
Attachment F
Comment Letters on
Initial Study and
Negative Declaration

PLN130209

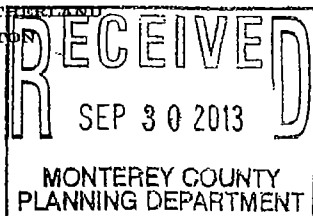
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ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

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September 24, 2013

File No. 00143.003

Mr. Mike Novo
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: **Steuck Initial Study and Negative Declaration; PLN130209**

Dear Mike:

This project is a re-do of the lot line adjustment ("LLA") proposed in PLN080209. There is a great deal of information from our office in that file that is not included in the Initial Study. That information is incorporated herein by reference.

The Initial Study contains many of the flaws and omissions of the last Initial Study, again circumvents the purpose of CEQA and compromises the ability of the public and the County's decision makers to make fully informed decisions. In *Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351, the Sixth District Court of Appeal recently confirmed that the "failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decision making and informed public participation." The omissions in the Initial Study are substantial and prejudicial. The Initial Study is inadequate for "informed decision making and informed public participation."

GENERAL COMMENTS

Project Description: The first omission is that of an accurate and complete project description. The Negative Declaration and Initial Study describe the project as "a lot line adjustment between two legal lots of record approximately 4.6 acres and 4.3 acres ... resulting in two newly reconfigured lots of 4.6 acres (westerly Parcel A) and 4.3 acres (easterly Parcel B)." The CEQA Guidelines defines "project" as "the whole of an action which has the potential for resulting in either a direct physical change in environment or reasonably perceive indirect physical change in the environment." It has clearly been documented both in writing and in prior hearings that this is not just a lot line adjustment. It is the next step in the Steuck's plans to build houses on each lot. This is not speculation. The Steucks have shown in their previous application materials submitted to both the Planning Department and the Environmental Health Department their intention to create a water system, install septic systems and to ultimately build houses. They have demolished a garage and clearly intend to demolish the house. They illegally graded to create a building pad. The Steucks clearly have a plan for the development of this property. They intend to build a house on each lot. The whole of the project must be fully described and analyzed.

Exhibit F

Page 1 of 121 Pages

Reliance on Certificates of Compliance: The Initial Study continues to rely on certificates of compliance that are questionable at best. The County made its determination that the property was entitled to two certificates of compliance based on the property being described in two separate 1945 deeds. However, after 1945, both parcels were acquired by Mr. Carl Von Saltza. Mr. Von Saltza then sold the property (described by a metes and bounds description as a single parcel) to the Sweetmans in 1950. This is a clear indication that it was Mr. Von Saltza's intent to combine the parcels and transfer them as a single lot. One only has to look at the "lot" lying between Aguajito Road and Gentry Hill to understand why. Had he intended to transfer two lots, that intention would have been clear in the deed. Instead, he clearly demonstrated his intention to combine the properties by describing them as a single lot.

As we have noted before, there were eight subsequent sales of this property starting in 1957 (Sweetman to Garlick) through 1986 (Fox to Steuck). In each of these sales, the lot was described by metes and bounds as a single parcel without reference to the parcels that may have existed in 1945. The sellers' and buyers' intentions dating back to 1950 were clear. The property was combined by Mr. Von Saltza into a single lot and was sold as a single lot nine times.

History of Development on the Property: The Initial Study is essentially silent on the large body of history of illegal grading on the property. These facts are well documented and are fully disclosed in our previous correspondence to the County regarding this property. The history of the illegal grading and dumping of potentially toxic materials was fully documented, including photographs by CEO Faris Speirs in 2005. The County has this somewhere in its records. The Initial Study fails to acknowledge, disclose or discuss these issues or the specific effects of the significant grading that was done on the property in its environmental review.

SPECIFIC COMMENTS

Page 2 In the paragraph "Fill Areas Restored", it states "There are no unresolved issues with restoration completed." While it may be true that the County has decided it has done all it is going to do and closed its file, it is not correct to say the property has been restored to its pre-violation condition. The current condition is an engineered building pad, not a restored site.

Page 3 Regarding the well proposed on Parcel B, the Initial Study states that "... the owner intends to keep available for service to Parcel B." The owner had previously applied for a water system. Again, although the project description states the project is an LLA only, it is clear construction of homes is the intended use, is reasonably foreseeable and must be analyzed.

Page 4 The Initial Study finds the LLA to be consistent with the 2010 General Plan.

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As will be discussed later, there is significant information that is not disclosed in the Initial Study that leads to a different conclusion.

Page 5

Aesthetics: This section finds no impact. This is based, apparently, on alleged visual impact to Aguajito Road being avoided if the portion of the property between Aguajito Road and Gentry Hill were developed. There is no evidence to support this assertion. To my knowledge, there has been no siting or staking of a potential house site upon which to base that conclusion.

There is no evidence that the potential sites for new homes have been evaluated for their visual impact. These would be highly constrained sites due to the location of the road, the existing well, potential sites for septic systems off 25% slopes, mature oaks and slopes in excess of 25%. It is reasonable to expect that subsequent proposals will be for multi-story structures. Nonetheless, there is no assessment of how that would impact the area's aesthetics. There have been no staking or story poles erected to assess potential visual impacts, nor are there mitigations such as building envelopes proposed in the Initial Study.

The County is relying on subsequent permit processes which are, in effect, deferred studies and mitigations to be a means of assessing the impacts that should be addressed in this Initial Study. A conclusion of no impact and no needed mitigation is incorrect and internally inconsistent.

Page 6

Biological Resources: The Initial Study again relies on the assertion that the LLA is all there is to the project and nothing else is reasonably foreseeable. It is clear that the owner's express intent is to build two houses and accessory structures, yet there is no evidence in the record or a discussion of how or where those houses could be sited where there is no impact to the oak habitat or to assess the potential impact of oak tree removal.

Page 6

Greenhouse Gas ("GHG"): The Initial Study should assess the impact of two new homes on GHG. While there may not be specific plans for those houses included in this application, they have been included in previous applications. They are also clearly foreseeable and as such should be evaluated for GHG.

Page 9

Hydrology/Water Quality: Again, the reasonably foreseeable impact of two houses and accessory uses must be analyzed.

The Initial Study (on page 3) states the existing small house on proposed Parcel A is served by Cal-Am. It can be reasonably foreseen that since that

Exhibit 17

proposed Parcel is the larger and more usable of the proposed lots, it will be used for a substantially sized home. There is no discussion of the existing water use or fixture credits that can be generated by demolition of the house or how the increased water from a larger home would be addressed. The Initial Study (page 3) also states the existing well will be the water source for the other lot, but there is no assessment of that well as a water source.

The well was pump tested in September, 2010. At that time, the owners had applied for a three-connection water system. EHB found enough water to serve two connections so, again, the development of each of the proposed lots is clearly foreseeable and must be assessed.

This application was applied for in May, 2013. It is subject to the policies of the 2010 General Plan which requires proof of long term water (2010 General Plan Policies PS-3.1, 3.2, 3.3 and 3.34). There is no discussion in the Initial Study of any analysis of a sustainable long term supply. It is recognized that EHB's source capacity test is an indicator that the well will pump water at a particular rate; such tests have not been accepted as a determinant of a long term water supply.

The source capacity test was performed in September, 2010. The tests should be repeated to assess current well capacity and its impact on neighboring wells. It has been reported that local wells are showing diminished capacity. This is a further indicator of the need for a long term sustained water supply to be assured.

Page 7

Land Use: Policy LU-1.16 of the 2010 General Plan Update states that an LLA may be approved between nonconforming lots subject to certain criteria and if "... the resultant lots are consistent with all other General Plan policies ...". This overall finding of consistency cannot be made. Most of the property is over 25% slope. There is no evidence in the record that demonstrates consistency with Policy OS 3-5. The essence of that policy is that development on slopes over 25% is not allowed unless specific findings can be made. There is no evidence that shows the proposed lots can be developed including location of structures, septic and water facilities, access, grading and drainage improvements entirely on slopes under 25% or that the findings required in Policy OS-3.5a(1) and (2) can be made.

Unless that analysis is done first, approval of the LLA will result in the County subsequently being forced to approve exceptions for the lots they are creating.

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Mr. Mike Novo
Monterey County Planning
September 24, 2013
Page 5

There is also no evidence to show that Policy GMP 3-5, which discourages the removal of healthy oaks, can be met. Building areas (including grading and septic system areas) on the proposed lots are not identified, making it impossible to assess the impact of the foreseeable development on the property's oaks.

Page 8

Transportation/Traffic: The parcel(s) are served by a private road known as Gentry Hill. There is no evidence, as required by 2010 General Plan Policy C-3.6, that the owner has rights to use that private road for more than one house.

In 1950 when Mr. Von Saltza sold to the Sweetmans, the deed described the property by metes and bounds as a single parcel and the easement accompanying that deed, and every deed since, was for access to that single described parcel.

The "lot" lying between Gentry Hill and Aguajito Road has not proved it has legal access from either Gentry Hill or Aguajito Road.

The balance of the Initial Study is a checklist referring back to the section just discussed. No comment, then, is needed for the balance of the Initial Study.

CONCLUSION

In conclusion, this Initial Study fails to assess in any way the reasonably foreseeable impacts of building two new single family dwellings and accessory structures on the two lots despite clear indication from the owner of their intent. House plans have been submitted and are in the County's records. Applications for water systems have been submitted. Plans for new septic systems well beyond that which is required to serve the existing house have been submitted, approved and built. Clearly, the ultimate development of this property is reasonably foreseeable. The Initial Study needs to be rewritten accordingly and re-circulated.

Sincerely,



Dale Ellis
Director of Planning and Permit Services

DLE:ncs

cc: Dr. and Mrs. Eric Del Piero

Exhibit 4

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

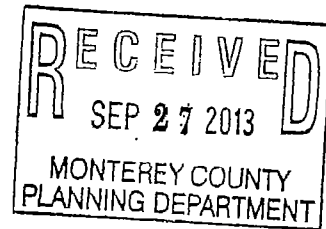
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September 25, 2013

File No. 00143.003

Mr. Mike Novo
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901



Re: **Steuck; PLN130209**

Dear Mike:

We represent Dr. Eric and Teresa Del Piero.

We reviewed the proposed Lot Line Adjustment and its Initial Study/Negative Declaration. We commented on the Initial Study/Negative Declaration by separate letter. Our review of the Initial Study found that not only is the Initial Study inadequate, there are numerous significant issues with the proposed Lot Line Adjustment (General Plan consistency, slopes in excess of 25%, oak tree removal, water, access) that are best addressed in a public hearing.

Therefore, it is our request that this application be set for a public hearing. It is our understanding, based on recent ordinance changes, that this hearing will be in front of the Planning Commission and appealable to the Board of Supervisors.

Sincerely,

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

Dale Ellis
Director of Planning and Permit Services

DLE:ncs

cc: Dr. and Mrs. Eric Del Piero

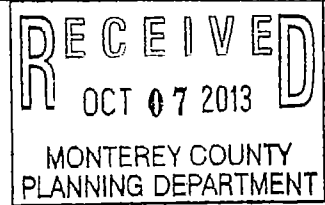
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Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921



October 4, 2013

To: County on Monterey Resource Management Agency – Planning Department
Attention Mike Novo, Director of Planning
168 West Alisal St, Second Floor
Salinas, Ca 93901

Re: Steuck Lot Line Adjustment Negative Declaration File number PLN130209

The Aguajito Property Owners Association was originally formed in 1958. The primary goal of the association is to represent and protect the interests of property owners in the Rancho Aguajito area also referred to as “Los Ranchitos de Aguajito Tract” and generally designated as “Jack’s Peak”. Additionally the Association seeks to regulate and influence the orderly development of said area and to promote and retain the residential, esthetic, scenic and recreational features that are in the best interests of the property owners who live here.

The APOA represents a total of approximately sixty to seventy paid members. Many other Aguajito Property Owners attend our meetings and support the overall mission statement of the Association.

The AOPA reaffirms our letters that were previously submitted to your committee and is also submitting the enclosed letter dated October 4, 2013. The concerns of the APOA remain unchanged. The APOA trusts that you will review this correspondence and give it your utmost consideration.

Respectfully, The APOA Board

David Hughes

Corey Butler

Bjorn Nilson

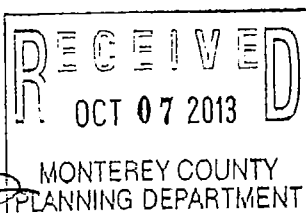


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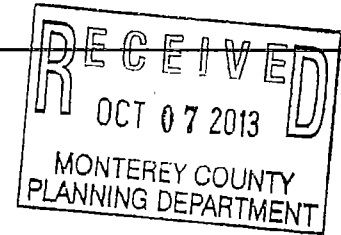


Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921

October 4, 2013

County of Monterey Resource Management Agency – Planning Department
Attention Mike Novo, Director of Planning
168 West Alisal St, Second Floor
Salinas, Ca 93901



Re Steuck File Number PLN130209, Steuck Lot Line Adjustment Negative Declaration

Dear Mr. Mike Novo,

We are again writing on behalf of the Aguajito Property Owners Association to voice the membership's strong opposition to the above referenced project. Please note that County staff has failed to include our prior written opposition, dated May 29, 2009, April 27, 2011, and October 28, 2011 in the comments section of this negative declaration. We have enclosed that correspondence with this letter. We hereby incorporate by reference each and every comment, request and mitigation in our attached prior correspondence.

This project was discussed in great detail at our annual meeting, held May 24, 2011. At the close of the discussion, the members present voted unanimously to oppose the subdivision project due to the lack of resolution to the issues we raised in our three earlier letters.

We hereby demand, a full and complete EIR to be prepared and circulated pursuant to CEQA Guidelines on the subject application prior to and before any action of any kind is taken by Monterey County on this matter. The project, the existing controversy and significant environmental impacts, and the current and previously unmitigated impacts and violations on the subject property must be fully disclosed in any CEQA document that is proposed to be used by decision makers.

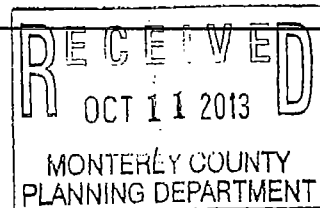
We also hereby request that this application be set for a public hearing and that the Aguajito Property Owners Association be included in any and all notices regarding PLN080454.

Respectfully, APOA Board

David Hughes Corey Butler Bjorn Nilson
David Hughes Corey Butler Bjorn Nilson

Exhibit F

Page 8 of 121 Pages



October 8, 2013

**e-mail: CEQAcomments@co.monterey.ca.us **

Mike Novo, Director of Planning
Monterey County Resource Management Agency
168 West Alisal, 2nd Floor
Salinas, CA 93901

**Subject: MPWMD Comments on Initial Study/Proposed Negative Declaration –
Steuck; File Number PLN130209**

Dear Mr. Novo:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates this opportunity to review the above-referenced document. The MPWMD is responsible for integrated water resources management for the Monterey Peninsula, and its boundaries include the subject parcels. We offer the following comments:

Page 3, Para. C, Other Agency Approvals: Action by MPWMD is not needed to approve the lot line adjustment, but MPWMD Rules 20, 21 and 22 require a Water Distribution System (WDS) permit for the proposed project as it was described in a Pre-Application submitted to MPWMD in July 2010. A WDS Application form is yet to be received. It is noted that the 2010 Pre-Application indicated the intent for one well to serve two parcels (rather than one parcel as described in the Initial Study), but this has not been confirmed in 2013. MPWMD has asked the applicant to confirm the project description and system service area, which is affected by the proposed lot line adjustment. The District has asked for updated Assessor's Parcel Number(s) once they are available from the County.

Thank you for your consideration. I can be reached at 831/658-5621 or henri@mpwmd.net if you have questions.

Sincerely,

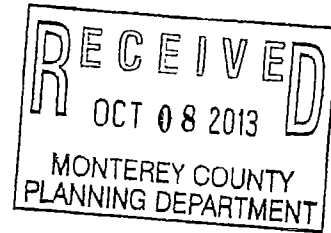
Henrietta Stern
Project Manager

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Prepared by H. Stern on 10/1/2013

Exhibit F

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Frank and Marie Chiorazzi
565 Aguajito Road
Carmel, CA 93923



October 8, 2013

TO: Monterey County Board of Supervisors
Mr. Michael Novo, Director of Planning

RE: Need for full Environmental Impact Report for Steuck housing project (PLN 130209 - Gentry Road, Mont. Pen. Plan. Area)

Gentlepersons:

By this letter I hereby request, pursuant to the requirements of the California Environmental Quality Act (CEQA) and its Guidelines and the California Resources Code, that a full and complete EIR be prepared, circulated, and certified before any action is taken on the pending application referred to above.

Significant controversies exist related to the great environmental impacts that will result from this project. Further, significant legal issues related to the land use application exist which preclude the county of Monterey from taking any action on the application until a full and comprehensive evaluation of those disputed facts are fully vetted in a certified EIR.

The proposed application assumes that it has the right of access across my property for a second house. IT DOES NOT HAVE THAT LEGAL RIGHT OF ACCESS TO MY EASEMENT OR TO GENTRY HILL ROAD AND AN EXAMINATION OF THE DEEDS WILL DEMONSTRATE THAT. Your staff has no right to recommend approval for a project that will permanently burden my property without clear and definitive proof that a right to use the access easement for a second house is presented and accepted into an EIR as mandated by CEQA. No such proof exists and approving the application without such proof will constitute a taking of my property rights by the County for the benefit of a private party. Already, the staff has shown an unlawful preference for the applicant because the staff has failed to fully investigate the disputed controversy that exists and has failed to memorialize that disputed controversy in the required EIR. The approval of the project will also pose a significant adverse health and safety access problem for fire trucks and ambulances (due to limited road width), that will remain unmitigated without the preparation of a completed and certified EIR.

Further, the fact that the proposed application is reliant upon a well that has been diminishing in its productivity is absent from your inadequate staff analysis. This decline in production is not addressed in spite of previous public warnings to all of the members of the Los Ranchitos water system that the well's production cannot sustain increased use and stress beyond its current consumptive uses without endangering the water supplies of the other home owners/users and their water application rates and uses on their properties. Failure to contact the water system representatives and to do the most basic review of public files related to the water system has resulted in the appearance that there is an abundant surplus supply to serve a second house. There is not, and the necessity of the preparation of a full and complete EIR to fully disclose and evaluate these significant adverse impacts before any approval is granted is apparent because this significant controversy over the adequacy of the proposed water system to serve this massive project, and the project's adverse impacts on the existing consumptive water supplies of numerous families, have not been fully evaluated as mandated by CEQA.

Additionally, the undocumented fill on the property has never been removed, in spite of the fact that no borings related to its character have ever proven that the toxic contamination, broken building materials and garbage has been removed. Tons of undocumented "dirty" fill remain on the property that pose

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October 8, 2013
Mr. Michael Novo, Director of Planning

significant potential long-term adverse impacts to our diminishing groundwater resources and to adjacent innocent property owners. This grave environmental controversy and dispute, and the significant adverse environmental impacts, are required to be and must be fully evaluated and mitigated in a full and comprehensive EIR. More importantly, all of the previous, comprehensive documentation of these

violations, the evidentiary materials, and the photographic records produced by the investigations of the Monterey County Environmental Health Inspector Faris Spears, and referred to the Monterey County District Attorney for prosecution, must be entirely incorporated into and fully evaluated, with necessary mitigations, as part of the full EIR.

Based on these facts, the disputed controversies, and significant adverse environmental impacts of the proposed project, a full EIR is mandated by CEQA. I hereby request that you direct the preparation of the mandated full and complete EIR prior to any further actions on the above referred to application.

Respectfully,


Frank Chiorazzi

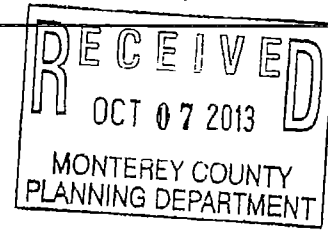
Exhibit F

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Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921



October 28, 2011

To: Supervisor David Potter
Michael Novo, Monterey County Director of Planning
Supervisor Simon Salinas
Supervisor Fernando Armenta
Supervisor Lou Calcagno
Supervisor Jane Parker, Chairperson
Ramon Montano, Project Planner

Re: File PLN080454, Steuck Lot Line Adjustment Negative Declaration

Dear Supervisors, Planners and Chairperson:

We are writing on behalf of the Aguajito Property Owners Association to voice the membership's strong opposition to the above referenced project. Please note that County staff has failed to include our prior written opposition, dated May 29, 2009 and April 27, 2011, in the comments section of this negative declaration. We have enclosed that correspondence with this letter. We hereby incorporate by reference each and every comment, request and mitigation in our prior correspondence which is attached.

This project was discussed in great detail at our annual meeting, held May 24, 2011. At the close of the discussion, the members present voted unanimously to oppose the subdivision project due to the lack of resolution to the issues we raised in our two earlier letters.

We hereby demand, a full and complete EIR to be prepared and circulated pursuant to CEQA Guidelines on the subject application prior to and before any action of any kind is taken by Monterey County on this matter. The project, the existing controversy and significant environmental impacts, and the current and previously unmitigated impacts and violations on the subject property must be fully disclosed in any CEQA document that is proposed to be used by decision makers.

Respectfully, The APOA Board

David Hughes Dr Richard Zug Denver Dale Taylor Fithian Paul Baszucki

Exhibit F

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*PLEASE SUBMIT ALL
CORRESPONDENCE & FAXES
TO THE SALINAS OFFICE

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October 8, 2013

AARON P. JOHNSON

PAUL W. MONCRIEF

L. PAUL HART

DENNIS J. LEWIS

KOREN R. MCWILLIAMS

J. KENNETH GORMAN

DAVID W. BALCH

File No. 2251.000

VIA HAND DELIVERY & EMAIL

Mike Novo
County of Monterey RMA
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Steuck (PLN 130209)

Dear Valerie:

We represent Gordon and Sandra Steuck concerning their application for a lot line adjustment (File Number PLN 130209.) We are in receipt of Dale Ellis' letter dated September 24, 2013, wherein he asks you to rewrite and re-circulate the Initial Study based on several claims that simply have no merit. This is to request that we proceed with the tentatively-scheduled October 30, 2013, hearing date before the Planning Commission and approve the lot line adjustment as proposed. This letter is also to respond to comments made by Mr. Ellis.

The purpose of this Initial Study is to analyze the potential impact of a lot line adjustment of two legal lots of record. Mr. Ellis repeats (wrongfully) that the Steucks will be imminently filing an application to develop the two parcels at issue in the lot line adjustment. Mr. Ellis then concludes that the County, to avoid piecemealing approvals, must analyze the potential impacts of the build-out of the lots.

Mr. Ellis is wrong. No specific application for building on the parcels is contemplated at this time. The County is being invited by Mr. Ellis to speculate on the type and scope of development that simply is not there. You are then invited, without the benefit of such a proposal, to express an opinion on the validity and proper conditions and resulting exactions. The County's administrative and political decision-makers should not be drawn into disputes which depend for their immediacy (projects that require conditions) on speculative future events. (*Selby Realty Co. v. City of San Buenaventura*) A Project by definition is "the whole of a project" and conditions, exactions and environmental review are limited to the proposal at hand. The whole of the Project here is the lot line adjustment. Anything else is speculative and the County is not required to evaluate plans that do not exist.

Exhibit F



The Steucks disagree with one conclusion reached by the County – that this project is not exempt from CEQA. (Initial Study, page 2.) The County's review in this matter is limited by county code and state law:

- The appropriate decision making body shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment conform to County Zoning and Building ordinances. (MCC § 19.09.005)
- A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. (Cal. Gov. Code § 66412(d))

Because of these limitations, the decision to approve this LLA is a ministerial decision pursuant to Cal. Gov. Code § 66412(d) and MCC 19.09.005 (*Sierra Club v. Napa County Bd. of Supervisors* (2012) 205 Cal. App. 4th 162) and thus exempt from CEQA. Nonetheless, while we do not believe that CEQA applies, we understand the County's wish to use caution in this respect and to prepare an Initial Study and Negative Declaration.

GENERAL COMMENTS (Page 1-2 of Ellis letter)

A. Project Description (Page 1 of Ellis Letter)

The approval of this lot line adjustment application does not grant other entitlements or rights to build on the property, nor does it circumvent the requirement that future development will be subject to public review. It simply modifies the lines between two legal lots of record.

Plans submitted to the County years ago are not the subject of this lot line adjustment and were withdrawn at the request of Dr. Steuck. Additionally, many projects that were potentially feasible years ago are absolutely not feasible now given the change in the economy and many other factors. Alternative uses are being proposed in some areas while others lay fallow with no development contemplated. To say a certain project will happen here based on plans submitted, and withdrawn, years ago is pure speculation.

If and when Dr. Steuck applies to build on either legal lot, it will contain an element that avoids speculation: scope and definition of development that will assist in determining if impacts occur and whether conditions must be imposed. In the event future development is required, it will require a public hearing, wherein the County, people of Monterey County and Mr. Ellis' clients will have the opportunity to analyze biological, visual and water conditions, if necessary – the items Mr. Ellis complains about in his letter.

Exhibit F



B. Reliance on Certificates of Compliance (Page 2 of Ellis Letter)

Dale Ellis claims that the Unconditional Certificates of Compliance were issued in error. Ironically, it was Dale Ellis who reviewed and approved those certificates while he worked for the County of Monterey, before working for Mr. Lombardo. The properties here were given Unconditional Certificates of Compliance and were never merged. Mr. Ellis' claim now that he previously wrongfully issued the Certificates is not timely, not related to this lot line adjustment, nor is it a requirement to revisit the authenticity of such Certificates when approving a lot line adjustment.

