



Staff Report to the Zoning Administrator

Application Number: **111220**

Applicant: Jennifer Gogan,
Hamilton Swift & Associates

Agenda Date: May 4, 2012

Owners: Bruce & Elizabeth Davies
APN: 043-095-03

Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal for a foundation repair and retrofit (underground retaining wall) on an existing single family dwelling. Requires a Coastal Development Permit and a Geologic and Soils Report review (REV111078).

Location: Project is located at 330 Kingsbury Drive in Aptos.

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

Permits Required: Coastal Development Permit

Technical Reviews: Geologic and Soils Report review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111220, based on the attached findings and conditions.

Exhibits

- | | |
|-------------------------------------|---|
| A. Project plans | F. General Plan Maps |
| B. Findings | F. Letter of 11/28/11 to Applicant from |
| C. Conditions | County Geologist Joe Hanna |
| D. Categorical Exemption (CEQA | G. Other Comments & Correspondence |
| determination) | |
| E. Assessor's, Location, Zoning and | |

Parcel Information

Parcel Size:	8,270 sq. ft.
Existing Land Use - Parcel:	Single-Family Residence
Existing Land Use - Surrounding:	Single Family Residential
Project Access:	Kingsbury Drive
Planning Area:	Aptos

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

Planning Area: Aptos
Land Use Designation: R-UL (Urban Residential – Low Density)
Zone District: R-1-6 (Single Family Residential – 6,000 sq. ft. minimum lot size)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Approx. 50% of lot has >50% slope, approx. 25% of lot is 30-50% slope
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed other than what is needed for proposed underground retaining
Tree Removal: No trees proposed to be removed
Scenic: Approx. 75% of lot is in a mapped scenic resource area
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The subject residence was constructed in 1963. In 2004, Application 00-416 was approved to remove an illegally constructed deck, remove part of another deck, remove part of a red-tagged garage addition (that was subsequently illegally turned into a bedroom) and to convert the remainder of the addition to part of a legally expanded master bedroom. Due to the extremely steep nature and unstable substrate of a large portion of this parcel, the County geologist had made it a condition of approval for the legalization of the addition that the applicant construct the proposed retaining wall structure to ensure the house is sufficiently stabilized in the event of a large earthquake or during/after large rainfall events.

Project Setting

The subject parcel is underlain by unconsolidated terrace deposits and sits atop the coastal bluff overlooking Rio del Mar Beach, on Kingsbury Drive at the end of Elva Drive. Approximately one third of the lot is comprised of very steep slopes (>50%), approximately one quarter of the lot is steep slopes (30%-50%), and the remainder is moderately sloped (0%-30% slopes). The master

house lies on the flat terrace and a portion of the house overhangs the bluff and is supported by exposed columns.

Project and Geotechnical Investigation Summary

According to several geotechnical investigations conducted at the site (prepared by Haro, Kasunich and Associates, Inc. – June 2009) and reviewed by County Geologist Joe Hanna (under Application REV111078 - see Exhibit F), the geologic hazards affecting the home are unstable slopes seaward and up coast (north) of the home due to potential strong seismic shaking and/or intense rainfall events. The proposed foundation retrofit, consisting of an underground pin pile and tieback retaining wall structure, is needed to stabilize the house in the event of a large earthquake and/or during or after heavy rainfall. The proposed retention system will consist of underpinning the existing bluff top home with vertical cast-in-place concrete pin piles and diagonal helical tieback anchors.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 8,270 square feet, located in the R-1-6 (Single Family Residential - 6,000 sq. ft. minimum lot size) zone district, a designation which allows residential uses. The proposed underground retaining wall is an allowed use within the zone district and the zoning is consistent with the site's Urban Residential – Low Density (R-UL) General Plan/LCP designation.

Local Coastal Program Consistency

The proposed underground 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, in scale with, and integrated with the character of the surrounding neighborhood, and as viewed from the beach area below. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles. The project site is not identified as a priority acquisition site in the County's Local Coastal Program. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Environmental Review

The proposed underground retaining wall is categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

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 **111220**, based on the attached findings and conditions.

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

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

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Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned R-1-6 (Single Family Residential - 6,000 sq. ft. minimum lot size), a designation which allows underground retaining walls as part of a residential use. The existing house is a principal permitted use within the zone district, and the proposed retaining wall/foundation retrofit is appurtenant to that use. The site's zoning designation is consistent with the site's R-UL (Urban Residential - Low Density) General Plan/LCP designation.

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements as 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 development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density. The proposed retaining wall structure will be installed underground and thus not impact views, despite the site being on a prominent bluff top.

