreational use, habitat restoration, or flood or drainage control facilities.

i *5.11.4 (LCP) Mitigating Development Impacts

*Require full mitigation of **ALL POTENTIAL** adverse impacts associated with developments located in Urban Open Space areas.

***SOILS**

*6.2.1 (LCP) Geologic Hazards Assessments for Development On and Near Slopes

*Require a geologic hazards assessment of all development, including grading permits, that is potentially affected by **slope instability**.

*6.2.2 (LCP) Engineering Geology Report

*Require **an** engineering geology report by a certified engineering geologist and/or a soils engineering report when the hazards assessment identifies potentially unsafe geologic conditions in an area of proposed development.

*6.2.3 (LCP) Conditions for Development and Grading Permits

*Condition development and grading permits based on the recommendations **of** the Hazard assessment and other technical reports.

*6.2.6 (LCP) Location of Structures and Drainage Considerations in Unstable Areas

*Require location and/or clustering of structures away from potentially unstable slopes whenever a feasible building site exists away from the unstable areas. Require drainage plans that direct runoff and drainage away from unstable slopes.

*6.2.9 (LCP) Recordation of Geologic Hazards

*...Require property **OWNERS** and public agencies to control landslide conditions which **THREATEN** structures or **ROADS**.

*6.2.10 (LCP) Site Development to Minimize Hazards

*Require all developments to be sited and designed to **AVOID** or minimize hazards as determined by the geologic hazards assessment or geologic and engineering investigations.

*6.2.11 (LCP) Geologic Hazards Assessment in Coastal Hazard Areas

*Require a geologic hazards assessment or **full** geologic report for all development activities within coastal hazard areas, including all development activity within 100-feet **of** a coastal bluff Other technical reports may be required if significant potential hazards are identified by the hazards assessment.

*6.2.12 (LCP) Setbacks from Coastal Bluffs

***All** development activities, including those which are cantilevered, and non habitable structures for which a building permit is required, shall be set back a minimum of **25** feet from the top edge **of** the bluff. **A** setback greater **than** 25 feet may be required based on conditions on and adjoining the site. The setback shall be sufficient to provide a stable building site over the 100-year lifetime of the structure, as determined **through** geologic and/or soil engineering reports. The determination of the minimum 100 year setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed shoreline or coastal bluff protection measures.

*6.2.14 (LCP) Additions to Existing Structures

*Additions, including second story and cantilevered additions, shall comply with the setback requirements of 6.2.12.

***6.2.15 (LCP) New Development on Existing Lots of Record**

*Allow development activities in areas subject to storm wave inundation or beach or bluff erosion on existing lots of record, within existing developed neighborhoods, under the following circumstances:

- (a) A technical report (including a geologic hazards assessment, engineering geology report and/or soil engineering report) demonstrates that the potential hazard can be mitigated over the 100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, and foundation design; .
- (b) Mitigation of the potential hazard is not dependent on shoreline or coastal bluff protection structures, except on lots where both adjacent parcels are already similarly protected; and
- (c) The owner records a Declaration of Geologic Hazards on the property deed that describes the potential hazard and the level of geologic and/or geotechnical investigation conducted.

***6.2.19 (LCP) Drainage and Landscape Plans**

*Require drainage and landscape plans recognizing potential hazards on and off site to be approved by the County Geologist prior to the approval of development in the coastal hazard areas. Require that approved drainage and landscape development not contribute to offsite impacts and that the defined storm drain system or Best Management Practices **be** utilized where feasible. The applicant shall be responsible for the costs of repairing and/or restoring any off-site impacts.

***6.2.20 (LCP) Reconstruction of Damaged Structures on Coastal Bluffs**

*....When structures located on or at the top of a coastal bluff are damaged as a result of coastal hazards, including slope instability and seismically, induced landslides, and where the loss is greater than **50** percent of the value, permit reconstruction if **all** applicable regulations can be met, including minimum setbacks. If the minimum setback cannot be met, allow only in-kind reconstruction, **AND ONLY IF THE HAZARD CAN BE MITIGATED TO PROVIDE STABILITY OVER A 100 YEAR PERIOD.**

***6.3.2 (LCP) Grading Projects to Address Mitigation Measures**

*Deny any grading project where a potential danger to soil or water resources has been identified and adequate mitigation measures cannot -be undertaken.

***6.3.3 (LCP) Abatement of Grading and Drainage Problems**

*Require, as a condition of development approval, abatement of any grading or drainage condition on the property which gives rise to existing or potential erosion problems.

***6.3.4 (LCP) Erosion Control Plan Approval Required for Development**

*Require approval of an erosion control plan for all development, as specified in the Erosion Control ordinance. Vegetation removal shall be minimized and limited to that amount indicated on the approved development plans, but shall be consistent with fire safety requirements.

