

February 20, 2009**

Mark Deming

County of Santa Cruz Planning Dept

701 Ocean Street, Room 400

Santa Cruz, CA 95060

RE: 075-124-21, Building Permit Application 64947G

Dear Mr Deming:

I am in receipt of your letter dated February 6, 2009 regarding my appeal to the Building and Fire Code Appeals Board submitted October 2, 2008 appealing the staff determination regarding a soils report requirement. As your letter states in paragraph 3, number 1, this is not a code requirement under the 2001 Uniform Building Code. The structure has remained in place since 1947 and the plans are not changing the exterior footing of the foundation. Paragraph 3, number 2, states 'because of known problems with soils in this area', staff has made a 'judgment. Other than being in an area that was 'generally mapped' within the Coopers-Clark slide area. There is absolutely no evidence at the site location that there is or has ever been any risk of landsliding or slope failure, either above or below the residence, regardless of the angle of the existing slopes.

The retaining wall was proposed to mitigate any such hazard above the residence and has been designed to County standards by a registered Civil Engineer, Bob Patterson. Conservative design standards were utilized, and we do not see a need to become even more so.

We believe the requirement for a soils report in this case is punitive, and cannot agree with the staff's judgment and their respective determinations.

The appeal filed in October 2008 was to the Board of Appeals, not staff, and was found to be valid by your Department upon its filing in October 2008. The fact that the Planning Department did not have a standard process to accept appeals and appeal fees and/or did not have the State required Appeals Board in place to hear my appeal in a timely manner, is not my fault or problem. These issues should be addressed by Planning Management so that other appellants have an easy, straightforward path to appeal to the Board that is required by law to hear the appeal. While I appreciate that you chose to review/reconsider the situation is commendable but the result are the same. I should not have to appeal this new determination, as the appeal for the first one was valid.

Thank you for your time and consideration, I look forward to meeting with the Appeals Board.

Michael Watson

11607 Lake Blvd, Felton, CA 95018

Cc: Claire Machado

** Dated per your request