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 while the project site is located between the shoreline and the first public road, as a simple foundation retrofit/underground retaining wall, it 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 proposed foundation retrofit/underground retaining wall structure is designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, foundation retrofit/underground retaining wall uses are allowed in the R-1-6 (Single Family Residential - 6,000 sq. ft. minimum lot size) zone district

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of the area, as well as the General Plan and Local Coastal Program land use designation.
Developed parcels in the area contain single family dwellings.

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 single-family dwellings and appurtenant use and is not encumbered by physical constraints to development that are not being addressed by the proposed foundation retrofit/underground retaining wall structure. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources. The proposed foundation retrofit/underground retaining wall will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the foundation retrofit/underground retaining wall and the conditions under which it would be maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single Family Residential - 6,000 sq. ft. minimum lot size) zone district as the primary use of the property will be a single family dwelling that meets all current site standards for the zone district.

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

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

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

The proposed foundation retrofit/underground retaining wall will be properly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed foundation retrofit/underground retaining wall will comply with the site standards for the R-1-6 (Single

Family Residential - 6,000 sq. ft. minimum lot size) zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed foundation retrofit/underground retaining wall is to be constructed on an existing developed lot. There is no expected increase in level of traffic to be generated by the proposed project, and thus the project will not adversely impact existing roads and intersections in the surrounding area.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed foundation retrofit/underground retaining wall is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed foundation retrofit/underground retaining wall will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project plans for proposed foundation retrofit/underground retaining wall, 8 sheets, prepared by Soil Engineering Construction, Inc., dated 6/6/11

- I. This permit authorizes the construction of a foundation retrofit/underground retaining wall. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official, if necessary.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.

2. Grading, drainage, and erosion control plans.
 3. Details showing compliance with fire department requirements. The proposed structure(s) are located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. 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.
 - C. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
 - E. Submit 3 copies of the soils report 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 inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils and geotechnical reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

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

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

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

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

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

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

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

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

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Owner: Bruce and Elizabeth Davies

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Frank Barron, AICP
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: 111220

Assessor Parcel Number: 043-095-03

Project Location: 330 Kingsbury Dr., Aptos, CA

Project Description: Foundation repair and retrofit (underground retaining wall) on an existing single family dwelling.

Person or Agency Proposing Project: Jennifer Gogan, Hamilton Swift & Associates

Contact Phone Number: (831) 459-9992 ex. 101

- 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: 15303. New Construction or Conversion of Small Structures

F. Reasons why the project is exempt:

Project consists of a foundation retrofit and construction of a small underground retaining wall

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

Frank Barron, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

POR. APTOS RANCHO
S.E. 1/4 SEC. 18 &
SEC. 19, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-273