***PARKS, RECREATION & OPEN SPACE**



***7.1.3 (LCP) Parks, Recreation and Open Space Uses**

“Allow low intensity uses which are compatible with the **SCENIC VALUES** and natural setting of the county for open space lands which are not developable; and allow commercial recreation, County, State and Federal parks, preserves, and biotic research stations, local parks and passive open space uses for park lands which are developable.

i *7.7.4 (LCP) Maintaining Recreation Oriented Uses

***Protect the coastal blufftop areas and beaches from intrusion by nonrecreational structures and incompatible uses to the extent legally possible without impairing the constitutional rights of the property owner, subject to policy 7.6.2.**

COUNTY CODE REQUIREMENTS

*GENERAL PLAN CONSISTENCY REQUIRED

*13.01.130 General Plan consistency.

(a) Land Use Regulation. All land use regulations including building, zoning, subdivision and environmental protection regulations shall be consistent with the adopted General Plan. No discretionary land use project, public or private, shall be approved by the County unless it is found *to* be consistent with the adopted General Plan.

*LANDSCAPING/INVASIVE & NON-NATIVE PLANTS

* 13.20.130 Design criteria for coastal zone developments.

(a) General

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

(b) Entire Coastal Zone. The following Design Criteria shall apply to projects sited anywhere ~~in~~ the coastal zone:

4. Landscaping. When a landscaping plan is required, new or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area. The County's adopted Landscape Criteria shall be used as a guide.

(d) Beach Viewsheds. The following Design Criteria shall apply to all projects located on blufftops and visible from beaches.

1. Blufftop Development. Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive. In urban areas of the viewshed, site development shall conform to (c) 2 and 3 above.

~~[(c) 2. ...Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed.]~~

***16.10.070 Permit conditions.**

***The recommendations of the....full geologic report...shall be included as permit conditions....In addition, the requirements described below for specific geologic hazards shall become standard conditions for development**

(e) Slope Stability.

1. Location: All development activities shall be located away from potentially unstable areas....

3. Drainage: Drainage plans designed to direct runoff away from unstable areas (as identified from the geologic hazards assessment or other technical report) shall be required.

6. Notice of Hazards: The developer and/or subdivider of a parcel or parcels in an area of geologic hazards shall be required to record a Declaration of Geologic Hazards with the County Recorder. The Declaration shall include a description of the hazards on the parcel, and the level of geologic and/or geotechnical investigation conducted.

7. Other Conditions: OTHER PERMIT CONDITIONS INCLUDING BUT NOT LIMITED TO PROJECT REDESIGN, building site elimination and the development of building and septic system envelopes, building setbacks and foundation and drainage requirements shall be required as deemed necessary by the Planning Director....

(h) Coastal Bluffs and Beaches:

1. Criteria in Areas Subject to Coastal Bluff Erosion: Projects in areas subject to coastal bluff erosion shall meet the following criteria:

(i) for all development...demonstration of the stability of the site, in its current, pre-development application condition, for a minimum of 100 years as determined by either a geologic hazards assessment or a full geologic report.

(ii) for all development...a minimum setback shall be established at least **25** feet from the top edge of the coastal bluff, or alternatively, the distance necessary to provide a stable building site over a 100-year lifetime of the structure, whichever is greater.

(iii) the determination of the minimum setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed protection measures, such as shoreline protection structures, retaining walls, or deep piers....

(vi) The developer and/or the subdivider of a parcel or parcels in an area subject to geologic hazards shall be required, as a condition of development approval and building permit approval, to record a Declaration of Geologic Hazards with the County Recorder. The Declaration shall include a description of the hazards on the parcel and the level of geologic and/or geotechnical investigation conducted.

(vii) approval of drainage and landscape plans for the site by the County Geologist....

(ix) All other required local, state and federal permits shall be obtained.

***16.22.060 Erosion control plan.**

***(a)** Prior to issuance of a building permit, development permit or land division, an erosion control plan indicating proposed methods for the control of runoff, erosion, and sediment movement shall be submitted and approved. Erosion control plans may also be required by the Planning Director for other types of applications where erosion can reasonably be expected to occur....Erosion control plans shall include, as a minimum, the measures required under Sections **16.22.070, 16.22.080, 16.22.090, and 16.22.100** of this chapter. *[16.22.070 Runoff control: Runoff from activities subject to a building permit, parcel approval or development permit shall be properly controlled to prevent erosion. The following measures shall be used for runoff control, and shall be adequate to control runoff from a ten-year storm... (b) ALL RUNOFF should be detained or dispersed OVER NONERODIBLE VEGETATED SURFACES; ... (c) Any concentrated runoff which cannot be effectively dispersed without causing erosion, shall be carried in nonerodible channels or conduits to the nearest drainage course; (d) Runoff from disturbed areas shall be detained or filtered...to prevent the escape of sediment from the disturbed area; (e) No earth or organic material shall be deposited or placed where it may be directly carried into a...body of standing water. *16.22.100 Overall responsibility: It shall be the responsibility of the owner and the permittee to ensure that erosion does not occur from any activity during OR AFTER project construction.]* Additional measures or