Critically, to the extent that the project opponents contend that the County erred in issuing two Certificates of Compliance, they raised that claim in Monterey County Superior Court (Case Nos. M117451 and M119247) and the Court dismissed that claim with prejudice due to the statute of limitations. In other words, the project opponents are barred from re-litigating this claim. See Attachment AA.

C. History of Development on the Property (Page 2 of Ellis letter)

Mr. Ellis once again invites you go beyond the scope of review of a lot line adjustment. A lot line adjustment application cannot proceed if an open code enforcement case exists. The standard of review for whether a lot line adjustment can be approved in light of code enforcement violations is: Do any violations exist today? There are no open code enforcement cases here.

It is beyond the scope of a lot line adjustment to document two property owners' contentious history just as it is to speculate about future development on existing lots of record. Nonetheless, because Mr. Ellis' clients continue to raise these issues, we will address these issues at length.

Opponents of the lot line adjustment have made two allegations against the project:
(i) that there exists undocumented fill on the Steucks' property dating back to the 1980's, and
(ii) that the fill contains concrete and rubble originating from a gasoline station, thereby potentially containing contaminated hydrocarbons. The first contention has been remediated, and the second contention lacks any support and in fact has been contradicted by the soil experts retained by the Steucks.

Unpermitted Fill. The Building Department drafted for County Counsel a detailed chronology of the "Enforcement Case Review" concerning the Steucks' property, and I have attached that chronology as Exhibit A.

Briefly, the issue arose in the 1980s, when the Steucks allowed unpermitted fill to be placed on their property. The County of Monterey issued a notice of violation (Ex. B), and in

Exhibit B



1992, Grading Permit No. 46619 was issued to correct these violations. (Ex. C.) The plans showed that the amount of existing fill to be removed were 1,410 cubic yards. (Ex. Q; November 2009 Violation Letter, page 2.) This grading permit expired without being finalized.

In 2008, as the Steucks were processing a lot line adjustment application, the neighboring landowners (Eric and Teresa Del Piero) complained to the County about the presence of undocumented fill. Eventually, the County issued violation notice CE 08-0413. The Steucks were issued grading permit GP09-0013 to clear the violation. (Exs. E-J.)

The grading permit application (and a previous 2008 geotechnical survey) apparently underestimated the amount of fill on the property, and in March 2009, CTI (a constructing testing company hired by the Steucks) informed the county that the "amount of uncontrolled fill was significantly larger than was detailed" by the previous experts. (Ex. M at 815.) That additional fill was removed and the grading permit was finalized on April 17, 2009. (Ex. N.)

After continued discussions with the neighbors, the County re-opened Case No. CE 08-0413. Specifically, the building department reviewed the older grading permit 46619, which had noted that 1,410 cubic yards of fill would be removed to return the property to its natural state. The building department brought this fact to the Steucks' attention and noted that "the terms of the permit required the removal of all such fill materials without exception. You must have completed this task prior to obtaining final inspection approval." (Ex. Q.)

The Steucks and the County reopened the grading permit, and H.D. Peters Co. issued a new grading plan. In April 2010, Richard Dante from H.D. Peters informed the County that "all of the fill has now been removed from that steeper slope" and that "in my opinion the grading restoration project is now properly completed." (Ex. R.) The County finalized the permit and closed its file on the complaint. (Exs. S, V.)

One of the Del Pieros' core complaints is that the grading was based on a 2005 topographic map, and as such, the grading was not back to its "natural state." The contention is false. While it appears that the original 2009 grading plan underestimated the amount of undocumented fill, that issue was remedied. First, the Steucks' consultant noted in March 2009 that additional fill was found and removed. Second, the County cross-checked the grading plan with the 1992 grading plan, which disclosed significant additional fill. The County required that *all* of the undocumented fill be removed. Because this grading plan incorporated the historical 1992 data, it clearly was not based on a 2005 topographic map. Third, the Building Department, in a detailed chronology sent to County Counsel, noted that it had a "site specific topographic map dated June 15, 1984." (Ex. A at 3.)

All undocumented fill was removed, and any allegation to the contrary simply lacks evidentiary support and is contradicted by the record. *Critically, to the extent that the project opponents contend that the County erred in finalizing the grading permit and clearing the violation, they raised those claims in Monterey County Superior Court (Case Nos. M117451*

Exhibit F



and M119247) and the Court dismissed those claims with prejudice due to the statute of limitations. In other words, the project opponents are barred from re-litigating these claims. See Attachment AA.

Contaminated Fill. The second complaint from neighboring landowners is that the undocumented fill contains concrete and rubble originating from a gasoline station, thereby potentially containing contaminated hydrocarbons. This allegation is simply false – while the removed fill did contain concrete and rubble particles, there is simply no evidence that the concrete and rubble came from a gasoline station. In fact, the soil has been tested, and no evidence of hydrocarbon contamination was found.

Interestingly, the neighboring landowners had multiple correspondence with the County in 2008 and early 2009 concerning the tted fill, and not once did they mention the possibility of hydrocarbon contamination. Specifically, counsel for the Del Pieros wrote to the County on August 25, 2008 (Ex. E), September 11 (Ex. F), October 15 (Ex. G), March 4, 2009 (Ex. L), and June 3 (Ex. O.) None of these letters address potential hydrocarbon contamination. Similarly, the Aguajito Property Owners Association told the County on May 29, 2009, that “we have reason to believe that . . . contaminated fill was deposited on the property.” (Ex. P.) No specific reference to hydrocarbon contamination was included in this letter, however.

Finally, after the County had finalized the grading permit and denied the Del Pieros’ appeal, the Del Pieros made a specific (though factually devoid) allegation of hydrocarbon contamination. On December 27, 2010, the Del Pieros wrote to the Central Coast Regional Water Quality Control Board, claiming that the fill was “allegedly from gas tank/station excavations” and claiming that during heavy rainfall, yellow “mucus” oozes from the fill and flows onto neighboring property. (Ex. U.) It is telling that (i) these allegations were made for the first time *after* the Del Pieros appeal was denied, and (ii) the allegations lack factual or evidentiary support.

In any event, the issue was investigated by the Department of Environmental Health, which noted that

The documents do not provide any factual evidence that show the fill that was placed on the property was contaminated with hazardous materials or that the concrete rubble and building materials in the fill originated from a gas station. The documents accompanying the letter do provide factual evidence that illegal fill was brought onto the property; the illegal fill contained concrete rubble and other building rubble; the Planning and Building Department took code enforcement action; and your client did not concur with the final decision of the Building Department regarding the corrective action that was approved. *See Ex. V, page 3-4.*

Exhibit F



This issue was also investigated by the Water Quality Control Board, which likewise concluded that there was no factual basis for the allegation. The Board noted that four soil experts had examined the soil (for structural integrity purposes), and that none of the reports disclosed “any signs of discolored fill material indicative of hazardous wastes from gas station underground tank excavations.” (Ex. Y at 1.)

As noted by the Water Quality Control Board, one of the soil experts – Earth Systems Pacific – specifically put three exploratory borings into the existing fill. Borings 1, 2, and 6 each encountered undocumented fill, and Earth Systems recommended that all such fill be removed. (Ex. C at 3-4.) Boring 1 found “fill” at a depth down to 2.5 feet; boring 2 found fill and “concrete rubble” at a depth down to 3.5 feet, and boring 6 found fill down to a depth of 4.5 feet. There is no evidence, however, of hydrocarbon contamination.

Finally, Richard Dante from Soil Surveys / H.D. Peters inspected the soil in 2009 and 2010, and the Steucks asked him to respond to the allegations of hydrocarbon contamination. He opined that, during his inspection of the soil, “at no time did I see or smell any soil contamination in that material. If I had seen or smelled any soil contamination, I would have immediately informed our clients, Doctor and Mrs. Gordon Steuck, of such suspected contamination.” (Ex. Z.)

SPECIFIC COMMENTS

Page 2 of the Initial Study (Page 2 of Ellis letter): The project has been restored to its pre-violation condition, as discussed at length above. Mr. Ellis’ clients raised this very same issue in Monterey County Superior Court, and their lawsuit was dismissed with prejudice.

Page 3 of the Initial Study (Page 2 of Ellis letter): This is an application for a lot line adjustment. Dr. Steuck is not proposing to build homes on his site, nor is he required to. Mr. Ellis’s tone is that development is a certainty. That is flatly not the case. The public’s ability to analyze particular impacts of a proposed project in the event one does occur is not hindered by the approval of this lot line adjustment. This issue will be addressed if and when an application is made for a specific building project.

Page 4 of the Initial Study Re: General Plan Consistency (Page 2 of the Ellis letter): Mr. Ellis disagrees that the current application is consistent with the 2010 General Plan. This issue is addressed below. This issue will be addressed if and when an application is made for a specific building project.

Page 5 of the Initial Study Re: Aesthetics (Page 3 of Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. Visual impacts will certainly be addressed when and if development is proposed. We acknowledge the sensitivity and beauty of the property in question, and the public’s ability to

Exhibit F

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review and respond to a proposal to build on this site remain intact. This issue is addressed by staking a particular project that is actually proposed, not on speculation. Again, no development is proposed at this time.

Page 6 of the Initial Study Re: Biological Resources (Page 3 of Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. This issue will be addressed if and when an application is made for a specific building project.

Page 6 of the Initial Study Re: Greenhouse Gases (Page 3 of Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. This issue will be addressed if and when an application is made for a specific building project.

Page 7 of the Initial Study Re: Hydrology/Water Quality (Page 3-4 of Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. This issue will be addressed if and when an application is made for a specific building project.

Page 7 of the Initial Study Re: Land Use (Page 4-5 of Ellis letter): The current LLA application is consistent with the land use policies of the 2010 General Plan.

- L.U.-1.14: Lot lines adjustments are required to be between four or fewer existing adjoining parcels. The proposed LLA would be between two adjoining parcels.
- L.U.-1.15: Where LLA between two parcels can result in two conforming parcels, that configuration is required. Further, LLA's that compromise the location of wells, on-site wastewater systems, or envelopes should not be approved. In this case, it was not possible to configure both parcels to meet the minimum 5.1 acre/unit requirement. That being said, the proposed LLA would not compromise wells, on-site wastewater systems, or envelopes.
- L.U.-1.16: LLA for non-conforming parcels may be approved where the LLA complies with all other General Plan policies and Zoning and Building Ordinances and meets other conditions, such as (i) producing a superior parcel configuration, (ii) reducing the non-conformity of the existing legal lots of record, or (iii) better achieving the goals, policies, and objectives of the general plan. In this case, the non-conformity of the lots is not being increased, and County staff has previously determined that the LLA would produce a "superior parcel configuration." In this case, the proposed LLA would allow the second lot to be developed without violating the General Plan policies restricting development on slopes in excess of 25%, thereby rendering

Exhibit F



a superior lot configuration that better achieves the goals, policies, and objectives of the general plan.

- L.U.-1.18: If a legal lot of record is substandard in size (relative to the standards contained in the General Plan), any proposed intensification of use on the parcel shall not be prohibited due to its substandard size unless there are overriding public health concerns. In this case, County staff has already concluded that there were no such public health concerns, noting that the “proposed reconfiguration of the Steuck property at 4.3 and 4.6 acres is consistent with the general size of the lots within the surrounding area.”

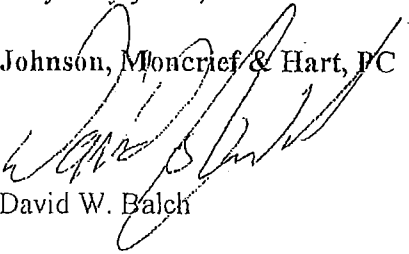
Page 8 of the Initial Study Re: Transportation/Traffic (Page 5 of the Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. This issue will be addressed if and when an application is made for a specific building project.

* * * * *

Mr. Del Piero and his representatives are trying to raise issues that they have already lost in Monterey County Superior Court. And, to the extent they are complaining of “piecemealing,” it is critical to note that the only application before the County of Monterey is a lot line adjustment – and nothing more. The public remains protected in the event development were to occur in the future and the allegations regarding the history of this project and speculation of further development are simply red herrings that must be disregarded.

Very truly yours,

Johnson, Moncrief & Hart, PC


David W. Balch

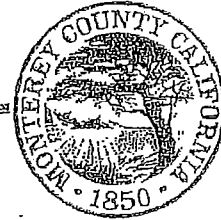
Attach.

cc (w/o attach): Supervisor Dave Potter
Les Girard, Esq.
Dr. Lew Bauman
Valerie Negrete
Dr. Gordon Steuck

Exhibit F

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MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.
Director of Building Services

Planning Department

Mike Novo
Director of Planning

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-5027
Fax: (831) 757-9516
www.co.monterey.ca.us/rma

INTEROFFICE MEMORANDUM

Date: March 11, 2011

To: Leslie J. Girard, Assistant County Council

From: John Huntley, Management Specialist, Building Services Dept.

Re: Enforcement Case Review and Chronology / Gordon John & Sandra Lee Steuck / 570
Aguajito Rd., Monterey CA 93940 / Assessor's Parcel Number 103-061-015-000

May 1988 / Grading Violation

County records indicate that there was a grading enforcement action on this property in May of 1988. The property owner subsequently applied for a grading permit under file number G-46619 and had the permit issued on August 20, 1992. This permit was renewed several times. The permit covered restoration of previously placed landscape fill material. While undertaking research related to the October 28, 2008 complaint (noted below), the grading inspector found that this original grading permit had expired without final inspection approval.

August 2008 / Enforcement File CE080325

A compliant was received by Monterey County Planning and Building Inspection Department alleging illegal placement of fill material and grading activities on this property without the required grading permit. The complainants, Dr. and Mrs. Del Piero, alleged that imported fill material had been placed on the property without testing for toxicity, without proper compaction and had been placed on slopes greater than 30 percent.

Enforcement case CE080325 was opened and a site visit was conducted by grading inspector Randy Herrington September 9, 2008. Inspector Herrington walked the entire site with property owner Dr. Steuck, took several photographs and was unable to establish that a violation existed at that time. This enforcement case was subsequently closed September 10, 2008.

October 2008 / Enforcement File CE080413

Monterey County Planning and Building Inspection Department received an e-mail from Dale Ellis of Lombardo & Gilles LLP, representing complainants Dr. and Mrs. Del Piero. The e-

Exhibit F

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mail indicated that Dr. Steuck had a truck, bulldozer and backhoe on site and it appeared earth material was being removed. Mr. Ellis requested attendance at the site by an enforcement officer and the posting of a stop work order should a violation be found. Enforcement file CE080413 was opened and a site visit was conducted by grading inspector Randy Herrington that same day.

Inspector Herrington met on site with Dr. Steuck and found that indeed there had been recent grading activity on the parcel. Dr. Steuck stated that the dump trucks were hauling away unwanted concrete rubble and the bulldozer was being used to knock down a stockpile of dirt on the property, spread it out to fill potholes and smooth the dump truck access roadway. There was a backhoe on the property that was being used to place the concrete rubble in the dump trucks. Inspector Herrington noted that the grading area was on the west side of the property and on a slope of 17%. He also noted that fill dirt measured less than one foot in depth over an area of approximately 50 feet in length. His report indicates that current quantities of material and degree of slope were far less than that which would require a grading permit. Notwithstanding the current grading activity, grading permit G-46619, which was issued back in August of 1992, was still in an expired status without final inspection approval.

On December 29, 2008, following discussions with various county staff members and the complaining party, and following review of a soils report submitted by Dr. Steuck in support of a lot line adjustment, inspector Herrington issued a notice of violation concerning casual grading and the placement of fill material exceeding 1 foot in depth and 100 cubic yards in volume. The submitted soils report identified the existence of previously unknown fill materials located on the eastern side of the property. Failure to obtain final inspection approval on the original 1992 grading permit was a factor related to issuance of the notice of violation. To resolve the violation the owners were required to obtain a grading restoration permit, remove all undocumented fill material placed on the site and restore the site to the pre-violation state.

The required grading restoration plan was submitted and grading permit GP090013 was issued February 11, 2009. This permit received final inspection approval April 2, 2009 and enforcement case CE080413 was closed April 16, 2009.

June 2009 / Enforcement File CE090292

June 9, 2009 Building Official Tim McCormick received a letter from Attorney Anthony Lombardo, who represents the complainants Dr. and Mrs. Del Piero. The letter indicated that final inspection approval for grading permit GP090013 should not have been granted in April of 2009 because the site was not returned to the original state and undocumented fill materials remained in place. A request was made to appeal the decision of the building official to grant final inspection approval on the grading permit. Following further investigation and site evaluation, Mr. McCormick sent Dr. and Mrs. Steuck a letter stating his intent to rescind the previously issued final inspection approval and revoke the permit due to failure to complete the required work as described in the permit and incorrect information supplied with the permit application materials. The incorrect information included the extent of existing fill as well as the location of original natural grade elevations. Code enforcement file CE090292 was opened to deal with this complaint.

Dr. and Mrs. Steuck were upset that final inspection approval would be withdrawn for the grading permit and arranged for a series of additional site evaluations and meetings with county staff to resolve the issue. Final inspection approval on grading permit GP090013 was rescinded and the Steucks submitted a revision to the grading plan prepared by H. D. Peters Co. and

Exhibit F

2

approved by Registered Professional Civil Engineer Richard Dante. This revised grading plan proposed removal of fill material on the east side of the property where slopes exceeded 30%; thereby returning that section of the site to the original contours and elevations as documented on a site specific topographic map dated June 15, 1984 (copy include in revised plan submission for grading permit GP090013). In addition, the revised plan provided for the excavation, replacement and compaction of some limited remaining fill material on the west side of the site adjacent to the Del Piero property, as well as construction of erosion control infrastructure along the entire western boundary to mitigate storm water runoff to the Del Piero property during the re-grading and re-vegetation phase of the project. Issues related to grading around trees were also addressed. Following appropriate review, these revisions were approved and included within the plan and specification set for grading permit GP090013. Commencement of corrective work was then authorized.

Inspections were undertaken during and following the corrective work. All fill material originally placed on the east side of the property (slopes exceeding 30%) prior to May of 1988 was removed and that section of the property was returned to the original elevations and contours, reseeded and prepared for final inspection approval. On the west side of the property adjacent to the Del Piero property, un-compacted fill material was excavated, stockpiled and replaced in compacted lifts in accordance with the approved revised grading plan. Re-vegetation was undertaken, storm water runoff infrastructure was installed and the site was prepared for final inspection approval in compliance with the revised grading plan. Inspections were undertaken and final inspection on grading permit GP090013 was granted July 1, 2010.

A letter confirming full compliance with requirements under grading permit GP090013 was sent to Dr. and Mrs. Steuck August 25, 2010. Enforcement case CE090292 was closed that same day.

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0865

MONTEREY COUNTY

DEPARTMENT OF BUILDING INSPECTION

(408) 424-0348 - P.O. BOX 1208
SALINAS, CALIFORNIA 93902

(408) 375-0991 - 1200 AGUAJITO ROAD
MONTEREY, CALIFORNIA 93940



~~BY MICHAEL K. KAY~~
~~DIRECTOR OF BUILDING INSPECTION~~
Robert Slimman, Jr.
Director of Planning/Building

May 27, 1988

Gordon Steuck
1062 Cass Street
Monterey, Ca. 93940

FINAL NOTICE

Re: A.P.N. 103-061-15 - Landfill

Dear Mr. Steuck:

An inspection was made in your area and it was noted that there is some grading being done on your property.

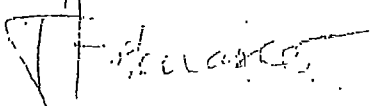
You are in violation of Monterey County Grading Ordinance #2535.

You must bring this letter and a set of contour plans and apply for a Grading Permit.

Please accept this letter as a "Stop Work" order and contact the Monterey County Building Inspection Department in Monterey within ten (10) days of receipt of this letter.

Very truly yours,

Robert Slimmons
Director of Planning/Building


Phil Carrasco
Erosion Technician

PC 

Exhibit F

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0319

APPLICATION FOR PERMIT
MONTEREY COUNTY PLANNING AND BUILDING INSPECTION

Salinas Courthouse, 240 Church St.
 P.O. Box 120B, Salinas, CA 93902 (408) 755-5027

1200 Aguajito

G 46619

Courthouse
 B) 647-7621

Date of Application: 5/3/91		Plan Ck. #: 91-026	
PROPERTY LOCATION: LOS RANCHITOS DE AGUAJITO			
LOT	TRACT/SUBD.	ASSESSOR PARCEL NO.	DATE ISSUED
569A		103-061-15	
STREET (ADDRESS): AGUAJITO		POST OFFICE:	
NEAREST CROSS STREET: MON HOLLAND RD		CARLTON TR	
OWNER: VALERIE	PHONE: 373-2128	CITY/ZIP: MONTEREY 93940	
MAILING ADDRESS: 1062 COSS ST	ARCHITECT OR ENGINEER: [Signature]	CONTRACTOR: [Signature]	
USE OF STRUCTURE: GRADING FOR RESTORATION	TYPE OF IMPROVEMENT: <input type="checkbox"/> SOLAR	NO. OF STORIES: 1	NO. OF FAMILIES: 1
<input type="checkbox"/> PLUMBING <input type="checkbox"/> ELEC. <input type="checkbox"/> MECH <input checked="" type="checkbox"/> GRADING <input type="checkbox"/> CU. YDS. 900 1200	<input type="checkbox"/> BUILD <input type="checkbox"/> REMODEL <input type="checkbox"/> ADD TO <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> CONVERT <input type="checkbox"/> DEMOLISH		

SET BACKS PER SITE PLANS				VALUATION
FRONT	SIDE	SIDE	REAR	FEE: 35.00
N/A	N/A	N/A	N/A	PLAN CHECK
ZONING: SACM	COMMERCIAL BLDG. TYPE: RIAE DBS	RESIDENTIAL		
RECEIPT NO. PC-86139		COMMERCIAL		
		GRADING: 250 200		
		PLUMBING		
		ELECTRICAL		
		MECHANICAL		
		STRONG MOTION FEE		
		PLAN MAINT. FEE 2.00		
		TOTAL \$		
ZONING FEE: YES _____ NO _____ RECP. # _____				
SCHOOL DIST. _____				
TRANSMITTED TO: MAN				
TEAM: MPAT DATE SENT: 5/3/91				

WATER TANK OR SEWER & WATER CLEARANCE

WATER: COMPANY _____ PRIVATE _____ PUBLIC _____

TOPOGRAPHY: LEVEL _____ SLOPING _____

NO. OF BEDROOMS _____ MAKING TOTAL OF _____

GARBAGE DISPOSAL _____

COMMERCIAL: TOILETS _____ LAVS _____ URINALS _____ SHOWERS _____

SEWER DISTRICT: _____

FIRE DISTRICT CLEARANCE NEEDED: _____ WHICH ONE _____

The applicant agrees that work will be done in accordance with existing County Ordinances as applicable and constructed to designated grades and specification requirements. Applicant further agrees for relocation of all utilities, both above ground and below grade, that may be in conflict with the proposed work.

[Signature] Date: **5-3-91**

Gordon J. STEUCH Applicant's Name (Please Print)

569 A AGUAJITO Address Phone: **373-2128**

REQUIRED FOR CLEARANCE		ISSUE
ZONING: AINV	PREVIOUS	OK
CONDITIONS: PAK	NO. OF STORIES SAME USE	OK
DESIGN APPROVAL: PAK	NO. OF STORIES PERMITTED	OK
MINOR SUBDIVISION	THREE STAGE BY CODE	OK
LEGAL LOT	OVER 30'	
ENCROACHMENTS		
BUILDING INSPECTOR		

[Signature] *Please include with this application:
 1.) 4 complete site plans (8 1/2" x 11") including contours, property easements.
 2.) 4 complete sets of building plans and specifications.

at existing & proposed structures, rights-of-way and
Exhibit F
 0902

APPLICATION FOR PERMIT
MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT

Salinas Courthouse, 240 Church St.
 P.O. Box 1208, Salinas, CA 93902 (408) 755-5027

Monterey Courthouse
 1200 Aguajito Road, Monterey, CA 93940 (408) 647-762

Date of Application 3/3/91		Plan Ck. # 91-628		DATE ISSUED	PERMIT NO.	PLANNING AREA	CODE
PROPERTY LOCATION: LOS RANCHITO DE AGUAJITO				SET BACKS PER SITE PLANS		VALUATION 10	
LOT	STREET (ADDRESS)	TRACT/SUBD.	ASSESSOR PARCEL NO.	FRONT	SIDE	SIDE	REAR
1	569A AGUASITO	2	103-061-15				
NEAREST CROSS STREET MON HOLLAND RD.				ZONING		COMMERCIAL BLDG. TYPE	
OWNER VALERIE				RECEIPT NO.		FEES:	
MAILING ADDRESS 1062 CASS ST. MONTEREY 93940				PC-86139		PLAN CHECK \$ 35.00	
ARCHITECT OR ENGINEER				<input type="checkbox"/> CATEGORICALLY EXEMPT <input type="checkbox"/> ASSESSMENT REQ'D. <input type="checkbox"/> NEG. DEC. ADOPTED <input type="checkbox"/> CERTIFIED EIR		RESIDENTIAL	
CONTRACTOR				ZONING FEE: YES _____ NO _____ RECPY. # _____		COMMERCIAL	
USE OF STRUCTURE GRADING FOR LANDSCAPING				SCHOOL DIST. _____		PLUMBING 400	
TYPE OF IMPROVEMENT: <input type="checkbox"/> SOLAR				TRANSMITTED TO:		ELECTRICAL	
<input type="checkbox"/> PLUMBING <input type="checkbox"/> ELEC. <input type="checkbox"/> MECH. <input checked="" type="checkbox"/> GRADING <input type="checkbox"/> CU. YDS. 50000 <input type="checkbox"/> BUILD <input type="checkbox"/> REMODEL <input type="checkbox"/> ADD TO <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> CONVERT <input type="checkbox"/> DEMOLISH				TEAM MPAT		MECHANICAL	
SIZE SQ. FT.	NO. OF STORIES	NO. OF FAMILIES	DATE SENT 5/13/91		STRONG MOTION FEE		TOTAL \$
					PLAN MAINT. FEE 2.00		
?TIC TANK OR SEWER & WATER CLEARANCE <input checked="" type="checkbox"/> WATER: COMPANY _____ PRIVATE _____ PUBLIC _____ <input checked="" type="checkbox"/> TOPOGRAPHY: LEVEL _____ SLOPING _____ <input checked="" type="checkbox"/> NO. OF BEDROOMS _____ MAKING TOTAL OF _____ <input checked="" type="checkbox"/> GARBAGE DISPOSAL _____ <input checked="" type="checkbox"/> COMMERCIAL: TOILETS _____ LAVYS _____ URINALS _____ SHOWERS _____ SEWER DISTRICT: _____ FIRE DISTRICT CLEARANCE NEEDED: _____ WHICH ONE _____				FOR STAFF USE ONLY REQUIRED FOR CLEARANCE ZONING AV FILE # HOLD FINAL CONDITIONS DESIGN APPROVAL MINOR SUBDIVISION LEGAL LOT ENCROACHMENTS BUILDING INSPECTOR			
The applicant agrees that work will be done in accordance with existing County Ordinances as applicable and constructed to designated grades and specification requirements. Applicant further agrees for relocation of all utilities, both above ground and below grade, that may be in conflict with the proposed work.							
Applicant's signature _____ Date _____ Applicant's Name (Please Print) Valerie Address 569A AGUASITO Phone 373-2128							

*Please include with this application:
 1.) 4 complete site plans (8 1/2" x 11") including contours, property dimensions, vegetation & proposed structures, rights-of-way and easements.
 2.) 4 complete sets of building plans and specifications.