43-09



APTOS BEACH COUNTRY CLUB
SUB. # 6
24MB26 9/20/28

APTOS BEACH COUNTRY CLUB
SUB. # 6
23MB35 9/20/28

Bk. 42
11

EXHIBIT E

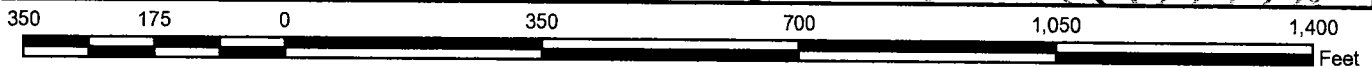
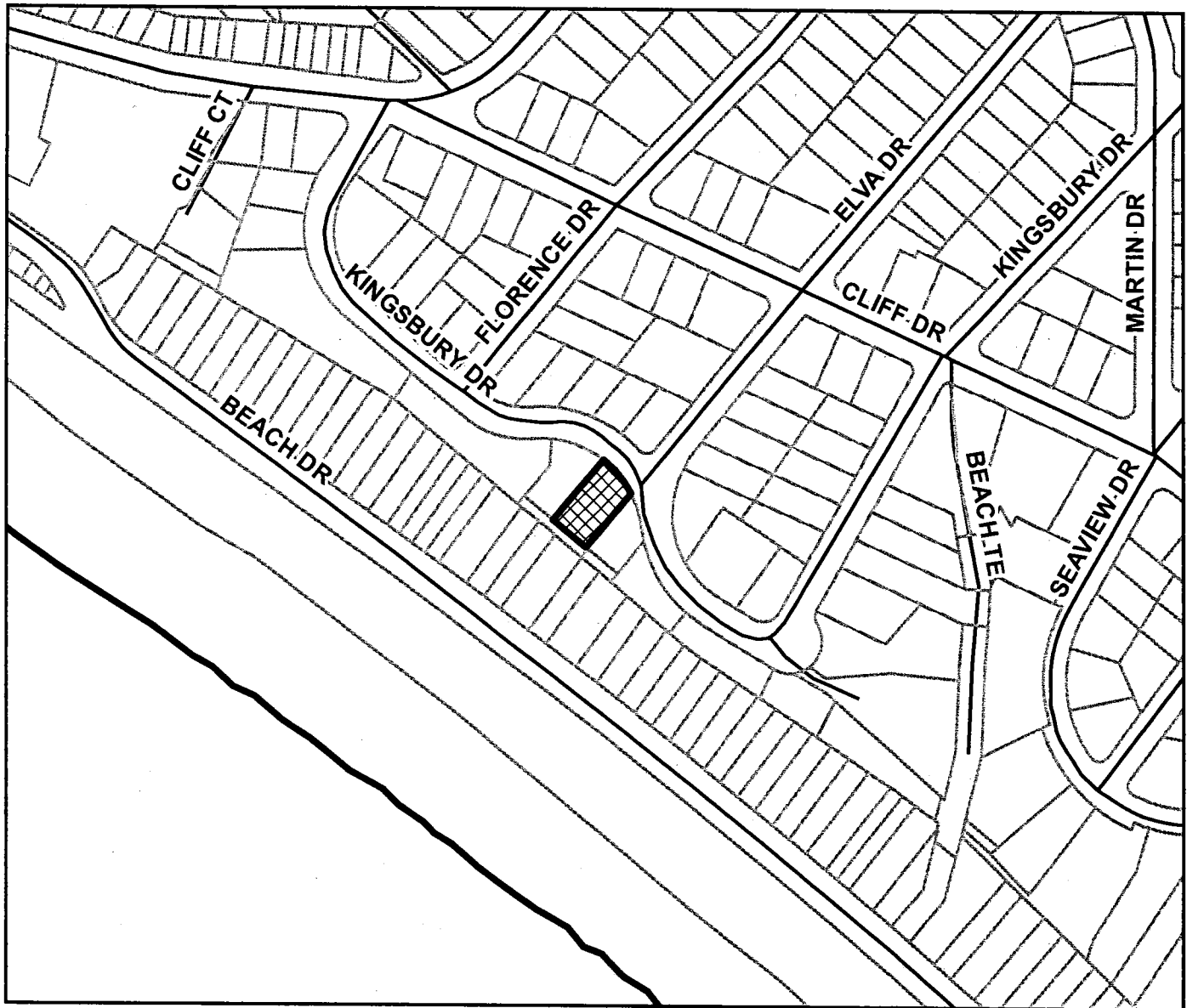
Assessor's Map No. 43-09
County of Santa Cruz, Calif.
Feb. 1999

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

Electronically Redrawn 2/10/99
Rev. 2/10/99 (Rev. 9/95, 2/95, 2/96)
Rev. 5/4/95 (Added 1/25, 1/26, 1/27, 1/28, 1/29, 1/30, 1/31, 2/1, 2/2, 2/3, 2/4, 2/5, 2/6, 2/7, 2/8, 2/9, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 2/29, 2/30, 3/1, 3/2, 3/3, 3/4, 3/5, 3/6, 3/7, 3/8, 3/9, 3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/25, 3/26, 3/27, 3/28, 3/29, 3/30, 3/31, 4/1, 4/2, 4/3, 4/4, 4/5, 4/6, 4/7, 4/8, 4/9, 4/10, 4/11, 4/12, 4/13, 4/14, 4/15, 4/16, 4/17, 4/18, 4/19, 4/20, 4/21, 4/22, 4/23, 4/24, 4/25, 4/26, 4/27, 4/28, 4/29, 4/30, 4/31, 5/1, 5/2, 5/3, 5/4, 5/5, 5/6, 5/7, 5/8, 5/9, 5/10, 5/11, 5/12, 5/13, 5/14, 5/15, 5/16, 5/17, 5/18, 5/19, 5/20, 5/21, 5/22, 5/23, 5/24, 5/25, 5/26, 5/27, 5/28, 5/29, 5/30, 5/31, 6/1, 6/2, 6/3, 6/4, 6/5, 6/6, 6/7, 6/8, 6/9, 6/10, 6/11, 6/12, 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/19, 6/20, 6/21, 6/22, 6/23, 6/24, 6/25, 6/26, 6/27, 6/28, 6/29, 6/30, 6/31, 7/1, 7/2, 7/3, 7/4, 7/5, 7/6, 7/7, 7/8, 7/9, 7/10, 7/11, 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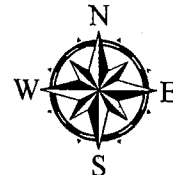


