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Still no earthquake permits

By Connie Skipitares
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For more than a year, Rick and Susie Clarke and their three young children have lived in limbo, bouncing from one rental home to another in the Santa Cruz Mountains, finally settling in a cramped 24-by-16-foot trailer.

Victims of the Loma Prieta earthquake, they and others displaced from damaged homes in the mountains have waged a long and frustrating battle with Santa Cruz and Santa Clara counties to rebuild what they once considered their

dream homes in paradise.

The Clarkes, whose trailer sits next to their expensive hillside home in the Villa del Monte area of Santa Cruz County, await a detailed geologist's study before they can do anything more. The home's network of underpinnings has been partly repaired, but much more needs to be done before it is livable.

Huge tarps cover the top of the house, sheltering it from the elements, and Susie Clarke laments another Christmas the family won't spend there.

"Our lives are so scattered. We just take one day at a time," said Clarke, who is beginning to fight leaks in the trailer. "We had hoped to be in our home last summer, then before school started. Now, we won't even make it for Christmas, which is going to be hard on the children."

Across the ridge in Santa Clara County's Lake Canyon area, Bruce Cunningham also grapples with building officials over plans to reconstruct a hillside home that slid down the mountain during the quake.

The Clarke and Cunningham stories are echoed by dozens of other mountain homeowners still struggling to put their homes back together nearly 13 months after the quake.

What they are fighting, they say, are stringent regulations in both counties for rebuilding, and often-arbitrary judgment on projects, where some homeowners are told they must do more extensive geological studies than neighbors with similar damage while others are

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Earth moved fast but building permits just creep along

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told to do less.

The general rule in both counties is that owners of property with more than 50 percent damage must submit a comprehensive land study by a geologist. The studies cost homeowners from \$2,500 to \$15,000 and often are not covered by federal recovery funding.

"There is so much bureaucracy ... that the left hand doesn't know what the right hand is doing," says Clarke. "When the quake happened, the county didn't have the staff or a lot of the understanding to cope with it, so they brought in a lot of subs (geologists) and they each have a different approach. Every parcel is handled differently."

Cunningham agrees.

'Arbitrary enforcement'

"There's no clear-cut policy, just a lot of arbitrary and selective code enforcement," he said. "And every time you do what they tell you to, they come back with other things. I've spent \$25,000 on different reports they wanted and there were no geological problems on my land."

The situation has led some mountain residents on both sides of the summit to shy away from the permit process and rebuild without county approval. Santa Cruz County is investigating seven cases of bootleg building, according to officials. Santa Clara County officials say they are not aware of any illegal building.

Some Santa Cruz County homeowners have found loopholes in the system, obtaining permits for "emergency" work that subsequently turned into full repairs. In those cases, residents did not have to do the costly geological reports required of others.

Title declaration

Adding to the frustration of Santa Cruz County residents was a recent supervisors' decision requiring homeowners to add a declaration to property titles that the mountain homes sit in a geologically hazardous area. Property owners must agree to the declaration or they cannot obtain a building permit.

Santa Clara County is considering a similar declaration.

"It's not fair. It's discriminatory," said Villa del Monte resident Ellen Meyer. "I want my foundation fixed and to get my house back in order, but I'm not going to sign a piece of paper saying I live in a dangerous area when I don't agree with that."

So far, geological studies commissioned by Santa Cruz and Santa Clara counties have not concluded that major land slippage occurred over the mountain region, as was claimed by geologists right after the quake.

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— Supervisor Zoe Lofgren

grant her a building permit.

Lux and other residents recently took their beef to Santa Clara County supervisors, pleading for a third time for help in cutting through the planning department's red tape. In July, residents were successful in getting the county to

drop the idea of calling their area a geologic hazard zone.

Supervisors said they were "astounded" to learn that in the Aldercroft Heights area, only two building permits had been issued out of 26 homes damaged in the quake.

"I thought by this time we'd have resolutions to most everything," Supervisor Zoe Lofgren told planning officials at the meeting. "It has been one year."

County officials say that while a handful of applications are "in the process," they believe many homeowners have not yet applied because they await geological reports and funding.

For Lux, the public outcry seemed to help. A week later, her permit was approved.

Santa Clara County officials say they are proposing the property title declaration as a way to speed

the process for residents with substantial damage who do not wish to do a geological study. The declaration would state that no study took place and there may be a potential problem.

That is not likely to sit well with residents like Jorge Barriga. Barriga, a civil engineer whose home was not damaged, has become a spokesman for Aldercroft residents.

"It's an attack on our individual property rights. The county hasn't been able to prove anything," he said.

Supervisor Susanne Wilson, whose district spreads into the mountains, said the board was to take up the proposal at its meeting Tuesday.

Wilson said she is not trying to impose more restrictions on residents, just help them through the

process.

"We're frustrated that this issue hasn't moved along quicker," said Wilson, who blames the county's financial problems for cutbacks that have thinned the planning staff and its ability to handle the awesome volume of work after the quake.

Meanwhile, Clarke and others who are living in rental homes in San Jose, Scotts Valley and Santa Cruz wait and wonder how many more Christmases will pass before they return to their homes.

"Right now, we should be making memories of our family growing up. We should be going on vacations, doing family things," Susie Clarke said. "Instead, every spare moment goes into the house. We'd like our lives to get back to normal."

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But Santa Cruz County planning official Mike Dever says: "When we know there's been damage on property, there's no way we can possibly say, 'Never mind.' We know what that means to property values, but there's a bigger issue here. I'd hate to see somebody in five years sue the county because something happened."

Because county geologists declared right after the quake that an ancient landslide had been activated, residents say both counties have felt the need to back that up.

'Land didn't slip'

"Nobody wants to listen to what our own geologists are saying, that the land didn't slip," said one resident of Santa Clara County's Aldercroft Heights who is in the middle of the permit process and asked not to be identified.

"Our damage is a result of poor construction, dry rot and intense ground shaking that produced surface cracks. We don't believe there is a landslide situation here. We are struggling to protect our property values and the county is trying to destroy us."

In the case of Aldercroft resident Marty Lux, dry rot and poor construction caused her home to collapse on its foundation, her geologist concluded. But it took her more than 12 months to prove that to Santa Clara County building officials, who had deemed the Luxes' home safe to live in but not safe enough to rebuild and refused to