Earth Systems Pacific

400 Park Center Drive, Suite 1
Hollister, California 95023

(831) 637-2133 • FAX (831) 637-0510
E-mail: esp@earthsys.com

File No. SH-10917-SA

May 20, 2008

Gordon and Sandra Steuck
1062 Cass Street
Monterey, CA 93940

PROJECT: STEUCK RESIDENCES
596-A AGUAJITO ROAD, CARMEL
MONTEREY COUNTY, CALIFORNIA

SUBJECT: Geotechnical Engineering Report

REFERENCE: Proposal for a Geotechnical Engineering Investigation, Steuck Residences, 596-A
Aguajito Road, Monterey, California, by Earth Systems Pacific, dated February 20,
2008

Dear Mr. and Mrs. Steuck:

In accordance with your authorization of the above-referenced proposal, this geotechnical engineering report has been prepared for use in development of plans and specifications for your planned new residences at 596-A Aguajito Road in the Carmel area of Monterey County, California. Preliminary geotechnical recommendations for site preparation, grading, foundations, retaining walls, slabs-on-grade, exterior flatwork, utility trenches, site drainage, and finish improvements are presented herein. Two copies of this report are being furnished for your use, and four additional copies are being forwarded to Mr. R. Wayne Johnson.

We appreciate the opportunity to have provided services for this project and look forward to working with you again in the future. Please do not hesitate to contact this office if there are any questions concerning this report.

Respectfully submitted,

Earth Systems Pacific

George J. Barnett
Geotechnical Engineer

Distribution:

Gordon and Sandra Steuck (2)
Mr. R. Wayne Johnson (4)

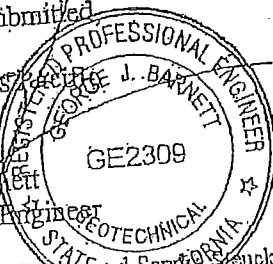


Exhibit F

Document No.: 0805-538.SBR

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GEOTECHNICAL ENGINEERING REPORT
STEUCK RESIDENCES
596-A AQUAJITO ROAD, CARMEL
MONTEREY COUNTY, CALIFORNIA

May 20, 2008

Prepared for:
Gordon and Sandra Steuck

Prepared by
Earth Systems Pacific
400 Park Center Drive, Suite 1
Hollister, CA 95023

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APPENDIX

APPENDIX A

Exploratory Boring Location Map
Boring Logs

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Laboratory Test Results

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1.0 INTRODUCTION

Construction of two new residences is planned on the Steuck property, located at 596-A Aguajito Road in the Carmel area of Monterey County, California (APN 103-061-015). As shown on the plans by Mr. R. Wayne Johnson, the property will be divided into eastern and western parcels. The western 5.05-acre parcel will have a 9,914 square foot two-story house with a covered parking area. The eastern 3.85-acre parcel will have an 8,464 square foot two-story home with 1,576 square feet of deck space and two covered parking structures separated by a paved motor court off of the private access road (Gentry Hill Road). A new paved driveway extending from Gentry Hill Road will provide access to the house on the western parcel. The existing house and garage at the site will be removed. We understand that the residences and covered parking structures will be conventional light frame structures. Use of raised wood floors for the residences and concrete slabs for the covered parking areas were assumed. We understand that maximum cuts will be on the order of 10 feet and maximum fills will be on the order of 5 feet. The residences will be served by a common private water supply, and effluent will be disposed via on-site septic systems.

2.0 SCOPE OF SERVICES

The scope of work for the geotechnical engineering investigation included a general site reconnaissance, subsurface exploration, laboratory testing of soil samples, engineering evaluation of the data collected, and preparation of this report. The analysis and subsequent recommendations were based on the project plans and other information provided by Mr. R. Wayne Johnson, Architect/Civil Engineer.

The report and recommendations are intended to comply with the considerations of Section 1802 of the California Building Code (CBC), 2007 Edition, and common geotechnical engineering practice in this area at this time. The tests were performed in general conformance with the standards noted, as modified by common geotechnical practice in this area at this time.

Preliminary geotechnical recommendations for site preparation, grading, foundations, retaining walls, slabs-on-grade, exterior flatwork, utility trenches, site drainage, finish improvements, and geotechnical observation and testing are presented to guide the development of project plans and specifications. It is our intent that this report be used by the client to form the geotechnical basis of the design of the project as described herein, and in the preparation of plans and specifications.

Exhibit F



Evaluation of the site geology, and analyses of the soil for mold or other microbial content, percolation rates, corrosive potential, radioisotopes, hydrocarbons, or other chemical properties are beyond the scope of this report. This report does not address issues in the domain of contractors such as, but not limited to, site safety, loss of volume due to stripping of the site, shrinkage of fill soils during compaction, excavatability, shoring, temporary slope angles, and construction means and methods. Ancillary structures such as swimming pools, temporary access roads, fences, light poles, and nonstructural fills are not within our scope and are also not addressed.

To verify that pertinent issues have been addressed and to aid in conformance with the intent of this report, it is requested that final grading and foundation plans be submitted to this office for review. In the event that there are any changes in the nature, design, or locations of improvements, or if any assumptions used in the preparation of this report prove to be incorrect, the conclusions and recommendations contained herein shall not be considered valid unless the changes are reviewed and the conclusions of this report are verified or modified in writing by the geotechnical engineer. The criteria presented in this report are considered preliminary until such time as they are verified or modified in writing by the geotechnical engineer in the field during construction.

3.0 SITE SETTING

The site of the proposed two residences, APN 103-061-015, is located at 596-A Aguajito Road (Gentry Hill Road) in the Carmel area of Monterey County, California. The surrounding properties are rural residential and open space. The subject site is located on the northern flank of a knoll on the lower, northern portion of an east-west trending range of peaks and ridges. The slope inclinations in the proposed building areas range from about 10 percent near the top of the knoll to over 35 percent on the knoll flanks. At the time of the investigation, a single family residence and a detached garage were present between and to the south of the proposed new building sites. The residence was accessed by a paved driveway originating at Gentry Hill Road. A water well was present at the top of the knoll. The site was vegetated with numerous oak trees with a ground cover of weeds and grass.

4.0 FIELD INVESTIGATION AND LABORATORY TESTING

The subsurface exploration consisted of six borings drilled on March 14, 2008. The borings were drilled utilizing a Concord rig, Model 9201, equipped with a 4-inch diameter, continuous flight, solid stem auger. The approximate locations of the borings are shown on the Exploratory Boring Location Map in Appendix

Exhibit F



Soils encountered in the borings were categorized and logged in general accordance with the Unified Soil Classification System, and the rock was characterized with regard to hardness, degree of weathering, and amount of fracturing. Copies of the boring logs are included in Appendix A. As the borings were drilled, soil samples were obtained using a ring-lined barrel sampler (ASTM D 3550-01 (2007) with shoe similar to D 2937-04), standard penetration tests were performed at selected intervals (ASTM D 1586-99), and bulk samples were obtained from the auger cuttings.

Ring samples were tested for moisture and density (ASTM D 2937-04, modified for ring liners). A ring sample and a bulk soil sample were tested for grain size distribution (ASTM D 422-63 (2007) and D 1140-06). A bulk sample was also tested for expansion index (ASTM D 4829-07). Copies of the laboratory test results are included in Appendix B.

5.0 GENERAL SUBSURFACE PROFILE

Previously-placed fill was present at the locations of the borings drilled at the site of the planned western residence (Borings 1, 2 and 6). The fill was classified as loose silty sand (SM) and contained concrete rubble in Boring 2. A 3-foot thick layer of native loose clayey sand (SC) was present at the location of Boring 5, drilled in the area of the planned eastern residence. Beneath these soils, and exposed at the surface at the other boring locations were medium dense to dense clayey gravels with sand (GC) and clayey sands with gravel (SC) resulting from weathering of the underlying Monterey Formation shale rock. The rock was generally soft to moderately soft (in terms of rock consistency), closely fractured to crushed, and moderately to severely weathered. The soils and rock were generally very moist at the time of the exploration. Free subsurface water was not encountered within the maximum 14-foot depths of the borings.

6.0 CONCLUSIONS

Site Suitability: Based on the results of the field investigation and the laboratory testing program, in our opinion, the site is geotechnically suitable for the proposed Steuck residences and related improvements provided that the recommendations contained herein are implemented in the design and construction. The primary geotechnical concern is the presence of previously placed undocumented fill at the sites of the western residence and covered parking area. The fill should be entirely removed to expose firm native material and replaced as properly engineered fill, as discussed below.

Exhibit F



Soil Expansion Potential: The soils and the rock at the site are essentially non-plastic and therefore should have a low expansion potential. An expansion index test of a sample of the upper clayey sand resulted in an expansion index of 13, also indicating that the soil has a low expansion potential. Thus, measures other than moistening and compacting the soil are not considered necessary to mitigate soil expansion.

Site Grading: The previously placed undocumented fill at the sites of the western residence and covered parking area should be entirely removed and replaced as properly engineered and compacted fill. The fill depths in the borings on the western parcel (Borings 1, 2 and 6) ranged from 1 to 5 feet. However, the fill depth may be greater at other locations on the site. The depth and extent of the fill should be identified by the geotechnical engineer at the time of grading. Where fill is to be placed on the existing hill sides, the slopes should be keyed and benched in accordance with common hillside grading techniques. The previously removed undocumented fill can be re-used as fill provided that it is cleared of excessive quantities of potentially deleterious materials.

Foundations: Conventional spread footings bearing entirely on weathered rock will be suitable for support of the structures. The footings should be deepened as necessary to penetrate through the fill and/or the upper native soil layers to be fully embedded in the rock.

Seismic Setting: The site is located within a seismically active region of California but outside Alquist-Priolo Earthquake Fault Zones. According to the Maps of Known Active Fault Near Source Zones in California and Adjacent Portions of Nevada (International Conference of Building Officials, February 1998), the site is within 2 km northeast of the Type B Monterey Bay-Tularcitos Fault. No type A faults are mapped within 20 km of the site. Strong ground shaking should be expected during the design life of the planned residences. At a minimum, the planned improvements should be designed to resist seismic shaking in accordance with current California Building Code requirements. Seismic parameters based on Section 1613 of the California Building Code (2007 Edition) are presented later in this report.

Liquefaction Potential: The term liquefaction refers to the liquefied condition and subsequent softening that can occur in soils when they are subjected to cyclic strains, such as those generated during a seismic event. Studies of areas where liquefaction has occurred have led to the conclusion that saturated soil conditions, low soil density, grain sizes within a certain range, and a sufficiently strong earthquake, in combination, create a potential for liquefaction. Based on the Monterey County Relative Liquefaction Susceptibility map (L. I. Rosenberg, December 18, 2001) the site is in an area

Exhibit F



having a low liquefaction potential, and potentially liquefiable soils were not encountered in our borings. Thus, measures to mitigate potential soil liquefaction are not considered necessary.

7.0 RECOMMENDATIONS

Site Preparation and Grading

1. The ground surface should be prepared for grading by removing the existing trees and other vegetation and other potentially deleterious materials from areas to receive improvements. The tree root systems should also be removed so that no roots larger than 1 inch in diameter or 3 feet in length remain. Other buried subsurface objects encountered or voids created during site preparation should be called to the attention of the geotechnical engineer.
2. The existing fill in areas to receive improvements on the western parcel should be entirely removed to expose firm native soil. The maximum depth of fill encountered in our borings was on the order of 5 feet. However, the fill depth may be greater at other locations. The actual depth and lateral extent of the fill removal should be identified by the geotechnical engineer based on conditions observed at the time of grading. The site preparation, fill removal, and overexcavation operations should be observed by the geotechnical engineer prior to continuing grading.
3. Where fill is to be placed on slopes of 20 percent or steeper, one or more keyways should be placed at the toe of the proposed fill. The actual keyway locations should be established by the geotechnical engineer at the time of grading. The keyways should be a minimum of 6 feet wide and should penetrate a minimum of 2 feet into undisturbed firm soil or rock, on the downhill side of the keyway.
4. Slopes above the keyways, as well as any slopes steeper than 10 percent that are to receive fill, should be cut to benches. The benches should be a minimum of 5 feet wide and should be bottomed into undisturbed firm soil or rock.
5. The bottoms of keyways and benches should be angled 2 to 3 percent back into the slope. Where soil is exposed on the bottoms of keyways and benches, the soil surface should be scarified to an approximate depth of 8 inches, moisture conditioned to a level above optimum, and recompact to a minimum of 90 percent of maximum dry density. Scarification and recompaction of rock exposed in the keyways and benches is not considered necessary. The keyways and benches should be observed by the geotechnical engineer during grading.

Exhibit F



6. Where soil is present on other surfaces to receive fill, the soil should be scarified to an approximate depth of 8 inches, moisture conditioned to a level above optimum moisture content, and recompacted to a minimum of 90 percent of maximum dry density. Scarification and recompaction of undisturbed rock to receive fill is not considered necessary.
7. Fill should be placed in level lifts not exceeding 8 inches in thickness, moisture conditioned to a level above optimum, and compacted to a minimum of 90 percent of maximum dry density. The previously removed fill should be suitable for re-use at the site provided that it is cleared of excessive quantities of potentially deleterious materials. When the fill contains rocks, the rocks should be placed in a sufficient soil matrix to ensure that voids do not occur and that the material can be properly compacted.
8. In private driveway areas to receive pavement, the upper 8 inches of subgrade soil and the aggregate base courses should be compacted to a minimum of 95 percent of maximum dry density. Firm rock exposed in the subgrade should not require compaction. The subgrade and base should be firm and unyielding when proofrolled with heavy, rubber-tired equipment prior to continuing construction.
9. Fill slopes should not be steeper than 2:1, measured horizontally to vertically. Cut slopes in rock should generally not be steeper than 1.5:1, unless they are evaluated on a case-by-case basis by the geotechnical engineer.
10. The areas of the proposed residences are underlain by rock. Use of heavy equipment, equipped with rippers, will probably be necessary where rock will be encountered in cuts or keyways.

Foundations

1. The residences and covered garages should be supported by conventional spread footings penetrating a minimum 12 inches into firm undisturbed rock. Minimum overall footing depths should be in accordance with California Building Code requirements. The footing excavations should be observed by the geotechnical engineer prior to placement of formwork or reinforcing steel. All footings should be reinforced as directed by the architect/engineer.
2. Footings should be designed using a maximum allowable bearing capacity of 3,000 psf dead plus live load. This value may be increased by one-third when transient loads such as wind or seismicity are included. Using these criteria, total and differential foundation settlements are expected to be less than 1/2 inch.

Exhibit F



- The seismic design parameters for the site per Chapter 16 of the California Building Code (2007 Edition) are as follows. The values were determined utilizing the USGS Earthquake Hazards Program Earthquake Ground Motion Parameter Java Application and the NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures.

Site Class = C

Short Term Spectral Response Parameter, $S_s = 1.44g$

1 Second Spectral Response Parameter, $S_1 = 0.60g$

Site Coefficient, $F_a = 1.0$

Site Coefficient, $F_v = 1.3$

- Resistance to lateral loads should be calculated based on a passive equivalent fluid pressure of 350 pcf and a friction factor of 0.35. Passive and frictional resistance can be combined in the calculations without reductions. These values are based on the assumption that backfill adjacent to foundations is adequately compacted.
- The footing excavations should be moistened to close any desiccation cracks prior to placement of concrete.

Retaining Walls

- Retaining wall footings should be designed in accordance with the criteria provided above. Design of retaining walls should be based on the following parameters:

Active equivalent fluid pressure	35 pcf
At-rest equivalent fluid pressure	50 pcf

- If seismic forces are to be considered in the retaining wall design, the seismic increment of earth pressure should be $17H^2$ psf, where H is the height of the retained soil. The resultant seismic force should be applied at a height of 0.6H above the bottom of the retained soil.
- No surcharges are taken into consideration in the above values. The equivalent fluid pressures are ultimate values, which will require application of appropriate factors of safety by the architect/engineer.

Exhibit F



4. Retaining walls should be drained with either free draining gravel or with manufactured synthetic drains. If a gravel drain is to be used, a perforated pipe should be placed, perforations downward, near the bottom of the gravel. The gravel zone should have a width of approximately 1 foot and should extend upward to within 1 foot of the top of the wall backfill. The upper 1 foot of backfill should consist of native soils to reduce the flow of surface drainage into the wall drain system. To minimize infiltration of the native soil into the gravel, a permeable synthetic fabric (conforming to Caltrans Section 88-1.03 for edge drains) should be placed between the two. Manufactured synthetic drains such as Miradrain or Enkadrain are acceptable alternatives to the use of gravel provided they are installed in accordance with the manufacturer's recommendations. Retaining walls facing habitable areas should be waterproofed in accordance with the specification of the project architect/engineer.
5. The walls may be backfilled with either native soil or clean imported granular material. The backfill material should be placed in thin, moisture conditioned lifts, compacted to a minimum of 90 percent of maximum dry density.
6. Long-term settlement of properly compacted sand or gravel retaining wall backfill should be assumed to be about ¼ percent of the depth of the backfill. Long-term settlement of properly compacted clayey retaining wall backfill should be assumed to be about ¼ to 1 percent of the depth of the backfill. Improvements constructed near the tops of retaining walls should be designed to accommodate the estimated settlement.
7. The architect/engineer should bear in mind that retaining walls by their nature are flexible structures, and this flexibility can result in cracking of surface coatings. Where walls are to be plastered or will otherwise have a finish surface applied, this flexibility should be considered in determining the suitability of the surfacing material, spacing of horizontal and vertical joints, connections to structures, etc.

Slabs-on-Grade and Exterior Flatwork

1. Interior slabs-on-grade and exterior flatwork should have minimum thicknesses of 4 full inches and should be reinforced as directed by the architect/engineer.
2. Interior slabs and footings should be doweled together as required by the architect/engineer. The garage slab may be designed by be "free-floating" as directed by the architect/engineer. However, the garage slab should be doweled into foundations at the garage entrances.

Exhibit F



3. In areas where moisture transmitted from the subgrade would be undesirable, a vapor retarder should be utilized beneath the floor slabs. The vapor retarder should comply with ASTM Standard Specification E 1745-97 (Reapproved 2004) and the latest recommendations of ACI Committee 302. The vapor retarder should be installed in accordance with ASTM Standard Practice E 1643-98 (2005). Care should be taken to properly lap and seal the vapor retarder, particularly around utilities, and to protect it from damage during construction.
4. If sand, gravel or other permeable material is to be placed over the vapor retarder, the material over the vapor retarder should be only lightly moistened and not saturated prior to casting the slab concrete. Excess water above the vapor retarder would increase the potential for moisture damage to floor coverings and could increase the potential for mold growth or other microbial contamination.
5. Due to the low expansion potential of the soil, exterior flatwork not subject to vehicular traffic could be cast directly on the properly compacted soil. A minimum 4 inches of compacted aggregate base should be provided beneath exterior flatwork subject to vehicular traffic, such as concrete driveways. Prior to placement of the concrete or aggregate base, the soil surface should be at or above optimum moisture content, and no desiccation cracks should be present.
6. Assuming that movement (i.e., 1/4-inch or more) of exterior flatwork beyond the structure is acceptable, the flatwork should be designed to be independent of the building foundations. The flatwork should not be doweled to foundations, and a separator should be placed between the two. If differential movement of flatwork is considered undesirable, the flatwork should be designed and constructed in roughly the same manner as the structure slabs, and reinforced footings should be provided around the perimeter of the flatwork.
7. Prior to placement of the concrete or vapor retarder, the soil surface should be at or above optimum moisture content, and no desiccation cracks should be present. To reduce shrinkage cracks in concrete, the concrete aggregates should be of appropriate size and proportion, the water/cement ratio should be low, the concrete should be properly placed and finished, contraction joints should be installed, and the concrete should be properly cured. Concrete materials, placement and curing specifications should be at the direction of the architect/engineer.

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Utility Trenches

1. A select, noncorrosive, granular, easily compacted material should be used as bedding and shading immediately around utility pipes. The site soils may be used for trench backfill above the select material. If obtaining compaction is difficult with the site soils, use of a more easily compacted sand may be desirable. The upper foot of backfill in landscaped or other open areas should consist of native material to reduce the potential for seepage of water into the backfill.
2. Trench backfill in the upper 12 inches of subgrade beneath the driveway should be compacted to a minimum of 95 percent of maximum dry density. Trench backfill in other areas should be compacted to a minimum of 90 percent of maximum dry density. Jetting of utility trench backfill may be allowed.
3. Where utility trenches extend under perimeter foundations, the trenches should be backfilled entirely with native soil compacted to a minimum of 90 percent of maximum dry density. The zone of native soil should extend to a minimum distance of 2 feet on both sides of the foundation. If utility pipes pass through sleeves cast into the perimeter foundations, the annulus between the pipes and sleeves should be completely sealed.

Site Drainage and Finish Improvements

1. Unpaved ground surfaces should be finish graded to direct surface runoff away from site improvements at a minimum 2 percent grade for a minimum distance of 5 feet. If this is not practicable due to the terrain or other site features, swales with improved surfaces should be provided to divert drainage away from improvements. The landscaping must be planned and installed to maintain proper surface drainage conditions.
2. Runoff from driveways, roof gutters, downspouts, planter drains and other improvements should discharge in a non-erosive manner away from foundations, pavement, and other improvements in accordance with the requirements of the governing jurisdiction.
3. Stabilization of surface soils, particularly those disturbed during construction, by vegetation or other means is essential to protect the site from erosion damage. Care should be taken to establish and maintain the vegetation. Irrigation systems should be controlled to the minimum levels that will sustain the vegetation without saturating the soil.
4. Raised planter beds adjacent to foundations should be provided with sealed sides and bottoms so that irrigation water is not allowed to penetrate the subsurface beneath foundations. Outlets

Exhibit F



should be provided in the planters to direct accumulated irrigation water away from foundations.

8.0 OBSERVATION AND TESTING

1. It must be recognized that the recommendations contained in this report are based on a limited subsurface investigation and rely on continuity of the subsurface conditions encountered. It is assumed that this firm will be retained to provide consultation during the design phase, to review final plans once they are available, to interpret this report during construction, and to provide construction monitoring in the form of testing and observation.
2. The standard tests used to define maximum dry density and field density should be ASTM D 1557-07 and ASTM D 6938-07b, respectively, or other methods acceptable to the geotechnical engineer and jurisdiction.
3. At a minimum, the following items should be reviewed, tested, or observed by this firm:
 - Final grading and foundation plans
 - Stripping and clearing of vegetation, roots and deleterious materials
 - Scarification and recompaction
 - Fill placement and compaction
 - Foundation excavations
 - Retaining wall backfill compaction
 - Utility trench backfill compaction
 - Driveway subgrade and aggregate base compaction
4. It will be necessary to develop a program of quality control prior to beginning grading. It is the responsibility of the owner, contractor, or project manager to determine any additional inspection items required by other design professionals or the governing jurisdiction. A preconstruction conference between a representative of the owner, this firm, the architect/engineer and contractors is recommended to discuss planned construction procedures and quality control requirements. This firm should be notified at least 48 hours prior to beginning grading operations.
5. If Earth Systems Pacific is not retained to provide construction observation and testing services, it shall not be responsible for the interpretation of the information by others or any consequences arising therefrom.

Exhibit F



9.0 CLOSURE

This report is valid for conditions as they exist at this time for the type of development described herein. Our intent was to perform the investigation in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the locality of this project under similar conditions. No representation, warranty, or guarantee is either expressed or implied. This report is intended for the exclusive use by the client as discussed in the Scope of Services section. Application beyond the stated intent is strictly at the user's risk.

If changes with respect to development type or location become necessary, if items not addressed in this report are incorporated into plans, or if any of the assumptions stated herein are not correct, this firm shall be notified for modifications to this report. Any items not specifically addressed in this report shall comply with the current edition of the California Building Code and the requirements of the governing jurisdiction.

The preliminary recommendations of this report are based upon the geotechnical conditions encountered during the investigation, and may be augmented by additional requirements of the architect/engineer, or by additional recommendations provided by this firm based on conditions exposed at the time of construction.