Location Map EXHIBIT E



LEGEND

-  APN: 043-095-03
-  Assessors Parcels
-  Streets
-  County Boundary

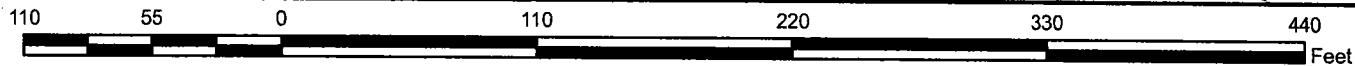
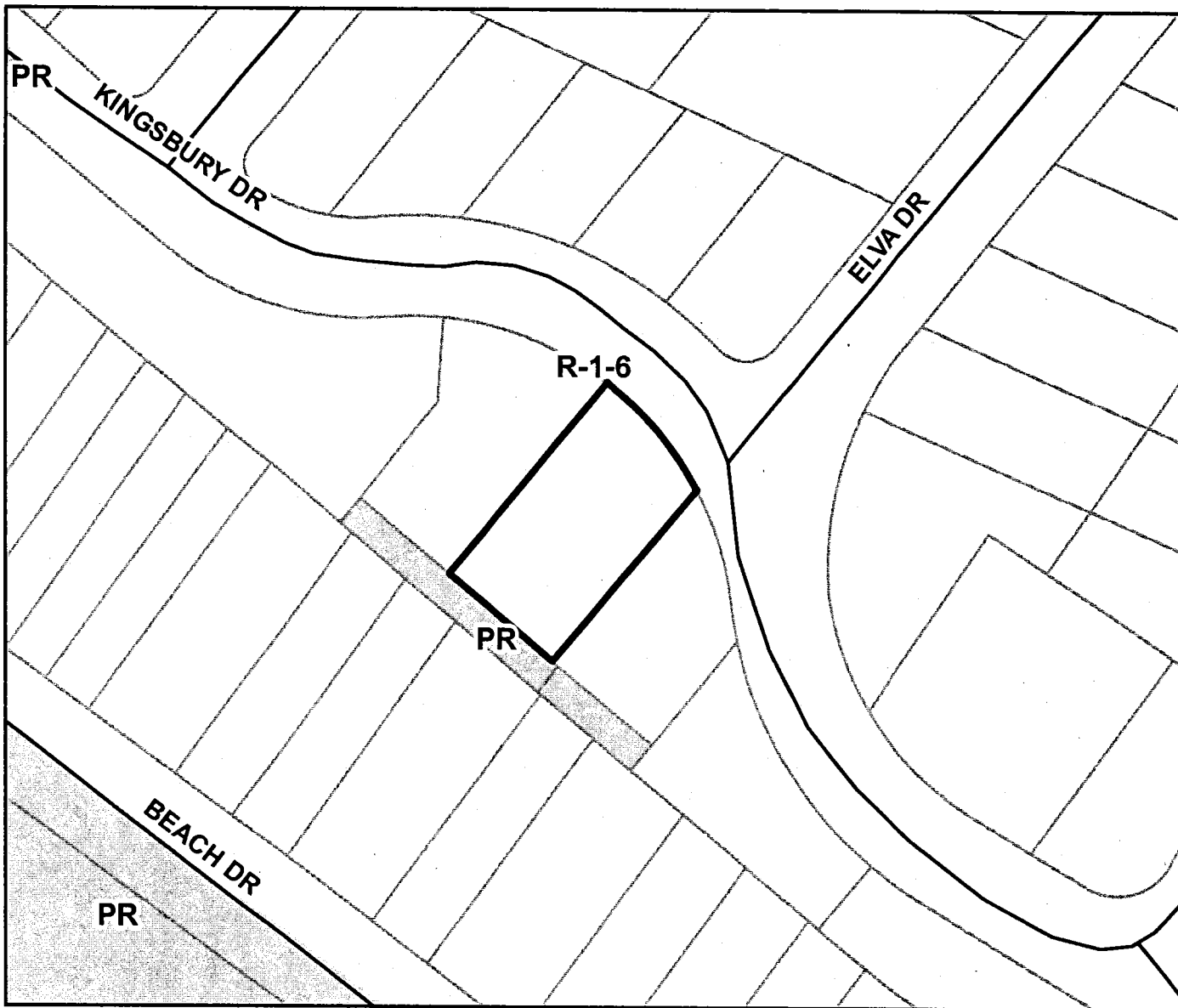


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Planning Department
October 2011



