

April 7, 2008

Building and Fire Code Board of Appeals

c/o Chief of Inspection Services

701 Ocean Street, Room 400

Santa Cruz, CA 95060

**APN: 09901108, 383 Nicasio Way, Soquel, CA**

**RE: Appeal request letter for 09-0012 GHA/Soils Report Review letter and BP Appl #62008H comments by Environmental Planning**

We have read and reviewed the requirements set forth in the GHA review letter dated March 18, 2008, which was postmarked on March 23, 2008 and received by us on March 25, 2008. **We are hereby appealing the requirements set forth in the GHA review letter.**

First of all, the assumptions regarding the loose fill below the house is incorrect. We were required to excavate this area to locate the existing concrete septic tank by Environmental Health to demonstrate it was still sound and could be utilized. We were asked to keep this open because a 'pump' will need to be installed at that location to pump the effluent up to the leachfield area. Secondly, the unretained cut behind the residence is there because the former wooden retaining walls were burned in the fire. We did leave some of the remaining boards in place after the fire to show what used to be there.

While the GHA review letter states a full geologic report is not required, **we are specifically appealing the requirement, to obtain "input" from a geologist.** The word 'input' is not descriptive as to 'what' is required to be obtained. We cannot tell what it is that we are supposed to produce for staff to review. Further, our soils engineer states that it is impossible to obtain 'input' from a geologist without hiring them and incurring their professional liability for any comment or statement that they might make. **This requirement places unnecessary added expense and undue financial hardship on us to complete this review.**

Our soils engineer states the slope stability issues can be adequately addressed by the soils engineer within the soils report. The soils engineer can provide a cross section with the soils information if necessary to satisfy staff.

**We are also specifically appealing the 68002H BP Application staff review comments by ENVIRONMENTAL PLANNING** made by Antonella Gentile dated 3/24/09.

Comment #2 requires the soils report to be revised or updated per the GHA review letter. As stated above, we are willing to provide slope stability analysis by our soils engineer and we are appealing the requirement to have 'input' provided by a geologist.

Comment #3 requires grading, drainage and erosion control plans that have been prepared by a licensed civil engineer.

The dirt road to the top of the hill where the water tanks are to be placed is existing and has been existing for over 50 years. It is a hard packed dirt road used to maintain upper portion of the property. No grading is proposed.

We are not proposing any grading but that which is minimally necessary for the new retaining walls and the excavation of the footings for the foundation. All of which is moving less than 100 cubic yards, less than 5 foot cuts and less than 2 foot fills. None of the earth movement meets any of the thresholds for requiring a grading permit. Field measurements were taken and are accurate.

The soils engineer has stated the current design of the retaining walls is adequate based on the soils information and meets County design standards. In fact, the County's own design plans were used. Standard drainage is shown behind the retaining walls.

Further, the foundation plans for the mobilehome were signed and stamped by the manufacturer's civil engineer. The footings can be widened to 18" and a review letter by the Soils engineer can be provided which should be adequate to meet building permit application requirements.

Erosion control measures will be added in the revised plan set. There is no code requirement that states a licensed civil engineer is required to design erosion control measures. Our consultant worked for the County for nearly 10 years and during her employment she was sent to training by the Planning Department in order to be knowledgeable regarding appropriate erosion control.

The requirement to have these plans redrawn by a licensed civil engineer **will cause unnecessary added expense to complete the application process and places an undue financial hardship on the property owners** who have been trying to replace their home after it was fire damaged for 10 years. It will cause additional time we do not have. We are already operating as quickly as possible to forestall the execution of a 'Order to Demolish' already obtained to demolish the house by Code Compliance through court proceedings, which they could choose to exercise at any time.

Comment #5 the location of the septic leachfield is shown, and will be shown as approved by Environmental Health staff, once the soils testing is complete. A civil engineer is not required to submit these plans.

Comment #6 has been addressed above under comment #3. The tank area is serviced by an existing maintenance road. No grading is proposed.

The remaining staff comments can be addressed in a revised plan set.

Thank you for your time and consideration of the issues raised in this appeal. We would like to complete our application so we can restore our lives as soon as possible.

Frank and Fox Sloan

cc: Yvette Wilson, Rock Solid Engineering

Claire Machado, Land Use Consultant

Environmental Planning Comments from computer screen.

1. The Geologic Hazards Assessment (GHA) has been completed for this project. See the March 18, 2009 letter from Jessica deGrassi, Resource Planner, and Joe Hanna, County Geologist, sent under separate cover for the analysis and permit conditions.
2. Please revise the soils report or provide an update as necessary to comply with all the requirements set forth in the GHA.
3. Provide grading, drainage, and erosion control plans that have been prepared by a licensed civil engineer.
4. Show how drainage and erosion will be controlled both during and after construction.
5. Include the proposed location of the septic leachfield on the civil plans.
6. Show how the water tank area will be accessed on the civil plans. Include all proposed grading.
7. Show the 50 foot setback from the mean high water mark of Moores Creek on the civil plans.
8. Label the setback area "Riparian Corridor" and include a note stating that "All development as defined in section 16.30.030 of County Code is prohibited within the riparian corridor."
9. Please note that a plan review letter will be required from the geotechnical engineer prior to issuance of the building permit. The letter shall reference the plan sheets by final revision date and state that they conform to the recommendations provided in the soils report. Please DO NOT obtain this letter from your geotechnical engineer until the soils report has been accepted by Environmental Planning and the plans can be approved by all agencies.