This document, the data, conclusions, and recommendations contained herein are the property of Earth Systems Pacific. This report shall be used in its entirety, with no individual sections reproduced or used out of context. Copies may be made only by Earth Systems Pacific, the client, and his authorized agents for use exclusively on the subject project. Any other use is subject to federal copyright laws and the written approval of Earth Systems Pacific.

Thank you for this opportunity to have been of service. Please feel free to contact this office at your convenience if you have any questions concerning this report.

End of Text

Exhibit F

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APPENDIX A

.....Exploratory Boring Location Map
Boring Logs

Exhibit F

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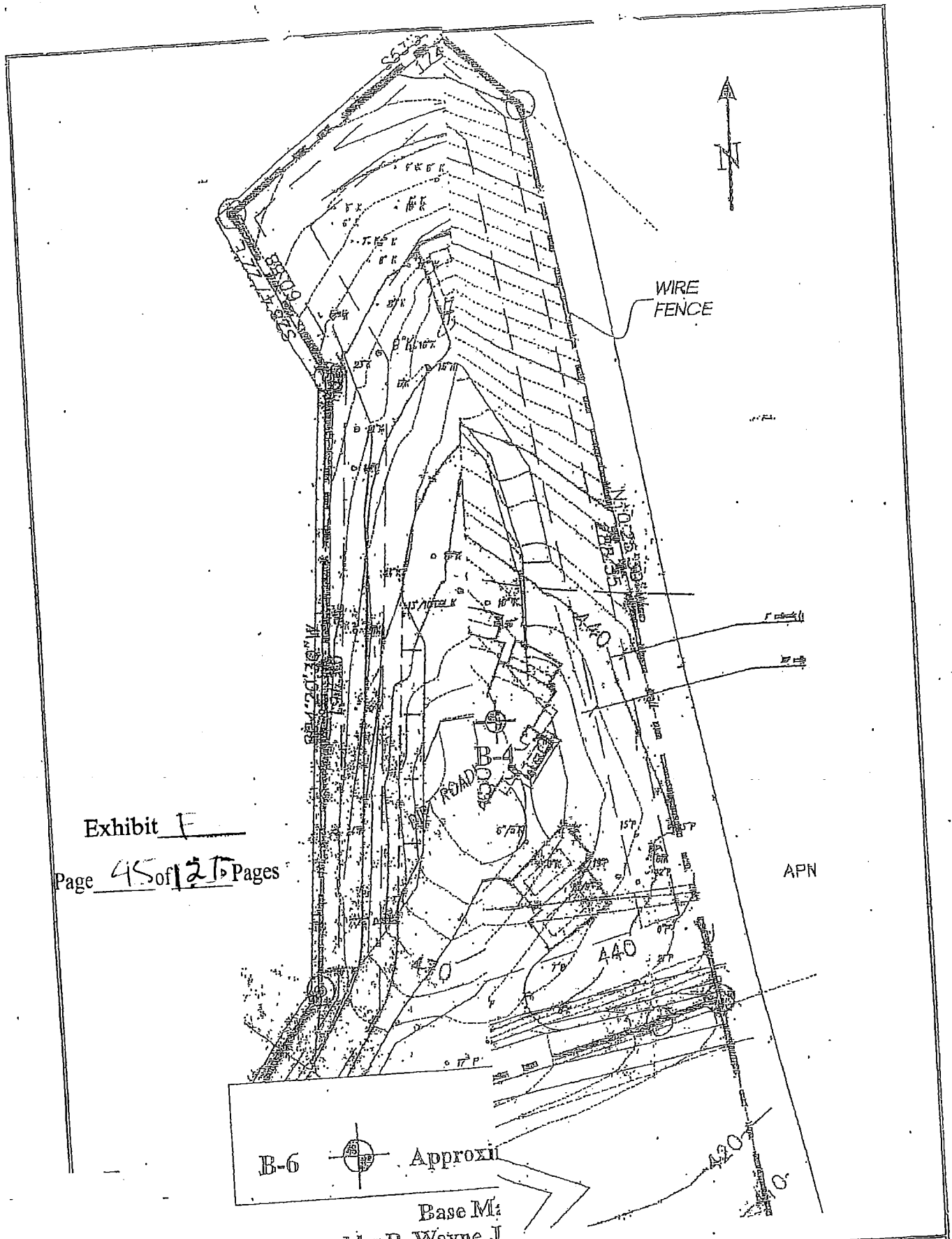



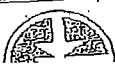
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B-6  Approx

Base Map
prepared by R. Wayne J

Location Map





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Boring No. 1

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA					
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.	
STEUICK RESIDENCES 596-A Aguajito Road Carmel Area, Monterey County, California								
SOIL DESCRIPTION								
0 - 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26	SM		Dark yellow brown SILTY SAND, very moist, loose, mostly medium sand; Fill	2.0-2.5				8
	GC		Dark yellow brown CLAYEY GRAVEL with sand, very moist, medium dense, weathered Monterey Formation shale	4.5-5.0		56.5	58.4	29
	TM		Yellow brown Monterey Formation SHALE, soft, closely fractured to crushed, severely weathered	8.5-9.5				50/6"
			-hard in shoe					
			End of Boring @ 9.5' No subsurface water encountered					

Exhibit f

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Earth Systems Pacific

Boring No. 2

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA						
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.		
STEUCK RESIDENCES 596-A Aguajito Road Carmel Area, Monterey County, California									
SOIL DESCRIPTION									
0	SM	[Symbol: Dotted pattern]	Yellow brown SILTY SAND, moist, loose, medium to coarse sand; Fill	1.0-1.5	[Symbol: Ring Sample]			50/5"	
1			-concrete rubble	2.0-3.5	[Symbol: Grab Sample]			9	
2									
3									
4			-locally clayey						
5			-porcenalitic	5.0-5.5	[Symbol: Ring Sample]	56.2	46.3	29	
6	TM	[Symbol: Stippled pattern]	Yellow to tan Monterey Formation SHALE, moderately soft, closely fractured, moderately weathered +/- 90° bedding	8.5-10.0	[Symbol: Grab Sample]			51	
7									
8					-severely weathered; bedding				
9					-strikes NE (?)				
10									
11									
12				13.5-14.0	[Symbol: Grab Sample]			50/5.5"	
13									
14			End of Boring @ 14.0'						
15			No subsurface water encountered						
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									

Exhibit F

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LEGEND: [Symbol] Ring Sample [Symbol] Grab Sample [Symbol] Shelby Tube Sample [Symbol] SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



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Boring No. 3

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA				
				INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.
0	GC		Dark yellow brown CLAYEY GRAVEL with sand, very moist, medium dense, severely weathered Monterey Formation Shale					
1	TM		Yellow to orange brown Monterey Formation SHALE, moderately soft, closely fractured to crushed, moderately to severely weathered	2.0-2.5		59.3	52.8	50/5"
3							50/6"	
5					no recovery	50/2.5"		
6			End of Boring @ 5.5' No subsurface water encountered					
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								

Exhibit f
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LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies to the location and time of drilling. Conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 4

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
DRILL RIG: Concord 9201
AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USGS CLASS	SYMBOL	SAMPLE DATA				
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.
<p>STEUCK RESIDENCES 596-A Agujito Road Carmel Area, Monterey County, California</p> <p>SOIL DESCRIPTION</p>							
0	GC						
1							
2	TM		2.0-2.5		50.1	57.1	57
3			3.5-4.0				50/3"
4							
5							
6							
7							
8			8.0-8.5				50/4"
9			End of Boring @ 8.5'				
10			No subsurface water encountered				
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							

Exhibit F

Page 49 of 121 Pages

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies to the location and time of drilling.



Earth Systems Pacific

Boring No. 5

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SOIL DESCRIPTION	SAMPLE DATA				
				INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.
0	SC		Dark yellow brown CLAYEY SAND, very moist, loose, fine to medium sand; Qc	2.5-3.0		46.8	49.1	11
3	GC		Dark yellow brown CLAYEY GRAVEL with sand, very moist, very dense, decomposed shale	3.5-5.0				65
6	TM		Yellow brown to tan Monterey Formation SHALE, soft, closely fractured to crushed, moderately weathered -clay filled fractures, horizontal bedding	8.0-9.0				50/4.5"
9			End of Boring @ 9.0' No subsurface water encountered					

Exhibit F

Page 50 of 121 Pages

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 6

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
DRILL RIG: Concord 9201
AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA				
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.
STEUCK RESIDENCES 596-A Aguajito Road Carmel Area, Monterey County, California							
SOIL DESCRIPTION							
0	SM		1.0-4.5	○			
1	SC		2.0-2.5	⊞			18
2							
3							
4							
5	TM		4.5-5.0	●			58
6							
7							
8			8.0-8.5	●			50/5"
9			End of Boring @ 8.5'				
10			No subsurface water encountered				
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							

Exhibit F

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LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling.

APPENDIX B

Laboratory Test Results

Exhibit F

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Steuck Residences

SH-10917-SA

BULK DENSITY TEST RESULTS

ASTM D 2216-05 & D 2937-04 (modified for ring liners)
April, 2008

BORING NO.	DEPTH feet	MOISTURE CONTENT, %	WET DENSITY, pcf	DRY DENSITY, pcf
B-1	4.5 - 5.0	58.4	89.5	56.5
B-2	5.0 - 5.5	46.3	82.2	56.2
B-3	2.0 - 2.5	52.8	90.6	59.3
B-4	2.0 - 2.5	57.1	78.7	50.1
B-5	2.5 - 3.0	49.1	69.8	46.8

EXPANSION INDEX TEST RESULTS

ASTM D 4829-07

BORING NO.	DEPTH feet	EXPANSION INDEX
B-6, Bag A	1.0 - 4.5	13

Exhibit F

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Steuck Residences

SE-10917-SA

PARTICLE SIZE ANALYSIS

ASTM D 422-02; D 1140-02

April, 2008

Boring #5 @ 2.5 - 3.0'

Dark yellow brown Clayey Sand with gravel (SC)

Sieve size	% Retained	% Passing
	0	100
3" (75-mm)	0	100
2" (50-mm)	0	100
1.5" (37.5-mm)	0	100
1" (25-mm)	7	93
3/4" (19-mm)	20	80
1/2" (12.5-mm)	25	75
3/8" (9.5-mm)	33	67
#4 (4.75-mm)	40	60
#8 (2.36-mm)	52	48
#16 (1.18-mm)	61	39
#30 (600- μ m)	70	30
#50 (300- μ m)	77	23
#100 (150- μ m)	84	16
#200 (75- μ m)		

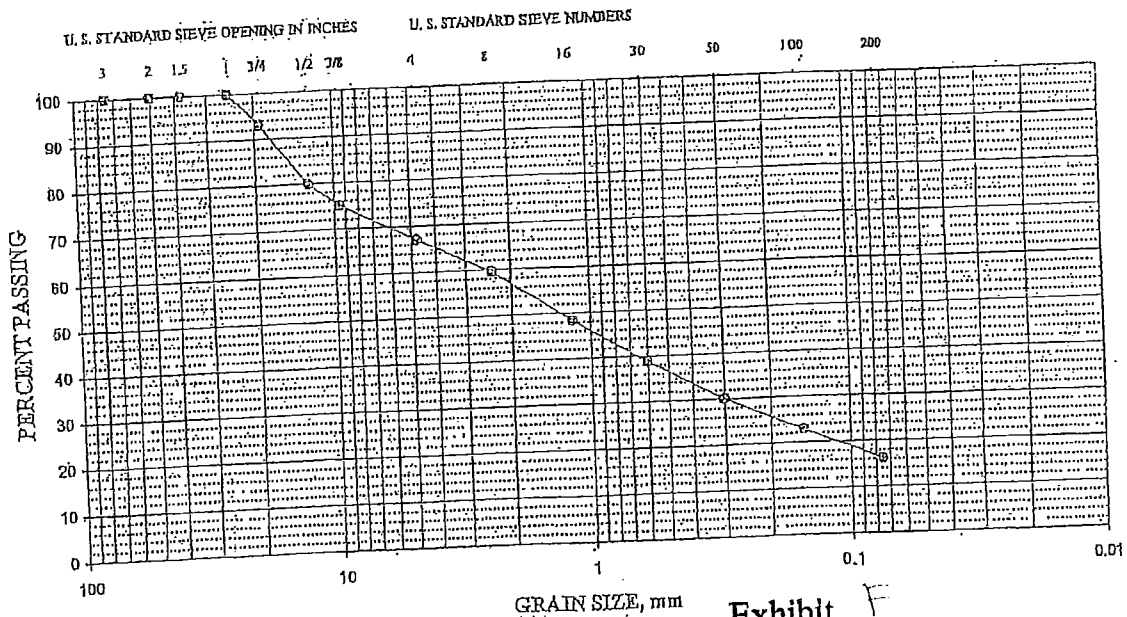


Exhibit F



Steuck Residences

SH-10917-SA

PARTICLE SIZE ANALYSIS

ASTM D 422-02; D 1140-02

April, 2008

Boring #6, Bag A @ 1.0 - 4.5'

Dark yellow brown Clayey Sand (SC)

Sieve size	% Retained	% Passing
3" (75-mm)	0	100
2" (50-mm)	0	100
1.5" (37.5-mm)	0	100
1" (25-mm)	0	100
3/4" (19-mm)	0	100
1/2" (12.5-mm)	0	99
3/8" (9.5-mm)	1	94
#4 (4.75-mm)	6	87
#8 (2.36-mm)	13	76
#16 (1.18-mm)	24	64
#30 (600-µm)	36	46
#50 (300-µm)	54	31
#100 (150-µm)	69	20
#200 (75-µm)	80	

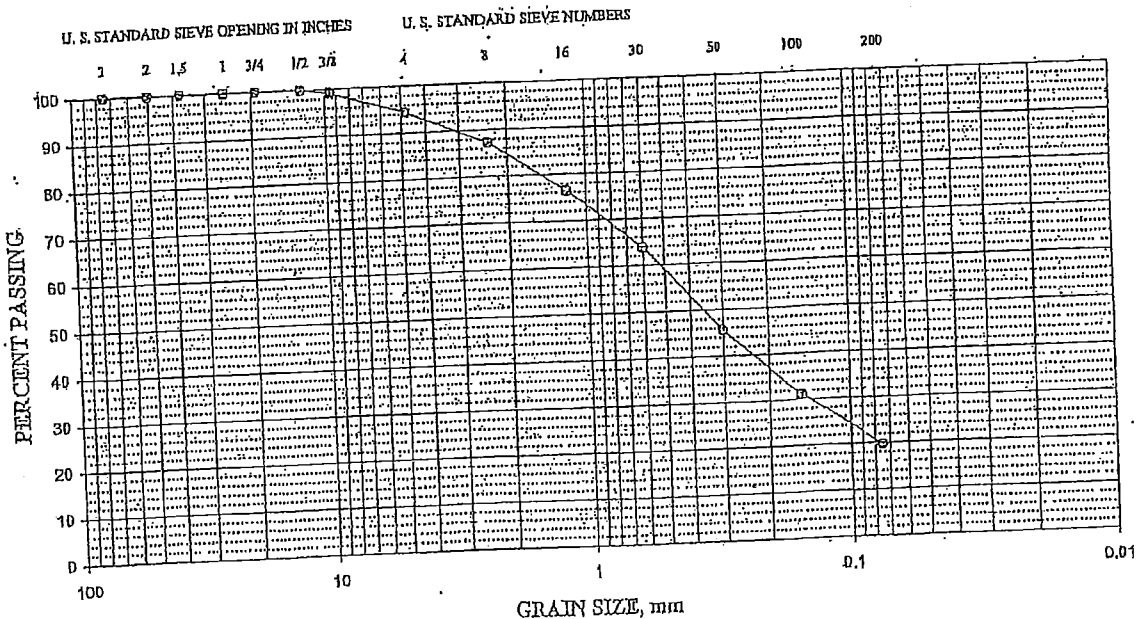


Exhibit F

Montano, Ramon x5169

From: Tony Lombardo [tony@lomgill.com]
Sent: Monday, August 25, 2008 5:37 PM
To: Montano, Ramon x5169
Subject: RE: STEUCK; APN 103-061-015

Ramon:

Thanks. I'm concerned there was a lot of material dumped on the site over the last few years. Was there a grading permit issued for this fill?

My client was previously informed that there had been red tags placed on the property.

Please let me know.

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Anthony L. Lombardo
LOMBARDO & GILLES, LLP
318 Cayuga Street
Salinas, CA 93901
Phone: (831) 754-2444 x 333
Fax: (831) 754-2011
Email: tony@lomgill.com

From: Montano, Ramon x5169 [mailto:montanor@co.monterey.ca.us]
Sent: Friday, August 22, 2008 11:55 AM
To: Tony Lombardo
Subject: RE: STEUCK; APN 103-061-015

I confirmed with Permits Plus that there are no current open violations on that property and that the current application remains incomplete. I have not had contact with the applicant or his agent for some time and I am not aware any current development activities on the subject property. If there is work currently being done on the property it will have to be confirmed by code enforcement. I will contact grading code enforcement to confirm your information, when we have confirmation of the alleged development activities I will notify you of our course of action.

Respectfully,



Exhibit F

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10/24/2008

0915

Ramon A. Montano, Assistant Planner
Monterey County Planning & Building Inspection Department
168 West Alisal St., second floor, Salinas, CA 93901
montanor@co.monterey.ca.us
VMX 831-755-5169
FAX 831-755-7599

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Exhibit F

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10/24/2008

0916

Anthony L. Lombardo
Jeffery R. Gilles

Dennis C. Beougher
Patrick S.M. Casey
Sheil L. Damon
Diaz
John Gorman
Katherine R. McWilliams
Paul Rovella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Virginia A. Hines
Of Counsel

Arny Purchase Reid
Of Counsel



318 Cayuga Street
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Salinas, CA 93902-2119
831-754-2444 (SALINAS)
888-757-2444 (NATIONWIDE)
831-754-2011 (FAX)
www.lomgll.com

225 Sixth Street
Hollister, CA 95028
831-630-9444

File No. 00143.003

September 3, 2008

VIA FACSIMILE

Mr. Mike Novo
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Mr. Tim McCormick
Monterey County Building
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: Steuck CE080325 and PLN050209

Dear Mike and Tim:

We have been asked to review the current status of applications on the Steuck property. Based on our review, it appears that the prior code enforcement actions related to grading and development on slopes in excess of 30% were closed. However, we have been unable to find out what action Mr. Steuck took to resolve those violations. We have also found that a new code enforcement case (CE080325) has been recently opened regarding grading, import of materials and work on slopes in excess of 30%. Can you tell us the basis upon which the prior code enforcement actions were closed and the current status of the new case?

We have also found that in 2005, Mr. Steuck applied for a lot line adjustment (PLN050209) to effect a boundary adjustment between two lots of record that the County has recognized by certificate of compliance. We ask two things. First, we wish to be assured that the County will not, in accord with its own ordinance, approve the lot line adjustment until the code violations are fully resolved on Mr. Steuck's property. Second, we ask that you provide us notice of all hearings and pending actions on the lot line adjustment application.

Thank you for your attention to this matter. If you have any questions, please feel free to call me.

Sincerely,

Lombardo & Gilles, LLP

Dale Ellis, AICP
Director of Planning and Permit Services
DE:ncs

Exhibit F

Page 50 of 121 Pages

0912

Montano, Ramon x5169

From: Tony Lombardo [tony@lomgll.com]
Sent: Thursday, September 11, 2008 4:59 PM
To: Montano, Ramon x5169
Cc: Kinison Brown, Taven M. x5173; Herrington, Randy A. x5307; Dale Ellis; ejdpmd@redshift.com
Subject: RE: Steuck CE080325

Ramon:

Hundreds, if not thousands, of yards of dirt was dumped on the site without a permit based on the information my client received from the prior code enforcement officials. What do you mean, "no evidence was found"? Did the code enforcement officer review the prior violation files that were "closed" without having been corrected?

My client will probably want to appeal the refusal to act on this violation. Is that done through the normal process of appealing a staff determination? Is your e-mail that determination?

Please provide that information as soon as possible.

Thank you.

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Thank you.

Anthony L. Lombardo
LOMBARDO & GILLES, LLP
318 Cayuga Street
Salinas, CA 93901
Phone: (831) 754-2444 x 333
Fax: (831) 754-2011
Email: tony@lomgll.com

From: Montano, Ramon x5169 [mailto:montanor@co.monterey.ca.us]
Sent: Wednesday, September 10, 2008 3:08 PM
To: Tony Lombardo; Dale Ellis
Cc: Kinison Brown, Taven M. x5173; Herrington, Randy A. x5307
Subject: Steuck CE080325

Dear Mr. Lombardo & Mr. Ellis,

I unfortunately was not able to schedule a meeting with you, your client and the Code Enforcement (CE) Officer investigating the Steuck property prior to his completing a site visit. The CE investigation on the Steuck property was closed today because the investigator found no evidence of any past or present grading violations or construction activities occurring without permits. In light of this no actions are currently being taken against the property owner. I continue to work with the property owner on the application which is currently incomplete. If there is anything further on this matter that I can assist you with please feel free

Exhibit F

10/24/2008

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0906

to contact me.

Sincerely,



Ramon A. Montano, Assistant Planner
Monterey County Planning & Building Inspection Department
168 West Alisal St., second floor, Salinas, CA 93901
montanor@co.monterey.ca.us
VMX 831-755-5169
FAX 831-755-7599

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10/24/2008

0907

Anthony L. ...
Jeffery R. Gilles

Dennis C. Deougher
Patrick S.M. Cusey
Shel L. Damon
... Diaz
... Gorman
... R. McWilliams
Paul Rovello
Bradley V. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Virginia A. Hines
Of Counsel

Amy Purchase Reid
Of Counsel

Lombardo
& Gilles
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Hollister, CA 95023
831-630-9444

COPY

File No. 00143.003

October 15, 2008

Mr. Mike Novo, Director
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Mr. Tim McCormick, Director
Monterey County Building
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: Steuck (APN103-061-015-000/PLN050209 & PLN080454)

Dear Mike and Tim:

This is a follow-up to my letter of October 8, 2008 regarding grading violations on the Steuck property. We have recently reviewed a number of the County's files on this property and have found some things that we wish to bring to your attention. They are attached for your information.

- Letter dated November 3, 1987 from Phil Carrasco to Gordon Steuck noting that grading violations were found on the property.
- Letter dated May 27, 1988 from Phil Carrasco, noted as a Final Notice, again stating that grading violations were found on the property.
- Letter dated March 14, 1990 from Phil Carrasco noting on going violations and that the matter had been referred to the District Attorney's office.
- Grading permit application 91-G28 dated May 3, 1991 for 1200 cubic yards of grading for "restoration and landscaping."
- Letter dated June 14, 1994 from David Messmer of Messmer and Associates stating that "...import fill will be required to complete the grading ...because of the high percentage of rubble and unusable soil in the in the existing fill."

What were not found were any records that show a grading permit(s) ever being issued on the property. So, unless there is information that was inadvertently not disclosed, we have to conclude these long standing violations still exist and are unresolved.

We again ask that the County take the following actions:

1. Review and reopen all Code Enforcement cases on this property.

Exhibit F

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0895

Mr. Mike Novo
Mr. Tim McCormick
Monterey County Planning
October 15, 2008
Page 2

2. Review with the District Attorney's Office the status of all enforcement actions on this property that have been referred to them.
3. Take no further action on the pending applications until the violations are resolved. In this case we believe that the most appropriate means of resolution is a full restoration of the property to its pre-violation state.
4. Notify Mr. Del Piero and this office of any change in status of the pending applications and provide full public notice to us of any scheduled hearings.

We would still like to meet with you to discuss all of these issues. Please contact Nancy Stafford or Jennifer Riso of this office to schedule the meeting at a mutually convenient time for you, Dr. Del Piero and me. Should you have any questions in the meantime, please do not hesitate to call.

Sincerely,

Lombardo & Gilles, LLP



Dale Ellis, AICP
Director of Planning and Permit Services

DE:jlh

cc: Dr. Eric Del Piero
Ramon Montano

Exhibit #

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CERTIFIED MAIL
VIOLATION NOTICE

December 29, 2008

Owner of Record:
John Gordon & Sandra Lee Steuck TRS
570 Aguajito Road
Monterey, CA 93940

A.P.N: 103-061-015-000
File #: CE080413
Zoning: RDR/5.1-UR-D-S

Dear Property Owner:

On December 10, 2008, the County of Monterey Building Services Department noted violations on your property at 570 Aguajito Road, Monterey, for casual grading of excavation less than 3 feet and /or fill which exceeds 1 foot in depth and exceeds 100 cubic yards of accumulated fill. These violations, the corrections necessary, and the date by which these corrections should be completed are listed on Attachment A. No permits, licenses, or other entitlements may be issued by any County department until these violations have been cleared.

This letter also serves as notice that the Building Services Department intends to invoke certain administrative procedures should these violations continue to exist after the date stated. Should the County of Monterey find it necessary to invoke any of the following administrative procedures or any judicial procedure in order to compel you to correct these violations, you will be required to pay for all of the costs expended by the County of Monterey in enforcing its code sections.

Exhibit F

Page 63 of 127 Pages

These possible procedures include, but are not limited to, the following:

1. The Recording of a Notice of Monterey County Code Violation on your property with the County Recorder (See attachment B.)
2. The issuance of a citation
3. Formal enforcement action
4. Administrative fees associated with the investigation and processing of these violations

In order to abate the violations, you must obtain a permit and have it finalized or take appropriate actions to clear these violations and pay the associated fees.