Zoning Map

EXHIBIT E



LEGEND



APN: 043-095-03



Assessors Parcels

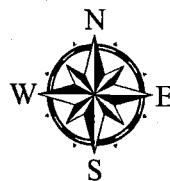


Streets

RESIDENTIAL-SINGLE FAMILY



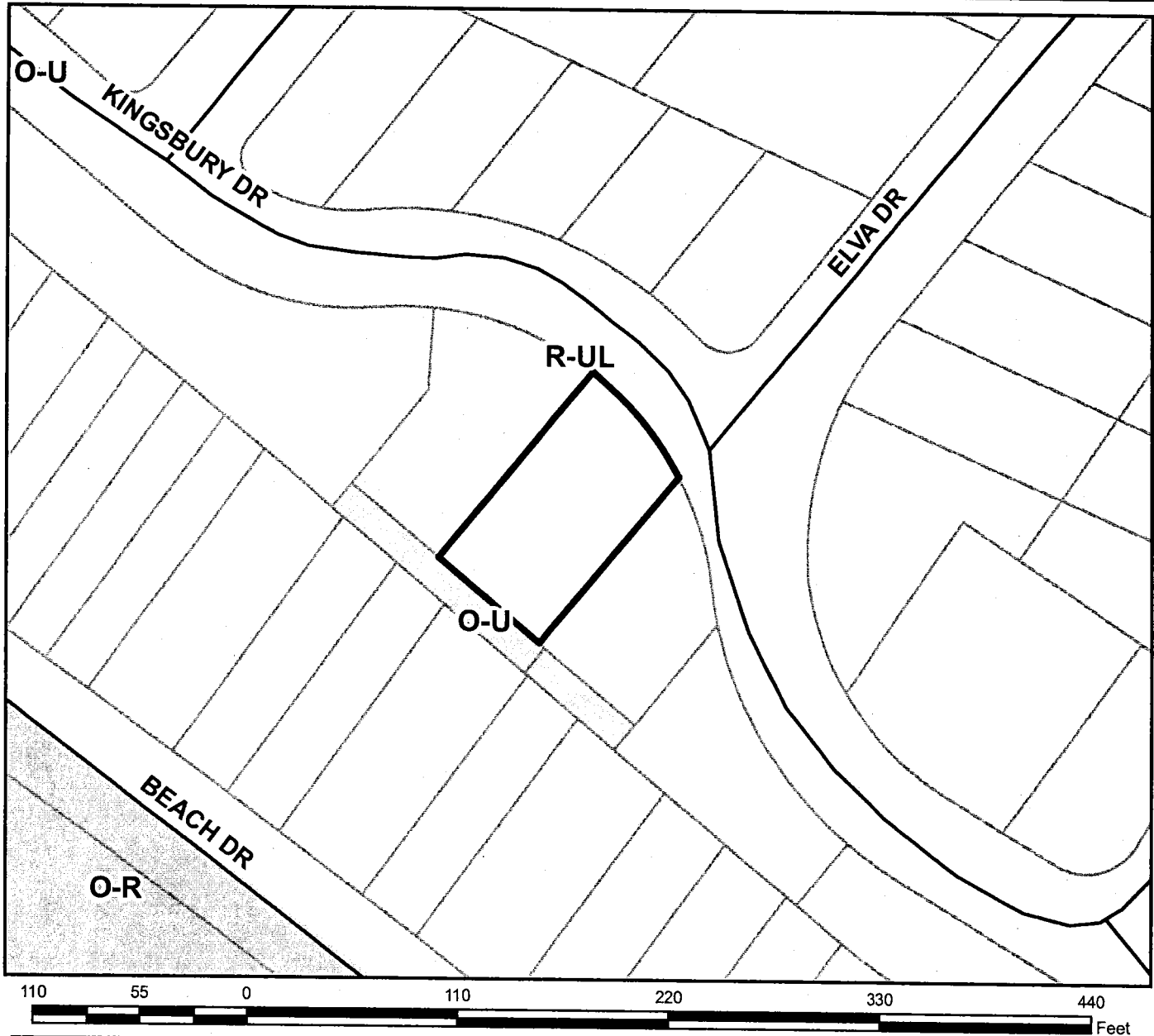
PARK



Map Created by
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Planning Department
October 2011

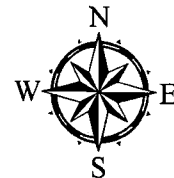


General Plan Designation Map



LEGEND

-  APN: 043-095-03
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density
-  Urban Open Space
-  Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
October 2011



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

November 28, 2011

Jennifer Pope
 C/o Hamilton, Swift, and Associates
 500 Chestnut Street, Suite 100
 Santa Cruz, CA 95060