modification of proposed measures may be required by the Planning Director prior to project approval. No grading or clearing may take place on the site prior to approval of an erosion control plan for that activity. Final certification of project completion may be delayed pending proper installation of measures identified in the approved erosion control plan.

(b)....The plans shall include the following information in writing and/or diagrams: 1. ...location of the proposed site. 2. Property lines and contours...details of terrain ...AREA drainage...proposed drainage channels...runoff control measures. 3. Measures for runoff control and erosion control to be constructed with, or as a part of, the proposed work. All measures required under this chapter shall be shown.

Function of erosion control measures shall be consistent with the provisions of this chapter:**5.** Revegetation proposal for all surfaces exposed or expected to **be** exposed during development activities....

(d) For major development proposals, the erosion control plans shall be prepared by a registered professional authorized to do such work under state law. For these major projects, detailed plans of all surface and subsurface drainage devices, runoff calculations, and other calculations demonstrating adequacy of drainage structures shall be included.

Project No. SC7272
6 December 2006

App # 06-0037

MR. DICK ANDRE
310 Kingsbury Drive
Aptos. California 95003

Subject: Tie Back Observations
Bluff Top Retaining Wall Repair

Reference: Andre Property
310 Kingsbury Drive
Santa Cruz County, California

Dear Mr. Andre:

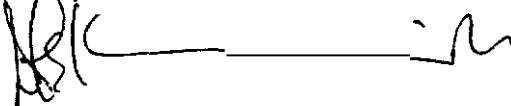
As requested, a representative from Haro, Kasunich and Associates visited the reference site between 15 November 2006 and 22 November 2006 to observe Retaining Wall Tieback repair earthwork. Our geotechnical recommendations for repair of the existing tieback retaining wall were presented in a letter dated 15 May 2006, revised 25 May 2006. The seven (7) tieback holes were a minimum of 4 inches in diameter by 19 feet deep. The tieback holes were embedded into firm native soils.

Based on our observations, the tieback holes for the existing retaining wall were constructed in general conformance with the project plans.

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.


John E. Kasunich
G.E. 455

John "JC" Cornett
Senior Field Technician

JC/sq

Copies: 2 to Addressee
2 to Kim Tshantz
1 to Jeff Martin, Ifland Engineers
1 to Dave Kendall, Contractor

BT G

Project No. SC7272
5 January 2007

App. #06-0037

MR. DICK ANDRE
310 Kingsbury Drive
Aptos, California 95003

Subject: Final inspection Letter
Bluff Top Retaining Wall Repair

Reference: Andre Property
310 Kingsbury Drive
Santa Cruz County, California

Dear Mr. Andre:

As requested, we visited the referenced site in late December 2006 to observe the completed retaining wall repair work. Our geotechnical recommendations for repair of the existing tieback retaining wall were presented in a letter dated 15 May 2006, revised 25 May 2006. We observed tieback drilling operations from 15 November 2006 to 22 November 2006. The seven (7) tieback holes were inspected and positively reported in our letter dated 6 December 2006.

We returned to the site to observe the completed retaining wall repair work. The contractor placed seven (7) finger drain (weep drains) at the bottom of the retaining wall.

Backfilling behind the retaining wall included the use of filter fabric and clean beach sand. At the top of the backfill an 11 inch concrete v gutter was placed on finished grade matching the existing concrete v gutter to the north. This v gutter discharges into the existing storm drain system to the north. The retaining wall redwood lagging was coated with clear penetrating oil.

Based on our construction observations, and final inspection, the geotechnical aspects of the project were performed in general conformance with the recommendations presented in our geotechnical letter and the project plans.

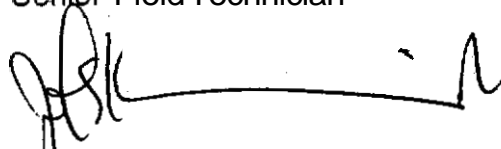
Mr. Dick Andre
Project No. SC7272
310 Kingsbury Drive
5 January 2007
Page 2

If you have any questions, please call our office.