Sincerely,

Randy Herrington
Code Enforcement Officer

RH/dv

Enclosures: Attachments A and B

cc: Les Girard, Assistant County Counsel
Office Link
File

Exhibit 1
Page 41 of 121 Pages

ATTACHMENT A

CASE#: CE080413

APN: 103-061-015-000

VIOLATION(S)

CODE SECTION		DESCRIPTION OF VIOLATION(S)
1.	16.08.040 M.C.C.	Casual grading of excavation less than 3 feet and /or fill which exceeds 1 foot in depth and exceeds 100 cubic yards of accumulated fill. Contrary to Monterey County Code 16.08.040 (b)(f)

ACTIONS NECESSARY TO ABATE VIOLATION(S)

1. You must first contact Land Use Technician Dawn Vest at (831) 759-6716 to discuss the actions necessary to abate the violation(s). LUT Dawn Vest may assist you without an appointment at the Building Counter in the Salinas Permit Center.
2. Apply for a grading restoration permit to remove all undocumented fill placed on property to restore site to pre-violation state (additional soils testing and borings may be required to determine the full extent of the undocumented fill).
3. Diligently pursue the application to ensure issuance of the permit and completion of the project to include a final inspection sign-off. Notify code enforcement officer when permits have final sign off for compliance inspection and closure of code enforcement case.

TIME OF COMPLIANCE

1. January 30, 2009

To avoid formal enforcement action, maintain contact with the Land Use Technician/Code Enforcement Officer to ensure that they are aware of any corrective progress you are making.

Exhibit F

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ATTACHMENT B
NOTICE OF INTENT TO RECORD A
NOTICE OF VIOLATION

Notice is hereby given pursuant to Monterey County Code:

- | | |
|---|---|
| <input type="checkbox"/> Section 1.20.020 et seq (General Code Violation) | <input type="checkbox"/> Section 18.52.100 (Buildings & Construction) |
| <input checked="" type="checkbox"/> Section 16.08.450 (Grading) | <input type="checkbox"/> Section 20.90.100 (Zoning /Coastal Zone) |
| <input type="checkbox"/> Section 16.12.180 (Erosion) | <input type="checkbox"/> Section 21.84.100 (Zoning) |
| <input type="checkbox"/> Section _____ | <input type="checkbox"/> Section _____ |

that Monterey County has knowledge of facts indicating that the real property situated in the County of Monterey, State of California, known as Assessor's Parcel 103-061-015-000, and more commonly known as 570 Aguajiti Road, Monterey is in violation of the Code. The nature of these violations, the actions necessary to abate these violations, and the date by which these violations must be corrected are fully set forth in Attachment A and are incorporated by this reference.

If you wish to present evidence that the zoning violation cited in Attachment A does not exist or for some other reason the Notice of Monterey County Code Violation should not be recorded, you may do so on January, at 8:00 a.m. at the Monterey County Building Services Department, 168 West Alisal Street 2nd Floor, Salinas, with a Code Enforcement Officer. Please call Dawn Vest at (831) 759-6716 to confirm your intent to attend this meeting at least 3 business days prior to the proposed meeting date.

Your failure to demonstrate that the Code violations do not exist, to correct the violations by the date of compliance, or to have the Code Enforcement Officer extend the date of compliance will result in the Notice of Monterey County Code Violation being recorded against your property on or after that date.

The recorded notice will not be released until such time as all violations are abated and all administrative fees and recording fees have been paid.

Exhibit #

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GRADING PERMIT
MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
BUILDING SERVICES DEPARTMENT
 (831) 755-5026 (SALINAS) (831) 883-7500 (MARINA)

PERMIT NO.
 GP090013

PERMITS BECOME NULL AND VOID IF WORK IS NOT COMMENCED WITHIN 90 DAYS FROM DATE OF ISSUANCE, IF WORK IS SUSPENDED
 AT ANY TIME FOR MORE THAN 180 DAYS, OR IF WORK IS DONE IN VIOLATION OF ANY COUNTY OR STATE LAWS.

LICENSED CONTRACTORS DECLARATION
 I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 6 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.
 License Class: A License Number: 903938
 Date: 2/11/2009

Issue Date: 02/11/2009

OWNER/BUILDER DECLARATION
 I hereby affirm under penalty of perjury that I am exempt from the Contractor's State License Law for the following reason(s) indicated below by the checkmark(s) I have placed next to the applicable item(s) (Sec. 7031.6, Business and Professions Code). Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure prior to its issuance also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractor's State License Law (Chapter 6 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt from licensure and the basis for the alleged exemption. Any violation of Section 7031.6 by any applicant for a permit subject the applicant to a civil penalty of not more than five hundred dollars (\$500).
 I, as owner of the property, or my employee or agent, will wage at their sole compensation will do all or portions of the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractor's State License Law does not apply to an owner of property who, through employee or personal effort, builds or improves the property, provided that the improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the Owner/Builder will have the burden of proving that it was not built or improved for the purpose of sale.
 I, as owner of the property, am exclusively contracting with licensed contractors to complete the project (Sec. 7044, Business and Professions Code). The Contractor's State License Law does not apply to an owner of property who builds or improves thereon and who contracts for the project with a licensed contractor pursuant to the Contractor's State License Law.
 I am exempt from licensure under the Contractor's State License Law for the following reason:
 By my signature below, I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business and Professions Code, is available upon request when this application is submitted or at the following Web site: <http://www.splc.ca.gov/calaw.html>.
 DATE: _____
 SIGNATURE (Property Owner or Authorized Agent): _____

APN: 103-061-015-000
 Site Address: 570 AGUAJITO ROAD CARMEL
 Inception Area: MARINA
 Total Fees Paid: \$456.64
 Description: TO CLEAR CE080413; REMOVE EXISTING FILL AND RESTORE SITE BACK TO ORIGINAL GRADES
 CROSS STREET: VIEJO
 Owner: STEUCK GORDON JOHN & SANDRA LEE TRS
 570 AGUAJITO RD
 MONTEREY CA 93940
 93925
 Applicant: TRINITY DEVELOPMENT LLC
 14 SPRECKELS LANE #210
 SALINAS CA 93908
 831-456-8785 831-456-8767
 Contractor: MUDSLINGER ENGINEERING & EXCAVATION
 18973 PESANTE RD
 SALINAS CA 93907

WORKERS' COMPENSATION DECLARATION
 WARNING: FAILURE TO SECURE WORKER'S COMPENSATION COVERAGE IS UNLAWFUL AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION; DAMAGES AS PROVIDED FOR IN SECTION 3700 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.
 I hereby affirm under penalty of perjury one of the following declarations:
 I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
 I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
 CARRIER: SINCE PLUMB Policy #: 1048315

CE080413
 License # 903938

Architect
 Engineer

EXP. DATE: 7/09 NAME OF AGENT: _____
 I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with these provisions.
 SIGNATURE: _____ DATE: 2/11/09

Exhibit F

Page 67 of 121 Pages

DECLARATION REGARDING CONSTRUCTION LENDING AGENCY
 I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work which this permit is issued (Section 3087, Civil Code).
 Lender's Name: NA
 Lender's Address: _____

Shelby Rukunin

I agree that any hazardous materials that may originate from this project, including asbestos containing material, will be managed in accordance with state regulations, and that no hazardous materials will be disposed with solid waste or recyclable material and hereby certify the use of this facility shall comply with Sections 25503, 25533, and 25534 of the California Health and Safety Code, which regulate the storage, handling and use of hazardous materials.

ASBESTOS NOTIFICATION (check one)
 Notification in accordance with Section 15027.6 of California Health & Safety Code is not applicable to the scheduled demolition of this project.
 Attached are copies of the required EPA notification forms.

By my signature below, I certify to each of the following: I am the property owner or authorized agent to act on the property owner's behalf; I have read this application and the information I have provided is correct; I agree to comply with all applicable county ordinances and state laws relating to building construction; I authorize representatives of the County of Monterey to enter the above identified property for inspection purposes.
 SIGNATURE: _____ DATE: _____

Date: 02/11/2009



Office # (831) 755-5025 (Salinas) Inspection # (831) 755-5027

Visit our website at www.co.monterey.ca.us/abi

ALL PLAN REVISIONS MUST BE APPROVED BY THE COUNTY BEFORE PROCEEDING WITH THE CHANGE PERMIT EXPIRES 180 DAYS AFTER LAST INSPECTION



MUST BE POSTED ON JOB SITE
THE INSPECTION CARD/REPORTED PLANS MUST BE
AVAILABLE FOR EACH INSPECTION OR THE INSPECTION
WILL NOT BE MADE

Inspection Item	Insp. Date	Insp. Date	Inspection Item	Insp. Date	Inspection Item	Insp. Date
Site Work Demolitions			Supp/Water/Grading Permit		Hazardous Situation	
Site Striping/Clearing			Runoff Retention		Development on Slope > 30%	
DY Weather Earthwork			Infiltration Basins		Development on Slope > 25% (No Detritus)	
Site Slopes			Percolation Pits		Abandoned Erosion	
Backfilled Excavations			Transects		Grading/WD Permit	
60% Slope 2:1 on Platform			Runoff Detention/Dispersion		Clearing > 2.5 Acres W/D Permit	
Final Excavations			Nonerodible Cans/Dolls		Grading	
Excavations			Energy Dissipators		Grading	
Excavations			Hydro Mulching		Grading	
Excavations			Hydroseeding/Vegetation		Grading	
Excavations			Jobs Nailing		Grading	
Excavations			Vegetated Filter Strips		Grading	
Excavations			Berm/Check Dams/Ditches		Grading	
Excavations			Sand Bags/Plastic Covering		Grading	
Excavations			Straw Bales/Wattles		Grading	
Excavations			Silt Fences/Dust Control		Grading	
Excavations			Foundation Excavation		Grading	
Excavations			Foundation Soil Preparation		Grading	
Excavations			Base Leveling Pad		Grading	
Excavations			Geogrid Soil Reinforcement		Grading	
Excavations			Backfill Sub-Drain System		Grading	
Excavations			Backfill Placement/Compaction		Grading	
Excavations			Rip-Rap Security Protection		Grading	
Excavations			Vapor Barrier		Grading	
Excavations			Sub-Grade Reinforcement		Grading	
Excavations			Sub-Grade Reinforcement		Grading	
Excavations			Approach Grades/Walls		Grading	
Excavations			Vertical Clearance		Grading	
Excavations			Routing/Radii/Turnouts		Grading	
Excavations			Structural Section		Grading	
Excavations			Portland Cement Concrete		Grading	
Excavations			Asphalt Cement Concrete		Grading	
Excavations			Asphalt Treated Surface		Grading	
Excavations			Curb/Shoulder/Gravel		Grading	
Excavations			Other Unpaved		Grading	
Excavations			Road Drainage		Grading	
Excavations			Other		Grading	

Permit Filed by: W. B. S. Date: 1/2/09



MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
BUILDING SERVICES DEPARTMENT

PERMIT NO.
GP09-0213

BUILDING ELECTRICAL PLUMBING MECHANICAL GRADING

CONSTRUCTION PERMIT APPLICATION

PROJECT ADDRESS 570 Aguajito Rd.		CITY Carmel	ZIP 93923
ASSESSOR'S PARCEL NUMBER 103-061-015		TRACT/OFF #	NEAREST CROSS STREET Viejo
OWNER NAME Steuck Family Trust		PHONE 831-521-4008	E-MAIL docendo@comcast.net
STREET ADDRESS 570 Aguajito Rd.		CITY, STATE, ZIP Carmel, CA 93923	FAX 831-372-4747
APPLICANT NAME Gordon J. Steuck		PHONE 831-521-4008	E-MAIL docendo@comcast.net
STREET ADDRESS 570 Aguajito Rd.		CITY, STATE, ZIP Carmel, CA 93923	FAX 831-372-4747
<input type="checkbox"/> OWNER <input type="checkbox"/> OWNER-BUILDER <input type="checkbox"/> AGENT FOR OWNER <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> AGENT FOR CONTRACTOR <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input checked="" type="checkbox"/> DEVELOPER <input type="checkbox"/> TENANT			
CONTRACTOR NAME		LICENSE NUMBER	LICENSE TYPE
COMPANY NAME Trinity Development LLC		E-MAIL daphne@trinityllc.org	FAX 831-455-8757
STREET ADDRESS 14 Bpreeckels Lane #210		CITY, STATE, ZIP Salinas, CA 93908	PHONE 831-455-8795
ARCHITECT/ENGINEER NAME H.D. Peters Co.		LICENSE NUMBER	
COMPANY NAME H.D. Peters Co.		E-MAIL	FAX 831-424-2746
STREET ADDRESS 119 Central Ave P.O. Box 512		CITY, STATE, ZIP Salinas, CA 93902	PHONE 831-424-3961
Remove existing soil in order to restore site back to original grade			
EXISTING USE Owners Residence		PROPOSED USE Same	ZONING RDR/5.1-DR-D-S
SQ. FT. EXISTING 1000 +/-	SQ. FT. REMODEL N/A	SQ. FT. DEMO N/A	SQ. FT. ADDED N/A
ESTIMATED CUT/FILL (CU.YDS) CUT / FILL 254 cy		AREA OF DISTURBANCE (SQ. FT.)	PLANNING APPL. #
WELL ON PARCEL X YES NO		SCHOOL DISTRICT NAME	CODE ENFORC. CASE # CE080413
By my signature below, I certify to each of the following: I am the property owner or authorized agent to act on the property owner's behalf. I have read this application and the information I have provided is correct. I have read the Description of Work and verify it is accurate. I agree to comply with all applicable county ordinances and state laws relating to building construction. I authorize representative of the County of Monterey to enter the above-identified property for inspection purposes.			
Signature of Applicant/Agent: <i>Gordon J. Steuck</i>			Date: 02/02/09
OFFICE USE ONLY - ROUTING SLIP			
APPROVALS AND COMMENTS:			

ENFORCEMENT
R. HERRINGTON

Exhibit F

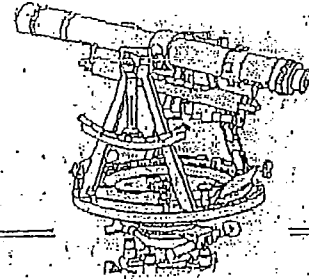
Construction Permit Application - 01-07-09

H.D. Peters Co., Inc. and Associates

Engineering - Surveying - Planning

119 Central Avenue Salinas, California 93901

Tel. (831) 424-3961 Fax. (831) 424-2746



February 12, 2009

Mr. Randy Herrington, Grading Inspector
Department of Planning and Building Inspection
Monterey County Courthouse
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Slope Restoration Plan at 570 Aguajito Road, APN 103-061-015, within the Barstad Property near Monterey, California

Dear Mr. Herrington:

Reference is made to my letter of February 4, 2009, regarding the subject slope restoration plan. At your recommendation, I field checked an additional slope area which is located near the westerly property line approximately 90 feet north of the driveway in order to verify whether a prior fill is located in that area. I did find an uncontrolled fill in that area of approximately 30 feet by 45 feet; the depth of fill ranges from zero to four feet maximum, and the fill slope ranges from 2:1 to 2.5:1. We are amending the Plan to include that fill within the area to be restored.

It appears that the fill was probably placed to provide a parking and turn-around area, and in my opinion that use is appropriate for the location if the fill is properly reconstructed. Therefore I recommend that the existing loose fill soil be removed to native soil, and the removed fill soil should be keyed in to the natural slope and replaced in 8 inch loose lifts compacted to a minimum of 90% relative compaction; the fill slope should be 2:1 or flatter. The fill construction should also be inspected and tested by a Geotechnical Engineering agency.

If you have any questions regarding my verification of this prior fill or my letter, please contact me.

Very truly yours,

H.D. Peters Company, Inc. and Associates

Richard E. Dante, P.E.
R.C.E. 20251

RED/red

cc. Eric Barstad
Ramon Montero, Planner, Monterey County



Exhibit F

Anthony L. Lombardo
Jeffery R. Gilles

Dennis C. Beougher
M. Casey
J. Jomon
E. Brian Diaz
J. Kenneth Gorman
Karen R. McWilliams
Amy Purchas Reid
Paul Rovello
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Virginia A. Hines
Of Counsel

Lombardo
& Gilles
LIMITED LIABILITY PARTNERSHIP

318 Cayuga Street
P. O. Box 2119
Salinas, CA 93902-2119
831-754-2444 (SALINAS)
866-757-2444 (CALL FREE)
831-754-2011 (FAX)
www.lomgk.com

530 San Benito St., Suite 202
Hollister, CA 95023
831-630-9444

File No. 00143.003

March 4, 2009

Mr. Tim McCormick, Director
Director of Building Inspection
Monterey County Building Department
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: Steuck Grading Permit (GP090013)

Dear Tim:

It came to our attention that a grading permit has been issued to Mr. Steuck "to clear CE08413: remove existing fill and restore site back to original grade." This was brought to our attention by Dr. Del Piero when two backhoes and a dump truck arrived at Mr. Steuck's property February 26, 2009. While we appreciate the County's efforts to pursue the long-standing violations on the Steuck property, the scope of the grading permit and the plans upon which that permit is based do not fully address the long-term grading violations on the property.

We wrote to you several times last fall and met on November 10, 2008. During the course of those meetings and in our correspondence, we discussed the lengthy history of grading violations on the property, the problems those violations caused for Dr. Del Piero and our concerns about the long-term use of the property. Following our November 10th meeting, I sent you an email confirming the agreements we reached at that meeting. Part of that agreement included the County requiring Mr. Steuck to retain a registered civil engineer to "prepare a plan for the removal of all undocumented fill on the property and the additional soils testing and borings may be required to determine the extent of the undocumented fill." We had previously provided copies of records that we obtained from the County's records documenting grading violations that were unresolved dating back to 1987.

We reviewed the grading plans prepared by H.D. Peters Company. It appears though from those plans that the removal plan for the undocumented fill is being based on topographic surveys that were taken in 2005 in relation to the current conditions. Simply put reliance on 2005 topography when it is clearly shown by the County's own records that illegal grading work was done as early as 1987 is inadequate. There is no evidence in the County's file for this grading permit that any soils testing or borings were required to determine the extent of the undocumented fill. There is no correlation between the grading work approved by GP090013 and the previous findings of undocumented fill in the geotechnical reports for the various Planning Department applications.

Exhibit F

Page 71 of 127 Pages

0889

103-Diel-015
UR Reserve
Munich

Mr. Tim McCormick
Monterey County Planning
March 4, 2009
Page 2

The scope of the work authorized by GP090013 should be to remove all of the illegal fill. Before final approval is given for the grading work, there must be a determination made by an independent registered civil engineer, soils engineer, geologist or similarly qualified person to confirm that all of the undocumented fill previously identified both in the County's records and the geotechnical report has been removed from the site.

Should you have any questions, please do not hesitate to call.

Sincerely,

Lombardo & Gilles, LLP



Dale Ellis, AICP
Director of Planning and Permit Services

DE:ncs

cc: Dr. Eric Del Piero
Mr. Mike Novo
Mr. Ramon Montano
Mr. Albert Salvador
Mr. Taven Kinison Brown

Exhibit F

Page 2 of 12 Pages

0890

**CTI CONSTRUCTION TESTING
& INSPECTION SERVICES**
A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.
Salinas, CA 93901.
Tel: 831-757-0735
Fax: 831-422-1896

March 17, 2009
File No. 1765

Mr. Albert Salvador
Department of Planning and Building Inspection
168 West Alisal Street, 2nd Floor
Salinas, Ca 93901

Project: Steuck Residence
570 Aguajito Road
Monterey, CA
A.P.N. 103-061-015

Subject: Restoration Grading Report

Dear Mr. Salvador:

We were contacted to provide grading observation and field density testing at the above mentioned project site on February 25th 2009. Our representative was involved in a preconstruction meeting prior to the commencement of the grading restoration of previously filled areas of the site. The restoration plan and accompanying letter prepared by Richard Dante of H.D. Peters Co., Inc. were discussed at this meeting.

The initial grading operations were performed as detailed in the recommendation letter and consisted of removing the previously placed fill soils to firm native Monterey Shale in the area referred to as the westerly fill. A keyway was established at that time around the perimeter of the fill. The excavated fill soils were moisture conditioned and stockpiled. Large pieces of concrete and miscellaneous building rubble were removed from the fill and stockpiled to be hauled from the site.

During the excavation of the loose material it was noted that the amount of uncontrolled fill was significantly larger than that detailed by H.D. Peters Co., Inc or Earth Systems Inc., who prepared a Geotechnical Report for this site. At the deepest area approximately 6 feet of loose fill was discovered which extended easterly approximately 40 feet, gradually tapering to original grade. These soils were also excavated moisture conditioned and placed as engineered fill. Density tests were taken and were meeting or exceeding the required specifications.

Exhibit 1

Page 73 of 121 Pages

0815

March 17, 2009
File No. 1765
Page 2

The slopes of the recompacted fill were trimmed to 2:1 and in some areas flatter. At this point the westerly fill was approximately 3 to 4 feet below the finished subgrade as detailed in the restoration plan. As seasonal storms were forecasted the exposed soils were tracked with a bull dozer to aid in erosion control. The forecasted rains occurred and work was halted for one week.

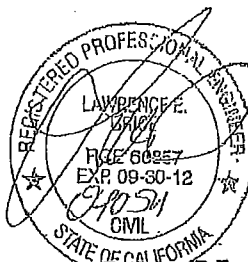
Grading work commenced on March 9th after the rain had past and the site was more accessible. The loose fill soils at the northerly location were stripped to firm original grade. Once again large amounts of debris was encountered. The debris was removed from the fill and exported from the project site. The soils removed from the northerly fill were placed at the westerly fill as that location was still several feet below finish subgrade as detailed on the restoration plan. To this point all density tests taken were passing the required specifications.

The project site was shaped to blend with the surrounding environment, as the finish grade as detailed in the restoration plan would have appeared to have been a building pad or parking area, with sharp slopes and a relatively flat pad at finished subgrade.

It is our opinion that the stripping and excavation of loose fill soils, moisture conditioning and compaction of the newly placed fill soils were completed in general accordance with the project plans and specifications.

Thank you for your time. Should you have any questions regarding this letter please feel free to contact our office.

Very truly yours,
CONSTRUCTION TESTING and INSPECTION SERVICES



Lawrence E. Grace P.E.
R.C.E. 66857

LEG/jjo

Exhibit F
Page 74 of 121 Pages

0816

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.

Sallinas, CA 93901

Tel: 831-757-0735

Fax: 831-422-1896

DENSITY TESTING LOG

PROJECT: Steuck Residence - Site Restoration PROJECT ADDRESS: 570 Agujito Road
FILE NO: 1766 Monterey, Ca
GRADING CONTRACTOR: Mudslinger / Trinity

DATE	NO.	LOCATION	ELEVATION	IN-PALCE WEIGHT	IN-PLACE MOISTURE	MAX. WEIGHT	OPTIMUM MOISTURE	RELATIVE DENSITY %
		See Sketch						
10/30/08	1	Site Restoration W Fill	-7	109.5	15.9	113.6	15	96.4%
10/30/08	2	Site Restoration W Fill	-7	110.5	14	113.6	15	97.3%
10/30/08	3	Site Restoration W Fill	-7	109	14.5	113.6	15	96.0%
10/31/08	4	Site Restoration W Fill	-5.5	108.9	16.5	113.6	15	95.9%
10/31/08	5	Site Restoration W Fill	-5.5	107.9	18.2	113.6	15	95.0%
10/31/08	6	Site Restoration W Fill	-5.5	106.6	18	113.6	15	93.8%
11/03/08	7	Site Restoration W Fill	-4	106.4	17.9	113.6	15	93.7%
11/03/08	8	Site Restoration W Fill	-4	107	17.5	113.6	15	94.2%
11/03/08	9	Site Restoration W Fill	-4	110	18.2	113.6	15	96.8%
11/03/08	10	Site Restoration W Fill	-3	110.2	18	113.6	15	97.0%
11/03/08	11	Site Restoration W Fill	-3	110	15	113.6	15	96.8%
11/03/08	12	Site Restoration W Fill	-3	109	14.4	113.6	15	96.0%
11/04/08	13	Site Restoration W Fill	-1.5	109.3	15.5	115.9	13.2	94.3%
11/04/08	14	Site Restoration W Fill	-1.5	109.2	15.8	115.9	13.2	94.2%
11/04/08	15	Site Restoration W Fill	-1.5	109	16.2	115.9	13.2	94.0%
11/12/08	16	Site Restoration W Fill	FSG	110	16	115.9	13.2	94.9%
11/12/08	17	Site Restoration W Fill	FSG	111	15.2	115.9	13.2	95.8%
11/12/08	18	Site Restoration W Fill	FSG	110.5	15.6	115.9	13.2	95.3%
11/12/08	19	Site Restoration W Fill	FSG	110.5	115.2	115.9	13.2	95.3%


TESTING PERFORMED BY: 

Exhibit F

Page 75 of 121 Pages

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

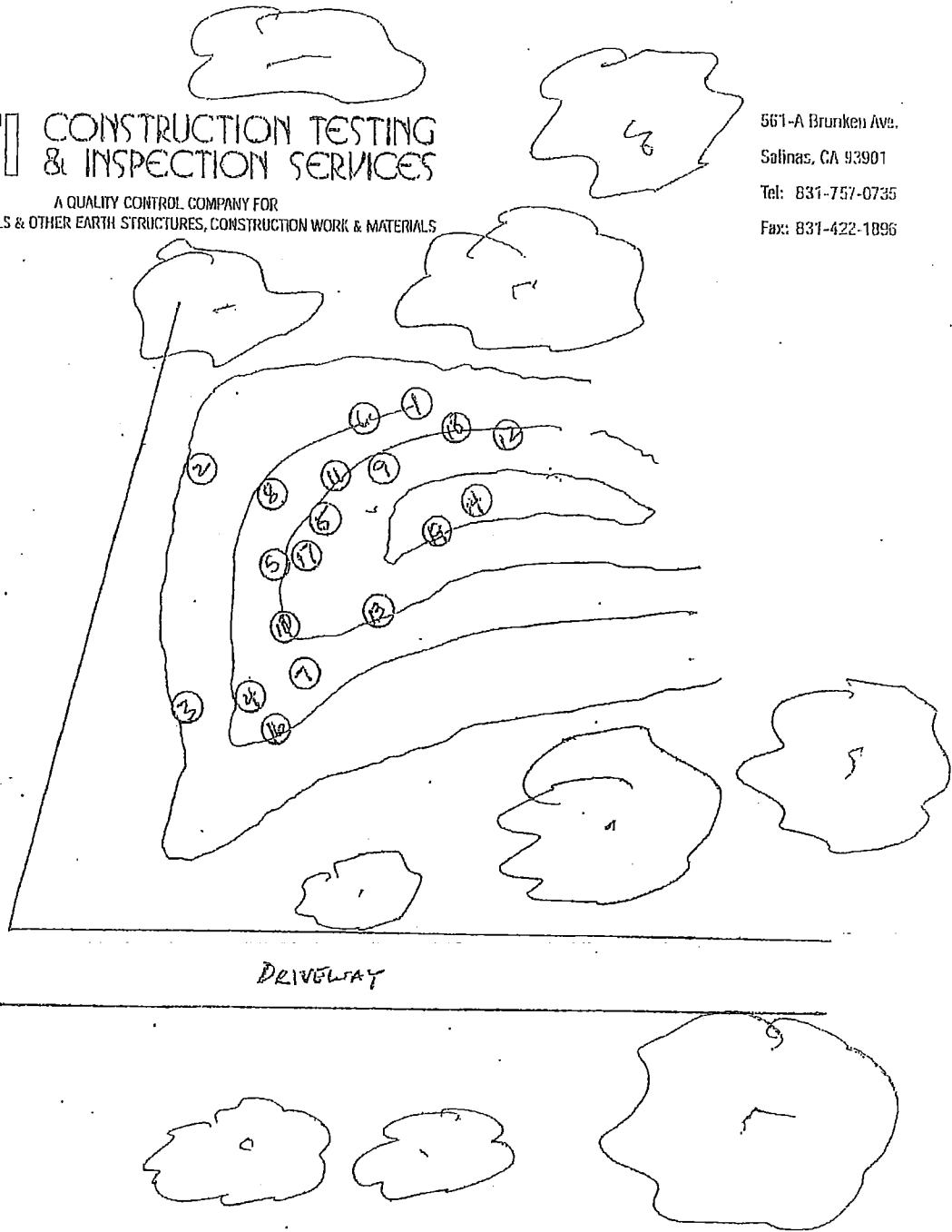
A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.