**Subject: Review of Engineering Geology and Geotechnical Engineering
 Geotechnical Report by Haro, Kasuich, and Associates
 Dated June 11, 2009; Project Number: SC8748, and
 Engineering Geology Report by Rogers E. Johnson and Associates
 Dated December 15, 2009; Project Number: C09005-57
 APN 043-095-03, Application #: REV111078**

Dear Jennifer Pope:

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

1. All construction shall comply with the recommendations of the reports.
2. Final plans shall reference the reports and include a statement that the project shall conform to the reports' recommendations.
3. Prior to building permit issuance a *plan review letters* shall be submitted to Environmental Planning. After plans are prepared that are acceptable to all reviewing agencies, please submit a plan review letters that state the project plans conform to the recommendations of the reports. *Please note that the plan review letters must reference the final plan set by last revision date.* The authors of the reports shall write the *plan review letter*.
4. Please submit an electronic copy of the soils report in .pdf format via compact disk or email to: pln829@co.santa-cruz.ca.us. Please note that the report must be generated and/or sent directly from the soils engineer of record.

After building permit issuance the consultants *must remain involved with the project* during construction. Please review the *Notice to Permits Holders* (attached).

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

(over)

Review of Combination Engineering Geology and Geotechnical Engineering Report

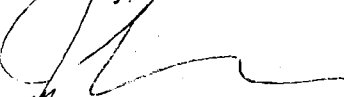
APN: 043-095-03

Page 2 of 3

Please note that this determination may be appealed within 14 calendar days of the date of service. Additional information regarding the appeals process may be found online at: http://www.sccoplanning.com/html/devrev/plnappeal_bldg.htm

Please call the undersigned at (831) 454-3175 if we can be of any further assistance.

Sincerely,



Joe Hanna
County Geologist

Cc: Antonella Gentile, Environmental Planning
Haro, Kasuich, and Associates

**NOTICE TO PERMIT HOLDERS WHEN A SOILS REPORT HAS BEEN PREPARED,
REVIEWED AND ACCEPTED FOR THE PROJECT**

After issuance of the building permit, the County requires your soils engineer and engineering geologist to be involved during construction. Several letters or reports are required to be submitted to the County at various times during construction. They are as follows:

1. **When a project has engineered fills and / or grading,** a letter from your soils engineer and engineering geologist must be submitted to the Environmental Planning section of the Planning Department prior to foundations being excavated. This letter must state that the grading has been completed in conformance with the recommendations of the soils report. Compaction reports or a summary thereof must be submitted.
2. **Prior to placing concrete for foundations,** a letter from the soils engineer must be submitted to the building inspector and to Environmental Planning stating that the soils engineer has observed the foundation excavation and that it meets the recommendations of the soils report.
3. **At the completion of construction,** a *final letter* from your soils engineer and engineering geologist is required to be submitted to Environmental Planning that summarizes the observations and the tests that have been made during construction. The final letter must also state the following: "Based upon our observations and tests, the project has been completed in conformance with our report recommendations."

If the *final soils letter* identifies any items of work remaining to be completed or that any portions of the project were not observed by your consultants, you will be required to complete the remaining items of work and may be required to perform destructive testing in order for your permit to obtain a final inspection.

(over)

**ROGERS E. JOHNSON
AND ASSOCIATES**
Consulting Engineering Geologists

EXHIBIT G

41 Hangar Way, Suite B
Watsonville, California 95076-2458
e-mail: greg_easton@sbcglobal.net
Ofc (831) 728-7200 • Fax (831) 728-7218

16 January 2012

Job No. C09005-57

Bruce and Elizabeth Davies
3738 Fourteen Mile Drive
Stockton, CA 95219

Subject: Review of Proposed Foundation Stabilization Plans
330 Kingsbury Drive, Aptos, California
Santa Cruz County APN 043-095-03

Dear Mr. and Mrs. Davies:

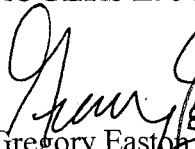
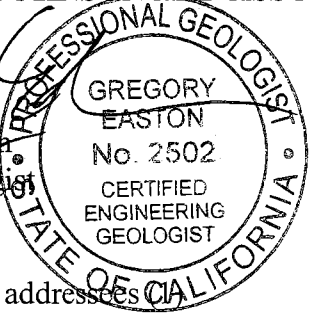
As requested, we have completed our plan review for the subject site. The Proposed Foundation Stabilization plans consist of 8 sheets prepared by Soil Engineering Construction. The plans depict tied-back stitchpier retaining walls supporting the seaward and upcoast portions of the blufftop. The plans also propose installing soil nails upslope of the stitchpier wall on its seaward side.