Very truly yours,

HARO, KASUNICH AND ASSOCIATES, INC.

John "JC" Cornett
Senior Field Technician

A handwritten signature in black ink, appearing to be 'J.E. Kasunich', with a long horizontal stroke extending to the right.

John E. Kasunich
G.E. 455

JC/sq

Copies: 2 to Addressee
2 to Kim Tshantz
1 to Jeff Martin, Ifland Engineers
1 to Dave Kendall, Contractor

ROGERS E. JOHNSON & ASSOCIATES
CONSULTING ENGINEERING GEOLOGISTS
41 Hangar Way, Suite B
Wakonville, California 95076-2458
e-mail reja@bigfoot.com
Ofc (831) 728-7200 • Fax (831) 728-7218

January 11, 2007

Job No. C06036-57

App. # 06-0037

Richard and Ramona André
310 Kingsbury Drive
Aptos, California 95003

Subject: Inspection of Completed Renovation
of Segment of Existing Blufftop Retaining Structure
APNs 43-081-11, 12 and 43-082-48

Dear Mr. and Mrs. André:

As required by Joe Hanna, County Geologist with the Santa Cruz County Planning Department, we have inspected the completed subject retaining structure. The structure was constructed per the design specifications, prepared by Ifland Engineers, dated 19 September 2006.

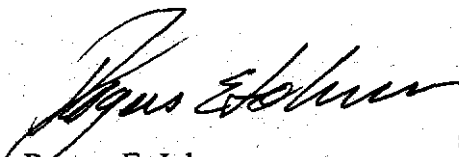
The completed renovation of a 33 foot long segment of bluff top retaining wall will improve the stability of this segment of the bluff top. The subject retaining wall will help retain the upper section of the bluff but it will not prevent future deep seated bluff failures at the site. The wall is designed to protect the upper 10 feet or so of the approximately 90 foot high bluff. The upper 30 feet of the bluff is severely over steepened and will continue to fail until it reaches its natural angle of repose. We estimate the blufftop will ultimately recede an additional 20 to 30 feet before the bluff stabilizes at its natural angle of repose.

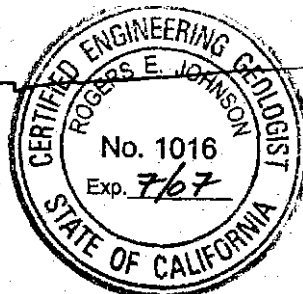
The frequency and magnitude of future failures depends chiefly on the vagaries of weather and the timing and severity of future earthquakes.

Please contact us if **you** have any questions regarding this letter.

Sincerely,

ROGERS E. JOHNSON AND ASSOCIATES, INC.


Rogers E. Johnson
C.E.G. No. 1016



Copies: Addressee (2)
Haro, Kasunich and Associates; Attn: John Kasunich (1)
Cypress Environmental (1)
Ifland Engineers; Attn: Jeff Martin (1)

REJ/rej/adg



January 17, 2007

App # 06-0037

Mr. Dick Andre
310 Kingsbury Dr.
Aptos, CA 95003

RE: Retaining wall repair at above address

Dear Mr. Andre:

On August 28th, 2006 I visited the above listed address for the purpose of observing a failing retaining wall (original design by others) on the face of the bluff near your home. We prepared plans, dated 9-19-06 for repair and replacement of timber lagging and whalers, with the addition of grouted tie-backs, to extend the life of the existing wall.

Our plans allowed for the whalers to be placed at the lowest accessible elevation that did not require excavation of the bluff face, in order to preserve as much vegetation and support for the existing piers as possible. From conversations with the contractors, I understand that all of the whalers were placed at the higher elevation (top of pier) as to do otherwise would have required excavation of stable material from around the piers.

I also understand that, with my consent, in place of select structural redwood whalers (which were not available) the contractor substituted recycled redwood water tank lumber. The contractor indicated that this was the highest quality redwood available and that you objected to the use of pressure treated Douglas fir. I further understand that he treated the redwood lagging and whalers with an environmentally friendly preservative to maximize its useful life.

Based on these reports and conversations with the geotechnical engineers who observed the tie-back installation, I conclude that the repairs were carried out in general accordance with the plans prepared by our office. Please be aware that the intention of these plans was only to extend the useful life of the existing wall. The repair program was not intended to improve upon the original design or increase the stability of the bluff face beyond the original design. Ifland Engineers has been notified by Rogers Johnson & Associates that the natural angle of repose of the bluff occurs at a depth below the existing (and repaired) improvements and that future failure of the entire structure may occur.

Sincerely,

IFLAND ENGINEERS, INC.

Jeffrey L. Martin, RCE #68028
JM