Salinas, CA 93901

Tel: 831-757-0735

Fax: 831-422-1896



W.D. 11765
O=TEST LOC.
NO SCALE

Exhibit F

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CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.
Salinas, CA 93901
Tel: 831-757-0735
Fax: 831-422-1896

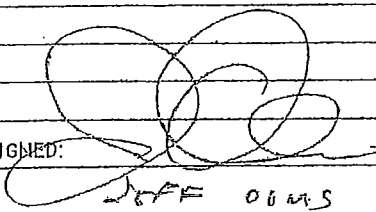
TO: GOLDMAN STEUCK	DATE: 2/28/09	WORK ORDER: 1765
	PROJECT: STEUCK RESIDENCE	
	LOCATION: 570 AGUAJITO RD	
	CONTRACTOR: MURKINER	
	WEATHER: OVERCAST	TEMP:
	PRESENT AT SITE: DEAN BUCK	
THE FOLLOWING WAS NOTED:		
<p>- DENSITY TESTING HAS BEEN PERFORMED ON THE FILL PLACED IN THE AREA NORTH OF THE DRIVE TO THE PROPERTY.</p>		
<p>TO DATE ALL TESTS TAKEN MET THE MINIMUM 90% RELATIVE DENSITY. THE SOIL MOISTURE CONTENT WAS SUFFICIENT TO ADEQUATELY COMPACT THE MATERIAL. THE PREVIOUSLY PLACED, UNCOMPACTED FILL HAS BEEN STRIPPED TO FIRM NATIVE MONTICOMY SHALE PRIOR TO FILL PLACEMENT. THE TOTAL DEPTH OF FILL PLACED AT THE TIME OF THIS REPORT IS APPROX. 7' IN THE THICKEST AREA.</p>		
FIELD REPORT	 SIGNED: JEFF OOMS	

Exhibit-F

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

5671-A Brunken Ave.

Salinas, CA 93901

Tel: 831-757-0735

Fax: 831-422-1896

TO: <u>GORDON STEUCK</u>	DATE: <u>2/26/09</u>	WORK ORDER: <u>1765</u>
	PROJECT: <u>570 (5671A) ALVITO</u>	
	LOCATION: <u>MONTEREY, CA</u>	
	CONTRACTOR: <u>MUDSLINGER</u>	
	WEATHER: <u>DRIZZLE</u>	TEMP:
	PRESENT AT SITE: <u>DEAN & ECK</u>	
THE FOLLOWING WAS NOTED:	<u>MUDSLINGER</u>	
<p><u>MUDSLINGER HAS EXCAVATED A KEYWAY @ THE FURLED AREA NORTH OF THE ENTRY DRIVEWAY.</u></p> <p><u>THE KEYWAY WAS EXCAVATED TO REPLACE UNCOMPACTED FILL IN THIS AREA. THE KEYWAY EXTENDS INTO FIRM NATIVE MONTEREY SHALE. THE KEY IS OF ADEQUATE WIDTH AND DEPTH. THE KEYWAY IS ACCEPTABLE TO PLACE SOILS.</u></p>		
FIELD REPORT	Exhibit <u>F</u>	SIGNED: <u>JEFF OLMS</u>

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.
Salinas, CA 93901
Tel: 831-757-0735
Fax: 831-422-1096

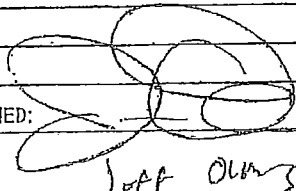
To: DR. GORDON STEVCK	DATE: 3/9/09	WORK ORDER: 1765
	PROJECT: STRUCK RES.	
	LOCATION: 570 AGUAYTO RD	
	CONTRACTOR: MUDSUMERA	
	WEATHER: CLEAR	TEMP:
	PRESENT AT SITE: DEAN D ECK	
THE FOLLOWING WAS NOTED;	ERIK BANSTAD	
<p>WORK HAS RESUMED SINCE RAIN DELAYED CONST. ALL OF LAST WEEK. THE SOUTH WESTERN FILL IS BEING EXCAVATED AND PLACED @ THE SOUTH EASTERN LOCATION.</p>		
<p>APPOX 12' OF OF MATERIAL WAS PLACED TODAY. DENSITY TESTS TAKEN WERE BOTH @ 93% REL DENSITY. #2 @ 15.8. AND IS IN ACCORDANCE WITH THE SPECIFICATIONS.</p>		
<p>NOTE: WHEN COMPLETED THE SE FILL WILL BE SHAPED TO BLEND WITH THE NATIVE SURROUNDINGS.</p>		
<p>I WILL RETURN TOMORROW 3/10/09.</p>		
FIELD REPORT	SIGNED: 	

Exhibit F

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.
Salinas, CA 93901
Tel: 831-757-0735
Fax: 831-422-1896

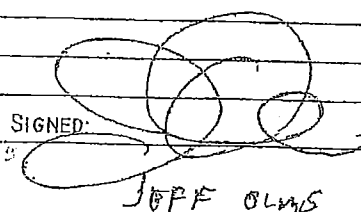
TO: <u>DR. GORDON STEVCK</u>		DATE: <u>3/10/09</u>	WORK ORDER: <u>1765</u>
		PROJECT: <u>STEVCK RES</u>	
		LOCATION: <u>570 AGUWITO DR.</u>	
		CONTRACTOR: <u>MUDSWINOTZ</u>	
		WEATHER: <u>CLEAR</u>	TEMP:
		PRESENT AT SITE: <u>DEAN & ECK</u>	
THE FOLLOWING WAS NOTED:			
- <u>MUDSWINOTZ HAS PLACED AN ADDITIONAL</u> <u>1' ON THE SE FILL. DENSITY TESTS ARE</u> <u>READING 90% OR BETTER, H₂O IS 100@15.5-17.0.</u>			
- <u>ALL OF THE WESTERN FILLS WERE REMOVED</u> <u>ALL UNDOCUMENTED FILLS WERE REMOVED</u> <u>FROM THE SITE.</u>			
- <u>LESS THAN 1' OF FILL IS YET TO BE PLACED,</u> <u>FOLLOWING THE FINAL LIFT, THE FILL WILL</u> <u>BE SHIPPED TO BLEND.</u>			
FIELD REPORT		SIGNED: 	

Exhibit F

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES DEPARTMENT, Tim McCormick, P.E., C.B.O., Director
Mailing: 168 W. ALISAL ST., 2nd FLOOR, SALINAS, CA 93901
PERMIT CENTER LOCATIONS:

- SALINAS OFFICE: 168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901; FAX: (831) 767-9516; PHONE: (831) 755-5027
- COASTAL OFFICE: 2620 FIRST AVE., MARINA, CA 93933; FAX: (831) 384-3261; PHONE: (831) 883-7500
- KING CITY OFFICE: 522-NORTH SECOND ST., KING CITY, CA 93930; FAX: (831) 385-8387; PHONE: (831) 385-8315

<http://www.co.monterey.ca.us/pbl/>

April 17, 2009

Gordon Steuck
570 Aguajito Road
Monterey, CA 93940

SUBJECT: Case Number CE080413/APN103-061-015-000
570 Aguajito Road, Carmel

Dear Property Owner:

The Monterey County Building Services Department appreciates your efforts to bring your property into compliance.

Please be advised that case number CE080413 was closed as a result of your concerted efforts to abate the violation(s) on your property.

Thank you for your time and attention to this matter.

Sincerely,

Dawn Vest
Land Use Technician

Cc: Leslie J. Girard, Assistant County Counsel
Office Link
File

Exhibit F

Page 81 of 121 Pages

0888

Anthony L. Lombardo
Jeffery R. Giles

Dennis C. Beougher
S.M. Casey
John Diaz

Matthew Gorman
Karen R. McWilliams
Amy Purchase Reid
Jason Rehner
Paul Rovella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Of Counsel
Sheri L. Damon
Virginia A. Hines



318 Cayuga Street
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Salinas, CA 93902-2119
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888-757-2444 (TOLL FREE)
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530 San Benito St., Suite 202
Hollister, CA 95023
831-630-9444

File No. 00143.003

June 3, 2009

Ms. Philomene Smith
Chair, and Members of the
Greater Monterey Peninsula
Land Use Advisory Committee
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: Steuck Lot Line Adjustment; PLN080454

Dear Chair Smith and Members of the Committee:

We are writing on behalf of Dr. and Mrs. Eric Del Piero. The Del Pieros are the property owners immediately west of the Steuck property. The Del Pieros share a common driveway access with the Steuck property and have over the years been significantly impacted by illegal grading activities on the Steuck property. The Del Pieros have significant concerns and objections to the proposed development of the Steuck property and the manner in which this application has been brought before the Advisory Committee. The reasons for the Del Pieros' concerns are detailed below:

PIBCEMBAL DEVELOPMENT

The matter before the Advisory Committee is noticed as consideration of a lot line adjustment between two lots of record. However, that is not the project before the County. It appears that it is the applicant's intention to pursue the lot line adjustment and then return with the plans for the houses. That approach is inappropriate and flies fully in the face of the legal requirements under CEQA to evaluate the entire project. This project because of its scale, development on slopes over 30% and oak tree removal will require a full environmental review. The full scope of the project and its potential impacts should be before the Advisory Committee.

In a letter to Ramon Montano dated May 6, 2009, Eric Barstad withdrew PLN050209. However, PLN080454 remains active. In that same letter Mr. Barstad also stated that "... on 4/16/09 they submitted a new application for a lot line adjustment only ..." However, the revised application form also dated April 16, 2009 clearly states that the application is a "lot line adjustment and two new SFDs on slopes in excess of 30%." The application form also states the project will include 1,211 cubic yards of cut and fill, the removal of 28 oak and three Monterey pine trees and includes 10 covered parking spaces. The project plans show two houses with detached garages.

Exhibit F

Ms. Philomene Smith
Chair, and Members of the
Greater Monterey Peninsula
Land Use Advisory Committee
June 3, 2009
Page 2

The house on the proposed western lot is 10,950 ft.² with an additional 1,116 ft.² of deck and includes six covered and three uncovered parking spaces. The house on the proposed eastern lot is 9,723 ft.² with 1,576 ft.² of decks and provides four covered parking spaces. The entire project should be fully presented for the Committee's review and consideration, fully evaluated under CEQA and taken forward to the Planning Commission for public hearing.

EFFECT OF THE LOT LINE ADJUSTMENT

Dr. Steuck obtained two Certificates of Compliance for this property. Certificates of Compliance are a determination by the County that based on the provisions of the Subdivision Map Act and local ordinances that there are two legal lots of record. Certificates of Compliance are not a determination that the lots are suitable for development nor are they a guarantee of a subsequent project approval. In this case, one of the lots is used for the existing residence. The second lot is a hillside that is not buildable. Approval of the lot line adjustment could result, arguably, in two buildable lots of record where there is now only one.

Under the Subdivision Map Act, the County must limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan and zoning and building ordinances. The County General Plan, Greater Monterey Peninsula Area Plan and zoning require 5-acre minimum parcels. In this case, the existing lots are not 5 acres in size and there is no way to reconfigure the lots to result in 5-acre lots. We recognize it is the County's practice and policy in cases like this to allow lot line adjustments as long as the parcels are compatible with the objectives and policies of zoning and the applicable plans. In this application, however, Dr. Steuck proposes to take two lots that are approximately equal in size (4.6 and 4.3 acres) and realign them to result in two lots of substantially different size (5.05 and 3.85 acres) rather than maintaining the current sizes or equalizing the lot sizes. Further, the resulting lot configuration will, contrary to Plan policy and County ordinance, establish building areas that are on slopes in excess of 30% and will require removal of oak trees. Those issues do not appear to be addressed in the review of the lot line adjustment.

The lots are served by a private easement that may not provide legal access to two residences on the Steuck property. There is no evidence by way of a title report or other analysis that clearly shows that Dr. Steuck has the right to use the easement for more than one house. This question should be fully researched addressed and resolved prior to any approval of the lot line adjustment or overall project.

Exhibit F

Page 83 of 121 Pages

0881

Ms. Philomene Smith
Chair, and Members of the
Greater Monterey Peninsula
Land Use Advisory Committee
June 3, 2009
Page 3

UNRESOLVED GRADING VIOLATIONS

There is a long and significant history of grading violations on the Steuck property that continue to be unresolved. The Del Pieros have worked diligently with the County in an effort to resolve these issues. However, the illegal grading remains.

The grading violations documented by the County date back to at least 1987 and involve the deposit of hundreds, if not thousands, of cubic yards of undocumented and unsuitable fill material on steep slopes. Numerous letters were written to Dr. Steuck by the County between 1987 and 1990 in effort to obtain compliance. The violations were ultimately referred to the District Attorney's office for prosecution. Unfortunately no further action was taken by the County.

Dr. Steuck made an application to the County in 2005 for a lot line adjustment and two large homes on the property. Part of the application materials included a geotechnical engineering report prepared by Earth Systems Pacific. That report identified the large areas of undocumented fill. That report made recommendations for further exploration to identify the full extent of the undocumented fill and that undocumented fill material to be removed from the property. When the content of that report was found, we met with Tim McCormick the Director of Building Services and Mike Novo the Director of Planning for Monterey County. The result of that meeting was an agreement that, among other things, Dr. Steuck would be required to retain a registered civil engineer to determine the full extent of undocumented fill and prepare a plan for the removal of that undocumented fill. The County issued a grading permit to Dr. Steuck earlier this year. That scope of work for that permit was to "clear CE08413: remove the existing fill and restore site back to original grade." However, the work that was ultimately approved by the County was not removal of the undocumented fill but instead approval of engineered fills. Much of that engineered fill is on slopes over 30%. It is that engineered fill that is now proposed to be building sites on the realigned lots.

The Del Pieros believe that the County's actions to correct the long-standing, extensive grading violations are inadequate and inappropriate. The Del Pieros believe there are still grading violations and possible violations related to protection of the oak trees on the property. They are currently evaluating their alternatives for further action on this issue.

SUMMARY

The Del Piero's do not object to the construction of a new home on the Steuck property. In fact, they would welcome construction of a home that would be compatible and consistent with the area. They do, however, object to the project as currently planned. They believe that:

Ms. Philomene Smith
Chair, and Members of the
Greater Monterey Peninsula
Land-Use Advisory Committee
June 2, 2009
Page 4

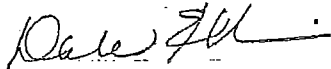
1. The lot line adjustment is inappropriate and inconsistent with the historic zoning, the General Plan and Area Plan.
2. The two homes proposed are inappropriate in their scale, would be inconsistent with County's policies and regulations pertaining to development on slopes over 30% and oak tree removal.
3. No action should be taken until such time as questions regarding the long-standing grading violations are fully resolved.

The Del Pieros request that the Advisory Committee either recommend the lot line adjustment be denied outright or that the application be tabled until such time as the entirety of the project is brought before them.

Thank you for your consideration.

Sincerely,

Lombardo & Gilles, LLP



Dale Ellis, AICP
Director of Planning and Permit Services

DE:ncs

cc: Dr. and Mrs. Eric Del Piero

Exhibit t

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0883



Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921

May 29, 2009

To: The Greater Monterey Peninsula Area Planning Advisory Committee
Michael Novo, Director of Planning
Monterey County Minor Subdivision Committee

From: The Aguajito Property Owners Association Board

Re: Opposition to Steuck Lot Line Adjustment due to Illegal Dumping of
Contaminated and Uncompacted Fill (Gentry Hill Lane) and lack of
Deeded Access (File Number: PLN080454, 570 & 570A Aguajito Rd)

Gentlepersons:

Our Homeowners Association strongly objects to the proposed Steuck Lot Line Adjustment because we believe:

1. Existing, contaminated waste has been dumped on and remains on the property, and neither the land owner nor the County has caused the contaminated and uncompacted waste materials to be excavated, tested, and removed as is required by Monterey County Codes and state law.
2. Lot line adjustments may not be approved if existing violations of state health and water quality protection regulations and county ordinances exist on a property, even if the county has failed to enforce its own codes and has failed to order the full excavation of the unpermitted and contaminated fill.
3. The creation of the new, buildable lot by the county will illegally burden the access easement across the Bliss property and Gentry Hill Lane, a private road. The smaller and currently unbuildable lot (all of it is in excess of 50% slope) is only allowed access from Aguajito Road. No access can be developed from Aguajito because the lot is almost vertical in slope. The proposed lot line adjustment would cause access to the proposed lot to come from Gentry Hill Lane, a private road that the County has no right to grant additional access or encroachment upon.
4. Visual inspection of the site will not disclose the thousands of yards of contaminated fill that has been dumped on the property because the owner has graded the top of the material to make it look like nothing is wrong.
5. The proposed lot line adjustment will create one non-conforming lot that is even more non-conforming than the current parcels. This proposal flies in the face of California law and the legislative intent governing such lot line adjustments. It violates both our zoning (5.0 acre minimum) and our deed

Exhibit F

restrictions and may lead to litigation if the County attempts to take actions beyond their authority or power. The motive for this lot line adjustment is purely for profit at the expense of our property owners.

Members of our homeowners association have known and objected for years to the illegal activities and illegal dumping of contaminated waste on the Steuck property. As has been documented by complaints since the mid-1980's, the dumping of waste and contaminated fill on that parcel, although repeatedly cited by county inspectors, remains an existing and present threat to our groundwater supplies.

We have reason to believe that, along with the broken asphalt, garbage, rebar, chunks of concrete, and pieces of broken metal that have been buried on the site, contaminated fill was deposited on the property. Our members have asked for this material to be fully excavated and tested in compliance with Monterey County Codes before any permit request is granted on the properties.

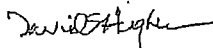
As you know, although there have been repeated assurances from multiple county employees over the years, the County of Monterey has failed to demand the full and complete excavation of this toxic waste material from the site. Further, the County has mysteriously released "Red Tags" that were placed on the property due to the illegal dumping without requiring any remediation of the contaminated waste or the full excavation and removal of the illegal contaminated fill as is required by state and local codes.

Additionally, the illegal fill has covered the bases of mature oak trees, threatening these protected species.

We strongly object to any processing or approval of any permit, and specifically we object to the lot line adjustment application, on the Steuck property until all of the illegal and contaminated fill has been excavated and removed, until the original natural grade of the property is restored, until all of the toxic contaminants that threaten our groundwater supplies are removed, and until the County has taken punitive action against the land owners for their wrongful past actions.

We ask that you deny any and all applications until each and all of the above violations and illegal acts have been resolved by the full removal of the illegal and contaminated fill from the property, and until access from Aguajito Road for the currently unbuildable lot is secured with a county encroachment permit, a county grading permit, a county variance, a General Plan amendment, and a Scenic and Design permit approval.


Respectfully, The APOA Board



David Hughes



Brad Burchill



Katie Clare Mazzeo

Exhibit F

143.3A

RECEIVED

NOV 19 2009

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES
Timothy P. McCormick P.E. & C.B.O.
Director of Building Services

168 West Alisal Street, 2nd Floor
Salinas, CA 93901
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BY REGULAR MAIL AND PERSONAL SERVICE

November 18, 2009

Gordon John & Sandra Lee Steuck Trs
570 Aguajito Road
Monterey Ca 93940

Exhibit 6

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Re: Action on Appeal of Final Inspection Approval for Grading Permit No. GP090013
Notice of Intent to Rescind Final Inspection Approval and Permit

Summary and Decision

As we previously discussed, an appeal was filed on June 9, 2009 contesting the granting of final inspection approval on April 2, 2009 for the above permit. On July 13, 2009, we met with you and your representative to conduct an inspection of your property related to this appeal. Since then we have conducted an investigation of available records and information provided by you, the appellant and our own County records for your property.

Based on this investigation, we have concluded that the work required under Grading Permit No. GP090013 has not been completed. As such, we intend to rescind the previously issued final inspection approval and revoke your permit on December 18, 2009 because you have failed to complete the required work as described in your permit and the permit was based on incorrect information supplied. This incorrect information included the extent of existing fill and the location of existing natural grade elevations. Prior to December 18, 2009, you may provide any additional information as to why you believe this decision should not be made final on that date.

Basis of Decision

On February 11, 2009, your contractor obtained grading permit number GP090013 with an approved description of work "to clear CE080413: remove existing fill and restore site back to original grades." This permit was issued and approved based on plans dated "Jan, 2009" that were prepared by Richard Dante, a licensed civil engineer. These plans showed that 369 cubic yards of new slope fill were to be removed to restore the site to their original grade elevations.

Permit Center Locations

Salinas Office: 168 W. Alisal St., 2nd Floor, Salinas, CA 93901; Fax: (831) 757-9516; Phone: (831) 755-5027
Coastal Office: 2620 First Ave., Marina, CA 93933; Fax: (831) 384-3261; Phone: (831) 883-7500
King City Office: 52-North Second St., King City, CA 93930; Fax: (831) 385-8387; Phone: (831) 385-8315

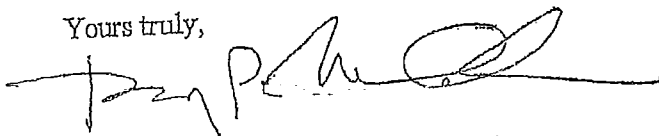
Re: Action on Appeal of Final Inspection Approval for Grading Permit No. GP090013
Notice of Intent to Rescind Final Inspection Approval and Permit

However, during the course of construction, considerable additional fill was encountered and placed as engineered fill (as referenced in the Construction Testing and Inspection Services letter dated March 17, 2009, attached). The terms of the permit required the removal of all such fill materials without exception. You must have completed this task prior to obtaining final inspection approval.

Our review of County records also showed that Grading Permit No. 46619 was issued on August 20, 1992 to correct these same violations but work did not commence (see attachment). On April 20, 1998, this permit was renewed but work did not commence. Plans approved for this permit are dated 04/24/1991 and were prepared by David J. Messmer, a licensed civil engineer. These plans showed the amounts of existing fill to be removed were 1,410 cubic yards. They also show that some fill was placed on slopes that exceed 30 per cent.

Our review also included observation of existing slopes on adjacent properties that have maintained or substantially maintained their natural grade elevations at adjoining property lines to your parcel. This review and comparison supports the finding that considerable fill continues to exist on the site, that some of this fill is located on slopes exceeding 30 percent slopes and that placement of this fill has altered the natural drainage patterns at adjoining property lines contrary to County regulations. We also have remaining concerns about the placement of fill near protected oak trees.

Yours truly,



Timothy P. McCormick, P.E. & C.B.O.
Director of Building Services

Attachments: Construction Testing and Inspection Services letter dated March 17, 2009
Grading Permit No. G-46619

cc: Randy Herrington, Lou Fiori, Beth Shrik, Les Girard, Dale Ellis, Anthony Lombardo,
James Rummonds, Mudslinger Engineering & Excavation

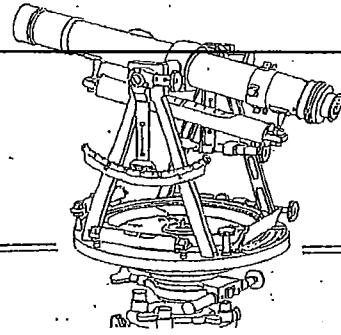
Exhibit F
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H.D. Peters Co., Inc. and Associates

Engineering - Surveying - Planning

119 Central Avenue Salinas, California 93901

Tel. (831) 424-3961 Fax. (831) 424-2746



April 12, 2010

Dr. And Mrs. Gordon Steuck
570 Aguajito Road
Carmel, CA 93923

Re.: Job # 3828- Restoration of Slope-Removal of Remaining Fill from Natural 30% Slope at 570
Aguajito Road per Minimal Fill Removal Plan, dated January 2010.