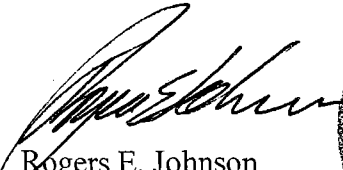
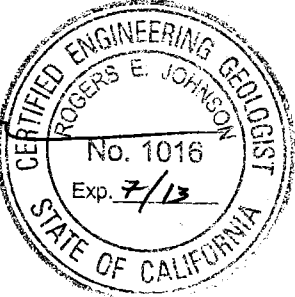
The proposed foundation stabilization plans are in general conformance with the recommendations in our geologic report. We request the privilege to review revisions to any plans pertaining to the proposed development as they become available. We must inspect the foundation excavations prior to their completion. Please notify us at least 3 days in advance of any necessary inspection.

Please call if you have questions or comments.

Sincerely,

ROGERS E. JOHNSON AND ASSOCIATES


Gregory Easton
Project Geologist
C.E.G. #2502



Rogers E. Johnson
Principal Geologist
C.E.G. # 1016


Copies: addresses
Hamilton Swift and Associates, Inc., attn: Deidre Hamilton (4)
Haro, Kasunich and Associates, Inc., attn: Bill St. Clair
Soil Engineering Construction, Inc., attn: George Drew

EXHIBIT G

References: Rogers Johnson & Associates, 2009, Revised Geologic Evaluation of Coastal Blufftop Site, Davies Property, 330 Kingsbury Drive, Aptos, California, Santa Cruz County APN 043-094-03, Job No. C09005-57, prepared April 20, 2005 (revised 15 December 2009), 17p.

Soil Engineering Construction, Inc., 2011, Proposed Foundation Stabilization for Bruce and Betsy Davies, Job No. 11-030, 8 sheets dated 9/7/11 (1st revision), except sheet 4, dated 12/9/11 (2nd revision).

Project No. SC8748
11 January 2012

BRUCE & BETSY DAVIES
c/o Charlene Atack
Atack & Penrose
1200 Pacific Avenue Suite 260
Santa Cruz, California 95060

Subject: **GEOTECHNICAL PLAN REVIEW LETTER**

Reference: Proposed Foundation Retrofit – Pin Pile and Tieback Retaining Wall
Davies Residence
330 Kingsbury Drive
APN 043-095-03
Aptos, California

Dear Mr. and Mrs. Davies:

At your request, Haro, Kasunich and Associates are providing a geotechnical plan review letter based on the review of a set of civil engineering plans by George Drew (Civil Engineer of Soil Engineering Construction Inc.) for the referenced project in Aptos, California.

The intent of our review is to confirm the plans were prepared in general conformance with our recommendations presented in our Limited Geotechnical Investigation report dated 11 August 2005, Geotechnical Investigation Update Report dated 11 June 2009 and with our supplemental retaining wall recommendations dated 19 September 2011.

Haro, Kasunich & Associates has reviewed only the geotechnical aspects of these plans. We are not the Architects/Designer, Civil or Structural Engineers of Record for this project and accept no responsibility for designs prepared by others. We provide no warranties, either expressed or implied, concerning the dimensions or accuracy of the plans and analysis.

The plan sheets show the construction of a tie back pin pile type retaining wall to retain the upper bluff earth materials below the seaward and upcoast sides of the existing home. The concept is to design the wall for a future active height of 22 to 24 feet utilizing soil arching between closely spaced piers and initially retain the upper 2.5 to 12 feet with a grade beam and shotcrete soil nail wall. As the grade beams get undermined over time, exposing the pin piles, soil arching will temporarily retain the soils until a contingency plan be implemented. This contingency plan is to construct structural plugs between the exposed piles.

Bruce & Betsy Davies
Project No. SC8748
330 Kingsbury Drive
11 January 2012
Page 2

Plan sheets show vertical, closely spaced, concrete cast-in-place piers penetrating past the estimated failure surfaces and deriving lateral resistance below this failure plane. Post tension diagonal tiebacks are shown, penetrating past the estimated failure surfaces and deriving lateral resistance below the failure surfaces. Tiebacks shown consist of pre drilled grouted anchors and helical anchor alternative. In addition, a 1:1 (horizontal:vertical) shotcrete soil nail wall will be constructed above the seaward wall grade beam to contain soils immediately below the existing foundation.

The majority of the drainage improvements, as part of this project, have been completed in December 2010. However, the construction of the new wall could create and/or uncover drainage issues not apparent in our inspections for the completed drainage improvements. We should be provided an opportunity to inspect potential drainage issues and provide additional recommendations as needed during construction of the new wall.