Dear Dr. And Mrs. Steuck::

I inspected the grading restoration on the natural slope of 30% or steeper on April 9, 2010, and in my opinion, all of the fill has now been removed from that steeper slope per our Minimal Fill Removal Plan. The remaining rubble taken off the slope was hauled off the property, and the removed soil was placed on the gently sloping ridge area indicated on the Plan. I inspected the erosion control planting on April 10, 2010, and found that the disturbed soil on the slopes has been seeded for grass and mulched with straw in advance of the expected rainstorm of April 11. Grass has germinated and is growing on previously seeded restoration areas.

A silt fence has been installed along the westerly edge of the property as shown on the Plan, and fiber rolls have been installed at the base of the fence rather than straw bales. The fiber rolls are an acceptable alternative to the straw bales and are visually less intrusive.

In my opinion the grading restoration project is now properly completed.

If you have any questions regarding my final site inspections, or this letter of proper completion of the restoration work, please contact me.

Sincerely,

H.D. Peters Co., Inc.

Richard E. Dante, P.E.

RED/red



c.c. Aaron Johnson, Esquire
Alan Scarsion, H.D. Peters Co., Inc.
Tim McCormick, P.E., C.B.O., Monterey County Building Department
Dean Boyster, Mudslinger

Exhibit F

**MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY**



BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.
Director of Building Services

168 West Alisal Street, 2nd Floor
Salinas, CA 93901
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August 25, 2010

Gordon John & Sandra Lee Steuck
570 Aguajito Rd.
Carmel, CA. 93940

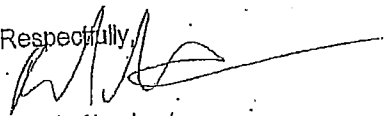
Inspector:	Randy Herrington
Contact:	(831) 755-5307

COMPLIANCE REPORT

Violation Location: 570 Aguajito Rd., Carmel, CA. 93940.
APN: 103-061-015-000
Zoning: RDR/5.1-JR-D-S
Case Number: CE090292
Review Date: July 1, 2010

On the above date, a compliance review of the referenced parcel(s) was completed related to the outstanding notice of violation issued on CE090292. This review revealed that the violations have been corrected and full compliance achieved including the payment of any administrative fines, administrative penalties, and administrative costs imposed as required.

Respectfully,


Randy Herrington
Building Grading Inspector

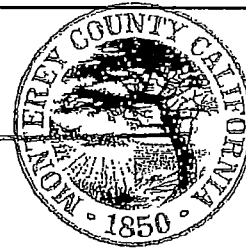
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Accela Automation Documents

Exhibit F

Page 91 of 121 Pages

01160

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.
Director of Building Services

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Salinas, CA 93901
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September 14, 2010

Anthony L. Lombardo
Lombardo and Gilles
318 Cayuga Street
Salinas, CA 93902-2119

Re: Request for Final Decision on Appeal Filed June 9, 2009

Dear Mr. Lombardo:

On November 18, 2009, we sent you a copy of our letter to the permit holder for GP090013, John and Sandra Lee Steuck, Trs (hereafter Steuck). This letter notified them of our intent to rescind the final inspection approval. In response to our letter, Steuck agreed to revise the scope of work shown their permit to fully conform to Monterey County requirements. As such we rescinded the final inspection approval and required the submittal of corrected plans and performance of additional work. We consider these actions to constitute a granting of your appeal.

Subsequently, Steuck's engineer submitted revised plans that showed the removal of all fill placed on slopes exceeding thirty percent, removal and recompaction (addition) of new fill on locations not exceeding thirty percent slope and revised drainage devices to divert surface runoff from the adjacent property (of your client). These plans were approved and the work was performed. We also sent a licensed arborist (Erin Nickerson) to the site to verify the maintenance and health of the protected oak trees. She found no violations related to removal or damage to the protected oak trees. We gave final inspection of the corrected work on July 1, 2010.

As a result of the above actions, we believe that no further violations of the Monterey County Code continue to exist at this site related to the grading work done previously done without a permit. If you have any remaining concerns, please advise us at your earliest convenience.

Yours truly,

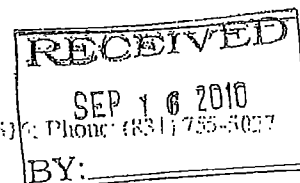
Timothy P. McCormick, P.E. & C.B.O.
Director of Building Services

Exhibit 1

Page 92 of 121 Pages

cc: AA, Gordon and Sandra Lee Steuck, Aaron Johnson

Permit Center Location:
Salinas Office: 166 W. Alisal St., 2nd Floor, Salinas, CA 93901 Fax: (831) 757-9516 Phone: (831) 755-5027



Anthony L. Lombardo
Terry R. Gilles

Travis C. Beougher
Matthew S.M. Casey
J. Kenneth Gorman
Amy Purchase Reid
Jason Reffner
Paul Rovella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Of Counsel
E. Sarah Diaz
Virginia A. Hines



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Hollister, CA 95023
831-630-9444
831-630-5935 (FAX)

File No. 00143:003

December 27, 2010

Mr. Roger Briggs
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Complaint and request for investigation and remediation of illegal dumping of toxic/regulated wastes and gas station excavation materials at 570 Aguajito Road (APN 103-061-015), Monterey California (Steuck property on Aguajito Road, Monterey, Monterey County, CA.)

Dear Mr. Briggs:

On behalf of our clients, Dr. and Mrs. Eric Del Piero, I hereby file this complaint and request for immediate investigation and remediation of the subject site by the CCRWQCB. There has been unpermitted and undocumented disposal of purportedly contaminated fill (allegedly from gas tank/station excavations) by Gordon Steuck on his property adjacent to my clients' home for over a decade.

This illegal dumping has been documented by the County of Monterey, but no effective testing, removal or remediation of the toxic contaminants in the illegally dumped excavation spoils has been ordered. During heavy rainfall events, my clients report yellow "mucous" is reported to ooze from areas of the illegal fill and flow onto adjacent properties before it percolates back into the ground. We believe this may constitute a public health threat to local groundwater supplies and potable wells used by area residents for human consumption. This clearly violates multiple statutes, the Basin Plan and numerous SWRCB and DTSC regulations.

I have enclosed copies of the extensive documentation of this illegal dumping and the prior actions by Monterey County. We have recently discovered that Monterey County has never notified your office of this problem. Unfortunately, Monterey County has not taken action to order the excavation and removal of the illegal, undocumented fill. Further, in spite of the contamination on the site, Monterey County has conducted no testing for contaminants or toxic materials, although they have ordered removal of some of the large chunks of asphalt and metal remnants from the site.

We are asking for your help. Please initiate a full and complete investigation of this case of illegal dumping, including the immediate remediation of the site in order to protect local

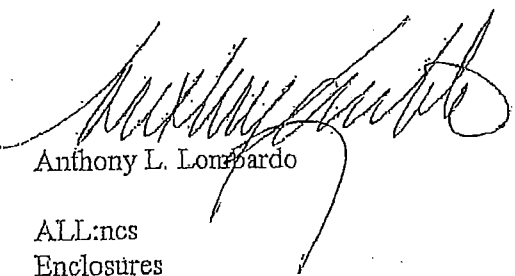
Mr. Roger Briggs
Central Coast Regional Water Quality Control Board
December 27, 2010
Page 2

groundwater resources from this pollution, and the full and complete excavation and removal of the undocumented fill from the Steuck property.

My clients would be happy to show a member of your investigative staff the site at their earliest convenience.

Sincerely

Lombardo & Gilles, LLP



Anthony L. Lombardo

ALL:ncs

Enclosures

cc: Dr. and Mrs. Eric Del Piero

Exhibit F

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MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

BUILDING SERVICES

168 West Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-5027
Fax: (831) 757-9516
www.co.monterey.ca.us/rma



INTEROFFICE MEMORANDUM

Date: April 11, 2011

To: Leslie J. Girard, Assistant County Council

From: John Villalpando, Interim Assistant Director

Re: Enforcement Case Review -- Gordon John & Sandra Lee Steuck
570 Aguajito Road, Carmel, CA 93940
APN: 103-061-015-000

On April 1, 2011, I visited the subject site to observe the east and west grading areas. The files reflect that both grading permits have been finalized. I concur with the previous memo dated March 11, 2011 by John Huntley.

Based on this information, there are no outstanding code enforcement issues pending, therefore, no further action is required as of this date.

Exhibit †

Page 95 of 121 Pages

Permit Center Locations

Salinas Office: 168 W. Alisal St., 2nd Floor, Salinas, CA 93901; Fax: (831) 757-9516; Phone: (831) 755-5027
Coastal Office: 2620 First Ave., Marina, CA 93933; Fax: (831) 384-3261; Phone: (831) 883-7500
King City Office: 52-North Second St., King City, CA 93930; Fax: (831) 385-8387; Phone: (831) 385-8315

MONTEREY COUNTY



DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH

PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

August 1, 2011 [Revised]
Lombardo & Gilles, LLP
Anthony Lombardo
318 Cayuga Street
P.O. Box 2119
Salinas, CA 93902

RE: 57 Aguajito Road, APN 103-061-015
Letter dated July 20, 2011: Septic System; Permit No. ON011616
Letter to Roger Briggs dated December 27, 2010: Hazardous Material Complaint; CO0012848
Construction of Unpermitted Water Well .

Dear Mr. Lombardo,

I have been asked to follow up regarding the concerns that you and your client Dr. Eric Del Piero have expressed regarding the above referenced property. Monterey County Environmental Health Bureau received your letter dated July 20, 2011 in regards to Mr. Stueck's septic system installation. The Regional Water Quality Control Board has forwarded your letter regarding the allegations in your letter of December 27 2010 regarding illegal dumping of hazardous materials. Recently, Dr. Del Piero indicated to staff on July 8, 2011 that it was his belief that there was an illegal well constructed on this property in the area of the alleged hazardous materials dumpsite last year.

I will address each of these three issues separately.

Septic System:

Our records indicate Dale Ellis completed a record request of the septic system file on 07/12/2011. As this project involved a lot line adjustment as well, several supporting documents discussed below were in the land use file and may not have been reviewed by Mr. Ellis.

Mr. Stueck applied for a lot line adjustment on (LLA) PLN080454 on 5/12/09. It was reviewed by staff and the property owner was informed that the septic system would need to be replaced prior to the LLA because the system would likely cross the proposed property line. Subsequently, Janna Faulk met onsite to discuss septic design options with Mr. Stueck (owner), R. Wayne Johnson (R.J.) (Architect/Civil Engineer), and Peter Dew (Peninsula Septic Tank Service (PSTS), septic contractor). Two options were discussed either construct a small system for the existing home or a larger system for the future larger home as long as the either of the proposed systems met the setbacks from the future property line and other code requirements.

PSTS submitted a septic repair application indicating a standard repair for the existing house on 9/20/10. On 9/22/10 a septic permit was issued based on the specifications on the septic permit application.

On 11/01/10 a memo was sent to the Planning Department deeming the LLA application complete, which included the following note, regarding the review of the septic system:

1270 Natividad Rd., Salinas, CA 93906 (831) 755-4507 (831) 796-8680 FAX

Exhibit F

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"The existing system may be a cesspool or may have a very small leachfield that crosses the proposed new lot line. The owner understands that this system must be demolished and a new system installed prior to recording the lot line adjustment. PSTS has given the property owner the option of a small septic system that will meet the needs of the current home and will also meet setbacks to the existing home and proposed property line or the new system designed for the future home (not under this application) to be installed. Either option is agreeable to EHB as long as it is completed prior to recordation of the LLA."

Subsequently, on 04/18/11, Janna Faulk was notified by R.J. that the owner would like to install a system designed for the future home as discussed in the field. The existing septic permit would be valid for the modified septic system design. Janna Faulk inspected the installation of the new septic system on 6/27/11.

I will now address the 5 points that you made in your letter of July 20, 2011.

1. This is not a repair system.

EHB highly recommends that owners install dual systems (two septic systems with a diversion valve) in all situations and this is also recommended by the Central Coast Basin Plan. This allows for "resting" of each leachfield while the other is in use, increasing the life of the system and promoting proper treatment of the effluent which decreases potential environmental degradation. There are no laws, codes or regulations that limit the design of a septic system to minimum code requirements. The system that was installed consists of two independent systems of 1,500 square feet each, a primary leach field and a secondary leach field. 1,500 square feet is the minimum required leach field size for a 4 bedroom home. Thus if the owner would like to use this system for a future new house the maximum number of bedrooms would be four without installing additional leachfield area. It will be more than sufficient to serve as a repair to the existing house.

Additionally, it is not uncommon that approved changes by an EHB inspector are made in the field or office due to changing or unforeseen circumstances/conditions after the permit has been issued. EHB permits are written according to minimum sizing requirements and owners may increase the sizing as appropriate with approval from the inspector.

2. Leach fields are not in conformance to setback from trees.

The constrained nature of the property (i.e. slopes and downhill embankments) dictated the present location of the repair area.

- a. It has recently come to our attention that a small portion, approximately 15 feet, at the end of a trench is 9 feet from a tree. EHB is in the process of notifying the owner that either a variance must be requested or obtain a tree removal permit for the removal of the tree.
- b. The area shown on the plan includes a future repair area in an area that is more heavily dominated by trees. This area does not have any septic installation at this time and the owner understands that a tree removal permit would be required in the future if that area were needed for a septic repair.

3. Leach fields are not in conformance to setback from a water line.

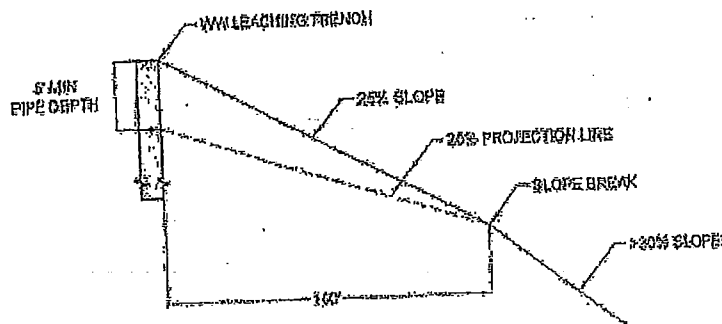
The trenches were installed 15 feet from the water line. The proposal for moving the water line as shown on the LLA site plan was not a factor in the approval of this septic system. If the owner works with the water system in the future to move the water line, EHB will ensure that setbacks to septic are maintained.

4. The leach fields are on 25% slope and are not in conformance to General Plan 2010.
The topography survey on the site plans drawn by R. Johnson indicates that the area in question is 20% slope. Additionally, the septic permit was issued on 9/22/10 which was prior to the approval date of the 2010 General Plan (approved 10/26/2010). Thus the 2010 General Plan policies were not a requirement for this septic permit.
5. The leach fields are not in conformance to setback from a downhill embankment.
The system that was installed meets Monterey County Code 15.20 setback to slopes as the downhill embankment is less than 30%. Additionally the system meets the Basin Plan setback for slopes which is more restrictive than Monterey County Code. R.J. supplied a cross sectional analysis of the proposed leachfield area on 11/01/10 which demonstrates that the proposed and ultimately installed system meet the requirements of Monterey County Code and the Basin Plan.

Basin Plan VIII.D.3.a. Site Suitability states:

If no restrictive layers intersect, and geologic conditions permit surfacing, the setback distance from a cut, embankment, or steep slope (greater than 30 percent) should be determined by projecting a line 20 percent down gradient from the sidewall at the highest perforation of the discharge pipe. The leachfields should be set-back far enough to prevent this projected line from intersecting the cut within 100 feet, measured horizontally, of the sidewall. If restrictive layers intersect cuts, embankments or steep slopes, and geologic conditions permit surfacing, the setback should be at least 100 feet measured from the top of the cut.

This section is better represented as an image:



Hazardous Materials Illegally Dumped:

On August 25, 2008 Environmental Health received a complaint (CO0009728) from your Office via Planning and Building Department regarding alleged soil contamination at 570 Aguajito Road. This complaint stemmed from code enforcement action being taken by Building and Planning (CE08413). Staff inspected the property on August 26, 2008 and found no evidence of soil contamination. This complaint was then closed.

On June 9, 2011 staff from the Regional Water Quality Control Board Region 3 referred a letter to Environmental Health addressed to Roger Briggs, Executive Officer, dated December 27, 2010. The letter with accompanying documents alleged that hazardous material from a gas station had been illegally dumped on this property.

Staff opened another complaint case (CO0012848) subsequent to receiving the December 27, 2010 letter with attached documents and materials. Environmental Health staff reviewed the documents accompanying the letter and conferred with Regional Board staff. It was conclusion of the Regional

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Exhibit F

Board and Environmental Health staff that the documents do not provide any factual evidence that show the fill that was placed on the property was contaminated with hazardous materials or that the concrete rubble and building materials in the fill originated from a gas station. The documents accompanying the letter do provide factual evidence that illegal fill was brought onto the property; the illegal fill contained concrete rubble and other building rubble; the Planning and Building Department took code enforcement action; and your client did not concur with the final decision of the Building Department regarding the corrective action that was approved.

Construction of a Water Well without Permit:

On July 8, 2011, staff met with Dr. and Mrs. Del Piero and explained the lack of evidence regarding the hazardous materials allegation. During that conversation Dr. Del Piero expressed a new concern. He believed that a water well had been constructed without a permit in the middle of the alleged "contaminated" area.

Staff has reviewed our files and the water well in question was completed on 5/12/01 as indicated on the copy of the Well Completion Report. The original Well Completions Report was submitted to the California Department of Water Resources. The Monterey County well permit number is 00-356. The activity that Dr. Del Piero witnessed was probably the pump test that was performed on 9/14/10 and witnessed by staff.

After reviewing your letters of July 20, 2011; December 27, 2010 with attached documents; Environmental Health's documents and files; and interviewing staff regarding the concerns that you and Dr. Del Piero have expressed, the following is what has been determined:

1. Hazardous Materials: No factual evidence was found during the 2008 inspection or in the documents submitted that supports the allegation that illegal hazardous material from a gas station was dumped on the property.
2. Septic System: A major violation of the design and construction of the onsite wastewater treatment system does not exist that poses a public health risk. Environmental Health is following up, as previously indicated, to address the small portion of one trench that is 9 feet from a tree instead of 10 feet. Therefore, there is no basis to rescind the permit for the onsite wastewater treatment system or require a disconnection from the system.
3. Water Well: The well was constructed with a permit from Monterey County Environmental Health.

If you have any further questions you may contact me at 755-4544.

Sincerely,



Richard LeWane, REHS
Assistant Director of Environmental Health

cc: Dave Potter, Supervisor 5th District
Les Girard, Esq., County Counsel
Mike Novo, Director of Planning Dept.
Dr. & Mrs. Eric Del Piero
John Ramirez, Director of Environmental Health
Bruce Welden, Environmental Health, Supervisor

Cheryl Sandoyal, Environmental Health, Supervisor
Jania Faulk, Environmental Health, Senior
Taven Kinison Brown, Planning Dept.
Ramon Montano, Planning Dept.
Bill Dunn, Planning Dept.

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Exhibit F

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MONTEREY COUNTY



DEPARTMENT OF HEALTH Ray Bullfck, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH

PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

August 17, 2011

Lombardo & Gilles, LLP
Anthony Lombardo
318 Cayuga Street
P.O. Box 2119
Salinas, CA 93902

RE: 57 Aguajito Road, APN 103-061-015
Letter dated August 8, 2011

Dear Mr. Lombardo:

I have reviewed your letter of August 8, 2011 reiterating your concerns as detailed in your letter of July 20, 2011 and Dr. Del Piero's concerns regarding the recent septic system that was installed, alleged imported hazardous materials, and alleged unpermitted construction of a well. The following is a brief summation of EHB's determination on the issues you have raised.

1. Septic System

CEQA: The septic system permit that was issued for this parcel is a ministerial permit and thus is exempt from the requirements of CEQA per Section 15628 of the 2011 California Environmental Quality Act (CEQA) Statute and Guidelines.

Trees: No Trees were removed. Staff verified this in the field during inspections. See my prior letter dated July 29, 2011 [Revised] for further details addressing this issue.

Slope: The septic system meets the requirements for slope and is not subject to General Plan 2010 as detailed in my letter dated July 29, 2011 [Revised].

2. Hazardous Materials

No factual evidence or documentation has been submitted to establish importation of hazardous materials as detailed in my letter of July 29, 2011 [Revised]. Monterey County Code Enforcement has established that there was illegal importation of fill that contained building materials and rubble. The Resource Management Agency is proceeding with the appropriate legal actions.

3. Construction of Unpermitted Well

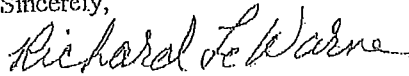
The well was constructed on 5/12/01 under permit as indicated in my letter of June 29, 2011 [Revised]. The activity witnessed last year by Dr. Del Piero was probably a pump test that was over sighted by Environmental Health as detailed in my letter of July 29, 2011 [Revised].

1270 Natividad Rd., Salinas, CA 93906 Phone (831) 755-4505 Fax (831) 755-4880
<http://www.co.mtyhd.org>

Exhibit F

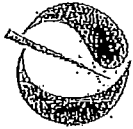
In reviewing your letter, no new information was submitted to the Environmental Health Bureau that would affect our determination. Therefore the analysis and conclusion of my July 29, 2011 letter remains unaffected.

Sincerely,



Richard LeWarne, REHS
Assistant Director
Environmental Health

cc: Dave Potter, Supervisor 5th District
Les Girard, Esq., Assistant County Counsel
Mike Novo, Director of Planning
Carl Holm, Interim Assistant Director, Resource Management Agency
Dr. Lew Bauman, County Administrative Officer
John Ramirez, Director of Environmental Health



California Regional Water Quality Control Board
Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • FAX (805) 543-0397
<http://www.waterboards.ca.gov/centralcoast>



Matthew Rodriguez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

August 23, 2011

Mr. Anthony L. Lombardo
Lombardo & Giles
P.O. Box 2119
Salinas, CA 93902-2119

Dear Mr. Lombardo:

SUBJECT: COMPLAINT AND REQUEST FOR INVESTIGATION OF ILLEGAL DUMPING OF TOXIC/REGULATED WASTES AND GAS STATION EXCAVATION MATERIALS AT 570 AGUAJITO ROAD (STEUCK PROPERTY), MONTEREY

The subject complaint, dated December 27, 2010, has been reviewed by Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff. Our review of the complaint and the supporting documentation found no basis to confirm the allegations in the complaint or a threat to water quality. We referred the complaint and supporting documentation to the Monterey County Department of Health, Hazardous Materials Management Services (County). The County also found no basis to confirm the allegations of hazardous materials deposited at the property stated in the complaint (see County response, Attachment 1). Based on the information provided, and the independent investigations by the Central Coast Water Board staff and the Hazardous Materials Management Services of the Monterey County Department of Health, the complaint has been closed.

In reviewing the documentation submitted with the complaint, we note the geotechnical investigations performed on this property did not report any signs of discolored fill material indicative of hazardous wastes from gas station underground tank excavations. All comments in the reports related to the structural integrity of fill. The June 14, 1994 letter from Messmer & Associates, Inc., indicated the existing fill has a high percentage of rubble and unusable soil. The July 11, 1994 *Geotechnical, Soils, and Percolation Investigation* report by Pacific Land Services, Inc., describes the suitability of native soils and underlying bedrock for site construction, and the need of any imported fill to be properly inspected and placed. The May 20, 2008 *Geotechnical Engineering Report, Steuck Residences* report by Earth Systems Pacific also describes the site suitability for the proposed residential buildings, with three of six exploratory borings identified as being placed into existing fill, concrete rubble being noted in one of the three borings, and citing the need to remove and replace existing onsite fill materials as properly engineered fill. The February 12, 2009 letter from H.D. Peters Co., Inc. and Associates, identified an uncontrolled fill area needing restoring by removal, with placement back as an engineered fill. The March 17, 2009 *Restoration Grading Report* by CTI Construction Testing & Inspection Services reported grading observations and density testing of the restored grading, with large pieces of concrete rubble and miscellaneous building rubble removed. The remainder of the documentation included with the complaint dealt with grading permit issues and did not support the allegation of hazardous fill placed on the property.

Exhibit F

California Environmental Protection Agency

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Mr. Anthony L. Lombardo

- 2 -

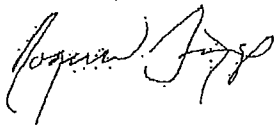
August 23, 2011

The Monterey County investigation of the complaint was answered in their letter dated August 1, 2011 (revised), which addressed the septic system, alleged hazardous materials illegally dumped, and the alleged construction of a well without a permit. Monterey County Environmental Health reported this site was previously investigated and inspected in 2008, for alleged soil contamination and no evidence of contamination was found at that time. The Monterey County Department of Health, Hazardous Materials Management Services also reviewed the documents included with the complaint and found no factual evidence the fill placed on the property was contaminated with hazardous materials or that the concrete rubble and building materials in the fill originated from a gas station.

Given the allegations of hazardous material on the property have been investigated independently by the Central Coast Water Board and Monterey County Department of Health, Hazardous Materials Management Services, and that no basis for the allegations was found, we consider this complaint answered and closed.

Questions on this matter may be referred to Mr. John Robertson at (805) 542-4630 and jrobertson@waterboards.ca.gov, or Mr. John Goni at (805) 542-4628 and jgoni@waterboards.ca.gov.

Sincerely,



Roger W. Briggs
Executive Officer

Attachment 1: August 1, 2011 letter from Monterey County Department of Health to Anthony Lombardo

S:\Seniors\Shared\UST\UST Program\Complaints\570 Aguajito Road, Monterey (Eric Del Piero) 12-27-2010\570 AGUAJITO ROAD MONTEREY RESPONSE TO 12-2010 COMPLAINT 8-2011.doc

cc:

Mr. Bruce Welden
Monterey County Health Dept
weldenb@co.monterey.ca.us
1270 Natividad Road
Salinas, CA 93906

Mr. Cory Welch
Monterey County Health Department
welchc@co.monterey.ca.us
1270 Natividad Road
Salinas, CA 93906

Mr. Richard LeWarne, REHS
Monterey County Health Dept
lewarner@co.monterey.ca.us
1270 Natividad Road
Salinas, CA 93906

Exhibit F

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Mr. Anthony L. Lombardo


- 2 -

August 23, 2011

Exhibit F

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California Environmental Protection Agency

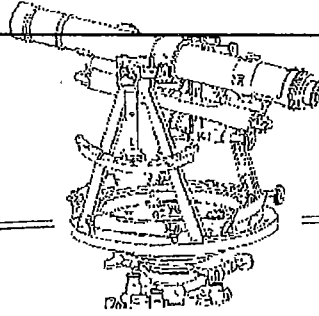
 Recycled Paper

H.D. Peters Co., Inc. and Associates

Engineering - Surveying - Planning

119 Central Avenue Salinas, California 93901

Tel. (831) 424-3961 Fax. (831) 424-2746



January 9, 2013

Dr. And Mrs. Gordon Steuck
c/o Aaron Johnson, Attorney
Johnson, Moncrief & Hart
16 W Gabilan Street
Salinas, CA 93901

Attn: David W. Balch, Attorney

Re: Observations Regarding Possible Soil Contamination During Restoration
Grading and Slope Restoration at 570 Aguajito Road per Grading Permit Plan,
dated January 2009.

Dear Dr. And Mrs. Steuck:

I inspected the grading restoration of the natural slope and minimal fill of soil removed from that slope in March 2010, and made a final field inspection on April 9, 2010. As part of my inspection I observed the soil that was removed from the restored slope (in areas steeper which were steeper than 30%) and replacement flatter areas in soil lifts of one foot or less. At no time did I see or smell any soil contamination in that material. If I had seen or smelled any soil contamination, I would have immediately informed our clients, Doctor and Mrs. Gordon Steuck, of such suspected contamination.

If you have any questions regarding my final site inspection, or my opinion regarding lack of soil contamination, please contact me. A copy of my prior inspection report is attached.

Sincerely,

H.D. Peters Co., Inc.

Richard E. Dante, P.E.

RED/red

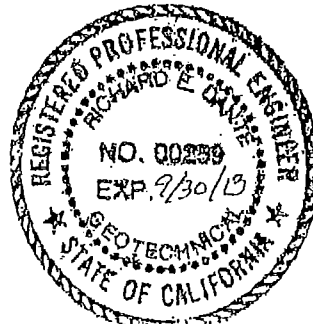


Exhibit F

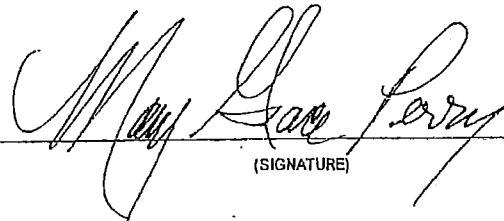
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Charles J. McKee, County Counsel (152458) Mary Grace Perry, Deputy County Counsel (SBN 153396) Office of the County Counsel 168 W. Alisal St., 3rd Floor, Salinas, TELEPHONE NO.: 831-755-5045 FAX NO. (Optional): 831-755-5283 E-MAIL ADDRESS (Optional):</p>	<p>FOR COURT USE ONLY</p>
<p>ATTORNEY FOR (Name): County of Monterey SUPERIOR COURT OF CALIFORNIA, COUNTY OF Superior STREET ADDRESS: 1200 Aguajito Road MAILING ADDRESS: CITY AND ZIP CODE: Monterey, CA 93940 BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: GORDON STEUCK & SANDRA STEUCK DEFENDANT/RESPONDENT: COUNTY OF MONTEREY</p>	
<p>NOTICE OF ENTRY OF JUDGMENT OR ORDER (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeded \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded was \$25,000 or less)</p>	<p>CASE NUMBER: M 117451</p>

TO ALL PARTIES:

1. A judgment, decree, or order was entered in this action on (date): December 18, 2012
2. A copy of the judgment, decree, or order is attached to this notice.

Date: December 20, 2012

Mary Grace Perry
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)



(SIGNATURE)

Exhibit F

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PLAINTIFF/PETITIONER: GORDON STEUCK & SANDRA STEUCK	CASE NUMBER: M 117451
DEFENDANT/RESPONDENT: COUNTY OF MONTEREY	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and not a party to this action. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*:
Business: 168 W. Alisal Street, 3rd Floor, Salinas, CA 93901

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and *(check one)*:
a. deposited the sealed envelope with the United States Postal Service.
b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:
a. on *(date)*: December 20, 2012
b. from *(city and state)*: Salinas, California

4. The envelope was addressed and mailed as follows:
a. Name of person served:
Paul Hart & David Balch
Street address: 16 W. Gabilan Street
City: Salinas
State and zip code: CA 93901

c. Name of person served:
Street address:
City:
State and zip code:

b. Name of person served:
Anthony Lombardo & Debra Tipton
Street address: 560 Lincoln, #101
City: Salinas
State and zip code: CA 93901

d. Name of person served:
Street address:
City:
State and zip code:

Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

5. Number of pages attached 0.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 20, 2012

Susan Moore
(TYPE OR PRINT NAME OF DECLARANT)

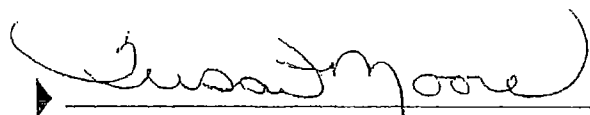

(SIGNATURE OF DECLARANT)

Exhibit 1
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1 CHARLES J. McKEE, SBN 152458
County Counsel
2 MARY GRACE PERRY, SBN 153396
Deputy County Counsel
3 JESSE J. AVILA, SBN 79436
Deputy County Counsel
4 Office of the County Counsel
County of Monterey
5 168 West Alisal Street, Third Floor
Salinas, CA 93901-2653
6 Telephone: (831) 755-5045
Facsimile: (831) 755-5283
7 E-mail: perrym@co.monterey.ca.us
avilajj@co.monterey.ca.us
8

Exempt from filing fee
Gov't Code Secs. 6100, 6103

FILED

DEC 18 2012

CONNIE MAZZEI
CLERK OF THE SUPERIOR COURT
~~W. OLIVEREZ~~ DEPUTY

9 Attorneys for Defendants COUNTY OF MONTEREY
AND MONTEREY COUNTY BOARD OF SUPERVISORS
10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF MONTEREY

13 GORDON STEUCK, an individual, and
SANDRA STEUCK, an individual,

CASE NO. M 117451

14 Petitioners and Plaintiffs,

15 vs.

ORDER 1) GRANTING PLAINTIFFS'
DEMURRER TO INTERVENORS'
COMPLAINT IN INTERVENTION
2) GRANTING COUNTY'S MOTION
FOR DISMISSAL AND 3) DENYING
PLAINTIFFS' MOTION FOR
JUDGMENT ON THE PLEADINGS

16 COUNTY OF MONTEREY,
17 MONTEREY COUNTY BOARD OF
SUPERVISORS, and DOES 1 through
18 50, inclusive

19 Respondents and Defendants.
20 -----

Hearing Date: November 9, 2012
Time: 9:00 a.m.
Dept.: 14

21 ERIC DEL PIERO AND TERESA DEL
PIERO

22 Intervenor.

Exhibit 1

Page 10 of 21 Pages

23
24 On or about August 14, 2012, pursuant to California Code of Civil Procedure Sections
25 430.2 and 438, Plaintiffs and Petitioners GORDON STEUCK and SANDRA STEUCK
26 (hereafter, "STEUCK" or "Plaintiffs and Petitioners") filed a motion for judgment on the
27 pleadings as to the STEUCKS' first and second causes of action, for declaratory relief, on the
28

1 basis that the answer of Respondents and Defendants COUNTY OF MONTEREY and
2 MONTEREY COUNTY BOARD OF SUPERVISORS (hereafter, "COUNTY" or "Respondents
3 and Defendants") did not state facts sufficient to constitute a defense.

4 On August 29, 2012, COUNTY filed a motion for judgment on the pleadings and motion
5 to dismiss STEUCKS' verified petition for writ of mandate and complaint for declaratory relief
6 based on STEUCKS' failure to name indispensable or conditionally necessary parties, including
7 Intervenor ERIC DEL PIERO and TERESA DEL PIERO (hereafter, "DEL PIERO" or
8 "Intervenors") pursuant to California Code of Civil Procedure Section 389.

9 On October 11, 2012, the DEL PIEROS filed a complaint in intervention seeking
10 declaratory and other relief including a judicial determination that COUNTY violated the
11 Monterey County Code (MCC) Zoning Ordinance Sections 21.84.120 and 21.84.130 by (i)
12 issuing Grading Permit No. GP090013 in 2010; (ii) issuing Certificates of Compliance Nos.
13 2004079692 and 2004079684 in 2004; and (iii) by granting a lot line adjustment in December
14 2011. The DEL PIEROS also sought damages, costs of suit and such other relief as the Court
15 may deem just and proper.

16 On or about October 16, 2012, the STEUCKS filed a demurrer to the DEL PIEROS'
17 complaint in intervention. In their demurrer, the STEUCKS alleged that the DEL PIEROS'
18 complaint in intervention was time barred pursuant to California Government Code Section
19 65009 which provides that an action or proceeding to protest planning and zoning decisions must
20 be filed and served within 90 days after the decision of a legislative body (Government Code
21 Section 65009(c)(1)).

22 COUNTY'S motion for judgment on the pleadings and motion to dismiss the STEUCKS'
23 petition for writ of mandate and complaint for declaratory relief, STEUCKS' motion for
24 judgment on the pleadings, and STEUCKS' demurrer to the DEL PIEROS' complaint in
25 intervention, were regularly heard at the above date and time. Appearing as attorneys were Paul
26 Hart and David Balch for Plaintiffs and Petitioners, Mary Grace Perry for Defendants and
27 Respondents and Debra Tipton for Intervenors.

28 Exhibit F

1 After considering the papers filed in support of and in opposition to the STEUCKS'
2 motion for judgment on the pleadings, the COUNTY'S motion for judgment on the pleadings,
3 the COUNTY'S motion to dismiss, and the STEUCKS' demurrer to the DEL PIEROS'
4 complaint in intervention, and the arguments of counsel, the Court sustains the STEUCKS'
5 demurrer without leave to amend, grants the COUNTY'S motion to dismiss without prejudice, as
6 to the entire action, and denies the STEUCKS' motion for judgment on the pleadings.

7 With respect to the COUNTY'S motion for judgment on the pleadings and motion to
8 dismiss the STEUCKS' verified petition for writ of mandate and complaint for declaratory relief
9 based on the STEUCKS' failure to name indispensable or conditionally necessary parties,
10 including the DEL PIEROS, the Court finds that the DEL PIEROS are indispensable parties to
11 the above entitled action pursuant to California Code of Civil Procedure Section 389.

12 With respect to the DEL PIEROS' complaint in intervention and the STEUCKS'
13 demurrer to said complaint in intervention, the Court finds that the DEL PIEROS' complaint in
14 intervention is time barred for failure to meet the applicable 90 day statute of limitations
15 pursuant to California Government Code Section 65009 and, that in said complaint for
16 intervention, the DEL PIEROS' seek affirmative remedies and relief beyond what the STEUCKS
17 seek in their verified petition for writ of mandate and complaint for declaratory relief.

18 Also with respect to the DEL PIEROS' complaint in intervention and the STEUCKS'
19 demurrer to said complaint in intervention, the Court further finds, pursuant to California Code
20 of Civil Procedure Section 581(f)(1), and pursuant to the stipulation of the parties on the record,
21 that having sustained the STEUCKS' demurrer without leave to amend, and having granted the
22 COUNTY'S motion to dismiss, that said dismissal of STEUCKS' verified petition for writ of
23 mandate and complaint for declaratory relief also includes the dismissal of the DEL PIEROS'
24 complaint in intervention.

25 With respect to the STEUCKS' motion for judgment on the pleadings, the Court finds
26 that there is an adequate remedy available to the STEUCKS who are free to re-apply to
27 COUNTY; and, therefore, the STEUCKS' motion for judgment on the pleadings, is denied.

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Exhibit E

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IT IS HEREBY ORDERED that:

1. Petitioners and Plaintiffs GORDON STEUCK and SANDRA STEUCKS' demurrer to Intervenors' ERIC DEL PIERO and TERESA DEL PIEROS' complaint in intervention is sustained without leave to amend, and based on the foregoing, said complaint in intervention is dismissed with prejudice.

2. Respondent and Defendants' COUNTY OF MONTEREY and MONTEREY COUNTY BOARD OF SUPERVISORS' motion to dismiss is granted without prejudice as to the entire action.

3. Petitioners and Plaintiffs' GORDON STEUCK and SANDRA STEUCKS' motion for judgment on the pleadings, as to the STEUCKS' first and second causes of action for declaratory relief, is denied.

DEC 18 2012

KAY T. KINGSLEY

Dated: _____

The Honorable Kay Kingsley
Judge of the Superior Court

Exhibit F

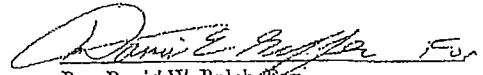
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APPROVED ASTO FORM AND LEGALITY:

JOHNSON, MONCRIEF, & HART, PC

Dated: 11/16/12


By: David W. Balch, Esq.
Attorneys for Gordon and Sandra Steuck

OFFICE OF THE COUNTY COUNSEL
CHARLES J. McKEE, COUNTY COUNSEL

Dated: _____

Mary Grace Perry, Deputy County Counsel
Attorneys for County of Monterey and
Monterey County Board of Supervisors

ANTHONY LOMBARDO & ASSOCIATES, INC.

Dated: _____

Debra Tipton, Esq.
Attorneys for Eric and Teresa Del Piero

Exhibit F

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1 APPROVED AS TO FORM AND LEGALITY:

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JOHNSON, MONCRIEF, & HART, PC

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4 Dated: _____

By: David W. Balch, Esq.
Attorneys for Gordon and Sandra Steuck

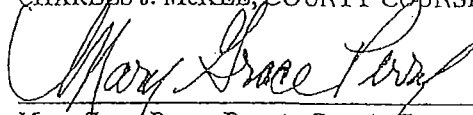
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OFFICE OF THE COUNTY COUNSEL
CHARLES J. McKEE, COUNTY COUNSEL

7

8 Dated: 11-16-2012



Mary Grace Perry, Deputy County Counsel
Attorneys for County of Monterey and
Monterey County Board of Supervisors

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ANTHONY LOMBARDO & ASSOCIATES, INC.

12

13 Dated: _____

Debra Tipton, Esq.
Attorneys for Eric and Teresa Del Piero

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Exhibit F

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1 APPROVED AS TO FORM AND LEGALITY:

2

JOHNSON, MONCRIEF, & HART, PC

3

4 Dated: _____

By: David W. Balch, Esq.
Attorneys for Gordon and Sandra Steuck

5

OFFICE OF THE COUNTY COUNSEL
CHARLES J. MCKEE, COUNTY COUNSEL

6

7

8 Dated: _____

Mary Grace Perry, Deputy County Counsel
Attorneys for County of Monterey and
Monterey County Board of Supervisors

9

10

ANTHONY LOMBARDO & ASSOCIATES, INC.

11

12 Dated: November 16, 2012

Debra Tipton
Debra Tipton, Esq.
Attorneys for Eric and Teresa Del Piero

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Exhibit F

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PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of 18 years and not a party to the within action. My business address is 168 W. Alisal Street, 3rd Floor, Salinas, California.


On November 21, 2012, I served a true copy of the following document:

ORDER 1) GRANTING PLAINTIFFS' DEMURRER TO INTERVENORS' COMPLAINT IN INTERVENTION 2) GRANTING COUNTY'S MOTION FOR DISMISSAL AND 3) DENYING PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS

on the interested parties to said action by the following means:

- BY HAND-DELIVERY: By causing a true copy thereof, enclosed in a sealed envelope, to be hand-delivered.
- BY MAIL: By placing a true copy thereof, enclosed in a sealed envelope, for collection and mailing on that date following ordinary business practices, in the United States Mail at the Office of the County Counsel, 168 W. Alisal Street, 3rd Floor, Salinas, California, addressed as shown below. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the United States Postal Service the same day it was placed for collection and processing.
- BY OVERNIGHT DELIVERY: By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to the Office of the County Counsel, to be delivered by Overnight Delivery.
- BY FACSIMILE TRANSMISSION: By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 755-5283 to the interested parties to said action at the facsimile number(s) shown below.
- BY ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 21, 2012 at Salinas, California.


Susan Moore

NAMES AND ADDRESSES OF EACH PARTY SERVED:

Paul Hart & David Balch
Attorneys at Law
Johnson, Moncrief & Hart, PC
16 W. Gabilan Street
Salinas, CA 93901
Phone: 831-759-0900
Fax: 831-759-0902
E-mail: paulhart@johnsonmoncrief.com
david@johnsonmoncrief.com
Attorneys for Petitioners & Plaintiffs

Anthony L. Lombardo & Debra Gemgnani Tipton
Attorneys at Law
Anthony Lombardo & Associates
450 Lincoln Avenue, Suite #101
Salinas, CA 93901
Phone: 831-751-2330
Fax: 831-751-2331
E-mail: tony@alombardolaw.com
debra@alombardolaw.com
Attorneys for Intervenor

Exhibit F

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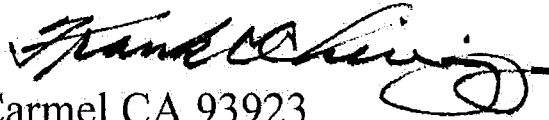
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LOS RANCHITOS DE AGUAJITO
MUTUAL WATER COMPANY, INC.

March 18, 2014

There are eleven (11) properties being served by our company. When the new well was completed on February 28, 2008 the water flow from the well was 32 gallons per minute. As of March 18, 2014 the water flow from that same well is 2.9 gallons per minute.

Frank O Chiorazzi



565 Aguajito Rd., Carmel CA 93923

Exhibit F

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ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMGNANI TIPTON

450 LINCOLN AVENUE, SUITE 101
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

March 19, 2014

143.003

Ms. Gail Borkowski
Clerk of the Board
Monterey County Board of Supervisors
168 West Alisal
Salinas, CA 93901

RE: Appeal by Save Aguajito Forever, et al. from the Planning Commission's approval
of a Lot Line Adjustment application by Gordon and Sandra Steuck (PLN130209)

Dear Ms. Borkowski:

Enclosed are statements from the Los Ranchitos de Aguajito Water Company regarding water flow from their well near the Steuck property and a statement from Dale Ellis Consulting regarding the development potential of the Steuck property. Please include this in the Board's files and record.

Thank you.

Sincerely,



Dale Ellis
Director of Planning and Permit Services
DE/gp

Enclosures

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DALE ELLIS CONSULTING

Land Use and Governmental Affairs
1844-1 Cherokee Drive Salinas, CA 93906
(831) 596-4210 dale.ellis@sbcglobal.net

STATEMENT OF DALE ELLIS RE DEVELOPMENT OF THE SOUTHERN PORTION OF APN 103-061-015-000

BACKGROUND:

This statement is to address the development potential of the southern portion of APN 103-061-015-000 (the subject parcel) being that portion lying between Aguajito Road and Gentry Hill Road. My familiarity with the subject property comes from multiple visits to the site and immediate vicinity and the review of the multiple applications submitted by the property owner including:

- Applications to the Monterey County Environmental Health Bureau for:
 - A water system permit and source capacity test.
 - A septic repair permit which ultimately resulted in installation of a new septic system designed to service a new larger home.
- Applications to the Monterey County Building Services Department for:
 - Grading permits required by the County for “restoration” of the property.
 - Demolition permit for the garage.
 - Reroof permits
- Applications to the Monterey County Planning Department for:
 - Two 10,000 SF single family dwellings, plus garages and guest houses.
 - Two separate lot line applications.
 - Minor design approvals.
 - Certificates of Compliance.

I believe I am qualified to make this assessment based not only on my familiarity with the property, the multiple permit applications and the County’s general plan and ordinances but also my job experience with Monterey County. I did work for Monterey County in the Planning and Building Inspection Departments for 34 years (1973-2007) and held several different positions in the departments including:

- Planner
- Zoning Administrator wherein I acted as an independent hearing officer for more than 20 years
- Assistant Director of Planning and Building Inspection
- Acting Director of Building Services.

In my tenure with Monterey County I developed and moved through the public hearing and approval process a multitude of land-use policy and land-use regulation documents

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including but not limited to the County CEQA guidelines, the County zoning ordinance, the County general plan and local coastal programs and the local coastal implementation program.

THE SUBJECT PROPERTY

The subject property is a 4.3 acre parcel lying between Aguajito Road and Gentry Hill Road. The property is recognized by Monterey County as a separate lot of record. That determination has been disputed in light of the multiple times the property has been sold since 1950 as a single described the lot. With the exception of isolated spots on the property the slopes are in excess of 30%. Based on documents prepared by Monterey County, the entirety of the property is in excess of 25% slope. It is covered by dense brush and mature oak trees. To my knowledge there have been no expert surveys done of the subject property to identify the extent of the oak woodland resources or any other features of biological significance. This is an area however that is known to have small pockets of rare and endangered plant species, particularly in undisturbed areas.

The area is not served by public sewers. Each lot requires on-site wastewater treatment systems via standard septic systems. I am not aware of any specific soil or percolation tests that have been done for the subject property. However, it is well-established County standard that septic systems are generally not allowed on slopes in excess of 30%.

Public water does exist in the area from the California American Water Company. However there is no current water service to the subject property. Based on current restrictions from the State Water Resources Control Board, Cal Am cannot extend service to or install meters for new uses. There is a well on the portion of the property north of Gentry Hill Road that is owned by the same owner as the subject property. The owners have indicated in their multiple applications it is their intent to use that well for a new house.

DEVELOPMENT POTENTIAL

The development potential of the subject property is very limited. Given that the subject property is in excess of 25% slope a discretionary permit (typically a use permit from the planning commission) would be required. Pursuant to Monterey County general plan policy OS-3.5 the permit application would have to demonstrate that there are no feasible alternatives to development on the subject property and as part of that review would require the analysis of building site alternatives. Given that the subject property is under the same ownership as property immediately north on Gentry Hill Road that area would have been examined as an alternative site.

The subject property is highly undesirable as a building site:

- Due to its location between Aguajito Road and Gentry Hill Road and steep slopes there is little area available for development that would allow for construction of a

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single family dwelling, accessory buildings and yard area consistent with the style and scale of homes in the area.

- Because of its steep slopes providing access to the property from either Aguajito Road or Gentry Hill will be difficult. Significant grading would be required across steep slopes to access any proposed development.
- This is a very high fire hazard area. Due to the steep slopes and vegetation loading on the subject property extraordinary measures in both construction and clearing of vegetation would be required to meet the requirements of the local fire district. The clearing which should be expected to be 100 feet in all directions from any habitable structure would undoubtedly require the removal of mature trees and native brush vegetation which may be of some biological significance.
- There is not an assured source of water for development of the subject property. While it is been indicated in multiple applications that the owner intends to use the existing well on the property north of Gentry Hill that well has not been demonstrated to provide a long-term water supply. Because the approval of development on the steep slopes would be discretionary, the general plan does require that proof of long-term water supply. The Environmental Health Bureau in evaluating the lot line adjustment applications has stated that there are "intrinsic uncertainties regarding the long-term sustainability of an on-site well" for development.
- The subject property would be an undesirable site due to its location between two roads and the potential impact of road noise, particularly from Aguajito Road and lack of a view from the property.
- Construction on the subject property would require substantial engineering and special construction practices do to the steep slopes. This will add significant cost to the project of any scale.

CEQA

The initial study prepared by the County indicates that relocation of a building site to what is currently the northern parcel would be superior to development of the subject property. However, there is no real discussion or analysis of the low development potential of the subject property. It is clear that development on the subject property would not be desirable. However, there is no factual analysis in the initial study of the impact of development on the subject property. Therefore, there is an insufficient basis upon which to assert that moving the building site to the northern parcel is preferred.

The Planning Commission's specific determined that development of two homes on the northern parcel is reasonably foreseeable. The Planning staff continues to assert that there is not enough information to make an assessment of impacts of development of the two proposed reconfigured lots. It does not matter that there may not currently be specific applications for two new homes on the APN. It is reasonably foreseeable that the Lot Line Adjustment is being sought to create a second buildable homesite, and that given the topography and other features of the site, there are reasonably foreseeable impacts as to the siting of the two homes, development on slopes, water demand, water supply, access

issues, roadways, and oak habitat. There is an inadequate analysis of that development potential in the initial study.

Where there is supposedly now one buildable lot (the northern lot) and one highly undesirable lot with very low development potential, instead the applicant proposes to create two desirable lots. The reasonably foreseeable potential impacts of creating a new buildable lot configuration -- in the place of the current undesirable southerly lot -- have not been adequately analyzed, and as a result there is a potential that this project may have significant adverse impacts on water supply, access, and scenic easements. The initial study analysis of general plan consistency is inadequate on proof of long-term water, proof of adequate access and requirements for scenic easement on slopes over 25% for the second building site that is proposed to be created by the Lot Line Adjustment.

These opinions are based on my experience, skills and training and on my review of the materials in the County's files for this APN, including past applications for houses, grading, and lot line adjustments.


Dale Ellis

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