Erosion control plan shows straw wattles placed along slope contour down slope of the work area. Notes specify disturbed slope surfaces to be covered with erosion resistant vegetation and erosion resistant fabric.

We recommend that storm drainage and erosion control provisions be closely monitored through the first significant rain season following completion of the project, to determine if these systems are functioning adequately, slope erosion is under control and, if necessary, rectify unforeseen problems.

The referenced plan sheets as reviewed were found to be in general conformance with our geotechnical recommendations.

If you have any questions concerning this letter, please contact our office.

Very truly yours,

Reviewed By:

HARO, KASUNICH AND ASSOCIATES, INC.

John E. Kasunich
G.E. 455

William E. St. Clair
William E. St. Clair
C.E. 78928

WSC/dk
Copies:

- 1 to Addressee
- 4 to Jennifer Pope (Hamilton Swift)
- 1 to Greg Easton (Rogers Johnson and Associates)
- 1 to George Drew (Soil Engineering Construction)



TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____
TO: Support Staff
FROM: Frank Barron
RE: Application # 111220

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

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

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

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

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

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

☐ Extra copy to planner

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

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

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

☐ Attach permit conditions to application (Hansen only)

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

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

☐ Notice of Determination/Negative Declaration

☐ Certificate of Fee Exemption

☐ Special instructions:

☐ Send attached exhibit(s) to:
☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ Send attached recordable documents to:
☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ _____

☐ _____

Completed by: _____
(support staff) (date)

Return recorded form to:

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

Attention: «Planning_Staff»
Application #: «Application_Number»

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department
Attn: Frank Barron
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 111220
Property Owner: Bruce and Elizabeth Davies
Assessor's Parcel No.: 043-095-03

Exhibit A: Project plans for proposed foundation retrofit/underground retaining wall, 8 sheets, prepared by Soil Engineering Construction, Inc., dated 6/6/11

- VI. This permit authorizes the construction of a foundation retrofit/underground retaining wall. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official, if necessary.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.

VII. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 - 2. Grading, drainage, and erosion control plans.
 - 3. Details showing compliance with fire department requirements. The proposed structure(s) are located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. 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.
- C. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- E. Submit 3 copies of the soils report prepared and stamped by a licensed Geotechnical Engineer.

VIII. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the

satisfaction of the County Building Official.

- C. The project must comply with all recommendations of the approved soils and geotechnical reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IX. Operational Conditions

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

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

By signing below, the owner agrees to accept the terms and conditions of approval of Application 111220 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application 111220 is null and void in the absence of the owner's signature below.

Executed on _____,
(date)

Property Owner(s) signatures:

(Signature) (Print Name)

(Signature) (Print Name)

(Signature) (Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT
SHALL BE ATTACHED.**

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____
(Signature of Notary Public)

This form must be reviewed and approved by a County Planning Department staff person after notarization and prior to recordation.

Dated: _____

COUNTY OF SANTA CRUZ

By: _____
Planning Department Staff



County of Santa Cruz Planning Department

Steps for Completing and Recording the Conditions of Approval for this Permit

1. Review all of the information on the document to be recorded. The property owner is responsible for reviewing **all** of the entered information, including the Assessor's Parcel Number (APN), site address, owner's name(s), previous owner(s), document number(s), and recording dates. If any of this information is found to be incorrect, notify the Planning Department of the inaccuracy **prior** to recording the document. If necessary, a corrected version of the document will be prepared at the owner's request.
2. Obtain the signature(s) of **all** property owners. A notary public must verify all signatures. The Planning Department has a notary public and/or the phone book lists several other notaries public.
3. Bring the notarized form into the Planning Department for review and signature by a Planning Department staff person prior to recording. Please ask the receptionist for assistance in obtaining a signature, please do not sign on to the waiting list for this purpose.
4. In order to save the photocopy costs, you may bring along your own copy or copies (as well as the original) to the Recorder's Office, which they will stamp for you for a fee.
5. Have the form recorded in the County Recorder's Office, Room 230, and have a photocopy made with the recorder's stamp on it, or have your copy conformed. Please contact the Recorder's Office regarding their fees & hours of operation at: (831) 454-2800. **Note: Do not record this instruction form with your recordable documents.**
6. The copy may be mailed directly to the Planner or routed to the planner through the Planning reception desk as you step off the elevator on the 4th floor.
7. The original stamped declaration will be sent to the Planning Department in 3-5 weeks and placed in permanent records.

Your building application will not be approved by the planning department, and your use may not begin until steps 1-6 have been completed.